

Memo

Date: June 4, 2010

To: Water Right Files 35-8624, 35-12863A&B, and 35-8631

From: Jeff Peppersack 

Re: Water Right Review for Sterling Wildlife Management Area

This memo summarizes my review of water rights for ponds owned or managed by the Idaho Department of Fish and Game (IDFG) in the area west of American Falls Reservoir. My review included water right files, available aerial photographs and memos from Mat Weaver (dated May 4, 2010), Nick Van Dyke (dated May 13, 2010) and Shelley Keen (dated May 14, 2010). Local citizens expressed concern over the use of water for ponds in the Sterling Wildlife Management Area (SWMA). The first area of concern is associated with Johnson Pond under water right 35-8624. The second area is associated with ponds located in the northern part of the SWMA under water right nos. 35-12863A&B and 35-8631.

JOHNSON POND

License 35-8624 was issued in January, 1993 for 1.01 cfs and 731.2 af for wildlife purposes. The application (submitted in December, 1985) noted the purpose of the appropriation was to "...maintain water in an existing marsh." The applicant also noted in the remarks section of the application that "...this well will only be used as necessary to maintain desired water levels in the existing marsh." The wildlife use was developed and an IDWR field exam confirmed that water was used for a wildlife nesting pond and was operated year-round. The right was decreed in the SRBA, as licensed, in November, 2000.

The permit (issued in May, 1990) and resultant license were not issued for wildlife storage; however, it is clear from the file that impoundment of water was intended for the benefit of wildlife. It is helpful to note that IDWR's pond policy memo was not issued until 2003 and, until that time, impoundment of water for non-irrigation purposes was not uniformly described as storage.

Water right 35-8624 can be considered in compliance as long as the rate and volume are not exceeded for wildlife purposes and the place of use is not enlarged. Review of available aerial photographs from 1987 to present do not show enlargement of the place of use. The annual volume of water authorized under the water right is based on continuous flow of 1.01 cfs over 365 days. As long as the rate of flow is limited to 1.01 cfs, the annual volume limit will not be exceeded. There is information in the water measurement files that the rate of flow was likely exceeded a few years ago. More recent estimates of flow confirm compliance with the authorized flow rate.

For continued compliance, IDFG should install a flow meter with data logger to demonstrate that the authorized rate of flow is not exceeded. As an alternative, IDFG could physically alter the

SUPPORT DATA

IN FILE # 35-8624

pumping plant or lock the controlling works to prevent flow in excess of 1.01 cfs. Specific action should be approved or controlled by the watermaster.

OTHER PONDS AND DAM

Dam Safety Issue

One of the issues raised by local citizens regarding ponds in the SWMA is the height of a barrier used to impound water stored for wildlife purposes in the northern part of the SWMA. Measurements taken by local citizens indicated the maximum height of the barrier may be greater than 10 feet. However, the hydraulic height (referencing the maximum water storage elevation) is used to define a dam for regulatory purposes. IDWR has concluded that the barrier is not currently regulated by IDWR and that its location relative to downstream development does not warrant further safety review at this time.

Water Right 35-12863A&B

IDFG filed an SRBA claim in 1990 for wildlife storage in the amount of 50 ac-ft with a priority date of April 20, 1971. The source was listed as an unnamed drain tributary to the Snake River. The federal government filed an objection to the SRBA recommendation because part of the place of use was located on federal land. The objection was resolved by splitting the water right into parts A (state portion) and B (federal portion) and adding a combined volume limit of 50 ac-ft to the two parts. The rights were decreed in the SRBA in May, 2000. Note that the decree includes a condition that the diversion volume is based on the storage capacity, but refilling is allowed.

Mat Weaver and Nick Van Dyke reviewed recent aerial photography and provided preliminary estimates of what appears to be the outer extremities of ponds and related marshland within the SWMA. Review of the extent of the pond(s) is complicated by pre-existing marsh and ponds in the area prior to development by IDFG. The topography is generally flat and low areas fill with water from springs and drains likely resulting from irrigation of nearby lands. IDWR would only issue water rights for the volume of the impoundment resulting from the development of the barrier.

To determine compliance, it was useful to review the SRBA exam conducted in 1993 to verify the water right. A map was prepared in 1993 to estimate the volume of water impounded. The map shows a pond surface area of 11 acres and an estimated volume of 50 ac-ft. The outlined area was based on a 1987 ASCS photo and appears to match the 1987 NAPP photo available at IDWR. The estimate of the impounded area did not appear to include the marshy areas immediately surrounding the open water. It was not possible to determine the extent of natural marsh existing prior to development of the IDFG water right. Review of aerial photos from the 1970's, 80's and recent photos did not show significant variance in the size of the pond(s) above the barrier. The pond(s) appears to be within the authorized place of use under water rights 35-12863A&B.

The depth of water in the pond(s) cannot be easily determined; an accurate determination would require significant IDWR staff time and resources. I understand that IDFG has been conducting their own review of the pond depths to ensure the pond capacities are not exceeding their water rights.

There is another pond located on federal land within the SWMA that appears to be fed by the same unnamed drain through a side channel upstream of the IDFG barrier. The pond is located primarily in the SWSW of Section 6 in T5S, R32E. IDFG reports that the pond is not a result of

the IDFG barrier. Although not conclusive, past and recent aerial photographs seem to confirm that the slack water due to the IDFG barrier ends well below the side channel feeding into the pond.

Water Right 35-8631

In August, 1986, IDFG filed an application to appropriate water for wildlife storage from the same unnamed drain used for water rights 35-12863A&B. In December, 1989, IDWR issued a permit for wildlife storage in the amount of 20 ac-ft. In August, 1991, IDWR completed an exam to verify the water use and found a total of 5 ponds. Water is diverted from the outlets of the barrier associated with water rights 35-12863A&B and is captured in the 5 ponds; however, water must first be diverted from the barrier to a separate ditch to satisfy private water rights for irrigation use. The field exam indicated the capacity of the 5 ponds totaled 74.8 ac-ft. A license was issued in January, 1994 and limited to the permitted amount of 20 ac-ft. The right was decreed in the SRBA, as licensed, in November, 2000.

Review of recent aerial photographs indicated that not all of the individual ponds have been utilized for storage; however, the capacity of the ponds currently in use likely exceeds 20 ac-ft. The results of IDFG review of pond depths will provide a better estimate of total volume in use. To ensure compliance with the water right, IDFG should provide an estimate of the current capacity for each pond to IDWR and limit diversion to 20 ac-ft annually unless additional water rights can be acquired for the total capacity of the ponds.

35-8624

Johnson Pond

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-08624

NAME AND ADDRESS: DEPT OF FISH & GAME
P O BOX 25
BOISE, ID 83707

SOURCE: GROUNDWATER

QUANTITY: 1.01 CFS
731.20 AFY

PRIORITY DATE: 01/22/1986

POINT OF DIVERSION: T05S R31E S24 NWNWNW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	01-01 TO 12-31	1.01 CFS 731.20 AFY

PLACE OF USE:	Wildlife		Within Bingham County
	T05S R31E S24	SWNE	LOT 02 (SENE)
		NENW	NWNW
		SWNW	SENW
		NESW	SESW
		LOT 03 (NESE)	NWSE
		SWSE	LOT 04 (SESE)

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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 and Game Phone (208) 232-4763
Post office address 5205 South Fifth, Pocatello, ID 83201

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24 Township 5S
Range 31E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.0 cfs for Wildlife purposes from Jan. 1 to Dec. 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)

5. Total quantity to be appropriated:

a. 4.0 cubic feet per second and/or b. 600 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Construction would include drilling, a 20" drill casing and pad. A pump may also be necessary.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 300 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: SEE ITEM 8.b.

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 24 Township 5S
Range 31E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: water will be used to maintain water in an existing marsh for waterfowl nesting, brood rearing, and hunting.

WILDLIFE

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	31E	24			W	W	W	W	W	W	W			W	W	W	W	W	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion U.S. Bureau of Reclamation (USBR)

b. Who owns the land to be irrigated or place of use U.S.B.R. and Idaho Fish and Game

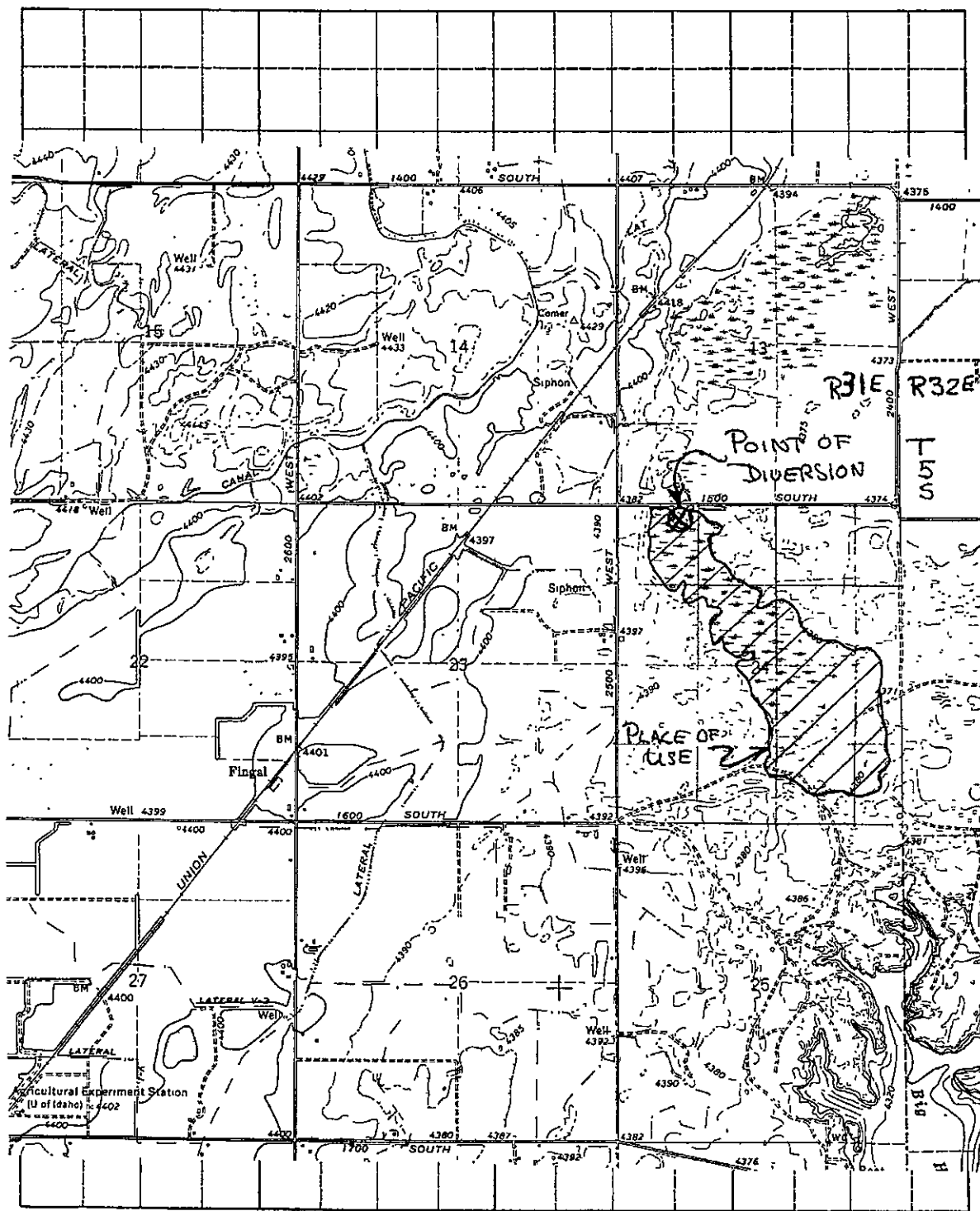
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The Idaho Department of Fish and Game has a 50-year lease on the property which expires in 2031.

10. Remarks It should be noted that this well will only be used as necessary to maintain desired water levels in the existing marsh. Any questions should be referred to Tom Hemker, Western District Regional Wildlife Biologist, Pocatello Office, 232-4703.

RECEIVED

MAY 20 1990

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

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

RECORDED

MAY 25 1990

Almond Hordis
(Applicant)

Proposed Priority 12/12/85

Received by MD Date 12/12/85 Time 1:30 pm
Preliminary check by HWS Fee \$ 105⁰⁰ Document # 481
Received by State Auditor Date 2-24-1986 # 09398
Publication prepared by MD Date 12/18/85 + 1/14/86
Published in The Blackfoot News
Publication dates 12/26/1985 + 1/2/1986 ^{ROC} 1/23/86 + 1/31/86
Publication approved Qia Date 2-24-86
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC FW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8624, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1987.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.
A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Consumptive use of water under this permit shall not exceed 2.0 acre feet per day.

Witness my hand this _____ day of March, 1986.

Chief, Operations Bureau

MICROFILMED

MAY 23 1990

155

POINT OF DIVERSION

R31E

R32E

14 13
23 24

13
24

18
19

Lot 1

Lot 1

Lot 2

Lot 2

24

PLACE OF USE →

Lot 3

Lot 3

T
S
S

R31E

Lot 4

Lot 4

23 24
24 25

24

25

19
30

FEB 02 1993

35-8624

(From exam report)

35-12863

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-12863A2007 MAY 16 10:16
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHONAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF FISH & GAME
P O BOX 25
BOISE, ID 83720

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 50.00 AFY

THE DIVERSION VOLUME FOR THIS RIGHT IS BASED ON THE STORAGE
CAPACITY OF THE IMPOUNDMENT BUT REFILLING THE IMPOUNDMENT IS
ALLOWED.THIS RIGHT AND RIGHT NO. 35-12863B ARE LIMITED TO A TOTAL
COMBINED DIVERSION VOLUME OF 50 AF.

PRIORITY DATE: 04/20/1971

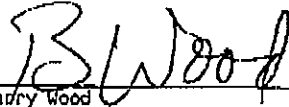
POINT OF DIVERSION: T05S R32E S06 SWSWNE Within Bingham County
NNWSEPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Wildlife Storage 01-01 TO 12-31 50.00 AFYPLACE OF USE: Wildlife Storage Within Bingham County
T05S R32E S06 SWNE
NWSE SENW

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

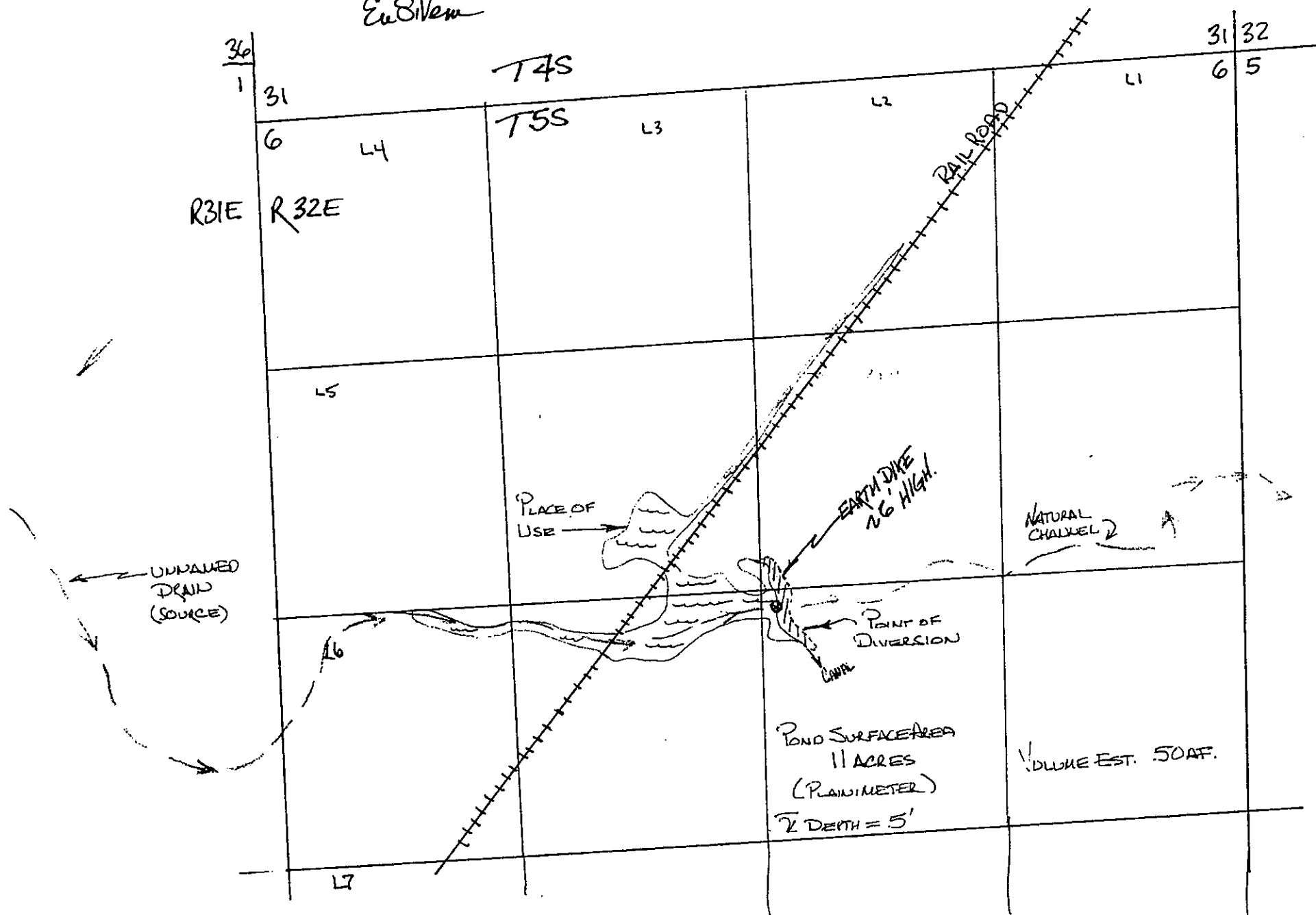
RIGHTS IN THE SNAKE RIVER BASIN:

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
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with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.
Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

A35-12863,
 TRACED FROM 1987
 ASCS PHOTO -
 FIELD EXAM 10-19-93
 EuSivem



RECEIVED

FEB 02 1994

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A35-12863
Date Received: 8/20/1990
Receipt No: T017346 +
Received By: C029552 *SVK*
Data entry complete

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: STATE OF IDAHO 208-334-3791
Address: DEPT OF FISH & GAME
600 SOUTH WALNUT, BOX 25
BOISE ID 83707

2. Date of Priority: APR 20, 1971

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	32E	6	SW	SW	NE		BINGHAM
			NW	NW	SE		BINGHAM

5. Description of diverting works:
LOW DAM BUILT ACROSS DRAINABLE DITCH/RIPRAP OVERFLOW SECTION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE STORAGE	01/01	12/31			50.00
WILDLIFE	01/01	12/31	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 50.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
PROVIDE YEAR ROUND WATER FOR WILDLIFE HABITAT PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	32E	6	SW	NE		WILD S	

MICROFILMED

A35-12863

Page 1

Date: APR 18 1994
01/21/94

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	32E	6	SW	NE		WILDLF	
			SE	NW		WILD S	
			SE	NW		WILDLF	
			NE	SW		WILD S	
			NE	SW		WILDLF	
			NW	SW	6	WILD S	
			NW	SW	6	WILDLF	
			NW	SE		WILD S	
			NW	SE		WILDLF	

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIM FILED BY CARL CHRISTENSEN FOR IRR. APP.
FISH AND GAME USES EXCESS.
OUR APPLICATION FOR THE PERMIT TO USE WATER IN EXCESS OF
CHRISTENSEN'S CLAIM WAS PROTESTED BY CHRISTENSEN. THE DIVERSION
THEY USE IS ON FISH & GAME PROPERTY AND WE DID EXTENSIVE REPAIR
WORK TO THE STRUCTURE WHEN OUR PONDS WERE CONSTRUCTED. THIS IS A
FLOW-THRU SYSTEM ONLY, NO ACTIVE STORAGE IS REQUIRED.

PLACE OF USE IS NKOWN AS ORTH POND.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Assistant Director, Planning/Admin. of
Title

Idaho Dept. of Fish and Game, that I have signed the foregoing
Organization

document in the space below as Acting Director of
Title

Idaho Dept. of Fish and Game and that the statements contained in the
Organization

foregoing document are true and correct.

Kenneth A. Prince
Signature of Authorized Agent

Asst. Director / Idaho Dept. Fish & Game
Title and Organization

January 28, 1994
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of January 19 94

Marvin J. Baker
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires October 31, 1997

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

APR 18 1994

35-8631

2000 NOV 17 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 35-08631

NAME AND ADDRESS: DEPT OF FISH & GAME
P O BOX 25
BOISE, ID 83707

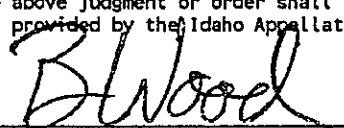
SOURCE:	UNNAMED DRAIN	TRIBUTARY:	SNAKE RIVER
QUANTITY:	20.00 AFY		
PRIORITY DATE:	08/21/1986		
POINT OF DIVERSION:	T05S R32E S06	SWSNE NWNWSE	Within Bingham County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Wildlife Storage	PERIOD OF USE 01-01 TO 12-31	QUANTITY 20.00 AFY
PLACE OF USE:	Wildlife Storage T05S R32E S06	NENE SENE NWSE	Within Bingham County SWNE NESE

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

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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
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Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 03 1993

Department of Water Resources

A. GENERAL INFORMATION

- Permit No. 35-8631
1. Owner: State of Idaho Phone No. 234-2920
Current Address: P.O. Box 25 Boise, Id 837200000
2. Accompanied by: Paul Wackenhut EXAM. DATE 8-7-91
Address: 1345 Burton Rd Pocatello, Id 83245 Phone No. 232-4703
Relationship to Permit Holder. Employee
3. Source. Unnamed Drain tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
_____ ☐ Copies Attached
2. Other water rights with same point of diversion NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

- 1 **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

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FEB 04 1994

Scale: 1" = _____

2. ☒ Copy of U S G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spillway (B) to pond #1 to spillway (C) to pond #2, and pond #3 to spillway (D) to pond #2, and spillway (E) to pond #4 ~~to~~ excess runs over into pond #5.
 Spillway (A) to pond #2 to spillway (F) to drainage to Snake River.
 See alternate page

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
(A)					

*Code to correspond with No. on map and aerial photo

- 5 Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
(A)		SW	SW	NE	6	5S	32E	Bingham	Quad map & onsite inspection
(B)		NW	NW	SE	6	5S	32E	Bingham	Quad map & onsite inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	32E	6	W		W	W									W	W			

Do not use this space

FEB 04 1991

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Tape Measure	Steel	Stanley	—	—	12'	—
acre Grid	160 ac	—	—	—	1603 ac	—

2. Measurements:

#1 - $.7 \text{ ac} \times 2' = 1.4 \text{ ac ft}$ #2 - $6.5 \text{ ac} \times 2.5' = 16.25 \text{ ac ft}$

#3 - $16.2 \text{ ac} \times 3' = 48.6 \text{ ac ft}$ #4 - $2.4 \text{ ac} \times 2' = 4.8 \text{ ac ft}$

#5 - $2.5 \text{ ac} \times 1.5' = 3.75 \text{ ac ft}$ $\Rightarrow$ total capacity 74.8 ac ft.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method:

2 Alternate Method for Checking Purposes

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) Flow rate _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW $3.6 \times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times 1.34 =$ _____ (7)

Panel Input KW _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (8)

Panel Input HP: (8) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

2004 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

As per permit "Nothing in this permit should be construed to take priority over Carl Christensen's upstream water right."

Ponds will be filled with excess water that is passed down the stream from Carl Christensen's dam.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	1/1	12/31		20.0 af
Totals:				20.0 af

2. Recommended Amendments

- | | | |
|---|--|--------------------------------|
| ☐ Change P.D. as reflected above | ☐ Add P D as reflected above | ☐ None |
| ☐ Change P.U. as reflected above | ☒ Add P U as reflected above | ☐ Other |

J. AUTHENTICATION

Field Examiner's Name Gary Buss

Signature [Signature]

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

FEB 04 1994

SYSTEM DESCRIPTION:

3. NARRATIVE: Description -

WATER FROM SOURCE SPILLS THROUGH
SPILLWAY "B" TO PONDS #1 & #3
POND #1 SPILLS TO POND #2 THROUGH SPILLWAY "C"
POND #3 SPILLS TO POND #2 THROUGH SPILLWAY "D"

WHEN SPILLWAYS "C" & "D" DO NOT SPILL SUFFICIENT WATER
TO POND #2, POND #3 BACKS UP THROUGH SPILLWAY "F" AND
FILLS PONDS #4 & #5.

WATER FROM SOURCE ALSO SPILLS THOUGH
SPILLWAY "A" TO POND #2. FROM POND #2 WATER CAN
SPILL THROUGH SPILLWAY "E" INTO DRAINAGE TO SNAKE
RIVER.

8-7-91

DATE

Gary Buss

GARY BUSS
FIELD EXAMINER

100-247221
1994

T
5
S

R32E

Spillway "B"

Spillway "A"

Spillway "F"

DAM

Spillway "C"

Spillway "D"

Spillway "E"

35-8631

NOTED
FEB 04 1994
65
78

30.1

10
42.0

11
2.8
12
25.4

31
6
32
5

3000

33.0

13
29.7

15
25.5

74.8 AF

1.4 ac ft

#3
47.6 ac ft

#2
16.5 ac ft

#4
2.8 ac ft

#5
3.75 ac ft

STAFF MEMOS

MEMO

To: Jeff Peppersack

From: Mat Weaver 

Cc: Shelley Keen, Tim Luke, John Falk

Date: May 4, 2010

RE: April 29, 2010 Site Visit to the Sterling Wildlife Management Area

On April 29, 2010 I met with Larry Phillips and Steve Alvarez at the Johnson Pond pump station located in the Sterling Wildlife Management Area (SWMA) on the west side of American Falls Reservoir near Aberdeen, ID. They did not focus on issues regarding the Johnson Pond area, instead Mr. Phillips and Mr. Alvarez lead me on a tour of the northern region of the SWMA where they had concerns regarding dam heights and the storage volumes associated with water rights 35-12863A and 35-8631. At the insistence of Mr. Phillips and Mr. Alvarez we ended up walking much of Section 6 T5S, R32E.

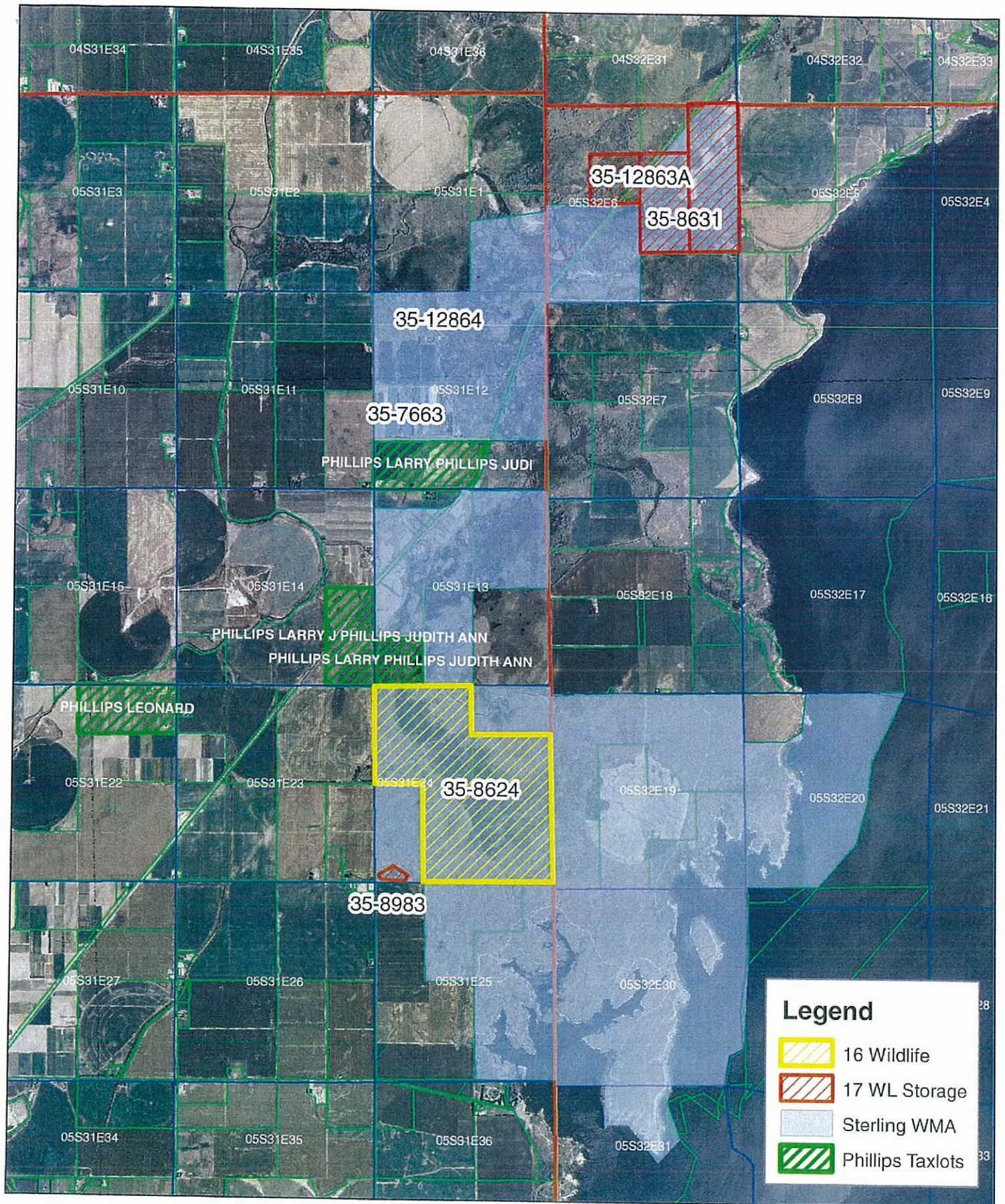
On my tour I observed large areas of ponding water in the NE, NW, and SW quarters of Section 6, T5S, R32E. I also observed large areas of ponding water in Section 1 of T5S, R31E and Section 12 of T5S R31E. It appeared from my limited observation that the storage water occurring on the ground did not match the POU description for storage water associated with water rights 35-12863A and 35-8631.

On my tour Mr. Phillips and Mr. Alvarez showed me the dam that they had previously measured with a surveyor's level at a height of 10'-8" (referred to as Dam 2 in attached map and pictures). Although I did not take a detailed measurement I would suspect that the dam height is near 10 feet in height.

On my tour Mr. Phillips and Mr. Alvarez took repeated measurements of pond depth at a variety of locations. The pond depth measurements that I observed ranged from approximately 2-6 feet.

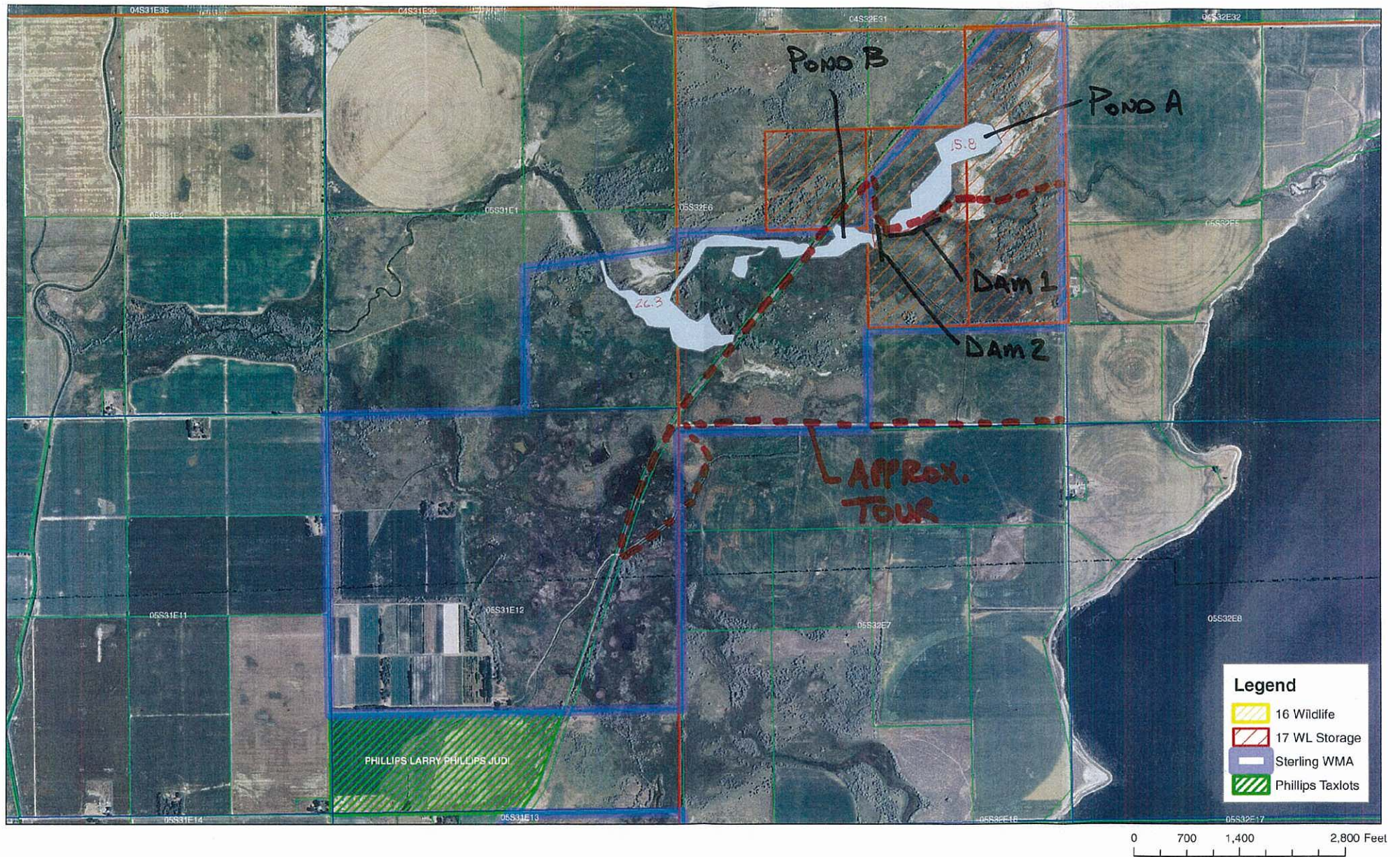
My field observations were not sufficient to allow for the accurate determination of the total areal extent and/or average depth of the ponds. The combined storage allowed under water rights 35-12863A and 35-8631 is 70 AF. However, based on my observations and review of the attached maps, at the time of my visit stored water could have been in excess of 70 AF.

Attached with this memo are a map exhibit of the overall SWMA (8.5x11) and a map exhibit of the northern region of the SWMA (11x17). I have also attached pictures from site visit for your consideration.



Sterling Wildlife Management Area WR Exhibit Map

0 2,150 4,300 8,600 Feet



Sterling Wildlife Management Area WR Exhibit Map (Northern Portion)



POND A



POND B OUTLET (DEPTH ~ 5'-7')



DAM 1



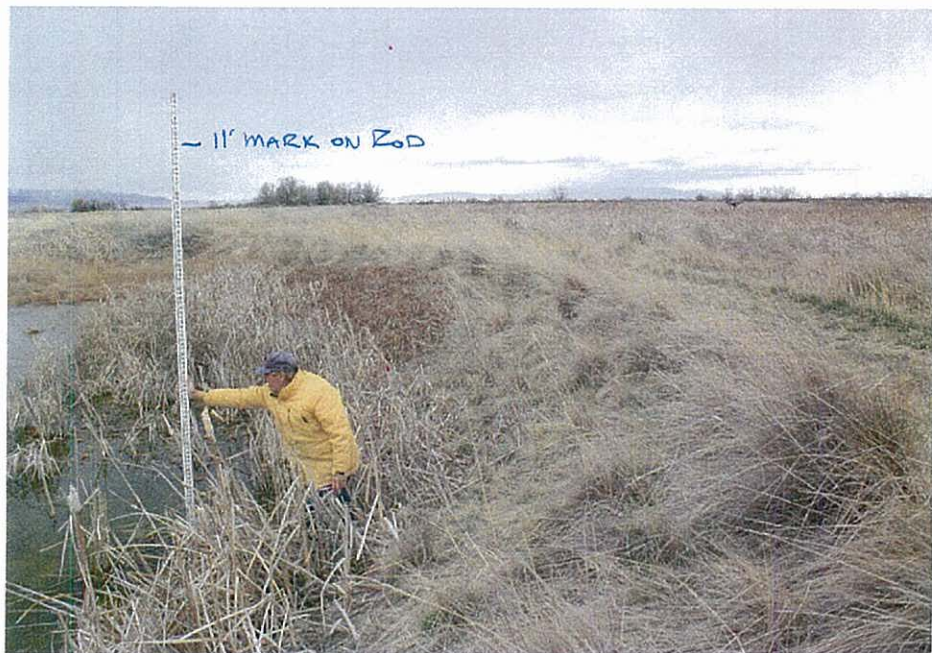
POND A / Dam 1



DAM 2 2ND MEAS. LOCATION



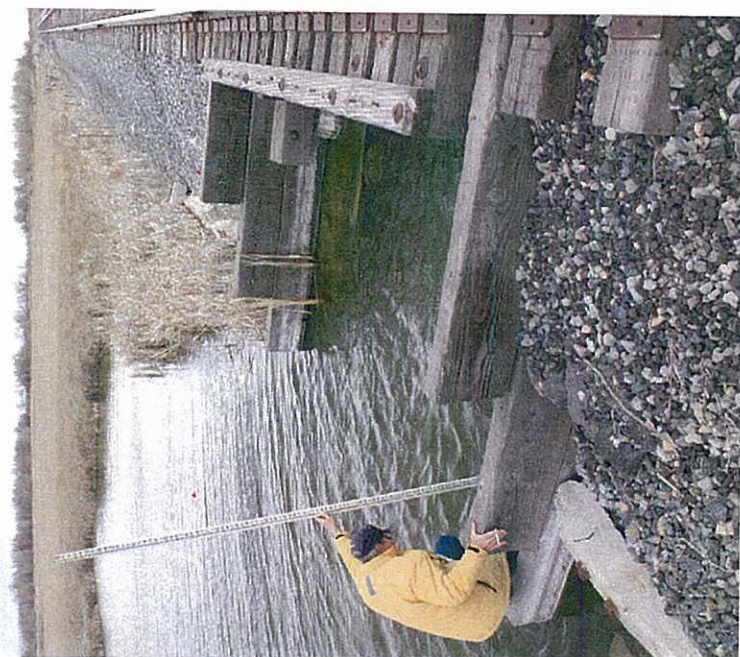
POND B LOOKING WEST



DAM 2 1ST MEAS. LOCATION



DAM 2 2ND MEAS. LOCATION (DIRECTLY ACROSS FROM POND B OUTLET.)



POND B



POND B



POND B STAFF GAUGE



POND B

MISC. Ponds (or ALL PART OF POND B?) IN SW Q OF SECTION 6 T5S R32E; SECTION 1 T5S R31E; E; SECTION 12 T5S R31E



PHOTO - TOWNS IN SWQ OF SECTION 6 T55, 32E; SECTION 1 T55 R31E; & SECTION 12 T55 R31E.



MEMORANDUM

DATE: May 14, 2010

TO: Jeff Peppersack

FROM: Shelley W. Keen *SWK*

RE: Storage of Water in the Sterling Wildlife Management Area

I have attached Nick Van Dyke's review of the storage rights for the reservoirs managed by Idaho Dept. of Fish and Game (IDFG) in Section 6, T5S, R32E. The IDFG land at that location is part of the Sterling Wildlife Management Area. One reservoir is also on land apparently managed by the federal Bureau of Land Management (BLM). Under their rights to store water, IDFG and BLM share authority to store 50 of the authorized 70 acre-feet of storage.

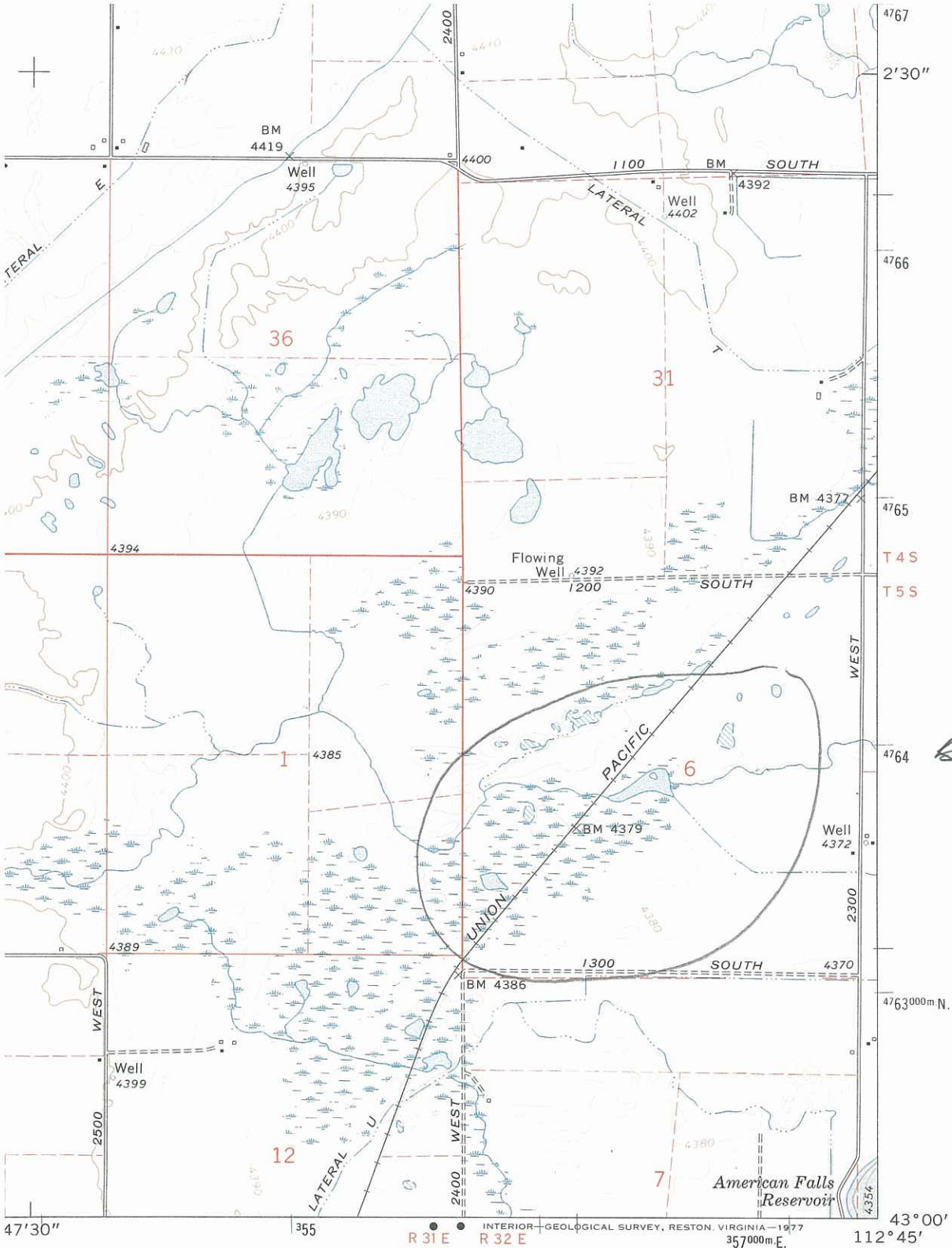
Based on his review of aerial photography, Nick estimated a total IDFG/BLM reservoir surface area of 40 acres. If Nick's estimate is accurate, the reservoirs would have to average 1.75 ft. or less in depth to remain within the 70 acre-feet of authorized storage. Also, if Nick's estimate is accurate, the water rights authorizing storage would have to be changed to include the entire reservoir area within the authorized places of use.

IDFG estimates the reservoir surface area to be about 17 acres. IDFG's assertion is based on observations by local IDFG staff and is plausible, although not confirmed in the field by IDWR. If IDFG's estimate is accurate, the reservoir depth could average 4.1 feet without exceeding the authorized storage volume. If IDFG's surface area estimate is accurate, the water right places of use include the entire surface area of the reservoirs.

An additional factor not mentioned by Nick is that irrigation Water Rights 35-2009, 35-4179A, and possibly 35-4179B, which are not owned by IDFG, are diverted from one of the IDFG reservoirs. The reservoir level is maintained during the irrigation season to provide sufficient head to turn natural flow under these irrigation rights into the conveyance ditch. It is possible that irrigation practices result in some minor fluctuation of storage levels. For example, IDWR would typically authorize an irrigator to store 24 hours of water without requiring storage authorization. For the irrigation rights involved, the 24-hour supply could be as much as 6.5 acre-feet.

At this point, we cannot conclusively say whether IDFG/BLM are within their authorized storage limits or not. If they are of sufficient number and accuracy, the depth soundings to be collected by IDFG this week or next will help with the determination. The other item needed to make a determination is the surface area of the reservoir on BLM land. If, after those two items are evaluated, it appears that IDFG/BLM are exceeding their authorized storage volume, it will be important to evaluate the effect of the irrigation rights mentioned above on the storage volume.

TOPO



SWMA
ponds

1 MILE
3

IDAHO

QUADRANGLE LOCATION

2

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

BIG FILL RESERVOIR, IDAHO
N4300—W11245/7.5

1973

AMS 3470 III SE—SERIES V893

(SCHILLER)
3469 1 NW

Z-86

MEMORANDUM

Date: May 13, 2010
To: Shelley Keen 
From: Nick Van Dyke
Re: Analysis of Sterling Wildlife Management Area Pond Surface Area

This memo summarizes my analysis into the rights and surface area of two ponds in the northern end of the Sterling Wildlife Management Area (mgmt area), phone conversation with Walt Poole of the Department of Fish and Game, and discussion with Sonny Hornbaker.

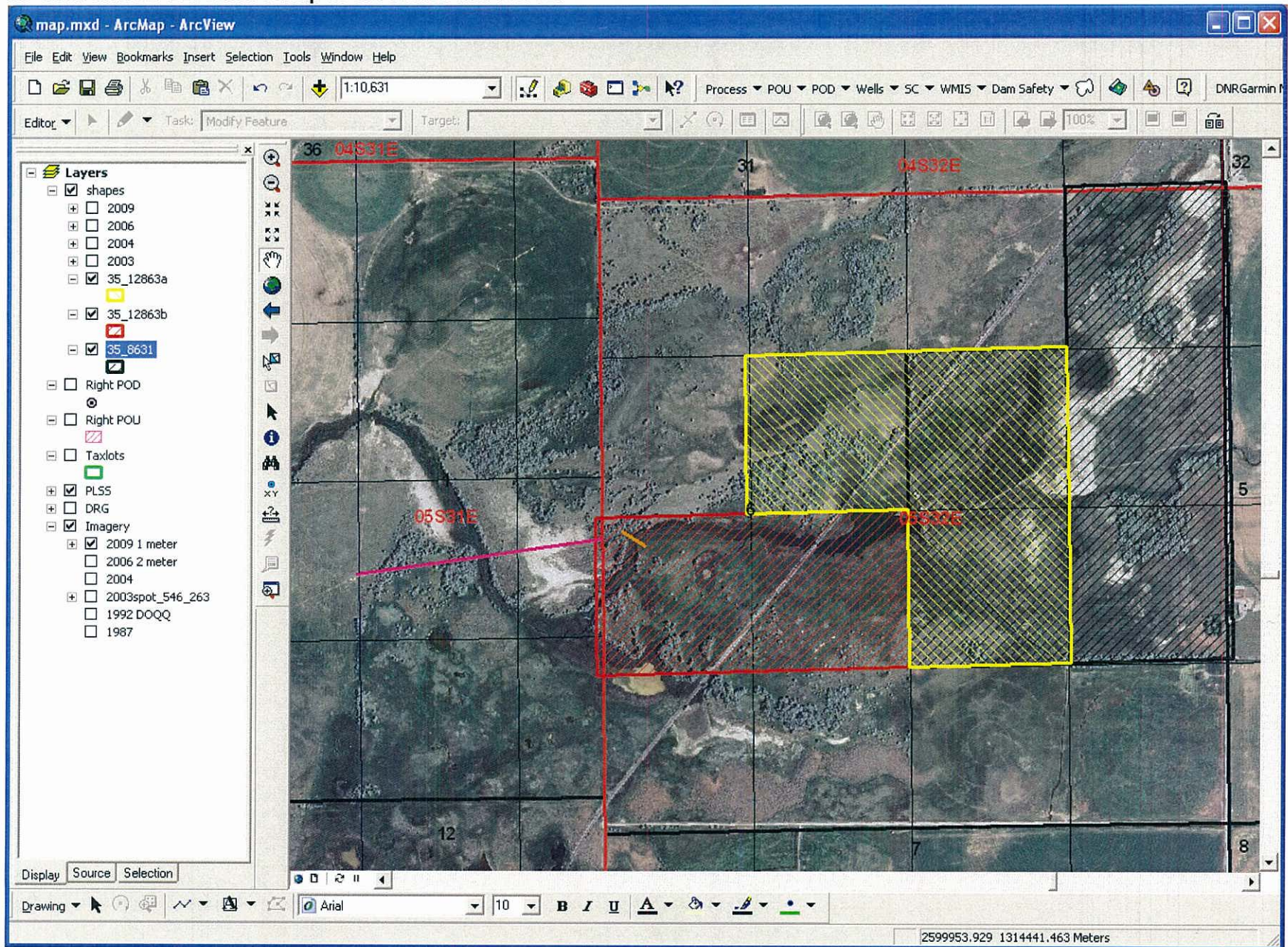
The Department of Fish and Game (F&G) owns two storage rights, 35-8631 and 35-12863A, for wildlife storage purposes. Right 35-8631 authorizes storage of 20 acre-feet and 35-12863A authorizes 50 acre-feet of storage. Both of these rights are appurtenant to ground within Section 6, T05S, R32E. After reviewing 2003, 2004, 2006, and 2009 aerial imagery I estimate the two ponds cover about 40 acres of surface area. I've attached several maps to help illustrate my analysis. The maps display the estimated lower/west pond in blue shading and the upper/east pond in red. Also note that for my estimation of surface area, I did not include any pond surface area that was outside of the mgmt area. For this determination I used both a map developed by the F&G (attached) and taxlot data. This is denoted as a pink line on the maps. Today F&G sent over their own map estimating the pond surface area to around 17 acres (attached). The reason for the difference is that according to F&G, there is current in the channel to about where a footbridge has been constructed over the lower pond (footbridge denoted as the orange line on maps). In other words, the effect of the impoundment of water effectively ends at the footbridge. From my analysis, the point at which water with current ends and slack water begins is difficult to determine from imagery and likely needs further investigation/information.

My analysis shows that in addition to the F&G water rights, there is a third storage right within Section 6, T05S, R23E. Right 35-12863B (belonging to the Bureau of Reclamation) authorizes 50 acre-feet of storage. There is a combined limit of 50 acre-feet between rights 35-12863A and 35-12863B - completely stacking the rights. It appears that F&G filed beneficial use claim no. 35-12863 to cover the lower/west pond. The Bureau of Reclamation objected because the pond resided on both state and federal ground and to resolve the objection 35-12863 was split into two parts under different ownership, but for the same water. My analysis also shows that the recorded place of use for all three rights, contingent on the final determination of pond shoreline, may need to be amended to match actual pond location.

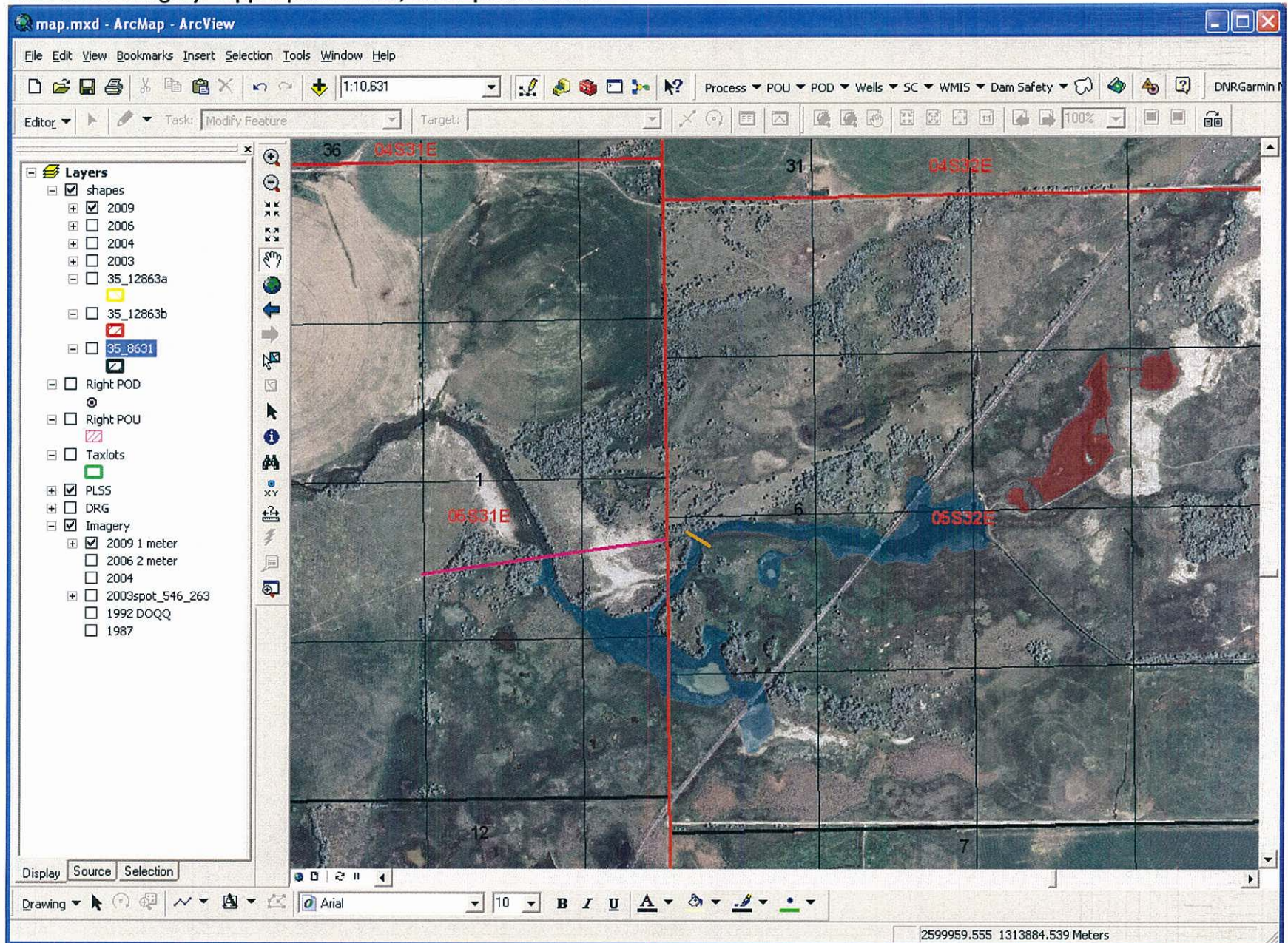
Today Walt Poole informed me that a crew from F&G is being sent out late this week or early next week to make soundings and GPS the shoreline of the ponds to get a better estimate of the volume actually impounded.

Today I also briefly discussed with Sonny Hornbaker what methods Dam Safety might have for estimating the volume of the ponds and how data the F&G collect with their site visit may be evaluated. Sonny explained that the data F&G collects could likely be evaluated but may be of questionable quality due to the lower accuracy ratings of the handheld GPS units the F&G crew will be using. Sonny further explained that if a precise volume calculation is needed, he has the equipment required and would offer his service to gather and process the data. Sonny also mentioned hiring an independent contractor to gather and evaluate the data would be quite costly.

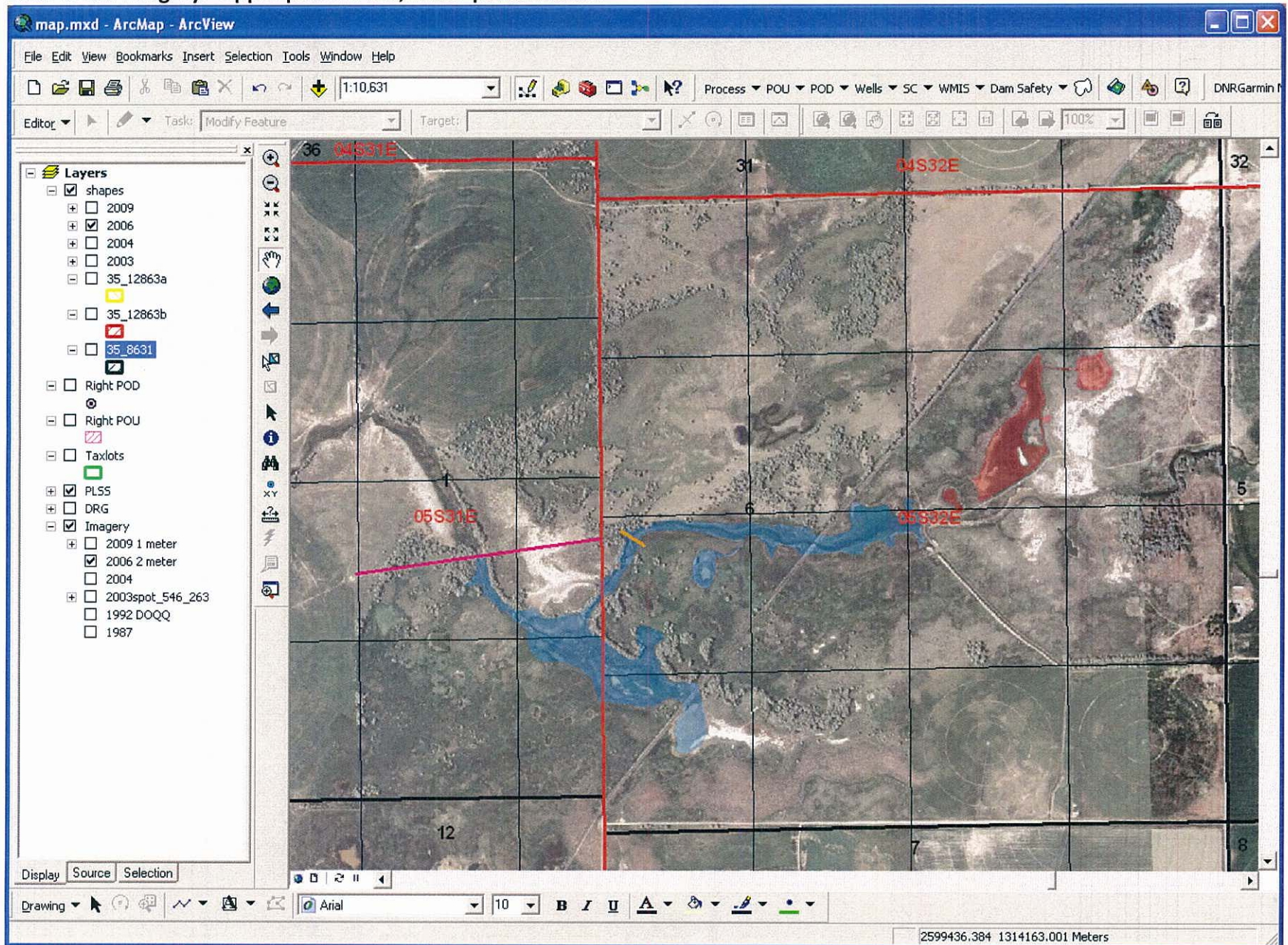
Image showing water right pou's. 35-8631 in black crosshatch, 35-12863A in yellow crosshatch, 35-12863B in red crosshatch. 35-8631 and 35-12863A overlap in the SWNE and NWSE.



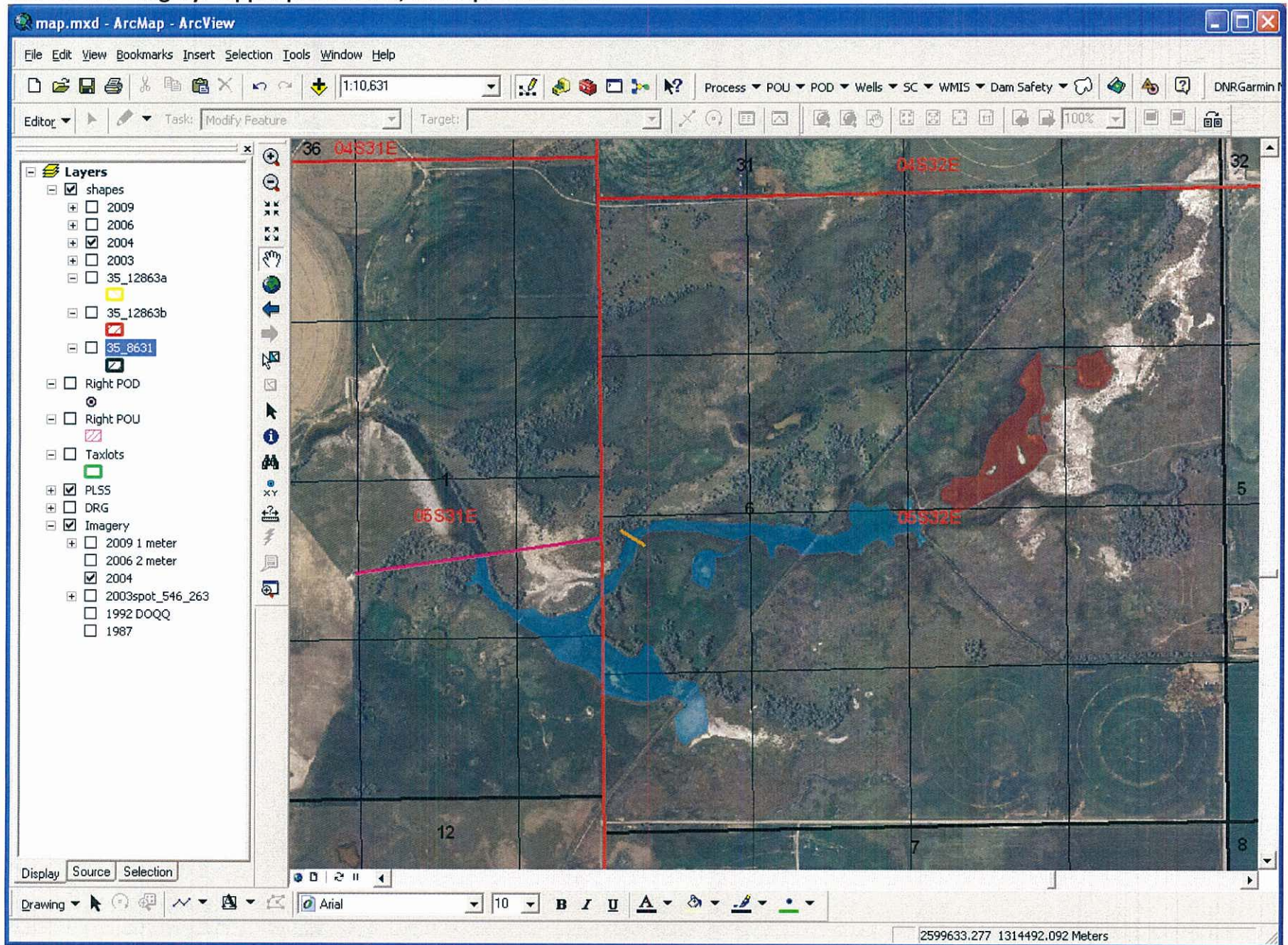
2009 aerial imagery. Upper pond in red, lower pond in blue.



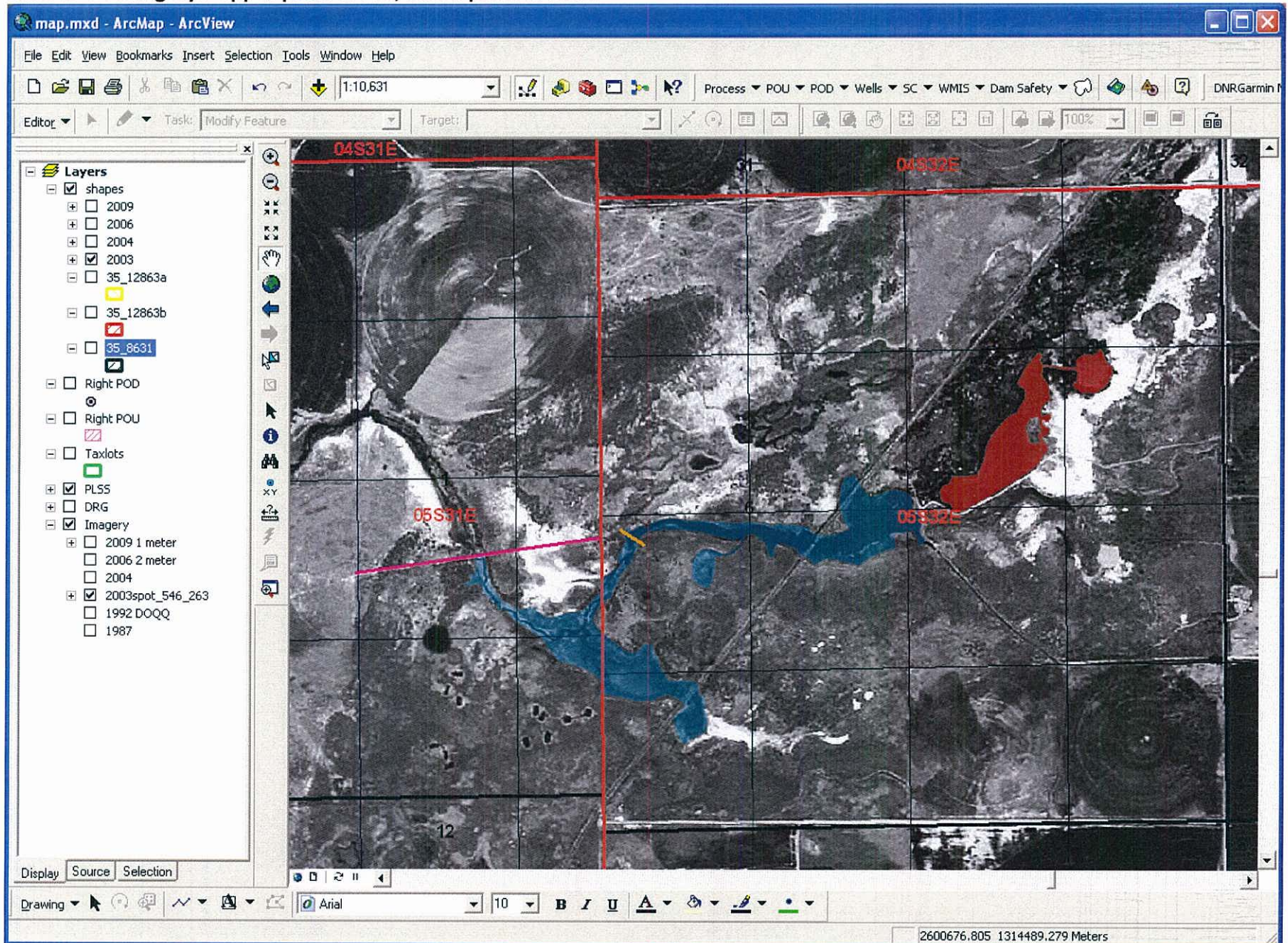
2006 aerial imagery. Upper pond in red, lower pond in blue.



2004 aerial imagery. Upper pond in red, lower pond in blue.



2003 SPOT imagery. Upper pond in red, lower pond in blue.

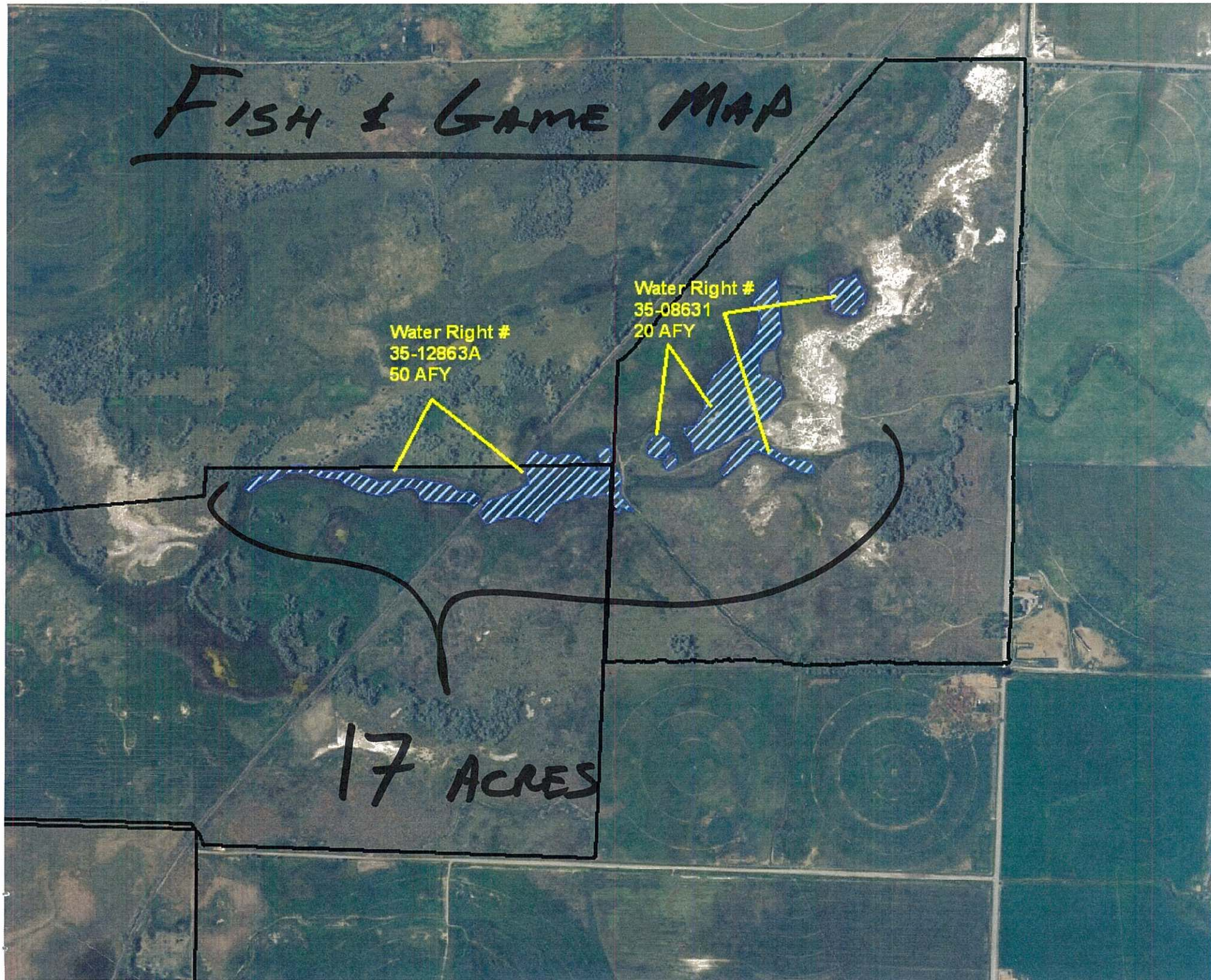


FISH & GAME MAP

Water Right #
35-12863A
50 AFY

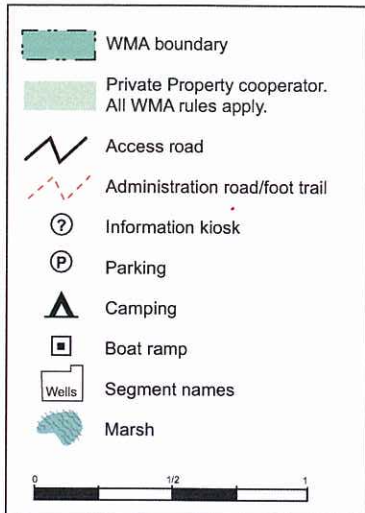
Water Right #
35-08631
20 AFY

17 ACRES

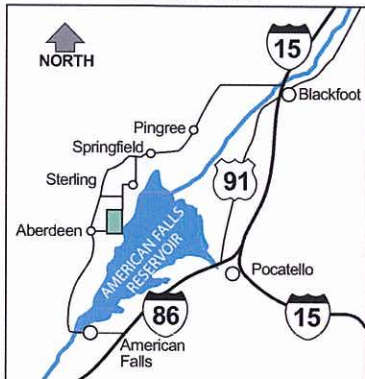


STERLING WILDLIFE MANAGEMENT AREA

MAP KEY



HIGHWAY INSET



IN-STATE LOCATION

