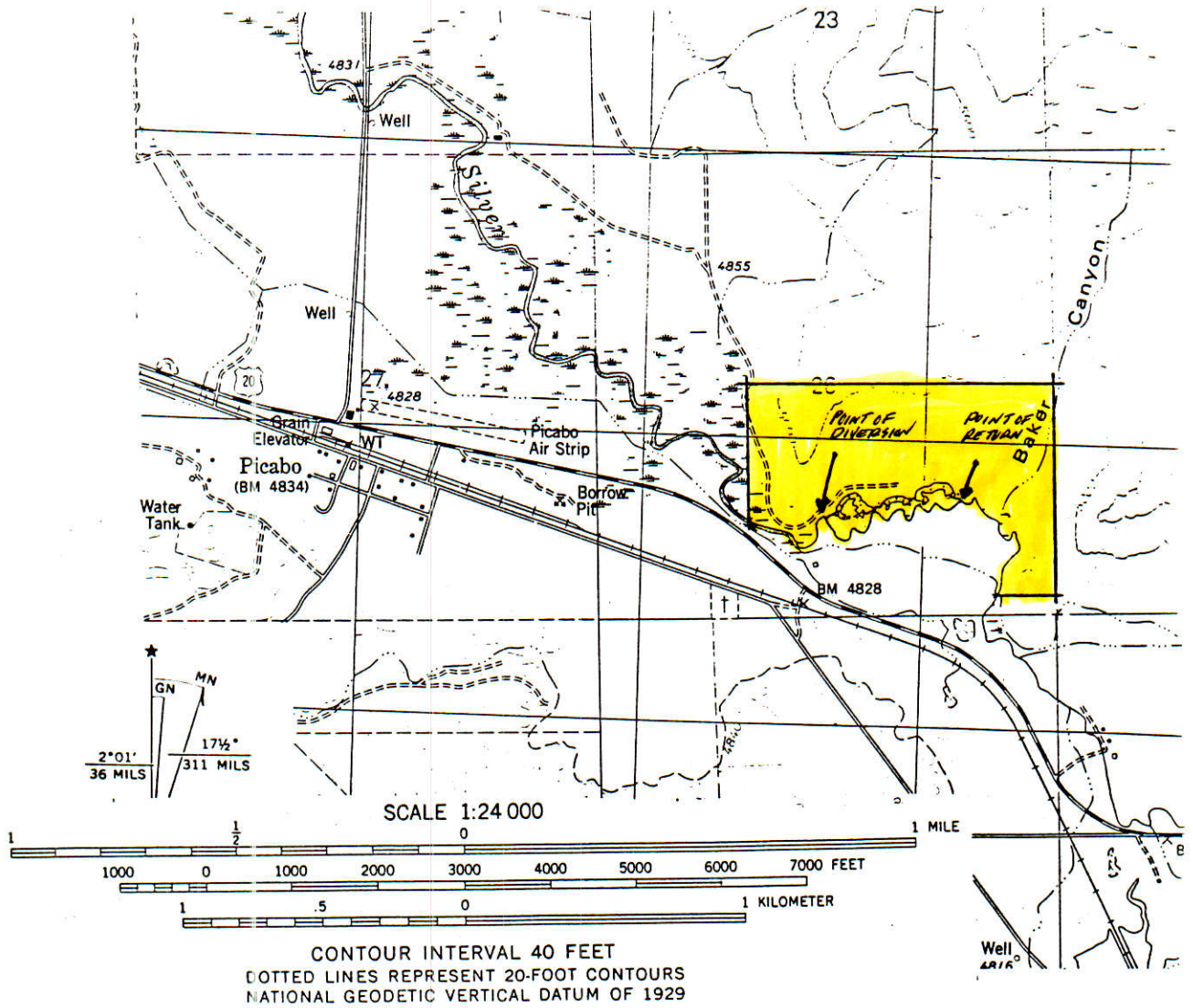




RECEIVED

MAR 27 1991

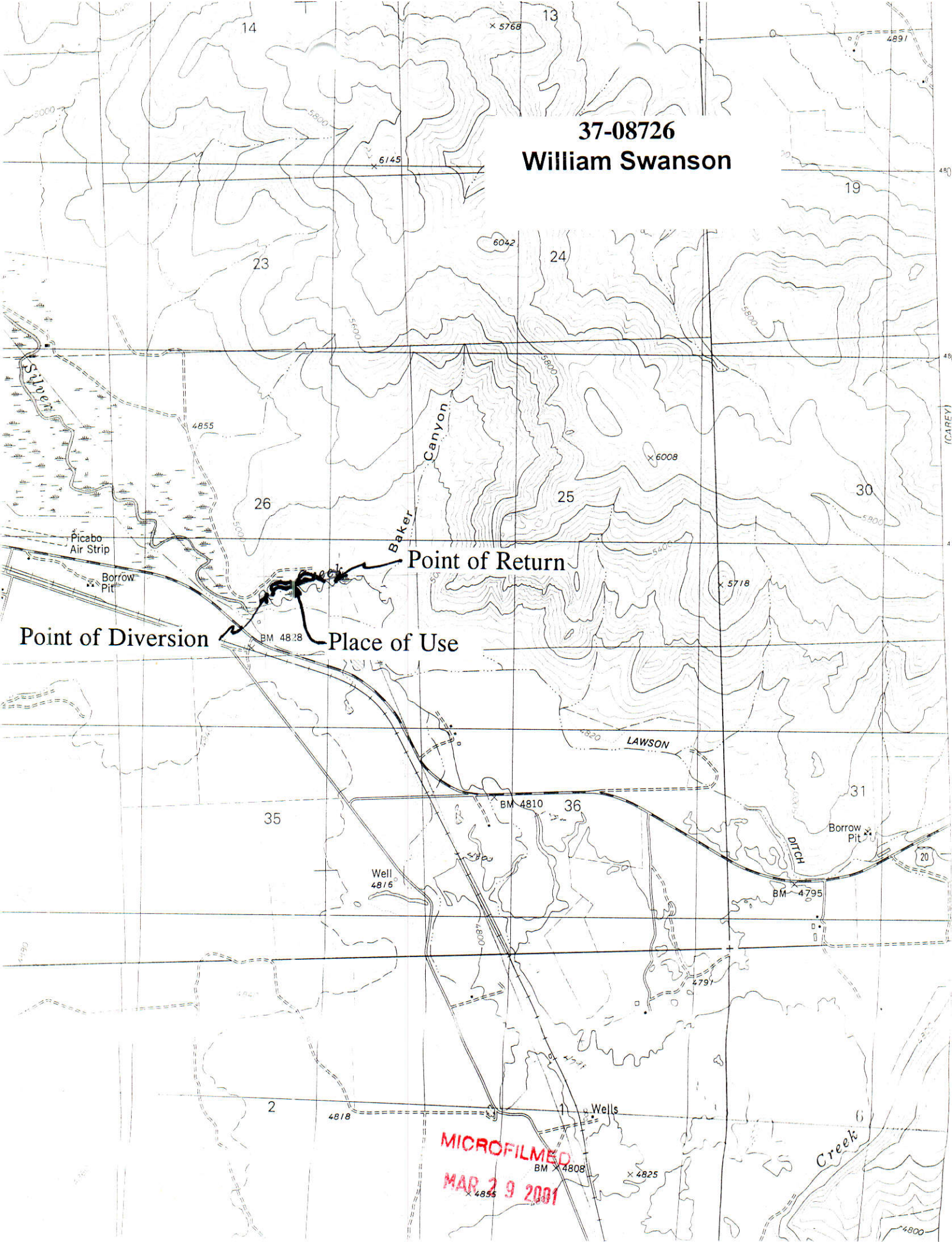
Department of Water Resources

Southern Region Office

AUG 26 1993

37-08726

37-08726
William Swanson



37-08726
W. Swanson

MICROFILMED
MAR 29 2001

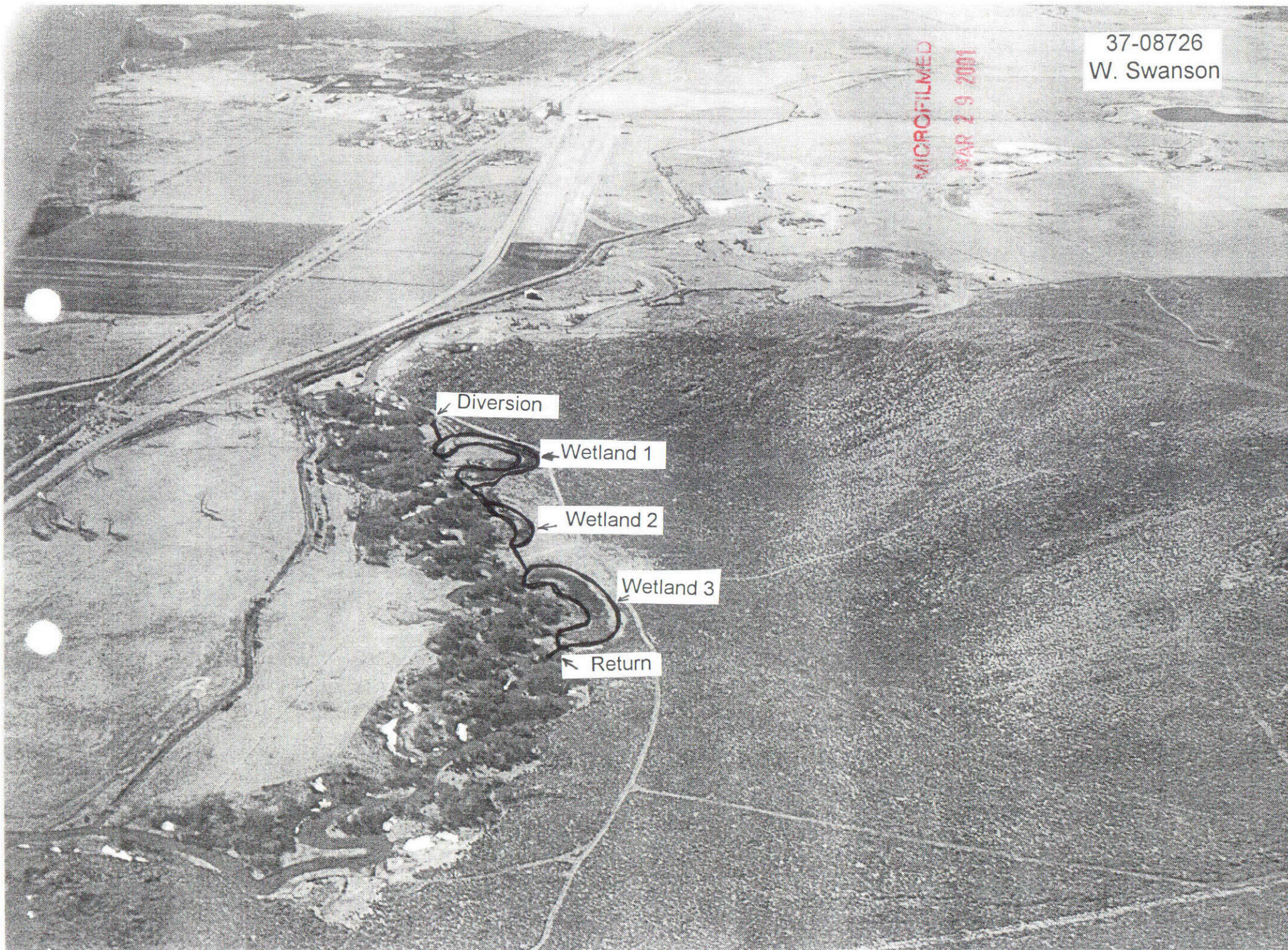
↙ Diversion

↙ Wetland 1

↙ Wetland 2

↙ Wetland 3

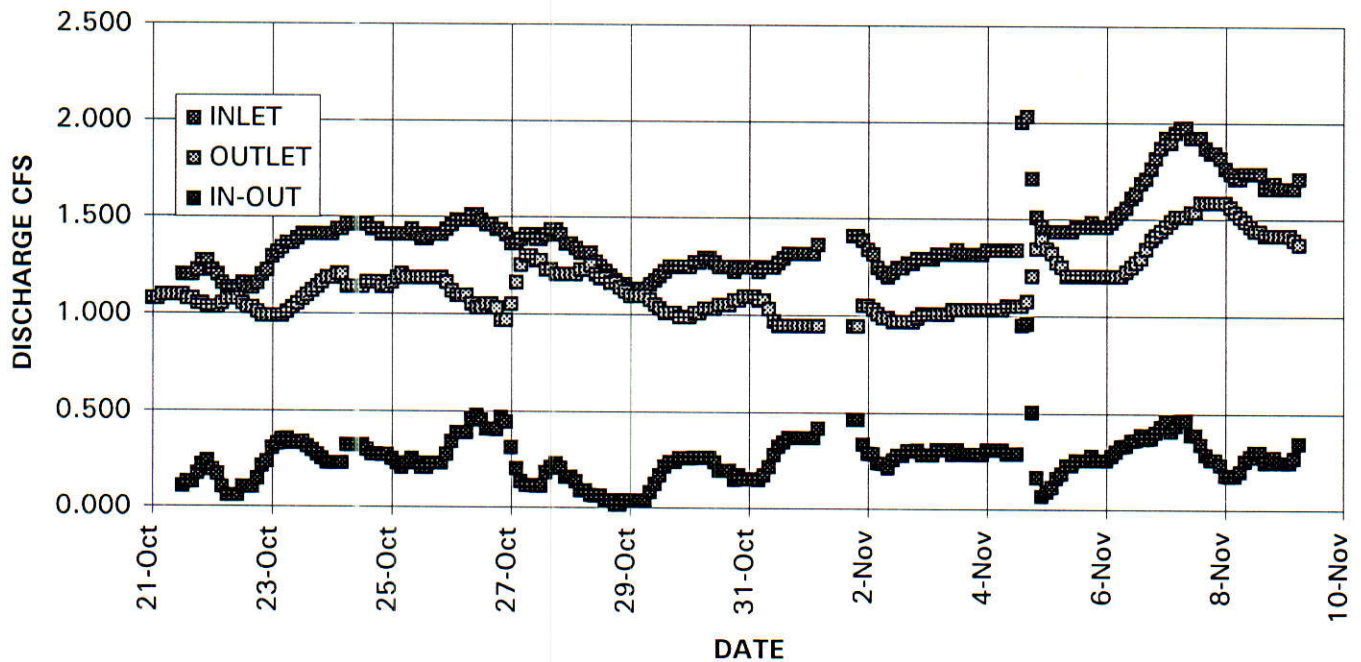
↖ Return



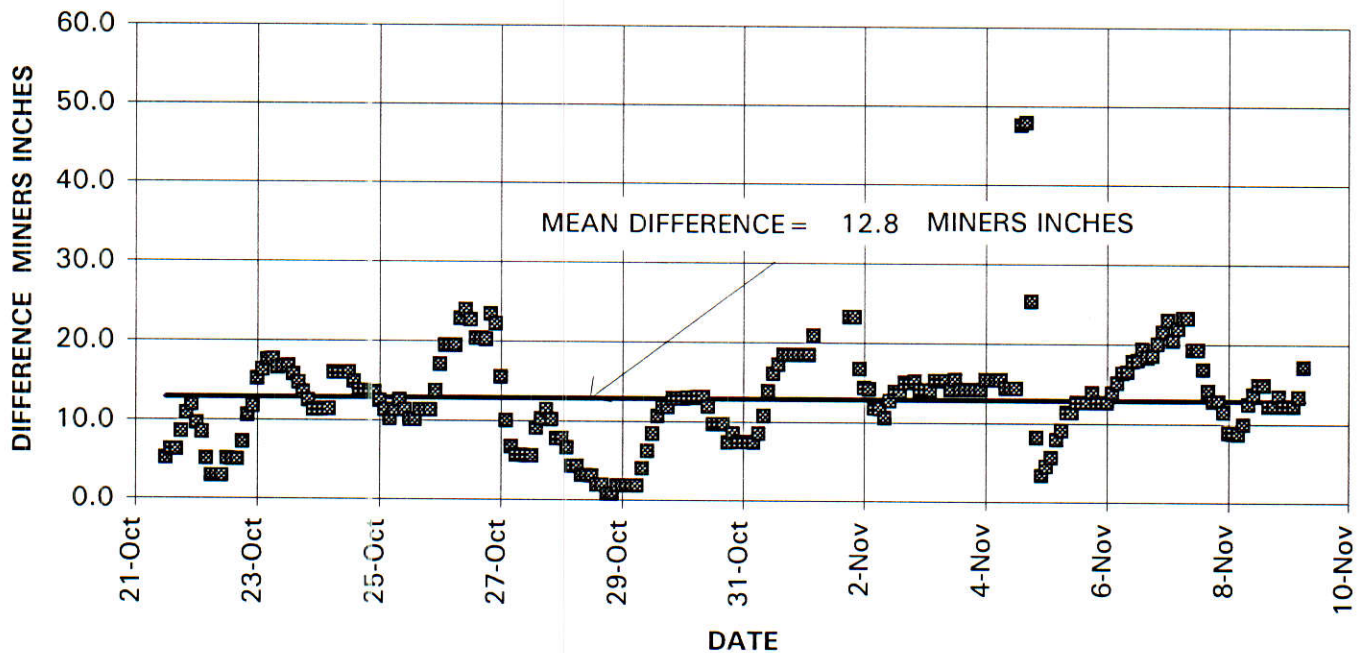


MICROFILMED
MAR 29 2001

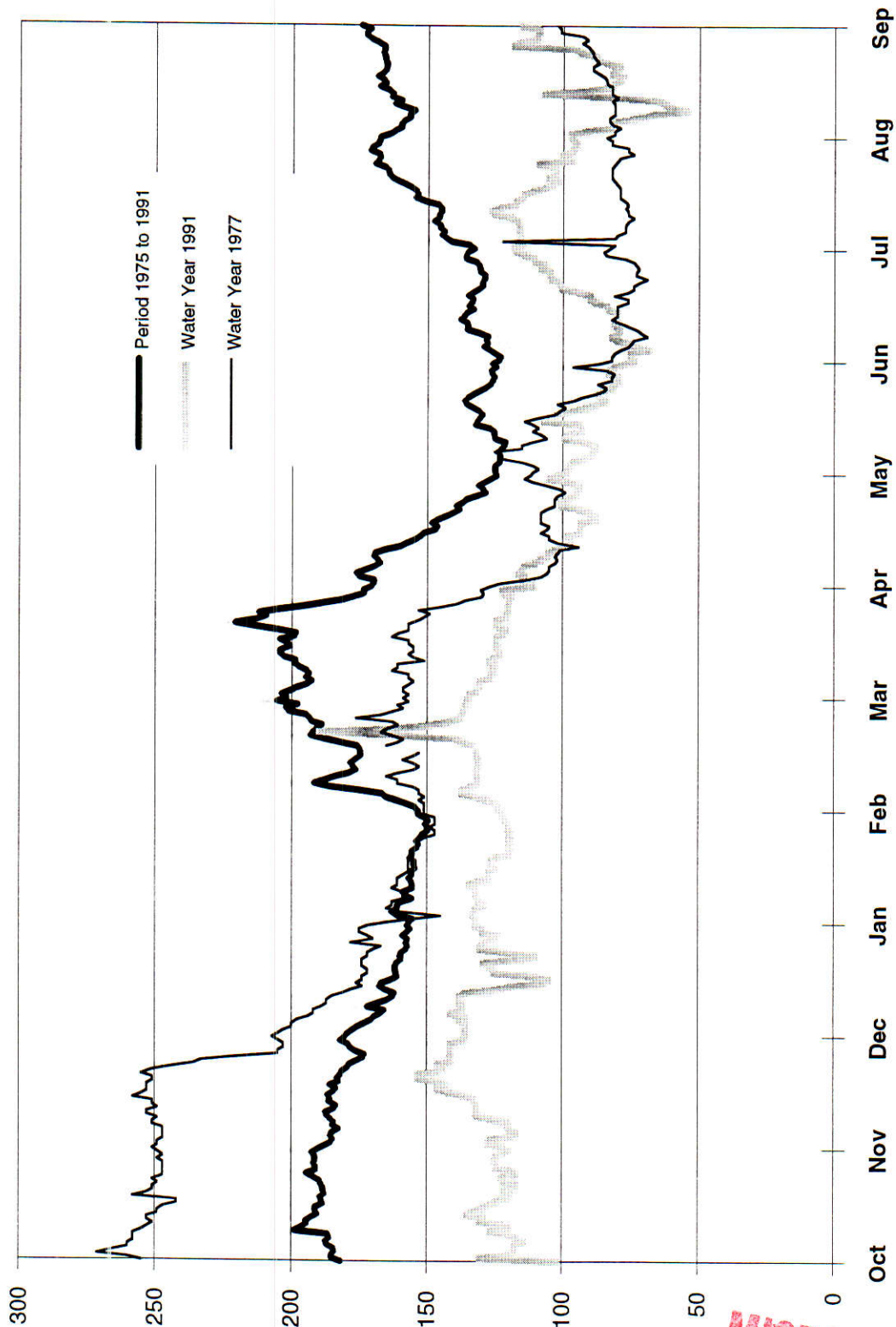
SWANSON EAST INFLOW-OUTFLOW 1994



SWANSON EAST INFLOW-OUTFLOW 1994

MICROFILMED
MAR 29 2001

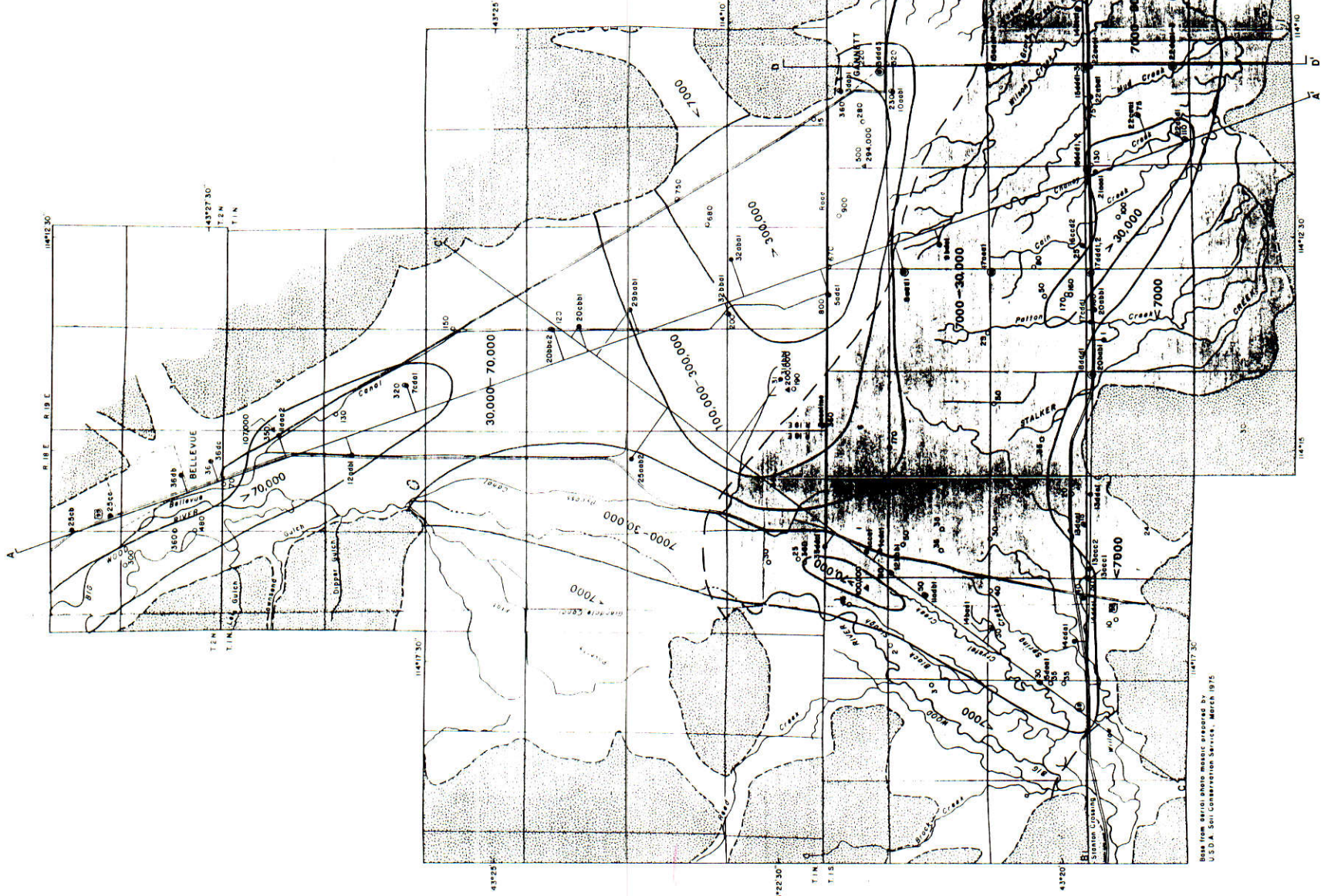
SILVER CREEK AT SPORTSMAN'S ACCESS
AVERAGE DAILY FLOW--CFS



MICROFILMED

AUG 26 1993

SWANSON FIGURE 2



EXPLANATION

- Heavy contour lines showing extent of estimated transmissivity of main aquifer.
- Approximate extent of area with significant differences between deep and shallow aquifers. (Minimum extent of confining beds)
- A Location of geohydrologic section
- Well in delivery of water indicates position of line of section
- 36643 USGS augered test hole
- 200,000 Well for which aquifer test was made. Number is computed aquifer transmissivity, in feet squared per day.
- 0.150 Well with pump test. Number is reported specific capacity in gallons per minute per foot of drawdown.
- Estimated transmissivity of main aquifer, in feet squared per day. To convert to feet squared per day to meters squared per day, multiply by 0.107.

70,000

PROJECT AREA

FIGURE 3.--APPROXIMATE EXTENT OF CONFINING BEDS, LOCATION OF GEOHYDROLOGIC SECTIONS, AND ESTIMATED TRANSMISSIVITY OF MAIN AQUIFER IN THE SILVER CREEK AREA, BLAINE COUNTY, IDAHO.

PERCHED WATER TABLE

PREPARED BY: GUY W. HARRIS
IDAHO DEPARTMENT OF WATER RESOURCES



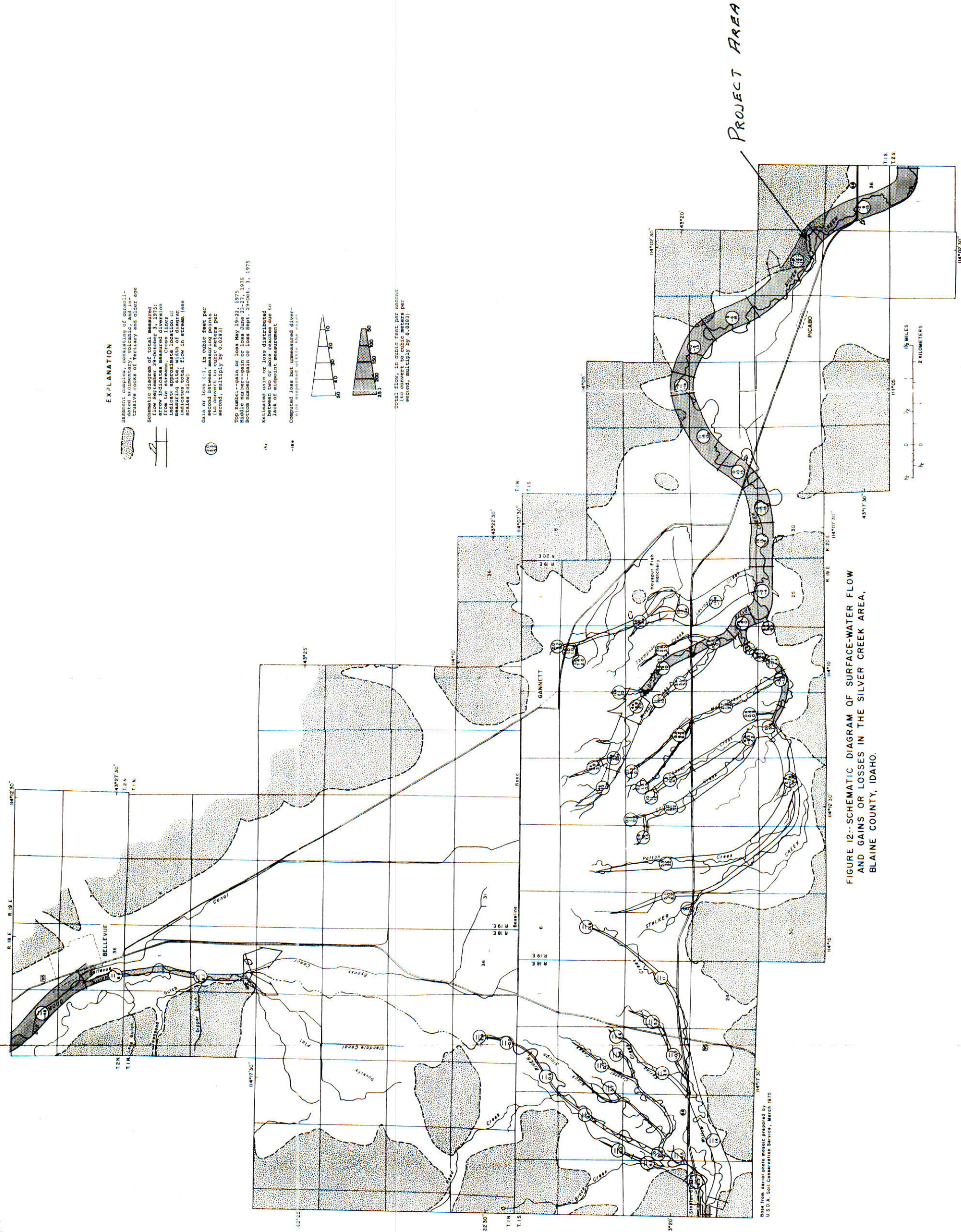
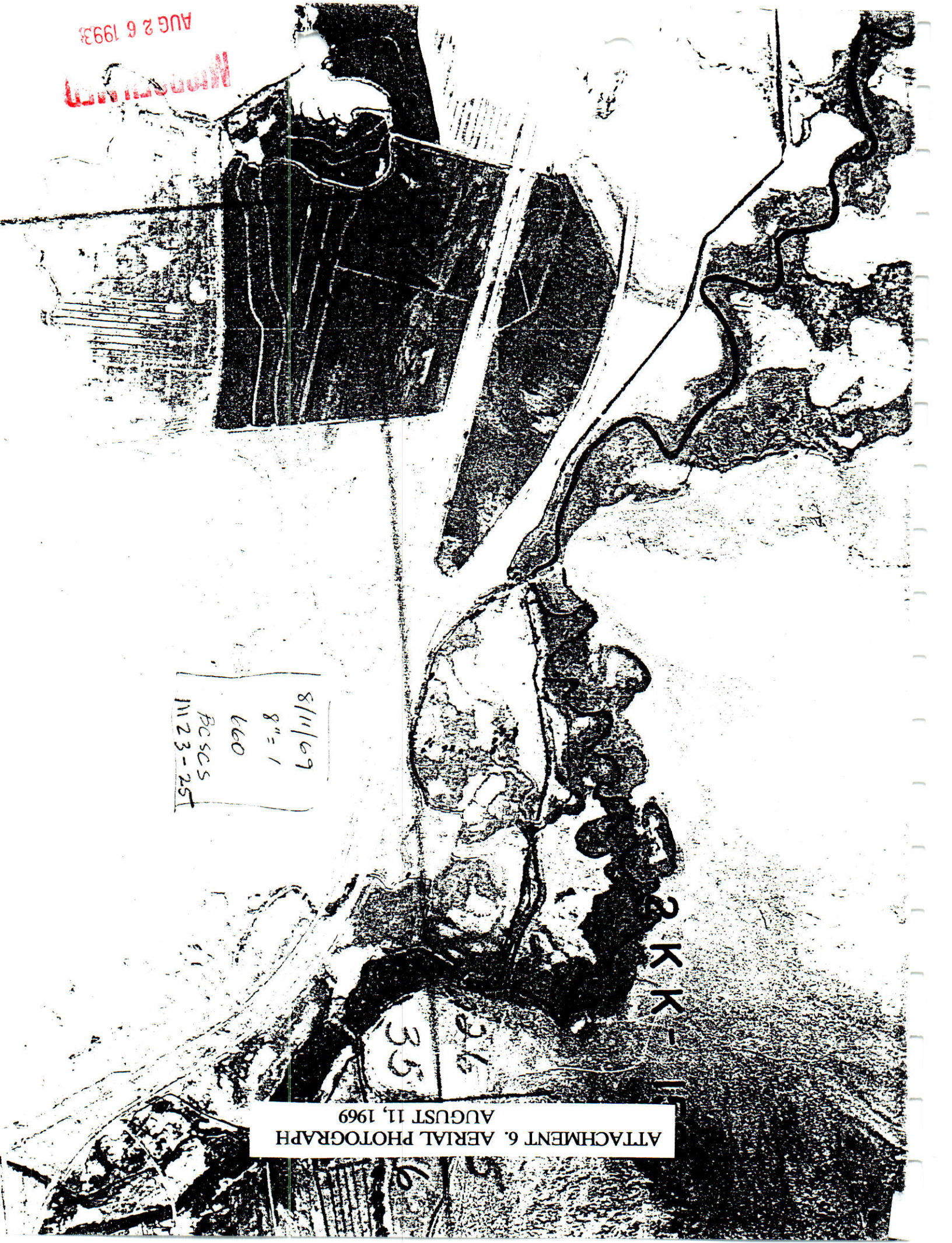


FIGURE 12--SCHEMATIC DIAGRAM OF SURFACE-WATER FLOW AND GAINS OR LOSSES IN THE SILVER CREEK AREA, BLAINE COUNTY, IDAHO.

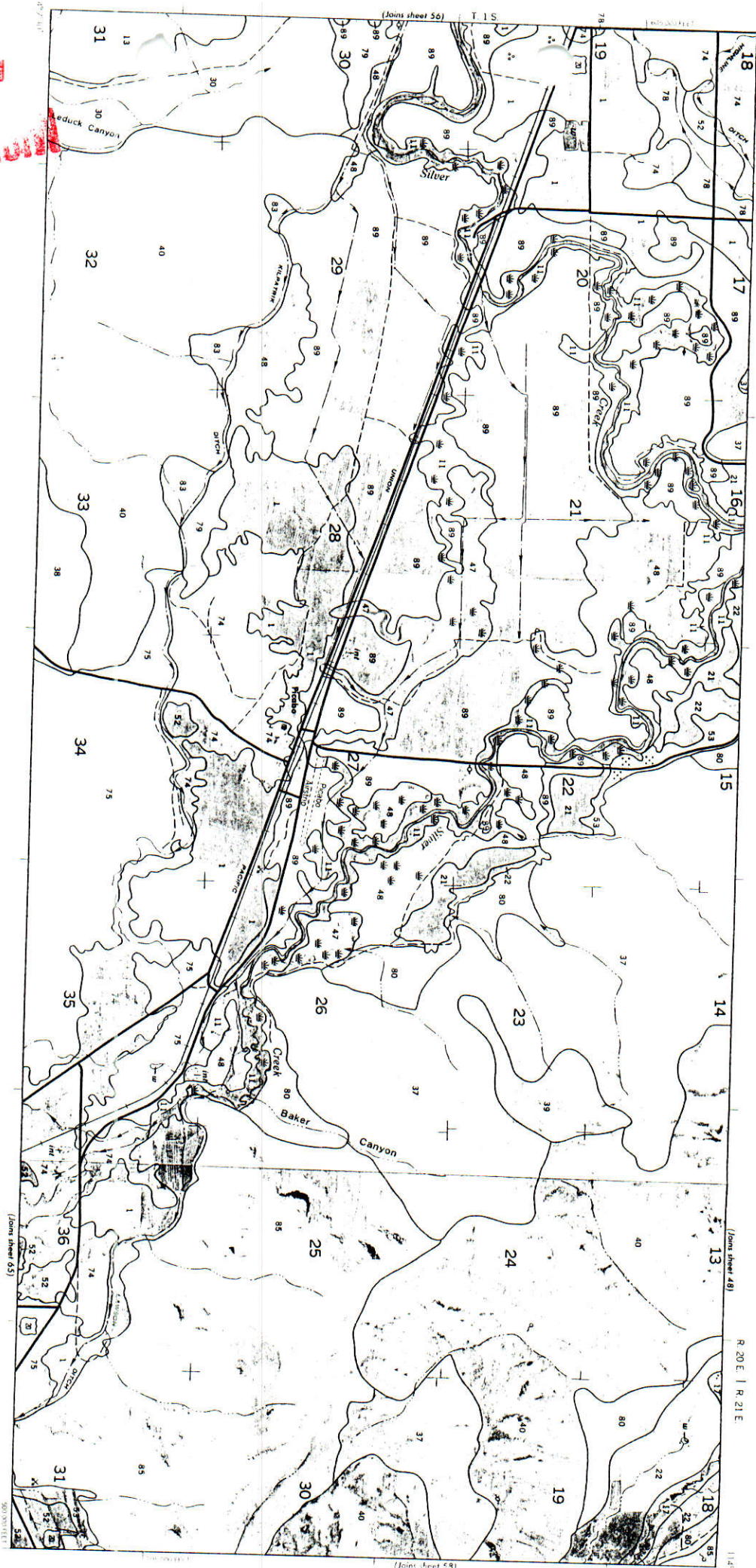
11/12/69
AUG 26 1993

8/11/69
8" = 1
660
PCSCS
11123-25

ATTACHMENT 6. AERIAL PHOTOGRAPH
AUGUST 11, 1969



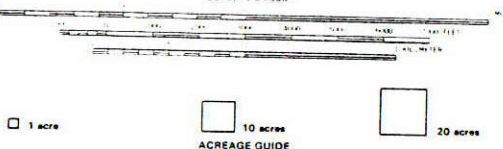
ATTACHMENT 4. SOIL SURVEY OF BLAINE COUNTY AREA, IDAHO - SHEET NUMBER 57



AUG 26 1993

HAILEY SE
FAIRFIELD

SCALE 1:4000



Other information including a narrative report concerning the wetland resources depicted on this document may be available. For information, contact:

1:100,000 NAME HAILEY SE FAIRFIELD TOPO NAME PICABO, IDAHO	TECHNICAL RESPONSIBILITY		
	TASK	NAME	DATE
	Transfer	C. VAUGHN	10-4-88
	Labeling	C. VAUGHN	10-7-88
	ZTS QC	K. PRAYKAT	11-9-88
	MAP PLOC	C. VAUGHN	11-14-88
	ZTS CORRECTION	C. VAUGHN	11-14-88
	CORRECTION CHECK	K. PRAYKAT	12-19-88
	F.W.S. ACCEPT	JIM TERRY	12-19-88

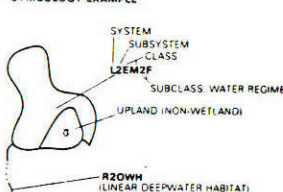
SPECIAL NOTE

This document was prepared primarily by stereoscopic analysis of high altitude aerial photographs. Wetlands were identified on the photographs based on vegetation, visible hydrology, and geography in accordance with Classification of Wetlands and Deepwater Habitats of the United States (FWS/OBS-79/31 December 1979). The aerial photographs typically reflect conditions during the specific year and season when they were taken. In addition, there is a margin of error inherent in the use of the aerial photographs. Thus, a detailed on the ground and historical analysis of a single site may result in a revision of the wetland boundaries established through photographic interpretation. In addition, some small wetlands and those obscured by dense forest cover may not be included on this document.

Federal, State and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, State or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, State or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

DRAFT

SYMBOLLOGY EXAMPLE



NOTES TO THE USER

- Wetlands which have been field examined are indicated on the map by an asterisk (*).
- Additions or corrections to the wetlands information displayed on this map are solicited. Please forward such information to the address indicated.
- Subsystems, Classes, Subclasses, and Water Regimes in this map were developed specifically for NATIONAL WETLANDS INVENTORY mapping.
- Some areas designated as R4SB, R4SBW, OR R4SBJ (INTERMITTENT STREAMS) may not meet the definition of wetland.
- This map uses the class Unconsolidated Shore (US).
- On earlier NWI maps that class was designated Beach/Bar (BB) or Flat (FL). Subclasses remain the same in both versions.

PICABO, IDAHO



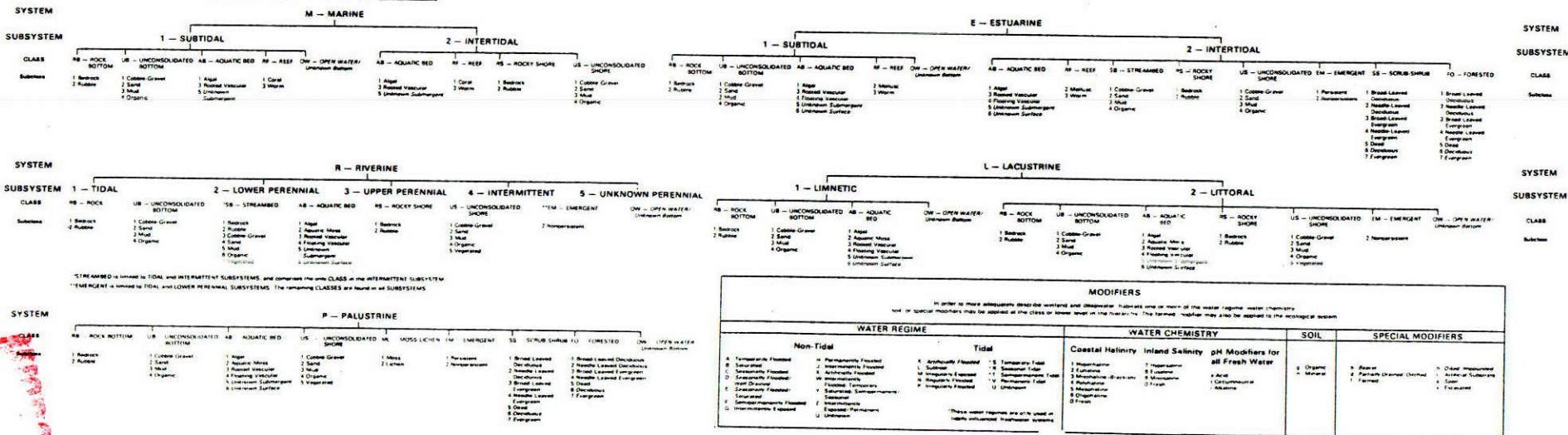
U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

Prepared by National Wetlands Inventory

AERIAL PHOTOGRAPHY

DATE 9/84
SCALE 1:58,000
TYPE CIR
DATE
SCALE
TYPE

U - Primarily represents upland areas, but may include unclassified wetlands such as man-modified areas, non-photo-identifiable areas and/or unintentional omissions.



AUG 26 1993

A hand-drawn map of the Picabo area in Idaho. The map shows the Snake River flowing from the top left towards the bottom right. Key locations marked include Picabo (BM 4834), Picabo Air Strip, Borow Pit, and Baker Canyon. A scale bar indicates distances from 0 to 3000 feet. A north arrow is present, along with a magnetic declination of 17 1/2 degrees. The map is oriented with the Snake River flowing from the top left towards the bottom right.

[illegible]

AUG 26 1993

POND3.XLS

REVISED DESIGN ESTIMATES SILVER CREEK WILDLIFE SANCTUARY

C.E. BROCKWAY P.E.
REVISED 12/20/91

ESTIMATED POND EVAPORATION AND SEEPAGE

BILL SWANSON

DIVERSION FROM SILVER CREEK FOR THREE WILDLIFE HABITAT SUPPLEMENT PONDS

EVAPORATION DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975

1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK-

CREEK TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976

LAKE OR POND EVAPORATION CALCULATED USING THE

KOHLER-NORDENSON-FOX PROCEDURE

NUMBER OF LOTS =

MAX. DIVERSION PER ACRE =

AVAILABLE DIVERSION RATE =

ALL DITCHES HAVE

ALL DITCHES AND PONDS, UNLINED WITH COMPACTION IN PLACE

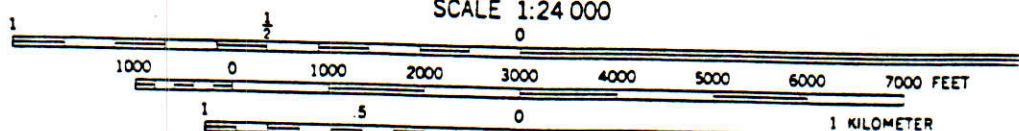
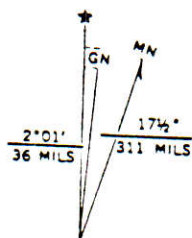
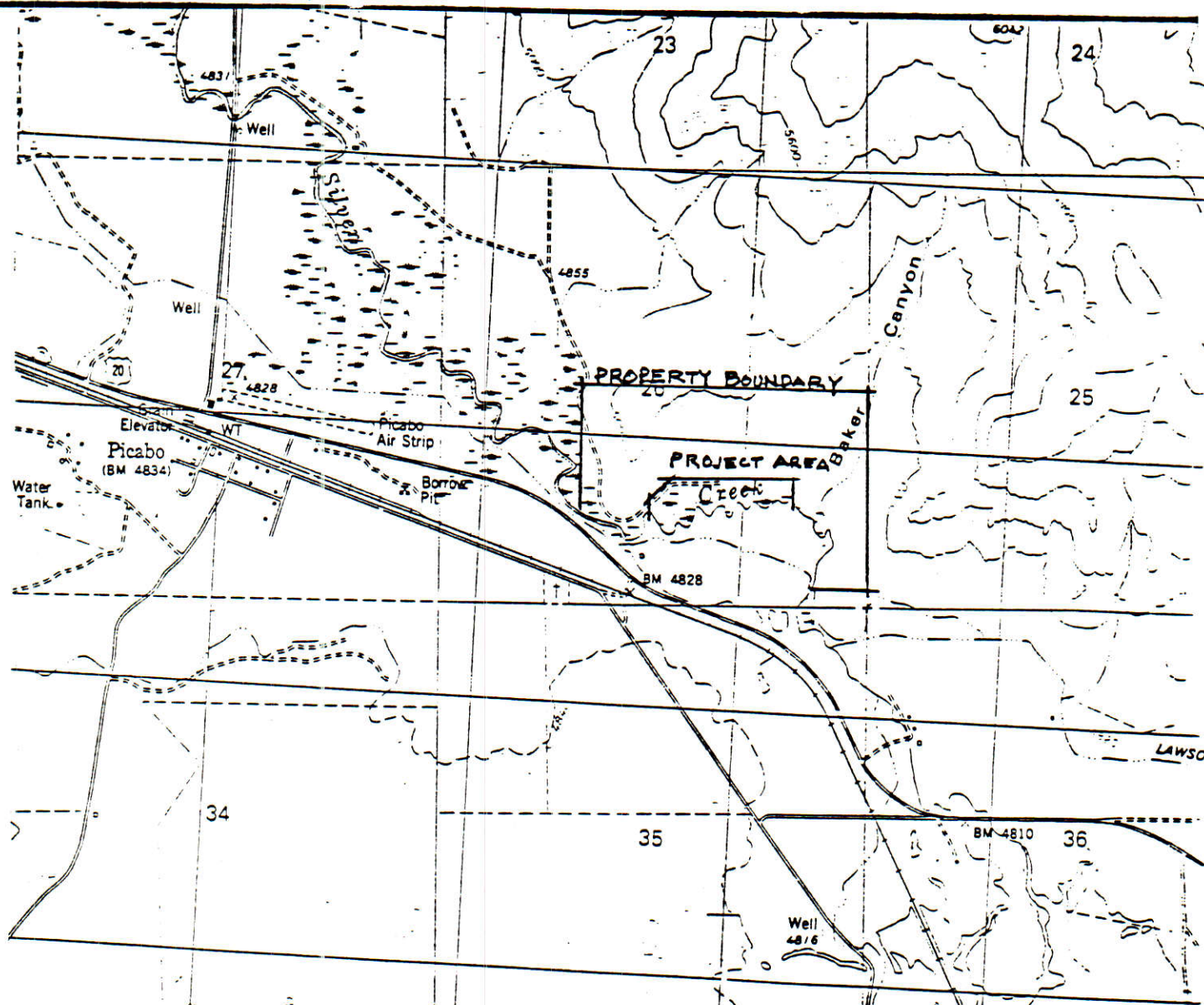
SEEPAGE RATES ESTIMATED FROM SOILS ANALYSIS OBTAINED FROM EACH POND

NUMBER OF PONDS =

3

MO.	AVG		AVG		TOTAL PRECIP		PROJECT			PROJECT			PROJECT		
	EVAP	MM/	IN/	DAY	EVAP	MON.	AVG	EVAP	HAILEY	IN.	AVG	EVAP	PRECIP	EVAP.	PRECIP
JAN	0.56			0.022	0.68	2.67	0.002	0.91	0.10	0.00	0.000	0.00	0.00	0.00	0.00
FEB	0.91			0.036	1.00	1.83	0.003	1.47	0.16	0.00	0.000	0.00	0.00	0.00	0.00
MAR	1.43			0.056	1.75	1.22	0.005	2.32	0.26	0.02	0.002	0.70	0.08	0.08	0.08
APR	2.29			0.090	2.70	1.07	0.008	3.71	0.41	0.05	0.005	2.24	0.25	0.25	0.25
MAY	4.32			0.170	5.27	1.47	0.016	7.00	0.78	0.12	0.011	5.05	0.56	0.56	0.56
JUN	5.19			0.204	6.13	1.39	0.019	8.41	0.94	0.16	0.014	6.50	0.72	0.72	0.72
JUL	5.19			0.204	6.33	0.47	0.019	8.41	0.94	0.19	0.017	7.79	0.87	0.87	0.87
AUG	4.55			0.179	5.55	0.69	0.016	7.37	0.82	0.16	0.014	6.46	0.72	0.72	0.72
SEP	3.96			0.156	4.68	0.71	0.014	6.42	0.71	0.13	0.012	5.44	0.61	0.61	0.61
OCT	2.07			0.081	2.53	0.76	0.007	3.35	0.37	0.06	0.005	2.35	0.26	0.26	0.26
NOV	1.01			0.040	1.19	1.44	0.004	1.64	0.18	0.00	0.000	0.00	0.00	0.00	0.00
DEC	0.63			0.025	0.77	2.48	0.002	1.02	0.11	0.00	0.000	0.00	0.00	0.00	0.00
MAX MON.					6.33	2.67	0.02	8.41	0.94	0.19	0.017	7.79	0.87	0.87	0.87
ANNUAL TOT.					38.59										
APR-SEP TOT.					30.67										

AUG 26 1993



SCALE 1:24 000
 CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

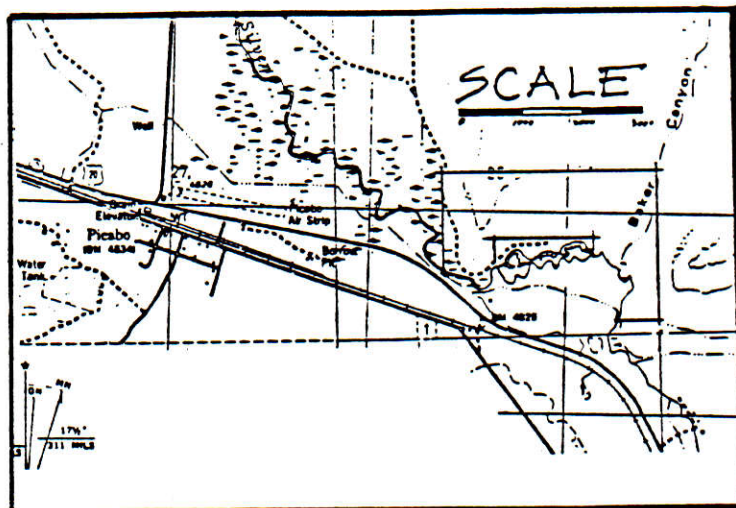
UTM GRID AND 1979 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET
 DATUM PLANE: IF NOT NGVD 1929, SPECIFY

- a. HIGH WATER
- b. LOW WATER

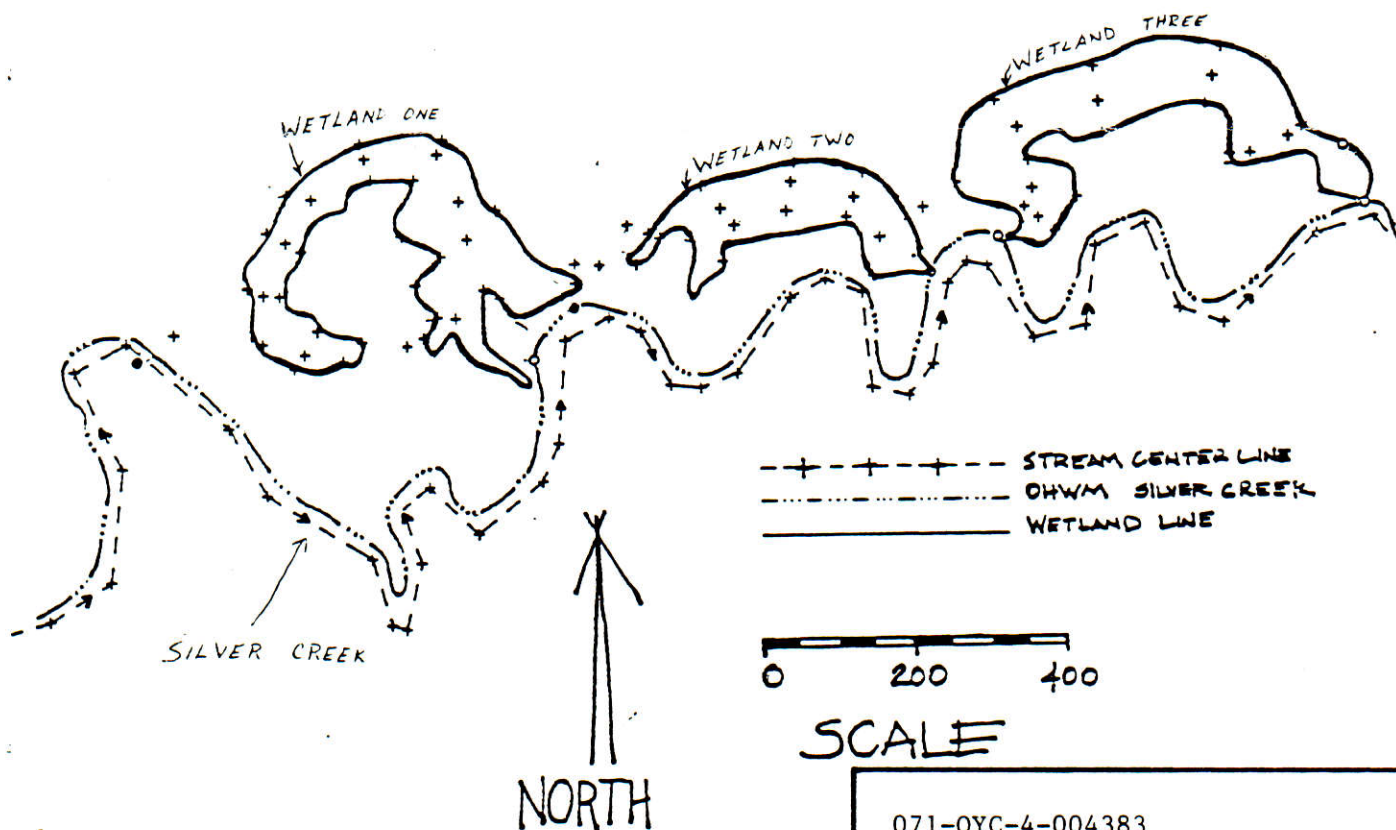
071-OYC-4-004383
 IN SILVER CREEK AND ADJ WETLANDS
~~IN~~/NEAR PICABO

BLAINE COUNTY, IDAHO
 DATE: SHEET 1 OF 10
 APPLICATION BY: BILL SWANSON

AUG 26 1993



DELINEATION MAP



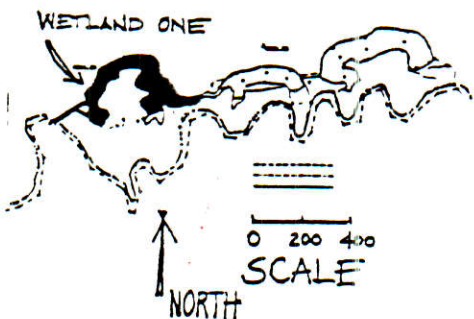
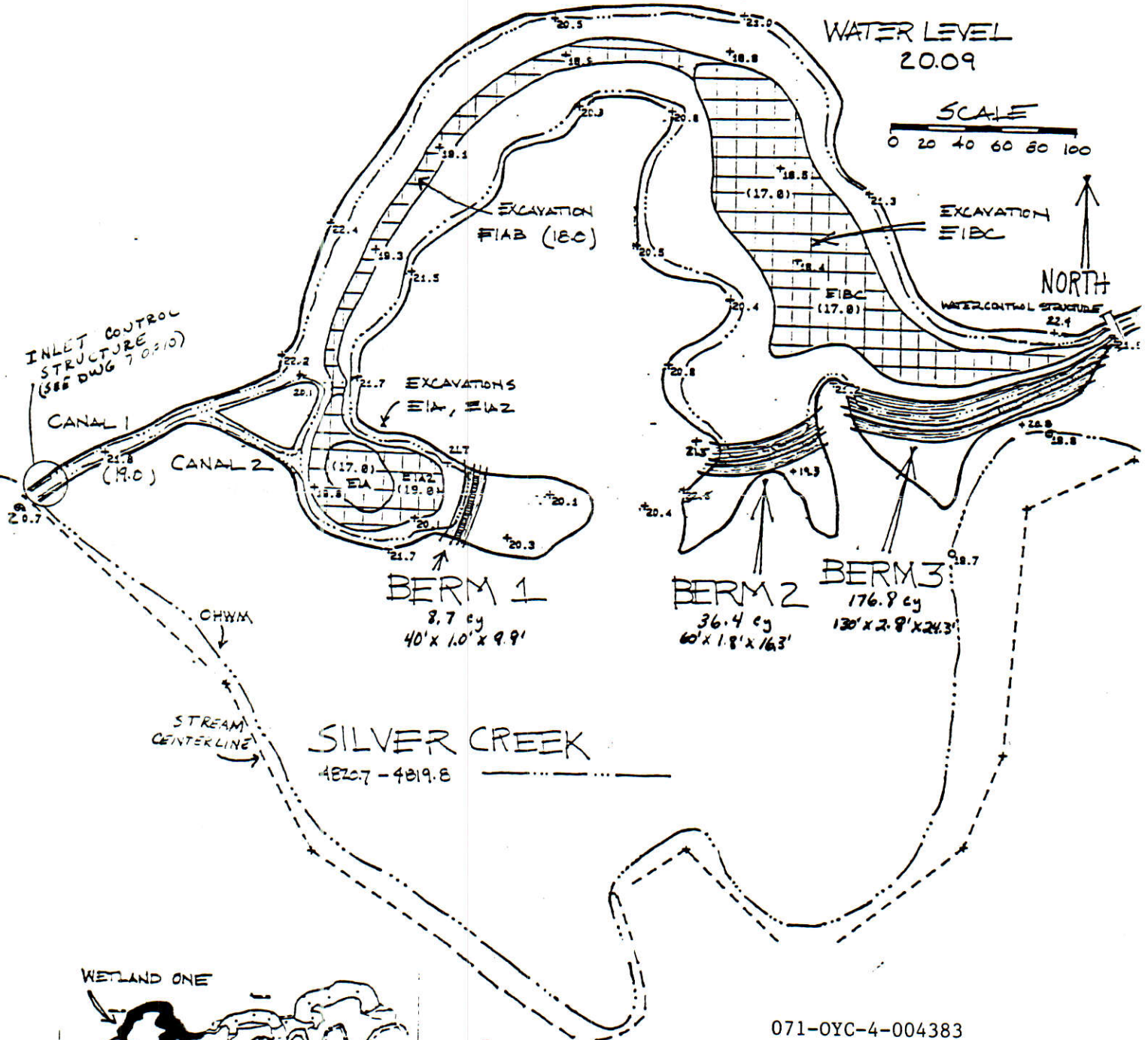
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
~~XXXX~~ NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 2 OF 10
APPLICATION BY: BILL SWANSON

AUG 26 1993



AREA TO BE EXCAVATED

WETLAND ONE



071-OYC-4-004383
PROPOSED WETLAND BERMS

SILVER CREEK PICABO, IDAHO
BLAINE COUNTY

APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

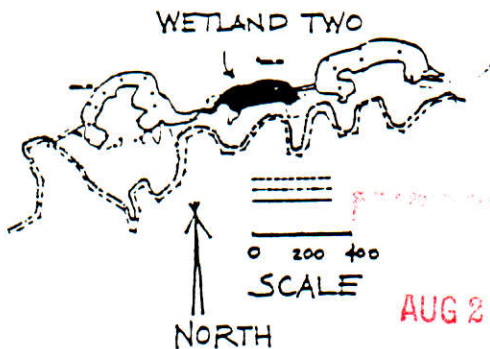
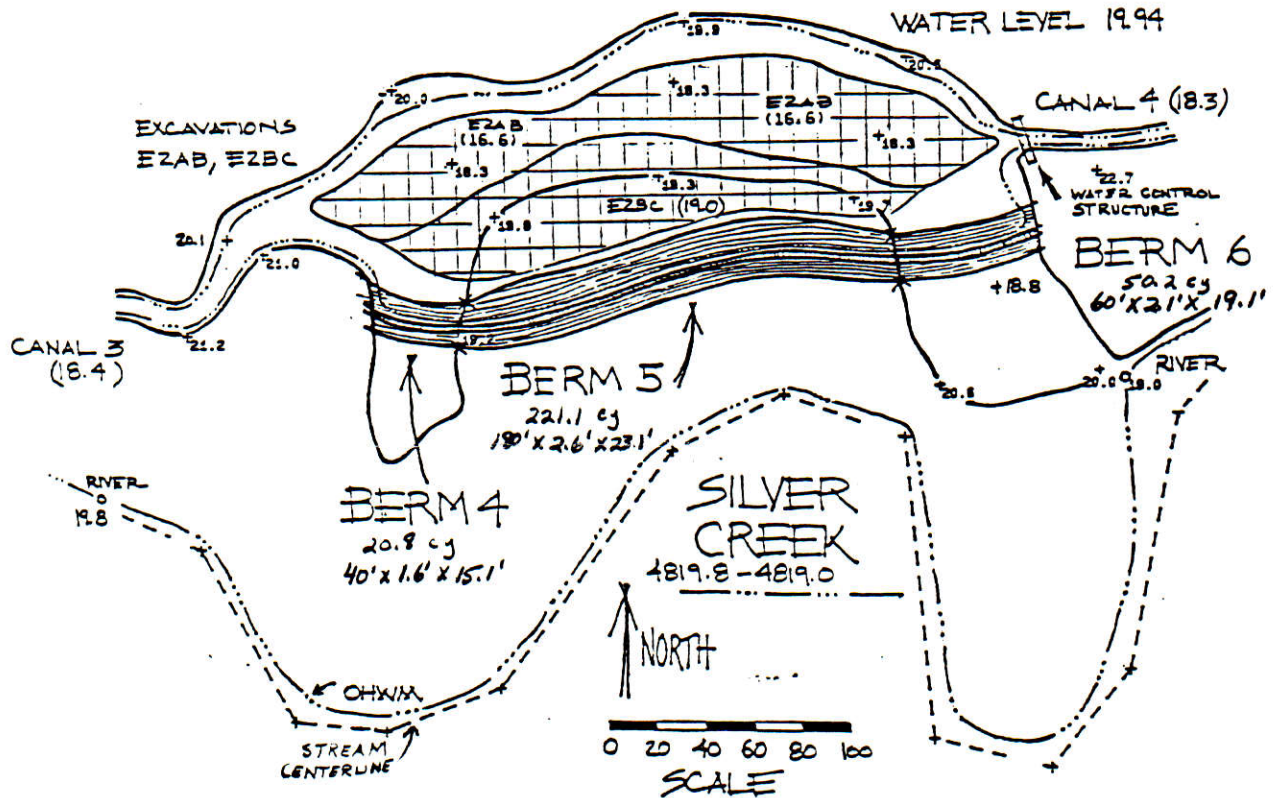
SHEET 3 OF 10
BERMS 1, 2 AND 3

AUG 26 1993



AREA TO BE EXCAVATED

WETLAND TWO



AUG 26 1993

071-OYC-4-004383

PROPOSED WETLAND BERMS

SILVER CREEK PICABO, IDAHO
BLAINE COUNTY

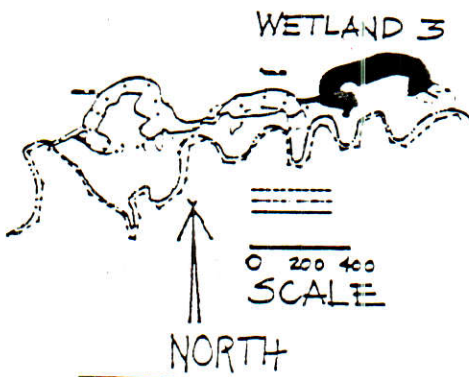
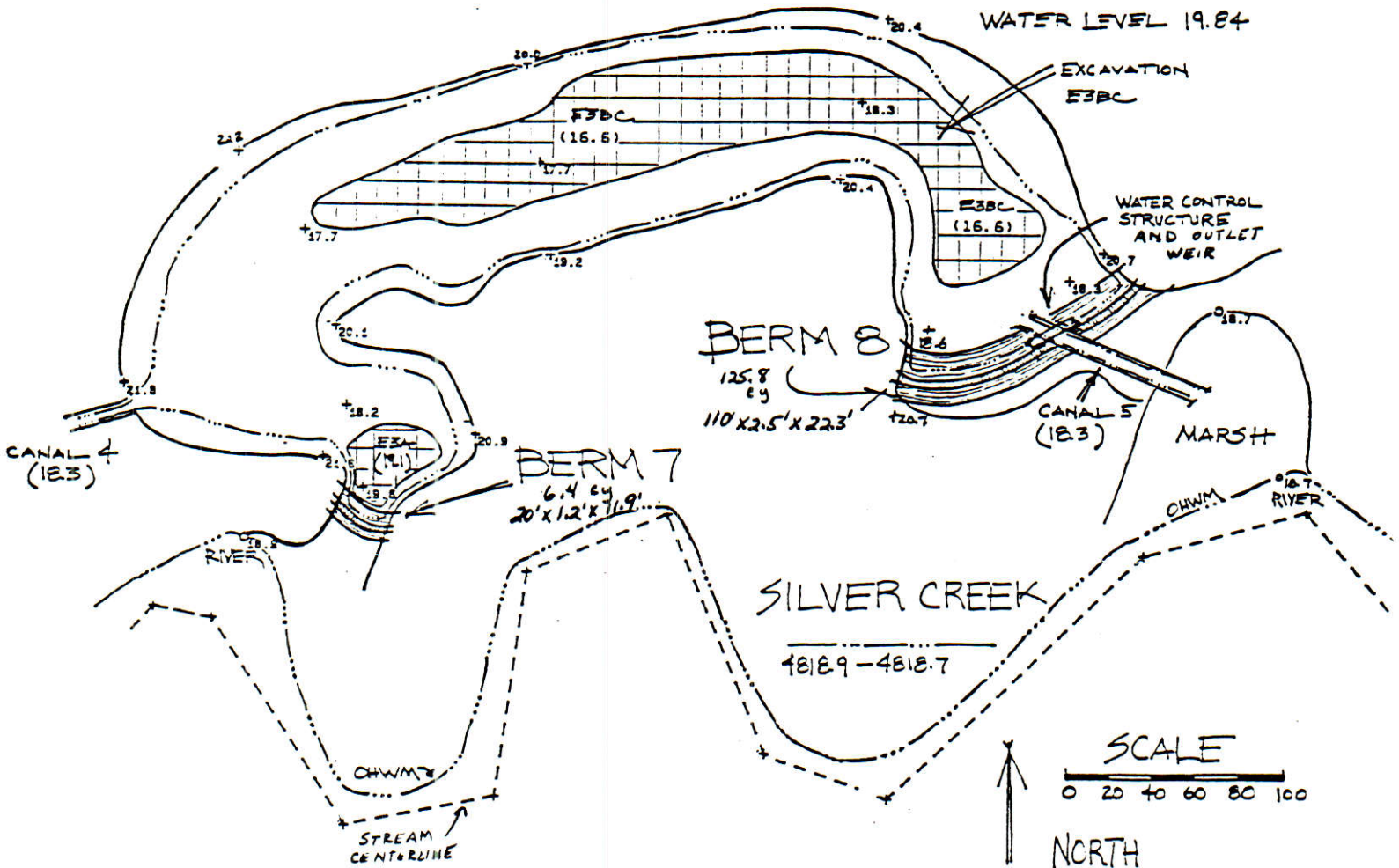
APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

SHEET 4 OF 10
BERMS 4, 5 AND 6



AREA TO BE EXCAVATED

WETLAND THREE



071-OYC-4-004383
PROPOSED WETLAND BERMS

SILVER CREEK PICABO, IDAHO
BLAINE COUNTY

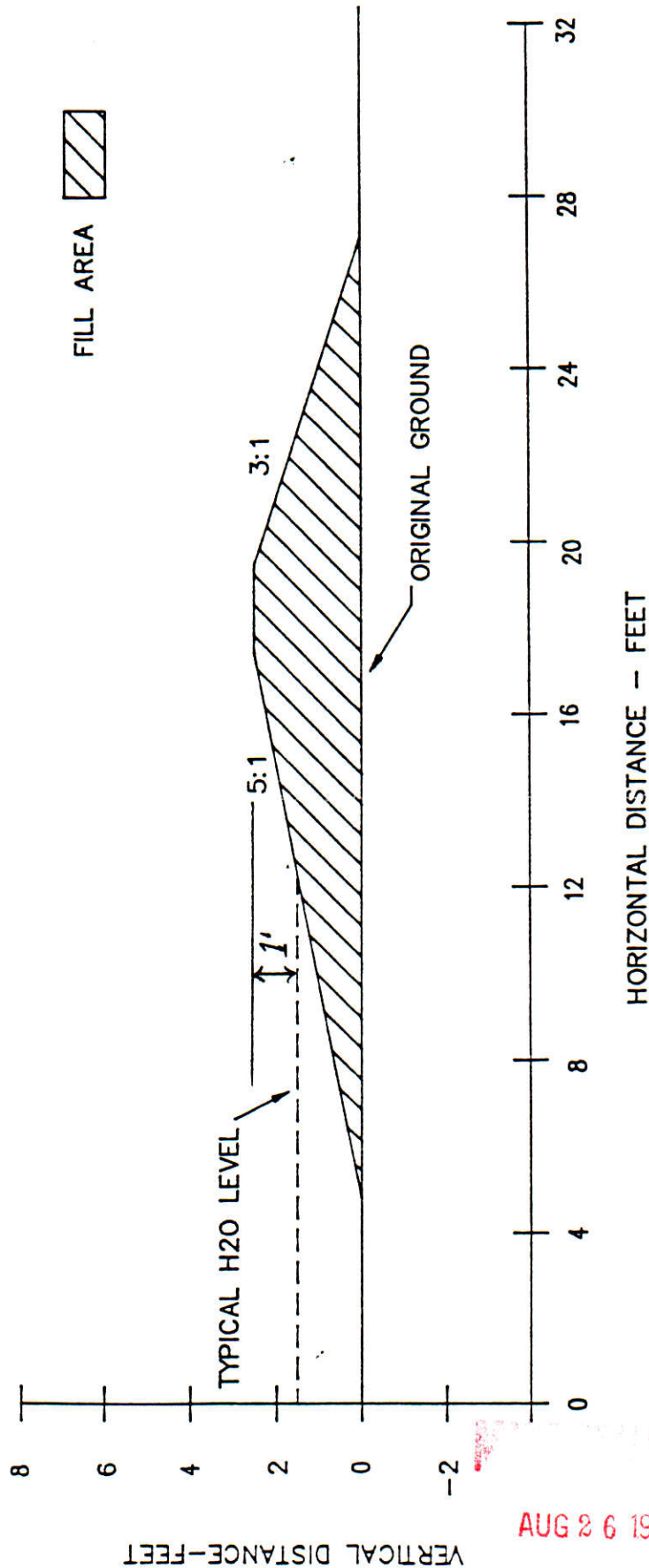
APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

SHEET 5 OF 10
BERMS 7 AND 8

AUG 26 1993

TYPICAL WETLAND BERM SWANSON WILDLIFE SANCTUARY SILVER CREEK, IDAHO SCALE 1" = 4'

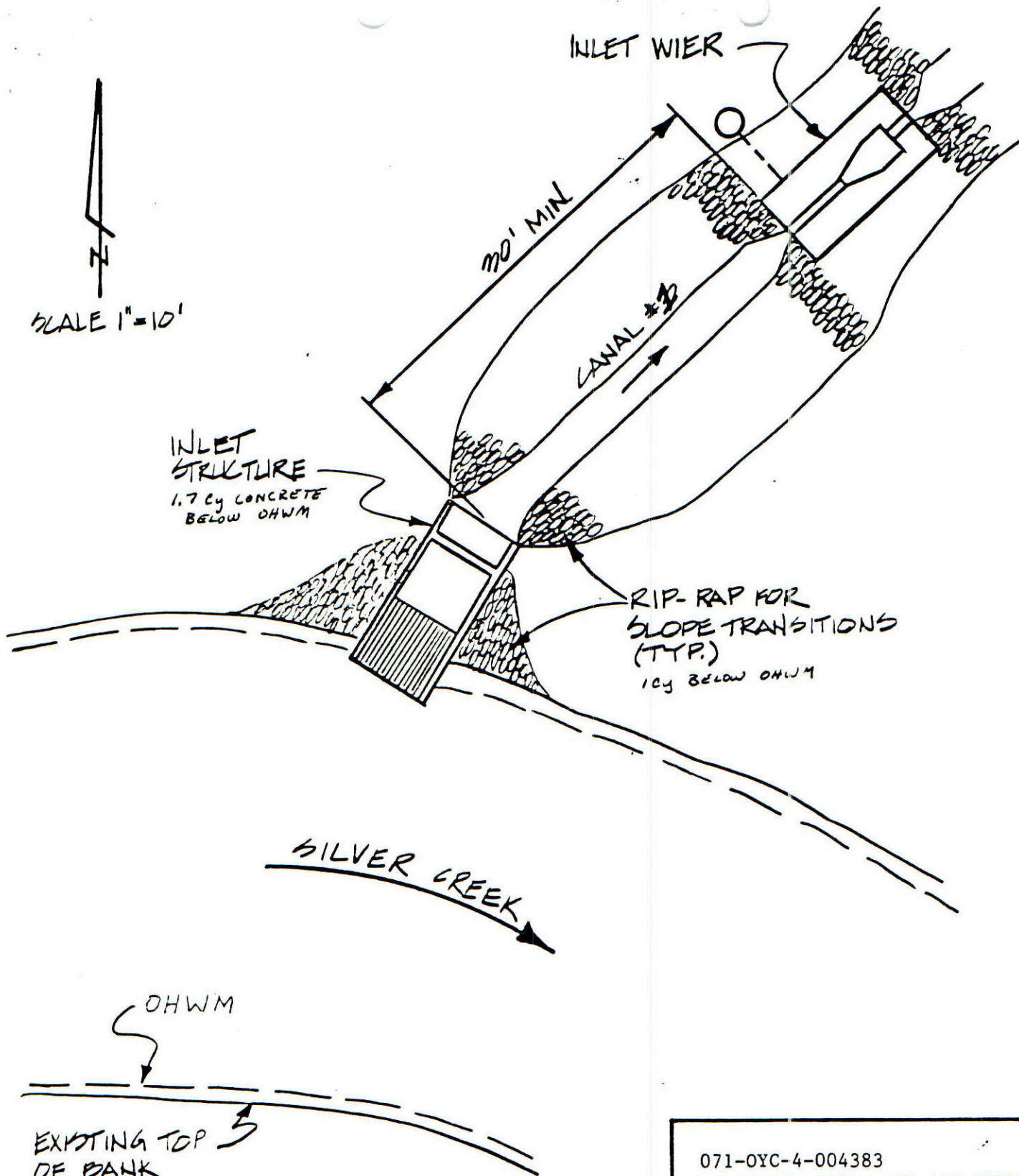
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
~~NEAR~~ NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 6 OF 10
APPLICATION BY: BILL SWANSON



AUG 26 1993

PREPARED BY
GALENA ENGINEERING
KETCHUM, IDAHO
JAN. 1991

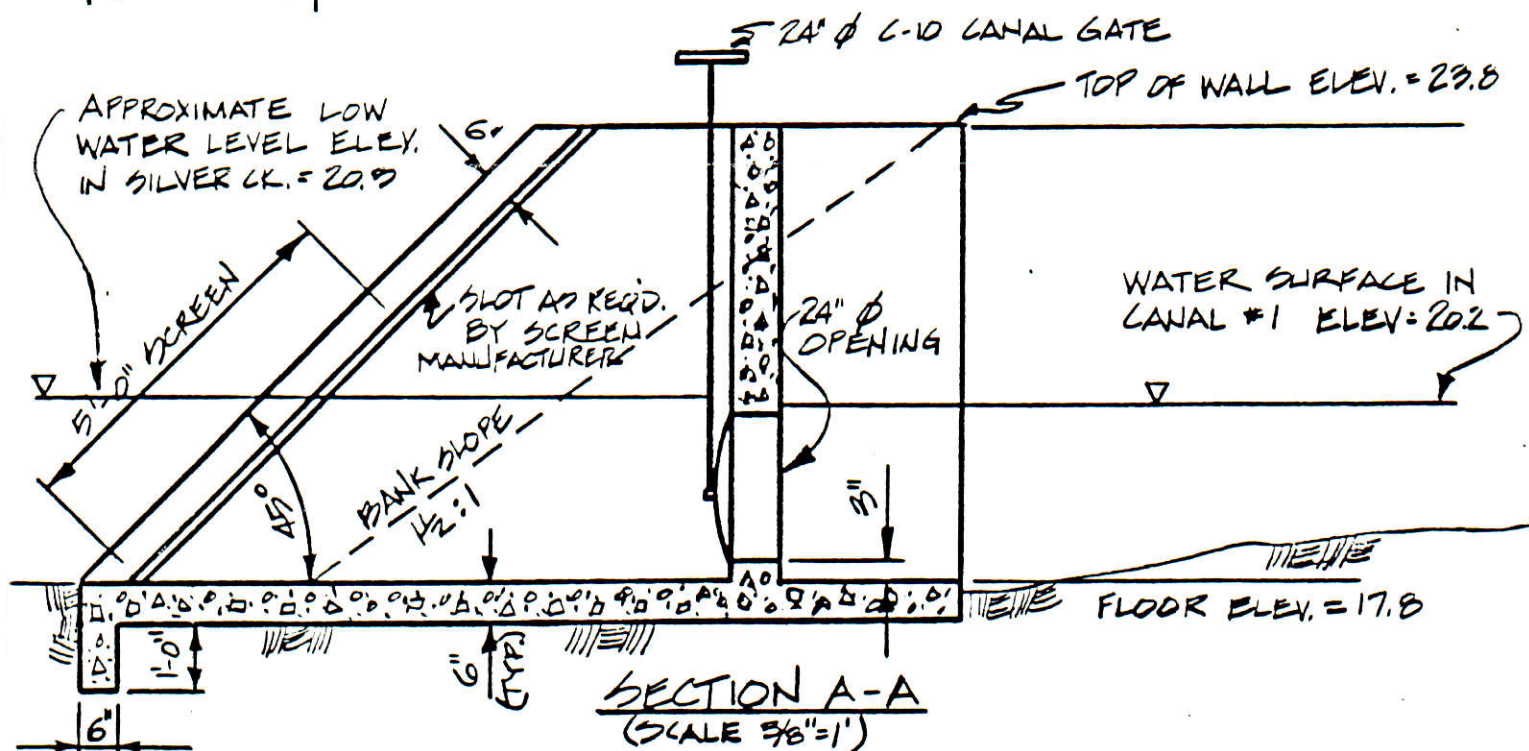
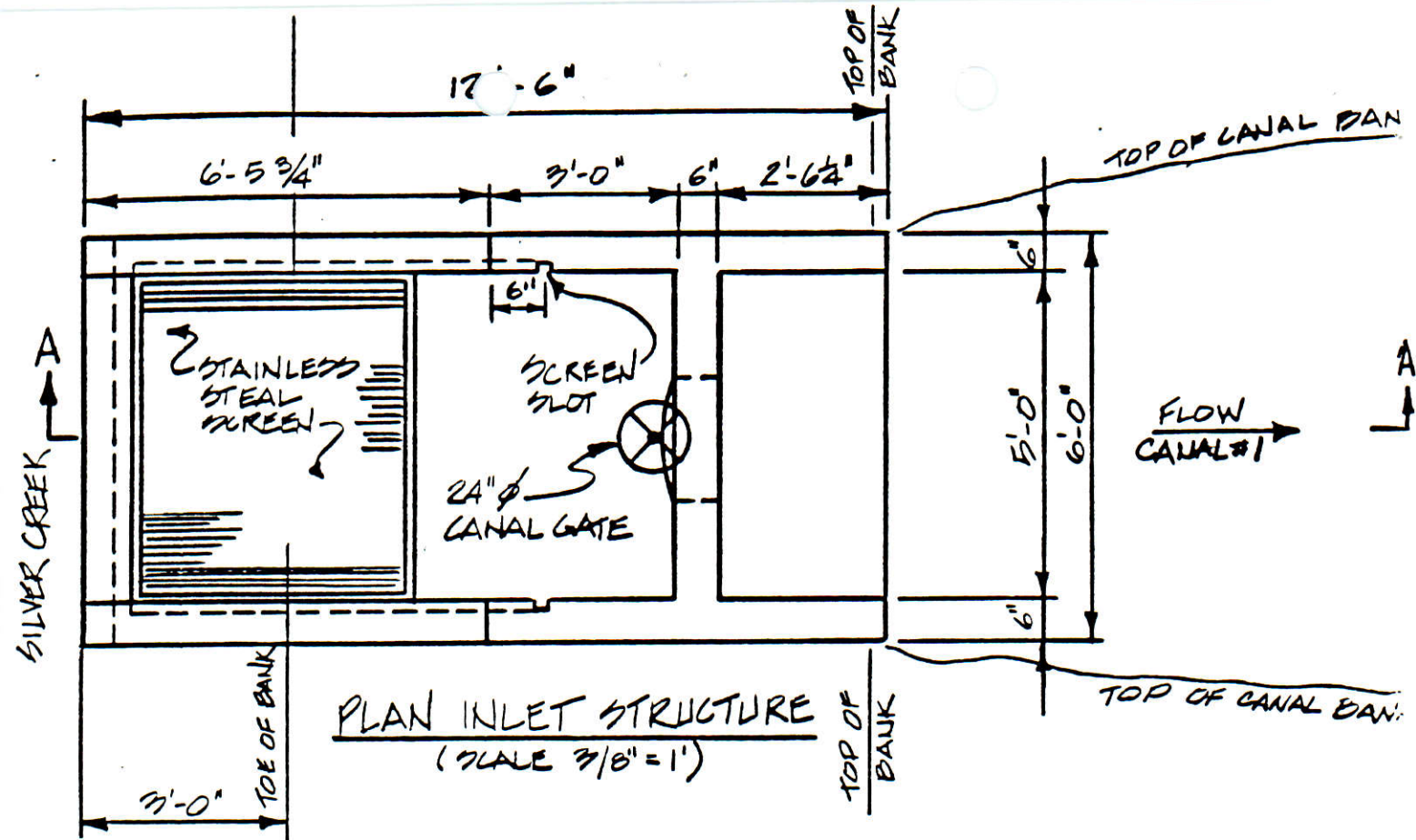
SCALE 1"=10'



INLET SITE PLAN

AUG 26 1993

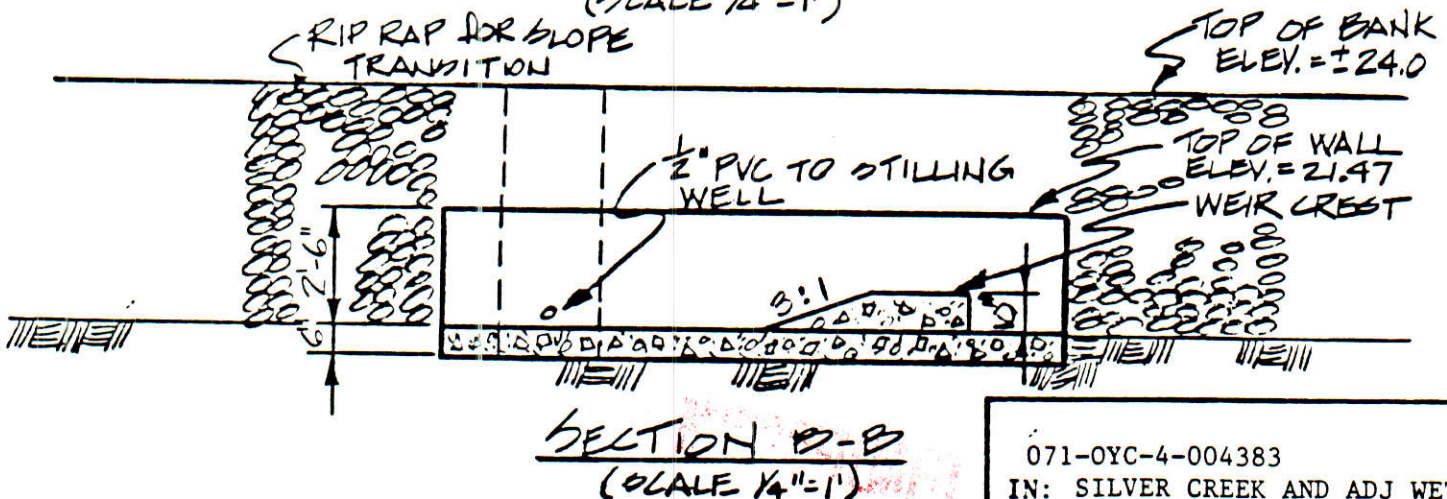
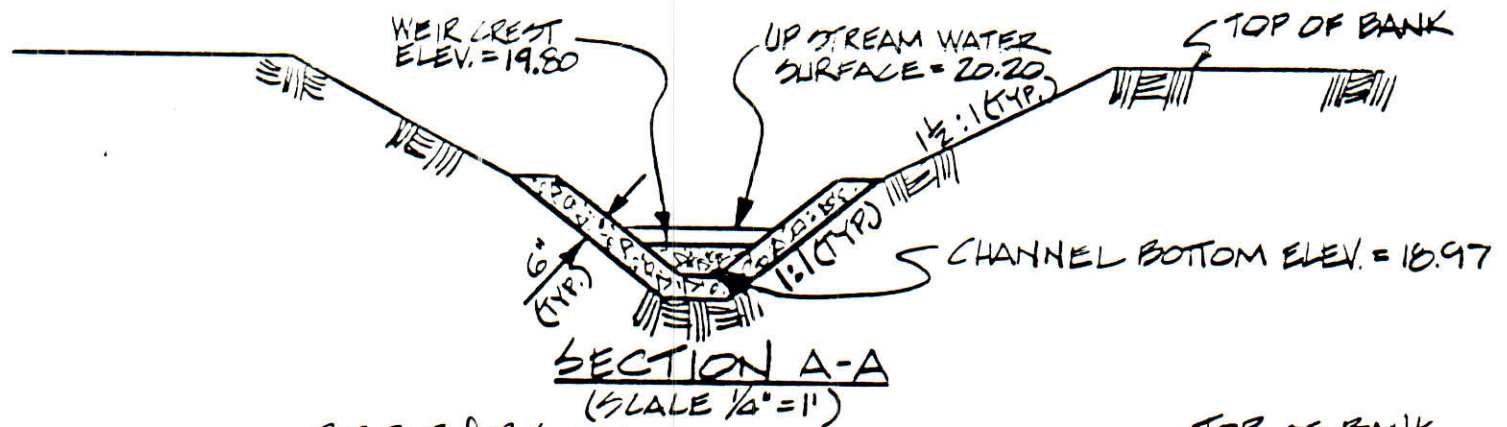
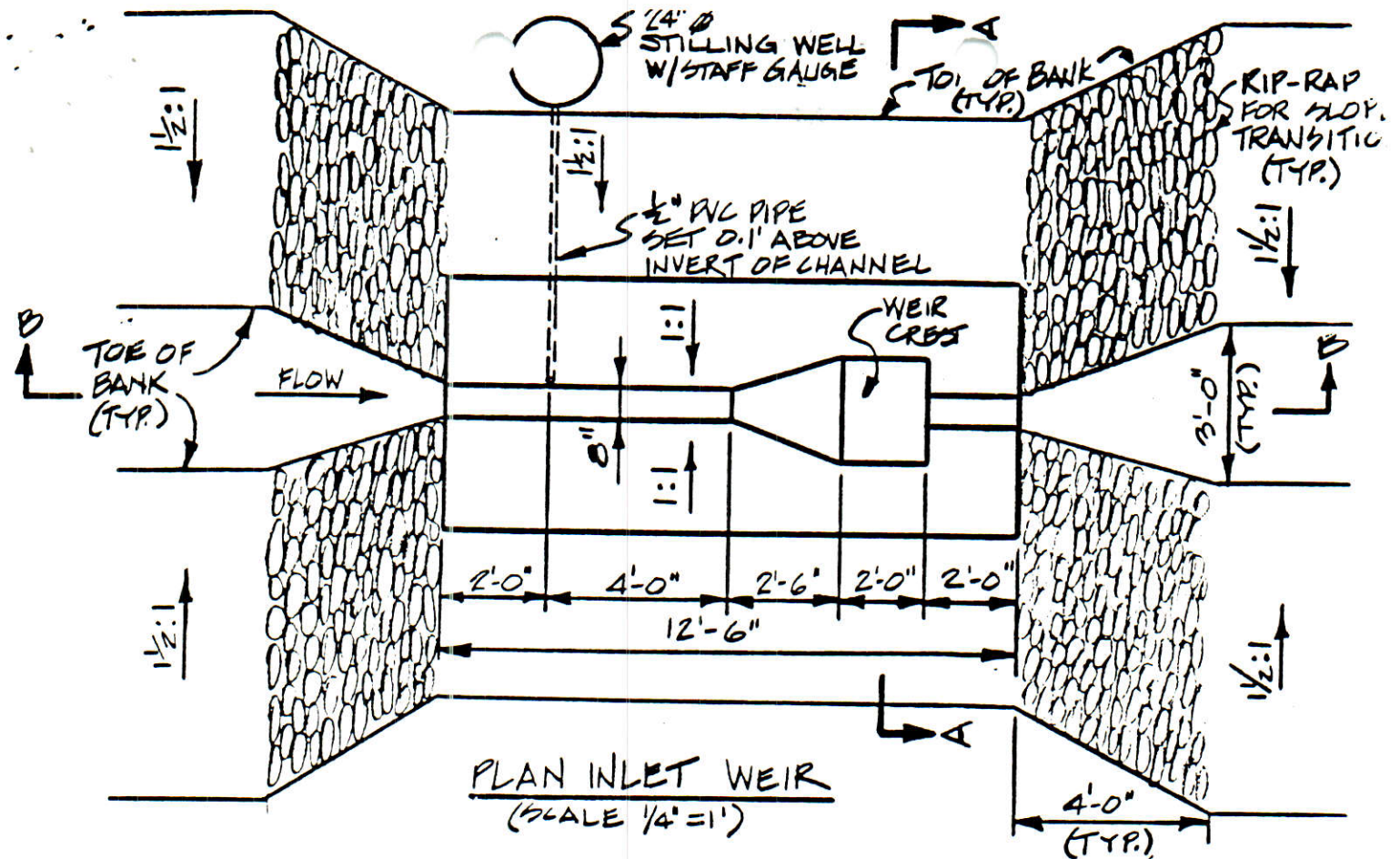
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
~~XXXX~~ NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 7 OF 10
APPLICATION BY: BILL SWANSON



NOTE: STAINLESS STEEL SCREEN SHALL BE MANUFACTURED WITH 3/8" SLOTS AND A MINIMUM OF 30% OPENING TO PROVIDE A 0.5 FT/SEC APPROACH VELOCITY.

INLET STRUCTURE AUG 26 1993

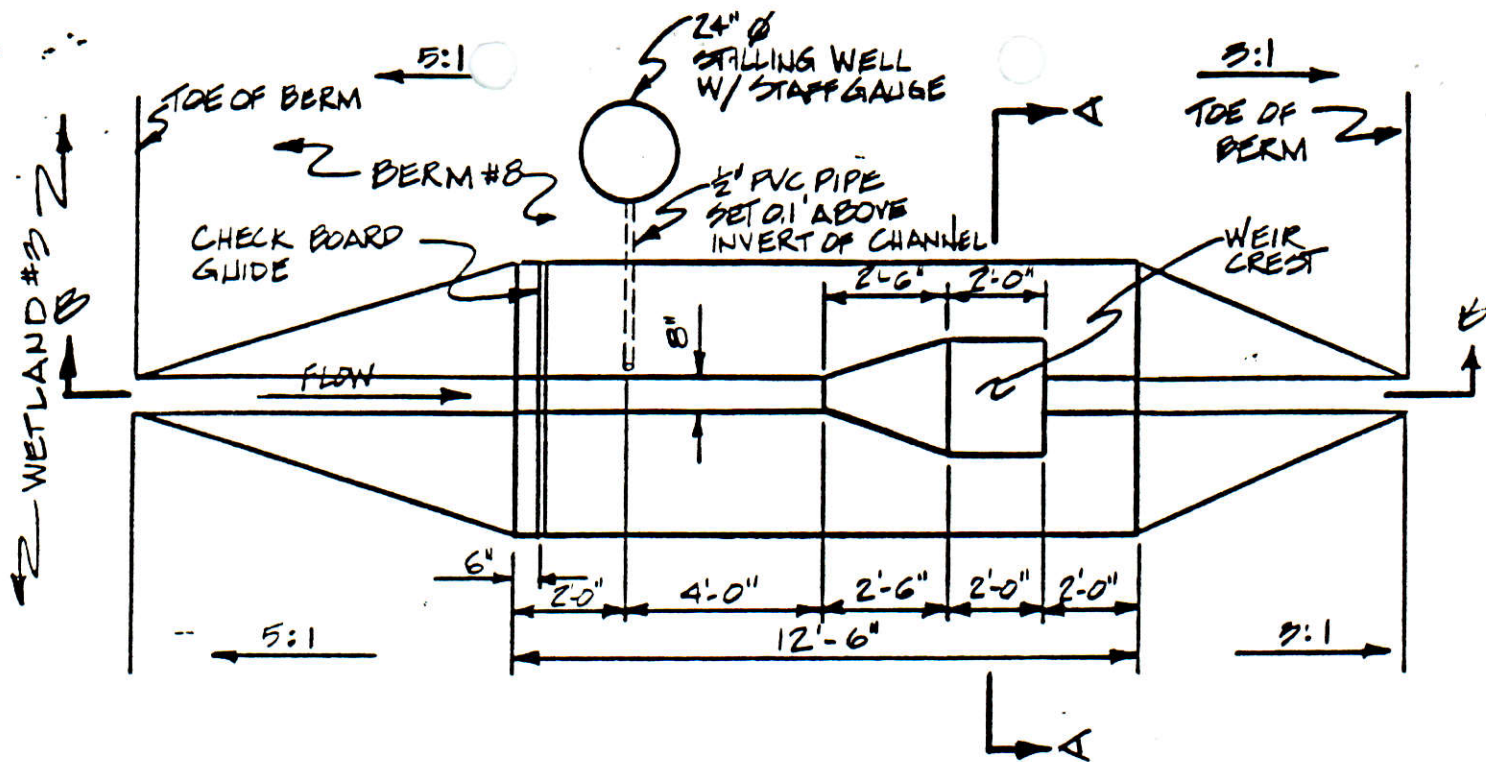
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 8 OF 10
APPLICATION BY: BILL SWANSON



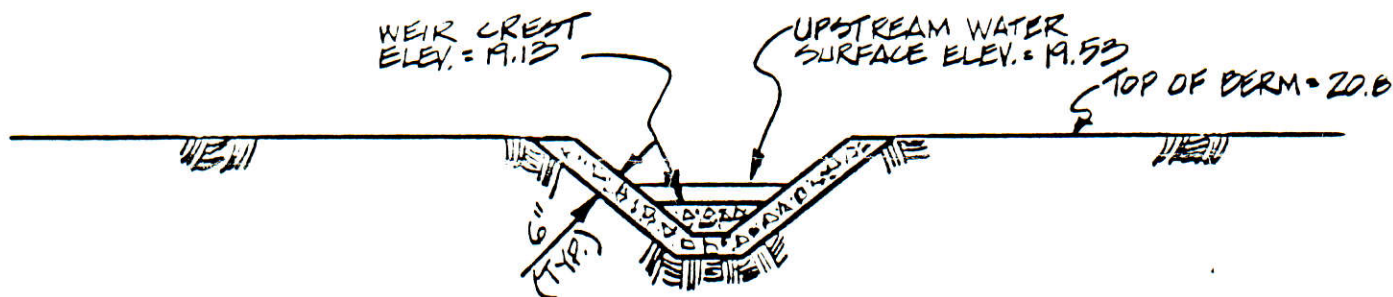
INLET WIER

AUG 26 1993

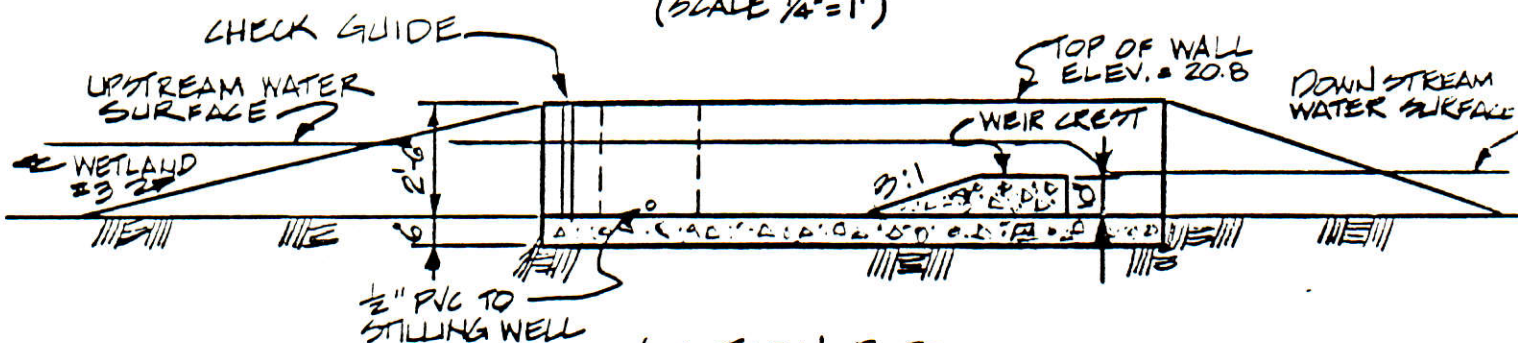
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 9 OF 10
APPLICATION BY: BILL SWANSON



PLAN-OUTLET WIER
(SCALE 1/4" = 1')



SECTION A-A
(SCALE 1/4" = 1')



SECTION B-B
(SCALE 1/4" = 1')

OUTLET WIER

AUG 26 1993

071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
~~XXXX~~ NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 10 OF 10
APPLICATION BY: BILL SWANSON



Intersection point for wildlife habitat pond system. Channel was excavated long ago & may have carried extreme flow in Silver Cr. Check dam and gate proposed for diversion.



Point of return flow from pond system.



Approach channel for return flow (looking up gradient).

PROPOSED

AUG 26 1993

Bill Swanson Application, Filed 3/27/91,
DRJ 5/7/91 1/2

37-08726



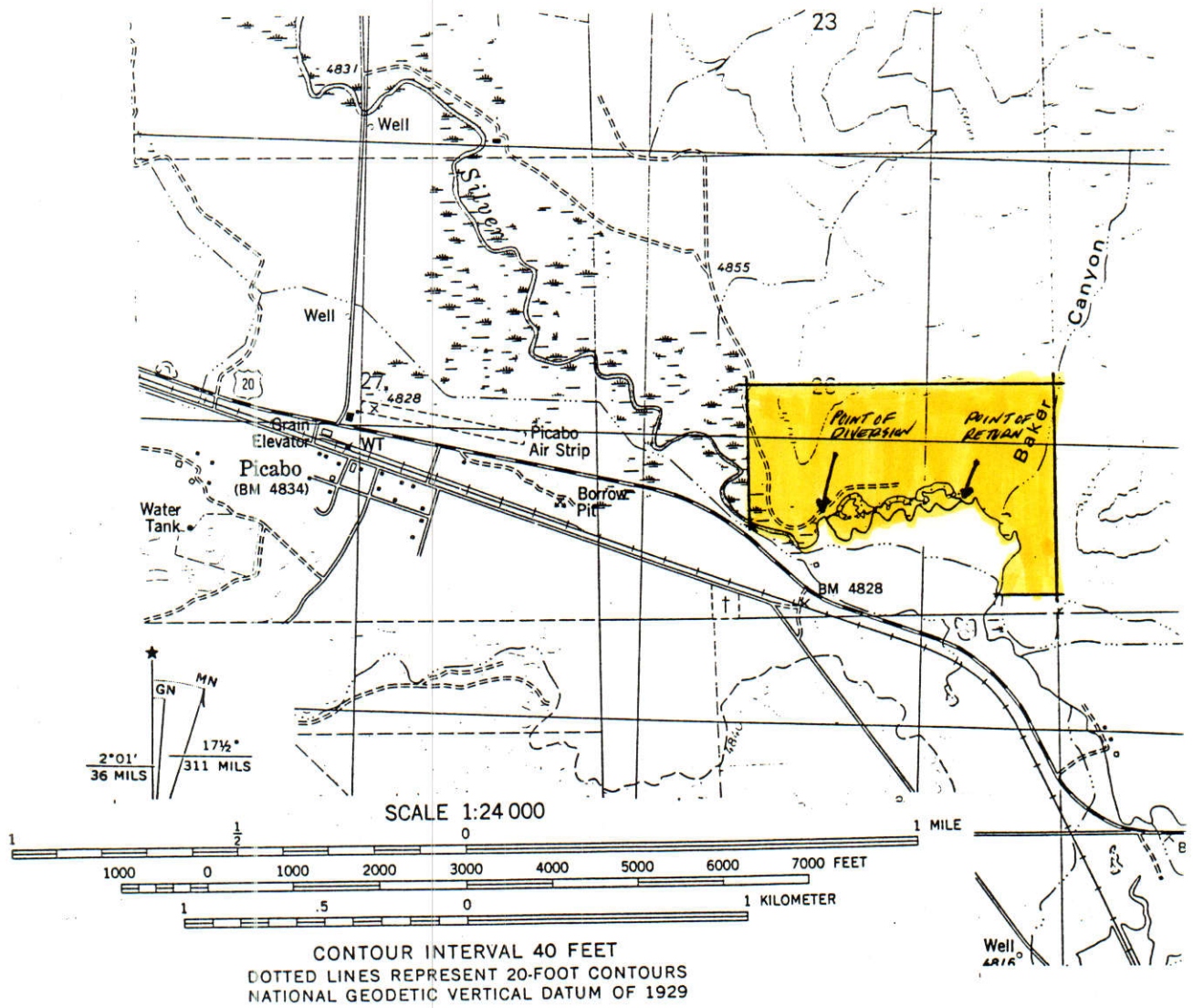
View along channel into pond #1 which is obviously a cut-off meander. Approximate shape of upper end of pond outlined.



Location of berm #3 from Silver Cr.

RECEIVED
AUG 26 1993

Savanson Application,
Filed 3/27/91.
DIR 5/7/91 2/2



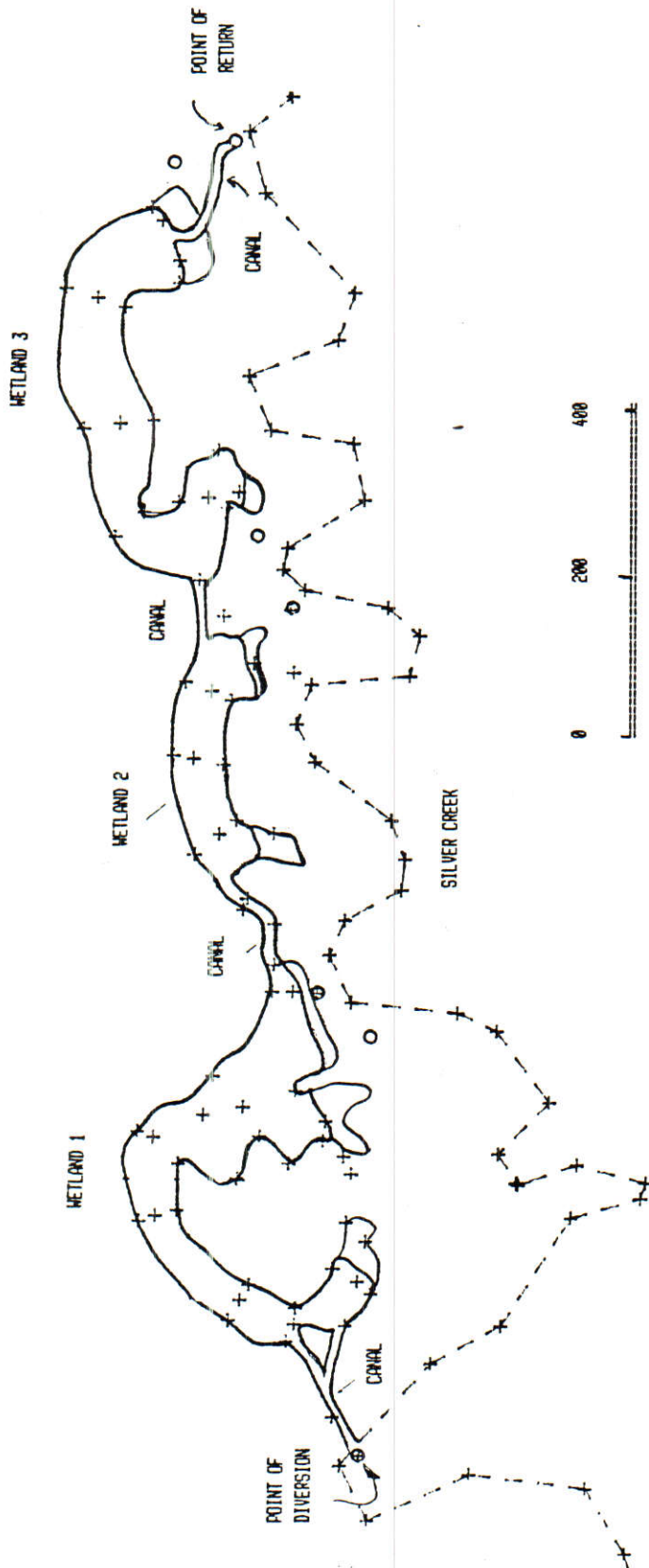
RECEIVED

MAR 27 1991

Department of Water Resources
Southern Region Office

APPROVED

AUG 6 1993



RECEIVED
MAR 27 1991
Department of Water Resources
Southern Region Office

RECEIVED
AUG 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68970

This is to certify that: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340
 (208) 726-5201

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-351C	AJC/Decreed	06/01/1886	0.09 cfs	32.7 af	N/A	N/A	SILVER CREEK
37-352C	AJC/Decreed	06/15/1887	0.21 cfs	76.2 af	N/A	N/A	SILVER CREEK
37-8726	WR/License	03/27/1991	2.5 cfs	1702 af	N/A	N/A	SILVER CREEK

Purpose of Transfer (Changes Proposed)

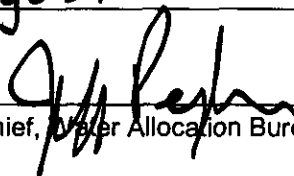
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-351C	NO	NO	YES	YES	NO	NO
37-352C	NO	NO	YES	YES	NO	NO
37-8726	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-351C	37-351C	0.09 cfs	32.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-352C	37-352C	0.21 cfs	76.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8726	37-8726	2.5 cfs	1702 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.5 cfs	1810.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of August, 2003

For 
 Chief, Water Allocation Bureau

MICROFILMED
SCANNED
 SEP 03 2003
 AUG 08 2003

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-8726 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: March 27, 1991

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	to 12/31	2.50 CFS	1,702.0 AF
			2.50 CFS	1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	26							X		X	X		X	X	X	X	X	
01S	20E	27	X			X													

MICROFILMED
 SEP 03 2003

SCANNED
 AUG 08 2003

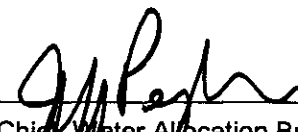
WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
6. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
7. Rights 37-351C and 37-352C are diverted in conjunction with this right to mitigate for seepage and evaporation losses resulting from the diversion and use of water under this right.
8. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-351C and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003


For Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED
AUG 08 2003

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-351C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: June 01, 1886

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/15	10/15	0.09 CFS	32.7 AF
			0.09 CFS	32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 26							X		X	X		X	X	X	X	X	
01S 20E 27	X			X													

MICROFILMED

SEP 03 2003

SCANNED
 AUG 08 2003

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

Fu

Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED
AUG 08 2003

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-352C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340

Priority Date: June 15, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/15	10/15	0.21 CFS	76.2 AF
			0.21 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01S 20E 26							X		X	X		X	X	X	X		
01S 20E 27	X			X													

MICROFILMED
 SEP 03 2003

SCANNED
 AUG 11 8 2003

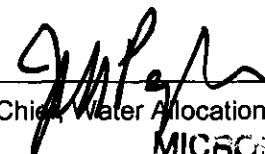
WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-351C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-351C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

For 
Chief, Water Allocation Bureau
MICROFILMED

SEP 03 2003

SCANNED
AUG 08 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08726

Priority: March 27, 1991

Maximum Diversion Rate: 2.50 CFS
Maximum Diversion Volume: 1,702.0 AF

It is hereby certified that WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 833405129 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 27, 1991; and has
submitted Proof of Beneficial Use on April 1, 1996. An examination indicates that the works have a
diversion capacity of 2.66 cfs of water from:

SOURCE

SILVER CREEK

Tributary: LITTLE WOOD RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE	01/01 to 12/31	2.50 CFS	1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp 01S, Rge 20E, B.M. BLAINE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 20E 26													X	X	X	X	

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
3. The right holder shall maintain a measuring device acceptable to the Department in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
4. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs.
5. Rights 37-351C and 37-352C are also diverted through the point of diversion described above.

MICROFILMED

MAR 29 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08726

6. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
8. Seepage and evaporation losses are currently mitigated by the diversion and use of water under Rights 37-351C and 37-352C in conjunction with this right.
9. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16th day of MARCH, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

MAR 29 2001

RECEIVED
APR 01 1996

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

PROOF OF BENEFICIAL USE

RECEIVED

APR 04 1996

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 who has been appointed by the department.

1. Permit No. 37-08726 Telephone No. 208 726 9201

2. Name(s) of Permit Holder(s): William J. Swanson

3. Mailing Address: P.O. Box 5129 Ketchum ID 83340

4. Source of Water: Silver Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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: Wildlife

6. Total rate of diversion and/or volume for which proof is submitted: 2.5 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 ☒ or No _____

Has the measuring device been installed? Yes ☒ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____

Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ _____ (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: C.B. Brockway P.E. Telephone Number: 208-733-0938

Address: 706 Sunrise Blvd. North Twin Falls ID 83301

Beneficial Use Field Report Attached

MICROFILMED

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

MAR 23 2001

Signature of permit holder: William J. Swanson Date: 3/3/96
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08726

Proposed Priority: March 27, 1991 Maximum Diversion Rate: 2.50 CFS

This is to certify, that WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 833405129

has applied for a permit to appropriate water from:

SILVER CREEK

tributary of LITTLE WOOD RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
WILDLIFE	01/01 to 12/31	2.50 CFS

LOCATION OF POINT(S) OF DIVERSION: NESESW , Sec. 26, Township 01S, Range 20E
BLAINE County

PLACE OF USE: WILDLIFE
TWN RGE SEC

01S 20E 26	NESE SESE	NWSE	SWSE
------------	--------------	------	------

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 15, 1996.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37M, Silver Creek.
4. Water shall not be diverted pursuant to this right at any time the watermaster of Water District 37-M is regulating diversions of water from Silver Creek unless mitigation water is transferred to the point of diversion which compensates for losses between the point of diversion and the point of injection back to Silver Creek.
5. Application for transfer no. 4186 seeks to change the point of diversion and place of use for portions of rights 37-00351 and 37-00352 to compensate for losses during the irrigation season.
6. A measuring device and lockable controlling works of the type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to the diversion of water under this permit.
7. A work plan and construction schedule for all anticipated construction below the mean high water line in Silver Creek must be submitted to and approved by the Department prior to construction.
8. Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.

APPROVED

AUG 26 1993

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08726

CONDITIONS/REMARKS:

9. The Director retains jurisdiction over this permit to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The Director retains jurisdiction over this permit to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the water right holder.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

22ND day of JULY, 1993.


R. Keith Higginson, Director

RECORDED

AUG 26 1993

RECEIVED

Form 202
6/85

MAR 27 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

32-08226
RECEIVED
JUL 14 1993

To appropriate the public waters of the State of Idaho Department of Water Resources

William J.

1. Name of applicant BILL SWANSON Phone 726-5201

Post office address P.O. BOX 5129, KETCHUM ID 83340

2. Source of water supply SILVER CREEK which is a tributary of LITTLE WOOD RIVER

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot

Sec. 26 Township 1S Range 20E B.M. BLAINE County; additional

~~return~~
points of diversion if any: SE $\frac{1}{4}$ of SE $\frac{1}{4}$

4. Water will be used for the following purposes:

Amount 2.5 for WILDLIFE purposes from 01-01 to 12-31 (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 is (a) 2.5 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. LOW DROP STRUCTURE JUST DOWNSTREAM OF
DIVERSION, DIVERSION STRUCTURE TO BE LOCKABLE, CONTROLLABLE HEADGATE, TO BROAD CRESTED
WEIR. GRAVITY CONVEYANCE CHANNELS BETWEEN WETLANDS WITH WATER CONTROL STRUCTURES AT
EACH OUTFLOW, BROAD CRESTED WEIR AT OUTLET TO SILVER CREEK.

b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought?

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

RECEIVED
AUG 26 1993

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. WILDLIFE. TO PROVIDE YEAR-ROUND WETLAND HABITAT FOR WATERFOWL
NESTING AND REARING. (SEE ATTACHED STUDY BY MILLER AND BROCKWAY.)

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	20E	26													W	W	W	W	

Total number of acres to be irrigated _____

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

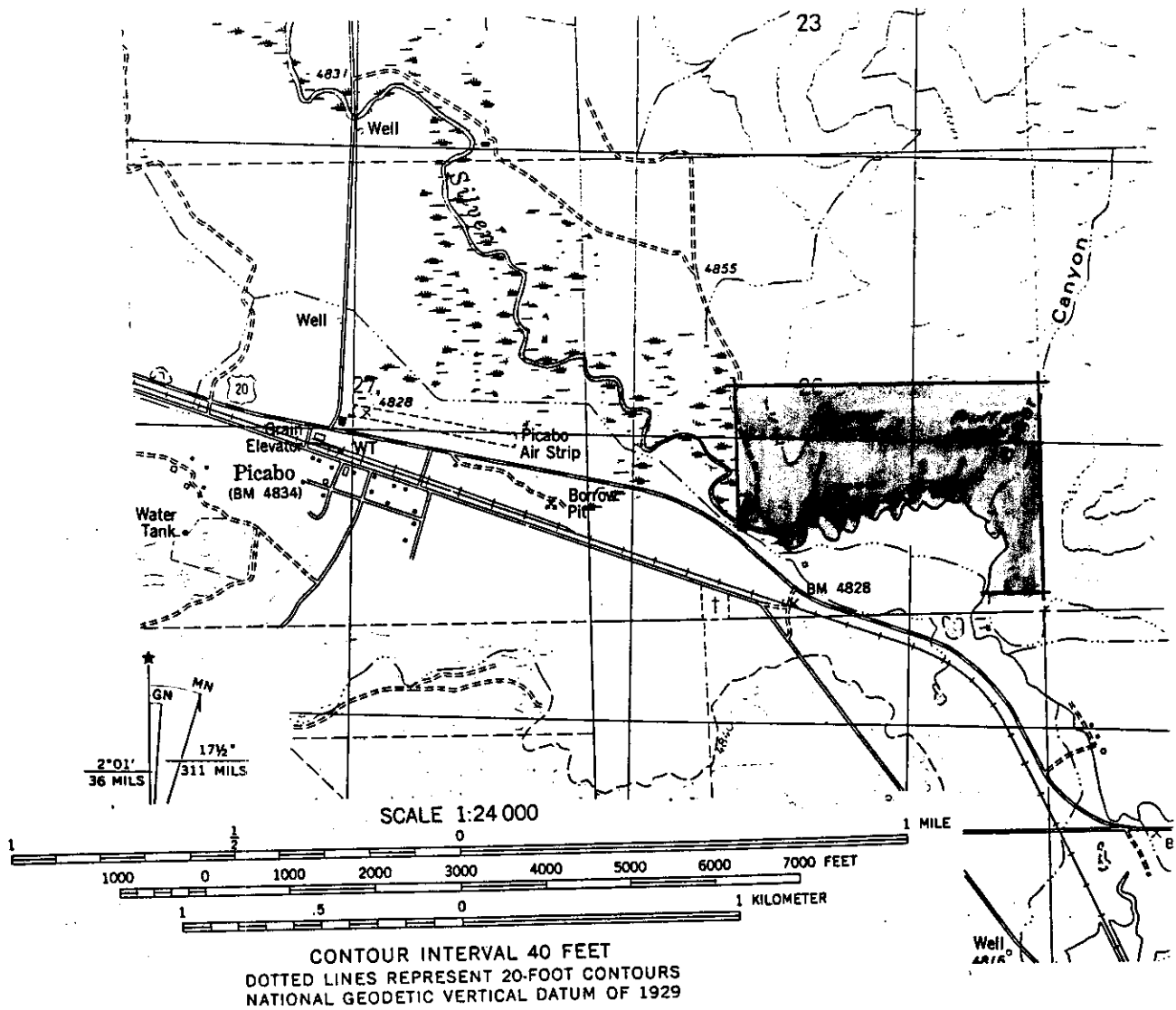
11. a. Who owns the property at the point of diversion? BILL SWANSON

b. Who owns the land to be irrigated or place of use? BILL SWANSON

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

AUG 26 1993



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

SEE ATTACHED MAP

AUG 26 1960

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.

William J. Swann
(Applicant)

Received by M. Baldwin Date 3-27-91 Time 10:04am Preliminary check by DR
Fee \$ 85.00 Receipted by JA # 5013153 Date 3-27-91
Publication prepared by MB Date 6-12-91 Published in Wood River Journal
Publication approved M. Baldwin Date 8-9-91

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

UNRECORDED

AUG 26 1993

AFFIDAVIT of PUBLICATION

COPY OF NOTICE
(Paste Here)

Six file - Water Rights
TITLE OF NOTICE

RECEIVED

State of Idaho, }
County of Blaine } ss.

JUN 17 1991

Department of Water Resources
Southern Region Office

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IF Dept of Water

BILL TO

Six file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08728 ✓ OK
MC ATEE, KENT
MC ATEE, W.V.
P.O. BOX 744
HAILEY, ID 83333

Source: GROUNDWATER
Division Pt: NWNE Sec 36 T
02N R 17E

Use: IRRIGATION (2,000 CFS)
Total Diversion: (2,000 CFS)
Date Filed: 3/8/1991

In: T02N R17E S26 SWSW; S36
NENE; S36 NWNE SWNE
NENW NWNW SENW SENW
222.0 ACRES TOTAL

37-08728 ✓ OK
SWANSON, WILLIAM J.
P.O. BOX 5128
KETCHUM, ID 83340

Source: SILVER CREEK
Tributary: LITTLE WOOD RIVER
Division Pt: NESEW Sec 26 T
01S R 20E

Use: WILDLIFE (2,500 CFS)
Total Diversion: (2,500 CFS)
Date Filed: 3/27/1991

In: T01S R20E S26 NESE NWSE
SWSE SESE

37-08727 ✓ OK
ROSE, DONNA
P.O. BOX 3730
KETCHUM, ID 83340

Source: GROUNDWATER
Division Pt: SESW Sec 25 T 04N
R 18E

Use: IRRIGATION (.060 CFS);
FIRE PROTECTION STORAGE
(1.85 CFS)
Total Diversion: (.060 CFS)

Date Filed: 5/18/1991
In: T04N R18E S26 SESW
2.0 ACRES TOTAL

37-08728 ✓ OK
KENDALL, CHUCK
P.O. BOX 665
LA CANADA, CA 91012

Source: GROUNDWATER
Division Pt: SESEW Sec 19 T
04N R 18E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.130 CFS)

Date Filed: 5/21/1991
In: T04N R18E S19 SWNE SENW
NESW

3.0 ACRES TOTAL

37-08728 ✓ OK
PETERSON, LARRY
48 DRY CREEK RD.
CAREY, ID 83320

Source: GROUNDWATER
Division Pt: SWNE Sec 21 T 01S
R 21E

Use: IRRIGATION (2,000 CFS)
Total Diversion: (2,000 CFS)

Date Filed: 6/5/1991
In: T01S R21E S21 SWNE SESE
NESE NWSE

120.0 ACRES TOTAL

37-08730 ✓ OK
LIMELIGHT
CONDOMINIUMS, INC.
P.O. BOX 1312
KETCHUM, ID 83340

Source: GROUNDWATER
Division Pt: SWNE Sec 11 T
04N R 17E

Use: IRRIGATION (.030 CFS)
DOMESTIC (.200 CFS)
RECREATION (.040 CFS)
Total Diversion: (.200 CFS)

Date Filed: 6/8/1991
In: T04N R17E S11 NESE
1.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before JULY 9, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal
June 19 & 26, 1991.

CARL J. ANDERSON, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for _____ consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 6 day of 19, 1991, and

the date of the last publication was on the 6 day of 26, 1991.

Subscribed and sworn to before me this 20 day of June, 1991.
(SEAL)

Roberta J. Higginson
NOTARY PUBLIC

7707

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice 117.00

Number of Insertions _____

Lines tabular at _____ 6¢ / Pica

117.00 Lines straight at 64.35 5¢ / Pica

117.00 Subsequent lines at 64.35 4¢ / Pica

TOTAL COST \$ 133.70 \$ 5.00 off due

AUG 26 1993

MEMORANDUM

TO: FILE 37-08726

FROM: VAULT

RE: TRANSFER # 68970

DATE: 4-20-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 37-00351C

MICROFILMED

SEP 03 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

March 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 83340-5129

RE: License No. 37-8726 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

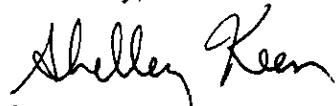
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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MAR 23 2001

MICROFILMED

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

COPILED
MAR 29 2001

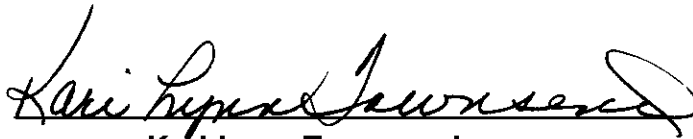
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on March 19, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8726

**WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 83340-5129**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**COPILED
MAR 23 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Notes

By: Shelley W. Keen *SK*
Date: March 13, 2001
Subject: Mitigation for Permit 37-8726

Who will mitigate? Permit 37-8726 right holder.

What will be mitigated? Approximately 0.30 cfs of seepage and evaporation losses that could injure downstream Silver Creek water rights. Evaporation will cause injury because that water is irretrievably lost. Seepage losses will cause injury because of the lag time for water returning to the stream.

When will mitigation be required? During the period that the watermaster of water district 37M is regulating diversions of water from Silver Creek.

Where is mitigation required? At the point that water is diverted from Silver Creek under Right 37-08726.

Why mitigate? To prevent injury to senior downstream water right holders.

How will the mitigation be accomplished? Silver Creek water rights 37-351C and 37-352C, amounting to a total of 0.30 cfs under 1886 and 1887 priorities, were transferred to the point of diversion for 37-8726 to cover system losses. Any time downstream rights are unfilled, the right holder for 37-8726 can avoid a diversion rate cut by claiming that the difference between his diversion rate and the rate being returned to Silver Creek is attributable to the 1886 and 1887 priorities under rights 37-351C and 37-352C. Right 37-8726 would suffer a cut only when the system loss exceeds 0.30 cfs and/or when 1886 and 1887 diversions are being cut.

Special Note. It is clear the right holder's intention is to divert no more than 2.50 cfs. The "first" 0.30 cfs comes from rights 37-351C and 37-352C. The remainder comes from right 37-8726. It would appear, therefore, right 37-8726 should be licensed for 2.20 cfs. However, it should be for 2.50 cfs to accommodate diversions during the non-irrigation season when 37-351C and 37-352C are not available.

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<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate</u>	<u>Volume</u>	<u>Source List</u>	<u>Water Use</u>	<u>Owner List</u>	<u>Source Table</u>
37	351	C	Decreed	Active	1886-06-01	0.09	32.7	SILVER CREEK	WILDLIFE	THE NATURE CONSERVANCY (Current Owner)	wrWaterRight
37	352	C	Decreed	Active	1887-06-15	0.21	76.2	SILVER CREEK	WILDLIFE	THE NATURE CONSERVANCY (Current Owner)	wrWaterRight
37	8726		Active	Active	3/27/91	2.5	1810.4	SILVER CREEK	WILDLIFE	WILLIAM J SWANSON (Current Owner)	wrWaterPermit
Total						2.5	1810.4				

Annual volume for 37-8726 is 1810.4
 - 32.7
 - 76.2

 1701.5

.3 cfs (18.4 cfs) 1.98 = 109.4

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 MAR 29 2001

Idaho Department of Water Resources Receipt

Receipt ID C052446

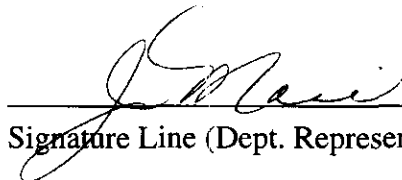
Payment Amount	\$50.00	Date Received	2/26/01 2:55:07 PM	Region	State	Status
Payment Type	Check	Check Number	3661			

Payer MORRISON NEAL H

Comment WATER RIGHT # 71-7085

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	AMENDMENTS	0229	21	56105	1155


Signature Line (Dept. Representative)

LICENSE REVIEW CHECKLIST

Permit No. 37-08726 Date: 2-27-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 37-00351C & 37-00352C
File reviewed ✓ Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 2.5 cfs
Fee Limit N/A cfs
Measured 2.66 cfs
Theoretical cfs

Recommended Total Diversion Rate 2.5

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation cfs af
Stockwater cfs af
Domestic cfs af
Wildlife 2.5 cfs 1810 af
 cfs af
Total 2.5 cfs 1810 af

~~Irrigation - overlap (R58-R61, R62-R65, R66-R69)~~
~~supp. Gw (W87/065/104)~~
~~overlap spec combined rts (W35)~~
~~2.1 acre (W31)~~
~~Domestic (W01/wb5/070/071/075)~~
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fire (077)~~
~~Water Quality (081/R07)~~
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

2.5 cfs x 1.9835 x 365 days = 1809.9 af (vs) acres x (FHR) = af

Remarks: R04, R43

Additional Conditions

YES Watermaster Control 37M
 GW Measurement/Measuring Device
 Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

R43 GW Dist?
Water Msmt. Dist?
Crit. GWMA?
GWMA?
Government Lots?

Advance Priority? yes If yes, explain why below.
 no

SRBA Claim? Not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

mitigation rights

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-351C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM J SWANSON PO BOX 5129 KETCHUM, ID 83340 (208)726-5201
Original Owner	THE NATURE CONSERVANCY PO BOX 165 SUN VALLEY, ID 83353 (208)726-3007

Priority Date: 06/01/1886
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE	4/15	10/15	0.09 CFS		
Total Diversion			0.09 CFS	32.7 AFA	

Location of Point(s) of Diversion:

SILVER CREEK NESESW Sec. 26 Township 01S Range 20E BLAINE County

Place(s) of use:

Place of Use Legal Description: WILDLIFE BLAINE County

<u>Townsh</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	20E	26		NESE			NWSE			SWSE			SESE	

Remarks:

1. General PURSUANT TO APPROVED TRANSFER NO. 4186: 1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR. 7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.
8. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE

RESCINDED.

***** OWNERSHIP CHANGE MADE 8/7/95 BY TLB. NATURE CONSERVANCY- FORMER OWNER. SWANSON-NEW OWNER. QUITCLAIM INCLUDED. WAS SAID TO BE A SPLIT, BUT TRANSFER 4186 SPLIT IT ALREADY. THE B PORTION STAYS WITH NATURE CONSERVANCY AND THE C PORTION IS NOW IN THE NAME OF SWANSON.

***** PURSUANT TO AMENDED TRANSFER 4186 CONDITIONS/REMARKS EDITED 9/7/95 TF.

Comments:

Author	Date	Subject	Comment
JROBERTS	12/16/94	SPLIT/TRANSFER	This claim was created pursuant to approved Transfer No. 4186. It is a split of part B and reflects the Wildlife Use. jr
DSMITH	3/31/95	DATA ENTRY	CONFORMED ATTORNEY MAILING ADDRESS DMS
TFWCETT	9/7/95	AMENDED TRANSFER	CONDITIONS/REMARKS WERE EDITED PURSUANT TO AMENDED TRANSFER 4186.
SSHERMAN	11/3/99	DATA ENTRY	CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

Dates:

Licensed Date:
Claim Received Date: 12/23/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 12/13/1909
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-352C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM J SWANSON PO BOX 5129 KETCHUM, ID 83340 (208)726-5201
Original Owner	THE NATURE CONSERVANCY PO BOX 165 SUN VALLEY, ID 83353 (208)726-3007

Priority Date: 06/15/1887
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE	4/15	10/15	0.21 CFS		
Total Diversion			0.21 CFS	76.2 AFA	

Location of Point(s) of Diversion:

SILVER CREEK	NESESW	Sec. 26	Township 01S	Range 20E	BLAINE County
--------------	--------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use	Legal Description: WILDLIFE	BLAINE County
--------------	-----------------------------	---------------

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
p	e	n												
01S	20E	26		NESE			NWSE			SWSE			SESE	

Remarks:

1. General
- PURSUANT TO APPROVED TRANSFER NO. 4186: 1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726.
2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
5. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO THE DIVERSION OF WATER.
6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR. 7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 91.0 ACRE FEET.
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RESCINDED.

CONFORMED ATTORNEY MAILING ADDRESS DMS ***** OWNERSHIP CHANGE MADE 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER, SWANSON-NEW OWNER. QUITCLAIM DEED INCLUDED. WAS SAID TO BE A SPLIT, BUT ALREADY WAS SPLIT BY TRANSFER 4186.

NATURE CONSERVANCY RETAINS THE B PORTION AND SWANSON NOW HAS THE C PORTION.

***** COMMENTS WERE CHANGED TO CONFORM WITH AMENDED TRANSFER 4186 9/8/95 TF.

Comments:

Author	Date	Subject	Comment
JROBERTS	12/16/94	SPLIT/TRANSFER	This claim was created pursuant to approved Transfer No. 4186. It is a split of part B and reflects the Wildlife Use. jr
DSMITH	3/31/95	DATA ENTRY	CONFORMED ATTORNEY MAILING ADDRESS DMS
TBACKLUN	8/7/95	COPIED FROM REMARKS	PURSUANT TO APPROVED TRANSFER NO. 4186: 1. THIS TRANSFER PROVIDES MITIGATION WATER TO PRIOR RIGHTS IN CONNECTION WITH DIVERSION OF GROUNDWATER UNDER RIGHT NO. 37-08726. 2. USE OF WATER UNDER THESE WATER RIGHTS WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37M. 3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL. 4. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION. 5. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO THE DIVERSION OF WATER. 6. THE DIRECTOR RETAINS JURISDICTION OVER THIS RIGHT TO REQUIRE INSTALLATION OF A MEASURING DEVICE IN SILVER CREEK TO INSURE MAINTENANCE OF A MINIMUM STREAM FLOW OF 74 CFS IN SILVER CR. 7. THE COMBINED ANNUAL VOLUME OF WATER UNDER RIGHT NOS. 37-00351B AND 37-00352B SHALL NOT EXCEED 101.5 ACRE FEET. 8. FISH SCREENS ACCEPTABLE TO THE IDAHO DEPARTMENT OF FISH AND GAME MUST BE INSTALLED AT THE DIVERSION WORKS AND AT THE OUTLET WORKS PRIOR TO DIVERSION OF WATER. 9. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED. ***** OWNERSHIP CHANGED 8/7/95 BY TLB. NATURE CONSERVANCY-FORMER OWNER, SWANSON-NEW OWNER. QUITCLAIM DEE INCLUDED.
TFAWCETT	9/8/95	AMENDED TRANSFER	REMARKS WERE CHANGED TO CONFORM WITH AMENDED TRANSFER 4186.
SSHERMA N	11/3/99	DATA ENTRY	CORRECTED DATA ENTRY BY DELETING SPECK AS 'O' ATTORNEY FOR FORMER OWNER.

Dates:

Licensed Date:
Claim Received Date: 12/23/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 12/13/1909
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 03 1996

Department of Water Resources
Southern Region

A. GENERAL INFORMATION

Permit No. 37-08726

1. Owner: William J. Swanson Phone No. 208 726 5201

Current Address: P.O. Box 5129 Ketchum, ID 83340

2. Accompanied by: Owner EXAM DATE: 30 March 1996

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Silver Creek tributary to Little Wood River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-00351C, 37-00352C

2. Other water rights with the same point of diversion: 37-00351C, 37-00352C
See transfer 4186

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	SW	26	15	20E	Blaine	4565 7.5' Quad

2. Place(s) of Use:

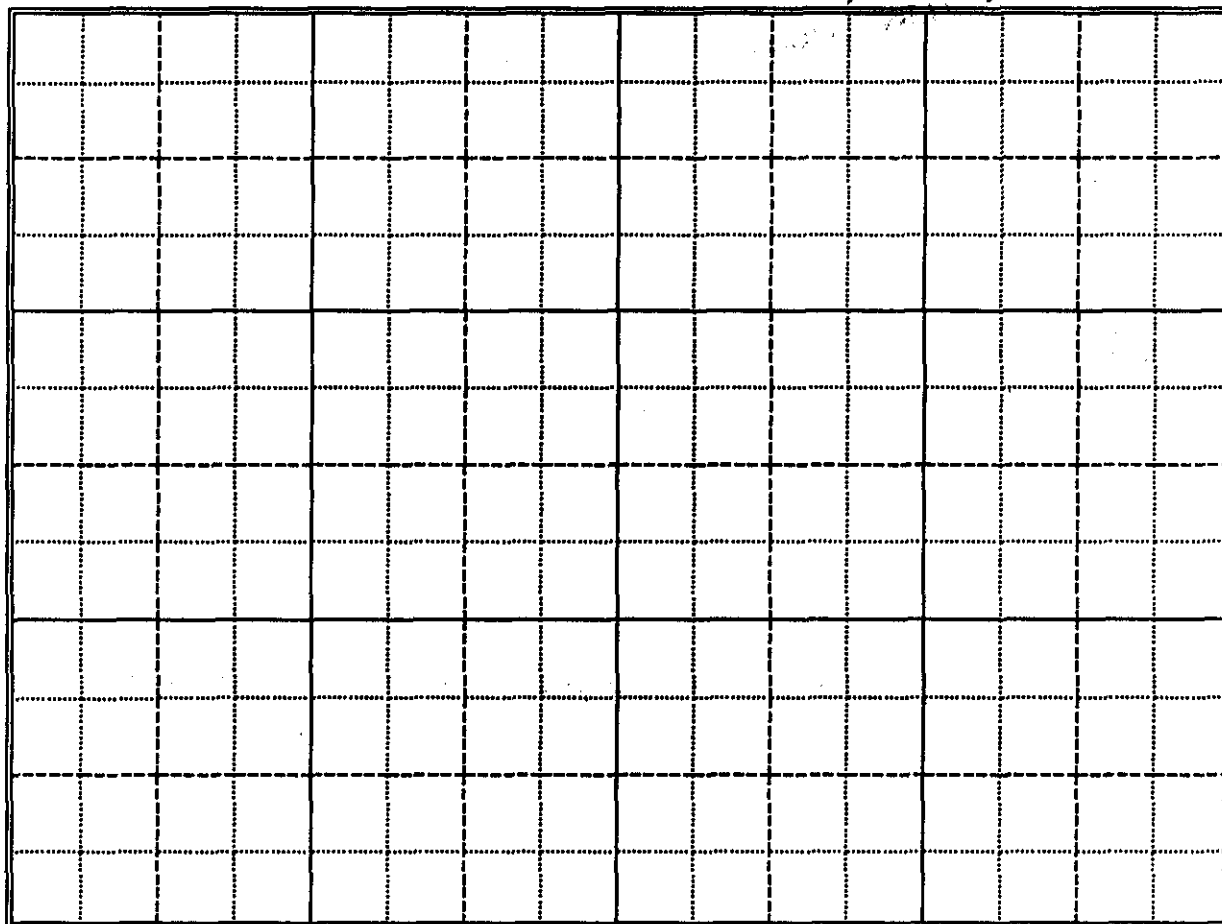
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	20E	26													W	W	W	W	

MICROFILMED
MAR 23 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

See attached Map and photos



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

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

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

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MAR 29 2001

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
1.5' Broad Crested Weir						
Inlet & Outlet	See attached discharge rating tables					

2. Measurements: *Continuous inflow and outflow for period October 3 - November 9, 1994 See attached narrative and graphs*

E. NARRATIVE/REMARKS/COMMENTS

See attached narrative

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
MAR 23 2001

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

1.5' Broad Crested Weir
h = 0.68' Q = 2.66 cfs

3/29/96

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Wildlife</i>	<i>1/1</i>	<i>12/31</i>	<i>2.5</i>	
Totals:			<i>2.5</i>	

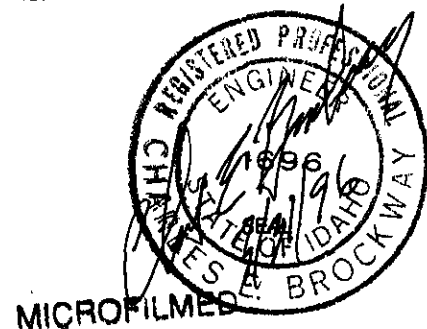
2. Recommended Amendments

☐ 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

I. AUTHENTICATION

Field Examiner's Name *Charles E. Brockway* Date *3/31/96*

Reviewer _____ Date _____



MICROFILMED

AR 2 9 7001

Narrative Report
Beneficial Use Examination
Water Right 37-08726
Owner: William J. Swanson
by
C.E. Brockway P.E.

RECEIVED

APR 03 1996

Department of Water Resources
Southern Region

This right diverts from Silver Creek in Blaine County in Section 26, T1S R20 E in Blaine County. The diversion consists of a concrete structure with a 4 foot wide, lockable slide gate and a 1.5 foot wide broad crested weir measuring device. The diversion is effected without water level control in Silver Creek. Water is used for enhancement of wildlife areas on the north side of Silver Creek. The facility consists of three major open water areas and bank vegetation. Water returns to Silver Creek at a point approximately 950 feet downstream of the diversion through a 1.5 ft wide broad crested weir.

Conditions of Permit 37-08726 require mitigation during periods when the Watermaster is regulating the creek by transfer of water to the point of diversion to compensate for losses between the point of diversion and the point of injection back to Silver Creek.

The ponds occupy approximately 2.2 acres with a volume of 4.5 acre feet according to construction drawings of the project submitted in conjunction with the USCE 404 permit for the project. The approximate size was verified on field visits for this exam.

Inflow-outflow measurements were performed in October 1994 to determine average system losses. Continuous recorders were installed on the inlet and outlet weirs for a period of 20 days. Instantaneous differences between inflow and outflow are affected by surges in inflow and travel time through the system. The attached record of inflow, outflow and differences indicates an average loss during the October 1994 period of 12.8 miners inches. This measurement was made during a period of low evaporation so the total loss may be higher during hot summer days. The estimated maximum open water evaporation for this area is approximately 0.2 inches per day. Based on the area of 2.2 acre feet, a reasonable estimate of summertime evaporation is 0.9 miners inches. Therefore, the total system loss may reach 13.7 miners inches.

The wildlife enhancement area is located adjacent to Silver Creek and local groundwater hydrology indicates that water seeping from the ponds returns to Silver Creek. Therefore, the net loss from the Silver Creek in the reach is likely equal to the evaporation from the ponds.

Two consumptive water rights are applicable to this area. They were acquired from The Nature Conservancy to provide mitigation for system losses. These rights are 37-00351C and 37-00352C. Transfer 4186 outlines the changes in

MICROFILMED
MAR 29 2001

point of diversion and place of use. The total of these two rights is 0.30 cfs (15 miners inches) which is adequate to mitigate the total system loss including seepage.

The owner has met all conditions of the permit.

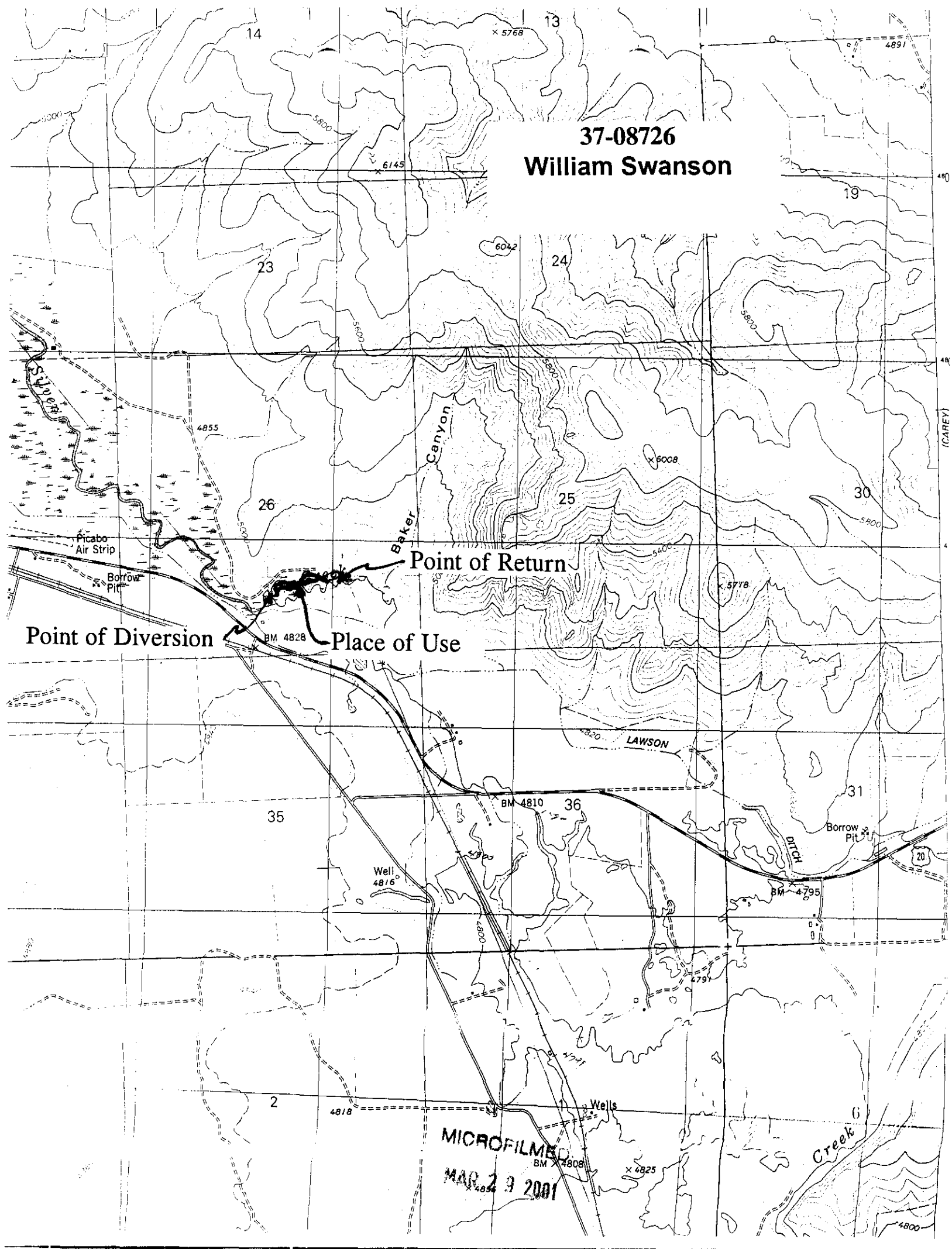
My understanding is that the water rights 37-00351C and 37-00352C were purchased from The Nature Conservancy by William J. Swanson. The IDWR SRBA Claims data base shows the current owner of both of these rights as William J. Swanson. However, the permit data base shows The Nature Conservancy as the owner of 37-00351C and 37-00352C. Mr. Swanson has been instructed to file a change of ownership for both rights if he has in fact purchased the rights.

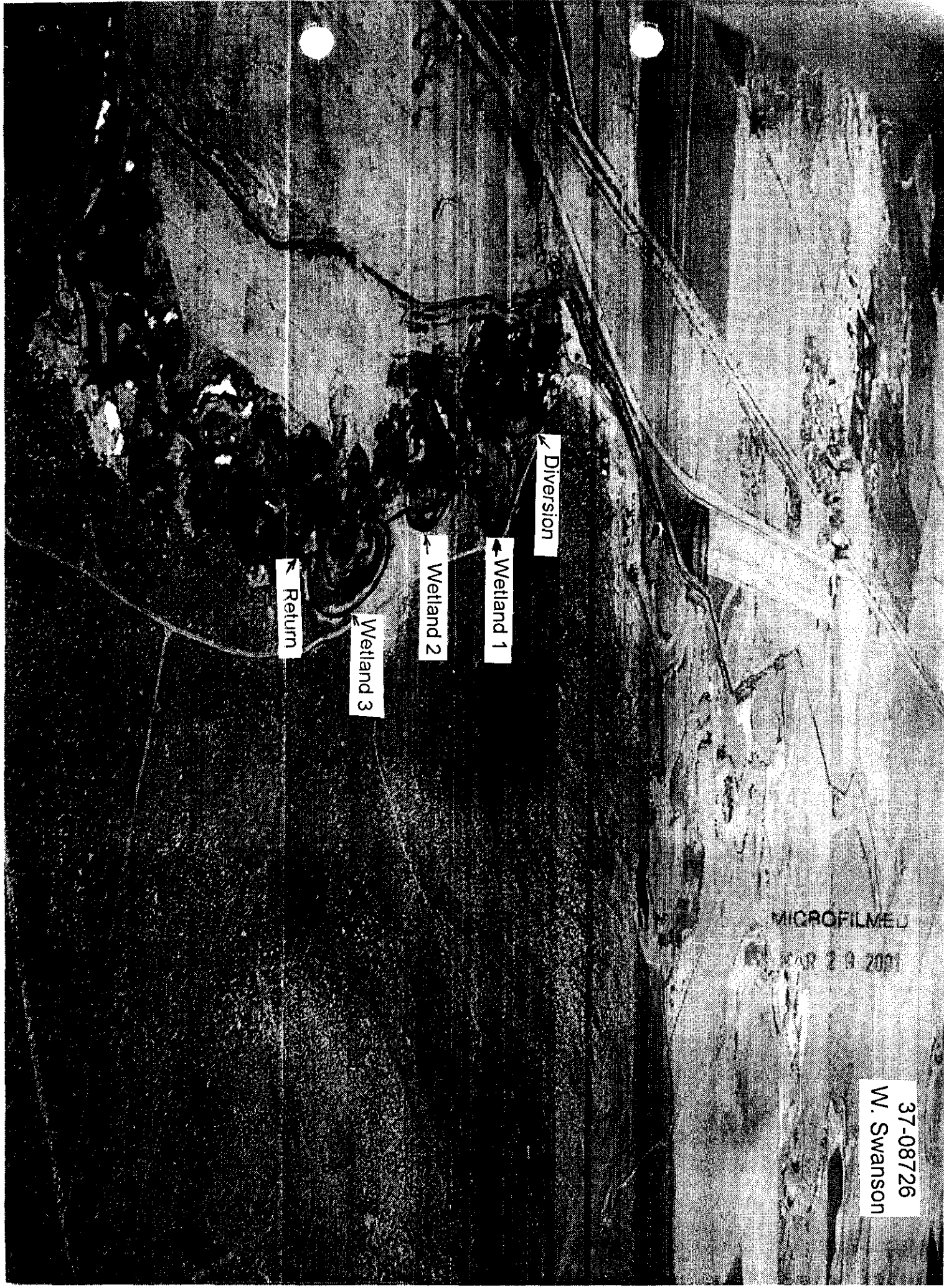
Attachments:

- USGS 7.5 minute quad
- Aerial Photos
- Plot of inflow-outflow discharge measurements
- Discharge rating tables-inflow and outflow weirs

MICROFILMED
MAR 29 2001

37-08726
William Swanson





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MAR 29 2001

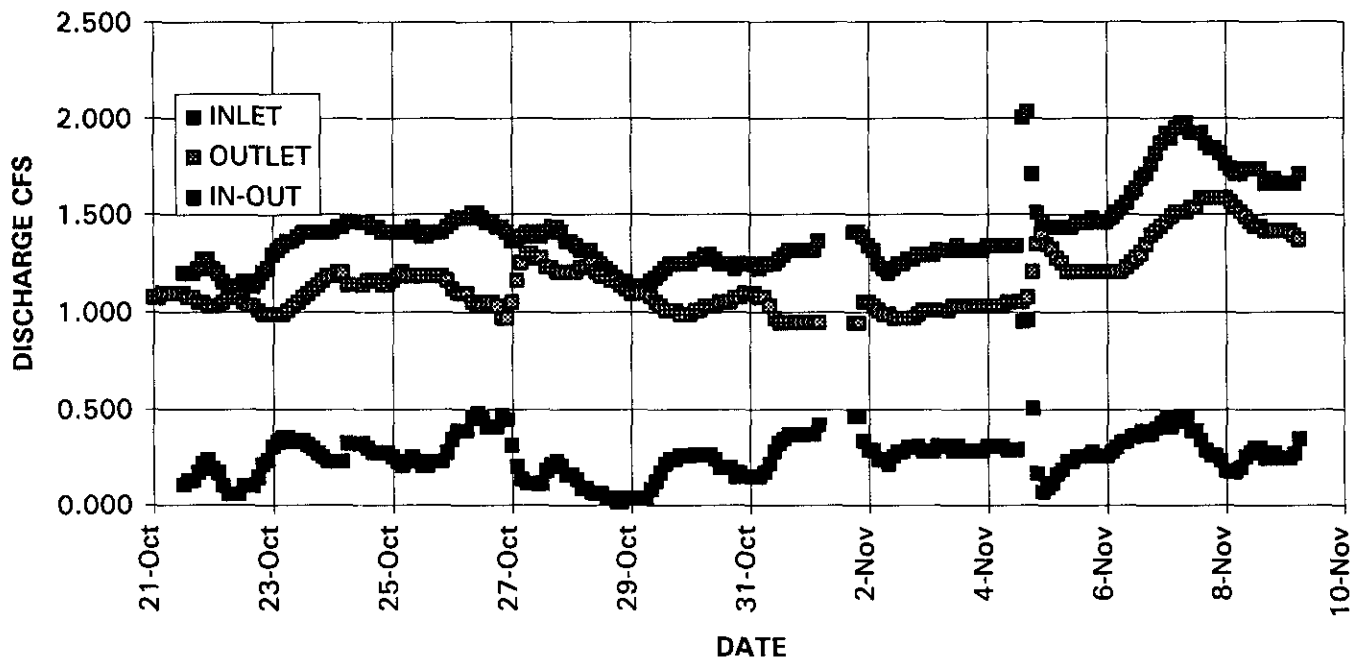
37-08726
W. Swanson



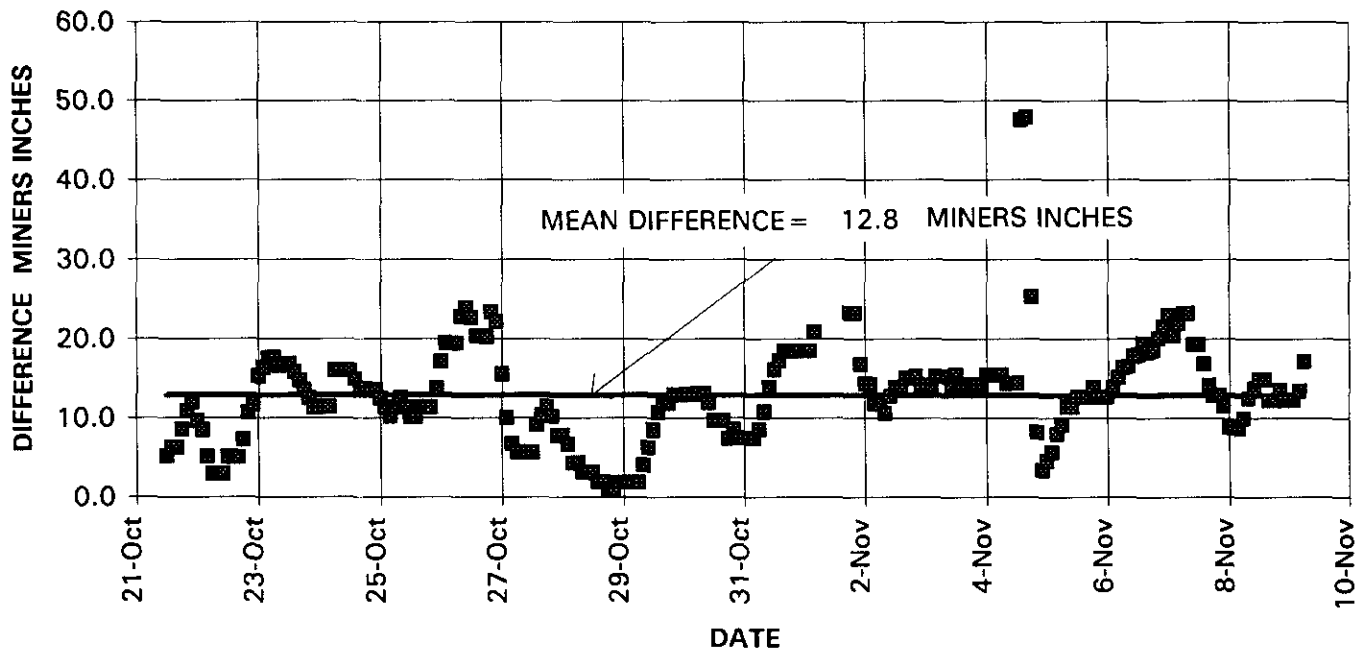
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MAR 29 2001

SWANSON EAST INFLOW-OUTFLOW 1994



SWANSON EAST INFLOW-OUTFLOW 1994

MICROFILMED
APR 23 2001

ASSUMING EVAPORATION IS MINIMAL AND ALL LOSS DURING 10/19-11/09 IS SEEPAGE

SUMMERTIME MAX EVAP LOSS ESTIMATED AT 0.204 INCHES/DAY

TOTAL POND AREA ESTIMATED AT 2.18 ACRES

AVERAGE DAILY EVAP LOSS = 0.037 ACRE FEET

AVERAGE DAILY EVAP LOSS RATE = 0.019 CFS

AVERAGE DAILY EVAP LOSS RATE = 0.94 MINERS INCHES

THEREFORE

RECOMMEND AN AVERAGE TOTAL LOSS OF 12.84 PLUS 0.94 EQUALS 13.78

A TOTAL CONSUMPTIVE WATER RIGHT OF 15 MINERS INCHES WILL BE
ADEQUATE TO MITIGATE FOR ALL AVERAGE DAILY LOSSES

MICROFILMED

MAR 28 2001

SWANSON WETLANDS EAST

C.E. BROCKWAY P.E. MAY 15, 1993

FINAL AS BUILT

Bcw.xls

BROAD CRESTED WEIRS-INFLOW

Q= 4.798 $\sqrt{(H+ .008)}$ 1.57
WEIR WIDTH L= 1.50 FT

ELEVATION OF FLOOR= NA FT
ELEVATION OF WEIR CREST= NA FT

GAGE DISCHARGE-1.5 FT BROAD CRESTED WEIR

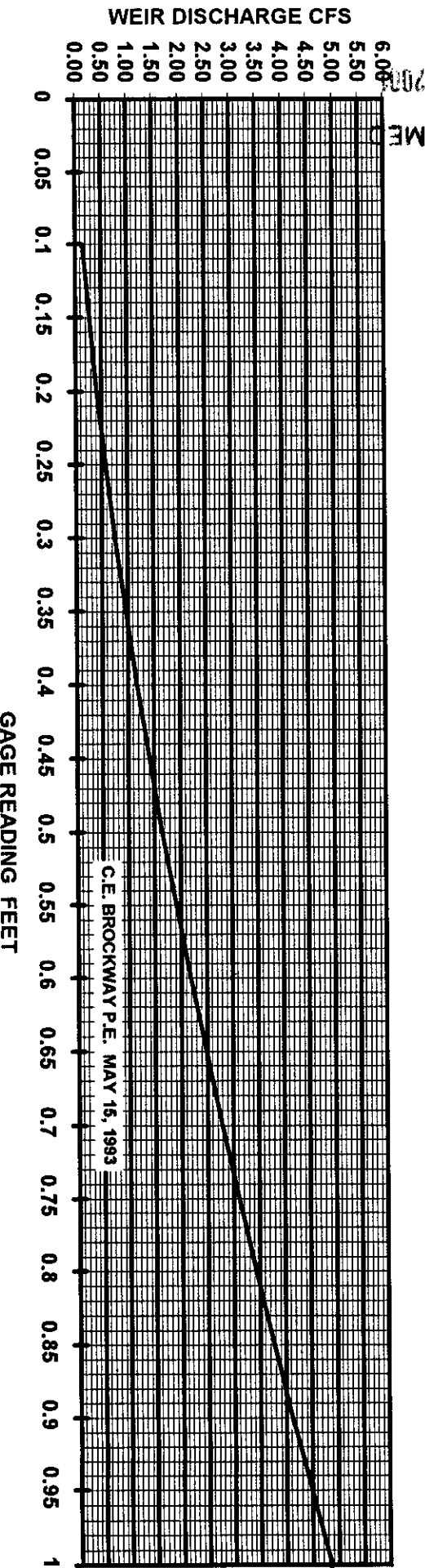
DISCHARGE-1.5 FT BROAD CRESTED WEIR

READING	INFLOW	AGE	DISCHARGE
H	CUBIC FEET PER SECOND	AGE	DISCHARGE
FEET		FEET	MINERS INCHES
0.1	0.14	0.00	7.2
0.2	0.40	0.01	8.3
0.3	0.75	0.02	9.4
0.4	1.17	0.03	10.6
0.5	1.65	0.04	11.8
0.6	2.19	0.05	13.1
0.7	2.78	0.06	14.4
0.8	3.43	0.07	15.8
0.9	4.12	0.08	17.2
1	4.86	0.09	18.7
			20.2
			21.8
			23.4
			25.0
			26.7
			28.4
			30.1
			31.9
			33.8
			35.6
			37.5
			39.5
			41.4
			43.4
			45.5
			47.6
			49.7
			51.8
			54.0
			56.2
			58.4
			60.7
			63.0
			65.3
			67.7
			70.1
			72.5
			75.0
			77.5
			80.0
			82.5
			85.1
			87.7
			90.3
			93.0
			95.7
			98.4
			101.1
			103.9
			106.7
			109.5
			112.4
			115.3
			118.2
			121.1
			124.1
			127.0
			130.0
			133.1
			136.1
			139.2
			142.3
			145.5
			148.6
			151.8
			155.0
			158.2
			161.5
			164.8
			168.1
			171.4
			174.8
			178.1
			181.5
			185.0
			188.4
			191.9
			195.4
			198.9
			202.4
			206.0
			209.6
			213.2
			216.8
			220.5
			224.1
			227.8
			231.5
			235.3
			239.0
			242.8
			246.6
			250.4
			254.3
			258.2
			262.0
			266.0
			269.9
			273.8
			277.8

INFLOW

SWANSON WETLANDS ENHANCEMENT EAST

BROAD CRESTED WEIR



SWANSON WETLANDS EAST

C.E. BROCKWAY P.E. NOVEMBER 9, 1994

FINAL AS BUILT Bcw2.xls

BROAD CRESTED WEIR- OUTFLOW

WEIR HEIGHT REVISED April 1994

Q= 4.726 *(H+ .005)** 1.55

ELEVATION OF FLOOR= NA FT

WEIR WIDTH L= 1.50 FT

ELEVATION OF WEIR CREST= NA FT

STAFF GAGE SET 0.01 FT TOO LOW

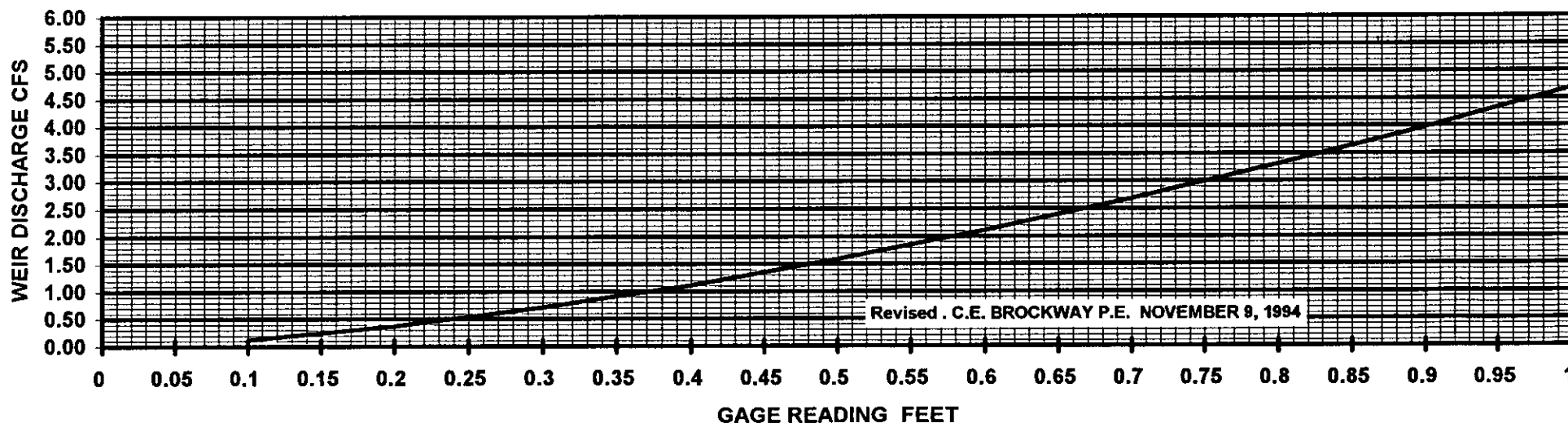
GAGE DISCHARGE- 1.5 FT BROAD CRESTED WEIR

|| AGE

DISCHARGE- 1.5 FT BROAD CRESTED WEIR

OUTFLOW											OUTFLOW										
CUBIC FEET PER SECOND											MINERS INCHES										
READING H FEET	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09	READING H FEET	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.1	0.12	0.14	0.16	0.19	0.21	0.23	0.26	0.29	0.31	0.34	0.1	6.1	7.1	8.2	9.3	10.5	11.7	13.0	14.4	15.7	17.2
0.2	0.37	0.40	0.43	0.47	0.50	0.53	0.56	0.60	0.64	0.67	0.2	18.6	20.1	21.7	23.3	24.9	26.5	28.2	30.0	31.8	33.6
0.3	0.71	0.75	0.78	0.82	0.86	0.90	0.94	0.99	1.03	1.07	0.3	35.4	37.3	39.2	41.2	43.2	45.2	47.2	49.3	51.4	53.6
0.4	1.12	1.16	1.20	1.25	1.30	1.34	1.39	1.44	1.49	1.53	0.4	55.8	58.0	60.2	62.5	64.8	67.1	69.5	71.9	74.3	76.7
0.5	1.58	1.63	1.68	1.74	1.79	1.84	1.89	1.95	2.00	2.05	0.5	79.2	81.7	84.2	86.8	89.4	92.0	94.6	97.3	100.0	102.7
0.6	2.11	2.16	2.22	2.28	2.33	2.39	2.45	2.51	2.57	2.62	0.6	105.4	108.2	111.0	113.8	116.7	119.5	122.4	125.3	128.3	131.2
0.7	2.68	2.74	2.81	2.87	2.93	2.99	3.05	3.12	3.18	3.24	0.7	134.2	137.2	140.3	143.3	146.4	149.5	152.7	155.8	159.0	162.2
0.8	3.31	3.37	3.44	3.50	3.57	3.64	3.70	3.77	3.84	3.91	0.8	165.4	168.7	171.9	175.2	178.5	181.9	185.2	188.6	192.0	195.4
0.9	3.98	4.05	4.12	4.19	4.26	4.33	4.40	4.47	4.54	4.62	0.9	198.9	202.3	205.8	209.3	212.9	216.4	220.0	223.6	227.2	230.8
1	4.69	4.76	4.84	4.91	4.99	5.06	5.14	5.21	5.29	5.36	1	234.5	238.1	241.8	245.5	249.3	253.0	256.8	260.6	264.4	268.2

OUTFLOW SWANSON WETLANDS ENHANCEMENT EAST BROAD CRESTED WEIR



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08726 Reviewed by [Signature] Date 4-17-96

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

WILDLIFE

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

_____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

no Required?

☒ Amount Submitted

☒ Correct?

MEASURING DEVICE

yes Required?

yes Installed?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____

Date proof due _____ - _____

No. of days late _____ = _____

Priority Date _____ + _____

New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable (ba Field Report submitted)

DATA ENTRY

New Address [Signature]

Proof Made 4-1-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 17, 1996

WILLIAM J SWANSON
P O BOX 5129
KETCHUM ID 83340-5129

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08726

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and beneficial use field report submitted for the above referenced permit. The next step in the process of developing a water right is for the department to review the field report for licensing.

If you have questions concerning this matter, contact Shelley Keen at (208) 327-7900.

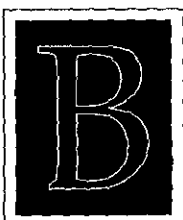
Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

MAR 23 2001



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 31, 1996

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

Subject: Beneficial Use Field Report 37-08726
William J. Swanson

Dear Allen:

Enclosed is the beneficial use field report and support documents for Permit 37-08726 owned by William J. Swanson. The owner has met all conditions of the permit.

Please call if you have any questions.

Sincerely,

C. E. Brockway, P.E.

cc: W. Swanson

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., E.I.T.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

RECEIVED

APR 01 1996

Department of Water Resources
Southern Region

MICROFILMED

MAR 29 2006

January 31, 1996

WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 833405129

PROOF DUE NOTICE

RE: PERMIT NO. 37-08726

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

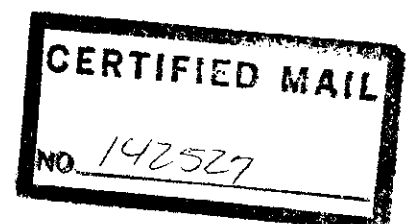
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAR 29 2001





CHARLES
BROCKWAY
ENGINEERING

CHARLES E.
BROCKWAY,
PhD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

RECEIVED

JUL 26 1993

Department of Water Resources

July 22, 1993

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N.Orchard Street
Boise, Idaho 83706-2237

Subject: Silver Creek Wetlands Enhancement Project
Permit No 37-08726

Dear Gary:

Thank you for shepherding the application through processing. I understand the permit was signed by Norm Young on July 22, 1993. Pursuant to the condition on the permit requiring notification of construction on the project, this is to notify you that earthwork will begin Saturday July 23 or Monday July 25, 1993. Initial work will include construction of the diversion structure from Silver Creek and the two small broad-crested weirs on the inlet and outlet channels. as per the drawing submitted with the application for permit. Construction of the measuring devices will not require earthwork within the normal high water of Silver Creek. The diversion structure will be constructed in the existing old ditch leading to the first wetlands area and will be built just outside the current stream bank. After the concrete is cured, the 'plug' between the structure and the stream will be excavated and rip rap placed on the upstream and downstream banks for a distance of approximately 10 feet. All excavation will be performed with a back hoe from the bank and rip rap placed from the bank. Minimal disturbance to the bank and turbidity in the stream is expected. No diversion dam or modification to the main stream is required to effect a diversion to the wetlands. Survey data indicates that there is adequate elevation difference at low water to divert the design project flow.

The project will be constructed as per the drawings submitted with the application. All permits from Blaine County and USCE have been obtained and construction area access corridors have been flagged. The water master of District 37M has approved the diversion structure and minimum stream flow measuring section in Silver Creek.

RECEIVED

AUG 6 1993

Thank you for pursuing the processing of the application and working to make this project function. As you know, the application for transfer of consumptive water from The Nature Conservancy is being processed to allow diversion during the irrigation season. It would certainly be appreciated if you could check on this permit periodically to determine if any additional information is needed and that progress is being made. Again, thanks for your help on this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. E. Brockway".

C. E. Brockway, P.E.

RECEIVED

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

July 28, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

WILLIAM J SWANSON
PO BOX 5129
KETCHUM ID 83340-5129

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08726

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

This permit does not approve construction within a wetland area. You may need to obtain approval of your project by the U.S. Army Corps of Engineers.

The work plan and construction schedule referred to in condition #7 should generally narrate the method of construction to minimize impact to Silver Creek and estimate when the proposed structures will be constructed. The engineering plans in the files of the Department sufficiently depict the structures and configuration unless the proposed structures are changed significantly.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:dc

Enclosure

AUG 26 1993

WR0749NP
No. P37-08726

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 07/21/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM J SWANSON PO BOX 5129 KETCHUM ID 833405129 (208) 726-5201	03/27/1991	WILDLIFE	01-01 12-31	2.50 CFS	
TOTAL DIVERSION:					2.50 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: PERMIT

Point(s) of Diversion: T01S R20E S26 NE SE SW

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE							
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S	20E	26	:																				
			:																				

Pou County: BLAINE

Other Water Rights Listing Overlapping Place(s) of use:
37-01096A 37-01097 37-07770

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 37M.

Remarks: Water shall not be diverted pursuant to this right at any time the watermaster of Water District 37-M is regulating diversions of water from Silver Creek unless mitigation water is transferred to the point of diversion which compensates for losses between the point of diversion and the point of injection back to Silver Creek.

Application for transfer no. 4186 seeks to change the point of diversion and place of use for portions of rights 37-00351 and 37-00352 to compensate for losses during the irrigation season. A measuring device and lockable controlling works of the type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to the diversion of water under this permit.

Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.

The Director retains jurisdiction over this permit to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek. The Director retains jurisdiction over this permit to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the water right holder.

WR0749NP
No. P37-08726

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 07/21/93
PAGE: 2

=====
Dates: App. Received: 03/27/1991 Priority Date: 03/27/1991
Proof Due Date: 04/15/1996 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 06/11/1991 User-ID: BALDWIN Subject: WILDLIFE USE
Wildlife use is to provide year-round wetland habitat for
waterfowl nesting and rearing.

Audit: 07/21/93 ZIMMERMA

MEMORANDUM

TO: FILE NO. 37-08726 IN THE NAME OF WILLIAM J. SWANSON

FROM: *Gary* GARY SPACKMAN

DATE: ~~MAY 26, 1993~~ JULY 6, 1993 B.L.S.

RE: CONDITION OF PERMIT APPROVAL

After negotiations with William Swanson, and his consultants and attorneys, I have determined that application for permit no. 37-08726 can be approved, in part, if properly conditioned. Originally Mr. Swanson proposed diversion of 2.5 cfs through the entire year for wildlife purposes. Chuck Brockway and Will Miller submitted information regarding the interaction of surface and groundwater in the vicinity of the Swanson's property, and losses to the system which would result from Swanson's development. Despite Brockway's findings that groundwater losses would flow back to the river except during the early summer, I determined Swanson's proposal would be difficult to regulate, and probably injure other water right holders.

After my determination, Swanson proposed diversion of water during the non-irrigation season. After reviewing the application again, I determined his proposal would not injure other water rights provided the minimum stream flow for Silver Creek in the area of his diversion would not be impacted.

I specifically represented to Swanson in a letter dated April 1, 1993, that we would grant the permit for year round period of use, but his diversion must cease during the time the watermaster is regulating irrigation diversions from Silver Creek.

Prior to approval of the permit, Nature Conservancy filed application for transfer no. 4186 which seeks to change a portion of an irrigation right to wildlife habitat use as compensation for losses in Swanson's system. I initially withheld approval of application for permit no. 37-08726, hoping the application for permit and application for transfer could be considered simultaneously. Swanson wants to begin construction immediately, however, and wants a water right permit for assurance. I see no reason to withhold approval of application for permit no. 37-08726 if the pending application for transfer and proposed mitigation plan are contemplated by the approval.

The following are other conditions of approval. Standard approval conditions should also be added.

1. Proof of construction of works and beneficial use shall be submitted on or before April 15, 1996.

2. Use of water under this permit shall be controlled by the watermaster of Water District 37-M, Silver Creek.

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3. Water shall not be diverted pursuant to this right at any time the watermaster of Water District 37-M is regulating diversions of water from Silver Creek unless mitigation water is transferred to the point of diversion which compensates for losses between the point of diversion and the point of injection back to Silver Creek.

4. Application for transfer no. 4186 seeks to change the point of diversion and place of use for portions of rights 37-00351 and 37-00352 to compensate for losses during the irrigation season.

5. A measuring device and lockable controlling works of the type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to the diversion of water under this permit. (01JN)

6. Fish screens acceptable to the Idaho Department of Fish and Game must be installed at the diversion works and at the outlet works prior to diversion of water.

7. The Director retains jurisdiction over this permit to require installation of a measuring device in Silver Creek to insure maintenance of a minimum stream flow of 74 cfs in Silver Creek.

8. The Director retains jurisdiction over this permit to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the water right holder.

I might add at this point that this permit approval will authorize some consumption of water. I do not think we should add a condition that the use of water should be non consumptive.

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AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 6, 1993

Mel Schulte
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Re: Application for Permit to Appropriate Water No. 37-08726 in the name of William J. Swanson and Application for Transfer of Nature Conservancy water right for mitigation

Dear Mel:

This letter reiterates our telephone conversation of June 30, 1993. Nature Conservancy has filed an application for transfer of a portion of a water right authorizing diversion from Silver Creek to change the nature of use and place of use for the partial water right. The application for transfer proposes to move 0.30 cfs from Nature Conservancy Lands to a point of diversion described by application for permit no. 37-08726, filed by William J. Swanson. Application no. 37-08726 seeks to divert water from Silver Creek for wildlife purposes. Water will be diverted to a series of waterfowl ponds. The 0.30 cfs of the Nature Conservancy right will mitigate for losses within the water fowl system.

We previously agreed to approve application no. 37-08726, but limit the season of use to period of time when the watermaster is not regulating diversions. With this mitigation plan, if acceptable, water could be diverted year round through the wetlands.

I spoke to Chuck Brockway after our conversation, and he said Swanson was anxious to start construction but wanted the permit in hand. So I told him we would try to issue the permit before the application for transfer is considered for approval. Please send us a copy of the application for transfer so we can at least refer to the transfer when approving the permit.

RECORDED

AUG 26 1993

I have enclosed studies of the Swanson project by Dr. Brockway and Will Miller. The study may help you analyze the application for transfer.

Please let me know if you need further information.

Sincerely,

Gary Spackman
Gary Spackman

Enclosure

C: Jim Speck, PO Box 987, Ketchum, Idaho 83340
C. E. Brockway, P. E. 706 Sunrise Blvd North, Twin Falls,
Idaho 83301
William J. Swanson, PO Box 5129, Ketchum, Idaho 83340

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AUG 26 1993



CHARLES
BROCKWAY
ENGINEERING

RECEIVED
JUN 18 1993
Department of Water Resources

June 16, 1993

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: William Swanson Application 37-8726>

Dear Gary:

Pursuant to your letter to Bill Swanson of April 1, 1992 and our subsequent discussion in your office, the discharge gaging station on Silver Creek has been installed to assure that instream flow requirements in this reach can be met. Lee Peterson, Water master for District 37, indicated his approval of the plan and a copy of his letter of April 20, 1993 was faxed to you. Lee has subsequently reviewed the plans and specifications for inlet and outlet measuring devices and indicated his approval. A copy of Lee's letter of June 4, 1993 is enclosed.

I dropped in to visit with you on June 16, 1993 but unfortunately you were out of the office. Jim Johnson reviewed the application file and indicated that it appeared to be complete except for the final permit review and typing. Again, if you need any more information please let me know.

In line with your intention to permit a year-round period of use with the condition that an early priority right diverted in the past from Silver Creek for consumptive use be acquired, Mr. Swanson has secured such a right contingent upon approval of the transfer by the Department. Application for the transfer has been made with the Twin Falls office.

Mr. Swanson is anxious to proceed with construction on the project and is awaiting final approval.

Sincerely,

C. E. Brockway, P.E.

cc: W. Swanson
W. Miller
J. Speck

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AUG 26 1993

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

C. E. Brockway
706 Sunrise Blvd N.
Twin Falls, Idaho 83301

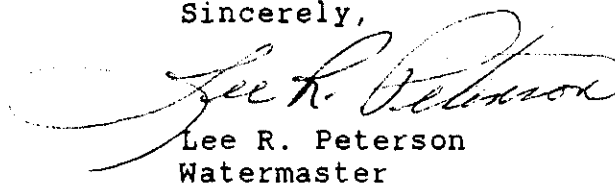
June 4, 1993

Chuck:

After looking thru your designs and charts for Swanson's wetlands. Everything does appear satisfactory.

Sometime when you are coming this way could you drop off the maps I loaned you of water delivery points on the Big Wood River above Magic Reservoir. Thanks.

Sincerely,


Lee R. Peterson
Watermaster

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AUG 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

FACSIMILE TRANSMISSION

TO: Gary Spackman

FAX NUMBER: 327-7866

FOR THE ATTENTION OF Gary Spackman

FROM

FAX NO.

NUMBER OF PAGES 2
(INCLUDING THIS ONE)

DATE 5/21/1993

MESSAGE

=====

If you do not receive the above number of pages, or if there is any other problem, please call (208) 886-2451 at Shoshone, Idaho.

=====

The information contained in this fax is confidential and subject to attorney-client privilege. If the reader is not the intended recipient or the agent thereof, you are hereby notified that any dissemination, distribution or copying of the fax is prohibited. If you have received this fax in error, please notify us immediately and return the original by mail at our expense. Thank you.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

Bill Swanson
P O Box 5129
Ketchum, Idaho 83340

April 20, 1993

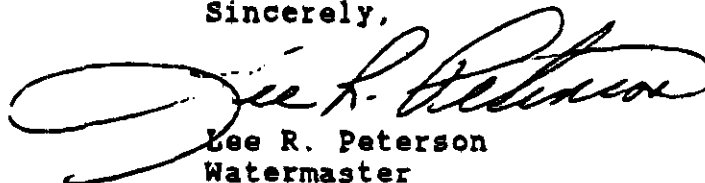
Bill:

In regards to my visit with you at 6:00 p. m., Wednesday, April 14, 1993, concerning your proposed wetlands and control point for Silver Creek during non irrigation season to ensure adequate stream flow to meet the stream flow requirement below your property.

I do agree with Mr. Chuck Brockway, that with his expertise he could calibrate a stream control section, at the bridge crossing the creek within your property. In regards to your wetlands, if you do as you agreed to install control gates and weirs at the headworks and weirs for waters returning and fish screening devices at both headworks and return points this would circumvent many possible problems. As mentioned within our visit regarding fish which may reside within your wetland areas, if your water should be cut off due to lack of water for down stream decreed waterusers I certainly will not be held responsible for the loss of any fish which might find passage or are planted within these areas.

Bill, I certainly enjoyed visiting with you, if we can be of further assistance do feel free to call.

Sincerely,



Lee R. Peterson
Watermaster

CC: Loren Holmes, IDWR, Twin Falls
Gary Spackman, IDWR, Boise

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AUG 26 1993

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APR 22 1993

Department of Water Resources

WILLIAM J. SWANSON
BOX 5129
KETCHUM, ID 83340
208 726 5201

April 20, 1993

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: Silver Creek Wetlands Enhancement Project
Application for Permit No 37-08726

Dear Gary,

Thank you for your letter of April 1, 1993 indicating your intention to approve my application for diversion with specific conditions attached. I am pleased that you see the merit in the project and believe that I can comply with all of the conditions as I understand them.

I am aware that the watermaster of District 37M will be responsible for regulation of the permit and conditions, and that he requires certain water measurement facilities to accomplish his job. Dr. Brockway has discussed the hydraulic feasibility of installing a gage and rated section in Silver Creek at the bridge entering my property. I understand that the water drops sufficiently through the bridge so that the section can be rated.

At Dr. Brockway's request, Mr. Peterson visited the site with me and discussed the project. He has since spoken to Dr. Brockway and indicated he would write a letter approving the measuring device site with the provision that I provide the gage and rating table for his use, which I have agreed to do.

Mr. Peterson also indicated his concern about his liability for damage to fish if they were to be trapped in the ponds when a water right cut was necessary and discharge was terminated. The plan calls for fish screens, approved by the Department of Fish and Game at the inlet and the outlet of the system. Will Miller has recently discussed the plan with IDFG and they have responded positively. Please see attached letter. Mr. Peterson was assured that I would accept any responsibility for fish damage if a priority cut had to be made, and that he or the District would not be held liable.

I understand that a diversion for recreation or wildlife uses cannot be allowed without mitigation water during periods when all water is required to fill prior rights if that diversion results in a net loss to the stream and that this could occur during much of the irrigation season.

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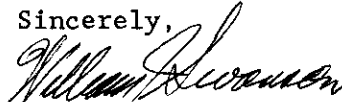
AUG 26 1993

I am pursuing the acquisition of a consumptive water right for mitigation of required losses and ask that the approved permit be written to allow the diversion of the non consumptive and consumptive mitigation water without the requirement for additional amendments to the permit. I understand that the consumptive water right will require an approved transfer which would be subject to all requirements of the Department.

Water measurement devices are planned for the diversion and return to Silver Creek. Dr. Brockway has recommended to the watermaster that identical, broad crested weirs be installed to assure comparative accuracy in determining loss or gain through the system. Mr. Peterson has agreed that these types of devices are more than acceptable. This will allow accurate determination of system losses and provide information for acquisition of mitigation water.

I understand from Dr. Brockway that you will be assuming new duties soon but have agreed to see this permit application to completion. Thank you for your concern and effort. It is my understanding that with this letter and the concurrence of the watermaster and IDFG that you can proceed with the permit approval. If there is additional information you require, please call me at 726 5201. Will Miller can be reached at 788 0034 or Dr. Brockway at 423 6601.

Sincerely,


William J. Swanson

cc: C. Brockway
W. Miller

Enclosure: Letter from Idaho Fish and Game



AUG 26 1991



IDAHO FISH & GAME

REGION 4

868 East Main Street
Jerome, ID 83338
(208) 324-4350

Will Miller
Environmental Planner
PO Box 1030
Sun Valley, ID
83353

April 6, 1993

RE: Swanson Wetland Enhancement Project. CE# 071-OYC-4-004383

Dear Will,

We have reviewed the fish screen design for the inlet and outlet structures for the Swanson wetland project.

The screens shown in the inlet and outlet structure diagrams will prevent passage of fish into the ponds. Openings on both inlet and outlet screens should not exceed 3/8 inch slots and the inlet screen should be of sufficient size and angle so that approach velocity does not exceed 0.5 ft/sec to prevent entrainment of small fish.

If you have any additional questions or comments, please feel free to contact either Fred Partridge, Regional Fishery Manager or Dave Parrish, Regional Environmental Coordinator.

Sincerely,

Carl H. Nellis
Regional Supervisor

cc: Partridge, Parrish

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

APR 13 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 19, 1993

Patricia G. Millington
PO Box 707
Picabo, ID 83348

Re: Application for Permit No. 37-08726

Dear Ms. Millington:

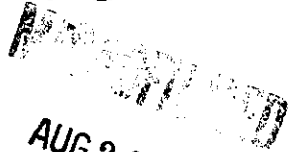
You asked for an explanation of two letters sent to Bill Swanson which seemed to contradict each other. I have reviewed the correspondence, and first note that my letter of November 18, 1992, improperly refers to the application as a transfer. Swanson filed an application for permit, and is not seeking to transfer any water. After Swanson was informed by the November 18 letter that the Department would not accept his proposed plan of mitigation, Swanson wrote a letter to me proposing an alternative. Enclosed is a copy of his letter for your review. After looking at our data, I determined Swanson could divert water outside the time the watermaster is regulating rights provided the minimum streamflow is satisfied.

The letter I sent to Swanson to April 1, 1993, does not approve the application for permit. It informs Swanson the Department will approve the non-irrigation season diversion of water from Silver Creek provided the stream flows can be accurately measured and the inflows and outflows are screened to prevent migration of fish into the ponds which may die when the diversion is shut off.

I understand you own water rights which are diverted during the irrigation season. Because Swanson will not be diverting water into his ponds during any time you demand delivery of water from the watermaster during the irrigation season, I conclude that Swanson's diversion will not injure your water rights. If you have further information, I am happy to review it.

Sincerely,


Gary Spackman


AUG 26 1993

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APR 15 1993

Department of Water Resources

PATRICIA G. MILLINGTON
P.O. BOX 707
PICABO, IDAHO 83348

APRIL 6, 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ATTN: GARY SPACKMAN
1301 NORTH ORCHARD STREET
STATEHOUSE MAIL
BOISE, IDAHO 83720-9000

RE: APPLICATION FOR PERMIT NO. 37-08726

DEAR MR. SPACKMAN

WOULD YOU PLEASE EXPLAIN YOUR LETTER OF APRIL 1, 1993, TO MR. SWANSON APPROVING HIS APPLICATION FOR DIVERSION DURING THE NON-IRRIGATION SEASON, AND YOUR LETTER OF NOVEMBER 18, 1992, STATING THAT YOU CANNOT APPROVE A TRANSFER TO HIS SYSTEM.

THE TWO LETTERS SEEM TO CONTRADICT EACH OTHER. WHAT IS THE FINAL DECISION. WE STILL STAND THAT WE DO NOT HAVE THE WATER TO SPARE TO PROVIDE MR. SWANSON WITH HIS POND WATER.

PLEASE ADVISE AS SOON AS POSSIBLE.

VERY TRULY YOURS,

PATRICIA G. MILLINGTON

PGM/DB

CC: PUD PURDY

RECEIVED

AUG 26 1993

4-1-93

Wm. J. Swanson

P.O. Box 5129

Ketchum, Id. 83340

Patricia Millington

P.O. Box 707

Picabo, Id. 83348

Will Miller

P.O. Box 1030

Sun Valley, Id. 83353

Charles Brockway, P.E.

University of Idaho

Kemmerly, Id.

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AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 1, 1993

William J. Swanson
P.O.Box 5129
Ketchum, Idaho 83340

Re: Application for Permit No. 37-08726

Dear Mr. Swanson:

I acknowledge receiving your letter dated Dec. 12, 1992. I'm sorry my response is tardy.

The Department is willing to approve your application for diversion during the non-irrigation season. The non-irrigation season is technically defined as the period from October 15 through April 15. Rather than limit the right to a fixed period of use, I propose a year-round period of use with a condition that diversion must cease during the time the watermaster is regulating irrigation diversions from Silver Creek unless an unusually high flow in Silver Creek allows for the delivery of a 1991 water right in priority.

Even during the non-irrigation season, a minimum streamflow of 74 cfs must remain in Silver Creek. The watermaster will be required to monitor the streamflow. You will probably be assessed by the watermaster for all the water diverted, and may be required to install measuring devices in Silver Creek to facilitate monitoring. A measuring device must be installed to measure the water you divert.

Because water will not continuously pass through your ponds, the Department is concerned that Silver Creek trout will be trapped when the watermaster closes the headgate. I recognize your inlet drawings depict a screen, but I can't be certain whether fish will be prevented from entering the pond through the outlet. Please submit information showing you have reached an agreement with Fish & Game regarding the migration of fish in and out of your ponds.

This proposed approval will allow you to offer a plan in the future to mitigate for losses caused by your system during the irrigation season. If an acceptable plan is proposed, you may be able to divert water through the entire year. Acquisition of an early priority right, diverted in the past from Silver Creek for consumptive use, and contribution of the right to Silver Creek to

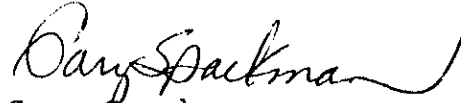
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AUG 26 1993

compensate for losses in your project is the most straightforward plan of mitigation.

When you submit information from Fish & Game regarding protection of the fishery, I will begin preparing your permit, unless you can identify other questions needing resolution.

Sincerely,


Gary Spackman

cc: Southern Region
Patricia Millington
Charles Brockway
Will Miller

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AUG 26 1993

MEMORANDUM

TO: GARY SPACKMAN

FROM: GEORGE AUSTIGUY *GEA*

DATE: JANUARY 4, 1993

RE: W. SWANSON COMPROMISE

Mr. Swanson's compromise proposal suggests diverting water only during the off season. Diversion during the non-irrigation season has none of the associated problems that irrigation season diversion includes. Therefore I see no reason why IDWR cannot approve an off-season permit. It will be necessary to define the period of use for the permit, the dates that Mr. Swanson suggests are within the irrigation season and therefore unsatisfactory. I would suggest for purposes of definition that the off-season be confined to that time period when the watermaster is not regulating diversions.

Mr. Swanson refers to applying at a later date for year round use. I suggest we reemphasize the need for a mitigation plan to be associated with diversion during the irrigation season. It may be in Mr. Swanson's interest to conduct a ponding test at the appropriate time (i.e. when Silver Creek is in a losing condition) to better quantify seepage losses in his project.

MICROFILMED
AUG 26 1993

WILLIAM J. SWANSON
P.O. BOX 5129
KETCHUM, ID 83340
(208)726-5201

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DEC 15 1992

Department of Water Resources

December 12, 1992

Mr. Gary Spackman
Manager, Water Right Permit Section
1301 N. Orchard Street
Boise, Idaho 83720

Dear Gary,

RE: Water Application 37-8726

I received your letter turning down my application. Of course, after all of the effort and expense I have gone to, I am disappointed. However, because of my meetings with you and the comments of others, I have come to respect your conscientious approach to serve the people of Idaho.

I feel when people have a common cause, as I feel we both do in promoting wildlife and rehabilitating wetlands for Idaho, there is usually a solution to be found somewhere. To find a solution, I would like to address your concerns.

You need solutions to the following according to your letter:

1. Transpiration and evaporation.
2. Mitigation when this reach of Silver Creek is losing water rather than gaining.
3. A project that is not difficult to manage.
4. Your conscience when you are shutting off water rights that have always been delivered.

Compromise proposal: Off season use of water.

I would like to propose for discussion a compromise plan to use water off season. However I need to understand if this in any way would hurt my chance to appeal to get water all year at a later date.

Plan for current discussion: An agreement to turn the water off and on at specific predetermined dates, i.e. off on May 15th and on again August 15th or other dates we could discuss. Or if you prefer, the water master could shut it off when he determines it is a losing reach and then turn the water back on again when it is determined that it is a gaining reach. This may demand a gauge on the river below or his judgement.

This plan has these advantages.

1. Hopefully solves the problems in your letter mentioned above.
2. Because to my knowledge there is no downstream storage on Silver Creek, by diverting water off season we won't be impacting anyone.
3. It provides additional wetlands and wildlife for the Silver Creek area for much of the year because the ponds won't go dry immediately. It also provides a spring nesting for ducks and development of the

AUG 26 1993

wetland grasses and vegetation.

4. It may allow me to receive county permits so I could meet the July-August 1993 construction window and to stay within my 404 permit dates.
5. This plan should not cause agricultural users concern, as it won't affect summer irrigation.

This compromise plan will get the project built. But this compromise solution is not the best long term solution according to Gary Will, the Idaho Fish and Game Waterfowl Program Manager. The absence of summer water creates clutch and brood problems for ducks. He feels my compromise proposal is better than no water at all as this is the type of wetland rehabilitation he wants to see happen. Thus my need to come back at a later date for all year water.

I feel after further discussions with Brockway and Miller that the losses are really not measurable and that I do have a worthy appeal but I would prefer not to get stuck in a lengthy appeal process at this time. Also I don't want to lose the ability to appeal. I would prefer, if possible, the permission to build out the project so we have practical experience with it and then appeal.

I am a retired person, completely unfamiliar with the difficult and complex water problems you must daily cope with. My approach as an environmentalist is to take advantage of a unique opportunity to rehabilitate old oxbows into wetlands, as wetlands cannot be created, only restored. Then to lock in the efforts with a Nature Conservancy easement so as to benefit forever future generations.

I would appreciate any meetings or discussions you suggest concerning this compromise proposal. Would you please call me (726-5201) or write me to tell me of your thoughts on how to proceed. Thank you.

Sincerely,

Bill Swanson
William J. Swanson

CC:
Charles Brockway
Will Miller

WILLIAM J. SWANSON

AUG 26 1993

21-JAN-93

13150430 SILVER CREEK AT SPORTSMANS ACCESS NR PICABO
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1991 TO SEPTEMBER 1992
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	
1	130	135	140	128	124	159	113	83	71	87	62	101
2	126	132	137	129	124	156	115	84	70	89	61	98
3	124	130	134	129	124	154	120	83	69	102	60	95
4	122	131	132	130	123	154	117	85	67	100	59	90
5	122	131	133	130	125	154	114	85	65	87	67	90
6	122	134	136	131	125	152	107	83	66	82	70	91
7	120	134	139	131	124	151	99	83	67	81	74	90
8	116	135	139	129	125	147	94	86	63	78	74	92
9	109	138	137	129	125	145	95	79	63	76	76	89
10	104	138	136	129	126	143	94	75	63	69	79	87
11	104	137	135	129	135	140	93	80	62	74	79	87
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14	103	142	136	127	154	133	89	78	64	74	81	80
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16	108	138	131	125	146	131	89	86	72	64	85	86
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25	131	138	127	122	156	127	86	88	65	71	93	65
26	145	139	127	123	157	124	82	89	69	69	97	63
27	149	143	127	124	157	128	84	88	72	68	101	65
28	141	143	127	124	158	126	84	83	71	67	104	66
29	138	141	128	124	159	125	82	80	75	66	94	67
30	136	140	130	124	---	125	83	79	80	65	93	69
31	135	---	130	124	---	124	---	73	---	63	95	---
TOTAL	3765	4124	4117	3915	4132	4240	2869	2577	2104	2283	2534	2431
MEAN	121	137	133	126	142	137	96	83	70	74	82	81
MAX	149	143	140	131	169	159	120	93	80	102	104	101
MIN	103	130	127	122	123	124	82	73	62	63	59	63
AC-FT	7500	8200	8200	7800	8200	8400	5700	5100	4200	4500	5000	4800
WATER YEAR 1992	TOTAL	39091	MEAN	107	AC-FT	77500						

AUG 26 1993

GARY 3-19
- HERE'S SWANSON'S

FILE

- GED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 18, 1992

William J. Swanson
P.O. Box 5129
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-8726

Dear Mr. Swanson:

I have reviewed the plan of mitigation prepared by Charles Brockway and Will Miller. While I am tempted to grant the application, I conclude from the information that the application should not be approved.

First, regardless of the fact that some plants grow in the area of the ponds, my review of photographs of the area does not show the kind of growth that would transpire sufficient water to make up for evaporation from the pond, and any new phreatophyte growth that will grow around its edges. Furthermore, the plan of mitigation does not propose any method of insuring that, when Silver Creek is losing water rather than gaining, the diversion will be curtailed.

In these times of drought, when we are shutting off water rights that have always been delivered, I cannot in good conscience approve a transfer which will likely result in a loss of water to the system and which will be difficult to manage.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Charles Brockway
Will Miller

RECEIVED
AUG 26 1993

MEMORANDUM

TO: FILE # 37-08726

FROM: GEORGE AUSTIGUY *GEA*

DATE: October 13, 1992

RE: REVIEW OF REPORTS

I have reviewed the reports submitted by Mr. Swanson for his wetland enhancement application.

In the proposed place of use Silver Creek and a shallow water body are perched above the main aquifer (the snake river plain aquifer). The perched aquifer interacts with the creek in this area. Water is gained or lost from the creek at various places depending on water levels in the perched water body. In general, water levels in the perched aquifer are at a minimum in spring (May). The USGS report "Ground Water - Surface Water Relations in the Silver Creek Area , Blaine County, ID" identifies the reach along the project area as losing water during the month of May while gaining water during June and October (water year 1975).

Reports by Brockway and Miller are consistent with this analysis. These reports also attempt to quantify the seepage and evapotranspiration losses that would result from the project.

Two reports from Brockway are included in the file dated 2/1/1991 and 2/24/1992. The latter report revises the seepage estimates to reflect soil sample analyses. Maximum seepage is estimated to be 0.25 cfs and is most likely to occur during the spring. Seepage rates are consistent with published data. The report also identifies an ET rate of less than 0.018 cfs. The change in the ET rate from the existing system to the proposed system is not quantified, Brockway however, suggests it will be negligible.

Miller's report also estimates ET rates, both for the existing wetlands and for the enhanced wetlands. Maximum ET rate for the existing wetlands is 0.031 cfs, maximum ET rate for the enhanced wetland is 0.029 cfs. The numbers indicate a decrease in the maximum ET loss, this is caused by replacement of grasses with open water. The grasses having a higher ET rate than open water.

Brockway's ET estimates are based on agricultural crops not indigenous wetland vegetation. Miller's analysis uses vegetation that is commonly found in a wetland habitat. For this reason Miller's estimates are probably more realistic. Numerical values however, for Millers ET rates are somewhat speculative. They are not based on empirical data but are "educated guesses" (my quotations) based on oral communications, some literature and professional judgement. The numbers are in a reasonable range.

PROCESSED

AUG 26 1993

Downstream of the enhancement project there is approximately six decreed water rights diverting from Silver Creek with a diversion rate of 0.2 cfs. In addition to these there are other rights with larger diversions.

The estimated change in the ET rates, given a margin of error, is of a magnitude which is negligible relative to the stream flows of Silver Creek.

Considering the information we have my concern is with the maximum seepage losses which can occur in the canal system. While water lost through canal seepage may eventually wind up in the stream it is of a sufficient magnitude to instantaneously injure existing water rights.

My conclusion is that if approved without conditions this diversion has the potential to injure existing water rights during a portion of the irrigation season. Therefore I recommend the following conditions be part of this permit.

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. (R39)

2. A measuring device of a type acceptable to the Department shall be permanently installed and maintained at the point of return.

3. Use of this water under this right is subject to control by the watermaster of State Water District No. 37-M. (R04)

When return flows are not equivalent to the diversion flow rate the watermaster will shut down the diversion. If the permit holder wishes his diversion flow to remain uninterrupted a mitigation plan should be required for the amount of maximum seepage loss.

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AUG 26 1993

WATER RIGHT		PRIORITY		STG/STS		POINT OF DIVERSION		TOTAL DIVERSION		WATER USES	
NUMBER	CURRENT OWNER NAME	DATE									
WATER SOURCE: BIG WOOD RIVER											
37-04240	NORTH SIDE CANAL CO. LTD.	03/01/1910	S/	05S 14E 22	SWSW			25.000 CFS	04		
WATER SOURCE: LITTLE WOOD RIVER											
37-00526	TIKURA CATTLE ASSN	06/01/1881	D/	02S 21E 18	SESE			2.800 CFS	01,04		
37-02070	IDAHO IRRIGATION CO. LTD.	12/24/1906	D/					300.000 CFS	01,43		
37-04241	NORTH SIDE CANAL CO. LTD.	03/01/1910	S/	06S 14E 16	SESW			10.000 CFS	04		
37-02767	STRUNK D. C.	08/24/1916	L/	02S 21E 29	NWSW			325.000 AFA	02,03,44		
37-02334	STRUNK D.C.	08/24/1916	L/	03S 21E 6	SNW			1.360 CFS	01,43		
WATER SOURCE: SILVER CREEK											
37-01223	BRETT C. F.	01/01/1879	D/	01S 20E 36	SNW			1.600 CFS	01,43		
13-00008	NGMLIN B. B.	04/01/1879	D/					3.200 CFS	AFA		
13-00009	WOOLLEY GRACE H	05/01/1881	D/	02S 21E 20	SESW			1.500 CFS	01		
37-00006A	MOLYNEUX A. W.	05/01/1881	D/	02S 21E 29	NENW			1.500 CFS	01		
37-00068	DURFEE ORIS C.	06/01/1881	D/	02S 21E 18	SESE			2.800 CFS	01,04		
37-00526	TIKURA CATTLE ASSN	03/15/1883	D/	01S 20E 16	SWSE			1.176 CFS	01,43		
37-00706A	LARKIN CHARLES R.	06/14/1883	D/	02S 21E 29	SNW			0.400 CFS	01		
37-00318C	HOWARD HUGH E.	06/14/1883	D/	02S 21E 31	NWNE			1.500 CFS	01		
37-00317B	BERGER RAYMOND	06/14/1883	D/	02S 21E 30	SENE			1.800 CFS	01		
37-00318A	HODGMAN ADELAIDE B.	06/14/1883	D/	02S 21E 29	SNW			1.500 CFS	01		
37-00317A	HODGMAN W. A.	06/14/1883	D/	02S 21E 29	SNW			1.400 CFS	01		
37-00318B	HOWARD HUGH E.	09/01/1883	D/	01S 20E 30	NENW			0.624 CFS	01,43		
37-00376B	MERCIER LEO	04/01/1884	D/					~~0.800 CFS~~	01		
37-00125	CALHOUN CHARLOTTE	04/01/1885	D/	02S 21E 20	SESW			1.250 CFS	01		
37-00007A	MOLYNEUX A. W.	04/01/1885	D/	02S 21E 29	NENW			1.250 CFS	01		
37-00007B	DURFEE ORIS C.	05/15/1885	D/	02S 21E 30	SENE			1.000 CFS	01		
37-00319	HODGMAN ADELAIDE B.										

cut here 6/15/1985

springs at reduced levels

silver

Microfilm

AUG 26 1993

Confluence of silver creek and Little wood T35

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

CO-XXX
WRS813NP
SELECTION FILE: SLVCRK

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG/STS	POINT OF DIVERSION	TOTAL DIVERSION	WATER USES
37-00407	FLOOD JOHN	05/31/1885	D/	01S 20E 35	2.000 CFS	01
37-00511	NIEDERMEYER G. C.	11/01/1885	D/	01S 20E 36	0.200 CFS	01
37-00088A	HOFSTETTER WALTER J.	11/01/1885	D/	01S 20E 36	0.200 CFS	01
37-00141	CHAUMELL EUGENE	11/01/1885	D/	02S 20E 1	0.200 CFS	01
37-00088B	YOUNG JACK	11/01/1885	D/	01S 20E 36	0.200 CFS	01
37-00464	MC LOCHLIN JAMES	06/01/1886	D/	02S 21E 7	2.000 CFS	01
37-00008A	MOLYNEUX A. W.	04/01/1887	D/	02S 21E 20	0.300 CFS	01
37-00008B	DURFEE ORIS C.	04/01/1887	D/	02S 21E 29	0.300 CFS	01
37-00512	NIEDERMEYER G. C.	09/01/1887	D/	01S 20E 36	0.400 CFS	01
37-00143	CHAUMELL EUGENE	09/01/1887	D/	02S 20E 1	0.400 CFS	01
37-00513	NIEDERMEYER G. C.	04/01/1888	D/	02S 20E 1	0.400 CFS	01
37-00089B	YOUNG FLORENCE	04/01/1888	D/	01S 20E 36	0.400 CFS	01
37-00089A	HOFSTETTER WALTER J.	04/01/1888	D/	01S 20E 36	0.400 CFS	01
37-00465	J.R. SIMPLOT CO.	04/01/1888	D/	01S 20E 36	0.400 CFS	01
37-00692B	SIMPLOT INDUSTRIES INC.	05/01/1889	D/	02S 21E 18	2.500 CFS	01
37-00692A	J.R. SIMPLOT CO.	05/01/1889	D/	02S 21E 18	1.520 CFS	01
37-01096A	MILLINGTON PATRICIA G.	11/01/1889	D/	02S 20E 1	0.880 CFS	01
37-00693	FLOOD JOHN	04/01/1890	D/	01S 20E 26	0.800 CFS	01
37-01091	HAYDEN JOHN G.	04/01/1890	D/	01S 20E 35	1.000 CFS	01
37-00207B	MC GLOCHLIN CHARLES	04/01/1890	D/	02S 21E 7	1.000 CFS	01,43
37-01067A	BROADIE MOJ	04/01/1890	D/	01S 20E 36	0.800 CFS	01
37-01104A	STOCKS THOMAS	04/01/1890	D/	01S 20E 36	1.000 CFS	01
37-01097	MILLINGTON PATRICIA G.	05/31/1890	D/	01S 20E 26	1.200 CFS	01
37-01093	GRAHAM ANDREW J.	06/01/1890	D/		2.000 CFS	01
37-01111	NISSEN CHRISTIAN	08/14/1890	D/		2.500 CFS	01
37-01071A	PARKER MARY	06/01/1892	D/		0.200 CFS	01
37-00696	WHITE HORACE C.	04/01/1893	D/		0.600 CFS	01

APPROVED
AUG 26 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

CO-XXX
MR5813NP
SELECTION FILE: SLVCRK

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG/STS	POINT OF DIVERSION	TOTAL DIVERSION	WATER USES
37-00090A	BRETT CHARLES F.	06/30/1895	D/	01S 20E 36	0.400 CFS	01
37-00090C	HOFSTETTER WALTER J.	06/30/1895	D/	01S 20E 36	0.500 CFS	01
37-00090D	YOUNG JACK	06/30/1895	D/	01S 20E 36	0.700 CFS	01
37-00215G	MILLINGTON PATRICIA G.	06/15/1899	D/	01S 20E 26	2.400 CFS	01
37-00023	ALBRETHSON MARTIN	08/02/1902	D/		60.000 CFS	28
37-02145	HOOGMAN WILLIAM A.	05/22/1909	L/	02S 21E 31	25.000 CFS	28,43
37-04241	NORTH SIDE CANAL CO. LTD.	03/01/1910	S/	06S 14E 16	10.000 CFS	04
37-04240	NORTH SIDE CANAL CO. LTD.	03/01/1910	S/	05S 14E 22	25.000 CFS	04
37-02167	HOFSTETTER WALTER J.	03/04/1910	L/	01S 20E 36	0.510 CFS	01
37-02188	OSTERHOUSE G. W.	10/15/1911	L/	02S 21E 6	2.240 CFS	01,43
37-02278	HUNTER W. A.	12/14/1913	L/	02S 21E 6	0.320 CFS	01,43
37-02301A	STRUNK ROY	09/08/1914	L/	02S 21E 31	1.400 CFS	01,43
37-02301B	STRUNK ROY	09/08/1914	L/	02S 21E 31	0.200 CFS	01,43
37-02767	STRUNK D.C.	08/24/1916	L/	03S 21E 6	1.360 CFS	01,43
37-00936	LEWIS H. K.	05/01/1918	D/	02S 21E 29	325.000 AFA	02,03,44
37-00937	LEWIS LOIS	05/01/1918	D/	02S 20E 1	2.000 CFS	01,43
37-01213	BROADIE MOJ	11/07/1918	D/	02S 20E 1	1.000 CFS	01,43
37-00939	LEAZENBY GEORGE W.	08/01/1920	D/	01S 20E 36	1.000 CFS	01,43
37-01224A	HOFSTETTER WALTER J.	12/28/1932	D/	01S 20E 36	0.900 CFS	01
37-01224B	YOUNG JACK	12/28/1932	D/	01S 20E 36	0.700 CFS	01
37-04154	BROADIE MOJ	05/01/1970	S/	01S 20E 36	1.800 CFS	01
37-07728	STATE OF IDAHO	09/13/1978	L/	02S 21E 20	74.000 CFS	34

MISSING
AUG 26 1993

DATE: 05/01/92
TIME: 01:30:05
PAGE: 4

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

CD-XXX
WR5813NP
SELECTION FILE: SLVCRK

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG/STS	POINT OF DIVERSION	TOTAL DIVERSION	WATER USES
37-07850	SILVER FALLS RANCH	08/25/1980	A/	02S 21E 31 SWNE	39,000 CFS	28
37-07849	STATE OF IDAHO	08/26/1980	P/	02S 21E 20 NWSE	74,000 CFS	34
37-08726	SWANSON WILLIAM J.	03/27/1991	A/	01S 20E 26 NESES	2,500 CFS	16

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AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 6, 1992

RECEIVED
MAR 27 1992

Patricia G. Millington
P.O. Box 707
Picabo, ID 83348

Department of Water Resources

RE: Permit to Appropriate Water No. 37-8726 in the Name of
William J. Swanson

Dear Ms. Millington:

Thank you for your letter dated February 10, 1992. I am sending a copy of the letter to Mr. Swanson, along with a copy of this letter. Your letter will be made a part of our water right files.

I am also sending you a copy of a letter I recently mailed to Mr. Swanson. He is preparing a mitigation plan which he intends to submit within the next few weeks. I would be happy to send you a copy if you wish to review it.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region
William Swanson

Please note that I would appreciate a copy of the mitigation and any other correspondence/information pertaining to this.

*Patricia G. Millington
by Debbie Broadie, Sec.*

RECEIVED

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region
William Swanson

RECORDED
AUG 26 1993

SWANSON WILDLIFE SANCTUARY
GROUND-WATER SURFACE WATER RELATIONSHIPS
C.E. BROCKWAY P.E.

INTRODUCTION

The proposed wildlife sanctuary is located in Sec26 Township 1S Range 20E in Blaine County, Idaho. Specifically, it is located just south of Picabo, Idaho adjacent to Silver Creek between the creek and a draw locally referred to as Baker Canyon. The proposed wildlife sanctuary consists of riparian area including some designated wetlands(see report by W. Miller). This area normally experiences standing water in the late fall and winter, however, recent changes in land use in the recharge area of Silver Creek and drouth conditions have decreased ground-water levels in the area and surface water inflow to the wetlands area.

The proposed wildlife sanctuary would include construction of three shallow-wetland areas, a diversion from Silver Creek and surface return to the creek. The total length of the project is approximately 1500 feet,parallel to and on the north side of Silver Creek.

This report evaluates the hydrology of the site including ground-water relationships, losses from the proposed system and impact on Silver Creek flows.

SILVER CREEK-BIG WOOD RIVER HYDROLOGY

Silver Creek is a spring fed stream originating approximately three miles north and five miles west of the sanctuary site. The average annual flow distribution for discharge measured at the USGS gage near Sportsman's Access for the

AUG 26 1993

period of record, 1975 through 1991, is shown in Figure 1. Normal flows are approximately 190 cfs in the peak period from September through November and 140 cfs during the low flow period in May through July. Springs feeding Silver Creek are influenced by recharge to the Big Wood River-Silver Creek aquifer occurring primarily from deep percolation on irrigated lands. Significant changes in irrigation methods and irrigated area have occurred in the basin which have decreased spring flows with resultant decreases in Silver Creek flows. Figure 1 also shows the daily discharge for the drought year of 1977 compared with 1991 and the average period of record flows. Significant decreases in discharge are evident, especially the absence of significant surface runoff during the late winter period.

Two significant studies of the Big Wood River-Silver Creek water resources have documented the relationship between the water table aquifer underlying the area, an artesian aquifer present below the water table aquifer, and perched aquifers present in some areas. A University of Idaho report in 1978 outlined a ground-water model of the aquifer system and defined the relationships between undervalley flow from Big Wood River, recharge from irrigation diversions, crop evapotranspiration, and aquifer-stream relationships. A subsequent U.S. Geological Survey report in 1977 further defined the aquifer systems and spring flows. Figure 2, from that report, shows the approximate extent of the confined(artesian) aquifer system, the water-table aquifer, and a perched system in the southern part of the area near Picabo. The extent of these aquifers was determined from well drillers logs, shallow piezometers, and stream-flow reach gain analysis. Figure 3, also from the USGS report, shows the approximate locations of water table and piezometric head contours throughout the study area. The contours are consistent with the approximate location of the different

type aquifers in the area and show the Silver Creek main aquifer merging with the deeper Snake River Plain aquifer to the south.

Of particular interest for the proposed sanctuary project is the perched ground-water aquifer underlying the area near Picabo. The extent of this aquifer was defined by shallow piezometer water levels and observed standing water during the study period (1975) and as such is approximate as evidenced by the dotted outline for the area, Figure 2.

The presence of the perched ground-water system is consistent with the geology of Silver Creek and Baker Canyon tributary area. The canyon provides significant drainage area for runoff into the sanctuary area and may have provided a large part of the sediments which accumulated in that part of the perched aquifer zone. In addition, the basalt outcropping from the east into the Silver Creek drainage below the project area serves to impede shallow ground-water flow to the south and may account for the perched system under the sanctuary.

Measurements of losses and gains in Silver Creek were performed by the USGS to assist in defining the hydraulic relationship of the aquifer systems to the creek. Figure 4, from the USGS report, shows the results of three(3) reach-gain measurements during 1975 including a reach of the creek from near Picabo, approximately one mile above the proposed sanctuary area to just below the sanctuary. 9USGS page 39). This reach experienced a gain of 14 cfs and 13 cfs in late June and late September 1975 respectively and a loss of 9 cfs in May of 1975. These measurements indicate that in a normal year (1975) local recharge from irrigation and canal losses recharge the perched system which then feeds the creek during the summer and late fall. Perched ground-water levels then

decline somewhat as local recharge diminishes and show losses in the reach during the early spring. These measurements are consistent with measured ground-water level responses and observed standing water in the wetlands areas.

CURRENT STUDIES

Measurements of ground-water levels in the area of the proposed sanctuary were obtained in five (5) shallow test pits during the period November 21, 1990 through November 1, 1991. In addition, water level measurements were obtained in seven (7) shallow test holes on areas just north of the proposed site and on the east side of Silver Creek. These test holes showed as much as one (1) foot of standing water in the sanctuary area during the winter of 1990-91 and depths to water of up to 3.1 feet in the summer and early fall. These ground-water levels and observed seasonal fluctuations are consistent with the ground-water levels and response documented in the USGS report for the shallow ground-water systems. These measured elevations and corresponding elevations of Silver Creek water level elevations are shown on the attached table. It is apparent that the creek and local perched ground water are related and that the sanctuary site area is a part of the shallow perched system as estimated by the USGS.

Soils underlying the sanctuary site are fine grained sediments underlain by a clay pan formation. Soils from eight (8) test pits were logged which showed primarily silts to clayey silt loams underlying the area. Laboratory analysis of samples from the sanctuary area and adjacent wetlands showed clay percentages up to 19%. These fine grained sediments serve to perch the local water table above the deeper basalts, (USGS page 21). Examination of plant

species and soil profiles in the three wetlands areas and adjacent upstream areas indicates that these areas have normally been saturated to at least within 18 to 24 inches of the surface(W. Miller)

IMPACT OF PROPOSED SANCTUARY ON SILVER CREEK

It is proposed to maintain water levels in the three sanctuary wetlands areas by diverting up to ^{2.50}~~1.25~~ cfs when needed from Silver Creek with a return to the stream below the third wetlands area. Operating levels would be slightly above water levels in Silver Creek maintaining a positive gradient toward the creek from the wetlands areas.

Based on the soil particle analysis, test borings, ground-water elevations, and wetlands area areas, it estimated that the maximum seepage occurring from the system would be 12.5 miners inches and the open water evaporation is estimated at 0.9 miners inches for a total of 13.4 miners inches lost from the wetlands area system. This assumes maximum seepage occurs during the maximum evaporative demand which is not likely. During normal water supply periods when local perched ground-water is recharged from irrigation applications, the seepage losses will be minimal since the water levels in the wetlands areas and in the ground-water adjacent to the wetlands areas will be nearly equal.

The gradient of the water surface in Silver Creek as it leaves the sanctuary reach is steep compared to the gradient along the sanctuary reach and upstream. Therefore, the stream becomes more incised into the sediments as it flows south and the gradient from the perched aquifer toward the stream increases. Any seepage from the new wetlands areas which enters the perched water aquifer therefore has increased opportunity to return to the stream either along the

sanctuary reach or immediately downstream. During the low period for the local ground-water elevations (springtime) the amount of ground-water return to the creek will depend on the gradient toward or away from the stream.

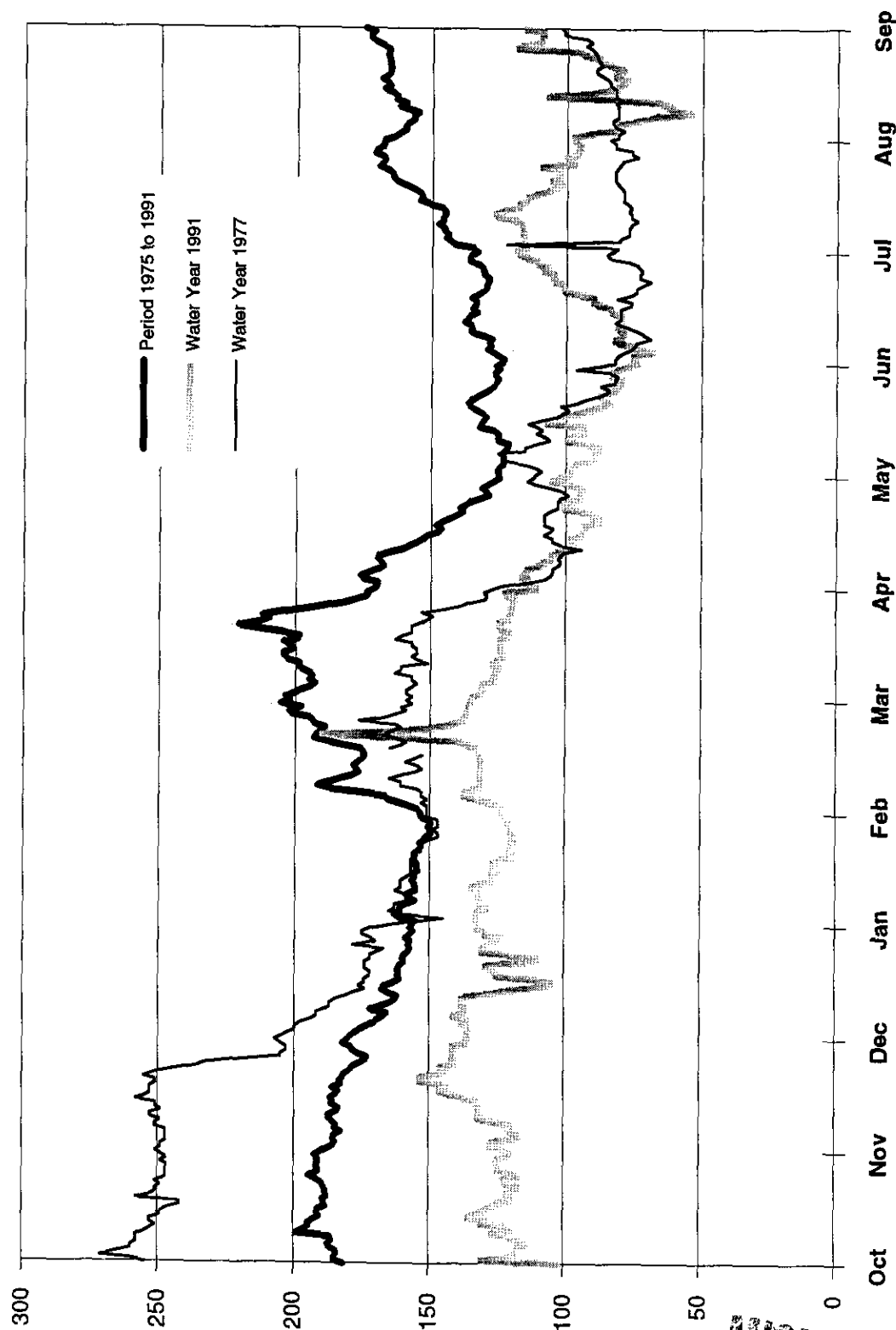
During the growing season, when perched ground-water levels are normally high, the net loss to the system as a result of the enhancement of the sanctuary wetlands with Silver Creek flows, will consist only of increased consumptive use as a result of maintaining slightly higher water levels in the wetlands. Since the total estimated evaporative loss is 0.9 miners inches from the open water surface of all three wetlands, the increased consumptive use will be less than 0.9 miners inches. The actual difference will depend on the difference in open water surface between normal ground-water supported open water and the open water planned for the project. This could be negligible in some years and in any case would be unmeasurable in Silver Creek. Also, the difference in evapotranspiration rates of current wetlands vegetation species and the ultimate project vegetation species will result in differences in consumptive use within the area.

SUMMARY

Because of the presence of the perched aquifer in the sanctuary area, net water lost to the Silver Creek system through seepage in the proposed wetlands areas will be negligible during the majority of the year when water levels in the perched aquifer are normally high. To the extent the water level elevations in the wetlands are maintained high during the springtime, some seepage losses from the wetlands will not return to the stream. Differences in evaporative losses between the current wetlands and proposed wetland areas will be significantly

less than 0.9 miners inches and in any case will not be measurable in Silver Creek.

**SILVER CREEK AT SPORTSMAN'S ACCESS
AVERAGE DAILY FLOW--CFS**



MICROFILMED

AUG 26 1993

SWANSON FIGURE 2

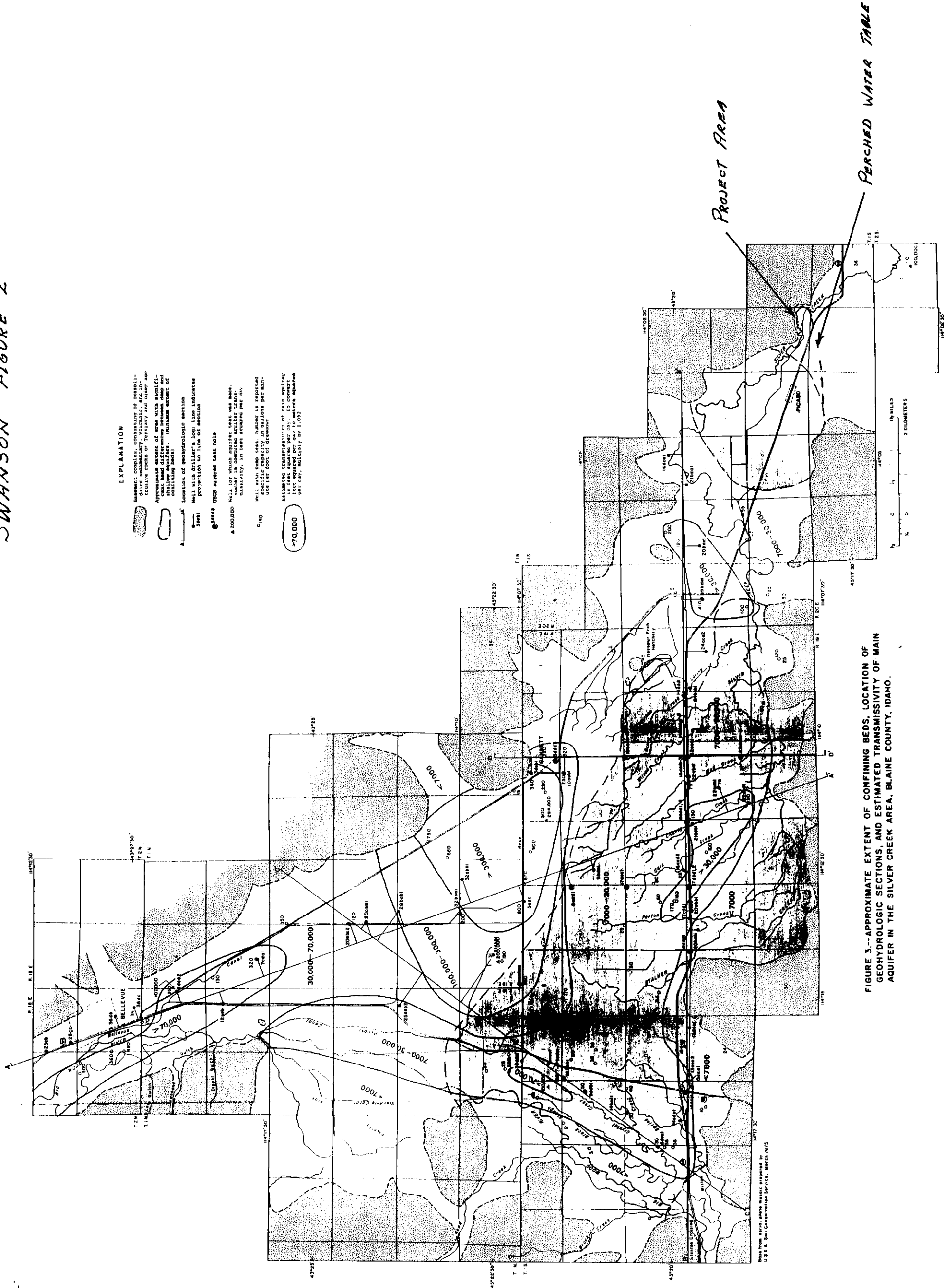


FIGURE 3--APPROXIMATE EXTENT OF CONFINING BEDS, LOCATION OF
GEOHYDROLOGIC SECTIONS, AND ESTIMATED TRANSMISSIVITY OF MAIN
AQUIFER IN THE SILVER CREEK AREA, BLAINE COUNTY, IDAHO.

---STAFFED IN CONNECTION WITH THE
STAFF EMPLOYMENT OF WATER RESOURCES





AERIAL PHOTOGRAPH
OCTOBER 10, 1950

16/10
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ATTACHMENT 6. AERIAL PHOTOGRAPH
AUGUST 11, 1969

ATTACHMENT 5. STREAM AND WETLAND HYDROLOGY.

WILL MILLER, N.S. ENVIRONMENTAL PLANNER
STREAM AND WETLAND MONITORING, SWANSON: WETLAND ENHANCEMENT PROJECT, 1/1/91, H203.VK1

WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	0.1	4819.9	4821.4	-0.2	4819.6	4820.8	
WETLAND 1	2	526	4817.0	4819.0	0.9	4819.9	4820.3	0.6	4819.6	4819.7	
WETLAND 2	3	609	4816.2	4818.3	1.0	4819.3	4819.5	0.7	4819.0	4818.9	
WETLAND 3	4	628	4815.7	4817.7	1.0	4818.7	4819.4	0.8	4818.5	4818.8	
WETLAND 3	5	633	4815.7	4817.9	0.8	4818.7	4819.2	0.6	4818.5	4818.6	

WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	-0.6	4819.2	4820.5	-0.5	4819.3	4820.5	
WETLAND 1	2	526	4817.0	4819.0	0.2	4819.2	4819.4	-0.6	4818.4	4819.4	
WETLAND 2	3	609	4816.2	4818.3	0.2	4818.5	4818.6	-0.5	4817.8	4818.6	
WETLAND 3	4	628	4815.7	4817.7	0.2	4817.9	4818.5	-0.4	4817.3	4818.5	
WETLAND 3	5	633	4815.7	4817.9	0.0	4817.9	4818.4	-0.4	4817.5	4818.3	

WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	-1.3	4820.5	4819.5	-2.3	4817.5	4820.4	
WETLAND 1	2	526	4817.0	4819.0	-2.0	4817.0	4819.4	-2.7	4816.3	4819.3	
WETLAND 2	3	609	4816.2	4818.3	-2.0	4816.3	4818.6	-2.4	4815.9	4818.5	
WETLAND 3	4	628	4815.7	4817.7	-2.0	4815.7	4818.5	-2.8	4814.9	4818.4	
WETLAND 3	5	633	4815.7	4817.9	-2.1	4815.8	4818.3	-3.1	4814.8	4818.2	

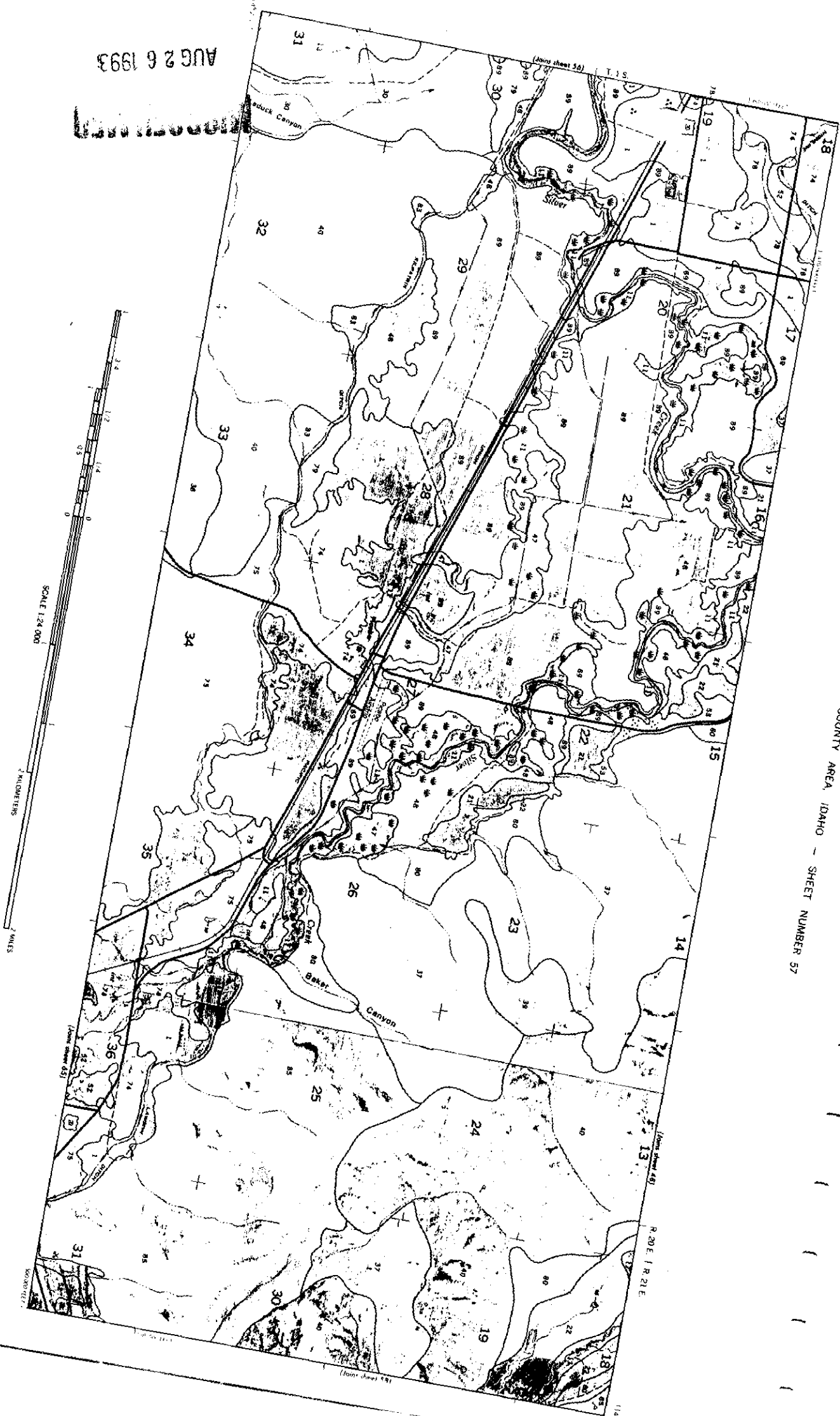
WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	-2.3	4817.5	4820.4	-2.3	4817.5	4820.4	
WETLAND 1	2	526	4817.0	4819.0	-2.7	4816.3	4819.3	-2.7	4816.3	4819.3	
WETLAND 2	3	609	4816.2	4818.3	-2.6	4815.7	4818.5	-2.8	4815.6	4818.5	
WETLAND 3	4	628	4815.7	4817.7	-2.8	4814.9	4818.4	-2.8	4814.9	4818.4	
WETLAND 3	5	633	4815.7	4817.9	-3.1	4814.8	4818.2	-3.1	4814.8	4818.2	

WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	-1.6	4818.2	4820.5	-0.8	4819.0	4820.9	
WETLAND 1	2	526	4817.0	4819.0	-2.5	4816.5	4819.4	-2.0	4817.0	4819.8	
WETLAND 2	3	609	4816.2	4818.3	-2.0	4816.3	4818.6	-2.0	4816.3	4819.0	
WETLAND 3	4	628	4815.7	4817.7	-2.8	4814.9	4818.5	-2.0	4815.7	4818.9	
WETLAND 3	5	633	4815.7	4817.9	-2.8	4815.1	4818.4	-2.0	4815.9	4818.7	

WETLAND #	TEST HOLE	SURVEY STAKE	WETLAND		WETLAND H2O DEPTH	WETLAND		RIVER H2O ELEVATION	WETLAND		RIVER H2O ELEVATION
			CLAYPAN	BOTTOM		H2O	H2O		H2O	H2O	
			ELEVATION	ELEVATION		ELEVATION	ELEVATION		DEPTH	ELEVATION	
WETLAND 1	1	507	4818.8	4819.8	-0.6	4819.2	4820.9	-0.6	4819.2	4820.8	
WETLAND 1	2	526	4817.0	4819.0	-1.2	4817.8	4819.8	-1.2	4817.8	4819.7	
WETLAND 2	3	609	4816.2	4818.3	-1.0	4817.3	4819.0	-1.0	4817.3	4818.9	
WETLAND 3	4	628	4815.7	4817.7	-1.1	4816.6	4818.9	-1.1	4816.6	4818.8	
WETLAND 3	5	633	4815.7	4817.9	-1.2	4816.7	4818.7	-1.1	4816.8	4818.6	

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ATTACHMENT 4. SOIL SURVEY OF BLAINE COUNTY AREA, IDAHO - SHEET NUMBER 57



AUG 26 1993

AUG 26 1993

HAILEY SE
FAIRFIELD

SCALE 1:4000

0 1 acre

10 acres

20 acres

Other information including a narrative report concerning the wetland resources depicted on this document may be available. For information, contact:

TECHNICAL RESPONSIBILITY	
TASK	NAME
FIELD	HAILEY SE
FAIRFIELD	FAIRFIELD
TOPO NAME	TOPO NAME
9 CABO, IDAHO	9 CABO, IDAHO
FWS ACCEPT	FWS ACCEPT
DATE	DATE
10-1-88	10-1-88
MAP PI OC	MAP PI OC
ZIS CORRECTION	ZIS CORRECTION
11-14-88	11-14-88
CONNECTION CHECK	CONNECTION CHECK
12-19-80	12-19-80

SYSTEM

SUBSYSTEM

1 - SUBTOTAL

2 - INTERTOTAL

3 - TOTAL

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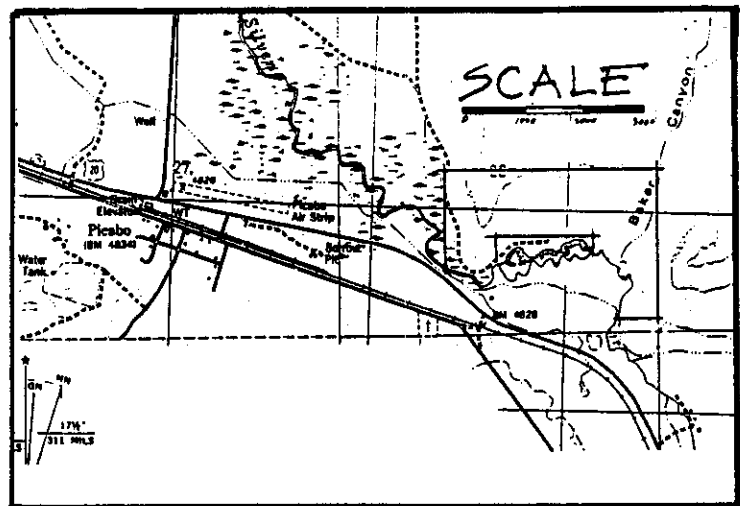
288 - TOTAL

289 - SUBTOTAL

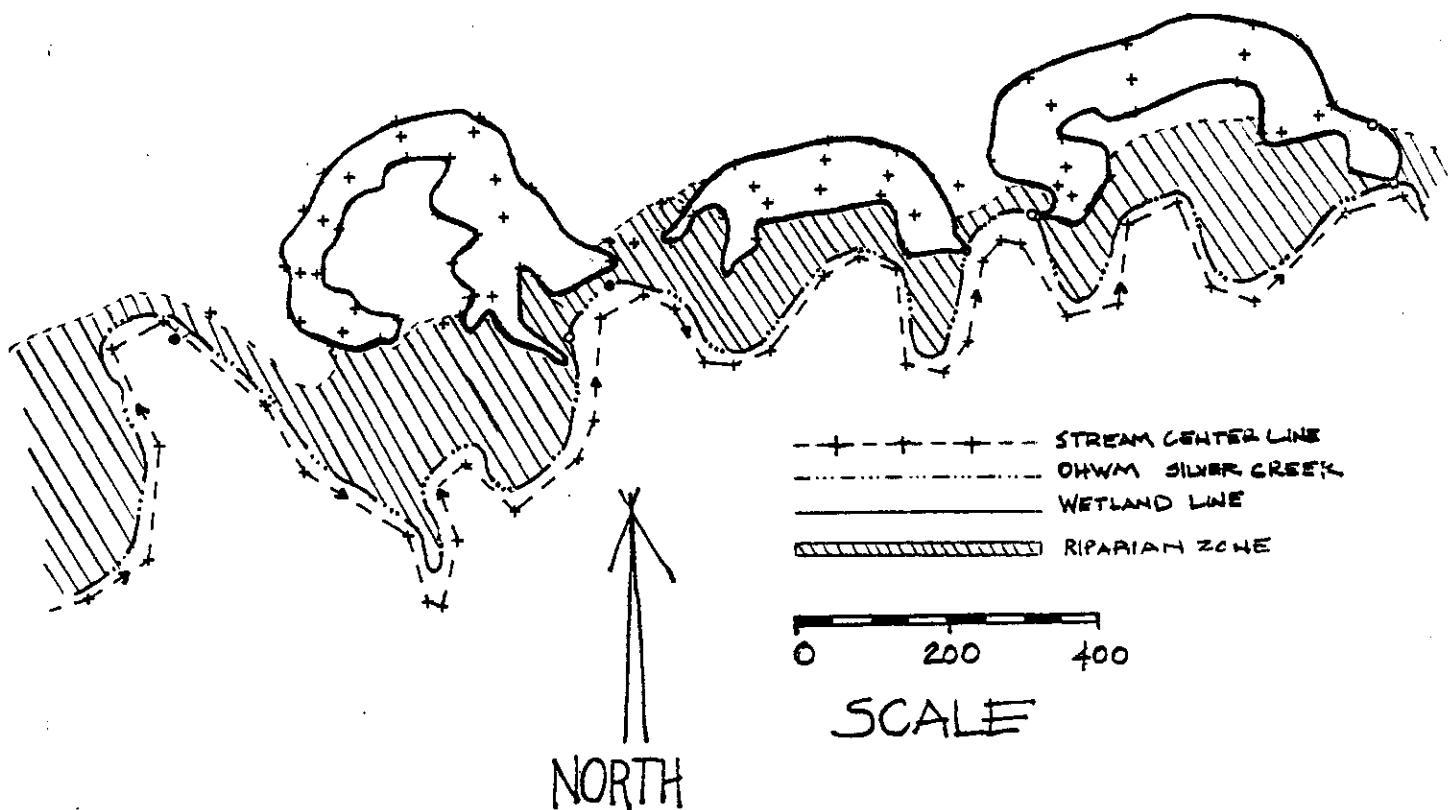
290 - INTERTOTAL

291 - TOTAL

ATTACHMENT 2. WETLAND AND RIPARIAN DELINEATION MAP.

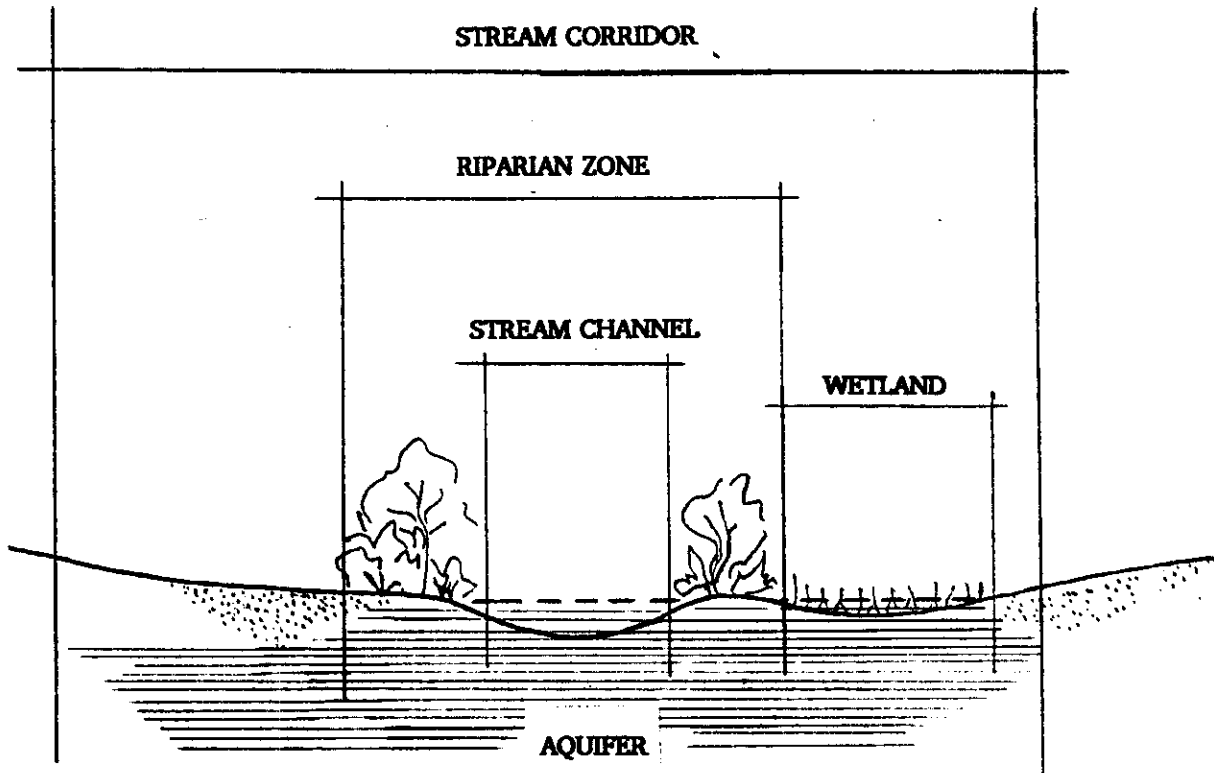


DELINEATION MAP



AUG 26 1993

— ATTACHMENT 1. STREAM CORRIDOR.



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Wetland hydrology was monitored in 1991 (Attachment 5). Water elevations in the wetlands ranged from +1.0 ft. to -3.1 ft. The highest levels were recorded in the winter. In late spring the surface and ground-waters dropped. The formation of streambank levees and changes in stream hydrology have isolated the wetlands from the normal flows of Silver Creek. During the summer of 1991, the elevation of Silver Creek fluctuated only 0.5 feet.

SUMMARY

The stream corridor is the result of the complex interaction of stream flow, shallow aquifer, the riparian zone and wetlands. The presence of the shallow aquifer supports the riparian zone and wetlands. Confirmation of the aquifer is supported by a broad riparian zone, the presence of functional wetlands, soils characteristics and ground-water hydrology.

Based on this information it seems probable that the ground-waters and surface waters of Silver Creek are hydrologically linked in the Swanson reach and that the projected wetland seepage losses are not lost from the "system."

AUG 26 1993

Inventory (NWI), classifies Wetland 1 as unconsolidated bottom, semipermanently flooded (PUBF) and Wetlands 2 and 3 as emergent, temporarily flooded (PEMA). The NWI classifies the riparian zone as forested, temporarily flooded (PFOA). The NWI uses analysis of high altitude aerial photographs. Systems are identified based on vegetation, visible hydrology and geography (Attachment 3).

Wetland vegetation includes: Tufted hairgrass, Nebraska sedge, Reed canary grass, Sedge, Rush and Willow. These plant communities normally occur on sites with soils saturated with water within 18 to 24 inches of the surface for most of the growing season. Hydric soils are present in all three wetlands. The soils are gleyed or mottled within 18 to 24 inches of the surface which indicates saturation during periods of the growing season.

All three wetlands are isolated from the surface flows of Silver Creek and are located up to 400 feet from the active stream channel. The presence of hydrophytic vegetation and hydric soils indicates that the wetlands are supported by ground-water. The northern boundary of the shallow aquifer is probably the northern edge of the wetlands.

SOILS CHARACTERISTICS

Soils in the Project Area are Bickett mucky peat. The Bickett soils are "very poorly drained" with "moderately slow permeability". It is characteristic of Bickett mucky peat to have a water table 6 inches above the surface to 6 inches below the surface. The SCS Soils Map For Blaine County delineates the presence of Bickett mucky peat in the entire the Project Area (Attachment 4).

The boundary of the shallow aquifer is probably similar to the SCS Map delineation for Bickett mucky peat #11. Approximately 1/2 mile downstream from the Project Area, Bickett mucky peat disappears from the stream corridor. At this point, the surface waters and ground-waters probably separate.

SURFACE AND GROUND-WATER HYDROLOGY.

The Project Area is located within The Ground Water Management Area (GWMA) as defined by the Idaho Department of Water Resources. This management policy states that there is evidence of hydrologic connection between ground-waters and surface waters in the Project Area.

A review of aerial photographs from 1950 through 1984 depicts the Project Area wetlands with standing water in the summer and fall months. The presence of the shallow aquifer upstream from the Project Area is evident from 1991 aerial photographs, aerial observations and the NWI. Standing water is evident year-round in these ponds and wetlands, with no stream connection evident.

AUG 26 1993

**WILL MILLER, M.S.
ENVIRONMENTAL PLANNER**

**SWANSON WETLAND ENHANCEMENT PROJECT
STRUCTURE AND FUNCTION OF THE STREAM CORRIDOR**

INTRODUCTION

This review will discuss my observations and research on the stream corridor through the Swanson property. The stream corridor consists of the stream channel, a shallow aquifer, the riparian zone, and wetlands (Attachment 1). The wetland component of the stream corridor is in functional and ecological decline. The formation of streambank levees, siltation from Silver Creek, and changes in basin hydrology have isolated the wetlands from surface water recharge. The wetlands continue to function as wetlands, only because of ground-water support.

The proposed Wetland Enhancement Project will restore and preserve the wetlands by removing siltation and supplementing surface flows. At issue, is if a shallow aquifer is present, if the surface waters and ground-waters are linked, and if seepage losses from the wetlands remain in the "system." It is my opinion, that all three conditions exist.

The presence and boundaries of the shallow aquifer are evident from the structure and boundaries of the riparian zone and wetlands, soils characteristics, and groundwater hydrology.

THE RIPARIAN ZONE

The Project Area contains 3.8 acres of riparian habitat. The riparian community is predominantly forested and is dominated by Water Birch and Red-Osier Dogwood. This "riparian community type" normally occupies streambanks and terraces immediately adjacent to streams with a water table depth between 15 to 40 inches.

The width of a riparian zone and its distance from the streambank is a good indicator of its water source. If a riparian zone is narrow and limited to the immediate streambank its water source is normally the stream channel. If a riparian zone is wide and not limited to the immediate streambank its water source may also include a shallow aquifer. In the Project Area, the riparian zone is broad and located up to 200 feet from the stream channel (Attachment 2). The riparian zone seems to be supported by a shallow aquifer.

THE WETLANDS

The definition of "wetland" generally includes those communities that are permanently inundated with water during most years. The Project Area contains three wetlands totaling approximately 2.7 acres in size (Attachment 2).

The wetlands meet federal definition according to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The wetlands possess all three essential characteristics: (1) hydrophytic vegetation, (2) hydric soils, and (3) hydrology. The National Wetland

AUG 26 1993

ATTACHMENT A. ESTIMATED EVAPOTRANSPIRATION (ET6.WK1)

WILL MILLER, M.S.
ENVIRONMENTAL PLANNER
SWANSON WETLAND ENHANCEMENT PROJECT

VEGETATION TYPE AND ET RANGE	EXISTING WETLAND (SATURATED)				EXISTING WETLAND (FLOODED)				ENHANCED WETLAND PROJECT			
	ET RATE IN/DAY	SURF AREA FT^2	ET RATE CFS	ET MINERS IN.	ET RATE IN/DAY	SURF AREA FT^2	ET RATE CFS	ET MINERS IN.	ET RATE IN/DAY	SURF AREA FT^2	ET RATE CFS	ET MINERS IN.
GRASSES												
LOW	0.206	80,000	0.0159	0.79	0.206	10,000	0.0020	0.10	0.206	9,000	0.0018	0.09
HIGH	0.252	80,000	0.0194	0.97	0.252	10,000	0.0024	0.12	0.252	9,000	0.0022	0.11
SEDGE/RUSH												
LOW	0.230	30,000	0.0067	0.33	0.230	30,000	0.0067	0.33	0.230	41,000	0.0091	0.45
HIGH	0.261	30,000	0.0076	0.38	0.261	30,000	0.0076	0.38	0.261	41,000	0.0103	0.52
BULRUSH/CATTAIL												
LOW	0.340	0	0.0000	0.00	0.340	0	0.0000	0.00	0.340	0	0.0000	0.00
HIGH	0.540	0	0.0000	0.00	0.540	0	0.0000	0.00	0.540	0	0.0000	0.00
WILLOW												
LOW	0.205	11,450	0.0023	0.11	0.205	11,450	0.0023	0.11	0.205	11,000	0.0022	0.11
HIGH	0.339	11,450	0.0037	0.19	0.339	11,450	0.0037	0.19	0.339	11,000	0.0036	0.18
OPEN WATER	0.204	0	0.0000	0.00	0.204	70,000	0.0138	0.69	0.204	65,000	0.0128	0.64
PROJECT SUMMARY		121,450				121,450				126,000		
SURFACE AREA		FT^2		ACRES								
EXISTING WETLANDS		121,450		2.79								
ENHANCED WETLANDS		126,000		2.89								
ESTIMATED PEAK ET												
EXISTING WETLANDS												
SATURATED		1.24	TO	1.54 MINERS IN.		0.025	TO	0.031 CFS				
FLOODED		1.23	TO	1.37 MINERS IN.		0.025	TO	0.027 CFS				
ENHANCED WETLANDS		1.29	TO	1.44 MINERS IN.		0.026	TO	0.029 CFS				

Sum of Low type vegetation
Sum of High type vegetation

AUG 26 1993.

WILL MILLER, M.S.
ENVIRONMENTAL PLANNER

SWANSON WETLAND ENHANCEMENT PROJECT
ESTIMATED EVAPOTRANSPIRATION

INTRODUCTION

Transpiration is the process by which water is evaporated from plants. In combination with evaporation the losses are referred to as **evapotranspiration** or **ET**. Transpiration is controlled by the same factors that dominate evaporation, namely, solar radiation, temperature, wind velocity and vapor pressure gradients. Transpiration follows a diurnal cycle, which is approximately that of light intensity. Daily transpiration patterns are directly correlated with increasing temperature, decreasing relative humidity, and increasing evaporation rates. Transpiration occurs during the initial green-up in the spring, peaks during mid season and declines after the first killing frost. Importantly, transpiration is significantly different among plant species.

EVAPOTRANSPIRATION RATES

ET rates are most commonly referenced to either pan evaporation or a reference crop. Studies of water use by hydrophytes began more than 70 years ago with Otis (1914) reporting water use by cattails which was 3 times that of evaporation from open water. Young and Blaney (1942) conducted studies on native vegetation and reported water use by hydrophyte stands which were 40% greater than open water. Anderson and Idso (1987) reported evapotranspiration from cattails ranged from 2 to 5 times open water. Results from Allen (1991) indicate evapotranspiration as much as 60% to 80% greater than evapotranspiration predicted for a uniform alfalfa crop.

Precise values for quantities of water transpired by different species of wetland plants are difficult to estimate, since numerous variables are active in the process and these range widely from one region to another. Specific research on ET rates and losses for wetland systems at Silver Creek was not identified. This review will provide estimates based on nonspecific research applied to environmental conditions at Silver Creek.

2 REFERENCE ?

EVAPOTRANSPIRATION ESTIMATES

Peak ET rates and consumptive losses were estimated for wetland vegetation types (grass, sedge/rush, bulrush/cattail, willow), and open water conditions. Peak ET losses from the existing wetlands, in a saturated (vegetated) condition and flooded (open water) condition, are similar, and range between 1.24 to 1.54 miners inches and 1.23 to 1.37 miners inches respectively. Peak ET losses from the proposed enhanced wetlands range between 1.29 to 1.44 miners inches. Estimated differences in peak ET rates and losses for the existing wetlands and enhanced wetlands are minimal (Attachment A).

RECEIVED

AUG 26 1993

REVISED DESIGN ESTIMATES SILVER CREEK WILDLIFE SANCTUARY

ESTIMATED POND EVAPORATION AND SEEPAGE
BILL SWANSON
C.E. BROCKWAY P.E.
REVISED 12/20/91

DIVERSION FROM SILVER CREEK FOR THREE WILDLIFE HABITAT SUPPLEMENT PONDS

EVAPORATION DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975

1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK-

CREEK TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976

LAKE OR POND EVAPORATION CALCULATED USING THE

KOHLER-NORDENSON-FOX PROCEDURE

NUMBER OF LOTS= 0

MAX. DIVERSION PER ACRE= 0 GPM USING SPRINKLERS

AVAILABLE DIVERSION RATE= 125 INCHES ESTIMATED <<<

ALL DITCHES HAVE 3 TO 1 SIDE SLOPES <<<

ALL DITCHES AND PONDS, UNLINED WITH COMPACTION IN PLACE

SEEPAGE RATES ESTIMATED FROM SOILS ANALYSIS OBTAINED FROM EACH POND

NUMBER OF PONDS= 3

MO.	PROJECT				PROJECT				PROJECT			
	AVG EVAP MM/ DAY	AVG EVAP IN/ DAY	TOTAL PRECIP MON. EVAP IN.	HAILEY IN.	AVG EVAP CFS	AVG EVAP GPM	AVG EVAP MIN.IN	PRECIP IN/ DAY	EVAP- PRECIP CFS	EVAP- PRECIP GPM	EVAP- PRECIP GPM	MIN. IN.
JAN	0.56	0.022	0.68	2.67	0.002	0.91	0.10	0.00	0.000	0.00	0.00	0.00
FEB	0.91	0.036	1.00	1.83	0.003	1.47	0.16	0.00	0.000	0.00	0.00	0.00
MAR	1.43	0.056	1.75	1.22	0.005	2.32	0.26	0.02	0.002	0.70	0.08	0.08
APR	2.29	0.090	2.70	1.07	0.008	3.71	0.41	0.05	0.005	2.24	0.25	0.25
MAY	4.32	0.170	5.27	1.47	0.016	7.00	0.78	0.12	0.011	5.05	0.56	0.56
JUN	5.19	0.204	6.13	1.39	0.019	8.41	0.94	0.16	0.014	6.50	0.72	0.72
JUL	5.19	0.204	6.33	0.47	0.019	8.41	0.94	0.19	0.017	7.79	0.87	0.87
AUG	4.55	0.179	5.55	0.69	0.016	7.37	0.82	0.16	0.014	6.46	0.72	0.72
SEP	3.96	0.156	4.68	0.71	0.014	6.42	0.71	0.13	0.012	5.44	0.61	0.61
OCT	2.07	0.081	2.53	0.76	0.007	3.35	0.37	0.06	0.005	2.35	0.26	0.26
NOV	1.01	0.040	1.19	1.44	0.004	1.64	0.18	0.00	0.000	0.00	0.00	0.00
DEC	0.63	0.025	0.77	2.48	0.002	1.02	0.11	0.00	0.000	0.00	0.00	0.00
MAX MON.			6.33	2.67	0.02	8.41	0.94	0.19	0.017	7.79	0.87	0.87
ANNUAL TOT.			38.59									
APR-SEP TOT.			30.67									

AUG 26 1993

REVISED DESIGN ESTIMATES SILVER CREEK WILDLIFE SANCTUARY

ESTIMATED POND EVAPORATION AND SEEPAGE
BILL SWANSON
C.E. BROCKWAY P.E.
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ALL DITCHES AND PONDS, UNLINED WITH COMPACTION IN PLACE

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NUMBER OF PONDS= 3

MO.	AVG EVAP MM/ DAY	AVG EVAP IN/ DAY	TOTAL MON. EVAP IN.	PROJECT				PROJECT				PROJECT			
				AVG EVAP CFS	AVG EVAP GPM	AVG EVAP MIN.IN	AVG EVAP DAY	PRECIP HAILEY IN.	PRECIP IN/ DAY	PRECIP CFS	PRECIP GPM	EVAP- PRECIP CFS	EVAP- PRECIP GPM	EVAP- PRECIP MIN.IN.	EVAP- PRECIP MIN.IN.
JAN	0.56	0.022	0.68	0.002	0.91	0.10	0.00	2.67	0.00	0.000	0.00	0.000	0.00	0.00	0.00
FEB	0.91	0.036	1.00	0.003	1.47	0.16	0.00	1.83	0.00	0.000	0.00	0.000	0.00	0.00	0.00
MAR	1.43	0.056	1.75	0.005	2.32	0.26	0.02	1.22	0.02	0.002	0.70	0.002	0.70	0.08	0.08
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JUN	5.19	0.204	6.13	0.019	8.41	0.94	0.16	1.39	0.16	0.014	6.50	0.014	6.50	0.72	0.72
JUL	5.19	0.204	6.33	0.019	8.41	0.94	0.19	0.47	0.19	0.017	7.79	0.017	7.79	0.87	0.87
AUG	4.55	0.179	5.55	0.016	7.37	0.82	0.16	0.69	0.16	0.014	6.46	0.014	6.46	0.72	0.72
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OCT	2.07	0.081	2.53	0.007	3.35	0.37	0.06	0.76	0.06	0.005	2.35	0.005	2.35	0.26	0.26
NOV	1.01	0.040	1.19	0.004	1.64	0.18	0.00	1.44	0.00	0.000	0.00	0.000	0.00	0.00	0.00
DEC	0.63	0.025	0.77	0.002	1.02	0.11	0.00	2.48	0.00	0.000	0.00	0.000	0.00	0.00	0.00
NOV MON.	0.63	0.025	0.77	0.002	1.02	0.11	0.00	2.48	0.00	0.000	0.00	0.000	0.00	0.00	0.00
ANNUAL TOT.			38.59	0.02	8.41	0.94	0.19	2.67	0.19	0.017	7.79	0.017	7.79	0.87	0.87
APR-SEP TOT.			30.67												

AUG 26 1993

FAX COVER LETTER

**WILL MILLER, M.S.
ENVIRONMENTAL PLANNER
PO BOX 1030
SUN VALLEY, IDAHO 83353
(208) 788-0034
(208) 788-0075 FAX**

TO:

Gary Spackman
Water Rights Permit Section
Idaho Department of Water Resources
Boise, Idaho 83720
Fax 327-7866

DATE: February 27, 1992

TOTAL NUMBER OF PAGES: (including cover) 3

RE: Permit to Appropriate Water No. 37-08726

COMMENTS:

Gary:

1. You will be receiving a Federal Express package today from Bill Swanson. The package contains Dr. Brockway's report on hydrology and my reports on evapotranspiration and the stream corridor.
2. As part of the additional research, Dr. Brockway revised the seepage estimates for the enhanced wetlands. The revised estimates are discussed in Dr. Brockway's report, but I am not sure if the spreadsheet is included in your package so I am faxing it now.

THANK YOU,



WILL MILLER

Please deliver these pages to the name shown above. If you do not receive all the pages indicated please call 208-788-0034.

MICROFILMED

AUG 26 1993

POND3.XLS

REVISED DESIGN ESTIMATES

SILVER CREEK WILDLIFE SANCTUARY

ESTIMATED POND EVAPORATION AND SEEPAGE

BILL SWANSON

C.E. BROCKWAY P.E.

REVISED 12/20/91

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0

MAX. DIVERSION PER ACRE=

0 GPM USING SPRINKLERS

AVAILABLE DIVERSION RATE=

125 INCHES ESTIMATED

ALL DITCHES HAVE

3 TO 1 SIDE SLOPES

ALL DITCHES AND PONDS, UNLINED WITH COMPACTION IN PLACE

SEEPAGE RATES ESTIMATED FROM SOILS ANALYSIS OBTAINED FROM EACH POND

NUMBER OF PONDS=

3

MO.	AVG		AVG		TOTAL PRECIP		PROJECT			PROJECT			PROJECT		
	EVAP	MM/	EVAP	IN/	DAY	MON.	AVG	EVAP	HAILEY	IN.	IN.	AVG	EVAP	PRECIP	MIN. IN.
JAN	0.56	0.022	0.68	2.67	0.002	0.91	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FEB	0.91	0.036	1.00	1.83	0.003	1.47	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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OCT	2.07	0.090	2.53	0.76	0.007	3.35	0.37	0.06	0.005	0.005	0.005	2.35	0.26	0.26	0.26
NOV	1.01	0.040	1.19	1.44	0.004	1.64	0.18	0.00	0.000	0.000	0.000	0.00	0.00	0.00	0.00
DEC	0.00	0.005	0.77	2.48	0.002	1.02	0.11	0.00	0.000	0.000	0.000	0.00	0.00	0.00	0.00
MAX MON.			6.33	2.67	0.02	8.41	0.94	0.19	0.017	0.017	0.017	7.79	0.87	0.87	0.87
ANNUAL TOT.			38.59												
APR-SEP TOT.			30.67												

AUG 26 1993

POND3.XLS

SYSTEM LOSS ESTIMATES

SILVER CR. WILDLIFE SANCTUARY

	L			AVG	SURF.		WET		WET	SEEP. RATE	VOL	IN-		SEEP. AGE	EVAP	
	FT	FT	FT	DEPTH	AREA	FT^2	AREA	FT^2	AREA	FT/D	FT^3	FLO	CFS	CFS	(MAX)	OUT-
DITCH TO POND 1	125	3	0.50		750	0.017	770	0.018	0.30	0.30	281	2.50	0.00267	0.00015	2.50	
POND 1			1.72		40700	0.934	44363	1.018	0.20	0.20	70004	2.50	0.10269	0.00802	2.39	
DITCH TO POND 2	111	3	0.50		666	0.015	684	0.016	0.30	0.30	250	2.39	0.00238	0.00013	2.38	
POND 2			2.32		16325	0.375	17794	0.408	0.35	0.35	37874	2.38	0.07208	0.00322	2.31	
DITCH TO POND 3	90	3	0.50		540	0.012	555	0.013	0.20	0.20	203	2.31	0.00128	0.00011	2.31	
POND 3			2.39		35500	0.815	38695	0.888	0.15	0.15	84845	2.31	0.06718	0.00700	2.23	
DITCH TO SILVER CR.	90	2	0.50		450	0.010	465	0.011	0.20	0.20	158	2.23	0.00108	0.00009	2.23	

PAGE 2

TOTAL

DITCH

POND3

** BASED ON SOIL PARTICLE SIZE AND CLASSIFICATION AND CLAYPAN DEPTH

PROJECT SEEPAGE LOSS =	0.249 CFS =	12.5 MINERS IN. =	112 GPM =	0.49 AF/DAY
PROJECT DESIGN EVAP LOSS =	0.019 CFS =	0.9 MINERS IN. =	8 GPM =	0.04 AF/DAY
PROJECT IRRIG. REQ'T =	0.000 CFS =	0.0 MINERS IN. =	0 GPM =	0.00 AF/DAY
TOTAL PROJECT WATER REQ'T =	0.268 CFS =	13.4 MINERS IN. =	120 GPM =	0.53 AF/DAY
PROJECT DIVERSION AVAILABLE =	2.500 CFS =	125.0 MINERS IN. =	1122 GPM =	4.96 AF/DAY
RETURN FLOW	2.232 CFS =	111.6 MINERS IN. =	1002 GPM =	4.43 AF/DAY

MAX POND TURNOVER TIME FOR ALL PONDS =

MAX TURNOVER TIME WITHOUT IRRIGATION =

22.6 HOURS TOTAL WATER REPLACEMENT

22.6 HOURS

OPEN TRAPEZOIDAL CHANNELS-UNIFORM FLOW

DITCH	SLOPE		SIDE	DESIGN	MANN.	AREA	WET		DIS-CHARGE	VEL	L		MIN	SLOPE	REQ'D	EQ'D
	FT	1:Z	FT	DEPTH	N	FT^2	PER	FT	CFS	FT/SEC	FT	FT	FT/FT	HEAD	FT	HEAD
S-1	4	3.00	0.5	0.025		2.75	7.16	2.50	0.91	125	0.0008	0.104	1.25			
1-2	4	3.00	0.5	0.025		2.75	7.16	2.39	0.87	111	0.0008	0.084	1.01			
2-3	4	3.00	0.5	0.025		2.75	7.16	2.31	0.84	90	0.0007	0.060	0.72			
3-S	2	3.00	0.5	0.025		1.75	5.16	2.23	1.28	90	0.0000	0.000	0.00			

AUG 26 1993

RECEIVED
FEB 26 1992

WILLIAM J. SWANSON
BOX 5129
KETCHUM, ID 83340

Department of Water Resources

February 24, 1992

Mr. Gary Spackman
Water Right Permit Section, Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

Dear Mr. Spackman,

Please find enclosed the reports from Dr. Brockway and Will Miller that we discussed at our last meeting.

It is my understanding from Dr. Brockway's report that the net water loss to the Silver Creek system through seepage in the proposed wetlands will be negligible during the majority of the year. In late spring, some seepage losses from the wetlands will not return to the stream.

I understand from Mr. Miller's report that peak evapotranspiration losses from the existing wetlands and the proposed enhanced wetlands are similar. Mitigation water for losses that currently exist should not be required.

In summary, our research suggests that the enhanced wetlands consumptive losses will be negligible during the majority of the year. Water will return to the system or will support the perched aquifer and riparian community. It is thus important to note that any seepage losses that may occur will continue to provide beneficial functions to the environment so that you should not have to require mitigation.

It has been established nationally that wetlands can't practically be created, but you can reasonably preserve, and supplement them. Thus my proposal to enhance and preserve the wetlands for wildlife habitat. I am prepared to pay for the construction outlined in my proposal. But I am not prepared to pay for water based on the principle that government also has a responsibility in preserving wetlands.

For one year and a half I have been paying engineers and consultants to study this project for multi government officials. I want to personally thank you for your excellent questions, observations, and suggestions in our November meeting. Hopefully my response will be adequate. May I suggest another meeting with you at your convenience if you feel it appropriate.

Sincerely,

Bill Swanson
William J. Swanson

AUG 26 1993

RECEIVED

PATRICIA G. MILLINGTON
P.O. BOX 707
PICABO, IDAHO 83348

FEBRUARY 10, 1992

FEB 12 1992

Department of Water Resources
Southern Region

DEPARTMENT OF WATER RESOURCES
ATTN: LOREN HOLMES
222 SHOSHONE ST. E.
TWIN FALLS, IDAHO 83301

RE: BILL SWANSON DUCK PONDS
PERMIT #378726

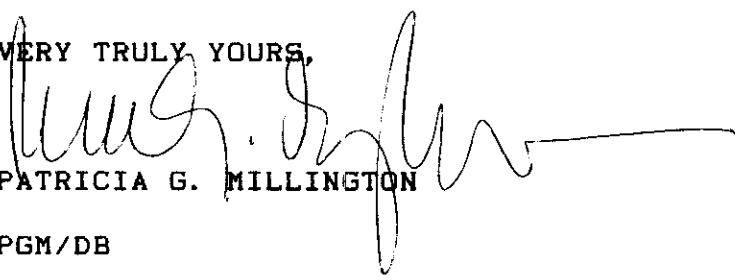
DEAR MR. HOLMES:

PLEASE BE ADVISED THAT I AM OPPOSED TO MR. SWANSON'S PERMIT #378726 FOR 2.5 CFS TO OBTAIN WATER FROM SILVER CREEK TO SUPPLY HIS DUCK PONDS. WE ARE FACING ANOTHER SHORT WATER YEAR, AND THE WATER NEEDS TO BE USED ON CROPS, NOT TO DEVELOP A DUCK POND.

I FEEL THAT AFTER CAREFULLY STUDYING THIS MATTER, YOU WILL FIND THAT WE HAVE PLENTY OF DUCK PONDS AND THAT THE CROPS NEED THE WATER.

IF YOU HAVE ANY QUESTIONS TO THIS PROTEST, FEEL FREE TO CONTACT ME AT 788-2590.

VERY TRULY YOURS,


PATRICIA G. MILLINGTON

PGM/DB

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1992

William J. Swanson
P.O. Box 5129
Ketchum, ID 83340

Re: Application for Permit to Appropriate Water No. 37-08726

Dear Mr. Swanson:

I have received from our southern region office Application for Permit No. 37-08726, which proposes diversion of 2.5 cfs from Silver Creek for wildlife purposes. The application proposes the construction of three wetland areas, and the diversion of 2.5 cfs for maintenance of water levels in the wetlands.

I recall meeting with you and Will Miller and discussing this particular project, as well as another project located a short distance upstream. At the conclusion of our conversation, we agreed that you would submit a plan of mitigation before this application could be approved. I have read through all the supporting documents, and find no plan of mitigation. In fact, the information contained in the files shows that there will be a loss of approximately 0.35 cfs to the flows of Silver Creek. The loss analysis does not include the additional water which might be consumed by phreatophyte plants that will be encouraged by the construction of the wetlands.

Without further information in the file, I am inclined to recommend rejection of the application. If you wish to submit additional information, I will grant you another sixty (60) days to prepare the information and submit it to this office. If the information has not submitted by April 10, 1992, the Department will act to remove the application from its records.

Respectfully,

Gary Spackman
Water Rights Permit Section

C: Doug Jones, IDWR - Southern Regional Office
C: Loren Holmes - IDWR - Southern Regional Office
C: Will Miller

AUG 26

APPLICATION FOR PERMIT REVIEW

Application #: 37-8726
Date: 01-09-92

Reviewer: Pam Skaggs *CS*

✓Existing:

✓No

Complete in 1 year -

26A-P17

P16

Yes

Proof not submitted -

P16

Proof submitted -

N/A

Groundwater:

GT. 0.2 cfs -

01G-P03, 01C-P03(existing well)

LT. 0.2 cfs -

N/A

Drilling Permit:

Approved w/permit -

P99

Not included -

046-P23(All GW, even existing wells)

✓Location:

✓Water Districts -

WD No. 37M

✓Surface water -

005, 005-01H-P01(LT.2 w/pump)

005-01J-P08(GT.2)

Groundwater -

P05

Irrigation Districts -

023

Canal Co. Areas -

023

Drainage Districts -

024

Boise Front (63) -

058 (Groundwater)

✓Swan Falls Flag -

W (1, Blank or Other)

✓Trust *Exempt* -

051-052-053-P74(Consumptive Uses)

Non Trust -

048-049

River Basins:

(Surface Water)

Water District Control Condition &....

Boise (63) -

05A & 11E

Payette (65) -

047-P04, 059-P71

Snake (01, 02 & 03) -

11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation -

06A, 09E-P10 & 010 (WQ/Choose One),

042(req.), 002-P06(MD), 07A(Spec.),

044(Policy 5G)

Power -

Use Power Review

Mining -

06A, 010, or 09E-P10 & 054(req.)

Storage -

18A-for multiple measuring devices(In WD),

18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic -

021(restricted areas)

Ownership:

Non land owner -

004

Protested:

Agreement -

020

✓Beneficial Use Due Date: -

01-02-1995

✓Other Conditions Recommended

0.30 Stream Alt.

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET SWANSON, WILLIAM J.

INITIAL REVIEW BY DRJ DATE 4/30/91 APPLICATION NUMBER 37-08726

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 3/27/91

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☒ Yes ☐ No Field check required
☐ Field check by DRJ
☒ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☐ Yes ☐ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

RECEIVED
DEC 10 1991

Department of Water Resources

SWAN FALLS HOLD? No

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

SEND COPIES TO _____ Idaho Dept. of Health & Welfare _____ U.S. BLM
 _____ Idaho Dept. of Fish & Game _____ U.S. Forest Service
 _____ Idaho Dept. of Lands _____ Water District
 _____ Adjudication Bureau Unit _____ Other 37M

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

26A, 25 (37M, S/neck at Little Howard Rd) OJ, 45, 30
See below for additional information

STATE OFFICE REVIEW

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

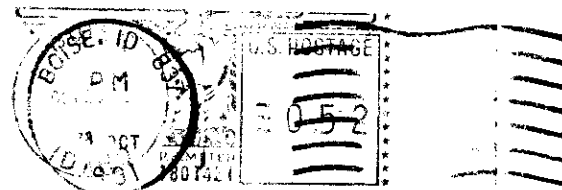
Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265
CENPW-OP-RF



IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION
DEPT OF WATER RESOURCES
222 SHOSHONE STREET E
TWIN FALLS ID 83301

UNRECORDED

AUG 26 1993



US Army Corps
of Engineers

Walla Walla District
Bldg. 602, City-Cnty Airport
Walla Walla, WA 99362-9265

Public Notice of Application for Permit

RECEIVED
OCT 28 1991

Department of Water Resources
Western Regional Office

RECEIVED

OCT 29 1991

Department of Water Resources
Southern Region Office
30-Day Notice

REFERENCE NO. 071-OYC-4-004383

NAME Bill Swanson

PUBLIC NOTICE DATE October 25, 1991

EXPIRATION DATE November 25, 1991

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan(s).

APPLICANT - Mr. Bill Swanson, Post Office Box 5129, Ketchum, Idaho 83353, telephone (208) 726-5201. For further information, contact Mr. Will Miller, Post Office Box 1030, Sun Valley, Idaho 83353, telephone (208) 788-0034. For information from the Corps of Engineers, contact Mr. William E. McDonald at (509) 522-6723.

LOCATION - Silver Creek and adjacent wetlands, Sec. 26, T.1S., R.20E., Boise Meridian, near Picabo, in Blaine County, Idaho.

WORK - Place approximately 650 cubic yards of silt loam material in approximately 0.3 acres of wetlands to construct eight berms to impound water and create three open water ponds. Place concrete and riprap in Silver Creek to construct an inlet structure to divert water into the proposed ponds. An outlet weir will be constructed in Berm 8. Location and description as shown on the attached drawing sheets.

PURPOSE - To enhance waterfowl habitat.

ADDITIONAL INFORMATION - Applicant will excavate approximately 2,600 cubic yards of silt loam material from three existing wetland areas adjacent to Silver Creek to provide necessary water depth in the proposed ponds. A portion of this material will be used to construct the proposed berms. Berms will be contoured to match existing basin and bank configurations. Each berm will be compacted and vegetated with native wetland and upland grasses. The surplus material will be deposited in uplands, compacted, and planted with vegetation.

WATER QUALITY CERTIFICATION - This will also serve as public notice of the intent of the Idaho Department of Health and Welfare, Statehouse, Boise, Idaho 83720, to consider certifying that the project or discharge herein will not violate existing water quality standards and that the permit will

AUG 26 1993

not be issued until such certification, as required by Section 401 of the Clean Water Act, has been issued or waived by the State of Idaho.

CULTURAL RESOURCES - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

ENDANGERED SPECIES - Coordination was conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat. The U.S. Fish and Wildlife Service identified a bald eagle wintering site within the project area. It is our preliminary determination that this project will have no effect on bald eagles.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344).

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

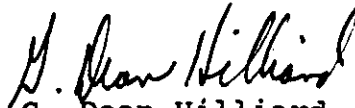
CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

APPROVED

AUG 26 1993

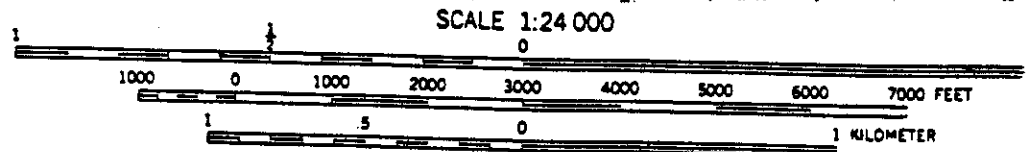
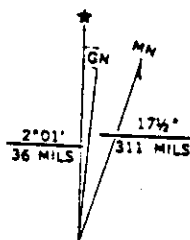
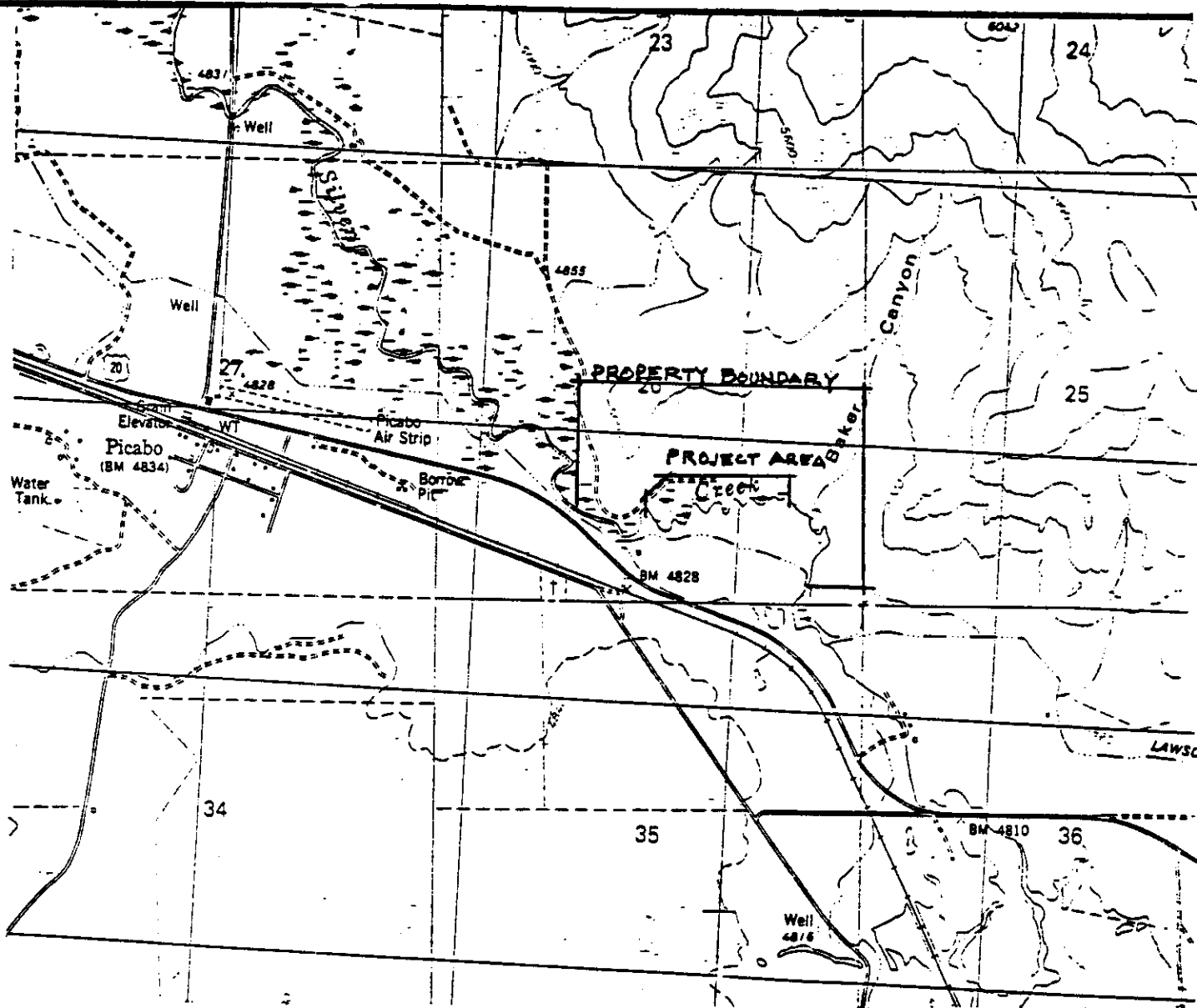
PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. Comments should be mailed to: District Engineer, Walla Walla District, Corps of Engineers, ATTN: NPWOP-RF, Walla Walla, Washington 99362. Comments must be postmarked not later than the expiration date of this notice to receive consideration. Lack of response within the designated comment period, or responses received which do not present specific reasons for delaying final action on this permit application will be considered as no objection to the activity described herein.



G. Dean Hilliard
Chief, Regulatory Branch

FILED
AUG 26 1993

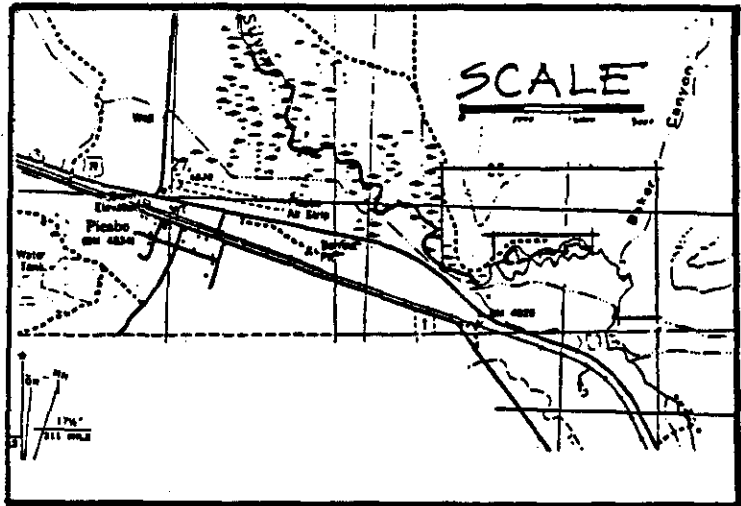


SCALE 1:24 000
 CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

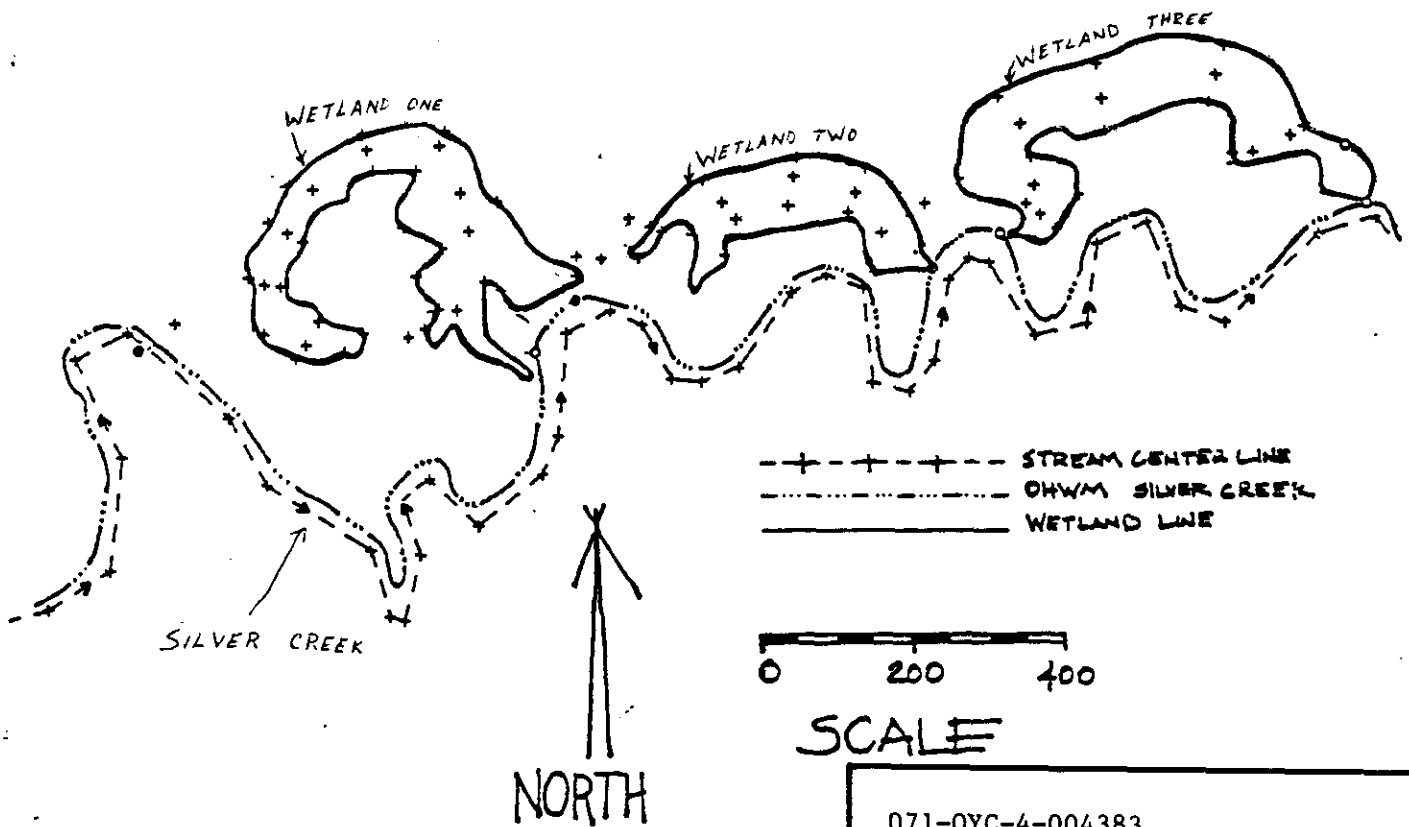
UTM GRID AND 1979 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET
DATUM PLANE: IF NOT NGVD 1929, SPECIFY
 a. HIGH WATER
 b. LOW WATER

071-OYC-4-004383
 IN SILVER CREEK AND ADJ WETLANDS
~~IN~~/NEAR PICABO
 BLAINE COUNTY, IDAHO
 DATE: SHEET 1 OF 10
 APPLICATION BY: BILL SWANSON

AUG 26 1993

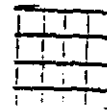


DELINEATION MAP

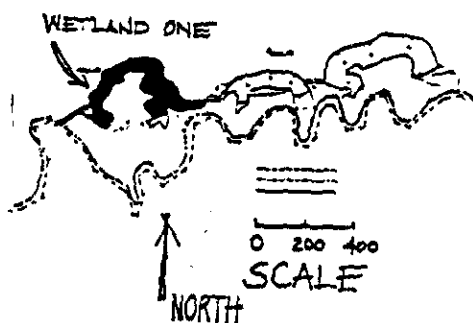
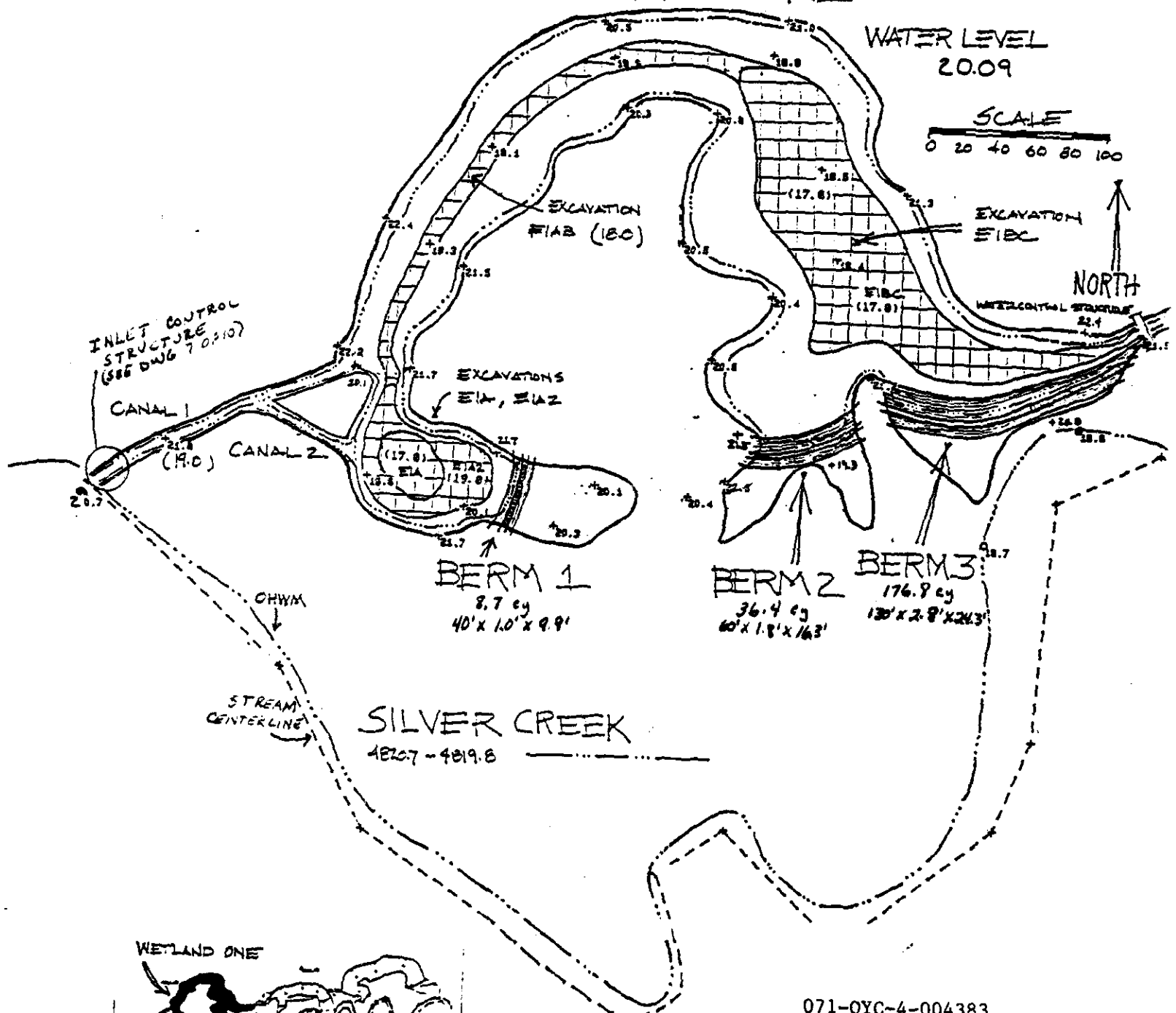


AUG 26 1993

071-OYC-4-004383
 IN: SILVER CREEK AND ADJ WETLANDS
 NEAR PICABO
 BLAINE COUNTY, IDAHO
 DATE: SHEET 2 OF 10
 APPLICATION BY: BILL SWANSON



WETLAND ONE



071-OYC-4-004383
PROPOSED WETLAND BERNs

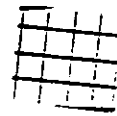
SILVER CREEK
BLAINE COUNTY

PICABO, IDAHO

APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

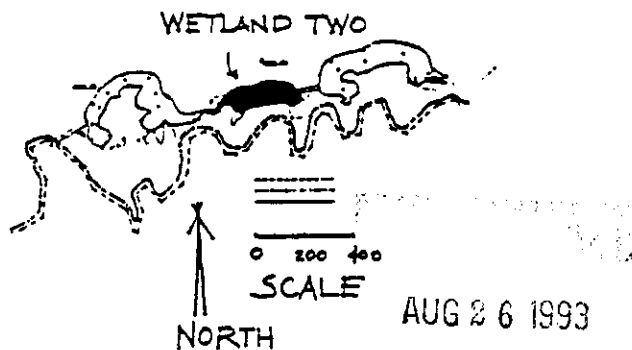
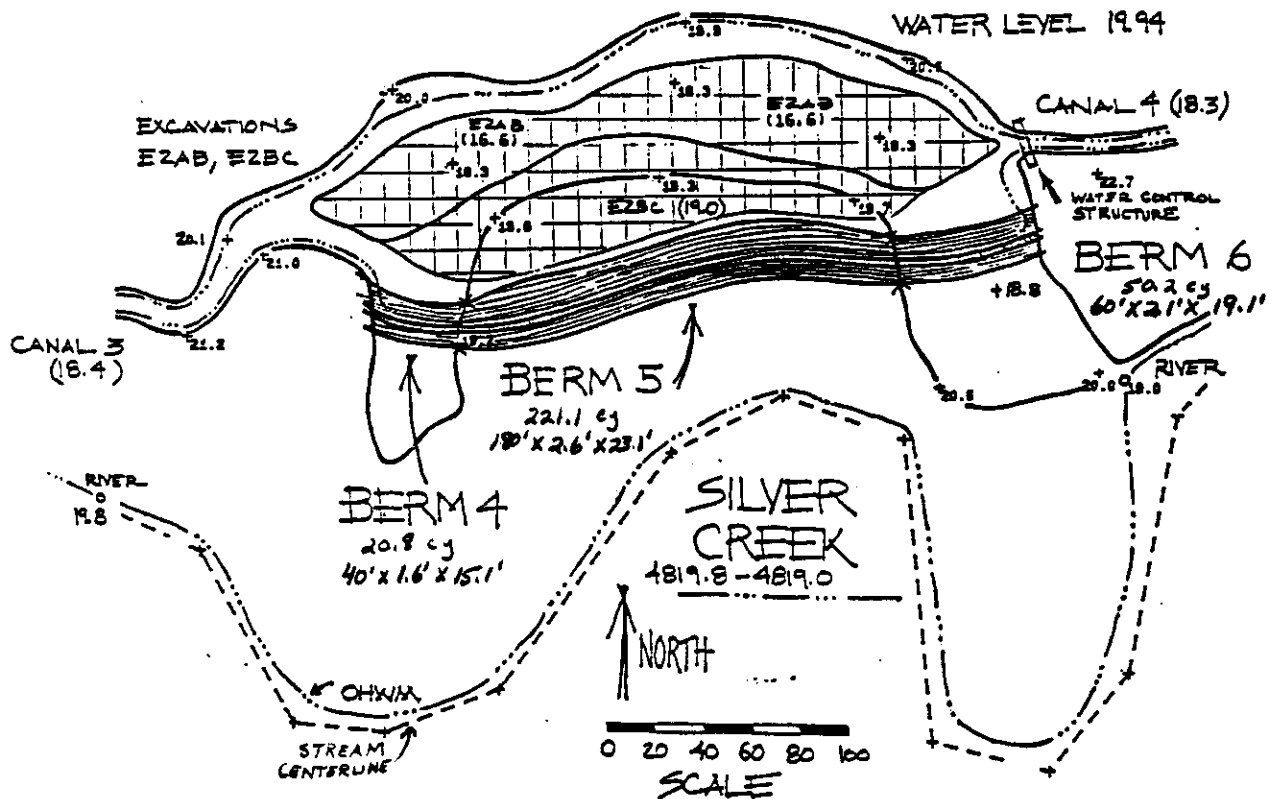
SHEET 3 OF 10
BERMS 1, 2 AND 3

AUG 26 1997



AREA TO BE EXCAVATED

WETLAND TWO



071-OYC-4-004383

PROPOSED WETLAND BERMS

SILVER CREEK PICABO, IDAHO
BLAINE COUNTY

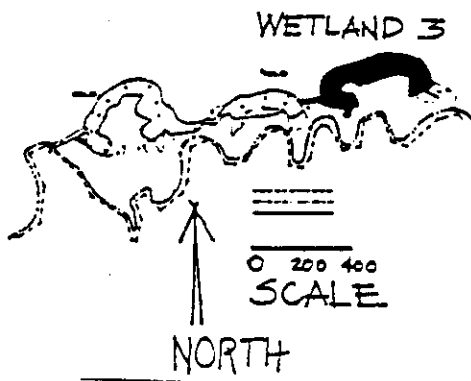
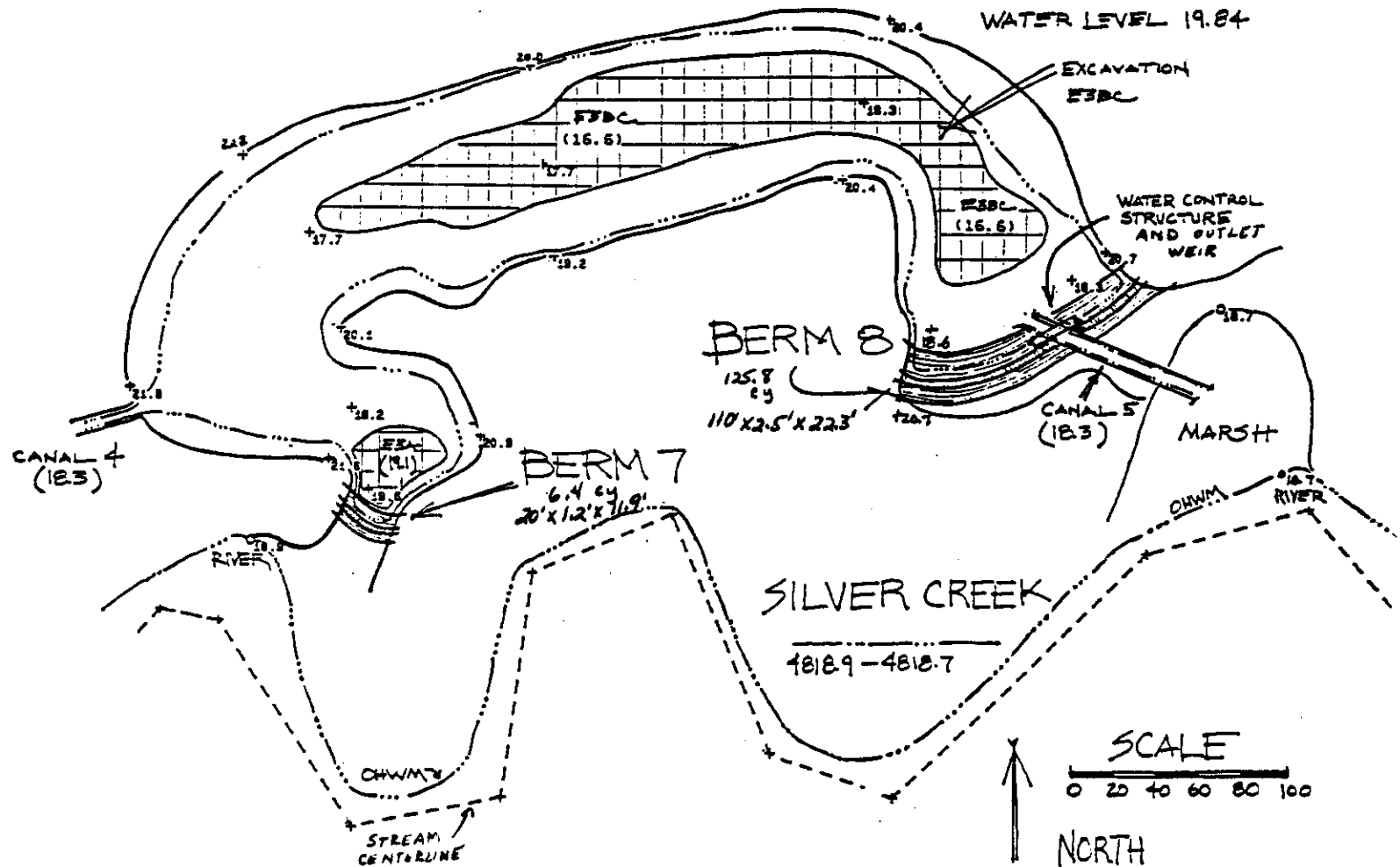
APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

SHEET 4 OF 10
BERMS 4, 5 AND 6



AREA TO BE EXCAVATED

WETLAND THREE



071-OYC-4-004383
PROPOSED WETLAND BERMS

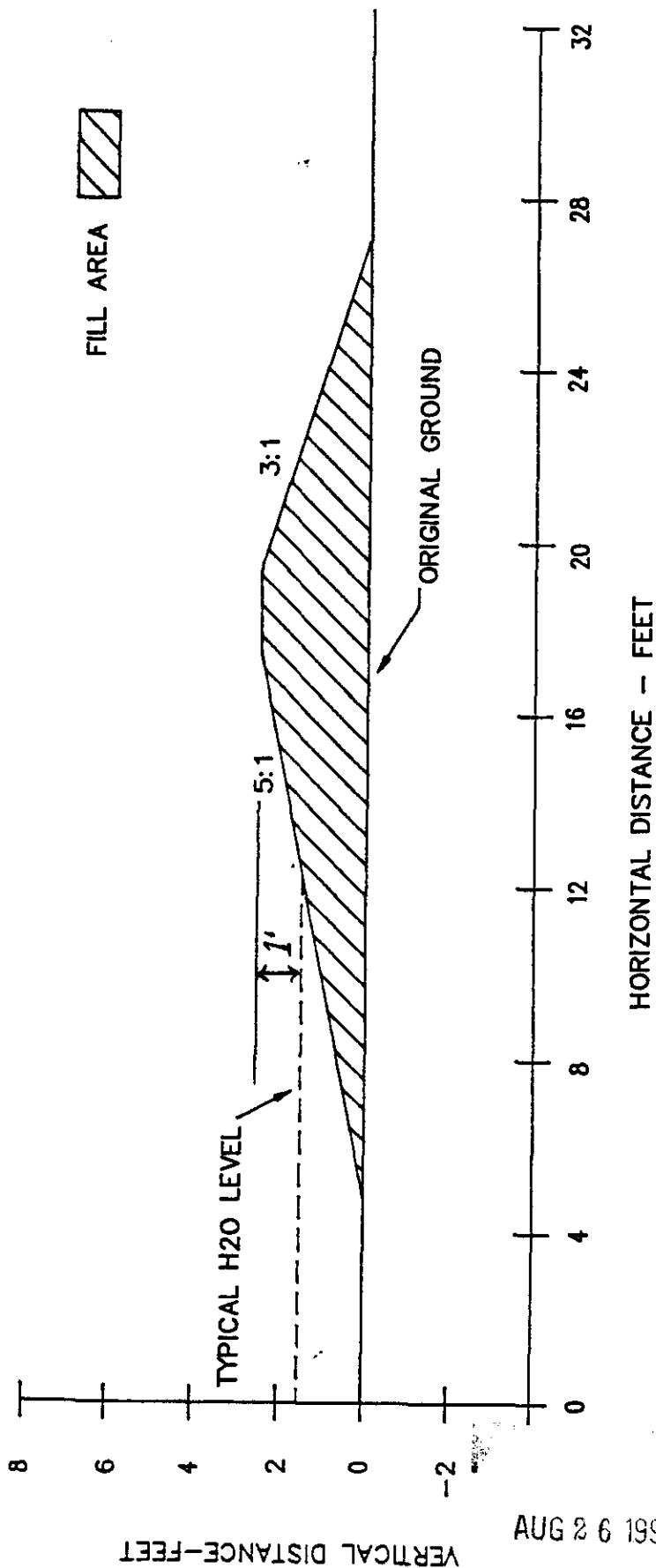
SILVER CREEK PICABO, IDAHO
BLAINE COUNTY

APPLICATION BY BILL SWANSON
FEBRUARY 4, 1991

SHEET 5 OF 10
BERMS 7 AND 8

AUG 26 1993

TYPICAL WETLAND BERM SWANSON WILDLIFE SANCTUARY SILVER CREEK, IDAHO SCALE 1" = 4'



PREPARED BY
 GALENA ENGINEERING
 KETCHUM, IDAHO
 JAN. 1991

071-OYC-4-004383

IN: SILVER CREEK AND ADJ WETLANDS
 NEAR PICABO

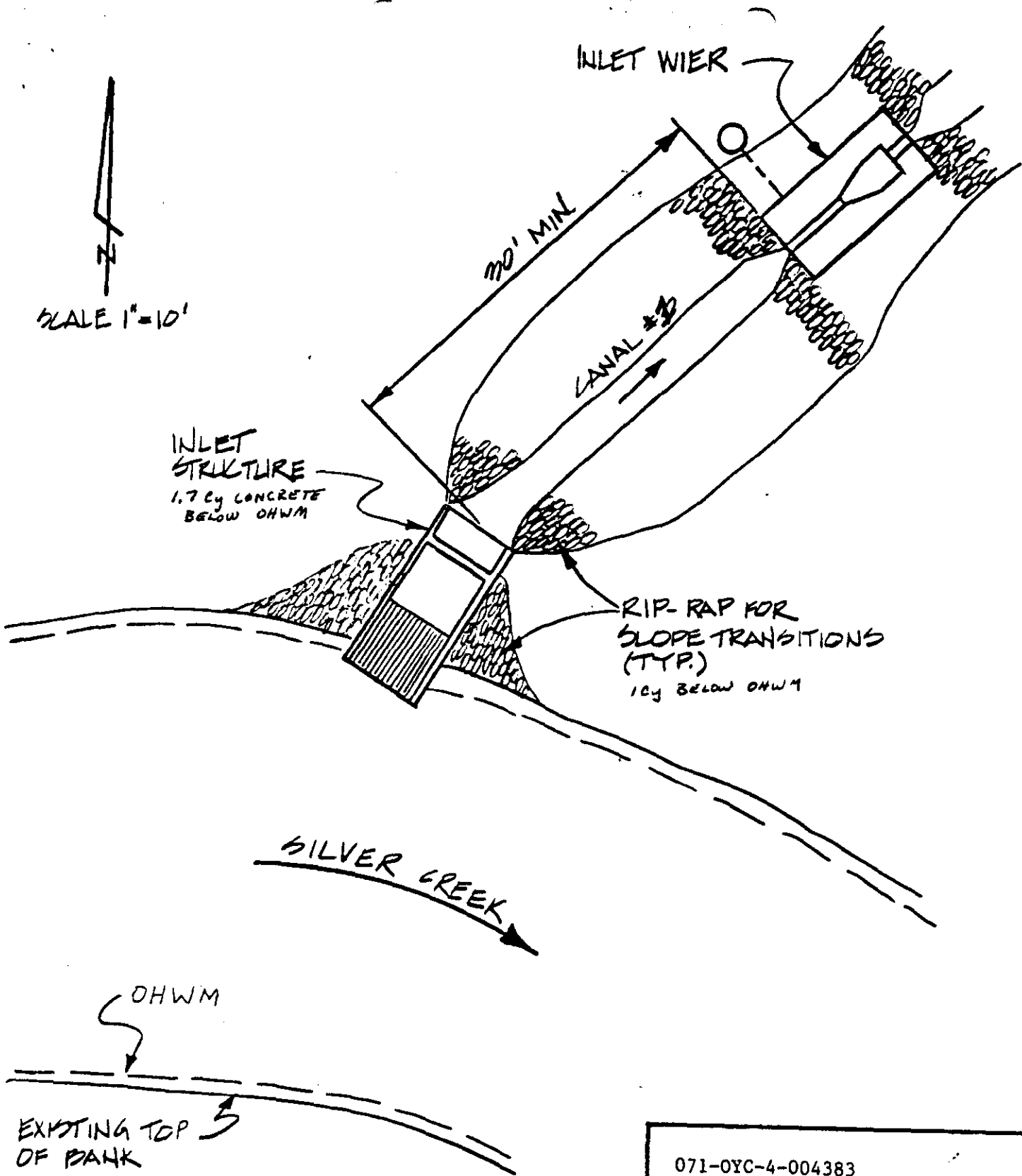
BLAINE COUNTY, IDAHO

DATE: SHEET 6 OF 10

APPLICATION BY: BILL SWANSON

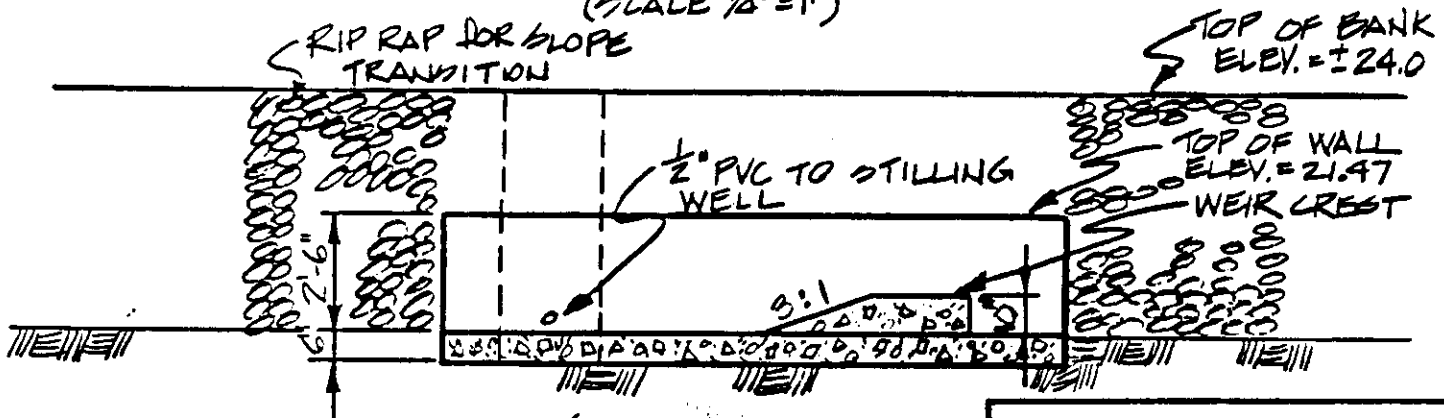
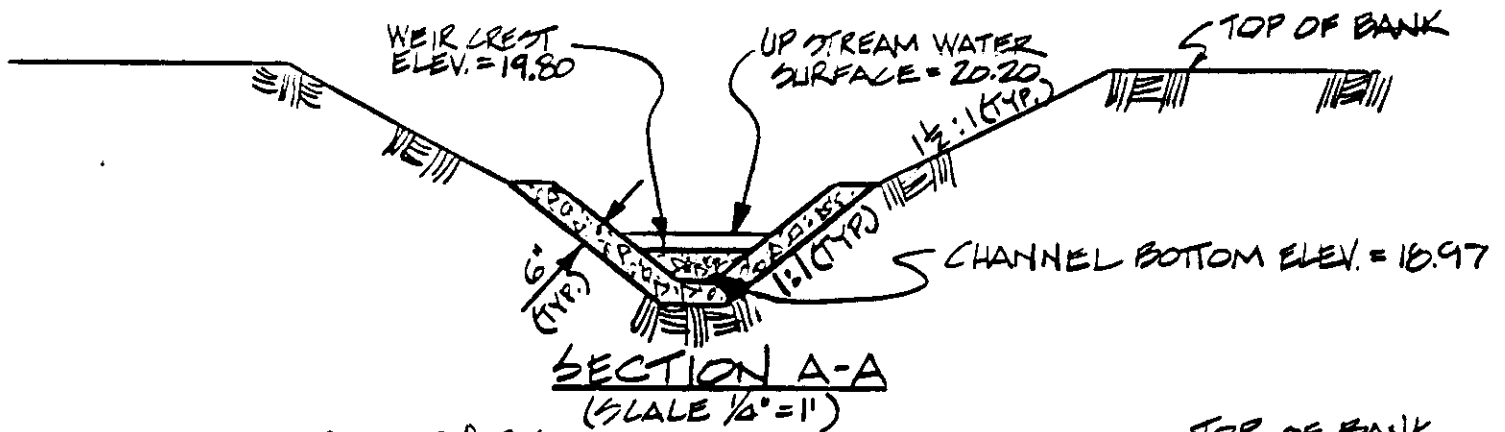
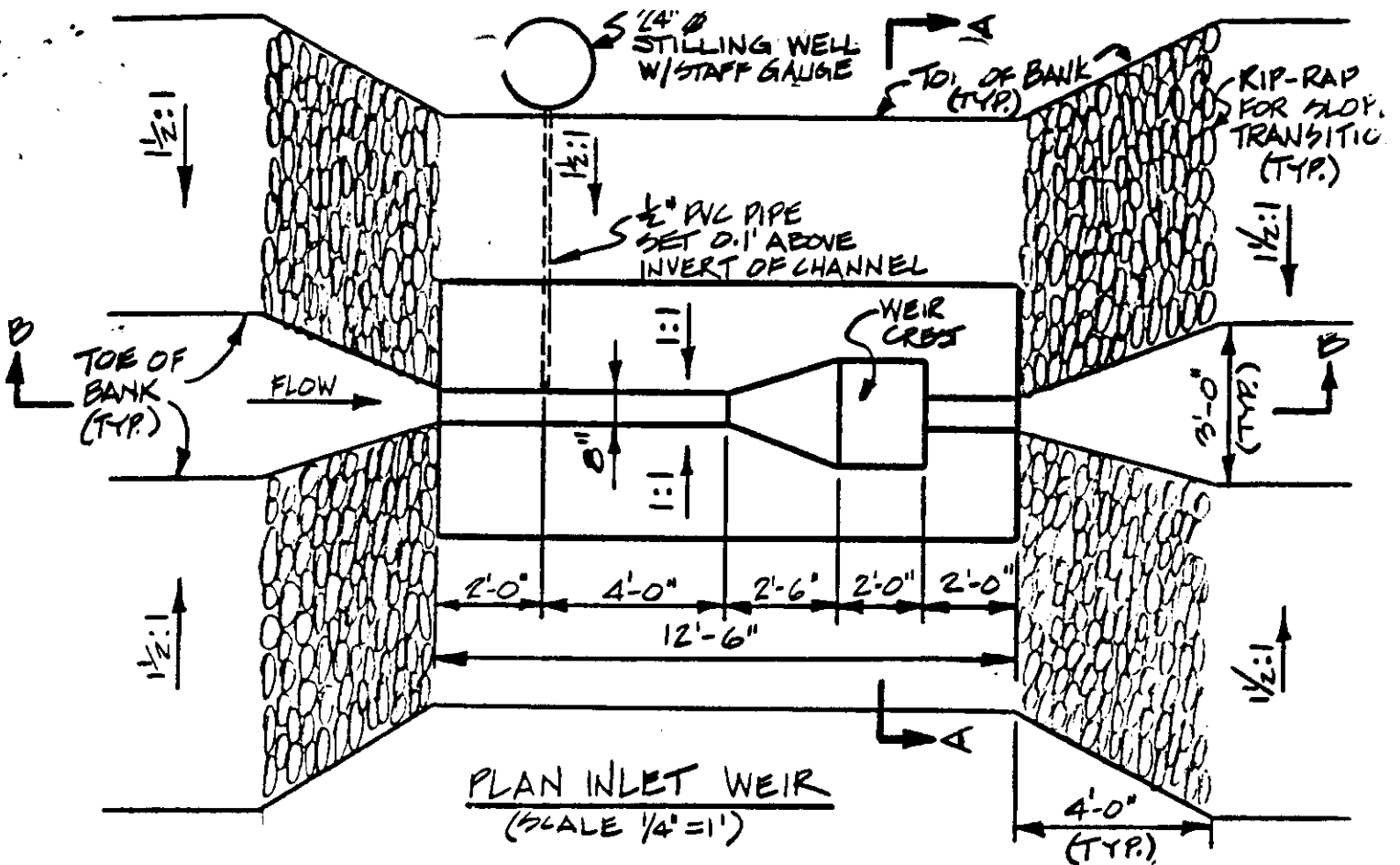
AUG 26 1993

SCALE 1"=10'



071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
~~XXX~~ NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 7 OF 10
APPLICATION BY: BILL SWANSON

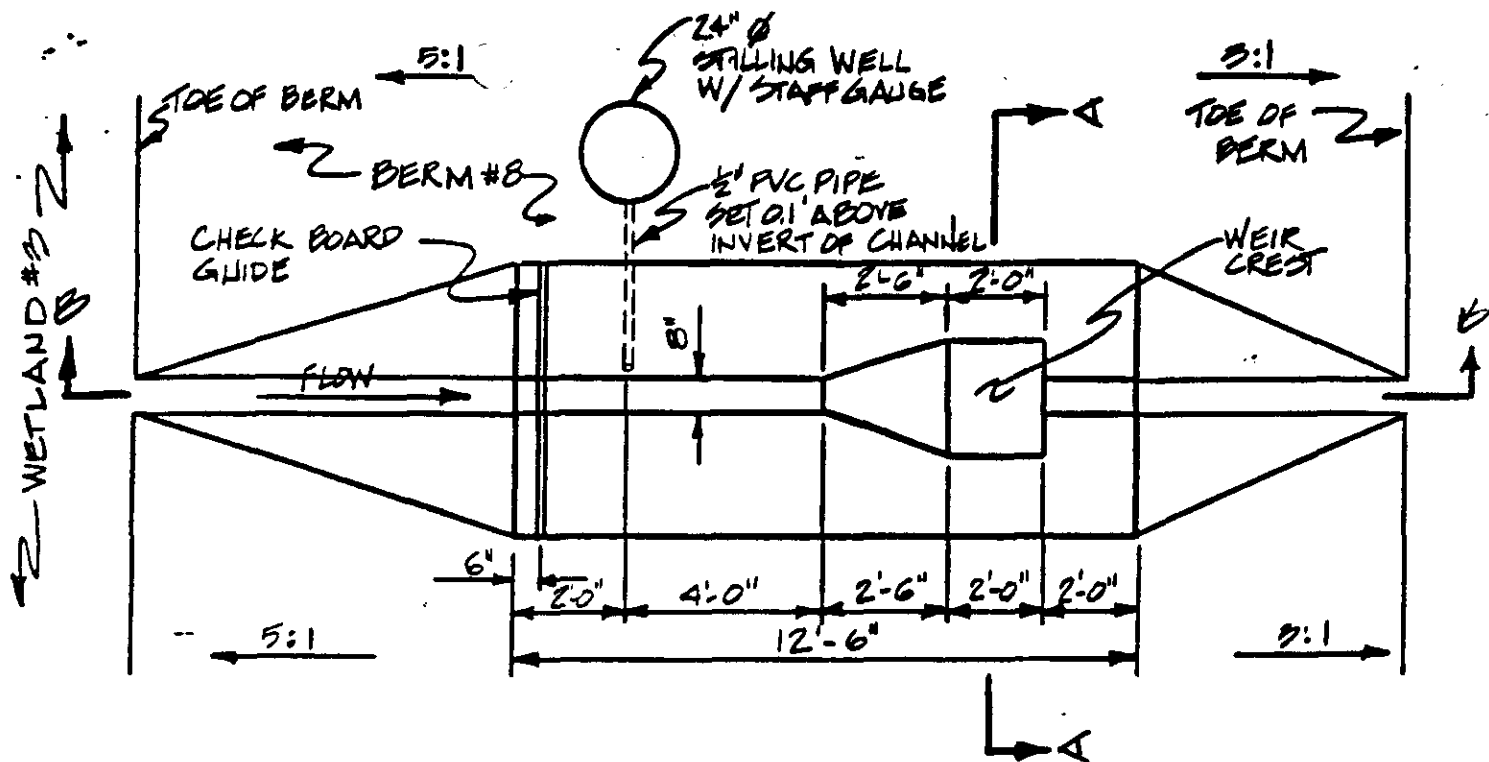
APR 16 1987



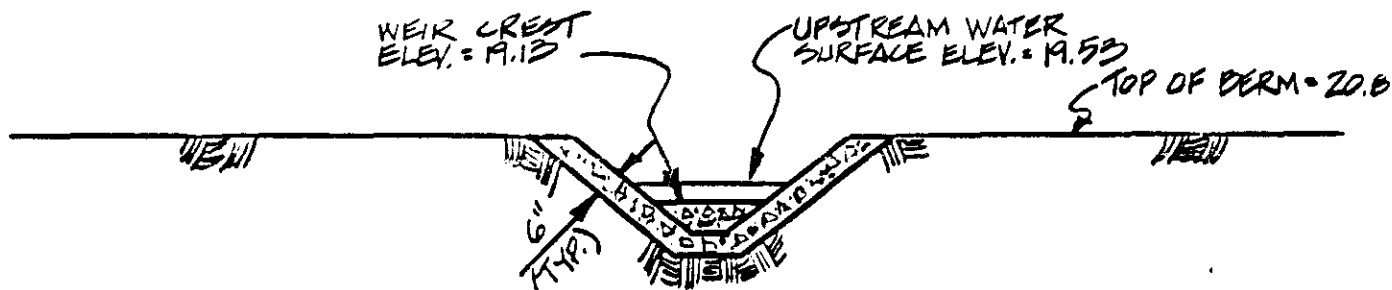
INLET WIER

AUG 26 1993

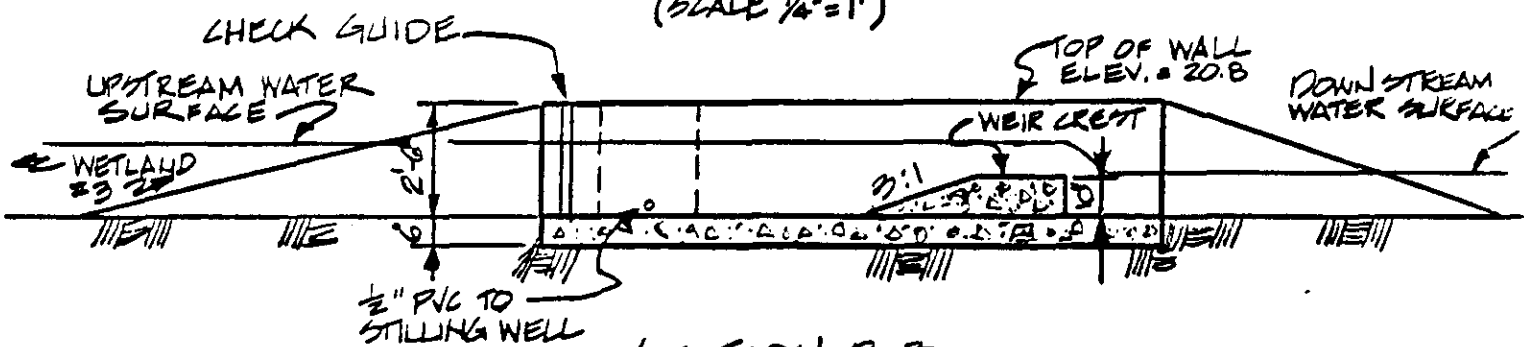
071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 9 OF 10
APPLICATION BY: BILL SWANSON



PLAN-OUTLET WIER
(SCALE 1/4" = 1')



SECTION A-A
(SCALE 1/4" = 1')



SECTION B-B
(SCALE 1/4" = 1')

OUTLET WIER

AUG 26 1993

071-OYC-4-004383
IN: SILVER CREEK AND ADJ WETLANDS
NEAR PICABO
BLAINE COUNTY, IDAHO
DATE: SHEET 10 OF 10
APPLICATION BY: BILL SWANSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) ~~736-3037~~
736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TRANSMITTAL COVER SHEET

8-20-91

OMNIFAX G66
Phone No.: (208) 736-3037

TO: Will Miller

FROM:

Mary Laddin
Secy / Office Coord.

Fax # 788-0075

DOCUMENT DESCRIPTION:

Withdrawal of protest, Submons
for your info. 37-08726

TOTAL PAGES SENT: 3

CONTACT:

(NAME OF SENDER)

Please consider this document as a billing statement. The charge for your FAX copies is \$ 0. Please remit to the above address.

Charges: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$.25 per page. (\$.50 minimum)

UNRECORDED

AUG 26 1993

MESSAGE CONFIRMATION
TRANSMISSION

AUG-20-1991 TUE 10:49

TERM ID: IDWR SOUTHERN
TEL NO.: 1-208-733-8093

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SBD	ID	DEPT CODE	#PGS
342	08-20	10:46	00:02:24		1 208 788 0075		OK- 3 NG- 0



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

20-Aug-1991

R. KEITH HIGGINSON
Director

ATTENTION JANET O CROWLEY
COMMITTEE FOR IDAHO'S HIGH DESERT
PO BOX 2863
BOISE ID 83701

RE: Application for Permit No. 37-08726, SWANSON

Dear Ms. O Crowley:

Idaho Department of Water Resources acknowledges receipt of the withdrawal of your protest against the above referenced application for permit.

The Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Rosholt & Associates
fcc: Will Miller

AUG 26 1993



COMMITTEE FOR IDAHO'S HIGH DESERT

P.O. BOX 2863 BOISE, IDAHO 83701

RECEIVED

AUG 15 1991

Department of Water Resources
Southern Region Office

8/14/91

TO: Mr. Lauren Holmes
Idaho Department of Water Resources
Southern Region Office

FROM: Janet OCrowley
Committee for Idaho's High Desert
POB 705 - Picabo ID 83348

RE: Application #37-08726 Protest withdrawal

Dear Mr. Holmes

Referring to the Committee's last letter to you of 7/31/91, please let me make it clear that we do not wish to carry this protest to a hearing. WE feel that we have validated the puissance of the public interest in this and other local applications for withdrawal of state waters. We are pleased that IDWR has upheld that view by its actions.

Mr. Swanson's representative has walked us through the planned diversion and associated riparian restoration on paper and on the ground. We feel that this is one of the best designed diversions for wetland enhancement yet promulgated in Blaine county. Along with enhancement of Mr. Swanson's private property, the water quality, riparian vegetation, and duck population should benefit markedly. We see the latter three results as public benefit.

Because this application is for non-consumptive use of state waters, we are satisfied that the public interest is not being harmed thereby. We wish the project well and hope that public enjoyment of Silver Creek waters in this reach will continue to be unimpaired.

Sincerely

Janet OCrowley
Janet OCrowley
for CIHD

Lauren Holmes

AUG 26 1991

cc: Chip Corsi
County Commissioner Tom Blanchard



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TRANSMITTAL COVER SHEET

OMNIFAX G66

Phone No.: (208) 736-3037

8-13-91

TO: Will Miller
Re: Swanson, 39-08726
Fax # 788-0075

FROM: Mary Baldwin
Secy / Office Coord.

DOCUMENT DESCRIPTION: Letter from Committee High Desert (7-31-91)
per your request T/C 8-13-91 @ 9:24 am.

TOTAL PAGES SENT: 2

CONTACT: _____
(NAME OF SENDER)

Please consider this document as a billing statement. The charge for your FAX copies is \$ 0. Please remit to the above address.

Charges: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$.25 per page. (\$.50 minimum)

MICROFILMED

AUG 26 1993

MESSAGE CONFIRMATION
TRANSMISSION

AUG-13-'91 TUE 10:11

TERM ID: IDWR SOUTHERN
TEL NO.: 1-208-733-8093

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SBD	ID	DEPT CODE	#PGS
333	08-13	10:09	00:01:37		1 208 788 0075		OK- 2 NG- 0



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

12-Aug-1991

R. KEITH HIGGINSON
Director

ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: APPLICATION FOR PERMIT NO. 37-08726 (SWANSON)

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

12-Aug-1991

R. KEITH HIGGINSON
Director

ATTENTION JANET O CROWLEY
COMMITTEE FOR IDAHO'S HIGH DESERT
PO BOX 2863
BOISE ID 83701

RE: APPLICATION FOR PERMIT NO. 37-08726 (SWANSON)

Dear Ms. O Crowley:

Your protest against the approval of the above referenced application has been received and copies have been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures

MAILED 11
AUG 26 1991

AUG 26 1991

Attachment to letter dated 09-Aug-1991

To all parties in the matter of
Application for permit No. 37-08726
In the name of William J. Swanson

PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

MICROFILMED

AUG 26 1993



COMMITTEE FOR IDAHO'S HIGH DESERT

P.O. BOX 2863 BOISE, IDAHO 83701

7/31/91

TO: Mr. Loren Holmes
Idaho Department of Water Resources
220 Shoshone St.
Twin Falls, ID 83301

RECEIVED

AUG 05 1991

FROM: Janet OCrowley, Board Member
Committee for Idaho's High Desert
POB 705 - Picabo, ID 83348

Department of Water Resources
Southern Region Office

RE: Application # 37-08726- protest

Dear Mr. Holmes

After visiting with Will Miller, the limnologist designing the Silver Creek diversion and wildfowl habitat project for Mr. William Swanson, the Committee feels its questions as to water volume, temperature, adjacent vegetation, pond structure, and fish impact have been sufficiently provided for in the project design.

AS for satisfying the public interest requirement to justify use of public waters of the State of Idaho on a private property improvement, we are less than satisfied. It is true that the public will eventually benefit from the intended increase of habitat for wildfowl, and that other kinds of fauna will enjoy collateral benefit from the increase of riparian vegetation. WE see that water quality should rise as sediments are trapped, oxygenation is increased through the sponge effect of increased wetland area.

WE see also that completion of this project will vastly increase the value and the intrinsic worth of Mr. Swanson's private property. It is our feeling that in order to satisfy the public interest requirement, the people of the State of Idaho must also derive an equivalent benefit from this grant of use of its waters. It is to be hoped that this will be so.

Respectfully

Janet OCrowley, for the Board

cc: Chip Corsi, I. F. & G.
Tom Blanchard, County

MAILED 1000

AUG 26 1993



COMMITTEE FOR IDAHO'S HIGH DESERT

P.O. BOX 2863 BOISE, IDAHO 83701

7/6/91

TO: Mr. L. ~~La~~ren Holmes
Idaho Department of Water Resources
Southern Region Office

FROM: Janet OCrowley, Board Member
Committee For Idaho's High Desert
POB 705 - Picabo, Idaho 83348

RE: Application # 37-08726

RECEIVED

JUL 09 1991

Department of Water Resources
Southern Region Office

Dear Mr. Holmes

The Committee wishes to enter a protest to the above application pending further discovery of facts about the proposed project. WE feel there is insufficient information in the application to form a picture of the proposed action and its end result.

Specifically, we have questions about the affect on stream flow volume, on water temperature, on the adjacent vegetation, and on the depths and extent of the resulting ponds. We wonder whether this project to enhance duck habitat will have unintended consequences upon the fish, the navigability of the stream. We do not have enough information about the project to be satisfied that pond clearing activites will not alter the wetland character adjacent to the stream and we would like to be satisfied that machinery used to move dirt and install weir, and or drop structure will not impair the oxygen-incorporation of the stream at low flow levels.

And in general, we want to be assured that this stream alteration and the right of diversion meet the public interest requirement.

Yours truly

Janet OCrowley

Janet OCrowley, for the Committee

cc: Chip Corsi
Blaine County Commissioners

AUG 26 1991

Janet O'Crowley
POB 705
Picabo, ID 83348

RECEIVED

JUL 08 1991

Department of Water Resources
Southern Region Office

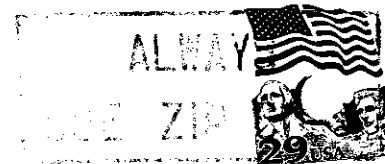
Opp. # 37-08726

Mr. Loren Holmes

I.D.W.R.

220 Shoshone Ave E.

Twin Falls, ID 83301.



AUG 08 1993

MESSAGE CONFIRMATION
TRANSMISSION

JUL-22-'91 MON 08:26

TERM ID: IDWR SOUTHERN
TEL. NO.: 1-208-733-8093

P-9999

NOT RETURNED

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SBD	ID	DEPT CODE	#PGS
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AUG 26 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) ~~736-3578~~
736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TRANSMITTAL COVER SHEET

OMNIFAX G66

Phone No.: (208) 736-3037

TO: Will Miller
Fax # 788-0075

FROM: Wary Balderson

DOCUMENT DESCRIPTION: Copy of protest - High Desert -
(per your request) t/c 7-22-91

TOTAL PAGES SENT: 2

CONTACT: _____
(NAME OF SENDER)

Please consider this document as a billing statement. The charge for your FAX copies is \$ 0. Please remit to the above address.

Charges: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$.25 per page. (\$.50 minimum)

RECEIVED
AUG 26 1993

**Six file
on water rights**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08725
MC ATEE, KENT
MC ATEE, W. VAL
P.O. BOX 744
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: NWNENE Sec 35 T
02N R 17E
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 3/8/1991
In: T02N R17E S25 SWSW; S35
NENE SENE; S36 NWNE SWNE
NENW NWNW SWNW SENW
222.0 ACRES TOTAL

37-08728
SWANSON, WILLIAM J.
P.O. BOX 5129
KETCHUM, ID 83340
Source: SILVER CREEK
Tributary: LITTLE WOOD RIVER
Diversion Pt: NESESW Sec 26 T
01S R 20E
Use: WILDLIFE (2.500 CFS)
Total Diversion: (2.500 CFS)
Date Filed: 3/27/1991
In: T01S R20E S26 NESE NWSE
SWSE SESE

37-08727
ROSE, DONNA
P.O. BOX 3730
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SESW Sec 25 T 04N
R 18E
Use: IRRIGATION (.080 CFS);
FIRE PROTECTION STORAGE
(1.85 CFS)
Total Diversion (.080 CFS)
Date Filed: 5/16/1991
In: T04N R18E S25 SESW
2.0 ACRES TOTAL

37-08728
KENDALL, CHUCK
P.O. BOX 665
LA CANADA, CA 91012
Source: GROUNDWATER
Diversion Pt: SESESW Sec 19 T
04N R 18E
Use: IRRIGATION (.090 CFS)
DOMESTIC (.040 CFS)
Total Diversion (.130 CFS)
Date Filed: 5/21/1991
In: T04N R18E S19 SWNE SENW
NESW
2.8 ACRES TOTAL

37-08729
PETERSON, LARRY
48 DRY CREEK RD.
CAREY, ID 83320
Source: GROUNDWATER
Diversion Pt: SWNE Sec 21 T 01S
R 21E
Use: IRRIGATION (2.000 CFS)
Total Diversion (2.000 CFS)
Date Filed: 6/5/1991
In: T01S R21E S21 SWNE SENE
NESE NWSE
120.0 ACRES TOTAL

37-08730
LIMELIGHT
CONDOMINIUMS, INC.
P.O. BOX 1312
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SWNESE Sec 11 T
04N R 17E
Use: IRRIGATION (.030 CFS)
DOMESTIC (.200 CFS)
RECREATION (.040 CFS)
Total Diversion (.200 CFS)
Date Filed: 6/6/1991
In: T04N R17E S11 NESE
1.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before JULY 9, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal-
June 19 & 26, 1991.

RECEIVED

JUN 17 1991

Department of Water Resources
Southern Region Office

RECEIVED

AUG 26 1991

N O T I C E O F A P P L I C A T I O N F O R W A T E R R I G H T

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08726

SWANSON, WILLIAM J.
P.O. BOX 5129
KETCHUM, ID 83340

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

Diversion Pt: NESESW Sec 26 T 01S R 20E

Use: WILDLIFE (2.500 CFS)
Total Diversion: (2.500 CFS)

Date Filed: 3/27/ 1991

In: T01S R20E S26 NESE NWSE SWSE SESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before JULY 9, 1991.

R. Keith Higginson, Director

Published 6/19/1991 & 6/26/1991

AUG 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 734-3578

JUNE 12, 1991

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 9, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOTED

AUG 26 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

13-Jun-1991

R. KEITH HIGGINSON
Director

FRANK HITCHCOCK
ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Permit No. 37-08726

Dear Mr. Hitchcock:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of William J. Swanson. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 6/19 & 6/26/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

HIGGINSON

AUG 2 2 1991

MEMORANDUM

TO: FILE SWANSON APPLICATION, FILED 3/27/91

FROM: DOUGLAS JONES

DATE: 31-May-1991

RE: PRE-PERMIT EXAM

ON 5/7/91 I VISITED PROJECT SITE TO ASCERTAIN THE EXTENT AND PARTICULARS OF THE PROPOSED DEVELOPMENT. SUPPORT DOCUMENTS FILED WITH THE APPLICATION, E.G. U.S. CORPS/ IDWR SCA APPLICATION AND CONSULTANT'S PROJECT PLAN, PROVIDE SUBSTANTIAL INFORMATION TO ASSESS SCOPE OF PROJECT AND POTENTIAL IMPACTS. PHOTOS TAKEN DURING MY SITE VISIT ARE ATTACHED TO THIS MEMO.

THE APPLICANT INTENDS TO INSTALL A ROCK DROP STRUCTURE IN SILVER CREEK WITH A HEADGATE DEVICE AND WEIR TO BE CONSTRUCTED IN THE DIVERSION CHANNEL. CHANGE OF WATER LEVEL IN SILVER CREEK REQUIRED TO DRIVE THE SYSTEM APPEARS, FROM THE CONSULTANT'S REPORT, TO BE ABOUT 0.8. THE POINT OF DIVERSION WOULD BE SITUATED ON AN OUTSIDE BEND OF A MEANDER OF SILVER CREEK.

EFFECTS OF THE CHANGE OF WATER LEVEL IN SILVER CREEK ARE UNCERTAIN. THERE IS AT LEAST ONE ACTIVE DITCH DIVERSION ABOUT 500 FEET UPSTREAM OF THE PROPOSED STRUCTURE. THERE IS ALSO AN INACTIVE HIGHWATER SLOUGH NEARER TO THE PROPOSED STRUCTURE. CHANGE IN THE WATER LEVEL MAY POSSIBLY MAKE THE SLOUGH CONTINUOUSLY ACTIVE.

SILVER CREEK IS A FULLY APPROPRIATED SURFACE WATER SOURCE WITH VERY OLD DECREED RIGHTS IN THE LITTLE WOOD RIVER OF WHICH SILVER CREEK IS TRIBUTARY. DIVERSION DURING THE IRRIGATION SEASON WOULD ADD A CONSUMPTIVE USE TO THE RIVER. CONSULTANT'S REPORT ESTIMATES A PEAK LOSS OF 0.35 CFS BY SEEPAGE AND EVAPORATION.

AN ADDITIONAL IMPACT IS A CHANGE IN TEMPERATURE BETWEEN INFLOW AND OUTFLOW. COMPARATIVE FLOW RATES AND VOLUMES BETWEEN DIVERSION AND SILVER CREEK INDICATES THAT THE OVERALL EFFECT ON THE TEMPERATURE OF SILVER CREEK WILL BE INCONSEQUENTIAL.

NO APPLICATION TO MAKE UP LOST WATER HAS BEEN FILED AS OF THIS DATE. APPROVAL OF THIS APPLICATION NEEDS TO BE CONTINGENT ON FILING SUCH AN APPLICATION.

APPROVED

AUG 26 1993

37-08726



[- version point for wildlife habitat pond system. Channel was excavated long ago & may have carried extreme flow in Silver Cr. Check dam and gate proposed for diversion.



Point of return flow from pond system.

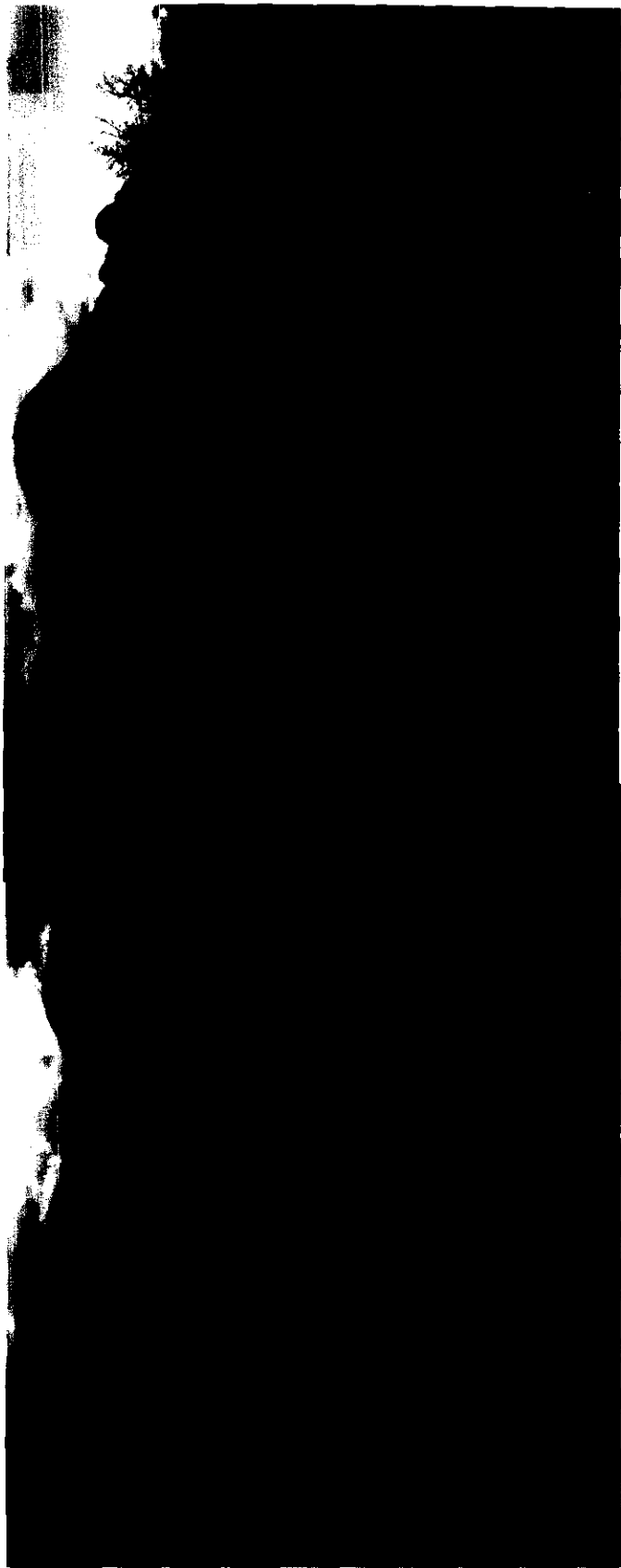


Approach channel for return flow (looking up gradient).

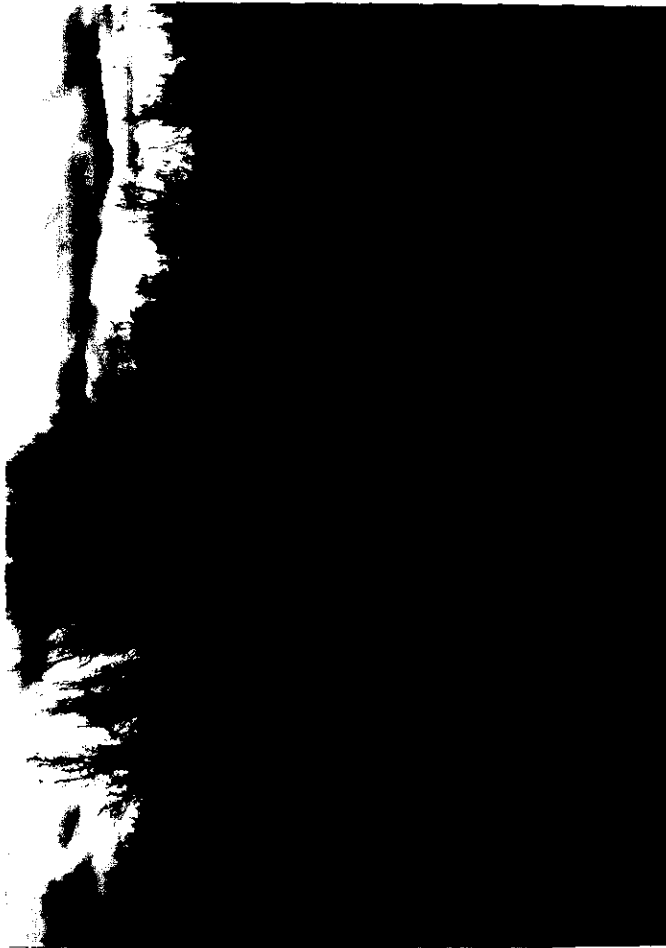
AUG 26 1993

Bill Swanson Application, Filed 3/27/91,
DRJ 5/7/91 1/2

37-08726



View along channel into pond #1 which is obviously a cut-off
meander. Approximate shape of upper end of pond out-
lined.



Location of berm #7 to isolate
pond #3 from Silver Cr.

AUG 26 1993

Swanson Application,
Filed 3/27/91.
DWS 5/7/91 2/2



ate of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Frank Hitchcock
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

17-May-1991

RE: Swanson Application for Permit from Silver Creek, Blaine Co.

Dear Frank,

I am writing in response to your inquiry about the status of the above referenced application. As you are aware applications are reviewed for completeness, accuracy and resource availability. As part of the review for surface water appropriation a pre-permit exam is conducted. This exam has been completed - it was greatly facilitated by the reports attached to the application - and a written summary of my findings is presently being developed. Upon completion of this step the application will be given to the Office Coordinator for drafting the advertisement. The applicant will be contacted and informed of the publishing dates.

If you have any questions please contact us.

Sincerely,

Douglas Jones, EIT
Water Resources Engineering Specialist

RECEIVED

AUG 26 1993

37-08726

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY V. JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

May 16, 1991

RECEIVED

MAY 17 1991

Mr. Douglas Jones, Senior Water Agent
Idaho Department of Water Resources
Southern Regional Office
222 Shoshone Street E.
Twin Falls ID 83301

Department of Water
Southern Region

Dear Doug:

Please take a minute and check your pending file for application for permit staffings to see if you have an application for Bill Swanson that I filed with Region on April 5, 1991. I haven't heard anything from you regarding this proposed usage and the check of my database this morning doesn't turn up a number for this nonconsumptive use sourcing Silver Creek tributary to the Little Wood River.

Please let me know when you anticipate assigning this application an identification number and approximately when you will turn it in for preparation of advertising. As always, I appreciate your attention to detail in these matters, and look forward to hearing from you regarding my request.

Best wishes.

Very truly yours,



FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
97001

cc: Bill Swanson

AUG 26 1993

37-08726

WETLAND ENHANCEMENT PROGRAM

Project Plan

**Wildlife Sanctuary
Silver Creek Idaho**

February 1, 1991

Owner/Developer

Bill Swanson
P.O. Box 5129
Ketchum, Idaho
(208) 726-5201

Environmental Consultant

Will Miller, M.S.
P.O. Box 1030
Sun Valley, Idaho
(208) 788-0034

Hydrologist/Engineer

Chuck Brockway, P.E.
University of Idaho
Kimberly, Idaho
(208) 423-4691

RECEIVED

MAR 27 1991

Department of Water Resources
Southern Region Office

AUG 26 1993

37-08726

WILDLIFE SANCTUARY
SILVER CREEK IDAHO
WETLAND ENHANCEMENT PROGRAM
PROJECT PLAN
PG. 1

PROJECT OVERVIEW

This Project Plan proposes a Habitat Enhancement Program to develop year-round wetland habitat for waterfowl. The project site borders Silver Creek approximately one mile east of Picabo Idaho.

Within the Project Site, Silver Creek has modified its course creating three isolated oxbows. The formation of streambank levees has further isolated the oxbows from the floodwaters of the stream. Presently, the oxbows are dry and only marginally inundated by groundwater during the late fall and winter months. The drop in groundwater between the spring and fall results in a loss of wetland habitat.

The Project Site provides an outstanding aquatic, riparian and upland habitat value, yet seasonal water loss eliminates the availability of wetland habitat for waterfowl. The goal of this Habitat Enhancement Program is to establish year round wetland habitat for waterfowl nesting by providing supplemental water to the dry oxbows.

SITE CHARACTERISTICS

The Project Site includes 138.0 acres of undeveloped land owned by Bill Swanson. The Project Area planned for resource enhancement and management totals approximately 15.0 acres. An overview of the property's environmental components is as follows.

Aquatic Habitat

Approximately one mile of Silver Creek flows along the southern border of the property. The stream's high sinuosity provides a diversity of pools and riffles. Stream banks vary from steep undercuts to shallow grass edges. Stream channel sediments are gravels and clay.

Aquatic macrophytes are dominated by submersed species. The riparian forest provides a diversity of open and shaded stream sections with shoreline grasses and rushes providing cover and food for the fishery. The stream section is ecologically stable.

RECEIVED

MAR 27 1991

Department of Water Resources
Southern Region Office

MAILED

AUG 26 1993

WILDLIFE SANCTUARY
SILVER CREEK IDAHO
WETLAND ENHANCEMENT PROGRAM
PROJECT PLAN
PG. 2

Riparian Habitat

The Project Area contains 3.8 acres of riparian habitat bordering Silver Creek. The Riparian Zone is forested. The Riparian Complex is River Birch.

Wetland Habitat

Wetlands totaling 2.7 acres have formed in the three oxbows. The National Wetland Inventory classifies Wetland 1 as unconsolidated bottom, semipermanently/saturated (PUBF) and Wetlands 2 and 3 as emergent, temporarily flooded (PEMA). Wetland vegetation is dominated by grasses and forbes with an isolated stand of Willow in Wetland 1.

Average streambed depths in Wetlands 1, 2 and 3 range between 0.5 ft. and 2.0 ft. Maximum water depth during the wet season is 0.25 ft. with an average depth of 0.1 ft. or less. Soils include loam, silt, sand and clays. A general summary of the soils appears as TABLE 4.

Upland Habitat

The Project Site contains approximately 123.0 acres of uplands within Baker Canyon. The canyon isolates the Project Site on the north, east and west. Upland vegetation is dominated by Sagebrush. No grazing, agricultural or development activity has occurred on the upland property. Upland areas totaling 1.3 acres will provide three isolated islands within the oxbows.

Fish and Wildlife

Habitat value for fish and wildlife is high. The Silver Creek fishery includes a Brown trout population. A diversity of bird species including raptors, owls, ducks and chukars use the aquatic, riparian, wetland and upland habitats. Deer and coyote use the upland sagebrush community.

RECEIVED

MAR 27 1991
Department of Wildlife Resources
Southern Region Office
AUG 26 1993

WILDLIFE SANCTUARY
SILVER CREEK IDAHO
WETLAND ENHANCEMENT PROGRAM
PROJECT PLAN
PG. 3

HABITAT ENHANCEMENT PROJECT

Site Development

Select areas of Wetlands 1, 2 and 3 will be excavated up to 1.5 ft. to provide a 3.0 ft water depth in a minimum of 30% of each wetland. Excavated soils will be used for berm construction and upland enhancement. Berm and excavation details are provided in the enclosed Tables. Wetlands 1, 2 and 3 will be connected by the construction of canals. Individual canal locations are illustrated on the Site Plan.

Select areas of each wetland will be bermed to direct water movement, reduce water loss and enhance water level stability. Berm locations are illustrated on the Site Plan.

Water Management

An evaluation of water requirements and supply was performed by C.E. Brockway, P.E. to determine hydraulic and structural requirements and estimate seepage and evaporation rates from the three wetland areas. A diversion structure consisting of a controllable, lockable headgate as required by the Watermaster will allow diversion of 2.5 cfs from the creek through a broad-crested weir flow measuring device. Gravity conveyance channels between Wetlands 1, 2 and 3 will be 4.0 ft. wide (bottom width) earthen canals. Water elevation control structures will be constructed at the outlets of all ponds to maintain water levels.

A broad crested weir measuring device will be installed at the outlet of Wetland 3 to monitor return flow to Silver Creek. Figure 5 shows the planned water surface profile through the wetland areas. Large drops in water level elevation at the measuring devices are required to assure accurate flow measurements.

RECEIVED

MAR 27 1991

Department of Water Resources
Southern Region Office

AUG 26 1993

WILDLIFE SANCTUARY
SILVER CREEK IDAHO
WETLAND ENHANCEMENT PROGRAM
PROJECT PLAN
PG. 4

Seepage rates for each area were estimated from soil types and textures as outlined in Table 3 to determine project seepage volumes. Evaporation from water surface areas was determined from meteorological data for the Silver Creek area and the Kohlar-Nordenson-Fox procedure for estimating lake evaporation. Seepage losses (peak) will be approximately 0.334 cfs and maximum evaporation is estimated at 0.019 cfs for a total peak project consumptive water requirement of 0.0351 cfs or 17.6 miners inches. Return flow to Silver Creek from the 2.5 cfs diversion will be 2.15 cfs or 86.0 percent of the diversion. The ground-water gradient in the area created by the wetlands will be generally toward Silver Creek so that the majority of the seepage lost from the wetlands areas will return to the creek.

DS 6/3/91 0.35

The planned diversion of 2.5 cfs will effect turnover rates in individual wetland areas varying from 4.5 to 10.5 hours with a total system turnover or replacement in 23 hours. Return flow water quality will be good. With the plant species expected in the wetlands areas, the dissolved oxygen levels in the return flow should be near saturation. Temperature differences between diverted water and return flow should be minimum because of the short turnover times. Water quality parameters at the diversion and return flow sites will be monitored during summer periods to assure that water quality criteria are not impacted. The 15 year average flow for Silver Creek, measured at the Sportsmans Access, Station #13150430, at Picabo is 167 cfs. For water year 1989, the mean annual flow was 120 cfs, with a minimum flow of 71 cfs and maximum flow of 266 cfs.

Vegetation Enhancement

Each wetland is designed and will be managed for a ratio of 50% vegetation to 50% open water. A diversity of wetland and aquatic species will voluntarily establish in each wetland as water elevations and system depths stabilize.

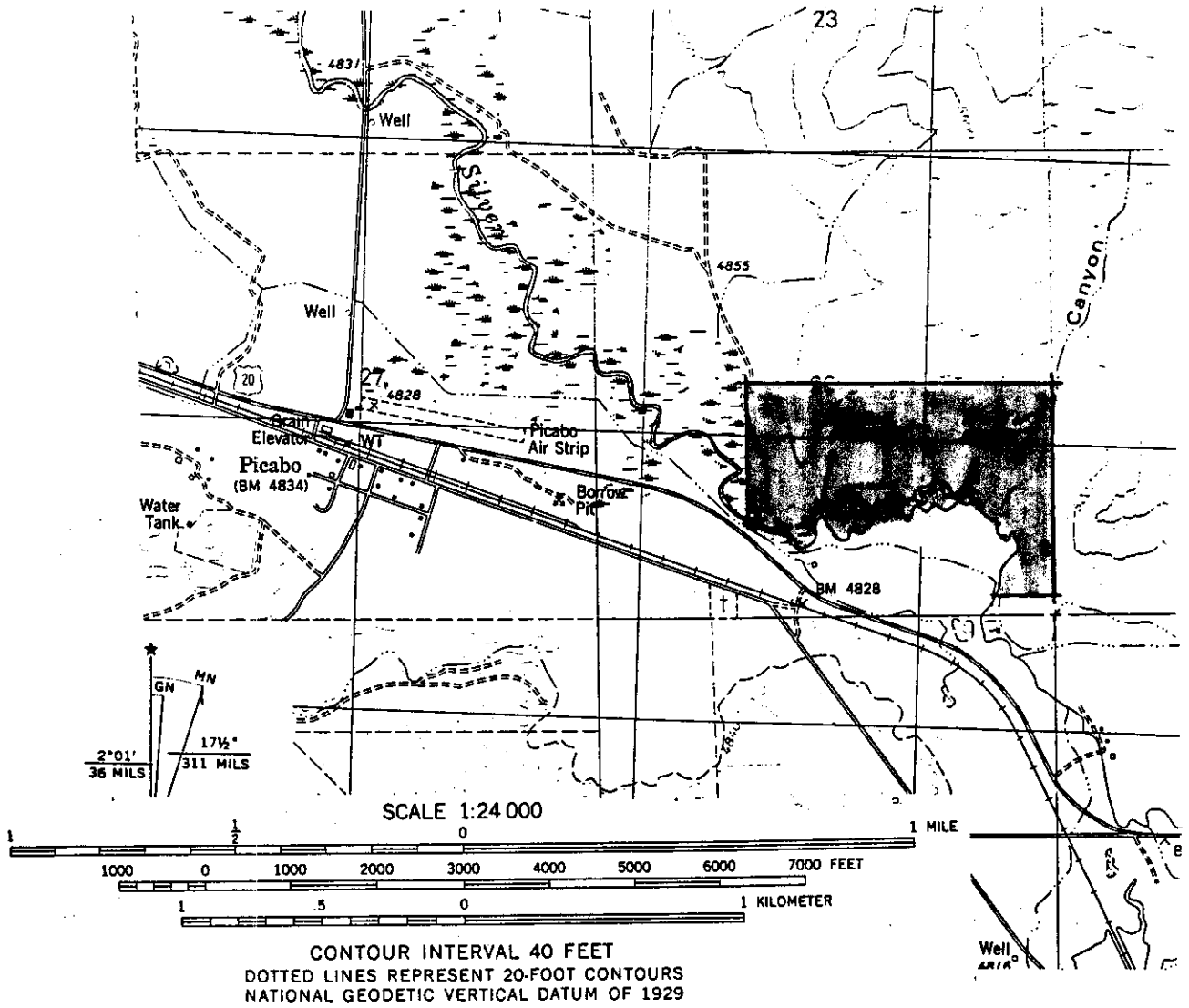
Select rushes, grasses, forbes, and legumes will be planted to enhance wildlife food and cover. To provide nesting habitat grasses will be established on each island. Willows will be planted along the northern shoreline of each wetland to further isolate and protect each wetland system.

RECEIVED

MAR 27 1991

Department of Water Resources
Southern Region Office

AUG 26 1993

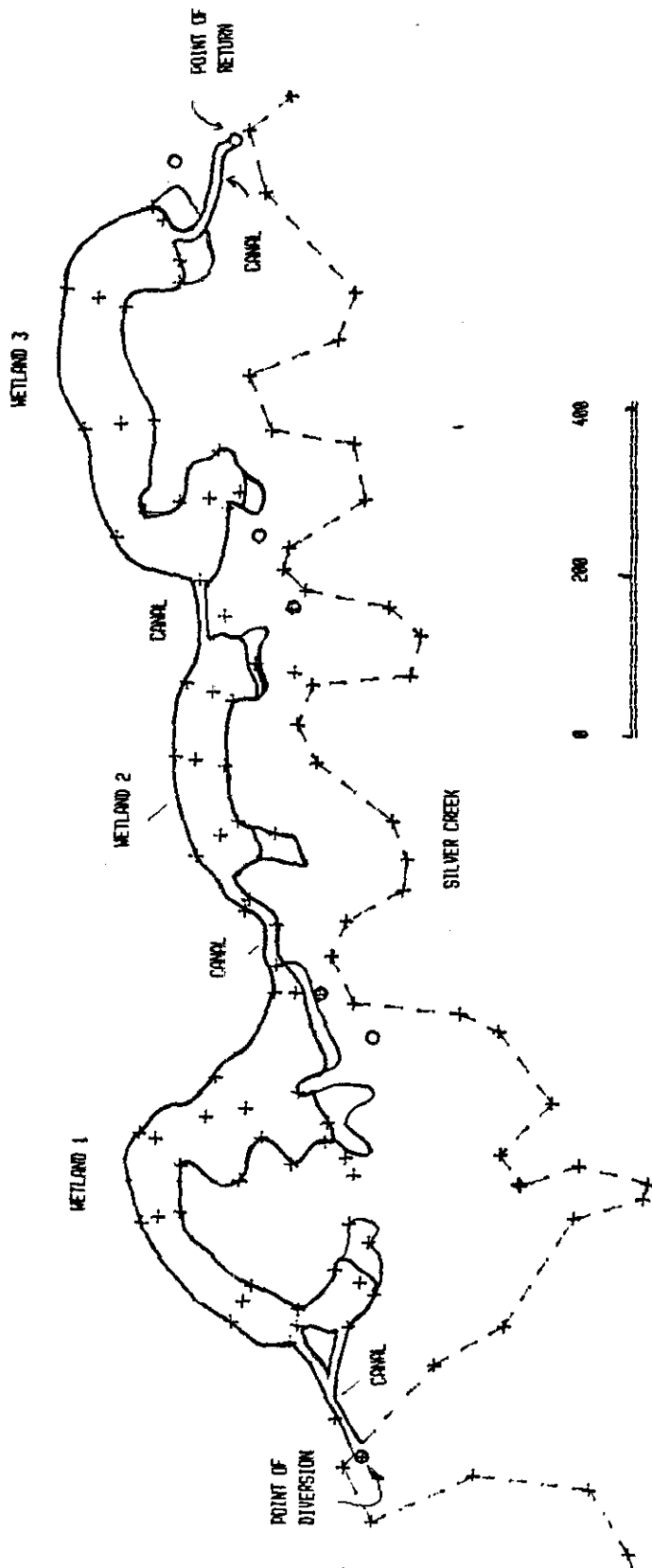


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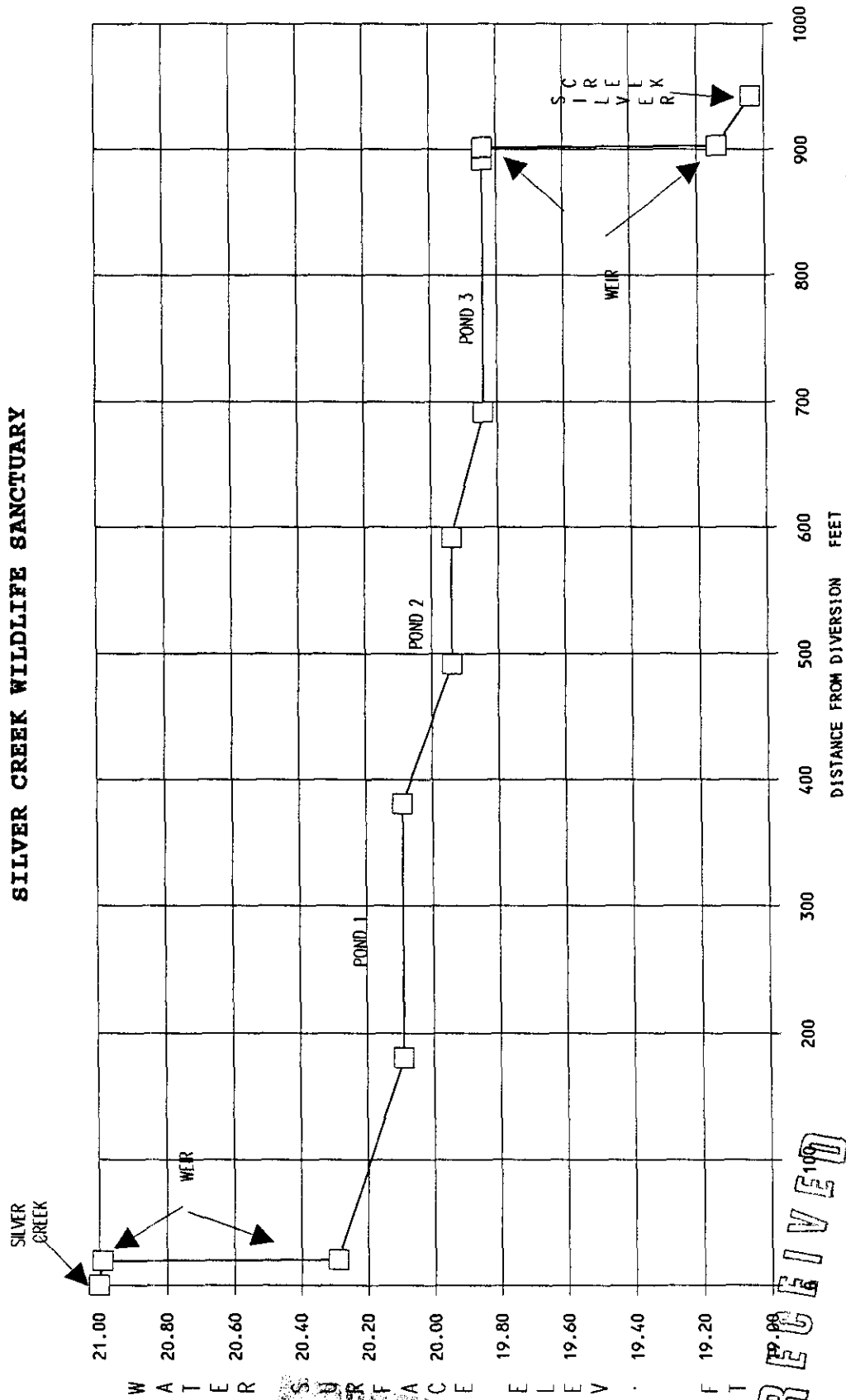


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SILVER CREEK WILDLIFE SANCTUARY



C.E. BROCKWAY PE 11/11/90

FIGURE 5. WATER PROFILE

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WILDLIFE SANCTUARY -- SILVER CREEK					
PROPOSED WATER SURFACE PROFILE					
WATER	REQ'D				
ELEV.	DROP	DESCRIPTION			
FEET	FEET				
21.00	0.00	SILVER CREEK AT DIVERSION			
20.99	0.01	ABOVE MEASURING DEVICE(WEIR)			
20.29	0.70	BELOW MEASURING DEVICE(WEIR)			
20.09	0.20	INLET TO POND 1			
20.09	0.00	POND1 WATER LEVEL CONTROL			
19.94	0.15	INLET TO POND 2			
19.94	0.00	POND 2 WATER LEVEL CONTROL			
19.84	0.10	INLET TO POND 3			
19.84	0.00	POND 3 WATER LEVEL CONTROL			
19.84	0.00	ABOVE MEASUREING DEVICE (WEIR)			
19.14	0.70	BELOW MEASURING DEVICE(WEIR)			
19.04	0.10	INFLOW TO SILVER CREEK			
19.04	0.00	SILVER CREEK WATER LEVEL			
			C.E. BROCKWAY P.E 11/11/90		

TABLE 1. WATER PROFILE

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SYSTEM LOSS ESTIMATES														PAGE 2				TURN-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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TABLE 3. WATER DESIGN ESTIMATES

TABLE 4. SOILS ANALYSIS

SILVER CREEK WILDLIFE ENHANCEMENT PROJECT
 BILL SWANSON
 SOILS ANALYSIS
 SAMPLES OBTAINED BY BILL SWANSON, OCTOBER 1990
 SOILS ANALYSIS BY C.E. BROCKWAY P.E. OCTOBER 19, 1990

POND NO.	SITE NO.	DEPTH INCHES	DESCRIPTION	EST. % CLAY
1	A	6	LIGHT BROWN ORGANIC SILT LOAM	10
1	A	14	LIGHT BROWN ORGANIC SILTY CLAY LOAM	20
1	A	24	DARK BROWN TO GREY, ORGANIC SILTY CLAY LOAM	20
1	B	6	LIGHT BROWN, ORGANIC SILT LOAM	5
1	B	12	DARK BROWN, ORGANIC SILT LOAM	5
1	B	24	DARK BROWN, FINE SANDY SILT LOAM	10
1	C	6	DARK BROWN, ORGANIC SILT LOAM	10
1	C	14	DARK BROWN SILT LOAM	10
1	C	24	DARK BROWN, SOME FINE SAND SILT	5
2	A	6	LIGHT BROWN, ORGANIC SILT LOAM	5
2	A	14	DARK BROWN SILT LOAM	10
2	A	24	LIGHT BROWN SILT	5
2	C	6	LIGHT BROWN, ORGANIC CLAYEY SILT LOAM	15
2	C	14	LIGHT BROWN SILT	10
2	C	24	LIGHT BROWN, ORGANIC SILT	10
3	A	6	LIGHT BROWN, ORGANIC SILT LOAM	10
3	A	14	DARK BROWN CLAYEY SILT LOAM	20
3	A	24	DARK BROWN CLAYEY SILT	25
3	B	6	LIGHT BROWN, ORGANIC SILT LOAM	10
3	B	14	DARK BROWN CLAYEY SILT	20
3	B	24	DARK BROWN CLAYEY SILT	25
3	C	6	LIGHT BROWN, ORGANIC SILT LOAM	5
3	C	14	DARK BROWN, ORGANIC SILT LOAM	10
3	C	24	DARK BROWN CLAYEY SILT	15

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TABLE 5.
WILDLIFE SACTUARY
SILVER CREEK, IDAHO

PROJECT SITE	138.00 ACRES
PROJECT AREA	15.00 ACRES APPROX.
WETLAND 1	1.13 ACRES
WETLAND 2	0.53 ACRES
WETLAND 3	1.13 ACRES
TOTAL	2.78 ACRES
ISLANDS	1.59 ACRES
RIPARIAN	3.84 ACRES
UPLANDS	5.20 ACRES

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TABLE 6.
WILDLIFE SANCTUARY
SILVER CREEK IDAHO
BERM CONSTRUCTION
SPECIFICATIONS

BERM CONSTRUCTION SPECIFICATIONS		5	3	2.0	1.0								
		5	3	2.0	1.0								
BERM NUMBER	LENGTH FT	CROSS SECTION *2FT	POND BASE FT	BANK ELEV FT	BERM HEIGHT FT	BERM ELEV FT	VOLUME FT^3	VOLUME YD3	BERM WIDTHS FEET				
									WATER	BACK	CENTER	TOTAL	
B1	40.0	5.90	20.1	21.7	1.0	21.1	236.0	8.7	4.9	3.0	2.0	9.9	
B2	60.0	16.40	19.3	21.3	1.8	21.1	983.8	36.4	8.9	5.4	2.0	16.3	
B3	130.0	36.72	18.3	21.3	2.8	21.1	4,773.1	176.8	13.9	8.4	2.0	24.3	
B4	40.0	14.04	19.3	20.8	1.6	20.9	561.5	20.8	8.2	4.9	2.0	15.1	
B5	180.0	33.16	18.3	20.8	2.6	20.9	5,968.5	221.1	13.2	7.9	2.0	23.1	
B6	60.0	22.60	18.8	20.8	2.1	20.9	1,355.9	50.2	10.7	6.4	2.0	19.1	
B7	20.0	8.63	19.6	20.8	1.2	20.8	172.6	6.4	6.2	3.7	2.0	11.9	
B8	110.0	30.89	18.3	20.8	2.5	20.8	3,397.5	125.8	12.7	7.6	2.0	22.3	
TOTAL	520.0						17,449.0	646.3					

TABLE 7.
WILDLIFE SANCTUARY
SILVER CREEK IDAHO
WETLAND EXCAVATION
SPECIFICATIONS

SECTION	LENGTH FT	WIDTH FT	AREA FT^2	DEPTH FT	VOLUME FT^3	VOLUME YD^3	ELEVATION	
							START	FINISH
CANAL 1	125.0	8.0	1,000.0	2.0	2,000.0	183.7	21.0	19.0
CANAL 2	60.0	8.0	480.0	3.2	1,536.0	56.9	22.2	19.0
E1A	0.0	0.0	975.0	2.0	1,950.0	72.2	19.0	17.0
E1A2	0.0	0.0	2,375.0	1.1	2,612.5	96.8	20.1	19.0
E1AB	0.0	0.0	2,500.0	1.1	2,750.0	101.9	19.1	18.0
E1BC	0.0	0.0	11,950.0	1.4	16,730.0	619.6	18.4	17.0
SUB TOTAL					25,628.5	949.2		
CANAL 3	111.0	9.0	999.0	2.0	2,797.2	183.6	21.2	18.4
E2AB	0.0	0.0	8,575.0	1.7	14,577.5	539.9	18.3	16.6
E2BC	0.0	0.0	3,500.0	0.3	1,050.0	38.9	19.3	19.0
SUB TOTAL					18,424.7	682.4		
CANAL 4	90.0	8.0	720.0	4.4	3,168.0	117.3	22.7	18.3
E3A	0.0	0.0	800.0	0.5	400.0	14.8	19.6	19.1
E3BC	0.0	0.0	13,975.0	1.7	23,757.5	879.9	18.3	16.6
CANAL 5	90.0	8.0	720.0	0.3	216.0	8.0	18.6	18.3
SUB TOTAL					27,541.5	1,028.1		
TOTAL EXCAVATION						2,651.7		

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