

PER PREVIOUS CORRESPONDENCE & INFO with
EO SCHRIEVER (info was returned to him, no
file copy available at Iowa):

unn. stream was trib. to Tolo Lake but
was diverted to Telcher CK. in the past.
An existing conveyance is found which is the
route that unn. stream naturally took to
Tolo Lake. Application proposes to restore
natural drainage via a connecting ditch from
stream to western part of drainage. Inter-
preted pld to give max. flexibility to right.
P/O cannot be south of Telcher CK. as was shown
on p. 1 of Appl. (of original appl.)

82/1/22/92

plu
(Tolo
Lake)

P/O

outlet?
to
creek

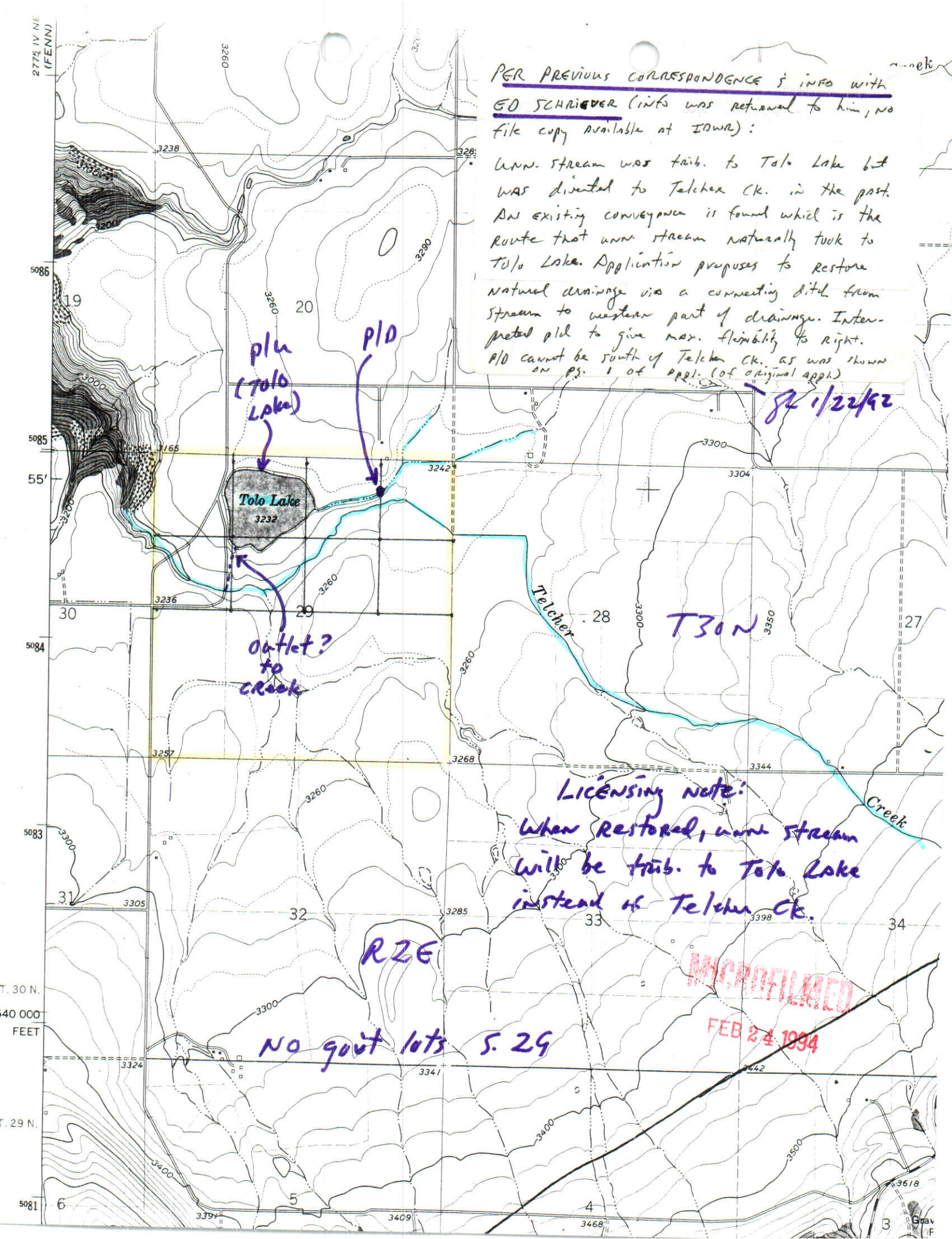
T30N

Licensing note:
When restored, unn. stream
will be trib. to Tolo Lake
instead of Telcher CK.

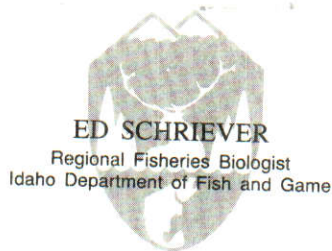
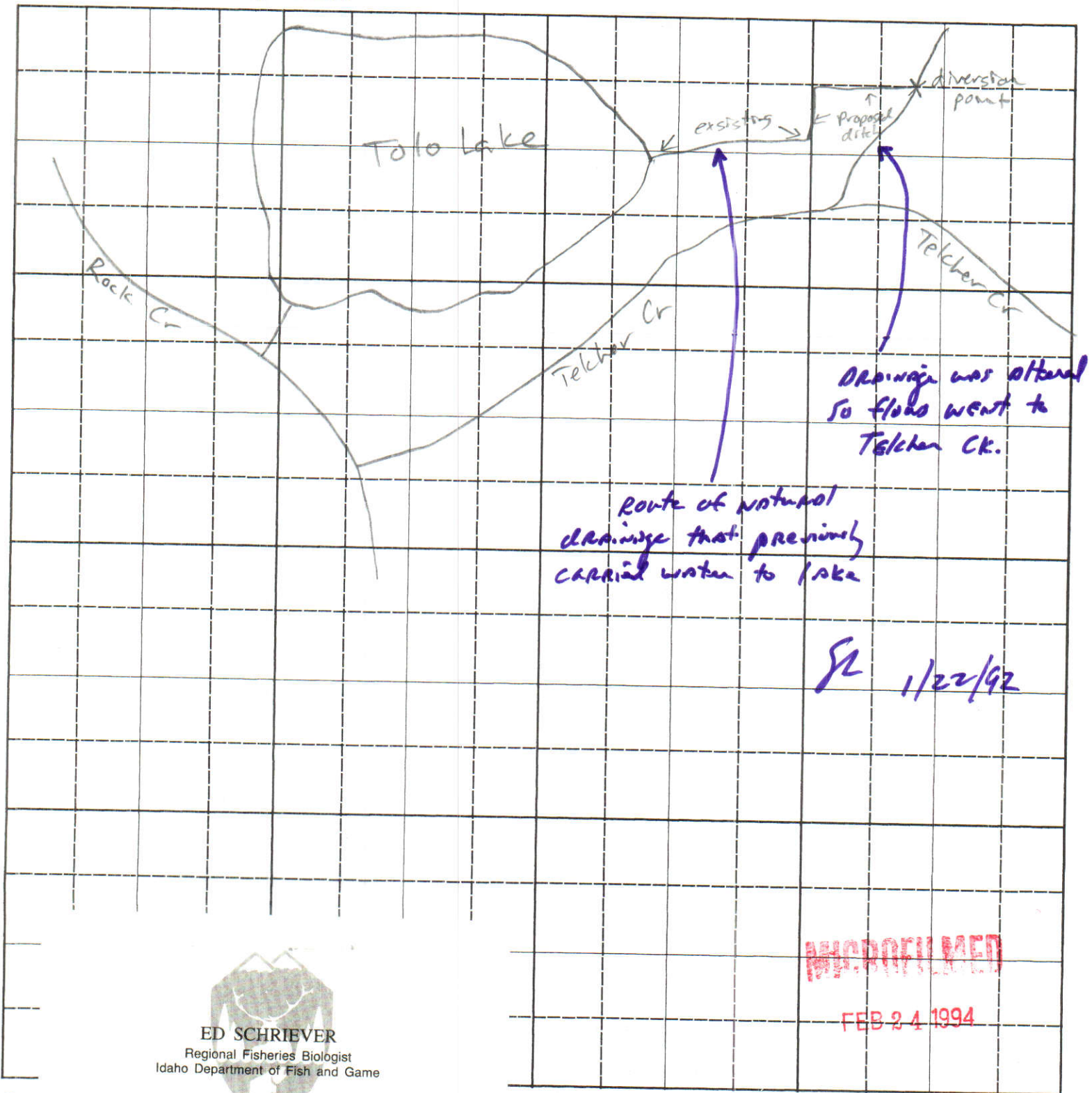
RZE

no govt lots 5.29

RECORDED
FEB 24 1994



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



Scale

1540 Warner Avenue
Lewiston, ID 83501

743-5010
Business Phone (208) 743-6502

Application for permit to appropriate the public waters of

Ed Schriever

(Applicant)

AUG 12 1996

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.

SEP 12 1996

\$50 Fee Received by JW
Date 10-18-95
Receipt No. C033750

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 79-07210

Name(s) of Permit Holder: State of Idaho, Department of Fish and Game

Mailing Address: 1540 Warner Ave Lewiston Id 83501

Date Proof is Due: June 30, 1995 Telephone No. (208) 799 5010

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

All the necessary work has been completed. The
diversion structure and ditch were built in 1994. Discovery
of mammoth skeletons in Tolo Lake has delayed the
filling of the reclaimed lake bed. Costing \$ 10,000.00

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

We have not been able to submit proof of beneficial use
because the Idaho State Historical Society has requested
the lake bed remain dry for paleontological investigations.

Permit holder(s) request an extension to October 1, 1996

FEE: \$50.00

El Salim Regional Biologist IDFG
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **September 1, 1996.**

IT IS FURTHER ORDERED that the permit be reinstated and the priority date is advanced to March 5, 1992.

Signed this 3rd day of November

19 95

J. Glen Saylor
Chief, Water Allocation Bureau

NOV 15 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 79-07210

Name(s) of Permit Holder: State of Idaho - Dept. of Fish & Game

Mailing Address: 1540 Warner Ave., Lewiston ID 83501

Date Proof is Due: Sept. 1, 1994 Telephone No. 208 799-5010

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Tolo Lake has been dewatered to allow sediments to dry before excavation to
increase water depths of lake to improve fishery resources.

Costing \$ 800.00

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

Unusual precipitation has prevented lake sediments from drying out sufficiently to allow
use of heavy equipment.

Permit holder(s) request an extension to Sept. 1, 19 95

FEE: \$50.00

[Signature]
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

AUG 16 1994

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be **APPROVED** and the time within which to submit proof of beneficial use is extended to September 1, 1995.

Signed this 5 th day of August, 19 94

[Signature]
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

NO. 79-07210

Proposed Priority: January 17, 1992

Maximum Diversion Rate:

5.00 CFS

This is to certify, that **STATE OF IDAHO**
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

has applied for a permit to appropriate water from:

UNNAMED STREAM
TOLO LAKE

tributary of TELCHER CREEK
tributary of TELCHER CREEK

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>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	5.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		500.0 AF
RECREATION	01/01 to 12/31	5.00 CFS	
RECREATION STORAGE	01/01 to 12/31		500.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.00 CFS	
	Totals	5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNENE , Sec. 29, Township 30N, Range 02E
NENWNE , Sec. 29, Township 30N, Range 02E
IDAHO County

PLACE OF USE: WILDLIFE

TWN RGE SEC

30N 02E 29

NWNE

SWNW

NENW

SENW

NWNW

PLACE OF USE: RECREATION, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Single point of diversion located on or near line between NWNENE and NENWNE, S29, T30N, R02E.
6. This permit shall provide inflow to Tolo Lake to maintain fish and wildlife habitat and aquatic recreation.

MICROFILMED

FEB 24 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 79-07210

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

22nd day of February, 1994.


for R. Keith Higginson, Director

MICROFILMED

FEB 24 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Dept of Fish & Game Phone 743-6502
Post office address 1540 Warner Ave. - Lewiston, Id. 83501
2. Source of water supply unnamed stream and Tolo Lake } which is a tributary of Tellico Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot ---
Sec. 29 Township 30 N Range 2E B.M. Idaho County; additional
points of diversion if any: NENWNE S. 29 T30N R2E

4. Water will be used for the following purposes:

- Amount 5.00 for Division to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 5.00 for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 5.00 for Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 5.00 for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 5.00 cubic feet per second and/or (b) 500 acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 920' of new ditch to re-connect original diversion ditch with Tolo Lake

- b. Height of storage dam N/A (natural Lake) feet; active reservoir capacity 500 acre-feet; total reservoir capacity 500 acre-feet; period of year when water will be diverted to storage 1/1 to 12/31 inclusive.

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

- d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (minimum 1 year).

* continued:

500 a.f. wildlife storage
1/1-12/31

REVISED pg. 1 & 2 per tupu & telecon
with Ed Schaeffer of IOFIS.

FL 1/22/92

FEB 24 1994

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Provide inflow to Tolo Lake. Water needed to maintain pool for fish-wildlife habitat & aquatic recreation.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
30N	2E	29		R/W			R/W	R/W	R/W	R/W									—

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? Paul Hanger
- Who owns the land to be irrigated or place of use? Paul Hanger, Roy Johnston, applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Easement Agreement

12. Remarks: Single point of diversion from main stream on quarter-quarter line. Water will be stored in Tolo Lake.

FEB 24 1994

2775 IV NE
(FENN)

PER PREVIOUS CORRESPONDENCE & info with
EO SCHRIEVER (info was returned to him, no
file copy available at IDWR):

Unw. stream was trib. to Tolo Lake but
was diverted to Telcher Ck. in the past.
An existing conveyance is found which is the
route that unw. stream naturally took to
Tolo Lake. Application proposes to restore
natural drainage via a connecting ditch from
stream to western part of drainage. Inter-
preted old to give max. flexibility to right.
P/O cannot be south of Telcher Ck. as was shown
on ps. 1 of appl. (of original appl.)

82 1/22/92

plu
(Tolo
Lake)

P/O

Outlet?
to
Creek

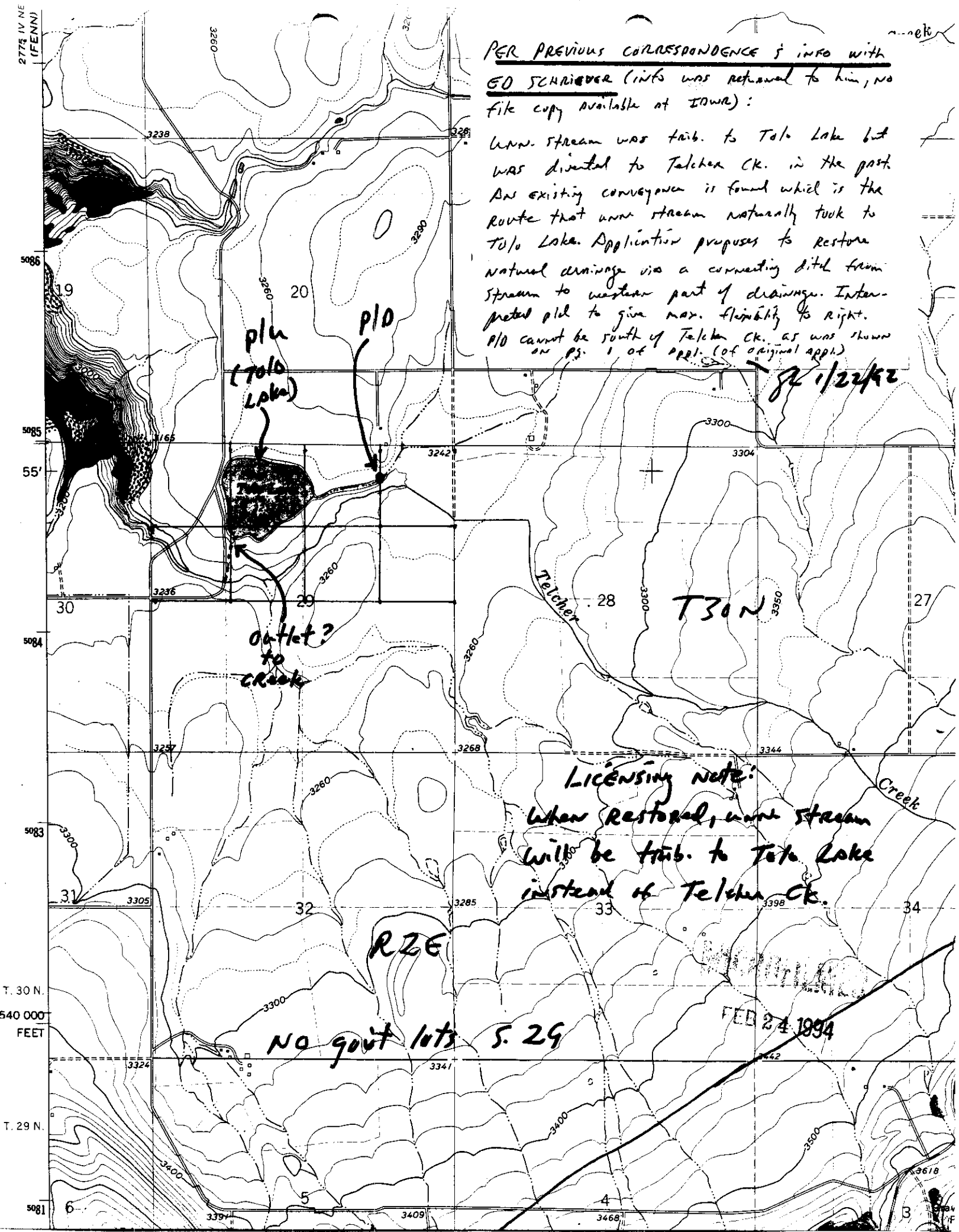
Licensing Note:

When restored, unw. stream
will be trib. to Tolo Lake
instead of Telcher Ck.

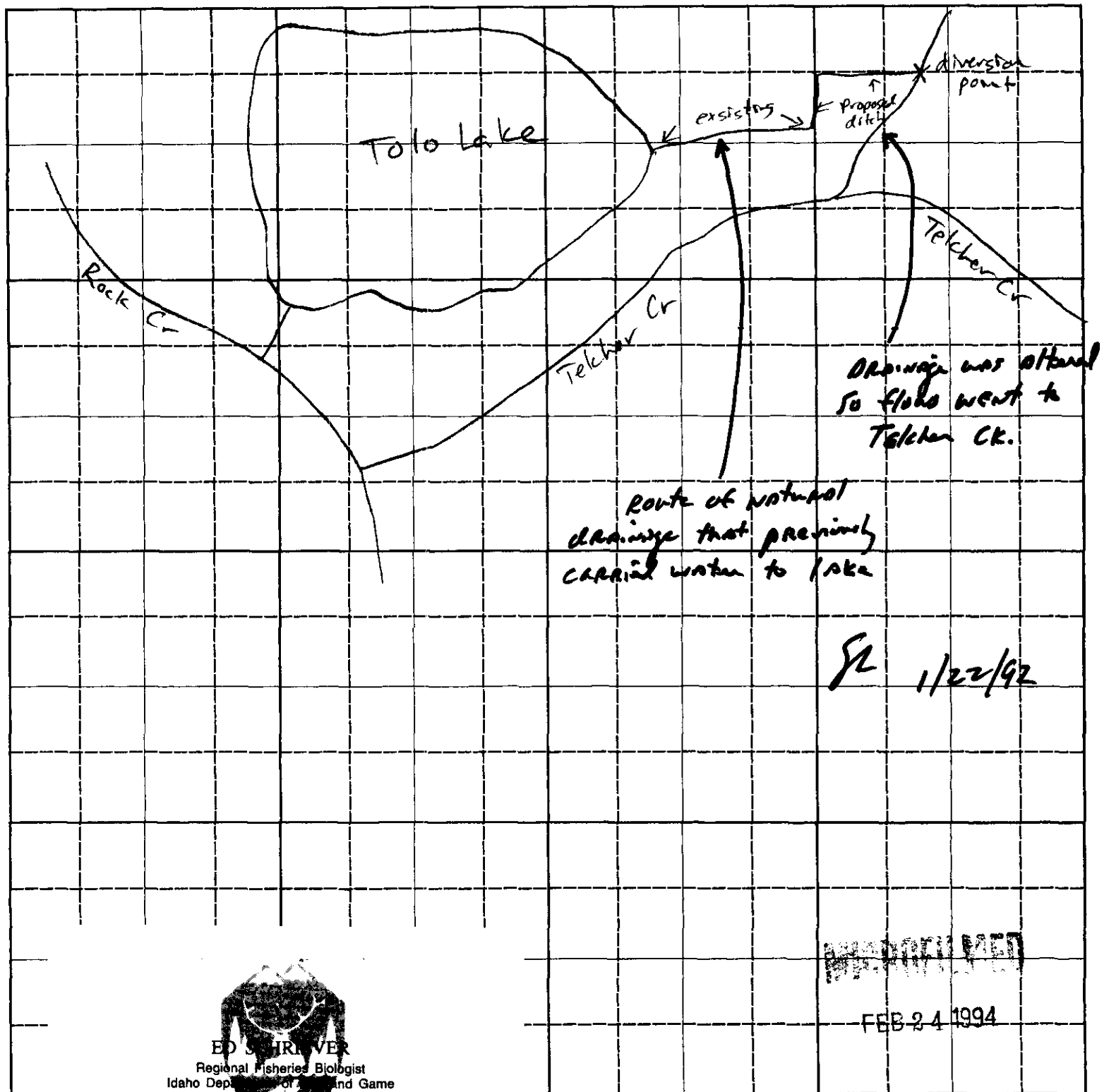
RZE

No govt lots S. 29

FEB 24 1994



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



Scale

1540 Warner Avenue
Lewiston, ID 83501

749-5010
Business Phone (208) 743-6502

Application for permit to appropriate the public waters of

Ed Hirsher

(Applicant)

No. 1 Received

* See 1/22/92 conv. memo

Received by MM Date 01-17-92 Time 11:45 am Preliminary check by SL

* Fee \$ 125 Received by LH # W014117 Date 2/7/92

Publication prepared by GG Date 1-29-92 Published in Idaho County Free Press
2/5 & 2/12/92

Publication approved ST Date 2-25-92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

CHECK REC'D
2/6/92

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:

RECEIVED

FEB 24 1994

JAN 17 1992

Ident. No. _____

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Dept. of Fish & Game Phone (208) 743-6502
Post office address 1540 Warner Ave., Lewiston, ID 83501

2. Source of water supply Unnamed stream which is a tributary of Telcher Cr.

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot —
Sec. 29 Township 30N Range 2E B.M. Idaho County; additional
points of diversion if any: NENWNE S. 29 T30N R2E (SEE REMARKS)

4. Water will be used for the following purposes:

Amount 5.00 ~~total~~ for Recreation/ purposes from Jan. 1 to Dec. 31 (both dates inclusive) *
(cfs or acre-feet per annum) WILDLIFE
Amount 5.00 for Diversion to storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 500 for Recreation/ purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) WILDLIFE
Amount _____ for Storage purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) total flow and or (b) 500
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 920' of new ditch to re-connect
original diversion ditch with Tolo Lake

b. Height of storage dam N/A feet; active reservoir capacity 500 acre-feet; total
reservoir capacity 500 acre-feet; period of year when water will be diverted to storage:
Jan. 1 to Dec. 31 inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? No

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

* pld per tops - 82 1/22/92
water uses per table with Ed Schmitt of IDFG

ORIGINAL pg.
1 of 2

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Provide inflow to Tolo Lake. Water needed to maintain pool for fish and wildlife habitat and aquatic recreation.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
30N	2E	29		W			W	W	W	W									
30N	2E	29		R			R	R	R	R									
~~30N~~	~~2E~~	~~29~~		~~S~~						~~S~~									

Total number of acres to be irrigated 0

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

- Who owns the property at the point of diversion? Paul Hauger
- Who owns the land to be irrigated or place of use? Paul Hauger, Ray Johnston, IDEG
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Easement agreement

12. Remarks: The unnamed stream was a tributary of Tolo Lake prior to a change that routed the water to Telcher Cr.

Single point of diversion on quarter-quarter ~~SECTION~~ *

* per topo - 9/22/92
and per telcom with E. Schriener

FEB 24 1994

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

77-07312

JOHNSON, L M
JOHNSON, CRAIG H
PO BOX 747
MC CALL, ID 83638
Source: HOUSTON CREEK Tributary:
WARREN CREEK
Source: RABBIT CREEK Tributary:
SALMON RIVER
Diversion Pt:
NENW Sec 4T 23N R 06E in IDAHO
County.
SWNW Sec 4T 23N R 06E in IDAHO
County.
SENE Sec 5T 23N R 06E in IDAHO
County.
NENW Sec 8T 23N R 06E in IDAHO
County.
SESW Sec 33T 24N R 06E in IDAHO
County.
SWSE Sec 33T 24N R 06E in IDAHO
County.
SESE Sec 33T 24N R 06E in IDAHO
County.
Use: MINING (1.000 CFS)
MINING STORAGE (2.40 AF)
Total Diversion: (1.000 CFS)
Date Filed: 1/15/1992
in: IDAHO County
T23N R06E S04 Lot 2 (NENW) SWNW
S05 SENE T24N R06E S33 SESW
SWSESE

79-07209

GRIMM, FRANK O
PO BOX 102
MIDVALE, ID 83645
Source: SALMON RIVER Tributary:
SNAKE RIVER
Diversion Pt: LOT 4 (SWNE) Sec 20 T

24N R 02E in IDAHO County.
Use: MINING (.200 CFS)
MINING STORAGE (.56AF)
Total Diversion: (.200 CFS) (.56AF)
Date Filed: 1/2/1992
In: IDAHO County
T24N R02E S20 Lot 4 (SWNE)

79-07210

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501
Source: UNNAMED STREAM Tributary:
TELCHER CREEK
Source: TOLO LAKE Tributary:
TELCHER CREEK
Diversion Pt: NWNENE Sec 29 T 30N R
02E in IDAHO County. NENWNE Sec
29 T 30N R 02E in IDAHO County.
Use: WILDLIFE (5.000 CFS)
RECREATION (5.000 CFS)
RECREATION STORAGE (500.00 AF)
WILDLIFE STORAGE (500.00 AF)
DIVERSION TO STORAGE (5.000 CFS)
Total Diversion: (5.000 CFS) (500.00
AF)
Date Filed: 1/17/1992
In: IDAHO County
T30N R 02E S29 NWNENE NENW
SWNW SENW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way,
Boise, Idaho 83705 on or before
FEBRUARY 24, 1992.

R. KEITH HIGGINSON, Director

Published: 2/5/1992 & 2/12/1992

F5-12

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

.....Marietta Hanson....., being
first duly sworn, says she is the.....Bookkeeper..... 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
.....5th.....day of February....., 19⁹².....
and the last publication on the.....12th.....day of
.....February....., 19⁹².....; that the said notice was
published in the newspaper proper and not a supplement; that
said newspaper has been continuously and uninterruptedly
published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or
advertisement.

STATE OF IDAHO }

COUNTY OF }

On this.....12th.....day of.....February.....in the year
of.....1992....., before me, a Notary Public, personally
appeared.....Marietta Hanson....., 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.

.....[Signature].....
Notary Public for Idaho

Residing at.....Grangeville, Idaho.....

My commission expires.....9-10-92.....

FEB 24 1994

September 6, 1996

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07210

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

RECEIVED

SEP 12 1996

June 30, 1996

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 79-07210

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 September 1, 1996.

(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.

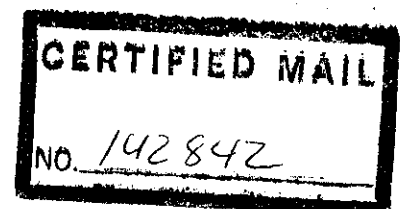
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 12 1996



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 79-07210 Reviewed by [Signature] Date 11-3-95

BASIC INFORMATION

10-18-95 Date stamp received
no Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

yes Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to
Sept. 1, 1996, on basis of Gov. Agency
Delay. Reinstate + advance priority
to March 5, 1992

PRIORITY CALCULATION

Date extension received	<u>10-18-95</u>	=	<u>291</u>
Proof due date	<u>9-1-95</u>	=	<u>244</u>
Number of days late		=	<u>47</u>
Priority date	<u>1-17-92</u>	=	<u>17</u>
New Priority Date	<u>3-5-92</u>	=	<u>64</u>

DATA ENTRY

New Address X
Change Proof Due Date 9-1-96
Change Priority Date 3-5-92



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1995

State of Idaho
Dept. of Fish & Game
1540 Warner Ave.
Lewiston, ID 83501

RE: Permit No. 79-07210

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended **September 1, 1996**.

Please note that the department has granted the extension based on government agency delay. It is important that you work diligently to develop the water right. The department **may not** be able to grant additional extensions.

Be advised that since the extension was received after the proof due date of September 1, 1995, it was necessary for the department to reinstate your permit and advance your priority date to March 5, 1992.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Regional Office

NOV 15 1995

I certify that file No. 79-07210

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

S. Curtis
Reviewer

11/1/95
Date

NOV 15 1995

NOV 15 1995

Water Right Number - 79-07210

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STATE OF IDAHO1 - DEPT OF FISH & GAME
2 - 1540 WARNER AVE
3 -
City- LEWISTON
Phone - 208-743-6502

State- ID Zip- 83501

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/17/1992 14 WESTERN P - PERMIT+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
UNNAMED STREAM TELCHER CREEK
TOLO LAKE TELCHER CREEK+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
30N 02E 29 NW NE NE (49) IDAHO
NE NW NE (49) IDAHO+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
16 - WILDLIFE 01/01 12/31 5.000
46 - RECREATION 01/01 12/31 5.000
47 - RECREATION STORAGE 01/01 12/31 500.00
17 - WILDLIFE STORAGE 01/01 12/31 500.00
55 - DIVERSION TO STORAGE 01/01 12/31 5.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
5.000+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
30N 02E 29 NW NE 16 WILDLIFE (49) IDAHO
30N 02E 29 NE NW 16 WILDLIFE (49) IDAHO
30N 02E 29 NW NW 16 WILDLIFE (49) IDAHO
30N 02E 29 SW NW 16 WILDLIFE (49) IDAHO
30N 02E 29 SE NW 16 WILDLIFE (49) IDAHO

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
Single point of diversion located on or near line between
NWNENE and NENWNE, S29, T30N, R02E.
This permit shall provide inflow to Tolo Lake to maintain fish
and wildlife habitat and aquatic recreation.

Water right number - 79-07210

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 004 - The issuance of this right does not grant any right-of-way
 - or easement across the land of another.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments- - - - - +

Date: 03/31/1992 User Id: TAYLOR Subject: WILDLIFE STORAGE

Wildlife water use is stored in Tolo Lake.

Date: 07/29/1992 User Id: MILLER Subject: MORATORIUM EXEMPTION

This permit falls within the acceptable parameters of the Salmon-Clearwater Moratorium.

Date: 09/07/1995 User Id: VAULT Subject: Lapse Notice Sent

Lapse Notice Sent

+ - - Audit Fields - 01/28/92 GARRETT 03/31/92 TAYLOR 07/22/92 MILLER 07/29/92 MILLER 02/14/94 ZIMMERMA
08/09/94 JYARBROU 09/07/95 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 09/01/1995	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 02/22/1994	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - C030949	Water District -
Licensed Date - 00/00/0000	Appl Received - 01/17/1992	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag- N
Presumption Flag -		

M E M O R A N D U M

DATE: October 5, 1995

TO: File 79-07210

FROM: Shelley W. Keen *SWK*

RE: Phone call from Ed Shreever of IDF&G

=====

Ed Shreever of the Dept. of Fish and Game called yesterday to discuss permit 79-07210. He wants to seek reinstatement, but did not know whether to pursue an extension or to submit proof of beneficial use. He told me that the diversion works are complete, but water has not been used. The delay is due to the fact that the work uncovered mammoth skeletons, which are now being excavated by the Idaho State Historic Preservation Office.

I explained that there is an exception in Idaho Code §42-204 which authorizes the director to grant more than one extension if the project is held up by government approvals. However, the statute refers specifically to the federal government.

My final advice to Mr. Shreever was to document his situation and to submit a request for extension of time. I told him that I could not guarantee that it would be approved.

MICROFILMED

NOV 15 1995

September 7, 1995

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

LAPSE NOTICE

RE: PERMIT NO. 79-07210

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

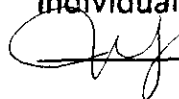
L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
SEP 15 1995

CERTIFICATION OF MAILING

I hereby certify that on 9-7-95
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



June 30, 1995

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 79-07210

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 September 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.

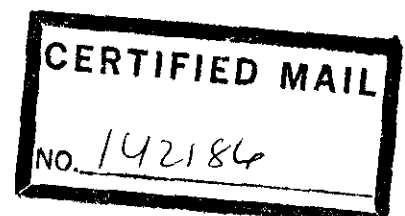
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 79-07210 Reviewed by [Signature] Date 8-5-94

BASIC INFORMATION

8-2-94 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Should extend to September 1, 1995, for due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 9-1-95
Change Priority Date X

August 5, 1994

State of Idaho
Dept. of Fish & Game
1540 Warner Ave.
Lewiston, ID 83501

RE: Permit No. 79-07210

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to September 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
AUG 16 1994

June 30, 1994

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 79-07210

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 September 1, 1994. (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

AUG 16 1994

CERTIFIED MAIL

NO. 141450



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

February 22, 1994

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07210

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.

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

FEB 24 1994

APPLICATION FOR PERMIT REVIEW

Application #: 79-07210
Date: 7-29-92

Reviewer: Brenda Miller

BM

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C
LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. _____
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2), NMR <flow chart>
Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - (1, Blank or Other)
Trust - 051-052-053-P74(Consumptive Uses)
Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)
Power - Use Power Review
Mining - 06A, 010, or 09E-P10 & 054(req.)
Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
Rec/Wildlf/Aes - 027(Non-Consumptive)
Domestic - 021(restricted areas)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: -

Other Conditions Recommended

09-01-1994

*In Salmon-Clearwater Moratorium
Boundary.*

WR0749NP
No. 879-07210

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT OF FISH & GAME 1540 WARNER AVE LEWISTON ID 83501 (208) 743-6502	01/17/1992	WILDLIFE WILDLIFE STORAGE RECREATION RECREATION STORAGE DIVERSION TO STORAGE	01-01 12-31 01-01 12-31 01-01 12-31 01-01 12-31 01-01 12-31	5.00 CFS 5.00 CFS 5.00 CFS 5.00 CFS	 500.00 AFA 500.00 AFA
TOTAL DIVERSION:					5.00 CFS	

Water Source: UNNAMED STREAM
TOLO LAKE

Tributary to: TELCHER CREEK
TELCHER CREEK

Stage: PERMIT

Point(s) of Diversion: T30N R02E S29 NWNENE NENWNE IDAHO County

Place of use Legal Description for: WILDLIFE

NENE				NW				SW				SE							
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
30N	02E	29	:	W	:	W	W	W	W	:				:					:

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

Pou County: IDAHO

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.

Remarks: Single point of diversion located on or near line between
NWNENE and NENWNE, S29, T30N, R02E.
This permit shall provide inflow to Tolo Lake to maintain fish
and wildlife habitat and aquatic recreation.

Dates: App. Received: 01/17/1992 Priority Date: 01/17/1992
Proof Due Date: 09/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/31/1992 User-ID: TAYLOR Subject: WILDLIFE STORAGE
Wildlife water use is stored in Tolo Lake.

Date: 07/29/1992 User-ID: MILLER Subject: MORATORIUM EXEMPTION

WR0749NP
No. P79-07210

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/94
PAGE: 2

=====

Comments: Date: 07/29/1992 User-ID: MILLER Subject: MORATORIUM EXEMPTION
This permit falls within the acceptable parameters of the
Salmon-Clearwater Moratorium.

Audit: 07/22/92 MILLER 07/29/92 MILLER



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

RECEIVED

FEB 06 1992

Department of Water Resources
Western Regional Office

February 5, 1992

Mr. Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Payment of fees for water right application No. 79-07210

Dear Mr. Lester:

Attached please find a check for \$125.00 for payment of the application fees for the above-referenced water right. Please contact me at 334-2597 if any questions arise concerning this water right.

Sincerely,

Cindy Robertson

Cindy Robertson
Fishery Biologist

CR:tlv

Attachment

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

RECEIVED

FEB 24 1992

CONVERSATION MEMORANDUM

DATE 1-22-92FILE Tolo Lake Application
79-07210NAME OF PARTY Ed Schaefer, ±DFG 743-6502EMPLOYEE Steve Lester

RE:

- ① Intent - Restore natural drainage so that it once again flows into Tolo Lake. Appropriate all of the flow from unim. stream* for Rec. & wildlife uses. Appropriate all of the water of Tolo Lake for same purposes. The lake holds ± 500 a.f.
- ② Apply for 5 cfs of unim. stream currently tributary to Talien Creek. Also apply for 500 a.f. Flood - & to be kept in - Tolo Lake. Provide flow-through to keep lake fresh. It is assumed from topog that lake has an outlet to Talien Creek.
- ③ Appl. will show 2 sources: cfs from stream & a.f. from lake. This is a modified version of a typical storage application.
- ④ No fee or voucher was submitted. He will have purchasing staff send check or voucher. It seems appropriate to advertise but not approve the appl. until fee or voucher is received.
D.A.P. will be date fee/voucher received?
- ⑤ No stocknotes; S in plan in original appl. indicates storage.
- ⑥ No use from storage, b.v. will occur at FEB 24 1994

* intermittent flow - not sure of its capacity. Apply for 5 cfs. to be compatible with fee for 500 a.f.

79-07210

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

Source: UNNAMED STREAM
Source: TOLO LAKE

Tributary: TELCHER CREEK
Tributary: TELCHER CREEK

Diversion Pt: NWNENE Sec 29 T 30N R 02E in IDAHO County.
 NENWNE Sec 29 T 30N R 02E in IDAHO County.

Use: WILDLIFE	(5.000 CFS)	
RECREATION	(5.000 CFS)	
RECREATION STORAGE		(500.00 AF)
WILDLIFE STORAGE		(500.00 AF)
DIVERSION TO STORAGE	(5.000 CFS)	
Total Diversion:	(5.000 CFS)	(500.00 AF)

Date Filed: 1/17/1992

In: IDAHO County				
T30N R02E S29	NWNE	NENW	NWNW	SWNW
	SENE			

FEB 24 1994