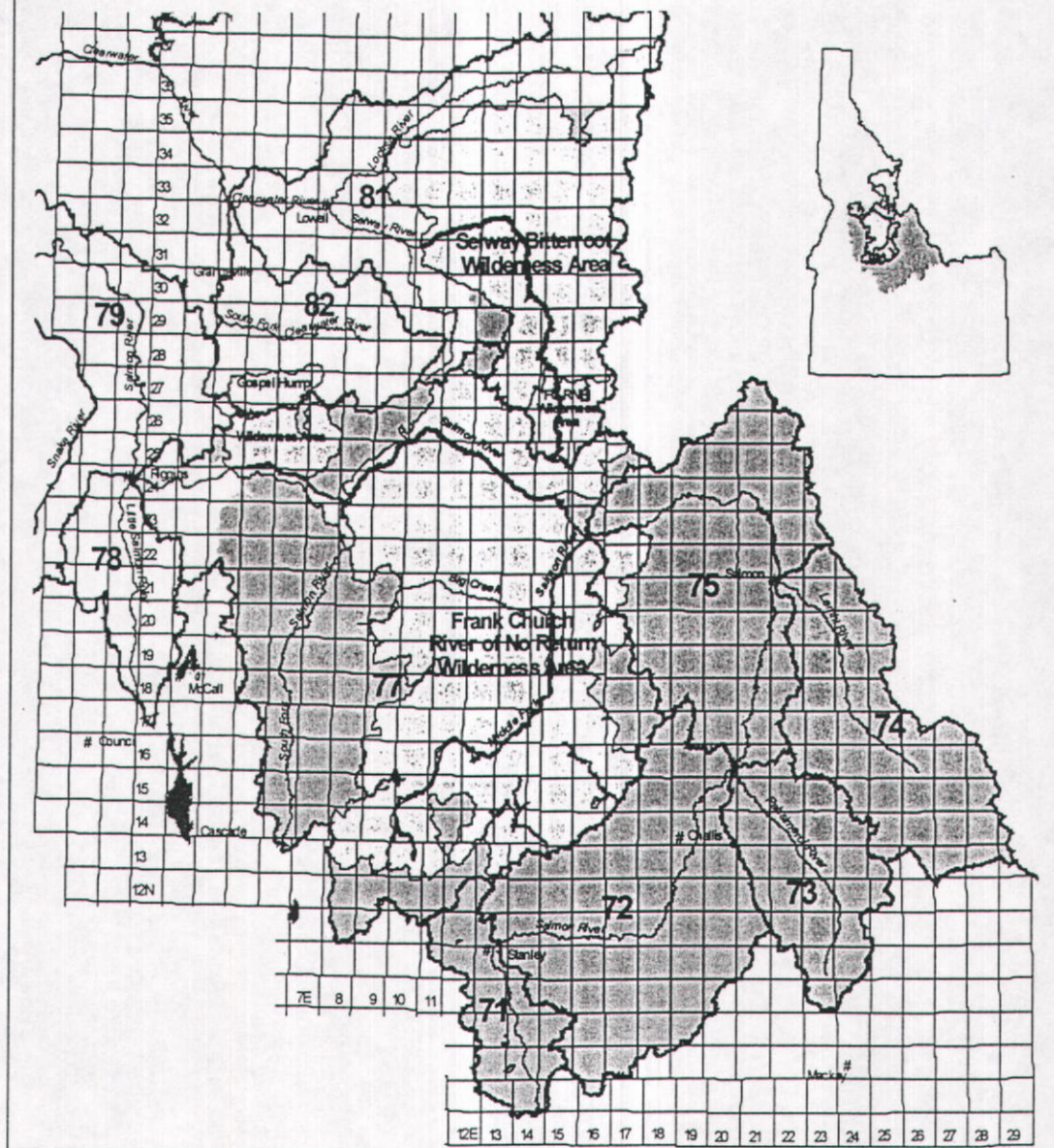


Wilderness Moratorium Areas

October 26, 1999

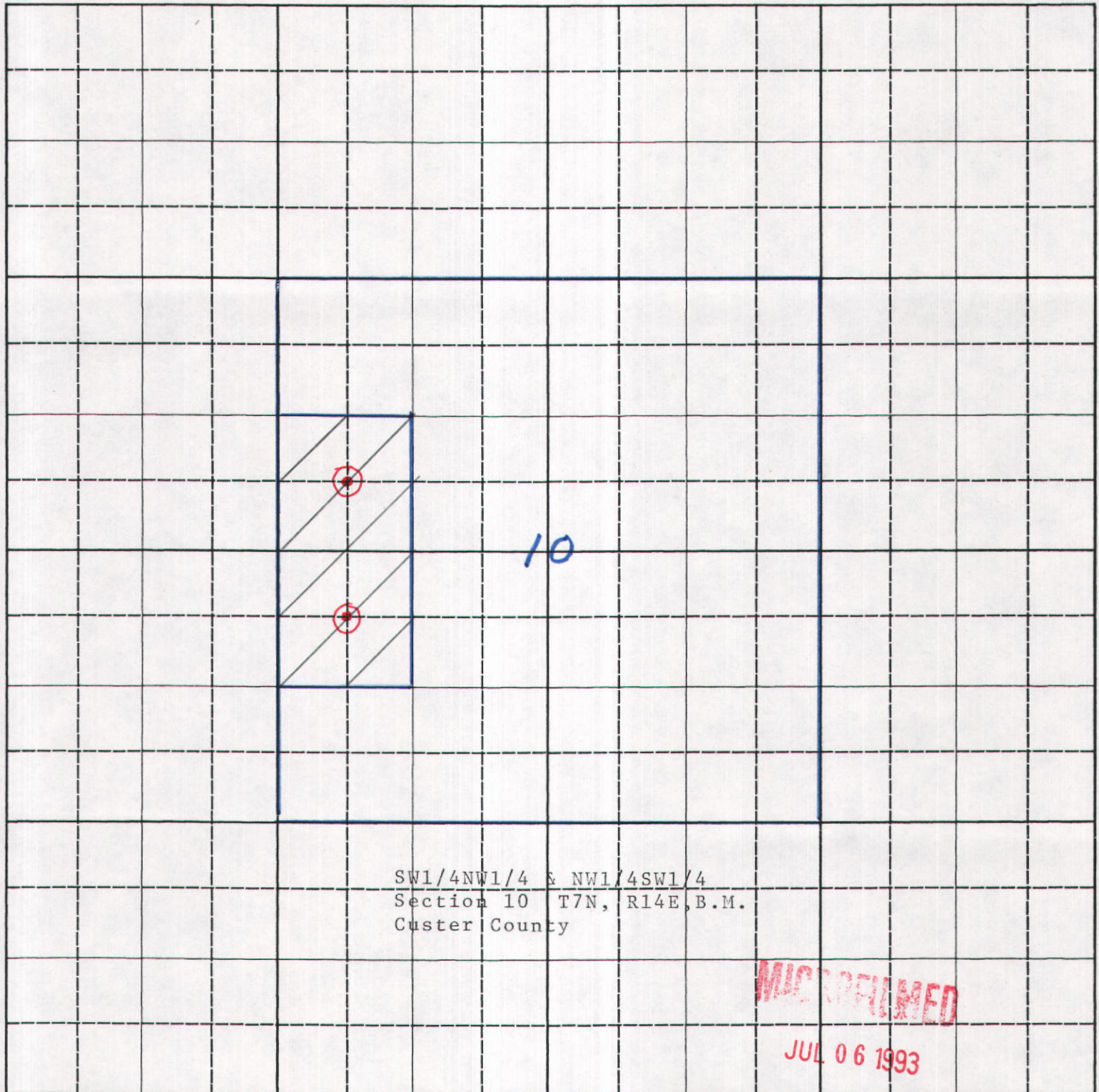
- ☐ IDWR Administrative Basins with basin number
☐ Wilderness Areas
☒ Tributary Areas
☐ Township/Range



MICROFILMED

FEB 22 2000

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.

By: *D. P. Enright* for Enright Enterprises, Inc.
(Applicant) Secretary

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 Oct 15 1992 and ending with the issue dated Oct 22 1992

Margaret A. Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 26th day of Oct. in the year of 1992, before me, a Notary Public,

personally appeared Margaret Parks, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Evel M. Beck

Notary Public for Idaho

Residing at Challis

My commission expires: 1-21-98

RECEIVED

OCT 27 1992

Department of Water Resources
Southern Region Office

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

71-07169

ENRIGHT ENTERPRISES INC
PO BOX 5737
SUN VALLEY ID 83353

Source: groundwater

Diversion Pt: SW1/4NW1/4 or
NW1/4SW1/4, S10, T07N, R14E;
Custer County.

Use: irrigation
(1.0 cfs) from 5/1 to 9/30

Total Diversion: 1.0 cfs

Date Filed: 9/17/92

In: 80 acres within
SW1/4NW1/4, NW1/4SW1/4, S10,
T07N, R14E; Custer County.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before November 2, 1992.

R. Keith Higginson

Published in The Challis
Messenger on 10/22/92.

JUL 06 1993

OK
NB
10/27/92

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
71-07169 IN THE NAME OF)
THOMAS T. TIERNEY AND)
ELIZABETH C. TIERNEY)
_____)

PRELIMINARY ORDER

This matter having come before the Department of Water Resources (Department) as a result of a response by the permit holder to an order issued by the Department, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 26, 1999, The Director of the Department (Director) issued a Moratorium Order (order) to stop further development of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas.

2. On December 30, 1999, Thomas T. Tierney (permit holder) filed a request for an indefinite stay in the development period for Permit No. 71-07169 (permit) in response to Condition 5.b of the order.

3. The permit holder provided information describing the extent of development and beneficial use that had occurred under the permit.

4. The permit holder provided information to show that the project had not been completed due to circumstances over which the permit holder had no control.

CONCLUSIONS OF LAW

1. Section 42-204(1), *Idaho Code* provides that the Department may allow for delays in the development of a permit which are due to certain matters beyond the control of the permit holder.

2. The permit holder has provided sufficient justification for the Director to authorize an indefinite stay in the development period for the permit.

3. The Director should authorize an indefinite stay in the development period with certain conditions.

ORDER

IT IS THEREFORE HEREBY ORDERED that an indefinite stay in the development period for the above captioned permit is **GRANTED** subject to the following conditions and limitations:

1. Additional work by the permit holder in developing a water right under terms of the permit is not authorized until the Department specifically authorizes resumption of work.
2. If resumption of work is authorized under this permit, the development period for this permit shall be extended by the number of days lost as a result of the indefinite stay hereby granted.
3. The permit holder is not authorized to assign ownership of the permit to another party without prior approval of the Department.
4. The Department may rescind or modify the indefinite stay hereby granted if the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium is modified or rescinded.

Dated this 30th day of December, 1999.

for 
KARL J. DREHER
Director

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

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Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

MORC:

SEP 22 2000

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

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Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States " ... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

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8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such **(a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated,** or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

WILLIAM

SEP 27 1998

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

1000000
1000000
1000000

5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

Dated this 26th day of October, 1999.



KARL J. DREHER
Director

10/26/99
10/22/2000

October 26, 1999

-

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	71-07169	Enright Enterprises Inc	1.00
Full Assignment	71-07169	Thomas T Tierney Elizabeth C Tierney	1.00

RECORDED
OCT 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

MAY 29 1997

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

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

Permit No. 71-07169

Name(s) of Permit Holder: Thomas T. Tierney and Elizabeth C. Tierney

Mailing Address: 2832 Dow Avenue, Tustin, CA 92680

Date Proof is Due: June 1, 1997 Telephone No. _____

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

SEE ATTACHED

Costing \$ _____

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

SEE ATTACHED

Permit holder(s) request an extension to June 1, 19 2002

FEE: \$50.00

(Signature)* Thomas T. Tierney

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 2001.

Signed this 3rd day of June, 19 97

J. Blum Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 71-07169

Proposed Priority: September 17, 1992 Maximum Diversion Rate: 1.00 CFS
This is to certify, that **ENRIGHT ENTERPRISES INC**

PO BOX 5737

SUN VALLEY ID 833530737

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	05/01 to 09/30	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 10, Township 07N, Range 14E
NWSW , Sec. 10, Township 07N, Range 14E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	14E	10	SWNW 40	NWSW 40		80

Total number of acres irrigated: 80

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1997.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

RECEIVED

JUL 06 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 71-07169

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

11th day of June, 1993.



R. Keith Higginson, Director

for

Jul 16 1993

RECEIVED

Form 202
6/85

MAY 17 1992

DEPARTMENT OF WATER RESOURCES
Serving Idaho's Future

RECEIVED

MAY 21 1992
STATE OF IDAHO

Ident. No 71-07169

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Enright Enterprises, Inc. Phone 726-5737

Post office address Post Office Box 5737, Sun Valley, Idaho 83353

2. Source of water supply ground water which is a tributary of N.A.

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of or NW $\frac{1}{4}$ SW $\frac{1}{4}$ Govt. Lot ---

Sec. 10 Township 7 North Range 14 East B.M. Custer County, additional
points of diversion if any: ---

4. Water will be used for the following purposes:

Amount 1.0 for irrigation purposes from 5-1 to 7-30 (both dates inclusive)
(cfs or acre-feet per annum) 1-1 12-31

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

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

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

5. Total quantity to be appropriated is (a) 1.0 and/or (b) ---
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, pipeline

b. Height of storage dam N.A. 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 12 inches inches; proposed depth of well is unknown feet

d. Is ground water with a temperature of greater than 90°F being sought? No

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

JUL 06 1993

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

N.A.

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

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	
7N	14E	10							40				40						80

Total number of acres to be irrigated 80

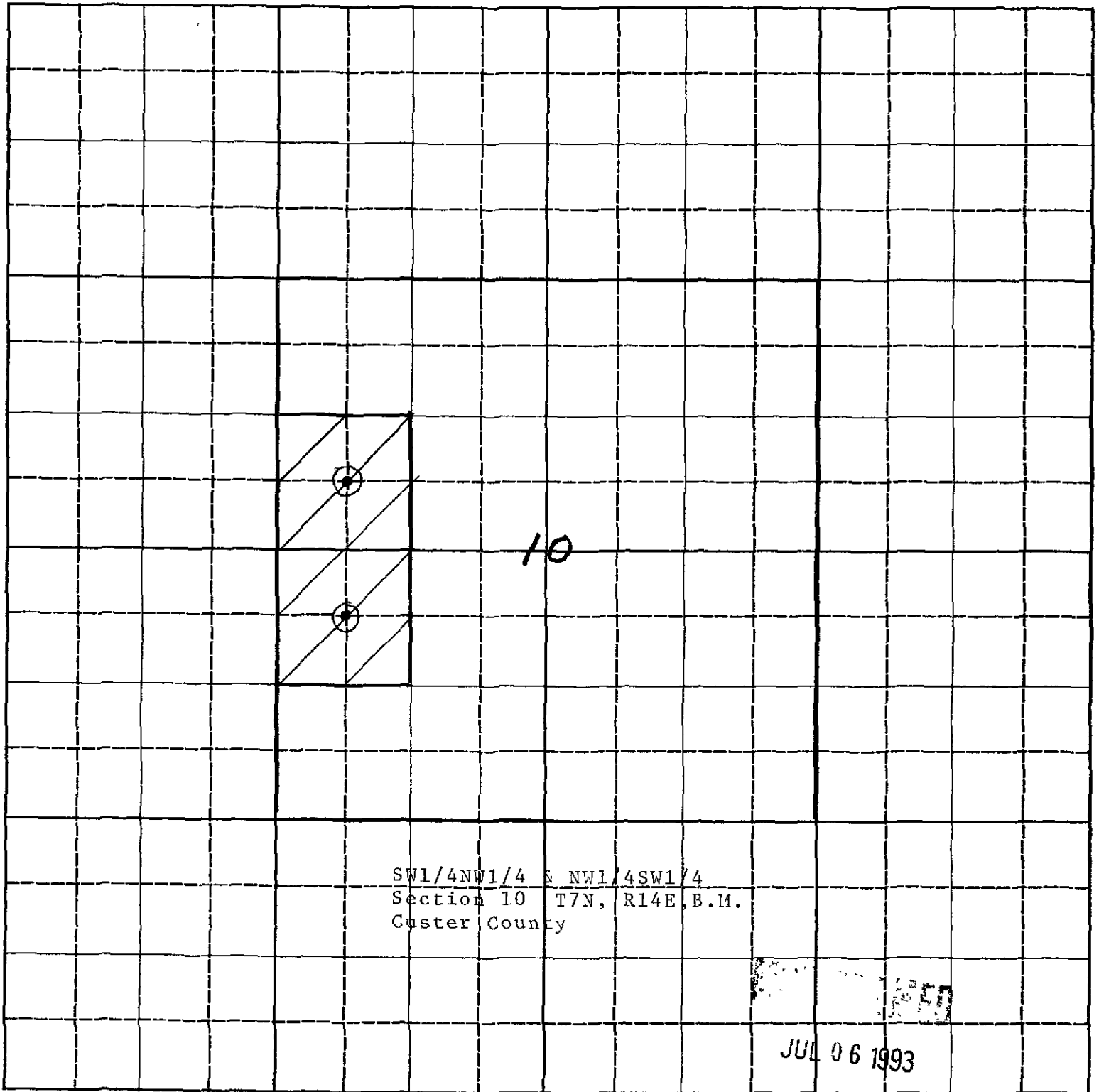
10. Describe any other water rights used for the same purposes as described above. License No. A71-0061
(see #12 remarks)

11. a. Who owns the property at the point of diversion? Enright Enterprises, Inc.
- b. Who owns the land to be irrigated or place of use? Enright Enterprises, Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

12. Remarks Enright Enterprises, Inc., has conveyed to the United States of America water rights evidenced by that and other licenses, but reserving the right to use 1 cfs on said described 80 acres until April 3, 1996. Until that date the rights hereby applied for would be supplemental; on and after that date these rights would be the sole rights for said 80 acres

JUL 06 1993

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.

By: Enright Enterprises, Inc.
Don Enright
(Applicant) Secretary

Received by R. G. Guter Date 9-17-92 Time 10:30 Preliminary check by [Signature]
Fee \$ 45,00 Receipted by MTS # 5014978 Date 9-17-92
Publication prepared by mb Date 10/8/92 Published in The Challis Messenger
Publication approved m Baldwin Date 10/27/92

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

JUL 06 1993

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Oct 5 1992 and ending with the issue dated Oct 22 1992

Margaret A. Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 26th day of Oct. in the year of 1992, 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.

Carol M. Beck
Notary Public for Idaho

Residing at Challis

My commission expires. 1-21-98

RECEIVED

OCT 27 1992

Department of Water Resources
Southern Region Office

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

71-07169

ENRIGHT ENTERPRISES INC
PO BOX 5737
SUN VALLEY ID 83353

Source: groundwater

Diversion Pt: SW1/4NW1/4 or
NW1/4SW1/4, S10, T07N, R14E;
Custer County.

Use: irrigation
(1.0 cfs) from 5/1 to 9/30

Total Diversion: 1.0 cfs

Date Filed: 9/17/92

In: 80 acres within
SW1/4NW1/4, NW1/4SW1/4, S10,
T07N, R14E; Custer County.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before November 2, 1992.

R. Keith Higginson

Published in The Challis
Messenger on 10/5 & 10/22/92.

OCT 26 1992

OK
NB
10/27/92

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water
222 Shoshone St. East
Sun Falls, ID 83301*

Job No.	Date	DESCRIPTION	Amount
	10-22-92	Notice of Application for Water Permit Oct 15 & 22, 1992 30 lines <u>71-07169</u>	\$ 31.05
RECEIVED OCT 27 1992 Department of Water Resources Southern Region Office <i>OK</i> <i>10/27/92</i>			

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing

PAID
JUL 06 1993

Copied to [unclear]

RECEIVED

NOV 14 2001

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

Department of Water Resources

JAMES P. SPECK
DOUGLAS J. AANESTAD

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

November 12, 2001

Mr. Karl J. Dreher
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83720

**Re: Moratorium Order re Sellway-Bitterroot, Gospel-Hump and
Frank Church-River of No Return Wilderness
Permit No. 37-07169 - Thomas T. and Elizabeth C. Tierney
Our File No. 1170/990238**

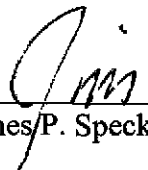
Dear Karl:

What is the status of the above-referenced Moratorium Order? If it will be lifted and, therefore, the Order granting an indefinite stay in the development period of Permit No. 71-07169 owned by my clients, Thomas T. and Elizabeth C. Tierney is also lifted, my clients would like to make plans to complete their development next summer. We look forward to hearing from you on this matter.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jgm
cc: Clients
Jo Heiss



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

January 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Permit 71-07169

Dear Permit Holder(s):

Enclosed is the copy of the **Preliminary Order** issued by the Department granting your request for a stay in the development period of the permit referenced above. Please be sure to thoroughly read the Conditions and Limitations listed on the order.

Also, please be advised that the **preliminary order** of the department is issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the order.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

JAN 12 2000

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: PERMIT 71-07169

**JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340**


Kari Lynn Townsend
Secretary

NOTED FILE

FEB 24 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

ORAL ARGUMENT

If the Department grants a petition to review a 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.

MAILED
FEB 27 2003

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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.

RECORDED
Page 22 / 1005

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To: Mr. Shelly Keen	Date: December 30, 1999
Fax #: (208) 327-7866	Pages: 3, including this cover sheet.
From: James P. Speck	
Subject: Permit 71-07169 - Thomas T. and/or Elizabeth C. Tierney	Our File No: 1170/990238

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

SPECK & AANESTADA PROFESSIONAL CORPORATION
ATTORNEYSJAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM IDAHO 83340TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 30, 1999

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAILMr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000***Re: Permit 71-07169 - Thomas T. and/or Elizabeth C. Tierney***
Our File No. 1170/990238

Dear Shelly:

Enclosed is the Request for Stay for the above-referenced Permit. Kindly notify me when the stay has been granted. Please call me immediately if there are any further questions. Thank you and Happy Holidays!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

James P. Speck

JPS/j
(w/ enclosure)
cc: client (w/ enclosure)
Jo Heiss (w/ enclosure)

RECEIVED

FEB 22 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**REQUEST FOR STAY IN THE DEVELOPMENT PERIOD AND
QUESTIONNAIRE TO DETERMINE EXTENT OF DEVELOPMENT**

The Idaho Department of Water Resources considers this form a request for stay in the development period of a permit in the Selway-Bitterroot, Gospel-Hump; and Frank Church-River of No Return Wilderness Moratorium Area. In addition, this form is a statement of the permit holder(s) extent of development prior to the Moratorium Order issued October 26, 1999. This form must be completed in order to process a request for stay.

1. Permit No. 71-07169 Telephone No. 208-727-2101

2. Name(s) of Permit Holder(s): Thomas T. and/or Elizabeth C. Tierney

3. Have you begun construction of the diversion works authorized under this permit?

No

Yes ☒ if yes, describe the extent of completion of the diversion works:

Well drilled in 1993, produces approximately 1.0 cfs. Mainlines and sprinkler irrigation systems for irrigation of 17 acres were completed by October 26, 1999.

4. Have you diverted and beneficially used any water under this permit:

No

Yes ☒ If yes, please describe the uses:

Domestic (no. of households): _____ Stockwater (no. And type of stock): _____

Irrigation (no. of acres): 17 Other: _____

5. Describe what remains to be done in order to complete the development authorized under this permit:

The development of an additional 63 irrigated acres will complete the development of 80 acres authorized by the permit.

6. I Request an Indefinite Stay in the Development Period of the Above Numbered Permit
☒ (check here)

The information given on this form is my true statement of the extent to which the above numbered permit has been developed prior to October 26, 1999. I understand that any willful misrepresentations may result in voiding of the permit.

Signature of Permit Holder Thomas T. Tierney Date 12/30/99
(Include your title, if on behalf of company or organization)

Thomas T. Tierney

NOV 1 1999

FROM S.W. Keen

TO File 71-07169

SUBJECT

Request for stay

INTER-DEPARTMENT MEMO--1

DATE 12/29/99

Jo Heiss called today to tell me that she will be faxing a request for stay in development. I faxed her a questionnaire and asked her to return it with the request.

MICROFILMED

FEB 22 2000

Shelley W. Keen
SIGNATURE

4-1247 2300927

US Postal Service

Receipt for Certif

No Insurance Coverage Pro

Do not use for International

Sent to

Street & Number

Post Office, State, & ZIP Code

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$

Postmark or Date

PS Form 3800, April 1995

4-1247 2300927

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to:**4a. Article Number****4b. Service Type**

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7 Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Received By: (Print Name)****6 Signature: (Addressee or Agent)**

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

RECEIVED

NOV 4 - 1999

MICROFILMED

Department of Water Resources

WA

FEB 22 2000





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of the order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

MICROFILMED

FEB 27 1999

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young
Administrator
Water Management Division

MICROFILMED

FEB 22 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 71-07169 Reviewed by JY Date 6-3-97

BASIC INFORMATION

5-29-97 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

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

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

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

ACTION TAKEN *Recommend extend to June 1, 2001, on basis of due diligence.*

PRIORITY CALCULATION

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

DATA ENTRY

New Address 2832 Dow Ave., Tustin, CA. 92680

Change Proof Due Date 6-1-2001

Change Priority Date X



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1997

Thomas & Elizabeth Tierney
2832 Dow Ave.
Tustin, CA 92680

RE: Permit No. 71-07169

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **June 1, 2001**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

MICROFILMED

JUN 10 1997

Describe what work has been completed toward the development of this water right:

The property is located within and adjacent to the Sawtooth National Recreation Area. It is therefore necessary for the permittees to install an irrigation system consistent with the requirements of the scenic easements applicable to the property. To that extent, the permittees drilled a well in the NWSW of Section 10, T07N, R14E. Permittees have also installed an underground sprinkler system which irrigates approximately 15 1/2 acres of the property. The irrigated acres are located in the NWSW of Section 10, T07N R14E. The cost of this system is approximately \$50,000.00. Development on the remaining acreage under the permit continues.

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

The permittees have diligently pursued the development of Permit No. 71-07169. The parcel of property and Permit No. 71-07169 were transferred to the current permittees in 1992. Permit No. 71-07169 was approved the following year. Since that time, the permittees have investigated the highest and best use for the property, constructed and rebuilt a residence and related structures on the property and developed an irrigation plan and system for the property within the confines of the applicable scenic easement. As part of this process, permittees have engaged in and continue to engage in discussions and negotiations with the United States Forest Service with regard to permissible development under the scenic easement. These efforts have been time consuming and expensive. It is apparent that the permittees will be unable to fully develop the water within the time allowed under the permit, not withstanding their best efforts. Permittees therefore request, pursuant to I.C. § 42-204, a five year extension of time to complete the development of the water and place the water to beneficial use.

MICROFILMED

JUN 17 1997

March 31, 1997

THOMAS T TIERNEY
ELIZABETH C TIERNEY
2412 MESA DR
SANTA ANA HTS CA 92707

PROOF DUE NOTICE

RE: PERMIT NO. 71-07169

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1997.

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

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

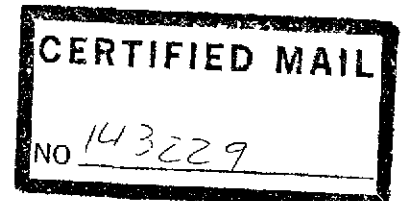
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
MAY 13 1997



RECEIVED
DEC 30 1993

Department of Water Resources

1. DRILLING PERMIT NO. 71-93-S-0012-000
Other IDWR No 71-07169

2. OWNER:

Name Tom Tierney
Address 2412 MISO DRIVE
City SANTA ANA HEIGHTS State CA Zip 92707

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



T 07 North ☒ or South ☐
 E R 14 East ☒ or West ☐
 Sec 10 N 1/4 SW 1/4 1/4
10 acres 40 acres 160 acres
 Gov't Lot _____ County BLAINE

Address of Well Site KUSTER PARK RANCH HOYLE
STANLEY BASIN
(Give at least Direction + Distance to Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	20 SKS	Dump.

Was drive shoe seal tested? Y ☐ N ☒ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Casting	Liner	Steel	Plastic	Welded	Threaded
10"	2	155	250	✓		☒	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 155A

Top Packer or Headpipe Bottom Tailpipe

9. PERFORATIONS/SCREENS

☒ Perforations Method air Perforator
☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
600	155	1/4"	800	2"		☒	☒
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Depth	Time
460		150	2

Temperature of water _____ Was a water analysis done? Yes ☐ No ☒

By whom?

Water Quality (odor, etc)

Bottom Hole Temperature

11. STATIC WATER LEVEL:

45 ft below surface Depth artesian flow found _____
 Artesian pressure _____ lb Describe access port 1 1/2" Pipe w/CAF
 Describe Controlling Devices.

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed

Firm Name WOOD RIVER DRILLING & PUMP Firm No. 265
BOX 837

Firm Official Ben Smith BELLEVUE ID 83313 Date 12-13-93

Supervisor or Operator Boone C. Sullivan Date _____
(Sign once if Firm Official & Operator)

(Sign once if Firm Official & Operator)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 11, 1993

EDWARD A LAWSON
HAWLEY TROXELL ENNIS & HAWLEY
319 WALNUT AVENUE
PO BOX 297
KETCHUM ID 83340-0297

RE: WATER RIGHT NO. 71-07169

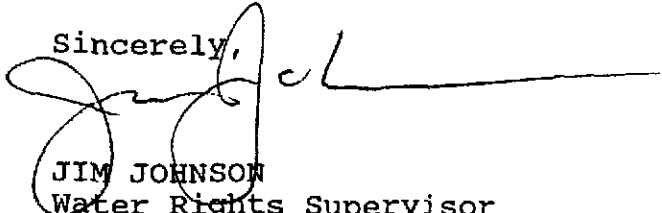
Dear Sir:

Enclosed herewith is your Notice of Change of Water Right Ownership form. We are returning it because a claim to a water right has not been filed with the Department, therefore this form is unnecessary.

The Assignment of Permit is acceptable and we have changed our data base records to show the change of ownership.

If you have any questions please feel free to contact us.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

cc: Thomas and Elizabeth Tierney

RECEIVED
OCT 25 1993

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

TELEPHONE
(208) 726-1700

FAX
(208) 726-9743

BOISE OFFICE

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

EDWARD A. LAWSON

August 6, 1993

RECEIVED
AUG 10 1993
Department of Water Resources

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Change of Water Right Ownership
Permit No. 71-07169
HTEH File No: 1875.2

Dear Sir/Madam:

Enclosed is a Notice of Change of Water Right Ownership. Please change your records to conform with the information in the Notice.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Edward A. Lawson

da
Enclosure
pc: Client
Enright Enterprises, Inc.
eal\water.let

OCT 25 1993

State of Idaho

Department of Water Resources

ASSIGNMENT OF APPLICATION FOR PERMIT

No. 71-07169

ENRIGHT ENTERPRISES, INC., hereby assigns to THOMAS T. TIERNEY and ELIZABETH C. TIERNEY, of 2412 Mesa Drive, Santa Ana Heights, California 92707, all of its right, title and interest in and to Application for Permit No. 71-07169.

Dated this 28th day of OCTOBER, 1992.

Enright Enterprises, Inc.

By [Signature]

Name:

Title: SECRETARY
(a duly authorized officer)

State of Idaho)

County of Blaine)

ss.

On this 28 day of October, 1992, before me, the undersigned, a Notary Public in and for said state, personally appeared [Signature], known or identified to me to be the Secretary of ENRIGHT ENTERPRISES, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Name:

Notary Public for Idaho,

Residing at [Signature]

My commission expires: 8-97

RED
OCT 25 1993

WR0749NP
No. 71-07169

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 08/12/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS T TIERNEY	09/17/1992	IRRIGATION	05-01 09-30	1.00 CFS	
C	ELIZABETH C TIERNEY 2412 MESA DR SANTA ANA HTS CA 92707					
TOTAL DIVERSION:					1.00 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07N R14E S10 SW NW NW SW

Place of use Legal Description for: IRRIGATION

NE								NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07N	14E	10	:					:			40		:			40		:					:	80.0
																					TOTAL ACRES		:	80.0

Pou County: CUSTER

Other Water Rights Listing Overlapping Place(s) of use:
71-00059 71-00061

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 46B - Construction of the well must comply with Idaho well construction standards.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Dates: App. Received: 09/17/1992 Priority Date: 09/17/1992
Proof Due Date: 06/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. 71-07169

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 08/12/93
PAGE: 2

=====

Comments: Date: 06/07/1993 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit falls within the acceptable parameters of the Salmon/
Clearwater Moratorium.

Date: 06/07/1993 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS
The corporate officers are Nancy K Enright, president; and Lee
Patrick Entright, secretary.

Audit: 08/12/93 ZIMMERMA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 14, 1993

ENRIGHT ENTERPRISES INC
PO BOX 5737
SUN VALLEY ID 83353-0737

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 71-07169

Dear Permit Holder(s):

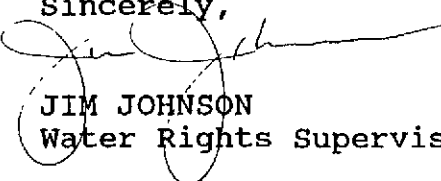
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

JUL 06 1993

APPLICATION FOR PERMIT REVIEW

Application #: 71-67169 Date: 6/7/93 Reviewer: Cindy Zimmerman

SYSTEM COMPLETED:

No
Complete in 1 year
Yes
Proof not submitted
Proof submitted

- 26A-P17
- P16
- P16
- N/A

AREA OF CONCERN? Yes

S/c mor.

gw exempt

GROUNDWATER:

GT. 0.2 cfs <flo-ch>
LT. 0.2 cfs

- 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- No measurement required <flow chart>

Drilling Permit:

Approved w/permit
Not included

- P99 Permit No. _____
- 046-46B-P23 (after 7/1/87), N/A

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

LOCATION:

Water Districts
Surface water

- WD No. _____
- 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2), NMR <flow chart>

Groundwater
Irrigation Districts

- P05 (if well has not been drilled)

Canal Co. Areas
Drainage Districts

- 023
- 024

Boise Front (63)
Swan Falls Flag

- 058 (Groundwater)
- _____ (1, Blank or Other)

Trust

- 051-052-053-P74(Consumptive Uses)

Non Trust <1>

- 048-049

RIVER BASINS:

(Surface Water)

Water District Control Condition &....

Boise (63)

- 05A & 11E

Payette (65)

- 047-P04, 059-P71

Snake (01, 02 & 03)

- 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation

- 06A, 09E-P10 & 010 (WQ/Choose One),
042 (req), 002-P06(MD), 07A(Special),
044(Policy 5G)

Power

- 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
<25 cfs-P18; 17G or 17M; 18B-P09

Mining

- 06A, 010, or 09E-P10 & 054 (req)

Storage

- 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec/Wildlf/Aes

- 027(Non-Consumptive)

Domestic

- 021 (Boise River - upstream from L Peak)

(restricted areas)

27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner

- 004

PROTESTED:

Agreement

- 020

Beneficial Use Due Date

- 6-1-1997

Other Conditions

- ~~6-1-1997~~

Remarks:

Comments: Corporate officers

DATE: 06/07/93
PAGE: 1

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. P71-07169

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 06/07/93
PAGE: 2

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Comments: Date: 06/07/1993 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit falls within the acceptable parameters of the Salmon/
Clearwater Moratorium.

Date: 06/07/1993 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS
The corporate officers are Nancy K Enright, president; and Lee
Patrick Entright, secretary.

Audit: 06/07/93 ZIMMERMA

RECEIVED
MAY 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. E. Stanton DATE 9-21, 1992
APPLICATION NO. 91-07169

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use limit to standard season of 5-1 to 9-30
☒ 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
- ++++PROPOSED PRIORITY DATE
9-17 1992

ADDITIONAL INFORMATION

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

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Corporate officers

Date Requested _____, 19____

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

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

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest 11/2/82
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

DLG

See below for additional information

Date of priority recommended 9/17, 1992
By Larry D. Halpern Date 5/18, 1993

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

Applicant indicates this app made to replace
rights conveyed to Federal Govt.

LOCAL PUBLIC INTEREST

Comments recieved from:

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

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

EDWARD A. LAWSON
RAND L. PEEBLES
CAROL L. SHEPHARD
LESLIE THULLEN KUNICK

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

TELEPHONE
(208) 726-1700

FAX
(208) 726-9743

BOISE OFFICE
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

RECEIVED

November 18, 1992

NOV 18 1992

Department of Water Resources
Southern Region Office

Mr. James E. Stanton
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Region
222 Shoshone St. E.
Twin Falls, Idaho 83301

Re: Enright Enterprises, Inc.
Application for Permit No. 71-07169

Dear Mr. Stanton:

In response to your recent request, please be advised that the corporate officers for Enright Enterprises, Inc., an Idaho corporation, are as follows:

President:	Nancy K. Enright
Secretary:	Lee Patrick Enright

Yours very truly,

Hawley Troxell Ennis & Hawley

Barbara Julian
Barbara Julian
Legal Assistant

bj

RECEIVED

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

17-Nov-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN: EDWARD A. LAWSON ESQUIRE
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 71-07169 (Enright Enterprises, Inc.)

SECOND REQUEST

Dear Mr. Lawson:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

In order to complete our regional review, we need a list of officers as requested in our correspondence dated 10/08/92.

We will continue to hold the application until the requested information is received.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED

JUL 06 1993

NOTICE OF APPLICATION FOR WATER
PERMIT

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

71-07169

ENRIGHT ENTERPRISES INC
PO BOX 5737
SUN VALLEY ID 83353

Source: groundwater

Diversion Pt: SW1/4NW1/4 or
NW1/4SW1/4, S10, T07N, R14E;
Custer County.

Use: irrigation
(1.0 cfs) from 5/1 to 9/30

Total Diversion: 1.0 cfs

Date Filed: 9/17/92

In: 80 acres within
SW1/4NW1/4, NW1/4SW1/4, S10,
T07N, R14E; Custer County.

The permit (s) will be subject
to all prior water rights.
Protests must be filed with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
November 2, 1992.

R. Keith Higginson

Published in The Challis
Messenger on 10/15 & 10/22/92.

RECEIVED

JUL 06 1993

(009K)

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

71-07169 .

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SUN VALLEY ID 83353

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Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
November 2, 1992.

R. Keith Higgins

Published in /The Challis
Messenger on 10/15 & 10/22/92.

10/15/92 pub OK
MB
10/16/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

09-Oct-1992

R. KEITH HIGGINSON
Director

CUSTER PUBLISHING COMPANY
PO BOX 405
CHALLIS ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

JUL 1

NOTICE OF APPLICATION FOR WATER PERMIT

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

71-07169

ENRIGHT ENTERPRISES INC
PO BOX 5737
SUN VALLEY ID 83353

Source: groundwater

Diversion Pt: SW1/4NW1/4 or NW1/4SW1/4, S10, T07N, R14E;
Custer County.

Use: irrigation (1.0 cfs) from 5/1 to 9/30

Total Diversion: 1.0 cfs

Date Filed: 9/17/92

In: 80 acres within SW1/4NW1/4, NW1/4SW1/4, S10, T07N, R14E;
Custer County.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before November 2, 1992.

R. Keith Higginson

Published in The Challis Messenger on 10/15 & 10/22/92.

10/22/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

08-Oct-1992

R. KEITH HIGGINSON
Director

ATTN EDWARD A LAWSON ESQUIRE
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

Re: Application for Permit No. 71-07169

Dear Mr. Lawson:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of your client, Enright Enterprises, Inc. 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 10/15 & 10/22/92. 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 see attached list for additional information requirement.

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

10/23/92
10/23/92

S. Region
5/89

Application No. 71-07169

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.

JUL 06 1993

1547

CHECKLIST FOR APPLICATION ACKNOWLEDGEMENT LETTER

Please check each specialized paragraph to INCLUDE

>

>

Re: Application for Permit No. >

Dear >:

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.

>1) Enclosed is a copy of an Order establishing a Moratorium on the issuance of new consumptive use permits in the Salmon River drainage. This Order affects your application; therefore, it will be held without action for the foreseeable future.

>2) However, your application may be exempt from the moratorium if it meets one of the following criteria:

-Drought relief-to replace existing surface water supply for a limited time.

-Application represents existing development which occurred prior to November 19, 1987.

Please complete and return the enclosed questionnaire regarding the proposed project to aid in reviewing your application.

>3) From the information contained in your file, it is not possible to determine whether any of these exemptions apply. If you wish to proceed with your application at this time you must provide additional information about the proposed project. The attached questionnaire is intended to aid in reviewing your application.

>4) We acknowledge receipt of the Moratorium Questionnaire which you have submitted regarding the above referenced application. It will be reviewed to determine if your application qualifies for a moratorium exemption.

>5) If you wish to withdraw the application, please date, sign and return the enclosed withdrawal form. The filing fee will be refunded.

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

Need Re 6453
1. 41 f w per 24
10-5-92
Adams + B-S

71-07169

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

TELEPHONE
(208) 726-1700

FAX
(208) 726-9743

BOISE OFFICE

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

EDWARD A. LAWSON

September 16, 1992

State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Enright Enterprises, Inc.
HTE&H File No: 1657.9

Dear Sir/Madam:

Enclosed please find an original and one copy of an Application For Permit to appropriate the public waters of the State of Idaho together with our check payable to you in the amount of \$45.00 which sum represents your filing fee.

Please acknowledge your receipt and acceptance of the enclosed Application by affixing your file stamp on the enclosed copy and returning it to me in the self-addressed stamped envelope which I have provided for that purpose.

Thank you for your anticipated cooperation.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY


Edward A. Lawson

da
Enclosures
pc: Client
eal\water.enr

JUL 06 1993

71-07169