

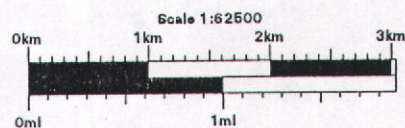
Arco Pass

R. 27E R. 28E

T. 6N
T. 5N

T. 6N
T. 5N

R. 27E R. 28E



Legend

- | | | | |
|--|-------------------|--|----------------------|
| | Primary HWY | | Private |
| | Secondary HWY | | BLM |
| | Improved Road | | USFS |
| | Unimproved Road | | State |
| | Jeep Trail | | NPS |
| | Railroad | | INEL |
| | Per. River/Stream | | Spring |
| | Int. Stream | | Reservoir |
| | Ditch | | Water Tank |
| | Pipeline | | Playas/Stream/Creek |
| | Perennial Lake | | Well |
| | Int. Lake | | Trough |
| | Dry Lake | | Withdrawn Claims |
| | Marsh/Swamp | | Trough at the Spring |

3303480098a	113d10'59" 43d52'13"	
3303480098b	113d10'36" 43d51'20"	
3303488009a	113d11'44" 43d49'25"	33-02151
3303488009b	113d11'41" 43d49'25"	33-02151
3303480124	113d09'51" 43d49'25"	
3303480124/3303488009	113d08'33" 43d49'37"	
3303480124/3303488009	113d08'05" 43d49'35"	
3303480124b	113d11'07" 43d48'21"	
3303488009c	113d07'29" 43d49'04"	



PRODUCED BY THE BLM, IDAHO FALLS DISTRICT.
Projection Universal Transverse Mercator
Zone 12, 1927 North American datum.

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual use or aggregate use with other data.
March 3, 1998

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 2/18/00

No. 33-07230 Name: BLM Corp. Officers ? Ad ok ✓ Govt Lots —

AREA OF CONCERN: No/Yes ESPA Moratorium — GWMA — TRUST/NON-TRUST ?

Stock/wildlife ok

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - N/A
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R52/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 3 / 01 / 2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON — - — (Per updated map)

OTHER CONDITIONS/REMARKS —

COMMENTS —

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response —
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE —
In-stream development - P52
WD - R04 (WD# —)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr. GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

w/ 118 Nanny cattle

*Project # 3303480124 part of the
Clara Pipeline in the jumpoff
Allotment 02002.*

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 10 2001

JAN 04 2001

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources
Eastern Region

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 33-07230 Telephone No. (208) 524-7500

2. Name of Permit Holder(s):
USDI, Bureau of Land Management

3. Mailing Address: 1405 Hollipark Dr.

City Idaho Falls State ID Zip 83401

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 118 Range Cattle

Irrigation (No. of acres): _____ Other: Wildlife (variable amounts)

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Deena Teel Telephone Number: (208) 524-7533

Address: 1405 Hollipark Dr., Idaho Falls, ID 83401

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

Signature of permit holder: Deena Teel - Ecologist Date: 1/4/2001

(Include your title, if on behalf of company or organization)

MICROFILMED

JAN 30 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07230

Priority: January 6, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:
SPRING tributary of 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	0.02 CFS
WILDLIFE	01/01 to 12/31	0.01 CFS
	Totals	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSNW , Sec. 36, Township 06N, Range 27E
BUTTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 28E 29	NENE	NENW
30	SENE	

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2001.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
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.
5. Stockwater use is for 118 range cattle.
6. Project #3303480124 is part of the Clara Pipeline in the Jumpoff Allotment 02002.

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

25th day of February, 2000.

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APR 17 2000

[Signature]
for Karl J. Dreher, Director

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

FEB 14 2000

To appropriate the public waters of the State of Idaho JAN 05 2000

Department of Water Resources

Department of Water Resources
Eastern Region

1. Name of applicant U.S.D.L., Bureau of Land Management Phone (208) 524-7500

Post office address 1405 Hollipark Drive, Idaho Falls, ID 83401

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____

Sec. 36 Township 6N Range 27E B.M. Butte County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for Stockwater purposes from 0101 to 1231 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.01 for Wildlife purposes from 0101 to 1231 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 0.02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headbox, pipeline to troughs

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 years (minimum 1 year).

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APR 17 2000

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

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. 118 Range cattle
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Wildlife; variable amounts

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	RANGE	SEC.	L-1				L-3												TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	28E	29	S/W				S/W												
6N	28E	30								S/W									

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. A33-02151 is from a different spring source. The two pipelines converge into one.

11. a. Who owns the property at the point of diversion? Wayne Bare
- b. Who owns the land to be irrigated or place of use? U.S.D.I., Bureau of Land Management
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. BLM is in possession of a "Notice of Use of Reserved Right-of-Way" that entitles BLM to full use of the spring. See attachment

12. Remarks: Pipeline is located in the Tumpoff Allotment (#02002) and was constructed in 1978. The BLM IDENT for this claim is 3303480124. Pipeline is locally known as Clara Pipeline.

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APR 17 2000

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

See attached map

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APR 17 2000

Scale: 2 inches equal 1 mile.

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

Bob Kraayenb
(applicant)

Received by HWT Date 1-20-2000 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by HWT # EQ25541 Date 1/6/2000
Publication prepared by SC Date 1-20 & 1-27-2000 Published in Arvo Advertiser
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

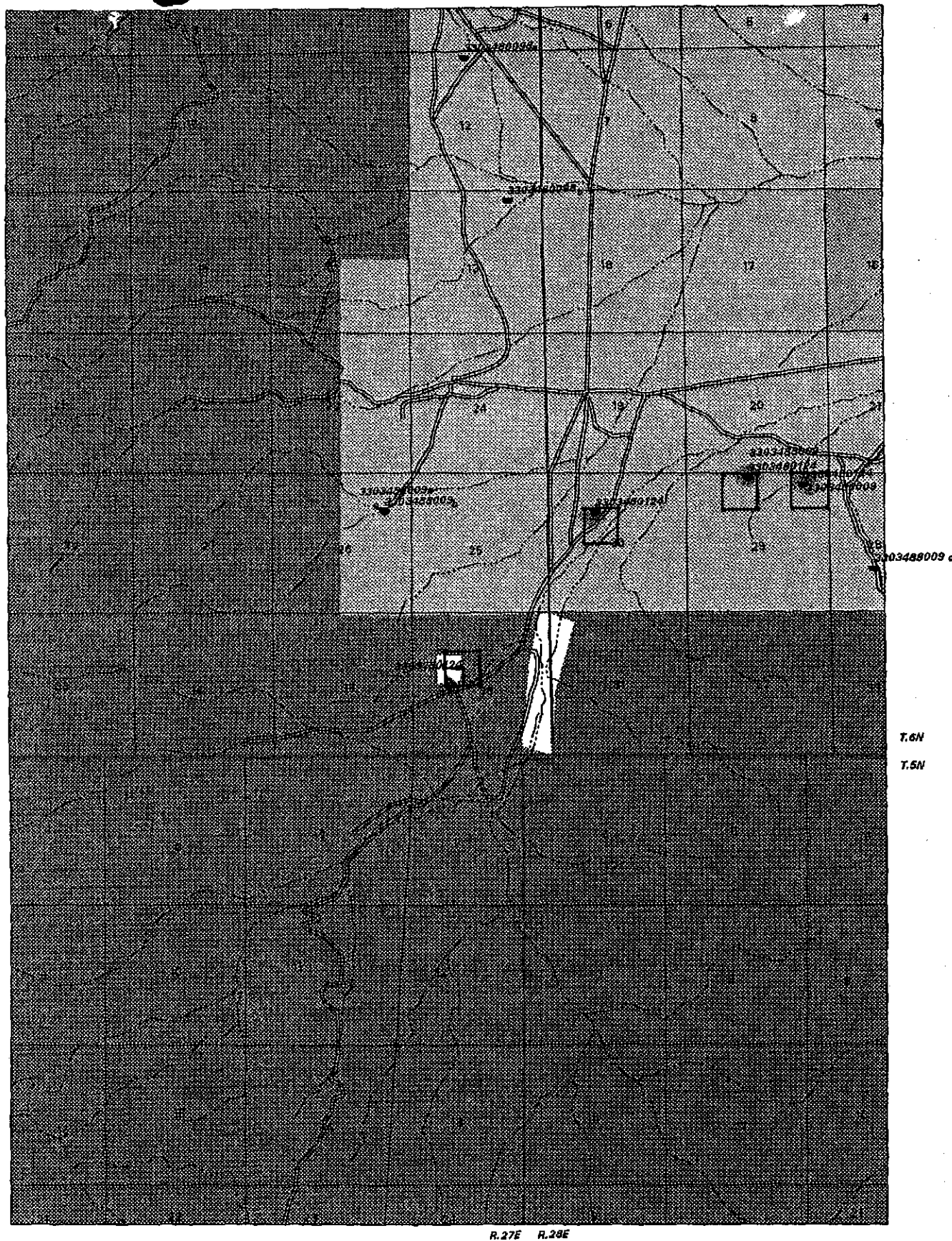
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

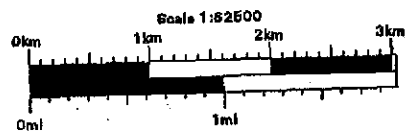
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APR 17 2000

Arco Pass



Legend

- Primary HWY
- Secondary HWY
- Improved Road
- Unimproved Road
- Jeep Trail
- Railroad
- Per. River/Stream
- Int. Stream
- Ditch
- Pipeline
- Perennial Lake
- Int. Lake
- Dry Lake
- Marsh/Swamp
- Private
- BLM
- USFS
- State
- NPS
- INEL
- Spring
- Reservoir
- Water Tank
- Playas/Stream/Creek
- Well
- Trough
- Withdrawn Claims
- Trough at the Spring



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PRODUCED BY THE BLM, IDAHO FALLS DISTRICT.
Projection Universal Transverse Mercator
Zone 12, 1927 North American datum.

No warranty is made by the Bureau of Land Manager
as to the accuracy, reliability, or completeness of
this data for individual use or aggregate use with
other data. March 3, 1988

NOTICE OF USE OF
RESERVED RIGHT-OF-WAY

WHEREAS, Wayne Bare and Meltie Bare hereby confirm and recognize the reserved Ditches and Canals Right-of-way held by the United States over their patented Land pursuant to the Act of August 30, 1890 (26 Stat. 361; 43 U. S. C. 945).

WHEREAS, the United States now desires to exercise said reserved right-of-way to locate, construct, use, maintain, improve, relocate and repair an underground water pipeline over and across the following-described real property situated in the County of Butte, State of Idaho, to wit:

A parcel of land lying in H.E.S. No. 258 in the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 36, Township 6 North, Range 27 East, Boise Meridian; the said parcel being all that portion of said property contained within a strip of land 50 feet in width, being 25 feet on each side of a centerline shown and described on Exhibit A which is attached hereto and made a part hereof.

The parcel of land to which the above description applies contains 2.1 acres, more or less.

NOW THEREFORE, IT IS AGREED:

1. That said water pipeline is for the full use and enjoyment by the United States of America, its licensees, permittees, allottees and agents in connection with the management of the public lands surrounding or adjacent to the lands herein described, including the right of ingress and egress thereto.

2. The United States shall have the right to install, in connection with such pipeline, valves and other appurtenances, pressure reducers and such mechanical devices as shall be essential to accomplish the purposes of this grant of right-of-way and easement. Except for any standpipe or other device to bring water to the surface for livestock and wildlife, and/or for ~~human consumption or other human use~~, the said pipeline system shall be buried underground to such depth and with such safeguards as not to create a hazard. Initially, it is contemplated that the pipeline will be approximately 1.25 inches inside diameter, but any section or sections of the pipeline system may be installed with or replaced by pipeline of greater size or dimension or diameter.

6-15-78 W.B.
MICROFILMED
APR 17 2000

3. The United States shall satisfactorily backfill any trench dug in connection with the construction and maintenance of said pipeline system and shall restore the surface of said easement to substantially the same condition as existed prior to disturbance using crested wheatgrass to rehabilitate the surface where reasonably practicable.

Dated this 15 day of 8, 1978

Carl A. Funder
(Signature of Authorized Officer)

W. M. Lynn *Bare*

District Manager BLM
(Title)

Metta Bare

ACKNOWLEDGMENT

STATE OF)
COUNTY OF) SS

On the 15th day of Aug, 1978 personally came before me, a notary public in and for the said County and State, the within-named _____, to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Dorlene S. Queney
Notary Public in and for the

State of *Idaho*

Residing at *Home*

My commission expires *Lifetim*

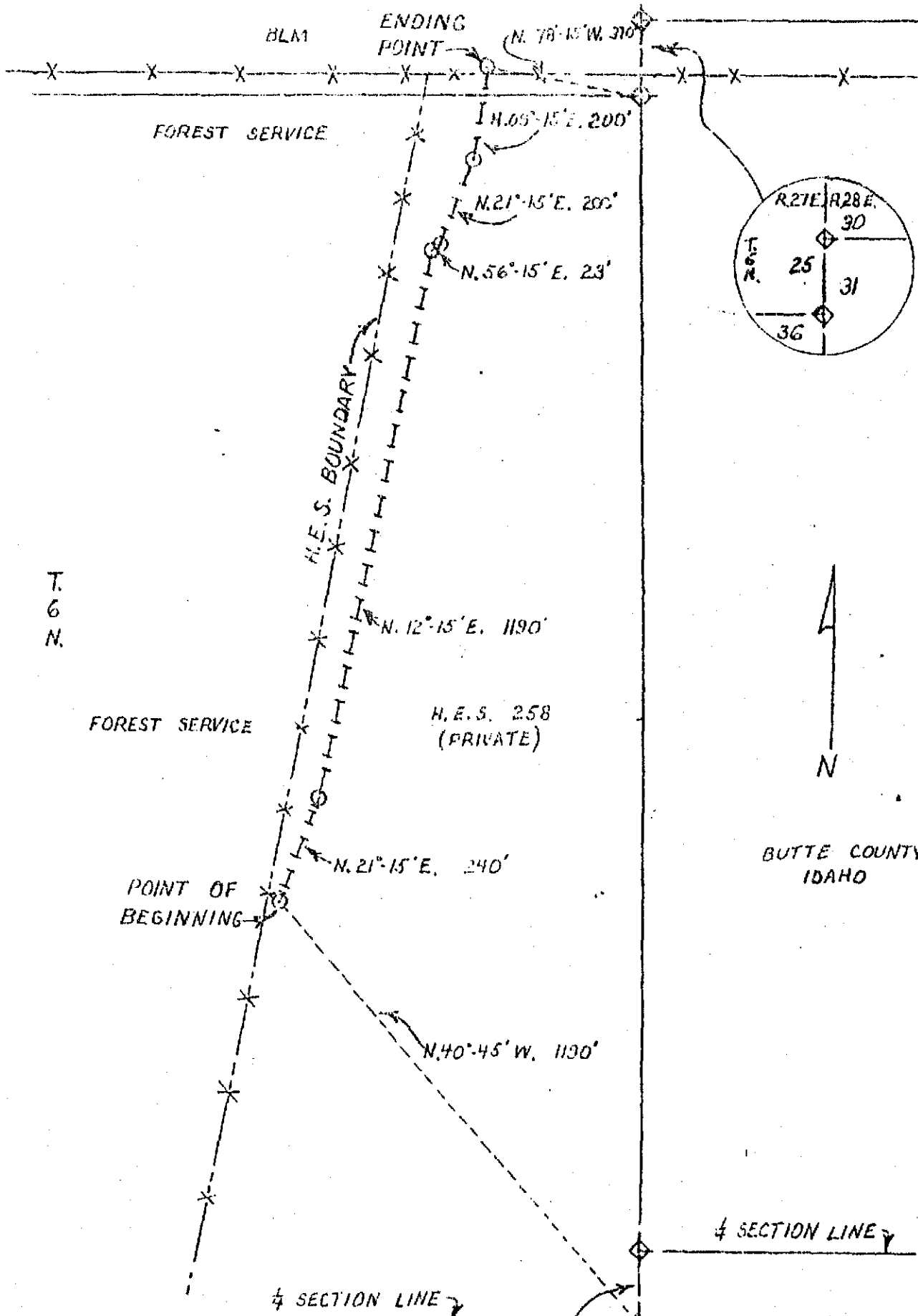
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APR 17 2000

CORRECT AS TO
ENGINEERING DATA
William R. Johnson
CIVIL ENGR. TECH.
1972

R. 27 E.

R. 28 E.



T.
6
N.

FOREST SERVICE

H.E.S. 258
(PRIVATE)

BUTTE COUNTY
IDAHO

POINT OF
BEGINNING

N. 40°-45' W. 1130'

SECTION LINE

SECTION LINE

LEGEND

- X — H.E.S. BOUNDARY (FENCED)
- ◇— BRASS CAP, FOUND CORNER
- X — FENCE
- SECTION LINE

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APR 17 2000

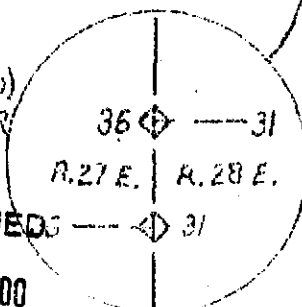


EXHIBIT 'A'

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
CLARA PIPELINE EASEMENT	
RECORDED BY CRAWFORD, J. S. 11/2/71	RECORDED BY BUREAU OF LAND MANAGEMENT
UNRECORDED BY BUREAU OF LAND MANAGEMENT	RECORDED BY BUREAU OF LAND MANAGEMENT
SCALE 1" = 300'	
DATE 4/24/78	SHEET 1 OF 1
DRAWN BY	



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

January 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07230

Dear Permit Holder:

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

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JAN 30 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 33-7230

Reviewed By: dgibson

Date: January 19, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	✓		Drilling permit required?		✓
License examination fee required?	✓		Drilling permit No.:		
Appropriate fee submitted?	✓		Drilling permit upgrade needed?		
Receipt No.:			Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		✓
Name and address same as permit? ✓			Measuring device installed?		✓
Are the water uses correct? ✓			Measure device waiver requested?		

Priority Calculation

Date proof received		01/04/2001
Date proof due	-	03/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/06/2000
New priority date	=	01/06/2000

Deficiencies of Actions Items

Acknowledge proof.

December 31, 2000

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLLIPARK DR
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 33-7230

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

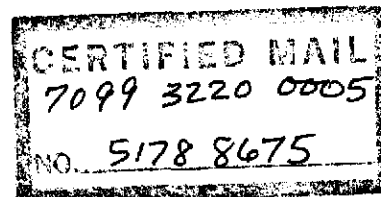
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

JAN 30 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

February 28, 2000

DIRK KEMPTHORNE
GOVERNOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLLIPARK DR
IDAHO FALLS ID 83401

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 33-07230

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

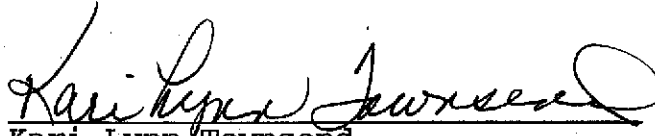
APR 17 2000

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 33-07230

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401


Kari Lynn Townsend
Secretary

MICROFILMED
APR 17 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 2/18/00

No. 33-07230 Name: PLM Corp. Officers ? Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes ESPA Stock/wildlife etc Moratorium GWMA TRUST/NON-TRUST ?

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - W/A
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5/ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R52/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 3 / 01 / 2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52

WD - R04 (WD#)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

Project # 33-048124 part of the
Clara Pipeline in the jumpoff
(Relicment 02002)

RECEIVED

FEB 14 2000

Dist for Staffing _____
Submitted for advertising 1-7-2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

BLM

INITIAL REVIEW BY HWT DATE 1-6-2000 APPLICATION NO. 33-07230

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- ☒ Overlapping place of use (Describe source & relationship to present application on the back)
____ Overlapping point of diversion
____ Yes _____ No Critical groundwater area
____ Yes _____ No Groundwater management area
____ Yes _____ No Send dam safety information
____ Yes _____ No Send fish farm requirement letter
____ Yes _____ No Power residency affidavit
☒ Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
____ Yes _____ No **Public Water System**
____ Yes _____ No **Planning section review**
____ Yes _____ No **Moratorium Hold file**

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

- ☒ Yes _____ No In form for advertising
☒ Yes _____ No Statewide advertising
☒ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- | | |
|--|--------------------------|
| ____ Id Dept of Health & Welfare | ____ U.S. BLM |
| ☒ Id Dept of Fish & Game | ____ U.S. Forest Service |
| ____ Id Dept of Lands | ____ Water District |
| ____ Adjudication Bureau Unit | ____ Other _____ |

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest _____
☒ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommend 1-6-2000
By: [Signature] Date: 2-8-2000
STATE OFFICE REVIEW: _____

By: _____ Date: _____
ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

A33-0a151 A+B have same common P.O.U.

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated JAN. 20, 2000

and ending with the issue dated

JAN. 27, 2000
Colleen Babcock

STATE OF IDAHO

COUNTY OF BUTTE

On this 31st day of January

in the year of 2000, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. En
Notary Public for Idaho

Residing at Arco, Id

My commission expires: 1-23-2004

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

33-07230

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS, ID 83401

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSENW Sec 36 T 06N R
27E in BUTTE County.

Use: STOCKWATER (0.020 CFS)

WILDLIFE (0.010 CFS)

Total Diversion: (0.020 CFS)

Date Filed: 1/6/2000

In: BUTTE County

T06N R28E S29 NENE NENW
S30 SENW

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest crite-
ria of Sec. 42-203C, Idaho Code. Protests
must be filed with the applicant and the
Director, Dept. of Water Resources, along
with a \$25.00 filing fee, 900 N. Skyline
Dr., Idaho Falls, ID 83402, on or before
FEBRUARY 7, 2000.

KARL J. DREHER, Director

Published: 1/20/2000 & 1/27/2000.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 12, 2000

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

RE: Application for Permit #33-07230 and Application for Transfer #5628

Dear Applicant:

This office is currently in the process of advertising the application in the Arco Advertiser on January 20 and 27, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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APR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JANUARY 12, 2000

Legal Notices Department
THE ARCO ADVERTISER
P.O. DRAWER C
ARCO, ID 83213

Dear Legal Dept.:

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

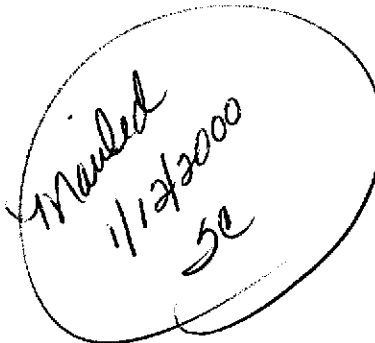
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 7, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



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NOTICE OF APPLICATION FOR TRUST WATER RIGHT

33-07230

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLLIPARK DR
IDAHO FALLS, ID 83401

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSENW Sec 36 T 06N R 27E in BUTTE County.

Use: STOCKWATER	(	0.020 CFS)
WILDLIFE	(	0.010 CFS)
Total Diversion:	(	0.020 CFS)

Date Filed: 1/ 6/2000

In: BUTTE County		
T06N R28E S29	NENE	NENW
S30	SENW	

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before FEBRUARY 7, 2000.

KARL J. DREHER, Director

Published: 1/20/2000 & 1/27/2000

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APR 17 2000