



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 3, 2013

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

RE: License No. 61-7499

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 September 4, 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.

61-7499

**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
Water Right License

WATER RIGHT NO. 61-07499

Priority: July 08, 1983

Maximum Diversion Volume: 1.2 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 July 08, 1983; and has
submitted Proof of Beneficial Use on July 08, 1983. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	1.2 AF
WILDLIFE STORAGE	01/01 to 12/31	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼SW¼ Sec. 25, Twp 04S, Rge 07E, B.M. ELMORE County

PLACE OF USE: STOCKWATER STORAGE AND WILDLIFE STORAGE

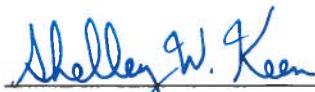
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	07E	25			X				X		X								

CONDITIONS OF APPROVAL

1. BLM RECORD ID = 6101688133 SOURCE IS ALSO KNOWN AS INTERSTATE RESERVOIR.

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 30th day of August, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07499

RECEIVED

AUG 30 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: July 08, 1983

Maximum Diversion Volume: 1.2 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. 61-07499, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		1.2 AF
WILDLIFE STORAGE	01/01 to 12/31		1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM

NE1/4SW1/4

Sec. 25, Twp 04S, Rge 07E, B.M.

ELMORE County

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	25			X					X					X				

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	25			X					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 29 day of August, 2013.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 61-07499

FOR DEPARTMENT USE ONLY

Preliminary check by GP Fee = 100⁰⁰ Received by CW # 1097689 Date 8-30-13

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. 61-07499 with the following:

CONDITIONS OF APPROVAL

1. BLM RECORD ID = 6101688133 SOURCE IS ALSO KNOWN AS INTERSTATE RESERVOIR.

Witness my hand this 30th day of August, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, August 28, 2013 3:25 PM
To: 'banderson@blm.gov'
Subject: AmendmentLicense of 61-7499



AmendmentLicense.
pdf

Brandon,

Thank you again for your help on this water right license. I think that the attached license correctly describes the pond. Please send in the signed amendment with the \$100 filing fee at your earliest convenience. Have a great day!

*Cherie Palmer, Sr. Water Resource Agent
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*

MEMO

TO: File 61-7499

FROM: CPalmer

DATE: 8/27/2013

RE: Licensing Review Memo

In my original licensing review memo dated 8/7/13 I stated that we should not include other QQs under this license even though the pond extends into two additional QQs because the small volume of the permit could not cover the additional acreage.

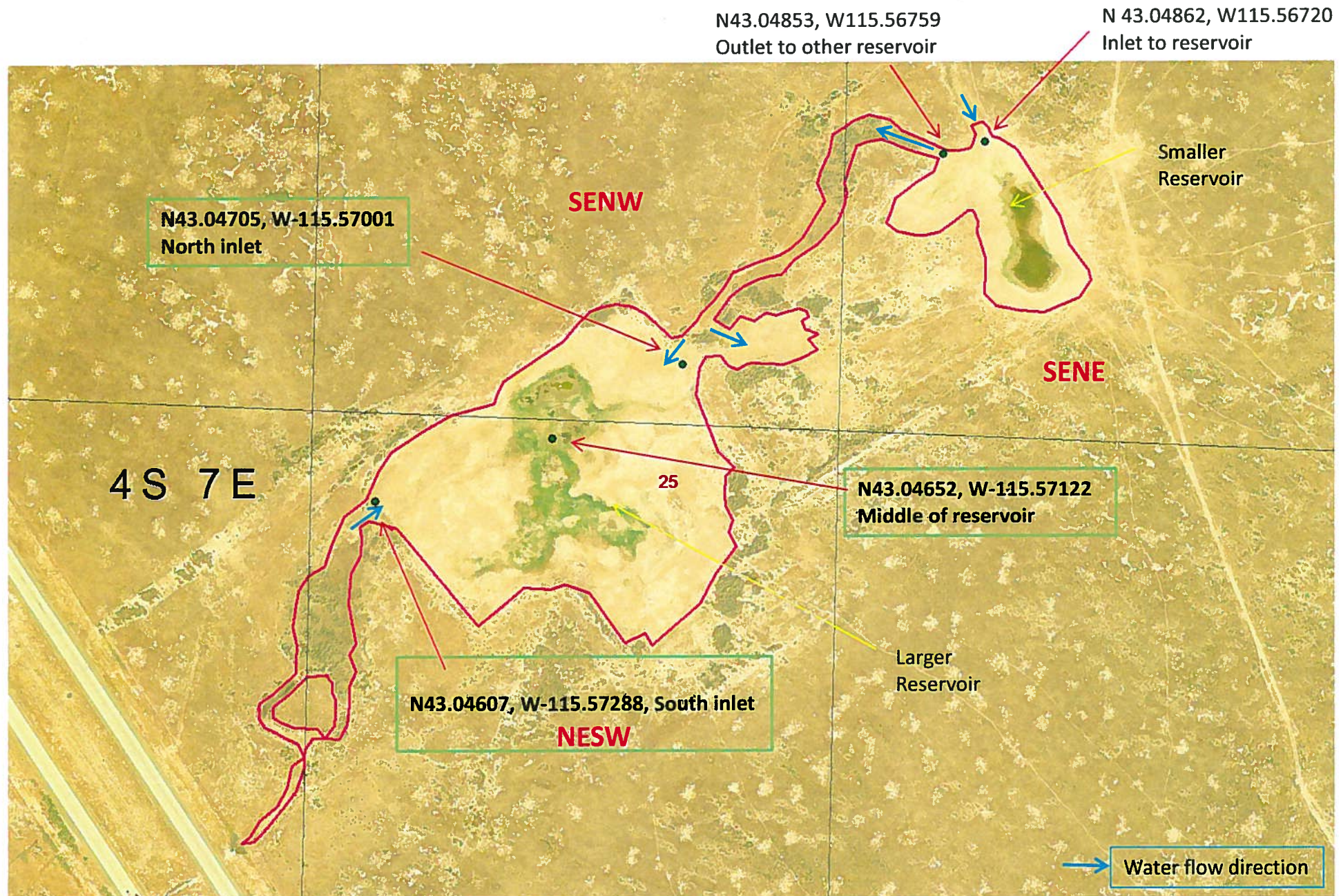
Brandon Anderson of BLM conducted a field examination in response to my request for an amendment and asserts that the pond does extend to the two other QQs since the creation of the pond and IDWR should issue the license accordingly.

He further asserts that 1.2 af should cover the entire area because the ponds cannot be deep due to the construction of the pond. Mr. Anderson's photos of the place of use depict a shallow basin area. It is hard to imagine that the water ever backs up so the depth of the entire pond is ever deeper than 0.5 of a foot. It's obvious there are a few deep spots of the reservoir but these are limited in area.

I recommend issuing the license to cover the entire pond area as suggested by Mr. Anderson.

61-07499, Application for Amendment

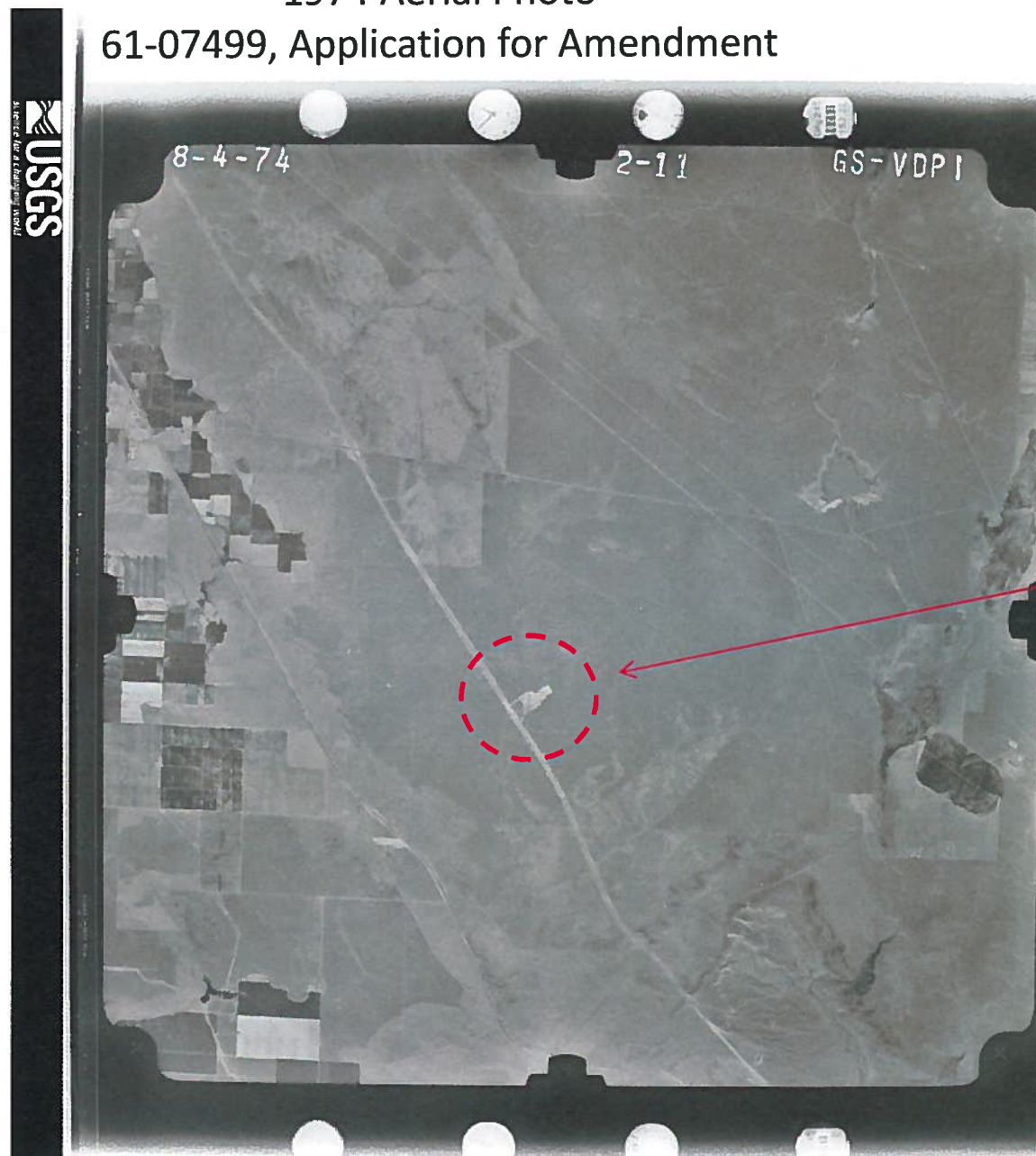
8/21/2013



1974 Aerial Photo

8/21/2013

61-07499, Application for Amendment



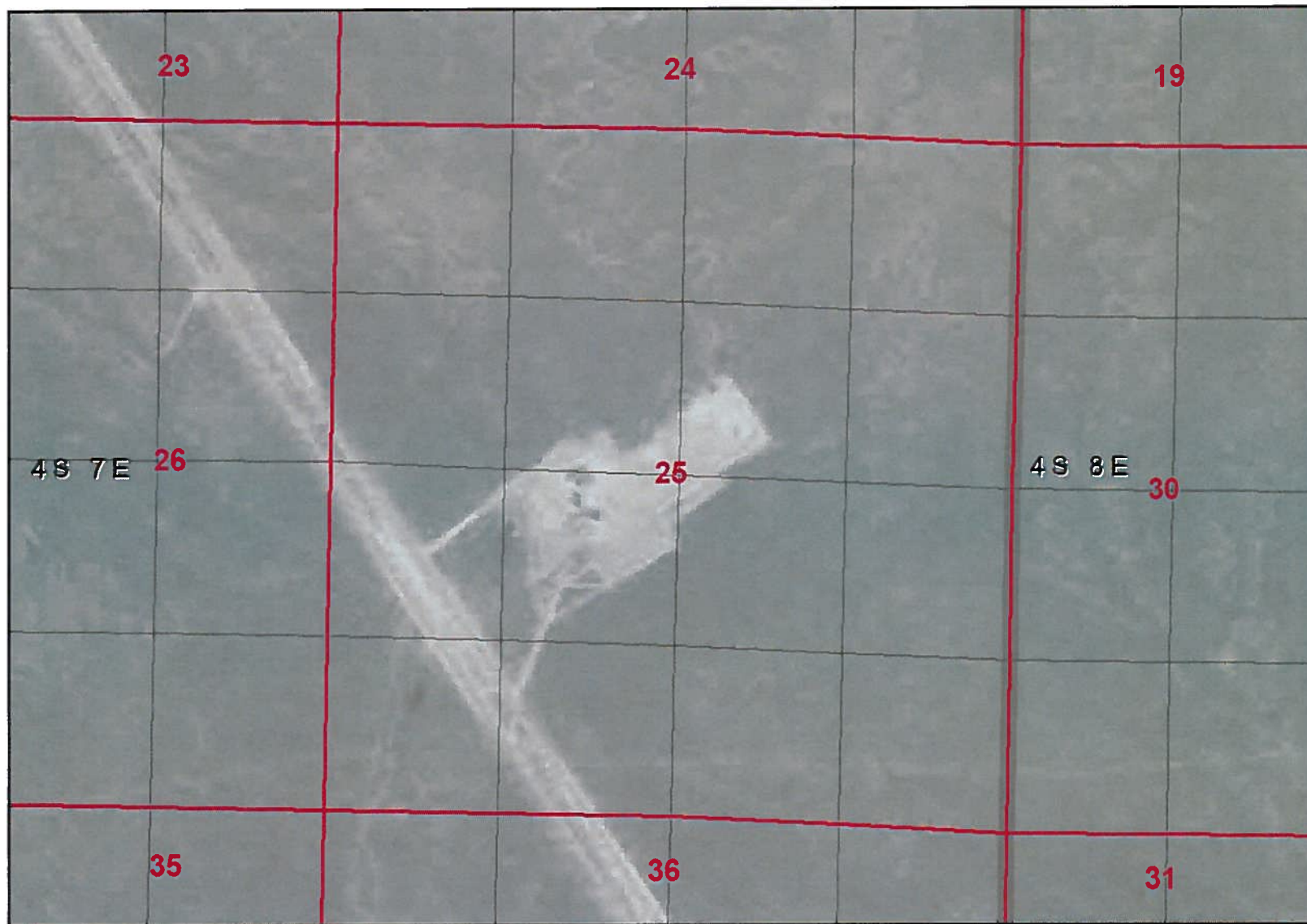
See geo-referenced
blow-up on next
slide.

USGS, Aerial photo from 08/04/1974

<http://earthexplorer.usgs.gov/>

1974 Aerial Photo
61-07499, Application for Amendment

8/21/2013

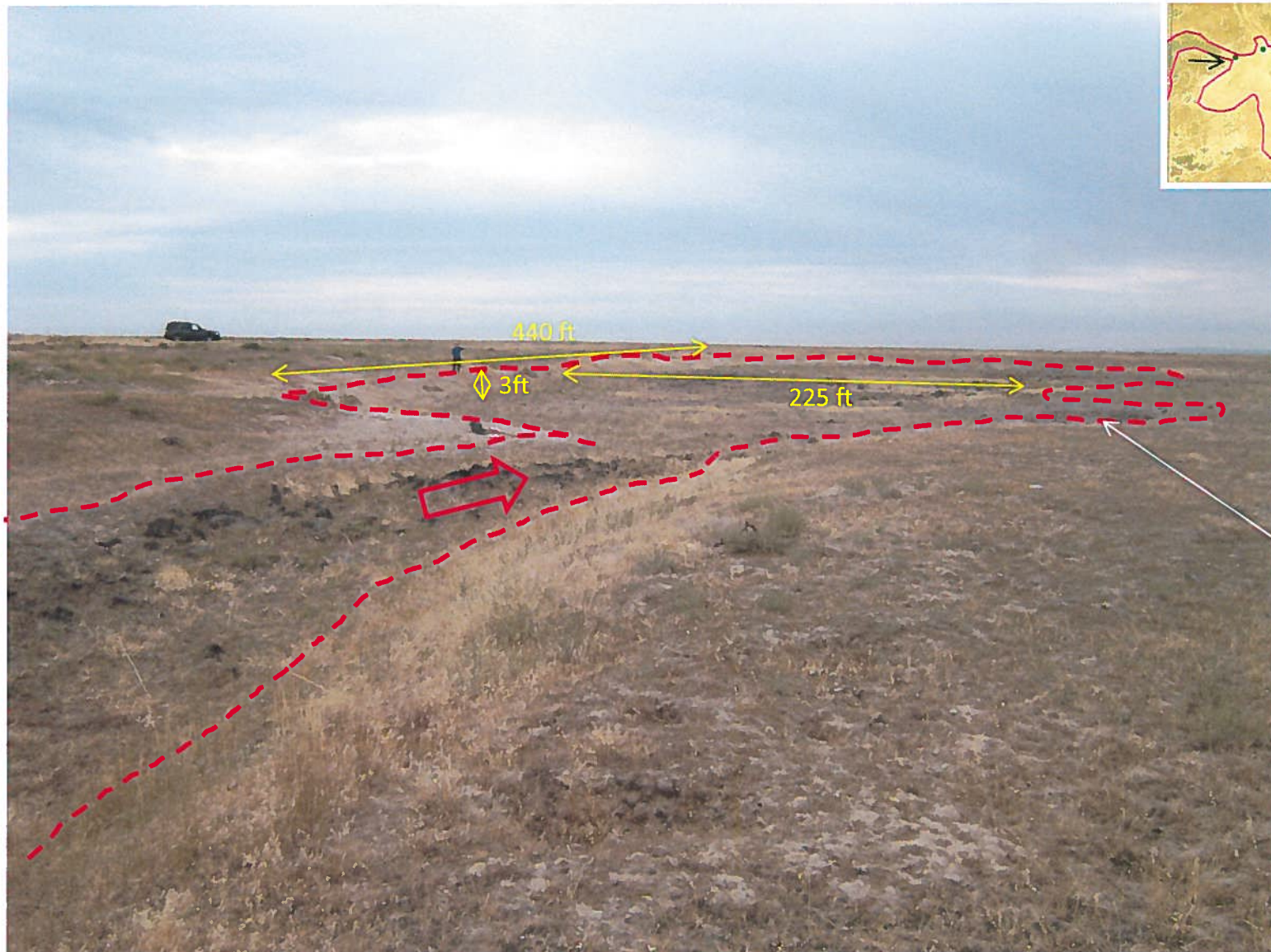


1974 USGS aerial photography geo-referenced into arcmap.

Smaller Reservoir
SWNE, S25, T04S, R07E

61-07499, Application for Amendment

8/21/2013



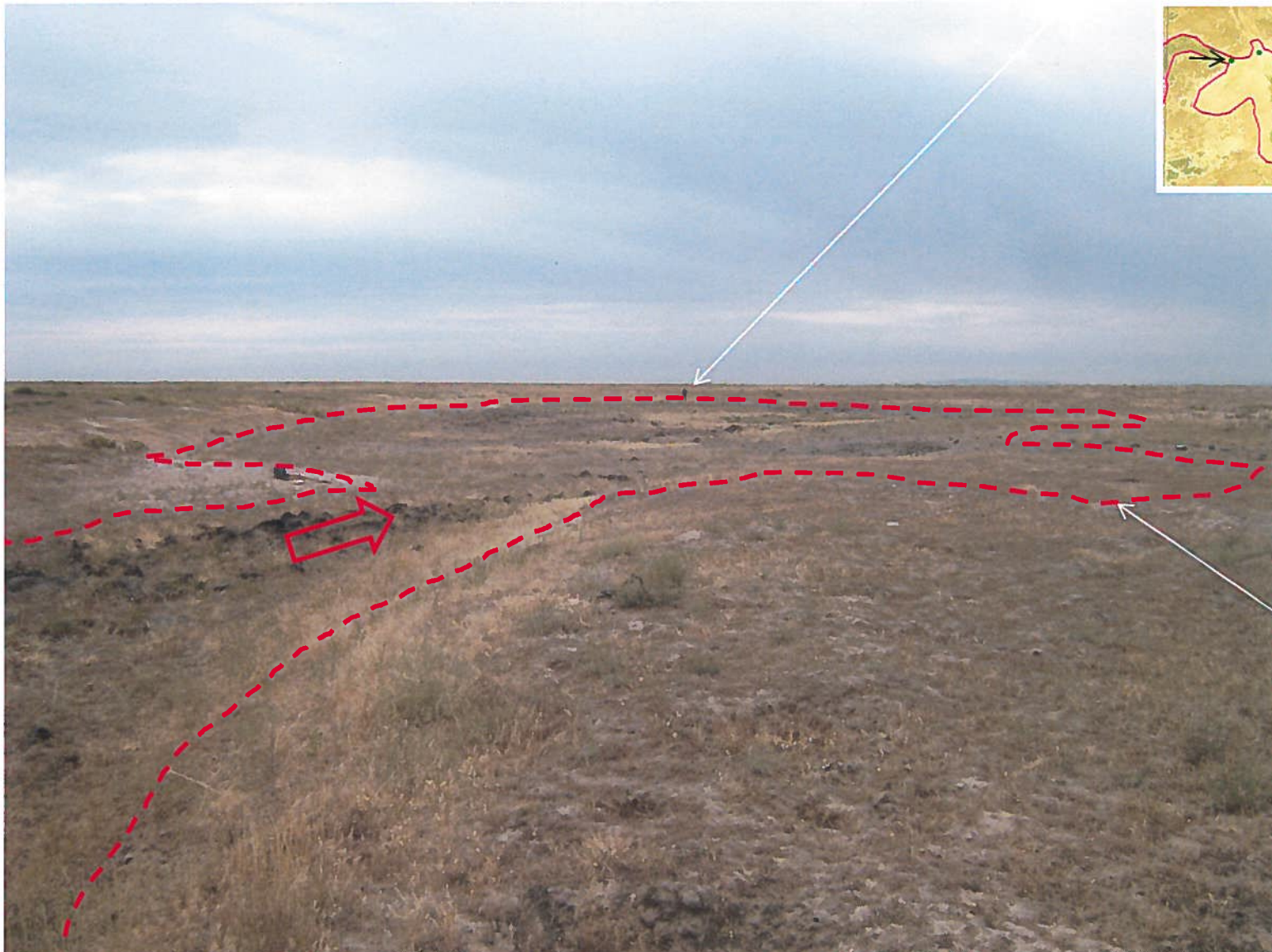
Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Overview of reservoir #1 from inlet. The volume of the reservoir is about $297,000 \text{ ft}^3 \approx 6.82 \text{ ac-ft}$.

61-07499, Application for Amendment

8/21/2013

Person



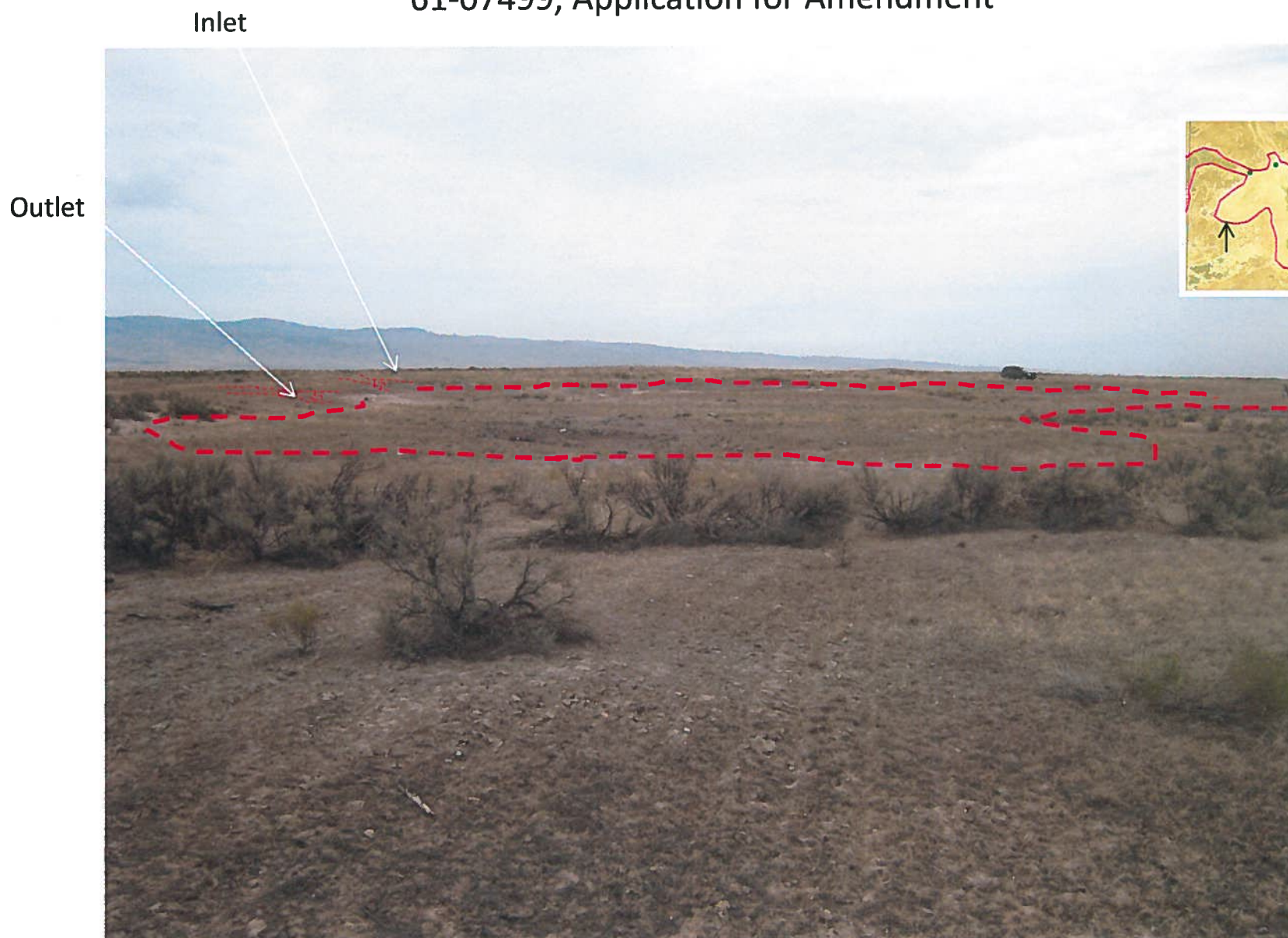
High
water
mark

Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Standing next to inlet looking West. Person is standing
on the far East bank of the reservoir.

8/21/2013

61-07499, Application for Amendment



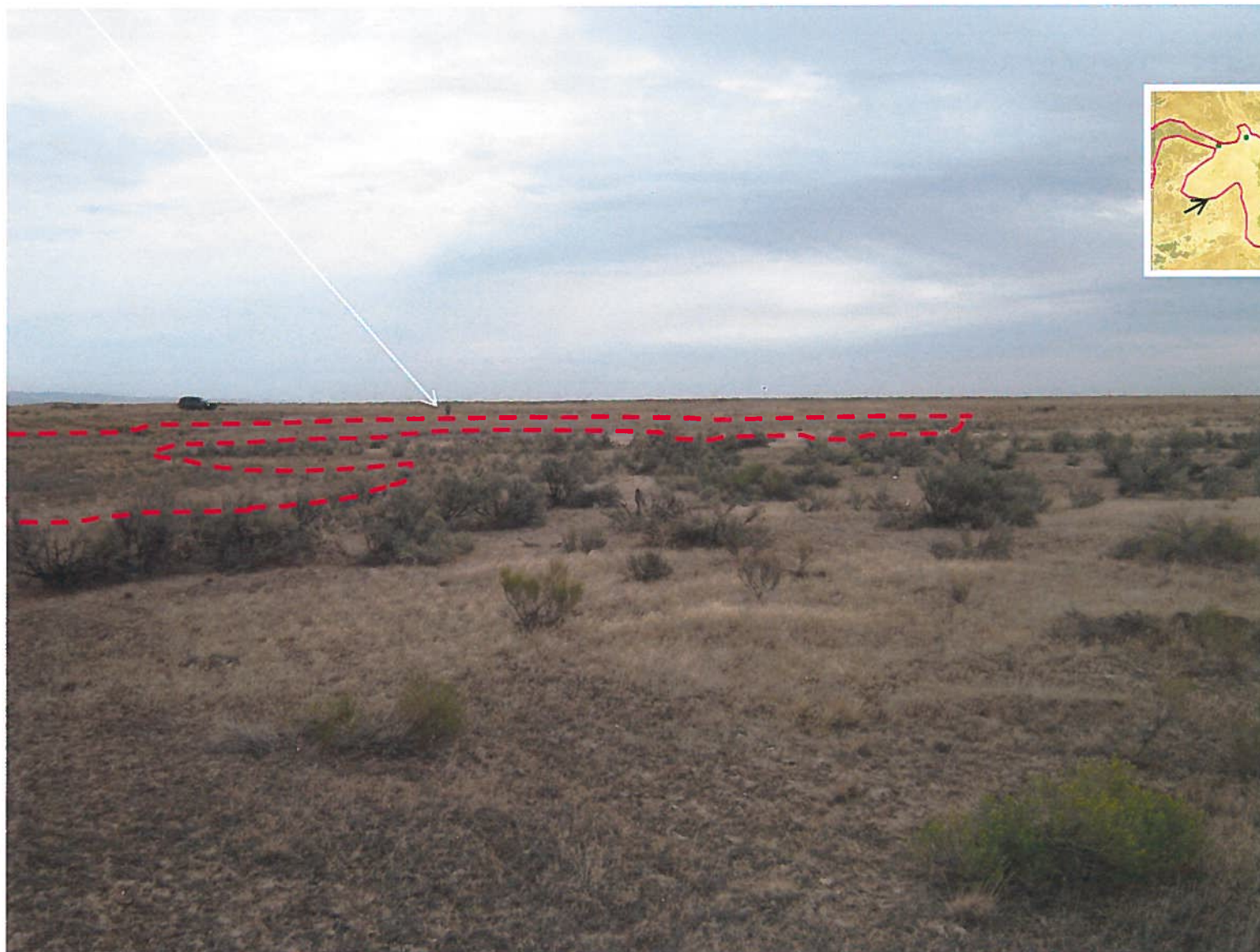
Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Standing on Southwest side of reservoir looking North.

8/21/2013

61-07499, Application for Amendment

Person



Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Standing on Southwest side of reservoir looking Northeast.

61-07499, Application for Amendment

8/21/2013



Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Standing on Southeast side of reservoir looking Northwest.

8/21/2013

Outlet

61-07499, Application for Amendment

Inlet



Smaller reservoir

T04S, R07E, S26, SWNE

N 43.04862, W115.56720, inlet to reservoir

N43.04853, W115.56759, outlet to other reservoir

Standing on East side of reservoir looking West toward the inlet on right and outlet on left.

61-07499, Application for Amendment

8/21/2013



Smaller reservoir

T04S, R07E, S26, SWNE

N 43.04862, W115.56720, inlet to reservoir

N43.04853, W115.56759, outlet to other reservoir

Standing in the reservoir looking East toward low point of reservoir.

61-07499, Application for Amendment

8/21/2013



Smaller reservoir
T04S, R07E, S26, SWNE
N 43.04862, W115.56720, inlet to reservoir
N43.04853, W115.56759, outlet to other reservoir

Standing in the reservoir looking South.

61-07499, Application for Amendment

8/21/2013



Smaller reservoir

T04S, R07E, S26, SWNE

N 43.04862, W115.56720, inlet to reservoir

N43.04853, W115.56759, outlet to other reservoir

Standing in reservoir looking at hummocking from hoof prints

8/21/2013

61-07499, Application for Amendment

Inlet



Smaller reservoir

T04S, R07E, S26, SWNE

N 43.04862, W115.56720, inlet to reservoir

N43.04853, W115.56759, outlet to other reservoir

Standing in reservoir looking West toward inlet.

61-07499, Application for Amendment

8/21/2013



Vegetation
in reservoir

Smaller reservoir

T04S, R07E, S26, SWNE

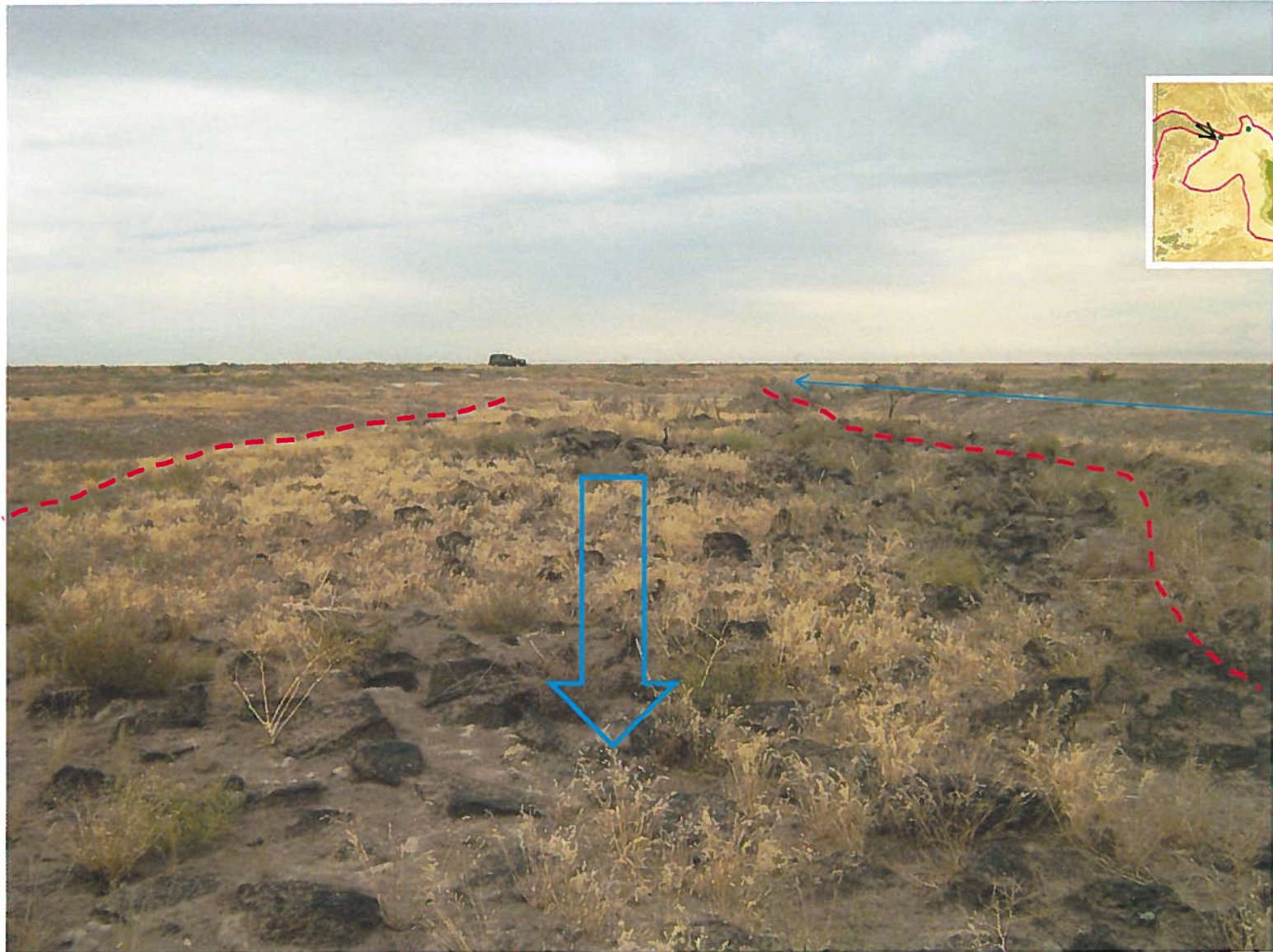
N 43.04862, W115.56720, inlet to reservoir

N43.04853, W115.56759, outlet to other reservoir

Standing in reservoir looking at vegetation that grows in marshy areas.

61-07499, Application for Amendment

8/21/2013



Smaller
reservoir

Smaller reservoir
T04S, R07E, S26, SWNE
N43.04853, W115.56759, outlet to other reservoir

Standing on the West side of the small reservoir
looking up the channel between the two
reservoirs

61-07499, Application for Amendment

8/21/2013

Channel



Smaller reservoir
T04S, R07E, S26, SWNE
N43.04853, W115.56759, outlet to other reservoir

Standing in the small reservoir looking at the outlet channel between the small and large reservoirs.

Larger Reservoir

SESW, S25, T04S, R07E

NESW, S25, T04S, R07E

61-07499, Application for Amendment

8/21/2013

Stakes
marking
quarter-
quarter
line



Water line



Quarter-
quarter
line

Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on West side looking at GPS'd GCDB line looking Northeast.

61-07499, Application for Amendment

8/21/2013

Culvert
under
interstate

Interstate

Inlet



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on West side looking at Culvert looking South.

61-07499, Application for Amendment

8/21/2013



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on West side looking at GPS'd GCDB line looking Northeast.

61-07499, Application for Amendment

8/21/2013



Culvert
T04S, R07E, S25, NWSW

Close up of Culvert at interstate.

61-07499, Application for Amendment

8/21/2013



Standing next to Culvert at interstate

Channel heading North to the Large reservoir.

Culvert
T04S, R07E, S25, NWSW

61-07499, Application for Amendment

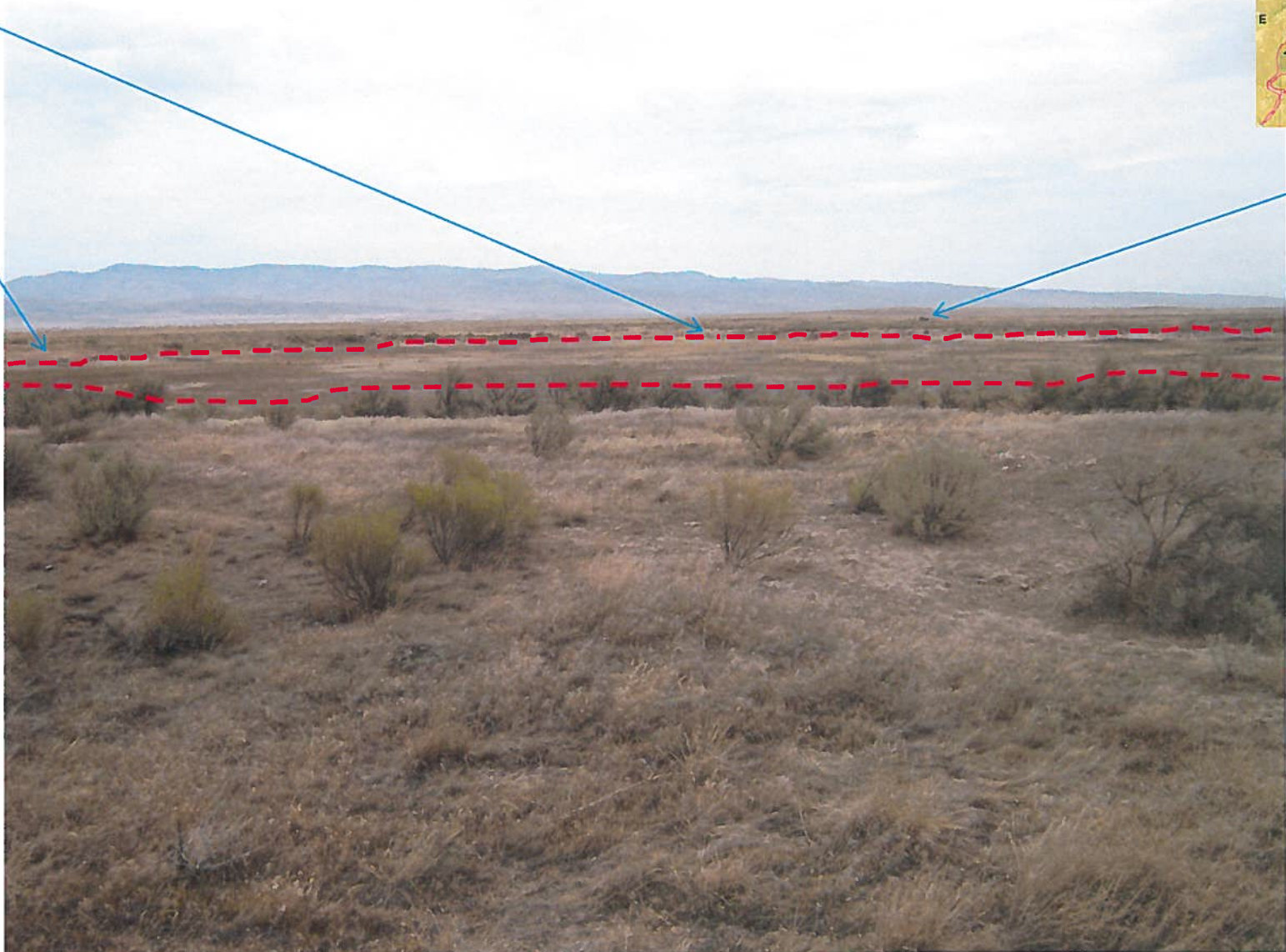
8/21/2013



Inlet

Inlet

Car



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on South side looking North at the whole reservoir.
The smaller reservoir is between the car and the large reservoir.

61-07499, Application for Amendment

8/21/2013



Interstate

Inlet from
Culvert
under the
interstate



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on East side of reservoir looking
Southwest toward inlet and interstate.

61-07499, Application for Amendment

8/21/2013



Large reservoir
T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet
N43.04607, W-115.57288, South inlet
N43.04652, W-115.57122, Middle of reservoir

Standing on East side of reservoir looking West

61-07499, Application for Amendment

8/21/2013



Large reservoir
T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet
N43.04607, W-115.57288, South inlet
N43.04652, W-115.57122, Middle of reservoir

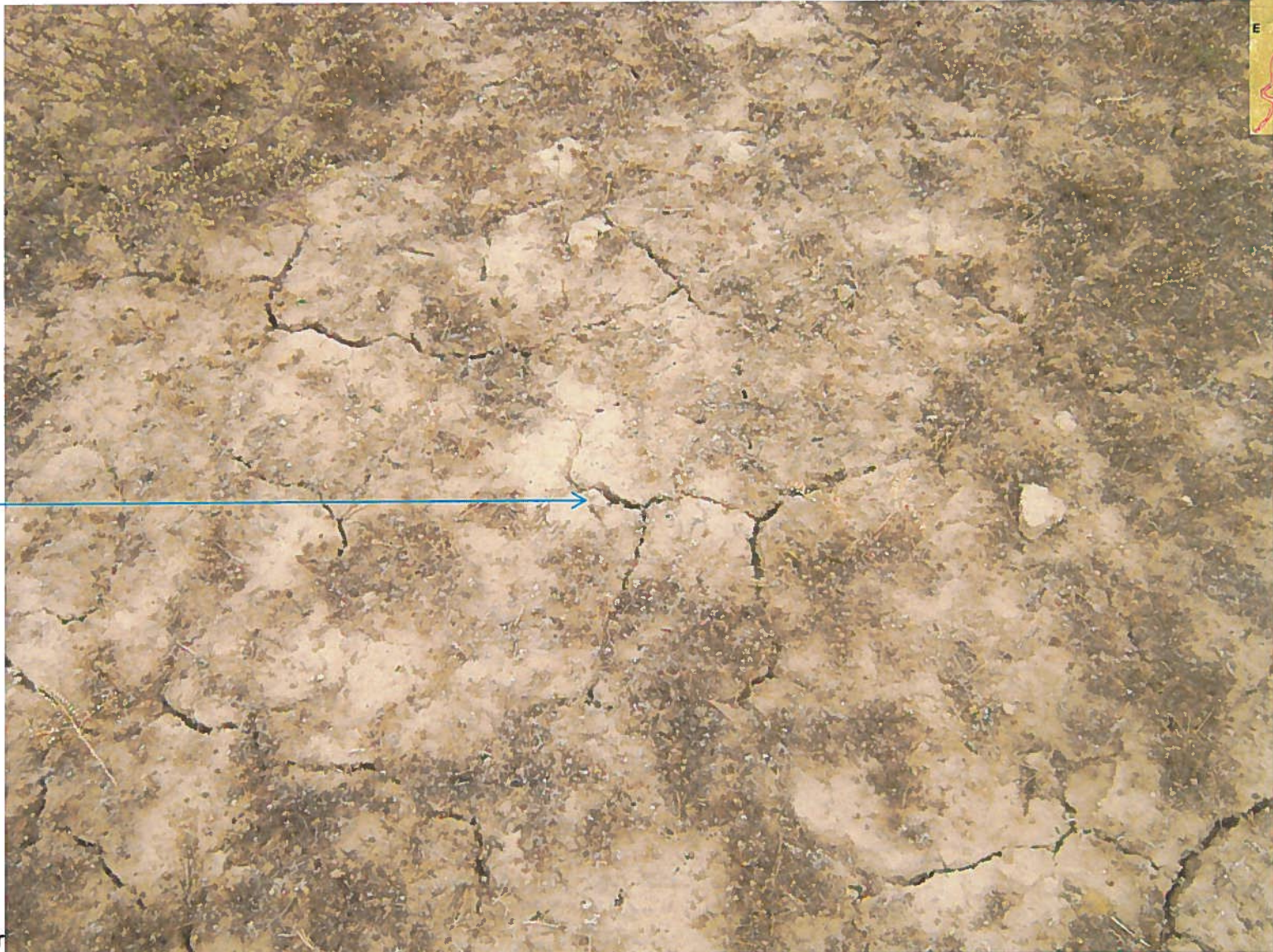
Standing on East side of reservoir looking Northwest.

61-07499, Application for Amendment

8/21/2013



Cracking
marks



Large reservoir
T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet
N43.04607, W-115.57288, South inlet
N43.04652, W-115.57122, Middle of reservoir

Close up of cracking marks in the bottom of the reservoir.

61-07499, Application for Amendment

8/21/2013



Hummocking



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Hummocking, evidence of cows and water

61-07499, Application for Amendment

8/21/2013



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on Northeast side of reservoir looking down GCDB line.

61-07499, Application for Amendment

8/21/2013



Interstate

Channel



Large reservoir

T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

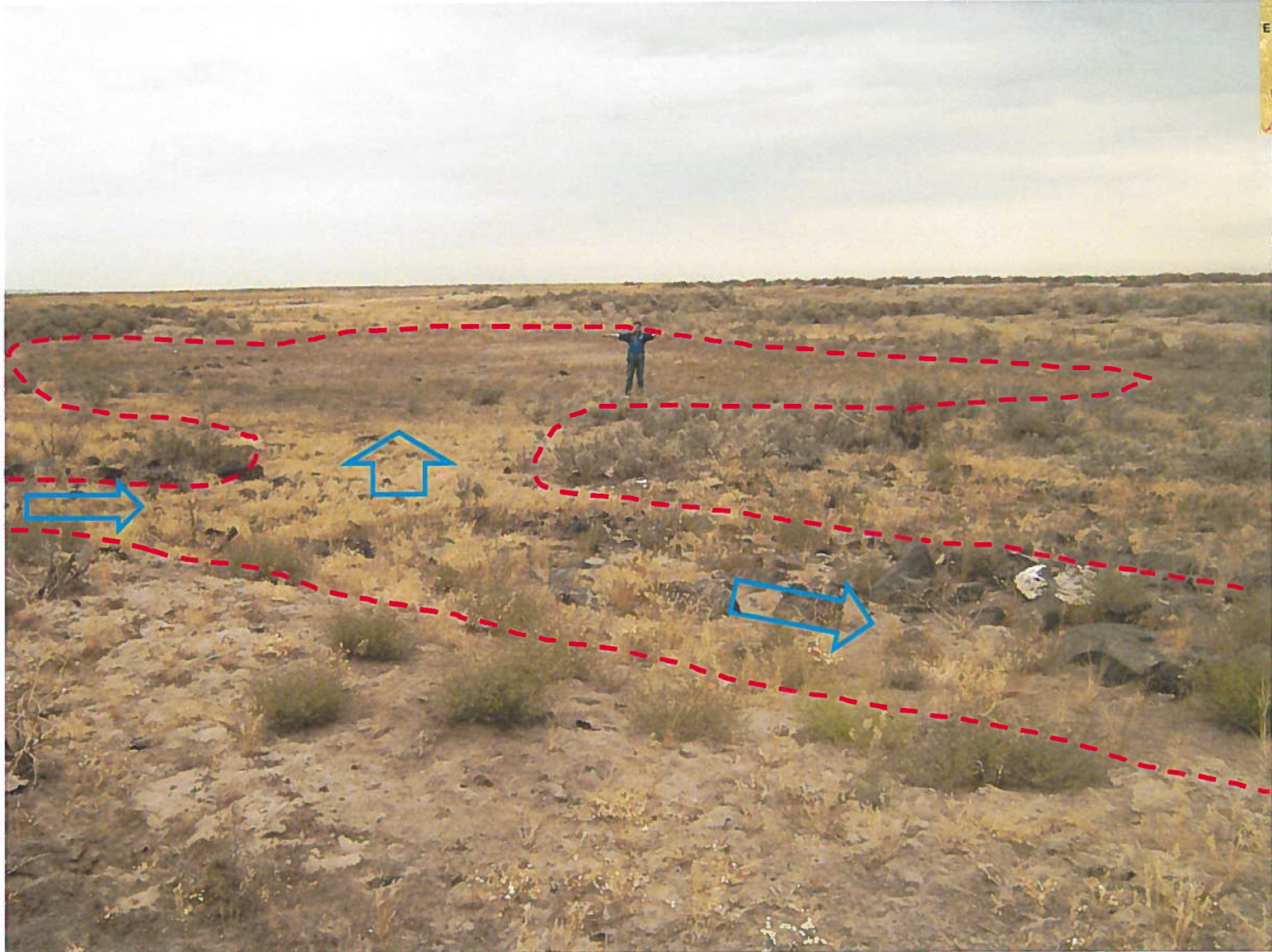
N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing at the Inlet on the North side looking at the channel in the reservoir

61-07499, Application for Amendment

8/21/2013



Large reservoir
T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet

Standing on West side of a side pond of large reservoir
looking East. This small reservoir borders the large
reservoir.

61-07499, Application for Amendment

8/21/2013

Interstate



Inlet from
the culvert
under the
interstate

Inlet

Large reservoir

T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet
N43.04607, W-115.57288, South inlet
N43.04652, W-115.57122, Middle of reservoir

Standing on North side of reservoir at the inlet
looking toward the other inlet near the interstate.

61-07499, Application for Amendment

8/21/2013

Culvert

Interstate

Inlet

Inlet

Large reservoir

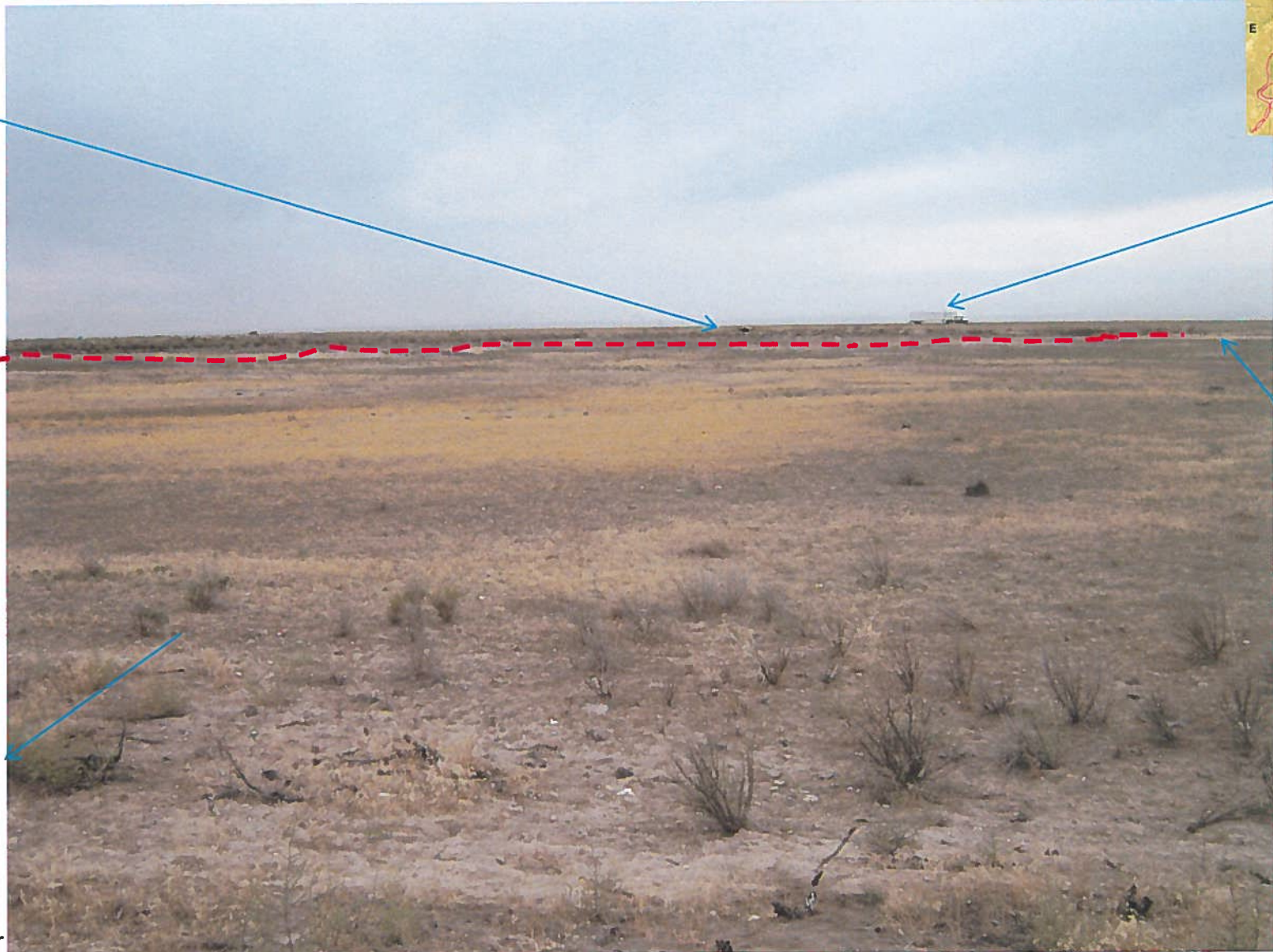
T04S, R07E, S25, SENW & NESW

N43.04705, W-115.57001, North inlet

N43.04607, W-115.57288, South inlet

N43.04652, W-115.57122, Middle of reservoir

Standing on North side of reservoir at the inlet
looking toward the other inlet near the interstate.



61-07499, Application for Amendment

8/21/2013



Interstate

Inlet

Inlet

channel

Large reservoir
T04S, R07E, S25, SENW & NESW
N43.04705, W-115.57001, North inlet
N43.04607, W-115.57288, South inlet
N43.04652, W-115.57122, Middle of reservoir

Standing on North side of reservoir
looking South East toward the channel.

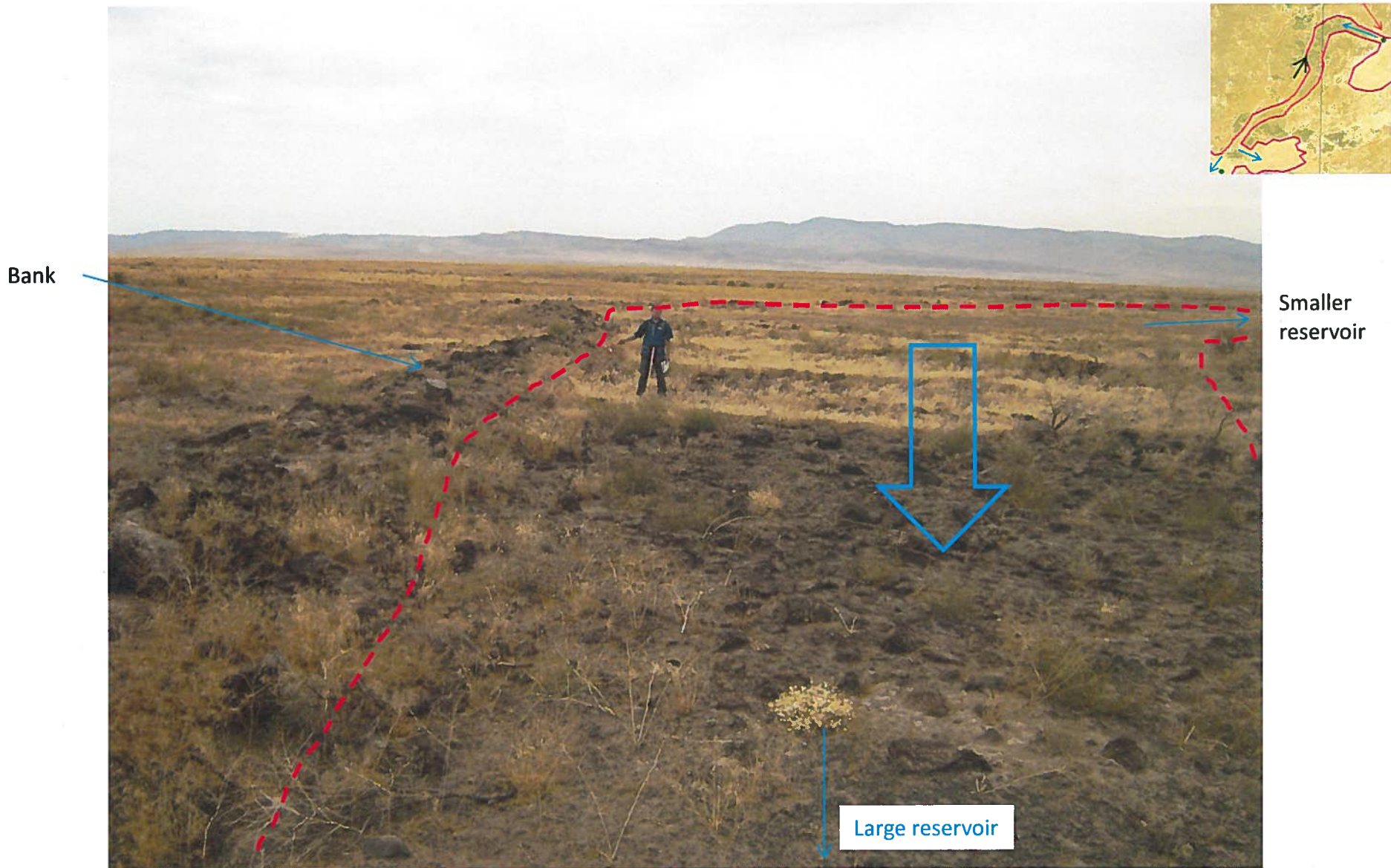
Channel connecting the
smaller reservoir and the
larger reservoir

SENW, S25, T04S, R07E



61-07499, Application for Amendment

8/21/2013



Channel between reservoirs
T04S, R07E, S25, SENW

Walking along the channel between the two
reservoirs. Standing at an embankment
channeling the water between the two reservoirs.