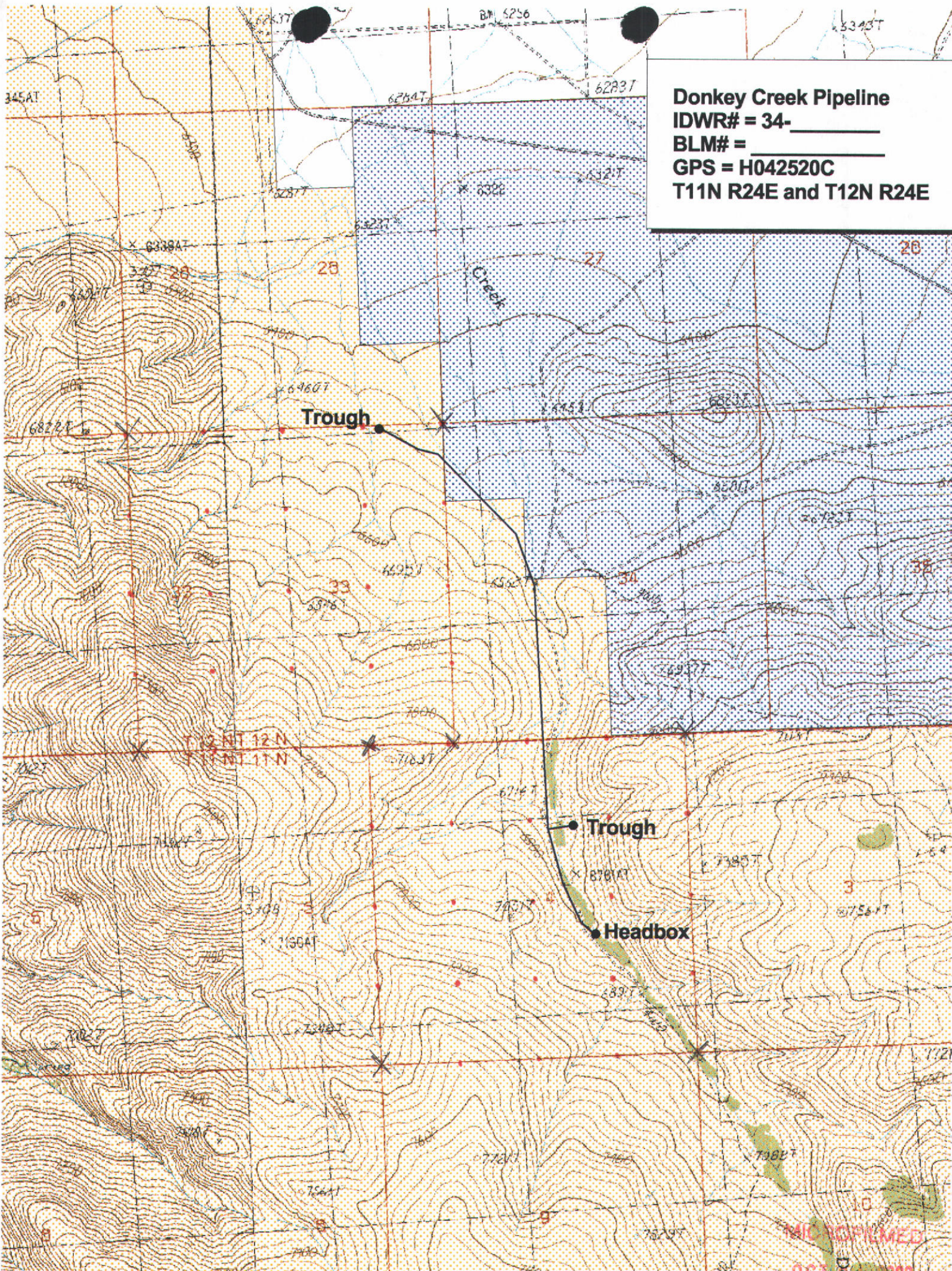
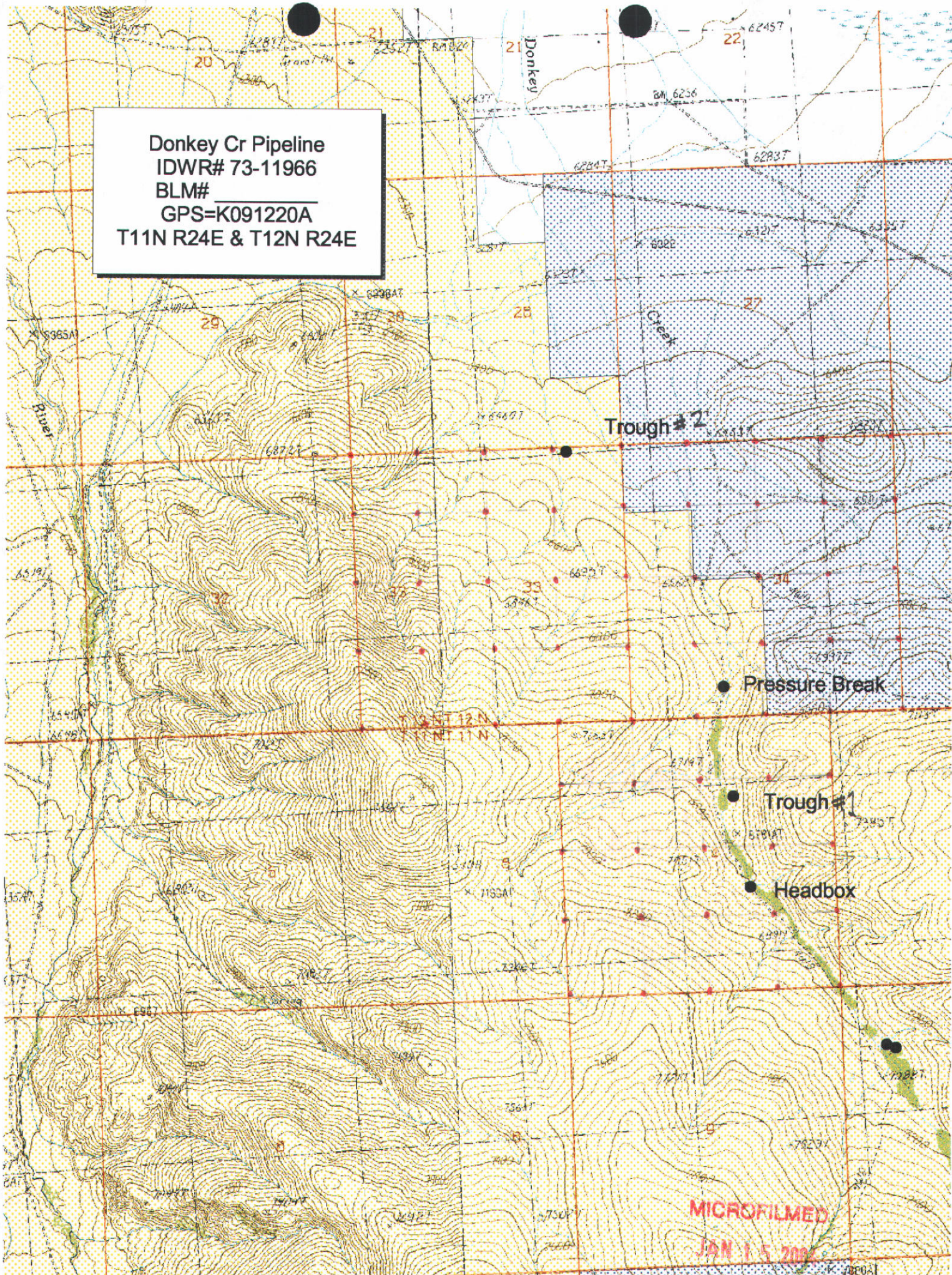
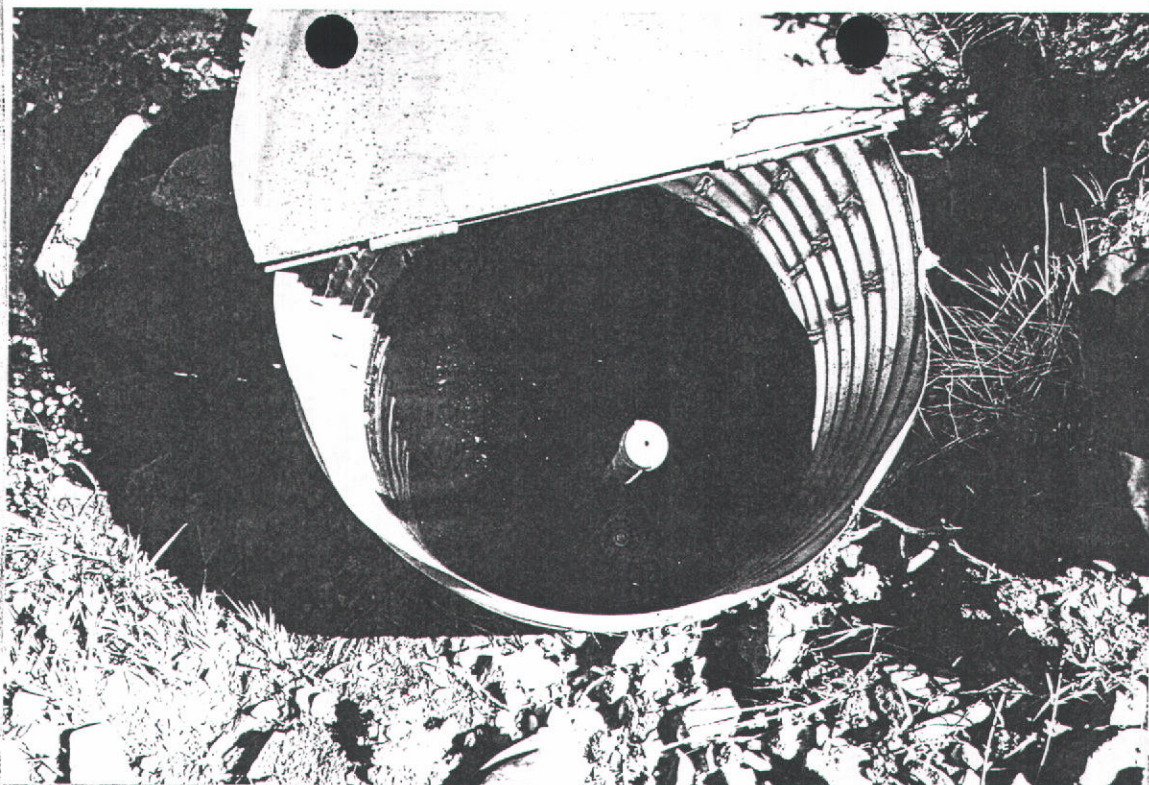


Donkey Creek Pipeline
IDWR# = 34-_____
BLM# = _____
GPS = H042520C
T11N R24E and T12N R24E



Donkey Cr Pipeline
IDWR# 73-11966
BLM# _____
GPS=K091220A
T11N R24E & T12N R24E

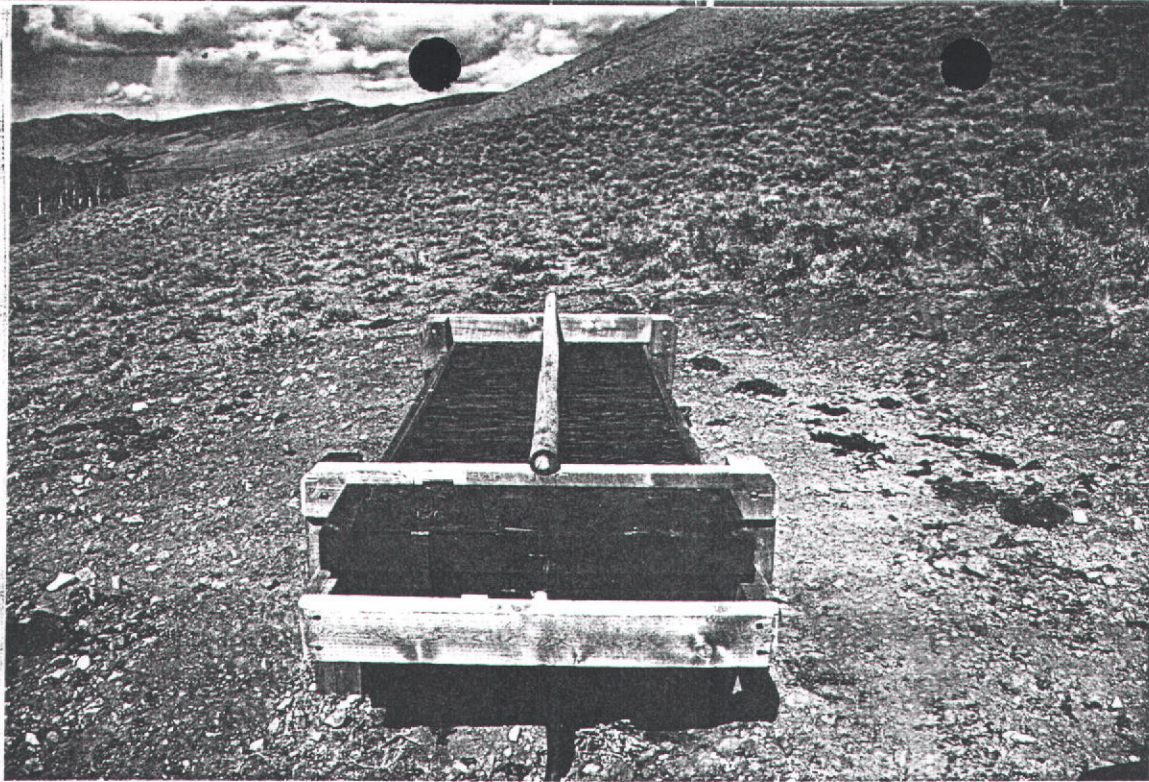




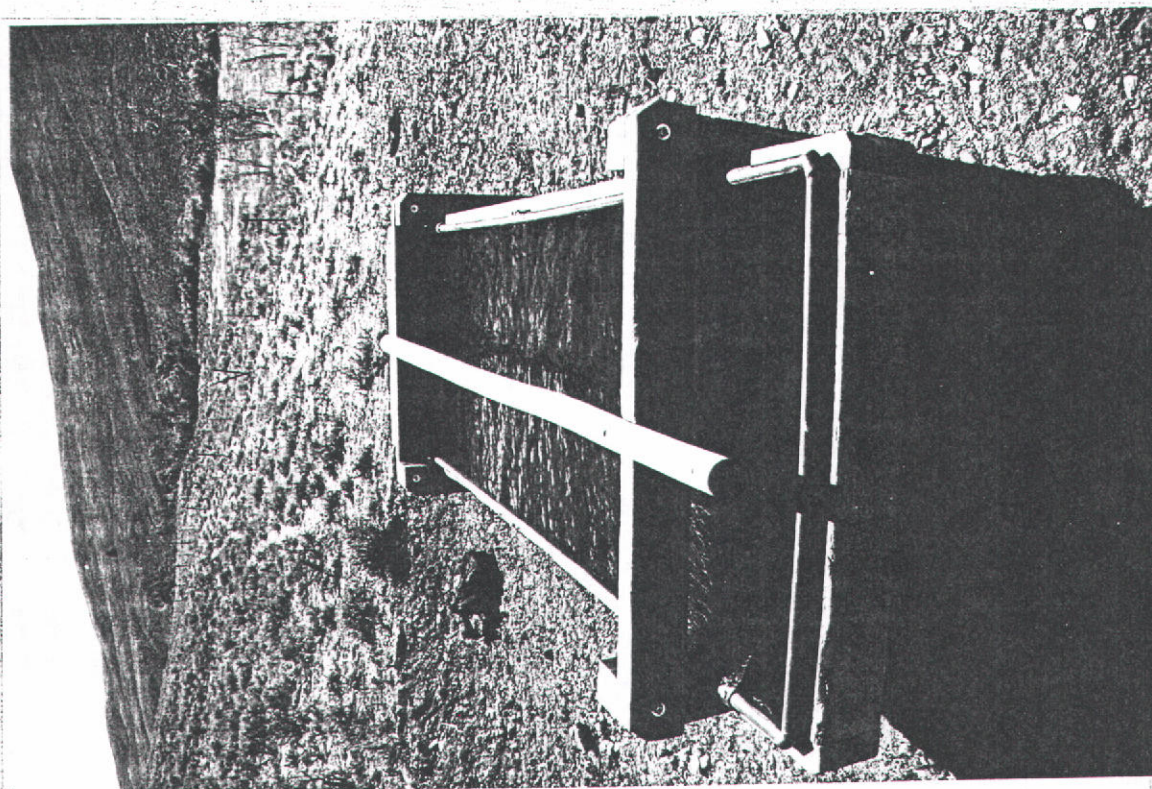
Donkey Cr PL : 9/12/03
Headbox



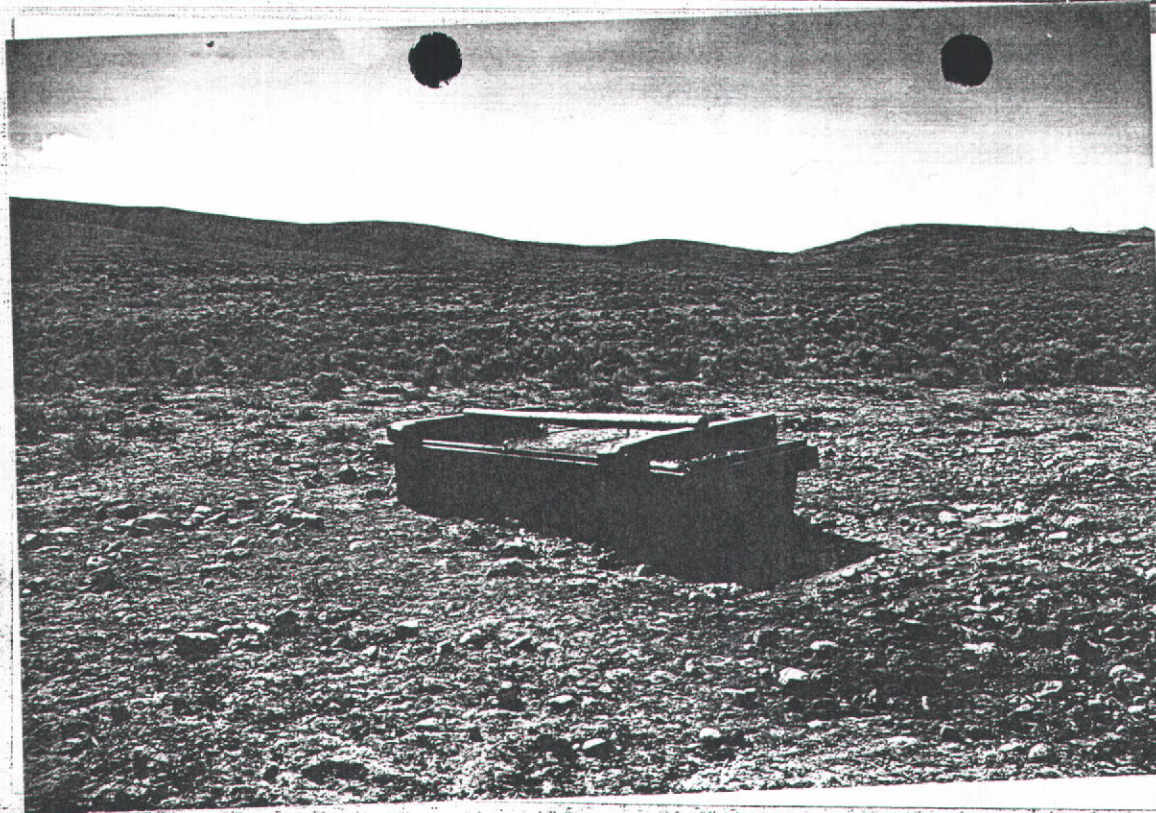
MICROFILMED
JAN 15 2004



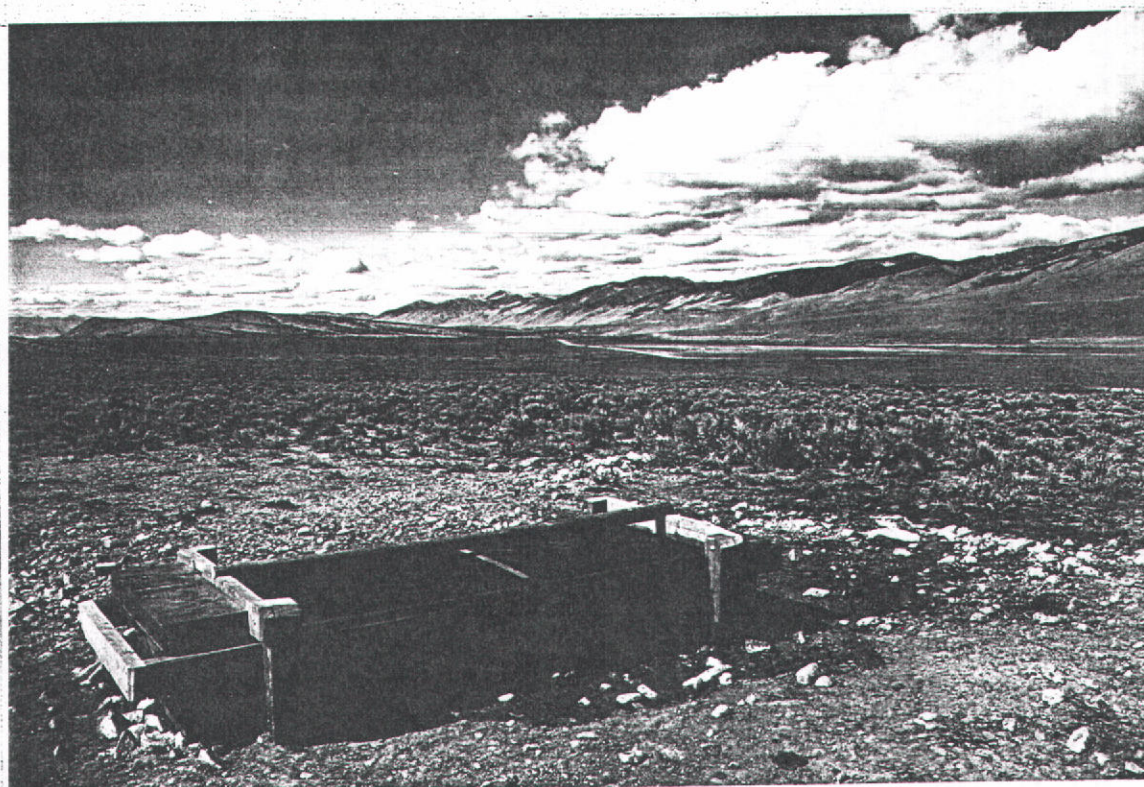
Donkey Cr PL : 9/12/03
Water Trough #1



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JAN 15 2004



Donkey Cr PL : 9/12/03
Water Trough # 2



MICROFILMED

JAN 15 2004

Reviewed by Sharla Curtis on 7/26/02

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA TRUST/NON-TRUST

- Multiple pd's per 1/4 - W32
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60
- Use definitions - W02 example - S/50 range
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single p/d intended - 076

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

COMMENTS

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated June 20 2002 and ending with
the issue dated June 27 2002.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 27th day of June in the
year of 2002 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Notary Public for Idaho

Residing at Challis

My commission expires: 4/30/04

APPLICATION FOR WATER RIGHT

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

73-11966

US DEPT. OF INTERIOR, BU-
REAU OF LAND MANAGEMENT,
SALMON DISTRICT, 50 HWY. 93
S., SALMON, ID 83467

Point(s) of Diversion: NENWSE
S4 T11N R24E, CUSTER County

Source: DONKEY CREEK, Tribu-
tary To GOLDBURG CREEK

Use: STOCKWATER 01/01 To
12/31 0.02 CFS

Use: WILDLIFE 01/01 To 12/31
0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 05/30/2002

Place Of Use: STOCKWATER
and WILDLIFE

T11N R24E S4 SWNE

T12N R24E S33 NENE

Permits will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900 N.
Skyline Dr. Ste. A, Idaho Falls ID
83402 together with a protest fee
of \$25 for each application on or
before July 8, 2002. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Pub: June 20 & 27, 2002.

RECEIVED

JUN 28 2002

MICROFILMED

OCT 04 2002

Department of
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
73-11965 & 73-11966 IN THE)
NAME OF US DEPARTMENT OF)
INTERIOR, BUREAU OF LAND)
MANAGEMENT)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permits with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before August 1, 2002; and

WHEREAS, the Department notified the permit holder on May 31, 2003, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proofs of beneficial use or extensions of time request; and

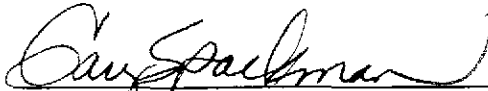
WHEREAS, the Department sent the permit holder lapse notices on August 12, 2003, since the department had not received an acceptable proof of beneficial use statement or extension of time request for these permits; and

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and

WHEREAS, the permit holder has provided a reasonable showing why the permits should be reinstated by submitting acceptable proof of beneficial use on October 6, 2003.

IT IS, THEREFORE, HEREBY ORDERED that Permit Nos. 73-11965 & 73-11966 are **REINSTATED** with an advance in priority to **October 6, 2003**.

DATED this 15th day of January, 2004.



GARY SPACKMAN

MICROFILMED

JAN 15 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

OCT - 6 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 73-11961 Telephone No. 208-756-5423

2. Name of Permit Holder(s): BLM

3. Mailing Address: 50 Highway 93 South

City Salmon State ID Zip 83467

4. Source of Water: Donkey Cr If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): .02 cfs

Irrigation (No. of acres): _____ Other: Wetlands = .02 cfs

6. Total rate of diversion and/or volume for which proof is submitted: 102 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Alan Bittner Telephone Number: 208-756-5423

Address: 50 Highway 93 South, Salmon ID 83467

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Alan Bittner NRS Date: 10/1/03
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 73-11966

Priority: 05/29/2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

has applied for a permit to appropriate water from:

Source: DONKEY CREEK Tributary: GOLDBURG CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

DONKEY CREEK NE¼NW¼SE¼ Sec. 4, Twp 11N, Rge 24E, B.M. CUSTER County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	24E	4			X														
12N	24E	33	X																

PLACE OF USE: WILDLIFE, same as Stockwater

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before August 1, 2003.
2. Subject to all prior water rights.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
4. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
6. Stockwater use is for 296 range cattle.
7. This project is known as Donkey Creek Pipeline.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of August, 2002

MICROFILMED
OCT 14 2002

K. J. Dreher
for
KARL J DREHER, Director

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	24E	4			SW														
12N	24E	33	SW																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? BLM

b. Who owns the land to be irrigated or place of use? BLM

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Project will be called Donkey Creek Pipeline

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant (and title, if applicable)

Received by HCT Date 5-24-02 Time _____ Preliminary check by _____
 Fee \$ 100 Received by HCT # E027794 Date 5-24-02
 Publication prepared by SC Date 6/28/02 Published in Charlottesville Messenger
 Publication approved SC Date 6/28/02

APPROVED

5/24/02

Ident. No. 73-11965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 16 2002

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant USDI - Bureau of Land Management Phone 756-5400
Mailing address 50 Hwy 93 S. Salmon ID 83467

2. Source of water supply Donkey Creek which is a tributary of Goldburg Creek

3. Location of point of diversion is Township 11 N Range 24 E Sec. 4 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Custer County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for wildlife purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Culvert type headbox

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. Cattle, 296 maximum

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. wildlife

RECEIVED

MAY 24 2002

Department of Water Resources
Eastern District Office
MICROFILMED

OCT 04 2002

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	24E	4			SW														
12N	24E	33	SW																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? BLM

b. Who owns the land to be irrigated or place of use? BLM

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Project will be called Donkey Creek Pipeline

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

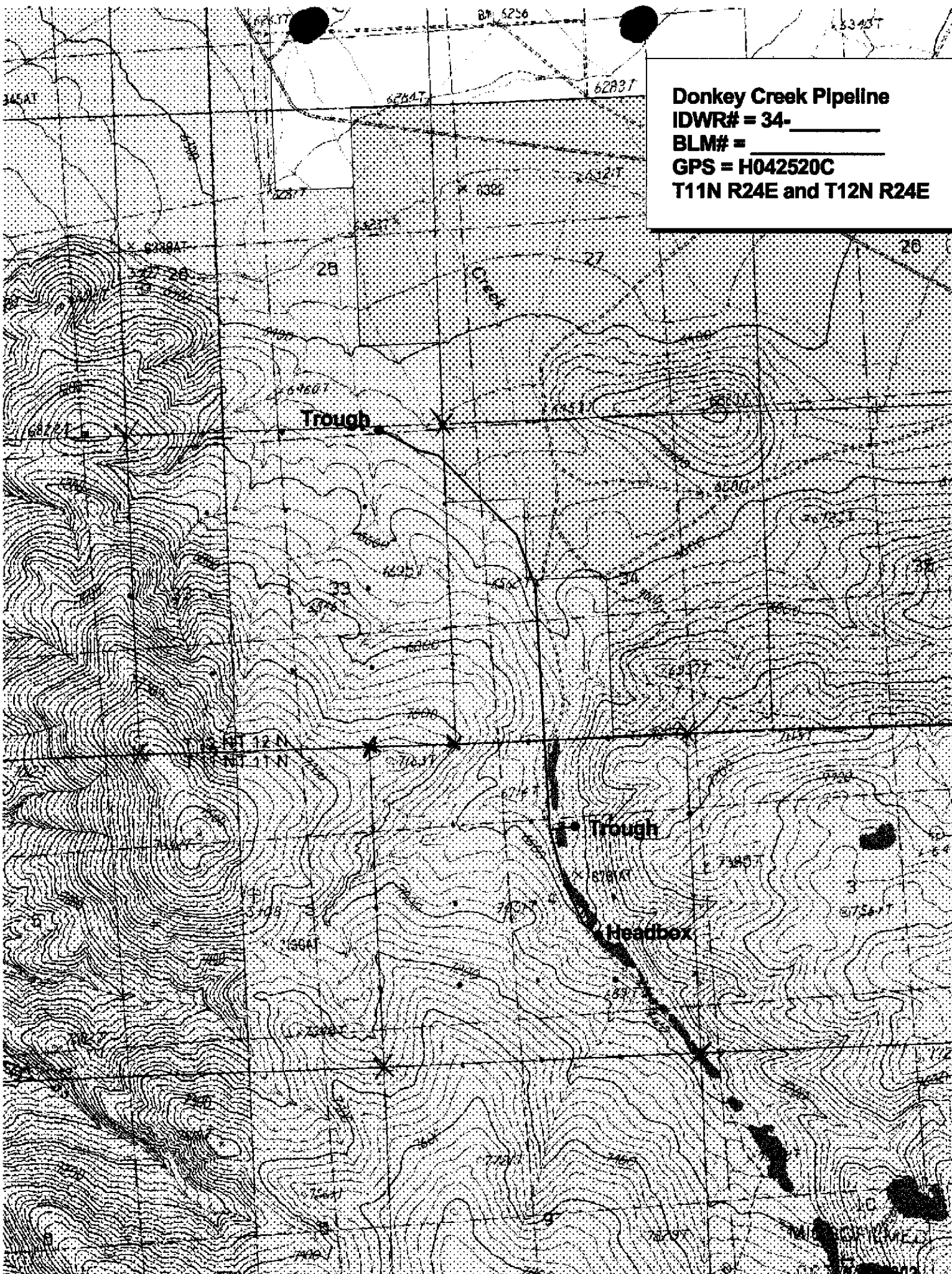
Alan B. Burt
Signature of Applicant (and title, if applicable)

Received by HWT Date 5-24-02 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by HWT # E027794 Date 5-29-02
Publication prepared by SC Date 6/20/02 Published in Charliss Messenger
Publication approved SC Date 6/28/02

MICROFILMED

OCT 04 2002

Donkey Creek Pipeline
IDWR# = 34-_____
BLM# = _____
GPS = H042520C
T11N R24E and T12N R24E





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2004

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 73-11965 & 73-11966

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms and examination fees submitted for the above referenced permits. Enclosed are orders reinstating the permits advancing the priority since proof was submitted after the proof due date. I am also enclosing copies of the Proof of Beneficial Use forms you filed with the department and receipts for the fees paid. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The regional office staff will contact you when that examination is to be conducted.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region (w/encl.)

MICROFILMED

JAN 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 73-11966

Reviewed By: dgibson

Date: January 14, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E027794, C071127	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

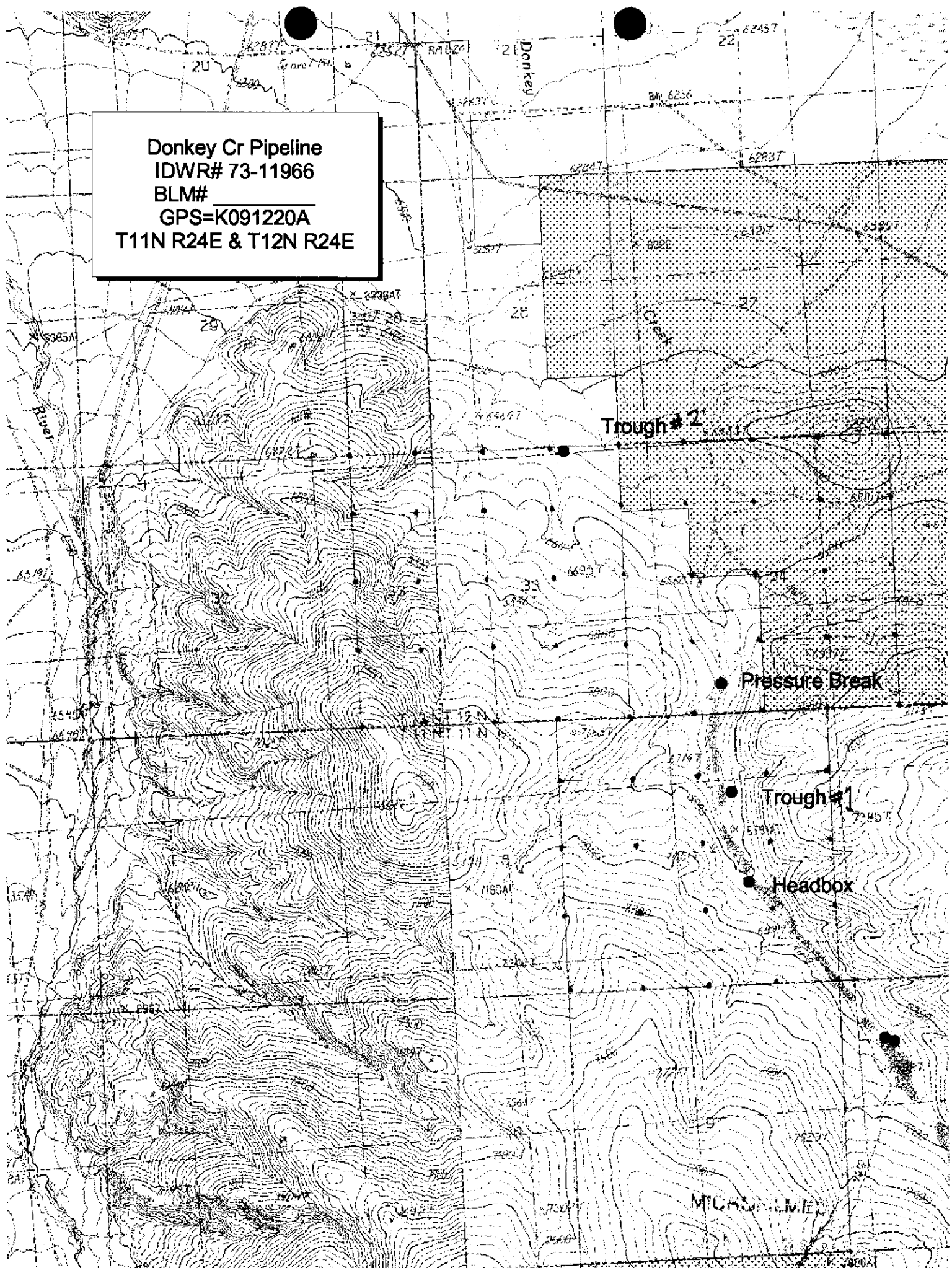
Priority Calculation

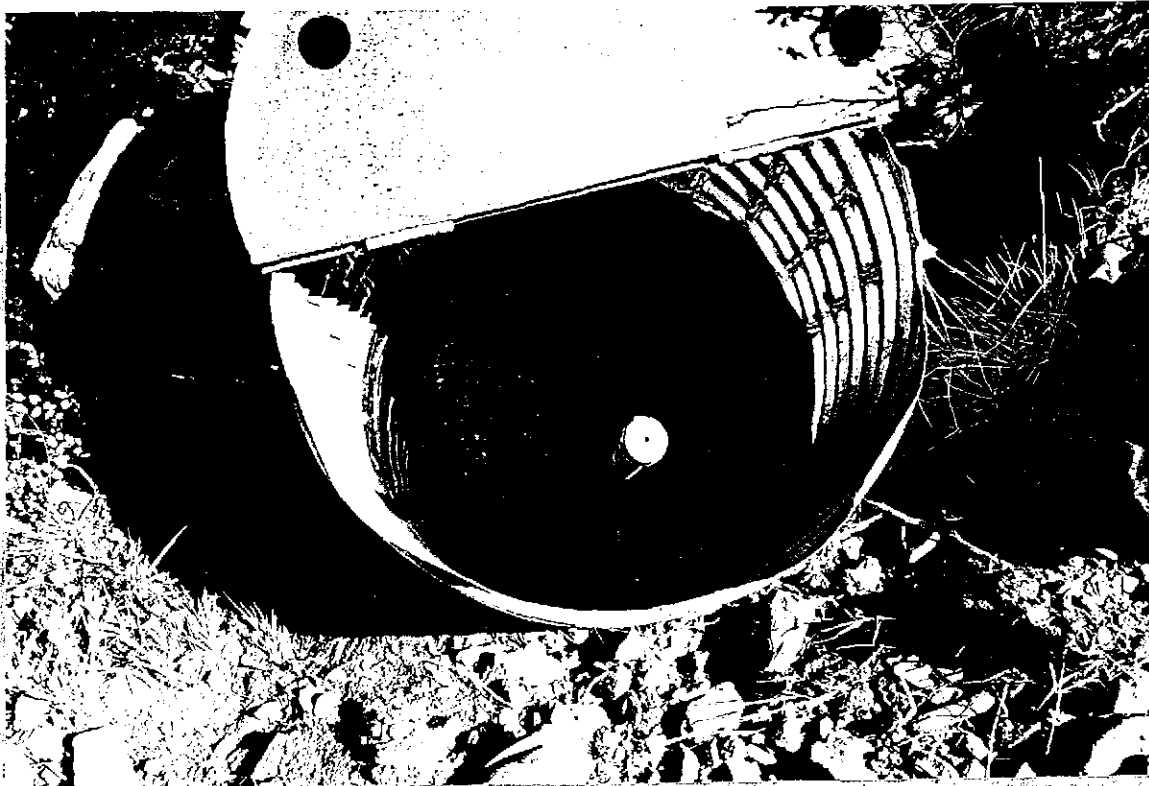
Date proof received	10/06/2003
Date proof due	- 08/01/2003
Lapse notice sent	- 08/12/2003
No. of days late	= 66
Holiday allowance	+
Priority date	+ 05/29/2002
New priority date	= 10/06/2003

Deficiencies of Actions Items

Acknowledge proof, and reinstate permit with advancement of the priority date to 10/6/2003. Proof received before the 60 days from the lapse notice. Calculation above is correct for priority date.

Donkey Cr Pipeline
IDWR# 73-11966
BLM# _____
GPS=K091220A
T11N R24E & T12N R24E



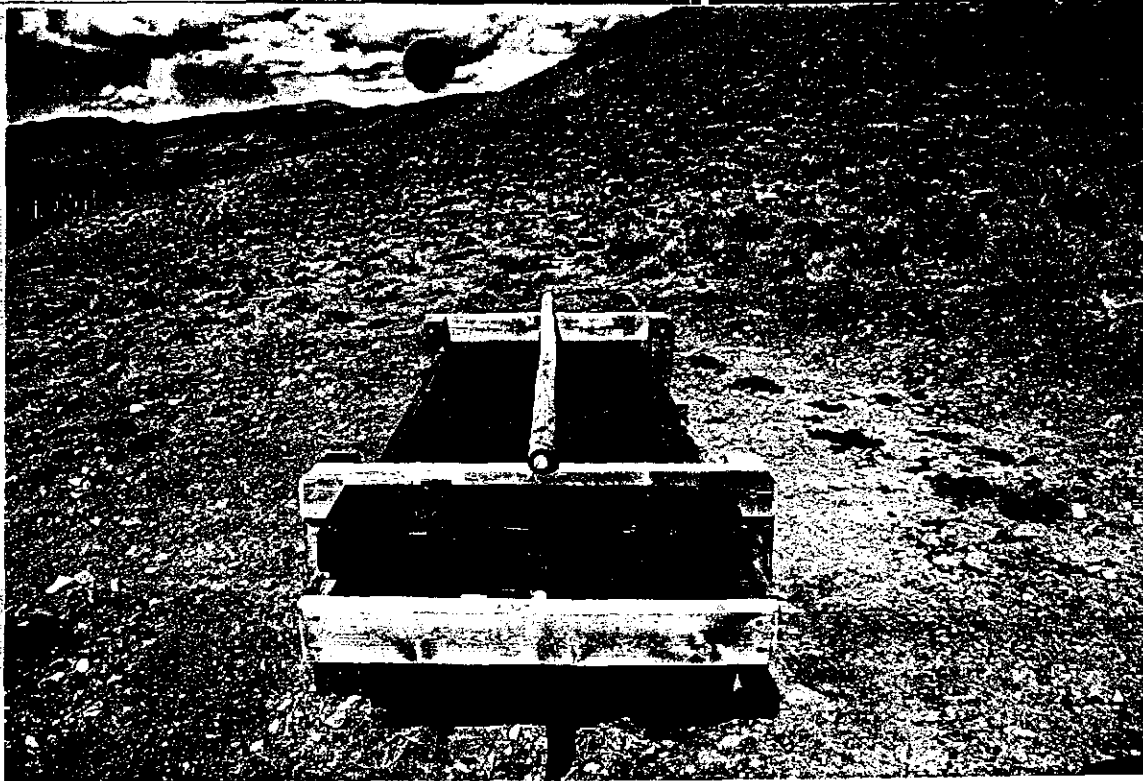


Donkey Cr PL : 9/12/03
Headbox

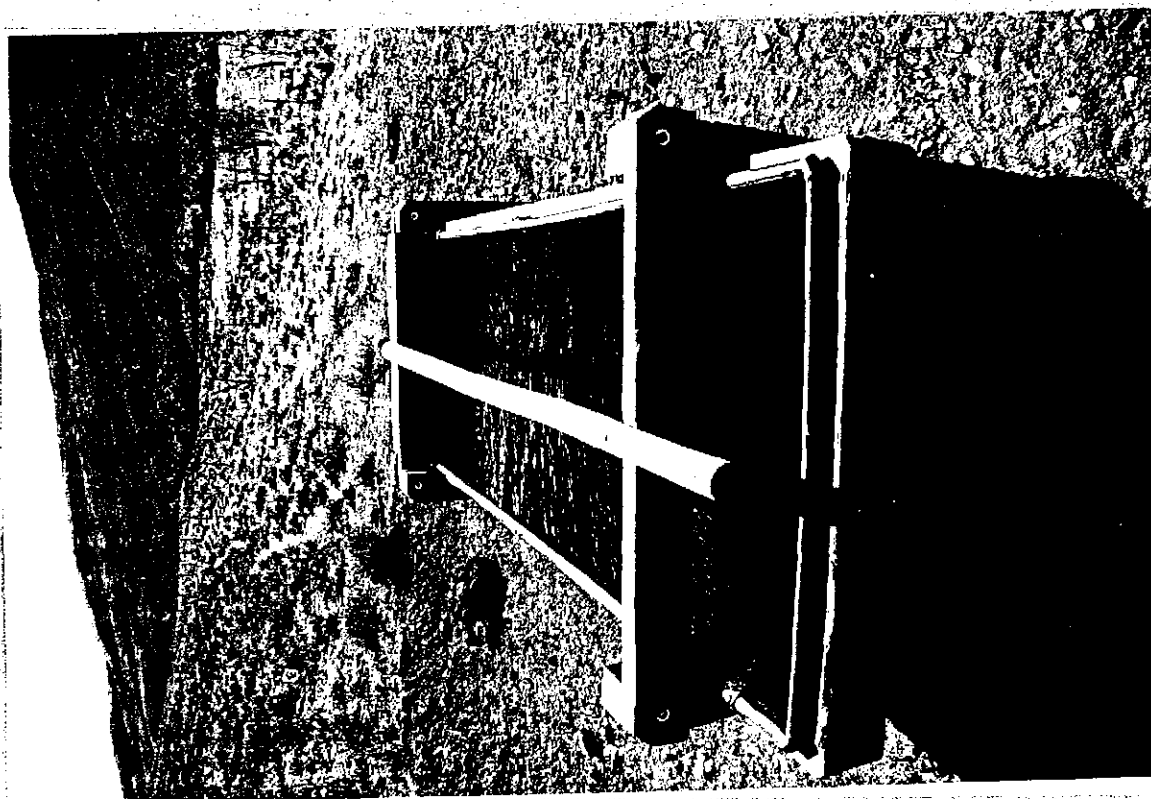


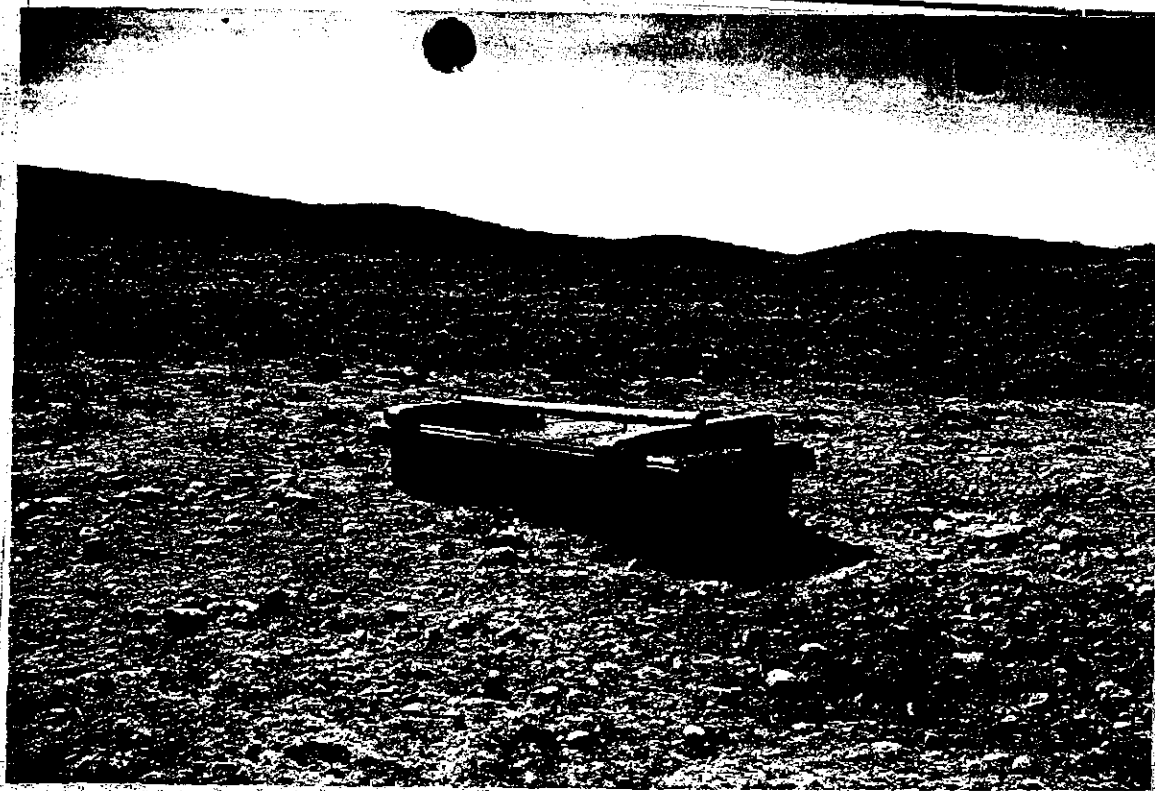
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SEP 15 2003



Donkey Cr PL : 9/12/03
Water Trough #1





Donkey Cr PL : 9/12/03
Water Trough # 2



MICROPHONE

August 12, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON, ID 83467

LAPSE NOTICE

RE: PERMIT NO. 73-11966

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated May 31, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Administrator
Water Management Division

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 8/13/03
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

JAN 15 2004

dg

May 31, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON, ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 73-11966

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

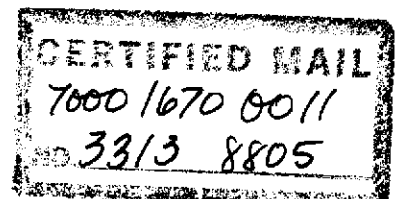
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
JAN 15 2004





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Permit No. 73-11966

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

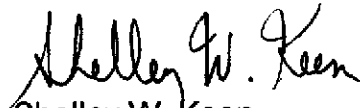
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

OCT 04 2002

If you have any questions, please contact me at 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

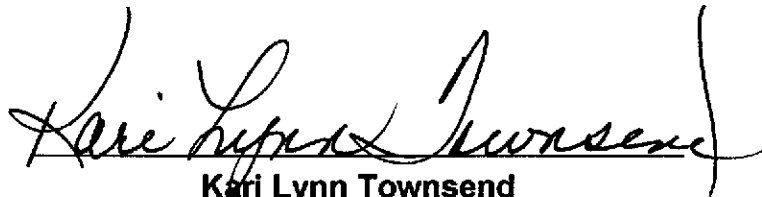
OCT 04 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 73-11966

**US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

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OCT 04 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 7/26/02

No. 73-11966 Name: Blm Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106 107
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

P&G contacted ~~Yes~~ No Response

In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or ~~WD~~

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 009 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 8/01/2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/70 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

Proj known as Donkey Creek Pipeline

COMMENTS

RECEIVED

JUL 16 2002

Dist for Staffing
Submitted for advertising 5-30-02

ST Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

BLM
INITIAL REVIEW BY HWT DATE 5-29-02 APPLICATION NO. 73-11966

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION:

- ☐ Overlapping place of use (Describe source & relationship to present application on the back)
☐ Overlapping point of diversion
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☐ Yes ☒ No **Public Water System**
☐ Yes ☒ No **Planning section review**
☐ Yes ☒ No **Moratorium Hold file**
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

- ☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- | | |
|---|--|
| ☐ Id Dept of Environmental Quality | ☐ U.S. BLM |
| ☐ Id Dept of Fish & Game | ☐ U.S. Forest Service |
| ☐ Id Dept of Lands | ☐ Water District |
| ☐ Adjudication Bureau Unit | ☐ Other _____ |

RECEIVED
JUL 16 2002
DEPARTMENT OF WATER RESOURCES

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest
☒ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District
☒ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommend

By:

Date:

STATE OFFICE REVIEW:

By:

Date:

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other

Project impacts/implications report

COMMENTS

* Require a flat flow control in trough or return pipe to creek flow.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

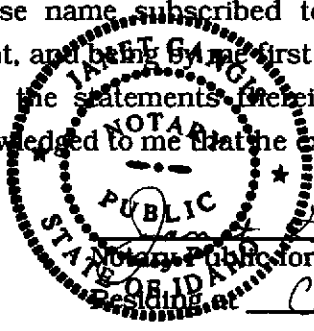
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated June 20 2002 and ending with
the issue dated June 27 2002.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 27th day of June in the
year of 2002 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



My commission expires: 4/30/04

APPLICATION FOR WATER RIGHT

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

73-11966

US DEPT. OF INTERIOR, BU-
REAU OF LAND MANAGEMENT,
SALMON DISTRICT, 50 HWY. 93
S., SALMON, ID 83467

Point(s) of Diversion: NENWSE
S4 T11N R24E, CUSTER County
Source: DONKEY CREEK, Tribu-
tary To GOLDBURG CREEK

Use: STOCKWATER 01/01 To
12/31 0.02 CFS

Use: WILDLIFE 01/01 To 12/31
0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 05/30/2002

Place Of Use: STOCKWATER
and WILDLIFE

T11N R24E S4 SWNE

T12N R24E S33 NENE

Permits will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900 N.
Skyline Dr. Ste. A, Idaho Falls ID
83402 together with a protest fee
of \$25 for each application on or
before July 8, 2002. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Pub: June 20 & 27, 2002.

RECEIVED

JUN 28 2002

Department of

Eastern District

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OCT 4 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Application for Permit No 73-11965 and 73-11966

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on June 20 and 27, 2002. Submittal of protests to this application will be allowed for a period ending ten days (July 8, 2002) after the second publication.

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

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. Please feel free to contact this office if you have any questions.

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 9 4 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 12, 2002

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

RE: Application for Permit No. 73-11965 and 73-11966

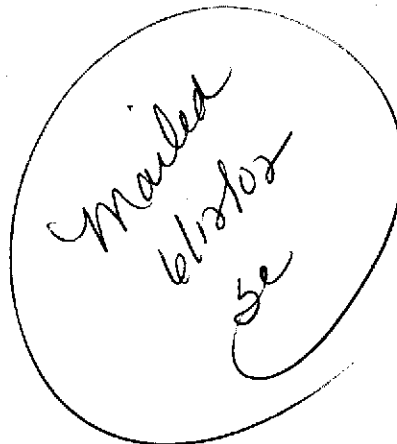
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 8, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

OCT 04 2002

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

73-11966

US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

Point(s) of Diversion: NENWSE S4 T11N R24E, CUSTER County

Source DONKEY CREEK, Tributary To GOLDBURG CREEK

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: WILDLIFE 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 05/30/2002

Place Of Use: STOCKWATER and WILDLIFE

T11N R24E S4 SWNE

T12N R24E S33 NENE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 8, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 20 and 27, 2002

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OCT 04 2002