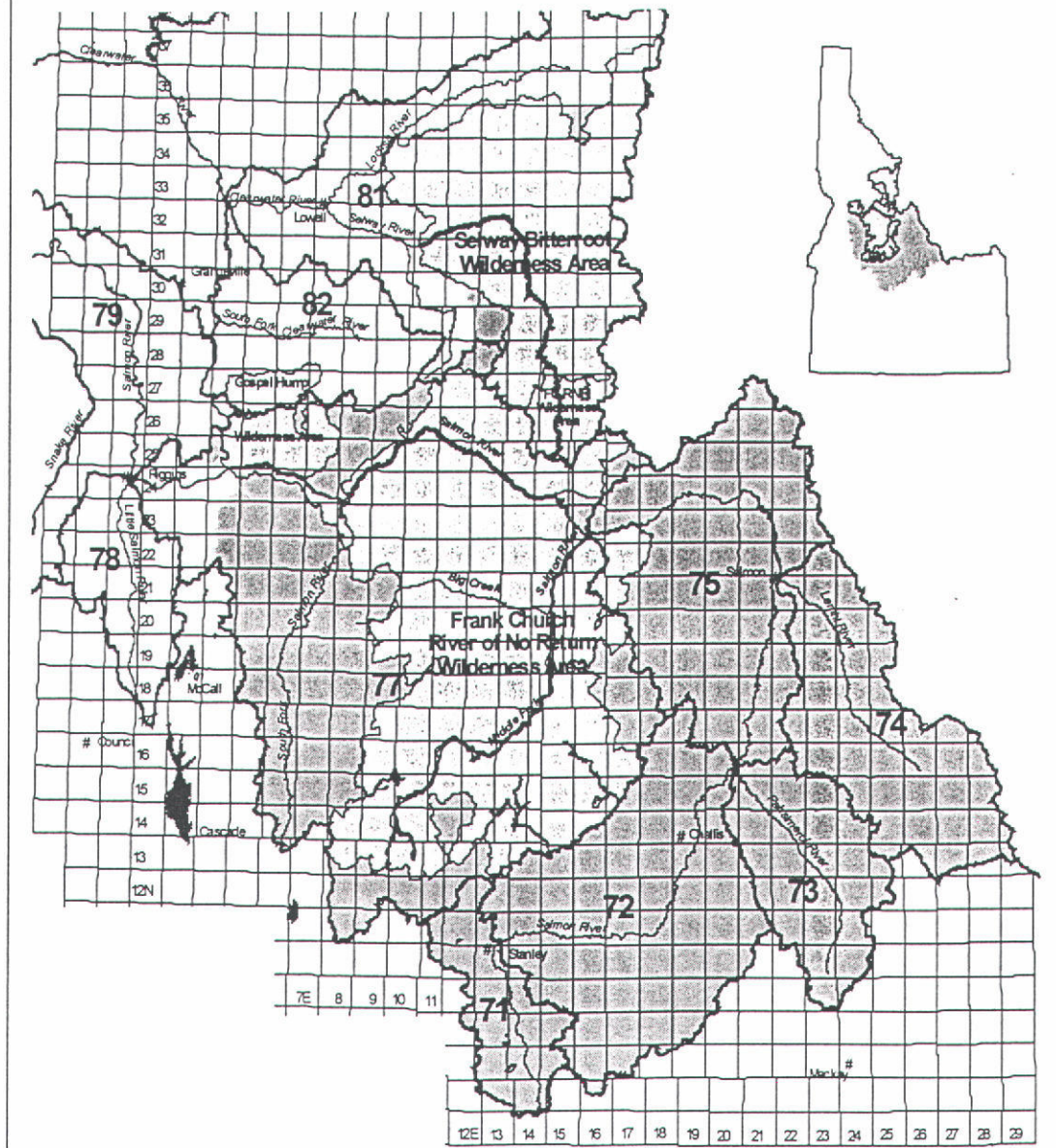


Wilderness Moratorium Areas

October 26, 1999

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



MICROFILMED

JAN 12 2001



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1957. Field checked 1964

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Where omitted, land lines have not been established



UTM GRID AND 1964 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

MICROFILMED
JUN 05 1998



CONTOUR INTERVAL
DOTTED LINES REPRESENT
NATIONAL GEODETRIC VER

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER,
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

72-07555

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
72-07555 IN THE NAME OF)
WILLIAM A. KNIGHT)
)

)

PRELIMINARY ORDER
REINSTATING PERMIT AND
GRANTING STAY IN THE
DEVELOPMENT PERIOD

This matter having come before the Department of Water Resources (Department) as a result of a response 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 January 5, 1998, the Department issued Permit No. 72-07555 (permit) to William A. Knight (permit holder) authorizing the diversion of 0.20 cfs of ground water to be used for recreation, heating, commercial and for the irrigation of 5 acres of land.

2. On October 26, 1999, The Director of the Department (Director) issued a Moratorium 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. The order required permit holders to either file proof of beneficial use of water or request a stay in the development period under a permit.

3. On October 29, 1999, the Department sent a copy of the Moratorium Order by certified mail to the permit holder who did not respond to the order.

4. On February 1, 2000, the Department corresponded with the permit holder seeking a response to the Moratorium Order.

5. On March 7, 2000 Anne Knight called the Department in connection with the Moratorium Order and said she would send information documenting a change in the ownership of the permit to her. The Department did not receive anything in response to either the Moratorium Order or the Department's February 1, 2000 correspondence.

6. On August 14, 2000, the Department sent an Order to Show Cause to the permit holder by certified mail providing the opportunity to show cause why the permit should not be cancelled. The permit holder did not respond.

7. On September 14, 2000, the Department issued a Preliminary Order Cancelling Permit to the permit holder.

8. On September 20, 2000, Anne Gilhuly, formerly Anne Knight, called the Department in connection with the Preliminary Order Cancelling Permit and said she was not able to get an assignment of permit from the permit holder. She said she would send in a request for stay in the development period in response to the Moratorium Order and she would include a copy of a quitclaim deed to document a change in ownership of the property covered by the permit.

9. On September 22, 2000, Anne M. Gilhuly filed a request for an indefinite stay in the development period for the permit in response to Condition 5.b of the Moratorium Order. The request included a quitclaim deed documenting a change in ownership of the property covered by the permit. In addition, Ms. Gilhuly provided information describing the extent of development and beneficial use that had occurred under the permit and 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. Reasonable cause has been shown and sufficient information has been provided for the Department to rescind the Preliminary Order Cancelling Permit and to reinstate the permit.

2. 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.

3. Sufficient justification has been provided for the Director to authorize an indefinite stay in the development period for the permit.

4. The Department should rescind the Preliminary Order Cancelling Permit and should reinstate the permit and authorize an indefinite stay in the development period with certain conditions.

ORDER

IT IS THEREFORE HEREBY ORDERED that the preliminary order cancelling Permit No. 72-07555 is **RESCINDED** and the permit is **REINSTATED**.

IT IS FURTHERMORE HEREBY ORDERED that an indefinite stay in the development period for Permit No. 72-07555 is **GRANTED** subject to the following conditions and limitations:

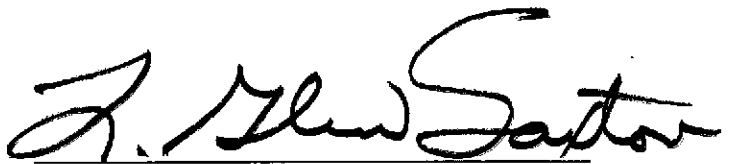
1. Additional work by the permit holder in developing a water right under terms of the permit is not authorized until the Department specifically authorizes resumption of work.

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 2nd day of October, 2000.


for KARL J. DREHER
Director

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

IN THE MATTER OF PERMIT NO.)
72-07555 IN THE NAME OF WILLIAM)
A. KNIGHT)
_____)

**PRELIMINARY ORDER
CANCELLING PERMIT**

FINDINGS OF FACT

1. On January 5, 1998, the Department of Water Resources ("Department") issued Permit No. 72-07555 ("permit") to William A. Knight ("permit holder") authorizing the diversion of 0.20 cubic feet per second of groundwater to be used for recreation, heating, commercial and for the irrigation of 5 acres of land.

2. On October 26, 1999, the Director of the Department issued a Moratorium Order ("order") titled "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." The order required permit holders to either file proof of beneficial use of water or request a stay in the development period under a permit.

3. On October 26, 1999, the department sent a copy of the Moratorium Order by certified mail to the permit holder who did not respond to the order.

4. On February 1, 2000, The Department corresponded with the permit holder seeking a response to the order.

5. On March 7, 2000, Anne Knight called in connection with the order and said she would send an assignment to the department changing the ownership of the permit to her. The Department has received nothing in response to either the order or the Department's February 1, 2000 correspondence.

6. On August 14, 2000, the Department sent an Order to Show Cause to the permit holder by certified mail providing the opportunity to show cause why the permit should not be cancelled. The permit holder did not respond.

CONCLUSIONS OF LAW

1. Section 42-311(1), Idaho Code, provided in pertinent part as follows:

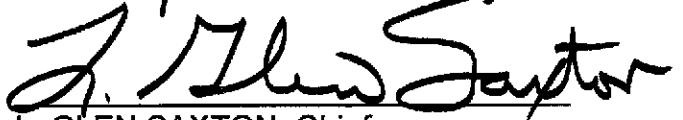
If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has refused or failed to comply with any of the conditions in the permit, or has refused or failed to comply with the provisions of the law governing the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before the date therein set, which shall not be less than thirty (30) days from the date of service, why the director of the department should not cancel said permit;

2. The permit holder has failed to comply with the provisions of the law governing the permit.
3. The Department should issue a Preliminary Order voiding the permit.

ORDER

IT IS THEREFORE HEREBY ORDERED that Permit No. 72-07555 in the name of William A. Knight is **VOIDED**.

Dated this 14th day of September, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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

IN THE MATTER OF PERMIT NO.)
72-07555 IN THE NAME OF WILLIAM)
A. KNIGHT)
_____)

ORDER TO SHOW CAUSE

FINDINGS OF FACT

1. On January 5, 1998, the Department of Water Resources ("Department") issued Permit No. 72-07555 ("permit") to William A. Knight ("permit holder") authorizing the diversion of 0.20 cubic feet per second of groundwater to be used for recreation, heating, commercial and for the irrigation of 5 acres of land.

2. On October 26, 1999, the Director of the Department issued a Moratorium Order ("order") titled "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." The order required permit holders to either file proof of beneficial use of water or request a stay in the development period under a permit.

3. On October 26, 1999, the department sent a copy of the Moratorium Order by certified mail to the permit holder who did not respond to the order.

4. On February 1, 2000, The Department corresponded with the permit holder seeking a response to the order.

5. On March 7, 2000, Anne Knight called in connection with the order and said she would send an assignment to the department changing the ownership of the permit to her. The Department has received nothing in response to either the order or the Department's February 1, 2000 correspondence.

CONCLUSIONS OF LAW

1. Section 42-311(1), Idaho Code, provided in pertinent part as follows:

If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has refused or failed to comply with any of the conditions in the permit , or has refused or failed to comply with the provisions of the law

governing the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before the date therein set, which shall not be less than thirty (30) days from the date of service, why the director of the department should not cancel said permit;

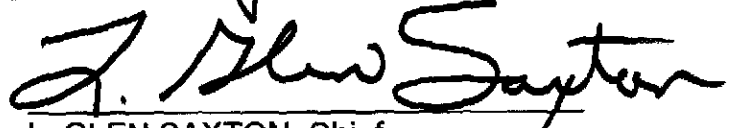
2. The permit holder has failed to comply with the provisions of the law governing the permit.

3. The Department should issue an order to show cause why the permit should not be cancelled.

ORDER

IT IS THEREFORE HEREBY ORDERED that the permit holder is ordered to Show Cause within thirty (30) days of the date of this order why Permit No. 72-07555 in the name of William A. Knight should not be cancelled.

Dated this 14th day of August, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

... 1 2 2001

**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

MICROFILMED

JAN 12 2001

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

MICROFILMED

JAN 12 2001

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.

MICROFILMED

JAN 12 2001

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.

MICROFILMED

JAN 12 2001

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.

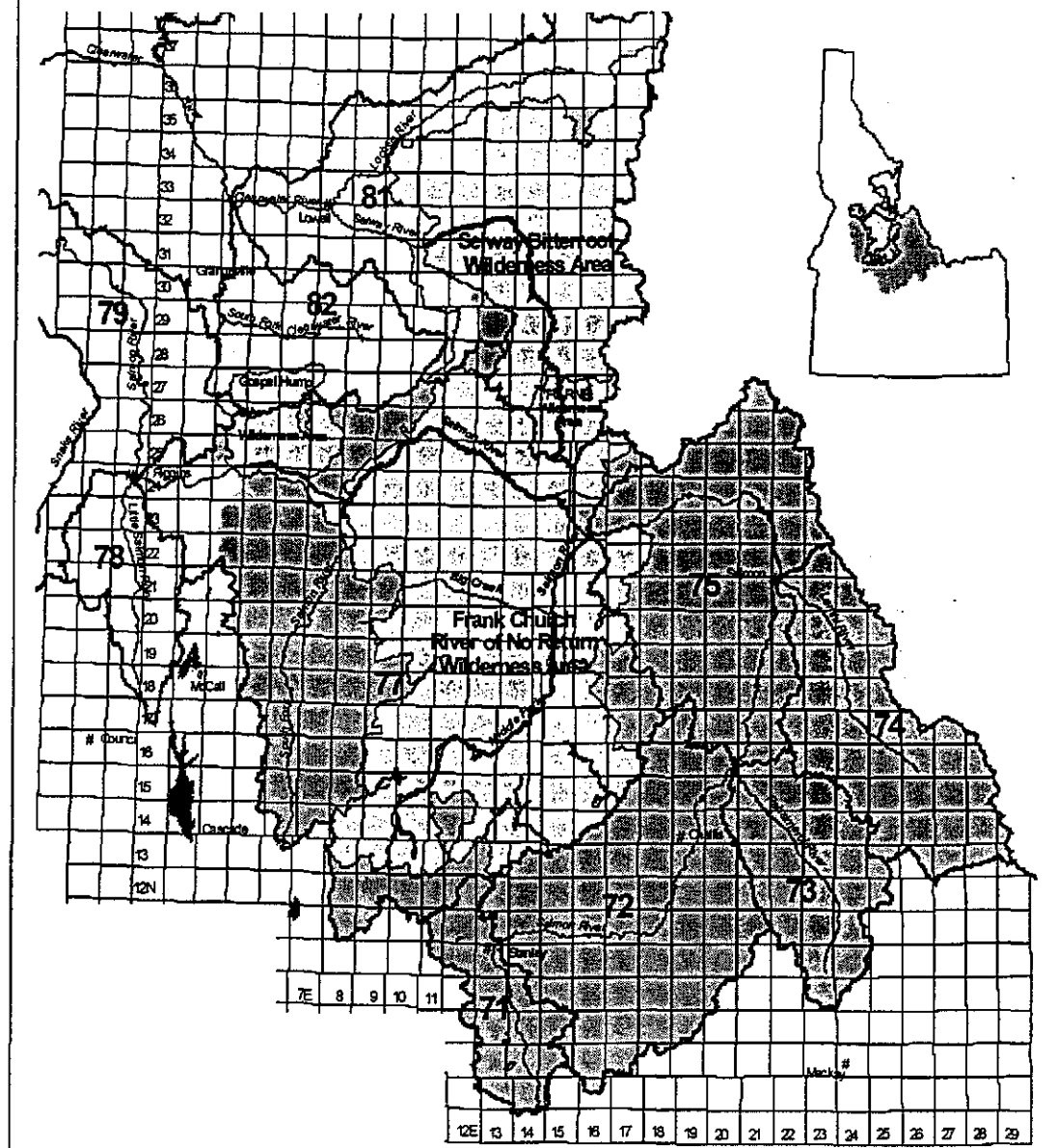
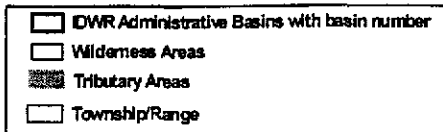
Dated this 26th day of October, 1999.



KARL J. DREHER
Director

Wilderness Moratorium Areas

October 26, 1999



MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07555

Proposed Priority: September 8, 1997 Maximum Diversion Rate: 0.20 CFS

This is to certify, that WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

has applied for a permit to appropriate water from: GROUNDWATER

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>
IRRIGATION	05/01 to 09/30	0.15 CFS
COMMERCIAL	01/01 to 12/31	0.20 CFS
HEATING	01/01 to 12/31	0.20 CFS
RECREATION	01/01 to 12/31	0.20 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 29, Township 11N, Range 16E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N	16E	29	NWSE	5.0		5.0

Total number of acres irrigated: 5.0

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>
11N	16E	29	SWNE	NWSE

PLACE OF USE: HEATING, same as COMMERCIAL use

PLACE OF USE: RECREATION, same as COMMERCIAL use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Low temperature geothermal water diverted under this right shall not be used for irrigation purposes unless it is first used for heating purposes.

MICROFILMED
JUN 8 5 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

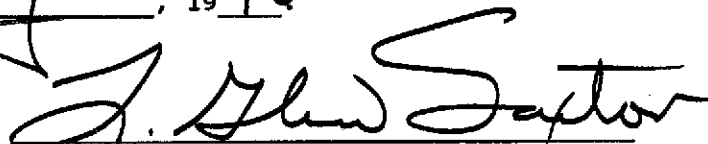
NO. 72-07555

CONDITIONS OF APPROVAL AND REMARKS

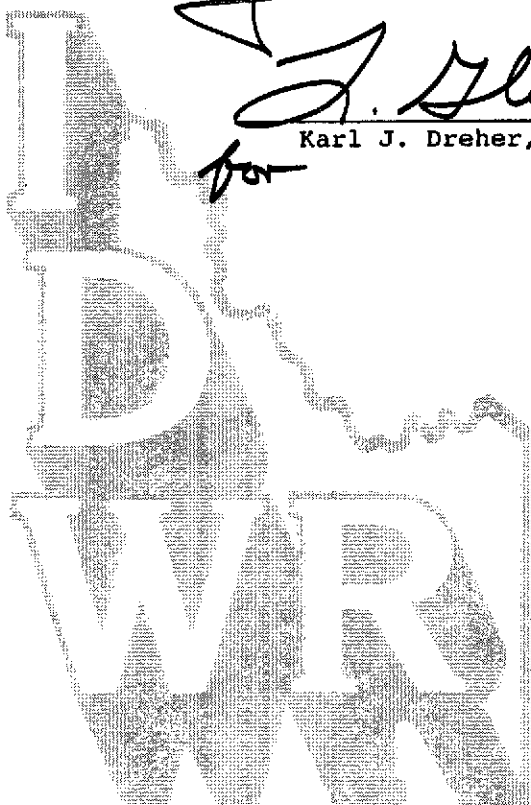
7. Commercial, recreation, and heating uses are for a swimming pool and four hot tubs.

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

5th day of January, 1998



for
Karl J. Dreher, Director



MICROFILMED

JUN 05 1998

RECEIVED
SEP 08 1997
Department of Water Resources
Southern Region

Ident. No. 72-07555

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
DEC 05 1997
Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant William A. Knight Phone 838-2313
Post office address HC 67 Bpx 725 Clayton ID 83227
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot HES583
Sec. 29 Township 11N Range 16E B.M. Custer County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.20 for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.20 for Recreation purposes from " to " (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 0.20 for Heating purposes from " to " (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.15 for IRRIGATION purposes from May 1 to Sep 30 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Well, Motor & Pump

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

_____ to _____ inclusive.

- c. ~~Proposed~~ well diameter is 8 inches; ~~proposed~~ depth of well is 340 feet.

- d. Is ground water with a temperature of greater than 85°F being sought? yes

- e. If well is already drilled, when? 7/27/97 Drilling firm Guthrie

Well was drilled for (well owner) Applicant

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

3 years (minimum 1 year).

REPROFILMED
JUN 05 1998

0.15

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. Cooling - Rec - Heating.
Swimming Pool - Hot Tubes

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N	16E	29			X														
11N	16E	29			*5											*5			5
																X			

* Connected per telecon w/applicant 10-22-97

Total number of acres to be irrigated

5

10. Describe any other water rights used for the same purposes as described above. NO

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

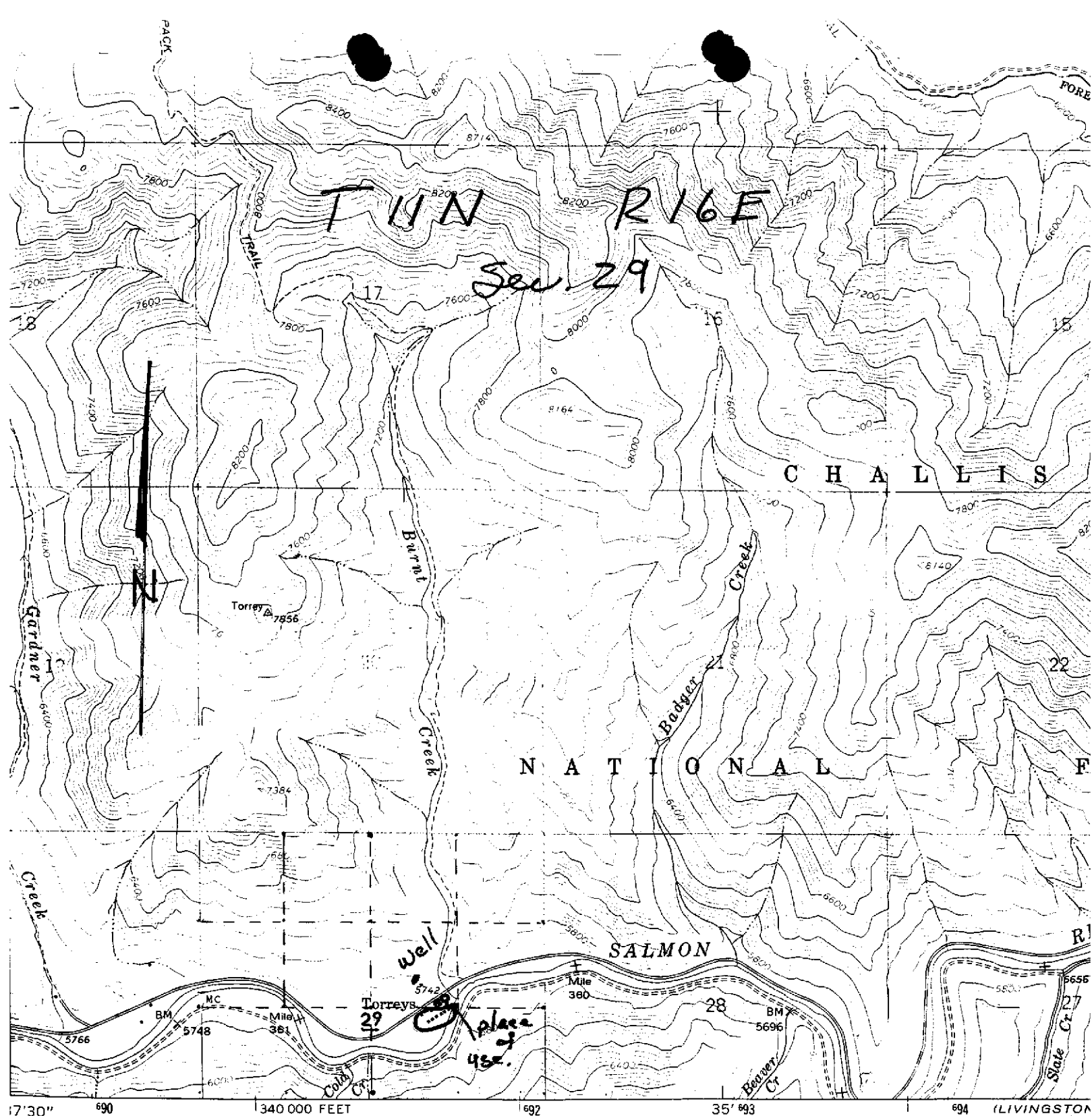
b. Who owns the land to be irrigated or place of use? Applicant

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: IRR. is Waste Water After Heat
has been extracted from pool -
Well drilled under permit 72-97-S-0013-000501. 10-22-97

MICROFILMED

11N 16E 1998



Mapped, edited, and published by the Geological Survey

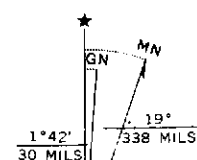
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1957. Field checked 1964

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

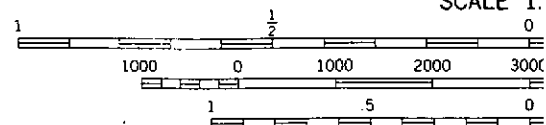
Where omitted, land lines have not been established



MICROFILMED

UTM GRID AND 1964 MAGNETIC NORTH
DECLINATION CENTER OF SHEET

JUN 05 1998



THIS MAP COMPLIES WITH NATION
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER,
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

72-07555

[illegible]

~~Will~~ Will AK et

Received by JS Date 7-2-97 Time 11 am Preliminary check by JS
Fee \$ 50.00 Receipted by JS # 5020547 Date 7-8-97
Publication prepared by MB Date 10/23/97 Published in Challis Messenger
Publication approved MB Date 11/18/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

JUN 05 1998



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

October 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

RE: Permit 72-07555

Dear Permit Holder(s):

Enclosed is the copy of the **Preliminary Order** issued by the Department reinstating the subject permit and 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

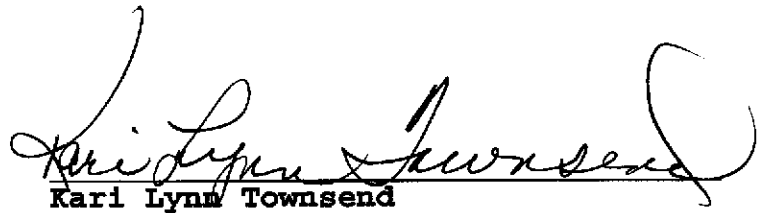
MICROFILMED
JAN 12 2001

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of October, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: PERMIT 72-07555

**WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 12 2001**

**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).

MICROFILMED

JAN 12 2001

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.

MICROFILMED

JAN 12 2001

9-20-2000

State of Idaho
Dept of Water Resources
1301 North Orchard Street
Boise, Id. 83720

RECEIVED

SEP 22 2000

Department of Water Resources

Dear Jeff,

As per our conversation I am requesting a "stay" on my water permit for the geothermal well on my property. The well has already been drilled however it did not produce the result we had hoped for to enable me to use it for recreational purposes at Torrey. Further development may allow for this but I am not prepared to continue at this time.

Since the drilling of the well there has been a divorce. I have enclosed copies of my divorce papers that shows that I own the property the well is located on. My exhusband is not available to sign the original permit over to me.

MICROFILMED
JAN 12 2001

Thank you,
Anne M. Githuly

QUITCLAIM DEED

INSTRUMENT No. _____

FOR VALUE RECEIVED. William A. Knight of Lemhi County, Idaho, (a single man) (Grantor), does hereby convey, release, remise and forever quit claim unto Anne M. Gilhuly, of Custer County, Idaho, (a single woman) (Grantee), all right, title and interest in and to the parcel of real property described as follows:

Real property consisting of TRACT 1 of approximately ½ acre with a home and other improvements, and TRACT 2 of approximately 5 acres described as:

1. TRACT 1 : A fraction of H. E. S. No. 583, in approximate Section 29, Township 11 North, Range 16 East, Boise Meridian, Custer County Idaho,

More particularly described as set forth on Schedule A attached hereto and incorporated herein.

2. TRACT 2 : A fraction of H. E. S. 583, located in approximate Section 29, Township 11 North, Range 16 East, Boise Meridian, Custer County, Idaho,

More particularly described as set forth on Schedule A attached hereto and incorporated herein.

together with all improvements and appurtenances for both Tracts.

DATED this 4th day of March, 1999.

William A. Knight
William A. Knight

STATE OF IDAHO,)
County of Lemhi) ss.

On this 4th day of March, 1999, before me, a Notary Public in and for said State, personally appeared William A. Knight, Grantor, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that he executed the same.

NOTARY
PUBLIC

Gaetano M. Santee
NOTARY PUBLIC for Idaho
Residing at Salmon
Commission expires 6-19-2001

MICROFILMED

JAN 12 2001

SCHEDULE A

TRACT I:

A fraction of H.E.S. No. 583, in approximate Section 29, Township 11 North, Range 16 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at corner No. 2 of said H.E.S.; thence South 18°34' West, 17.9 feet, more or less, to a point on the Northerly boundary line of U.S. Highway 93 right of way; thence South 56°39' West, along said right of way line 662.3 feet to the TRUE POINT OF BEGINNING; thence continuing South 56°39' West, along said right of way line 209.0 feet; thence North 22°19' West, 200 feet; thence North 56°39' East, 209.0 feet; thence South 22°19' East, 200 feet to the Point of Beginning, EXCEPTING THEREFROM the following described tract:

Beginning at corner No. 2 of said H.E.S.; thence South 18°34' West, 17.9 feet, more or less, to a point on the Northerly boundary line of U.S. Highway 93 right of way; thence South 56°39' West along said right of way line 767.3 feet to the TRUE POINT OF BEGINNING; thence continuing South 56°39' West along said right of way line 104.5 feet; thence North 22°19' West, 200 feet; thence North 56°39' East, 104.5 feet; thence South 22°19' East, 200 feet to the Point of Beginning.

TRACT II:

A fraction of H.E.S. #583, located in approximate (unsurveyed) Section 29, Township 11 North, Range 16 East, Boise Meridian, Custer County, Idaho, and commencing at corner No. 2 of said H.E.S. #583, thence South 18°34' West, 17.9 feet to the Northwesterly right-of-way of Highway #75; thence South 56°39' West, 871.90 feet on and along said right-of-way to the Point of Beginning of this description; thence continuing South 56°39' West, 250.00 feet on and along said right-of-way; thence North 22°19' West, 672.04 feet, more or less, to the North line of said H.E.S. #583; thence North 98°40' East, 485.48 feet, more or less, on and along said North line, to the Northwest corner of the land described in the Deed from John S. Smith and Charlotte Smith, husband and wife, to Stanley R. McKinney and Nora Catherine McKinney, recorded September 21, 1966, in Book 36, Deeds, Page 215, records of Custer County, Idaho; thence South 22°19' East, 199.1 feet, more or less, along the West line of said McKinney land, to the Northwest corner of the land described in the Deed from John S. Smith and Charlotte Smith to Carl L. Reed and Helen L. Reed, husband and wife, recorded February 17, 1975, as Instrument No. 138922, thence South 56°39' West, 209.0 feet, to the Northwest corner of said Reed land; thence South 22°19' East, 200.0 feet to the Point of Beginning.

Custer County Reg. of

Anne Dilluly

Time 3:55 P.M.

4/1 1999

MICROFILMED

Ethel M Peck, Clerk

JAN 12 2001

Janet L. Dargis
Deputy

MEMORANDUM

Date: September 20, 2000

To: WR File No. 72-07555

From: Jeff Peppersack *JP*

Re: Preliminary Order Canceling Permit

Gilhuly
Anne (Knight?) called to find out what she needs to do regarding the preliminary order canceling the permit for groundwater use on her property. She indicated that there was no chance of getting an assignment of the permit from her ex-husband. Based on previous discussions, she decided that a request for stay was the preferred option regarding the permit. The well has been drilled, but the water use has not been developed at this time. I suggested that she request a stay and explain the circumstances surrounding the permit ownership. We should be able to accept her request for stay based on guidance in the Administrator's Memorandum - Permit Processing #10. She said she would also include a copy of her quit claim deed for ownership of the property.

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

RE: Preliminary Order in the Matter of Permit 72-07555

Dear Permit Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

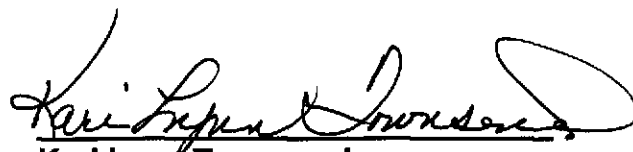
MICROFILMED
JAN 12 2001

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of **September, 2000**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit 72-07555

**WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 12 2001**

**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).

MICROFILMED

JAN 12 2001

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.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

Domestic Mail Only; No Insurance Coverage Provided

Article Sent To:

4475 8892 9000 0225 4475

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

MICROFILMED
JAN 12 5-14-00
Postmark Here

Name (Please Print Clearly) (To be completed by mailer)

WILLIAM A KNIGHT

Street, Apt. No.; or PO Box No.

HC 67 Box 725

City, State, ZIP+ 4

CLAYTON ID 83227

PS Form 3800, July 1999

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article to the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mark [redacted]

IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 5.
- 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:

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

4a. Article Number

7099 3220 0006 2688 ³¹⁴⁴3144

4b. Service Type

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

4c. Date of Delivery**5. Received By: (Print Name)**

Glenn Coleman

6. Signature: (Addressee or Agent)

Glenn Coleman

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

JAN 12 2001

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 •

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

RECEIVED

MICROFILMED

AUG 18 2000

WR 72-07555

JAN 12 2001

Department of Water Resources

82237





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

August 14, 2000

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

CERTIFIED MAIL

RE: Water Right 72-07555

Dear Water Right Holder(s):

Enclosed please find an Order to Show Cause issued by the department in reference to the above listed information.

According to section 42-311(4), Idaho Code:

The permittee shall have a right to an administrative hearing before the department if requested in writing within twenty-one (21) days from the date of service of the order, and to judicial review, all as provided in section 42-1701A, Idaho Code.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JAN 12 2001

MEMORANDUM

Date: March 7, 2000

To: WR File No. 72-07555

From: Jeff Peppersack

Re: Wilderness Moratorium

Anne Knight called to find out what she needs to do regarding the letter of Feb. 1, 2000. I explained the October 26, 1999 order requiring that proof of beneficial use or a stay request be filed for all undeveloped permits in the moratorium area.

She indicated that a well had been drilled but the water was not hot enough to utilize for the planned heating purposes. The expense of extracting the heat was also a problem. She indicated that she may want to use the water for irrigation or possibly heating a barn. Since the water use has not been developed yet, she decided that a stay request would be the best choice.

Since the permit is in William Knight's name, and they have divorced since the permit was filed, I explained that she would need an assignment of permit to change the permit to her name. She said she would send a copy of the quit-claim deed.

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

Re: Water Right Permit No. 72-07555

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

JAN 12 2001

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,

A handwritten signature in black ink, appearing to read "Jeff Peppersack".

Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

MICROFILMED

JAN 12 2001

Z 269 221 945

US Postal Service

Receipt for Certif

No Insurance Coverage Pro

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

10 835517

MICROFILMED
JAN 12 2004

72-07555
WILLIAM A KNIGHT
HC 67 BOX 7215
CLAYTON

PS Form 3800, April 1995

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.

102595-99-M-0079

PS Form 3800, April 1995 (Reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and 2 for additional services.
- Complete Items 3, 4 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:

72-07355
WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON

ID B3227
MICROFILMED

5. Received By: (Print Name)

John Windsor

6. Signature: (Addressee or Agent)

X John Windsor

4a. Article Number

2269221945

4b. Service Type

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

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)**

UNITED STATES POSTAL SERVICE



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

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

MICROFILMED NOV 1 - 1999

JAN 12 2001 Department of Water Resources

WA

3706=2237





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
JAN 12 2001

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

MICROFILMED
JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 1998

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07555

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

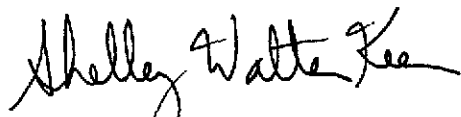
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

RECORDED
JUN 05 1998

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,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
JUN 05 1998

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of January, 1998, 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. 72-07555

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 05 1998

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.

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.

MICROFILMED

JUN 05 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 72-07555 Name: Knight Date: 1/5/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: 42-605

No/Yes: S/C Mor / GWMA / Trust / Non-trust

PROTESTED:

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

SYSTEM COMPLETED:

1 year/no proof

- P16

~~1 year~~

- ~~26A-P17~~

GROUNDWATER: (☒ FLO-CH)

WMD (☒ MAP)

>0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

- 065-079 (if GW use SW 1st-statewide) (cannot move SW off)

~~>0.24 cfs/5 acres~~

- 01M (report when notified)

~~≤ 0.24 cfs/5 acres~~

- ~~No MD~~

DRILLING PERMIT: Existing well

*All wells (☒ WDAQ3)

- ~~040-P23~~

~~Included w/permit~~

- Permit No. 72 - 97 - 5 - 0013 - 501 P99

No drilling permit?

- (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (☒ MAP)

- *WB9

WD (☒ MAP & LISTING)

- R04 (WD #) - 01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) 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(66)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

*Heating/Cooling

- R07 (Injection well) NA

*Irr. ≤ 5 acres

- ~~R66/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)

Mining

- 054(req) - 081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

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

Stockwater

- R37 (BLM/USFS); NA

Storage (☒ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

~~42-248~~ area

- ~~P84~~ (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

*SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① w/ 01/Comm Rec/Htg / pool & 4 hot tubes.

BENEFICIAL USE DUE:

- 1/1/ 2001

COMMENTS:

MEMORANDUM

TO: File No. 72-07555

FROM: Cindy Zimmerman *CJ.*

SUBJECT: Telephone Conversation

DATE: January 2, 1998

This morning, William Knight called to inquire about the status of this application. I explained that more information was needed to validate the rate of diversion for heating.

Mr. Knight clarified that geothermal water will be used for:

1. One 20' x 40' x 3'-10' deep swimming pool.
2. Four 4' x 4' x 6' deep hot tubs.
3. Water in the pool and hot tubs will be exchanged once a day.
4. The water is 89° at the well head currently when not flowing. The temperature will probably rise when the well is used.
5. Commercial, recreation, and heating uses are for the pool and hot tubs.
6. Water will be diverted from the well to the pool and hot tubs to utilize the heat value of the water. The water will then be used for irrigation.

MICROFILMED

JUN 05 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 05 1997

APPLICATION FOR PERMIT ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY J. Stanton DATE 10-22, 1997
APPLICATION NO. 72-07555

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
 - ☒ Address
 - ☒ Source (see USGS quad for names of water sources)
 - ☒ Point of diversion (10 Acres for spring, lot & block descriptions 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, of signator is required)
 - ☒ Fee
 - ☒ Yes ☐ No* In form to recipient
- PROPOSED PRIORITY DATE
9-8 1997

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to press application on the back. 72-04183, 444)
- ☒ Overlapping point of diversion.
- ☐ Yes ☒ No Field check required
- ☐ Yes ☐ No Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ 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 ye attach large diversion supplementary analysis sheet

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
N/A ☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 9/8, 19 97
By AD Date 12/3, 19 97

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

FROM: Allen Merritt *Am*

DATE: December 3, 1997

TO: Application No. 72-07555
In the Name of: William A. Knight (Torrey's)

SUBJECT: Review and Recommendation

This application proposes to develop a well in the Salmon River Area where there is no moratorium on groundwater development. The well has already been drilled under 72-97-S-0013-501 drilling permit. The well is artesian and hot. The proposed use is for uses associated with Torrey's Resort area (a swimming pool, heating, ect.) and the waste water will be used for irrigation.

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

- Irrigation only after heat has been used.
- Must comply with DEQ discharge requirements.
- Must comply with other local, county, state or federal requirements as required to protect endangered species (Salmon).
- Must comply with drilling permit requirements for low temperature geothermal wells.

MICROFILMED
JUN 05 1998

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Nov 6 1997 and ending with the issue dated Nov 13 1997.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 13 day of November in the year of 1997 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 instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Della Brower

Notary Public for Idaho

Residing at Clayton Id

My commission expires: 7/6/99

NOV 17 1997

Department of Water Resources
Southern Region

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

WILLIAM A KNIGHT

HC 67 BOX 725

CLAYTON ID 83227

Application for Permit No. 72-07555

Source: groundwater

Diversion Pt(s): SW1/4NE1/4, S29, T11N, R16E; Custer County.

Use:

Commercial (0.20 cfs) 1/1-12/31

Recreation (0.20 cfs) 1/1-12/31

Heating (0.20 cfs) 1/1-12/31

Irrigation (0.15 cfs) 5/1-09/30

Total Diversion: 0.20 cfs

In: All other uses within SW1/4NE1/4 & NW1/4SE1/4, S29, T11N, R16E with irrigation of 5 acres solely within NW1/4SE1/4, S29, T11N, R16E; Custer County.

Date Filed: 9/8/97

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 November 24, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published Nov. 6 & 13, 1997.

MICROFILMED

JUN 05 1998

OK
MB
11/18/97

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
	11-13-97	Notice of Application for Water Permit	\$ 46.81
	11/6/13/97	37 lines	
		72-07555	OK mb 11/18/97
		RECEIVED NOV 17 1997 Department of Water Resources Southern Region	

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

JUN 05 1998

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

WILLIAM A KNIGHT

HC 67 BOX 725

CLAYTON ID 83227

Application for Permit No. 72-07555

Source: groundwater

**Diversion Pt(s): SW1/4NE1/4, S29,
T11N, R16E; Custer County.**

Use:

Commercial (0.20 cfs) 1/1-12/31

Recreation (0.20 cfs) 1/1-12/31

Heating (0.20 cfs) 1/1-12/31

irrigation (0.15 cfs) 5/1-09/30

Total Diversion: 0.20 cfs

**In: All other uses within SW1/4NE1/4
& NW1/4SE1/4, S29, T11N, R16E with
irrigation of 5 acres solely within
NW1/4SE1/4, S29, T11N, R16E; Custer
County.**

Date Filed: 9/8/97

**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 November 24, 1997 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.**

Karl J. Dreher, Director

**Published in The Challis Messenger on
11/6 & 11/13/97.**

MICROFILMED

JUN 05 1998



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

October 24, 1997

PHILIP E. BATT
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
Sr. Secretary

Enclosure

MICROFILMED

JUN 05 1998

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

Application for Permit No. 72-07555

Source: groundwater

Diversion Pt(s): SW1/4NE1/4, S29, T11N, R16E; Custer County.

Use:

Commercial	(0.20 cfs)	1/1-12/31
Recreation	(0.20 cfs)	1/1-12/31
Heating	(0.20 cfs)	1/1-12/31
irrigation	(0.15 cfs)	5/1-09/30

Total Diversion: 0.20 cfs

In: All other uses within SW1/4NE1/4 & NW1/4SE1/4, S29, T11N, R16E with irrigation of 5 acres solely within NW1/4SE1/4, S29, T11N, R16E; Custer County.

Date Filed: 9/8/97

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 November 24, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Challis Messenger on 11/6 & 11/13/97.

MICROFILMED
JUN 05 1998



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

October 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

Re: Application for Permit No. 72-07555

Dear Mr. Knight:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the The Challis Messenger for 11/6 & 11/13/97. 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. When 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.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MICROFILMED

JUN 05 1998