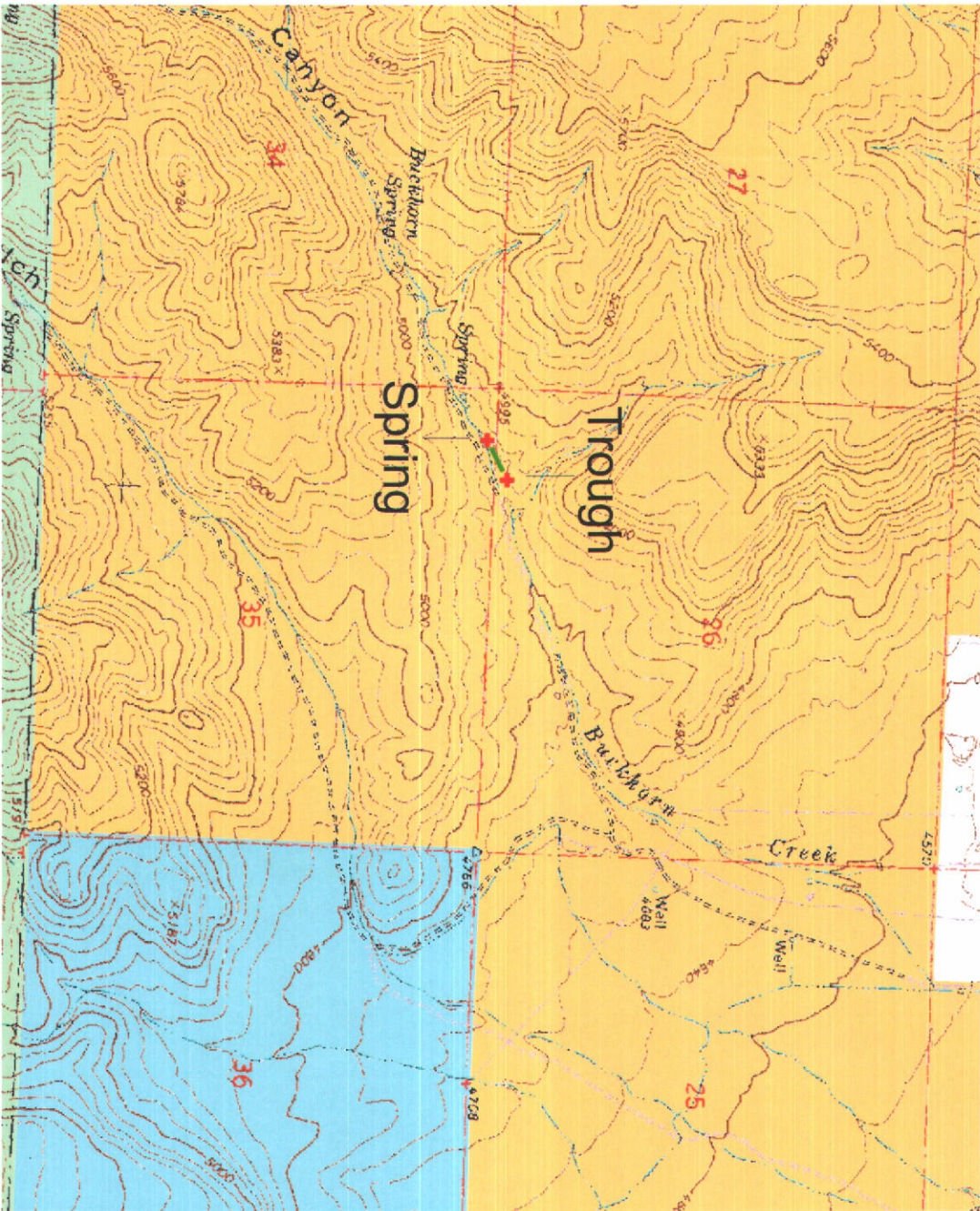


T. 12 S

R. 20 E



+ Point Determined by GPS
Digitized Pipeline
Surface Ownership

- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

DRAFT



Quad Map Name: Buckhorn Canyon



1:24000

MICROFILMED
MAR 06 2003

45-13492

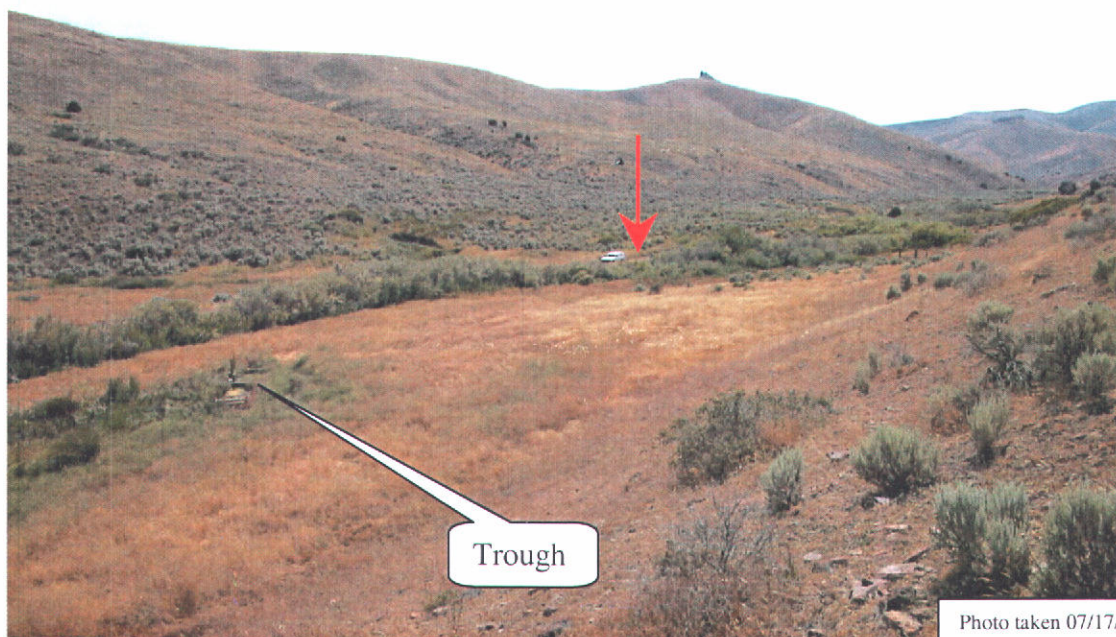


Photo taken 07/17/2002

ABOVE: View looking across, and up, Buckhorn Canyon from the north side of the canyon. The location of the stock water trough is shown. The point of diversion from the spring is located somewhere in the willow growth up the canyon from the cattle trough. The arrow indicates the location of a vent pipe for a buried pipeline.

BELOW: View of stock trough shown indicated in photo above.



Photo taken 07/17/2002

MICROFILMED

MAR 06 2003

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 45-13492 Telephone No. 208-677-6626
2. Name of Permit Holder(s): U.S. Bureau of Land Management
3. Mailing Address: 15 E. 200 S.
 City Burley State ID Zip 83318
4. Source of Water: spring 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): 426 range cattle
 Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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: Steve Davis Telephone Number: 208-677-6626
 Address: 15 E. 200 S., Burley, ID 83318
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: Steven R. Davis
 (include your title, if on behalf of company or organization)

 Date: 10-20-03

MICROFILMED

FEB 05 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NOS.)
45-13486, 45-13492 & 45-13493 IN)
THE NAME OF THE US 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 December 1, 2003; and

WHEREAS, the Department notified the permit holder on September 30, 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 proof of beneficial use or an extension of time request; and

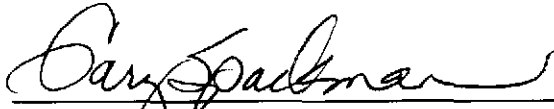
WHEREAS, on October 21, 2003, the permit holder submitted proof of beneficial use to the Department; and

WHEREAS, the Department inadvertently sent the permit holder a lapse notice on December 9, 2003; and

WHEREAS, Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit upon a showing of error or mistake of the department;

IT IS, THEREFORE, HEREBY ORDERED that Permit Nos. 45-13486, 45-13492 & 45-13493 are **REINSTATED** with no advance in priority.

DATED this 15th day of January, 2004.



Gary Spackman

MICROFILMED
FEB 06 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 45-13492

Priority: July 3, 2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: BUCKHORN 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	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼NW¼NW¼ Sec. 35, Twp 12S, Rge 20E, B.M. CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S 20E 26											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 **December 1, 2003**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Stockwater use is for 426 range cattle.
5. The stockwater and wildlife use authorized under this right shall not exceed 13,000 gallons per day.
6. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of November, 2002

MICROFILMED

MAR 16 2003


for KARL J DREHER, Director

RECEIVED

ent. No.

45-13492

RECEIVED

JUL 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 03 2002

Department of Water Resources
Southern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern Region

NOV 15 2002

Applicant U.S. Bureau of Land Management Phone 208-677-6626

Mailing address Representative: 15 E. 200 S., Burley, ID 83318

Department of Water Resources Water supply spring which is a tributary of Buckhorn Creek

3. Location of point of diversion is Township 12 S Range 20 E Sec. 35 in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____; B.M., Cassia County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.01 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) 0.02 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

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

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? _____

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 _____ years (minimum 1 year) already exists

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. 426 range cattle

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

Current Owner: 1387 S. Vinnell Way
Boise, ID 83709

MICROFILMED

MAR 16 2003

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	
12S	20E	26											S W						

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? U.S. Bureau of Land Management
- b. Who owns the land to be irrigated or place of use? U.S. Bureau of Land Management
- 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: _____

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.

Steven R Davis, Hydrologist
Signature of Applicant (and title, if applicable)

Received by JF Date 7-11-02 Time 11 Preliminary check by JF
 Fee \$ 100 Receipted by JF # 5025062 Date 7-11-02
 Publication prepared by mb Date 8/26/02 Published in So. ID Press
 Publication approved mb Date 9/17/02

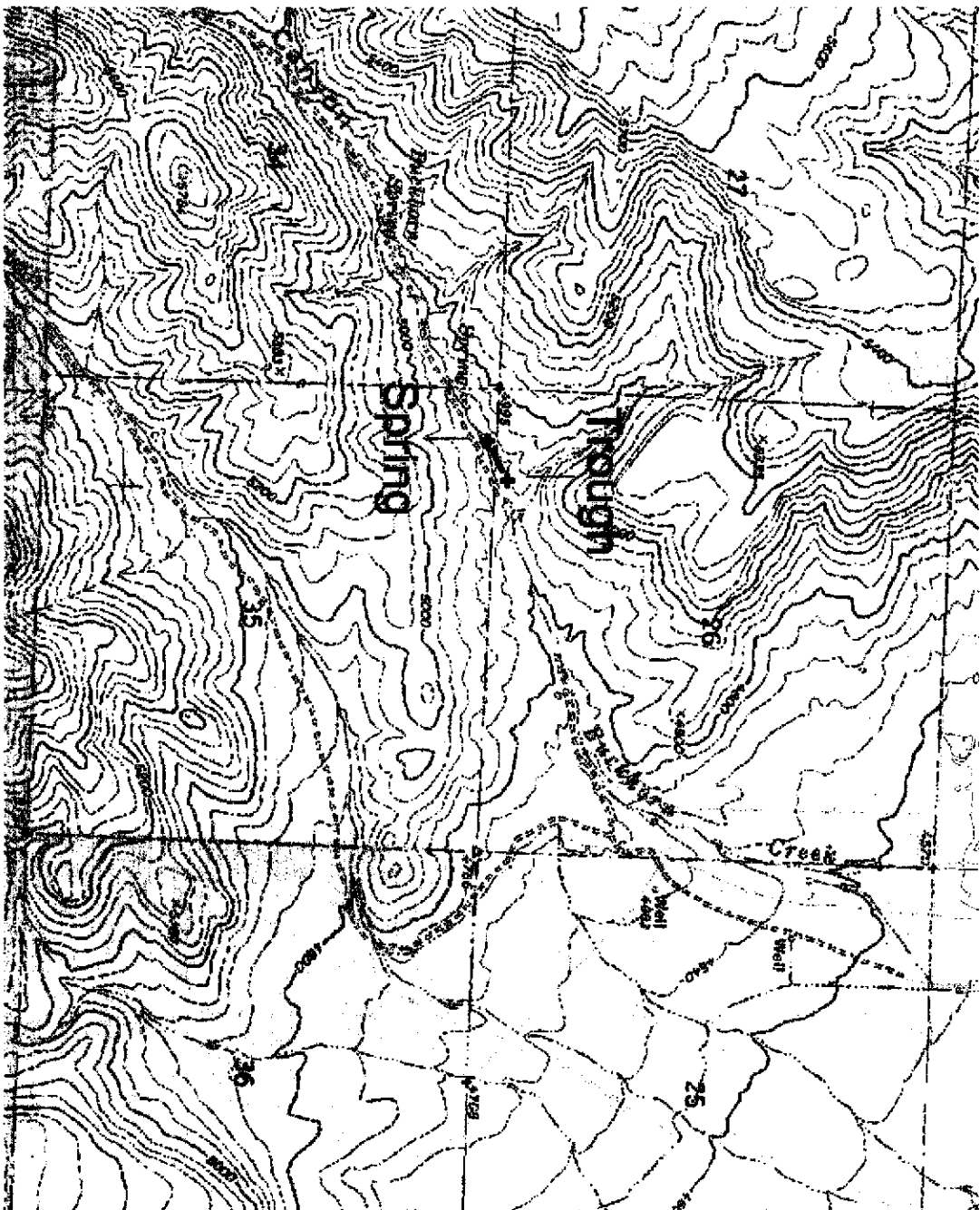
* Note receipt for \$300 for 3 apps.

MICROFILMED

MAR 6 6 2003

T. 12 S

R. 20 E



+ Point Determined by GPS
Digitized Pipeline
Surface Ownership

BLM



BIA

LU_DOI

LU_USDA

MIL

NPS

USFWS

PRIVATE

STATE

US Forest Service



DRAFT



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

Quad Map Name: Buckhorn Canyon



1:24000

MICROFILMED

MAR 6 6 2003

45-13492

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318
(208)677-6626

2. Source: SPRING Tributary to: BUCKHORN CREEK

3. Location of Point of Diversion:

#1 SPRING NW1/4NW1/4NW1/4 Sec. 35, Twp 12S, Rge 20E, B.M.
CASSIA County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
WILDLIFE	01/01 to 12/31	0.01 CFS	

5. Total quantity to be appropriated is: 0.02 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: HEADBOX, PIPELINE, TROUGH.

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 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

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

8.

MICROFILMED

MAR 6 6 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
12S 20E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X						

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
12S 20E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X						

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☐

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. S025062

MICROFILMED

MAY 6 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Date: _____

Received by: _____

MICHOYON-11

MAY 16 2000



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 BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 45-13486, 45-13492, & 45-13493

Dear Permit Holder:

I acknowledge receipt of the Proofs of Beneficial Use you filed in connection with the above referenced permits. Enclosed is an order reinstating the permits without advancement of the priority based on department error. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

FEB 06 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 45-13492

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.:		S025062, S026194	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	10/22/2003
Date proof due	- 12/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/03/2002
New priority date	= 07/03/2002

Deficiencies of Actions Items

Acknowledge proof. Reinstate permit without advancing the priority date due to dept. error.

RECEIVED

OCT 22 2003

Department of Water Resources

FOR OFFICE USE ONLY

Amt. of Fee \$: 50
Receipt No. 5026194
Receipt By: J.F.
Date Received: 10/21/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 45-13492 Telephone No. 208-677-6626
2. Name of Permit Holder(s): U.S. Bureau of Land Management
3. Mailing Address: 15 E. 300 S.
City Burley State ID Zip 83318
4. Source of Water: spring 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): 426 range cattle
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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: Steve Davis Telephone Number: 208-677-6626
Address: 15 E. 200 S., Burley, ID 83318
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: Steven R. Davis, Hydrologist Date: 10-20-03
(include your title, if on behalf of company or organization)

MICROFILMED

FEB 05 2004

December 9, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE, ID 83709-1657

LAPSE NOTICE

RE: PERMIT NO. 45-13492

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 September 20, 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,

Gary Spackman
Water Allocation Bureau

Enclosures

cc: US DEPT OF INTERIOR

MICROFILMED

FEB 11 2004

CERTIFICATION OF MAILING

I hereby certify that on 12/9/03
a true and original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



September 30, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE, ID 83709-1657

PROOF DUE NOTICE

RE: PERMIT NO. 45-13492

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 December 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,

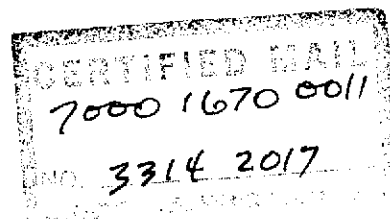
Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

~~cc: US DEPT OF INTERIOR~~

MICROFILMED

FEB 05 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

November 19, 2002

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657

RE: Permit No. 45-13492

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.

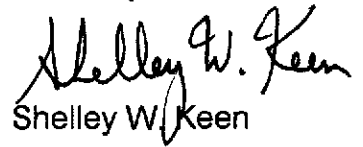
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

NOV 20 2002

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: US Dept of Interior, Burley office

MICROFILMED

APR 11 1983

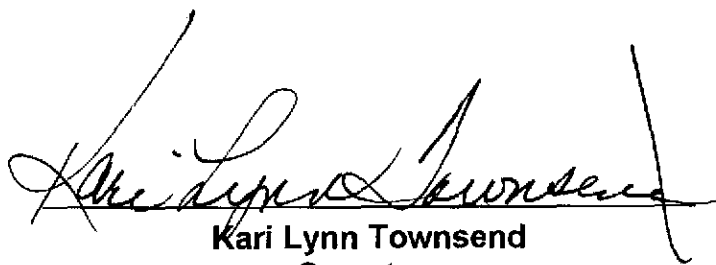
CERTIFICATE OF SERVICE

I hereby certify that on November 19, 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. 45-13492

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657**

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318**



**Kari Lynn Townsend
Secretary**

MICHAEL REED
MAR 11 2003

**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).

MAILED
MAR 6 2011

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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MAR 06 2003

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY John Freese DATE 8/13/02

REQUIRED INFORMATION (Ck if OK)

- ☒ 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 subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/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 signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 7/3 2002

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. 45-12897
☒ Overlapping point of diversion. 45-12897
☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by J.F.
☒ Yes ☐ No Field report attached?
☒ Yes ☐ No Critical Ground water area? Cottonwood CGMA
☒ Yes ☐ No Groundwater management area?
☒ Yes ☐ No Measurement District or Groundwater District?
What District? _____
☒ Yes ☐ No Send Dam safety information?
☒ Yes ☐ No Send power requirement letter?
☒ Yes ☐ No Send fish farm requirement letter?
☒ Yes ☐ No Power residency affidavit attached?
☒ Yes ☐ No Power efficiency form?
☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI-BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☐ Yes ☐ No In form for Advertising?
☐ Yes ☐ No Statewide Advertising?
☐ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?
Final date for protest: _____
☐ Yes ☒ No Protests received?
☐ Yes ☒ No Protested?
Describe Resolution: _____

☐ Yes ☒ No Measuring device required?
☐ Yes ☒ No Access port required?
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____
☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?
If yes; date of Memo _____

Date of priority recommended: 7/3/2002

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By ADP Date 11/12/02

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 16 2002

Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated September 5, 2002 and ending with the issue dated September 12, 2002.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 12th day of September in the year of 2002 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN HARPER
NOTARY PUBLIC
STATE OF IDAHO

Ann Harper
Notary Public for Idaho
Residing at: Burley, Idaho
My commission expires: 9-14-2007

Cost of Publication 90.09
Affidavit Fee 5.00
Total Cost 95.09

OK
MB
9/17/02

02-367

The following applications have been filed by the US DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT, 15 E 200 S; BURLEY ID 83318 to appropriate the public waters of the State of Idaho from 01/01 to 12/31 within Cassia County:

45-13486

Point(s) of Diversion: SENWNE S34 T12S R20E
Source: BUCKHORN SPRING
Tributary To BUCKHORN CREEK
Use: STOCKWATER 0.02 CFS
Use: WILDLIFE 0.01 CFS
Total Diversion: 0.02 CFS
Date Filed: 08/05/2002
Place Of Use: NESW S24 T12S R20E

45-13492

Point(s) of Diversion: NWNWNW S35 T12S R20E
Source: SPRING Tributary To BUCKHORN CREEK
Use: STOCKWATER 0.02 CFS
Use: WILDLIFE 0.01 CFS
Total Diversion: 0.02 CFS
Date Filed: 08/13/2002

Place Of Use: SWSW S26 T12S R20E
This Application and also above listed Application are for stockwater and wildlife uses from Buckhorn Spring, Tributary to Buckhorn Creek and are both located 13.5 miles West and 2 miles North of Oakley, ID.

45-13493

Point(s) of Diversion: NENENW S33 T12S R19E
Source: UNNAMED STREAM
Tributary To WEST FORK DRY CREEK
Use: STOCKWATER 0.4 AFA
Use: WILDLIFE 0.4 AFA
Total Diversion: 0.4 AFA
Date Filed: 08/14/2002

Place Of Use: NENW S33 T12S R19E
Remark: Application is for 0.36 acre feet of storage in a small reservoir for stockwater and wildlife use. Location is 11 miles South and 4 miles West of Murtaugh, Idaho.

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 an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the South Idaho Press on September 5 and 12, 2002.

MICROFILMED

SEP 16 2002

The following applications have been filed by the **US DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT**, 15 E 200 S; BURLEY ID 83318 to appropriate the public waters of the State of Idaho from 01/01 to 12/31 within Cassia County:

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Use: STOCKWATER 0.02 CFS
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Place Of Use: NESW S24 T12S R20E

45-13492

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Source: SPRING Tributary To BUCKHORN CREEK
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45-13493

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Source: UNNAMED STREAM Tributary To WEST FORK DRY CREEK
Use: STOCKWATER 0.4 AFA
Use: WILDLIFE 0.4 AFA
Total Diversion: 0.4 AFA
Date Filed: 08/14/2002
Place Of Use: NENW S33 T12S R19E
Remark: Application is for 0.36 acre feet of storage in a small reservoir for stockwater and wildlife use. Location is 11 miles South and 4 miles West of Murtaugh, Idaho.

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 an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the South Idaho Press on 9/5 & 9/12/02.

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MAR 28 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

August 26, 2002

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

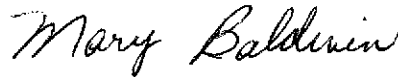
Dear Ms. Moore:

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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

AUG 26 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2002

ATTN STEVEN R. DAVIS
US DEPT OF INTERIOR - BLM
15 E 200 S
BURLEY ID 83318

Re: Applications for Permit Nos. 45-13486, 45-13492 & 45-13493

Dear Mr. Davis:

The Department of Water Resources acknowledges receipt of your water right applications as referenced above. The applications have been assigned the above referenced identification numbers. Please refer to this number in all further correspondence.

This office has scheduled advertising the applications in the *South Idaho Press* for 9/5 & 9/12/02. A period of ten days following the second publication will be allowed for the submittal of protests. (September 23, 2002)

If an application is protested the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

MAR 8 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2002

ATTN CHARLES WARREN
NATURAL RESOURCES BIOLOGIST
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: 3 Applications for Permit filed in the name of USD/BLM

Dear Mr. Warren:

The Department is seeking your comment and/or recommendations regarding the above referenced applications; copies are enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

MAY 8 9 2004

Comment Report

45-13492

Legal Notice Remarks

Application is for stockwater and wildlife use from Buckhorn Spring,
Tributary to Buckhorn Creek.

Location is 13.5 miles west and 2 miles north of Oakley, ID

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MAR 06 2003

Comment Report

45-13492

Comment/Analysis

Application is for 426 range cattle and wildlife.

An adjudication claim 45-12897 in the name of Joseph Tugaw, is claiming water for the same source and within the same POU as this application for permit.

MICROFILMED
MAY 6 6 2003

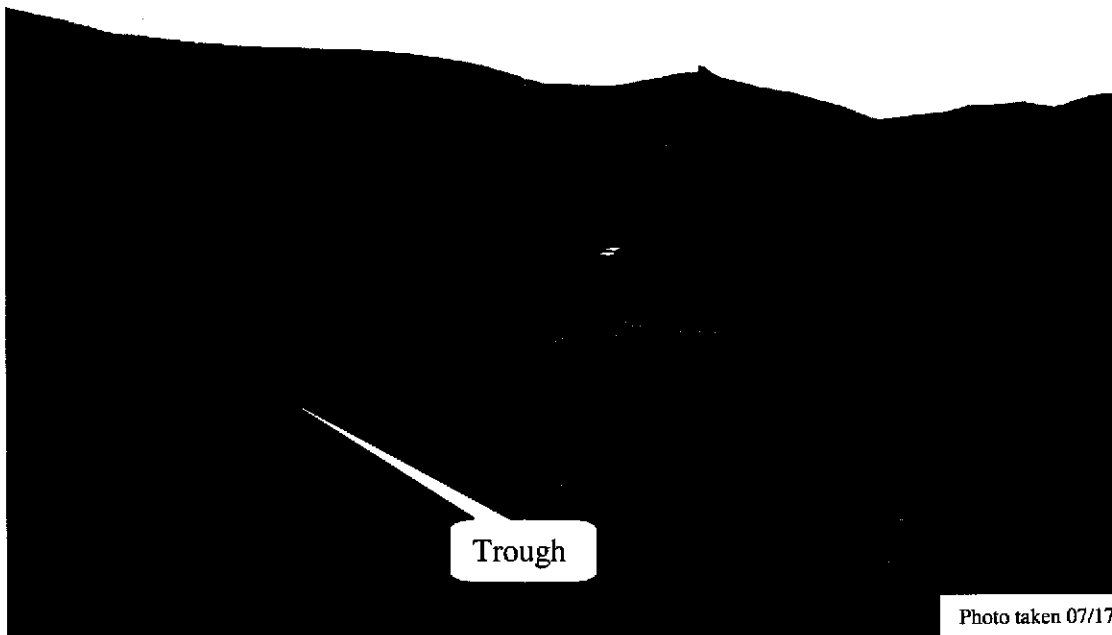


Photo taken 07/17/2002

ABOVE: View looking across, and up, Buckhorn Canyon from the north side of the canyon. The location of the stock water trough is shown. The point of diversion from the spring is located somewhere in the willow growth up the canyon from the cattle trough. The arrow indicates the location of a vent pipe for a buried pipeline.

BELOW: View of stock trough shown indicated in photo above.

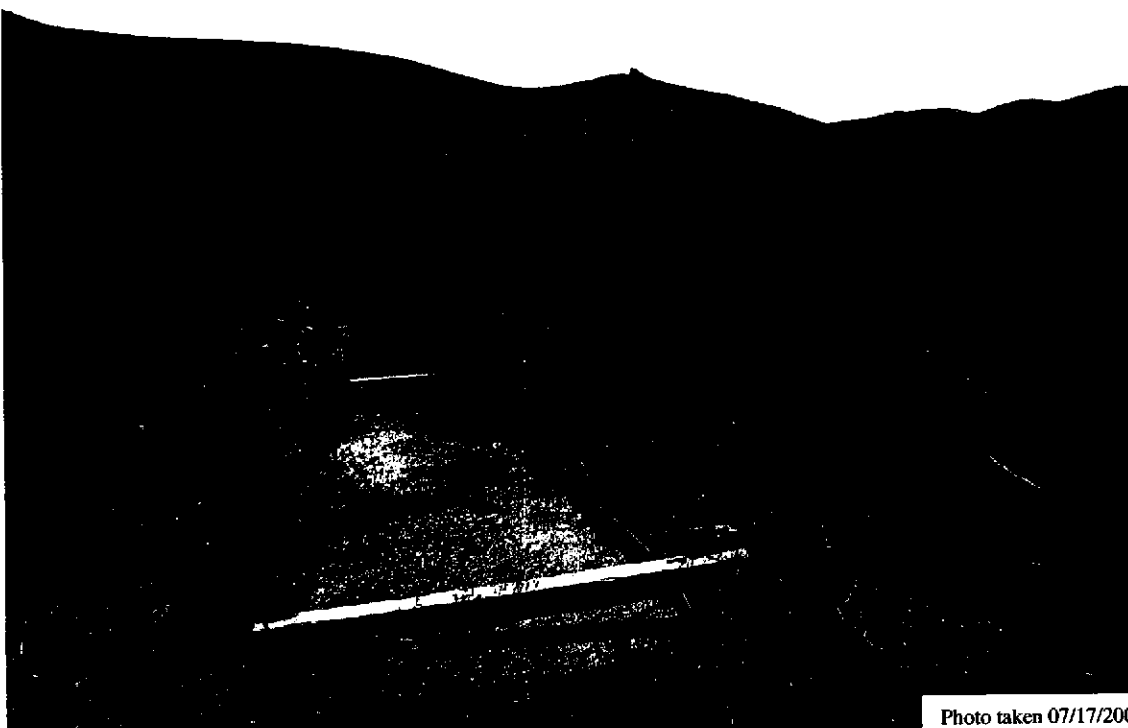


Photo taken 07/17/2002

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MAR 06 2002