

RECEIVED

FORM 113
12/07

JUN 29 2009

WATER RESOURCES
WESTERN REGION

Ident. No. 67-12077

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder USDA Forest Service Phone (208) 634-0446
Mailing address 800 W. Lakeside Ave, McCall, ID 83638 Email dfcobb@fs.fed.us
2. Source of water supply Mann Creek tributary to Weiser River
3. Point of diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes provide the water right number 67-12077
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot ____, ____, 1/4 ____, 1/4 ____, 1/4 ____,
Section ____, Township ____, Range ____, B.M.,
____ County;
Ending point is in Gov't. Lot ____, ____, 1/4 ____, 1/4 ____, 1/4 ____,
Section ____, Township ____, Range ____, B.M.,
____ County;
 - b) Alternate point of diversion is in Gov't. Lot ____, SE 1/4 NW 1/4 NW 1/4,
Section 33, Township 14 North Range 5 West, B.M.,
Washington County;
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Screened gravity flow pipe starting with a 6" X 10' PVC pipe with a 3/32" screen over inlet,
 - b) Describe the delivery system The 6" X 10' pipe will go to a 4" X 10' PVC pipe, then a 3" X 20' PVC pipe, to a 1 1/2" X 60' PVC pipe, then reduce to a 3/4" poly pipe 215 feet to the first trough, then 140 feet to the other four troughs.
 - c) Describe the number, type and total capacity of troughs or tanks One 210 gallon trough and four 150 gallon troughs.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Each trough will be equipped with a float or overflow will be piped directly to creek.
- e) Describe how the system is designed to allow measurement of the rate of diversion Gravity flow pipe and designed head will not be capable of exceeding a 0.02 cfs rate of diversion.

5. Describe the place of use by placing an **X** in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
14N	5W	33						S										

6. Priority date claimed or established 06/01/1883
7. Rate of diversion 0.02 cfs
8. Season of use from May 1 to October 30
9. a) Who owns the property at the point of diversions? United States of America
b) Who owns the property at the place of use? United States of America
10. When will construction occur? June 2009
11. Comments (include number and type of stock) Providing water at a cow camp corral used historically every year for the management of a federal grazing allotment. Riders horses are kept in the corral.
12. Map of the project required – Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative points of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 4th day of June, 2009

Jeanne A Evenden

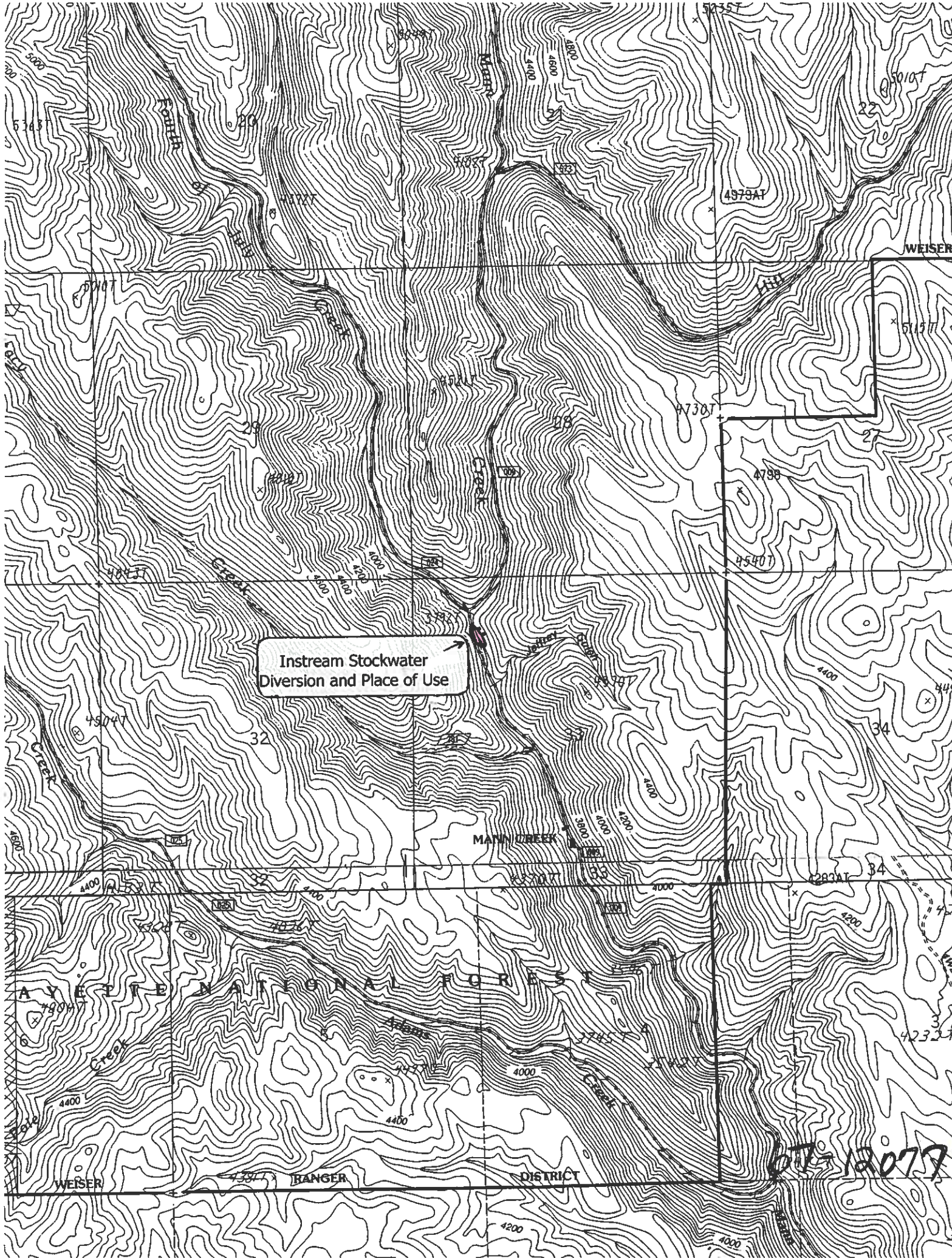
Right Holder or Authorized Representative
Jeanne Evenden, Director of Lands

JB-6-1-09

FOR DEPARTMENT USE

Received by Jan Date 6/29/09 Preliminary check by SC
Fee: \$ 25- Receipted by Jan Receipt No. W037614 Date 6-29-09
Water District No. _____ Entered into data base _____ By _____

Instream Stockwater
Diversion and Place of Use



67-12077

SRBA PARTIAL DECREE 67-12077

Issued on 03-05-2003.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	USDA FOREST SERVICE 550 W FORT ST, MSC 033 BOISE, ID 83724		
SOURCE:	MANN CREEK TRIBUTARY: WEISER RIVER		
QUANTITY:	0.02 CFS		
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED GALLONS PER DAY.		
PRIORITY DATE:	06/01/1883		
POINT OF DIVERSION:	T13N R05W S04	NWSE (Instream Ending Point)	Wi
	T15N R05W S21	SENW (Instream Beginning Point)	
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTIT
	Stockwater	06-01 TO 09-30	0.02 C
PLACE OF USE:	Stockwater		Within Washing
	T13N R05W S04	NWNE	SWNE
		NENW	SENW
		NWSE	LOT 2 ()
	LOT 3 ()		
	T14N R05W S04	NWNW	SWNW
		SENW	NESW
		SESW	LOT 4 ()
	S09	NWNE	NENW
		SENW	NESW
		SESW	NWSE
		SWSE	
	S16	NWNE	SWNE
		SENW	NESW
		SESW	
	S21	NENW	SENW
		NESW	SESW
	S28	NENW	NWNW
		SENW	NESW
		SESW	
	S33	NENW	NWNW
		SWNW	SENW
		NESW	SESW
		SWSE	
	T15N R05W S20	SESE	
	S21	SENW	NESW
		NWSW	SWSW
	S28	SWSW	
	S29	NENE	SENE
		NESE	SESE
	S33	NENW	NWNW

SEnw

NEsw

Nwsw

Swsw

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS N
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

Greg Lesch/R4/USDAFS

04/27/2009 03:10 PM

To Steven M Spencer/R4/USDAFS@FSNOTES

cc Denise F Cobb/R4/USDAFS@FSNOTES, Greg
Lesch/R4/USDAFS@FSNOTES, Melanie L
Vining/R4/USDAFS@FSNOTES, Caleb F

bcc

Subject Fw: Water Right Question

Steve, I'm attaching a USGS map showing the location of the Cow Camp. Also I sat in on the Hitt Mountain Allotment and Cattle Association Facility meeting last week on April 22. The permittee does consent and agree to pursuing this means of approach.

Denise and the rest of our staff will continue to work through this with the permittee, in meeting the direction and provisions you've highlighted below.

Thanks for your support.

GREG LESCH

Council & 'Acting' Weiser District Ranger

Payette National Forest

Council - 253-0100 Weiser - 549-4200

Cell - (208) 741-0511 Fax (208) 253-0109

glesch@fs.fed.us

—— Forwarded by Greg Lesch/R4/USDAFS on 04/27/2009 02:59 PM ——

Denise F Cobb/R4/USDAFS

04/27/2009 02:57 PM

To Greg Lesch/R4/USDAFS@FSNOTES

cc

Subject Fw: Water Right Question



map_grazing_facility.pdf

Denise F. Cobb
Special Use Administrator
Payette National Forest
McCall Ranger District
Office: 208-634-0446
dfcobb@fs.fed.us

—— Forwarded by Denise F Cobb/R4/USDAFS on 04/27/2009 02:55 PM ——



**Steven M
Spencer/R4/USDAFS**

04/27/2009 11:36 AM

To Denise F Cobb/R4/USDAFS@FSNOTES

cc Holly Becker/R4/USDAFS@FSNOTES, Caleb F
Zurstadt/R4/USDAFS@FSNOTES

Subject Re: Water Right Question

Denise (and Holly), I was in Ogden last week and to make a long story short we are going to start using the "Notice of Diversion as an Alternative to Instream Stockwater Use as provided in section 42-113,