

Sharkey Hot Spring
T20N R24E S34 Lot 4 (SWSWSW)
T19N R24E S4 Lot 1 (NENENE)

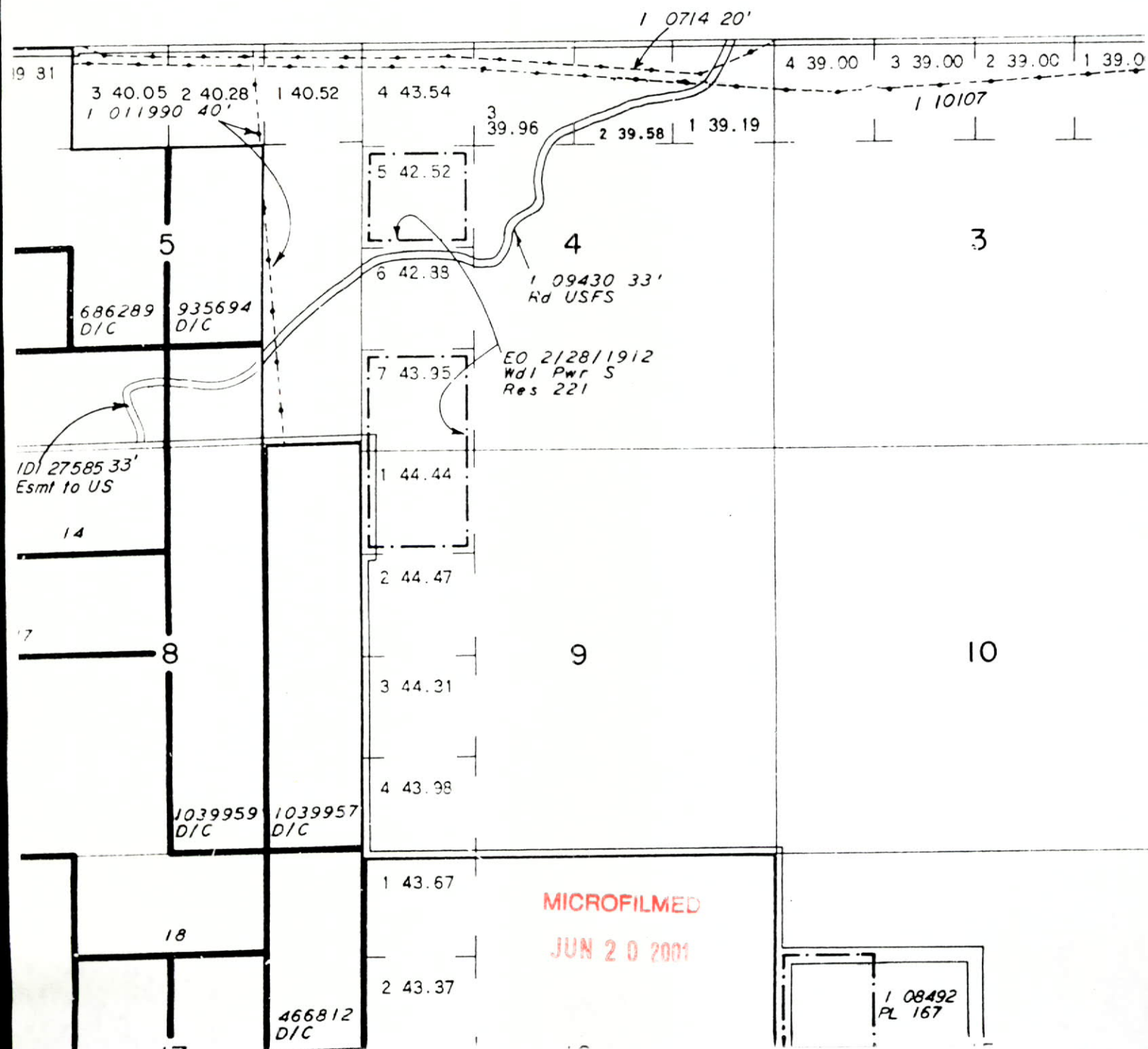
Spring
Pool

MICROFILMED
NOV 20 2001

TOWNSHIP 19 NORTH RANGE 24 EAST

LEMHI COUNTY 059

SALMON DISTRICT SEC 3



TOWNSHIP 19 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 059
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS		
TRACT NO.	SEC.	SUBDIVISION
1	1	1000
2	1	1000
3	1	1000
4	1	1000
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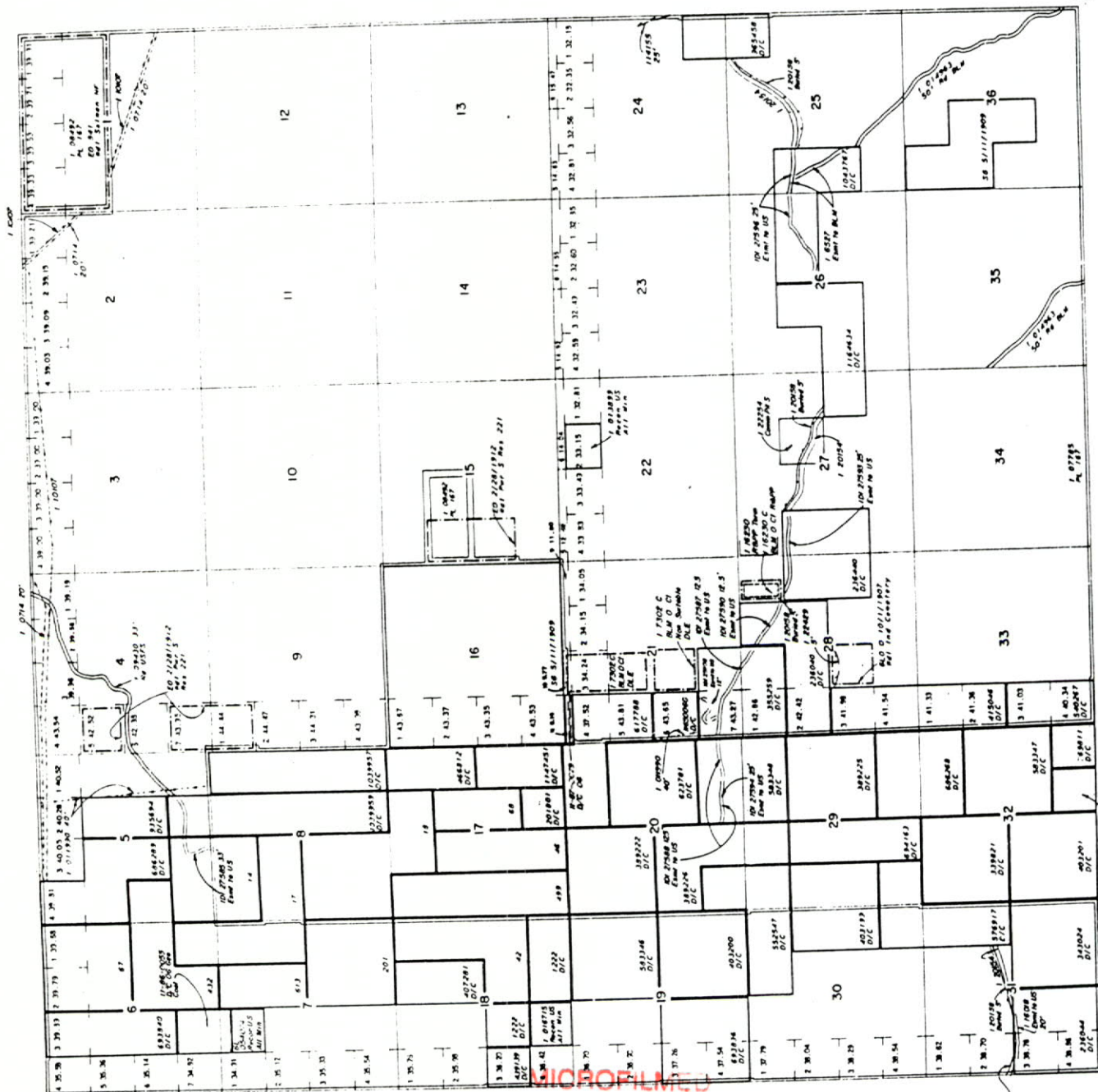
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SCALE IN CHAINS
0 10 20 30 40

WARNING STATEMENT
This plat is a preliminary plat and should be used
only for reference purposes. It is not a final plat
and should not be used for any other purpose.
The plat is subject to change without notice.
Refer to the plat for the latest survey information.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER

CURRENT TO	CURRENT TO
MAY 6 1996	
ONE PLAT	

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

Lat 47° 56' 23" N
Long 117° 28' 18" W

JUN 20 2001

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3 44.36

4 45.00

1 44.99

2 44.33

3 43.67

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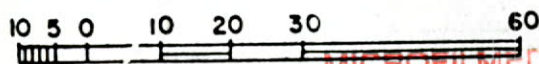
1 09430 33'
Rd USFS

1 12281
Historical

1 10107

1 0714 20'

SCALE in Chains



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JUN 20 2001

WARNING STATE

This plat is the Bureau's Record of title only as a graphic display of the title records hereon do not reflect title changes effected by lateral movements of river. Refer to the cadastral surveys for

TOWNSHIP 20 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 059
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

21 N. 24 E. 21 N. 25 E.

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	20	24	3
2	20	24	3
3	20	24	3
4	20	24	3
5	20	24	3
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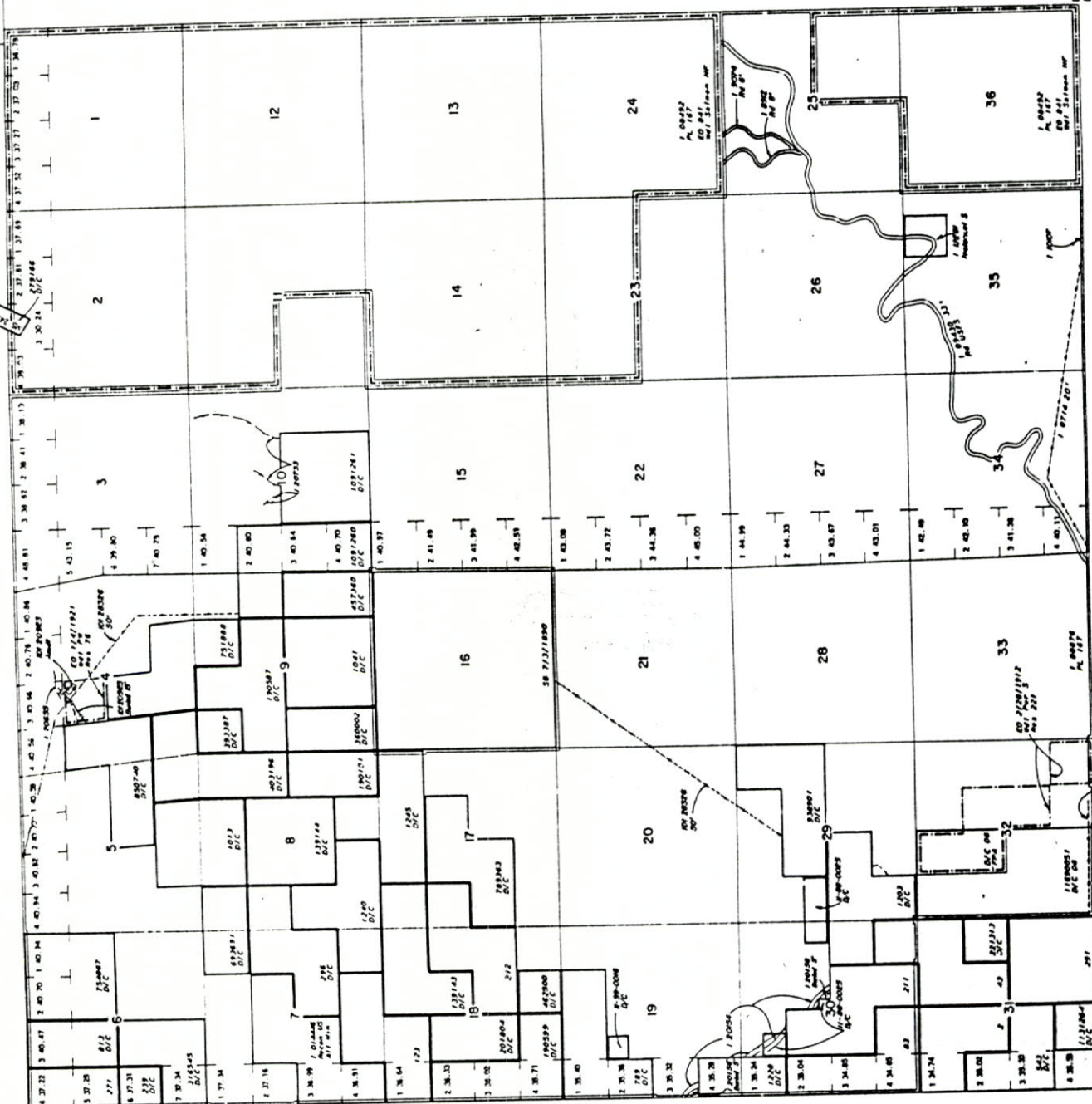
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JUN 20 2001

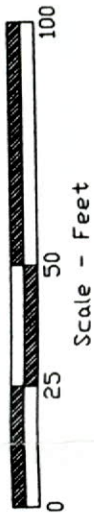
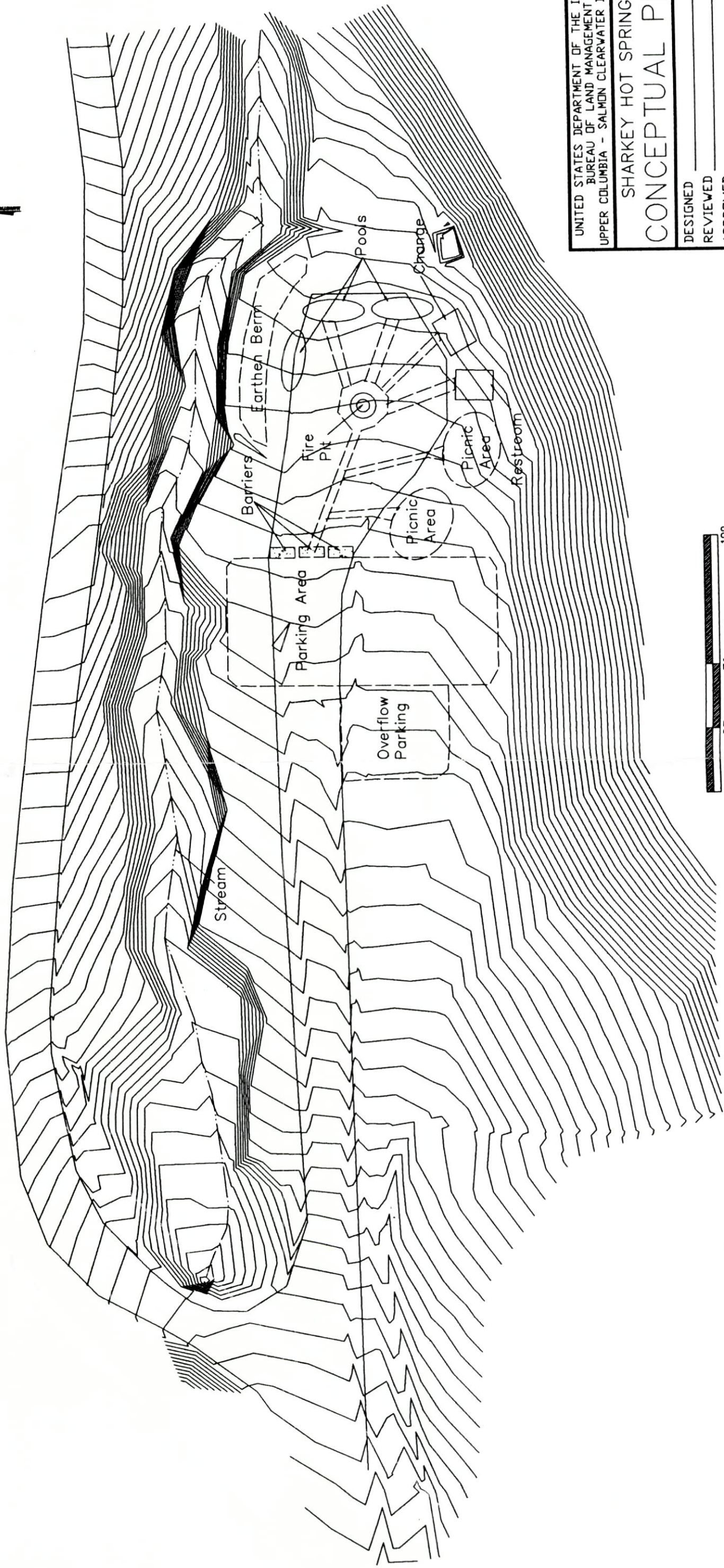
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CURRENT TO
JAN 13 2000
CURRENT TO

USE PLATS

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SCALE IN CHAINS
0 1 2 3 4 5 6 7 8 9 10



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
UPPER COLUMBIA - SALMON CLEARWATER DISTRICTS

SHARKEY HOT SPRINGS CONCEPTUAL PLAN

DESIGNED _____
REVIEWED _____
APPROVED _____

DRAWN: J. REQUA SCALE: AS SHOWN
DATE: MAY 5, 2000 SHEET OF
DRAWING NO.

ALWAYS THINK **SAFETY**

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 23 2002

OCT 16 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 74-07394 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: Spring If **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 Bittner 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 Bittner NRS

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

Date:

10/10/02

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NOV 18 2002

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 74-07394

Priority: May 26, 2000

Maximum Diversion Rate:

0.04 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

has applied for a permit to appropriate water from:
SPRINGS tributary of WARM SPRING CREEK

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
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LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENENE), Sec. 4, Township 19N, Range 24E
Lot 4 (SWSWSW), Sec. 34, Township 20N, Range 24E
LEMHI County

PLACE OF USE: RECREATION

TWN RGE SEC

19N 24E 4 Lot 1 (NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Recreation use is for 3 soaking 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

13th day of October, 2000

Karl J. Dreher
for Karl J. Dreher, Director

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JUN 20 2001

RECEIVED

AUG - 7 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.

74-07394
RECEIVED

MAY 26 2000

Department of Water Resources

Eastern District Office
Phone 208-756-5423

1. Name of Applicant Bureau of Land Management Mailing address Route 2 Box 610 Salmon ID 83467
2. Source of water supply Spring which is a tributary of Warm Spring Crk
3. Location of point of diversion is Township 20N Range 24E Sec. 34 in the SW 1/4, SW 1/4, SW 1/4, Gov. Lot 4, B.M. Lemhi County; additional points of diversion if any: T19N R24E S4 Lot 1 (NENENE)
4. Water will be used for the following purposes:

Amount <u>.04 cfs</u> for <u>recreation</u>	purposes from <u>7/1</u> to <u>12/31</u>	(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 at least two simple diversions in the springs
 - 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? Yes
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (If Irrigation only, go to Item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Recreation - Hot Springs water diverted into 2 or 3 pools of approximately 3000 gallons per pool.

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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 6+1																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 74-0227611. a. Who owns the property at the point of diversion? BLMb. 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.)

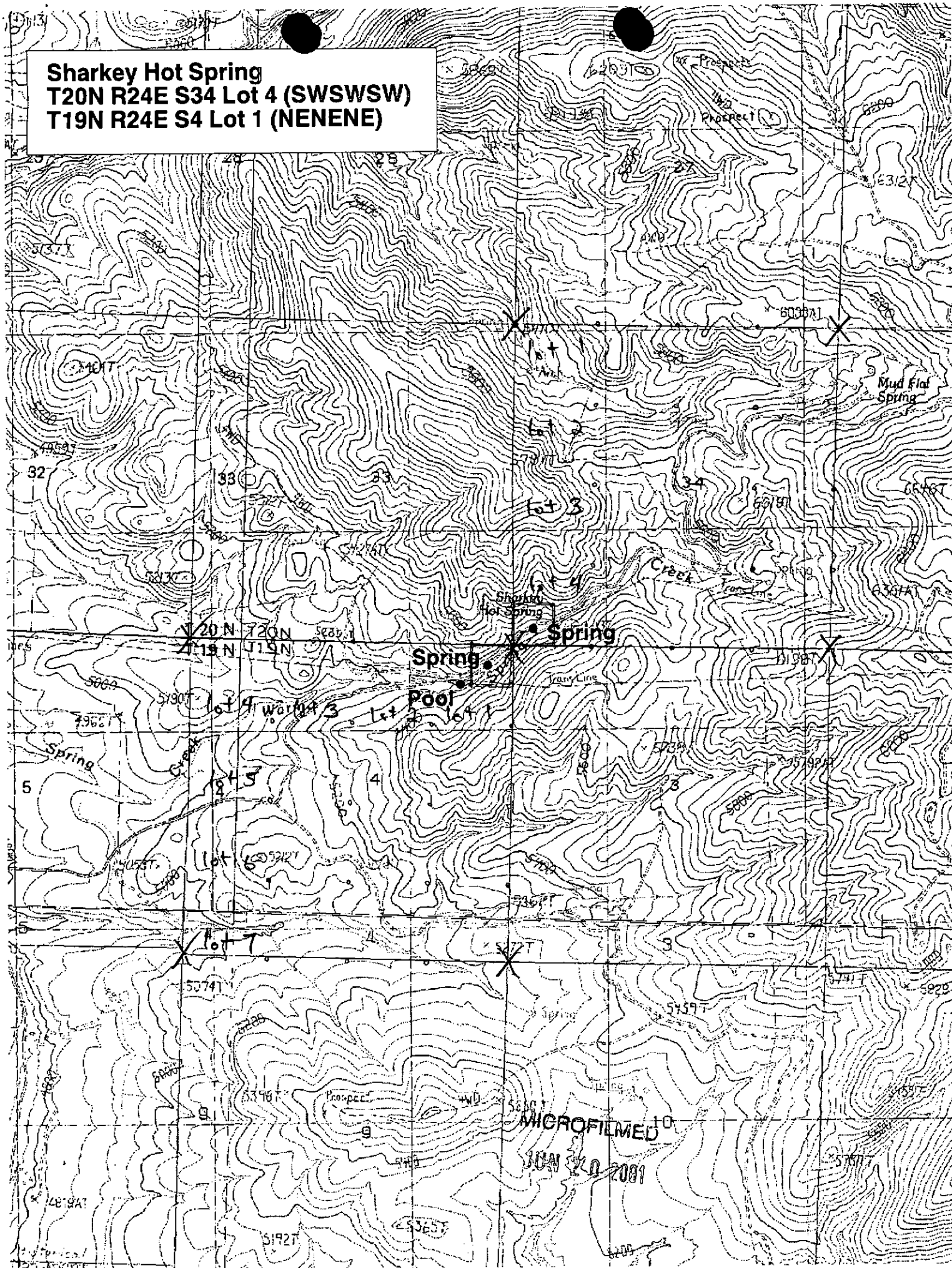
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ala Butler Bio Tech
 Signature of Applicant (and title, if applicable)

Received by HWT Date 5-26-00 Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by HWT # E025857 Date 5-26-00
 Publication prepared by SA Date 6/15 & 6/22/00 Published in Recorder Herald
 Publication approved _____ Date _____

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 JUN 20 2001

Sharkey Hot Spring
T20N R24E S34 Lot 4 (SWSWSW)
T19N R24E S4 Lot 1 (NENENE)



Sharkey Hot Springs Conceptual Development Plan

Background

Sharkey Hot Springs is located approximately five miles northeast of Tendoy, Idaho and twenty-five miles south east of Salmon, Idaho in the foothills of the Beaverhead Mountains of the Bitterroot Range. The springs emanate at several points from a hillside in a canyon along Warm Springs Creek at an elevation of approximately 5,000 feet. The vegetation of the area is predominantly sagebrush and bluebunch wheatgrass uplands with a sparse willow and cottonwood riparian complex. A major electrical power line crosses the canyon overhead and the Warm Springs-Wood Road passes through the canyon adjacent to the springs.

In the late 1920's the springs and an area of approximate 40 acres was leased for development and used as a commercial enterprise. The lease expired in 1936 and the property was occupied in trespass into the late 1960's. Several structures were constructed over the years including a covered 20' x 20' concrete lined swimming pool, a two room cabin and a couple of sheds. The structures fell into disrepair over the years and in 1973 the buildings were burned and the pool was filled in by the BLM to protect public health and safety. Since the closing of the site in 1973, numerous homemade soaking apparatuses have been pioneered by the public in order to utilize the natural resource. Public health and safety concerns as well as resulting litter have necessitated the removal of those structures as well.

Purpose and Need for Development

It is obvious that the public wishes to utilize the Hot Springs for recreational purposes, due to their repeated attempts to establish minimal homemade facilities. There are health and safety concerns with their crude designs. Lack of sanitation, maintenance of these structures, as well as environmental consequences of erosion and impacts to water quality persist. Development and maintenance of basic facilities for parking, sanitation, picnicking and soaking are appropriate and are needed to mitigate the environmental and social impacts of the continual use. This is definitely not a situation of "build it and they will come", but there will undoubtedly be a significant increase in use following proper development.

Planning

The *Lemhi Resource Management Plan(RMP)*, 1987, closed 800 acres from geothermal leasing at and around the hot springs for recreational purposes, subject to valid existing rights. The area is contained within the Lemhi Extensive Recreation Management Area. The *Lemhi RMP* directs that recreation resources be evaluated on a case-by-case basis as a part of project level planning. To date no site plan has been written for use of the site. With the expected increase in visitation to the area due to the Lewis and Clark Bicentennial Commemoration and the persistent unauthorized use by the public, planning for modest development has become necessary. An application to transfer existing water rights or to issue a permit for development of a beneficial use for recreation has been filed with the Idaho Department of Water Resources.

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Conceptual Project Feature Description

The modest development should include:

- access road widening and gravel surfacing
- parking for approximately 10 vehicles
- underground soaking pool/s for up to 30 people
- a double vault toilet structure for sanitation
- covered, screened, open air changing area
- fire pit
- two picnic areas with rock shade/shelter structures
- refuse containment area
- interpretation and information structure
- earthen berm for screening from road and between pools

Development/Design Considerations

Development of the site will be accomplished utilizing funding from the Bureau's Deferred Maintenance Initiative. Emphasis should be put on attempting to blend the facility with the existing landscape, resistance to vandalism and minimal maintenance requirements. Water collection from the spring/s into a delivery system to the pool/s will be necessary. Water temperature at the point of use will need to be regulated within a range that will be comfortable and "safe" 100-105 degrees Fahrenheit. The pool/s need to be constructed so that they can be drained and cleaned as quickly as possible. Multiple, smaller pools may allow for alternating maintenance, quicker refill and better temperature regulation. Vandalism of this remote site is of concern. Structures should be constructed from rock and concrete as much as possible and pipes and valves should be buried and secured. Due to the potential need for utilizing cleaning chemicals, the pool drainage containing cleaning chemicals (likely household chlorine) will need to be addressed. The normal overflow from the pool/s will need to be of such an arrangement that erosion of stream banks will not be accelerated. Drainage of the pools will likely necessitate in stream structures to reduce the velocity of the water and reduce erosion of the stream bed.

The historic 20'x20' plunge was filled and covered by the BLM. It is located within the area of development and may need to be avoided.

The noxious weeds spotted knapweed and henbane are present at the site and any ground disturbance will require treatment and rehabilitation. No eligible cultural properties have been found at the site and are not expected due to the historical disturbance of the area for the previous developments. No sensitive, threatened or endangered species of animals or plants are known to exist at the springs.

Prepared by:

Michael Liner, Outdoor Recreation Planner

Date

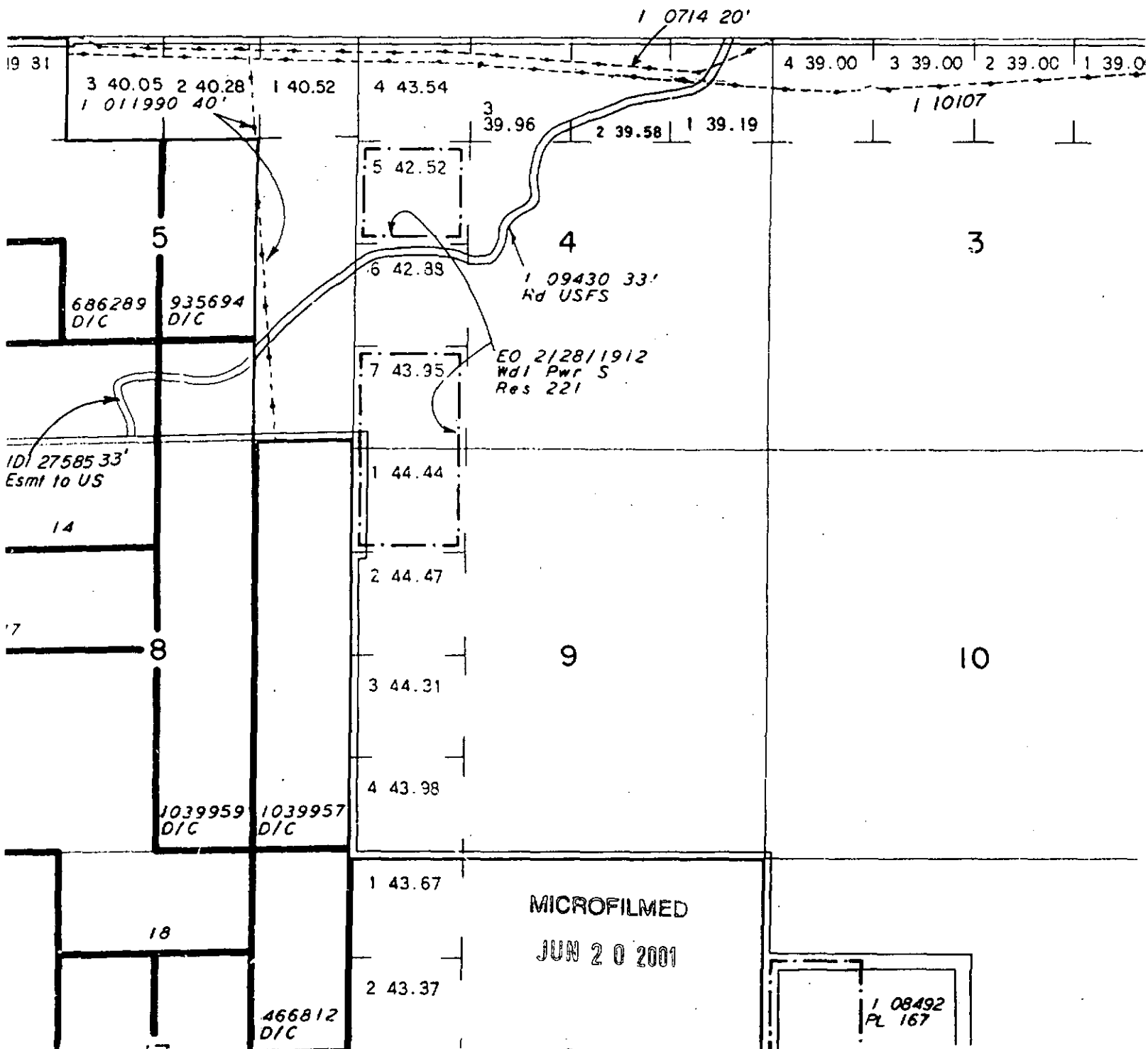
MICROFILMED

JUN 20 2001

TOWNSHIP 19 NORTH RANGE 24 EAST

LEMHI COUNTY 059

SALMON DISTRICT SEC 3



LEMMING COUNTY 059
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

070523 Del Mar 167 Fact of Comp 1/22/1953
completed 12/22/1960. 111.20 Surface Dept. by SC

1 1939 RW 5 CI unit 016. Cydoni County, IA
Agnes Creek
Sec. 29. 3E1W

RW 5 3336 3/16/1973 material from HF
1 1939 Main use CI not effective on
Sec. 19. 22NW

01 16270 2 NW 1/4 Landfill Use Term 12-24/1998
Sec. 20. 24NE

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	
CURRENT IN	MAY 8 1960
USE PLATE:	

Lat. 44° 56' 23" N
Long. 113° 29' 18" W

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

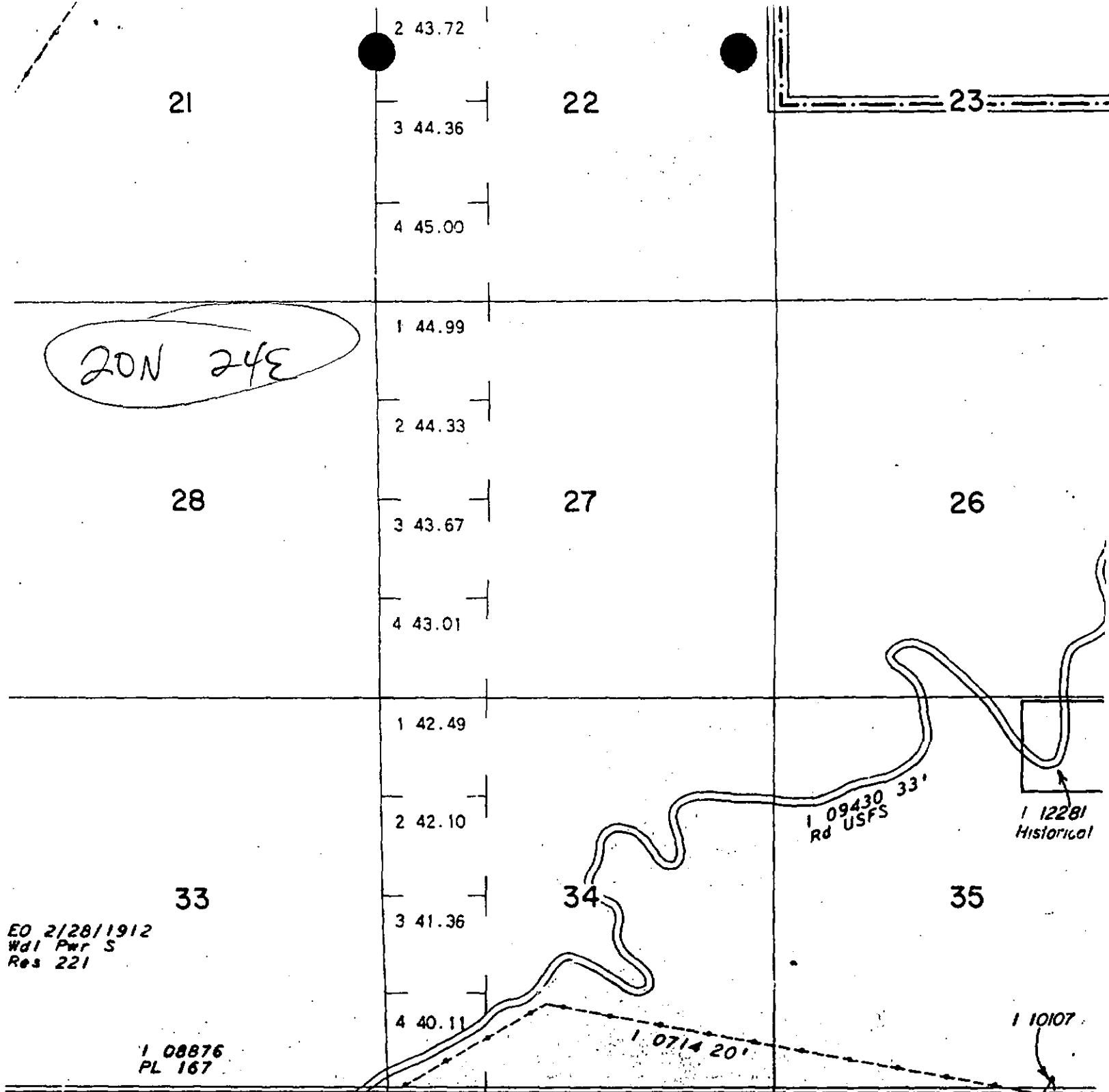
WASHINGTON STATIST

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the wrapping survey data. There are two types of this plot, one showing the changes which have been reflected by current movements of stock or other holdings of water.

SCAF to Boston

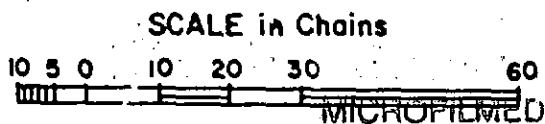
[illegible]

JUN 20 2001



EO 2/28/1912
Wd1 Pwr S
Res 221

1 08876
PL 167



JUN 20 2001

WARNING STATE

This plat is the Bureau's Record only as a graphic display of the records hereon do not reflect title changes effected by lateral movements of river. Refer to the cadastral surveys for

TOWNSHIP 20 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

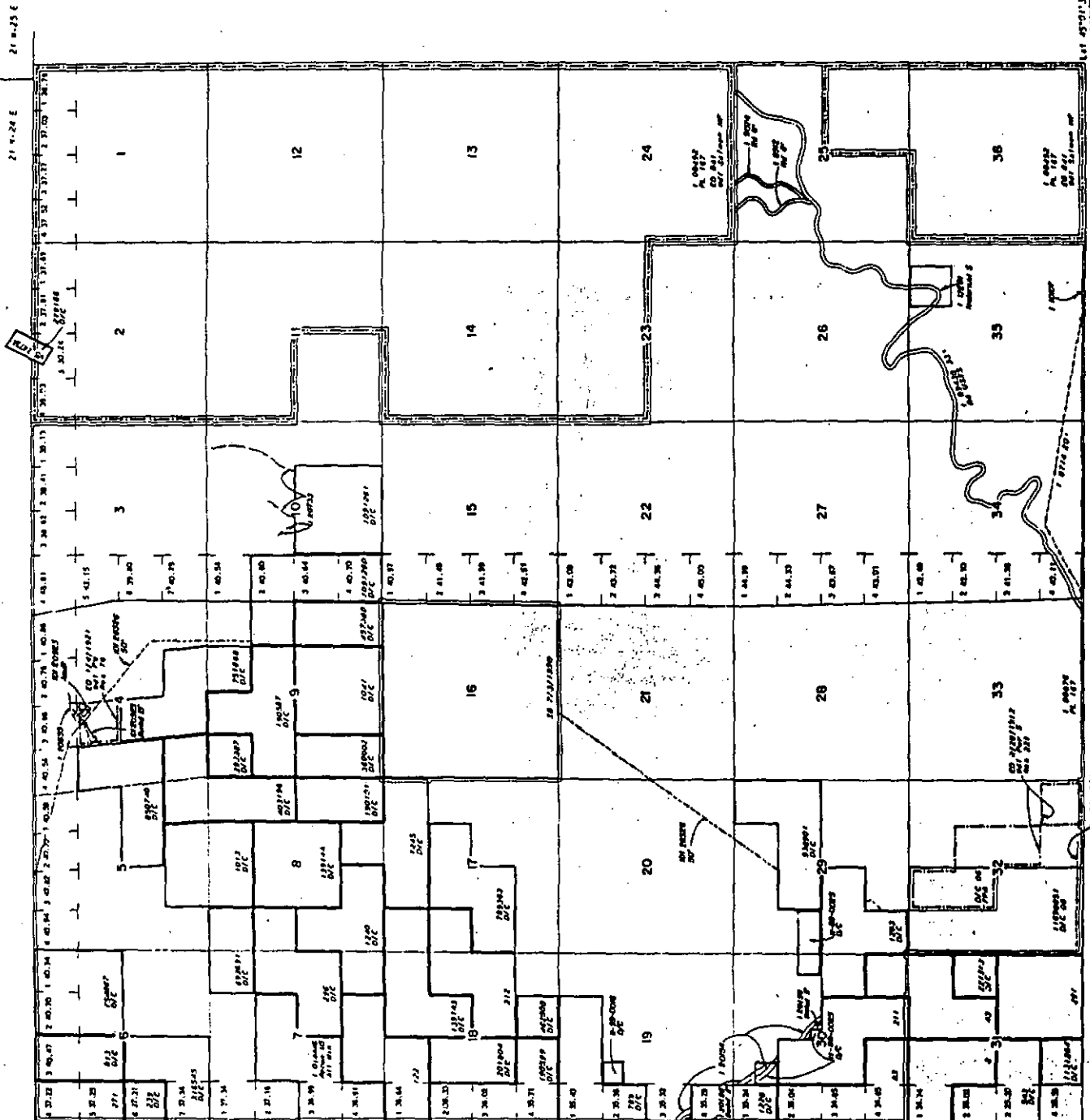
LEMMING COUNTY 059
34.000 DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	20	24	1
2	20	24	2
3	20	24	3
4	20	24	4
5	20	24	5
6	20	24	6
7	20	24	7
8	20	24	8
9	20	24	9
10	20	24	10
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33	20	24	33
34	20	24	34
35	20	24	35
36	20	24	36

1. 08/02 Cont. Pl. 167 (Act of Cong. 7/23/1955)
completed 9/9/1966. All of surface right by USFS
2. 02/29 12/27/1960 Open to Entry Subj. to Sec. 24
TPA Act. 3. Sec. 241 EO 2/28/1912
Sec. 241 34 USC, 14161, 14162, 14163, 14164
1. 08/02 Cont. Pl. 167 (Act of Cong. 7/23/1955)
completed 6/12/1962. All of surface right by RLM



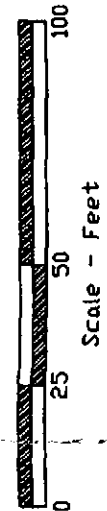
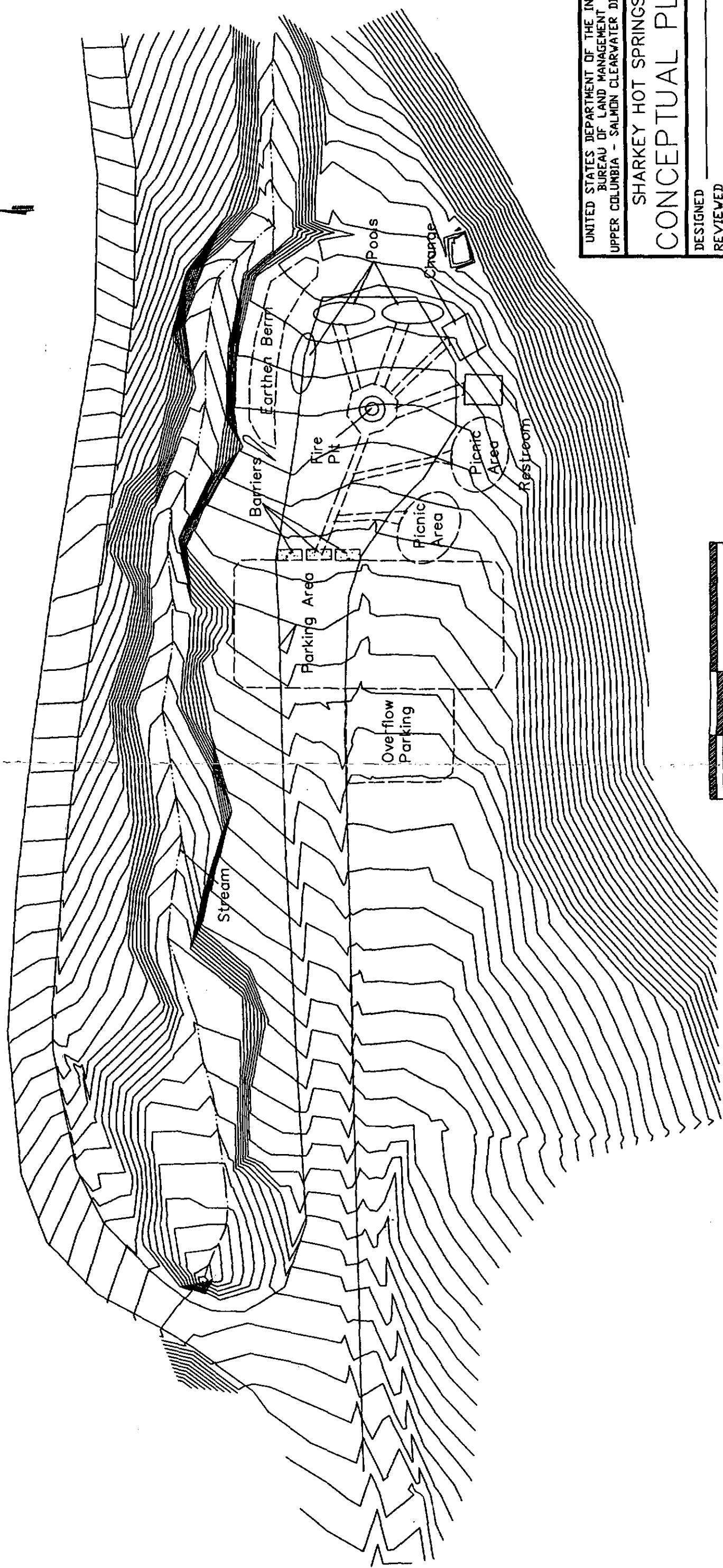
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNRECORDED LANDS REFER TO BOOK OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
1. 08/02 Cont. Pl. 167	1. 08/02 Cont. Pl. 167
2. 02/29 12/27/1960	2. 02/29 12/27/1960
3. 08/02 Cont. Pl. 167	3. 08/02 Cont. Pl. 167
4. 08/02 Cont. Pl. 167	4. 08/02 Cont. Pl. 167
5. 08/02 Cont. Pl. 167	5. 08/02 Cont. Pl. 167
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9. 08/02 Cont. Pl. 167	9. 08/02 Cont. Pl. 167
10. 08/02 Cont. Pl. 167	10. 08/02 Cont. Pl. 167
11. 08/02 Cont. Pl. 167	11. 08/02 Cont. Pl. 167
12. 08/02 Cont. Pl. 167	12. 08/02 Cont. Pl. 167
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29. 08/02 Cont. Pl. 167	29. 08/02 Cont. Pl. 167
30. 08/02 Cont. Pl. 167	30. 08/02 Cont. Pl. 167
31. 08/02 Cont. Pl. 167	31. 08/02 Cont. Pl. 167
32. 08/02 Cont. Pl. 167	32. 08/02 Cont. Pl. 167
33. 08/02 Cont. Pl. 167	33. 08/02 Cont. Pl. 167
34. 08/02 Cont. Pl. 167	34. 08/02 Cont. Pl. 167
35. 08/02 Cont. Pl. 167	35. 08/02 Cont. Pl. 167
36. 08/02 Cont. Pl. 167	36. 08/02 Cont. Pl. 167

THE NOTATION SHOWING ON WITHDRAWALS REPRESENT THE LAST
ACTING PLAT BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE METEOROLOGICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER.

SCALE IN CHAINS
0 10 20 30 40 50 60 70 80 90 100

MICROFILMED
JUN 20 2001



UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT UPPER COLUMBIA - SALMON CLEARWATER DISTRICTS	
SHARKEY HOT SPRINGS	
CONCEPTUAL PLAN	
DESIGNED _____	SCALE: AS SHOWN
REVIEWED _____	DATE: MAY 5, 2000
APPROVED _____	SHEET OF
DRAWING NO.	

ALWAYS THINK **SAFETY**



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. 74-7394

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
OCT 28 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 74-7394

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.:		E025857, E028232	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
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	+	05/26/2000
New priority date	=	05/26/2000

Deficiencies of Actions Items

Acknowledge proof, and change mailing address.



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

October 13, 2000

DIRK KEMPTHORNE
GOVERNOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 74-07394

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

OCT 20 2001

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of October, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 74-07394

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
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).

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.

MICROFILMED

JUN 20 2001

MEMORANDUM

TO: File 74-07394

FROM: Sharla Curtis

DATE: October 5, 2000

RE: Moratorium

This filing is within the Salmon/Clearwater Rivers Moratorium and the Wilderness Tributary Moratorium areas.

While there may be some consumptive use in the way of evaporation losses from the pools, these losses are probably minimal in relation to the health and safety benefits as outlined in the development plan submitted with the application. As noted in the development plan, this natural resource is sought after by members of the public who continue to fashion homemade contraptions that are health and safety hazards along with resulting litter. The public will continue these practices unless BLM steps in and creates a clean, safe facility for public use. For these reasons, the health and safety benefits far outweigh any concerns in relation to the moratorium and the application should therefore be approved.

MICROFILMED

JUN 20 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 8/8/00

No. 74-07394 Name: Bum Corp. Officers N/A Ad ok / Govt Lots

AREA OF CONCERN? No/Yes S/C & Wild trib. Moratorium GWMA TRUST/NON-TRUST

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 (20s-70s, 81-86)
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: 8/01/2003

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 None
In/Above MSE - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.24 cfs/others - 01H(P01), 01P or No MD
> 0.24 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)
> 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 p/ds 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

Rec use = 200 3 soaking

COMMENTS

source is springs

AUG - 7 2000

Department of Water Resources

BLM

INITIAL REVIEW BY HWJ DATE 5-26-00 APPLICATION NO. 74-07394

☒ 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

_____ Id Dept of Health & Welfare _____ U.S. BLM
X _____ Id Dept of Fish & Game *Salmon office* _____ U.S. Forest Service
 _____ Id Dept of Lands _____ Water District
 _____ Adjudication Bureau Unit _____ Other _____

Yes ☒ No ☐ Affidavit of

 / 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

Final date for protest,

☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application

 Yes 1 No Recommendations attached

 Yes 1 No Measuring device required

 Yes No Access port required

 Yes 1 No Will water be delivered by watermaster? If yes, what District

 Yes 1 No Special conditions of approval or cover letter below.

Date of priority recommend.

By:

By: [Signature] Date: _____

STATE OFFICE REVIEW:

By:

By: _____ Date: _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

_____ City

_____ County

 Reservations

____ City _____ Id Fish & Game

_____ County _____ Id Health & Welfare

____ Reservations ____ Div. Of Environment

_____ City _____ Id Fish & Game _____ Irrigation District

_____ County _____ Id Health & Welfare _____ Canal Company

_____ Reservations _____ Div. 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 is no handwriting or other markings on the paper.



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

June 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON ID 83467

RE: Application for Permit #74-07394

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on June 15 and 22, 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

June 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467

RE: Application for Permit #74-07394

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 July 3, 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

Legal Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

74-07394

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGE-
MENT

RT 2 BOX 610

SALMON, ID 83467

Source: SPRING Tributary:
WARM SPRING CREEK

Diversion Pt: LOT 1 (NENENE)
Sec 4 T 19N R 24E in LEMHI County.
LOT 4 (SWSWSW) Sec 34 T 20N
R 24E in LEMHI County.

Use: RECREATION (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 5/26/2000

In: LEMHI County

T19N R24E S04 Lot 1 (NENE)

Any protests against the pro-
posed application must be filed with
the Dept. of Water Resources, 900
N Skyline Dr., Ste A, Idaho Falls ID
83402, together with a protest fee of
\$25.00 on or before JULY 3, 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: 6/15/2000 & 6/22/2000

6-15-2tc

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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

JUNE 7, 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 JULY 3, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl. .

*Mailed
6/7/2000
sc*

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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:

74-07394

US DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
RT 2 BOX 610
SALMON, ID 83467

Source: SPRING

Tributary: WARM SPRING CREEK

Diversion Pt: LOT 1 (NENENE) Sec 4 T 19N R 24E in LEMHI County.
LOT 4 (SWSWSW) Sec 34 T 20N R 24E in LEMHI County.

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

Date Filed: 5/26/2000

In: LEMHI County
T19N R24E S04 Lot 1 (NENE)

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before JULY 3, 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: 6/15/2000 & 6/22/2000

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