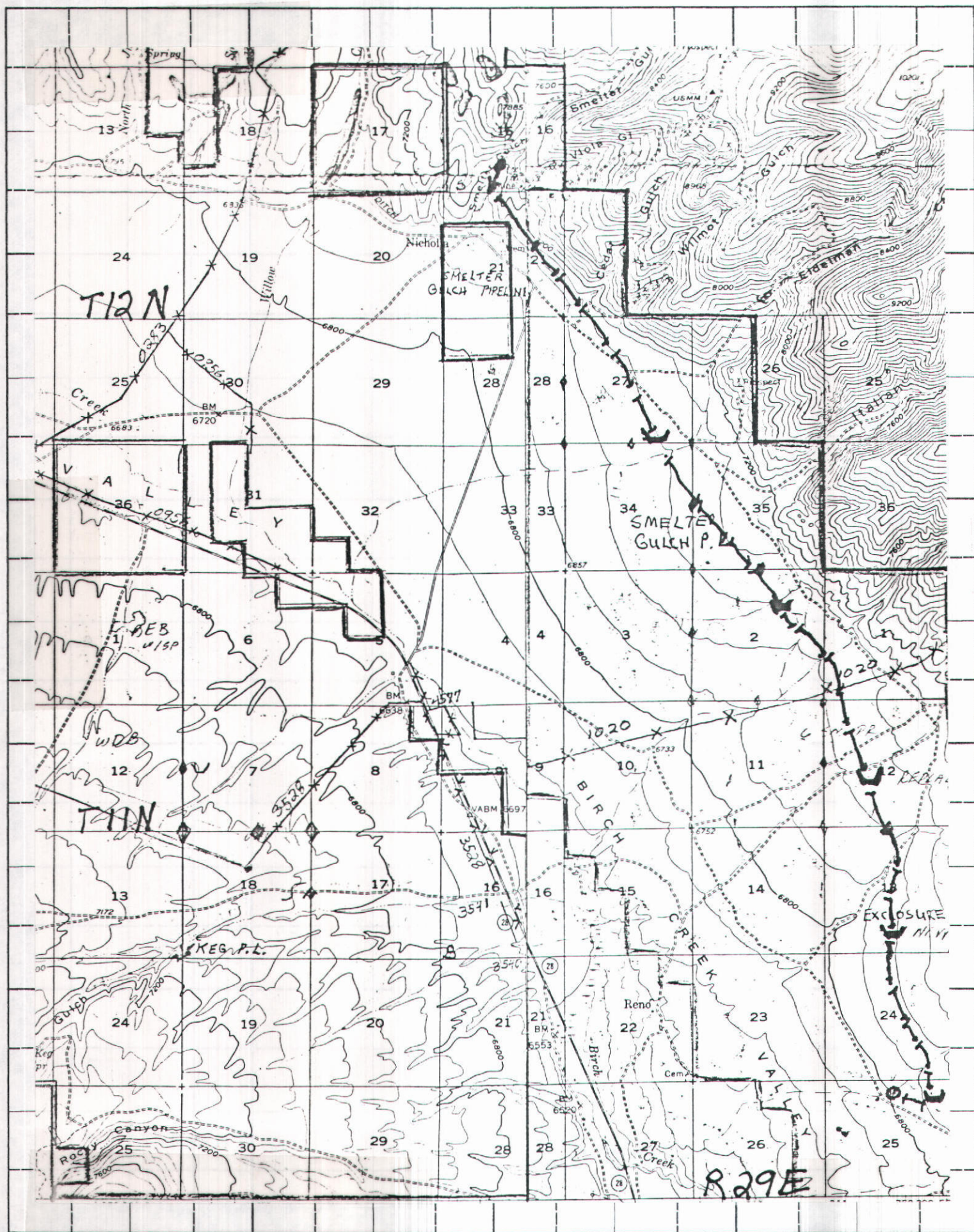


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Kenneth S. Walker
(District Manager)

(Applicant)

MICROFILMED

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tions have been filed to
appropriate the public
waters of the State of
Idaho:

32-7151

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MGMT., IDAHO STATE
OFFICE, 3380 AMERI-
CANA TERRACE, BOISE,
ID 83706

Source: SPRING trib. to
SMELTER GULCH

Date Filed: 08/15/1985

Diversion Pt: NESW Sec 16
T 12N R 29E

Use: STOCKWATER (0.08
CFS)

WILDLIFE (0.02 CFS)

In: SWSE Sec 27 T 12N R
29E SWNE Sec 02 T 11N R
29E NESW Sec 12 T 11N R
29E SWSE Sec 13 T 11N R
29E NENE Sec 25 T 11N R
29E

The permit(s) will be
subject to all prior water
rights. Protests may be sub-
mitted 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 Director, Dept. of
Water Resources, 150
Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on
or before September 23,
1985.

KEN DUNN

Director

Published 9/05 and
9/12/85.

9-5-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

SEP 13 1985

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Notice of Application for Water Right 32-7151

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Sept. 5, 1985
and ending with the issue dated Sept. 12, 1985.

Subscribed and sworn to before me, this twelfth
day of September, 1985.

Notary Public for the State of Idaho,
Residing at Salmon, Idaho

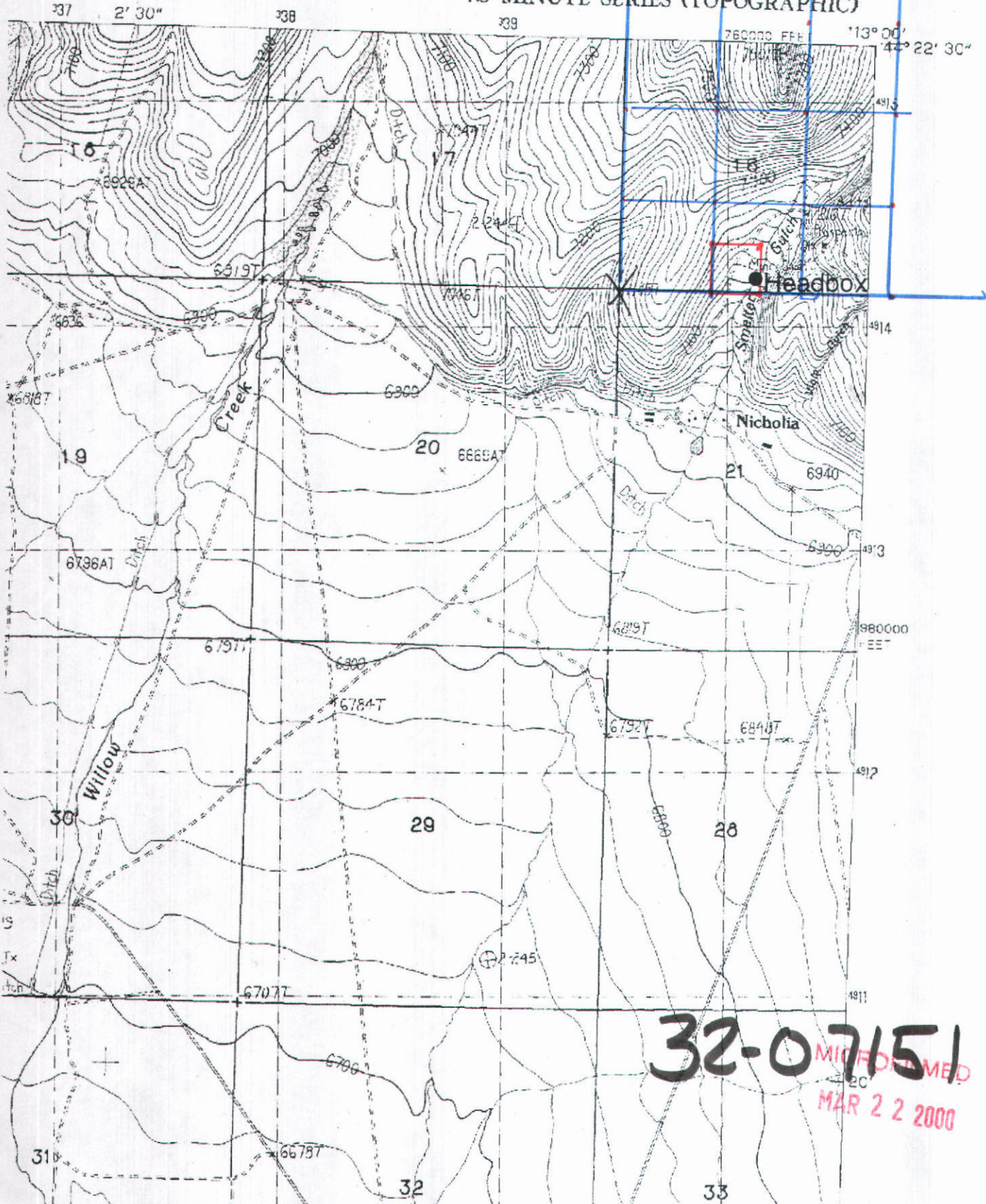
Publication Fee \$ 31.50

MICROFILMED

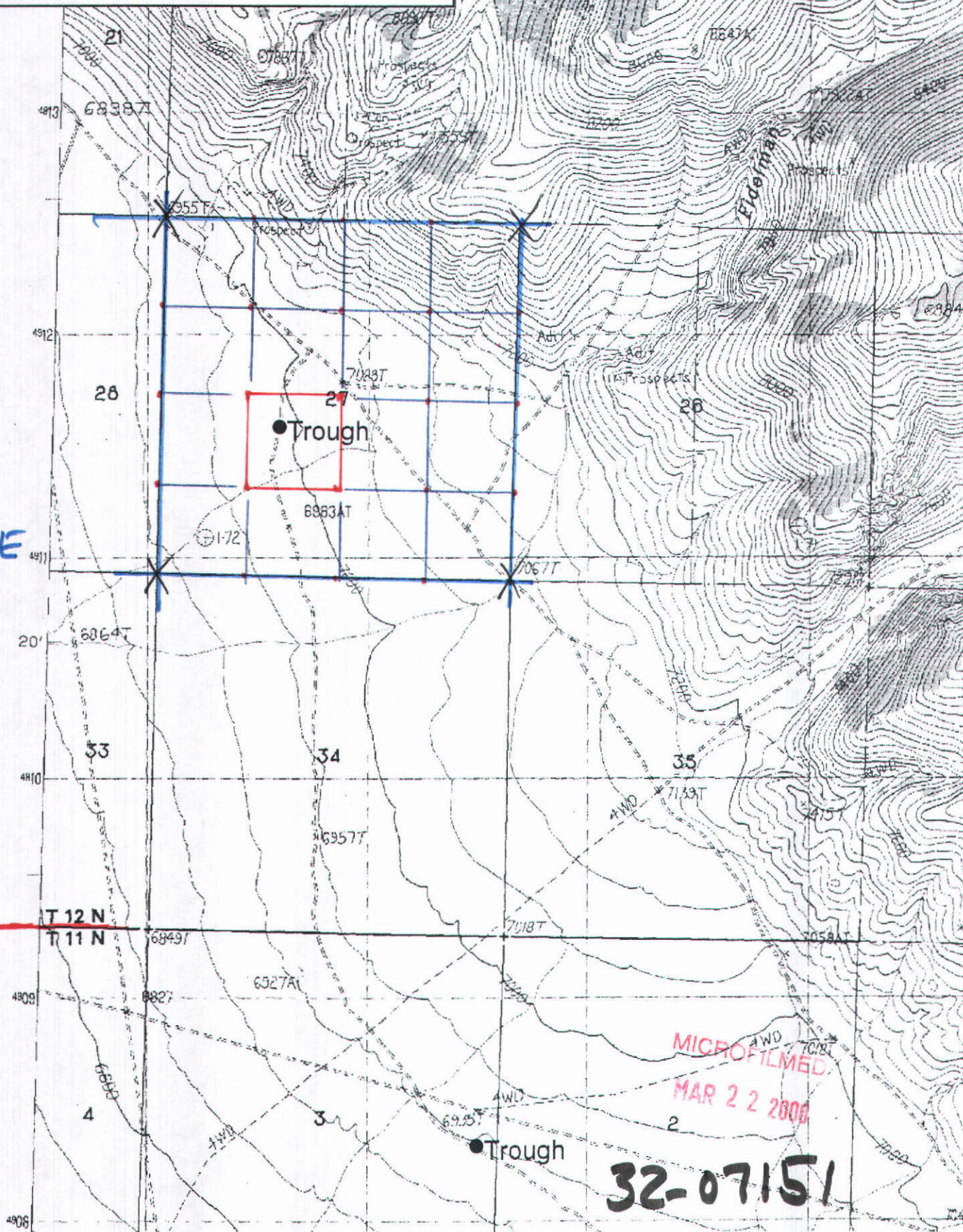
Smelter Gulch Pipeline
A32-07151
3204688076

T12N
R29E

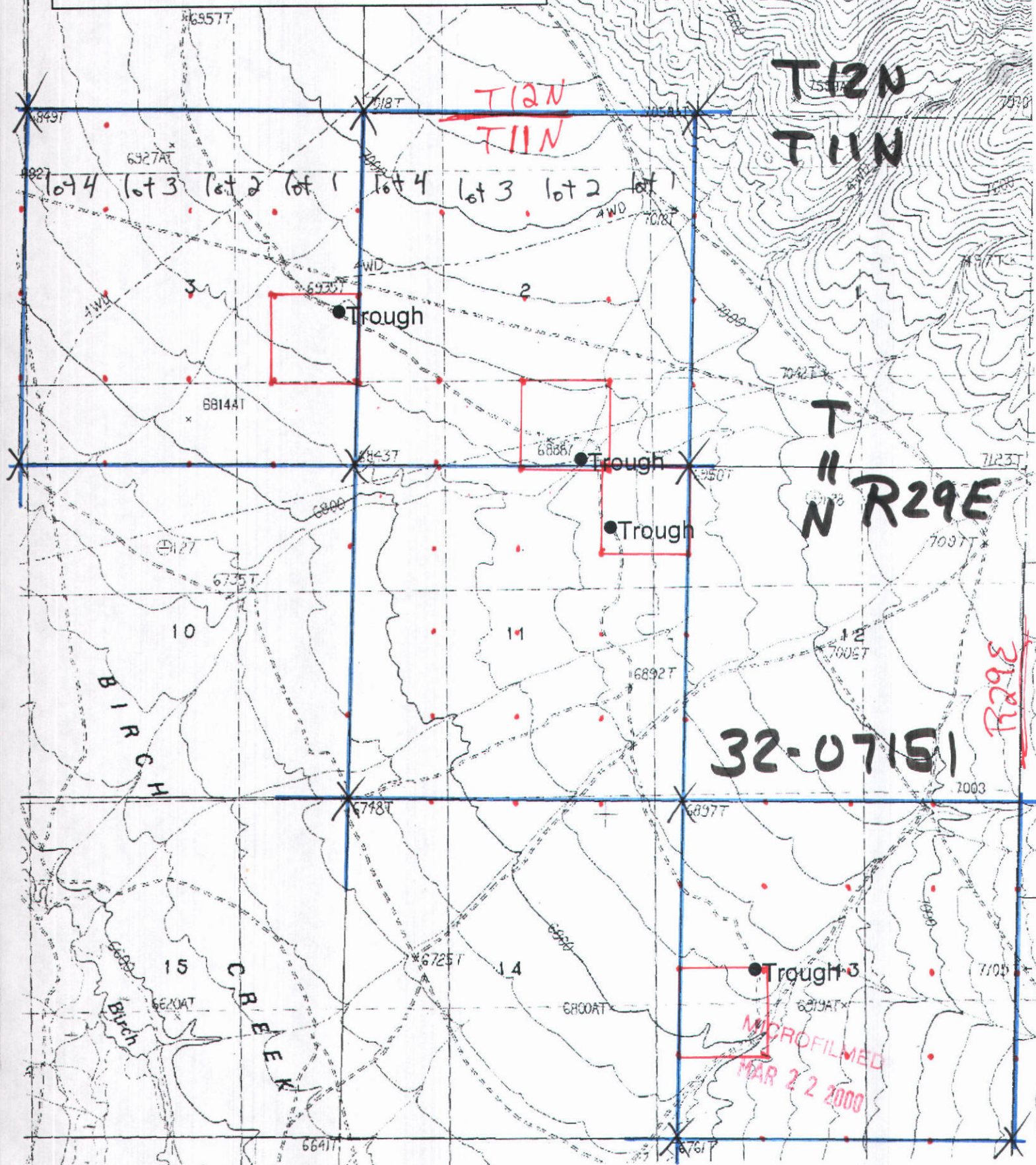
NICHOLIA QUADRANGLE
IDAHO-LEMHI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



Smelter Gulch Pipeline
A32-07151
3204688076



Smelter Gulch Pipeline
A32-07151
3204688076



RECEIVED

MAR 20 2001

Department of Water Resources

2001 MAR 19 AM 8:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right 32-07151

On January 31, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 32-07151 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 19 2001.



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
DEC 17 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 32-07151

2001 MAR 19 AM 8:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SMELTER GULCH

QUANTITY: 0.10 CFS
4.60 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/15/1985

POINT OF DIVERSION: T12N R29E S16 SWSESW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 12-31	0.08 CFS 4.60 AFY
	Wildlife	01-01 TO 12-31	0.02 CFS 4.60 AFY

PLACE OF USE: Stockwater Within Lemhi County
T11N R29E S02 SWSE
S03 NESE
S11 NENE
S13 NWSW
T12N R29E S27 NESW

Wildlife Within Lemhi County
T11N R29E S02 SWSE
S03 NESE
S11 NENE
S13 NWSW
T12N R29E S27 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED
DEC 17 2003

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
DEC 17 2003

MICROFILMED

RECEIVED

MAR 20 2001

Department of Water Resources

2001 MAR 19 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 32-07151

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 32-07151 was mailed
on March 19, 2001, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

FILED

MAY 17 2003

PAGE 1
03/19/01

6-2-01

MAY 30 2002

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 32-07151

Priority: August 15, 1985

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

4.6 AF

This is to certify, that US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT

PO BOX 430

SALMON ID 83467

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 15, 1985; and has submitted Proof of Beneficial Use on September 27, 1990. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from:

SPRING

tributary to SMELTER GULCH

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 12/31	0.08 CFS	4.6 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	4.6 AF
	Totals	0.10 CFS	4.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSESW , Sec. 16, Township 12N, Range 29E
LEMHI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11N 29E	2	SWSE
	3	NESE
	11	NENE
	13	NWSW
12N 29E	27	NESW

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 17th day of February, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 22 2000

RECEIVED

FEB 07 2000

RECEIVED

FEB 10 2000

Department of Water Resources

State of Idaho
Department of Water Resources Eastern Region**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

WATER RIGHT NO. 32-07151

Date of Priority: August 15, 1985

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

4.6 AF

Comes now

US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT

PO BOX 430

SALMON ID 83467

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 32-07151, and requests that the permit be changed as follows:

Source: SPRING

tributary to SMELTER GULCH

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 12/31	0.08 CFS	4.6 AF
WILDLIFE	01/05/01 to 12/31	0.02 CFS	4.6 AF
	Totals	0.10 CFS	4.6 AF

LOCATION OF POINT(S) OF DIVERSION:SWSESW , Sec. 16, Township 12N, Range 29E
LEMHI CountyPLACE OF USE: STOCKWATERTWN RGE SEC

11N 29E	2	SWSE
	3	NESE
	11	NENE
	13	NWSW
12N 29E	27	NESW

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Salmon ID, this 3 day of February, 2000.

MICROFILMED

MAY 11 2000

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 32-07151

FOR DEPARTMENT USE ONLY

Preliminary check by SK Fee = ^{\$}50 Receipted by Hut # E025594 Date 2-7-2000

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 32-07151 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the
watermaster of State Water District No. 32D.

Witness my hand this 17th day of FEBRUARY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 22 2006

RECEIVED
SEP 27 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 32-07151 Telephone No 756-5400

Name(s) of Permit Holder(s): USDI, Bureau of Land Management

Post Office Address: P.O. Box 430, Salmon, ID 83467

Source of Water: spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater 345 C (No. and type of stock) Other _____
1000 S

Total rate and/or volume for which proof is submitted .1 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: January 1968

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination

Robert Heidemann
Name

756-5402
Telephone

P.O. Box 430, Salmon, ID 83467
Address

Address

JAN 64 1991

MICROFILMED

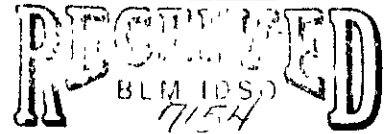
The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Sept. 25, 1990
Date

Roy Jackson District Manager
Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.



To appropriate the public waters of the State of Idaho

1. Name of applicant USDI, Bureau of Land Management Phone 208-756-2201

Post office address Box 430, Salmon, ID 83467

2. Source of water supply spring which is a tributary of Smelter Gulch

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 Township 12N.

Range 29E. B.M. Lemhi County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .08 cfs for livestock purposes from 5/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 cfs for wildlife purposes from 5/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .1 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headbox with 9 miles of 1 $\frac{1}{4}$ ", 1 $\frac{1}{2}$ ", and 2" PVC pipe transporting water to 5 water troughs and a wildlife guzzler.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year -- maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: SEE ITEM 8B ADDED PER TELECON 8/26/85
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. See Attached Map

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 370 cows and 1000 sheep

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Wildlife - 200 antelope, 10 deer, sage grouse, coyotes, small mammals, and nongame birds

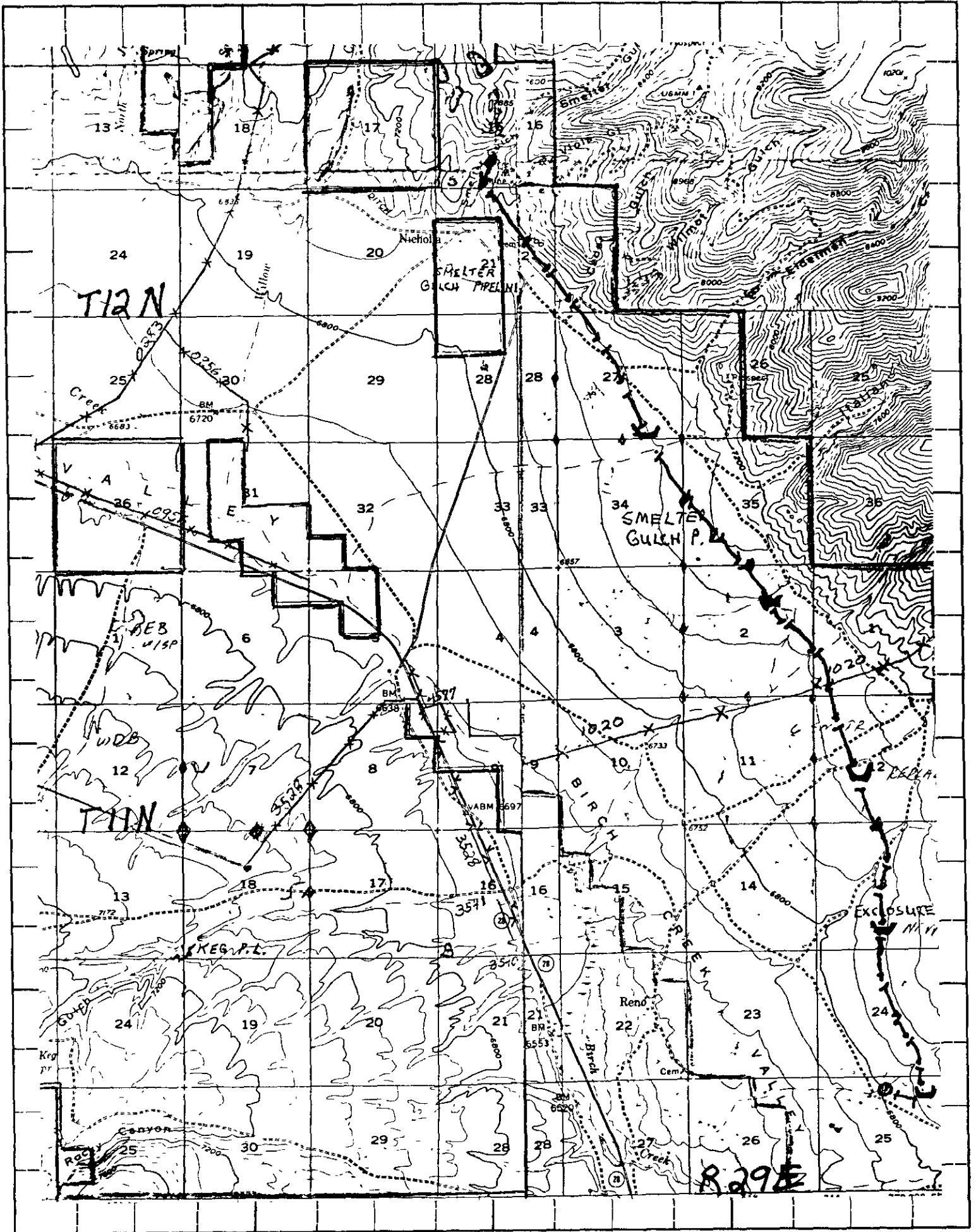
MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

Total number of acres to be irrigated

[illegible]

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



Scale 2 inches equal 1 mile.

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

Kenneth S. Walker
(District Manager)

(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority 8/15/85 me 8-19-85 11:50 A.
Received by SRC Date 8/15/85 Time 1:35
Preliminary check by _____ Fee \$ 30.00 ID-910-BP5-0019
Receipted by if Date 10-15-85 # 37206
Publication prepared by ct Date 8-28-85
Published in Reynolds-Herald
Publication dates 9-5 and 9-12-85
Publication approved me Date 9-14-85
Protests filed by: BLM WITHDRAWN - 10/3/85

Copies of protests forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial by EMC kw

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. 32-7151, and said application is hereby APPROVED.

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 October 1, 19 90.
- 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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Use of water under this permit is subject to control by the watermaster of State Water District No. 32D, Birch Creek.

Witness my hand this 17th day of October, 1985.

A. Glen Saylor
Chief, Operations Bureau

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

Application
to
Public
of

32-7151

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MANAGEMENT
IDAHO STATE
OFFICE, 1001 AMERI-
CANA TERRACE, BOISE,
ID 83706

Source: Mining sub. to
SMELTER, LEMHI

Date Filed: 9/13/1985

Division: SW Sec 16
T 12N R 29E

Use: STORAGE WATER (0.08
CFS)

WILDLIFE (0.08 CFS)

1st SW 1/4 Sec 12 N R

2nd SW 1/4 Sec 12 T 11 N R

29E NE 1/4 Sec 12 T 11 N R

29E SW 1/4 Sec 13 T 11 N R

29E NE 1/4 Sec 23 T 11 N R

29E

The applicant will be
subject to all prior water
rights. Protests may be sub-
mitted based on the criteria
of Sec. 24-205A, Idaho
Code. The new
public use criteria of
Sec. 24-205B, Idaho Code.
Protests must be filed with
the Director, Dept. of
Water Resources, 150
Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on
or before September 25,
1985.

KEN DUNN
Director
Published 9/05 and
9/12/85.

9-5-28c

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss

RECEIVED

SEP 13 1985

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Notice of Application for Water Right 32-7151

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Sept. 5, 1985
and ending with the issue dated Sept. 12, 1985

Jerry G. Rosin

Subscribed and sworn to before me, this twelfth
day of September, 1985

Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 31.50

MICROFILMED

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

MICROFILMED
1980-1983



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

February 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 83467

RE: WATER RIGHT NO. 32-07151

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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,

Sh Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

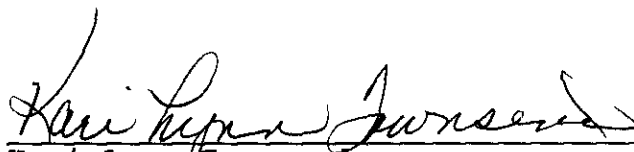
920 1 2 1985

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **February, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 32-07151

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 83467


Kari Lynn Townsend
Secretary

MICROFILMED

MAR 21 1981

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.

MICROFILMED

MAY 21 1996

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.



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

January 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 430
SALMON ID 83467

RE: WATER RIGHT NO. 32-07151

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form describes the point(s) of diversion and place(s) of use and other information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 60 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,

for KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED

MAR 2 2 2000

LICENSE REVIEW CHECKLIST

Permit No. 32-07151 Date 1/28/2000 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion change

Does change clarify original intended source? If no, void permit
Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps Right(s) none
File reviewed Profile reports printed

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

Rate of Diversion

Permitted rate 0.10 cfs
Fee Limit 0.01 cfs
Measured cfs
Theoretical cfs

Recommended Total Diversion Rate 0.10

Water Uses OK

Change (P46)

Irrigation cfs af
Stockwater 0.08 cfs 7.12 af
Domestic cfs af
Wildlife 0.02 cfs 4.6 af
Total 0.10 cfs 4.6 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/079)
overlap spec combined rts (W35)
>1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fish (077)
Water Quality (081/R07)
Payette - (W22/047/27A)

Volume Determination over

 cfs x 1 9835 x days = af (vs) acres x (FHR) = af

Remarks

Additional Conditions YES Watermaster Control 32D
NO GW Measurement/Measuring Device
NO Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

Government Lots? NO

Advance Priority? yes If yes, explain why below
no

SRBA Claim? yes - see attached

Adjust memo NO

Amend Letters P48

P87, S06

Second Amendment Notice

S06

$$\checkmark \quad \frac{345 \text{ hd range cattle} \times 12 \text{ gpd} \times 245 \text{ days}}{325850} = 3.1 \text{ AFA}$$

+

$$\checkmark \quad \frac{1000 \text{ hd sheep} \times 2 \text{ gpd} \times 245 \text{ days}}{325850} = 1.5 \text{ AFA}$$

4.6 AFA
total

AJ5809NP
No. 32-07151

IDAHO DEPARTMENT OF WATER RESOURCES
~~WATER RIGHT CLASS PROFILE REPORT~~

DATE: 01/28/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	08/15/1985	STOCKWATER	05-01 12-31	0.080 CFS	
			WILDLIFE	05-01 12-31	0.020 CFS	
TOTAL DIVERSION:					0.100 CFS	

Water Source: SPRING

Tributary to: SMELTER GULCH

Stage: PERMIT

Point(s) of Diversion:

T12N R29E S16

NESW

LEMHI County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
11N	29E	2	S												
11N	29E	12						S							
11N	29E	13										S			
11N	29E	25	S												
12N	29E	27										S			

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

POU County: LEMHI

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

32-10356 A32-07151 A32-10356

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Remarks: EXP BLM RECORD ID = 3204688076
370 COWS, 1000 SHEEP, W/200 ANTELOPE, 10 DEER, MISC. SM. ANIMALS

Dates: Exam Made Date:

Verified Date:

Objection Filed Date: 06/03/1998

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

CRJ 6/3/98

WR0749NP
No. L32-07151

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/28/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR	08/15/1985	STOCKWATER	05/01 12/31	0.080 CFS	4.60 AFA
	BUREAU OF LAND MANAGEMENT		WILDLIFE	05/01 12/31	0.020 CFS	4.60 AFA
	PO BOX 430					
	SALMON ID 83467			TOTAL DIVERSION:	0.100 CFS	4.60 AFA
	(208) 756-5400					

Water Source: SPRING

Tributary to: SMELTER GULCH

Stage: LICENSE

Point(s) of Diversion Capacity: 0.100 CFS

Point(s) of Diversion: T12N R29E S16 *SWSESW*

LEMHI County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
11N	29E	26	:															:
11N	29E	34	:															:
11N	29E	11	:	S														:
11N	29E	13	:							S								:
12N	29E	27	:							S								:

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

Pou County: LEMHI

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 32D.

Dates: App. Received: 08/15/1985 Priority Date: 08/15/1985
Proof Due Date: 10/01/1990 Proof Made Date: 09/27/1990
Exam Made Date: 08/27/1999 Exam Sent to S.O.: 09/09/1999
Licensed Date:

Misc: Water District Number: 32D Field Exam Fee: N (Not Required)

Comments: Date: 01/28/2000 User-ID: KWALKER Subject: STOCKWATER
STOCKWATER USE IS FOR 345 RANGE CATTLE & 1000 SHEEP.

Audit: 01/28/00 KWALKER

AJ5809NP

No. 32-07151

IDAHO DEPARTMENT OF WATER RESOURCES

ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/28/00

PAGE: 3

Audit: 01/10/98 AJCTR 01/26/98 AJONES 01/27/98 DCARLSON 01/30/98 CPDSHAFF
06/11/98 UPD-SEGB 09/01/98 ADT-DSHA

RECEIVED

SEP 16 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 32-07151

1 Owner: Bureau of Land Management Phone No. (208) 752 5400

Current Address: Route 2 Box 610 Salmon ID 83467

2. Accompanied by: in office with ALLAN BITTNER EXAM DATE: 8/27/99

Address: SAME AS ABOVE Phone No.

Relationship to Permit Holder:

3. Source: Spring tributary to Smelter Gulch

B. OVERLAP REVIEW

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

RECEIVED

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

SEP 03 1999

C. DIVERSION AND DELIVERY SYSTEM

Department of Water Resources
Eastern Region

1. Point(s) of Diversion:

[illegible]

2 Place(s) of Use:

Indicate Method of Determination USGS Quad/BLM Project Site

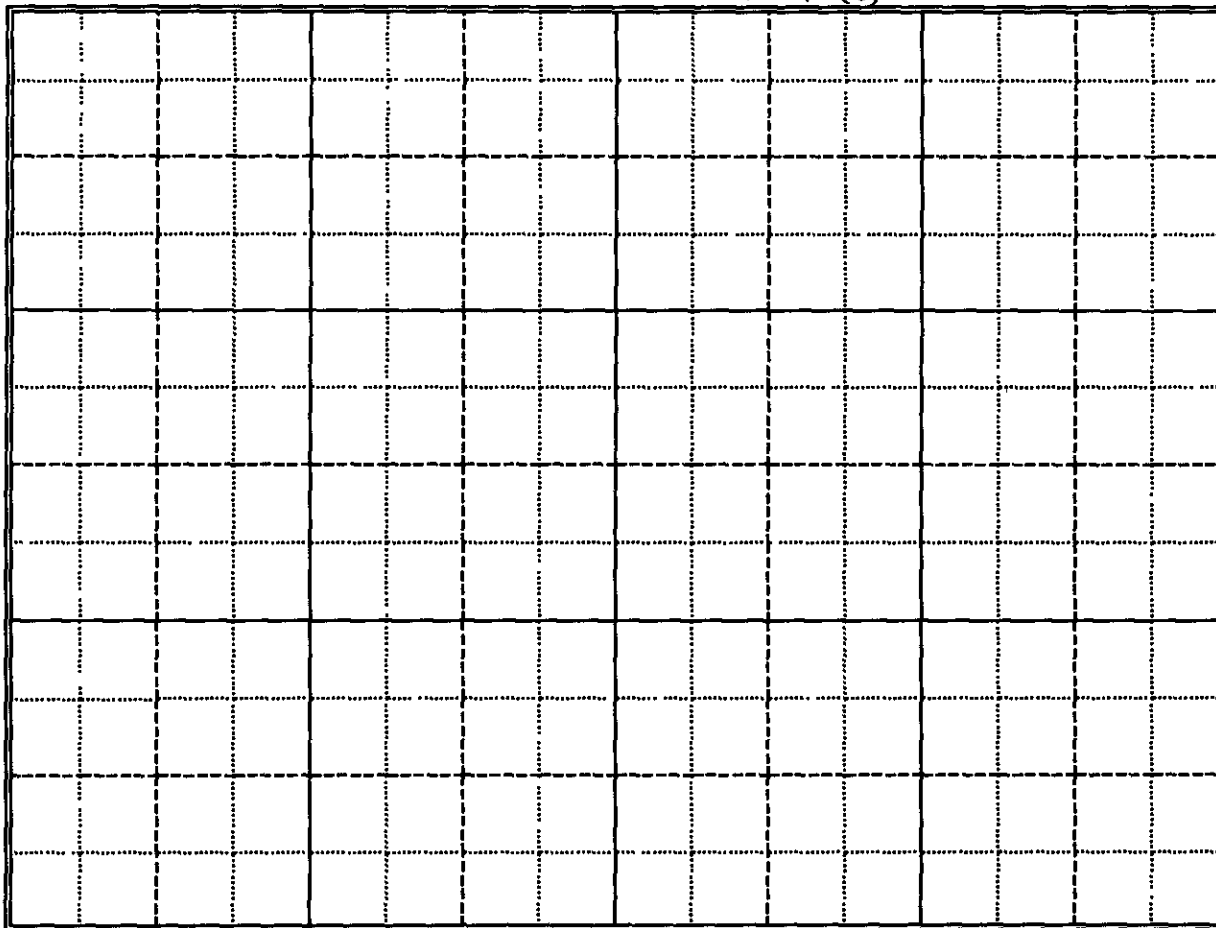
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	29E	3																	
		2																	
		11	S/W																
		13																	
12N	29E	27																	

MICROFILMED

1942

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

SEE ATTACHED MAP(S)



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: NONE taken

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4:5 2 2000

E. NARRATIVE/REMARKS/COMMENTS

1) SYSTEM consists of developed Spring with pipeline to five (5) troughs.

2) change point of diversion to reflect as built

3) change place of use to reflect as built

Have conditions of permit approval been met? ☒ yes ☐ no

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MAR 22 2000

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

NONE

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

NONE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>5/1</u>	<u>12/31</u>	<u>.08 cfs</u>	_____
<u>Wild life</u>	<u>5/1</u>	<u>12/31</u>	<u>.02 cfs</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.10 cfs</u>	_____

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Robert E. Foster Date 8/27/99

Reviewer _____ Date _____

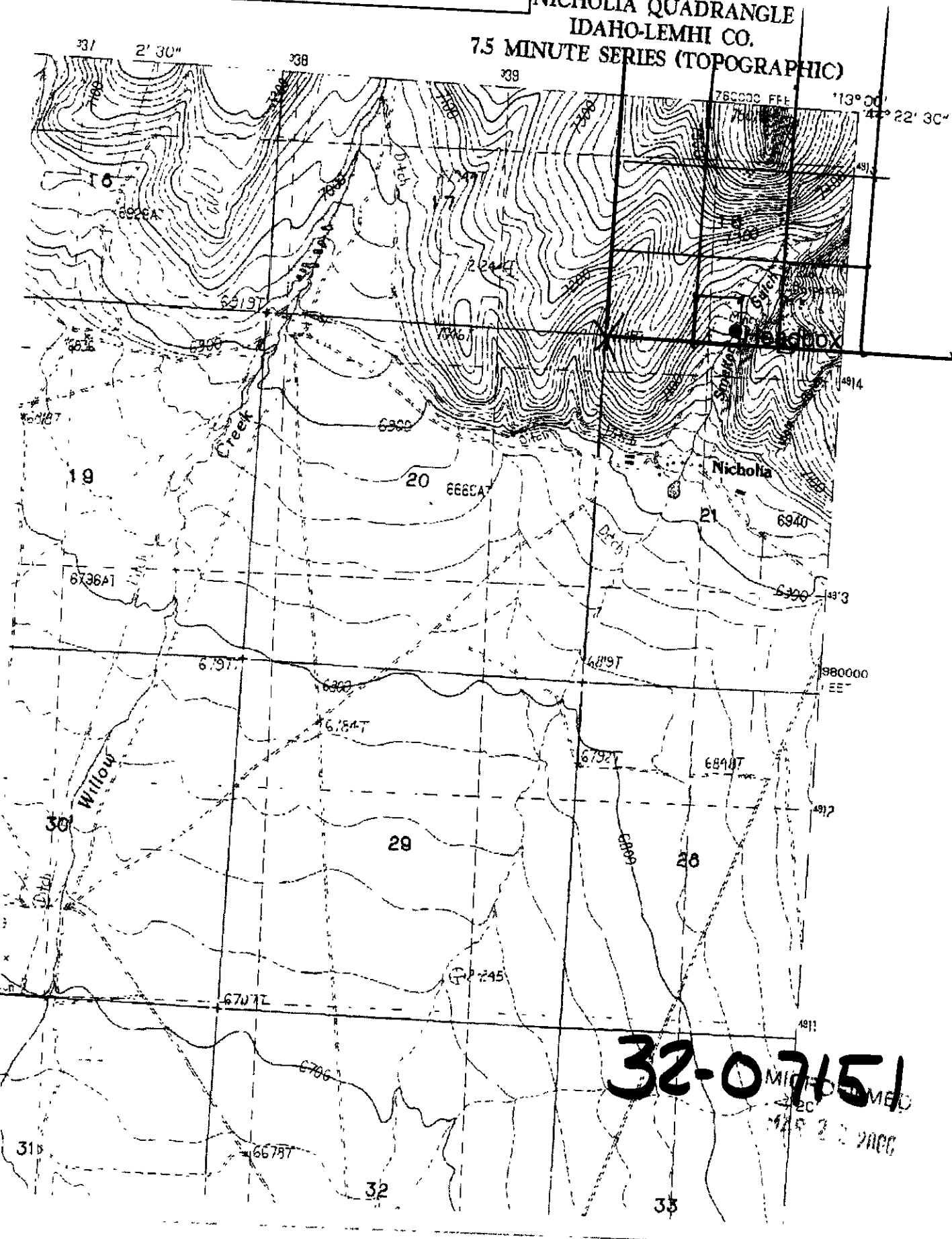
SEAL

MICROFILMED
MAR 27 1999

Smelter Gulch Pipeline
A32-07151
3204688076

T12N
R29E

NICHOLIA QUADRANGLE
IDAHO-LEMHI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



ter Gulch Pipeline
07151
688076

Topographic map showing contour lines, a grid, and labels. A 'Trough' is marked with a dot and labeled. The map includes various elevation points and grid coordinates.

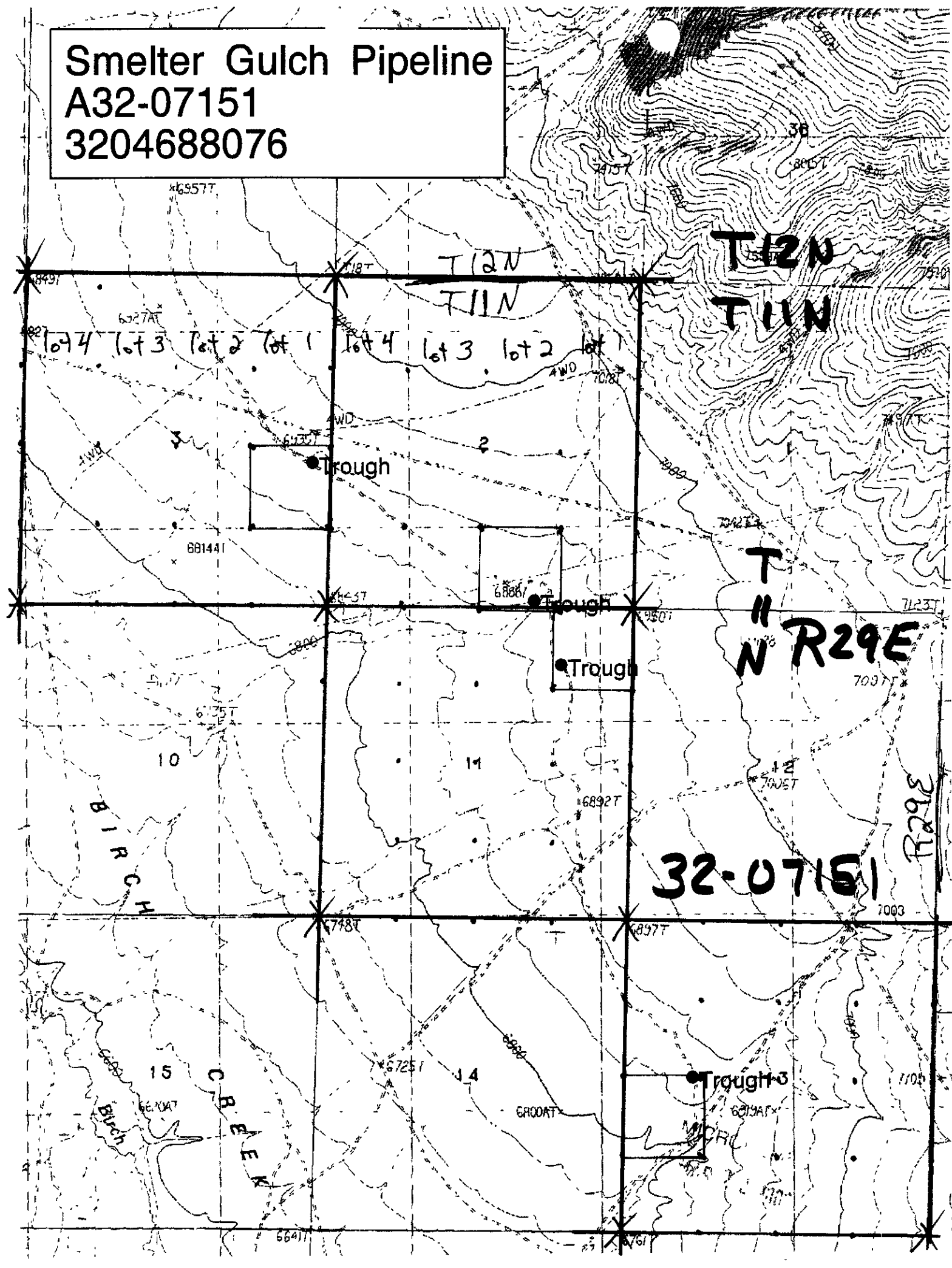
32-07151

T
12
N

362R

32-07151

3204688076



December 19, 1990

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 32-07151

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 1 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 32.7151

Date: 12-19-90

General Considerations:

y Name same as permit
y Signature the same as permit holder
y Address change _____ If yes, prepare a data entry
y Proof received timely _____
_____ Reinstated

Source of Water:

y Surface water
y Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

NA Is a measuring device or access port required?
NA Has one been installed?
NA Waiver or modification of measuring device requested

Remarks:

Proof acceptable

NA Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

128078

July 31, 1990

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 32-07151

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 October 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 04 1991

October 18, 1985

RE: Permit No. 32-7151

Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: G. F. RAMSEY

APPLICATION NUMBER: 32-7151

CHECK:

AUG 22 1985

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Called 8/23/85 added location 8/26/85

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☒ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 9-23-85
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9-21-85
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 32-D
8/15/1985 Date of priority recommended.
Special conditions of approval or cover letter. _____

#26

USDI not named in S.F. suit-

MICROFILMED

By: Ernest Collier

Date: Oct 3, 1985

STATE OFFICE REVIEW.

617

26 04 05 (32D, Birch Creek)

RECEIVED

- ☐ See attached sheet for more information.

By: KW

Date: 10-16-85

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

SRBA
Let Ernie
Carlsen know
as soon as
licenses are
issued.

October 9, 1985

RE: Application for Permit No. 32-7151

U.S. Bureau of Land Management
Box 430
Salmon, ID 83467

Gentlemen:

This is to advise you that Department of Lands has withdrawn their protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

October 9, 1985

RE: Application for Permit No. 32-7151 BLM

Mr. Jim Wood
Assistant Area Supervisor,
Range Management
State Department of Lands
Rt. #1, Box 400
Idaho Falls, ID 83401

Dear Mr. Wood:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw



STATE OF IDAHO

DEPARTMENT OF LANDS

Eastern Idaho Area Office
Route 1, Box 400 (Beeches Corner)
Idaho Falls, Idaho 83401

October 1, 1985

RECEIVED

OCT 3 1985

Mr. Ernest Carlson
Assistant Regional Supervisor
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Dear Mr. Carlson:

The Bureau of Land Management in Salmon has provided us with more detailed information regarding their Application for Permit No. 32-7151. Generally, we are now satisfied that there will be no significant impacts to free flowing water or to existing grazing use on state land. Therefore, we are withdrawing our protest to Application No. 32-7151.

We have notified the BLM by letter that we are withdrawing our protest to the application. If you have any questions regarding this letter, please give me a call at telephone number 523-5398.

Sincerely yours,

Jim Wood

James B. Wood
Assistant Area Supervisor,
Range Management

JBW/jk

RECEIVED

September 24, 1985

Bureau of Land Management
Box 430
Salmon, ID 83467

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 32-7151. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

September 24, 1985

RE: Application for Permit No. 32-7151 BLM

Mr. Jim Wood
Assistant Area Supervisor - Range Management
State Department of Lands
Rt. 1, Box 400
Idaho Falls, ID 83401

Dear Mr. Wood:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF LANDS

Eastern Idaho Area Office
Route 1, Box 400 (Beeches Corner)
Idaho Falls, Idaho 83401

September 17, 1985

RECEIVED
SEP 18 1985

Department of Lands
Eastern District Office

Ernest Carlsen
Assistant Regional Supervisor
Idaho Dept. of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Carlsen:

Thank you for providing us with a copy of Application for Permit No. 32-7151 for review.

Until we can determine more fully what this development entails and what impacts there will be to State land this Department will protest the application. We are in the process of contacting the Salmon BLM office to obtain more specifics on the proposed development. If we can then determine there will be no significant impacts to grazing use on State ownership and the BLM is willing to obtain an appropriate easement from the State to complete the work we will be willing to withdraw our protest. Otherwise our protest will stand

Sincerely yours,

Jim Wood

Jim Wood
Assistant Area Supervisor -
Range Management

JW/mjh
CC: Ken Walker

RECEIVED
SEP 22 1985



SEP 17 1985
Department of Fish and Game
Eastern District Office

September 13, 1985

Mr. Ernest Carlsen
Assistant Regional Supervisor
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

RE: #32-7151 - BLM
Smelter Gulch Pipeline

Dear Ernie:

Department of Fish and Game personnel have reviewed the above referenced application and have no objections to the project as described.

Thank you for the opportunity to review this application.

Sincerely,

Herbert A. Pollard, II
Regional Supervisor
Region 6

HAP:TP:dk

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Wildlife
Tom Parker

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A Kenneth Dunn
Director

**150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161**

September 4, 1985

RE: Application for Permit No. 32-7151 BLM

Mr. Herb Pollard
Idaho Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Pollard

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is September 23, 1985, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC · CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V Evans
Governor

A Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

September 4, 1985

RE Application for Permit No. 32-7151 BLM

Idaho Department of Lands
Rt. #1, Box 400
Beeches Corner
Idaho Falls, ID 83401

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is September 23, 1985, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

BLM-208-525-7161

22-7151

U.S. DEPT. OF INTERIOR

BUREAU OF LAND MGMT., IDAHO STATE OFFICE, 3380 AMERICANA TERRACE,
BOISE, ID 83706

Source SPRING trib. to SMELTER GULCH

Date Filed 08/15/1985

Diversion Pt NESW Sec 16 T 12N R 29E

Use STOCKWATER	(0.08 CFS)
WILDLIFE	(0.02 CFS)

In SWSE Sec 27 T 12N R 29E SWNE Sec 02 T 11N R 29E NESW Sec 12 T 11N R 29E
SWSE Sec 10 T 11N R 29E NENE Sec 25 T 11N R 29E

MICROFILMED

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho

32-7151

U S DEPT OF INTERIOR
BUREAU OF LAND
MGMT, IDAHO STATE
OFFICE, 3380 AMERI-
CANA TERRACE, BOISE,
ID 83706

Source: SPRING trib. to
SMELTER GULCH

Date Filed 08/15/1985

Diversion Pt NESW Sec 16
T 12N R 29E

Use STOCKWATER (0.08
CFS)

WILDLIFE (0.02 CFS)

In SWSE Sec 27 T 12N R

29E SWNE Sec 02 T 11N R

29E NESW Sec 12 T 11N R

29E SWSE Sec 13 T 11N R

29E NENE Sec 25 T 11N R
29E

The permit(s) will be
subject to all prior water
rights. Protests may be sub-
mitted 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 Director, Dept. of
Water Resources, 150
Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on
or before September 23,
1985

KEN DUNN

Director

Published 9/05 and
9/12/85

9-5-2tc

150-11-11-11



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office

3380 Americana Terrace

Boise, Idaho 83706

IN REPLY
REFER TO

7250 (931)

AUG 14 1985

CERTIFIED--RETURN RECEIPT REQUESTED

Water Allocation Division
Department of Water Resources
Statehouse
Boise, ID 83720

Gentlemen:

Enclosed for processing is one application for permit. Billing is to be made through order number ID-910-PH3-0003.

Please return the approved application to the following address:

State Hydrologist
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Thank you for your cooperation.

Sincerely yours,

Steven A. Ellis
Soil Scientist/Hydrologist

Enclosure

MICROFILMED