

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 69-11502

Priority: August 30, 2005

Maximum Diversion Rate: 0.23 CFS

This is to certify, that STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

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	01/01 to 12/31	0.23 CFS

LOCATION OF POINTS OF DIVERSION:

SPRING SE¼ NW¼ SE¼ Sec. 1, Twp 16N, Rge 05W, B.M. WASHINGTON County
SPRING SW¼ SW¼ NE¼ Sec. 2, Twp 16N, Rge 05W, B.M. WASHINGTON County
SPRING NE¼ NW¼ SE¼ Sec. 35, Twp 17N, Rge 05W, B.M. WASHINGTON County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 05W 1														X			
16N 05W 2			X														
17N 05W 35														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2007**.
2. Subject to all prior water rights.
3. Stockwater use is for 1,000 range cattle.
4. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of January, 20 06.


for KARL DREHER, Director

RECEIVED

JAN 25 2006

DEPARTMENT OF
WATER RESOURCES
FORM 202
12/99

RECEIVED

AUG 30 2005

WATER RESOURCES
WESTERN REGIONIdent. No. 69-11502

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CR for SH

agree to the following
application changes.**APPLICATION FOR PERMIT**15 Dec. 2005 Date. To appropriate the public waters of the State of Idaho

- Name of Applicant Idaho Fish and Game Commission Phone 334-3700
Mailing address P.O. Box 25 Boise ID 83707
- Source of water supply Spring / Unnamed stream which is a tributary of Sink
- Location of point of diversion is Township 16 N Range 5 W Sec. 1, in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot Washington B.M., Washington County;
additional points of diversion if any: T16 N R 5 W Sec. 2 NENESEW, T17 N R 5 W Sec. 35 NENESEW
SWSWNE
- Water will be used for the following purposes:
Amount 0.23 for Stock water 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)
- Total quantity to be appropriated is (a) 0.23 and/or (b)
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source Culvert & spring box piped
to lower equipment tire tank; overflow piped to 25' livestock tank 48" x 24" x 20"
 - Height of storage dam NA feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
 - Proposed well diameter is NA inches; proposed depth of well is feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? NA; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW.
 - Stockwatering; list number and kind of livestock. 1000 head of range cattle
 - Municipal; show name of municipality.
 - Domestic; show number of households.
 - Other; describe fully.

GPS Location N 44 44.938

W 116.53.057

Points of diversion

RECEIVED

DEC 16 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
16N	5W	1												S					
		2			S														
17N	5W	35																	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. see Attachment A

11. a. Who owns the property at the point of diversion? Idaho Fish and Game Commission

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

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: Diversions from springs and stream developed and first put to use in June 1982 to provide water for 1000 head of range cattle. Claim no. 69-1008 describes same use as this application

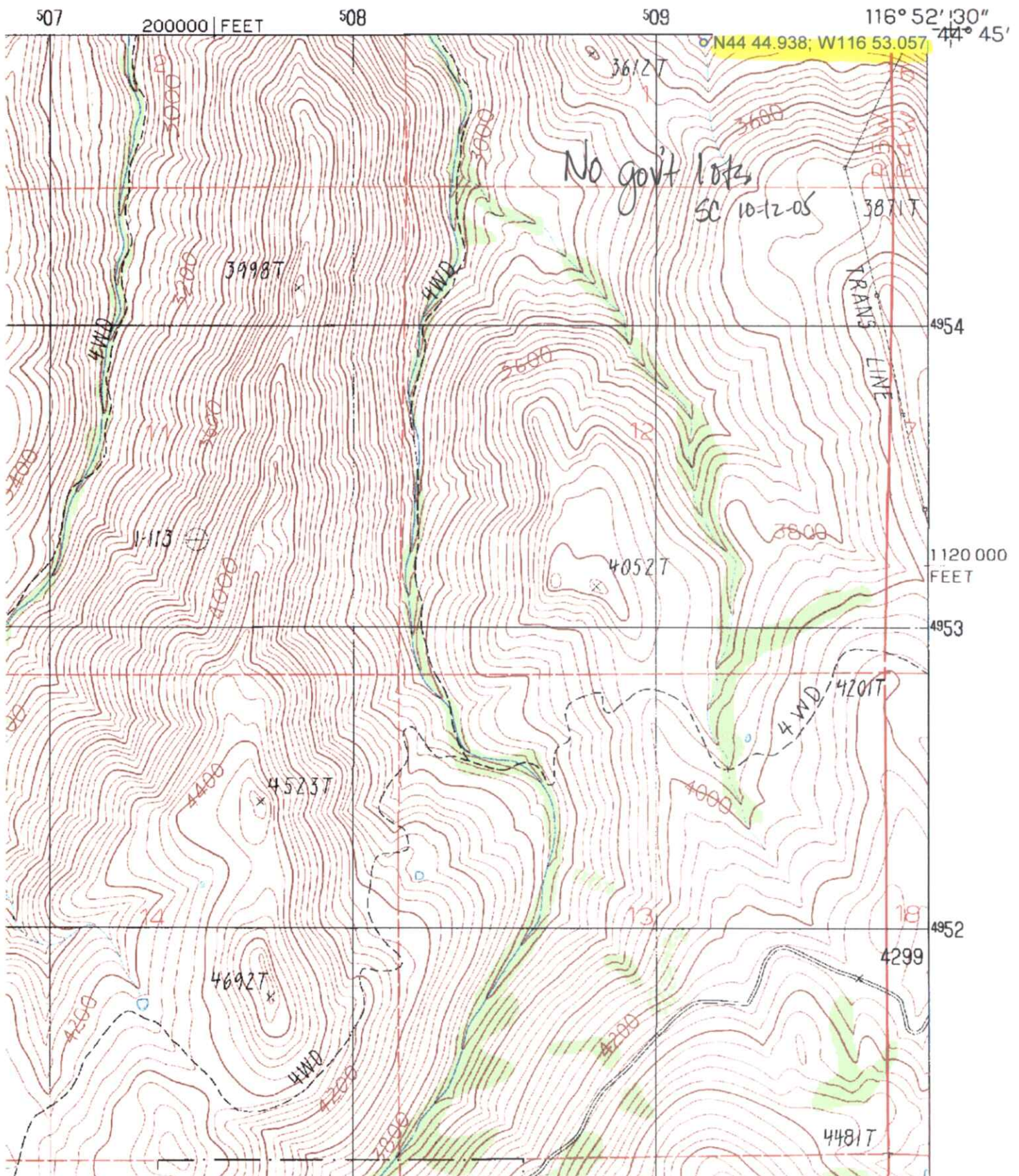
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

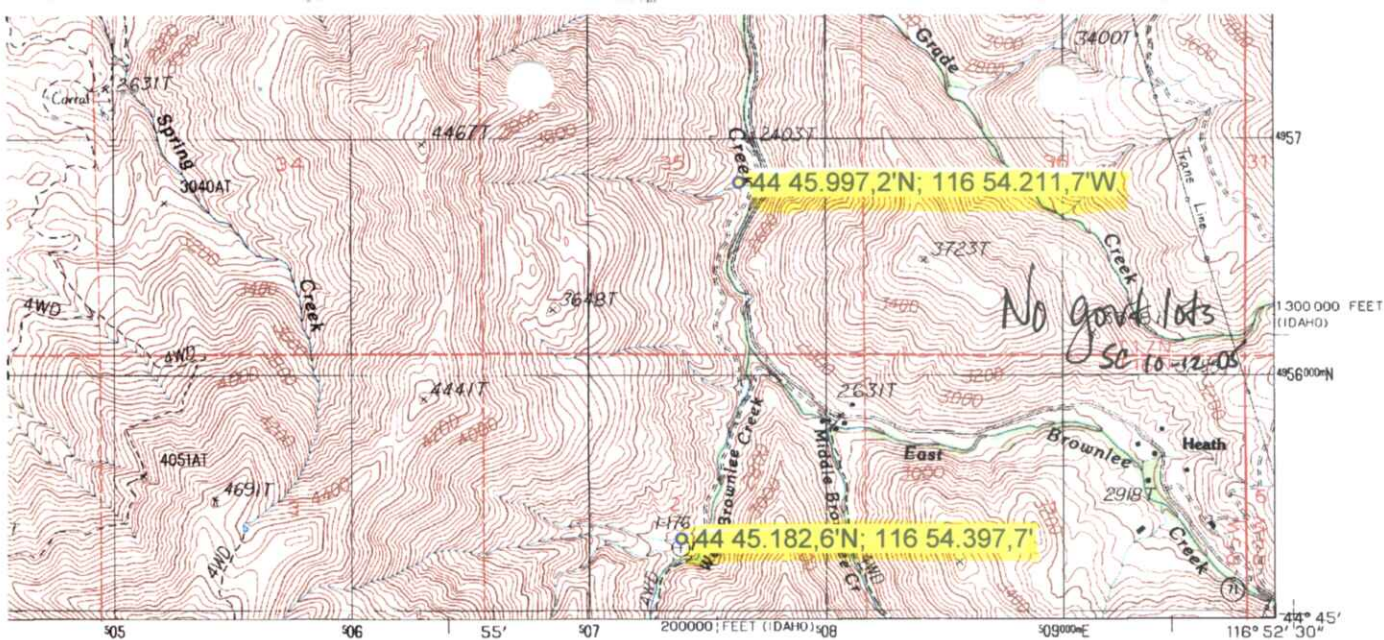
[Signature]
Signature of Applicant (and title, if applicable)
Secretary, Idaho Fish and Game Commission

Received by [Signature] Date 8/30/05 Time 10:30am Preliminary check by SC
Fee \$ 250.00 Receipt by [Signature] # W033342 Date 08/30/05
Publication prepared by sh Date 1-5-12-06 Published in UR
Publication approved sh Date 1-23-06

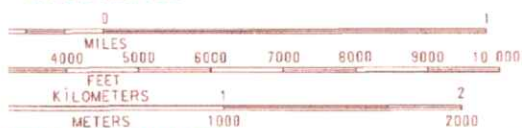
NEIL GULCH QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



69-11502



SCALE 1:24 000



contour interval 40 FEET

equal 80 FEET IN BROWNLEE RESERVOIR

WITH NATIONAL MAP ACCURACY STANDARDS
 LOGICAL SURVEY, DENVER, COLORADO 80225
 RESTON, VIRGINIA 22092



QUADRANGLE LOCATION

1	2	3	1 Halfway
			2 McLean Gulch
			3 Osborn
4		5	4 Pure Valley
			5 Cuddy Mountain
			6 Shungill Creek
6	7	8	7 Neil Gulch
			8 Admest Gulch

ADJOINING 7.5' QUADRANGLE NAMES

INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA 1987

ROAD LEGEND

Improved Road
 Unimproved Road
 Trail

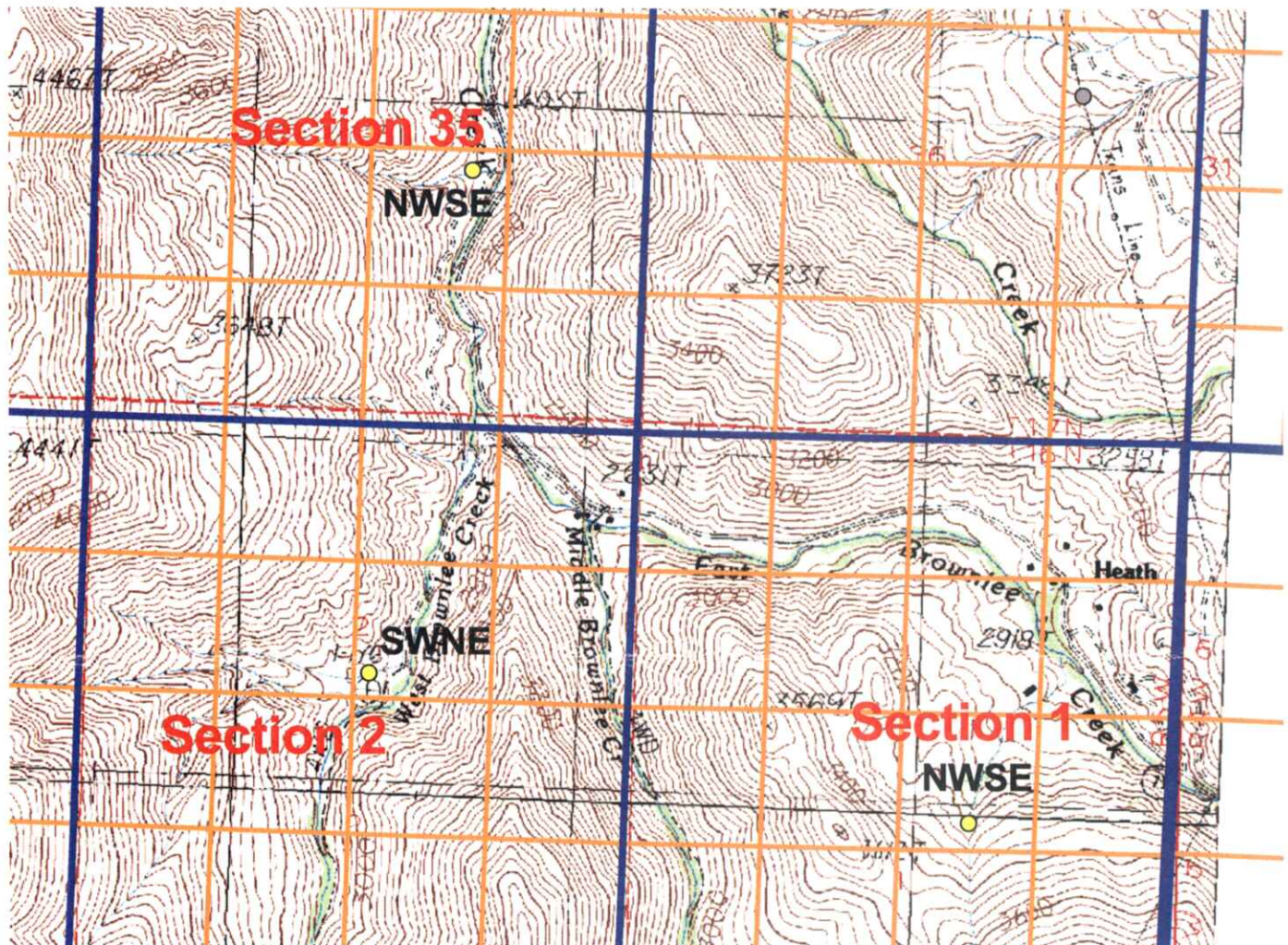
○ Interstate Route □ U.S. Route ○ State Route

BROWNLEE DAM, OREGON - IDAHO
 PROVISIONAL EDITION 1987

44116-G8-TF-024

69-11502

App 69-11502



-  Section lines
-  Quarter Quarter lines

-  Proposed Points of Diversion



Attachment A

Claims to Water Rights acquired from Michael J. and Margaret J. Hillman for stockwater use at the Andrus WMA

A69-10051	A69-00012A
A69-10052	A69-00017A
A69-10053	A69-04111
A69-10054	
A69-10055	
A69-10056	
A69-10057	
A69-10058	
A69-10059	
A69-10060	
A69-10061	
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A69-10079	
A69-10080	
A69-10081	
A69-10082	
A69-10083	
A69-10084	
A69-10085	
A69-10086	
A69-10087	
A69-10093	
A69-10094	
A69-10095	
A69-04107	

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 27, 2006

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Permit No. 69-11502

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.

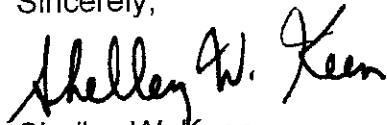
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

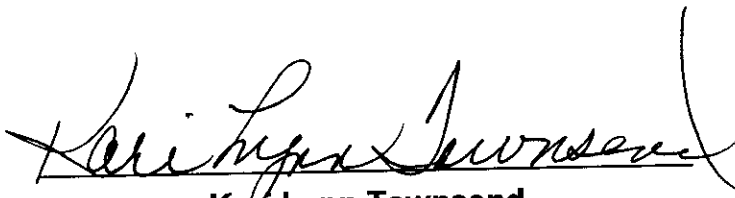
CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2006 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.

69-11502

**STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025**

A handwritten signature in black ink, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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.

M E M O R A N D U M

Date: January 25, 2006
To: Water Right File 69-11502
From: eretelle
Re: permit review

No WD or moratorium.

No protest.

Overlap with several other F&G rights for the same project.

Recommend approval as suggested by IDWR Western.

Affidavit of Publication

STATE OF IDAHO } ss
County of Washington

Norman Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began Jan. 5, 2006 and ended Jan. 12, 2006.

Norman Dopf

Subscribed and sworn to before me this

17th day of January, 2006.

Ann Hanson

Notary Public in and for the State of Idaho, residing at

Cambridge

3-31-10

LEGAL NOTICE

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

69-11502 ✓sk

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025
Point(s) of Diversion SENWSE S1 T16N
R05W WASHINGTON County Source SPRING
Tributary To SINKS
Point(s) of Diversion SWSWNE S2 T16N
R05W WASHINGTON County Source SPRING
Tributary To SINKS
Point(s) of Diversion NENWSE S35 T17N
R05W WASHINGTON County Source SPRING
Tributary To SINKS
Use: STOCKWATER 01/01 To 12/31 0.23 CFS
Total Diversion: 0.23 CFS
Date Filed: 08/30/2005
Place Of Use: STOCKWATER
T16N R05W S1 NWSE
T16N R05W S2 SWNE
T17N R05W S35 NWSE

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 01/23/2006. The

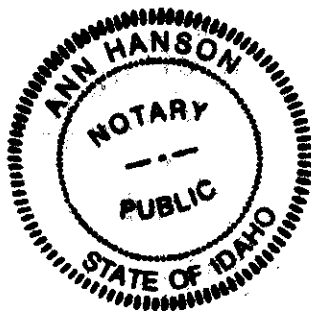
protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Upper County News Reporter on January 5 and 12, 2006.

RECEIVED

JAN 18 2006

DEPARTMENT OF
WATER RESOURCES



RECEIVED

JAN 20 2006

WATER RESOURCES
WESTERN REGION



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 12, 2005

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

RE: Application for Permit No. 69-11502

Dear Applicant:

You have filed an application for permit to appropriate water from a spring and an unnamed stream for stockwater purposes. The application is being returned to you for the following items.

The legal descriptions under items #3 and #9 (point of diversion and place of use) do not match the map you submitted with the application. Enclosed is a map we created with the points of diversion shown on your original map. We have labeled the ¼ ¼ descriptions and as you can see, the points of diversion in sections 1 and 2 are not within the tracts you described in items 3 and 9. If you agree with the locations identified on the enclosed map, please correct these items on the application form (10-acre tract description for diversion in section 1 should be SENWSE and section 2 should be SWSWNE). Sign and date where indicated on the front page, top left corner and return the application to us to proceed with processing.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosures: Original Application w/ maps



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

RECEIVED

AUG 30 2005

WATER RESOURCES
WESTERN REGION

August 29, 2005

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Applications for Permit for stockwater use in Basin 69 (Andrus WMA)

Dear Sir/Madam:

I have enclosed two applications for permit for stockwater use in Basin 69 at our Andrus Wildlife Management Area (WMA) and a check (#70906) for \$500.00 for the application fees. Please send me a receipt for payment. If you have questions regarding these applications, please contact either myself at 287-2715 or Anna Owsiak at (208) 257-3363.

Sincerely,

Cindy Robertson
Staff Biologist

Cc: Anna Owsiak

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

December 29, 2005

Legal Notice Department
UPPER COUNTY NEWS REPORTER
PO BOX 9
CAMBRIDGE ID 83601-0009

RE: Applications for Permit Nos. 69-11502 and 67-14669

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two legal notices 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 notices 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 01/23/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

69-11502

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

Point(s) of Diversion SENWSE S1 T16N R05W WASHINGTON County Source SPRING
Tributary To SINKS

Point(s) of Diversion SWSWNE S2 T16N R05W WASHINGTON County Source SPRING
Tributary To SINKS

Point(s) of Diversion NENWSE S35 T17N R05W WASHINGTON County Source SPRING
Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.23 CFS

Total Diversion: 0.23 CFS

Date Filed: 08/30/2005

Place Of Use: STOCKWATER

T16N R05W S1 NWSE

T16N R05W S2 SWNE

T17N R05W S35 NWSE

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 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Upper County News Reporter on January 5 and 12, 2006.