



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 24, 2013

MARTY SANFORD
PO BOX 6
STITES ID 83552

RE: License No. 82-7159

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

82-7159

**MARTY SANFORD
PO BOX 6
STITES ID 83552**


Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 82-07159

Priority: March 18, 1988

Maximum Diversion Rate: 0.71 CFS
Maximum Diversion Volume: 303.0 AF

It is hereby certified that MARTY SANFORD
PO BOX 6
STITES ID 83552

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 18, 1988; and has submitted Proof of Beneficial Use on May 24, 1991. An examination confirms water is diverted from:

SOURCE

BALDY CREEK
NEWSOME CREEK

Tributary: NEWSOME CREEK
SOUTH FORK CLEARWATER RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MINING	04/01 to 11/01	0.71 CFS	303.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BALDY CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 30N, Rge 06E, B.M. IDAHO County
BALDY CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 30N, Rge 06E, B.M. IDAHO County
BALDY CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 30N, Rge 06E, B.M. IDAHO County
NEWSOME CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp 30N, Rge 07E, B.M. IDAHO County

PLACE OF USE: MINING

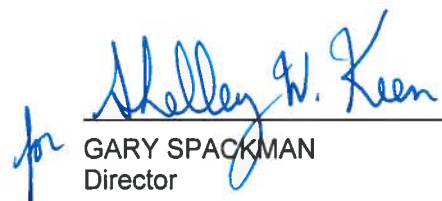
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N 06E 24														X	X	X	
30N 07E 30															X		

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24th day of July, 2013.


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 82-07159

RECEIVED

JUL 23 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: March 18, 1988

Maximum Diversion Rate: 0.71 CFS

Maximum Diversion Volume: 303.0 AF

Comes now MARTY SANFORD
PO BOX 6
STITES ID 83552

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 82-07159, and requests that the permit be changed as follows:

Source: BALDY CREEK
NEWSOME CREEK

Tributary: NEWSOME CREEK
SOUTH FORK CLEARWATER RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	04/01 to 11/01	0.71 CFS	303.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BALDY CREEK IDAHO County	SE1/4SE1/4	Sec. 24, Twp 30N, Rge 06E, B.M.
NEWSOME CREEK IDAHO County	SW1/4SE1/4	Sec. 30, Twp 30N, Rge 07E, B.M.
BALDY CREEK IDAHO County	SW1/4SE1/4	Sec. 24, Twp 30N, Rge 06E, B.M.
BALDY CREEK IDAHO County	NW1/4SE1/4	Sec. 24, Twp 30N, Rge 06E, B.M.

PLACE OF USE: MINING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N 06E 24														X	X	X	
30N 07E 30															X		

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 11 day of July, 2013.

Marty Sanford
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 82-07159

FOR DEPARTMENT USE ONLY

Preliminary check by EP Fee = 100.00 Received by HP # C097526 Date 7-23-13

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 82-07159 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.

Witness my hand this 24th day of July, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

06/21/2013

MARTY SANFORD
PO BOX 6
STITES ID 83552

RE: Water Right Permit No. 82-07159

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

☐ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208) 287-4944.

Sincerely,

Cherie Palmer, Sr. Water Resource Agent
Water Allocation Bureau

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 82-7159

Exam Date: JUNE 13, 2012

1. Current Owner: MARTY SANFORD
PO BOX 6
STITES ID 83552
(208)926-0994
2. Accompanied by: Marty and Everett

3. SOURCE

BALDY CREEK
NEWSOME CREEK

TRIBUTARY

NEWSOME CREEK
SOUTH FORK CLEARWATER RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

BALDY CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp 30N, Rge 07E, B.M. IDAHO County
BALDY CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp 30N, Rge 07E, B.M. IDAHO County
BALDY CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp 30N, Rge 07E, B.M. IDAHO County
NEWSOME CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp 30N, Rge 07E, B.M. IDAHO County

Method of Determination: Site visit and Aerial Imagery

2.

PLACE OF USE: MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N	07E	30																	
30N	06E	24								x						x	x	x	

Method of Determination: Site visit and Aerial Imagery

3. ☒ Delivery System Diagram Page 3 (required).
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

Well or Diversion

ID No.*	Hp	Pump Make	Pump Serial No. or Discharge Size
NA-no permanent system in place	8 Briggs & Stratton	Teel 2P015	3"

D. FLOW MEASUREMENTS

1.

Measurement

Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
-----------	------	------	-----------	------------	------	-------------

NA-The system has not been used since the '80s. At the time of the exam the mining operation has been dismantled making a physical measurement impossible. In order to reach a diversion rate and volume, I must go on verbal statements from the permit holder.

2. Measurements: None

E. FLOW CALCULATIONS

 N Additional Computation Sheets Attached

Measured Method: I will use the hp equation to estimate the diversion rate.

Water was diverted at Newsome Creek where water would be carried 250' of 3" pipe to the washing plant. The elevation change was +6' and a series of nozzles at the washing plant could account for a PSI of 30.

$$8.8 \times 8 \text{ hp} \times 0.7 / 6 \text{ ft} (2.31 \times 30) = 0.65 \text{ cfs (diversion at Newsome Ck)}$$

$$8.8 \times 8 \text{ hp} \times 0.7 / (2.31 \times 30) = 0.71 \text{ cfs (diversion at Baldy Ck)}$$

Conclusion: The two estimates are not additive as they only operated one washing plant at one time. The right holder told me that he diverts ~300 gpm so the two estimates are right in within the range. I will use the larger estimate of the two for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: na

2. Volume Calculations for Other Uses: Mining

$$0.71 \text{ cfs} \times 1.9835 \times 215 \text{ days} = 303 \text{ af}$$

G. NARRATIVE/REMARKS/COMMENTS

The right holder used to have piping in place on the site but the site was looted some years ago.

When the mining operation was occurring at Newsome Creek, the 8 hp motor moved water through a 3" pipe to two-2" hoses that went throughout the collection plant and then into 6- 55 gallon storage tanks.

The washing plant was portable and moved from Newsome Creek to Baldy Creek. When they were working Baldy Creek, they diverted right at the creek into the washing plant. At Baldy Creek the right holder moved his washing plant and point of diversion up and down the creek as needed. At the time of the exam, the mining site in Baldy Creek was not accessible.

The right holder stated that they ran their operation 24/7 at a rate of 300 gpm.

Everett assigned the permit to his son Marty who plans on resuming his mining project in the next year or so.

Have conditions of permit approval been met? x Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MINING	4/01 to 11/01	0.710 CFS	303 AF
<u>Totals:</u>		0.710 CFS	303 AF

2. Recommended Amendments

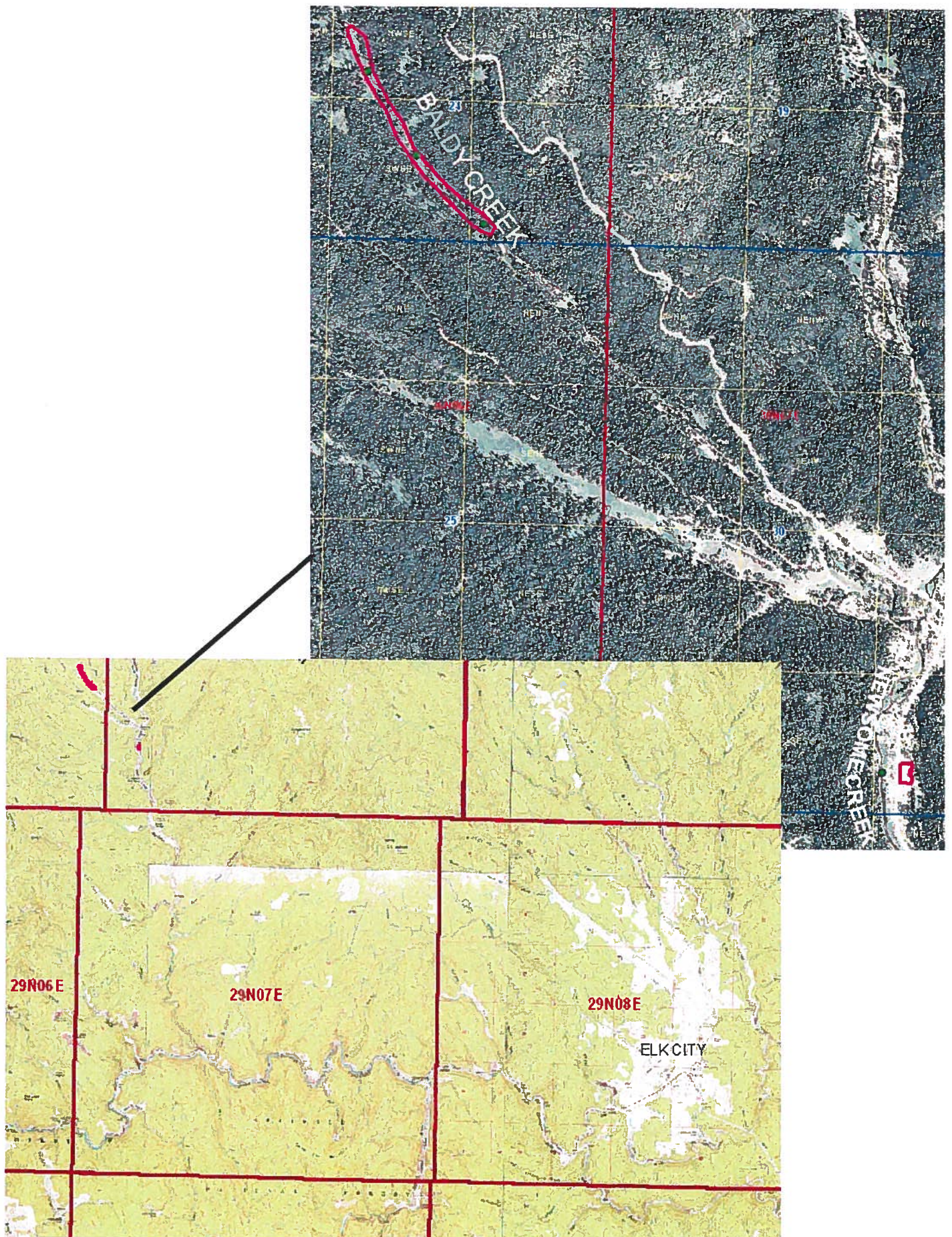
 x Change P.D. as reflected above Add P.D. as reflected above None

 x Change P.U. as reflected above Add P.U. as reflected above Other

I. AUTHENTICATION

Field Examiner's Name Cheri Palmer Date _____

Reviewer _____ Date _____





line that went
to the washers



Baldy Creek
Place of Use
for mining
purposes.

The right holder
has not mined this
area since the
80's.

Photo is looking
west from the road.

washing
plant



pipng that
was used
while washing
gravel thru
sluce box



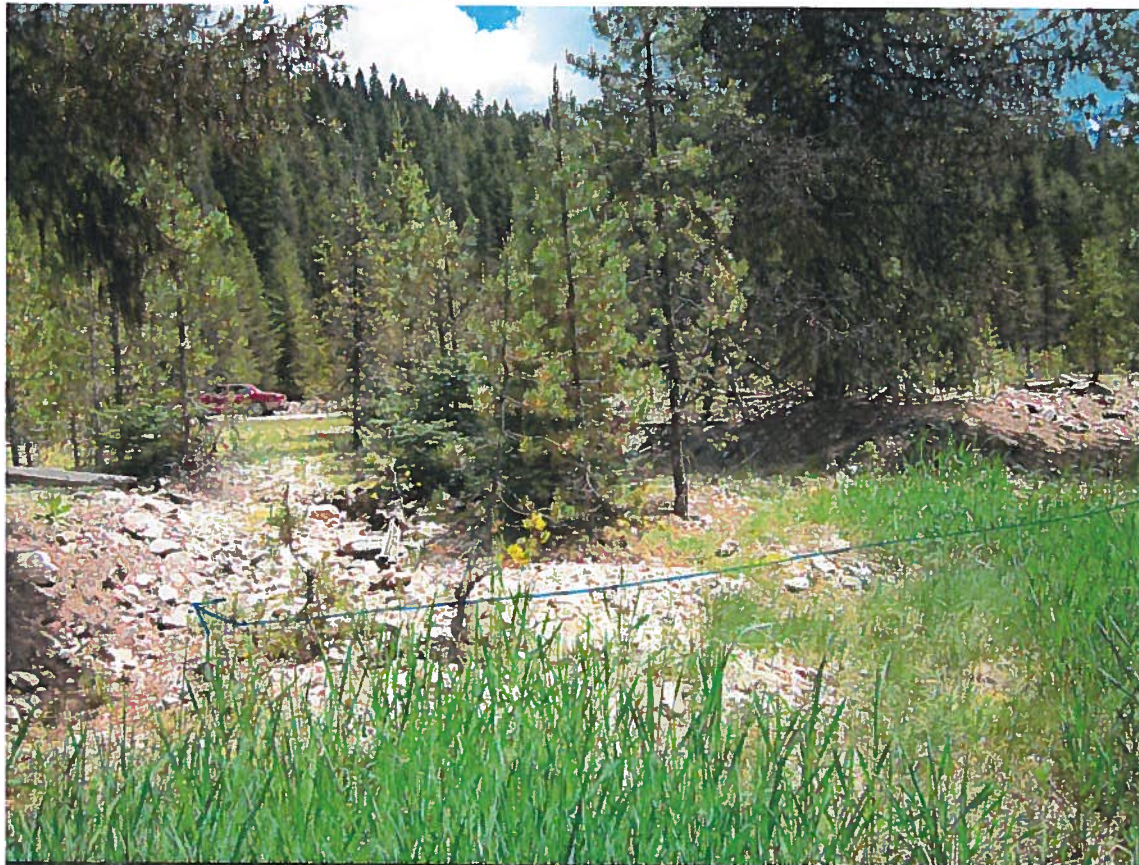


Holding pond off
of Newsome Creek.
The creek is
at my back and
I'm looking
north-easterly



Facing
Newsome Creek thru
the trees.

This ditch used to
contain a 3" pipe
that went under the
road to the washing
plant that is behind
me.



Another picture
of the ditch
off of Newwome
Creek



Newwome
Creek, where
the pump +
shp motor
would have been
located.



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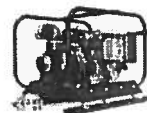
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Product Information Shipping Customer Reviews

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- Flow rate to 360 GPM
- Pump has heavy duty wide impeller which moves a lot of volume and cannot be restricted on discharge side
- Discharge must be the same as suction. Reducing discharge will result in seal damage

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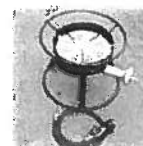
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Teel 2P105 parts breakdown

CENTRIFUGAL PUMP HEAD

Centrifugal Pump Head, Impeller Cast
Iron, Maximum Head 61/92 Feet,
Maximum Diameter Solids 3/4 Inch, NPT
Port 3 Inches, Pump Head Speed
2800/3450 RPM, Volute/Wear Plate Cast
Iron, Roll Bar Frame Steel, Mechanical
Seal Buna/Stainless Steel, Casing
Adapter Aluminum, Required Motor HP
Rating 5, Flow @ 10 Feet of Head
13500/17100 GPH, @ 20 Feet of Head
12000/15900 GPH, @ 40 Feet of Head
8160/13200 GPH, @ 60 Feet of Head
840/9900 GPH, Length 20 1/2 Inches,
Height 13 Inches, Width 8 1/4 Inches

- PUMPS ARE IN STOCK CALL
NOW !!!!!-----800-810-1053

TEEL 2P015



Keen, Shelley

From: Keen, Shelley
Sent: Thursday, May 09, 2013 1:47 PM
To: 'centerstar@homemail.com'
Cc: Palmer, Cherie
Subject: Baldy Creek water right information
Attachments: DOC.pdf

File 82-7159

Ron,

I've attached a scanned image of the Sanford water right permit for Baldy Creek. Senior Water Resource Agent Cherie Palmer is drafting the water right license, which will confirm the establishment of a water right. Because of her superior knowledge of the situation, I recommend referring additional questions to Cherie. Her number is 208-287-4944.

Sincerely,

Shelley Keen

Sent to Ron Miller 208-926-4831 centerstar@homemail.com
in response to a telephone inquiry.