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FORM 202
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Department of Water Resources

Ident. No. 29-13648

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Idaho Dept of Fish + Game Phone 208-232-4703
 Mailing address 1345 Burton Rd Pocatello, ID 83204

2. Source of water supply Parkview River which is a tributary of Snake River

3. Location of point of diversion is Township 7 S Range 35 E Sec. 7 in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Bannock County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.00 for diversion to wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 1448 for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.00 and/or (b) 1448
 cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source See attachment I

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 ground water with a temperature of greater than 85°F being sought? _____

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 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering, list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. See attachment 1

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3. Description of 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				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	7																W	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. water right # 29-02137A

11. a. Who owns the property at the point of diversion? IDFG
- b. Who owns the land to be irrigated or place of use? IDFG
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: see attachment I

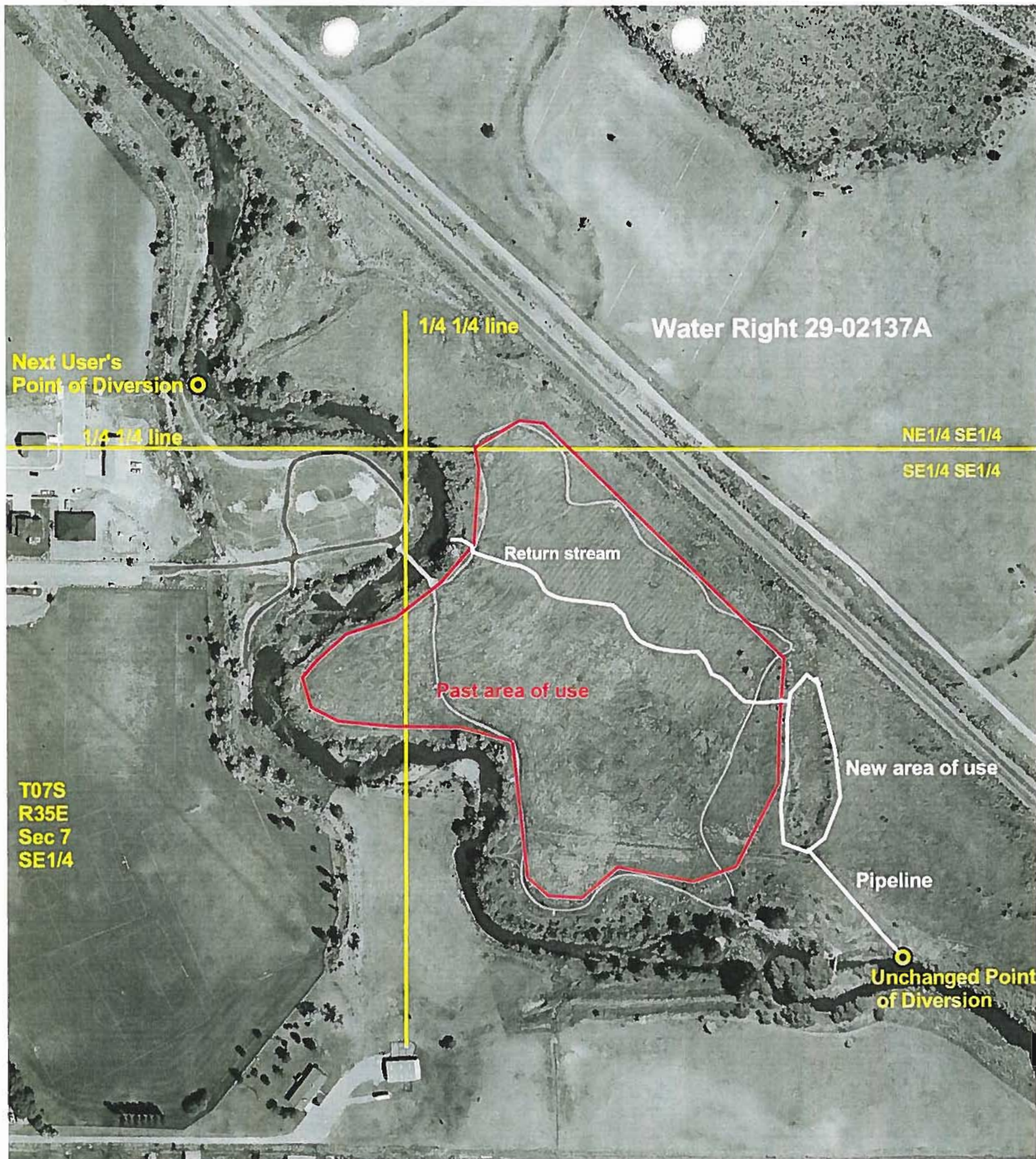
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.)

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.

EC
Signature of Applicant (and title, if applicable)

Received by SC Date 7-16-03 Time _____ Preliminary check by James Dunn
 Fee \$ 290.00 Receipted by SC # E029003 Date 7/16/03
 Publication prepared by SC Date 9/18/03 Published in Idaho State Journal
 Publication approved SC Date 9/29/03

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Attachment I

Part 6.a:

A single 7.5 horsepower single phase above-ground pump will be used to pump water out of the river and through an underground 10 inch diameter plastic pipe. The pipe will travel 300 horizontal feet and 8 vertical feet up. The water will exit the pipe directly into the settling pond.

Part 8.e:

The purpose of this water right is to create and maintain a nonconsumptive wildlife pond with a meandering stream and to restore natural wetland and riparian habitats, as well as attempt to improve the quality of the water in the Portneuf River.

The water will be pumped 300 ft. through a buried pipe to a .4 acre settling pond. The water will be pumped into the pond at a steady rate of 2.24 cfs (the 2.0 cfs of this water right plus the .24 cfs of our existing water right, previously used for irrigation (transfer pending)) during the irrigation season (April 1 – October 31) and 2.00 cfs during the rest of the year. The discharge water from the pond will flow through a 700 ft. meandering stream back to the river.

Conveyance loss will be negligible through the underground pipe, and minimized in the pond and stream by bottom lining with bentonite clay. With an estimated peak water loss due to transpiration and evaporation of less than .011 cfs, and a total annual loss of less than 2 acre-feet, the vast majority of the water removed from the river will be returned at the end of the meandering stream.

The wildlife pond will also serve as a settling pond for sediment and excessive nutrients in the river. With a flow of 2.24 cfs and an average depth of 4 feet, the turnover rate in the pond will be approximately 9.0 hours. With a flow of 2.00 cfs the turnover will be approximately 9.7 hours. At least 6 hours retention time should result in a greater than 90% removal of suspended solids and over 50% reductions in total phosphorus and nitrate levels. An upstream monitoring station will be installed to directly compare pretreatment and post-treatment water quality.

There are no other users' points of diversion on the Portneuf River between the proposed point of diversion and the return point of the stream. No other users will experience adverse impacts because of this diversion.

The following document is attached for your review in connection with this application:

- Attachment II: Aerial Photo that shows the Public Land Survey System Subdivision Lines, the Portneuf River channel, the point of diversion, the proposed pipeline, the proposed wildlife pond, and the proposed return stream (consisting of one (1) page).
- Attachment III: GIS Place of Use Illustration 1987/1988 NAPP Photography for Water Right No. 29-02137A (consisting of one (1) page).

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Part 12:

This nonconsumptive use application is an attempt to improve both the habitats in the Edson Fichter Nature Area as well as the water quality of the Portneuf River. Every step is being taken to minimize water loss. During the irrigation season, when evaporative loss will be highest, the existing .24 cfs water right will more than cover the estimated peak loss of .011 cfs due to evaporation and transpiration. Water loss during the rest of the year is estimated to be no more than 1 acre-foot, which is less than .2% of the total water diverted during the non-irrigation months.

No other users on the Portneuf River will be negatively affected by this water right. There are no other points of diversion on the Portneuf River between the proposed point of diversion and the return point of the stream. Every water user downstream from this diversion will benefit from a cleaner water source due to the cleansing effect of the settling pond/riparian habitats.

Partners with the Department in this venture include: J.R. Simplot Company, Bannock County and the City of Pocatello. The project has received support from the Portneuf Watershed Council, the National Resource Conservation Service and the Soil and Water Conservation District.

This project would also create immediate opportunities for agencies involved to encourage habitat restoration through public outreach projects and student education.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2137A V1

WATER RIGHT NUMBER: 29-2137A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-2920
Original Owner	ERASTUS M PURKEY POCATELLO, ID 83210
Original Owner	LORRAINE POWELL 5500 BANNOCK HWY POCATELLO, ID 83204 (208)232-2278
Original Owner	JOHN D POWELL JR 5500 BANNOCK HWY POCATELLO, ID 83204 (208)232-2278

Priority Date: 01/27/1912

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	SE1/4SE1/4	Sec. 7, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	7									1.0	1.0	.8	9.2					12.0

Total Acres: 12

Conditions of Approval:

- c18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2137A V1

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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