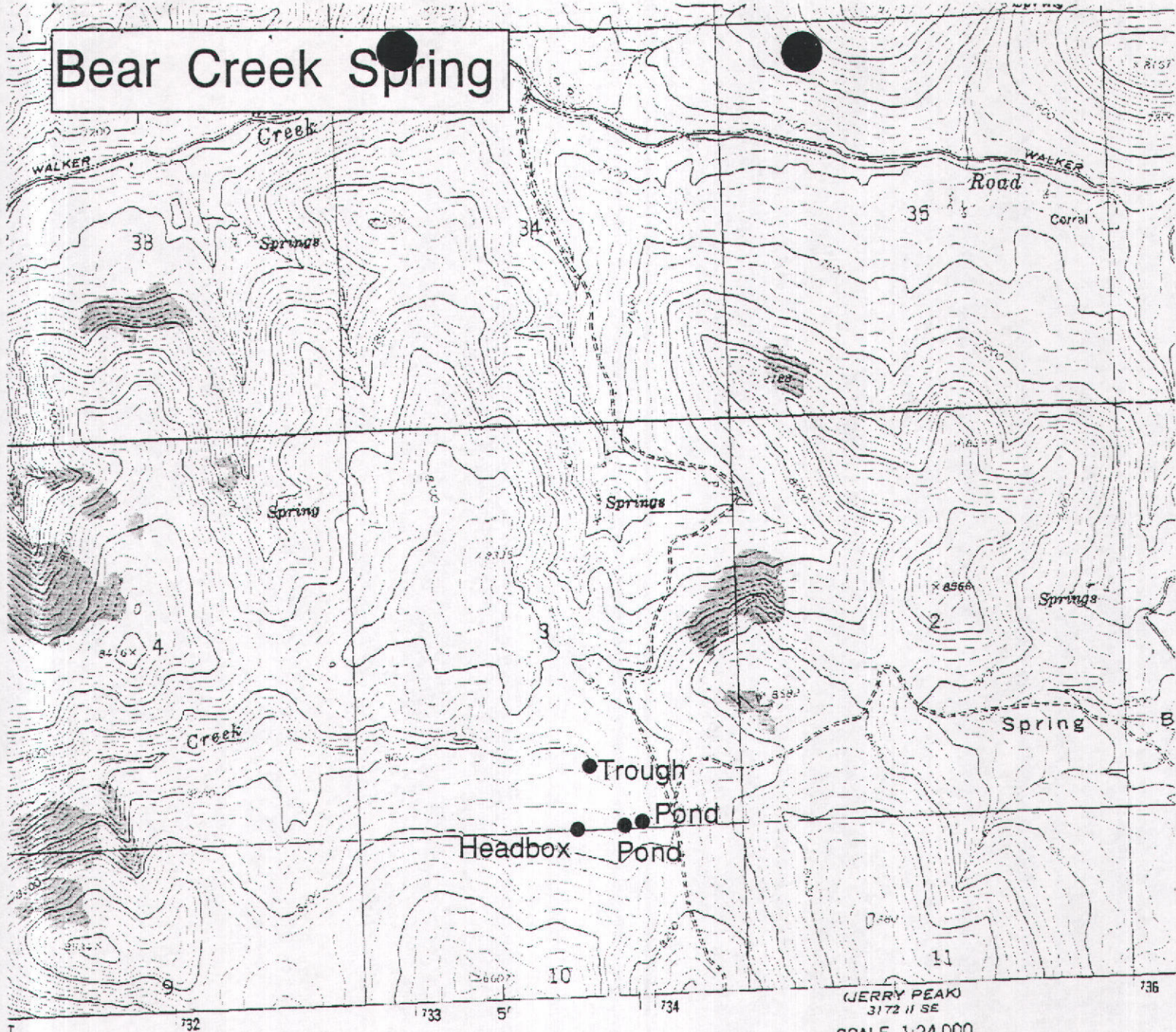


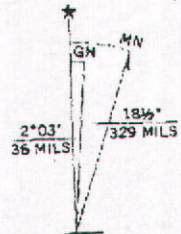
Bear Creek Spring



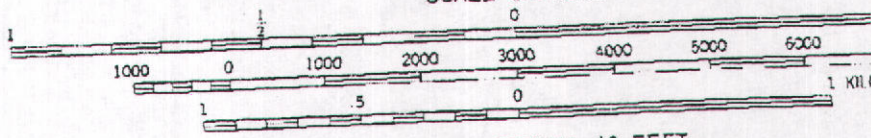
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UTM GRID AND 1967 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



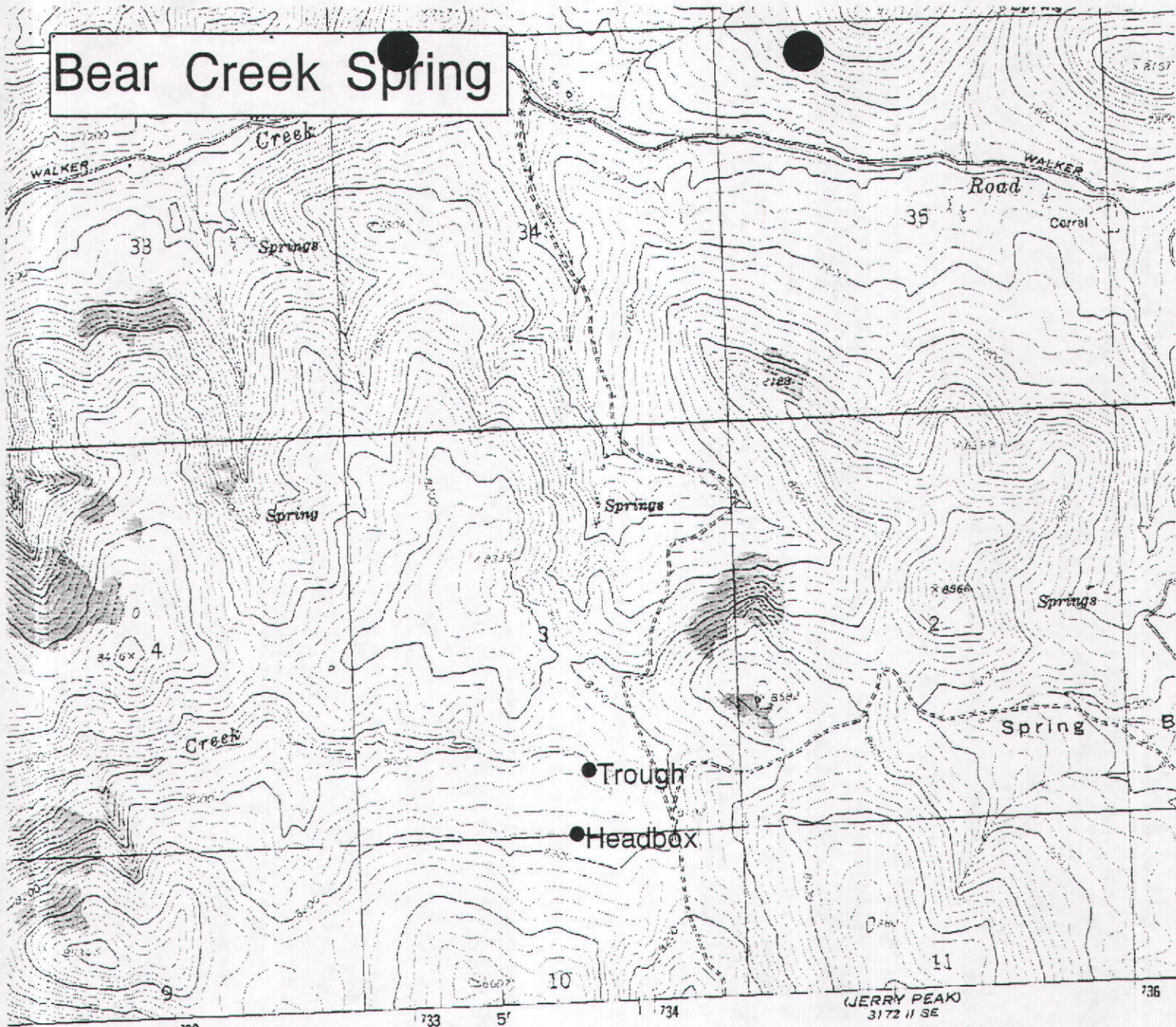
CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON RE

T9N R20E

MICROFILMED
APR 14 1999

Bear Creek Spring



he Geological Survey

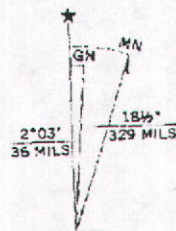
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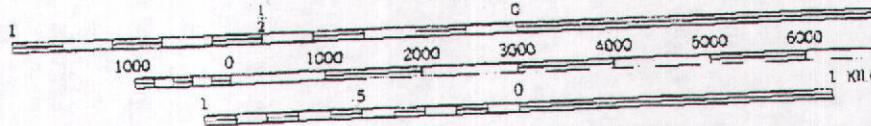
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UTM GRID AND 1967 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



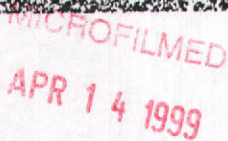
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NATIONAL GEODETIC VERTICAL DATUM OF 1929

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A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON RI

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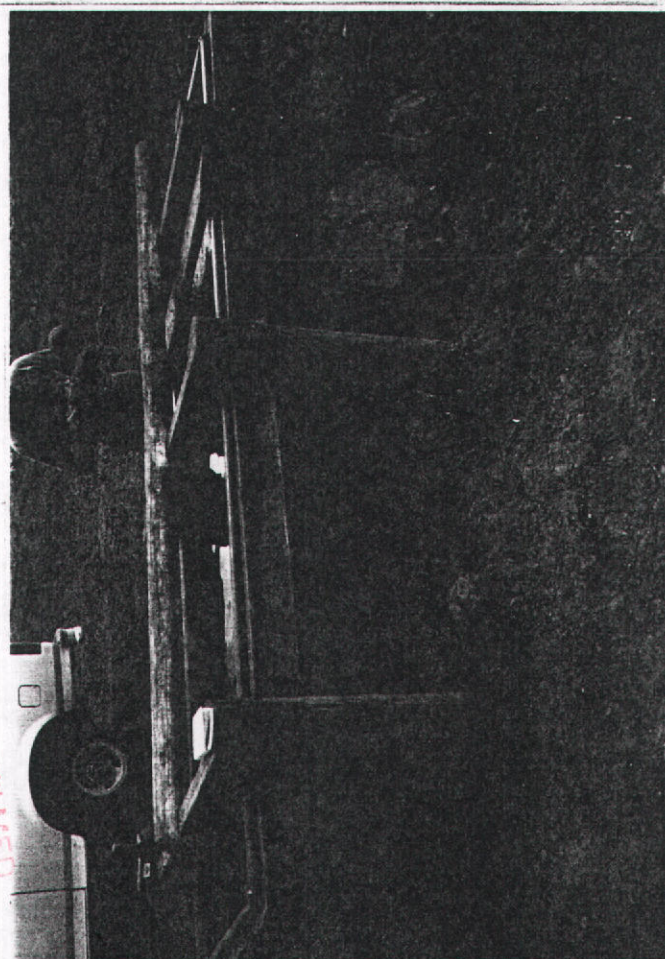
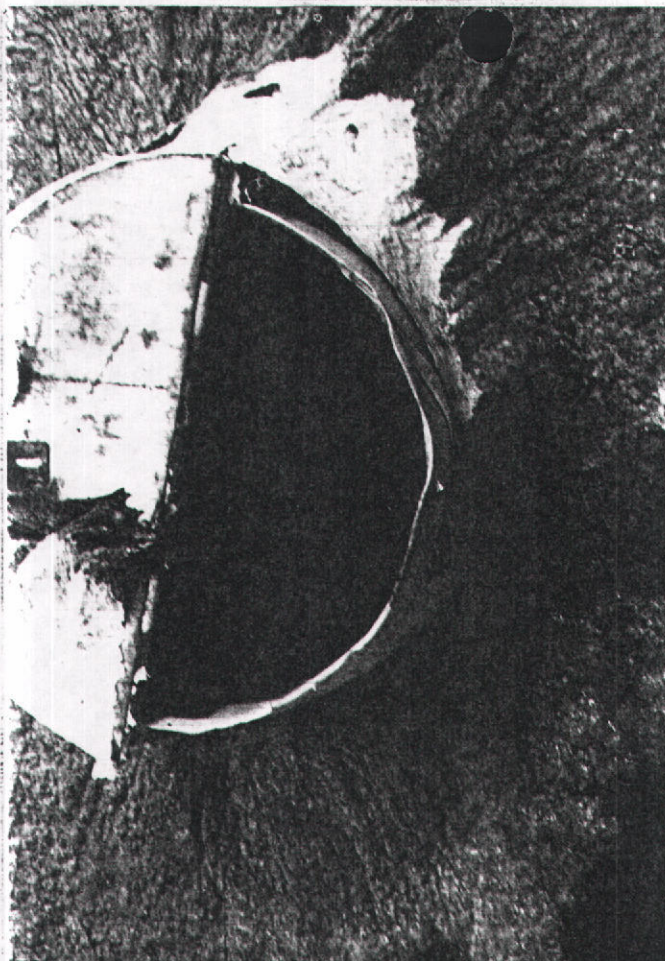
APR 14 1999

SALMON DISTRICT SEC 3



Ben Creek Pond

11-11-11 11:11 11:11 11:11 11:11



MICROFILMED
APR 14 1999



Bear Creek Sp

TELENO. 0202 1971 1971 1971



Bear Creek Sp

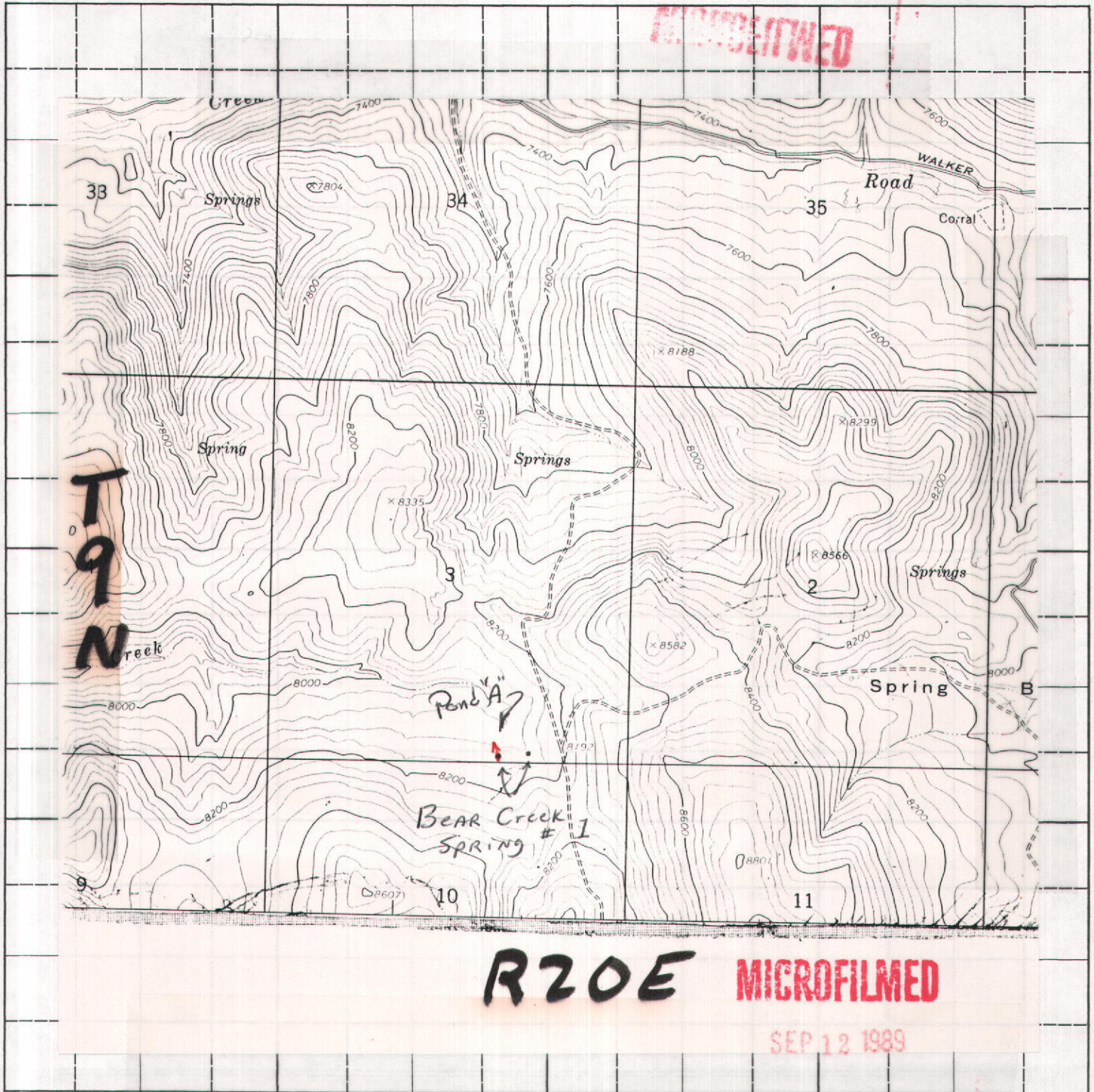
TELENO. 0202 1971 1971 1971



MICROFILMED

APR 14 1999

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



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.

District Manager

Roy Jackson
(Applicant)

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 June 1 1989 and ending with the issue dated June 8 1989

Margaret Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 13th day of June in the year of 1989, 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.

Estel M. Beck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-21-92

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

72-07421 ✓

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: SPRING Tributary:
SINKS

Diversion Pt: SESWSE Sec 3 T
09N R 20E

Use: STOCKWATER STORAGE
(1.00 AF)

WILDLIFE STORAGE (1.00 AF)
STOCKWATER FROM STORAGE (1.00 AF)

WILDLIFE FROM STORAGE
(1.00 AF)

Date Filed: 3/23/1989

In: T09N R20E S03 SWSE

72-07422

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: SPRING Tributary:
SINKS

Diversion Pt: SESWSE Sec 3 T
09N R 20E

Use: STOCKWATER STORAGE
(1.00 AF)

WILDLIFE STORAGE (1.00 AF)
STOCKWATER FROM STORAGE (1.00 AF)

WILDLIFE FROM STORAGE
(1.00 AF)

Date Filed: 3/23/1989

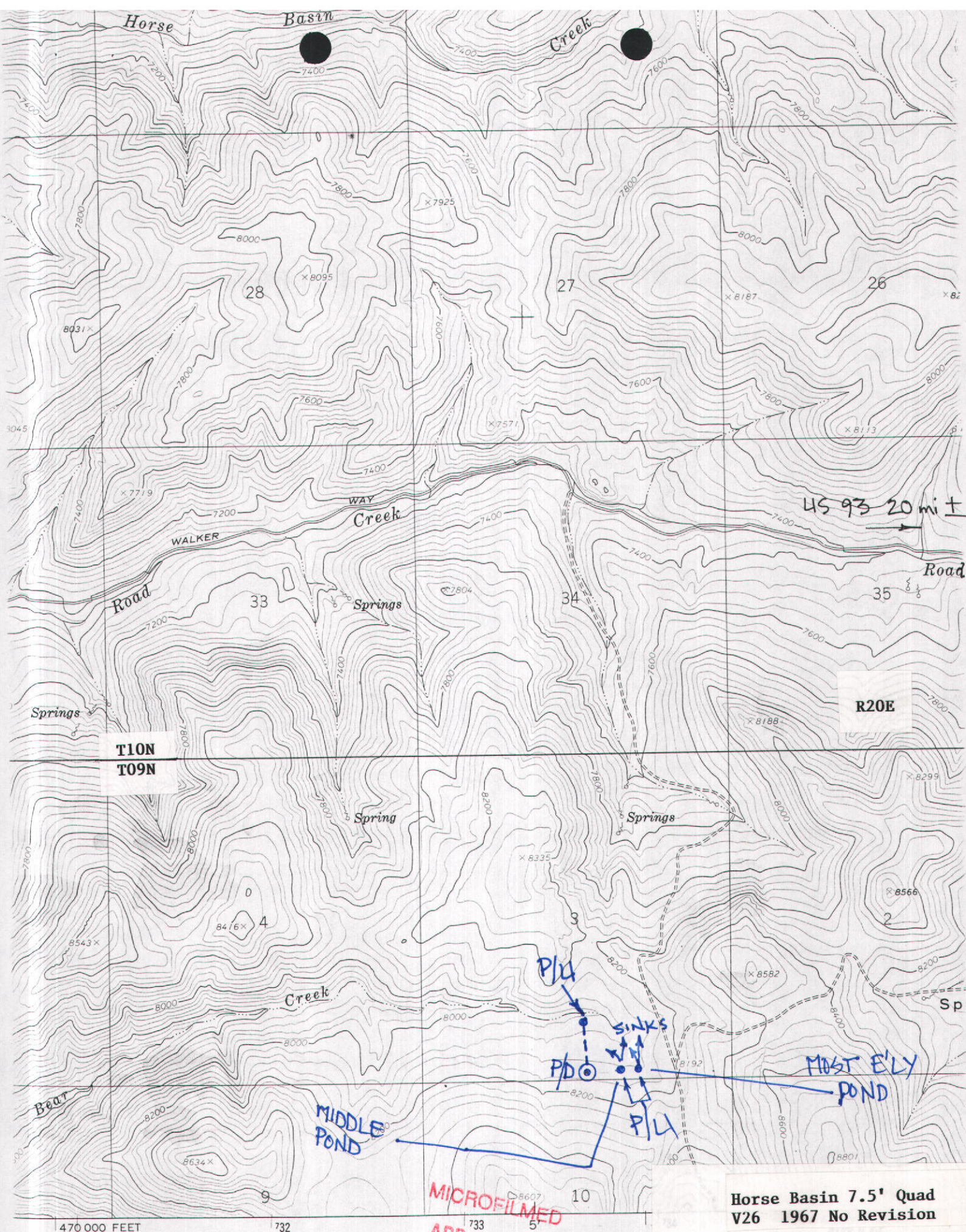
In: T09N R20E S03 SWSE

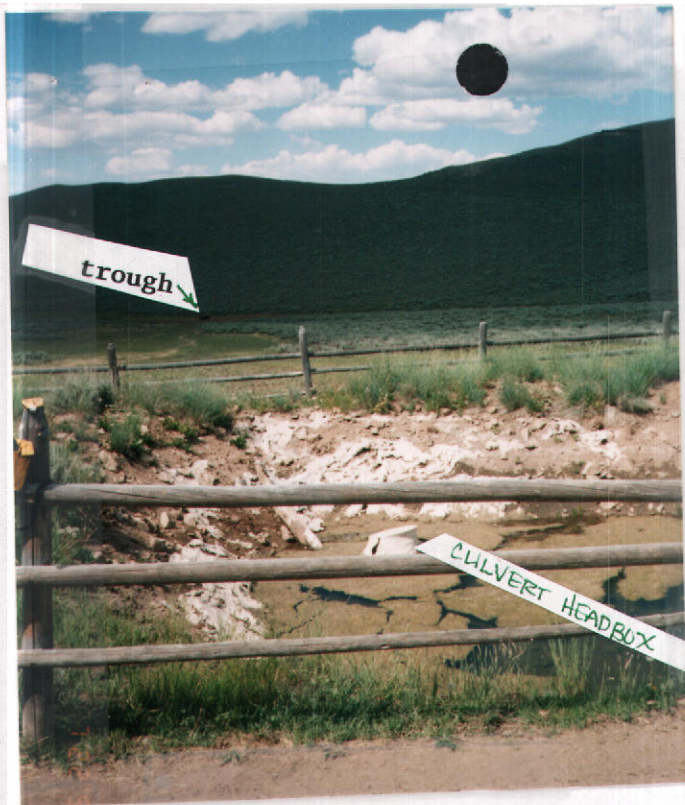
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 19, 1989.

R. KEITH HIGGINSON, Director
Publish: June 1 & 8, 1989.

SEP 12 1989

OK
MB
6/16/89





photos looking N'ly



photo looking S'ly



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APR 14 1999

22 July 1998 1630 hrs.
Satterlee, G.

BLM 72-07421



photos Looking N'ly



MICROFILMED
APR 14 1999

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 72-07421

Priority: March 23, 1989

Maximum Storage Volume:

0.1 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 March 23, 1989; and
has submitted Proof of Beneficial Use on July 27, 1990. An examination indicates
that the works have a storage capacity of 0.100 af of water from:

SPRINGS

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>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
	Totals		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 3, Township 09N, Range 20E
SESWSE , Sec. 3, Township 09N, Range 20E
CUSTER County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

09N 20E 3 SWSE

PLACE OF USE:

STOCKWATER FROM STORAGE, same as STOCKWATER STORAGE 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. Two points of diversion are located within SESWSE, S3, T9N, R20E.

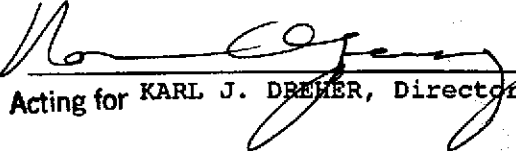
MICROFILMED
APR 14 1999

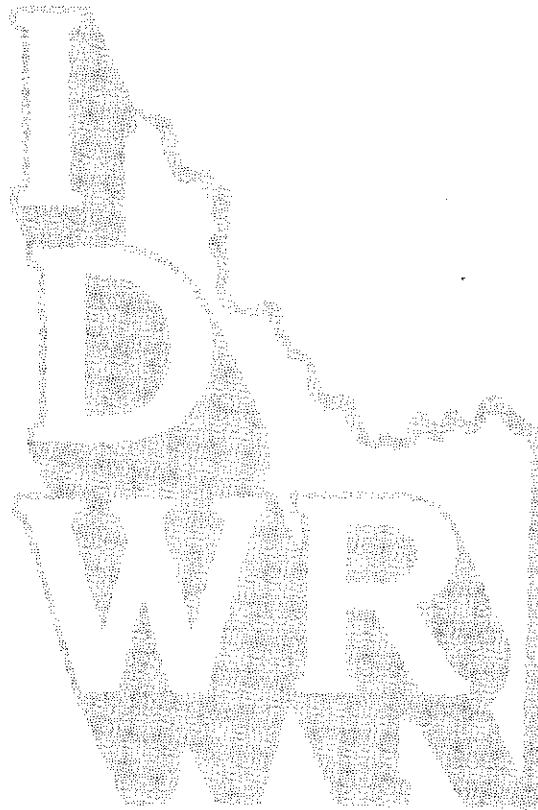
State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 72-07421

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 20TH day of NOVEMBER, 1978.


Acting for KARL J. BREMER, Director



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APR 14 1999

RECEIVED

NOV 16 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 72-07421

Date of Priority: March 23, 1989

Maximum Storage Volume:

0.1 AF

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

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. 72-07421, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
	Totals		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 3, Township 09N, Range 20E
SESWSE , Sec. 3, Township 09N, Range 20E
CUSTER County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

09N 20E 3 SWSE

PLACE OF USE:

STOCKWATER FROM STORAGE, same as STOCKWATER STORAGE use

MICROFILMED

APR 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 B. B. B.
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07421

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by LS #043913 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. 72-07421 with the following;

CONDITIONS OF APPROVAL AND REMARKS

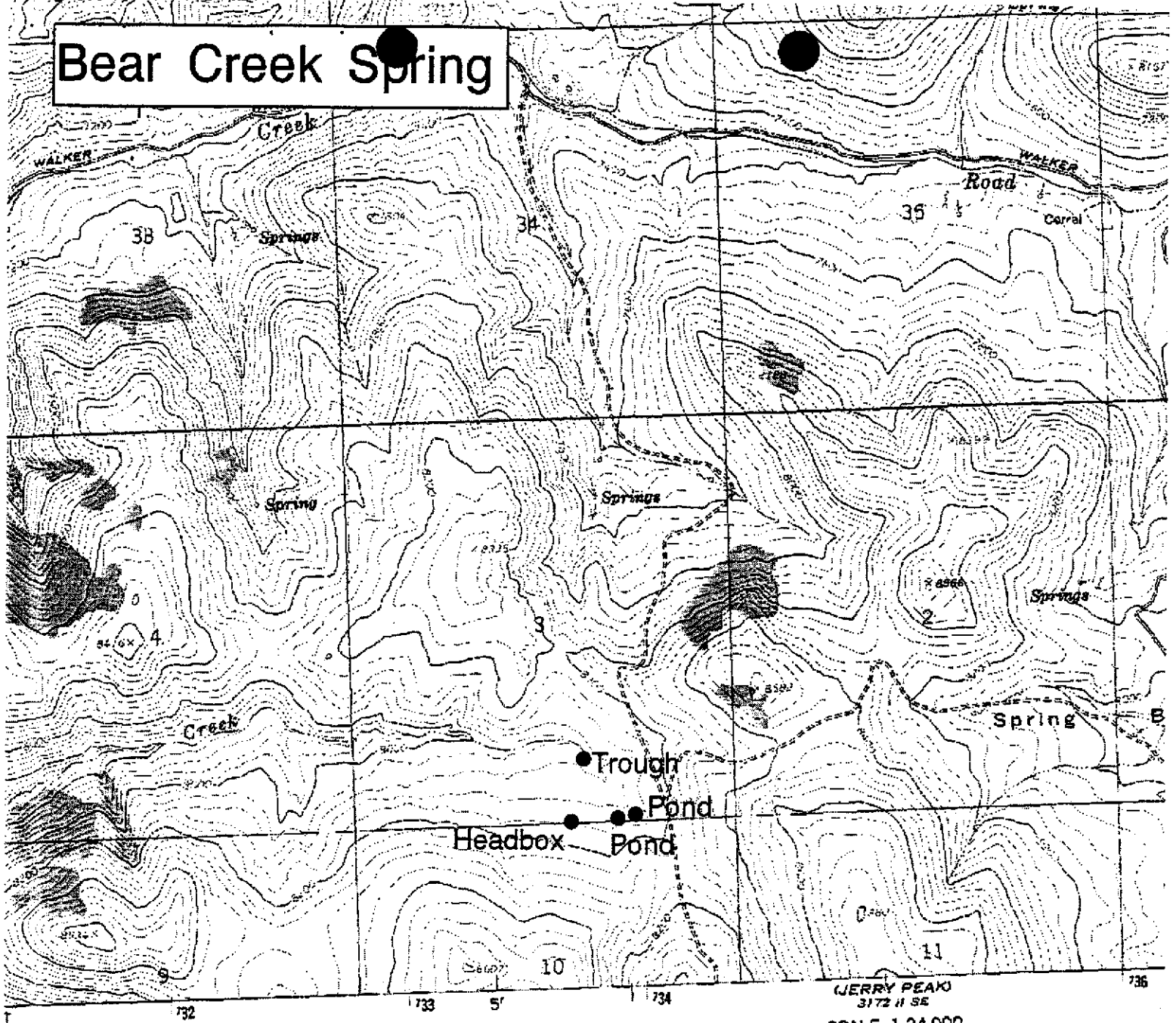
1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. Two points of diversion are located within SESWSE, S3, T9N, R20E.

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

Acting for 
KARL J. DREHER, Director

MICROFILMED
APR 14 1999

Bear Creek Spring



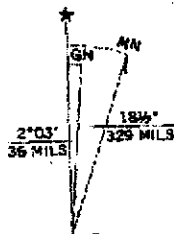
U.S. Geological Survey

Map based on aerial
photography of 1967

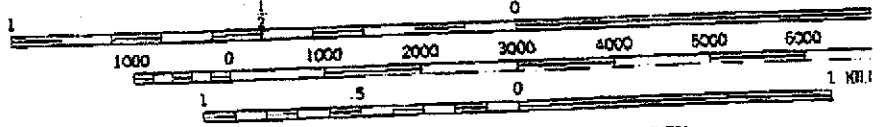
Uses the American datum
and the metric system,

with minor grid ticks.

Uses the 1983
datum and
metric ticks



UTM GRID AND 1987 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

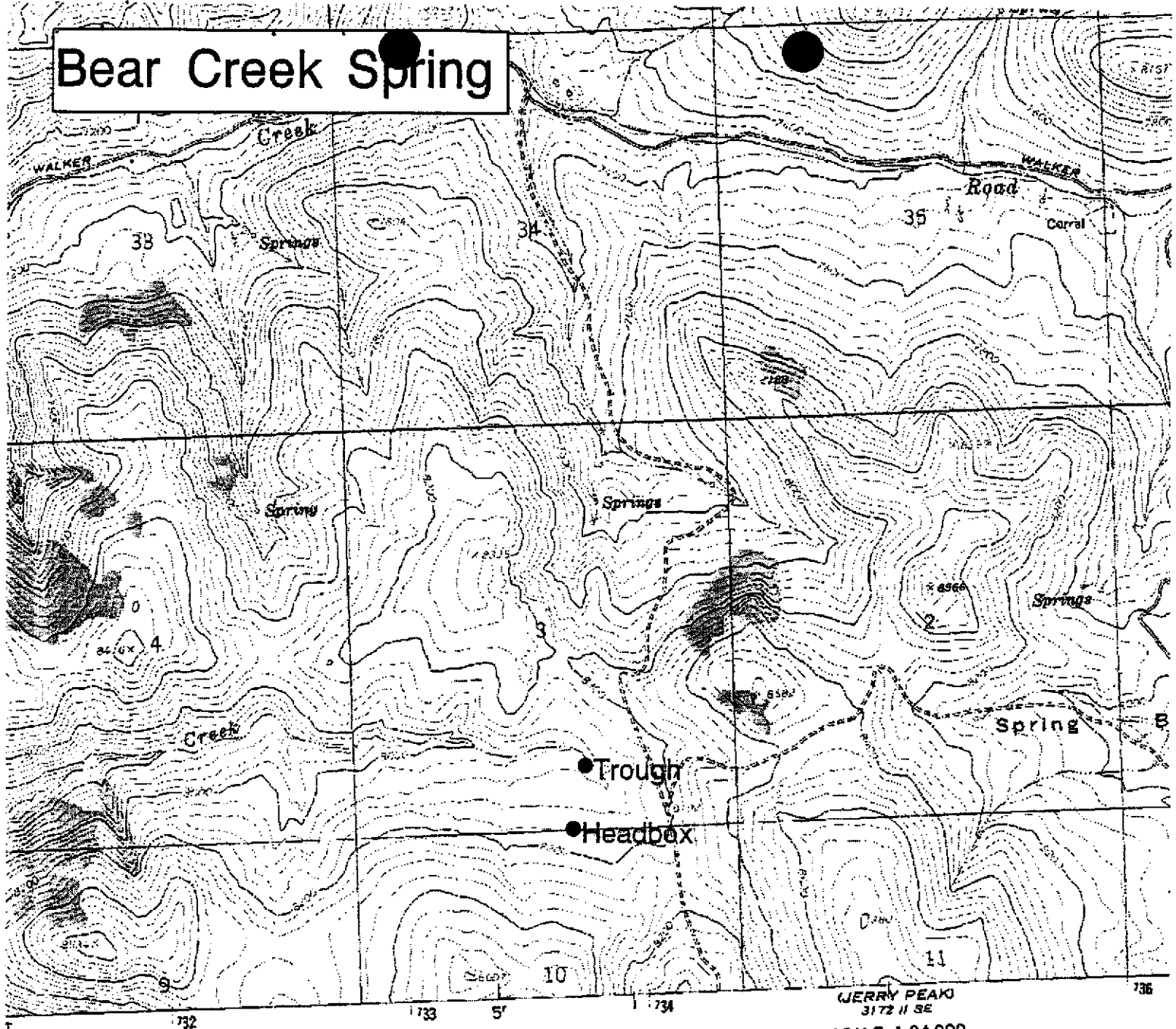
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

T9N R20E

MICROFILMED

APR 14 1999

Bear Creek Spring



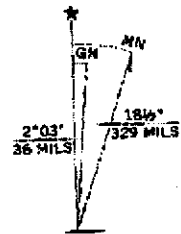
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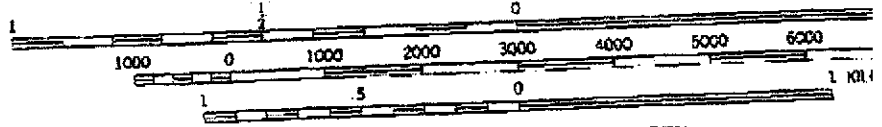
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UTM GRID AND 1967 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



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FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON RI

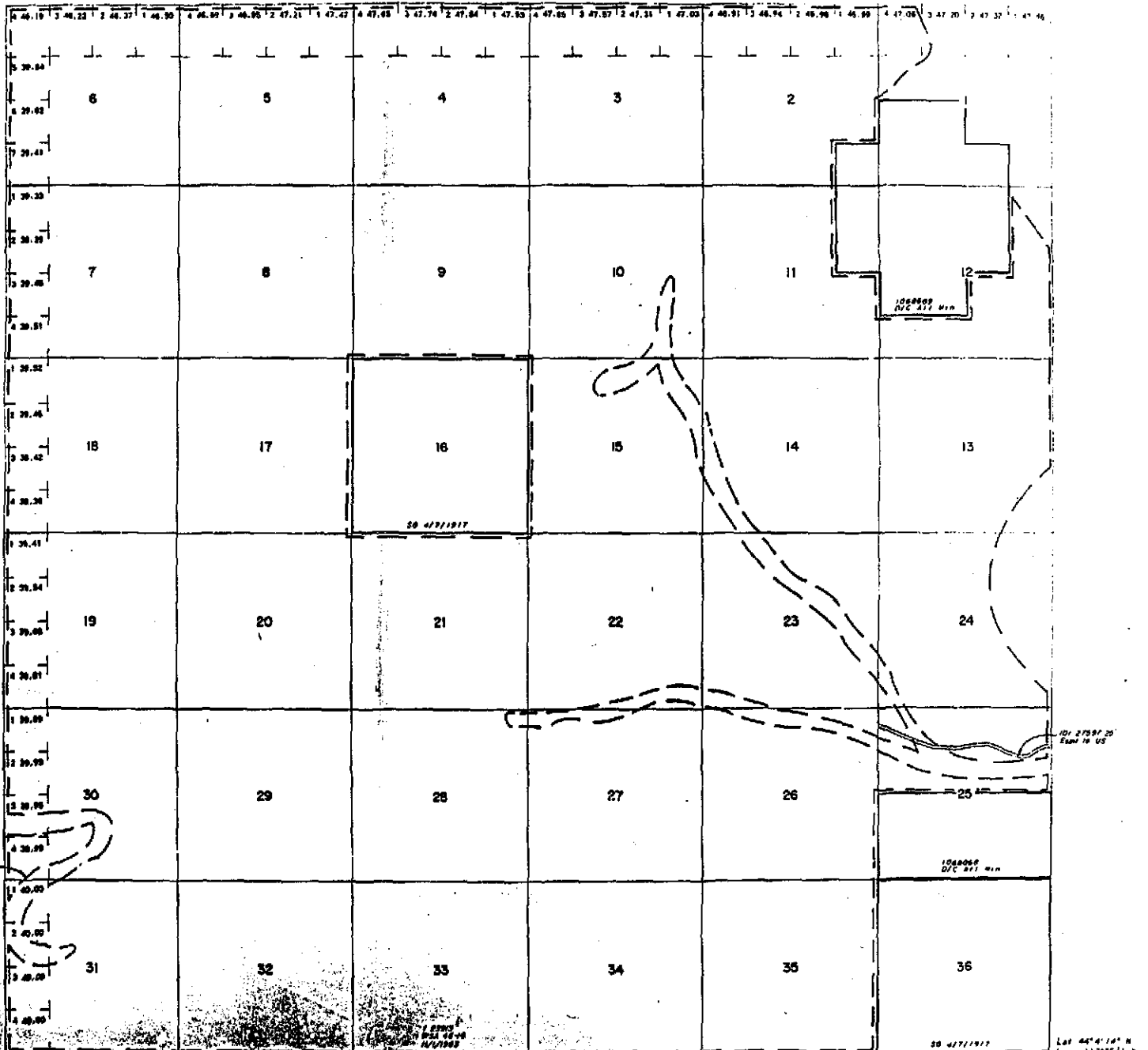
MICROFILMED

APR 14 1999

TOWNSHIP 9 NORTH RANGE 20 EAST OF THE BOISE MERIDIAN, IDAHO

CUSTER COUNTY 037

SALMON DISTRICT SEC 3



SCALE IN CHAINS

WARNING STATEMENT

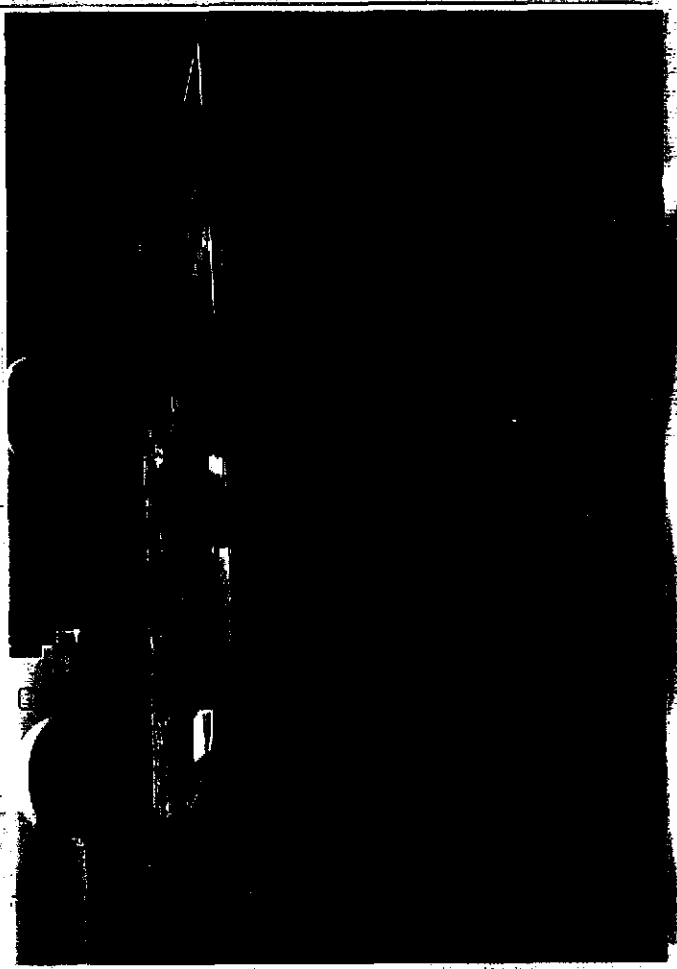
This plan is the Bureau's Record of Title, and should be used only as a graphic display of the boundary survey data. It is not to be used for any other purpose, and it is not to be used for any other purpose, and it is not to be used for any other purpose.

THE NOTATION SHOWN ON WITHDRAWALS IS ACTION TAKEN BUT MAY NOT BE THE EFF. THE HISTORICAL INDEX FOR THE DATE OF ORIGIN. ORDER

APR 14 1999

Beaumont Pond

APR 14 1939



MICROFILM
APR 14 1939





RECORD: 3202 17-1 17-1 17-1

Bear Creek Sp



RECORD: 3202 17-1 17-1 17-1

Bear Creek Sp

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APR 14 1999

RECEIVED

JUL 27 1990

No enclosed
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

N/A

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 72-7421 Telephone No. 756-5400

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

Post Office Address: P.O. Box 430, Salmon, ID 83467

Source of Water: Spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater 900C (No. and type of stock) Other Wildlife

Total rate and/or volume for which proof is submitted _____ cfs _____ one _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 6/89

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Lyle Lewis 756-5403
Name Telephone No.
P.O. Box 430 Salmon ID 83467
Address

MICROFILMED

The above information 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. **JAN 17 1991**

7-26-90
Date

Roy S. Jackson District Manager
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07421

Proposed Priority: March 23, 1989

Maximum Storage Volume:

1.0 AF

This is to certify, that U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
STOCKWATER FROM STORAGE	05/15 to 10/15		1.0 AF
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
WILDLIFE FROM STORAGE	01/01 to 12/31		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWSE

Sec. 3, Township 09N, Range 20E
CUSTER County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

09N 20E 3

SWSE

PLACE OF USE: STOCKWATER FROM STORAGE, same as STOCKWATER STORAGE use

PLACE OF USE: WILDLIFE STORAGE, same as STOCKWATER STORAGE use

PLACE OF USE: WILDLIFE FROM STORAGE, same as STOCKWATER STORAGE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1990.
2. Subject to all prior water rights.

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

22 day of August, 1989.

MICROFILMED

SEP 12 1989

R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant USDI-BLM Phone 756-5400
Post office address P.O. Box 430, Salmon, Idaho 83467
2. Source of water supply /Bear/Creek/Spring/W/ Spring* which is a tributary of /Bear/Creek/ Sinks
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 3 Township 9N. Range 20E. B.M. Custer County; additional
points of diversion if any: * Per telecon w/Lyle Lewis 5-12-89
4. Water will be used for the following purposes:
* 1.0 Storage for * Jan 1 Dec 31
Amount 0.01cfs for livestock purposes from May 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
* 1.0 Storage for
Amount 0.01cfs for wildlife purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
* 1.0 Livestock from
Amount 1.0 for Storage purposes from May 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
* 1.0 Wildlife from
Amount 1.0 for Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) * 0.02 and/or (b) * 1.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
* Dug pond
a. Description of ditches, flumes, pumps, headgates, etc. /Two/ponds developed from seeps.
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? SEP 12 1989
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

* As per telephone conversation with Lyle Lewis, Salmon BLM Hydrologist. 15:30 hrs 13 April 89
DMD

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 845 Cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
9N.	20E.	3															X		

X is P/U for all proposed uses

Total number of acres to be irrigated _____

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

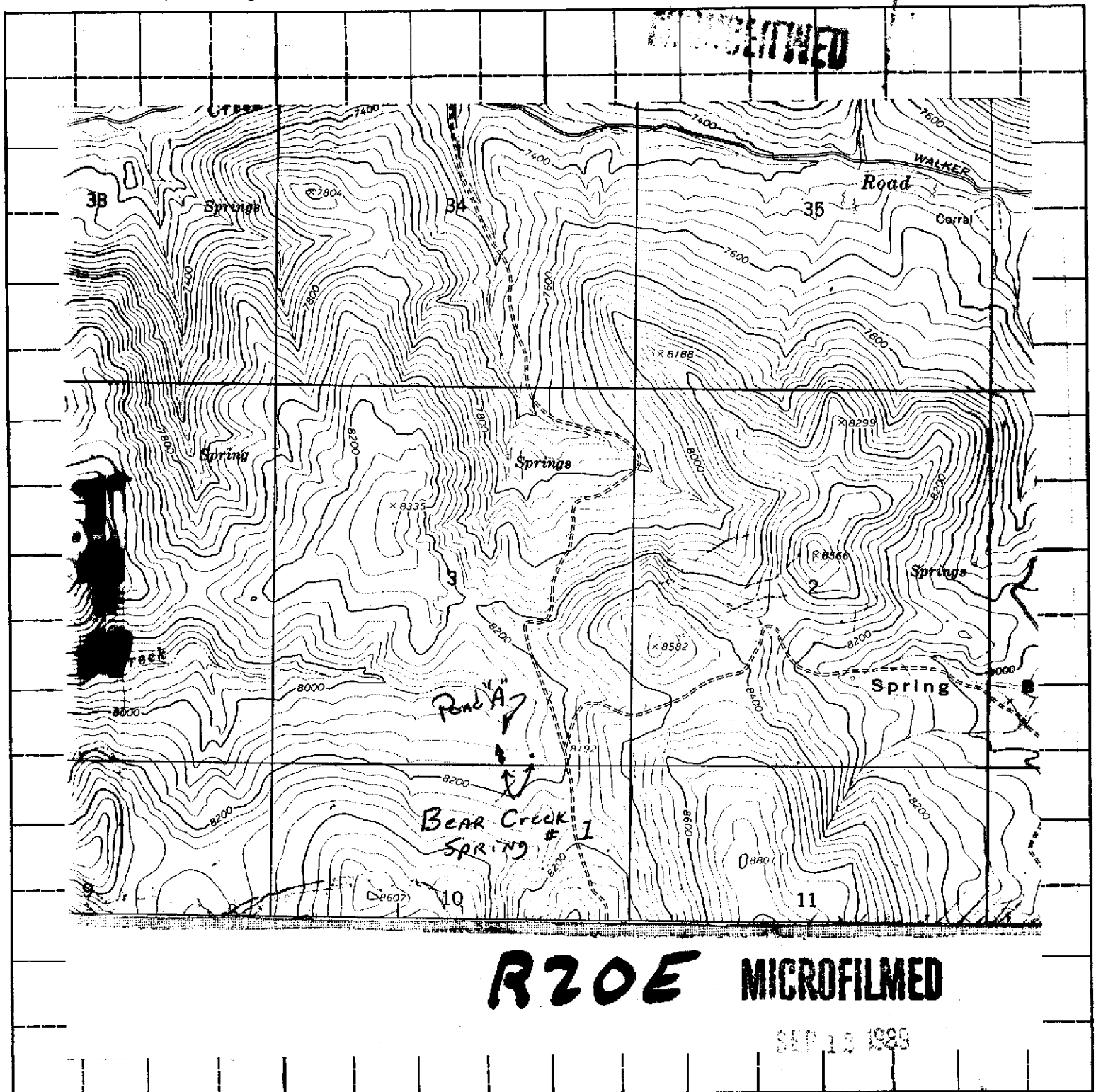
11. a. Who owns the property at the point of diversion? USDI - BLM
- b. Who owns the land to be irrigated or place of use? USDI - BLM
- c. If the property is owned by a person other than the applicant, describe the person and how the applicant to make this filing. _____

MICROFILMED

SEP 12 1989

12. Remarks: JDR# - 4610 Pond "A"
- This is the westernmost spring/pond development within the 10-acre tract.

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.

District Manager

Roy Jackson
(Applicant)

Received by OW Date 3-23-89 Time 1:05P Preliminary check by AMD
Fee \$ 30.00 Receipted by HWT # E006390 Date 3-23-89
Publication prepared by M. Baldwin Date 5/15/89 Published in Challis Messenger
Publication approved M. Baldwin Date 6/16/89

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:

UNRECORDED

SEP 12 1989

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 June 1 1989 and ending with the issue dated June 8 1989

Margaret Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 13th day of June in the year of 1989 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. Beck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-21-92

OK
MB
6/16/89

SEP 12 1989



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.

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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

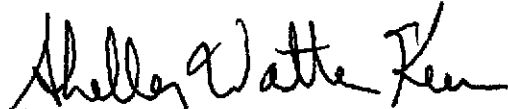
action is located.

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

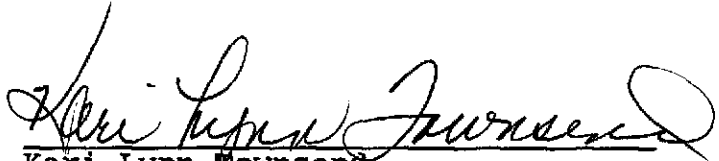
3
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APR 14 1999

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. 72-07421

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 developed is in a location 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 depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 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

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APR 14 1999

MEMORANDUM

TO: File 72-07241

FROM: Sharla

DATE: October 28, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 72-07241 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

T9N, R20E, S3 - SWSWSE, SESWSE (2 pts)

H. RECOMMENDATIONS

Wildlife Storage	1/1 - 12/31	0.1 afa
Stockwater Storage	1/1 - 12/31	0.1 afa
Stockwater from Storage	1/1 - 12/31	0.1 afa
TOTALS		0.1 afa

Each of the ponds are considered a point of diversion; two are within the SESWSE, the other in the SWSWSE.

Volume is rounded to the nearest tenth. This type of BLM right would typically be licensed for stockwater storage and wildlife storage. The one spring that is fenced in is "piped" to a trough. This use could be called stockwater with a diversion rate and volume of 4.8 af ($845 \times 12 \text{ gpd} \times 153 \text{ days} / 325,850 = 4.5$). The permit has a limited volume and the addition of a flow component cannot be made under this right. The permitted Stockwater from Storage use will be listed on the license to cover the diversion from the pond to the trough.

Exam Date: July 22, 1998

Examiner: Georgia Satterlee

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APR 14 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 72-07421

DATE 10/28/98

REVIEWER: SHARLA

NAME OK
Address chg

SOURCE OK

Change/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) 3
W36 (overlap)
W59 (subd. desc)

Overlaps:

Right(s):

File reviewed _____ Profile reports printed _____

PLACE OF USE OK

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 1.00 af 20.0 af

Fee limit .04 cfs NO FEE

Measured _____ cfs

Theoretical _____ cfs

.01
.04
.05 af + .07 = .12 af

Recommended Total Div Rate _____ cfs

845 cattle
= .20 cfs
12.0 af

WATER USES

Stock

" ston

Wild stn

Stock p 510

TOTALS

Change (P46)

0.0 af

0.0 af

0.0 af

0.0 af

0.0 af

0.0 af

Irrig -

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

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic

(W01/WB5/070/071/075)

Power

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

Fish (042)

Fire (077)

Wtr Quality (081/R07)

Flow rate _____ cfs X _____ days X 1.98 = _____ 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

all w/drawn

Adjust Memo

Amend letters

rounded val.
justify 5 uses
stock rate
P40, P38
P48

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 29 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-07421

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

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

2. Accompanied by: RICK & VINCE (BLM Employees) EXAM DATE: 22 JULY 1998

Address: _____ Phone No. _____

Relationship to Permit Holder: Al Bittner (Contact Person BLM)

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: * A72-12855, -12856, -13465, -13466, -13467, -13468,
2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

* ALL CLAIMS WITHDRAWN BY BLM

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	SE	03	09N	20E	CUSTER	GPS & FIELD VERIFICATION

2. Place(s) of Use:

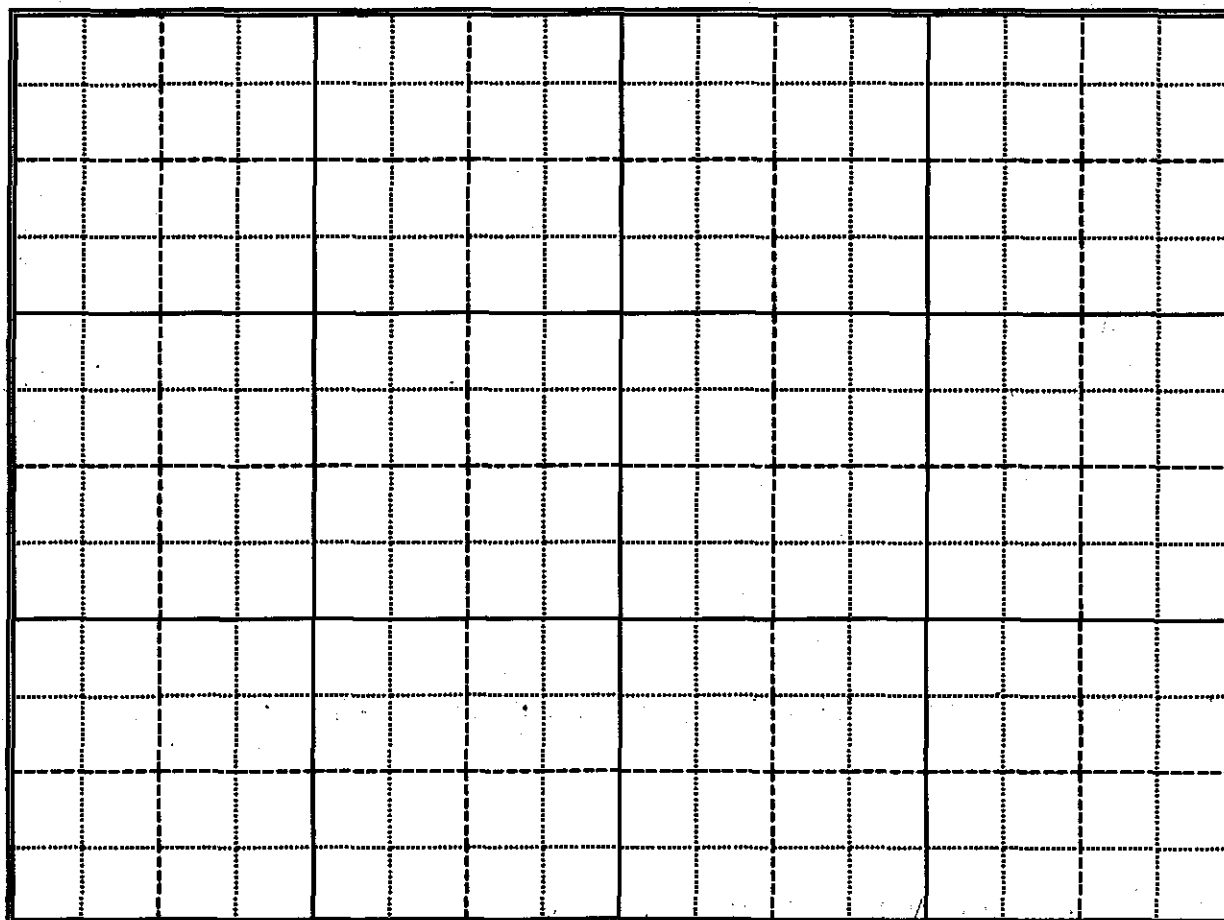
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	20E	3															S		
"	"	"															WILD		
"	"	"															STOP		

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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

2. Measurements:

LENGTH WIDTH DEPTH

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APR 14 1999

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 20 August 1998
RE: 72-07421

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

The spring flows into a pond. The pond is fenced to keep the cows out. In the pond, a culvert headbox diverts the water by a 1½" pvc pipe to a trough located approximately 1,000 feet north. The trough was full and flowing but the cows were sparse, due mostly to the rainy season lasting until the end of June. The trough outflow drains into the Bear Creek.

East of the fenced pond are two more small ponds. The water appears to bubble into the ponds on the south side, drains to the north and eventually sinks. In addition to the stock drinking from these ponds, the use is wildlife and wildlife storage.

Vince and Rick located the places of use with their GPS equipment. I used our GPS equipment to locate the fenced pond only. 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 recommended diversion volume will be what is existing.

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

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APR 14 1999

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	DIVERSION Annual Volume V (afa)
	From	To		
STOCK WATER STORAGE	01/01	12/31		0.12
WILDLIFE STORAGE	"	"		0.12
STOCK WATER	5/15	10/15		0.12
Totals:				0.12

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

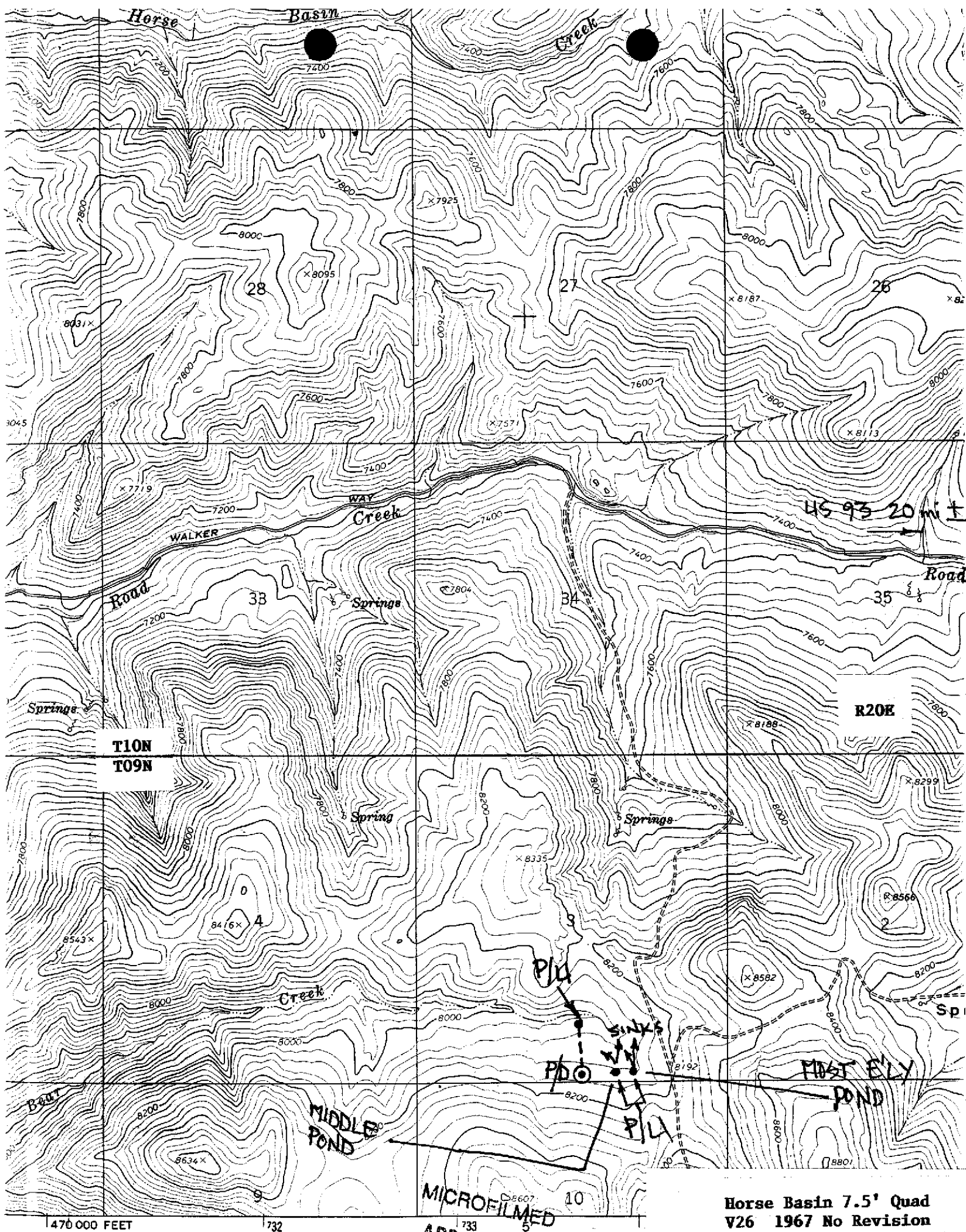
Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

SEAL

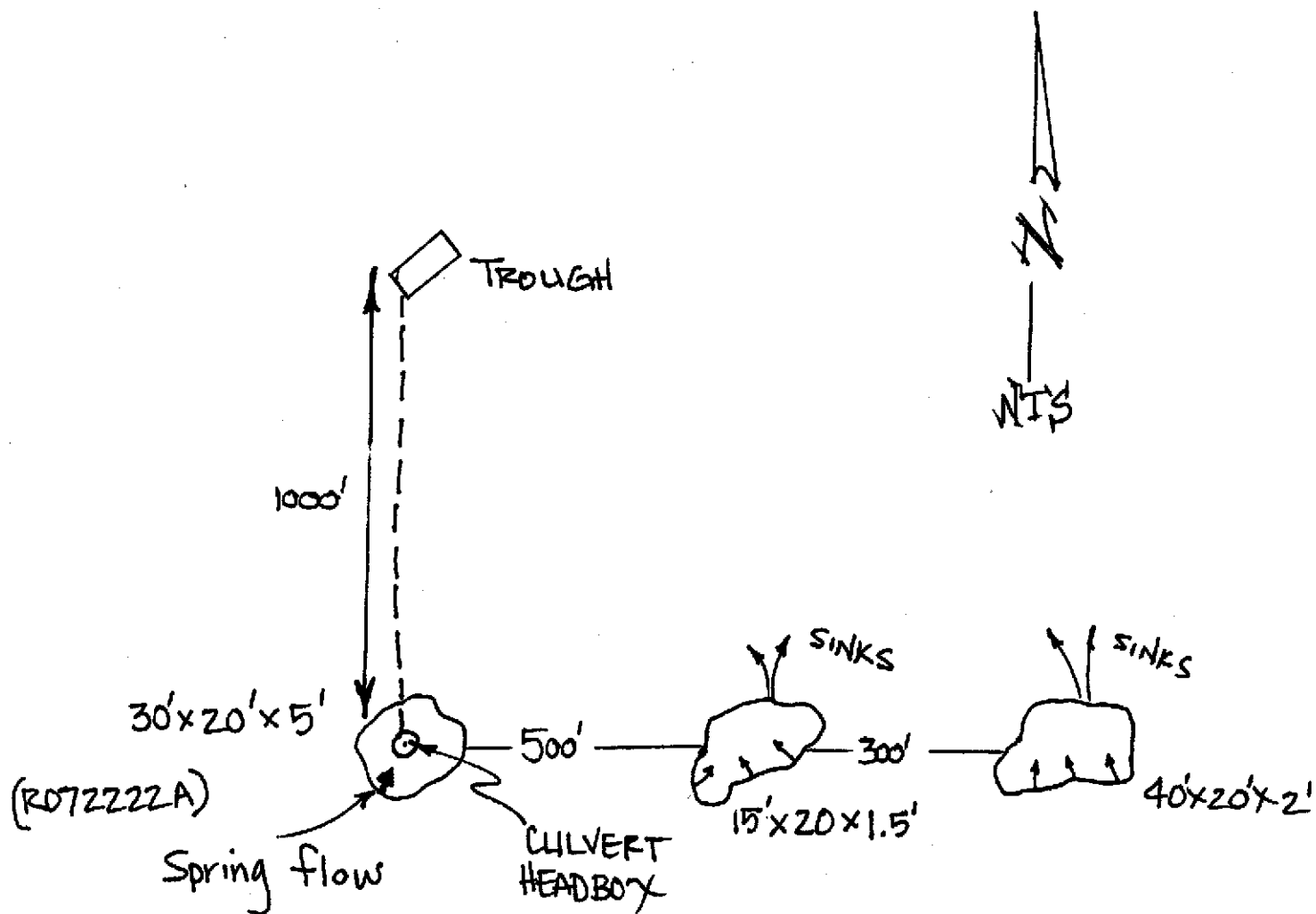
MICROFILMED

APR 14 1999



Horse Basin 7.5' Quad
V26 1967 No Revision

72-67421



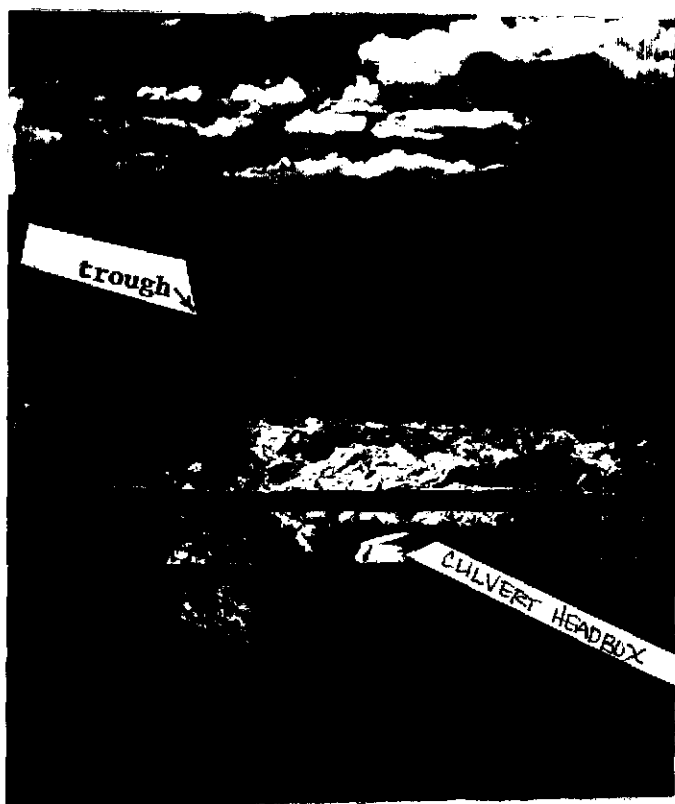
$$3000 \text{ ft}^3 + 450 \text{ ft}^3 + 1600 \text{ ft}^3 = 5050 / 43,560 = \underline{\underline{0.12 \text{ ac ft}}}$$

SEC 3, T09N, R20E, S14SE 1/4

SATTERLEE, G.
1630 hrs.
22 JULY 1998

AEROPHILMED BLM
APR 14 1999

72-07421



photos looking N'ly



1/2

MICROFILMED

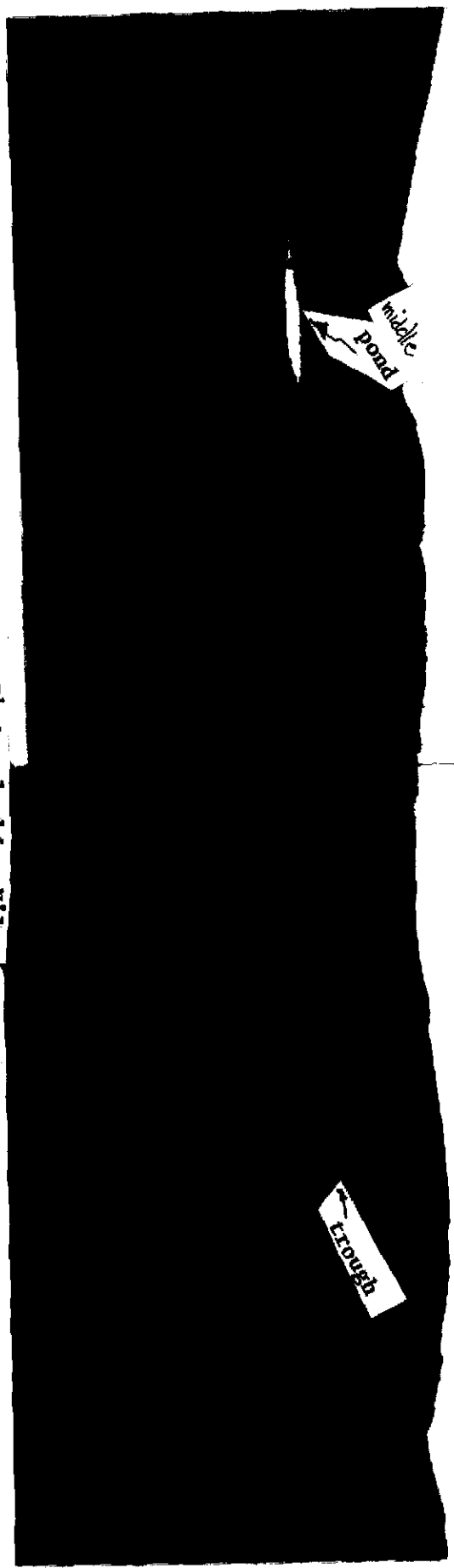
APR 14 1999

22 July 1998 1630 hrs.
Satterlee, G.

BLM 72-07421



photos looking N'ly



MICROFILMED
APR 14 1999

December 17, 1990

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07421

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 17 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 72-7421

Date 12-17-90

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address change? If yes, prepare data entry form.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☒ Drill permit req'd? ☐ Copy in file?
☒ Well log in file?
☒ Amt paid for drilling permit? ☐ Correct?

LICENSE EXAMINATION FEE

☒ Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

☒ Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

- address change
- proof acceptable

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

~~_____~~
~~_____ - _____~~
~~_____ = _____~~
~~_____ + _____~~
~~_____ = _____~~

138995

June 30, 1990

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 72-07421

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 September 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 17 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 23, 1989

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P72-07421

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECORDED

SEP 12 1989

No. 202a

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Steve M. Quinn DATE 12 April 89 APPLICATION NUMBER 72-07421

BLM

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
 JUL 11 1989

Department of Water Resources

PROCESSING

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

COPIES TO

N/A

- ☐ Idaho Dept. of Health & Welfare
☒ Idaho Dept. of Fish & Game
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit

- ☐ U.S. BLM
☐ U.S. Forest Service
☐ Water District
☐ Other _____

AL REGIONAL PROCESSING REVIEW

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

- ☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 6/19/89
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 3/23/89

By Larry D. Hahn

Date 7/6/89

STATE OFFICE REVIEW

PKO

☐ See below for additional information

By KW

Date 8/16/89

ADDITIONAL INFORMATION

May 15, 1989

U.S.D.I.-BLM
3380 Americana Terrace
Boise, ID 83706

Re: Applications for Permit Nos. 72-07421, 71-07422

Dear Applicant (s):

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

This office will be advertising the applications in the Challis Messenger on 6/1 & 6/8/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are 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 applications are not protested, they 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 applications 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

MICROFILMED

SEP 12 1989

STATE OF IDAH
DEPARTMENT OF WATER RESOURC
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

MAY 15, 1989

CUSTER PUBLISHING COMPANY
P.O. BOX 405
CHALLIS, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 19, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

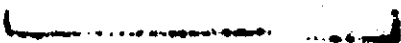
SEP 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed appropriate the public waters of the State of Idaho:

MICROFILMED

SEP 12 1989



72-07421

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: SPRING

Tributary: SINKS

Diversion Pt: SESWSE Sec 3 T 09N R 20E

Use: STOCKWATER STORAGE	(1.00 AF)
WILDLIFE STORAGE	(1.00 AF)
STOCKWATER FROM STORAGE	(1.00 AF)
WILDLIFE FROM STORAGE	(1.00 AF)

Date Filed: 3/23/1989

In: T09N R20E S03 SWSE

MICROFILMED

SEP 12 1989

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 19, 1989.

R. KEITH HIGGINSON, Director

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