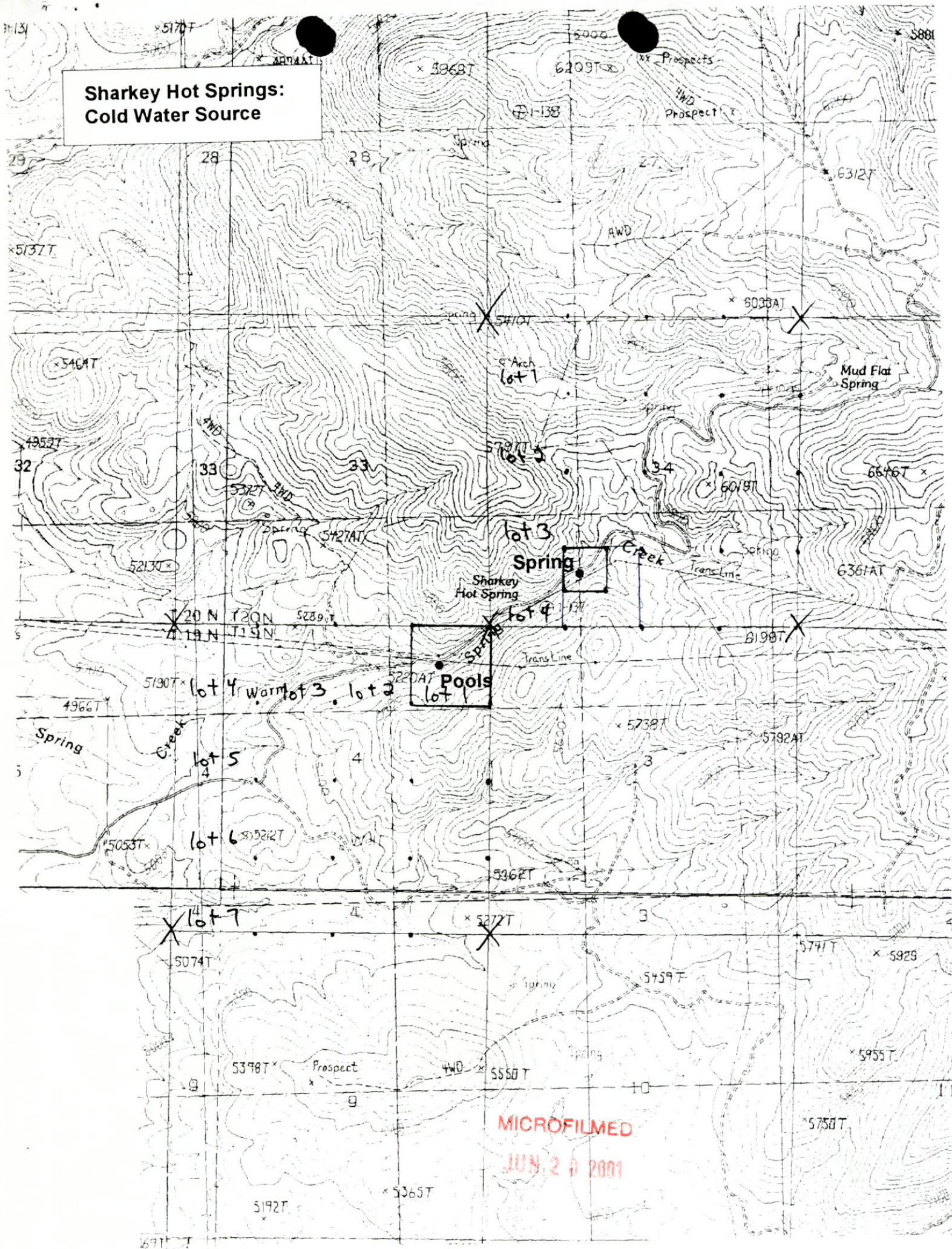


MICROFILMED
JUN 20 2001



**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

74-07396

US DEPT OF INTERIOR
BUREAU OF LAND MANAGE-
MENT

50 HWY 93 SOUTH

SALMON, ID 83467

Source: WARM SPRING CREEK

Tributary: LEMHI RIVER

Diversion Pt: NWSESW Sec 34 T
20N R 24E in LEMHI County.

Use: RECREATION (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 10/30/2000

In: LEMHI County

T19N R24E S04 Lot 1 (NENE)

Water will be mixed with hot wa-
ter from permit 74-07394 and put into
2 small ponds with exit back into
creek.

Any protests against the pro-
posed application must be filed with
the Dept. of Water Resources, 900
Skyline Dr., Ste A, Idaho Falls ID
83402, together with a protest fee of
\$25.00 on or before DECEMBER 4,
2000 to be considered by the Depart-
ment in its decision to grant or deny
any part of the proposed application.
The protestant must also send a
copy of the protest to the applicant,
KARL J. DREHER, Director
Published: 11/16/2000 & 11/22/
2000.

11-16-21c

Affidavit of Publication

RECEIVED
DEC 14 2000

Department of Water Resources
Eastern Region

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 **IDAHO DEPT. OF WATER RESOURCES - AP-
PLICATION FOR WATER RIGHT, NO. 74-07396**, 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
(2)** consecutive issue(s), commencing with the issue dated **11-16-2000** and ending with the is-
sue dated **11-23-2000**.

STATE OF IDAHO }
County of Lemhi } ss.

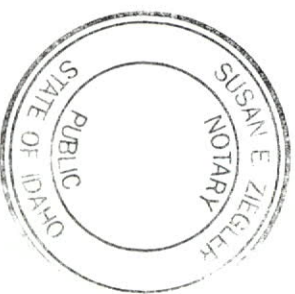
On this **4thth day of December** in this year of 2000 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he executed the same.

Susan E. Ziegler
Notary Public for Idaho

My Commission expires: 9-4-2005

Residing At Salmon, Idaho

Publication Fee \$56.16



MICROFILMED
JUN 20 2001

RECEIVED

OCT 16 2002

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 23 2002

Department of Water Resources

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

1. Permit No. 74-07396 Telephone No. 208 756-5400
2. Name of Permit Holder(s): Bureau of Land Management
3. Mailing Address: 50 Hwy 93 S.
City Salmon State ID Zip 83467
4. Source of Water: Warm Spring Creek ☐ **GROUNDWATER** (well), Date Drilled: mo. / yr.
Well Driller: Drilling Permit Number:
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock):
Irrigation (No. of acres): Other: Recreation
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Alan Britner Telephone Number: 208 756-5423
Address: 50 Hwy 93 S. 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 water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: Alan Britner NRS Date: 10/10/02
(include your title, if on behalf of company or organization)

RECEIVED

OCT 16 2002

Department of Water Resources
MICROFILMED

NOV 18 2002

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

RECEIVED
NOV 13 2001
Department of Water Resources
Eastern Region

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

Permit No. 74-7396
Name(s) of Permit Holder: USDF - BLM
Address: 50 Hwy 93 S. City Salmon State ID Zip 83467
Telephone No. 208-756-5400 Date Proof is Due: 1/1/02

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

All planning + engineering has been done. A contract has been
flowed and awarded.

Costing \$ _____

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

The contractor will not begin work until the winter/spring
of 2002.
We would like "proof due" to be the same as the hot
spring water permit 74-7394.

Permit holder(s) request an extension to October 1, 20 03

Al Bittner
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to October 1, 2003.

Signed this 20th day of December, 20 01

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
NOV 18 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 74-07396

Priority: 10/30/2000

Maximum Diversion Rate: 0.04 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON ID 83467

has applied for a permit to appropriate water from:

WARM SPRING CREEK tributary to **LEMHI 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>
RECREATION	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRING CREEK NW1/4SE1/4SW1/4 Sec. 34, Twp 20N, Rge 24E, B.M. LEMHI County

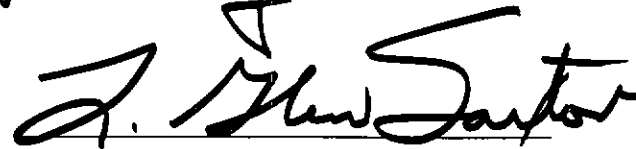
PLACE OF USE: RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	24E	4	X																
			L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2002**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. Recreation use is for diluting hot springs used in two (2) 1200 gallon pools.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of January, 2001.


KARL J DREHER, Director
MICROFILMED

JUN 27 2001

RECEIVED

DEC 15 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

74-07396

RECEIVED

OCT 30 2000

Department of Water Resources
Eastern Region

1. Name of Applicant Bureau of Land Management Phone 208 756-5400
Mailing address 50 Hwy 93 S. Salmon ID 83467
2. Source of water supply Warm Spring Creek which is a tributary of Lemhi River
3. Location of point of diversion is Township 20N Range 24E Sec. 34 in the NW 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., Lemhi County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 cfs for recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

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

5. Total quantity to be appropriated is (a) .04 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Engineering is not complete yet, but will include a simple culvert type diversion with piping to the pools.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Recreation: Cold water sources used for Shafter Hot Springs development, which will now be approximately 2 pools of 1200 gallons each.

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JUN 20 2001

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	24E	4	R lot 1																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 74-0227674-07394

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

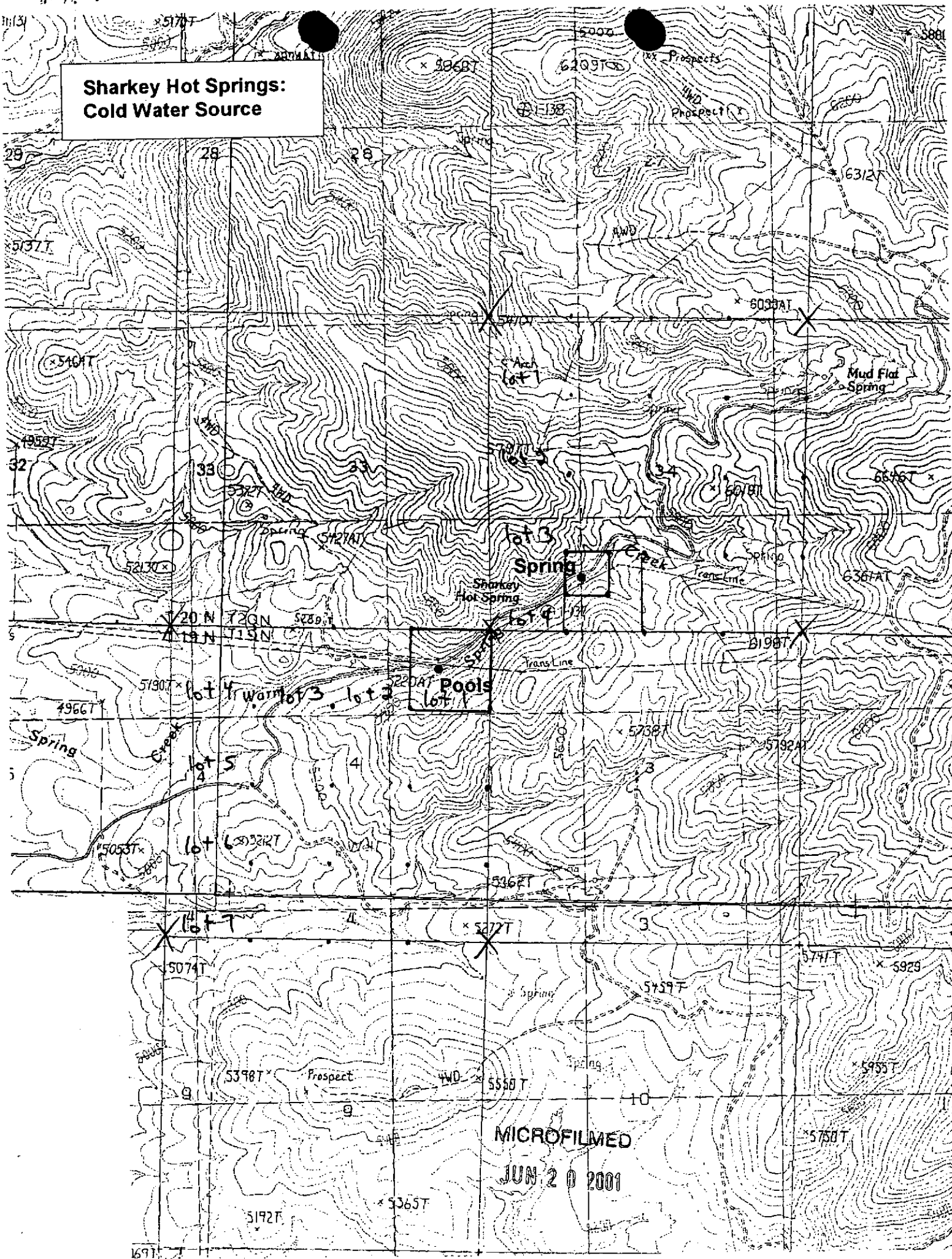
Alan B. B. Bio Tech
Signature of Applicant (and title, if applicable)

Received by HWS Date 10-30-00 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by HWS # E026294 Date 10-30-00
 Publication prepared by SC Date 11/16 & 11/23/00 Published in Record & Herald
 Publication approved SL Date 12/11/00

MICROFILMED

JUN 20 2001

**Sharkey Hot Springs:
Cold Water Source**





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

October 25, 2002

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON ID 83467

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 74-7396

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.

However, during my review of your file, I found that according to condition of approval no. 5 of your water right permit, that prior to diversion of water, the right holder shall install and maintain a measuring device and lockable controlling works acceptable to the Department as part of the diverting works of this right. I recommend that this be installed prior to the field examination the department will conduct for this right.

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

Please review your permit and call me if you have any questions regarding those conditions at (208)327-7953. If you have questions concerning the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED

NOV 18 2002

c: IDWR - Regional Office

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 74-7396

Reviewed By: dgibson

Date: October 25, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E026294, E028232	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/16/2002
Date proof due	- 10/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 10/30/2000
New priority date	= 10/30/2000

Deficiencies of Actions Items

Acknowledge proof and recommend that measurement device be installed prior to field examination.



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

December 20, 2001

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON ID 83467

RE: PERMIT NO. 74-07396

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit that extends the time within which to submit proof of beneficial use to **October 1, 2003**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **may not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

NOV 18 2002

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 74-7396
2001

Reviewed By: dgibson

Date: December 17,

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	E026294,		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	11/13/2001	New proof due date
Date proof due	- 01/01/2002	
Lapse notice sent	-	
No. of days late	= 0	
Holiday allowance	+	
Priority date	+ 10/30/2000	
New priority date	= 10/30/2000	

Action Taken

Acknowledge request and extend proof deadline to _____. Check 74-7394 to see what that water right's proof deadline is. *(10/1/2003)*

October 31, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON, ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 74-7396

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 January 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

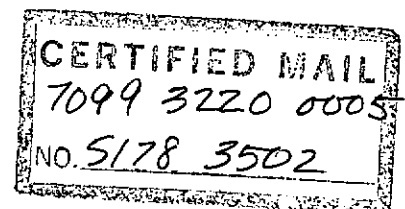
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
NOV 18 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

January 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON ID 83467

RE: Permit No. 74-7396

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department 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 a least sixty days prior to the commencement of work in the stream.

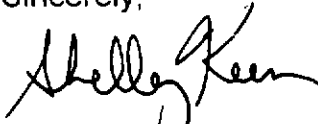
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

JUN 20 2001

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

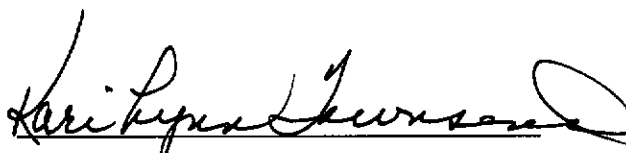
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on January 8, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 74-7396

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S
SALMON ID 83467



Kari Lynn Townsend
Secretary

MICROFILMED
JUN 20 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED

JUN 20 2001

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/19/00

No. 74-07396 Name: Bum Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes wild tribe Moratorium GWMA TRUST/NON-TRUST

S/C — region considers non-cons.

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE/PROT. - 077

BENEFICIAL USE DUE: 1/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
~~Development Period~~
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
~~Non-consumptive~~ - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD# 774)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS R/2 1200 gal ports.

COMMENTS deluting hot springs used in

? non-cons.

DEC 15 2000

Dist for Staffing _____
Submitted for advertising 10-31-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

BLM APPLICATION FOR PERMIT ANALYSIS PERMIT
INITIAL REVIEW BY HWT DATE 10-31-00 APPLICATION NO. 74-07396

☒ 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 subdivision, 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 signatory is required)

☒ Fee

☒ Yes _____ No* In form to receipt

☒	Overlapping place of use (Describe source & relationship to present application on the back)
☐	Overlapping point of diversion
☐ Yes	☐ No Critical groundwater area
☐ Yes	☐ No Groundwater management area
☐ Yes	☐ No Send dam safety information
☐ Yes	☐ No Send fish farm requirement letter
☐ Yes	☐ No Power residency affidavit
☐ Yes	☐ No Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>)
☐ Yes	☐ No Public Water System
☐ Yes	☐ No Planning section review
☐ Yes	☐ No Moratorium Hold file
See reverse side for additional information	

Date Requested _____

☒ Yes	☒ No	In form for advertising
☒ Yes	☒ No	Statewide advertising
☒ Yes	☒ No	Fee amount, receipt date & No. recorded on application

<u> </u>	Id Dept of Health & Welfare	<u> </u>	U.S. BLM
<u> X </u>	Id Dept of Fish & Game	<u> </u>	U.S. Forest Service
<u> </u>	Id Dept of Lands	<u> X </u>	Water District 74
<u> </u>	Adjudication Bureau Unit	<u> </u>	Other _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
☐ Yes	☐ No	Final date for protest
☐ 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 District <u>74</u>
☐ Yes	☒ No	Special conditions of approval or cover letter below.

Date of priority recommend

By: gulf

Date: 10-30-00
12-11-00

STATE OFFICE REVIEW

By:

Date:

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other

Project impacts/implications report

COMMENTS

This is non-consumptive use of cold water to
dilute the hot springs used in the pools. All water
exits back into the creek. gulf

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 27 2000
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: # 74 07396

Applicant's Name: Bureau of Land Management

Watermaster's Recommendation:

RECEIVED

JAN - 8 2001

a) ☒ I do not oppose approval of this application.

Department of Water Resources

b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment: _____

Dated this 26 day of December, 2000

Water District No: 74

Rick Seger
Watermaster's Signature

MICROFILMED

Use reverse side of page if you need more space.

JUN 20 2001

INTER-DEPARTMENT MEMO

TO: File 74-07393

SUBJECT: No response From
Water Master

FROM: H W Jones

DATE: 12-11-00

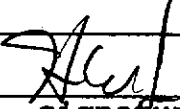
Since this is only non-consumptive use & its questionable
if the WM of WD 74 delivers on Warm Springs Creek,
I would advise going forward without WM comment.
Since permit 74-07394 has been already approved.

MICROFILMED

JUN 20 2001

☒ For your information

☐ Response required


signature

RECEIVED

DEC 11 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

NOTICE OF APPLICATION FOR WATER RIGHT

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

74-07396

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT

50 HWY 93 SOUTH

SALMON, ID 83467

Source: WARM SPRING CREEK

Tributary: LEMHI RIVER

Diversion Pt: NWSESW Sec 34 T 20N R 24E in LEMHI County.

Use: RECREATION (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 10/30/2000

In: LEMHI County

T19N R24E S04 Lot 1 (NENE)

Water will be mixed with hot water from permit 74-07394 and put into 2 small ponds with exit back into creek.

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before DECEMBER 4, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant. KARL J. DREHER, Director
Published: 11/16/2000 & 11/22/2000.

11-16-21c

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 IDAHO DEPT. OF WATER RESOURCES - APPLICATION FOR WATER RIGHT, NO. 74-07396, 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 (2) consecutive issue(s), commencing with the issue dated 11-16-2000 and ending with the issue dated 11-23-2000

STATE OF IDAHO } ss.
County of Lemhi

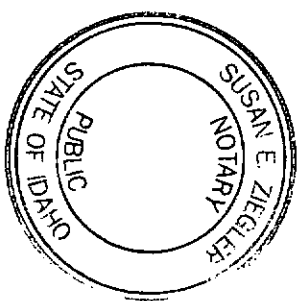
On this 4thth day of December in this year of 2000 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Susan E. Ziegler
Notary Public for Idaho

My Commission expires: 9-4-2005

Publication Fee \$56.16



MICROFILMED
JUN 20 2001

November 9, 2000

Id Fish & Game
PO Box 1336
Salmon ID 83467

RE: Application for Permit 74-07396

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 December 4, 2000, 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: sc

Enc.

MICROFILMED
JUN 20 2001

November 9, 2000

**RICK SAGER
WATERMASTER #74
RR1 BOX 52-A
SALMON ID 83267**

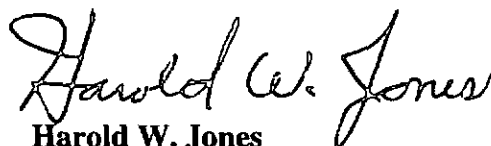
RE: Application for Permit #74-07396

Dear David:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by December 4, 2000.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,



**Harold W. Jones
Water Right Supervisor**

HWJ:sc

enc.

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

November 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US Dept of Interior
Bureau of Land Management
50 Hwy 93 South
Salmon ID 83467

RE: Applications for Permit #74-07396

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on November 16 and 23, 2000. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 9, 2000

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

Dear Legal Dept.:

Enclosed you will find legal notices 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 DECEMBER 4, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



MICROFILMED

JUN 20 2001

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Published: 11/16/2000 & 11/23/2000

KARL J. DREHER, Director

MICROFILMED

JUN 20 2001