

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 74-16255

**Priority:** December 02, 2021

**Maximum Diversion Rate:** 0.02 CFS

It is hereby certified that:

MCFARLAND LIVESTOCK CO INC PO BOX 50 LEMHI ID 83465-0050

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 02, 2021, and has submitted Proof of Beneficial Use on January 17, 2023. An examination confirms water is diverted from:

**Source :** HAWLEY CREEK

**Tributary:** EIGHTEENMILE CREEK

**Beneficial Use**

STOCKWATER

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

0.02 CFS

**Location of Point(s) of Diversion**

HAWLEY CREEK NE¼ NW¼, Sec. 31, Twp 16N, Rge 27E, B.M. LEMHI County (Beginning of Stream Flow)

HAWLEY CREEK L1 ( NW¼ NW¼), Sec. 31, Twp 16N, Rge 27E, B.M. LEMHI County (Ending of Stream Flow)

**Place of Use:** STOCKWATER

| Twp | Rng | Sec | NE |    |    |    | NW |         |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|---------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW      | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16N | 27E | 31  |    |    |    |    | X  | X<br>L1 |    |    |    |    |    |    |    |    |    |    |        |

**Conditions of Approval**

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. This right authorizes the watering of livestock directly from the stream without a diversion.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 this 19<sup>th</sup> day of January, 20 23.

  
\_\_\_\_\_  
PHILL HUMMER  
Water Rights Supervisor

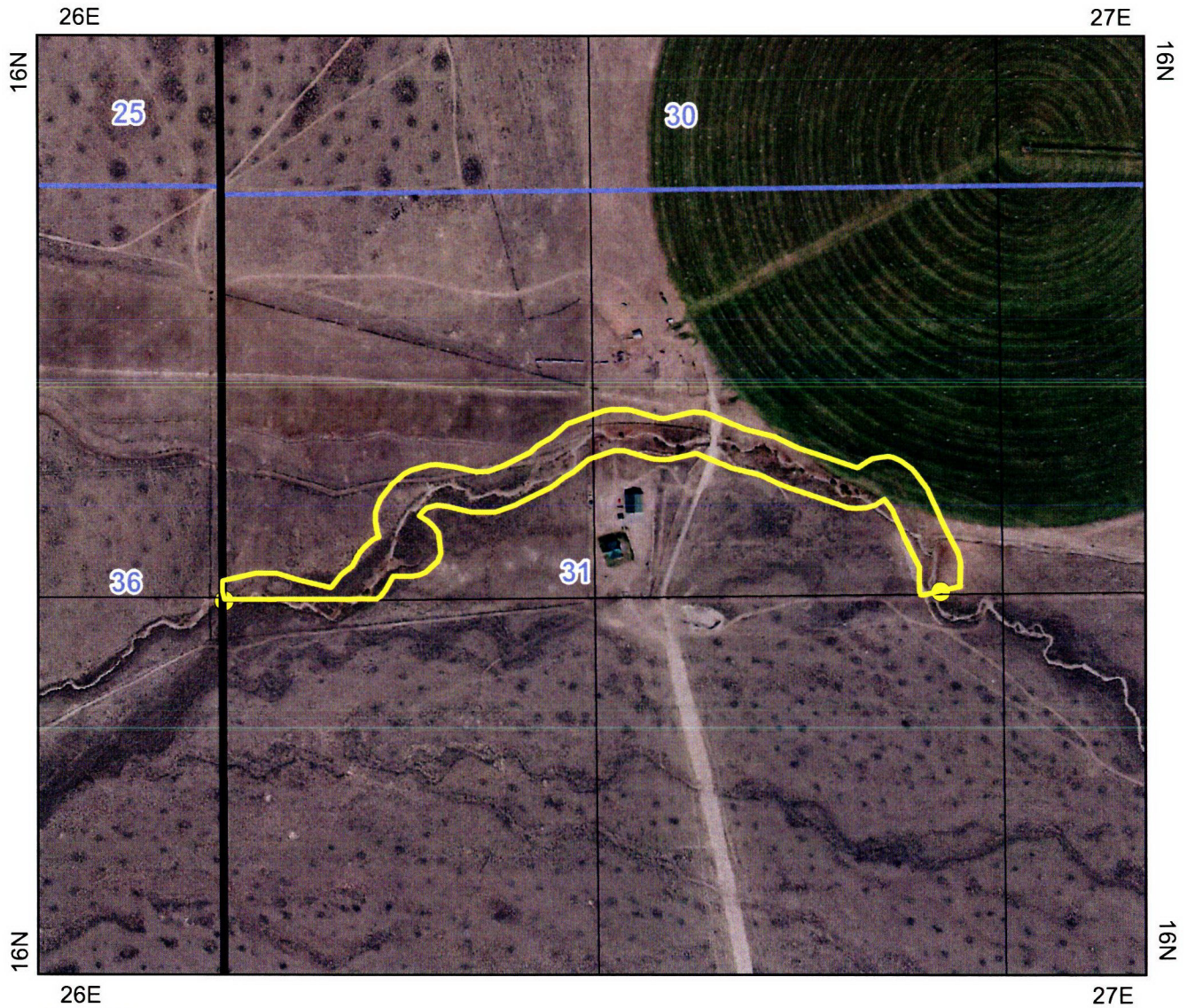
JAN 23 2023

State of Idaho  
Department of Water Resources

# Attachment to Water Right License

74-16255

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

0 0.05 0.1 0.2 Miles





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

January 24, 2023

McFARLAND LIVESTOCK CO INC  
PO BOX 50  
LEMHI ID 83465-0050

RE: License No. 74-16255

**ISSUANCE OF LICENSE**

Dear Water Right Holder:

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

  
for Phill Hummer

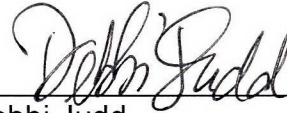
Water Rights Supervisor

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2023, I served a true and correct copy of Water Right License No. 74-16255 by U.S. Mail, postage prepaid, to the following:

McFARLAND LIVESTOCK CO INC (Current Owner)  
PO BOX 50  
LEMHI ID 83465-0050



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Debbi Judd  
Technical Records Specialist

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

**A. GENERAL INFORMATION**Permit No: 74-16255

Exam Date: 1/18/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y    N
- a. Irrigation of 5 acres or less
  - b. Storage of up to 14.6 AF for stockwater purposes only
  - c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
  - d. Other <    >

2. Current Owner: Name: McFarland Livestock Co. Inc.  
Owner of Record Correct?   X   Y    N  
Address of Record Correct?   X   Y    N  
If No: Address

According to GIS and Tax Parcel Data the property is owned by McFarland Livestock Co. Inc. A portion of the POU is on property owned by Sheldon Jones. An easement was provided by Mr. Jones allowing livestock access to Hayden Creek on his property.

3. Beneficial Use Fees have been paid:   X   Y    N Receipt No: C115111

4. SOURCE TRIBUTARY  
Hawley Creek Eighteenmile Creek

Method of Determination: GIS and Tax Parcel DataChange in Source:    Y   X   N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: No Overlap

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
| N/A             |        |                |       |
|                 |        |                |       |

Comments: **There is another water right, 74-16062 that overlaps the permit shapefile. Since it is for stockwater there is no overlap because the permit holder simply needs more water for livestock.**

2. Other water rights with the same point of diversion: No Overlap

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
| N/A             |        |                |       |
|                 |        |                |       |

Comments: **Multiple water rights divert from the same point of diversion as this permit. However, their beneficial use is irrigation. Therefore, they would not overlap this permit.**

*Shelley*  
JAN 25 2023

**C. DIVERSION AND DELIVERY SYSTEM****1. LOCATION OF POINT(S) OF DIVERSION:**

| Source                           | Govt<br>Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. |      | County |
|----------------------------------|-------------|-----|-----|-----|------|------|------|------|--------|
| Hawley Creek (Beginning of Flow) |             |     | NE  | NW  | 31   | 16N  | 27E  | B.M. | Lemhi  |
| Hawley Creek (Ending of Flow)    | 1           |     | NW  | NW  | 31   | 16N  | 27E  | B.M. | Lemhi  |
|                                  |             |     |     |     |      |      |      | B.M. |        |

Method of Determination: GIS and Tax Parcel Data.

Change in POD? \_\_\_\_Y\_\_X\_\_N      Amendment Required? \_\_\_\_Y\_\_X\_\_N

**2. PLACE OF USE:** Use: Stockwater

| TWP           | RGE | Sec   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|---------------|-----|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|               |     |       | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16N           | 27E | 31    |    |    |    |    | S  | S  |    |    |    |    |    |    |    |    |    |    | N/A    |
|               |     | Lot # |    |    |    |    |    | 1  |    |    |    |    |    |    |    |    |    |    | N/A    |
| Total Acres = |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | N/A    |

Method of Determination: GIS and Tax Parcel Data.

Change in POU? \_\_\_\_Y\_\_X\_\_N      Amendment Required? \_\_\_\_Y\_\_X\_\_N

\_\_ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

\_\_ Aerial Photo Attached (required for irrigation of 10+ acres).

\_\_ Photo of Diversion and System Attached

| 4. Well or<br>Diversion<br>Identification No.* | Motor<br>Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or<br>Discharge Size |
|------------------------------------------------|---------------|----|------------------|-----------|--------------------------------------|
| N/A                                            |               |    |                  |           |                                      |

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

**D. FLOW MEASUREMENTS**

| 1. Measurement<br>Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------------|------|------|-----------|------------|------|-------------|
| N/A                         |      |      |           |            |      |             |
|                             |      |      |           |            |      |             |

2. Measurements: N/A

**E. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method: The permit is conditioned for 1000 head of range cattle. According to Administrative Memo #3 the standard rate for 901-1000 range cattle is 0.23 cfs. The permit authorizes 0.02 cfs. Since this is far less than the standard, I am recommending a diversion rate of 0.02 cfs.

74-16255-2  
JAN 2 2013

**F. VOLUME CALCULATIONS**

2. Volume Calculations for Other Uses: **According to the ADAPA Beneficial Use Examination Rules 37.03.02.01J.iii in stream watering of livestock does not require a diversion volume.**

**G. PURPOSE OF USE**

Irrigation ☐ Y ☒ X ☐ N # Stock 1000 Domestic # of Homes N/A

Other: < >

Change in Purpose of Use? ☐ Y ☒ X ☐ N

Method of Determination: Tax Parcel data and the Statement of Completion for Submitting Proof of Beneficial Use.

If Yes: From Use \_\_\_\_\_ To Use \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

**H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for in house examination. The permit authorizes the in-stream stockwatering of 1000 head of range cattle. According to Administrative Memo #3 the standard rate for 1000 head of range cattle is 0.23 cfs. The authorized rate on this permit is far lower than the standard. According to the ADAPA Beneficial Use Examination Rules 37.03.02.01J.iii in-stream stockwatering does not require a diversion volume. All of the conditions have been met and it is reasonable to believe the permit holders are using water for the beneficial use authorized on their permit. Therefore, I am recommending a 0.02 cfs diversion rate.

Condition N13 and 111 should remain on the license. Condition 004 should be removed because the permit holder provided an easement from their neighbor allowing livestock access to Hayden Creek on their property. Condition X02 should be removed as standard with licensing. All other condition should be removed as standard with licensing.

Have conditions of permit approval been met? ☒ X Yes ☐ No

**I. RECOMMENDATIONS****1. Recommended Amounts**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| Stockwater            | 1/1 to 12/31         | 0.02 CFS              |
| <u>Totals:</u>        |                      | 0.02 CFS              |

**2. Recommended Amendments**

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ X None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

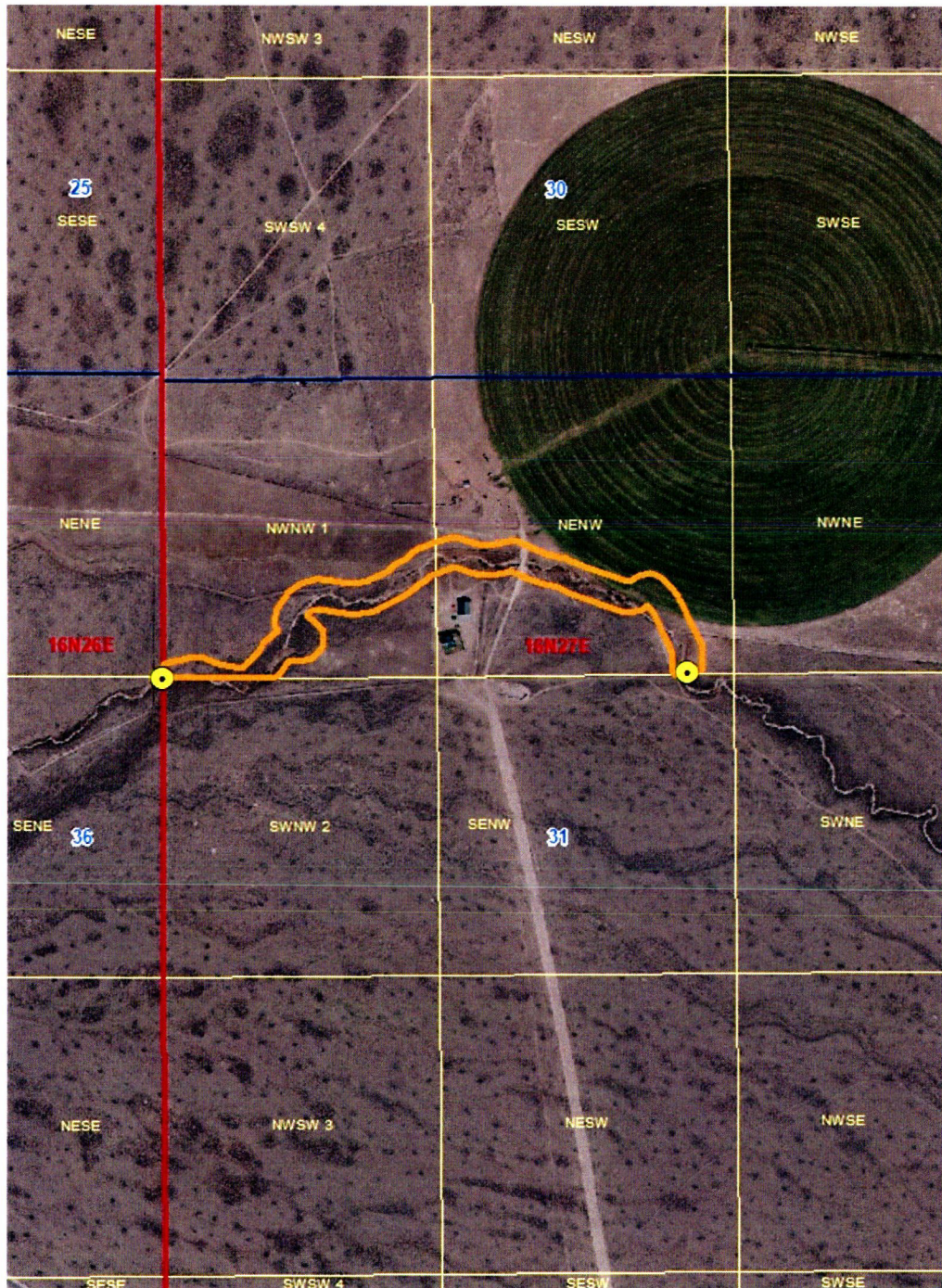
**J. AUTHENTICATION Skyler Cheever, Water Resource Agent**

Field Examiner's Name Skyler Cheever Date 1/18/2023

Reviewer PD Date 1/19/23

Field Exam Map:

The orange border shows the place of use, and the yellow points shows the point of diversion.



74-16255  
10/11/23

RECEIVED

JAN 17 2023

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**STATEMENT OF COMPLETION**  
FOR SUBMITTING PROOF OF BENEFICIAL USE

## FOR OFFICE USE ONLY

Amt. of Fee \$ 50  
Receipt No. C115111  
Received By Ku  
Date Received 1.17.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 74-16255 Name of Permit Holder(s) McFarland Livestock Co. Inc.  
Telephone No. 208 303 0318 Email kauer10@live.com  
Mailing Address PO Box 50 City Lemhi State ID Zip 83465

2. Source of Water Hawley Creek If Ground Water (well), Date Drilled mo. \_\_\_\_ / yr. \_\_\_\_  
Drilling Permit/Tag No. \_\_\_\_ Drilling Company's Name \_\_\_\_

## 3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) \_\_\_\_ Irrigation (No. acres) \_\_\_\_ Stockwater (No. and stock type) 1000 cattle  
Other \_\_\_\_

4. Total diversion rate or volume (storage only) for which proof is submitted 0.02 cfs OR \_\_\_\_ af  
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)  
Instream Stockwater

## 6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- |                          |                          |                          |                                                                       |
|--------------------------|--------------------------|--------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Ground water level data, pumping information, or other diversion data |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mitigation plan                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Lockable controlling works                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Measuring device                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Fish screen                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other requirements of the water right permit                          |

☐ Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50 or ☐ CWRE field report attached or ☐ No fee required  
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

## 8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Thayne Kauer Telephone No. 208 303 0318 Email kauer10@live.com  
Mailing Address PO Box 50 City Lemhi State ID Zip 83465

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

McFarland Livestock Co. Inc.  
By Thayne Kauer

SIGNATURE OF PERMIT HOLDER\*

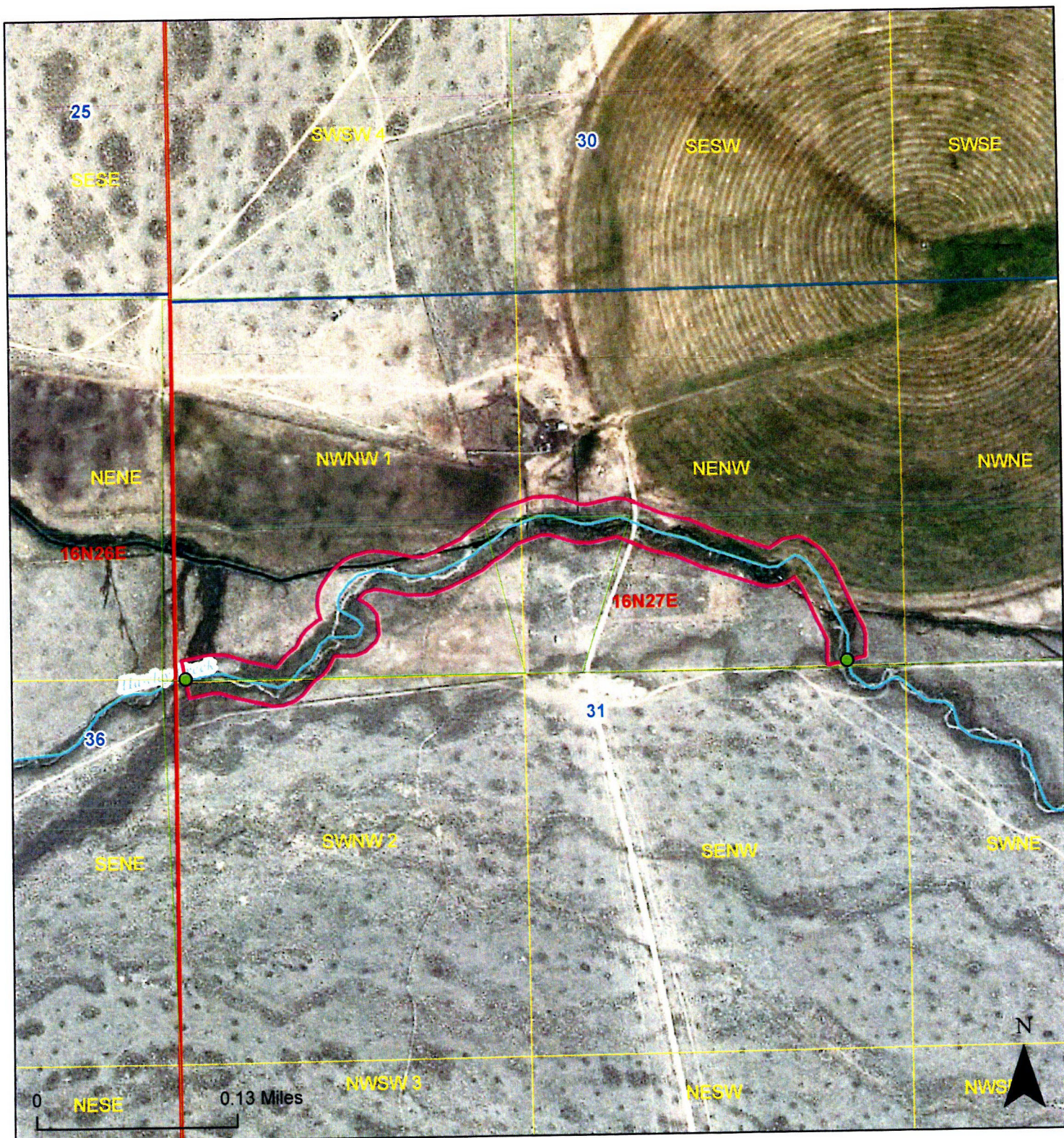
Thayne Kauer V.P.

PRINTED NAME AND TITLE

1/17/23

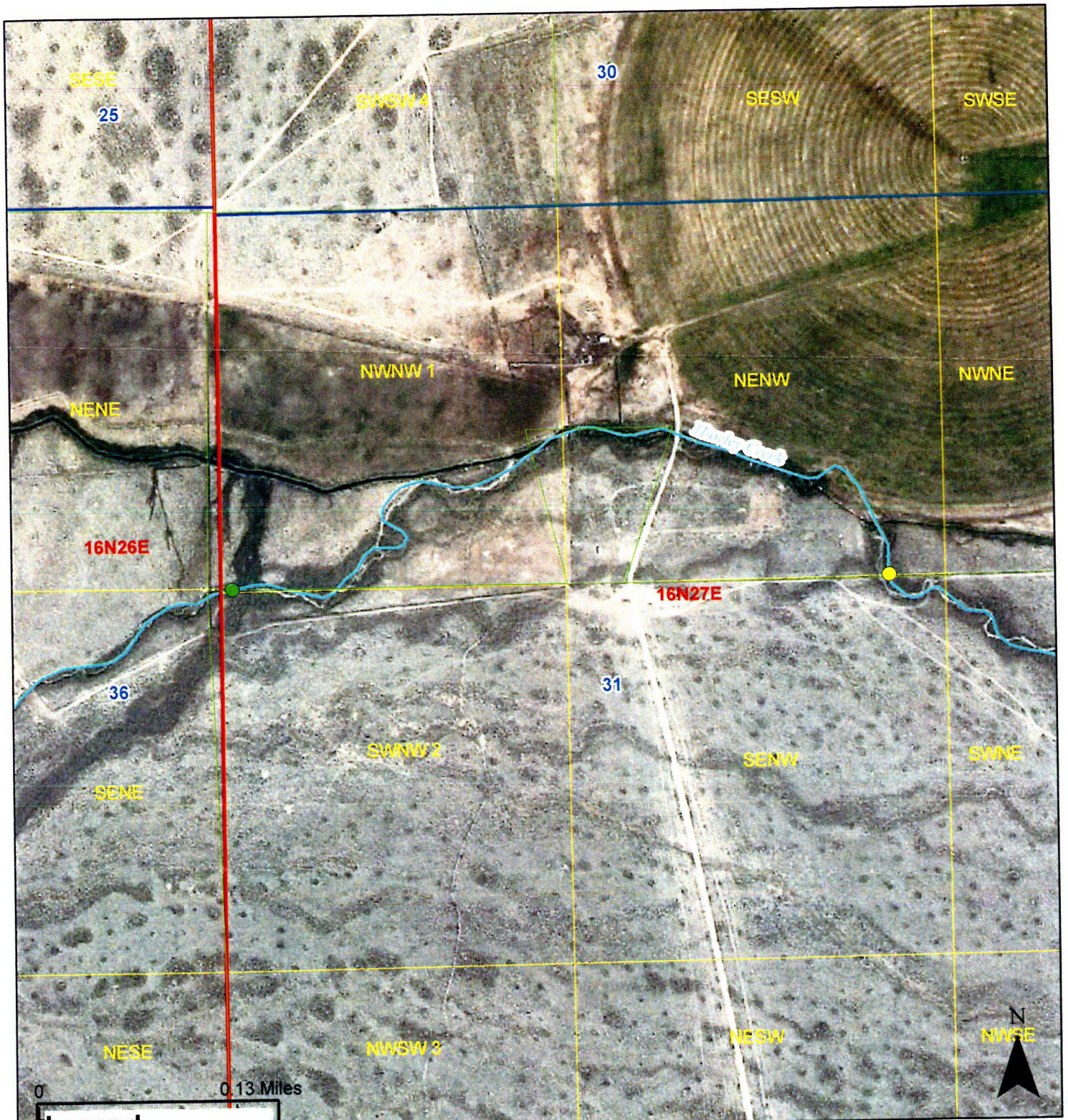
DATE

\*Attach power of attorney if completing on behalf of permit holder.



### Legend

- POU
- Township/Range
- Sections
- QQ



### Legend

- Point of Beginning
- Point of Ending
- Township/Range
- Sections
- QQ

# Beneficial Use Proof Evaluation

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Permit Number: 74-16255   Reviewer: djudd   Review Date: 1/17/2023

## Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 1/17/2023
- 4) Proof Due Date: 3/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -43
- 8) Proof received timely? Yes

## Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
  - a. Measuring Device -- No
  - b. Lockable Device --No
  - c. Fish Screen -- No
- 3) Are the required items installed?
  - a. Measuring Device --
  - b. Lockable Device --
  - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted?

## Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

## Receipt IDs

E047590

## Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little  
December 30, 2022

Director Gary Spackman

MC FARLAND LIVESTOCK CO INC  
PO BOX 50  
LEMHI ID 83465-0050

**NOTICE: STATEMENT OF COMPLETION DUE**

RE: Permit No. 74-16255

**IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.**

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, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd  
Technical Records Specialist

Enclosures



SCANNED  
JAN 13 2023