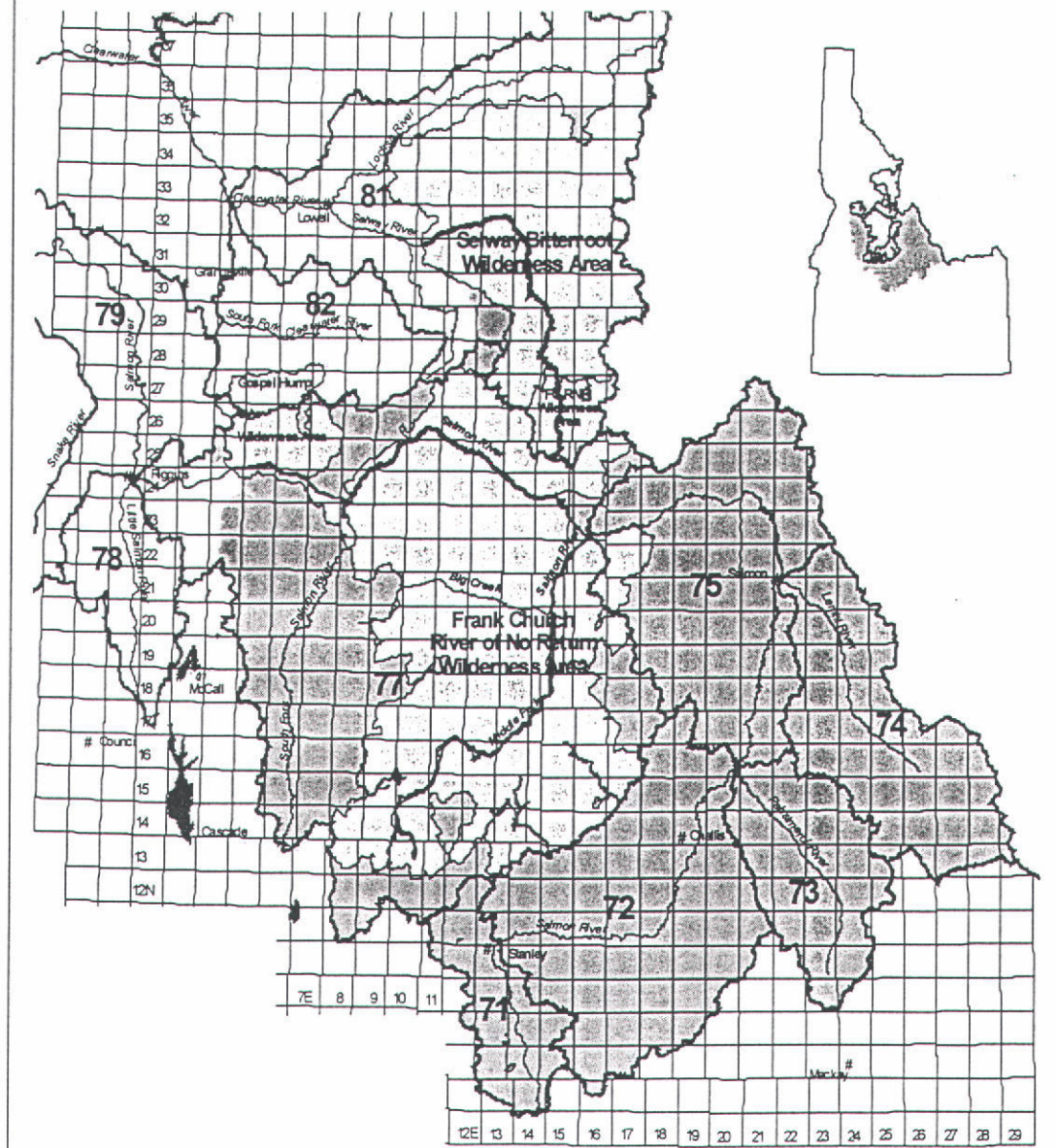


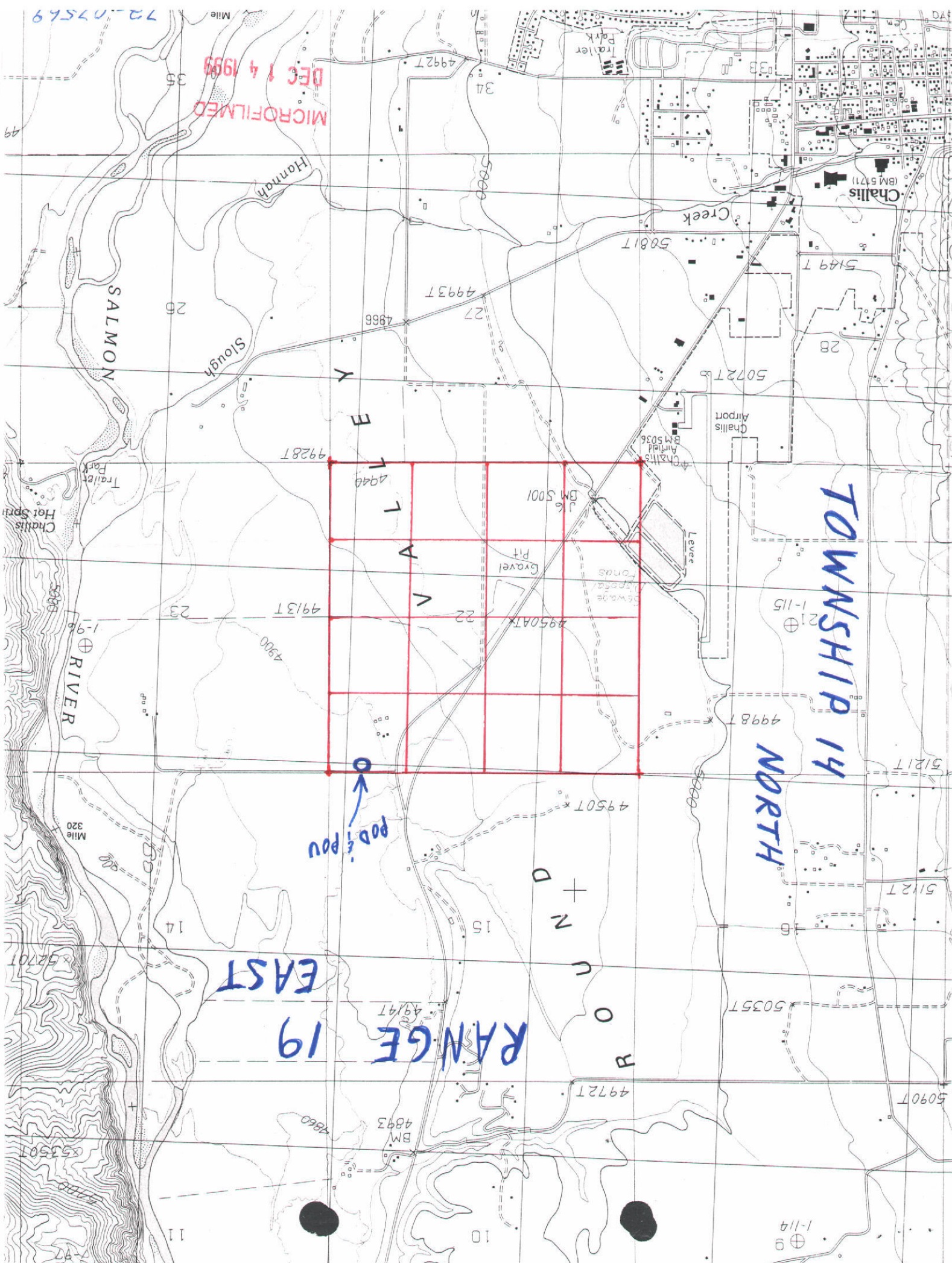
Wilderness Moratorium Areas

October 26, 1999

-  IDWR Administrative Basins with basin number
-  Wilderness Areas
-  Tributary Areas
-  Township/Range



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APR 18 2000

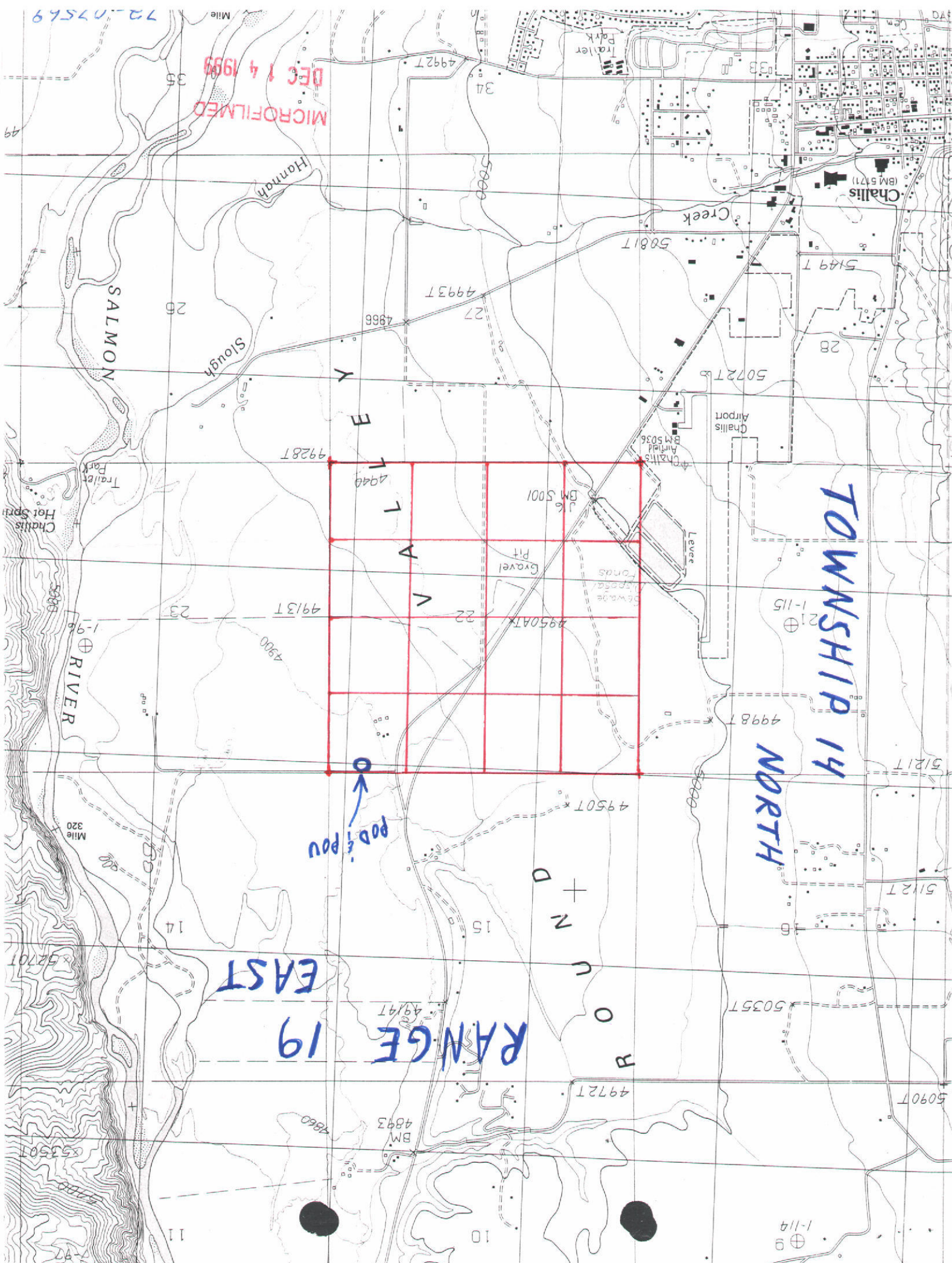


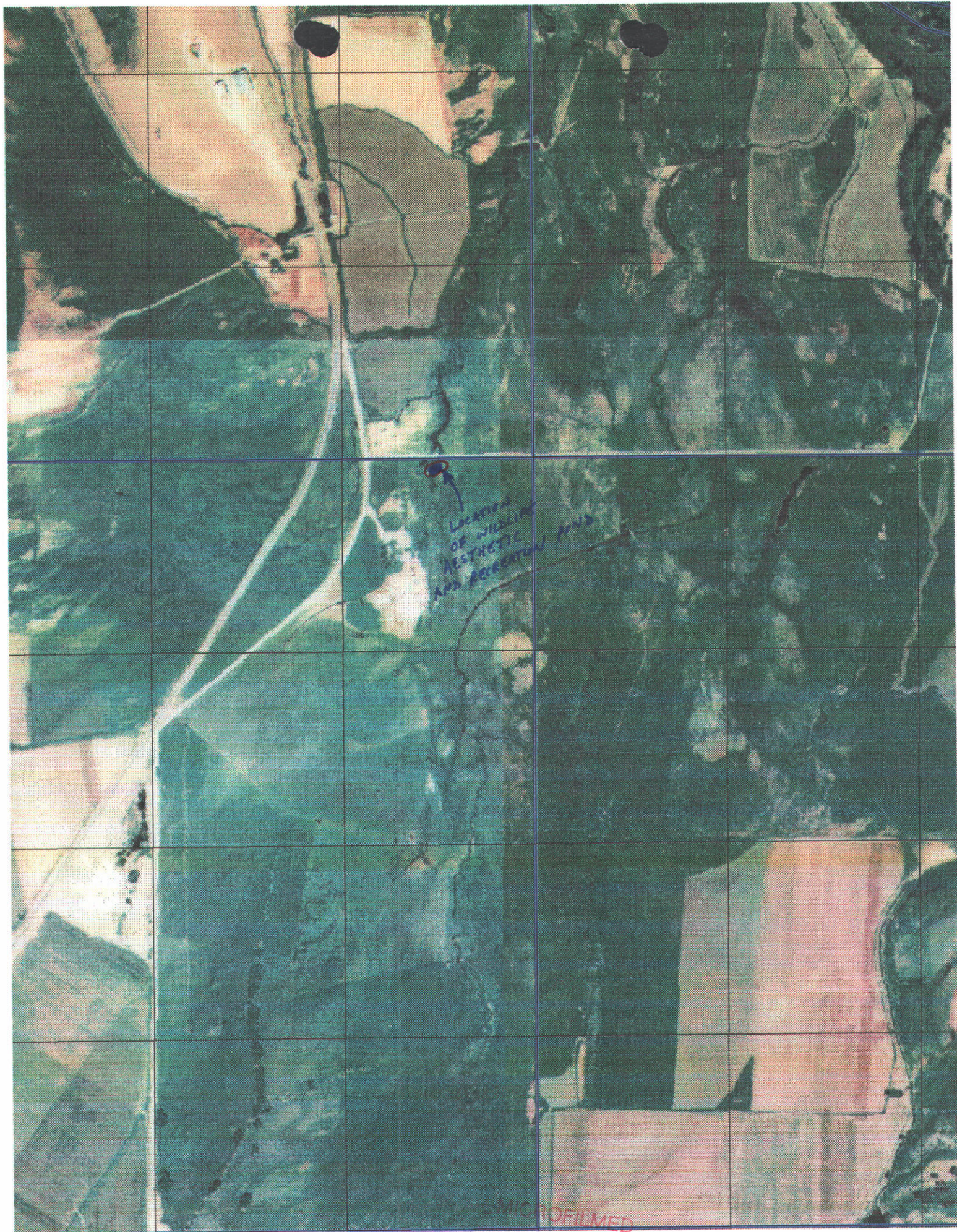
MICROFILMED
DEC 14 1989

TOWNSHIP 14
NORTH

RANGE 19
EAST

POB & POV





MICROFILMED

DEC 14 1999



72-07569



View, looking south, of the approximate location of the site for the wildlife, aesthetic, and recreation pond proposed under Karen Whitworth's application for permit. The proposed pond is to be built onstream and will be developed as a flow through type system. This view is from the road along the north edge of Section 22 (T14N, R19E). Photo taken 07/07/98 by Terry Blau.

KAREN WHITWORTH APPLICATION FOR PERMIT (wildlife, aesthetic, recreation) FILE.

DEC 14 1999

MICROFILMED

78-0 7569

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
72-07569 IN THE NAME OF)
KAREN WHITWORTH)
_____)

PRELIMINARY ORDER

This matter having come before the Department of Water Resources (Department) as a result of a response by the permit holder to an order issued by the Department, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 26, 1999, The Director of the Department (Director) issued a Moratorium Order (order) to stop further development of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas.

2. On June 6, 2000, Karen Whitworth (permit holder) filed a request for an indefinite stay in the development period for Permit No. 72-07569 (permit) in response to Condition 5.b of the order.

3. The permit holder provided information describing the extent of development and beneficial use that had occurred under the permit.

4. The permit holder provided information to show that the project had not been completed due to circumstances over which the permit holder had no control.

CONCLUSIONS OF LAW

1. Section 42-204(1), *Idaho Code* provides that the Department may allow for delays in the development of a permit which are due to certain matters beyond the control of the permit holder.

2. The permit holder has provided sufficient justification for the Director to authorize an indefinite stay in the development period for the permit.

3. The Director should authorize an indefinite stay in the development period with certain conditions.

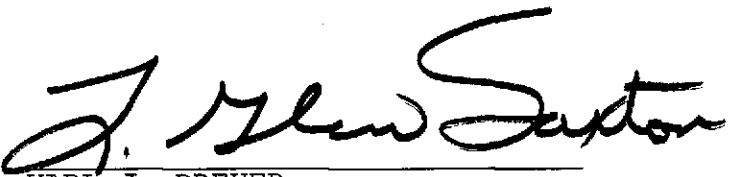
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AUG 25 2000

ORDER

IT IS THEREFORE HEREBY ORDERED that an indefinite stay in the development period for the above captioned permit is **GRANTED** subject to the following conditions and limitations:

1. Additional work by the permit holder in developing a water right under terms of the permit is not authorized until the Department specifically authorizes resumption of work.
2. If resumption of work is authorized under this permit, the development period for this permit shall be extended by the number of days lost as a result of the indefinite stay hereby granted.
3. The permit holder is not authorized to assign ownership of the permit to another party without prior approval of the Department.
4. The Department may rescind or modify the indefinite stay hereby granted if the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium is modified or rescinded.

Dated this 8th day of June, 2000.

for 
KARL J. DREHER
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN - 6 2000

REQUEST FOR STAY IN THE DEVELOPMENT PERIOD AND
QUESTIONNAIRE TO DETERMINE EXTENT OF DEVELOPMENT Department of Water Resources

The Idaho Department of Water Resources considers this form a request for stay in the development period of a permit in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium Area. In addition, this form is a statement of the permit holder(s) extent of development prior to the Moratorium Order issued October 26, 1999. This form must be completed in order to process a request for stay.

1. Permit No. 72-07569- Telephone No. 208 879-4681
2. Name(s) of Permit Holder(s): KAREN D. WHITWORTH
3. Have you begun construction of the diversion works authorized under this permit?

No ☒

Yes ☐ if yes, describe the extent of completion of the diversion works:

4. Have you diverted and beneficially used any water under this permit?

No ☒

Yes ☐ if yes, please describe the uses:

Domestic (no. of households): _____ Stockwater (no. and type of stock): _____

Irrigation (no. of acres): _____ Other: _____

5. Describe what remains to be done in order to complete the development authorized under this permit:

The other permits needed to be obtained (after the water right) and the construction of the pond needs to begin. This is a non-consumptive use.

6. I Request an Indefinite Stay in the Development Period of the Above Numbered Permit ☒ (check here)

The information given on this form is my true statement of the extent to which the above numbered permit has been developed prior to October 26, 1999. I understand that any willful misrepresentations may result in voiding of the permit.

Signature of Permit Holder

(include your title, position or company or organization)

Date

AUG 25 2000

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

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APR 18 2000

Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

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APR 18 2000

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States " ... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

Dated this 26th day of October, 1999.

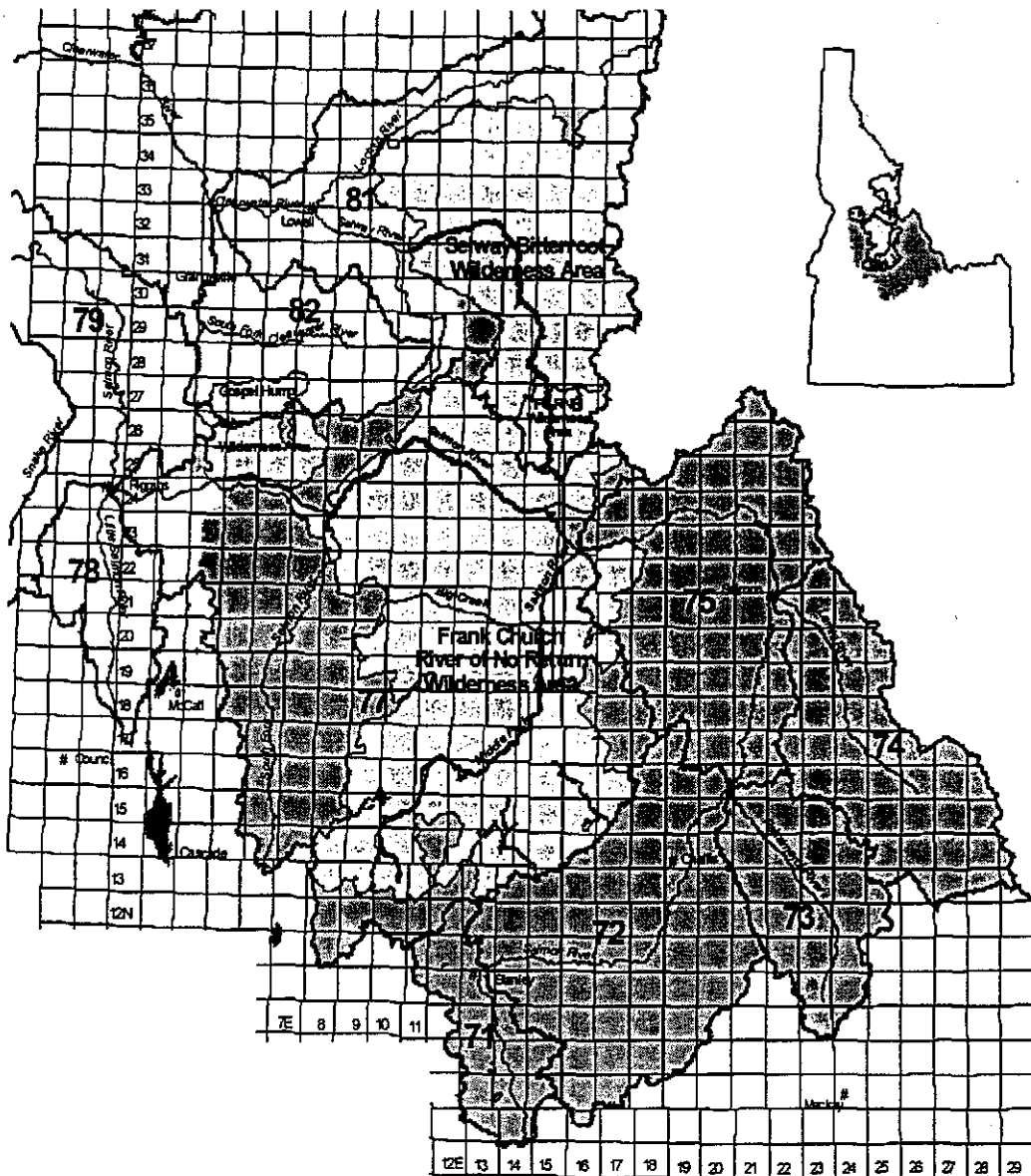


KARL J. DREHER
Director

Wilderness Moratorium Areas

October 26, 1999

-  DWR Administrative Basins with basin number
-  Wilderness Areas
-  Tributary Areas
-  Township/Range



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APR 18 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07569

Proposed Priority: March 10, 1999

Maximum Storage Volume:

0.5 AF

This is to certify, that KAREN WHITWORTH

HC 63 BOX 1645

CHALLIS ID 83226

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of CHALLIS 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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
RECREATION STORAGE	01/01 to 12/31		0.5 AF
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF
	Totals		0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 22, Township 14N, Range 19E
CUSTER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

14N 19E 22

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 72C.
4. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Recreation storage and aesthetic storage uses are for a fish pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

3 day of June, 1999.

MICROFILMED

DEC 14 1998

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

MAR 10 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 17 1999

Department of Water Resources

1. Name of Applicant KAREN WHITWORTH Phone (208) 879-4681
Mailing address HC 63 BOX 1645 CHALLIS, ID 832262. Source of water supply UNNAMED STREAM which is a tributary of CHALLIS CREEK3. Location of point of diversion is Township 14N Range 19E Sec. 22 in the 1/4
NE 1/4, NE 1/4, Govt. Lot , B.M., CUSTER Countyadditional points of diversion if any: 4. Water will be used for the following purposes: wildlife, aesthetic, recreational useAmount .5 for WILDLIFE purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount .5 for AESTHETIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount .5 for RECREATION purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)* 5. Total quantity to be appropriated is (a) and/or (b) .5
cubic feet per second acre feet per annum* 6. Proposed diverting works: Earthen dam creating pond* a. Describe type and size of devices used to divert water from the source AN on stream earth
dam w/ a 36" culvert stand pipe to control pond level* b. Height of storage dam 5 feet; active reservoir capacity .4 acre-feet; total
reservoir capacity .5 acre-feetc. Proposed well diameter is inches; proposed depth of well is feetd. Is ground water with a temperature of greater than 85°F being sought? e. If well is already drilled, when? ; Drilling firm Well was drilled for (well owner) ; Drilling Permit No. * 7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in KW. b. Stockwatering; list number and kind of livestock. c. Municipal; show name of municipality. d. Domestic; show number of households. * e. Other; describe fully. wildlife pond to attract & feed waterfowl
& provide recreational use & aesthetic value

MICROFILMED

DEC 14 1999

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	22	W																
			J																
			R																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

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

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

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 proposed water right is a non-consumptive use for a wildlife pond. The "spring" that feeds this stream "rises" on Karen Whitworth's property.

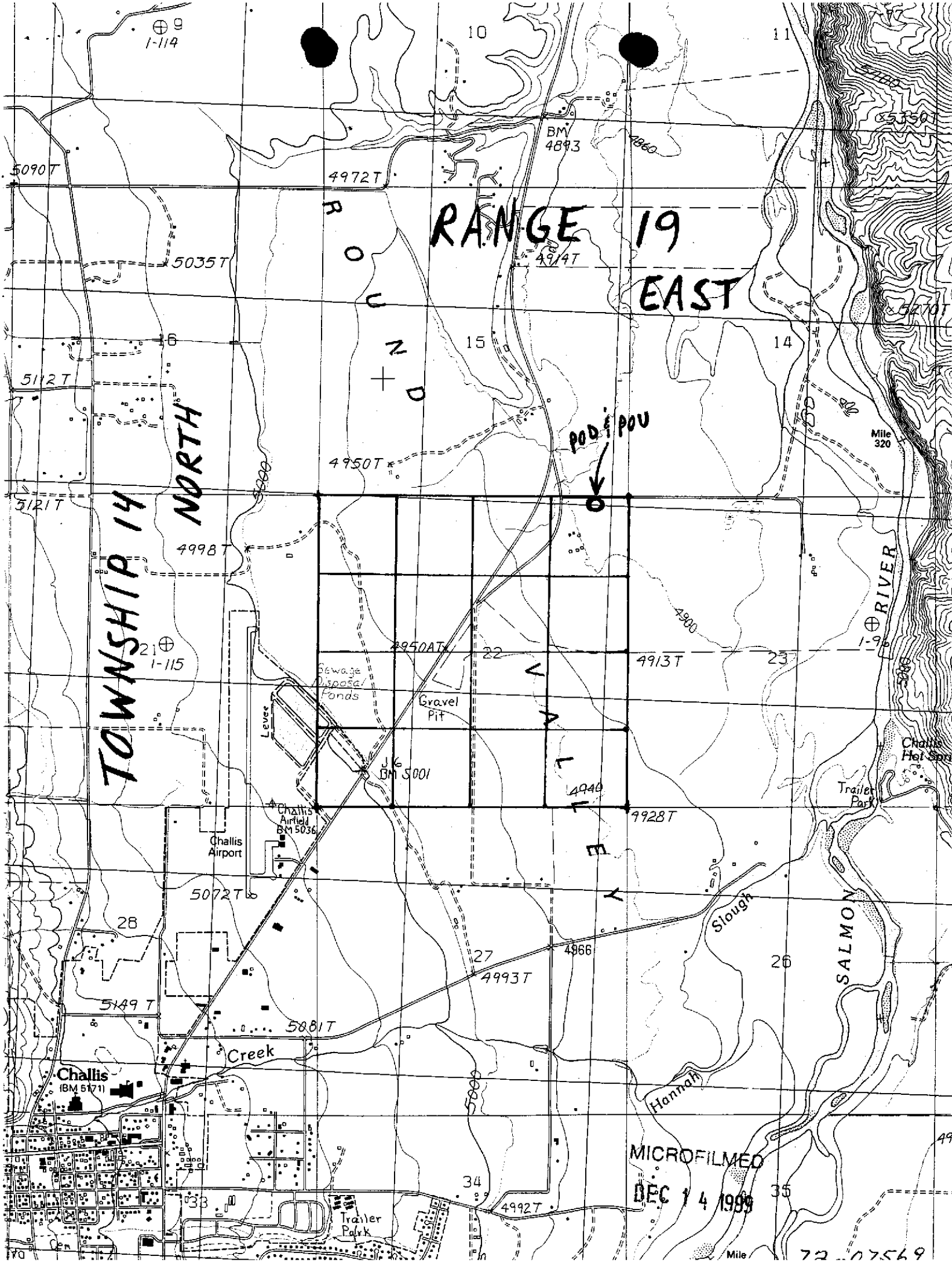
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED
DEC 14 1998

* Karen D. Whitworth
Signature of Applicant (and title, if applicable)

Received by P. SKINNER Date 03/10/99 Time AM Preliminary check by _____
 Fee \$ 50.00 Received by P. SKINNER # 5021281 Date 7/2/1998
 Publication prepared by MR Date 3/30/99 Published in The Challis Messenger
 Publication approved MB Date 5/12/99



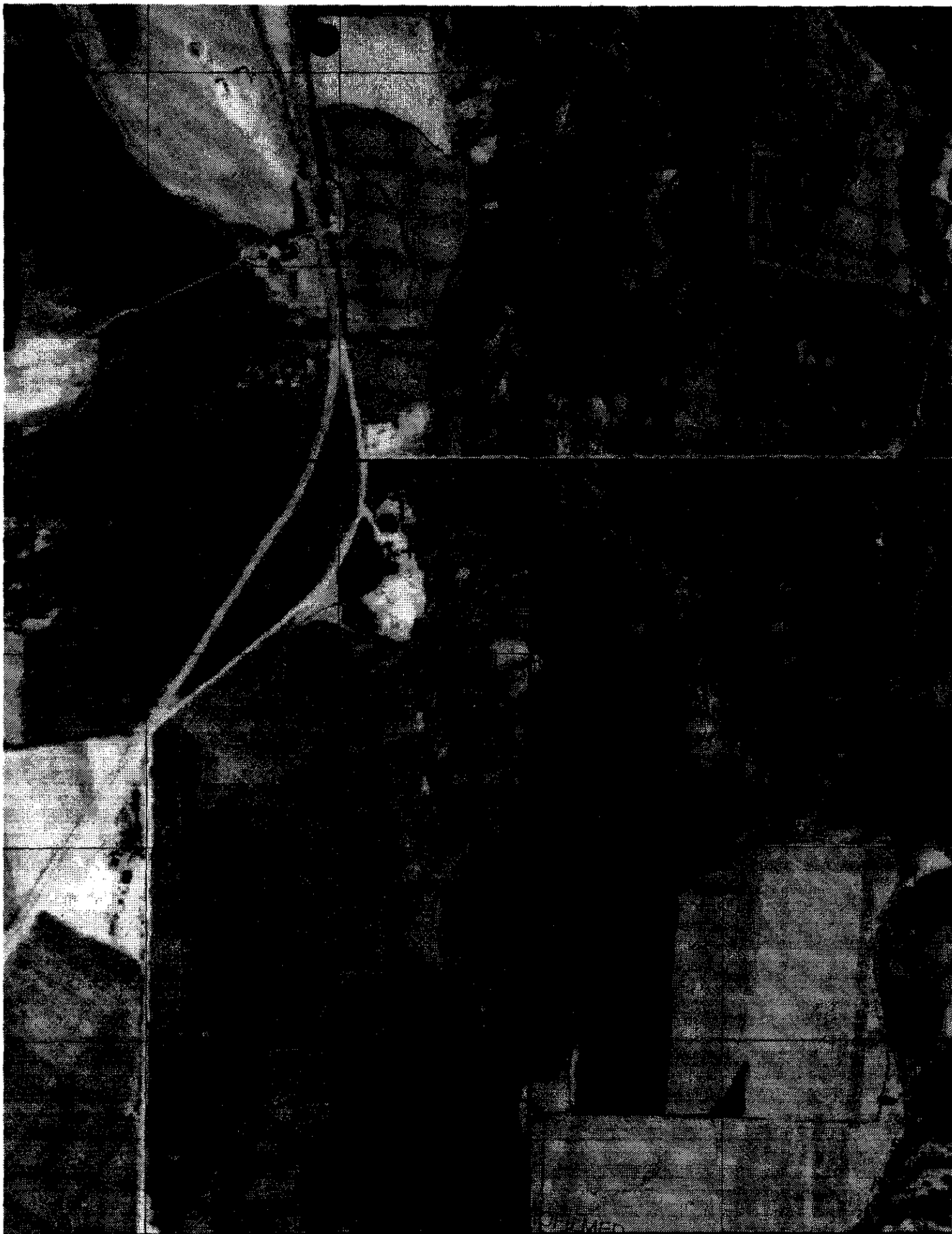
RANGE 19
EAST

TOWNSHIP 14
NORTH

POD POU

MICROFILMED
DEC 14 1999

Mile 72 07569



DEC 14 1999



72-07569

Corey-

Please use Karen
Whitworth's credit
from past applications
to pay the fees
associated w/ these
applications.

Thanks.

MEMORANDUM

Date: June 8, 2000

To: WR Permit No. 72-07569

From: Jeff Peppersack

Re: Proof Due and Stay in Development Period for Wilderness Moratorium

This permit lapsed prior to reception of the request for stay in the development period. The request for stay was granted and will effectively hold the remainder of the 60 day period for reinstatement of the permit. If the Wilderness Moratorium Order is rescinded or modified to allow development of permits in the Wilderness Moratorium area, the permit holder will need to submit a request for extension of time to avoid further advancement of priority date on the permit.

MICROFILMED
AUG 25 2000



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

June 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

RE: Permit 72-07569

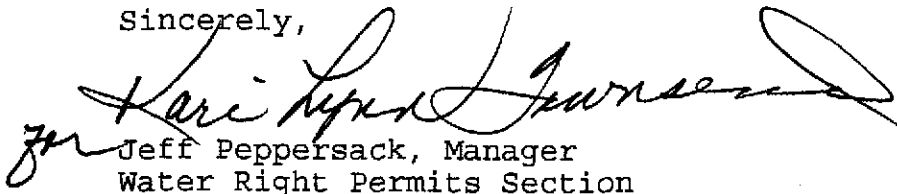
Dear Permit Holder(s):

Enclosed is the copy of the **Preliminary Order** issued by the Department granting your request for a stay in the development period of the permit referenced above. Please be sure to thoroughly read the Conditions and Limitations listed on the order.

Also, please be advised that the **preliminary order** of the department is issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the order.

Please feel free to contact the department if you have questions.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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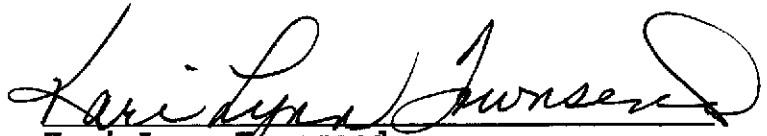
JUN 25 2000

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of **June**, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: PERMIT 72-07569

**KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
AUG 25 2000**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

June 5, 2000

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

LAPSE NOTICE

RE: PERMIT NO. 72-07569

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 March 31, 2000. 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

MICROFILMED
AUG 25 2000

CERTIFICATION OF MAILING

I hereby certify that on 6/5/00
a ~~copy~~ original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. E. Ellis

FROM Debbie Ellis

DATE 5/24/00

TO The file No. 72-07569

SUBJECT Return of Stay form

If Karen Whitworth returns the Stay form
give Jeff Peppersack the file & document for
preparation of an Order.

Also, if she does not comply with filing the
Request for Stay a Lapse notice will be sent.

MICROFILMED
AUG 25 2000

D. Ellis

SIGNATURE



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

DIRK KEMPTHORNE
GOVERNOR

May 24, 2000

KARL J. DREHER
DIRECTOR

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

RE: PERMIT NO. 72-07569 & 72-07570

Dear Ms. Whitworth:

The Department of Water Resources received your Request for Extension of Time for the above-referenced water rights. However, I cannot accept the extension for permit no. 72-07569, therefore I am returning the original request for extension and I will request a refund of that filing fee. The department is unable to accept this extension because of the Moratorium Order issued on October 26, 1999, and because this right is consumptive in nature it is affected by the Moratorium. The Moratorium Order was issued by the department to halt all development of water rights, due to the United States filing Notices of Claims to water rights in the Snake River Basin Adjudication for the federal reserved water rights held in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return wilderness areas, and the Supreme Court decision allowing those claims. The Idaho Attorney General's office has filed a Request for Reconsideration with the Supreme Court and presently we are waiting for the Court's decision. Until that decision is reversed by the Supreme Court the Moratorium Order will affect consumptive water rights for these areas. The Moratorium orders no further development of water rights and prohibits new applications. You have been instructed to file a Proof of Beneficial Use form or a request for stay with the department immediately according to the Moratorium Order. However, according to your Request for Extension of Time you have not developed the right, which is appropriate. Also according to your extension you are planning on developing the right as soon as authorized, therefore, you may want to fill out the enclosed Request for Stay in the Development Period for permit no. 72-07569 and return it to my attention for filing, otherwise this permit will lapse and will become of no further force nor effect. The request for stay will suspend your development time until the Moratorium may be lifted. However, at this time we are unable to determine when or if the Moratorium will be lifted. We will keep you informed as to any further development in this case, in the meantime, you are prohibited from developing this right. It is important that you return the Request for Stay to me before your proof due date of **June 1, 2000**, to retain your priority date.

MICROFILMED

AUG 25 2000

Karen Whitworth
May 24, 2000
Page 2

You can expect a check from the State of Idaho for \$50.00 as refund for the filing fees paid, in approximately 7-10 days.

If you have any questions concerning this matter, please refer to the copy of the Moratorium Order we sent to you on October 26, 1999, or contact me at (208)327-7953, or Jeff Peppersack at (208)327-7940.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Drew-Ellis".

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Southern Regional office
Fiscal

MICROFILMED

AUG 25 2000

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES

MAY 22 2000 **REQUEST FOR EXTENSION OF TIME**

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
Department of Water Resources 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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 72-07569
Name(s) of Permit Holder: KAREN WHITWORTH
Address: HC 63 Box 1645 City CHAILLIS State ID Zip 83226
Telephone No. (208) 879-4681 Date Proof is Due: NOT AWARE OF

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".)

NONE - WAITING FOR IDAHO DEPT. OF WATER RESOURCES
& ACOE 404 PERMIT, TO APPROVE POND EXCAVATION.
IDWR WOULD NOT ISSUE PERMIT UNTIL WATER RIGHT WAS
SECURED - CONSTRUCTION DATE TENTATIVELY LATE FALL
DUE TO EASE OF ACCESS TO POND SITE. Costing \$ EST. 2000⁰⁰

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

WRITTEN ABOVE - I WILL HAVE TO START OVER WITH
SOME PERMITS BECAUSE IT TOOK SO LONG TO GET
MY WATER PERMITS. WE DO INTEND TO COMPLETE
THOSE PROJECTS ASAP.

Permit holder(s) request an extension to 6-1-2001, 2001

Karen Whitworth
(Signature)

*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

Signed this _____ day of _____, 20____

MICROFILMED

AUG 25 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**REQUEST FOR STAY IN THE DEVELOPMENT PERIOD AND
QUESTIONNAIRE TO DETERMINE EXTENT OF DEVELOPMENT**

The Idaho Department of Water Resources considers this form a request for stay in the development period of a permit in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium Area. In addition, this form is a statement of the permit holder(s) extent of development prior to the Moratorium Order issued October 26, 1999. This form must be completed in order to process a request for stay.

1. Permit No. _____ Telephone No. _____

2. Name(s) of Permit Holder(s): _____

3. Have you begun construction of the diversion works authorized under this permit?

No _____

Yes _____ if yes, describe the extent of completion of the diversion works:

4. Have you diverted and beneficially used any water under this permit?

No _____

Yes _____ if yes, please describe the uses:

Domestic (no. of households): _____ Stockwater (no. and type of stock): _____

Irrigation (no. of acres): _____ Other: _____

5. Describe what remains to be done in order to complete the development authorized under this permit:

6. I Request an Indefinite Stay in the Development Period of the Above Numbered Permit ☐ (check here)

The information given on this form is my true statement of the extent to which the above numbered permit has been developed prior to October 26, 1999. I understand that any willful misrepresentations may result in voiding of the permit.

Signature of Permit Holder _____ Date _____
(include your title, if other than owner of company or organization)

MICROFILMED
AUG 25 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0049223

Date: 5/22/2000
Time: 15:55:50

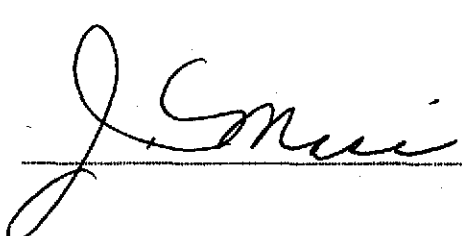
Received
From: WHITWORTH KAREN

Type of Payment		Program Acct	Amount
REQUEST FOR EXTENSION #72-07569	56103	229 21 1155	50.00
REQUEST FOR EXTENSION #72-07570	56103	229 21 1155	50.00

CHECK: 1867

Total \$ 100.00

Region: STATE

Signature: 

MICROFILMED
AUG 25 2000

Z 269 224 794

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Haren Whitworth

Street & Number

AC 63 Box 1645

Post Office, State, & ZIP Code

Challenger, Del. 83326

Postage

\$ 33

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$

Postmark or Date

3/31/00

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for selected optional services (See front).

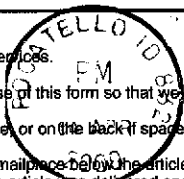
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-99-M-0079

PS Form 3800, April 1995 (Reverse)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.



I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Karen Whitworth
HC63 Box 1645
Challis ID 83226

4a. Article Number

2 269 224 794

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

MICROFILMED 4 - 00

5. Received By: (Print Name)

KAREN WHITWORTH

6. Signature (Addressee or Agent)

Karen Whitworth

8. Addressee's Address (Only if requested and fee is paid)

OR 18 2000

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEBORAH DREW-ELLIS
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST. MICROFILMED
BOISE, ID 83706-2237

APR 18 2000





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 2000

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

PROOF DUE FINAL NOTICE

RE: Permit No. 72-07569

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 **June 1, 2000**. (See "Conditions of Approval and Remarks" section of your approved permit.) However, your permit is affected by the Moritorium Order issued by the department on October 26, 1999. The Moritorium Order required permit holders to immediately stop further development of water under the permit. According to our records a follow-up to the Order was sent to you on February 1, 2000 requesting that you file a proof of beneficial use or request a stay in the development period. Therefore, this letter will serve as your third and Final Notice. Enclosed is a Proof of Beneficial Use 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. I have enclosed instructions for filing the Proof of Beneficial Use and a license fee schedule for assisting you in completion of this form.

You must file either a Proof of Beneficial Use or a stay with the department at this time. If a proof or a request for stay is not received on or before the proof deadline, the department will send you a lapse notice. Within sixty days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

If you have any questions, please contact either Jeff Peppersack or me.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Drew-Ellis".

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosures

Cc: Regional office

MICROFILMED

APR 18 2000



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 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

Re: Water Right Permit No. 72-07569

Dear Permit Holder(s):

On October 26, 1999, the Director of the Department of Water Resources issued an order establishing a moratorium on the processing or development of applications and permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order required permit holders to immediately stop further development under the permit, and within sixty (60) days of receipt of the order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving the order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, *Idaho Code*, until the conditions that resulted in the order have been alleviated, if such should ever occur.

The order does not apply to non-consumptive uses of water. An in-house domestic use with no associated irrigation or other consumptive uses is considered non-consumptive.

Our records indicate that the order was sent by certified mail to the address listed on your permit. The sixty (60) day period has passed and we have not received any response from you as required in the order.

The purpose of this letter is to request that you take the appropriate action as required in the order. I have enclosed two forms; **either** can be used to avoid cancellation of your permit. The first form is used to file proof of beneficial use. Filing proof of beneficial use is considered your statement that the development under the permit has been completed and that water has been applied to beneficial use according to the provisions of the permit. Upon receipt of such proof and the fee as required under Section 42-221, *Idaho Code*, the department conducts a field examination and issues a license confirming the use found.

The second form is a request for a stay in the development period and questionnaire to determine the extent of development under the permit. This form is used to request an indefinite stay in the development period. If a stay is granted, future development under the permit may be possible if the moratorium order is rescinded and if resumption of work is authorized. No fee is required to request a stay in the development period.

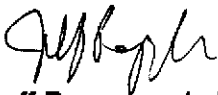
MICROFILMED

APR 18 2000

We will withhold further action on this permit for 28 days from the date of this letter in order to allow you time to respond. If we do not receive a response from you within this time period we will begin action to cancel the permit pursuant to Section 42-311(1), *Idaho Code*.

Please call me at 208-327-7940 if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

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APR 18 2000

Z 269 221 956

US Postal Service

Receipt for Certified

No Insurance Coverage Provided

Do not use for International

Sent to

Street & Number

Post Office, State, & ZIP Code

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees \$

Postmark or Date

ID B3226

PS Form 3800, April 1995

72-07569

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. *Endorse front of article*
RETURN RECEIPT REQUESTED adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

102395-99-M-0079

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4b.
- ~~Print your name and address on the reverse of this form so that we can return this card to you.~~
- ~~Attach this form to the front of the mailpiece, or on the back if space does not permit.~~
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

72-07569

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS

4a. Article Number**4b. Service Type**

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | |
| ☐ COD | |

7. Date of Delivery

APR 18 1999

8. Addressee's Address (Only if requested and fee is paid)**5. Received By: (Print Name)****6. Signature: (Addressee or Agent)**

Karen Whitworth

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

1. This receipt is not valid if the return receipt is not attached to the front of the mailpiece.

2. This receipt is not valid if the return receipt is not attached to the front of the mailpiece.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid

Permit No. G-18

● Print your name, address, and ZIP Code in this box ●

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

PROFILMED
APR 18 2000

RECEIVED
NOV 08 1999

Department of Water Resources

WA





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

MICROFILMED

APR 18 2000

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young
Administrator

Water Management Division

APR 18 2000



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

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07569

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

MICROFILMED

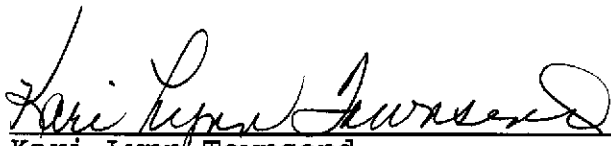
DEC 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, 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. 72-07569

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226



Kari Lynn Townsend
Secretary

MICROFILMED
DEC 14 1999

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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DEC 14 1999

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

by Cindy StenNo.: 72-07569 Name: Whitworth Date: 6/1/99 Ad OK? ☒ ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: S/C Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
- Supp. irr. + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / NO; WHEN: 3/30/99 RESPONSE: NONE
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P62 (stream channel alteration) existing
- WD (✓ MAP & LISTING) - P04 (WD # 100)
- > 0.20 cfs - 01H-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 028 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R60/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only) -007-042(req) -081 (WQ) -P10
- HEATING/COOLING - R07 (Injection well)
- POWER - 17H/17K(+uses) -08A-025(P18) -01N-028-081(P10) -027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

Rec/Aest fish pond
to 1/1 2000

RECEIVED

APR 3 1999

Department of Water Resources
Southern Region

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated April 15 1999 and ending with
the issue dated April 22 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 22nd day of April in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

James M. Mangis
Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

NOTICE OF APPLICATIONS FOR WATER PERMIT

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

KAREN WIIHTWORTH

HC 63 BOX 1645

CHALLIS ID 83226

Application for Permit No. 72-07569

Source: Unnamed Stream trib Challis Cr

Diversion Pt(s): NE1/4NE1/4, S22,
T14N, R19E; Custer County.

Use: 01/01-12/31

Wildlife (0.5 afa)

Aesthetic (0.5 afa)

Recreation (0.5 afa)

Total Diversion: 0.5 afa

In: NE1/4NE1/4, S22, T14N, R19E;
Custer County.

Date Filed: 03/10/99

Application for Permit No. 72-07570

Source: Unnamed Stream tributary to
Salmon River

Diversion Pt(s): NE1/4NE1/4, S22,
T14N, R19E; Custer County.

Use: 01/01-12/31

Fish propagation (1.7 afa)

In: NE1/4NE1/4, S22, T14N, R19E;
Custer County

Date Filed: 07/02/98

HELEN CUTLER

PO BOX 209

CHALLIS ID 83226

Application for Permit No. 72-07571

Source: groundwater

Diversion Pt(s): Lot 6 (NE1/4SW1/4),
S21, T13N, R19E; Custer County.

Use: 04/01-10/31

irrigation (0.17 cfs)

In: 15 acres within E1/2SW1/4, S21,
T13N, R19E; Custer County

Date Filed: 02/25/99

Any protest against the proposed

application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before May 3, 1999 to be considered
by the Department in its decision to
grant or deny any part of the proposed
application(s). (Each application
requires a separate protest). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Pub: April 15 & 22, 1999.

Department of Water Resources

JUN - 1 1999

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OK MB
5/12/99
MICROFILMED
DEC 14 1999

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Id 83301-3380*

Job No.	Date	DESCRIPTION	Amount
	4-22-99	Notice of Applications for Water Permit 4/15+12/99 57 lines Permit No. 72-07569 72-07570 Permit No. 72-07571 RECEIVED APR 23 1999 Department of Water Resources Southern Region	⁸ 72.11 OK MB 5/12/99

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

MICROFILMED

DEC 14 1999

**NOTICE OF APPLICATIONS FOR
WATER PERMIT**

The following applications have been
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HC 63 BOX 1645

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Application for Permit No. 72-07570

Source: Unnamed Stream tributary to
Salmon River

Diversion Pt(s): NE1/4NE1/4, S22,
T14N, R19E; Custer County.

Use: 01/01-12/31

Fish propagation (1.7 afa)

In: NE1/4NE1/4, S22, T14N, R19E;
Custer County

Date Filed: 07/02/98

HELEN CUTLER

PO BOX 209

CHALLIS ID 83226

Application for Permit No. 72-07571

Source: groundwater

Diversion Pt(s): Lot 6 (NE1/4SW1/4),
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Use: 04/01-10/31

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application(s). (Each application
requires a separate protest). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in The Challis Messenger on
04/15 & 04/22/99.

MICROFILMED

DEC 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CUSTER PUBLISHING CO
PO BOX 405
CHALLIS ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

DEC 14 1999

MEMORANDUM

DATE: May 26, 1999
TO: File No. 36-08788, 72-07569, 72-07570, & 72-07571
FROM: Cindy Zimmerman *cz*.
SUBJECT: Affidavit of Publication

These files are missing their affidavits of publication. These affidavits are required to verify the applications were advertised correctly.

I spoke with Allen Merritt at Southern Region. Allen wanted me to hold these applications until they sent me the affidavits.

MICROFILMED

DEC 14 1999

FROM: Allen Merritt *AM*

DATE: May 13, 1999

TO: Application No. 72-07569 and 72-07570
In the Name of: Karen Withworth

SUBJECT: Review and Recommendation

These applications seek the impoundment of water on unnamed streams arising from springs. One pond is for non-consumptive recreation/aesthetic/wildlife use and the other pond is for fish propagation use. The proposed sites are in the impact area of the "Salmon and Clearwater Moratorium Order". The sites are either on irrigated land or in a swampy subirrigated area. Since the uses are non-consumptive or of little impact they appear approvable.

RECOMMENDATION

I recommend that the applications be approved subject to the following conditions:

- Use is non-consumptive.
- Discharge must meet DEQ standards.
- To mitigate any appreciable loss through the facilities the irrigation rights under ponds shall remain and not be available to be transferred to irrigate other lands.

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DEC 14 1999

MAY 17 1999

APPLICATION NO. 72-07587 DEPARTMENT OF WATER RESOURCES

72-07569

REQUIRED INFORMATION (Ck if OK)

- ☒ 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 subdivisions, local name, flow &/or volume.)
- ☒ County
- ☒ Quantity (flow &/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 signator is required)
- ☒ Fee
- ☒ Yes No* In form to receipt?

++++PROPOSED PRIORITY DATE 3/10 1999

ADDITIONAL INFORMATION

- ☒ Overlapping place of use? Describe source & relationship to present application on the back. NINE
- ☒ Overlapping point of diversion. NONE
- ☒ Yes ___ No Is Source Surface Water?
- If Yes Send Copy to F&G.
- If Yes Field check/memo required.
- Field check/memo by P. SKINNER
- ☒ Yes ___ No Field report attached?
- Yes ☒ No Critical Ground water area?
- Yes ☒ No Groundwater management area?
- Yes ☒ No Measurement District or Groundwater District?
- What District? _____
- Yes ☒ No Send Dam safety information?
- Yes ☒ No Send power requirement letter?
- Yes ☒ No Send fish farm requirement letter?
- Yes ☒ No Power residency affidavit attached?
- Yes ☒ No Power efficiency form?
- Yes ☒ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes,attach large diversion supplementary analysis sheet.
- Yes ☒ No Is Application made to record Pre Nov 1987 Development?
- If Yes then request clear evidence of when use started.

*** REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:**

Date Requested

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	<u>3/30/99</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>72-C</u>	<u>3/30/99</u>	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

JACK CHALLIS NEW WATERMASTER
PATRICIA CHALLIS (SECRETARY)

PROCESSING Yes No In form for Advertising?
 Yes No Statewide Advertising?
 Yes No Fee amount, receipt date & No. recorded?

____ Yes ____ No Has all requested additional information been received?
 If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ____ No Affidavit of publication received?
☒ Yes ____ No Application published correctly? If not, record action taken.

☒ Yes ____ No Publication dates and paper recorded?

Final date for protest: _____

____ Yes ☒ No Protests received?

____ Yes ☒ No Protested?

Describe Resolution: _____

____ Yes ☒ No Measuring device required?

____ Yes ☒ No Access port required?

____ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☒ Yes ____ No Special conditions codes: _____

☒ Yes ____ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: 3/10/99

COMMENTS:

RECOMMEND ☒ Approval ____ Denial

By AD Date 5/13/99

**WATER DISTRICT 72-C
CHALLIS CREEK
P. O. BOX 910
CHALLIS, IDAHO 83226-0910**

RECEIVED
APR 07 1999
Department of Water Resources
Southern Region

April 6, 1999

Mr. Corey Skinner, E.I.T.
Safety of Dams Engineer
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Reference: Application for Permit No. 72-07569; Ms. Karen Whitworth

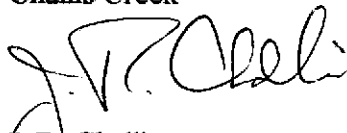
Dear Mr. Skinner:

I have reviewed the subject Application For Permit received with your letter of March 30, 1999. I have also talked to Ms. Whitworth about the matter as well.

In short, I can see no reason for any objection to the subject permit. Since both ponds will be supplied from springs on Ms. Whitworth's property and do not receive any flows from our District's irrigation supply (other than perhaps waste runoff), we would not, in my opinion, be affected nor thus involved. I have so indicated on your Recommendation Of Watermaster form and enclosed same.

Should you have any other questions, please let me know.

Sincerely,
Water District 72-C
Challis Creek


J. R. Challis
Watermaster

cc: Water District 72-C, Challis Creek, Advisory Board Members

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DEC 14 1999

01-99

State of Idaho
Department of Water Resources

RECEIVED

APR 07 1999

Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 72-07569

Applicant's Name: MS. KAREN WHITWORTH

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment: PLEASE SEE MY ENCLOSED LETTER OF

THIS DATE REFERENCING THIS MATTER

Dated this 6th day of APRIL, 1999

Water District No: 72-C

CHALLIS CREEK

J. K. Challis
Watermaster's Signature

Use reverse side of page if you need more space.

WATER DISTRICT No. 72-C MICROFILMED
CHALLIS CREEK
P. O. BOX 910
CHALLIS, ID 83226-0910 DEC 14 1999

NOTICE OF APPLICATIONS FOR WATER PERMIT

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

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

Application for Permit No. 72-07569

Source: Unnamed Stream tributary to Challis Creek

Diversion Pt(s): NE1/4NE1/4, S22, T14N, R19E; Custer County.

Use: 01/01-12/31

Wildlife (0.5 afa)
Aesthetic (0.5 afa)
Recreation (0.5 afa)

Total Diversion: 0.5 afa

In: NE1/4NE1/4, S22, T14N, R19E; Custer County.

Date Filed: 03/10/99

Application for Permit No. 72-07570

Source: Unnamed Stream tributary to Salmon River

Diversion Pt(s): NE1/4NE1/4, S22, T14N, R19E; Custer County.

Use: 01/01-12/31

Fish propagation (1.7 afa)

In: NE1/4NE1/4, S22, T14N, R19E; Custer County

Date Filed: 07/02/98

HELEN CUTLER
PO BOX 209
CHALLIS ID 83226

Application for Permit No. 72-07571

Source: groundwater

Diversion Pt(s): Lot 6 (NE1/4SW1/4), S21, T13N, R19E; Custer County.

Use: 04/01-10/31

irrigation (0.17 cfs)

In: 15 acres within E1/2SW1/4, S21, T13N, R19E; Custer County

Date Filed: 02/25/99

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 3, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

MICROFILMED

Published in The Challis Messenger on 04/15 & 04/22/99.

DEC 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAREN WHITWORTH
HC 63 BOX 1645
CHALLIS ID 83226

Applications for Permit No. 72-07569 & 72-07570

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence. Copies of the numbered applications are enclosed for your reference.

This office has scheduled advertising the applications in The Challis Messenger for 04/15 & 04/22/99. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb
Enclosures

MICROFILMED

DEC 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK CHALLIS WATERMASTER
WATER DISTRICT #72-C
PO BOX 910
CHALLIS ID 83226

Re: Application for Permit No. 72-07569
(Karen Whitworth)

Dear Mr. Challis:

Enclosed is a copy of an Application for Permit within
your District.

We also have enclosed a Watermaster's Recommendation Form
for your comment and/or recommendation.

Regional review of an unprotested application can be
completed as soon as the final protest period is past;
therefore, your prompt response to this request is
appreciated.

If you have any questions about an application, please
contact this office or the applicant.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

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SOUTHERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN MARK LARKIN
ID DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467

Re: Applications for Permit No. 72-07569 & 72-07570 (Karen Whitworth)

Dear Mr. Larkin:

Please find enclosed copies of Applications for Permit for your information and files.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

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ACTION REQUIRED

3/30/99

FROM: MB

TO: Terry Blair

SCA Comment please

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DEC 14 1999

MEMORANDUM

TO: Karen Whitworth Application for Permit File
FROM: Corey Skinner *CS*
DATE: March 18, 1999
SUBJECT: Staff Review

The enclosed Application for Permit, filed in the name of Karen Whitworth, seeks to obtain a water right for a proposed pond that will be constructed for wildlife, aesthetic, and recreation purposes. The proposed pond will be constructed on an unnamed stream located about 2½ miles northeast of Challis. The pond will be onstream, so the application is based on the volume of the proposed pond. The stream where the pond is located eventually dumps into Challis Creek, just above the confluence of Challis Creek and the Salmon River.

The application was received at the Southern region office on March 10, 1999. The filing fee for the application was based on credit from a previously filed filing fee for a superseded application that was filed back in July of 1998. The proposed priority date for the enclosed application is March 10, 1999.

The enclosed application should be pretty straightforward. Photos of the unnamed stream, and the site of the proposed pond, are included with this memo. As previously mentioned, the pond is proposed to be developed as an onstream, flow through type system. The applicant seeks to obtain a non consumptive water right for the proposed facility.

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72-07569



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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

March 10, 1999

KARL J. DREHER
DIRECTOR

Karen Whitworth
HC 63 Box 1645
Challis, ID 83326

Dear Ms. Whitworth:

Today our office received two Applications for Permit filed on your behalf. One of the applications was for a fish pond and the other application was for a wildlife, aesthetic, and recreation pond. As we previously discussed, the application for the fish pond will replace the application for the same facility that you filed in July of last year.

The required filing fee for the new application for the fish pond amounts to \$50.00. The required filing fee for the application for the wildlife, aesthetic, and recreation pond also amounts to \$50.00. Therefore, the total required filing fee for the two applications amounts to \$100.00.

As you recall, last July you submitted a \$180.00 filing fee along with the first fish pond application. I have enclosed the receipt, #S021281, for your reference. It appears that our Department should refund the \$80.00 difference between the \$100.00 total required filing fee and the \$180.00 filing fee that you previously submitted. Therefore, I have notified our fiscal section in our state office in Boise to issue an \$80.00 refund to Whitworth Fish & Cattle (see enclosed copy of 03/10/99 memo to Debbie Allen).

The preliminary review of your two applications has started and you will be notified when the applications will be published in the Challis Messenger as part of the required public notice. You may also be notified if our Department requires any additional information relating to these two applications. If you have any questions, feel free to contact me at your assistance.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: IDWR Fiscal - Debbie Allen

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DEC 14 1999

72-07569

MEMORANDUM

TO: Debbie Allen
FROM: Corey Skinner/S
DATE: March 10, 1999
SUBJECT: Request for Refund

On July 2nd, 1998, our office received an Application for Permit from Karen Whitworth of Challis. The filing fee for the application was \$180.00. Along with the application, a check (#1016 from Whitworth Fish & Cattle) was submitted. The application and fee were received and receipted (#S021281) by this office. During the review of the application, and during a conversation with the applicant, it was discovered that the application should be modified.

Today our office received an Application for Permit that supersedes the July 2nd, 1998 application. The required filing fee for this new application amounts to \$50.00. In addition, a second Application for Permit was also submitted. The filing fee for this second application also amounts to \$50.00. The total required filing fee(s) for the two applications amount to \$100.00. However, the applicant previously submitted a filing fee for \$180.00. Therefore, the applicant needs a refund of the \$80.00 difference. I would appreciate it if you could initiate an \$80.00 refund to Whitworth Fish & Cattle at the following address:

Karen Whitworth
HC 63 Box 1645
Challis, ID 83226

In addition, receipt #S021281 will probably need to be corrected. If you have any questions, feel free to give me a call. Thanks!!!

MICHOPLMEL

DEC 14 1993

72-07569

WATER DISTRICT 72-CYEAR 1999MEETING DATE 3-1-20/1999Watermaster Jack Challis Telephone 879-4617Address PO Box 910, Challis 83226Appointment: ☒ Annual ☐ SeasonalSecretary Athricia W. Challis Telephone _____Address PO 910Treasurer Syme Telephone _____Address PO Box 910, Challis (District address)

Basis of Budget: ☐ Year Average ☐ Water Rights
☐ Last Year's Deliveries (No Debits/Credit)
Other _____

WM Oath of Office Sent _____ Received 3-8-99Call-On Petition Sent - Received -Certificate of Appointment Sent 3-9-991 Daily Record Books Sent 3-9-99 Received _____Treasurer Oath Sent _____ Received 3-8-99Certificate of Appointment Sent 3-9-99

Forms Needed:	Date Sent:	Received:
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<u>4</u> X Watermaster Report	_____	_____
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<u>4</u> Proposed Budget	_____	<u>10-30-98</u>
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<u>4</u> Adopted Budget	_____	<u>3-8-99</u>
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WM Report Returned For Correction _____

WM Report Approved _____ Copy To District _____

Minutes of Meeting Received 3-8-99 Acknowledged 3-9-99

Bills Received _____

Sent To County _____

Contact Person/FAX # _____

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View, looking south, of the approximate location of the site for the wildlife, aesthetic, and recreation pond proposed under Karen Whitworth's application for permit. The proposed pond is to be built onstream and will be developed as a flow through type system. This view is from the road along the north edge of Section 22 (T14N, R19E). Photo taken 07/07/98 by Terry Blau.

KAREN WHITWORTH APPLICATION FOR PERMIT (wildlife, aesthetic, recreation) FILE.

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72-07569