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Ident No. 34-11177

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

JUL - 7 2003

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

1. Name of Right Holder USDA Forest Service Phone 208-756-5100

Mailing address 50 Highway 93 South, Salmon, ID 83467

2. Source of water supply E.F. Big Lost River tributary to Big Lost River

3. Point of diversion is in Gov't. Lot 1/4 SW 1/4 SW 1/4, Section 21, Township 6N Range 22E, B.M., Custer County.

4. Description of diversion and delivery system:

a) Describe the type of diversion: Portable Solar powered pump

b) Describe the delivery system: Plastic pipe

c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons

d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: Pump automatic shut off when tank is full.

e) Describe how the system is designed to allow measurement of the rate of diversion: Solar powered pump - variable rate depends on sun.

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 |
| 6N  | 22E | 20  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |
| 6N  | 22E | 21  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |
| 6N  | 22E | 28  |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
| 6N  | 22E | 29  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

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

7. Rate of diversion: 0.06 cfs  
0.02

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Department of Water Resources  
Eastern Region

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AUG 20 2003

8. Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments: Multiple Points of Use listed to provide flexibility for livestock management. Only one Point of Use would occur at any given time.

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 27th day of June, 2003

George Matijko  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by DMA Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by DMA Receipt No. ED28950 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Kuhn

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AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

1. Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID. 83467
2. Source of water supply E.F. Big Lost River tributary to Big Lost River
3. Point of diversion is in Gov't. Lot       , 1/4 SW 1/4 SE 1/4, Section 28,  
Township 6N Range 22E, B.M., Custer County
4. Description of diversion and delivery system:
  - a) Describe the type of diversion: Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of  
Returning unused water to the source: Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of  
diversion: Solar powered pump - variable rate depends on sun.

- 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 |
| 6N  | 22E | 27  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |
| 6N  | 22E | 28  |    |    |    |    |    |    |    |    | X  |    |    | X  | X  | X  | X  | X  |
| 6N  | 22E | 33  | X  | X  | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
| 6N  | 22E | 34  |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established: 05/01/1884
7. Rate of diversion: 0.06 cfs  
0.02

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Department of Water Resources  
Eastern Region

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AUG 20 2003

8. Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments: Multiple Points of Use listed to provide flexibility for livestock management. Only one Point of Use would occur at any given time.

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 27<sup>th</sup> day of June, 2003

George Matejka  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by AMS Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by 6028950 Receipt No. AMS Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. K.

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

- 1 Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID 83467
- 2 Source of water supply E.F. Big Lost River tributary to Big Lost River
3. Point of diversion is in Gov't. Lot \_\_\_\_\_, \_\_\_\_\_ 1/4 SE 1/4 NW 1/4, Section 28,  
Township 6N Range 22E, B.M., Custer County
4. Description of diversion and delivery system:
  - a) Describe the type of diversion: Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of  
Returning unused water to the source: Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of  
diversion: Solar powered pump - variable rate depends on sun.

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 |
| <u>6N</u> | <u>22E</u> | <u>21</u> |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |
| <u>6N</u> | <u>22E</u> | <u>28</u> |    |    |    |    | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |
|           |            |           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |            |           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |            |           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

- 6 Priority date claimed or established: 05/01/1884
7. Rate of diversion: 0.06 cfs  
0.02

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Department of Water Resources  
Eastern Region

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AUG 20 2003

- 8 Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments. Multiple Points of Use listed to provide flexibility for livestock management. Only one Point of Use would occur at any given time.

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.
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- 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 27th day of June, 2003

George Matijevic  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by SMO Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by SMO Receipt No. 2028950 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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1. Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID 83461
2. Source of water supply E.F. Big Lost River tributary to Big Lost River
3. Point of diversion is in Gov't. Lot        1/4 NW 1/4 NW 1/4, Section 28,  
Township 6N Range 22E, B.M., Custer County
4. Description of diversion and delivery system:
  - a) Describe the type of diversion: Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of  
Returning unused water to the source: Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of  
diversion Solar powered pump - variable rate depends on sun.

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 |
| 6N  | 22E | 20  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |
| 6N  | 22E | 21  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |
| 6N  | 22E | 28  |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
| 6N  | 22E | 29  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established: 05/01/1884
7. Rate of diversion: 0.06 cfs  
0.02

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Department of Water Resources  
Eastern Region

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AUG 20 2003

8. Season of use. From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
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Dated this 27<sup>th</sup> day of June, 2003

George Matejko  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by SMS Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by FO28950 Receipt No. 010 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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4. Description of diversion and delivery system:
  - a) Describe the type of diversion: Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of  
Returning unused water to the source. Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of  
diversion. Solar powered pump - variable rate depends on sun.

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 |
| 6N  | 22E | 27  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |
| 6N  | 22E | 28  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |
| 6N  | 22E | 33  | X  | X  | X  | X  | X  |    |    | X  |    |    |    |    | X  | X  |    |    |
| 6N  | 22E | 34  |    |    |    |    | X  | X  | X  | X  | X  | X  | X  | X  |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established: 05/01/1884
7. Rate of diversion 0.06 cfs  
0.02

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Department of Water Resources  
Eastern Region

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AUG 20 2003

8. Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
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Dated this 27<sup>th</sup> day of June, 2003

George Matejko  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by sm Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee. \$ 25 Receipted by sm Receipt No. 5028950 Date 2 July 03  
Water District No \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

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DEPARTMENT OF WATER RESOURCES

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|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| 5N  | 22E | 3   |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
| 6N  | 22E | 33  | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |
| 6N  | 22E | 34  |    |    |    |    | X  | X  | X  | X  | X  | X  | X  | X  |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

- 6 Priority date claimed or established: 05/01/1884

- 7 Rate of diversion: 0.06 cfs  
0.02

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JUL 02 2003

Department of Water Resources  
Eastern Region

MICROFILMED

AUG 20 2003

8. Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
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- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 21<sup>st</sup> day of June, 2003

George Matejka  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by AMS Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by AMS Receipt No. EQ28950 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

- 1 Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID 83467
- 2 Source of water supply E.F. Big Lost River tributary to Big Lost River
- 3 Point of diversion is in Gov't. Lot \_\_\_\_\_, 1/4 NE 1/4 SW 1/4, Section 34, Township 6N Range 22E, B.M., Custer County.
- 4 Description of diversion and delivery system:
  - a) Describe the type of diversion. Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of diversion Solar powered pump - variable rate depends on sun.

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 |
| 5N  | 22E | 3   |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |
| 6N  | 22E | 33  | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |
| 6N  | 22E | 34  |    |    |    |    | X  | X  | X  | X  | X  | X  | X  | X  |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

- 6 Priority date claimed or established: 05/01/1884
- 7 Rate of diversion: 206 cfs  
0.02

RECEIVED

JUL 02 2003

Department of Water Resources  
Eastern Region

AUG 20 2003

8. Season of use From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments: Multiple Points of Use listed to provide flexibility for livestock management. Only one point of use would occur at any given time.

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 27th day of June, 2003

George Matijko  
Right Holder of Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by DMA Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25 Receipted by DMA Receipt No. FD28850 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

1. Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID 83467
2. Source of water supply E.F. Big Lost River tributary to Big Lost River
3. Point of diversion is in Gov't. Lot 1/4 NE 1/4 NE 1/4, Section 3, Township 5N, Range 22E, B.M., Custer County
4. Description of diversion and delivery system:
  - a) Describe the type of diversion: Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of diversion: Solar powered pump - variable rate depends on sun.

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 |
| 5N  | 22E | 2   |    |    |    |    | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |
| 5N  | 22E | 3   | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  |    |    | X  | X  |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established: 05/01/1884
7. Rate of diversion: 0.06 cfs  
0.02

RECEIVED

JUL 02 2003

Department of Water Resources  
Eastern Region

MICROFILMED

AUG 20 2003

8. Season of use: From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments: Multiple Points of Use listed to provide flexibility for livestock management. Only one Point of Use would occur at any given time.

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 27<sup>th</sup> day of June, 2003

George Matejko  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by AMS Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee: \$ 25.00 Receipted by AMS Receipt No. 6028950 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/24/03 By S. Keen

MICROFILMED

AUG 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

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

- 1 Name of Right Holder USDA Forest Service Phone 208-756-5100  
Mailing address 50 Highway 93 South, Salmon, ID 83467
- 2 Source of water supply E.F. Big Lost River tributary to Big Lost River
- 3 Point of diversion is in Gov't. Lot 1/4 NW 1/4 NW 1/4, Section 2,  
Township 5N Range 22E, B M, Custer County
- 4 Description of diversion and delivery system
  - a) Describe the type of diversion Portable Solar Powered Pump
  - b) Describe the delivery system: Plastic Pipe
  - c) Describe the number, type and total capacity of troughs or tanks Portable tank - 600 gallons
  - d) Describe the automatic shutoff or flow control mechanism or means of  
Returning unused water to the source: Pump automatic shut off when tank is full.
  - e) Describe how the system is designed to allow measurement of the rate of  
diversion Solar powered pump - variable rate depends on sun.

- 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 |
| 5N  | 22E | 2   | X  | X  |    |    | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |
| 5N  | 22E | 3   | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  | X  |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established. 05/01/1884
7. Rate of diversion 0.06 cfs  
0.02

RECEIVED

JUL 02 2003

Department of Water Resources  
Eastern Region

MICROFILMED

AUG 20 2003

8. Season of use From 06/01 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? July 2003
11. Comments: Multiple Points of Use listed to provide flexibility for livestock management. Only one Point of Use would occur at any given time.

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 27th day of June, 2003

George Matijko  
Right Holder or Authorized Representative  
(for) Jack Troyer, Regional Forester

FOR DEPARTMENT USE

Received by AMS Date 2 July 03 Preliminary check by \_\_\_\_\_  
Fee \$ 25.00 Receipted by AMS Receipt No. EQ28950 Date 2 July 03  
Water District No. \_\_\_\_\_ Entered into data base 7/29/03 By S. Keen

MICROFILMED

AUG 20 2003

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 34-11177

1997 DEC 10 PM 3:13

DISTRICT COURT-5  
TWIN FALLS, IDAHO

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
324 25TH STREET  
OGDEN UT 84401-2394

SOURCE: BIG LOST RIVER, EAST FORK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T05N R23E S06 NWNWSE (INSTREAM BEGINNING POINT) Within CUSTER County  
T06N R21E S12 SWNE (INSTREAM ENDING POINT)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|----------|
|                            | STOCKWATER     | 06-01 10-31   | 0.02 CFS |

| PLACE OF USE: | STOCKWATER            | Within CUSTER County |              |      |      |
|---------------|-----------------------|----------------------|--------------|------|------|
|               | T05N R22E S01         | NENE                 | NWNE         | NENW | NWNW |
|               | S02                   | NENE                 | NWNE         | NENW | NWNW |
|               | S03                   | NENE                 | NWNE         |      |      |
|               | R23E S06 Lot 3 (NENW) |                      | Lot 4 (NWNW) | SENW | NESW |
|               |                       | NWSE                 |              |      |      |
|               | T06N R21E S12         | NENE                 | SENE         |      |      |
|               | R22E S07              | SWNE                 | SWNW         | SENW | NESE |
|               |                       | NWSE                 | SWSE         | SESE |      |
|               | S17                   | SWNW                 | NESW         | NWSW | SESW |
|               | S18                   | NENE                 | SENE         |      |      |
|               | S20                   | NWNE                 | SWNE         | NENW | NESE |
|               |                       | NWSE                 | SESE         |      |      |
|               | S21                   | SWSW                 |              |      |      |
|               | S28                   | NENW                 | NWNW         | SENW | NESW |
|               |                       | NWSE                 | SWSE         | SESE |      |
|               | S33                   | NENE                 | SENE         |      |      |
|               | S34                   | NWNW                 | SWNW         | NESW | NWSW |
|               |                       | SESW                 | SWSE         |      |      |
|               | S35                   | SWSE                 | SESE         |      |      |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.



DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 24, 2003

CAROL ECKERT  
SALMON-CHALLIS NATIONAL FOREST  
LOST RIVER RANGER DISTRICT  
PO BOX 507  
MACKAY ID 82351

RE: Instream Stock Diversions for Water Right No. 34-11177

Dear Carol:

Thank you for your letter clarifying the information provided in the nine water right notices you submitted under Section 42-113(3), *Idaho Code*, in connection with decreed Water Right No. 34-11177. Please note that the diversion described in your notices may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, *Idaho Code*, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.
- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

MICROFILMED

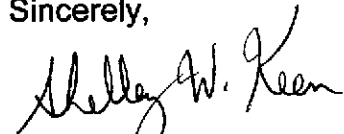
AUG 28 2003

Carol Eckert  
July 24, 2003  
Page 2

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the updated water right information for your records. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen  
Water Rights Supervisor

Enclosure(s)

cc: Water District 34  
Steve Spencer, USDA Forest Service in Boise

MICROFILMED

AUG 20 2003



United States  
Department of  
Agriculture

Forest  
Service

Salmon-Challis  
National Forest

Lost River Ranger District  
P.O. Box 507  
Mackay, ID 82351

RECEIVED

File Code: 2500

JUL 21 2003

Date: July 16, 2003

Department of Water Resources

Shelley Keen  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706

Dear Shelley,

This letter is to provide clarification regarding the nine Notices of Diversion for Instream Stockwater Use that were submitted to IDWR in connection with the decreed Water Right No. 34-11177. Per the phone conversation between you and Betsy Rieffenberger, Forest Hydrologist, we are providing the supplemental information requested in your letter dated July 9, 2003.

The diversion rate shown on the nine Form 113 that were submitted erroneously showed the diversion rate at 0.06 cfs. This diversion rate was based on a preliminary recommended water right dated November 1992. The correct diversion rate should have been 0.02 cfs as reported in the Partial Decree for Basin 34 dated November 1997. Please correct the form to reflect the 0.02 cfs diversion rate.

There was also some confusion about the nine separate points of diversion and the potential enlargement of the decreed water right. There is only one solar pump that will be used to divert water from the East Fork of the Big Lost River for stockwatering. Only one point of diversion will be used at any given time. The diversion rate at any given time will not exceed the decreed diversion rate of 0.02 cfs.

If you have further questions regarding this matter please contact Betsy Rieffenberger at (208) 756-5108 or Holger Jensen at (208) 588-3403.

Sincerely,

  
CAROL ECKERT

Lost River District Ranger

Cc: Betsy Rieffenberger

Steve Spencer  
161 Mallard  
Boise, Idaho 83725

AUG 20 2003



Keen, Shelley

---

**From:** Steven M Spencer [sspencer@fs.fed.us]  
**Sent:** Friday, July 11, 2003 4:51 PM  
**To:** skeen@idwr.state.id.us  
**Cc:** Betsy Rieffenberger; Michael E Collette; Jamie Gough; David L Negri  
**Subject:** 42-113 Notices

I'm hearing that the Salmon-Challis National Forest submitted nine notices to divert water from an instream flow water right, no. 34-11177. I understand the department has some questions on those notices and has given the forest 60 days to determine how to proceed. Those notices should have been sent by the Salmon folks to us so that we could help them provide clear an accurate information that is within state law. This would be to prevent this type of delay and confusion from occurring. Would you please send a copy of each of these notices to me. You could scan them and send them electronically or send them hard copy. What ever is more convenient for you. I'll try to get involved and clarified to that what comes to you again will be appropriate. I can see exactly some of the problems you have. by the letter Kari Lynn fax'd to Mr. Negri. Thank you.

Steve Spencer  
Boise Adjudication Team  
161 E. Mallard, Suite A

(208) 331-5944  
(208) 387-0842 FAX  
e-mail: sspencer@fs.fed.us

Boise, ID 83706

*Kari Lynn,*

*Please have the notices sent to  
Steve Spencer. Thanks for your  
help.*

*Shelley  
7/14/03*

MICROFILMED

AUG 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 9, 2003

USDA FOREST SERVICE  
50 HIGHWAY 93 SOUTH  
SALMON ID 83467

RE: Notices of Diversion for Instream Stockwater Use  
Water Right No. 34-11177

Dear Water Right Holder:

The Department of Water Resources (IDWR) has received the nine Notices of Diversion for Instream Stockwater Use you submitted in connection with decreed Water Right No. 34-11177, which authorizes the use of 0.02 cfs for instream stockwater use in the East Fork of the Big Lost River. IDWR has reviewed the notices to ensure compliance with the statutory requirements for changing the water right. On each of the nine notices, you indicated a diversion rate of 0.06 cfs at item no. 7 of the notice. Water Right No. 34-11177 was decreed for a maximum diversion rate of 0.02 cfs. If any one of the diversions were to be pumped at 0.06 cfs, the diversion rate limit of Water Right No. 34-11177 would be exceeded. Moreover, the diversion rate limit would be exceeded by a considerable amount if the nine pumps were operating simultaneously. Section 42-113(3), *Idaho Code*, authorizes changes to the way an instream stockwater right is used, but it does not authorize an enlargement of the water right. Before your notices can be processed, you must amend the notices to show how the proposed diversions, when used individually and collectively, will not exceed the limitations of your decreed water right.

IDWR will hold the notices for 60 days to give you an opportunity to determine how to proceed. You may withdraw the notices, or you may amend the notices by visiting this office to make changes on the originals, by submitting amended notices, or by notifying IDWR in writing of changes to your notices. You may also wish to consider filing applications for new water rights or establishing new instream stockwater uses that can be changed using the provisions of Section 42-113(3), *Idaho Code*. If I have not received a reply from you within 60 days, IDWR will return the notices to you without processing them.

If you have any questions, please call me at 208-327-7946, or email me at [skeen@idwr.state.id.us](mailto:skeen@idwr.state.id.us).

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

Cc: David Negri, US Dept. of Justice  
Dennis Dunn, IDWR Eastern Region

MICROFILMED

AUG 20 2003

**STATE OF IDAHO**

Department of Water Resources

Notice of Diversion for Instream Stockwater Use  
Section 42-113, Idaho Code

Name of Right Holder: USDA Forest Service

Initial Review By: S.W. Keen Date: 7/9/2003

Based on prior recorded instream stockwater right? Yes ☐ No ☒

If yes, right number: 34-11177 Instream Stock Div. No ☐

Also, if right was claimed in SRBA, this notice will amend claim.

If no, enter as statutory claim

CHECK:

|    |                                     |                                                                               |
|----|-------------------------------------|-------------------------------------------------------------------------------|
| 9x | <input checked="" type="checkbox"/> | Name & address                                                                |
| 9x | <input checked="" type="checkbox"/> | Date of Priority <u>5/1/1884</u>                                              |
| 9x | <input checked="" type="checkbox"/> | Source                                                                        |
| 9x | <input checked="" type="checkbox"/> | Period of use <u>6/1 to 10/31</u>                                             |
|    | <input checked="" type="checkbox"/> | Point of diversion (limited to 1 diversion)                                   |
|    | <input checked="" type="checkbox"/> | Location of use                                                               |
| 9x | <input checked="" type="checkbox"/> | Signature                                                                     |
| 9x | <input checked="" type="checkbox"/> | \$25.00 filing fee                                                            |
| 9x | <input checked="" type="checkbox"/> | Water District <u>34</u>                                                      |
|    | <input checked="" type="checkbox"/> | Amount of Water <u>All 9 say 0.06 cfs, but right was decreed at 0.02 cfs.</u> |
|    | <input checked="" type="checkbox"/> | Description of diversion/delivery system.                                     |

Receipt No. E028950

Publish? Yes ☐ No ☐ (Regional Determination\*)

☐ Review Complete

By: \_\_\_\_\_

Date: \_\_\_\_\_

\*Generally not advertised unless determined to be necessary by Regional Manager.

*These notices do not comply with the maxim that a water right cannot be enlarged through a change. The decreed rate of diversion is 0.02 cfs, but each notice describes a diversion rate of ~~0.06~~ 0.06 cfs.*

*S. Keen 7/9/03*

*Data entry completed by S. Keen on 7/24/2003*

MICROFILMED

AUG 20 2003