

42' 30"

JAN 31 2000

Wimpey Coal Mine Allotment

● Water Development

□ Allotment Boundary

□ Pasture Boundary

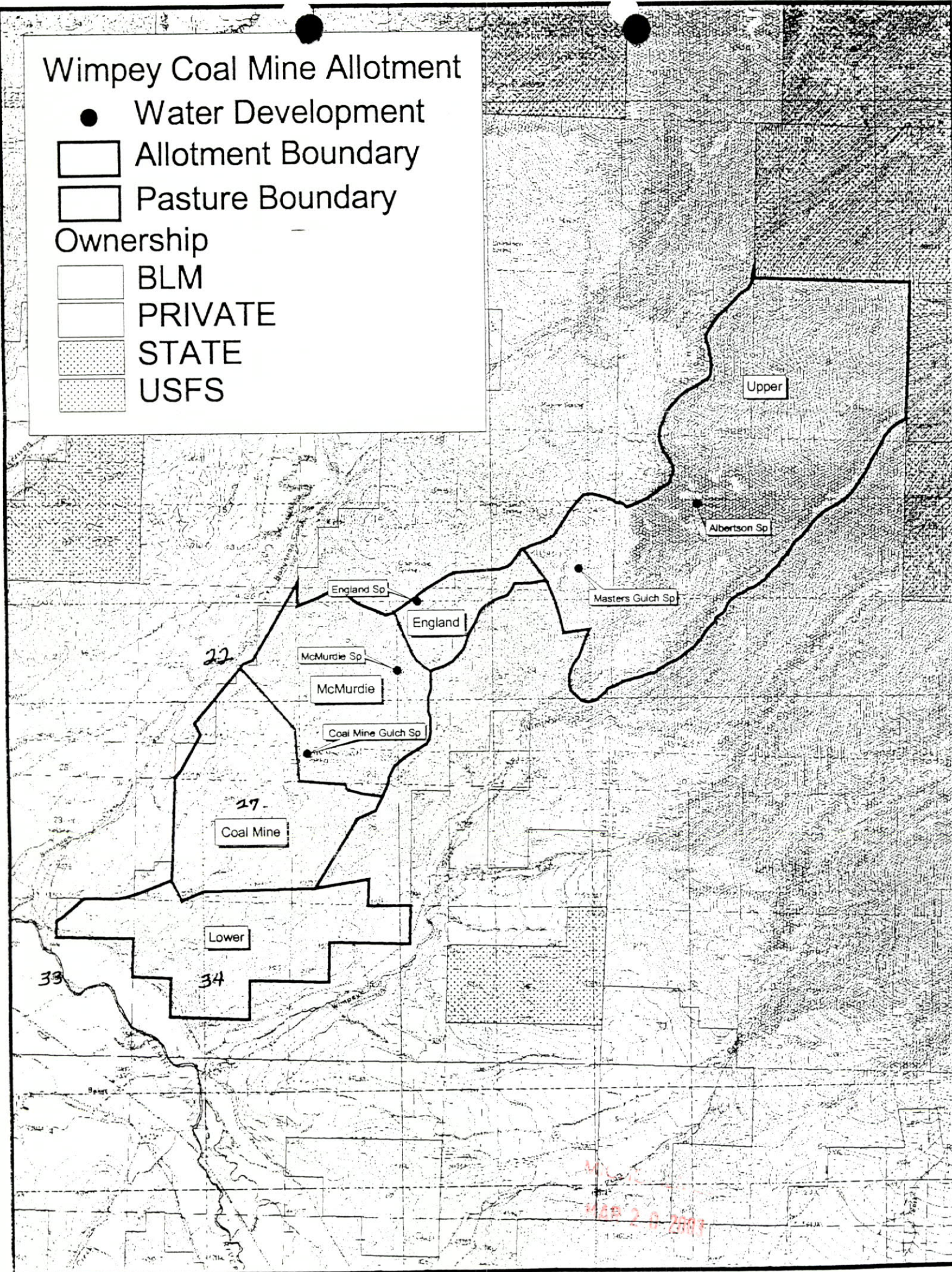
Ownership

□ BLM

□ PRIVATE

▨ STATE

▨ USFS



Affidavit of Publication

RECEIVED
APR 12 1999

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR
WATERRIGHT

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

7407388
KIRSCHENMANN, GORDON R
RT 1 BOX 25

SALMON, ID 83467
Source: BOHANNON CREEK
Tributary: LEMHI RIVER
Diverison Pt: NESW Sec 28 T21N R
23E in LEMHI County.

Use: RECREATION (0.60 AF)
DIVERSION TO STORAGE (0.200
CFS)

Total Diverison: (0.200 CFS) (0.60
AF)

Date Filed: 2/19/1999
In: LEMHI County
T21N R23E S28 SE SW

Any protest against the proposed
application must be filed with the De-
partment of Water Resources, 900 N
Skyline Dr., Ste A, Idaho Falls, ID 83402,
together with a protest fee of \$25.00 on
or before MARCH 22, 1999 to be con-
sidered by the Department in its deci-
sion 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: 3/4/1999 & 3/11/1999

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 DEPARTMENT OF WATER RESOURCES - 7407388

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 hereto for TWO (2) consecutive issues, commencing with the
issue dated 3-4-99 and ending with the issue dated 3-11-99

STATE OF IDAHO
County of Lemhi } ss.

On this 11th day of MARCH in this year of 1999 before me, A Notary Public, person-
ally 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 state-
ments therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho
Shawn Hodges
Notary Public for Idaho

My Commission Expires: 9-21-2001

Publication Fee \$ 47.52

MICROFILMED
JAN 31 2000

11/99

For Office Use Only
\$25 filing fee PAID
Receipt # _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 01 2000

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, GORDEN KIRSCHENMANN, hereby assign to CECIL JACKSON AND JUDITH BAILEY-JACKSON
of, Rt 1 Box 23, Salmon, ID 83467 208-756-2329
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 74-07388 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 22nd day of November, 2000.

Gorden R. Kirschenmann
Permit Holder(s)

State of Idaho)
)ss
County of Lemhi)

On this 24 day of Nov, 2000, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Salmon

SEAL

My commission expires: 2-19-2003

MICROFILMED

JAN 12 2001

Amt. of Fee \$: 50 -
 Receipt No. C0410113
 Receipt By: HWA/COMB
 Date Received: 7/27/99

RECEIVED

JUL 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 74-07388 Telephone No. (208) 756-3026

2. Name(s) of Permit Holder(s): Gorden R. Kirschenmann

3. Mailing Address: Rt. 1, Box 25 Salmon, Idaho 83467

4. Source of Water: Bohannon 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): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: .20 cfs OR 0.6 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 X or No

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

Has the measurement port been installed? Yes X 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: Gordon R. Kirschenmann **Telephone Number:** (208) 756-3026

Address: Rt. 1, Box 25 Salmon, Idaho 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.

Signature of permit holder: Jordan R. Kirschman Date: July 21, 1999
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 31 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 74-07388

Proposed Priority: February 19, 1999 Maximum Diversion Rate: 0.20 CFS

This is to certify, that GORDEN R KIRSCHENMANN
RT 1 BOX 25
SALMON ID 83467

has applied for a permit to appropriate water from:
BOHANNON CREEK tributary of 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>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 28, Township 21N, Range 23E
LEMHI County

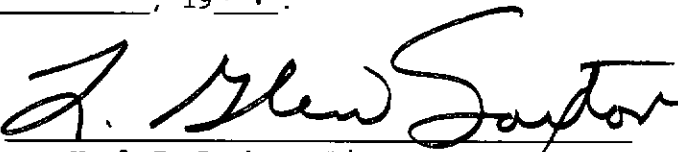
PLACE OF USE: RECREATION STORAGE
TWN RGE SEC
21N 23E 28 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 74C.
4. 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.
5. Recreation storage use is for a pond.

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

22nd day of April, 1999.


Karl J. Dreher, Director
for

MICROFILMED

JAN 31 2000

Ident. No. 74-07388

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
APR 19 1999

Department of Water Resources

1. Name of Applicant GORDEN R. KIRSCHENMANN Phone (208) 756-3026
Mailing address Rt. 1, Box 25 ; Salmon, Idaho 83467
2. Source of water supply Bahannon Creek which is a tributary of Lemhi River
3. Location of point of diversion is Township 21 N Range 23 E Sec. 28 in the SW ^{N12} 1/4, NE ^{SW} 1/4, 1/4, Govt. Lot , B.M., Lemhi County;
additional points of diversion if any: * Addition as per tele-con with applicant - 2-22-99 Huf
4. Water will be used for the following purposes:
Amount 0.6 cfs for Aesthetic (Pond) purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) (Recreation)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
* Amount 0.20 cfs for Diversion to Remediation 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)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) 0.6 cfs
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 Head box with plastic
pipe 6" PVC conveyance to pond. (75' x 35' x 10' deep)
 - b. Height of storage dam NA feet; active reservoir capacity 0.6 acre-feet; total
reservoir capacity 0.6 acre-feet
 - c. Proposed well diameter is NA 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. MICROFILMED
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality. JAN 31 2000
 - d. Domestic; show number of households.
 - e. Other; describe fully. Non consumption use for aesthetic purposes
(Pond) overflow to be returned immediately to
Bahannon Creek.

9. Description of place of use:

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	28																	

Total number of acres to be irrigated NA

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

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

12. Remarks: This pond has replaced an old pond. This pond and appertenant waste water diversion system was rebuilt to enhance the conservation of runoff from irrigated fields and aesthetic purposes. There are no water rights out of Behannon Creek downstream from these points of diversion and place of use.

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.)

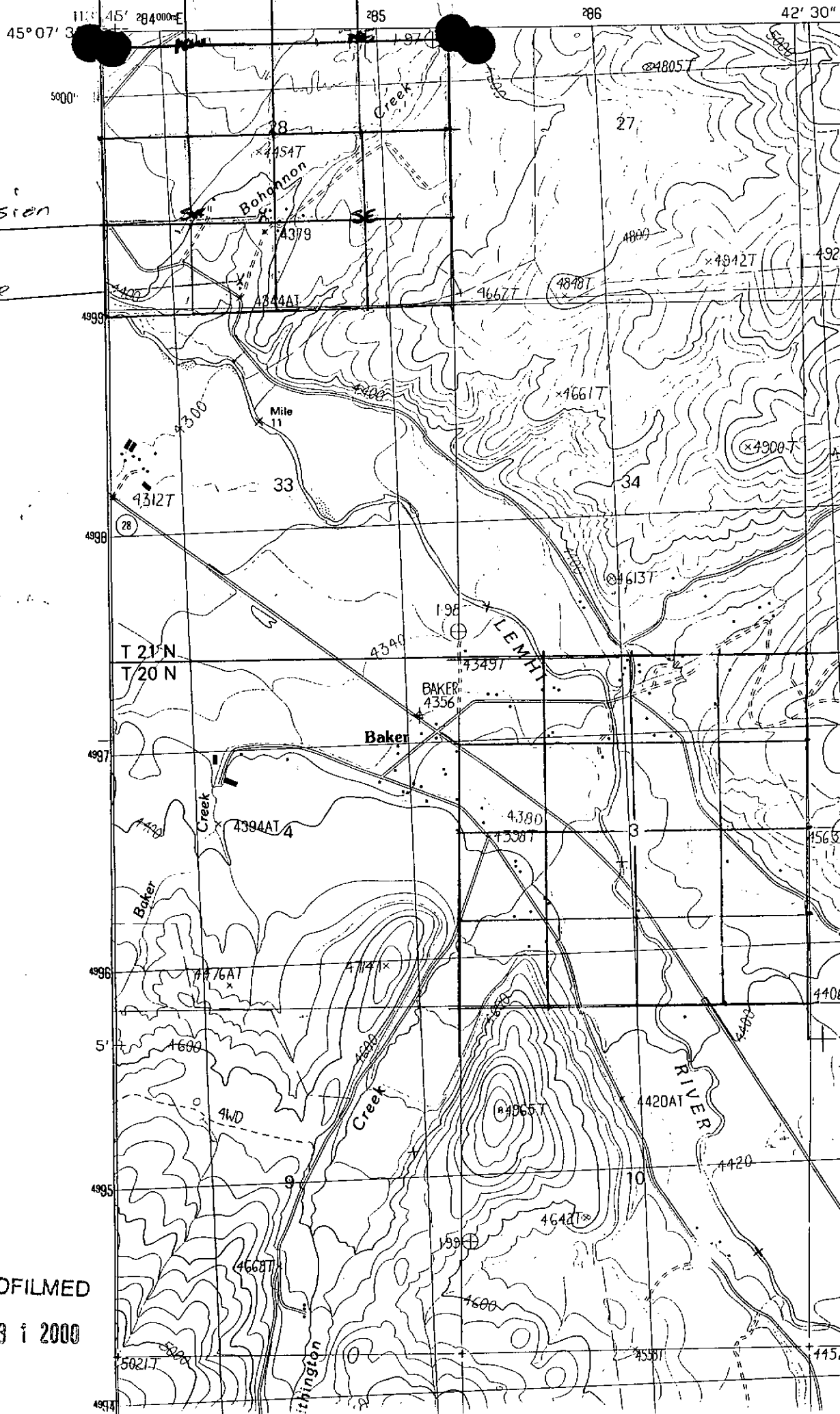
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JAN 31 2000

Sharon R. Kieckhefer
Signature of Applicant (and title, if applicable)

Received by AK Date 2-19-99 Time 12:20 PM Preliminary check by SC
Fee \$ 50.00 Received by Hlw # EO24787 Date 2-22-99
Publication prepared by SC Date 3/4 & 3/11/99 Published in Recooper Herald
Publication approved hc Date 4/2/99

GEOLOGICAL SURVEY



MICROFILMED

JAN 3 1 2000

RECEIVED

OCT 22 2001

Department of Water Resources

PAUL B. WITHERS, ESQ.
WITHERS LAW OFFICE, Chartered
P.O. BOX 849
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

October 17, 2001

Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
RE: Change of Ownership/Cecil Jackson
Attn: Kari Lynn Townsend:
VIA FACSIMILE & U.S. Mail

Dear Ms. Townsend:

Pursuant to our conversation of October 16, 2001, I have enclosed herewith a copy of the grazing permit from the BLM to Gordon Kirschenmann, the Assignment of Permit from Kirschenmann to Cecil Jackson, and a map my office received from the BLM showing the location of the grazing allotment as located in the sections addressed in the partial decrees.

As we discussed previously, these partial decrees relate to water rights associated with the allotment provided by the grazing permit. Those rights have been transferred to the Jackson's and we have filed for the application with the Department for the transfer.

Please let me know if you need anything more. Thank you in advance for your courtesies in this matter.

Sincerely yours,


Paul B. Withers

Enclosures

MICROFILMED

MAR 20 2003

UNITED
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE ID
OFFICE 046
OPERATOR NUMBER 114668
PREFERENCE CODE 03
DATE PRINTED 03/12/91
TERM 03/01/1991 TO 02/28/2001

KIRSCHENMANN, GORDEN

ROUTE 1 BOX 25
SALMON, ID 83467

BUREAU OF LAND MANAGEMENT
LEMHI RESOURCE AREA
P.O. BOX 430
SALMON, ID 83467

THIS GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING PREFERENCE ON THE PUBLIC LANDS AND/OR OTHER LANDS ADMINISTERED BY THE BLM. YOU ARE AUTHORIZED TO MAKE GRAZING USE TO THE EXTENT OF YOUR ACTIVE GRAZING PREFERENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS INCORPORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

ALLOT

PASTURE	LIVESTOCK NUMBER KIND	GRAZING PERIOD BEGIN END	TYPE %PL USE	AUM'S
06114 WIMPEY COAL MINE	66 CATTLE	05/01 08/27	100 ACTIVE	258

TERMS AND CONDITIONS:

USE IN THE WIMPEY COAL MINE ALLOTMENT WILL BE IN ACCORDANCE WITH THE WIMPEY COAL MINE ALLOTMENT MANAGEMENT PLAN.

AS PROVIDED IN THE CODE OF FEDERAL REGULATIONS (CFR) 4130.6-2(D), YOU ARE HEREBY REQUIRED TO SUBMIT A CERTIFIED ACTUAL USE REPORT WITHIN 15 DAYS AFTER COMPLETION OF YOUR ANNUAL GRAZING USE. FAILURE TO COMPLY COULD RESULT IN THE CANCELLATION OF YOUR PERMIT IN WHOLE OR PART.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
06114 WIMPEY COAL MINE	256	380	636

THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS

MICROFILMED

MAR 20 2003

CASE FILE

11/99

For Office Use Only
\$25 filing fee PAID
Receipt # _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, GORDEN KIRSCHENMANN, hereby assign to CECIL JACKSON AND JUDITH BAILEY-JACKSON
of, Rt 1 Box 23, Salmon, ID 83467 208-756-2329
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 74-07388 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 22nd day of November, 20 00.

Gorden R. Kirschenmann
Permit Holder(s)

State of Idaho)
)ss
County of Lemhi)

On this 24 day of Nov, 20 00, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Salmon

SEAL

My commission expires: 2-19-2003

MICROFILMED
MAR 20 2003

Wimpey Coal Mine Allotment

● Water Development

□ Allotment Boundary

□ Pasture Boundary

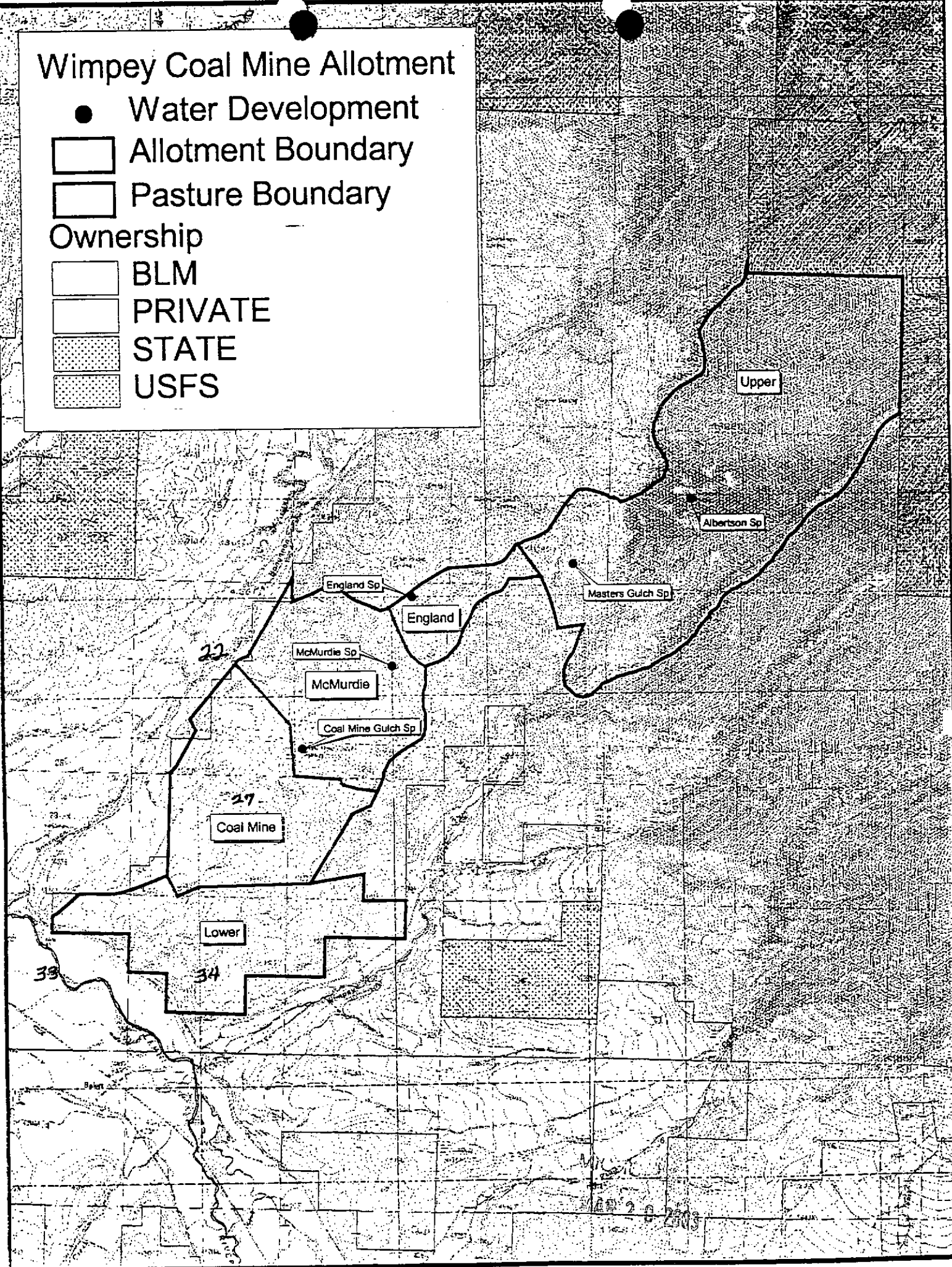
Ownership

□ BLM

□ PRIVATE

▨ STATE

▨ USFS





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

December 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CECIL JACKSON
JUDITH BAILEY-JACKSON
RT 1 BOX 23
SALMON ID 83467

RE: Assignment of Permit 74-07388

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack', written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JAN 12 2001

RECEIVED

DEC 01 2000

Department of Water Resources

TELEPHONE 208/756-2714

TELEPHONE 208/756-2720

FAX 208/756-2714

Bill Allen Escrow

P.O. Box 1227
533 MAIN STREET
SALMON, IDAHO 83467

November 28, 2000

State of Idaho
Department of Water
1301 N. Orchard St.
PO Box 83720
Boise ID 83720

Re: Change of Ownership of Permit 74-07388

We are enclosing the Assignment of Permit in connection with the water permit that Gorden Kirschenmann is transferring to Cecil and Judith Jackson. If you need anything further please contact us.

Sincerely yours,



DIZ ALLEN

Encl/

MICROFILMED

JAN 12 2001



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

November 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL ALLEN ESCROW
PO BOX 1227
SALMON ID 83467

RE: Change of Ownership for Permit 74-07388

Dear Sir:

The paperwork that you submitted for change of ownership on the above referenced permit has been forwarded to me for processing.

Because this water right is still in the **permit** stage, an Assignment of Permit will be required to complete the ownership change. I have enclosed an assignment form for your convenience.

The \$25.00 filing fee that you sent for the ownership change will be applied to the Assignment of Permit so that no additional fee is required.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 4, 2000

GORDON KIRSCHENMANN
RT 1, BOX 25
SALMON, ID 83467

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 74-07388

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.

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

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 74-07388 Reviewed by WJ Date 01-03-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Rec. Storage
yes Correct Uses?

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
50⁰⁰ Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
✓ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

- None
- acknowledge proof

DATA ENTRY

New Address ✓ Proof Made 7-26-99



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

April 22, 1999

DIRK KEMPTHORNE
GOVERNOR

GORDEN R KIRSCHENMANN
RT 1 BOX 25
SALMON ID 83467

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 74-07388

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.

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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

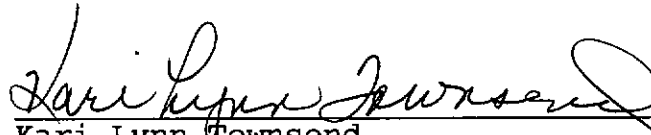
MICROFILMED
JAN 31 2000

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of April, 1999, 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. 74-07388

GORDEN R KIRSCHENMANN
RT 1 BOX 25
SALMON ID 83467


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 31 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JAN 31 2000

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Andy*No.: 74-1388 Name: Kirschenmann Date: 4/21/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: SC Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 046-P23
In Basin 347 - 085
Irr. within WD - P05 (new well location)
WMD (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

WMD

Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
Supp. irr + uses - 100-101
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

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

FISH & GAME CONTACTED: - YES / NO; WHEN: 2/23/99 RESPONSE: None

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P62 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # 74C)> 0.20 cfs - 01, P08 (MD & LD)
≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

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

USE:

STORAGE (✓ 3 compo.) - ~~SSA~~ (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
STOCKWATER - R37 (BLM/USFS); NA
MINING - 054(req) -081-P10
FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
HEATING/COOLING - R07 (injection well)
POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)
Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
>1 in rest. area - 071-070
FIRE PROTECTION - 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)
MITIGATION - 120
42-248 AREA - P84 in 20/30/40/50/60/70/80 (87) basin
SWAN FALLS FLAG (✓ Code) -Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- Acidly pond

BENEFICIAL USE DUE:

- S / 1 / 2000

COMMENTS:

-

RECEIVED

Send Copy to
JD [redacted] & Gant-Salmon

APR 19 1999

Dist. for staffing

Department of Water Resources

Submitted for advertising 2-22-99

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

Kirschmann

INITIAL REVIEW BY HWS DATE 2-22-99 APPLICATION NO. 74-07388

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 signatory 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
- 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 _____

PROCESSING

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

SEND COPIES TO

<u> </u> Idaho Dept. of Health & Welfare	<u> </u> U.S. BLM
<u>X</u> <u> </u> Idaho Dept. of Fish & Game - Salmon	<u> </u> U.S. Forest Service
<u> </u> Idaho Dept. of Lands	<u> </u> Water District
<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
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
~~Yes~~ ~~No~~ **NO** Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. inactive district
☐ Yes ☐ No Special conditions of approval or cover letter below.
Surface area is less than 1/2 acre.

Date of priority recommended 2-19-1999
By: [Signature] Date: 4-13-99

STATE OFFICE REVIEW

By _____ Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho 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 are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

Affidavit of Publication

RECEIVED
APR 12 1999

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR WATERRIGHT

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

74-07388
KIRSCHENMANN, GORDON R
RT 1 BOX 25

SALMON, ID 83467
Source: BOHANNON CREEK
Tributary: LEMHI RIVER
Division Pt: NESW Sec 28 T21N R
23E in LEMHI County.

Use: RECREATION (0.60 AF)
DIVERSION TO STORAGE (0.200 CFS)

Total Diversion: (0.200 CFS) (0.60 AF)

Date Filed: 2/19/1999
In: LEMHI County
T21N R23E S28 SE SW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before MARCH 22, 1999 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: 3/4/1999 & 3/11/1999

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 DEPARTMENT OF WATER RESOURCES - 74-07388

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 hereto for TWO (2) consecutive issues, commencing with the issue dated 3-4-99 and ending with the issue dated 3-11-99

STATE OF IDAHO
County of Lemhi

ss.

On this 11th day of MARCH in this year of 1999 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

Ricky G. Hodges
Notary Public for Idaho

My Commission Expires: 9-21-2001

Publication Fee \$ 47.52

MICROFILMED
MAR 31 2000



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
February 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GORDON R KIRSCHENMANN
RT 1 BOX 25
SALMON ID 83467

RE: Applications for Permit #74-07388

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on March 4 and 11, 1999. 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
JAN 31 2000



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

February 23, 1999

KARL J. DREHER
DIRECTOR

**IDAHO FISH & GAME
PO BOX 1336
SALMON ID 83467**

RE: Application for Permit #74-07388

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is March 22, 1999, 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

JAN 31 2000



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

FEBRUARY 23, 1999

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 22, 1999.

Yours truly,

Sharla Cox
Secretary

Encl.

*Mailed
2/23/99
SC*

MICROFILMED

JAN 31 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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74-07388

KIRSCHENMANN, GORDEN R
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SALMON, ID 83467

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Tributary: LEMHI RIVER

Diversion Pt: NESW Sec 28 T 21N R 23E in LEMHI County.

Use: RECREATION	(	0.60 AF)
DIVERSION TO STORAGE	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)
	(	0.60 AF)

Date Filed: 2/19/1999

In: LEMHI County
T21N R23E S28 SESW

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KARL J. DREHER, Director

Published: 3/ 4/1999 & 3/11/1999

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JAN 31 2000