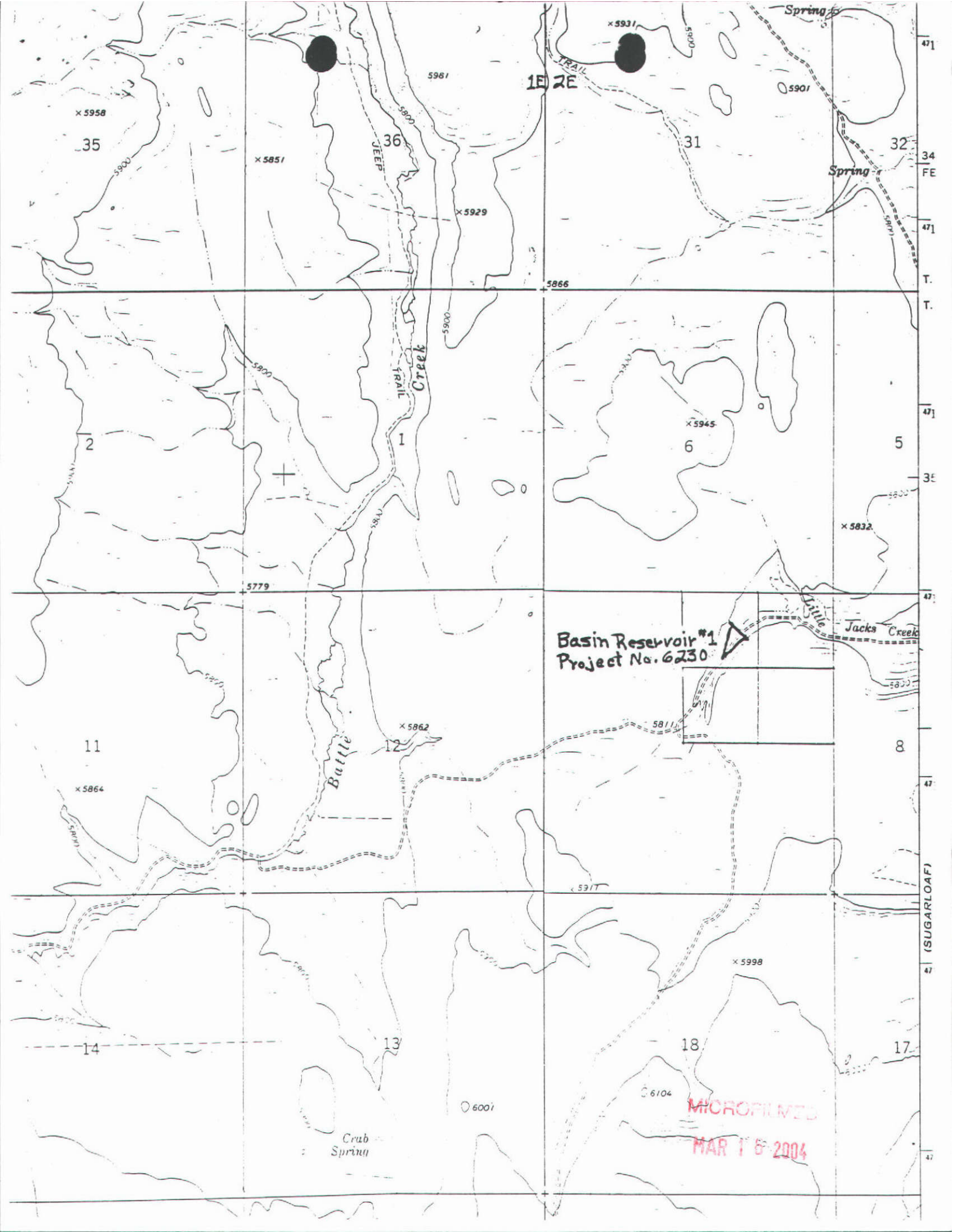
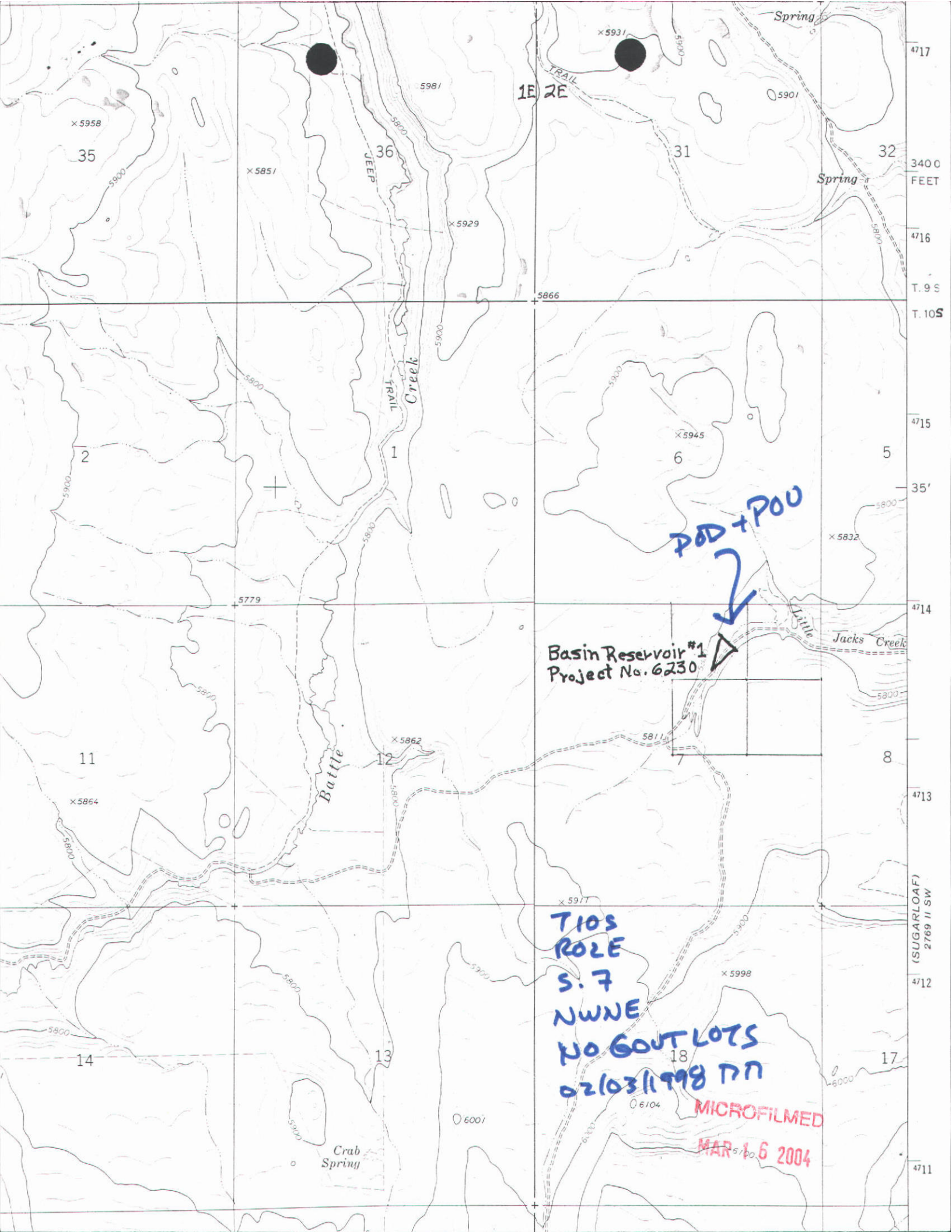

1E 2E
Spring
TRAIL
JEEP
Battle Creek
Little Jacks Creek
Basin Reservoir #1
Project No. 6230
Crab Spring
(SUGARLOAF)
35
36
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×5862
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5317
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6001
MICROFILMED
MAR 16 2004


1E 2E
T. 9 S
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POD + POU
Basin Reservoir #1
Project No. 6230
T10S
R01E
S. 7
NWNE
NO GOVT LOTS
02/03/1998 DH
MICROFILMED
MAR 16 2004
Spring
Jeep Trail
Creek
Battle
Little Jacks Creek
Crab Spring
(SUGARLOAF)
2769 II SW
3400 FEET

IDAHO—OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

17'30" 559 R.1E. R.2E. 360 000 FEET 561 116°15'
42°37'30"

51-7370
(Tanks Res.)

51-07369
(Owens Field Res. breached.

51-7371
(Reconstruction)

51-07367
(New)

Turner Reservoir
Spring
Spring
Spring
Creek
Jacks Creek
Little Jacks Creek
Buckaroo Spring
Collier Place Springs
The Hat
LITTLE JACKS CREEK
BASIN
JEEP
TRAIL

LOCATION OF BLM IMPROVEMENT (SEE BLM STAFF)

NOTE: JOHN CLAIMS ARE THE SAME AS BLM'S. P.O. BOX AND SOURCE ?

JOHN ARE AFFECTED BY THIS USGS RIGHTS

THINK THIS IS THE SAME SCALE AS NOT-SCALE

Form No 217
6/00

FOR OFFICE USE ONLY
Amt of Fee $ 50.00
Receipt No. W03073
Receipt By. KH
Date Receipted 11/4/03

RECEIVED
NOV 04 2003
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV
Department of Water Resources

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. 51-7367 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: Little Jacks Creek 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): 600 range cattle
   Irrigation (No of acres): _____ Other._____
6. Total rate of diversion and/or volume for which proof is submitted _____ cfs **OR** 2.0 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. _____ Date: 10/29/03
(include your title, if on behalf of company of organization)
Field Manager
Owyhee FO

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 51-07367

Priority: July 21, 2000

Maximum Diversion Volume: 2.0 AF

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657

has applied for a permit to appropriate water from:

Source: LITTLE JACKS CREEK **Tributary:** JACKS CREEK

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

BENEFICIAL USE	PERIOD OF USE	ANNUAL VOLUME
WILDLIFE STORAGE	01/01 to 12/31	2.0 AF
STOCKWATER STORAGE	01/01 to 12/31	2 0 AF

LOCATION OF POINT OF DIVERSION:
LITTLE JACKS CREEK NE¼NW¼NE¼ Sec. 7, Twp 10S, Rge 02E, B M., OWYHEE County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 02E 7		X															

PLACE OF USE: STOCKWATER STORAGE – Same as Wildlife Storage

CONDITIONS OF APPROVAL

1 Proof of application of water to beneficial use shall be submitted on or before **April 01, 2008.**

2. Subject to all prior water rights.

3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control

4. *Stockwater use is for 600 range cattle.*

5. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

MAR 15 2004

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 51-07367

6 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

MAR 15 2004

RECEIVED
JUN 20 2008
WATER RESOURCES
WESTERN REGION

FORM 202
2/96

Ident. No. 51-07367

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Bureau of Land Management (BLM) Phone 208-384-3300
   Mailing address 3948 Development Avenue, Boise, ID 83705
2. Source of water supply Little Jacks Creek which is a tributary of Jacks Creek
3. Location of point of diversion is Township 10 S Range 2E Sec. 7 in the NE 1/4, NW 1/4, NE 1/4, Govt. Lot _____, B.M., Owyhee County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 1ac/ft for stockwater storage purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount ~~2ac/ft~~ for ~~stockwater use~~ RM 7/21/00 purposes from ~~1/1~~ to ~~12/31~~ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount 2ac/ft for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount ~~2ac/ft~~ for ~~wildlife use~~ RM 7/21/00 purposes from ~~1/1~~ 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)
5. Total quantity to be appropriated is (a) _____ and/or (b) 2.0
   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 earthen dam
   b. *Height of storage dam* 8 feet; active reservoir capacity 1 acre-feet; total *reservoir capacity* 1 *acre-feet*
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
   d. Is ground water with a temperature of greater than 85°F being sought? _____
   e. If well is already drilled, when? _____; Drilling firm _____;
   Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 10 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. 600 range cattle
   c. *Municipal; show name of municipality.* _____
   d. *Domestic; show number of households.* _____
   e. Other; describe fully. _____

MILNE, NEW

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	
10S	2E	7		S															

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? U.S. (BLM)

b. Who owns the land to be irrigated or place of use? U.S. (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: Project name is Basin Reservoir No. 1 and Project Number is 6230.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Signe Sather-Blair

Signe Sather-Blair Bruneau

Signature of Applicant (and title, if applicable)

Resource Area Manager

Received by LM Date 7-28-00 Time 4:49p Preliminary check by DAW

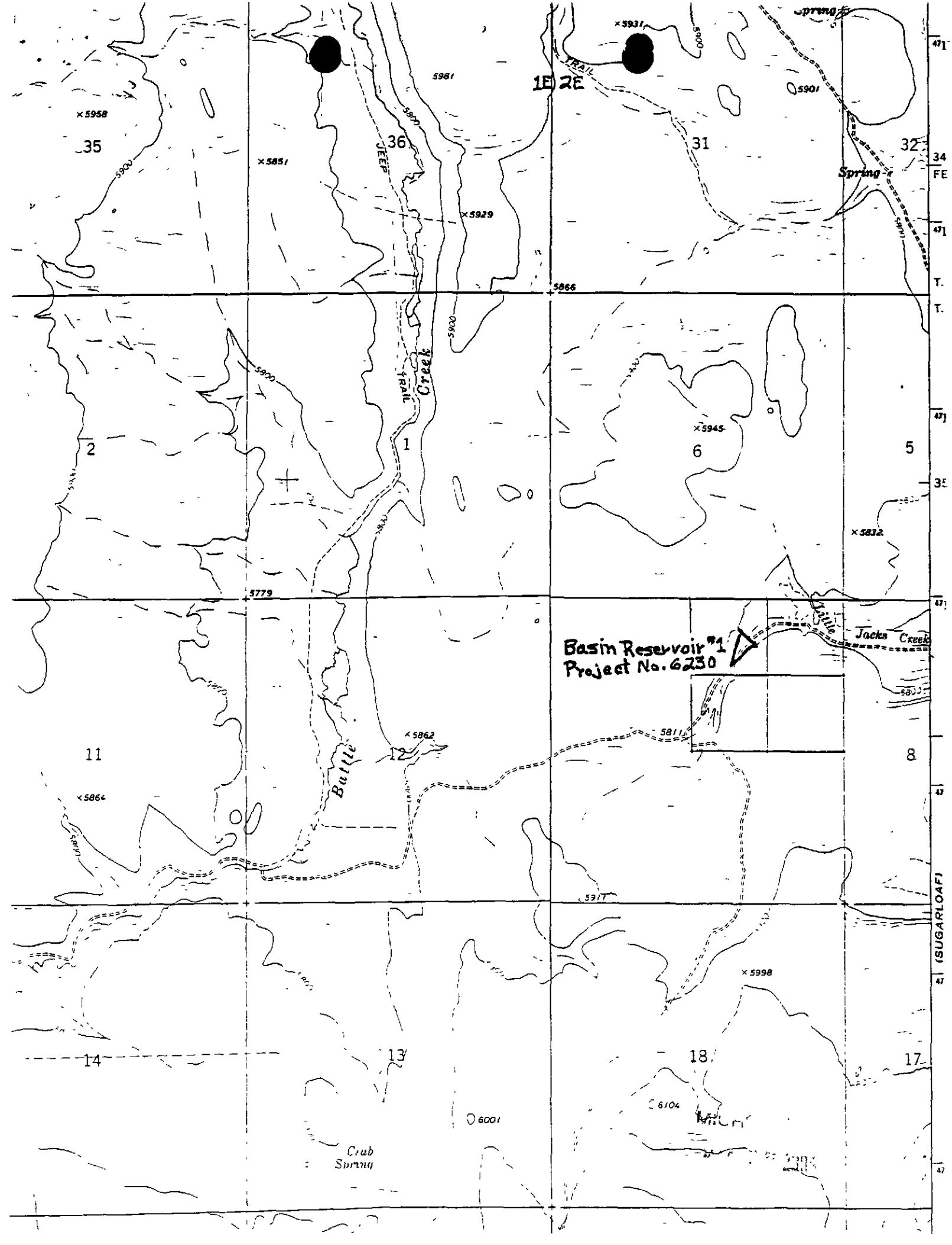
Fee $ 50.00 Receipted by LM # 1026757 Date 7-31-00

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED

AUG 1 5 2000

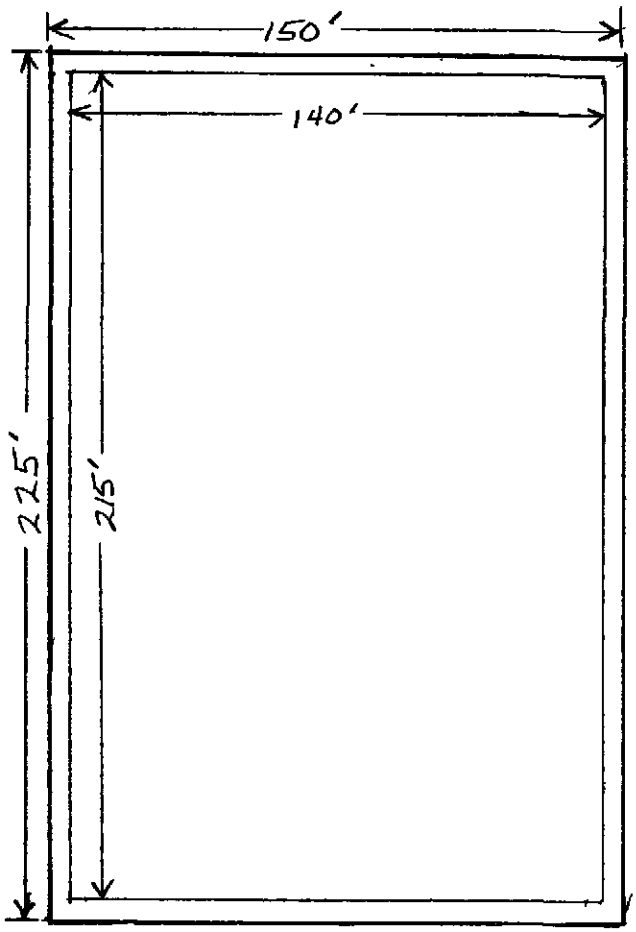

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Basin Reservoir #1
Project No. 6230
Battle Creek
Jacks Creek
Crab Spring
Spring
JEEP TRAIL
TRAIL
5866
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5851
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5832
5998
6001
6104
(SUGARLOAF)

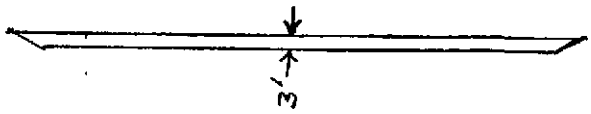
COMPUTATION SHEET

BY KM DATE 7/21/00 PROJECT BASIN RESERVOIR No. 1 SHEET NO. 1 OF 1

CHKD. BY ____ DATE ____ FEATURE Plan View & X-section ACTIVITY 8100

OFFICE Bruneau F.O. DETAIL ____





Av width = 145'
Av. length = 220'
Av. depth = 3.0'

Volume Calculation

$140' \times 220' \times 3' = \frac{92,400\ ft^3}{43,560\ ft^3} = 2.1$ acre/ft.

1 acre = 43,560 ft2

Ident. No. **51-07367**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: US DEPT OF INTERIOR 208-384-3300
   Address: BUREAU OF LAND MANAGEMENT
   3948 DEVELOPMENT AVE
   BOISE ID 83705

2. Source: LITTLE JACKS CREEK Trib. to: JACKS CREEK
3. Location of Point of Diversion: NENWNE Sec. 7, Township 10S, Range 02E
   OWYHEE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER STORAGE	01/01	12/31			1.00
WILDLIFE STORAGE	01/01	12/31			1.00

5. Total quantity to be appropriated is:
   CFS (and/or) 1.00 AF

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
   EARTHEN DAM
   b. Height of storage dam 8 feet; active reservoir capacity 1.00 acre-feet; total reservoir capacity 1.00 acre-feet; period of year when water will be diverted to storage: to inclusive.
   c. Proposed well diameter is inches; proposed depth of well is feet.
   d. Is groundwater with a temperature greater than 85F being sought? NO
   e. If well is already drilled, when?
   Drilling Firm
   Well was drilled for

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

8. Place of Use: STOCKWATER STORAGE

TWN	RGE	SEC	
10S	02E	7	NWNE

MICROFILMED
MAR 15 2001

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [ ]

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

_____
Applicant

Received by _____ Date _____ Time____ Preliminary check by _____

Fee $ 50.00 Receipted by _____ #W023381 Date 1/16/1998

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED
JAN 16 1998

Ident. No. 51-07367

Comments: Date: 2/11/1998 User-ID: STAYLOR

Subject: Use

Stockwater use is for 600 range cattle.

Comments: Date: 2/11/1998 User-ID: STAYLOR

Subject: Proj. name & number.

Project name is Basin Reservoir No. 1 and project no. is 6230.

FORM 202
2/96

Ident. No. 51-07367

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
MAR 17 2003
Department of Water Resources

1. Name of Applicant Bureau of Land Management (BLM) Phone 208-384-3300
   Mailing address 3948 Development Avenue, Boise, ID 83705
2. Source of water supply Little Jacks Creek which is a tributary of Jacks Creek
3. Location of point of diversion is Township 10 S Range 2E Sec. 7, in the NE 1/4, NW 1/4, NE 1/4, Govt. Lot _____, B.M., Owyhee County;
   additional points of diversion if any: _____
4. *Water will be used for the following purposes:*
   Amount 1 ac/ft for stockwater storage purposes from 1/1 to 12/31 (both dates inclusive) *
   (cfs or acre-feet per annum)
   Amount ~~1 ac/ft~~ for ~~stockwater use~~ purposes from ~~1/1~~ to ~~12/31~~ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount 1 ac/ft for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount ~~1 ac/ft~~ for ~~wildlife use~~ purposes from ~~1/1~~ 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)
5. Total quantity to be appropriated is (a) _____ cubic feet per second and/or (b) 1.0 acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source earthen dam
   b. Height of storage dam 8 feet; active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
   d. Is ground water with a temperature of greater than 85° F being sought? _____
   e. If well is already drilled, when? _____; Drilling firm _____
   Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 10 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. 600 range cattle Mitigation
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. _____
   e. Other; describe fully. _____

* S.W. storage & wildl. storage cover all uses per appl. details & IDWR standards. -SE 2/10/98

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	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	
10S	2E	7		S															
				W															

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? U.S. (BLM)

b. Who owns the land to be irrigated or place of use? U.S. (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: Project name is Basin Reservoir No. 1 and Project Number is 6230.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Signe Sather-Blair

Signe Sather-Blair, Bruneau Resource Area Manager

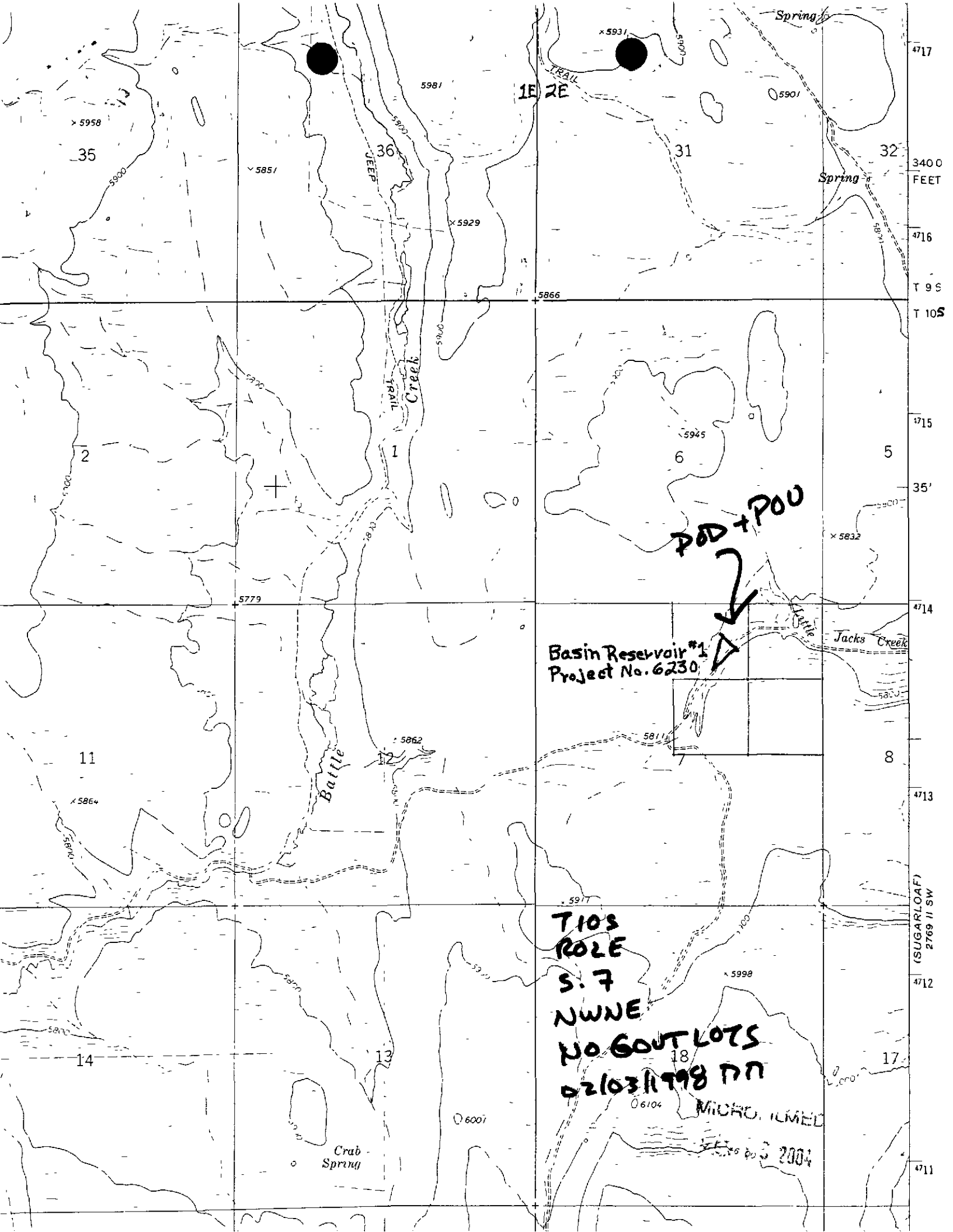
Signature of Applicant (and title, if applicable)

Received by AT Date 1-16-98 Time 12:30 Preliminary check by TTT

Fee $ 50.00 Receipted by AT # W023381 Date 1-16-98

Publication prepared by AT Date 2-11-98 Published in Owyhee Avalanche 2-18+25-98

Publication approved AT Date 3-10-98


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Spring
JEEP TRAIL
TRAIL
Creek
Battle
Battle
Jacks Creek
Crab Spring
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5779
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5917
5998
6104
6007
T 9 S
T 10 S
3400 FEET
35'
(SUGARLOAF) 2769 II SW
POD + POU
Basin Reservoir #1
Project No. 6230
T10S
R01E
S. 7
NWNE
NO GOVT LOTS
02/03/1998 DH
MICROFILMED
2004

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

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures
c: IDWR - Regional Office

MICROFILMED
MAR 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 51-7367 Reviewed By. dgibson Date January 21, 2004

	Yes	No		Yes	No
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?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/04/2003
Date proof due	-	04/01/2008
Lapse notice sent	-	
No of days late	=	0
Holiday allowance	+	
Priority date	+	07/21/2000
New priority date	=	07/21/2000

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. 51-7367

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

MICROFILMED
MAR 16 2004

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

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
MAR 15 2004

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. 51-7367

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

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 2 7 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).

SEP . 5 2008

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.

Comment Report

51-7367

1. kwalker 3/19/2003 Priority Date
Comment: Application was amended on July 21, 2000 to increase the amount of water from 1 af to 2 af. Pursuant to Rule 35 04.c under Amended Applications I have recommended a priority date of July 21, 2000 for this permit

MAR 13 2003

orm No. 202a.
10/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: TTT DATE: 02/03/1998 APPLICATION: 51-07367

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)
N/A Subdivision plat: (for > 1 home in restricted area. ≥ 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
Department of Water Resource

Gov't. Lots:
NO P/D
NO P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A 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:
___	✓	Bull trout impact area
___	✓	Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
✓	~~✓~~ N/A	Copy to Dam Safety staff: (for any storage)
___	✓	Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
___	✓	Send power requirement letter:
___	✓	Send 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 51-07367

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:

YES	NO		YES	NO	
___	✓	I.D. Health & Welfare	___	✓	U.S. BLM
___	___	I.D. District Health	___	___	U.S. Forest Service
___	___	I.D. Fish & Game	___	___	Water Dist. # ___
___	___	I.D. Lands	✓	___	Other John Urquidi HC 85 Box 135 Bruneau 83604-9703

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 3-9-98
___ ✓ Protests received.
___ ✓ Recommendations attached:
___ ✓ Measuring device required:
___ ✓ Measuring port required:
___ ✓ Water delivered by water master? District # ___
✓ ___ Special conditions of approval or cover letter: 121

___ ___ See below for additonal information
Recommended Date or Priority 1/16/98
Recommended by: Davis Date: 3/13/03

STATE OFFICE REVIEW ___

___ See below for additional information. By ___ Date ___

ADDITIONAL INFORMATION:

This application was filed in response to IDWR inquiry related to complaint filed regarding illegal diversion of water. BLM has indicated they intended SRBA claim A51-10487 to cover this use, but A51-10487 describes a downstream reservoir. This application is for an existing wildlife / stock pond. 02/03/1998 TD AKA Basin Res. #1, Project No. 6230.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

Microfilmed

MAR 15 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

MAR 16 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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.

NOTICE OF DEFAULT

Notice is hereby given that a default order will be issued because of a failure of the protestant to appear at the time and place set for the hearing. Protestant John Urquidi has seven (7) days from the date of service of this notice to challenge, by written petition, why a default order should not be issued against him, and why his protest should not be dismissed. Good cause must be shown why the protestant did not appear at the prehearing conference.

Dated this 22nd day of January 2003.

Gary Spackman

MICROFILMED

MAR 1 6 2004

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of January 2003, I mailed a true and correct copy, postage prepaid, of this Notice of Default to those listed below:

Sue Taylor
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

MLC

MAR 1 6 2003

ROSTER OF ATTENDANCE

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

Re: **Application for Permit Nos. 51-7367, 51-7369, 51-7370 and 51-7371 in the Name of the Bureau of Land Management**

Place: **IDWR Western Region, 2735 Airport Way, Boise, Idaho 83705**

Date: **January 15, 2003**

Conducted by: **Gary Spackman**

NAME	ADDRESS
FRED PRICE, WATER RIGHTS SPEC.	BLM, Idaho State Office 1387 S. VINNELL WAY, BOISE, ID. 83709
Bob Mallis	BLM, 3948 Development Ave. Boise, ID
Jon Haupt	" " " " "
	MAR 15 2003

Sue,
Please file.
Gary

Fax November 22, 2002

TO: Gary Spackman
Kathleen Carr
Bob Mallis

FROM: Fred Price

RE: Protest Hearing

Mic

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (SRWR) (933b)

November 22, 2002

Gary Spackman
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

RE: Protest Hearing for BLM Applications 51-07367, 51-07369, 51-07370, and 51-07371

Dear Mr. Spackman:

This notice is provided to inform you that the Bureau of Land Management will be appearing pro se at the protest hearing scheduled for Wednesday, January 15, 2003 at 9:00am. Correspondence to BLM on this matter may continue to be sent to:

Bob Mallis
3948 Development Ave.
Boise, Idaho 83705.

If you have any questions, please contact Bob Mallis at (208) 384-3348, or myself at (208) 373-3831.

Sincerely,

Fredric W. Price
Water Rights Specialist

cc:
Bob Mallis, BLM, LSRD, Owyhee FO
Kathleen Carr, Solicitor's Office

MAR 1 9 2003

CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

7099 3220 0006 2265 0104

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

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- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

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- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT. Save this receipt and present it when making an inquiry.

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insura

7009 3220 0006 2265 0313

Article Sent To:

JOHN URQUIDI, HC 85 BOX 119, BRUNEAU

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt No.; or PO Box No.

City, State, ZIP+ 4

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7000 0006 2264 1809

Article Sent To:

Not - of default 1-22-03

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701

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- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

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0006 2265 0122

Article Sent To:

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

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

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IMPORTANT: Save this receipt and present it when making an inquiry.

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(Domestic Mail Only; No Insura

7009 3220 0006 2265 0115

Article Sent To:

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701

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IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to

JOHN URQUIDI
HC 85 BOX 119
BRUNEAU ID 83604-9701

COMPLETE THIS SECTION ON DELIVERY

A Received by *(Please Print Clearly)* John Urquidi — B Date of Delivery 11/20/02

C Signature
X John B Urquidi ☐ Agent ☑ Addressee

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☑ No

Fee not pd
Different Form

3 Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D

4 Restricted Delivery? *(Extra Fee)* ☐ Yes

2 Article Number *(Copy from service label)*
0115 51[illegible] Blm

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE

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

BRUMBACK
NOV 20
AM
2002
83604

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

NOV 25 2002

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

MAR 15 2004

30

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits

1 Article Addressed to

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

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* | B Date of Delivery 11-20-02

C Signature
X [signature] ☐ Agent ☐ Addressee

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

RECEIVED
NOV 22 2002
WATER RESOURCES
LWESTER REGION

3 Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4 Restricted Delivery? *(Extra Fee)* ☐ Yes

MAR 10 2004

2 Article Number *(Copy from service label)*
0122 515 BLM

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE

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

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

MICROFILMED

MAR 1 6 2004

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to.

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

COMPLETE THIS SECTION ON DELIVERY

A Received by *(Please Print Clearly)* Eileen Hill — B Date of Delivery 11/20/02

C Signature

X Eileen Hill ☐ Agent ☐ Addressee

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

RECEIVED
NOV 22 2002
WATER RESOURCES
WESTERN

3 Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C O D

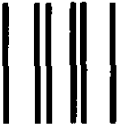
4 Restricted Delivery? *(Extra Fee)* ☐ Yes

MICRO FILMED
MAR 16 2004

2 Article Number *(Copy from service label)*
2265 0108 51⁵ BIM

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE



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

• Sender Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

MAILED

MAR 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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.

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.

MAR 16 2006

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.**

RECEIVED
SEP 25 2002

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 that 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 would be scheduled for mid December to allow for preparation.

ROSTER OF ATTENDANCE

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

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

Place: **Department of Water Resources, Western Region**

Date: **September 20, 2002**

Conducted by: **John Westra**

NAME	ADDRESS
Jon Haupt	BLM-OFO 3948 Development Ave. Boise, ID 83709
Bob Mallis	"
John B. Urquidi	Hc 45 Box 135

IDAHO—OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

17'30" 559 R 1E R 2E 360 000 FEET 561 116°15' 42°37'30"

51-7370
(Tanks Res.)

51-07369
(Owens Field Res.)
breached

51-07367
(New)

51-7371
(Reconstruction)

Turner servant

Spring

Spring

Buckaroo Spring

Collier Place Springs

Jacks Creek

Little Jacks Creek

Little Jacks Creek Basin

The Hat

JEEP TRAIL

Creek TRAIL

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

MICROFILMED
MAR 1 4 2003

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.

MICROFILMED
MAR 1 8 2004

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 0 1 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

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

June 26, 2002

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

John Westra
Western Region

Enclosure
cc: B. Mallus, BLM

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

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

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

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,

Gary Spackman

GS:st

RECEIVED
JAN 3 1 2001
WATER RESOURCES
WESTERN REGION

Lester, Steve

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Thursday, September 21, 2000 11 12 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Multiple Applications for Water Rights

RECEIVED
NOV 2 1 2000
Department of Water Resources

Dear Mr Lester:

The Idaho Department of Fish and Game has reviewed the below referenced applications for permit and applications for transfer and we offer the following comments for your consideration.

65-13959--Berggren: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application.

65-13965--Butler: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application. The intake hose must be screened to prevent entrainment of juvenile fish

78-07399--Belkova: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application.

Application for Transfer No. 5790 (Bumgarner): Since these are existing rights, we do not anticipate any further harm to fish or wildlife habitats.

Application for Amendment of Permit 51-07367 (BLM): As long as this stockwater reservoir improves livestock distribution and lessens riparian impacts, we support its construction

Thank you for the opportunity to comment. Call me if you have any questions

Scott A. Grunder
Environmental Staff Biologist
Idaho Department of Fish and Game, Southwest Region Office
3101 South Powerline Road
Nampa, Idaho 83686
Phone (208)-465-8465
FAX (208)-465-8467
email address: sgrunder@idfg.state id us

IDFG comments Rec'vd 9/21/00

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.

ROSTER OF ATTENDANCE

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

Re: **Application for Permit No. 51-07367 in the Name of BLM**

Place: **IDWR Western Region, 2735 Airport Wy, Boise, Idaho 83705**

Date: **October 12, 2000**

Conducted by: **Gary Spackman**

NAME	ADDRESS
Lance Tubbs (SLS Rangers)	225 North 9th St. #420 83702
Bill Ferry (USDOI-BLM)	208-334-1911
Bob Mallis USDOI-BLM-	208 384-3348

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07367 IN THE NAME OF THE BUREAU OF LAND MANAGEMENT.	)))))	**NOTICE OF PREHEARING CONFERENCE**

On January 16, 1998, 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 application was protested by John Urquidi.

IDWR has scheduled a conference for the protest to be held on **Thursday, October 12, 2000, at 10:00 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 and Regulations 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 within (10) days prior to the conference.

Dated this 12th day of September 2000.

Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 13TH day of September 2000, I mailed a true and correct copy, postage prepaid, of this document 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

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

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

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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?

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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.

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PROCEDURE

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CONFERENCE

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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

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 13, 2000

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 Amendment of Permit No. 51-07367 in the Name of the Bureau of Land Management

Dear Sir:

Enclosed is a copy of the above referenced application for amendment of a permit which may be of interest to your agency. The proposed use of this application is from surface water. The application and the amendment have been protested. Please review the application and submit any comments you may have as soon as possible.

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

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

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

September 11, 2000

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

Re: Application No. 51-07367 in the Name of the Bureau of Land Management

Dear Mr. Urquidi:

In September of 1997 you protested the above-referenced application for permit. The Bureau of Land Management amended the application and you sent another protest and $25.00 protest fee. Your original protest is still in effect so we are refunding your $25.00 protest fee.

By copy of this letter we are asking Debbie Allen of our Fiscal Department to refund you $25.00 protest fee (receipt no. W026877).

Enclosed is a Notice of Prehearing Conference scheduled for October 12, 2000.

Sincerely,

Gary Spackman

GS:st

Encl.

8/21/00

I John Vuyovich protest amendment of an application for permit 51-07367 also protested was original permit

John Vuyovich

RECEIVED
AUG 21 2000
WATER RESOURCES
WESTERN REGION

RECEIVED
AUG 21 2000
LOWER SNAKE RIVER DISTRICT

W026877-H5

MICROFILMED
MAR 15 2004

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)

August 2 and 9, 2000

Signed Joe E. Aman

Subscribed and sworn to me this 9th day of August A D., 2000

SHIRLEY MARTINAT NOTARY PUBLIC STATE OF IDAHO

Shirley Martinat

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

NOTICE FOR AMENDMENT OF AN APPLICATION FOR PERMIT

Notice is given that **BUREAU OF LAND MANAGEMENT** of 3948 Development Ave., Boise, ID. 83705 has applied to the Department of Water Resources to change the quantity of water to appropriated of the following water right in the NWNE S7 T10S R2E Owyhee County pursuant to I.C. §42-211:

APPLICATION #51-07367, **Little Jacks Creek tributary to Jacks Creek, priority date 1/16/1998, for 1 afa used for Stockwater and Wildlife Storage.**

PROPOSED AMENDMENT

To increase the storage rate to a volume of 2 afa.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before August 21, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director.

8/2,9/00

RECEIVED
AUG 14 2000
WATER RESOURCES
WESTERN REGION

NOTICE FOR AMENDMENT OF AN APPLICATION FOR PERMIT

Notice is given that **BUREAU OF LAND MANAGEMENT** of 3948 Development ave, Boise, ID 83705 has applied to the Department of Water Resources to change the quantity of water to appropriated of the following water right in the NWNE S7 T10S R2E Owyhee County pursuant to I.C. § 42-211:

APPLICATION # 51-07367, Little Jacks Creek tributary to Jacks Creek, priority date 1/16/1998, for 1 afa used for Stockwater and Wildlife Storage.

PROPOSED AMENDMENT

To increase the storage rate to a volume of 2 afa.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before August 21, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on August 2 and 9, 2000.

SEP 15 2000

Form No. 211a
9/99

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

AWO2COMMON OF AWO2 (N:)/TAYLOR

Right Number 51-07367 WP File Name BLM AMENDMENT ADJ

Initial Review By: DAN Date 7-20-2000

Applicant BUREAU OF LAND MANAGEMENT

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s)

☒ Increase amount. ☐ Change place of use. ☐ Other _____

INCREASE STORAGE FROM 1 AF TO 2 AF

CHECK:

- ☒ Description of amended elements.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map. ☒ Signature-must be permit holder. ☐ Fee.
- ☒ Surface water source: IDFG letter needed; notify Water Planning Bureau if protected river or minimum flow reach. SEND COMMENT LETTER TO Fish & Game.
- ☑ Existing water rights from the same source, amended p/d or p/u.
  - ☒ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☐ No Should date of priority be delayed? If yes, to what date? _____
- ☑ Legal notice electronically transmitted to State Office.
- ☐ Additional analysis information attached.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. ☑ Amendment published correctly
- ☐ Protest processed.
- ☒ Comment letters to: JOHN HAGUIDI (CURRENT PROTESTANT) SEE MO FOR ?
- ☐ Copy for region file: Always include application, staff analysis sheet, legal notice
  List other items to copy _____
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389
http://www.id.blm.gov

In Reply Refer To

7200

JUN 16 2000

RECEIVED
JUN 20 2000
WATER RESOURCES
WESTERN REGION

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

Re: Application for water right permit number 51-07367

Dear Mr. Spackman:

On January 16, 1998, the Bureau of Land Management applied for a permit to divert and store one acre foot of water in a stock pond located on Little Jacks Creek in Owyhee County. The application number is 51-07367.

Application 51-07367 was subsequently protested by John Urquidi on March 9, 1998.

Studies of the hydrologic conditions in the upper Little Jacks Creek watershed, conducted since the referenced application was filed and protested, indicate that the amount of water applied for should be increased by one acre foot in order to adequately serve the number of stock using the reservoir.

For the above stated reason, we hereby request that our original application be amended to increase the total amount of water appropriated by one acre feet for a total appropriation of two acre feet. An amended application for permit 51-07367 is enclosed.

Sincerely,

Jenna Whitlock
Bruneau Field Manager

Enclosure:

cc: John Urquidi
C/O Paul Turcke, Attorney at Law
Moore Smith Buxton & Turcke, Chartered
225 N. 9th Ave. Ste 420
Boise, ID 83702

MEMORANDUM

To: File no. 51-0367 in the name of BLM (protested by John Urquidi)
From: Gary Spackman
Date: April 27, 2000

Re: Prehearing Conference & Scheduling Hearing

I conducted a prehearing conference for the above application on April 21, 2000. BLM was represented by Bill Ferry, attorney at law. Bob Mallis of BLM also attended. The protestant, John Urquidi, was represented by Paul Turcke, attorney at law. Urquidi did not appear.

After discussing the matter with the parties, the asked for some additional time to explore settlement and gather some additional information. I told them I would wait a couple of months and then would schedule the contested case for hearing. This file needs to be called up on July 1, 2000.

5/5/00

I John Urquidi request Water resources to contact BLM an find out whats going on with 51-07367 an inspection of the proposed diversty marks by myself on 5/3/00 shows that the brushed dam has been repaired and is building/impounding waters

Thanks
John Urquidi

RECEIVED
MAY 05 2000
WATER RESOURCES
WESTERN REGION

MAR 15 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07367 IN THE NAME OF THE BUREAU OF LAND MANAGEMENT.	**AMENDED NOTICE OF PREHEARING CONFERENCE**

Notice is hereby given that the conference for the above-referenced matter is hereby changed from Thursday, April 20, 2000, at 2:00 p.m. to **Friday, April 21, 2000, at 10:00 a.m. The location of the conference remains the same, at the Department of Water Resources, Western Region, 2731 Airport Way, Boise ID 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 Practice 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 department within (10) days prior to the conference.

Dated this 27th day of March, 2000.

Gary Spackman

Mailed
MAR 2 5 2000

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of March, 2000, I mailed a true and correct copy, postage prepaid, of this document 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

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

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

MAR 1 5 2000

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

March 17, 2000

Paul Turcke, Attorney at Law
Moore Smith Buxton & Turcke, Chartered
225 N. 9th Ave Ste 420
Boise, ID 83702

Bob Malllis
Bureau of Land Management
3948 Development Ave.
Boise, ID 83705

Re: Water Right No. 51-07367

Gentlemen:

In January 1998, BLM applied with the Idaho Department of Water Resources (IDWR) to store one acre foot of water near the headwaters of Little Jack's Creek for stock water and wildlife purposes. The application was protested by John Urquidi.

A prehearing conference for the contested case was conducted in March 1999. Following the prehearing conference I issued a prehearing order that granted a six month suspension of processing requested by the parties at the conference. BLM requested the delay so it could conduct some additional field work. In addition, the parties wanted "to negotiate regarding several contested adjudication claims, a settlement of which might bear on the resolution of the protest against application for water right no. 51-07367." The order stated that IDWR would schedule another prehearing conference after September 1, 1999, if parties had not communicated with IDWR.

Enclosed is a notice of prehearing conference for the afternoon of April 20, 2000.

Sincerely,

Gary Spackman
Manager, Western Region

GS/lm
cc: John Urquidi
William M Ferry

MICROFILMED
MAR 16 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07367 IN THE NAME OF THE BUREAU OF LAND MANAGEMENT.	**NOTICE OF PREHEARING CONFERENCE**

On January 16, 1998, 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 application was protested by John Urquidi. The prehearing conference held Wednesday, March 22, 2000 did not resolve the matter of protest.

IDWR has scheduled a second prehearing conference for the protest to be held on **Thursday, April 20, 2000, at 2:00 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 17th day of March 2000.

Gary Spackman

MICROFILMED
MAR 16 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of March 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
999 MAIL ST
BOISE ID 83702

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

MAR 1 6 2000

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.

MAR 5 2004

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.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR WATER RIGHT NO. 51-07367 IN THE NAME OF THE BUREAU OF LAND MANAGEMENT.	)))))	**PREHEARING ORDER**

A prehearing conference was conducted on March 3, 1999, regarding application for water right no. 51-07367. After discussing the intent of the application and the concerns of the protestant, the parties agreed to negotiate regarding several contested adjudication claims, the settlement of which might bear on the resolution of the protest against application for water right no. 51-07367. The Bureau of Land Management also agreed to review its application, conduct some additional field work, and determine within a six (6) month period whether it needs to amend the application or file for an additional water right. The Idaho Department of Water Resources (IDWR) agreed to grant a six (6) month suspension in processing based on the request of the parties.

IT IS HEREBY ORDERED that processing of application for water right no 51-07367 is SUSPENDED for a period of six (6) months.

IT IS FURTHER ORDERED that if the parties have not communicated with IDWR prior to September 1, 1999, IDWR will schedule the matter for another prehearing conference.

Dated this 30th day of March, 1999.

Gary Spackman

MICROFILMED

MAR 1 5 2001

CERTIFICATE OF MAILING

I hereby certify that on this 31st day of March, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, addressed to the following:

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

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

PAUL TRUCKE ESQ
999 MAIN ST
BOISE ID 83702

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

Sue Taylor
Senior Secretary

ROSTER OF ATTENDANCE

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

Re: **Application for Water Right No. 51-07367 in the Name of US Dept of Interior**

Place: **IDWR, 1301 N. Orchard, Boise, Idaho 83706**

Date: **March 3, 1999**

Conducted by: **Gary Spackman**

NAME	ADDRESS
Wm. M. Ferry	USDI-Solicitor's Office, Boise
Paul Turcke	999 Main Street Suite 910 83702
John B. Urquidi	HC 85 Box 135 Bruneau Id 83604
Bob Mallis	BLM, LSRO 3948 Development Ave, Boise
FRED PRICE 373-3831	BLM, IDAHO STATE OFFICE 1387 S. VINNELL WAY BOISE 83709

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07367 IN THE NAME OF THE THE DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT.	**NOTICE OF PREHEARING CONFERENCE**

On January 16, 1998, 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 application was protested by John Urquidi.

IDWR has scheduled a conference for the protest to be held on Wednesday, March 3, 1999, at 10:00 a.m. at the Department of Water Resources, conference rooms A & B, 1301 N. Orchard, Boise, Idaho 83706. 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 22nd day of January, 1999.

Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed.

Sue Taylor
Senior Secretary

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

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

PAUL TURCKE ESQ
999 MAIN ST
BOISE ID 83702

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

MAR 16 2001

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.

United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
Boise Field Office
Federal Building & U.S. Courthouse
MSC 020-550 West Fort Street
Boise, Idaho 83724-0020

RECEIVED
APR 16 1998
WATER RESOURCES
WESTERN REGION

April 15, 1998

Mr. Gary Spackman
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 51-07367 BLM

Dear Mr. Spackman:

Paul Turcke, Attorney for John Urquidi, and I have met, along with our clients, and discussed this application and protest. As a result of that meeting, we have concluded that the resolution of this protest is incumbent on further factual research, including field visits to the area of the reservoir. Unfortunately, we must delay field visits for a few more weeks because of difficulty with access.

Therefore, both the applicant and the protestant request that any conference on this matter should be delayed pending further fact-finding by the parties. We also agree to give you an update on the progress of this matter in about 45 days.

We appreciate your cooperation in this matter.

Sincerely,

William M. Ferry
Attorney

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 9, 1998

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

Re: Application for Permit No. 51-07367

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestants and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (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?

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 9, 1998

JOHN URQUIDI
J & J RANCHES
HC 85 BOX 135
BRUNEAU ID 83604

Re: Application for Permit No. 51-07367 in the Name of Bureau of Land Management

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or 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?

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

Sincerely,

Gary Spackman

GS:st

PROTEST INFORMATION SHEET

APPLICANT: US Dept of Interior, BLM

WR #: 51-07367

DATE FILED: 01-16-1998 **PROTEST DATE:** 03-09-1998

PROTESTANT(S) NAME & ADDRESS:

John Urquidi, HC 85 Box 135, Bruneau, Idaho 83604

Attorney - Name & Address

Issues _____

_____

_____

_____

Applicant - Attorney - Name & Address _____

_____

Dates: _____

Acknowledgement Letters 3-09-98

Hearing Notice _____

Hearing Date _____

Other: _____

_____

_____

_____

RECEIVED
MAR 0 9 1998
WATER RESOURCES
WESTERN REGION

I John Urquidi protest the Dept of Interiors BLM Water Right Application ~~X~~ - 074367 for the following Reasons:

MAR 09 1998
RECEIVED

BLM can not make beneficial use of the water. The cattle/wildlife that might use this water, or be in the vicinity, or may have access are not owned by the BLM. The BLM's use would be incendental to others owners interest. The cattle/wildlife owners are not making this application.

BLM's diversion works are for in surplus to the amount filed on.

BLM's application for water will degrade the quality of the water because manure may be discharged into the storage, also causing possible ground water contamination thru infiltration.

BLM's application does not demonstrate that there is suffient allocateable water. This application would interfere and deny water to a senior water licencies already held by Mr. Urquidi.

BLM's application is incorrect in identifing Little Jacks Creek as its source for water.

BLM's application is pre-mature and should wait, or be resubmitted after BLM's claim currently in litigation and held for hearing on April 30th in Murphy is resolved. BLM's application is in duplication to its Snake River Adjudication claim.

MICROFILMED
MAR 1 5 2004

Mr Urquidi is willing to work with the BLM in establishing a coordinated solution to the BLM on Water Resources for their needs in a positive manor that may have been over-looked

Sincerely Yours

John Urquidi



MICROFILM
MAR 16 2004

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)

February 18 and 25, 1998

Signed _____

Subscribed and sworn to me this 25th day of February A D , 1998

_____

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

NOTICE OF APPLICATION FOR WATER RIGHT

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

51-07387

UD DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE, ID 83705
Source: LITTLE JACKS CREEK
Tributary: JACKS CREEK
Diversion Pt: NENWNE Sec 7 T 10S R 02E in OWYHEE County.
Use: STOCKWATER STORAGE (1.00 AF)
WILDLIFE STORAGE (1.00 AF)
Total Diversion: (1.00 AF)
Date Filed: 1/16/1998
In: OWYHEE County
T10S R02E S07 NWNE

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 on or before MARCH 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

2/18&25/98

RECEIVED
FEB 2 6 1998
WATER RESOURCES
WESTERN REGION

MICROFILMED
MAR 1 6 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 11, 1998

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 MARCH 9, 1998.

Yours truly,

Sue

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MAR 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MAR 1 5 2004

51-07367

UD DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: LITTLE JACKS CREEK Tributary: JACKS CREEK

Diversion Pt: NENWNE Sec 7 T 10S R 02E in OWYHEE County.

Use: STOCKWATER STORAGE	(	1.00 AF)
WILDLIFE STORAGE	(	1.00 AF)
Total Diversion:	(	1.00 AF)

Date Filed: 1/16/1998

In: OWYHEE County
T10S R02E S07 NWNE

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 on or before MARCH 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 2/18/1998 & 2/25/1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604-9703

Re: Application for Water Right Permit No. 51-07367 in the Name of the US Dept of Interior, Bureau of Land Management

Dear Mr. Urquidi:

Enclosed is a copy of the above-referenced application for water right.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 1998

BOB MALLIS
BOISE FIELD OFFICE
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705-5389

Dear Mr. Mallis:

This letter is based on information that was provided at a meeting today at the IDWR western region office. The meeting was held in response to a complaint received by IDWR about an alleged illegal diversion of water in T10S, R02E, section 7, on the east line of the section.

You indicated during that meeting that the BLM impounds water in T10S, R02E, section 7, SWNE, in a small reservoir. IDWR has no record of a water right associated with this impoundment of water. Any storage of water at this site is in violation of Idaho state law.

Please do not hesitate to contact me at this office if you have any questions regarding this matter.

Sincerely,

Gary Spackman
Regional Manager

GS/mm

cc: J. Urquidi

MEETING SUMMARY

DATE: January 14, 1998
9:00 a.m.

ATTENDEES: Maria Minicucci, IDWR
Abby Jossie, BLM
Jake Vialpando, BLM
Bob Mallis, BLM

A meeting was conducted to determine the location of the BLM's diversion in T10S, R02E, section 7. Mr. John Urquidi had filed a complaint with IDWR alleging an illegal diversion by BLM. Mr. Urquidi's description of the diversion is the NE corner of the section.

The BLM has filed claim no. A51-10487 on the reservoir in the NENE of section 7. Mr. Urquidi has filed an objection with the SRBA court on this claim. BLM staff indicated in this meeting that they also have an impoundment further upstream, located in the SWNE of section 7. There is no filing for the upstream impoundment.

An SRBA claim is not appropriate for the upstream impoundment because it was built in the early 1980's and is in violation of the mandatory permit statute.

Bob Mallis took an Application for Permit (with instructions) with him. He anticipated that the BLM would file an application on the upstream impoundment.

M Minicucci
01/14/1998

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

RECEIVED
DEC 24 1997
WATER RESOURCES
WESTERN REGION

In Reply Refer To:
7250

DEC 22 1997

Gary Spackman, Regional Manager
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Request for information regarding storage of water in T. 10 N., R. 2 E., Sec. 7

Dear Mr. Spackman:

Your letter of November 28, 1997, stated that a complaint had been filed with your office which alleges that the Bureau of Land Management is storing water in excess of its water right on the headwaters of Little Jack's Creek. The location of the impoundment described in your letter was T. 10 N., R. 2 E., sec. 7. We believe that the description should read T. 10 S., R. 2 E., sec. 7.

The BLM maintains an impoundment for stock water located in the northeast quarter of section 7, T. 10 S., R. 2 E. This impoundment, known as Basin Reservoir No. 1., is a pit type reservoir capable of containing two acre-feet of water when completely filled. Because of limited runoff from the watershed above, the reservoir has never contained more than approximately one acre-foot of water. We estimate that the reservoir usually impounds between one-half and one acre-foot of water.

According to our records, BLM has no storage facilities upstream of Basin Reservoir No. 1.

If you need further information regarding this matter, please contact Mr. Bob Mallis of this office. Bob can be reached by telephone at (208) 384-3348.

Sincerely,

Signe Sather-Blair

Signe Sather-Blair
Bruneau Resource Area Manager

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 28, 1997

BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709

To Whom It May Concern:

This letter is an inquiry into the storage of water on the headwaters of Little Jacks Creek. The location of the impoundment in question is Twp. 10N, Rge. 2E, Section 7, near the east side section line.

The Department of Water Resources (IDWR) received a complaint regarding diversion and impoundment of water on the headwaters of Little Jack's Creek. The complaint alleges that the BLM is storing water in excess of their water right.

IDWR records indicate that the BLM filed claim no. A51-10487 in the Snake River Basin Adjudication (SRBA). This claim is for .30 acre-feet of storage of water from Little Jacks Creek. It appears that claim no. A51-10487 is filed on the same reservoir mentioned in the complaint.

IDWR requests that the BLM supply IDWR with information regarding storage of water in Twp. 10N, Rge. 2E, Section 7. Specifically, IDWR requests information on the amount of water BLM stores in the reservoir on the east side of the section. IDWR also requests information on any other storage facilities that the BLM may have upstream of the described reservoir.

Please submit the requested information within 30 days of the date of this letter. Please do not hesitate to contact me if you have any questions or comments.

Respectfully,

Gary Spackman
Regional Manager

MM:s

cc: J. Urquidi

MEMORANDUM

September 17, 1997

TO: GARY SPACKMAN

FROM: JAN SHURTE

RE: COMPLAINT FILED BY JOHN URQUIDI

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Attached are the rights I feel may be involved in this dispute. Also attached is a copy of the map of the area with some notes.

The BLM claim 51-10487 has been recommended for decree to the SRBA court in the Reporting Area 6 D/S report. So, John Urquidi may feel he should file an objection - which would be up to him.

Maria conducted the field exam on Claim No. A51-02252 and also was shown the BLM dam and reservoir that appears to be in question. She would be a good candidate to review this as a possible illegal storage. The BLM claim is for .30 af of storage and the reservoir appears to store more than that.

MICROFILMED
MAR 16 2004

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN URQUIDI HC 85 BOX 135 BRUNEAU ID 836049703 (208) 845-2844	08/15/1946	IRRIGATION STORAGE	00-00	00-00		200.00 AFA
			IRRIGATION FROM STORAGE	00-00	00-00		200.00 AFA
			STOCKWATER STORAGE	00-00	00-00		200.00 AFA
			STOCKWATER FROM STORAGE	00-00	00-00		200.00 AFA
					TOTAL DIVERSION:		200.00 AFA

Water Source: UNNAMED STREAM Tributary to: LITTLE JACKS CREEK Stage: LICENSE

Point(s) of Diversion: T10S R02E S07 NENE OWYHEE County
Point(s) of Injection: T10S R02E S07 NENENE OWYHEE County
Point(s) of Re-diversion: T10S R02E S05 SESWSE SWSESE OWYHEE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
10S	02E	5				10									15			15	40.0
																	TOTAL ACRES		40.0

Place of use Legal Description for: STOCKWATER FROM STORAGE

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
10S	02E	5				S									S			S	

POU County: OWYHEE

Non-Irrigation Uses: S/500 HEAD RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
51-10487 51-10873 A51-02065 A51-10487 A51-10873 A51-10874 F51-10487 R51-10874

Other Water Rights Listing Overlapping Place(s) of Use:
A51-02065

Remarks: GEN AC. IRR.=40.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

RECEIVED
MAR 15 2004
WATER RIGHTS

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709 (208) 373-4000	01/01/1874	STOCKWATER STORAGE STOCKWATER FROM STORAGE	01-01 01-01	12-31 12-31		0.30 AFA 0.30 AFA
				TOTAL DIVERSION:			0.30 AFA

Water Source: LITTLE JACKS CREEK Tributary to: JACKS CREEK Stage: BENEFICIAL USE

Point(s) of Diversion:
T10S R02E S06 SESE OWYHEE County
S07 NENE OWYHEE County

Place of use Legal Description for: STOCKWATER STORAGE

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
10S	02E	6																S
10S	02E	7	S															

Place of use location for STOCKWATER FROM STORAGE is the same location as described for: STOCKWATER STORAGE

POU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
51-10199 A51-02252 A51-10199 A51-10487 F51-10487

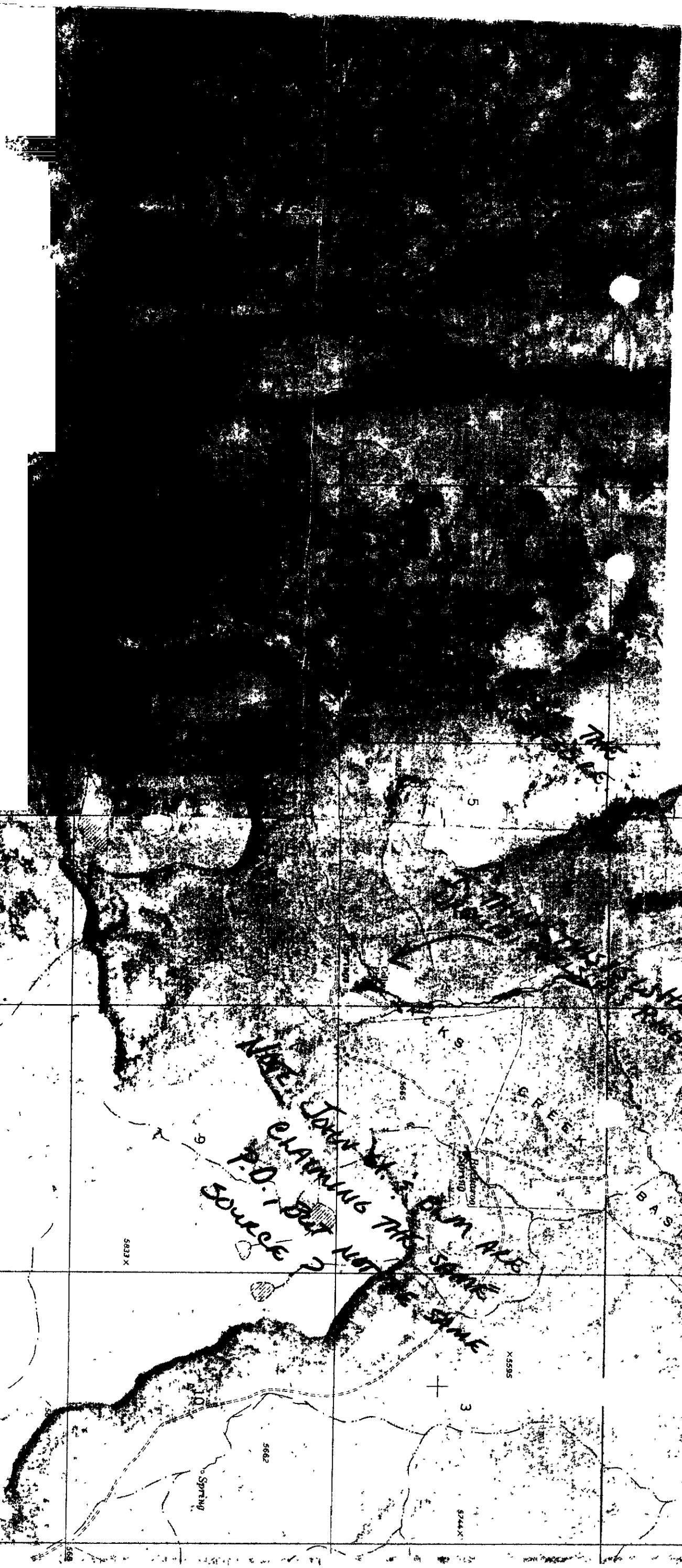
Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP BLM RECORD ID = 5101680123
CRAB SPRINGS BUTTE I4-103
STOCKWATER, 2314 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 07/12/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/06/94 DUNN1 01/07/94 DUNN1 09/11/96 NM-SHAFF 10/11/96 AD-SHAFF
02/10/97 LHARRIS 07/11/97 RBROWN 07/12/97 RBROWN 07/31/97 ADT-DSHA
08/01/97 CPDSHAFF


Spring
Spring
Spring
5665
5833 X
5662
5744 X
X5595
5578
16
15
10
3
34
32
33
4
5
1
9
T
R
E
X
BASIN
Ranch
Cabin
Ck
Wheeler Jonn
Channels The
P.O. Idaho Hunt
Source ?
Dam Are
Same
Time
Wheeler John Area Reflected

RECEIVED
SEP - 8 1997
WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: GARY SPACKMAN

FROM: NORM YOUNG NCY

RE: COMPLAINT OF UNAUTHORIZED WATER USE

DATE: September 5, 1997

Attached is a letter from John Urquidi asking that a diversion and use of water by BLM be stopped. Please look into this matter and provide a report to me on the recommended course of action.

c. Glen Saxton
Tim Luke

MAY 15 2004

RECEIVED
SEP - 5 1997
WATER RESOURCES
WESTERN REGION

RECEIVED
SEP 0 5 1997
Department of Water Resources

Aug. 20, 1997

Dear Sirs:

My name is John Urquidi. I would like to file a complaint against the Department of Interior Bureau of Land Management (BLM). It is my contention that the BLM has and continue the illegal diversion and use of water without having obtained a valid water right. BLM's use has impaired down drainage water users by their illegal diversion. A long legal fight as to authorized use of that existing water license on BLM land between me and BLM has been finally resolved in my favor. I now request relief from the director as to BLM's illegal diversion. I believe statue 42-351 covers the issue but I rely on your expertise.

The BLM's use and diversion is in 10 S 2 E sec. 7, by the section line on the east line. The constructed reservoir has no license and traps all available water and is far beyond their 1 acre foot claimed under adjudication. I would request this BLM reservoir to be breached restoring natural course of water.

Sincerely,

John Urquidi

RECEIVED
SEP 0 5 1997
Department of Water Resources

Aug. 20, 1997

Dear Sirs:

My name is John Urquidi. I would like to file a complaint against the Department of Interior Bureau of Land Management (BLM). It is my contention that the BLM has and continue the illegal diversion and use of water without having obtained a valid water right. BLM's use has impaired down drainage water users by their illegal diversion. A long legal fight as to authorized use of that existing water license on BLM land between me and BLM has been finally resolved in my favor. I now request relief from the director as to BLM's illegal diversion. I believe statue 42-351 covers the issue but I rely on your expertise.

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Sincerely,

John Urquidi