FORM 113
12/07

Ident. No. 33-14895

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) 756-5100*

   Mailing address 1206 S. Challis St., Salmon, ID 83467 Email brieffenberger@fs.fed.us

2. Source of water supply Wet Creek tributary to Little Lost River

3. Point of diversion:

   a) Is this notice based on an existing recorded instream stockwater right? If yes provide the water right number 33-10261

   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 NW1/4 SE1/4,
   Section 2 , Township 8 North Range 25 East , B.M.,
   Butte County;

4. Description of diversion and delivery system:

   a) Describe the type of diversion Screened submersible solar pump.

   b) Describe the delivery system Pump through 1½ inch poly pipe to two 500 gallon troughs.

   c) Describe the number, type and total capacity of troughs or tanks two 500 gallon troughs.

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Department of Water Resources
Eastern Region

d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Float Valve will be used to control the flow.

e) Describe how the system is designed to allow measurement of the rate of diversion The solar pump will be sized for the required head and 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
8N	*25E*	*2*			*S*													

6. Priority date claimed or established 05/01/1884

7. Rate of diversion 0.02 cfs

8. Season of use from May 1 to October 31

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? July 2009

11. Comments (include number and type of stock) Diversion as an alternative to instream stockwater use is proposed to comply with the consultation requirments of the Endangered Species Act. The Pass Creek Allotment has 1662 cattle cow calf pairs permitted.

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.

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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 permitee 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 22nd day of April, 2009

Jeanne A Evenden

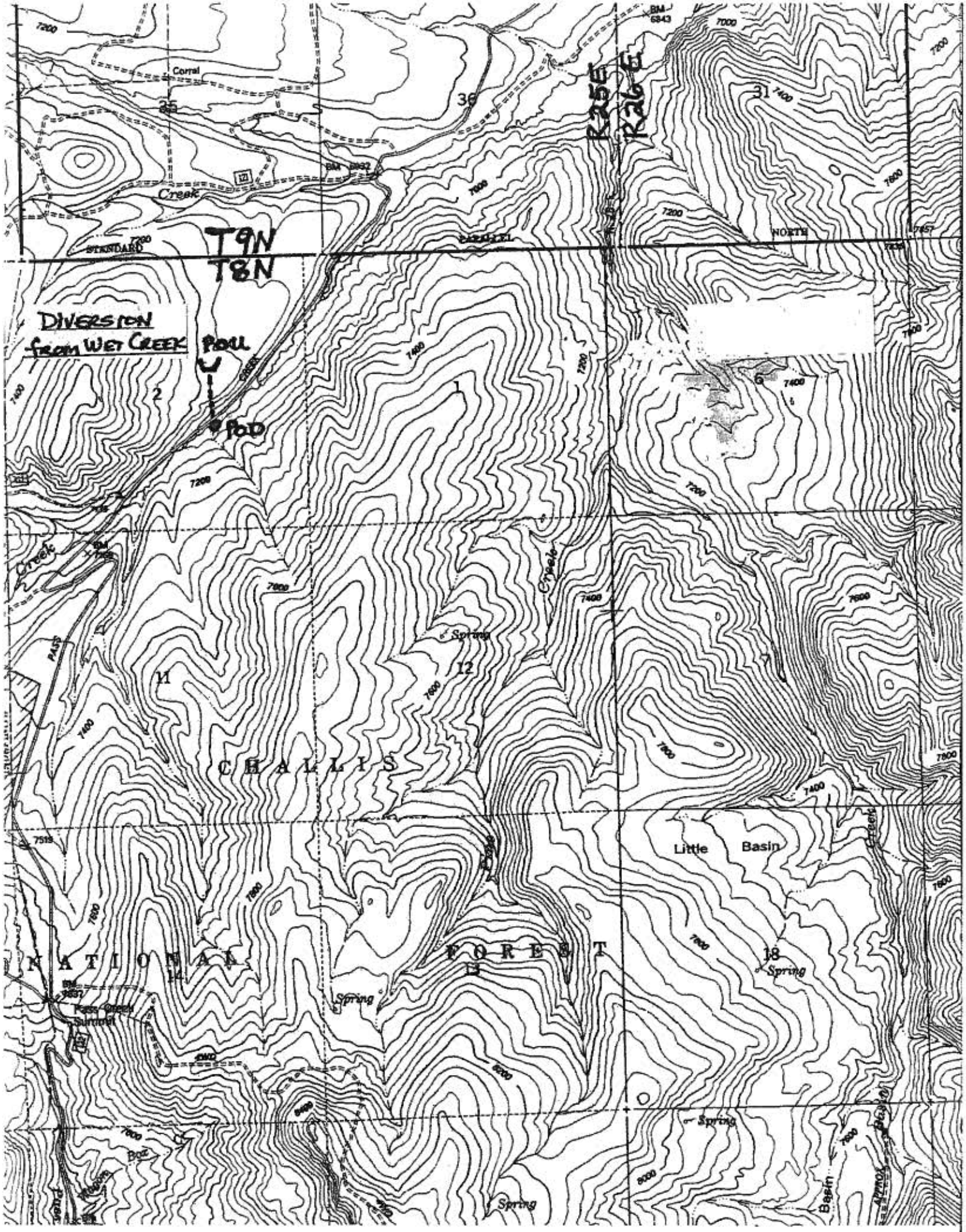
Right Holder or Authorized Representative
Jeanne Evenden, Director of Lands

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____

Fee: $ 25 Receipted by SC Receipt No. E035003 Date 5/5/09

Water District No. _____ Entered into data base _____ By _____



Corral
Creek
STANDARD
PARALLEL
NORTH
T9N
T8N
R25E
R26E
DIVERSION
from WET CREEK
POU
POD
Creek
Spring
CHALLIS
NATIONAL
FOREST
Little
Basin
Spring
Pass Creek
Summit
Spring
Spring
Basin

SRBA
PARTIAL DECREE 33-10261

Issued on 12-02-1998.

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Contact IDWR or the Court for a Certified Copy.

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NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: WET CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
GALLONS PER DAY.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T08N R25E S01 NWNW (Instream Ending Point) Wi
S18 NWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTIT
Stockwater	05-01 TO 10-31	0.02 C

PLACE OF USE: Stockwater — Within Custer

T08N R25E	S01	NWNW	SWNW
	S02	SENE	SESW
		NESE	NWSE
		SWSE	
	S10	NENE	SENE
	S11	NWNW	SWNW
	S15	NENW	SWNW
		SENW	
	S16	SWNE	SENE
		SWNW	SENW
		NWSW	SWSW
	S17	SWSW	SESW
		SWSE	SESE
	S18	NWSW	SWSW
		SESW	SESE
	S19	NENE	NWNE
		SWNE	NENW
		NWNW	SENW

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).

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