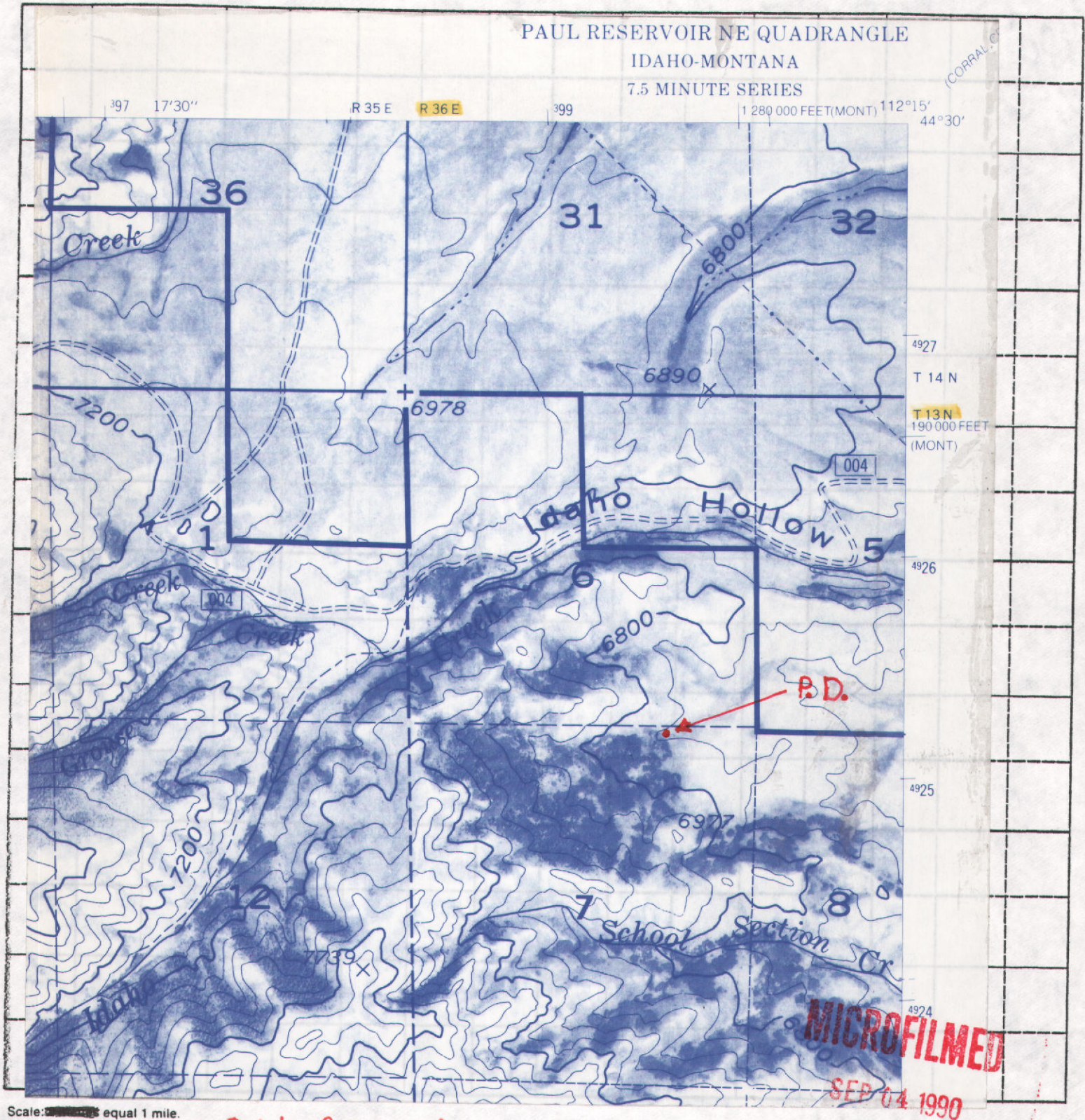


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



• Point of Diversion

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.

United States of America Forest Service

James L. Caswell

(Applicant)
(for) J.S. TIXIER
Regional Forester

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31-07540)
IN THE NAME OF USDA - FOREST SERVICE) ORDER OF
REINSTATEMENT)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before September 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

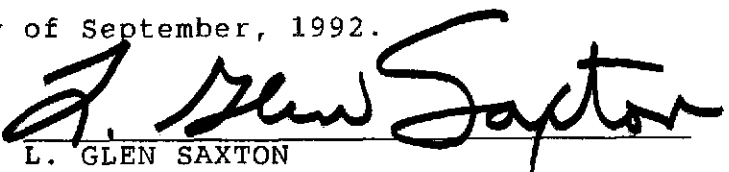
WHEREAS, on September 1, 1992, the permit lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on September 3, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 31-07540 be REINSTATED with an advance in priority to May 25, 1990.

Dated this 4th day of September, 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

SEP 09 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 31-07540

Proposed Priority: May 23, 1990 Maximum Diversion Rate: 0.02 CFS

This is to certify, that U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

has applied for a permit to appropriate water from:

FLAT CREEK tributary of BEAVER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

STOCKWATER	07/01 to 10/15	0.02 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NENWNE Sec. 7, Township 13N, Range 36E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13N 36E 7 NWNE

CONDITIONS/REMARKS:

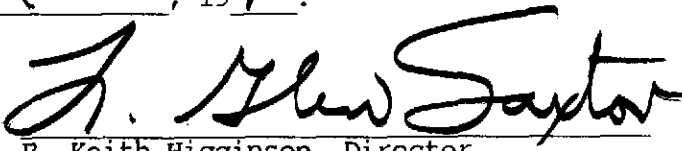
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 31.
4. Permit holder shall commence 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.
5. Stockwater use is for 500 cattle.

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

28th day of August, 1990.

MICROFILMED

SEP 04 1990

for 
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant United States of America - Forest Service Phone 208-624-3151
Post office address 420 N. Bridge St. St. Anthony, ID
2. Source of water supply Flat Creek which is a tributary of Beaver Cr.
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 13 N. Range 36 E. B.M. Clark County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.2 CFS for stock water purposes from 7/1 to 10/15 (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. headbox, up to 100 ft. of 1 1/4"
plastic pipe and 4' x 14' 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? NO
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).

SEP 04 1990

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 500 cattle
- 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	
13N	36E	7		S															

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? USA - Forest Service

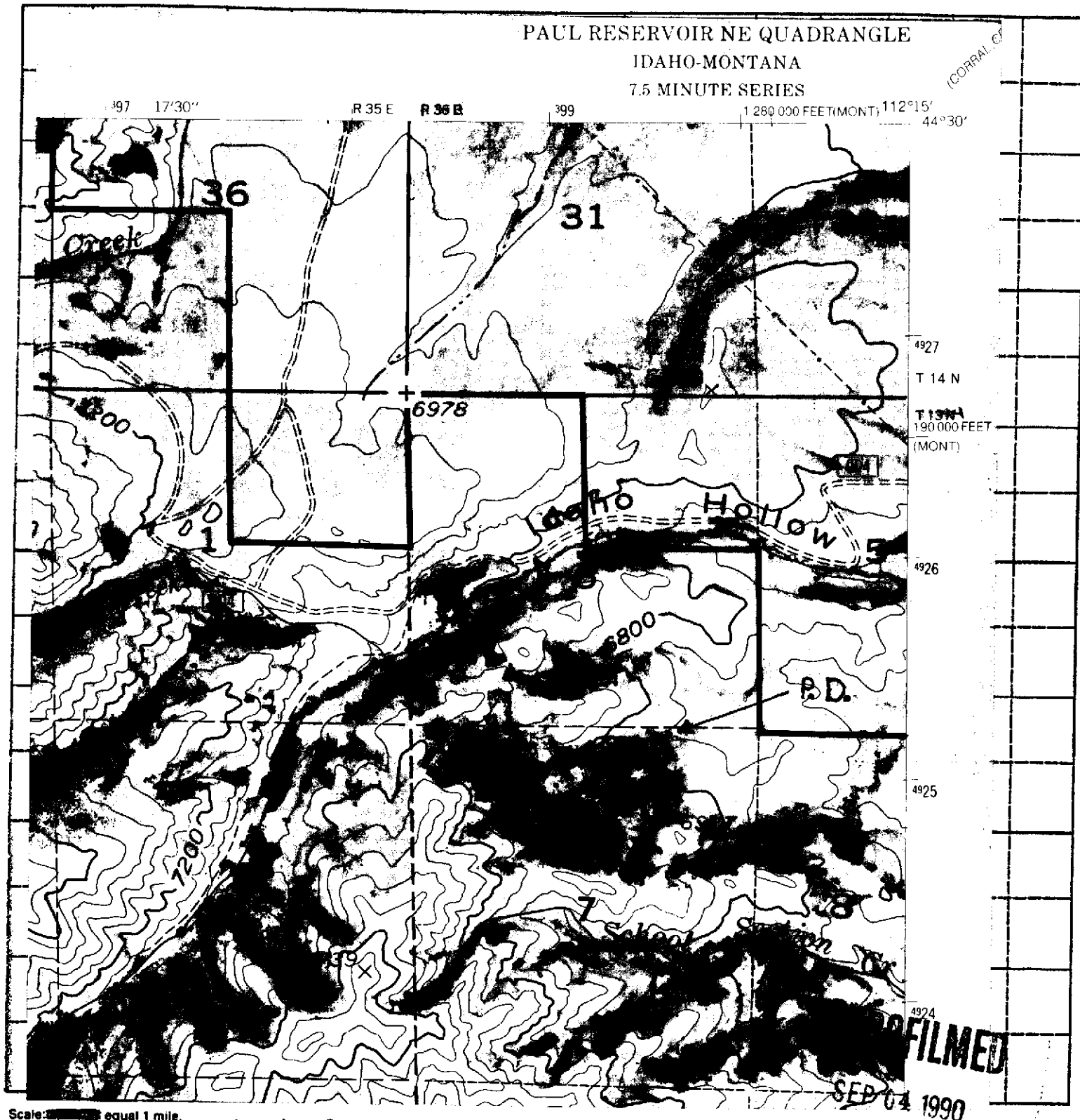
b. Who owns the land to be irrigated or place of use? USA - Forest Service

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: Flat Creek was a perennial stream on the Forest prior to the drought summers of 1988 and 1989. Permittees call the area Gumbo Flat.

SEP 04 1990

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



• Point of Diversion

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.

United States of America Forest Service

James J. Lazwell
(Applicant)

(for) J.S. TIXIER
Regional Forester

Received by Jo Date 5-23-90 Time 11:15-A Preliminary check by DM
Fee \$ 30.00 Receipted by J # EC14655 Date 5-23-90
Publication prepared by RB Date 2-5-12-90 Published in Last-Register
Publication approved LB Date 7-23-90

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:

MICROFILMED

SEP 04 1990

RECEIVED

JUL 16 1990

Department of Water Resources
Eastern District Office

Proof of Publication The Post-Register

State of Idaho, }
County of Bonneville } ss

I, Richard Hardy, first being duly sworn, depose and say: That I am the Assistant Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for 2 consecutive weeks, first publication having been made on the 5th day of July, 1990, last publication having been made on the 12th day of July, 1990, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 12th day of

Richard Hardy
Cathy Jon Bristol
Notary Public

My commission expires March 5, 1996

B10

NOTICE OF APPLICATION FOR WATER RIGHT

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

31-07540
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401
Source: FLAT CREEK; Tributary: BEAVER CREEK
Diversion Pt: NENWNE Sec 7 T 13N R 36E
Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 5/23/ 1990
In: T13N R36E S07 NWNE

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 JULY 23, 1990.

R. Keith Higginson, Director
Published: July 5, 12, 1990

RECEIVED

SEP 04 1990

September 4, 1992

USDA - FOREST SERVICE
TARGHEE NATIONAL FOREST
PO BOX 208
ST ANTHONY ID 83445

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 31-07540

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED
SEP 09 1992

STATE OF IDAHO

Date 8-31-92
Receipt No. ED17802
Received by JDDEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USERECEIVED
SEP 3 1992

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

1. Permit No. 31-07540 Telephone No. (208) 624-31512. Name(s) of Permit Holder(s): USDA - Forest Service3. Post Office Address: Targhee National Forest, P.O. Box 208, St. Anthony, ID 834454. Source of Water: Spring Flat Creek

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

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater 500 (No. and type of stock) Other Wildlife
Cattle6. Total rate and/or volume for which proof is submitted .02 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Keith R. Tweedie (208) 374-5422
Name Telephone No.P.O. Box 46 Dubois, ID 83423
Address

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

USDA - Forest Service

8/21/92
DateGray F. Reynolds
Signature (and title if on behalf of a company or organization)

(for) GRAY F. REYNOLDS, Regional Forester

RECEIVED
SEP 09 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 31-07540

Reviewed by Klg

Date 9/3/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

stock - wildlife
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received 9/3/92 246
Date proof due 9/1/92 - 244
No. of days late = 2
Priority Date 5/23/90 + 143
New Priority Date 5/25/90 145

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address Tahquah Nat'l Forest 9/3/92 Klg
PO Box 208 St Anthony, 83445

needs an order
Proof Made 9/3/92
9/4/92

June 30, 1992

US DEPT OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG
324 25TH ST
OGDEN UT 84401

PROOF DUE NOTICE

RE: PERMIT NO. 31-07540

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1992. (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.

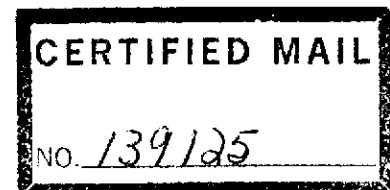
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

SEP 09 1992

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

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 30, 1990

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 31-07540

Dear Permit Holder:

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

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
SEP 04 1990

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY PM DATE _____ APPLICATION NUMBER 317540
U.S.A. Forest ServiceREQUIRED 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
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

RECEIVED
AUG 02 1990

Department of Water Resources

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

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

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 27, 1990

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

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 JULY 23, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

SEP 04 1990

31-07540

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

Source: FLAT CREEK

Tributary: BEAVER CREEK

Diversion Pt: NENWNE Sec 7 T 13N R 36E

Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)

Date Filed: 5/23/ 1990

In: T13N R36E S07 NWNE

RECORDED

SEP 04 1990

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 JULY 23, 1990.

R. Keith Higginson, Director

Published 7/ 5/1990 & 7/12/1990

INDEXED

SEP 04 1990

21-Jun-1990

UNITED STATES OF AMERICA
FOREST SERVICE
420 N. BRIDGE ST.
ST. ANTHONY, ID 83445

RE: Application for Permit No. 31-07540

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register on JULY 5 & 12, 1990. 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

RECEIVED

JUN 04 1990