

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 22-14310

RECEIVED
MAY 10 2018

Department of Water Resources
Eastern Region

1. Name of applicant(s) Corey and Vanessa Chivers Phone _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 46 Hillcrest Avenue City Summit
 State New Jersey ZIP 07901 Email _____
2. Name of representative, if any Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
 Mailing address 482 Constitution Way Ste 303 City Idaho Falls
 State ID ZIP 83402 Email kristin.rmea@gmail.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Unnamed Stream which is a tributary of Teton River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	45E	29			SW	SW	TETON	UNNAMED STREAM	

5. Water will be used for the following purposes:
- Amount 4.0 afa for Wildlife Storage purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 4 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Ponds will be on-stream; Dikes will have control structures to allow stream to flow through ponds.
- b. Height of storage dam max 6 feet; active reservoir capacity 4 acre-feet; total reservoir capacity 4 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☒ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

Received by SC Date 5/10/18 Time _____ Preliminary check by MH
 Fee \$ 100 Received by SC Receipt No. 2044001 Date 5/10/18

22-14310

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- Domestic; show number of households _____
- Other; describe fully. Wildlife storage for three ponds totaling approximately 1.4 acres in surface area and 4 af in volume.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	29											W						

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

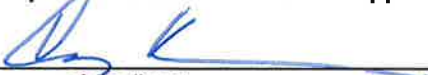
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

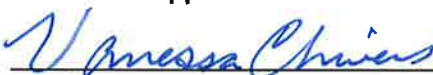
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

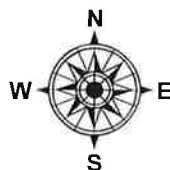

Signature of Applicant
COREY CHIVERS
Print Name (and title, if applicable)


Signature of Applicant
VANESSA CHIVERS
Print Name (and title, if applicable)



2017 Aerial Photography

- Ponds
- Unnamed Stream
- Twp & Rng
- Section
- QQ



22-14310

Application for Permit

Corey and Vanessa Chivers

RMEA #17-0184

by: KM

Date: 5/10/2018



Narrative to Support Application for Permit

Corey and Vanessa Chivers

Corey and Vanessa Chivers own property located in SWSW Section 29, T4N R45E, adjacent to and west of the Teton River in Teton County, Idaho. Two water rights are appurtenant to this property, including 22-12146 from Boquet Creek for 3 acres of irrigation and 22-14306 from ground water for 10 acres of irrigation. These rights do not overlap.

Shallow ground water discharges into a small unnamed stream. The unnamed stream begins on the property and enters the Teton River within the property boundaries. There are no other users of the unnamed stream. It is proposed to create three small ponds along the unnamed stream. This application proposes to obtain authorization only for the impoundment of water. No consumption of water is proposed under this water right. First time fill and mitigation of evaporative losses would be provided by non-use of an existing water right.

The three on-stream, unlined ponds are proposed to have final surface areas of 0.62 ac, 0.53 ac, and 0.22 ac, totaling 1.37 ac. The combined total volume would be 4 af. Dikes will be a maximum of approximately 6 feet tall. Control structures would be installed in each dike to allow the stream to flow through the ponds.

Pond Fill and Seepage

First time fill of the ponds will require 4 af of volume. It is anticipated that the ponds would fill naturally through the existing ground water discharge. Thus to mitigate for the first time fill, it is proposed to offer a portion of ground water right 22-14306 as *mitigation by non-use* for the first season immediately after construction of the ponds. The exact amount of acres required for non-use is determined based on the historical consumptive use of "alfalfa-less frequent cuttings," the historical crop irrigated by water right 22-14306. ET Idaho 2012 (Allen and Robison 2012), using the Driggs-NWS 102676 station, shows that alfalfa-less frequent cuttings has a net irrigation requirement of 632 mm/yr, or 2.07 ft/yr. (A copy of all ET Idaho 2012 values used in this report are included in Figure 1.) To obtain 4 af for pond fill, it would require non-use of 1.9 acres for one year.

$$4 \text{ af} / 2.07 \text{ ft/yr} = 1.9 \text{ acres}$$

On the year following pond construction and first-time fill, the 1.9 acres would be available for irrigation again.

No seepage losses are anticipated. Intermountain Aquatics performed ground water monitoring and determined that ground water levels remain near or at the land surface, resulting in no seepage losses.

Pond Evaporation

Current land cover at the location of the ponds appears to fall within the description of Wetlands-Large Stands¹ by Allen and Robison (2012). According to ET Idaho 2012, using the Driggs-NWS 102676 station, Wetlands-Large Stands have a net irrigation requirement of 357 mm/year, or 1.17 ft/year. The existing footprint of the proposed ponds would therefore have an irrigation requirement of 1.6 acre-feet annually (afa) determined with the following calculation:

$$1.17 \text{ ft/yr} \times 1.37 \text{ ac} = 1.6 \text{ afa}$$

Open Water – Shallow Systems, as described from ET Idaho 2012, has a net irrigation requirement, or a consumptive use of 455 mm/yr, or 1.49 ft/yr. This results in a total consumption of 2.05 afa.

$$1.49 \text{ ft/yr} \times 1.37 \text{ ac} = 2.05 \text{ afa}$$

Calculations show an increase in consumption of 0.44 afa. Mitigation of this increase in consumption is proposed to be provided by non-use of ground water right 22-14306. Using the same historical consumptive use of alfalfa-less frequent cuttings as described above, it will require 0.2 acres to be retired from irrigation.

$$0.44 \text{ afa} / 2.07 \text{ ft/yr} = 0.2 \text{ ac}$$

Summary

The proposed ponds will be constructed in an existing wetland area where ground water discharges into an unnamed stream. First time fill is proposed to be provided by non-use of 1.9 acres of water right 22-14306 for the first year, after which the 1.9 acres will become available for irrigation again in following years. Changing the land cover of the ponds from wetlands to open water will result in an increase in consumptive use. Mitigation for this increase is proposed to occur by retiring 0.2 acres of water right 22-14306. Table 1 includes a summary of the mitigation amounts proposed by non-use of 22-14306.

Table 1. Summary of Mitigation using Water Right 22-14306

Purpose	Volume (afa)	Acres
First Time Fill (1 yr only)	4	1.9
Evaporation	0.44	0.2

¹ Or rather, it is deduced that since the existing land cover does not correlate to all qualities of a Wetlands - Narrow Stand (Allen and Robison 2012, pg 142), then the wetlands must fall within the category of Wetlands - Large Stand. There are no dimensions to assist in distinguishing these two categories. Using a Large Stand also allows a more conservative evaluation of existing evapotranspiration.

A map is included in Figure 2 to illustrate the locations of the 2.1 acres proposed to be dried up for mitigation as described. Right 22-14306 is described with a permissible place of use. Irrigated acres were identified before the pond design necessitating an update to the irrigated acres designation. The shapefile will be updated for remaining acres as soon as final landscape design is completed.

References

Allen, Richard G. and Clarence W. Robison, 2012. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Figure 1. ET_{Idaho} 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

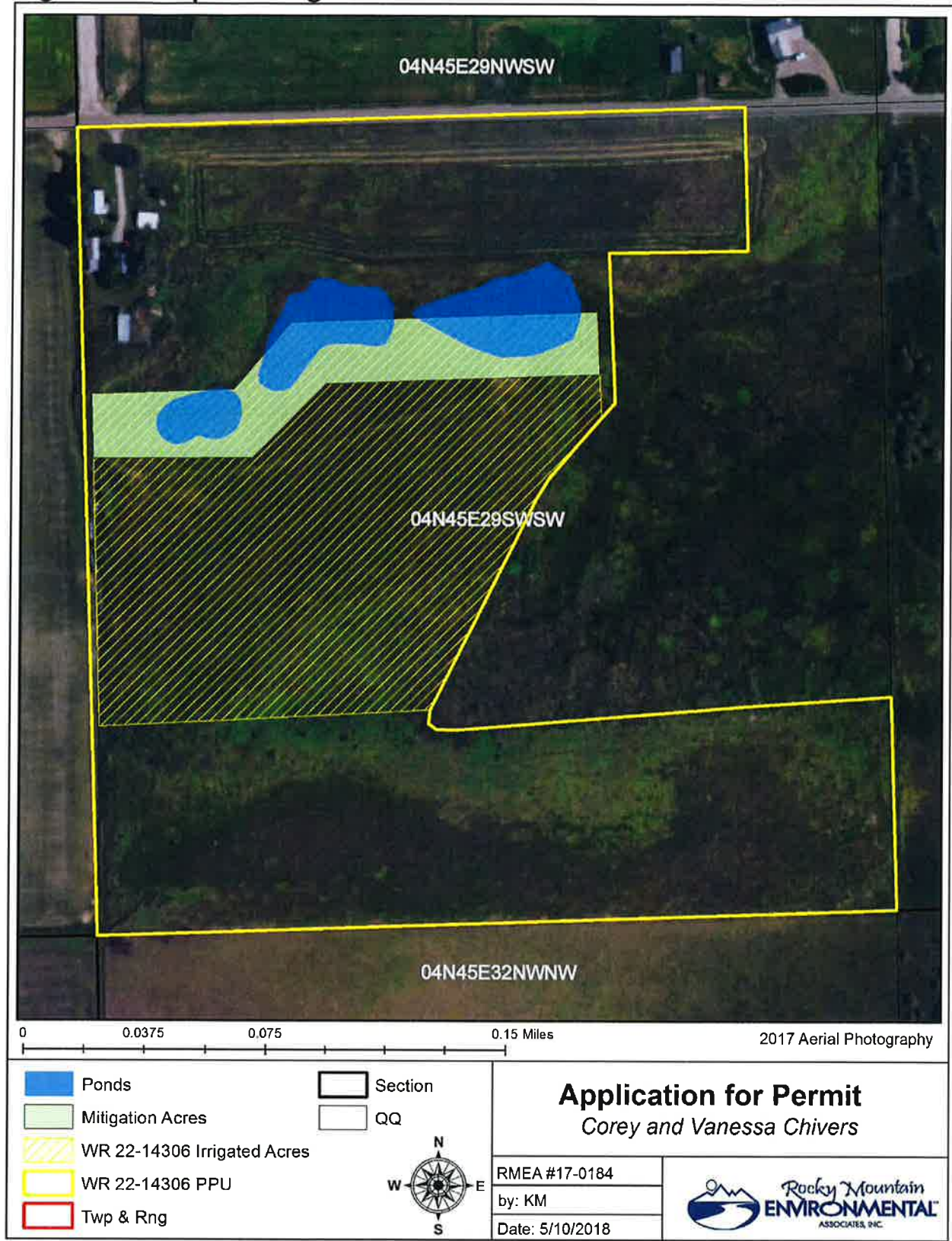
Driggs (NWS -- 102676)

Alfalfa - less frequent cuttings Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.34	-0.05	0.07	0.14	1.98	5.92	4.53	5.13	2.42	0.40	-0.42	-0.57	632	-44	586
15-Day Moving Average ^d	-0.33	-0.13	0.09	0.01	2.01	5.92	4.26	5.16	2.19	0.45	-0.38	-0.52			
7-Day Moving Average ^e	-0.34	-0.09	0.08	0.04	1.98	5.88	4.40	5.17	2.28	0.44	-0.42	-0.53			
3-Day Moving Average ^f	-0.34	-0.05	0.07	0.11	1.97	5.90	4.50	5.16	2.37	0.40	-0.42	-0.56			

Wetlands - large stands Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.60	-0.30	-0.14	0.14	0.01	1.66	4.86	5.74	1.47	-0.27	-0.53	-0.76	427	-87	357
15-Day Moving Average ^d	-0.58	-0.43	-0.09	0.08	0.04	1.56	4.85	5.74	1.18	-0.18	-0.50	-0.71			
7-Day Moving Average ^e	-0.60	-0.40	-0.12	0.07	-0.01	1.57	4.84	5.77	1.30	-0.21	-0.54	-0.72			
3-Day Moving Average ^f	-0.60	-0.31	-0.14	0.11	-0.01	1.62	4.85	5.76	1.40	-0.26	-0.54	-0.75			

Open water - shallow systems (ponds, streams) Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.70	0.02	0.40	1.37	2.08	3.16	3.33	3.15	1.94	0.95	-0.15	-0.68	455	0	455
15-Day Moving Average ^d	-0.75	-0.10	0.39	1.32	2.19	3.07	3.29	3.09	1.76	1.05	-0.11	-0.63			
7-Day Moving Average ^e	-0.74	-0.04	0.38	1.32	2.10	3.03	3.30	3.12	1.84	0.99	-0.15	-0.65			
3-Day Moving Average ^f	-0.71	0.00	0.39	1.36	2.07	3.11	3.32	3.16	1.89	0.94	-0.14	-0.68			

Figure 2. Map of Mitigation Acres





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2018

VANESSA CHIVERS
COREY CHIVERS
46 HILLCREST AVE
SUMMIT, NJ 07901

Application For Permit No. 22-14310

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS on June 7 and 14, 2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on June 25, 2018 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

CC: ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2018

Idaho Department of Fish & Game
4279 Commerce Way
Idaho Falls ID 83401

Application to Permit No. 22-14310

IDF&G:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox".

Sharla Cox
Administrative Assistance

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2018

Lyle Swank
Water District 01
900 N Skyline Dr Ste A
Idaho Falls ID 83402

RE: Application for Permit 22-14310

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

May 31, 2018

GARY SPACKMAN
Director

Idaho Department Water Resources
Attn: Dam Safety, Brian Normandeau
900 N Skyline Dr Ste A
Idaho Falls ID 83402

Application to Permit No. 22-14310

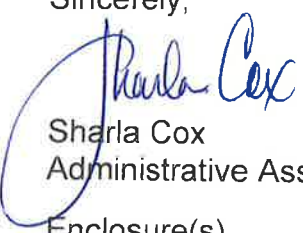
Dear Brian:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,


Sharla Cox
Administrative Assistance

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 31, 2018 9:27 AM
To: 'office@tetonvalleynews.net'
Subject: Legal Notice for your paper
Attachments: Teton Valley Cover Letter.doc

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

This may contain more than 1 page.

May 31, 2018

Legal Notice Department

TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS ID 83422

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. **Please send the affidavit and bill to this office before June 25, 2018.** Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

.....

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-14310

VANESSA CHIVERS

COREY CHIVERS

46 HILLCREST AVE

SUMMIT, NJ 07901

Point of Diversion

SWSW S29 T04N R45E

TETON County

Source UNNAMED STREAM Tributary TETON RIVER

Use: WILDLIFE STORAGE

01/01 to 12/31 4 AF

Total Diversion: 4 AF

Date Filed: 5/10/2018

Place Of Use: WILDLIFE STORAGE

T04N R45E S29 SWSW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before June 25, 2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 7 and 14, 2018

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COREY CHIVERS

46 HILLCREST AVE

SUMMIT, NJ 07901

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SWSW S29 T04N R45E

TETON County

Source UNNAMED STREAM Tributary TETON RIVER

Use: WILDLIFE STORAGE

01/01 to 12/31 4 AF

Total Diversion: 4 AF

Date Filed: 5/10/2018

Place Of Use: WILDLIFE STORAGE

T04N R45E S29 SWSW

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GARY SPACKMAN, Director

Published on June 7 and 14, 2018