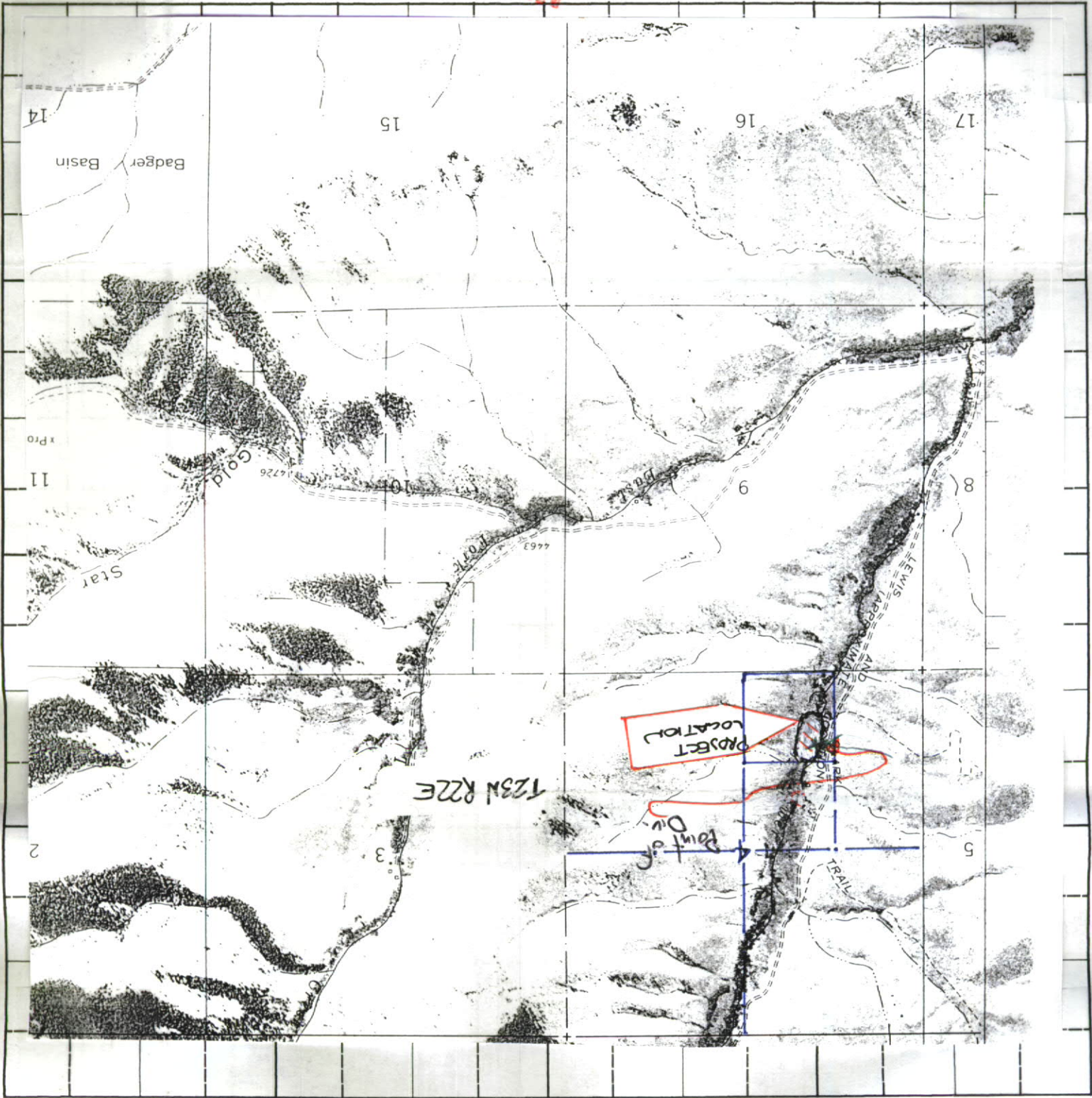


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MINNESOTA
MAY 31 1995

(Applicant)

[Signature]



Project Inspection Photographs



File Number: Bill BERT

Taken By: Bob Foster, Tower Ck.

Notes

Pond -
looking
~~down~~
TOWARDS
TOWER
CREEK



Notes

Pond -
looking
UP-STREAM



MAINTENANCE
MAY 31 1995

NOTICE OF APPLICATION
FOR WATER RIGHT

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

74-07347

MINER, RICHARD E

MINER, SHERYLE

PO BOX 59

CARMEN, ID 83462

Source: SPRING Tributary:

SINKS

Diversion Pt: NENESE Sec 24 T
20N R 23E in LEMHI County.

Use: STOCKWATER (.020 CFS)

DOMESTIC (.040 CFS)

Total Diversion: (.404 CFS)

Date Filed: 12/12/1994

In: LEMHI County

T20N R23E S24 NESE

75-07619

BERNT, BILL

PO BOX 425

SALMON, ID 83467

Source: TOWER CREEK,

NORTH FORK

Tributary: SALMON

Diversion PT: SESW Sec 4 T23N
R 22E in LEMHI County.

Use: STOCKWATER (.020 CFS)

RECREATION (.70 AF)

RECREATION STORAGE (.160
CFS)

Total Diversion: (.180 CFS)

Date Filed: 12/19/1994

In: LEMHI County

T23N R22E S04 SESW

The permit(s) will be subject to
all prior water rights. Protest must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before
JANUARY 23, 1995.

R. KEITH HIGGINSON,

Director

Published: 1/5/1995 & 1/12/1995

1-5-2tc

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 (printers) of The Recorder Herald, a newspaper
published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.
That the NOTICE OF APPLICATION FOR WATER RIGHT
74-07347, 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 newspa-
per and not in any supplement thereof or thereto for TWO (2)
consecutive issues, commencing with the issue dated 1/5, 19 95
and ending with the issue dated 1/12, 19 95

STATE OF IDAHO }
County of Lemhi } ss.

On this 12 day of JANUARY in this year of 19 95
before me, A Notary Public, personally appeared RICKY G. HODGES,
known or identified to me to be the person whose name subscribed to the within in-
strument, and being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

NOTARY PUBLIC

MAY 31 1995

Residing At Salmon, Idaho

Sheila K Hodges
Notary Public for Idaho

My Commission expires: 9-21-95

Publication Fee \$ 55.08

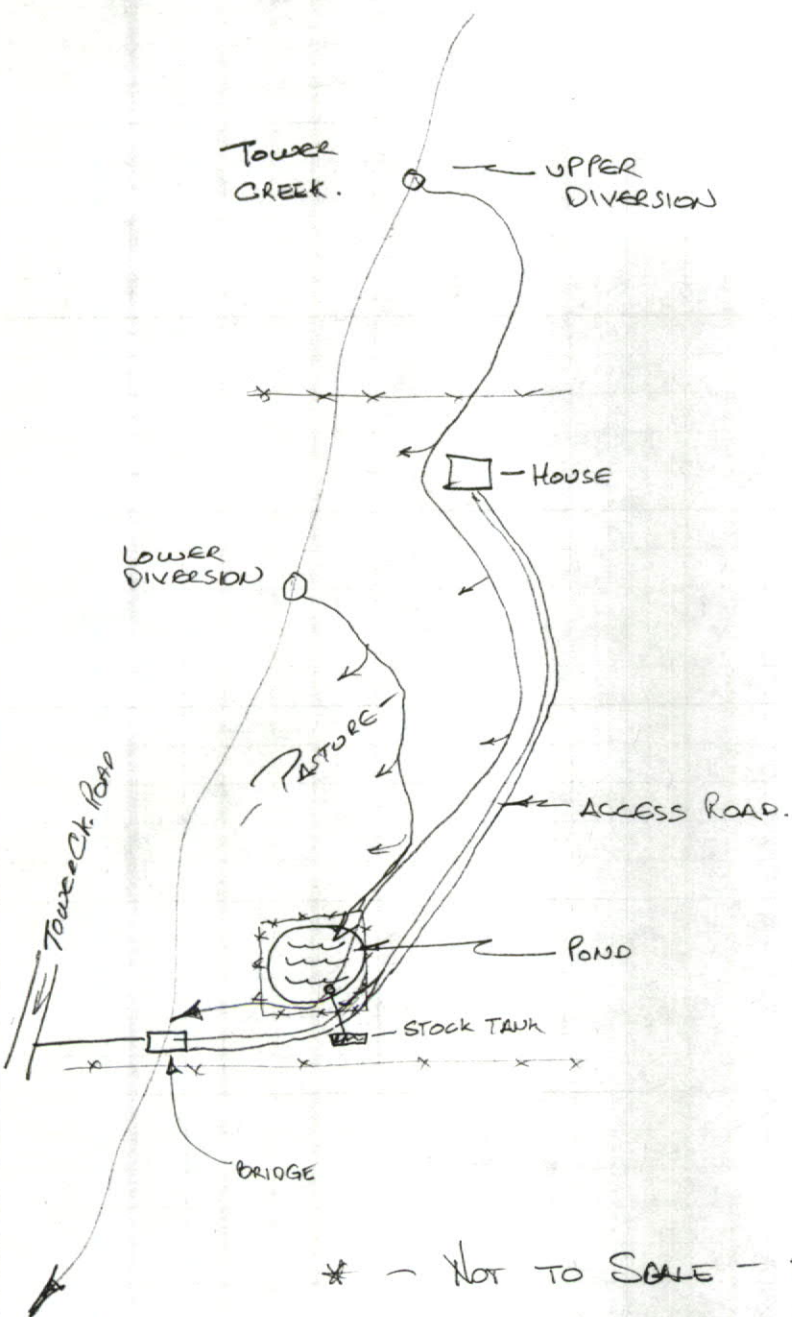
Account No. 630







NORTH ↑



50 SHEETS EYE-EASE 1 SQUARE
42-381 100 SHEETS EYE-EASE 1 SQUARE
42-382 200 SHEETS EYE-EASE 1 SQUARE
42-383 100 RECYCLED WHITE 5 SQUARE
42-384 200 RECYCLED WHITE 5 SQUARE
Made in U.S.A.



RECORDED
MAY 31 1995



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

APR 22 1996

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

1. Permit No. 75-07619 Telephone No. 208-256-4167

2. Name(s) of Permit Holder(s): Bill Berni

3. Mailing Address: P.O. 425 - Salmon Id 83467

4. Source of Water: Tower Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock): 3 Horses

Irrigation (No. of acres): Other: recreation storage

6. Total rate of diversion and/or volume for which proof is submitted: 0.18 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ✓

Has the measuring device been installed? Yes or No

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

Has the measurement port been installed? Yes or No

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

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

Name: Bill Berni Telephone Number: 756-4167

Address: P.O. 425 Salmon Id 83467

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

APR 30 1996

Signature of permit holder: Bill Berni Date: 18 April 1996

(include your title, if on behalf of company of organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 75-07619

Proposed Priority: December 19, 1994 Maximum Diversion Rate: 0.18 CFS

This is to certify, that **BILL BERNT**
PO BOX 425

SALMON ID 83467-0425

has applied for a permit to appropriate water from:
TOWER CREEK, NORTH FORK tributary of **SALMON RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/15 to 10/31	0.02 CFS	
RECREATION	10/01 to 05/31	0.16 CFS	
RECREATION STORAGE	01/01 to 12/31		0.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.16 CFS	
	Totals	0.18 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 4, Township 23N, Range 22E
LEMHI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

23N 22E 4 SESW

PLACE OF USE: RECREATION, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1996**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Recreation use is for a non-commercial fish pond.
5. Stockwater use is for 3 horses.
6. Construction of diversion works pursuant to this right shall provide for adequate fish screening and deflection, minimal streambank disturbance, and adequate water quality in any bypass reach.

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

15th day of May, 1995

MAY 31 1995

[Signature]
for R. Keith Higginson, Director

RECEIVED
APR 20 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 75-7619

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant Bill Bernt Phone (208) 756-4167
Post office address Box 425 Salmon, ID 83467
2. Source of water supply Tower Creek, N. Fork which is a tributary of Salmon River
3. Location of point of diversion is SE NE SW 1/4 of Govt. Lot
Sec. 4 Township 23N Range 22E B.M. Lambi County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.7</u> ^a fa for <u>Recreation</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) <u>11-14</u> |
| (cfs or acre-feet per annum) |
| Amount <u>0.02</u> for <u>Stockwater</u> purposes from <u>5-15</u> to <u>12-31</u> (both dates inclusive) <u>11-14</u> |
| (cfs or acre-feet per annum) |
| Amount <u>0.16</u> ^c fr for <u>Du. to Recreation</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) <u>11-14</u> |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) <u>95</u> |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.18 ^{cfs} and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Existing irrigation diversion
ditch to pond + stock trough + overflow ditch back to
Tower Creek.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
one years (minimum 1 year).

MAY 31 1995

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Recreation fish pond

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23N	22E	4												R/S					

Total number of acres to be irrigated _____

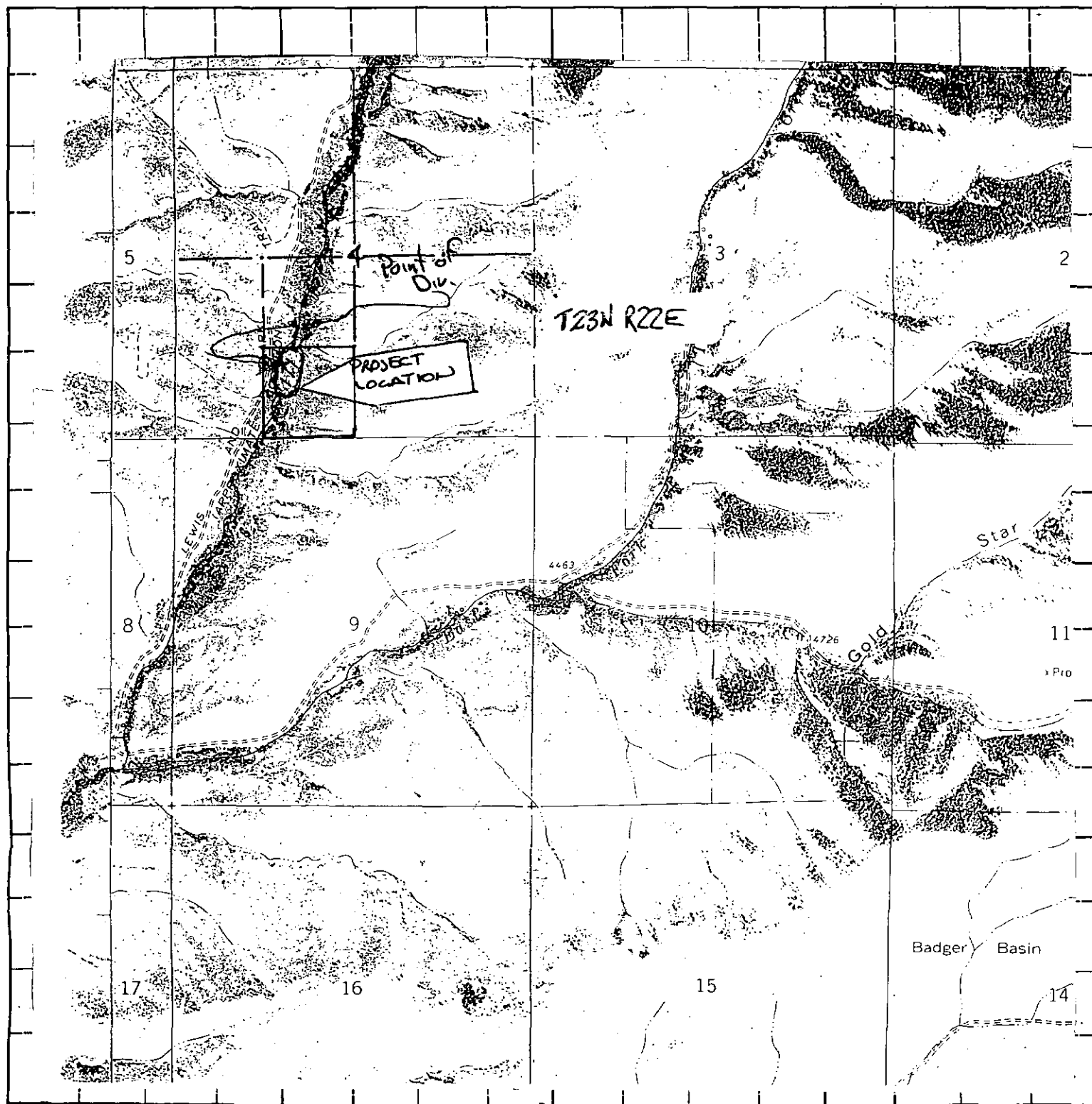
10. Describe any other water rights used for the same purposes as described above. _____

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

12. Remarks: Same AD as for A75-10007

MAY 31 1935

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.

MAY 31 1995

Phil Ben
(Applicant)

Received by WM Date 12/13/94 Time 11:05 CK#8617 \$50.00 Preliminary check by _____
Fee \$ 50⁰⁰ Receipted by AUT # E020578 Date 12-19-94
Publication prepared by LB Date 1-5-95 Published in Recorder-Herald
Publication approved _____ Date _____
Protest withdrawn 4-14-95

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:

MAY 31 1995



Project Inspection Photographs



File Number: _____

Bill Berna

Taken By: _____

Ben Frazier, Tower Creek

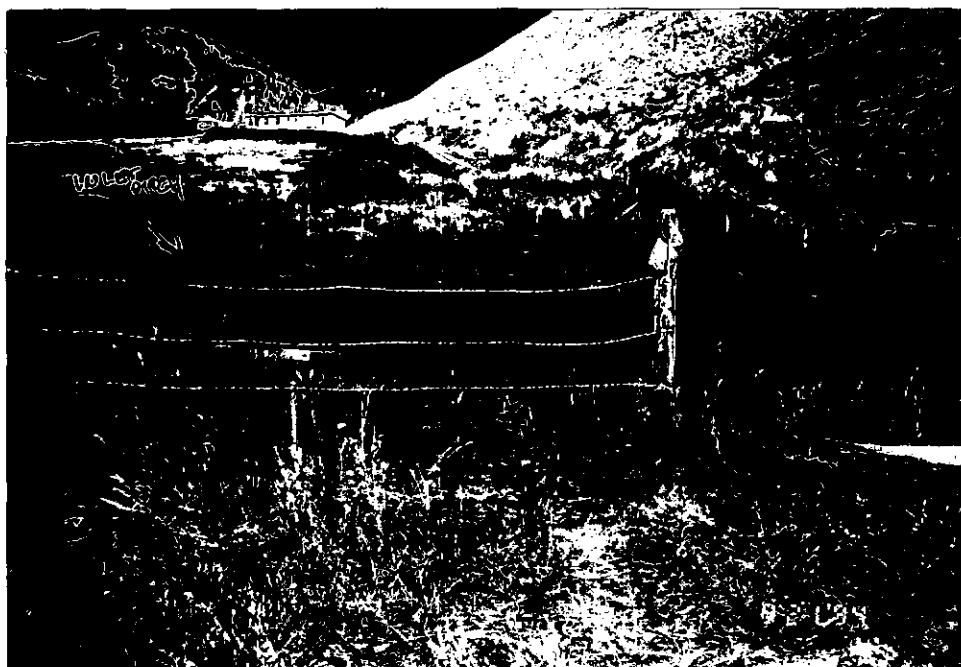
Notes

Pond-
looking
~~pond~~
Toward's
Tower
Creek



Notes

Pond-
looking
UP-STREAM



MAY 31 1995

Water Right Number - A75-10007

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BERNT

BILL

1 - P.O. BOX 425

2 -

3 -

City- SALMON

State- ID Zip- 83467

Phone - 208-756-4167

BERNT

PEGGY

1 - P.O. BOX 425

2 -

3 -

City- SALMON

State- ID Zip- 83467

Phone - 208-756-4167

+ - Priority Date - - - +
03/01/1908+ - - Region - - - +
15 EASTERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
TOWER CREEK, NORTH FORK+ - - Tributary - - - - - +
SALMON RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

23N 22E 4 SW NE SW (59) LEMHI

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.330+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.330 20.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
23N 22E 4 SE NW 8.0 01 IRRIGATION (59) LEMHI

Total Acres: 8.0

+ - - Diversion Means - ROCK DIVERSION TO DITCHES FOR IRRIGATION.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THIS RIGHT REPRESENTS 1/3 OF 75-4085.RECEIVED
MAY 31 1995

Water right number - A75-10007

Prefix Translation: ADJUDICATION CLAIM

```
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers Found
+ - - - - Conditions of Approval - - - - - +
      No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
                                          00/00/0000
+ - - - - Comments - - - - - +
      No Comments Found
+ - - - - Audit Fields - - +
              00/00/00
+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
      Court Report Filing - 00/00/0000   Field Inspection Made - 00/00/0000   Civil Case Number - 39576
      Objection Filed Date - 00/00/0000   Field Inspection Flag -
      Response Filed Date - 00/00/0000   Verified Date - 00/00/0000   Old Case Number -
      Claim Received Date - 05/19/1989   Last Amended Date - 00/00/0000   Old Judicial District -
                                          Receipt Number - E007723   Temporary Right - P
                                          POU Ownership Flag - Y   Water District -
                                          Name Connector - OR   Federal/State Indicator - S
                                          Presumption Flag -
                                          Notice of Error Flag -
```

RECEIVED
MAY 31 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 75-07619 Reviewed by [Signature] Date 4-26-96

GENERAL CONSIDERATIONS

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

TYPES OF USE

stock, recreation

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 4-22-96

April 26, 1996

BILL BERNT
PO BOX 425
SALMON ID 834670425

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 75-07619

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECORDED

APR 30 1996

February 28, 1996

BILL BERNT
PO BOX 425
SALMON ID 834670425

PROOF DUE NOTICE

RE: PERMIT NO. 75-07619

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1996.

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

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

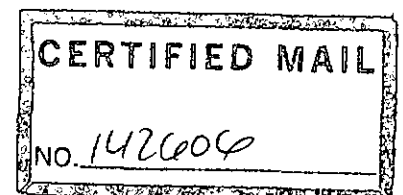
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 30 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 15, 1995

BILL BERNT
PO BOX 425
SALMON ID 83467-0425

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07619

Dear Permit Holder:

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

MAY 31 1995

by Cindy Zimmerman

No.: 75-7619 Name: Bernt Date: 5/1/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: ED20578 Priority: 12/19/94 ✓ Gvmt Lts: ✓

AREA OF CONCERN? *use exempt* - No/Yes s/c Mor GWMA Trust/Non-trust
PROTESTED: - 020 (Prehearing agreement) or W19 (See 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. (POU cmp)   - 01M, 803(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):

Water District(dom)	-	005 (req) WD #_____	<SEE MAP & LISTING>
+ 0.2 cfs	-	01J-P08 or 01M	
- 0.2 cfs	-	01H-P01 or No MD	
+ 5 a. irr.	-	01M (POU cmp)	
In-WD + 0.2 cfs	-	01M or No MD (in-stream)	
- 0.2 cfs	-	No MD	
+ 5 a. irr.	-	01M (POU cmp)	

RIVER BASINS (*Surface water):

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

USE:

Domestic (surface) - 021(Boise R + L Peak); 064(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 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(FERC); 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 CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

~~OWNERSHIP: Non-land owner~~

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

3rd Copies

Dist. for staffing 12-19-94
Submitted for advertising 12-19-94

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 12-19-94 APPLICATION NO. 75-7619
Bill Berni

REQUIRED INFORMATION

- ☒ 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

- | | | |
|-----|----|--|
| Yes | No | Field check required |
| Yes | No | 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 _____

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or a sheet of stationery designed for writing. The edges of the paper are slightly irregular, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the page.

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NO. 75-07619 IN THE)
NAME BILL BERN T.)

WITHDRAW
OF
PROTEST.

We the undersigned hereby agree to
withdraw our protest of application
for permit 75-07619 as amended
at the conference held in Salmon
this day.

Signed the 14th day of April, 1995.

Clair H. Baird

Larry Fulkerson

RECEIVED

APR 20 1995
Department of Water Resources

MICROFILMED
MAY 31 1995

PREHEARING
FOR
BILL BERNT

10:00 A.M.
APRIL 14, 1995
COMMUNITY CENTER
200 MAIN STREET
SALMON, ID

NAME	REPRESENTING	ADDRESS
Ernest Carlson.	IDWR.	I.F., ID.
KEITH C. WILSON	IDWR	I.F., ID
Bill Bernt		Salmon
Peggy BERNT		Salmon, Id.
LARRY FOLKERS		TOWER CREEK, SALMON
Joe Stump		Carmen ID
Janice Baird		P.O. Box 195 Carmen, ID
Chae Baird		P.O. Box 195 Carmen, Id
L E Norton		Box 69 CARMEN
L Norton		"
Lola Schodigle		Box 922 Salmon
Myra Schodigle		Box 922 Salmon
Gabe Euland		P.O. Box 234 Carmen ID 83462
John F. Meeker, Sr.		P.O. Box 162 Carmen
Michael Fink		HC 10 BOX 33 Carmen
Betty Fink		HC 10 Box 33 Carmen

RECEIVED
MAY 31 1995



Prehearing Conference 75-07619-70 AM — 14 April 1995
Larry Folkes - Tower Creek Water Users (spokesperson)

Bill Bernt: Does not need additional flow but can use
that portion of the 243 claim
stock ^{trout (installed)} ~~water~~ (1992) (3 horses)

Pond constructed 1984

Bottom of Pond has graded at approx same elevation
as Creek

~~10' deep~~

also receives some seepage from above the pond.
even w/o upper ditch

~~10' deep~~

Lower Ditch supplies pond not upper ditch

~~10' deep~~

MICROFILMED

MAY 31 1995

April 5-1995

Dept. of Water Resources.
Mr. Ronald D. Carlson.

In matter of application
for Permit # 75-07619 For BILL BERNI
we hereby Vote NO on this
subject using Tower Cr. water for
a Rec. site for swimming and fishing

We are one of the oldest water
rights on Tower Cr. on the lower
ends just last year we lost
our garden had no water for
horses or water for our hay field
& pastures. This is our reason
for protesting this permit.

75-07619

UNABLE TO ATTEND OUT OF TOWN

Orlean C. Boney

Box 46

Carmen ID 83462

756-4125

Jeanne A. Boney

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MAY 31 1995

75-07619.

14 April 95.

Applicant

Bill Bant - represented self.

Protestant:

Clair H. Bird. - Tower Creek Water Users.

Larry Folkers -

Q- How are rights administered on Tower Creek?

Does the applicant have measuring device?

How long has it been there? 1988 - filled every year since then. - Stock trough installed in about 1991 or 1992.
3 horses.

Bant - Existing irrigation ditch fills pond - constructed 1988
Overflow back into stream. -
Stock tank below pond ~~below~~ across drive way. -
- May want to connect portion of irrigation. -
- Pond does not dry up - Shut pond off for 9 days
it dropped 10". seepage from pond estimated @ .008 cfs.
with no inflow.
- Run off from upper ditch will keep pond full ~~in winter~~
ditch needed during non irrigation season.

Stockwater - May 15th Oct,

MAY 31 1995

MICROFILMED

Folkers →

- ✓ No measuring devices on diversions from creek.
- ✓ No water meter.
- ✓ ~~Some~~ Historical irrigation has been impacted by drought.
- ✓ Uses on creek primary irrigation & stock water.
- ✓ Not sufficient water to meet existing need & during July August Sept.
- ✓ ~~But~~ Diversions on creek 8+ no new diversions.

Eveland joint ^{Litchner} ~~area~~ with Bmt - for opp ditch.

July May 30, 1995
June 30, 1995 — Oct 1, 1995.

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 75-07619	)	NOTICE OF PREHEARING
<u>IN THE NAME OF BILL BERNT</u>	)	CONFERENCE

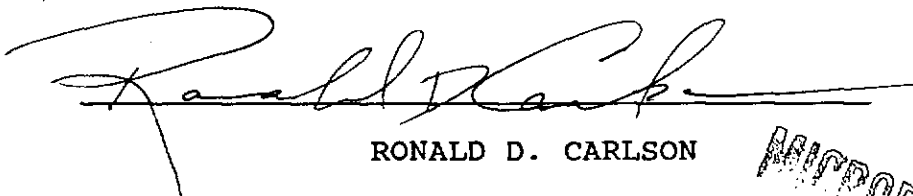
On December 13, 1994, Bill Bernt filed with the Department of Water Resources an application for permit of right No. 75-07619. The application was protested by Clair K. Baird, acting as spokesperson for Tower Creek Water Users.

The Department has scheduled the matter for a prehearing conference at 10:00 a.m., on Friday, April 14, 1995, at the Community Center, 200 Main St., Salmon, ID.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within (10) days prior to the conference. All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 13th day of March, 1995.



RONALD D. CARLSON

Eastern Regional Manager

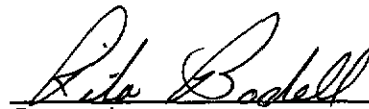
RECEIVED
MAY 31 1995

I hereby certify that on the 13th day of March, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestants(s) listed below:

CERTIFIED MAIL

BILL BERNT
PO BOX 425
SALMON ID 83467

CLAIR K BAIRD
TOWER CREEK WATER USERS
PO BOX 195
CARMEN ID 83462



Secretary

MICROFILMED
MAY 31 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

Clair K. Baird
Tower Creek Water Users Assn
PO Box 195
Carmen Id 83462
MAY 21 1995

4a. Article Number

1275

4b. Service Type

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

7. Date of Delivery

3-15-95

5. Signature (Addressee)

Clair K. Baird

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

6. Signature (Agent)

Thank you for using Return Receipt Service.

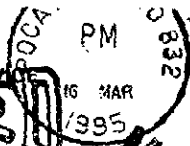
UNITED STATES POSTAL SERVICE

RECEIVED

Official Business

MAR 17 1995

Department of Water Resources
Eastern District Office



NOT DELIVERED
MAY 31 1995



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

Is your F.E.T. & N ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

Bill Beert
PO Box 425
Salmon 83467

4a. Article Number

1274

4b. Service Type

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

7. Date of Delivery

3-14-95

5. Signature (Addressee)

Bill Beert

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



MAR 16 1995

Department of Water Resources

Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

MAY 31 1995

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

[illegible]

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail; \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

U.S. GOVERNMENT PRINTING OFFICE: 1990-255-306

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

74-07347

MINER, RICHARD E

MINER, SHERYLE

PO BOX 59

CARMEN, ID 83462

Source: SPRING Tributary:
SINKS

Diversion Pt: NENESE Sec 24 T
20N R 23E in LEMHI County.

Use: STOCKWATER (.020 CFS)

DOMESTIC (.040 CFS)

Total Diversion: (.404 CFS)

Date Filed: 12/12/1994

In: LEMHI County

T20N R23E S24 NESE

75-07619

BERNT, BILL

PO BOX 425

SALMON, ID 83467

Source: TOWER CREEK,
NORTH FORK

Tributary: SALMON

Diversion PT: SESW Sec 4 T23N
R 22E in LEMHI County.

Use: STOCKWATER (.020 CFS)

RECREATION (.70 AF)

RECREATION STORAGE (.160
CFS)

Total Diversion: (.180 CFS)

Date Filed: 12/19/1994

In: LEMHI County

T23N R22E S04 SESW

The permit(s) will be subject to
all prior water rights. Protest must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before
JANUARY 23, 1995.

R. KEITH HIGGINSON,

Director

Published: 1/5/1995 & 1/12/1995

1-5-2tc

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 (printers) of The Recorder Herald, a newspaper
published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the NOTICE OF APPLICATION FOR WATER RIGHT

74-07347

, 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 newspa-
per and not in any supplement thereof or thereto for TWO (2)
consecutive issues, commencing with the issue dated 1/5, 19 95
and ending with the issue dated 1/12, 19 95

STATE OF IDAHO

ss.

County of Lemhi

On this 12 day of JANUARY in this year of 19 95

before me, A Notary Public, personally appeared RICKY G. HODGES,
known or identified to me to be the person whose name subscribed to the within in-
strument, and being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

NOTARY PUBLIC

MAY 31 1995

Shirley K Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 55.08

Account No. 630

BERNT, BILL
PO BOX 425
SALMON, ID 83467

Source: TOWER CREEK, NORTH FORK

Tributary: SALMON

Diversion Pt: SESW Sec 4 T 23N R 22E in LEMHI County.

Use: STOCKWATER (.020 CFS)

RECREATION

(.70 AF)

RECREATION STORAGE (.160 CFS)

Total Diversion: (.180 CFS)

Date Filed: 12/19/1994

In: LEMHI County
T23N R22E S04

SESW

REPRODUCED

MAY 31 1995

The permit(s) will be subject to all prior water 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 JANUARY 23, 1995.

R. KEITH HIGGINSON, Director

Published: 1/ 5/1995 & 1/12/1995

MICROFILMED
MAY 31 1995

Receipt # E020630

Date: January 11, 1995

Carmen, Idaho 83462

R. Keith Higginson, Director
Department of Water Resources, Eastern Region
900 Skyline
Idaho Falls, Idaho 83402

RECEIVED
JAN 20 1995

Department of Water Resources
Eastern District Office

Mr. Higginson:

We the undersigned formally protest the application for water right, No. 75-07619, recently filed by Bill Bernt, P. O. Box 425, Salmon, Idaho.

Mr. Bernt has a residence and property on Tower Creek, and has applied for the right to divert .180 CFS of water from Tower Creek for primarily recreation purposes.

The principle reasons for this protest are in Section 42-203 Idaho Code which includes the following:

1. This diversion would reduce the quantity of water to existing water rights. Everyone on this signature list except the Evelands are downstream from Mr. Bernt.

2. The water supply in Tower Creek is insufficient for the intended purpose. The past few years there has not been enough water for irrigation of pastureland.

3. Mr. Bernt's proposed use of Tower Creek water is not in the public interest; it would diminish even further the flow of water into the Salmon River—water needed for migrating salmon and steelhead.

4. Mr. Bernt's application is being made after the fact—he has already constructed diversion ditches and a fishpond.

We request that you do not approve Mr. Bernt's application for a water right, No. 75-07619, for the above stated reasons. In addition, we ask that the Idaho Water Resource Board take action to stop Mr. Bernt's illegal diversion of Tower Creek water.

A copy of this letter is being sent to Bill Bernt, and we have enclosed the \$25.00 protest filing fee. Thank you in advance for your consideration.

Sincerely,

Clair K. Baird

Clair K. Baird, Spokesperson for Tower Creek
Water Users

P.O. Box 195, Carmen, Idaho 83462 756-2658

MICROFILMED

MAY 31 1995

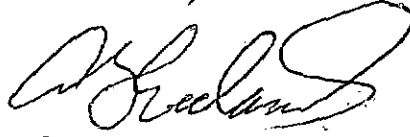
PROTEST OF APPLICATION FOR WATER RIGHT # 5.07619
ADDENDUM TO LETTER DATED JAN. 11, 1995

ALTHOUGH WE ARE UPSTREAM FROM THE BERNT'S PROPERTY,
WE SHARE AN IRRIGATION DITCH WHICH ORIGINATES ON MY
PROPERTY AND GOES THROUGH A PASTURE TO THE BERNTS.

THERE IS INSUFFICIENT WATER TO IRRIGATE MY PASTURE
FOR THE HAY WE GROW FOR OUR STOCK, AND DIVERTING
ADDITIONAL WATER FOR ANY RECREATIONAL USE IS TOTALLY
UNACCEPTABLE.

WE STRONGLY RECOMMEND THIS APPLICATION BE DENIED.

Gabel England
P.O. Box 234
Carmen, Id. 83462


Po Box 234
Carmen Id 83462

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MAY 31 1995

SIGNATURES OF TOWER CREEK WATER USERS
Protesting application No. 75-07619

Janell H. Baird P.O. Box 195 Carmen I 83462 756-2658

Vicki Folkers P.O. Box 136 Carmen, Id 83402 156-4324

Harry Fulkers " " " "

Barry Klinger & Carmen, Idaho

May Klinger H
Carmen, Idaho

Carmen E. Hector
Carmen Uchako - 756-3721

Verna N. Norton Box 69 Carmen, ID 834162

John R. Charlton
HCR-10 Box 329 Carmen, Idaho 83462

Mita E. Charlton HCR 10 Box 32A Carmen, Id 83462

Jeane Buncy P.O. Box 46 Carmen Id. 83462

P. C. Bunay
PO. Box 46 CARMEN ID. 83462

Beth Dillon PO Box 29 Carmen Id 83462

PO Box 29 Carmen FO 93462

Dick Miner PO Box 59 CARMEN ID. 83462

Janet Gosnell 909 Main St. Salmon ID 83467

Catherine Cochran Box 170 Carmen, Id 83402

John F. Meeker, Sr. Box 162

Elizabeth A. Harrison Box 88

Edmund Harvey Box 88

7060x334

ARMENIAN 462

MAY 31 1995
Carmen 83462

CARMEN 83462

CDR Mann. 83462

Signatures of Lower Creek Water Users
protest application # 95-07619

Shelly & Marvin England Box 305 12th Salmon

Nelda Enach P.O. Box 2225 Salmon

Betty Jo Fink HC 10 Box 33 Carmen, ID 83462

Michael D. Fink HC 10 Box 33 Carmen ID 83462

Wilford E. Schofield Box 922 Salmon, Ida.

Robin Schofield; Box 922, Salmon, Id. 83462

MICROFILMED

MAY 31 1995

RECEIVED

JAN 17 1995

Department of Water Resources

Fact - MEMO

EB
Glen
Glen

RECEIVED

JAN 09 1995

FROM: ERIC

DATE: January 4, 1995

TO: Erv

SUBJECT: Possible SCA conditions to water right application
75-07619.

=====

I inspected this development on November 16, in connection with a complaint about a bridge across Tower Creek. The bridge is a violation that I am working on. The stock pond that has been applied for under 75-07619 was constructed in 1983, without benefit of a water right... so the owner is now applying "after-the-fact".

The pond was constructed at the lower end of an existing irrigation ditch. The pond outlet empties into the same irrigation ditch that returns to Tower Creek. The point where the outlet ditch enters the stream channel is the same spot that return irrigation water is let back into the stream. The outlet is stable, running over coarse cobble in a well vegetated riparian zone. I did not see any need to issue an SCA violation for the outlet since it was a part of the irrigation system and was stable.

The only recommended condition I suggest is to ask that any modifications made to the spot where pond water re-enters Tower Creek be permitted by Stream Protection (can we ask for this on an irrigation return flow point?).

X I have enclosed some photographs from my inspection. I would appreciate getting them back for the file when you're done.

MAY 31 1995



Name BILL BURDET Date 11-16-94
File No. 75-07019 Pg. 1 of 3
Stream TAUWOCK CREEK : SALMON RIVER
Photo Point UPPER VIEW OF
REG./STOCK POND
Loc. _____ 1/4 S. _____
T. _____ R. _____

L. Turner
IDWR

MAY 31 1995



Name BILL BURST Date 11-16-94

File No. 7S-07619 Pic. 3 of 3

Stream TOUZE CREEK Trib. SALMON RIVER

Photo Point RECREATIONAL / STOCKWATERINGS
POND.

Loc. _____ $\frac{1}{4}$ _____ $\frac{3}{4}$ S. _____

T. _____ R. _____ RM. 7

MAY 31 1995

Eric Verner
IDWR



Name BILBURT Date 11-16-94

File No. 75-07619 Pic 2 of 3

Stream TOWER CREEK T.O. SALMON RIVER

Photo Point OUT FLOW FROM POND -

USES EXISTING IRRIGATION DITCH RETURN. NO
SCA
NEEDED

Loc. 1/4 1/4 1/4 S.

T 1/4 R 1/4 AM

Eric Verner
IDWR

MAY 31 1995



PF
MED

JAN 06 1995

Department of Water Resources
Eastern District Office

IDAHO FISH & GAME

SALMON REGION
P.O. Box 1336
Salmon, Idaho 83467

Phil Batt / Governor
Jerry M. Conley / Director

January 4, 1995

Harold W. Jones
Water Right Supervisor
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: Application No. 75-07619

Dear Harold:

The Idaho Department of Fish and Game has no protest with this application given the following conditions:

1. that the diversion for recreation is nonconsumptive, and
2. that the fish pond inlet and outlet be screened to prevent wild fish from entering pond and cultured fish from escaping.

Thanks for the opportunity to comment.

Sincerely,

Gary Power
Regional Supervisor
Salmon Region

GP:MRL:jw

cc: Mike Larkin
Bill Bernt
Kirk Eberhard

RECEIVED

MAY 31 1995

RECEIVED

JAN 03 1995

Department of Water Resources
Eastern District Office

TO: Eric

FROM: Ery

SUBJ: Possible Channel Alteration
Special Conditions on Water Right

You may wish to review the highlighted water right projects with the applicants to see if a Stream Channel Alteration Permit is required. Or if we need to recommend special conditions be placed on the water right to protect the stream channel, please advise me as soon as possible and provide the reasoning and language for the special condition.

COMPLETED REQUEST 1/4/95 EE

RECEIVED

MAY 31 1995

WR5751NP
(00-5751-1)

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 12/27/94
PAGE: 4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
75-07619	BILL BERNT	12/19/1994	STOCKWATER	01-01 12-31	0.02 CFS	APPLICATION
			RECREATION	01-01 12-31	0.16 CFS	
			RECREATION STORAGE	01-01 12-31	0.70 AFA	
					0.18 CFS TOTAL	

SOURCE: TOWER CREEK, NORTH FORK TRIBUTARY: SALMON RIVER

REMARKS: Recreation use is for fish pond.

POINT OF DIVERSION:
T23N R22E S04 SESW

PLACE OF USE: STOCKWATER
T23N R22E S04 SESW

PLACE OF USE: RECREATION
SAME AS: STOCKWATER

RECEIVED
MAY 31 1995

December 21, 1994

ID DEPT OF FISH & GAME
SALMON ID SUBREGIONAL OFFICE
PO BOX 1336
SALMON ID 83467

RE: Application No. 75-07619

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 January 23, 1995, 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 *RB*
Water Right Supervisor

HWJ/rb
enc.

RECEIVED

MAY 31 1995

December 21, 1994

BILL BERNT
PO BOX 425
SALMON ID 83467

RE: Application for Permit No. 75-07619

Dear Mr. Bernt:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Recorder Herald on January 1 & 12, 1995. 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 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 application 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

RECEIVED

MAY 31 1995

aggipah

RIVER TRIPS

Bill and Peggy Bernt
Box 425
Salmon, Idaho 83467
(208) 756-4167

10 December 1994

Mr. Jones,

I'm returning the application you sent. There seems to be a needed correction on the map on point of diversion. I have two ditches on my property. The one which serves the pond diverts from Tower Creek on my property, and irrigates the lower part of my pasture. I've marked on the map in green where I think this ditch diverts. The upper part of my pasture is irrigated from a ditch that diverts from Tower Creek on the neighbor's property, and that diversion is the one that I think is shown on the map.

A couple of points I'd like to make about this is that the situation was unintentional. I have a permit from Fish and Game for the pond, had SCS survey the pond site, but did not know that I needed one from your department. Also, the use is essentially non-consumptive, as overflow from the pond returns to Tower Creek.

Sincerely



Bill Bernt

RECEIVED

DEC 13 1994

Department of Water Resources
Eastern District Office

MAY 31 1995



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

Bill Bernt
Box 425
Salmon ID 83467

Mr Bernt:

Based on an exam on-site by Eric Verner of this office, I have determined that your use of a recreation pond and stockwater from Tower Creek is not covered by any existing water right.

I have enclosed an application for permit for the two uses mentioned and would ask you to review it. If the recreation pond and stockwater trough is to be maintained you will need to sign and send the application to this office with the required \$50 fee.

If you have any questions about this please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W. Jones
Water Resource Supervisor

Enclosure

*Application & check returned on 12-14-94
For signature. HWT*

MAY 31 1995

11-16-94 EJS✓

MAY 3 1995

77

L



$$\frac{100 \times 88}{94}$$

$$\pi R^2$$

$$\pi 42^2 = 6939.7 \text{ ft}^2 \times 4' \times \text{depth} = \frac{27,789 \text{ ft}^3}{43560} = 0.63 \text{ ac ft.}$$

$$\frac{0.33 \text{ cfs} \times 2.03}{0.65}$$

RECEIVED
MAY 31 1995

RECEIVED
MAY 31 1995

November 21, 1994

Bill Bernt
Box 425
Salmon ID 83467

Mr Bernt:

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If you have any questions about this please give me a call.

Sincerely,

Harold W. Jones
Water Resource Supervisor

Enclosure

RECEIVED

MAY 31 1995