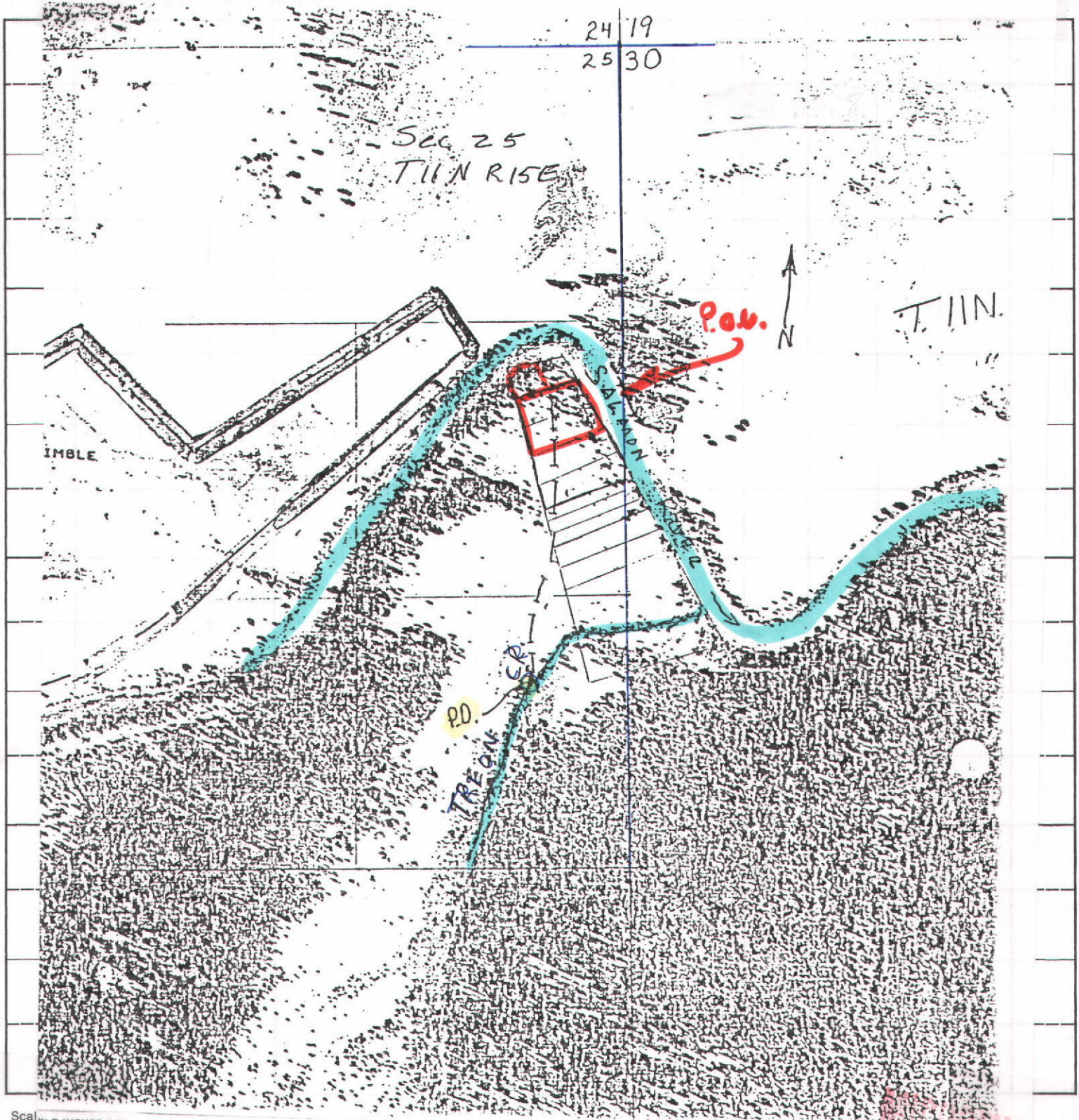


Map of proposed project show clearly the proposed point of diversion, place of use, section number,



Scale

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.

D H Schoonen
(Applicant)

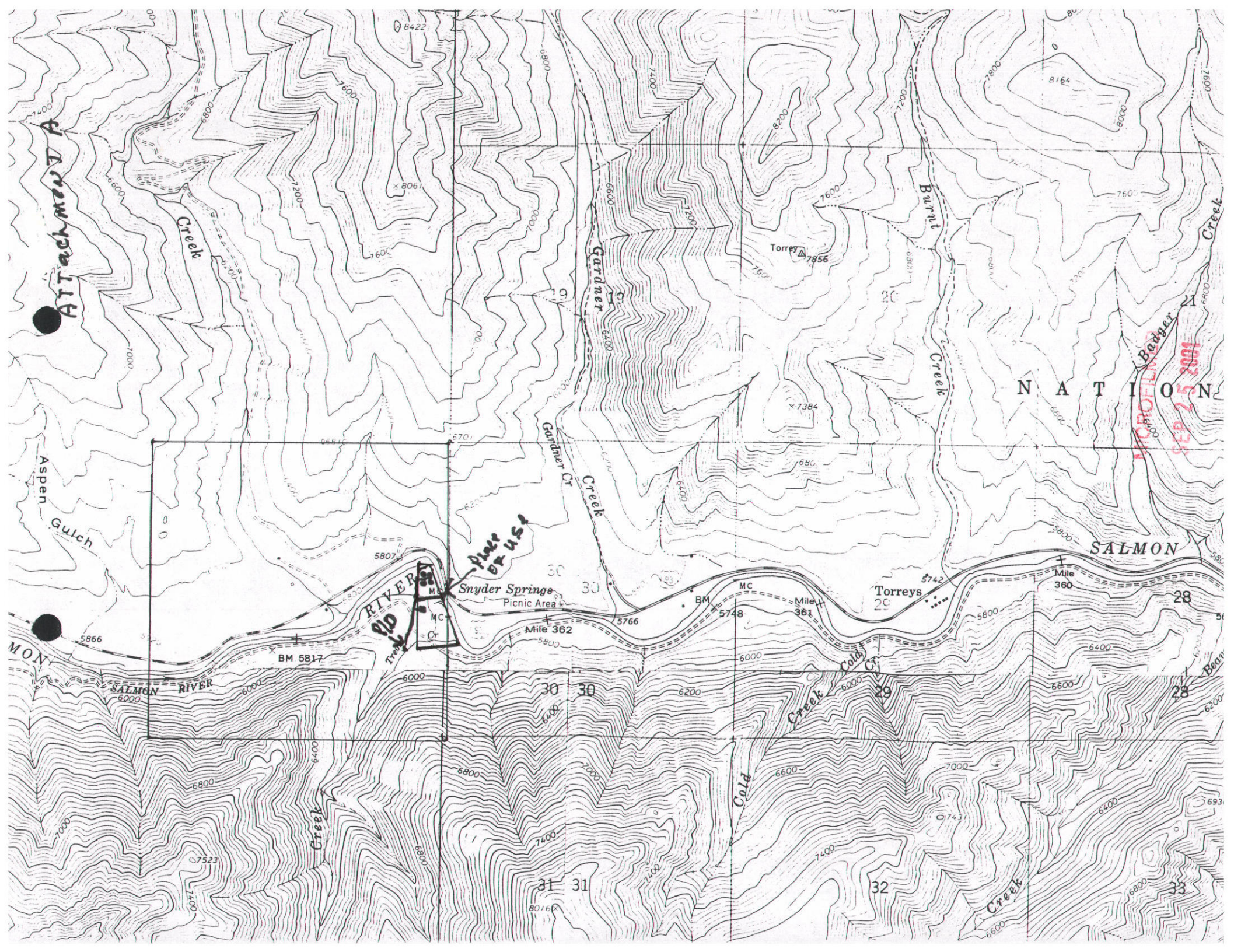
RECORDED
FEB 24 1994

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	72 10008	DUANE BORN,	GROUND WATER	11N15E25				0													0
Right	72 10052	ALBERT R CHORN,	GROUND WATER	11N15E25														0			0
Right	72 10148	D H SCHOONEN, HELEN SCHOONEN,	GROUND WATER	11N15E25				0													0
Right	72 10298	L CLYEL BERRY, JILL BERRY,	GROUND WATER	11N15E25													0				0
Right	72 10345	HOWARD KINSFATHER, VIVIENNE KINSFATHER,	GROUND WATER	11N15E25														0			0
Right	72 10357	VERNON PATE JOHNSON, YVONNE H JOHNSON,	GROUND WATER	11N15E25				0													0
Right	72 10543	LEILANI JONES, MARTIN M JONES,	GROUND WATER	11N15E25								0									0
Right	72 7434	THOMAS L TRITTIPO,	GROUND WATER	11N15E25														1			1
Rec	72 4052A	GARY KIMBLE, SANDRA M KIMBLE,	PEACH CREEK	11N15E25							1.2	8.4	8.2	17							34.8
Rec	72 4052B	GLORIA BAIRD,	PEACH CREEK	11N15E25			1.4					2.6	0.2								4.2
Rec	72 4052C	JUDY A MAXWELL,	PEACH CREEK	11N15E25			7.3					0.1	2.8					0.6			10.8
Right	72 10607	UNITED STATES OF AMERICA ACTING THROUGH,	PEACH CREEK	11N15E25					0			0									0
Right	72 2108	DAVE ROBSON,	PEACH CREEK	11N15E25																	0
Right	72 4052	W K KIMBLE,	PEACH CREEK	11N15E25			7	3			2	4	37	40				4			97
Permit	72 7418	ELKHORN PLACER ASSN,	TREON CREEK	11N15E25				0													0
Permit	72 7518	SAMUEL F ARMOUR,	TREON CREEK	11N15E25													0				0
Permit	72 7518	SAMUEL F ARMOUR,	TREON CREEK	11N15E25													0				0
Permit	72 7519	ELKHORN PLACER ASSOC,	TREON CREEK	11N15E25				0													0
Rec	72 2136B	CLEO ROBERTS, CLYDE FULLER,	TREON CREEK	11N15E25													0				0
Rec	72 2136B	CLEO ROBERTS, CLYDE FULLER,	TREON CREEK	11N15E25				0									0				0
Right	72 2136	THOMAS R MARSHALL,	TREON CREEK	11N15E25													0				0
Right	72 7098	TREON CREEK WATER USERS,	TREON CREEK	11N15E25				0									0				0
Right	72 7519	ELKHORN PLACER ASSOC,	TREON CREEK	11N15E25													X				0

domestic - no exam in file (72-07418)

72-07518 - ~~mining~~ mining & dom - no exam in file



ATTACHMENT A

Place of U.S.

MICROFILMED
SEP 25 2001

CORDINGLY TRACTS

E7 M.S. No. 3580

Appx. Section 25 T.11N., R.15E., B.M.
and Section 30 T.11N., R.15E., B.M.

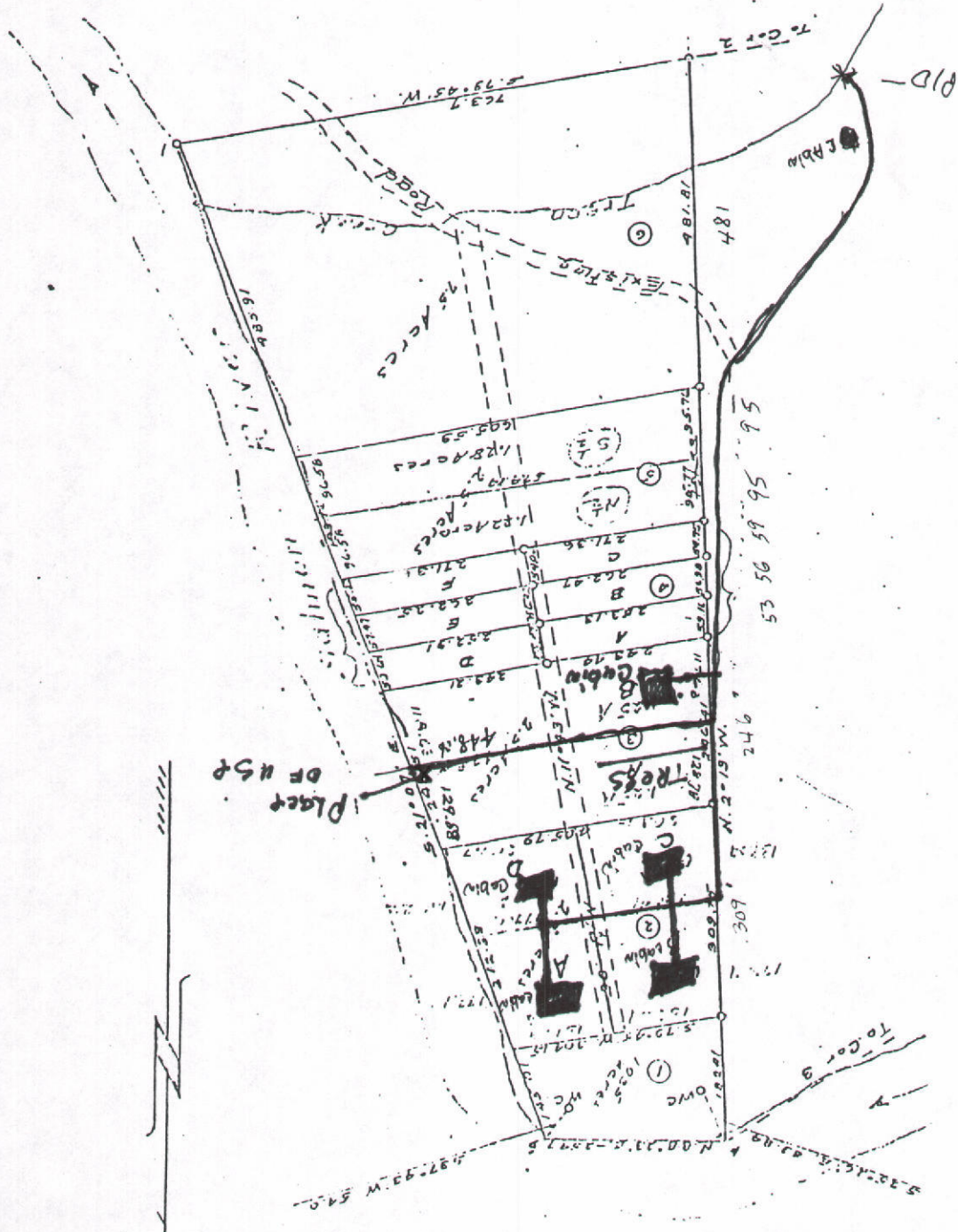
Custer County, Idaho
ELKHORN PLACER



MICROFILMED

SEP 25 2001

Scale: 1 in = 200 ft



A hand-drawn crosshair with the letter 'E' at the top, 'S' at the bottom, '2' on the left, and '5' on the right.

Sec 30, T-11N, R-16E
Sec 25, T-11N, R-15E

SALMON RIVER →

TRON Creek

RAND

NEVU-NEXT SE 1/4 SEC 25
NEVU-NEXT SE 1/4 SEC 85

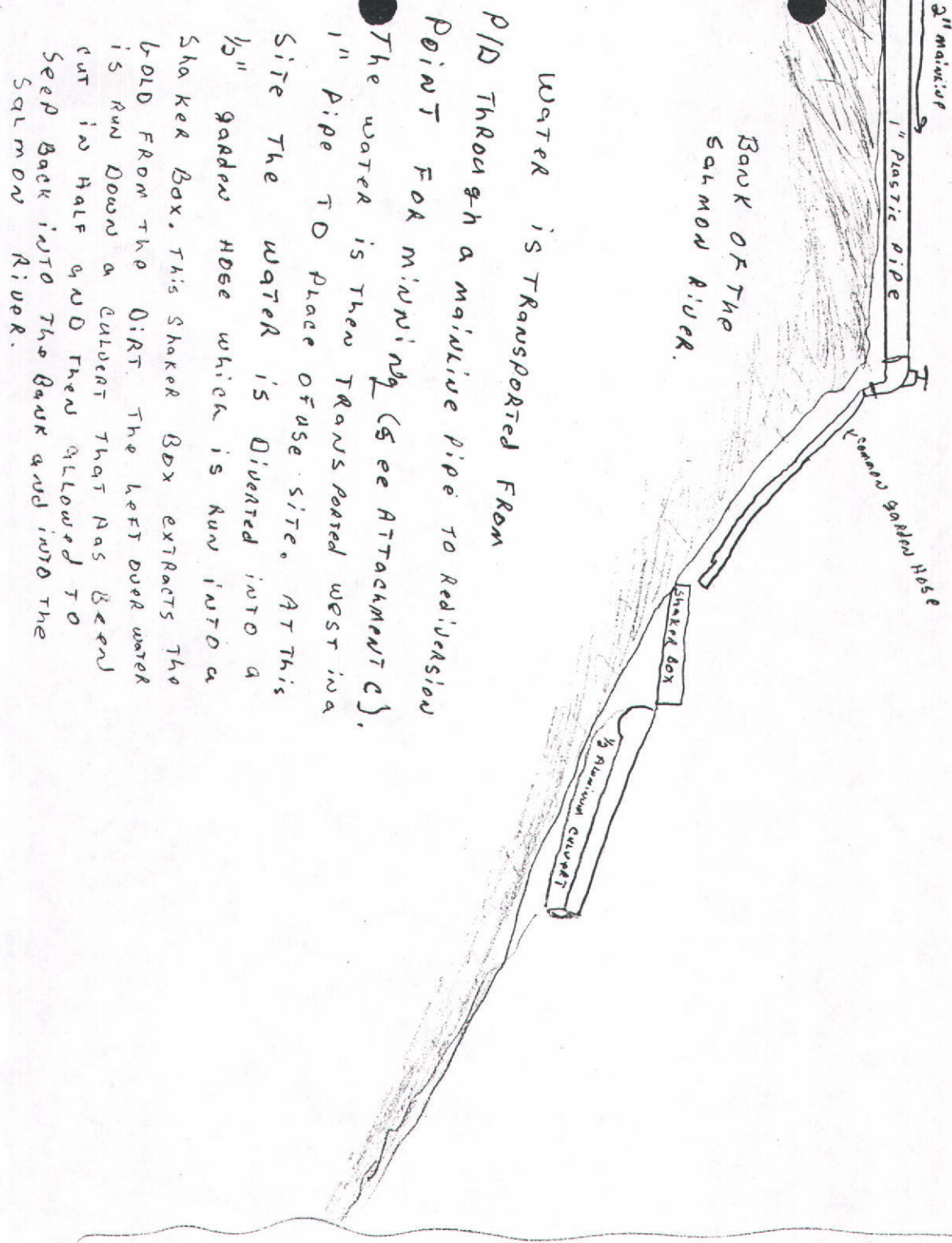
SE 1/4, NE 1/4, SE 1/4 Sec 25
SW 1/4, NE 1/4, SE 1/4 Sec 2

→ PIPELINES FOR PERMITS & LICENSES 72-07519, 72-07418, and 72-07098

--- DIRECTORIES OF PIPELINES FOR ~~PERMITS~~ ²⁰⁰¹ LICENSE # 72-02136 (NOT ASSOCIATED WITH PERMITS)

ATTACHMENT

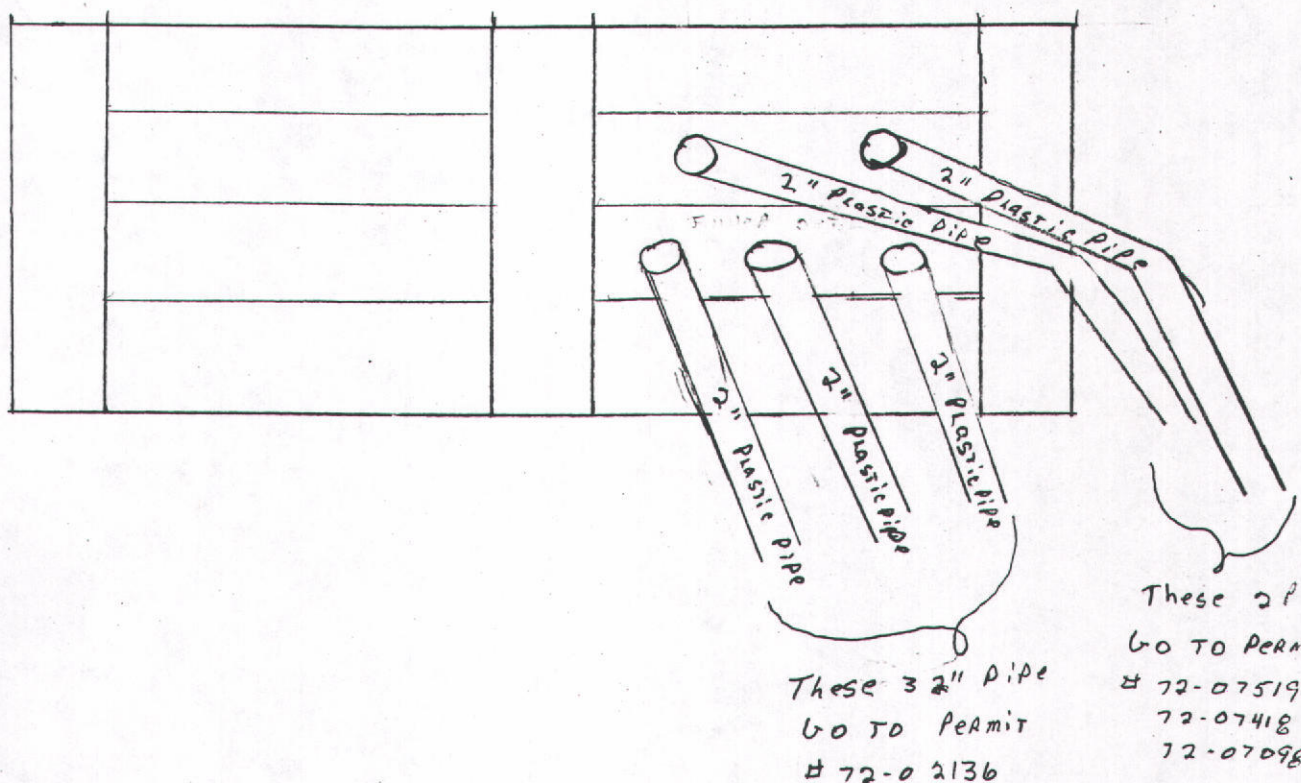
"D"



SALMON RIVER

MICROFILMED
SEP 25 2001

TREON CREEK WEIR

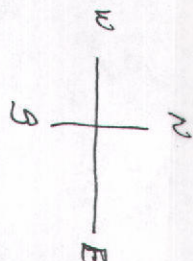


This is a Drawing OF
The Weir FOR THE PID ON
TREON CREEK. The THREE
BOTTOM OUTLETS OF THE WEIR
ARE ASSOCIATED WITH WATER
RIGHT # 72-02136. The TWO
UPPER OUTLETS ARE FOR
WATER RIGHT #s 72-07519,
72-07418, AND 72-07098.

MICROFILMED

SEP 25 2001

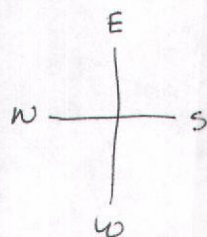
PID Treen Creek Weir



THESE 2 PIPE
DO GO
TO TREEN CREEK WATER USERS & ELKHORN
PLACER ASSOC.

3 PIPES
ON BOTTOM
GO TO LICENSE
72-02136

This is the POINT OF DIVERSION WEIR in TREEN CREEK. This weir is set up with 2" pipes that regulate the water for various permits and licenses. The bottom 3 pipes are for water right # 72-02136. The pipe in the middle is for license # 72-07098 and the upper most pipe is for permits 72-0519; 72-0418.



THE TWO PIPES
FOR TREEN CREEK
WATER USERS
AND ELKHORN
PLACER ASSOCIATION

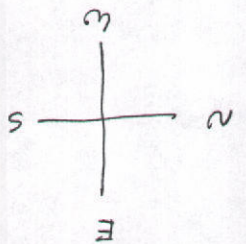
CONNECT HERE
AND GO INTO
1 PIPE

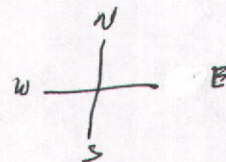
MICROFILMED
SEP 25 2001

This is a picture taken from the weir. At the rock in the center of the picture the pipes from license # 72-07098 and permits # 72-0519; 72-0418 connect creating a common main pipe line to the Treen Creek Water Users Home site where it is dispersed.

MICROFILMED
SEP 25 2001

This point is where the water for
this mining permit is diverted out of
the main pipeline for the Treen Creek
Water Users Association.



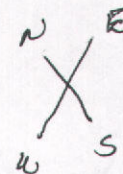


1" PIPE FROM MAIN PIPELINE

This is the point where the 1" pipe from the main pipeline ends and is connected to a common garden hose. The garden hose is then strung to the place of use (minning operation)



about 25' TO
SALMON RIVER.



minning operation.

The water from the garden hose is run over a series of shaker boxes filled with sand & soil to extract out the gold. Then the water is run over a culvert that has been cut in half before the water is discharged onto the ground. This is about 100 feet north of the bank of the salmon river

MICROFILMED

SEP 25 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07519

Priority: September 24, 1993

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.3 AF

It is hereby certified that ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83404 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 24, 1993; and has
submitted Proof of Beneficial Use on October 22, 1996. An examination indicates that the works have a
diversion capacity of 0.12 cfs of water from:

SOURCE

TREON CREEK

Tributary: SALMON RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MINING	06/01 to 09/30	0.01 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

TREON CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 11N, Rge 15E, B.M., CUSTER County

PLACE OF USE: MINING

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	15E	25				X									X				

CONDITIONS OF APPROVAL

1. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
2. Place of use is within Lots 1, 2A, 2B, 2C, 2D, 3A & 3B, Cordingly Tracts.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26TH day of April, 2001.

Acting for 
MICROFILMED Director

SEP 26 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 72-07519

RECEIVED

APR 19 2001

Department of Water Resources

Date of Priority: September 24, 1993

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.3 AF

Comes now ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST

IDAHO FALLS ID 83404 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 72-07519, and requests that the permit be changed as follows:

Source: TREON CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	06/01 to 09/30	0.01 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

TREON CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 11N, Rge 15E, B.M., CUSTER County

PLACE OF USE: MINING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 15E 25				X													X

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 14th day of April, 2001.

D H Schoonen

(Signature)

for Elkhorn Placer Assoc
C/O D H Schoonen
1364 12th St.
Idaho Falls, ID
83404

MICROFILMED

SEP 25 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07519

FOR DEPARTMENT USE ONLY

Preliminary check by W Fee = 50.00 Received by JM # C053143 Date 4/9/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07519 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
2. Place of use is within Lots 1, 2A, 2B, 2C, 2D, 3A & 3B, Cordingly Tracts.

Witness my hand this 20TH day of April, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

SEP 25 2001

OCT 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 23 1996

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. 72-07519 Telephone No. (208) 522-9060
2. Name(s) of Permit Holder(s): ELKHORN PLACER ASSOCIATION c/o D.H. Schoonen
3. Mailing Address: 1364 12th ST IDAHO FALLS, ID 83404
4. Source of Water: Treen 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: Recreational mining
6. Total rate of diversion and/or volume for which proof is submitted: 0.040 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 _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>X</u>
	Has the measurement port been installed?	Yes _____ or No _____
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: D. H. Schoonen Telephone Number: (208) 522-9060
for ELKHORN PLACER ASSOC
Address: 1364 12th ST, Idaho Falls, ID 83404
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] (a director) Date: 10/21/96
(include your title, if on behalf of company or organization)
for ELKHORN PLACER ASSOC

RECEIVED

JAN 23 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 72-07519

Name(s) of Permit Holder: ELKHORN PLACER ASSOC c/o D.H. Schoonen

Mailing Address: 1364 12th Street, Idaho Falls, ID 83404

Date Proof is Due: February 1, 1995 Telephone No. (208) 522-9060

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

- Previously installed new concrete weir on Treon Creek on Fuller property. Inspected by DWR Representatives on Sept 23, 1993, but not a field examination.
- See note A - attached. approx Costing \$ 2,948⁰⁰

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

- See attached Stipulation and Order for Dismissal. Piping placement must be compatible with 72-07518. Original ditch route to be used unless agreement with Fuller-Roberts -- pending. See also Note B - attached

Permit holder(s) request an extension to Maximum allowable by Idaho DWR, 19 OR until adjudication determination on Weir.

FEE: \$50.00

D.H. Schoonen 1/12/95
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 30 1995

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **February 1, 1998.**

Signed this 26th day of January, 19 95

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

NO. 72-07519

Proposed Priority: September 24, 1993 **Maximum Diversion Rate:** 0.04 CFS

This is to certify, that ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401
has applied for a permit to appropriate water from:

TREON CREEK tributary of SALMON 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>
-----------------------	----------------------	--------------------------

MINING	06/01 to 09/30	0.04	CFS
--------	----------------	------	-----

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 25, Township 11N, Range 15E
CUSTER County

PLACE OF USE: MINING

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
11N	15E	25	SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1995.**
2. Subject to all prior water rights.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
5. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Place of use is within Lts. 1, 2a, 2b, 2c, 2d, 3a, & 3b, Cording Tracts.

RECEIVED

FEB 24 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07519

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

10th day of February, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED
FEB 24 1994

RECEIVED
FEB 04 1994

Southern

Ident. No. 72-07519

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

Department of Water Resources

To appropriate the public waters of the State of Idaho

OCT 04 1993

Department of Water Resources

Southern Region Office

Phone 322-7060

1. Name of applicant Elkhorn Placer Assoc.

Post office address c/o D.H. Schoonen 1364 12th St. Idaho Falls, ID 83401

2. Source of water supply Trecon Creek which is a tributary of Salmon River

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

Sec. 25 Township 11N Range 1SE B.M. Custer County; additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.04 cfs for Mining purposes from 6-1 to 9-30 (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) 0.04 cfs and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion to plastic (1 1/2" diam) pipe and placer mine site adjacent to Trecon Creek. This is a small placer operation done on a recreational level.

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

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

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

e. If well is already drilled, when? ; Drilling firm

Well was drilled for (well owner)

FEB 24 1994

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

1 years (minimum 1 year).

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. _____
- 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	
11N	15E	25				X													

Total number of acres to be irrigated _____

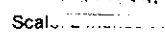
10. Describe any other water rights used for the same purposes as described above. NA

- Who owns the property at the point of diversion? Applicants Clyde Fuller / Cleo Roberts
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Existing diversion easement

12. Remarks: Same pt. as permit 72-07418 for Domestic 72-07098.
Use for mining is on lots 2a, 2b, 2c, 2d, 3a, 3b + 1/4 of Lot 1
of Cordingley tracts.
Owners are: Vern Johnson, Dave Schoonen, Lyle Munk, Cyril Berry
Gary Gibson



1



1994

(Applicant)

Received by HWS Date 9-24-93 Time 11:10 am Preliminary check by MTS
Fee \$ 30.00 Receipted by HWS # E019175 Date 9-24-93
Publication prepared by MB Date 12/10/93 Published in Challis Messenger
Publication approved MBaldwin Date 1/14/94

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
SEP 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 23, 2001

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83404

RE: License No. 72-7519 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Also enclosed is a copy of your approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

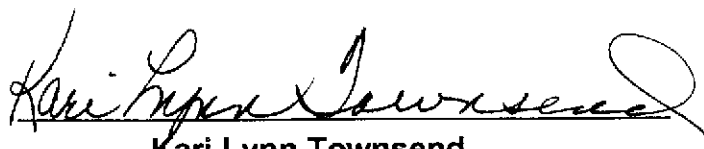
MICROFILMED
SEP 25 2001

CERTIFICATE OF MAILING

I hereby certify that on April 23, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 72-7519

**ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83404**


**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 25 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 11, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83404

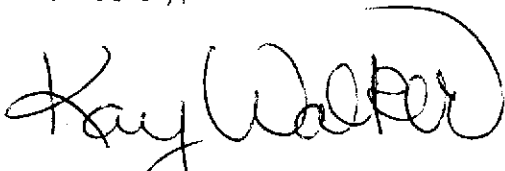
RE: Permit No. 72-07519

Dear Mr. Schoonen:

We have revised the place of use to be licensed under the above referenced permit. Please note that we have added the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 11N, Rge. 15E to the legal description of the place of use on the front page of the enclosed amendment and have also added the lot descriptions on the second page. If you concur with the place of use description as shown on this revised amendment form, please sign the form and return to our office at your earliest convenience. I have also included Departmental Receipt No. C053143 in the amount of \$50.00 for your records.

If you have any questions, please do not hesitate to contact me at (208)327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED

SEP 25 2001

Memorandum

To: File 72-07519

From: Kay Walker *KW*

RE: Place of Use

Date: April 11, 2001

.....
Upon receipt of the licensing amendment and Mr. Schoonen's letter dated 4/6/2001, I contacted Dan Nelson regarding this exam. Dan stated that when he was out there he found a black 25' garden hose attached to the spigot used for the mining operation, therefore he limited the place of use to the area the 25' hose could reach.

I then contacted Mr. Schoonen and discussed this matter with him. He stated that they also have another 100' of hose laying under a tree by the spigot that can be used for the mining operation. He would like us to include the place of use listed in the remarks attached to the permit (i.e. Lots 1, 2A, 2B, 2C, 2D, 3A and 3B, Cordingly Tracts) which would also include the SENE, Sec. 25.

After discussing with Shelley, we decided to include the additional place of use so I am sending out another licensing amendment which includes the additional place of use.

MICROFILMED

SEP 25 2001

RECEIVED

APR 9 2001

Department of Water Resources

April 6, 2001

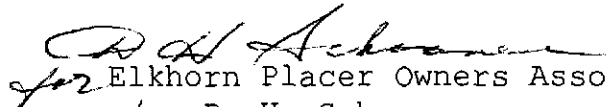
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Rights Permit No. 72-07519

Attention: Kay Walker

Dear Ms. Walker

The attachments you supplied for review are correct as to the place of use/equipment location. Generally, the place of use will be at this point. However, the original permit application specified use for all of the cabin lots. Perhaps an arrow paralleling the river - both upstream and adjacent to the four cabins as well as downstream for the log cabin (home) lot from the "place of use" would be appropriate. I don't know if this clarification is really necessary as this detail is already specified under remarks in the original filing, but wish to bring it to your attention as applicable for Water Right No. 72-07519.


for Elkhorn Placer Owners Assoc.
c/o D. H. Schoonen
1364 12th Street
Idaho Falls, ID 83404

Check enclosed for \$50.00
Donna Munk, Secretary-Treasurer
Elkhorn Placer Owners Assoc.
720 W. 150N.
Blackfoot, ID 83221

Copy to: Donna Munk

MICROFILMED

SEP 20 2001

RECEIVED

APR - 9 2001

Department of Water Resources

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07519

Date of Priority: September 24, 1993

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.3 AF

Comes now **ELKHORN PLACER ASSOC**
C/O D H SCHOONEN
1364 12TH ST

IDAHO FALLS ID 83401 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 72-07519, and requests that the permit be changed as follows:

Source: TREON CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	06/01 to 09/30	0.01 CFS	0.3 AF

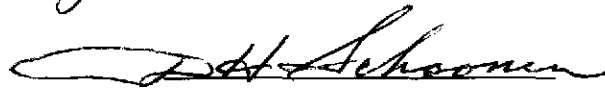
LOCATION OF POINT(S) OF DIVERSION:

TREON CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 11N, Rge 15E, B.M., CUSTER County

PLACE OF USE: MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	15E	25													X				

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 6th day of April, 2001.


(Signature)
for Elkhorn Placer
Owners Association

MICROFILMED

SEP 25 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07519

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by Person # 005343 Date 4/9/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07519 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Witness my hand this _____ day of _____, 2001.

KARL J. DREHER
Director

MICROFILMED
SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 29, 2001

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

4/4/2001
per phone con
w/mr. Schoonen
kw

RE: Water Right Permit No. 72-07519

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 Point(s) of Diversion

✓ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED
SEP 25 2001

4/4/2001
allow 1 extra
week on call-up.
Sent Mr. Schoonen
copies of maps
attached to
field exam. kw

LICENSE REVIEW CHECKLIST

Permit No. 72-7519 Date: 3-27-2001 Reviewer: Kay Walker

topo u71

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

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

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs
Fee Limit 0.20 cfs
Measured 0.01 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.01

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Mining 0.01 cfs 0.3 af
Total 0.01 cfs 0.3 af

~~Irrigation - overlap (R58-R61, R62-R65, R66-R69)~~
~~supp GW (WB7/065/104)~~
~~overlap spec combined rts (W35)~~
~~<1 acre (W31)~~
~~Domestic (W01/wb5/070/071/075)~~
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fire (077)~~
Water Quality (081/R07) - 100
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

$$Y = 0.01 \times 60 \text{ sec/min} \times 60 \text{ min/hr} \times 6 \text{ hrs/day} \times 60 \text{ days/yr} = \frac{12960}{43560} = 0.3 \text{ AF}$$

Remarks: 100

Additional Conditions

_____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? not req'd

Adjust memo _____

Amend Letters P41

P87, S06

Second Amendment Notice P49

S06

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	72 10008	DUANE BORN,	GROUND WATER	11N15E25				0													0
Right	72 10052	ALBERT R CHORN,	GROUND WATER	11N15E25														0			0
Right	72 10148	D H SCHOONEN, HELEN SCHOONEN,	GROUND WATER	11N15E25				0													0
Right	72 10298	L CLYEL BERRY, JILL BERRY,	GROUND WATER	11N15E25													0				0
Right	72 10345	HOWARD KINSFATHER, VIVIENNE KINSFATHER,	GROUND WATER	11N15E25														0			0
Right	72 10357	VERNON PATE JOHNSON, YVONNE H JOHNSON,	GROUND WATER	11N15E25				0													0
Right	72 10543	LEILANI JONES, MARTIN M JONES,	GROUND WATER	11N15E25								0									0
Right	72 7434	THOMAS L TRITTIPO,	GROUND WATER	11N15E25														1			1
Right	72 10607	UNITED STATES OF AMERICA ACTING THROUGH,	PEACH CREEK	11N15E25					0			0									0
Right	72 2108	DAVE ROBSON,	PEACH CREEK	11N15E25																	0
Right	72 4052	W K KIMBLE,	PEACH CREEK	11N15E25			7	3			2	4	97	40				4			97
Permit	72 7418	ELKHORN PLACER ASSN,	TREON CREEK	11N15E25				0													0
Permit	72 7518	SAMUEL F ARMOUR,	TREON CREEK	11N15E25													0				0
Permit	72 7518	SAMUEL F ARMOUR,	TREON CREEK	11N15E25													0				0
Permit	72 7518	ELKHORN PLACER ASSOC,	TREON CREEK	11N15E25				0													0
Right	72 2136	THOMAS R MARSHALL,	TREON CREEK	11N15E25													0				0
Right	72 7098	TREON CREEK WATER USERS,	TREON CREEK	11N15E25				0									0				0
Right	72 7519	ELKHORN PLACER ASSOC,	TREON CREEK	11N15E25													X				0

domestic - no exam in file (72-07418)

72-07518 - ~~mining~~ mining & dom - no exam in file

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 18 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-07519

1. Owner: Elkhorn Placer Association Phone No. (208) 522-9060

Current Address: 1364 12TH Street, Idaho Falls, Idaho 83401

2. Accompanied by: D. H. Schoonen EXAM DATE : 8-15-96

Address: 1364 12TH Street, Idaho Falls, Idaho 83401 Phone No. (208) 522-9060

Relationship to Permit Holder: President of Association

3. Source: Treon Creek tributary to Salmon River

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 72-07098 (see also adjudication records A72-07098, A72-07098A, A72-07098B, R72-07098, R72-07098A, R71-07098B), 72-02136 (see also adjudication records A72-02136, A72-02136A, A72-02136B, A72-02136C, R72-02136A, R72-02136B, R7202136C), A72-010490 (and R72-10490), 72-07418.

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		S W	N E	S E	25	11N	15E	CUSTER	VISUAL AND QUADRANGE MAPS

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	
11N	15E	25																M	

PLEASE NOTE: This permit is for recreational mining use.

MICROFILMED

SEP 23 2001

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

SEE ATTACHED SHEETS (Attachment B through E)

YES Copy of USGS Quadrangle attached showing location(s) of Point(s) of diversion and place(s) of use (required).

NO 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
No Pumps					

*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
SEE BELOW						

2. Measurements: See attached sheet for bucket and stop watch measurement.

MICROFILMED

SEP 25 2007

E. NARRATIVE/REMARKS/COMMENTS

The water for this permit is drawn out of Treon Creek through a common weir used by all of the users of Treon Creek Water. This weir is located in the SW 1/4 - NE 1/4 - SE 1/4 of section 25 in township 11N - range 15E. The weir is designed to disperse water to the various water users by priority date (see attachment E). The top 2 inch plastic pipe coming out of the weir is for permits #72-07418 and 72-07519 which share approximately the same priority dates. The other 2 inch pipe is for license #72-07098 which is the Treon Creek Waterusers Association. The top two pipes combine with each other and travel down the hill to the Treon Creek Waterusers Association's homesite. Permits #72-07418, 72-07519, and license #72-07098 are all owned by Treon Creek Waterusers Association or by one or more members of that organization. The remaining three 2 inch pipes coming out of the weir belong to license #72-02136 which is not associated with the Treon Creek Waterusers

Association or Elkhorn Placer Mining Association.

After the water from the weir reaches the Treon Creek Waterusers Association's homesite the water is diverted out of the 2 inch to the various homesite and to the mining operation (see attachment C). The pipe travels north along the western edge of the Treon Creek Waterusers Association's townsite border approximately 1320 feet from the weir site. The first diversion out of the main pipe is to a house approximately 990 feet from the weir. The second diversion out of the pipe is the diversion for this permit (the mining operation). The mining diversion out of the 2 inch mainline is accomplished with a 1 inch pipe approximately 66 feet north of the first diversion. The third diversion is another 60 or so feet to the north and is used to irrigate trees in a vacant lot. The mainline then continues to travel north for another 264 or so feet and then turns east where it connects with the other 4 houses in the Treon Creek Waterusers Associations use.

The pipe for the mining permit travels east from the main pipe for approximately 429 feet where it is used for the mining operation. A 1/2 inch garden hose is attached to the end of the 1 inch pipe at the mining site by way of a spigot in order to control flow (see attachment D). The hose is then used to run water into a shaker box that is used to separate gold from the sand. The water exits the shaker box and is run into a aluminum culvert that has been cut in half that transports the water away from the shaker box. The water that leaves the culvert is run out on to the bank of the Salmon River where it is absorbed into the soil or runs off into the Salmon River Depending on the amount of flow used.

This mining use is used on a recreational basis for all of the members of the Elkhorn Placer Association (which has the same membership as the Treon Creek Waterusers Association). D. H. Schoonen informed me that the mining is done for approximately 60 days a year for and average of 6 hours a day.

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

MICROFILMED

SEP 7 5 2001

F. FLOW CALCULATIONS

____ Additional Completion Sheets Attached

Measured Method:

Measurement B.**.0138 cfs (see attached sheet)****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:**

$$.014 \text{ cfs} \times 60 \text{ sec/min} \times 60 \text{ min/hrs} \times 6 \text{ hrs/day} \times 60 \text{ days/yr} = 18144 \text{ cfy} / 43560 = .417 \text{ afa}$$

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>MINING</u>	<u>JAN. 01</u>	<u>DEC. 31</u>	<u>.014 CFS</u>	<u>.4 AFA</u>

Totals: .014 CFS .4 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. AUTHENTICATIONField Examiner's Name Daniel H. Nelson Date 11-3-96

Reviewer _____ Date _____

SEAL

MICROFILMED

SEP 25 2009

RECOMMENDATION:

I recommend that this permit be licensed under the following conditions:

1. That this permit be licensed for .014 cfs diversion rate and annual volume of .4 afa. This is the capacity of the present system.
2. That this water right does not constitute a violation of state water quality standards or NPDES permits.
3. That this water right does not grant any right of way or easement across the land of another.
4. That during low water periods (see attachment #1 for theoretical flows for stream) that this right can not be used before all other rights with an earlier priority date have fulfilled their water needs according to their licenses. The capacity of the pipe from the weir is .124 cfs (see measurement A on flow calculation sheet) which is below the amount for licenses and permits of .19 cfs (see overlap sheet). Therefore this right can only be used if there is adequate water for the other rights using the same diversion system.

MICROFILMED

SEP 25 2001

FLOW CALCULATIONS USING A BUCKET AND A STOPWATCH

PERMIT #: 72-07519

MEASUREMENT A (FOR ALL PERMITS AND LICENSES USING TREON CREEK WATERUSERS ASSOCIATION'S PIPELINE)

MEASUREMENT WAS TAKEN FROM THE MAIN PIPELINE BELOW THE TREE FARM AND SHOULD REPRESENT THE CAPACITY OF THE SYSTEM SINCE IT WAS MEASURED WITHOUT ANY OTHER DIVERSIONS OPEN ABOVE IT.

Measurement #1 - 5.4 seconds to fill a 5 gallon bucket.

$$5 \text{ gal}/5.4 \text{ sec} \times 60 \text{ sec}/1 \text{ min} = 55.56 \text{ gpm} / 448.8 = .124 \text{ cfs}$$

Measurement #2 - 5.4 seconds to fill a 5 gallon bucket.

$$5 \text{ gal}/5.4 \text{ sec} \times 60 \text{ sec}/1 \text{ min} = 55.56 \text{ gpm} / 448.8 = .124 \text{ cfs}$$

AVERAGE CFS FOR MEASUREMENT A:

$$(.124 \text{ cfs} + .124 \text{ cfs}) / 2 = .124 \text{ average cfs}$$

MEASUREMENT B (FOR MINING OPERATION)

MEASUREMENT TAKEN FROM HOSE AT MINING OPERATION. THIS MEASUREMENT SHOULD REPRESENT THE MAXIMUM DIVERSION RATE FOR THIS OPERATION.

Measurement #1 - 49.22 seconds to fill a 5 gallon bucket.

$$5 \text{ gal}/49.22 \text{ sec} \times 60 \text{ sec}/1 \text{ min} = 6.10 \text{ gpm} / 448.8 = .0136 \text{ cfs}$$

Measurement #2 - 47.09 seconds to fill a 5 gallon bucket.

$$5 \text{ gal}/47.09 \text{ sec} \times 60 \text{ sec}/1 \text{ min} = 6.37 \text{ gpm} / 448.8 = .0142 \text{ cfs}$$

Measurement #3 - 48.91 seconds to fill a 5 gallon bucket.

$$5 \text{ gal}/48.91 \text{ sec} \times 60 \text{ sec}/1 \text{ min} = 6.13 \text{ gpm} / 448.8 = .0137 \text{ cfs}$$

AVERAGE CFS FOR MEASUREMENT B

$$(.0136 \text{ cfs} + .0142 \text{ cfs} + .0137 \text{ cfs}) / 3 = .0138 \text{ average cfs}$$

MICROFLOW

SEP 23 2001

Water Licenses	Q(cfs)	U(cfs)	Cores Pending	Q(cfs)	U(cfs)	Cores Pending	Q(cfs)	U(cfs)
72-07098	.08 cfs	14,400 cfs	R 72-07098	5 PLIT		R 72-07098	.080	7.20
			A 72-07098A	.020		R 72-07098A	0.5 allowed	
			A 72-07098B	.08	14.4	R 72-07098B	Reunited to R 72-07098	
72-02136	1.00 cfs	284,520 cfs	A 72-02136	5 PLIT				
			A 72-02136A	1.00		R 72-02136A	0.5 allowed	
			A 72-02136B	1.00		R 72-02136B	.06	2.80
			A 72-02136C	.290		R 72-02136C	0.5 allowed	
NO License for 72-10490	—	—	A 72-10490	.04		R 72-10490	0.5 allowed	

TOTALS

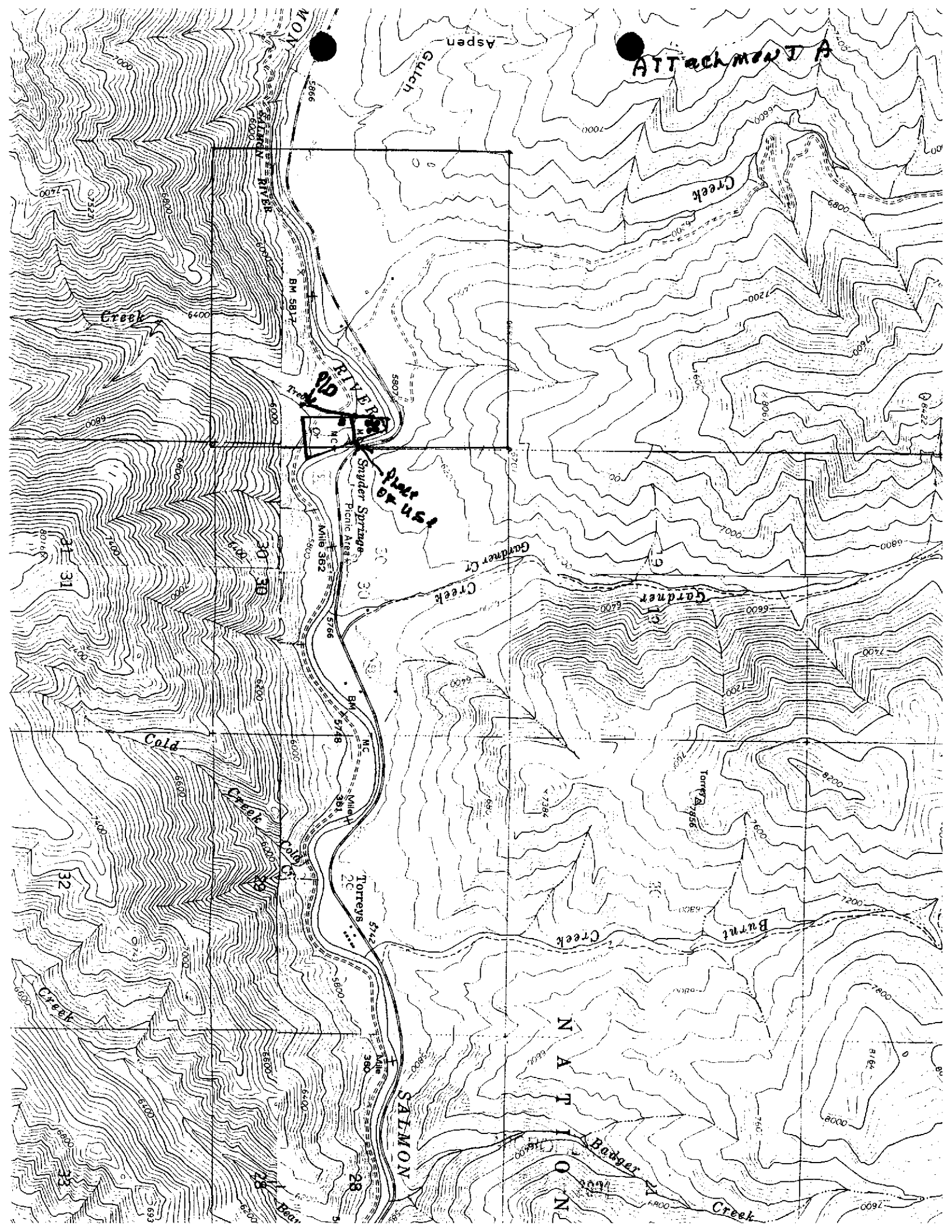
	Q(cfs)	U(cfs)
Licenses	1.08 cfs	298.97
Adjudication	2.43 cfs	—
Adjudication	—	—
Recommendations	.14 cfs	299.99

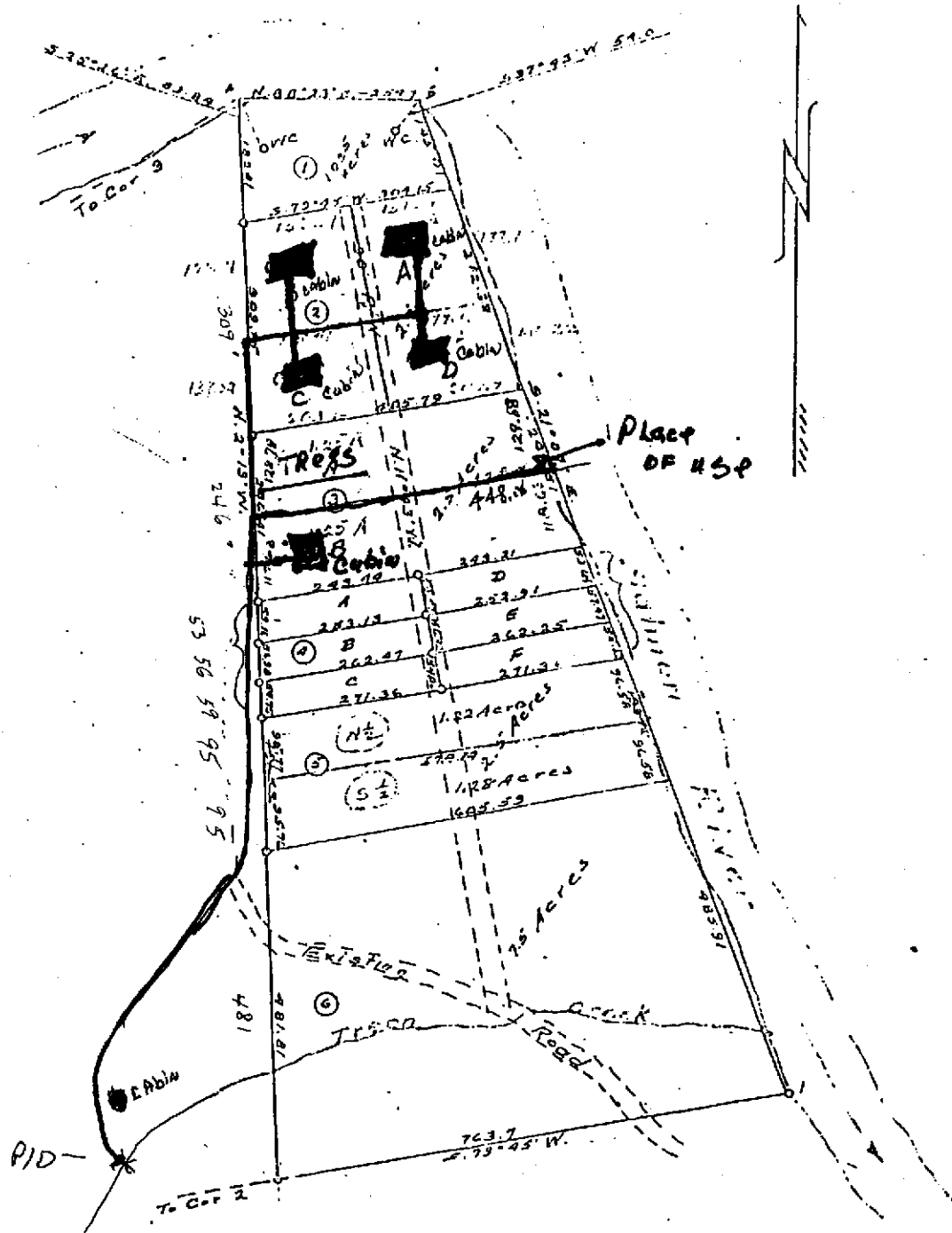
PERMITS

Permit Number	Q(cfs)	U(cfs)
72-07519 (This is the permit for this exam)	.04 cfs	—
72-07418	.07	—
TOTAL	.11 cfs	—

THIS FORM SHOWS A BREAK DOWN OF THE OVERLAPPING WATER RIGHTS. THERE IS A VARIANCE BETWEEN THE ADJUDICATION CLAIMS, ADJUDICATION RECOMMENDATION, AND THE WATER RIGHT LICENSES. EVEN CONSIDERING THE VARIANCES THERE SHOULD BE ENOUGH WATER (ACCORDING TO ATTACHMENT #1) TO COVER ALL THE CLAIMS THROUGH MOST OF THE YEAR.

ATTACHMENT A





CORDINGLY TRACTS

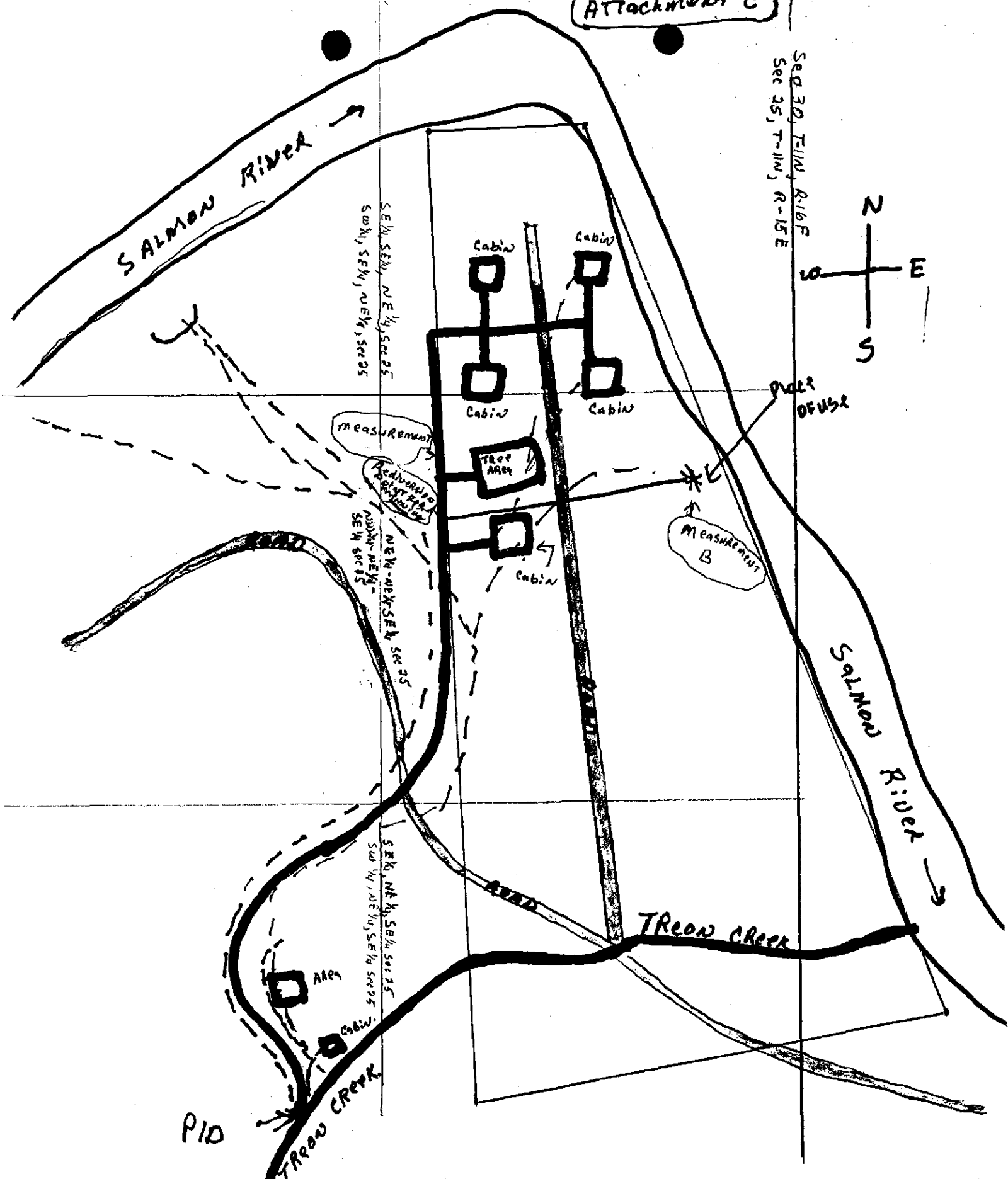
E½ M.S. No 35 E0
 Appx. Section 25 T.11N, R.16 E, B.M.
 and Section 30 T.11N, R.16 E, B.M.
 Custer County, Idaho
 ELKHORN PLACER

Scale: 1 in = 200 ft

MICROFILMED

SEP 25 2004

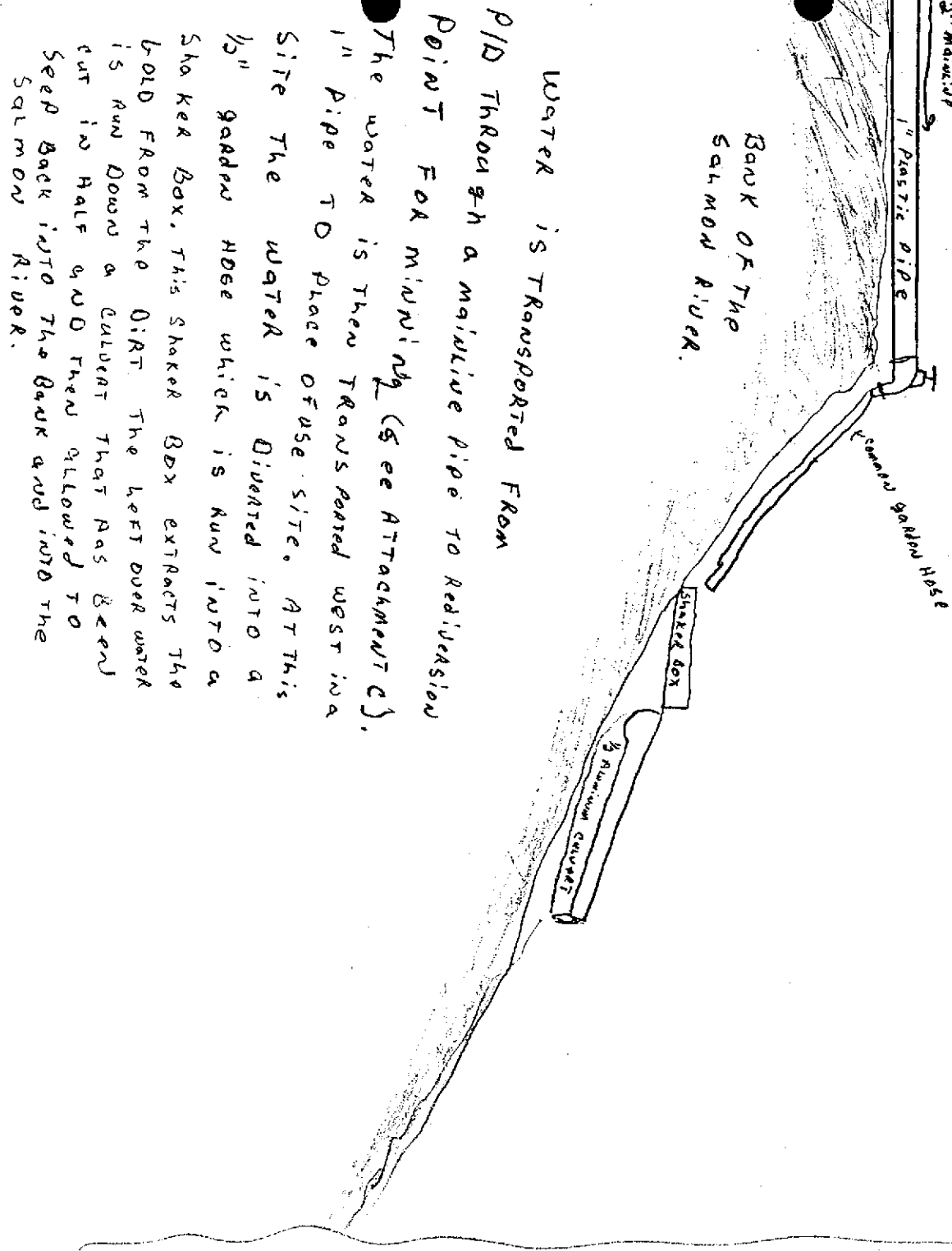




— PIPE LINES FOR PERMITS LICENSES 72-07519, 72-07418, and 72-07048
--- DITCHES & PIPE LINES FOR PERMIT LICENSE # 72-02136 (NOT ASSOCIATED WITH THIS PERMIT.)

ATTACHMENT

"D"

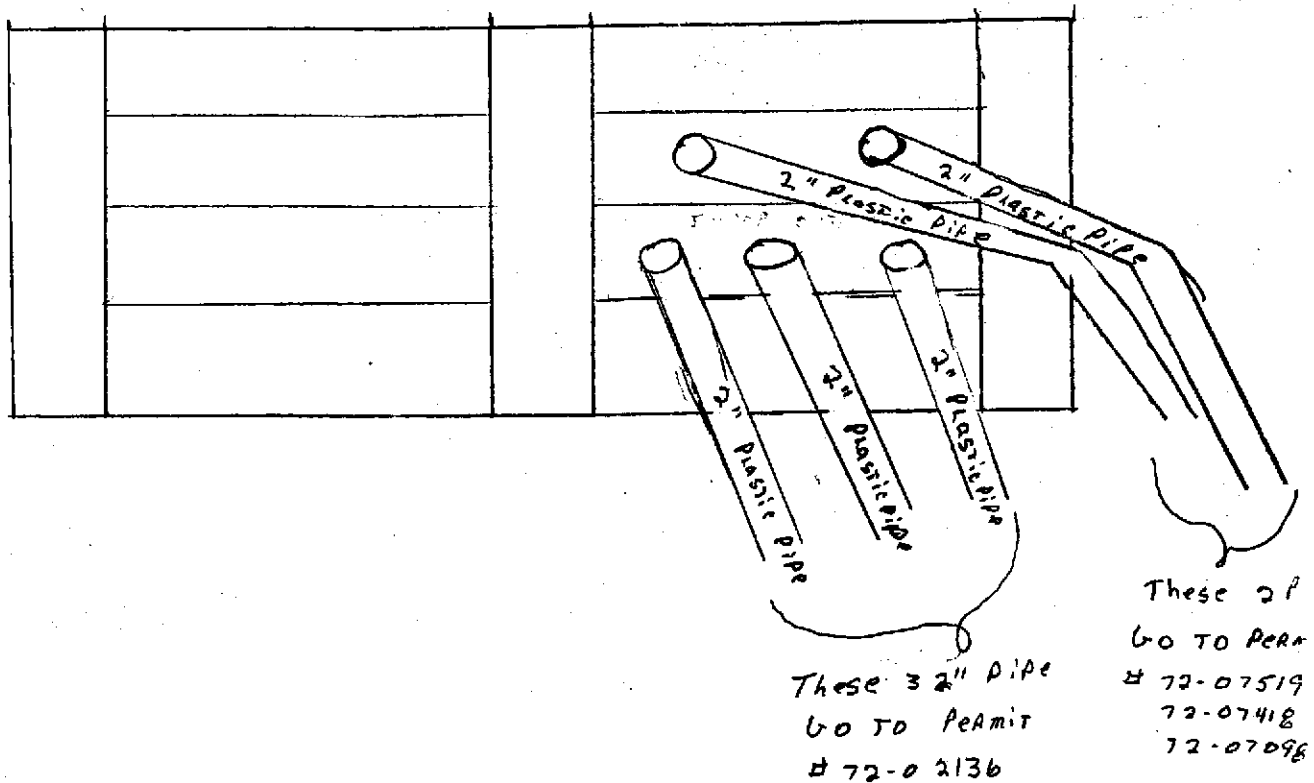


SALMON RIVER

MICROFILM

SEP 25 1971

TREON CREEK WEIR

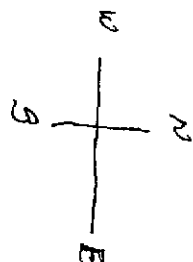


This is a Drawing OF
The Weir FOR THE PID ON
TREON CREEK. The THREE
BOTTOM OUTLETS OF THE WEIR
ARE ASSOCIATED WITH WATER
RIGHT # 72-02136. The TWO
UPPER OUTLETS ARE FOR
WATER RIGHT #s 72-07519,
72-07418, AN 72-07098.

MICROFILM

SEP 25 2001

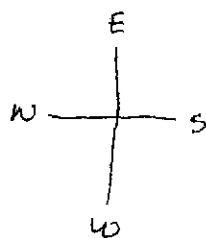
P/D Treon Creek Weir



15 5 ELKHORN
Placer Assoc.

3 PIPES
ON BOTTOM
60 TO LICENSE
72-02136

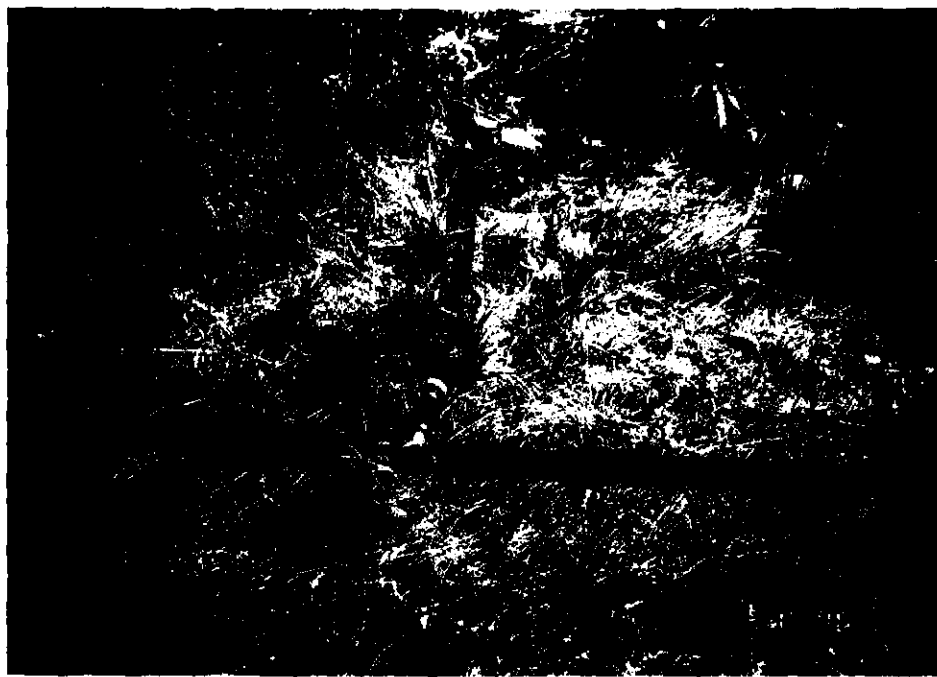
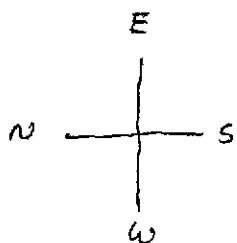
This is the POINT OF DIVERSION WEIR IN TREON CREEK. This weir is setup with 2" pipes that regulate the water for various permits and licenses. The BOTTOM 3 PIPES are for water right # 72-02136. The pipe in the middle is for license # 72-07098 and the upper most pipe is for permits 72-0519; 72-0418.



CONNECT HERE
and go into
1 pipe

MICROFILMED
SEP 25 2001

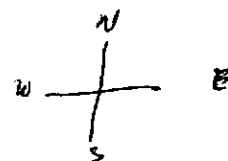
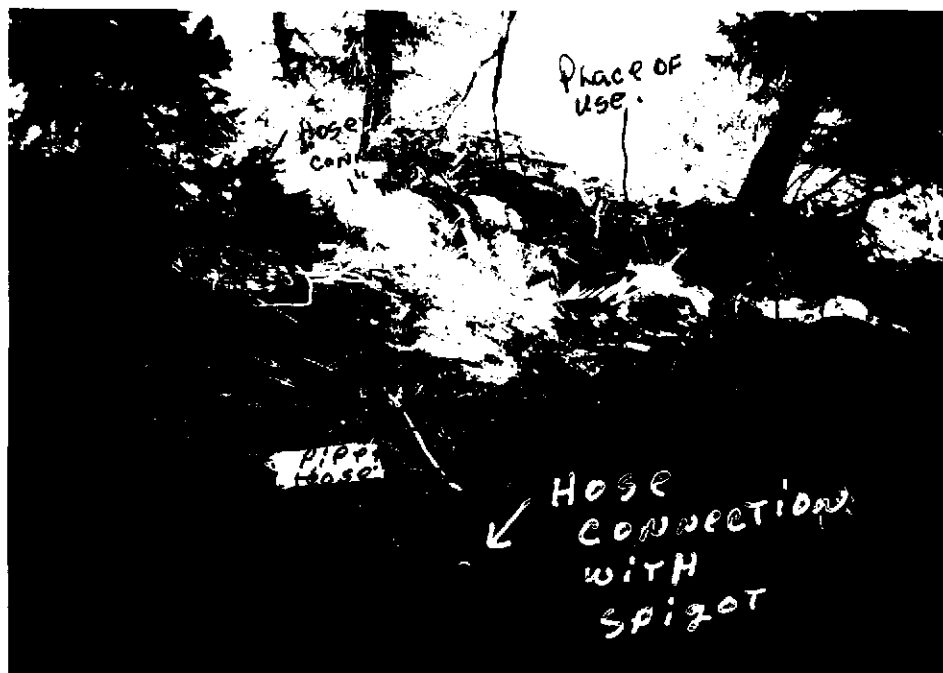
This is a picture taken from the weir. AT THE ROCK IN THE CENTER OF THE PICTURE THE PIPES FROM LICENSE # 72-07098 and PERMITS # 72-0519; 72-0418 connect creating a common main pipe line TO THE TREON CREEK WATER USERS HOME SITE WHERE IT IS DISPERSED.



THIS POINT IS WHERE THE WATER FOR
THIS MINING PERMIT IS DIVERTED OUT OF
THE MAIN PIPELINE FOR THE TREON CREEK
WATER USERS ASSOCIATION.

MICRO. 12.11.11

SEP 25 2011

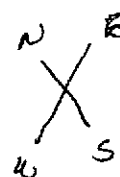


Pipe from main pipeline

This is the point where the 1" pipe from the main pipeline ends and is connected to a common garden hose. The garden hose is then strung to the place of use (a mining operation)



about 25' to Salmon River.



mining operation.

MICROFILMED

SEP 25 2001

The water from the garden hose is run over a series of shaker boxes filled with sand & soil to extract out the gold. Then the water is run over a culvert that has been cut in half before the water is discharged onto the ground. This is about 100 feet north of the Salmon River.

WATER

RECEIVED
NOV 18 1995
Department of Water Resources

Licenses

FOR SAME P/D

TREON CREEK

72-07098
02136

MICROFILMED
SEP 25 2001

Adjudication

CLAIMS

FOR SAME PID

TReon Creek

A72-07098

07098A

07098B

02136

02136A

02136B

02136C

10490

MICROFILMED

SEP 25 2001

ADJUDICATION
Recommendations
FOR same PID
TREON CREEK

R72-07098
07098A
07098B
02136A
02136B
02136C
10490

MICROFILMED

SEP 25 2001

SEP 25 2001

MICROFILMED

07418

72-07519

WATER RIGHT
PERMITS
FOR SAME PID
Treon Creek



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLARD
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Bob Fleenor, Regional Office Bureau DATE: April 23, 1980
FROM: Bill Ondrechen, Hydrology Section WTC
SUBJECT: TREON CREEK WATER YIELD ESTIMATE. App. 72-7090.

The average annual water yield was estimated for the 3.5 sq. mi. Treon Creek drainage west of Clayton. The data base used to derive the estimate was Water Yield Maps for Idaho, by J. M. Rosa, Agricultural Research Service, USDA, March 1968.

The basin was divided into five zones based on elevation and the area of each elevation band was determined using a planimeter. The water yield for each zone was read off of the "Upper Salmon River Basin" water yield curve in Figure 2 of Rosa. The basin yield was computed by summing the products of the water yields and the areas of each band. By this method, the estimated basin yield was found to be 2190 ac-ft, or 12 area inches. The quantity seems reasonable when compared to observed water yields for nearby basins like Little Boulder Creek near Clayton and Bruno Creek near Clayton.

The monthly pattern of runoff was estimated from observed data for Little Boulder and Bruno Creeks. The estimated monthly flows are as follows:

	<u>Oct-Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>
AC-FT	≈ 22	44	150	390	830	460	130	66
CFS	≈ 0.4	0.7	2.6	6.0	14	7.5	2	1.1

Keep in mind that these numbers are are only rough estimates and could be subject to error. The small size of the basin could be one source of error, as I don't believe any basins this small were used in developing the water yield curves. Another source of error might be the geology of the basin; Does all the outflow appear as surface outflow?

WTO:cjs

MICROFILMED
SEP 25 2001

MICROFILMED
SEP 25 2001

November 12, 1996

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07519

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

MICROFILMED
DEC 23 1996

Permit No. 72-07519 Reviewed by [Signature] Date 11-8-96

New Address *✓* **Proof Made** *10-22-96*



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

R. KEITH HIGGINSON
DIRECTOR

January 27, 1995

Elkhorn Placer Assoc.
c/o D.H. Schooner
1364 12th St.
Idaho Falls, ID 83404

RE: Permit No. 72-07519

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **February 1, 1998**. Please note that the department has granted this extension based on litigation. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional extension requests.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

MAR 30 1995

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 72-07519 Reviewed by [Signature] Date 1-26-95

BASIC INFORMATION

1-23-95 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

no Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?

✓ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? yes Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Should extend to February 1, 1998, on basis of litigation.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____

Change Proof Due Date 2-1-98

Change Priority Date X _____

RECEIVED

JAN 23 1995

Department of Water Resources

January 12, 1995

**NOTE A - - ATTACHMENT TO REQUEST FOR EXTENSION OF TIME,
FORM NO. 204, prepared 1/12/95.**

The new concrete weir on Treon Creek was originally placed in service in the spring of 1990. The weir was designed and constructed the summer/fall of 1989 per instructions Mr. Armour provided to the design engineer, whom he had co-hired. Armour later vacillated and stated he did not approve of the weir. Mr. Armour is considered liable for approximately 1/2 of the weir cost if he does actually ever use the weir.

Mr. Armour's contrary and eccentric behavior is typified by his trespass and installation of a bypass ditch and head gate with the intent to bypass all of Treon Creek around the new weir. Refer to the enclosed Forest Service letter of September 20, 1993 wherein he was ordered to restore the area. The letter was issued three days ahead of the September 23rd field inspection at Treon Creek by DWR personnel.

RECEIVED

MAR 30 1995

RECEIVED

JAN 23 1993

Department of Water Resources

COPY
DISTRICT COURT
CUSTER COUNTY
IDAHO

JUN 14 12 22 PM '93

Douglas R. Nelson
ANDERSON, PIKE & BUSH, P.A.
490 Memorial Drive
P.O. Box 51630
Idaho Falls, Idaho 83405-1630
(208) 522-3001

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CUSTER

VERNON P. JOHNSON, et al.,

Plaintiffs,

vs.

SAMUEL F. ARMOUR, et al.,

Defendants.

Case No. 2549

STIPULATION AND ORDER
OF DISMISSAL

COME NOW the plaintiffs, David H. Schoonen and Helen Schoonen, husband and wife, Vernon P. Johnson and Yvonne Johnson, husband and wife, Melvin J. Johnson and Ladene Johnson, husband and wife, Thurlo French and Dorothy M. French, husband and wife, Gary Gibson and Brenda Gibson, husband and wife, and Dona Page Munk, by and through their attorney of record, and confirm that each of said plaintiffs have separately approved this stipulation and hereby stipulate and agree with the defendants, Samuel F. Armour and Ilse A. Armour, husband and wife, and Hope F. Armour, a single person, Dawn Ruiz, a married woman, dealing with her separate property, and their attorney, Stephen S. Hart, that the remaining causes of action in this proceeding may be dismissed. The parties acknowledge and confirm that the issue regarding the placement

MAR 30 1995

1. STIPULATION AND ORDER OF DISMISSAL

and adequacy of a diversion weir has been deferred to the administrative review and determination process of the State of Idaho, Department of Water Resources, and that this legal proceeding may be dismissed. Each party agrees to assume and pay the remainder of their own attorney fees in this proceeding.

5/21/93
Date

David H. Schoonen
David H. Schoonen

5-21-93
Date

Helen B. Schoonen
Helen B. Schoonen

Individually and on behalf of
other plaintiffs

5.21.93
Date

Douglas R. Nelson
Douglas R. Nelson
Attorney for Plaintiffs

5-28-93
Date

Samuel F. Armour
Samuel F. Armour

5-28-93
Date

Ilse A. Armour
Ilse A. Armour

5-31-93
Date

Hope F. Armour
Hope F. Armour

6/2/93
Date

Dawn Ruiz
Dawn Ruiz

5/24/93
Date

Stephen S. Hart
Stephen S. Hart
Attorney for Defendants

425M/DRNP

2. STIPULATION AND ORDER OF DISMISSAL

MAR 30 1995

ORDER OF DISMISSAL

Pursuant to the stipulation of the parties hereto, it is hereby ordered that the remaining causes of action in this proceeding are dismissed, each party to pay its own attorney fees.

DATED this 10th day of June, 1993.

JOHN H. BENGTON
John H. Bengtson
District Judge

NOTICE OF ENTRY

I hereby certify that a correct copy of the foregoing was this 14th day of June, 1993, mailed to each party affected thereby, to-wit:

Douglas R. Nelson
ANDERSON, PIKE & BUSH
P.O. Box 51630
Idaho Falls, Idaho 83405-1630

Stephen S. Hart
HART & KOHLER
482 Constitution Way, Suite 313
Idaho Falls, Idaho 83402

Ethel M. Peck
Clerk of the District Court

By: Mary Shee
Deputy Clerk

425M/DRNP



United States
Department of
Agriculture

Forest
Service

Sawtooth
National
Recreation Area

Star Route
Ketchum, ID 83340
(208)726-7672

Reply to: 5300

Date: September 20, 1993

Samuel F. Armour
944 East 1300 North
Shelley, ID 83274

Dear Mr. Armour:

A field investigation on September 7, 1993, discovered a very recent installation of a headbox and diversion ditch on National Forest System land at Treon Creek, just above the private land boundary, in the SE1/4 of section 25, Township 11 North, Range 15 East, Boise Meridian.

Information obtained from local residents on Treon Creek indicate that the headbox and ditch were constructed by you. Because the structures were installed without permission by the Forest Service, you are in violation of 36 CFR 261.10 (a), which prohibits constructing, placing, or maintaining any kind of improvement on National Forest System land without a special-use authorization, contract, or approved operating plan.

Please remove the headbox and restore the area no later than October 10, 1993. Restoration will be considered complete by removing the headbox and filling in the cavity and the ditch.

If you have any questions, you may contact Ray Neiwert at the Stanley Ranger Station, phone 774-3681.

Sincerely,

Seth J. Phalen
/for/ PAUL RIES
Area Ranger



Caring for the Land and Serving People

MAR 30 1995

November 30, 1994

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 72-07519

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 February 1, 1995.

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

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

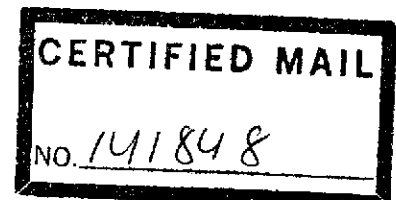
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
MAR 30 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 10, 1994

ELKHORN PLACER ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07519

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.

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

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

FEB 24 1994

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**

Application #: 72-7519 Date: 2/7/94 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes S/c Mor.

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - NA

GROUNDWATER:

- + 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>

Drilling Permit:

- Included w/permit - Permit No. - - - - -, P99
- Existing well - N/A (if drilled before 7/1/87)
- No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)

SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>

LOCATION:

- Water District - WD No. - - - - -
- Surface water - 005 (req) 01J-P08 <flow chart>
- (doesn't sink) or 01H-P01 <flow chart>; NMR
- Groundwater - P05 (if well has not been drilled)
- In stream channel - 030 (stream channel alteration)
- Irrigation Dist. - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Flood Control Dist. - 063
- Boise Front (63) - 058 (Groundwater temperature)
- Swan Falls Flag - B <See condition code chart>
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (Surface): Water District Control Condition (005) &....

- Boise (63) - 05A (req), 11E (non-domestic use), NA
- Payette (65) - 064(consump. use), 047-P04(Payette Lake), NA
- Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

- Fish Propagation - 010/06A/09E-P10(WQ) & 07A-042 (req)
- 044 (N 1000 Spr)
- Irrigation - 803(if GW use SW 1st)(+5A do POU comp.), NA
- Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
- +25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
- Mining - ~~06A-010/09E-P10~~ & 054 (req)
- Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' dam), NA
- Domestic (surface) - 021(Boise R + L Peak), 27A(Payette R), NA

OWNERSHIP:

- Non land owner - 004 (P/D or P/U) Clyde Fuller/Cleo Roberts.

PROTESTED:

- Prehearing agreement- 020

OTHER CONDITIONS:

REMARKS: - P/U located w/in Lts 2a, 2b, 2c, 2d, 3a, and 3b, Cording Tracts.

BENEFICIAL USE DUE:

COMMENTS:

- 2-1-1995
- ① Mor Exempt ② Div Desc. ③ Corp off. ④ P/D owner.

DATE: 02/08/94
PAGE: 1

Misc: Water District Number: Field Exam Fee:

=====

Comments: Date: 02/07/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit is located within the Salmon/Clearwater Rivers
Moratorium boundary; however, its mining use of 0.04 cfs is
within the acceptable parameters of the Moratorium guidelines.

Date: 02/07/1994 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Concrete diversion to plastic (1-1/2" dia.) pipe and placer mine
site adjacent to Treon Creek. This is a small placer operation
done on a recreational level.

Date: 02/07/1994 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS
The owners of Elkhorn Placer Association are Vern Johnson, Dave
Schoonen, Lyle Munle, Clyel Berry, & Gary Gibson.

Date: 02/07/1994 User-ID: ZIMMERMA Subject: P/D OWNERSHIP
The point of diversion is located on land owned by Clyde Fuller
and Cleo Roberts. The applicant has an existing diversion
easement.

Audit: 02/07/94 ZIMMERMA 02/07/94 ZIMMERMA

Form No. 202a
4/87

Dist. for staffing 9-27-93
Submitted for advertising 9-27-93

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 04 1993

APPLICATIONS FOR PERMIT ANALYSIS SHEET Department of Water Resources
Southern Region Office

INITIAL REVIEW BY HWT
EIKHORN PLACER ASSOC

DATE 9-27-93

APPLICATION NO. _____

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 and/or volume)
- ☒ County
- ☒ Quantity (flow and/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

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
- _____ Overlapping point of diversion
- _____ Yes _____ No Field check required
- _____ Yes _____ No Field check by _____
- _____ Yes _____ No Field report attached
- _____ Yes _____ No Critical groundwater 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 trust water 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 _____

RECEIVED
FEB 04 1994
FEB 04 1994

Department of Water Resources
Department of Water Resources

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

SEND COPIES TO ☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game; Salmon ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ 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 & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 1/24/94
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ 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. _____

04, 26A

See below for additional information

Date of priority recommended

By L. Allen Johnson

9/24/93

Date 2/1/94

STATE OFFICE REVIEW

See below for additional information

By _____

Date _____

ADDITIONAL INFORMATION

This permit does not represent authorization to divert
any water in excess of flows diverted under existing
rights, but to authorize the use of .04 cfs of
water diverted under existing rights for placer mining.

LOCAL PUBLIC INTEREST

Comments received from

____ City
____ County
____ Reservations

Idaho Fish & Game
Idaho Health & Welfare
Division of Environment

_____ Irrigation District
 _____ Canal Company
 _____ Other

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Jan 6 1994 and ending with
the issue dated Jan 13 1994.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 13th day of Jan. in the
year of 1994 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Edel M. Beck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

RECEIVED

JAN 14 1994

Department of Water Resources
Southern Region Office

NOTICE OF APPLICATION FOR WATER PERMIT

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

72-07519

ELKHORN PLACE ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

Source: Treon Creek tributary
to Salmon River

Diversion Pt: NESE, S25, T11N,
R15E; Custer County.

Use: Mining (.04 cfs)
from 08/01 to 09/30

Date Filed: 09/24/1993

In: SENE, S25, T11N, R15E;
Custer County

The permit (s) will be subject
to all prior water rights.
Protests must be filed with the
applicant and with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
January 24, 1994.

R. Keith Higginson, Director

Pub: Jan. 6 & 13, 1994.

OK
NB
1/14/94

RECORDED

FEB 24 1994

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water
 222 Shoshone St. East
 Twin Falls, Id 83301

Job No.	Date	DESCRIPTION	Amount
	1-13-94	Notice of Application for Water Permit 72-07519 Jan 6 & 13, 1994 30 lines	\$ 31.05 OK MB 1/14/94
RECEIVED JAN 14 1994 Department of Water Resources Southern Region Office			

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

FEB 24 1994

NOTICE OF APPLICATION FOR WATER
PERMIT

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

72-07519

ELKHORN PLACE ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

Source: Treon Creek tributary
to Salmon River

Diversion Pt: NESE, S25, T11N,
R15E; Custer County.

Use: Mining (.04 cfs)
from 06/01 to 09/30

Date Filed: 09/24/1993

In: SENE, S25, T11N, R15E;
Custer County

The permit (s) will be subject
to all prior water rights.
Protests must be filed with the
applicant and with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
January 24, 1994.

R. Keith Higginson, Director

Published in the Challis
Messenger on 1/6 & 1/13/94.

RECORDED
INDEXED

FEB 24 1994

WATER RIGHTS PERMIT

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

72-07519

ELKHORN PLACE ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

Source: Treon Creek tributary to Salmon River

Diversion Pt: NESE, S25, T11N, R15E; Custer County.

Use: Mining (.04 cfs)
from 06/01 to 09/30

Date Filed: 09/24/1993

In: SENE, S25, T11N, R15E;
Custer County

The permit (s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before January 24, 1994.

R. Keith Higginson, Director

File Jan. 8 & 12, 1994

OK
mb
1/10/94

OK
mb
1/14/94

RECEIVED
FEB 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

13-Dec-1993

R. KEITH HIGGINSON
Director

CUSTER PUBLISHING COMPANY
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

FEB 24 1994

NOTICE OF APPLICATION FOR WATER PERMIT

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

72-07519

ELKHORN PLACE ASSOC
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83401

Source: Treon Creek tributary to Salmon River

Diversion Pt: NESE, S25, T11N, R15E; Custer County.

Use: Mining (.04 cfs) from 06/01 to 09/30

Date Filed: 09/24/1993

In: SENE, S25, T11N, R15E; Custer County

The permit (s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before January 24, 1994.

R. Keith Higginson, Director

Published in the Challis Messenger on 1/6 & 1/13/94.

RECEIVED

FEB 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

22-Nov-1993

R. KEITH HIGGINSON
Director

D H SCHOONEN
ELKHORN PLACER ASSOC
1364 12TH ST
IDAHO FALLS ID 8

Re: Application for Permit No. 72-07519

Dear Mr. Schoonen:

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.

Enclosed is a copy of an Order establishing a Moratorium on the issuance of new consumptive use permits in the Salmon River drainage. This Order affects your application; therefore, it is will be held without action for the foreseeable future.

If you wish to withdraw the application, please date, sign and return the enclosed withdrawal form. The filing fee will be refunded.

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

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

RECEIVED
FEB 24 1994

MT5

FORM NO.202A
REVISED 6-6-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY MT5 DATE 10-5-, 1993
APPLICATION NO. 72-07519

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

Mocatrum hold - new development of surface water

+++PROPOSED PRIORITY DATE
9-24-93 19, 93

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☐ Overlapping point of diversion.
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

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 _____

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

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

See below for additional information _____
Date of priority recommended _____, 19____
By _____ Date _____, 19____

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____

72-07418 = domestic permit from same P/D at same P/U
for 6 homes.

72-7098 = domestic license from same P/D with partial
(A72-7098A) P/U overlap - 12 homes
(A72-7098B)

72-7090 = IRR & Dom permit from same P/D.

72-02136 = Dom + Mining from same P/D
(A72-02136A)
A72-02136B)