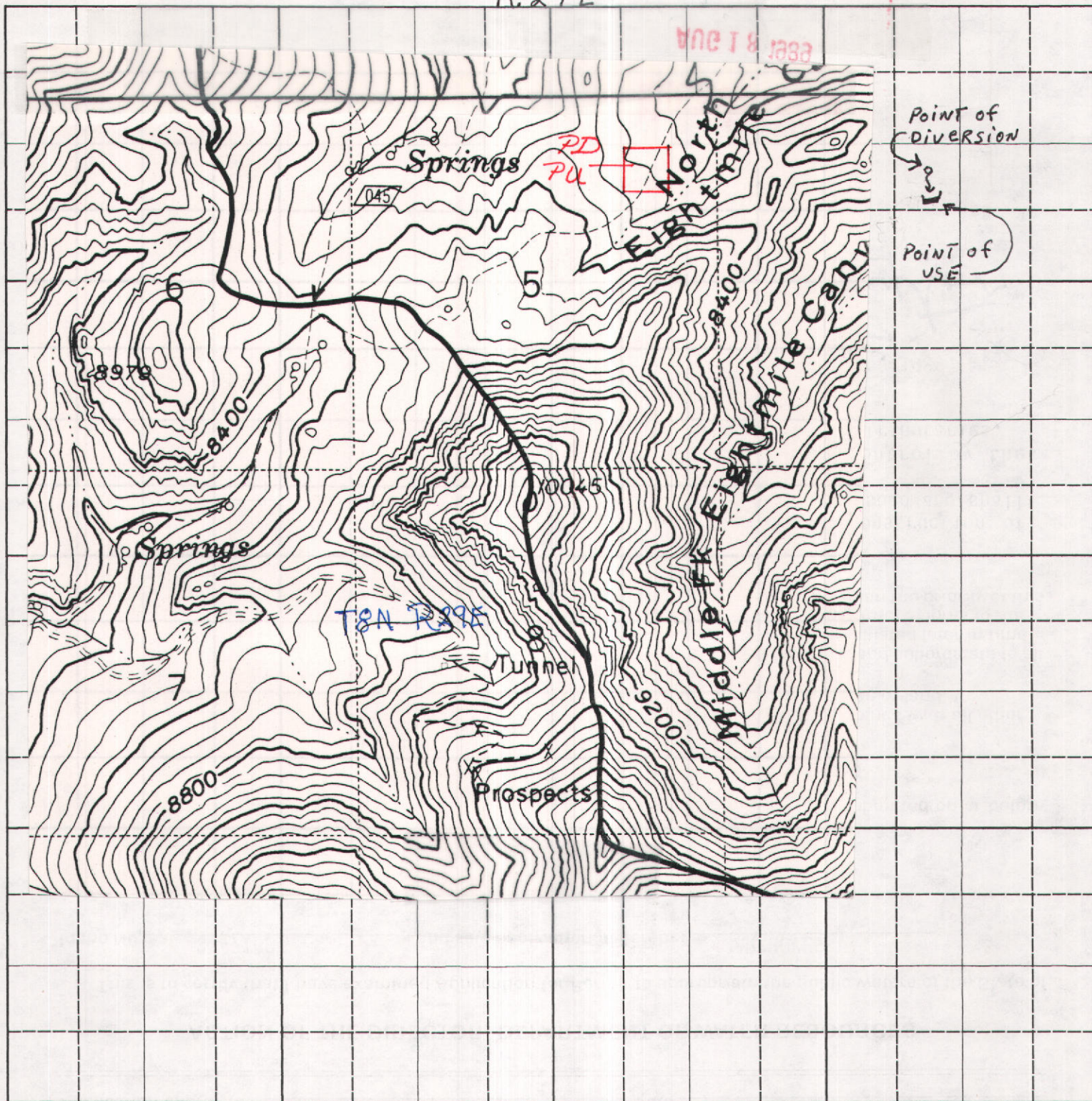


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R. 29 E



Scale: 8 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.

AUG 18 1989

[Signature]
(Applicant)
(for) J.S. Tixier, Regional Forester

RECEIVED

MAY 16 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated May 4, 1989
and ending with the issue dated

May 11, 1989
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 15 day of May
in the year of 1989, before me, a Notary Public,
personally appeared

Colleen Babcock
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.

Thomas D. Lamm
Notary Public for Idaho

Residing at Arco, ID.

My commission expires: 12-17-91

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

32-07163

U.S. DEPT. OF AGRICULTURE

FOREST SERVICE

FEDERAL BLDG.

324 25TH ST.

OGDEN, UT 84401

Source: ROSS SPRING

Tributary: NORTH FORK EIGHTMILE

Diversion Pt: SWNESE Sec 5 T 08N R
29E

Use: STOCKWATER (.020 CFS)

Date Filed: 3/03/1989

In: T08N R29E S05 NENE

The permit will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public inter-
est criteria of Sec. 42-203C, Idaho Code.
Protests must be filed with the Director,
Dept. of Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho 83402
on or before MAY 22, 1989.

R. KEITH HIGGINSON

Director

Published 5/04/1989 & 5/11/1989

MICROFILMED

AUG 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

3272163
Ident. No.

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant United States of America - Forest Service Phone 208-624-3151
Post office address 420 N. Bridge St. - St. Anthony, ID 83445
2. Source of water supply Ross Spring which is a tributary of North Fork Eightmile
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 5 Township 8N Range 29E B.M. Butte County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .02 CFS for Stockwater purposes from 6/15 to 9/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. head box, 11" plastic pipe, trough
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

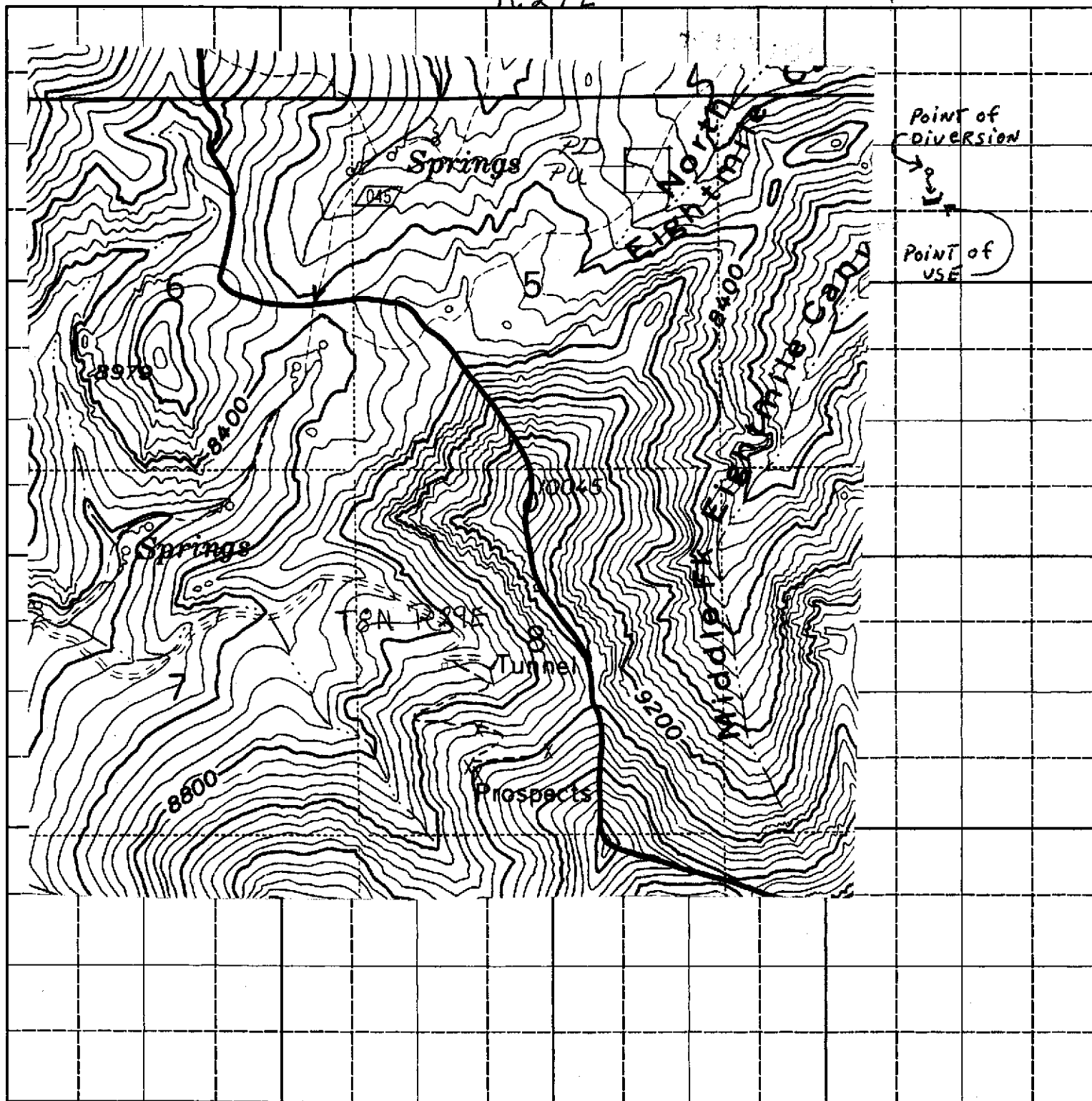
MICROFILMED

AUG 18 1989

CONFIDENTIAL

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

R. 29 E



Scale: 1/8 inch 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.

AUG 18 1989

John S. Tixier
(Applicant)
(for) J.S. Tixier, Regional Forester

Proposed Priority 3/3/89

Received by CB

Date 3-3-89

Time 2:20

Preliminary check by AMS

Fee \$ 300

Received by KB

E005965

Date 3-3-89

5-4-89

Publication prepared by CB

Date 4-21-89

Published in Acad. Observer

Publication approved CB

Date 5-16-89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

Idaho No. 32-7163

APPROVED

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

August 1, 19 91

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:

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.
Use of water under this permit is subject to control by the watermaster of State Water District No. 32-D, Birch Creek and tributaries.

Witness my hand this 18 day of July, 1989.

D. Allen Sawyer

MICROFILMED
AUG 18 1989

RECEIVED

**Department of Water Resources
Eastern District Office**

May 11, 1989
Cullen Batcock

COUNTY OF BUTTE

Colleen Babcock
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.

My commission expires: 12-17-91

R. WORTH BRIDGEMAN
Director
Published 5/04/1989 & 5/11/1989

AUG 18 1989

February 12, 1990

U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 32-07163

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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAR 21 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 32-7103

Date: 2-9-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change Yes If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☒ Surface water
☐ Groundwater
☒ 1. well log in file
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

NA	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Address Change

03/86.

RECEIVED

STATE OF IDAHO

JAN - 7 1990

DEPARTMENT OF WATER RESOURCES
Eastern District Office

Fee Received _____
 Date _____
 Receipt # _____
 Receipt by _____
 Reviewed by AS-1-90
 Sent to region _____

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 32-07163Name(s) of Permit Holder: United States of America - Forest ServicePost Office Address: P.O. Box 208, 420 North Bridge Street, St. Anthony, Idaho 83445Telephone No. (208) 624-3151Source of Water: Ross Spring

Extent of Use:

Domestic _____ (number of households) Stockwater 184 Cattle (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .02 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: 7/15/89

Measuring Device: Required? ☐ Yes ☒ No
 Installed? ☐ Yes ☐ No

Fee enclosed \$ _____
 (See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
 Installed? ☐ Yes ☐ No

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

Keith R. Tweedie, Dubois Ranger District

(Name)

208/374-5422

(Telephone Number)

P.O. box 46, 420 West Main, Dubois, ID 83423

(Address)

The above information is my true statement of the extent to which the above numbered permit has been used and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

UNITED STATES OF AMERICA - Forest Service

MAR 21 1990

Date

1/5/90

Signature of Permit Holder (and title, if appropriate)

(for) J.S. TIXIER, Regional Forester

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
July 12, 1989

U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 32-07163

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

AUG 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Dist. for starting AD 3-7-89
Submitted for adv. HWS 4-8-89

32-7163

INITIAL REVIEW BY Devin Dwyer DATE 14 Apr 89 APPLICATION NUMBER USA-FS

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested JUN 20 1989

Department of Water Resources

RECEIVED

PROCESSING

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

END COPIES TO

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

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

FINAL 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 5-22-89

☐ 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. 32-D

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 3-03-89

By HWS

Date 6-18-89

STATE OFFICE REVIEW

P17 2605(32-D, Birch Creek)

☐ See below for additional information

By kw

Date 7-6-89

ADDITIONAL INFORMATION

App. in TRUST area - DCMI
OK to allow 2 yrs. for development-



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783

May 18, 1989

Mr. Harold W. Jones
Department of Water Resources
150 Shoup Avenue-Suite 15
Idaho Falls, Idaho 83402

RE: Applications for Permit No. 31-7526, 31-7528, 32-7162, 32-7163, 73-7109,
73-7110, 73-7111.

Dear Harold:

All the above referenced water right applications are for spring developments for livestock water on Targhee National Forest. We foresee no conflict with wildlife and request that the springs be fenced to protect them from livestock damage and provide wildlife water and habitat.

Thank you for the opportunity to review the applications.

Sincerely,

Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:TC:dnb

cc: U.S. Fish and Wildlife Service (Lobdell)
Bureau of Program Coordination
Bureau of Wildlife

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

MINUTEMAN

AUG 18 1989

RECEIVED

MAY 19 1989

Department of Water Resources
Eastern District Office

April 26, 1989

Department of Fish & Game
1515 Lincoln Rd.
Idaho Falls, ID 83401

RE: Applications for Permit No. 31-7526, 31-7528, 32-7162,
32-7163, 73-7109, 73-7110, 73-7111

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by May 22, 1989. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED

AUG 18 1989

April 24, 1989

U.S. Dept. of Agriculture
Forest Service
Federal Bldg.
324 25th St.
Ogden, UT 84401

RE: Application for Permit No. 32-7163

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. The application has been assigned the above identification No. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Arco Advertiser. The advertisement will be published for two consecutive weeks, and 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.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

AUG 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 21, 1989

THE ARCO ADVERTISER
P.O. DRAWER C
ARCO, ID 83213

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 MAY 22, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

AUG 18 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

1989

32-07163

U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

Source: ROSS SPRING

Tributary: NORTH FORK EIGHTMILE

Diversion Pt: SWNE NE Sec 5 T 08N R 29E

Use: STOCKWATER (.020 CFS)

Date Filed: 3/03/1989

In: T08N R29E S05 NENE

MICROFILMED

AUG 18 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MAY 22, 1989.

R. Keith Higginson, Director

Published 5/04/1989 & 5/11/1989

MICROFILMED

AUG 18 1989