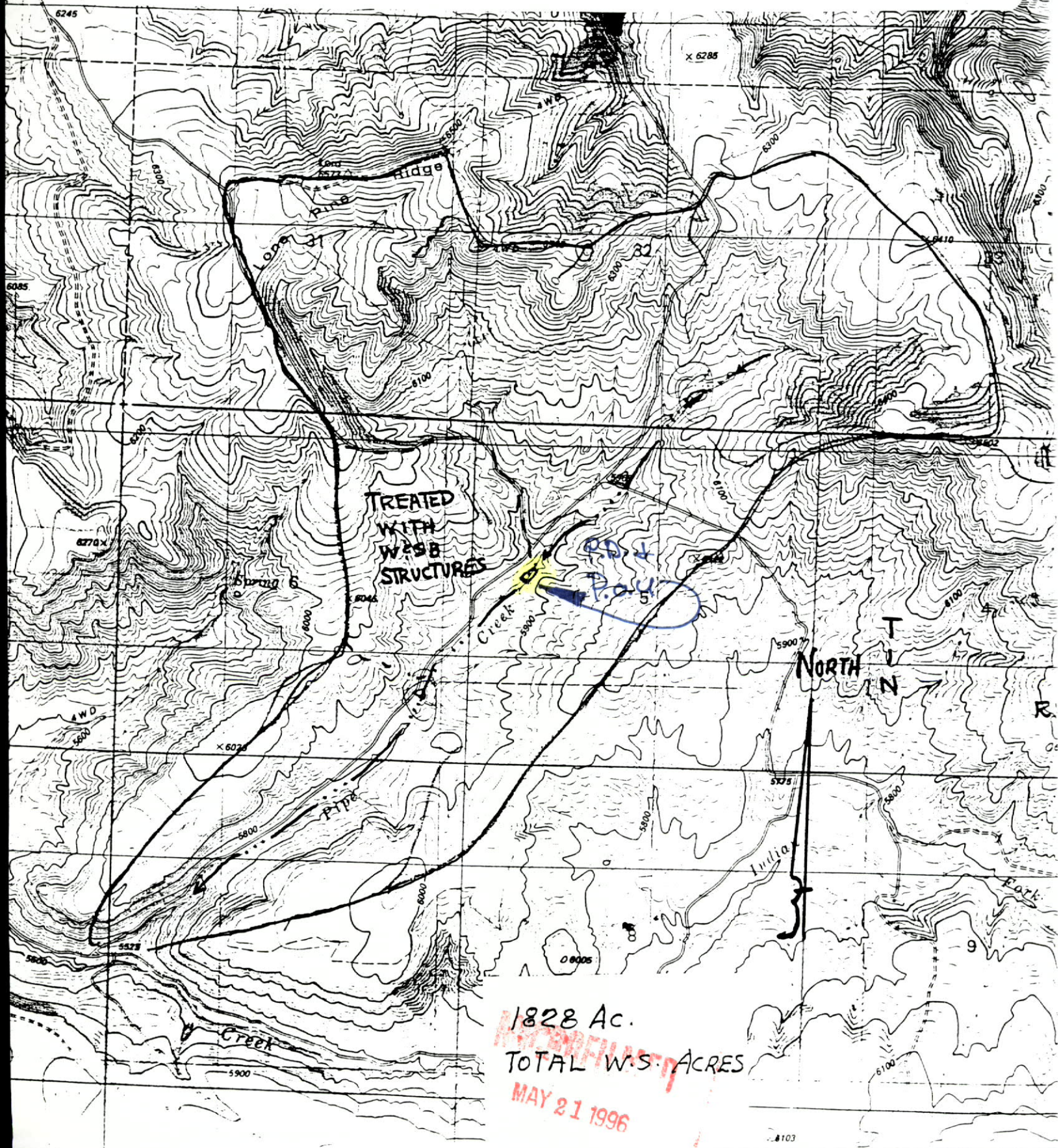


Owner Idaho DEPT OF FISH & GAME Operator SAME
County BONNEVILLE State IDAHO Date 8-1-95
Approximate acres _____ Approximate scale _____
Cooperating with EAST SIDE SOIL Conservation District _____
Plan identification PIPE CR. PLAN Photo number _____
Assisted by J. FORBUSH USDA Soil Conservation Service



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
25-7647 IN THE NAME OF)
U.S. DEPT. OF INTERIOR, BUREAU)
OF RECLAMATION)

REINSTATEMENT ORDER

WHEREAS, the Department of Water Resources ("Department") issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof") be submitted to the Department on or before March 1, 1998; and

WHEREAS, on April 13, 1998, the Department granted a Request for Extension of Time ("extension request") in which to submit proof for a water right permit extending the proof deadline to March 1, 2003; and

WHEREAS, on March 3, 2003, the permit holder submitted the proof of beneficial use to the Department. The Department accepted the proof of beneficial use as being timely since the deadline fell on a weekend, and March 3, 2003 was the next business day after the proof deadline, and

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 25-7647 is **REINSTATED** with no advance in priority.

DATED this 10th day of March, 2003.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

MAR 11 2003

Amt. Of Fee \$: 850.00
Receipt No. 0067649
Receipt by: J. H. H.
Date Received: 3-3-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR - 3 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 25-7647 Telephone No. 208-378-5306

2. Name of Permit Holder(s): U.S. Dept. of the Interior, Bureau of Reclamation

3. Mailing Address: 1150 North Curtis, Suite 100

City: Boise State: ID Zip: 83706-1234

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

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

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

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

Irrigation (No. of acres): _____ Other: Wildlife Storage

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 12 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 x
Has the measuring device been installed? Yes _____ or No x

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on the 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: Terry Thomas Telephone No. 208-525-7290

Address: Idaho Dept of Fish and Game, 1515 Lincoln Road, Idaho Falls, ID 83401

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

Signature of permit holder: E. J. McGary PROGRAM MANAGER
WATER RIGHTS & ACQUISITION Date: March 3, 2003
(Include your title, if on behalf of company or organization)

MICROFILMED

MAR 11 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

MAR 02 1998

Department of Water Resources

**REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 25-07647

Name(s) of Permit Holder: U. S. Bureau of Reclamation

Mailing Address: 1150 North Curtis, Suite 100; Boise, ID 83706-1234

Date Proof is Due: March 1, 1998 Telephone No. (208) 678-0461 ext. 23

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

None to date. We had permits for four ponds and three have been completed, but this
one has not.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Insufficient time to complete all permits in the project.

Permit holder(s) request an extension to March 1, 1998, ~~199~~ 2003.

FEE: \$50.00

Heidi S. Walton
(Signature)*

Water Rights Specialist

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **March 1, 2003**.

APR 28 1998

Signed this 13th day of April, 19 98.

J. Glen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07647

Proposed Priority: January 16, 1996

Maximum Storage Volume:

12.0 AF

This is to certify, that **US DEPT OF INTERIOR**
BUREAU OF RECLAMATION
550 W FORT ST
BOISE ID 83724

has applied for a permit to appropriate water from:
PIPE CREEK tributary of **TEX CREEK**

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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 5, Township 01N, Range 41E
BONNEVILLE County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

01N 41E 5

SWNW

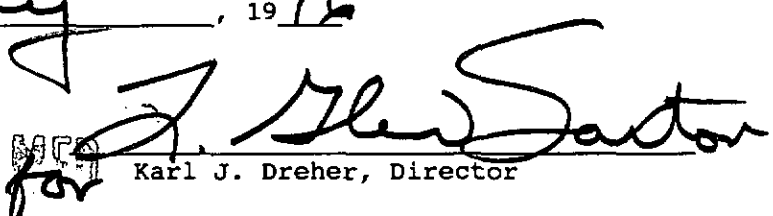
CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1998**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
6. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

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

14 day of May, 1996

RECORDED
for


Karl J. Dreher, Director

MAY 21 1996

RECEIVED

RECEIVED
MAR 13 1996

JAN 16 1996

STATE OF IDAHO

Ident. No. 25-7647

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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

1. Name of applicant IDAHO DEPARTMENT OF FISH AND GAME Phone 525-7290
Post office address 1515 LINCOLN ROAD, IDAHO FALLS, ID. 83401
2. Source of water supply PIPE CREEK which is a tributary of TEX CREEK
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot —
Sec. 5 Township IN Range 41E B.M. BONNEVILLE County; additional points of diversion if any: —
4. Water will be used for the following purposes:
Amount 12 afc for WILDLIFE storage purposes from JANUARY 1 to DECEMBER 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) — and/or (b) 12 afc
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. EARTHEN DAM. DROP BOARD WATER CONTROL DEVICE IN THE POND TO ALLOW COMPLETE DRAINAGE WHEN NECESSARY.
- b. Height of storage dam < 20 feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet; period of year when water will be diverted to storage: JANUARY 1 to DECEMBER 31 inclusive.
- c. Proposed well diameter is N/A inches; proposed depth of well is — feet.
- d. Is ground water with a temperature of greater than 85°F being sought? —
- e. If well is already drilled, when? —; Drilling firm —;
Well was drilled for (well owner) —
7. Time required for the completion of the works and application of the water to be proposed beneficial use is 2 years (minimum 1 year).

MAY 21 1996

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

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. WILDLIFE, WATERSHED REHABILITATION

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	
IN	4E	5							W										

Total number of acres to be irrigated _____

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

THIS IS ONE OF A SERIES OF FOUR PONDS TO BUILT FOR THE SAME PURPOSE

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

b. Who owns the land to be irrigated or place of use? BUREAU OF RECLAMATION

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. BUREAU OF RECLAMATION LANDS IN THIS AREA ARE UNDER COOPERATIVE AGREEMENT WITH IDFG FOR MANAGEMENT

12. Remarks: THIS IS A NON-CONSUMPTIVE INSTREAM FLOW TO CREATE HABITAT FOR WATERFOWL, MAMMALS AND SONGBIRDS AND TO REHABILITATE THE WATERSHED AND RIPARIAN ASPECTS.

MAY 21 1996

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

SEE ATTACHED

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.

MAY 21 1996

Don Wright
(Applicant)

Reg. Supervisor

Received by HWT Date 1-16-96 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by HWT # EO21850 Date 1-18-96
Publication prepared by LB Date 2-15-96 Published in Post Register
Publication approved LB Date 3-8-96

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 _____.

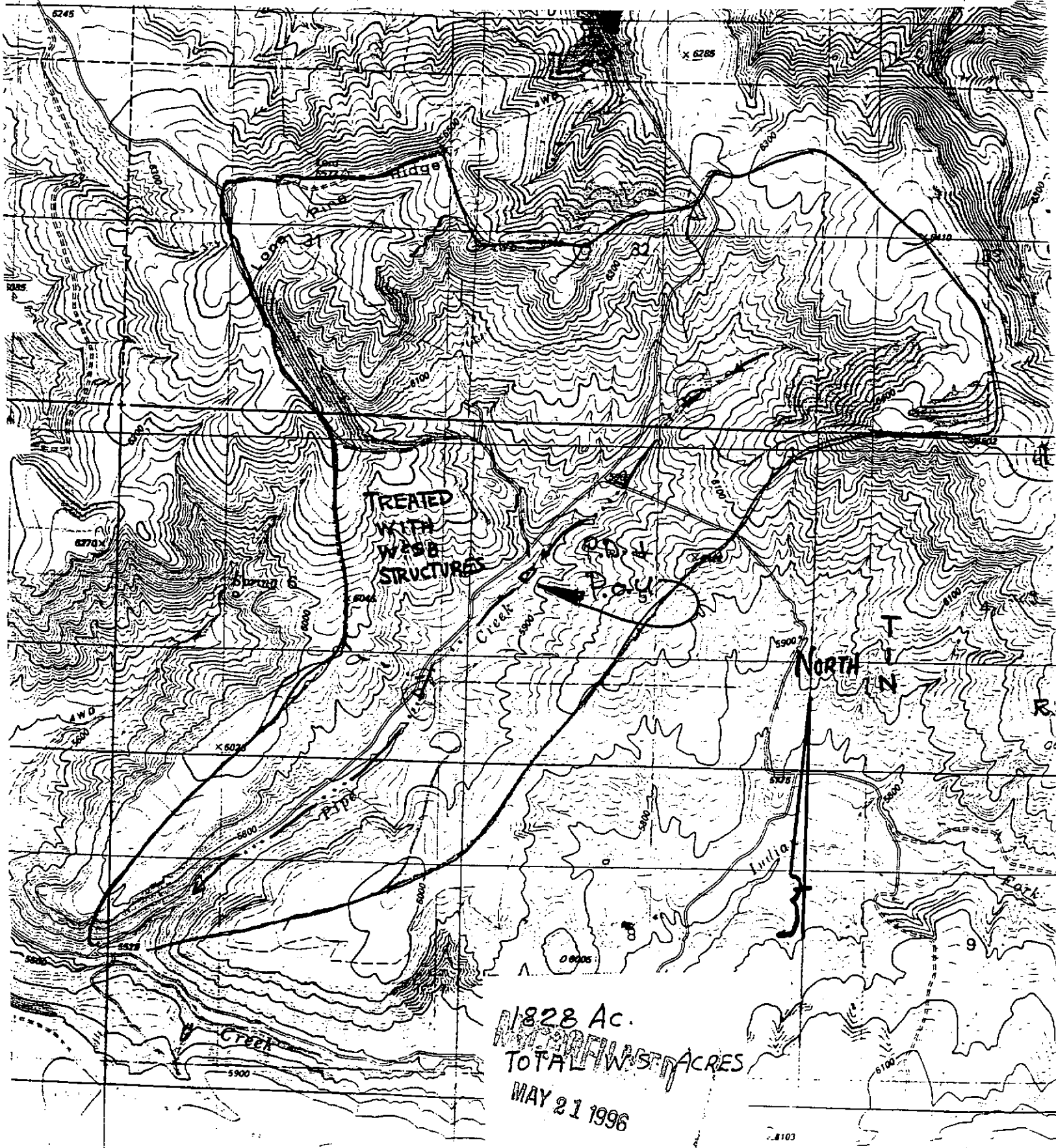
1. Approval of said application is subject to the following limitations and conditions:

- 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:

RECEIVED
MAY 21 1996

CONSERVATION PLAN MAP

Owner Idaho DEPT OF FISH & GAME Operator SAME
County BONNEVILLE State IDAHO Date 8-1-75
Approximate acres _____ Approximate scale _____
Cooperating with EAST SIDE SOIL Conservation District
Plan identification PIPE CR. PLAN Photo number _____
Assisted by J. FORBUSH USDA Soil Conservation Service





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 10, 2003

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS STE 100
BOISE ID 38706-1234

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 25-7647

Dear Permit Holder:

I acknowledge receipt of the Proof of Beneficial Use you filed in connection with the above referenced permit. The department will consider this proof as being filed timely because the deadline fell on a Saturday. Therefore, I am reinstating this permit without an advance in the priority date.

The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

MAR 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 25-7647

Reviewed By: dgibson

Date: March 10, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C067649	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	03/03/2003
Date proof due	- 03/01/2003
Lapse notice sent	-
No. of days late	= 2
Holiday allowance	+ -2
Priority date	+ 01/16/1996
New priority date	= 01/18/1996

Deficiencies of Actions Items

Acknowledge proof. Issue an order reinstating but waive the advance in priority. If Glen ok's then change the database back to the original priority date. - *done*

December 31, 2002

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-5155

PROOF DUE NOTICE

RE: PERMIT NO. 25-7647

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 March 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

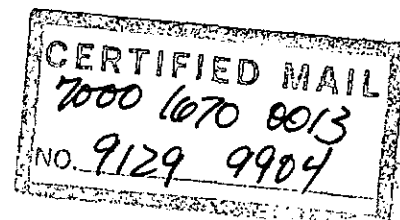
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 11 2003



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 25-07647 Reviewed by [Signature] Date 4-10-98

BASIC INFORMATION

3-2-98 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to March 1, 2003
on basis of due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address 1150 N. Curtis, Ste 100, 83706-1234
Change Proof Due Date 3-1-2003
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 16, 1998

US Dept of Reclamation
1150 N Curtis STE 100
Boise ID 83706-1234

RE: Permit No. 25-07647

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **March 1, 2003**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
APR 28 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 1998

US Dept. of Interior
Bureau of Reclamation
230 Collins Rd
Boise ID 83702

RE: Permit No. 25-07647

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on the above referenced water right. The forms were originally sent by certified mail on December 31, 1997, to the name and address listed on the water right permit, however, they were returned by the postal service due to insufficient address.

Please read the original enclosed letter, complete the necessary form and return it to this office on or before the proof due date of March 1, 1998.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosures

MICROFILMED

APR 28 1998

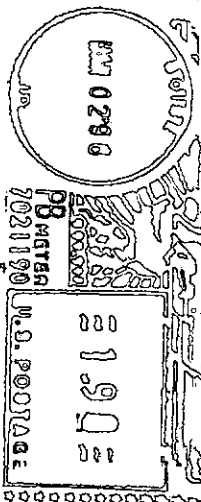
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

P 590 062 328

RETURN
TO
SENDER
FORWARDING ORDER EXPIRED

RETURN
TO
SENDER
FORWARDING ORDER EXPIRED

MAIL



RECEIVED

JAN 06 1998

Department of Water Resources

MICROFILMED

APR 28 1998

230 Collins Rd.
Boise, ID 83702

✓
Sent
1-14-98

December 31, 1997

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
550 W FORT ST
BOISE ID 83724

PROOF DUE NOTICE

RE: PERMIT NO. 25-07647

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 March 1, 1998.

(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.

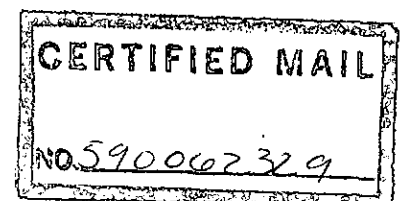
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 28 1998





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

May 14, 1996

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
550 W FORT ST
BOISE ID 83724

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 25-07645/6/7/8

Dear Permit Holder:

Enclosed are copies of your applications for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permits.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structures for your water rights. Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

RECEIVED

MAY 21 1996

SWK:rl

MEMORANDUM

DATE: MAY 7, 1996

TO: ~~JIM JOHNSON~~ SHELLEY BERN

FROM: RON CARLSON

RE: FISH AND GAME WILDLIFE PONDS, APPLICATIONS 25-7645, 25-7646, 25-7647, 25-7648

RECEIVED

MAY 10 1996

Department of Water Resources

There currently is a lot of interest in water rights for small ponds. Many developers want them for ascetics and fire protection. In the case of the above referenced applications the Dept. of Fish and Game wants to construct some man made beaver ponds. There appears to be a concern in the state office that these are not truly non-consumptive because of the increased evaporation. As I understand the logic, the break between "De minimus" and significant is one-half acre in surface area. The fact is we do charge evaporation on all of the man-made reservoirs. Ririe reservoir which sits below these ponds has a surface area of 1560 acres and we will charge between 1.5 and 2 acre-feet/surface acre evaporation. This is done primarily to correct the natural flow on Willow Creek. On a full reservoir the evaporation loss per acre-foot of storage would be about 0.03 AF/AF-stored. Thus on the proposed fish and game ponds the combined evaporation would be about 1.6 AF for the year. However, the net increase in evaporation would be zero. In fact the actual evaporation would probably be reduced. If the water captured by these ponds could not be stored in Ririe and ended up in American Falls the actual evaporation per acre-foot of storage would increase significantly, and would be closer to 0.25 AF/AF-stored.

Therefore we are not very concerned about new storage located high in the watershed. In addition, we have compared the flow at King Hill with the unregulated flow at Heise and after nearly 100 years of irrigation development and the addition of 4.1 million acre-feet of storage there has not been a detectable change in the relationship between the basin outflow at King Hill and the basin inflow represented by the Heise gaging station. "De minimis non curat lex" may indeed be the applicable legal principle in the case of these applications.

RECEIVED

MAY 21 1996



IDAHO FISH & GAME

UPPER SNAKE REGION
1515 Lincoln Road
Idaho Falls, Idaho 83401-2198

Philip E. Batt / Governor
Jerry M. Conley / Director

April 30, 1996

RECEIVED

MAY 06 1996

Department of Water Resources
Eastern District Office

Mr. Harold Jones
Water Right Supervisor
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83401

Dear Harold:

There is apparently some concern about the water rights for four impoundments filed for by the Bureau of Reclamation on the Tex Creek Wildlife Management Area (WMA). The property is owned by the Bureau of Reclamation (BOR) and managed for wildlife by the Idaho Department of Fish and Game (IDFG).

The rights filed for were nonconsumptive and this has been called into question because of the total surface acres involved in the project. Idaho Department of Water Resources is concerned that evaporation from this pond system will exceed the allotted amount for nonconsumptive use. However, there are mitigating circumstances that your Department should be aware of which should relieve the concerns:

1. The area in question is a heavily vegetated area. The BOR has done significant research which indicates that in areas such as this, evapotranspiration exceeds the surface evaporation from impoundment of the area. Therefore, the ponds could actually yield a net gain to the system.
2. The stream in question is ephemeral with springs that sink. The main source of water is spring runoff which moves off the area very quickly. These ponds will act as water banks, storing water and releasing it over a longer period of time. Of course, all extra water during the spring would continue immediately through the system. This will be a net benefit to the ecosystem and will provide water to downstream users over a longer period of time.
3. Recharge of the groundwater system should yield benefits to the overall water budget for the area.
4. The springs feeding the stream all go to sinks within a short distance, and summer storm events seldom reach the confluence with Tex Creek. This water will be stored to provide habitat and improve the diversity of the WMA.

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MAY 21 1996

Mr. Harold Jones
April 30, 1996
Page 2

5. The calculations of evaporation are based on the ponds being full all year. This will not be the case with these impoundments. They will fill during the spring but will be intentionally drained partly or completely beginning in late July each year. This improves the productivity of the ponds for wildlife.
6. Twenty or so smaller impoundments could be built in this same drainage to stay under the half acre and permitting requirements. This would actually result in an increased storage capacity and further reduce the amount of surface water reaching Ririe Reservoir. In addition, due to cost constraints, I would not be able to build elaborate water control structures such as are planned for the larger ponds. Water that filled these smaller impoundments would likely stay there until it sank or evaporated.

Although this project and the permit proposal were advertised in the paper, I have not heard anything but positive comments about it. Ducks Unlimited, one of the funding partners, is very excited about the positive benefits the project will have for waterfowl. Other species likely to benefit include the Columbian sharp-tailed grouse, elk, moose, mule deer, amphibians, songbirds and raptors.

I hope these comments help to alleviate concerns about the project and will help to expedite the permitting process.

Sincerely,

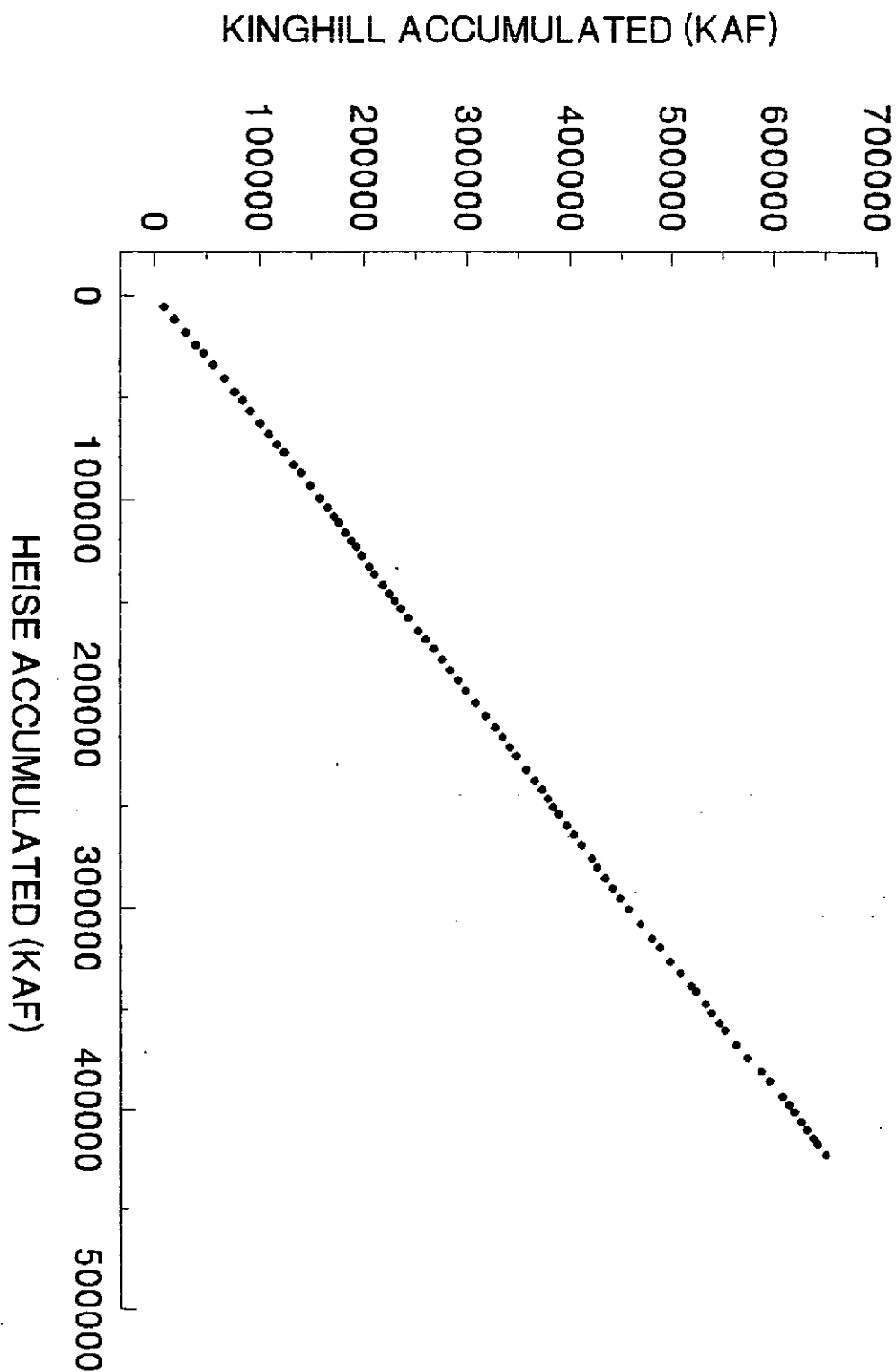
for *Robert Martin*
Don E. Wright
Regional Supervisor

DEW:TT:ab
cc: Steve Schmidt
Terry Thomas

MAILED
MAY 21 1996

MAY 21 1996

DOUBLE MASS PLOT
KINGHILL VS HEISE 1911-1993



MAINTAINED
MAY 21 1996

Sl. No	NAME OF APPLICANT	SOURCE	AMOUNT	PERIOD	POINT OF DISBURSEMENT	Proof Due	Proof Made	Expend	Exam Pending	Final Status
25	25-1639. Donald Miller	Govt	.10	4-25-1995	50050502 15 34 38E					Approved
25	25-1640. Donald Miller	Govt	.10	4-25-1995	50050502 15 34 38E					Approved
25	25-1641. Willie E. Brown	Young Coast Machol Coast	.05	5-22-1995	5E502 21 24 41E				X	Approved
25	25-1642. Michael J. Anderson	Young	.02	5-22-1995	50045502 26 53 43E					Approved
25	25-1643. Linda J. Connor	Govt	.18		5E5E 33 54 39E					Approved
25	25-1644. R. Gary Peterson	Govt Coast	.04		4004E 13 44 39E					Procedural Note
25	25-1645. Paul J. Hume	Govt Coast	.18		500505E 32 24 41E					5.0. 3-8-96
25	25-1646. Paul J. Hume	Govt Coast	.12		5E0E040 5 14 41E					5.0. 3-8-96
25	25-1647. Paul J. Hume	Govt Coast	.12		5E0E040 5 14 41E					5.0. 3-8-96
25	25-1648. Paul J. Hume	Govt Coast	.10		4004E 6 14 41E					5.0. 3-8-96

APPROVED

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 25-7647 Name: BOR/F&G Date: 3/14/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: E021850 Priority: 1/18/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes ESRP Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District(~~dem~~) - 005 (req) WD # 01 <SEE MAP & LISTING>
Storage Only + 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09(✓+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - W <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU)
OTHER CONDITIONS: _____
STANDARD REMARKS: 0 w07
BENEFICIAL USE DUE: 3-1-1998
COMMENTS: _____

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MAR 13 1996
Form No. 202a
4/87
Department of Water Resources

Dist. for staffing 1-23-96
Submitted for advertising 1-30-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 1-30-96 APPLICATION NO. 25-7647
ID Dept of Fish and Game
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

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 _____
Yes ☐ No ☐ Field report attached
Yes ☐ No ☐ Critical groundwater area
Yes ☐ No ☐ Groundwater management area
☒ Yes ☐ No ☐ Send dam safety information Done
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
*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 Bureau of Reclamation

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

☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest <u>3-4-96</u>
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations, attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what Dist. <u> </u>
☐ Yes	☐ No	Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended _____
By _____ Date _____

See below for additional information

By _____ Date _____

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 _____

Project impacts/implications report

COMMENTS

[illegible]

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

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

25-07645

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401
Source: PIPE CREEK
Tributary: TEX CREEK
Diversion Pt: SWSWSE Sec 32 T02N R 41E in BONNEVILLE County
Use: WILDLIFE STORAGE (18.00 AF)
Total Diversion: (18.00 AF)
Date Filed: 1/16/1996
In: BONNEVILLE County
T02N R41E S32 SWSE
25-07646

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401
Source: PIPE CREEK
Tributary: TEX CREEK
Diversion Pt: SENENW Sec 5 T 01N R 41E in BONNEVILLE County
Use: WILDLIFE STORAGE (12.00 AF)
Total Diversion: (12.00 AF)
Date Filed: 1/16/1996
In: BONNEVILLE County
T01N R41E S05 NENW
25-07647

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401
Source: PIPE CREEK
Tributary: TEX CREEK
Diversion Pt: SESWNW Sec 5 T 01N R 41E in BONNEVILLE County
Use: WILDLIFE STORAGE (12.00 AF)
Total Diversion: (12.00 AF)
Date Filed: 1/16/1996
In: BONNEVILLE County
T01N R41E S05 SWNW
25-07648

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401
Source: PIPE CREEK
Tributary: TEX CREEK
Diversion Pt: NWSESE Sec 6 T 01N R 41E in BONNEVILLE County
Use: WILDLIFE STORAGE (10.00 AF)
Total Diversion: (10.00 AF)
Date Filed: 1/16/1996
In: BONNEVILLE County
T01N R41E S06 SESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 4, 1996.

KARL J. DREHER, Director
Published: February 15, 22, 1996

MAY 21 1996

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, S. BOB BRIGHT or TINA WEGNER, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for Two consecutive weeks, first publication having been made on the 15th day of February, 1996, last publication having been made on the 22nd day of February, 1996, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 28th day of February, 1996.

Jason Magman
Notary Public

My commission expires July 1st, 1997.

B10

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MAR 07 1996

Department of Public Resources
Eastern District Office

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21 1996

25-07647

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401

Source: PIPE CREEK

Tributary: TEX CREEK

Diversion Pt: SESWNW Sec 5 T 01N R 41E in BONNEVILLE County.

Use: WILDLIFE STORAGE	(	12.00 AF)
Total Diversion:	(	12.00 AF)

Date Filed: 1/16/1996

In: BONNEVILLE County
T01N R41E S05 SWNW

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MAY 21 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 1996

ID DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Notice of Applications for Permit No. 25-07645, 25-07646, 25-07647, 25-07648

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the applications in the Post Register on February 15 & 22, 1996. The advertisement will be published for two consecutive weeks, and 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 applications 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,

Harold W. Jones
Harold W. Jones

Water Right Supervisor

HWJ/rb

21 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 1996

BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706

RE: Applications No. 25-07645, 25-07646, 25-07647, 25-07648

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is March 4, 1996, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones *cb*
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

RECEIVED

MAY 21 1996