

RECEIVED

MAR 24 2025

Form 113
12/07DEPT. OF WATER RESOURCES
EASTERN REGIONIdent No. 13-10041STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESNOTICE 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 Justin or Craig Carter Phone 435-757-3332
Mailing address 1415 N800W Preston, ID83263 Email dr.Carter4@gmail.com
2. Source of water supply un-named stream tributary to Bear River
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number Currently Filed Advection Claim use dated to April 15, 1952
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot NE 1/4 NW 1/4 SW 1/4,
Section 21, Township 15S Range 39E, B.M.,
Franklin County.
Ending point is in Gov't. Lot NE 1/4 SW 1/4 SW 1/4,
Section 21, Township 15S Range 39E, B.M.,
Franklin County.
 - b) Alternate point of diversion is in Gov't. Lot NW 1/4 NE 1/4 SW 1/4,
Section 21, Township 15S Range 39E, B.M.,
Franklin County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion stream water backed up into small pond for a portion to be diverted into piping to be gravity fed to multiple water troughs and the overflow returned to the stream.
 - b) Describe the delivery system Piping initially following the stream and then continuing to flowing water troughs or troughs with float valves. overflow water is returned to the stream through piping.
 - c) Describe the number, type and total capacity of troughs or tanks 4 troughs, Tanks or floats, Total capacity about 200 gallon.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source - Frost free trough with shut off float, or flowing troughs with overflow being piped back to the stream.
- e) Describe how the system is designed to allow measurement of the rate of diversion There is no measurement device. What water is not consumed by livestock that would otherwise water in the stream is returned to the stream by pipe.

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

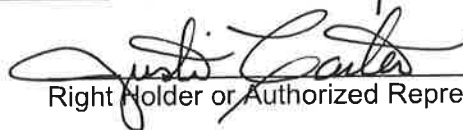
TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
15S	39E	21										X	X					
		22																

6. Priority date claimed or established April 15, 1952
7. Rate of diversion 0.02 cfs
8. Season of use: from Year Around to Year Round
9. a) Who owns the property at the point of diversion? Leonard Ward
b) Who owns the property at the place of use? Justin & Craig Carter
10. When will construction occur? Already occurred in 1988
11. Comments (include number and type of stock) Horses, cow calf pairs, yearling calves, mature cows and bulls. Number of head varying with time of year. lightly occupied summer, head number maximum of 600.
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.

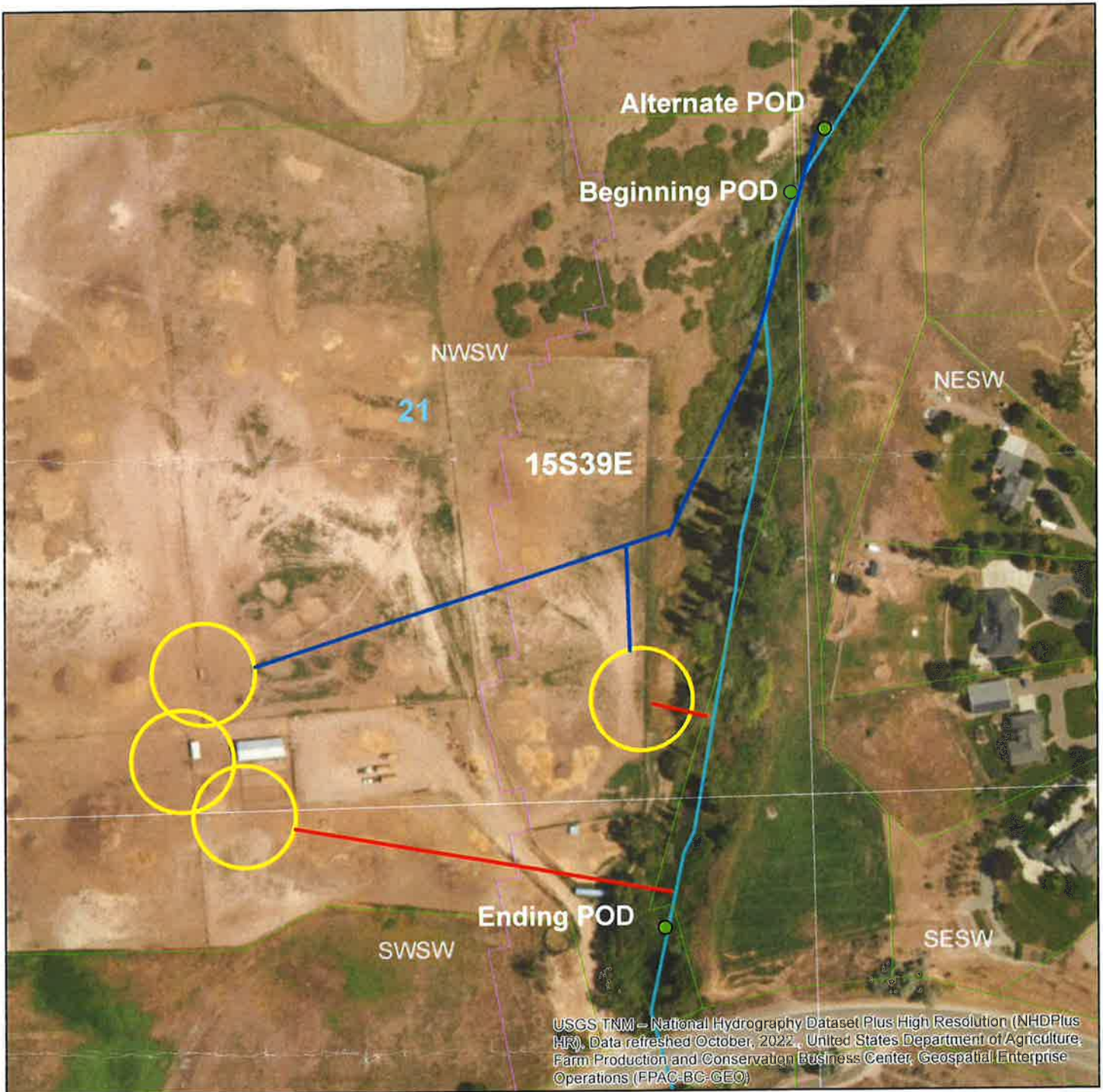
Dated this 14th day of February, 2025


Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.00 Receipted by M. Pottis Receipt No. E050743 Date 3-24-25
Water District No. _____ Entered into data base _____ By _____

Form 113



0 0.015 0.03 0.06 0.09 0.12 Miles

POD ●
POU ○
PIPE —
RETURN LINE —



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/15/2025

Water Right 13-10041

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUSTIN CARTER 1415 N 800 W PRESTON, ID 83263 (435) 757-3332

Current Owner	CRAIG CARTER 1896 N 800 W PRESTON, ID 83263 (208) 339-0172
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Priority Date: 4/15/1952

Basis: Statutory Claim

Status: Active

Source
UNNAMED STREAM

Tributary
BEAR RIVER

<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:

UNNAMED STREAM	NWNESW	Sec. 21, Twp 15S, Rge 39E, FRANKLIN County
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Place Of Use:

STOCKWATER within FRANKLIN County

T15S R39E S21	NWSW
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T15S R39E S21	SWSW
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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. |
|----|-----|---|

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/15/2025

Comments:

1 mholliday 4/15/2025 POD
Updated Shape of PointOfDiversionId 1086196

2 mholliday 4/15/2025 POU
Updated Shape for WaterUseCode 04

3 mholliday 4/15/2025 POU
Updated Pls

4 mholliday 4/15/2025 BRBA coordination
BRBA claim 13-8328 was filed in 2024 for the instream stockwater use that corresponds to this instream stockwater notice (13-10041). BRBA staff have been notified of this notice.

Dates and Other Information:

State or Federal: S
Owner Name Connector: OR
Water District Number: 11
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 16, 2025 9:13 AM
To: Fred Price (fwprice@blm.gov); 'Clark, Trevlyn - FS, UT'; 'Larsen, Tyler - FS, UT'
Subject: Notice of Diversion for Instream Stockwater Use:13-10041
Attachments: 13-10041 Notice of Diversion as an Alternative for Instream Stockwater Use through Acknowledgement.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

April 15, 2025

JUSTIN CARTER
1415 N 800 W
PRESTON, ID 83263

CRAIG CARTER
1896 N 800 W
PRESTON, ID 83263

RE: Water Right No. 13-10041
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 blue ink, appearing to read "Michael Holliday", with a long horizontal line extending to the right.

Michael Holliday
Water Rights Supervisor

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/15/2025

Water Right 13-10041

Owner Type

Current Owner
Current Owner

Name

JUSTIN CARTER
CRAIG CARTER

Priority Date: 4/15/1952

Basis: Statutory Claim

Status: Active

Source

UNNAMED STREAM

Tributary

BEAR RIVER

Beneficial Use

STOCKWATER

From

01/01

To

12/31

Diversion Rate

0.020 CFS

Volume

Total Diversion

0.020 CFS

Source and Point(s) of Diversion:

UNNAMED STREAM

NWNESW

Sec. 21, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use:

STOCKWATER within FRANKLIN County

T15S R39E S21 NWSW

T15S R39E S21 SWSW

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

Owner Name Connector: OR

Water District Number: 11

Mitigation Plan: False