

Ident No. 13-8521

RECEIVED

JUL 02 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 08 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

IDWR/Preston

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Merrill Ranch Partnership LLC Phone 208-251-8813
Mailing address C/O Glen Merrill MGR, PO Box 22 Email merrillranch24@gmail.com
2. Source of water supply Spring tributary to Sinks
3. Point of Diversion:

- a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot _____, SE 1/4 SE 1/4 SW 1/4,
Section 11, Township 13S Range 38E, B.M.,
Bannock County.

Ending point is in Gov't. Lot _____, SW 1/4 SE 1/4 SW 1/4,
Section 11, Township 13S Range 38E, B.M.,
Bannock County.

- b) Alternate point of diversion is in Gov't. Lot _____, SE 1/4 SE 1/4 SW 1/4,
Section 11, Township 13S Range 38E, B.M.,
Bannock County.

4. Description of diversion and delivery system:

- a) Describe the type of diversion 4 inch enclosed pipe in the spring developed with federal grant assistance.
- b) Describe the delivery system The enclosed pipe captures the water and through gravity supplies a stock trough. The overflow takes the water by pipe back into the spring/creek system.
- c) Describe the number, type and total capacity of troughs or tanks 1 stock trough approximately 250 gallons.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Overflow from the stock trough is piped back into the ravine.
- e) Describe how the system is designed to allow measurement of the rate of diversion Enclosed pipe would allow measurement of the rate of diversion. Overflow goes directly back to the natural system.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S	38E	11												X				

6. Priority date claimed or established 12/31/17
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? Claimant
b) Who owns the property at the place of use? Claimant
10. When will construction occur? Construction completed.
11. Comments (include number and type of stock) 25 head of stock have utilized the stock trough, but primarily wildlife use it. Both types of stock use it year round when it doesn't freeze.
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

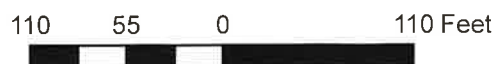
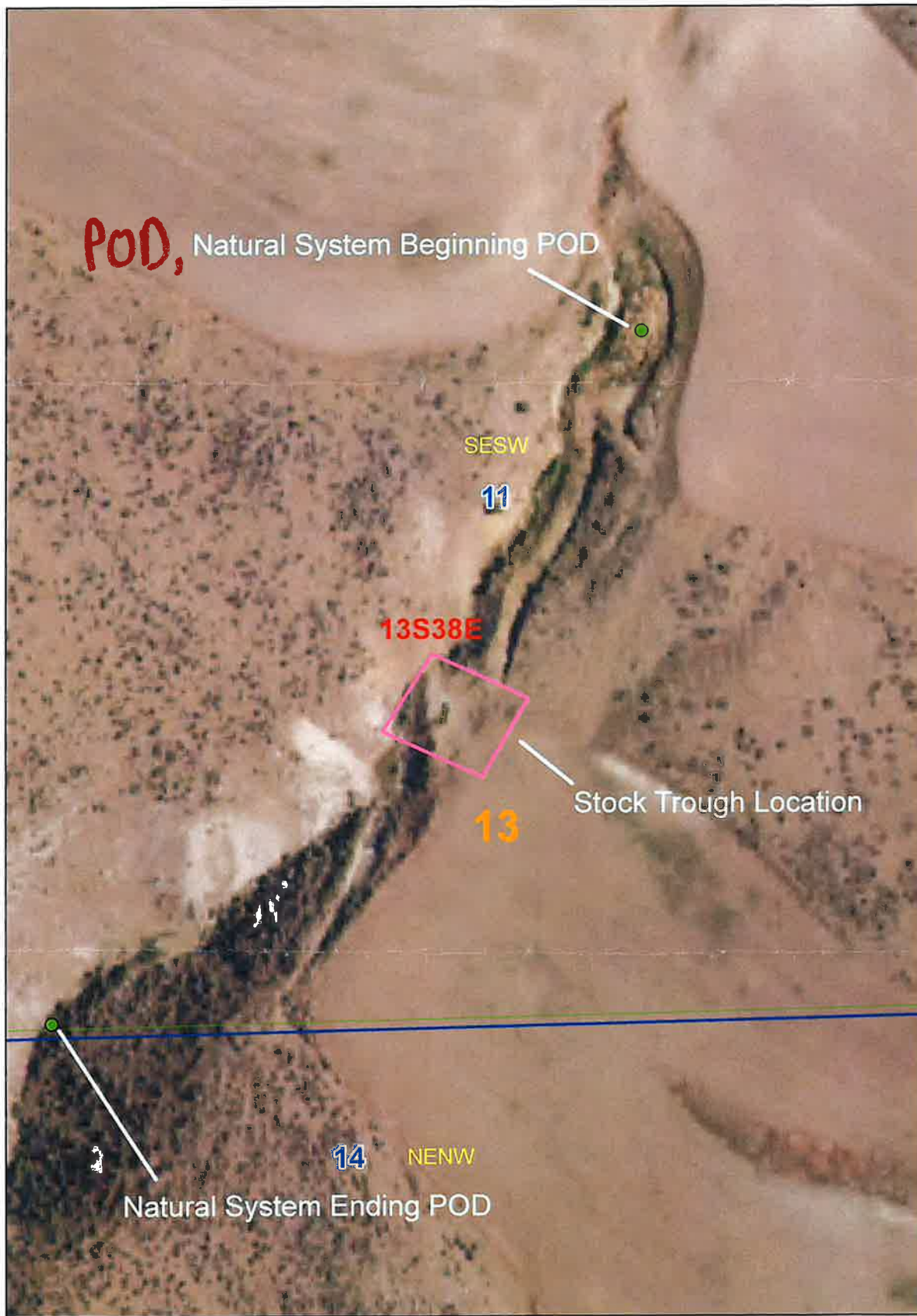
- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this Seventh day of July, 2024

Glen Merrill
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.00 Receipted by GA Receipt No. P000988 Date 7/02/2024
Water District No. _____ Entered into data base _____ By _____



Henman, Christina

From: Henman, Christina
Sent: Friday, July 19, 2024 4:21 PM
To: Fred Price (fwprice@blm.gov); 'Clark, Trevlyn - FS, UT'; 'Larsen, Tyler - FS, UT'
Subject: Notice of Diversion for Instream Stockwater Use:
Attachments: 13-8521 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf

TREVLYN CLARK
USDA FOREST SERVICE

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE

RE: Notice of Diversion for Instream Stockwater Use

Dear Interested Party:

The Department of Water Resources has received the enclosed Notice of Diversion for Instream Stockwater, submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice. This notice will be retained in our files and will be available for reference at any time.

If you have questions, please call the department at (208) 525-7161

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 17, 2024

MERRILL RANCH PARTNERSHIP LLC
PO BOX 22
SWANLAKE, ID, 83281-0022
(208) 897-5513

RE: Water Right No. 13-8521
Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.

- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Christian Stewart

Christian Stewart
Water Resource Agent

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/17/2024

Water Right 13-8521

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERRILL RANCH PARTNERSHIP LLC PO BOX 22 SWANLAKE, ID 83281-0022 (208) 897-5513

Priority Date: 12/31/2017
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion:
SPRING SESESW Sec. 11, Twp 13S, Rge 38E, BANNOCK County

Place Of Use:
STOCKWATER within BANNOCK County
T13S R38E S11 SESW

Conditions of Approval:

1. 107 This notice was filed in accordance with Idaho Code § 42-113(3). Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Dates and Other Information:

State or Federal: S
Water District Number: 11
Mitigation Plan: False