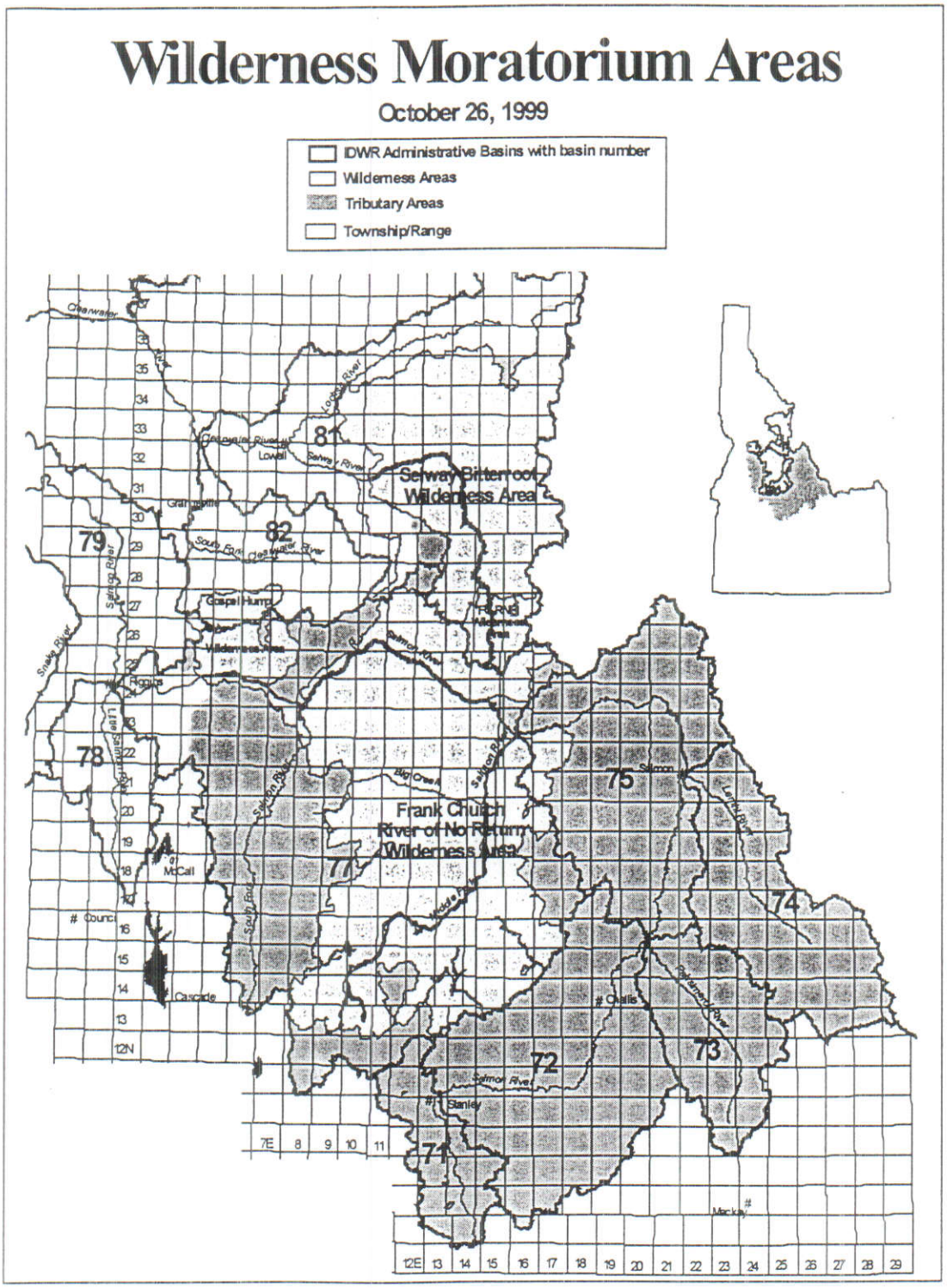
Wilderness Moratorium Areas

October 26, 1999



MICROFILMED
MAY 2 4 2000

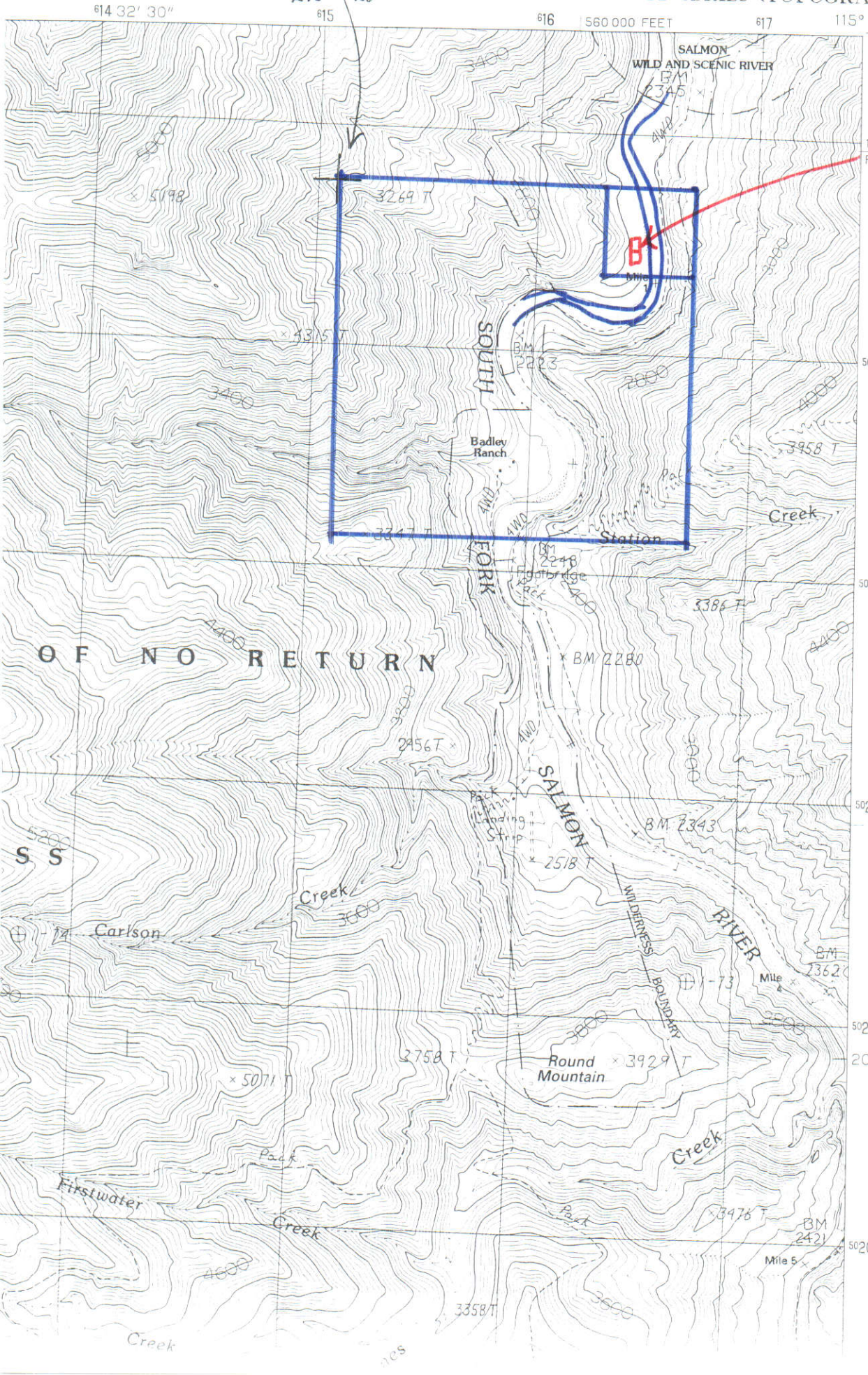
8L 3/22/94

T24N
T23N

36/31
1/6

R7E
R8E

BURGDORF SUMMIT QUADRANGLE
IDAHO-I[illegible]O CO.
7.5 MINUTE SERIE[illegible]TOPOGRAPHIC)



LOTS 9 & 10
(PT. OF DIVERSION
& PLACE OF USE)

T23N
R8E
S.6

NO GOVT
LOTS- NOT
PLATTED

08/04/1992
CT

MICROFILMED
JUN 09 1998

Q64
(1989)

#: 324730

NO GOVT LOTS

08041997 TT

T23N R8E Sec. 6 4S-397

SHEET ___ OF ___ SHEETS

COPENHAVER SUBDIVISION
1986

ALL OF H.E.S. NO. 701

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

100' 0 100' 200' 300' 400' 500'

SCALE

LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2"X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8"X 30" REBAR W/ SERV. 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/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

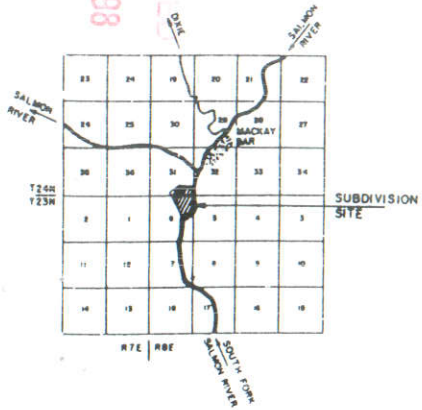
COPENHAVER SUBDIVISION RESTRICTIVE COVENANTS ARE FILED AS INSTRUMENT NO 324731

TANGENT	BEARING	DISTANCE
A	N 58°17'45" E	10.682'
B	N 15°53'35" E	23.452'
C	N 15°53'35" E	21.687'
D	N 03°40'59" W	38.378'
E	N 31°16'58" W	50.526'
F	S 03°40'59" E	29.475'
G	S 03°40'59" E	57.080'
H	S 15°53'35" 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 85°34'03" W	20.000'
M	S 50°42'56" W	20.000'
N	S 74°06'25" E	120.000'
O	N 86°19'01" E	120.000'
P	S 58°43'02" W	120.000'
Q	S 04°58'02" W	120.718'
R	S 71°13'02" W	120.000'
S	N 31°42'15" W	120.000'
T	S 02°43'33" W	122.249'
U	S 18°46'58" E	87.024'

CURVE	Δ	R	L	Chd	T
A	107°07'59"	50.000'	93.491'	80.455'	67.735'

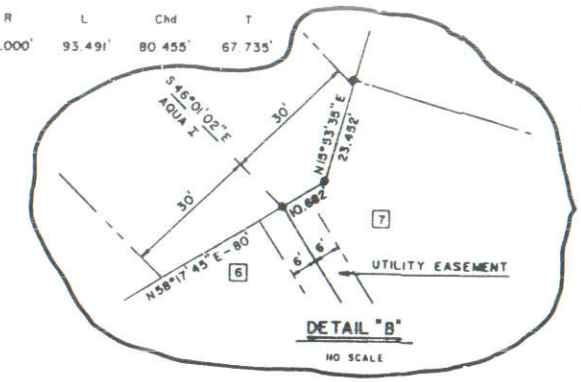
VICINITY MAP

Scale: 1" = 2 Miles



DETAIL "A"

NO SCALE



DETAIL "B"

NO SCALE

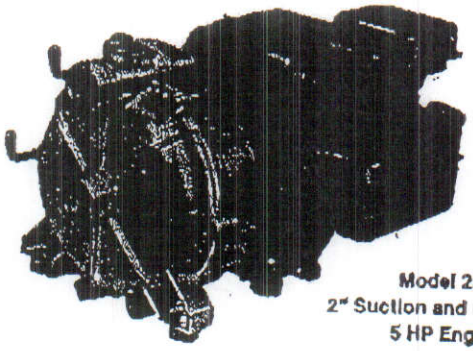
EHM

AERMOTOR®

Portable Self-Priming Centrifugal Pumps

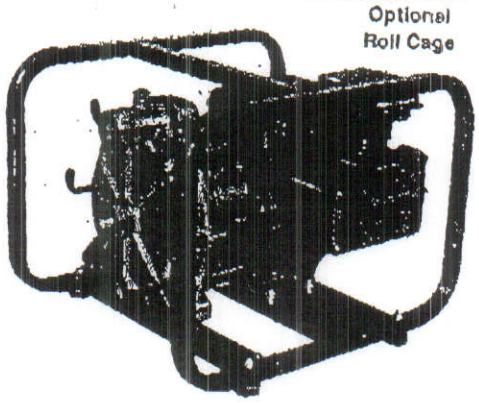
TYPE S TRASH PUMP MODELS

77-7359
7360

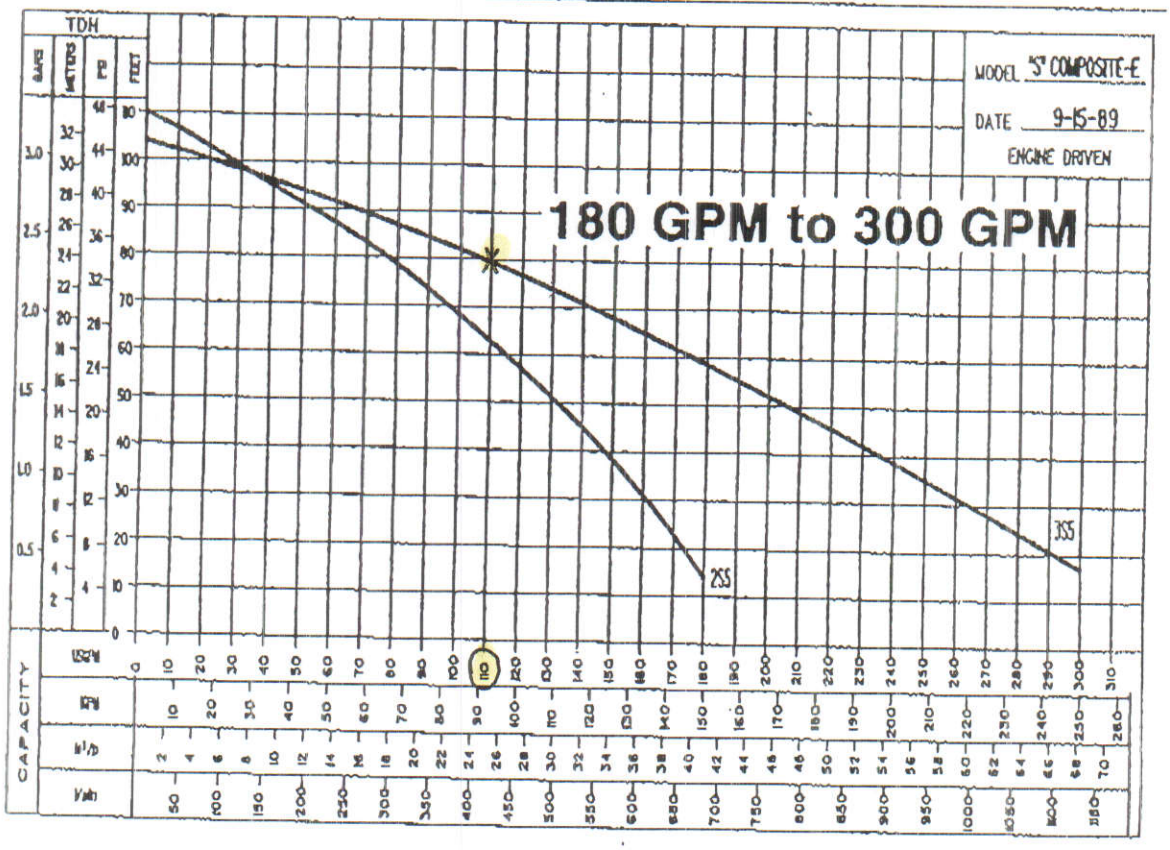


Model 2S5
2" Suction and Discharge
5 HP Engine

.....Shown with Optional Roll Cage

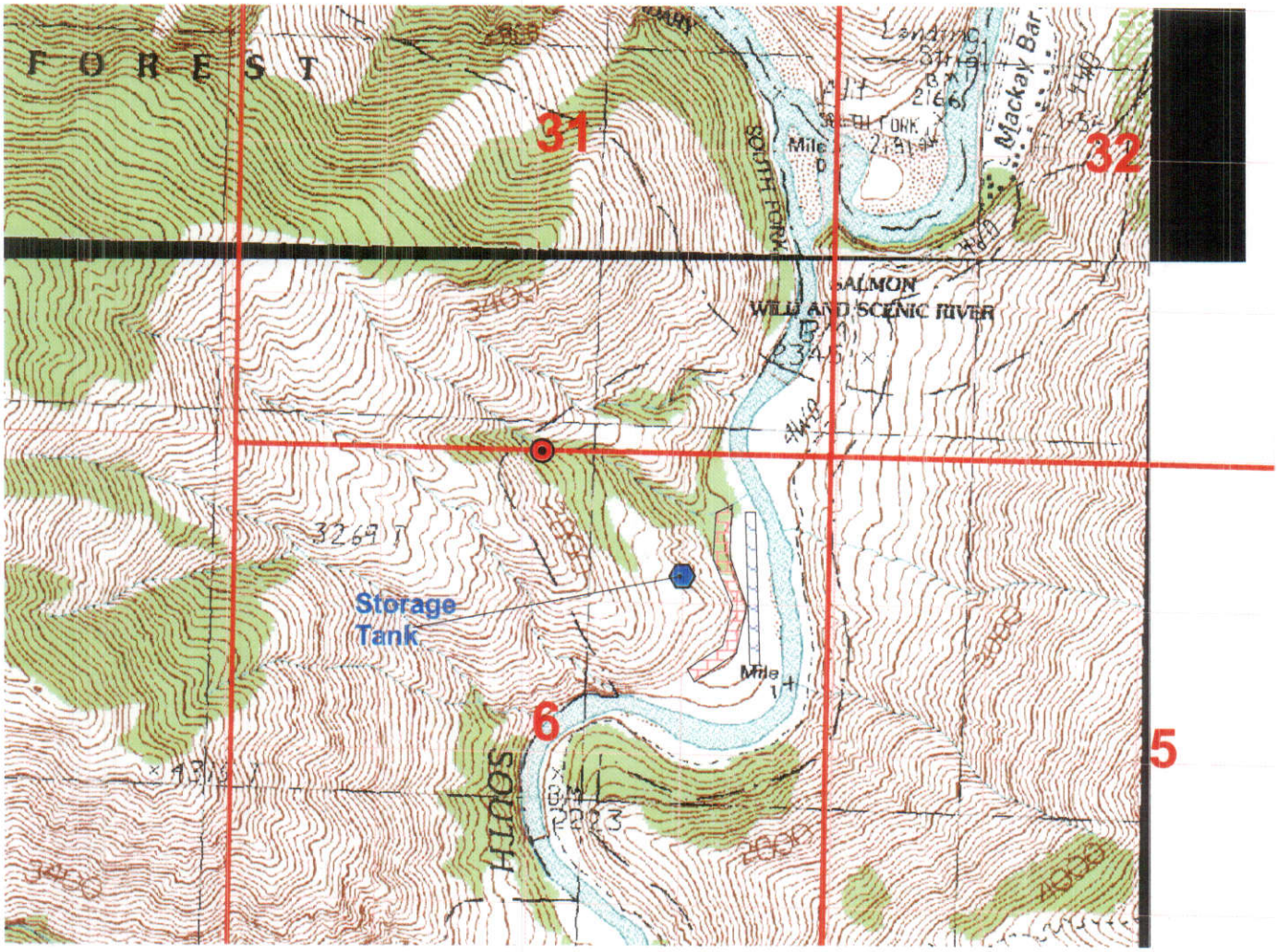


Performance



MICROFILMED
MAR 2 0 2003

Copenhaver Subdivision



0.5 0 0.5 1 Miles

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

N
W E
S

MICROFILMED
MAR 2 0 2003

#324730

NO GOVT LOT 7

T23N R8E Sec 6 (S-397

TM 08/04/1997

COPENHAVER SUBDIVISION
1986

ALL OF H.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
& SECTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO

100' 0 100' 200' 300' 400' 500'
SCALE

LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
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- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
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- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

TANGENT	BEARING	DISTANCE
A	N 58°17'45"E	10.682'
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D	N 03°40'59"W	58.894'
E	N 31°16'58"W	30.526
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 15°53'35"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 85°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°06'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 04°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
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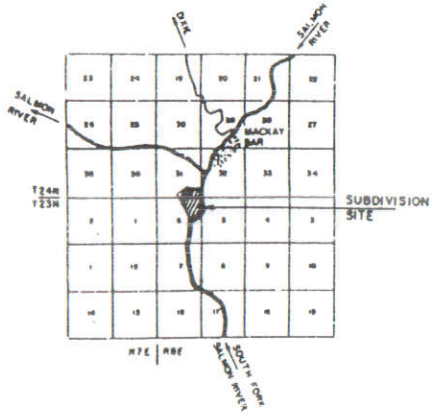
CURVE	Δ	R	L	Chd	T
A	107°07'59"	50.000'	93.491'	80.455'	67.735'

COPENHAVER SUBDIVISION RESTRICTIVE COVENTANTS ARE FILED AS INSTRUMENT NO 324731

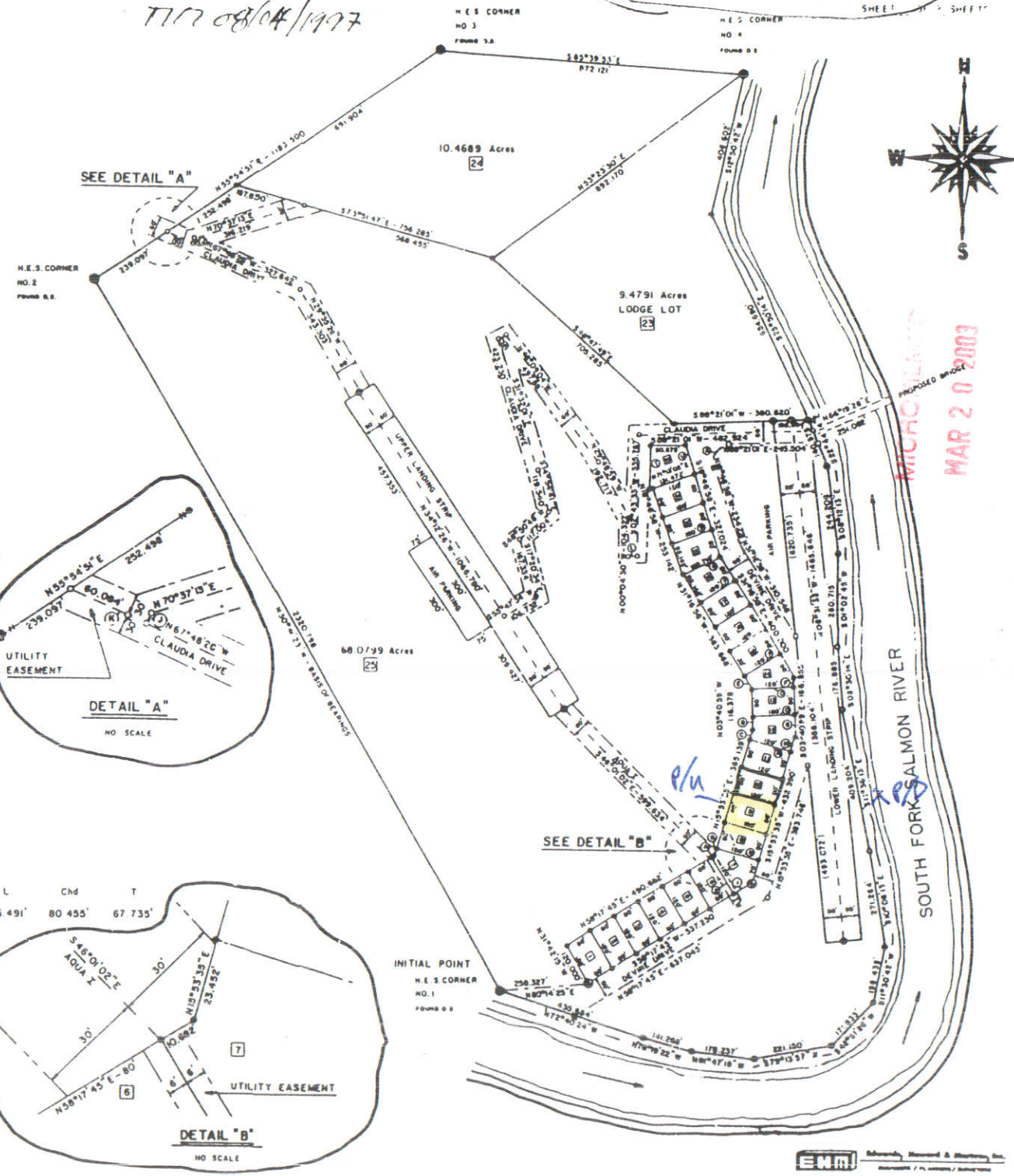
VICINITY MAP

Scale 1" = 2 Miles



DETAIL "A"
NO SCALE

DETAIL "B"
NO SCALE

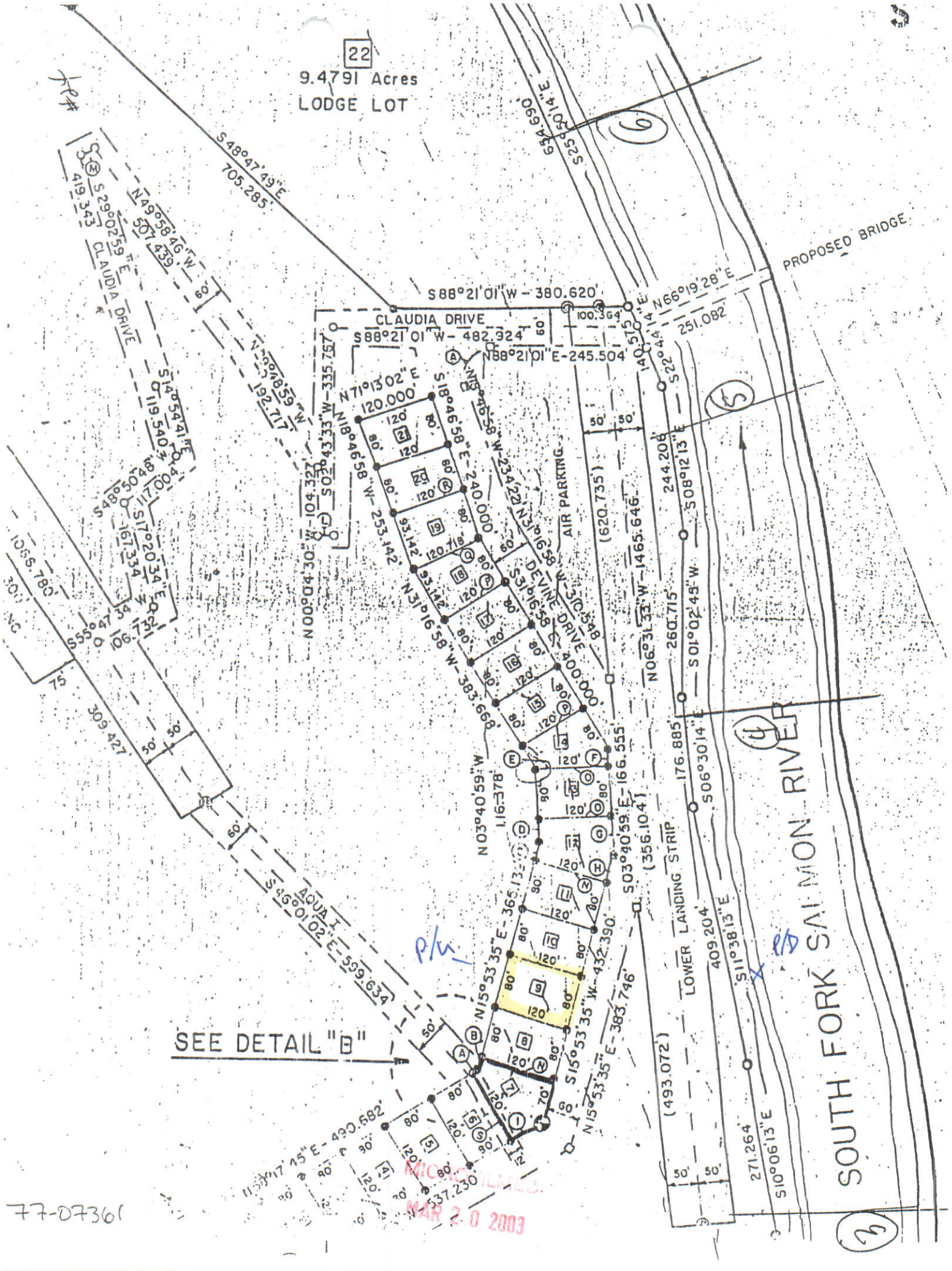


MICROFILMED
MAR 2 0 2003

P/u

EHM Engineering, Surveying & Planning, Inc.

34-0390


22
9.4791 Acres
LODGE LOT
S 48°47'49"E
705.285'
S 29°02'59" E
419.343'
CLAUDIA DRIVE
N 49°58'46" W
501.439'
S 14°54'41" E
119.540'
S 48°50'04" W
117.10'
S 17°20'34" E
167.334'
S 55°04'47" E
106.731'
1065.780'
309.427'
S 48°01'02" E
599.634'
SEE DETAIL "B"
S 88°21'01" W - 380.620'
CLAUDIA DRIVE
S 88°21'01" W - 482.324'
N 88°21'01" E - 245.504'
N 00°04'30" W - 104.327'
S 02°43'33" W - 335.757'
N 00°08'59" W
192.717'
N 71°13'02" E
120.000'
N 18°46'58" W - 234.227'
S 18°46'58" E - 240.000'
N 71°13'02" W
120.000'
N 00°04'58" W - 253.142'
N 31°16'58" W - 383.668'
S 31°16'58" E - 400.000'
DEVINE DRIVE
AIR PARKING
N 03°40'59" W
1,163.378'
S 03°40'59" E - 166.555'
(356.104')
N 15°53'35" E - 365.133'
S 15°53'35" W - 432.390'
N 15°53'35" E - 383.746'
S 11°38'17" E - 430.582'
N 71°13'02" W - 537.230'
(620.735')
N 06°31'33" W - 1465.646'
140.515'
N 66°19'28" E
100.364'
S 25°04'14" E
694.690'
PROPOSED BRIDGE
251.082'
S 22°04'14" E
244.208'
S 08°12'13" E
260.715'
S 01°02'43" W
176.885'
S 06°30'14" E
LOWER LANDING STRIP
409.204'
S 11°38'13" E
(493.072')
271.264'
S 10°06'13" E
SOUTH FORK SALMON RIVER
P/L
P/L
77-07361
MICROFILMED
MAR 20 2003

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07359

BLACKSTEAD, ROD D
SUITE 120
11760 W EXECUTIVE DR
BOISE, ID 83713
Source: SALMON RIVER, SOUTH FORK
Tributary: SALMON RIVER
Diversion Pt: NENE Sec 6 T 23N R 08E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 6/30/1997
In: IDAHO County
T23N R08E S06 NENE

77-07360

BLACKSTEAD, ROD D
SUITE 120
11760 EXECUTIVE DR
BOISE, ID 83713
Source: SALMON RIVER, SOUTH FORK
Tributary: SALMON RIVER
Diversion Pt: NENE Sec 6 T 23N R 08E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 6/30/1997
In: IDAHO County
T23N R08E S06 NENE

77-07361

SALEEN, STEVEN
SALEEN, TOM
SALEEN, TONI
SALEEN, MARIA
3753 MANCHESTER
BOISE, ID 83704
Source: SALMON RIVER, SOUTH FORK
Tributary: SALMON RIVER
Diversion Pt: NENE Sec 6 T 23N R 08E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/10/1997
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 application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of $25.00 on or before OCTOBER 6, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
S17-24

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 weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of September , 1997; and the last publication on the 24th day of September, 1997; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.

STATE OF IDAHO)
)
COUNTY OF)

On this 24th day of September 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 subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MICHAELLE WOSLUM NOTARY PUBLIC STATE OF IDAHO

MICROFILMED
JUN 09 1998

RECEIVED
OCT 16 1997
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 77-07359

Priority: June 30, 1997

Maximum Diversion Rate: 0.04 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 June 30, 1997; and has submitted Proof of Beneficial Use on February 08, 2000. An examination indicates that the works have a diversion capacity of 0.1 cfs of water from:

SOURCE
SOUTH FORK SALMON RIVER **Tributary:** SALMON RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:
SOUTH FORK SALMON RIVER NE¼NE¼ Sec. 6, Twp 23N, 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													

CONDITIONS OF APPROVAL

1. Rights 77-07366 and 77-07359 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. Right 77-07362 is also diverted through the point of diversion described above.
4. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

MICROFILMED
MAR 20 2003

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 77-07359

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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.

Acting for KARL J. DREHER
Director

MICRO
MAR 2 0 2003

RECEIVED
DEC 18 2002
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 77-07359

Date of Priority: June 30, 1997

Maximum Diversion Rate: 0.04 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. 77-07359, and requests that the permit be changed as follows:

Source: SOUTH FORK SALMON RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION: NE¼ NE¼ BH
SOUTH FORK SALMON RIVER ~~SE¼NE¼~~ Sec. 6, Twp 23N, 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 13 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. 77-07359

FOR DEPARTMENT USE ONLY

Preliminary check by EW Fee = $50. Receipted by jm # C0160438 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. 77-07359 with the following:

CONDITIONS OF APPROVAL

1. Rights 77-07366 and 77-07359 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. Right 77-07362 is also diverted through the point of diversion described above.

4. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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

Acting for KARL J. DREHER
Director

MICROFILMED
DEC 30 2002

11/99

For Office Use Only
$25 filing fee 25.00
Receipt # C077150
Date 7-3-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 30 2000
Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

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. 77-07359 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 9 Copenhaver Sub. T23N R8E Sec. 6 NENE Domestic use.
Rate:.040.

Point of Diversion: T23N R8E Sec. 6 NENE

Made this 23rd day of June, 20 00

Permit Holder(s)

State of Idaho)
County of Ada)ss

On this 23rd day of June, 20 00, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

SEAL

My commission expires: 8/31/2005

STEPHANIE BASE NOTARY PUBLIC STATE OF IDAHO

MICROFILMED
AUG 25 2000

Form No. 217
12/99

FOR OFFICE USE ONLY
Amt. of Fee $: 50.00
Receipt No: C048054
Receipt By: DM
Date Receipted: 2/8/00

RECEIVED
FEB - 8 2000
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 77-07359 Telephone No. 208-376-2727
2. Name of Permit Holder(s): Rod O. Blackstead
3. Mailing Address: 11760 W. Executive Dr., Suite 120
   City Boise State Id Zip 83713
4. Source of Water: Salmon River 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): _____ Stockwater (No. and type of stock): _____
   Irrigation (No. of acres): 0.5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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: 2-21-00
(include your title, if on behalf of company of 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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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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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.

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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.

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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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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.

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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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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

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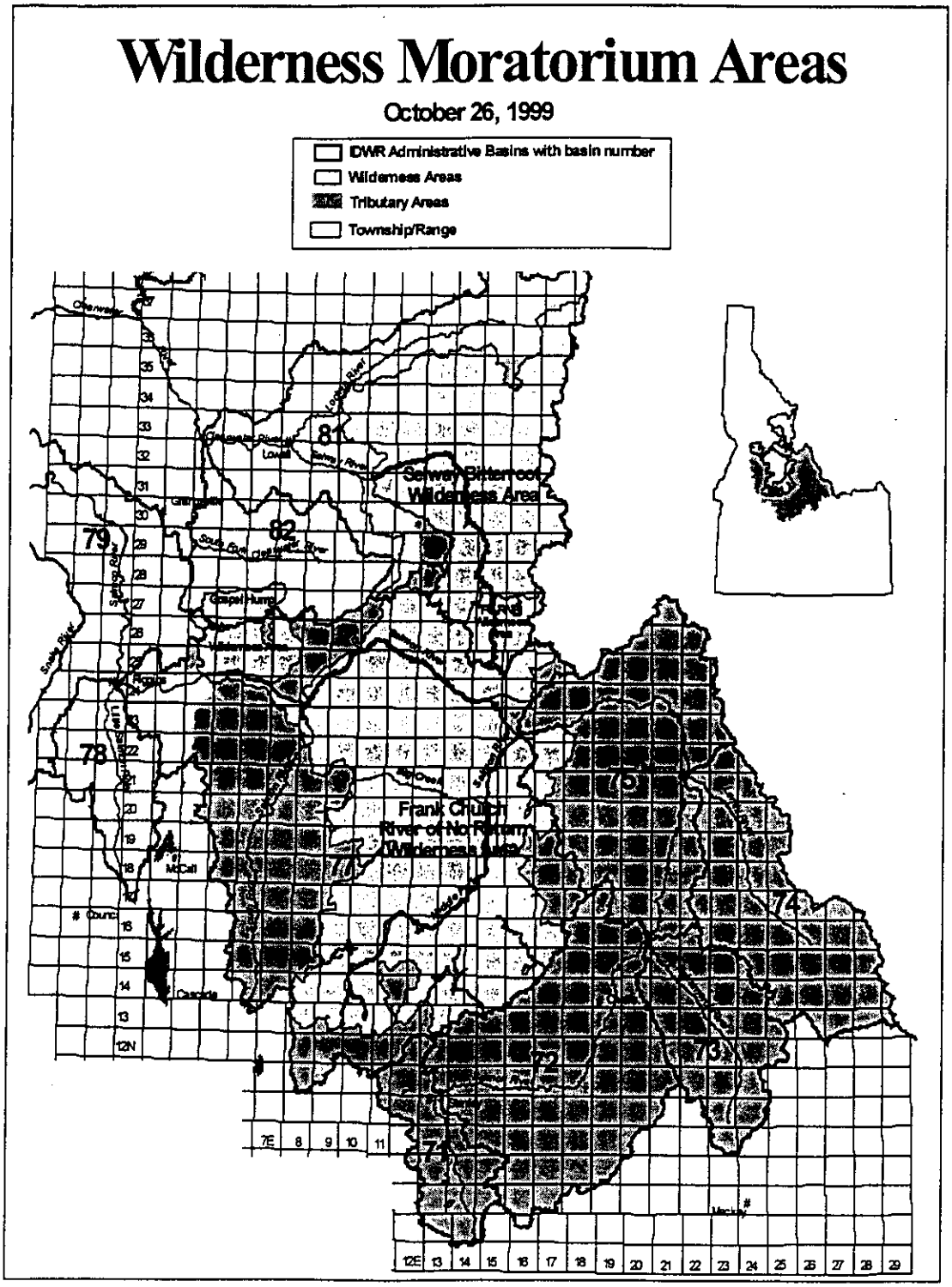
MAY 2 4 2000



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MAY 2 4 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07359

Proposed Priority: June 30, 1997 Maximum Diversion Rate: 0.04 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:
SALMON RIVER, SOUTH FORK tributary of **SALMON RIVER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 6, Township 23N, 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. Place of use is located within Lot 9, Copenhaver Subdivision.
7. Use of water under rights 77-07359 and 77-07365, when combined, shall be limited to 1 home.
8. The domestic use authorized under this right and right 77-07365 shall not exceed 13,000 gallons per day.
9. Use of water for irrigation under domestic rights 77-07359 and 77-07365 shall not exceed a combined total of 1/2 acre within the platted subdivision lot upon which a home has been constructed.

JUN 0 9 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07359

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

for Karl J. Dreher, Director

JUN 0 9 1998

FORM 202
2/96

Ident. No. 77-07359

RECEIVED
JAN 02 1998
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Rod D. Blackstead Phone 208-376-2727
   Mailing address 11760 W. Executive Dr. Suite 120 Boise ID 83713
2. Source of water supply Salmon River South Fork which is a tributary of Salmon
3. Location of point of diversion is Township 23 N Range 8 E Sec. 6, in the NE 1/4, NE 1/4, — 1/4, Govt. Lot —, B.M., Idaho County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount .04 CFS for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source 1/2-1 HP Pump in River with Pipe to home
   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. _____

JUL 09 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: AKA LOT 9, COPENHAVER SUBD.

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.

JUN 09 1997

R Blackhall

Signature of Applicant (and title, if applicable)

Received by _____ Date 6-30-97 Time 2:45 PM Preliminary check by TTT 08/01/1997

Fee $ 30.00 Receipted by _____ # W022694 Date 6-30-97

Publication prepared by ST Date 9-10-97 Published in Ed City Free Press 9-17 & 24-97

Publication approved ST Date 11-17-97

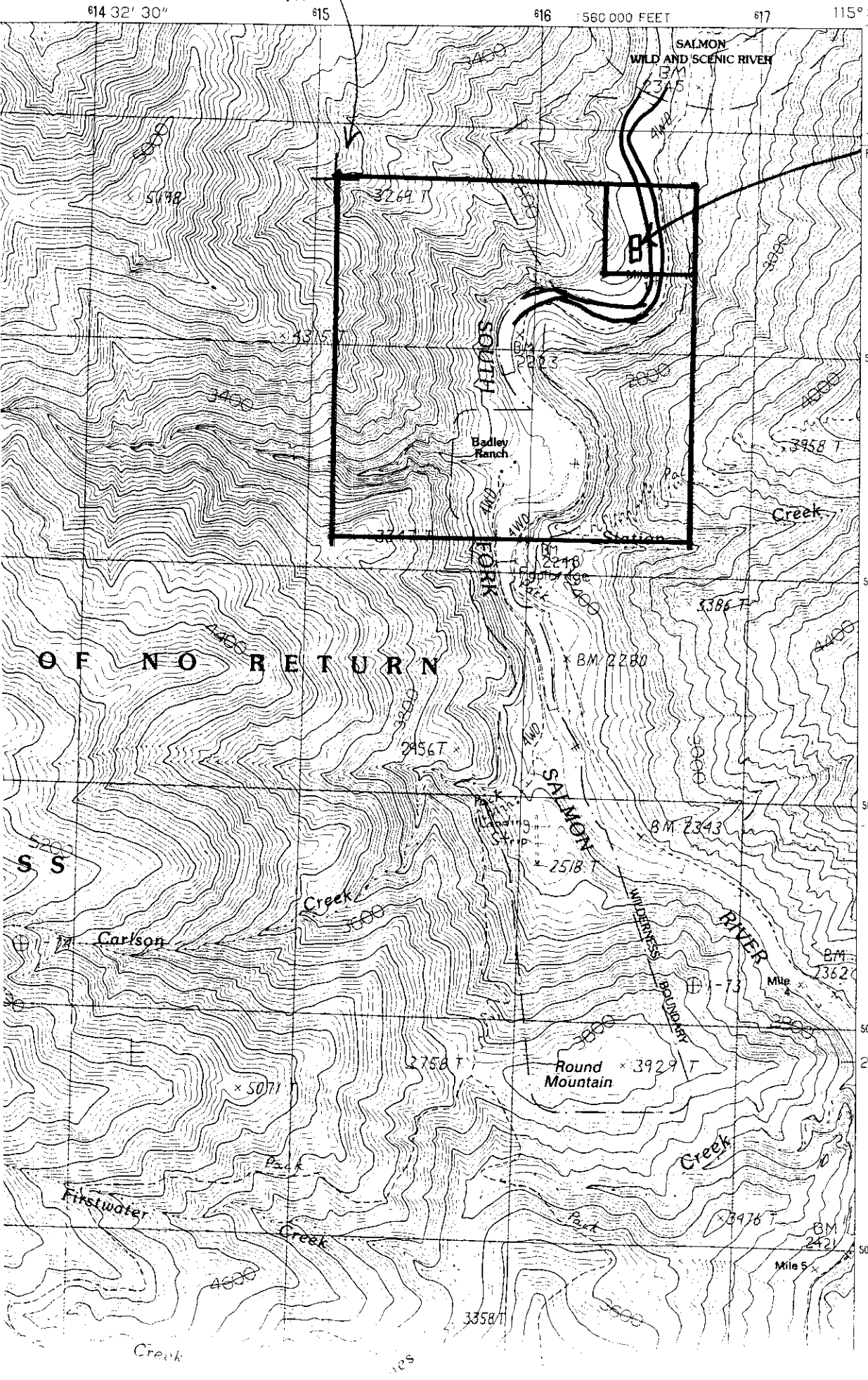
SR 3/22/94

T24N
T23N

36 | 31
1 | 6

BURGDORF SUMMIT QUADRANGLE
IDAHO-I[illegible]O CO.
7.5 MINUTE SERIE[illegible]OPOGRAPHIC)

R7E | R8E



LOTS 9 + 10
(PT. OF DIVERSION
+ PLACE OF USE)

T23N
R8E
S. 6

NO GOVT
LOTS- NOT
PLATTED
08/04/1992
CT

JUN 0 9 1993

Q64
(1989)

#9324730

NO GOVT LOTS

T23N R8E Sec 6 45-397

SHEET 1 OF 2 SHEETS

COPENHAVER SUBDIVISION
1986

ALL OF H.E.S. NO. 701

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

100' 0 100' 200' 300' 400' 500'

SCALE

LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2"X 30" G.I.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"X 30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

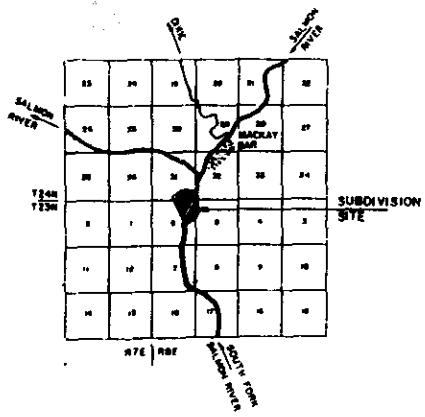
COPENHAVER SUBDIVISION RESTRICTIVE COVENTIANTS ARE FILED AS INSTRUMENT NO 9324731

TANGENT	BEARING	DISTANCE
A	N 58°17'45"E	10.682'
B	N 15°53'35"E	23.452'
C	N 15°53'35"E	21.887'
D	N 03°40'59"W	50.996'
E	N 31°16'58"W	50.526'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 15°53'35"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 85°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°06'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 04°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
U	S 18°46'58"E	87.024'

CURVE	Δ	R	L	Chd	T
A	107°07'59"	50.000'	93.491'	80.455'	67.735'

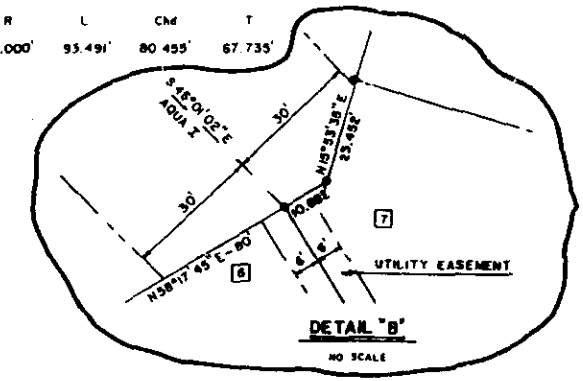
VICINITY MAP

Scale: 1" = 2 Miles



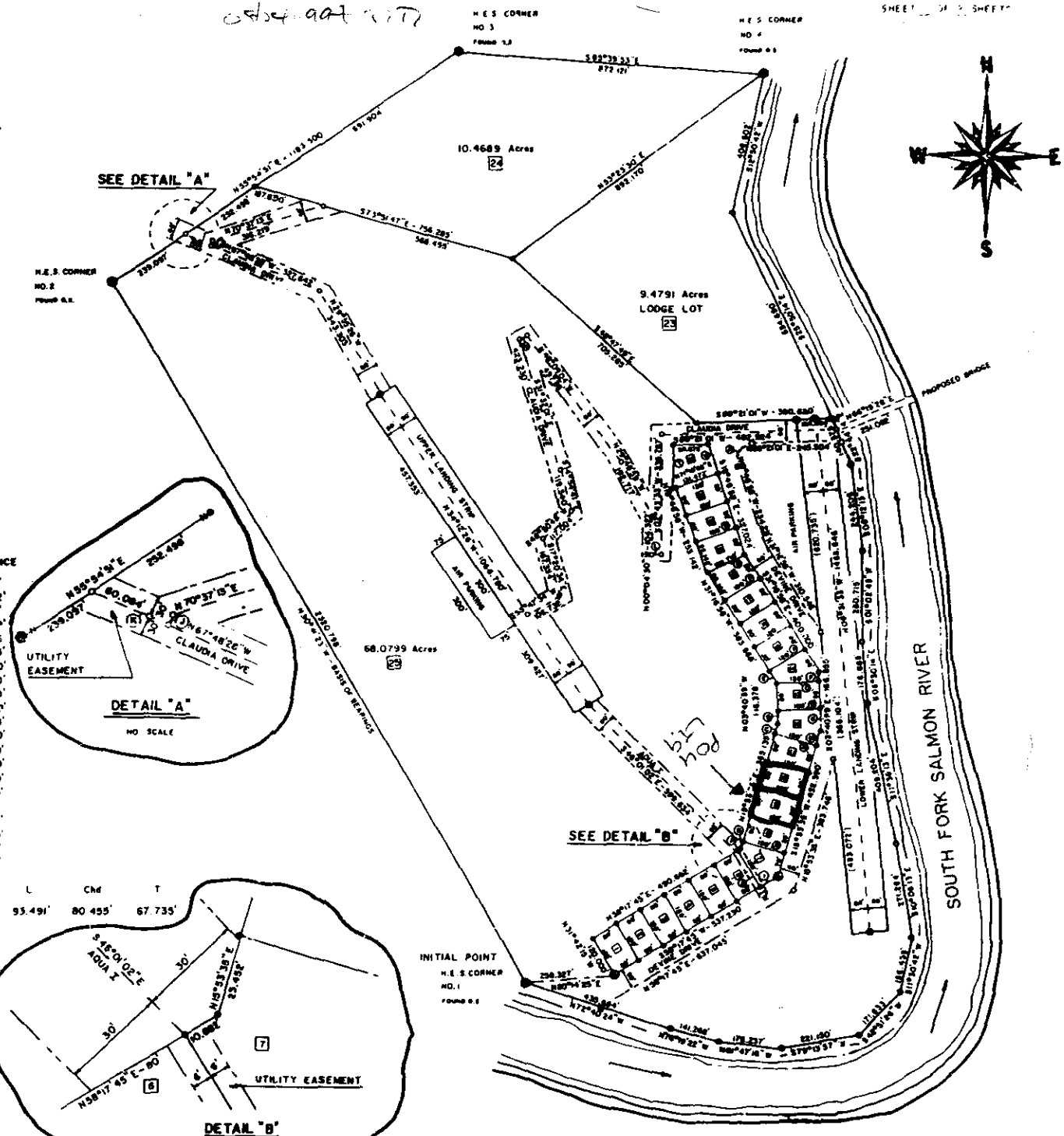
DETAIL "A"

NO SCALE



DETAIL "B"

NO SCALE



393505

COMPUTER ( )
INDEXED ( )
TRACTED ( )
FILMED ( )
ABSTRACT ( )

WARRANTY DEED

For Value Received, Orland L. Badley, also known as Orland Lindsay Badley, an unmarried man

the Grantors, do hereby grant, bargain, sell and convey unto

Rod D. Blackstead, a married man dealing with his sole and separate property

whose address is: 11760 SW Executive Dr. Ste 120, Boise, Idaho 83713
the grantee , the following described premises, to-wit:

Lot 10 of Copenhaver Subdivision, Idaho County, State of Idaho, according to the recorded plat thereof.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1997 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 6-4-97

Orland L. Badley

State of Idaho)
)ss
County of Ada)

On the 4th day of June, 1997 before me, Judith M. Nicholson a notary public in and for said State, personally appeared Orland L. Badley known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at: Kuna
Commission Expires: 2/14/99

JUDITH M. NICHOLSON NOTARY PUBLIC STATE OF IDAHO

STATE of IDAHO
County of Idaho
Recorded at request of
IDAHO COUNTY TITLE Co.
at 50 minutes past 3 o'clock P M.
this 9 day of June 97
ROSE E. GEHRING
Recorder
by Edith L. Anderson Deputy
Fee $ 3.00

77-07359

COMPUTER [ ]
INDEXED [ ]
TRACED [ ]
FILMED [ ]
CHECKED [ ]

393506

WARRANTY DEED

For Value Received, Orland L. Badley, also known as Orland Lindsay Badley, an unmarried man

the Grantors, do hereby grant, bargain, sell and convey unto

Rod D. Blackstead, a married man dealing with his sole and separate property

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Dated: 6-4-97

Orland L. Badley

State of Idaho)
) ss
County of Blaine)

On the 4th day of June, 1997 before me, Judith M. Nicholson a notary public in and for said State, personally appeared Orland L. Badley known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at: Hailey
Commission Expires: 1-14-99

JUDITH M. NICHOLSON NOTARY PUBLIC STATE OF IDAHO

STATE of IDAHO
County of Idaho
Recorded at request of
IDAHO COUNTY TITLE CO.
at 50 minutes past 2 o'clock P. M.
this 9 day of June 19 97
ROSE E. GEHRING
Recorder
Deputy
Fee $

97-07359

TOTAL P.003

T23N R8E Sec. 6 5-397

SHEET 2 OF 2 SHEETS

COPENHAVER SUBDIVISION

ALL OF H.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.,
& SECTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO

CERTIFICATE OF RECORDER

INSTRUMENT NO. 324730

STATE OF IDAHO
COUNTY OF IDAHO

THIS IS TO CERTIFY THAT AT THE REQUEST OF Orland L. Badley THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER, OF IDAHO COUNTY, IDAHO, ON THE 28th DAY OF Jan., 1986, AT 2:10 P M AND DULY RECORDED IN PLAT BOOK _____ AT PAGE _____, FEE _____.

Alberta E. Johnson
DEPUTY RECORDER

JOYCE C. HART
EX-OFFICIO RECORDER

COUNTY COMMISSIONERS ACCEPTANCE

STATE OF IDAHO
COUNTY OF IDAHO

THE FOREGOING PLAT WAS DULY ACCEPTED AND APPROVED BY THE IDAHO COUNTY BOARD OF COUNTY COMMISSIONERS IN THE STATE OF IDAHO ON THIS 14 TH DAY OF Nov., 1985.

Alberta E. Johnson Ch. Dep.
ATTEST CLERK

Lewis G. Crea
CHAIRMAN

PLANNING AND ZONING COMMISSIONERS ACCEPTANCE

STATE OF IDAHO
COUNTY OF IDAHO

THE FOREGOING PLAT WAS DULY ACCEPTED AND APPROVED BY THE IDAHO COUNTY PLANNING AND ZONING COMMISSIONERS IN THE STATE OF IDAHO ON THIS 21st DAY OF Jan., 1986.

Craig L. Spencer
CHAIRMAN

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS ARE IN EFFECT, NO OWNER SHALL CONSTRUCT ANY BUILDINGS OR SHELTER ON SAID PREMISES WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL THE REQUIREMENTS OF IDAHO CODE 50-1326 TO 50-1329 HAVE BEEN SATISFIED.

COUNTY TREASURERS CERTIFICATE

STATE OF IDAHO
COUNTY OF IDAHO

I CERTIFY AS COUNTY TREASURER IN AND FOR THE COUNTY OF IDAHO, STATE OF IDAHO, PER THE REQUIREMENT OF IDAHO CODE 50-1308, THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS PROPOSED SUBDIVISION HAVE BEEN PAID IN FULL.

Patricia Schmidt
IDAHO COUNTY TREASURER
By Diana [illegible], Deputy

October 10, 1986
DATE

COUNTY ASSESSORS CERTIFICATE

STATE OF IDAHO
COUNTY OF IDAHO

I CERTIFY THAT THE LOTS AND OTHER GRAPHIC SUBDIVISIONS WITHIN THE PLAT ARE TECHNICALLY CORRECT FOR ADVALOREM TAXATION PURPOSES.

Jim Brockman
IDAHO COUNTY ASSESSOR

October 10, 1986
DATE

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED, IS THE OWNER IN FEE SIMPLE OF THE PROPERTY HEREINAFTER DESCRIBED AND THAT THE CORRECT DESCRIPTION OF THE LAND INCLUDED IN THIS PLAT IS AS FOLLOWS: ALL OF H.E.S. NO. 701, WHICH LIES WITHIN UNSURVEYED SECTION 6, T.23N., R.8E., AND SECTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED FROM A SURVEY BY BEGINNING AT H.E.S. CORNER NO. 1, WHICH IS THE INITIAL POINT OF BEGINNING, THENCE N 30°4'25"W, 2320.798' TO FOUND H.E.S. CORNER NO. 2; THENCE N 55°54'51"E, 1183.500' TO FOUND H.E.S. CORNER NO. 3; THENCE S 85°39'53"E, 872.121' TO FOUND H.E.S. CORNER NO. 4; WHICH IS ON THE WESTERLY BANK OF THE SOUTH FORK OF THE SALMON RIVER, THENCE RETRACING THE ADJUSTED MEANDER LINE AS FOLLOWS: S 12°50'42"W, 406.602'; THENCE S 25°50'14"E, 854.690'; THENCE S 22°44'14"E, 140.575'; THENCE S 08°12'13"E, 244.206'; THENCE S 01°02'45"W, 260.715'; THENCE S 06°30'14"E, 176.885'; THENCE S 11°38'13"E, 409.204'; THENCE S 10°06'13"E, 271.264'; THENCE S 11°30'42"W, 156.435'; THENCE S 42°51'26"W, 171.633'; THENCE S 79°13'57"W, 221.150'; THENCE N 81°47'18"W, 178.237'; THENCE N 76°19'22"W, 141.268'; THENCE N 72°40'24"W, 435.684'; BACK TO THE INITIAL POINT OF BEGINNING, WHICH SURVEY INCLUDES SOME 92.690? ACRES. WHEREBY THAT IT IS THE INTENTION OF THE UNDERSIGNED TO AND HE DOES HEREBY INCLUDE SAID LAND IN THIS PLAT, THAT THE UNDERSIGNED OWNER DOES BY HIS PRESENCE GRANT, CONVEY AND DEDICATE, AS BEING A PART OF THE IRREVOCABLE AND INSEPARABLE RIGHTS AND PRIVILEGES OBTAINED WITH OWNERSHIP OF A LOT; THE FOLLOWING IDENTIFIED EASEMENTS: "I" DEVINE DRIVE AND CLAUDIA DRIVE, BEING 60' IN WIDTH EXCEPT AS SHOWN ON THE PLAT AND BEING AN EASEMENT FOR: PEDESTRAIN, EQUESTRAIN, VEHICLE AND UTILITIES; "II" AQUA I, BEING A 60' WIDE UTILITY EASEMENT EXTENDING FROM THE SOUTHERLY END OF THE UPPER AIRSTRIP TO A LOT LINE COMMON TO LOTS 6 & 7 THEN BEING A 12' WIDTH, WITH THE LOT LINE BETWEEN LOTS 6 & 7 BEING THE CENTERLINE AND CONTINUING TO DEVINE DRIVE; "III" UPPER AIRSTRIP, BEING A 100' WIDE AIR STRIP, ALONG WITH THE IDENTIFIED PARKING, BURRIED UTILITY, INGRESS AND EGRESS EASEMENT; "IV" LOWER AIRSTRIP, BEING A 100' WIDE AIRSTRIP, ALONG WITH THE IDENTIFIED PARKING, BURRIED UTILITIES, VEHICULAR TRAFFIC IS RESTRICTED TO THE CONFINES OF CLAUDIA DRIVE; "V" THAT PART OF LOT 25 LYING EASTERLY OF LOTS 1 THROUGH 22 AN INGRESS AND EGRESS EASEMENT IS GRANTED ALONG WITH AN EASEMENT TO PLACE DRAINFIELDS IN THIS AREA. THESE EASEMENTS ARE NOT GRANTED TO THE GENERAL PUBLIC OR IDAHO COUNTY.

Orland L. Badley
ORLAND L. BADLEY

10-10-85
DATE

STATE OF IDAHO
COUNTY OF IDAHO

ON THIS 10TH DAY OF OCTOBER, 1985, BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF IDAHO, APPEARED ORLAND L. BADLEY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE OWNERS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND AFFIXED MY OFFICAL SEAL THE DAY AND YEAR FIRST WRITTEN ABOVE.

Carl V. Edwards
NOTARY PUBLIC FOR THE STATE OF IDAHO

CERTIFICATE OF ENGINEER / SURVEYOR

THIS IS TO CERTIFY THAT I, CARL V. EDWARDS, A REGISTERED ENGINEER AND LAND SURVEYOR IN THE STATE OF IDAHO, PE-LS 2098, MADE THE SURVEY OF THE LAND AND COMPUTATIONS FOR THE PLAT AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND DESIGNATED HEREON AS "COPENHAVER SUBDIVISION" AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AS MADE AND STAKED BY ME ON SAID LAND.

Carl V. Edwards
SEAL

REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 2098 STATE OF IDAHO CARL V. EDWARDS

COUNTY SURVEYOR CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS A LICENCED LAND SURVEYOR IN THE STATE OF IDAHO AND HAS CHECKED THE FOREGOING PLAT AND COMPUTATIONS FOR MAKING THE SAME AND HAS DETERMINED THAT THEY COMPLY WITH THE LAWS OF THE STATE OF IDAHO AND THE COUNTY OF IDAHO RELATED THERETO.

Stephen M. Brooks
SEAL

REGISTERED LAND SURVEYOR STATE OF IDAHO STEPHEN M. BROOKS

7-10-354

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. 77-7359 - 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
MAR 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. 77-7359

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

Kari Lynn Townsend
Secretary

MLC

MLS

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).

MICRO
MAR 2 0 2

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.

MAR 2 0 2003

Comment Report

77-7359

1. kwalker 12/3/2002 License Review
Comment: The point of diversion and place of use need to be amended before license can be issued.

2. kwalker 12/4/2002 Use of this water
Comment: This right covers domestic use from the South Fork Salmon River. Rt. 77-07360 was for the same use and same source. Since the 2 lots recommended under this right are less than 1/2 acre in size when combined we are licensing both lots under this proposed license and recommending Rt. 77-07360 be voided.

3. kwalker 12/26/2002 Point of Diversion
Comment: Brian Howard came into the office regarding the amendments that were needed for his permits. Mr. Howard stated that he uses the same irrigation pump and delivery system across air strip that is used under Rt. 77-7362. That point of diversion is located in the NENE, S6, T23N, R8E. Mr. Howard stated that they use the same system so that only one ditch/pipeline has to go across the airstrip. Mr. Howard corrected the licensing amendment to reflect this change.

4. CZIMMERM 1/12/1998 DIVERSION DESCRIPTION
Comment: 1/2-1 HP pump in river.

5. KTOWNSEN 2/9/2000 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

MICROFILMED
MAR 2 0 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. 77-07359

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:

✓ **Point of Diversion**

✓ **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

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

Comment Report

77-7359

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4. KTOWNSEN 2/9/2000 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

MICRO
MAR 2

Form 219
6/92

RECEIVED
SEP 28 2001
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 77-7359

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: Salmon River, S.F. tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-7366, 77-7360

2. Other water rights with the same point of diversion: 77-7360

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
			SE	NE	6	23N	8E	Idaho	GPS, Topo

2. Place(s) of Use: Indicate Method of Determination Field Exam, Plat Map, Topo

TWP	RGE	SEC	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	8E	6				D													

MICROFILMED
NOV 20 2001

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
	Aermotor	5	Unknown	Centrifugal	

**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
Pump curve						

2. Measurements:

110 gpm based on 70' lift and 5 psi for open discharge per pump curve.

E. NARRATIVE/REMARKS/COMMENTS

A portable centrifugal pump and motor are used to divert S.F. Salmon River water in the SENE S6 to lot 9 in Copenhaver Subdivision for irrigation of <1/2 acre (mostly for fire protection) and future in-home domestic use. The water is vertically pumped ~70' through a 2" buried PVC line to a buried 1000 gallon sistern on the side of the hill behind lots 9 and 10. From the sistern, the water gravity flows to lots 9 and 10. Lot 10 is covered by right 77-7360. Lot 9 is plumbed for domestic use, however is owned by the same owner as lot 10, where his home is located. Currently, lot 9 is used for lawn and fire protection in association with lot 10. Lot 9 can also be irrigated with Cherry Spring water via right 77-7366.

Have conditions of permit approval been met? __Y_ yes ___ no

F. FLOW CALCULATIONS _____ Additional Computation Sheets Attached

Measured Method:

110 gpm at 80' TDH from the River (70' lift, 5 psi for open discharge into sistern) = .25 cfs system capacity.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) =

$V_{D.R.}$= [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 =

V = Smaller of $V_{I.R.}$ 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	.04	1.2
TOTAL			**.04 cfs**	**1.2 afa**

2. Recommended Amendments

x Change P.D. as reflected above _ Add P.D. as reflected above _ None

x 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

MICRO
SEP 20 2001

AERMOTOR®

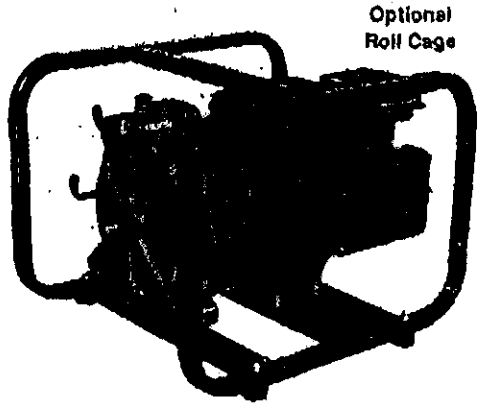
Portable Self-Priming Centrifugal Pumps

TYPE S TRASH PUMP MODELS

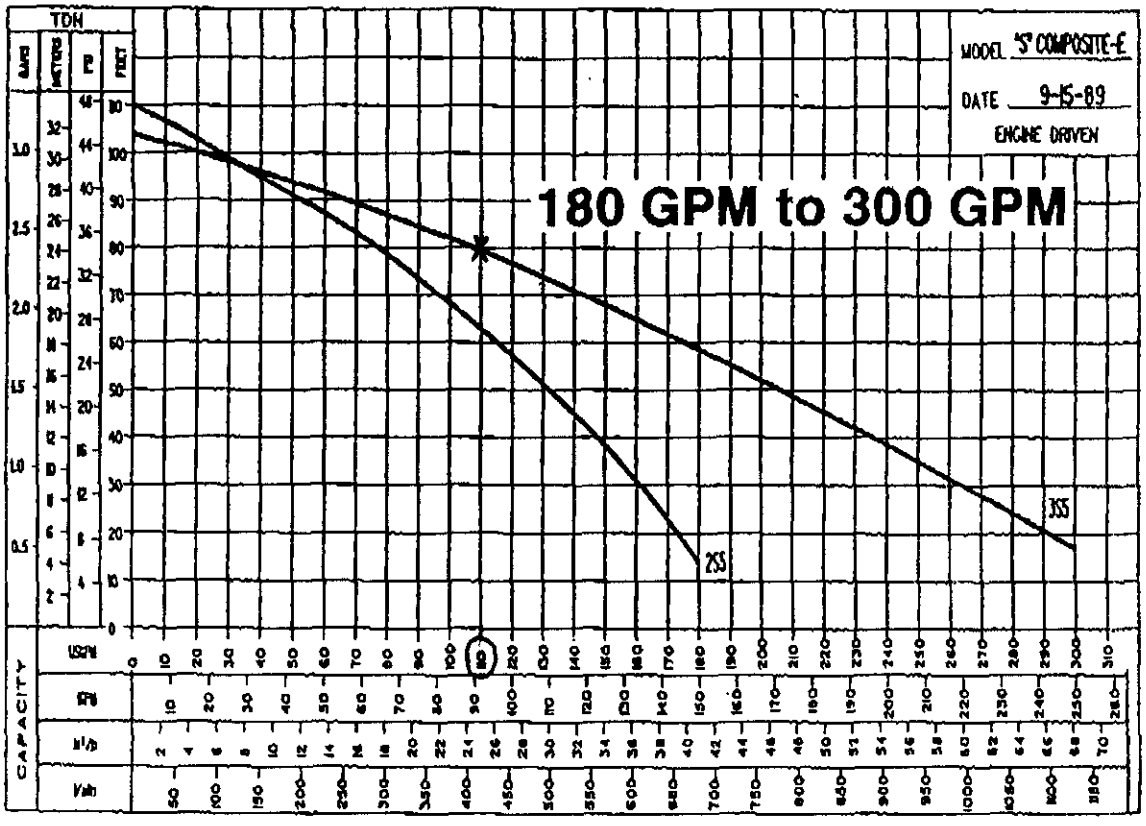
77-7359
7360

Model 2S5
2" Suction and Discharge
5 HP Engine

.....Shown with Optional Roll Cage

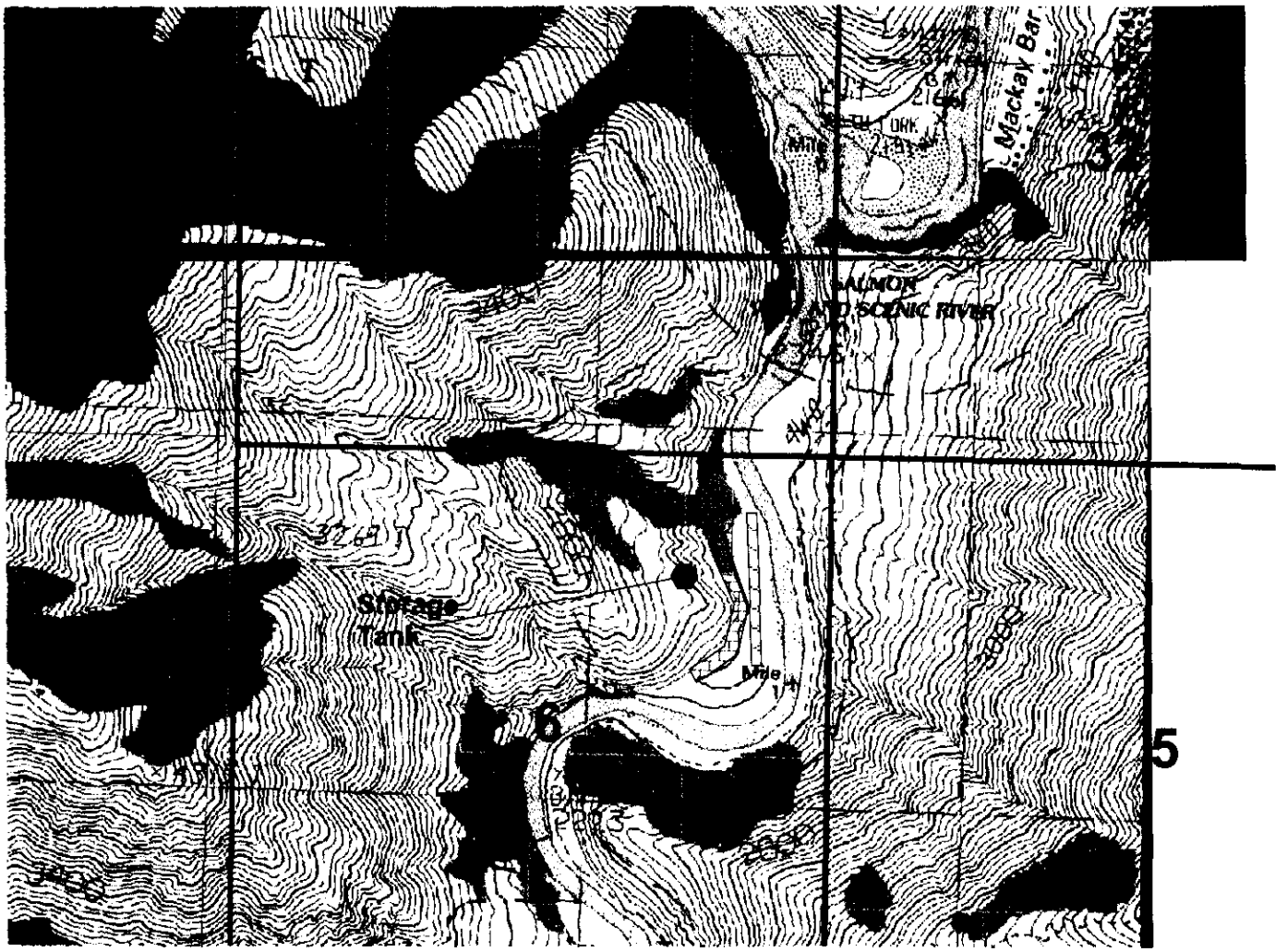


Performance



MICRO

Copenhaver Subdivision



0.5 0 0.5 1 Miles

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

N
W E
S

#324730

NO GOVT LOT 7

T23N R8E Sec. 6) 45-397

T17 08/04/1997

COPENHAVER SUBDIVISION
1986

ALL OF H.E.S. NO. 701

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

100' 0 100' 200' 300' 400' 500'

SCALE

LEGEND

- ● H.E.S. CORNER, FOUND ORIGINAL STONE
- • H.E.S. MEANDER CORNER, NOT SET
- ◉ LOT CORNER, SET 2"X 30" G.I.P. W/B.C.
- • LOT CORNER, SET 5/8"X 30" REBAR W/ SERV. 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/SERV. CAP
- ○ EASEMENT CENTERLINE, NOT SET
- ○ EASEMENT CORNER, NOT SET

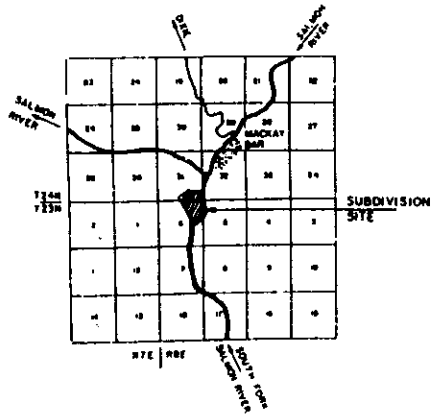
COPENHAVER SUBDIVISION RESTRICTIVE COVENANTS ARE FILED AS INSTRUMENT NO 324731

TANGENT	BEARING	DISTANCE
A	N 58°17'45"E	10.682'
B	N 19°53'35"E	23.482'
C	N 15°53'35"E	21.887'
D	N 03°40'59"W	30.526'
E	N 31°16'59"W	30.526'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 15°53'35"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 85°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°06'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 04°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
U	S 18°46'58"E	87.024'

CURVE	Δ	R	L	Chd	T
A	107°07'59"	50.000'	93.491'	80.455'	67.735'

VICINITY MAP

Scale: 1" = 2 Miles

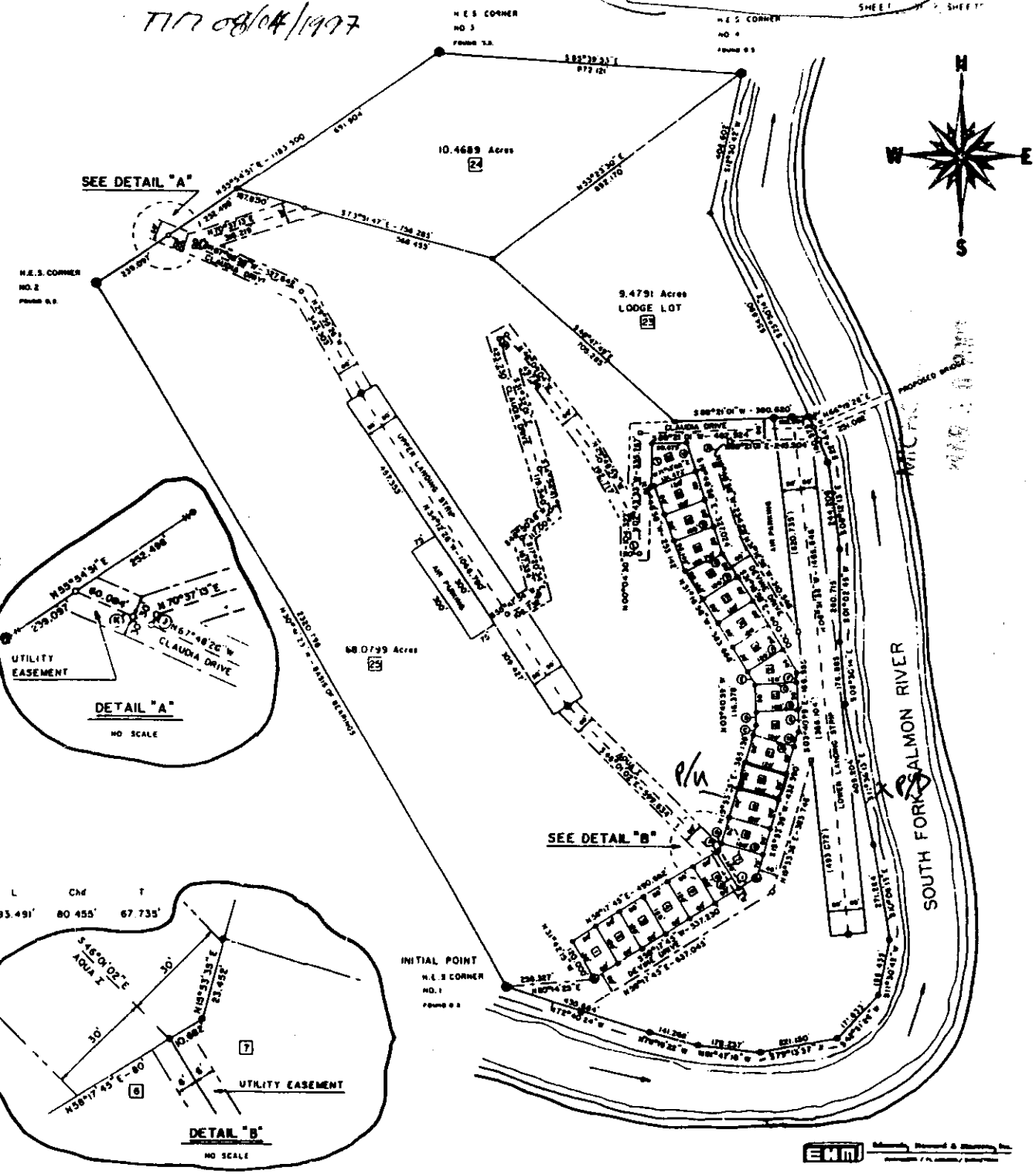


DETAIL "A"

NO SCALE

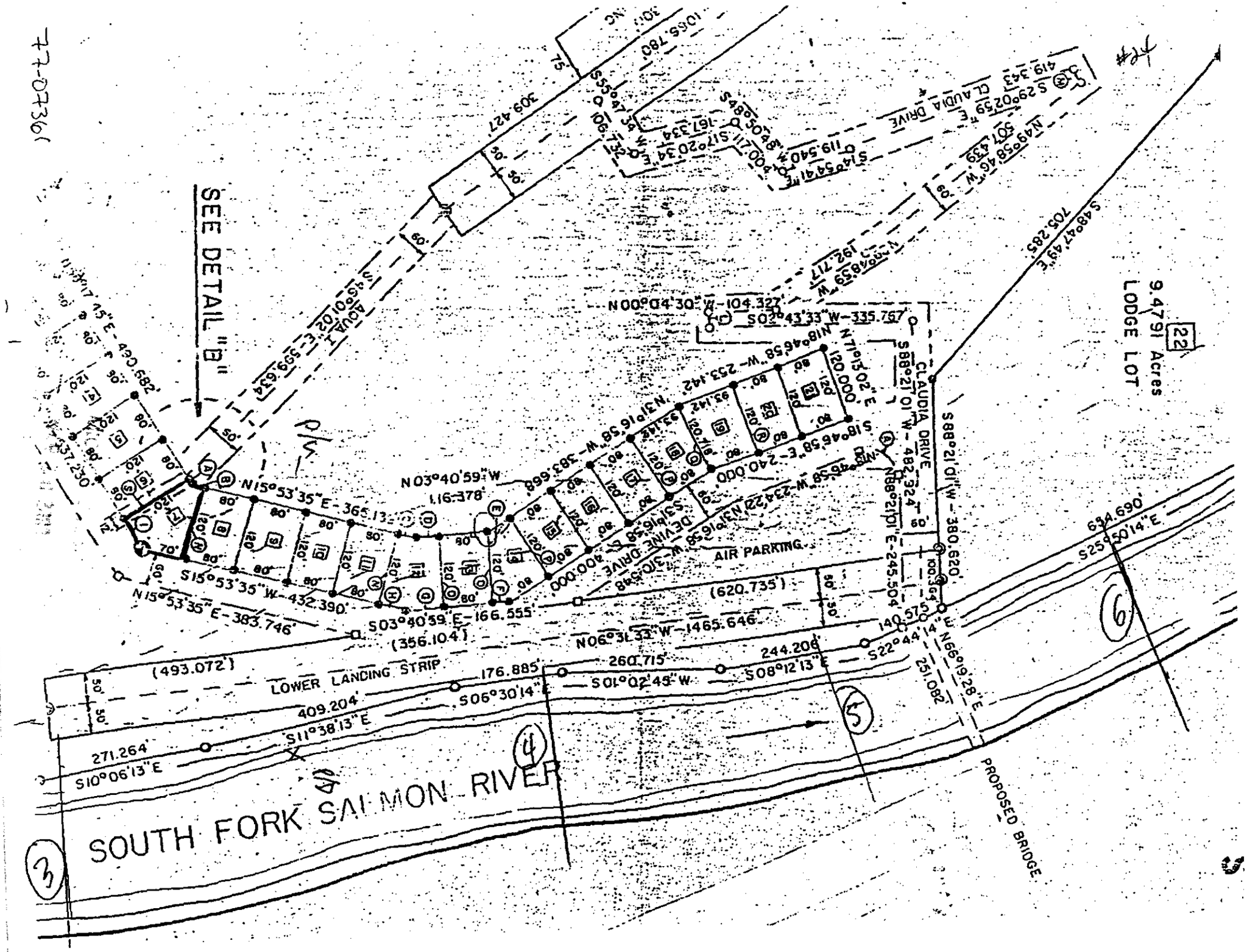
DETAIL "B"

NO SCALE



EMM

74-0360


77-07361
SEE DETAIL "B"
SOUTH FORK SALMON RIVER
LOWER LANDING STRIP
CLAUDIA DRIVE
AIR PARKING
PROPOSED BRIDGE
9.479 Acres
LODGE LOT
22
#24
N15°53'35"E - 365.13'
S15°53'35"W - 432.390'
N15°53'35"E - 383.746'
S03°40'39"E - 166.555'
N03°40'59"W 116.378'
N00°04'30"W - 104.327'
S02°43'33"W - 335.757'
S88°21'01"W - 482.324'
S88°21'01"W - 380.620'
N88°21'01"E - 245.504'
S48°47'49"E 705.285'
694.690'
S25°50'14"E
N66°19'28"E 251.082'
S22°44'14"E 140.575'
N06°31'33"W - 1465.646'
S08°12'13"E 244.206'
S01°02'45"W 260.715'
S06°30'14"E 176.885'
S11°38'13"E 409.204'
S10°06'13"E 271.264'
(493.072')
(356.104')
(620.735')
N71°13'02"E 120.000'
S18°46'58"E - 240.000'
N18°46'58"W - 253.142'
N31°16'58"W - 383.668'
S31°16'58"E - 200.000'
N31°16'58"W - 234.22'
N49°58'46"W 507.439'
S29°02'59"E 419.343'
S48°50'47"E 1085.780'
S17°20'34"E 167.334'
S14°54'41"E 119.540'
N75°48'59"W 192.717'
AQUA 45°01'02" 559.634'
N17°15'E - 490.682'
N37.230'
30'
75'
60'
50'
80'
120'
70'

219-S-A.
5-96

77-7359
Permit No.

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

K

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 LG 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 LG 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 LG 9/18/01 (signature of examiner & date)

Exam Sent to State Office 9-28-01 AT (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,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
AUG 2 5 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

Deborah Drew-Ellis
Administrative Asst. I, Water Allocations

c: IDWR - Regional Office

MICROFILMED
MAY 2 4 2005

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 77-07359 Reviewed by DJE Date 02-29-00

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 (Irrigation)

Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source

____ Ground water source
____ Drilling permit required?
____ Copy in the file? Drilling Permit No. ____
____ Amount paid for permit ____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
$50.00 Amount Submitted
Yes Correct?

MEASURING DEVICE

____ 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

None - Acknowledge Proof

DATA ENTRY

New Address ____

Proof Made 2/8/00 3/6/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:
C048054

Date:
Time: 2/ 8/2000
14:39:59

Received From: RBR LLC

Type of Payment		Program Acct		Amount
BENEFICIAL USE	#77-07359	65104	229 21 1155	50.00
BENEFICIAL USE	#77-07360	65104	229 21 1155	50.00
BENEFICIAL USE	#77-07365	65104	229 21 1155	50.00
BENEFICIAL USE	#77-07366	65104	229 21 1155	50.00
			Total $	200.00

CHECK 50030

Region: STATE

Signature:

MICROFILMED
MAY 24 2000

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 our 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 2 4 2000

Copenhaver Water Resources

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. 77-07359

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, is 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

MAY 2 4 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,

Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

MICROFILMED

MAY 2 4 2000

7002 2410 0001 6350 8007

US Postal Service

Receipt for Certi

No Insurance Coverage Pr

Do not use for Internationa

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	

PS Form **3800**, April 1995

77-07359
ROD D BLACKSTEAD
11750 W EXECUTIVE DR STE 100
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.

PS Form **3800**, April 1995 *(Reverse)*

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

Put your address in the "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:

77-07359
NOD D BLACKSTEAD
11760 W EXECUTIVE DR STE 100
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 10/24 MOROSKI

6. Signature — Agent

X Theresa Berry MA

7. Date of Delivery

10/29/99

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

PS Form 3811, Mar. 1988 • U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

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.

RECEIVED

OCT 29 1999

Department of Water Resources

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

WA

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

MICROFILMED

MAY 24 2000

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 2 4 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 2 4 2006

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

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,

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.

JUN 0 9 1998

12/97

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

by Cindy Low

No.: 77-7359 **Name:** Blackstead **Date:** 1/12/98 **Ad OK?** ✓ **✓ Gvmt Lts:** ✓

AREA OF CONCERN: dom exempt No/Yes: S/C Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or **W19* (Order)
SYSTEM COMPLETED:
1 year/no proof - **P16**
>1 year - 26A-**P17**
GROUNDWATER: *(✓ FLO-CH)*
WMD (✓ MAP)
>0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5acres - No MD
~~WMD~~ Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
>0.24 cfs/5acres - 01M (report when notified)
≤ 0.24 cfs/5acres - 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~~ Salmon R
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/5acres - 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/5acres - 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 - ~~071-079~~
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: - UE _____ _____
STANDARD REMARKS: - ① 001 ② 070 ③ W35/77-7265/1 km. ④ 560
BENEFICIAL USE DUE: - 1/1/2001
COMMENTS: - _____

Form No. 202a.
6/97

RECEIVED
JAN 02 1998
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: TM DATE: 07/31/1997 APPLICATION: 77-07359

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. ≥ 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:
_____ P/D
_____ P/U

NOT PLOTTED TM 09/08/1997

ADDITIONAL INFORMATION

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

✓ T FLAG CHANGED TO P FLAG
TM 09/08/1997

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:
[redacted]	✓	1992 moratorium:
___	✓	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 _____

✓ ___ ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING **APP. NO.** 77-07359

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:

Comment letter to be drafted. See S.L. or TM. OK ✓

YES	NO		YES	NO	
___	✓	I.D. Health & Welfare	___	✓	U.S. BLM
___	✓	I.D. District Health	✓	✓	U.S. Forest Service
✓	___	I.D. Fish & Game (Sent via 12/5/97 FAX)	___	✓	Water Dist. # ___
___	✓	I.D. Lands	___	✓	Other ___
___	✓	Adjudication Bureau			

Holly Becker
Payette NF
PO Box 1026
McCall 83638
Per OK Tel conv. 08/05/1997

FINAL REGIONAL PROCESSING REVIEW:

YES NO

✓ ___ **Affidavit of publication received:**
✓ ___ **Application published correctly: If not, record action taken.**

___

___

✓ ___ **Publication dates and paper recorded on application:**
___ ✓ **Final date for protest** 10-6-97
___ ✓ **Protests received.**
___ N/A **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, Irrigation not to exceed 1/2 acre, IIE, Total use of water under this right and right no. 77-07365 shall be limited to one domestic use as defined by Idaho Code § 42-111.
___ ___ **See below for additonal information**

No follow up from H.B. @ PNF for subsequent tele. conv. -SL

Recommended Date or Priority 6/30/97
Recommended by: [signature] **Date:** 12/24/97

STATE OFFICE REVIEW ___

___

___

___ **See below for additional information. By** ___ **Date** ___

ADDITIONAL INFORMATION:

77 07362

See also 77-07360 & 77-07361 same point of diversion. Multiple purposes from same point of diversion in Salmon River nonadjudication area. Awaiting response from S.O. 08/01/1997 TM

HOLD

OK to advertise per S. Lester. TM 09/08/1997

Bullfrog - OK per IDFG 12/9/97 letter -SL

State o daho
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 BLACKSTEAD

FROM: STEVE LESTER

fax 376-2784

DOCUMENT DESCRIPTION: Application Status: Per your phone msg — 77-07359, 77-07360 = So. Fk. 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 re fishery issues.

TOTAL PAGES SENT: Ø **+ COVER SHEET**

CONTACT:

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

Thanks for your patience in this matter.

— Steve

JUN 09 1998

RECEIVED
DEC 15 1997
WATER RESOURCES
WESTERN REGION

IDAHO FISH & GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

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 09 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 Grunder

FROM: Steve Lester

465-8467

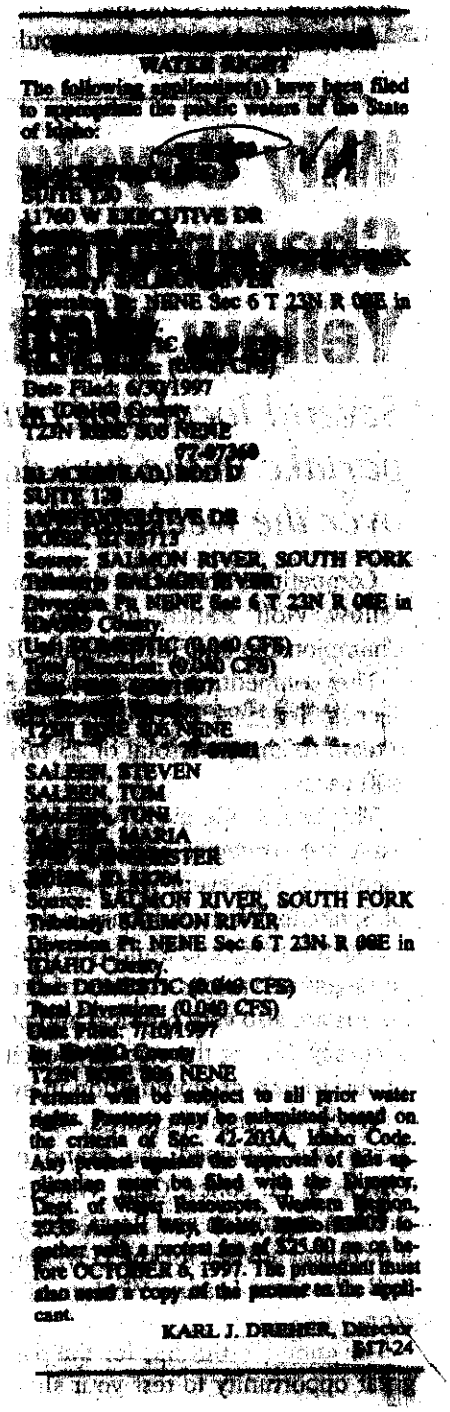
This is follow up e your last conversation with Gary:

DOCUMENT DESCRIPTION: Bull Trout impact? CAN continue processing per your comments. Prelim Reports of Applications included in this fax. CAN send ~~comments~~ comments to ME or to Gary Spackman e this office.

TOTAL PAGES SENT: 10 **+ COVER SHEET**

CONTACT:

NOTES: 1) -7363 -7364 -7367 = TRAILS End Subd.
2) Others = Copperhaven Subd.
3) -7365 -7366 = Spring AKA "Cherry Spring", possibly trib to River per previous IDWR Records
4) -7363 -7364 -7367 = NEW STREAM formed by flowing through Subd; flows directly into River



WATER RIGHT

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

[redacted]

Date Filed: 6/30/1997

[redacted]

Source: SALMON RIVER, SOUTH FORK

Tributary: SALMON RIVER

Diversion: Ft. NENE Sec 6 T 23N R 08E in IDAHO County

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

[redacted]

SALEEN, STEVEN

SALEEN, TOM

SALEEN, JOHN

SALEEN, MARIA

[redacted]

Source: SALMON RIVER, SOUTH FORK

Tributary: SALMON RIVER

Diversion: Ft. NENE Sec 6 T 23N R 08E in IDAHO County

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 7/10/1997

At: Boise County

T23N R08E S6 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 application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 on or before OCTOBER 6, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

BI7-24

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 weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of September , 1997; and the last publication on the 24th day of September, 1997; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.

STATE OF IDAHO)
)
COUNTY OF)

On this 24th day of September 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 subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MICHAELLE WOSLUM NOTARY PUBLIC STATE OF IDAHO

RECEIVED
OCT 16 1997
WATER RESOURCES
WESTERN REGION

- OVERLAP SUMMARY -
COPPERHAVEN SUBD.

Date 1994

"Cherry Spring" 77-07335 -Smith stated that Sinks SD permit issued for 0/2 Lots 13-14 & irrig. 3 acres to include Airstrip.

"Coyote Spring" 77-07336 Relinquished

77-07359	Blackstead	L.9	Source = So. Fork Salmon R. pending (advertised but NOED comment letter re IDFG)
77-07360	"	L-10	
77-07361	Salem	L.7	

Summer 1997

77-

77-07365 **	Blackstead	L.9	"Cherry Spring" (NON-trib) for 0/1 AS Above
77-07366	"	L-10	

Fall 1997

Will add 1 (wells) to 77-07335 diversion to serve 2 cabins. Wants separate wells in case sells a cabin.

JUN 0 9 1993

* NOTES AS OF 10/20/97

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

CONVERSATION MEMORANDUM

DATE 10/20/97

FILE

NAME OF PARTY Rod Blankstead

EMPLOYEE RL

Tel. 376-2727
fax - 376-2784

RE: Processing Info

We discussed delays related to IDWR & IDFG 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/cabin in case sells one, makes it easier to deal with etc.

Proposes:

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

Add line(s) 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

NOV 05 1997

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

September 8, 1997

Ron Blackstead
Suite 120
11760 W Executive Dr
Boise ID 83713

RE: Applications for Permit Nos. 77-07359, 77-07360

Dear Mr. Blackstead:

This letter serves to describe the current status of the above-referenced permits, as per your telephone request today.

These applications are scheduled to be advertised in the Idaho County Free Press on September 17 and 24, 1997. Comments are accepted for 10 days after the second publication date. If the permits are advertised as scheduled, the last day for comment will be October 6, 1997.

If you have any additional questions please do not hesitate to contact this office.

Sincerely,

Maria Minicucci
Senior Water Agent

MM/m

cc: Files 77-07359, 77-07760

SEP 09 1997

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

SEPTEMBER 10, 1997

Legal Notices Department
Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 6, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

JUN 0 9 1998

77-07359

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

Source: SALMON RIVER, SOUTH FORK Tributary: SALMON RIVER

Diversion Pt: NENE Sec 6 T 23N R 08E in IDAHO County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 6/30/1997

In: IDAHO County
T23N R08E S06 NENE

JUN 30 1997

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of $25.00 on or before OCTOBER 6, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/17/1997 & 9/24/1997