

FEB 06 2025

DEPT. OF WATER RESOURCES

Form No.42-1409-1 (Internet 06/21)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 11-7528

Date Received:

Receipt No:

Claim Fee: \$ 58

By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) State of Idaho - Dept. of Fish & Game Phone (208) 287-2773
Mailing address PO Box 25 Boise, ID Zip 83707
Street or Box City State
Email address (optional) tom.bassista@idfg.idaho.gov
2. Date of priority: (Only one per claim) 07/29/2005 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) St. Charles Creek
which is tributary to (b) Bear Lake
4. a. Location of point of diversion is: Township 15S, Range 43E, Section 16,
SW 1/4 of NW 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
~~Water is diverted to operate a Fish Screen in an irrigation diversion see attached beneficial use report for more detail. water flows through the fish screen and returned back to St. Charles Creek carrying entrained fish from irrigation canal.~~

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Fish propagation purposes from 04/15 to 10/31 amount 0.8 or 317.4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) non-consumptive water diversion is to operate a fish screen

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	43E	16										F							

Parcel no(s). _____ Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes () No (☒)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
11-1055 St. Charles Irrigation Co. Upper South Canal or None ()

13. Remarks (Include an explanation of the priority date selected):

Priority date is currently listed on the IDWR Water Right Report for this water right.

We have easement from landowner to access fish screen

Name of claimant(s) State of Idaho - Dept. of Fish & Game Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (☒) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7528

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."
(b.) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

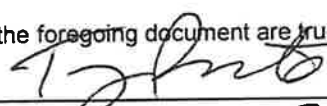
Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Tom Bassista, Program Coordinator of Idaho Department of Fish and Game
Agent's title (Please print) Name of organization (Please print)

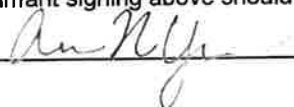
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 2-4-2025

Printed Name of Authorized Agent TOM BASSISTA

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Ann Yribar, Deputy Attorney General, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 2/6/2025

Address _____ Ann N. Yribar

Name of claimant(s) State of Idaho - Dept. of Fish & Game Claim ID _____

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 11-07528

Priority: July 29, 2005

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 317.4 AF

It is hereby certified that STATE OF IDAHO
DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO ID 83204 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 29, 2005; and has submitted Proof of
Beneficial Use on September 29, 2008; and a water right has been established as follows:

SOURCE

ST CHARLES CREEK

Tributary: BEAR LAKE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
FISH PROPAGATION	04/15 to 10/31	0.80 CFS	317.4 AF

LOCATION OF POINT(S) OF DIVERSION:

ST CHARLES CREEK NW¼SW¼ Sec. 16 Twp 15S Rge 43E, B.M. BEAR LAKE County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S 43E 16											X						

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
2. Use of water under this right shall be non-consumptive.
3. This right does not grant any right-of-way or easement across the land of another.
4. Fish Propagation use is for fish protection through the installation of a 10 inch pipe for fish passage from above a fish screen to a point 200 feet downstream.

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

Signed this 26th day of August, 2015.



for GARY SPACKMAN
Director

Permit No: 11-7525

11-7528

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 11-7528

Exam Date: 7/10/2015

1. Current Owner: STATE OF IDAHO
DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO ID 83204
(208)232-4703

2. Accompanied by: N/A

3. SOURCE

ST CHARLES CREEK

TRIBUTARY

BEAR LAKE

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: 11-1055 (St. Charles Irrigation Co. Upper South Canal)

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

ST CHARLES CREEK NW1/4SW1/4 Sec. 16, Twp 15S, Rge 43E, B.M. BEAR LAKE County

Method of Determination: GPS and aerial photos

2. PLACE OF USE:

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	43E	16											X						

Method of Determination: Site Visit

D. FLOW MEASUREMENTS

Measured fish bypass channel right before it enters the return pipe.

AA Flow Meter: channel width = 1.5 feet, channel depth = 1.6 feet, average velocity = 1.56 feet/second

Measured flow rate = 3.7 cfs

** System capacity far exceeds the permitted flow rate (0.8 cfs).

E. FLOW CALCULATIONS

N/A

F. VOLUME CALCULATIONS

Season of Use = 4/15 - 10/31 = 200 days

0.8 cfs x 200 days x 1.9835 = 317.4 acre-feet

G. NARRATIVE/REMARKS/COMMENTS

Fish screen structure can divert water at a rate in excess of the permitted amount. At the time of the field exam, the bypass pipe inlet was completely closed. Watermaster for WD 11 was contacted and stated that measuring devices are not needed at this time.

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

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	04/15 to 10/31	0.800 CFS	317.40 AF
<u>Totals:</u>		0.800 CFS	317.40 AF

2. Recommended Amendments

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

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

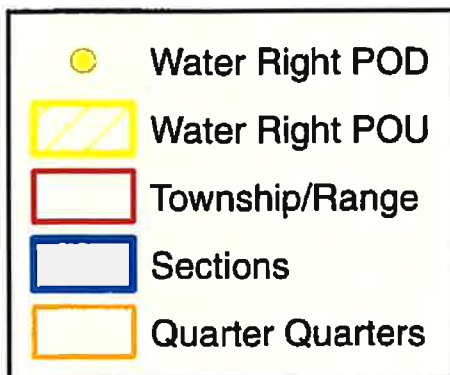
Field Examiner's Name James Cefalo Date 7/21/2015

Reviewer _____ Date _____

Water Right 11-7528



2010 Aerial Photo



0 125 250 Feet





