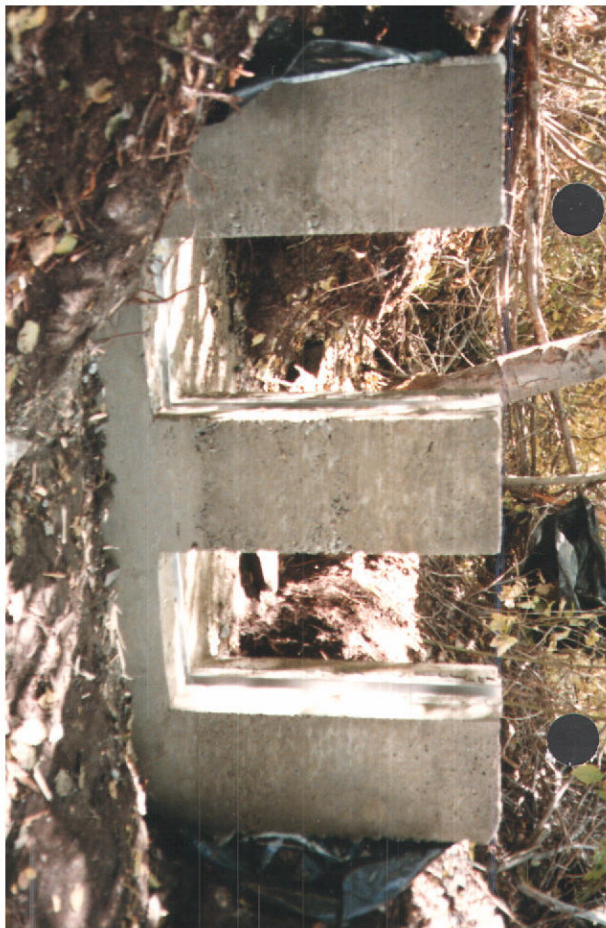
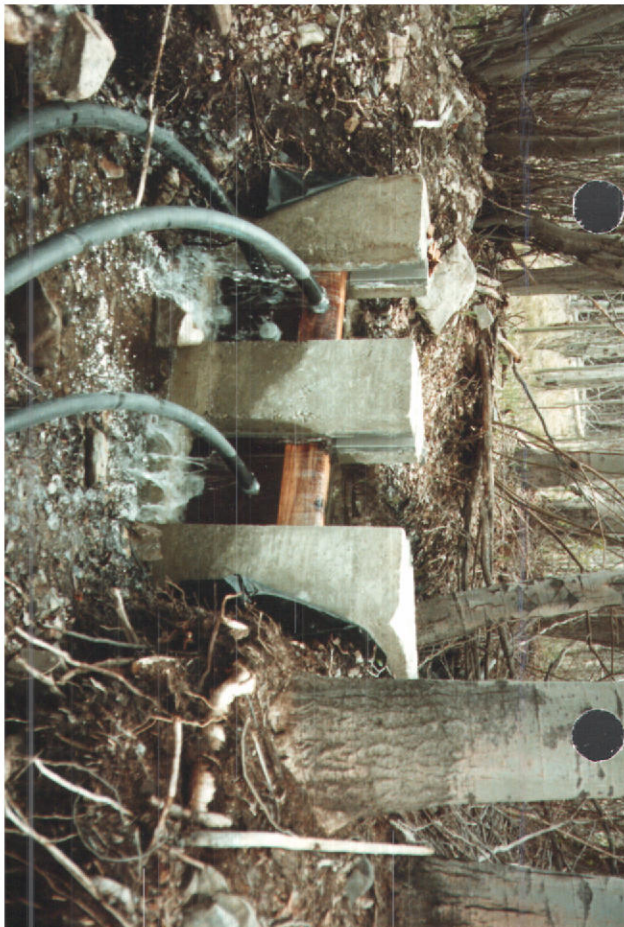




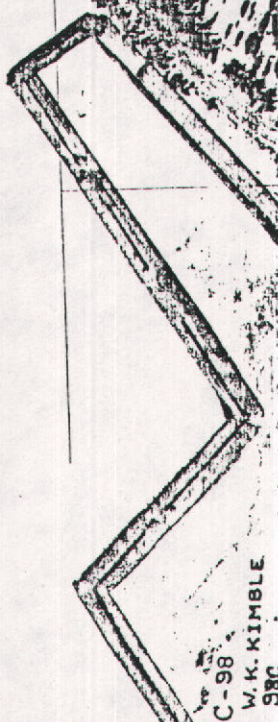


24 19
25 30

72-7418

Sec 25
TINN RISE

TINN



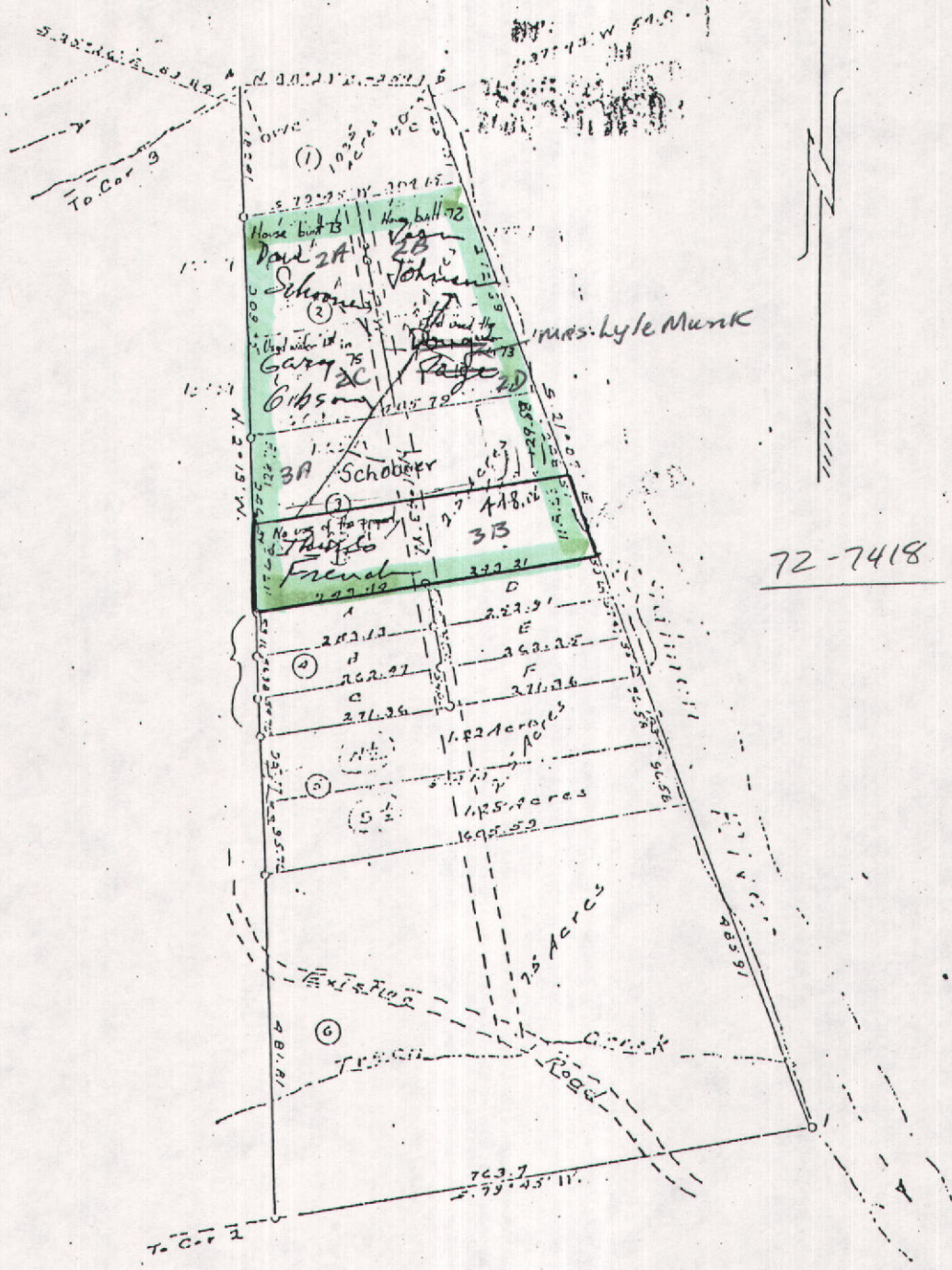
C-98
W.K. KIMBLE
SBC

Microfilm

SEP 12 1984

SALADON

TR 9.00



72-7418

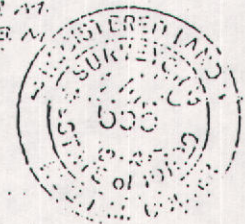
CORDINGLY TRACTS

E 1/4 M.S. No 3550
 Appx. Section 25 T11N, R15E, B1M
 and Section 30 T11N, R15E, B1M
 Custer County, Idaho
 ELKHORN PLACER

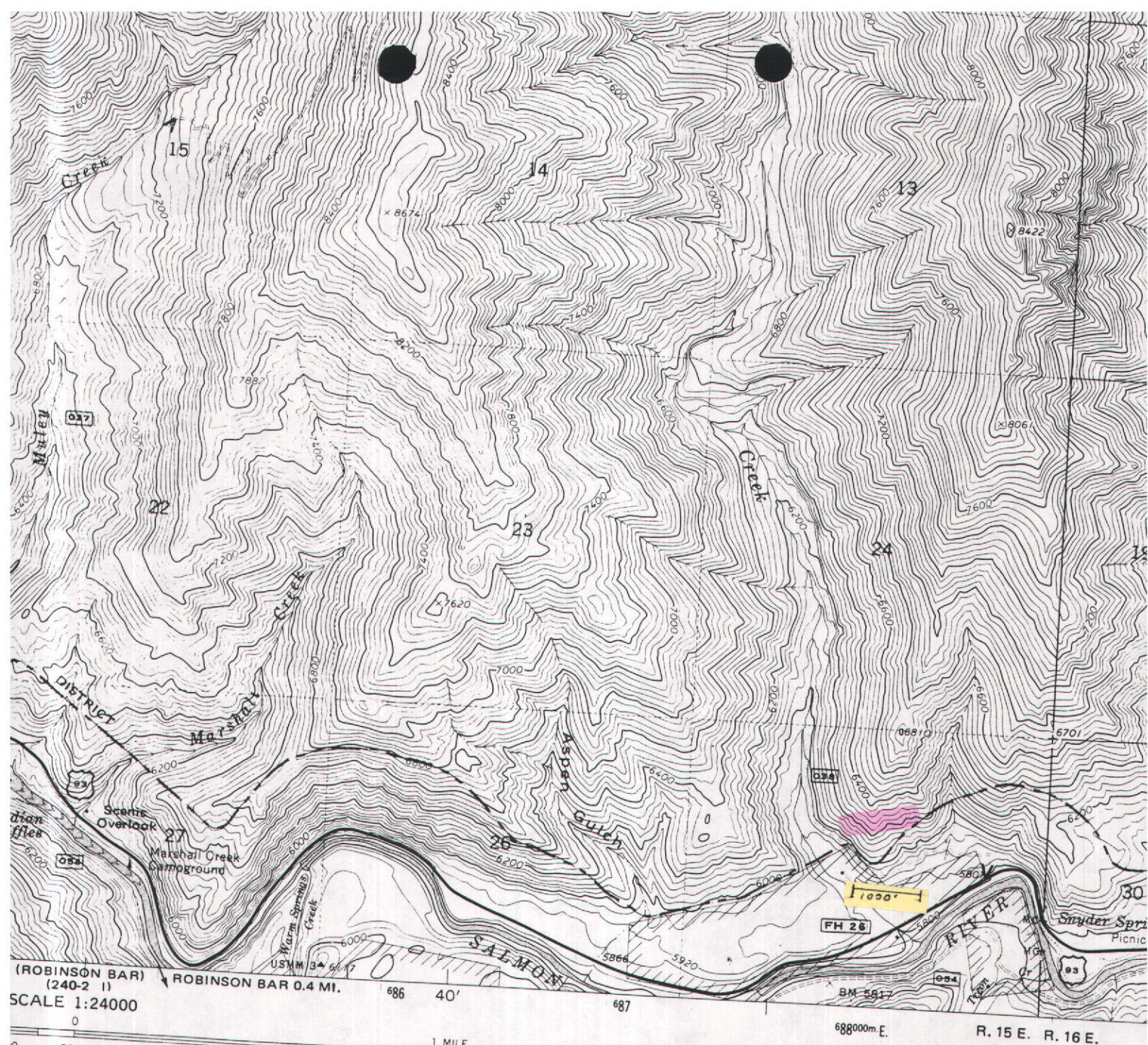
Scale: 1 in = 200 ft

MICROFILMED

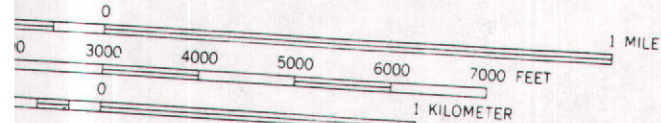
MAR 16 1988



SEP 12 1989



(ROBINSON BAR)
(240-2 I)
SCALE 1:24000



R INTERVAL 40 FEET
REPRESENT 20-FOOT CONTOURS
IS MEAN SEA LEVEL

TOWNSHIP AND SECTION LINE CLASSIFICATION

- Surveyed, location reliable
- - - - - Surveyed, location approximate
- Unsurveyed, Bureau of Land Management protraction



QUADRANGLE LOCATION

72-7418

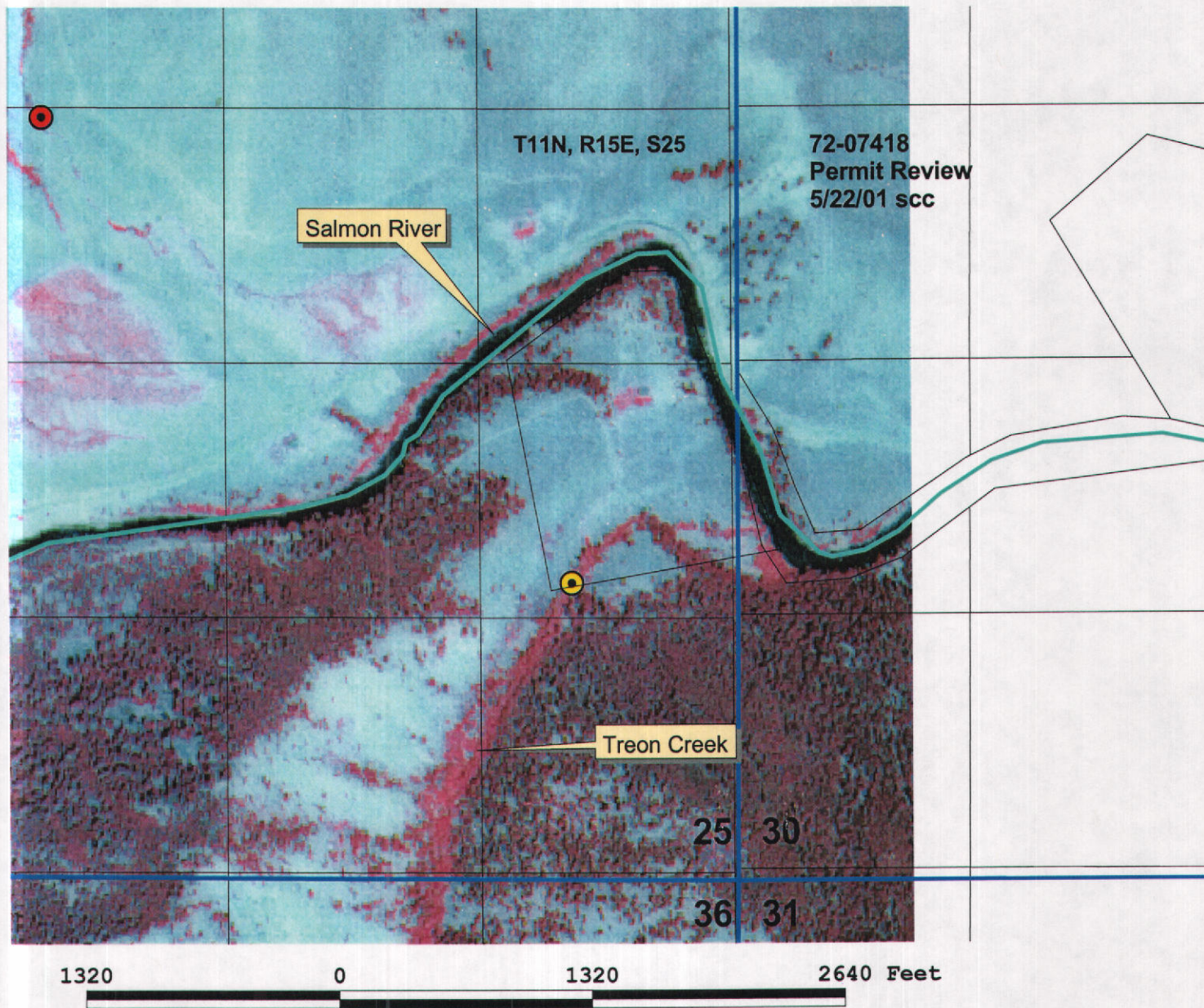
825 TIIN RISE

SUNBEAM
CHALLIS NATIONAL FORES
SAWTOOTH NRA
YANKEE FORK RANGER DIST
(CUSTER 1 SW)
1974
265-3 I

MICROFILMED
JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES

72-07418



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N

RNG: 15E

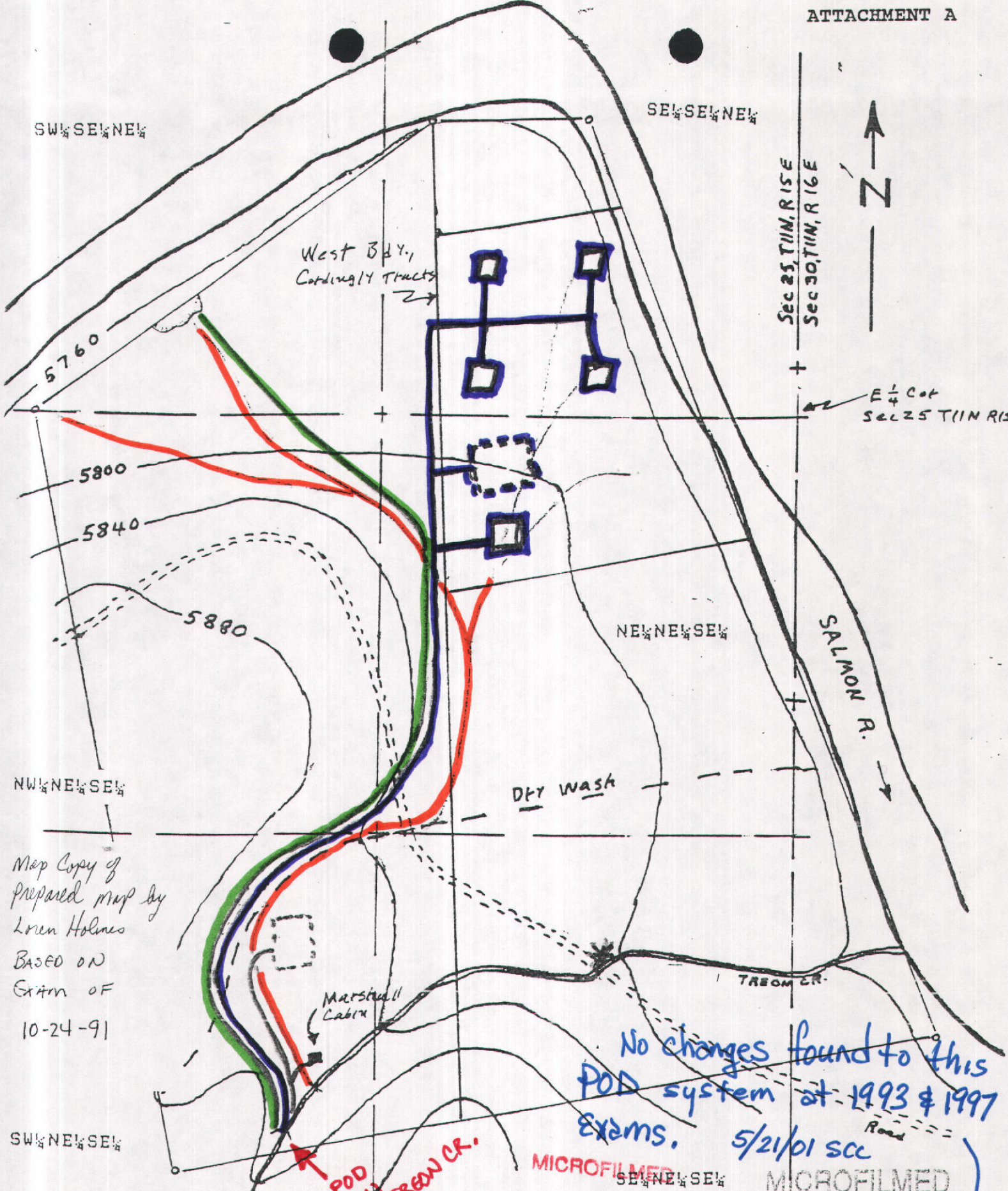
CORDINGLY TRACTS, EAST 1/2,
MINERAL SURVEY NO. 3580



MICROFILMED
JAN 24 2002

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY
BY STEVE CLELLAND

DATE: MAY 22, 2001

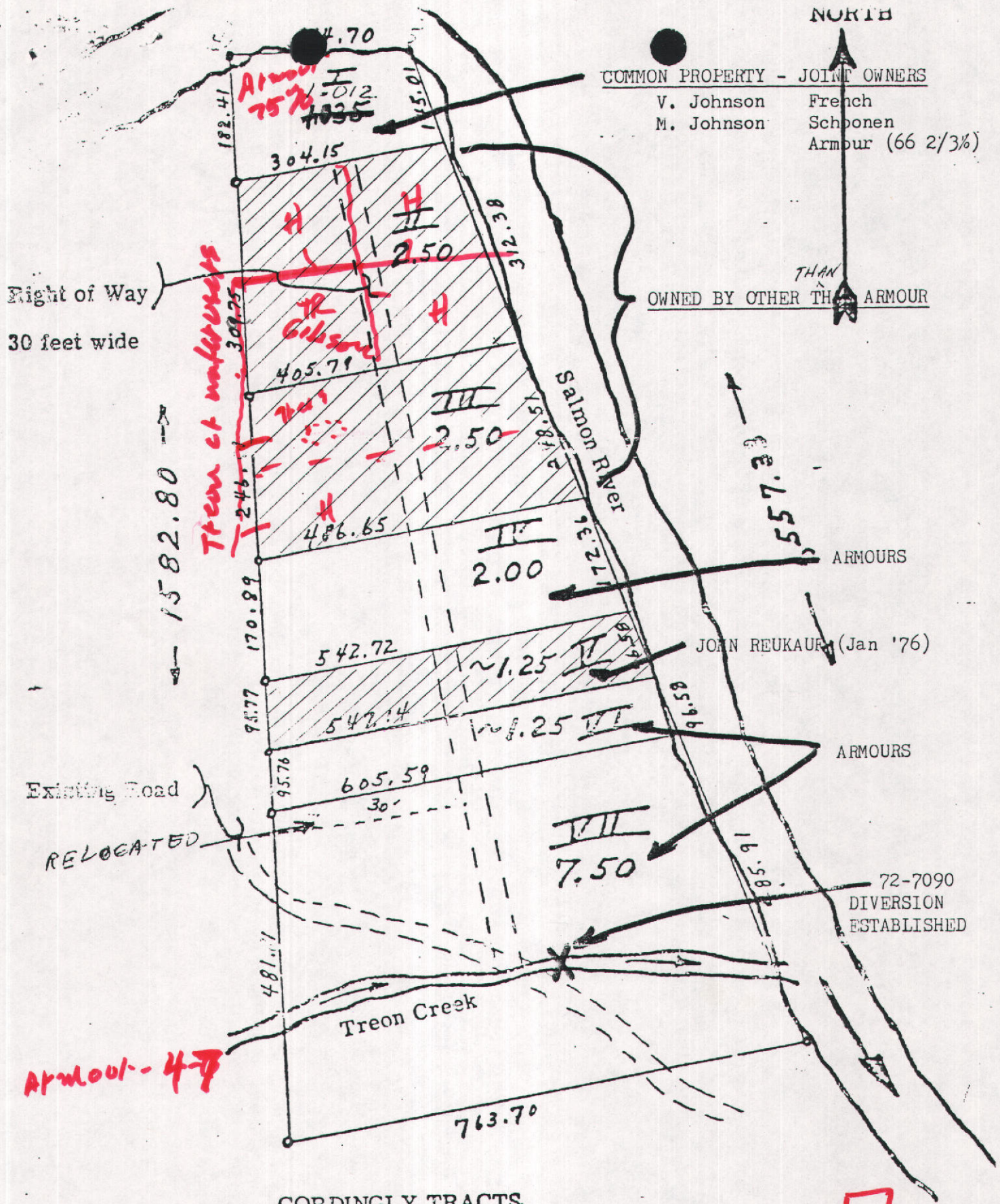


Map Copy of
Prepared map by
Loren Holmes
BASED ON
Exam OF
10-24-91

No changes found to this
POD system at 1993 & 1997
Exams. 5/21/01 SCC

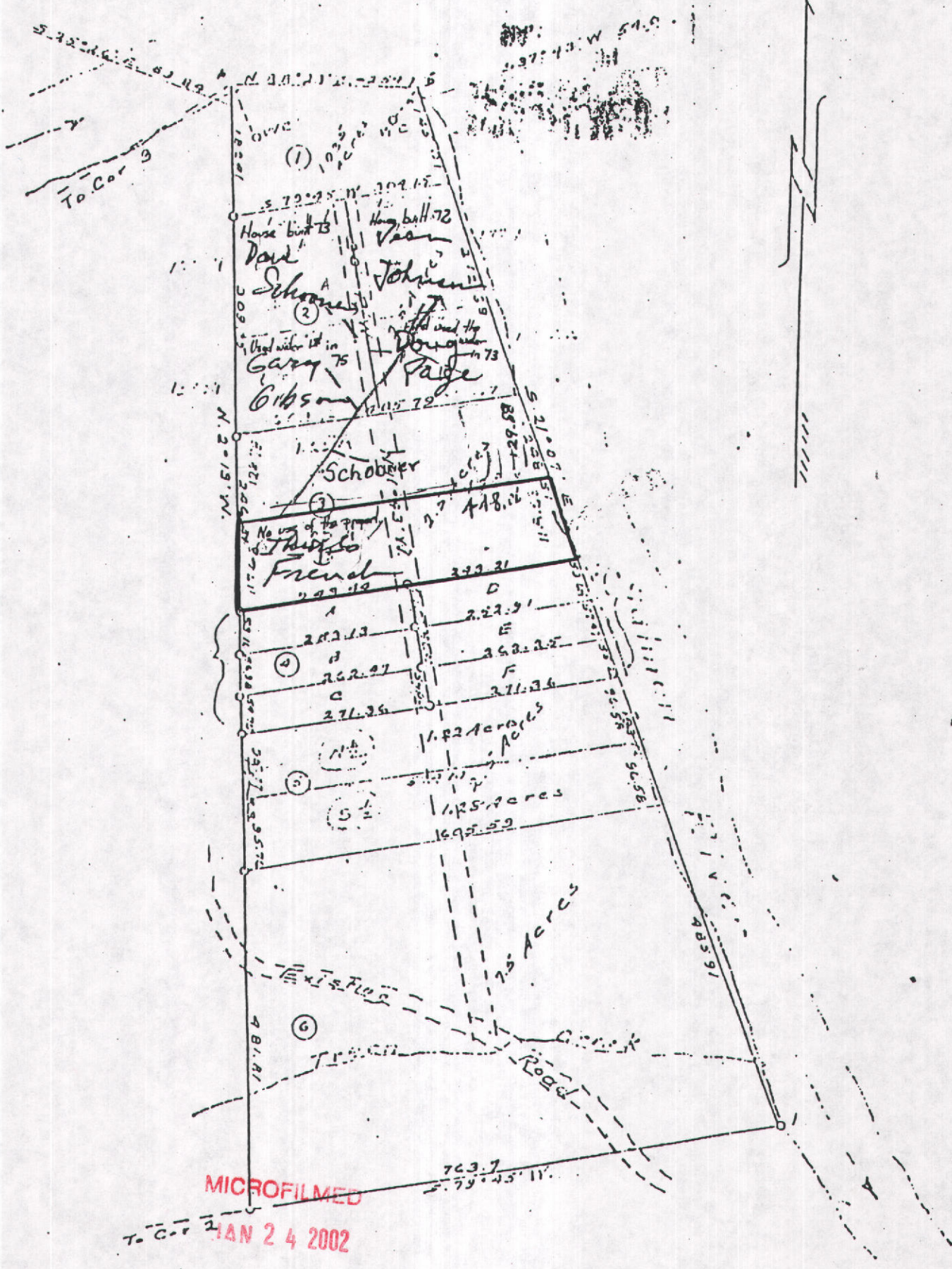
- LEGEND**
- Ditches - Lic. 72-2136
 - Location of works commenced under Permit 72-7090
 - Pipeline system under Lic. 72-7098 & Permit 72-7418
 - Pipelines currently used under Lic. 72-2136

MICROFILMED JAN 24 2002
MICROFILMED NOV 01 1994



MICROFILMED
JAN 24 2002

**realtor
Domestic
(Follet)**



MICROFILMED

JAN 24 2002



Photos by Sue

5/16/97

TREON CREEK



MICROFILMED
JAN 24 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07418

Priority: March 29, 1989

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that ELKHORN PLACER ASSN
C/O D H SCHOONEN
1364 12TH ST
IDAHO FALLS ID 83404 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 29, 1989; and has
submitted Proof of Beneficial Use on July 12, 1991. An examination indicates that the works have a
diversion capacity of 0.19 cfs of water from:

SOURCE

TREON CREEK

Tributary: SALMON RIVER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.03 CFS

LOCATION OF POINT OF DIVERSION:

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

PLACE OF USE: DOMESTIC

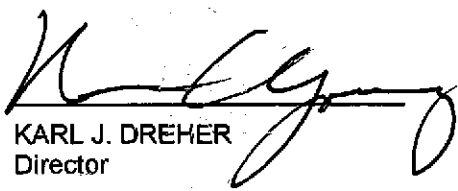
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	15E	25				X											X		

CONDITIONS OF APPROVAL

1. Place of use also known as East 1/2 of Mineral Survey No. 3580 and Lots 2A, 2B, 2C, 2D, 3A and 3B, Cordingly Tracts.
2. Rights 72-07098 and 72-07418 when combined shall not exceed a total annual maximum diversion volume of 7.2 af.
3. Domestic use is for 6 homes.

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

Signed and sealed this 25th day of September, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

RECEIVED

SEP 21 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07418

Department of Water Resources

Date of Priority: March 29, 1989

Maximum Diversion Rate: 0.03 CFS

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

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 72-07418, and requests that the permit be changed as follows:

Source: TREON CREEK

Tributary: SALMON RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: DOMESTIC

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

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19th day of September, 2001.



(Signature & Title)

Assoc Member &
Representative

MICROFILMED

JAN 24 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07418

FOR DEPARTMENT USE ONLY
Preliminary check by KW Fee \$50.00 Received by Jim # 0056405 Date 9-21-01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

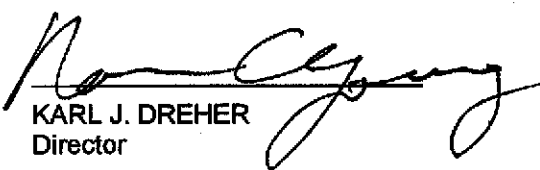
I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07418 with the following:

CONDITIONS OF APPROVAL

1. Place of use also known as East 1/2 of Mineral Survey No. 3580 and Lots 2A, 2B, 2C, 2D, 3A and 3B, Cordingly Tracts.
2. Rights 72-07098 and 72-07418 when combined shall not exceed a total annual maximum diversion volume of 7.2 af.
3. Domestic use is for 6 homes.

Witness my hand this 25TH day of September, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

RECEIVED
JUL 12 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 72-07418 Telephone No. (208) 522-9060
- Name(s) of Permit Holder(s): ELKHORN PLACER ASSOC c/o D.H. Schoonen
- Post Office Address: 1364 12th ST, Idaho Falls, ID 83404
- Source of Water: TRON CREEK
 - If ground water, well driller's name: _____ Date drilled: _____
 - Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
- Extent of Use:

Domestic <u>6</u> (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____
- Total rate and/or volume for which proof is submitted 0.070 cfs _____ acre/feet
- Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ <u>No</u> ☐	Installed? <u>Yes</u> ☐ <u>No</u> ☐
OR		
Flow Measurement Port:	Required? <u>Yes</u> ☐ <u>No</u> ☒	Installed? <u>X</u> <u>Yes</u> ☐ <u>No</u> ☐
- Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule) Refer to Attachment
- Person to contact to accompany the Department representative during the field examination:

<u>D. H. Schoonen</u> Name	<u>(208) 522-9060</u> Telephone No.
<u>1364 12th ST 1364 IDAHO FALLS, ID 83404</u> Address	
- 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.

Date July 8, 1991

D.H. Schoonen
Signature (and title if on behalf of a company or organization)
President
Elkhorn Placer Assoc.

AUG 22 1991

MICROFILMED

ELKHORN PLACER ASSOCIATION

Permit No. 72-07418 (Waterper.1-2) 7-9-91

Ref: Department of Water Resources letter PROOF DUE
NOTICE dated May 31, 1991.

ATTACHMENT TO - PROOF OF BENEFICIAL USE - FORM 217

Because of the multiple users of Treon Creek a common weir was required, with appropriate measuring nozzles and correctly sized piping. An engineer was hired (August, 1988) to design a weir and to perform the necessary calculations for the flow rates authorized by the Department of Water Resources.

The weir design was initiated in January, 1989, and the concrete weir completed in September, 1989. Planking containing the nozzles were placed in the weir and plastic piping was installed in April, 1990, including that needed for permit 72-07418. The planking, uniquely identified for each user, is placed in the weir based on user priority date. Some additional work for the installation of A72-10490 is required. To conserve resources and because of the distances involved (approx. 1500 feet), 72-7098 and 72-07418 were routed into one pipe. This combination (for domestic use) cannot/would not alter nor infringe on any prior water right.

It is respectfully requested that a Department of Water Resources representative inspect the weir and nozzles as presently installed in Treon Creek and be accompanied by D. H. Schoonen. We wish to have the system verified as being reasonably correct for water usage and priority date authorizations. Permits that are or will be utilizing the weir are 72-2136, 72-7098, 72-07418, A72-10490, and perhaps 72-7090. It is again stressed, that in our opinion, there is not now, nor ever has been, any litigation or restraint which would restrict proving of beneficial use for 72-7090.

Photographs which document some of the above mentioned work to prove 72-07418 are included for you to retain in your files.

Sincerely yours,

DH Schoonen AUG 22 1991





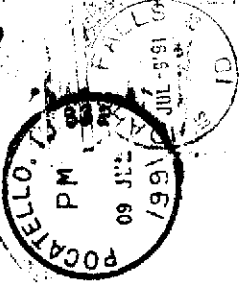
Top pipe 15

72-7098 + 72-07418

Any excess water flows back
into creek bed.

ELKHORN PLACER ASSOC
% D. H. Schoonen
1364 12th ST
IDAHO FALLS, ID 83404

RECEIVED
JUL 12 1991



U.S. POSTAL SERVICE
OFFICIAL SPONSOR
1992 OLYMPIC GAMES

Fold at line over top of envelope to the right
of the return address

CERTIFIED

P 427 258 907

MAIL

Department of Water Resources

State of Idaho
Dept of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

JUL 22 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07418

Proposed Priority: March 29, 1989

Maximum Diversion Rate:

0.07 CFS

This is to certify, that **ELKHORN PLACER ASSN.**

C/O D. H. SCHOONEN

1364 12TH ST.

IDAHO FALLS, ID 83404

has applied for a permit to appropriate water from:

TREON CREEK

tributary of **SALMON RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENESE

Sec. 25, Township 11N, Range 15E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

11N 15E 25

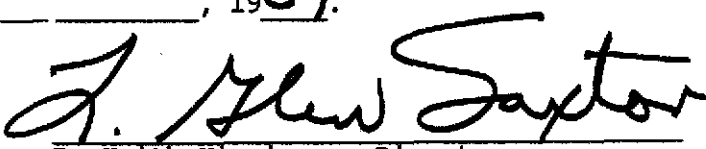
SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1991.**
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Domestic use is for 6 homes.

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

26th day of July, 1989.


R. Keith Higginson, Director

MICROFILMED for

SEP 12 1989

Ident. No. 72-07418

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ELKHORN PLACER ASSOC. 208-522-9060
Address: C/O D. H. SCHOONEN
1364 12TH ST.
IDAHO FALLS, ID 83404
2. Source: TREON CREEK Trib. to: SALMON RIVER
3. Location of point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	15E	25	NE	NE	SE		CUSTER
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AFA
DOMESTIC	01/01	12/31	0.070		
5. Total quantity appropriated is:
0.070 CFS (and/or) AFA
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DIVERSION BOX AND PIPELINE
 - 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 groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.
8. Description of proposed uses:
DOMESTIC, 6 HOMES IN LOTS 2A, 2B, 2C, 2D, 3A, 3B; CORDINGLY TRACTS

MICROFILMED

SEP 12 1989

9. Description of place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	15E	25	SE NE		DOMEST	

10. Describe any other water rights used for the same purposes.
72-7098

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

CLYDE FULLER/ CLEO ROBERTS

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

ASSOCIATION MEMBERS

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

12. Remarks:

P/U = LOTS 2A, 2B, 2C, 2D, 3A, 3B OF CORDINGLY TRACTS

13. Map of proposed point of diversion and place of use attached? ☒

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

D. H. Schoon
Applicant
Vice Pres Elk Horn Placer Assoc.

Received by *LH* Date 3/29/89 Time 2:45 Preliminary check by *LH*

Fee \$ 30.00 Receipted by *LH* # 5006717 Date _____

Publication prepared by *M. Baldwin* Date 5/5/89 Published in *Challin Messenger*

Publication approved *M. Baldwin* Date 6/5/89

MICROFILMED

SEP 12 1989

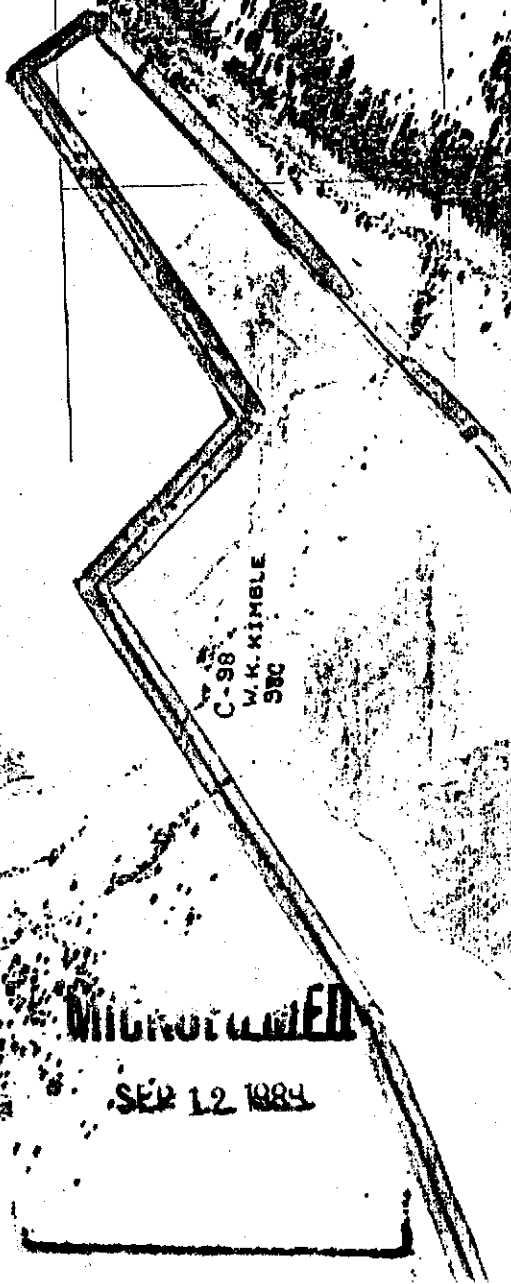
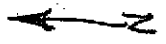
NIDE RIDE

24 19
25 30

72-7418

Sec 25
TIN RISE

TIN

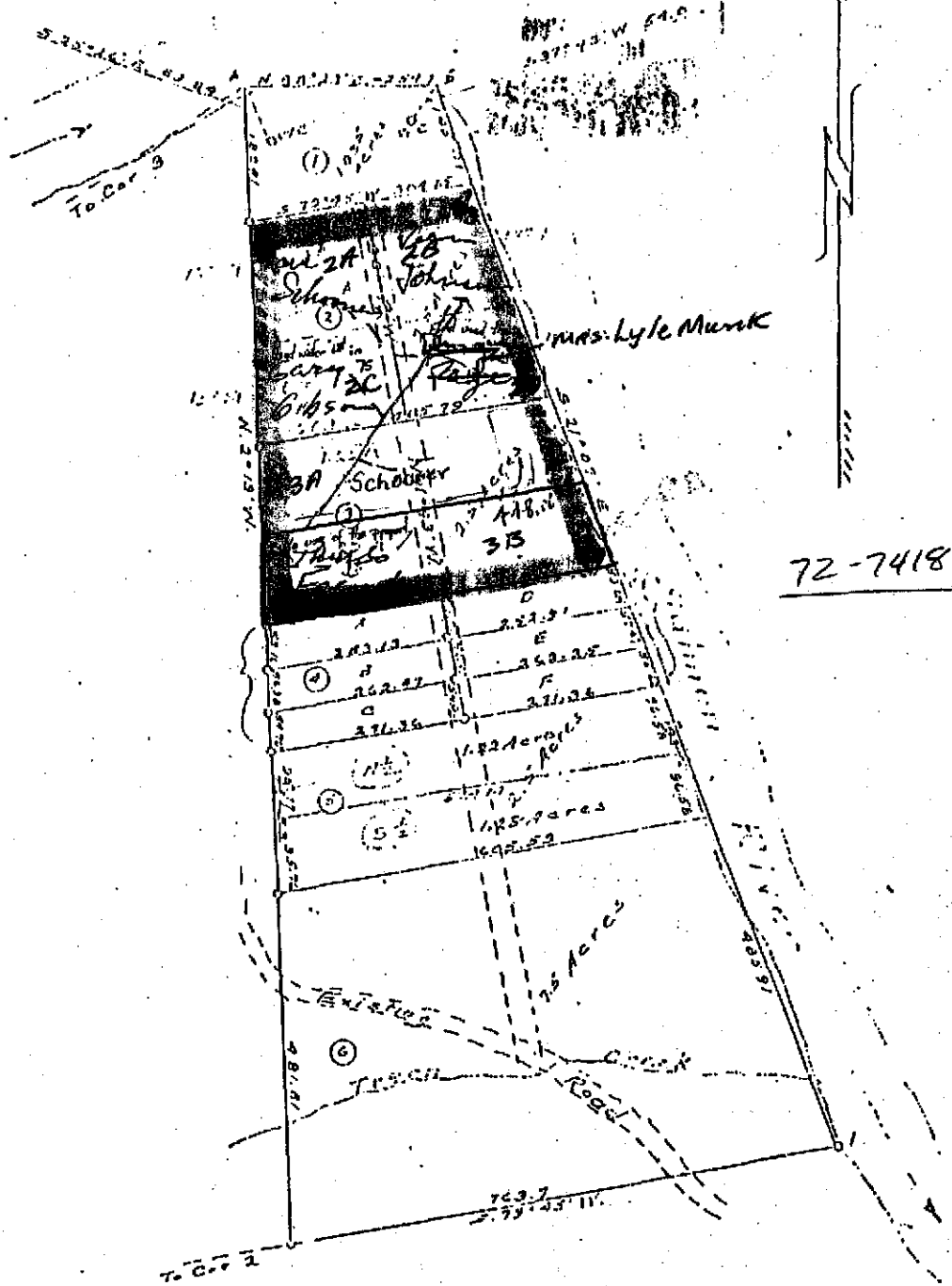


SALMON

TR 94.00

UNCLASSIFIED

SEP 12 1989



72-7418

CORDINGLY TRACTS

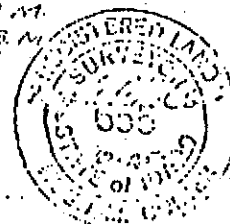
E. M. S. No 3550
 Appx. Section 25 T.11N., R.15E., B.M.
 and Section 30 T.11N., R.15E., B.M.
 Custer County, Idaho
 ELKHORN PLACER

Microfilmed

Microfilmed

MAR 16 1988

SEP 12 1989



APPLICATION 72-07418

ASSOCIATION MEMBERS

Thurlo H. French
P.O. Box 68
Stanley, ID 83278

Mrs Lyle Munk
Rt. 7 Box 252
Blackfoot, ID 83221

Gary Gibson
~~Box 16 Lake Auto Supply, Main Street~~
~~Atomic City, ID 83215~~
Yale, OR 97142

D. H. Schoonen
1364 12th St.
Idaho Falls, ID 83401

Vernon P. Johnson
P.O. Box 271
Arco, ID 83213

MICROFILMED

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 May 18 1989 and ending with the issue dated May 25 1989

Margaret Parks

RECEIVED

STATE OF IDAHO

MAY 31 1989

COUNTY OF CUSTER

Department of Water Resources
Southern Region Office

On this 30th day of May 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. Park
Notary Public for Idaho

Residing at Challis

My commission expires: 2-21-92

MICROFILMED

SEP 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

71-07124

C/O NELSON, RSHOLT, ROBERTSON, TOLMAN, & TUCKER, ATTORNEYS

MC KAIN, JOHN M.

253 MARTIN STREET

TWIN FALLS, ID 83301

Source: VALLEY CREEK Tributary: SALMON RIVER

Diversion Pt: NWSE Sec 25 T 11N R 12E

Use: IRRIGATION (.100 CFS)

Date Filed: 4/10/1989

In: T11N R12E S25 NWSE SWSE

5.0 ACRES TOTAL

72-07417

ROWLAND, MARY

ROWLAND, CARROLL

P.O. BOX 3086

ELKO, NV 89801

Source: CHALLIS CREEK Tributary: SALMON RIVER

Diversion Pt: NWNWNW Sec 10 T 14N R 19E

Use: IRRIGATION (.140 CFS)

Date Filed: 3/22/1989

In: T14N R19E S10 NWNW

7.2 ACRES TOTAL

72-07418

ELKHORN PLACER ASSOC.

C/O D. H. SCHOONEN

1364 12TH ST.

IDAHO FALLS, ID 83404

Source: TREON CREEK Tributary: SALMON RIVER

Diversion Pt: NENESE Sec 25 T 11N R 15E

Use: DOMESTIC (.070 CFS)

Date Filed: 3/29/1989

In: T11N R15E S25 SENE

72-07420

CHESNEY, BERT L.

P.O. BOX 1636

STILLWATER, OK 74076

Source: SPRING Tributary: SINKS

Diversion Pt: SESENW Sec 29 T 11N R 15E

Use: DOMESTIC (.060 CFS)

IRRIGATION (.060 CFS)

Date Filed: 3/22/1989

In: T11N R15E S20 SESW

2.0 ACRES TOTAL

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 5, 1989.

R. KEITH HIGGINSON, Director

Publish: May 18 & 25, 1989.

OK MB 6/5/89



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2001

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

RE: License No. 72-7418 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor
Enclosure(s)

MICROFILMED

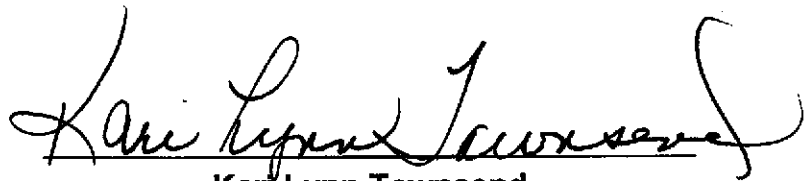
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on September 26, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 72-7418

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

A handwritten signature in cursive script, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

MICROFILMED

JAN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

JAN 24 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2001

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

RE: Water Right Permit No. 72-07418

Dear Permit Holder(s):

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

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

Place(s) of Use

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

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

JAN 24 2002

LICENSE REVIEW CHECKLIST

Permit No. 72-7418 Date: 9-13-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use add

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 72-7098

File reviewed Profile reports printed see below

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

Rate of Diversion:

Permitted rate 0.07 cfs

Fee Limit 0.20 cfs

Measured 0.19 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.03

** due to OL with 72-7098*

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.03 cfs * af

 cfs af

 cfs af

Total 0.03 cfs * af

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

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

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

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

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

Remarks: W35

Additional Conditions

 Watermaster Control

 GW Measurement/Measuring Device

 Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

NO - 9/13/01

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44

S06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-7098

WATER RIGHT NUMBER: 72-7098

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TREON CREEK WATER USERS ELKHORN PLACER OWNERS ASSN C/O D H SCHOONEN 1364 12TH ST IDAHO FALLS, ID 83404
Representative	L CLYEL BERRY 3469 E 3100 N RT 2 KIMBERLY, ID 83341 (208)423-4435
Original Owner	THURLO H FRENCH 6404 W KUNA KUNA, ID 83634 (208)467-3946
Original Owner	TREON CREEK WATERUSERS C/O THURLO H FRENCH PO BOX 68 STANLEY, ID 83278 (208)838-2266

Priority Date: 04/03/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TREON CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.080 CFS	7.20 AF
<u>Total Diversion:</u>		0.080 CFS	7.20 AF

Location of Point(s) of Diversion

TREON CREEK	SW1/4NE1/4SE1/4	Sec. 25, Twp 11N, Rge 15E, B.M.
CUSTER County		

Place of Use

DOMESTIC

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

Total Acres: 0

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-7098

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PROPERTY IS ALSO KNOWN AS CORDINGLY TRACTS, EAST 1/2, MINERAL SURVEY NO. 3580.^^^

Comments:

1. ROBERTSO 4/1/1992 OWNERSHIP CHANGE

Comment: CHANGE OF OWNERSHIP RECEIVED 3/11/92 ORIGINAL OWNER TREON CREEK WATERUSERS OR THURLO FRENCH - NEW OWNER L CLYEL AND JILL BERRY. COPY OF WARRANTY DEED SUBMITTED WITH FORM. A72-07098B CHANGED ALSO ON THIS DATE. DEPT TO CONTINUE REVIEW.

2. CLELLAND 2/19/1993 COPIED FROM REMARKS

Comment: PLACE OF USE IS TRACTS 76-64, 76-75, N 1/2 76-77, S 1/2 76-77, 77-29, 77-30 OF ELKHORN SUR. #3580. Claim is amended this date to claim the entire amount under the Water Right License that is used by all of the above tracts. Claimant under A72-07098A has not developed a domestic use, is not connected to the waterusers' system and has no standing to claim any of the water under the previous water right license. RECOMMENDATION THIS WATER RIGHT IS AS DEVELOPED AS IT WAS AT THE TIME BENEFICIAL USE WAS FILED, THE LICENSE EXAM WAS COMPLETED, THIS CLAIM WAS FILED AND A FIELD EXAM WAS COMPLETED AGAIN ON 10-24-91 BY LOREN HOLMES. THIS RIGHT IS FOR 5 HOMES AND 1 HOMESITE. THE DIVERSION RATE REMAINS THE SAME BUT THE VOLUME IS REDUCED PROPORTIONATELY. THIS CLAIM SHOULD BE RECOMMENDED AS THE ORIGINAL LICENSE NUMBER AND NOT AS A SPLIT, NO SPLIT HAS OCCURRED. REVISED OWNERSHIP CHANGES MR. FRENCH WAS ONLY THE REPRESENTATIVE FOR THE TREON CREEK OWNERS AND WHEN MR. BERRY SUBMITTED A REQUEST FOR CHANGING THIS OWNER- SHIP BASED ON HIS WARRANTY DEED FROM FRENCH THE CHANGE WAS MADE ACCORDINGLY. THE CORRECT OWNER OF THIS WATER RIGHT STILL IS THE TREON CREEK WATER USERS. I HAVE LISTED MR. BERRY AS THE REPRESENTATIVE SINCE HE IS SHOWN AS SUCH IN THE WATER RIGHT CLAIM A72-02136C. SENDING LETTER TO ADVISE MR. BERRY OF THESE CHANGES. TREON CREEK WATER USERS (LIST AS CLAIMED) L. CLYEL & JILL BERRY (FORMER THURLO FRENCH) VERNON & YVONNE JOHNSON LYLE & DONNA MUNK (FORMER DONNA PAGE) D.H. & HELEN SCHOONEN (1 HOMESITE) D.H. & HELEN SCHOONEN (1 HOME) GARY & BRENDA GIBSON

3. CLELLAND 1/14/1994 RENUMBERED CLAIM

Comment: WATER RIGHT IS NOT SPLIT. CONFIRMED BY FIELD EXAM ON 9-23-93.

4. SCLELLAN 6/7/2000 ADDRESS CHANGE

Comment: ADDRESS CHANGE REQUESTED BY D.H. SCHOONEN WITH WHOM I HAVE DEALT WITH ON NUMEROUS TREON CREEK EXAMS AND ISSUES.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 72-7098

Dates and Other Information:

Licensed Date:
Decreed Date: 1/6/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 7207098
Class: 1
SF5 Filed Date: 10/29/1997
Special Master Recorn Signed Date: 10/29/1997
Attorney Assigned:
Date Filed: 7/30/1997 Objection Status: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 31 2001
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 72-7418

1. Owner: Elkhorn Placer Assn Phone No. 522-9060
Current Address: 407 H. Schoonen 1364 12th St Idaho Falls 83401
2. Accompanied by: Dave Schoonen EXAM. DATE: 10/24/91
Address: - Phone No. -

Relationship to Permit Holder: -

3. Source: Trean Creek tributary to Salmon R.

B. OVERLAP REVIEW

1. Other water rights with same place of use: 72-7098 ☐ Copies Attached
2. Other water rights with same point of diversion: 72-7098, 72-2136, 72-7090
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2" dia Plastic Pipe Diverts From Town Creek
To supply 4 homes plus connection to 1 unbuild
Lot. Lots are in the Cordingly tracts, Part of
Elkhorn Placer
Lots served by the same connections serviced
by Lic 72-7098
Diversion structure Provides Pipe connections for
all Town Creek water Rights

☐ See Remarks on page 4 for continuation

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SE	25	11 N	15 E	CLUSTER	Topo, PLAT & GIS MAPS (Located w/in ELKHORN PLACER)

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11 N	15 E	25				D									D				

AKA CORDINGLY TRACTS, EAST 1/2, MINERAL SURVEY NO. 3580

MICROFILMED
JAN 24 2002

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 gallon bucket						

2. Measurements:

see attached sheets

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

5 gallon bucket (see attached) total flow = 0.19 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

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:

THIS RIGHT WHEN COMBINED WITH 72-7098 SHALL NOT EXCEED 7.2 AFA.

MICROFILMED

JAN 24 2002

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Right 72-7098 is for the same 6 homes. No changes have been made to the diversion or delivery system. Loren Holmes examined in 1991; I returned with Loren in 1993 and then returned alone in 1997. Loren confirmed the same setup in 1991 as was found in 1993. I found no changes in 1997. According to IDWR standards 6 homes would be allowed 0.11 cfs. Since there is a right for 0.08 cfs (72-7098) this permit (72-7418) could be allowed for the balance of 0.03 cfs. Anything beyond that flow is already covered by a water right. Volume Requirements are fully allowed for under 72-7098 at a rate of 1.2 AFA/House. No increase in volume is needed. Recommend combined volume limit

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	01-01	12-31	0.03	7.2 *
Totals:			0.03	7.2 *

2. Recommended Amendments

* COMBINED LIMIT WITH 72-7098

☐ 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

J. AUTHENTICATION

Field Examiner's Name

Steve Clelland

Signature

Steve Clelland

Certification Date

5/22/01

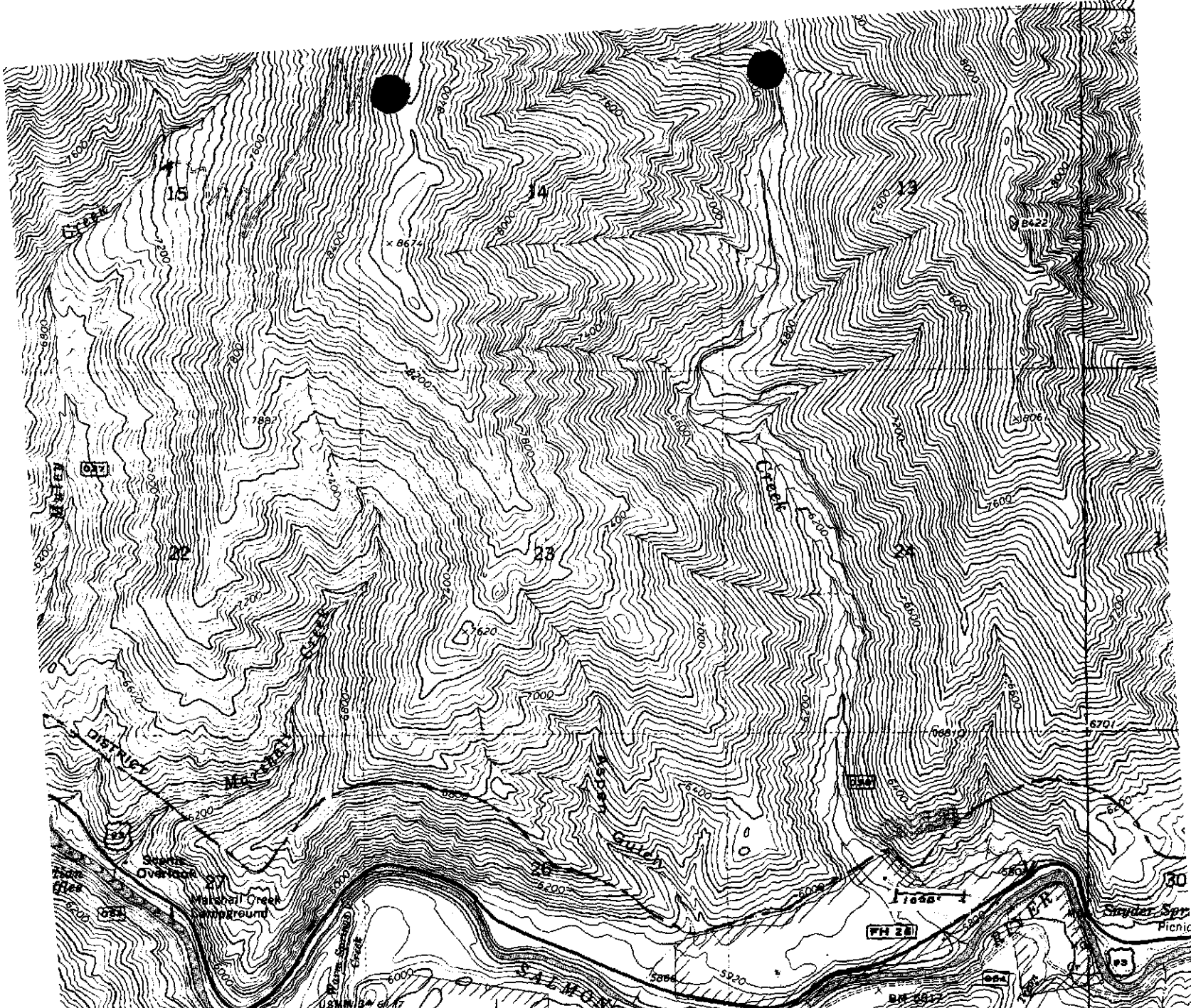
Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

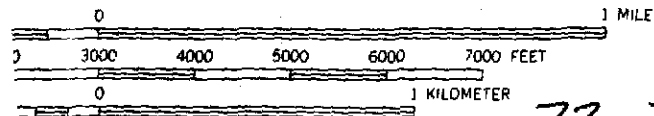
MICROFILMED

JAN 24 2002



(ROBINSON BAR) ROBINSON BAR 0.4 MI.
(240-2 1)

SCALE 1:24000



R INTERVAL 40 FEET
REPRESENT 20-FOOT CONTOURS
IS MEAN SEA LEVEL

TOWNSHIP AND SECTION LINE CLASSIFICATION

- Surveyed, location reliable
- Surveyed, location approximate
- Unsurveyed, Bureau of Land Management protection



QUADRANGLE LOCATION

SUNBEAM
CHALLIS NATIONAL FOREST
SAWTOOTH NRA
YANKEE FORK RANGER DISTRICT

(CUSTER 1 SW)

1974

265-3 1

72-7418

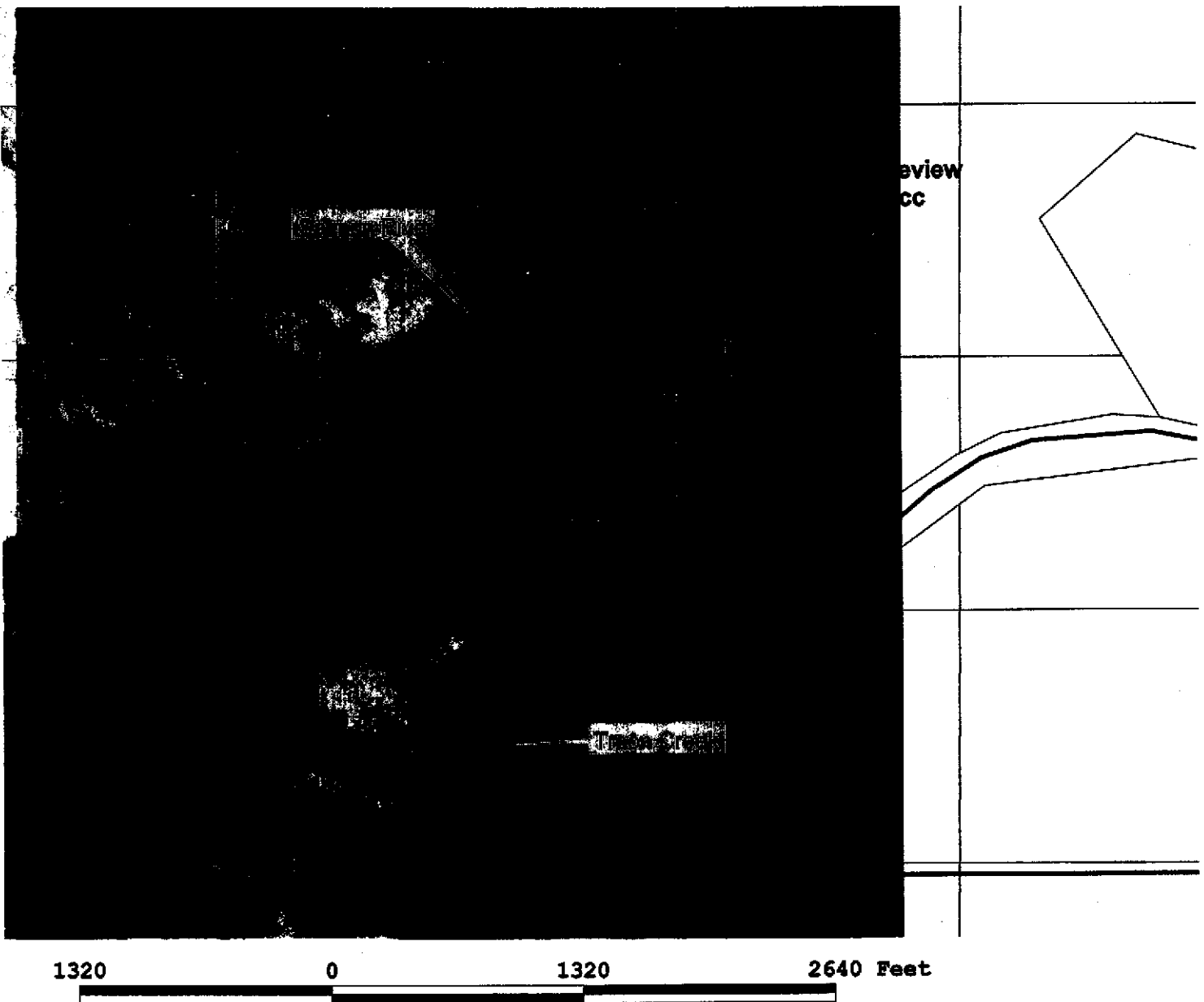
825 TIIN RISE

MICROFILMED

JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES

72-07418



- ☐ RECOMMENDED PLACE OF USE
- ☒ RECOMMENDED POINT OF DIVERSION
- ☐ SECTION LINES
- ☐ QUARTER-QUARTER LINES
- ☒ STREAMS & DITCH CHANNELS

TWN: 11N

RNG: 15E

CORDINGLY TRACTS, EAST 1/2,
MINERAL SURVEY NO. 3580



MICROFILMED

JAN 24 2002

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY
BY STEVE CLELLAND

DATE: MAY 22, 2001

Field Exam By SEC

9-23-93

w/ LOREN HOLMES

Vernon Johnson line

1:55 pm

1 g / 50 secs

1.2 gpm

.0026 cfs

1:56 Dave Schoonen line

2 g / 28.34

= 4.2 gpm

.0094 cfs

2:00 pm Fuller Mining line

5 g / 10.62 sec

28.2 gpm

5 g / 10.44

28.7 gpm

$\bar{x} = .063 \text{ cfs}$

MICROFILMED

14N 24 2002

Total Treon Creek

84.7 gpm

0.19 cfs

Fullers irrigation pipe

1:30 pm

5.72 sec / 5 gal
6.25

52 GPM
48 GPM

.11 cfs

w/ Loren Holmes
Ammon
Schroeder

1:45 pm

Fuller's Domestic

(approximately 1/2 acre around cabin
plumbed for cabin use)

1:13 min per 1 gal

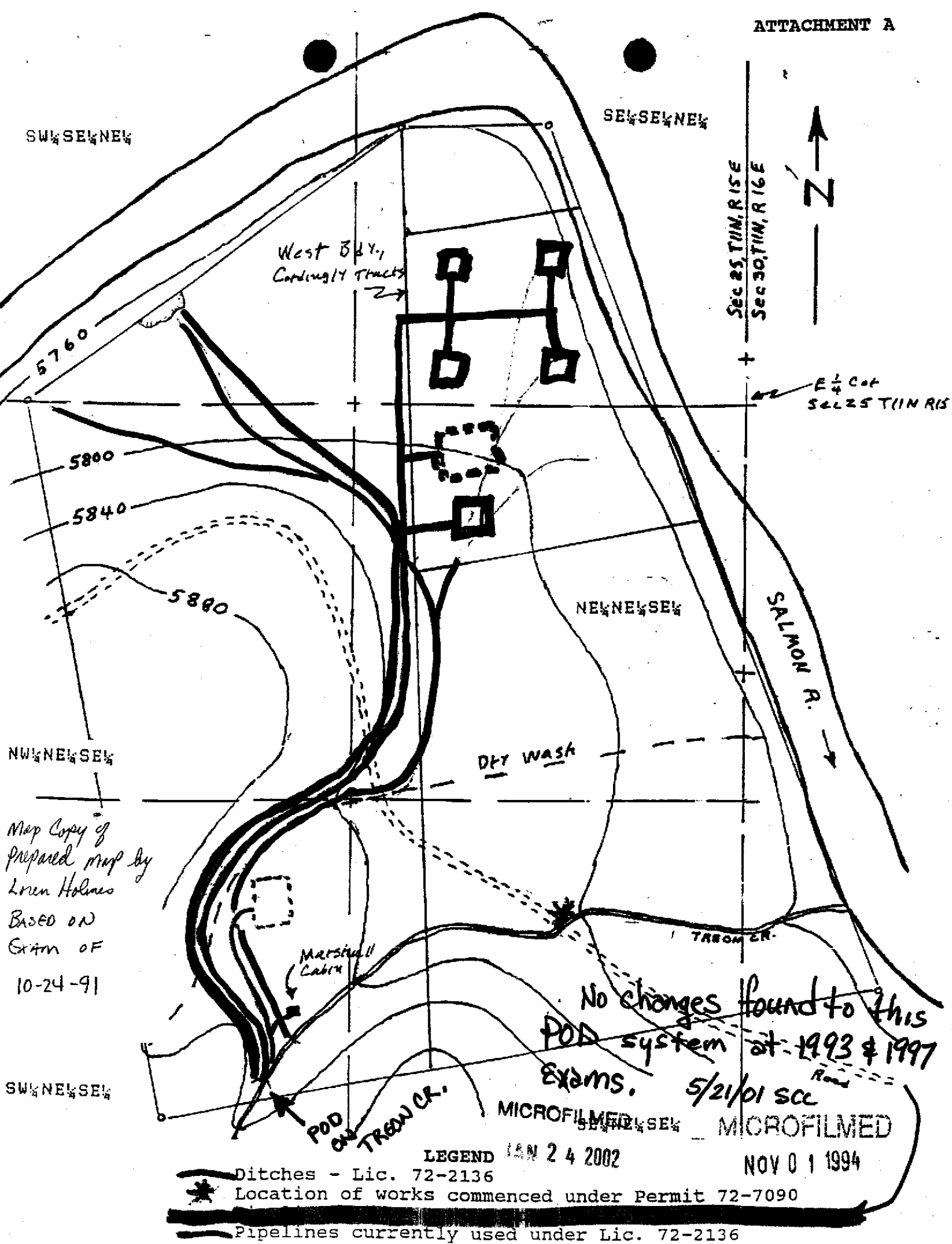
.82 GPM

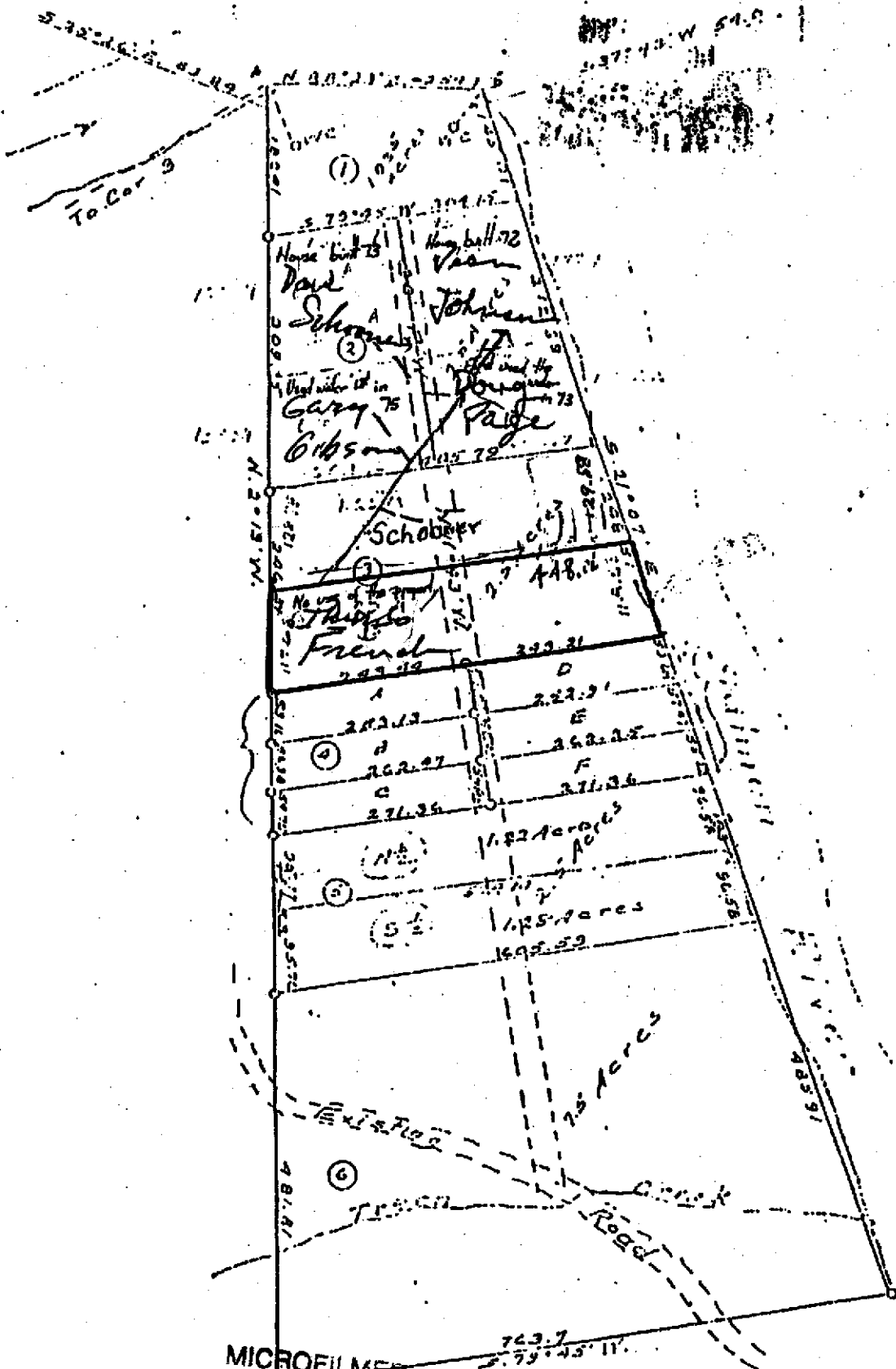
.0018 cfs

w/ Holmes
Ammon
Schroeder

MICROFILMED

JAN 24 2002





MICROFILMED
 JAN 24 2002



Photos by see

5/16/97

TREON CREEK



MICROFILMED
JAN 24 2001

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Permit No. 72-7418

MAY 31 2001

STAFF ANALYSIS SHEET

For

Department of Water Resources

BENEFICIAL USE FIELD REPORT

A. Prior to Conducting the Exam, the file contains:

☒ Blank Field Report Form

☒ Copy of Permit

☒ Copies of any Amendments/Orders with conditions of approval.

☒ Computer Data Proof Report

☒ Copy of USGS Quad Map

☒ Check for Government Lots. If so, make a copy of Gov. plat.
Check of P/D index Su 3/27/00 (Initial & Date)

Overlap? ☒ Yes ☐ No If Yes: ☐ Copy of Exam(s) Attached?
Type of Overlap ☐ Add acres or uses to existing system.
☒ Increase rate of flow or volume.
☐ Other _____

Check of PU Index Su 3/27/00 (Initial & Date)

Overlap? ☒ Yes ☐ No If yes: ☒ Copy of Water Right(s) Attached?

Type of Overlap ☒ Increase rate or flow volume.
☐ Add P/D's
☐ Increase No. of acres within tracts.
☐ Other _____

Aerial Photo

☐ Required? ☐ Yes ☐ No If yes: ☐ copy attached?
Scheduling letter sent? _____ (Initial & Date)
☐ Appointment made and telephone conversation memo attached.

B. After Conducting the Exam, the file contains:

☐ Fully completed and signed Field Report Form

☐ Photographs of Point of Diversion and Place of Use

☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam completed Shu Chell O 9/23/93 (Signature of Examiner(date))
Exam reviewed by Sr. Water Res. Agent Su 9/23/93 (Init & date)
Exam reviewed by Mgr of Reg. Office MS 5/23/01 (Init & date)
Exam date entered in computer _____ (Init & date)
Exam sent to S.O. _____ (Init & date)
Copy of Staff Analysis Sheet sent to Mgr. of Reg. Office and Orig.
re-filed in White File. _____ (Init & date)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D H SCHOONEN
1364 12th ST
IDAHO FALLS ID 83404

RE: Water Right Permit 72-07418

Dear Mr Schoonen:

Thank you for your inquiry dated 8/18/97. Director Dreher and Dave Tuthill (SRBA Bureau Chief) asked me to respond to you and assist you in completing whichever process you choose in order to reach an appropriate solution. I believe it would be helpful to summarize the status and standing of the above permit, as well as the other rights/claims associated with the E1/2 of the Cordingly tracts.

You correctly state that the above permit is not under consideration by the SRBA Court and that Proof of Beneficial Use was filed, and correct fees paid, in 1991. Elkhorn Placer Association, or whoever is the current entity legally capable of possessing real property (Treon Creek Water Users, individuals?), has fulfilled their responsibilities toward perfecting the permit into a license. IDWR completed a field investigation of the Treon Creek system in 1993 and a field exam report for this permit was partially completed. The date of this field investigation coincided with an SRBA review of claims (A72-07098; etc) and a hearing held by IDWR on various Treon Creek issues.

I have brought the need to complete licensing of this permit to the attention of a senior agent. I am hopeful that the presently available field investigation files contain sufficient information to finish writing the exam report. If not, IDWR may have to do a follow up exam next spring.

At the end of your letter you requested that IDWR submit a recommendation on this right to the SRBA Court. IDWR does not have a claim on record for this permit and therefore we can not make a recommendation to the court about it. Only rights with proof due dates before 11/19/1987 or surface water diversions existing before 1971 or groundwater diversions existing before 1963 were required to file claims. Application for Permit for this right (now numbered 72-07418) was first filed in 1989 and proof was made in 1991; therefore, you were not required to have filed an SRBA claim for this right.

MICROFILMED

JAN 24 2002

August 29, 1997
page 2

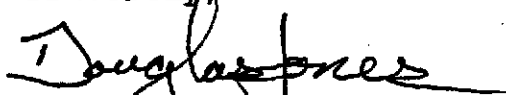
You may choose to file a claim for this permit at this time, though you are not required to do so. At the completion of the licensing process the users will have a right every bit as good as a right obtained by going through the SRBA process. In fact, the claim will be based on the permit and at the conclusion of the licensing process the claim or recommendation will be amended to reflect the license. It is my opinion that the SRBA process would be duplicative and an unnecessary expense.

In the event that your group wishes to file a claim you may work with the Eastern Region office there in Idaho Falls, this office, or you may complete the claim form yourself and submit it to either office. Late fees are not due, but the claim fee total due, based on the permitted flow rate, is \$57 (\$50 flat fee plus $0.07 \text{ cfs} \times \$100/\text{cfs}$). If IDWR receives a claim for this permit we will strive to include a recommendation for it in the Spring '98 Director's Report for non-de minimis rights. This claim would not have been included in the Director's report submitted in April, 1997.

I would also like to acknowledge the objection filed on 72-07098. Although this claim should not have been included in the 4/97 Director's Report, since it represents more than a de minimis claim, I am pleased that you were on top of the situation and caught the problems. IDWR will work with you to resolve the differences and discrepancies to the extent possible. For instance, it was expressed that we may have shorted you usages by identifying 5 homes and not 6. Our recommendation does say 5 homes, but it also identifies the 6th as a homesite. I think it would be reasonable to change the language to indicate 6 homesites, or something like that. I also would be accepting of the removal of the 13,000 gallons per day and historical beneficial use conditions, since the license is not de minimis. I haven't seen the objection yet (it's in Boise) so I can't address all the elements at this time.

Please keep the communications coming and together we'll get things in their proper place. If you have any questions please contact us. Again, thank you for your interest in this matter.

Sincerely,



Douglas Jones, P.E.
Water Rights Supervisor

cc: L. Cheryl Berry

MICROFILMED

JAN 24 2002

RECEIVED

AUG 20 1997

Department of Water Resources

August 18, 1997

State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Attn: Mr. Karl J. Dreher, Director

Re.: Permit 72-07418

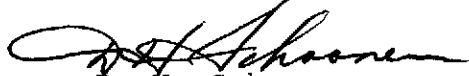
Dear Mr. Dreher:

Water Right 72-07418 was apparently not filed with the District Court for consideration by the Snake River Adjudication Court.

Beneficial use for this permit was filed in July, 1991, with the appropriate fees being paid at that time. The water for this permit has been in active use since then, as well as providing for cabin fire protection. This permit is a separate entity with its own water supply line.

It is therefore requested that the Director's Report for Domestic and Stockwater, Reporting Area 4, be amended to include permit 72-07418 and provided to the SNRA Court in Twin Falls, Idaho.

Sincerely,



D. H. Schoonen
1364 12th Street
Idaho Falls, ID 83404

Copy:

IDWR, Southern Region
L. Clyel Berry, Kimberly, ID

RECEIVED

AUG 27 1997

Department of Water Resources
Southern Region

MICROFILMED

JAN 24 2002

August 18, 1997

State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

AUG 19 1997

Attn: Mr. Karl J. Dreher, Director

Department of Water Resources
Southern Region

Re.: Permit 72-07418

Dear Mr. Dreher:

Water Right 72-07418 was apparently not filed with the District Court for consideration by the Snake River Adjudication Court.

Beneficial use for this permit was filed in July, 1991, with the appropriate fees being paid at that time. The water for this permit has been in active use since then, as well as providing for cabin fire protection. This permit is a separate entity with its own water supply line.

It is therefore requested that the Director's Report for Domestic and Stockwater, Reporting Area 4, be amended to include permit 72-07418 and provided to the SNRA Court in Twin Falls, Idaho.

Sincerely,

D. H. Schoonen
1364 12th Street
Idaho Falls, ID 83404

Copy:

IDWR, Southern Region
L. Clyel Berry, Kimberly, ID

MICROFILMED

JAN 24 2002

RECEIVED

JUN 8 - 20

Department of Water Resources

August 25, 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Attention: Mr. Steve Clelland

Re.: Permits/Claims 72-07098, 72-07418, 72-07519,
Treon Creek Water Users, Elkhorn Placer Association, &
Recreational Mining

Dear Mr. Clelland:

Please change the records for the above permits/claims
to have all correspondence relating to the above sent to the
following address:

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

The water usage is for the Treon Creek community and
this change of address reflects that all owners will be
contacted and involved relative to any decisions regarding
these permits.

I will forward each item received from the DWR to the
secretary of the Home Owners Association for distribution to
the members. The item(s) will be handled by the Association
officers at a regular meeting or special meeting as
required. Although somewhat more cumbersome than having an
individual or individuals field the correspondence, it will
eliminate the concerns regarding independent responses by
individuals.

The permits/claims are established for six homesites
and little, if any, correspondence regarding these permits
is anticipated.

Sincerely,



D. H. Schoonen
1364 12th Street
Idaho Falls, ID 83404

*accepted as change of Address
form.*

Change to SRBA claim done.

MICROFILMED

6-7-00

JAN 24 2002

RECEIVED

AUG 26 1998

Department of Water Resources
Southern Region

July 10, 1997

IDAHO DEPARTMENT OF WATER RESOURCES

Southern Region

1341 Fillmore, Suite 200

Twin Falls, ID 83301-3380

JUL 11 1997
Department of Water Resources
Southern Region

Re.: Permit/SRBA Claims 72-07098, 72-07418, A72-02136C

Attn.: Mr. Steve Clelland

Dear Mr. Clelland:

Thank you for your response of July 2nd noting the changing of records for mailing correspondence regarding the above permits.

Information of record for 72-07098 and 72-07418 should always specify these allocations as separate entities, as perhaps it does in the IDWR State Office. #72-07098 serves six domestic users provided by a two-inch pipe from the Treon Creek weir to the end user, Mr. Vernon Johnson; #72-07418 serves six domestic users provided by a separate 1½-inch pipe from the same weir to the end user, Mr. Vernon Johnson. The latter is a separate allocation filed to gain additional water, particularly in low water years.

The lot adjacent (north side) to Berry's has had domestic use demonstrated for several years. The lot is a contiguous 1.25 acre lot, the same as Berry's. The piping across the lot contains one branch approximately 66 paces (about 180 feet of piping) and a second branch of piping about 100 paces in length. Tubing lines direct the water flow to numerous trees on the lot and provide water for the entire watering season - April and into October. Some of these trees are now in place about 7 years. At one time a garden was grown on part of this lot. I believe that the correction/objection forms should be provided to L. Clyel Berry, in order to be submitted to show this lot as the sixth domestic user for both #72-07098 and 72-07418.

If appropriate, a separate field trip can be scheduled to review this lot relative to the latter two permits, but I believe July 31st is the deadline for submitting corrections to SRBA claims. Please call (208) 522-9060, or write to affirm the above information.

Sincerely,



D. H. Schoonen

1364 12th Street

Idaho Falls, ID 83404

Copy: L. Clyel Berry

MICROFILMED

JAN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

JUL 03 1997

Department of Water Resources

July 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TREON CREEK WATER USERS
ELKHORN PLACER ASSOCIATION
C/O L CLYEL BERRY
3469 E 3100 N
KIMBERLY ID 83341

RE: CHANGE OF ADDRESS FOR SRBA CLAIM NOS. A72-02136C & A72-07098B
AND PERMIT 72-07418

Dear Sirs,

I have changed the records of your SRBA claims as you requested in the letter sent to me by D.H. Schoonen on June 17, 1997. The address now appears, as shown above, in our records for your rights.

If you have further questions feel free to contact me at our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

CC: D.H. Schoonen
IDWR State Office (for Permit)

COPY

7-17-97 - data have updated - Ket

MICROFILMED

7-17-97

RECEIVED

JUL 03 1997

June 17, 1997 Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

Southern Region
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Re.: Permit No. 72-07418 Attn.: Mr. Steve Clelland

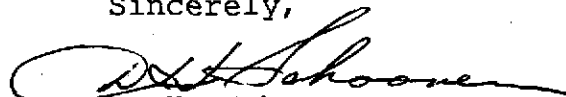
Dear Mr. Clelland:

Please file the following change of address for the referenced permit within the Department of Water Resources and, as appropriate, with the Snake River Basin Adjudication District Court:

Elkhorn Placer Association
c/o L. Clyel Berry
3469 E. 3100 N.
Kimberly, ID 83341

The Association believes it is in our best interests to have correspondence for the applicable permits sent to only one person. Mr. L. Clyel Berry is currently listed for mailings relative to Permit 72-07098 as well as Claim A72-02136C and is in agreement with this address change. He is a member of the Association which encompasses all of the above permits.

Sincerely,


D. H. Schoonen
1364 12th Street
Idaho Falls, ID 83404

Copy: L Clyel Berry

COPY

A72-02136C R72-02136C
A72-07098B R72-07098B

JUN 19 1997

Change of address
as shown above.
see 7/2/97
Department of Water Resources
Southern Region
MICROFILMED
JAN 24 2001

~~72-07418~~
Forwarded copy to
Case Staff For Permt.
see 7/2/97

August 14, 1991

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07418

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

AUG 22 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 72-7418

Date 8-12-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
NA Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
50.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- NO Measuring device or access port required?
☐ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	_____
Date proof due	☐	- _____
No. of days late	☐	= _____
Priority date	☐	+ _____
NEW PRIORITY DATE	☐	= _____

LB

138710
May 31, 1991

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

PROOF DUE NOTICE

RE: PERMIT NO. 72-07418

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 August 1, 1991. (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

AUG 22 1991

May 31, 1990

STATE OF IDAHO
Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

RECEIVED
JUN 8 1990

Attention: Mr. Bob Fleenor

REQUEST FOR PRIORITY DATE CHANGE

Department of Water Resources

Dear Mr. Fleenor

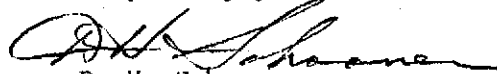
It is respectfully requested that the priority dates for domestic water use for permits #72-7098 and #72-07418 be reordered to precede the priority date of application #72-7090.

Permits 72-7098 and 72-07418 have been worked conscientiously as required to prove up and actually utilize the water from Freon Creek in the amounts and manner prescribed. A new weir has been constructed and installed to include the accomodation of the above two permits. New plastic piping carrying the allocated amount of water have been placed in use. The same restrictions for usage exist for the above two permits as for application #72-7090 described below, e.g., absolutely nothing to prohibit development.

During the same period, since approximately 1983, there has been no indications of activity to prove up application 72-7090 as required by the preceding Water Resources Board Order. The premise for the extension of time for application 72-7090 is very questionable. Although Mr. Armour may provide some lucid fantasy to the contrary, the real reason for inactivity regarding 72-7090 is that, until recently, Mr. Armour lived outside Idaho; in California and for a number of years in Georgia and never engaged anyone to proceed with the improvement work.

We have requested that our attorney prepare a letter regarding this matter and forward it to your office.

Very truly yours,


D. H. Schoonen
1364 12th Street
Idaho Falls, Idaho 83404

cc: Anderson, Pike & Bush
Attn: Mr. Douglas Nelson

RECEIVED

AUG 22 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

NOV 07 REC'D

Permit No. 72-07418 Elkhorn PLACER ASSOC.
Name(s) of Permit Holder(s): 40 D.H. Schooner
Post Office Address: 1364 12th ST.
IDAHO FALLS, ID 83404 Tel. No. 522-9060

☒ I hereby certify that construction of diversion works for the above referenced permit began on September 16, 1989 (date) and that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Nov 1, 1989
Date

D.H. Schooner
Signature of Permit Holder

PLACE
STAMP
HERE

MICROFILMED

AUG 22 1991



**IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

To date, NOV 07 RECD

- Trenched — —
backhoe + tractor
- Poured concrete
diversion weir
- surveyed + sloped
piping route
- Excavated piping
route

DH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
July 26, 1989

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07418

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
SEP 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Elkhorn Placer Assoc

TIAL REVIEW BY LH DATE 3/29/89 APPLICATION NUMBER 72-7418

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) ~~to~~ to Magic Res? (See App. Proc Memo #20)
☒ 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

WATER District _____

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) 72-7098 (Part)
☒ Overlapping point of diversion 72-7098, 72-7090
☐ 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
JUN 21 1989

Department of Water Resources

ESSING

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

COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

L 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 6/5/89
☒ 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. _____

04, 26A

☐ See below for additional information

Date of priority recommended 3/29/89
By Taren O. Talmu Date 6/12/89

STATE OFFICE REVIEW

P17 2604

By KW ☐ See below for additional information
Date 7/11/89

DITIONAL INFORMATION

OK to allow 2 yrs. to develop

09-May-1989

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

Re: Application for Permit No. 72-07418

Dear Applicant (s):

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

This office will be advertising the application in the Challis Messenger on 5/18 & 5/25/89. 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,

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

LH:MB

MICROFILMED

SEP 12 1989

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

MAY 5, 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 5, 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

72-07418

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

Source: TREON CREEK

Tributary: SALMON RIVER

Diversion Pt: NENESE Sec 25 T 11N R 15E

Use: DOMESTIC (.070 CFS)

Date Filed: 3/29/1989

In: T11N R15E S25 SENE

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 5, 1989.

R. KEITH HIGGINSON, Director

Published 5/18/1989 & 5/25/1989

MICROFILMED

SEP 12 1989