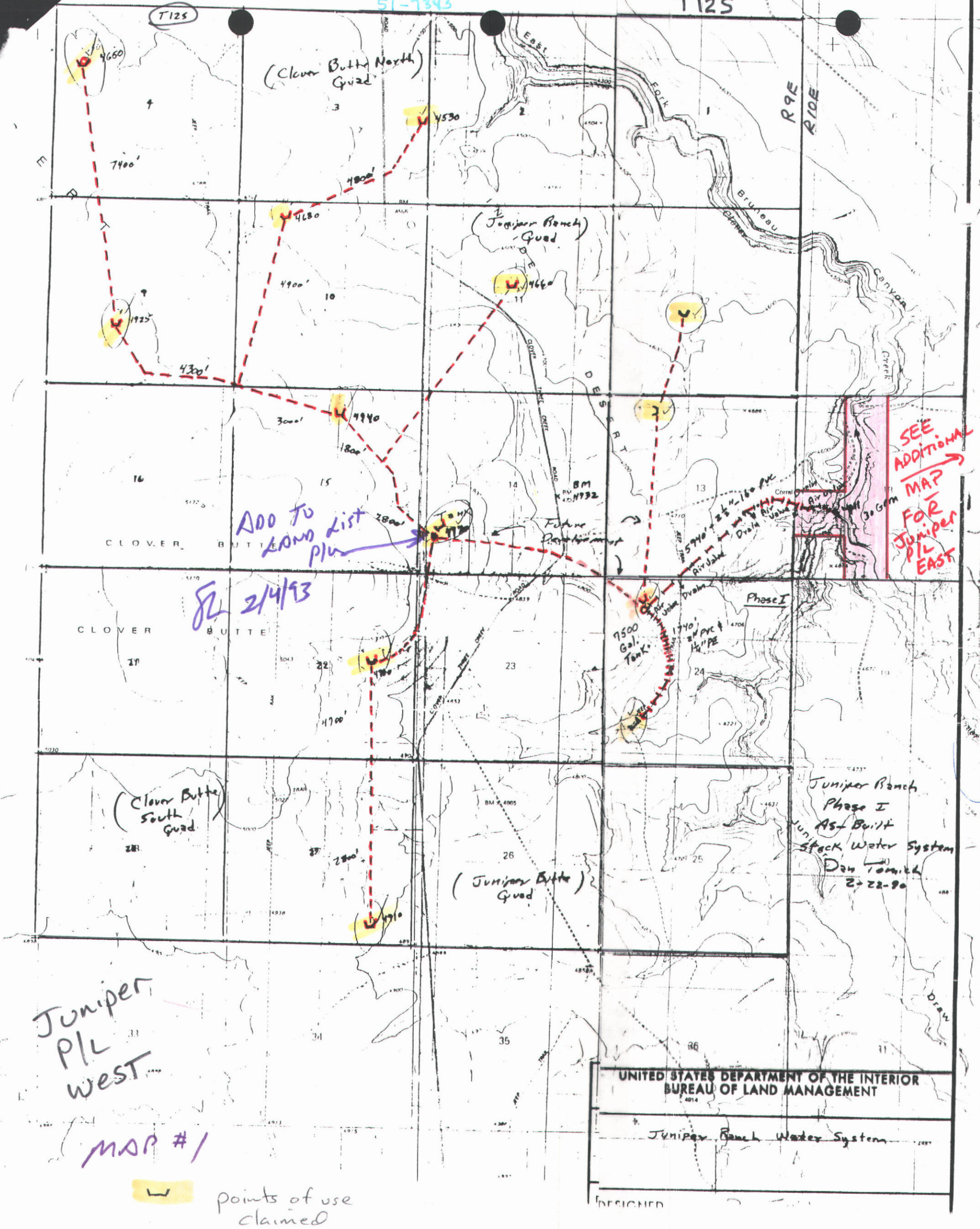


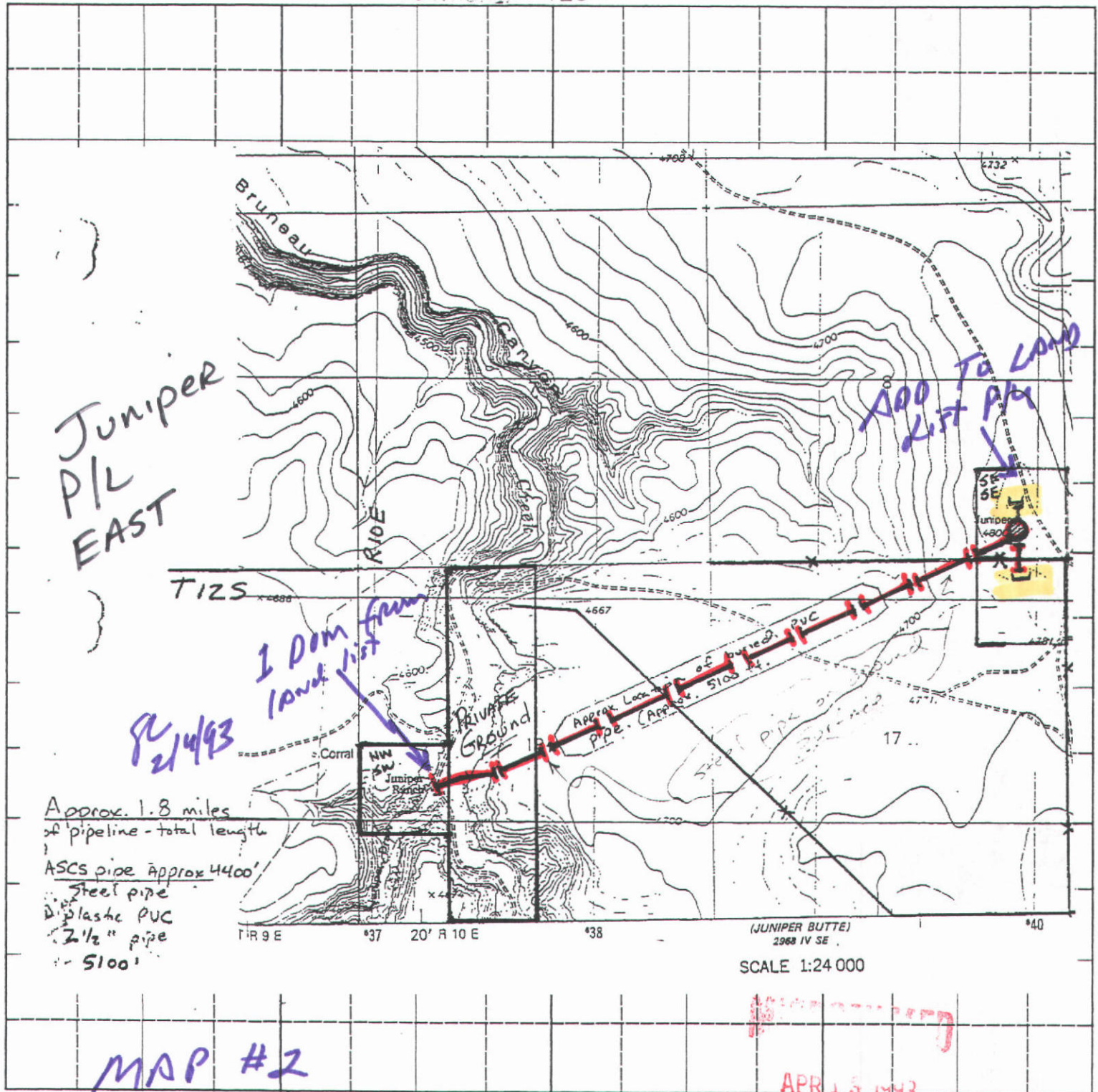
T125

T125



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

TOWNSHIP 12S



Scale: 2 inches equal 1 mile.

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

W

points of use
claimed

[illegible]

 Aerial Photo Attached
(required for irrigation of 10+ acres)

✓ Photo of Diversion and System Attached

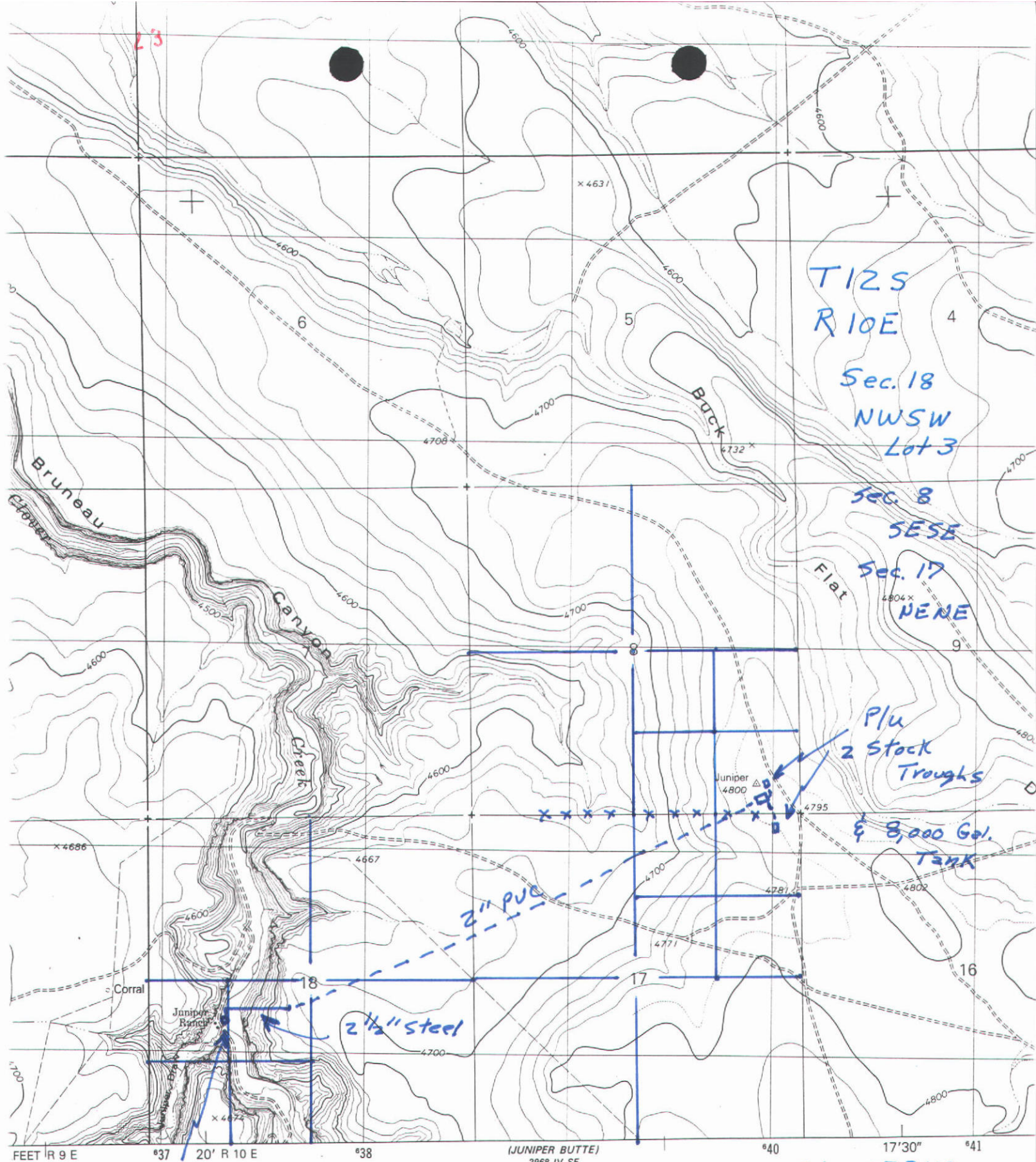
4.

*Code to correspond with No. on map and aerial photo

1.

2. Measurements: None - System off; Pump was removed for repairs.

SEP 22 2002



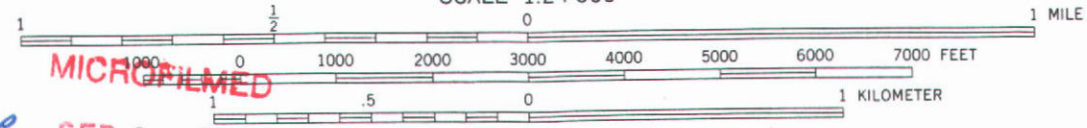
FEET 19 E 37 20' R 10 E 38 (JUNIPER BUTTE) 2968 IV SE 40 17'30" 41

P10
clover
Creek
Pump

MICROFILMED
SEP 23 2002

SCALE 1:24 000

51-07343

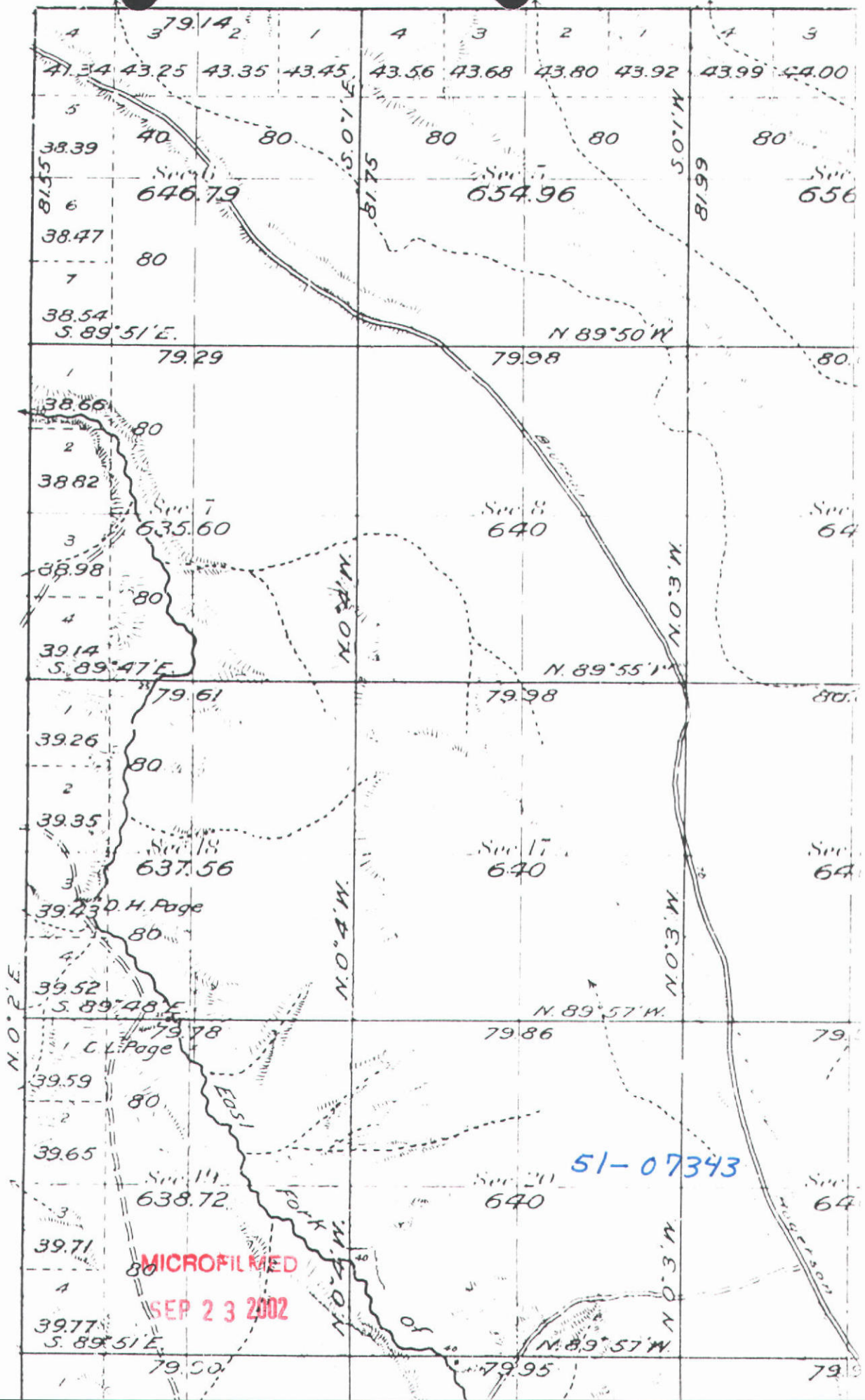


CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929



T12S
R10E

II
Sec. 18
NWSW
Lgt 3



MICROFILMED

SEP 23 2002

51-07343

1 of 3

P/D

Pump
Unit

Location
at

Clover
Creek



Pump was removed
for repairs

P/D

Pump Unit
Location
at Clover
Creek.

steel pipe
at left to
P/u - pipe
on right is
drain for
West System



MICROFILMED

SEP 23 2002

To East System
51-07343

Drain
↑

51-07343

2 of 3

P/D

2 1/2"

Steel
pipe

Crossing

Clower

Creek



P/D

2 1/2" Steel
pipe

on hillside,
East side
of Creek.



MICROFILMED

SEP 23 2002

51-07343

2 of 3

P/u

8,000

Gal.

Storage
Tank



P/u

Stock

Trough

and

8,000

Gal.

Tank

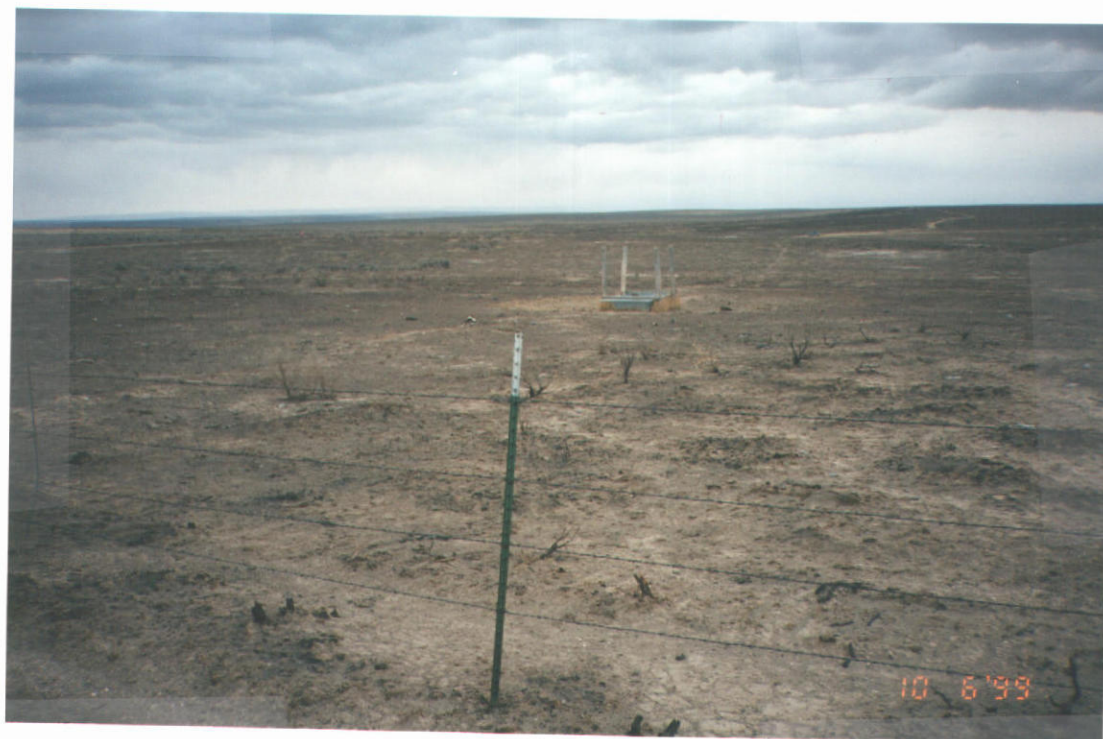


MICROFILMED
SEP 23 2002

Stock Trough
on North Side
SE SE, Sec. 8

51-0734-3
-07343

4 of 4



P/u
Stock
Trough
on
South
side.
NENE,
Sec. 17



Ranch
Cabin
at
P/O

MICROFILMED

SEP 23 2002

51-07343

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 51-07343

Priority: January 22, 1993

Maximum Diversion Rate
Maximum Diversion Volume

0.14 CFS
2.5 AF

It is hereby certified that WELLS LIVESTOCK INC
782 E 3800 N
BUHL ID 83316

And

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

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 22, 1993; and have submitted Proof of Beneficial Use on March 27, 1995. An examination indicates that the works have a diversion capacity of 0.14 cfs of water from:

SOURCE

CLOVER CREEK

Tributary: BRUNEAU RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.14 CFS	2.5 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	2.5 AF

LOCATION OF POINT OF DIVERSION:

CLOVER CREEK L3 NW¼SW¼ Sec. 18, Twp 12S, Rge 10E, B.M., OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	10E	8																	X
12S	10E	17	X																

PLACE OF USE: WILDLIFE - Same as Stockwater

MICROFILMED
SEP 23 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 51-07343

CONDITIONS OF APPROVAL

1. Diversion of water under this right is subject to the diversion requirements of senior downstream water rights on the Bruneau River.
2. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5TH day of JUNE, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
SEP 23 2002

RECEIVED

MAR 27 1995

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 50 -
Date 3-27-95
Receipt No. 2018787
Receipt by 988

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 51-07343 Telephone No. 543-4618 or 384-3070
2. Name(s) of Permit Holder(s): US DEPT OF INTERIOR (BLM) & WELLS LIVESTOCK INC
3. Mailing Address: 3380 AMERICANA TERRACE BOISE ID 83706
4. Source of Water: CLOVER CREEK

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

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

5. Extent of Use (as authorized by the permit):

Domestic one (No. of households) Stockwater 450 to 550 range cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.20cfs cfs OR _____ acre/feet

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

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

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

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

WALTER WELLS (home 543-4618) or (farm 537-6709)
Name Telephone No.

512 N. BROADWAY BUHL, ID 83316
Address

APR 14 1995

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

22 Mar 95

11/9/95

Date

Raymond K. Allen Area Manager - BLM
W. E. Wells Wells Livestock Inc
Signature (and title, if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 51-07343

Name(s) of Permit Holder: US DEPT OF INTERIOR (BLM) & WELLS LIVESTOCK INC

Mailing Address: 3380 AMERICANA TERRACE , BOISE ID83706

Date Proof Is Due APRIL 1, 1994 Telephone No. 736-2371 or 543-4618

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

This is an on-going project with several phases. The first phase completed was constructing
pipeline out of the west side of the canyon. The second phase that was completed last year
was constructing pipeline out of the east side of the canyon. Extensions and spurlines are
whats left to be completed during extension time. Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

This permit is jointly filed by US Dept of Interior and Wells Livestock Inc. Other federal
agencies are also involved in the funding of this project. Work is being completed in
seperate phases as funding and clearances become available for all agencies involved.

Permit holder(s) request an extension to APRIL 1, 1995.

FEE: \$15.00

W E Wells
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 1995.

Signed this 31st day March, 1994

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 51-07343

Proposed Priority: January 22, 1993 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **WELLS LIVESTOCK INC**
US DEPT OF INTERIOR
ID

has applied for a permit to appropriate water from:

CLOVER CREEK tributary of **BRUNEAU RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.14 CFS
WILDLIFE	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENWSW), Sec. 18, Township 12S, Range 10E
OWYHEE County

PLACE OF USE: STOCKWATER
TWN RGE SEC

12S 09E	3	NESE	
	4	Lot 4(NWNW)	SNNW
	9	NESW	
	10	NENW	
	11	SENW	
	12	NESW	
	13	NENW	NWNW
	14	SWSW	
	15	NWNE	
	22	SESE	
	24	NWNW	SWSW
	27	SWSE	SESE
10E	8	SESE	
	17	NENE	

PLACE OF USE: WILDLIFE, same as STOCKWATER use

PLACE OF USE: DOMESTIC
TWN RGE SEC

12S 10E 18 Lot 3(NWSW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1994. **WFO**

APR 13 1993

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 51-07343

CONDITIONS/REMARKS:

2. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
3. The issuance of this right in no way grants any right-of-way or easement across the land of another.
4. Diversion of water under this right is subject to the diversion requirements of senior downstream water rights on the Bruneau River.
5. Domestic use is for 1 home.
6. Stockwater use is for 600 range cattle.

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

22 day of March, 1993

R. Keith Higginson
for R. Keith Higginson, Director

APR 13 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: BUREAU OF LAND MANAGEMENT 208-384-3300
Address: 3948 DEVELOPMENT AVENUE
BOISE ID 83705
AND WELLS LIVESTOCK INC (SINCE ADDRESS NIS BLM)
2. Source: CLOVER CREEK Trib. to: BRUNEAU RIVER
3. Location of Point of Diversion: Lot 3 (NENWSW), Sec. 18, Township 12S, Range 10E
OWYHEE County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|---|-------|-------|-------|------|----|
| <i>was just a note to BLM</i>
~~IRRIGATION FROM STORAGE~~ | 01/01 | 12/31 | 0.030 | .04 | |
| STOCKWATER | 01/01 | 12/31 | 0.150 | .14 | |
| WILDLIFE | 01/01 | 12/31 | 0.020 | | |
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
PUMP, PIPELINE, EXISTING SYSTEM
 - Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is inches; proposed depth of well is feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
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

TWN RGE SEC

12S 09E 3 NESE
4 Lot 4 (NWNW)
9 NESW
10 NENW
11 SENW
12 NESW
13 NENW

SWNW

NWNW

APPROVED
APR 13 1993

* per tabular with C. Jones / BLM per unit memo 2/4/93. Existing system completed after 11/1/87 Database updated 8/2/93

Place of Use: STOCKWATER

TWN RGE SEC 14
15 SWSW
22 NWNE
24 SESE
27 NWNW SWSW
10E 17 SWSE SESE
18 Lot 43 (SWSW)
3 SESE

Place of Use: ~~IRRIGATION FROM STORAGE, same as STOCKWATER use~~
125 10E 18 Lot 3 (NWSW)

Place of Use: WILDLIFE, same as STOCKWATER use

9. a. Who owns the property at the point of diversion?
WELLS LIVESTOCK INC
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.
CO-OPERATIVE AGREEMENT BETWEEN PARTIES

10. Remarks:

Domestic use is for 1 home. Stockwater use is for 600 range cattle.

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.

See original for both signatures
Applicant

Received by LG Date 1/22/93 Time 9:30 Preliminary check by SL

Fee \$ 30 Receipted by LG # W015843 Date 1/22/93

Publication prepared by GS Date 1/27/93 Published in Boise Livestock

Publication approved SL Date 3-1-93

* database updated per applicant's map, 4/4/93, SL.

APR 13 1993

See comments copied from 51-07342

Copy from
51-07342

Comments: Date: 1/22/1993 User-ID: GRAVES

Subject:
OTHER RIGHTS

Clover Creek also provides water to the uses described
(51-07343).

Comments: Date: 2/ 4/1993 User-ID: LESTER

Subject:
UPDATED INFORMATION

For some unexplainable reason, this application and appl. -07343 were advertised prior to review. Staff review included a telecon today with C. Jones of BIM office in Twin Falls. He said that Wells' name should be left on application to be joined with "and" instead of and/or. He told me that entire system in both appls. existed but after 11/87. The well, originally drilled in 1982 and deepened in Oct. 1987 per notes in file 51-07310, serves 1 home in NWSW S.18; therefore, domestic rate was reduced in -07342 and provides full D/1 water when combined with -07310. Also, stock rate was reduced per no. of head. Total rate requires \$30 fee but not sure if \$15 refund is in order; if so, would be due to dept. error in not catching rate limits before advertising.

Regarding the moratorium, combined uses in each application fit the 13,000 gpd limits of 42-111. Application processing should continue for these essentially non-consumptive uses from both

APR 10 1993

sources.

If well was deepened after 7/87, what is the drilling permit no.?

A note in 51-07310 refers to 51-87-W-001 but I cannot find this drilling permit.

No refund issue exists for -07343. Note in overlap that 77-07270 is listed in same P/D location in S.18. This basin no. is wrong and should be corrected; cannot locate file today at region. What is the story with 77-07270?

51-07242
COMMENTS
CONT.

APR 13 1993

T125

T125

(Clover Butte North
Quad)

(Juniper Ranch
Quad)

R9E
R10E

ADD TO
LAND LIST
PLU

FL 2/4/93

SEE
ADDITIONAL
MAP
FOR
JUNIPER
PLU
EAST

CLOVER BUTTE

(Clover Butte
South
Quad)

(Juniper Butte
Quad)

Phase I

Juniper Ranch
Phase I
As-Built
Stock Water System
Don Tomlin
2-22-90

Juniper
PLU
west

MAP #1

points of use
claimed

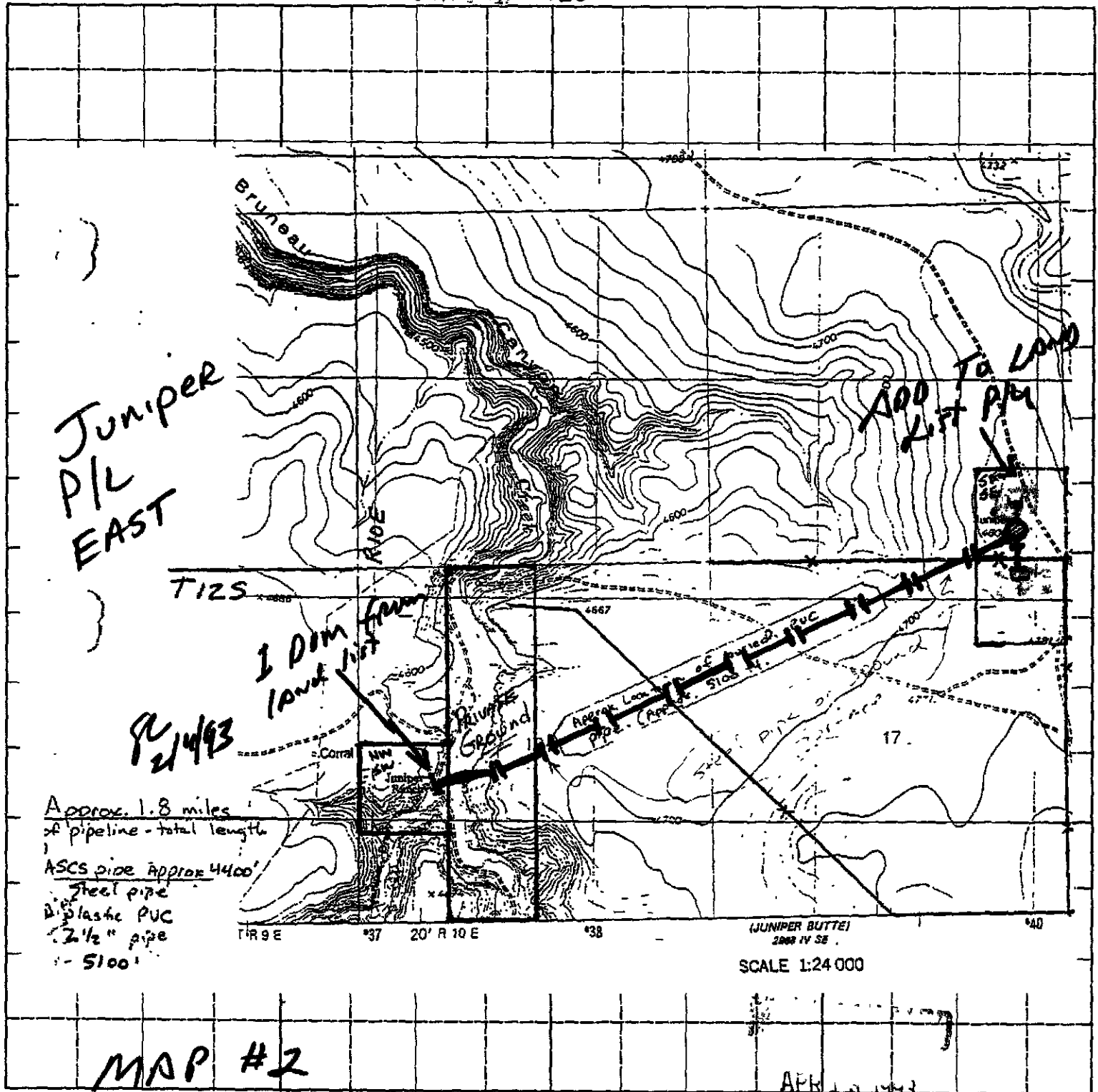
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Juniper Ranch Water System

DESIGNED

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

TOWNSHIP 12S



Scale: 2 inches equal 1 mile

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

points of use claimed

51-07343

Ident No 31

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 and Wells Livestock Inc. Wells Livestock Inc. Phone 208-384-3300
~~208-343-4010~~
- Post office address 3948 Development Ave. Boise, Id. 83705 ~~512 N. Broadway Buhl, Id. 83316~~
- 2 Source of water supply Clover Creek which is a tributary of Bruneau River
- 3 Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 3
Sec. 18 Township 12S Range 10E B.M. Owyhee County; additional
points of diversion if any. _____
4. Water will be used for the following purposes:
- Amount 0.15¹⁴ for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.03³ for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.02 for Wildlife purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .20 cfs. and/or (b) _____
cubic feet per second acre feet per annum
- 6 Proposed diverting works.
- a Description of ditches, flumes, pumps, headgates, etc. water is pumped out of Clover Creek to
beneficial points of use throughout the allotment, existing system
- b. Height of storage dam N/A feet, active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage
_____ to _____ inclusive.
- c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

* As ID 51-17344, charges for taken with a form of 200
See can name 2/1/85, etc.

- ORIGINAL -

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 approx. 600 Range Cattle
- c. Municipal, show name of municipality -
- d Domestic; show number of households 2 ~~1 household with small lvn. irrig.~~
- e Other, describe fully. water will be diverted from Clover Creek to more beneficial points of use throughout the allotment
Points of Use described below

9. Description of place of use

- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~12S~~	~~10E~~	~~18~~																~~S/W~~	
12S	10E	17	S/W																
12S	9E	13					S/W	S/W											
12S	9E	12								S/W									
12S	9E	11								S/W									
12S	9E	24					S/W												
12S	9E	24										S/W							
12S	9E	3												S/W					
12S	9E	10					S/W												
12S	9E	15	S/W																
12S	9E	9		S/W						S/W									
12S	9E	4					S/W	S/W											
12S	9E	22				S/W													
12S	9E	27														S/W	S/W		
12S	10E	18																	
12S	10E	8																S/W	

12S 9E 14

S/W

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above A well located in T12S,R10E, Sec. 18 may also be used to provide water to these points of use.
11. a. Who owns the property at the point of diversion? Wells Livestock Inc.
- b. Who owns the land to be irrigated or place of use? Bureau of Land Management and Wells Livestock Inc
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Co-operative agreement between parties.

12. Remarks: Water is pumped from Clover Creek to beneficial points of use in allotment. The well mentioned above in #10 may also be used to service these points of use listed above. The applicants include The Bureau of Land Management and Wells Livestock Inc.

* 5.5 1/4 per applicants map
 § 5.18

APR 13 1993

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

SEE
ATTACHED
MAPS

APR 13 1964

Scale 2 inches equal 1 mile

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

Water & Sewer
 Charles B. Jones
 Acting Manager

Received by Ly Date 1/22/93 Time 9:30 Preliminary check by JK
Fee \$ 30 Receipted by Ly # W015843 Date 1/22/93
Publication prepared by GG Date 1/27/93 Published in Owyhee Avalanche
Publication approved st Date 3-3-93 2/3 & 2/10/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____

1 Approval of said application is subject to the following limitations and conditions.

a SUBJECT TO ALL PRIOR WATER RIGHTS.

b Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____

c The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

REC'D

APR 13 1993

RECEIVED

MAR 1 1993

Department of the State
Western Regional Office

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 3, 1993

February 10, 1993

Signed Joe E. Aman

Subscribed and sworn to before me this 10th day of February A.D., 1993

Caring Boulton

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires October 1997

APR 13 1993

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

51-07342

US DEPT OF INTERIOR
BUREAU OF LAND
MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706
Source: GROUNDWATER
Diversión Pt: LOT 3
(NENWSW) Sec 18 T 12S R
10E in OWYHEE County.
Use: STOCKWATER (.230
CFS)

DOMESTIC (.030 CFS)
Total Diversión: (.230 CFS)
Date Filed: 1/22/1993
In: OWYHEE County
T12S R09E S03 NESE
S04 Lot 4(NWNW) SWNW
S09 NESW
S10 NENW
S11 SESW
S12 NESW
S13 NENW NWNW
S15 NWNE
S22 SENE
S24 NWNW SWSW
S27 SWSE SESE
R10E S17 NENE
S18 Lot 3(NWSW)

51-07343

US DEPT OF INTERIOR
BUREAU OF LAND
MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706
Source: CLOVER CREEK
Tributary: BRUNEAU RIVER
Diversión Pt: LOT 3
(NENWSW) Sec 18 T 12S R
10E in OWYHEE County.
Use: STOCKWATER (.150
CFS)

~~IRRIGATION FROM~~
~~STORAGE (.030 CFS)~~
WILDLIFE (.020 CFS)
Total Diversión: (.200 CFS)
Date Filed: 1/22/1993
In: OWYHEE County
T12S R09E S03 NESE
S04 Lot 4(NWNW) SWNW
S09 NESW
S10 NENW
S11 SENW
S12 NESW
S13 NENW NWNW
S15 NWNE
S22 SESE
S24 NWNW SWSW
S27 SWSE SESE
R10E S17 NENE
S18 Lot 43 (SWSW)

55-07432

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: NWSWSE Sec
22 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER
STORAGE (.20 AF)
Total Diversión: (.20 AF)

In: OWYHEE County
T04S R05W S22 SWSE
55-07433

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: NWSE Sec 26 T
04S R 05W in OWYHEE
County.

Use: STOCKWATER
STORAGE (.10 AF)
Total Diversión: (.10 AF)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W S26 NWSE
55-07434

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: NESWSW Sec
26 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER
STORAGE (.10 AF)
Total Diversión: (.10 AF)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W SWSW
55-07435

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: NWNWNE Sec
27 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER
STORAGE (.10 AF)
Total Diversión: (.10 AF)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W S27 NWNE
55-07436

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: SESENE Sec
27 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER
STORAGE (.10 AF)
Total Diversión: (.10 AF)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W S27 SENE
55-07437

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: SESWSE Sec
34 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER (.050
CFS)
STOCKWATER STORAGE
(.20 AF)
Total Diversión: (.050 CFS)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W S34 SWSE
55-07438

ELORDI, JIM
PO BOX 55
JORDAN VALLEY, OR 97910
Source: UNNAMED STREAM
Tributary: SODA CREEK
Diversión Pt: NWNWNE Sec
34 T 04S R 05W in OWYHEE
County.

Use: STOCKWATER (.050
CFS)
STOCKWATER STORAGE
(.20 AF)
Total Diversión: (.050 CFS)
Date Filed: 1/19/1993
In: OWYHEE County
T04S R05W S34 NWNE

Permits will be subject to
all prior water rights.
Protests may be submitted

42-203A, Idaho Code and/or
the public interest criteria of
S 42-203C, Idaho Code.
Protests must be filed with
the Director, Dept. of Water
Resources, Western Region,
2735 Airport Way, Boise,
Idaho 83705 on or before
February 22, 1993.

R. KEITH HIGGINSON,
Director

Publish February 3 & 10, 1993

APR 13 1993



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

June 6, 2002

WELLS LIVESTOCK INC
782 E 3800 N
BUHL ID 83316

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

RE: License No. 51-7343 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 51-7343

**WELLS LIVESTOCK INC
782 E 3800 N
BUHL ID 83316**

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


Kari Lynn Townsend
Secretary

**MICROFILMED
SEP 23 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

LICENSE REVIEW CHECKLIST

Permit No. 51-7343

Date: 5-30-02 Reviewer Kay Walker

Change/OK

Name/Address

add wells address

Source

ok

Does change clarify original intended source? If no, void permit.

Point of Diversion

ok

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps Right(s)

none

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion.

Permitted rate 0.20 cfs

Fee Limit 0.20 cfs

Measured cfs

Theoretical 0.14 cfs

Recommended Total Diversion Rate 0.14

Water Uses

ok

Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater 0.14 cfs 2.5 af

Domestic cfs af

Wild 0.02 cfs 2.5 af

Total 0.14 cfs 2.5 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks

Additional Conditions _____ Watermaster Control
 _____ GW Measurement/Measuring Device
 _____ Other
 Trust R55 - remove 051
 Non-trust (048)

GW Dist? _____
 Water Msmt. Dist? _____
 Crit GWMA? _____
 GWMA? _____
 Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? NO - not req'd

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice _____ S06

RECEIVED

2 owners:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

FEB - 7 2000

Department of Water Resources

Wells Livestock, Inc.
Walter Wells (2nd)

A. GENERAL INFORMATION U.S. Dept. of Interior

Permit No. 51-07343

1. Owner: Bureau of Land Management

Wells: (208) 537-6709
Phone No. BLM (208) 384-3300

Current Address: BLM - 3948 Development Av. Boise, ID 83705

2. Accompanied by: Wells - 782 E 3800 N, 83316, Buhl, ID

EXAM DATE: 10-6-99
10-27-99

Address: Bob Ramsey (BLM), Walter Wells

BLM: 736-2357
Wells: 420-6937
(cell.)

Relationship to Permit Holder: BLM Employee + Co-owner

3. Source: Clover Creek tributary to Bureau River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	3		NW	SW	18	12S	10E	Owyhee	Site Visit, map

2. Place(s) of Use:

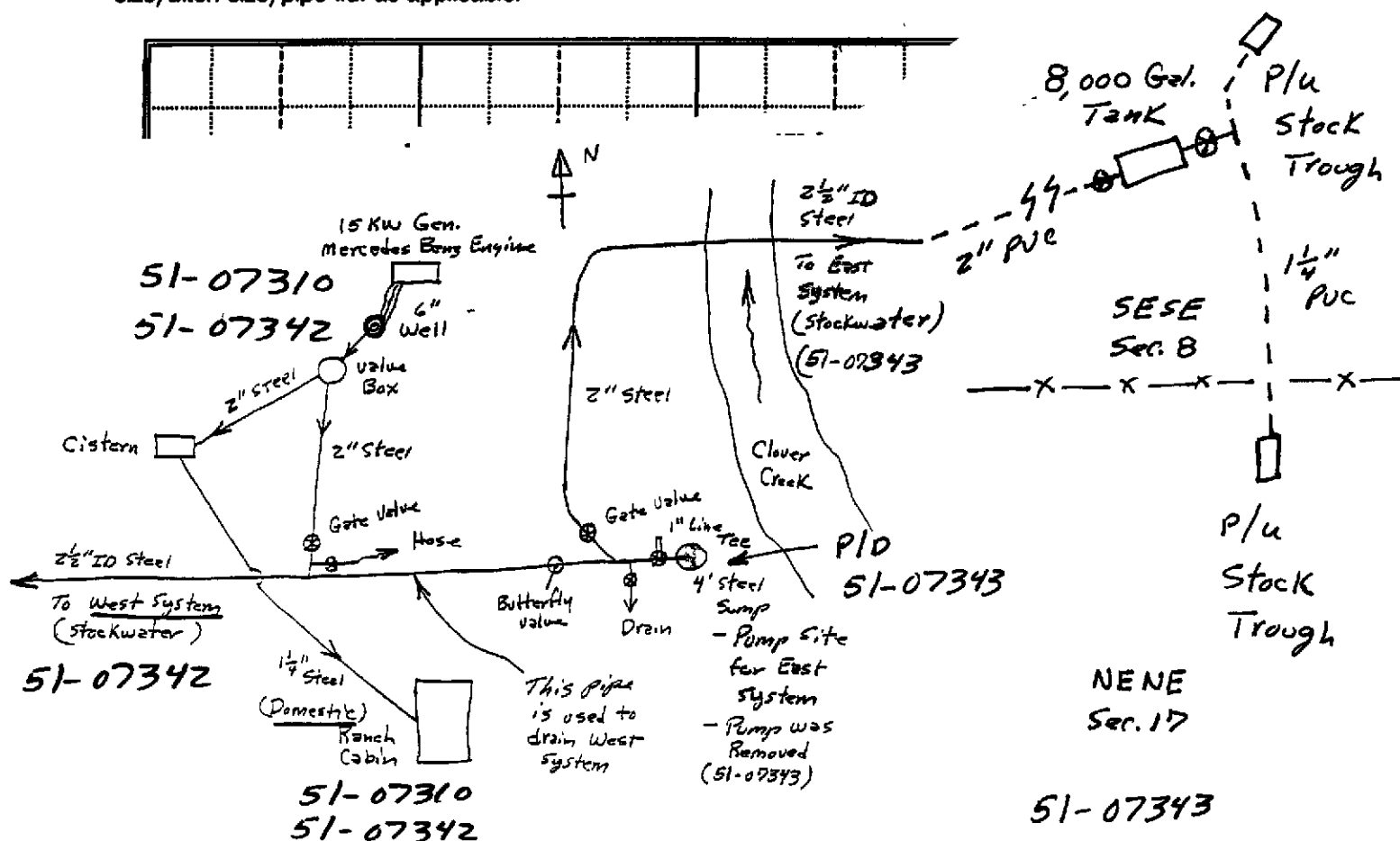
Indicate Method of Determination Site Visit, map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	10E	8																S	
		17		SW														W	

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FEB 24 2002

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
clover Cr.		7½			
Pump					
(Removed)					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - System off; Pump was removed for repairs.

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SEP 2002

6. The other P/U's shown on the Permit are related to the "West System" (W) under WR 51-07342
E. NARRATIVE/REMARKS/COMMENTS 51-07310.

1. This permit is for stock & wildlife water from Clover Creek. There is no domestic use from this system. Domestic water is supplied to a Ranch Cabin located near the P/D, from a well located at the site under WR's 51-07310 & 51-07342.

2. A $7\frac{1}{2}$ HP pump unit pumps Clover Creek water from a 4' ϕ steel sump through a 2 $\frac{1}{2}$ " steel line laid on top the ground to the top of the canyon on the East side. From the 2 $\frac{1}{2}$ " steel line, a 2" PVC buried line continues NE to a 8,000 Gal. Steel storage tank. From the tank, a 1 $\frac{1}{4}$ " PVC line extends North to a stock trough, and another 1 $\frac{1}{4}$ " PVC line extends South to another stock trough.

3. This system was not operational at the time of the exam as the pump was taken to Twin Falls for repairs. In addition, a large fire at the P/U cancelled livestock grazing for the season, and no water was needed.

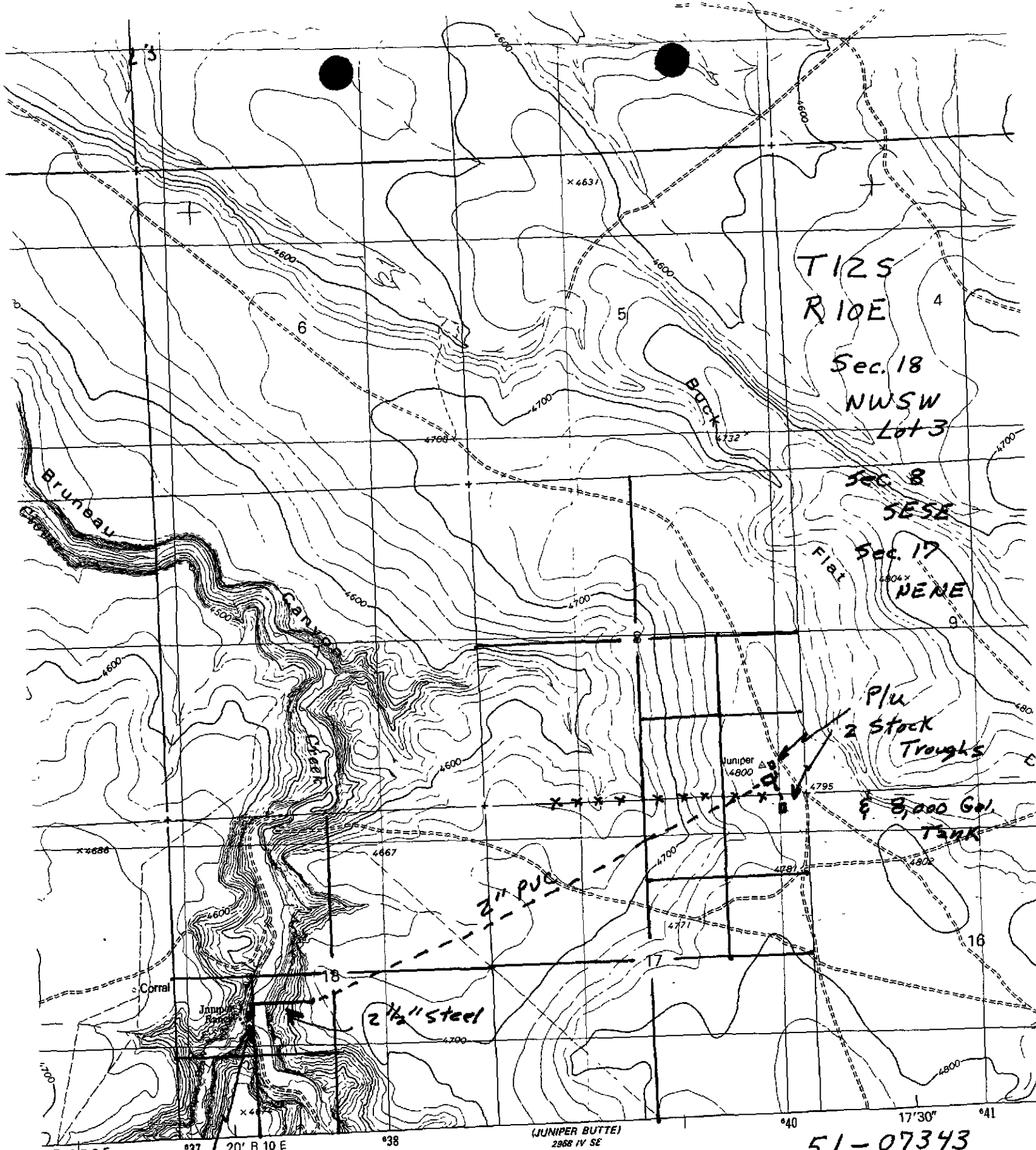
4. The P/U was visited on 10-6-99, but the P/D was not examined until 10-27-99 because the bridge at Clover Crossing was under construction. The P/D is on private land - Juniper Ranch; Walter Wells - and the P/U is on BLM.

Have conditions of permit approval been met? yes no Cond. 2 - No flow measuring device in system.

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23 2002

550 range cattle use the water in the normal grazing season from Aug. 15 to Dec. 15 (123 days) on the BLM Allotment.

Walter Wells
Wells Livestock, Inc.
782 E 3800 N
Idaho 83316



SCALE 1:24,000

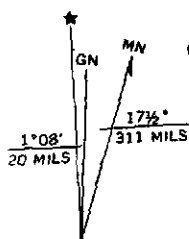
51-07343

P1D
clover
Creek
Pump

MICROFILMED

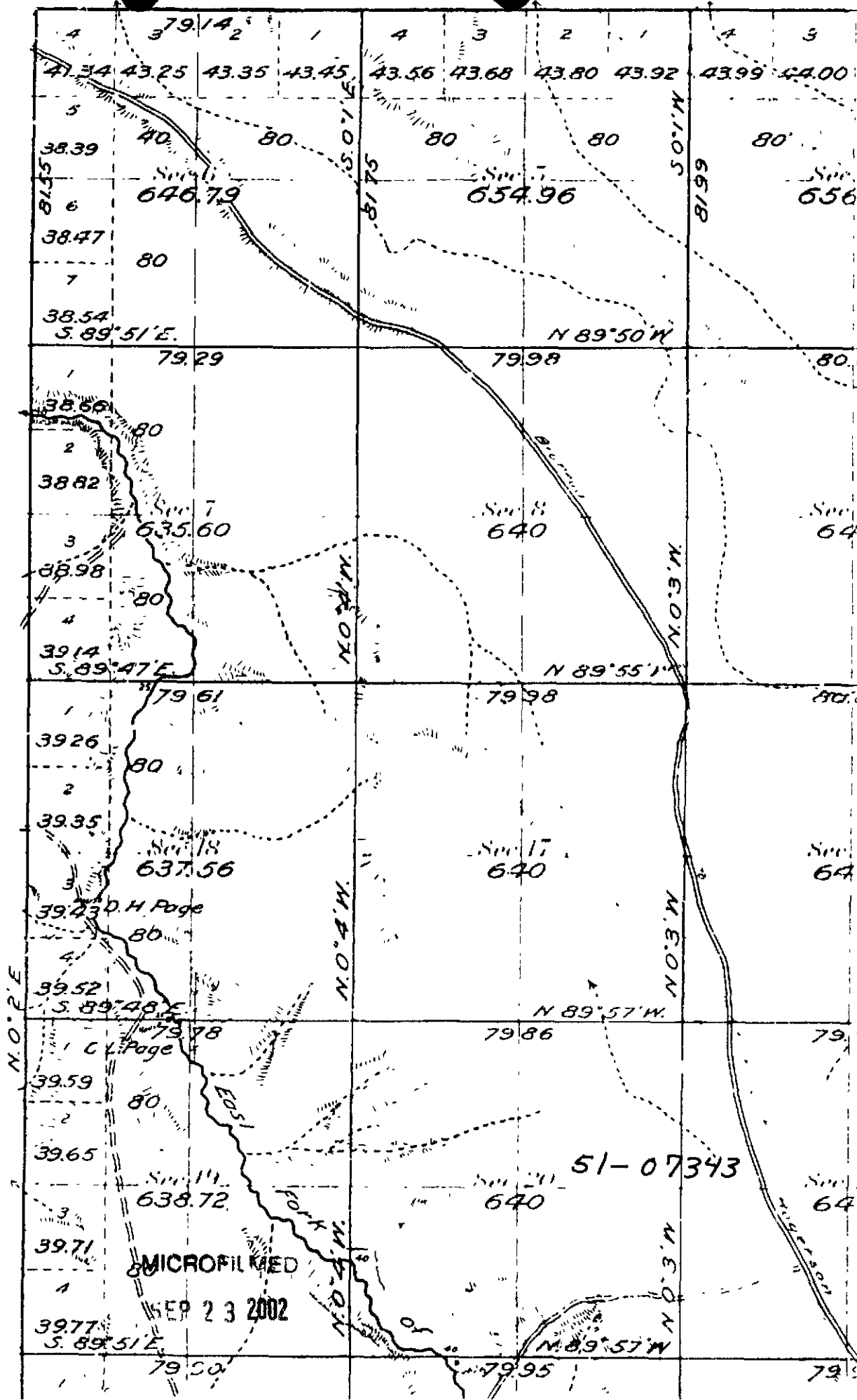
SEP 23 2002

CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929



T12S
R10E

Sec. 18
NWSW
Lgt 3



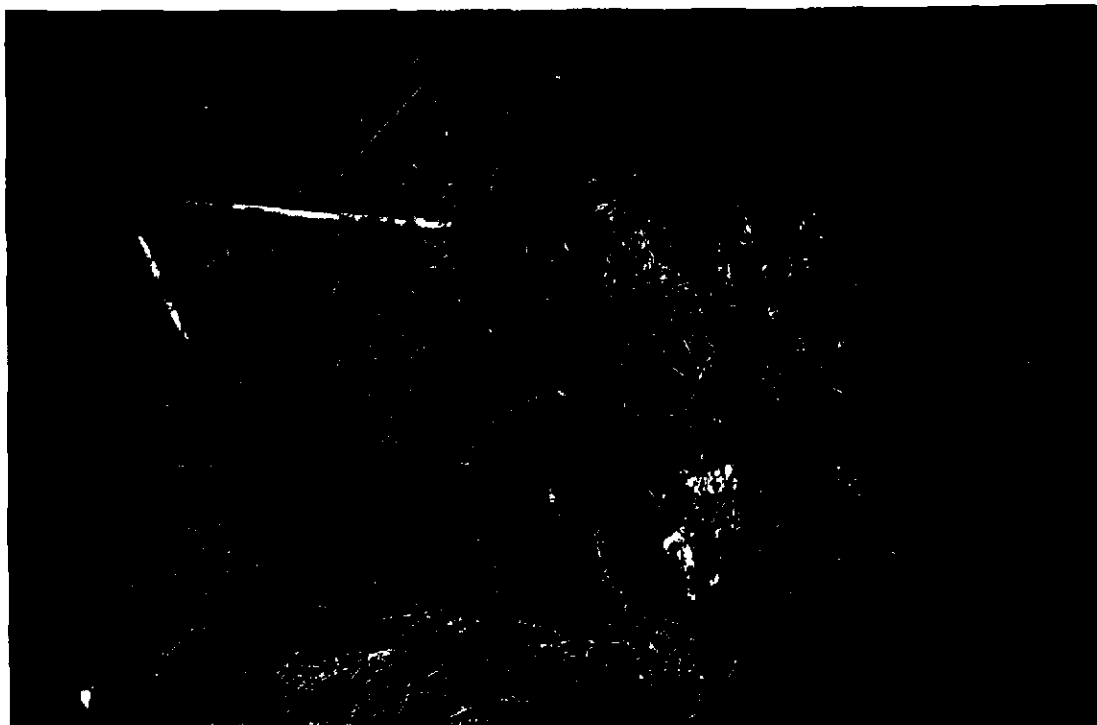
1 of 3

P/D

Pump
Unit

Location
at

Clower
Creek



Pump was removed
for repairs

P/D

Pumps Unit
Location
at Clower
Creek.

steel pipe
at left to
P/U - pipe
on right is
drain for
West System



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SEP 23 2002

To East System
51-07343

~~Drain~~
Drain

51-07343

2002 8 2 10:02

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51-07343



pld
2 1/2" steel
pipe
on hillside,
East side
of creek.



2 of 3
pld
2 1/2"
steel
pipe
crossing
Clover
Creek

3 of 3

P/u

8,000

Gal.

Storage

Tank



P/u

Stock

Trough

and

8,000

Gal.

Tank



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SEP 23 2002

Stock Trough
on North Side
SESE, Sec 8

51-07343
-07343

4 of 4



P/u

Stock

Trough

on

South
side.

NE NE

Sec 17



Ranch

Cabin

at

P/O

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SEP 23 2002

51-07343

March 30, 1995

US DEPT OF INTERIOR
WELLS LIVESTOCK INC
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 51-07343

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

APR 14 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 51-07343 Reviewed by ay Date 3-30-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

☐	Drilling permit required?	
☐	Copy in the file?	Drilling Permit No. _____
☐	Amount paid for permit	_____ Correct?
☐	Well log in the file?	

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50.00 Amount Submitted
yes Correct?
no Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 3-27-95

January 31, 1995

US DEPT OF INTERIOR
WELLS LIVESTOCK INC
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 51-07343

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

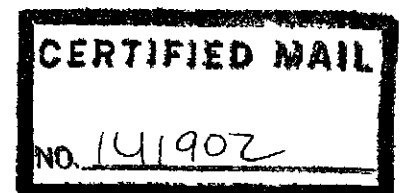
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



April 1, 1994

U.S. Dept. of Interior and
Wells Livestock Inc.
3380 Americana Terrace
Boise, ID 83706

RE: Permit No. 51-07343

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to April 1, 1995.

Please note that the department has granted this extension based on the lack of construction funds available to a United States Agency. It is important that you work diligently toward the completion of this project during the construction period allowed since the department may not be able to grant additional extension requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

APR 14 1995

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 51-07343

Reviewed by [Signature]

Date 3-28-94

BASIC INFORMATION

3-14-94 Date stamp received - Region did not date stamp
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested?
yes Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? _____ Requested?
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to April 1, 1995 for US Gov. Delay (monies)

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____

Change Proof Due Date 4-1-95

Change Priority Date _____

January 31, 1994

US DEPT OF INTERIOR
WELLS LIVESTOCK INC
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 51-07343

Dear Permit Holder:

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(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

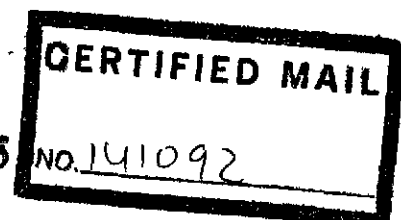
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Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 23, 1993

US DEPT OF INTERIOR
WELLS LIVESTOCK INC
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 51-07343

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

Brenda L. Chapman

BRENDA L. CHAPMAN
Water Resource Agent

BLC:cz

Enclosures

RECEIVED
APR 13 1993

APPLICATION FOR PERMIT REVIEW

Application #: 51-7343 Date: 3-19-93 Reviewer: Brenda Chapman

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

AREA OF CONCERN? YES

Snake River Basin

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99 Permit No. _____
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. _____
 Surface water - R04, R04-01H-P01(LT.2 w/pump)
 R04-01J-P08(GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - 0 (1, Blank or Other)
 Trust - 051-052-053-P74(Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date - 04-01-1994

Other Conditions/Remarks: - _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 9, 1993

FRANK L BACHMAN
BRUNEAU BUCKAROO COOPERATIVE DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

Re: Application for Permit #51-7343 in the Name of Bureau of
Land Management

Dear Mr. Bachman:

We are in receipt of your letter dated March 2, 1993, in which you protested the approval of the above-referenced application for permit. Please be advised, however, that the final protest date was February 22, 1993, and that the letter was not received by this office until March 4, 1993. Pursuant to the Idaho Code, we cannot officially accept the protest as valid.

The concerns that you have noted have been reviewed by this office. Please be advised that any water right issued by this office is conditioned to be "subject to all prior water rights." This does offer protection to any senior water rights you may have.

At this time we will proceed with processing of the application. If you have any questions in this matter please call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

APR 13 1993

Bruneau Buckaroo Cooperative Ditch Co.
HC 85 Box 881
Bruneau, ID 83604

Sue —
BLM + Wells livestock

March 2, 1993

Dave
Mr. Dave Tuthill, Jr. P.E. Western Region Manager
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED
MAR 4 1993

Department of Water Resources
Western Regional Office

RE: Application for Water Right 51-07343

Dear Dave,

On behalf of the Bruneau Buckaroo Cooperative Ditch Company I wish to file an official protest to water right application 51-07343. This application proposes to remove water from Clover Creek (East Fork Bruneau River) which is a drainage to the Bruneau River system.

This protest is filed for the following reasons:

1. The Bruneau Ditch has a senior decreed right to waters from the Bruneau River. Presently there is not adequate water available to satisfy existing decreed rights for the entire irrigation season.
2. A Water District does not exist on the Bruneau River or its drainage's (i.e. Clover Creek). When the flow at Bruneau Valley drops below our decreed volume we have no authority or knowledge of the amount of diversion occurring upstream. Inspection of the proposed diversion location is difficult due to distance and road conditions. Monitoring this diversion will be an added cost for the shareholders.
3. Stream flow the past several years has confirmed the lack of available water for additional appropriation. Senior water rights could not be satisfied on the three canal systems in Bruneau Valley (Hot Springs, Buckaroo, Southside). Its' apparent that existing diversions of Clover Creek water is having a damaging effect on the senior decreed water rights in the Bruneau Valley.
4. My final point is a public notice for a well (51-07342) is located at the same point of diversion and transports water to the same place of use. I assume this source to be available and adequate to meet the needs for livestock water as outlined in the application. The Buckaroo Ditch Company has elected to not protest this well or its use.

I respectfully request that this application (51-07343) be denied and no additional water be removed from the Bruneau River Systems.

Sincerely yours,

Frank L. Bachman

Frank L. Bachman
President

APR 13 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 2/4/93 APPLICATION: SI-07343

REQUIRED INFORMATION

Wells
See
other right files
Sometimes advertised before staff review - no lists
2 how then happened

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:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:
Y P/D
Y P/U
See / lots ~
SI-07342

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☐	Critical groundwater area:
☐	☐	Groundwater management area:
☐	☐	1992 moratorium - <i>assumed can</i>
☐	☐	Diversion within interim protected river area
☐	☐	Send dam safety information:
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☐	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

Additional information on reverse side:

RECEIVED
MAR 17 1993

Department of Water Resources

PROCESSING

APPLICATION NO.

51-07343

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest February 22, 1993

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Diversion of this water right is subject to the diversion needs of senior downstream water rights on the Bruneau River.

See below for additional information

Recommended Date or Priority

1/22/1993

Recommended by:

Dro

Date 3/4/1993

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

See overlap comment in 51-07342.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRANT OF EASEMENT AND RIGHT-OF-WAY

Tract No.

T-25445

For and in consideration of the agreement by the Grantee pursuant to the acts of June 28, 1934 (43 U.S.C. 315, et. seq.), as amended, April 27, 1935 (16 U.S.C. 590a), July 14, 1952 (7 U.S.C. 1651), and October 21, 1976 (43 U.S.C. 1701 et. seq.), as amended,

Wells Livestock, Inc.

hereinafter called Grantor whether one or more, does hereby grant to the UNITED STATES OF AMERICA, an easement and right-of-way to construct the following improvements:

A well and pipeline development, including the right to use and pipe water from said well to public land for livestock purposes.

over and across the following-described property situated in the County of Owyhee
State of Idaho, to wit:

A parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, T. 12 S., R. 10 E., B.M.

The easement described herein contains 2.0 acres more or less. A plat showing the easement described above is attached hereto as Exhibit A and made a part hereof

If the improvements identified above are located substantially as described herein, the location as constructed is hereby deemed accepted by Grantor as the true location of the easement granted.

The easement and right-of-way hereby granted is for the full, free, unrestricted, and quiet use and enjoyment by the grantee of the land of the grantor occupied by the said improvements for any and all purposes deemed necessary or beneficial for, or in connection with, the control, administration, or use of the public land surrounding or adjacent to the land herein described, which may be properly grazed from, serviced by, or used in connection with the said land and improvements, including the right of ingress and egress to, from, and over the land of the grantor by the grantee, its officers, agents, permittees, allottees, and licensees for the purpose of repairing, renewing, or using the said improvements, or for other

business pertaining to the use and maintenance thereof, and shall be appurtenant to said public land.

This grant shall be effective so long as the easement shall be actually used for the aforesaid purposes, and all rights hereunder shall revert to the grantor when and in the event the use thereof shall be discontinued or abandoned by the grantee of which due notice shall be given to the grantor by the grantee. Upon termination or abandonment of this easement, the grantee may at its option and within reasonable time, remove any improvements constructed by grantee on the land hereunder.

Accepted
by the Department of Justice:

Dated this 13TH day of JANUARY 1988
WELLS LIVESTOCK, INC.

1988

[Signature]
(Signature of Authorized Officer)

APR 13 1993

DSD, Operations

(Title)

[Signature]
President

[Signature]
Secretary

(Acknowledgement on reverse)

51-07343

US DEPT OF INTERIOR
WELLS LIVESTOCK INC
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: CLOVER CREEK

Tributary: BRUNEAU RIVER

Diversion Pt: LOT 3 (NENWSW) Sec 18 T 12S R 10E in OWYHEE County.

Use: STOCKWATER (.140 CFS)
DOMESTIC (.040 CFS)
WILDLIFE (.020 CFS)
Total Diversion: (.200 CFS)

Date Filed: 1/22/1993

In: OWYHEE County

T12S R09E S03	NESE	
S04 Lot 4 (NWNW)		SWNW
S09	NESW	
S10	NENW	
S11	SENW	
S12	NESW	
S13	NENW	NWNW
S14	SWSW	
S15	NWNE	
S22	SESE	
S24	NWNW	SWSW
S27	SWSE	SESE
R10E S08	SESE	
S17	NENE	
S18 Lot 3 (NWSW)		

RECEIVED

APR 13 1993