



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

November 8, 2013

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

RE: License No. 74-7352

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 November 13, 2013, 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. 74-7352

**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
Water Right License

WATER RIGHT NO. 74-07352

Priority: April 03, 1995

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 4.0 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: RYE GRASS 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>
WILDLIFE	05/01 to 12/31	0.04 CFS	4.0 AF
STOCKWATER	05/01 to 12/31	0.04 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NE1/4SE1/4 Sec. 21, Twp 17N, Rge 23E, B.M. LEMHI County

PLACE OF USE: WILDLIFE AND STOCKWATER

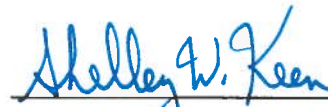
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 23E 22	X																

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Place of use is locally known as Rye Grass Pipeline Range Improvement Project System #5032.
3. This right authorizes the diversion of water to a trough from the same spring that is the source of water for Water Right 74-1272.
4. 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.

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.

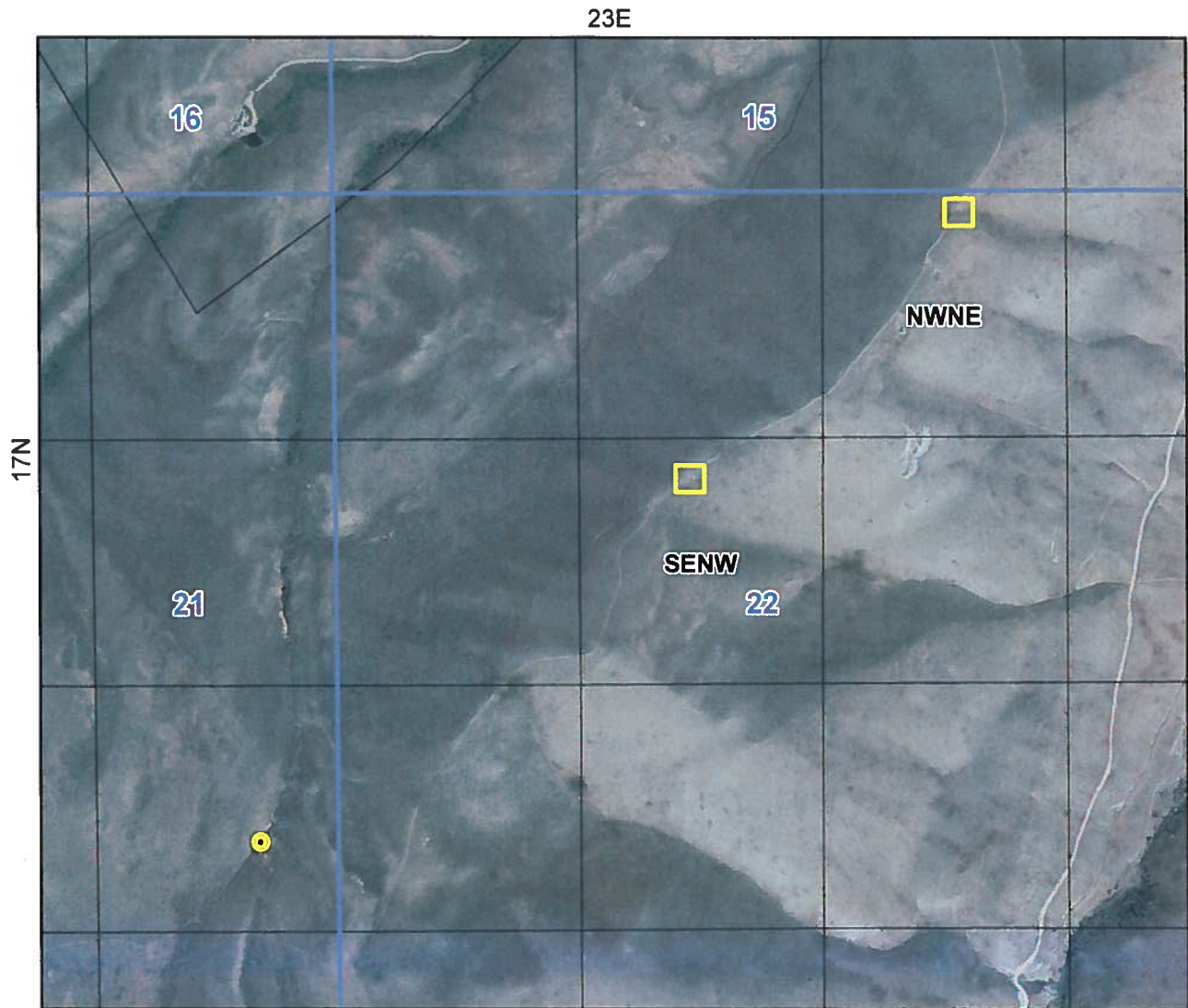
Signed this 6th day of November, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License 74-7352

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 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 74-07352

RECEIVED

OCT 23 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: April 03, 1995

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 4.0 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. 74-07352, and requests that the permit be changed as follows:

Source: SPRING

Tributary: RYE GRASS CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	05/01 to 12/31	0.04 CFS	4.0 AF
STOCKWATER	05/01 to 12/31	0.04 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NE1/4SE1/4 Sec. 21, Twp 17N, Rge 23E, 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	NE	NW	SW	SE	
17N 23E 22		X						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 23 day of October, 2013


(Signature)

RECEIVED
NOV 14 2013

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07352

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100.00 Received by HP # 0097898 Date 10-23-13

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. 74-07352 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Place of use is locally known as Rye Grass Pipeline Range Improvement Project System #5032.
3. This right authorizes the diversion of water to a trough from the same spring that is the source of water for Water Right 74-1272.
4. 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.

Witness my hand this 6th day of November, 2013.

Shelley W. Keen
for GARY SPACKMAN
Director

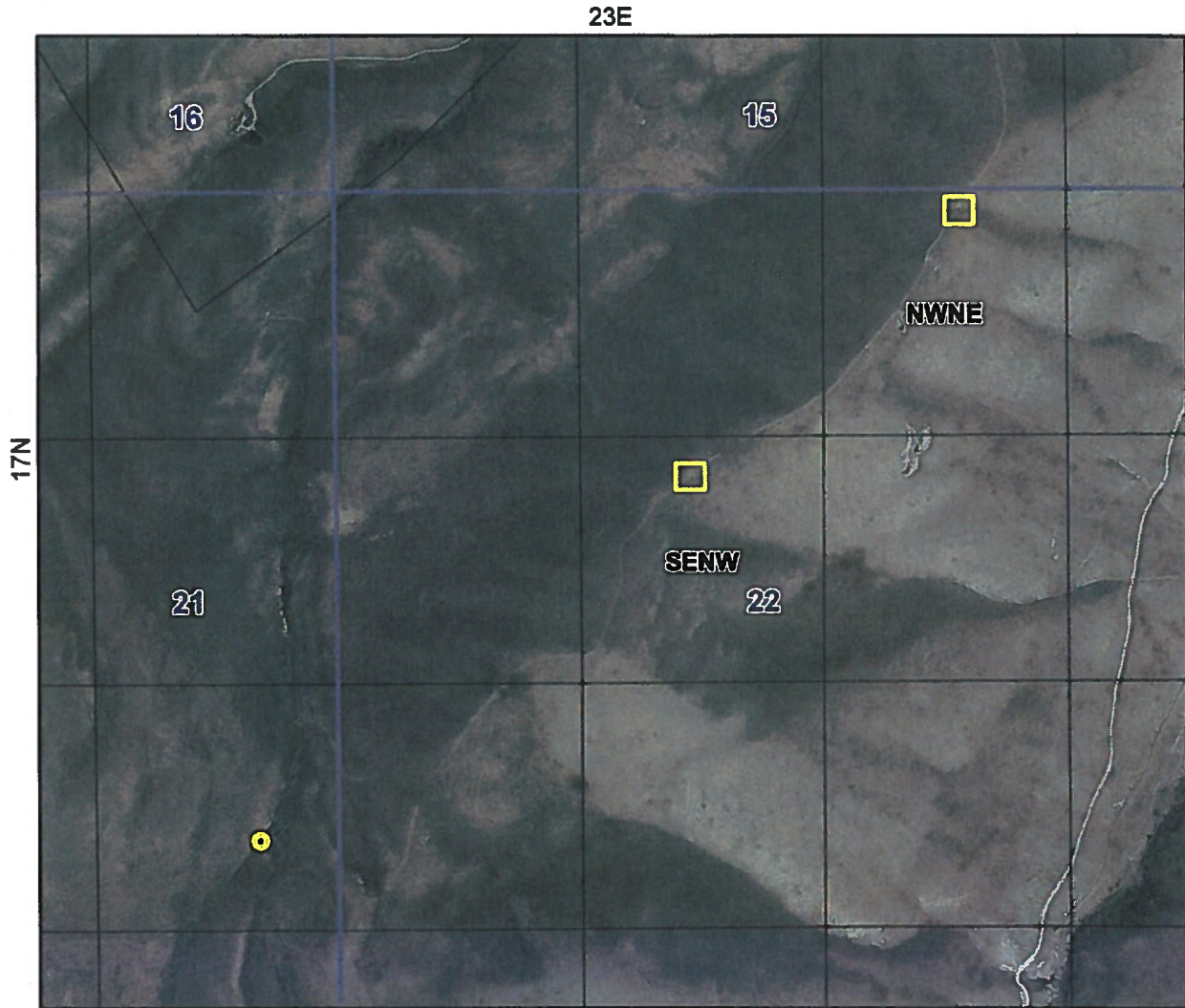
SCANNED
NOV 14 2013

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

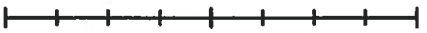
74-7352

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 0.1 0.2 0.4 Miles



SCANNED
NOV 14 2013



Favreau, Danielle

To: Price, Fredric
Subject: RE: Amendment 74-7352

From: Price, Fredric [<mailto:fwprice@blm.gov>]
Sent: Wednesday, October 23, 2013 4:22 PM
To: Favreau, Danielle
Cc: Gary Madenford; Anthony Feldhausen; Linda Price
Subject: Re: Amendment 74-7352

Danielle,

RE: Permit Amendment: 74-07352, Rye Grass Pipeline

I'm on my way over to file the amendment with IDWR's State Office (see attached). I also produced a system map from the photos and labeled them (see attached).

Fred

On Tue, Oct 22, 2013 at 3:35 PM, Favreau, Danielle <Danielle.Favreau@idwr.idaho.gov> wrote:

Hello Fred,

Attached is the amendment for 74-7352. Please let me know if you have any questions.

As usual, if you agree with the changes please have the proper authorities sign and return to IDWR with the \$100 application processing fee.

Thanks,

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 74-07352

Date of Priority: April 03, 1995

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 4.0 AF

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

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Tributary: RYE GRASS CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	05/01 to 12/31	0.04 CFS	4.0 AF
STOCKWATER	05/01 to 12/31	0.04 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NE1/4SE1/4 Sec. 21, Twp 17N, Rge 23E, 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	NE	NW	SW	SE	
17N 23E 22		X						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 23 day of October, 2013


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 74-07352

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

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. 74-07352 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Place of use is locally known as Rye Grass Pipeline Range Improvement Project System #5032.
3. This right authorizes the diversion of water to a trough from the same spring that is the source of water for Water Right 74-1272.
4. 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.

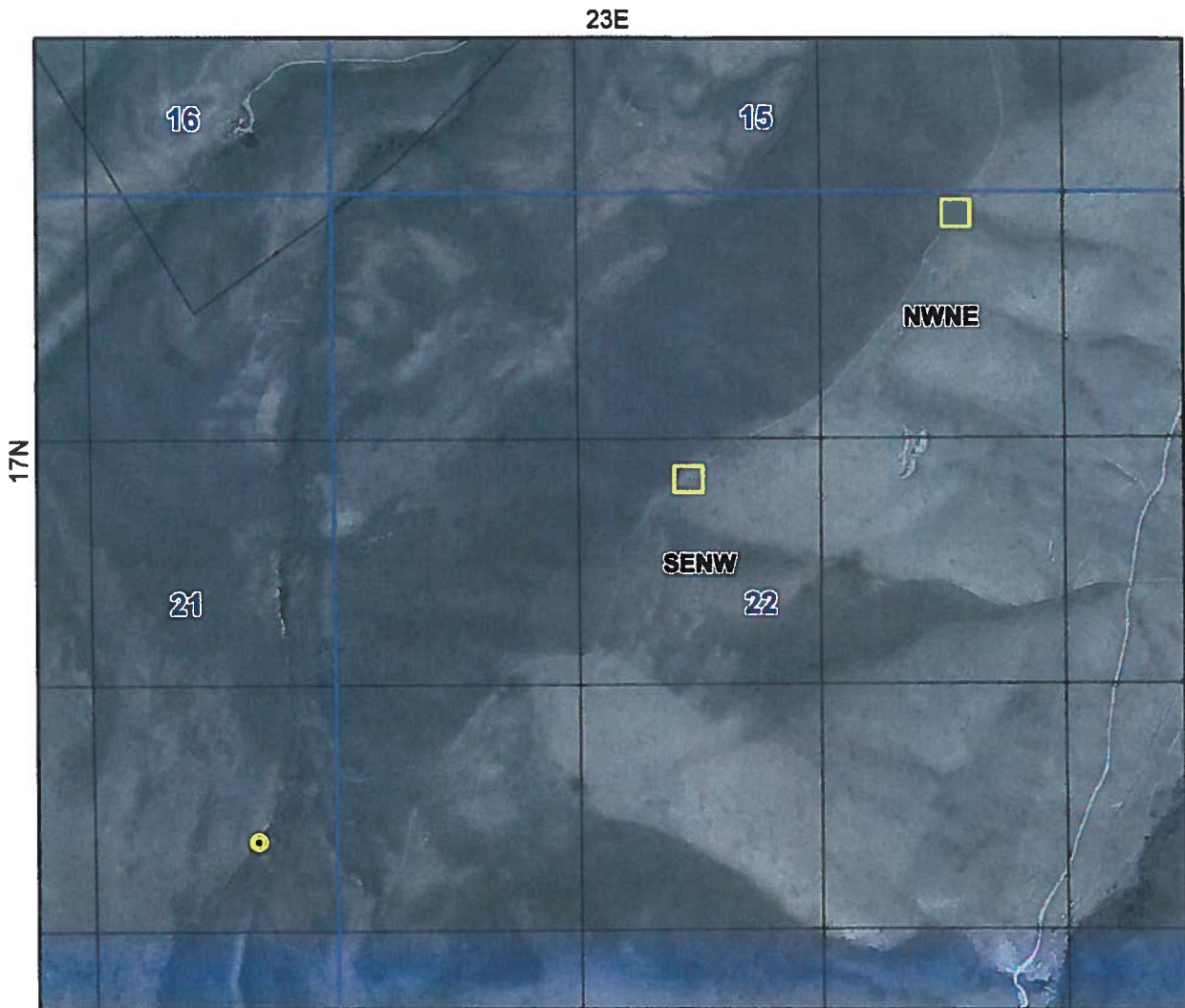
Witness my hand this _____ day of _____, 2013.

GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License 74-7352

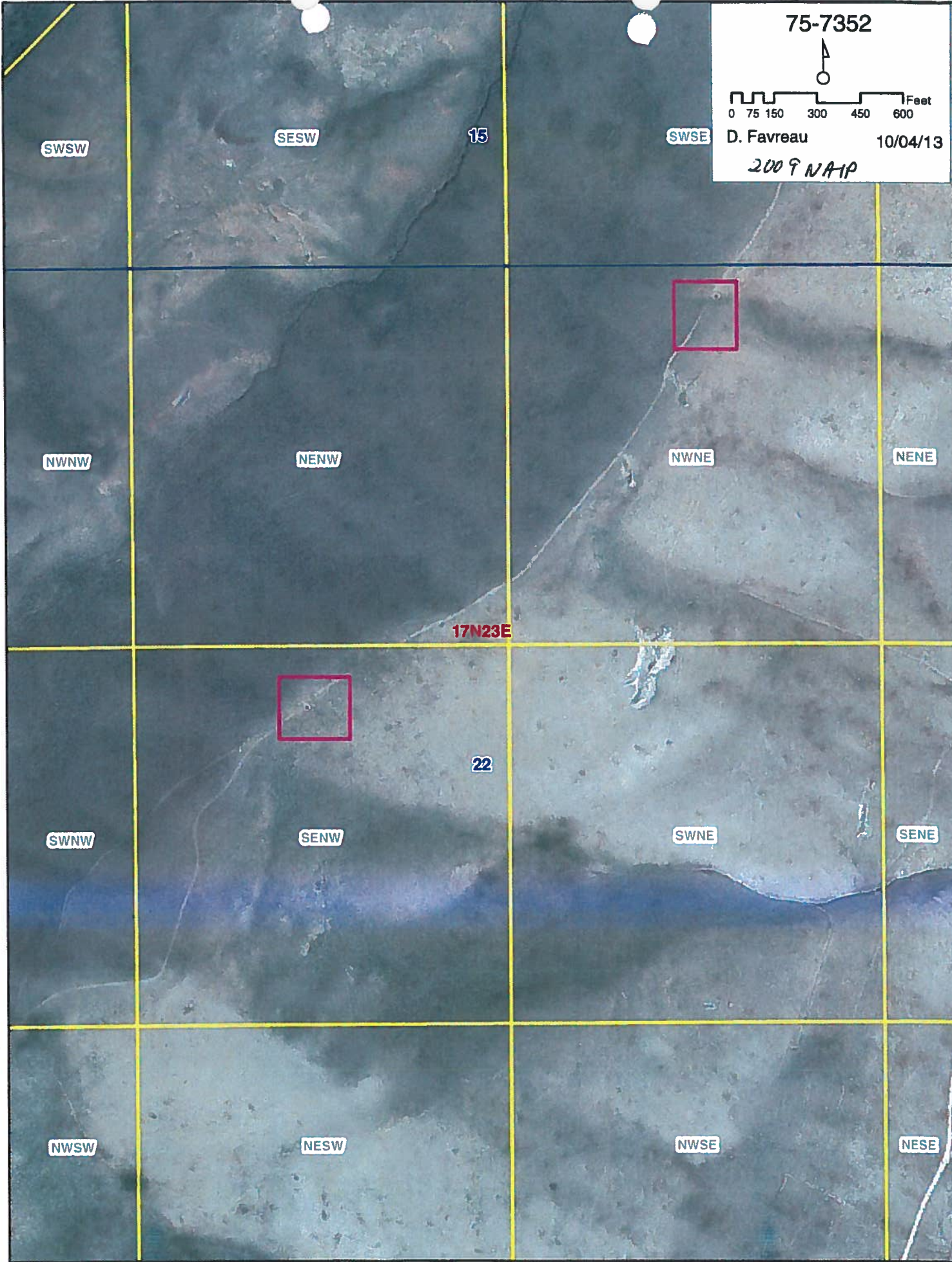
This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.1 0.2 0.4 Miles





75-7352



0 75 150 300 450 600 Feet

D. Favreau

10/04/13

2009 NAIIP

SWSW

SESW

15

SWSE

NWNW

NENW

NWNE

NENE

17N23E

22

SWNW

SENW

SWNE

SENE

NWSW

NESW

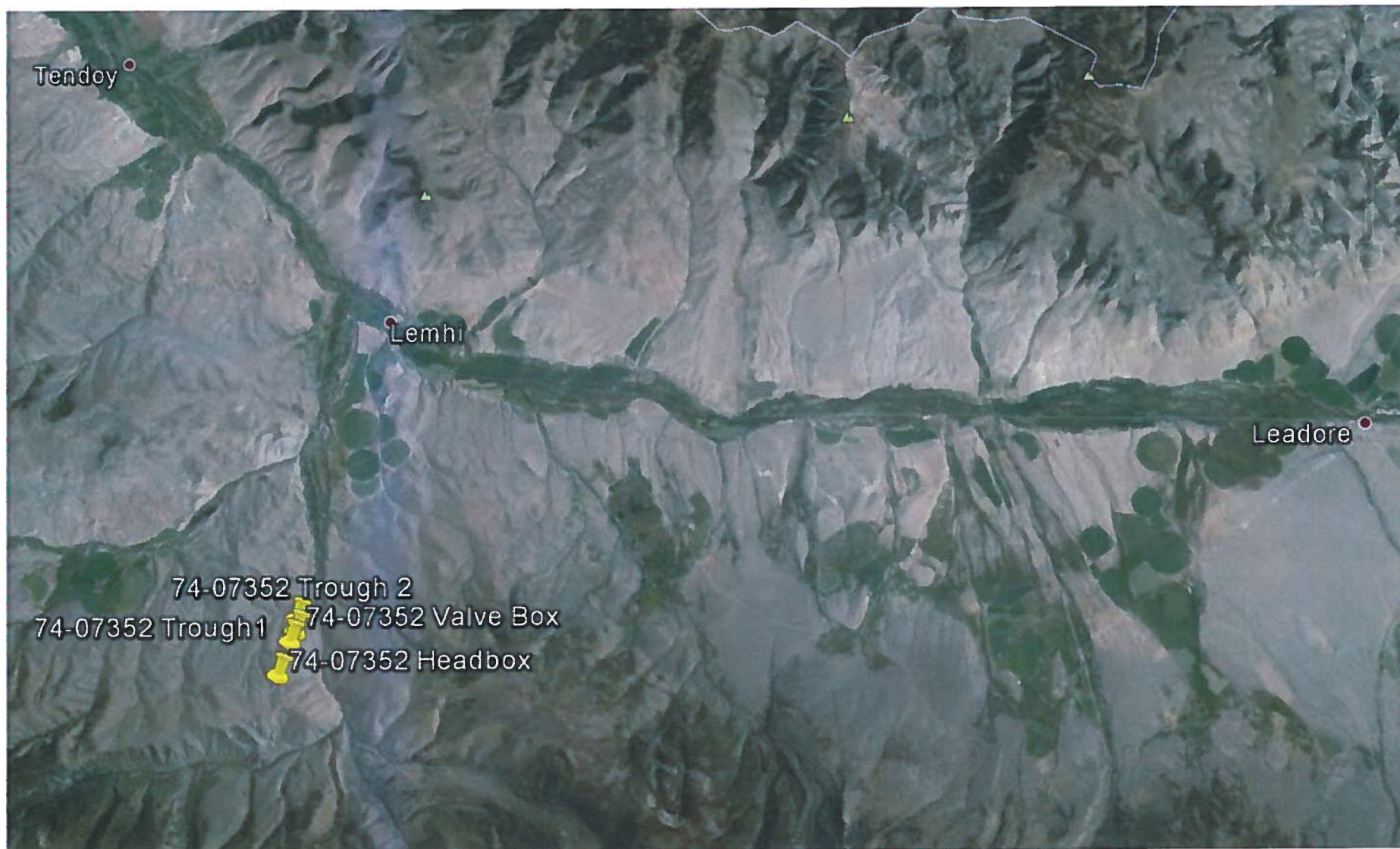
NWSE

NESE

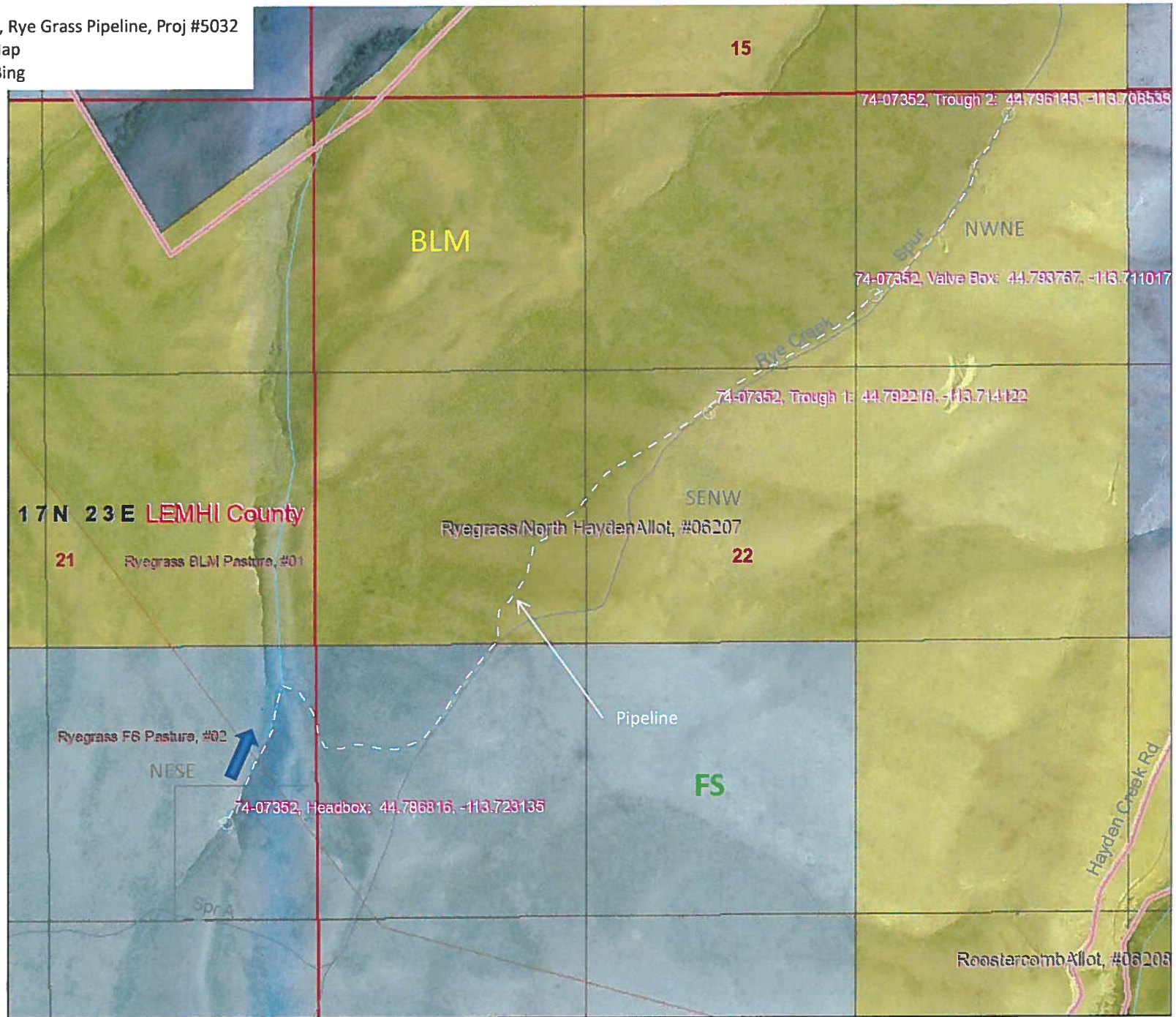
74-07352, Rye Grass Pipeline, Proj #5032

Area Map

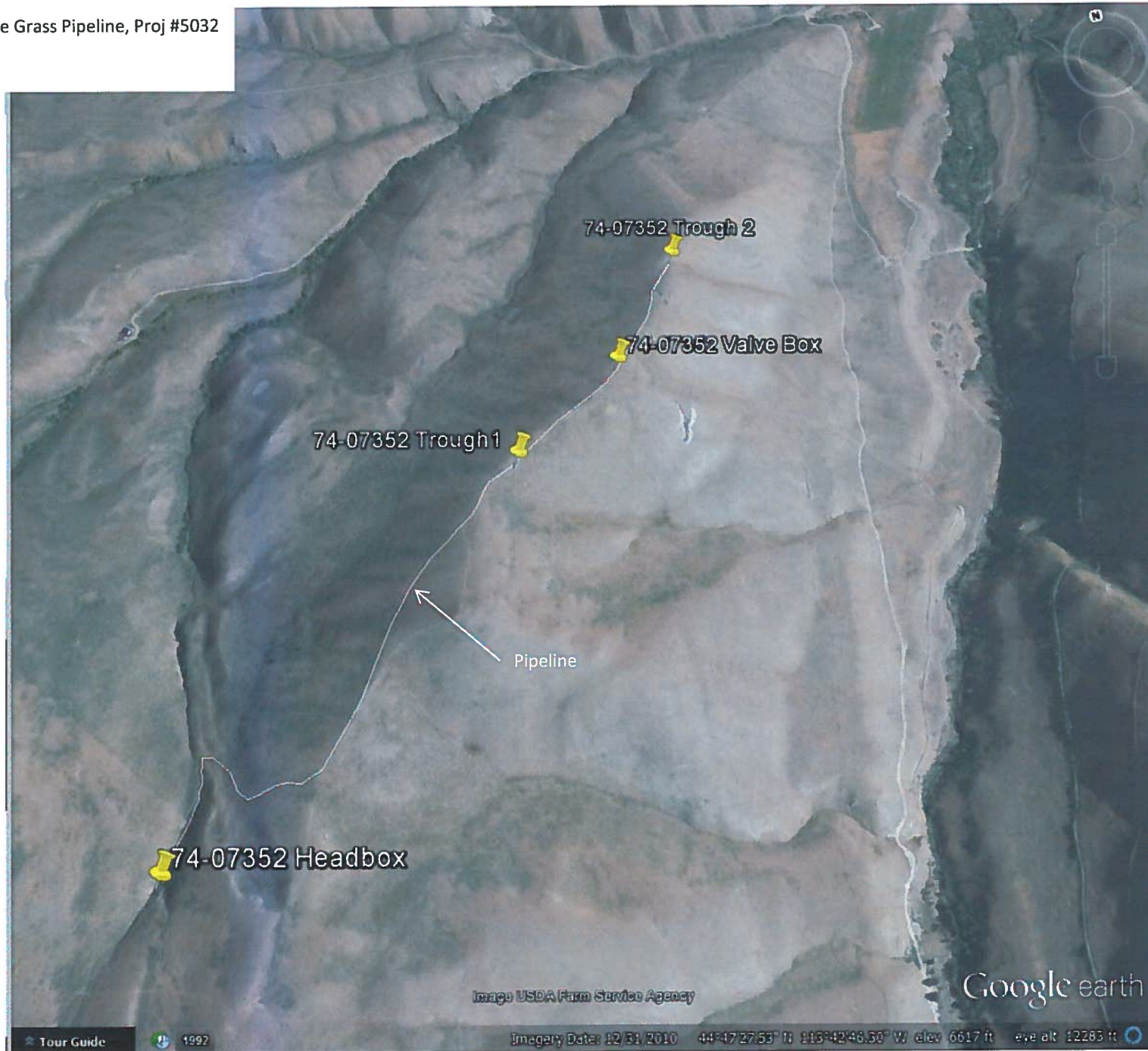
-Google Maps



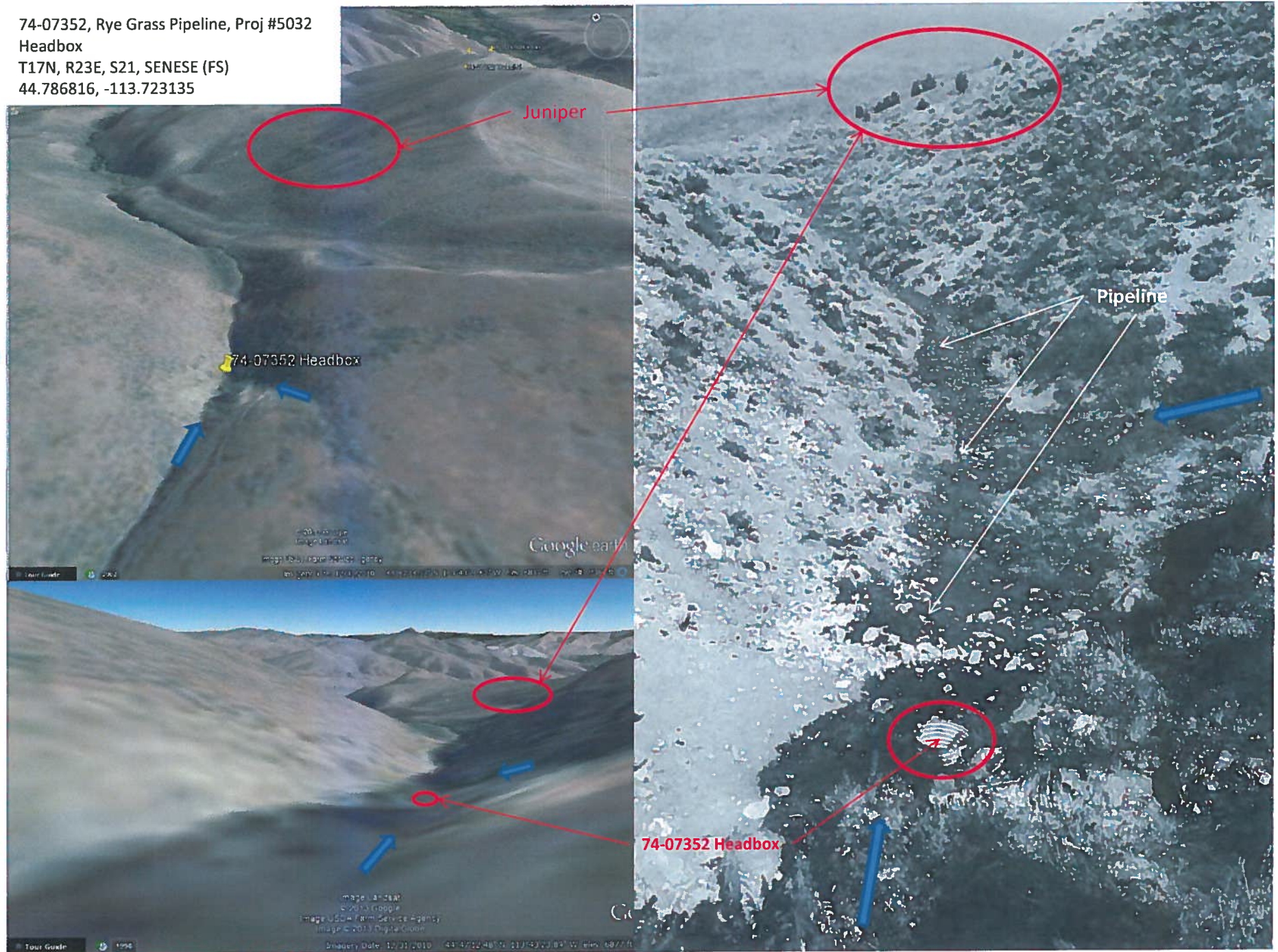
74-07352, Rye Grass Pipeline, Proj #5032
System Map
-ArcGIS -Bing



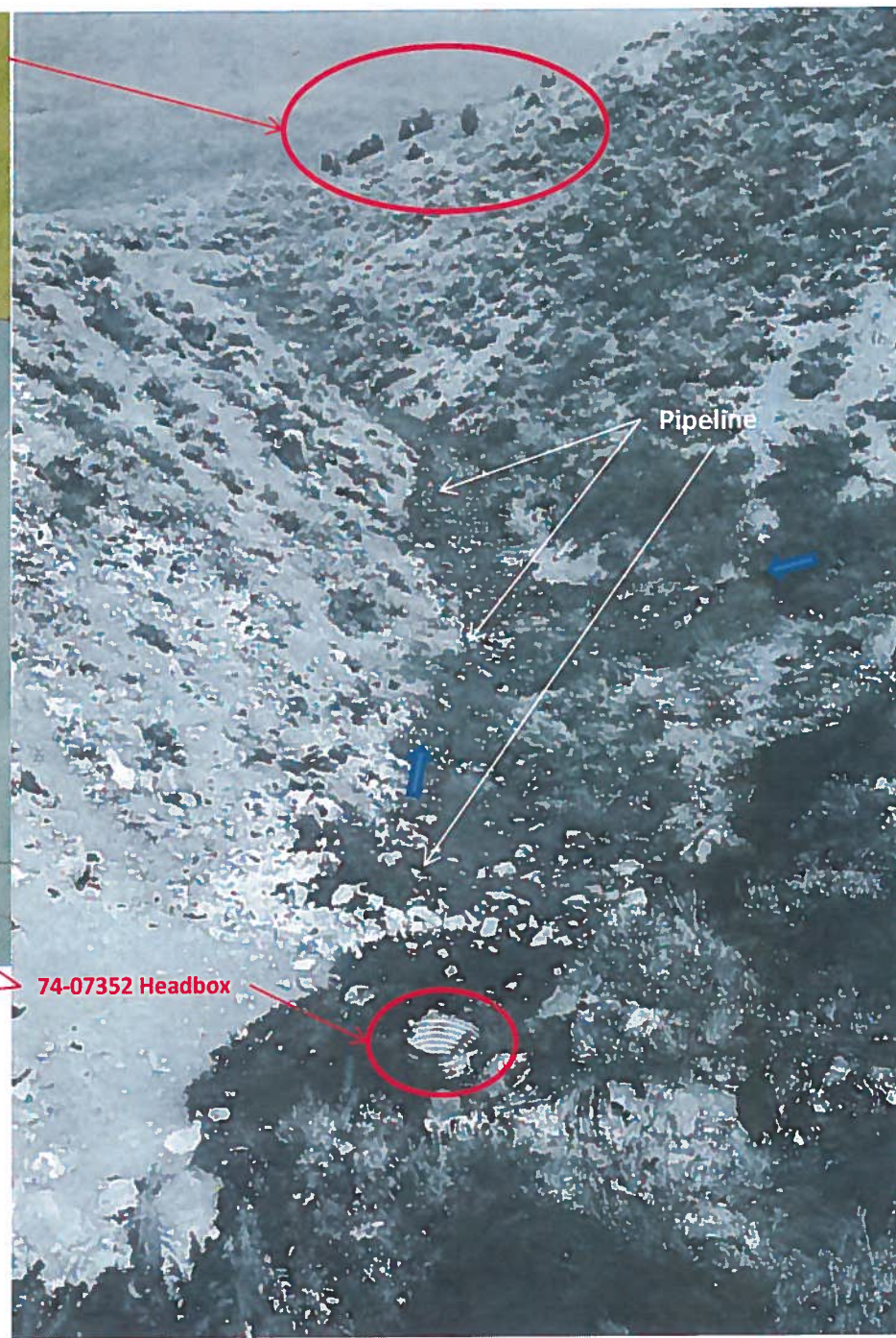
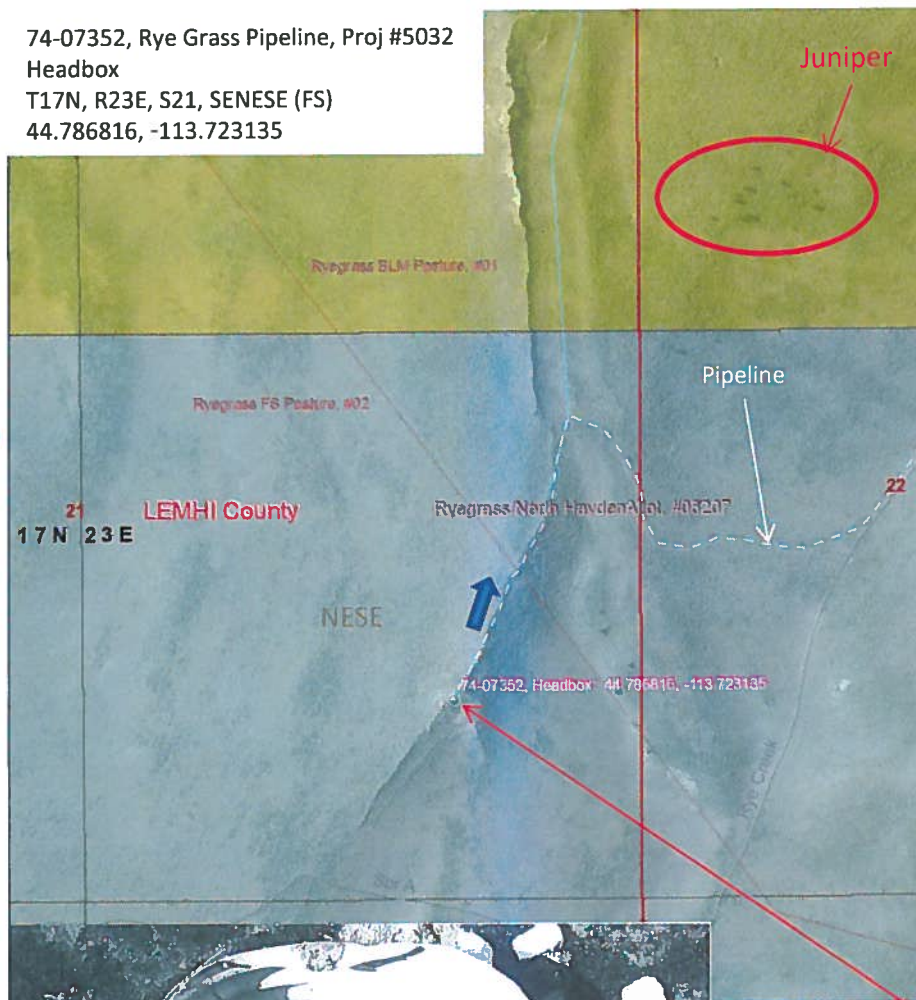
74-07352, Rye Grass Pipeline, Proj #5032
System Map
-Google Map



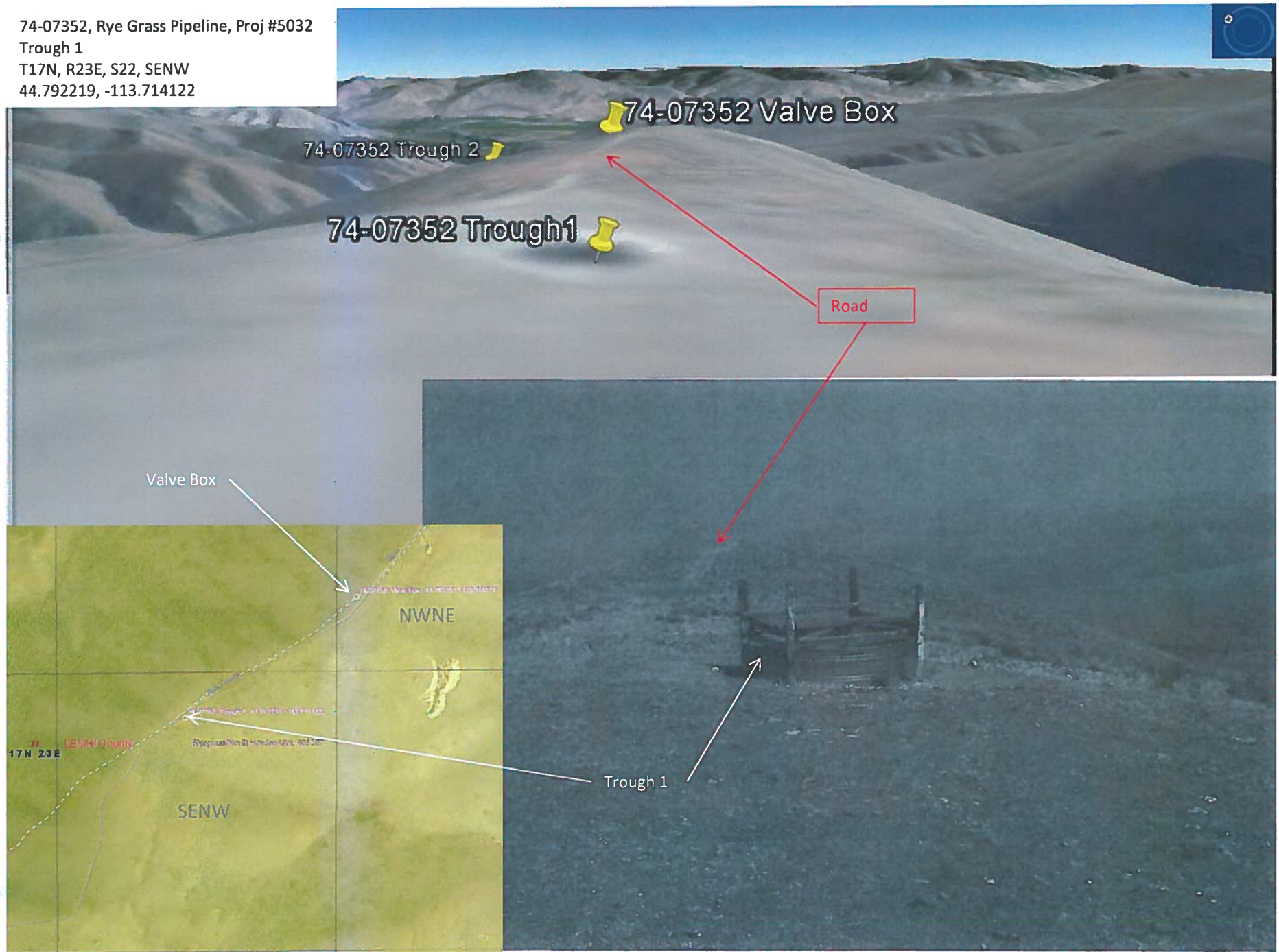
74-07352, Rye Grass Pipeline, Proj #5032
Headbox
T17N, R23E, S21, SENESE (FS)
44.786816, -113.723135



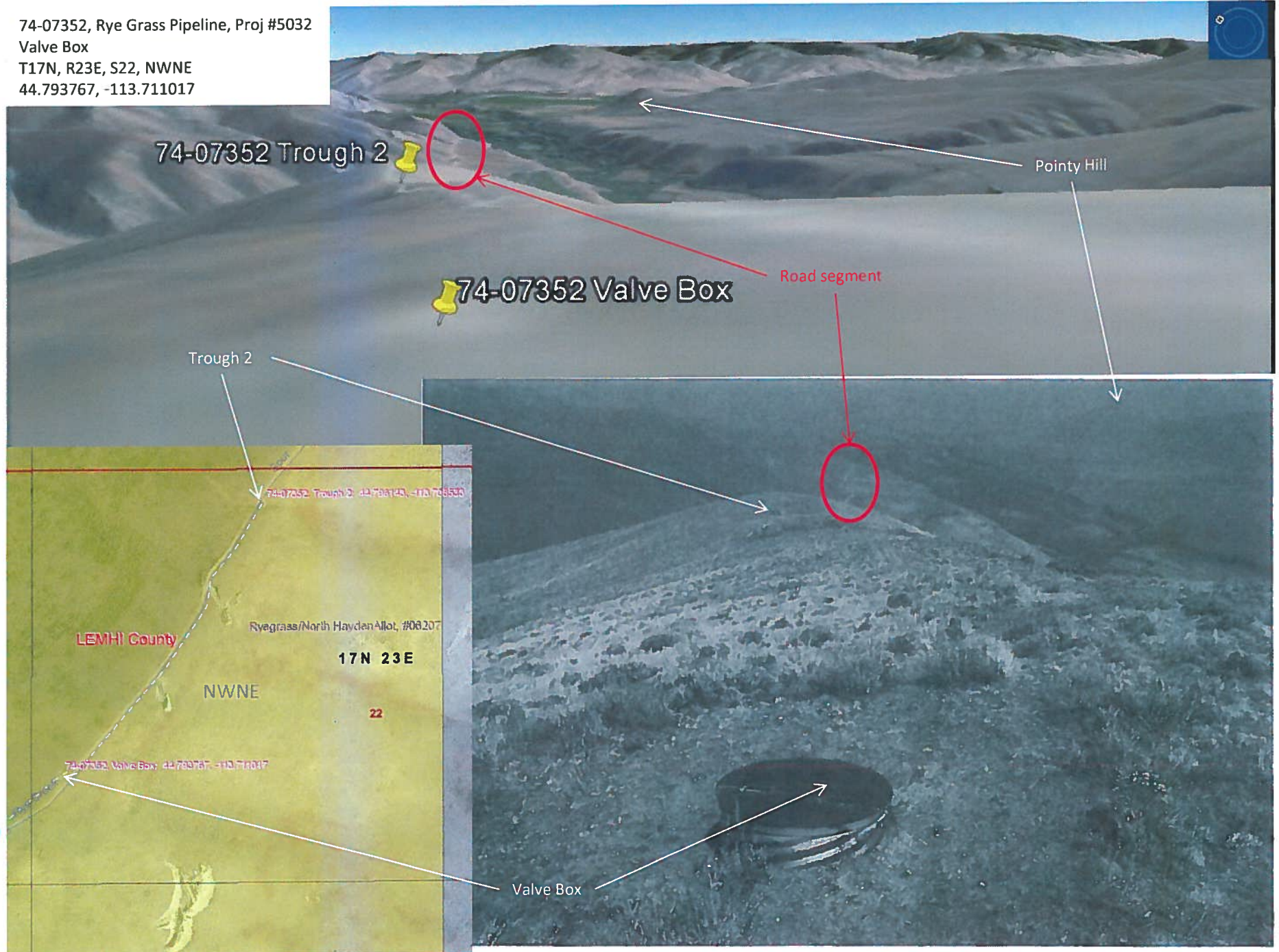
74-07352, Rye Grass Pipeline, Proj #5032
Headbox
T17N, R23E, S21, SESE (FS)
44.786816, -113.723135



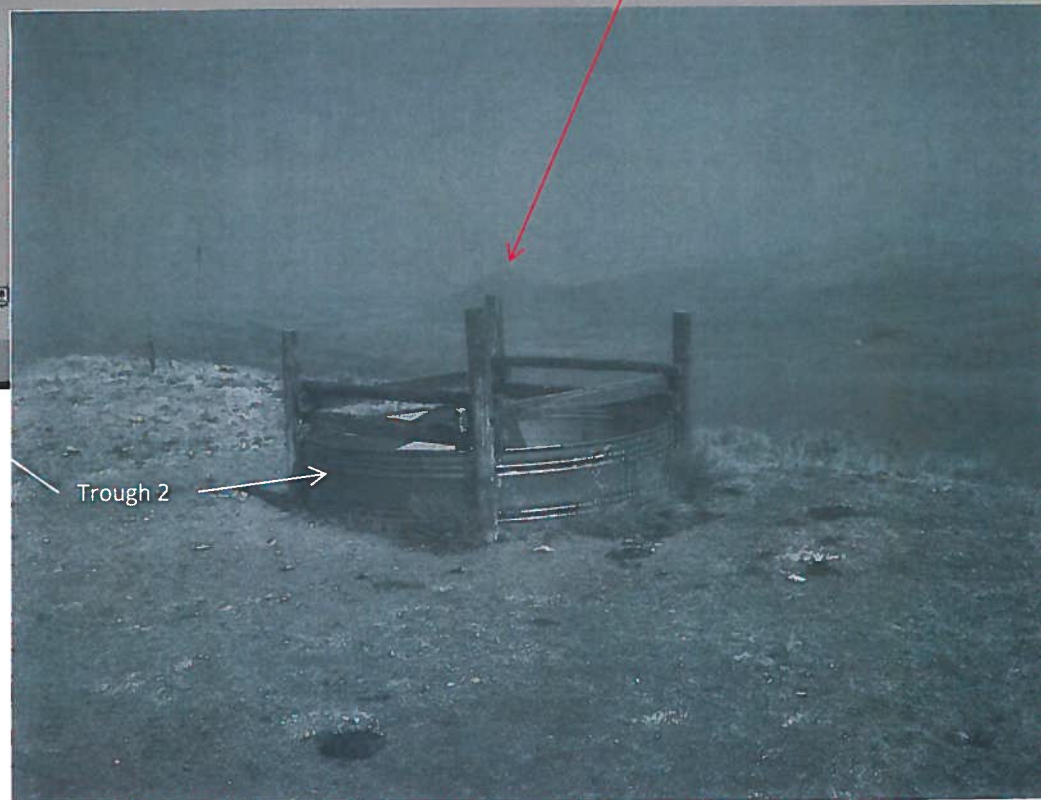
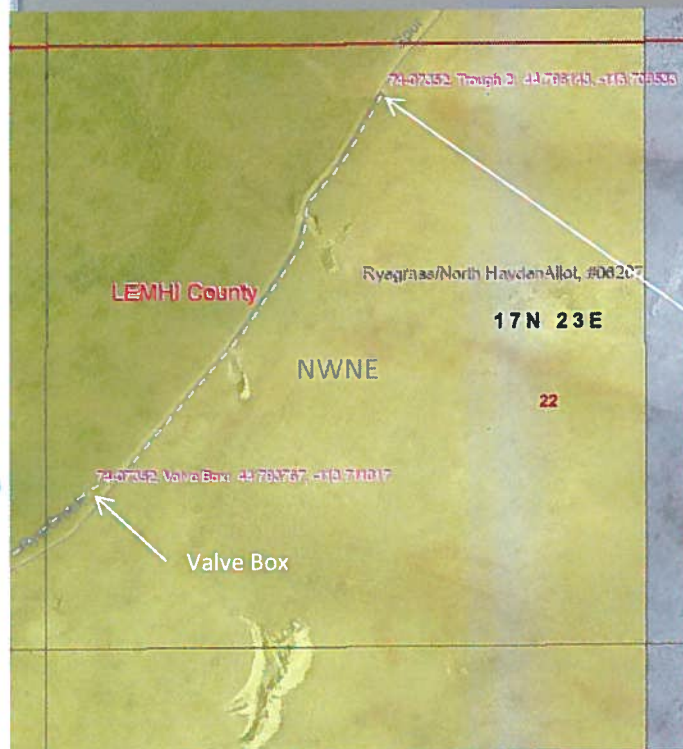
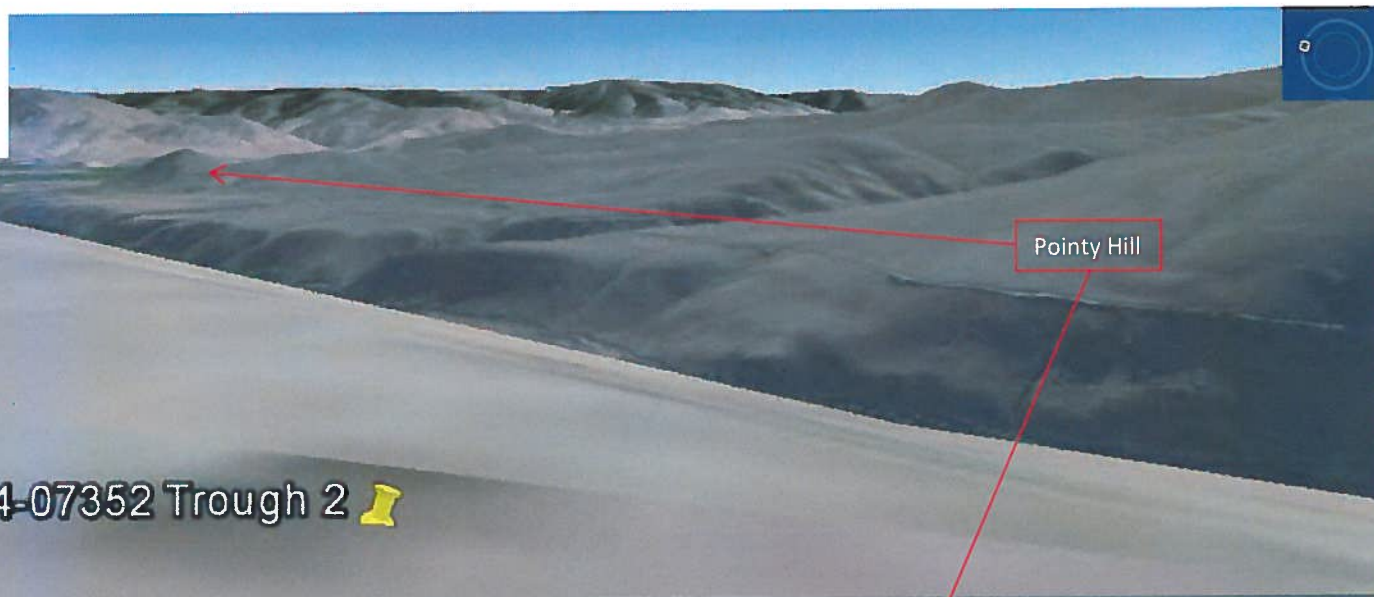
74-07352, Rye Grass Pipeline, Proj #5032
Trough 1
T17N, R23E, S22, SENW
44.792219, -113.714122



74-07352, Rye Grass Pipeline, Proj #5032
Valve Box
T17N, R23E, S22, NWNE
44.793767, -113.711017



74-07352, Rye Grass Pipeline, Proj #5032
Trough 2
T17N, R23E, S22, NWNE
44.796143, -113.708533



MEMORANDUM

TO: Danielle Favreau

FROM: Daniel Nelson – Staff Hydrologist

DATE: October 8, 2013

SUBJECT: Licensing Review of Water Right 74-7352

In reviewing this amendment of permit for the above file, I found a couple things that need corrected before the amendment is sent out.

- 1.) We need to remove condition #3. (See Next Step)
- 2.) We need to add wildlife as a use for this water right. The wildlife use will be limited to 0.04 cfs and 4.0 af, and the total water use will be 0.04 cfs and 4.0 af. You will need to add something like the following to your Narrative or just include this memo with the file:
 - a. Wildlife was requested in Section 8 of the application for permit. The use on the permit was livestock, and Section 8 defined the livestock as 300 head of cattle and wildlife. The use at permitting was changed to stockwater, but didn't include the wildlife component. The total use shouldn't exceed the diversion rate and volume of water allowed for the stockwater, since the wildlife use was not included on the original permit, and was not objected to at the time of permit approval. However, we need to include the wildlife reference in order to properly describe the water right as applied for.