

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 69-11500

Priority: January 21, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that ROCKING M CATTLE CO
5360 N FRANKLIN ST
DENVER CO 80216

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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	04/01 to 11/30	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

SPRING L4 (NW¼NW¼NW¼) Sec. 1, Twp 13N, Rge 07W, B.M., WASHINGTON County

PLACE OF USE: STOCKWATER & WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 07W 1						X											
						L 4											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2005**.
2. Subject to all prior water rights.
3. Stockwater use is for 420 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17 day of May, 2004.


KARL J. DREHER, Director

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JUL 15 2004

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APR 8 1 2004

MAY 13 2004

Ident. No. 69-11500 12/91

FORM 202

RECEIVED

JAN 28 2004

WATER RESOURCES
WESTERN REGION

WATER RESOURCES

STATE OF IDAHO
Department of Water Resourcesagree to the following
application changes.

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Roy Moore / ROCKING M CATTLE CO. Phone 303-294-0146Mailing Address 5360 N. Franklin St., Denver, CO 802162. Source of water supply Spring which is a tributary of NA SINKS3. Location of point of diversion is Township 13N Range 7W Sec. 1, in the NW 1/4,
NW 1/4, NW 1/4, Govt. Lot 4, B.M., Washington

County; additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .02cfs for Livestock water purposes from April to November (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02cfs for Wildlife water purposes from January to December (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

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

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source: Burried culvert collection box piped to plastic/steel/rubber tire water 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 1 years (minimum 1 year)

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

- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock. 420 cattle
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully.

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9. 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	
13N	7W	1						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? Roy Moore
- b. Who owns the land to be irrigated or place of use? Roy Moore

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: This areas is managed for wildlife habitat. The trough at this spring development will be used to provide a watering site for wildlife and livestock and will prevent trampling of the spring source and alieviate some livestock use on nearby Wolf Creek. This allotment has an intermingled land ownership pattern between private, BLM and the Idaho Department of Lands
PROPOSAL WILL NOT EXCEED 42-111.

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.

OFFICERS:
ROY MOORE - GENERAL PARTNER
CHARLIE MOORE - "
ROBERT M. CATTIN
ROY P. GIBSON
of Applicant (and title, if applicable) *Paul Fontana*
Property Mgr.

Received by PMCB Date 1/21/04 Time 8:40 AM Preliminary check by G Date 1/21/04
Fee \$ 200.00 Receipted by PMCB # C 072360
Publication prepared by sk Date 4-21-04 Published in WEISER SIGNAL
Publication approved sk Date 5-7-04

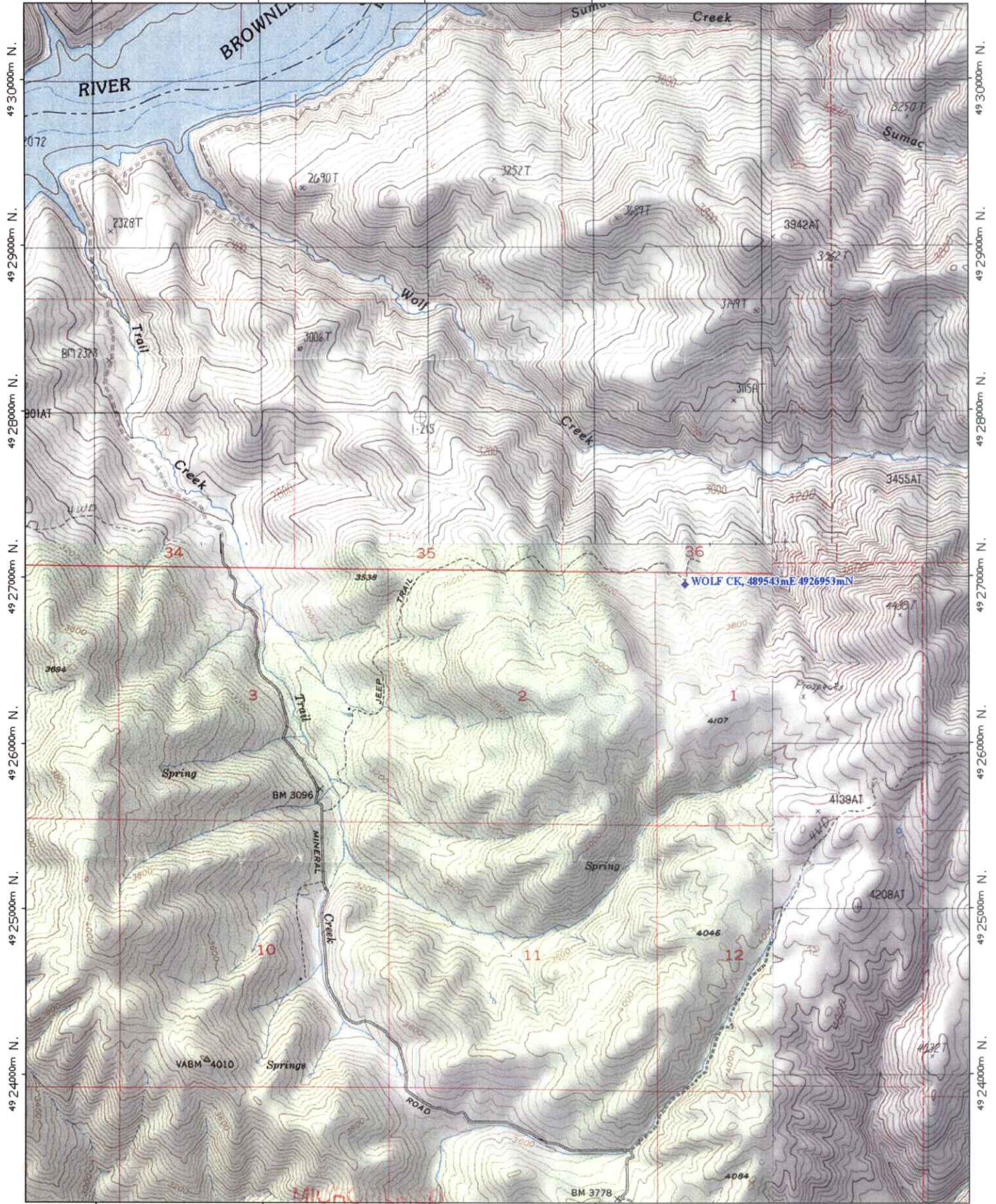
486000m E.

487000m E.

488000m E.

489000m E.

NAD27 Zone 11T 491000m E.



TN/MN
16°

0 1000 FEET 0 500 1000 METERS

Printed from TOPO! ©2000 National Geographic Holdings (www.topo.com)

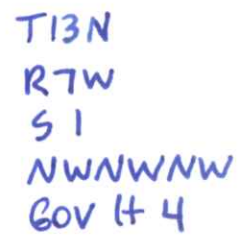
NAD27 Zone 11T 491000m E.

69-11500

2573 II
(MINERAL 1:62 500)

7.5 MINUTE SERIES (TOL. GRAPHIC)

TILL FERRY 5.4 MI.



3515
MILK HONEY
23
15 2004

69-11500

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

May 17, 2004

ROCKING M CATTLE CO
5360 N FRANKLIN ST
DENVER CO 80216

RE: Permit No. 69-11500

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.

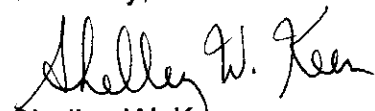
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAY 15 2004

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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JUL 15 2004

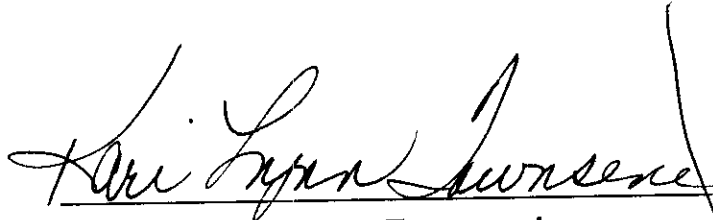
CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2004 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.

69-11500

ROCKING M CATTLE CO
5360 N FRANKLIN ST
DENVER CO 80216



Kari Lynn Townsend
Secretary

MICROFILMED

MAY 15 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its 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.

Comment Report

69-11500

1. kwalker 5/17/2004 Permit Review

Comment: Recommend approval of the permit.

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MAY 15 2004

Water Application Report 69-11500

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROCKING M CATTLE CO 5360 N FRANKLIN ST DENVER, CO 80216 (303)294-0146

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	04/01 to 11/30	0.020 CFS	
WILDLIFE	01/01 to 12/31	0.020 CFS	
	Total Diversion:	0.020 CFS	

SPRING L4 (NW1/4NW1/4NW1/4) Sec. 1, Twp 13N, Rge 07W, B.M.
WASHINGTON County

STOCKWATER

[illegible]

WILDLIFE

[illegible]Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 69-11500

Comments:Dates and Other Information:

Application Received Date: 1/21/2004

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: This area is managed for wildlife habitat. The trough at this spring development will be used to provide a watering site for wildlife and livestock and will prevent trampling of the spring source and alleviate some livestock use on nearby Wolf Creek. This allotment has an intermingled land ownership pattern between private owners, BLM and Dept of Lands. Proposal will not exceed 42-111.

Other Water Rights:

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

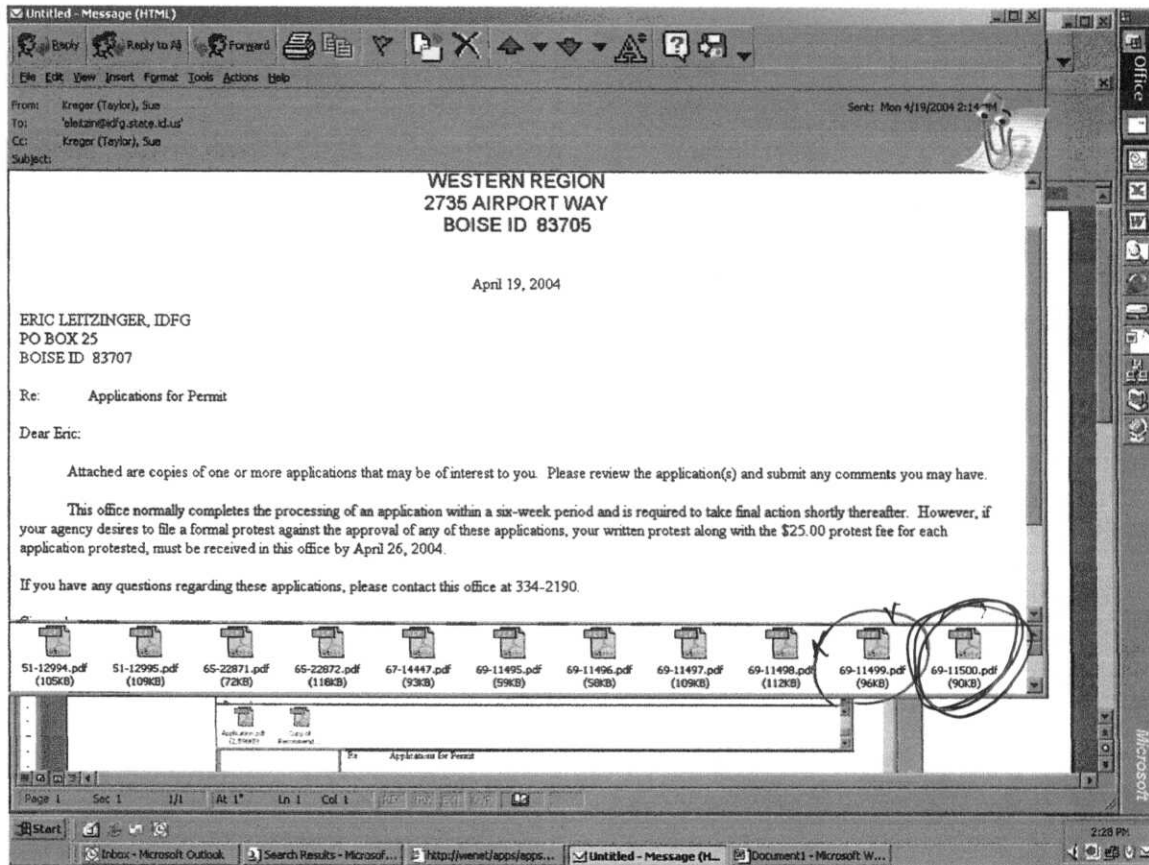
Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:



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JUL 15 2004

No 134

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 30 2004

STATE OF IDAHO
County of Washington

} ss.

WATER RESOURCES
WESTERN REGION

Sarah Boles

, being duly sworn,
deposes and says:

That he/she is the clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
nd State of Idaho; that said paper has been and is in
eneral circulation in the county aforesaid, and in the
icity of Weiser; that the advertisement, a copy of which
at hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
time issue of said paper during the period and time of
publication, and was published in the newspaper proper
id not in a supplement; that said paper has been estab-
shed and regularly published for more than seventy-eight
nsecutive weeks prior to the date of first publication of
aid advertisement.

Such notice was published in the issue beginning with

April 21

, 2004, and ending

with the issue of April 28, 2004

Sarah Boles

for \$ 447.26

been and sworn to before me this 28

, 2004

Notary Public, residing at Weiser, Idaho
commission expires 2, 08

No. 134-
The following application(s) have been filed to
appropriate the public waters of the State of Idaho:

65-22872

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion NESESW S24 T10N R01W
WASHINGTON County Source UNNAMED
STREAM
Tributary To BIG WILLOW CREEK
Use: STOCKWATER STORAGE 07/01 To 12/15 2
AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 2 AFA
Total Diversion: 2 AFA
Date Filed: 08/20/2003
Place Of Use: STOCKWATER STORAGE
T10N R01W S24 SESW
Place Of Use: WILDLIFE STORAGE
T10N R01W S24 SESW

67-14447

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion NWSESW S33 T13N R01W
WASHINGTON County Source UNNAMED
STREAM
Tributary To NORTH CRANE CREEK
Use: STOCKWATER STORAGE 05/01 To 11/30 0.4
AFA
Total Diversion: 0.4 AFA
Date Filed: 10/03/2003
Place Of Use: STOCKWATER STORAGE
T13N R01W S33 SESW

69-11495

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion SENWSE S19 T14N R06W
WASHINGTON County Source SPRING
Tributary To SUMAC CREEK
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/20/2003
Place Of Use: STOCKWATER
T14N R06W S19 NWSE
Place Of Use: WILDLIFE
T14N R06W S19 NWSE

69-11496

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion NESESW S29 T14N R06W
WASHINGTON County Source SPRING
Tributary To WOLF CREEK
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/20/2003
Place Of Use: STOCKWATER
T14N R06W S29 SESW
Place Of Use: WILDLIFE
T14N R06W S29 SESW

69-11497

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion NESENE S24 T14N R07W
WASHINGTON County Source SPRING
Tributary To GOLDEN GOOSE CANYON CREEK
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/20/2003
Place Of Use: STOCKWATER
T14N R07W S24 SENE
Place Of Use: WILDLIFE
T14N R07W S24 SENE

69-11498

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657
Point(s) of Diversion NWSESW S34 T14N R07W
WASHINGTON County Source SPRING
Tributary To TRAIL CREEK
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/20/2003
Place Of Use: STOCKWATER
T14N R07W S34 SESW
Place Of Use: WILDLIFE
T14N R07W S34 SESW

69-11499

ROCKING M CATTLE CO.
5360 N FRANKLIN ST.
DENVER CO 80216
Point(s) of Diversion SWNWNE S21 T14N R06W
WASHINGTON County Source SPRING
Tributary To SINKS
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 01/21/2004
Place Of Use: STOCKWATER
T14N R06W S21 NWNE
Place Of Use: WILDLIFE
T14N R06W S21 NWNE

69-11500

ROCKING M CATTLE CO.
5360 N FRANKLIN ST.
DENVER CO 80216
Point(s) of Diversion L4 (NWNWNW) S1 T13N
R07W WASHINGTON County Source SPRING
Tributary To SINKS
Use: STOCKWATER 04/01 To 11/30 0.02 CFS
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 01/21/2004
Place Of Use: STOCKWATER
T13N R07W S1 NWNW Lot 4
Place Of Use: WILDLIFE
T13N R07W S1 NWNW Lot 4

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

Any protest against the approval of this applica-
tion must be filed with the Director, Dept. of
Water Resource, Western Region, 2735 Airport
Wy, Boise ID 83705 together with a protest fee of
\$25.00 for each application on or before 05/10/
2004. The protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director

Published in the Weiser Signal on April 21 and 28,
2004.

MICROFILMED

1111 15 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 13, 2004

Legal Notice Department
WEISER SIGNAL
PO BOX 709
WEISER ID 83672

RE: Application for Permit Nos. 69-11495, 69-11496, 69-11497, 69-11498, 69-11499, 69-11500,
65-22872, and 67-14447

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/10/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICROFILMED
JUL 15 2004

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

69-11500

ROCKING M CATTLE CO
5360 N FRANKLIN ST
DENVER CO 80216

Point(s) of Diversion L4 (NWNWNW) S1 T13N R07W WASHINGTON County Source SPRING

Tributary To SINKS

Use: STOCKWATER 04/01 To 11/30 0.02 CFS

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

Total Diversion: 0.02 CFS

Date Filed: 01/21/2004

Place Of Use: STOCKWATER

T13N R07W S1 NWNW Lot 4

Place Of Use: WILDLIFE

T13N R07W S1 NWNW Lot 4

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/10/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Weiser Signal on April 21 and 28, 2004.

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MAY 15 2004