



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 23, 2013

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467

RE: License No. 74-15036

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.

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 September 24, 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.

74-15036

**US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467**

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line.

**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. 74-15036

Priority: July 22, 2002

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 6.7 AF

It is hereby certified that US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 22, 2002; and has submitted Proof of
Beneficial Use on July 08, 2008. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: HAYDEN 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	06/01 to 09/30	0.02 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW1/4NE1/4SE1/4 Sec. 3, Twp 16N, Rge 23E, B.M. LEMHI County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 23E 3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

CONDITIONS OF APPROVAL

1. 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.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
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. 74.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-15036

4. This right authorizes the diversion of water to a trough from the same spring that is the source of water for Water Right 74-10415, which was decreed in the Snake River Basin Adjudication.

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 23rd day of September, 2013.

For Craig L. Spackman
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
74-15036

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.

23E



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

0 0.005 0.01 0.02 Miles



[illegible]

Method of Determination: Spring Enclosure visible on GIS Imagery.

Change in POD? ____Y__X__N Amendment Required? ____Y__X__N

2. **PLACE OF USE:** Use: Stockwater

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	23E	3													X				
		Lot #																	
Total Acres =																			

Method of Determination: Trough visible on GIS Imagery.

Change in POU? ____Y__X__N Amendment Required? ____Y__X__N

3. ___ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
 ___ Aerial Photo Attached (required for irrigation of 10+ acres).
 ___ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: < _____ >

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

0.02 cfs less than recommended for 401-500 no. of stock per application processing memo #3.

The combined cfs of both 74-10415 (0.02 cfs) and 74-15036 (0.02 cfs) are less than recommended for 401-500 no. of stock per application processing memo #3 (0.12 cfs). Use conditions R37 & 238.

Measurement = 0.02 cfs**Permit allowed = 0.02 cfs****License recommend for 0.02 cfs.****F. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

Per Licensing Memo #3, 6.7 afa is for 401-500 no. of stock. Per Licensing Memo #3, $500 \times 0.0134 = 6.7$ afa

License recommend for 6.7 afa.

G. PURPOSE OF USE

Irrigation ☐ Y ☐ N # Stock 500 Domestic # of Homes

Other: < >

Change in Purpose of Use? ☐ Y ☒ X ☐ N

Method of Determination: Trough on GIS imagery.

If Yes: From Use To Use Amount CFS AFA

H. NARRATIVE/REMARKS/COMMENTS

Salmon River excluding Mid F. Wild and Scenic Watershed
Water District 74 – Lemhi River
Season of Use: 3/15 – 11/15
Headgate: 3.5 Consumptive Use: 2.5

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

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Stockwater	06/01 to 09/30	0.02 CFS	6.7 AF
<u>Totals:</u>		0.02 CFS	6.7 AF

2. Recommended Amendments

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

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

J. AUTHENTICATION

Field Examiner's Name Danille Loman Date 09-11-13

Reviewer Daniel D. Nelson Date 9-17-13

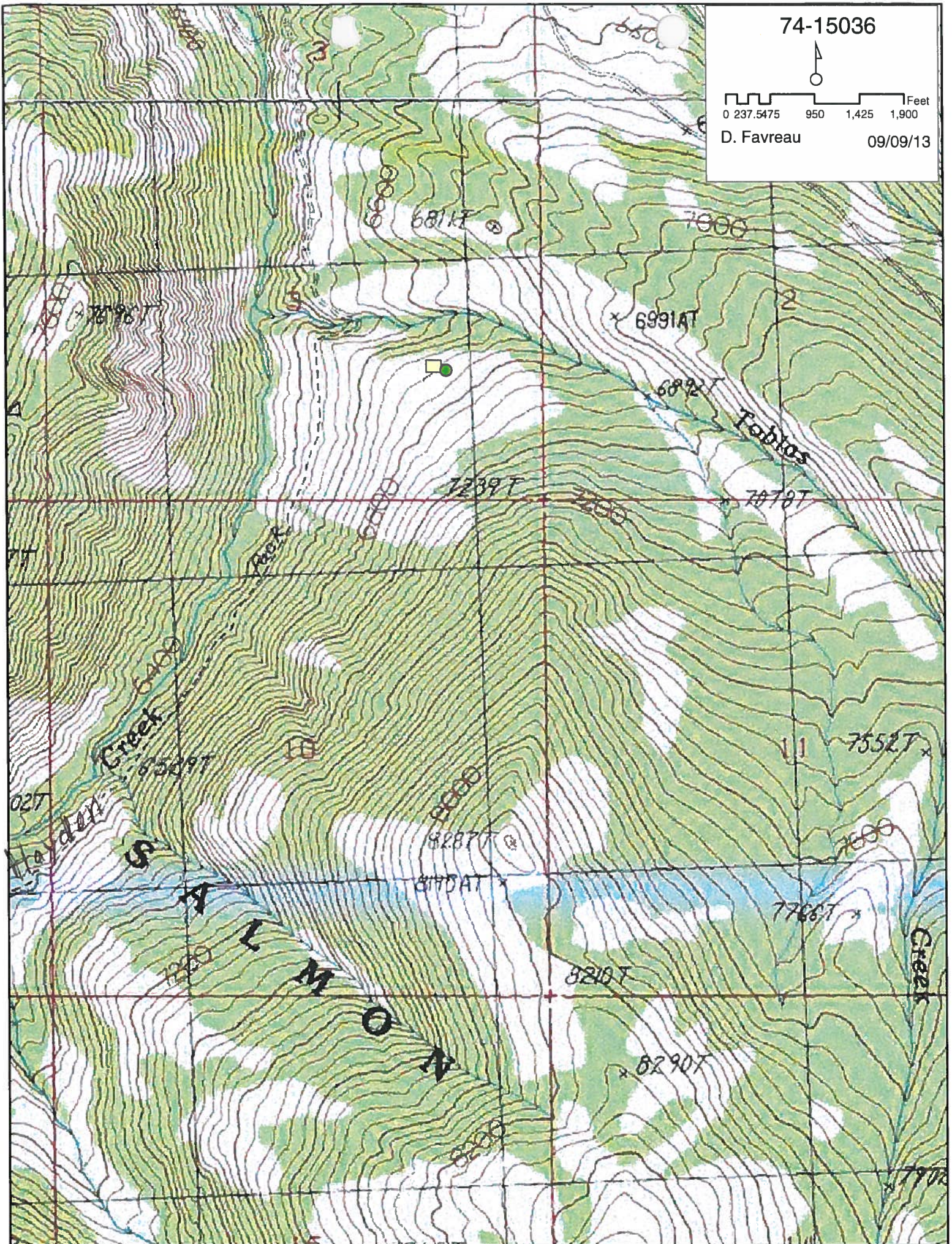
74-15036



0 237.5475 950 1,425 1,900 Feet

D. Favreau

09/09/13

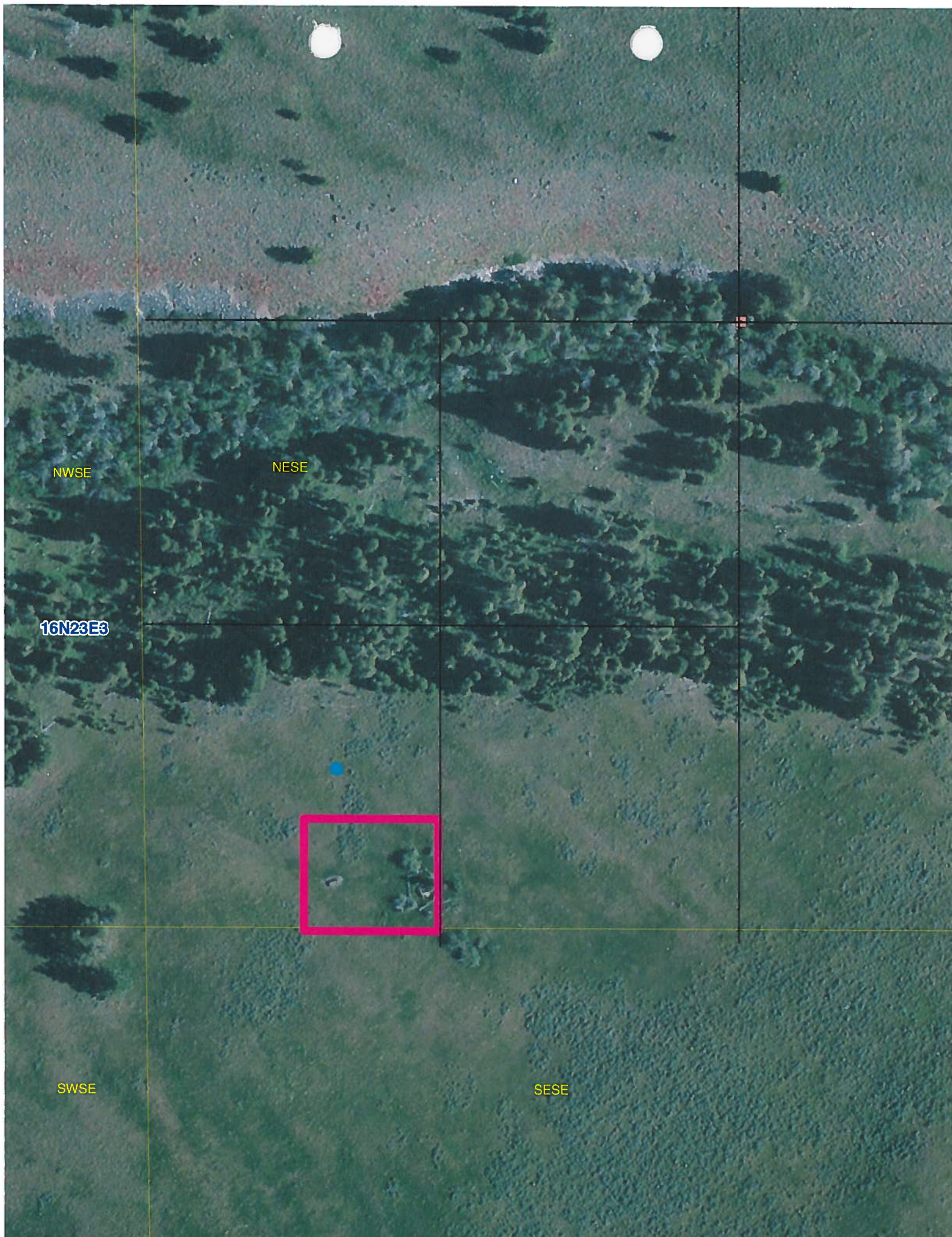


POU

Basin	Sequence	Suffix	Version Number	Process	Basis	Status	Draft	RightID	Priority Date	Diversion R	Source List	Water Use List	Current Owner
74	10415			Water Right	Decreed	Active	N	574411	11/5/1906	0.02	SPRING	STOCKWATER	UNITED STATES OF AMERICA ACTING THI
74	10622			Water Right	Decreed	Active	N	410211	6/1/1876	0.02	TOBIAS CREEK	STOCKWATER	UNITED STATES OF AMERICA ACTING THI
74	15036			Water Permit		Active	N	562630	7/22/2002	0.02	SPRING	STOCKWATER	US DEPT OF AGRICULTURE
		Other Owner		Leased to Water	Application IC	Approval Dat	Total Acres	Acre Limit	Volume		Water District		
				No									
				No									
				No		10/9/2002					74 - Lemhi River		

POD

Basin	Sequence	Suffix	Version Number	Process	Basis	Status	Draft	RightID	Priority Date	Diversion R	Source List	Water Use List	Current Owner
74	10415			Water Right	Decreed	Active	N	574411	11/5/1906	0.02	SPRING	STOCKWATER	UNITED STATES OF AMERICA ACTING THI
74	15036			Water Permit		Active	N	562630	7/22/2002	0.02	SPRING	STOCKWATER	US DEPT OF AGRICULTURE
		Other Owner		Leased to Water	Application IC	Approval Dat	Total Acres	Acre Limit	Volume		Water District		
				No									
				No		10/9/2002					74 - Lemhi River		



NWSE

NESE

16N23E3

SWSE

SESE

Favreau, Danielle

Subject: FW: permit 74-15036
Attachments: IDWR Map Maker 74-15036.pdf; Wetlands Mapper 74-15036.pdf

From: Spencer, Steven M -FS [<mailto:sspencer@fs.fed.us>]
Sent: Friday, September 06, 2013 5:15 PM
To: Favreau, Danielle
Subject: RE: permit 74-15036

Danielle,

From my research this afternoon it appears that 74-15036 and 74-10415 have the same POD – a spring. Lat 44.7420 Lon -113.7049 It looks like there is a log exclosure around it now.
Historic use of the water at the spring is under 74-10415.
The use from the 2002 trough is under 74-15036. Lat 44.7420 Lon -113.7053 The trough is the small rectangular shape approximately 25 yards to the left or west of the spring.

The attachments may be helpful in seeing where this is at and what is on-the-ground.

If you have any questions about this please contact me.

Steve

	Steven M. Spencer Water Use Specialist USDA Forest Service 1805 Hwy 16 Rm 5 Emmett, ID 83617 sspencer@fs.fed.us (208) 365-7055	
<i>Any intelligent fool can make things bigger, more complex, and more violent. It takes a touch of genius – and a lot of courage -- to move in the opposite direction. – Albert Einstein</i>		

Favreau, Danielle

To: Favreau, Danielle
Subject: RE: permit 74-15036

From: Favreau, Danielle
Sent: Friday, September 06, 2013 1:38 PM
To: 'Spencer, Steven M -FS'
Subject: permit 74-15036

Hi Steve,

I was going over the permits before sending out a letter early next week and I think we may be able to address 74-15036 in short order.

Can you please tell me if 74-15036 and 74-10415 have the same point of diversion? (Are they for the same spring?)

If they are for the same point of diversion, than is 74-10415 for historic use of the spring or is it for a diversion to a trough?

If 74-10415 is for historic use of the spring, can you confirm if a trough or earthen pond was constructed under 74-15036?

If 74-10415 is for historic use of the spring and a trough was developed under 74-15036 rather than an earthen pond as indicated in the application for permit, I probably have all I need. If not, then I will need some more information.

Thanks,

Danielle

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