



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 5, 2013

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

RE: License Nos. 75-7581 & 75-7582

### 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 permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses.

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 August 6, 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 NOS.**

**75-7581 & 75-77582**

**US DEPT OF AGRICULTURE  
FOREST SERVICE  
SALMON-CHALLIS NATIONAL FOREST  
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. 75-07581

Priority: May 07, 1992

Maximum Diversion Rate: 0.04 CFS  
Maximum Diversion Volume: 0.6 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 May 07, 1992; and has submitted Proof of  
Beneficial Use on August 09, 1993. An examination confirms water is diverted from:

**SOURCE**

INDIAN SPRING

**Tributary:** SINKS

and a water right has been established as follows:

**BENEFICIAL USE**  
STOCKWATER

**PERIOD OF USE**  
06/01 to 09/30

**DIVERSION RATE**  
0.04 CFS

**ANNUAL  
DIVERSION VOLUME**  
0.6 AF

**LOCATION OF POINT(S) OF DIVERSION:**

INDIAN SPRING NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 3, Twp 25N, Rge 20E, B.M. LEMHI County

**PLACE OF 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 |        |
| 25N | 20E | 3   |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Place of use is located within the Indian Springs Water Development.
2. Rights 75-7581 and 75-13925 when combined shall not exceed a total diversion rate of 0.04 cfs.
3. Forest Service Record ID = 0413 17060203 30 0009

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 5<sup>th</sup> day of August, 2013.

  
For GARY SPACKMAN  
Director

## **Comment Report**

**75-7581**

1. csaxton 8/2/2013 Volume

Comment:  $140 \text{ head} = (\# \text{ of head }) (0.0134) = 1.9 \text{ Af per year}$ . But the season of use is 122 days. So  $(1.9 \text{ Af}/365 \text{ days}) * 122 \text{ days} = 0.6 \text{ AF}$

2. csaxton 8/2/2013 Overlap

Comment: This right authorizes the diversion of water to a trough from the same spring that is the source of water for water right 75-13925 which is not diverted and is essentially an instream stock water right that was decreed in the Snake River Basin Adjudication.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

**A. GENERAL INFORMATION**Permit No: 74-7581

Exam Date: 08/01/13

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)?    Y    N
- Irrigation of 5 acres or less
  - Storage of up to 14.6 AF for stockwater purposes only
  - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
  - Other < >

2. Current Owner: Name: USDA Forest Service  
Owner of Record Correct?    X    Y    N  
Address of Record Correct?    Y    X    N  
If No: Address Salmon/Challis National Forest  
1206 S. Challis St. Salmon, ID 83467

3. Fees have been paid:    X    Y    N Receipt No: E019015

**4. SOURCE****TRIBUTARY**

Indian Spring

Sinks

Method of Determination: Photos of POD and GPS provided by permit holder.

Change in Source:    Y    X    N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:    NO Overlap

| Water Right No. | Source        | Purpose of Use | Basis   |
|-----------------|---------------|----------------|---------|
| 75-13925        | Indian Spring | Stock          | Decreed |
|                 |               |                |         |

Comments:

2. Other water rights with the same point of diversion:    NO Overlap

| Water Right No. | Source        | Purpose of Use | Basis   |
|-----------------|---------------|----------------|---------|
| 75-13925        | Indian Spring | Stock          | Decreed |
|                 |               |                |         |

Comments:

**C. DIVERSION AND DELIVERY SYSTEM****1. LOCATION OF POINT(S) OF DIVERSION:**

| Source        | Govt. Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. |      | County |
|---------------|-----------|----|----|----|------|------|------|------|--------|
| Indian Spring |           | NE | NW | SW | 3    | 25N  | 20E  | B.M. | Lemhi  |
|               |           |    |    |    |      |      |      | B.M. |        |

Method of Determination: Pictures and GPS coordinates provided by USFS.

Change in POD?    Y    N Amendment Required?    Y    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 |        |
| 25N           | 20E | 3     |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |        |
|               |     | Lot # |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| Total Acres = |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Method of Determination: photos provided by permit holder.

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:

0.04 cfs less than recommended for 101-200 no. of stock per application processing memo #3.

Measurement = < > cfs

Permit allowed = 0.04 cfs

License recommend for 0.04 cfs.

#### F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V<sub>I.R.</sub> = (Acres Irrigated) x (Irrigation Requirement) = \_\_\_\_\_

V<sub>D.R.</sub> = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = \_\_\_\_\_

V = Smaller of V<sub>I.R.</sub> and V<sub>D.R.</sub> = \_\_\_\_\_

## 2. Volume Calculations for Other Uses:

Per Licensing Memo #3, 2.7 afa is for 101-200 no. of stock.

Per Licensing Memo #3,  $140 * 0.0134 = 1.9$  afa

*season is 122 days*  $\text{se } \left( \frac{1.9 \text{ AF}}{365 \text{ day}} \right) (122 \text{ day}) = 0.6 \text{ AF}$

License recommend for 1.9 afa.

## G. PURPOSE OF USE

Irrigation ☐ Y ☐ N # Stock 140 Domestic # of Homes         

Other: &lt; &gt;

Change in Purpose of Use? ☐ Y ☒ X ☐ N

Method of Determination: Campground website and GIS imagery.

If Yes: From Use          To Use          Amount          CFS          AFA         

## H. NARRATIVE/REMARKS/COMMENTS

Salmon River excluding Mid F. Wild and Scenic Watershed

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       | 0.04 CFS              | <del>1.9 AF</del><br>0.6 |
| <u>Totals:</u>        |                      | 0.04 CFS              | 1.9 AF<br>0.6            |

## 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: &lt; &gt;

## J. AUTHENTICATION

Field Examiner's Name          Date         Reviewer *Greg J. Lusk* Date 8-2-13

## POU

| Basin | Sequence | Suffix | Version Number      | Process        | Basis      | Status     | Draft | RightID | Priority Date  | Diversion Rate | Source List             | Water Use List | Current Owner                           | Other Owner |
|-------|----------|--------|---------------------|----------------|------------|------------|-------|---------|----------------|----------------|-------------------------|----------------|-----------------------------------------|-------------|
| 75    | 13925    |        |                     | Water Right    | Decreed    | Active     | N     | 410974  | 6/1/1885       | 0.02           | INDIAN SPRIN STOCKWATER |                | UNITED STATES OF AMERICA ACTING THROUGH |             |
| 75    | 7581     |        |                     | Water Permit   |            | Active     | N     | 82682   | 5/7/1992       | 0.04           | INDIAN SPRIN STOCKWATER |                | US DEPT OF AGRICULTURE                  |             |
|       |          |        | Leased to Water Sup | Application ID | Approval D | Total Acre | Li    | Volume  | Water District |                |                         |                |                                         |             |
|       |          |        | No                  |                |            |            |       |         |                |                |                         |                |                                         |             |
|       |          |        | No                  |                |            | 8/27/1992  |       |         |                |                |                         |                |                                         |             |

## POD

| Basin | Sequence | Suffix | Version Number      | Process        | Basis      | Status     | Draft | RightID | Priority Date  | Diversion Rate | Source List             | Water Use List | Current Owner                           | Other Owner |
|-------|----------|--------|---------------------|----------------|------------|------------|-------|---------|----------------|----------------|-------------------------|----------------|-----------------------------------------|-------------|
| 75    | 13925    |        |                     | Water Right    | Decreed    | Active     | N     | 410974  | 6/1/1885       | 0.02           | INDIAN SPRIN STOCKWATER |                | UNITED STATES OF AMERICA ACTING THROUGH |             |
| 75    | 7581     |        |                     | Water Permit   |            | Active     | N     | 82682   | 5/7/1992       | 0.04           | INDIAN SPRIN STOCKWATER |                | US DEPT OF AGRICULTURE                  |             |
|       |          |        | Leased to Water Sup | Application ID | Approval D | Total Acre | Li    | Volume  | Water District |                |                         |                |                                         |             |
|       |          |        | No                  |                |            |            |       |         |                |                |                         |                |                                         |             |
|       |          |        | No                  |                |            | 8/27/1992  |       |         |                |                |                         |                |                                         |             |

| Type   | WR #     | Owner                      | Source             | TRS     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|--------|----------|----------------------------|--------------------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Permit | 75 7581  | US DEPT OF AGRICULTURE,    | INDIAN SPRING      | 25N20E3 |      |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      | 0     |
| Right  | 75 11078 | UNITED STATES OF AMERICA A | EAST INDIAN SPRING | 25N20E3 |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |      | 0     |
| Right  | 75 13925 | UNITED STATES OF AMERICA A | INDIAN SPRING      | 25N20E3 |      |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      | 0     |

## Favreau, Danielle

---

**From:** Spencer, Steven M -FS [sspencer@fs.fed.us]  
**Sent:** Wednesday, July 31, 2013 6:36 PM  
**To:** Favreau, Danielle  
**Subject:** Moving 75-07581 to License  
**Attachments:** Photoofheadbox.docx; 75-07581 Indian Ridge Photo.docx

Danielle,

The attachments include GPS coordinates and photos of the headbox and trough for this project. The posts and poles supporting the trough and some poly pipe were casualties of last year's Mustang Fire. Prior to that time the trough was fully functional. The pipe will be replaced as soon as possible giving due consideration to the other fire damaged infrastructure that also requires attention.

If you have any questions about 75-07581 please let me know.

Thank you,

Steve

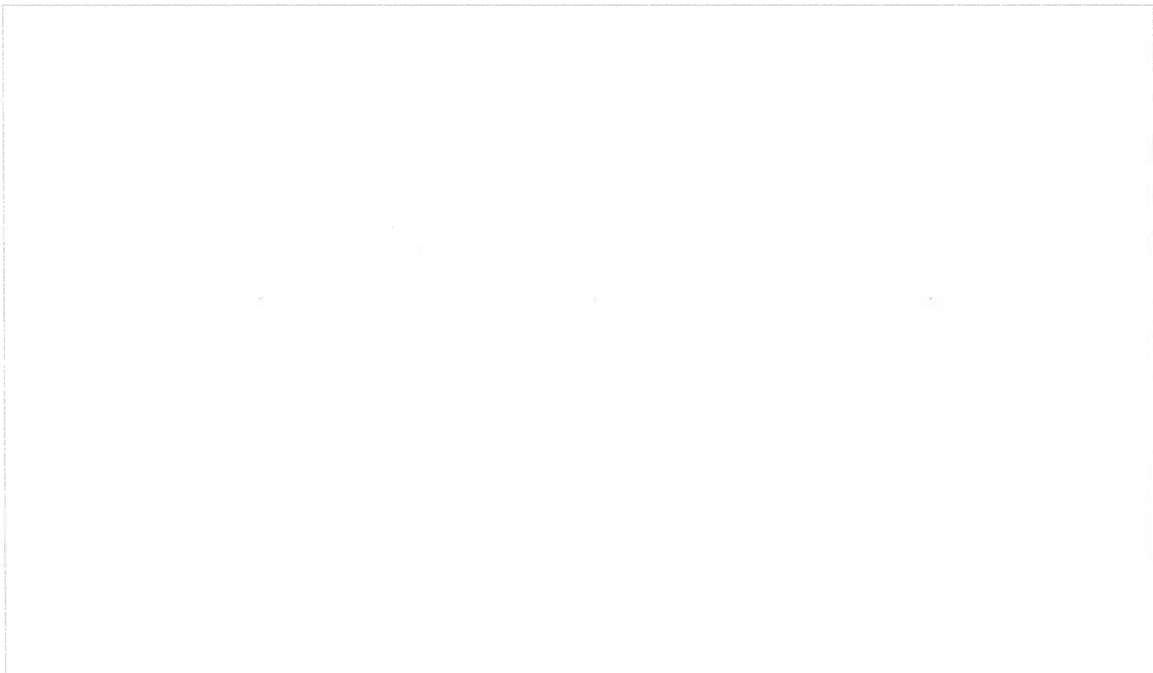
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**Photo Record WR 74-07581**

|                                                 |                              |                         |
|-------------------------------------------------|------------------------------|-------------------------|
| Intermountain Region                            | Salmon-Challis NF North Zone | District: Leadore       |
| Date: 7/11/13                                   | Observer: Leadore YCC        | Allotment: Indian Ridge |
| Location: Indian Ridge near Butcher Knife Ridge |                              |                         |
| Subject: Indian Ridge Trough                    |                              |                         |



*Metal headbox with lid. WR 74-07581 POD. Lat: 45° 31'28.5" Long: 114° 05'39.5"*



### Photo Record

|                                                     |                              |                         |
|-----------------------------------------------------|------------------------------|-------------------------|
| Intermountain Region                                | Salmon-Challis NF North Zone | District:               |
| Date: 7/11/13                                       | Observer: Leadore YCC        | Allotment: Indian Ridge |
| Location: Trough N: 44° 31' 28.5" W: 114° 05' 39.9" |                              |                         |
| Subject: WR# 74-07581                               |                              |                         |



WR# 75-07581 Indian Ridge Trough (RIM# 2207)



## Favreau, Danielle

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**From:** Spencer, Steven M -FS [sspencer@fs.fed.us]  
**Sent:** Thursday, July 05, 2012 4:19 PM  
**To:** Favreau, Danielle  
**Subject:** FW: 75-07581 & 75-13925  
**Attachments:** 75-07581 Photo.jpg

Danielle,

This is another of the possible duplicated Cody asked me to look into.

---

**From:** Spencer, Steven M -FS  
**Sent:** Friday, June 08, 2012 4:56 PM  
**To:** Allen, Cody ([Cody.Allen@idwr.idaho.gov](mailto:Cody.Allen@idwr.idaho.gov))  
**Subject:** 75-07581 & 75-13925

These two will have the same POD and POU. However Decree 75-13925 is the historic use at the spring with the 1885 priority date while Permit 75-07581 is for the trough constructed in 1992. Other information I have for the attached page with photo from 1996 is that the trough is 25 yards from the spring area, poly pipe to the trough and there was water in the pipe at the trough but not turned into the trough at the time of the visit.

So these are two separate water uses, the decree based on historic beneficial use and the permit based on later diversion and delivery to a stock trough about 25 yards away to help keep cattle from tromping in the spring.

If you have any questions about this pair please let me know.

Thank you.

Steve Spencer  
USDA Forest Service  
1805 Hwy 16 Rm 5  
Emmett, ID 83617

Phone: 208-365-7055  
Email: [sspencer@fs.fed.us](mailto:sspencer@fs.fed.us)

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MAINT

State ID: 75 7581

Forest Service ID: 4 131706020 23 0 0009 0

RAMIS #: \_\_\_\_\_

Source: INDIAN SPRING

Trib: SINKS

Purpose: Stockwater

Diversion: ~~Headbox~~ Combo

Priority Date: 6/ 1/1887

Quantity 0.02 cfs

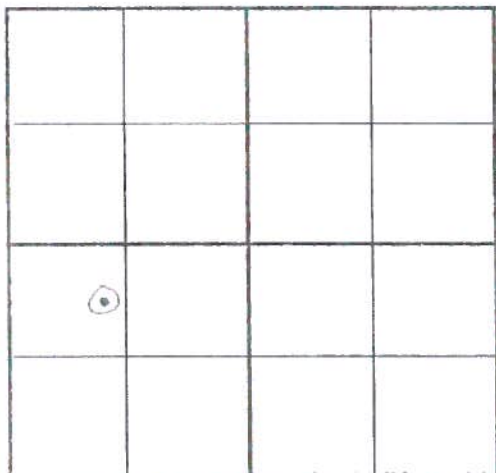
Livestock: 140 Cattle

Allotment: 207

Claimed / Permitted

Quad ID: 5

Point of Diversion: T: 25 N R: 20 E S: 03 NWSW ✓



GPS Used: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Point of Use: T: 25 N R: 20 E S: 03 NWSW ✓

GPS Used: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Aerial Photo # : \_\_\_\_\_

Date : \_\_\_\_\_

Description of Improvements: *Pipe length, Trough Dimensions, Dam height length, Ac, ft.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Flow: \_\_\_\_\_ GPM / CFS

Method: \_\_\_\_\_

Date Site Visited: 12/01/96

Photo Date : 12/01/96

Who Visited Site

*[Signature]*  
Responsible Official/Supervisor

