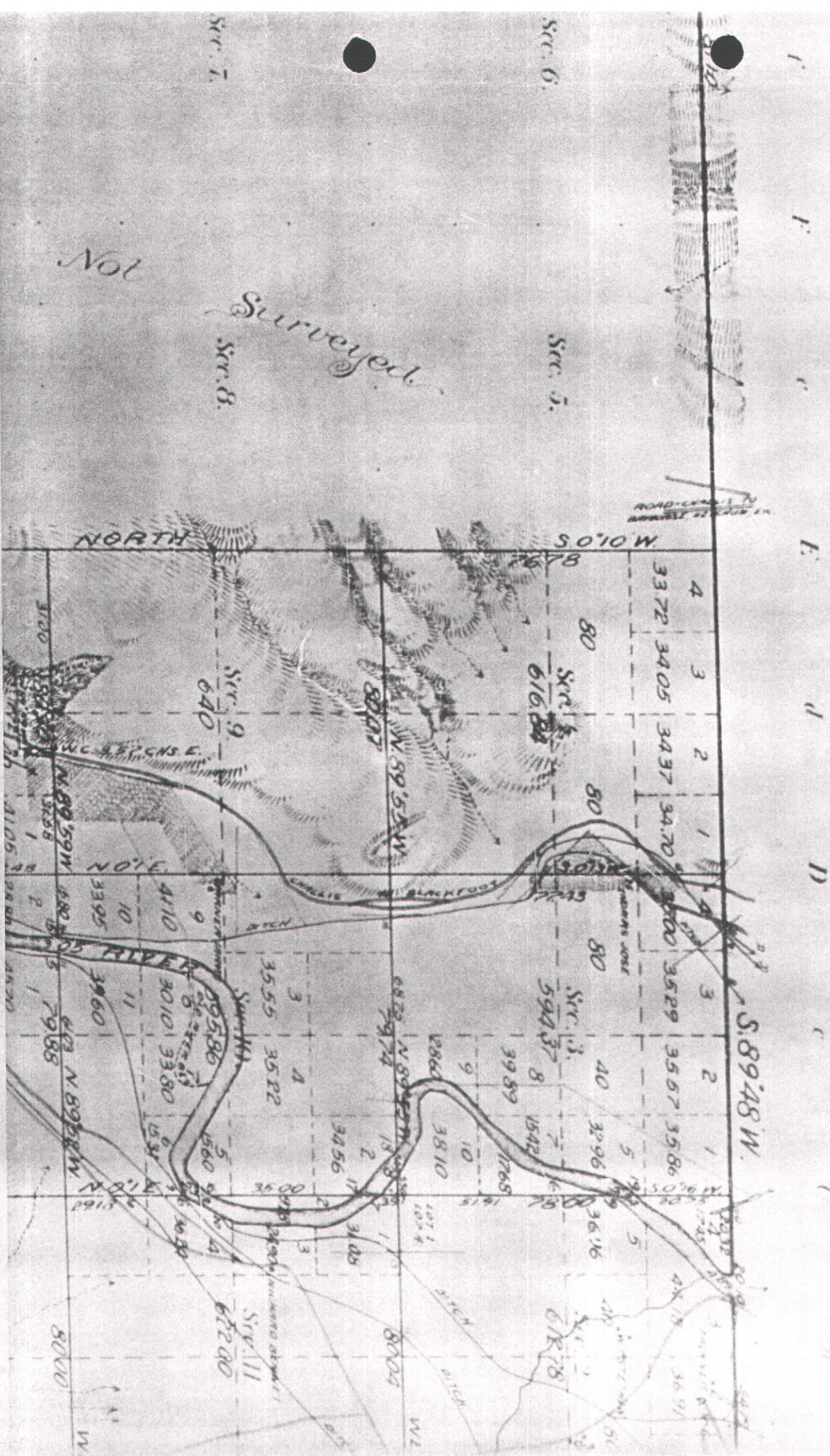


Ship No 15 North, Range No 19 East of the

REPRODUCTION
MAY 22 1996



12'30"

723

3173 II
(CHALLIS 1:62 500)

724

725 10'

R. 19 E.

726

460 000

34

35

36

T14N

T13N

LT2

LT

PA

PD

PD

PD

LT3

LT7

PD

PD

PD

LT9

LT10

Gravel Pit

Grand A 5005

93

93

SALMON RIVER

10

BM

4996

11

12

5100

BM 5103

Well

15

5434

14

5400

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MAY 22 1996

72-07537

Lowton - Dunfee Alternative
Spillway has been placed
Second Dam From Lower
end Approx location
spillway has been placed

Road fill blocking
Flood Channel @ Lower
End (Needs to be removed
and stabilized.

Fill blocking Flood Channel
at upper end (Needs to be removed
and stabilized)

Dam across outlet of Flood
Channel modified to a spill
way (needs to be lowered
3rd Dam (spillway has been
built)

upper Dam (Spillway has
been built)

Gravel berm (needs to be
removed or leveled to allow
passage of flood flow
Fill placed at inlet of Flood
Channels (Needs to be removed after

Post-it Fax Note	7671	Date	1 Aug 95	# of pages	2
To	Ray K	From	CRB		
Co./Dept.	CEE	Co.	IDWR		
Phone #		Phone #	7-5448		
Fax #		Fax #			

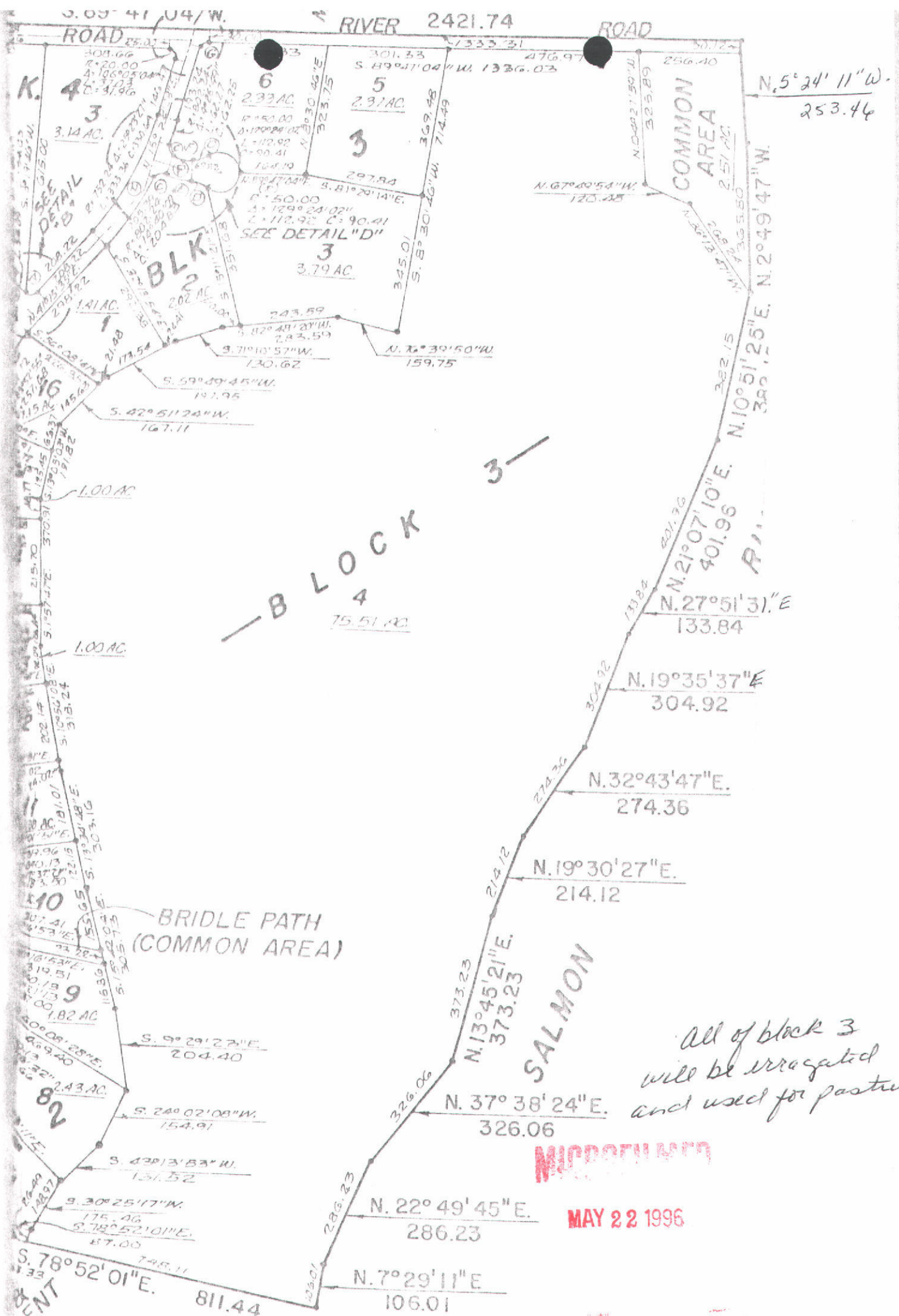
MAY 22 1996

Tl 013N R46144

34 35
3 2

MAY 23 1996

3 2
10 11



Bottom ground sketch per item D in
August 7th lett.

Gini Ditch Irrigation water

Bruno's fence

Flood Channel

Rock Spillway

Water

Irrigation

Easement

Pasture

Grain Field

Water

Irrigation water

Spillway

Dam Road for Equipment & cattle

Hansen's fence

North End

Grain field has been seeded
there was no clearing done
in this area.
Pasture ground was cleaned up
and still needs to be resodded

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FEB 01 1996
Department of Water Resources
Southern Region

Gini Dietz
Learning Action Network

Easement

Water

Dr. J. H. Brown

with 20

Grain field has been seeded.
There was no clearing done
in this area.
Pasture ground was cleaned up
and still needs to be reseeded.

Microfilm

MAY 22 1996

RECEIVED

FEB 01 1996

Department of Water Resources
Southern Region

Sp. 16
Dam Road for Equipment & cattle.
Hansens fence
North End

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~ORIGINAL APPLICATION~~	~~72-07537~~	~~Dowton, Jimmie~~ ~~Dowton, Denise~~	~~20.0AF~~
FULL ASSIGNMENT	72-07537	Dunfee Family Trust Dunfee, Jude C. (Trustee) Dunfee, Joyce I. (Trustee)	20.0AF

10/2/96

RECEIVED
OCT 10 1996

RECEIVED

APR 16 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 72-07537 Telephone No. 208-838-2393

2. Name(s) of Permit Holder(s): Dunfee Family Trust

3. Mailing Address: HC 68 Box 357, Clayton, Id. 83227

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

a. Well Driller: Drilling Permit Number: - - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: aesthetic storage

6. Total rate of diversion and/or volume for which proof is submitted: cfs OR 20 acre feet

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

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

Measuring Device: Is a measuring device required? Yes or No X

Has the measuring device been installed? Yes or No X

Flow Measurement Port: Is a flow measurement port required? Yes or No X

Has the measurement port been installed? Yes or No X

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

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

Name: same as above Telephone Number:

Address:

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

Signature of permit holder: [Signature] Date: 4-16-97
(include your title, if on behalf of company or organization)
Trustee

MAY 28 1997

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OCT 02 1996

Department of Water Resources

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 ASSIGNMENT OF PERMIT

I, Jimmie D. & Denise Dorton, hereby assign to Dunfee Family Trust
 of Jude L Dunfee or Joyce I Dunfee Trustees
HC68 Box 357 (Full Address) Clayton IDAHO 83227 (Phone) (208) 382-393
 All my right, title, and interest in and to Permit No. ~~92-07537~~ to
 appropriate the public waters of the State of Idaho. 72-07537

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. ~~92-07537~~ to appropriate the public waters of the State of
 Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
 subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 25 day of September, 1996.

Jimmie D. Dorton Denise Dorton
 Permit Holder

State of Idaho

County of Auster

) ss

On this 25 day of September, 1996, personally appeared before me the signer(s) of the
 above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Susan Swindell
 Notary Public residing at
Challis, ID

seal

My commission expires: 7-21-98

RECORDED
 OCT 10 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 72-07537

Proposed Priority: February 20, 1996

Maximum Storage Volume:

20.0 AF

This is to certify, that JIMMIE DOWTON
DENISE DOWTON
PO BOX 1217
CHALLIS ID 83226-1217

has applied for a permit to appropriate water from:
SALMON RIVER tributary of SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
	Totals		20.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 5 (SENE), Sec. 3, Township 13N, Range 19E
Lot 7(NESE), Sec. 3, Township 13N, Range 19E
Lot 8(NWSE), Sec. 3, Township 13N, Range 19E
CUSTER County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

13N 19E 3 Lot 5(SENE) Lot 7(NESE) Lot 8(NWSE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1997.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. Two points of diversion are located within Lot 5 (SENE), S03, T13N, R19E.
5. This permit authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
6. The diversion and storage of water under this permit shall be dependent upon the permit holder meeting the conditions of Consent & Agreement #72-S-286 dated January 14, 1996.
7. Failure of the permit holder to comply with any condition of this permit is cause for the Director to rescind approval of this permit.

RECORDED

MAY 22 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07537

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

16th day of May, 1996.

[Signature]
for Karl J. Dreher, Director

MAY 22 1996

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APR 16 1996

Form 202
10/92Department of Water Resources
Southern RegionDepartment of Water Resources
STATE OF IDAHOIdent. No. 72-07537DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jimmie &/or Denise Dowton Phone 879-4610
Post office address PO Box 1217, Challis, ID 83226
Salmon River Snake River
2. Source of water supply * ~~Unnamed Stream~~ which is a tributary of ~~Salmon River~~
3. Location of point of diversion is 2 points 1/4 of SE 1/4 of NE 1/4, Govt. Lot 5
Sec. 3 Township 13N Range 19E B.M. Custer County; additional
Lot 8
points of diversion if any 1/4 of SE/NW/SE Sec. 3; NW/SE/ Lot 7 (NE/SE) Sec. 3 T 13N R. 19E
4. Water will be used for the following purposes:
Storage for
Amount 20.0 for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20.0 for Aesthetics purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b) 20.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. 4 check dams & ponds on flood channel
of the Salmon River
- b. Height of storage dam 5-10 feet; active reservoir capacity 6.0 acre-feet; total
reservoir capacity 20.0 acre-feet; period of year when water will be diverted to storage:
1-1 to 12-31 inclusive.
- c. Proposed well diameter is inches; proposed depth of well is feet.
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner)
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
One years (minimum 1 year).

* per topo. 4/19/96

MAY 22 1996

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 200 range cattle
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	19E	3				Lt5 X									Lt7 X	Lt8 X			

X = P/U for stockwater storage & aesthetic uses.

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: Ponds get overflow from Salmon River during Spring runoff, and also collect seepage and wastewater at other times. Project was completed in Fall of 1994.

MAY 22 1996

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

Scale: 2 inches equal 1 mile.

MAY 22 1996

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

x Dennis Dowd
(Applicant)

Received by J. E. Stanton Date 2-20-96 Time 10 am Preliminary check by GS
Fee \$ 50.00 Receipted by JP # 50/8860 Date 2-20-96
Publication prepared by MB Date 3/11/96 Published in Challis Messenger
Publication approved MB Date 3/29/96

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.

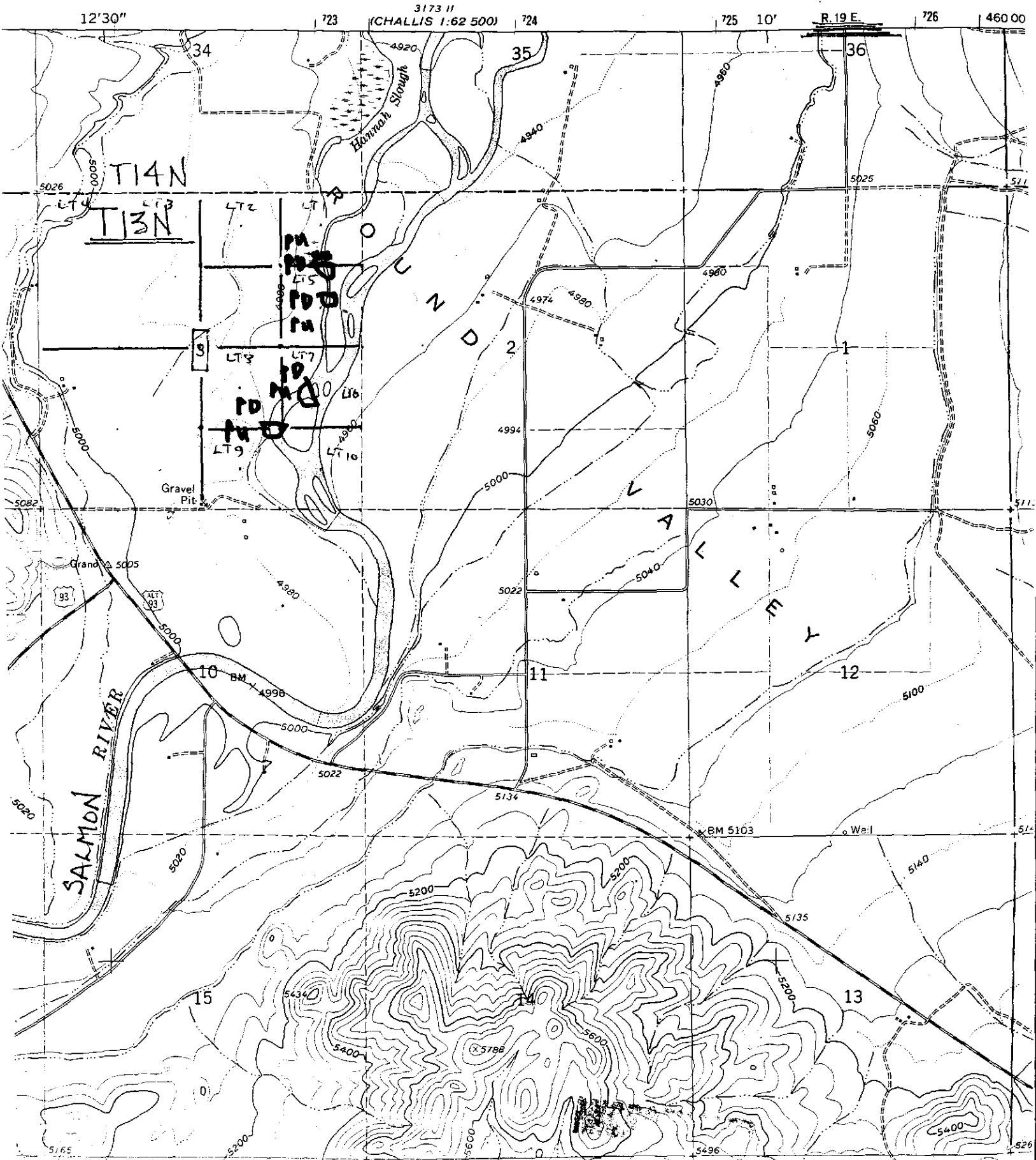
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

RECEIVED
MAY 22 1996

MAY 22 1996

18948 W.



MAY 22 1996

72-07537

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 72-07537 Reviewed by [Signature] Date 4-21-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

aesthetic
yes Correct Uses?

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 4-16-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
April 22, 1997

DUNFEE FAMILY TRUST
HC 68 BOX 357
CLAYTON ID 83227

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07537

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **SOUTHERN** Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED
MAY 28 1997

February 28, 1997

DUNFEE FAMILY TRUST
HC 68 BOX 357
CLAYTON ID 83227

PROOF DUE NOTICE

RE: PERMIT NO. 72-07537

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1997.

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

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

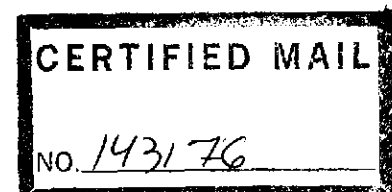
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAY 28 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1996

DUNFEE FAMILY TRUST
C/O JUDE C DUNFEE
OR JOYCE I DUNFEE
HC68 BOX 357
CLAYTON ID 83227

RE: Permit No. 72-07537

Dear Permit Holder(s):

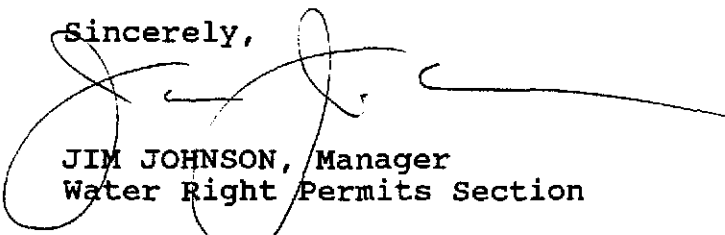
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

RECORDED

OCT 10 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 16, 1996

JIMMIE DOWTON
DENISE DOWTON
PO BOX 1217
CHALLIS ID 83226-1217

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07537

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

We understand that you are selling the permit. In order to change ownership on our records you must file an Assignment of Permit (enclosed) and submit the fee of \$25.00 to the Department. If the change of ownership is immediate, please forward the following information to the new owner.

Another form enclosed is entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. With the instructions is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the

MAY 22 1996

diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MAY 22 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 72-7537 Name: Dowton Date: 4/19/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: 5018860 Priority: 2/20/96 ☒ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes S/C Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: ☒ FLO-CH

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District(~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev) - P08
=/- 0.2 cfs - 01H(lock dev) - P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 +10' dam, NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only) *→ region request.*
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - Blk <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

① W07 (3) & (4) Exuls remarks.

① W32

BENEFICIAL USE DUE:

5-1-1997

COMMENTS:

RECEIVED

JAN 19 1996

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

FEB 11 1996

CONSENT & AGREEMENT

Department of Water Resources
Southern Region

Entry into this agreement does not constitute an admission of guilt or an acknowledgement that the work done is subject to the State Stream Channel Protection Act. As agreed between the Department and Jimmie and Denise Dowton at the on-site meeting held on December 1, 1995, it is hereby agreed that the following action will be taken by the Dowtons no later than December 31, 1996 unless otherwise specifically indicated.

1. The spillway on Dam #1 shall be widened as wide as the water surface downstream of the dam. The spillway side slope shall be flattened and the existing quartzite rock used to harden the spillway. Additional rock may if required to provide adequate erosion protection.
2. The outlet of the east flood channel will have the slope flattened. Additional armoring of the road crossing may be completed as needed provided the crossing elevation is not increased.
3. The earthen material stockpiled near Dam #2 shall be removed and placed above the ordinary high water mark.
4. The remainder of the fill placed at the inlet of the east flood channel shall be smoothed out and the existing rock shall be blended into the upland side of the bank. Prior to moving the material additional willow cuttings will be placed against the bank to help stabilize the disturbed areas and covered then with gravel removed from the channel.
5. The spillway at Dam #3 shall be widened to provide adequate capacity for the flood waters to pass. The material taken from the dam shall be removed from below the ordinary high water mark. It may be utilized as road fill above the bench.
6. The excess material on the upstream side of the east spillway of Dam #3 that goes back into the river shall be removed and placed above the ordinary high water mark.
7. Additional rock riprap shall be placed on the spillway of Dam #4.
8. The berm across the flood channel outlet to the river at the upper end of the upper pond shall be removed to the existing land surface elevation to allow most the flood water from the main flood channel inlet to bypass the pond.

MAY 22 1996

Page 2,
Consent & Agreement

9. The Dowtons shall file an application to obtain a water right for the storage water and/or a change in nature of use by February 1, 1996.

10. The Dowtons shall: (a) Remove the old car bodies and associated fill from the river bank and stabilize of the river bank using a combination of willows, log and rock barbs, (b) Stabilize the river bank at the upper end of the property above the main flood channel using a combination willow, log and rock barbs. Completion of the bank stabilization measures would constitute mitigation for resources lost or damaged and violation of the law.

11. The Dowtons shall file an application and obtain a permit to alter a stream channel before doing any work in the channel in the future.

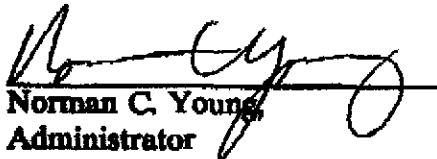
12. The Department agrees to contact the Dowtons prior to accessing the river across their property.

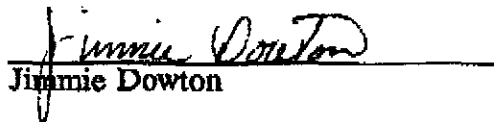
13. The Director of IDWR agrees not to seek a civil penalty, nor shall additional restoration or mitigation be required and the violation shall be considered resolved upon completion of the work specified in this agreement.

The Department and the Dowtons jointly agree to cooperate in completion of the above listed construction. Priority will be given to prevention of water quality violations and interference or taking of threatened and endangered species through development of construction methods and timing for the stabilization work on the river bank. It is agreed that equipment will work from the bank and no equipment will be allowed to enter the flowing water of the main channel without specific approval from the department.

Dated this 5th day of JANUARY, 1996

Signed this 14th day of JANUARY 1996


Norman C. Young
Administrator


Jimmie Dowton


Denise Dowton

MAY 22 1996

FROM: Allen Merritt *AM*

DATE: April 11, 1996

TO: Application File #72-07537 in the name of Dowton

SUBJECT: Review and Recommendation

This application resulted from development of ponds on flood channels of the Salmon River east of Challis without benefit of any permit. The ponds were constructed in 1994 thru 1995 and were investigated as a stream channel violation. As a result of the SCA investigation it was decided that some of the work would be modified and that a water right for the ponds would be sought. The application was filed and processed on the premise that it would be non-consumptive to the Salmon River Drainage. This premise is based on the flood channels being swampy with stagnate water and by ponding water in this same area the net consumptive use would be the same or no significant increase.

The applicant originally submitted one that included irrigation. They were advised we couldn't process it due to the moratorium in the Salmon River drainage. The application was then modified and processed to include just the ponds for stockwater &/or aesthetics.

There have been no protests of the application.

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

- Water once impounded shall not be purposefully diverted and used for irrigation or other beneficial use not part of this right without first obtaining right.

- The waste water element of the source remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

- All jurisdictional dams which form the ponds must comply with the "dam safety rules and regulations".

- All alterations of floodways of the Salmon River that are not directly part of the ponds requires a stream channel alteration permit.

- Subject to all other local, state or federal permits as may be required.

RECEIVED
APR 16 1996

MAY 22 1996

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY SATTERLEE, G. DATE 08 March, 1996
APPLICATION NO. 12-02537

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- RECEIVED
APR 16 1996
Department of Water Resources
- PROPOSED PRIORITY DATE
02 February 1996
OK 202
GLS

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☒ Overlapping point of diversion.
☒ Yes ☐ No Field check required
Field check by Terry C. White
☐ 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 yes, attach large diversion supplementary analysis sheet.
- In Salmon River
Municipal 2nd.
Use is Stock & Non-Consump.
so process.
- PER
ADM

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 ~~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

per ADM

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 2/20, 19 96
By [Signature] Date 4/11, 19 96

STATE OFFICE REVIEW

See below for additional information

By Date, 19

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

_____ DATE _____, 19 _____

RECEIVED

MAR 25 1996

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Southern Region
State of Idaho, County of Custer, ss:

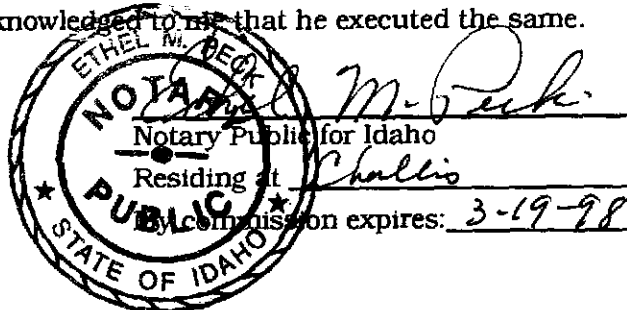
I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated March 21 1996 and ending with the issue dated March 28 1996.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 27th day of Mar in the year of 1996 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.



PAGE 15 - THE CHALLIS

NOTICE OF APPLICATION FOR WATER PERMIT

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

Jimmie &/or Denise Downton
PO Box 1217
Challis, ID 83226
72-07537

Source:

Unnamed Stream trib. to Salmon River
Salmon River tributary to Snake River
Diversion Pt: Lot 5, (SE1/4NE1/4) Two points; Lot 8 (SE1/4NW1/4SE1/4); Lot 7 (NE1/4SE1/4), all S3, T13N, R19E; Custer County.

Use: 1/1-12/31

Storage for Stockwater (20.0 nfa)

Aesthetics (20.0 nfa)

Total Diversion: 20 nfa

Date Filed: 2/20/96

In: Lot 5 (SE1/4NE1/4), N1/2SE1/4, S3, T13N, R19E.

Trent J. Roman
HIC 82 Box 4023-4
Challis, ID 83226
72-07538

Source: Lick Creek tributary to Morgan Creek

Diversion Pt: SW1/4NW1/4NW1/4, S18, T16N, R19E; Custer County.

Use: 1/1-12/31

Domestic (0.04 cfs)

Date Filed: 11/13/1995

In: Domestic use within SW1/4NW1/4 and power use within NW1/4NW1/4, S18, T16N, R19E.

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before April 8, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub: Mar. 21 & 28, 1996

MAY 22 1996

STATEMENT



Custer Publishing, Inc.

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water
222 Shoshone St. East
Jurn Falls, Id 83301-6105*

Job No.	Date	DESCRIPTION	Amount
	3-28-96	Notice of Application for Water Permit 3/21+28/96 47 lines 72-07537 72-07538	\$48.65 OK MB 3/29/96
RECEIVED MAR 28 1996 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.

RECEIVED

MAY 22 1996

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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7 (NE1/4SE1/4), all S3, T13N, R19E;
Custer County.

Use: 1/1-12/31

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Aesthetics (20.0 afa)

Total Diversion: 20 afa

Date Filed: 2/20/96

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S3, T13N, R19E.

Trent J. Roman
HC 82 Box 4023-4
Challis, ID 83226
72-07538

Source: Lick Creek tributary to
Morgan Creek

Diversion Pt: SW1/4NW1/4NW1/4,
S18, T16N, R19E; Custer County.

Use: 1/1-12/31

Domestic (0.04 cfs)

Power (0.09 cfs)

~~Total Diversion: 0.13 cfs~~

Date Filed: 11/13/1995

In: Domestic use within SW1/4NW1/4
and power use within NW1/4NW1/4,
S18, T16N, R19E.

The permit will be subject to all prior
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Resources, Southern Region, 222
Shoshone Street East, Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before April 8, 1996. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on
3/21 & 3/28/96.

MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

March 11, 1996

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. If time allows, please submit a galley proof for review before publication.

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.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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

RECEIVED

MAY 22 1996

NOTICE OF APPLICATION FOR WATER PERMIT

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

Jimmie &/or Denise Dowton
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Challis, ID 83226
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County.

Use: 1/1-12/31
Storage for Stockwater (20.0 afa)
Aesthetics (20.0 afa)
Total Diversion: 20 afa

Date Filed: 2/20/96

In: Lot 5 (SE1/4NE1/4), N1/2SE1/4, S3, T13N, R19E.

Trent J. Roman
HC 82 Box 4023-4
Challis, ID 83226
72-07538

Source: Lick Creek tributary to Morgan Creek

Diversion Pt: SW1/4NW1/4NW1/4, S18, T16N, R19E; Custer County.

Use: 1/1-12/31
Domestic (0.04 cfs)
Power (0.09 cfs)

Total Diversion: 0.13 cfs

Date Filed: 11/13/1995

In: Domestic use within SW1/4NW1/4 and power use within
NW1/4NW1/4, S18, T16N, R19E.

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before April 8, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on 3/21 & 3/28/96.

MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

March 11, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JIMMIE &/OR DENIS DOWTON
PO BOX 1217
CHALLIS ID 83226

Re: Application for Permit No. 72-07537

Dear Applicant(s):

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 Challis Messenger for 3/21 & 3/28/96. 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,

Georgia Satterlee L.S.I.T.
Water Resource Agent

GS:mb

MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Denise Dowton
PO Box 1217
Challis, ID
83226

February 8, 1996

Dear Mrs. Dowton;

We have received your application for a water permit to cover the ponds you built along the Salmon River in 1994. There are several problems with the application, however. You have requested water for irrigation, but the Salmon River drainage has been closed to new surface-water appropriations since May 15, 1992, to protect endangered salmon. This moratorium is in effect until further notice. Therefore, we cannot process your application as filed.

In order to assist you in this matter, I have prepared a new application to show stockwater storage and aesthetic uses. These uses are considered non-consumptive, so would fall outside the moratorium. A permit could therefore be processed, and would allow you to maintain the ponds if approved. There was sufficient information in our files for me to determine the points of diversion and other needed data. The fee for this application is \$50., which is our minimum fee for such filings.

If you still wish to apply for irrigation from these ponds, I suggest that you file a separate application. We will need an ASCS aerial photo (8" per mile scale) showing the land you wish to irrigate. I tried to develop a land list from our maps, but came up with 20 more acres than you did. If you also mark the proposed pump site on the photo, I can prepare an application for your signature. The filing fee for an application requesting between 1 and 2 cfs is \$120.

If you have questions, please feel free to contact me.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

MAY 22 1996

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RECEIVED

JAN 29 1996

FEB 01 1996

Department of Water Resources

Department of Water Resources
Southern Region

Dear Ervin,

I have tried to complete these forms to the best I can I called and talked to Terry on the description on the ground we would be investigating, he told me to meet with Mark Olsen at the ASOS office. I have not been able to contact them, my work hrs and theirs do not make it possible. I have enclosed a photo copy of the ground with ~~and~~ coordinates on it I hope this will be OK If you need anything else please call me at Home 879-4610 or work 879-444

MAY 22 1996

Thanks Denise Doe

LOWE - Dunfee Alternative
Spillway has been placed
Second Dam From Lower
end Approx Location
Spillway has been placed

Road fill blocking
Flood Channel @ Lower
End (Needs to be removed
and stabilized.

Fill blocking flood channel
at upper end (Needs to be removed)

Dam across outlet of flood
Channel modified to a spill
way (needs to be lowered
3rd Dam (Spillway has been
built)

upper Dam (Spillway has
been built)

Gravel berm (needs to be
removed or leveled to allow
passage of flood flow
Fill placed at inlet of flood
Channels (Needs to be removed after

Post-it® Fax Note	7671	Date	1 Aug 95	# of pages	2
To	Ray K.	From	Eric B.		
Co./Dept.	COE	Co.	IO W.R.		
Phone #		Phone #	7-5448		
Fax #		Fax #	82 1996		

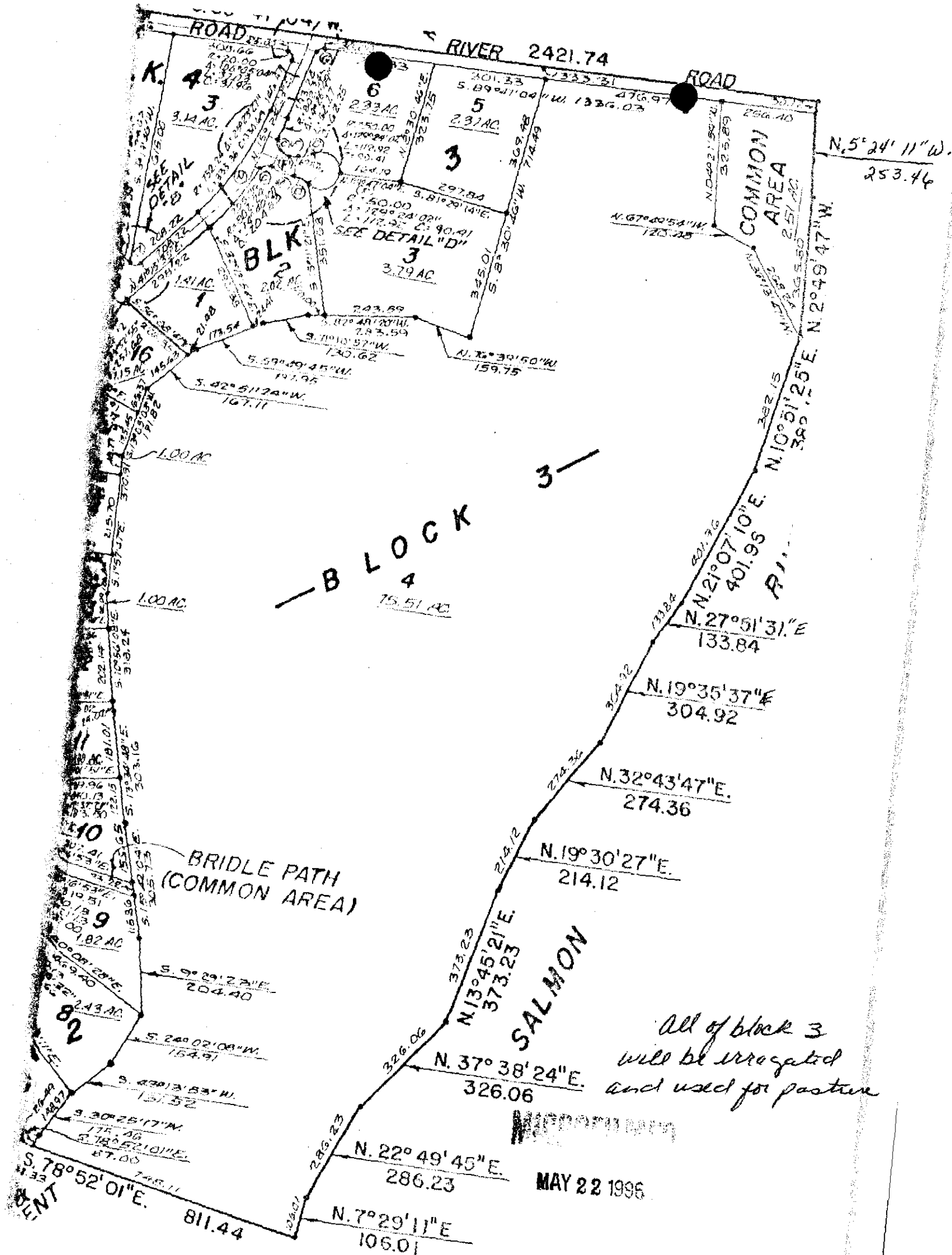
71 313N Rg 147

MAY 2 1996

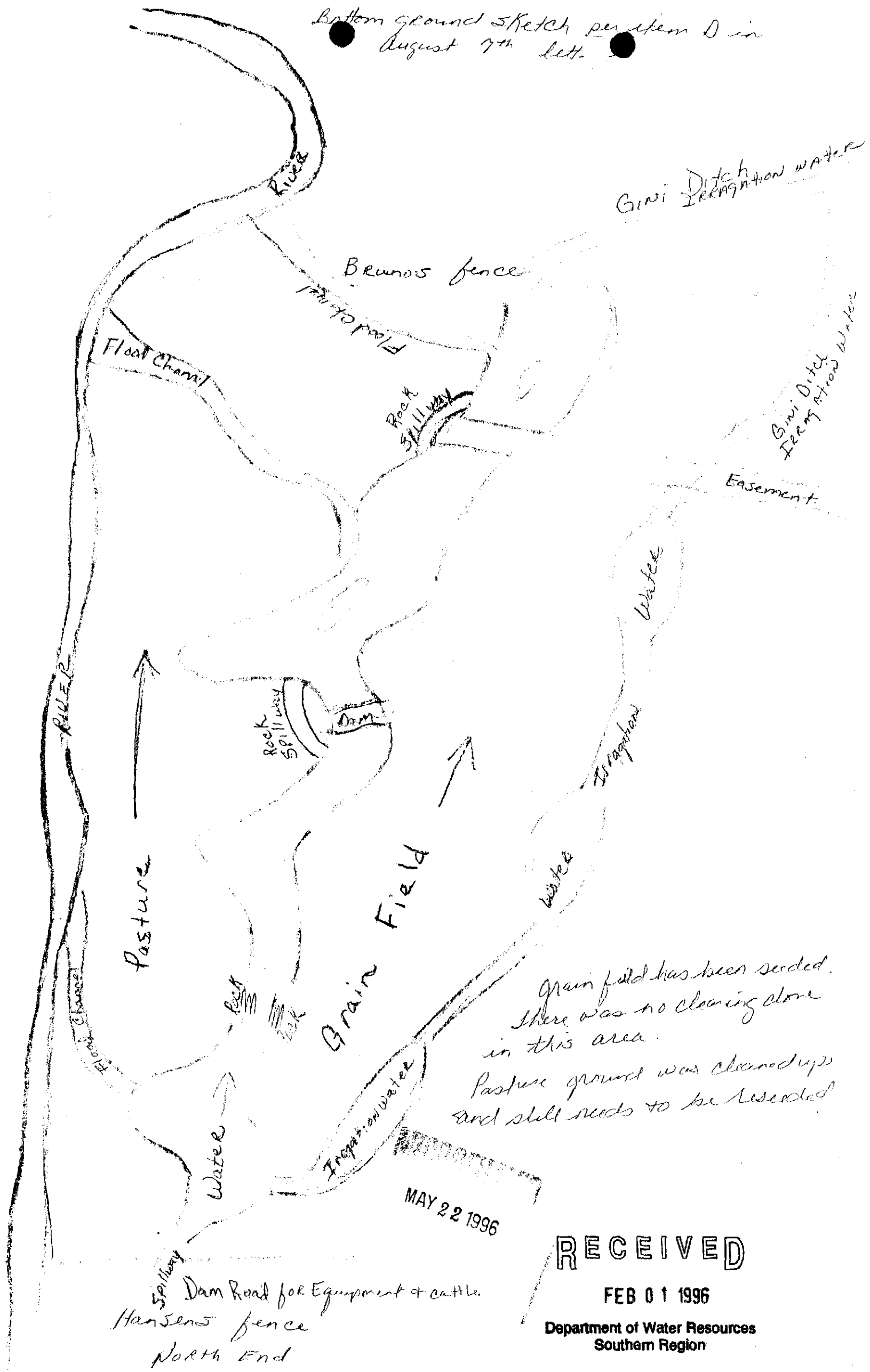
32

10 11

507



Bottom ground sketch per item D in
August 7th lett.



Gini Ditch
Irrigation water

Gini Ditch
Irrigation water

Easement

Grain field has been seeded.
There was no clearing done
in this area.

Pasture ground was cleaned up
and still needs to be resseeded

MAY 22 1996

RECEIVED

FEB 01 1996

Department of Water Resources
Southern Region

Spillway
Dam Road for Equipment & cattle.
Hansens fence
NORTH END