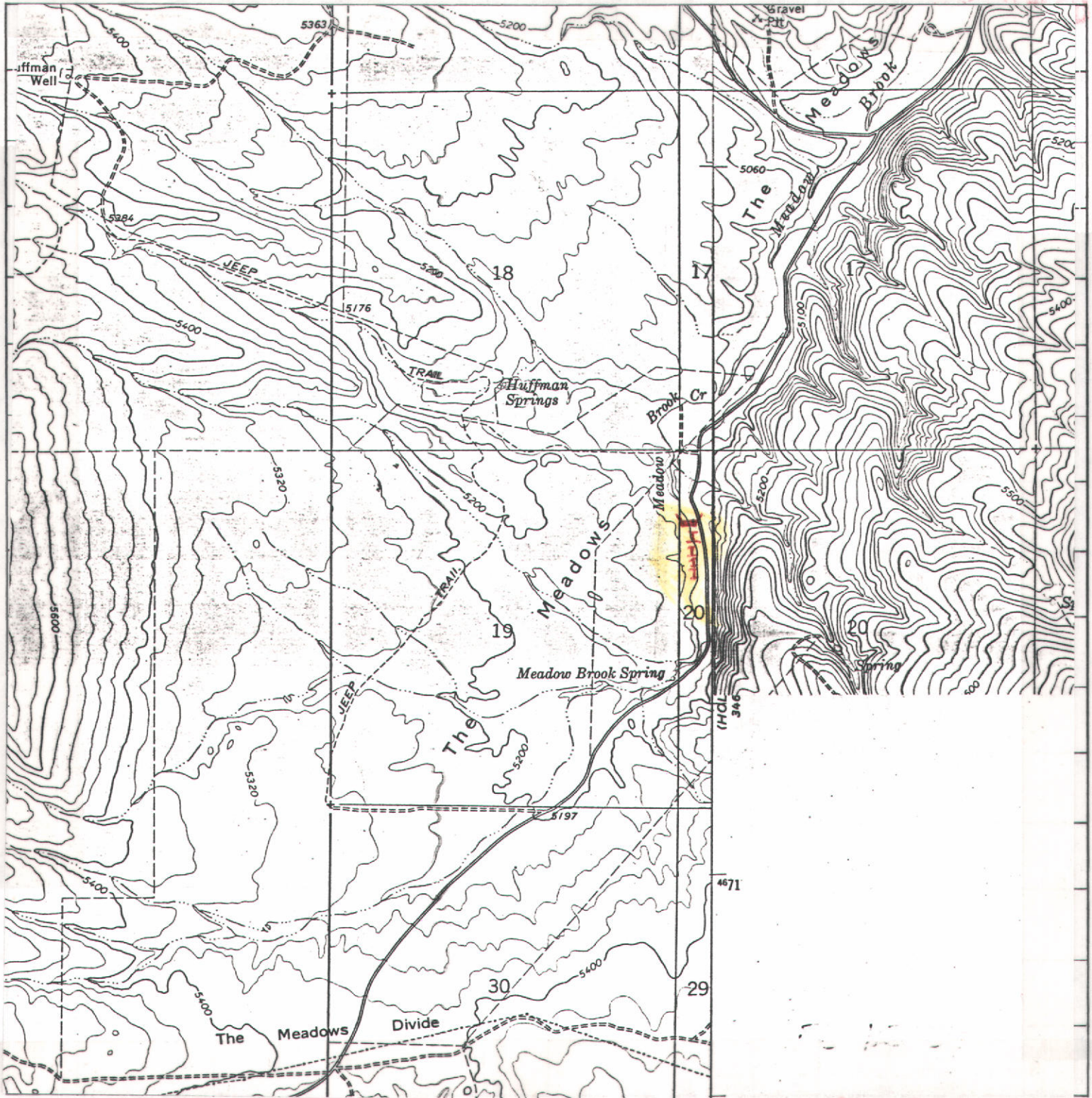


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



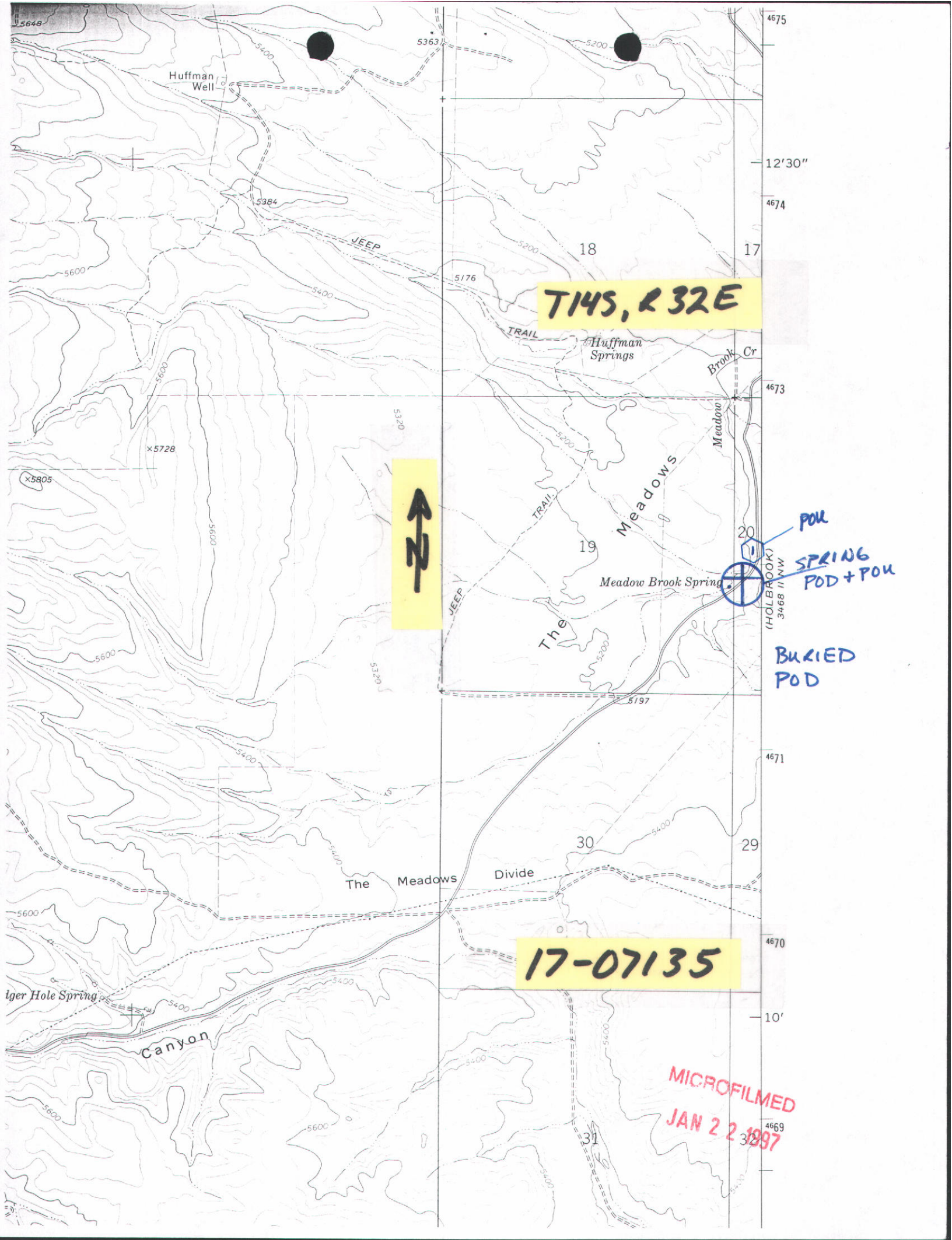
Scale: 2 inches equal 1 mile.

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.

John R. Christensen
(Applicant)

Tithe - Area Manager

OCT 18 1993



T145, R32E



POU
SPRING
POD + POU
BURIED
POD

17-07135

MICROFILMED
JAN 22 1997



MICROFILMED

JAN 22 1997

ation

BLM
STOCK WATER / WILDLIFE

1 of 2



SPRING SOURCE
POINT OF
DIVERSION
BURIED
PIPE COLLECTION
SYSTEM



SPRING FLOW
PLACE OF
MEASUREMENT

COPIED
FILMED
JUN 22 1997
17-07135

BLM
STOCKWATER / WILDLIFE

2 of 2

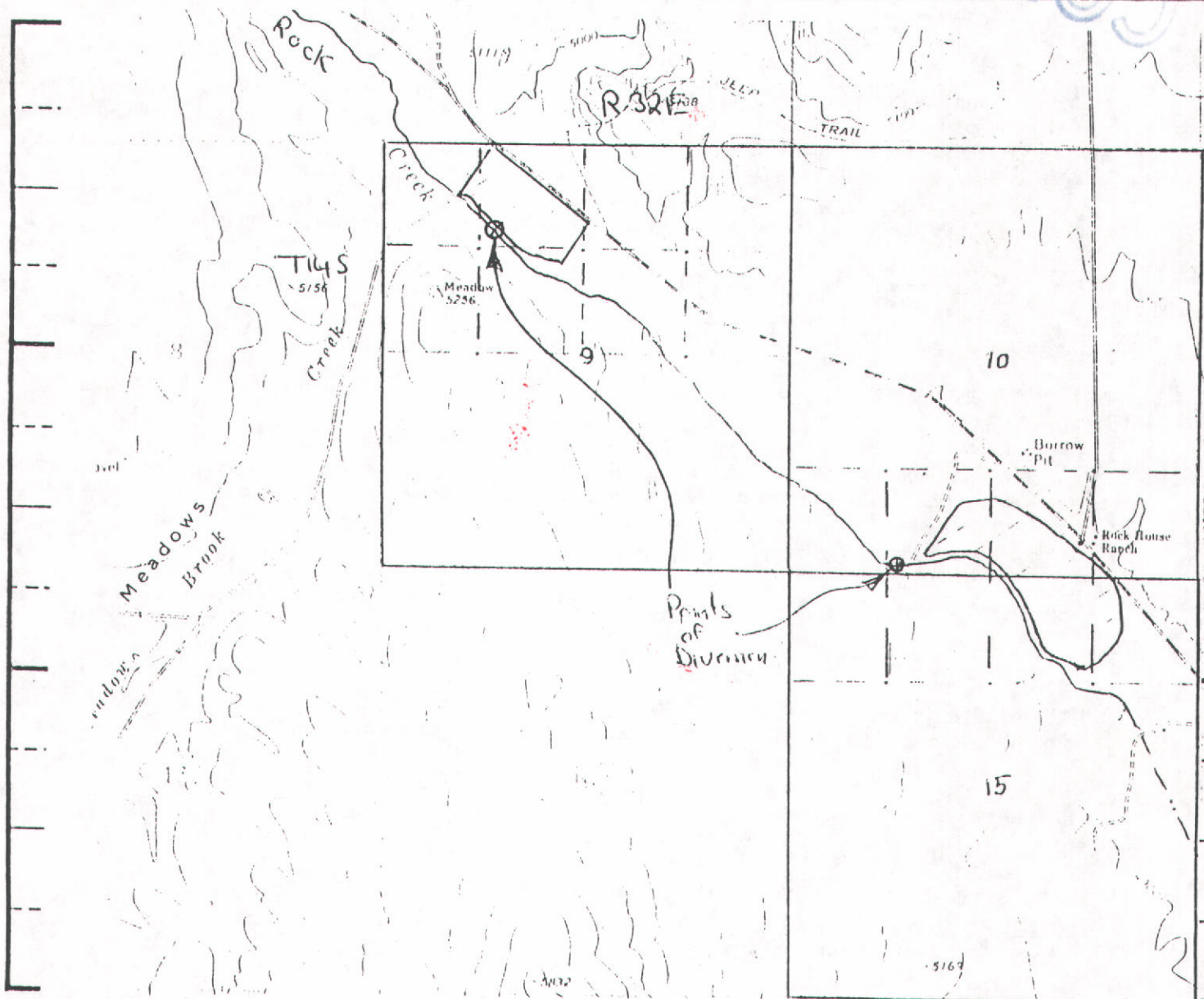
PLACE OF
USE
STOCKWATER



MICROFILMED
JAN 22 1997

17-07135

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Oneida) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Don Eliason
(Claimant)

Sworn to before me this 15th day of March, 19 83.

Cindy Williams
Notary Public
Residing at Malad, Idaho

My commission expires 4-5-86

Assist by HWS
Received by HWS Date 3-29-83
Prelim. check by HWS Date 3-29-83
\$30.00 fee received by HWS Date 3-29-83 # 25577
Published in Idaho Enterprise
Dates 4/7; 4/14/83

FOR DEPARTMENT USE ONLY

Exception filed by:

Forwarded to
claimant by:

OCT 18 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 17-07135

Priority: August 3, 1990

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

2.6 AF

This is to certify, that US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE

3380 AMERICANA TERRACE

BOISE ID 83706

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 3, 1990; and has submitted Proof of Beneficial Use on October 24, 1994. An examination indicates that the works have a diversion capacity of 0.300 cfs of water from:

MEADOW BROOK CREEK

tributary to ROCK CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	04/16 to 10/31	0.03 CFS	2.6 AF
WILDLIFE	01/01 to 12/31	0.01 CFS	2.6 AF
	Totals	0.03 CFS	2.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 14S, Range 32E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

14S 32E 20

NWNW

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be MICROFILMED forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

124 2 2 1987

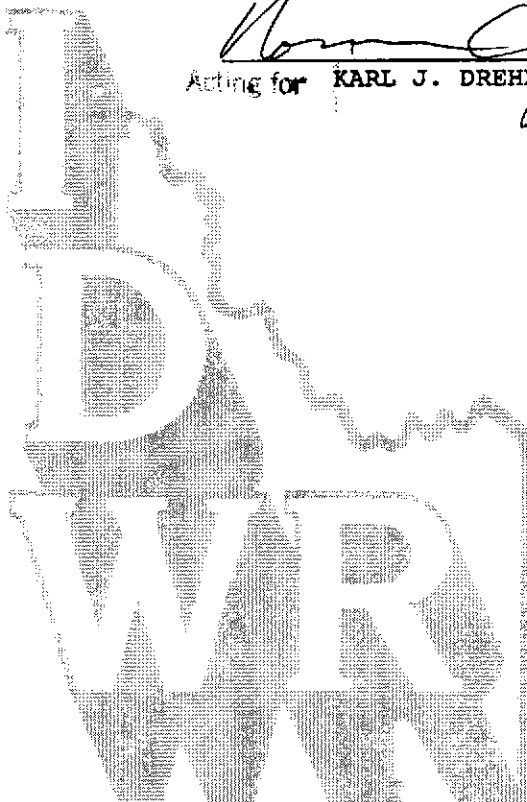
WATER RIGHT LICENSE

WATER RIGHT NO. 17-07135

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21ST
day of JANUARY, 1997.


Acting for KARL J. DREHER, Director



MICROFILMED

JAN 22 1997

State of Idaho
Department of Water Resources

RECEIVED

JAN 14 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 17-07135

Date of Priority: August 3, 1990

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

2.6 AF

Comes now US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 17-07135, and requests that the permit be changed as follows:

Source: MEADOW BROOK CREEK

tributary to ROCK CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	04/16 to 10/31	0.03 CFS	2.6 AF
WILDLIFE	01/01 to 12/31	0.01 CFS	2.6 AF
	Totals	0.03 CFS	2.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 14S, Range 32E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

14S 32E 20 NWNW

PLACE OF USE:

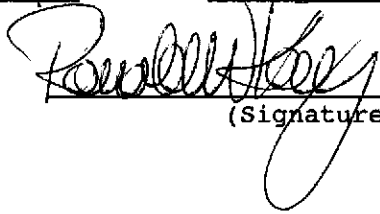
WILDLIFE, same as STOCKWATER use

MICROFILMED

JAN 22 1997

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Mabel, this 19 day of December, 1986.


(Signature)

State of Idaho
Department of Water Resources

RECEIVED

JAN 14 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 17-07135

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = 50.00 Received by Ket # C037521 Date 1-14-97**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 17-07135 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 21st day of JANUARY, 19 97.
Acting for KARL J. DREHER, DirectorMICROFILMED
JAN 22 1997

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. C031523
 Receipt By: RT
 Date Received: 10-24-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 24 1994

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 who has been appointed by the department.

1. Permit No. 17-07135 Telephone No. (208) 766-4766
2. Name(s) of Permit Holder(s): Bureau of Land Management
3. Mailing Address: 138 South Main Street Malad, ID 83252
4. Source of Water: spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 360 cattle

Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 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 _____
- Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ✓
Has the measurement port 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: Dana Larsen, Range Management Spec. Telephone Number: (208) 766-4766

Address: 138 South main Street Malad, ID 83252

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

Signature of permit holder: Ronald K. Key Area Manager
(include your title, if on behalf of company or organization)

Date: 10/20/94

NOV 28 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 17-07135

Proposed Priority: August 3, 1990

Maximum Diversion Rate:

0.03 CFS

This is to certify, that **US DEPT OF INTERIOR**
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

has applied for a permit to appropriate water from:

MEADOW BROOK SPRING

tributary of **ROCK 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	04/16 to 10/31	0.03 CFS
WILDLIFE	01/01 to 12/31	0.01 CFS
	Totals	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNWNW , Sec. 20, Township 14S, Range 32E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

14S 32E 19 NESE
20 NWNW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

12TH day of October, 1993.


R. Keith Higginson, Director

RECEIVED

OCT 18 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 17-07135 IN THE NAME) FINAL ORDER
OF BUREAU OF LAND MANAGEMENT)
_____)

This matter having come before the Idaho Department of Water Resources (Department) in the form of a protested application for permit and the Department having held a conference in matter, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 3, 1993, the Bureau of Land Management (applicant) submitted Application for Permit No. 17-07135 to the Department. The application proposed the diversion of 0.03 cfs of water from Meadow Brook Spring tributary to Rock Creek for stock and wildlife use.

2. The Department published notice of the application in the Idaho Enterprise in Oneida County, Idaho, on September 20 and 27, 1990. On October 3, 1990, Don Eliason submitted a protest.

3. On April 27, 1993, the Department conducted a conference to discuss the issues of the protest. Both the applicant and protestant agreed to allow the Department to issue a recommended order based on the information presented at the conference.

4. The applicant has historically allocated 350 head of cattle to open graze the area around Meadow Brook Spring with unrestricted access to the spring for stockwater. This is reflected by Claim to a Water Right No. 17-04066 on file with the Department.

5. The applicant, under present management plans, will fence the riparian area around Meadow Brook Spring and restrict cattle access to instream water. The applicant also plans to pump water

RECEIVED

OCT 18 1993

from the spring into a storage bladder and then fill water troughs fitted with flow controls.

6. During peak use the applicant will fill a 10,000 gallon storage bladder once each day from April 16 to October 31.

7. The protestant diverts water from Rock Creek for irrigation below Meadow Brook Spring for use on 96 acres.

8. The protestant states the only recorded use on Rock Creek is Claim to a Water Right No. 17-04053 for 1.97 cfs on 96 acres with a priority date of June 1, 1910.

9. The protestant states he diverts water in two areas. The upper diversion is a pump and sprinkler operation and the lower diversion is a canvas dam across Rock Creek to flood irrigation. The protestant did not provide actual measured flow in cfs used or flows in Rock Creek, but stated he used all the water.

CONCLUSIONS OF LAW

1. The use proposed by this application reflects a change in the nature of diversion from instream watering of stock as claimed on Claim to a Water Right No. 17-04066 to float controlled water troughs and will not affect the total quantity of water used.

2. The use proposed by this application is considered de minimus and the impacts of the use have already been in place for many years.

3. Claim to a Water Right No. 17-04053 is an unconfirmed water use filed under provisions of Section 42-243, Idaho Code.

4. The Department should approve the application and issue the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 17-07135 is APPROVED subject to the following conditions:

1. Use of water under this right is subject to all prior water rights.

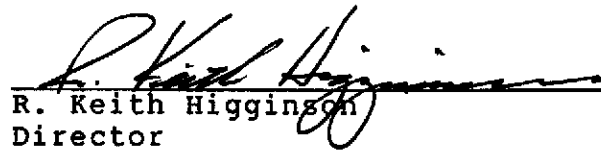
RECEIVED

OCT 18 1993

2. Stockwater use is for 350 head of cattle. Wildlife use is for deer, birds and small animals.

3. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1994.

Dated this 12TH day of OCTOBER, 1993.



R. Keith Higginson
Director

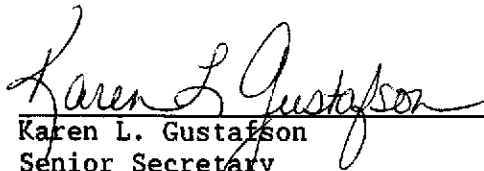


OCT 18 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day, of October, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

BLM	Don Eliason	Dept of Lands
138 S Main		3563 Ririe Hwy
Malad, ID 83252	Holbrook, ID 83243	Idaho Falls, ID 83401
Pleasant View Livestock	USDA Forest Svc	David Deschamps
	Lee Liefert	St Johns Irr Co
200 W Upper St	250 S 4th Ave	
Malad, ID 83252	Pocatello, ID 83201	Malad, ID 83252



Karen L. Gustafson
Senior Secretary

OCT 18 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 17-07135 IN THE NAME) RECOMMENDED ORDER
OF BUREAU OF LAND MANAGEMENT)
_____)

This matter having come before the Idaho Department of Water Resources (Department) in the form of a protested application for permit and the Department having held a conference in matter, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 3, 1993, the Bureau of Land Management (applicant) submitted Application for Permit No. 17-07135 to the Department. The application proposed the diversion of 0.03 cfs of water from Meadow Brook Spring tributary to Rock Creek for stock and wildlife use.

2. The Department published notice of the application in the Idaho Enterprise in Oneida County, Idaho, on September 20 and 27, 1990. On October 3, 1990, Don Eliason submitted a protest.

3. On April 27, 1993, the Department conducted a conference to discuss the issues of the protest. Both the applicant and protestant agreed to allow the Department to issue a recommended order based on the information presented at the conference.

4. The applicant has historically allocated 350 head of cattle to open graze the area around Meadow Brook Spring with unrestricted access to the spring for stockwater. This is reflected by Claim to a Water Right No. 17-04066 on file with the Department.

5. The applicant, under present management plans, will fence the riparian area around Meadow Brook Spring and restrict cattle access to instream water. The applicant also plans to pump water

RECEIVED

OCT 18 1993

from the spring into a storage bladder and then fill water troughs fitted with flow controls.

6. During peak use the applicant will fill a 10,000 gallon storage bladder once each day from April 16 to October 31.

7. The protestant diverts water from Rock Creek for irrigation below Meadow Brook Spring for use on 96 acres.

8. The protestant states the only recorded use on Rock Creek is Claim to a Water Right No. 17-04053 for 1.97 cfs on 96 acres with a priority date of June 1, 1910.

9. The protestant states he diverts water in two areas. The upper diversion is a pump and sprinkler operation and the lower diversion is a canvas dam across Rock Creek to flood irrigation. The protestant did not provide actual measured flow in cfs used or flows in Rock Creek, but stated he used all the water.

CONCLUSIONS OF LAW

1. The use proposed by this application reflects a change in the nature of diversion from instream watering of stock as claimed on Claim to a Water Right No. 17-04066 to float controlled water troughs and will not affect the total quantity of water used.

2. The use proposed by this application is considered de minimus and the impacts of the use have already been in place for many years.

3. Claim to a Water Right No. 17-04053 is an unconfirmed water use filed under provisions of Section 42-243, Idaho Code.

4. The Department should approve the application and issue the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 17-07135 is APPROVED subject to the following conditions:

1. Use of water under this right is subject to all prior water rights.

RECOMMENDED ORDER - Page 2

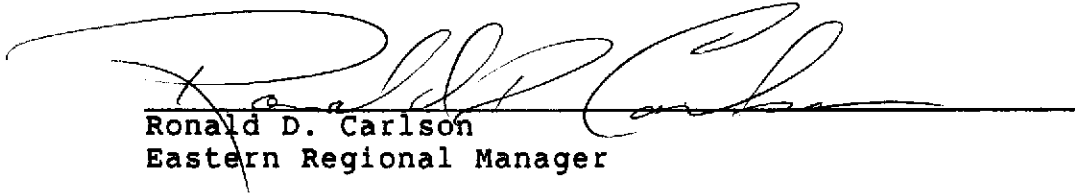
APPROVED

OCT 18 1993

2. Stockwater use is for 350 head of cattle. Wildlife use is for deer, birds and small animals.

3. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date shown in the Final Order.

Dated this 9th day of September, 1993.



Ronald D. Carlson
Eastern Regional Manager

OCT 18 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9th day, of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

BLM	Don Eliason	Dept of Lands
138 S Main		3563 Ririe Hwy
Malad, ID 83252	Holbrook, ID 83243	Idaho Falls, ID 83401
Pleasant View Livestock	USDA Forest Svc	David Deschamps
	Lee Liefert	St Johns Irr Co
200 W Upper St	250 S 4th Ave	
Malad, ID 83252	Pocatello, ID 83201	Malad, ID 83252



Karen L. Gustafson
Secretary/Records Manager

MICROFILMED

OCT 18 1993

17 7135

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant BUREAU OF LAND MANAGEMENT Phone (208) 766-4766
Post office address 138 SOUTH MAIN MALAD, IDAHO 83252
2. Source of water supply MEADOW BROOK SPRING which is a tributary of ROCK CREEK
- * 3. Location of point of diversion is SW SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE SE $\frac{1}{4}$ Govt. Lot 20
Sec. 19 Township 14S Range 32E B.M. ONEIDA County; additional
points of diversion if any: NONE *Changes as Per tel-con with Kerry Schwartz 8-14-90 HWS*
4. Water will be used for the following purposes:
Amount .03 for LIVESTOCK purposes from 4/16 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .01 for WILDLIFE purposes from 1/01 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)
5. Total quantity to be appropriated is (a) .03 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. WATER IS PUMPED TO A 10,000 GALLON RUBBER STORAGE BLADDER WITH A BRIGGS & STRATTON ENGINE THROUGH A PERFORATED COLLECTION BOX LOCATED IN THE STREAM CHANNEL. THE WATER GRAVITY FLOWS THROUGH 200 FEET OF PVC PIPE TO TWO ALUMINUM 500 GALLON STORAGE TROUGHS.
b. Height of storage dam N.A. feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
c. Proposed well diameter is N.A. inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? N.A.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is ONE years (minimum 1 year).

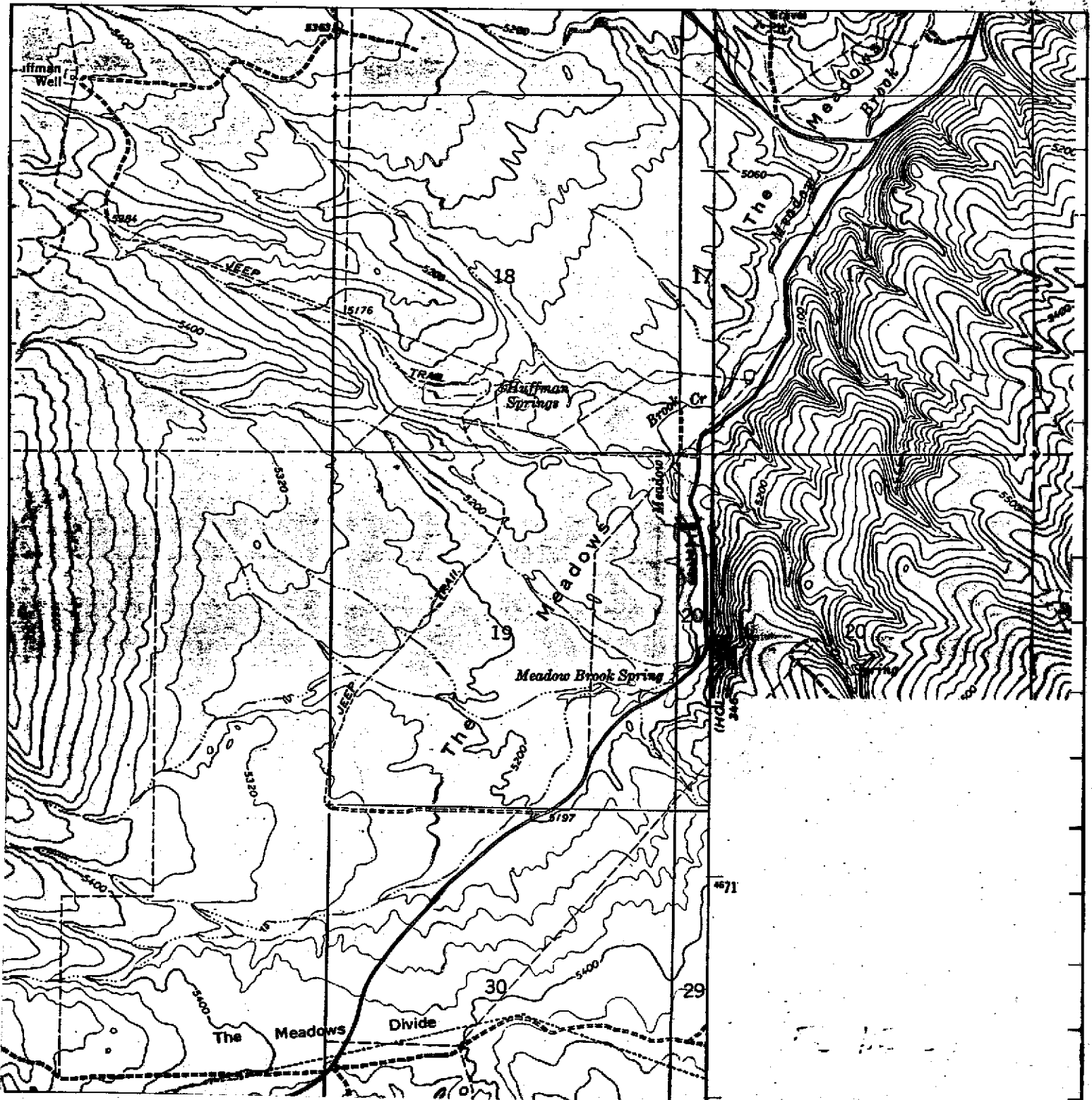
MICROFILMED

OCT 18 1993

03

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

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

John R. Christensen
(Applicant)
Title - Area Manager

OCT 18 1993

RECEIVED
OCT 18 1993

e. Other: _____

- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

_____, 19____

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by	<u> </u>	Date	<u>8-23-90</u>	Time	<u>11:45A</u>	Preliminary check by	<u> </u>
Fee \$	<u>30.00</u>	Received by	<u> </u>	#	<u>B01507C</u>	Date	<u>8-3-90</u>
Publication prepared by	<u>RB</u>	Date	<u>9-20-90</u>	Published in	<u>IDA ENTERPRISE</u>		
Publication approved	<u> </u>	Date	<u>10/24/90</u>				



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

January 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

RE: WATER RIGHT NO. 17-07135

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment. Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
JAN 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 10, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
138 S MAIN ST
MALAD ID 83252

ATTN: JAMES KUMM

RE: Water Right No. 17-07135

Dear James:

Thanks for providing me with the GPS data for the point of diversion for Water Right No. 17-07135. The latitude and longitude information you provided corresponds to a location within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T14S, R32E. The permit will still have to be amended because the permitted point of diversion was the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T14S, R32E.

I have enclosed a revised amendment form for you to review. If you agree with the water right description as it is now presented, please sign the form and return it with the \$50.00 filing fee within 30 days.

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

Respectfully,

A handwritten signature in cursive script that reads 'Shelley Walter Keen'.

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED

JAN 22 1997

MEMORANDUM

DATE: December 4, 1996

TO: File 17-07135

FROM: Shelley W. Keen *SWK*

RE: GPS Data from BLM

James Kumm of the BLM called today to tell me that he has corrected GPS data for the point of diversion location for Right 17-07135. He said he stood two feet from the collection culvert and got the following reading:

Latitude 42°11'29.55" W
Longitude 112°45'0.35" N

I told James I would compare his data to our tract description and get back to him.

MICROFILMED

JAN 22 1997

MEMORANDUM

DATE: October 28, 1996

TO: File 17-07135

FROM: Shelley W. Keen *SWK*

RE: Point of diversion location

James Kumm of the BLM called on 10/25/96 to discuss the point of diversion location for Right 17-07135. He said he is pretty certain that it is in Section 20, not Section 19, but he is not sure which 40-acre tract. Mr. Kumm is going to use GPS equipment to determine the point of diversion, and then he will get back in touch with me.

MICROFILMED

JAN 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

RE: WATER RIGHT NO. 17-07135

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within sixty days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

JAN 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 26, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

RE: WATER RIGHT NO. 17-07135

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 60 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

MICROFILMED

JAN 22 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 17-07135

DATE 7/3/96

REVIEWER: S H A R L A

NAME Change OK

Address Change NO

SOURCE ✓

Is change clarification of originally intended source? ✓
If not, prepare Notice of Intent to Void

POINT OF DIV ✓

Amendment required yes

PLACE OF USE ✓

Amendment required no

Does map agree with written description? yes ✓ no * written NWNW, S20 agrees w/ app - (marked no amendments - pld diff at least)

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .03 cfs
Fee limit .20 cfs \$50⁰⁰
Measured .30 cfs
Theoretical cfs

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/ NATURE OF USES

Use	Volume Calculation	
<u>Stock</u>	<u>350 X 12 X 198 /</u>	<u>af</u>
	<u>325.850 = 2.6</u>	<u>af</u>
<u>Wildlife</u>	<u>≠</u>	<u>af</u>
<u>same as stock</u>		<u>af</u>
SUBTOTAL	<u>2.6</u>	<u>af</u>

Flow rate .03 cfs X 198 days X 365 = 11.8 af
Total volume recommended 2.6 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS Watermaster Control WD#
 GW Measurement/Measuring Device
 Overlap

R37 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo * map-plu

1st Amend Letter P40 P38 ✓
2nd Amend Letter P47

* Stock volume wild. "

MEMORANDUM

TO: File 17-07135

FROM: Sharla

DATE: July 11, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 17-07135 are based on the following:

A. GENERAL INFORMATION

3. Source: Meadow Brook Spring tributary to Meadow Brook Creek

H. RECOMMENDATIONS

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Stockwater	4/16 - 10/31	0.03 cfs	2.6 afa
Wildlife	1/1 - 12/31	0.01 cfs	2.6 afa

The annual volume for stockwater (350 cows as stated in Final Order) is calculated as: $350 \times 12 \text{ gpd} \times 198 \text{ days} = 831,600 \text{ gallons} / 325,850 = 2.6 \text{ af}$.

The map attached to the field exam shows the place of use (trough) in the SWNW or NWSW, S20. The written description on the front of the exam shows it in the NWNW as was originally filed. The original point of diversion listed in the application was SENESE, S19. In a telecon it was changed to the SWNWNW, S20. This would be an accurate description for Meadow Brook Creek. However, the spring is located in the NESE, S19 and the source of water it would naturally flow into is Meadow Brook Creek, which in turn flows into Rock Creek. The tributary for this license will be listed as Meadow Brook Creek.

Examiner: Don Simpkins
Exam date: June 13, 1995

MICROFILMED
JAN 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 6 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 17-07135

1. Owner: U.S. DEPT. OF INTERIOR (BLM) Phone No. (208) 766-3766

Current Address: IDAHO STATE OFFICE, 3380 AMERICAN TERRACE, BOISE, ID 83706

2. Accompanied by: N/A EXAM DATE: 6/13/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: MEADOW BROOK SPRING tributary to ROCK CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	19	14S	32E	ONEIDA	U.S.G.S. TOPO MAP

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	32E	19													5				
		20						5											

MICROFILMED

JAN 22 1997

2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PYGMET				090171		

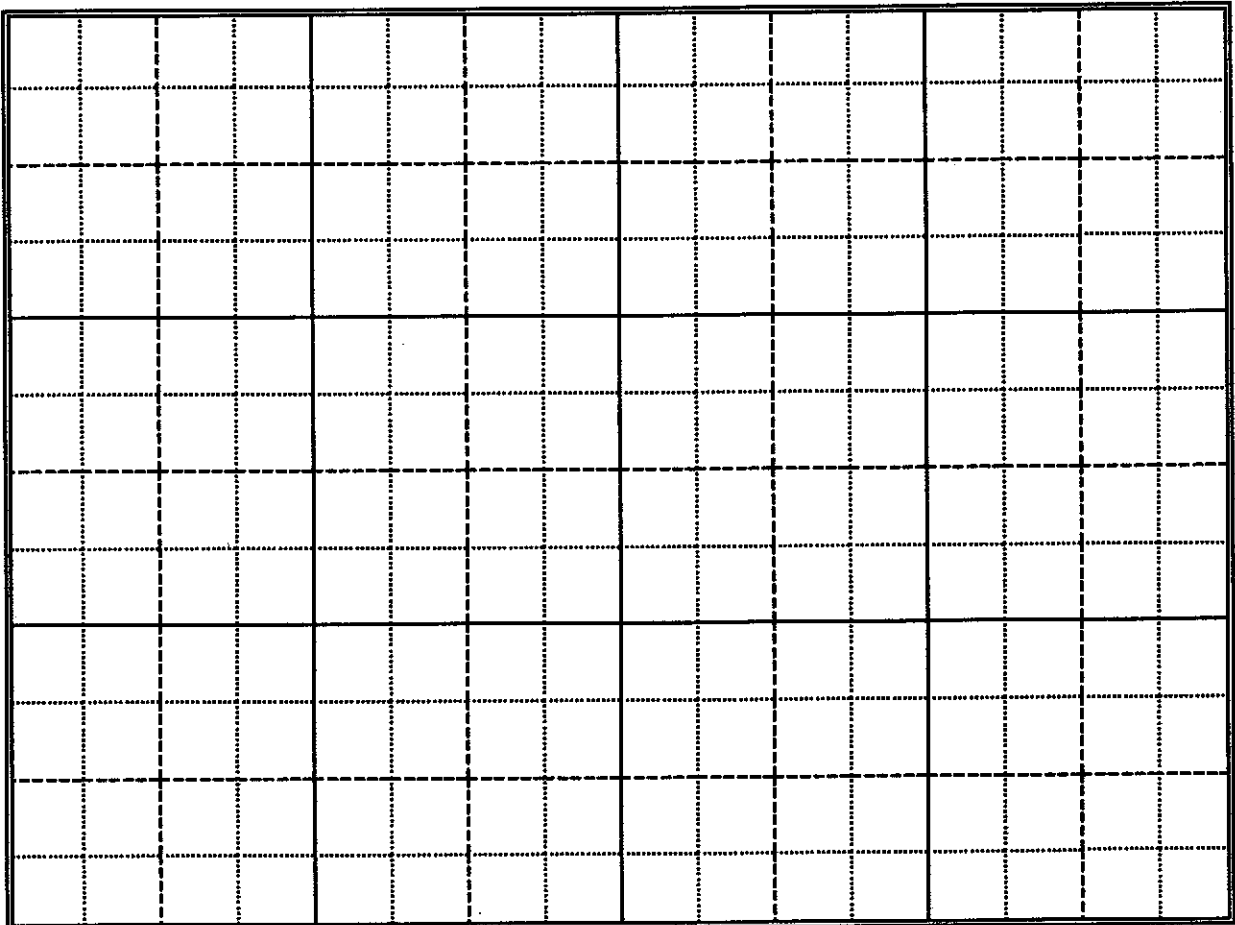
D. FLOW MEASUREMENTS

*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4.

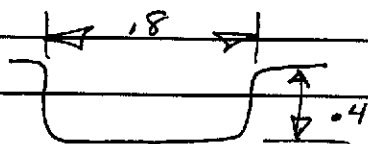
Scale 1" = _____
 Copy of USGS Quadrangle Showing location(s) of _____
 point(s) of diversion and place(s) of use (required).
 Aerial Photo Attached _____
 (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached _____



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable. SEE ATTACHED MAP

E. NARRATIVE/REMARKS/COMMENTS

MEASUREMENT OF SPRING FLOW



$$AREA = .32 \times .952 = 0.30 \text{ CFS}$$

$$\left. \begin{array}{l} 43 \text{ SEC.} \\ 40 \text{ REV.} \end{array} \right\} = .952$$

WATER IS USED FOR WILDLIFE AND STOCK WATER (360 HEAD)

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

JAN 22 1997

MICROFILMED
JAN 22 1997

SEAL

Field Examiner's Name SIMPSON Date 1/17/96
Reviewer [Signature] Date 2-27-96

1. AUTHENTICATION

Change P.D. as reflected above ☐
Add P.D. as reflected above ☒ None
Change P.U. as reflected above ☐
Add P.U. as reflected above ☐ Other ☐

2. Recommended Amendments

Beneficial Use	From	To	Rate of Diversion	Annual Volume
STOCK WATER	4/16	10/31	0.03	4.8 AFA
WILDLIFE	1/1	12/31	0.01	4.8 AFA
Totals:			0.03 CFS	4.8 AFA

1. Recommended Amounts

PERMIT LIMITS TO 0.03 CFS

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:
 $360 \text{ HEAD} \times 0.0134 = 4.82 \text{ AFA}$ (NEED)
 $0.30 \text{ CFS} \times 1.9835 \times 315 = 217.19 \text{ AFA}$ PRODUCED
 ~~$0.30 \text{ CFS} \times 1.9835 \times 198 \text{ DAYS} = 117.8 \text{ AFA}$~~
~~DAYS USED~~

$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$
 $V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

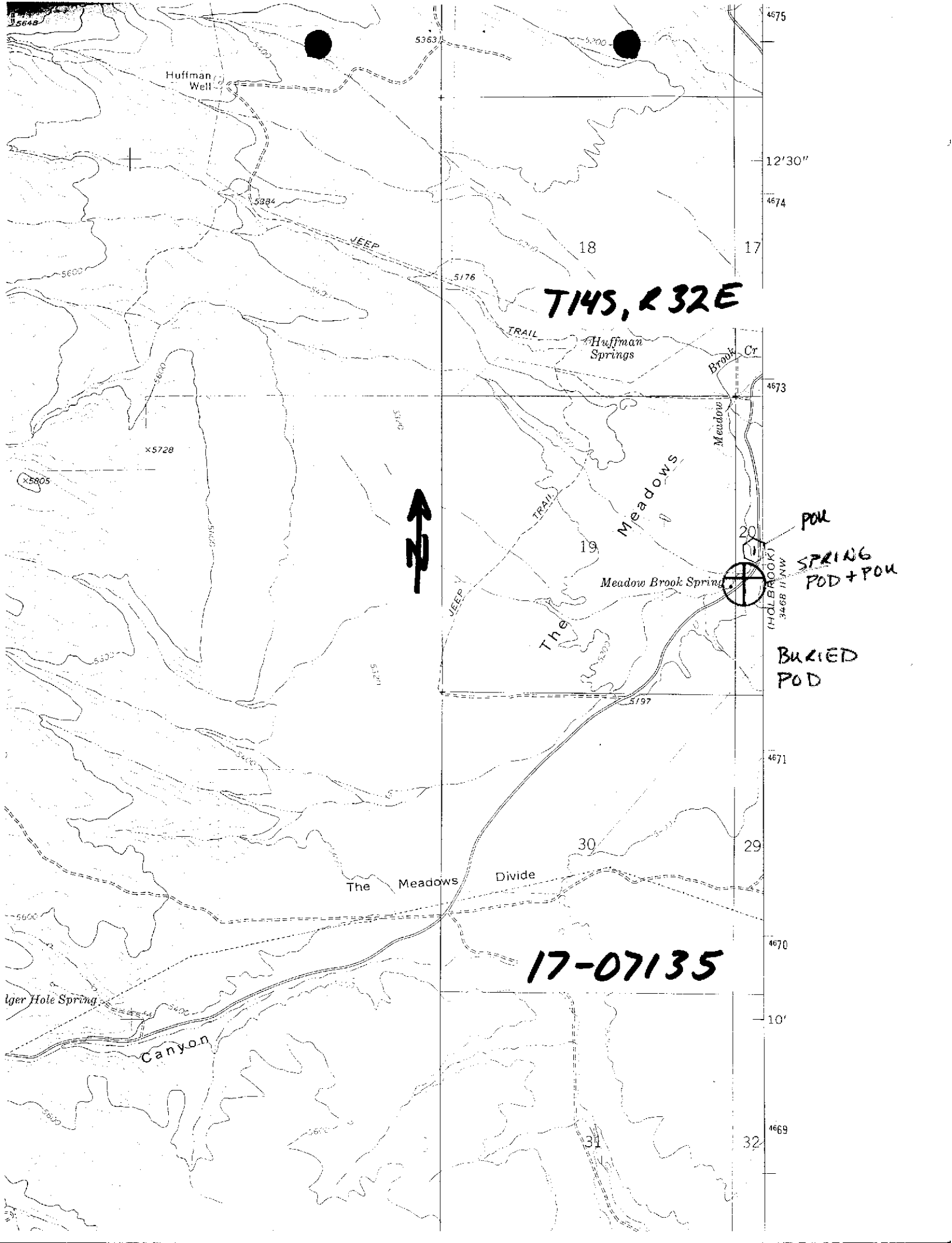
$360 \text{ STOCK} \times 0.0022 = 0.079 \text{ CFS}$

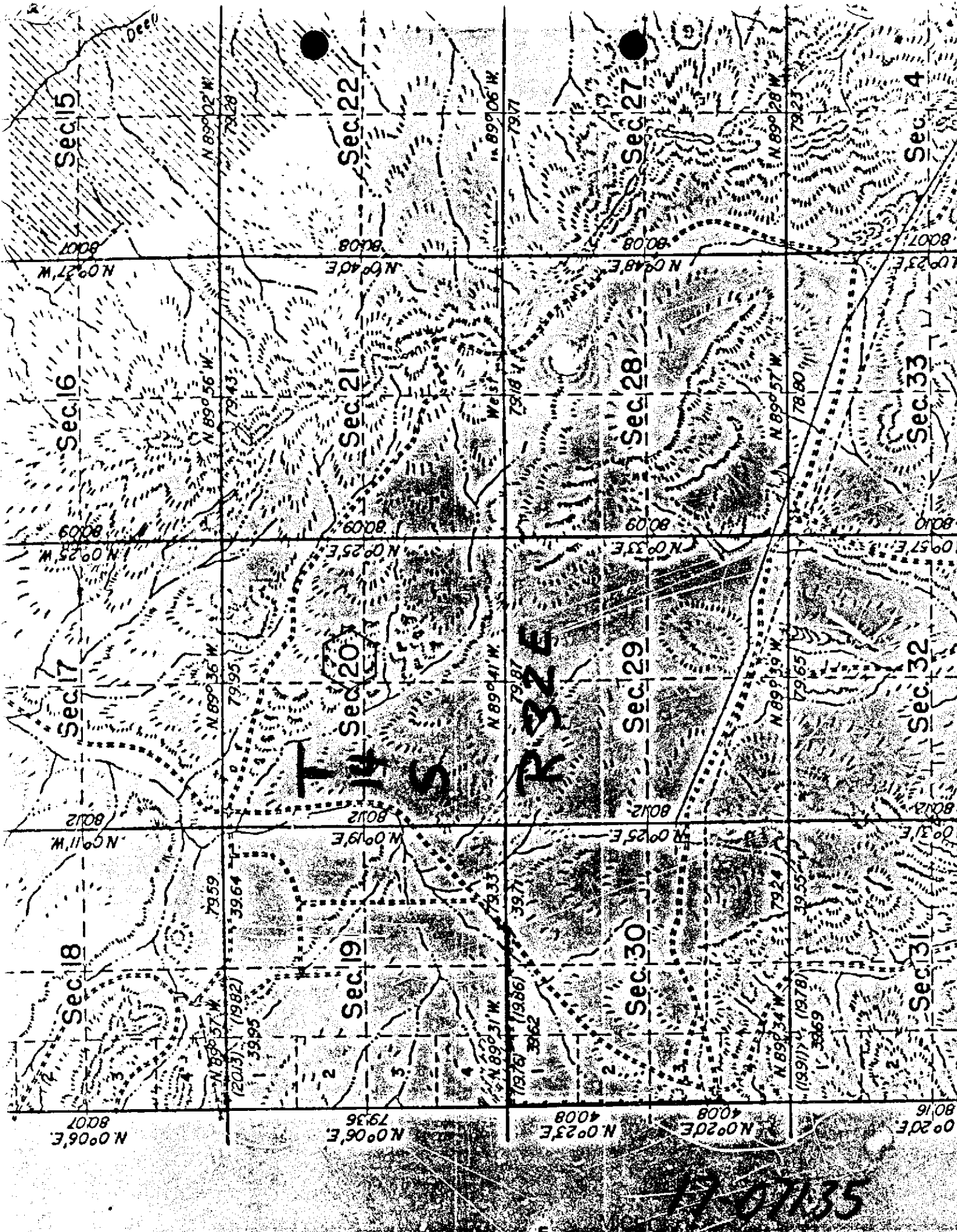
$Q = 0.30 \text{ CFS}$

Measured Method:

F. FLOW CALCULATIONS

Additional Computation Sheets Attached



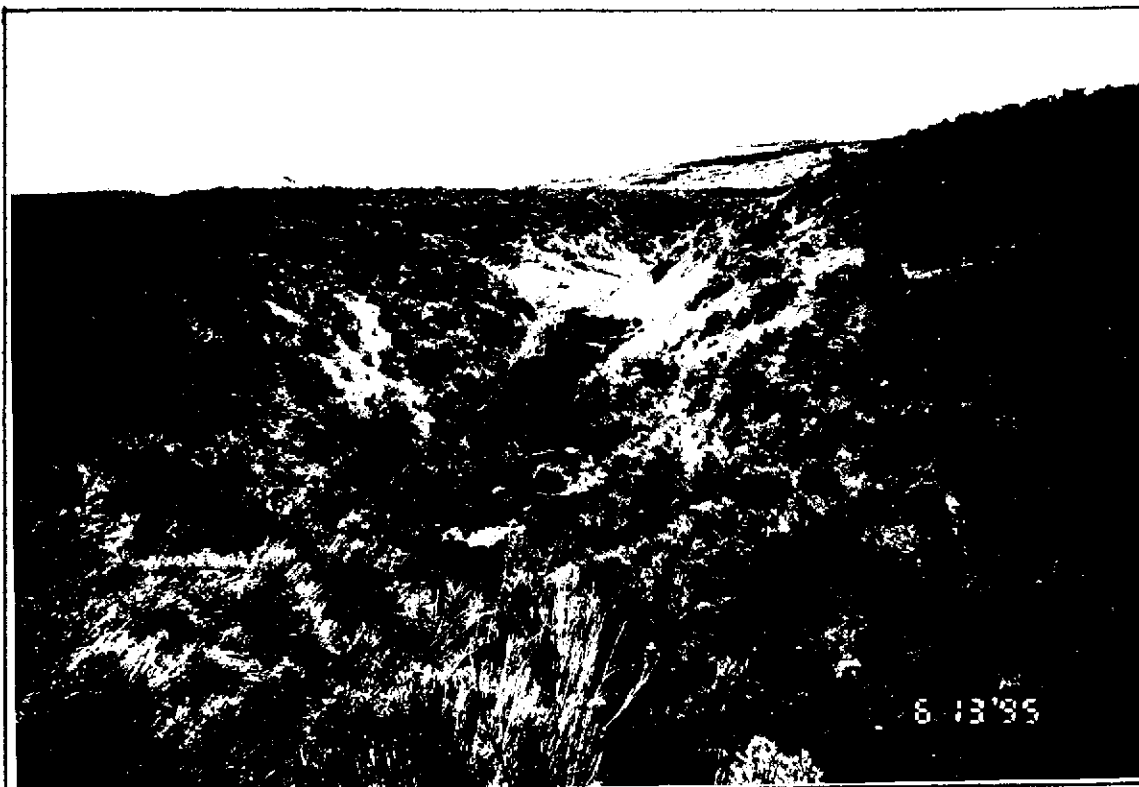


ation

17-07135

BLM
STOCKWATER / WILDLIFE

1 of 2



SPRING
SOURCE
POINT OF
DISCHARGE
BURIED
PIPE COLLECTION
SYSTEM

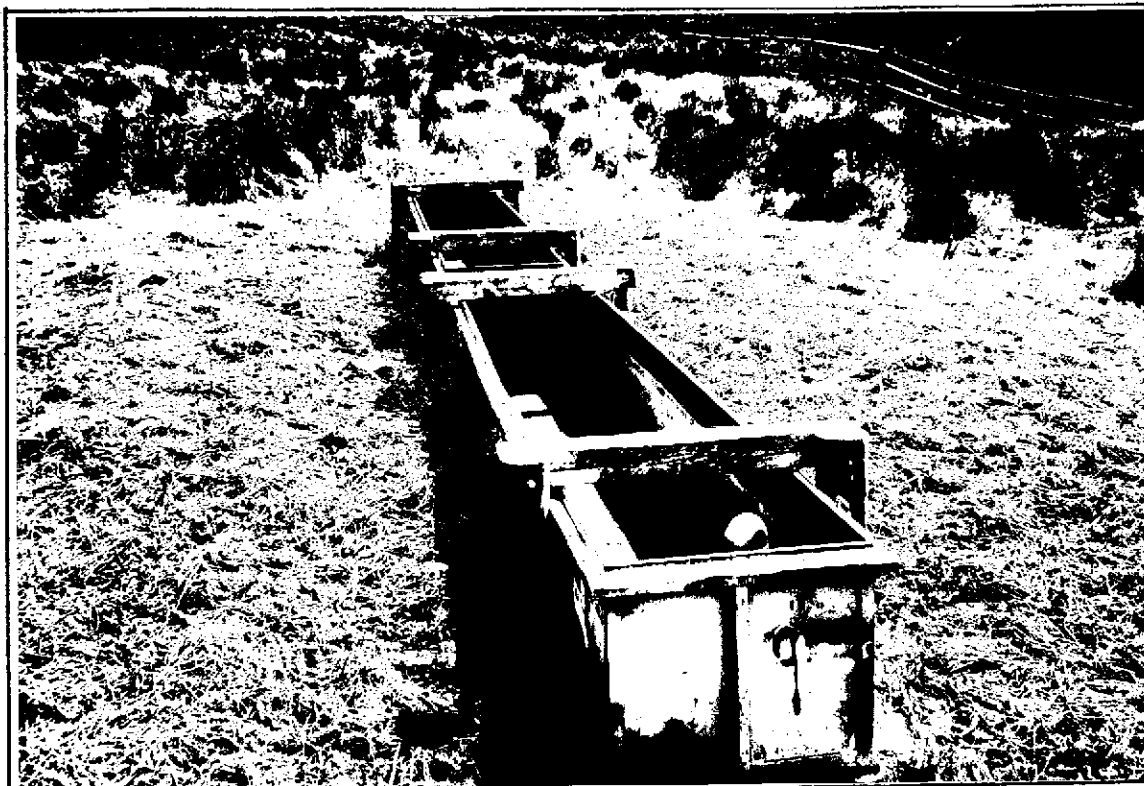


SPRING FLOW
PLACE OF
MEASUREMENT

17-07135

BLM
STOCKWATER / WILDLIFE

202



PLACE OF
USE
STOCKWATER

17-07135

Proof Made 10/24/94

November 4, 1994

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 17-07135

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

NOV 28 1994

NOV 28 1994

August 31, 1994

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 17-07135

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 November 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

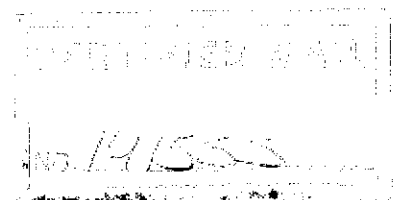
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1993

Re: In the matter of application for permit no. 17-07135 filed in the name of Bureau of Land Management

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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.

RECEIVED
OCT 14 1993

OCT 14 1993

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 17-7135 Date: 10-1-93 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes Bean R. Mor. & Curlew Valley CGWMA.

SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

GROUNDWATER:

+ 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR

- 0.2 cfs - NMR <flow chart>

Drilling Permit:

Included w/permit - P99 Permit No. _____

Existing well - N/A (if drilled before 7/1/87)

No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)

SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>

LOCATION:

Water District - WD No. _____

Surface water - 005 or 005-01J-P08 (+.2, or -.2 no pump)
or 005-01H-P01 (-.2 w/pump); NMR

Groundwater - P05 (if well has not been drilled)

~~In stream channel~~ - ~~030~~ (stream channel alteration)

Irrigation Dist. - 023

Canal Co. Areas - 023

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (Groundwater temperature)

Swan Falls Flag - B <See condition code chart>

Trust - 051-052-053-P74 (Consumptive Uses)

Non Trust <1> - 048-049

RIVER BASINS (Surface): Water District Control Condition (005) &....

Boise (63) - 05A (req), 11E (non-domestic use), NA

Payette (65) - 064(consump. use), 047-P04(Payette Lake), NA

Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

Fish Propagation - 010/06A/09E-P10(WQ) & 07A-042-002-P06(MD) (req)
044 (N 1000 Spr)

Irrigation - 803(if GW use SW 1st)(+5A do POU comparison)

Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09

Mining - 06A/010/09E-P10 & 054 (req)

Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' high dam)

Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R)

OWNERSHIP:

Non land owner - 004 (P/D or P/U)

PROTESTED:

Prehearing agreement- 020

OTHER CONDITIONS: -

REMARKS: - ① Stockwater use is for 350 range cattle.

BENEFICIAL USE DUE: - 10-1-1994

COMMENTS: - ① Mor Exempt ② Div Desc.

DATE: 10/01/93
PAGE: 1

Stage: PERMIT

Date: 10/01/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION

WR0749NP
No. P17-07135

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/01/93
PAGE: 2

=====
Comments: Date: 10/01/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Water is pumped to a 10,000 gallon rubber storage bladder with a
Briggs & Stratton engine through a perforated collection box
located in the stream channel. The water gravity flows through
200' of PVC pipe to two aluminum 500 gallon storage troughs.

Audit: 10/01/93 ZIMMERMA



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 9, 1993

Re: In the matter of Application for Permit No. 17-07135 in the name of Bureau of Land Management

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before

RECEIVED

OCT 18 1993

issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with 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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

RECEIVED

OCT 18 1993

IN THE MATTER OF APPLICATION }
FOR PERMIT 12-7135 IN THE }
NAME OF BUREAU OF LAND }
MANAGEMENT. }

STIPULATION &
AGREEMENT.

WE THE UNDERSIGNED AGREE TO THE DEPARTMENT
OF WATER RESOURCES ISSUING A PROPOSED
MEMORANDUM DECISION, ~~AND~~ BASED ON INFORMATION
PRESENTED AT THE CONFERENCE ON 27 APRIL 1993
IN MALADE, INFORMATION IN THE ~~FILES~~ RECORDS
OF IDWR. We understand this DOES NOT WAIVE
OUR RIGHT TO APPEAL THE PROPOSED DECISION.

Ronald W. Key
BL.M. AREA MANAGER

Don Eliason
DON ELIASON.

RECEIVED

OCT 18 1993

1:30 P.M.

OCT 18 1993

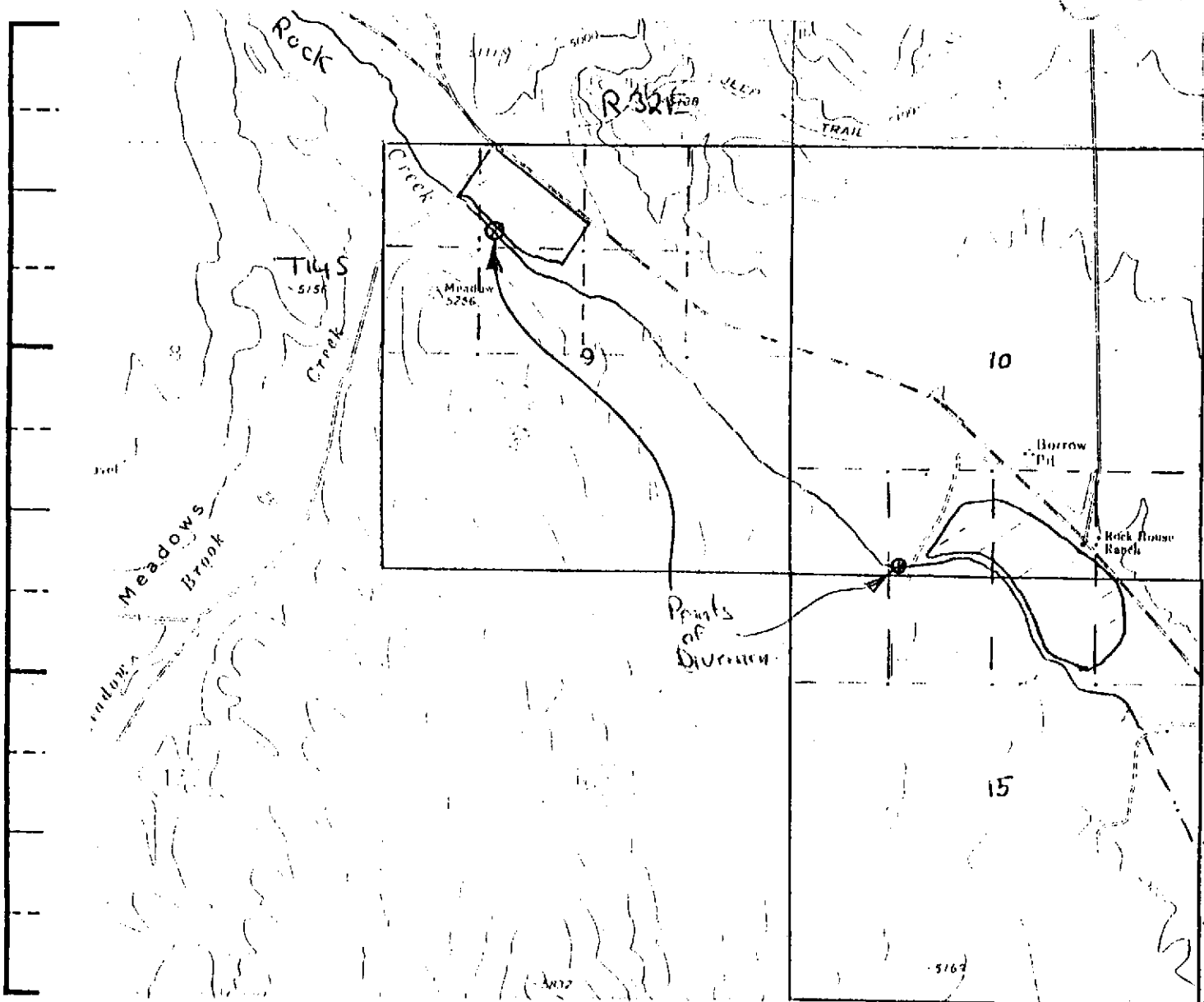
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(7) If you are claiming water as a member of an organization, list name of organization:

OCT 18 1993

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Oneida) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

x Don Eliason
(Claimant)

Sworn to before me this 15th day of March, 1983.

Cindy Williams
Notary Public
Residing at Malad, Idaho

My commission expires 4-5-86

Assist by HWJ
Received by HWJ
Prelim. check by HWJ
\$30.00 fee received by HWJ
Published in Idaho Enterprise
Dates 4/7, 4/14/83

FOR DEPARTMENT USE ONLY
Date 3-29-83 Exception filed by:
Date 3-29-83 #25577

RECEIVED
Forwarded to
claimant by:
OCT 18 1993

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

DON ELIASON

HOLBROOK ID

RECEIVED

OCT 18 1993

5. Signature (Addressee) -

Carol Eliason

6. Signature (Agent)

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

2.

Addressee's Address (Only if requested and fee is paid)

7.

Date of Delivery

4b.

Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ COD
- ☐ Insured

4a. Article Number

1111

Consult postmaster for fee.

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

I also wish to receive following services (for an extra fee):

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

APR 08 1993

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

OCT 18 1993

POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BUREAU OF LAND MANAGEMENT
138 S MAIN
MALAD ID 83252

4a. Article Number

1110

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

3-31-93

5. Signature (Addressee)

D Van Beek

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business

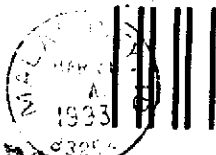
RECEIVED

APR 01 1993

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



POSTMARK AND DATE OF RECEIPT

**Total number of Pieces
Listed by Sender**

U.S. GOVERNMENT PRINTING OFFICE: 1960 OEE 704

No. 1265

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,

County of Oneida

OCT 4 1990

Department of Water Resources
Eastern District Office

Sandra Strub

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 20, 1990, and ending

with the issue of September 27, 1990

Sandra Strub

Fee \$ 71.69

Subscribed and sworn to before me this 3rd day

of October, 1990

Susan J. Wittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 1994

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07124
COLTON, LA VERN
COLTON, JOYCE T.
344 W. 500 N.
Malad, Id 83252
Source: SPRING Tributary: SINKS
Diversion Pt:

NWNESW Sec 10 T 13S R 36E
Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 8/13/1990
In: T13S R36E S10 NESW

17-07134
U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706
Source: ROCK SPRING
Tributary: SINKS

Diversion Pt:
SWSESW Sec 36 T 13S R 33E
Use: STOCKWATER (.010 CFS)
Wildlife (.010 CFS)
Total Diversion: (.010 CFS)
Date Filed: 8/3/1990
In: T13S R33E S36 SENW NWSW

17-07135
U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706
Source: MEADOW BROOK SPRING
Tributary: ROCK CREEK

Diversion Pt:
SWNWNW Sec 20 T 14S R 32E
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 8/3/1990
In: T14S R32E S19 NESE
S20 NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 8, 1990.

R. KEITH HIGGINSON,
Director

No. 1265
9-20-27 T2

OCT 19 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
17-07135 BUREAU OF LAND MANAGEMENT) NOTICE OF
PREHEARING CONFERENCE

On August 30, 1990, the Bureau of Land Management filed with the Department of Water Resources an application for permit of water right, No. 17-07135 to appropriate the public waters of the State of Idaho. On October 3, 1990, the Department received a protest against approval of said application from Don Eliason.

The Department has set the matter of protest for a prehearing conference to be conducted at 1:30 p.m. on Tuesday, April 27, 1993, in the Jury Room of the Oneida County Courthouse, Malad, Idaho.

Agenda items for this prehearing conference will include:

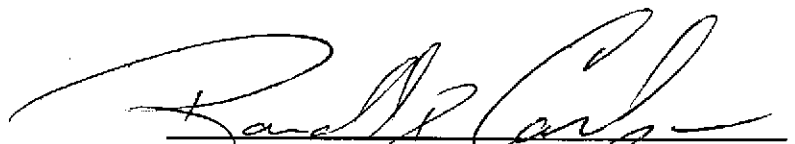
1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

RECEIVED
OCT 18 1993

The prehearing conference will be held in accordance with the provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

If you require special accommodations for a disability in order to participate in or attend the prehearing conference, please advise the department within ten (10) days prior to the prehearing conference.

Dated this 29th day of March 1993.


RONALD D. CARLSON
Eastern Regional Manager

RECEIVED
MAY 18 1993

RECEIVED

OCT 3 1990

Department of Water Resources
Eastern District Office

October 2, 1990

Director, Dept. of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

This letter is to protest the ELM permit for water rights on the Meadow Brook Spring.

The number on the legal notice in the Idaho Enterprise, dated September 27, 1990 is 17-07135.

Sincerely

Don Eliason

Don Eliason
Holbrook, Idaho
83243

Mr. Eliason called & explained that he's using water in Rock Creek
& feels this appka will adverse his rts

WJH 10-590

RECEIVED

OCT 18 1990

17-07135

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: MEADOW BROOK SPRING

Tributary: ROCK CREEK

Diversion Pt: SWNWNW Sec 20 T 14S R 32E

Use: STOCKWATER (.030 CFS)

WILDLIFE (.010 CFS)

Total Diversion: (.030 CFS)

Date Filed: 8/ 3/ 1990

In: T14S R32E S19
S20

NESE
NWNW

FILED
OCT 18 1990

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 8, 1990.

R. KEITH HIGGINSON, Director

Published 9/20/1990 & 9/27/1990

RECEIVED
OCT 10 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

17 7135

INITIAL REVIEW BY HWT DATE 8-14-90 APPLICATION NUMBER 17 7135

BLM
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 subdivisions, 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 signator 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 Field check required
☐ Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☐ Yes ☐ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u>City</u>	<u>Idaho Fish & Game</u>	<u>Irrigation District</u>
<u>County</u>	<u>Idaho Health & Welfare</u>	<u>Canal Company</u>
<u>Reservations</u>	<u>Division of Environment</u>	<u>Other</u>

Project impacts/implications report

COMMENTS

October 9, 1990

RE: Application for Permit No. 17-07135 BLM

Mr. Don Eliason
Holbrook
ID 83243

Dear Mr. Eliason:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

17-07135-1000
OCT 18 1990

Mr. Don Eliason
October 9, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the five items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

RECEIVED
OCT 10 1990

OCT 10 1990

October 9, 1990

Bureau of Land Management
138 S. Main
Malad, ID 83252

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 17-7135. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

RECEIVED
OCT 10 1990

10/10/90

Bureau of Land Management
October 9, 1990
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

RECEIVED
OCT 10 1990

OCT 10 1990

22-Aug-1990

BUREAU OF LAND MANAGEMENT
138 SOUTH MAIN
MALAD, ID 83252

RE: Application for Permit No. 17-7134 & 17-7135

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho Enterprise on SEPTEMBER 20 & 27, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you 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 the 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 you of the outcome of this review. When a permit is issued, you 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,

HAROLD W. JONES
Water Rights Supervisor

WATER RIGHTS
DIVISION