

RECEIVED

FORM 202 Rev. 09/16

Print Single Sided Only

AUG 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

Department of Water Resources
To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Transportation Department, District 5 Phone 208-239-3312

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 5151 S 5th Ave City Pocatello

State ID ZIP 83201 Email todd.hubbard@itd.idaho.gov

2. Name of representative, if any _____ 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 ground water which is a tributary of none

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14S	45E	7			NW	NE	Bear Lake	ground water	Dingle Pond
					NE	NE	Bear Lake	ground water	
					SE	NE	Bear Lake	ground water	
					SW	NE	Bear Lake	ground water	

5. Water will be used for the following purposes:

Amount 34.8 af for wildlife storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 34.8 af for recreation storage purposes from Jan 1 to Dec 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)

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 34.8 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Excavated pond intercepts water table

b. Height of storage dam n/a 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 n/a 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? n/a; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 250 Received by ONLINE Receipt No. T116831 Date 8/2/23

11-8599

SCANNED

AUG 09 2023

AMENDED

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. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. wildlife and recreation storage: public fishing pond, compensatory wetland mitigation

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	
14S	45E	7	RW	RW	RW	RW													

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? n/a
11. a. Who owns the property at the point of diversion? Idaho Transportation Department
b. Who owns the land to be irrigated or place of use? Idaho Transportation Department
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative
13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Todd Hubbard
Digitally signed by Todd Hubbard
Date: 2023.08.09 09:18:05 -06'00'

Signature of Applicant
Todd Hubbard, District Engineer

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

IDWR APPLICATION FOR PERMIT

Attached Narrative

Ground water use at ITD's Dingle Pond

RE: Bear River IDWR Admin Basin 11

Relevant timeline:

- **State roadbuilding** resulted in excavation and fill to wetlands in eastern Bear Lake County, mainly involving Bear River floodplain and channel. ITD sourced fill & gravels from various multiple sources.
 - 1925: Old Oregon Trail highway
 - 1966-1968: US30 (realignment and major widening of existing old highway)
 - Late 1970s – present: various US30 reconstruction projects (repaving, turn bay widening)
- **Late 1980s – early 1990s:** ITD purchased a 66-ac parcel adjacent to Bear River, which supported existing natural wetlands, for gravel mining (aka ITD materials source BL-91) to provide material for US30 improvements. That excavation (8 to 10 ft at its deepest areas) resulted in exposure of ground water due to the quarry pit filling with ground water (no surface connection to Bear River), creating a perennial pond; this included a small wetland cell built attached to the main quarry pit pond as part of original reclamation work. The gravel mining at BL-91 also resulted in *fill* to wetlands due to construction of haul roads, reject piles, staging area and a short levee to protect the pit from the river. The BL-91 quarry was depleted and subsequently retired and reclaimed by 1993.
- **Early 1990s – present:** Locals adopt the quarry pond as an unofficial recreation area. The pond and associated ITD property become known as “Dingle Pond.” IDFG starts stocking pond with hatchery fish.
- **Mid-2010s – present:** ITD acquired the 11-ac inholding from a willing seller and created compensatory mitigation at Dingle Pond property, including improvements of road obliteration, walking trail, fencing, and a new wetland cell by 2017. IDFG continues to stock the pond and has added minor recreation improvements (portable dock, fire rings). ITD has designated the entire Dingle Pond property as an in-house permittee-responsible compensatory mitigation site (Army Corps permit commitments are in perpetuity).

Fill vs excavation estimate: ITD estimated the fill to wetlands or open water (“wet”) resulting from both US30 roadway projects in the Dingle area and at Dingle Pond (52.4 ac), and then estimated the area of ground water exposed resulting from excavation activities at Dingle Pond (14.5 ac). **See attached maps.** This was done using ArcPro GIS and referencing quarry plat records, road project plans, LiDAR data and aerial imagery collected by ITD for Dingle pond and US30 in 2017, and other publicly available aerial imagery.

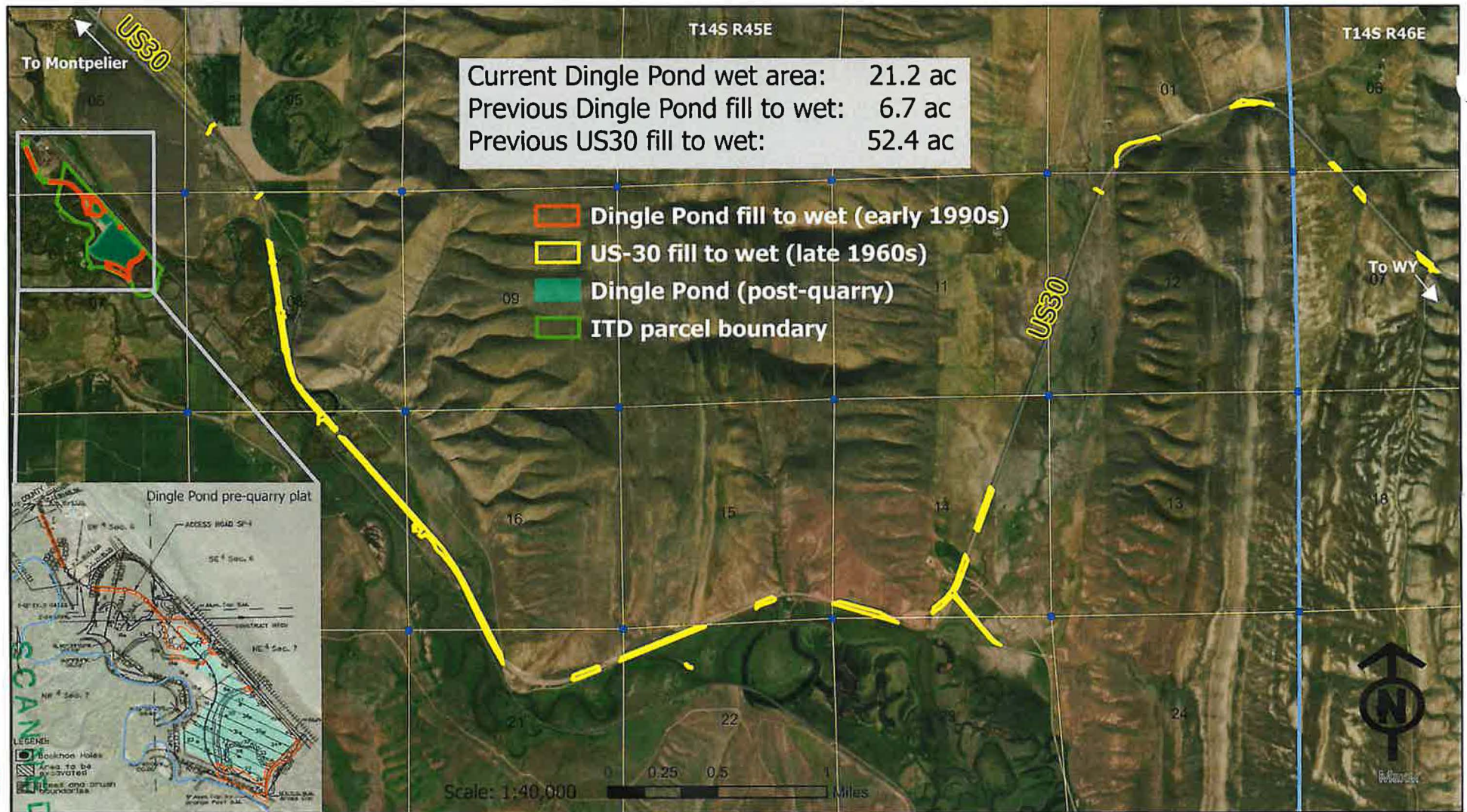
Current Dingle Pond excavated wet area:	-21.2 ac
Previous Dingle Pond property fill to wet:	6.7 ac
Previous US30 fill to wet in Bear River floodplain:	<u>52.4 ac</u>
Balance of fill vs. excavation:	37.9 ac net fill

Consumptive use: In conjunction with the Bear River Basin being designated as a Ground Water Management Area in 2001, the basin was closed to new consumptive appropriations of ground water. In Fall 2022, IDWR notified ITD of the need to apply for a water right for the consumptive groundwater use of evaporation from Dingle Pond. Using University of Idaho ETIdaho 2017 database (<http://www.kimberly.uidaho.edu/ETIdaho/>) to calculate evaporative use for ‘open water - small stock ponds’ as per IDWR direction (per James Cefalo, 9/2022), the mean annual precipitation deficit for the Montpelier area being 499 mm/yr (1.64 feet/yr), **ITD estimates there is 34.8 acre-feet / year of evaporation from Dingle Pond** in its present day configuration (21.2 ac).¹ Similarly, an estimated net “mitigation of ground water evaporation” from US30 roadway projects in the immediate Dingle area using the above total fill estimate total (37.9 ac) is 62.16 acre-feet/year.

¹ feet/year ET x surface area of ponds = acre-feet /year

Estimated ITD fill to wet in Bear River admin basin 11

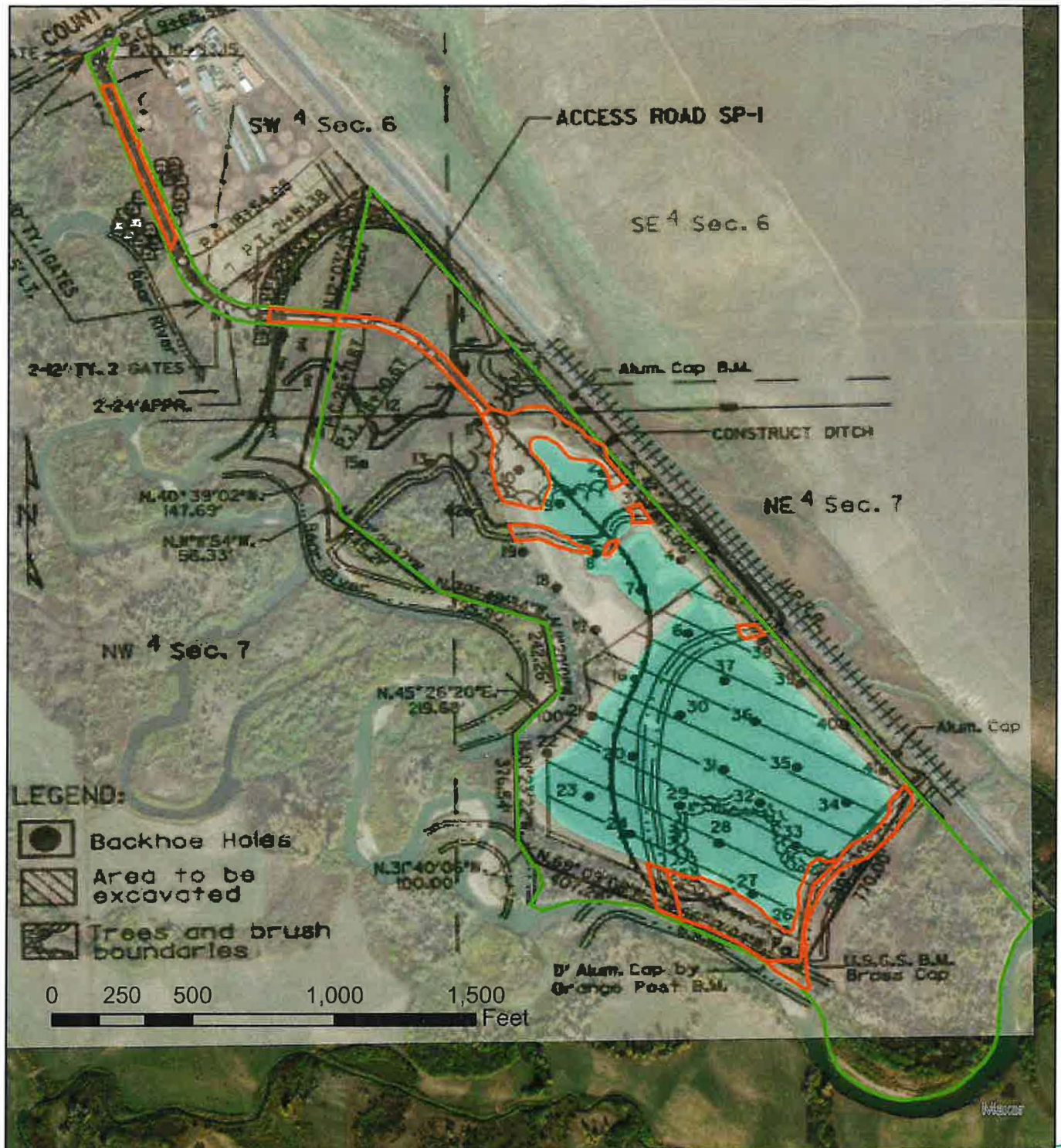
This map shows estimated footprint of fill to wetlands and/or below OHWM as a result of previous ITD road building projects near Dingle Pond (previously known as ITD materials source BL-91). Projects before 1980 did not require or complete compensatory mitigation for wetland loss. The projects considered to generate the map below were closest in time and location to the quarry activity that resulted in ground water filling Dingle Pond; there were other ITD projects in the Bear R admin basin 11 resulting in fill to wet that are not included here. BL-91 was used to provide aggregate for reconstruction of US-30 Montpelier South (kn3522) and Dingle to Pegram (ITD kn5460). Prior to these projects, US-30 was widened and straightened as part of the reconstruction US-30 between MP447.38 (Alton Flats) to MP455.5 (WY border), including projects F-1481-(15), (19) and (22); portions of the fill footprint lie over original Old Oregon Trail Highway (c. 1925). Fill to wet at the BL-91 property included building access/haul roads, a pad for mining equipment, and a levee at the south east end of the property to prevent the river from evulsing into the quarry pit. The term "wet" here includes both surface water and adjacent wetlands.



ITD BL-91 materials source plat pre-quarry condition



- Dingle Pond fill to wet (1990s)
- ITD parcel boundary
- Dingle Pond (post-quarry)



v2 8/1/2023 by A. Salmore ITD District 5

11-8599

AUG 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 11-8599

SUPERCEDED

RECEIVED

AUG 02 2023

Department of Water Resources
Eastern Region

1. Applicants

TODD HUBBARD
5151 S 5TH AVE
POCATELLO, ID 83204

todd.hubbard@ld.idaho.gov

2. Representatives

ALISSA SALMORE
5151 S 5TH AVE
POCATELLO, ID 83204

alissa.salmore@ld.idaho.gov

Application submitted on behalf of one of the applicants

3. Source of Water Supply

Source : GROUND WATER tributary to n/a

4. Location of Point(s) of Diversion

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQ/qq/Q	County
1	GROUND WATER	n/a	Beginning Point	14S	45E	7		/NW/NE	BEAR LAKE

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
WILDLIFE	01/01 to 12/31	0.00 cfs	34.80 afa	wildlife, public fishing pond, wetland mitigation

6. Total quantity to be appropriated is (a) 0 cfs and/or 34.8 afa

7. Proposed Diverting Works:

POD No :1
Description: None. Water is left in pond. Use is evaporative use only.
Drill Date :
Metal Tag :
Drilled By :
Drilled For :
Drilling Permit :
GeothermalWater :False

8. Description of Place Of Use:

WILDLIFE							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres
14S	45E	7	NE	NE	BEAR LAKE		
14S	45E	7	SE	NE	BEAR LAKE		
14S	45E	7	NW	NE	BEAR LAKE		
14S	45E	7	SW	NE	BEAR LAKE		

9. 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.

10. Land Ownership

- Who owns the land to be irrigated or place of use? Applicant does not own
- Who owns the land at the point of diversion? Applicant

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

This pond is existing. No work required.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum is 1 year).

T116831 8/2/23 \$250

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AUG 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 11-8599

Date Filed: Aug 2, 2023

Submitted on behalf of applicant

1. Applicants:

TODD HUBBARDIDAHO TRANSPORTATION DEPT
5151 S 5TH AVE.
POCATELLO, ID 83204

2. Representatives

ALISSA SALMOREIDAHO TRANSPORTATION DEPT
5151 S 5TH AVE.
POCATELLO, ID 83204

3. Source of Water Supply

Source	Tributary
GROUND WATER	n/a

4. Location of Points of Diversion:

	Source	Tributary Of	Type	Twp	Rge	Sec	GovLot	QQQ/QQ/Q	County
1	GROUND WATER	n/a	Beginning	14S	45E	7		/NW/NE	BEAR LAKE

5. Water will be used for the following purposes:

WaterUse	Season	Rate (cfs)	Vol (afa)	Description
WILDLIFE	From:01/01 To:12/31	0	34.8	wildlife, public fishing pond, wetland mitigation

6. Total quantity to be appropriated is 0 cfs and/or 34.8 afa

7. Proposed Diverting Works:

POD: 1

Description: None. Water is left in pond. Use is evaporative use only.

>85Degrees: false

SUPERCEDED

8. Description of Place of Use:

Twp	Rge	Sec	QQ	Q	GovLot	Acres	County	
14S	45E	7	NE	NE			BEAR LAKE	WILDLIFE
14S	45E	7	NW	NE			BEAR LAKE	WILDLIFE
14S	45E	7	SW	NE			BEAR LAKE	WILDLIFE
14S	45E	7	SE	NE			BEAR LAKE	WILDLIFE

9. 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.

10. Land Ownership

Who owns the place of use? Other

Who owns the land at the point of diversion Applicant

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

This pond is existing. No work required.

13. Time required for completion of works and application of water to proposed beneficial use is:

1 years



Governor Brad Little

Director Gary Spackman

August 9, 2023

STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
DISTRICT 5
5151 S 5TH AVE
POCATELLO, ID 83204-2202

RE: Application for Permit No. 11-8599

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER on 8/16/2023 and 8/23/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED

AUG 09 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 9, 2023 2:37 PM
To: ne_legals@news-examiner.net
Subject: RE: Legal Notice for News Examiner UPDATE
Attachments: 11-8586, 11-8599 News Examiner.docx

Hello,

My apologies; I received another legal notice to add to next week's publication. Please replace the previous request with the attached updated version (New version includes Application for Permit 11-8599 in addition to the original 11-8586.)

Thank You,

Christina Henman
Administrative Assistant

From: Henman, Christina
Sent: Wednesday, August 9, 2023 10:00 AM
To: 'ne_legals@news-examiner.net' <ne_legals@news-examiner.net>
Subject: Legal Notice for News Examiner

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Application for Permit No. 11-8586

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/4/2023. Your cooperation is appreciated.

Thank You,



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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-8586

GARY L & VICKI B DAHMS, 19651 NOUNAN RD, SODA SPRINGS, ID 83276

Point of Diversion L1(NENENE) S5 T10S R42E BEAR LAKE County

Source SPRINGS Tributary SINKS

Point of Diversion L1(SENENE) S5 T10S R42E BEAR LAKE County

Source SPRINGS Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 08-03-2023

Place Of Use: DOMESTIC

T10S R42E S5

L1(NENE)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-8599

STATE OF IDAHO, IDAHO TRANSPORTATION DEPT, DISTRICT 5, 5151 S 5TH AVE, POCA TELLO, ID 83204-2202

Point of Diversion NWNE S7 T14S R45E BEAR LAKE County

Source GROUND WATER Tributary

Point of Diversion NENE S7 T14S R45E BEAR LAKE County

Source GROUND WATER Tributary

Point of Diversion SENE S7 T14S R45E BEAR LAKE County

Source GROUND WATER Tributary

Point of Diversion SWNE S7 T14S R45E BEAR LAKE County

Source GROUND WATER Tributary

Use: RECREATION STORAGE

01/01 to 12/31

34.8 AF

Use: WILDLIFE STORAGE

01/01 to 12/31

34.8 AF

Total Diversion:

34.8 AF

Date Filed: 08-02-2023

Place Of Use: RECREATION STORAGE,WILDLIFE STORAGE

T14S R45E S7

NENE,NWNE,SWNE,SENE

Mitigation is proposed for consumptive use.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>.

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/5/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2023 and 8/23/2023

SCANNED
AUG 09 2023