

- [illegible]

George Matejko
(For) (Applicant)
JACK BLACKWELL, Regional Forester

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
34-07587 IN THE NAME OF) **REINSTATEMENT ORDER**
US DEPT. OF AGRICULTURE,)
FOREST SERVICE)
_____)

WHEREAS, the Department of Water Resources ("Department") issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof") be submitted to the Department on or before July 1, 2000; and

WHEREAS, on July 11, 2000, the Department granted a Request for Extension of Time ("extension request") in which to submit proof for a water right permit extending the proof deadline to July 1, 2001; and

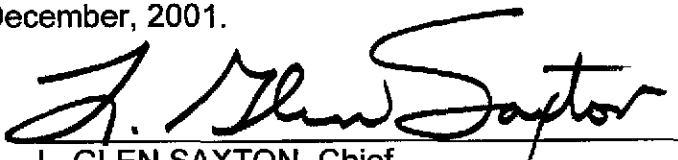
WHEREAS, the Department failed to notify the permit holder on April 30, 2001, that proof was due and of the steps to be taken to submit the proof or an extension request; and

WHEREAS, on November 1, 2001, the permit holder submitted the proof of beneficial use to the Department; and

WHEREAS, Section 42-218a(3), Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder after sixty days from the proof date upon an error or mistake of the Department,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 34-07587 is **REINSTATED** with no advance in priority.

DATED this 5th day of December, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
DEC 12 2001

RECEIVED

NOV - 1 2301

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. 0257480
 Receipt By: [Signature]
 Date Received: 11-1-01
 r Mud Lake Spring
 8-388) ST(34-07587)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 34-07587 Telephone No. 208-756-5100
2. Name(s) of Permit Holder(s): USDA-Forest Service
3. Mailing Address: RR2, Box 600, Salmon, ID 83467
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 821-range cattle

Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 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 | <u>X</u> |
| | Has the measuring device been installed? | Yes | _____ | or | No | <u>X</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes | _____ | or | No | <u>X</u> |
| | Has the measurement port been installed? | Yes | _____ | or | No | <u>X</u> |
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: HOLGER JENSEN Telephone Number: 208-588-3400
Address: P.O. BOX 507, MACKAY, Id. 83251
10. The information given on this form 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.
- MICROFILMED

Signature of permit holder:

DEC 12 2001
George Matelino
(include your title, if on behalf of company or organization)
(for) Jack Blackwell, Regional Forster

Date: 10/26/01

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 30 2000

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 34-07587

Name(s) of Permit Holder: United States of America - Forest Service

Mailing Address: 324 25th Street, Ogden, Utah 84401

Date Proof is Due: July 1, 2000 Telephone No. (801)625-5360

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".)

Supplies Purchased - One 24" X 36" tube-shaped, bottomless, fiberglass headbox, with
single 1 1/4" outflow pipe. Approximately 440 yds. of 1 1/4" poly pipe and a single
583 gallon trough.

Approx. Costing \$ \$1,500.00

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

BLM had a special need to move cattle on to forest land which delayed the installation
of this system.

Permit holder(s) request an extension to July 1, ~~19~~ 2001.

FEE: \$50.00

George Matejka
(Signature)* (for) Jack Blackwell, Regional Forster
*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 July 1, 2001.

MICROFILMED

DEC 12 2001

Signed this 11 day of July, ~~19~~ 2000.

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 34-07587

Proposed Priority: May 26, 1998

Maximum Diversion Rate:

0.03 CFS

This is to certify, that US DEPT OF AGRICULTURE

FOREST SERVICE

SALMON CHALLIS NATIONAL FOREST

RR 2 BOX 600

SALMON ID 83467

has applied for a permit to appropriate water from:

SPRING

tributary of MUD LAKE CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

06/01 to 10/31

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESESW , Sec. 35, Township 06N, Range 23E
CUSTER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 23E 35

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. 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.
7. Source known locally as Lower Mud Lake Spring.
8. Stockwater use is for 821 range cattle.

RECEIVED
MAY 31 1998

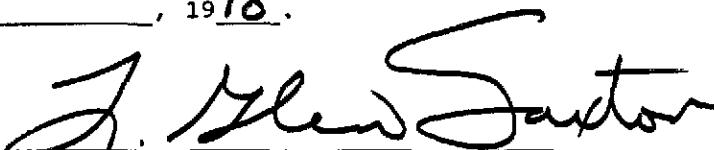
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 34-07587

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 July, 1998.


Karl J. Dreher, Director
for

JUL 31 1998

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.

34-07587

RECEIVED

JUN 29 1998

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of applicant USDA- Forest Service Phone 208-756-5100
Post office address Salmon-Challis NF, RR 2 Box 600, Salmon, ID 83467
2. Source of water supply Spring which is a tributary of Mud Lake Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 35 Township 6 North Range 23 East B.M. Custer County; additional
points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.03 for Stock watering purposes from June 1 to Oct. 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)
5. Total quantity to be appropriated is (a) 0.03 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. One 24" X 36" tube-shaped, bottomless,
fiberglass headbox, with single 1 1/4" outflow pipe. Approximately 440 yds. of
1 1/4" poly pipe to a single 583-gallon trough.
 - b. 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.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

AUG 10 1998

JUL 31 1998

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. 821 cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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	
6N	23E	35												S					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? USDA-Forest Service

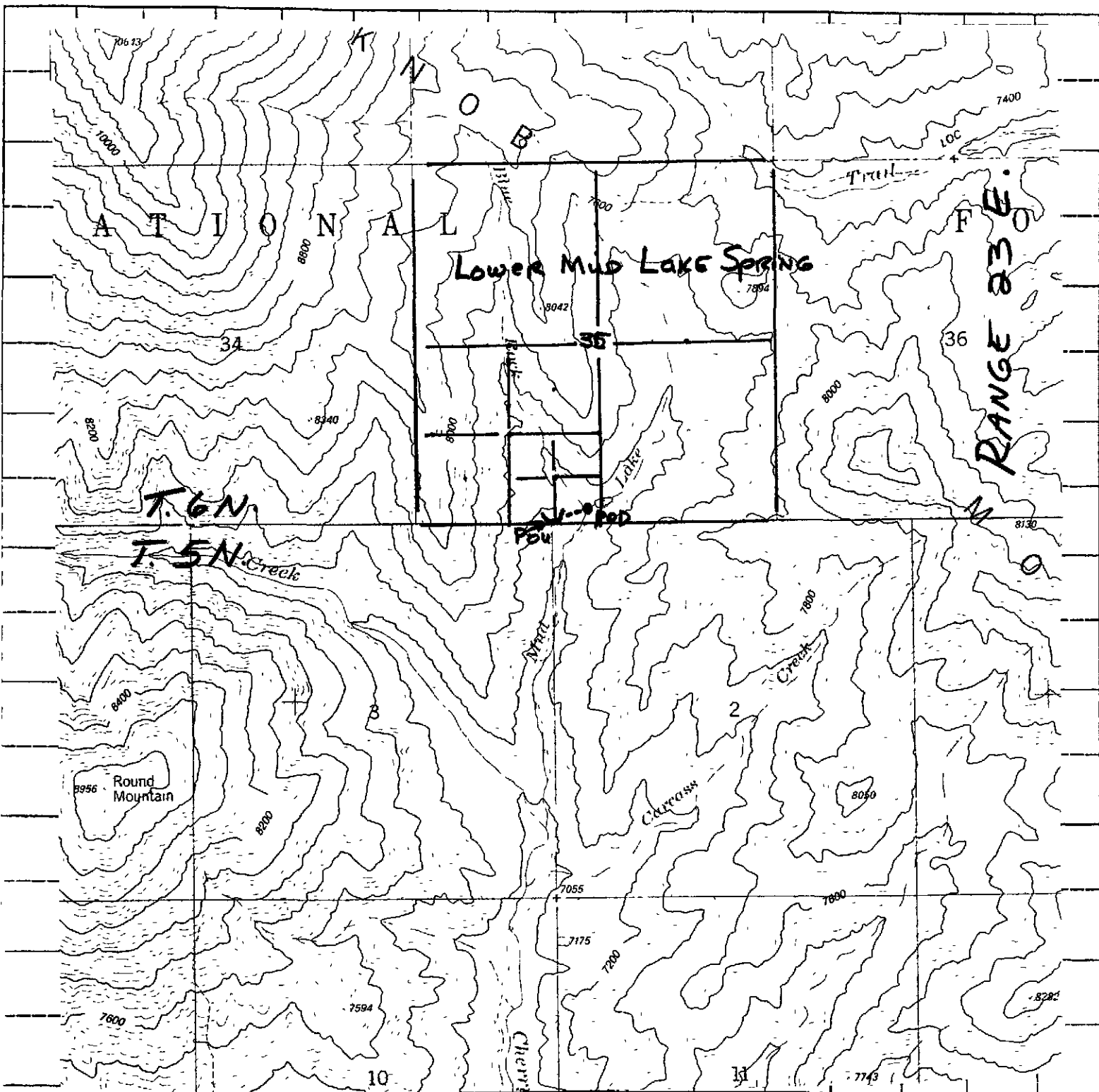
b. Who owns the land to be irrigated or place of use? USDA-Forest Service

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: Source known locally as Lower Mud Lake Spring.

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JUL 31 1998

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



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.

144-31-1998
George Matejko
 (For) (Applicant)
 JACK BLACKWELL, Regional Forester

Received by HWT Date 5-26-98 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by HWT # E024140 Date 5-26-98
Publication prepared by SC Date 6-4 & 6-11-98 Published in Challis Messenger
Publication approved SC Date 6/11/98

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:

JUL 31 1998



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

December 6, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON CHALLIS NATIONAL FOREST
RR 2 BOX 600
SALMON ID 83467

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 34-07587

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit without advancement of the priority date, due to an error the department made when processing your previous Request for Extension.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

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 the field examination, you may contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

DEC 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 34-7587

Reviewed By: dgibson

Date: December 4, 2001

	<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.:		E024140, C057480	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 11/01/2001 —

Date proof due - 07/01/2001 —

Lapse notice sent -

No. of days late

= ~~123~~ — Dept. error

Holiday allowance

+

Priority date

+ 05/26/1998

New priority date

= ~~09/26/1998~~ — 5/26/98 ok on database

Deficiencies of Actions Items

Acknowledge proof. Prepare Reinstatement Order with no advancement in priority due to department error. The database was not updated when they filed a Request for Extension of Time which extended their proof deadline to 7/1/2001. No notice was produced and mailed.

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DEC 12 2001



United States
Department of
Agriculture

Forest
Service

Salmon-Challis
National Forest

Headquarters Bldg
50 Hwy 93 S
Salmon, ID 83467

File Code: 2540
Date: October 24, 2001

RECEIVED

NOV - 1 2001

Deborah Drew-Ellis
Idaho Department of Water Resources

PO Box 83720
Boise, ID 83720-0098

Department of Water Resources

We are submitting Proof of Beneficial Use for Permit #34-07587. A Request for Extension of Time was submitted for this development in June 2000. At that time we received an approved extension with a new proof of beneficial use date of July 1, 2001. This development was completed in 2000, but due to the workload with the fire season of 2000 the Proof of Beneficial Use was not submitted to IDWR last year. A letter notifying us of proof due by July 1, 2001 was never received. In reviewing our files recently we realized that the proof date had passed and now submitting the form.

Enclosed is a check for \$50 to cover the License examination fee. We need to receive a receipt for this payment. Please send the receipt to Betsy Rieffenberger, Salmon and Challis National Forests, 50 Hwy. 93 South, Salmon, Idaho 83467, or FAX her the receipt at 208-756-5151. If you need any additional information regarding this water development please contact Betsy Rieffenberger at 208-756-5108.

Sincerely,

Robert A. Russell
Ecosystem Staff Officer

Enclosures

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DEC 12 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 2000

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON CHALLIS NATIONAL FOREST
RR 2 BOX 600
SALMON ID 83467

RE: PERMIT NO. 34-07587

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **July 1, 2001**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

DEC 12 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 34-07587 Reviewed by D. Elli, Date 7/11/00

BASIC INFORMATION

6/30/00 Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No 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? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Based on Due Diligence the extension is approved and the proof deadline is changed to July 1, 2001.

PRIORITY CALCULATION

Date extension received	<u>6/30/00</u>	=	_____
Proof due date	<u>7/1/00</u>	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address No
Change Proof Due Date 7/1/2001
Change Priority Date No

April 30, 2000

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON CHALLIS NATIONAL FOREST
RR 2 BOX 600
SALMON ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 34-07587

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 July 1, 2000.

(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.

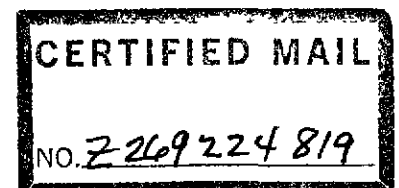
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

DEC 12 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

July 7, 1998

PHILIP E. BATT
GOVERNOR

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON CHALLIS NATIONAL FOREST
RR 2 BOX 600
SALMON ID 83467

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMITS 34-07586/34-07587

Dear Permit Holder:

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

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

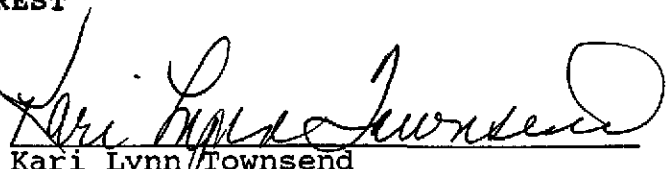
71 1998

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Permits) to the person(s) listed below:

Water Rights 34-07586/34-07587

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON CHALLIS NATIONAL FOREST
RR 2 BOX 600
SALMON ID 83467


Kari Lynn Townsend
Secretary

JUL 31 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

REC'D
JUL 31 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

FILED
JUL 31 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*No.: 34-7587 Name: USDA-BLM Date: 7/1/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

- No MD

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # 34)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA

> 1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use),

17G (FERC) or 17M (FERC), 18B-P09, >25 cfs-P18

Stockwater

- R37 (BLM/USFS), NA

Storage (✓ 3 compo)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

- S

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 1) W02 2) Source AKA

BENEFICIAL USE DUE:

- 7/1/ 2000

COMMENTS:

JUN 29 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing
Submitted for advertising 52-98Form No. 202
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMITINITIAL REVIEW BY HWJ DATE 5-26-88 APPLICATION NO. 34-07587
USFS

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 and/or volume)
☒ 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

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 _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater 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 (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____
☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended _____

By: _____

STATE OFFICE REVIEW

5-26-1998

Date: _____

6-24-1998

By _____

Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated June 4 1998 and ending with
the issue dated June 11 1998.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 11th day of June in the
year of 1998 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



Notary Public for Idaho

Residing at Challis, Id.

My commission expires: 3-19-2004

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 34-07586

US DEPT OF AGRICULTURE,
FOREST SERVICE, RR 2 BOX
600, SALMON-CHALLIS NF, SAL-
MON, ID 83467

Source: SPRING

Tributary: MUD LAKE CREEK

Diversion Pt: NESWSE Sec 35 T
06N R 23E in CUSTER County.

Use: STOCKWATER

(0.030 CFS)

Total Diversion: (0.030 CFS)

Date Filed: 5/26/1998

In: CUSTER County

T06N R23E S35 SWSE

34-07587

US DEPT OF AGRICULTURE,
FOREST SERVICE, RR2 BOX 600,
SALMON-CHALLIS NF, SALMON,
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Date Filed: 5/26/1998

In: CUSTER County

T06N R23E S35 SESW

The permit(s) will be subject to
all prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code and/
or the new public interest criteria
of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the appli-
cant and the Director, Dept. of Wa-
ter Resources, along with a \$25
filing fee, 900 N. Skyline Dr., Ida-
ho Falls, ID, 83402, on or before
JUNE 22, 1998.

KARL J. DREHER, Director

Pub: June 4 & 11, 1998.

RECEIVED

JUN 11 1998

Department of Water Resource-
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 27, 1998

Legal Notices Department
CUSTER PUBLISHING CO.
P.O. BOX 405
CHALLIS, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

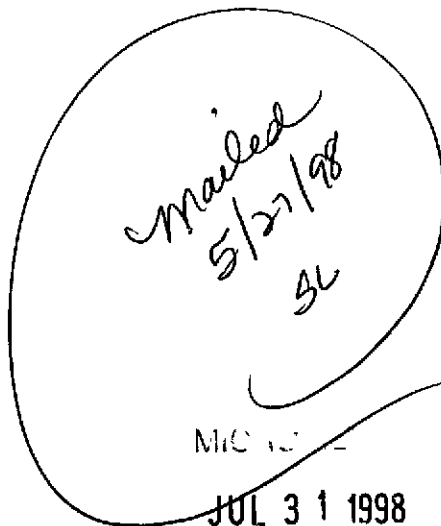
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 22, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.



NOTICE OF APPLICATION FOR TRUST WATER RIGHT

ADVISORY

JUL 31 1998

34-07586

US DEPT OF AGRICULTURE
FOREST SERVICE
RR 2 BOX 600
SALMON-CHALLIS NF
SALMON, ID 83467

Source: SPRING

Tributary: MUD LAKE CREEK

Diversion Pt: NESWSE Sec 35 T 06N R 23E in CUSTER County.

Use: STOCKWATER	(	0.030 CFS)
Total Diversion:	(	0.030 CFS)

Date Filed: 5/26/1998

In: CUSTER County
T06N R23E S35 SWSE

101 3 1 1998

34-07587

US DEPT OF AGRICULTURE
FOREST SERVICE
RR2 BOX 600
SALMON-CHALLIS NF
SALMON, ID 83467

Source: SPRING

Tributary: MUD LAKE CREEK

Diversion Pt: SESESW Sec 35 T 06N R 23E in CUSTER County.

Use: STOCKWATER	(	0.030 CFS)
Total Diversion:	(	0.030 CFS)

Date Filed: 5/26/1998

In: CUSTER County	
T06N R23E S35	SESW

6/11/98

JUL 31 1998

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before JUNE 22, 1998.

KARL J. DREHER, Director

Published: 6/ 4/1998 & 6/11/1998

JUL 31 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

May 27, 1998

KARL J. DREHER
DIRECTOR

US DEPT OF AGRICULTURE
C/O FOREST SERVICE
RR 2 BOX 600
SALMON ID 83467

RE: Application for Permit #34-07586 and #34-07587

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger on June 4 and 11, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

NOTED & FILED

JUL 31 1998