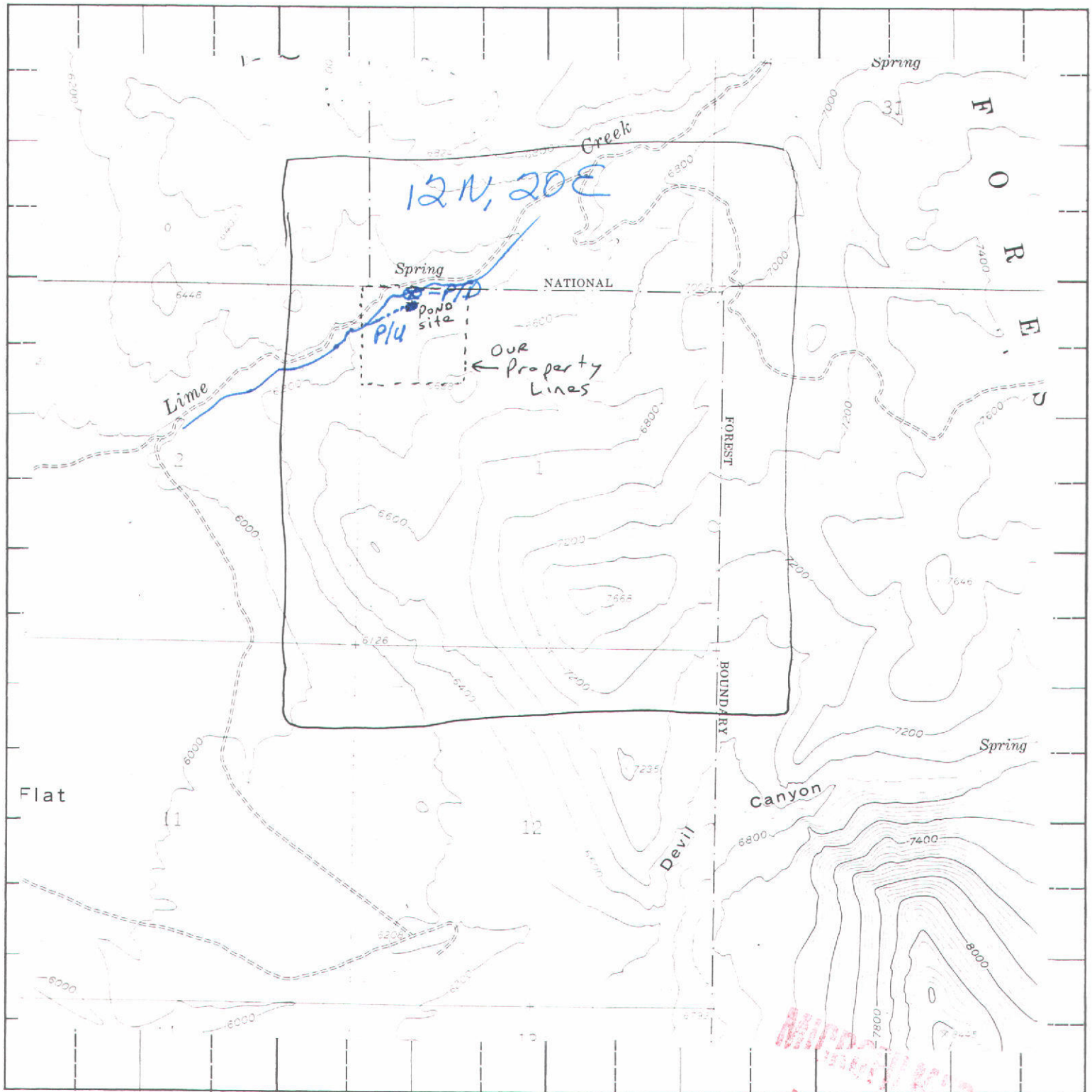


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



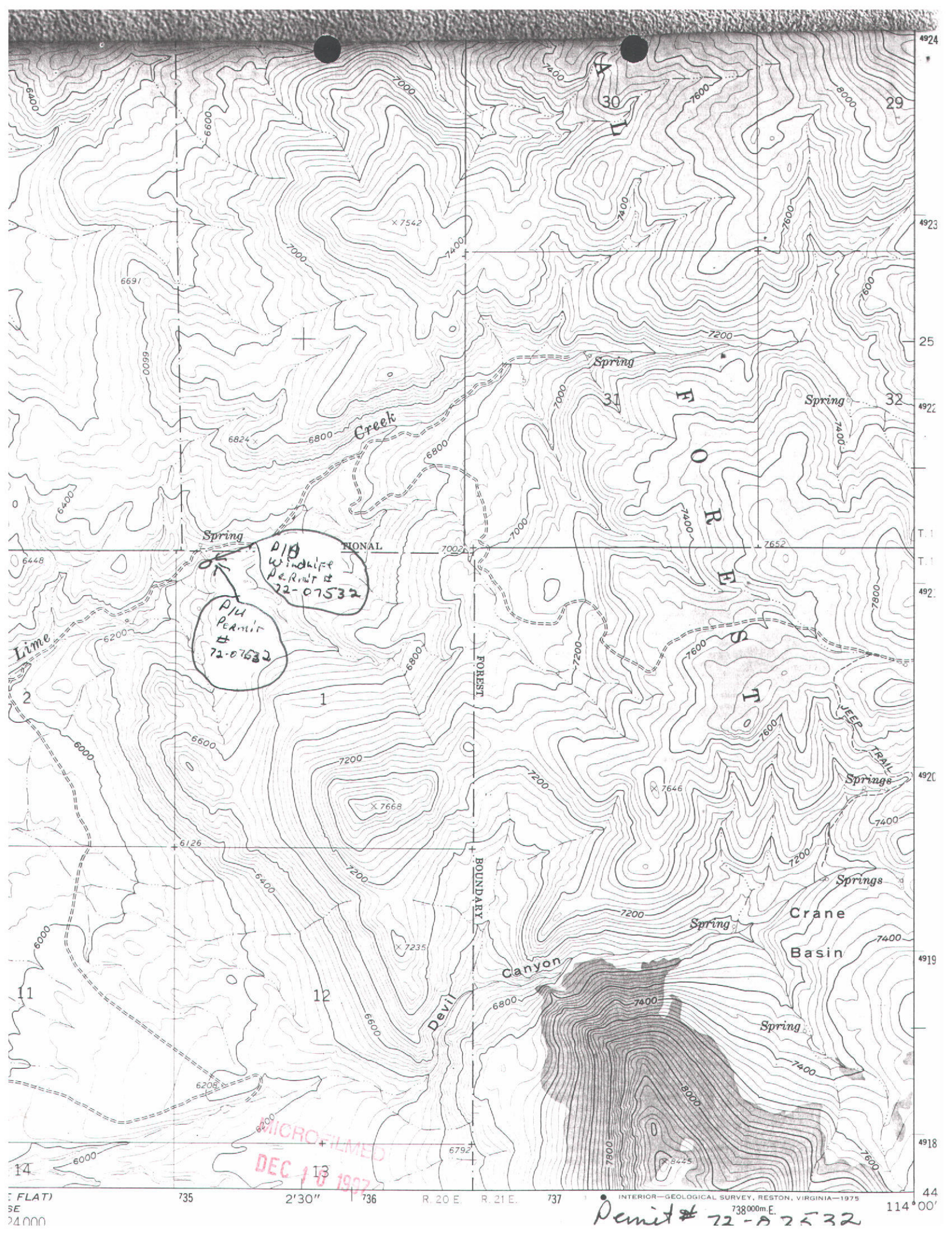
Scale: 2 inches equal 1 mile.

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

Ken Nazz
5-12-95

(Applicant)

5/12/95



MICROFILMED
DEC 10 1997

Interior-Geological Survey, Reston, Virginia-1975
Pernit # 72-A 2532

U.S. Forest
Service
Map

Permit #
72-02532



B-13-91

USDA-F

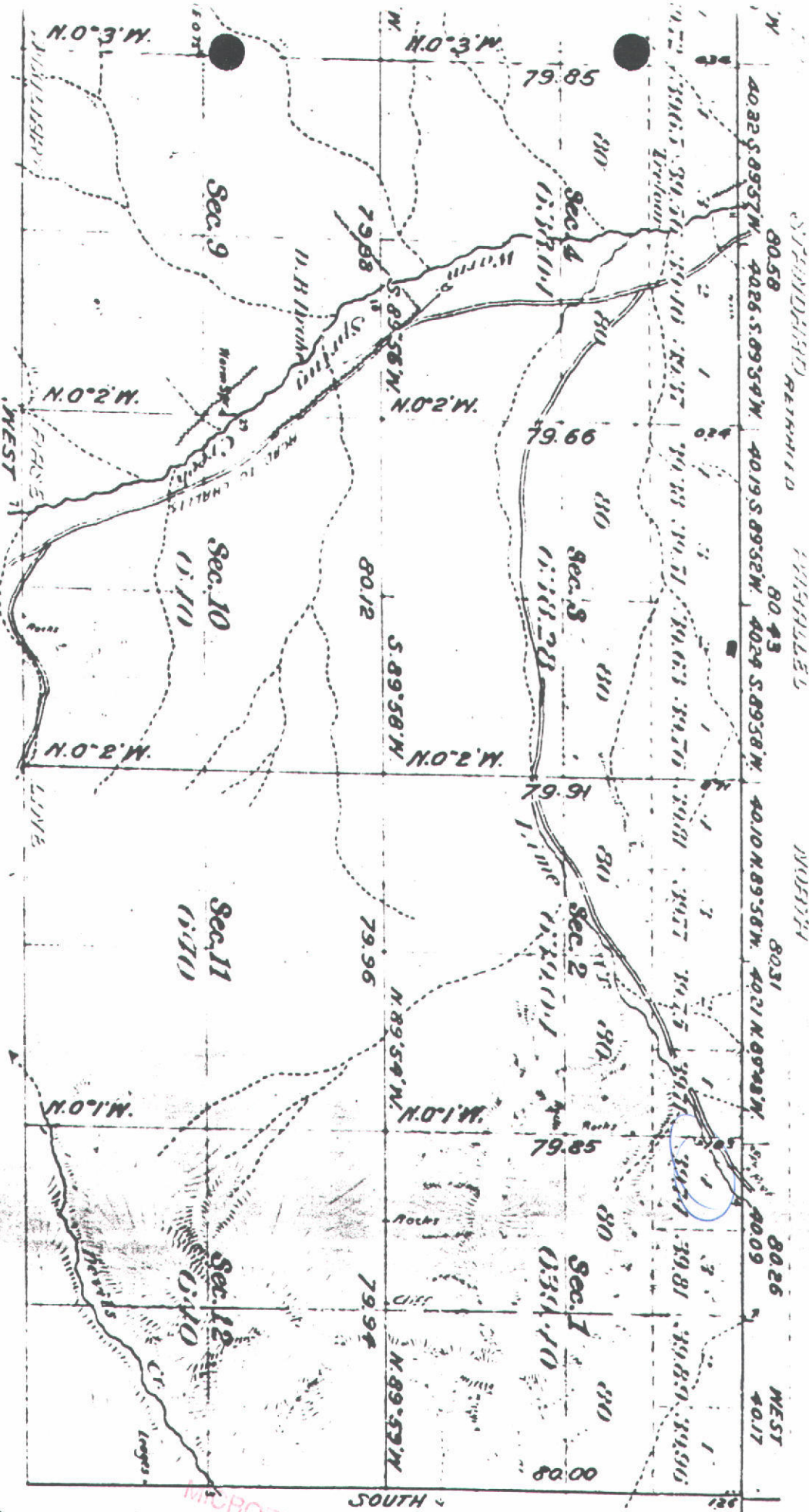
16

614060 1489-110

Range No 20 East of the Boise Meridian, Idaho.

E d D c C b B a A

Sec. 33
STANDARD RETURNED
Sec. 31
MISSING
Sec. 30
MISSING
Sec. 29
MISSING

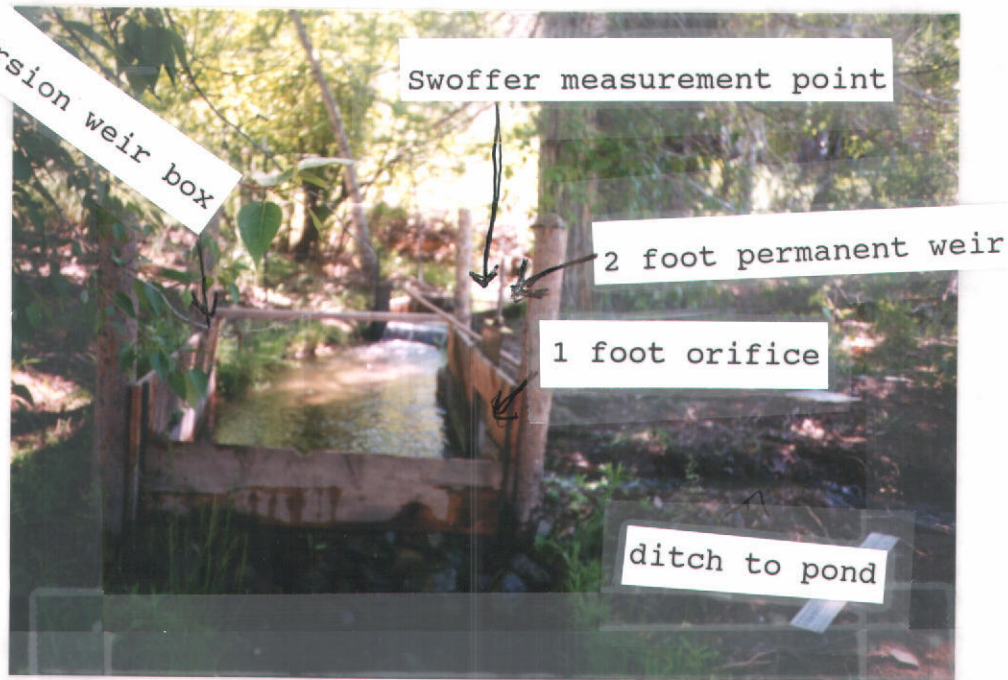


Sec. 16
Sec. 15
Sec. 14
Sec. 13
W

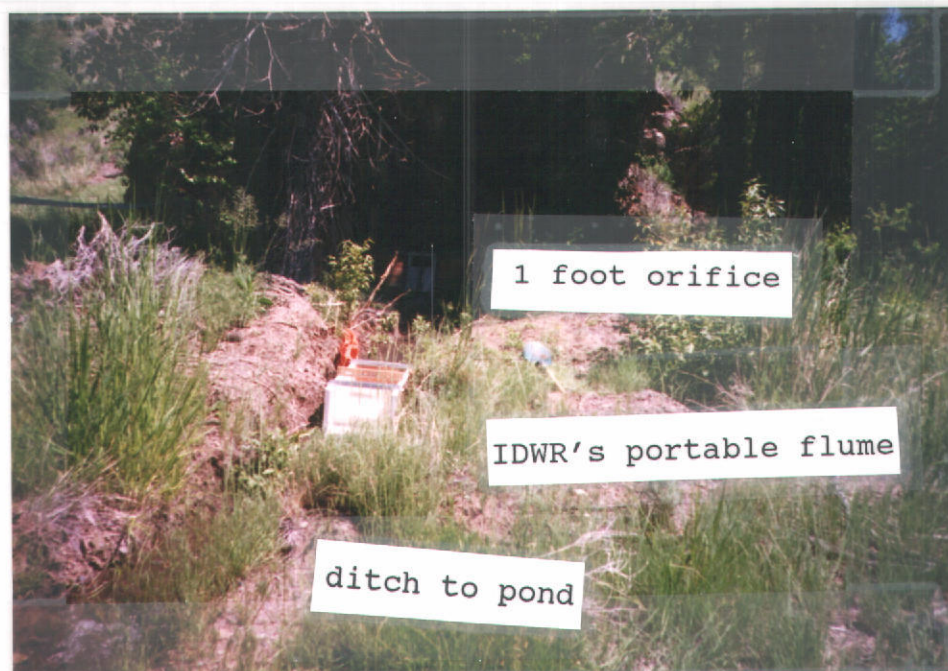
MICROFILMED
DEC 10 1927

Permit # 720 07532

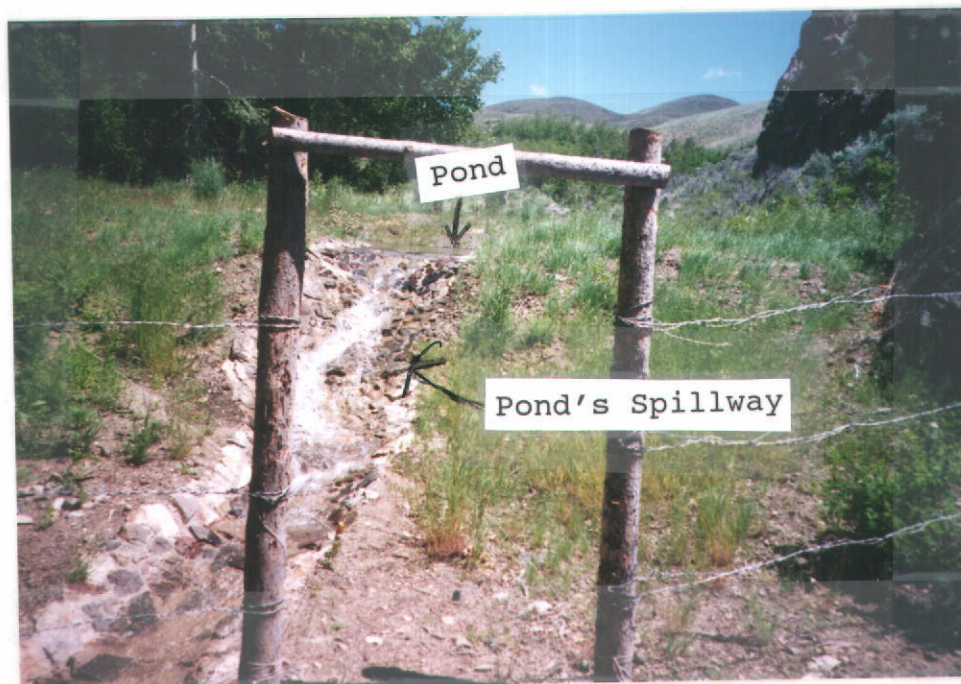
point of diversion weir box



The above picture is of the point of diversion for the pond for permit # 72-07532. This picture shows the point of diversion and the upstream weir for this permit. The weir is a 2 foot rectangular weir that is connected to a 4 foot wide X 6 foot long wooden weir box. The point of diversion consists of a 6 foot long X 4 foot wide wooden weir box with a 1 foot wide adjustable orifice in the side of the box. This orifice was open all of the way which did not allow for any head pressure. Measurements were taken from the permanent weir and by the Swoffer flow meter upstream of the weir box approximately 1 foot. The bottom picture is of the ditch that leads from the point of diversion to the pond. It also shows the point that the IDWR's portable flume was placed for measurement.

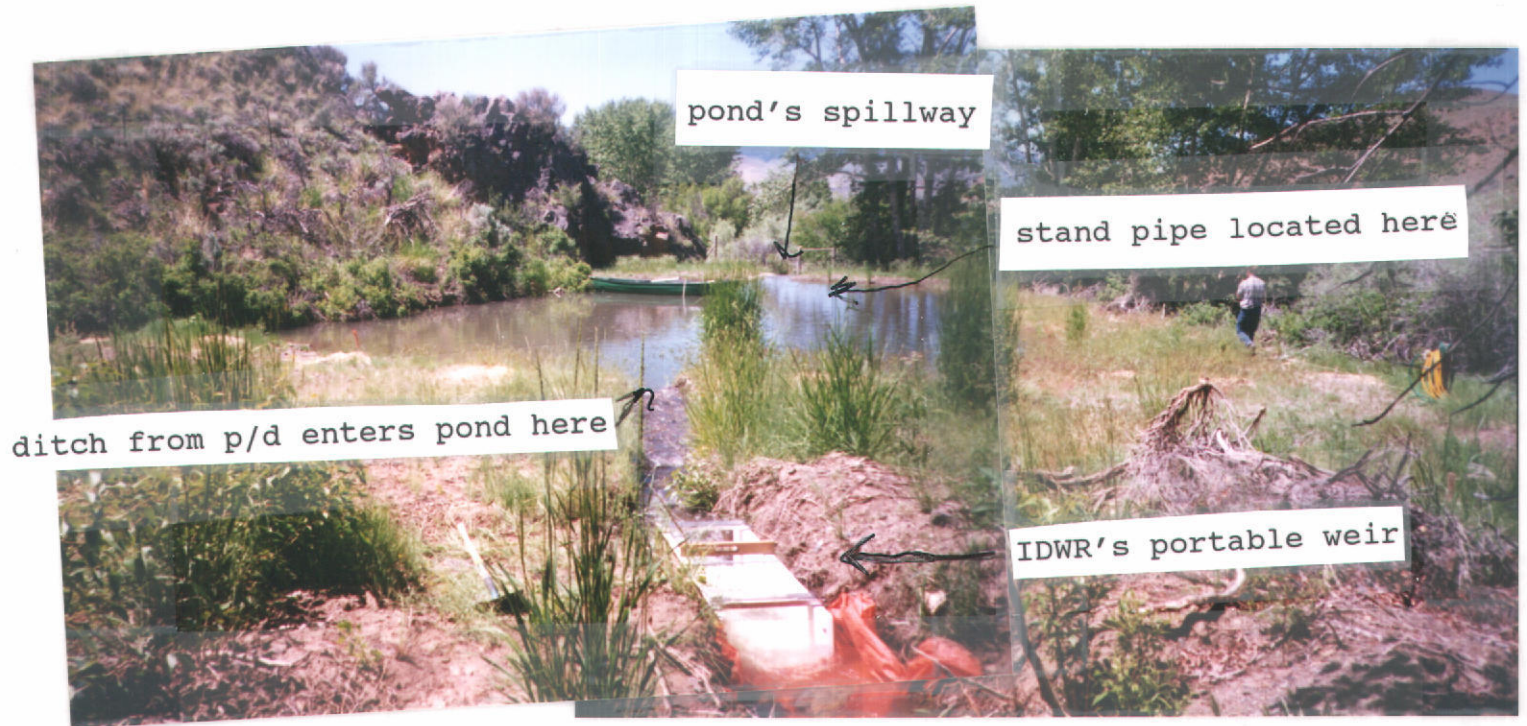


MICROFILMED
DEC 10 1997



The above picture is of the spillway for the pond (permit # 72-07532). The bottom picture shows the water from the spillway going back into Lime Creek. The water from the stand pipe also enters the same ditch that the spillway water uses. This picture also shows weir box to measure the water in the stream after the pond. This measurement is done by using a metal 2 foot weir that sets in a wooden weir box that measures 4 foot X 6 foot.





This is a picture of the place of use for permit # 72-07532. This place of use is a pond that is an average of 45 feet wide, 169 feet long and approximately 4 feet deep. This shows where the water enters the pond and exits the pond over the spillway. The pond also has a stand pipe that is used to maintain the level of the pond.

MICROFILMED
DEC 10 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07532

Priority: May 16, 1995

Maximum Diversion Rate: 0.78 CFS
Maximum Diversion Volume: 563.7 AF

This is to certify, that KEN NAGY
NANCY DRAZNIN

PO BOX 1330

CHALLIS ID 83226-1330

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 16, 1995; and has submitted Proof of Beneficial Use on August 5, 1996. An examination indicates that the works have a diversion capacity of 0.780 cfs of water from:

LIME CREEK

tributary to WARM SPRING CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	0.78 CFS	563.7 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNW), Sec. 1, Township 12N, Range 20E
CUSTER County

PLACE OF USE: WILDLIFE
TWN RGE SEC
12N 20E 1 Lot 4(NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. Measuring devices must be maintained in such a manner that the amount of water diverted from Lime Creek and the amount of water returned to Lime Creek can be measured.

DEC 10 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07532

CONDITIONS OF APPROVAL AND REMARKS

7. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 12TH day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

DEC 10 1997

RECEIVED

AUG 6 1996

AUG 05 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

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. 72-07532 Telephone No. 208-224-69652. Name(s) of Permit Holder(s): Ken Nagy + Nancy Draznin3. Mailing Address: PO Box 1330 Challis, Id. 832264. Source of Water: Lime Creek 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: wildlife6. Total rate of diversion and/or volume for which proof is submitted: 1 cfs OR ____ acre feet

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

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

Measuring Device: Is a measuring device required?

Yes X or No ____

Has the measuring device been installed?

Yes X or No ____

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No X

Has the measurement port been installed?

Yes ____ or No X8. Fee Enclosed: \$ 100.00 (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: Ken Nagy Telephone Number: 208-224-6965Address: PO Box 1330 Challis, Id. 83226

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: Ken Nagy Date: 8-31-96

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

SEP 12 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 72-07532

Proposed Priority: May 16, 1995

Maximum Diversion Rate:

1.00 CFS

This is to certify, that **KEN NAGY**

NANCY DRAZNIN

PO BOX 1330

CHALLIS ID 83226-1330

has applied for a permit to appropriate water from:

LIME CREEK

tributary of **WARM SPRING CREEK**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

WILDLIFE

01/01 to 12/31

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNW), Sec. 1, Township 12N, Range 20E
CUSTER County

PLACE OF USE: **WILDLIFE**

TWN RGE SEC

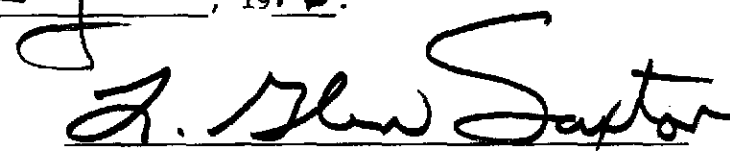
12N 20E 1 Lot 4(NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1998.**
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Measuring devices must be maintained in such a manner that the amount of water diverted from Lime Creek and the amount of water returned to Lime Creek can be measured.

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

26th day of January, 1996.


Karl J. Dreher, Director

MAR 29 1996

RECEIVED

MAY 15 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 72-07532

RECEIVED

JAN 17 1996

Department of Water Resources To appropriate the public waters of the State of Idaho
Southern Region

Department of Water Resources

1. Name of applicant Ken Nagy and Nancy Draznin Phone _____

Post office address P O Box 1330, Challis, ID 83226

2. Source of water supply Lone Creek which is a tributary of Warm Springs Cr.

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

Sec. 1 Township 12N Range 20E B.M. Custer County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 for Wildlife 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)

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

5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion in creek to old creek channel then through a 30'x30'x5' dug pond in old channel - from pond back to old channel to return to Lone Creek.

b. Height of storage dam _____ feet; active reservoir capacity .10 acre-feet; total reservoir capacity .10 acre-feet; period of year when water will be diverted to storage:

_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 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

2 years (minimum 1 year).

29 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. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____

e. Other; describe fully. Wildlife will use small pond. Diversion through pond and old creek channel will improve wildlife habitat.

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	
12N	20E	1						W											
								L+1											
								L+4											
								K.N.											
								10-27-85											

Total number of acres to be irrigated _____

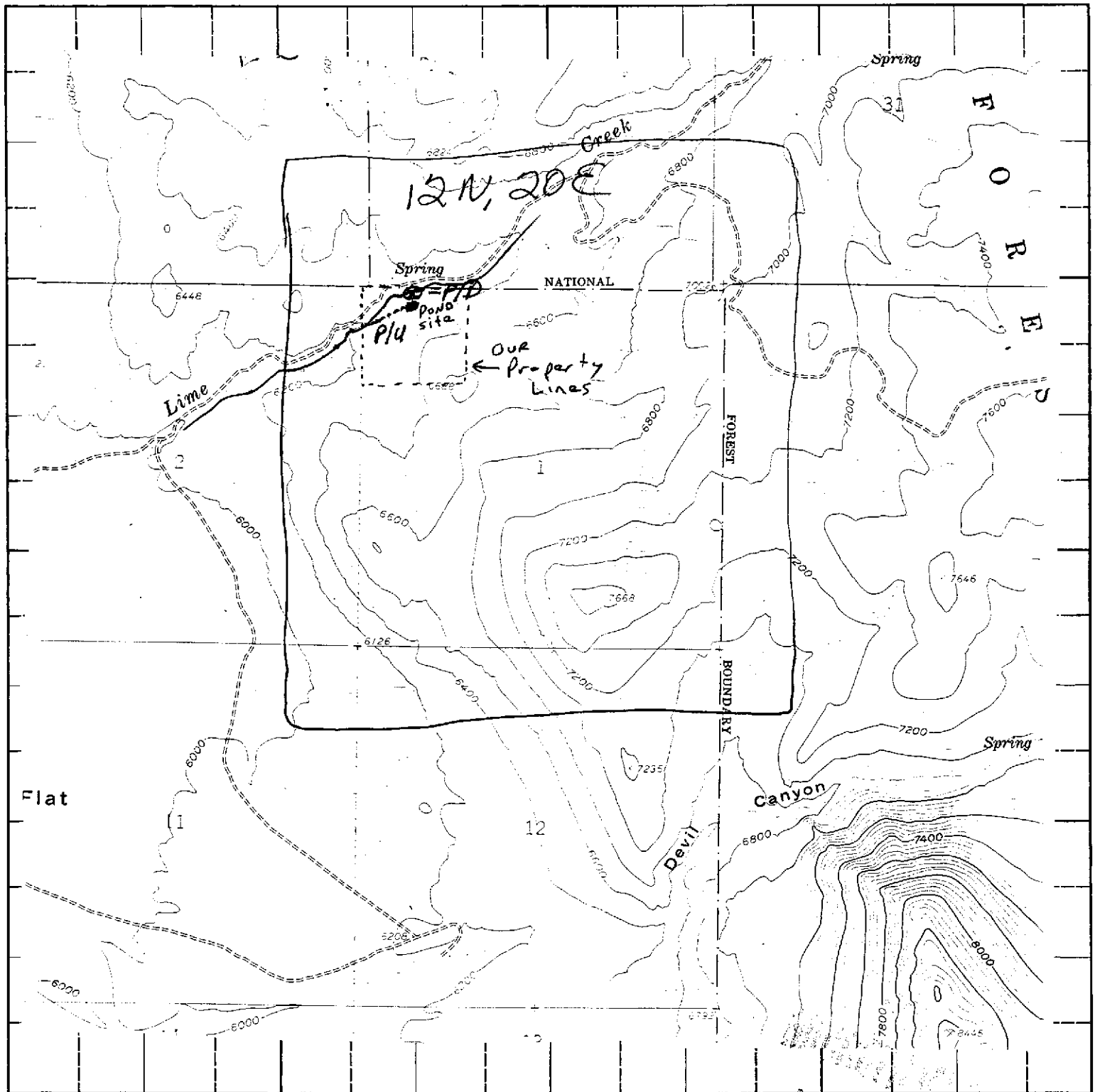
10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Development is a cooperative effort with Adobo Park & Game to improve wildlife habitat. The use will be non-consumptive.

MAR 29 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.

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.

Ken Nazz
5-12-95

(Applicant)
5/12/95

MAR 29 1996

Received by MTS Date 5-16-95 Time 7:35 Preliminary check by J. Stanton
Fee \$ 100 Received by MTS # 5018/00 Date 5-16-95
Publication prepared by MB Date 6/12/95 Published in The Challis Messenger
Publication approved MB Date 7/21/95

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:

10-12-1995



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

November 13, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEN NAGY
NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226-1330

RE: WATER RIGHT NO. 72-07532

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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DEC 10 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

MICROFILMED

DEC 10 1987

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MAILING LABEL

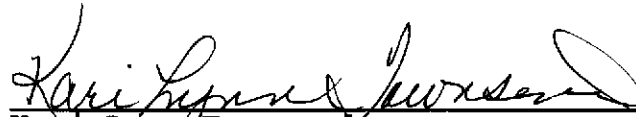
DEC 10 1987

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 72-07532

KEN NAGY
NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226-1330


Kari Lynn Townsend
Secretary

RECORDED

NOV 16 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 72-07532

DATE 10/31/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>1.0</u> cfs
Fee limit	<u>1.0</u> cfs \$100 ⁰⁰
Measured	<u>.78</u> cfs
Theoretical	<u>—</u> cfs

Recommended Total Div Rate .78 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>Wild</u> <u>.78</u> cfs	Volume Calc
		<u>—</u> af
		<u>—</u> af
		<u>—</u> af
		<u>—</u> af
	SUBTOTAL	<u>—</u> af

Flow rate .78 cfs X 365 days X 1.98 = 563.7 af

Total volume recommended — af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W13
spec meas. dev. rmk

CONDITIONS

— Watermaster Control WD# —
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo hak/vol.

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 14 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-07532

1. Owner: Nancy J. Draznin / Ken E. Nagy Phone No. (208) 224-6965

Current Address: P. O. Box 1330, Challis, Idaho 83226

2. Accompanied by: Ken E Nagy EXAM DATE : June 20, 1997

Address: Same as Above Phone No. Same as Above

Relationship to Permit Holder: Co-Owner

3. Source: Lime Creek tributary to Warm Spring Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Method of Determination/Remarks
P/D WILDLIFE USE	4	N W	N W	N W	01	12N	20E	CUSTER	Visual inspection and use of USGS quadrangle map and US Forest Service areal photo.

2. Place(s) of Use:

Indicate Method of Determination _____

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	20E	01						W											

PLEASE NOTE: This use is for a wildlife pond. This area is located in lot 4 of section 1.

MICROFILMED
DEC 18 1987

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

SEE ATTACHED SHEET.

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

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

YES Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PORTABLE WEIR	RECTANGULAR BROAD-CRESTED WEIR FLUME	POWLUS	N/A	N/A	NOT KNOWN	NOT KNOWN
OWNERS 2 FOOT RECTANGULAR WEIR	2 FOOT SHARP CRESTED SUPPRESSED RECTANGULAR WEIR	HOME MADE	N/A	N/A	2 FOOT	HAS NOT BEEN CALIBRATED

2. Measurements: Measurement was made using IDWR's portable weir (Powlus 15" rectangular broad-crested weir flume). The reading for the weir was .78 cfs. However, the owner diverted the entire stream and the stream was not running at peak levels. Therefore, the limiting factor of this permit will be the 1.0 cfs asked for in the permit. It is obvious that the stream is capable of running 1.0 cfs during peak flow. The owner's weirs approximately .1 cfs lower than the flume, but I was not confident with the installation of the weirs. There was not an adequate weir pool and the weir pool was constructed out of wood which could allow seepage around the weir's not allowing all of the water to flow over the weir.

MICROFILMED
DEC 10 1997

E. NARRATIVE/REMARKS/COMMENTS

The water for this permit is diverted from Lime Creek which is tributary to Warm Spring Creek. The water is diverted in the NW 1/4 - NW 1/4 - NW 1/4 of section 01, township 12N, range 20E, lot 4. The water is diverted through a 1 foot wide orifice plate that was left wide open. The entire creek was diverted through the diversion point at the time of the field exam. From the P/d the water travels in a southerly direction for approximately 30 feet where it enters the pond. The pond is 30,420 cubic feet or .70 acre feet in size. The water exits the pond through a 8 inch standpipe located approximately 10 feet from the western edge of the pond and spaced in the middle of the norther and southern banks of the pond. There is also a spillway located at the southwest corner of the pond that discharges back into Lime Creek through a ditch. The standpipe discharges into the spillway ditch that discharges into Lime Creek.

The owner was required to install a measuring devices in Lime Creek above the P/D and below the discharge of the pond. The owner did install 2 weirs into Lime Creek before and after the pond's P/D and discharge. The weir prior to the pond gave a reading of .59 cfs and the weir after the pond gave a reading of .67 cfs. I was concerned with the accuracy of these weir's diversion rates. Both of the weirs consisted of a wooden structure for the weir pool and a metal weir plate across the down stream side. The weir plates were properly constructed, but the wooden weir pools could allow water to escape around the edges. The weir pools on each of these devices did not allow for a proper weir pool to form behind the weir plates. The owner did comment that he planned to put in cement structures in the future. With proper installation of the cement structures the accuracy of these weirs could be improved.

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

RECORDED
MAY 10 1997

F. FLOW CALCULATIONS

YES Additional Computation Sheets Attached

Measured Method:

PORTABLE FLUME MEASUREMENT = .78 cfs (see attached sheet)

PLEASE NOTE: The entire flow of the stream is diverted and the measurement of the stream was not taken at peak flows. Therefore, the amount of 1.00 cfs should be used to license this exam.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

B

2. Volume Calculations for Other Uses:

The pond is filled only once and is left full all year long, therefore, the annual volume for this permit will be the volume of the pond.

POND VOLUME = .70 afa (see attached sheet)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<u>WILDLIFE</u>	<u>JAN. 01</u>	<u>DEC. 31</u>	<u>1.00 CFS</u>	<u>.70 AFA</u>

Totals: 1.00 CFS .70 AFA

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name

Daniel A. Nelson

Date

7-10-97

Reviewer

Date

SEAL

DEC 10 1997

NAGY'S, PERMIT # 72-07532:

MEASUREMENT OF WATER ENTERING THE POND THROUGH
DIVERSION DITCH

IDWR'S PORTABLE PARSHALL FLUME:

IDWR's portable 15 inch rectangular broad-crested weir flume was used for the measurement of water into the pond through the diversion ditch. The flows were calculated using the attached discharge table.

FLOWS IN CUBIC FEET PER SECOND (CFS)

HEAD MEASUREMENT TAKEN ON FLUME'S GAGE WAS 10 CM

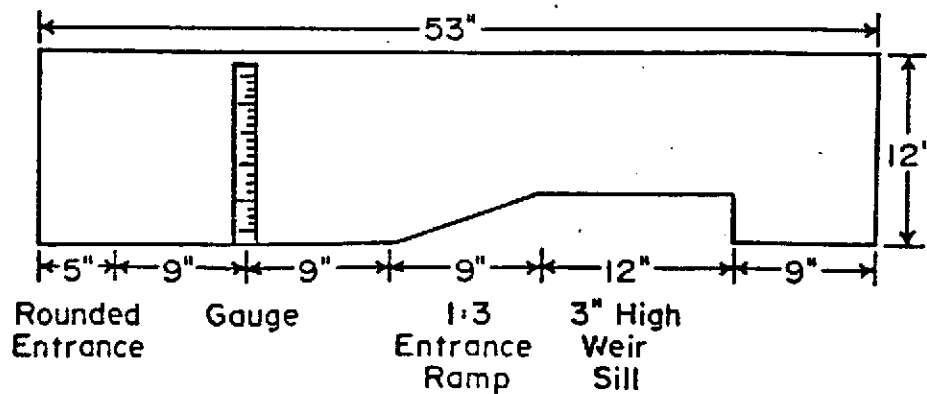
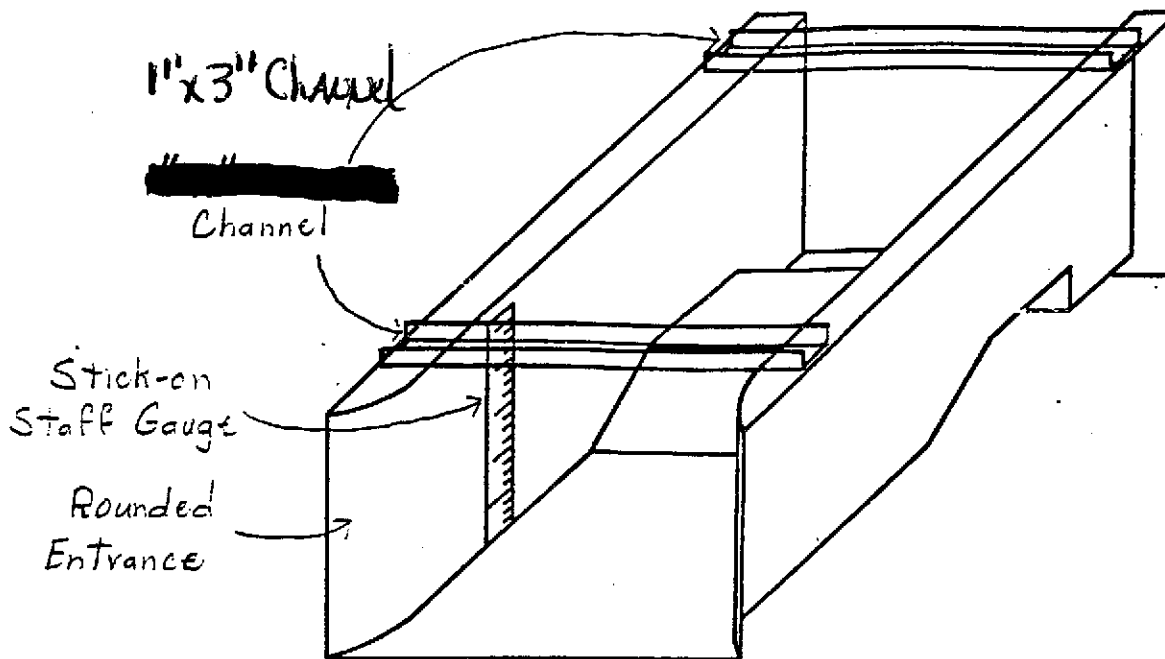
$Q = .78 \text{ CFS}$

RECORDED
DEC 10 1957

77-07532

Tom Ircul
USDA-ARS
Kimberly, ID

15" RECTANGULAR BROAD-CRESTED WEIR FLUME



Weir Width = 15"
Range: 0.1 - 2.5 cfs

RECEIVED
DEC 10 1967 9

DISCHARGE TABLE - POWLUS 15" BCW

GAGE READING (CM)	FLOW RATE (CFS)	GAGE READING (CM)	FLOW RATE (CFS)
2.0	0.06	11.6	0.98
2.2	0.07	11.8	1.01
2.4	0.08	12.0	1.04
2.6	0.09	12.2	1.07
2.8	0.10	12.4	1.09
3.0	0.12	12.6	1.12
3.2	0.13	12.8	1.15
3.4	0.14	13.0	1.18
3.6	0.15	13.2	1.21
3.8	0.17	13.4	1.24
4.0	0.18	13.6	1.27
4.2	0.20	13.8	1.30
4.4	0.21	14.0	1.33
4.6	0.23	14.2	1.36
4.8	0.24	14.4	1.39
5.0	0.26	14.6	1.42
5.2	0.28	14.8	1.46
5.4	0.29	15.0	1.49
5.6	0.31	15.2	1.52
5.8	0.33	15.4	1.55
6.0	0.34	15.6	1.58
6.2	0.36	15.8	1.62
6.4	0.38	16.0	1.65
6.6	0.40	16.2	1.68
6.8	0.42	16.4	1.72
7.0	0.44	16.6	1.75
7.2	0.46	16.8	1.79
7.4	0.48	17.0	1.82
7.6	0.50	17.2	1.85
7.8	0.52	17.4	1.89
8.0	0.54	17.6	1.93
8.2	0.57	17.8	1.96
8.4	0.59	18.0	2.00
8.6	0.61	18.2	2.03
8.8	0.63	18.4	2.07
9.0	0.66	18.6	2.11
9.2	0.68	18.8	2.14
9.4	0.70	19.0	2.18
9.6	0.73	19.2	2.22
9.8	0.75	19.4	2.25
10.0	0.78	19.6	2.29
10.2	0.80	19.8	2.33
10.4	0.83	20.0	2.37
10.6	0.85	20.2	2.41
10.8	0.88	20.4	2.45
11.0	0.90	20.6	2.49
11.2	0.93	20.8	2.52
11.4	0.96	21.0	2.56

MICROFILMED
DEC 10 1967

WEIR MEASUREMENT

NAGY'S WEIR MEASUREMENTS PERMIT # 72-07532:

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

$$Q = (3.247) (\text{LENGTH}) (\text{HEAD}^{1.48})$$

This is computed using the Cone's, neglecting the velocity of approach. These numbers were found in Bulletin No. 552, February 1976, "Water Measurement" by Dorrell C. Larsen, from the Cooperative Extension Service of the University of Idaho.

FLOWS IN CUBIC FEET PER SECOND (CFS)

WEIR PRIOR TO POND

LENGTH -- 2.0 FT. WEIR

HEAD -- 0.20 FT HEAD

Q = .59 cfs

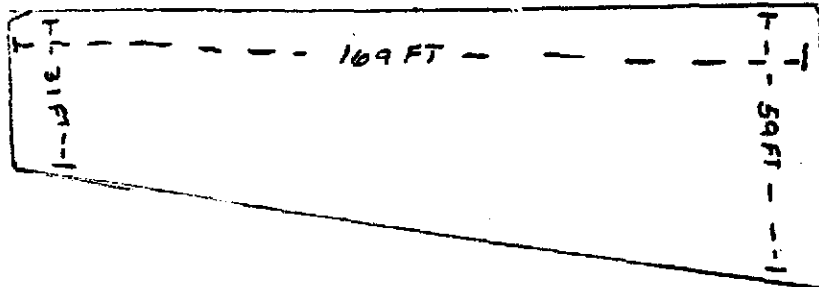
WEIR AFTER POND

LENGTH -- 2.0 FT WEIR

HEAD -- 0.22 FT HEAD

Q = .67 cfs

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DEC 10 1977



SURFACE AREA OF POND CALCULATIONS

CALCULATION BASED ON THE WIDTH X THE LENGTH

WIDTH = 31 FEET + 59 FEET / 2 = 45 FEET AVERAGE WIDTH

LENGTH = 169 FEET

45 FT AVE WIDTH X 169 FT LENGTH = 7605 SQUARE FEET SURFACE AREA

DEPTH CALCULATION

OWNER STATED THAT THE MAXIMUM DEPTH OF THE POND WAS 6 FEET AND THAT THE AVERAGE DEPTH WAS 4 FEET. IT WAS NOT POSSIBLE TO VERIFY THIS SO THE AVERAGE DEPTH OF 4 FEET WILL BE USED.

AREA CALCULATION

7605 SQUARE FEET SURFACE AREA X 4 FEET OWNER ESTIMATED DEPTH =

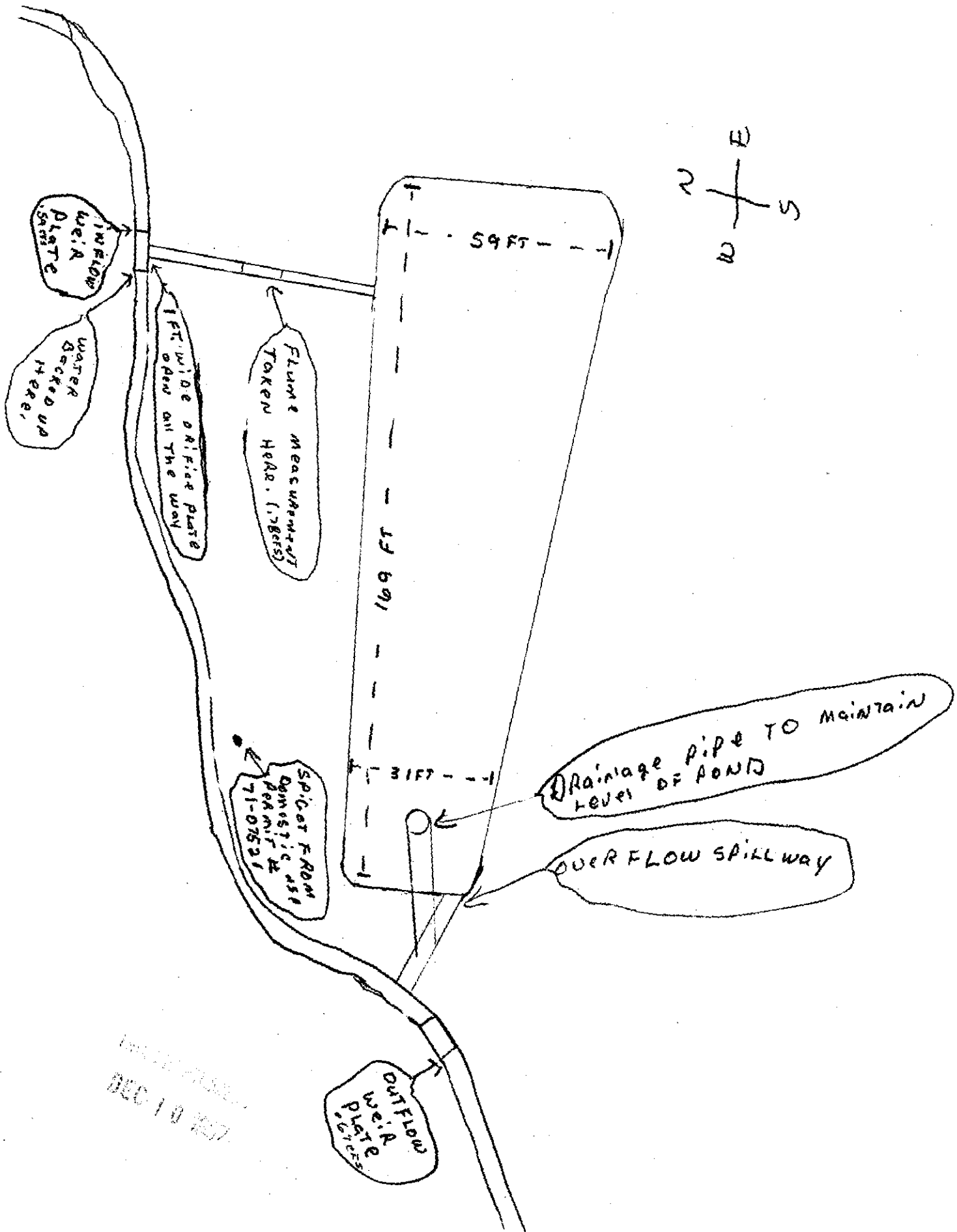
30420 CUBIC FEET VOLUME

30420 CUBIC FEET / 43560 = .70 ACRE FEET

DEC 10 1971

Permit #
72-07532

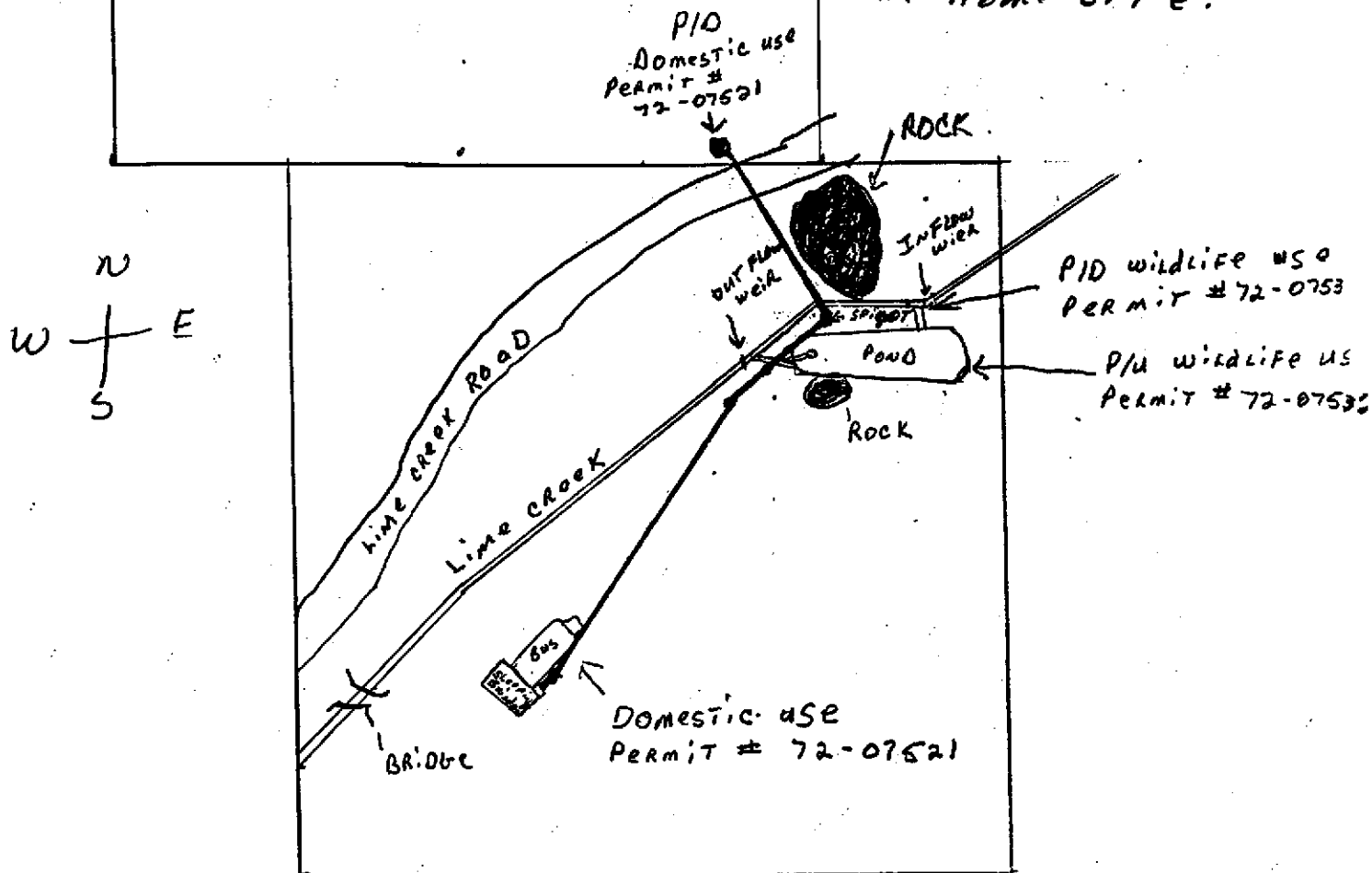
Permit 72-07532



DEC 19 1977

SW 1/4 - SW 1/4 - SW 1/4 - section 36 - Township 13 N - Range 20 E

Please NOTE: There is a spigot at the pond used to irrigate tree grass, and flowers around pond. owner stated this was temporary until the plants get established. The water then will be moved to irrigate around the home site.



NW 1/4 - NW 1/4 - NW 1/4 - section 1 - Township 12 N - Range 20 E

Permit #
72-07532

U.S. Forest
Service
Map

Permit #
72-02532

8-13-91

USDA-F

16

614060 1489-110

Permit #
72-02532
P/U FOR
Wildlife
Permit #
72-02532
Domestic
P/U
Permit #
72-02532



Range No 20 East of the Boise Meridian, Idaho.

E d D c C b B a A

Sec. 13

STANDARD MERIDIAN

RECORDED

1884

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1601

1600

point of diversion weir box

Swoffer measurement point

2 foot permanent weir

1 foot orifice

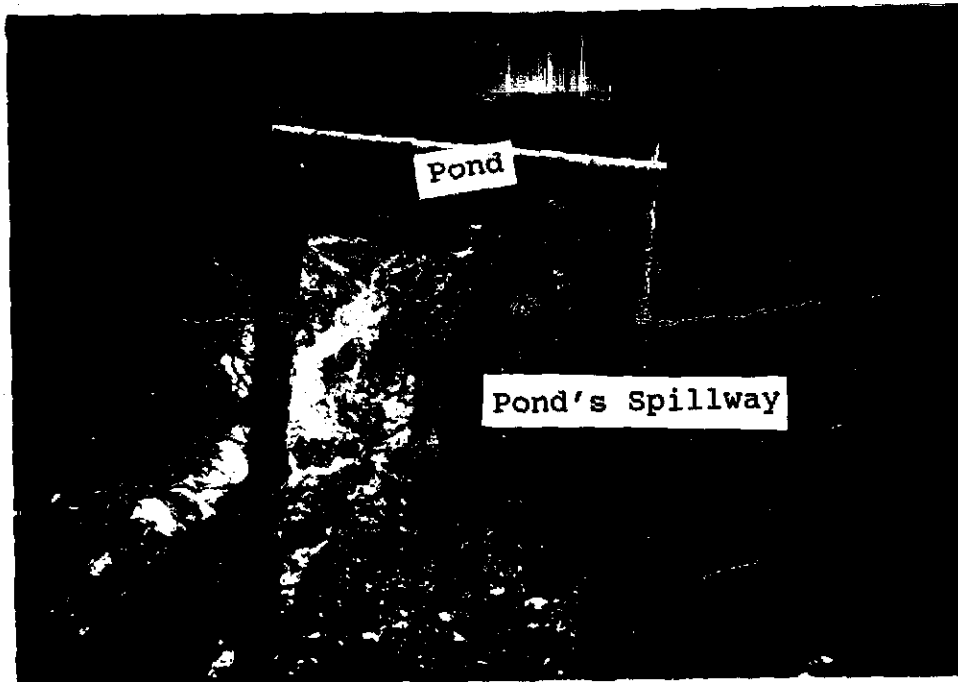
ditch to pond

The above picture is of the point of diversion for the pond for permit # 72-07532. This picture shows the point of diversion and the upstream weir for this permit. The weir is a 2 foot rectangular weir that is connected to a 4 foot wide X 6 foot long wooden weir box. The point of diversion consists of a 6 foot long X 4 foot wide wooden weir box with a 1 foot wide adjustable orifice in the side of the box. This orifice was open all of the way which did not allow for any head pressure. Measurements were taken from the permanent weir and by the Swoffer flow meter upstream of the weir box approximately 1 foot. The bottom picture is of the ditch that leads from the point of diversion to the pond. It also shows the point that the IDWR's portable flume was placed for measurement.

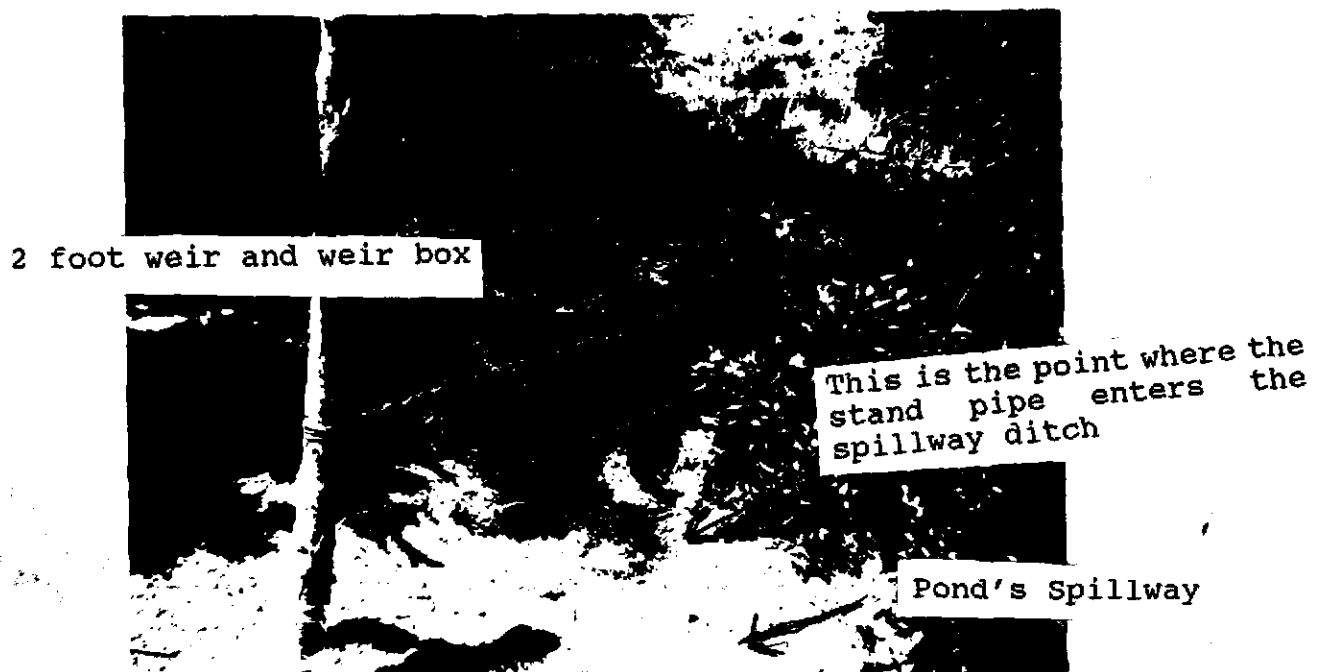
1 foot orifice

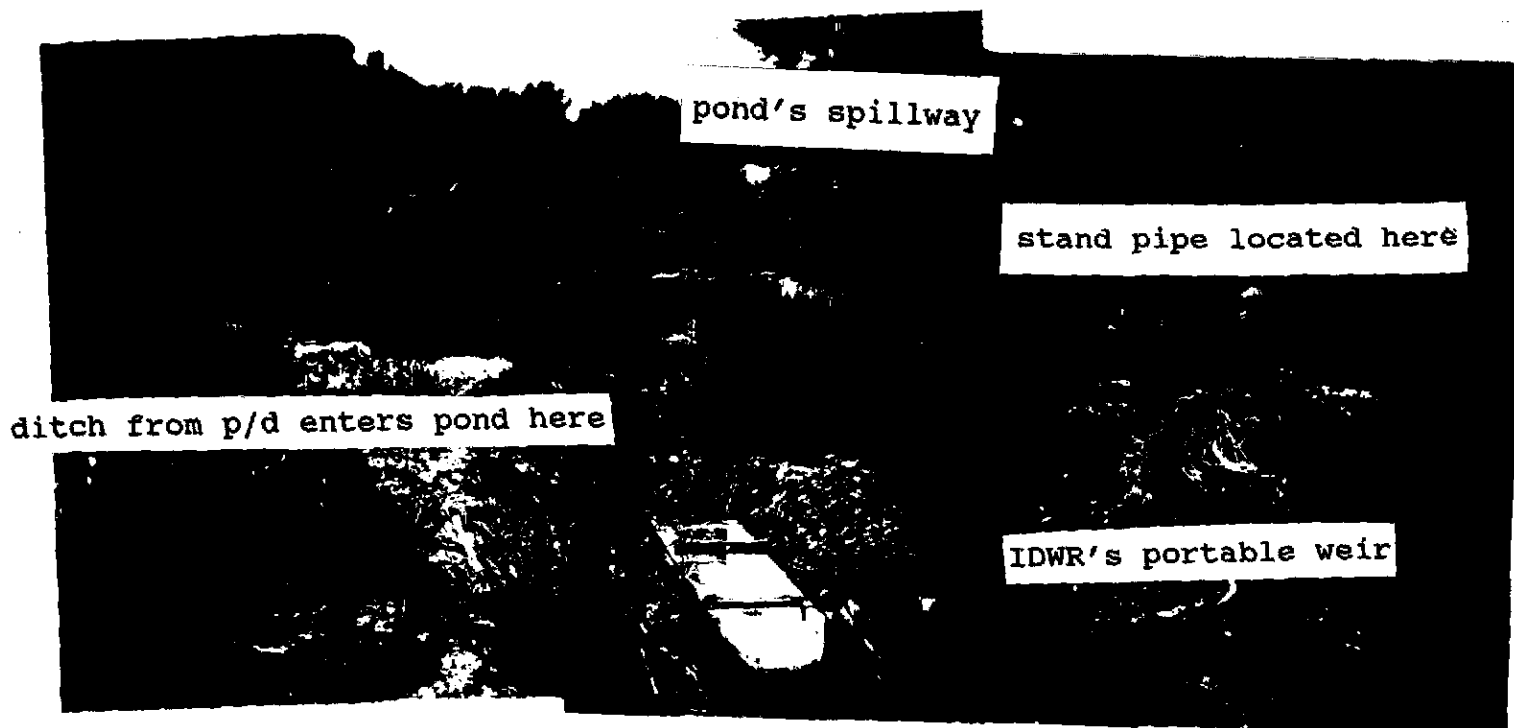
IDWR's portable flume

ditch to pond



The above picture is of the spillway for the pond (permit # 72-07532). The bottom picture shows the water from the spillway going back into Lime Creek. The water from the stand pipe also enters the same ditch that the spillway water uses. This picture also shows weir box to measure the water in the stream after the pond. This measurement is done by using a metal 2 foot weir that sets in a wooden weir box that measures 4 foot X 6 foot.





This is a picture of the place of use for permit # 72-07532. This place of use is a pond that is an average of 45 feet wide, 169 feet long and approximately 4 feet deep. This shows where the water enters the pond and exits the pond over the spillway. The pond also has a stand pipe that is used to maintain the level of the pond.

1-10-01
RECEIVED

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 72-07532 Reviewed by [Signature] Date 9-3-96

GENERAL CONSIDERATIONS

TYPES OF USE

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

Wildlife
Correct Uses? yes

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?
100 Amount Submitted
yes Correct?

yes Required?
yes 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 8-5-96

September 4, 1996

NANCY DRAZNIN
KEN NAGY
PO BOX 1330
CHALLIS ID 832261330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07532

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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

SEP 12 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

copy

RECEIVED

JUL 31 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Ken Nagy
1281 Sprenger Rd
Genessee, ID
83832

Department of Water Resources

July 29, 1996

RE: Water Permits 72-07521 & 72-07532

Dear Mr. Nagy;

Per your request, enclosed are proofs of beneficial use for the above-referenced permits. A separate form is required for each permit. An examination fee will be required for each permit; a fee schedule is enclosed. This fee must accompany the proof form. As we discussed, filing the proof form authorizes this Department to conduct a licensing examination, and protects your permit from cancellation until the required inspection and licensing procedure can be completed.

If you have further questions, feel free to contact me. For general questions, our Couer D'Alene office (208-769-1450) can also assist you.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

SEP 12 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

January 29, 1996

NANCY DRAZNIN
KEN NAGY
PO BOX 1330
CHALLIS ID 83226-1330

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07532

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.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

RECEIVED
MAR 29 1996

SK:rl

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

No.: 72-07532 Name: Nagy, Drazin Date: 1/23/96 Ad OK? ✓
Correct Fee? ✓ Receipt # 405018100 Priority: 5/16/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? ^{non-consumptive use} No/Yes s/c Mor GWMA Trust/Non-trust
 PROTESTED: - 20 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed	- NA
1 year/no proof	- P16
+1 year	- ~~P6A~~ -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 - ~~028(may report)~~-01J(meas dev)-**P08**
=/~~-~~ 0.2 cfs - ~~028(may report)~~-01H(lock dev)-**P01** or No MD
=/~~+~~ 5 a. irr. - ~~028(may report)~~
~~In~~ WD + 0.2 cfs - ~~01M~~ or No MD (in-stream)* *See below*
- 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 + L Peak); 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)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - **B** <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:

BENEFICIAL USE DUE:

COMMENTS:

FROM: Allen Merritt *AM*
TO: Application File 72-07532

DATE: January 11, 1996

SUBJECT: Review and Recommendation

The application proposes to develop a small pond on an old braided stream that sometimes sinks but at times is tributary to a stream tributary to the Salmon River. The application was protested by BLM and by Warm Springs Ranch because they were concerned about interference with stockwater on the stream below the proposed pond. They have resolved the protests by execution of the agreement found in the file.

It appears the pond will be very small and have insignificant consumption in the Salmon River Basin.

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

- Subject to agreement between protestants and applicant.
- Inlet and outlet measuring devices.

RECEIVED
JAN 17 1996
Department of Water Resources

RECEIVED
MAR 29 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. E. Stanton DATE 5-19, 1995
APPLICATION NO. 72-07532

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
- ++++PROPOSED PRIORITY DATE
5-16 1995

RECEIVED
JAN 17 1996

Department of Water Resources

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 _____
☐ 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.

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 _____

NA ☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.

☒ Yes ☐ No Recommendations attached *Protests withdrawn by*

☒ Yes ☐ No Measuring device required *agreement.*

☐ 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 attached Memo.)

dated 1/11/96

See below for additional information

Date of priority recommended *5/16*, 19 *95*
By *Alm* Date *1/11*, 19*96*

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

RECEIVED

JAN 17 1996

Department of Water Resources

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____



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

January 11, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEN NAGY &
NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226

RE: Application for Permit No. 72-07532

Dear Applicants:

This office has received the agreement signed by all parties regarding the above referenced application; therefore, the issue of the protest has been resolved. This office does not anticipate further contact with the protestants regarding the matter.

The Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

cc: Ingrams Warm Springs Ranch
Debora Houfburg
Dave Blackstun - BLM

HC 61 Box 3020 Challis ID 83226
520 Franklin Meridian ID 83642
PO Box 430 Salmon ID 83467

RECORDED

MAR 29 1996

RECEIVED

JAN 11 1996

Department of Water Resources
Southern Region

A G R E E M E N T

NAME	DATE	INITIALS
CHAL	Blackston	
LEMHI		
ADMIN		
EA/P&EC		
OPS		
OTHER		
ACTION		

In consideration of resolving the protests against approval of Application for Permit No. 72-07532, Ken Nagy and Nancy Draznin, applicants, Ingram Warm Springs Ranch and the USDI-BLM, protestants, agree and stipulate as follows:

a) The applicants agree to return at least 95% of the water initially diverted to their project back into the creek below the project. (For example if 1.00 cfs is diverted then at least 0.95 cfs would be returned to the creek.)

b) The applicants shall maintain standard inlet and outlet measuring devices on the project. These devices may be removable but must be readily available for installation and use.

c) The applicants or their successors shall allow protestants reasonable access to monitor the facility. The protestants shall make reasonable effort to notify the applicants or successors of intent to inspect prior to inspections.

d) Protestants acknowledge and agree that during the period of time while the holding facility or pond is being filled, the above requirement set forth in part (a) will not be met. Therefore, filling shall occur after reasonable notice to protestants of not less than ten (10) days and only during periods of time when no livestock are grazing under permit within the surrounding allotment.

e) In the event of failure to meet the above requirements, the permitted use by the applicant or successors shall cease until such conditions can be met.

f) The cost of construction and maintenance of the weirs or measuring devices shall be borne by the applicant or successors.

g) The protestants agree to withdraw their protests.

MAR 29 1996

Ken Nagy
Ken Nagy, Applicant

Date 11-24-95

Nancy Draznin
Nancy Draznin, Applicant

Date 11-24-95

Ingram Warm Springs Ranch
by Alice E. Ingram
Ingram Warm Springs Ranch, by
Alice E. Ingram, Protestant

Date 12-11-95

Debora Houffburg
Ingram Warm Springs Ranch, by
Debora Houffburg, Protestant

Date 12/18/95

David E. Blackstun for
USDI-BLM, Protestant

Date 1/9/96

Mark E. Johnson.
Challis Area Manager

[Handwritten signature]
MAR 29 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

October 30, 1995

Ken Nagy
PO Box 1330
Challis, ID 83226

RE: Application for Permit 72-07532

Dear Mr. Nagy:

Please find enclosed the "Agreement" which I have typed up for you and the protestants to review and sign. The agreement is my understanding of what the parties agreed at the pre-hearing conference last friday evening. As I recall you were to pass it around to the other parties and get it back to my office. If you or the others have problems with the wording you can work it out among yourselves. I will hold your application without action until I hear back from you.

Please also find enclosed the booklet "Water Measurement" which I promised I would send you. You may find it helpful in building inlet and outlet measuring devices.

If you have questions please feel free to contact our office.

Sincerely,

Allen D. Merritt, PE
Southern Region Manager

CC: Ingrams Warm Springs Ranch
Dave Blackstun - BLM

HC61 Box 3020, Challis, ID 83226
PO Box 430, Salmon, ID 83467

RECEIVED

MAR 29 1996

DRAFT

A G R E E M E N T

In consideration of resolving the protests against approval of Application for Permit No. 72-07532, Ken Nagy and Nancy Draznin, applicants, Ingram Warm Springs Ranch and the USDI-BLM, protestants, agree and stipulate as follows:

- a) The applicants agree to return at least 95% of the water initially diverted to their project back into the creek below the project. (For example if 1.00 cfs is diverted then at least 0.95 cfs would be returned to the creek.)
- b) The applicants shall maintain standard inlet and outlet measuring devices on the project. These devices may be removable but must be readily available for installation and use.
- c) The applicants or their successors shall allow protestants reasonable access to monitor the facility. The protestants shall make reasonable effort to notify the applicants or successors of intent to inspect prior to inspections.
- d) Protestants acknowledge and agree that during the period of time while the holding facility or pond is being filled, the above requirement set forth in part (a) will not be met. Therefore, filling shall occur after reasonable notice to protestants of not less than ten (10) days and only during periods of time when no livestock are grazing under permit within the surrounding allotment.
- e) In the event of failure to meet the above requirements, the permitted use by the applicant or successors shall cease until such conditions can be met.
- f) The cost of construction and maintenance of the weirs or measuring devices shall be borne by the applicant or successors.
- g) The protestants agree to withdraw their protests.

Ken Nagy, Applicant

Date _____

Nancy Draznin, Applicant

Date _____

Ingram Warm Springs Ranch, by
Alice E. Ingram, Protestant

Date _____

DRAFT

Ingram Warm Springs Ranch, by
Debora Houfburg, Protestant

Date _____

USDI-BLM, Protestant

Date _____

MAR 28 1974

FROM: Allen Merritt *Adm*

DATE: October 30, 1995

TO: File: 72-07532

SUBJECT: Pre-hearing Conference

On 10/27/95 I conducted a conference in Challis with the applicant and protestants. All parties were represented as noted on the attached signup sheet.

At the conference Nagy described the project to be a 40' diversion channel to a 40' X 30' pond with a 20' outlet channel back to the creek. Before the conference Nagy corrected the lot description for the place of use.

Much of the time was spent discussing Ingram's objection to the project and how there could be an agreement worked out. They were concerned that the pond could somehow injure the stockwater use in the creek below the site of the project. All parties seemed agreeable to work things out and in fact Ingrams had a lawyer draft an agreement prior to the conference which speeded the process. It was found the lawyer's draft was not 100% but was a good starting place. They worked on the wording and finally came up with something acceptable to all. I agreed to type it up and send it to Nagy and he would circulate it to the others and then return it.

On this day I typed up the agreement and sent it to Nagy.

[Faint stamp]
MAR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 72-07532

KEN NAGY and NANCY DRAZNIN,
Applicants

ALICE E. INGRAM, DEBORA HOUFBURG,
USDI-BLM,
Protestants

STIPULATION AND AGREEMENT

SOURCE: Lime Creek
Trib. to Warm Springs Creek
COUNTY: Custer

In consideration of resolving the Protest and Objection to the
above application, Protestants and Applicants agree and
stipulate as follows:

a. The application is agreed to be *25% less than 5% loss* non-consumptive and *to the extent that* therefore the outflow from the *tract of land owned by the* ~~tract of land owned by Applicants upon which the proposed holding facility is~~ located shall at all times be equal to or greater than *pond.* ~~the incoming flow. 95% of the~~

b. Applicant shall be required to construct, provide and maintain water measurement facilities at convenient locations to measure in-flow and out-flow. Reasonable access to the measuring facilities shall be provided for all parties to this action, their successors and assigns, whether the same are located on private or public lands, and this Stipulation shall, unless otherwise agreed, stand as a grant of such access.

c. In the event of failure to meet the above requirements, the permitted use by Applicant shall cease until such conditions can be met.

d. Protestants acknowledge and agree that during the period of time while the holding facility or pond is being filled, the above requirements will not be met. Therefore, filling shall occur after reasonable notice to Protestants of not less than ten (10) days and only during periods of time when no livestock are grazing under permit within the surrounding allotment.

e. Cost of construction, weirs or measuring devices and the like are to be borne by Applicant.

MAR 29 1996

f. ~~The flows shall not be regulated, altered or manipulated by mechanical, electrical or other such artificial devices or schemes without the consent of Protestants.~~

g. The Department of Water Resources for the State of Idaho may base an order upon the Agreements contained herein without further hearing.

Dated this _____ day of October, 1995.

Alice E. Ingram, Protestant

Debora Houfburg, Protestant

ISDI-BLM, Protestant

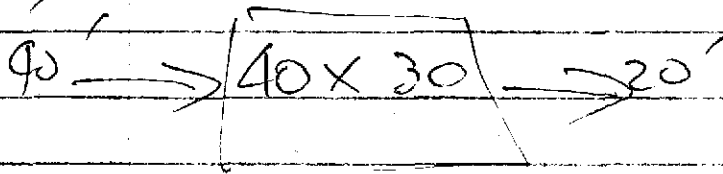
Ken Nagy, Applicant

Nancy Draznin, Applicant

MAR 29 1996

creek

10/27/95
AD



2. The applicant agrees to maintain the return flow to the creek ^{from the project at 2 inches} ~~at 95%~~ or more of the amount diverted from the creek to the project

3. Applicant shall be required to maintain standard inlet & outlet measuring devices.

Applicant shall allow protesters reasonable access to monitor the ponds facilities.

Protesters shall make reasonable effort to notify land owner of inspection.

c. OK

d. OK.

e. OK

f. out

~~g. OK~~

under this agreement the protests are withdrawn

RECEIVED
MAR 29 1996

RE: WR# 72-07532 (Ken Nagy & Nancy Draznin)

PLACE: Northgate Inn Conference Room; Challis, ID

DATE: 7:00 p.m., Friday; October 27, 1995

CONFERENCE OFFICER: Allen D. Merritt

ASSISTED BY:

ROSTER OF ATTENDANCE

[illegible]

UNCLASSIFIED

1945 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 72-07532

KEN NAGY and NANCY DRAZNIN,
Applicants

ALICE E. INGRAM, DEBORA HOUFBURG,
USDI-BLM,
Protestants

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Lime Creek
Trib. to Warm Springs Creek
COUNTY: Custer

On May 16, 1995; KEN NAGY and NANCY DRAZNIN, applicants, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on Friday, October 27, 1995 at 7:00 p.m. in the Northgate Inn Conference Room, HC Box 1665, Hwy. 93; Challis, ID 83226.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 12th day of October, 1995.


For Allen D. Merritt, P.E.
Regional Manager

RECORDED

OCT 29 1995

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of October, 1995, a true and correct copy of the Notice of Pre-Hearing Conference was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary G. Baldwin
Secretary

KEN NAGY & NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

WILL & ALICE E INGRAM
INGRAM WARM SPRINGS RANCH
HC 61 BOX 3020
CHALLIS ID 83226

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

DEBORA HOUFBURG
520 FRANKLIN
MERIDIAN ID 83642

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

ATTN DAVE BLACKSTON
USDI-BUR OF LAND MGT
PO BOX 430
SALMON ID 83467

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

Hand Delivered
MAR 20 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

10-26-88



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

October 12, 1995

PHILIP E. BAIT
Governor

KARL J. DREHER
Director

ATTN GAYE
NORTHGATE INN
HC BOX 1665 HWY 93
CHALLIS ID 83226

Dear Gaye:

This is a follow-up to our telephone conversation of this date to confirm the reservation of the Northgate Inn Conference Room for a meeting to be held by this office on Friday, October 27, 1995 from 7:00 a.m.- approximately 10:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Sr. Secretary

MAR 29 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

Ken Nagy
PO Box 1330
Challis, ID
83226

August 2, 1995

RE: Application for Permit 72-07532

Dear Mr. Nagy;

Per your request, enclosed are a copy of the above-referenced application and a blank application form. As we discussed, you can file a corrected application to reduce the requested flow rate and period of use. As long as the point of diversion or place of use are not changed, no additional application fees will be required. Also as we discussed, both the proposed point of diversion and place of use are in Lot 4 (NW/NW) Sec. 1. The showing of the place of use as Lot 1 (NW/NW) Sec. 1 was a minor technical error on our part that did not change the intent of your application.

Upon receipt of your corrected application, copies will be sent to the protestants. If we receive written withdrawals of the two protests, your application will be sent to our Boise office for final action.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

MAR 20 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

July 31, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEN NAGY & NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226

RE: APPLICATION FOR PERMIT NO. 72-07532

Dear Applicants:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

In addition, you recently telephoned this office with a couple of questions regarding your application which we hope to answer for you.

In regards to the error on the lot number, it will **not** be necessary to re-advertise the application because the 40 acre tract was corrected described. The next time you are in our office, please make the correction on the application and validate the change with your initials.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MAR 29 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

July 31, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ALICE E INGRAM
INGRAM WARM SPRINGS RANCH
HC 61 BOX 3020
CHALLIS ID 83226

RE: APPLICATION FOR APPLICATION NO. 72-07532 (Nagy/Draznin

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)
cc: Debora Houfburg
520 Franklin
Meridian ID 83642



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

July 31, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ATTN MARK E JOHNSON MGR
USDI-BLM
PO BOX 430
SALMON ID 83467

RE: APPLICATION FOR APPLICATION NO. 72-07532 (Nagy/Draznin

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia & Salmon-Clearwater Ecosystems
Challis Resource Area Office
P.O. Box 430
Salmon, Idaho 83467-0430

RECEIVED
JUL 24 1995
Department of Water Resources
Southern Region

In Reply Refer To:

7250 (045)

July 21, 1995

CERTIFIED MAIL Z 047 708 443
Return Receipt Requested

Karl J. Dreher
Water Rights Supervisor Southern Region
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

Dear Mr. Dreher:

We are protesting the application for permit No. 72-07532 filed by Ken Nagy and Nancy Draznin. The Bureau of Land Management (BLM) is the primary landowner of the lands below the point of diversion and place of use on this water right application. The BLM has filed a beneficial use claim for instream livestock water in Lime Creek below the private land on which this water will be sued. This claim, No. 72-15814, has been filed in the Snake River Basin Adjudication (SRBA) and is a senior claim on Lime Creek to claim 72-07532. If claim No. 72-07532 is granted, BLM interests in instream livestock water use on Lime Creek may be injured by reduced flows in Lime Creek.

Thank you for your attention in this matter. Please contact Mr. David Blackstun at (208) 756-5403, or myself at (208) 756-5420 if you have any questions or need further assistance.

Sincerely,

Mark E. Johnson
Mark E. Johnson
Area Manager

MAR 29 1996

Receipt # S018321
mf
7/24/95

RECEIVED

6/95

STATE OF IDAHO JUL 20 1995
DEPARTMENT OF WATER RESOURCES
 Department of Water Resources
NOTICE OF PROTEST Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- Ken Nagy & Nancy Dragun's 72-07532*
1. Matter being protested Notice of Application for Water Permit
source by Pine Creek in Guster County
 2. Name of protestant Ingram Warm Springs Ranch
 3. Protestant's representative for service (If different than protestant)
1. Alice E. Ingram 2. Debora Houlberg
 4. Service mailing address 1 9661 Box 3020 2. 520 Franklin
Challis Id 83226 Meridian Id. 83642
 5. Service telephone no. 208-879-4457 208-888-1946
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Please send notices & information to both listed representatives

see attached statement 2 pages

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? open for discussion

MAR 29 1996

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 19 day of July, 19 95.

Ingram Warm Springs Ranch by Alice E. Ingram
PROTESTANT

Alice E. Ingram & Debora Houfburg
PROTESTANT'S REPRESENTATIVE

NOTE:

Please send all notice & information to both representatives

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the two representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

MAR 29 1996

Received by MBaldwin Date 7/20/95 Time 11:50 am

\$25.00 fee Receipted by MB # 5018313 Date 7/21/95

REASON FOR PROTEST of Notice of Application for Water Permit.

Ingram Ranch has spring and fall grazing permits below the Nagy/Draznin deeded 40 acre property on Lime Creek. Lime Creek is an important source of stock water for spring and winter use. The BLM and Forest Service have filed for water rights on Lime Creek which predate this application and apply to the entire length of Lime Creek. This application has the potential to interfere with those rights. If the normal flows are diminished in any way there is the potential of causing insufficient water available to water livestock. If water becomes insufficient below this proposed diversion the only other sources are Hole-in-the Rock (2 miles distance) and Little Grand View Canyon (3 miles distance). This distance can be too great.

Another factor to consider is that if water is impounded at this location as proposed it will cause a great deal more work and concern in looking after the livestock because we cannot know when water is or is not being diverted from the normal flow of Lime Creek. If and when a problem becomes apparent there will be some time lag in getting the problem corrected and in the meantime livestock may have insufficient or no water.

We have concerns that use may be consumptive rather than nonconsumptive. Consumptive use may occur as a result of but not limited to loss through: diversion channel, use of old channel, bottom of pond, evaporation, return channel to normal Lime Creek or any other alterations. Complete plans of the proposed changes were not available.

1 cfs of water far exceeds IWDR established amounts for livestock and wildlife use.

There appears to be an error in the published notice in the Challis Messenger. When we inquired as to where the proposed use was to occur because we were not aware of Lot 1 in that section of land. The Twin Falls IWRD office said that this was an error and that the proposed use was to be in Lot 4 of that section. This needs to be clarified and corrected if it is indeed an error in the Public Notice.

When inquiring about additional information on the proposed plan we were unable to ascertain complete details. Evidently these details are not a matter of public record. We may make additional comments on reasons for protest as more information becomes available on the proposed plans.

The relief being sought is that if this application is approved in any form that a specific condition to that approval be that it be proven beforehand that this right will in no way diminish or interfere with the amount and quality of the normal flow of water in Lime Creek and that this right will not cause additional time or expense in livestock management.

MAR 29 1996

We request a copy of all laws, rules, regulations, etc which may apply in the matter of making or protesting applications for water rights. Will you please mail a copy of all materials to both the representative listed on the Notice of Protest.

Sincerely,

Alice E. Ingram

Alice E. Ingram
HC 61 Box 3020
Challis, Id 83226

Debora L. Houfburg
520 Franklin St.
Meridian ID 83642

MAR 29 1996

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 July 6 1995 and ending with the issue dated July 13 1995.

Ruth E. Burchill
RECEIVED

STATE OF IDAHO

JUL 17 1995

COUNTY OF CUSTER Department of Water Resources
Southern Region

On this 13th day of July in the year of 1995 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.

Ethel M. Beck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

NOTICE OF APPLICATION FOR WATER PERMIT

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

KEN NAGY & NANCY BRAZIN
PO BOX 1330
CHALLIS ID 83226
72-07532

Source: Line Creek tributary to Warm Spring Creek

Diversion Pt: LOT 4
(NE1/4NW1/4NW1/4) S1, T12N, R20E,
Custer County.

Use: Wildlife (1.0 cfs) 1/1-12/31

Date Filed: 5/16/95

In: Lot 1 (NW1/4NW1/4) S1, T12N, R20E.

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 July 24, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub: July 17, 1995.

OK

7/21/95

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MAR 29 1996

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept of Water
 222 Shoshone Ave East
 Sun Falls, Id 83301-6105

Job No.	Date	DESCRIPTION	Amount
	7-13-95	Notice of Application for Water Permit 7/6 + 13/95 28 lines <u>72.07532</u>	\$ 28.98 OK MB 7/21/95
		RECEIVED JUL 17 1995 Department of Water Southern	

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.

MAR 29 1996

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

KEN NAGY & NANCY DRAZNIN

PO BOX 1330

CHALLIS ID 83226

72-07532

**Source: Lime Creek tributary to Warm
Spring Creek**

**Diversion Pt: LOT 4
(NE1/4NW1/4NW1/4), S1, T12N, R20E;
Custer County.**

Use: Wildlife (1.0 cfs) 1/1-12/31

Date Filed: 5/16/95

**In: Lot 1 (NW1/4NW1/4) S1, T12N,
R20E.**

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 July 24, 1995. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

**Published in The Challis Messenger on
7/6 & 7/13/95.**

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MAR 29 1996

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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

KEN NAGY & NANCY DRAZININ
PO BOX 1330
CHALLIS ID 83226
72-07532

Source: Lane Creek tributary to Warm Spring Creek
Division #1: LOT 4
(NWI/4NWI/4NWI/4) ST, T12N, R20E;

Custer County.
User: Wildlife (1.0 cfs) 1/1-12/31
Date Filed: 5/16/95
Int: Lot 1 (NWI/4NWI/4) ST, T12N,

R20E.
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 July 24, 1995. The protestant must also send a copy of the

protest to the applicant.
Karl J. Dreher, Director
Pub: July 6 & 13, 1995.

MAR 29 1996
MAR 29 1996

OK
7/7/95

INTER-DEPARTMENT MEMO

TO: TLC

SUBJECT: _____

FROM: ADM

DATE: 7/17/95

Appears P/1 should be Lot 4 out
Lot. 1

RECEIVED
JAN 17 1996

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Department of Water Resources
MAR 29 1996

() For your information

() Response required

ADM
signature



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

June 13, 1995

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
JUN 29 1995

NOTICE OF APPLICATION FOR WATER PERMIT

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

KEN NAGY & NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226

72-07532

Source: Lime Creek tributary to Warm Spring Creek

Diversion Pt: LOT 4 (NE1/4NW1/4NW1/4), S1, T12N, R20E; Custer County.

Use: Wildlife (1.0 cfs) 1/1-12/31

Date Filed: 5/16/95

In: Lot 1 (NW1/4NW1/4) S1, T12N, R20E.

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 July 24, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in The Challis Messenger on 7/6 & 7/13/95.

MAR 29 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

June 12, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEN NAGY &
NANCY DRAZNIN
PO BOX 1330
CHALLIS ID 83226

Re: Application for Permit No. 72-07532

Dear Applicant(s):

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

This office has scheduled advertising the applications in the Challis Messenger for 7/6 & 7/13/95. A period of ten days following the second publication will be allowed for the submittal of protests.

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

If the 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

JUN 28 1995