

Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

J. EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore, PLS - Paralegal

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701



GARY D. SLETTE
gslette@rsidaholaw.com

RECEIVED

FEB 04 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 1, 2008

VIA FACSIMILE 208-727-5029

Sara E. Baldwin
SNRA Ranger
USDA – Forest Service
5 North Fork Canyon Road
Ketchum, ID 83340

RE: Christianson Application for Water Permit No. 71-7170

Dear Sara:

Thank you very much for all of the information you provided to me relative to SNRA Ditch ID S42. My clients, Mr. and Mrs. Christianson, are the successors in interest to Jack Furey and Louis Racine who are identified in the second set of documents. It is my understanding that the ditch proposed for conveyance of the water pursuant to IDWR Application No. 71-7170 is the exact same ditch as referenced in those documents. In other words, the burden upon the SNRA easement/right-of-way will not be increased by virtue of the conveyance of additional water. No additional land is being requested for use other than the ditch which they indicated had been "in place since [the] early 1900's".

In light of this information, I would request a determination from you as to the ability of my clients to use the existing easement for the conveyance of water under this application. As always, I am available to respond to your questions or provide additional information if you request. Thank you for your consideration.

Yours truly,

GARY D. SLETTE

GDS:rlm

cc: Jon & Wei Christianson (w/encls)
Chuck Brockway, Jr. (w/encls)
Corey Skinner – IDWR (w/encls)
Stacey Clark – SNRA (w/o encls, via facsimile)

rlm\gds\letter\USDA-Forest Service_Baldwin



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Sawtooth National Recreation Area

5 North Fork Canyon Road
Ketchum, ID. 83340
208-727-5000
Visitor Center: 208-727-5013
Fax: 208-727-5029

File Code: 2700-1

Date: January 27, 2008

Mr. Gary Slette
Attorneys at Law
Robertson and Slette, p.l.l.c.
134 Third Ave. East
P.O. Box 1906
Twin Falls, ID 83303-1906

RECEIVED

FEB 04 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Dear Gary:

Enclosed is the information you requested. In a letter dated December 7, 2007 to Forest Supervisor Jane Kollmeyer, RE: Christianson Application for Water Permit No. 71-7170, you requested "an opportunity to review each and every special use authorization and applications for conditional easements as you have offered to provide me, so we can better determine a course of action to address your concerns."

The information found pertains to:

- A water transmission special use permit related to SNRA Ditch ID S42 (IDWR) 10767 to Morgan Williams. The permit expired in 1991 but the last bill payment was received in 1996. There was an attempt to transfer the permit to Carstensen, but instead Carstensen applied under the Colorado Ditch Bill. Little action has been taken on the Ditch Bill Applications in the Sawtooth Valley as of this date;
- An amended special use application and report relative to two ditch easement applications by Jack Furey and Louis Racine for SNRA Ditch ID S42 (IDWR) 10767 and SNRA Ditch ID FJC3 (IDWR) 10768 in 1996 and;
- The Colorado Ditch Bill Application by Hans and Mary Carstensen in 1996 for SNRA Ditch ID S42.

I hope this answers the information you requested. Please contact Stacey Clark at (208) 727-5008 if you have any questions or she can be of further assistance.

Sincerely,

SARA E. BALDWIN
Sawtooth National Recreation Area Ranger

cc: Jackie S Richter, Janne M Joy, Sara E Baldwin





United States
Department of
Agriculture

Forest
Service

Sawtooth National
Recreation Area

Star Route
Ketchum, ID 83340
Telephone: (208) 727-5000

File Code: 2720

Date: January 10, 1996

Mr. James R. Bennetts
Attorney At Law
P.O. Box 36
Challis, ID 83226-0036

Dear Mr. Bennetts:

Thank you for calling to our attention the need to complete the transfer of the Special Use Permit for the ditch from Mr. Morgan Williams to the Carstensen. Through an oversight the paperwork was not executed last year when submitted.

We've notified our billing office to withhold any further billing action until they receive the updated permit.

It appears your clients have provided all the information we need to complete the transfer. We are now submitting the paperwork to our Supervisor's Office.

Sincerely,

KIM HOFELDT
Special Use Administrator

cc: Mr. Carstensen, 5320 West Mercer Way, Mercer Island, WA 98040
Mr. Morgan Williams, HC 61 Box 3029, Challis, ID 83226
SO

*Morgan Williams
et al
water
rights*



JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

FAX

TELEPHONE
(208) 879-4488

(208) 879-4248

December 1, 1995

Dave Kimpton
Sawtooth National Recreation Area
Stanley, Idaho 83278

RE: Carstensen Special Use Permit

Dear Dave:

At the time of the transfer of property from Morgan Williams to the Carstensen we thought we had the Special Use Permit of the ditchway transferred. I've enclosed a copy of the recent billing so that you can be advised of the reference number (file number) and the other data.

According to notes in my file, at least we had completed the necessary documents or instructions so that this would be billed to Carstensen rather than through Williams..

Can you please tell us what we need to complete to get the appropriate process in place?

Thank you.

Very truly yours,

James R. Bennetts

JRB:k

cc: Hans and Terry Carstensen

(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226

Received SNRA
MAR 22 1994

March 18, 1994

Paul Ries, Area Ranger
Sawtooth National Recreation Area
Star Route
Ketchum, ID 83340

Re: HANS L. CARSTENSEN III

Dear Paul:

Enclosed is REQUEST FOR TERMINATION OF AND APPLICATION FOR
SPECIAL-USE PERMIT in duplicate signed by Morgan Williams.

Very truly yours,

JRB:jab
Enclosures

James R. Bennetts



United States
Department of
Agriculture

Forest
Service

Sawtooth National
Recreation Area

Star Route
Ketchum, ID 83340
Telephone: (208) 726-7672

Reply to: 2720

Date: February 24, 1994

James R. Bennetts
Attorney At Law
P.O. Box 36
Challis, Idaho 83226

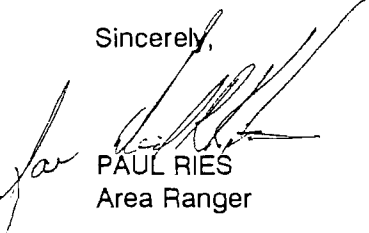
Dear Mr. Bennetts:

Thank you for your response concerning our letters to Mr. Carstensen and Mr. Williams. As you suspected, the letters should have referenced a "water transmission ditch" rather than a water "pipe-line". Mr. Williams was issued a Special Use Permit for a water transmission ditch on December 7, 1979 (copy enclosed).

The fee has been paid for 1994. However, we still request that Mr. Carstensen and Mr. Williams complete and return the forms (Request for Termination of and Application for Special Use Permit) that were included with their letters.

Please pardon the oversight of using the incorrect description for the water transmission ditch. If you have further questions, please contact Ray Neiwert at the Stanley Ranger Station, phone 774-3681.

Sincerely,


PAUL RIES
Area Ranger

enclosure

cc: S.O.



18A (8-42)
United States Department of Agriculture
Forest Service

SPECIAL USE
APPLICATION AND REPORT

Ref: FSM 2712

FOREST SERVICE USE ONLY	a. Record no. (1-2)	b. Region (3)	c. Forest (5-6)
	d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
	g. State (16-17)	h. County (18-20)	k. Cord No. (21)
	70	04	14
	04	----	---
	16	037	1

PART I - APPLICATION (To be completed by applicant)

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land: (Attach MAP or PLAT)

NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 8, T8N, R14E, Boise Meridian (point of diversion); thence north and east crossing into Section 9; thence across the NW $\frac{1}{4}$ of Section 9 entering the SW $\frac{1}{4}$ of Section 4; thence north and west crossing S.H. 75 into the NE $\frac{1}{4}$ of Section 5; thence north into the SE $\frac{1}{4}$ of Section 32, T9N, R14E; thence into the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 32 where it terminates on private land. Aerial photos NRA - 373 - 75, 77, and 78; Strip 12; flown 8/28/72.

2. Purpose of use.

Convey water across National Forest (former BLM) lands for irrigation purposes on private land.

"Water Transmission"

3. Land Area applied for (For Rights-of-Way show length and width and convert to acres; for other uses show acres)

Length in: $\frac{(Miles) \text{ or } 8450}{(Feet)} \times \text{Width} \frac{12}{(Feet)} = \frac{2.33}{(Acres)}$

4. Improvements

a. Description

1. Concrete headbox and side channel spillway structure.
2. Approximately 8,450 feet of unlined ditch with anestimated maximum capacity of 20 cfs.

b. Plans attached ☐ Yes ☒ No. If "NO" show date plans will be furnished

Constructed Previously

c. Estimated cost	d. Construction will begin within	e. Construction will be completed within
\$ N/A	N/A (Months)	N/A (Months)

Date of Application

Applicants name and signature

Applicant's address

Day and Humphries by:
Ernie Day

Morgan Williams

420 Crestline Dr., Boise, ID 83707

Star Rt., Ketchum, ID 83340

(ZIP Code)

(OVER)

2700-3 (7/71)

PART II - REPORT ON APPLICATION (To be completed by Forest Officer)

1. General description of the area or clarity proposed use. (Use Field Suitability for the proposed use. Outline area on separate Map Sheet if needed to. Sheet Form 5400-19, if needed)

Map attached.

This use does not conflict with any National Forest use nor will it in the foreseeable future.

2. If previously under permit indicate:

a. N/A (Name of Permittee) b. (Date of Permit) c. (Date Closed)

3. Describe any encumbrances on the land, such as withdrawals, power projects, easements, rights-of-way, mining claims, leases, etc. Show on map provided or on Form 5400-19.

NONE

4. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber (a) to permittee at current damage appraisal or (b) to others than permittee under regular timber sale procedure.

NONE

5. Is the proposed use in conformity with the District Multiple Use Plan?

Multiple-use survey prepared?

Environmental impact statement prepared? (P.L. 91-190)

Does it conform with the District Land Adjustment Plan?

☐ Yes

☒ Yes (Attach)

☐ Yes (Attach)

☐ Yes

☐ No

☐ No

☒ No

☒ No

(NOTE: If "NO" is checked in answer to any of the above questions, explain under No. 6 below)

6. Recommendations, including any factors which might affect the granting of the permit or future use of the land.

Neither M.U. survey nor E.I.S. needed. Land use covered in the General Management Plan and E.I.S. for the Sawtooth National Recreation Area.

7. List conditions which should be made a part of this permit (See FSM 2780)

FSM - 2782..28 Exhibit I.

A. Mandatory Clauses - A13, B8, B31, X33, E4 (1/1/98), X81.

B. Optional Clauses - D7, D19, X49.

8. Fee recommendation (Describe here or on computation sheet attached)

9. Name and Address of Permittee exactly as it should be shown on the permit:

Ernie Day & Fred Humphreys

%Ernie Day

420 Crestline Dr., Boise, ID 83707

Morgan Williams

Star Route, Ketchum, ID 83340

(ZIP Code)

RECOMMEND: Approval* ☒	DATE	SIGNATURE	TITLE
	DATE	SIGNATURE	TITLE
Approved* ☒	6-21-78	[Signature]	Acting Station Forester
Disapproved* ☐			

*Delete One

USDA-Forest Service REQUEST FOR TERMINATION OF AND APPLICATION FOR SPECIAL-USE PERMIT (Ref.: FSM 2712, 2716, and 36 CFR 261.54)	FOREST SERVICE USE ONLY			
	Date Received ____/____/____	Region ____	Forest ____	District ____
	Congressional Dist. Number ____	Type Site ____	User Number ____	

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willful to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

PART I - REQUEST FOR TERMINATION (To be completed by current permit holder)

I (We), the undersigned holder(s) of a special use permit, dated _____, authorizing me (us) to occupy and use National Forest System lands for a _____ have

(Mark one box with "X")

- ☐ conveyed all my (our) right, title, and interest in and to the improvements located on the parcel covered by said permit to:
- ☐ entered into a contract for the sale of the improvements located on the parcel covered by said permit but have retained title to said improvements until completion of payment under said contract with:

Name(s): _____ Address: _____

Phone: () _____

Accordingly, I (we) request that said special use permit be terminated. The remaining balance of any fees previously paid should be credited to the applicant named above.

Date: _____ Signatures of all Holders: Morgan C. Williams

PART II - APPLICATION (To be completed by Applicant)

Application is hereby made for a special use permit to cover the same parcel of land covered by the permit referred to above, and for the same purpose, subject, however, such new conditions and stipulations as the circumstances may warrant.

I (We) acknowledge that when a new permit is issued, a transfer fee of \$ _____ is charged. It will be included in the initial payment for the new permit.

Name(s): _____ Address: _____

Signature: _____ Date: _____ Phone: () _____

ATTACH BILL OF SALE OF OTHER DOCUMENTATION VERIFYING PURCHASE OF IMPROVEMENTS.
(Over)

PART III - REPORT ON APPLICATION (Forest Officer Completes)

1. What is the termination date of the existing permit? Has a site analysis been conducted to determine if the permitted area is needed for an alternative use? a site analysis has not been conducted, when is it scheduled? Describe tenure recommendation.
2. Does the current use conform to Forest Land and Resource Management Plan?
3. What is the condition of existing improvements? Date of last inspection?
4. Describe undesirable conditions to be corrected?
5. List mandatory and optional clauses not printed on standard permit.
6. Fee recommendation reflecting fair market value. Include justification for fee waiver or reduction, if applicable. (Describe here or on computation sheet attached).
7. Remarks:

=====

SUBMITTED BY: _____ TITLE: _____ DATE: _____

APPROVED BY: _____ TITLE: _____ DATE: _____

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB#0596-XXXX), Washington, D.C. 20503.

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

(208) 879-4488

February 24, 1994

Paul Ries, Area Ranger
Sawtooth National Recreation Area
Star Route
Ketchum, ID 83340

Re: HANS L. CARSTENSEN III

Dear Paul:

Enclosed is REQUEST FOR TERMINATION OF AND APPLICATION FOR SPECIAL-USE PERMIT in duplicate signed by the Carstensen. Please refer to my letter of February 7, 1994 regarding the confusion over a "pipeline" easement. When we know that we are all on the same page, we will get the forms signed by Williams.

Very truly yours,

James R. Bennetts

JRB:jab
Enclosures

USDA-Forest Service REQUEST FOR TERMINATION OF AND APPLICATION FOR SPECIAL-USE PERMIT (Ref.: FSM 2712, 2716, and 36 CFR 261.54)	FOREST SERVICE USE ONLY			
	Date Received ___/___/___	Region ___	Forest ___	District ___
	Congressional Dist. Number ___	Type Site ___	User Number ___	

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willful to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

PART I - REQUEST FOR TERMINATION (To be completed by current permit holder)

I (We), the undersigned holder(s) of a special use permit, dated _____, authorizing me (us) to occupy and use National Forest System lands for a _____ have _____

(Mark one box with "X")

- ☐ conveyed all my (our) right, title, and interest in and to the improvements located on the parcel covered by said permit to:
- ☐ entered into a contract for the sale of the improvements located on the parcel covered by said permit but have retained title to said improvements until completion of payment under said contract with:

Name(s): _____ Address: _____

Phone: () _____

Accordingly, I (we) request that said special use permit be terminated. The remaining balance of any fees previously paid should be credited to the applicant named above.

Date: _____ Signatures of all Holders: _____

PART II - APPLICATION (To be completed by Applicant)

Application is hereby made for a special use permit to cover the same parcel of land covered by the permit referred to above, and for the same purpose, subject, however, such new conditions and stipulations as the circumstances may warrant.

I (We) acknowledge that when a new permit is issued, a transfer fee of \$ _____ is charged. It will be included in the initial payment for the new permit.

Name(s): HANS L. CARSTENSON JR. Address: 5320 WEST MERCUR WAY

MARY S. CARSTENSON

MERCUR ISLAND, WA 98040

Signature: [Signature] Date: 2/10/94 Phone: (206) 236-2133

ATTACH BILL OF SALE OF OTHER DOCUMENTATION VERIFYING PURCHASE OF IMPROVEMENTS.
(Over)

PART III - REPORT ON APPLICATION (Forest Officer Completes)

1. What is the termination date of the existing permit? Has a site analysis been conducted to determine if the permitted area is needed for an alternative use? a site analysis has not been conducted, when is it scheduled? Describe tenure recommendation.

2. Does the current use conform to Forest Land and Resource Management Plan?

3. What is the condition of existing improvements? Date of last inspection?

4. Describe undesirable conditions to be corrected?

5. List mandatory and optional clauses not printed on standard permit.

6. Fee recommendation reflecting fair market value. Include justification for fee waiver or reduction, if applicable. (Describe here or on computation sheet attached).

7. Remarks:

=====

SUBMITTED BY: _____ TITLE: _____ DATE: _____

APPROVED BY: _____ TITLE: _____ DATE: _____

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB#0596-XXXX), Washington, D.C. 20503.

United States Department of Agriculture
Forest Service

AMENDMENT
FOR
SPECIAL USE PERMIT

Ref: FSM 2714

This amendment is attached to and made a part of the
☐ Term ☒ Annual Permit

a. Record no.(1-2)	b. Region(3-4)	c. Forest(5-6)
70 --	04 --	14 --
d. District(7-8)	e. User number(9-12)	f. Kind of use (13-15)
SNRA 04 --	5540 ----	Water Transmission 911 ---
g. State(16-17)	h. County(18-20)	k. Card no.(21)
Idaho 16 --	Custer 037 ---	1 -

For Water Transmission issued to
Morgan Williams, on 12/07/79

which is hereby amended as follows:

Clause #2 changed to read:

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Forty-five and no/100 Dollars (\$45.00) for the period from January 1, 1991, to December 31, 1991, and thereafter annually on January 1, Forty-five and no/100 Dollars (\$45.00): Provided, however, charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

This Amendment is accepted subject to the conditions set forth herein, and to conditions --- to --- attached hereto and made a part of this Amendment.

	name of permittee	*signature of authorized officer	date
PERMITTEE			
	name and signature	TITLE	date
ISSUING OFFICER	 ROLAND M. STOLESON	Forest Supervisor	11/15/90

2700-23 (3/72)

AMENDMENT FOR SPECIAL USE PERMIT Ref: FSM 2714	a. Record no. (1-2) <u>70</u>	b. Region (3-4) <u>04</u>	c. Forest (5-6) <u>14</u>
	d. District (7-8) NRA <u>04</u>	e. User number (9-12) <u>5540</u>	f. Kind of use (13-15) Water Transmission <u>911</u>
THIS AMENDMENT IS ATTACHED TO AND MADE A PART OF THE ☐ TERM ☒ ANNUAL PERMIT	g. State (16-17) Idaho <u>16</u>	h. County (18-20) Custer <u>037</u>	k. Cord no. (21) <u>1</u>

For Water Transmission issued to _____
(KIND OF PERMIT)
Morgan Williams, et al, on 12/07/79
(NAME OF PERMITTEE) (DATE OF PERMIT)

which is hereby amended as follows:

Clause 18. (A-13) is deleted and replaced with the following:

18. (A-13) A late payment charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The late payment charge shall be \$20, or an amount calculated by applying the current rate prescribed by Treasury Fiscal Requirements Manual Bulletins to the overdue amount for each 30-day period or fraction thereof that the payment is overdue, whichever is greater. If the due date falls on a nonworkday, the late payment charge will not apply until the end of the next workday. This permit may be terminated for non-payment of fees and/or assessed late payment charges.

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this Amendment.

PERMITTEE	NAME OF PERMITTEE	SIGNATURE OF AUTHORIZED OFFICER	DATE
ISSUING OFFICER	NAME AND SIGNATURE <i>R. F. Hargis Jr.</i>	TITLE <i>for</i> Forest Supervisor	DATE February 27, 1985

United States Department of Agriculture Forest Service AMENDMENT FOR SPECIAL USE PERMIT Ref: FSM 2714	a. Record no. (1-2) <u>70</u>	b. Region (3-4) <u>04</u>	c. Forest (5-6) Sawtooth <u>14</u>
	d. District (7-8) SNRA (SZ) <u>08</u>	e. User number (9-12) <u>5540</u>	f. Kind of use (13-15) <u>911</u>
THIS AMENDMENT IS ATTACHED TO AND MADE A PART OF THE ☐ TERM ☒ ANNUAL PERMIT	g. State (16-17) <u>16</u>	h. County (18-20) <u>037</u>	k. Cor. no. (21)

For Water Transmission issued to _____
(KIND OF PERMIT)
Morgan Williams, et al, on 12/07/79
(NAME OF PERMITTEE) (DATE OF PERMIT)

which is hereby amended as follows: Clause 2 changed to read:

In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Twenty-five and no/100 Dollars (\$25.00) for the period from January 1, 1983, to December 31, 1983, and thereafter annually on January 1, Twenty-five and no/100 Dollars (\$25.00): Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this Amendment.

PERMITTEE	~~NAME AND SIGNATURE~~	~~SIGNATURE OF ACTING FOREST SUPERVISOR~~	~~DATE~~
ISSUING OFFICER	NAME AND SIGNATURE <u>D. F. Hargis</u>	TITLE Acting Forest Supervisor	DATE <u>8/30/82</u>

United States Department of Agriculture Forest Service AMENDMENT FOR SPECIAL USE PERMIT Ref: FSM 2714	a. Record no. (1-2) <u>70</u>	b. Region (3-4) <u>04</u>	c. Forest (5-6) <u>14</u>
	d. District (7-8) SNRA (S) <u>04</u>	e. User number (9-12) <u>5540</u>	f. Kind of use (13-15) Water <u>911</u> Transm.
THIS AMENDMENT IS ATTACHED TO AND MADE A PART OF THE ☐ TERM ☐ ANNUAL PERMIT	g. State (16-17) Idaho <u>16</u>	h. County (18-20) Custer <u>037</u>	k. Card no. (21) <u>1</u>

For Water Transmission issued to _____
 (KIND OF PERMIT)
Morgan Williams, et al, on 12/7/79
 (NAME OF PERMITTEE) (DATE OF PERMIT)

which is hereby amended as follows:

Clauses # 28 and 18 are deleted and replaced with the following clauses:

28. (E-4) Unless sooner terminated or revoked by the Regional Forester, in accordance with the provisions of the permit, this permit shall expire and become void on December 31, 1991, but a new permit to occupy and use the same National Forest land may be granted provided the permittee will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the Regional Forester not less than three months prior to said date that such new permit is desired.

18. (A-13) A late payment charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The late payment charge shall be \$15, or an amount calculated by applying the current rate prescribed by Treasury Fiscal Requirements Manual Bulletins to the overdue amount for each 30-day period or fraction thereof that the payment is overdue, whichever is greater. If the due date falls on a nonworkday, the late payment charge will not apply until the end of the next workday.

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this Amendment.

PERMITTEE	NAME OF PERMITTEE <u>Morgan C Williams</u>	SIGNATURE OF AUTHORIZED OFFICER	DATE <u>17/81</u>
ISSUING OFFICER	NAME AND SIGNATURE <u>R. F. Hagg</u>	TITLE Acting Forest Supervisor	DATE <u>8/20/81</u>

United States Department of Agriculture Forest Service SPECIAL USE PERMIT Act of Oct. 21, 1976 (P.L. 94-579) Authorization This permit is revocable and nontransferable (Ref. FSM 2710)	f. Record no. (1-2) (10) g. District (7-8) SNRA(S) 04 h. State (16-17) 16	Region (1-4) 04 i. User number (9-12) 5540 j. County (18-20) 037	k. Forest (5-6) Sawtooth 14 l. Kind of use (13-15) Water Transm. 911 m. Card no. (21) 1
--	--	---	--

Permission is hereby granted to Morgan Williams, et al*

of Star Route, Ketchum, Idaho 83340

hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T. 8 N., R. 14 E., B.M. (point of diversion); thence north and east crossing into Section 9; thence across the NW $\frac{1}{4}$ of Section 9, entering the SW $\frac{1}{4}$ of Section 4; thence north and west crossing S.H. 75 into the NE $\frac{1}{4}$ of Section 5; thence north into the SE $\frac{1}{4}$ of Section 32, T. 9 N., R. 14 E.; thence into the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32 where it terminates on private land. Aerial photos NRA - 373-75, 77, and 78; Strip 12; flown 8/28/72.

Exhibit A, map, attached hereto and made a part of this permit.

- (1) Concrete headbox and side channel spillway structure.
- (2) Approximately 8,450 feet of unlined ditch with an estimated maximum capacity of 20 cfs.

This permit covers 2.33 acres and/or 1.60 miles and is issued for the purpose of:

Maintaining a water transmission to convey water across National Forest (former BLM) lands for irrigation purposes to private land of:

*Fred C. Humphreys, Ernie Day, and Morgan Williams.

1. Construction or occupancy and use under this permit shall begin within --- months, and construction, if any, shall be completed within --- months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Ten Dollars (\$ 10.00) for the period from January 1 19 79, to December 31, 19 79, and thereafter annually on January 1 Ten Dollars (\$ 10.00):

Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 28 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <u>Morgan C. Williams</u>	SIGNATURE OF AUTHORIZED OFFICER	DATE
ISSUING OFFICER	NAME AND SIGNATURE <u>[Signature]</u>	TITLE Acting Forest Supervisor	DATE <u>12/2/79</u>

revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubs on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

18. (A-13)

A service charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The service charge shall be one (1.0) percent per month of the fee from the date statement and fees were due or \$15, whichever is greater. If a due date falls on a nonworkday, the service charge will not apply until the end of the next workday.

19. (B-8)

The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.

20. (B-31)

Natural phenomena in the Forest, such as avalanches, rising waters, high winds, falling limbs or trees, and other hazards present risks to the permittee's property which the permittee assumes. The permittee has the responsibility of inspecting his site, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards, in order to protect his improvements.

21. (D-2)

No waste or byproducts shall be discharged if it contains any substances in concentrations which will result in substantial harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters, or channels leading into water, that would result in substantial harm to fish and wildlife or to human water supplies.

22. (D-3)

The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.

23. (D-7)

The permittee shall be responsible for the prevention and control of soil erosion and gullyng on the area covered by this permit and lands adjacent thereto, resulting from construction or operation of the permitted use, and shall provide preventive measures as required by specifications attached to and made a part of this permit.

24. (D-15) Pollution

The permittee shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit.

25. (X-33)

This permit is granted with the express understanding that should future location of Government improvements or road rights-of-way require the relocation of the permittee's improvements, such relocation will be done by the permittee at his expense within sixty (60) days following request to relocate.

26. (X-49)

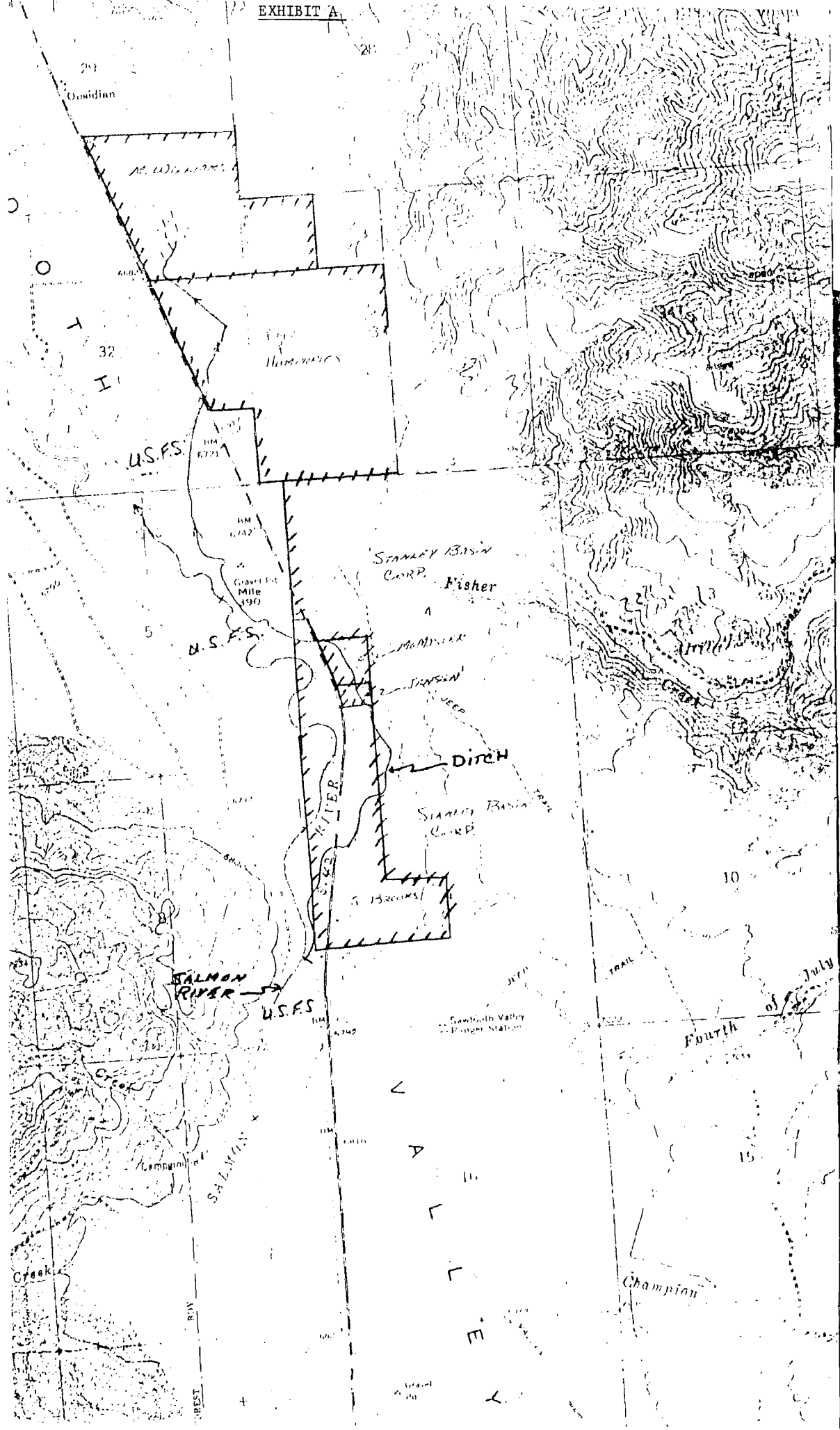
This permit shall not be exclusive. The Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.

27. (X-81)

This permit confers no right to the use of water by the permittee.

28.

Unless sooner terminated or revoked in accordance with the provisions of the permit, this permit shall expire and become void upon issuance of a new authorization or one year after publication of regulations by the Secretary of Agriculture under the provisions of Title V, P.L. 94-579, whichever comes first, but a new authorization to occupy and use the same National Forest land will be issued provided the permittee will comply with the then-existing rules and regulations governing the occupancy and use of National Forest lands.



United States Department of Agriculture
Forest ServiceSPECIAL USE
APPLICATION AND REPORT

Ref: FSM 2712

FOREST SERVICE USE ONLY	a. Record no. (1-2)	b. Regi 1-4)	c. Forest (5-6)
	70	04	14
	d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
	04	----	---
	g. State (16-17)	h. County (18-20)	k. Card No. (21)
	16	037	1

PART I - APPLICATION (To be completed by applicant)

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land: (Attach MAP or PLAT)

NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 8, T8N, R14E, Boise Meridian (point of diversion); thence north and east crossing into Section 9; thence across the NW $\frac{1}{4}$ of Section 9 entering the SW $\frac{1}{4}$ of Section 4; thence north and west crossing S.H. 75 into the NE $\frac{1}{4}$ of Section 5; thence north into the SE $\frac{1}{4}$ of Section 32, T9N, R14E; thence into the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 32 where it terminates on private land. Aerial photos NRA - 373 - 75, 77, and 78; Strip 12; flown 8/28/72.

2. Purpose of use.

Convey water across National Forest (former BLM) lands for irrigation purposes on private land.

"Water Transmission"

3. Land Area applied for (For Rights-of-Way show length and width and convert to acres; for other uses show acres)

Length in: $\frac{(Miles) \text{ or } 8450}{(Feet)}$ $\times$ Width $\frac{12}{(Feet)}$ = $\frac{2.33}{(Acres)}$

4. Improvements

a. Description

- Concrete headbox and side channel spillway structure.
- Approximately 8,450 feet of unlined ditch with an estimated maximum capacity of 20 cfs.

b. Plans attached ☐ Yes ☒ No. If "NO" show date plans will be furnished Constructed Previously

c. Estimated cost

\$ N/A

d. Construction will begin within

N/A
(Months)

e. Construction will be completed within

N/A
(Months)

Date of Application

Applicants name and signature

Day and Humphries by: Kelli Humphrey
Ernie DayMorgan Williams Morgan Williams

Applicant's address

420 Crestline Dr., Boise, ID 837

Star Rt., Ketchum, ID 83340
(ZIP Code)

(OVER)

2700-3 (7/71)

United States Department of Agriculture
Forest ServiceSPECIAL USE
APPLICATION AND REPORT

Ref: FSM 2712

FOREST SERVICE USE ONLY	a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
	70	04	14
	d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
	04	---	---
	g. State (16-17)	h. County (18-20)	i. Cord No. (21)
	16	037	1

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- Approximately 8,450 feet of unlined ditch with an estimated maximum capacity of 20 cfs.

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c. Estimated cost

\$ N/A

d. Construction will begin within

N/A
(Months)

e. Construction will be completed within

N/A
(Months)

Date of Application

Applicants name and signature

Day and Humphries by:
Ernie Day

Morgan Williams

Applicant's address

420 Crestline Dr., Boise, ID 83707

Star Rt., Ketchum, ID 83340
(ZIP Code)

PART II - REPORT ON APPLICATION (To be completed by Forest Officer)

1. General description of the area and adaptability for the proposed use. Outline area on separate Map Sheet if needed to clarify proposed use. (Use Field Map Sheet Form 5400-19, if needed)

Map attached.

This use does not conflict with any National Forest use nor will it in the foreseeable future.

2. If previously under permit indicate:

a. N/A (Name of Permittee) b. _____ (Date of Permit) c. _____ (Date Closed)

3. Describe any encumbrances on the land, such as withdrawals, power projects, easements, rights-of-way, mining claims, leases, etc. Show on map provided or on Form 5400-19.

NONE

4. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber (a) to permittee at current damage appraisal or (b) to others than permittee under regular timber sale procedure.

NONE

5. Is the proposed use in conformity with the District Multiple Use Plan?

Multiple-use survey prepared?

Environmental impact statement prepared? (P.L. 91-190)

Does it conform with the District Land Adjustment Plan?

☒ Yes

☐ Yes (Attach)

☐ Yes (Attach)

☒ Yes

☐ No

☒ No

☒ No

☐ No

(NOTE: If "NO" is checked in answer to any of the above questions, explain under No. 6 below)

6. Recommendations, including any factors which might affect the granting of the permit or future use of the land.

Neither M.U. survey nor E.I.S. needed. Land use covered in the General Management Plan and E.I.S. for the Sawtooth National Recreation Area.

7. List conditions which should be made a part of this permit (See FSM 2780)

FSM - 2782.28 Exhibit I.

A. Mandatory Clauses - A13, B8, B31, X33, E4 (1/1/98), X81.

B. Optional Clauses - D7, D19, X49.

8. Fee recommendation (Describe here or on computation sheet attached)

9. Name and Address of Permittee exactly as it should be shown on the permit:

Ernie Day & Fred Humphreys

%Ernie Day

420 Crestline Dr., Boise, ID 83707

Morgan Williams

Star Route, Ketchum, ID 83340

(ZIP Code)

RECOMMEND: ☒ Approved* ☐ Disapproved*	DATE	SIGNATURE	TITLE
	6-21-78	<i>Frederick W. W. W.</i>	<i>Acting Stanley J. M.</i>
	DATE	SIGNATURE	TITLE

Applicant: _____

Furey & Racine

Furey / Racine

SWRA Application ID: S42

State ID: A71-10767

This represents one Ditch of 2 claims on application.

1. ☒ APPLICATION. Completed Form FS 2700-3 (or some other format with the information required by FS 2700-3).
2. _____ ELIGIBILITY. A narrative (either included in the cover letter, or in a separate document) which cites that the subject facility(ies) in the application meet all of the qualifying criteria for issuance of an easement. Narrative must address the following:
 - a. _____ Subject facility was constructed, in place, and operational as of October 21, 1976, and has been in substantially continuous operation (without abandonment) since then.
→ and not an enlargement or extension
 - b. _____ At the time of application, water being conveyed/stored by the subject facility(ies) was being primarily used for livestock watering or agricultural irrigation purposes. Also document all INCIDENTAL uses of the subject water that are not related to agricultural irrigation or livestock watering purposes.
 - c. _____ The end use of the water is located off of Federal land (not solely on Federal land).
 - d. _____ Applicant is the owner of the nonFederal land to which the water is being delivered by the subject facility(ies).
3. _____ SURVEY/PLAT/DESCRIPTION. An accurate plat/map and description of the subject facilities. Provide evidence that the plat/map has been reviewed and approved for use by the Forest Surveyor. (Description should include a designated width/length of the easement area, and include any road/trail, the primary use of which is to provide the applicant with access to the subject facility(ies) for the operation and maintenance of those facilities. Plat/map/description must be adequate to 1) be recordable by the County within which the facility is situated; 2) locate the subject facility on the ground; and 3) posting of the easement area by the Forest Service in our land status records.
4. _____ WATER RIGHT. Documented evidence (enclosed) which demonstrates that the applicant holds a valid existing water right for the water being stored/conveyed by the facility(ies).

— O+M?

TELEPHONE
(208) 879-4421

LAW OFFICES OF
JACK B. FUREY
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

P. O. BOX 280

July 18, 1997

Received SNRA

JUL 21 1997

Mr. Steve Rinella
Asst. Area Ranger - Lands
Sawtooth National Recreation Area
Star Route
Ketchum, ID 83340

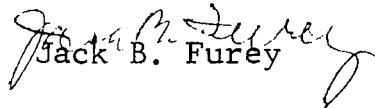
Re: SNRA Ditch ID S42 (IDWR) 10767
SNRA Ditch ID FJC3 (IDWR) 10768
1000 Springs Ranch For. Service Ditch Easements

Dear Steve:

Enclosed is AMENDED SPECIAL USE APPLICATION AND REPORT relative to two Forest Service ditch easement applications. I have used the first page of the original application for identification knowing you have the remaining pages in your file.

These two amended ditch applications will supercede all other applications relative to the ditch easements to become appurtenant to 1000 Springs Ranch in Sawtooth Valley.

Very truly yours,


Jack B. Furey

ENCLS.
CC: Louis F. Racine, Jr.

USDA-Forest Service **AMENDEE**

SPECIAL-USE APPLICATION AND REPORT

(Ref: FSM 2712, 36 CFR 251.54)

FOREST SERVICE USE ONLY

Date Received
 (mo/day/yr)

Region Number

State Code

County Code

Congressional
 Dist. Number

Forest Code
 (Admin. Unit No.)

Unit ID Symbol
 (NFFID No.)

INSTRUCTIONS

Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.

Ranger Dist. No.
 (Resp. Dist.)

User Number

Kind of Use Code

PART I—APPLICATION (Applicant Completes)

1. Applicant Name and Address
 (include Zip Code)

JACK B. FUREY
Box 220, Phall's, ID 83226
and
L F RAINIER, JR.
Box 1391
Donata, ID 83201

2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1.

JACK B. FUREY **CO. CLERK**
Box 220
Phall's, ID.

3. Area Code and Telephone Number

208-876-4491
 a. Applicant's home and
232-6101

b. Authorized Agent's
876-4491

4. As applicant are you? (Mark one box with "X")

- a. ☒ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☐ Local Government
- f. ☐ Federal Agency

* If marked "X", complete PART II.

5. Specify what application is for: (Mark one box with "X")

- a. ☒ New authorization*
- b. ☐ Renew existing authorization
- c. ☐ Amend existing authorization*
- d. ☐ Other*

* If marked "X", provide details under Item 7.

6. If you are an individual or partnership, are you also a citizen(s) of the United States?

☒ Yes ☐ No

7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structure, and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS).

Please see attached Idaho claims to a water right.
Numbers: A71-10768
A71-10767
Term of years: Perpetual

8. Attach map covering area and show location of proposed use and/or furnish legal description of the land.

Please see Section 7 attachments

9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS).

Ditch in place since early 1900s
Owners in livestock pasture rental along with year
around 1900s cattle operation.

No involved loss or 1000 Springs place of use

FUREY NEY WORTH 1MIL: Racine NEY WORTH 2MIL

DITCH B (indicated in yellow)

DITCH BILL EASEMENT LOCATION MAP

Applicant: Racine-Furey Partnership

Location: Township 8 North, Range 14 East, Section 8,
County and State: Custer County, State of Idaho

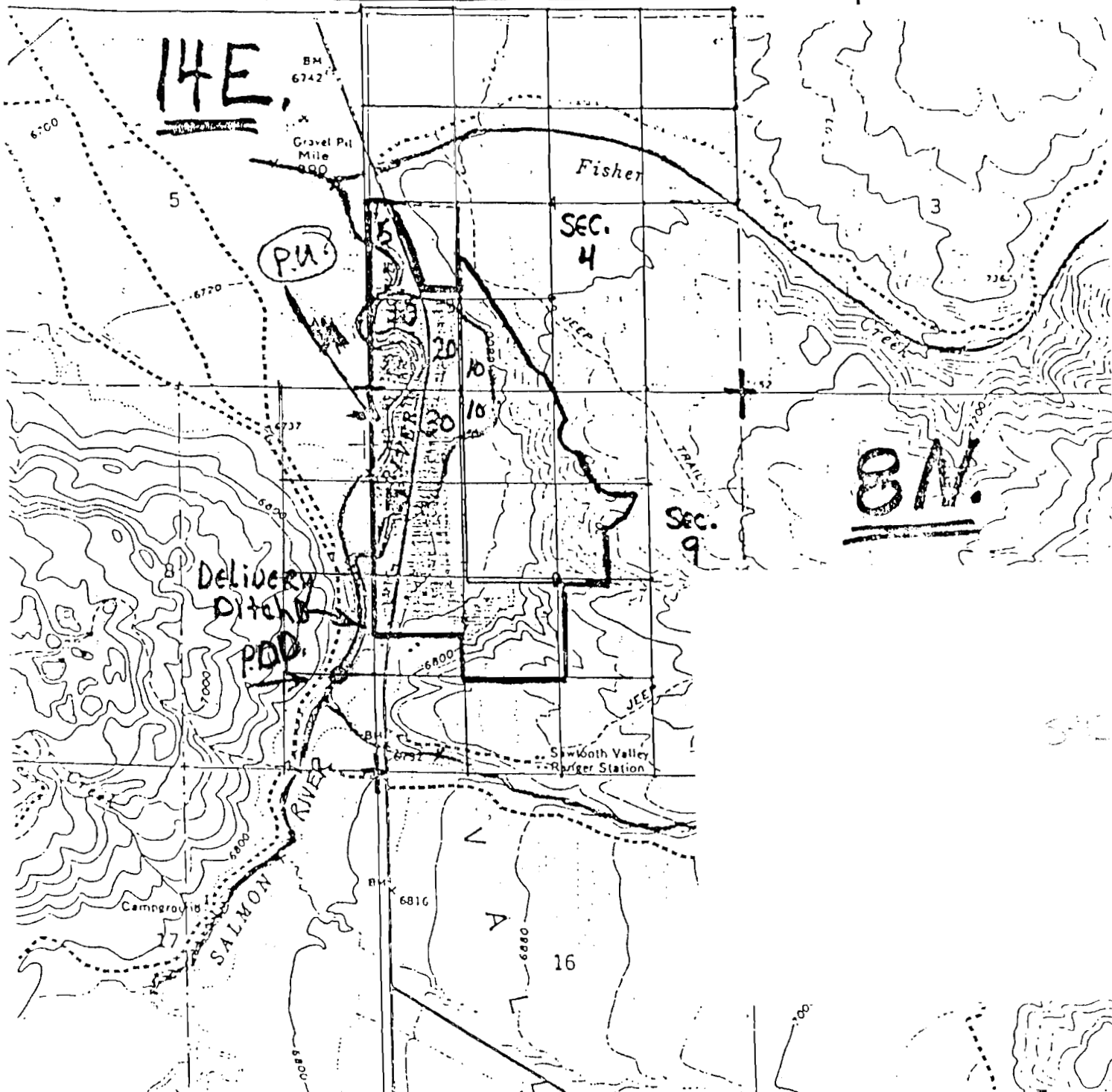
Total easement length is 1912 ft, more
Length and Width: or less.
Easement width is 14 ft., 7 ft. each side center
line.

Located by: Jack B. Furey, Partner

Date: 7-17-97

Signature of Applicant

Date: 7-17-97



SUPPLEMENT TO DITCH B

Ditch easement traverses Northerly in the general direction along the East side of Salmon River from point of diversion indicated on map which is 528 ft. West of the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 8 North, Range 14 East, Boise Meridian, to a point in the Southeasterly corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section, Township and Range, to the point of egress from National Forest System, being in the East boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section, Township and Range, and which is North from said Southeast corner thereof 264 ft., more or less.

USDA-Forest Service SPECIAL-USE APPLICATION AND REPORT (Ref: FSM 2712, 36 CFR 251.54)		Received SNRA			
INSTRUCTIONS Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.		Date Received (mo/day/yr) DEC 27 1996	Region Number _____	State Code _____	County Code _____
		Congressional Dist. Number _____	Forest Code (Admin. Unit No.) _____	Unit ID Symbol (NFFID No.) _____	
		Ranger Dist. No. (Resp. Dist.) _____	User Number _____	Kind of Use Code _____	

PART I—APPLICATION (Applicant Completes)

1. Applicant Name and Address (include Zip Code) Jack B. Furey, Box 380, Challis, ID 83226 and LE Racine, JR. Box 1391 Dorata, ID 83201	2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1. Jack B. Furey Co-Owner Box 380 Challis, ID.	3. Area Code and Telephone Number 208-876-4491 a. Applicant's See above and 232-6101 b. Authorized Agent's 876-4491
---	--	---

4. As applicant are you? (Mark one box with "X") a. ☒ Individual b. ☐ Corporation* c. ☐ Partnership/Association* d. ☐ State Government/State Agency e. ☐ Local Government f. ☐ Federal Agency * If marked "X", complete PART II.	5. Specify what application is for: (Mark one box with "X") a. ☒ New authorization* b. ☐ Renew existing authorization c. ☐ Amend existing authorization* d. ☐ Other* * If marked "X", provide details under Item 7.
--	---

6. If you are an individual or partnership, are you also a citizen(s) of the United States?
☒ Yes ☐ No

7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structure and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS).

Please see attached Idaho Claims to a water right.

Numbers: A71-10768

A71-10767

Term of years: Perpetual

8. Attach map covering area and show location of proposed use and/or furnish legal description of the land.

Please see Section 7 attachments

9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS).

Ditch in place since early 1900s

Owners in livestock pasture rental along with year

around 1900s cattle operation.

No involvement on 1000 Springs place of use

Furey NEY WORTH 1 mile Racine NEY WORTH 2.3 miles

10a. Describe other reasonable alternative proposals considered.

None

10b. Give explanation of why it is necessary to utilize Federal lands and why the alternatives in Item 10a were not selected.

Only method of gravity flow available
Routine ditch cleaning maintenance
Public benefit of wildlife watering

11. Provide statement of need for proposed use, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. (If extra space is needed, use page 3, REMARKS).

Only ditch use from Dahlen River available.
Any other method is uneconomic
Maintenance cost is minimal
Wildlife benefits from water availability

12. Describe probable effects on the area population, including social and economic aspects, and rural lifestyles.

None known to applicant

13. Describe likely environmental effects that the proposed use will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) control or structural change on any stream or other body of water; (e) existing noise levels; (f) land surface, including vegetation, permafrost, soil and soil stability; and (g) populations of fish, plant, wildlife and marine life, including threatened and endangered species. (If extra space is needed, use page 3, REMARKS).

Nothing that is negative

14. Describe what actions will be taken to protect the environment from the effects of the proposed use.

Any that may be needed if such arise.

15. Name all Federal, State, County or other department(s)/agency(ies) where an application for this is being filed. Attach appropriate license, building permit, certificate or other approval document.

None

I HEREBY CERTIFY, that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and that this information is correct to the best of my knowledge.

15a. Applicant's Signature (Sign in ink)

Fredrick R. Rasmussen

by Jack B. Furey

15b. Date

12/17/06

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United State any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

PART II—SUPPLEMENTAL INFORMATION (Applicant Completes)

	MARK "X" IN APPROPRIATE BOX BELOW	
	ATTACHED	FILED*
<i>Not applicable</i> I—PRIVATE CORPORATIONS		
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If proposed land use involves other Federal lands identify each agency impacted by proposal.	☐	☐

	ATTACHED	FILED*
<i>Not applicable</i> II—PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	☐	☐

III—PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
	ATTACHED	FILED*
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other <i>See Part I</i>	☐	☐
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	☐	☐

* If the required information is already filed with the Forest Service and is current, check box titled "Filed." Provide the file identification information (e.g., number, date, code, name and office at which filed). If not on file or current, attach requested information.

REMARKS: (This space is provided for more detailed responses to PART I.) Please indicate the item numbers to which these responses apply. Attach sheets, if additional space is needed.

1. General description of the area and adaptability for the proposed use. Outline area on separate map if needed to clarify proposed use.

2. If previously under authorization indicate:

a. Name of Holder

b. Date Authorized

c. Date Closed

3. Describe any encumbrances on the land, such as withdrawals, power projects, easements, rights-of-way, mining claims, leases, etc. Show on map provided.

4. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber: (a) to holder at current damage appraisal or (b) to others than holder under regular timber sale procedure.

5a. Will proposed use conform to Forest Land and Resource Management Plan?

☐ Yes

☐ No

b. Has an Environmental Assessment been prepared?

☐ Yes (Attach)

☐ No

c. Has an Environmental Impact Statement (P.L. 91-190, 42 USC 4321) been prepared?

☐ Yes (Attach)

☐ No

(Note: If "No" is marked with an "X" in any of the above questions, explain in item 6 below.)

6. Recommendations, including any factors which might affect the granting of the authorization or future use of the land.

7. List mandatory and optional clauses which should be made a part of this authorization (See FSM 2780).

8. Fee recommendation (Describe here or on computation sheet attached).

9a. RECOMMEND Approval* or Disapproval*	b. Signature (Sign in ink)	c. Title	d. Date
10a. FINAL Approval* or Disapproval*	b. Signature (Sign in ink)	c. Title	d. Date

* Delete one by lining it out.

Case filing

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A71-10767

Date Received: 3/15/1994

Receipt No: S010717

Received By: Alm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name: JACK B FUREY

208-876-4491

Address: PO BOX 280

CHALLIS ID

83226

OR

Name: LOUIS F RECINE, JR

Address: PO BOX 1391

POCATELLO ID

83204

2. Date of Priority: MAY 1, 1959

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	8	SE	NE	SE		CUSTER

5. Description of diverting works:
DITCH FROM SALMON RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	09/30	5.760		

7. Total Quantity Appropriated is:
5.760 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 96.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	4	NW	SW		IRR	1.0

0. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	4	SW	SW		IRR	13.0
			SE	SW		IRR	4.0
Section Acres							18.0
		9	NE	NW		IRR	6.0
			NW	NW		IRR	17.0
			SW	NW		IRR	7.0
Section Acres							30.0
Total Acres							48.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

71-00036A, 71-02004C & 71-10107

14. Remarks:

THIS CLAIM IS AN AMENDMENT OF CLAIM A71-02085A. ORIGINALLY IT WAS THOUGHT THE USE WAS BASED ON A PORTION OF LICENSE 71-02085 BUT FURTHER RESEARCH FINDS THAT BASIS OF USE SHOULD BE BENEFICIAL USE AND THAT THE AMOUNT OF WATER IS IN THE RANGE OF 6 MINERS INCHES PER ACRE. CLAIM A71-02085A IS BEING REPLACED BY THIS CLAIM.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Affidavit

or Individuals:

/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James R. Rinehart Date: 2/15/99

by James R. Rinehart Date: _____

State of Idaho

County of Thielsen) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of March 19 99

James R. Rinehart
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/24/99

14E.

Gravel Pit
Mile
890

Fisher

SEC.
4

P.U.

8N.

SEC.
9

Delivery
Ditch

P.D.

Shawtooth Valley
Ranger Station

Fourth
Creek

SALMON
RIVER

Campground

Champion

BDY
NATIONAL
FOREST

20

21

A71-02085A

Allura Lake
Creek

Mile
394

BM 6836

USDA-Forest Service SPECIAL-USE APPLICATION AND REPORT (Ref.: FSM 2712, 36 CFR 251.54)		FOREST SERVICE	
INSTRUCTIONS Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.		Date Received (mo/day/yr) ____/____/____	Region Number ____
		Congressional Dist. Number ____	Forest Code (Admin. Unit #) ____
		Ranger Dist. No. (Resp. Dist.) ____	User Number ____

CO
 Ditch
 Bill

PART I—APPLICATION (Applicant Completes)		
1. Applicant Name and Address (include Zip Code) Hans L. and Mary S. Carstensen c/o Commercial Union Life Ins. Co. Newport Office Park 108 Myrtle Street North Quincy MA 02171	2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1. James R. Bennetts, Attorney in Fact for Hans L. and Mary S. Carstensen P. O. Box 36 Challis ID 83226	3. Area Code and Telephone Number a. Applicant's (617) 786-2300 b. Authorized Agent's (208) 879-4488
4. As applicant are you? (Mark one box with "X") a. ☒ Individual b. ☐ Corporation* c. ☐ Partnership/Association* d. ☐ State Government/State Agency e. ☐ Local Government f. ☐ Federal Agency * If marked "X", complete PART II.		
5. Specify what application is for: (Mark one box with "X") a. ☐ New authorization* b. ☒ Renew existing authorization c. ☐ Amend existing authorization* d. ☐ Other* * If marked "X", provide details under Item 7.		
6. If you are an individual or partnership, are you also a citizen(s) of the United States? ☒ Yes ☐ No		
7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structures and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS). Application is for easement under "Colorado Ditch Bill" with the waters being used for irrigation of approximately <u>83±</u> acres of privately owned land and watering livestock. The ditch is approximately <u>7-10</u> feet wide and <u>2</u> feet deep (varies) crossing public lands for <u>1/2</u> mile. (Water Right AZI-02063) This application is for permanent easement of a facility constructed and in use prior to October 21, 1976 and used consistently every growing season since construction.		
8. Attach map covering area and show location of proposed use and/or furnish legal description of the land.		
9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS). Applicant is financially secure and capable of providing all technical support required.		

RECEIVED

DEC 24 1986

10a. Describe other reasonable alternative proposals considered.

Applicant has considered term special use permits to cover use, but prefers a more permanent arrangement.

10b. Give explanation of why it is necessary to utilize Federal lands and why the alternatives in Item 10a were not selected.

The gravity ditch system must cross Federal lands to reach the necessary elevations. Pumping or other alternatives are not cost-effective.

11. Provide statement of need for proposed use, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. (If extra space is needed, use page 3, REMARKS).

Securing a permanent easement is the most economically feasible course of action over the long term. No construction or other costs are anticipated. Maintenance costs remain the same. In consideration of pumping - economically and aesthetically not viable.

12. Describe probable effects on the area population, including social and economic aspects, and rural lifestyles.

The effects are positive. Water use keeps the fields green and in keeping with the objectives of the SNRA.

13. Describe likely environmental effects that the proposed use will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) control or structural change on any stream or other body of water; (e) existing noise levels; (f) land surface, including vegetation, permafrost, soil and soil stability; and (g) populations of fish, plant, wildlife and marine life, including threatened and endangered species. (If extra space is needed, use page 3, REMARKS).

a. Air quality - no adverse effect with potentially positive effect. (b) Visual impact - positive effect. (c) Surface and ground water - positive effect providing recharge of ground water for late season release via springs. (d) Control or structural change - no change over present. (e) noise levels - no effect. (f) Land surface - maintain vegetative cover controlling erosion and providing wildlife habitat. (g) Wildlife and marine life - effects are positive.

14. Describe what actions will be taken to protect the environment from the effects of the proposed use.

All reasonable actions will be taken.

15. Name all Federal, State, County or other department(s)/agency(ies) where an application for this is being filed. Attach appropriate license, building permit, certificate or other approval document.

To the best of applicants knowledge, no other approvals are needed. *

I HEREBY CERTIFY, that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and that this information is correct to the best of my knowledge.

Hans L. Carstensen and Mary S. Carstensen
by James R. Bennetts, Attorney in Fact

16a. Applicant's Signature (Sign in ink)

*Hans L. Carstensen and Mary S. Carstensen
by James R. Bennetts atty in fact*

16b. Date

12/23/96

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

AJ0749MP
No. A71-02063

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/23/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HANS L CARSTENSEN III	10/05/1933	IRRIGATION	04-01 11-01	1.66 CFS	
C	MARY S CARSTENSEN					
TOTAL DIVERSION:					1.66 CFS	
CONSUMPTIVE USE:						166.00 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T08M R14E S08

SESENE

CUSTER County

Place of Use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09N	14E 29	:		:		:		:		:		:		:		:	35	35.0
09N	14E 32	:	40	:		:		:		:		:		:		:		40.0
09N	14E 33	:		:		:		:	08	:		:		:		:		8.0
TOTAL ACRES																	83.0	

POU County: CUSTER

Other Rights: NONE

Remarks: GEN TRANS. 2807.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

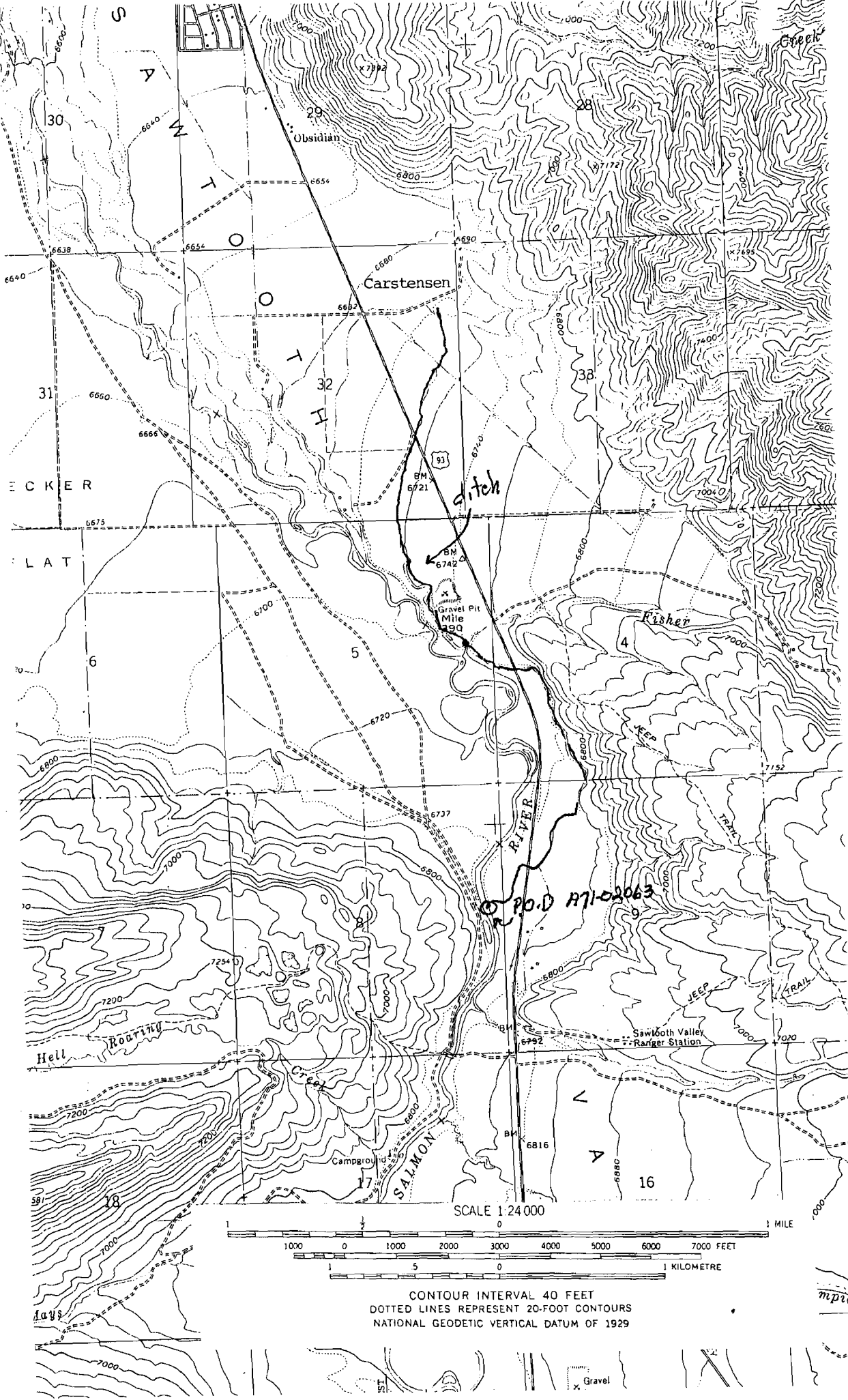
Field Inspection Flag:

Presumption Flag:

H017 P05

TEL NO:

DEC-23-'96 MON 11:13



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

mpdi