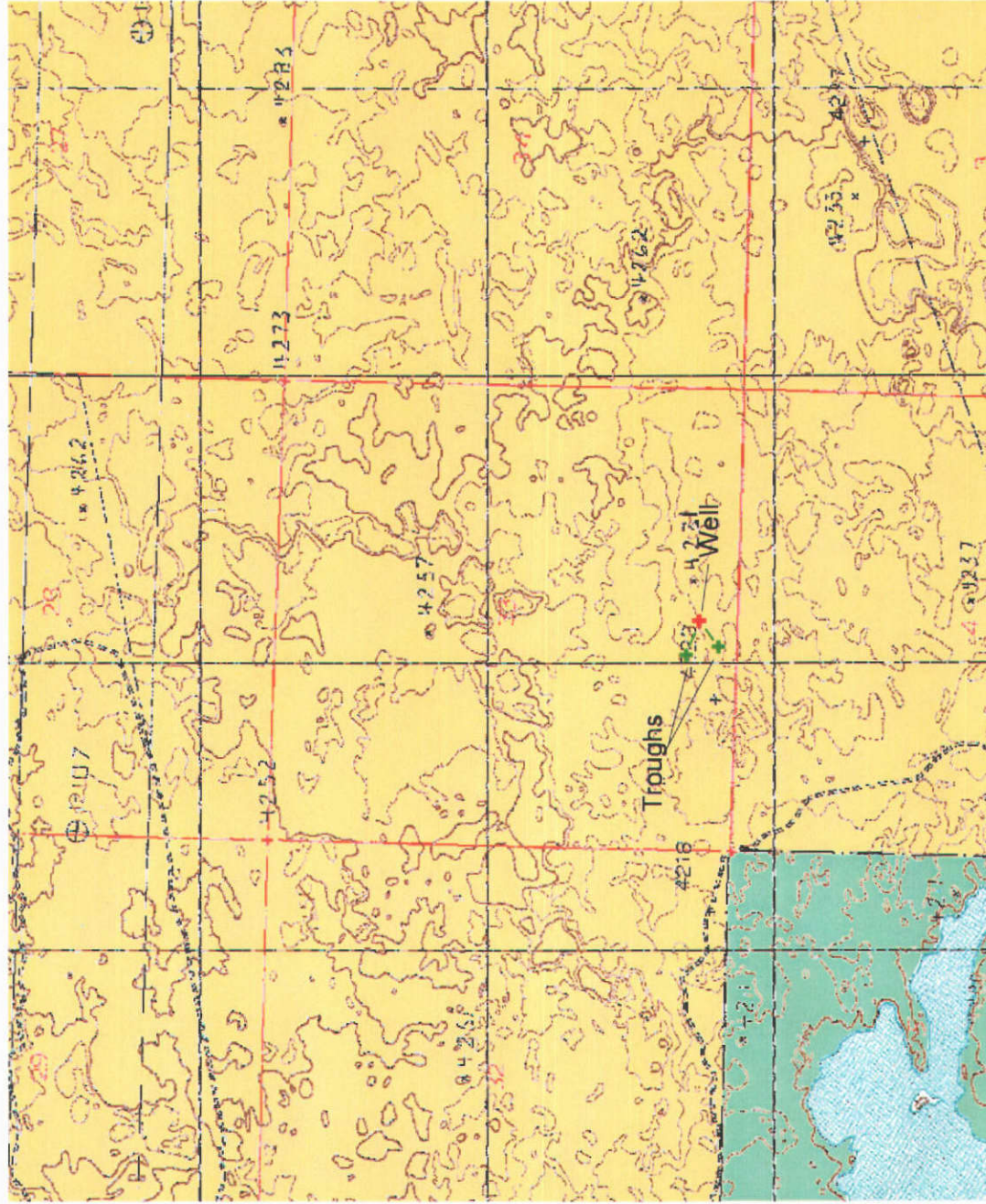


Lone Cedar Well



T. 8 S
T. 9 S

R. 27 E

- Point Determined by GPS
- Digitized point
- Digitized Pipeline (not in actual location)
- Surface Ownership
- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service

ICROFILMED
OCT 20 2003



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

DRAFT

060303em

Quad Map Name:
Lake Walcott East



1:24000

RECEIVED

OCT 22 2003

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00
Receipt No. 5026193
Receipt By: J.F.
Date Received: 10/21/03

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
OCT 21 2003
Department of Water Resources
Southern Region

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. 36-16183 Telephone No. 208-677-6626

2. Name of Permit Holder(s): U. S. Bureau of Land Management

3. Mailing Address: 15 E. 200 S.

City Burley State ID Zip 83318

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 11 / yr. 2002

Well Driller: Sherman Couch Well Drilling Drilling Permit Number: D0023466

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

Domestic (No. of households): _____ Stockwater (No. and type of stock): 511 range cattle

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.07 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?

Has the measuring device been installed?

Yes _____ or No X
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: Steve Davis Telephone Number: 208-677-6626

Address: 15 E. 200 S., Burley, ID 83318

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: Steve R. Davis Hydrologist Date: 10-17-03
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-16183

Priority: June 18, 2003

Maximum Diversion Rate: 0.07 CFS

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

has applied for a permit to appropriate water from:

Source: 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>
STOCKWATER	01/01 to 12/31	0.07 CFS
WILDLIFE	01/01 to 12/31	0.07 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 08S, Rge 27E, B.M., BLAINE County

PLACE OF USE: STOCKWATER and WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 27E 33												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 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. Stockwater use is for 511 range cattle.
5. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
6. The use authorized under this right shall not exceed 13,000 gallons per day.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of October, 2003.


KARL J DREHER, Director

MICROFILMED

DEC 2 8 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-16183

Priority: June 18, 2003

Maximum Diversion Rate: 0.07 CFS

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

has applied for a permit to appropriate water from:

Source: 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>
STOCKWATER	01/01 to 12/31	0.07 CFS
WILDLIFE	01/01 to 12/31	0.07 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 08S, Rge 27E, B.M., CASSIA County

PLACE OF USE: STOCKWATER and WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 27E 33												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 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. Stockwater use is for 511 range cattle.
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6. The use authorized under this right shall not exceed 13,000 gallons per day.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of September, 20 03.

MICROFILMED

OCT 20 2003


KARL J DREHER, Director

36-16183

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 17 2003

RECEIVED

JUN 18 2003

Department of Water Resources

Department of Water Resources

1. Name of Applicant U.S. Bureau of Land Management (BLM) Phone 208-677-8616Mailing address Representative: 15 E. 200 S., Burley, ID 833182. Source of water supply groundwater which is a tributary of _____3. Location of point of diversion is Township 8S Range 27E Sec. 33 in the SE ¼, SE ¼, SW ¼, Govt. Lot _____, B.M., Cassia County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.07 for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.07 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) 0.07 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 3/4 HP pump; 1000' of 2" steel pipe; troughs

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. ~~Proposed~~ well diameter is 8 inches; ~~proposed~~ depth of well is 230 feetd. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? 11/22/02; Drilling firm Eaton Drilling
Well was drilled for (well owner) BLM; Drilling Permit No. 7904517. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year); already exists

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. 511 range cattle

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. various wildlifeCurrent Owner: 1387 S. Vinnell Way
Boise, ID 83709

MICROFILMED

OCT 20 2003

2. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
85	27E	33												SW					

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? BLM
- Who owns the land to be irrigated or place of use? BLM
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

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.

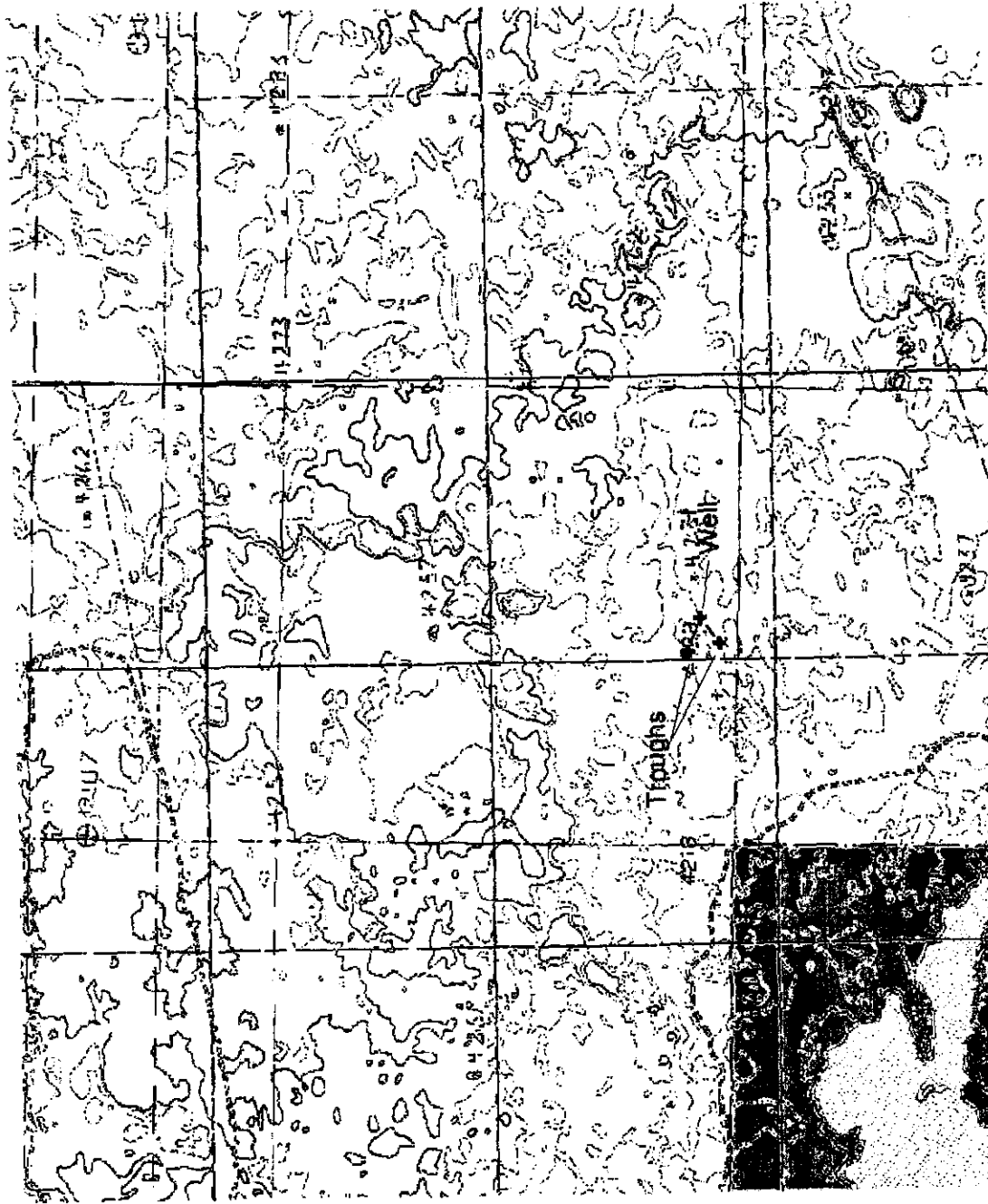
Steven R. Davis, Hydrologist
 Signature of Applicant (and title, if applicable)

Received by J. F. Date 6-18-03 Time 4:30 Preliminary check by J. F.
 Fee \$ 100 Receipted by J. F. # 5025925 Date 6-18-03
 Publication prepared by MB Date 8/12/03 Published in So. Id. Press
 Publication approved MB Date 9/4/03

MICROFILMED

OCT 20 2003

Lone Cedar Well



T. 8 S
T. 9 S

R. 27 E

- + Point Determined by GPS
- + Digitized point
- + Digitized Pipeline (not in actual location)
- Surface Ownership
 - BLM
 - BIA
 - LU_DCI
 - LU_USDA
 - MIL
 - NPS
 - USFWS
 - PRIVATE
 - STATE
 - US Forest Service

060303em

No warranty is made by the Forest Service of Land Management for use of the data for purposes not intended by BLM.

DRAFT

060303em

Quad Map Name:
Lake Walcott East



1:24000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2004

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-16183

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, or at the department's website at: www.idwr.state.id.us.

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.)

MICROFILMED

JAN 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 36-16183

Reviewed By: dgibson

Date: January 14, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		D0023466
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025925, S026193	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/21/2003
Date proof due	-	09/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/18/2003
New priority date	=	06/18/2003

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 7, 2003

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

RE: Permit No. 36-16183

Dear Permit Holders:

Following issuance of the above referenced permit, it was determined that the county shown on the permit was in error. We have corrected the permit to show the county as Blaine, rather than Cassia as shown on the previous permit. To correct the error, IDWR has issued a revised permit pursuant to Rule 760 of the Rules of Procedure of the Department of Water Resources (IDAPA 37.01.01).

The revised 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 days of the service date as described in the enclosed information sheet.

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

Sincerely,

SHELLEY W KEEN
Water Rights Supervisor

SWK:kw
Enclosures

CC: BUREAU OF LAND MANAGEMENT, BURLEY OFFICE

MICROFILMED
OCT 27 2003

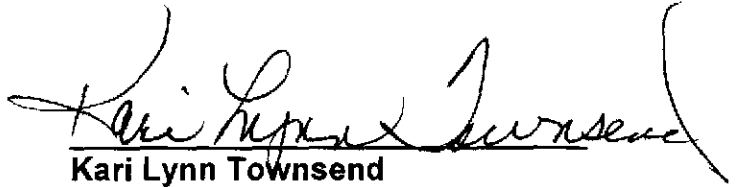
CERTIFICATE OF SERVICE

I hereby certify that on **October 7, 2003** I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** (approved Permit) to the person(s) listed below:

RE: Water Right 36-16183

**US BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318**

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


**Kari Lynn Townsend
Secretary**

MICROFILMED
OCT 20 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
OCT 29 2003

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.

APPROVED
JAN 14 2009

Comment Report

36-16183

1. jfreitag 7/29/2003 4:11:18 PM Special Administration Area Notes
Comment: Special Administration Areas : Eastern Snake River Plain Area
(Moratorium Area)
Exempt: Y
Reason:
Doc Attached:
Explanation:

Special Administration Areas : American Falls (Groundwater Management Area)
Exempt: Y
Reason:
Doc Attached:
Explanation:

2. jfreitag 7/29/2003 Legal Notice Remarks
Comment: Application is proposing to divert groundwater from an existing well for
stockwater and wildlife.

Location is 18.5 miles east and 4.5 miles north of Rupert, ID (east side of Lake
Walcott).

3. ameritt 9/15/2003 recommendation
Comment: This application was processed without protest. Recommend approval
pursuant to draft.

kw 4. kwalker 10/3/2003 County Correction
Comment: Permit was issued on 9/25/2003. We were notified today that the county
shown on the permit is in error. Per arc view this permit is located in Blaine County. I
have prepared a substitute permit to make this correction pursuant to Rule 760, Rules
of Procedure.

PAID
9/25/2003



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

September 25, 2003

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

RE: Permit No. 36-16183

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.

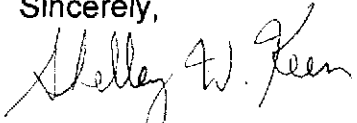
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

MICROFILM
OCT 28 2003

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: US BUREAU OF LAND MANAGEMENT

MORC
OCT 20 2003

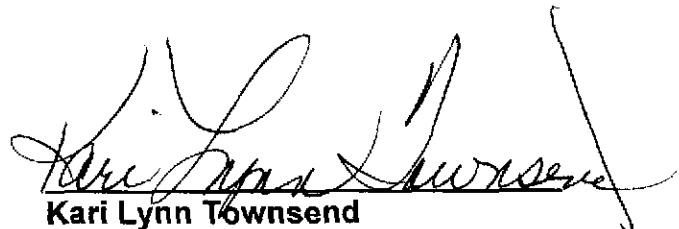
CERTIFICATE OF SERVICE

I hereby certify that on **September 29, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** (approved Permit) to the person(s) listed below:

RE: Water Right 36-16183

**US BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318**

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



**Kari Lynn Townsend
Secretary**

MORC-1250

**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).

MICHAEL W. L. WILSON

OCT 20 2003

OCT 20 2003

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.

U.S. Bureau of Land Mgmt FILE PROGRESS SUMMARY

APPLICANT: BLM - Burley WATER RIGHT NO. 36-16183

[illegible]

FORM NO.202A
REVISED 4/8/03

APPLICATION NO. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. F.

DATE 7-29-03

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/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 signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

++++PROPOSED PRIORITY DATE 6-18 19 20 03

ADDITIONAL INFORMATION

☒ Overlapping place of use(Describe source & relationship to present application on the back.

☒ Overlapping point of diversion.

☐ Yes ☒ No Field check required Field check by _____ Date _____

☐ Yes ☒ No Field report attached

☐ Yes ☒ No Critical Ground water area

☐ Yes ☒ No Groundwater management area

☐ Yes ☒ No Send Dam safety information

☐ Yes ☒ No Send power requirement letter

☐ Yes ☒ No Send fish farm requirement letter

☐ Yes ☒ No Power residency affidavit.

☐ Yes ☒ No Power efficiency form

☐ Yes ☒ No Within trustwater boundary

☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

Comment Letters:

Watermaster: District _____
Fish & Game _____
Canal Company _____
Stream Channel _____
City _____
DEQ _____
County _____
Department of Ag _____
Other _____

Date Requested _____

Date Received _____

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20____

FINAL REGIONAL PROCESSING REVIEW

Date of priority recommended 6/18, 1907

By [Signature] Title Manager Date 9/15/07, 20____

ADDITIONAL INFORMATION:

STATE OFFICE REVIEW

Date _____, 20____

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

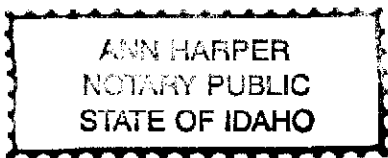
County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated August 21, 2003 and ending with the issue dated August 28, 2003.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 28th day of August in the year of 2003 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Ann Harper
Notary Public for Idaho

Residing at: Burley, Idaho

My commission expires: 9-14-2007

Cost of Publication 121.55
Affidavit Fee 5.00
Total Cost 126.55

RECEIVED
SEP 03 2003
Department of Water Resources
Southern Region

03-357

NOTICE OF APPLICATIONS

The following applications have been filed concerning public waters of the State of Idaho, Cassia County:

Application for Permit No. 36-16183
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WY
BOISE ID 83709-1657
Point of Diversion & Place of Use:
SESW S33 T08S R27E
Source GROUND WATER
Use: 01/01 To 12/31
STOCKWATER (0.07 CFS)
WILDLIFE (0.07 CFS)
Total Diversion: 0.07 CFS
Date Filed: 06/18/2003

Remark: Application is proposing to divert groundwater from an existing well for stockwater and wildlife.

Location is 18.5 miles east and 4.5 miles north of Rupert, ID (east side of Lake Walcott).

Application for Permit No. 43-13323
IDAHO PARKS AND RECREATION
PO BOX 83720
BOISE ID 83720

Point of Diversion: NWNW S36 T15S R23E
Source: GROUND WATER
Use: 01/01 To 12/31 DOMESTIC (0.02 CFS)

Total Diversion: 0.02 CFS

Date Filed: 05/21/2003

Place of Use: SENW S36 T15S R23E

Remark: Application is proposing to drill a well to serve a campsite and day visitors.

Location is 5 miles west and 1.5 miles south of Alm, ID (City of Rocks National Reserve).

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

MICHAEL & KIM HUNTER, PO BOX 187; OAKLEY ID 83346 filed **Application for Transfer No. 70618** on 6/18/2003. Transfer proposes changing the place of use and identifying the actual points of diversion for rights totaling 2.91 cfs diverted from Little Cottonwood Creek and an unnamed stream. The unnamed stream is fed by an unnamed spring that is locally known as Oakley Meadow Spring. The transfer proposes creating a 138-acre permissible place of use on property located approximately 3.0 - 3.5 miles west and 0.5 - 1.0 mile north of Oakley, west of the Foothill Road. Water from Little Cottonwood Creek will be diverted from existing diversion points located approximately 6.2 miles west and 1.9 miles south of Oakley, and 4.1 miles west and 1.9 miles south of Oakley. Water from the unnamed stream will be diverted from points of diversion located approximately 3.4 miles west and 0.6 miles north of Oakley. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before September 9, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on August 21 and 28, 2003.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 13, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ATTN STEVE DAVIS
USDI BUREAU OF LAND MGT
15 E 200 S
BURLEY ID 83318

RE: Application for Permit No. 36-16183

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the South Idaho Press on 8/21 & 8/28/03. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. **(September 8, 2003)**

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

AUG 20 2003

SCANNED DWS

AUG 13 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

August 13, 2003

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

RECEIVED

AUG 13 2003

SCANNED ✓

AUG 13 2003

Docs

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Source GROUND WATER

Use: 01/01 To 12/31

STOCKWATER (0.07 CFS)

WILDLIFE (0.07 CFS)

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IDAHO PARKS AND RECREATION

PO BOX 83720

BOISE ID 83720

Point of Diversion: NWNW S36 T15S R23E

Source: GROUND WATER

Use: 01/01 To 12/31 DOMESTIC (0.02 CFS)

Total Diversion: 0.02 CFS

Date Filed: 05/21/2003

Place of Use: SENW S36 T15S R23E

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Location is 5 miles west and 1.5 miles south of Almo, ID (City of Rocks National Reserve).

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Karl J. Dreher, Director

Published in the South Idaho Press on 8/21 & 8/28/03.

MICHAEL & KIM HUNTER

OCT 28 2003

SCANNED

AUG 13 2003