

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-07685

Priority: April 10, 2000

Maximum Diversion Rate: 0.16 CFS
Maximum Diversion Volume: 6.9 AF

It is hereby certified that UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated April 10, 2000; and has submitted Proof of Beneficial Use on
April 07, 2000. An examination confirms water is diverted from

SOURCE

UPPER RATS NEST SPRING

Tributary: RATS NEST GULCH 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	01/01 to 12/31	0.09 CFS	4.6 AF
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE	01/01 to 12/31	0.05 CFS	2.2 AF
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE FROM STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.16 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UPPER RATS NEST SPRING NE1/4SW1/4SE1/4 Sec. 28, Twp 01N, Rge 04W, B.M. OWYHEE County

PLACE OF USE: STOCKWATER AND WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 04W 28															X	X	

PLACE OF USE: STOCKWATER STORAGE AND WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 04W 28															X		

State of Idaho
Department of Water Resources
Water Right License

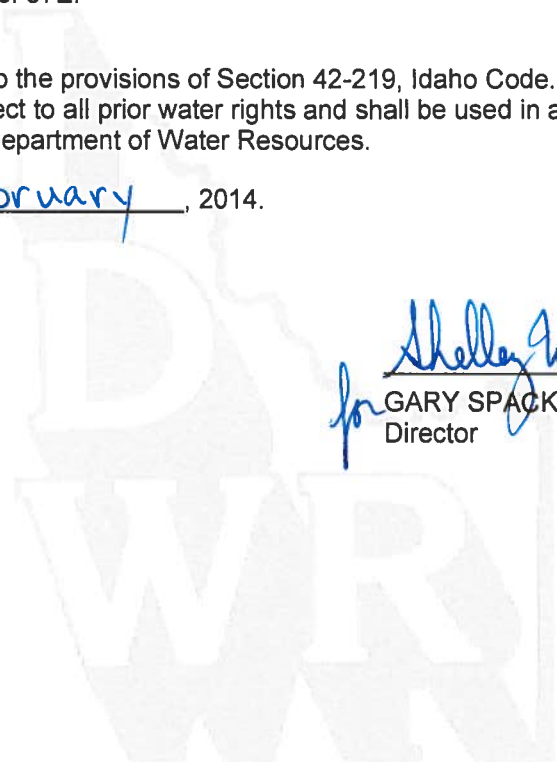
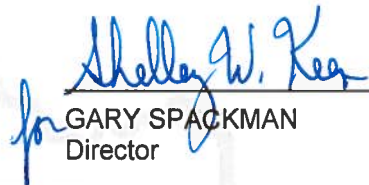
WATER RIGHT NO. 57-07685

CONDITIONS OF APPROVAL

1. This development is known as Upper Rats Nest Spring Project 0075.
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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57E.

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.

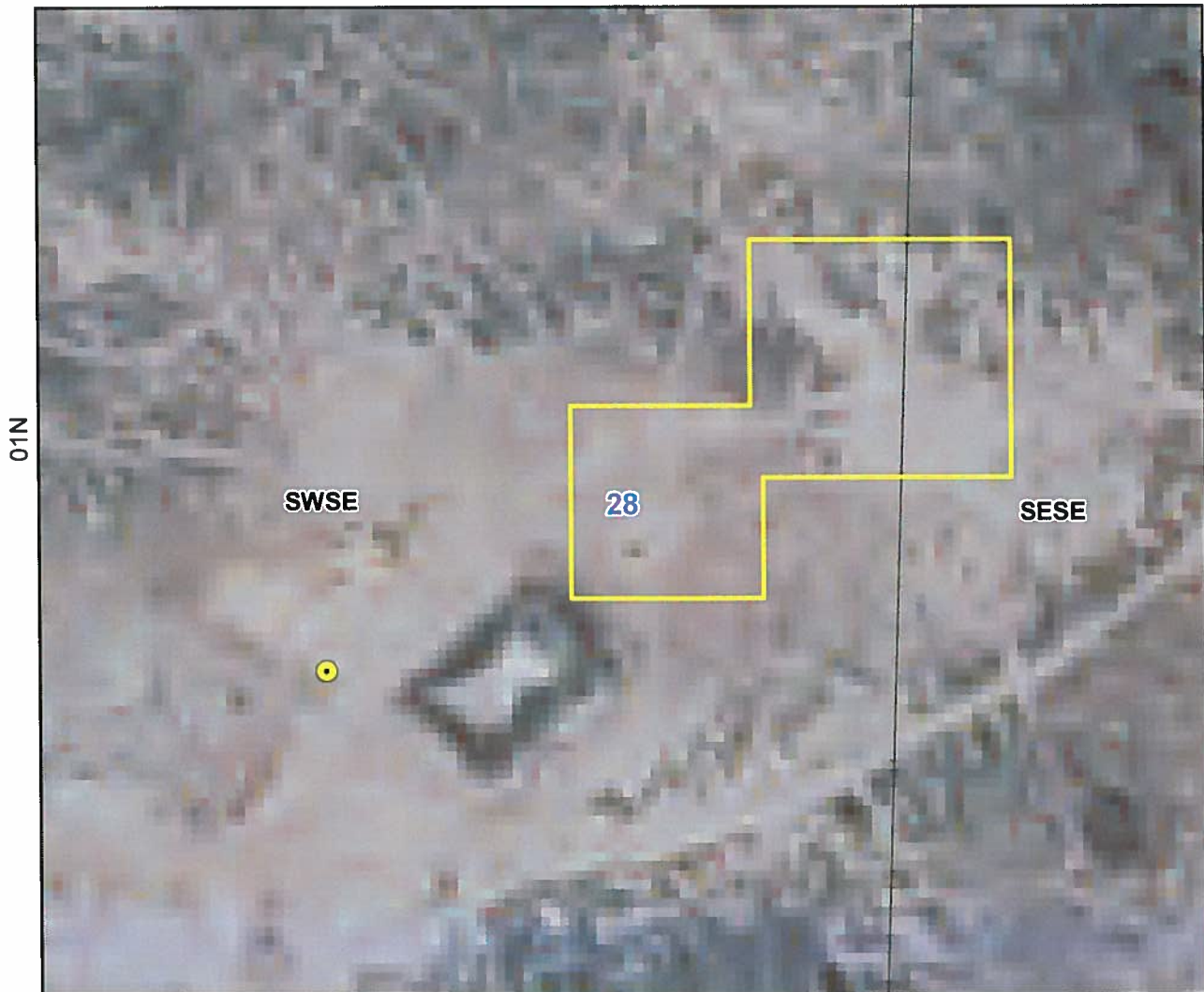
Signed this 3rd day of February, 2014.



for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
57-7685

This map depicts the STOCKWATER 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.

04W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0075 0.015 0.03 Miles





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

February 5, 2014

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: License Nos. 57-7685 & 57-7692

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 February 6, 2014, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NOS. 57-7685 & 57-7692

**UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657**



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. 57-07685

RECEIVED
JAN 28 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: April 10, 2000

Maximum Diversion Rate: 0.16 CFS

Maximum Diversion Volume: 6.9 AF

Comes now UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

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. 57-07685, and requests that the permit be changed as follows:

Source: UPPER RATS NEST SPRING **Tributary:** RATS NEST GULCH CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.09 CFS	4.6 AF
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE	01/01 to 12/31	0.05 CFS	2.2 AF
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE FROM STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.16 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UPPER RATS NEST SPRING NE1/4SW1/4SE1/4 Sec. 28, Twp 01N, Rge 04W, B.M OWYHEE County

PLACE OF USE: STOCKWATER & WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 04W 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X	X	

PLACE OF USE: STOCKWATER STORAGE & WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 04W 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															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 28 day of January, 2014.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 57-07685

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by SS # C098240 Date 1/28/14

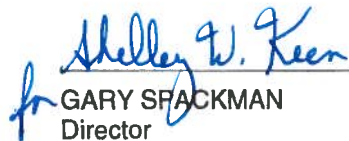
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 57-07685 with the following:

CONDITIONS OF APPROVAL

1. This development is known as Upper Rats Nest Spring Project 0075.
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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57E.

Witness my hand this 3rd day of February, 2014.

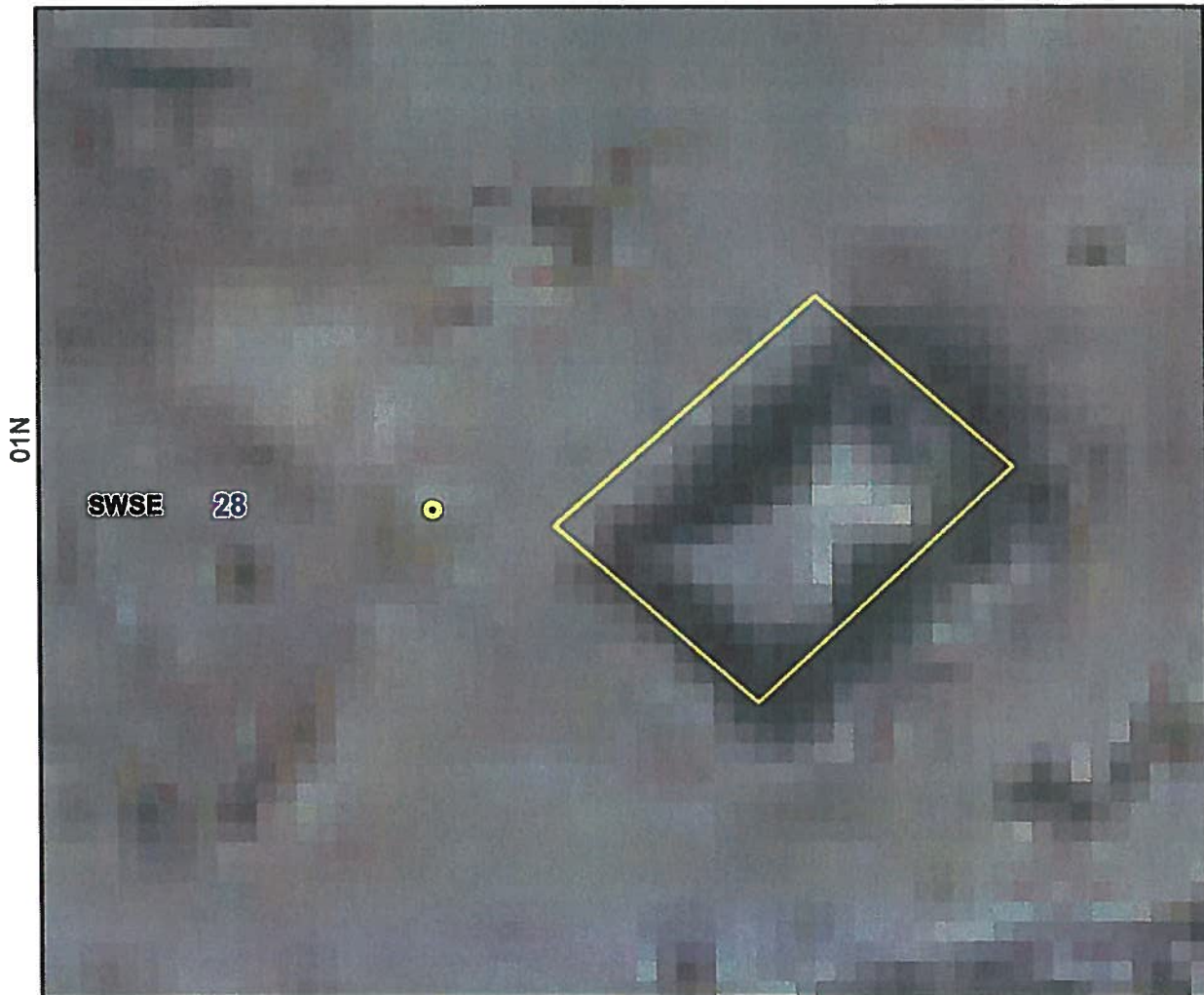

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License 57-7685

This map depicts the STOCKWATER 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.

04W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0035 0.007 0.014 Miles

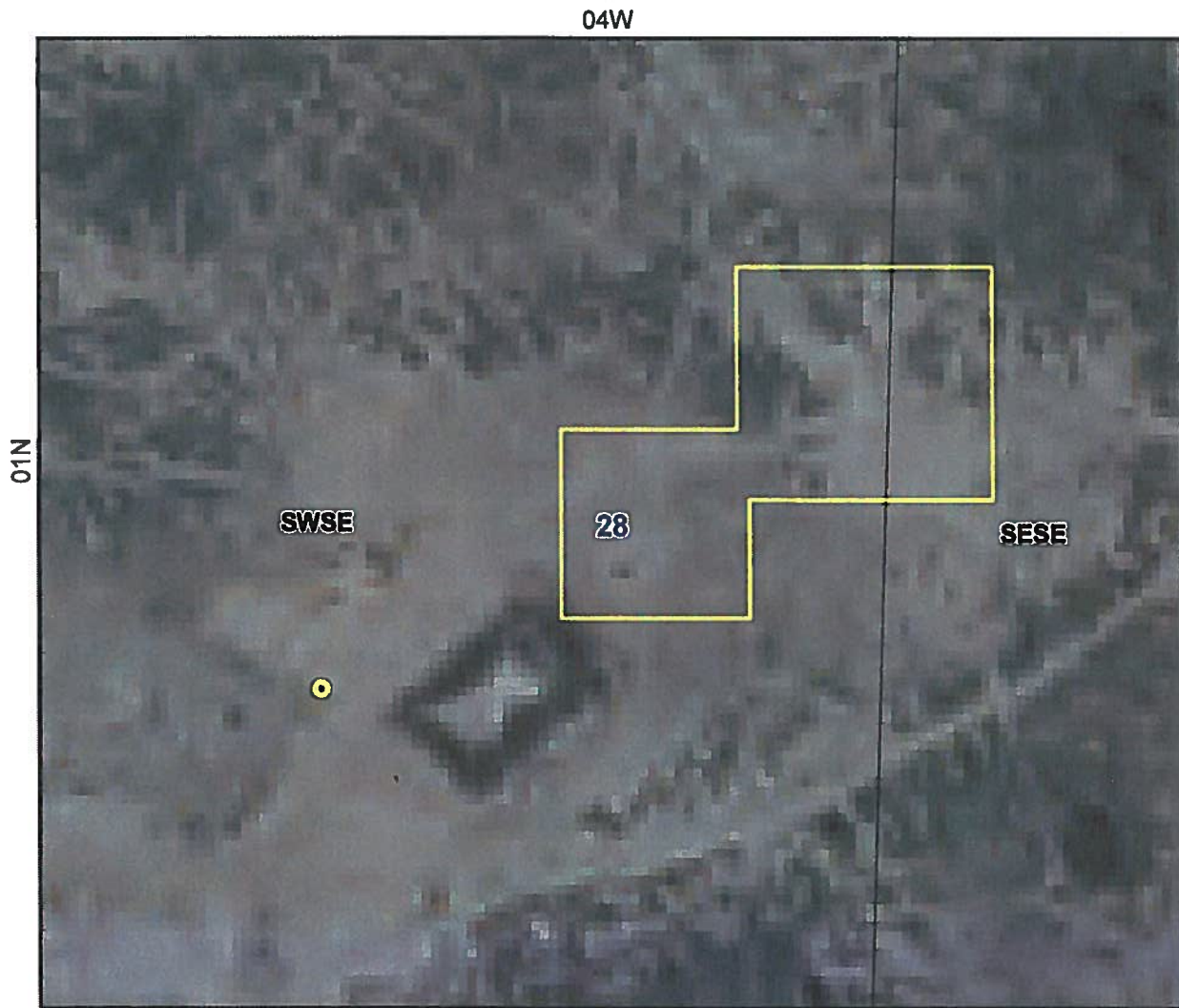


State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

57-7685

This map depicts the STOCKWATER 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 0.0075 0.015 0.03 Miles



57-07685

21

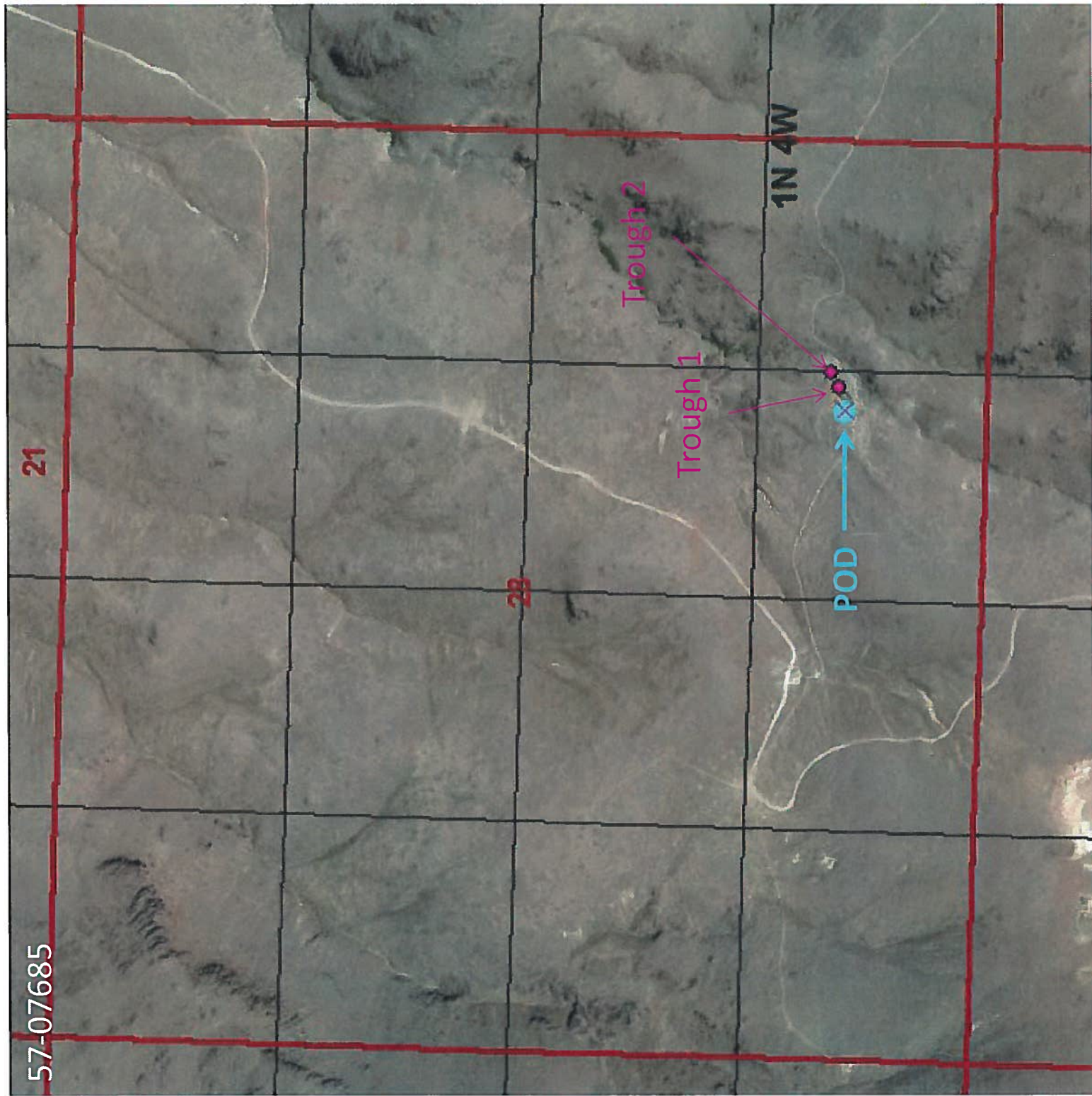
23

1N 4W

Trough 2

Trough 1

POD



57-07685

28

1N 4W

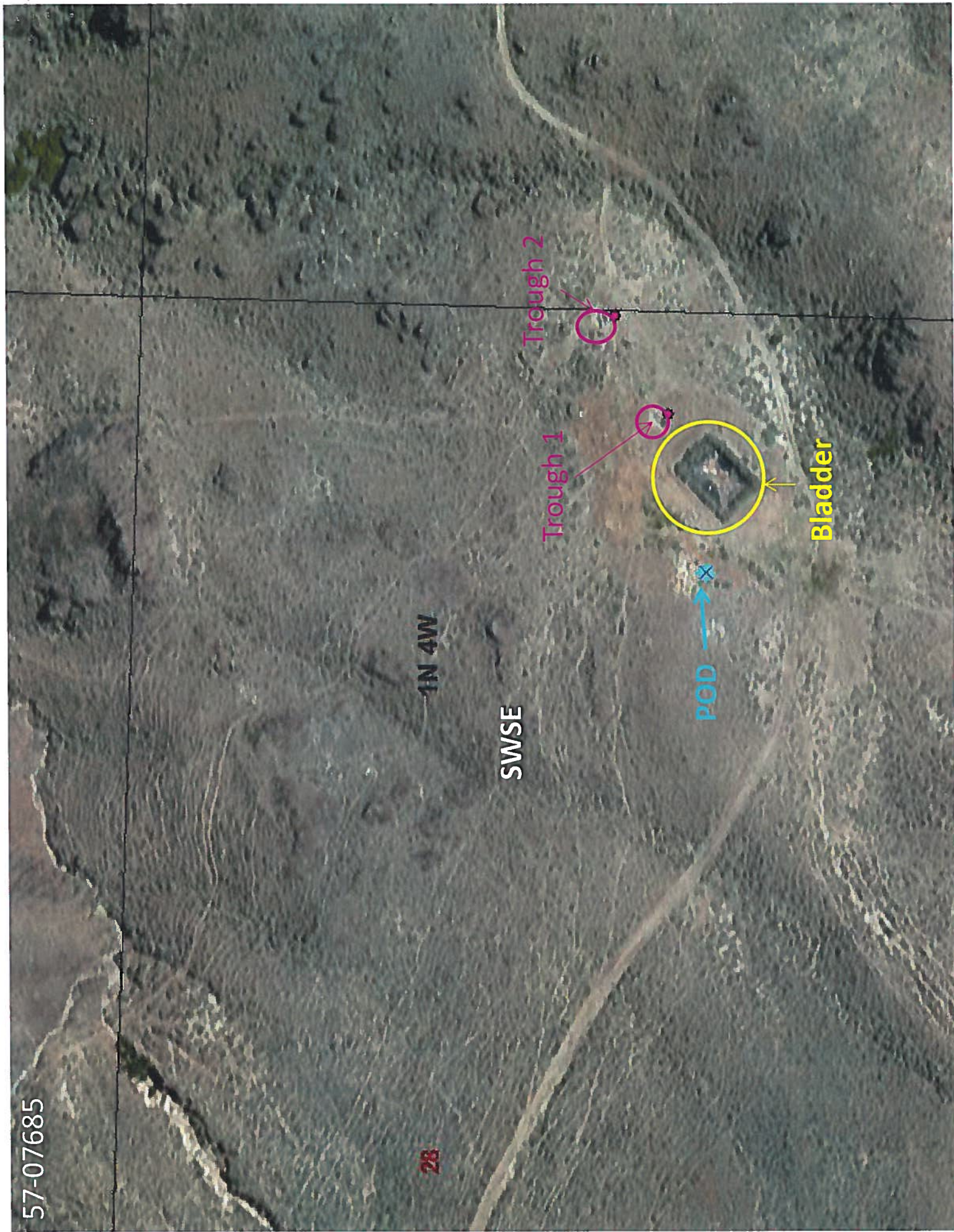
SWSE

Trough 2

Trough 1

POD

Bladder



MEMORANDUM

TO: Danielle Favreau

FROM: Daniel Nelson – Staff Hydrologist

DATE: December 4, 2013

SUBJECT: Licensing Review of Water Right 57-7685

I have been working with Danielle and Raul Trevino Jr. on several water right permits. During my initial work with Mr. Trevino, we had several questions, which Mr. Trevino answered and signed a conversation memorandum acknowledging the corrections. Please see memo dated December 2, 2013. This memo deals with the rates and volumes for each water user, which are a little different than normal filings. Each component will be addressed separately below.

Storage Component:

The storage component was placed on this water right to cover a 14,855 gallon bladder and 5,000 gallon underground storage tank. The underground storage tank was not constructed, so the only storage for this water right is the bladder. The bladder prevents water from seeping into the ground and from evaporation, so the only actual storage is the capacity of the bladder. The following is the calculation for the storage component:

$$14,855 \text{ gallons} / 325850 = 0.1 \text{ acre feet of storage.}$$

Diversion to Storage:

The diversion to storage is a bit of a strange system, which is dependent on the flow of the spring. There is no way to measure the flow rate, so we did a spring box analysis. Please see the attached calculation sheet for the diversion to storage calculation. The spreadsheet shows a diversion to storage of 0.16 cfs (rounded). This matches the diversion rate requested in the permit, so I believe this the flow rate the system was designed to provide.

Stockwater and Wildlife:

This permit provided a different flow rate for the stockwater and the wildlife components. The stockwater was based on the Field Examiner's Handbook for range cattle of 0.09 cfs for 300 to 400 head. The permit states that there are 341 head of cattle allowed on this grazing lease. The permit states that there are also 160 head of horses. I am assuming that the horses are for the wildlife, since this an area known for their wild horses. According to the Field Examiner's handbook, a 100 to 200 head of horses are limited 0.05 cfs, but the permit allowed 0.07 cfs. Please see the attached sheet from the Field Examiner's Handbook. I am not sure where the additional diversion rate came from. I would recommend that this permit be limited to the amounts allowed by the Field Examiner's Handbook as shown below:

341 range cattle X 12 gpd X 365 days / 325850 = 4.6 af

160 wild horses X 12 gpd X 365 days / 325850 = 2.2 af

Recommendation =

Stockwater (341 cattle) = 0.09 cfs and 4.6 af

Wildlife (160 horses) = 0.05 cfs and 2.2 af

Flow Rate (Q) Calculator

Step 1 - Input Elevation Measurement Data

Note, input measured elevations where prompted, input N/A for elevation measurements not obtained. Refer to Figure 1.

Water Surface Elevation = 3,800 feet

About Step 1

Pipe Inlet Elevation = 3,800 feet

Pipe Outlet Elevation = 3,760 feet

Step 2 - Input Pipeline Dimensional Data

Length of Pipe, L = 208 feet

About Step 2

Diam. of Pipe, D = 2 inches (inside diam.)

Step 3 - Select Pipe Material Type from Pull Down Menu

steel, welded and seamless

About Step 3

C = 100 unitless (Hazen-Williams Roughness Coeff.)

Step 4 - Iteratively Solve for Flow Rate w/ Scroll Bar Controls

Initial Flow Rate, Q_i = 0.1575 cfs

About Step 4

Recommended 1st Guess, Q_{rec} = 0.1091 cfs

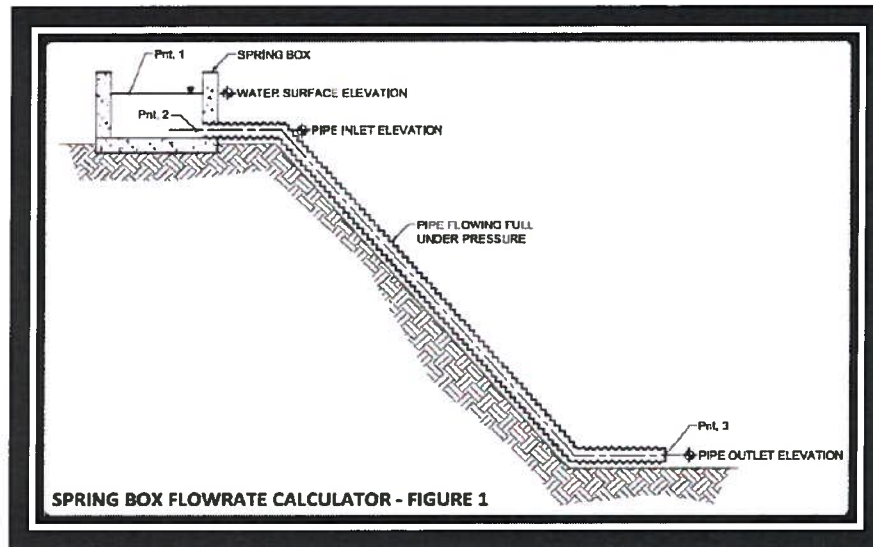
Output:

Friction Head, h_f = 39.2 feet

Flow Rate, Q_f = 0.1559 cfs

OKAY

READ ME



Scroll Bar Controls

Ones:

1/1,000ths:

1/10ths:

1/10,000ths:

1/100ths:

About Scroll Bar Use

Comments:

Permit 57-7685 - Diversion Rate Calculation -- By Dan Nelson

The maximum capacity of the system was determined using topo maps and the diameter of the pipe. The maximum capacity is 0.16 cfs. The diversion rate is limited by the permit of 0.9 cfs for stockwater, 0.7 cfs for wildlife, and 0.16 cfs for diversion to storage for a total of 0.16 cfs.

TABLE 1, RECOMMENDED DIVERSION RATES FOR STOCKWATER

In cubic feet per second (cfs)

<u>No. of head</u>	<u>Dairy cows</u>	<u>Other cattle, horses & mules</u>	<u>Hogs</u>	<u>Sheep & goats</u>
0 - 25	0.02	0.02	0.02	0.02
26 - 50	0.04	0.02	0.02	0.02
51 - 100	0.07	0.03	0.02	0.02
101 - 200	0.13	0.05	0.02	0.02
201 - 300	0.20	0.07	0.02	0.02
301 - 400	0.26	0.09	0.03	0.02
401 - 500	0.33	0.12	0.04	0.02
501 - 600	0.39	0.14	0.05	0.03
601 - 700	0.46	0.16	0.05	0.03
701 - 800	0.52	0.19	0.06	0.03
801 - 900	0.58	0.20	0.07	0.04
901 - 1000	0.65	0.23	0.08	0.04

For chickens, round to the next highest 100 and multiply this number by 0.0000018.
For turkeys, round to the next highest 100 and multiply this number by 0.0000033.

If you have more than 1000 head of stock (other than poultry), round the number of head to the next highest 100, and multiply this number by one of the following factors:

For dairy cows, multiply by 0.00065

For other cattle, horses, or mules, multiply by 0.00022

For hogs, multiply by 0.000074

For sheep or goats, multiply by 0.000037

Round the amount you calculate to the nearest 0.01 cfs and enter this amount in the appropriate space on your claim. You may claim 0.01 cfs even if your calculated amount is less than 0.01 cfs.

VOLUME FACTORS

<u>STOCK</u>	<u>GPD/HEAD</u>
dairy cattle	35
range cattle	12
horses	12
mules	12
hogs	4
goats & sheep	2

Sources of information for this page include SRBA Claim Instructions, revised 6/89, and Field Examiners Handbook, 1986, currently under revision.

SL 6/18/92

MEMORANDUM

TO: Danielle Favreau
FROM: Daniel Nelson – Staff Hydrologist
DATE: ~~November 25, 2013, 2013~~
SUBJECT: Licensing Review of Water Right 57-7685

December, 2, 2013
Dan.

The map that was sent in was correct and the GPS coordinates were not correct. The attached maps show the correct location.

The abandoned trough was in use at the time proof was filed.

The bladder is 14,855 gallons. It was functional at the time proof was submitted, but it is currently not operable.

The 5,000 gallon tank was never developed.

Pat  12/02/2013



Trough 2 functioning

Trough 1 (abandoned)

headbox

SWSE
28 01N04W

SESE

Bladder

Handwritten signature 12/02/2013

Nelson, Dan

To: Trevino Jr, Raul
Subject: Permit 57-7685

Hello Raul,

We ran into another one that we need some confirmation on. I don't think that you need to go back out, but we need you to confirm a few things. This is for permit 57-7685, Upper Rats nest Spring (0075). We need confirmation on the following:

- 1.) You showed two troughs in your photos, but only showed one trough on your maps. We can license both troughs if they were in place at the time the water right was developed. Were both troughs used, and what is being used now? The GPS files didn't seem to match the aerial photos, so could you check the coordinates again and send them to us?
- 2.) The permit says that the water is diverted from the spring to a 5,000 gallon underground steel storage tank, that flows to a 14,855 gallon bladder. You said the bladder isn't functional, but we can include it on the license, since it was there at the time the proof of completion was filed. I need confirmation of the sizes of the underground storage tank and the size of the bladder. Were both installed?
- 3.) The photos show that both tanks are dry. Is this because the bladder is broken?
- 4.) I also need the size of pipe from the spring box to the bladder and the tanks. We need this to determine the rate of flow capability of the system. Do you have specs on that in your file? Judging for the photos you sent, I would say they are 2 inch steel pipe, but I am just guessing.

If you could send me the above information and clarifications, I would really appreciate it.

Daniel A. Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)