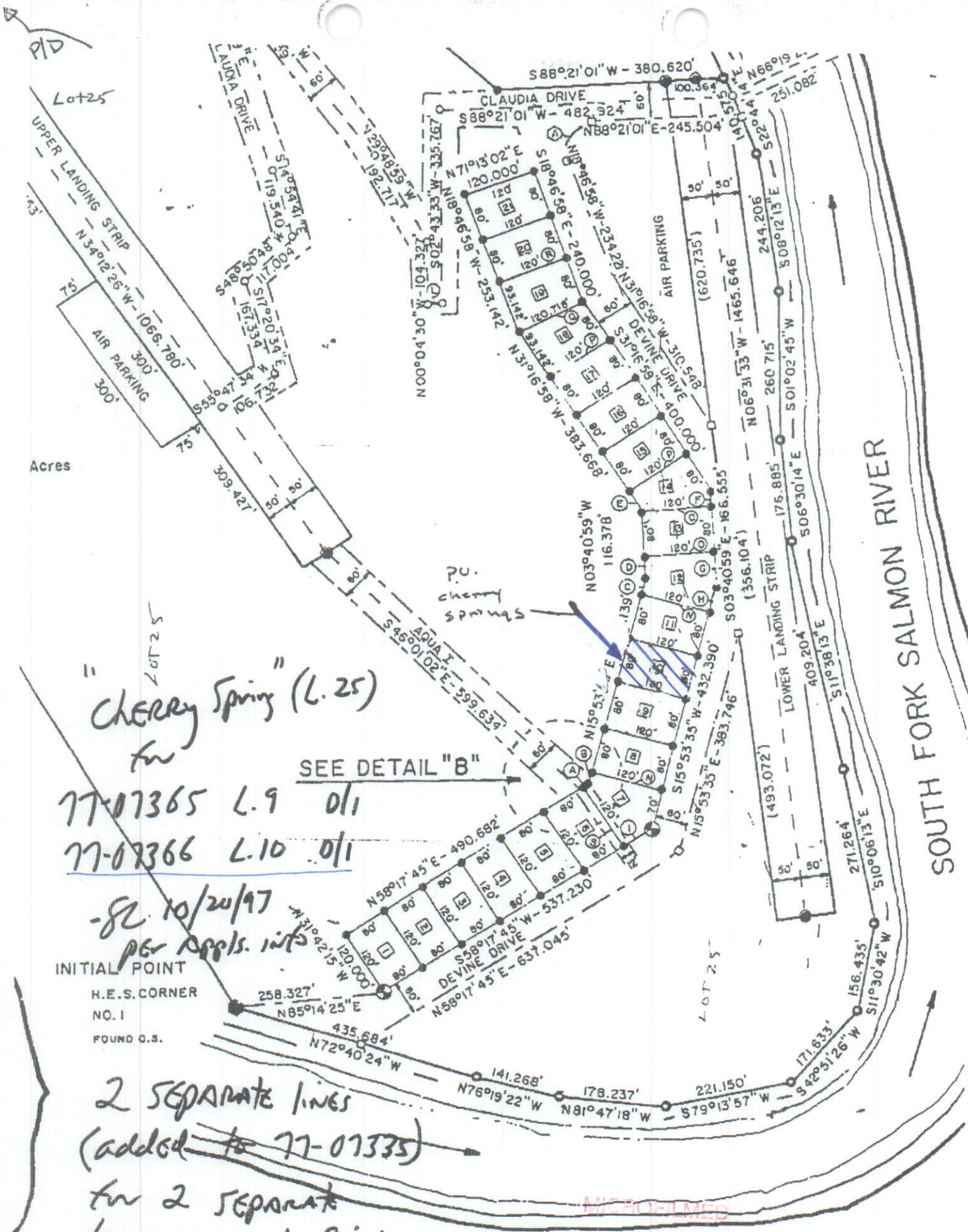




"Cherry Spring" (L. 25)
for

77-07365 L. 9 0/1
77-07366 L. 10 0/1

-82.10/20/97
per App's. info

INITIAL POINT
H.E.S. CORNER
NO. 1
FOUND G.S.

2 separate lines
(added to 77-07335)
for 2 separate
houses on L. 9 & 10.

APPROVED
JUN 9 1998

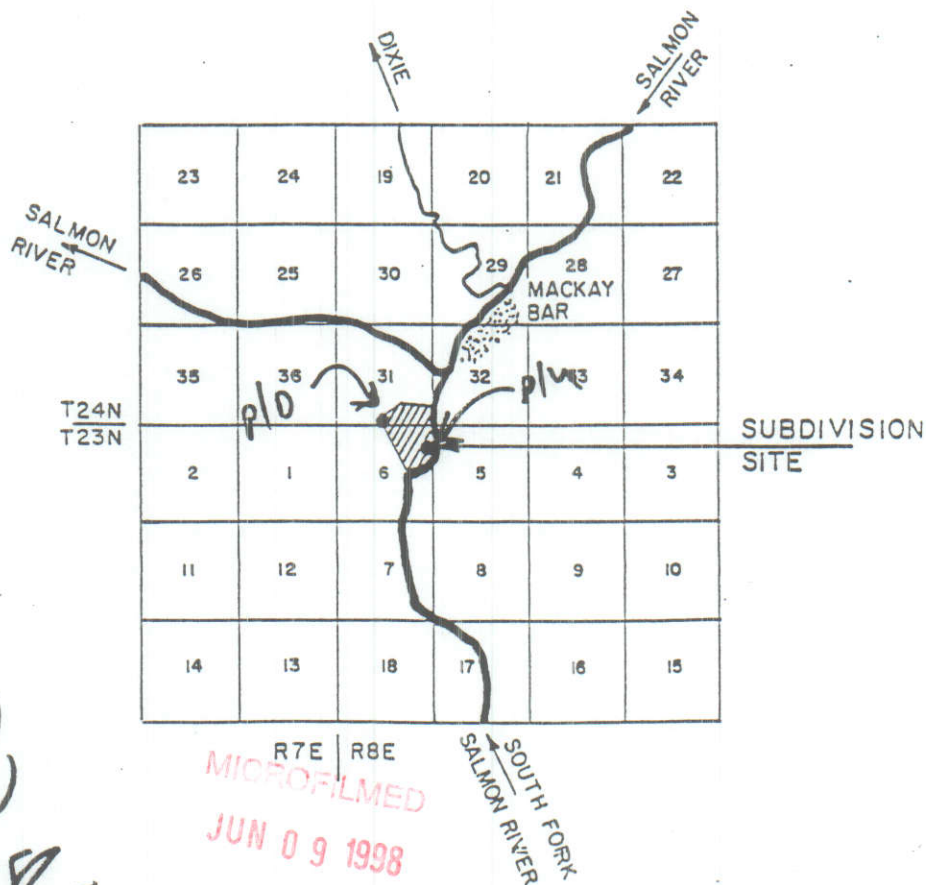
APR-1-94 FRI 11:51
Edwards, How.

- ACCESS & UTILITY EASEMENT
- ⊙ EASEMENT CORNER, SET 5/8
 - EASEMENT CENTERLINE, NOT
 - EASEMENT CORNER, NOT SET

COPENHAVER SUBDIVISION RESTRICTIVE COVENANTS ARE FILED AS INSTRUMENT NO. 0324731

VICINITY MAP

Scale: 1" = 2 Miles

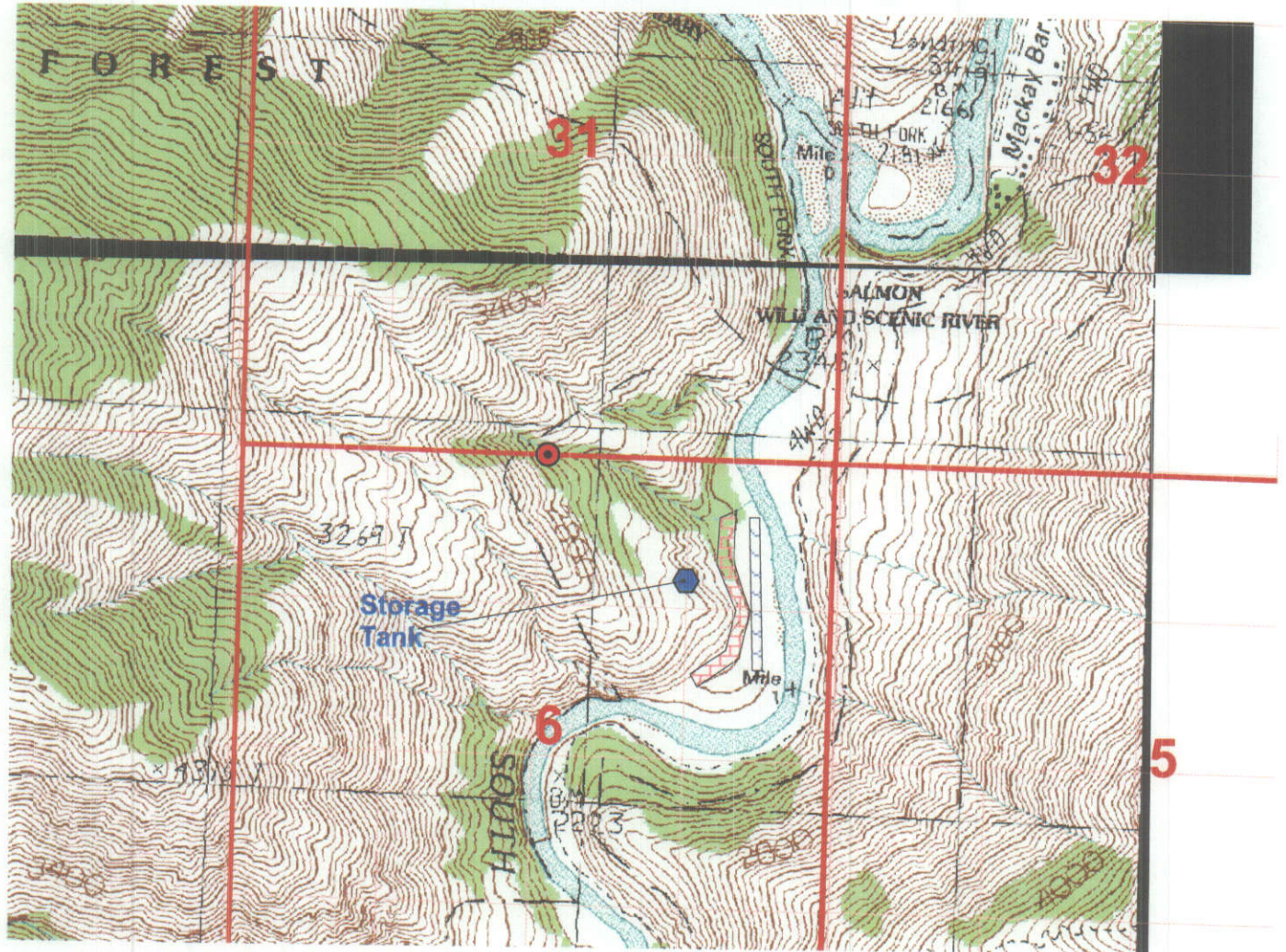


SEE 7 1/2' topo
for best approx.
of legal description

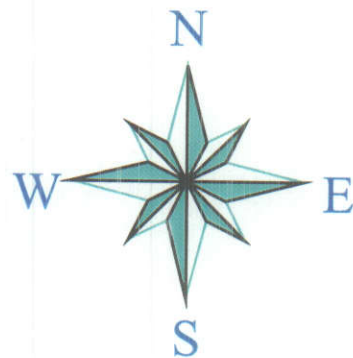
NOTE

THESE 4 maps
copied from
77-07335 is used
in 77-07365 (L. 9)
77-07366 (L. 10)
update 10/24/97 -FL

Copenhaver Subdivision



-  Air strip
-  Sub lots
-  Spring P/D
-  Sections
-  1/41/4



MICROFILMED
MAR 20 2003

77-024730

NO 1001 LOT 7

717 08/04/1997

1237RBE (see 6) S. 397

COPENHAVER SUBDIVISION

1986

ALL OF H.E.S. NO. 701

LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
B. SECTION 31, T.24N., R.8E., B.M., DAHO COUNTY, IDAHO



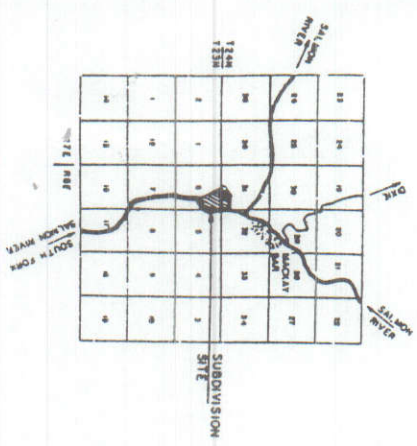
LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEASUREMENT CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/SENV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/SENV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

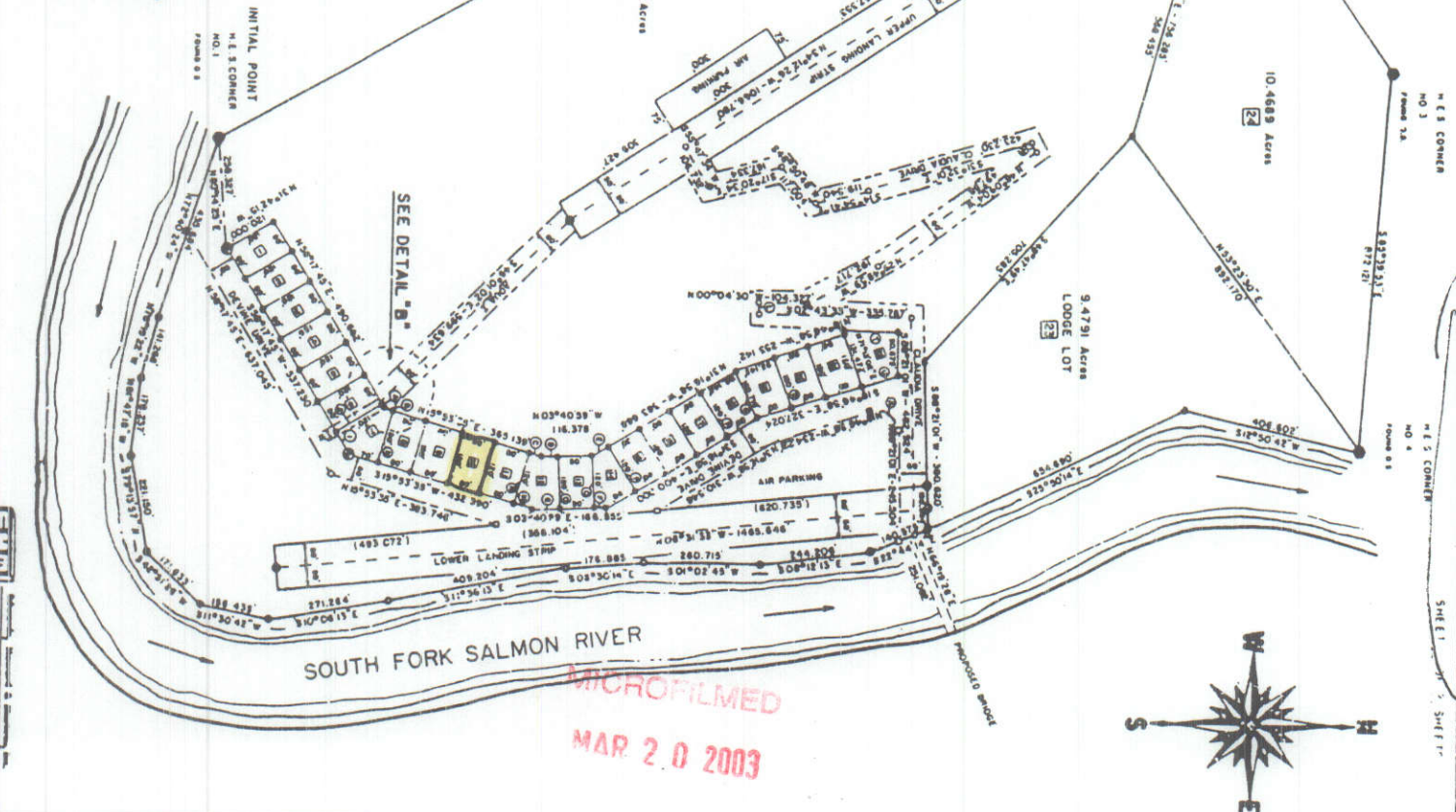
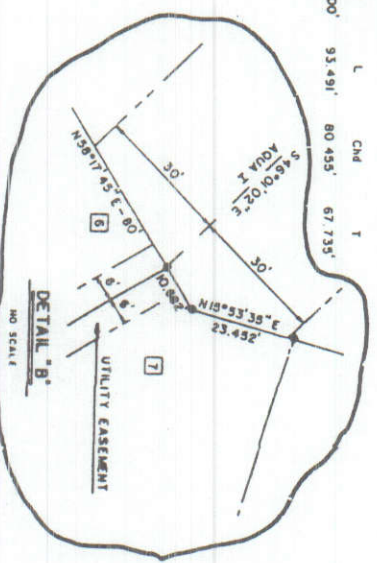
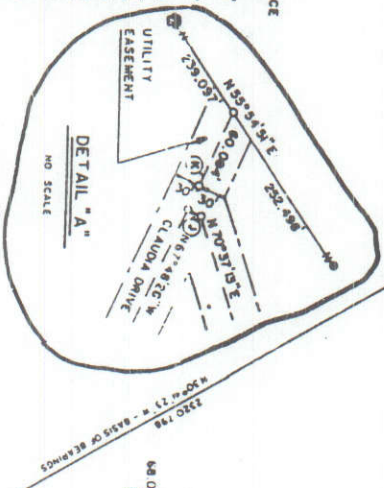
VICINITY MAP

77-024730

Scale: 1" = 2 Miles



TANGENT	BEARING	DISTANCE
A	N 58°17'45"E	10.662'
B	N 15°33'35"E	23.462'
C	N 15°33'35"E	21.667'
D	N 03°40'59"W	30.316'
E	N 31°16'38"W	30.316'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 13°53'38"W	42.390'
I	S 58°17'45"W	57.230'
J	N 23°04'00"E	20.000'
K	N 67°48'28"W	60.084'
L	N 83°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°08'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 64°58'02"W	120.000'
R	S 71°15'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
U	S 18°46'38"E	87.024'
Curve A	107°07'59"	50.000'
Curve R	93.491'	80.435'
Curve L	80.435'	67.735'

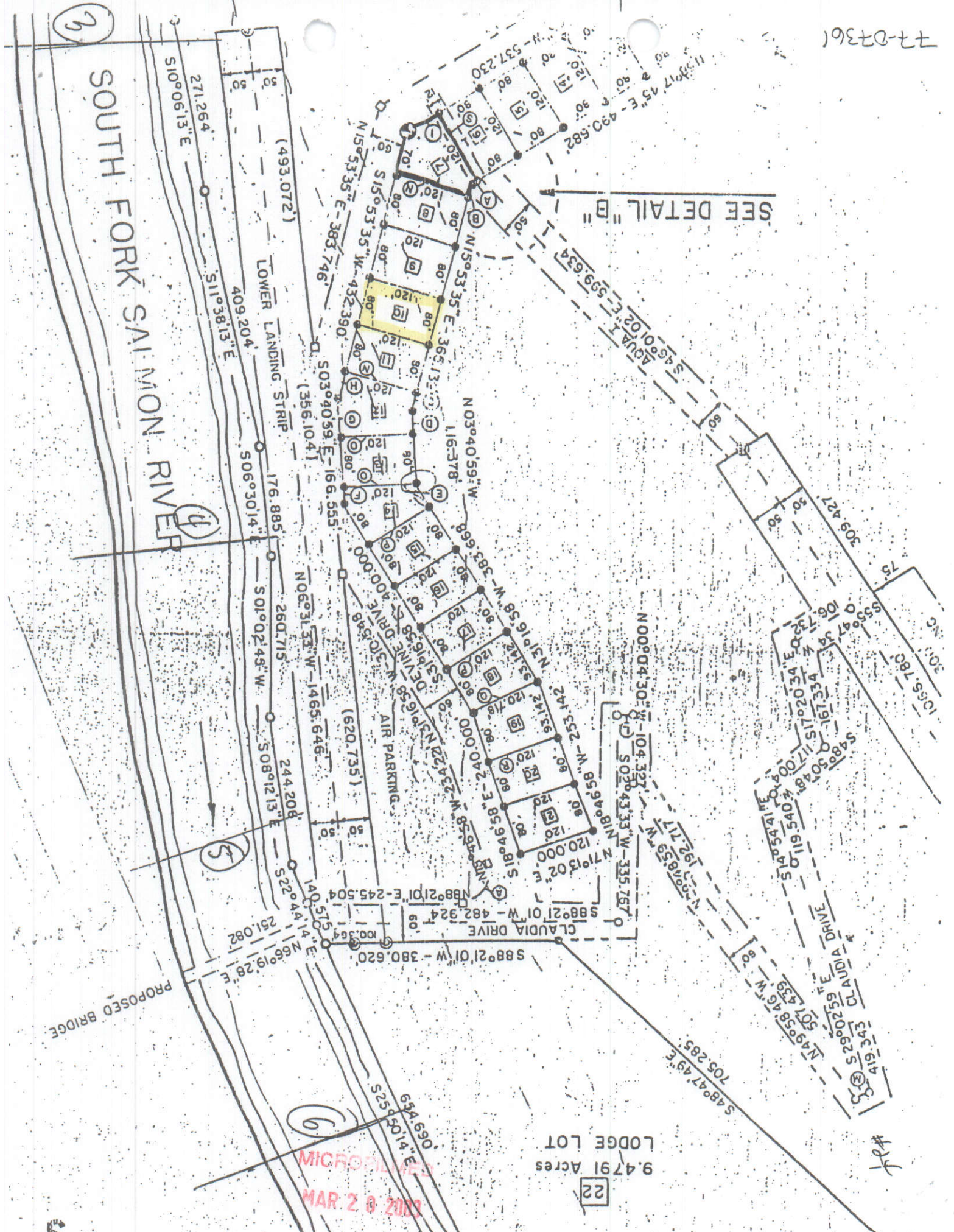


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MAR 20 2003

77-07361

SEE DETAIL "B"

SOUTH FORK SALMON RIVER



9.4791 Acres
LODGE LOT

MICROFILMED
MAR 20 2003

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

77-07366
ROD D BLACKSTEAD
11760 W EXECUTIVE DR STE 120
BOISE ID 83713

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature — Agent

X

7. Date of Delivery

10/28/99

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07366

Priority: October 02, 1997

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 02, 1997; and has
submitted Proof of Beneficial Use on February 08, 2000. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp 24N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
23N 08E 6				X													

CONDITIONS OF APPROVAL

1. Rights 77-07359 and 77-07366 when combined shall be limited to 1 home, the irrigation of no more than a combined total of 1/2 acre, and shall not exceed 13,000 gallons per day.
2. Place of use is located within Lots 9 & 10, Copenhaver Subdivision.
3. Point of diversion is located within Lot 25, Copenhaver Subdivision.
4. Rights 77-07335, 77-07377 and 77-07380 are also diverted through the point of diversion described above.
5. Source is known locally as Cherry Spring.
6. Rights 77-07335, 77-07377, 77-07380 and 77-07366 when combined shall not exceed a total diversion rate of 0.02 cfs, and a total annual maximum diversion volume of 14.5 af.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27TH day of DECEMBER, 2002.

MICROFILMED

Acting for

KARL J. DREHER
Director

MAR 20 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 77-07366

RECEIVED

DEC 18 2002

Department of Water Resources

Date of Priority: October 02, 1997

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 1.2 AF

Comes now BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405 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. 77-07366, and requests that the permit be changed as follows:

Source: SPRING

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp 24N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	08E	6				X													

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 this 13th day of December, 2002.


(Signature)

MICROFILMED
MAR 20 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-07366

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Received by jm #C0666138 Date 12-18-02

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. 77-07366 with the following:

CONDITIONS OF APPROVAL

1. Rights 77-07359 and 77-07366 when combined shall be limited to 1 home, the irrigation of no more than a combined total of 1/2 acre, and shall not exceed 13,000 gallons per day.
2. Place of use is located within Lots 9 & 10, Copenhaver Subdivision.
3. Point of diversion is located within Lot 25, Copenhaver Subdivision.
4. Rights 77-07335, 77-07377 and 77-07380 are also diverted through the point of diversion described above.
5. Source is known locally as Cherry Spring.
6. Rights 77-07335, 77-07377, 77-07380 and 77-07366 when combined shall not exceed a total diversion rate of 0.02 cfs, and a total annual maximum diversion volume of 14.5 af.

Witness my hand this 27TH day of DECEMBER, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

MAR 10 2003

11/99

For Office Use Only
 \$25 filing fee 2500
 Receipt # 0049450
 Date 7-3-00

RECEIVED

JUL 03 2000

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, Rod D. Blackstead, hereby assign to Brian M. Howard
 of, 7999 South Powerline Rd. Nampa, Id. 83686-9405 (208) 467-4230
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 77-07366 to
 appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
 Permit No. _____ to appropriate the public waters of the State of Idaho.
 (Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
 subdivision, point of diversion location, and amount of the water in cubic feet per second.)

lot 10 Copenhaver Sub. T23N R8E Sec. 6

Rate: .020.

Point of Diversion: T24N R8E Sec. 31 NESESWSESESW 31NWSWSSESWSE

Made this 23 day of June, 2000.

Rod D. Blackstead
 Permit Holder(s)

State of Idaho)

County of Ada)ss

On this 23rd day of June, 2000, personally appeared before me the signer(s) of the above
 instrument, who duly acknowledged to me that he (she) (they) executed the same.

Stephanie Bruse
 Notary Public residing at 661 & 7th

SEAL

My commission expires: 8/31/2002

MICROFILMED

JUL 25 2000



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB - 8 2000

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 77-07366 Telephone No. 208-376-2727
2. Name of Permit Holder(s): Rod D. Blackstead
3. Mailing Address: 11760 W. Executive Dr., Suite 120
City Boise State Id Zip 83713
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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 X
Has the measuring device been installed? Yes _____ or No X
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: Rod Blackstead Telephone Number: 208-867-1861
Address: 11760 W. Executive Dr. #120, Boise
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 2-4-00
(include your title, if on behalf of company or organization)

MICROFILMED
MAY 24 2000

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

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MAY 24 2000

Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

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MAY 24 2003

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States " ... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

MAR 24 2000

8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such (a) **that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated,** or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

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MAY 24 2000

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

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MAY 24 2000

5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

Dated this 26th day of October, 1999.



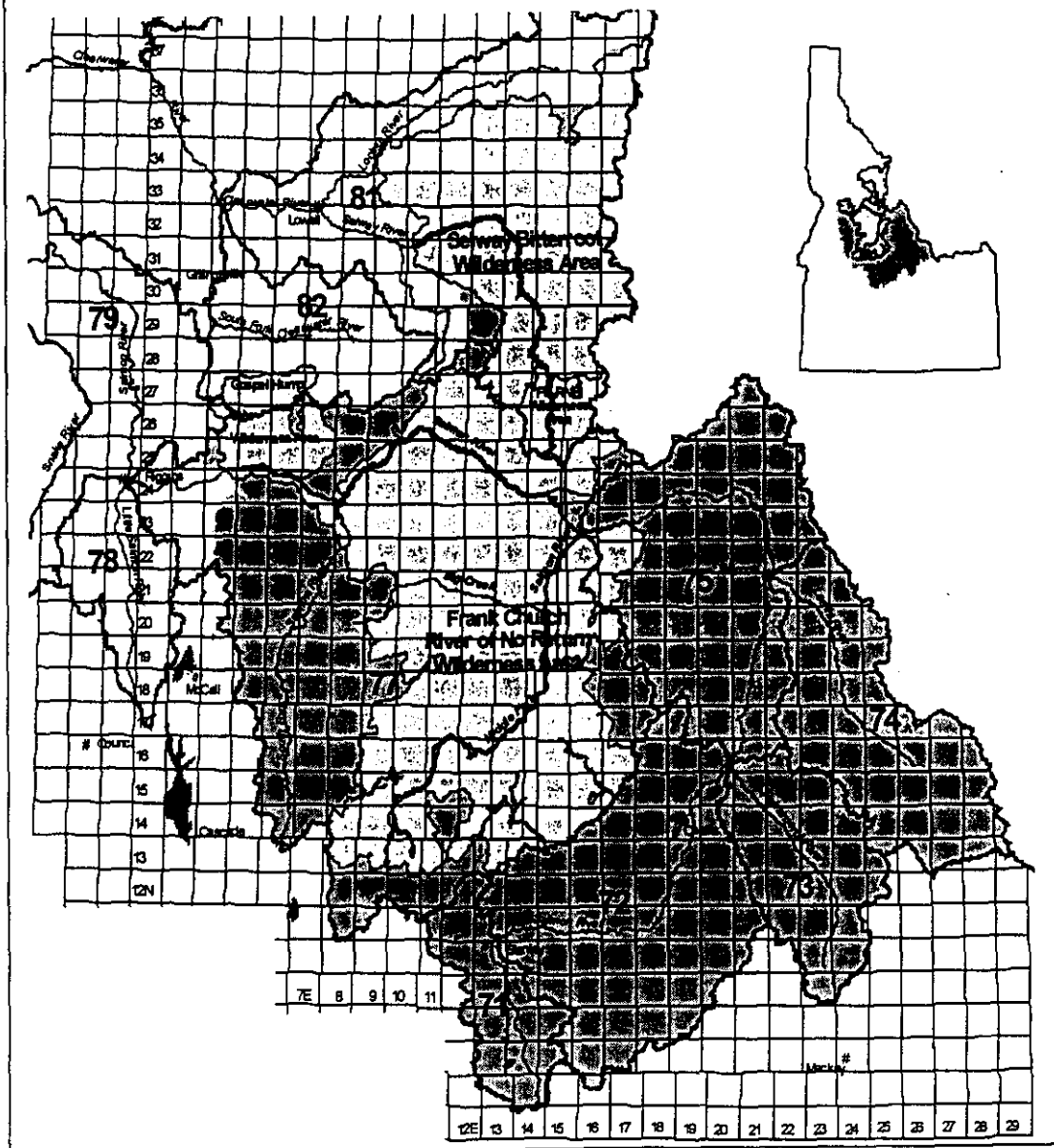
KARL J. DREHER
Director

MICROFILMED

Wilderness Moratorium Areas

October 26, 1999

-  DWR Administrative Basins with basin number
-  Wilderness Areas
-  Tributary Areas
-  Township/Range



State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 77-07366

Proposed Priority: October 2, 1997

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **ROD D BLACKSTEAD**
11760 W EXECUTIVE DR STE 120
BOISE ID 83713

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 31, Township 24N, Range 08E
SESESW , Sec. 31, Township 24N, Range 08E
NWSWSE , Sec. 31, Township 24N, Range 08E
SWSWSE , Sec. 31, Township 24N, Range 08E

IDAHO County

PLACE OF USE: DOMESTIC
TWN RGE SEC
23N 08E 6 NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 2001.
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 Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
6. This right authorizes a single point of diversion.
7. Place of use is located within Lot 10, Copenhagen Subdivision.
8. Use of water under rights 77-07360 and 77-07366, when combined, shall be limited to 1 home.
9. The domestic use authorized under this right shall and right 77-07360 not exceed 13,000 gallons per day.
10. Use of water for irrigation under domestic rights 77-07360 and 77-07366 shall not exceed a combined total of 1/2 acre within the platted subdivision lot upon which a home has been

JAN 6 9 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

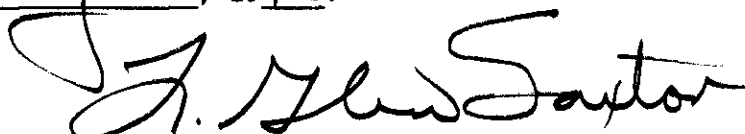
NO. 77-07366

CONDITIONS OF APPROVAL AND REMARKS

constructed.

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

14th day of January, 1998



Karl J. Dreher, Director

for



JUN 09 1998

RECEIVED
JAN 02 1998
Department of Water Resources

Ident. No. 77-07366

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Lot 10

1. Name of Applicant ROD D. Blackstead Phone 208-3876-2727
Mailing address 11760 W. Executive DR Suite 120 Boise ID 83713
2. Source of water supply Saltwater River south fork which is a tributary of Saltwater River
3. Location of point of diversion is Township 23N Range 8E Sec. 6 in the NE 1/4, NE 1/4, - 1/4, Govt. Lot -, B.M., - County; additional points of diversion if any: Same as 77-7365
4. Water will be used for the following purposes:

Amount <u>.02</u> for <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 and/or (b) -
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 1" water pipe gravity feed
 - b. Height of storage dam - feet; active reservoir capacity - acre-feet; total reservoir capacity - acre-feet
 - 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? -
 - e. If well is already drilled, when? -; Drilling firm -
Well was drilled for (well owner) -; Drilling Permit No. -
7. Time required for completion of works and application of water to proposed beneficial use is 3 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. -
 - c. Municipal; show name of municipality. -
 - d. Domestic; show number of households. 1 home
 - e. Other; describe fully. -

JAN 03 1998

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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	8E	6	D																

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? 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: _____

12. Remarks: Also lot 10 Copenhagen

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Ed Bleach
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 10-2-97 Time 9:35 Preliminary check by [Signature]
 Fee \$ 52.00 Receipted by St # W023120 Date 10-2-97
 Publication prepared by St Date 10-29-97 Published in Idaho Free Press 11-5-97
 Publication approved St Date 12-22-97

Ident. No. 77-07366

Comments: Date: 10/20/1997 User-ID: SLESTER

Subject: OVERLAP & OTHER INFORMATION

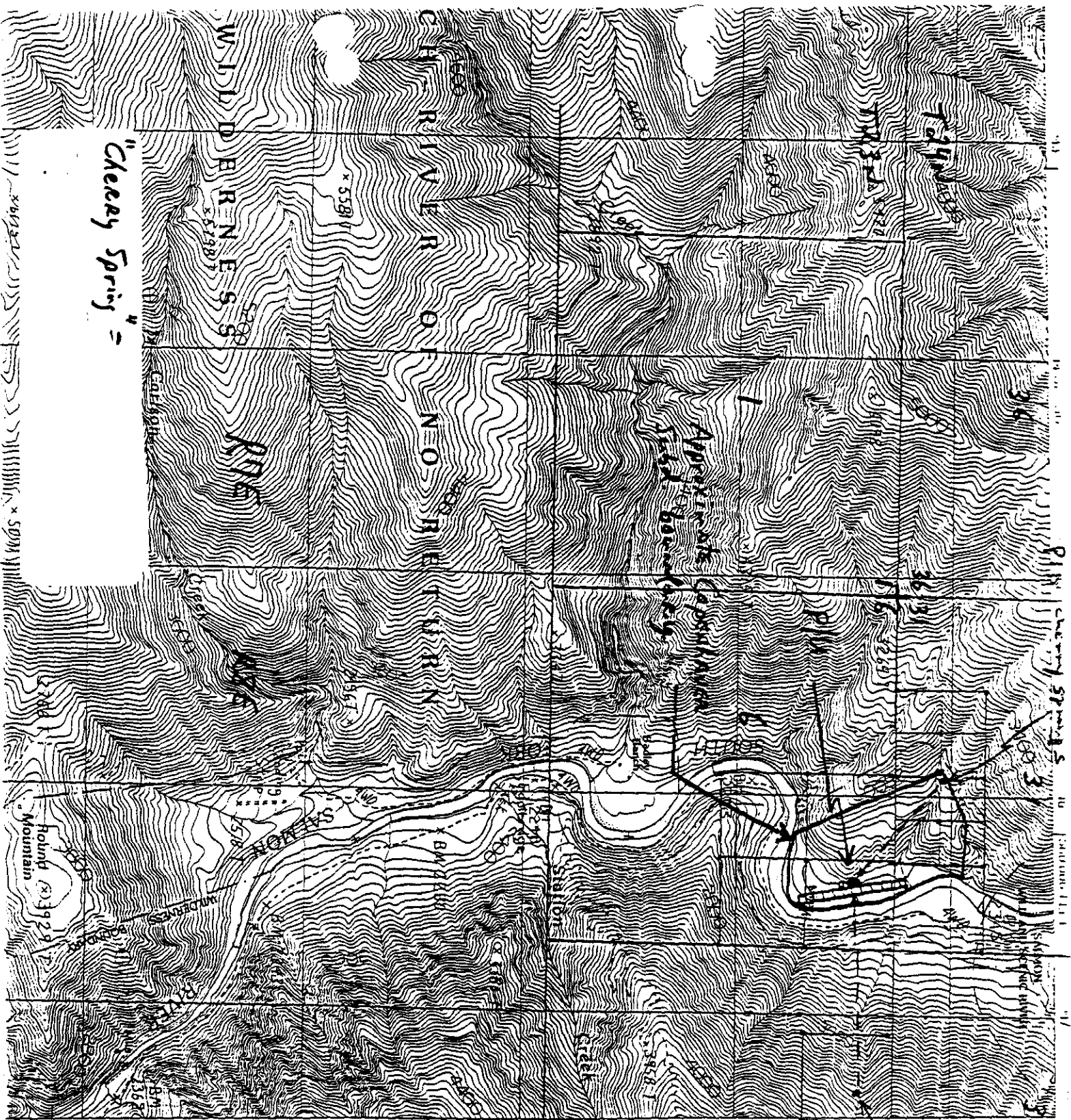
See concurrent appl. 77-07365 Comments for complete explanation & for maps copied from 77-07335 and now updated.

This application is for 1 home in L. 10. As in 77-07365, Salmon River Moratorium and Governor's Bull Trout plan n/a for non-trib. water.

Same home also proposed in 77-07360 (So. Fork Salmon).

COPENHAGEN Subd.

Base update 12/5/97 -jk



"Cherry Springs" =

Appropriate Campground

R7E

K9E

Wilder NES

45° 22' 30"

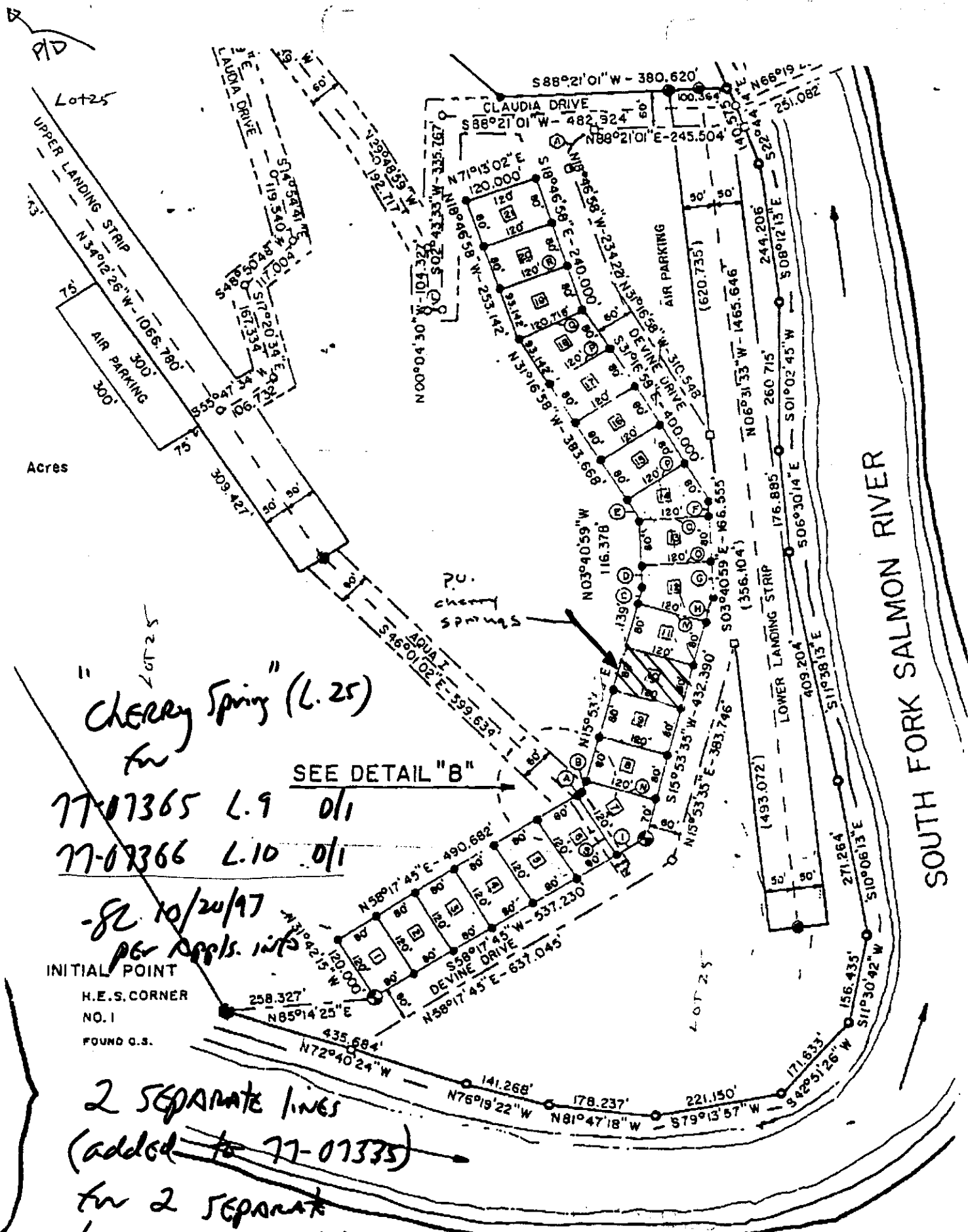
1350000
FEET

● = Plu from Cherry
lots 9 and 10

Reported
Section line from
SE cor S. S.
T24N R7E (upper
left portion of
quad Q64)

Unsurveyed Area,
Sav. Lot N/A

20' 77-07366 - L. 10



Lot 25
"Cherry Spring" (L. 25)
for

77-07365 L. 9 0/1

77-07366 L. 10 0/1

-82 10/20/97
per App's. info

INITIAL POINT
H.E.S. CORNER
NO. 1
FOUND C.S.

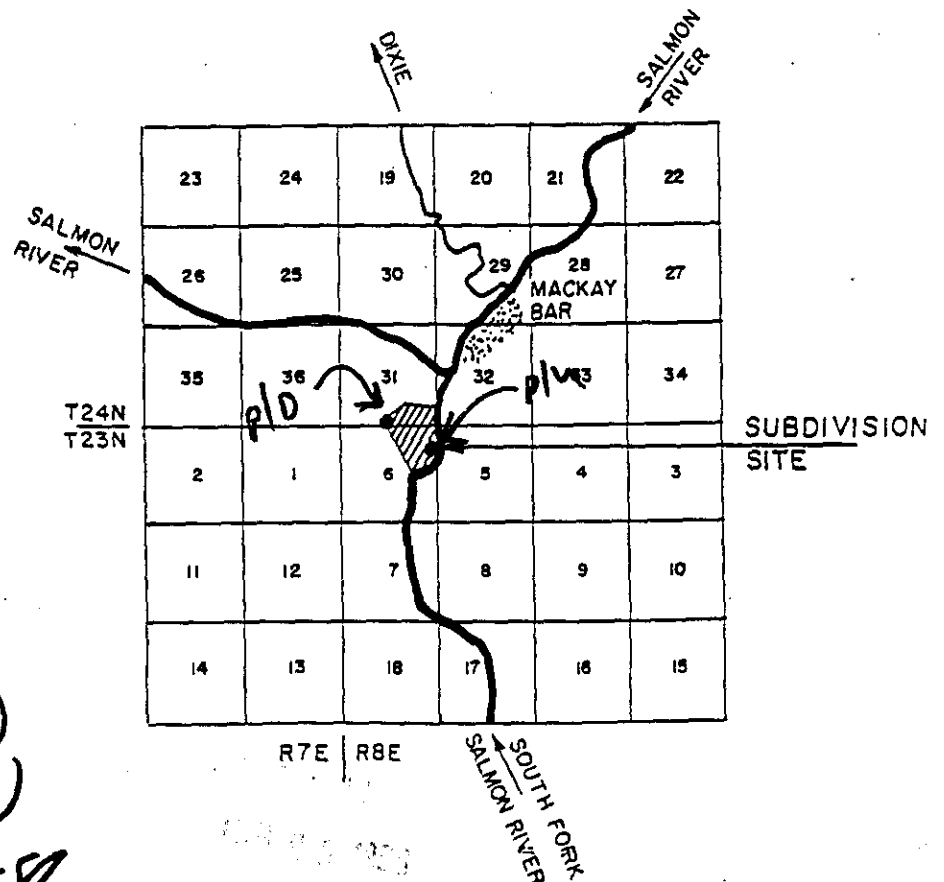
2 separate lines
(added to 77-07335)
for 2 separate
houses on L. 9 & 10.

- ACCESS & UTILITY EASEMENT
- ⊙ EASEMENT CORNER, SET 5/8
 - EASEMENT CENTERLINE, NOT
 - EASEMENT CORNER, NOT SET

COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO. 03247231

VICINITY MAP

Scale: 1" = 2 Miles



SEE 7 1/2' topo
for best approx.
of legal description

NOTE

THESE 4 maps
copied from
77-07335 & used
in 77-07365 (L. 9)
77-07366 (L. 10)
update 10/20/97 -FL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

RE: License No. 77-7366 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

MAY 20 2003

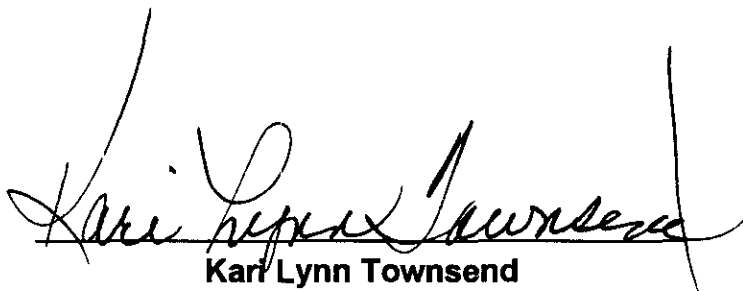
CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

77-7366

**BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405**


**Karl Lynn Townsend
Secretary**

MICRO - 1010

MAR 20 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

RE: Permits in Copenhaver Subdivision

Dear Mr. Howard:

We are in receipt of the Relinquishment forms submitted for Permits 77-07360 and 77-07365. Please note that these permits will be of no further force or effect.

→ In discussing your water rights with my supervisor, it was noted that the water right we intend to license for your domestic use from Cherry Spring (Rt. 77-07366) only covers use of water in one home. Since there was only one home being used at the time of the field examination we can only license one home under Rt. 77-07366. I believe I had told you that Rt. 77-07366 covered both dwellings you intend to have on Lots 9 and 10, Copenhaver Subdivision. I am enclosing an "Application for Permit" form that you can use to file for water rights for the home you are building on Lot 9.

We are still waiting for the licensing amendment for Duane Smith's permit. I have talked with his wife and he will be submitting the amendment. We will send all the permits in for licensing, as a group, once we receive Mr. Smith's amendment. If you have any questions in regard to this matter, please do not hesitate to contact me at 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILM

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 5, 2002

BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

RE: Water Right Permit No. 77-07366

Dear Permit Holder:

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 the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

Place of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear 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 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICHAEL J. WALKER

MAY 10 2003

Comment Report

77-7366

1. kwalker 12/3/2002 Point of diversion

Comment: When I created the shape for the point of diversion, arc view determined it was located in SWSWSE, S31, T24N, R8E. Examiner found it located on the line between S31 and S06 but in looking at the orthophoto quad of this area it appears that arc view is accurate.

2. CZIMMERM 1/12/1998 DIVERSION DESCRIPTION

Comment: 1/2-1 HP pump in river.

3. KTOWNSEN 2/9/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICRO-TECH

MAR 14 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 28 2001
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 77-7366

1. Owner: Brian Howard Phone No. 467-4230

Current Address: 7999 S Powerline Rd, Nampa ID 83686 9405

2. Accompanied by: David Dewey EXAM DATE : 9/7/01

Address: PO Box 616, Lakefork ID 83635 Phone No. 325-8661

Relationship to Permit Holder: Neighbor

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-7359, 77-7360

2. Other water rights with the same point of diversion: 77-7335, 77-7377, 77-7380,

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	6	23N	8E	Idaho	GPS, Topo
		SW	SW	SE	31	24N	8E	Idaho	GPS, Topo

2. Place(s) of Use:

Indicate Method of Determination

Field Exam. Plat Map. Topo

Twp.	Rge.	Sec.	Field Exam				Plat Map				Topo				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	8E	6				D									

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SEP 11 2003

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

SEE ATTACHED MAPS

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

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

Y 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
5 Gallon Bucket						

2. Measurements:

5 gallons x 60 seconds/50 seconds = 6 gpm.

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1997 12 2000

E. NARRATIVE/REMARKS/COMMENTS

A spring, locally known as Cherry Spring, is diverted on the line between the NWNWNE S6 and the SWSWSE S31 for domestic and irrigation uses in Copenhaver Subdivision. The spring flows from a side slope of a draw and is captured and diverted through a 2" buried PVC pipe to a 3000 gallon storage tank located above the subdivision in the NENE S6. From there, the water gravity flows through another 2" buried PVC line to a water stub between lots 9 and 10 that provides internal domestic use to a home in lot 10 and lawn area in lots 9 and 10. The lawn is irrigated via portable sprinklers. S.E. Salmon River water is also used on lots 9 and 10 per rights 77-7359 and 77-7360.

The spring supplies water to a total of 9 stubs within the subdivision. See attached plat map of specific locations of the 9 stubs. The lot owners limited development to 9 stubs to remain

exempt from DEQ's community system regulations. They plan to develop a separate source, possibly ground water or the S.E. Salmon River, for additional domestic uses if necessary. No other stubs will be added in the subdivision for use of Cherry Spring. At the time of the exam, 7 homes and 1 guest house were built or partially built. The 9 Cherry spring stubs serve the following:

1. Lt 1, home (77-7377)
2. Lt 6, home (77-7377)
3. Lts 9 & 10, home on Lt 10, irrigation on Lt 9 (77-7366)
4. Lts 11, 12, 13, 14, home on Lt 14, guest cabin on Lt 13, irrigation on Lts 11 & 12 (77-7335)
5. Lt 15, home (77-7377)
6. Lt 16, home (77-7377)
7. Lt 18, home (77-7380)
8. Lt 19, stub only, not developed (77-7377)
9. Lt 21, stub only, not developed (77-7377)

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

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MAR 20 2003

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

5 gallons x 60 seconds/50 seconds = 6 gpm = .013 cfs (allow .02 cfs)

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:

Internal/external domestic use for 1 home = 1.2 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Domestic	1/1	12/31	.02	1.2
TOTAL			.02 cfs	1.2 afa

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**

Lori Graves –Senior Agent

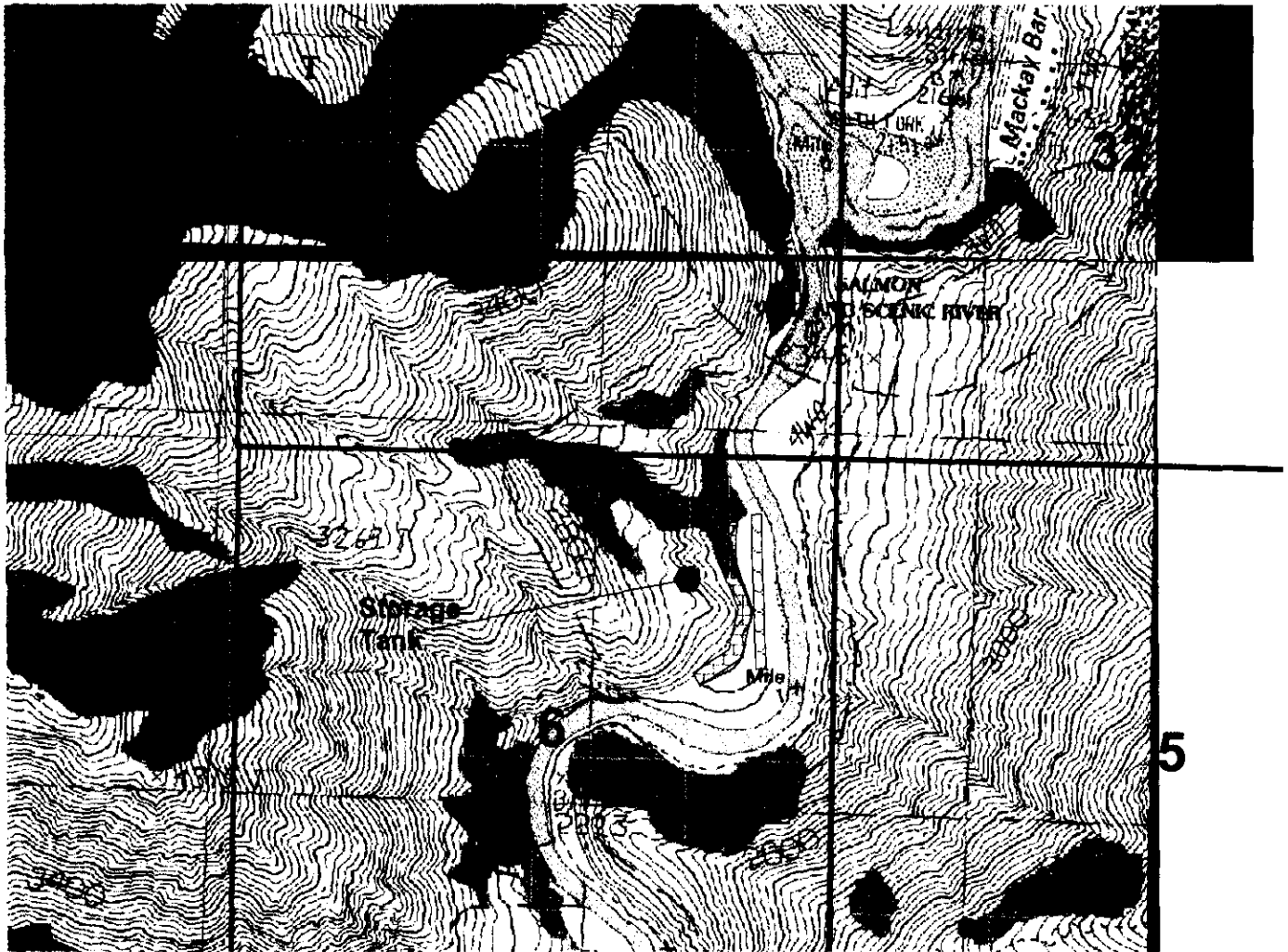
Field Examiner's Name Lori Graves Date 9/18/01

Reviewer _____ Date _____

SEAL

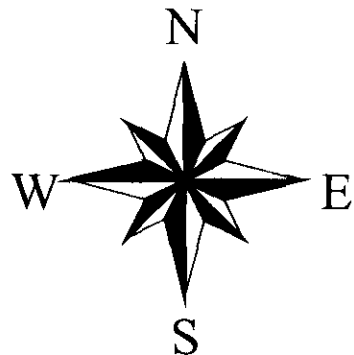
MICROFILMED
MAR 22 2003

Copenhaver Subdivision



0.5 0 0.5 1 Miles

-  Air strip
-  Sub lots
-  Spring P/D
-  Sections 1/41/4



MICHAEL
2009 2 8 2009

7/324730

NO NOV LOT 7
7/17 08/04/1997

73377 RBE Site C US-397
SHEET 1

COPENHAVER SUBDIVISION

1986

ALL OF H.E.S. NO. 701

LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.,
SECTION 31, 124N., R.8E., B.M., DAWO COUNTY, IDAHO

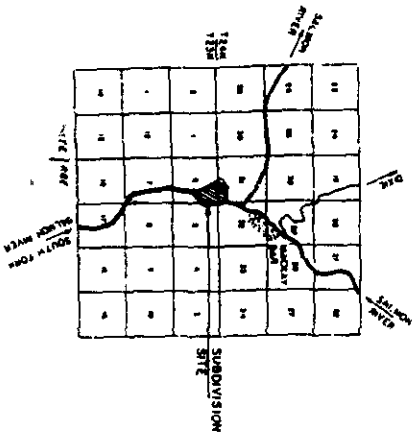


LEGEND

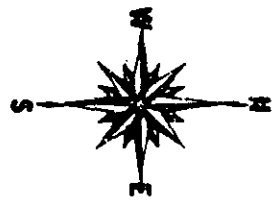
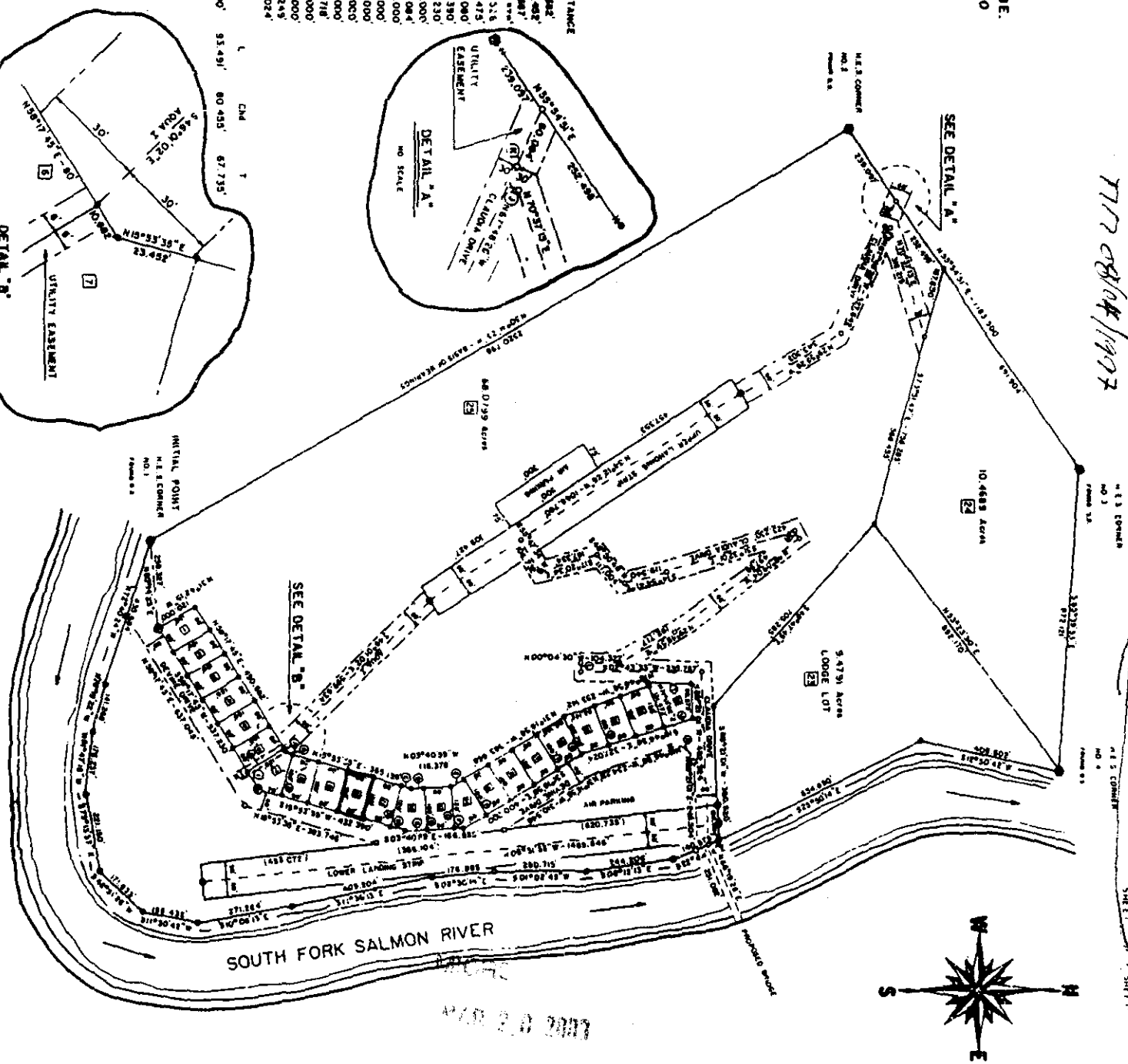
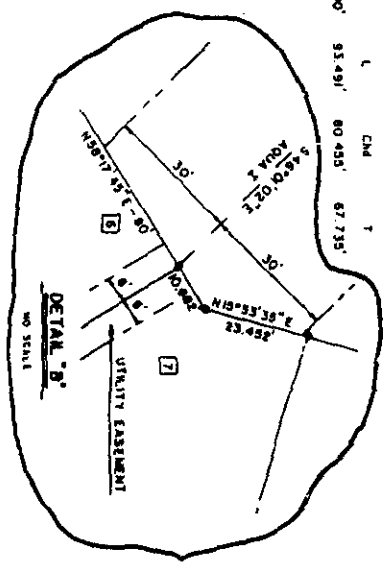
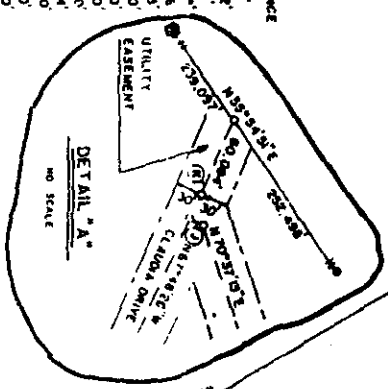
- H.E.S. CORNER, FOUND ORIGINAL, STONE
- H.E.S. MEASUREMENT CORNER, NOT SET
- LOT CORNER, SET 2"x30" G.P. W/B.C.
- LOT CORNER, SET 5/8"x30" REBAR W/SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8"x30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO 324731

VICINITY MAP



TANGENT	BEARING	DISTANCE
A	N 89°17'40"E	10.642'
B	N 15°35'35"E	23.482'
C	N 13°53'35"E	21.047'
D	N 03°40'39"W	50.515'
E	N 31°18'38"W	29.475'
F	S 03°40'39"E	29.475'
G	S 03°40'39"E	42.380'
H	S 15°35'35"E	57.230'
I	S 89°17'40"W	20.000'
J	N 23°04'00"E	80.004'
K	N 67°48'28"W	20.000'
L	N 85°34'05"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°08'25"E	120.000'
O	N 86°19'08"E	120.000'
P	S 52°43'02"W	120.000'
Q	S 54°38'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 34°42'15"W	122.245'
T	S 02°43'33"W	87.024'
U	S 18°48'58"E	
CURVE		
A	107°07'39"	50.000'
		93.491'
		80.455'
		67.735'

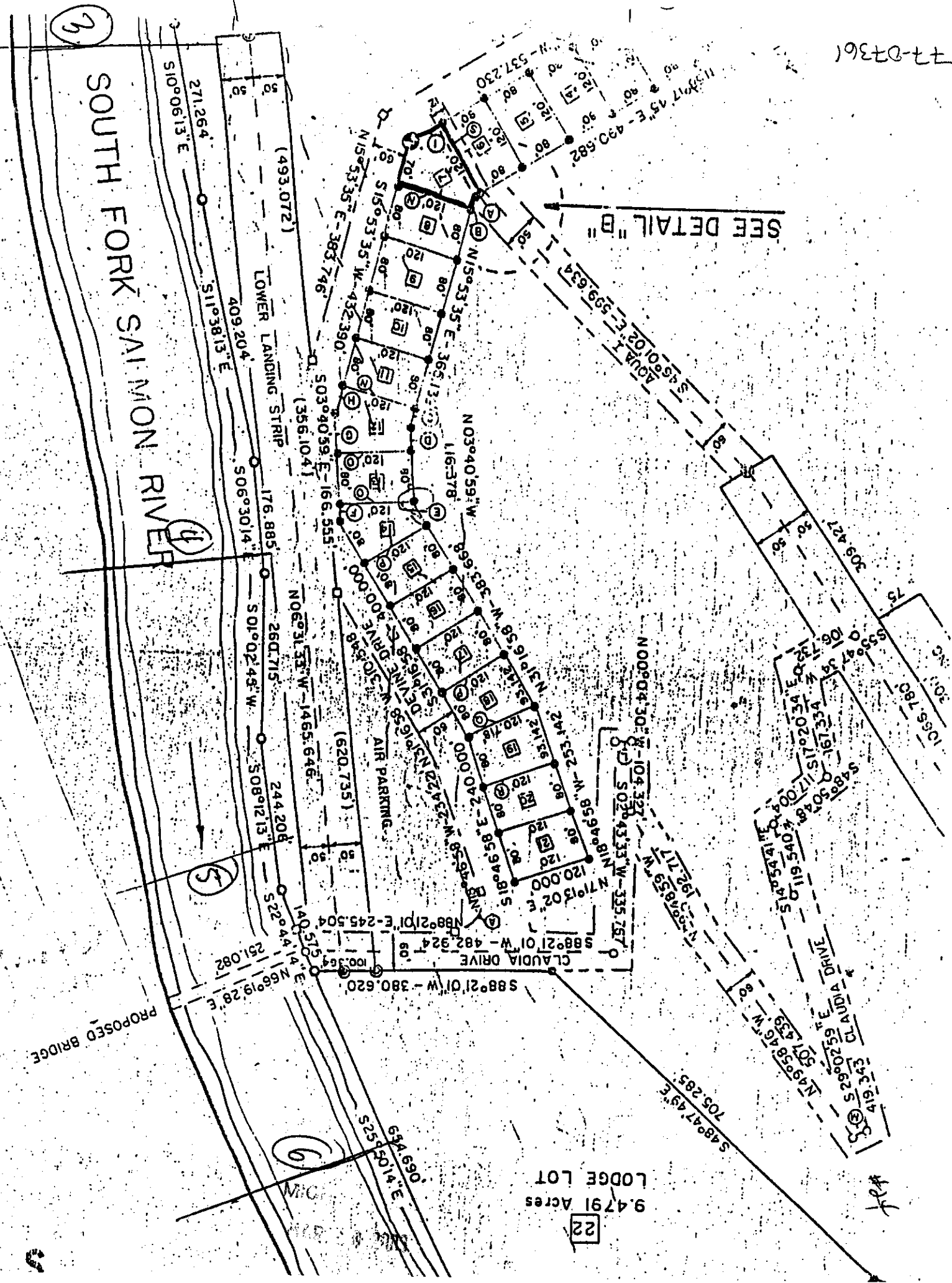


ENR

SEE DETAIL "B"

SOUTH FORK SALMON RIVER

PROPOSED BRIDGE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- N/A Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
- ☐ Yes ☒ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of government plat
- ☒ Check of P/D index by 9/6/01 (initial & date)
- Overlap ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?*
- Type of Overlap: ☐ Same source ☐ Other source
- ☒ Check of P/U index by 9/6/01 (initial & date)
- Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?*
- Type of Overlap: ☐ Same land, same source
- ☐ Same land, other source
- ☐ Other land &/or other uses

***copies attached only if needed for analysis**

- N Irrigation from groundwater (all basins):
 Surface water currently or previously used ____ Yes ____ No
 If yes: identify water source, water right, and explain current or previous use.
N Scheduling Letter Sent? _____ (initial & date)
/ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ✓ Fully Completed and Signed Field Report Form**
✓ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

- Exam Completed by 9/18/01 (signature of examiner & date)
Exam Sent to State Office 9-28-01 ST (initial & date)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

RE: Assignment of Permits 77-07359/77-07360/77-07365/
77-07366

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permits to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
AUG 25 2000



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

March 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROD D. BLACKSTEAD
11760 W EXECUTIVE DR STE 120
BOISE ID 83713

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 77-07359, 77-07360, 77-07365 and 77-07366

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. 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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah Drew-Ellis
Administrative Asst. I, Water Allocations

c: IDWR - Regional Office

MICROFILMED
MAY 24 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07366 Reviewed by dde Date 3/6/00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Domestic
Correct Uses? _____

SOURCE OF WATER

yes Surface water source
no 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

_____ Required?
_____ Amount Submitted
_____ 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

DATA ENTRY

New Address _____ Proof Made 2/8/00

Rod Blackstead
11760 W. Executive Dr., Suite 120
Boise, Idaho 83713
(208) 376-2727 - Office
(208) 376-2784 - Fax

RECEIVED

FEB - 8 2000

Department of Water Resources

February 7, 1999

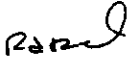
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

RE: Permits #77-07359, #77-07360, #77-07365, & #77-07366

We are filing the enclosed Proof of Beneficial Use for the above referenced permits. Also enclosed are copies of the permits and a check for \$200.

If you have any questions, or need additional information, please call.

Thanks for your help,



Rod Blackstead

MICROFILMED

MAY 24 2000



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 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROD D BLACKSTEAD
11760 W EXECUTIVE DR #120
BOISE ID 83713

Re: Water Right Permit No. 77-07366

Dear Permit Holder(s):

On October 26, 1999, the Director of the Department of Water Resources issued an order establishing a moratorium on the processing or development of applications and permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order required permit holders to immediately stop further development under the permit, and within sixty (60) days of receipt of the order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving the order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, *Idaho Code*, until the conditions that resulted in the order have been alleviated, if such should ever occur.

The order does not apply to non-consumptive uses of water. An in-house domestic use with no associated irrigation or other consumptive uses is considered non-consumptive.

Our records indicate that the order was sent by certified mail to the address listed on your permit. The sixty (60) day period has passed and we have not received any response from you as required in the order.

The purpose of this letter is to request that you take the appropriate action as required in the order. I have enclosed two forms; either can be used to avoid cancellation of your permit. The first form is used to file proof of beneficial use. Filing proof of beneficial use is considered your statement that the development under the permit has been completed and that water has been applied to beneficial use according to the provisions of the permit. Upon receipt of such proof and the fee as required under Section 42-221, *Idaho Code*, the department conducts a field examination and issues a license confirming the use found.

The second form is a request for a stay in the development period and questionnaire to determine the extent of development under the permit. This form is used to request an indefinite stay in the development period. If a stay is granted, future development under the permit may be possible if the moratorium order is rescinded and if resumption of work is authorized. No fee is required to request a stay in the development period.

MICROFILMED

FEB 2 2000

We will withhold further action on this permit for 28 days from the date of this letter in order to allow you time to respond. If we do not receive a response from you within this time period we will begin action to cancel the permit pursuant to Section 42-311(1), *Idaho Code*.

Please call me at 208-327-7940 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written in a cursive style.

Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

MICROFILMED
MAY 24 2006

PS Form 3800, April 1995
PS Form 3800, April 1995

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for International

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

77-07366
ROD D BLACKSTEAD
11760 W EXECUTIVE DR STE 120
BOISE ID 83713

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

Items 1 and 2 when additional services are desired, and complete the
1. at your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent
card from being returned to you. The return receipt fee will provide you the name
and the date of delivery. For additional fees the following services are available. Consult postage
for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

71-57362
ROD E. BLANCHARD
11 22 W. FRANKLIN ST. ST. LOUIS
MO 63105

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature - Addressee

X

MICROFILMED

6. Addressee's Address (ONLY if
registered and fee paid)

6. Signature - Agent

X

7. Date of Delivery

UNITED STATES POST SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



Print Sender's name, address, and ZIP Code in the space below.

WA

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES 4-2000
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83706-2237

RECEIVED

OCT 29 1999

Department of Water Resources



PENALTY FOR PRIVATE
USE, \$300

83706/2237





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

MICROFILMED
MAY 24 2000

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young
Administrator

Water Management Division

MICROFILMED
MAY 24 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 28, 1999

RECEIVED

PHILIP E. BATT
GOVERNOR

JUN - 3 1999

KARL J. DREHER
DIRECTOR

ROBERT DODGE
PRES COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY ID 83615

Department of Water Resources

RE: SURFACE WATER FOR COPENHAVER SUBDIVISION

Dear Mr. Dodge:

Your recent application for a limited use community system from "Cherry Spring" for some of the lots in Copenhaver Subdivision has been reviewed. Before this office can process the filing, two steps are needed.

One, the Idaho Department of Fish & Game (IDFG) must determine that the proposal will not have an adverse effect on anadromous fish. If that occurs, step two involves a waiver to the Salmon River Moratorium (see attached). While the Salmon River Moratorium does not normally contemplate approval for community systems from surface water, it is possible that IDWR could issue a waiver and thereby approve the application based on IDFG's advice.

I sent a letter to IDFG regarding step one. After hearing from IDFG, I will contact you about step two. Meanwhile, please note the information listed below.

1) Lot 14 is already covered for in-house use from "Cherry Spring" under right no. 77-07335.

2) Lot 10 is already covered for in-house and yard uses from the same spring under right no. 77-07366.

3) Duplicate coverage from the same source cannot be approved.

4) The application can include in-house use for lots 1, 6, 11, 15, 16, 19 and 21 (7 units).

5) Yard irrigation can include Lots 1, 6, 11, 14, 15, 16, 19 and 21 (8 units)

6) Total area for lots in item 5 is about 2 acres based on the subdivision plat, and a generous estimate of actual land that would be irrigated is about 1 acre.

MICROFILMED

MAY 24 2000

May 28, 1999

Page 2

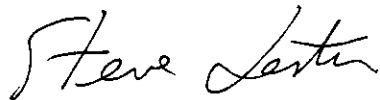
7) The applicant included a limit of 2,500 gallons/day per unit and eight unique units are involved per items 4 and 5.

8) If approvable, the application would provide up to .12 cfs for in-house use and up to .03 cfs for irrigation (department limits), not to exceed 2,500 gallons per day per home (applicant's self-imposed limit). The total rate of flow would be limited to .15 cfs per department standards.

9) Only \$50 is needed for .15 cfs, and a \$50 refund will be processed for the overpayment (paid \$100).

I will let you know how IDFG responds as soon as I hear from that agency, which should be soon. Please let me know if you have any questions about this situation.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
MAY 24 2000



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 15, 1998

ROD D BLACKSTEAD
11760 W EXECUTIVE DR STE 120
BOISE ID 83713

PERMIT APPROVAL NOTICE

RE: PERMITS 77-07359/77-07360/77-07366

Dear Permit Holder:

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

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

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

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the

JUL 15 1998

diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 77-07359/77-07360/77-07366

ROD D BLACKSTEAD
11760 W EXECUTIVE DR STE 120
BOISE ID 83713


Kari Lynn Townsend
Secretary

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.

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.

12/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy LouNo.: 77-7366 Name: Blackstead Date: 1/13/98 Ad OK? ✓ ✓ Gvmt Lts: ✓AREA OF CONCERN: dom exempt No/Yes: SC Mor / GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof
>1 year- P16
- 26A P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

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

>0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No. - - - - - P99

No drilling permit?

- (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD #) - 01J-P08 (MD)

Pumped >0.20 cfs

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

WMD (✓ MAP)

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

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

Payette R(65)

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

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

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

>1 in rest. area

- 071-070

Fish Propagation

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

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

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

Power

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

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo.)

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

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

-

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 076

STANDARD REMARKS:

- 070 071 072 073 074 075 076 077 078 079 080 081

BENEFICIAL USE DUE:

- 1/1/ 2001

COMMENTS:

-

RECEIVED

JAN 02 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SL DATE: 10/20/97 APPLICATION: 77-07366

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: (show T, R, S, QQ &/or QQQ)
- Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- Fee:
- Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

N/A P/D
P/U

unsurveyed

Lot 10 subdiv

ADDITIONAL INFORMATION

N/A ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☐ Critical groundwater area:
- ☐ Groundwater management area:
- ☐ 1992 moratorium: *Exempted from 1992 moratorium; waiting for "gov's Bull Trout" possible construction of approval*
- ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ Copy to Dam Safety staff: (for any storage)
- ☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ Send power requirement letter:
- ☐ Send fish farm requirement letter:
- ☐ Power residency affidavit:
- ☐ 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

PROCESSING

APP. NO. 77-07366

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 & Welfare
☒ ☒ I.D. District Health
☒ ☒ I.D. Fish & Game
☒ ☒ I.D. Lands
YES NO
☒ ☒ U.S. BLM
☒ ☒ U.S. Forest Service
☒ ☒ Water Dist. # _____
☒ ☒ Other _____
FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☒ Affidavit of publication received:
☒ ☒ Application published correctly: If not, record action taken.

Comment letter will follow per consultation
with IDWR + IDFG - ok to advertise which
delay sending comment letter to IDFG
(re: Bull Trout)

Sent via
12/15/97 fax

☒ ☒ Publication dates and paper recorded on application:

☒ ☒ Final date for protest 11-24-97
☒ ☒ Protests received.

☒ ☒ Resolution of protest recorded on application:

☒ ☒ Recommendations attached:

☒ ☒ Measuring device required:

☒ ☒ Measuring port required:

☒ ☒ Water delivered by water master? District # _____

Special conditions of approval or cover letter: 041, 071, 11E, Irrigation
not to exceed 1/2 acre, Total use of wells under this right and
right no. 77-07360 shall be limited to one domestic use as defined
by Idaho Code §42-111.

See below for additional information

Recommended Date or Priority 10/2/97Recommended by: Darys Date: 12/24/97STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:Overlap -

Serves different lots
for use

OK per IDFG
12/14/97 16118

Same spring = 77-07335; New Appl. will add line to this mainline.*

Same O/I Cabio = 77-07360 (So. Fork Salmon R., Pending).

There are several pending Appl. for same spring or for So. Fork Salmon R.

involving Lots 7, 9-10, 12-14 in this subdivision.

* As will comment Appl 77-07365 for another Cabio



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/30/97

TO: ROB BLACKSTERN

FROM: Steve Lester

fax 376-2784

DOCUMENT DESCRIPTION:

Application Status: Per your phone msg -
77-07359, 77-07360 = So. Fork Salmon } in process of forwarding to IDWR
77-07365, 77-07366 = Spring } main office for final action; this
Regional office has recommended approval
following ID Dept. Fish & Game OK &
fishery issues.

TOTAL PAGES SENT: 0 + COVER SHEET

CONTACT: _____

You should receive IDWR mailing in a few weeks &
final outcome (looks very favorable) of application.

Thanks for your patience in this matter.

Steve Lester
JUL 29 1998

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

77-07365

BLACKSTEAD, ROD D
11760 W EXECUTIVE DR STE 120
BOISE, ID 83713
Source: SPRING Tributary: SINKS
Diversion Pt: NESESW Sec 31 T 24N R 08E
in IDAHO County.
SESESW Sec 21 T 24N R 08E in IDAHO
County.
NWSWSE Sec 31 T 24N R 08E in IDAHO
County.
SWSWSE Sec 31 T 24N R 08E in IDAHO
County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 10/2/1997
In: IDAHO County
T23N R08E S06 NENE

77-07366

BLACKSTEAD, ROD D
11760 W EXECUTIVE DR STE 120
BOISE, ID 83713
Source: SPRING Tributary: SINKS
Diversion Pt: NESESW Sec 31 T 24N R 08E
in IDAHO COUNTY.
SESESW Sec 21 T 24N R 08E in IDAHO
County.
NWSWSE Sec 31 T 24N R 08E in IDAHO
County.
SWSWSE Sec 31 T 24N R 08E in IDAHO
County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 10/2/1997
In: IDAHO County
T23N R08E S06 NENE
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 ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or be-
fore NOVEMBER 24, 1997. The protestant
must also send a copy of the protest to the
applicant.

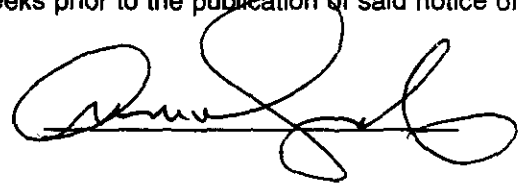
KARL J. DREHER, Director
Published: 11/5/1997 & 11/12/1997

NS-12

AFFIDAVIT OF PUBLICATION

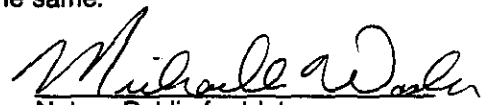
STATE OF IDAHO
County of Idaho - ss.

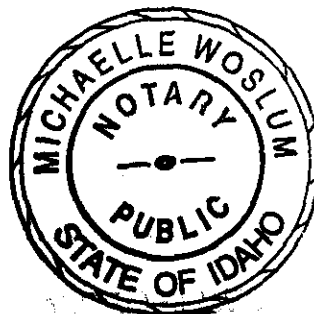
Andrew J. McNab , being first duly sworn, says he
is the Publisher of the IDAHO COUNTY FREE PRESS, a week-
ly newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said notice, of which the one hereto attached
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 November , 1997; and the last pub-
lication on the 12th day of November, 1997; and that the
said notice was published in the newspaper proper and not a sup-
plement; that said newspaper has been continuously and unin-
terruptedly published in said county during a period of seventy-
eight consecutive weeks prior to the publication of said notice of
advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 12th day of November in the year of 1997, before
me a Notary Public personally appeared Andrew J. McNab ,
known or identified to me to be the person whose name sub-
scribed 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.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



JUN 9 1998

RECEIVED

NOV 24 1997

WATER RESOURCES
WESTERN REGION



IDAHO FISH & GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

Philip E. Batt / Governor
Stephen P. Mealey / Director

December 9, 1997

Steve Lester
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right Applications in South Fork Salmon River Drainage
77-07359/Rod Blackstead (South Fork Salmon River)
77-07360/Rod Blackstead (South Fork Salmon River)
77-07361/Saleen Family (South Fork Salmon River)
77-07363/Cross (Unnamed Stream, trib. to SF Salmon River)
77-07364/Kelly (Unnamed Stream, trib. to SF Salmon River)
77-07365/Rod Blackstead (Spring to Sinks)
77-07366/Rod Blackstead (Spring to Sinks)
77-07367/Chatwood (Unnamed Stream, trib. to SF Salmon River)

Dear Mr. Lester:

We have reviewed the above pending water right applications from the South Fork Salmon River mainstem, tributary, and adjacent spring, and we offer the following comments for your consideration.

The above water right filings amount to a cumulative total of 0.28 cubic feet per second. We do not anticipate significant adverse effects to native fish populations (chinook salmon, steelhead trout, westslope cutthroat trout, bull trout, mountain whitefish) or fish habitat as a result of permitting these applications. At this time, we do not recommend any conditions based on fish or wildlife concerns.

Thank you for the opportunity to comment. Questions should be directed to Scott Grunder, Natural Resources Biologist.

Sincerely,

Al VanVooren
Regional Supervisor

AV:sag

cc: NRPB
McCall Office IDFG (Don Anderson)
IDHW-DEQ-BRO (Bob Steed)

JUN 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/5/97

TO: Scott Granger

FROM: Steve Lester

465-8467

This is follow up e your last conversation with Gary:

DOCUMENT DESCRIPTION: Bull Trout impact? Can continue processing
per your comments. Profile reports of application included in
this box. Can send ~~comments~~ comments to me or to Gary
Spokane e this office.

TOTAL PAGES SENT: 10 + COVER SHEET

CONTACT: _____

NOTES: 1) -7363 -7364 -7367 = Trails End Subd.

2) Other = Copenhagen Subd.

3) -7365 -7366 = Spring AKA "Cherry Spring", possibly
trib to River per previous IOWA
Records

4) -7363 -7364 -7367 = New stream formed by flooding through
subd; flows directly into River

CONVERSATION MEMORANDUM

DATE 10/30/97

FILE 77-07365

NAME OF PARTY Holly Becker - Payette N.F.

77-07366 ✓

EMPLOYEE FL

RE: Request for INFO

Asked for cc of maps to clarify location
of pld. Thinks "Cherry Spring" is on public
land.

Sent cc's of maps to her today.

- OVERLAP Summary - COPENHAGEN Subd.

*
-12

DATE
1994

"Cherry Spring" 77-07335 ^{Smith} stated that sinker 50 percent
arrived on 0/2 Lots 13-14 & inv. 3 acres
to include airstrip.

"Coyote Spring" 77-07376 Relinquished

<u>77-07359</u>	Blackstead	L. 9	} Source = So. Fork Salmon R. pending (advertised but need connect letters re IDFG)
<u>77-07360</u>	"	L. 10	
<u>77-07361</u>	Saleen	L. 7	

Summer
1997

**

<u>77-07365</u>	Blackstead	L. 9	} "Cherry Spring" (non-trib) for 0/1 AS Above
<u>77-07366</u>	"	L. 10	

Fall
1997

↑ will add 1 (line) to 77-07335 division to serve 2 cabins.
wants separate use's in case sells a cabin.

* NOTES AS OF
10/20/97

** Blackstead FAX 376-2784 per discussion 10/20/97 re
Iowa + IDFG coordination & Bull Trout issues.



CONVERSATION MEMORANDUM

DATE 10/20/97

FILE _____

NAME OF PARTY Rod BlacksteadEMPLOYEE JL

TEL. 376-2727

fax- 376-2784

RE: Processing Info

We discussed delays related to IDWA & IDFS
coordination (re: Bull Trout issue per gov's plan).

Also discussed OK to process non-trib. water
("Cherry Spring") without such delays.

2 cabins:

1 on L-9

1 on L-10

wants separate rights/cabins in case sells one,
makes it easier to deal with etc.

Proposes:

1 river system w/ 2 lines = 77-07359
= 77-07360

Add lines to existing diversion from Spring
(77-07335) to serve same 2 cabins as
above "Cherry Spring" = 77-07365
= 77-07366

L-9 CABIN = -07359 & 07365
L-10 " = -07360 & 07366

77-07366

BLACKSTEAD, ROD D
11760 W EXECUTIVE DR STE 120
BOISE, ID 83713

Source: SPRING

Tributary: SINKS

Diversion Pt: NESESW Sec 31 T 24N R 08E in IDAHO County.
 SESESW Sec 31 T 24N R 08E in IDAHO County.
 NWSWSE Sec 31 T 24N R 08E in IDAHO County.
 SWSWSE Sec 31 T 24N R 08E in IDAHO County.

Use: DOMESTIC (0.020 CFS)
 Total Diversion: (0.020 CFS)

Date Filed: 10/ 2/1997

In: IDAHO County
 T23N R08E S06 NENE