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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: 11-7525

Date Received: _____

Receipt No: 558

Claim Fee: _____ 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) 02/15/2005 (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 15,
NE 1/4 of SW 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 ~~into~~ 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	15			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. North Field 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 11-7525

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: 3

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.

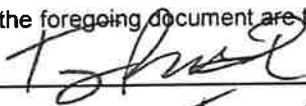
Signature of Claimant (s) _____ Date: _____

_____ 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)

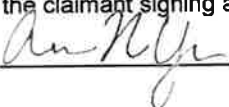
and that the statements contained in the foregoing document are true and correct.

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 _____

Water Right Report : 11-7525(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	STATE OF IDAHO	DEPT OF FISH & GAME	1345 BARTON RD	POCATELLO	ID 83204

Water Right Status

Priority Date : 2/15/2005
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
ST CHARLES CREEK		BEAR LAKE	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
ST CHARLES CREEK	15S	43E	15	0				SW NE BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	04/15	10/31	0.80 CFS	317.40 AFA
TOTAL			0.80 CFS	317.40 AFA

Places of Use

Place of Use Legal Description : FISH PROPAGATION (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	43E	15				SW NE	

Conditions

Code Conditions

- R05 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.
- R02 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.
- 027 Use of water under this right shall be non-consumptive.
- 004 This right does not grant any right-of-way or easement across the land of another.
- WB9 Water shall not be diverted under this right when flows in St. Charles Creek are below established minimum flow amounts.

Dates

Licensed Date : 8/26/2015
Decreed Date :
Permit Proof Due Date : 6/1/2006
Permit Proof Made Date : 6/19/2006
Permit Approved Date : 6/23/2005
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date: 1/28/2005
Protest Deadline Date: 6/6/2005

Other Information

State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 11-07525

Priority: February 15, 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 January 28, 2005; and has submitted Proof of
Beneficial Use on June 19, 2006; and a water right has been established as follows:

SOURCE

ST CHARLES CREEK

Tributary: BEAR LAKE

BENEFICIAL USE

FISH PROPAGATION

PERIOD OF USE

04/15 to 10/31

DIVERSION RATE

0.80 CFS

**ANNUAL
DIVERSION VOLUME**

317.4 AF

LOCATION OF POINT(S) OF DIVERSION:

ST CHARLES CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15 Twp 15S Rge 43E, B.M. BEAR LAKE County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
15S	43E	15				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. 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. Use of water under this right shall be non-consumptive.
4. This right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted under this right when flows in St. Charles Creek are below established minimum flow amounts.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 11-7525
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. North Field Canal)

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

ST CHARLES CREEK

SW1/4NE1/4

Sec. 15, 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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	43E	15			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

 $0.8 \text{ cfs} \times 200 \text{ days} \times 1.9835 = 317.4 \text{ acre-feet}$ **G. NARRATIVE/REMARKS/COMMENTS**

Fish screen structure can divert water at a rate in excess of the permitted amount. However, the return flow (bypass) pipe was blocked by a metal slip plate with a hole cut in it to restrict the flow into the pipe. 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

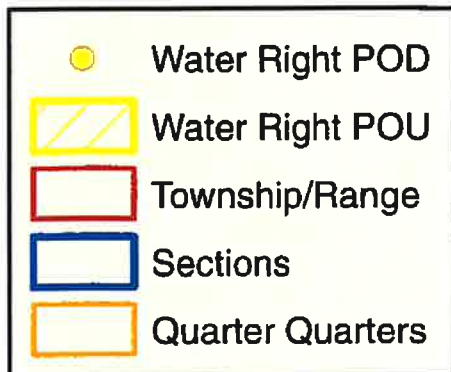
2. Recommended Amendments☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**Field Examiner's Name James Cefalo Date 7/21/2015

Reviewer _____ Date _____

Water Right 11-7525



2013 Aerial Photo



0 250 500 Feet





