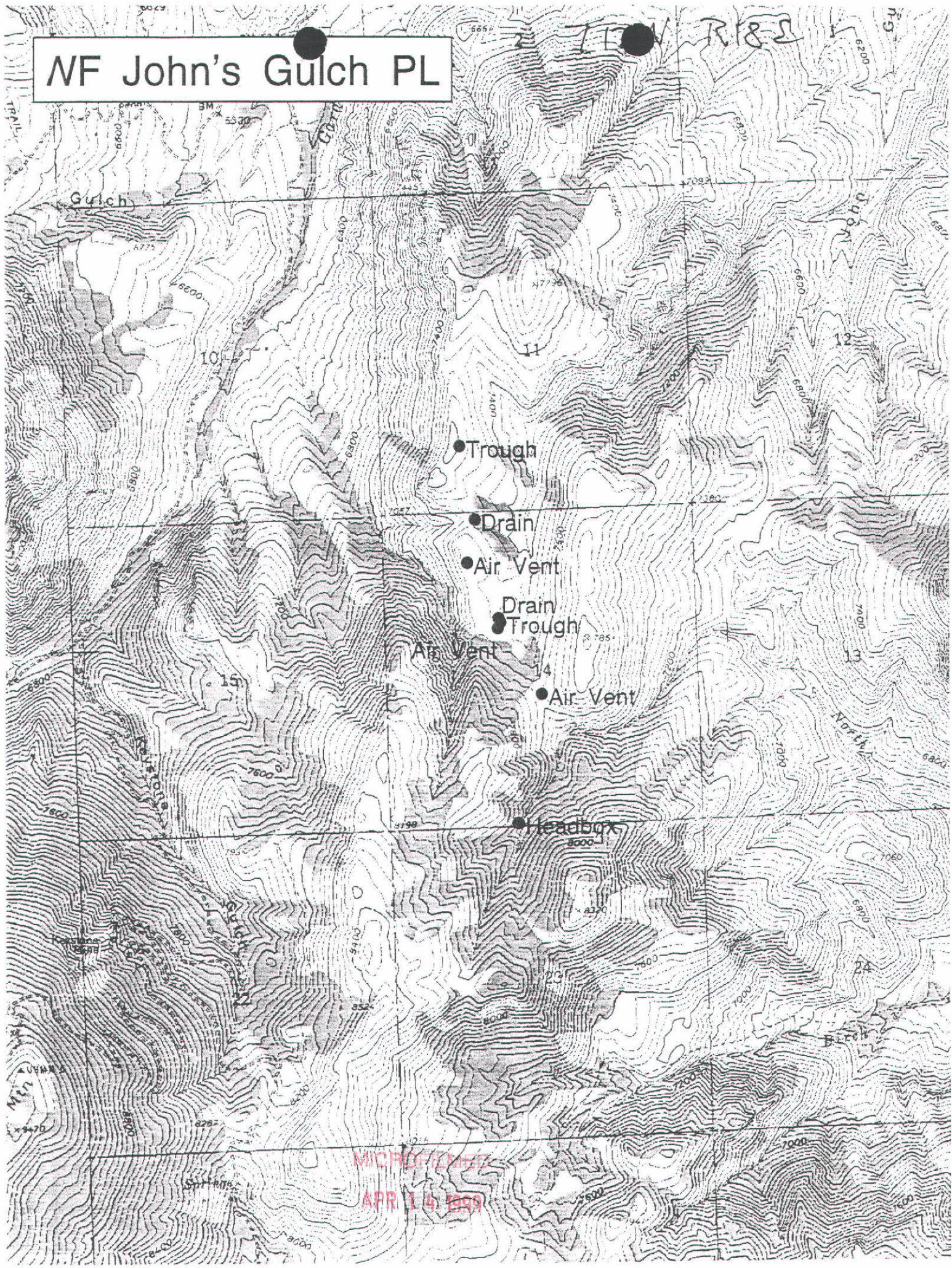


NF John's Gulch PL

Town R18S



MICROFILMED
APR 14 1999

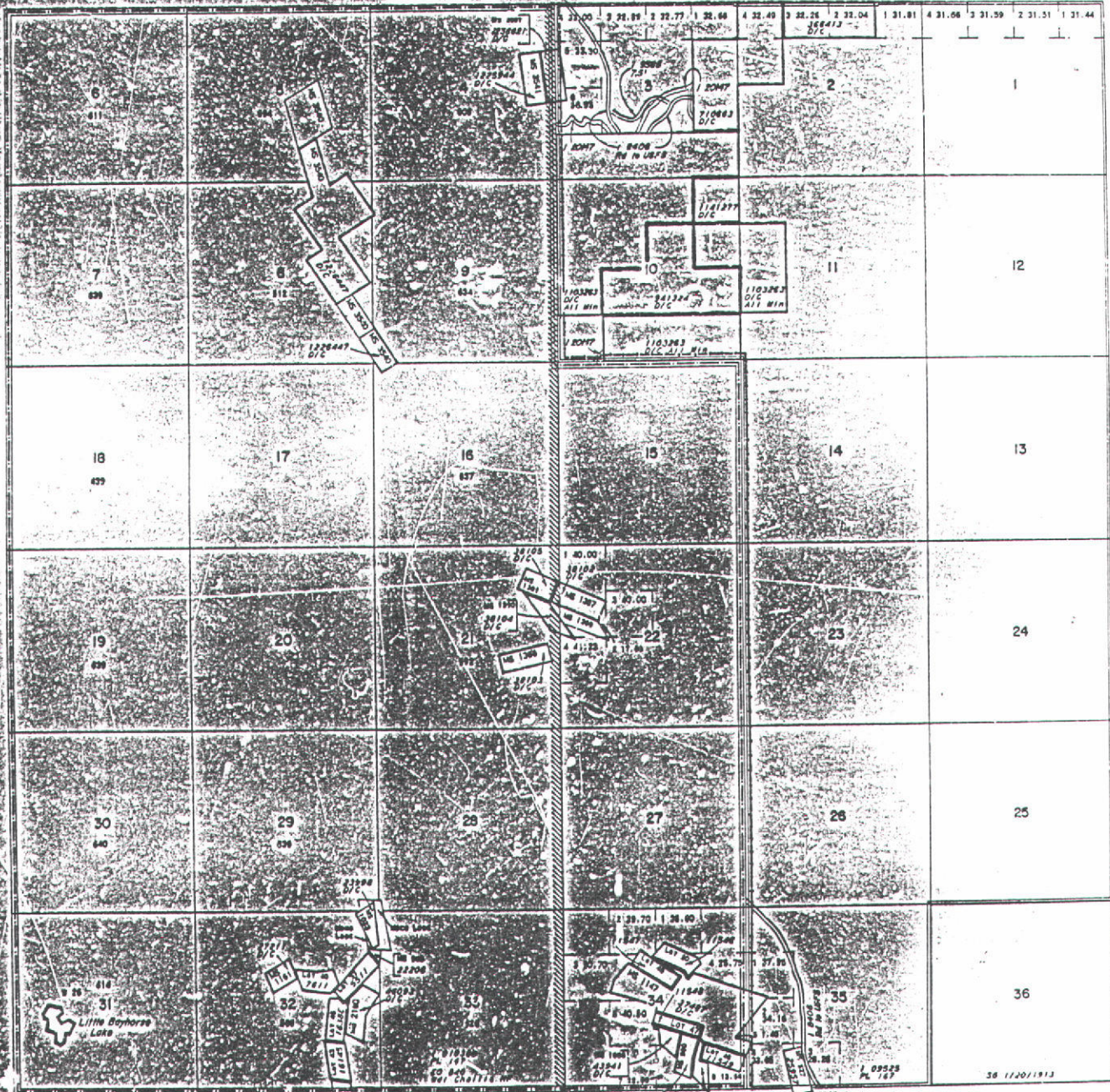
PARTIALLY SURVEYED TOWNSHIP 13 NORTH RANGE 18 EAST OF THE BOISE MERIDIAN, IDAHO

Projection: Display No. 72 approved 1/4/1967

CUSTER COUNTY 037

SALMON DISTRICT SEC 15

SALMON DISTRICT SEC 3



Lat. 44°25'06" N
Long. 114°13' N

SB 11/20/1913

12 N-18 E

12 N-19 E

SCALE 1" = 40' 10" 30' 30"

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. These data herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the original surveys for official survey information.

THIS NOTATION SHOWN ON WITH ACTION TAKEN BUT MAY NOT BE THE HISTORICAL INDEX FOR THE DRAWAL ORDER

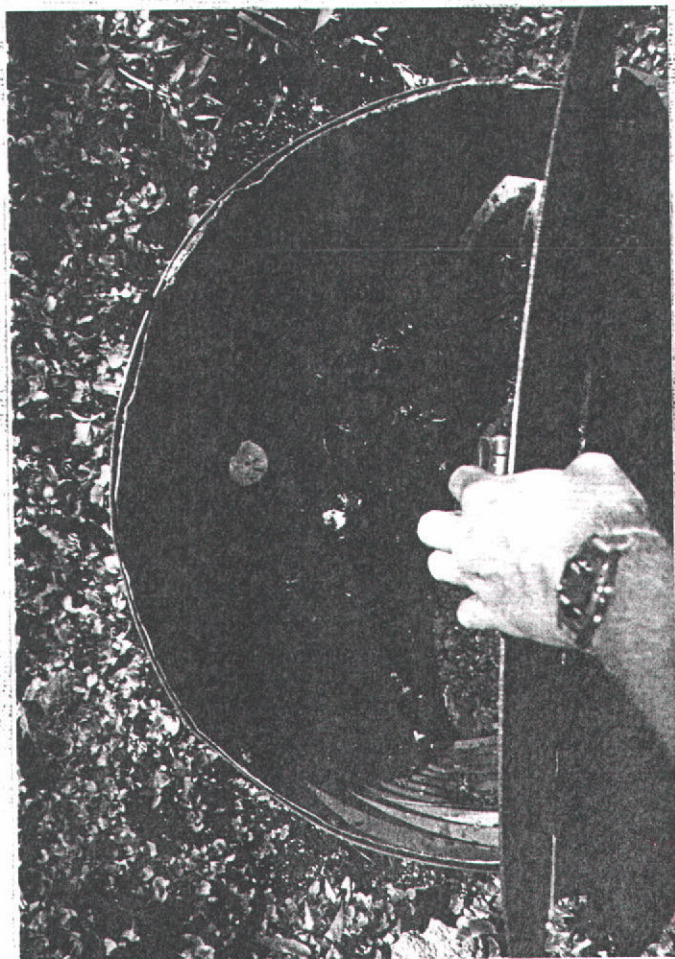
NOT RECORDED

APR 14 1999

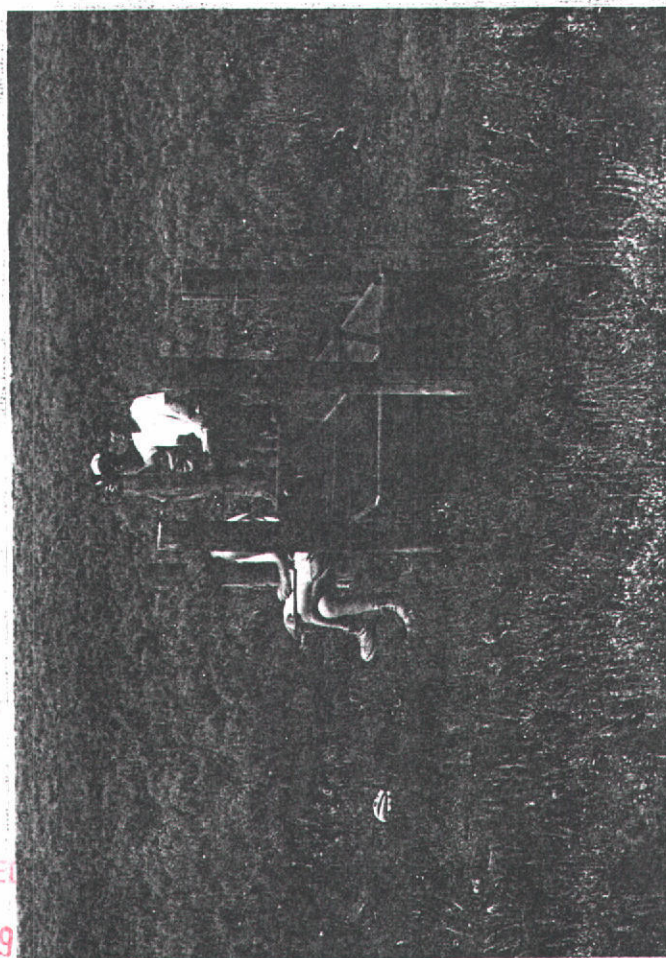


Johns Gulch Pl

1000 1000 1000 1000

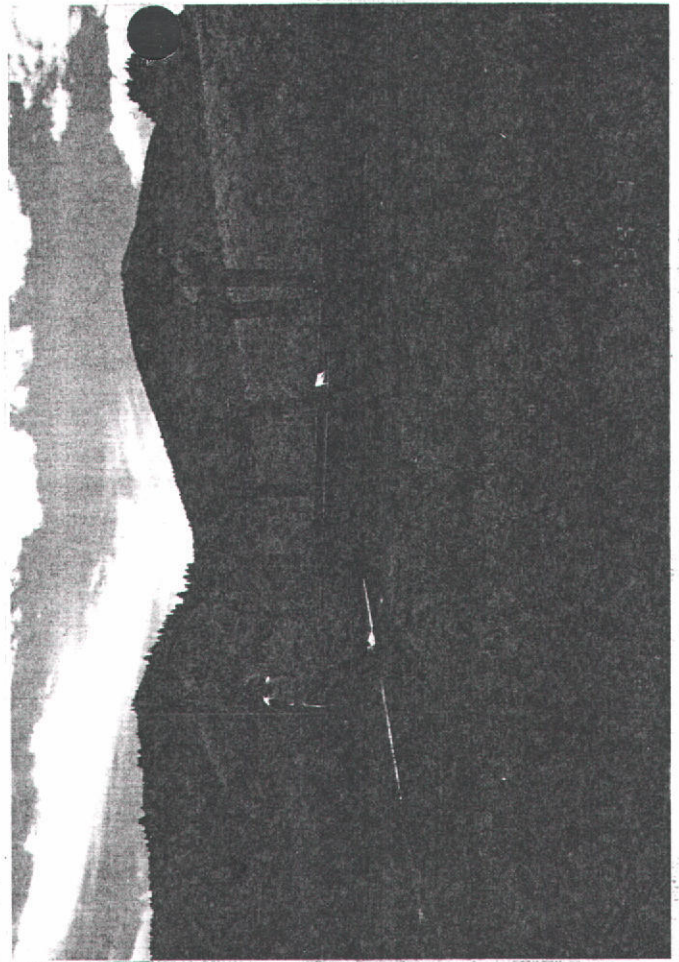


ICROFILMED
PR 14 1999



Johns Creek PL

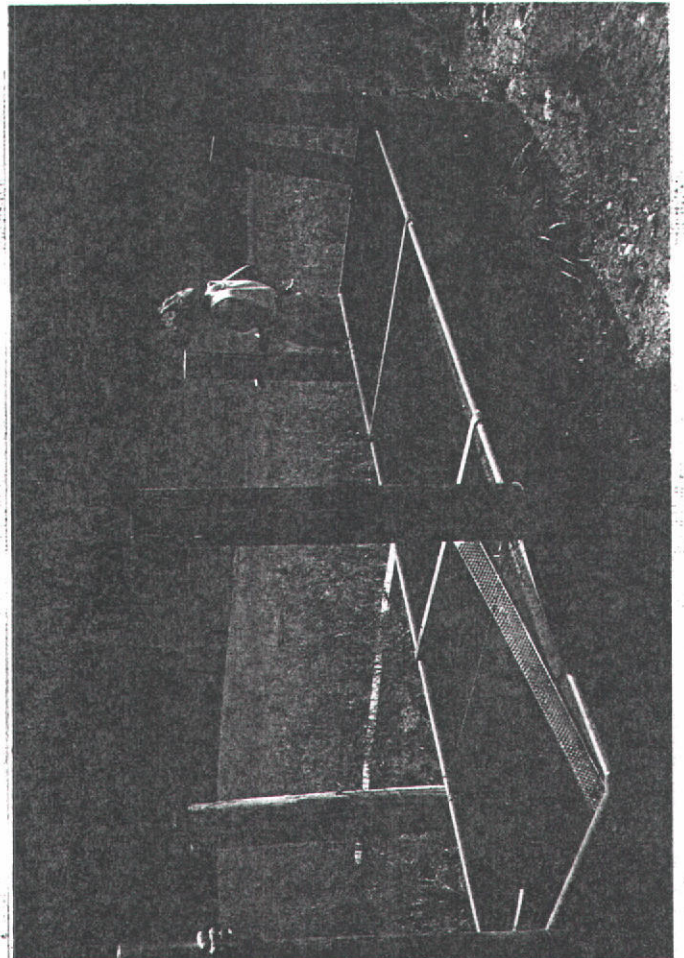
EXHIBIT 11 MICROFILMED DATE 12/11/99



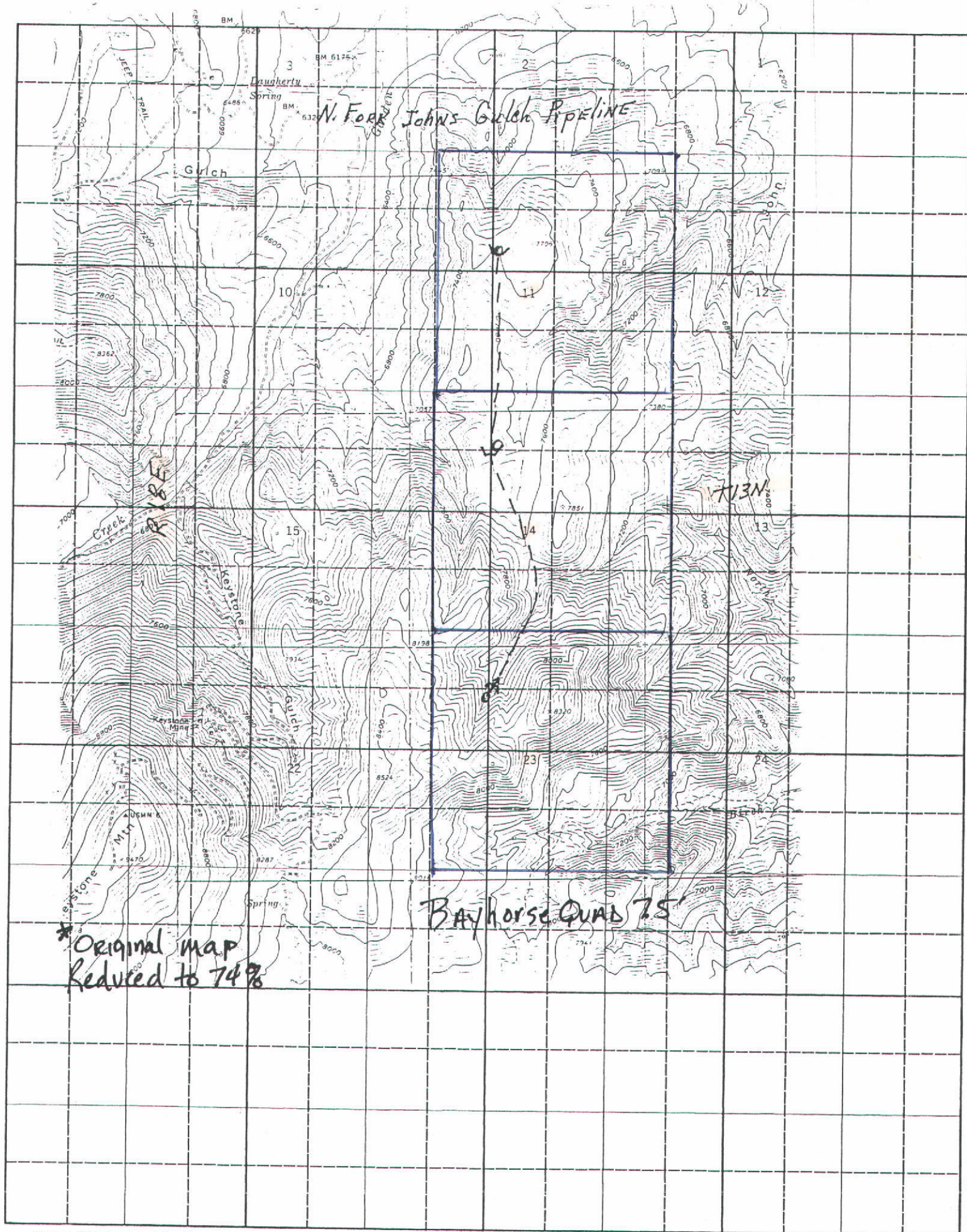
Johns Creek PL

EXHIBIT 11 MICROFILMED DATE 12/11/99

MICROFILMED
APR 14 1999



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

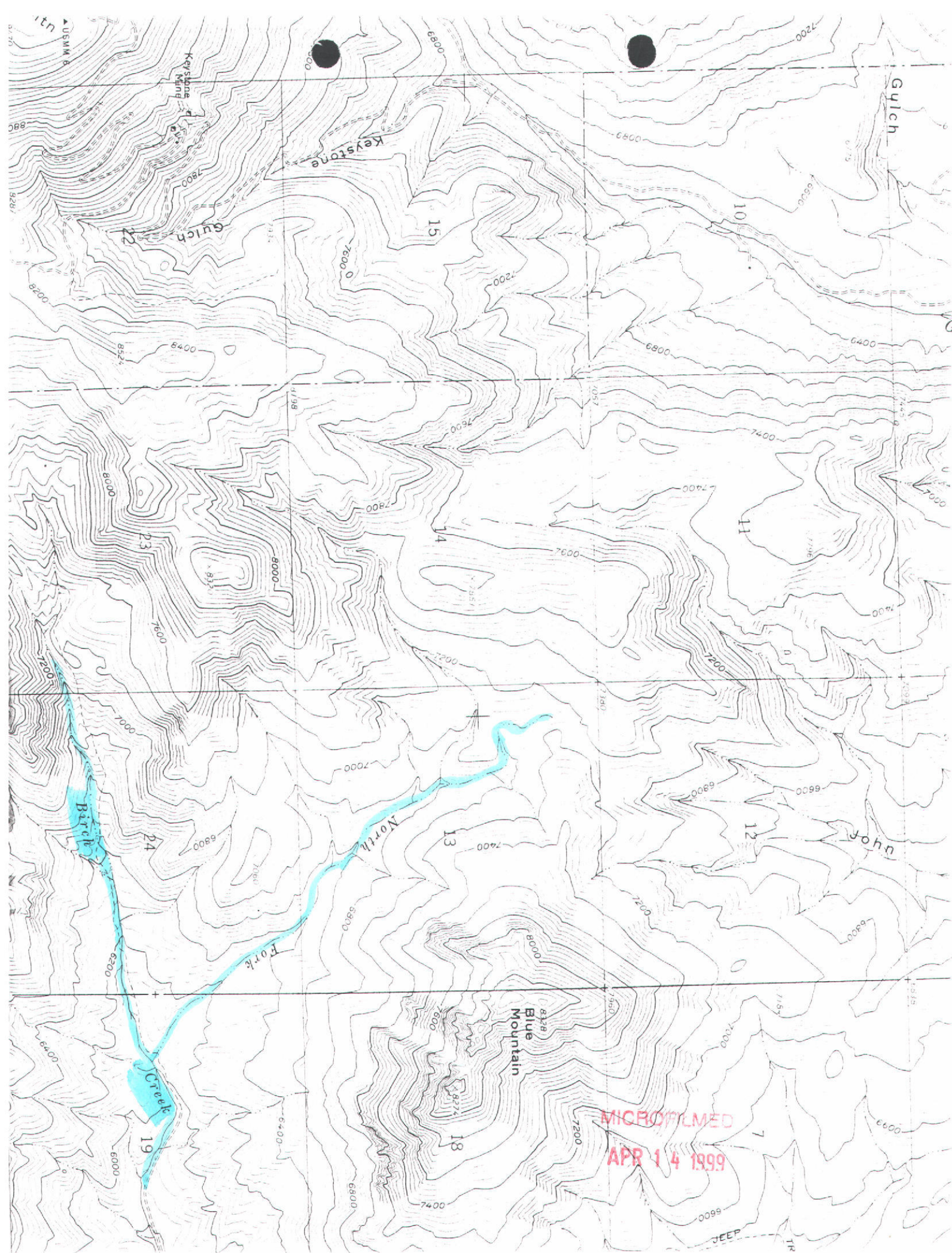


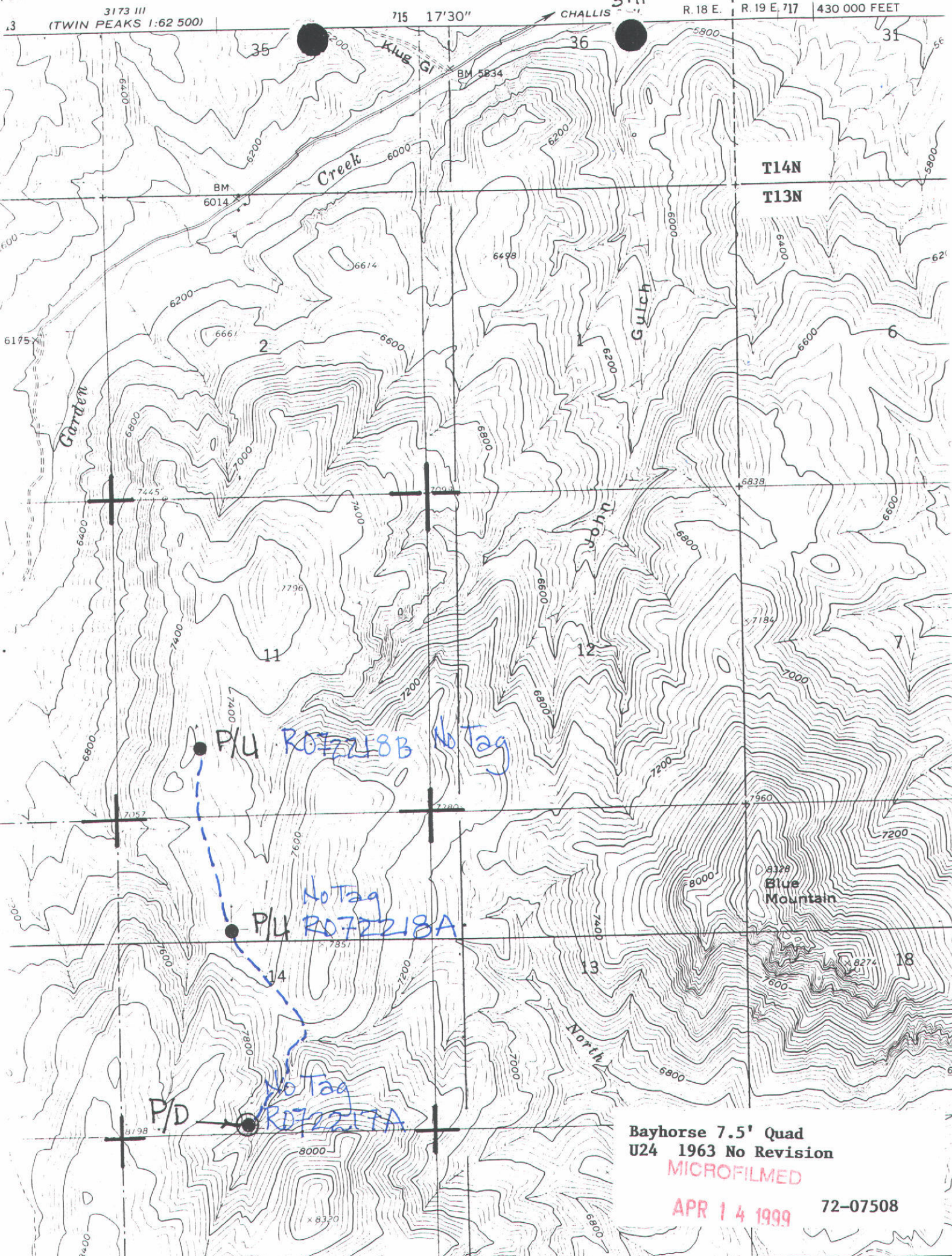
Scale: 2 inches equal 1 mile.

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.

X Roy Jackson
(Applicant)

JUL 06 1993





3173 III (TWIN PEAKS 1:62 500) 715 17'30" CHALLIS 2111 R. 18 E. R. 19 E. 717 430 000 FEET

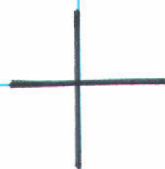
T14N
T13N

Bayhorse 7.5' Quad
U24 1963 No Revision
MICROFILMED
APR 14 1999 72-07508



11

P/42



P/4

14

P/D



→ ← 1320'

MICROFILMED

APR 14 1999

72-07508

1/1

P/D is 1/2 mile
S'ly from this area



Photo looking SW'ly

Photo looking NE'ly



P/D @ spring
Collection Box



P/D SEC 14, T13N, R18E
SESW 1/4

Photo looking S'ly @ the construction
line where the pvc pipe is laid.



Photo looking N'ly



P/U SEC 11, T13N, R18E
SESW 1/4

Photo looking NW'ly



P/U SEC 14, T13N, R18E
SENW 1/4

22 July 1998 1300 hrst

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 72-07508

Priority: February 6, 1993

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.2 AF

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 15, 1992; and
has submitted Proof of Beneficial Use on July 24, 1995. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to **BIRCH CREEK, NORTH FORK**

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>
STOCKWATER	05/15 to 09/15	0.02 CFS	0.2 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	0.2 AF
	Totals	0.02 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESESW , Sec. 14, Township 13N, Range 18E
CUSTER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13N 18E 11	SESW
14	SENW

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

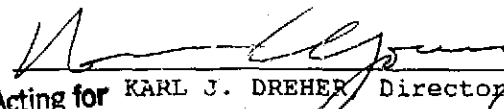
CONDITIONS OF APPROVAL AND REMARKS

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. Place of use is also known as North Fork John's Gulch stock water lines and troughs.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 26th day of

NOVEMBER, 1995.

NOTED


Acting for **KARL J. DREHER** Director

State of Idaho
Department of Water Resources

RECEIVED

NOV 16 1998

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 72-07508

Date of Priority: February 6, 1993

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.2 AF

Comes now
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

US DEPT OF INTERIOR

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. 72-07508, and requests that the permit be changed as follows:

Source: SPRING

tributary to ^{Birch Creek}
~~JOHN CULET~~, NORTH FORK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/15 to 09/15	0.02 CFS	0.2 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	0.2 AF
	Totals	0.02 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESESW, Sec. 14, Township 13N, Range 18E
CUSTER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13N 18E 11 SESW
14 SENW

Spring flows into the
NF of Birch Crk.

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

MICROFILMED

SEP 14 1999

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 at Salmon ID, this 10th day of November, 1998.

Ala Bittner

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07508

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Receipted by VS # 6013913 Date 11/16/98

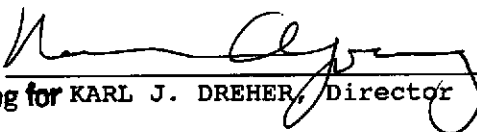
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07508 with the following;

CONDITIONS OF APPROVAL AND REMARKS

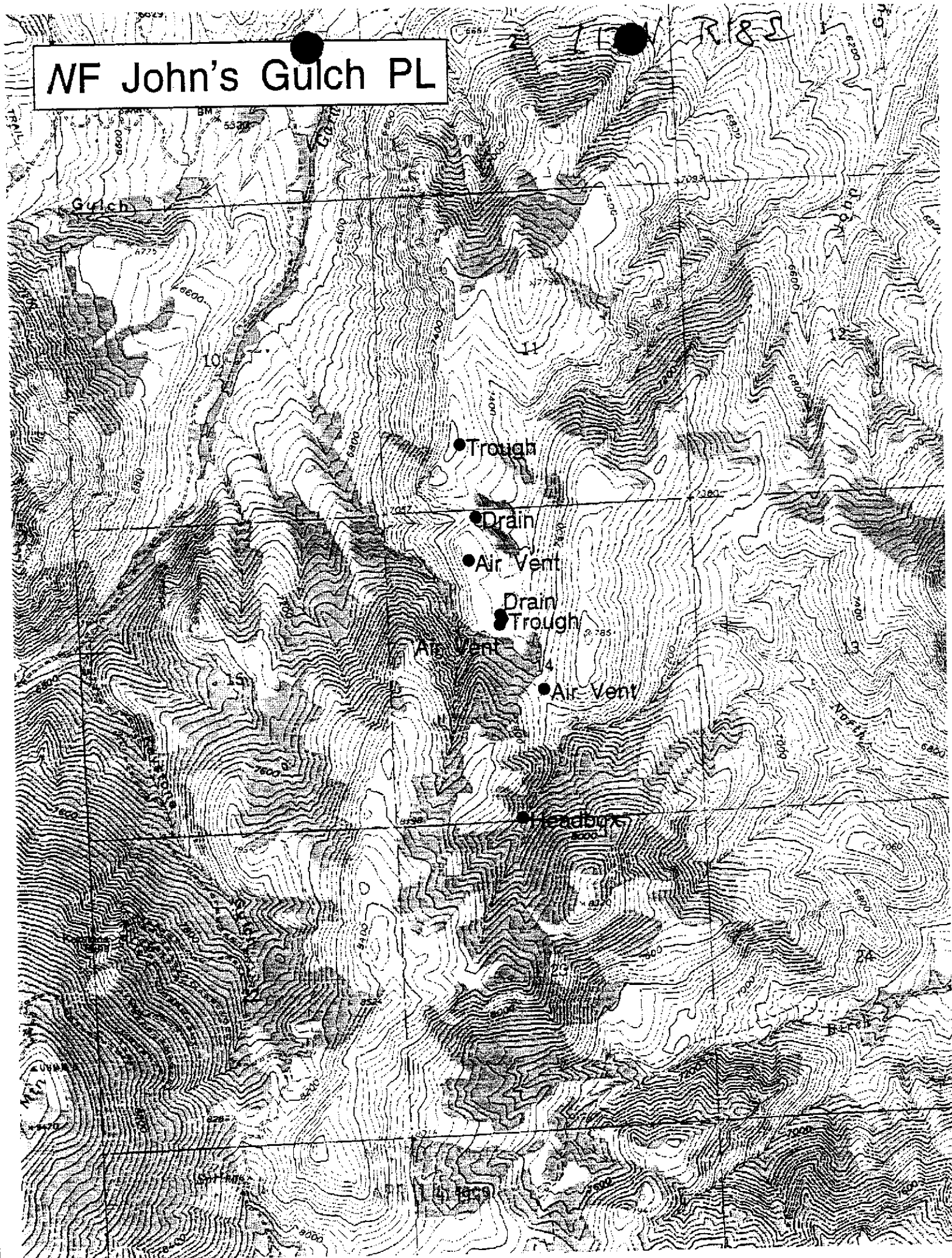
1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. Place of use is also known as North Fork John's Gulch stock water lines and troughs.

Witness my hand this 20TH day of NOVEMBER, 1998.


Acting for KARL J. DREHER, Director

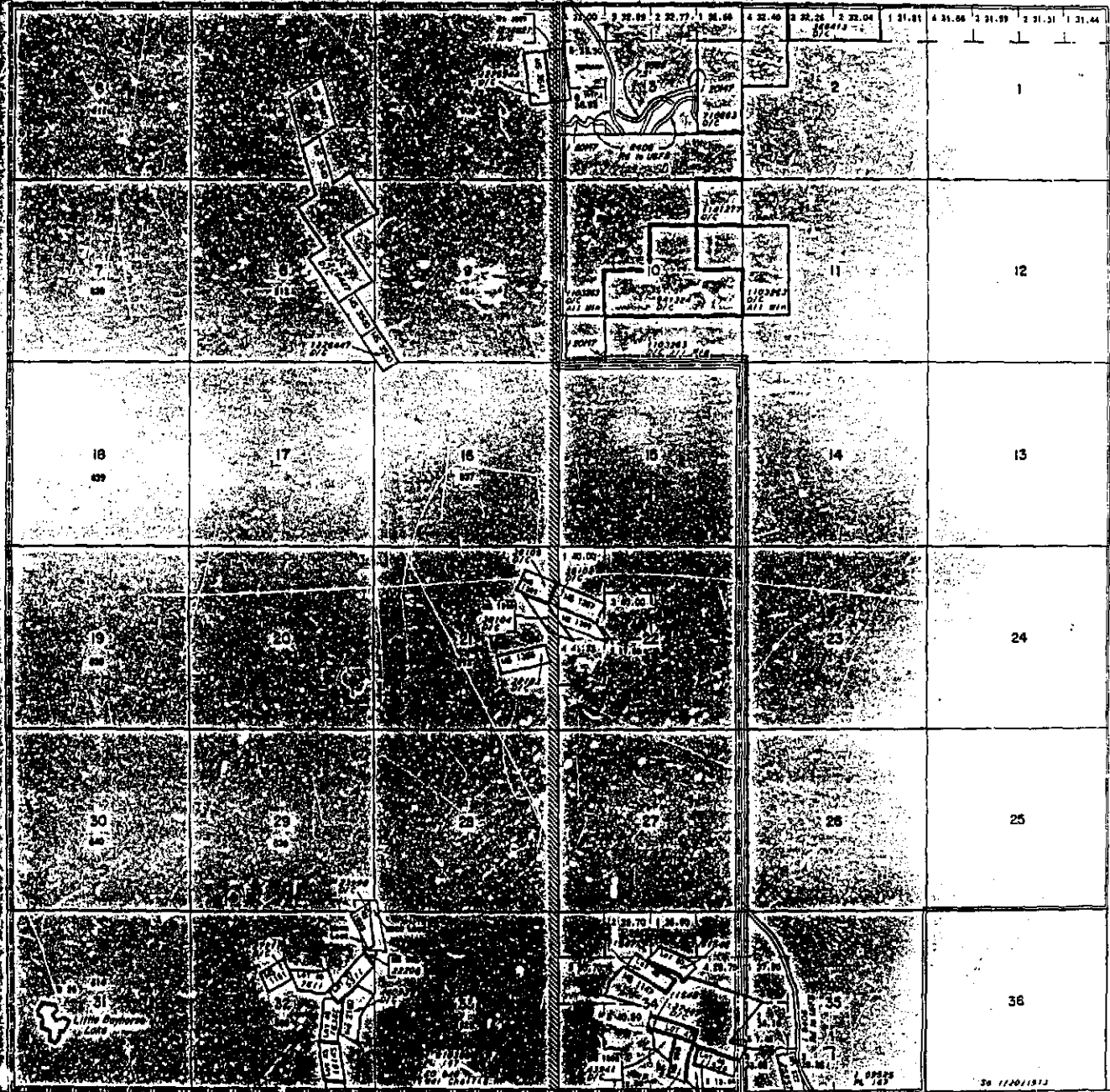
RECORDED
APR 14 1999

ITV RES



PARTIALLY SURVEYED TOWNSHIP 13 NORTH RANGE 18 EAST OF THE BOISE MERIDIAN, IDAHO

CUSTER COUNTY, IDAHO



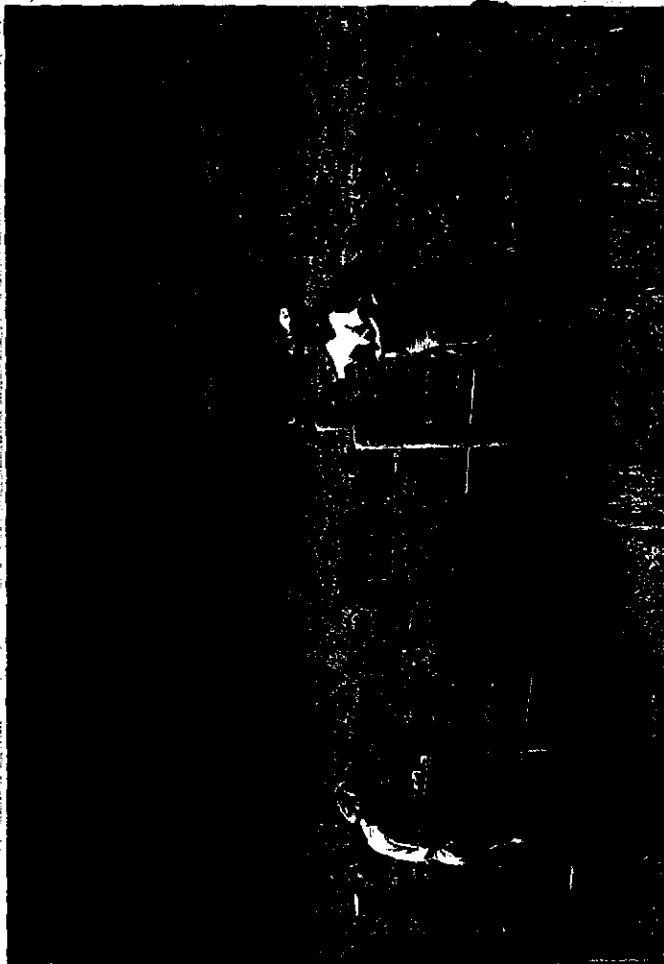
Lat. 44°25'06" N
Long. 114°13' 8"

12 N-18 E 12 N-19 E

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a reference source of the township survey data. Errors and omissions do not reflect title changes which may have been effected by later movements of survey or other bodies of water. Refer to the original surveys for official survey information.

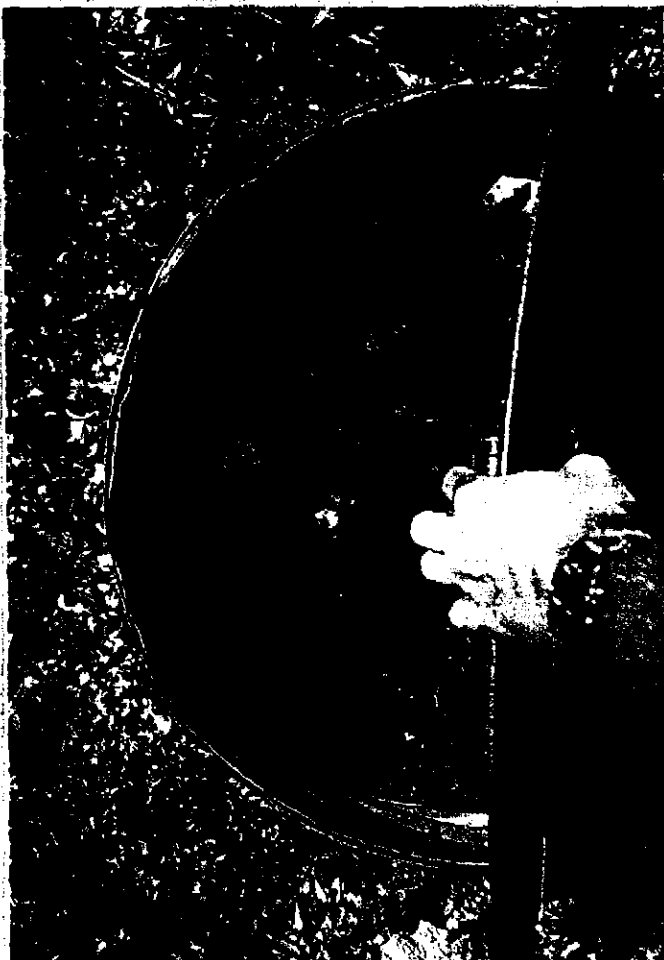
THIS NOTATION SHOWN ON THIS ACTION TAKEN BUT MAY NOT THE HISTORICAL INDEX FOR THE DRAVAL ORDER

APR 14 1980



Johns Guller Pl

7 02 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



7 02 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Johns Guelch Pl

7 ST M M M T-W 2070 2070 2070 2070 2070



Johns Guelch Pl

7 ST M M M T-W 2070 2070 2070 2070 2070

MICRO
APR 14 1980



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 72-07508	)	
	)	
IN THE NAME OF US DEPT. OF INTERIOR	)	ORDER OF
BUREAU OF LAND MANAGEMENT	)	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,

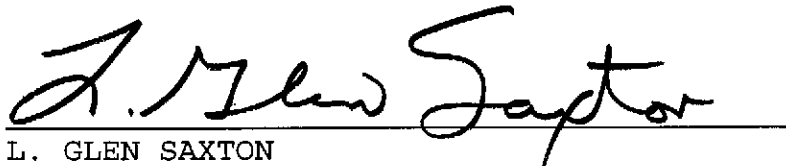
WHEREAS, the Department notified the permit holder on June 12, 1995, that the permit had lapsed for failure to submit an acceptable proof of beneficial use or extension of time; and,

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 July 24, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 72-07508 be **REINSTATED** with an advance in priority to February 6, 1993.

DATED this 3rd day of August, 1995.


L. GLEN SAXTON

AUG 09 1995

CEIVED

JUL 24 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 72-07508 Telephone No. 208 756-5403

2. Name(s) of Permit Holder(s): Bureau of Land Management

3. Mailing Address: P.O. Box 430 Salmon, Idaho

4. Source of Water: Spring 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): 300 Rang Cattle

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .02 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 X

Has the measuring device been installed?

Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No X

Has the measurement port been installed?

Yes _____ or No X

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

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

Name: Bill Osborne Telephone Number: (208) 756-5423

Address: BLM Hwy 93 South Salmon, Idaho 83467

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: David E Blackstone ^{BLM} Hydrologist Date: 19 July 95
(include your title, if on behalf of company or organization)

AUG 09 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07508

Proposed Priority: December 15, 1992 Maximum Diversion Rate: 0.02 CFS
This is to certify, that US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 834670430

has applied for a permit to appropriate water from:

SPRING

tributary of **BIRCH CREEK, NORTH FORK**

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>
STOCKWATER	05/15 to 09/15	0.02 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS
	Totals	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESWNW , Sec. 23, Township 13N, Range 18E
CUSTER County

PLACE OF USE: STOCKWATER
TWN RGE SEC

13N 18E	11	SEnw
	14	NENw

PLACE OF USE: WILDLIFE, same as STOCKWATER use

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. Stockwater use is for 300 range cattle.
5. Place of use is also known as North Fork John's Gulch stock water lines and troughs.

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

[Signature]
for R. Keith Higginson, Director

JUL 06 1993

RECEIVED

Form 202
3/78

DEC 24 1992

Ident. No. 72-07508

RECEIVED

STATE OF IDAHO

RECEIVED

DEC 14 1992

Department of Water Resources
Southern Region Office

MAY 21 1993

RECEIVED

OCT 19 1992

Department of Water Resources

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern Region Office

1. Name of applicant Bureau of Land Management Phone 208 756-6215

Post office address Box 430 Salmon, Idaho 83467

2. Source of water supply Spring which is a tributary of Birch CR, N.E. Garden Creek

3. Location of point of diversion is NE SW SE NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 13N

Range 18E B.M. Custer County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for Livestock purposes from 5/15 to 9/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .04 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Develope headbox at spring, and construct approximately 8,200 feet of 1 1/4 inch pipe leading to two troughs.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

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 -- maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 13N
SE NW 11

Range 18E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 300 cows

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

JUL 06 1993

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion Bureau of Land Management

b. Who owns the land to be irrigated or place of use Bureau of Land Management

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

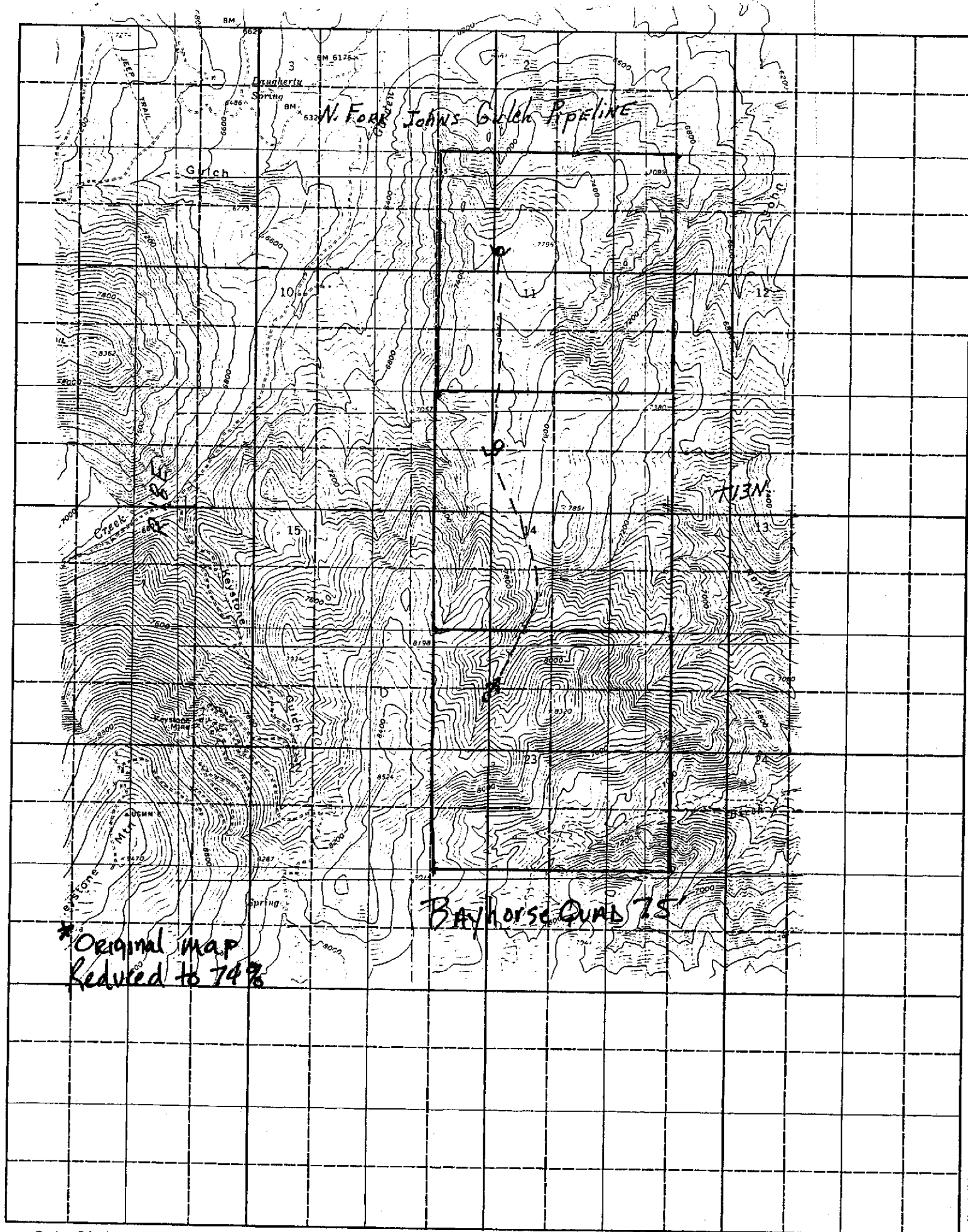
10. Remarks The project is for livestock use, to store water for stock while grazing
on Public Lands.

Also known as N. Fork Johns Gulch stock waterline and troughs.

~~SECRET~~

JUL 06 1993

11. 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.

Roy Jackson
(Applicant)

JUL 06 1993

Received by pt Date 10-19-92 Time 10:35
Preliminary check by MTS Fee \$ 30.00 ¹²⁻¹⁵⁻⁹² 0026279
Receipted by _____ Date _____
Publication prepared by MB Date 3-9-93
Published in Challis Messenger
Publication dates 3/18 + 3/25/93
Publication approved MBaldwin Date 3-30-93
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. Other:

RECEIVED

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.

Evel M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

JUL 06 1993

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

USD1-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 Higinson, Director

Pub: March 18 & 25, 1993.

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

RECEIVED

Dept. of Water

MAR 30 1993

222 Skoshone St E
Furn. Falls, Id 83301Department 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 1 1/2 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.

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 30, 1998

PHILIP E. BATT
GOVERNOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

KARL J. DREHER
DIRECTOR

RE: WATER RIGHTS 72-07421/72-07508

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

APR 14 1999

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

2 MICROFILMED

APR 14 1988

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.

For your records, I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosures

MICROFILMED

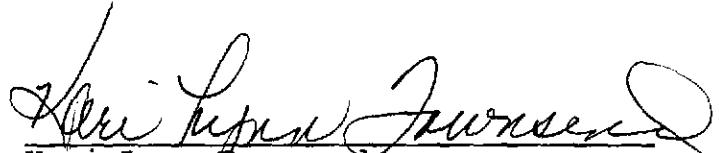
APR 14 1989

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

Water Rights 72-07421/72-07508

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467


Kari Lynn Townsend
Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

RE: WATER RIGHT NO. 72-07508

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form describes the point(s) of diversion and place(s) of use and other information that will be included 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 60 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECEIVED

APR 14 1999

MEMORANDUM

TO: File 72-07508

FROM: Sharla

DATE: November 6, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 72-07508 are as follows:

B. GENERAL INFORMATION

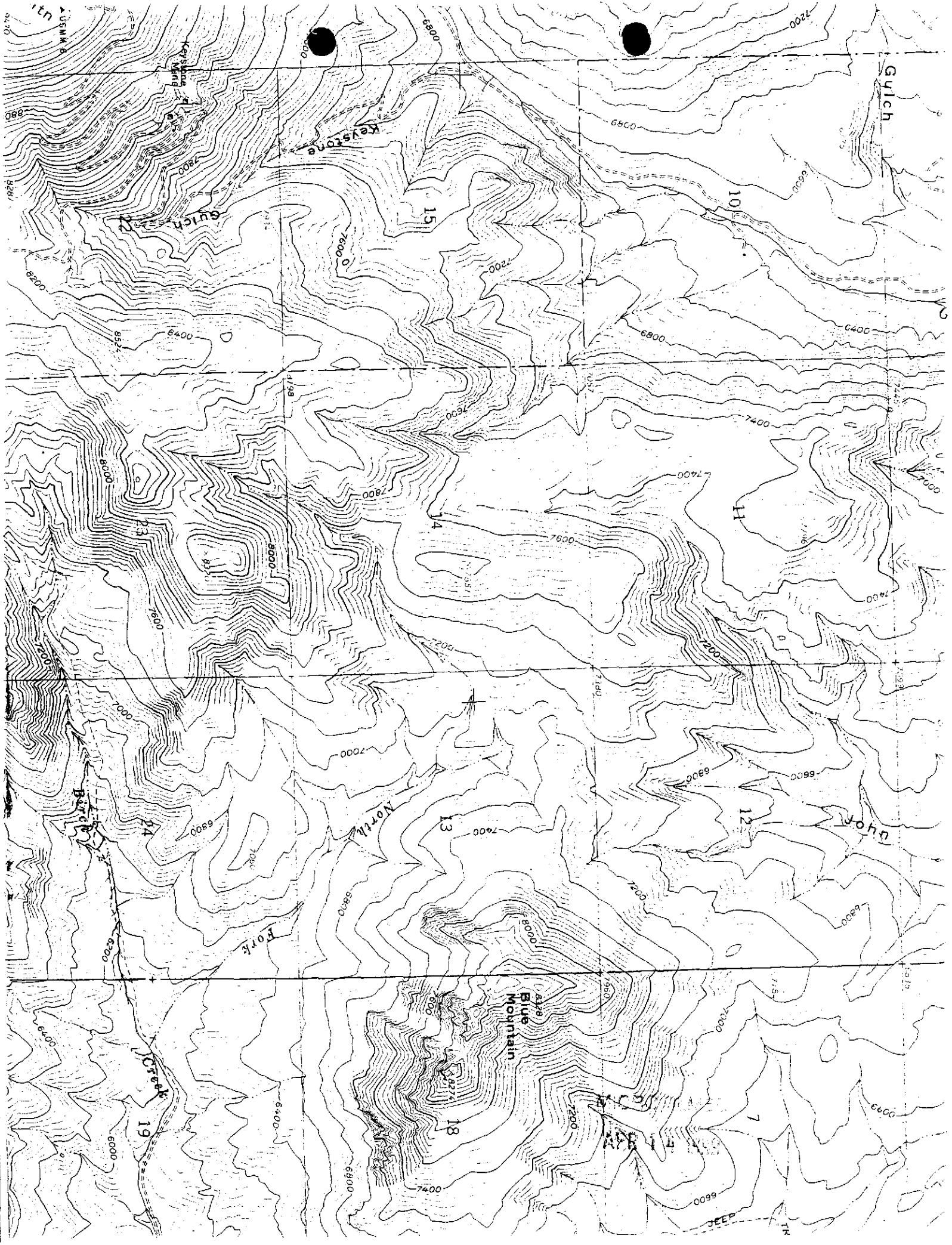
3. Source: Spring tributary to Birch Creek, North Fork

The north fork shown on the topo map and listed by the examiner as the tributary of this spring is actually the north fork of Birch Creek.

Examiner: Georgia Satterlee

Exam Date: July 22, 1998

MICROFILMED
SEP 14 1999



LICENSE REVIEW CHECKLIST

PERMIT NO.

72-07508

DATE

10/29/98

REVIEWER: SHARLA

NAME
Address

Change/OK

OK
Chg

SOURCE

OK

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

Chg

☐ Change (P39 /P47)

☐ Add (P45/P42)

Feds (P40)

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed ☐ Profile reports printed ☐

PLACE OF USE

Chg

☐ Change (P41/P47)

☐ Add (P41/P42)

Feds (P43)

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed ☐ Profile reports printed ☐

PD & PU amend (P37)

Feds (P48)

RATE OF DIV

Permitted Rate .02 cfs

Fee limit 20 cfs \$5000

Measured --- cfs

Theoretical --- cfs

Recommended Total Div Rate .02 cfs

WATER USES

OK

Change (P46)

Stock

.02 cfs

.2 af

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

Wild

.02 cfs

.2 af

supp. gw (WB7/065/079)

--- cfs

--- af

overlap spec. combined rts (W35)

--- cfs

--- af

<1acre (W31)

--- cfs

--- af

Domestic

(W01/WB5/070/071/075)

TOTALS

.02 cfs

.2 af

Power

(W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Wtr Quality (081/R07)

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

REMARKS

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

R37 Others

Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority ☐ yes ☒ no

SRBA Claim NA

Adjust Memo

Amend letters

P48, P38
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 29 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-07508

1. Owner: US Dept of Interior, BLM Phone No. (208)756-5423

Current Address: Rt 2 Box 610, Salmon, ID. 83467

2. Accompanied by: Vince, Rick, & Steve {BLM employees} EXAM DATE: 22 JULY 1998

Address: _____ Phone No. SAME AS ABOVE

Relationship to Permit Holder: Al Bittner (Contact Person)

3. Source: Spring tributary to North Frk John Gulch

B. OVERLAP REVIEW

1. Other water rights with the same place of use: * { A72-15543, -15544, A72-15545, -15546, -15547, -15548, -15799 }

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

* ALL CLAIMS WERE WITHDRAWN (BLM)

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SW	14	13N	18E	CUSTER	GPS location
									Field Verification

2. Place(s) of Use:

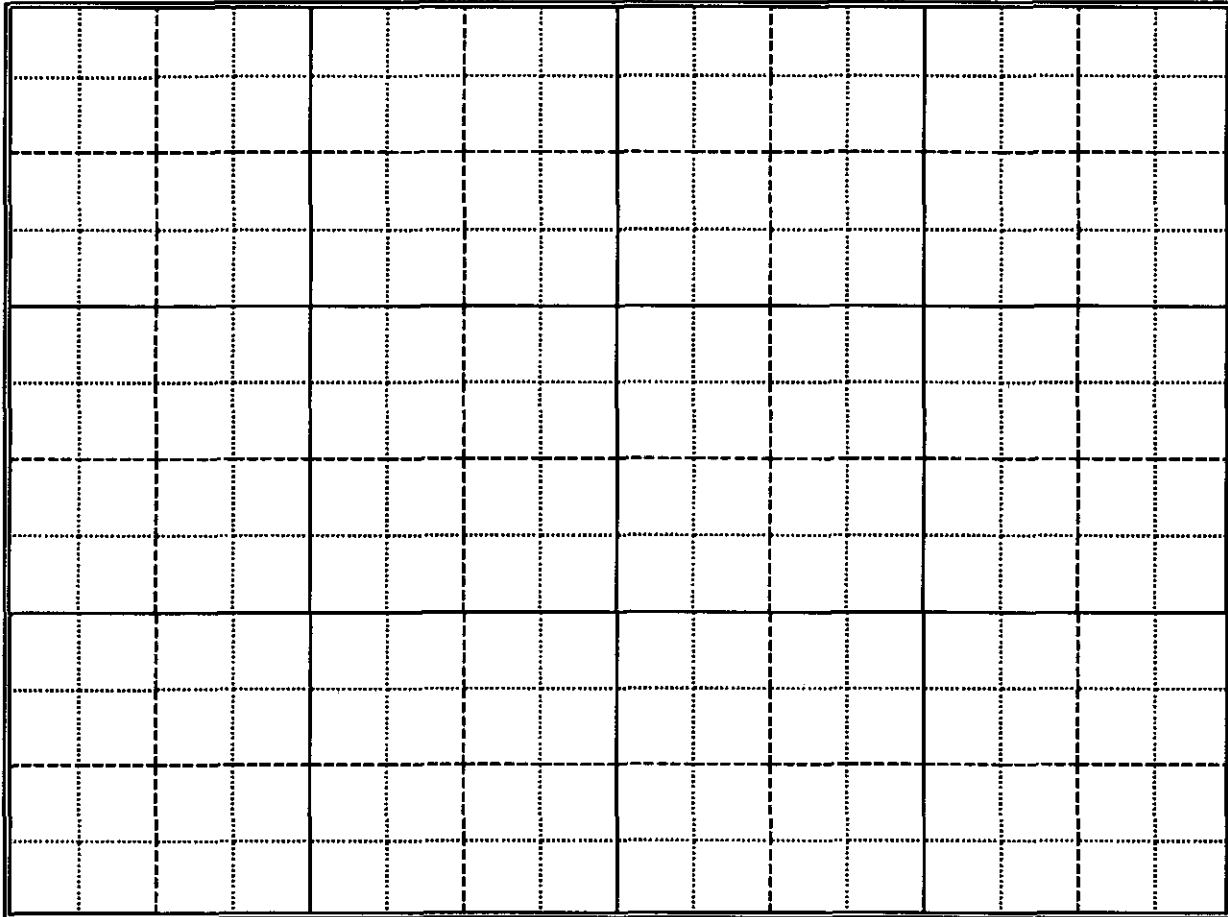
Indicate Method of Determination SAME AS ABOVE

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	11																	
		14							5										

MICROFILMED

APR 14 1999

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



Scale: 1" = _____

☒ 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
NONE						

2. Measurements: _____

MADE IN MEXICO

APR 14 1947

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 20 August 1998
RE: 72-07508

On 22 July 1998 I was met by Rick, Vince, and Steve all from the BLM Salmon Office who showed me the point of diversion and places of use for the above permit.

Steve was on the crew who constructed the 1½+ mile pipeline in 1993. He wanted to observe the area post construction. From the spring, which is tributary to North Fork John Gulch, the water is delivered to two troughs through a 1½" pvc pipeline.

The first trough is located approximately 3,300 feet northerly of the spring. The second trough is approximately 3,000 feet north-west from the first trough.

Steve said although the Bureau is responsible for the construction of the pipeline, the rancher is responsible for the maintenance of the troughs. At the time of the examination, there were no cows evident. The rain lasting until the end of June has delayed the rancher putting his stock in the area.

Vince and Steve located the point of diversion and the places of use with their GPS equipment. I used our GPS equipment for the same elements. After downloading and correcting the data, we were going to compare our information. As of this date I have not heard from them and therefore I will recommend what I collected. The rate recommendation is as permitted, however the property locations are as noted on the field report, photos, etc.

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

MICROFILMED
APR 12 2010

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\text{NONE}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{0}$$

2. Volume Calculations for Other Uses:

EXAM FEE LIMIT 0.20
PERMIT RATE 0.02
RECOMMEND RATE 0.02

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
WILDLIFE	01/01	12/31	0.02	0.2
STOCKWATER	05/15	09/15	0.02	0.2
Totals:			0.02	0.2

2. Recommended Amendments

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

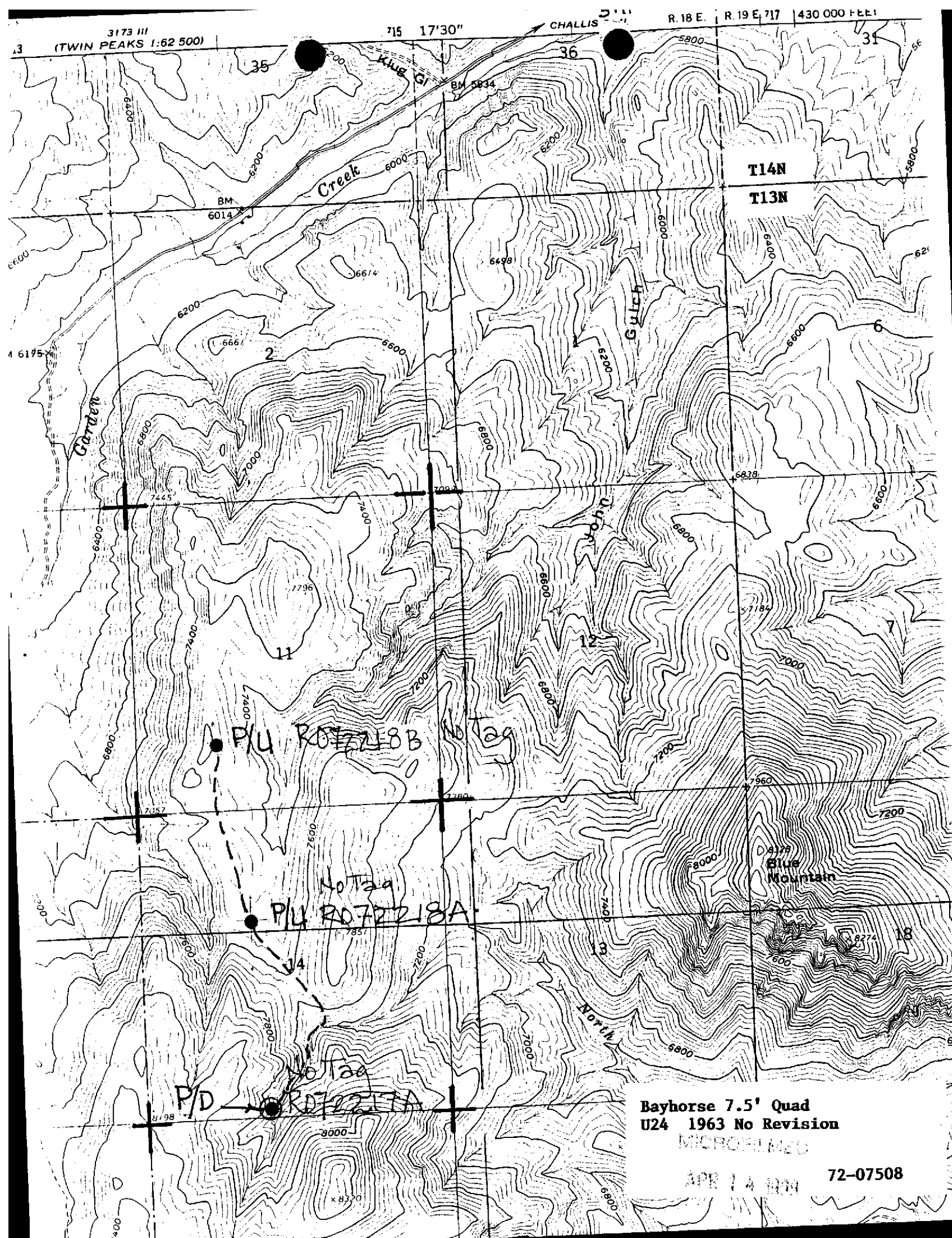
I. AUTHENTICATION

Field Examiner's Name Georgia Satterlee Date 20 August 1998

Reviewer _____ Date _____

SEAL

RECEIVED
APR 14 1999

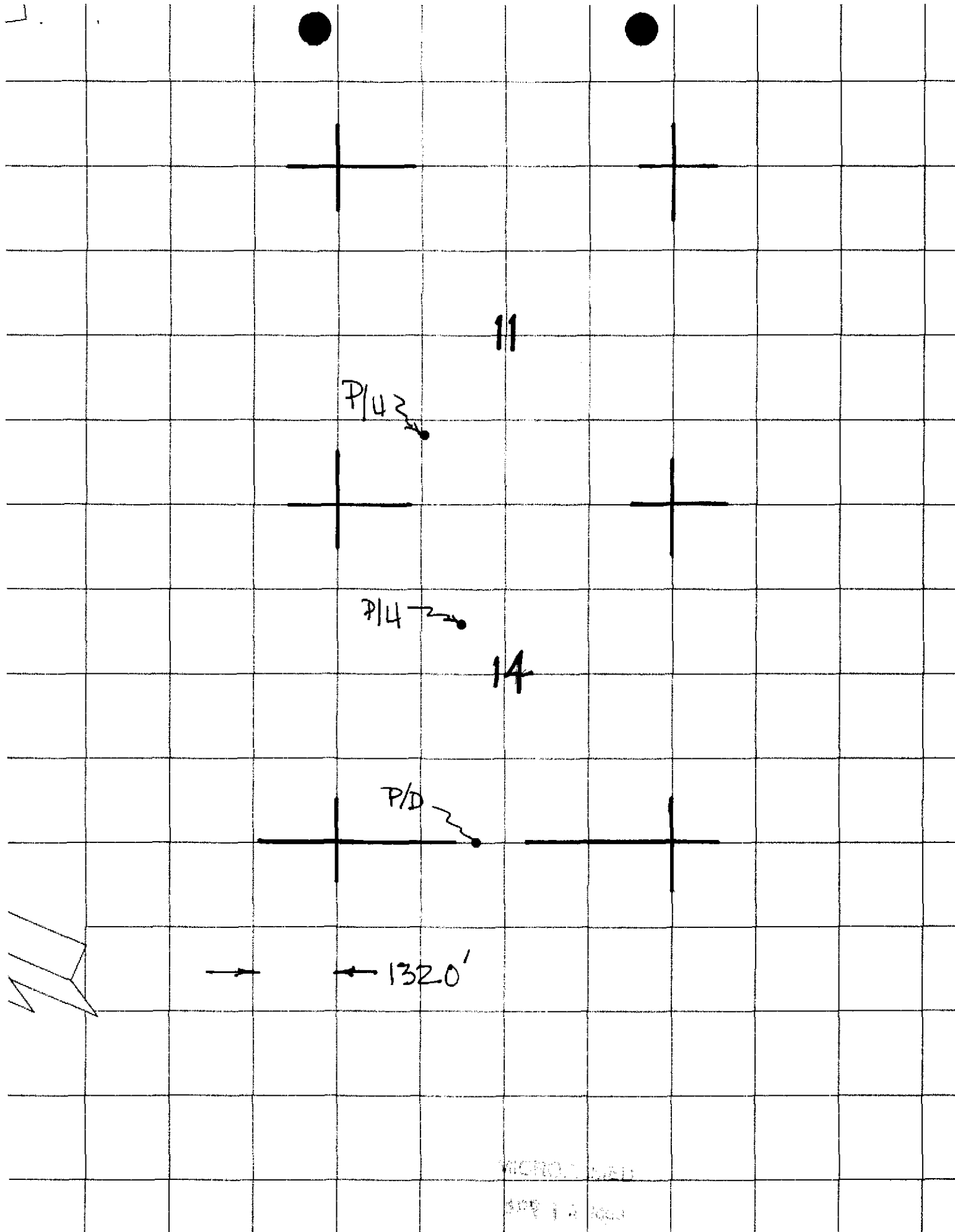


Bayhorse 7.5' Quad
U24 1963 No Revision

MICROFILMED

APR 14 1969

72-07508



MICROFILMED

SEP 1 2 1968

72-07508

1/1

Photo looking NE'ly

P/D is 1/2 mile
S'ly from this area

Photo looking SW'ly

P/D @ spring
Collection Box

P/D SEC 14, T13N, R18E
SESW $\frac{1}{4}$

Photo looking S'ly @ the construction
line where the pvc pipe is laid.

Photo looking NW'ly

Photo looking N'ly

P/U SEC 14, T13N, R18E
SESW $\frac{1}{4}$

22 July 1998 1300 hrst

72-07508

P/U SEC 11, T13N, R18E
SESW $\frac{1}{4}$

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 72-7508 Reviewed by [Signature] Date 8-1-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? stock
yes Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required? no Required?
50- Amount Submitted
yes Correct? Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 7-24-95 205
Date proof due 6-1-95 - 152
No. of days late = 53
Priority Date 12-15-92 + _____
New Priority Date 2-6-93

72/6/93

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to Feb. 6, 1993.
Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 7-24-95



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

August 3, 1995

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
P O BOX 430
SALMON ID 83467

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 72-07508

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 6, 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) 736-0303.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

AUG 08 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

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 834670430

LAPSE NOTICE

RE: PERMIT NO. 72-07508

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

AUG 09 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

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 834670430

PROOF DUE NOTICE

RE: PERMIT NO. 72-07508

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.

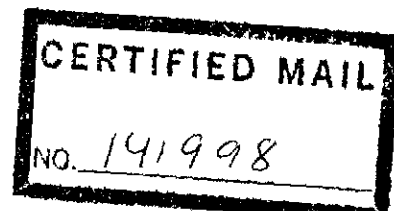
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
AUG 09 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

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 834670430

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07508

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.

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECORDED

JUL 06 1993

APPLICATION FOR PERMIT REVIEW

Application #: 72-07508 Date: 6/7/93 Reviewer: Cindy Zimmerman

SYSTEM COMPLETED:

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

AREA OF CONCERN? Yes

S/C mor.

- exempt

GROUNDWATER:

- GT. 0.2 cfs <flo-ch>
LT. 0.2 cfs
- 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- No measurement required <flow chart>

Drilling Permit:

- Approved w/permit
Not included
- P99 Permit No. _____
- 046-46B-P23 (after 7/1/87), N/A

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

LOCATION:

- Water Districts
Surface water
Groundwater
Irrigation Districts
Canal Co. Areas
Drainage Districts
Boise Front (63)
Swan Falls Flag
Trust
Non Trust <1>
- WD No. _____
- 005, 005-01H-P01(LT.2 w/pump)
- 005-01J-P08(GT.2), NMR <flow chart>
- P05 (if well has not been drilled)
- 023
- 023
- 024
- 058 (Groundwater)
- _____ (1, Blank or Other)
- 051-052-053-P74(Consumptive Uses)
- 048-049

RIVER BASINS:

- (Surface Water)
Boise (63)
Payette (65)
Snake (01, 02 & 03)
- Water District Control Condition &....
- 05A & 11E
- 047-P04, 059-P71
- 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation
Power
Mining
Storage
Rec/Wildlf/Aes
Domestic
(restricted areas)
- 06A, 09E-P10 & 010 (WQ/Choose One),
- 042 (req), 002-P06(MD), 07A(Special),
- 044(Policy 5G)
- 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
- <25 cfs-P18; 17G or 17M; 18B-P09
- 06A, 010, or 09E-P10 & 054 (req)
- 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- 027(Non-Consumptive)
- 021 (Boise River - upstream from L Peak)
- 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - ~~004~~

PROTESTED:

- Agreement - 020

Beneficial Use Due Date - 6-1-1995

Other Conditions -

Remarks: - W02(300)

RECEIVED
STATE OF IDAHO
MAY 21 1993
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
APPLICATION FOR PERMIT ANALYSIS SHEET *Blm, Salmon*

INITIAL REVIEW BY M75 DATE 12-28, 1992.
APPLICATION NO. 72-07508

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
- Monitoring held
Annual Process -
use either meets
42-11 definition or
is essentially
above-cons.*
- ++++PROPOSED PRIORITY DATE
12-15 - 1992

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 report attached
- ☐ Yes ☒ No Critical Ground water area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

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

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

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest 4/5/93
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist. 728
☒ Yes ☐ No Special conditions of approval or cover letter below.
DLH DS (728 Garden Creek) NOT IN 728 cz.

See below for additional information

Date of priority recommended 10/19, 1992
By _____ Date _____, 19____

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

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

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

Admistrative —
Hold for moratorium - new development of surface water



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

RECEIVED

JUL 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

**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.

User: 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.

User: 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.

K. Keith Higgins, Director

Pub: March 18 & 25, 1993.

OK
mb
3-22-93
mb
3-29-93

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

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

RECEIVED

JUL 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

ROY JACKSON
USDI BLM
PO BOX 430
SALMON ID 83467

Re: Application for Permit No. 72-07508

Dear Mr. Jackson:

Additional review of the above referenced Application for Permit revealed that it did not qualify as a Moratorium Hold filing as our correspondence of 3/3/93 indicated.

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,

Mel Schulte
Water Right Agent

MS:MB

RECEIVED
MAR 11 1993

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

03-Mar-1993

R. KEITH HIGGINSON
Director

ROY JACKSON
USDI BLM
PO BOX 430
SALMON ID 83467

Re: Application for Permit No. 72-07508

Dear Mr. Jackson:

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.

Please be advised that your application is subject to a moratorium on processing new applications which has been imposed due to drought conditions.

Your application will be held in this office without further processing until the Moratorium is lifted.

At this time we are unable to give a date for further review of this application.

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
JUL 06 1993