

RECEIVED

JUL 29 2024

Form 113

12/07 DEPT. OF WATER RESOURCES
EASTERN REGION

RECEIVED

JUL 25 2024

IDWR/Preston

Ident No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**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 Sid & Shelby Bingham Phone 208-861-0463
Mailing address 5155 SO. 900 E. Preston ID 83263 Email binghamgate@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 NO

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 16, Township 16S, Range 39E, B.M.,
Franklin County.Ending point is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

- b) Alternate point of diversion is in Gov't. Lot _____, SE 1/4 SE 1/4 SW 1/4,
Section 16, Township 16S, Range 39E, B.M.,
Franklin County.

4. Description of diversion and delivery system:

- a) Describe the type of diversion metal/perforated pipe approx 10 ft.
- b) Describe the delivery system metal perforated pipe that flows to tank (approx 10 ft) overflow reenters system, approx 4" pipe
- c) Describe the number, type and total capacity of troughs or tanks 1 stock tank holds approx 25-30 gals

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source natural overflow into ground
- e) Describe how the system is designed to allow measurement of the rate of diversion rate of diversion varies with quantity and size of cattle on the property. The constant flow of water refills as the cows drink approx 1/4 gal per min,
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
16 S.	39 E.	16												X				

6. Priority date claimed or established Date unknown, purchased May 1974 but was used prior.
7. Rate of diversion .000557041 cfs
8. Season of use: from Jan. 1 to Dec. 31
9. a) Who owns the property at the point of diversion? Sid & Shelby Bingham
b) Who owns the property at the place of use? Sid & Shelby Bingham
10. When will construction occur? 1 year
11. Comments (include number and type of stock) up to 30 head of cattle feed throughout year, average approx 6 head until feed is gone, depending on pasture growth.
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 25 day of July, 2024


Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by MB Date 7/25/24 Preliminary check by 1393
Fee: \$ 25.00 Receipted by MB Receipt No. P001086 Date 7/25/24
Water District No. _____ Entered into data base _____ By _____

Affidavit of ownership of land with developed spring.

State of Idaho, County of Franklin

Deposition of the following:

1. The purpose of this Affidavit is to inform the State of Idaho Department of Water Resources that I, Ross Bird did sell unto Sid & Shelby Bingham 23 Acres located in Fairview, Idaho at approximately 4000 S 1400 W in Preston, Idaho which I did purchase back in May of 1974.
I improved an established spring using perforated pipe which feeds into the watering trough.
Also included is naturally occurring wetlands running East to West across the center portion of the property, mostly resulting in mud/wet grass.

I Ross Bird did purchase this 23 acres back in 1974 from Slim MT Whittle who used this property to water dairy cattle. The date of first use is unknown, however cows were on this property for several years prior.

2. Sid & Shelby Bingham did purchase from Ross Bird the land described above on January 5, 2009.

I hereby swear or affirm that the information above is true accurate and complete to the best of my knowledge, and no relevant information has been omitted.

Seller: Ross Bird Date: 7/22/2024

Purchaser: Sid Bingham Date: 7/22/2024

Shelby Bingham Date: 7/22/2024

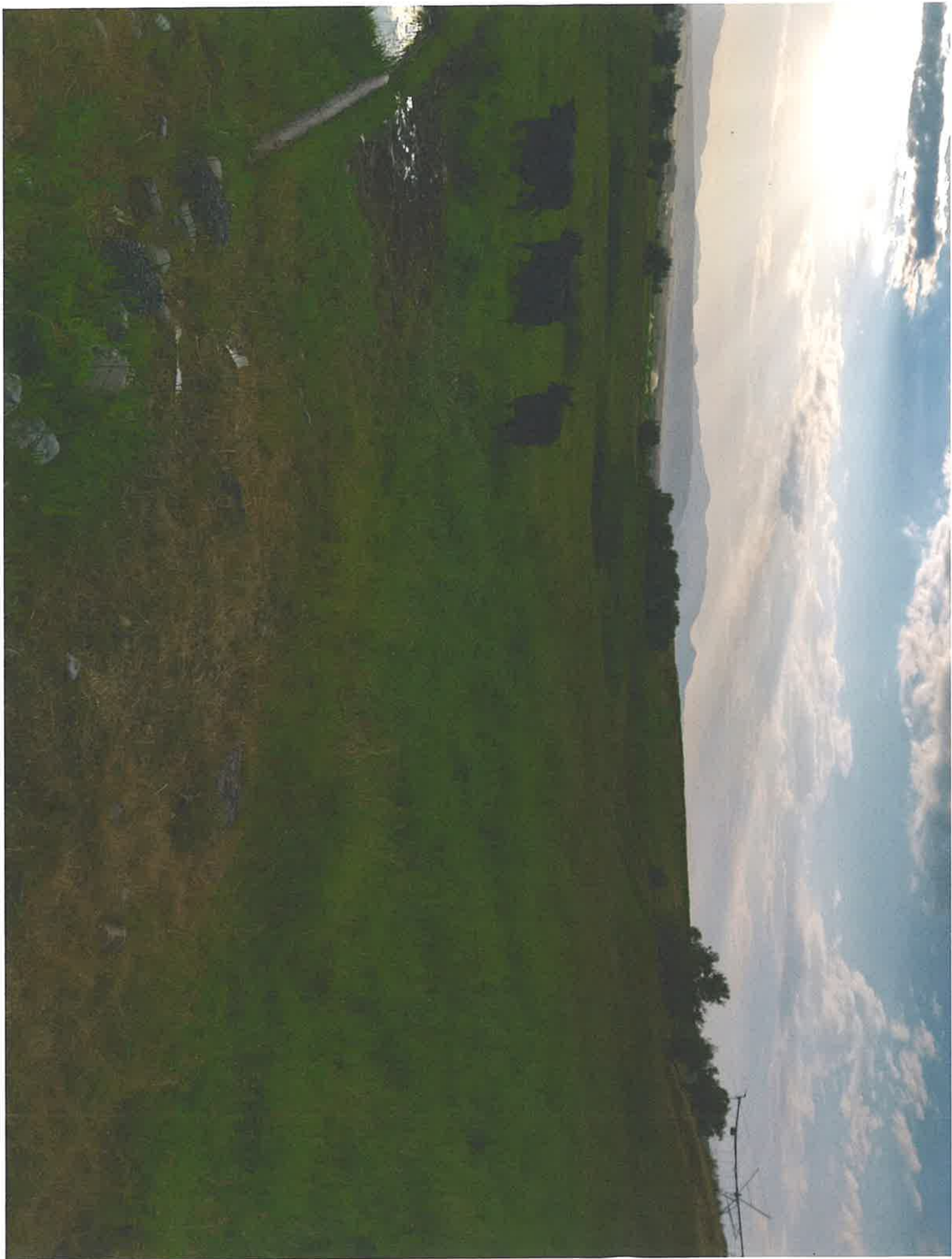


watering trough

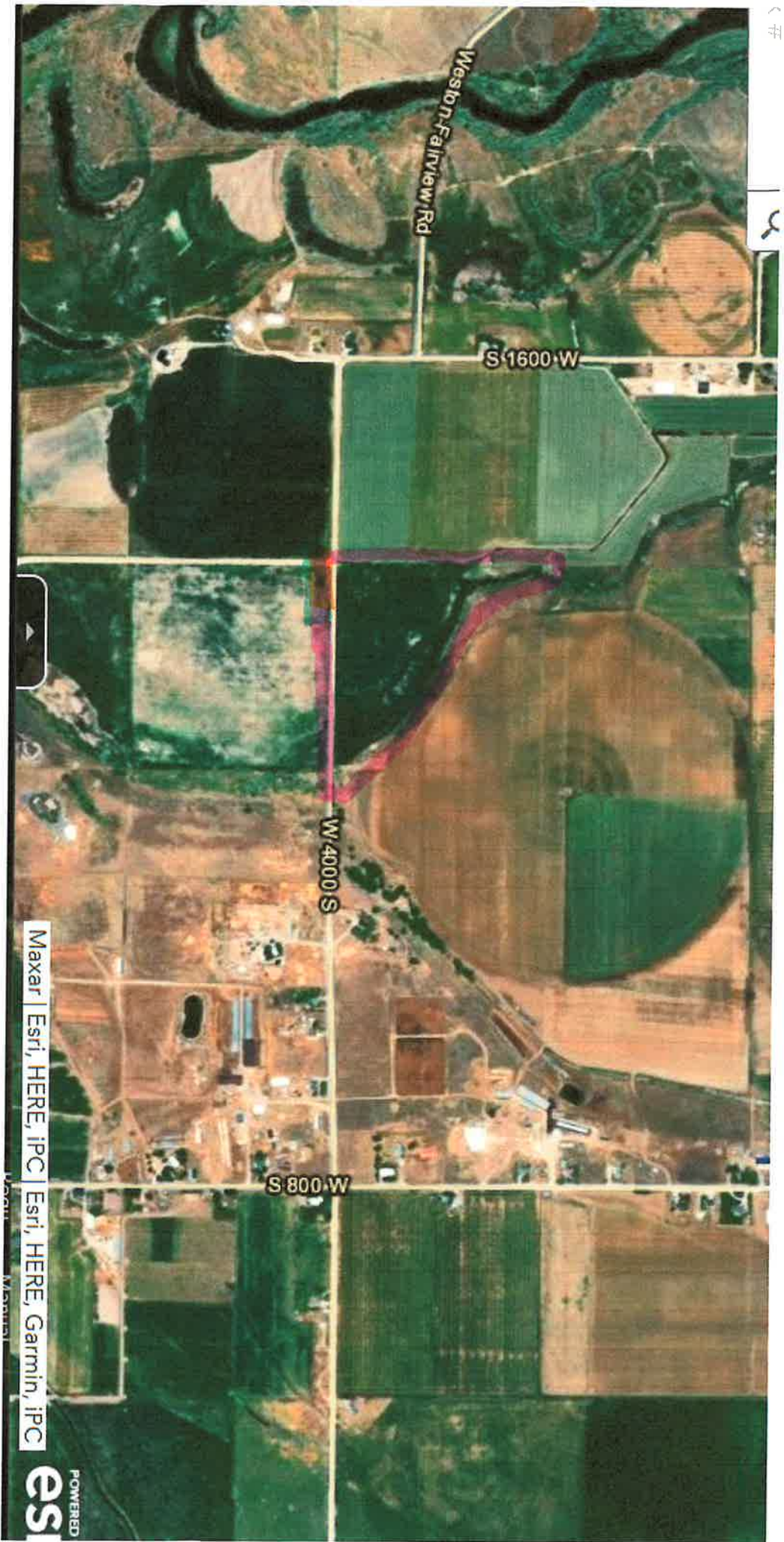
GPS 42.027702, -111.906458



watering trough







GPS 42.027702, -111.906458

Idaho Department of Water Resources Receipt

Receipt ID: P001086

Payment Amount	\$25.00	Date Received	7/25/2024	Region	PRESTON
Payment Type	Check	Check Number	1393		
Payer	Sid V. Bingham				
Comments	WATER RIGHTS FORM 113-STOCK WATER DIVERSIONS FOR SID & SHELBY BINGHAM.				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	STOCK WATER DIVERSIONS	63141	0229	21		1155



Signature Line (Department Representative)

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 7, 2024 1:58 PM
To: Fred Price (fwprice@blm.gov); Clark, Trevlyn - FS, UT; Larsen, Tyler - FS, UT
Subject: Notice of Diversion for Instream Stockwater Use: 13-8761
Attachments: 13-8671 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

August 5, 2024

SID & SHELBY BINGHAM
5155 S 800 E
PRESTON ID 83263-5646

RE: Water Right No. 13-8671
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

8/6/2024