

RECEIVED

JUN 25 2024

Form 113  
12/07

DEPT. OF WATER RESOURCES  
EASTERN REGION

Ident No. 34-14953

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 United States of America, USDA Forest Service Phone (208)756-5100  
Mailing address 1206 S. Challis St, Salmon, ID 83467 Email \_\_\_\_\_
2. Source of water supply Spring tributary to Castle Creek
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 \_\_\_\_\_, NW 1/4 SE 1/4 NW 1/4,  
Section 22, Township 7N Range 21E, B.M.,  
Custer County.  
Ending point is in Gov't. Lot \_\_\_\_\_, NW 1/4 SE 1/4 SE 1/4,  
Section 21, Township 7N Range 21E, B.M.,  
Custer County.
  - b) Alternate point of diversion is in Gov't. Lot \_\_\_\_\_, NW 1/4 SE 1/4 NW 1/4,  
Section 22, Township 7N Range 21E, B.M.,  
Custer County.
4. Description of diversion and delivery system:
  - a) Describe the type of diversion A gravity-fed, screened collection device would be placed in the spring/stream only when water is needed, and removed at other times. No modifications would be made to the spring.
  - b) Describe the delivery system A 1.5-inch diameter pipe would be attached to the collection device, feeding a 1.3-mile long pipeline to a network of troughs. The pipeline diameter would be reduced down to 1.25-inch poly pipe at the end.
  - c) Describe the number, type and total capacity of troughs or tanks Up to 5 troughs along the length of the pipeline, each with a capacity of 600 gallons.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Automatic float shutoff valves would be installed in each trough. A manual shutoff valve would also be installed near the collection screen, and the collection device would be removed from the spring during periods of non-grazing.
- e) Describe how the system is designed to allow measurement of the rate of diversion A turbine flow meter would be installed on the pipeline near the collection device to measure the flow in the pipeline near the source.

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 |
| 7N  | 21E | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |
| 7N  | 21E | 22  |    |    |    |    |    |    | X  | X  |    | X  | X  |    |    |    |    |    |
| 7N  | 21E | 27  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |
| 7N  | 21E | 28  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established 5/1/1889
7. Rate of diversion 0.02 cfs
8. Season of use: from 6/1 to 10/31
9. a) Who owns the property at the point of diversion? USDA Forest Service  
b) Who owns the property at the place of use? USDA Forest Service
10. When will construction occur? June-October 2024, pending funding availability
11. Comments (include number and type of stock) The proposed water development is in the Castle Creek Pasture of the Boone Creek allotment on the Salmon-Challis National Forest.  
1275 cow/calf pairs are currently permitted in this allotment. Livestock currently have access to the spring and Castle Creek within this allotment. The proposal would promote watering of livestock away from the spring/  
creek using the proposed alternative source within the same pasture that is fully accessible to livestock.
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:

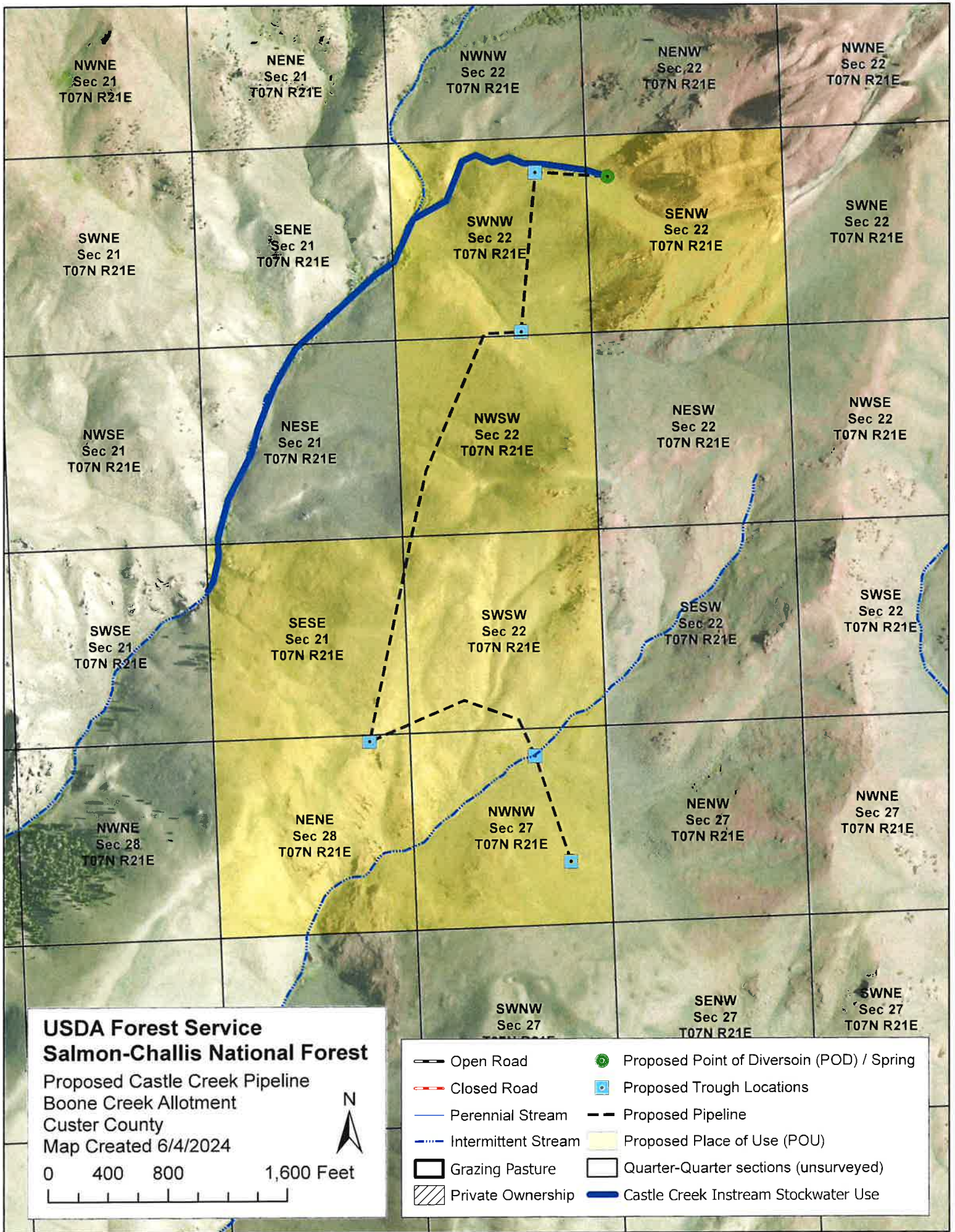
- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the 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.

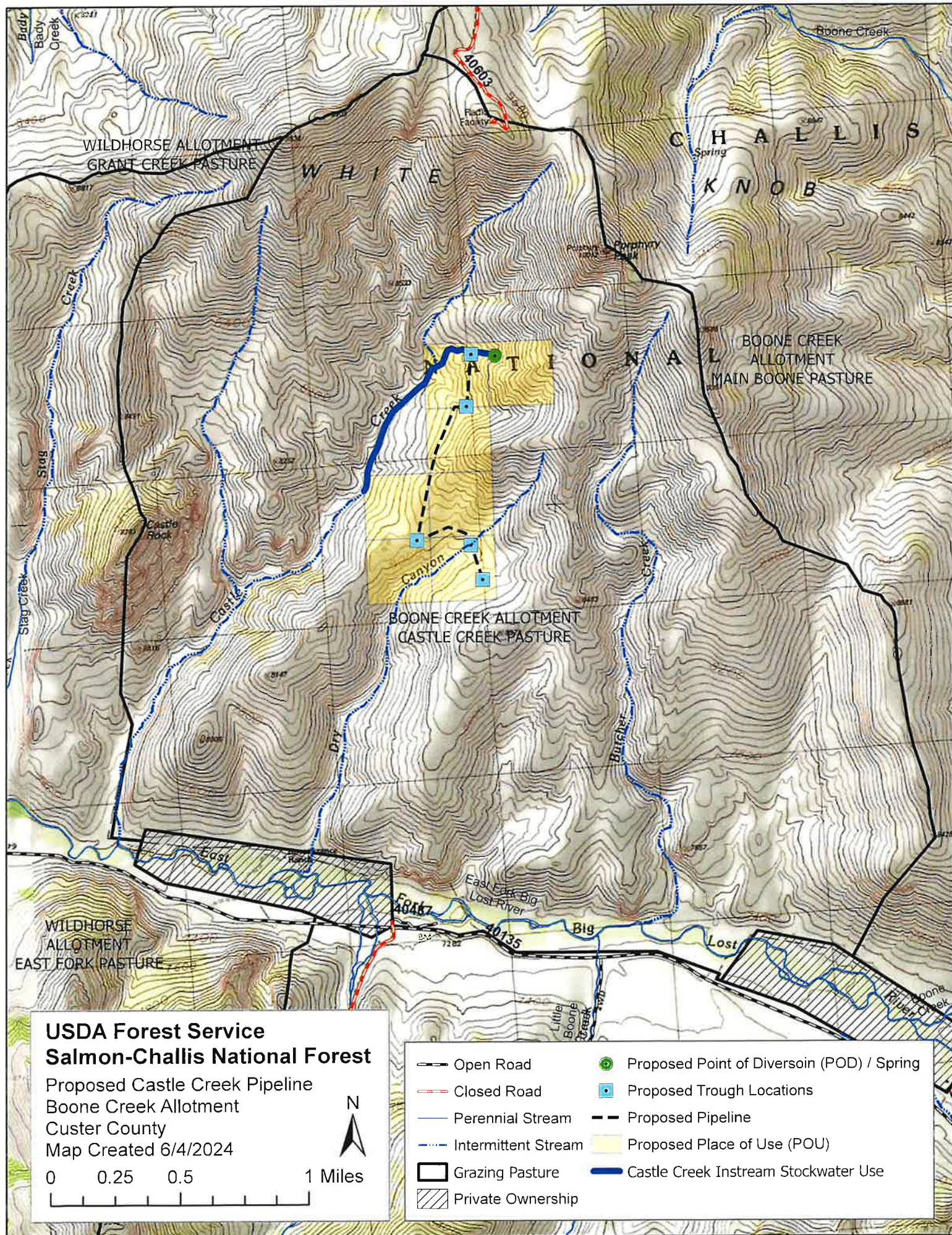
Dated this 7<sup>th</sup> day of June, 2024

  
Right Holder or Authorized Representative

**FOR DEPARTMENT USE**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee: \$ 25.00 Receipted by C+H Receipt No. E050172 Date 6/25/24  
Water District No. \_\_\_\_\_ Entered into data base \_\_\_\_\_ By \_\_\_\_\_





# CHALLIS CREEK CATTLE CO., LLC

P.O. Box 10  
Challis, Idaho 83226  
208-879-5515 Office  
208-879-5514 fax  
sbauchman@challisck.com

February 27, 2024

Lost River Ranger District  
Attn: Mr. Lance Stavast  
P.O. Box 507  
716 West Custer  
Mackay, Idaho 83251

RE: Boone Creek Grazing, Castle Creek Livestock water

Mr. Stavast:

As the permittee for the Boone Creek Allotment within the Lost River Ranger District, Salmon Challis national Forest this shall confirm our conversation that Thirteen Thousand (13,000) gallons would be sufficient to water the livestock within the Castle Creek pasture. We consent to developing this project under I.C. 42-113(3).

Sincerely,



Stephen Bauchman  
Managing Member

Print Single Sided Only

FORM 2021 Rev 09/16

RECEIVED

JUN 06 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

Ident No \_\_\_\_\_

To appropriate the public waters of the State of Idaho

Department of Water Resources

1 Name of applicant(s) Eastern Region, United States of America, USDA Forest Service Phone 208-756-5100

Name connector (check one) ☐ and ☐ or ☐ and/or \_\_\_\_\_  
Mailing address 1208 S. Chalis St City Salmon

State ID ZIP 83467 Email david.deschaine@usda.gov

2 Name of representative, if any N/A Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_

- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is **not** authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a **Power of Attorney** or **other documentation**.

3 Source of water supply Spring which is a tributary of Castle Creek

4 Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|--------|---------------------|
| 7N  | 21E | 22  |          | NW  | SE  | NW  | Custer | Spring | Unsurveyed          |
|     |     |     |          |     |     |     |        |        |                     |
|     |     |     |          |     |     |     |        |        |                     |
|     |     |     |          |     |     |     |        |        |                     |

5 Water will be used for the following purposes:

Amount 0.16 cfs for Stockwater purposes from 6/1 to 10/31 (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

6 Total quantity to be appropriated is (a) 0.16 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).

7 Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Spring box, 1.3-mile long pipeline, and 5 troughs

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate **Application for Construction or Enlargement of a New or Existing Dam**. Application required? ☐ Yes ☐ No

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? \_\_\_\_\_, drilling firm \_\_\_\_\_; Drilling Permit No \_\_\_\_\_ well was drilled for (well owner) \_\_\_\_\_

For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 100.00 Received by Cx th Receipt No E048217 Date 6/6/22

8 Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW \_\_\_\_\_
- Stockwatering; list number and kind of livestock. 1,275 cow/calf pairs
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

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 the 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 |        |
| 7N  | 21E | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | S  |        |
| 7N  | 21E | 22  |    |    |    |    |    |    | S  | S  |    | S  | S  |    |    |    |    |    |        |
| 7N  | 21E | 27  |    |    |    |    |    | S  |    |    |    |    |    |    |    |    |    |    |        |
| 7N  | 21E | 28  | S  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: \_\_\_\_\_

10 Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

- Who owns the property at the point of diversion? United States of America
- Who owns the land to be irrigated or place of use? United States of America
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. This is the Castle Creek Pipeline water development, located within the Boone Creek grazing allotment. Lands have not been surveyed, and proposed quarter-quarter boundaries have been approximated.  
The proposed place of use represents the length of the proposed pipeline since stock troughs can be added anywhere along the pipeline.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

NATHAN HAYNES

Digitally signed by NATHAN HAYNES  
Date: 2022.08.05 07:37:55 -0600

Signature of Applicant

Nathan Haynes, Deputy Director of Lands and Minerals

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

**LIMITED AGENCY AGREEMENT FOR THE PURPOSES OF ESTABLISHING AND  
MAINTAINING STOCKWATER RIGHTS ON NATIONAL FOREST GRAZING  
ALLOTMENTS IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO**

The U.S Forest Service, Department of Agriculture, ("Forest Service") and Chundashier Ranch ("Permittee," and together with the Forest Service the "Parties"), in consideration of the mutual acknowledgments and agreements below, and for the benefit of the Parties and the National Forest System ("NFS"), enter into this Limited Agency Agreement for the purposes of establishing and maintaining stockwater rights to use water diverted from sources that are within grazing allotments located on NFS lands in accordance with the Laws of the State of Idaho ("Agreement").

**ACKNOWLEDGEMENTS**

The Parties acknowledge the following:

1. The significant role of the livestock industry in the settlement, history, and culture of the State of Idaho;
2. The importance of stockwater rights to the livestock industry in the State of Idaho, to the Forest Service grazing program, to the Permittee's livestock operation, and to the association of water with NFS lands;
3. On March 24, 2020, Idaho Governor Brad Little signed into law Idaho House Bill 592 ("HB 592") with an effective date of July 1, 2020;
4. HB 592 amended state law to remove limitations on the Forest Service and permittees entering into agency agreements to exercise Forest Service stockwater rights on National Forest grazing allotments; and
5. Current or future grazing authorization is not impacted or restricted in any way by this Agreement.

**AGREEMENTS**

The Forest Service and the Permittee agree as follows:

1. The Parties wish to continue utilizing state-based stockwater rights obtained by the United States located on the grazing allotments listed in Exhibit A so that the use of water authorized under those rights for livestock watering, and of any subsequent stockwater rights obtained in accordance with State law, can be used by livestock owned by the Permittee for the term of the current federal grazing permit and any subsequent renewal or reissuance thereof by the Forest Service; and
2. The Parties agree that the availability of water on the listed grazing allotments is critical for the grazing management of the allotments, and when domestic livestock owned by the Permittee and located on the listed grazing allotments make use of water by drinking from places, or sources located on NFS lands, that such use will be deemed beneficial under Idaho state law, and is made by the Permittee acting as a limited agent of the United States for the purposes of establishing and maintaining stockwater rights for the United States within grazing allotments located on NFS lands, and for no other purposes.

## GENERAL TERMS

1. This Agreement does not convey any right, title, or interest in any lands or resources owned by the United States. Nothing in this Agreement shall prevent the Forest Service from administering the use and occupancy of NFS land for livestock grazing, construction and maintenance of range improvements in accordance with applicable laws and regulations, nor does it extend the statutory and regulatory authority of the Forest Service beyond regulations of the use and occupancy of NFS land.

2. The Parties expressly agree that the mutual acknowledgements and agreements contained in this Agreement are supported by good and adequate consideration including, but not limited to, past and continuing use of water in accordance with the stockwater rights, held by the Forest Service, together with the construction and maintenance of associated range improvements.

3. This Agreement shall remain in effect throughout the term of the existing grazing authorization, new authorizations, and any renewals of grazing authorizations. This Agreement terminates only upon: (a) the expiration, termination, or revocation of the current grazing permit(s) held by the Permittee that is not renewed; or (b) upon 90-day written notice by either Party to the other of a desire to terminate the Agreement.

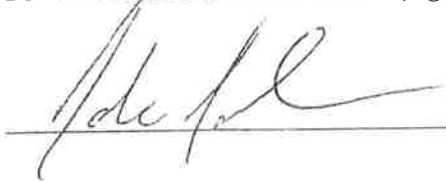
4. The terms of this Agreement may not be modified without the written consent of the Parties. If any paragraph or portion of this Agreement is deemed unenforceable, the remainder of this Agreement shall remain in full force and effect.

5. Subject to the termination clause above, the Parties agree to act in good faith and with fair dealings to fulfill, and not impede, the intent of this Agreement.

6. This Agreement shall become effective on the date of the last signature of the Parties thereafter.

7. The signators to this Agreement acknowledge that they (a) have read this entire document; (b) fully understand and agree with all the terms of this Agreement; (c) have knowingly, voluntarily, and in good faith entered into this Agreement; and (d) have the explicit authorization to execute and bind their respective entities or selves by this Agreement.

**For the Permittee and/or Lessee (Agent):**

  
\_\_\_\_\_

5-27-22  
Date

**For the Forest Service:**

  
Acting District Ranger  
(Title of Authorized Officer)  
Lost River Ranger District  
(Office)

5-27-2022  
Date

**Exhibit A**

The following Forest Service Allotments on the Salmon - Challis National Forest are permitted to Chundashier Ranch.

[List allotments by Ranger District]

Boone Creek

**LIMITED AGENCY AGREEMENT FOR THE PURPOSES OF ESTABLISHING AND  
MAINTAINING STOCKWATER RIGHTS ON NATIONAL FOREST GRAZING  
ALLOTMENTS IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO**

The U.S Forest Service, Department of Agriculture, ("Forest Service") and BOONE CREEK GRAZING ASSOC. CHARLIS CATTLE CO ("Permittee," and together with the Forest Service the "Parties"), in consideration of the mutual acknowledgments and agreements below, and for the benefit of the Parties and the National Forest System ("NFS"), enter into this Limited Agency Agreement for the purposes of establishing and maintaining stockwater rights to use water diverted from sources that are within grazing allotments located on NFS lands in accordance with the Laws of the State of Idaho ("Agreement").

**ACKNOWLEDGEMENTS**

The Parties acknowledge the following:

1. The significant role of the livestock industry in the settlement, history, and culture of the State of Idaho;
2. The importance of stockwater rights to the livestock industry in the State of Idaho, to the Forest Service grazing program, to the Permittee's livestock operation, and to the association of water with NFS lands;
3. On March 24, 2020, Idaho Governor Brad Little signed into law Idaho House Bill 592 ("HB 592") with an effective date of July 1, 2020;
4. HB 592 amended state law to remove limitations on the Forest Service and permittees entering into agency agreements to exercise Forest Service stockwater rights on National Forest grazing allotments; and
5. Current or future grazing authorization is not impacted or restricted in any way by this Agreement.

**AGREEMENTS**

The Forest Service and the Permittee agree as follows:

1. The Parties wish to continue utilizing state-based stockwater rights obtained by the United States located on the grazing allotments listed in Exhibit A so that the use of water authorized under those rights for livestock watering, and of any subsequent stockwater rights obtained in accordance with State law, can be used by livestock owned by the Permittee for the term of the current federal grazing permit and any subsequent renewal or reissuance thereof by the Forest Service; and
2. The Parties agree that the availability of water on the listed grazing allotments is critical for the grazing management of the allotments, and when domestic livestock owned by the Permittee and located on the listed grazing allotments make use of water by drinking from places, or sources located on NFS lands, that such use will be deemed beneficial under Idaho state law, and is made by the Permittee acting as a limited agent of the United States for the purposes of establishing and maintaining stockwater rights for the United States within grazing allotments located on NFS lands, and for no other purposes.

## GENERAL TERMS

1. This Agreement does not convey any right, title, or interest in any lands or resources owned by the United States. Nothing in this Agreement shall prevent the Forest Service from administering the use and occupancy of NFS land for livestock grazing, construction and maintenance of range improvements in accordance with applicable laws and regulations, nor does it extend the statutory and regulatory authority of the Forest Service beyond regulations of the use and occupancy of NFS land.

2. The Parties expressly agree that the mutual acknowledgements and agreements contained in this Agreement are supported by good and adequate consideration including, but not limited to, past and continuing use of water in accordance with the stockwater rights, held by the Forest Service, together with the construction and maintenance of associated range improvements.

3. This Agreement shall remain in effect throughout the term of the existing grazing authorization, new authorizations, and any renewals of grazing authorizations. This Agreement terminates only upon: (a) the expiration, termination, or revocation of the current grazing permit(s) held by the Permittee that is not renewed; or (b) upon 90-day written notice by either Party to the other of a desire to terminate the Agreement.

4. The terms of this Agreement may not be modified without the written consent of the Parties. If any paragraph or portion of this Agreement is deemed unenforceable, the remainder of this Agreement shall remain in full force and effect.

5. Subject to the termination clause above, the Parties agree to act in good faith and with fair dealings to fulfill, and not impede, the intent of this Agreement.

6. This Agreement shall become effective on the date of the last signature of the Parties thereafter.

7. The signatories to this Agreement acknowledge that they (a) have read this entire document; (b) fully understand and agree with all the terms of this Agreement; (c) have knowingly, voluntarily, and in good faith entered into this Agreement; and (d) have the explicit authorization to execute and bind their respective entities or selves by this Agreement.

For the Permittee and/or Lessee (Agent): Charlis Creek Cattle Co LLC

Stephen Buchanan  
Stephen Buchanan, My Member JUNE 1, 2022  
Date

For the Forest Service:

Sgt. Stewart  
Acting Ranger  
(Title of Authorized Officer) June 3, 2022  
Date  
Lost River Ranger District  
(Office)

**Exhibit A**

The following Forest Service Allotments on the Salmon-Challis National Forest are permitted to Challis Creek Cattle Co. LLC

[List allotments by Ranger District]  
Boone Creek

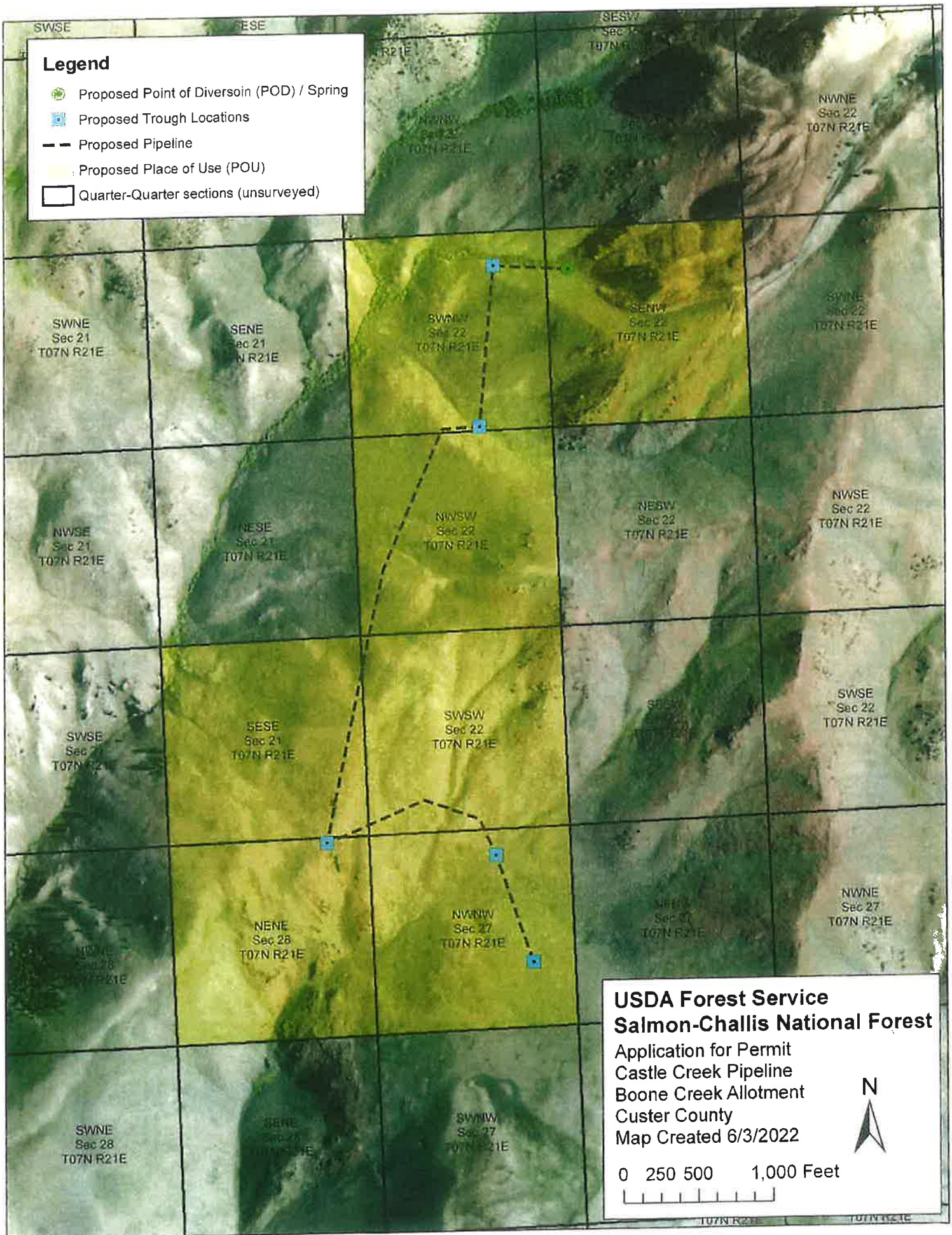
### Legend

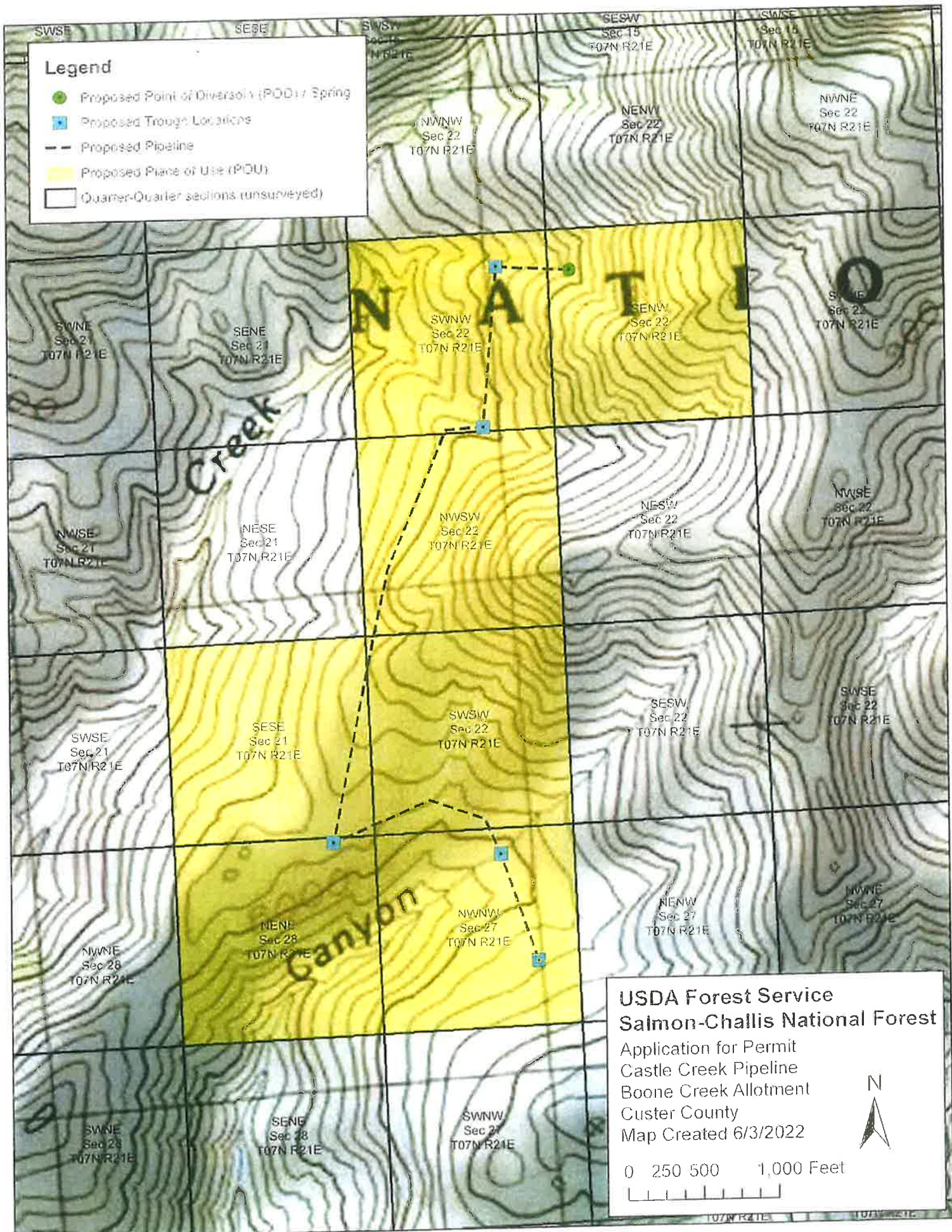
- Proposed Pipeline
- Boone Creek Allotment
- Proposed Place of Use (POU)
- Forest Admin Boundary
- Private Ownership

USDA Forest Service  
Salmon-Challis National Forest  
Application for Permit  
Boone Creek Allotment  
Custer County  
Map Created 6/1/2022

0 1 2 4 Miles







- Legend**
- Proposed Point of Diversion (POD) Spring
  - Proposed Trough Locations
  - Proposed Pipeline
  - Proposed Plane of Use (POU)
  - Quarter-Quarter sections (unsurveyed)

**USDA Forest Service**  
**Salmon-Challis National Forest**  
Application for Permit  
Castle Creek Pipeline  
Boone Creek Allotment  
Custer County  
Map Created 6/3/2022

0 250 500 1,000 Feet

# Idaho Department of Water Resources Receipt

Receipt ID: E048217

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|                |                                                                                                                                                                                                                                  |               |          |        |         |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|--------|---------|
| Payment Amount | \$100.00                                                                                                                                                                                                                         | Date Received | 6/6/2022 | Region | EASTERN |
| Payment Type   | Charge Card                                                                                                                                                                                                                      |               |          |        |         |
| Payer          | USDA FS Louis Wasniewski                                                                                                                                                                                                         |               |          |        |         |
| Comments       | Application for Permit<br>USDA Forest Service<br>7N 21E 22 NWSENW<br>ORDERID: 52309856<br>LOCAL REFID: kL2xW7Bt1kG3ulwAM+QjzA==<br>TOTAL PAID: \$104.00(FEEs: \$4.00)<br>AUTH_CODE: 000683<br>REC DATE: 6/6/2022 01:38:19 PM MDT |               |          |        |         |

## Fee Details

| Amount   | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------|-------|------|-------------|------------|--------|
| \$100.00 | PERMITS     | 63103 | 0229 | 21          |            | 1155   |

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Signature Line (Department Representative)



**File Code:** 2540  
**Date:** June 7, 2024

RECEIVED

Jun 25, 2024

DEPARTMENT OF  
WATER RESOURCES

Mathew Weaver  
Director

Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Dear Mr. Weaver,

Please accept the enclosed Notice of Diversion as an Alternative to Instream Stockwater Use for the construction of an off-stream water development pursuant to I.C. § 42-113(3). The proposed diversion is in the Boone Creek cattle allotment on the Lost River Ranger District of the Salmon-Challis National Forest, Custer County, Idaho. The purpose of this water development is to move livestock watering away from Castle Creek and its riparian area by constructing an enclosed pipeline/trough system taking water from an unnamed spring that would otherwise flow into Castle Creek, a tributary of the East Fork Big Lost River. The Notice includes a letter of consent from the affected Forest Service grazing permittees.

Please note that an Application for Permit for a similar proposed water development was submitted on June 6, 2022 and assigned permit no. 34-14882. This proposed water diversion differs from the Application in two ways:

- 1) Only a *de minimis* amount of water would be used for stockwater purposes (a maximum diversion rate of 0.02 cfs, and no more than 13,000 gallons per day).
- 2) This diversion would consist of a gravity-fed, screened collection device placed in the spring, and no modifications would be made to the spring or excavation at the site.

We request that the Department continue to process Application 34-14882 when the moratorium is lifted so that the original proposed water development can be constructed. In the meantime, allowing the Forest Service to move forward with this § 42-113(3) application will relocate livestock watering away from the water source until the original water improvement project can be approved to protect the spring.

Please find enclosed the Notice of Diversion as an Alternative to Instream Stockwater Use (Form 113), maps showing the proposed water development, a permittee consent letter, and the previous Application for Permit submitted on June 6, 2022, which includes signed Limited Agency Agreements between the Forest Service and each of the two permittees on this allotment. A \$25 filing fee is also enclosed.



Please contact Tyler Larsen, Intermountain Region 4 Water Rights and Uses Program Manager, at (801) 625-5809 or [tyler.larsen@usda.gov](mailto:tyler.larsen@usda.gov) if any additional information is needed to process this notice.

Sincerely,

NATHAN HAYNES

Acting Director Lands and Minerals

cc: cc: Trevlyn Clark, Tyler Larsen, Lanson Stavast, Henry O'Brien, William MacFarlane



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

July 3, 2024

UNITED STATES OF AMERICA  
USDA FOREST SERVICE  
1206 S CHALLIS ST  
SALMON ID 83467

RE: Water Right No. 34-14953  
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,

A handwritten signature in black ink, appearing to read "Michael Holliday", with a long horizontal flourish extending to the right.

Michael Holliday  
Water Rights Supervisor

Enclosure

**7/3/2024**