

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 36-8641
Exam Date: 02/21/2019

1. Current Owner:
FLAT TOP SHEEP CO PO BOX 99 CAREY ID 83320
2. Accompanied by: Exam completed in-house; current owner Tom Peavey
Phone No: 208-481-2252
Address: PO Box 99, Carey, ID 83320
Relationship to permit Holder: Current Business Manager

3. SOURCE:
GROUND WATER

Method of Determination: Per applicant, aerial imagery and WR# 36-15339 utilizes same POD.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

2. Other water rights with the same point-of-diversion: Yes Overlap

Water Right No.	Source	Purpose of Use	Basis
36-15339	Ground Water	Stockwater	Decreed

Comments: 36-15339 has two points of diversion and one is the POD listed below.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE¼ SW¼, Sec. 28, Twp 06S, Rge 23E, B.M. LINCOLN County

Method of Determination: Per applicant, aerial imagery and WR# 36-15339 utilizes same POD.

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	23E	16	X																
06S	23E	22														X			
06S	23E	25																X	
06S	23E	36	X																

Method of Determination: Aerial imagery in ArcMap.

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
☒ Indicate weir size/pipe as applicable.

☒

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒

Aerial Photo Attached (required for irrigation of 10+ acres).

☒

Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
PODID 929797					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: No measurement required per IDAPA 37.03.02 Beneficial Use Examination Rules as the permitted flow rate of 0.10 falls below the 0.24 cfs or greater flow rate amount requiring measurement.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: N/A

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$5,000 \text{ range cattle: } (12 \text{ gpd} \times 5,000 \text{ cattle} \times 365 \text{ days}) / 325,850 \text{ gallons} = 67.2 \text{ acre feet}$$

$$5,000 \text{ sheep: } (2 \text{ gpd} \times 5,000 \text{ sheep} \times 365 \text{ days}) / 325,850 \text{ gallons} = 11.2 \text{ acre feet}$$

$$67.2 \text{ af} + 11.2 \text{ af} = 78.4 \text{ acre feet}$$

$$0.08 \text{ cfs} \times 1.9835 \text{ acre feet per day} \times 365 \text{ days} = 57.9 \text{ acre feet}$$

G. NARRATIVE/REMARKS/COMMENTS

The original application for permit for this right was filed on 6/30/1983. The approved permit lapsed, but proof of beneficial use was submitted on 7/27/1990, within 60 days of the notice of lapsing. The permit was reinstated with the priority dated advanced to 8/25/1983.

A separate claim was filed for the original domestic/stockwater use which resulted in a water right, 36-15339, decreed on 12/10/1996 that covered the domestic use for two homes and one of the trough locations listed on this permit. The overlapping trough and domestic use are located in the SESW of Sec. 28, Twp 06S, Rge 28. Additionally, there is no evidence utilizing aerial imagery and a map provided by the applicant, that a trough was ever developed in one of the permitted locations, the NWNW of Sec. 25, Twp 06S, Rge 25. As such, these two trough locations and the domestic use will be dropped from this water right.

On 11/11/11 another field examiner contacted Tom Peavey, and he indicated that he was still developing the trough system and that he was at "about 21 troughs now". I contacted him in 2017 and he came into the office with a map indicating the locations of 36 troughs. Twenty-six of the troughs were located on BLM ground, 2 on state lands and 8 located on grounds owned by Flat Top Sheep Co. I told him we could only amend the license to include troughs that had been developed during the beneficial use period which ended in July of 1990. He indicated to me that he would petition for reconsideration if the troughs located on BLM grounds weren't included.

I later discussed this situation during a staff meeting with the state office and it was indicated that if we amended the permit to include the additional troughs on BLM grounds that we would have to re-advertise the permit. I then contacted Fred Price, with the BLM, and he indicated they would protest any amendment that included the additional troughs developed on BLM grounds.

In a recent discussion with Department staff about this permit, it was decided that because there is blurred line as to what was developed before and after the beneficial use development period, that I should license this as permitted. As I mentioned before, two trough locations and the domestic use have been dropped as they are already covered under decreed water right 36-15339. One of the troughs retained on this permit was originally located in the crosshairs of four quarter-quarters and there has been some geographic coordinate database (gcdb) drift since this right was permitted. This trough will be identified as in the permitted location of the NWSE of Sec. 22, Twp 06S, Rge 23E. The original application for permit indicated that the well was "drilled in 1970 and has been used continuously for these purposes since. A separate claim has been filed for the original domestic-stockwater use." Additionally, in my discussion with Tom Peavey, there was no indication that any upgrades to the actual diversion system had taken place. Based on this information, I'm going to add a condition on the license limiting this right and 36-15339 to a combined total diversion rate of 0.22 cfs (the maximum diversion rate for 36-15339) when used in combination. The volume for this water right will be based on the volume of water the permitted flow rate of 0.08 cfs can produce in a year, 57.9 acre feet, because the calculated volume based on the provided livestock numbers exceeds what the flow rate can produce.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	
STOCKWATER	1/01 to 12/31	0.08 CFS	57.9 AF

Totals: 0.08 CFS 57.9 AF

2. Recommended Amendments

_____ Change P.D. as reflected above _____ Add P.D. as reflected above x None

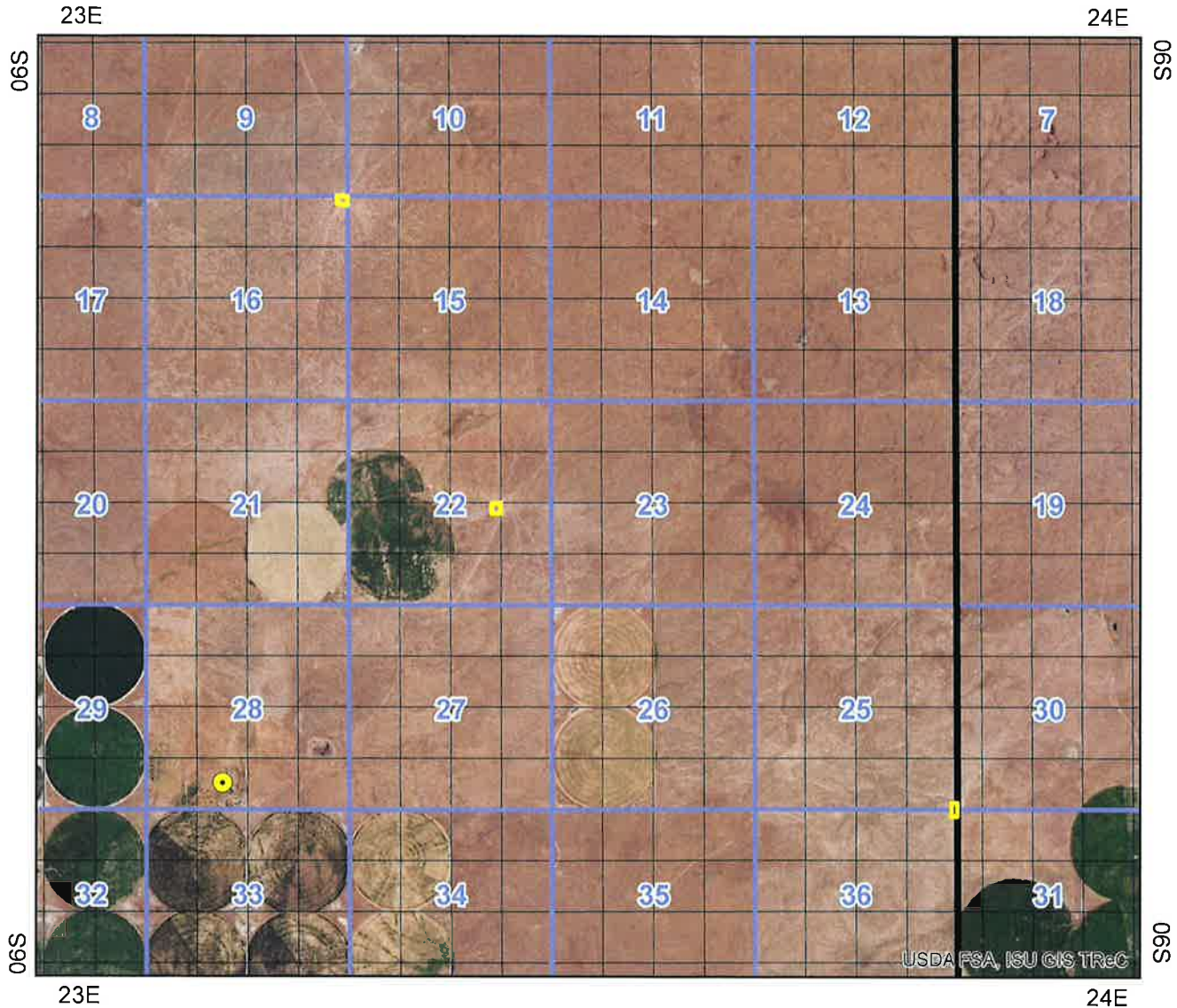
_____ Change P.U. as reflected above _____ Add P.U. as reflected above x None

I. AUTHENTICATION William Mills - Water Resource Agent, Senior

Field Examiner's Name Wm Mills Date 2/27/19

Reviewer By Shin Date 3/1/19

Water Right 36-8641 System Diagram



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles

