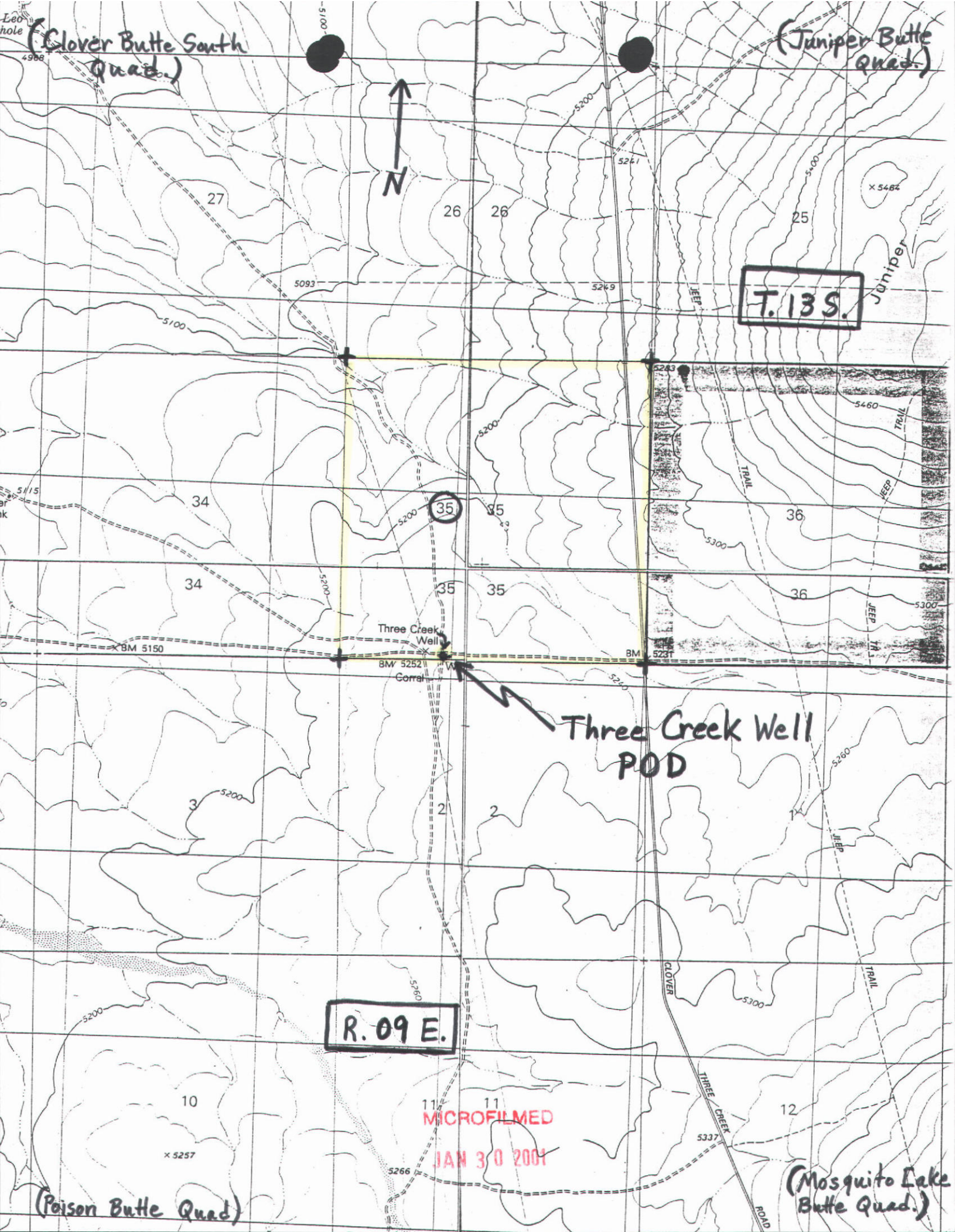




(Clover Butte South Quad.)

(Juniper Butte Quad.)

T. 13 S.

R. 09 E.

Three Creek Well
POD

MICROFILMED
JAN 30 2001

(Poison Butte Quad.)

(Mosquito Lake Butte Quad.)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
51-07375 IN THE NAME OF) **REINSTATEMENT ORDER**
US DEPARTMENT OF INTERIOR,)
_____)

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 to the Department on or before December 1, 2001, and,

WHEREAS, the Department notified the permit holder on September 30, 2001 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on December 6, 2001, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder 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 acceptable proof of beneficial use on December 13, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 51-07375 is **REINSTATED** with an advance in priority to **July 9, 2000**.

DATED this 17th day of December, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 13 2001

Department of Water Resources
Southern Region

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1 Permit No 51-7375 Telephone No (208) 736-2350

2 Name of Permit Holder(s): USDI, BLM, Tuxbidge Field Office

3 Mailing Address 2620 Kimberly Road

City Twin Falls State ID Zip 83301

4. Source of Water Well (Tux Creek) If GROUNDWATER (well), Date Drilled mo. 7 / yr 56

Well Driller Paul Vollmer Drilling Permit Number _____

5 Use(s) (as authorized by the water right permit)

Domestic (No. of households) _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres) _____ Other Industrial and Fire Protection

6. Total rate of diversion and/or volume for which proof is submitted: .05 cfs OR _____ acre-feet

7. Measuring Device Requirement (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system.

Name Bob Ramsey (or John Ash) Telephone Number (208) 736-2350

Address 2620 Kimberly Rd, Twin Falls, ID 83301

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder E. Fuentes Field Mgr. Date 12-13-01
(include your title, if on behalf of company or organization)

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 51-07375

Priority: June 27, 2000

Maximum Diversion Rate:

0.05 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS ID 83301

has applied for a permit to appropriate water from: GROUND WATER

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>
INDUSTRIAL	01/01 to 12/31	0.05 CFS
FIRE PROTECTION	01/01 to 12/31	0.05 CFS
	Totals	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESESW , Sec. 35, Township 13S, Range 09E
OWYHEE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

13S 09E 35 SESW

PLACE OF USE: FIRE PROTECTION, same as INDUSTRIAL use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. Industrial use is for road construction and maintenance.

COPIED

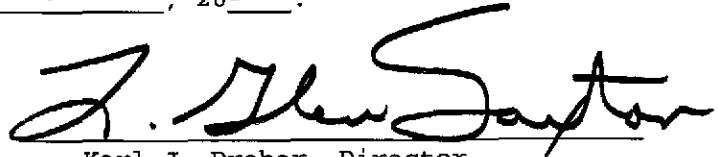
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 51-07375

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

27 rd day of November, 2000.



Karl J. Dreher, Director

for

RECORDED

RECEIVED

OCT 23 2000

FORM 202
2/96(Internet)
RECEIVED

JUN 27 2000

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 51-07375

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant USDI, BLM, Jarbridge Field Office Phone (208) 736-2350
Mailing address 2620 Kimberly Road, Twin Falls, Idaho 83301
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 13 S Range 09 E Sec. 35, in the SE 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., Owyhee County;
additional points of diversion if any: None
4. Water will be used for the following purposes:
 Amount .05 cfs for Industrial & Fire Protection purposes from 01/01 to 12/31 (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)
 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) .05 cfs and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Ten H.P., three phase jacuzzi pump and 300 cu. inch, 108 H.P. generator
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 5 1/2 inches; proposed depth of well is 680 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 7/16/56; Drilling firm Paul Vollmer, Aberdeen, Idaho;
Well was drilled for (well owner) BLM; Drilling Permit No. D-1041
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
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. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Industrial - for road construction and maintenance; and Fire Protection - for fire fighting of rangeland wild fires

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9. Description of place of use: See "Remarks" Section below *

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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. BLM has current water right license for stockwater use under no. 51-02356, dated 10/5/56.

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

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

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: * Places of use will be within a 25 to 30 mile radius of the Three Creek Well or PCD of T.13S, R.09E, Section 35, SE SW for the purpose of industrial and/or fire protection use which takes into consideration several Townsites and Ranges and several more sections too numerous to list above under item No. 9.

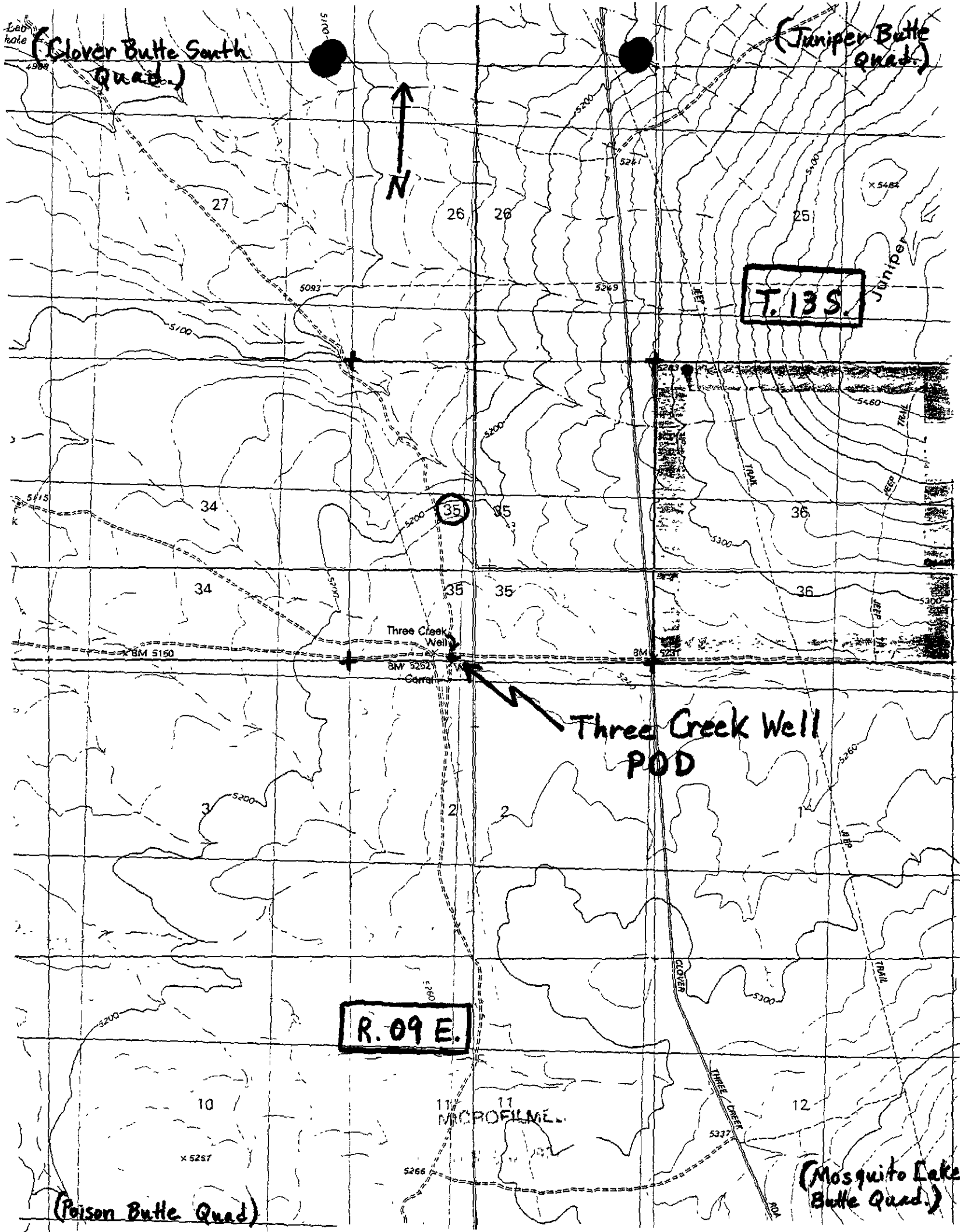
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

John E. Bion (acting A.M.)
Signature of Applicant (and title, if applicable)

Received by KH Date 6/27/00 Time 11:28 Preliminary check by Ly
Fee \$ 300 Receipted by KH # 10026663 Date 6/27/00
Publication prepared by ST Date 9-6-13-00 Published in OWYHEE AVALANCHE
Publication approved ST Date 10-3-00

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Supplement for Application for Permit

Submitted by the USDI, BLM, Jarbidge Field Office to IDWR on June 26, 2000.

Mailing address: 2620 Kimberly Road, Twin Falls, ID 83301

For ground water source at T. 13S., R. 09E., Sec. 35, SESESW in Owyhee County.

No. 9. Description of the Place(s) of Use:

In addition to "Remarks" made under this section on the original application, the BLM would like to specify the actual POU's locations where the use of Three Creek Well water will be used to construct and maintain roads in authorization of this permit. The POU's are as follows:

- T. 11S., R. 09E., Sections 27, 28, 31, 32, 33, and 34
- T. 12S., R. 08E., Sections 1, 2, 11, 12, 24, 25, 35, and 36
- T. 12S., R. 09E., Sections 3, 6, 7, 10, 11, 14, 18, 19, 26, 30, and 35
- T. 13S., R. 09E., Sections 2, 11, 14, 23, 26, 28, 29, 33, 34, 35, and 36
- T. 14S., R. 09E., Sections 1, 2, 12, 13, and 24
- T. 14S., R. 10E., Sections 19, 29, 30, 31, and 32
- T. 15S., R. 10E., Sections 5, 8, 16, 17, 21, 22, 26, 27, and 35

Please attach this supplement to the original application. Thanks You

John R. Ash
Water Rights Spec., BLM

This supplement was faxed to IDWR, c/o Lori Graves, 2735 Airport Way, Boise, ID 83705 at fax no. (208) 334-2348 on 8/11/00.

(Application attached as reference)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS ID 83301

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 51-07375

Dear Permit Holder:

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

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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 the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

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DEC 18 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 51-7375

Reviewed By dgibson

Date. December 17, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		W026663, S)24488	Well driller's report filed?		X
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		12/13/2001
Date proof due	-	12/01/2001
Lapse notice sent	-	12/06/2001
No of days late	=	12
Holiday allowance	+	
Priority date	+	06/27/2000
New priority date	=	07/09/2000

Deficiencies of Actions Items

Acknowledge proof Reinstate permit and advance priority to July 9, 2000

December 6, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS, ID 83301

LAPSE NOTICE

RE: PERMIT NO. 51-7375

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated September 30, 2001. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 12/6/01
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

September 30, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS, ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 51-7375

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 December 01, 2001. (See last page of your approval permit or your last approved extension request) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

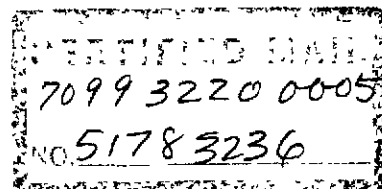
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

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NOV 1 1997





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

November 24, 2000

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS ID 83301

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 51-07375

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is 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 licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's

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homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

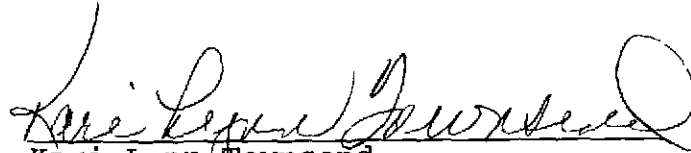
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CERTIFICATE OF MAILING

I hereby certify that on the 24th day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 51-07375

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS ID 83301


Kari Lynn Townsend
Secretary

MICROFILMED

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 11/18/00

No. 51-17375 Name: Bun Corp. Officers N/A Ad ok ☒ Govt Lots _____

AREA OF CONCERN. No Yes _____ Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (✓Flow Chart)

-DRILLING PERMIT

- All wells - 046(P23)
- Basin 34 - 084 (if necessary)
- Irr w/in WD - P05
- WMD - North/East/West
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067
- ~~WMD~~
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ? ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

LOCATION:

- Boise Front LoGeo - 058 (<85 GW)
- Mitigation - 121
- 42-248 Area - P84
- Swan Falls Flag
- Trust - 051(P74) (consumptive uses)
- Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

- STORAGE/IRR ≤ 5 ac - 18A-01H(P01), 01P-18B(P09)-NA
- > 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
- STOCKWATER - R62/R63/R64/R65 (0.02 cfs/ac)
- MINING - R37 (BLM/USFS)
- MINING - 054-106(P10)
- FISH PROP - 029(70'S only)-007-042-106 (P10)
- HEAT/COOL - R07(injection well)
- FIRE PROT. - 077

BENEFICIAL USE DUE: 12/01/2001

MISC CONDITIONS/REMARKS:

- Protested - 020-W19
- Development Period
- ≤ 1 yr - P16
- > 1 yr - 26A(P17)
- Ownership - 004
- Non-consumptive - 027
- Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

- F&G contacted - Yes/No Response
- In/Above MSF - WB9
- PLANNING REVIEW/RESPONSE
- In-stream development - P52
- WD - R04 (WD# _____)
- ≤ 0.20 cfs/others - 01H(P01), 01P or No MD
- > 0.20 cfs - 01H(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

- Snake R (01) - W22(P04), N/A
- (02,03) - 007 (w/ remark WB9 if above Weiser)
- Payette R (65) - 047(P04) (Payette Lake)
- Salmon R (70's) - 029 (fish screens)
- Weiser R (67) - 086-087

USES:

- POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
- MUNICIPAL
- Restricted area - 022,075
- Irr., GW supp to SW - 102
- DOMESTIC
- Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette R)
- > 1 in restricted area - 070-071-075 (no parks/common areas, etc)
- Irr/use listed separate - WB5
- Moratorium approvable - W03 (2500 gpd - meets domestic definition
- i.e. D/convenience store)

- Multiple pd's per ¼¼ - W32
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60
- Use definitions - W02 example - S/50 range
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS Ind. Road const & maintenance

COMMENTS _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Ly DATE: 8/11/00 APPLICATION: 51-07375

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ 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: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

OCT 23 2000

Department of Water Resources

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☒ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

road maintenance POU

Date Requested 8/3/00 Date Response Received 8/11/00

PROCESSING

APP. NO.

9-07375

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 9-25-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter: standards

☐ ☒ See below for additional information

Recommended Date or Priority 6/27/2000

Recommended by: Lori Braver

Date: 10/11/00

ADDITIONAL INFORMATION:

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

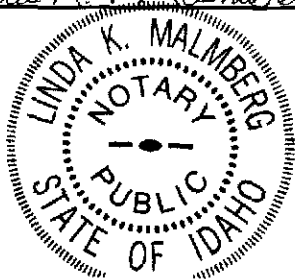
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

September 6, and 13, 2000

Signed

Subscribed and sworn to me this 20th day of September A.D., 2000

Linda K. Malmberg



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 9-28-2005

NOTICE OF APPLICATION FOR WATER RIGHT

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

51-07375

US DEPT OF INTERIOR
BUREAU OF LAND
MANAGEMENT

JARBIDGE FIELD
OFFICE 2620 KIMBERLY
RD

TWIN FALLS, ID 83301

Source: GROUND WATER

Diversion pt:

SESESW Sec 35 T 13S R 09E
in OWYHEE County.

Use:

INDUSTRIAL (0.050 CFS)

FIREPROTECTON (0.050
CFS

Total Diversion: (0.050
CFS)

Date Filed: 6/27/2000

In. OWYHEE County

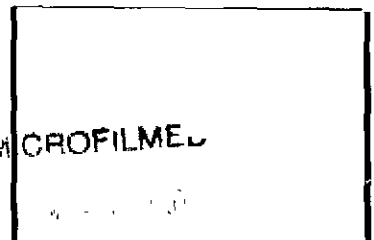
T13S R09E S35 SESW

Applicant agrees to mitigate
consumptive use in the future
as needed.

Permits will be subject to all
prior water rights. Protest may
be submitted based on the
criteria of Sec. 42-203A, Idaho
Code. Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705
together with a protest fee of
\$25.00 for each application on
or before SEPTEMBER 25,
2000. The protestant must also
send a copy of the protest to the
applicant.

KARL J. DREHER,
Director

9/6 & 13/00



SD-0111
ADD COMMENT

Idaho Department of Water Resources
Comment Addition

Date: 08/11/00
Time: 10:45:20

Water Right Number: 51-07375

FIRST PAGE

Comment Date: 8/11/2000 User ID: LGRAVES

Subject: MORE INFO

Per Applicant: Uses for road construction and maintenance and for fighting possible rangeland wildfires. Trucks will be filled only at the well site. BLM has license 51-02356 on same well for stockwater. Sections where water will be used are listed on the application supplement.

Per IDWR: Per Steve Lester and Gary Spackman: Condition permit to allow water to be trucked to sections listed on application supplement. QQ's n/a. Since water will not be pumped from the p/d, p/u = p/d.

(Enter=Add)

(GOLD4=Prev) (GOLD5=Next)

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REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

BLM

Mailing Address

2620 KIMBERLY RDBOISE ID 83301Application No.
(if known)51-07375IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

John L. Ash

Date

8/11/00

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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John Ash
736-2350
6379 ft

6/30/00

Blm Appl

existing well 51-02356, stockwater.

Blm called & using this well for long term projects ... temp was N/A. Calls did not reveal such large plan but probably intend to transfer water to many sites via conveyance system to be built over many miles. Not ~~pract~~ practical to pump 105 cfs over large area anyway.

Reminds me of Nelson Co. Appl 63-12586 (being advertised): limited plan with Reentry Condition to allow water over much larger area.

Suggest

- ① confirm that will fill tanks at specific QQ sites & transport H₂O to much larger legal
- ② list plan as any QQ where will fill tanks or storage tanks ... so where is H₂O pumped to?
- ③ Reentry cond. of approval to allow H₂O to be transferred to T-R's list for use. would need Blm to i.d. all T-R's in that case before process. QQ's should not be needed for such a condition of approval.

MICROFILMED

SEP 3 1991

John Ash
of Twin Falls
area from
Blm
called me
208-736-2353

Confirm ok
w/ Gary
before contact
Blm



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Jarbidge Field Office
2620 Kimberly Road
Twin Falls, Idaho 83301-7975

In Reply Refer To:

7250

Western Region
Department of Water Resources
c/o Gary Spackman or Steve Lester
2735 Airport Way
Boise, ID 83705-5082

June 26, 2000

Re: Application for Permit to Appropriate Water.

Dear Gentlemen:

The enclosed application for permit is in regards to appropriate groundwater at an existing well. Water Right License Number 51-02356, in the name of the USDI, BLM, for other than stockwater. The intended purpose of use is for industrial and fire protection within a 25 to 30 mile radius of the well. Industrial use would consist of road construction and maintenance for the expansion of the Mountain Home Air Force Base bombing range near Juniper Butte in eastern Owyhee County, and fire protection use would consist of fighting wild fires on public lands.

The proposed diversion works would be contained at the existing pump and well site known as Three Creek Well at T.13S., R.09E., Sec 35, SESW, and the total quantity to be appropriated for each use is .05 cfs or 22.5 gallons per minute from 01/01 - 12/31 per annum

According to the Air Force's schedule, the plan is to get started right away with road projects. Within the next two to three weeks, road building will begin in and around the Three Creek Well area and water from this well will be valuable for the completion of this work. Because of this situation and with our regrets, please accept and review this application with expediency. Also enclosed is the non-refundable application fee of \$50 for which we will need a receipt.

We appreciate your time and attention to this application. If you have questions, please contact John Ash of this office at the above address or by calling (208) 736-2350.

Sincerely,

Eddie Guerrero
Jarbidge Field Office Manager

Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 30, 2000

Legal Notices Department
Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

Dear Legal Dept.:

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 SEPTEMBER 25, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILM

1981

51-07375

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
JARBIDGE FIELD OFFICE
2620 KIMBERLY RD
TWIN FALLS, ID 83301

Source: GROUND WATER

Diversion Pt: SESESW Sec 35 T 13S R 09E in OWYHEE County.

Use: INDUSTRIAL	(	0.050 CFS)
FIRE PROTECTION	(	0.050 CFS)
Total Diversion:	(	0.050 CFS)

Date Filed: 6/27/2000

In: OWYHEE County
T13S R09E S35 SESW

Applicant agrees to mitigate consumptive use in the future as needed.

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Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 25, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/ 6/2000 & 9/13/2000

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