

Ident. No. 33-14896

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 briefenberger@fs.fed.us
2. Source of water supply Basin Creek tributary to Wet Creek
3. Point of diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes provide the water right number 33-10262
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 5, SW 1/4 SW 1/4 NW 1/4,
Section 6, Township 8 North Range 26 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.
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5. Describe the place of use by placing an **X** in the appropriate 40-acre tract(s) below:

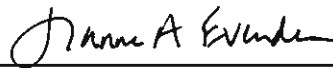
TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
8N	26E	6									S							

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.

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.

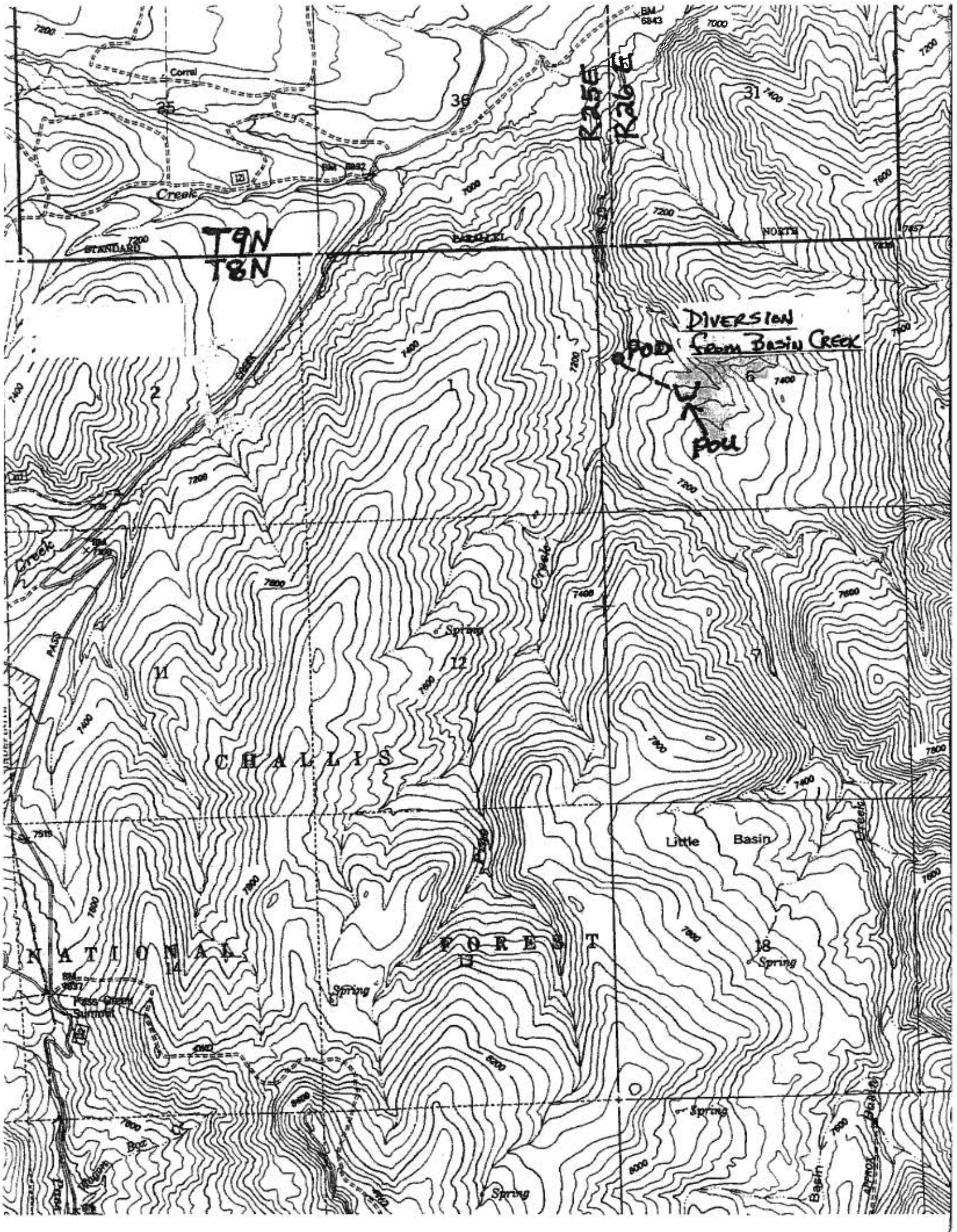
Dated this 22nd day of April, 2009



Right Holder or Authorized Representative
Jeanne Evenden, Director of Lands

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25⁰⁰ Received by ge Receipt No. B035003 Date 5/5/09
Water District No. _____ Entered into data base _____ By _____



SRBA

PARTIAL DECREE 33-10262

Issued on 12-02-1998.

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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:	BASIN CREEK TRIBUTARY: WET CREEK		
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 R26E S06	NWNW (Instream Ending Point)	Wi
	S30	NWSE (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 Butte C	
	T08N R26E S06 LOT 4	(NWNW)	LOT 5 (SWNW)
	LOT 6	(NWSW)	LOT 7 (SWSW)
		SESW	
	S07	SWNE	NENW
		SENW	NWSE
		SWSE	SESE
	S18	NENE	SENE
		NESE	SESE
	S19	NENE	SENE
		NESE	NWSE
		SWSE	
	S30	NWNE	SWNE
		NWSE	

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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