

Map 1

T. 7 S.

T. 8 S.

R. 10 E.

R. 11 E.

Grindstone

Well (x)

(POD)

Trough

NW SW (POU)

BLM

Storage Tank only

SW SW Grindstone Butte

BLM

Trough

SW SW (POU)

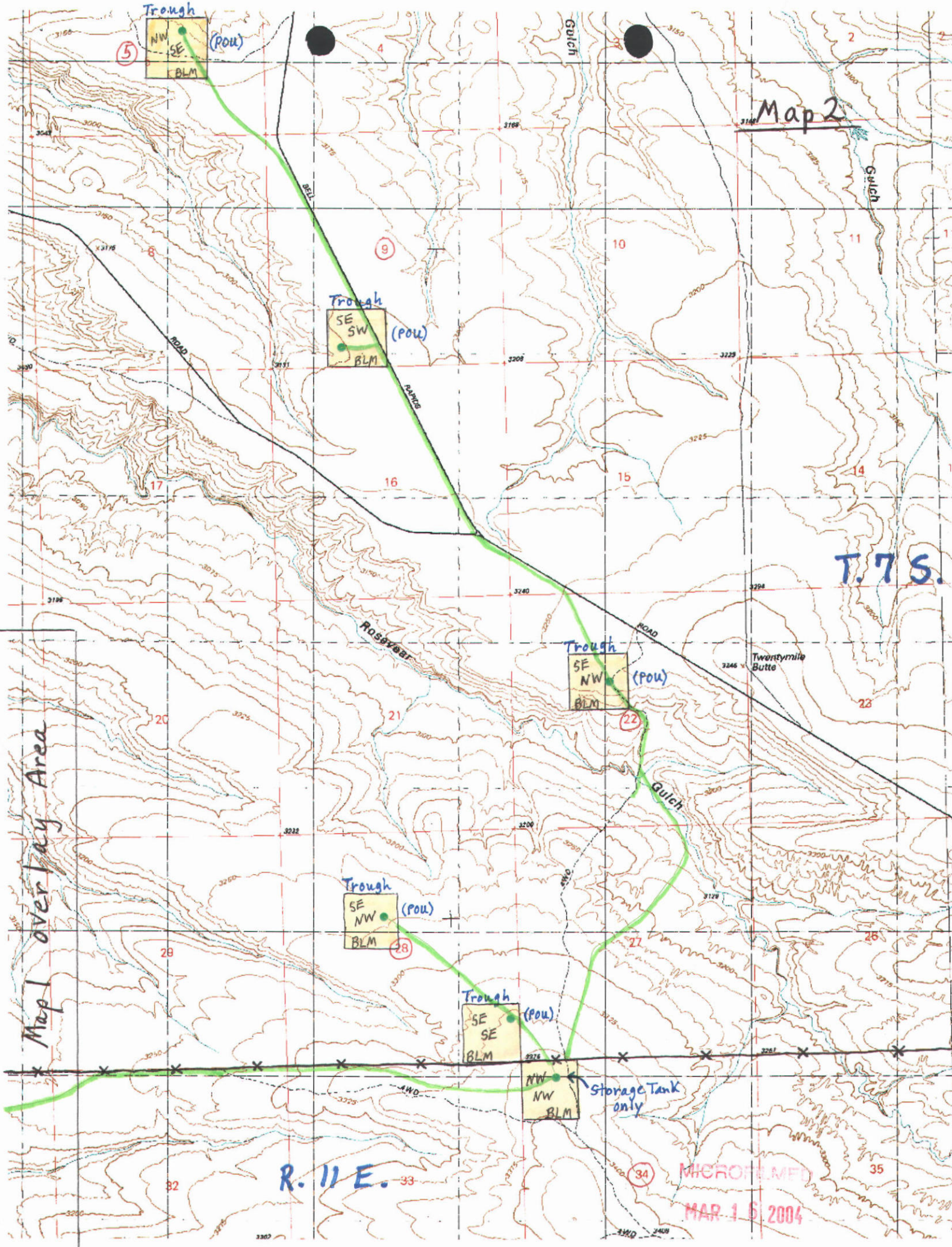
Water Tank

BLM

Gov Ct 4

State Land Air Vent

MICROFILMED
MAR 16 2004



Map 2

T. 7 S.

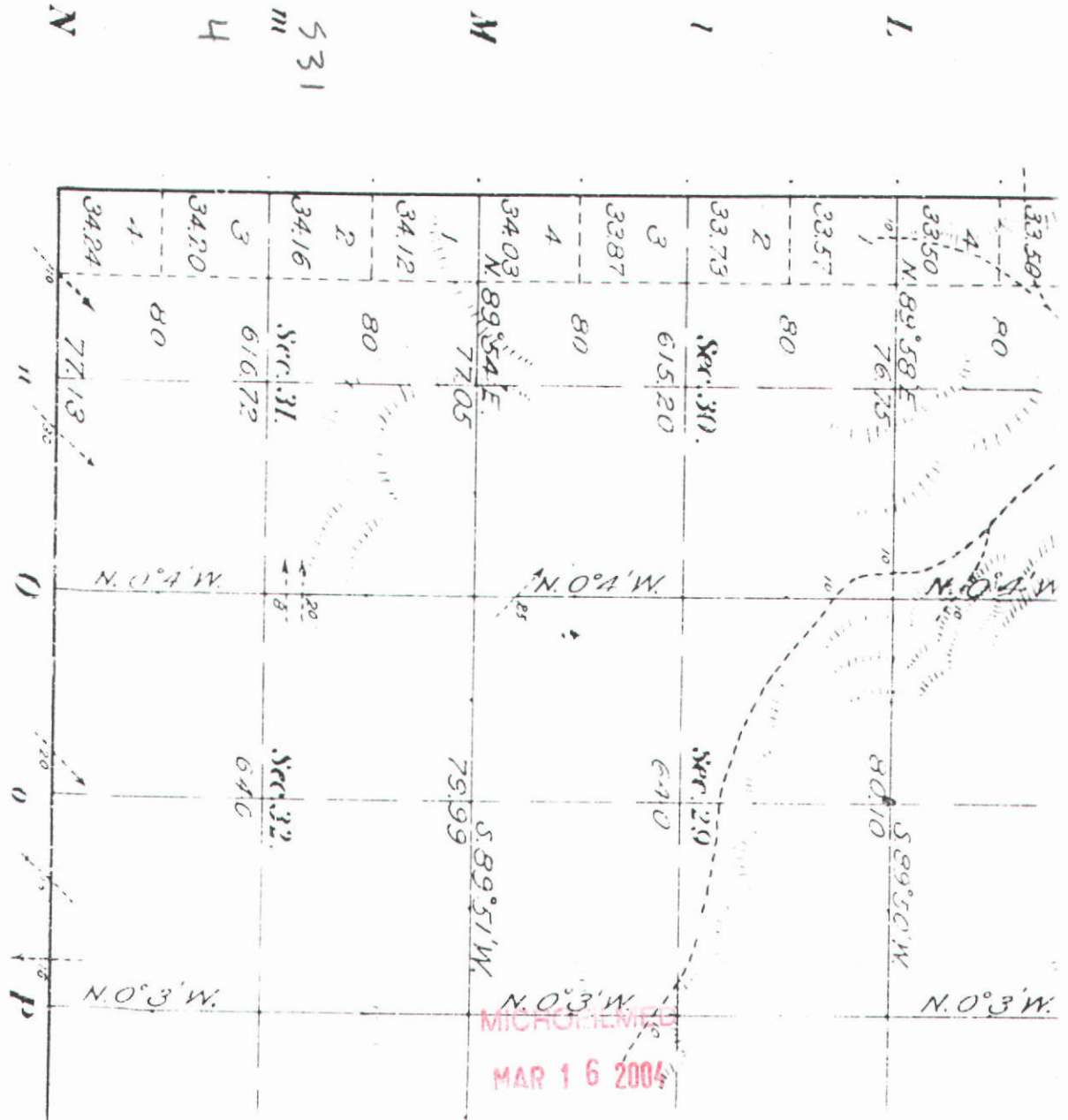
R. 11 E.

Storage Tank only

MICROFILMED
MAR 16 2004

Map 1 overlay Area

75 11E 531
 SW SW
 Gov't 4



Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey	Total
Township lines	Oscar Sonnenkalb & Fred W. Mitchell	303 June 1908	17 32 17	
Subdivisions	Oscar Sonnenkalb & Fred W. Mitchell	" " "	58 32 03	
Connections	Oscar Sonnenkalb & Fred W. Mitchell	" " "	1 30 42	
Standard Parallel (res)	Oscar Sonnenkalb & Fred W. Mitchell	" " "	0 51 47	
	Leonard E. Diehl	303 June 1908	5 14 11	

NOTICE

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

51-12984 ✓st

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

Point(s) of Diversion: NWNWSW S26
T07S R10E ELMORE County
Source: GROUND WATER
Use: STOCKWATER 01/01 To 12/31
0.04 CFS
Use: WILDLIFE 01/01 To 12/31 0.01
CFS

Total Diversion: 0.05 CFS
Date Filed: 04/06/2003
Place Of Use: WILDLIFE and
STOCKWATER

T07S R10E S26 NWSW
T07S R11E S22 SENW
T07S R11E S28 SENW SESE
T07S R11E S31 SWSW Lot 4
T07S R11E S5 NWSE
T07S R11E S9 SESW
T08S R10E S3 SWNW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 06/09/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
First Publication: May 21, 2003.
Last Publication: May 28, 2003.

RECEIVED

MAY 29 2003

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

County of Elmore }
State of Idaho } ss.

I, COLEEN W. SWENSON, do solemnly swear that I am the Publisher, of the:

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for two consecutive weeks, the first publication having been made on the 21 day of May, 2003, and the last publication having been made on the 28 day of May, 2003; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Publisher

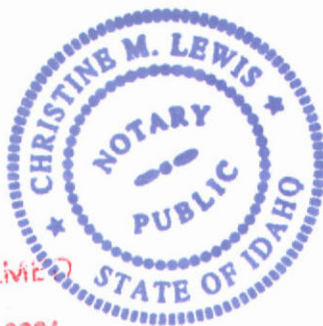
Subscribed and sworn to me this 28 day of May, 2003.

Christine M. Lewis

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006.



MICROFILMED

MAR 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 20 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 51-12984 Telephone No. (208) 736-2350
2. Name of Permit Holder(s): USDI, BLM, Jarbidge Field Office
3. Mailing Address: 2620 Kimberly Road
City Twin Falls State ID Zip 83301
4. Source of Water: Ground Water If **GROUNDWATER** (well), Date Drilled: mo. 10 yr. 92
Well Driller: Hiddleston & Son, Inc Drilling Permit Number: 51-91-W-001
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 700 Cattle / 150 Horses
Irrigation (No. of acres): _____ Other: Wildlife
6. Total rate of diversion and/or volume for which proof is submitted: .05 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ☒
Has the measuring device been installed? Yes _____ or No ☒
8. Fee Enclosed: \$ 50.00 (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: John Ash OR Bob Ramsey Telephone Number: (208) 736-2350
Address: 2620 Kimberly Road, Twin Falls, ID 83301
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: Jeffrey W. Ron Acting Field Manager Date: 8/18/03
(include your title, if on behalf of company or organization)

RECORDED

AUG 15 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 51-12984

Priority April 16, 2003

Maximum Diversion Rate 0.05 CFS

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

has applied for a permit to appropriate water from

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
WILDLIFE	01/01 to 12/31	0.01 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼NW¼SW¼ Sec. 26, Twp 07S, Rge 10E, B M., ELMORE County

PLACE OF USE: WILDLIFE AND 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	
07S 10E 26										X							
07S 11E 5														X			
07S 11E 9												X					
07S 11E 22								X									
07S 11E 28								X								X	
07S 11E 31											X						
08S 10E 3							X				L 4						

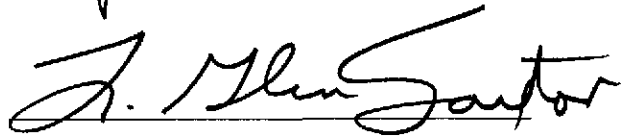
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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.
5. Stockwater use is for 700 range cattle and 150 horses.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 51-12984

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 8th day of August, 2003


KARL J DREHER, Director
for

RECEIVED

APR 16 2003

FORM 202
12/99WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 21 2003

Department of Water Resources

Ident. No. 51-12984

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant US-BLM, Jarbidge Field Office Phone 208-736-2350
Mailing address 2620 Kimberly Road, Twin Falls, ID 83301

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 07 S., Range 10 E., Sec. 26, in the NW $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Elmore County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .01 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .05 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Electric powered, 15 HP, 6 inch Pump and motor, 480 volts, 3 phase, 12 stages

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet

c. Proposed well diameter is 8 inches; proposed depth of well is 665 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 10/6/92; Drilling firm Hiddleston & Son, Inc from Mtn. Home, ID
Well was drilled for (well owner) US-BLM; Drilling Permit No. 51-91-W-001

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

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. 700 Cattle and 150 Wild Horses

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Wildlife

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	
07S	10E	26										S-W							
07S	11E	05														S-W			
07S	11E	09												S-W					
07S	11E	22								S-W									
07S	11E	28								S-W								S-W	
07S	11E	31										1/4 S-W							
08S	10E	03							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? BLM - U.S. Gov't
- b. Who owns the land to be irrigated or place of use? BLM - U.S. Gov't
- 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: There are also two large (10,000 gal) storage tanks associated with this pipeline water system. They are located at: T.07S., R.10E., Sec. 35, SWSW, and T.07S., R.11E., Sec. 34, NWNW, of Elmore County and on US-BLM Lands.
Also, the attached Maps 142 identify GPS'd (2002) point of diversion, 8 places of use, 2 Storage tanks and the pipeline.

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

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

E. J. [Signature]
 Signature of Applicant (and title, if applicable)

Received by KG Date 4/16/03 Time 11:27 Preliminary check by KG
 Fee \$ 10000 Receipted by KG # W030337 Date 4/16/03
 Publication prepared by AT Date 5-21-03 Published in MOUNTAIN HOME NEWS
 Publication approved AT Date 7-16-03

Map 1

T. 7 S.

T. 8 S.

R. 10 E.

R. 11 E.

Grindstone

Well (x)

(POD)

Trough

NW SW

(POU)

BLM

Storage Tank only

SW SW

BLM

Trough

SW SW

(POU)

Water Tank

BLM

Gov
ct 4

Trough

SW SW

BLM (POU)

State Land
Air Vent

Deadman

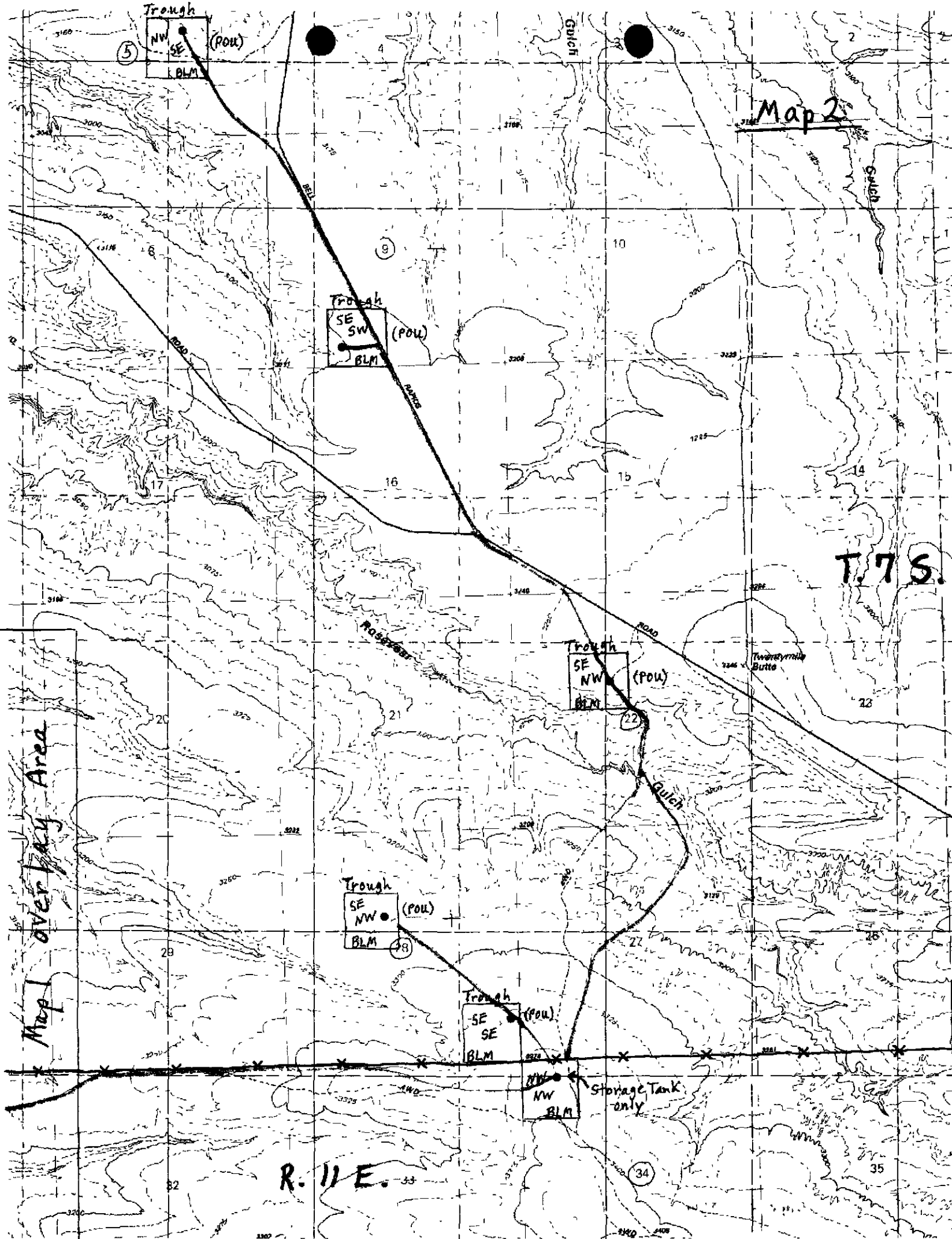
DEADMAN

FLAT

Deadman

ELMORE CO
OWYHEE CO

ELMORE CO
OWYHEE CO



Map 1 overlay Area

Map 2

T. 7 S.

R. 11 E.

Trough
NW SE (POU)
BLM
5

Trough
SE SW (POU)
BLM
9

Trough
SE NW (POU)
BLM
22

Trough
SE NW (POU)
BLM
18

Trough
SE SE (POU)
BLM

NW NW
BLM

Storage Tank only

Gulch

Twins Butte

Rose Creek

Gulch

SENT BY: IDWRWESTERN REGION;

334 2348;

MAY-5-03 5:55PM;

PAGE 2/4

REQUEST TO PROCESS

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

Name of Applicant

BLM

Mailing Address

Application No.
(if known)51-12984**IN LOCAL PUBLIC INTEREST**

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

PROPOSE MITIGATION NOW

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

☒ **WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY**

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

Signature

John R. Art

Date

5/5/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2733 Airport Way
Boise, ID 83705-6082

United States Department of the Interior

Bureau of Land Management

Jarbridge Field Office
2620 Kimberly Road
Twin Falls, Idaho 83301-7975

RECEIVED

APR 16 2003

WATER RESOURCES
WESTERN REGION

In Reply Refer To:
4341/8803

April 12, 2003

Dear Sirs:

Please accept for your review and consideration an Application for Permit (with maps) to appropriate water on public lands in the State of Idaho. This application is for an existing groundwater well south of Glenns Ferry, Idaho, and in Basin 51.

Also enclosed is a check for the application filing fee in accordance with applicable rate of division or volume. *A receipt is requested.*

If you have any questions or concerns, please contact John Ash or me at the above address or by calling (208) 736-2350.

Thank You.

Sincerely,



Edward Guerrero
Field Office Manager

Enclosures



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

August 28, 2003

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 51-12984

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 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 use.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

RECEIVED
AUG 29 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 51-12984

Reviewed By dgibson

Date. August 27, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		W030337, C070550	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	08/20/2003
Date proof due	- 08/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 04/16/2003
New priority date	= 04/16/2003

Deficiencies of Actions Items

Acknowledge proof

United States Department of the Interior

Bureau of Land Management
Jarbidge Field Office
2620 Kimberly Road
Twin Falls, Idaho 83301-7975

RECEIVED
AUG 21 2003
Department of Water Resources

In Reply Refer To:
4341/8803

August 18, 2003

State of Idaho
Department of Water Resources
Attn: Shelley W. Keen
1301 North Orchard Street
Boise, ID 83706

Dear Sir:

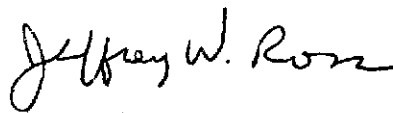
Enclosed for your review and consideration is a completed *Proof of Beneficial Use* (Form No. 217) for **Permit No. 51-12984** to Appropriate Water on public lands in the State of Idaho. At this time, the BLM has completed all development that will occur under this permit and that water has been applied according to the provisions and beneficial uses as described by the permit. This permit to appropriate water is for a groundwater well and a series of watering troughs in Elmore County south of Glenns Ferry, Idaho.

Also enclosed is a check of \$50.00 for the license examination fee in accordance with the applicable rate of division of 0.05 cfs. A receipt of this payment is requested.

If you have any questions or concerns, please contact John Ash, our water rights specialist, at the above address or by calling him at (208) 736-2353.

Thank You.

Sincerely,


for Edward Guerrero
Field Office Manager

Enclosures



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

August 11, 2003

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

RE: Permit No. 51-12984

Permit Approval Notice

Dear Permit Holder:

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

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

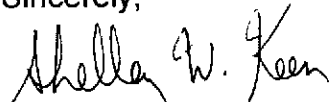
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Also, please note that water right owners are required to report any change of water right ownership and/or 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,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

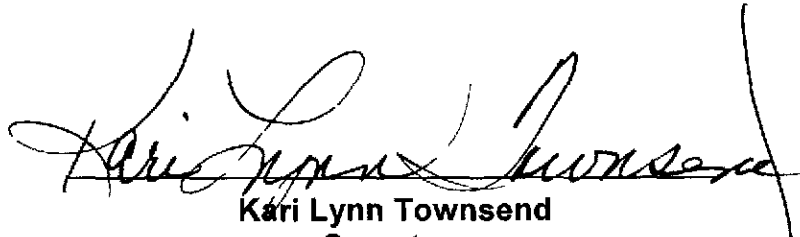
CERTIFICATE OF SERVICE

I hereby certify that on August 11, 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.

51-12984

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
2620 KIMBERLY RD
TWIN FALLS ID 83301**



**Kari Lynn Townsend
Secretary**

**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.

APPEAL REVIEW
JUL 10 2012

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by g Date 4/29/03 Application # 51-12984

RECEIVED

JUL 24 2003

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included) Department of Water Resources
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow &/or volume) Government Lots
- ☒ Period of use P/D
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation) P/U
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

ADDITIONAL INFORMATION

 ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain)
- ☒ P/U overlap (explain) 2-2262, 1-7068 - irrigation - N/A
- ☒ Critical groundwater area (send letter)
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file: exempt
- ☒ Immediate = closed areas, acceptable plan required & submitted
- ☒ Future = open areas, plan not required > .04 cfs
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

request to process

Date Requested 5/5/03 Date Response Received 5/5/03

reviewed
done - kw

PROCESSING

APPLICATION # 51-12984

YES NO

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

COMMENT LETTERS

YES NO

☒ ☒ IDEQ
☒ ☒ District Health
☒ ☒ IDFG
☒ ☒ IDL

YES NO

☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist #
☒ ☒ Water Planning Bureau
☒ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒ Affidavit of publication received
☒ ☒ Application published correctly? If not, record action taken

☒ ☒ Publication dates & paper recorded on application
☒ ☒ Final date for protest 6-9-03
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District #
☒ ☒ Special conditions of approval or cover letter

standards

Recommended Date of Priority 4/16/03

Recommendation ☒ Approve ☐ Deny by Loi Granger Date 7/21/03

ADDITIONAL INFORMATION

☒ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)

AFFIDAVIT OF PUBLICATION

NOTICE

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

51-12984 ✓st

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

Point(s) of Diversion: NWNWSW S26
T07S R10E ELMORE County
Source: GROUND WATER
Use: STOCKWATER 01/01 To 12/31
0.04 CFS
Use: WILDLIFE 01/01 To 12/31 0 01
CFS

Total Diversion 0 05 CFS
Date Filed 04/06/2003
Place Of Use WILDLIFE and
STOCKWATER

T07S R10E S26 NWSW
T07S R11E S22 SENW
T07S R11E S28 SENW SESE
T07S R11E S31 SWSW Lot 4
T07S R11E S5 NWSE
T07S R11E S9 SESW
T08S R10E S3 SWNW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 06/09/2003. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director
First Publication May 21, 2003.
Last Publication May 28, 2003.

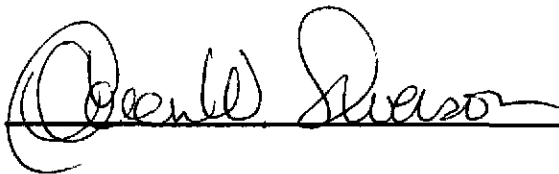
County of Elmore }
State of Idaho } ss.

I, COLEEN W. SWENSON, do solemnly swear that I am the Publisher, of the:

MOUNTAIN HOME NEWS

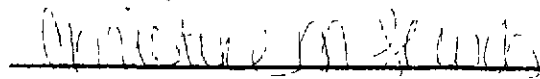
a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for 78 consecutive weeks, the first publication having been made on the 3 day of May, 2003, and the last publication having been made on the 28 day of May, 2003; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

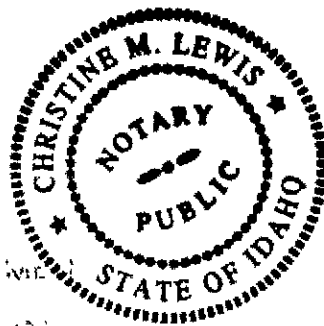


Publisher

Subscribed and sworn to me this 28 day of May, 2003.



Notary Public



Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006.

RECEIVED

MAY 29 2003

WATER RESOURCES
WESTERN REGION



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

May 14, 2003

Legal Notice Department
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME ID 83647

RE: Application for Permit No. 51-12984

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues) 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. Please send the affidavit and bill to this office before 06/09/2003. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

2003-05-14 10:00 AM

2003-05-14 10:00 AM

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

51-12984

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

Point(s) of Diversion NWNWSW S26 T07S R10E ELMORE County Source GROUND WATER

Use STOCKWATER 01/01 To 12/31 0.04 CFS

Use WILDLIFE 01/01 To 12/31 0.01 CFS

Total Diversion 0.05 CFS

Date Filed 04/06/2003

Place Of Use WILDLIFE and STOCKWATER

T07S R10E S26 NWSW

T07S R11E S22 SENW

T07S R11E S28 SENW SESE

T07S R11E S31 SWSW Lot 4

T07S R11E S5 NWSE

T07S R11E S9 SESW

T08S R10E S3 SWNW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 06/09/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Mountain Home News on May 21 and 28, 2003.