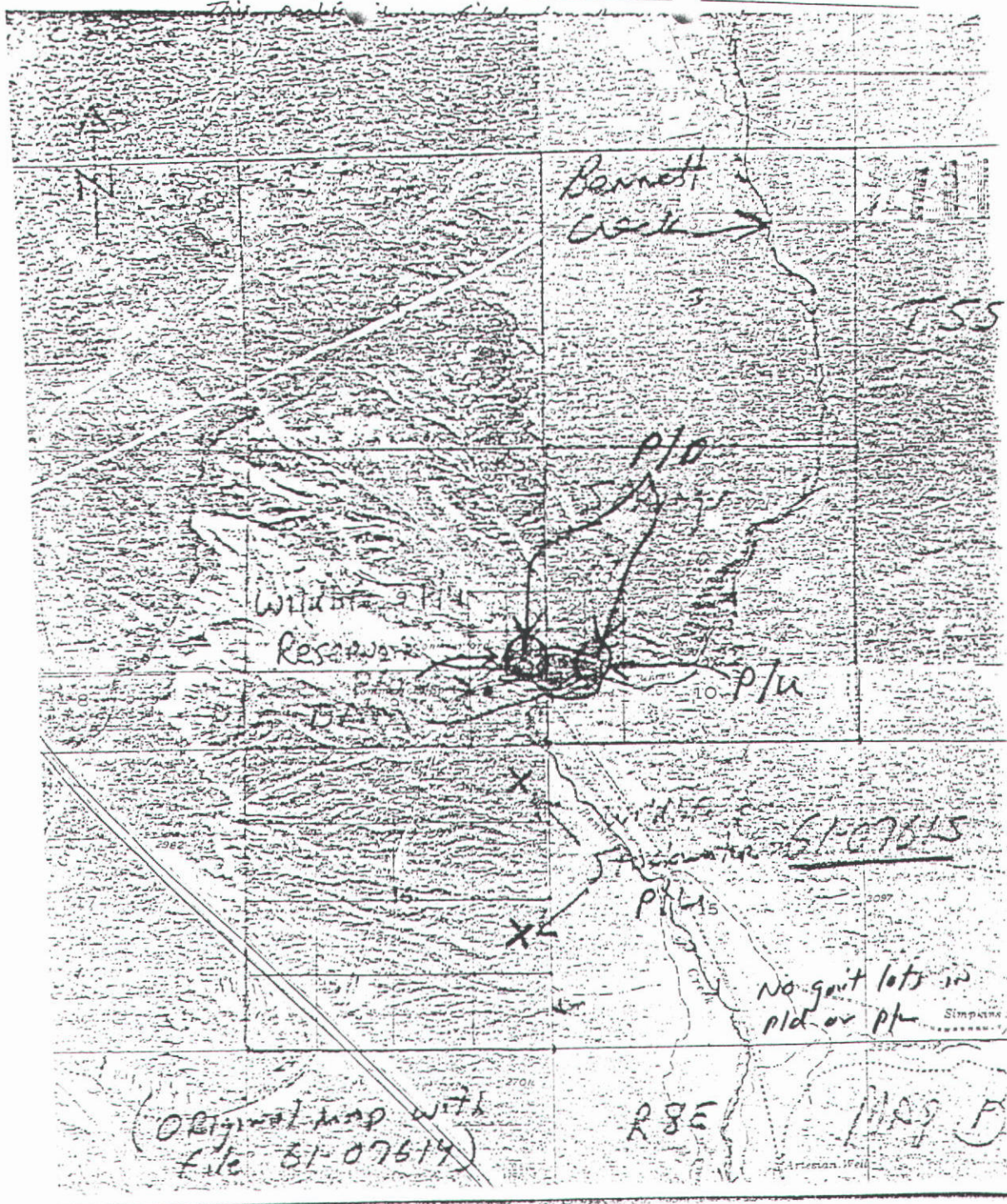
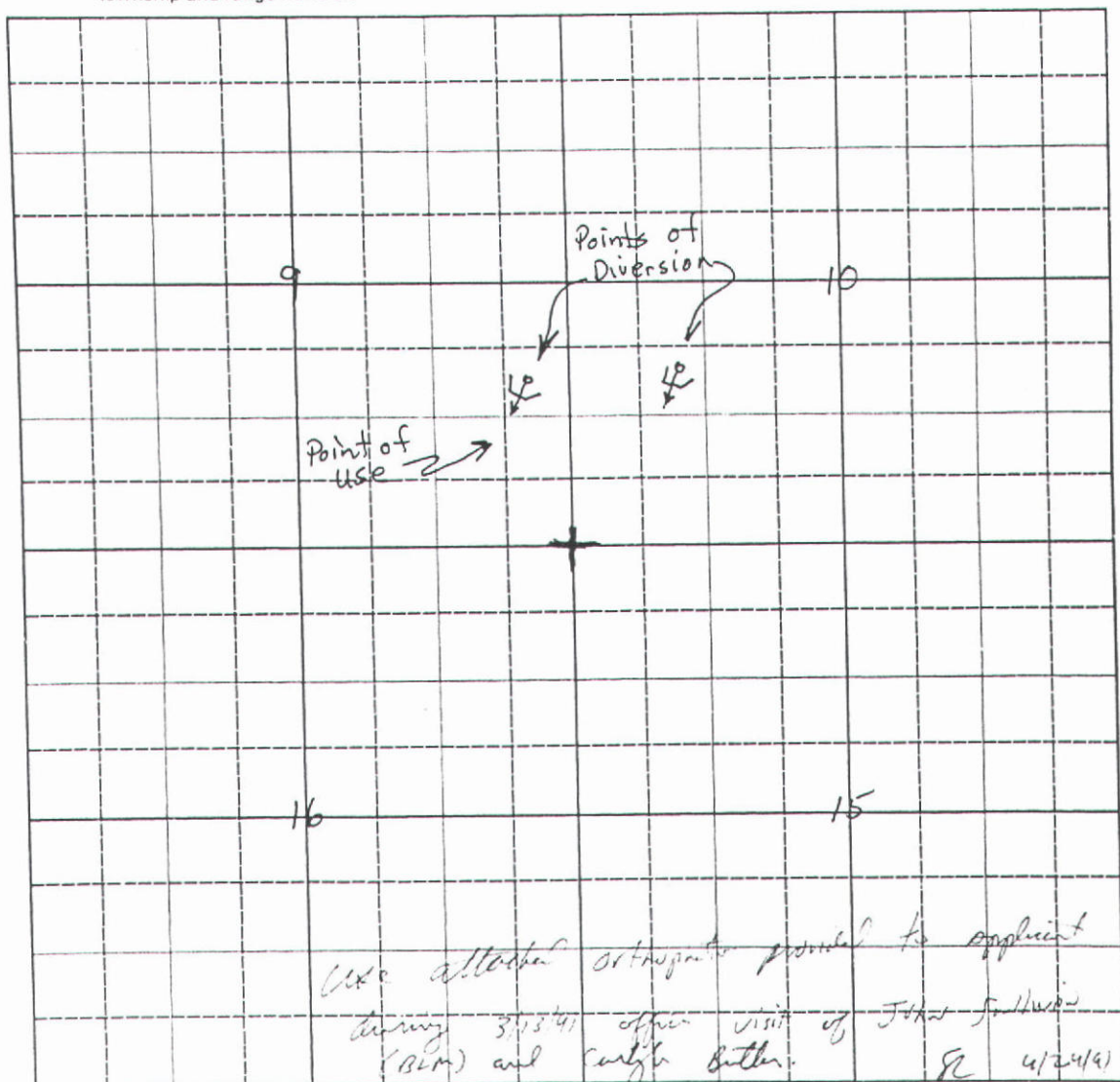


W. 1/2 SW 14 S. 10.
Dam appears to straddle section line.



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

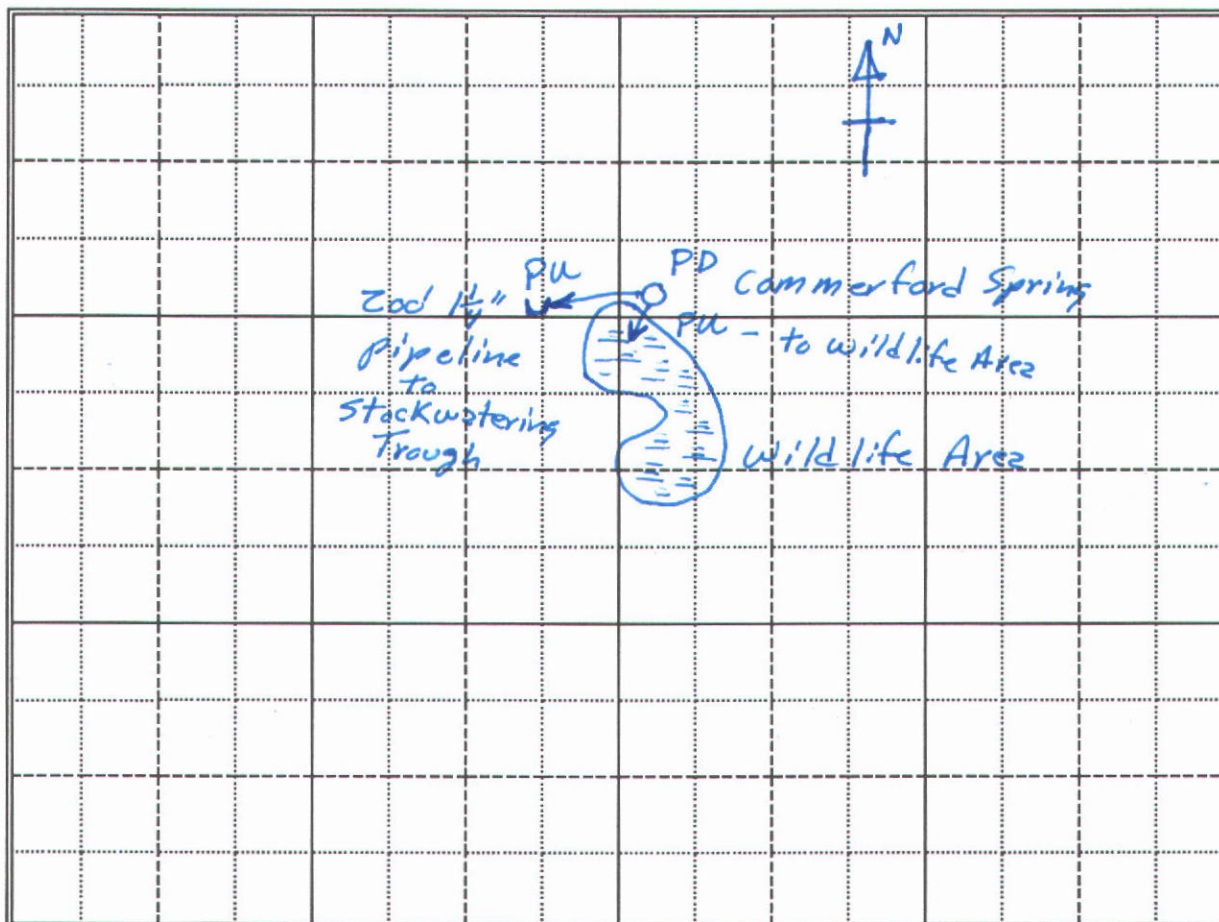


Scale: 2 inches equal 1 mile

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

Wernia P. Horgem
(Applicant) Area Manager
Bureau
BLM

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

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

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

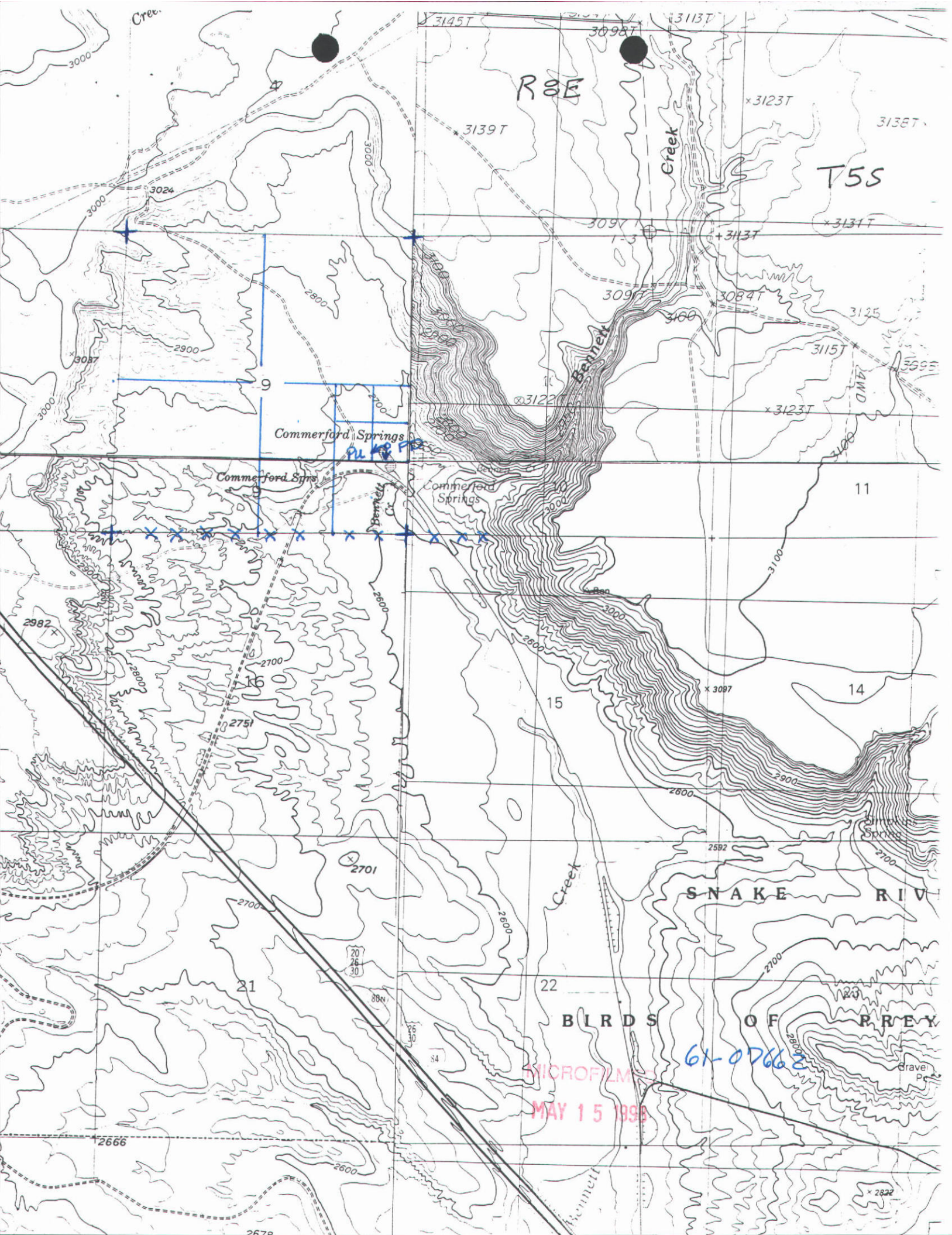
D. FLOW MEASUREMENTS

1.

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

2. Measurements: None

MICROFILMED
MAY 15 1998



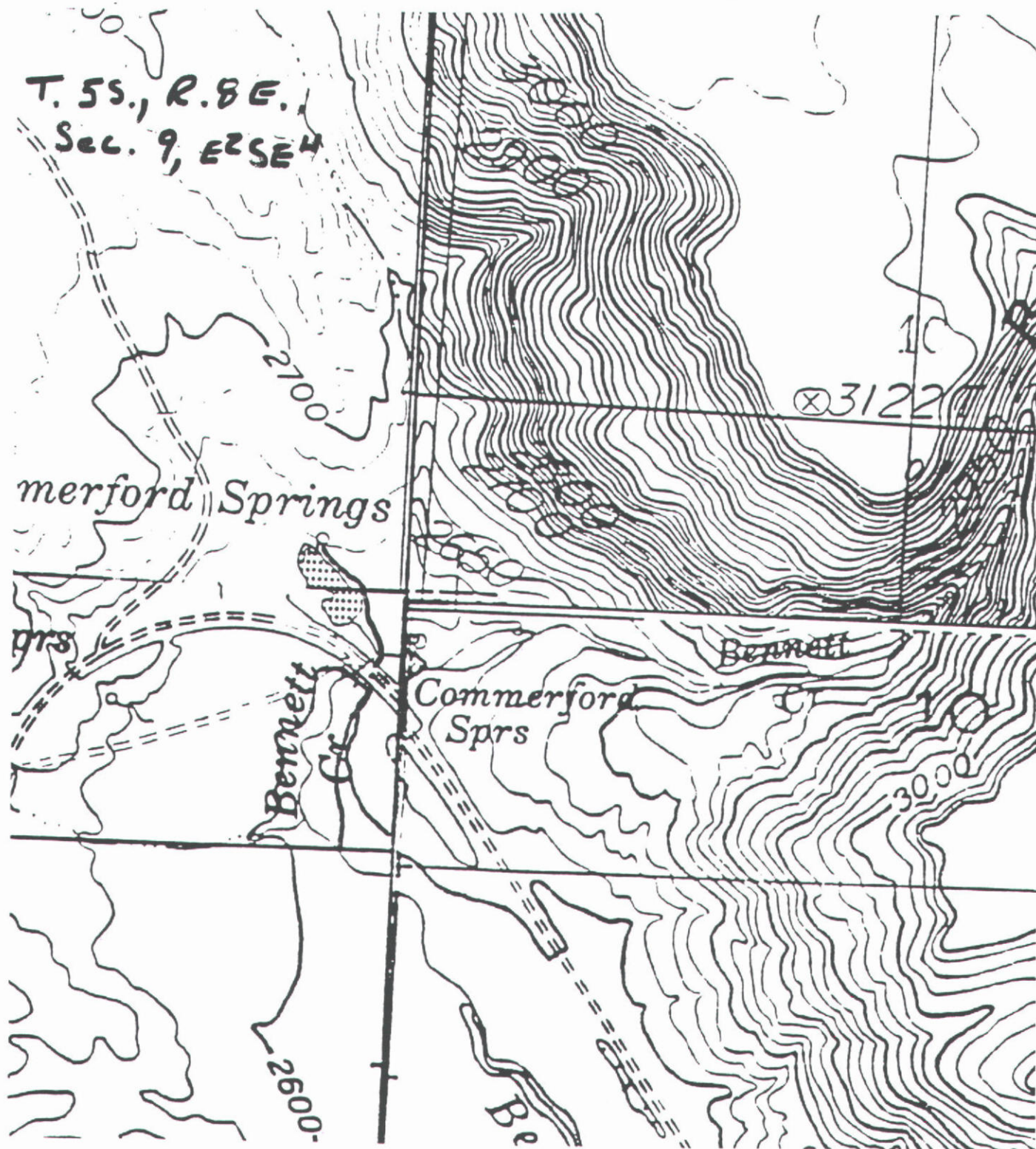
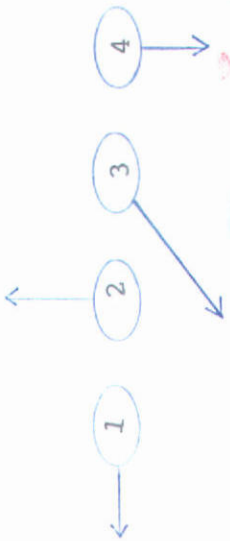


Exhibit A
IDI-27038 - water pipeline
1/12/96

MICROFILMED
MAY 15 1998



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 61-07662

Priority: January 22, 1996

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

3.1 AF

This is to certify, that US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE

3380 AMERICANA TERRACE

BOISE ID 83706

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 23, 1991; and has submitted Proof of Beneficial Use on January 22, 1996. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

COMMERFORD SPRINGS

tributary to **BENNETT CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	3.1 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	3.1 AF
	Totals	0.04 CFS	3.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 9, Township 05S, Range 08E
ELMORE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 08E 9 NESE

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

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

WATER LABEL

1000

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 61-07662

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 61C.
7. Right 61-07615 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 17th day of April, 1998.


Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-07662)
IN THE NAME OF BUREAU OF LAND MANAGEMENT) **ORDER OF**
) **REINSTATEMENT**

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On July 15, 1991, the Department issued Permit No. 61-07662 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1995.

2. On April 30, 1995, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On July 7, 1995, the Department sent a lapse notice to the permit holder.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On January 22, 1996, the permit holder submitted an acceptable proof and license examination fee along with photos taken in 1994 and 1995 showing development of the spring. The permit holder further explained that due to personnel changes within the Bureau of Land Management and legal proceedings

MAE 281996

regarding Commerford Springs, the proof submittal had been overlooked.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

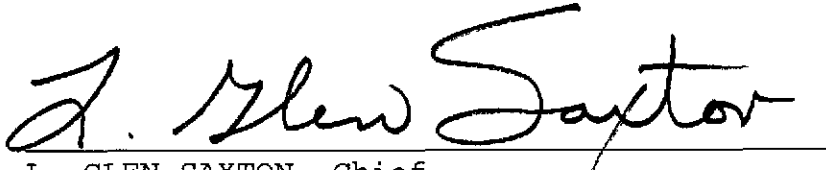
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 61-07662 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to January 22, 1996.

Dated this 1st day of March, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For Reinstatement

Darla A Block
Person Recreating File

1-30-1996
Date

RECEIVED
JUN 30 1993

Department of Water Resources
Western Regional Office

RECEIVED
JUL 01 1993
Department of Water Resources

For Office Use Only
\$15 Fee Received by 884
Date 6/30/93
Receipt No. WR16455

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 61--07662

Name(s) of Permit Holder US Department of Interior-B.M.

Mailing Address c/o Boise District 3948 Development Ave Boise, Id 83705

Date Proof Is Due 7-1-93 Telephone No 208-384-3300

Describe what work has been completed toward the development of this water right
(This must be filled out! If no work has been completed, show "none".)

Preliminary paperwork has been initiated.

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons

This project has not been constructed as of this date. Design problems in the water

transport system, archaeological conflicts and drought conditions have precluded progress
and approval of the proposed reservoir, pipeline and right-of-way.

Permit holder(s) request an extension to July 1, 1995, 19

FEE: \$15.00

Fred W Schley
(Signature)*

ACTING AREA MGR
BROWNE RES. AREA

*If other than permit holder, Power of Attorney must be supplied

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is
extended to July 1, 1995.

Signed this 2nd day July, 19 93

A. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07662

Proposed Priority: April 23, 1991 Maximum Diversion Rate: 0.04 CFS

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

has applied for a permit to appropriate water from:

COMMERFORD SPRINGS tributary of BENNETT CREEK
SPRINGS tributary of BENNETT CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESE Sec. 9, Township 05S, Range 08E
NESWSW Sec. 10, Township 05S, Range 08E
SENESE Sec. 9, Township 05S, Range 08E
SWNWSW Sec. 10, Township 05S, Range 08E
SEINWSW Sec. 10, Township 05S, Range 08E
NWSWSW Sec. 10, Township 05S, Range 08E
ELMORE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 08E	9	NESE	SESE
	10	NWSW	SWSW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 61C.
5. Stockwater use is for 400 range cattle.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07662

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

15 th day of July, 1991.

J. Glen Sauter
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name of applicant Bureau of Land Management Phone 384-3300
Post office address 3948 Development Ave., Boise, Idaho 83705
a. Cammerford Springs
b. ~~Cammerford~~ Springs which is a tributary of Bennett Creek
- 2 Source of water supply b. ~~Cammerford~~ Springs
- 3 Location of point of diversion is SE $\frac{1}{4}$ of NE ~~1/2~~ 1/2 of SE $\frac{1}{4}$ Govt Lot _____
Sec. 9 Township 5 S. Range 8 E. B.M. Elmore County, additional
points of diversion if any ~~W 1/2 SW 1/4 Sec 10, T. 5 S., R. 8 E.~~
NESESE 5.9; SWNWSW, SENWSW, NWWSW, NESWSW 5.10,
TSS, R8E.
- 4 Water will be used for the following purposes
Amount .02 for stock water purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre feet per annum)
Amount .02 for wild life 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)
- 5 Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) _____ acre feet per annum
- 6 Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc Springlines, pipes to troughs,
and use at springs.
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 90°F being sought? _____
- 7 Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year)

* per orthophoto provided to applicant on 3/13/91 office visit
by John Sullivan of the BLM. Diverting works described
during the office visit.

JL 4/24/91

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 400 cattle
- c Municipal, show name of municipality _____
- d Domestic, show number of households _____
- e Other, describe fully wildlife: big game, upland bird, waterfowl, non-game

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	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55.	8 E.	9													W			W	
		9													S			S	
		10									W	W							
		10									S	S							

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above. _____

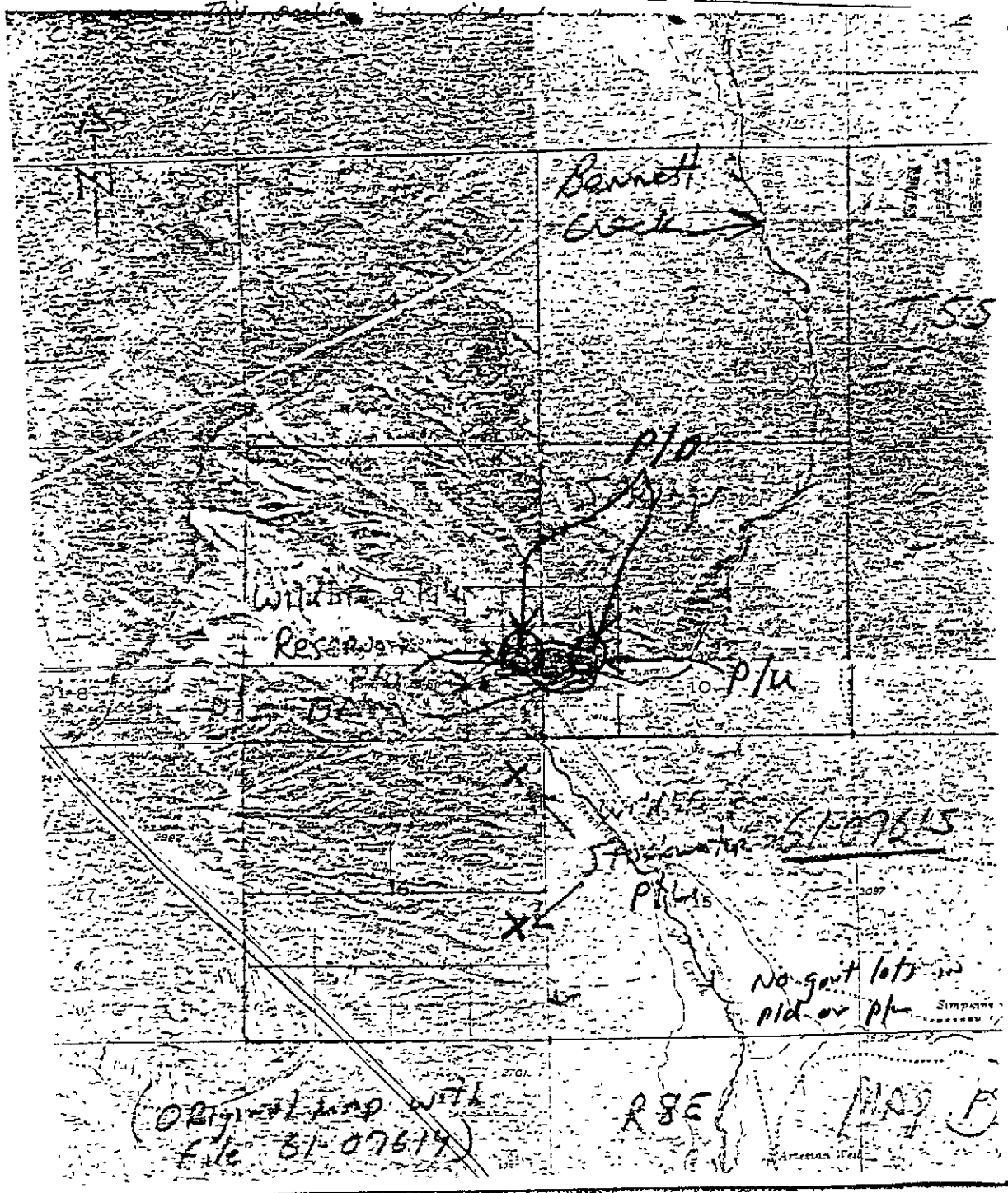
11. a. Who owns the property at the point of diversion? _____

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

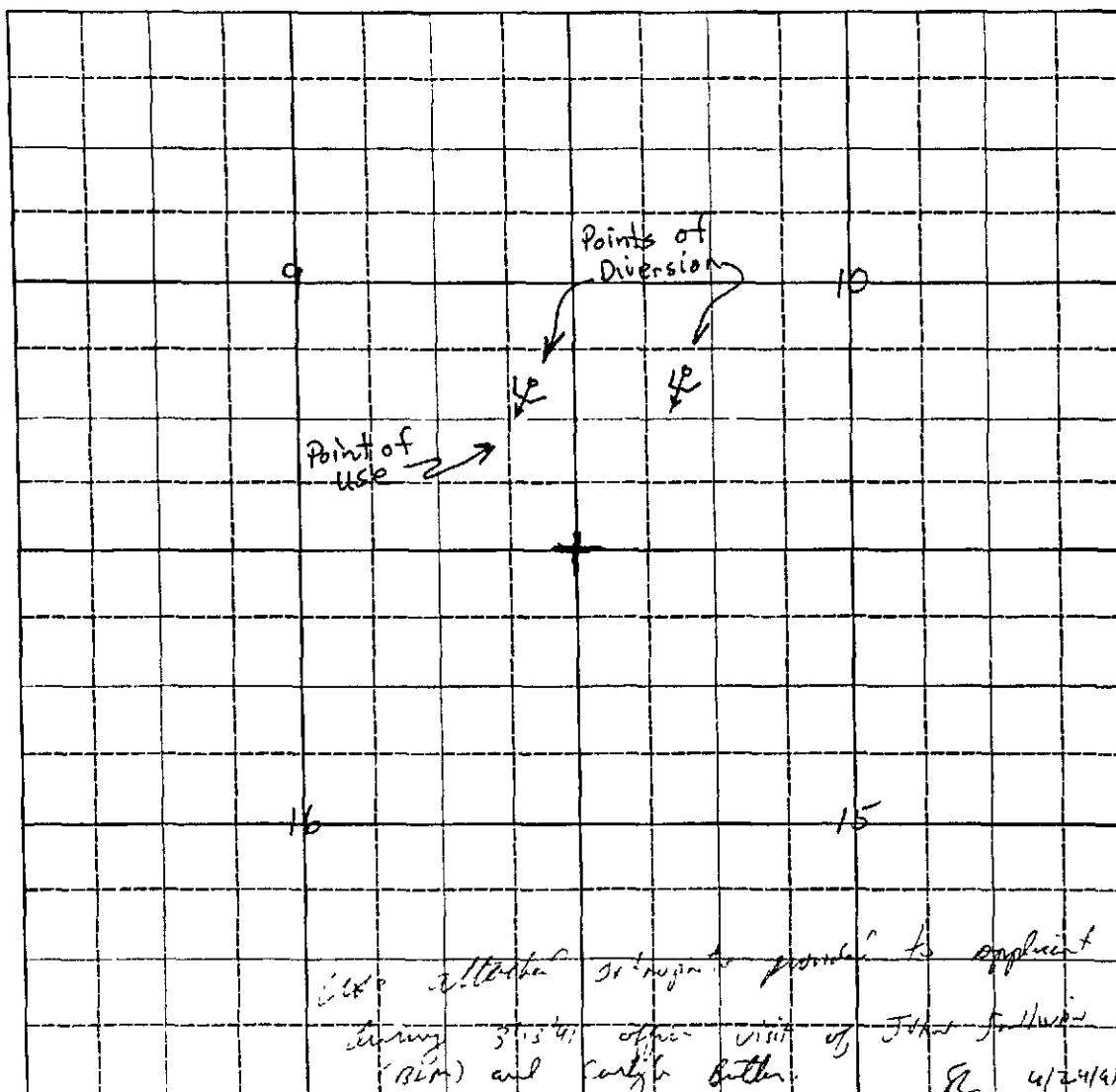
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12. Remarks This application relates to application # 61-07615 by Carlyle Butler. As per agreement between BLM & Butler, BLM application will be considered as having priority rights over Butler's. Signed agreement will be forwarded for attachment to the subject applications under separate cover.

W 1/4 SW 14 S. 10.
HAM appears to straddle section line.



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



Scale 2 inches equal 1 mile

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

Wesley R. Ferguson
 (Applicant) Area Manager
 Bureau
 B.C.W.

Received by RL Date 4-23-91 Time 1:57 Preliminary check by RL
Fee \$ 30⁰⁰ Receipted by RL # W013240 Date 4-23-91
Publication prepared by GG Date 5-8-91 Published in Mountain Home News
Publication approved MT Date 6-3-91 5/15 & 5/22/91

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



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

April 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: WATER RIGHT NO. 61-07662

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

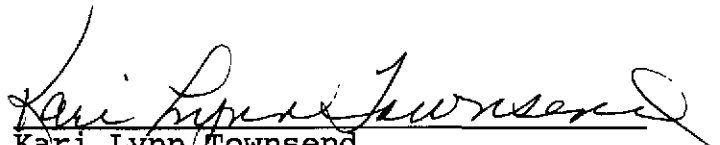
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 61-07662

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


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: File 61-07662

FROM: Sharla

DATE: April 16, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No 61-07662 are as follows:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.02 cfs	3 1 afa
Wildlife	1/1 - 12/31	0 02 cfs	3.1 afa
	TOTALS	0 04 cfs	3 1 afa

Wildlife volume for USFS and BLM rights is the same as stockwater, not additive. The volume calculation is rounded to the nearest tenth, $3.12 = 3.1$ afa.

Examiner: Dan Tomich
Exam Date: July 10, 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 61-07662 DATE 4/16/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (Para P39 - gov P40/P47) Add (P45/P42)

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41 - gov P43/P47) Add (P42)

W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

RATE OF DIV

Permitted Rate .04 cfs
 Fee limit .20 cfs \$5000
 Measured --- cfs
 Theoretical --- cfs

Recommended Total Div Rate .04 cfs

WATER USES

<u>Stock.</u>	<u>.02</u> cfs	<u>5</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69) supp. gw (WB7/065/079) overlap spec. combined rts (W35) <1acre (W31) Domestic (W01/WB5/070/071/075) Power (W42 or W43/025/027/R22 or R23) Fish (042) Fire (077) Wtr Quality (081/R07)
<u>Wua</u>	<u>.02</u> cfs	<u>5</u> af	
_____	_____ cfs	_____ af	
_____	_____ cfs	_____ af	
_____	_____ cfs	_____ af	
TOTALS	<u>.04</u> cfs	<u>10</u> af	

Flow rate .04 cfs X 212 days X 1.98 = 16.8 af

REMARKS W36(61-07615)

ADD'L CONDITIONS R01 Watermaster Control WD# 61C

R31 GW Measurement/Measuring Device
 Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ✓ no SRBA Claim 1/4 Adjust Memo volume

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 12 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07662
Management (Bob Mallis)
1. Owner: U.S. Dept. of Interior, Bureau of Land Phone No. 384-3348
Current Address: Idaho State Office, 3380 Americana Terrace Boise ID 83706
2. Accompanied by: Bob Mallis, John Sullivan EXAM DATE: 7-10-96
Address: Lower Snake River District Boise ID 83705 Phone No. 384-3338 (John Sullivan)
Relationship to Permit Holder: Boise Res. Area Employees
3. Source: Commerford Springs tributary to Bennett Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: 61-07614, 61-07615; Butler

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Also developed spring and constructed a pipeline to Section 16.

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	9	5S	8E	Elmore	Verified from BLM Project File

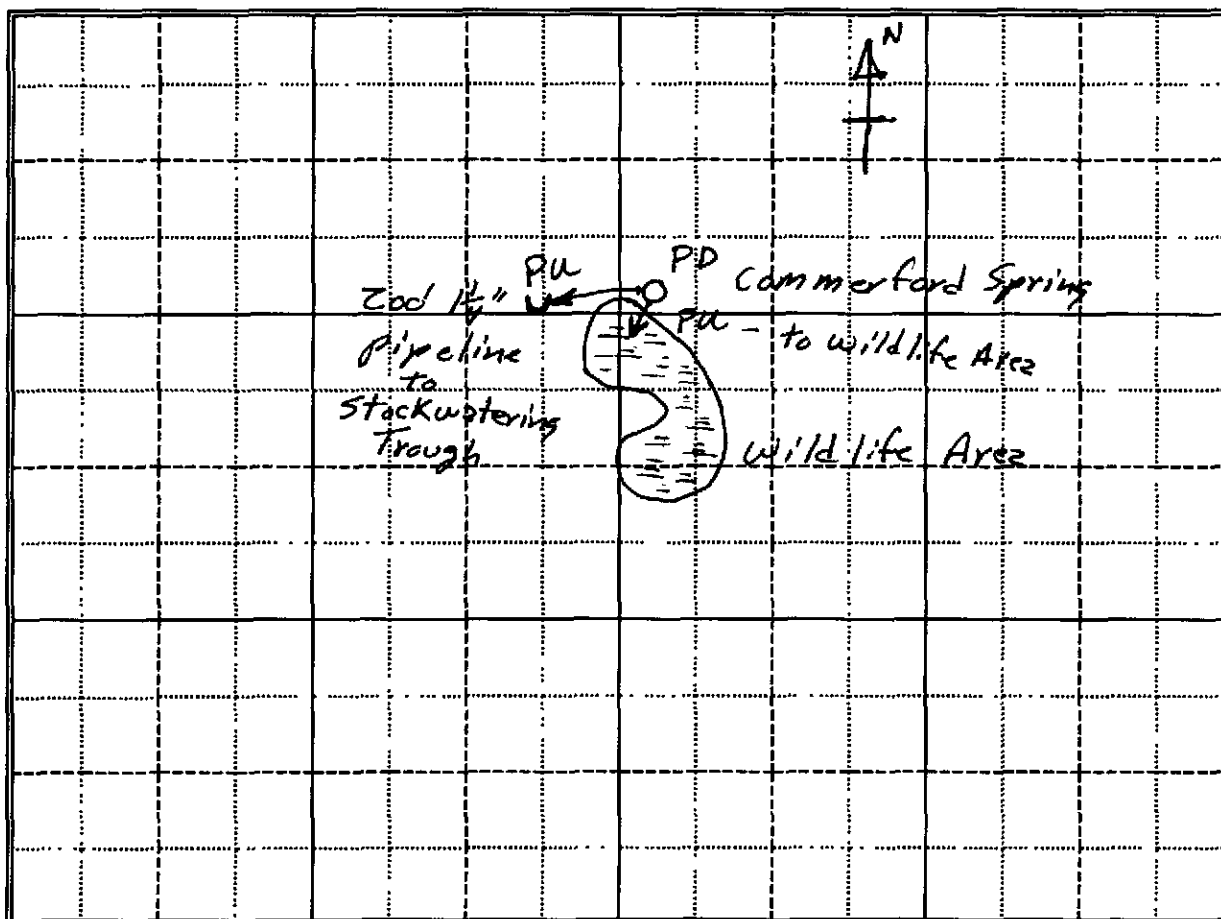
2. Place(s) of Use:

Indicate Method of Determination Verified from BLM Project File

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	8E	9													S				

MAR 12 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None

E. NARRATIVE/REMARKS/COMMENTS

1. This was an office ^{exam} conducted at the BLM - Lower Snake River District, Boise Field office at 3948 Development Av., Boise, ID. John Sullivan, Manager, ^{Birds} ~~Reps~~ of Prey, and Bob Mellis, Water Rights Coordinator, were present.

2. Although the permit shows 2 PD's in Section 9, and 4 PD's in Section 10, there is only one PD at Commerford Springs - SENESE, section 9, T5S, R8E. The permit also shows 2 PU in Section 9 and 2 PU in Section 10. There are only 2 PU - one for stockwater, and one for wildlife in NESE, Section 9, T5S, R8E.

3. This permit, 61-07662, includes development of the Spring, construction of a 200', 1 1/4" pipeline to the west, and placing / construction of a stockwatering trough. Also water is allowed to enter the wildlife area to the south / southeast, of the Spring. The Spring is fenced.

4. The grazing season for the 400 range cattle is a total of 7 months each year; March, April, and Oct to Dec., and Jan, Feb.

5. Butler's water rights; 61-07614, and 61-07615, also has the Spring as PD. Butler constructed a pipeline from the Spring, south to Section 16. In an agreement with Butler, BLM granted him right-of-way for his development

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

with the stipulation that Butler agreed that BLM had superior rights to 0.04 cfs from the Spring for livestock and wildlife, and Butler could use whatever water was left over after BLM's needs were fulfilled. This agreement will be included in Butler's water Right(s).

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: No measurement.

Permit : Stock - 0.02 cfs, wildlife - 0.02 cfs, total = 0.04 cfs

Proof : Stock - 0.02 cfs, wildlife - 0.02 cfs, total = 0.04 cfs

Admin. memo #3, $q = 0.09$ cfs allowed.**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

$$\text{Stock - Beneficial use} = \left(12 \frac{\text{GPD}}{\text{Head}} \right) \left(400 \text{ Head} \right) \left(\frac{213 \text{ days}}{\text{Ann.}} \right) \left(\frac{\text{AF}}{325,850 \text{ Gal}} \right) = 3.14$$

$$\text{Allowed } \approx \left(\frac{7}{12} \right) (5.4) = 3.15 \frac{\text{AF}}{\text{Ann.}} = 3.2 \frac{\text{AF}}{\text{Ann.}} \approx 3.2 \frac{\text{AF}}{\text{Ann.}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.02</u>	<u>3.2</u>
<u>Wildlife</u>	<u>01/01</u>	<u>12/31</u>	<u>0.02</u>	
Totals:			<u>0.04</u>	<u>3.2</u>

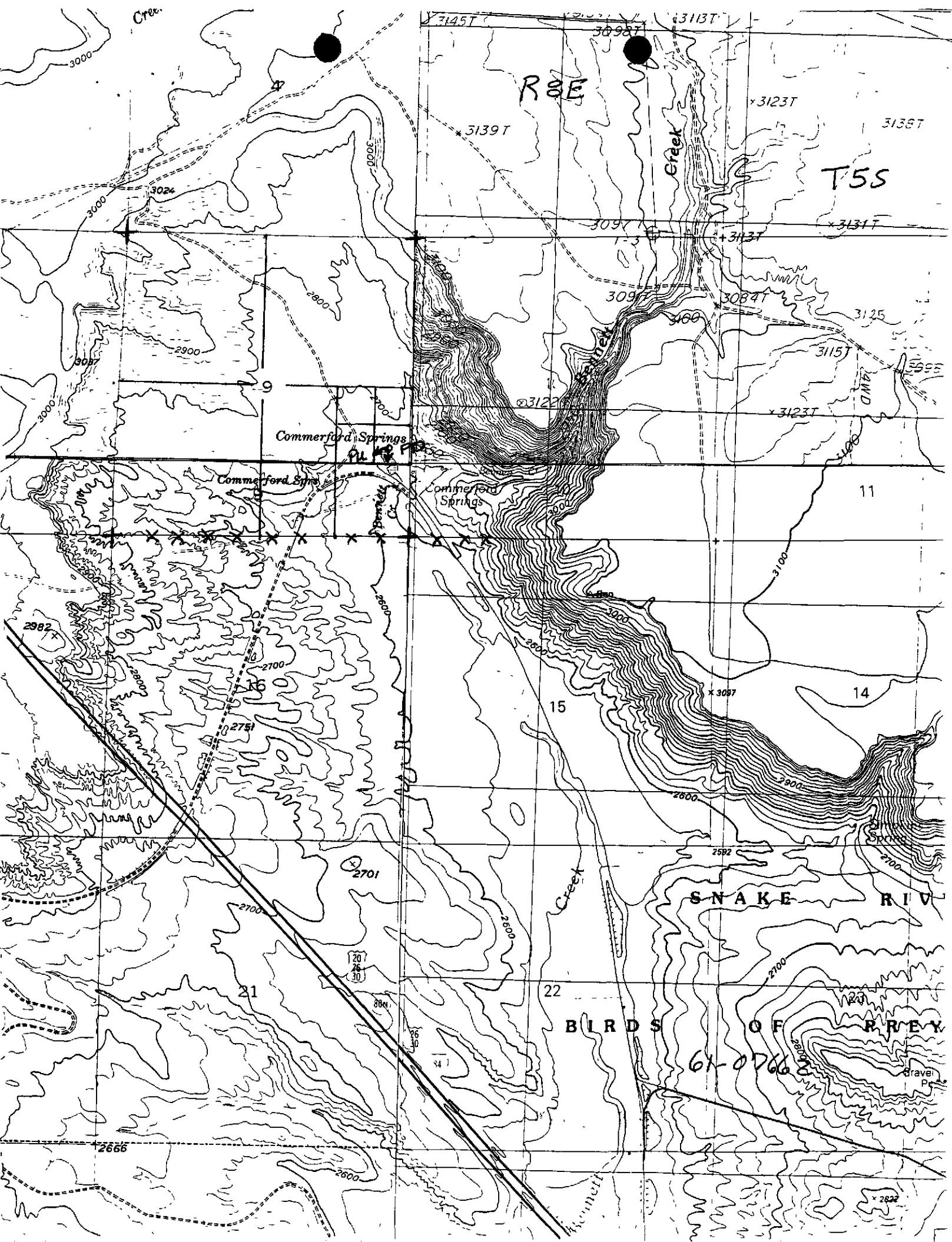
2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name Don Zornich Date 7-23-96

Reviewer _____ Date _____

SEAL





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

RECEIVED

JAN 17 1996

WATER RESOURCES
WESTERN REGION

In Reply Refer
To:

2800
IDI-27038

January 16, 1996

David R. Tuthill Jr. *DR*
State of Idaho
Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Tuthill:

This responds to your letter of December 28, 1995, requesting information regarding an inquiry to your office from Corey Arellano. Mr. Arellano is apparently concerned that the recent development at Commerford Springs has reduced the flow of water that feeds Bennett Creek. I will briefly outline the history of this matter from BLM's perspective.

Commerford Spring has been used as a livestock and wildlife watering source since livestock were first brought to the area. However, because the spring was never protected or improved, BLM has been concerned that repeated livestock trampling of the spring area was adversely affecting water quality and, ultimately, could reduce spring outflow.

BLM filed a water right application on this spring as part of our overall program to protect water rights needed for livestock, wildlife, and other needs on public lands. We later became aware that Carlyle Butler had filed a previous water right application. We were somewhat concerned that Mr. Butler might be granted a water permit to develop a spring, yet have no legal right from BLM to carry out that development. Thus, Mr. Butler and John Sullivan, of this office, met with Steve Lester of your office to discuss the matter. The discussion resulted in an agreement that if BLM granted Mr. Butler a right-of-way for spring development, the right-of-way grant would stipulate that Mr. Butler agreed that BLM had superior rights to 0.04 CFS of water needed for livestock and wildlife purposes, and that Mr Butler could use

whatever water was left over after BLM's needs were fulfilled. BLM and Mr. Butler had requested repeated extensions of time to perfect their water permit applications. These extensions were required because of long delays in processing Mr. Butler's right-of-way application due to serious conflicts with existing cultural sites, as well as engineering problems that needed mitigation.

Because of some misunderstandings, Mr. Butler thought he had finally been given permission to develop the spring, and pipe water onto his property, and so completed the construction. However, he was in error, and was issued a citation by BLM. A pre-sentence agreement was worked out between BLM and Mr. Butler, and was subsequently agreed to by the District Court Judge. The agreement provided the following:

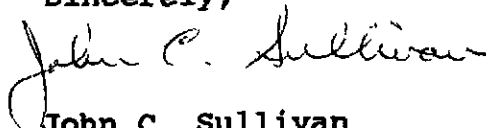
1. The springbox had not been constructed to BLM standards. However, because BLM felt that unnecessary damage would be created by removing it and replacing it with an approved springbox, BLM agreed to allow the springbox to remain as is until it deteriorated on its own and needed to be replaced.
2. The pipeline originally installed by Mr. Butler would be rerouted to avoid conflicts with existing cultural sites.
3. The fence constructed around the spring by Mr. Butler would remain in place to protect the spring from livestock trampling.
4. Because the above fence provided no off-site watering facility for livestock, BLM required Mr. Butler to install temporary off-site water troughs to mitigate short-term livestock water needs. Permanent troughs will be installed by BLM at a later date. The water line to the troughs was constructed with a valve that will be turned off when no livestock are in the pasture.

Mr Arellano apparently feels that the spring development has reduced the flow from Commerford Spring. In actuality, the improvements to the spring will not only improve the water quality, but also protect the long-term productivity of the spring itself. BLM is using no more or less water from the spring than we always have. We have simply allowed the spring to be developed to reduce ongoing ecological damage.

A right-of-way was recently issued to Mr. Butler that included the requirements outlined in the Court's approved pre-sentence agreement. The right-of-way also includes the agreement from Mr. Butler that BLM's rights to 0.04 CFS of water for livestock and wildlife purposes from Commerford Spring are superior to his own. A copy of the right-of-way grant is enclosed.

Hopefully, this helps clarify what has become a very confusing matter over the past several years. Please contact me at 384-3338, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John C. Sullivan". The signature is written in dark ink and is positioned above the printed name.

John C. Sullivan
National Conservation Area Manager

Enclosure

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER IDI-27038

RECEIVED
JAN 17 1996
WATER RESOURCES
WESTERN REGION

-
1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
 2. Nature of Interest:
 - a. By this instrument, the holder:

Carlyle Butler
705 E. Main
Jerome, ID 83338

receives a right to construct, operate, maintain, and terminate a water pipeline,
on public lands described as follows:

Boise Meridian, Idaho

T. 5 S., R. 8 E., section 9: E $\frac{1}{2}$ SE $\frac{1}{4}$.

(as shown on the attached Exhibit A)
 - b. The right-of-way or permit area granted herein is 12 feet wide, 1500 feet long and contains .431 acres, more or less. If a site type facility, the facility contains _____ acres.
 - c. This instrument shall terminate on _____, or 5 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. At the discretion of the authorized officer this instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. **Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.**

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. **This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.**
- b. **Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 182 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.**
- c. **Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.**
- d. **The stipulations, plans, maps, or designs set forth in Exhibit(s) A & B, dated January 12, 1996 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.**
- e. **Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.**
- f. **The holder shall perform all operations in a good and workmanlike manner so**

as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Carlyle Butler
(Signature of Holder)

Owner
(Title)

1/2/96
(Date)

Sigie Suther-Blair
(Signature of Authorized Officer)

Bruneau Area Manager
(Title)

1/12/96
(Effective Date of Grant)

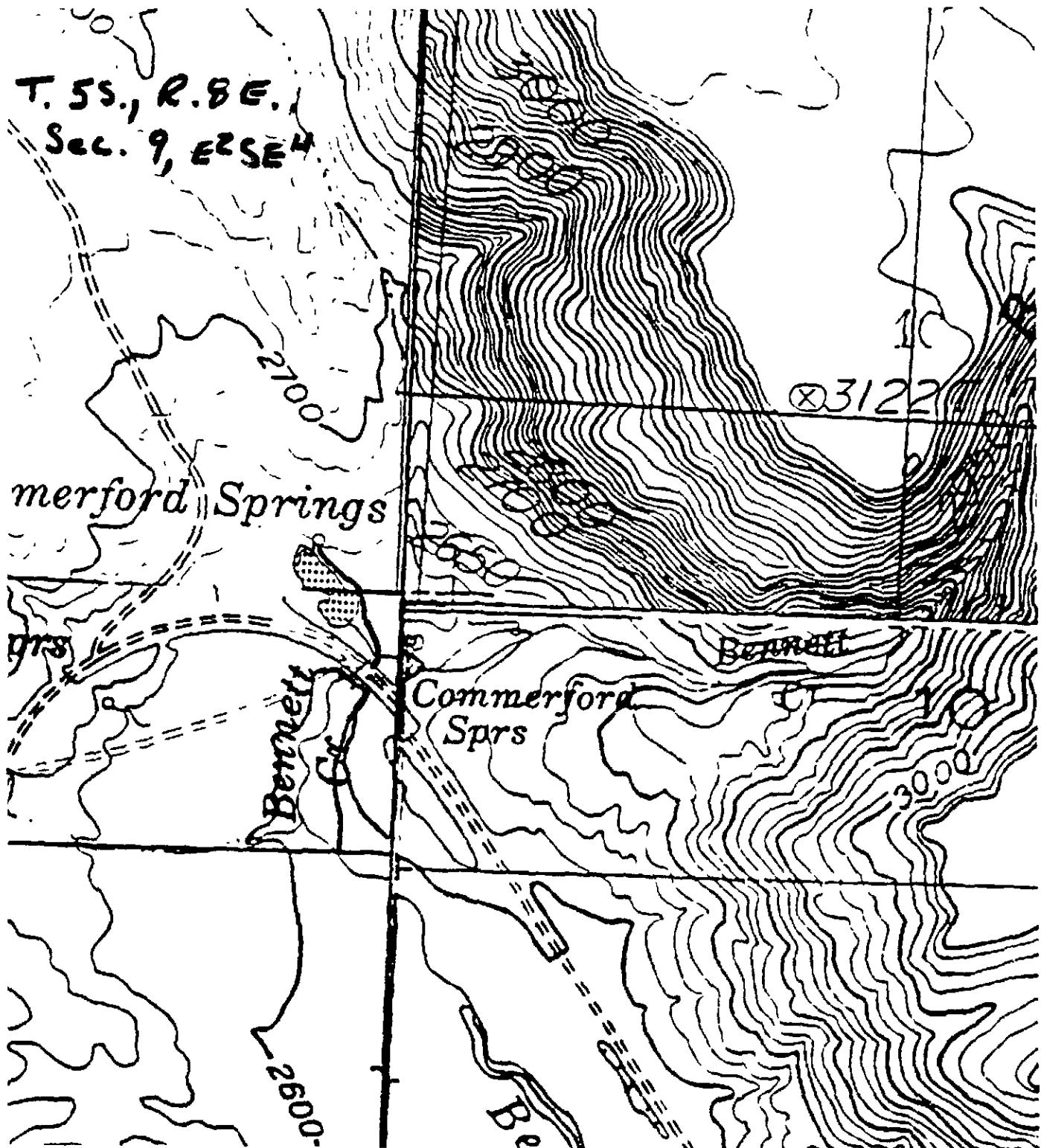


Exhibit A
IDI-27038 - water pipeline
1/12/96

RIGHT-OF-WAY OR PERMIT STIPULATION
IDI-27038

1. The holder shall place a temporary watering trough in a location determined by the BLM suitable for the watering of cattle in this allotment.
2. The holder shall remove the pipe from the Bennett Creek culvert railroad grade and be placed through a bore hole in the grade itself at least 20 feet from the structure.
3. The holder will contract with an archaeologist to complete a limited test excavation on cultural site 10 EL 1154 that he disturbed while installing the pipeline. The BLM statewide archaeologist, Dan Hutchison, will be contacted at the BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, 83706-2500, before the contract is issued to be sure the project is described properly for the job that needs to be done.
4. The holder will complete all work outlined in the Plea Agreement, Magistrate No. 95-1061-B, Violation No. L 033637, before October 1, 1996.
5. The spring box and fence placed at and around North Commerford Springs in trespass will remain the property of the BLM for their future use as necessary.
6. The holder, his heirs, assigns, or other successors in interest to the Water Right No. 61-07615, agrees that the BLM has superior rights to the first 0.04 CFS of water from North Cummerford Springs.
7. The holder will file proof of construction within 90 days of completion of construction but no later than one year of the date of the grant.
8. The holder shall notify the authorized officer of any change of mailing address.
9. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).
10. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the

discovery will be made by the authorized officer to determine appropriate values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

11. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
12. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
13. If facilities authorized for construction under this right-of-way grant use Polychlorinated Biphenyls (PCBs), such use shall be in a totally enclosed manner in accordance with provisions of the Toxic Substances Control Act of 1976 as amended (see 40 CFR Part 761). Additionally, any release of PCBs (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any hazardous material shall be furnished to the authorized officer within 5 working days of the occurrence of the spill or release.
14. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State

government.

- 27038
14. The holder of right-of-way IDI- agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way), or resulting from the activity of the right-of-way holder on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 61-07662 Reviewed by [Signature] Date 3-1-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes¹⁷⁰ Address same as permit?
170 Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required? no Required?
50.00 Amount Submitted _____ Installed?
yes Correct? _____ Waiver requested?

PRIORITY CALCULATION

Date proof received 1-22-96
Date proof due 7-1-95 - _____
No. of days late over 60 = _____
Priority Date _____ + _____
New Priority Date _____

1-22-96

DEFICIENCIES OR ACTION ITEMS

*late Reinstatement + advance priority to January 22, 1996
Proof acceptable.*

DATA ENTRY

New Address 3948 Development Ave Proof Made 1-22-96
130152, 17 83705 5389



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 1, 1996

BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 61-07662

Dear Permit Holder:

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

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to January 22, 1996.

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

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MAR 28 1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

RECEIVED

JAN 22 1996

WATER RESOURCES
WESTERN REGION

In Reply Refer To:

January 22, 1996

David R. Tuthill Jr.
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 24 1996

Department of Water Resources

Re: Permit No. 61-07662

Dear Mr. Tuthill:

Enclosed herewith is a completed Proof of Beneficial Use form for Commerford Spring. BLM had previously been granted an extension until July 1, 1995 in which to file a proof of beneficial use. Please consider this letter as our request to have the permit reinstated.

Prior to July 1, 1995, BLM completed, or caused to be completed, a spring and pipeline development that not only functions to serve BLM's water needs, but also those of Carlyle Butler. I have enclosed copies of photos showing spring and pipeline developments that were completed prior to July 1, 1995.

We failed to timely file the beneficial use form due to confusions brought about by recent funding reductions and staff realignments. The confusions were further complicated by legal proceedings that were ongoing between BLM and Carlyle Butler regarding Commerford Springs. Those proceedings have since been completed, and we have reached an amicable agreement with Mr. Butler. We recently issued to Mr. Butler a right-of-way to authorize his use of the existing spring development. The right-of-way stipulates that Mr. Butler agrees that any water rights that BLM may have from the spring are superior to his.

Please contact me at 384-3338, if you have any questions.

Sincerely,

John C. Sullivan
National Conservation Area Manager

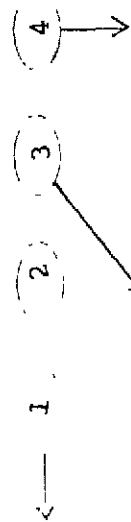
MAR 28 1996

PHOTO LOG
Boise District BLM

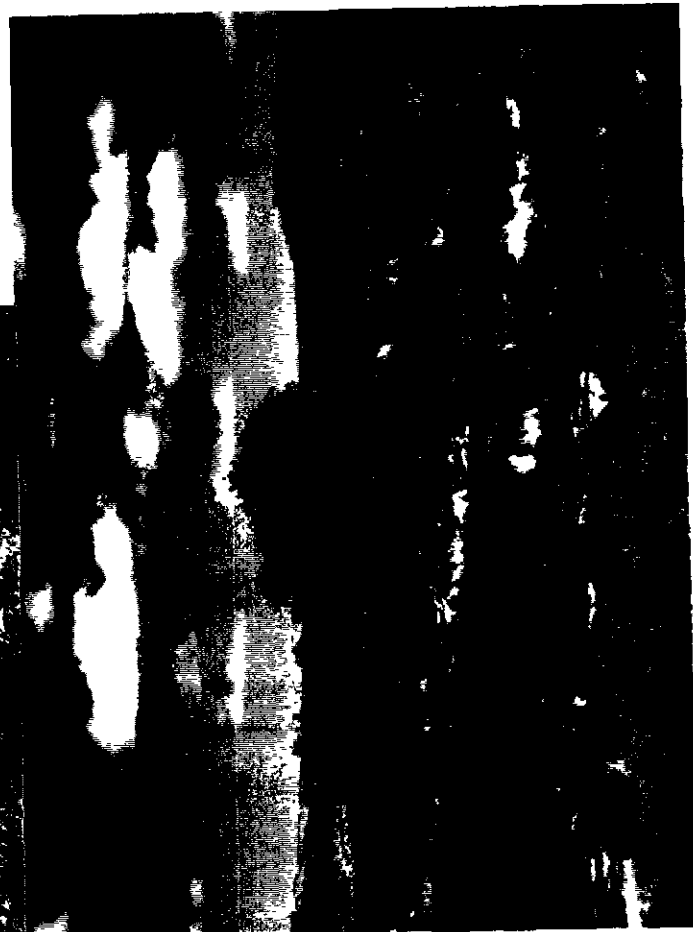
North Commerford Springs
Elmore County, Idaho

1. Trench where livestock pipeline was installed. Photo taken 7/3/95.
2. Springbox. Photo taken 7/3/95.
3. Overall view showing fence. Photo taken 5/22/94.
4. Closeup of fence. Photo taken 5/22/94.

7 2 8 1996



MAR 8 8 1996



NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For Reinstatement

Darla A. Block
Person Recreating File

1-30-1996
Date

I certify that file No. 61-07662

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

S. Curtis
Reviewer

11/1/95
Date

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/31/95 08.34.15
Page 1

Water Right Number - 61-07662

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR

1 - BUREAU OF LAND MANAGEMENT
2 - BOISE DISTRICT
3 - 3948 DEVELOPMENT AVE
City- BOISE State- ID Zip- 83705
Phone - 208-384-3300

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/23/1991 14 WESTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
COMMERFORD SPRINGS BENNETT CREEK
SPRINGS BENNETT CREEK

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
05S	08E	9	SE NE SE			(39) ELMORE				
			NE SE SE			(39) ELMORE				
		10	SW NW SW			(39) ELMORE				
			SE NW SW			(39) ELMORE				
			NE SW SW			(39) ELMORE				
			NW SW SW			(39) ELMORE				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.020	
16 - WILDLIFE		01/01	12/31	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	08E	9	NE SE			04	STOCKWATER	(39) ELMORE
05S	08E	9	SE SE			04	STOCKWATER	(39) ELMORE
05S	08E	10	NW SW			04	STOCKWATER	(39) ELMORE
05S	08E	10	SW SW			04	STOCKWATER	(39) ELMORE

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
Stockwater use is for 400 range cattle.

WP5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/31/95 08:34:15
Page 2

Water Right number - 61-07662

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
D05 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 61C.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 07/07/1995 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 05/07/91 GARRETT 07/03/91 SKAGGS 07/03/91 SKAGGS 08/07/91 SKAGGS 01/26/92 POST-STD
07/02/93 GUSTAFSSO 07/07/95 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 07/01/1995	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 07/15/1991	Protested Date - 00/00/0000	Swan Falls - S
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - W013240	Water District - 61C
Licensed Date - 00/00/0000	Appl Received - 04/23/1991	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag - Y
Presumption Flag -		

July 7, 1995

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT
3948 DEVELOPMENT AVE
BOISE ID 83705

LAPSE NOTICE

RE: PERMIT NO. 61-07662

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 7/7/95
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

April 30, 1995

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT
3948 DEVELOPMENT AVE
BOISE ID 83705

PROOF DUE NOTICE

RE: PERMIT NO. 61-07662

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 July 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

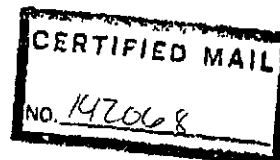
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Cecil D. Andrus
GOVERNOR

R. Keith Hugginson
DIRECTOR

July 2, 1993

USDI - BLH
3948 Development Ave
Boise, ID 83705

Re: Permit No. 61-07662

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

April 30, 1993

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3300 AMERICANA TERRACE
BOISE ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 6J-07662

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 July 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO 140123



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 16, 1991

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07662

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

APPLICATION FOR PERMIT REVIEW

Application #: 61-7662 Reviewer: Pam Skaggs *PS*
 Date: 7-3-91

Existing:

- ☒ No - 26A-P17
- Complete in 1 year - P16
- Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
- Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.2 cfs - N/A
- Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23 (All GW, even existing wells)

Location:

- ☒ Water Districts - WD No. 61C
- ☒ Surface water - 005 005-01H-P01 (LT.2 w/pump)
 005-01J-P08 (GT.2)
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- ☒ Swan Falls Flag - C (1, Blank or Other)
- ☒ Trust *Exempt* - 051-052-053-P74 (Consumptive Uses)
- Non Trust - 048-049
- River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - SNAKE (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D. Cond.)

Use:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042 (req.), 002-P06 (MD), 07A (Spec.),
 044 (Policy 5G)
- Power - Use Power Review
- Mining - 06A or 010, 09E-P10 & 054 (req.)
- Storage - 18A-for multiple measuring devices (In WD),
 18B-P09 (Size)
- Rec. & Aesthetic - 027 (Non-Consumptive)
- Domestic - 021 (restricted areas)
- Ownership:
 - Non land owner - 004
- Protested:
 - Agreement - 020

☒ Beneficial Use Due Date: 07-01-1993
 Other Conditions Recommended _____

CONVERSATION MEMORANDUM

DATE 3/13/91

NAME OF PARTY Carlyle Butler & John Sullivan

FILE 61-07615 } appl. for
61-07660 } permit

EMPLOYEE Steve Lorton (BLM)

61-07654 } appl. for
36-07613 } transfer

RE: RESPONSE PER OFFICE RE: APPL. 61-07660 QUESTIONS:

(1) Relinquish appl 61-07660, apply \$20 (W013025) to
amend & submit 61-07615. Refund \$10.

(2) 61-07615 Amend the APPL.:

no storage on Bennett Creek

stockwater & domestic (1)

same place is S.16; domestic is N5W6 S.16

working on special use permit with BLM

(3) BLM will file its own appl. for permit for same

spring for ? hd. stock & wildlife is ? QQ.

after receive appl. & give #, go to item 4.

(4) Draw up agreement for both parties to sign whereby

BLM appl. taken priority over 61-07615 due to

BLM concern about using H2O on public land before
water is diverted to private land.

(5) Appl. 61-07615 contains assignment to BLM (mislabelled

as 63-11053) & DRT's 1/17/90 letter of acknowledgment

of assignment. There is no basis for an assignment

since BLM holds no possessory interest in the

land in S.16. Reassign such assignment. Amend

appl. 61-07615 plus BLM appl. to follow will

take care of the concerns that led to assignment.

(6) Transfer appl. for 61-07654 of 2-20-91 was in

error. 61-07654 is an Appl. for permit. meant to

file transfer on 36-07613 (recently transferred via

T3796 but document was not furnished to drill & pump

in area of T55 R8E S.16. Revised transfer app. prepared.

BLM &
C. Butler
are taking
care of this
4/22/91

See
Appl.
remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

MAY 8, 1991

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find a legal notice 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 JUNE 3, 1991.

Yours truly,

GAIL GARRETT
Secretary

Encl.

61-07662

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

Source: COMMERFORD SPRINGS
Source: SPRINGS

Tributary: BENNETT CREEK
Tributary: BENNETT CREEK

Diversion Pt:	SENESE	Sec	9	T	05S	R	08E
	NESESE	Sec	9	T	05S	R	08E
	SWNWSW	Sec	10	T	05S	R	08E
	SENWSW	Sec	10	T	05S	R	08E
	NESWSW	Sec	10	T	05S	R	08E
	NWSWSW	Sec	10	T	05S	R	08E

Use: STOCKWATER	(.020 CFS)
WILDLIFE	(.020 CFS)
Total Diversion:	(.040 CFS)

Date Filed: 4/23/ 1991

In: T05S R08E S09	NESE	SESE
S10	NWSW	SWSW

**NOTICE OF APPLICATIONS
FOR WATER RIGHTS**

The Following applications have
been filed to appropriate the public wa-
ters of the State of Idaho:

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGE-
MENT

IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: COMMERFORD SPRINGS,
Tributary: BENNETT CREEK;
Source: SPRINGS, Tributary: BEN-
NETT CREEK

Diversion Pt: SESESE Sec 9 T 05S R
08E; NESESE Sec 9 T 05S R 08E;
SWNWSW Sec 10 T 05S R 08E;
SENWSW Sec 10 T 05S R 08E;
NESWSW Sec 10 T 05S R 08E;
NWSWSW Sec 10 T 05S R 08E

Use: STOCKWATER (.020 CFS);
WILDLIFE (.020 CFS); Total Diver-
sion: (.040 CFS)

Date Filed: 4/23/1991
In: T06S R06E S09 NESE SESE;
S10 NWSW SWSW

51-07883
NORSTEBON, STANLEY
NORSTEBON, MILDRED
RT. 3 BOX 851A
MOUNTAIN HOME, ID 83647
Source: GROUNDWATER
Diversion Pt: LOT 6 (NENWSW) Sec
8 T 02S R 06E

Use: STOCKWATER (.020 CFS); To-
tal Diversion: (.020 CFS)

Date Filed: 5/1/1991
In: T02S R06E S06 Lot 6 (NWSW)
SESW

The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region, 2735 Air-
port Way, Boise, Idaho 83706 on or be-
fore JUNE 3, 1991.

R. KEITH HIGGINSON, Director
Published 5/15/1991 & 5/22/1991.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Lois Whitney, do solemnly swear that I am the
foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 15th day of

May, 1991, and the last publi-

cation having been made on the 22nd day of
May, 1991; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterr-
uptedly published in said Elmore County during a
period of 76 consecutive weeks prior to the first
publication of the attached notice.

Lois Whitney

Subscribed and sworn to me this 22nd day of

May, 1991

Michael J. Sica
Notary Public

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

The Following applications have been filed to appropriate the public waters of the State of Idaho:

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83708

Source: COMMERFORD SPRINGS,
Tributary: BENNETT CREEK;
Source: SPRINGS, Tributary: BENNETT CREEK

Diversion Pt: SENESE Sec 9 T 05S R 06E;
NESESE Sec 9 T 05S R 06E;
SWNWSW Sec 10 T 05S R 06E;
SENWSW Sec 10 T 05S R 06E;
NESWSW Sec 10 T 05S R 06E;
NWSWSW Sec 10 T 05S R 06E;
Use: STOCKWATER (020 CFS);
WILDLIFE (020 CFS); Total Diversion: (040 CFS)

Date Filed: 4/23/1991
In: T06S R06E S09 NESE SESE;
S10 NWSW SWSW

61-97863
NORSTEBON, STANLEY
NORSTEBON, MILDRED
RT. 3 BOX 651A
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER
Diversion Pt: LOT 6 (NENWSW) Sec 6 T 02S R 06E
Use: STOCKWATER (020 CFS); Total Diversion: (020 CFS)
Date Filed: 5/1/1991
In: T02S R06E S06 Lot 6 (NWSW) SESW

The permits will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2785 Airport Way, Boise, Idaho 83706 on or before JUNE 3, 1991.

R. KENTH HIGGINSON, Director
Published 5/15/1991 & 5/22/1991.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Lois Whitney, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 15th day of

May 1991, and the last publication having been made on the 22nd day of

May 1991; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lois Whitney
Subscribed and sworn to me this 22nd day of

May 1991

(Michael C. Fox)
Notary Public