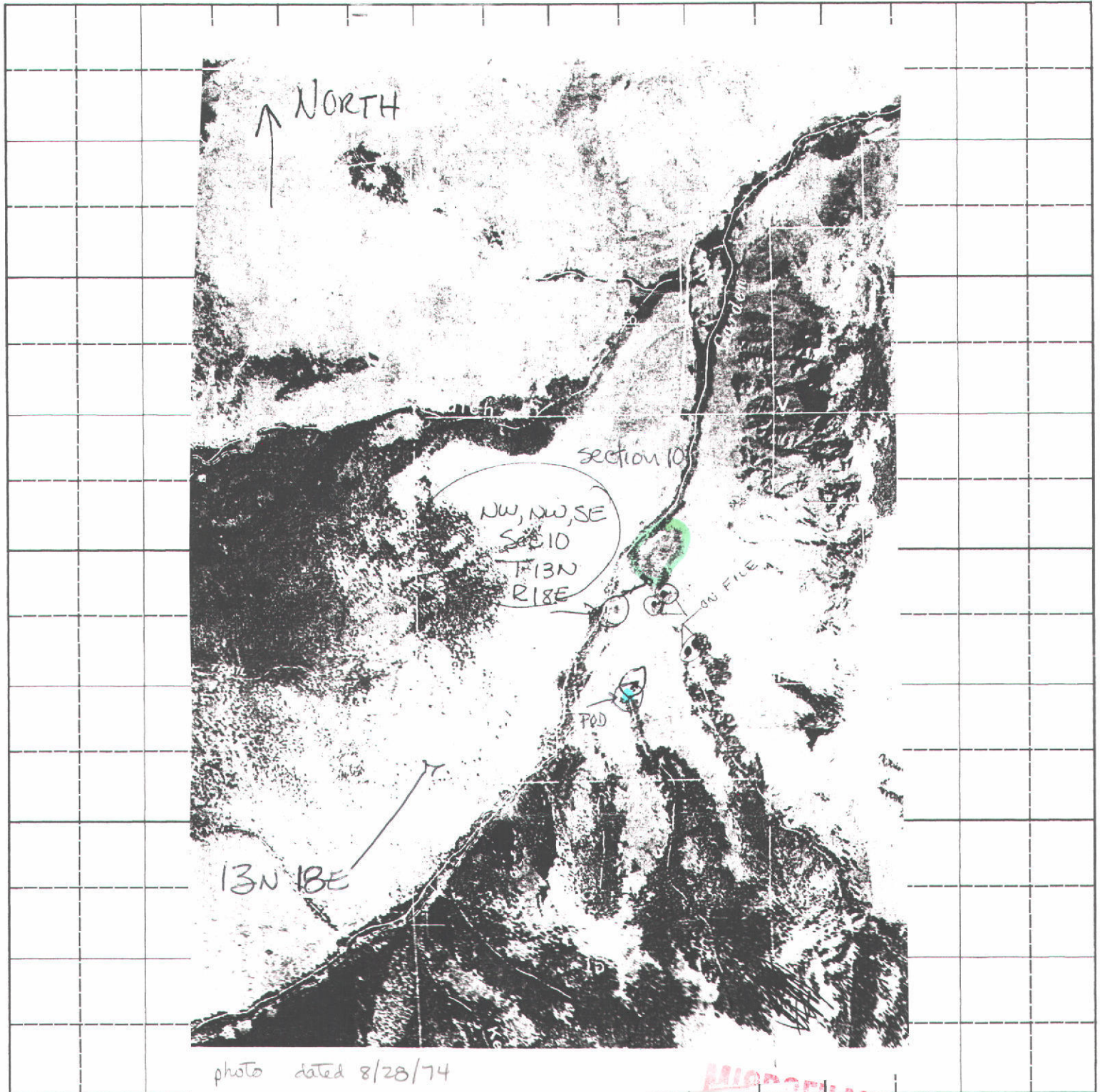


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



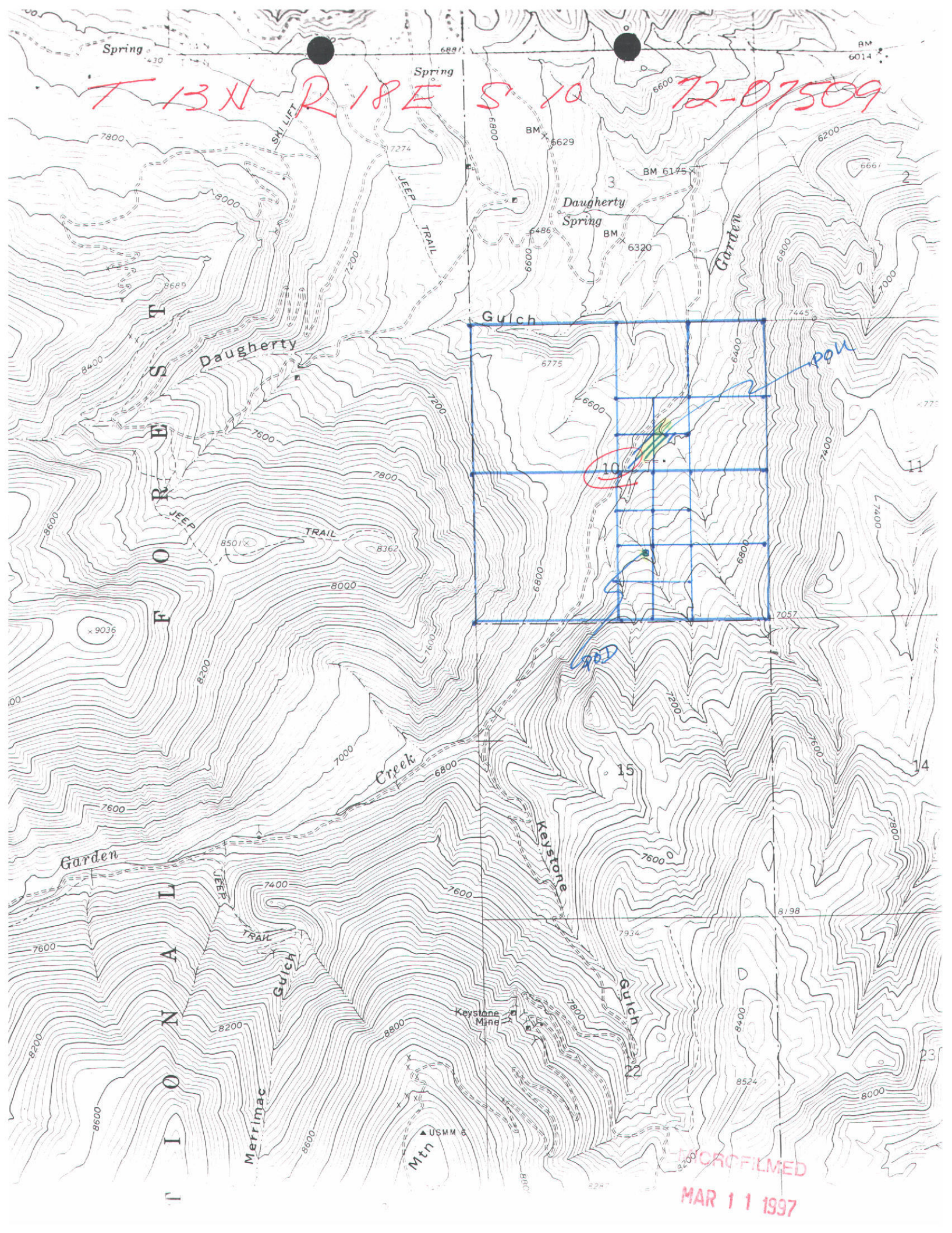
Scale: 2 inches equal 1 mile.

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.

[Handwritten signature]

(Applicant)

T 13 N R 18 E S 10 72-07509



MICROFILMED
MAR 11 1997

72-07509



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Pou

MICROFILMED
MAR 11 1997

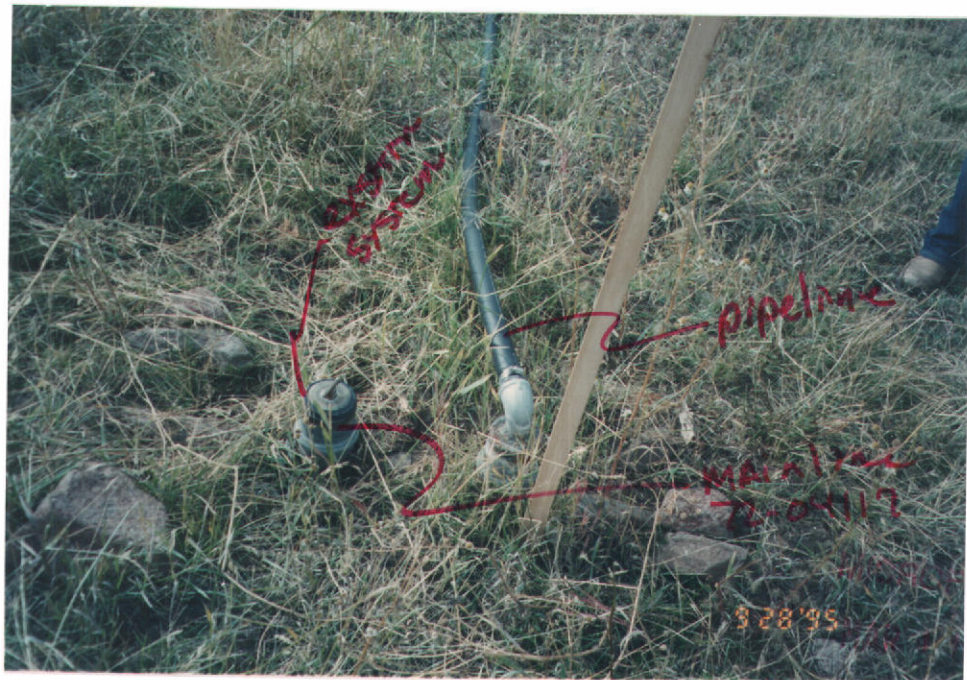
72-07509



POD



Pipeline



connection to
existing system

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07509

Priority: February 13, 1993

Maximum Diversion Rate:
Maximum Diversion Volume:

0.02 CFS
7.3 AF

This is to certify, that DAN C GUERRERO

PO BOX 248

CHALLIS ID 83226-0248

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 26, 1993; and has submitted Proof of Beneficial Use on June 19, 1995. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to SINKS

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>
IRRIGATION	04/15 to 10/15	0.02 CFS	7.3 AF

LOCATION OF POINT(S) OF DIVERSION: NWSWSE , Sec. 10, Township 13N, Range 18E
CUSTER County

PLACE OF USE: IRRIGATION

TWN RGE SEC
13N 18E 10

ACRES
SWNE 10

ACRES

ACRES TOTAL
10

Total number of acres irrigated: 10

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 that 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

RECORDED

MAY 11 1993

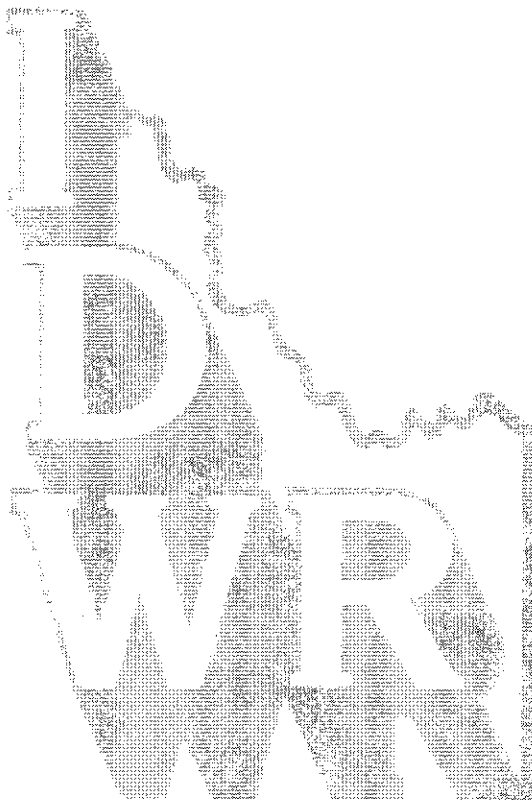
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07509

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 11TH
day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director



RECORDED
2007 11 16

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 72-07509)
)
IN THE NAME OF DAN C. GUERRERO) **ORDER OF**
) **REINSTATEMENT**
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1995; and,

WHEREAS, the Department notified the permit holder on March 31, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

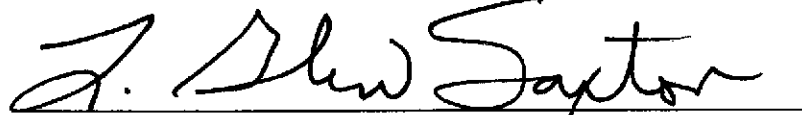
WHEREAS, the Department notified the permit holder on June 12, 1995, that the permit had lapsed for failure of the permit holder to submit an acceptable proof of beneficial use or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on June 19, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 72-07509 be **REINSTATED** with an advance in priority to February 13, 1993.

Dated this 28th day of June, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

JUN 30 1995

RECEIVED

STATE OF IDAHO
JUN 19 1995 DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 72-07509 Telephone No. 208-879-2760
2. Name(s) of Permit Holder(s): DAN C. GUERRERO
3. Mailing Address: P.O. Box 248, CHALLIS, IDAHO 83226
4. Source of Water: SPRING (SINKS) 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): 10 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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? _____
Has the measuring device been installed? _____

Yes _____ or No ☒
Yes _____ or No ☒

Flow Measurement Port: Is a flow measurement port required? _____
Has the measurement port been installed? _____

Yes _____ or No ☒
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. GUERRERO Telephone Number: 208-879-2760

Address: P.O. Box 248, CHALLIS, IDAHO 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: _____

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

Date: 6-14-95

JUN 30 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07509

Proposed Priority: January 26, 1993 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DAN C GUERRERO**
PO BOX 248

CHALLIS ID 832260248

has applied for a permit to appropriate water from:

SPRING

tributary of **SINK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
------------------------------	-----------------------------	---------------------------------

IRRIGATION	04/15 to 10/15	0.04 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWSWE , Sec. 10, Township 13N, Range 18E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N 18E 10	SWNE 10			10

Total number of acres irrigated: 10

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1995**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 72B.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
8. This permit does not authorize the development and irrigation of new land not previously irrigated.

RECORDED

JUL 06 1993

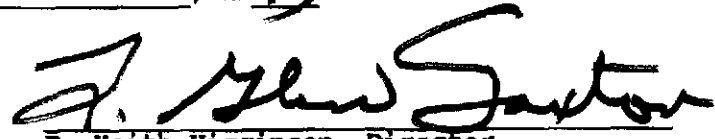
State of Idaho
Department of Water Resources

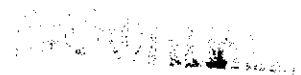
Permit To Appropriate Water

NO. 72-07509

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

11th day of June, 1993.


for R. Keith Higginson, Director



JUL 06 1993

RECEIVED
JAN 20 1993
6/85

Department of Water Resources
Southern Region Office

RECEIVED
STATE OF IDAHO
MAY 21 1993

Ident. No. 72-07509

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant DAN C. Guerrero Phone 879-2760

Post office address PO Box 248, Challis, ID 83226

2. Source of water supply Spring which is a tributary of Sink

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

Sec. 10 Township 13N Range 18E B.M. B&H Custer County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for IRR purposes from 4/15 to 10/01/15 (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 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. cistern to pipeline for
flood or sprinkler irrigation

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 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

RECEIVED

JUL 06 1993

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	
13N	18E	10			10														10

Total number of acres to be irrigated 10

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

~~72-0447~~

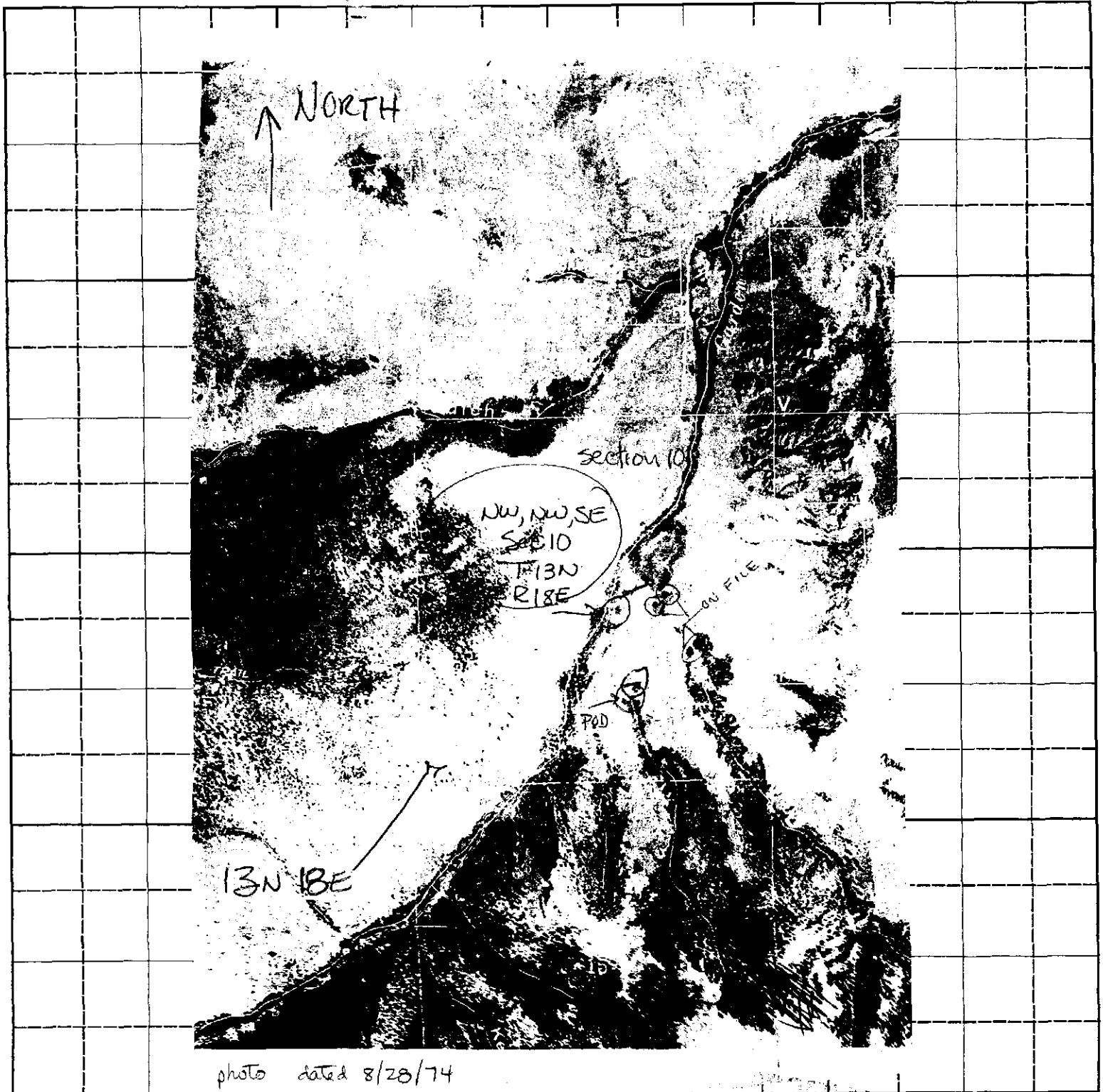
11. a. Who owns the property at the point of diversion? Harold Devine

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

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

12. Remarks: Spring only produces about 0.04 cfs. I plan to water whatever I can within this 10-acre parcel.

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.

[Signature]

(Applicant)

Received by RF DC Date 1/29/93 Time 11:00 am Preliminary check by J. E. Stanton
Fee \$ 30.00 Receipted by LB # EC18232 Date 1-26-93
Publication prepared by MB Date 3/8/93 Published in Challis Messenger
Publication approved MBaldwin Date 3-30-93

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:

APPROVED FOR THE DIRECTOR
JUL 06 1993

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of 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 Mar 18 1993 and ending with the issue dated Mar 25 1993

Margaret Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 29th day of Mar. in the year of 1993 before me, a Notary Public,

personally appeared Margaret Parks 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.

Edel M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

OK
MB
3-30-93

NOTICE OF APPLICATIONS FOR WATER PERMIT

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

72-07508

USDI-BLM
PO BOX 430
SALMON ID 83467

Source: Spring tributary to Garden Creek
Diversion Pt: NE1/4SW1/4NW1/4, S23, T13N, R18E; Custer County.

Use: Stockwater (.02 cfs) from 05/15 to 09/15
Wildlife (.02 cfs) from 01/01 to 12/31

Total Diversion: .02 cfs

Date Filed: 12/15/92

In: SE1/4NW1/4, S11, T13N, R18E; NE1/4NW1/4, S14, T13N, R18E.

72-07509
DAN C GUERRERO
PO BOX 248
CHALLIS ID 83226

Source: Spring tributary to Sink

Diversion Pt: NW1/4SW1/4SE1/4, S10, T13N, R18E; Custer County.

Use: Irrigation (.04 cfs) from 04/15 to 10/15

Date Filed: 01/26/93

In: 10 acres within SW1/4NE1/4, S10, T13N, R18E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 5, 1993.

R. Keith Higninson, Director

Pub: March 18 & 25, 1993.

MAILED

JUL 06 1993

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

RECEIVED

MAR 30 1993

Department of Water Resources
Southern Region Office

Job No.	Date	DESCRIPTION	Amount
	3-25-93	Notice of Applications for Water Permits # <u>72-07508</u> + # <u>72-07509</u> March 18 + 25, 1993 45 lines OK MB 3-30-93	\$46.58

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.

PAID
JUL 06 1993



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

February 12, 1997

PHILIP E. BATT
GOVERNOR

DAN C. GUERRERO
PO BOX 248
CHALLIS ID 83226-0248

KARL J. DREHER
DIRECTOR

RE: WATER RIGHT NO. 72-07509

Dear Water Right Holders:

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 within fourteen (14) days after issuance 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.

RECORDED

MAR 11 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.

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.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:pah

c: Southern Region

Enclosures

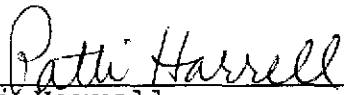
RECEIVED
MAY 11 1997

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of **February, 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. 72-07509

DAN C. GUERRERO
PO BOX 248
CHALLIS ID 83226-0248



Patti Harrell
Secretary

B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 72-7509 Name: Guerrero Date: 1/29/97 ✓ LotsNAME Chng Same Or Address Change? 879-2760SOURCE Clarify source
Prelim. Order to Void - Source change.P/D Amendment Needed? P39
Overlap(s) noneP/U Amendment Needed? P41
Overlap(s) 72-4117 same existing system (diff springs per map)
(Gov't use special T's) *P/D & P/U Amend? P37RATE Permit/proof fee limits 0.20 / 0.20
Measured Quantity = 0.02 cfs Theoretical Quantity = cfs
5 gal bucket = 0.02 cfs
(HP) $\frac{8.8 \times 0.70 \times}{+ (2.31 \times)} =$ cfsRecommended capacity 0.02 cfs
Recommended rate 0.02 cfsVOLUME Season: (B / 3.5) 4/15-10/15 = 184 days
Calculations: $10.0 \times 3.5 = 35.0$ AFFlow limit: $0.02 \text{ cfs} \times 184 \text{ days/yr.} \times 1.9835 = 7.3$ AF
Recommended volume 7.3 AFUSES Same Nature of Use? P46
Amendment Needed?REMARKS Multiple p/d's in same 1/4? Use W32
~~W35 / 72-4117~~CONDITIONS Measuring Device (R01) or Lockable Controlling Works (R02)R04 Watermaster Control (R04) - WD # 728R30 Irrigation rate/annual volume overlapGW irrigation replaces surface water (050)GW irrigation supplements surface water (065)Water QualityOtherPRIORITY App Rod 1/26/93 Due 6/1/95 Rcd 6/19/95
Receipt# C032906 Fee OK? Yes/No
Order to Reinstate Needed? Yes/No Done? 6/28/95 Advanced to: 2/13/93
Priority 2/13/93 Examined 9/28/95COMMENTS: ① Flow limited by capacity of spring.
② Volume limited by capacity of spring.

USE	CFS	VOLUME
<u>En.</u>	<u>0.02</u>	<u>7.3</u>
<u>TOTAL</u>	<u>0.02</u>	<u>7.3</u>

SRBA Overlap Pu overlap
Adjustment Memo ✓
LICENSE LTR: P49
#1 AMEND LTR: /P38
#2 AMEND LTR: P42/P47

MEMORANDUM

DATE: January 31, 1997
TO: File No. 72-07509
FROM: Cindy Zimmerman *CZ*
SUBJECT: Review of Beneficial Use Field Report

The following adjustments¹ were made on the field report to reflect department standards on rounding acre-feet to the nearest 1/10th:

G. Volume Calculations.

$$V_{I.R.} = \text{acres} \times \text{AF/acre} = 10.0 \times 3.5 = 35.0 \text{ AF}$$

$$V_{D.R.} = \text{rate} \times \text{season} \times 1.9835 = 0.02 \text{ cfs} \times 184 \text{ days} \times 1.9835 = 7.26 \approx \underline{\underline{7.3}} \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\underline{7.3}} \text{ AF}$$

H. Recommendations.

1. Recommended amounts:

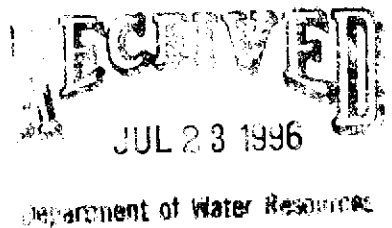
Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Irrigation	4/15-10/15	0.02 cfs	<u>7.3</u> AF

Examiner: Robert E. Foster
Examined: September 28, 1995 (per photos)

¹Adjustments made are **bolded and underlined**.

ENCLOSURE
MAR 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT



A. GENERAL INFORMATION

Permit No. 72-07509

1. Owner: DAN C. Guerrero Phone No. _____

Current Address: PO Box 248 CHALLIS ID 83226

2. Accompanied by: SAWU EXAM DATE : _____

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 72-04117

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SW	SE	10	13N	18E	Custer	onsite visit, USGS Quad

2. Place(s) of Use:

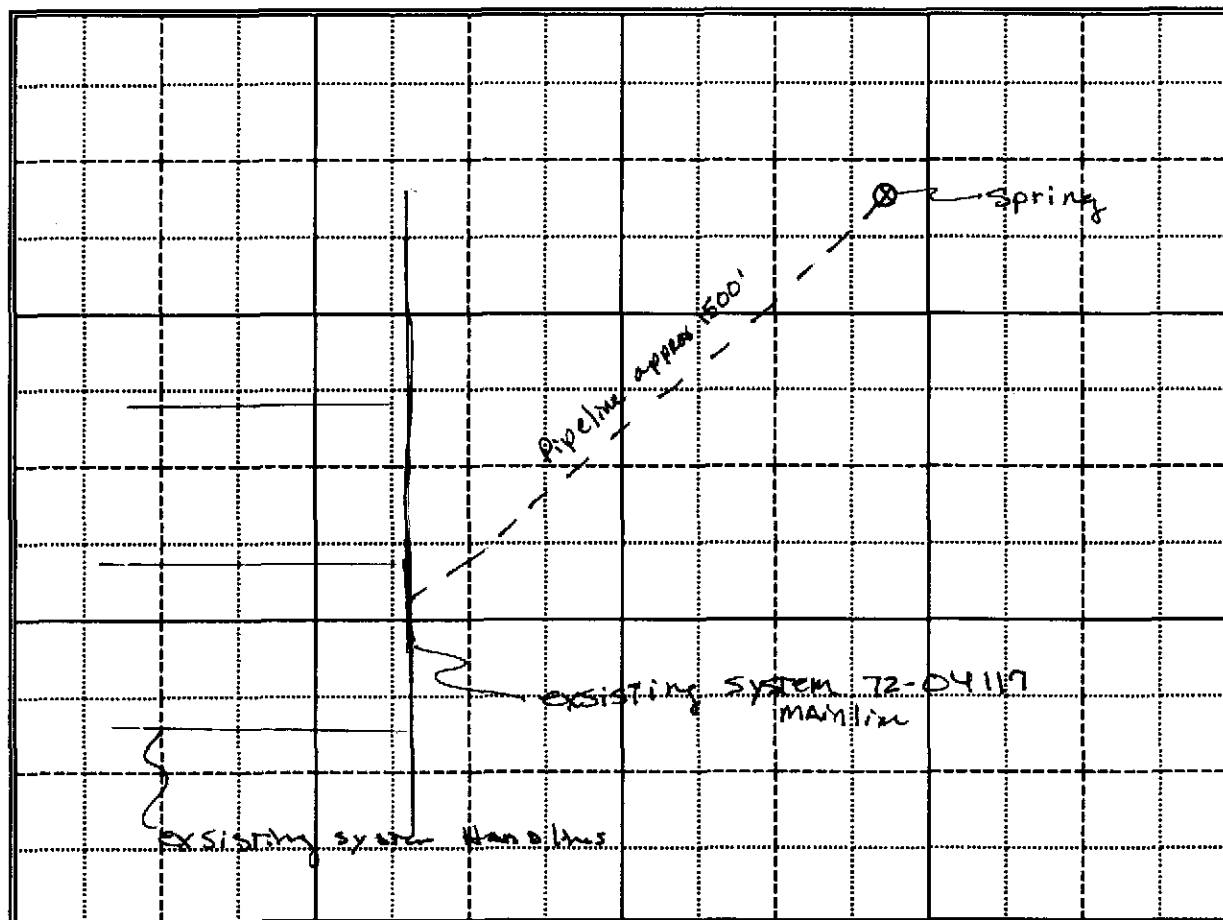
Indicate Method of Determination onsite, USGS Quad

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	10			10														10

MICROFILMED

MAY 11 1997

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



Scale: 1" = not to scale

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

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

☒ 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

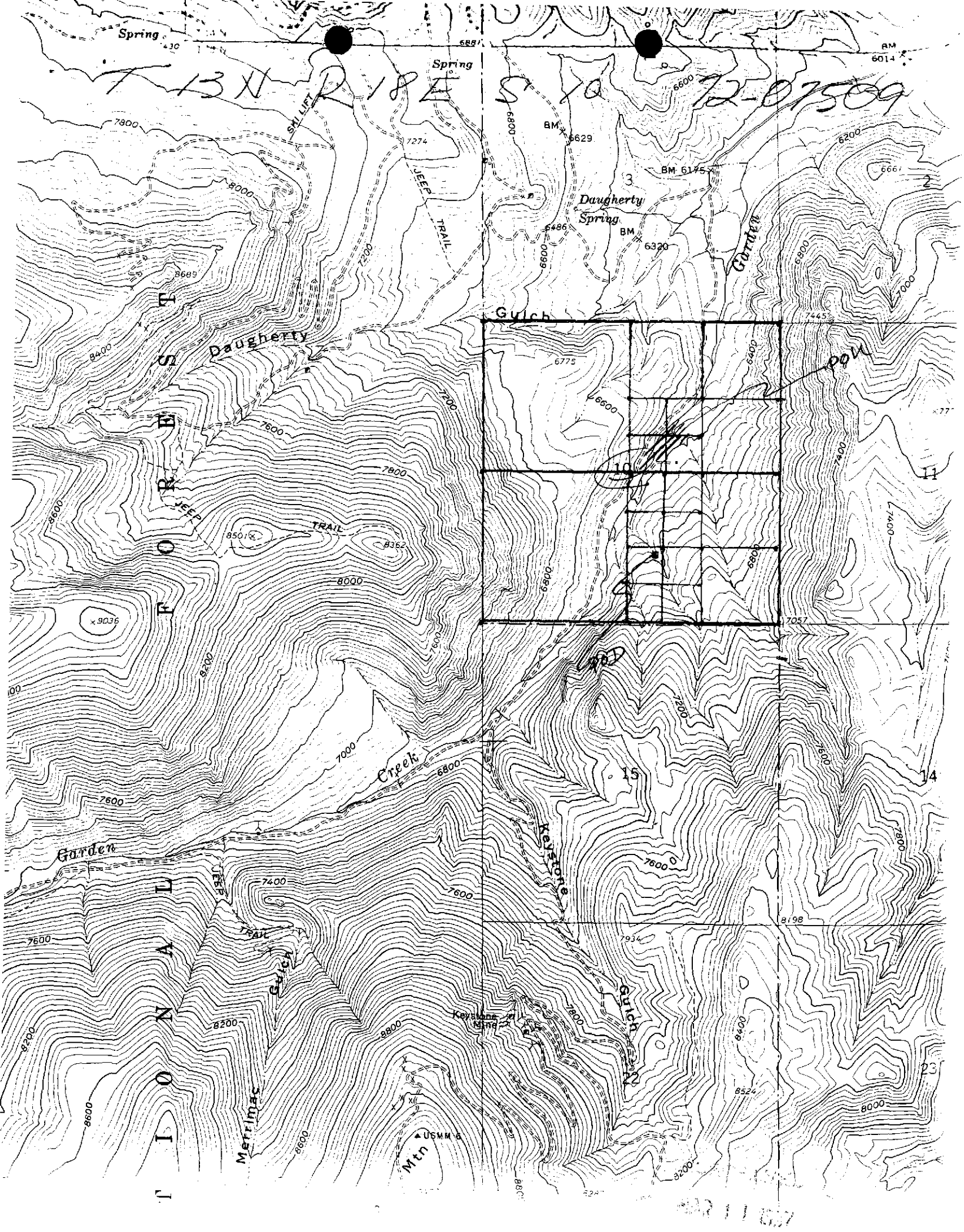
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 5gal Bucket + stopwatch



72-07509



Pou



Pou

KORO-TIME

MAY 11 1967

72-07509



POD



Pipeline



connection to
existing system

1/10

E. NARRATIVE/REMARKS/COMMENTS

1) system consists of a developed spring source and approx. 1500 ft of 1 1/2 inch black plastic pipe which is connected to an existing gravity sprinkler system under WR# 72-04117.

2) irrigation would cover approx 10 acres within the place of use under 72-04117.

3) measurements were taken on the pipeline approx. 100 ft below the spring source utilizing a 5 gal. bucket and stopwatch. Three measurements were taken and then averaged for a flow rate.

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

RECEIVED
APR 14 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Sgal. in 33.15 sec. = 9.04 gpm = 0.020 cfs
Sgal in 32.86 sec. = 9.12 gpm = 0.020 cfs = 0.020 cfs
Sgal in 32.93 sec. = 9.11 gpm = 0.020 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 10 \times 3.0 = 30 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.020 \times 183 \times 1.9835 = 7.26 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 7.26 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	04-15	10-15	0.020 cfs	7.26 AFA *
Totals:			0.020 cfs	7.26 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 Robert E. Foster Date 12-4-95

Reviewer _____ Date _____

SEAL

* Adjustments made during review of this right for license approval.
See Memo for additional information. 1/30/97 C.B.



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
June 27, 1995

DAN C GUERRERO
P O BOX 248
CHALLIS ID 83226

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 72-07509

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to February 13, 1993.

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 the field examination, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

JUN 30 1995

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 12, 1995

DAN C GUERRERO
PO BOX 248
CHALLIS ID 832260248

LAPSE NOTICE

RE: PERMIT NO. 72-07509

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

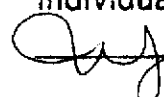
Enclosures

RECORDED

JUN 3 0 1995

CERTIFICATION OF MAILING

I hereby certify that on 6-12-95
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



March 31, 1995

DAN C GUERRERO
PO BOX 248
CHALLIS ID 832260248

PROOF DUE NOTICE

RE: PERMIT NO. 72-07509

Dear Permit Holder:

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

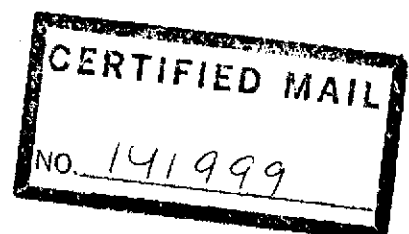
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

JUN 3 0 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

June 11, 1993

DAN C GUERRERO
PO BOX 248
CHALLIS ID 832260248

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07509

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

ATT DAVE BLACKSTUN
USDI BLM
PO BOX 430
SALMON ID 83467

RE: Protest, (72-07508 or 72-07509)

This office acknowledges receipt of your letter dated March 27, 1993 which references a withdrawal of a protest against Application for Water Right No. 72-07508.

Your letter also states that the protest was filed against an Application for Permit filed in the name of Dan Guerrero.

For your information and to clarify the situation, Application for Permit No. 72-07508 is filed in the name of USDI-Bureau of Land Management. Application for Permit No. 72-07509 is filed in the name of Dan Guerrero.

From instructions received per a telephone call of 3/30/93, your protest dated March 23, 1993 was modified in order to protest Application for Permit No. 72-07509.

It is our understanding that now **you do not wish to protest either application** and processing will continue based on that assumption unless notified otherwise.

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

REC'D
JUL 06 1993

March 27, 1993

RECEIVED

APR 02 1993

Department of Water Resources
Twin Falls Office
222 Shoshone Street East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

RE: Protest of Water Right #72-07509

Dear Mr. Holmes:

The Salmon District BLM wishes to withdraw our objection filed on water right number 72-07508 in the name of Dan Guerrro. This is a BLM claim, on Federal land.

We appreciate your assistance in clarifying this misunderstanding, and apologize for any inconvenience.

Sincerely,

David E. Blackstun

Dave Blackstun
Salmon District Hydrologist

RECEIVED

JUL 06 1993

Terry Myers
UNITED STATES

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
P.O. BOX 430
SALMON, IDAHO 83467

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

RECEIVED

APR 02 1993

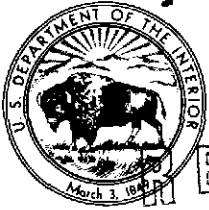
Department of Water Resources
Southern Region Office



INT-415

JUL 06 1993

D.W.R.
ATT: LOREN Holmes
222 Shoshone St. E.
TWIN FALLS ID
83301



United States Department of the Interior



RECEIVED

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. BOX 430
SALMON, IDAHO 83467

IN REPLY REFER TO:

7250

MAR 29 1993

Department of Water Resources
Southern Region Office

March 23, 1993

RECEIVED

Idaho Department of Water Resources
Harold W. Jones, Water Rights Supervisor
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

MAR 25 1993

Department of Water Resources
Eastern District Office

Dear Mr. Jones:

72-07509

*per T/C with BLM on 3/30/93
BLACKSTON @ 8:45 a.m.
mBaldwin*

We are protesting the application for permit No. 72-07508. The Bureau of Land Management (BLM) is the primary landowner for the point of diversion and place of use.

BLM policy is to protect and enhance wetland areas on public lands for multiple use management, such as livestock grazing, wildlife habitat, and recreation. We believe that the public interests are best served and protected on public lands if BLM holds the water rights to waters on BLM lands. Private land owners adjacent to public lands come and go. If BLM has the water rights on BLM lands, future public land users, including permittees, fish, and wildlife, will be assured of having water.

Mr. Guerrero is not a grazing permittee of record on BLM land. His plan to divert water would negatively effect water availability in the drainage which has supported historical livestock and wildlife use on the public land. The BLM needs to retain waters in this drainage for livestock and wildlife needs and support of fisheries and riparian values. Mr. Guerrero is not authorized to graze cattle where he has identified his water use would be.

Should Mr. Guerrero wish to proceed with this project, he would need to submit an application to be an authorized grazing permittee in the Garden Creek allotment, and a right-of-way request for project development. To this date, we have no record of any application or right-of-way request on this sight from Mr. Guerrero.

It is BLM policy to file spring claims for wildlife and livestock use on waters occurring on public lands under a Federal Government Water Reserve with a priority date of April 17, 1926. We are making this claim for livestock and wildlife use through the Snake River Adjudication Process. This spring is on the Garden Creek allotment. This claim has been made for the common use of four authorized livestock grazing permittees and will be held in the Bureau of Land Management's name. Wildlife use includes deer, elk, antelope, and upland game birds from 01/01 to 12/31.

RECORDED

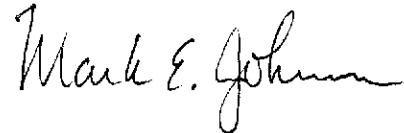
JUL 06 1993

72-07509

Page 2

Thank you for your attention in this matter and the opportunity to review application for permit No. 72-07508 filed by Mr. Guerrero. Please contact Mr. David Blackstun at our Salmon District Office (756-5400) if you have any questions or need further assistance.

Sincerely,



Mark E. Johnson
Challis Area Manager

RECEIVED
JUL 06 1992

NOTICE OF APPLICATIONS FOR
WATER PERMIT

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

72-07508

USDI-BLM
PO BOX 430
SALMON ID 83467

Source: Spring tributary to
Garden Creek

Diversion Pt: NE1/4SW1/4NW1/4,
S23, T13N, R18E; Custer County.

Use: Stockwater (.02 cfs)
from 05/15 to 09/15
Wildlife (.02 cfs)
from 01/01 to 12/31

Total Diversion: .02 cfs

Date Filed: 12/15/92

In: SE1/4NW1/4, S11, T13N,
R18E; NE1/4NW1/4, S14, T13N,
R18E.

72-07509

DAN C GUERRERO
PO BOX 248
CHALLIS ID 83226

Source: Spring tributary to
Sink

Diversion Pt: NW1/4SW1/4SE1/4,
S10, T13N, R18E; Custer County.

Use: irrigation (.04 cfs)
from 04/15 to 10/15

Date Filed: 01/26/93

In: 10 acres within
SW1/4NE1/4, S10, T13N, R18E.

The permit (s) will be subject
to all prior water rights.
Protests must be filed with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
April 5, 1993.

R. Keith Higginson, Director

Published in the Challis
Messenger on 3/18 & 3/25/93.

APR 1 1993

NOTICE OF APPLICATIONS
FOR WATER PERMIT

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

72-07508

USDI-BLM
PO BOX 430
SALMON ID 83467

Source: Spring tributary to
Garden Creek
Diversion Pt: NE1/4SW1/4NW1/4,
S23, T13N, R18E; Custer County.

Use: Stockwater (.02 cfs)
from 05/15 to 09/15
Wildlife (.02 cfs)
from 01/01 to 12/31

Total Diversion: .02 cfs

Date Filed: 12/15/92

In: SE1/4NW1/4, S11, T13N,
R18E; NE1/4NW1/4, S14, T13N,
R18E.

72-07509 ✓
DAN C GUERRERO
PO BOX 248
CHALLIS ID 83226

Source: Spring tributary to
Sink

Diversion Pt: NW1/4SW1/4SE1/4,
S10, T13N, R18E; Custer County.

Use: irrigation (.04 cfs)
from 04/15 to 10/15

Date Filed: 01/26/93

In: 10 acres within
SW1/4NE1/4, S10, T13N, R18E.

The permit (s) will be subject
to all prior water rights.
Protests must be filed with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
April 5, 1993.

R. Keith Higginson, Director

Pub: March 18 & 25, 1993.

OK
mb
3-22-93

mb
3-29-93

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

09-Mar-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 once a week for two consecutive weekly issues of 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
Secretary/Office Coordinator

Enclosure

APR 06 1993

NOTICE OF APPLICATIONS FOR WATER PERMIT

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

72-07508

USDI-BLM
PO BOX 430
SALMON ID 83467

Source: Spring tributary to Garden Creek

Diversion Pt: NE1/4SW1/4NW1/4, S23, T13N, R18E; Custer County.

Use: Stockwater (.02 cfs) from 05/15 to 09/15
Wildlife (.02 cfs) from 01/01 to 12/31

Total Diversion: .02 cfs

Date Filed: 12/15/92

In: SE1/4NW1/4, S11, T13N, R18E; NE1/4NW1/4, S14, T13N, R18E.

✓ 72-07509

DAN C GUERRERO
PO BOX 248
CHALLIS ID 83226

Source: Spring tributary to Sink

Diversion Pt: NW1/4SW1/4SE1/4, S10, T13N, R18E; Custer County.

Use: irrigation (.04 cfs) from 04/15 to 10/15

Date Filed: 01/26/93

In: 10 acres within SW1/4NE1/4, S10, T13N, R18E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 5, 1993.

R. Keith Higginson, Director

Published in the Challis Messenger on 3/18 & 3/25/93.

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

08-Mar-1993

R. KEITH HIGGINSON
Director

DAN C GUERRERO
PO BOX 248
CHALLIS ID 83226

Re: Application for Permit No. 72-07509

Dear Mr. Guerrero:

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

This office will be advertising the application in the Challis Messenger on 3/18 & 3/25/93. 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

RECEIVED
JUL 06 1993