



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

July 18, 2013

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

RE: License No. 73-12043

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 July 19, 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.

73-12043

**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. 73-12043

Priority: March 22, 2005

Maximum Diversion Rate: 0.02 CFS

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 22, 2005; and has submitted Proof of
Beneficial Use on July 18, 2008. An examination confirms water is diverted from:

SOURCE

FALLS CREEK

Tributary: PAHSIMEROI RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

FALLS CREEK L6 (NE1/4NE1/4) Sec. 6, Twp 14N, 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	
14N 22E 1	X							X									
	L 1																
14N 22E 3									X								
14N 22E 12															X		
14N 22E 13															X		
14N 23E 6									X								
14N 23E 7								X									

CONDITIONS OF APPROVAL

1. Project also known as Falls Creek Pipeline.
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. 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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 73-12043

4. 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. 73.
5. The use authorized under this right shall not exceed 13,000 gallons per day.

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 18th day of July, 2013.

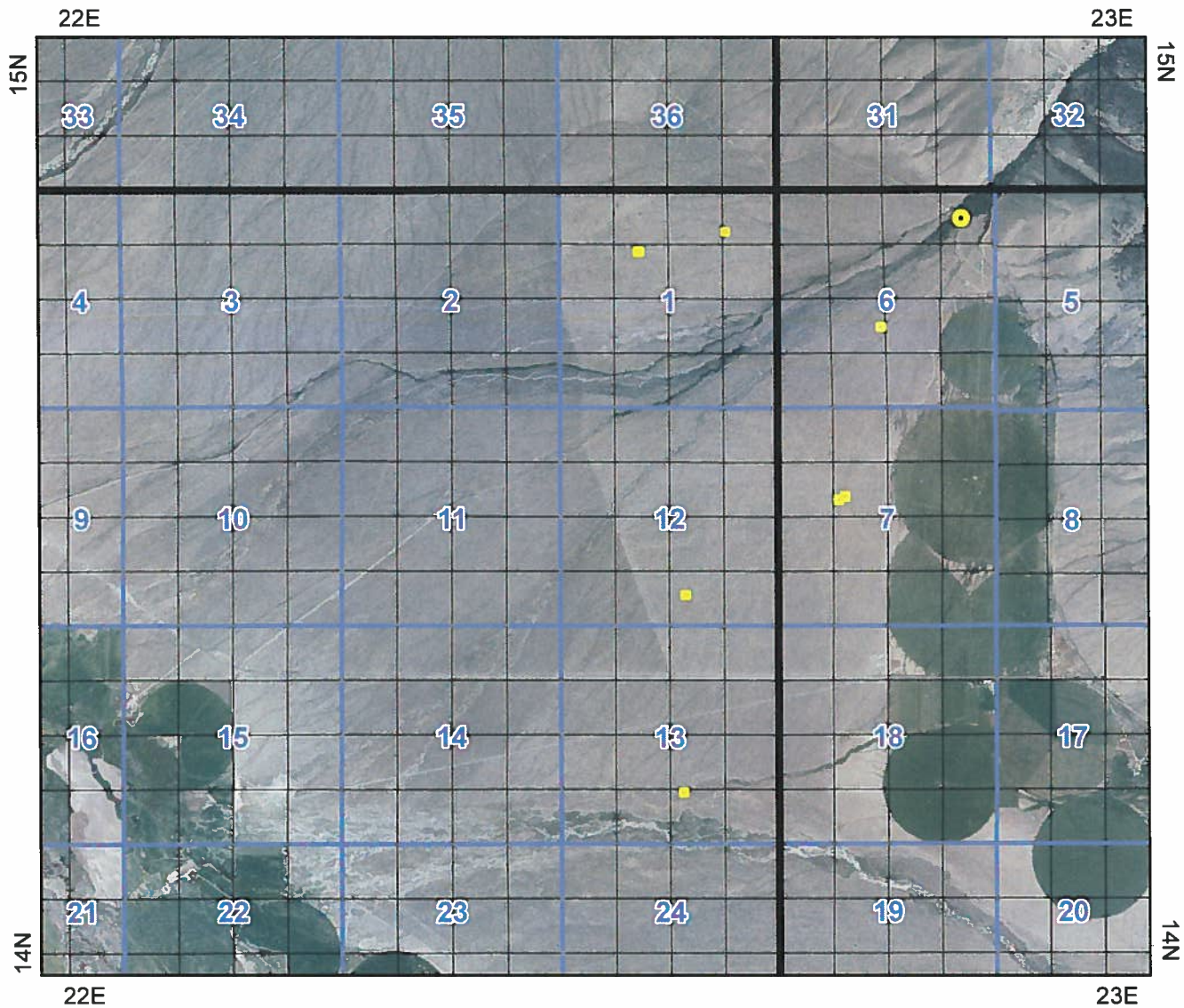

Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

73-12043

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 0.5 1 2 Miles



RECEIVED

JUL 12 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) U.S.D.I., Bureau of Land Management, I.S.O. Phone (208) 373-3831
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1387 S. Vinnell Way City Boise
 State ID Zip 83709 Email: fwprice@blm.gov

I am the owner of Water Appropriation Permit No. 73-12043 and request that the permit be amended as follows:

- ☐ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☐ Change nature of use ☒ Change place of use ☐ Other _____

1. **Point of diversion:** ☒ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

2. **Period and nature of use:** ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

3. **Place of use or land to be irrigated:** ☐ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	1	X Lot 1							X									
14N	22E	3									X								
14N	22E	12															X		
14N	22E	13															X		
14N	23E	6									X								
14N	23E	7								X									

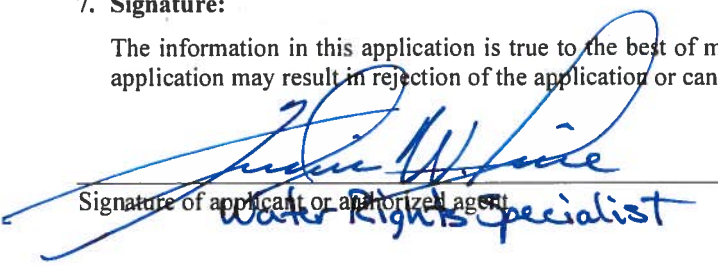
Total number of acres to be irrigated _____

4. **Property ownership:** ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.
- a. Who owns the property at the point of diversion? Bureau of Land Management
- b. Who owns the land to be irrigated or place of use? Bureau of Land Management
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
N/A

5. **Describe the proposed change in narrative form:**
- The field exam and aerial photography shows that one of the POU should be located in Lot 1 (NENE) S01 (correct)
instead of Lot 2 (NWNE) S01 (incorrect). It also shows that one of the POUs should be located in the SWSE, S13
(correct) instead of the SWNE, S13 (incorrect). This error was introduced in the Application for Permit.

6. **Map:** ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.
- Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. **Signature:**
- The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

	<u>Fredric W. Price</u>	<u>7/12/2013</u>
Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
 _____ Signature of applicant or authorized agent	 _____ Print name (and title, if applicable)	 _____ Date

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>7-12-12</u>	Receipt No. <u>0097481</u>
Received by _____	Date _____	
Reviewed by _____	Date _____	

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 73-12043

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$100.00 Received by CW # C097481 Date 7-12-2013

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. 73-12043 with the following:

CONDITIONS OF APPROVAL

1. Project also known as Falls Creek Pipeline.
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. 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.
4. 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. 73.
5. The use authorized under this right shall not exceed 13,000 gallons per day.

Witness my hand this 18th day of July, 2013.

Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 73-12043

Priority: March 22, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

has applied for a permit to appropriate water from:

Source: FALLS CREEK

Tributary: PAHSIMEROI RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

FALLS CREEK L6 (SW¼NE¼NE¼) Sec. 6, Twp 14N, 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
14N	22E	1	X	X					X										
14N	22E	3	L1								X								
14N	22E	12															X		
14N	22E	13															X		
14N	23E	6									X								
14N	23E	7							X										

remove

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 01, 2008.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. 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. 73.

The field exam and aerial photography shows that one of the POU should be located in Lot 1 (NENE) S01 (correct) instead of Lot 2 (NWNE) S01 (incorrect). It also shows that one of the POUs should be located in the SWSE, S13 (correct) instead of the SWNE, S13 (incorrect). This error was introduced in the Application for Permit.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 73-12043

5. 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.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. Stockwater use is for 35 horses and 280 range cattle.
8. The use authorized under this right shall not exceed 13,000 gallons per day.
9. 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.
10. Project also known as Falls Creek Pipeline.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of September, 2005.


For KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Bureau of Land Management Phone 208-756-5400
Post Office Address 50 Highway 93 South Salmon, Idaho 83467
2. Source of water supply Falls Creek which is a tributary of Panther River.
3. Location of point of diversion is Township 14N Range 23E Sec. 6, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 6, B.M., Lemhi County; additional points of diversion, if any: _____.
4. Water will be used for the following purposes:
amount .02 for stockwater purposes from 1/1 to 12/31
(cfs/ac-ft)
amount .02 for wildlife purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
5. Total quantity to be appropriated is (a) .02 cubic feet per second and/or _____ acre-feet per annum.
6. Proposed diverting works:
 - a. Describe size and type of devices used to divert water from the source Hydro-sheer screen (see attached).
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature greater the 85°F being sought? ☐ Yes ☒ No
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, got to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. 35 horses and 280 Cattle
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Wildlife

RECEIVED
MAR 22 2005
Department of Water Resources
Eastern Region

The field exam and aerial photography shows that one of the POU should be located in Lot 1 (NENE) S01 (correct) instead of Lot 2 (NWNE) S01 (incorrect). It also shows that one of the POUs should be located in the SWSE, S13 (correct) instead of the SWNE, S13 (incorrect). This error was introduced in the Application for Permit.

Ident. No. _____

RECEIVED

MAR 22 2005

9. Description and place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
14N	23E	6									S+W								
14N	~~22E~~ 23E	7								S+W (2)									
14N	22E	1	S+W Lot 1	S+W Lot 2						S+W									
14N	22E	3									S+W								
14N	22E	12															S+W		
14N	22E	13			S+W												S+W		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above 73-11616.
11. a. Who owns the property at the point of diversion? BLM
- b. Who owns the land to be irrigated or the place of use? BLM
- c. If property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: na
12. Remarks: Locally known as the Falls Creek Pipeline
13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8 ½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant (and title, if applicable)

Received by: _____ Date _____

Prelim. check by _____ Fee \$ 100Receipted by DC # E030691Publication prepared by SCPublished in Reverend Herald

Publication Approved _____

Time _____

Date 3/22/2005Date 8/4 & 8/11/05

Date _____

Date _____

73-12043, Falls Creek

