

MAY 23 2022

DEPARTMENT OF
WATER RESOURCES

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of Certain Basin 75)
Water Rights) **Verified Petition for Order to Show**
) **Cause**
)

Pursuant to Idaho Code Sec. 42-224(1), Jaycob J. and Cheyenne A. Smith (“Petitioners”) hereby petition the Director of the Idaho Department of Water Resources (“IDWR”) to order the owner of water rights listed on Exhibit A, attached hereto, (collectively, “Water Rights”) to show cause why the Water Rights have not been lost through forfeiture pursuant to Idaho Code Sec. 42-222(2). As grounds for this Petition, Petitioners state as follows:

1. According to IDWR’s records, the Water Rights are currently owned by the United States of America acting through the U.S. Department of Agriculture, Forest Service, or the U.S. Bureau of Land Management, Exhibit A.
2. The Water Rights meet the requirements of Idaho Code Sec. 42-1401A(11) because the beneficial use is solely for stockwater in a quantity not to exceed 13,000 gallons per day.
3. Based upon Petitioners’ knowledge of the Water Rights, including their sources, points of diversion, places of use, as well as IDWR’s records, the Water Rights’ points of diversion or places of use are partially or completely on a federal grazing allotment known as the Fourth of July Creek #70213 Allotment (“Allotment”) and managed by the Salmon-Cobalt Ranger District of the Salmon-Challis National Forest headquartered in Salmon, Idaho (“Forest Service”).
4. There are no other water right decrees, licenses or permits known to have the same place of use, source, and point of diversion.
5. Petitioners have held a valid permit from the Forest Service to graze cattle on the Allotment each of the last five years. A copy of this Permit No. 70024 spanning the last five years is attached as Exhibit B.
6. Petitioners have grazed their livestock on the Allotment in compliance with the permit for each year of the permit term.
7. As the permittees on the Allotment, Petitioners’ employees, officers, and their families have regularly visited the Allotment, which borders Petitioners’ leased property, each grazing season of use and at other times outside the season of use each year for more than the past five years. Petitioners have utilized the Allotment over each of the last five years. This usage has included, but is not limited to:

- tending and herding cattle
- monitoring grazing conditions and use
- fixing and maintaining allotment fences
- salting the cattle
- cutting and monitoring trails
- checking and maintaining water sources
- checking fire danger
- dealing with other public lands users

8. At no time over the past five years have Petitioners, their officers, employees, their families, or agents, witnessed or heard of the existence of livestock owned or controlled by the United States, the Department of Agriculture, the Forest Service, or the Bureau of Land Management (collectively and individually, "Federal government") on the Allotment either to graze or to use water under the Water Rights.

9. At no time in Petitioners' numerous and regular visits with Forest Service staff from the Ranger District has staff stated or suggested that the Federal government has placed livestock owned or controlled by the Federal government on the Allotment in the last five years.

10. At no time since Petitioners' family began using the Allotment in 2006 have Petitioners ever witnessed or heard of the Federal government applying the Water Rights to the beneficial use of watering livestock the Federal government owns or controls on either Allotment.

11. Petitioners are not now, nor have they ever been, agents of the Federal government for the purpose of acquiring water rights for the Federal government on the Allotment.

12. The undersigned individuals are the sole permittees on the Allotment and sign this Petition on his and her behalf.

WHEREFORE, pursuant to Idaho Code Sec. 42-224, Jaycob J. and Cheyenne A. Smith petition the Director of the Idaho Department of Water Resources to expeditiously issue an order to the United States of America, acting through the U.S. Department of Agriculture, Forest Service, or the U.S. Bureau of Land Management to show cause why the Water Rights should not be lost through forfeiture pursuant to Idaho Code Sec. 42-222(2).

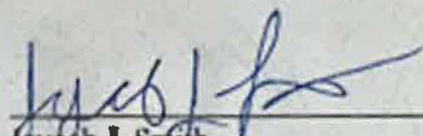
VERIFICATION

STATE OF IDAHO)
 : ss.
County of Lemhi)

Jaycob J. Smith, being first duly sworn, deposes and says as follows:

That I am a Petitioner herein, and I have read the foregoing instrument, know the contents thereof, and believe the contents thereof to be true and correct to the best of my knowledge.


DATED this 2nd day of May, 2022.



Jaycob J. Smith

Subscribed and sworn to before me this 2nd day of May, 2022.





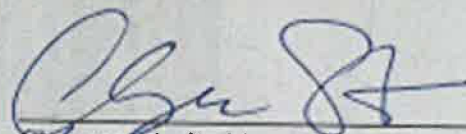
Notary Public
Residing at: Salmon, ID
My Commission Expires: 11/15/23

STATE OF IDAHO)
) : ss.
County of Lemhi)

Cheyenne A. Smith, being first duly sworn, deposes and says as follows:

That I am a Petitioner herein, and I have read the foregoing instrument, know the contents thereof, and believe the contents thereof to be true and correct to the best of my knowledge.

DATED this 2nd day of May, 2022.



Cheyenne A. Smith
CS

Subscribed and sworn to before me this 2nd day of May, 2022.



M. Chace Slavin
Notary Public
Residing at: 11/15/23 ^{n.c.s.} Salmon, ID
My Commission Expires: 11/15/23

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Basin - Sequence	Basis	Status	Priority Date	Diversion Rate	Source List	Tributary List	Water Use List	Current Owner
75-2225	Decreed	Active	1/9/1963	0.010	SPRING	KRILEY CREEK	STOCKWATER	USA THRU BLM
75-4236	Statutory Claim	Active	6/1/1969	0.020	BROWNS SPRING	SINKS	STOCKWATER	USDA, Forest Service
75-4241	Statutory Claim	Active	6/1/1967	0.020	OLD KRILEY SPRING	SINKS	STOCKWATER	USDA, Forest Service
75-7279	License	Active	2/25/1982	0.020	SOUTH FORK UPPER KRILEY SPRING	SINKS	STOCKWATER	USDA, Forest Service
75-7288	License	Active	2/25/1982	0.020	SPRING	SINKS	STOCKWATER	USDA, Forest Service
75-7335	License	Active	12/22/1982	0.020	LOWER MAGPIE SPRING	SINKS	STOCKWATER	USDA, Forest Service
75-7672	License	Active	2/4/2000	0.020	SPRING	SINKS	STOCKWATER, WILDLIFE	USDOJ, BLM
75-11102	Decreed	Active	6/1/1876	0.020	NORTH FORK TOWER CREEK	TOWER CREEK	STOCKWATER	US THRU USDA Forest Service
75-13804	Decreed	Active	6/1/1876	0.020	EAST KRILEY SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13808	Decreed	Active	6/1/1876	0.020	CHUTE GULCH SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13813	Decreed	Active	6/1/1876	0.020	MAGPIE SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13822	Decreed	Active	6/1/1876	0.020	LOWER COTTONWOOD CREEK SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13825	Decreed	Active	6/1/1969	0.020	KRILEY GULCH SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13826	Decreed	Active	6/1/1876	0.020	UPPER COTTONWOOD CREEK SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13899	Decreed	Active	6/1/1876	0.020	SOUTH FORK UPPER KRILEY SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service
75-13912	Decreed	Active	6/1/1876	0.020	LOWER MAGPIE SPRING	SINKS	STOCKWATER	US THRU USDA Forest Service

TERM GRAZING PERMIT - PARTS 1 AND 2 (Reference FSM 2230)	Page 1 of 10
	Permittee Number SMITH, JAY J
	Permit Number 70024

PART 1

Jay J. and/or Chyenne A. Smith of 24 Smith Ranch Road, Carmen, ID 83462 hereinafter
 (Name of Permittee) (Post Office Address, Including Zip)
 called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the Salmon-Challis (X appropriate box)
 National Forest National Grassland under the following terms and conditions:

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated 2/19/2016, which is part of this permit.



2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE		GRAZING ALLOTMENT
NUMBER	KIND	CLASS	FROM	TO	
60	Cattle	Mature cow w/nursing calf	06/01	08/31	Fourth of July Creek #70213
					Use in accordance with AOI
					Not to exceed 181 HMs

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder; or for knowingly and willingly making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 214.

4. This permit supersedes permit #70023 issued 3/27/2006 to Jay J. Smith.

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT

SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT			DATE
			5-3-16
SIGNATURE OF FOREST OFFICER	NAME (PRINT)	TITLE	DATE
	Jay Winfield	S-C District Ranger	5/10/16

PART 2 - GENERAL TERMS AND CONDITIONS

- 1. Validation of Permit.** The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
- 2. Bill for Collection.** Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
- 3. Payment of Fees.** The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.
- 4. Administrative Offset and Credit Reporting.** Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.
- 5. Interest, Penalty, and Administrative Costs.** Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.
- 6. Term of Permit.** This permit is effective until 12/31/2025 unless waived, cancelled or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at **any time** provided a **new permit is issued** to the existing permit holder for a new term of 10 years **following this update**.

7. Ownership Requirement

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

(b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

(a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.

(b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).

(c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

(d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.

(e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.

(f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

(g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.

(h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

(i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.

11. General.

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

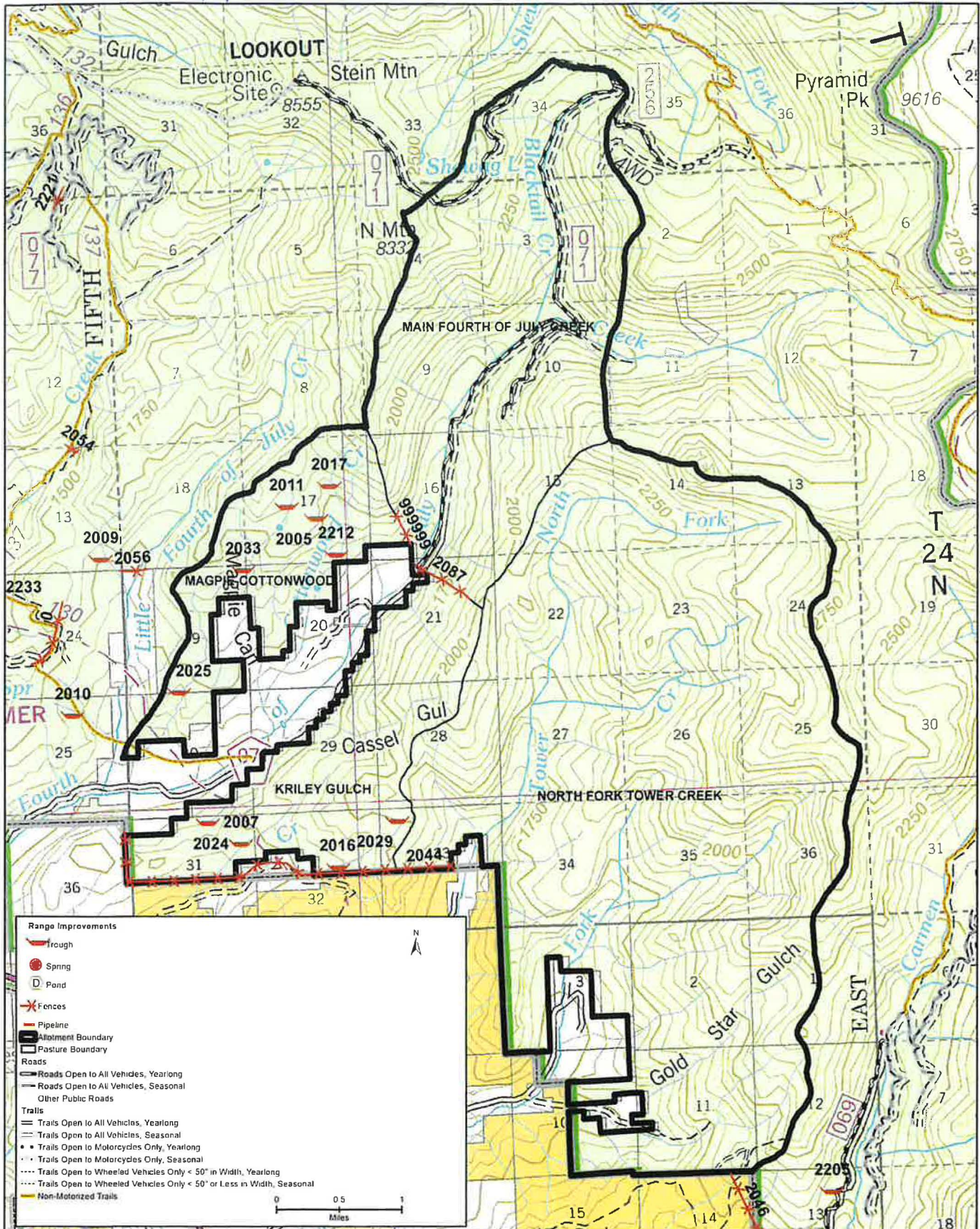
(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 5 through 10 which follow.

Fourth of July Creek Allotment

This map shows the Fourth of July Creek Allotment for use in term grazing permit # 70024 issued to: Jay and/or Chyenne Smith on 5/10/16 by TAY WATFIELD, District Ranger, North Fork Ranger District Page 5 of 10



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Special Terms and Conditions – Range Improvements

Responsibilities for Maintenance of Structural Improvements.

In accordance with part II, 8 (h and i) of this permit, you are required to maintain range improvements assigned to you to a standard at, or as near as possible to, their original condition when constructed. Annual maintenance is necessary to assure improvements are functional and to prevent physical deterioration of structures due to normal use over time. Maintenance must be accomplished before livestock enter the grazing unit and during the period livestock are authorized in the grazing unit. Fence maintenance must be accomplished while livestock are authorized on either side of the fence.

The specific improvements you are responsible for maintaining are listed on page 8 of this permit and depicted on the map on page 5.

Standards for maintenance of structural range improvements are listed below.

STOCKWATER DEVELOPMENTS (troughs, pipelines and ponds):

1. All spring source facilities will be adequately protected or fenced; fences will be maintained to prevent livestock from getting into the source or the headbox.
2. Headbox lids or covers shall be in place to prevent dirt, rodents or other refuse from getting into the headbox.
3. All outlet pipes and valves from headboxes will be functioning and any leaking should be kept to a very minimum.
4. Water troughs will be kept at heights which make them usable to livestock and wildlife. Troughs which become elevated from trampling should be periodically backfilled to maintain usable height.
5. Troughs which become uneven due to settling shall be reset and leveled.
6. Water will not be allowed to overflow the sides of the troughs. Overflow pipes must be kept clear. Overflow water will be piped away from troughs at least 50 feet. The end of the overflow pipe must be protected from trampling. The overflow pipe must direct water away from the trough area.
7. Inlet and outlet pipes shall be protected by being anchored and/or supported by a brace, post, or pole, etc. Inlet and outlet pipelines will be buried as much as possible for their protection.
8. All troughs should be equipped with a wildlife escape ramp which provides access from the water all along two opposing inside edges of the trough. While a floating board or secured pole can provide a platform from which birds and rodents can drink, such does not provide an avenue of escape.

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9. Troughs, storage tanks, and pipelines will be drained and cleaned to prevent moss and debris buildup and damage from freezing.
10. Poles, posts and trough-framing materials used in the construction of the water development will be maintained, repaired or replaced as needed.
11. All above-ground, pipeline-supported structures will be maintained to keep the pipes at gradient and prevent sagging.
12. Pipelines with air and drain valves will be protected to prevent rodents and dirt from entering the pipe. Pipeline with valve cover boxes will be kept covered and repaired when needed.
13. Pipeline leaks will be repaired or the damaged section replaced with materials similar to the original construction materials.
14. Spillways will be cleaned and maintained to prevent washout or becoming plugged. Damage to and trees growing on dams will be reported to the Forest Officer.

RANGE FENCES:

1. Broken or rotten posts will be replaced to maintain proper spacing and fence integrity.
2. Replacement of broken or rotten braces or jacks will be completed to maintain fence integrity.
3. Gate tension should be sufficient to prevent the gate from sagging and yet still be easily opened and closed. Gate loops will be made from SMOOTH wire. Gate rests will be placed where a mounted gate is closed, as well as open, to prevent premature failure on gate hinges and brace posts.
4. The permittee will close all gates before livestock enter the grazing units.
5. All broken wires will be spliced and repaired such that tension on a wire can be maintained. Wire splices will be made with 12 gauge tie wire or type of wire used in initial construction.
6. Broken or missing stays will be replaced where needed.
7. Fence staples should support the wire, but not crimp the strands. Staples should be set at an angle to the grain of the post. Staples and clips will be replaced where and when needed to maintain the fence.
8. Where rocks are used to tie down posts or anchor braces, they will be at least 50 pounds and secured with smooth wire.

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GRAZING PERMIT - PART 3
(Reference FSM 2230)

9. Let down fences will be put up no more than two weeks prior to livestock entering the unit and let down no later than two weeks following the livestock leaving the unit. This is to allow for protection of wildlife, specifically sage grouse and elk, during times when livestock are not present.

Description of improvements to be maintained on the Fourth of July Creek Allotment:

<u>ID.</u>	<u>Name</u>	<u>Type</u>
702005	Lower Cottonwood Spring	Water Development
702007	Kriley Gulch W.D.	Water Development
702011	Upper Magpie W.D.	Water Development
702016	Lower So. Fk. Kriley W.D.	Water Development
702017	Upper Cottonwood W.D.	Water Development
702024	Brown Spring	Water Development
702025	Chute Gulch W.D.	Water Development
702029	Upper So. Fk. Kriley W.D.	Water Development
702033	Lower Magpie W.D.	Water Development
702044	Kriley Gulch Boundary	Fence
702087	Fourth of July Drift	Fence
702212	Lower Cottonwood W.D.	Water Development

ID numbers on the Fourth of July Creek Map, page 5 of 10, displays the locations of these improvements.

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Special Terms and Conditions**Management Practices - Forest Plan requirements or practices to achieve Forest Plan objectives.**

Background: The authority for the Forest Plan is through Act of Congress; it must be considered as a local extension of applicable laws. Therefore, all activities on the Salmon National Forest portion of the Salmon-Challis National Forest must comply with the Forest Plan. Excerpts from the Forest Plan applicable to range and livestock management on the allotment are listed below and hereby made part of this permit.

1. It is your responsibility to recognize use standards. If you need assistance determining utilization contact your Range Management Specialist as a minimum. Ensure all livestock are removed from each unit in accordance with use standards, and with unit scheduling identified in your Annual Operating Instructions.
2. Annual use indicators on key species are 50% utilization by weight in riparian areas, 50 % utilization by weight on uplands unless otherwise indicated.
3. Where practical, stock driveways and trailing routes will be located outside of riparian zones. Limit livestock trailing, bedding, watering, salting, loading, and other handling efforts to those areas and times that would not retard or prevent attainment of Riparian Management Objectives or adversely affect native fish.
4. Water developments constructed for livestock will provide access for wildlife and will be fitted with a wildlife escape ramp.

Special Terms and Conditions, Other

1. Any motorized travel off of routes not designated in the Salmon-Challis National Forest Travel Plan must have specific District Ranger written authorization in advance. This authorization must be displayed in windshield for trucks or carried on ATV's, UTV's and motorcycles.
2. Any hay or straw used in association with this permit will be certified and tagged as noxious weed free as directed by the Forest Special Order.
3. If a permitted animal dies in the vicinity of streams, lakes, roads, trails, or recreational areas, its carcass must be moved at least 100 yards from live water, roads, trails or recreational areas, or as far as practicable when conditions makes that distance impossible.
4. A camp and its operation may be authorized under Forest Officer Instruction, Part 2, Clause 8(a) for express purpose of meeting the terms of this grazing permit. Each location will be identified in the Annual Operating Instructions. Camps must be kept and left in a sanitary condition. All flammable refuse must be burned and nonflammable refuse must be packed out. All equipment/temporary structures must be removed within 10 days of the end of the authorized season or as directed by the Forest Officer. Camps must be equipped with tool(s) for extinguishing campfires.

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5. Annual Operating Instructions identify management direction applicable to the current grazing year, so as to comply with the terms and conditions of the term grazing permit, Forest Plan direction and other applicable laws and regulations. Annual Operating Instructions are part of the term grazing permit identified as Forest Officer instructions in Part 1, Clause 3 and Part 2, Clause 8 of the term grazing permit.
6. An annual Actual Use Report is required to be submitted within 15 days of the latest scheduled off date in the AOI.
7. Pursuant to Part 2, Clause 9, requests for nonuse must be submitted in writing at least 45 days in advance of the on ("from") date in Part 1. Any billing change deemed necessary may result in an administrative fee.
8. Pursuant to Part 2, Clause 11(c), 30 days shall be sufficient time to "immediately notify the Forest Officer" of any change in the qualifications to hold a term grazing permit.

Special Terms and Conditions – Additional Management Practices Required by Consultation

1. A rest rotation grazing system will continue to be used.
2. The on date will be varied so that livestock will be placed on the allotment at range readiness.
3. Annual use indicators will dictate when livestock are moved between Units or off the Allotment, within the terms of the term grazing permit. This will include moves in response to fish spawning.
4. Salt and/or mineral blocks will not be placed within one-fourth mile of springs, streams or riparian habitat.
5. Permittees will direct livestock away from streams and associated riparian areas (ride) at least once every 2 weeks to reduce potential impacts on spawning areas and designated critical habitat.
6. The following use indicators and triggers apply to the Fourth of July Allotment:

Key Area Location	Unit Name/ Creek Name	Monitoring Attribute	Use Indicator	Key Species	Trigger
M334	Main 4th of July Creek/ 4th of July Creek	Browse Use	50% 30%	Willow/ Alder	45% 25%
		Greenline stubble	4 in.	Hydric spp.	5 in.
		Bank Alteration	20%	n/a	15%
Upland Sites	All Units	Utilization	50%	Upland grass spp	45%
Riparian Areas	All Units	Utilization by Key Species	50%	Riparian grass spp	45%