

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 McFarland Livestock Co. Inc. c/o Tex Kauer Phone (208) 768-2711

Mailing address P.O. Box 50, Lemhi, ID 83465 Email _____

2. Source of water supply Hawley Creek tributary to Eighteenmile 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 recorded instream stockwater right.

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

Beginning point is in Gov't. Lot _____, _____ 1/4 NE 1/4 NW 1/4,

TX Section 31, Township 16N Range 27E, B.M.,
Lemhi County.

Ending point is in Gov't. Lot 1, _____ 1/4 NW 1/4 NW 1/4,

TX Section 31, Township 16N Range 27E, B.M.,
Lemhi County.

b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 SE 1/4 NE 1/4,

TX Section 3, Township 15N Range 27E, B.M.,
Lemhi County.

4. Description of diversion and delivery system:

a) Describe the type of diversion Headgate, measuring device, and fish screen installed at diversion point from Hawley Creek.

b) Describe the delivery system Pipeline to troughs.

c) Describe the number, type and total capacity of troughs or tanks Four tire troughs with a total capacity of 5,600 gallons.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source An automatic shutoff valve will be installed.
- e) Describe how the system is designed to allow measurement of the rate of diversion Diversion rate will be measured at point of diversion from Hawley Creek in conjunction with existing water rights for irrigation diverted at the same point.

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
16N	27E	31	X	X			X	X										
16N	27E	30															X	X

6. Priority date claimed or established 4/1/1879
7. Rate of diversion 0.02 cfs
8. Season of use: from March 15 to November 15
9. a) Who owns the property at the point of diversion? federal land managed by BLM
b) Who owns the property at the place of use? applicant
10. When will construction occur? begin construction August 15, 2016
11. Comments (include number and type of stock) About 600 head of cattle are pastured in these fields in spring and fall. Instream stockwatering has historically occurred in the ditches and short section of Hawley Creek on the applicant's property. a cooperative conservation project with state and federal agencies will replace the existing open ditch from Hawley Creek with a pipeline. Trough's will be provided through the project on the applicant's property.
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.

SUPERCEDED

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source An automatic shutoff valve will be installed.
- e) Describe how the system is designed to allow measurement of the rate of diversion Diversion rate will be measured at point of diversion from Hawley Creek in conjunction with existing water rights for irrigation diverted at the same point.

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
16N	27E	31	X	X			X											
16N	27E	30															X	X
16N	26E	36	X															

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AMENDED

74-16062

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 14th day of September, 2016

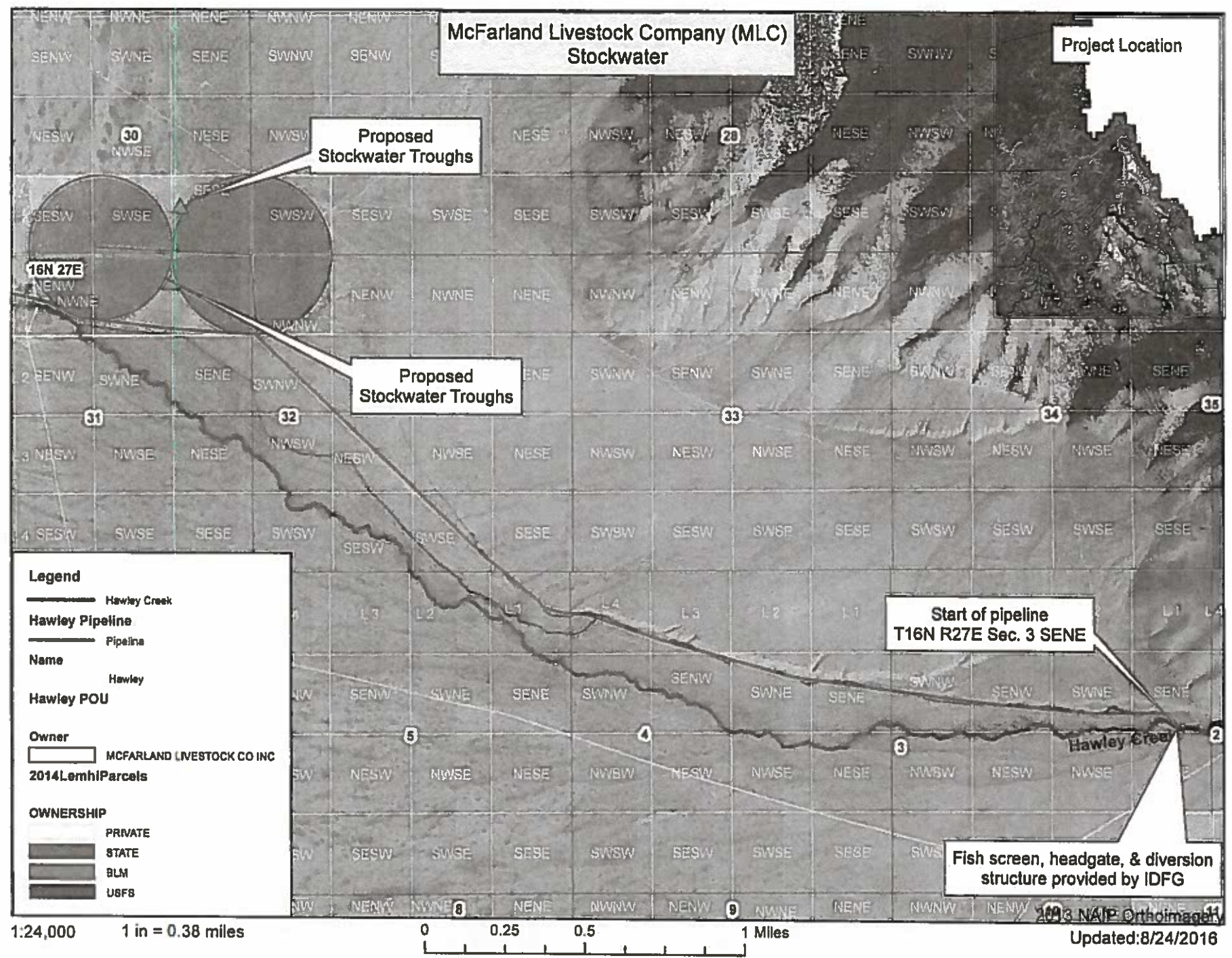
David Kanner
Right Holder or Authorized Representative

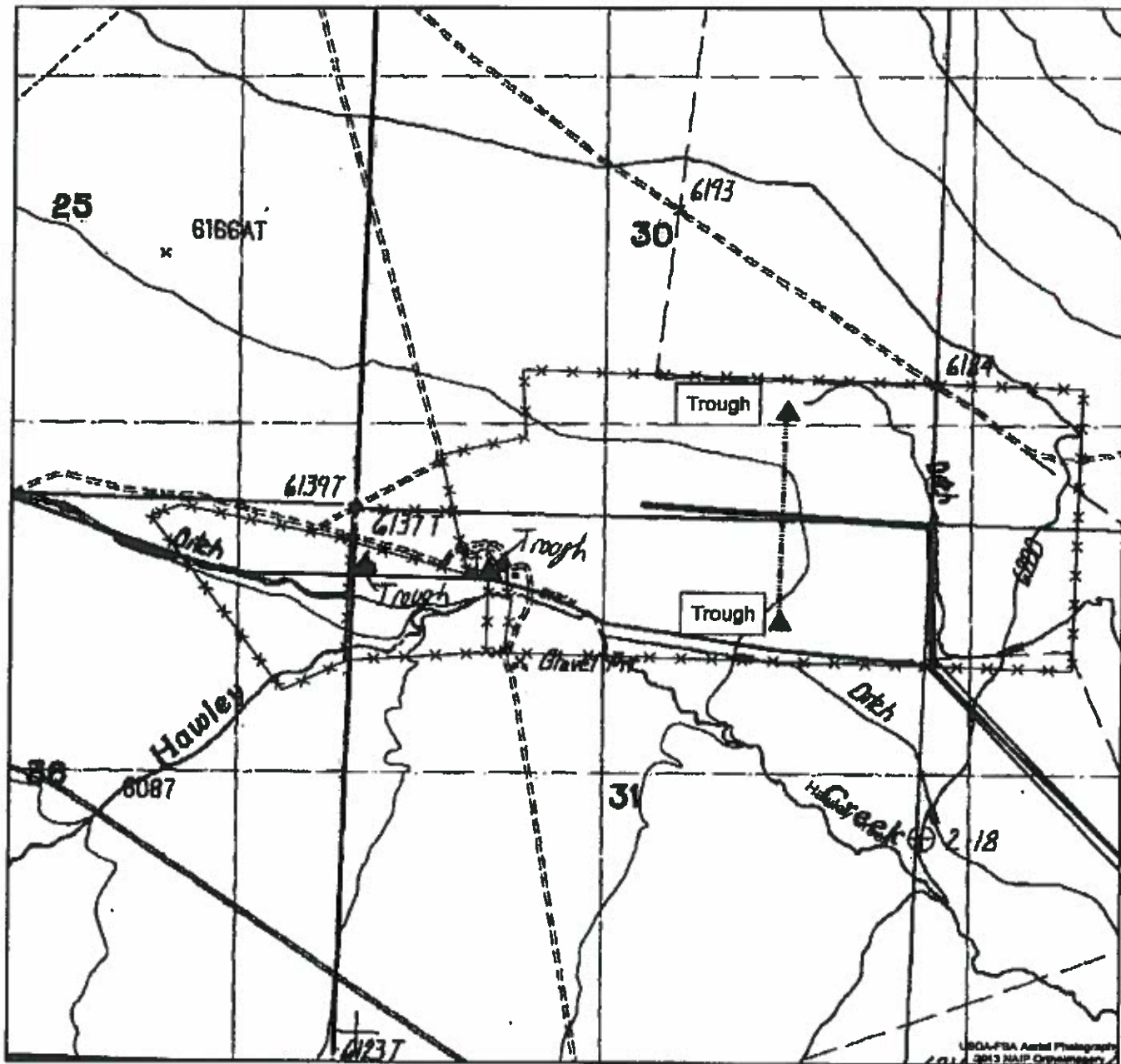
FOR DEPARTMENT USE

Received by SC Date 9/15/16 Preliminary check by _____
Fee: \$ 25 Received by SC Receipt No. E042457 Date 9/15/16
Water District No. 74W Entered into data base 9/23/2016 By 88

+2
Troughs

74-16062





USDA-FSA Aerial Photography
2013 NAIP Orthorectified

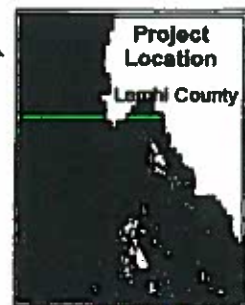
Updated: 8/24/2016

Hawley Creek Access Enhancement Project McFarland Livestock Company Stockwater Locations

- Legend**
- Hawley Pipeline
 - Pipeline
 - Ditch
 - Gravel Pit
 - Fence
 - BLM Land



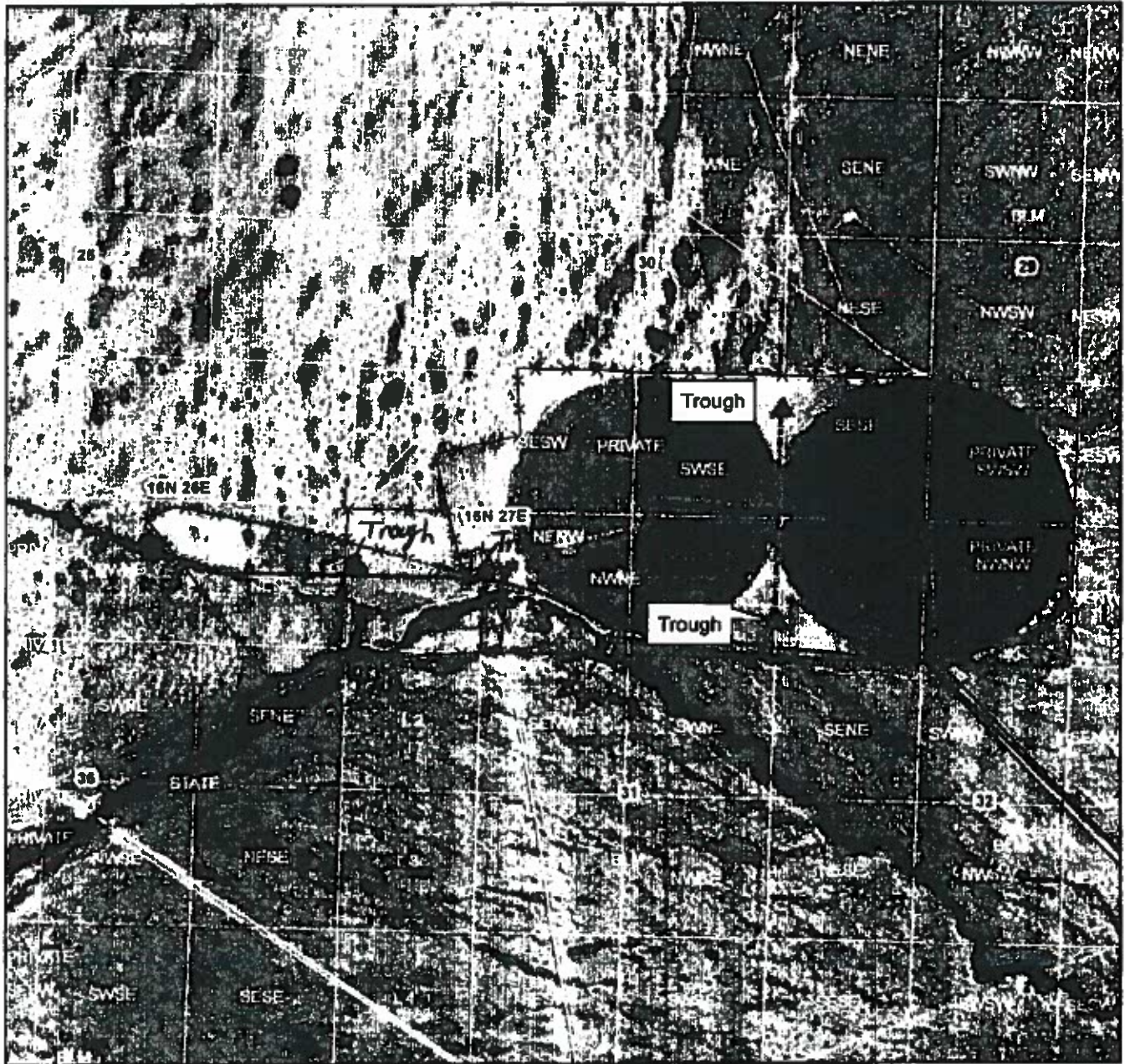
1:15,840 1 in = 0.25 miles



AMENDED

Updated 9/26/2016

74-16062



Updated: 8/24/2016

- Legend**
- Hawley Pipeline
 - Pipeline
 - Name
 - Hawley
 - Current Ditch Line
 - Fence
 - 2014 Lemhi Parcels
 - OWNERSHIP**
 - State Endowment
 - BLM
 - BLM Land

Hawley Creek Access Enhancement Project McFarland Livestock Company Stockwater Locations

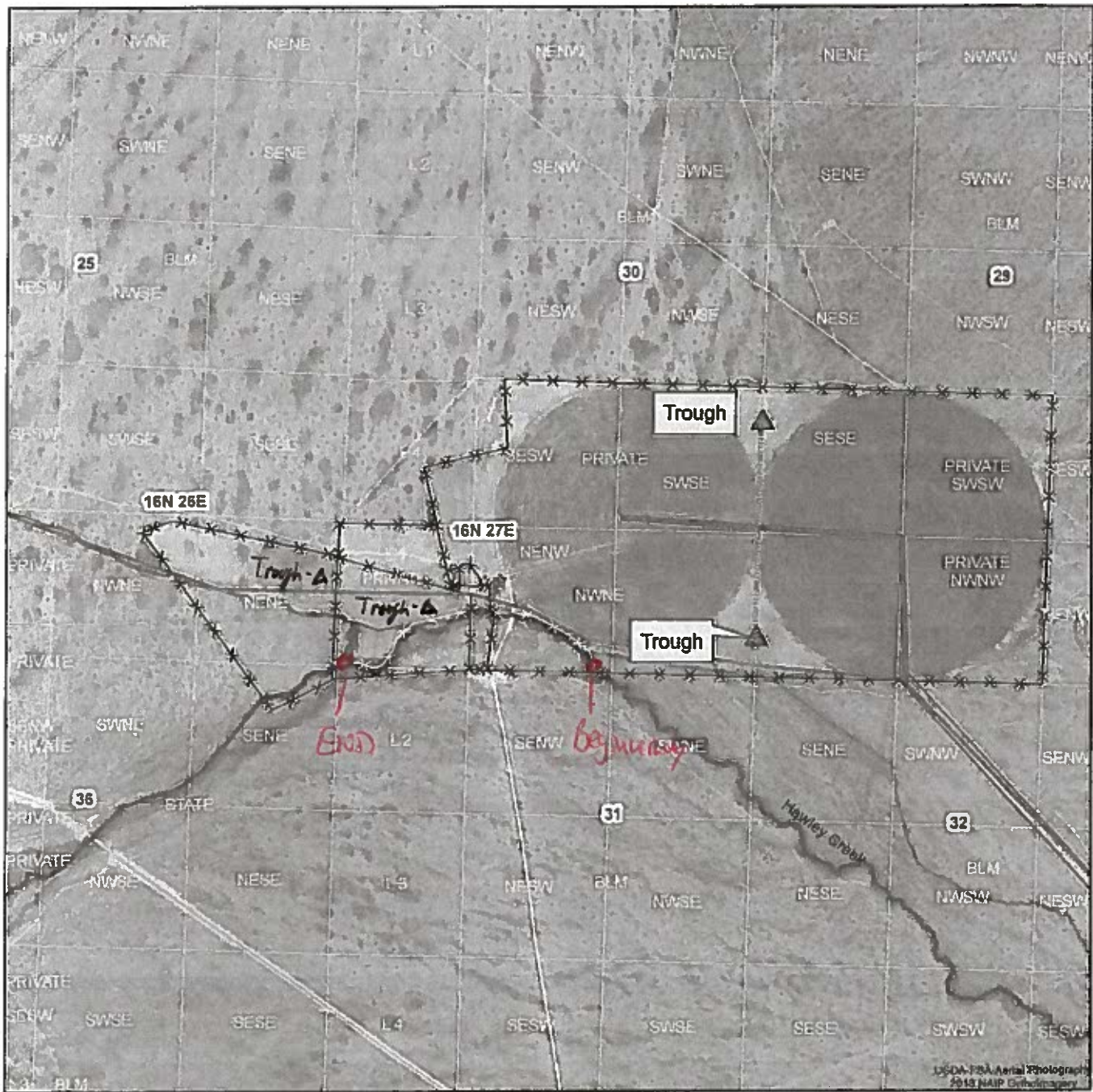


Miles
1:15,840 1 in = 0.25 miles

AMENDED

Updated 9/26/2016

74-16062



USDA-FSA Aerial Photography
2015 NAIP Orthomosaic

Updated: 8/24/2016

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Hawley Creek Access Enhancement Project McFarland Livestock Company Stockwater Locations



Miles

1:15,840 1 in = 0.25 miles

SUPERCEDED

74-16062



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

September 29, 2016

McFarland Livestock Co. Inc
c/o Tex Kauer
PO Box 50
Lemhi Id 83465

RE: Instream Stock Diversion No. 74-16062
Notice of Diversion for Instream Stockwater Use

Dear Applicant:

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.

If exceptions to the notice are filed you will be sent a copy of the exceptions(s).

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

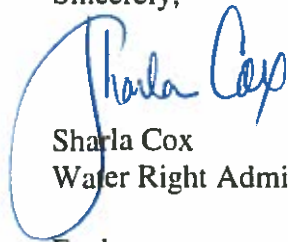
manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.

- 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 on the Internet 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,



Sharla Cox
Water Right Administrative Assistant

Enclosure

CC: Steven Spencer
United States Forest Service
1805 Hwy 15, Room 5
Emmett ID 83617

Fred Price
USDI, BLM Idaho State Office
1387 S Vinnell Way
Boise ID 83709-1657



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 29, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Dan Smith
Watermaster 74W
PO Box 22
Leadore ID 83464-0022

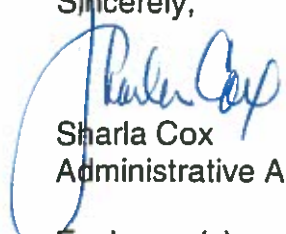
RE: Notice of Diversion as an Alternative to Instream Stockwater Use 74-16062

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.

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

Sincerely,


Sharla Cox
Administrative Assistant

Enclosure(s)

1- 208- 525- 7177

Attention: Scott

Enclosed: (4 pages including coversheet)

Land list locations/corrections

Trough location maps

MaFarland Livestock Co. Inc.

Box 50

Lemhi, ID 83965

Thayne Kauer - question 303- 0318