



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 27, 2017

McFARLAND LIVESTOCK CO INC
PO BOX 50
LEMHI ID 83465-0050

RE: Notice of Diversion for Instream Stockwater Use Water Right No. 74-16181

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information, including any exceptions, regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.
- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage at www.idwr.idaho.gov to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

Hersley, Jean

From: Hersley, Jean
Sent: Monday, August 27, 2018 3:10 PM
To: 'mwhitson@blm.gov'
Subject: McFarland Livestock Instream Stockwater Notice (Statutory Claim) Acknowledgement
Attachments: 20180827150246

Mike,

I have attached the acknowledgement letter, notice and proof report for the McFarland Livestock Instream Stockwater Notice. Please let me or Pam Skaggs know if you have any questions. Thank you.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder MC FARLAND LIVESTOCK CO INC Phone (208) 756-2711
Mailing address PO BOX 50 Email _____
2. Source of water supply MCGINTY CREEK tributary to DIVIDE CREEK
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number NO

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot _____, SE 1/4 SW 1/4 NE 1/4,
Section 14, Township 13 N Range 28 E, B.M.,
LEMHI County.

Ending point is in Gov't. Lot _____, SW 1/4 SW 1/4 SW 1/4,
Section 36, Township 14N Range 27 E, B.M.,
LEMHI County.
 - b) Alternate point of diversion is in Gov't. Lot _____, SE 1/4 SE 1/4 SE 1/4,
Section 10, Township 13 N Range 28 E, B.M.,
LEMHI County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Diversion will be a 4-6 ft length of perforated culvert, installed on the stream channel margin with the outlet connected to the pipeline intake.
 - b) Describe the delivery system The diversion will supply a 1 1/2-in diameter HDPE pipeline. Pipeline will be routed across McFarland Livestock Co and BLM administered lands. Pipeline will be installed by BLM, shallowly buried, and equipped with appropriate vents/drains. Diameter and grade of pipe will limit flow rate to the proposed diversion rate of 0.02 cfs.
 - c) Describe the number, type and total capacity of troughs or tanks _____
Pipeline will supply (2)-1100 gallon fiberglass stockwater troughs.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Each trough will be equipped with a float valve that will only allow diversion to occur when there is demand at one of the troughs.
- e) Describe how the system is designed to allow measurement of the rate of diversion Diameter and grade of pipe will limit flow rate to the proposed diversion rate of 0.02 cfs.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13 N	28 E	10									X							
		9														X		

6. Priority date claimed or established 6/1/1920
7. Rate of diversion 0.02 cfs
8. Season of use: from 6/1 to 9/30
9. a) Who owns the property at the point of diversion? McFarland Livestock Co Inc
b) Who owns the property at the place of use? McFarland Livestock Co Inc, US Federal Lands Administered by BLM
10. When will construction occur? August/September 2018
11. Comments (include number and type of stock) Maximum number of livestock for these troughs is 410 cow/calf pairs.
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 20th day of Aug., 2018

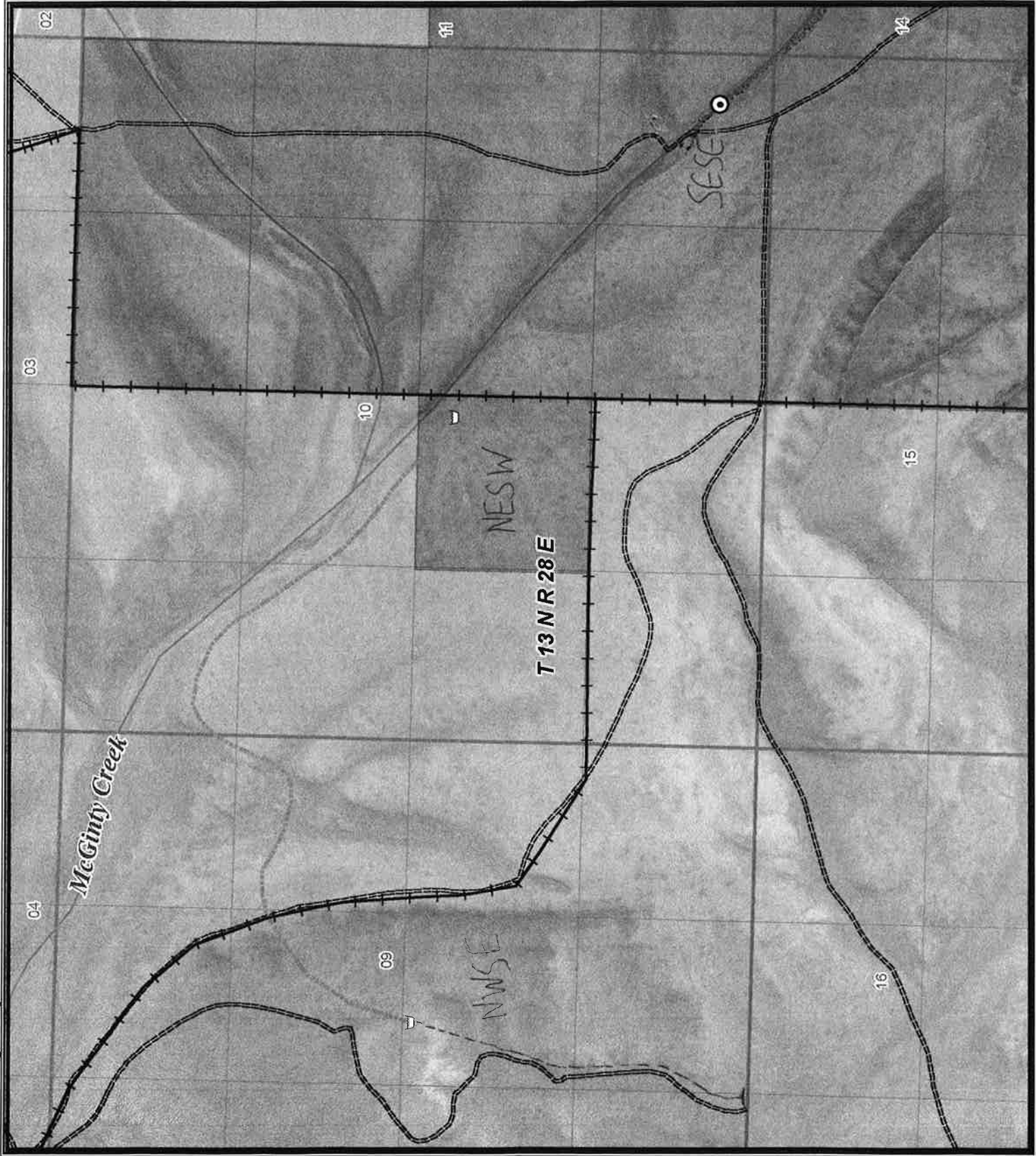
Ray J. Kauer
Right Holder or Authorized Representative

Alicia L. Sweet @ DMC

FOR DEPARTMENT USE

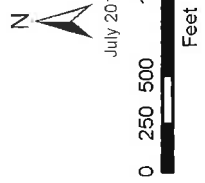
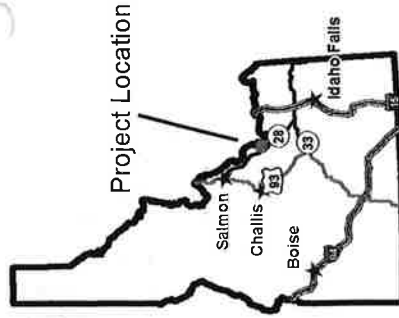
Received by AW Date 8-23-18 Preliminary check by _____
Fee: \$ 25 Received by AW Receipt No. C105551 Date 8-23-18
Water District No. _____ Entered into data base _____ By _____

McGinty Pipeline Notice of Diversion as an Alternative to Instream Stockwater Use



Legend

- Point of Diversion
- Trough Location
- Place of Use
- Proposed Pipeline
- Fence
- Primitive Road
- Bureau of Land Management
- State of Idaho
- Private



IDAHO DEPARTMENT OF WATER RESOURCES
74-16181

8/27/2018

Water Right 74-16181

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK CO INC PO BOX 50 LEMHI, ID 83465-0050 (208) 756-2711

Priority Date: 6/1/1920

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
MC GINTY CREEK	DIVIDE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	06/01	09/30	0.020 CFS	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion

MC GINTY CREEK	SESE	Sec. 10, Twp 13N, Rge 28E, LEMHI County
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Place Of Use

STOCKWATER within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	28E	9														X			
13N	28E	10									X								

Conditions of Approval:

1. 107 This notice was filed in accordance with Idaho Code § 42-113(3). Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.