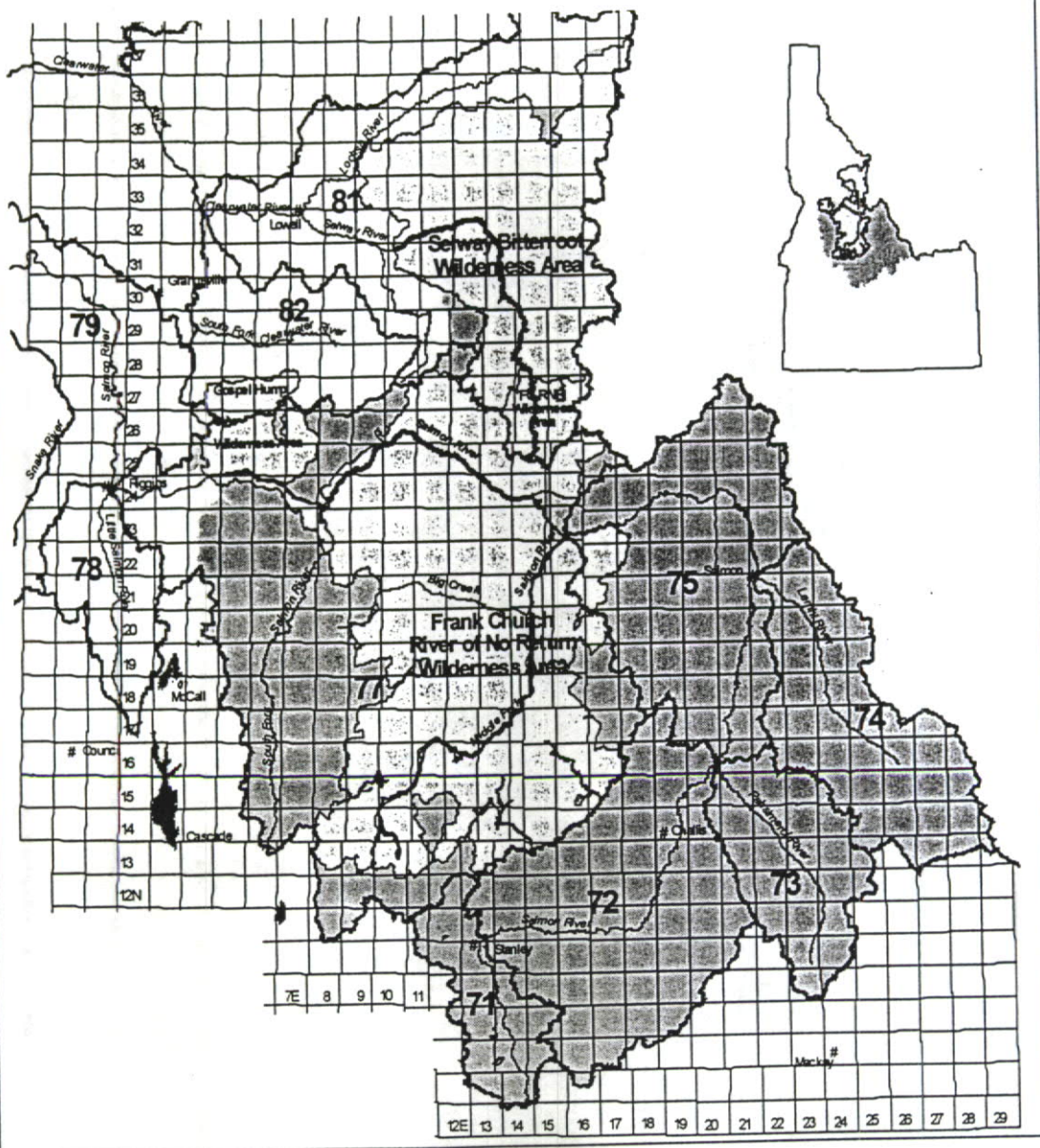


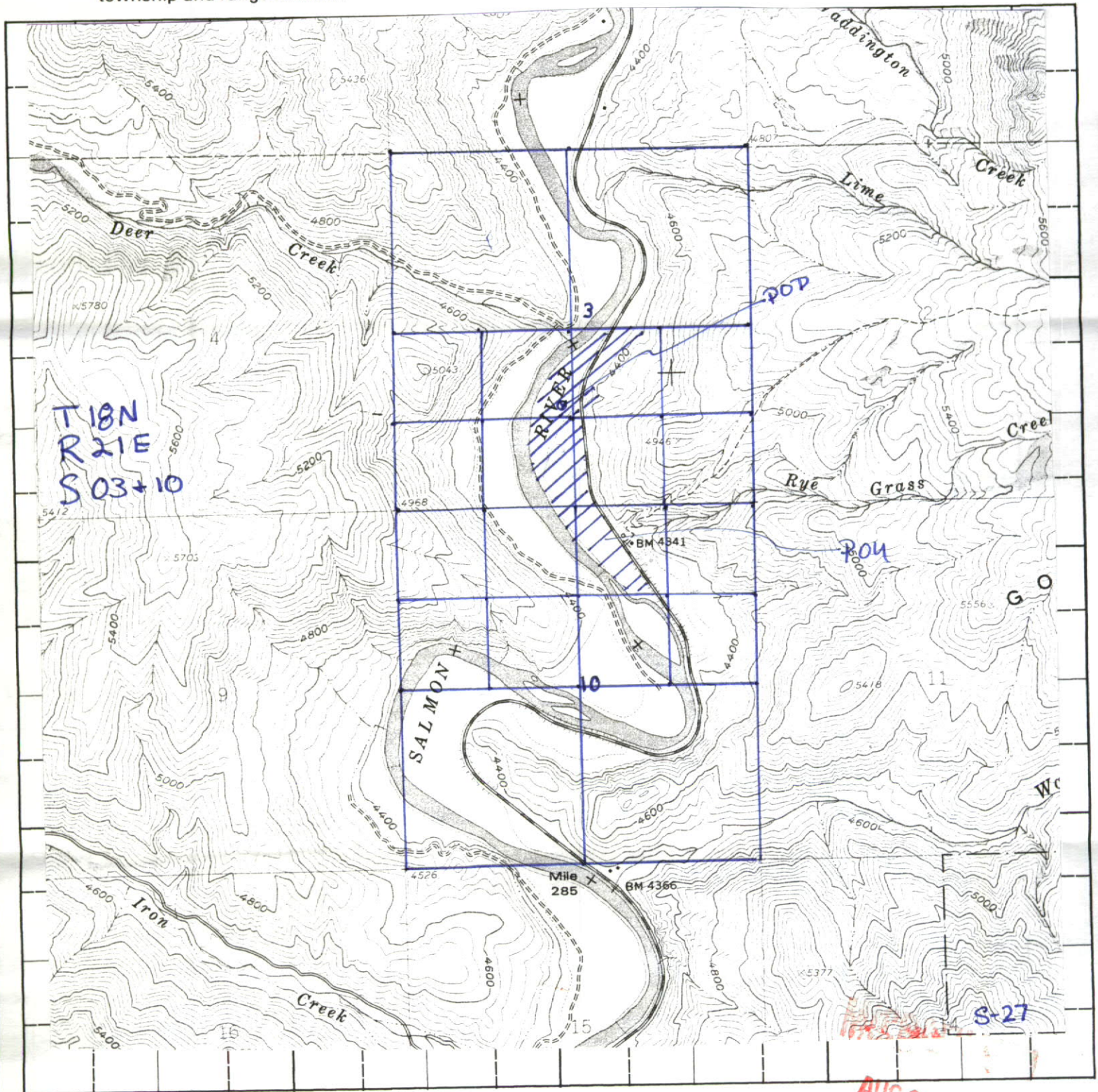
Wilderness Moratorium Areas

October 26, 1999

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



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



Scale: 2 inches equal 1 mile.

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

Roger L. Lanni
(Applicant)

SALMON RIVER ESTATES

UNIT TWO

CERTIFICATE OF OWNERS

This is to certify that we the undersigned are duly authorized representative of the owner in fee simple of the following described property: Lots 7 and 10 and the SW¹/₄ Section 3, and a portion of Lot 1, Section 10, T.18 N., R.21 E., B.M., Lemhi County, Idaho; more specifically described as follows: Commencing at the southeast corner of said Section 3, a distance of 1,328.55 feet on a bearing of S 89°52'06" W to the REAL POINT OF BEGINNING; From this REAL POINT OF BEGINNING, a distance of 179.26 feet on a bearing of S 89°52'06" W along the south boundary of said Section 3;

then S 51°40'35" W 100.41 feet;
then S 56°36'35" W 40.00 feet;
then along the westerly ROW line of U.S. 93, S 33°23'25" E 1487.66 feet;
then along the south line of said Lot 1, Section 10, S 89°52'50" W 310.00 feet;
then along the easterly bank of the Salmon River the following courses and distances: N 40°34'34" W 386.54 feet, N 46°07'54" W 520.00 feet, N 38°37'54" W 835.77 feet along the chord of a curve to the right having a central angle of 15°00' and a radius of 3,201.53 feet, N 37°07'54" W 500.00 feet, N 15°07'54" W 830.00 feet along the chord of a curve to the right having a central angle of 36°00' and a radius of 1,342.97 feet, N 4°52'06" E 170.00 feet, N 15°52'06" E 430.00 feet along the chord of a curve to the right having a central angle of 22°00' and a radius of 1,126.78 feet, N 34°52'06" E 390.00 feet along the chord of a curve to the right having a central angle of 16°00' and a radius of 1,401.14 feet, N 42°52'06" E 400.00 feet, N 59°52'06" E 240.00 feet, N 45°52'06" E 330.00 feet;

then N 89°52'06" E 500.00 feet along the centerline of said Section 3;
then along the ROW line of U.S. 93 the following courses and distances: S 30°16'10" W 120.55 feet, N 89°52'06" E 231.96 feet, N 30°18'10" E 120.55 feet;
then N 89°52'06" E 553.96 feet along the centerline of said Section 3;
then S 1°28'42" W 2,635.07 feet to the REAL POINT OF BEGINNING;

EXCEPT that portion of the recorded right-of-way for U.S. Highway 93 through said Sections 3 and 10.

The gross area contained in this platted land as described is 103.266 acres. That it is the intention of the undersigned to, and they do hereby include said land in this plat, that the undersigned does by these presents dedicate to the public for public use forever all streets as shown on this plat. The easements indicated on this plat are not dedicated to the public, but the rights to use said easements are hereby perpetually reserved for public utilities, and no structures other than for such utility purposes are to be erected within the lines of said easements.

PENN PHILLIPS LANDS, INC.

LOTS 7 AND 10 AND THE SW¹/₄ SECTION 3; A PORTION OF LOT 1, SECTION 10
ALL IN T.18 N., R.21 E., B.M., LEMHI COUNTY, IDAHO

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF LEMHI }

On this day of June, 1970, before me a Notary Public in and for said state, personally appeared _____ and _____, of the Corporation that executed this instrument, or the persons who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC for the STATE OF IDAHO
RESIDING at _____, IDAHO

CERTIFICATE OF ENGINEER

This is to certify that I, Paul E. Newton, a Registered Professional Engineer in the state of Idaho made the survey of the land as described in the Certificate of Owners, and designated herein as Salmon River Estates, Unit Two, and that this plat, composed of four sheets, is a true and correct representation of said survey as made and stated by me on said land.

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF TWIN FALLS }

On this day of _____, 1970, before me a Notary Public in and for said state, personally appeared Paul E. Newton, known to me to be the person whose name is subscribed to the foregoing Certificate of Engineers, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

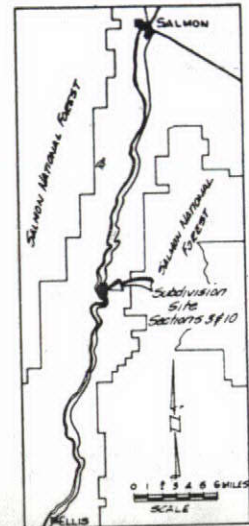
NOTARY PUBLIC for the STATE OF IDAHO

developers
penn phillips lands, inc.

azusa, california

engineers
newton and schaffer

twin falls, idaho



LOCATION MAP

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved and maintenance of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this day of _____, 1970.

ATTEST, CLERK

CHAIRMAN

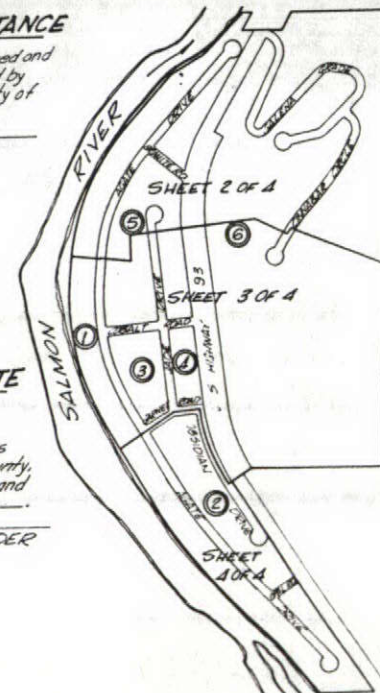
COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF LEMHI }

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this day of _____, 1970 at _____ M., and duly recorded in plat book _____ at page _____.

DEPUTY

EX-OFFICIO RECORDER



CURVE DATA

CURVE	Δ	TANGENT	RADIUS	LENGTH
C-1	4°10'N	196.92'	1401.14'	591.27'
C-2	7°10'22"	219.02'	1176.78'	432.65'
C-3	5°04'35"	324.01'	954.93'	626.46'
C-4	5°04'35"	278.41'	854.93'	538.81'
C-5	5°04'35"	20.00'	20.00'	51.42'
C-6	5°42'12"	21.65'	20.00'	53.00'
C-7	8°17'59"	19.14'	16.00'	30.54'
C-8	8°17'59"	100.00'	109.18'	161.90'
C-9	8°17'59"	283.58'	50.00'	159.63'
C-10	5°04'35"	53.17'	100.00'	97.74'
C-11	12°4'00"	188.07'	100.00'	216.42'
C-12	8°17'59"	29.62'	100.00'	51.60'
C-13	10°00'00"	70.00'	100.00'	124.17'
C-14	18°00'00"	250.00'	143.95'	456.21'
C-15	18°00'00"	190.00'	143.95'	371.83'
C-16	18°00'00"	172.33'	122.61'	342.40'
C-17	18°00'00"	185.01'	961.78'	365.46'
C-18	5°04'35"	810.98'	964.93'	601.27'

LEGEND

- 3/4" x 30" Steel Bar on Boundary and Block Corners
- 1/4" x 24" Steel Bar on Lot Corners
- Boundary Line
- - - Lot Line
- - - Match Line
- ==== Utility Easement - 10' wide
- ④ Lot Numbers
- ⑥ Block Numbers

SCALE 1"=100'

COUNTY COMMISSIONER'S ACCEPTANCE

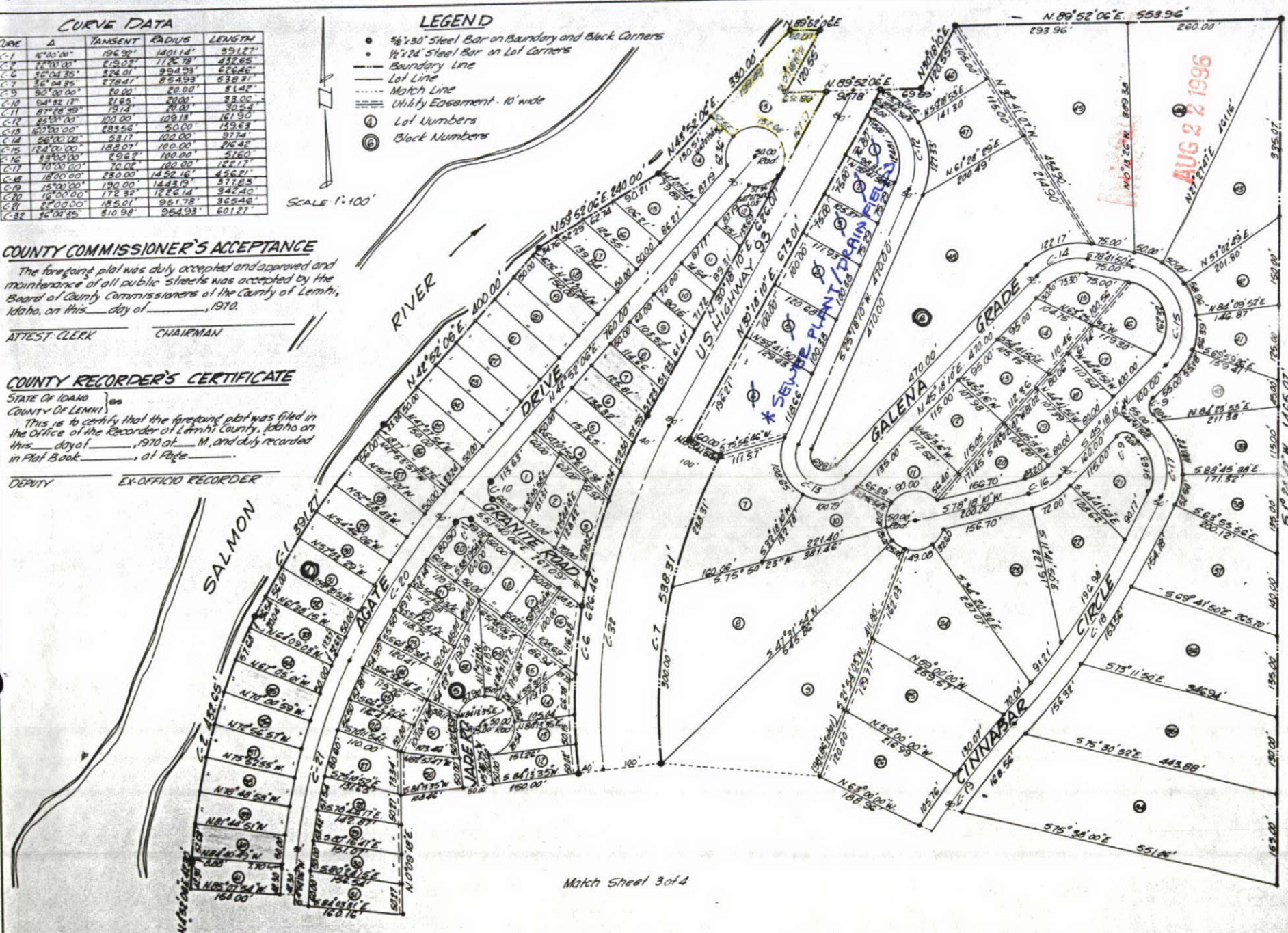
The foregoing plat was duly accepted and approved and maintenance of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this ____ day of _____, 1970.

ATTEST CLERK _____ CHAIRMAN _____

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO ss
COUNTY OF LEMHI
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this ____ day of _____, 1970 at ____ M, and duly recorded in Plat Book _____, at Page ____.

DEPUTY _____ EX-OFFICIO RECORDER _____



Match Sheet 3 of 4

* per Telecom w/ applicant 4/5/96

SALMON RIVER ESTATES
UNIT TWO
SHEET 204d

CURVE DATA

CURVE	Δ	TANGENT	RADIUS	LENGTH
C-3	90°00'00"	486.86'	1342.97'	843.87'
C-5	27°17'00"	244.86'	1010.09'	442.87'
C-8	17°56'00"	209.88'	870.00'	410.75'
C-9	90°00'00"	20.00'	20.00'	31.42'
C-19	16°00'00"	190.00'	1643.19'	377.82'
C-22	36°00'00"	379.60'	1167.97'	733.86'
C-28	85°44'00"	19.01'	20.00'	31.32'
C-29	90°00'00"	21.77'	20.00'	31.77'
C-25	62°46'00"	78.85'	132.00'	97.32'
C-17	90°13'00"	241.19'	1035.09'	418.98'
C-31	27°17'00"	238.42'	970.09'	467.59'

Match Sheet 2 of 4

SCALE 1"=100'

LEGEND

- 3/8" Steel Bar on Boundary and Block Corners
- 1/4" Steel Bar on Lot Corners
- Boundary Line
- Lot Line
- Match Line
- === Utility Easement 10' wide
- ⑤ Lot Number
- ⑤ Block Number

SALMON RIVER
WELL

U.S. HIGHWAY 93

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly presented and approved and maintenance of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this _____ day of _____, 1970.

ATTEST CLERK

CHAIRMAN

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO ss
COUNTY OF LEMHI

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this _____ day of _____, 1970 at _____ M. and duly recorded in Plat Book _____, at Page _____.

DEPUTY

EX-OFFICIO RECORDER

* per applicant telecon 6/5/96

Match Sheet 4 of 4

SALMON RIVER ESTATES
UNIT TWO
SHEET 3 OF 4

REAL POINT OF BEGINNING

S 89° 52' 06" W 779.26'

SE Corner Section 3
T18N, R21E, G1M

Math Sheet 3-14

Math Sheet 3-12

SCALE 1"=100'

RECORDED

AUG 22 1996

LEGEND

- 1/2" x 30" Steel Bar on Boundary and Block Corners
- 1/2" x 24" Steel Bar in Lot Corners
- Boundary Line
- Lot Line
- Match Line
- Utility Easement - 10' wide
- ⊙ Block Number
- ⊙ Lot Number

CURVE DATA

CURVE	Δ	TANGENT	RADIUS	LENGTH
1	15°00'	121.25	500.00	128.80
2	15°00'	121.25	500.00	128.80
3	15°00'	121.25	500.00	128.80
4	15°00'	121.25	500.00	128.80
5	15°00'	121.25	500.00	128.80
6	15°00'	121.25	500.00	128.80
7	15°00'	121.25	500.00	128.80
8	15°00'	121.25	500.00	128.80
9	15°00'	121.25	500.00	128.80
10	15°00'	121.25	500.00	128.80

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved and maintenance of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this _____ day of _____, 1970.

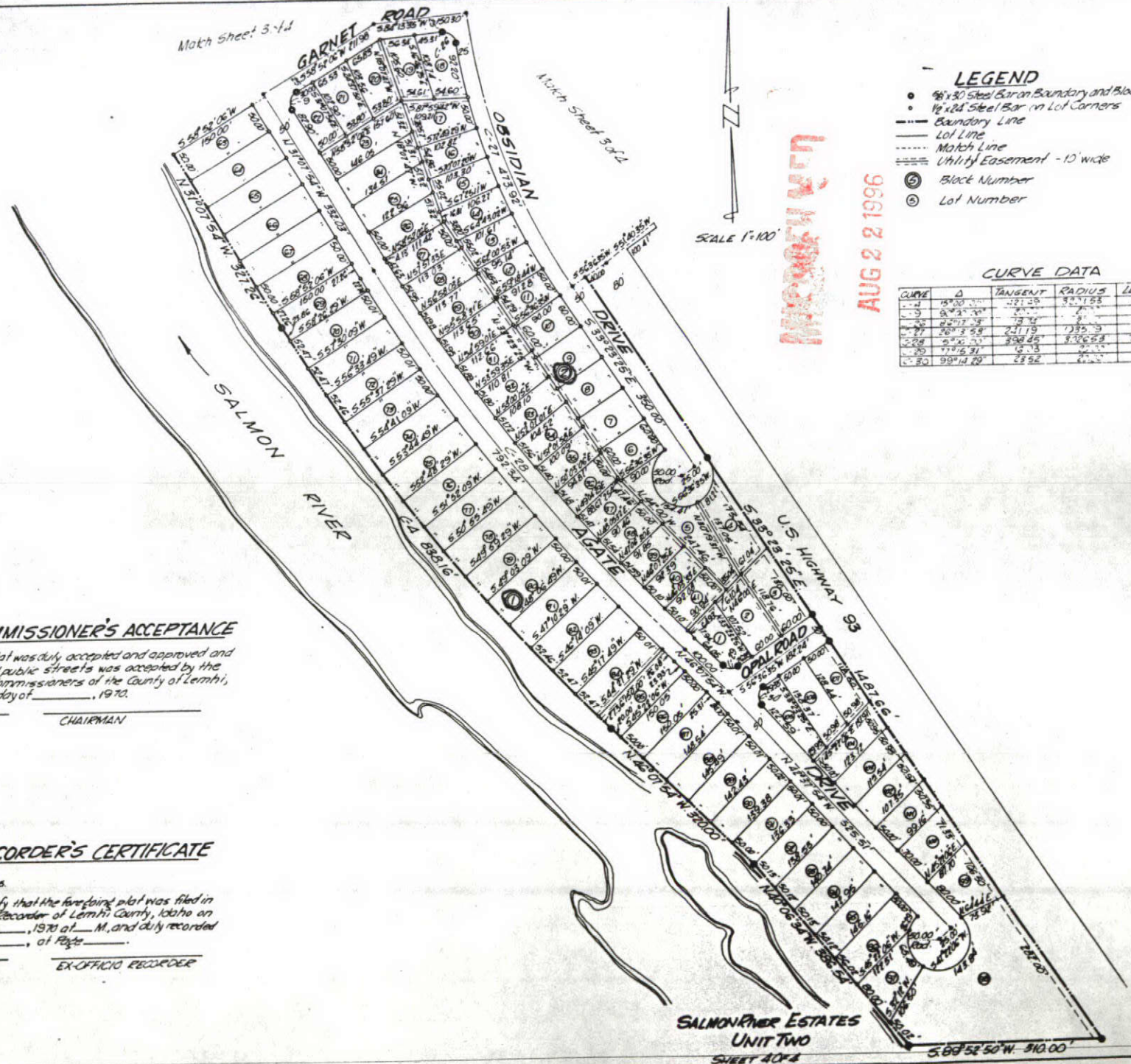
ATTEST CLERK _____ CHAIRMAN _____

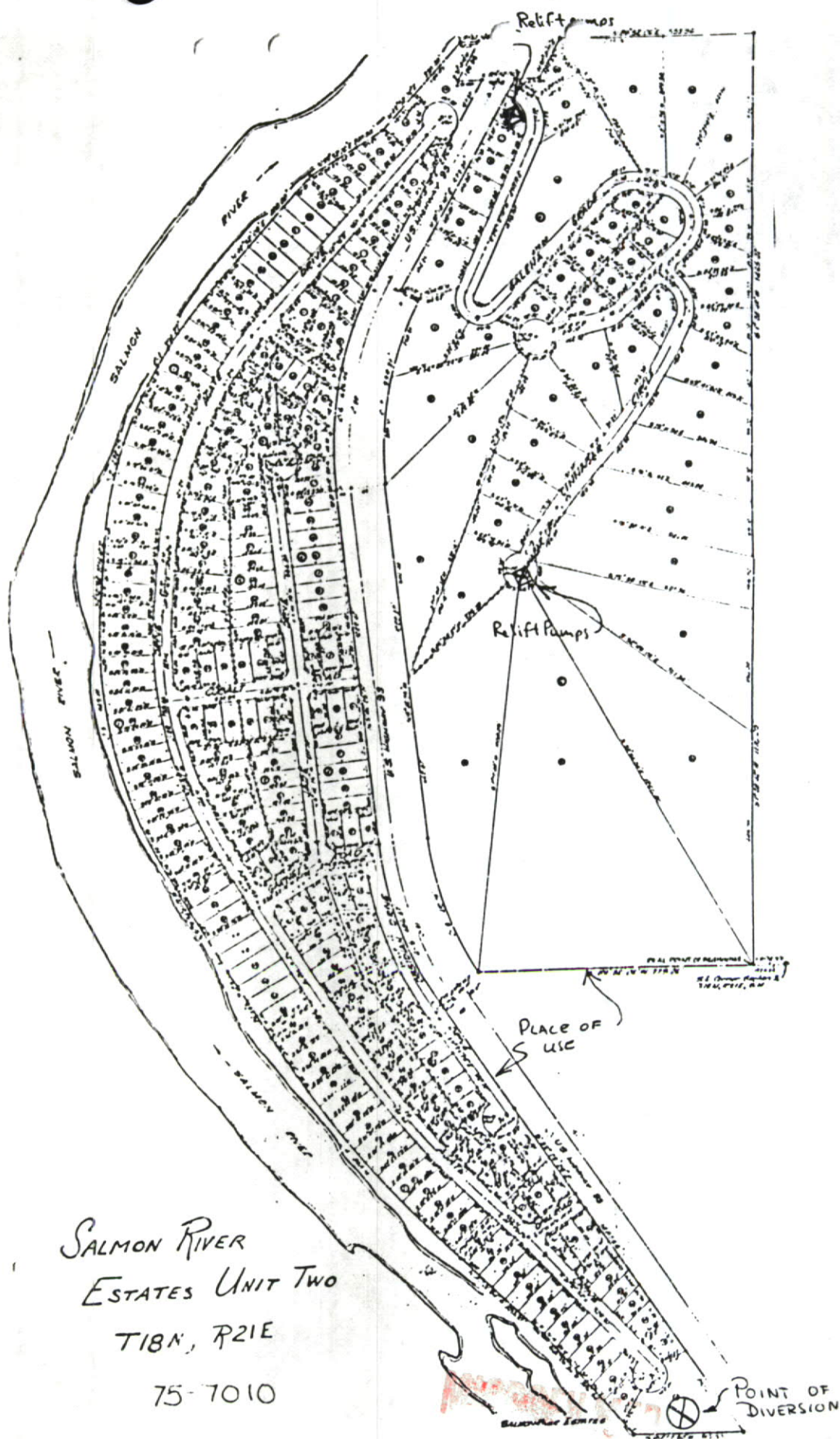
COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss.
COUNTY OF LEMHI }
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this _____ day of _____, 1970 at _____ M. and duly recorded in Plat Book _____, at Page _____.

DEPUTY _____ EX-OFFICIO RECORDER _____

SALMON RIVER ESTATES
UNIT TWO
SHEET 4 OF 4





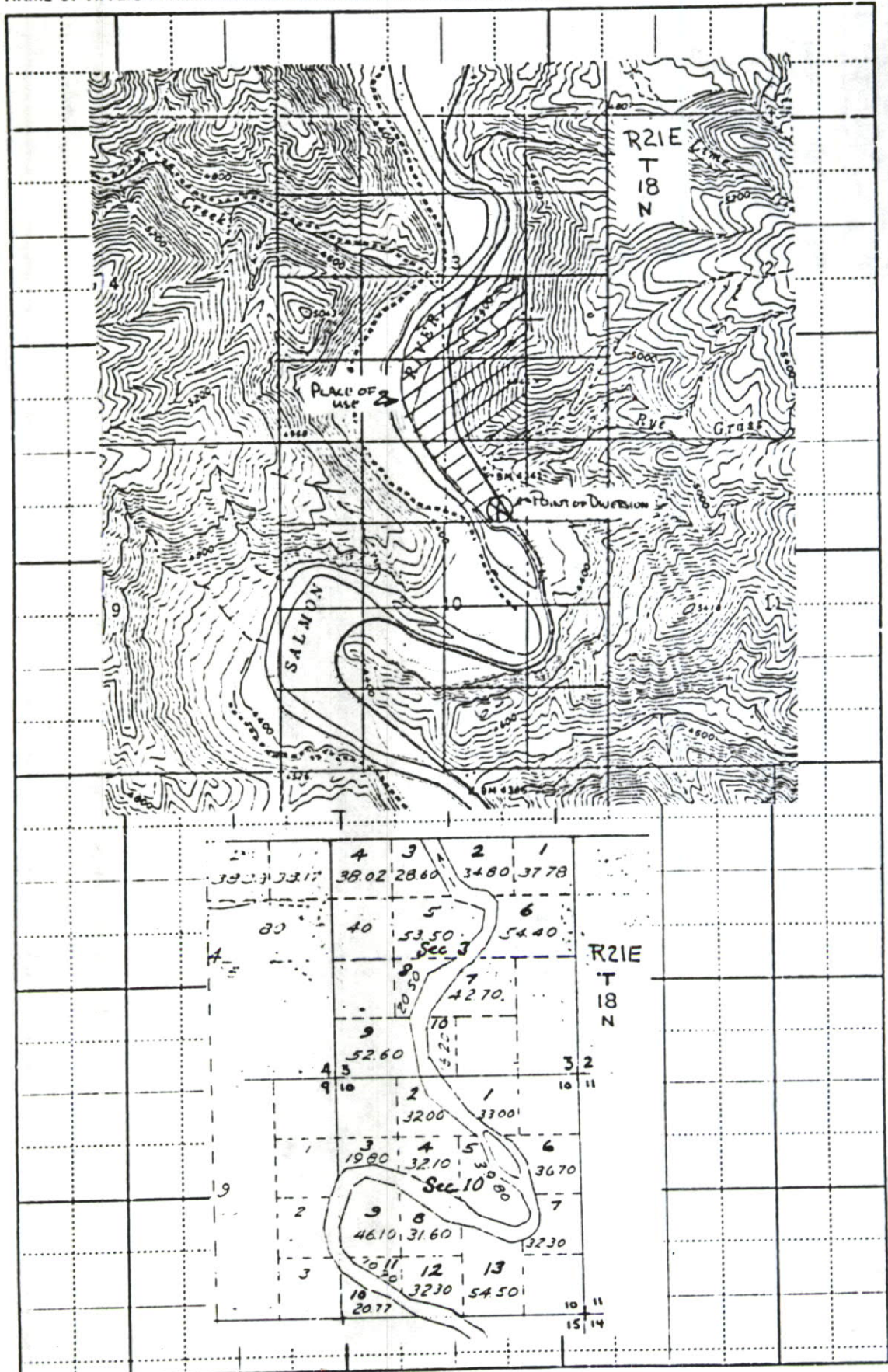
SALMON RIVER
ESTATES UNIT TWO
T18N, R21E
75-7010

AUG 22 1996

NAME OF APPLICANT Stocked Beaver Mutual Water Co.

15-7010

Form No. 0



SCALE:

Draw Plan in Ink.

75-7010

AUG 22 1996

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07639

STEELHEAD BEND
MUTUAL WATER CO
HC 61 BOX 48C

SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: Lot 7 (SESW) Sec

3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.0340 CFS)

Total diversion: ~~(0.0340 CFS)~~

Date Filed: 1/30/1996 *024c6*

In: LEMHI County

T18N R21E S03 Lot 7 (NESW)

Lot 10 (SESW) Lot 7 (NWSE) SWSE

S10 Lot 1 (NWNE) Lot 1 (NENW)

The permit (s) will be subject to
all prior water rights. Protests must be
filed with the applicant and the Direc-
tor, Dept. of Water Resources, along
with a \$25.00 filing fee, Eastern Re-
gion, 900 N Skyline, Idaho Falls,
Idaho 83402 on or before MARCH 4,
1996.

KARL J. DREHER, Director

Published: 2/15/1996 & 2/22/1996

2-15-2tc

AUG 22 1996

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the DEPT OF WATER 75-07639, a true printed copy of
which is attached to the margin hereof, has been and was correctly printed and published in the
regular and entire issue of every number of said newspaper and not in any supplement thereof or
thereto for TWO(1) consecutive issues, commencing with the issue dated 2-15-1996 and ending
with the issue dated 2-22-1996.

STATE OF IDAHO

County of Lemhi

ss.

On this 22 day of FEBRUARY in this year of 1996 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he executed the same.

Sheila K. Hodges

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$34.56

Account No. 630

RECEIVED

MAY 15 1996

Department of Water Resources
Eastern Region

75-07639

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: LOT 7 (SENE SW) Sec 3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.340 CFS)
Total Diversion: (0.340 CFS)

Date Filed: 1/30/1996

In: LEMHI County
T18N R21E S03 Lot 7 (NESW) Lot 10 (SESW) Lot 7 (NWSE) SWSE
S10 Lot 1 (NWNE) Lot 1 (NENW)

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07639

STEELHEAD BEND
MUTUAL WATER CO
HC 61 BOX 48C
SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: Lot 7 (SENE SW) Sec
3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.340 CFS)

Total diversion: (0.340 CFS)

Date Filed: 1/30/1996

In: LEMHI County

T18N R21E S03 Lot 7 (NESW)
Lot 10 (SESW) Lot 7 (NWSE) SWSE
S10 Lot 1 (NWNE) Lot 1 (NENW)

The permit (s) will be subject to
all prior water rights. Protests must be
filed with the applicant and the Direc-
tor, Dept. of Water Resources, along
with a \$25.00 filing fee, Eastern Re-
gion, 900 N Skyline, Idaho Falls,
Idaho 83402 on or before MARCH 4,
1996.

KARL J. DREHER, Director

Published: 2/15/1996 & 2/22/1996

2-15-2tc

AUG 2 2 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
75-07639 IN THE NAME OF)
STEELHEAD BEND MUTUAL WATER)
CO)
_____)

PRELIMINARY ORDER

This matter having come before the Department of Water Resources (Department) as a result of a response by the permit holder to an order issued by the Department, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 26, 1999, The Director of the Department (Director) issued a Moratorium Order (order) to stop further development 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.

2. On February 4, 2000, Steelhead Bend Mutual Water Co. (permit holders) filed a request for an indefinite stay in the development period for Permit No. 75-07639 (permit) in response to Condition 5.b of the order.

3. The permit holder provided information describing the extent of development and beneficial use that had occurred under the permit.

4. The permit holder provided information to show that the project had not been completed due to circumstances over which the permit holder had no control.

CONCLUSIONS OF LAW

1. Section 42-204(1), Idaho Code provides that the Department may allow for delays in the development of a permit which are due to certain matters beyond the control of the permit holder.

2. The permit holder has provided sufficient justification for the Director to authorize an indefinite stay in the development period for the permit.

3. The Director should authorize an indefinite stay in the development period with certain conditions.

ORDER

IT IS THEREFORE HEREBY ORDERED that an indefinite stay in the development period for the above captioned permit is **GRANTED** subject to the following conditions and limitations:

1. Additional work by the permit holder in developing a water right under terms of the permit is not authorized until the Department specifically authorizes resumption of work.
2. If resumption of work is authorized under this permit, the development period for this permit shall be extended by the number of days lost as a result of the indefinite stay hereby granted.
3. The permit holder is not authorized to assign ownership of the permit to another party without prior approval of the Department.
4. The Department may rescind or modify the indefinite stay hereby granted if the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium is modified or rescinded.

Dated this 14th day of February, 2000.

for 
KARL J. DREHER
Director

**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

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

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.

MICROFILMED

AUG 25 2000

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.

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:

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.

MODIFIED

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.

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.

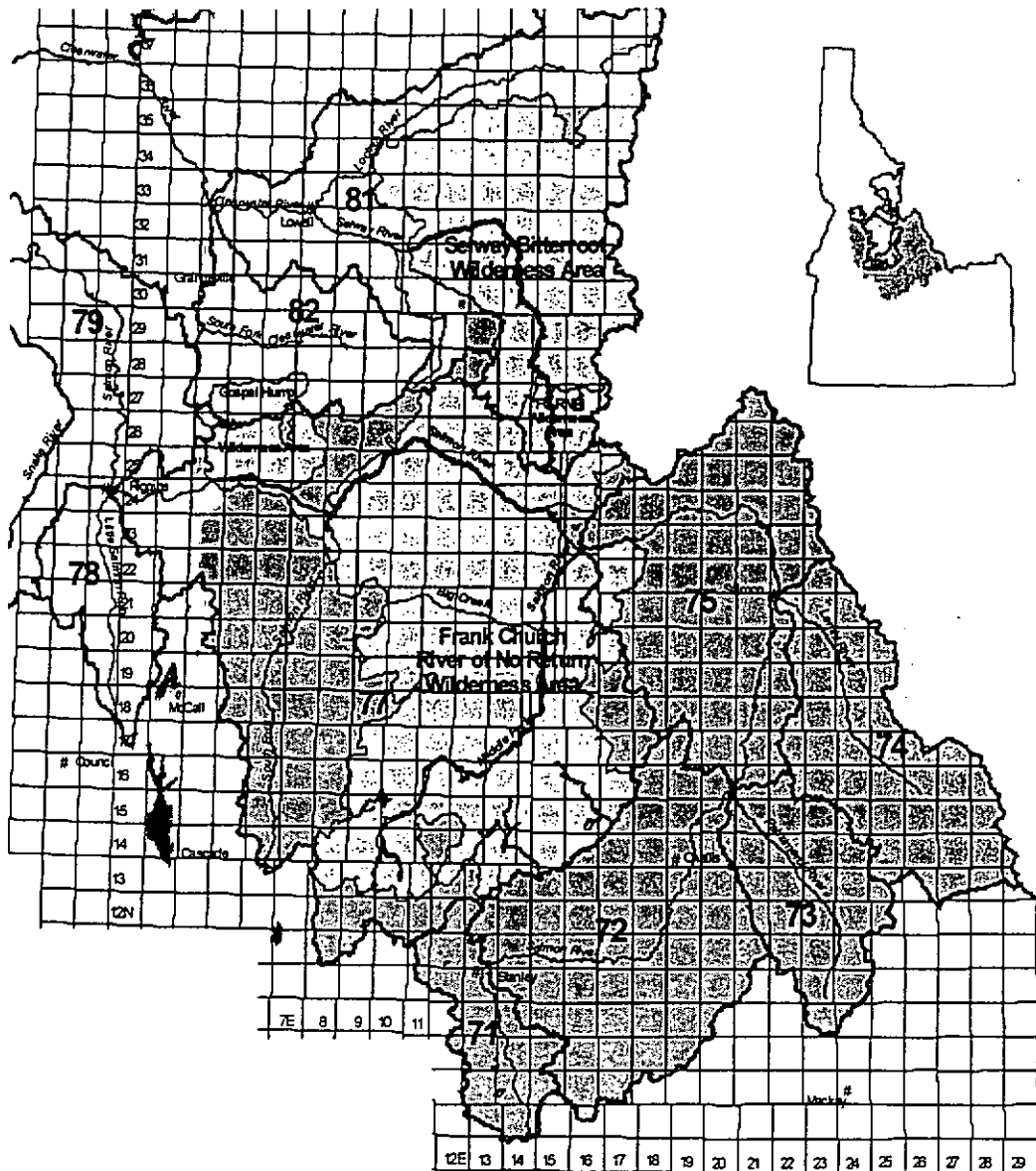


KARL J. DREHER
Director

Wilderness Moratorium Areas

October 26, 1999

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



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07639

Proposed Priority: January 30, 1996 Maximum Diversion Rate: 0.34 CFS

This is to certify, that STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

has applied for a permit to appropriate water from: GROUNDWATER

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

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

DOMESTIC	01/01 to 12/31	0.34 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NESW), Sec. 3, Township 18N, Range 21E
LEMHI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

18N 21E 3	Lot 7(NESW)	Lot 10(ESW)	Lot 7(NWSE)
	SWSE		
10	Lot 1(NWNE)	Lot 1(NENW)	

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2000.
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. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
7. Point of diversion is located within Lot 49, Blk. 1, Salmon River Estates Unit Two.
8. Place of use is located within Lots 1-48 & 50-107, Blk. 1, Lots 1-41, Blk. 2; Lots 1-21, Blk. 3; Lots 1-11, Blk. 4; Lot 1-53, Blk. 5; Lot 7-48, Blk. 6; Salmon River Estates Unit Two.
9. Domestic use is for lawn irrigation and other exterior uses for 274 homes.
10. The irrigation use occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

AUG 22 1996

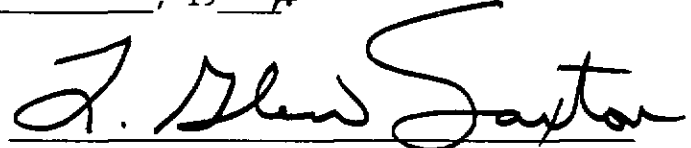
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07639

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

24th day of June, 1996



Karl J. Dreher, Director

for

AUG 22 1996

RECEIVED
MAY 20 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 75-7639

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Steelhead Bend Mutual Water Co. Phone (208) 894-2416
Post office address HC-61 Box 48C Salmon ID 83467

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 7
Sec. 3 Township 18N Range 21E B.M. Lemhi County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.34 cfs for Domestic purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.34 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump

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

c. Proposed well diameter is 8 inches; proposed depth of well is 80 feet.

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? NO; Drilling firm N/A

Well was drilled for (well owner) N/A

AUG 22 1996

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
5 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. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. 280 Homes 274 per subdivision plat. C-3. 4/5/91
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	21E	3									L-7 D			L-6 D		L-7 D	D		
18N	21E	10		L-1 D			L-1 D												

Total number of acres to be irrigated 2

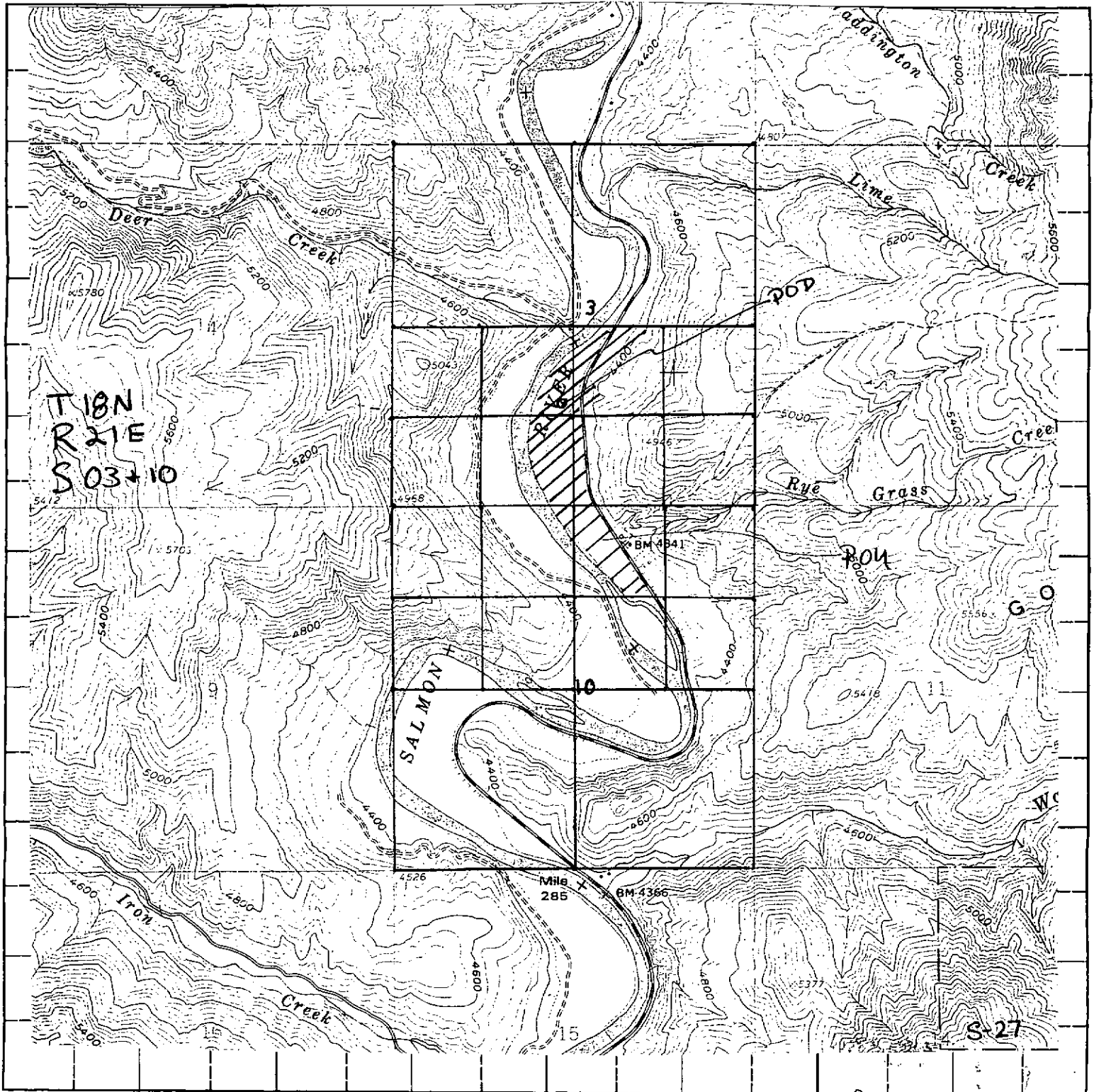
10. Describe any other water rights used for the same purposes as described above. License 75-07010

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. N/A

12. Remarks: _____

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



Scale: 2 inches equal 1 mile.

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

Roger L. Lanni
(Applicant)

Received by RBH Date 01-30-96 Time 10:10 AM Preliminary check by _____
Fee \$ 100.00 Receipted by HWT # E021876 Date 1-31-96
Publication prepared by RB Date 2-15-96 Published in Lacrosse Herald
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

AUG 22 1996

SALMON RIVER ESTATES

UNIT TWO

CERTIFICATE OF OWNERS

This is to certify that the undersigned are duly authorized representatives of the owner in the sale of the following described property: Lots 1 and 2 in the southwest quarter of Section 3, and a portion of Lot 1, Section 10, T18N, R21E, S4M, Lemhi County, Idaho; more specifically described as follows: (commencing at the southeast corner of said Section 3, a distance of 1389.55 feet on a bearing of S. 89° 52' 06" W. to the Real Point of BEGINNING; from this Real Point of BEGINNING, a distance of 779.86 feet on a bearing of S. 89° 52' 06" W. along the south boundary of said Section 3;

then S. 51° 40' 55" W. 822.41 feet;

then along the westerly R/W line of US 93, S. 89° 52' 06" E. 1487.76 feet;

then along the south line of said Lot 1, Section 10, S. 89° 52' 06" W. 310.00 feet;

then along the easterly bank of the Salmon River, the following courses and distances: N. 48° 37' 54" W. 306.54 feet; N. 46° 07' 54" W. 580.00 feet; N. 48° 37' 54" W. 935.77 feet along the edge of a curve to the right having a central angle of 15° 00' and a radius of 3101.53 feet; U. 37° 07' 54" W. 500.00 feet; N. 15° 01' 54" W. 630.00 feet along the chord of closure to the right having a central angle of 36° 00' and a radius of 1342.97 feet; U. 4° 32' 06" E. 763.00 feet; N. 15° 01' 54" E. 430.00 feet along the chord of a curve to the right having a central angle of 2° 00' and a radius of 1122.78 feet; U. 34° 52' 06" E. 390.00 feet along the edge of a curve to the right having a central angle of 16° 00' and a radius of 1401.14 feet; N. 42° 53' 06" E. 400.00 feet; N. 59° 54' 06" E. 240.00 feet; N. 49° 58' 06" E. 320.00 feet;

then U. 59° 52' 06" E. 500.00 feet along the centerline of said Section 3;

then along the R/W line of US 93 the following courses and distances: S. 80° 18' 06" W. 120.55 feet; N. 83° 52' 06" E. 241.96 feet; N. 30° 18' 06" E. 120.55 feet;

then U. 83° 52' 06" E. 553.96 feet along the centerline of said Section 3;

then S. 17° 28' 42" W. 2635.07 feet to the Real Point of BEGINNING.

EXCEPT that portion of the recorded right-of-way for US Highway 93 through said Sections 3 and 10.

The gross area contained in this plat is 103.365 acres. That if as the intention of the undersigned is, over they do hereby dedicate said land in this plat, then the undersigned does by these presents dedicate to the public for public use, forever all of said land as shown on this plat. The documents in relation to this plat are not dedicated to the public, but the rights to use said easements are hereby perpetually reserved to said utilities and no structures other than for such utility purposes are to be erected within the lines of said easements.

NEW PHILLIPS LANDS, INC.

LOTS 1 AND 2 AND THE SW 1/4 SECTION 3, A PORTION OF LOT 1, SECTION 10, ALL IN T18N, R. 21E, S. 4M, LEMHI COUNTY, IDAHO

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF LEMHI }
On this ____ day of _____, 1970, before me a Notary Public in and for said State, personally appeared _____ and _____ of the Corporation that created this instrument, of the persons who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation created the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this ____ day of _____ in this certificate the following written NOTARY PUBLIC for the STATE OF IDAHO RESIDING OF _____, IDAHO

CERTIFICATE OF ENGINEER

This is to certify that I, Paul E. Newton, a Registered Professional Engineer in the State of Idaho, make the survey of the land as described in the Certificate of Owners, and designated herein as Salmon River Estates Unit Two, and that this plat represents the true and correct representation of said survey as made and stated by me on said land.

COUNTY COMMISSIONER'S ACCEPTANCE

developers
penn phillips lands, inc.
ozuso, california
engineers
newton and schofer
twin falls, idaho

ATTEST CLERK CHAIRMAN

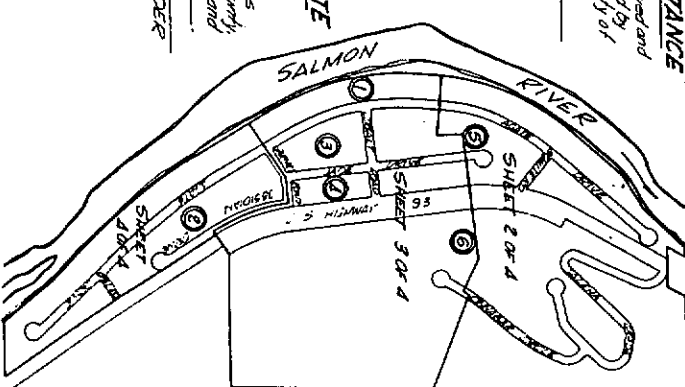
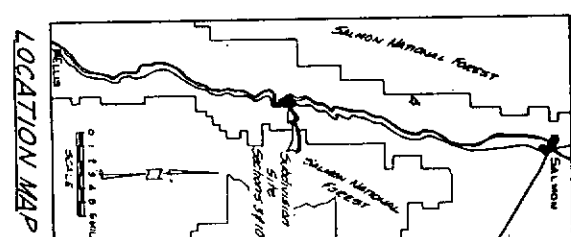
ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF LEMHI }
On this ____ day of _____, 1970, before me a Notary Public in and for said State, personally appeared Paul E. Newton, known unto me to be the person whose name is subscribed to the foregoing Certificate of Engineers, and acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and official seal this ____ day of _____ in this certificate first above written.

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF LEMHI }
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this ____ day of _____, 1970, of _____ N., and duly recorded in plat book ____ of page ____.

EXCEPTED RECORDER



CURVE DATA

Curve	A	Radius	Length
C-1	474.37'	95.97'	140.14'
C-2	710.00'	115.79'	435.65'
C-3	510.00'	115.79'	435.65'
C-4	510.00'	115.79'	435.65'
C-5	510.00'	115.79'	435.65'
C-6	510.00'	115.79'	435.65'
C-7	510.00'	115.79'	435.65'
C-8	510.00'	115.79'	435.65'
C-9	510.00'	115.79'	435.65'
C-10	510.00'	115.79'	435.65'
C-11	510.00'	115.79'	435.65'
C-12	510.00'	115.79'	435.65'
C-13	510.00'	115.79'	435.65'
C-14	510.00'	115.79'	435.65'
C-15	510.00'	115.79'	435.65'
C-16	510.00'	115.79'	435.65'
C-17	510.00'	115.79'	435.65'
C-18	510.00'	115.79'	435.65'
C-19	510.00'	115.79'	435.65'
C-20	510.00'	115.79'	435.65'
C-21	510.00'	115.79'	435.65'
C-22	510.00'	115.79'	435.65'
C-23	510.00'	115.79'	435.65'
C-24	510.00'	115.79'	435.65'
C-25	510.00'	115.79'	435.65'
C-26	510.00'	115.79'	435.65'
C-27	510.00'	115.79'	435.65'
C-28	510.00'	115.79'	435.65'
C-29	510.00'	115.79'	435.65'
C-30	510.00'	115.79'	435.65'
C-31	510.00'	115.79'	435.65'
C-32	510.00'	115.79'	435.65'
C-33	510.00'	115.79'	435.65'
C-34	510.00'	115.79'	435.65'
C-35	510.00'	115.79'	435.65'
C-36	510.00'	115.79'	435.65'
C-37	510.00'	115.79'	435.65'
C-38	510.00'	115.79'	435.65'
C-39	510.00'	115.79'	435.65'
C-40	510.00'	115.79'	435.65'
C-41	510.00'	115.79'	435.65'
C-42	510.00'	115.79'	435.65'
C-43	510.00'	115.79'	435.65'
C-44	510.00'	115.79'	435.65'
C-45	510.00'	115.79'	435.65'
C-46	510.00'	115.79'	435.65'
C-47	510.00'	115.79'	435.65'
C-48	510.00'	115.79'	435.65'
C-49	510.00'	115.79'	435.65'
C-50	510.00'	115.79'	435.65'
C-51	510.00'	115.79'	435.65'
C-52	510.00'	115.79'	435.65'
C-53	510.00'	115.79'	435.65'
C-54	510.00'	115.79'	435.65'
C-55	510.00'	115.79'	435.65'
C-56	510.00'	115.79'	435.65'
C-57	510.00'	115.79'	435.65'
C-58	510.00'	115.79'	435.65'
C-59	510.00'	115.79'	435.65'
C-60	510.00'	115.79'	435.65'
C-61	510.00'	115.79'	435.65'
C-62	510.00'	115.79'	435.65'
C-63	510.00'	115.79'	435.65'
C-64	510.00'	115.79'	435.65'
C-65	510.00'	115.79'	435.65'
C-66	510.00'	115.79'	435.65'
C-67	510.00'	115.79'	435.65'
C-68	510.00'	115.79'	435.65'
C-69	510.00'	115.79'	435.65'
C-70	510.00'	115.79'	435.65'
C-71	510.00'	115.79'	435.65'
C-72	510.00'	115.79'	435.65'
C-73	510.00'	115.79'	435.65'
C-74	510.00'	115.79'	435.65'
C-75	510.00'	115.79'	435.65'
C-76	510.00'	115.79'	435.65'
C-77	510.00'	115.79'	435.65'
C-78	510.00'	115.79'	435.65'
C-79	510.00'	115.79'	435.65'
C-80	510.00'	115.79'	435.65'
C-81	510.00'	115.79'	435.65'
C-82	510.00'	115.79'	435.65'
C-83	510.00'	115.79'	435.65'
C-84	510.00'	115.79'	435.65'
C-85	510.00'	115.79'	435.65'
C-86	510.00'	115.79'	435.65'
C-87	510.00'	115.79'	435.65'
C-88	510.00'	115.79'	435.65'
C-89	510.00'	115.79'	435.65'
C-90	510.00'	115.79'	435.65'
C-91	510.00'	115.79'	435.65'
C-92	510.00'	115.79'	435.65'
C-93	510.00'	115.79'	435.65'
C-94	510.00'	115.79'	435.65'
C-95	510.00'	115.79'	435.65'
C-96	510.00'	115.79'	435.65'
C-97	510.00'	115.79'	435.65'
C-98	510.00'	115.79'	435.65'
C-99	510.00'	115.79'	435.65'
C-100	510.00'	115.79'	435.65'

LEGEND

- 36" Steel Beam on Boundary and Back Corners
- 1/2" Steel Bar on Lot Corners
- Boundary Line
- Lot Line
- Match Line
- Utility Easement - 10' wide
- Lot Numbers
- Block Numbers

SCALE 1"=100'

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted, approved and maintained of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this _____ day of _____, 1910.

ATTEST: CLERK

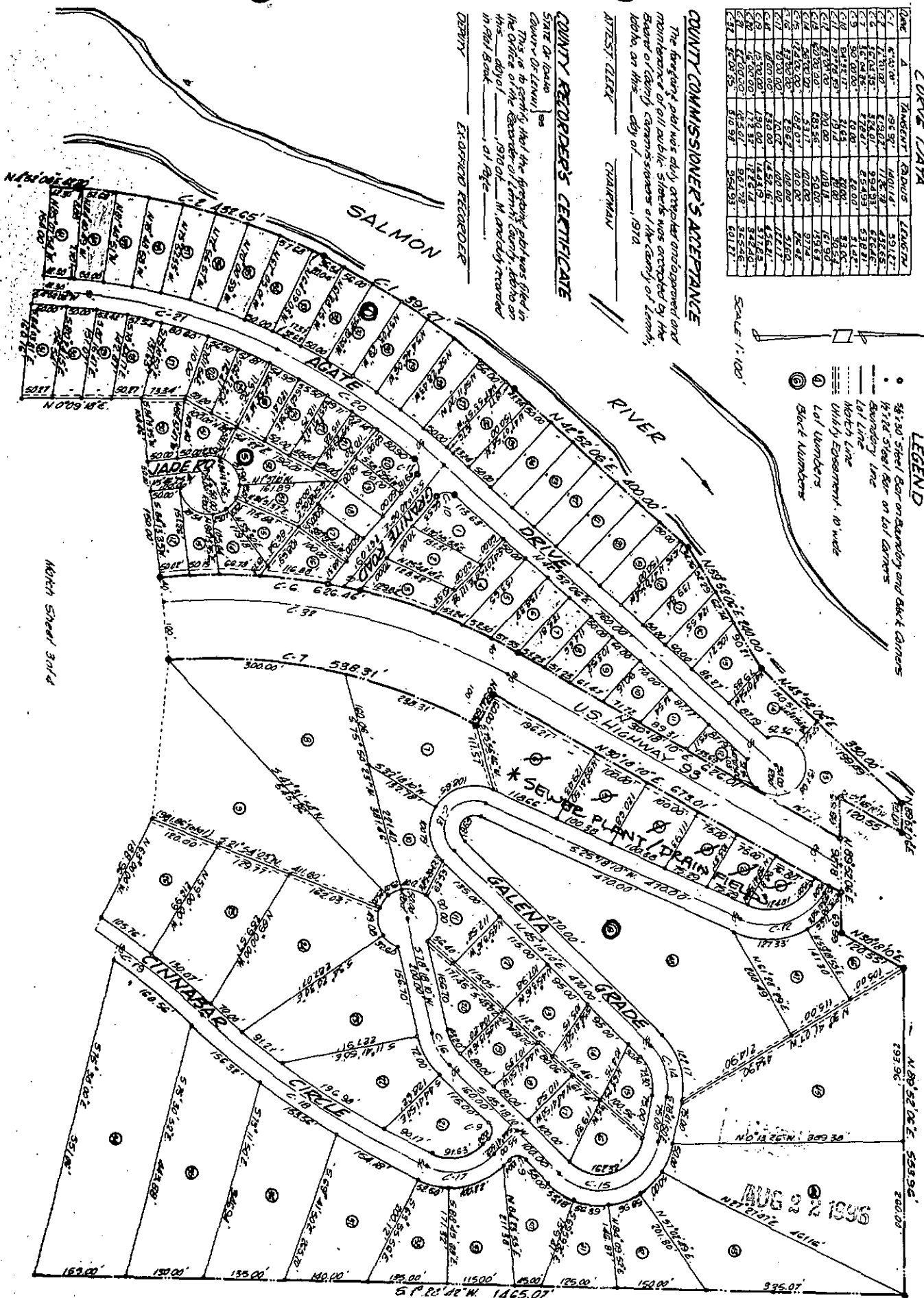
CHAIRMAN

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO
County of Lemhi
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this _____ day of _____, 1910 at _____ M. and duly recorded in Book _____ of Page _____.

DEPUTY

CLERKED RECORDER



* per Section of applicant 4/5/96 SALMON RIVER STREETS UNIT TWO

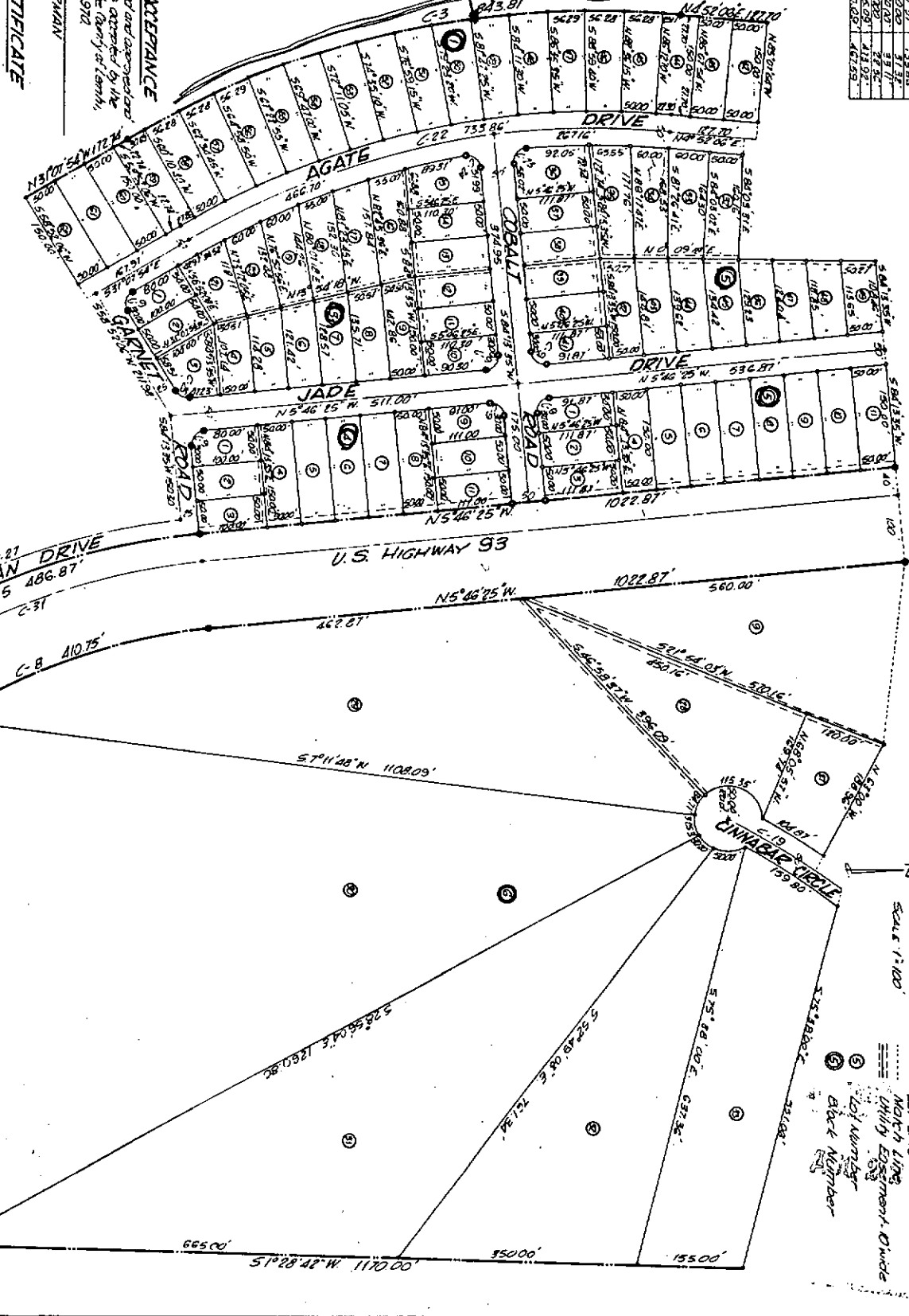
SHEET 2 OF 4

CURVE DATA

Curve	Δ	Radius	Length
C-1	50°00'	143.29'	143.29'
C-2	50°00'	143.29'	143.29'
C-3	50°00'	143.29'	143.29'
C-4	50°00'	143.29'	143.29'
C-5	50°00'	143.29'	143.29'
C-6	50°00'	143.29'	143.29'
C-7	50°00'	143.29'	143.29'
C-8	50°00'	143.29'	143.29'
C-9	50°00'	143.29'	143.29'
C-10	50°00'	143.29'	143.29'
C-11	50°00'	143.29'	143.29'
C-12	50°00'	143.29'	143.29'
C-13	50°00'	143.29'	143.29'
C-14	50°00'	143.29'	143.29'
C-15	50°00'	143.29'	143.29'
C-16	50°00'	143.29'	143.29'
C-17	50°00'	143.29'	143.29'
C-18	50°00'	143.29'	143.29'
C-19	50°00'	143.29'	143.29'
C-20	50°00'	143.29'	143.29'
C-21	50°00'	143.29'	143.29'
C-22	50°00'	143.29'	143.29'
C-23	50°00'	143.29'	143.29'
C-24	50°00'	143.29'	143.29'
C-25	50°00'	143.29'	143.29'
C-26	50°00'	143.29'	143.29'
C-27	50°00'	143.29'	143.29'
C-28	50°00'	143.29'	143.29'
C-29	50°00'	143.29'	143.29'
C-30	50°00'	143.29'	143.29'

SALMON RIVER

WELL



Watch Sheet 2 of 4

SCALE 1"=100'

- LEGEND**
- 30' Shaded on Boundary and Abutments
 - 1/4" Steel on 10' Centers
 - Boundary Line
 - Lot Line
 - North Line
 - Utility Easement Divide
 - Lot Number
 - Block Number

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly attended and approved and maintained all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this ____ day of _____, 1970.

ATTEST: CLERK CHAIRMAN

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO ss

County of Lemhi } ss
I, the undersigned, being the duly qualified and acting recorder of the County of Lemhi, Idaho, do hereby certify that the foregoing plat was filed in the office of the recorder of Lemhi County, Idaho, on this ____ day of _____, 1970, at ____ M. and duly recorded in Book ____ of said County.

DEPUTY COUNTY RECORDER

* per applicant Telecom 6/5/96

SALMON RIVER ESTATES UNIT TWO SHEET 30-A

REAL POINT OF BEGINNING
S 89° 58' 06" W 779.26'
S E. Corner Section 5, T10N, R21E, S.W.

North Street 3-1/2

15-inch Street 3-1/2

SCALE 1"=100'

RECORDED

AUG 22 1996

- LEGEND**
- 50' x 150' Subdivided into 10' x 150' Lots
 - 15' x 150' Subdivided into 10' x 150' Lots
 - Boundary Line
 - Lot Line
 - Match Line
 - Utility Easement - 10' wide
 - Block Number
 - Lot Number

CURVE DATA

CURVE	CHORD	BEARING	RADIUS	LENGTH	AREA
1	100.00	90.00°	100.00	157.08	15708.00
2	100.00	90.00°	100.00	157.08	15708.00
3	100.00	90.00°	100.00	157.08	15708.00
4	100.00	90.00°	100.00	157.08	15708.00
5	100.00	90.00°	100.00	157.08	15708.00
6	100.00	90.00°	100.00	157.08	15708.00
7	100.00	90.00°	100.00	157.08	15708.00
8	100.00	90.00°	100.00	157.08	15708.00
9	100.00	90.00°	100.00	157.08	15708.00
10	100.00	90.00°	100.00	157.08	15708.00

COUNTY COMMISSIONER'S ACCEPTANCE

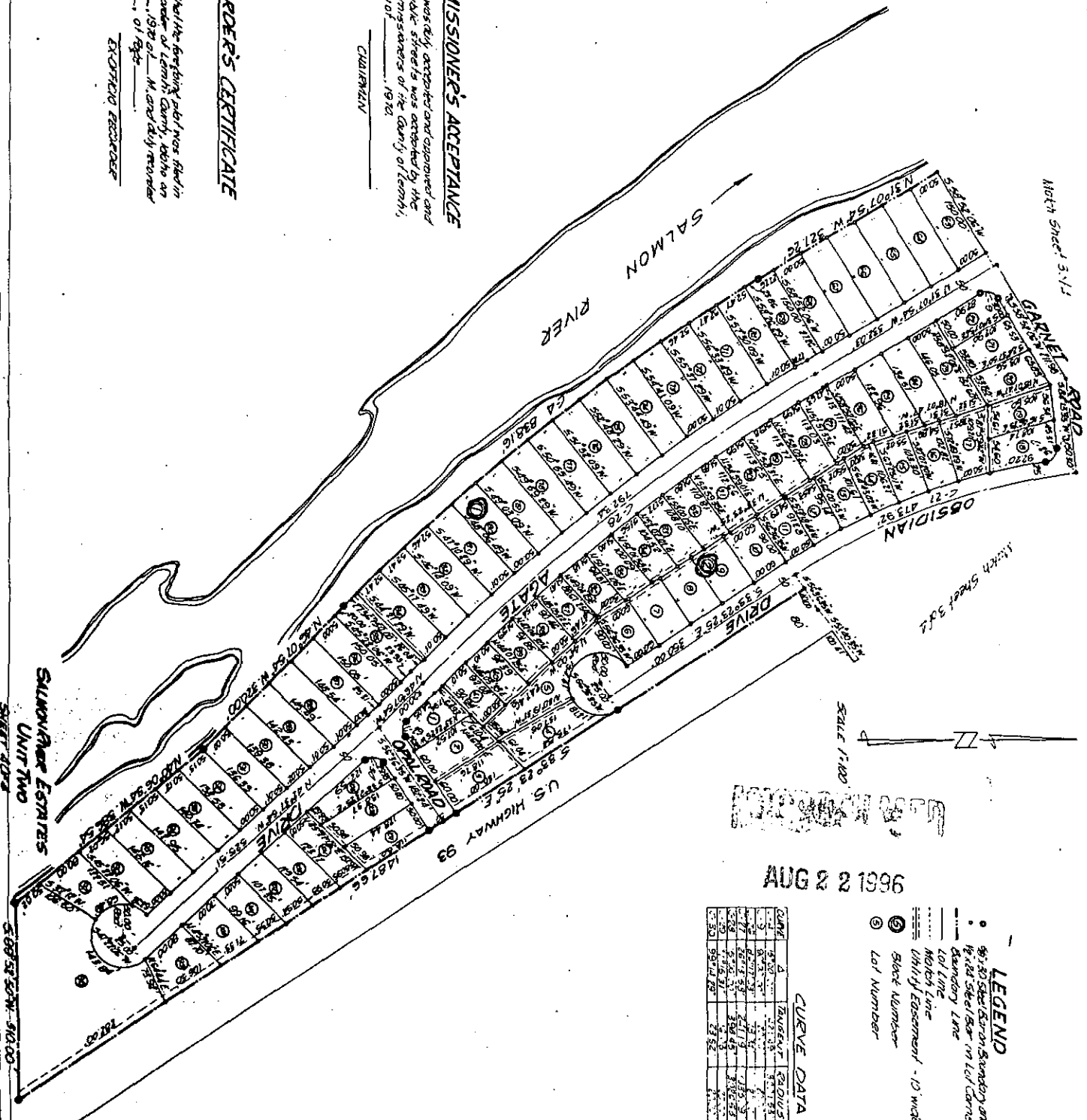
The foregoing plat was duly accepted and approved and maintenance of all public streets was accepted by the Board of County Commissioners of the County of Lemhi, Idaho, on this 08/01/1996.

ATTEST CLERK _____ CHAIRMAN _____

COUNTY RECORDER'S CERTIFICATE

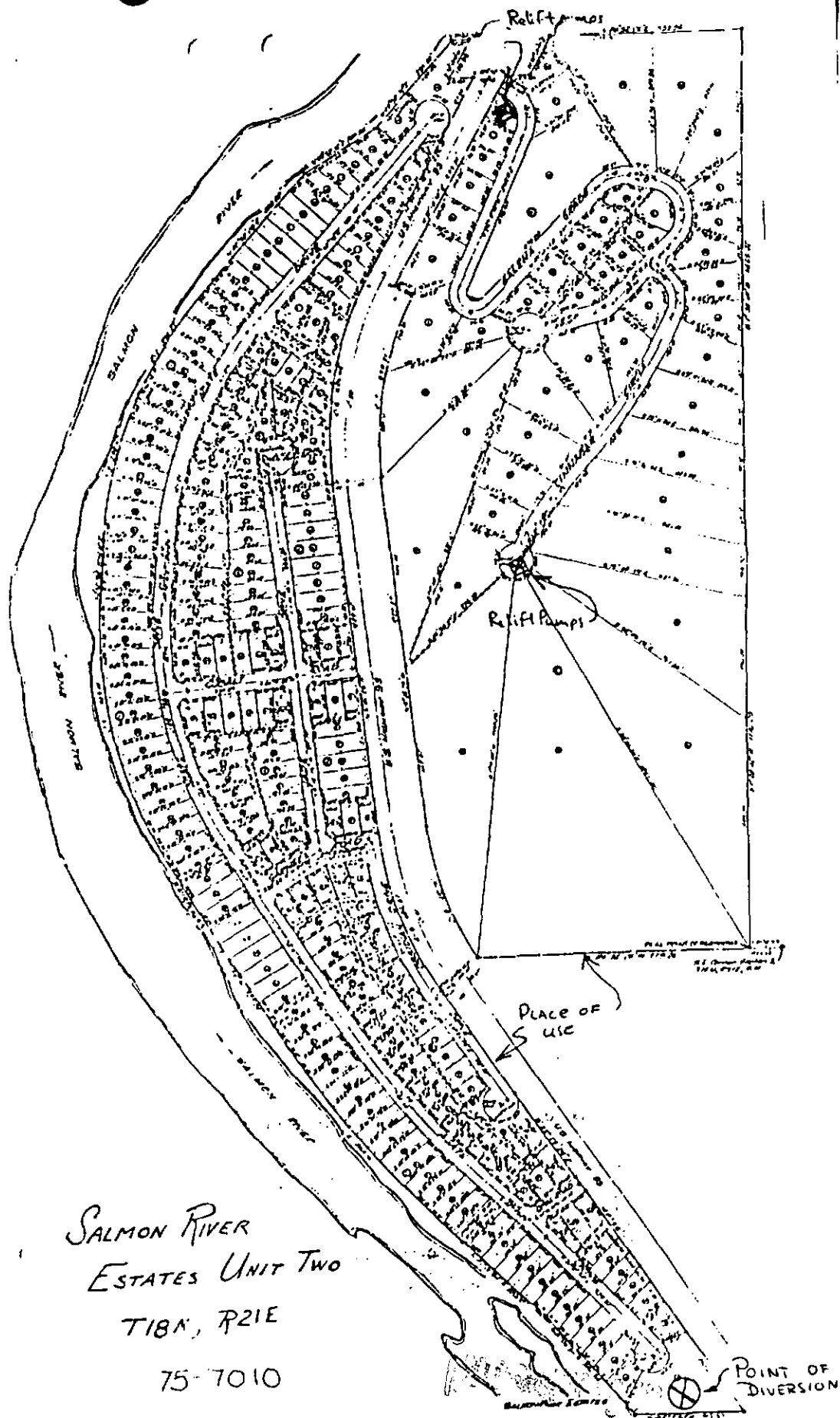
STATE OF IDAHO } ss.
COUNTY OF LEMHI }
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this 08/01/1996 of M. and duly recorded in Book _____ of Page _____.

DEPUTY _____ EX-OFFICIO RECORDER _____



SALMON RIVER ESTATES UNIT TWO

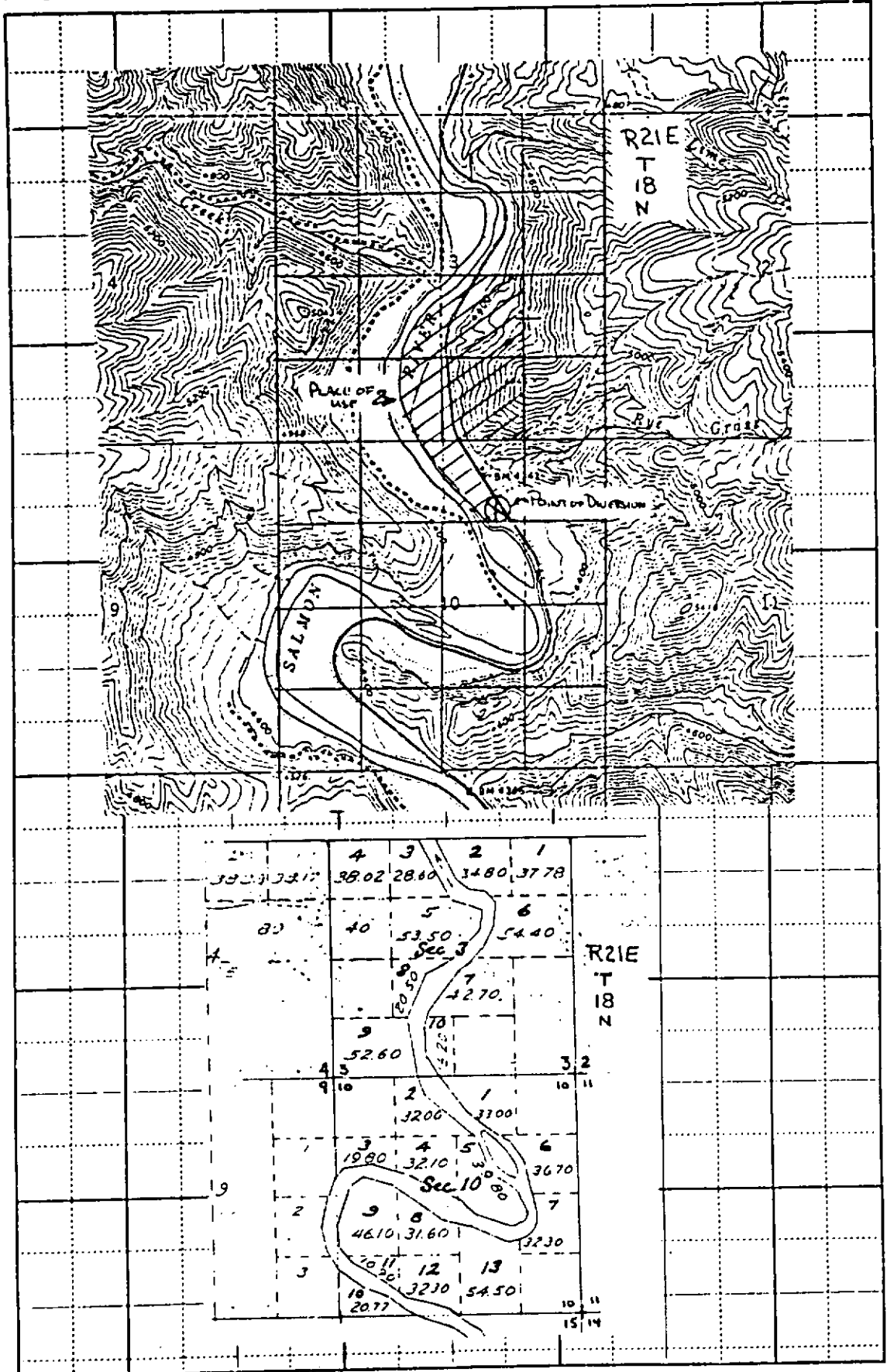
5685' E 50' N 510.00'



NAME OF APPLICANT Starched Beans Mutual Water Co.

15-7010

Form No. 0



SCALE:

Draw Plan in Ink.

75-7010

AUG 22 1996



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

March 27, 2002

ROGER LANNI
STEELHEAD BEND MUTUAL WATER CO
130 N AGATE DR
SALMON ID 83467

RE: Transfer of Water Right 75-7010

Dear Mr. Lanni:

As we discussed this morning, I am enclosing an application for transfer form so that you can apply to add a point of diversion (new well) to Water Right 75-7010. In our conversation, you indicated that your immediate need is not for more water than authorized under Right 75-7010, but rather for a backup source in case your existing well fails and for greater water pressure to homes at higher elevations in your subdivision. If you submit the transfer application and it is approved, you will still be limited to a total diversion rate of 0.34 cfs (150 gpm) and a total annual diversion volume of 168 acre-feet as authorized under Right 75-7010. But, if your system is designed properly, the second point of diversion should help with your needs for a backup source and for additional pressure in your system.

I have partially completed the transfer application form for you. Please look it over carefully, make any necessary corrections, and complete the parts of the application that I have left blank. When the application is complete, please submit it to IDWR's regional office in Idaho Falls along with the application fee of \$250.00.

As we also discussed, if you choose to pursue the transfer of Right 75-7010, development under Permit 75-7639 will not be needed at this time, and the stay in development will remain in effect until the moratorium is lifted or altered.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

Cc: Harold Jones, IDWR Eastern Region

S:\SKeen\Name\trs\Lanni 757010.doc

MICROFILMED

AUG 26 2002

STEELHEAD BEND
MUTUAL WATER CO.
130 N. AGATE DR.
SALMON, IDAHO 83467

March 20, 2002

RECEIVED

MAR 22 2002

Department of Water Resources

Re: Permit No. 75-7639

Mr. Norm Young,

Our Water company needs this well to supplement our water supply.

We have already installed the well and well house foundation when the permit was put on hold.

We would appreciate it if you could find some way to reinstate our permit no. 75-7639.

Sincerely

Roger L. Lanni
President

MICROFILMED

AUG 26 2002



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 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

RE: Preliminary Order for Permit 75-07639

Dear Permit Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: IDWR - Eastern Region

MICROFILMED

AUG 25 2000

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

RE: Preliminary order for Permit 75-07639

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 25 2000

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

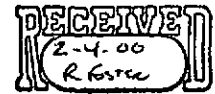
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

RECEIVED

FEB 11 2000



STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

REQUEST FOR STAY IN THE DEVELOPMENT PERIOD AND
QUESTIONNAIRE TO DETERMINE EXTENT OF DEVELOPMENT

The Idaho Department of Water Resources considers this form a request for stay in the development period of a permit in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Moratorium Area. In addition, this form is a statement of the permit holder(s) extent of development prior to the Moratorium Order issued October 26, 1999. This form must be completed in order to process a request for stay.

1. Permit No. 75-07639 Telephone No. (208) 894-2416
2. Name(s) of Permit Holder(s): Steelhead Bend Mutual Bend Water Co
3. Have you begun construction of the diversion works authorized under this permit?

No

Yes X if yes, describe the extent of completion of the diversion works:

well is drilled and cased

4. Have you diverted and beneficially used any water under this permit?

No X

Yes if yes, please describe the uses:

Domestic (no. of households): Stockwater (no. and type of stock):

Irrigation (no. of acres): Other:

5. Describe what remains to be done in order to complete the development authorized under this permit:

*pump & piping need to be installed
expansion tank needs to be installed*

6. I Request an Indefinite Stay in the Development Period of the Above Numbered Permit ☒ (check here)

The information given on this form is my true statement of the extent to which the above numbered permit has been developed prior to October 26, 1999. I understand that any willful misrepresentations may result in voiding of the permit.

Signature of Permit Holder

Roger L. Lanning
(include your title, if on behalf of company or organization)
President

MICROFILMED

AUG 25 2000

2-4-00



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

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

Re: Water Right Permit No. 75-07639

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, or 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

AUG 25 2000

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Peppersack".

Jeff Peppersack, Manager
Water Right Permits Section

Enclosures

MICROFILMED

AUG 25 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

75-07639

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

MICROFILMED

4a. Article Number

4b. Service Type

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

7. Date of Delivery

CP 10-29-95

5. Received By: (Print Name)

Carolyn Lanni

6. Signature: (Addressee or Agent)

X

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

Thank you for using Return Receipt Service.



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

AUG 25 2000

Moratorium Letter

October 26, 1999

Page 2 of 2

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

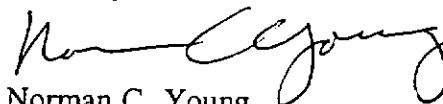
Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county 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

AUG 25 2000

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

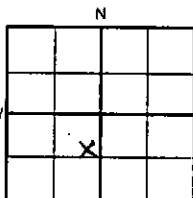
Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____
☐ Air ☐ Flowing Artesian

1. DRILLING PERMIT NO. 75-96-E-0050-000
Other IDWR No. 75-07639

2. OWNER:
Name Steelhead Bend Water Co
Address HC 61 Box 48C
City Salmon State ID Zip 83467

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 18 North ☒ or South ☐
Rge. 21 East ☒ or West ☐
Sec. 3 SE 1/4 NE 1/4 SW 1/4
Gov't Lot _____ County _____
Lat: _____ Long: _____

Address of Well Site Elk Bend Hwy

City Salmon

Lt. 40 Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Multiple

5. TYPE OF WORK check all that apply (Replacement etc.)

☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
<u>BEUTENIT</u>	<u>0</u>	<u>2</u>	<u>500</u>		<u>TEMP CASING</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 62
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>8</u>	<u>1</u>	<u>62</u>	<u>350</u>	<u>STEEL</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method None
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

6 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: Sammy well seal

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>180</u>		<u>62</u>	<u>2 HRS</u>

Water Temp. 520 Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered 18

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>12</u>	<u>0</u>	<u>6</u>	<u>TOP SOIL</u>		☒
<u>6</u>	<u>20</u>	<u>48</u>	<u>SHOULDERS GRAVEL</u>		☒
<u>8</u>	<u>20</u>	<u>48</u>	<u>BOULDERS BIG HARD</u>	☒	
<u>48</u>	<u>62</u>	<u>62</u>	<u>BOULDERS GRAVEL SAND</u>	☒	

RECEIVED

DEC 06 1996

Department of Water Resources

RECEIVED

NOV 26 1996

Department of Water Resources

MAN 26 1997

Completed Depth 62 (Measurable)
Date: Started 11/7/96 Completed 11/8/96

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Harber Drilling Firm No. 6430

Firm Official Alay Fisher Date 11/11/96

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 24, 1996

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07639

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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

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

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

AUG 22 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 75-7639 Name: Steelhead Bend Mutual Water Co. Date: 6/7/96 ^{\$6/19/96} Ad OK? ✓
Correct Fee? ✓ Receipt #: E021876 Priority: 1/30/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? ^{Source} exempt - No/Yes S/C Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District (~~dem~~) - 005 (req) WD # <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

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 - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① PD/LT 49, B1 ② PW/L1-48, 50-107, B1; L1-41, B2; L1-21, B3;
L1-11, B4; L1-53, B5; L1-48, B6. ③ w01/273-extension uses.
- 7-1-2000 ④ w05

BENEFICIAL USE DUE:

COMMENTS:

MEMORANDUM

DATE: June 5, 1996
TO: File No. 75-07639, Adjudication claim A75-07010
FROM: Cindy Zimmerman *CZ*.
SUBJECT: Telephone Conversation

=====

Per telecon today with Roger Lanni, President of Steelhead Bend Mutual Water Company, there is a total of 280 subdivision lots within Salmon River Estates Unit Two. However, the subdivision's sewer plant and drain fields are located within Lots 1-6, Blk. 6. Due to public health concerns, those lots will not be sold or used for housing. The total number of residential lots is 274.

7/24/96
AUG 22 1996

RECEIVED

JUN 05 1996

0-4-96

Department of Water Resources

Cindy ZIMMERMAN,

as you requested a list
of officers of Corp.

1. ROGER L. LANNI PRES.
HC 61 Box 48C SALMON Id.
83467

2. VERL E. NEWSTROM V.P.
HC 61 Box 48 B
SALMON, Id. 83467

3. CAROLYN G TRACK DIRECTOR
Secy.
HC 61 Box 48C
SALMON, Id. 83467

AUG 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

June 4, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

RE: Application for Permit No. 75-07639

Dear Sirs:

In my letter of May 20, 1996, I requested additional information pertaining to this application; specifically, I requested that you submit to the department a copy of the subdivision plat showing the location of the homes identified on this application and a listing of officers and/or partners of Steelhead Bend Mutual Water Company.

I have not received this requested information. I need the subdivision plat to clarify water diverted. The listing of officers and/or partners is a requirement of IDAPA Water Appropriation Rule 37.03.08.040.05.

The purpose of this letter is to again request that you provide a subdivision plat identifying the location of the point(s) of diversion, the location of housing and/or commercial lots, and any common or non-domestic areas, as well as the size of each lot.

I will hold processing on your application for 30 days. If I do not receive the requested additional information within the 30-day period, I will start proceedings to void this application.

If you have any questions in regard to this matter, you may contact me directly at 208/327-7944.

Respectfully,

Cindy Zimmerman
Water Resource Agent

AUG 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

May 20, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

RE: Application for Permit No. 75-07639

Dear Sirs:

The above referenced application has been sent to the State Office for final review and processing; however, before the application process can continue, I will need some additional information.

Due to the requirement of Water Allocation Rule 035.03.b.i., I need a list of the names, titles, and addresses of all the officers and/or partners of Steelhead Bend Mutual Water Company.

Also, the application lists a domestic use for 280 homes. I see that a subdivision plat was attached to the application. However, the scale of the map is so small I cannot identify the location or size of the lots. I need a readable subdivision plat to clarify where water will be diverted. Please provide a clear subdivision plat identifying the location of the point of diversion, the location of any common or non-domestic areas, as well as the size of each lot.

I will hold further processing on your application for 14 days pending your response. Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

MAY 22 1996

* Send Multiple
Evansitic cover letter

RECEIVED

MAY 20 1996

Form No. 202a

4/87 Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Dist. for staffing 1-31-96
Submitted for advertising 1-31-96

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 1-31-96
Steelhead Bend Mutual Water Co.
REQUIRED INFORMATION

APPLICATION NO. 75-7639

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

ADDITIONAL INFORMATION

☒ Overlapping place of use (Describe source & relationship to present application on the back.)

☐ Overlapping point of diversion Diff 20 than 75-07010

☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)

☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

<u>SEND COPIES TO</u>	<u>✓</u> Idaho Dept. of Health & Welfare	<u> </u> U.S. BLM
	<u> </u> Idaho Dept. of Fish & Game	<u> </u> U.S. Forest Service
	<u> </u> Idaho Dept. of Lands	<u> </u> Water District
	<u> </u> Adjudication Bureau Unit	<u> </u> Other

☒ Yes ☐ No Affidavit of publication received — Not Received Yet But 5-9-96
☒ Yes ☐ No Application published correctly. If not, record action taken.
 CSs decimal point wrong, but not a problem Shuf

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
 Final date for protest 3-4-96
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations, attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 1-30-1996

By [Signature] Date 5-9-96

See below for additional information

By _____ Date _____

* License 75-0700 overlaps

Project impacts/implications report

[illegible]

AUG 22 1996

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07639

STEELHEAD BEND
MUTUAL WATER CO
HC 61 BOX 48C

SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: Lot 7 (SESW) Sec
3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.0340 CFS)

Total diversion: (0.0340 CFS)

Date Filed: 1/30/1996 034cfs

In: LEMHI County

T18N R21E S03 Lot 7 (NESW)
Lot 10 (SESW) Lot 7 (NWSE) SWSE
S10 Lot 1 (NWNE) Lot 1 (NENW)

The permit (s) will be subject to
all prior water rights. Protests must be
filed with the applicant and the Direc-
tor, Dept. of Water Resources, along
with a \$25.00 filing fee, Eastern Re-
gion, 900 N Skyline, Idaho Falls,
Idaho 83402 on or before MARCH 4,
1996.

KARL J. DREHER, Director

Published: 2/15/1996 & 2/22/1996

2-15-2tc

Affidavit of Publication

STATE OF IDAHO

ss.

County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the DEPT OF WATER 75-07639, a true printed copy of
which is attached to the margin hereof, has been and was correctly printed and published in the
regular and entire issue of every number of said newspaper and not in any supplement thereof or
thereto for TWO(1) consecutive issues, commencing with the issue dated 2-15-1996 and ending
with the issue dated 2-22-1996.

STATE OF IDAHO

ss.

County of Lemhi

On this 22 day of FEBRUARY in this year of 1996 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he executed the same.

Sheila K Hodges

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$34.56

Account No. 630

RECEIVED

MAY 15 1996

Department of Water Resources
Eastern Region

75-07639

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: LOT 7 (SENESE) Sec 3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.340 CFS)
Total Diversion: (0.340 CFS)

Date Filed: 1/30/1996

In: LEMHI County
T18N R21E S03 Lot 7 (NESE) Lot 10 (SESE) Lot 7 (NWSE) SWSE
S10 Lot 1 (NWNE) Lot 1 (NENW)

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07639

STEELHEAD BEND
MUTUAL WATER CO
HC 61 BOX 48C
SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: Lot 7 (SENESE) Sec
3 T 18N R 21E in LEMHI County.

Use: DOMESTIC (0.340 CFS)

Total diversion: (0.340 CFS)

Date Filed: 1/30/1996

In: LEMHI County

T18N R21E S03 Lot 7 (NESE)
Lot 10 (SESE) Lot 7 (NWSE) SWSE
S10 Lot 1 (NWNE) Lot 1 (NENW)

The permit (s) will be subject to
all prior water rights. Protests must be
filed with the applicant and the Direc-
tor, Dept. of Water Resources, along
with a \$25.00 filing fee, Eastern Re-
gion, 900 N Skyline, Idaho Falls,
Idaho 83402 on or before MARCH 4,
1996.

KARL J. DREHER, Director

Published: 2/15/1996 & 2/22/1996

2-15-2tc

The permit(s) will be subject to all prior wa[redacted] rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region; 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 4, 1996.

KARL J. DREHER, Director

Published: 2/15/1996 & 2/22/1996

RECEIVED

AUG 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

February 2, 1996

PHILIP E. BATT
GOVERNOR

STEELHEAD BEND MUTUAL WATER CO
HC 61 BOX 48C
SALMON ID 83467

KARL J. DREHER
DIRECTOR

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application No. 75-07639. This office is currently in the process of advertising the applications in the Recorder Herald on February 15 & 22, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is approved, you will be required to get a drilling permit before you construct your well. Be advised that the intent of this department is to issue a drilling permit that protects the resource against waste and contamination. There are other agencies that may have requirements related to well size, location, and volume production. We suggest that you check with the State Division of Environmental Quality, the District Health Department, and your local County Planning and Zoning groups for additional regulations.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

AUG 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 1996

GREG EAGER
DEQ-IDHW
900 N SKYLINE DR
IDAHO FALLS ID 83402

RE: Application No. 75-07639

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is March 4, 1996, and we are required to take final action shortly thereafter.

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

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

APR 2 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 2, 1996

RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Gentlemen:

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 MARCH 4, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.

2 1996