

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 74-15628

Exam Date: 6/26/2013

1. Current Owner: TIMOTHY M HAAKE
1301 K ST NW STE 1100 E
WASHINGTON DC 20005
(202) 408-8700
2. Accompanied by: Roger Edwards
Phone No: 756-3083 or 940-0245
Address: PO Box 703; Salmon Idaho 83467
Relationship to Permit Holder: Employee

3. **SOURCE**

PETERSON CREEK

TRIBUTARY

LEMHI RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

PETERSON CREEK SW1/4SE1/4 Sec. 4, Twp 17N, Rge 25E, B.M. LEMHI County

Method of Determination: GPS

2.

PLACE OF USE: WILDLIFE STORAGE DIVERSION TO STORAGE same as WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	25E	4															X		

Method of Determination:

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

<u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement

<u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
------------------	-------------	-------------	------------------	-------------------	-------------	--------------------

2. Measurements: None

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: None

Permit allows 0.6 cfs

Recommended Rate: 0.06 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NA

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

For pond volume calculations see attached Total Storage Calculations. The pond calculations: Total Volume Required 65.6

The permit allows for 14.5 AF

Recommended Volume: 14.5

G. NARRATIVE/REMARKS/COMMENTS

A headgate off Peterson Creek in T17N R25E Section 4 SWSE diverts water for a pond. Water flows, from the headgate, to the east, north east through a buried pipe approximately 155 feet to a buried measuring device. From there water flows through a rock lined open channel approximately 40 feet into a 0.64 acre pond. There is a drain on the south side of the pond. There is a pump in place to move water through an 8 inch pipe and it return to Peterson Creek. The pond has never been drained.

Permit 74-15628 included the condition 115: *Prior to the diversion and use of water under this right, the right holder shall install and maintain an acceptable measuring device, including a data logger, at the authorized point of diversion in accordance with Department specifications.*

This condition recognized the Wild and Scenic Rivers Stipulated Agreement. Memo *Measuring Device Conditions for the Wild & Scenic Rivers Area* addresses appropriations exceeding the 42-111 allowance but not exceeding 0.24 cfs. This water right has a rate of 0.06 cfs. Based upon this memo condition 115 was removed from the license and replaced with conditions 196, 197 and 198.

The permit also included condition 18B: *The storage of water under this right is contingent upon the certification of the dam and the authorization of storage per the dam safety provisions of the Idaho Code.*

The pond holds up to 12.8 acre feet. The pond sits on a hill and the dam height is less than 10 feet high. With these dimensions, the pond does not fall within IDWR regulation. The pond capacity of 12.8 af is greater than the amount on the permit. However, the amounts for the seepage and evaporation are less than anticipated by the permit. The amount of water removed from the public domain has not changed.

The permit holder initially diverted water to the pond to fill the excavated hole. Subsequent diversions maintain the water level. Since the pond was excavated, it is not clear that water ever returned to Peterson Creek through the buried pipe. Because the water does not appear to flow through the pond the beneficial use *Wildlife* was removed from the license.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		14.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.060 CFS	
	<u>Totals:</u>	0.060 CFS	14.5 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Suman Thakur Date 11/2/2016
Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Water Right License
74-15628

This map depicts the WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

25E

17N



USDA-FSAAerial Photography



Point of Diversion

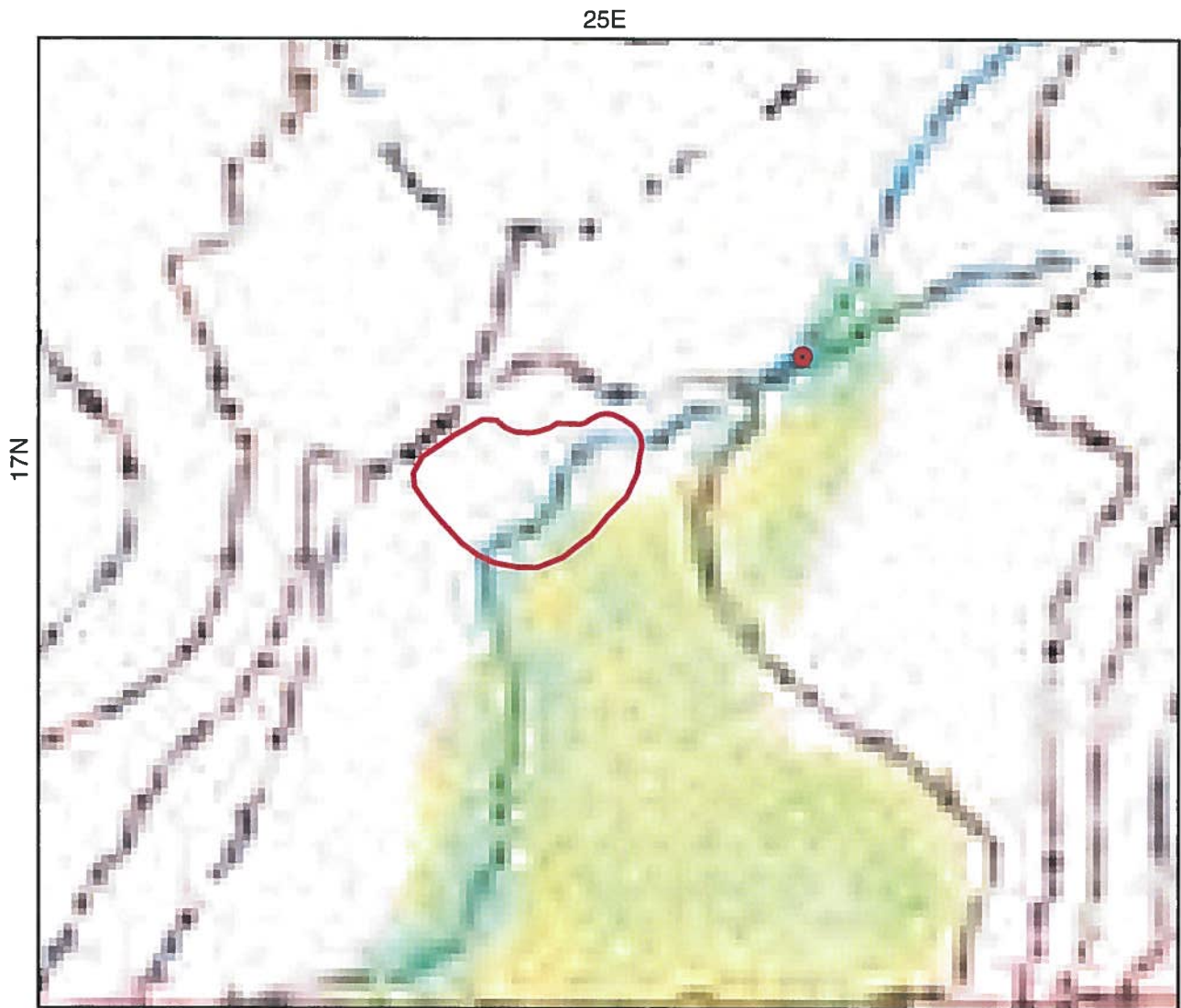


Place Of Use Boundary

0 250 500 Feet

State of Idaho
Department of Water Resources
Water Right License
74-15628

This map depicts the WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary

0 250 500 Feet

System Diagram for Water Right 74-15628



A headgate (green dot) off Peterson Creek in T17N R25E Section 4 SW8E diverts water for a pond. Water flows, from the headgate, to the east, north east through a buried pipe (shown above as black and white dashed line) approximately 155 feet to a buried measuring device. From there water flows through a rock lined open channel approximately 40 feet into a 0.64 acre pond. There is a drain on the south side of the pond. There is a pump in place to move water through an 8 inch pipe and it return to Peterson Creek. The pond has never been drained.

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	74-15628
REVIEWER	Sandra Thiel
DATE	10/28/2015

updated 11/1/2016

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	0.64	AC.
-------------------------	------	-----

Pond Surface Area (SQ. FT.)	27878	SQ. FT.
-----------------------------	-------	---------

I used the following method to obtain my Soil Classification information:	PondSoils Layer in GIS	
My Soil Classification is	OL	
Suggested Seepage Rate (FT./DAY)	0.0200	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss		
--	--	--

Convert to GPD	4171	GPD
----------------	------	-----

Total Seepage Loss (AFA)	4.7	AFA
--------------------------	-----	-----

SSURGO: Zeegee-Ajax complex, 0 to 2 percent slopes

Spatial ver 5

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Total Storage Calculations

FILE NUMBER	74-15628
REVIEWER	Sandra Thiel
DATE	10/28/2015

updated
11/1/2016

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.64	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	20	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	12.8	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. <i>Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.</i>
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	5	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). <i>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</i>
Estimated Seepage Loss (AF)	4.7	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	1.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	23.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

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

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2012, University of Idaho.

Salmon (NWS -- 108076)

Statistics based on thirty year normal spans 1979 to 2010 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

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
Mean ^j	mm/day												mm	
Monthly ^c	-0.34	0.10	0.99	1.83	2.08	2.64	3.55	3.14	1.72	0.71	-0.21	-0.45	483	0
15-Day Moving Average ^d	-0.34	0.02	1.02	1.83	2.10	2.57	3.62	3.14	1.72	0.74	-0.20	-0.40		
7-Day Moving Average ^e	-0.34	0.05	0.99	1.82	2.06	2.60	3.59	3.14	1.69	0.73	-0.23	-0.42		
3-Day Moving Average ^f	-0.34	0.09	0.98	1.83	2.07	2.62	3.56	3.15	1.71	0.71	-0.23	-0.44		
Standard Deviation ^k	mm/day												mm	
Monthly ^c	0.39	0.34	0.48	0.61	1.23	1.02	1.12	0.95	0.72	0.75	0.44	0.56	76	0
15-Day Moving Average ^d	0.43	0.46	0.44	0.82	1.28	1.26	1.06	0.92	1.02	0.66	0.56	0.45		
7-Day Moving Average ^e	0.65	0.61	0.65	1.14	1.76	1.74	1.40	1.19	1.37	1.00	0.80	0.65		
3-Day Moving Average ^f	0.90	0.81	0.98	1.64	2.34	2.37	2.05	1.62	1.87	1.41	1.15	0.97		
20% Exceedance ^l	mm/day												mm	
Monthly ^c	-0.07	0.37	1.33	2.31	2.86	3.63	4.21	3.66	2.28	1.14	0.15	-0.06	540	0
15-Day Moving Average ^d	0.15	0.48	1.78	2.95	3.88	4.40	4.70	4.17	2.87	1.65	0.44	0.11		
7-Day Moving Average ^e	0.23	0.70	2.12	3.52	4.44	4.84	4.97	4.44	3.10	2.02	0.69	0.18		
3-Day Moving Average ^f	0.29	0.93	2.64	4.10	4.85	5.20	5.31	4.79	3.48	2.10	0.79	0.26		
80% Exceedance ^m	mm/day												mm	

Thiel, Sandra

From: Timothy Haake [thaake@haake-dc.com]
Sent: Thursday, October 08, 2015 10:28 AM
To: Thiel, Sandra
Subject: Pederson Creek Diversion
Attachments: Fax 8-8-07.pdf

Dear Sandra,

It was a pleasure to speak to you yesterday and I feel much better about the situation as a result.

As promised, I am including the copy of a fax I received dated 8-8-07 from my attorney which contains the specifications, diagrams, etc. prepared by Mr. Dale Gooby for the measuring device in question. This device was installed by Roger Edwards and Steve Adams in 2007. I believe Mr. Adams is now a Water Master in the Salmon area.

As I mentioned yesterday, the upper end of Pederson Creek from which I draw my water is dry from mid-July through mid-May each year and so I think it would be impossible for me to be drawing more water than I am entitled to. In addition, I wanted to mention again that I contacted the pond expert at the Salmon River at the Fish & Game office in Salmon who came and inspected my pond and said that everything was fine and that it should attract a lot of wildlife in the area, which it has. Unfortunately I don't remember this gentleman's name, but maybe you can find him. He also mentioned that I might want to put a predator like a pickerel in the pond to keep the numbers of trout down but that if I did that I would have to put a fish screen in to keep the predator from finding its way into the Lemhi. I have elected not to do this and the number of fish in the pond seems stable.

Roger Edwards was at my place on October 6th and took some pictures of the pond which is half empty at this time of the year and the creek which stopped flowing in mid-July. He will be forwarding those to you at your email address in the next couple of days. Should you wish to contact Roger directly, his cell phone number is 208-940-0245 and his email address is martygirl25@yahoo.com.

Finally, thank you for your patience concerning my situation. I am not very knowledgeable about water rights, etc. but want to comply with the law. Given the circumstances, I honestly state that I do not believe I am drawing more water than I am entitled to. In fact, it's probably much less than my water right because of the fact that the creek is dry most of the year and it is not possible for me to overdraw. I will be at my residence on Pederson Creek from the 20th to the 25th if you need to visit and make a further inspection. Otherwise, Roger can assist you. Thank you for considering this information.

P.S. Please do not hesitate to call me on my cell phone: 202-674-8701.

Sincerely,

Timothy M. Haake

Timothy M. Haake | Managing Director | Haake Fetzer
1301 K Street NW Suite 400 East | Washington, D.C. | 20005
202.408.8700 | thaake@haake-dc.com | www.haake-dc.com

This message may contain information that is privileged or confidential. If you are not the intended recipient of this message, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message or any attachments is strictly prohibited. If you received this message in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

JORDAN P. SMITH

CHARTERED

ATTORNEY AT LAW

800 MAIN STREET

SALMON, IDAHO 83467

PHONE 208-756-2257

TELEFAX (208) 756-4626

FACSIMILE TRANSMISSION COVER SHEET

8-8-07

Date

TO: Tim Haake

FAX NO: (202) 408-8704

FROM: Jordan P. Smith

Number of pages transmitted (including cover page): 6

**Our Telecopy machine does not have an individual monitoring it at all times. If you do not receive all the pages, please call back the sender at (208) 756-2257.

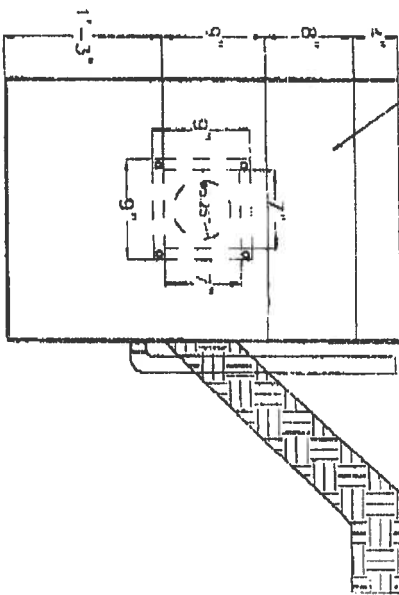
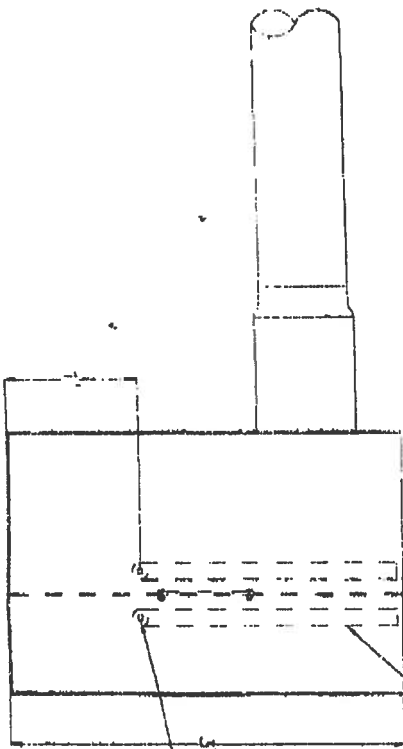
DESCRIPTION OR COMMENTS: Please see attached information from Dale Gooby.

IMPORTANT: The information contained in this facsimile transmission may be **PRIVILEGED** and/or **CONFIDENTIAL**. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivery of it to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication is neither intended nor permissible. If you received this communication in error, please notify us immediately by telephone at the above number (call collect), and return to us at the above address via the U.S. Postal Service the original you received.

MEASURING DEVICE DETAIL

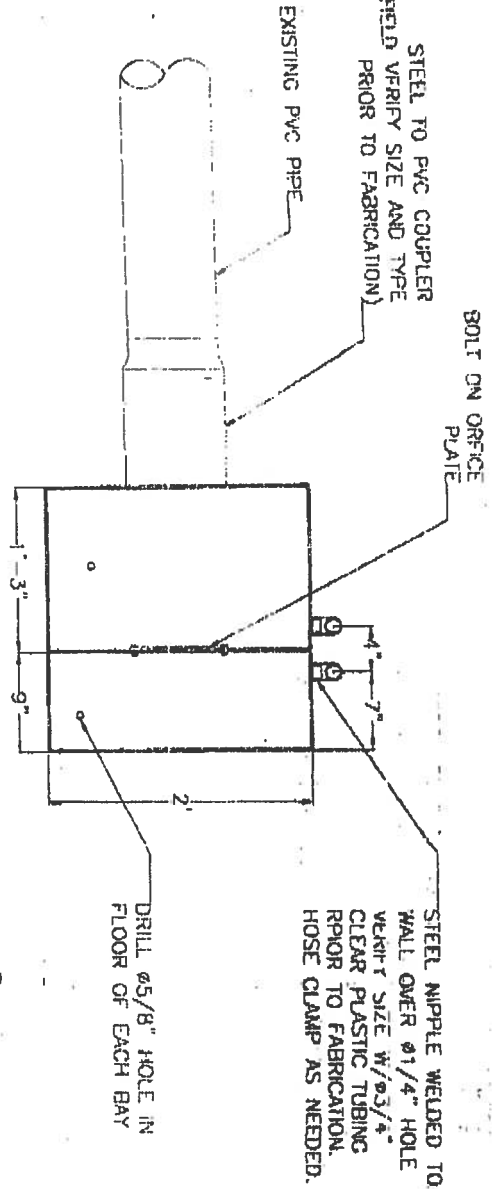
SIDE VIEW

FRONT VIEW



PLAN VIEW

BACKFILL LIMITS THIS SIDE



DRILL $\phi 5/8$ " HOLE IN FLOOR OF EACH BAY

STEEL NIPPLE WELDED TO WALL OVER $\phi 1/4$ " HOLE WEIGHT SIZE W/ $\phi 3/4$ " CLEAR PLASTIC TUBING PRIOR TO FABRICATION. HOSE CLAMP AS NEEDED.

NOTES:

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH CONSTRUCTION SPECIFICATION ID-587E.
2. ALL STEEL PLATE IS $\phi 3/8$ " THICK.
3. CONTINUOUSLY WELD ONE SIDE OF ALL SEAMS.
4. REFER TO ATTACHED CHART FOR HEAD DIFFERENTIAL VERSUS FLOW.

DATE	BY	CHKD

ID-587E

NATURAL RESOURCES CONSERVATION SERVICE
Idaho
CONSTRUCTION SPECIFICATIONS
FOR
STRUCTURES FOR WATER CONTROL
(METAL HEADGATE)

Tim Huake

(Owner/Operator)

Measuring Device

(Project Title)

GENERAL.

Installation shall be in accordance with an approved design and plan. Details of construction shown on the drawings but not included herein are considered as a part of this specification.

Construction operations shall be carried out in a manner to ensure that erosion and air and water pollution are minimized. Construction activities shall be in accordance with applicable OSHA regulations.

SITE PREPARATION

The foundation area for the structure shall be cleared of all trees, roots, stumps, brush, boulders, sod and debris.

EXCAVATION

Excavation will be to the depths and widths needed to install the headgate to the lines and grades shown on the drawings. Any over excavation will be backfilled with selected material and compacted to the density of the surrounding undisturbed materials.

MATERIALS

Pipe. Corrugated metal pipe shall be zinc-coated meeting the requirements listed in one of the following standards.

ASTM A 760 Pipe, Corrugated Steel, Zinc Coated

Federal Specification WW-P-402C Pipe, Corrugated (Aluminum Alloy Amend. 1)

Federal Specification WW-P-405B Pipe, Corrugated Iron or Steel, Zinc Coated (Amend. 1)

AASHTO M 36 Zinc Coated (Galvanized) Corrugated Iron or Steel Culverts and Underdrains

AASHTO M 196 Corrugated Aluminum Alloy Culverts and Underdrains (Amend. AASHTO 196)

AASHTO M 245 Precoated, Galvanized Steel Culverts and Underdrains

AASHTO M 257 Steel Sheet, Aluminum Coated (Aluminum Type II) by the Hot Dip Process for Sewer & Drainage Pipe

Pipe bands or couplers shall meet the requirements of the applicable pipe specification, except that no flange (channel), smooth slab or dimple band shall be used. Gaskets shall meet the requirements of ASTM C 443.

Other pipe materials when specified shall meet the requirements as listed on the drawings or in the ADDITIONAL SPECIFICATIONS.

Coatings. All metal items, with the exception of aluminum and galvanized metal, shall be painted with two coats of synthetic primer paint and one coat of aluminum paint or an approved equal coating. Any damage to zinc coating shall be repaired by thoroughly brushing and cleaning the damaged area and painting.

Metal. The steel plate headwall components shall be fabricated of structural steel that conforms to ASTM specification A 36. The steel shall have a 36 ksi or higher yield stress rating.

Bracing. Temporary bracing shall be placed whenever necessary to resist all loads to which the headwall and pipe may be subjected during transport and installation of the structure.

ID-5871

STRUCTURE INSTALLATION

The structure will be placed on a firm foundation to the lines and grades shown on the drawings or as staked in the field.

BACKFILL

Backfill materials shall be free of rocks, stones, sod, brush, roots, or other perishable or unsuitable material. Cobble and rock fragments having a maximum dimension of more than three inches shall not be used within 1 foot of the structure. To the extent they are suitable excavated materials will be used to complete necessary the backfill. No fill shall be placed on a frozen surface. Snow or ice shall not be incorporated into any fill.

The moisture content of fill material shall be maintained within the limits required to prevent the adherence of the fill material to the compacting equipment and ensure the crushing and blending of the soil clods. Generally when soil material is squeezed in the hand it will retain a ball shape, but there will not be free water on the surface. Supplemental water, when required, shall be applied to get water uniformly dispersed throughout the fill materials.

Required backfill will be brought up at approximately uniform height around the structure. The fill shall be placed in a manner to allow the structure to gradually assume the backfill loading.

Hand directed tamper compacted fills shall be placed in layers not exceeding 4 inch thickness prior to being compacted. The backfill material shall be compacted to a density equal to that of the adjacent ground. Heavy compaction equipment shall not be operated within 2 feet of any structure. Hand directed tampers or compactors shall be used on areas not accessible to heavy compaction equipment and within 2 feet of any structure. The passage of heavy equipment will not be allowed over any type of conduit until the compacted backfill has been placed a minimum of two feet over the top of the pipe. The layer thickness for equipment

compacted fills shall not exceed 8 inches prior to compaction.

RIPRAP

Rock shall be angular to subangular in shape, dense, durable stone of the size and gradation shown on the drawings.

ADDITIONAL SPECIFICATIONS

	Haake			
	Submerged Orifice Rating Table			
Orifice size (inches)	5.25			
Orifice Area (ft ²)	0.150326			
head differential (inches)	flow (cfs)	flow (MI)	flow (GPM)	
0.25	0.11	5.3	47.7	
0.5	0.15	7.5	67.4	
0.75	0.18	9.2	82.6	
1	0.21	10.6	95.3	
1.25	0.24	11.9	106.6	
1.5	0.26	13.0	116.8	
1.75	0.28	14.1	126.1	
2	0.30	15.0	134.8	
2.25	0.32	15.9	143.0	
2.5	0.34	16.8	150.7	
2.75	0.35	17.6	158.1	
3	0.37	18.4	165.1	
3.25	0.38	19.1	171.9	
3.5	0.40	19.9	178.4	
3.75	0.41	20.6	184.6	
4	0.42	21.2	190.7	
4.25	0.44	21.9	196.5	
4.5	0.45	22.5	202.2	
4.75	0.46	23.1	207.8	
5	0.48	23.8	213.2	
5.25	0.49	24.3	218.4	
5.5	0.50	24.9	223.6	
5.75	0.51	25.5	228.6	
6	0.52	26.0	233.5	
6.25	0.53	26.6	238.3	
6.5	0.54	27.1	243.1	
6.75	0.55	27.8	247.7	
7	0.56	28.1	252.2	
7.25	0.57	28.6	256.7	
7.5	0.58	29.1	261.1	
7.75	0.59	29.6	265.4	
8	0.60	30.0	269.7	
8.25	0.61	30.5	273.8	
8.5	0.62	31.0	278.0	
8.75	0.63	31.4	282.0	
9	0.64	31.9	286.0	
9.25	0.65	32.3	290.0	
9.5	0.65	32.7	293.9	
9.75	0.66	33.2	297.7	
10	0.67	33.6	301.5	

PHOTOGRAPHER AND DATE OF PHOTOS Sandra Thiel, June 26, 2013



This photo shows the diversion to Peterson Creek. The creek is in the foreground at the bottom of the picture. The headgate opens to a pipe that carries water approximately 155 feet to a measuring device.

Water emerges from the pipe into a buried measuring device. The outlet empties into a small rock lined channel that flows into the pond.

The outlet is shown in the photo below

See attached schematic for dimensions of the buried device





Outlet



Pond outlet that empties into Peterson Creek, below the dam in the trees

Pond looking south from the buried measuring box



Peterson
Creek in
the trees

Pond inlet

Pond outlet/drain – water can flow back to Peterson Creek – behind the photographer



This pump was
installed to
drain the pond
through an 8
inch pipe

The pond has
never been
drained

MEMORANDUM

TO: Water Right Files 74-15628
FROM: Sandra Thiel
DATE: October 31, 2016
SUBJECT: Remove fish screen condition on license

Permit 74-15628 included the following condition:

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and bypass requirements of the Idaho Department of Fish and Game.

On August 11, 2016, Tim Haake left me a message explaining the hydrology of Peterson Creek and the opinion of Fish and Game (F&G). Evidently, the creek disappears and does not connect to the Lemhi River. According to the message, steelhead and salmon do not travel up the creek. On October 27, 2016 I contacted Larry Weeks of F&G. On October 31 he responded. According to the attached email, the F&G biologist surveyed the site for fish presence and determined there is no need for a fish screen. Based on that finding I removed condition 029 from the license.

Thiel, Sandra

From: Weeks,Larry [larry.weeks@idfg.idaho.gov]
Sent: Monday, October 31, 2016 10:45 AM
To: Thiel, Sandra
Subject: RE: water right from Peterson Creek

Sandra,
Roger Edwards, Edwards Construction, and representative for Mr. Haake, came to IDFG seeking a determination for the need for a fish screen on that Peterson Creek diversion some time ago. Mike Biggs, IDFG Biologist, went to the site and completed the survey for fish presence. At that time it was determined that there was not a need for a fish screen. This information was given to Windy Davis, IDFG Staff Biologist, who I thought wrote a letter of this determination for IDWR. Windy is out for the week so I can't ask her for the status of the letter. I do know that there was no anadromous fish present in Peterson Creek, and at this time, IDFG does not require a fish screen in Timothy Haake's diversion in Peterson Creek.

I hope this helps. If you still need the letter of determination from Windy, I will ask her when she gets back to get in touch with you.

Feel free to call if you have any questions.

Larry Weeks
Easement Specialist
Idaho Department of Fish and Game
Anadromous Fish Screen Shop
97 Hwy 93 North
Salmon, ID 83467
208-756-6022



From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Thursday, October 27, 2016 3:31 PM
To: Weeks,Larry
Subject: water right from Peterson Creek

Hello, I am working on a water right license for a diversion from Peterson Creek. The permit holder is Tim Haake. One of the things we need to resolve before we issue the license is the condition that requires a fish screen. I received a message from Mr. Haake and he said that Peterson Creek does not make it to the Lemhi River. From what I understand Fish and Game may not require fish screen. Can you tell me if you have made that decision?

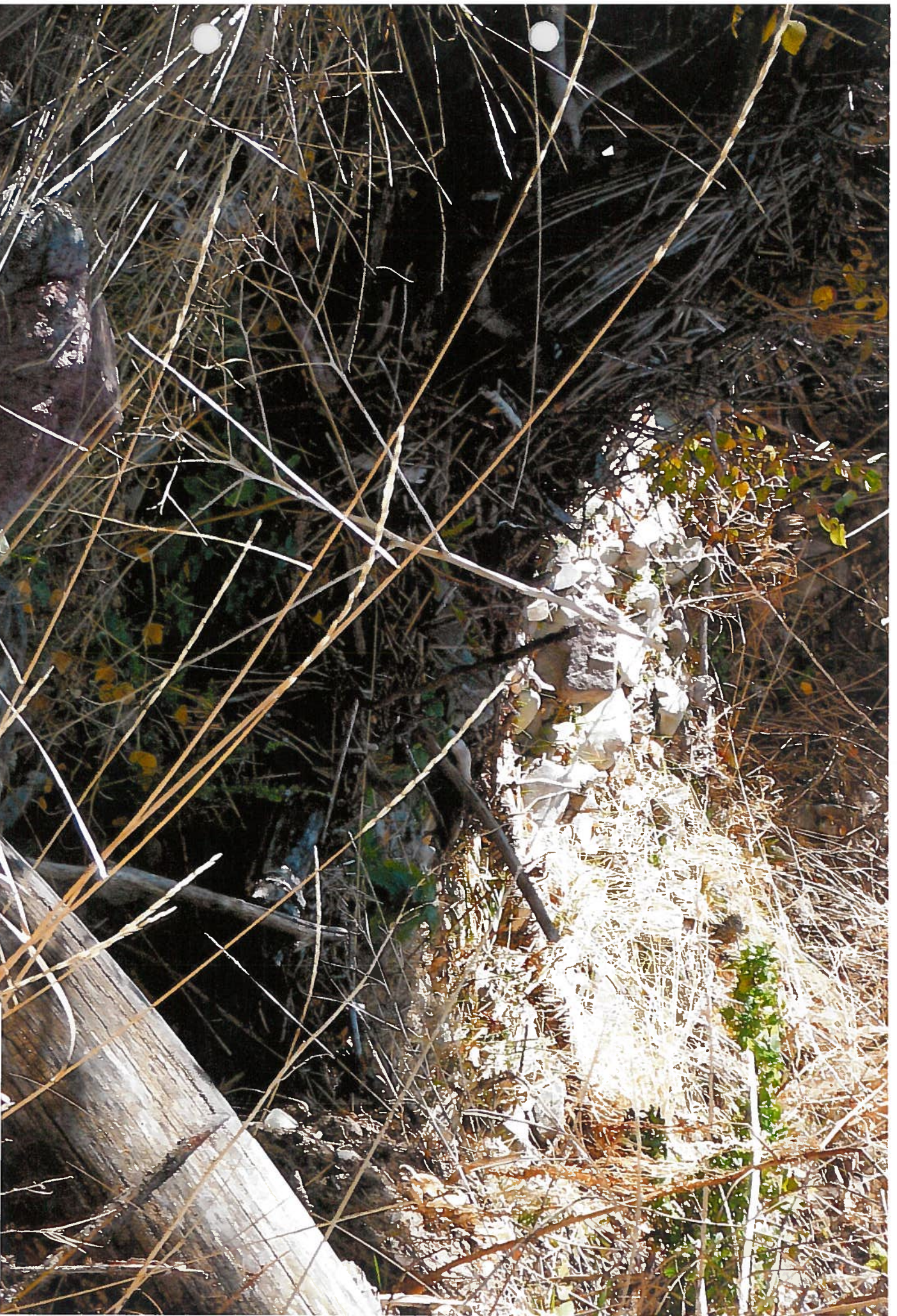
Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov



Peterson Creek
Water Measuring Weir
October 8th, 2015



Peterson Creek
Headgate
October 8th, 2015



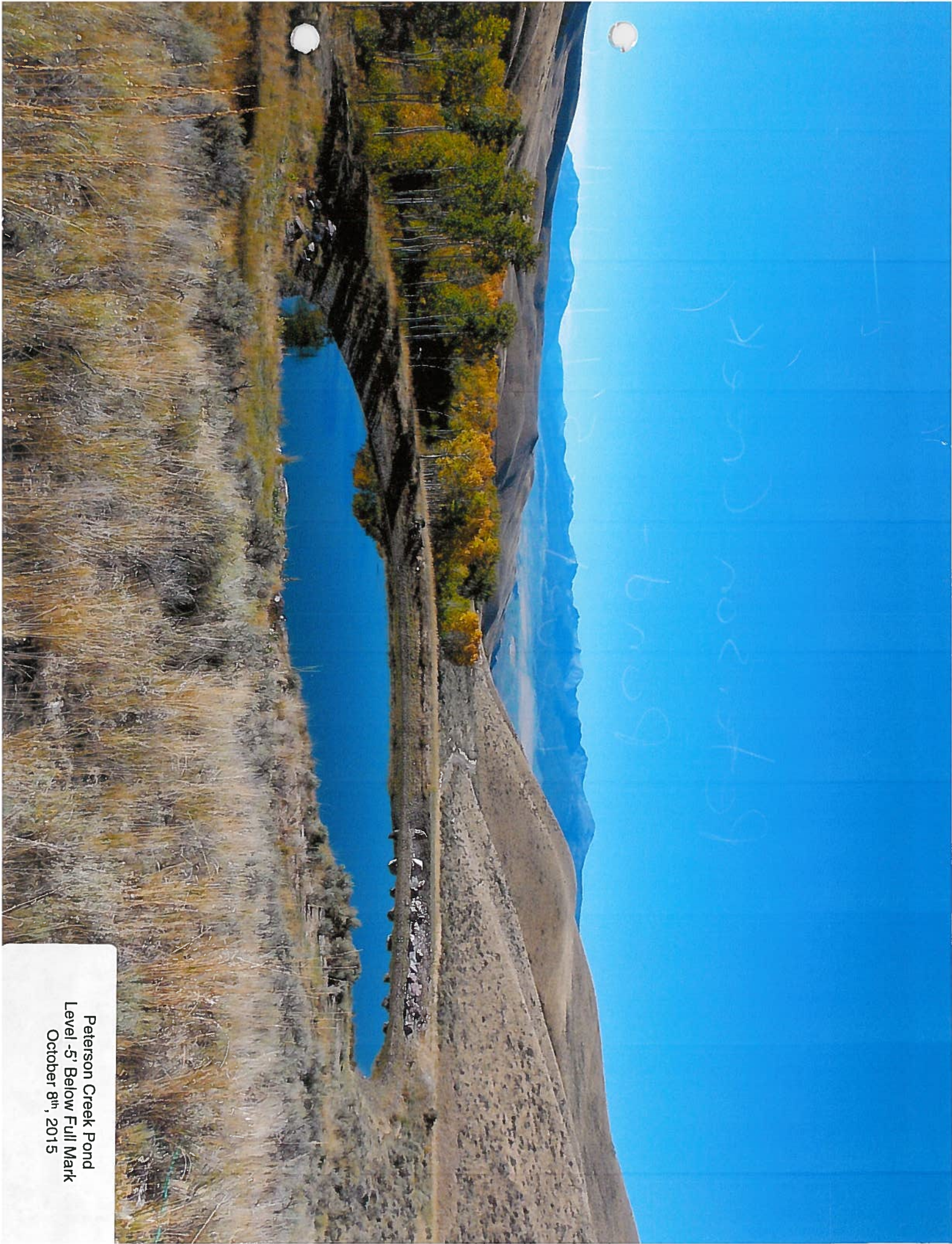
Peterson Creek
"Dry"
October 8th, 2015



Peterson Creek
"Dry"
October 8th, 2015



Peterson Creek
Headgate
October 8th, 2015



Peterson Creek Pond
Level -5' Below Full Mark
October 8th, 2015



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

May 3, 2016

TIMOTHY M HAAKE
1301 K ST NW STE 1100 E
WASHINGTON DC 20005

Application for Permit Nos. 74-15628

Dear Mr. Haake:

In June 26, 2013, Idaho Department of Water Resources (IDWR) staff performed a field examination on permits 74-15628. During the field examinations, the IDWR staff did not find any fish screens on your point where you divert water from Peterson Creek. IDWR staff are required to confirm that all of the conditions of the permit have been complied with prior to licensing a water right permit. The following is the fish screen condition listed on permit 74-15628:

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

The Department's field examiner found no fish screen on your diversion, so you must resolve this issue before a license can be issued. Idaho Code § 42-219(8), states in part the following:

(8) In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

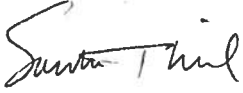
You have the following options to resolve this issue.

- 1.) You can submit documentation (photos or receipts) showing that you do have a fish screen on the point of diversion in compliance with the above condition.
- 2.) You can provide written documentation from the Idaho Fish and Game Department stating that a fish screen is not required on your point of diversion from the creek. If you have this documentation, you can request the condition be waived and removed from the permit.
- 3.) Return the enclosed relinquishment form and cease using water from Peterson Creek.

IDWR will withhold further action on your permit for 30 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions please do not hesitate to contact me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Thiel". The signature is written in a cursive, flowing style.

Sandra Thiel
Sr. Water Resource Agent



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2015

TIMOTHY M HAAKE
1301 K ST NW STE 1100 E
WASHINGTON, DC 20005
(202) 408-8700

RE: Permit No. 74-15628

Dear Mr. Haake:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. In a review of the file, we notice that you have not complied with the following condition of approval of the permit:

Prior to the diversion and use of water under this right, the right holder shall install and maintain an acceptable measuring device, including a data logger, at the authorized point of diversion, in accordance with Department specifications.

The Department's field examiner found no measuring device or data logger on your diversion. You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(6), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this problem. You can submit documentation that you have complied with this condition and our examiner was not informed of the compliance at the time of the exam. You can install the required measuring device and data logger, and submit documentation of the installation. Or you can request removal of this requirement from your permit. If you request removal of the requirement, you should also submit documentation that this request would be acceptable to the watermaster of Water District No. 74. If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing.

IDWR will withhold further action on your permit for 30 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel

Sr. Water Resource Agent

Cc: Roger Edwards

Enclosures: Water right report; data logger specifications