

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. C081512
Receipt By: RAW
Date Received: 6/19/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 19 2006

PROOF OF BENEFICIAL USE

DEPARTMENT OF
WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 11-7525 Telephone No. 208-232-4703
2. Name of Permit Holder(s): Idaho DEPT Fish & Game
3. Mailing Address: 1345-BARTON ROAD
City Pocatello State ID Zip 83204
4. Source of Water: St. Charles Creek If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: return flow to creek to return fish from ditch to creek.

6. Total rate of diversion and/or volume for which proof is submitted: 0.8 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No _____

Has the measuring device been installed?

*Yes _____ or No _____

* This is associated with long standing irrigation diversion. See attached email. The diversion belongs to St. Charles Irrigation Company.

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dick Scully, Regional Fishery Mgr. Telephone Number: 208-232-4703

Address: 1345-BARTON ROAD, Pocatello, ID 83204

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Richard Scully
(include your title, if on behalf of company or organization)

Date: 6/15/06

Regional Fishery Manager
Idaho DEPT Fish & Game

Scully,Richard

From: Warner, Roger [Roger.Warner@idwr.idaho.gov]
Sent: Thursday, June 15, 2006 1:37 PM
To: Scully,Richard
Subject: FW:

Dick,
 Here is the info you requested. I might add that you need to get on top of the lapsed notice ASAP. Send in for an extension only if you need one. If it is complete send in the benefican use exam fee with proof form. DO NOT WAIT. Lapsed notices, if left alone, can be disastrous and costly. Not a lot of wiggle room there.

regards,

Roger.

-----Original Message-----

From: Luke, Tim
Sent: Thursday, June 15, 2006 12:08 PM
To: Peppersack, Jeff; Warner, Roger
Subject: RE:

This right is just for the bypass pipe that returns up to 0.8 cfs back to the Creek so that fish/juvenile fish that go down the ditch and get stuck just above the screen, can return to the creek via the pipe. I remember a discussion with Mike Maffey of IDFG some years ago as to whether these things could be measured via an orifice plate but I don't recall what was decided or determined. Lynn Stratton says in his e-mail below that the bypass pipe can be measured without further modification, so they are probably already in compliance. We may want a little more information if we are going to accept this as a measuring device, because I'm not sure how this works - I'm only familiar with open channel orifice boxes/plates, or in closed pipes, using a manometer for the head in the pipe, and in that case it is measuring head behind the orifice plate where the water is discharging freely or open discharge.

On a more general level, I'm not sure why the bypass pipe would have to be measured separately from the ditch or main diversion, and the question I would rather ask is whether the diversion from the creek to the primary use (is it irrigation or a hatchery?) has a measuring device, and if so, where is it? Sometimes the measuring device is below the screen and bypass pipe and sometimes above the two, but probably it is more common to be below the screen. I think the intent of the right is just to add 0.8 cfs for bypass above the main and more senior primary use water right(s). If the measuring device already measures this additional 0.8, it probably does not need separate measurement. We would not normally require a separate measuring device somewhere on the system for an additional use coming from an existing diversion would we? If the junior bypass priority right is not on, I think IDFG is going to pass the 0.8 or some quantity up to the 0.8 anyway. If the existing measuring device is below the screen and bypass pipe, then we are measuring water to the primary use less 0.8 or some quantity up to 0.8 cfs. If this junior bypass right is off, the watermaster could measure out to the hatchery its' senior right(s) less 0.8 cfs.

We probably need to give some thought to this general question as it will come up with respect to measuring requirements in the Upper Salmon. I would generally recommend that we not worry about the bypass pipes and flows, although it may be important that we know at each diversion whether the measuring device to the primary use is measuring this bypass or not. The diversions can be adjusted for the bypass if necessary. For this particular case on St. Charles Creek, I think I would waive the need for measuring device on the bypass, but again, I would like to ask IDFG if they have a measuring device to the primary use, and where it is. If the primary device is below the screen and bypass, perhaps we can condition the license to account for the 0.8 cfs (i.e., watermaster will deduct 0.8 cfs from measuring device to account for delivery of this bypass right).

Tim

-----Original Message-----

From: Peppersack, Jeff
Sent: Thursday, June 15, 2006 10:34 AM
To: Warner, Roger

6/15/2006

Cc: Luke, Tim
Subject: RE:

Roger,
I'm forwarding to Tim Luke for his thoughts on the measuring device.

Jeff

-----Original Message-----

From: Warner, Roger
Sent: Thursday, June 15, 2006 9:42 AM
To: Peppersack, Jeff
Subject: FW:

what do you think. I think they need to provide a measuring device.
Roger.

-----Original Message-----

From: Scully,Richard [mailto:rscully@idfg.idaho.gov]
Sent: Wednesday, June 14, 2006 3:18 PM
To: Warner, Roger
Subject: FW:

From: Scully,Richard
Sent: Wednesday, June 14, 2006 3:17 PM
To: 'roger.warner@idwr.idah.gov'
Subject: FW:

Roger,

I will call you to discuss this situation later today. I need to know what I need to do to comply with IDWR rules. This is in reference to water right no. 11007525, which is for non-consumptive fish bypass water.

Dick Scully

From: Stratton,Lynn
Sent: Wednesday, June 14, 2006 3:08 PM
To: Scully,Richard
Subject: RE:

Dick,
The actual point of diversion (headgate) is where the lockable device needs to be. That will be the actual point of diversion for your water right. We can calculate the flow through the orifice based on water depth from the floor. You might check with IDWR though, as these water rights are generally considered non-consumptive, and as such may not need a measuring device.

From: Scully,Richard
Sent: Wednesday, June 14, 2006 3:01 PM
To: Maffey,Michael
Cc: Stratton,Lynn

6/15/2006

Subject:

Mike,

The water right for the North Field diversion fish screen bypass has as conditions:

"Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works".

Also, proof of application of water to beneficial use shall be submitted on or before June 1, 2006.

Does the metal plate that fits over the entrance to the bypass pipe, which has three holes of different diameters, function as a measuring device? Do you have a suggestion for what I tell IDWR? I just received a "LAPSE NOTICE" from IDWR because I have not provided the proof of beneficial use form with an associated \$100 license examination fee. I also now need to submit a request for extension of time fee of \$50.

Dick Scully

6/15/2006

Scully,Richard

From: Stratton,Lynn
Sent: Thursday, June 15, 2006 7:40 AM
To: Scully,Richard
Subject: RE:

Yes. I'll send you a spreadsheet, providing I can find it.

From: Scully,Richard
Sent: Wednesday, June 14, 2006 3:20 PM
To: Stratton,Lynn
Cc: Maffey,Michael
Subject: RE:

Thanks Lynn,

I will discuss this with Roger Warner at IDWR.

Can the 2", 3" and 4" holes in the metal plate be used as flow measuring devices if the head is also known?

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6/15/2006