

**STARTING
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FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14082

Priority: June 01, 2003

Maximum Diversion Rate: 0.02 CFS

This is to certify, that TOM LINDSEY And/Or SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542

have applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L6 (SE¼NW¼) Sec. 23, Twp 25N, Rge 01E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N 01E 2							X										
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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2005**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
4. Water can only be diverted under this right using power manually generated by a single person. Water can only be conveyed using transient, temporary means of transporting the water. The diversion and conveyance system cannot include a motorized pump or a pipeline. The right holder shall not maintain a diversion structure or diversion works at the point of diversion when water is not being diverted.
5. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of February, 2004.



KARL J DREHER, Director

MICROFILMED

JUN 16 2004

RECEIVED

DEC 19 2003

FORM 202
12/89WATER RESOURCES
WESTERN REGIONIdent. No. 79-14082STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB - 9 2004

Department of Water Resources

1. Name of Applicant Tom & Susan Lindsey Phone 208-628-3987
Mailing address PO Box 355 Lucile ID 835422. Source of water supply groundwater which is a tributary of —3. Location of point of diversion is Township 25N Range 1E Sec. 23, in the — SE 1/4, NW 1/4, Govt. Lot 6, B.M., Idaho County;additional points of diversion if any: —

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1/1 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)
 Amount — for — purposes from — to — (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 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 existing sump in mining tunnel, hand-fill buckets to transport to home (no pump or pipeline etc)b. Height of storage dam N/A feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feetc. Proposed well diameter is N/A inches; proposed depth of well is — feetd. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? N/A; Drilling firm —; Drilling Permit No. —
Well was drilled for (well owner) —7. Time required for completion of works and application of water to proposed beneficial use is 2 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. —
 c. Municipal; show name of municipality. —
 d. Domestic; show number of households. ONE - INHOUSE USE ONLY
 e. Other; describe fully. —

AMENDED

MICROFILMED

JUN 15 2004

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	
25N	1E	2							X										—
									4.5										

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. Domestic Well & Spring near home

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Original access with mining claim, working with BLM to resolve

12. Remarks: issues, if any, regarding access for domestic use

groundwater is to be used for drinking water at home about 3 miles from source. Need good potable water since domestic well & spring near home have developed water quality problems (arsenic).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Low J. [Signature]
Signature of Applicant (and title, if applicable)

Received by SL Date 12/19/03 Time 3:15 Preliminary check by SL
Fee \$ * Receipt by — # — Date —
Publication prepared by — Date — Published in —
Publication approved — Date —

* SEE ORIGINAL - amendment additional legal notice needed fee N/A since no

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JUN 16 2004

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 05 2003

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Tom and Susan Lindsey Phone 208 628 3987
Post Office address P.O. Box 355 Lucile Id 83542
2. Source of water supply Ground water which is a tributary of Salmon River
3. Location of point of diversion is SEC 23 1/4 of SE 1/4 of 6 1/4, Govt. Lot 6
Sec. 23 Township 25N Range 1E B.M. Idaho County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount less .04 for Domestic purposes from 1-1 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)
0.04 CFS TL 6/1/03
5. Total quantity to be appropriated is (a) 10 gpm and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing pump and pipe lines
b. Height of storage dam _____ 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 _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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 if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 2
e. Other; describe fully. Drinking water, well too much arsenic, spring was contaminated this summer of 2002

ORIGINAL

Superseded by JUN 15 2003
12/19/03 amended version

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	
~~25~~	~~N~~	~~2~~							X										
25	N	2							X										

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. well and licensed spring

11. a. Who owns the property at the point of diversion? BLM (underground tunnel)

b. Who owns the land to be irrigated or place of use? Tom and Susan Lindsey

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: Ground water was found mining valid claim

12. Remarks: Ground water is to be used for drinking water, 500 gal tank will be used to transport water 3 miles to Lindsey residence Access to water is public property.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Tom and Susan Lindsey
(Applicant)

Received by kh Date 3/17/03 Time 12:22 Preliminary check by DAN
 Fee \$ 100.00 Receipted by kh # W030214 Date 3/17/03
 Publication prepared by kh Date 7-24-03 Published in Idaho City News Press
 Publication approved kh Date 7-24-03

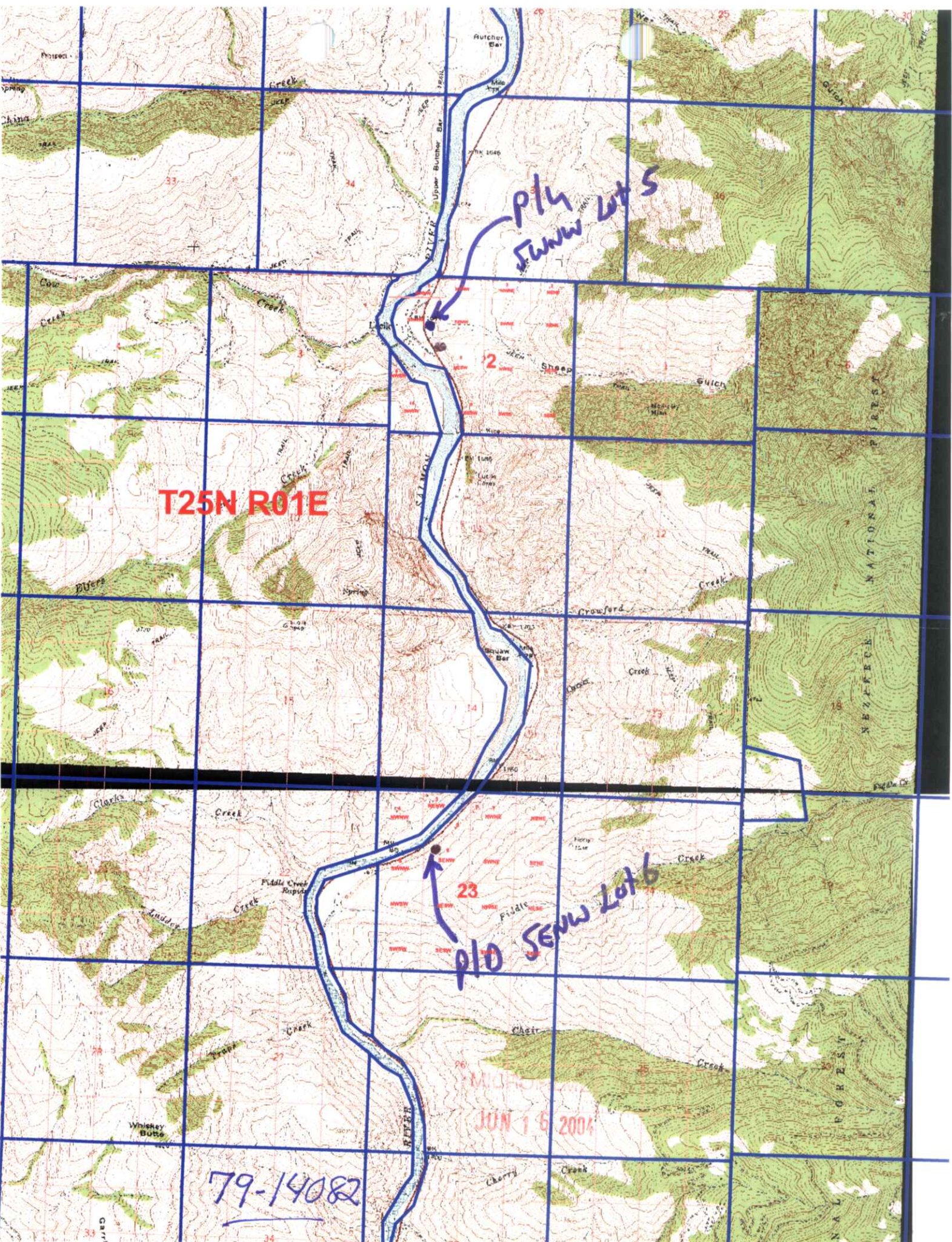
T25N R01E

P14 Seww Lot 5

P10 Seww Lot 6

JUN 16 2004

79-14082



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Sec. 3.

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Sec. 10.

Sec. 15.

p/d

Sec. 22.

Sec. 2.

Sec. 11.

Sec. 14.

Sec. 23.

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Sec. 12.

Sec. 13.

Sec. 24.

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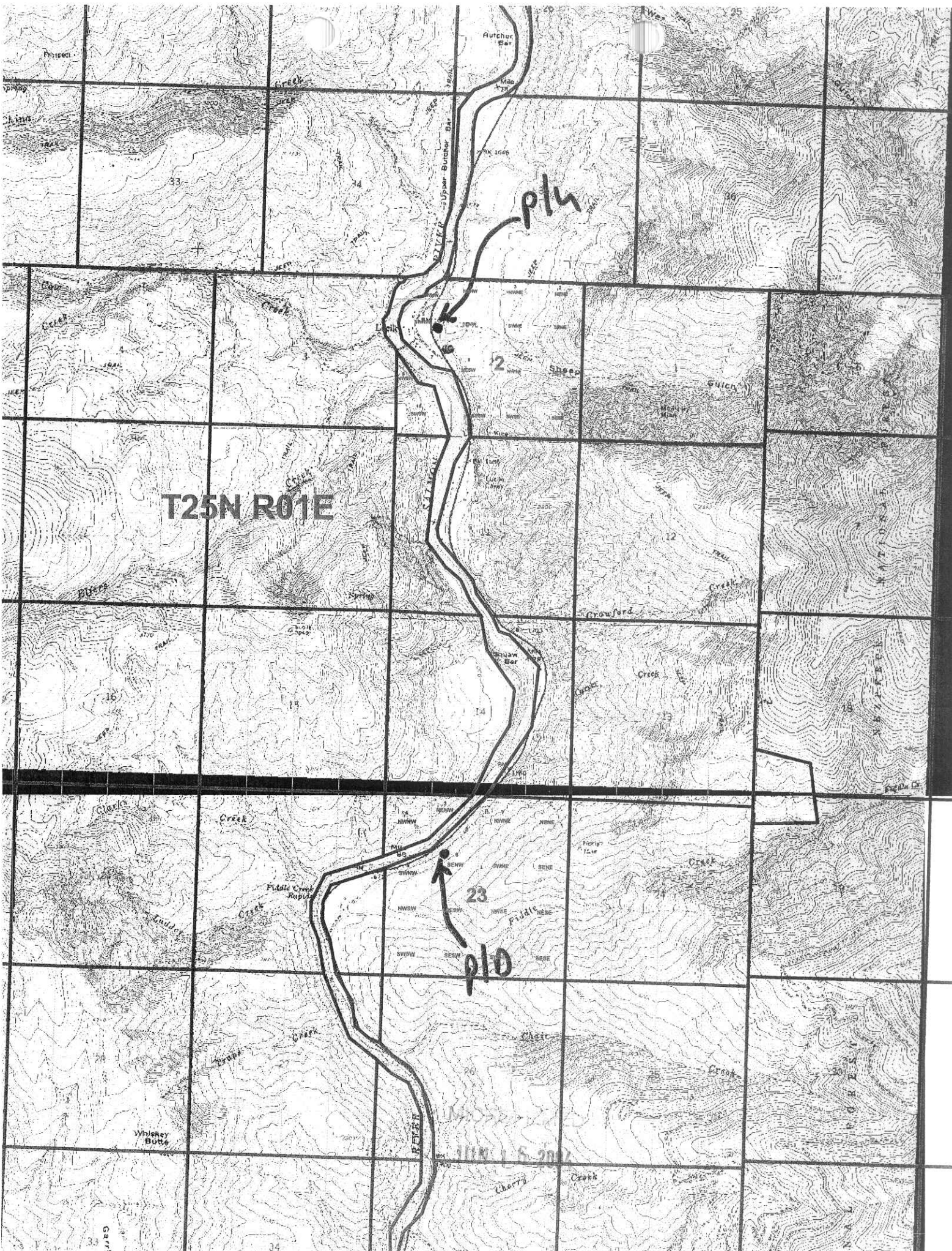
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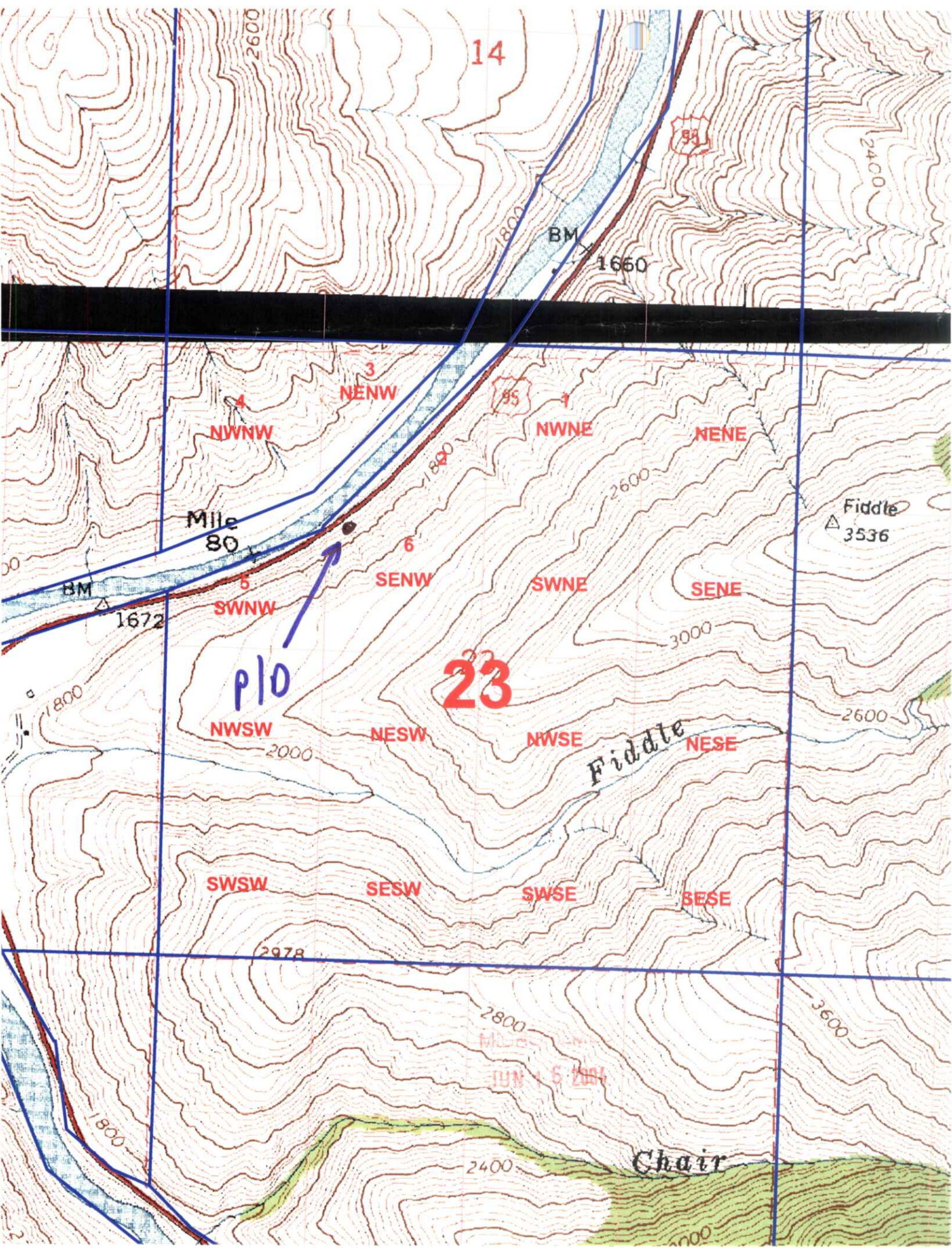
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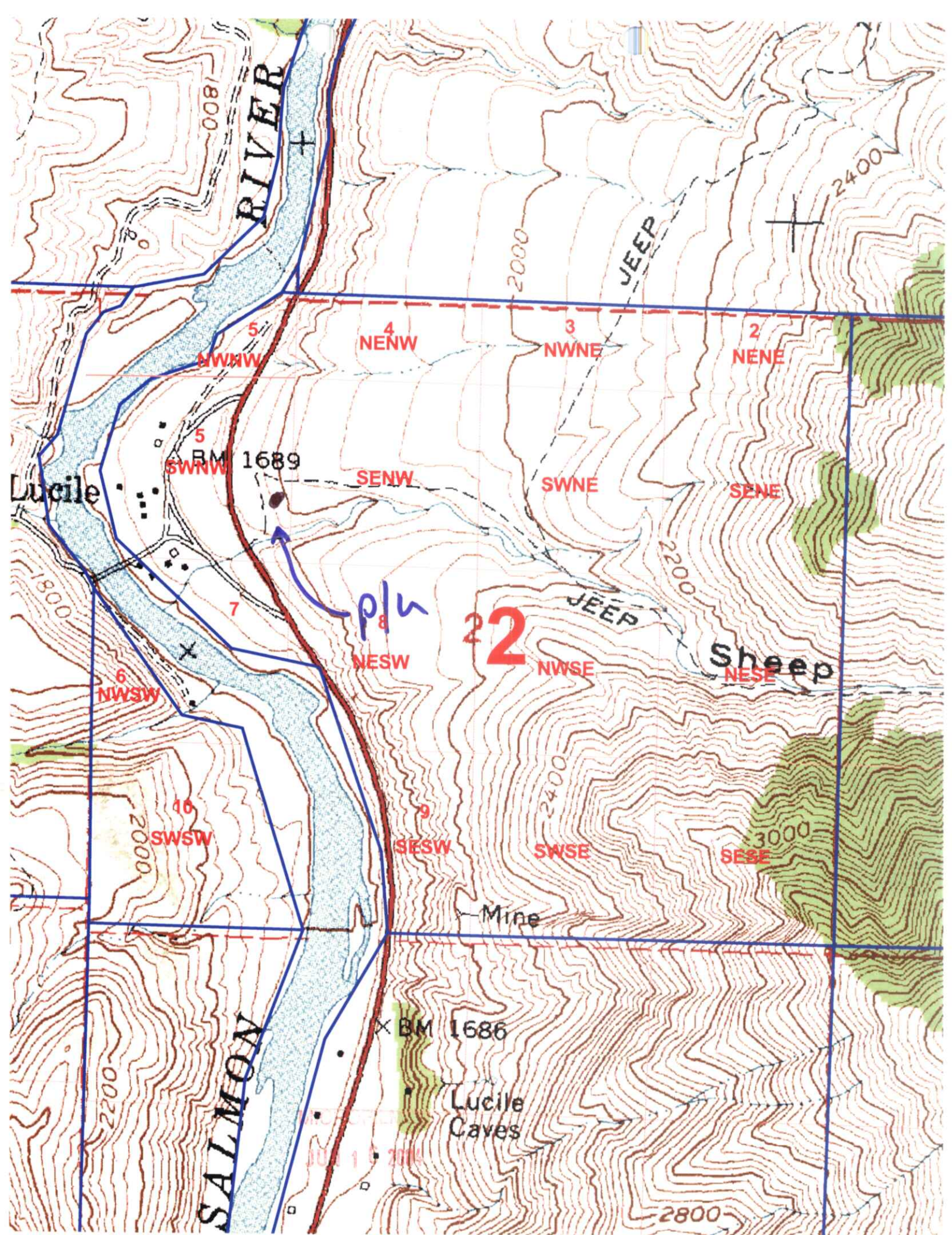
SWSE

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3536

JUN 15 2004

Chair



**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

February 27, 2004

TOM LINDSEY
SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542

RE: Permit No. 79-14082

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

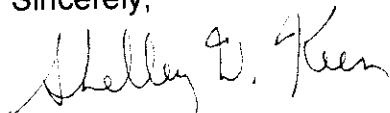
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

JUN 16 2004

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: BUREAU OF LAND MANAGEMENT

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JUN 16 2004

CERTIFICATE OF SERVICE

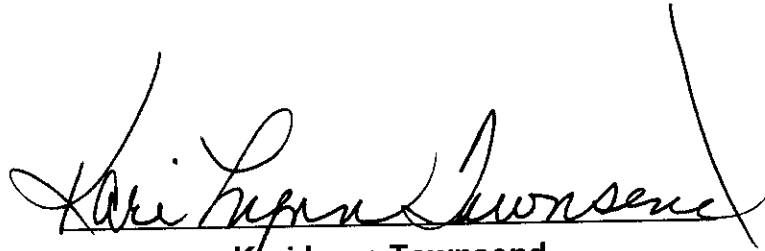
I hereby certify that on February 27, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

79-14082

**SUSAN LINDSEY
TOM LINDSEY
PO BOX 355
LUCILE ID 83542**

**BUREAU OF LAND MANAGEMENT
RT 3 BOX 181
COTTONWOOD ID 83522-9498**

A handwritten signature in black ink, reading "Kari Lynn Townsend". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 16 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

79-14082

1. dnelson 6/19/2003 Comment/Analysis

Comment: This application is to divert water from a minning claim that was discovered in a mining tunnel. The water will be pumped to a water truck and delivered to the residence several miles away. This application has several water rights for this domestic use. All of these rights are from springs, mining tunnels, or wells and are not from the same source of water being diverted under this application. It might be prudent to request that the overlapping rights for this residence be relinquished if they are not going to be used in the future. Whether the current rights will be used in the future or not is not relevant to this application, since it will be diverted from a seperate water source. There is a question whether or not the applicant has the authority to divert the water. The Bureau of Land Management and US Forest Service have been contacted on this issue.

2. slester 2/4/2004 Comment/Analysis

Comment: 12/19/03 amended application limited the system to an existing sump and hand-filled water containers to be moved to mine tunnel entrance by wheelbarrow and then driven to P/U. No pump, pipeline or other mechanical devices will be used. Use will be limited to inhouse only. BLM protest withdrawn on this basis.

3. kwalker 2/12/2004 Permit Review

Comment: Recommend approval with conditions identified by region with exception of #2. Seems redunant to condition additional development and then allow a 1 year time period to submit proof. See memo of 2/4/04 in file. Application for ground water but is actually a sump in mining tunnel - did not condition to comply with 42-235 due to this.

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JUN 16 2004

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: February 4, 2004

RE: Conditions of Approval for Lindsey Application 79-14082

See my 11/20/03 memo for background information for this application. In response to that memo, Gary Spackman concluded the department would not have any basis to deny the application if amended to describe a ground water sump in a mining tunnel, hand-filling water containers at the sump, moving the containers by wheelbarrow to the highway, and transporting them in a vehicle to the applicants' home. The application was so amended. BLM unconditionally withdrew its protest.

The application should be approved. The priority date was advanced by increasing the rate from 0.02 (10 gpm on original) to 0.04 cfs (6/1/03 amendment). The current application did not expand the use, leaving the priority date unchanged (12/19/03 amendment).

The following items should be incorporated in the approval:

1. The diversion and conveyance system cannot include a pump, pipeline or other mechanical means to divert and transport water.
2. Additional development beyond that in place by the date of permit approval is not authorized.
3. Since an eventual license will be limited to 0.02 cfs for internal use, limit the permit to 0.02 cfs to be consistent with that standard.
4. Domestic use includes in-house use for one home.
5. Approval does not convey right-of-way, easement or trespass on any land.
6. Allow one year to file proof of beneficial use for an existing system.

Please send a courtesy copy of the approved permit to Greg Yuncevich at the Cottonwood BLM office (see purple protest sheet in file for address). BLM deserves that courtesy for this highly unusual and time-consuming case.

MICROFILMED

JUN 16 2004

RECEIVED

W I T H D R A W A L

JAN 22 2004

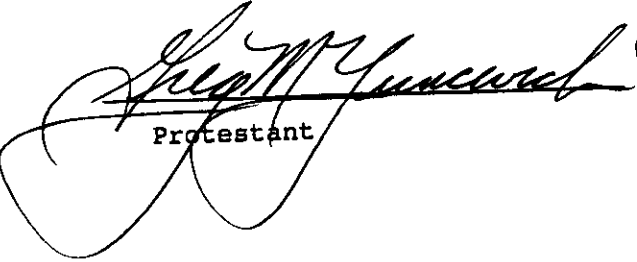
WATER RESOURCES
WESTERN REGION

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of
Application For Water Right to Appropriate the Public
Water of the State of Idaho, No. 79-14082.

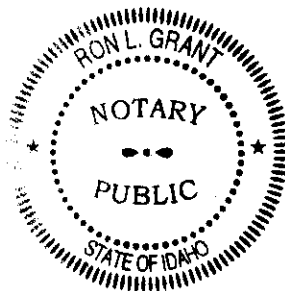
Signed at COTTONWOOD, ID

this 20 day of JANUARY 2004
199.


Protestant

ATTEST:





MICROFILMED

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2003

GREG M YUNCEVICH
BLM COTTONWOOD FIELD OFFICE
HOUSE 1 BUTTE DR
ROUTE 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-14082

Dear Mr. Yuncevich:

Applicants Tom and/or Susan Lindsey amended the above referenced application on December 19, 2003. The application was changed to show that a constructed conveyance system from the point of diversion (sump within a mine) would not be developed. Domestic use was also limited to in-house use only. Additional legal notice is not needed for the amended application. A copy of the amended application is enclosed.

The amended application remains protested by BLM. Our previous prehearing conference suggested the protest might be withdrawn if the application was amended as described. A concern typically encountered when a landowner other than the applicant is involved can be addressed with a standard condition of approval clearly stating that approval of the application does not convey trespass, easement or right-of-away authority to the permit holder. Access to land owned by an entity other than the applicant remains a separate legal issue outside of the water right process.

Enclosed is a protest withdrawal form for your convenience if that is your preference at this point. Please provide written confirmation of your continued protest if that is your preference at this point. Please let me know how you want to proceed by replying within thirty (30) days. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

CC: Applicants (without enclosure) **MICROFILMED**

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 2, 2003

TOM &/OR SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Permit No. 79-14082

Dear Tom and Susan:

The recent prehearing conference for this protested application resulted in an interesting question: can the application be approved based on a sump collecting ground water and a conveyance system consisting of buckets and a wheelbarrow?

I posed the question to the department administration. The administration determined that although walking a fine line of detail probably not anticipated by any statutes or rules, the application could be approved.

We discussed the next step if the application could be approved as noted above. You agreed to amend the application to describe a system that will not include a pump, pipeline or other constructed conveyance system. The water would be used for in-house use, and the rate of flow probably would be reduced to a more realistic level for filling buckets by hand. Typically the department will issue a license for 0.02 cubic feet per second (cfs) for in-house use at a single home (see next page for cfs-gpm relationship). This suggests the application should be reduced to 0.02 cfs. A fee is not necessary to amend the application since it would not need to be re-advertised.

The BLM indicated it probably could withdraw its protest if the application were properly amended as we discussed.

The application can be approved if the above steps are taken. Enclosed is a copy of your original application, an amended application for your consideration, and a blank form if you want to file the amended application other than as shown. If the amended version accurately states your intentions, please complete the following items on that form:

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JUN 15 2004

Tom and Susan Lindsey
December 2, 2003
Page 2

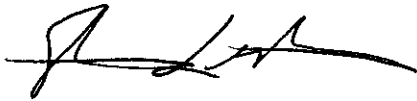
1. Items 4 and 5 – amount of water (0.01 cfs or 4.5 gpm minimum, 0.04 cfs or 18 gpm maximum, but 0.02 cfs or 9 gpm recommended per department standards).
2. Signature – only one signature is needed if both names are joined by “and/or.”

Please return the amended application or a different version of an amended application to this office by January 15, 2004. Your application must be voided if a written reply is not received by then.

I will provide the BLM a copy of your amended application once it is filed. BLM can then consider withdrawing its protest.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

CC: Greg Yuncevich, BLM (without enclosure)

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JUN 16 2004

Ident. No. 79-14082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Copy

1. Name of Applicant Tom &/or Susan Lindsey Phone 208-628-3987
Mailing address PO Box 355 Lucile ID 83542
2. Source of water supply groundwater which is a tributary of —
3. Location of point of diversion is Township 25N Range 1E Sec. 23 in the — $\frac{1}{4}$,
SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 6, B.M., Idaho County;
additional points of diversion if any: —

4. Water will be used for the following purposes:
Amount — for Domestic purposes from 1/1 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)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) — 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 existing sump in mining
tunnel, hand-fill buckets to transport to home (no pump or pipeline etc)
b. Height of storage dam N/A feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is — feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? N/A; Drilling firm —; Drilling Permit No. —
Well was drilled for (well owner) —

7. Time required for completion of works and application of water to proposed beneficial use is 2 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. —
c. Municipal; show name of municipality. —
d. Domestic; show number of households. ONE - INHOUSE USE ONLY
e. Other; describe fully. —

COPY

COPY

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JUN 16 2004

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	
25N	1E	2							X										—
									4.5										

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. Domestic Well & Spring NEAR home

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Original Access with mining claim, working with BLM to resolve

12. Remarks: Issues, if any, regarding access for domestic use

Groundwater is to be used for drinking water at home about 3 miles from source. Need good potable water since domestic well & spring near home have developed water quality problems (arsenic).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ # _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

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JUN 16 2004

Lester, Steve

From: Westra, John
Sent: Monday, November 24, 2003 6:50 AM
To: Lester, Steve
Subject: FW: Application #79-14082-Lindsey; Prehearing Conference

Steve,
This is the reposonse from Gary
John

-----Original Message-----

From: Spackman, Gary
Sent: Saturday, November 22, 2003 5:05 PM
To: Westra, John
Subject: RE: Application #79-14082-Lindsey; Prehearing Conference

John,
I've read Steve's memo. I agree with him that Lindsey's proposal is minutia at its microscopic best. Nonetheless, I'm not convinced that we have a basis to deny the application. If he were to haul the water out in 50 gallon barrels, would we say he needs a water right? Our how about big tankers? There is a sump from which he is filling the containers. If he anticipates permanently remove water from the source, I don't think we can deny him a water right.

Gary

-----Original Message-----

From: Westra, John
Sent: Friday, November 21, 2003 11:25 AM
To: Spackman, Gary
Subject: Application #79-14082-Lindsey; Prehearing Conference

Gary,
Steve held the above pre-hearing conference earlier this week.
Several issues surfaced as discussed in the attached memo.
Would appreciate your opinion and approach

John << File: 79-14082 Lindsey Memorandum.doc >> << File: Lindsay Application 79-14082.RTF >>

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JUN 16 2004

MEMORANDUM

TO: John Westra
FROM: Steve Lester 
DATE: November 20, 2003
RE: Diversion/Conveyance Works in Application 79-14082 (Lindsey)

I conducted a prehearing conference in Grangeville yesterday for this single-family domestic ground water application filed by Tom and Sue Lindsey of Lucile. This is an unusual situation that I hope to clarify with this memo.

Lindsey has a domestic well with arsenic problems and needs a safer supply of potable water. Lindsey has a mining claim for a tunnel about three miles south of the home. The tunnel and mine are on federal land administered by BLM. Lindsey holds a right of way (r-o-w) from BLM for mining. The tunnel was developed in the early 1940s according to Lindsey. Lindsey said a sump was dug at the end of the tunnel and that the sump collects ground water. Apparently water collected in the sump provides a good potable source (lab tests commissioned by Lindsey).

The application states water will be pumped ("existing pump and pipeline") to the mine entrance to fill a 500 gallon tank. The tank will be transported to the home. I wonder if we should have processed the application as filed ... maybe it does not describe a diversion and conveyance system approvable in an application.

In any event, the application was processed as filed and protested by BLM. The protest is based on the lack of r-o-w for transporting water across public land – a separate r-o-w from the mining one would be needed to transport water according to BLM.

Lindsey proposed a slightly different idea at the conference. He has been filling water jugs by hand at the sump and using a wheelbarrow to transport the jugs to the mine entrance. He brings the jugs home by vehicle. BLM concluded this method probably is not a *system* (emphasis added) to transport water across public land and therefore would not require a separate r-o-w. BLM will withdraw its protest if the application is amended to delete the pump and pipeline.

In that event, should IDWR approve the application with those revisions? Has the diversion/conveyance burden been met under those conditions? The statutes and water appropriation rules provide some wiggle room in this gray area. I think it is clear that this is not the intended meaning under the statutes and rules when one sees terms such as

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diversion works, conveyance system, system capacity and so forth. What is the rate of flow of filling water jugs by hand? It's nonsense to even talk about it.

On the other hand, this is an exempted use of ground water. BLM would not care if the hand method continued without a new r-o-w. IDWR typically is not concerned if someone exercises the domestic exemption. What's the harm in just approving the application if appropriately modified?

One, it sets a precedent for a slippery slope of loopholes for approval of new permits. A reasonable interpretation of permitting and licensing statutes and rules does not include filling jugs and driving off to the place of use. A bucket dipped into a stream and hauled back to the cabin just as easily qualifies as a diversion and conveyance as Lindsey's revised scenario. Let's not water down the appropriation process to the point where it loses any common sense meaning.

Two, I have conducted hundreds of field exams and processed at least that many applications for permit. I have never – not once – seen a system in the field or an application in the office like this for which a license has been issued or an application has been approved. I guess there is always a first time but this case goes too far.

Three, Lindsey made no bones about seeking water right approval as a hook into protecting his ability to operate the mine on public land. He envisions a scenario in which mining has been closed down by the federal government and his tunnel has been ordered closed. But his domestic water right will force the tunnel to stay open in this vision. Maybe it should, maybe it shouldn't ... that's not for me to say. But the odor of water right speculation is hard to avoid in this scenario. Lindsey can continue to collect and use ground water for exempted domestic use without approval of Application 79-14082.

On another note, Lindsey stated he pumps ground water from the sump for use in his mining work. That is a use of water needing a water right. Lindsey should file an application for permit for the mining use.

Lindsey agreed to seek a separate BLM r-o-w if the hand method is not approvable in 79-14082. BLM will withdraw its protest if a new r-o-w is issued. But BLM remains concerned about keeping a domestic r-o-w separate from a mining r-o-w to preclude the possible end-run envisioned by Lindsey. The latter issue is beyond IDWR.

Conclusion

Approval of applications for permit and eventual licensing of subsequent development should not be based on the hand method proposed by the applicant. IDWR should reject the revised proposal. The parties should work on resolving the protest. The application can be approved if the protest is withdrawn. Lindsey should file an additional application for permit to use ground water for mining purposes.

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JUN 16 2004

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 79-14082 in the Name of Tom &/or Sue Lindsey

Place: Grangeville City Hall, 225 W. North, Grangeville, ID 83530

Date: November 19, 2003

Conducted by: Steve Lester

NAME

ADDRESS

Tom Lindsey	Box 355 Lucile 83542
Greg Yoncevic	Rt 3 Box 181, Cottonwood, 83522
RON GRANT	" " "

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JUN 16 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 79-14082 IN THE)	NOTICE OF PREHEARING
NAME OF TOM &/OR SUSAN)	CONFERENCE
LINDSEY)	
_____)	

On March 17, 2003 Tom &/or Susan Lindsey filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Bureau of Land Management.

IDWR has set the contested case for a prehearing conference to be held on **Wednesday, November 19, 2003 at 1:00 p.m. at the Grangeville City Hall, 225 W. North, Grangeville, Idaho 83530.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within ten (10) days prior to the conference.

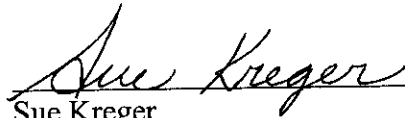
Dated this 9th day of October 2003.



Steve Lester

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of October 2003 I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:



Sue Kreger
Administrative Assistant

TOM &/OR SUSAN LINDSEY
PO BOX 355
LUCILLE ID 83530

GREG M YUNCEVICH
US BLM
COTTONWOOD FIELD OFFICE
HOUSE 1 BUTTE DR
ROUTE 3 BOX 181
COTTONWOOD ID 83522-9498

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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JUN 16 2004

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2003

GRANGEVILLE CITY HALL
225 W NORTH
GRANGEVILLE ID 83530

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, November 19, 2003, at 1:00 p.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Kreger
Administrative Assistant

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2003

TOM &/OR SUSAN LINDSEY
PO BOX 355
LUCILLE ID 83542

Re: Application for Permit No. 79-14082

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, 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 purposes 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. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, November 19, 2003 at the Grangeville City Hall in Grangeville, Idaho 83530. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

Steve Lester

SL:sk

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2003

GREG M YUNCEVICH
US BLM
COTTONWOOD FIELD OFFICE
HOUSE 1 BUTTE DR
ROUTE 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-14082 in the Name of Tom &/or Susan Lindsey

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

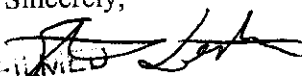
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete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

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, November 19, 2003 at the Grangeville City Hall in Grangeville, Idaho. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

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

Sincerely,


MICROFILMED
Steve Lester
JUN 15 2004

SL:sk

Encl: Copy of Application
Notice of Prehearing Conference

RECEIVED
JUL 24 2003
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

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

79-14082

TOM LINDSEY
PO BOX 355
LUCILE ID 83542
SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542
Point(s) of Diversion L6 (SENW)
S23 T25N R01E
IDAHO County Source GROUND
WATER

Use: DOMESTIC 01/01

To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 03/17/2003

Place Of Use: DOMESTIC

T25N R01E S2 SWNW Lot 5

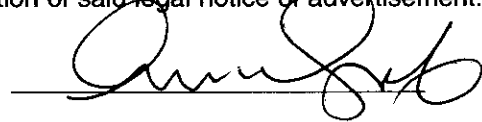
Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec 42-203A, Idaho
Code.

Any protest against the approval of this
application must be filed with the Direc-
tor, 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
07/21/2003. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published in the Idaho County Free Press
on July 2 and 9, 2003.

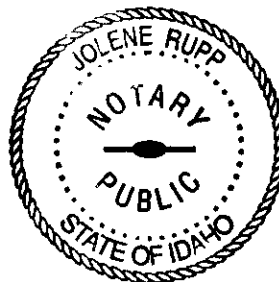
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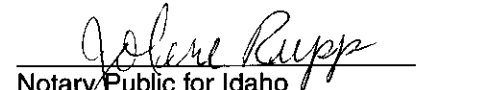
Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly news-
paper published and issued weekly at Grangeville, Idaho County,
State of Idaho, and is of general circulation in said county and
state, that the said legal notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks, being
published two times, the first publication being on the 2nd
day of July, 2003; and the last publication on the 9th day of
July, 2003; and that the said legal notice was published in the
newspaper proper and not a supplement; that said newspaper
has been continuously and uninterruptedly published in said
county during a period of seventy-eight consecutive weeks prior
to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 9th day of July in the year of 2003, before me a Notary
Public personally appeared Andrew J. McNab, known or identi-
fied to me to be the person whose name subscribed to the with-
in instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he
executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-24-07

MICROFILMED

JUN 16 2004



United States Department of the Interior *10030735*

BUREAU OF LAND MANAGEMENT

Cottonwood Field Office
House 1, Butte Drive – Route 3, Box 181
Cottonwood, Idaho 83522-9498

In Reply Refer To:
2800(087)

July 15, 2003

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7000 0520 0014 5777 9714

Director
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705

Dear Sir:

The Bureau of Land Management (BLM) wishes to file a protest against Application for Water Permit No. 79-14082 in the name of Tom and Susan Lindsey. A copy of the public notice is enclosed. A \$25.00 protest fee is also enclosed. The reasons for our protest are listed herein.

Mr. Lindsey's proposed point of diversion (POD) is located on public land administered by the BLM. Mr. Lindsey holds an unpatented mining claim at the POD which entitles him to explore for and extract minerals. However, his appropriation of water for domestic use is unrelated to, and separate from, any mining activity he may legally undertake. Mr. Lindsey's proposal requires a right-of-way grant from the BLM. Federal regulations at 43 CFR 2800.0-7(a) specifically require a right-of-way

“over, upon, under or through public lands, including but not limited to: (1) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels and other facilities and systems for the impoundment, storage, transportation or distribution of water;” (emphasis added).

Since Mr. Lindsey currently has no authorization or legal right for his proposed use of the public land, we have no recourse but to object to the approval of his water permit. Our objection could be dropped once Mr. Lindsey has applied for, and been issued, a right-of-way grant including any terms and stipulations deemed necessary by the BLM.

Sincerely,

Greg M. Yuncevich
Field Manager

2 Enclosures

MICROFILMED

JUL 15 2004

RECEIVED

JUL 17 2003

WATER RESOURCES
WESTERN REGION

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

79-14082

TOM LINDSEY

PO BOX 335

LUCILE ID 83542

SUSAN LINDSEY

PO BOX 335

LUCILE ID 83542

Point(s) of Diversion L6 (SENW)

S23 T25N R01E

IDAHO County Source GROUND
WATER

Use: DOMESTIC 01/01

To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 03/17/2003

Place Of Use: DOMESTIC

T25N R01E S2 SWNW Lot 5

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 Direc-
tor, 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
07/21/2003. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director

Published in the Idaho County Free Press
on July 2 and 9, 2003.

Jy2-9

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 1, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UPPER COLUMBIA
SALMON CLEARWATER DISTRICT
COTTONWOOD RESOURCE AREA OFFICE
ATTN RON GRANT
ROUTE 3 BOX 181
COTTONWOOD ID 83522-9498

Dear Sirs:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by July 21, 2003.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Taylor
ID Dept Water Resources
Western Region
334-2190

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 1, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ID DEPT OF TRANSPORTATION
DISTRICT 2
2600 FRONTAGE RD
LEWISTON ID 83501

Dear Sirs:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by July 21, 2003.

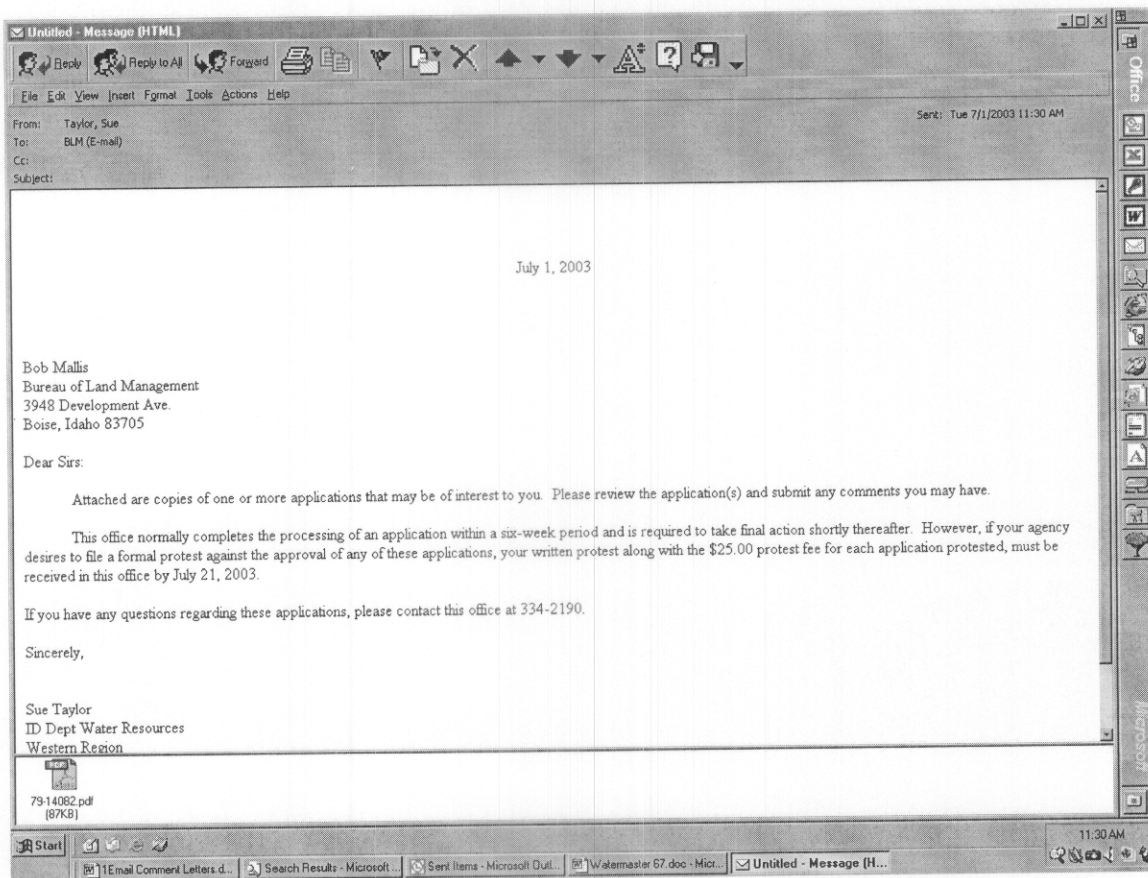
If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Taylor
ID Dept Water Resources
Western Region
334-2190

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JUN 16 2004



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JUN 16 2004

June 25, 2003

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 79-14082

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 07/21/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary
ID Dept Water Resources

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JUN 16 2004

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

79-14082

TOM LINDSEY
PO BOX 355
LUCILE ID 83542
SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542

Point(s) of Diversion L6 (SENW) S23 T25N R01E IDAHO County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 03/17/2003

Place Of Use: DOMESTIC

T25N R01E S2 SWNW Lot 5

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 07/21/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho County Free Press on July 2 and 9, 2003.

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JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 21, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM AND SUSAN LINDSEY
PO BOX 355
LUCILE ID 83542

RE: APPLICATION FOR PERMIT TO DIVERT GROUNDWATER

Dear Applicant:

Our office received your application for permit on 3/17/2003. The review of the application showed some discrepancies that will need to be clarified prior to continuing with the processing of your application. We cannot continue processing the application until we receive the following clarifications:

- 1.) You state that the point of diversion is in the SWSE, Section 23, Township 25N, Range 1E, Government Lot 6. In Section 23, Government Lot 6 is located in the SENW. Please locate the Point of diversion on the appropriate map enclosed with this letter and make the needed corrections to the legal description described in section 3 of the application.
- 2.) You state the place of use is located in the SWNW, Section 23, Township 25N, Range 1E, Government Lot 6. However, in your remarks you state that the water will be transported 3 miles to the home or place of use. Please mark where the home is located on the enclosed maps and make the needed corrections to the legal description in section 9 of the application. Previous permits and water rights show that the home may be located in Section 2 of Township 25N range 1E, which would coincide with your remarks on this application for permit.
- 3.) We will need a copy of a written agreement between you and the current owner of the mining claim allowing you access to the water.
- 4.) We will need a confirmation that you applied for a land use or easement permit from BLM. PLEASE NOTE: The application does not need to be approved, but an application does need to be submitted.

I have enclosed 3 maps to assist you in properly locating your point of diversion and place of use. Please use all three maps if necessary to clearly mark where your home is located and where the water will be diverted. I have marked each quarter-quarter on the maps so you can easily transfer the correct legal description to the application for permit. If you need assistance, I have kept a copy of your application and the maps and can work through the application with you on the telephone.

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JUN 16 2004

Page 2
Lindsey

I have also enclosed your original application for permit to allow you to make the needed corrections to section 3 and section 9. **PLEASE INITIAL AND DATE ALL CHANGES TO THE APPLICATION AND THE MAPS.** The legal descriptions on the application must match the legal description shown on the maps in order for us to continue processing your application for permit.

I was asked to contact the Bureau of Land Management (BLM) concerning your application for permit. BLM has stated that you are not the current holder of the mining claim for the mine described in your water right. BLM has stated that in order for you to divert water from the mine you would need to have the mining claim in your name and possess a land use or easement permit.

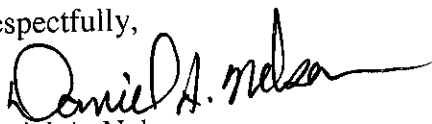
Whereas we have received information that suggests that your name is not on the mining claim, our office will not be able to continue processing your application until we receive a written agreement with the current owner of the mining claim, or we receive legal documentation that shows you have purchased, inherited or share ownership of the mining claim.

We will not require that you receive the permits for land use or easement prior to advertising, but you will need to show that you have submitted the necessary paperwork to attain these permits. Once we receive confirmation that you have submitted the necessary paperwork to BLM we can proceed with advertising your permit. However, once we advertise your application we will no longer be able to refund your application for permit fee. I would strongly recommend that you settle this issue with the current owner of the claim, and attain all the BLM permits prior to advertising, so we can refund your application fee if BLM will not approve your land use and easement permits.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days. Our office can grant up to a 1-year extension to compile the necessary information if we receive a written request for more time within the 30 days. We will be required to void the application for permit if this information is not returned. **Therefore, if the above information is not received by 6/23/2003 your applications for permit will be voided.** You will be able to re-file this application, but it will have a later priority date.

If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

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JUN 16 2004