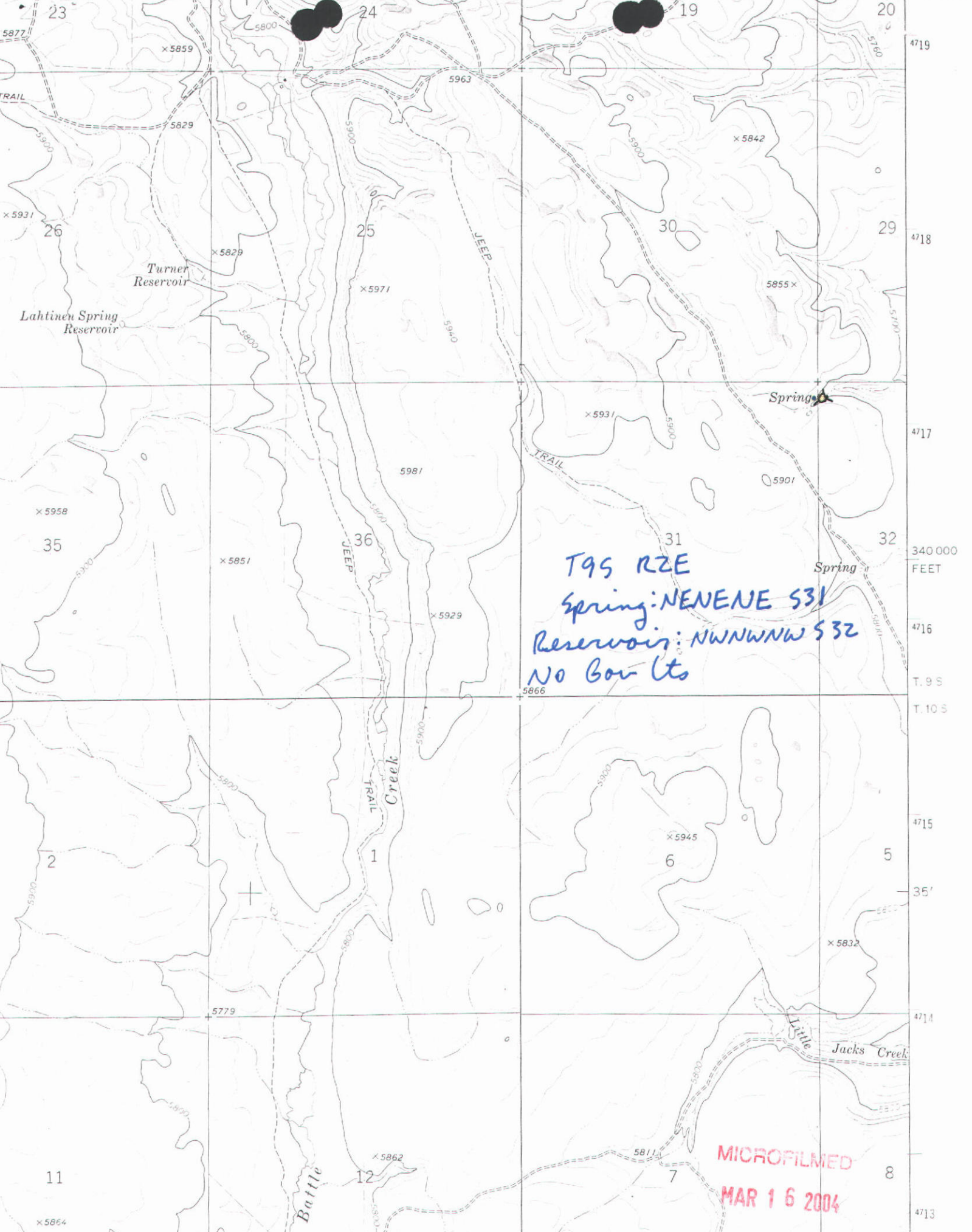


57 17'30" 59 R. 1 E. R. 2 E. 360000 FEET 561 116°15' 42°37'30"



T9S R2E
Spring: NENENE S31
Reservoir: NWNWNW S32
No Gov Lts

MICROFILMED
MAR 16 2004

RECEIVED

NOV 04 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

NOV 4 2003

Department of Water Resource,

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 51-7370 Telephone No 208 384-3300

2 Name of Permit Holder(s) U.S. Dept of the Interior, Bureau of Land Management

3. Mailing Address 1387 S. Vinnell Way

City Boise State ID Zip 83709-1657

4. Source of Water: Unnamed spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr _____

Well Driller _____ Drilling Permit Number: _____

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

Domestic (No. of households): _____ Stockwater (No and type of stock): 400 range cattle

Irrigation (No. of acres): _____ Other: _____

6 Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 1.0 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 X
Has the measuring device been installed? Yes _____ or No X

8 Fee Enclosed \$ 50.00 (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 Mallis, Water Rights Coordinator Telephone Number 208 384-3348

Address: BLM, Lower Snake River Dist., 3948 Development Ave., Boise, ID 83705

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: [Signature]
(include your title, if on behalf of company of organization)

Field Manager
Coyhee Field Office

Date: 11/3/03

Noted
11/3/03

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 51-07370

5. 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

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of March, 2003.


for KARL J DREHER, Director

RECEIVED
MARCH 27 2003

RECEIVED

SEP 09 1999

WATER RESOURCES
WESTERN REGION

Ident. No. 51-07370

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAR 17 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant Bureau of Land Management Phone 384-3336
Mailing address 3948 Development Ave Boise ID 83705
- Source of water supply Unnamed Spring/Stream which is a tributary of Little Forker Cr
- Location of point of diversion is Township 9S Range 2E Sec. 32 in the NW 1/4,
NW 1/4, NW 1/4, Govt. Lot _____, B.M., Owyhee County County;
additional points of diversion if any: spring - NENENE, 531 trib to unnamed stream
- Water will be used for the following purposes:
 Amount 1 af for Stock/wildlife water purposes from 7/1 to 9/30 (both dates inclusive)
 Amount 1 af for Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
 Amount .02 for Div-to purposes from 1/1 to 12/31 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
- Total quantity to be appropriated is (a) _____ and/or (b) 1 af
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source Reservoir 3/4 acre
surface area 2' deep
 - Height of storage dam 8 feet; active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85°F being sought? _____
 - If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock 300-400 cattle Micro...
 - Municipal; show name of municipality. Bliss, Idaho
 - Domestic; show number of households. _____
 - Other; describe fully. Native Big Game species inhabit rangeland yearlong.

Per topo and lake Valpauso with BLM, 11/22/99 by
Owyhee Cty Mgr

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
95	2E	32					S												
		32					W												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. The spring located at the T95 R2E Section 31 (NE NE NE)

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

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

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: Water right required. Reservoir needs maintenance work completed. Holds good water year long. Reservoir known as the Tanks Reservoir. No project file yet. Constructed originally in the late 1960's or early 1970's.

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.

Therese M. Castillo
Signature of Applicant (and title, if applicable)

Received by AK Date 9/19/99 Time 3:59 Preliminary check by LF
 Fee \$ 50.00 Received by KB # 10025709 Date 9/19/99
 Publication prepared by AT Date 12-15-22-99 Published in _____
 Publication approved _____ Date 2-10-00 **OWYHEE AVALANCHE**

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 12/02/99
Time: 09:06:29

Water Right Number: 51-07370

Comment Date: 12/ 2/1999 User ID: LGRAVES

Subject: MISC_____

Per Applicant: P/U aka as the Tank's reservoir originally_____
constructed in the late 1960's or early 1970's. The reservoir_____
needs constructive work._____

Per IDWR: 404 permit needed for onstream wildlife use and_____
development. Spring tributary to reservoir as a single diversion_____
system._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

Misc
12/2/99



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

January 22, 2004

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 51-7367, 51-7369 & 51-7370

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. I am enclosing copies of the proofs you filed. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial uses.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

M. C. O. 12/14/04

DEC 14 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 51-7370

Reviewed By: dgibson

Date: January 21, 2004

	<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 :		W031073	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/04/2003
Date proof due	-	04/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/09/1999
New priority date	=	09/09/1999

Deficiencies of Actions Items

Acknowledge proof



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

March 27, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657

RE: Permit No. 51-7370

Permit Approval Notice

Dear Permit Holder:

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

Enclosed is a 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.

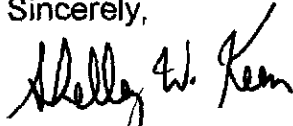
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

MAR 27 2003
VINNELL

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MAIL ROOM

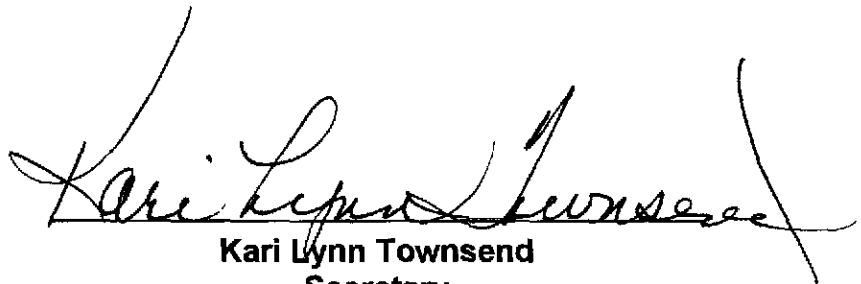
MAY 5 2008

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 51-7370

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657**


**Kari Lynn Townsend
Secretary**

415 6 2003

**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)

MICHO
MAR 5 2004

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.

MICROFILMED
MAR 16 2004

Comment Report

51-7370

1. kwalker 3/21/2003 Tributary of spring

Comment: I changed the tributary of the spring on this application. It has been our policy not to use unnamed stream as a tributary so I changed it to show the spring trib to Little Jacks Creek.

MICROFILMED

MAR 9 6 2004

Send copy to Corp + H&G

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: ly DATE: 12/1/99 APPLICATION: 51-07370

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
MAR 17 2003
Gov't. Lots: P/D P/U
Department of Water Resources.

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

needs 404 permit with Corp per Gene Gibson 12/1/99

surface area info, diversion description
request to process

Date Requested 11/22/99 Date Response Received 11/22/99

PROCESSING

APP. NO. 07370

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 Corp

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 1-3-00
 Protests received.
 Recommendations attached:
 Measuring device required:
 Water delivered by water master? District # _____
 Special conditions of approval or cover letter: 121

See below for additional information

Recommended Date or Priority 9/9/99
 Recommended by: Gary S Date: 3/13/03

ADDITIONAL INFORMATION:

PROTEST INFORMATION SHEET

APPLICANT: BLM

WATER RIGHT NO: 51-07369, 51-07370, 51-07371

DATE FILED: 9-9-99 **PROTEST DATE:** 1-3-00

PROTESTANT(S) NAME & ADDRESS:

**John Urquidi
HC 85 Box 135
Bruneau ID 83604**

Attorney Name & Address: Issues:

Applicant - Attorney - Name & Address:

Dates:

Acknowledgement Letters: 1-6-00 _____

Hearing Notice: _____

Hearing Date: _____

Room Confirmation Letter _____

Other: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 51-7367, 51-7369) **DEFAULT ORDER**
51-7370 AND 51-7371 IN THE NAME)
OF THE BUREAU OF LAND)
MANAGEMENT)
_____)

A prehearing conference regarding the protest against application for water right nos. 51-7367, 51-7369, 51-7370, and 51-7371 in the name of the Bureau of Land Management (BLM) was scheduled for Wednesday, January 15, 2003 at 9:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. Notice of the hearing was sent to John Urquidi, HC 85 Box 119, Bruneau, Idaho 83604-9701 by certified mail. The card certifying receipt was signed by John Urquidi and returned to this office.

At the time and place for the hearing, Fred Price, Bob Mallis and Jon Haupt, of the Bureau of Land Management, the applicant, and Gary Spackman of the Idaho Department of Water Resources (IDWR), appeared. John Urquidi, the protestant, did not appear for the hearing. John Urquidi did not communicate with IDWR regarding his absence.

ORDER

IT IS HEREBY ORDERED that the protest against application for permit nos. 51-7367, 51-7369, 51-7370 and 51-7371 filed by the Bureau of Land Management is **DISMISSED** for failure to appear.

Dated this 7th day of March 2003.



Gary Spackman

RECEIVED
MARCH 14 2003

CERTIFICATE OF MAILING

I hereby certify that on this 10th day of March 2003, I mailed a true and correct copy, postage prepaid, of this Default Order to those listed below:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701

NON-CERTIFIED MAIL

BOB MALLIS & JON HAUPT
US BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705

WILLIAM M FERRY ESQ
US DEPT OF INTERIOR
FEDERAL BLDG & US COURTHOUSE
MSC 020-550 W FORT ST
BOISE ID 83724-0020

FRED PRICE
US BUREAU OF LAND MGMT
1387 S VINNELL WAY
BOISE ID 83709

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

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 51-7367, 51-7369,) **NOTICE OF HEARING**
51-7370, AND 51-7371 IN THE NAME)
OF THE BUREAU OF LAND)
MANAGEMENT.)
_____)**

On January 16, 1998, BLM filed application for permit to appropriate water no. 51-7367. The application was protested by John Urquidi. The prehearing conferences held on March 3, 1999, April 21, 2000 and October 12, 2000 did not resolve the matter of protest.

On September 9, 1999 the Bureau of Land Management (BLM) filed with the Department of Water Resources (IDWR) application for permit to appropriate water nos. 51-7369, 51-7370 and 51-7371. The applications were protested by John Urquidi. The prehearing conferences held on March 8, 2000, June 27, 2000, and September 20, 2002 did not resolve the matter of protest.

The Department has scheduled the protests for hearing on **Wednesday, January 15, 2003 at 9:00 a.m. at the Western Region conference room of the Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705.** The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least ten (10) days prior to the hearing.

MICRO
...


All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 19th day of November 2002.


GARY SPACKMAN

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of November, 2002 I mailed a true and correct copy, postage prepaid, of this Notice of Hearing to those listed:


Sue Taylor
Senior Secretary

BOB MALLIS
US BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701

WILLIAM M FERRY ESQ
US DEPT OF INTERIOR
FEDERAL BLDG & US COURTHOUSE
MSC 020-550 W FORT ST
BOISE ID 83724-0020

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MEMORANDUM
Pre-Hearing Conference

To Files: 51-7370 51-7369 Applications for Permit
51-7371 51-7367

Applicant: BLM
Protestant: John Urquidi
From: J. Westra, Western Region
Date: 9/20/02
Location: Western Regional Office
Attending: Bob Mallis, BLM
 John Haupt, BLM
 John Urquidi, Protestant
 John Westra, IDWR

As a number of the applications were directly related to the outcome of the pending SRBA, the processing of the applications were put on hold by the Department from 2000. Since, the SRBA objections and issues have now been resolved, the parties involved felt it would be beneficial to hold another prehearing conference possibly to resolve issues avoiding the hearing process. A prehearing conference was held 9/20/02 at the Western Regional Office.

The conference began with a brief discussion of the background SRBA results, and the parties outlining the current decree status relating to the above described applications. Also, the BLM's policy regarding who's name the water right is held under; BLM only. Each application was then individually review with the following results:

Application #51-7370 (Tanks Location)

A "PWR" is pending with BLM. Mr. Urquidi has protested the application based on wanting the unnamed stream source listed removed. Use of the stream would injure his use downstream. The spring should only be the given source. BLM representatives felt they could not compromise the removal of the stream source. **The application will be moved to hearing level.**

Application #51-7369 (Owens Res.)

Mr. Urquidi stated that he had a permanent right-of-way at the reservoir location under an I-604 agreement with the BLM. Mr. Haupt stated they were not aware of that, and would have to research the status. Mr. Urquidi protested the construction and deepening of the reservoir, as would again injure is use downstream. **The application will be moved to the hearing level.**

Application #51-7371 (Old Res.)

Mr. Urquidi protested on the fact that he already has a water right for 4 ac-ft for irrigation and stockwater, #51-10299, #51-2230. The BLM would be junior to Mr. Urquidi, but Mr. Urquidi stated, that the water would be difficult to manage in the same reservoir. The BLM wanted to review there policies on this situation where a WR is held by someone else, and a new allocation. **Move the application to the hearing level unless amended/withdrawn by the BLM.**

BLM Prehearing Conference

Page 2.

Application # 51-7367 (Basin Res.)

The Basin Reservoir already exists, but never has had a water right. The BLM has filed for 2 ac-ft of storage. Mr. Urquidi is protesting on the fact that the reservoir hold far more than 2 ac-ft. The BLM could place a culvert to the 2 ac-ft max. or amend the application to show a more accurate volume. **Move to the hearing level unless amended or withdrawn by the BLM.**

It was agreed the BLM would be given to November 1st to amend or withdraw any of the applications. The Department would notify Mr. Urquidi of any changes. A hearing would be scheduled for mid December to allow for preparation.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 51-07369, IN THE)
51-07370, AND 51-07371 IN THE NAME)
OF THE BUREAU OF LAND)
MANAGEMENT.)**

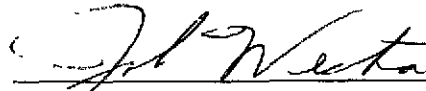
**NOTICE OF THIRD PREHEARING
CONFERENCE**

On September 9, 1999 the Bureau of Land Management filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The applications were protested by John Urquidi. The prehearing conferences held on March 8, 2000 and June 27, 2000 did not resolve the matter of protest.

IDWR has scheduled a third prehearing conference for the protest to be held on **Friday, September 20, 2002 at 9:30 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR at least (10) days prior to the conference.

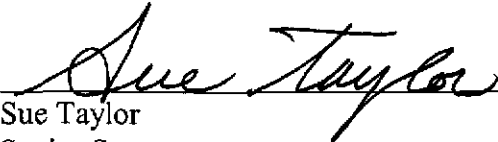
Dated this 26th day of August 2002.



John Westra

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Third Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

BOB MALLIS
US BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701



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

July 26, 2002

John Urquidi:
HC 85, Box 119
Bruneau, ID 83604

RE: Applications For Permit 51-07367, 51-07369, 51-07370, 51-07371—Protested
Bureau of Land Management (BLM)

Dear Mr. Urquidi:

In regards to our telephone conversation today, I have attached copies of the above reference applications for your review. If you wish to continue your protest of the application(s), please inform the Department of your intent in writing. If you decide to withdraw a protest(s), a protest withdrawal form is enclosed for your convenience.

I would appreciate receiving your response by August 15, 2002, so the Department can continue processing the applications.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Region.

Enclosure

MICRO...
...

MEMORANDUM

Applications—BLM- 51-07367, 51-07369, 51-07370, 51-07371
Telephone Conversation—John Urquidi, protestant

Date: 7/26/02
From: J. Westra

Re: Status of Protest
Ref. Department letter 6/26/02

I called Mr. Urquidi, and discussed the status of the above reference applications. The SRBA issues have been settled; the Department would like to continue processing the applications. Mr. Urquidi stated that he had been ill, and was recovering. He would need to review the applications to re-determine his position regarding the protests. With the SRBA issues settled, he may be able to reconsider his positions. I agreed to send him copies with maps of the applications for his review and update.

Set 8/15/02 deadline for response.

MICHAEL J. WESTRA
MAY 15 2002

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RANSOM J. BAILEY
SUSAN E. BUXTON *
MICHAEL C. MOORE †
BRUCE M. SMITH
PAUL A. TURCKE †
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN *

JOHN J. MCFADDEN **
Of Counsel

* Also admitted in Oregon
† Also admitted in Washington
‡ Also admitted in South Dakota
* Also admitted in New Mexico

June 28, 2002

Gary Spackman
John Westra
IDWR- Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JUL 01 2002

WATER RESOURCES
WESTERN REGION

RE: Withdrawal from Representation of Urquidi in BLM Application Protests


Dear Messrs. Spackman and Westra:

Still pending before the Department are Applications for Permit Numbers 55-07463, 51-07367, 51-07370 and 51-07371, each submitted by the Bureau of Land Management and protested by John Urquidi. Our office has appeared at several meetings regarding the status and possible resolution of these protests. Consistent with my recent discussions with Mr. Westra, please be advised that our office no longer represents Mr. Urquidi in these matters or any other protests filed by Mr. Urquidi before the Department. We have confirmed with Mr. Urquidi that it is in our mutual best interests that he represent himself in these matters, and we recommend that you contact him directly to determine how to best proceed with these applications. His mailing address is HC 85, Box 119; Bruneau, ID 83604, and his phone number is 208-845-2554.

Please do not hesitate to contact me if you have further questions.

Very truly yours,

MOORE SMITH BUXTON & TURCKE,
CHARTERED


Paul A. Turcke

/PAT

cc: John Urquidi; Bill Ferry, DOI Solicitor's Office; Bob Mallis, BLM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 26, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

John Urquidi
HC 85 Box 119
Bruneau ID 83604

RE: Applications for Permit 51-07367, 51-07369, 51-07370, 51-0371—Protested
Name of the Bureau of Land Management (BLM)

Dear Mr. Urquidi:

In September of 1999 the above Applications for Permit were filed with the Department by the Bureau of Land Management. Protests were filed with the Department by you. After several prehearing protest conferences it was agreed, the applications would be held as a group without action until related claims in the Snake River Basin Adjudication (SRBA) were resolved. The SRBA issues since have been resolved, and the BLM has requested the Department again resume processing the applications.

As a number of years have passed, and the SRBA claims settled, the Department would like to request your intent regarding the protest of the applications. If you wish to continue protesting the applications, please submit your intent in writing to the Department by July 15th 2002, so processing can proceed. Enclosed is a withdrawal form if you wish to withdraw your protest.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Region

Enclosure
cc: B. Mallus, BLM

Westra, John

To: Spackman, Gary
Subject: BLM Applications for Permit--51-07367, 55-07369,55-07370, 55-07371

RE: These are the BLM applications relating to John Urquidi's SRBA claims; protested by Urquidi.
(you and I have already held several conferences)

I went through the related previously objected to SRBA claims with Jan and Bob Mallis of the BLM.
The following is the current status:

-Claim #51-2230 (Urquidi) has been has been partially decreed 6/01/01 by the SRBA court. This right
relates to the BLM application 51-07371.

-Claim #51-2252 (Urquidi) is going to trial on May 15, 2002. A site field trip was scheduled for early Sept, but
was cancelled. Mr. Mallis indicated, it will be rescheduled for early spring. This claim relates to BLM application
#51-07367.

In discussing the status with Bob Mallis, it was felt it would be best to wait until the SRBA trial has been completed
to further process these applications. A protest hearing would just lead back to the issues the trial will settle; not a good
use of any of the parties resources. The BLM requests the applications continued being held pending the trial outcome in
May. Mr. Mallis stated, the BLM will try to further work out the issues with Mr. Urquidi on the other applications during the
site trip.

-I will call up the applications and follow-up with Mr. Mallis in late May 2002.
This E-mail will be placed in the files to update status
Files will be in the protest drawer.

Lester, Steve *SL*

From: Lester, Steve
Sent: Thursday, July 19, 2001 11:32 AM
To: Keen, Shelley
Subject: Applications update to link source and p/d

Shelley

I completed the database update to link each P/D to a source name per your call. Here are the results:

Successful save in d'base and printing of proof report to confirm.

51-7370
61-7748
77-7354
77-7355

Problem with 79-7100: Repeated attempts all with same result ..

Successful save in d'base of correct sources and correct source/diversion link but proof report shows Race Creek link to all 3 diversions. Data entry screen shows the correct linkage. NESW for Race Creek, NWSW and NWSE for West Fork Race Creek. See attachment for incorrect proof report results

Maybe someone more skilled in such problems can figure out the problem with 79-7100 proof report contrast to data entry.

Good luck!

Steve



Appl update.doc



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

December 13, 2000

BOB MALLIS
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

PAUL TURCKE ESQ
255 N 9th ST #420
BOISE ID 83702-5769

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

WILLIAM M FERRY ESQ
US DEPT OF INTERIOR
FEDERAL BLDG & US COURTHOUSE
MSC 020-550 W FORT ST
BOISE ID 83724-0020

Re: Application for Water Right Nos. 51-07367, 51-07369, 51-07370, and 51-07371 in the Name of the Bureau of Land Management

Gentlemen:

A prehearing conference for amended water right no. 51-07367 was conducted on October 12, 2000. The protest to the amendment was a second protest filed by John Urquidi. At the prehearing conference we discussed the amended application no. 51-07367 and its relationship to three applications filed by the Bureau of Land Management (BLM) numbered in the IDWR files as 51-07369, 51-07370 and 51-07371. At the conclusion of the conference, I promised to write a letter regarding all four applications. I apologize for the delay.

I believe we concluded that all four applications, 51-07367, 51-07369, 51-07370, and 51-07371, would be held as a group without action until related claims in the Snake River Basin Adjudication are resolved. The parties agreed to update this office every six months regarding the status of proceedings that would affect the applications. I asked that the parties calendar these matters themselves and send notice to me without my having to solicit the responses.

If my recollection is incorrect, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in black ink and is positioned above the printed name.

Gary Spackman

GS:st

[Faint handwritten notes]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO 51-7370

Owner Type Name and Address
Current Owner US DEPARTMENT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
 3948 DEVELOPMENT AVE
 BOISE, ID 83705
 (208)384-3336

Priority Date 09/09/1999
Status Active

Source Tributary to
UNNAMED STREAM LITTLE JACKS CREEK
SPRING UNNAMED STREAM

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER STORAGE	7/01	9/30		1 AFA	
WILDLIFE STORAGE	1/01	12/31		1 AFA	
DIVERSION TO STORAGE	1/01	12/31	0.02 CFS		
Total Diversion			0.02 CFS		

Location of Point(s) of Diversion:

<u>SPRING</u>	<u>NENENE</u>	<u>Sec. 31</u>	<u>Township 09S</u>	<u>Range 02E</u>	<u>OWYHEE County</u>
<u>UNNAMED STREAM</u>	<u>NWNWNW</u>	<u>Sec. 32</u>	<u>Township 09S</u>	<u>Range 02E</u>	<u>OWYHEE County</u>

Place(s) of use

Place of Use Legal Description STOCKWATER STORAGE OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	02E	32		NWNW										

Remarks

1 General Applicant agrees to mitigate consumptive use in the future as needed

Dates

Date Application Received. 09/09/1999
Date Application Denied
Last Date of Beneficial Use
Extension End Date.
Protest Deadline Date.
Number of Protests 1
Enlargement Use Priority Date
Enlargement Statute Priority Date.

Other Information.

Receipt Number(s)
State or Federal
Owner Name Connector
Water District Number

PREHEARING CONFERENCE MEMORANDUM

Applications: #51-07369, #51-07370, #51-07371

Applicant: Bureau of Land Management

Protestant: John Urquidi

Date: 6/27/00 @ Western Region

From: J. Westra

Attendees: see attached sheet

Applicant

The conference began with the applicant presenting the applications. Basically, the BLM wants to rebuilt or improve 3 reservoirs for stockwater storage in the Little Jacks Creek area. The projects are downstream of a spring source or part of a creek drainage. They would like to complete the projects with the next FY funding.

Protestant

Mr. Tureke represented Mr. Urquidi, who was not present. Mr. Urquidi has previously filed SRBA claims on the same reservoirs, or has objected to BLM claims. The SRBA court case relating to the reservoir in the application #51-07371 is being heard at the end of the week. The reservoir in application #51-07370 was objected to by Urquidi under BLM claim #51-11076. The reservoir listed in #51-07369 was objected to also by Urquidi under BLM claim #51-10488. It was argued, the Department should not process the applications until the objections are resolved.

Discussion

Mr. Tureke indicated, that several of the claim objections were coming up for court dates for his client, and that he would welcome the opportunity to sit down with the BLM personnal. A compromise could be to fit the reservoirs that are in question with headgates/outlets to release flows for Urquidi's irrigation/stock rights downstream. Mr. Mallis stated, they would like to get these projects under way, and would be willing to work with Mr. Urquidi. Both parties agreed to set up a meeting in the next couple of weeks.

Results

If no agreement can be reached prior to **September 1, 2000** the parties will submit a joint report to the Department outlining the status of their negotiations. The Department will schedule a hearing at that time, if there is no agreement.

Comments

-It was hard to follow which BLM claims Mr. Urquidi had objected to, and which claims Mr. Urquidi had also filed on the reservoirs. Mr. Mallis and Mr. Trueke appeared to have a good understanding of the claims filed/status of each location.

6/27/00
J. Westra

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit Nos. 51-07369, 51-07370, 51-07371 and ~~55-07463~~ in the Name
of the Bureau of Land Management ↑ withdrawn

Place: IDWR WESTERN REGIONAL OFFICE

Date: JUNE 27, 2000

Conducted by: John Westra

NAME

ADDRESS

BOB MALLIS

BLM

PAUL TURCOTTE (URAVIA)

225 N. 9TH # 420

83702

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


**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 51-07369, IN THE) NOTICE OF PREHEARING
51-07370, AND 51-07371 IN NAME OF) CONFERENCE
THE BUREAU OF LAND)
MANAGEMENT.)
_____)**

On September 9, 1999, the Bureau of Land Management filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The applications were protested by John Urquidi. The prehearing conference held Wednesday, March 8, 2000 did not resolve the matter of protest.

IDWR has scheduled a second prehearing conference for the protest to be held on **Tuesday, June 27, 2000, at 1:00 p.m. at the Idaho Department of Water Resources, Western Region, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

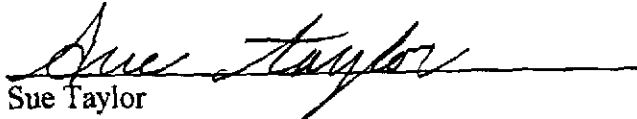
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

Dated this 18th day of May 2000.


John Westra

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of May 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

BOB MALLIS
US BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

PAUL TURCKE ESQ
MOORE SMITH BUXTON & TURCKE
225 N 9th ST STE 420
BOISE ID 83702

[Faint handwritten notes]

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOSEPH D. MALLET
JOHN J. MCFADDEN *‡
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE 0

MONA DOBARAN MACK
Of Counsel

* Also admitted in Oregon
‡ Also admitted in Washington
) Also admitted in South Dakota

March 27, 2000

RECEIVED

Mr. John Westra
IDWR – Western Region
2735 Airport Way
Boise, ID 83705-5082

MAR 28 2000

WATER RESOURCES
WESTERN REGION

RE: Application for Permits Nos. 51-07369; 51-07370; 51-07371

Dear Mr. Westra:

Thank you for speaking with me on the telephone on March 9, 2000, regarding the above-named applications. Our firm represents the protestant, John B. Urquidi, in a variety of water proceedings before the Department and in the SRBA, although we had not formally appeared prior to the prehearing conference scheduled for March 8, 2000. It is our understanding that Mr. Urquidi failed to attend the scheduled prehearing conference in Murphy, and that you sent him a letter advising that his failure to advise you, in writing, within thirty (30) days of his intent to continue his protest would result in the protest being dismissed. We have reviewed this matter with Mr. Urquidi, and presently advise that we will be representing him as the protestant in this matter and provide notice that Mr. Urquidi intends to continue his protest.

On behalf of Mr. Urquidi, please accept our apologies for his absence from the March 8th prehearing conference. I was aware of the prehearing conference following discussions I had with Bob Mallis of BLM on March 1, 2000, but was unable to contact Mr. Urquidi between the 1st and the 8th, due largely to sporadic phone service during that time in the Bruneau Valley where Mr. Urquidi resides. Mr. Urquidi also explained that he received notice in early March that the prehearing conference for application 51-07463 had been vacated, and he mistakenly interpreted this notice to include the other three (3) applications which had been consolidated with number 51-07463. We will certainly attend any future proceedings scheduled in this matter, noting that Boise may provide the most convenient location to hold further proceedings.

While we will, if necessary, provide further detailed bases for Mr. Urquidi's protest, we note at this time that meaningful review of these applications cannot occur until the existing water rights in the subject area are determined in several SRBA subcases involving claims by both BLM and Mr. Urquidi. Specifically, application 51-07369 coincides with BLM's claim in SRBA subcase 51-10488, and application 51-07371 coincides with Mr. Urquidi's (and J&J

Mr. John Westra

March 27, 2000

Page 2

Ranches, in which he is one of two partners) claim in SRBA subcase 51-2230. We question how the Department can conduct the statutorily-required analysis of impacts to existing rights, water availability, and other factors set forth in I.C. section 42-203A until the SRBA claims on the identical sources are resolved.

Please do not hesitate to contact me if you have questions or require additional information.

Very truly yours,

MOORE SMITH BUXTON & TURCKE,
CHARTERED



Paul A. Turcke

/PAT

cc: John B. Urquidi
Bob Mallis
Bill Ferry
Larry Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 14, 2000

DIRK KEMPTHORNE
GOVERNOR

John Urquidi
HC 85 Box 135
Bruneau ID 83604

KARL J. DREHER
DIRECTOR

RE: Protest Conference
BLM Applications #51-07369, #51-07370, #51-07371

Dear Mr. Urquidi:

Attached is a "Failure to Appear Notice" regarding the scheduled protest conference for the above referenced BLM applications. Please submit to the Department in writing just cause why you failed to appear. If no response is received within 30 days, the Department will consider nullifying the protests.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190,

Sincerely,

John Westra
Western Region

cc: B. Mallis, BLM

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 51-07369, 51-07370)
51-07371 IN THE NAME OF THE)
DEPARTMENT OF INTERIOR)
BUREAU OF LAND MANAGEMENT)**

**NOTICE OF FAILURE TO APPEAR
AT PREHEARING PROTEST
CONFERENCE**

On September 19, 1999, the Bureau of Land Management filed with the Department of Water Resources (IDWR) applications for permit nos. 51-07369, 51-07370, and 51-07371 to appropriate the public waters of the State of Idaho. The applications were protested by John Urquidi.

A prehearing conference was scheduled Wednesday, March 8, 2000, at 10:00 AM at the Owhyee County Courthouse, Murphy ID. Conference notices were sent by the Department to the applicant and protestants on February 1, 2000. The applicant, Bureau of Land Management appeared on the scheduled conference date and location. The protestant, John Urquidi failed to appear.

Dated this 9th day of March 2000.



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on the 14 day of March, 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Failure to Appear to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU, ID 83604

BOB MALLIS
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE, ID 83705

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 51-07369, 51-07370,)
51-07371 AND 55-07463 IN THE NAME)
OF THE DEPARTMENT OF THE)
INTERIOR, BUREAU OF LAND)
MANAGEMENT.)
_____)

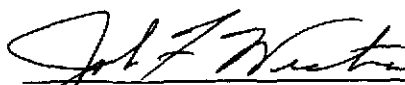
**NOTICE OF PREHEARING
CONFERENCE**

On September 9, 1999, the Bureau of Land Management filed with the Department of Water Resources (IDWR) four applications for permit to appropriate the public waters of the State of Idaho. All four applications were protested by John Urquidi and application no. 55-07463 was protested by Eric Davis.

IDWR has scheduled a conference for the protest to be held on Wednesday, March 8, 2000, at 10:00 a.m. at the Owyhee County Courthouse, Highway 78, Murphy, Idaho 83650. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

Dated this 15th day of February, 2000.

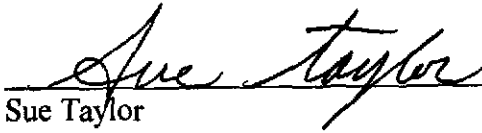


John Westra

RECEIVED
FEB 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of February, 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

BOB MALLIS
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

ERIC R DAVIS
BRUNEAU CATTLE CO
HC 85 BOX 138
BRUNEAU ID 83604

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



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

January 28, 2000

JAY R FRIEDLY
HALL FRIEDLY & WARD
340 E 2ND N
MOUNTAIN HOME ID 83647

Re: Application for Water Right No.s 51-07369, 51-07370, 51-07371 and 55-07463 in the
Name of the Department of Interior, Bureau of Land Management

Dear Mr. Friedly:

Thank you for your letter dated January 7, 2000. You stated in your letter that David Lahtinen would have protested the applications. Please be advised that the applications are presently protested, and the Idaho Department of Water Resources (IDWR) will consider a petition to intervene. A petition to intervene must conform to IDWR's Rules of Procedure and must be accompanied by a \$25.00 protest fee.

If Mr. Lahtinen does not want to seek party status, IDWR will forward your letter to the applicant and protestant for consideration when the contested case is heard.

You stated in your letter that the published notice in the Owyhee Avalanche was confusing. This office is always attempting to better notify the public while at the same time preparing a notice within a limited budget. Specific criticism of the notice would be helpful if you would like to point out the deficiencies.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:st

CC: BLM, Bob Mallis
John Urquidi

HALL, FRIEDLY & WARD

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

PERCE HALL
JAY R. FRIEDLY
ROBERT W. WARD
CLAY M. SHOCKLEY

TELEPHONE
(208) 587-4412
FACSIMILE
(208) 587-3144
E-MAIL
hfw@micron.net

January 7, 2000

RECEIVED

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

JAN 10 2000

WATER RESOURCE
WESTERN REGION

Re: Application for Water Right Nos.
51-07369, 51-07370, 51-07371 and 55-07463

Dear Ladies and Gentlemen:

I write to you as the attorney for David Lahtinen of Bruneau, Idaho. Because of the confusing way in which the Notice of Application for Water Right was published in The Owyhee Avalanche, a Notice of Protest was not timely filed against the above applications. In lieu of filing a formal Notice of Protest, we would like to bring to the Department's attention the reasons why the Department of Water Resources should reject the applications and refuse the issuance of a permit.

Mr. Lahtinen is the holder of license number 51-04024 and 51-04003. I have enclosed a copy of the Department's printout concerning number 51-04024.

This licensed water right with a priority date of March 1, 1883, allows Mr. Lahtinen to use the waters from Little Jacks Creek and Big Jacks Creek for irrigation from March 1 through November 15 in the amount of 12.20 cfs. When combined with number 51-04003, Mr. Lahtinen is entitled to a diversion rate of 14.41 cfs to irrigate 375.5 acres of land.

During most years, Mr. Lahtinen does not receive enough water at his diversion point in Jacks Creek to satisfy this water right. If the above applications are granted, this problem will become even more severe. The granting of the above applications will reduce the quantity of water under this existing water right. Because the granting of the above applications would reduce the quantity of water under Mr. Lahtinen's prior existing water right, the applications should be rejected and the Department should refuse to issue the permits requested.

Our understanding of Idaho Code § 42-203A is that the director must find that the granting of these applications will not reduce the quantity of water under existing water rights. No such finding could possibly be made under the present circumstances.

January 7, 2000
Page 2

If you need any further information, please feel free to contact me.

Sincerely yours,


Jay R. Friedly

JRF:ldf
Enclosure
cc: Mr. David Lahtinen

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

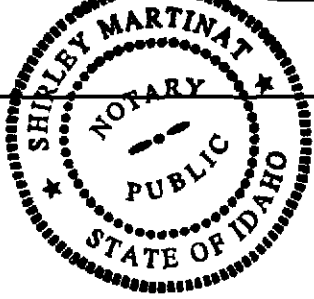
said newspaper, in Two (2)

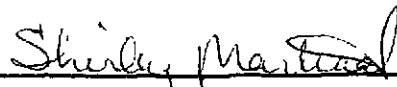
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

December 15 and 22, 1999

Signed 

Subscribed and sworn to me this 22nd day of December A.D., 1999



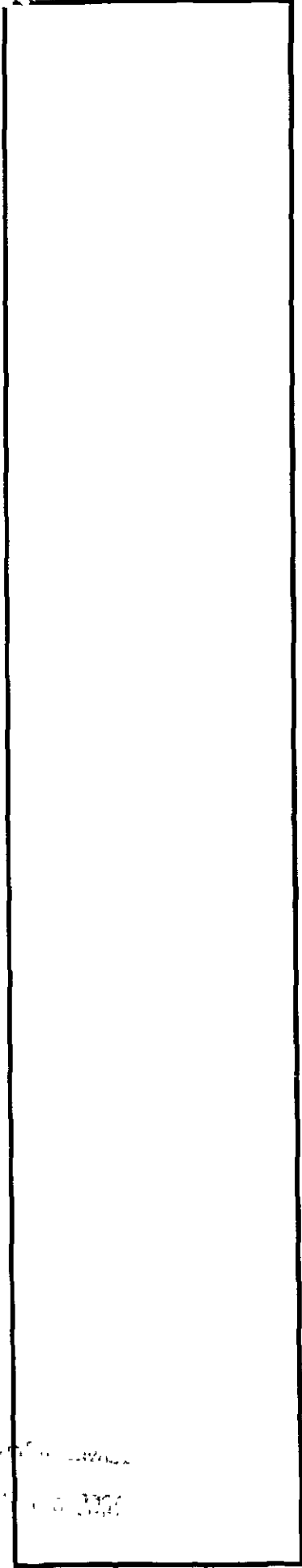


Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

RECEIVED

DEC 30 1999

WATER RESOURCES



NOTICE OF APPLICATION FOR WATER RIGHT

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

51-07369

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: UNNAMED STREAM
Tributary: LITTLE JACKS CREEK

Diversion Pt: NESWSE Sec 31
T 09S R 02E in OWYHEE County.

Use: STOCKWATER STORAGE (2.00 AF)

WILDLIFE STORAGE (2.00 AF)

TOTAL DIVERSION (2.00 AF)
Date Filed: 9/9/1999

In: OWYHEE County
T09S R02E S31 SWSE

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

51-07370

US DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT

3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: UNNAMED STREAM
Tributary: LITTLE JACKS CREEK

Source: SPRING

Tributary: UNNAMED STREAM

Diversion Pt: NENENE Sec 31
T 09S R 02E in OWYHEE County.

Use: STOCKWATER STORAGE (1.00 AF)

WILDLIFE STORAGE (1.00 AF)

TOTAL DIVERSION (1.00 AF)
Date Filed: 9/9/1999

DIVERSION TO STORAGE (0.020 CFS)

TOTAL DIVERSION (0.020 CFS)

Date Filed: 9/9/1999

In: OWYHEE County

T09S R02E S32 NWNW

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

51-07371

US DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT

3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: LITTLE JACKS CREEK

Tributary: JACKS CREEK

Diversion Pt: LOT 1 (NENENE) SEC 5 T 10S R 02E

IN OWYHEE County.

Use: STOCKWATER STORAGE (1.00 AF)

WILDLIFE STORAGE (1.00 AF)
Date Filed: 9/9/1999

TOTAL DIVERSION (1.00 AF)

Date Filed: 9/9/1999

In: OWYHEE County

T10S R02E S05 Lot 1 (NENE)

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

55-07463

US DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT

3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: BATTLE CREEK

Tributary: OWYHEE RIVER

Diversion Pt: NWNWNW Sec 15 T 09S R 01E in OWYHEE County.

Use: STOCKWATER (0.090 CFS)

WILDLIFE (0.090 CFS)

TOTAL DIVERSION (0.090 CFS)

Date Filed: 9/9/1999

In: OWYHEE County

T09S R02E S19 NESE

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

57-07680

HOWELLS, DAVID

HOWELLS, PAULETTE

HC79 BOX 1305

MELBA, ID 83641

Source: GROUNDWATER

Diversion Pt: NWNW Sec 14 T 01S R 03W in OWYHEE County.

Use: IRRIGATION (0.100 CFS)

STOCKWATER (0.020 CFS)

Total Diversion: (0.100 CFS)

Date Filed: 9/19/1999

In: OWYHEE County

T01S R03W S14 NWNW

5.0 ACRES TOTAL

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

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 JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

Taylor, Sue

From: Lester, Steve
Sent: Monday, December 20, 1999 1 48 PM
To: Taylor, Sue
Subject: FW: Numerous Water Right Applications

Sue:

Please file a copy in each of the applications listed in Scott's message

thanks,

Steve

-----Original Message-----

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Monday, December 20, 1999 1 22 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Numerous Water Right Applications

Dear Mr. Lester,

The Idaho Department of Fish and Game has reviewed the following applications for permit for a water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting permits:

51-07371/BLM
51-07370/BLM
51-07369/BLM
65-13912/MacGregor
65-13914/Nuzzo
65-13908/Rasmussen
77-07380/Pyle
67-08044/Stippich
55-07463/BLM
65-13907/BOR
65-13909/Herbel
65-13915/Hamlin
65-13911/Charles
63-12545/Atkeson
65-13919/McCumber
65-13916/Vlasach
65-13910/Seehusen/Crow
67-08043/Ferrel
63-12548/McGrew

We have a concern with application for permit 63-12550 by Richard Porter and Robert Horowitz. Those comments will be in a separate letter signed by the regional supervisor. Thank you for the opportunity to comment on these applications.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
465-8465



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705

Re: Application for Permit Nos 55-07463, 51-07369, 51-07370 AND 51-07371

Dear Applicant:

Enclosed are protests filed against the issuance of permits pursuant to the above-referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

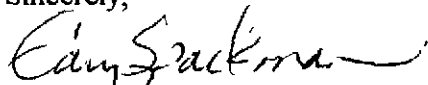
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

Please contact this office if you have questions regarding this procedure

Sincerely,



Gary Spackman

GS:st

Enclosure: Copy of protest(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

Re: Application for Permit Nos. 55-07463, 51-07369, 51-07370 and 51-07371 in the Name of
the Bureau of Land Management

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code)

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

We received your protest dated January 3, 2000, with three protestants listed. Please be advised, however, that a \$25.00 protest fee must be submitted by each protestant. We will consider you to be the protestant and send all correspondence to you

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the applications and to attempt to resolve the protests. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protests. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive style with a long, sweeping underline.
Gary Spackman

GS:st

Encl. Copy of Application

RECEIVED

JAN 03 2000

WATER RESOURCES
WESTERN REGION

Urquidí's Protest

Receipt #

W0210034 (A)

100

RECEIVED

JAN -3 2000

LOWER SNAKE RIVER DISTRICT

We protest 51-07369, 51-07370, 51-07371
and 55-07463 for following reasons and more:

- 1) They will reduce or deny water under existing water rights.
- 2) The water supplies are insufficient for purpose
- 3) The applicant is not making applications in good faith
and is speculative
- 4) The applications conflict with local public interest.
- 5) The applicant is inaccurate in its applications.
- 6) The applications ~~are~~ stated uses are not being made
by applicant. Applicant doesn't own cattle or wildlife
under domesticated uses to make beneficial uses.
Wildlife and stock incidental uses can't be a basis
for a water right not owned by applicant.
- 7) The applicant is not any person, corporation or association
and as such can not acquire a water right with
a priority date after 1996. (no exceptions)
- 8) The applicant has not set out a period of use
during which the uses will occur
- 9) The applicant has not set out the works,
measuring devices, to be used and time
it will complete construction of such works
for proposed beneficial uses
- 10) The applicant must be denied due to applicants
failure to pay filing fee.

John, Harrell, John Urquidí see protests

PO Box 135, 2006 Centerville
Bruneau Id 83604, Boise Idaho 83705

John Harrell, John Urquidí

We also request additional time for County to protest due to Holiday season
and 5 to additional points of Protest



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

December 15, 1999

KARL J. DREHER
DIRECTOR

CORPS OF ENGINEERS
HC 33 BOX 1020
BOISE ID 83706

Re: Application for Water Right Nos. 51-07369, 51-07370, and 51-07371 in the Name of the
Bureau of Land Management

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications for permit.

Please review the application and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit

Dear Sir

Enclosed are copies of applications for permit that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive style with a large, sweeping flourish at the end.

Gary Spackman

GS:st

Encl

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 3948 Development Ave
Boise 83705
Application No. 51-07370
(if known)

IN 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

[Handwritten Signature]

Date

11-29-99

Please return this form to:

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

51-07370

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: UNNAMED STREAM
Source: SPRING

Tributary: LITTLE JACKS CREEK
Tributary: UNNAMED STREAM

Diversion Pt: NENENE Sec 31 T 09S R 02E in OWYHEE County.
 NWNWNW Sec 32 T 09S R 02E in OWYHEE County.

Use: STOCKWATER STORAGE	(1.00 AF)
WILDLIFE STORAGE	(1.00 AF)
DIVERSION TO STORAGE	(0.020 CFS)
Total Diversion:	(0.020 CFS)

Date Filed: 9/ 9/1999

In: OWYHEE County
T09S R02E S32 NWNW

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