State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13433

Priority: December 14, 1992

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 736.0 AF

It is hereby certified that:

STATE OF IDAHO DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1992, and has submitted Proof of Beneficial Use on October 03, 1994. An examination confirms water is diverted from:

Source : WASTE WATER **Tributary:** PAYETTE RIVER
Source : POND **Tributary:** PAYETTE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
WILDLIFE STORAGE	1/01 to 12/31		12.0 AF
WILDLIFE	1/01 to 12/31	1.00 CFS	724.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.00 CFS	

Location of Point(s) of Diversion

POND SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County
WASTE WATER SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Conditions of Approval

1. Use of water under this right may 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. 65.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

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FEB 16 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13433

4. Right 65-13433 authorizes a total annual storage volume of 12.0 acre-feet, 2.8 acre-feet to be used for the initial filling or carryover storage, and 9.2 acre-feet for the replacement of losses due to evaporation. Water diverted for storage purposes under this right is stored in 2.8 acre-feet of additional capacity added to a 10.5 acre-foot natural pond with a 4.4-acre surface area
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. Source includes waste water from Langley Gulch drain ditch.
7. Wildlife storage is for waterfowl production area.

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 14th day of February, 2023.

SCOTT STORMS
Water Rights Supervisor

SCANNED
FEB 16 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

65-13433

This map depicts the WILDLIFE STORAGE 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.



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

0 0.0375 0.075 0.15 Miles

N

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RECEIVED
DEC 2 6 2019
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 65-13433

Priority: December 14, 1992

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 736.0 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13433

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707-0025

requests the permit be changed as follows:

Source : WASTE WATER **Tributary:** PAYETTE RIVER
Source : POND **Tributary:** PAYETTE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
WILDLIFE STORAGE	1/01 to 12/31		12.0 AF
WILDLIFE	1/01 to 12/31	1.00 CFS	724.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.00 CFS	

Location of Point(s) of Diversion
POND SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County
WASTE WATER SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 23 day of December, 2019.

(Signature)

SCANNED
FEB 16 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 65-13433

FOR DEPARTMENT USE ONLY

Preliminary check by JA Fee = $100 Receipted by JA # BILL0539 Date 3/29/2021

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-13433 with the following:

Conditions of Approval

1. Use of water under this right may 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.65.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Source includes waste water from Langley Gulch drain ditch.
6. Wildlife storage is for waterfowl production area.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this _____ day of _____, 20____.

NICK MILLER
Western Regional Manager

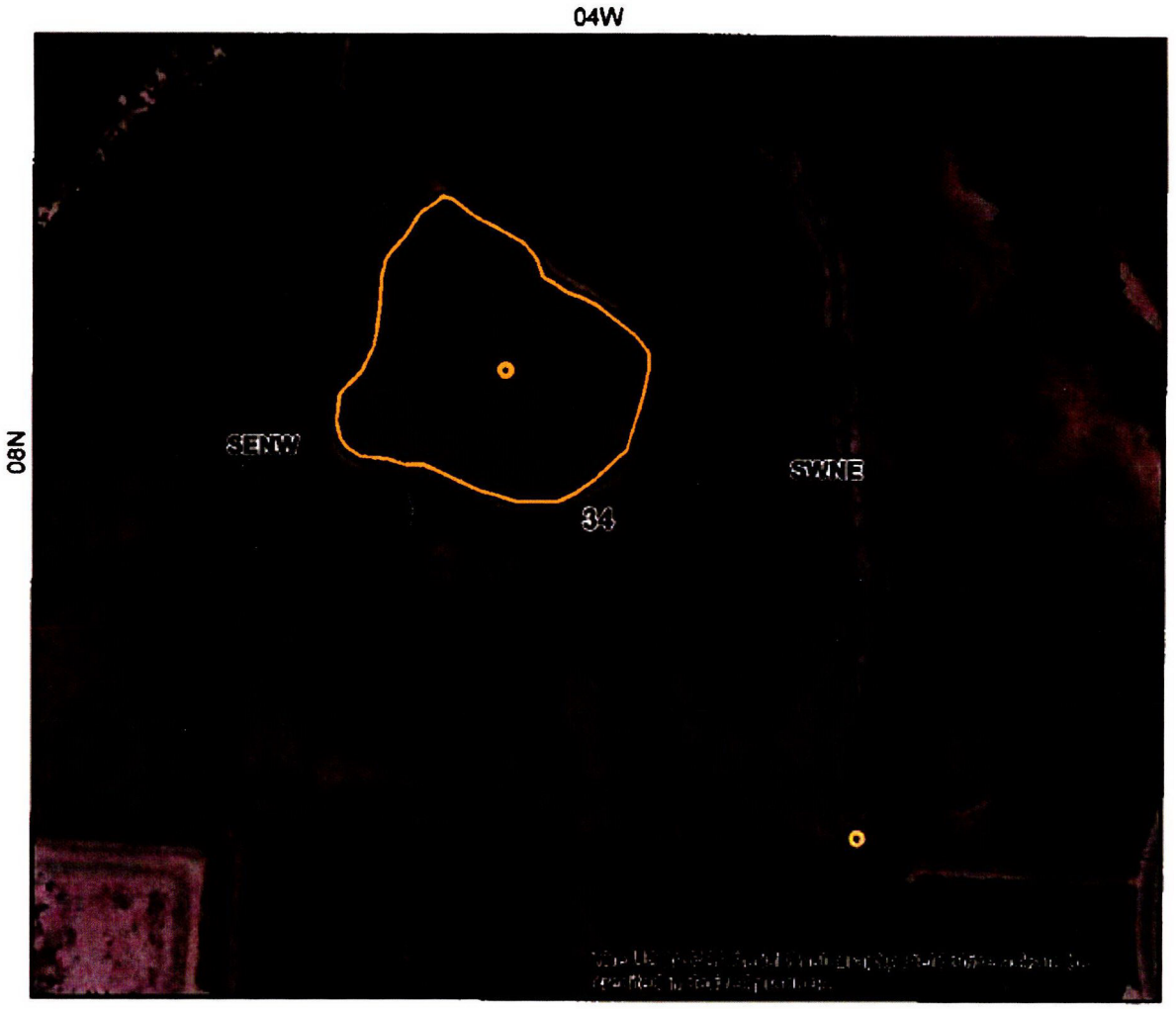
SCANNED
FEB 16 2023

State of Idaho
Department of Water Resources

Attachment to Application for Amendment

65-13433

This map depicts the WILDLIFE STORAGE 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.



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

0 0.0375 0.075 0.15 Miles

N

SCANNED
FEB 16 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 15, 2023

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: License No. 65-13433

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED
FEB 16 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I served a true and correct copy of Water Right License No. 65-13433 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO (Current Owner)
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

NEIL SHIPPY (Watermaster)
WATER DISTRICT #65
102 N MAIN ST
PAYETTE ID 83661-2522

Lynne Evans
Administrative Assistant I

SCANNED
FEB 16 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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.

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FEB 16 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 service date 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.

SCANNED
FEB 16 2023

MEMORANDUM

August 26, 2021

Water Rights: 65-13432, & 65-13433

Author: JShearer

Subject: Supplement to Field Report Narrative

System is connected for WR's 65-12828, 65-13432, and 65-13433. Eight observed natural ponds and their beneficial uses for Wildlife and Wildlife storage are accounted for by the aforementioned rights. A field exam for 65-12828 was conducted in 1989 and was later subsequently decreed. However, the field exam determined that 65-12828 did not have enough volume to account for the evaporative losses associated with the wildlife storage component. Thus, 65-13432 applied for 40.1 AF in 1992 and was split into 65-13432 for 28.1 AF (covering the evaporative losses for ponds 1-7) and 65-13433 for 12.0 AF at an 8th pond known locally as "9th pond" that was developed around that time. The system for all 8 ponds is interconnected through a series of ditches and headgates that allows IDFG to move water and maintain differing pond levels. Wastewater is diverted from Langley Ditch where it travels northwest directly into "9th pond." From there, a headgate at the north end of "9th pond" allows wastewater to travel north to ponds 1-7 where it can be moved interchangeably between the remaining ponds using headgates, ditches, and dikes that IDFG maintains.

SCANNED

FEB 16 2023

Shearer, Justin

From: Shearer, Justin
Sent: Monday, March 29, 2021 3:57 PM
To: Corbett, Brenda
Subject: RE: Interagency Payment

Brenda,
Thank you for the confirmation. I will include copies of the bill and correspondence as confirmation that the $100 filing fee for amendment was successfully completed.

Cheers,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190

From: Corbett, Brenda
Sent: Monday, March 29, 2021 1:27 PM
To: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Subject: Interagency Payment

Hi Justin,

Interagency # BILL0539 from Fish & Game has been paid.

Have a good day,
Brenda

Brenda Corbett
Financial Specialist, Sr
Idaho Department of Water Resources
(208) 287-4818

SCANNED
FEB 16 2021

Shearer, Justin

From: Corbett, Brenda
Sent: Tuesday, March 9, 2021 4:22 PM
To: Bassista,Tom
Cc: Shearer, Justin
Subject: RE: Interagency Bill

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tom,

It just needs to be paid. This is the bill for the application.

Thanks and have a good day,
Brenda

From: Bassista,Tom [mailto:thomas.bassista@idfg.idaho.gov]
Sent: Tuesday, March 9, 2021 4:11 PM
To: Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>
Subject: FW: Interagency Bill

Hey Brenda,

What needs to be done with this? Does IDFG have to sign and submit back to you?

Thanks for any insight.

From: Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>
Sent: Friday, February 19, 2021 2:09 PM
To: Dempsey,Steven <steven.dempsey@idfg.idaho.gov>; Schriever,Ed <ed.schriever@idfg.idaho.gov>
Cc: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Subject: Interagency Bill

Good Afternoon,

Please find attached an interagency bill for the application for amendment of water right 65-13433 signed on 12/23/2019. If you have any questions please let me know.

Thanks and have a good day,
Brenda

Brenda Corbett
Financial Specialist, Sr
Idaho Department of Water Resources
(208) 287-4818

SCANNED
FEB 16 2023

Shearer, Justin

From: Dempsey,Steven <steven.dempsey@idfg.idaho.gov>
Sent: Monday, July 15, 2019 5:16 PM
To: Shearer, Justin
Subject: FW: Field Exams for WR Permits 65-13432 & 65-13433
Attachments: Water Permit Stats.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Second attachment.

Steven Dempsey
Regional Habitat Biologist| Payette Habitat District Payette WMA | Montour WMA SW Region, Idaho Department of Fish and Game Nampa, Idaho 83686
(208) 465-8465
steven.dempsey@idfg.idaho.gov<http://steven.dempsey@idfg.idaho.gov>

From: Dempsey,Steven
Sent: Monday, July 15, 2019 5:13 PM
To: Shearer, Justin
Subject: RE: Field Exams for WR Permits 65-13432 & 65-13433

Hi Justin,

So I believe we number the ponds in the reverse order of you. We start with 1 at the south and count up going north. We did it that way based off the way the water flows. I have attached a map (with names instead of numbers) for the ponds that might help to clarify the pond locations.

From the best that I can tell permit 65-13433 was intended for what we call New pond, the most southern one. This pond is a least a decade newer than the rest having been built in 2012. Permit 65-13432 covers most of the older ponds, #2-8. Based off the pdf map attached to the permit on the IDWR water right site, it just barely covers a tiny section of 9th pond. We would need to add the NESE quad of section 28 to include the majority of 9th pond. Permit 65-486 covers the North pond with a listed use is Irrigation. We do irrigate the land included in that permit but it also used to fill that pond. We may need to add a wildlife storage (or similar) usage to that permit.

I have also attached a spreadsheet listing the ponds with approximate surface area (measured off google earth) and depths. Just doing some quick estimates (depth x surface area) it looks like permit 65-13432 was based on surface area and does not take into account the pond depths. I'm not sure how we can rectify that issue but look forward to working with you to straighten all this out.

Let me know if you need anything else,
Steve

Steven Dempsey
Regional Habitat Biologist| Payette Habitat District Payette WMA | Montour WMA SW Region, Idaho Department of Fish and Game Nampa, Idaho 83686
(208) 465-8465
steven.dempsey@idfg.idaho.gov<http://steven.dempsey@idfg.idaho.gov>

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FEB 16 2023

From: Shearer, Justin [Justin.Shearer@idwr.idaho.gov]
Sent: Thursday, July 11, 2019 2:30 PM
To: Dempsey,Steven
Subject: Field Exams for WR Permits 65-13432 & 65-13433

Hey Steve,

Thanks for chatting with me on the phone today about getting these permits licensed for you guys. We talked about you providing what you can on pond dimensions, as well as perhaps a correlating map that shows what pond is what. From what I understand based on the information provided during the field exam, there are 10 total ponds in the system with ponds 1 & 2 being under 65-13433, 2-8 or 9 being covered by 65-13432, and pond 10 under permit 65-486. Any re-clarifying of this info would be greatly appreciated as well.

Anyways I just wanted to get the dialogue going again so we could share some information and get these permits licensed hopefully this month. My apologies that it has taken this long to get back around to them, but we will get them done.

Feel free to let me know if you have any questions as well. I look forward to working with you on this to completion.

Best regards,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190

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Location	Pond	#	Acres	Depth (	Permit
Birding Island	New Pond	1	4.34	3.00	65-13433
Birding Island	Swan Pond	2	4.20	3.00	65-13432
Birding Island	Muskrat	3	8.21	3.00	65-13432
Birding Island	Hidden Slough	4	1.88	3.00	65-13432
Birding Island	Fish Pond	5	6.55	6.00	65-13432
Birding Island	Helmet Pond	6	0.31	3.00	65-13432
Birding Island	Gravel Pond	7	2.30	12.00	65-13432
Birding Island	Island Pond	8	5.37	3.00	65-13432
Birding Island	9th Pond	9	4.62	3.00	
Birding Island	North Pond	10	4.49	3.00	65-486
	Total		**42.27**		

Permit	Permit Ac	Surface Ac	Water Ac (Surface * Depth)
65-13433	12	4.34	13.02
65-13432	28.1	28.82	951.06
65-486	5 cfs	4.49	13.47

SCANNED
FEB 16 2021

Shearer, Justin

From: Dempsey,Steven <steven.dempsey@idfg.idaho.gov>
Sent: Thursday, December 26, 2019 12:23 PM
To: Shearer, Justin
Subject: Permit 65-13433
Attachments: 65-13433 Right Signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Justin,

Please find attached our signed copy of water right permit 65-13433. I have sent in a request for interdepartment billing to Treva Pline for the amendment fee.

I hope to get to correcting the water sources for 65-13432 in the next week or two but I'm somewhat busy with the holidays...

Steve

Steven Dempsey
Regional Habitat Biologist| Payette Habitat District Payette WMA | Montour WMA SW Region, Idaho Department of Fish and Game Nampa, Idaho 83686
(208) 465-8465
steven.dempsey@idfg.idaho.gov<http://steven.dempsey@idfg.idaho.gov>

SCANNED
FEB 16 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082
Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 18, 2019

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707-0025

COPY

RE: Water Right Permit No. 65-13433

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

_____ Point(s) of Diversion

__x__ Place(s) of Use

_____ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of $100.00 within fourteen (14) days.

If you have any questions, please call me at (208) 334-2190.

Sincerely,

Justin Shearer
Water Resource Agent, Senior

Enclosure(s): Application for Amendment, Map

SCANNED
FEB 16 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-13433
Exam Date: 07/12/2018

1. Current Owner:
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707-0025

2. Accompanied by: Steven Dempsey
Phone No: 208-465-8465
Address: Montour WMA SW Region, Idaho Department of Fish and Game, Nampa, ID, 83686
Relationship to permit Holder: Regional Habitat Biologist, Payette Habitat District Payette WMA, IDFG

3. **SOURCE:**	**Tributary**
WASTE WATER	PAYETTE RIVER
POND	PAYETTE RIVER

Method of Determination: Field observation, digital PLSSS mapping compared with aerial photography

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	N/A	N/A	N/A

Comments: N/A

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

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

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
POND SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County
WASTE WATER SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

Method of Determination: Garmin Handheld GPS

PLACE OF USE: WILDLIFE STORAGE, & WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Method of Determination: Field observation, ArcMap GIS tools, aerial imagery

3.

x Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

x Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

N/A Aerial Photo Attached (required for irrigation of 10+ acres).

x Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	N/A	N/A	N/A	N/A	N/A

SCANNED
FEB 16 2023

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: Stream flow using float to measure velocity

E. FLOW CALCULATIONS

x Additional Computation Sheets Attached

1. Diversion to Storage

Measured Method: Stream flow using float to measure velocity (orange peel float method)
Velocity timed trials: avg. of 5 trials = 6.63 seconds
Velocity = 10 ft/6.63 seconds= 1.5 ft/sec
Average X-sectional Area of flow = 5.61 ft^2
Average Wetted Perimeter = 6.23 ft

Velocity x Average X-sectional Area of Flow = (1.5 ft/s) x (5.61 ft^2) = **8.42 cfs**

Manning's Equation Calculation = **9.35 cfs**

2. Wildlife

Rate to account for evaporative losses from pond: 0.00656638 cfs/acre x 4.42 acres = 0.029 →0.03 cfs

Flow required to keep pond ice-free: 0.1 cfs x 4.42 acres = 0.44 cfs

Together = 0.47 cfs needed

Permitted = 1.0 cfs

Developed = Same as diversion to storage

Recommended = 1.0 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

3. Volume Calculations for Other Uses:

Wildlife Storage:

Pond Surface Area = 4.42 acres

Average Pond Depth = 3 ft

Pond Capacity (with additional fill beyond natural capacity)= 13.26 AF

Additional fill created by improvements = 2.8 AF

Estimated Evaporation Loss = 9.2 AF

Total Volume of pond = 22.5 AF

Total volume required for additional fill and evaporative losses = 12 AF

Wildlife: 1.0 cfs x 365 days x 1.9835 = 724.0 AF

G. NARRATIVE/REMARKS/COMMENTS

Field exam was conducted on July 12, 2018 by WRA Justin Shearer. He was accompanied by Steven Dempsey during the field exam. Mr. Dempsey is the Regional Habitat Biologist for the Payette Habitat District Payette WMA, IDFG.

The POD from Wastewater is located on the Langley Gulch Drain Ditch into a smaller ditch that leads to the pond and is controlled by a manually operated headgate. The POD from "Pond" is presumed as the center point of the pond. The source diversions are located in the SWNE QQ and are accurately described by the permit. Water right overlap did not discover any other water rights associated with the POD's. No amendment required to correct the legal description.

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ArcMap tools and aerial imagery was used to identify the Wildlife Storage POU. The pond is located in the SWNE and SENW QQ's which is not fully consistent with the permit that only describes the POU in the SWNE QQ. An amendment to the POU is needed to correct the legal description. For wildlife storage, the volume was calculated using ArcMap tools and aerial imagery to measure a pond surface area of 4.42 acre. With an average pond depth of 3 ft, a pond capacity of 13.26 AF was calculated. Additionally, an estimated evaporation loss of 9.2 AF was calculated bringing the total volume required for the pond to 22.5 AF. This is more than the permitted volume of 12.0 AF for Wildlife Storage however, because this pond was considered to be a "natural pond" with improvement structures added to raise the water level in the pond, the recommended 12.0 AF is based upon the additional storage created, not the entire volume of the pond (as per Application Processing Memo 67- *Permitting Requirements for Ponds*). Thus, there is no need to apply for additional storage volume.

Because the diversion ditch to the pond was too small to use a FlowTracker, the Diversion to Storage rate was calculated by using float to determine velocity, and pairing that with the measured cross sectional area of the ditch. From these measurements, two potential rates of flow were calculated; velocity times average x-sectional area of flow (8.42 cfs) and Manning's Equation (9.35 cfs). Both calculations demonstrate that the permit holder fully developed their permitted rate of 1.0 cfs and then some. IDFG should apply for additional water to cover what is being diverted for this pond.

For Wildlife flow rate, several calculations were made in an attempt to quantify how much is required for wildlife use. These estimations are less than the permitted rate. However, a rate of 1.0 cfs was permitted and developed. Thus, I am recommending a licensed wildlife diversion rate of 1.0 cfs. According to the Steve Dempsey of IDFG, the waste water source is available and diverted year round for flow through. Thus, the recommended volume for wildlife use is 724.0 AF.

Updated Condition 005 to R05. Modified storage conditions 219 was added to clarify storage components. Revised condition 01J to R02 and 01R since the sources are wastewater and pond that jointly share the diversion rate, making a measuring device requirement complicated to enforce, but still requires the user to maintain a lockable controlling works. The application for Amendment was returned to IDWR December 26, 2019. However the associated $100 fee was not received until March 29, 2021 through interagency billing.

Have conditions of permit approval been met? __x__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
WILDLIFE STORAGE	1/01 to 12/31		12.0 AF
WILDLIFE	1/01 to 12/31	1.00 CFS	724.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.00 CFS	
	Totals:	1.00 CFS	736.0 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None

__x__ Change P.U. as reflected above ____ Add P.U. as reflected above ____ None

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I. **AUTHENTICATION** Justin Shearer - Water Resource Agent, Senior

Field Examiner's Name _____ Date 2/14/23

Reviewer _____ Date 2/14/23

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FEB 16 2023

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Manning's Equation Calculator for Flow Rate in Any Open Channel

S = 0.0052 ft/ft

n = 0.060 manning's coefficient

A = 5.61 area (ft^2)

WP = 6.23 wetted perimeter (ft)

R = 0.90 hydraulic radius (ft)

Q = 9.35 flow rate (CFS)

READ ME

Channel Slope

Slope Options

○ Manual Entry ◉ Slope Calculator

Slope Calculator

Rise = 4 feet

Run = 771 feet

Slope, S = 0.0052 ft/ft

Channel Material, (n):

natural channel, very poor condition

Manning's Equation (1), is an empirical formula that solves for velocity (v) in a open channel under uniform flow. The continuity equation (2) when combined with equation (1) allows for the computation of the flow rate (Q) in an open channel under uniform flow.

In equations (1) and (3), η refers to Manning's Coefficient of Roughness and can be found in tabulated form for many open channel types. R is the hydraulic radius of the open channel and is equal to the area of the open channel divided by the wetted perimeter, R = A/P. S is the slope of the energy grade line which is often assumed to be equal to the slope of the channel .

Because Manning's Equation is empirical the units are not arbitrary. To obtain a velocity in ft/s and a flow rate in ft^3/s, area must be reported in ft^2, hydraulic radius must be reported in ft, and S must be reported in ft/ft. Manning's Coefficient of Roughness is a unitless constant.

$$(1)\quad v = 1.49\left(\frac{1}{\eta}\right)\left(R^{\frac{2}{3}}\right)\sqrt{S}$$

$$(2)\quad Q = vA$$

$$(3)\quad Q = 1.49\left(\frac{1}{\eta}\right)(A)\left(R^{\frac{2}{3}}\right)\sqrt{S}$$

1st Measurement

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Wetted Perimeter and X-Sectional Flow Calculator for Flow Rate in a User Defined Open Channel

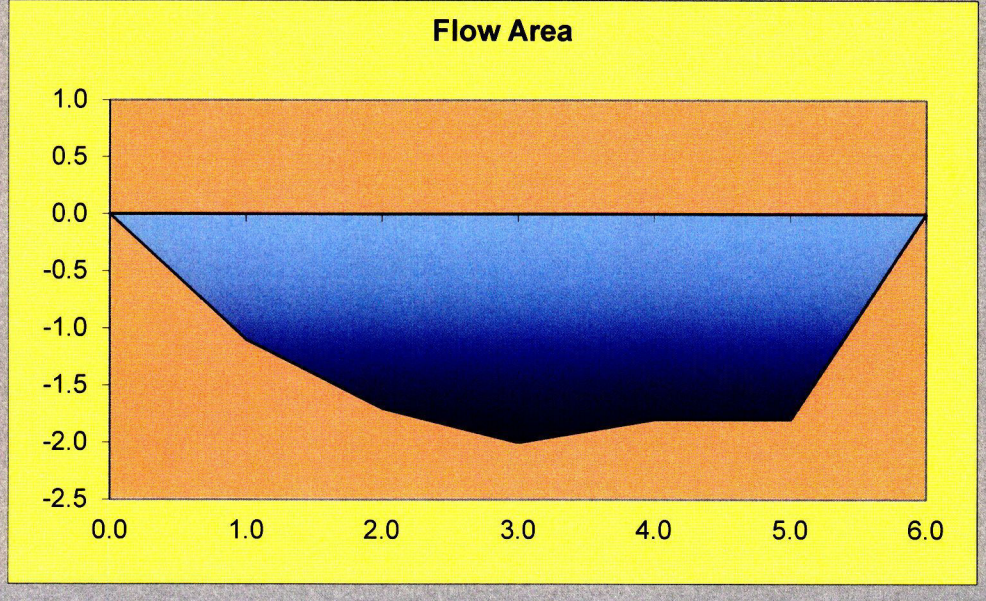
READ ME

Input No. of Measurement Points Used to Define the Channel

Note: a minimum of four measurement points must be used, with a maximum of 12.

7 No. of Selected Measurement Points

Input Channel Measurement Points	X (ft)	Y (-ft)
1st Meas. Point:	0.0	0.0
2nd Meas. Point:	1.0	-1.1
3rd Meas. Point:	2.0	-1.7
4th Meas. Point:	3.0	-2.0
5th Meas. Point:	4.0	-1.8
6th Meas. Point:	5.0	-1.8
7th Meas. Point:	6.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0



X-Sectional Area of Flow

A = 8.40 square feet

Wetted Perimeter

WP = 7.78 feet

2nd Measurement

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Wetted Perimeter and X-Sectional Flow Calculator for Flow Rate in a User Defined Open Channel

READ ME

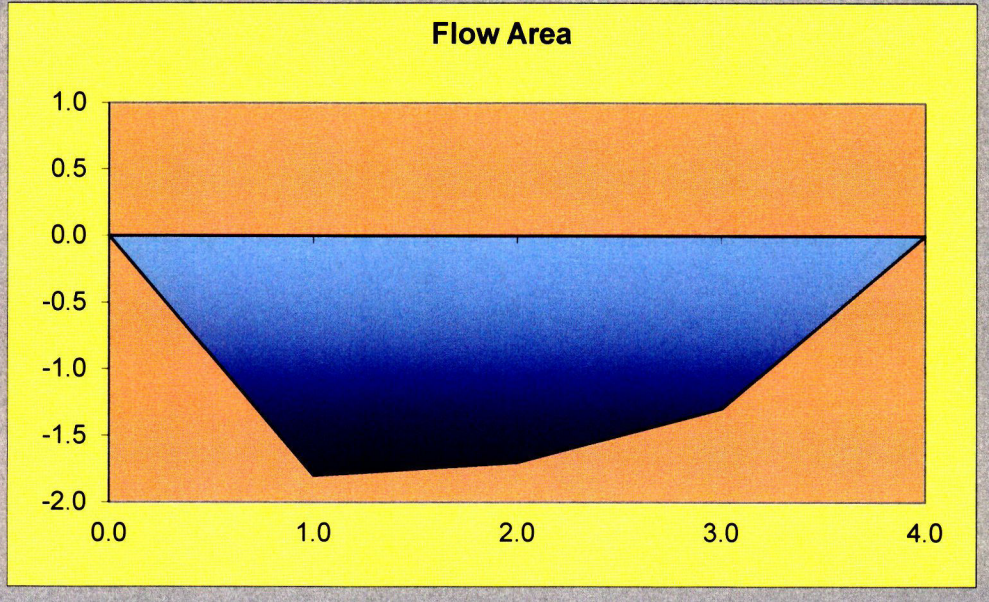
Input No. of Measurement Points Used to Define the Channel

Note: a minimum of four measurement points must be used, with a maximum of 12.

5 No. of Selected Measurement Points

Input Channel Measurement Points

	X (ft)	Y (-ft)
1st Meas. Point:	0.0	0.0
2nd Meas. Point:	1.0	-1.8
3rd Meas. Point:	2.0	-1.7
4th Meas. Point:	3.0	-1.3
5th Meas. Point:	4.0	0.0
	5.0	0.0
	6.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0



X-Sectional Area of Flow

A = 4.80 square feet

Wetted Perimeter

WP = 5.78 feet

3rd Measurement

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Wetted Perimeter and X-Sectional Flow Calculator for Flow Rate in a User Defined Open Channel

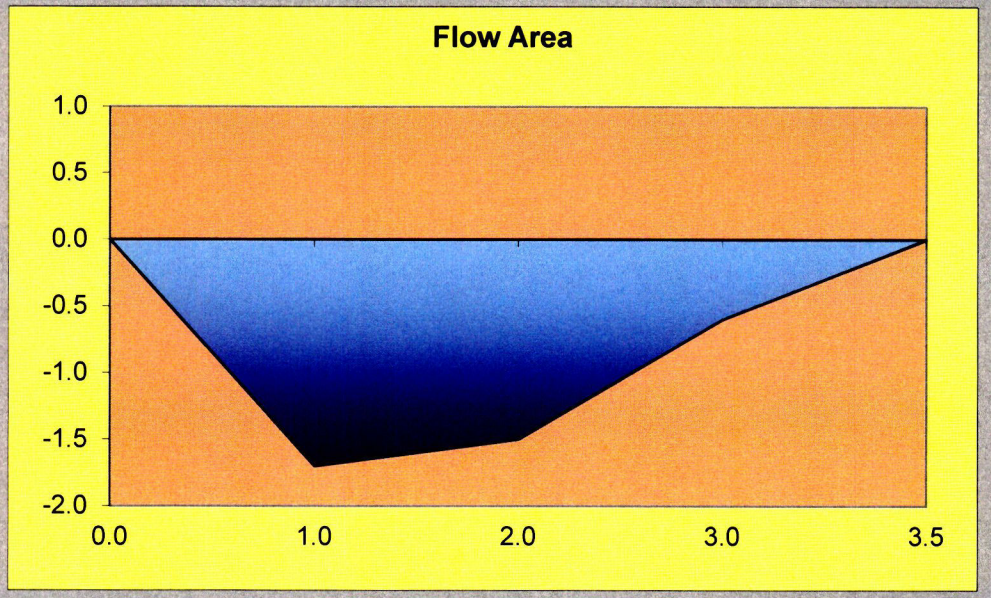
READ ME

Input No. of Measurement Points Used to Define the Channel

Note: a minimum of four measurement points must be used, with a maximum of 12.

5 No. of Selected Measurement Points

Input Channel Measurement Points	X (ft)	Y (-ft)
1st Meas. Point:	0.0	0.0
2nd Meas. Point:	1.0	-1.7
3rd Meas. Point:	2.0	-1.5
4th Meas. Point:	3.0	-0.6
5th Meas. Point:	3.5	0.0
	5.0	0.0
	6.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0
	0.0	0.0



X-Sectional Area of Flow

A = 3.65 square feet

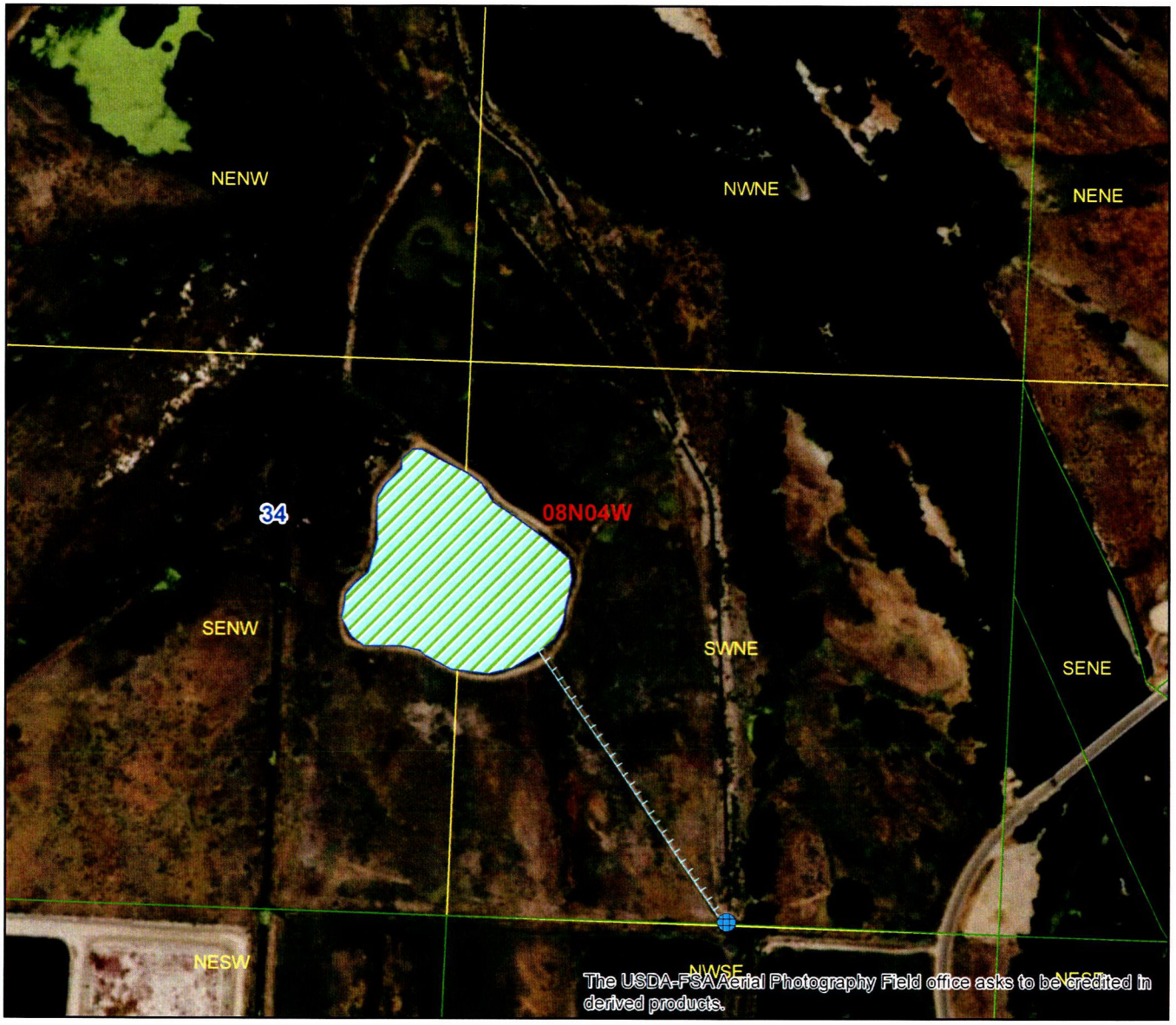
Wetted Perimeter

WP = 5.12 feet

State of Idaho
Department of Water Resources

B.U. Field Exam System Diagram

Water Right: 65-13433

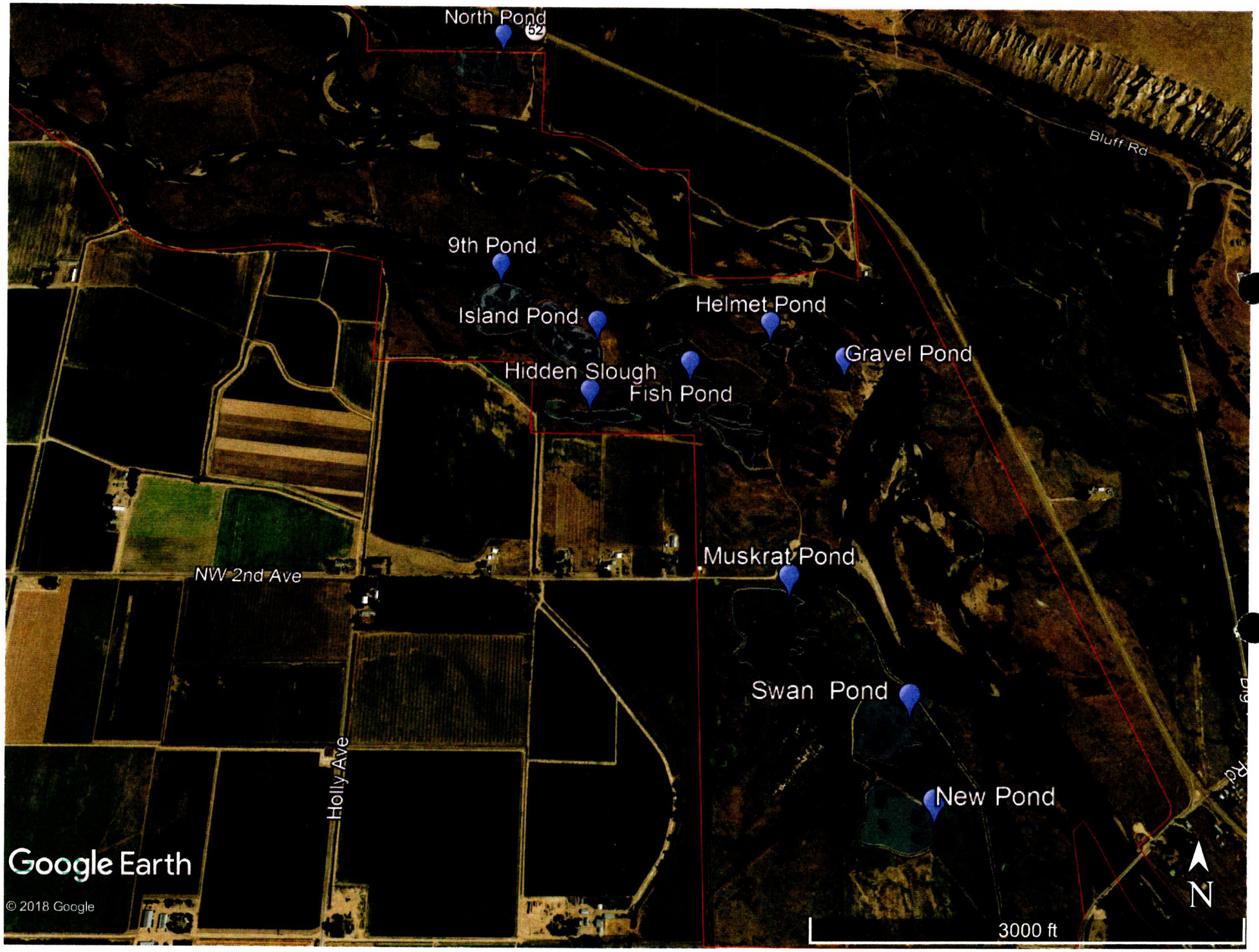


0 0.05 0.1 0.2 Miles

- Headgate from Langley Gulch Drain Ditch
- Ditch to Pond
- Pond (known as 'New Pond')

N

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North Pond
52
Bluff Rd
9th Pond
Island Pond
Helmet Pond
Gravel Pond
Hidden Slough
Fish Pond
Muskrat Pond
NW 2nd Ave
Swan Pond
Holly Ave
New Pond
Google Earth
© 2018 Google
N
3000 ft

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	65-13433
REVIEWER	Justin Shearer
DATE	12/9/2019

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	4.42	AC.
Pond Surface Area (SQ. FT.)	192535	SQ. FT.
I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	GP	
Suggested Seepage Rate (FT./DAY)	0.0000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss

Convert to GPD	0	GPD
Total Seepage Loss (AFA)	0.0	AFA

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**
SC (clayey sands, sand clay mixtures) = **0.007 ft per day**
CL (Low to medium plasticity clays) = **0.003 ft per day**
MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**
LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1) , an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2) . Use "0" if the pond fill relies on the water table.

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Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	65-13433
REVIEWER	Justin Shearer
DATE	12/9/2019

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P_d = Precipitation deficit
P_d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: http://data.kimberly.uidaho.edu/ETIdaho/

Precipitation Deficit

Station: Payette (NWS -- USC00106891)

Month	mm/day[1]	*Days per month*	mm/Month
Jan	-0.75	31	0.00
Feb	0.03	28	0.84
March	0.97	31	30.07
April	2.37	30	71.10
May	2.84	31	88.04
June	3.37	30	101.10
July	3.97	31	123.07
August	3.45	31	106.95
September	2.56	30	76.80
October	1.25	31	38.75
November	-0.36	30	0.00
December	-1.09	31	0.00

Total mm/year = 636.72

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(636.72 ÷ 304.8) X 4.42 = 9.2 AFA

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Total Storage Calculations

FILE NUMBER	65-13433
REVIEWER	Justin Shearer
DATE	12/9/2019

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	4.42	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	13.26	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	9.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	22.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

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Headgate for waste water from Langley Gulch drain ditch.



Pic facing south showing the beginning of ditch that carries waste water to pond.

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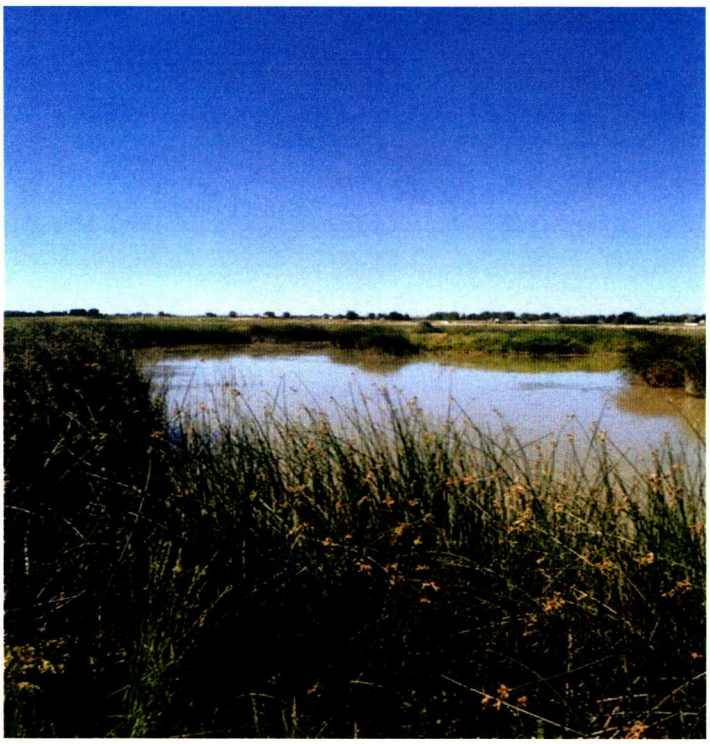


Pic facing north showing the ditch heading to pond.



Pic showing waste water from ditch flowing into pond.

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	Pic of pond facing south.
	Pic of pond facing west.

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FEB 16 2023

RECEIVED
MAR 29 2021
WATER RESOURCES
WESTERN REGION

FORM: IAB

REV. 10/26/99

STATE OF IDAHO – STARS
INTERAGENCY BILLING DATA ENTRY

SECTION A - AGENCY NAME (BILLING AGY)	AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #
Department of Water Resources	360	Brenda Corbett	287-4818	05/01/19	BILL0539

SFX	TC/ RVS	INDEX/ PCA	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION
01	130	62103	260	2600000	1155	$100.00	Application for Amendment of Water Right 65-13433

SECTION B – THIS SECTION CONTAINS THE DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED	
DESCRIPTION	AMOUNT
Application for Amendment of Water Right 65-13433 signed 12/23/2019	$100.00
TOTAL	$100.00

SECTION C - AGENCY NAME (PAYING AGY)	AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #
Department of Fish & Game (826000952-64)	260	Steven Dempsey/Ed Schrieve			

SFX	TC/ RVS	INDEX /PCA	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROP#/COMP	INVOICE#	VENDOR#/SFX	G = GRANT/PH P = PROJECT/PH
01	240		360	3600000		$100.00	/	BILL053901	826000952 / DP	/
							/		/	/
							/		/	/
							/		/	/
							/		/	/

TOTAL $100.00

PAYING AGENCY'S AUTHORIZED SIGNATURE_____ DATE_____

SCANNED
FEB 16 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region • 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

COPY

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: WALT POOLE
PO BOX 25 BOISE, ID 83707

RE: Scheduling Field Exam for Water Right Permit No. 65-13433

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season.** An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **1.000** CFS from a **POND & WASTEWATER** tributary to **PAYETTE RIVER** for **WILDLIFE, WILDLIFE STORAGE, & DIVERSION TO STORAGE** uses. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable $25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer
Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

SCANNED
FEB 16 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region • 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 30, 2017

COPY

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25 BOISE, ID 83707

RE: Scheduling Field Exam for Water Right Permit No. 65-13433

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Sincerely,

Justin Shearer
Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

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FEB 16 2023