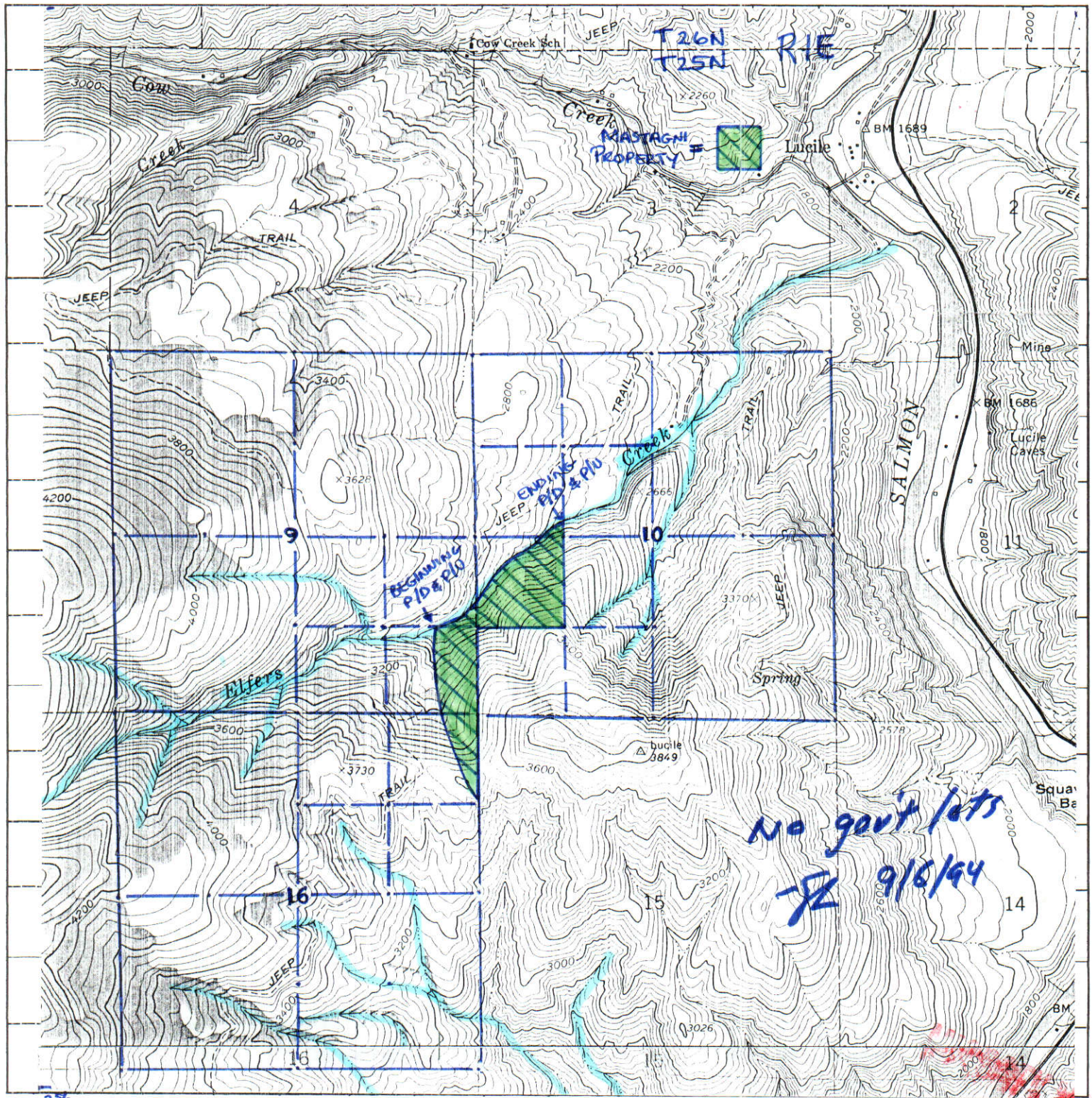


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



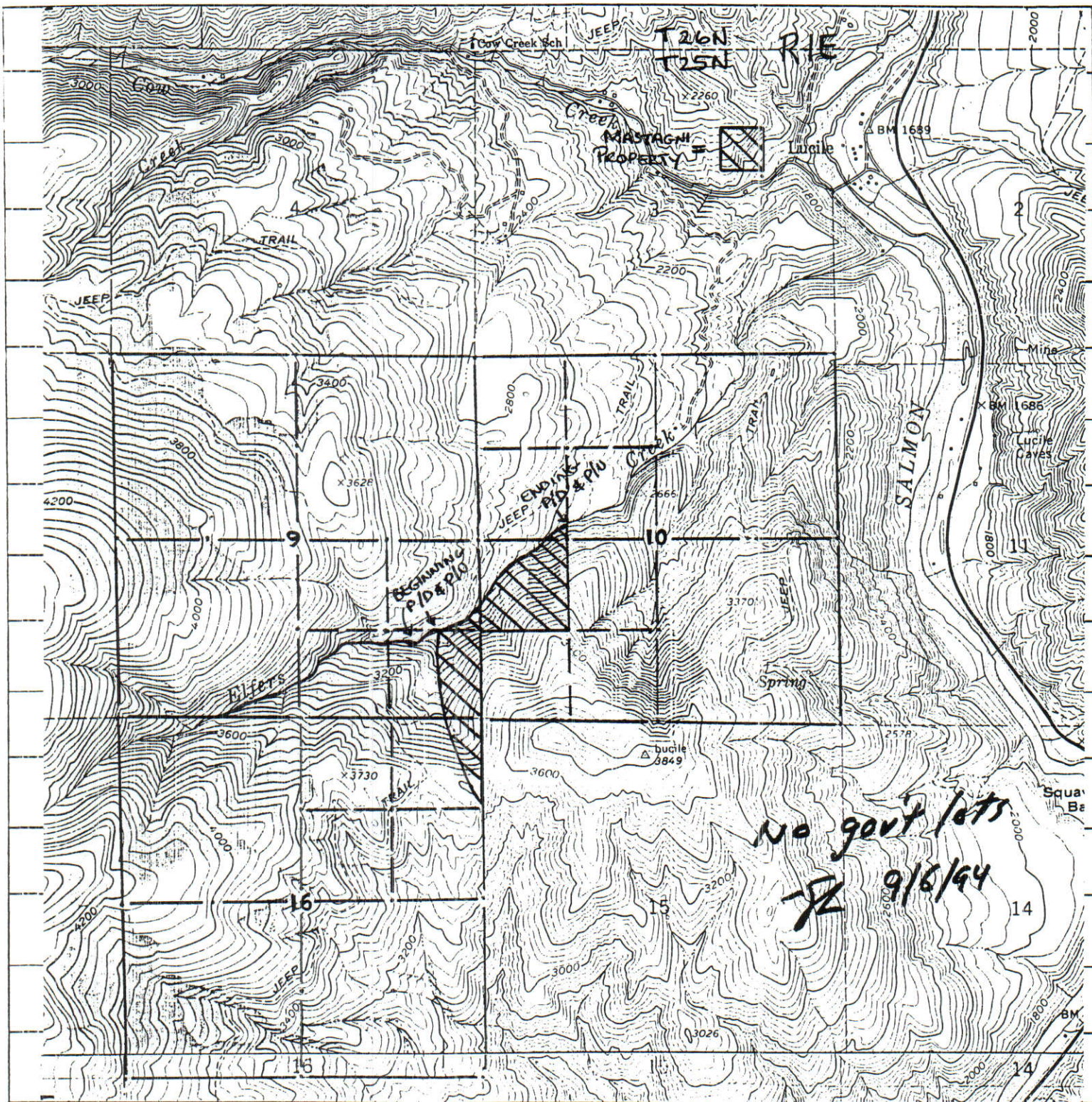
Scale: 2 inches equal 1 mile.

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.

Armando Mastagni
(Applicant)

DEC 20 1994

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



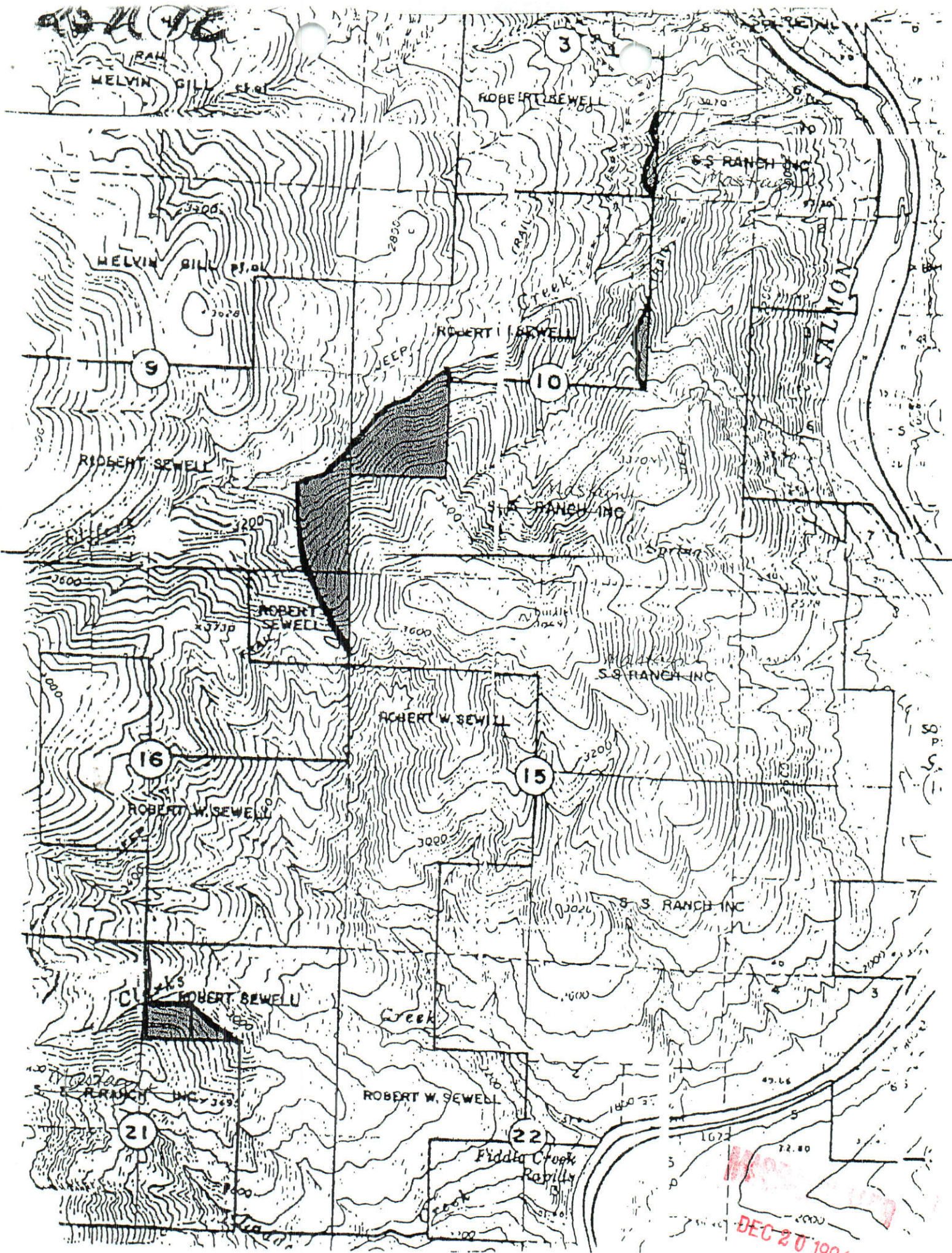
Scale: 2 inches equal 1 mile.

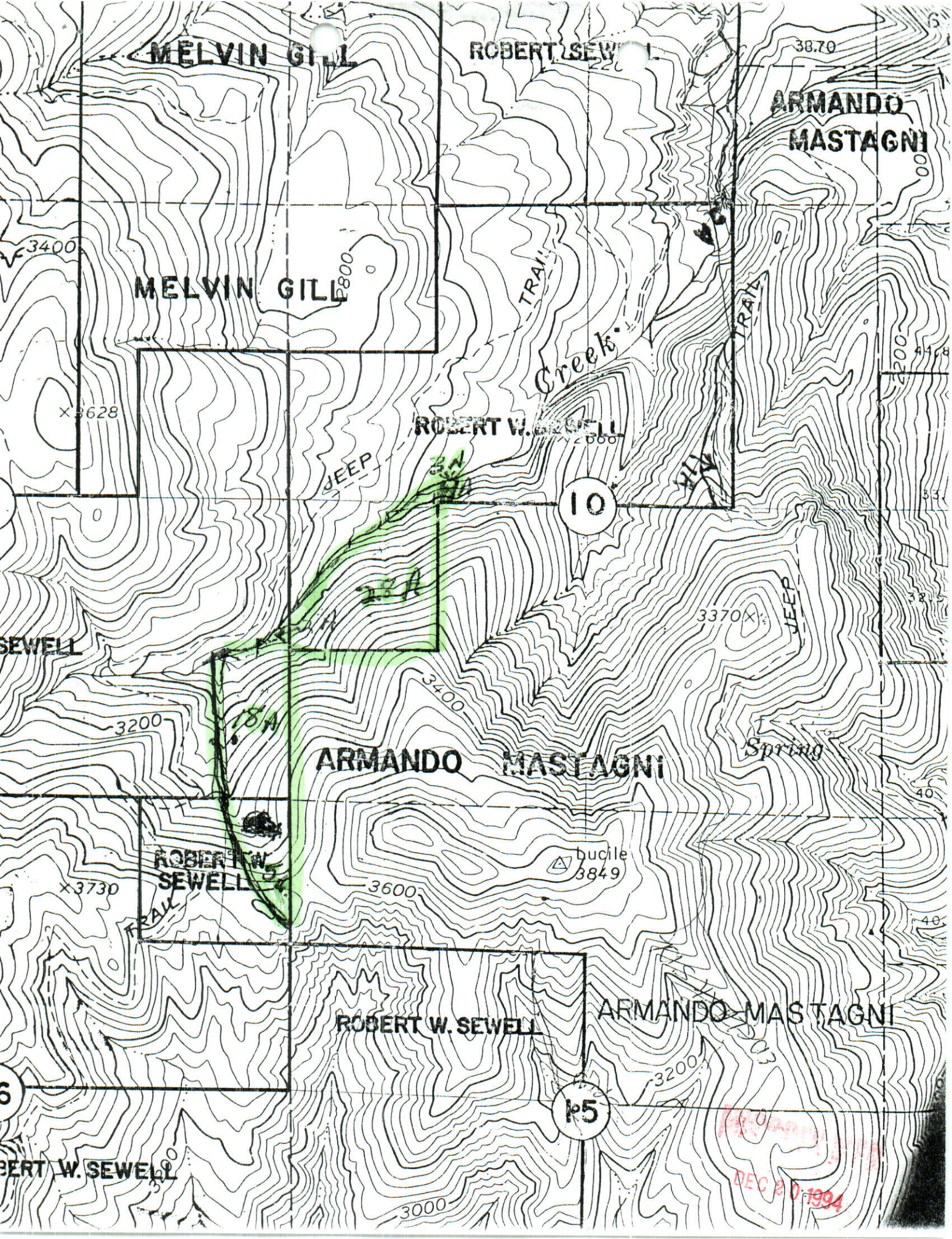
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Commando Mastagni
(Applicant)

MICROFILMED
SEP 29 1998

74-07226





MELVIN GILL

ROBERT W. SEWELL

ARMANDO MASTAGNI

MELVIN GILL

Creek

ROBERT W. SEWELL

10

SEWELL

ARMANDO MASTAGNI

ROBERT W. SEWELL

bucile
3849

ROBERT W. SEWELL

ARMANDO MASTAGNI

ROBERT W. SEWELL

15

DEC 20 1994

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 79-07226

Priority: August 25, 1994

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.3 AF

This is to certify, that ARMANDO MASTAGNI
PO BOX 367

LUCILE ID 83542-0367 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1994; and has submitted Proof of Beneficial Use on October 5, 1995. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

ELFERS CREEK

tributary to SALMON RIVER

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	01/01 to 12/31	0.03 CFS	1.3 AF

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach
End of Stream Flow Reach

SESE , Sec. 9, Township 25N, Range 01E
SWNW , Sec. 10, Township 25N, Range 01E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

25N 01E	9	NESE	SESE
10		SWNW	NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right is for instream stockwatering.

MICROFILMED

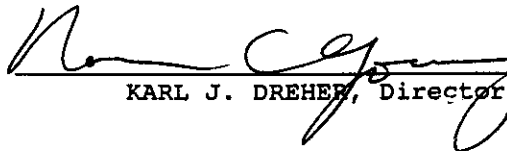
SEP 29 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 79-07226

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of SEPTEMBER, 1978.


KARL J. DREHER, Director



MICROFILMED
SEP 29 1998

RECEIVED

STATE OF IDAHO

OCT 05 1995 DEPARTMENT OF WATER RESOURCES

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. 79-07226 Telephone No. 1-208-628-3304

2. Name(s) of Permit Holder(s): Ramondo Mastagari - MD

3. Mailing Address: P.O. Box 367 Lucile ID 83542

4. Source of Water: Elfus Creek 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): X Stockwater (No. and type of stock): 100 Range cattle

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

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

Has the measuring device been installed? Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ✓

Has the measurement port been installed? Yes ____ or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Ramondo Mastagari Telephone Number: 1-208-628-3504

Address: P.O. Box 367 Lucile ID 83542

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.

NOV 15 1995

Signature of permit holder: Ramondo Mastagari owner Date: 10-2-95
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 79-07226

Proposed Priority: August 25, 1994

Maximum Diversion Rate:

0.03 CFS

This is to certify, that **ARMANDO MASTAGNI**

PO BOX 367

LUCILE ID 83542-0367

has applied for a permit to appropriate water from:

ELFERS CREEK

tributary of **SALMON RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

STOCKWATER	01/01 to 12/31	0.03 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

Beginning of Stream Flow Reach

NESE , Sec. 9, Township 25N, Range 01E

Beginning of Stream Flow Reach

SESE , Sec. 9, Township 25N, Range 01E

End of Stream Flow Reach

SWNW , Sec. 10, Township 25N, Range 01E

End of Stream Flow Reach

SENW , Sec. 10, Township 25N, Range 01E

IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

25N 01E 9

NESE

SESE

10

SWNW

SENW

NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1995**.
2. Subject to all prior water rights.
3. Single beginning point of diversion located on or near the line between NESE & SESE, S09, T25N, R01E.
4. Single ending point of diversion located on or near the line between SWNW & SENW, S10, T25N, R01E.
5. Stockwater use is for instream stockwatering for 100 range cattle.

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

2nd day of December, 1994.

MASTAGNI

DEC 20 1994

for

R. Keith Higginson

R. Keith Higginson, Director

RECEIVED

OCT 25 1994

Ident. No. 79-07226

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ARMANDO MASTAGNI
Address: PO BOX 367
LUCILE ID 83542

208-62-3304

2. Source: ELFERS CREEK Trib. to: SALMON RIVER
3. Location of Point of Diversion: S NESE Sec. 9, Township 25N, Range 01E
E SESE Sec. 9, Township 25N, Range 01E
E SWNW Sec. 10, Township 25N, Range 01E
E SENW Sec. 10, Township 25N, Range 01E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.030		

5. Total quantity to be appropriated is:
0.030 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
INSTREAM STOCKWATER
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

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

8. Place of Use: STOCKWATER

TWN RGE SEC
25N 01E 9
10

NESE
SWNW

SESE
SENW

NWSW

DEC 20 1994

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Single point of diversion located on or near the line between
NESE & SESE, S09, T25N, R01E.

Single ending point of diversion located on or near the line
between SWNW & SENW, S10, T25N, R01E.

Stockwater use is for instream stockwatering for 100 range
cattle on Elfers Creek.

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by _____ #C031123 Date 8/25/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED
AUG 20 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 79-7226
RECEIVED

AUG 26 1994

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant ARMANDO MASTAGNI Phone 208-628-3504
Post office address P.O. Box 367, Lucile, ID 83542-0367
2. Source of water supply ELFERS CREEK which is a tributary of SALMON RIVER
3. Location of point of diversion Beginning NE SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 9 Township 25N Range 01E B.M. IDAHO County; additional
* ENDING are: SE NW, S10, T25N, R01E, IDAHO County;
* points of diversion if any: SW NW, S10, T25N, R01E, IDAHO County.
* See remarks (#12)
4. Water will be used for the following purposes:
Amount 0.03 for Stockwater purposes from 1/1 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.03 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Instream stockwatering for cattle on Elfers Creek.
 - 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 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is one years (minimum 1 year).

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 100 RANGE 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	
T25N	1E	9													S			S	
		10							S	S		S							

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Armando Mastagne
- b. Who owns the land to be irrigated or place of use? Armando Mastagne
- 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: 1) Single beginning point of diversion located on or near the line between NESE & SESE, S9, T25N, R01E.
- 2) Single ending point of diversion located on or near the line between SWNW & SENW, S10, T25N, R01E.
- 3) Stockwater use is for instream stockwatering for 100 range cattle on Elfer's Creek.

DEC 20 1994

prepared by CZ.

Received by RT Date 8-25-94 Time 10:41 Preliminary check by Jh
Fee \$ 50⁰⁰ Receipted by RT # C031123 Date 8-25-94
Publication prepared by ST Date 9-7-94 Published in Ad City Free Press
Publication approved ST Date 10-5-94

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:

DEC 20 1994



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

September 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ARMANDO MASTAGNI
PO BOX 367
LUCILE ID 83542-0367

RE: WATER RIGHT NO. 79-07226

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 further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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SEP 29 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

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SEP 29 1998

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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

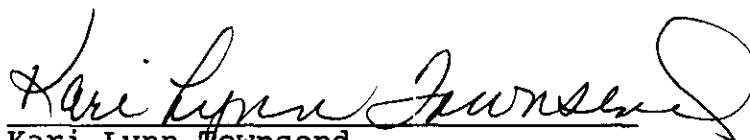
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of **September, 1998**, 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. 79-07226

ARMANDO MASTAGNI
PO BOX 367
LUCILE ID 83542-0367


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

MEMORANDUM

TO: File 79-07226

FROM: Sharla

DATE: September 9, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 79-07226 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T25N, R1E, S9 - NESE, SESE

S10 - SWNW, NWSW

The permit stated there was a single ending point of diversion on or near the line between SWNW and SENW, S10. A call to the assessor's office on this date confirmed that Mr. Mastagni owns no property in the SENW of Section 10. The place of use will reflect this information.

Exam Date: August 12, 1998

Examiner: Lori Graves

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SEP 29 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 79-07226 DATE 8/31/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc) remove SENW, SID
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .03 cfs
 Fee limit .20 cfs \$50⁰⁰
 Measured 1 cfs
 Theoretical ? cfs
 Recommended Total Div Rate .03 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Stock</u>	<u>.03</u> cfs	<u>1.3</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
	cfs	af	supp. gw (WB7/065/079)
	cfs	af	overlap spec. combined rts (W35)
	cfs	af	<1 acre (W31)
	cfs	af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.03</u> cfs	<u>1.3</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .03 cfs X 365 days X 1.98 = 21.7 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim NA Adjust Memo NA
 Amend letters _____

SEP 29 1998

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

Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

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

*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: _____

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SEP 29 1998

E. NARRATIVE/REMARKS/COMMENTS

Verified with Idaho County
assessor that permit holder owned
property along Elfers Creek in
sections 9 & 10. Because of instream
use, physical exam not necessary.

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

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SEP 29 1998

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

100 beef x .0134 = 1.3 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1/1	12/31	.03	1.3
Totals:			.03	1.3

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

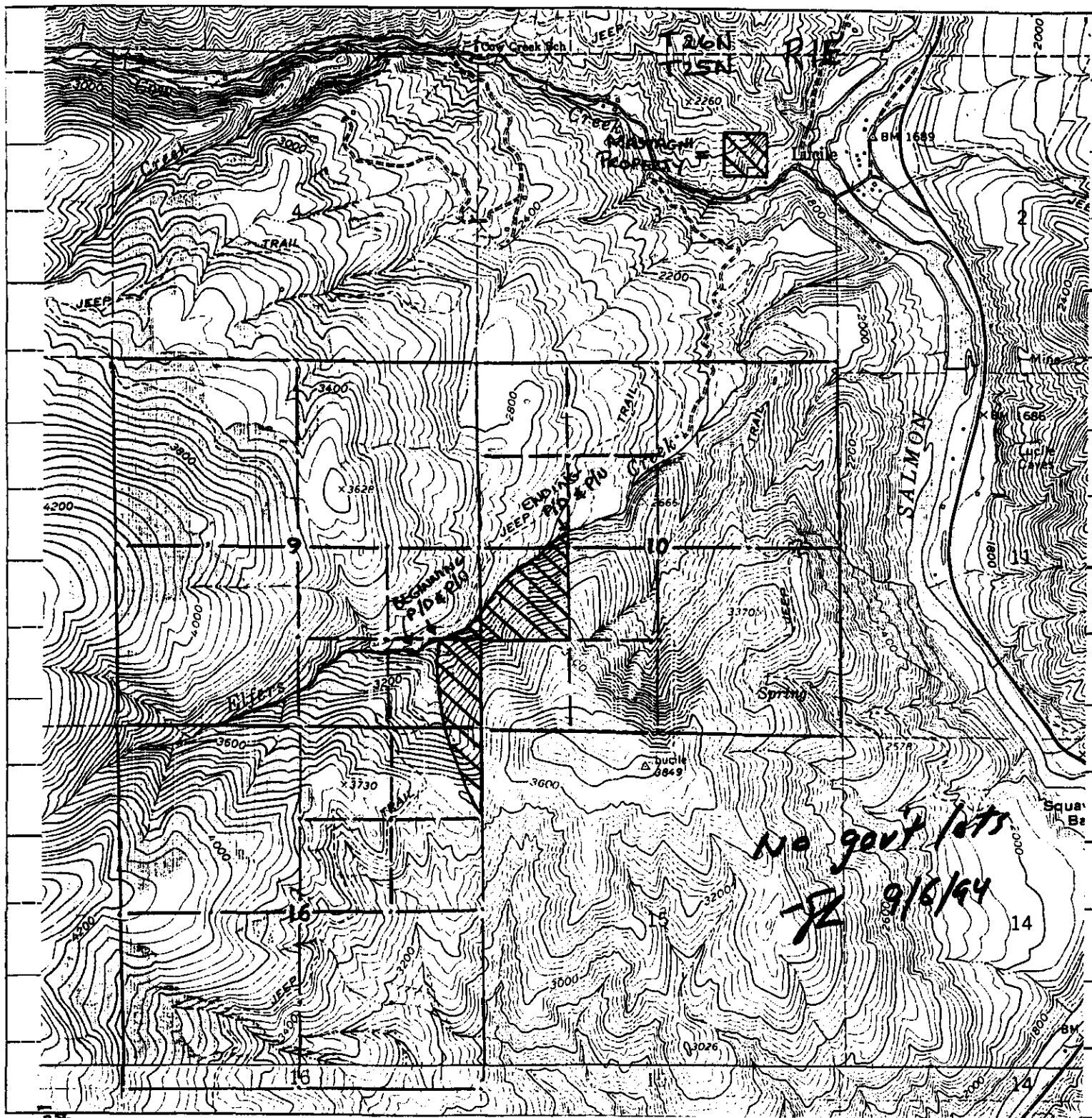
I. AUTHENTICATIONField Examiner's Name Lon Grawen Date 7/27/98

Reviewer _____ Date _____

MICROFILMED
SEP 29 1998

SEAL

13. 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.

Commando Mustang
(Applicant)

MICROFILMED
SEP 29 1998

74-07226

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 79-07226 Reviewed by [Signature] Date 10-17-95

GENERAL CONSIDERATIONS

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

TYPES OF USE

stock

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

_____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

5000 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☒ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	-	_____
_____	=	_____
_____	+	_____
_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 10-5-95

October 18, 1995

ARMANDO MASTAGNI
PO BOX 367
LUCILE ID 835420367

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07226

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MISSILE

NOV 15 1995

September 30, 1995

ARMANDO MASTAGNI
PO BOX 367
LUCILE ID 835420367

PROOF DUE NOTICE

RE: PERMIT NO. 79-07226

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 December 1, 1995.

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

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

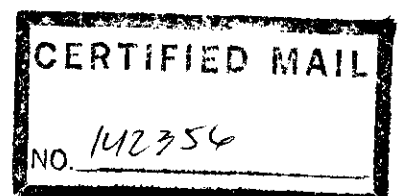
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

NOV 1 5 1995





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 5, 1994

ARMANDO MASTAGNI
PO BOX 367
LUCILE ID 83542-0367

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07226

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

RECEIVED

DEC 20 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 79-7226 Name: Mastagni Date: 11/23/94 Correct Fee? ☒

AREA OF CONCERN? - No/Yes Sc Mor GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - ~~P16~~

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - 01G (new), 01K (existing), No MD

- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. - - - - , p99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dom~~) - WD No.

*Surface water - 005 (req) 01J-P08 <FLOW CHART>

(doesn't sink) or 01H-P01 <FLOW CHART>; No MD

Groundwater - P05 (new irrigation well)

In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023 (Twin Falls area)

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° GW temp only)

Swan Falls Flag - B <SEE CONDITION CODE CHART>

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

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA

Payette R(65) - 064 (consump. use), 047-P04 (Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)

Irrigation - 03A/057, 803 (if GW use SW 1st) (+5A PU comp), NA

Power - 08A-17K-025-027 (req); 01F (MD) -P19; 09E (WQ) -P10;
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09

Mining - 054 (req) & 06A/010/09E-P10

Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - 021(Boise R + L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

PROTESTED: - 020 (Prehearing agreement) / W19 (See Order)

OTHER CONDITIONS:

REMARKS:

① W33/beginning pd ② W33/ending pd ③ W02/instream
for 100 PC on Elfer's Cr.

BENEFICIAL USE DUE: - 12-1-1995

COMMENTS :

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RL DATE: 9/6/94 APPLICATION: 79-7226

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:

P/D

P/U

RECEIVED
OCT 25 1994

ADDITIONAL INFORMATION

Department of Water Resources

YES NO

NTA Overlapping place of use: (Describe source & relationship to present application on the back.)
Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
* 1992 moratorium
Copy to SCA staff (perennial stream, non-pump diversion):
Send dam safety information:
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

* Exempted from moratorium, stream stock 2.04 cfs

PROCESSING

APPLICATION NO. 79-7226

YES NO

☒ ☒
☐ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 10-3-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: DM, Approve

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 8/25/1994Recommended by: DMDate 10/19/1994

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

78-07363

MARJORY & MARSHALL DRYDEN
P.O. BOX 187
POLLOCK, ID 83547
Source: GROUNDWATER
Diversion Pt: SWNWSE Sec. 29 T 23N
R 01E in IDAHO County. NWSWSE
Sec. 29 T 23N R 01E in Idaho County.
Use: IRRIGATION (.300 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.330 CFS)

Date Filed: 8/30/1994

In: IDAHO County
T23N R01E S29 NWSE SWSE
15 ACRES TOTAL

79-07226

ARMANDO MASTAGNI
P.O. BOX 367
LUCILE, ID 83542
Source: ELFERS CREEK
Tributary: SALMON RIVER
Diversion Pt: NESE Sec. 9 T 25N R 01E
in IDAHO County. SESE Sec 9 T 25N R
01E in IDAHO County. SWNW Sec. 10
T 25N R 01E in IDAHO County. SENW
Sec. 10 T 25N R 01E in IDAHO County.
Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 8/25/1994

In: IDAHO County
T25N R01E S09 NESE SESE

S10 SWNW SENW NWSW

Stockwater use is for instream
stockwatering for 100 range cattle on
Elfers Creek.

Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec. 42-203A, Idaho
Code. Any protest against the approval
of this application must be filed with the
Director, Dept. of Water Resources,
Western Region, 2735 Airport Way,
Boise, Idaho 83705 together with a
protest fee of \$25.00 on or before
OCTOBER 3, 1994. The protestant
must also send a copy of the protest to
the applicant.

R. KEITH HIGGINSON, Director
S14-21

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being
first duly sworn, says he is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 14th day of
September, 19 94, and the last
publication on the 21st day of September, 19 94;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.

STATE OF IDAHO)
COUNTY OF) IDAHO

On this 21st day of September in the year of 1994,
Before me, a Notary Public, personally appeared
Andrew J. McNab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Matthew Hannon
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

RECEIVED

OCT 03 1994

WATER RESOURCES
WESTERN REGION

DEC 20 1994

SCHEDULE C

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 3: That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ which lies East of the West side of the Jeep Trail;

Section 9: That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which lies South of the centerline of Elfers Creek;

ALSO That part of the E $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ which lies South of the centerline of Elfers Creek and East of the centerline of the ridge, more particularly described as beginning at the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
thence West to the centerline of Elfers Creek,
thence following the centerline of Elfers Creek in a Southwesterly direction to a point where the ridge and an existing fence leave Elfers Creek,
thence following the ridge and the fence in a Southeasterly direction as marked by a $\frac{1}{2}$ " yellow topped rebar and flagging to the South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
thence East to the SE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
thence North to the Place of Beginning.

Section 10: That part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ which lies East of the West side of the Jeep Trail;

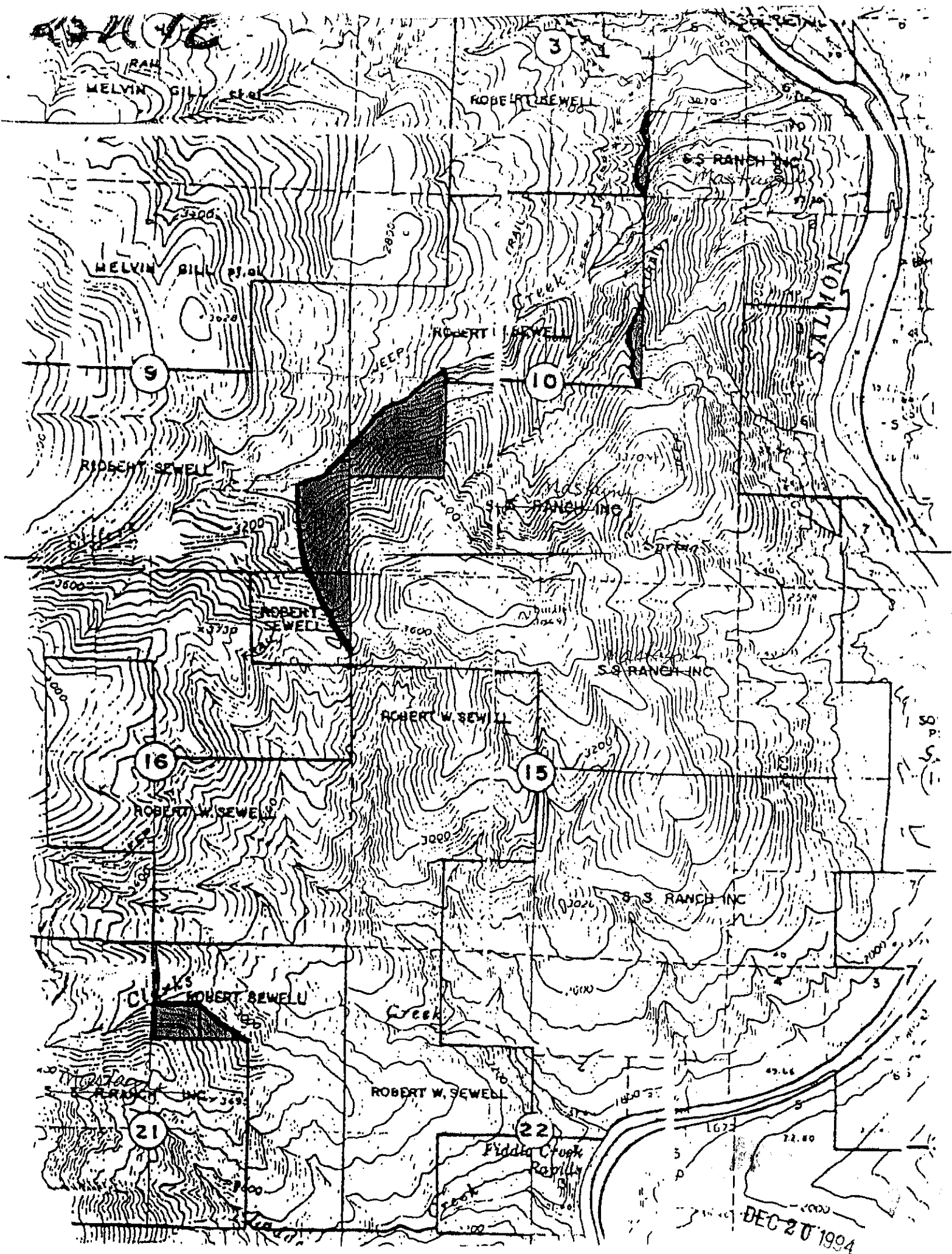
ALSO those portions of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ which lie South of the centerline of Elfers Creek;

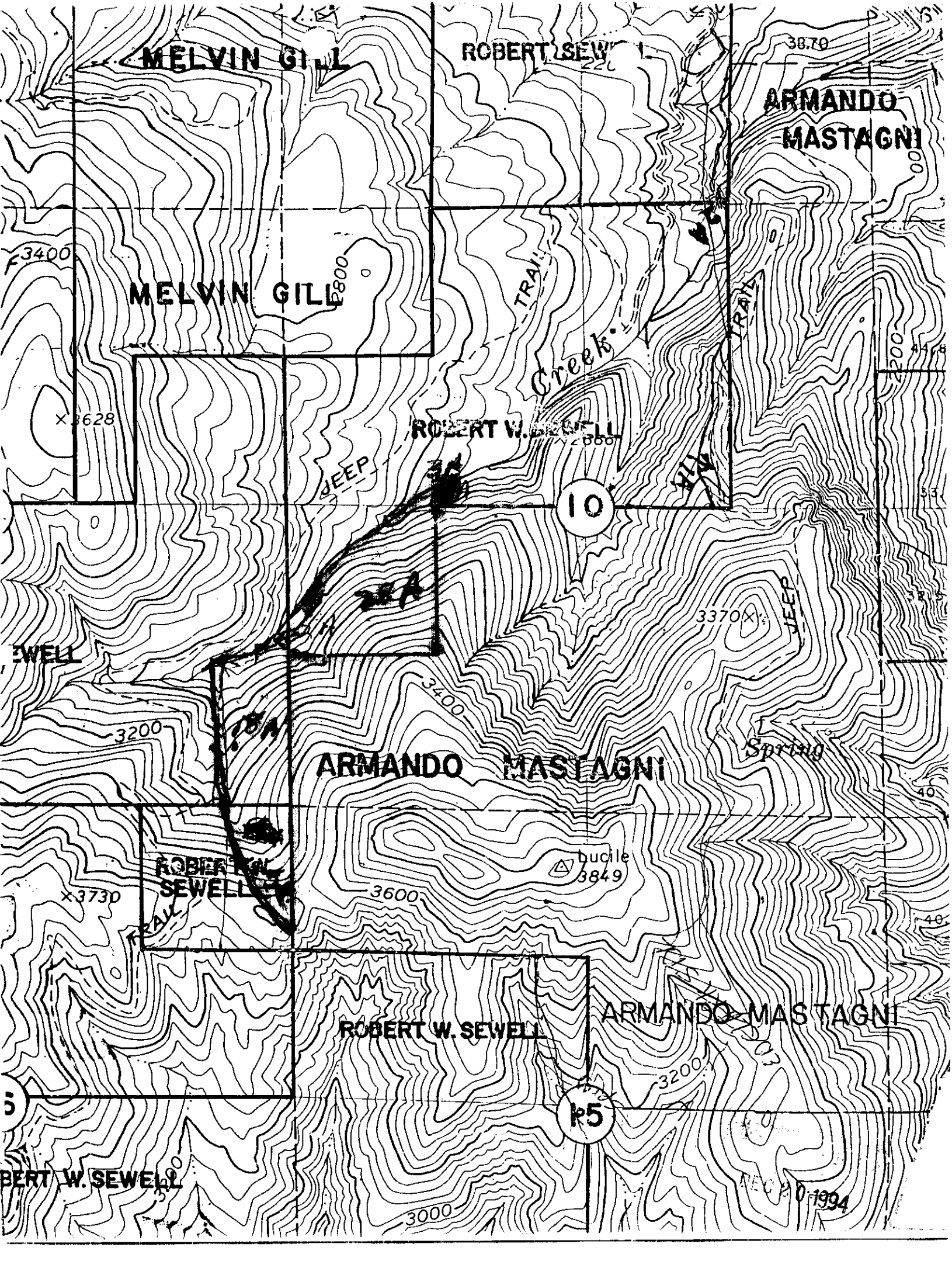
Section 16: All that part of the E $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ which lies East of the centerline of the ridge, more particularly described as beginning at the NE corner of said Section 16,
thence West to a fence on the ridge,
thence following the fence and ridge in a Southeasterly direction to the East boundary line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
thence North to the Place of Beginning.

Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

AS FURTHER ILLUSTRATED BY THE ATTACHED MAP.

DEC 20 1994





MELVIN GILL

ROBERT SEWELL

ARMANDO MASTAGNI

MELVIN GILL

X 3628

ROBERT W. SEWELL

10

SEWELL

ARMANDO MASTAGNI

ROBERT W. SEWELL

X 3730

bucile
3849

ROBERT W. SEWELL

ARMANDO MASTAGNI

5

ROBERT W. SEWELL

REC 10-1994

79-07226

MASTAGNI, ARMANDO
PO BOX 367
LUCILE, ID 83542

Source: ELFERS CREEK

Tributary: SALMON RIVER

Diversion Pt:	NESE	Sec 9 T 25N R 01E in IDAHO County.
	SESE	Sec 9 T 25N R 01E in IDAHO County.
	SWNW	Sec 10 T 25N R 01E in IDAHO County.
	SENW	Sec 10 T 25N R 01E in IDAHO County.

Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 8/25/1994

In: IDAHO County				
T25N R01E S09	NESE	SESE		
S10	SWNW	SENW	NWSW	

Stockwater use is for instream stockwatering for 100 range
cattle on Elfers Creek.

DEC 20 1994