

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 75-07621

Priority: April 03, 1995

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 2.0 AF

It is hereby certified that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON ID 83467 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated March 15, 1995; and has submitted Proof of
Beneficial Use on June 20, 1996. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: TORMAY CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	05/01 to 12/31	0.04 CFS	2.0 AF
WILDLIFE	05/01 to 12/31	0.04 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NW1/4SW1/4 Sec. 34, Twp 21N, Rge 21E, B.M. LEMHI County

PLACE OF USE: STOCKWATER AND WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
21N	21E	35														X			

CONDITIONS OF APPROVAL

1. Place of use is locally known as Tormay Pipeline Range Improvement Project System #364974.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. This right does not grant any right-of-way or easement across the land of another.
4. Source is also known as Tormay Spring.

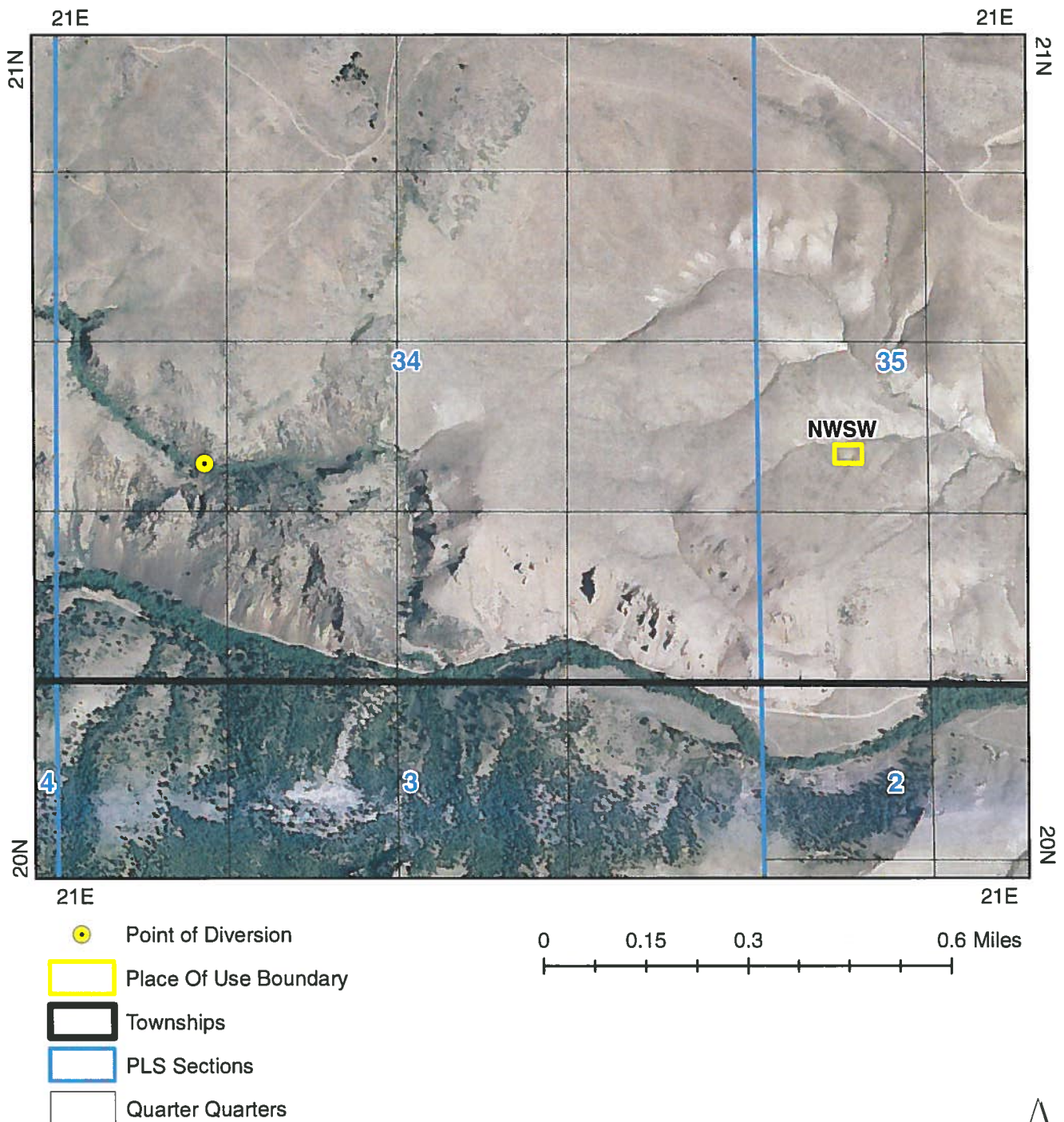
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24th day of April, 2014.


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
75-7621

This map depicts the STOCKWATER & WILDLIFE 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.





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

April 24, 2014

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON ID 83467

RE: License No. 75-7621

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 75-7621

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON ID 83467**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07621

RECEIVED**APR 22 2014****DEPARTMENT OF
WATER RESOURCES****Date of Priority:** April 03, 1995**Maximum Diversion Rate:** 0.04 CFS**Maximum Diversion Volume:** 2.0 AF

Comes now US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON ID 83467

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 75-07621, and requests that the permit be changed as follows:

Source: SPRING**Tributary:** TORMAY CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 12/31	0.04 CFS	2.0 AF
WILDLIFE	05/01 to 12/31	0.04 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NW1/4SW1/4 Sec. 34, Twp 21N, Rge 21E, B.M.

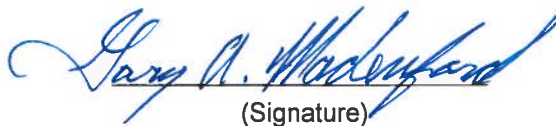
LEMHI County

PLACE OF USE: STOCKWATER & WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N 21E 35											X						

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 22 day of April, 2014


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07621

FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$100⁰⁰ Received by CS # C098722 Date 4/22/14

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 75-07621 with the following:

CONDITIONS OF APPROVAL

1. Place of use is locally known as Tormay Pipeline Range Improvement Project System #364974.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. This right does not grant any right-of-way or easement across the land of another.
4. Source is also known as Tormay Spring.

Witness my hand this 24th day of April, 2014.

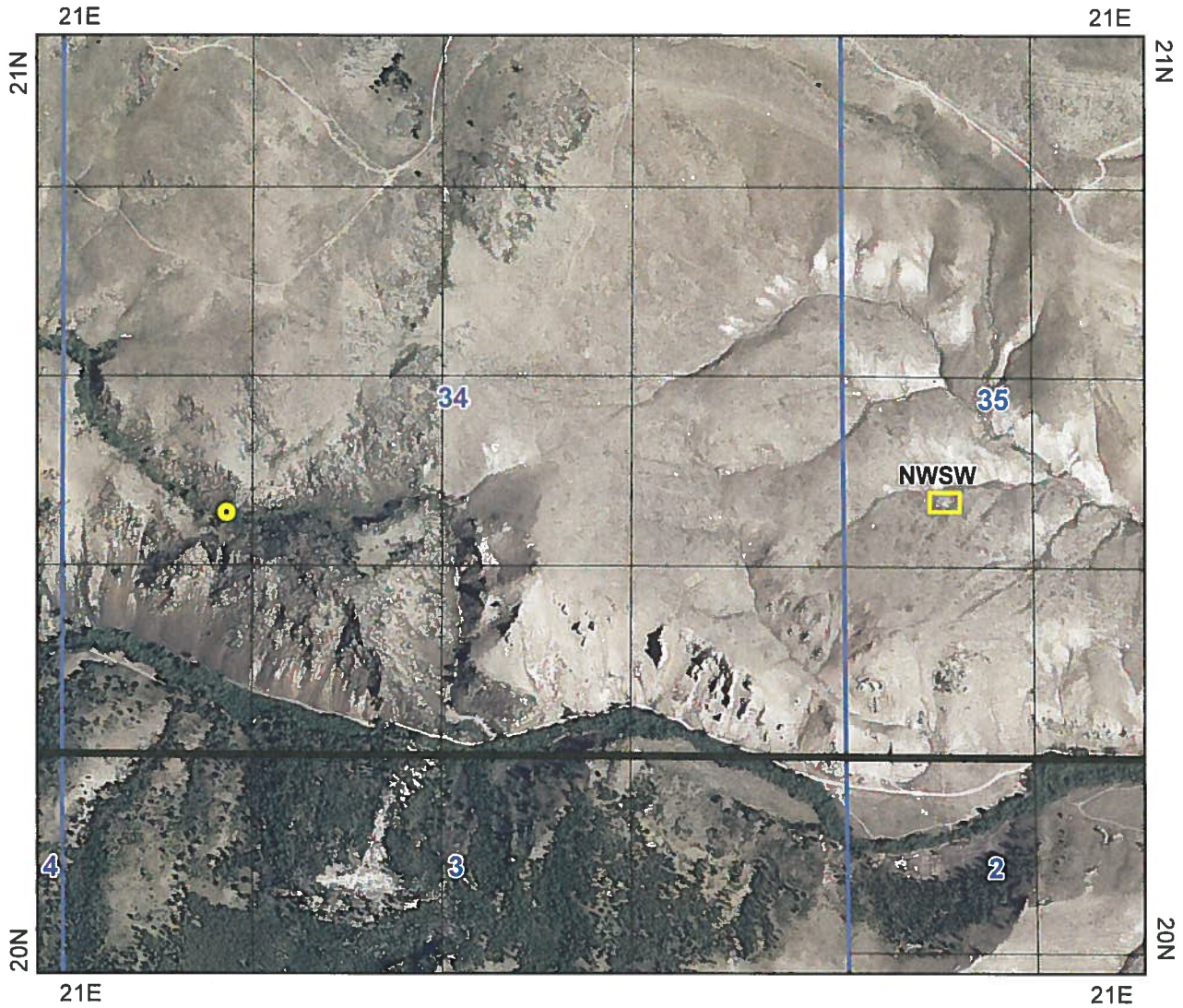
for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

75-7621

This map depicts the STOCKWATER & WILDLIFE 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
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles



MEMORANDUM

TO: FILE 75-7621
FROM: DANIELLE FAVREAU
SUBJECT: ADJUSTMENT OF POD LOCATION BASED ON INFORMATION PROVIDED BY BLM
04/21/14
DATE: APRIL 22, 2014
CC:

In an email dated 04/21/14, Fred Price (BLM) provided GPS coordinates for the location of the Point of Diversion for water permit 75-7621. The location provided was -113.9705, 45.1037. This location is in the SENWSW of Sec. 34 T21N21E.

This location is different than the licensed location for water right 75-4266. F. Price confirmed that the POD in the SENWSW of Sec. 34 T21N21E provides water for the POU's for both 75-4266 and 75-1621.

A second amendment to permit was created and sent to Fred Price reflecting the POD location of the SENWSW of Sec. 34 T21N21E.

Favreau, Danielle

From: Price, Fredric [fwprice@blm.gov]
Sent: Monday, April 21, 2014 3:19 PM
To: Favreau, Danielle
Cc: Gary Madenford; Anthony (Scott) Feldhausen
Subject: 75-07621, Tormay Pipeline Project #4974
Attachments: 75-07621_BLM-Completion-Info.pdf

Danielle,

RE: 75-07621, Tormay Pipeline Project #4974

I took all of our Salmon Field Office data (GIS & GPS), photographs and personal knowledge from personnel and created a presentation to supply evidence of completion for this range improvement project.

1. Confirm Location of POD:

BLM Permit #75-07621 and FS License #75-04266 both rely on the same wooden headbox located on FS land within SENWSW, S34, T21N, R21E (10-04-2012 GPS location Lat. 45.1037, Long. -113.9705). The POD is a spring adjacent to the creek and is densely overgrown with willow and alder. Location was confirmed by GPS.

The FS License #75-04266 describes a Point of Diversion (POD) within T21N, R21E, S34, NWSE at the same location as the FS Trough, however BLM has GPS'd the POD and it resides within the NWSW of S34.

2. Confirm Location of BLM Trough & Relationship to FS Trough:

The BLM trough is indeed located within NWSW, S35, T21N, R21E (06-28-2010 GPS location Lat. 45.1039, Long. -113.9511); also confirmed in aerial photography; and is connected to the FS Trough located within NWSE, S34, T21N, R21E (i.e. share same system).

3. Explain Why Troughs are Empty in Photos:

The photographs of the features of this project (i.e. POD, FS Trough & BLM Trough) do not show the presence of water. This is because the photographs were taken when the system was shut off, however the system does work and does fill the troughs.

Fred

IDWR QUESTIONS:

75-07621:

1. The maps provided on 09/26/13 and 10/30/13 shows that the POD for this right is the same as 75-4266. Please confirm that the POD for 75-7621 is on USFS land in SWNWSE of Sec. 34, T21N, R21E.

2. Please confirm that the POU (trough in NWSW of Sec. 35, T21N, R21E (Trough 2 in photos provided)) and is connect to the same system as the USFS trough in NWSE of Sec. 34, T21N, R21E (Trough 1 in the photos provided).

3. Please also provide a brief narrative as to why the troughs are empty. (turned off as out of season of use, actively being repaired, etc.)

On Thu, Nov 21, 2013 at 11:05 AM, Favreau, Danielle <Danielle.Favreau@idwr.idaho.gov> wrote:

Hello Elias and Scott,

I think we are getting closer. After review of the information provided by your office, additional information is required for the following permits.

74-7369

- Need a map showing the location of the POD for 74-7369 and the POD for 74-1378/74-12876. Please review the maps provided and confirm these are the locations shown on the IDWR maps are correct representations of the POD and troughs associated with permit 74-7369.

74-15027

-No additional information was provided 10/30/13.

- Is this is an extension of 74-01442 and 74-07198?
 - IDWR needs to see all troughs on a system map. GPS locations of troughs are preferred.
 - Photos provided 09/26/13 aren't labeled to identify which 3 troughs in the system these are for.
 - There is only one photo of a float and all troughs need to be floated or there needs to be evidence that the one float controls all the troughs in order to meet the auto-shutoff condition.
 - Regarding the POD: How does water get into headbox (french drain, perforations, etc)?
 - How is the Fish and Game Screening Condition addressed? Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?

74-15028

- Please mark on the map provided by IDWR where the headbox and troughs are in Section 26 of T22N23E.
- Please confirm that these troughs are the only ones developed under permit 74-15028.
- Please confirm that there are only 4 troughs in the Gary Pipeline. 2 for permit 74-15028 and 2 for water right 74-7224
- Please indicate which troughs numbered in the photographs are of the troughs in section 26 of T21N23E.

74-15606

- The information provided on 10/30 includes a map. The map does not include trough in 3 permitted areas and adds troughs in 2 non-permitted areas. The 2 troughs in section 34 T20N24E are very close to Cold Springs.
- Please provide a system map showing that the troughs are connected to the Railroad Tanker Pipeline and if they are connected to the Cold Springs diversion.
- Also, I reviewed GIS imagery in the original permitted QQ and found areas that could be troughs. Please review the maps provided by IDWR to confirm trough locations.

74-15574

- Statement regarding how Fish and Game Condition was addressed. Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?
- Statement regarding location of POD in relation to the trough. Coordinate data would be preferred. I need enough to locate the spring at the QQQ.

74-15617

- Statement regarding how Fish and Game Condition was addressed. Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?
- There are two 107 rights in the same QQQ as this POD. Which right is the historic right associated with this spring, 74-11949 or 74-11950?

74-15635

- Need to confirm location of second trough on pipeline (Trough covered by 74-15635)
- Need pictures of second trough on pipeline (Trough covered by 74-15635)
- Need statement confirming that the POD is shared between 74-15635 & 74-1357 and the first trough in pipeline is covered by 74-1357.

74-15733

- Are you aware of a private irrigation diversion (74-02260) from the POD for 74-15733?
- How does water get into headbox (french drain or perforations, etc)? How is the Fish and Game Screening Condition addressed? Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?

- Do you know if 74-13018 is for historic stockwater use directly from this spring?
-

74-7366

- A complete system map showing relationship to other water rights in the same pipeline (74-15450) is needed.
- Please provide a map that shows the location of the trough covered by permit 74-7366
- Is the POD for 74-7366 the same as for 74-15450 or is it a different one?
- Please provide a map showing the location of the POD to the QQ.
- Please provide pictures of the POD.

74-15450

- A complete system map showing relationship to other water rights in the same pipeline (74-7366) is needed.
 - Please provide a map that indicates which trough pictures go to which location.
 - Does the BLM have an easement from the USFS for the POD?
 - How is the Fish and Game Screening Condition met? Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?
 - Please provide a map showing the location of the POD to the QQ.
 - Please provide pictures of the POD.
-

75-7621

- The maps provided on 09/26/13 and 10/30/13 shows that the POD for this right is the same as 75-4266. Please confirm that the POD for 75-7621 is on USFS land in SWNWSE of Sec. 34 T21N21E.
- Please confirm that the POU (trough in NWSW of Sec. 35 T21N21E (trough 2 in photos provided)) and is connect to the same system as the USFS trough in NWSE sec. 34 T 21N21E (Trough 1 in the photos provided).
- Please also provide a brief narrative as to why the troughs are empty. (turned off as out of season of use, actively being repaired, etc.)

75-14088

- Thank you for the map provided on 10/31/13. Unfortunately, I still need pictures of the point of diversion and places of use (4 troughs).
- I also need verification of their location, GPS locations are best. There is very limited evidence of POD or POU location using GIS Imagery.

- How is the Fish and Game Screening Condition met? Is it met by perforating either the steel culverts or fiber glass headbox? If so, which type was used at this POD and what are the size of the holes?
- The permit has a condition requiring an automatic shutoff valve or return mechanism. Please described how condition is being met and provide photographs.

Respectfully,

Danielle Favreau

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 75-07621

Date of Priority: April 03, 1995 **Maximum Diversion Rate:** 0.04 CFS
Maximum Diversion Volume: 2.0 AF

Comes now US DEPT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
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LOCATION OF POINT(S) OF DIVERSION:

SPRING ~~NW1/4NW1/4SE1/4~~ Sec. 34, Twp 21N, Rge 21E, B.M. LEMHI County

PLACE OF USE: STOCKWATER & WILDLIFE

Twp	Rge	Sec	NE	NW	SE	SW	NE	NW	SE	NE	NW	SE	Totals
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4. Source is also known as Tormay Spring.

75-07621

Tormay Pipeline Project #364974

Table



Tormay_Pipeline_GPS

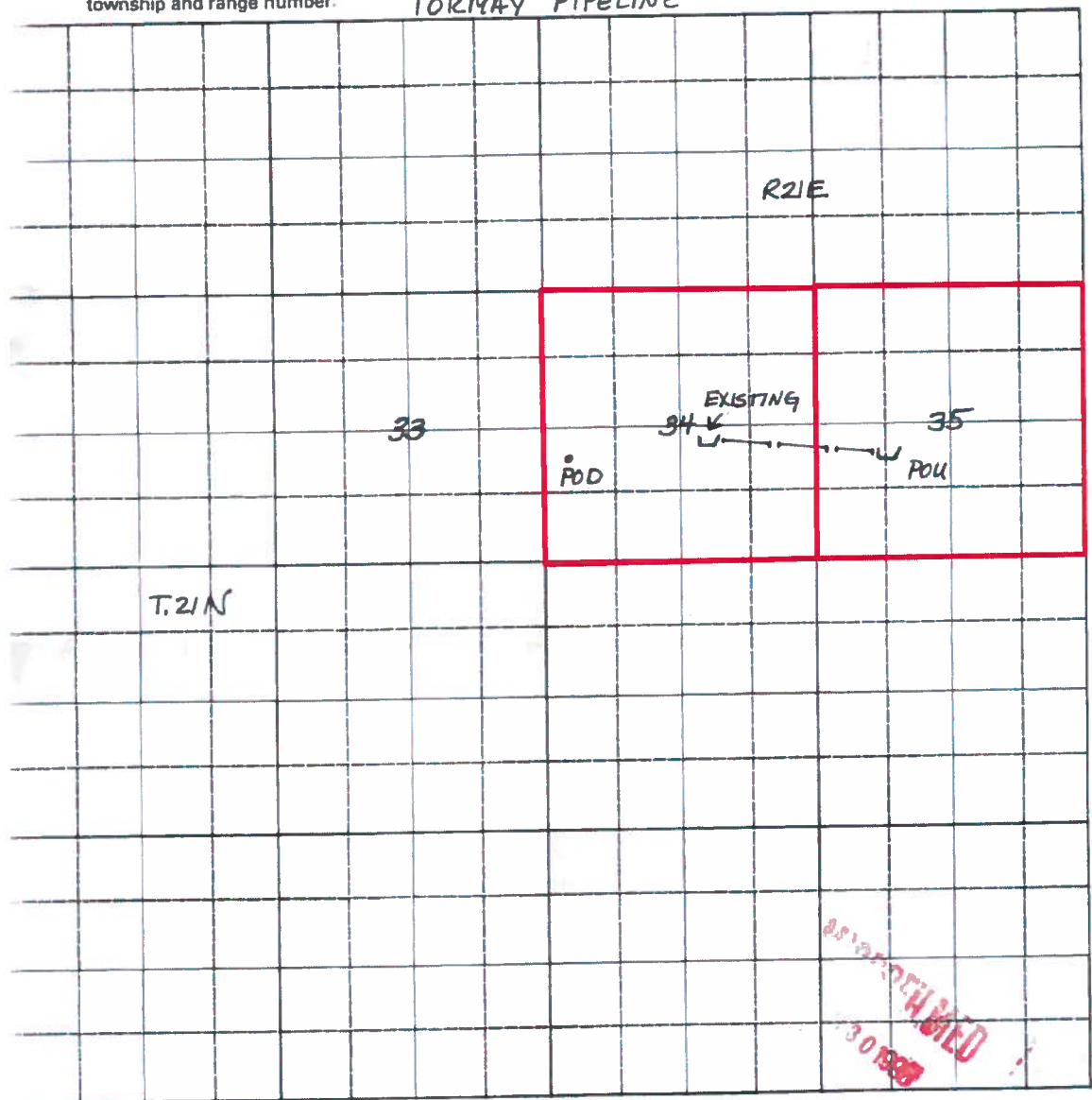
	PROJ_NAME	IMPROV_NO	POINT_FEAT	POINT_TYPE	Lat	Long	GPS_Date	Datafile	COORD_SRC2	COORD_SRC
▶	TORMAY PIPELINE	364974	TROUGH -BLM	METAL	45.1039	-113.9511	6/28/2010	C062818Aa.cor	GPS resource grade	GPS
	TORMAY PIPELINE	364974	TROUGH -FS	METAL	45.1047	-113.9625	8/19/2003		GPS Resource Grade	GPS
	TORMAY PIPELINE	364974	HEADBOX -FS	WOOD	45.1037	-113.9705	10/4/2012	E100418A.cor	GPS resource grade	GPS



75-07621: POD & POU

Consistent with map attached to
03-15-95 Application for Permit.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

David E. Blackston
(Applicant)

75-07621, Tormay Pipeline Proj #4974

-POD (wooden spring box)

-T21N, R21E, S34, SENWSW (FS)

-Lat 45.1037, Long -113.9705

21N 21E

NWSW

34

TORMAY PIPELINE Project #364974,
HEADBOX -FS, GPS date 10/4/2012
Lat 45.1037, Long -113.9705

75-07621, Tormay Pipeline Proj #4974

-POD (wooden spring box)

-T21N, R21E, S34, SENWSW (FS)

-Lat 45.1037, Long -113.9705



75-07621, Tormay Pipeline Proj #4974

15-01021 Tormay Spring Meadow



This photo was taken at the spring headbox located in T21N, R21E, S34, SENWSW
-Lat 45.1037, Long -113.9705.

75-07621, Tormay Pipeline Proj #4974
-picture of exposed pipeline below POD;
-T21N, R21E, S34, NWSW



75-04266 (FS License)

Tormay Pipeline Proj # 4974: Trough on FS

-T21N, R21E, S34, NWSE (FS)

-Lat 45.1047, Long -113.9625

21N 21E

34

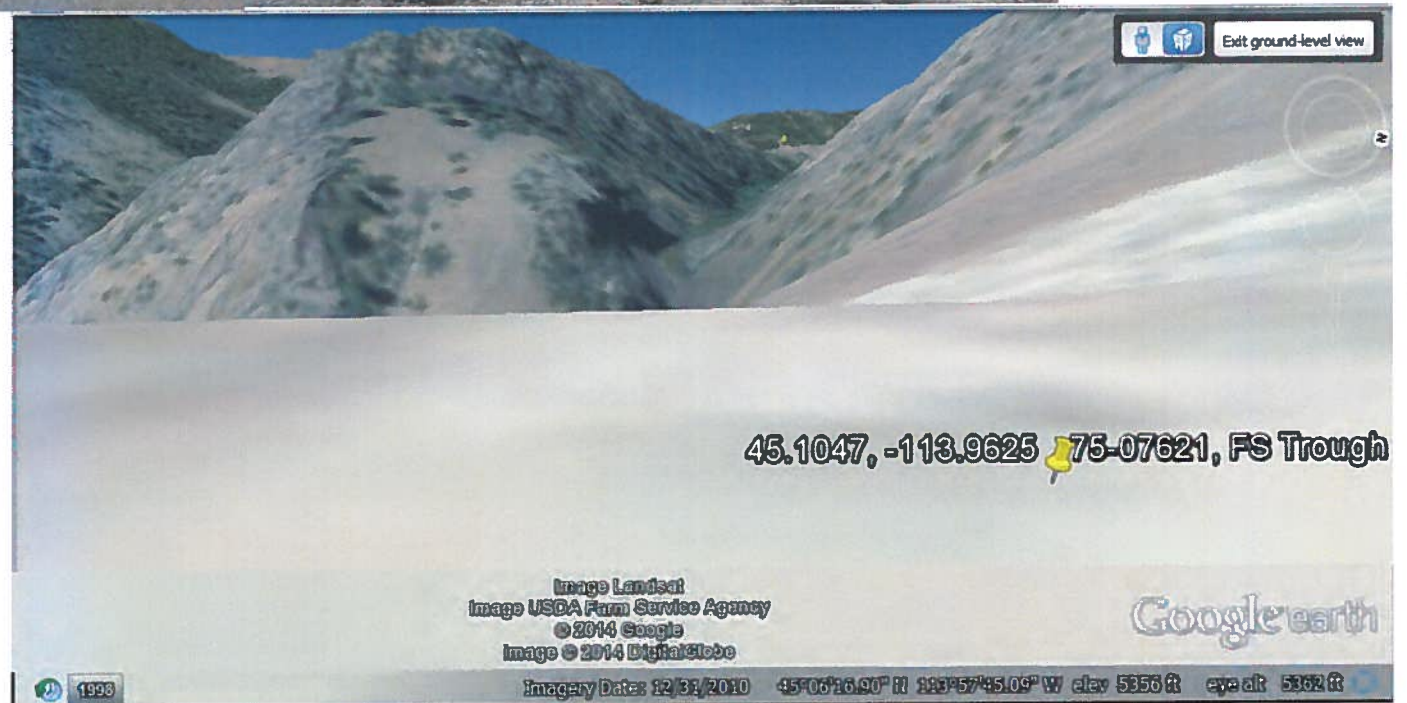
NESW

TORMAY PIPELINE Project #364974,
TROUGH -FS, GPS date 8/19/2003
Lat 45.1047, Long -113.9625

NWSE

75-04266 (FS License)

Tormay Pipeline Proj # 4974: Trough on FS

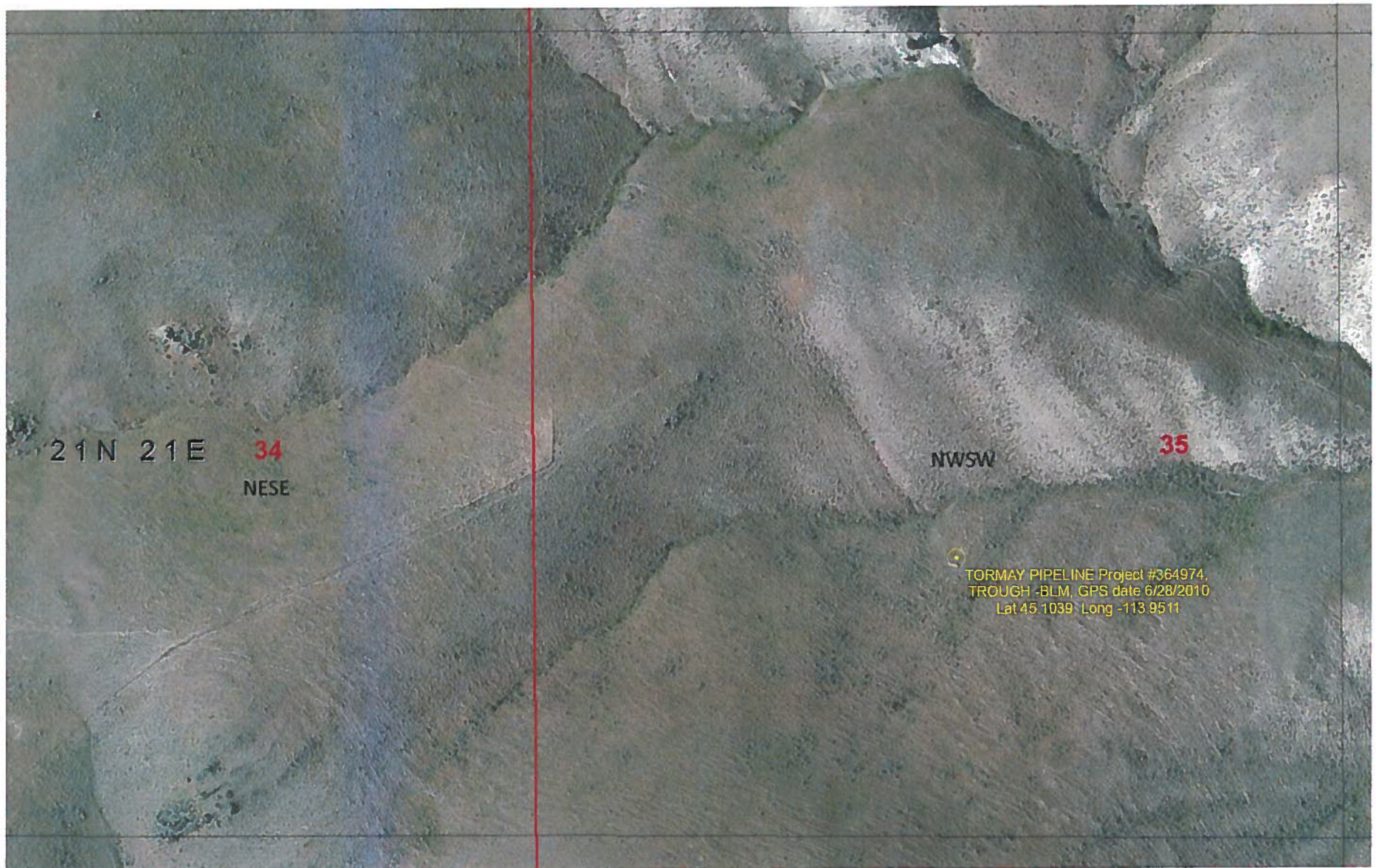


75-07621

Tormay Pipeline Proj # 4974: Trough on BLM

-T21N, R21E, S35, NWSW (BLM)

-Lat 45.1039, Long -113.9511



75-07621

Tormay Pipeline Proj # 4974: Trough on BLM

-T21N, R21E, S35, NWSW (BLM)

-Lat 45.1039, Long -113.9511



FS Claim (75-04266) to the trough on FS

2000 SEP 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-04266
)

The WR POD shapefile
for this right appears to
be a centroid within the
same QQ as the FS
trough, however BLM
has GPS'd the POD
within the NWSW.

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: TORMAY SPRING TRIBUTARY: TORMAY CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1961

POINT OF DIVERSION: T21N R21E S34 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE: Stockwater T21N R21E S34 NWSE Within Lemhi County

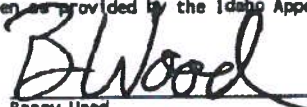
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

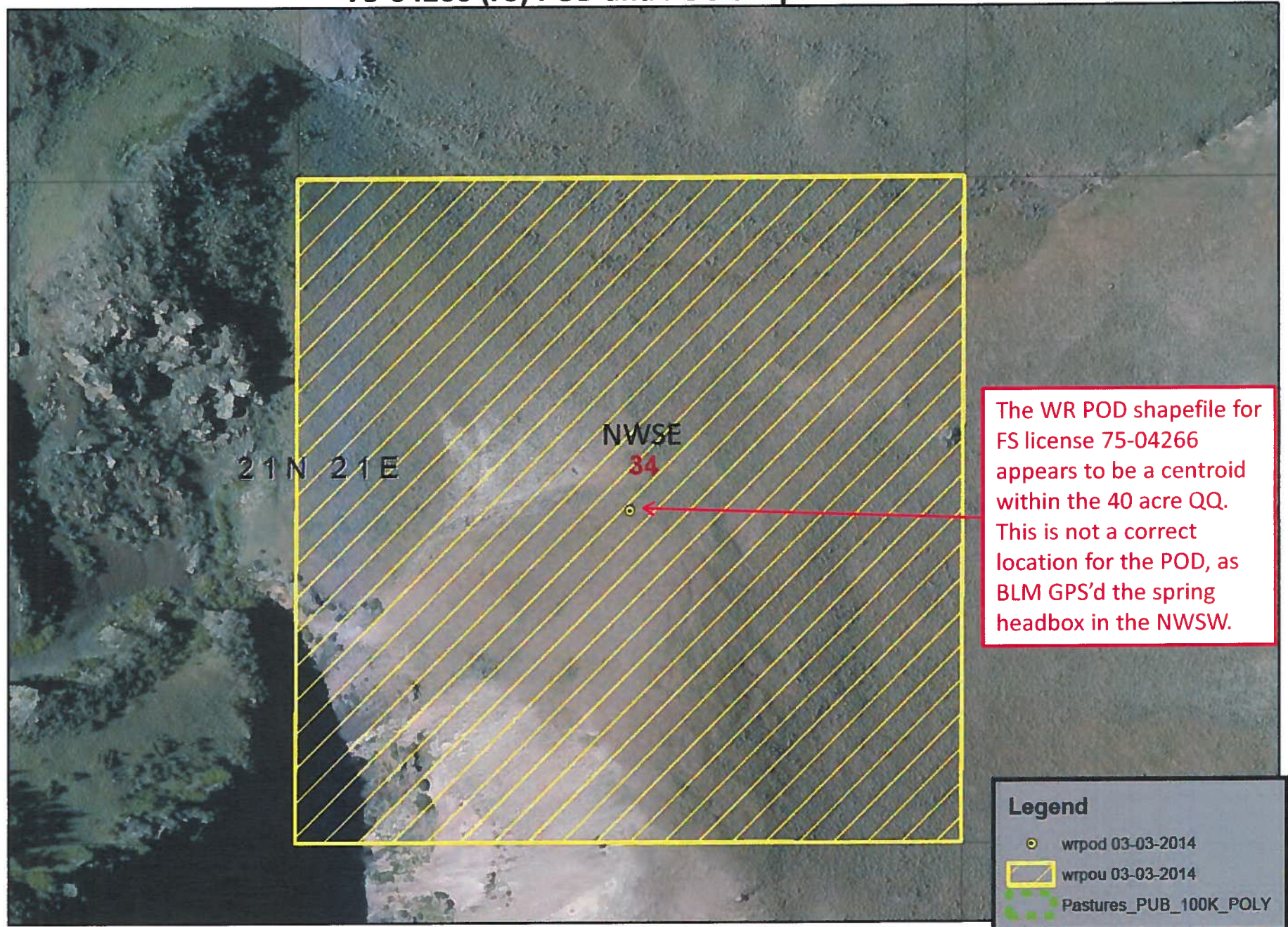
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

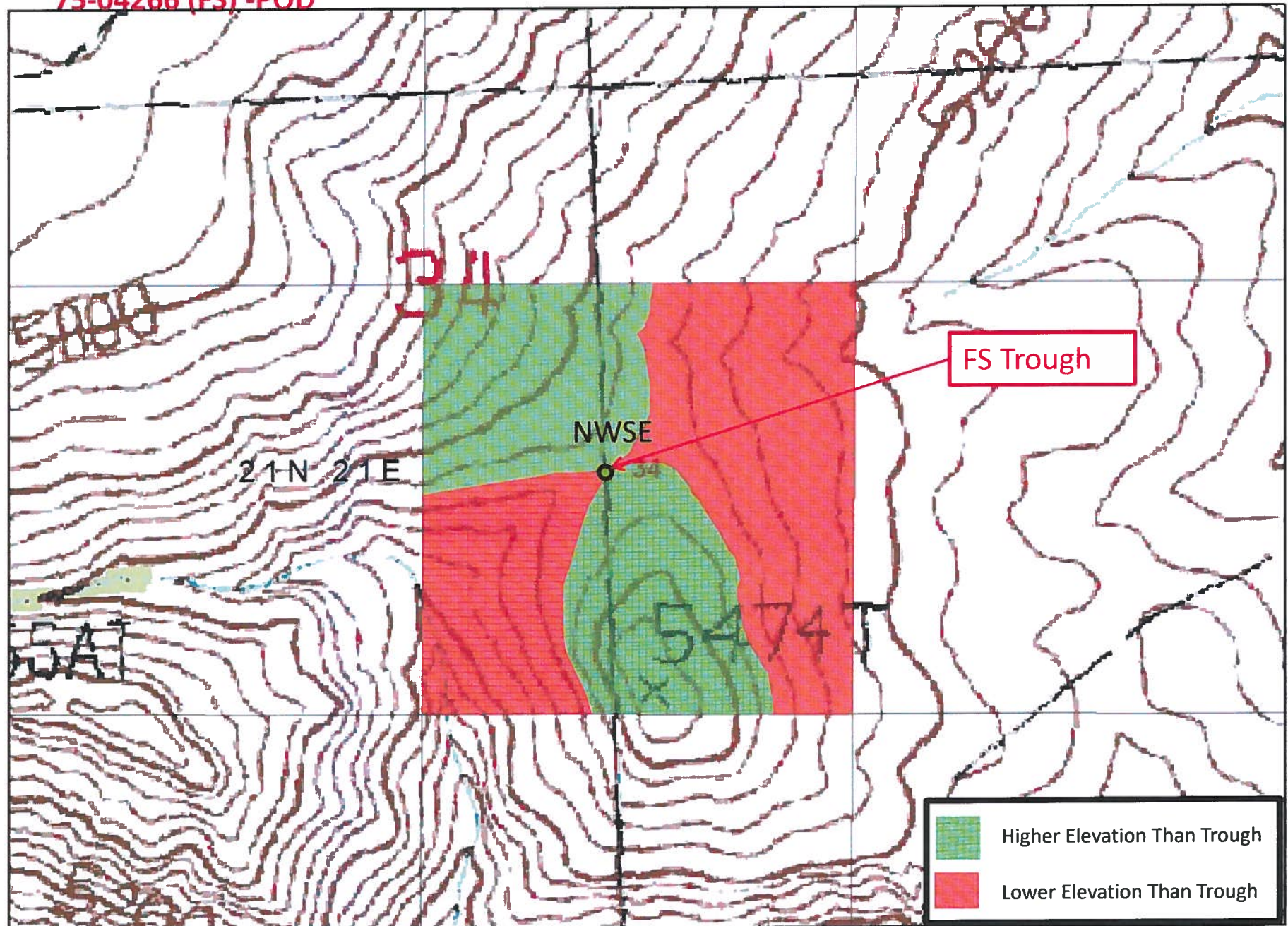
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

75-04266 (FS) POD and POU Shapefiles



75-04266 (FS) -POD



75-04266 (FS): No signs of a spring in the NWSE at an elevation higher than the trough; and BLM GPS'd the spring box in NWSW.

21N 21E

NWSE

34

FS Trough



Higher Elevation Than Trough



Lower Elevation Than Trough

Favreau, Danielle

From: Favreau, Danielle
Sent: Wednesday, March 26, 2014 4:59 PM
To: 'Price, Fredric'
Cc: Nelson, Dan
Subject: amendment to 75-7621 and meet re: other 74 & 75 permits
Attachments: amendment_75_7621.pdf

Hi Fred,

Please review the amendment to 75-7621. The amendment is for the change in Place of Use. The POU was adjusted for based on the following evidence:

- a. There was no evidence of a POD in the permitted Place of Use found during the In-house Field Exam.
- b. According to letter from BLM dated 02/03/2014, the trough covered by this right is using the headbox in (21N21E) Sec. 34.
- c. According to notes on the photographs, provided by BLM on 02/03/2014, the headbox is a USFS headbox.
- d. The only active water right in 21N21E34 is USFS right 75-4266.
- e. Headbox location on map provided by BLM dated October 2013 appears to be in or very near Tormay Creek and on a cliff face. There are no identified springs in the area where the BLM map has the headbox.

Based on the information listed above, the POD for this right is the same POD as 75-4266. The GIS POD location for 75-4266 was used for the POD location of 75-7621.

If BLM agrees with the information in the Amendment, please return it signed to IDWR along with the \$100.00 processing fee.

Dan Nelson has requested that I schedule a meeting between the three of us to discuss the remaining outstanding water permits you and I have been working on in Basins 74 & 75. Would you be available to meet here at the Water Center the week of April 14? Just about anytime between 1:30 and 4:00 on April 14, 15, or 16 will work for us. Will any of those days and times work for you?

Thanks,

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

MEMORANDUM

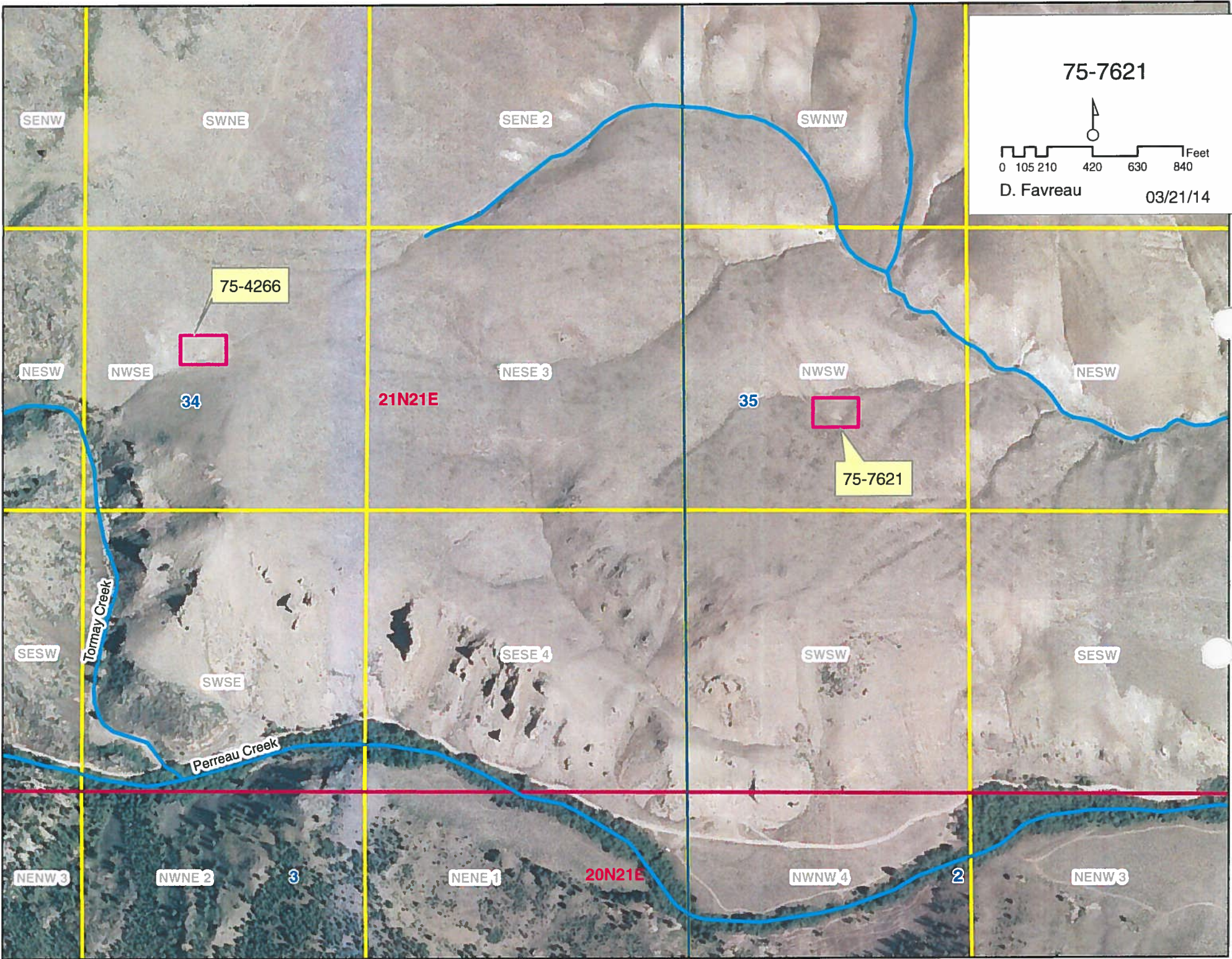
TO: FILE 75-7621
FROM: DANIELLE FAVREAU
SUBJECT: REPONSE TO DAN NELSON MEMO DATED MARCH 18, 2014
DATE: MARCH 25, 2014
CC:

In a memo from Dan Nelson dated March 18, 2014, Dan requested that I respond to 4 issues.

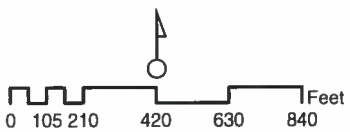
- 1) Source Name should remain Spring.
 - a. Workflow and appropriate documents have been changed.
 - b. Although the first right on the Tormay Pipeline (75-4266) has a decreed source of Tormay Spring, the Spring is not identified on USGS topo. maps or in the Geographic Names Information System.
- 2) Relationship between 75-4266 and 75-7621
 - a. According to letter from BLM dated 02/03/2014, the trough covered by this right is using the headbox in (21N21E) Sec. 34.
 - b. According to notes on the photographs, provided by BLM on 02/03/2014, the headbox is a USFS headbox.
 - c. The only active water right in 21N21E34 is USFS right 75-4266.
 - d. According to notes on the photographs, provided by BLM on 02/03/2014, there are 2 troughs on the system.
 - e. Per map provided by BLM dated October 2013, the first trough in the system is on USFS and in the same location as the trough of 75-4266.
 - f. Headbox location on map provided by BLM dated October 2013 appears to be in or very near Tormay Creek and on a cliff face. There are no identified springs in the area where the BLM map has the headbox.

Based on the information listed above, the POD for this right is the same POD as 75-4266. The GIS POD location for 75-4266 was used for the POD location of 75-7621. The first trough in the system is the USFS trough licensed under 75-4266.

- 3) Correct project number associated with this permit.
 - a. Per an email from Fred Price, BLM dated 03/21/2014, the correct project number is 364974.
- 4) Create a map showing the trough locations for both 75-4266 and 75-7621.
 - a. Please see map attached to this memo.



75-7621



D. Favreau 03/21/14

Favreau, Danielle

Subject: FW: project number for 75-7621

From: Price, Fredric [<mailto:fwprice@blm.gov>]
Sent: Friday, March 21, 2014 2:18 PM
To: Favreau, Danielle
Cc: edwilliams@blm.gov
Subject: Re: project number for 75-7621

Oh! Ok, great!

On Fri, Mar 21, 2014 at 2:15 PM, Favreau, Danielle <Danielle.Favreau@idwr.idaho.gov> wrote:

Hi Fred,

I am actually trying to license this one with the information provided on 2/3/14.

I will use the following text:

"Project locally known as Tormay Pipeline Project #364974"

By the way, I did get the amendment for 55-13850. Thank you. It should be processed next week.

Danielle

From: Price, Fredric [<mailto:fwprice@blm.gov>]
Sent: Friday, March 21, 2014 1:46 PM
To: Favreau, Danielle
Cc: edwilliams@blm.gov
Subject: Re: project number for 75-7621

Danielle,

RE: 75-07621 (Tormay Pipeline)

Sorry, I'm old school. Historically, project numbers are 4 digits (i.e. 4974), but now-a-days they added the 1st 2 digits (i.e. 36) to identify what office the project exists within. I suppose the entire sequence would be more appropriate (i.e. 364974).

Did we file an amendment? I can't find a copy of it in my system. Are you preparing an amendment or did my field office file one?

Fred

On Fri, Mar 21, 2014 at 1:18 PM, Favreau, Danielle <Danielle.Favreau@idwr.idaho.gov> wrote:

Hi Fred,

What is the project number you would like listed on permit 75-7621?

The amendment lists the number as #4974 but the Improvement Master Report has the RIPS Project Number is #364974.

We will use what you tell me.

Thanks,

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098