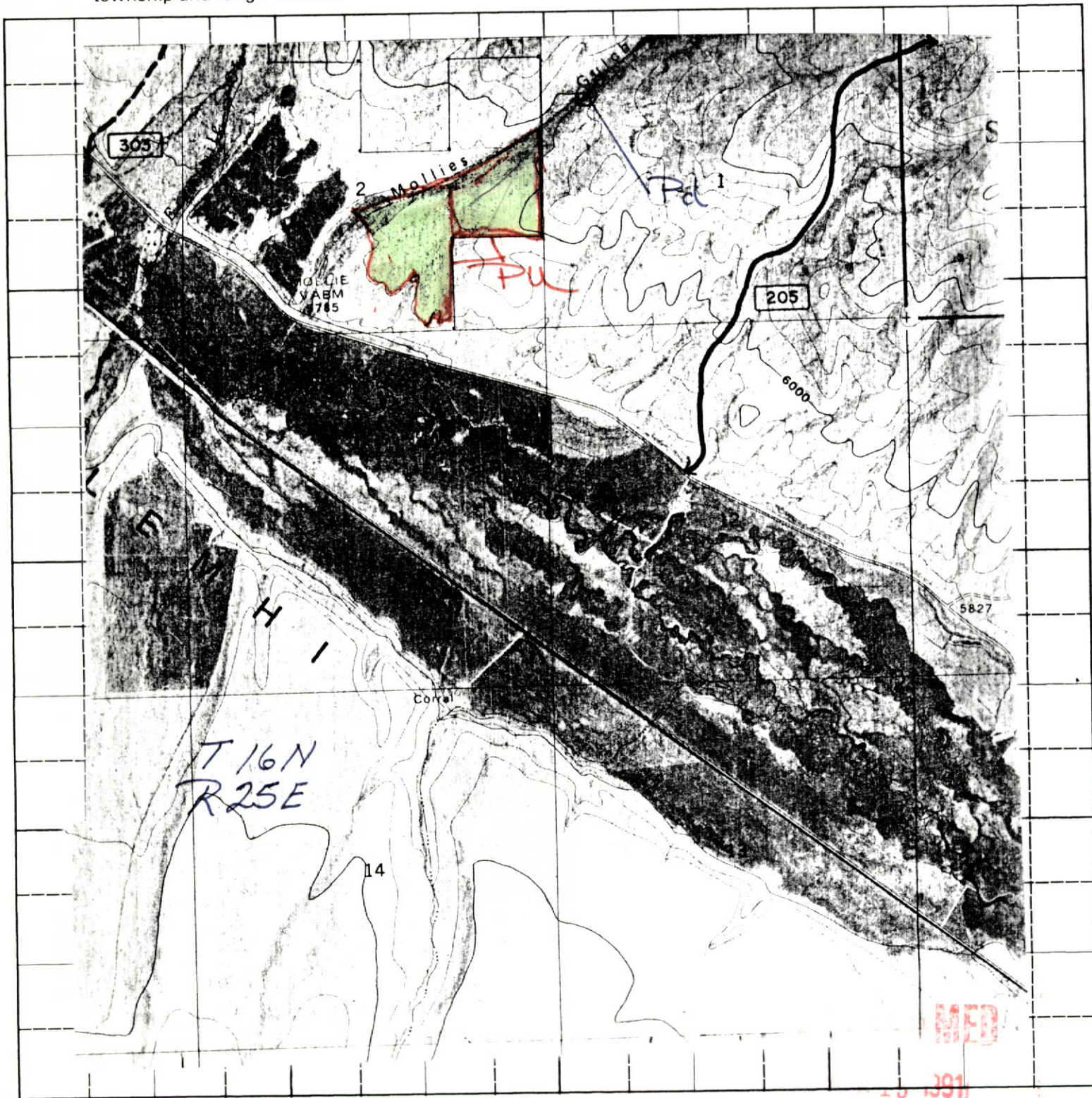


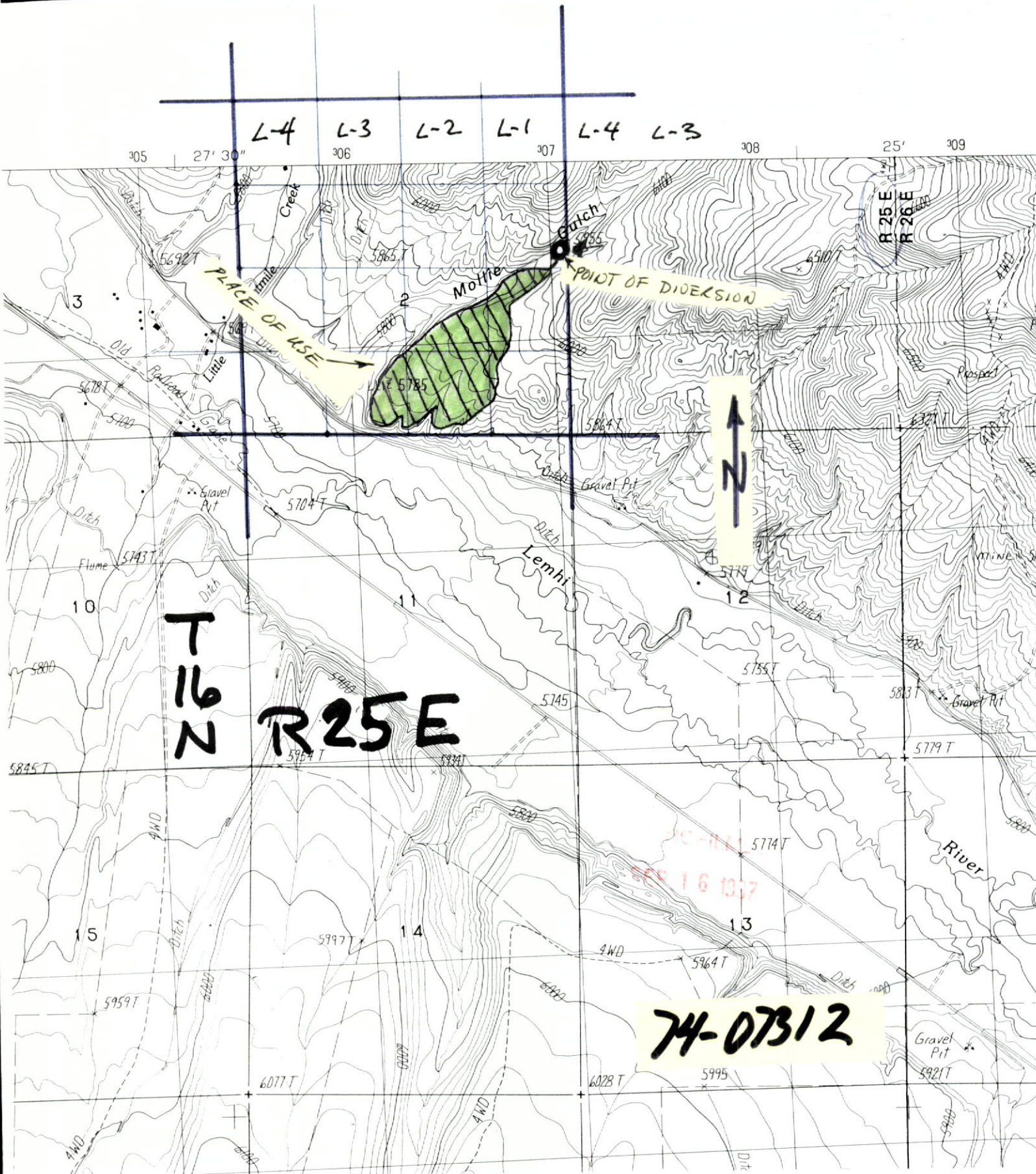
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

Franklin Jack Vinton
(Applicant)

731



T16N, R25E

35 36

2 1

L-4

L-3

L-2

L-1

L-4

R25E

T16N

POINT OF
DIVERSION

Massell

*POD
Curtis Dam*

DELIVERY
DITCH

PLACE OF
USE



83 1/2 ACRES
BOUNDRIES HARD
TO DETERMINE
ONLY SPONG
HIGH WATER
FLOWS

2

1

11

12

74-07312

KARL TYLER CHEVROLET INC
IRRIGATION

15/2



VIEW OF
~~PLACE OF USE~~
POINT OF
DIVERSION
FROM NATURAL
STREAM CHANNEL



VIEW OF
DELIVERY DITCH.

PERMIT
NUMBER

74-07312

RECORDED

SEP 16 1997

KARL TYLER CHEU.

IRRIGATION

2512

VIEW OF
PLACE OF USE



VIEW OF
PLACE OF USE



PERMIT
NUMBER

74-07312

RECEIVED
SEP 16 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 74-07312

Priority: June 11, 1990

Maximum Diversion Rate:

1.66 CFS

Maximum Diversion Volume:

290.5 AF

This is to certify, that KARL TYLER CHEVROLET INC
3219 N RESERVE

MISSOULA MT 59802

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 11, 1990; and
has submitted Proof of Beneficial Use on October 16, 1992. An examination indicates
that the works have a diversion capacity of 5.440 cfs of water from:

MOLLIES GULCH

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.66 CFS	290.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 16N, Range 25E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	25E	2	SESW 14	NESE 11	NWSE 18	83
			SWSE 36	SESE 4		

Total number of acres irrigated: 83

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED

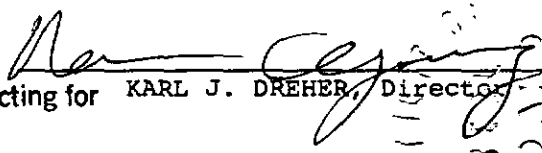
SEP 16 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 74-07312

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 27th
day of AUGUST, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

SEP 16 1997

RECEIVED

AUG 18 1997

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 74-07312

Date of Priority: June 11, 1990

Maximum Diversion Rate: 1.66 CFS

Maximum Diversion Volume: 290.5 AF

Comes now
3219 N RESERVE
MISSOULA MT 59802

KARL TYLER CHEVROLET INC

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 74-07312, and requests that the permit be changed as follows:

Source: MOLLIES GULCH

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.66 CFS	290.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 16N, Range 25E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	25E	2	SESW 14	NESE 11	NWSE 18	83
			SWSE 36	SESE 4		

Total number of acres irrigated: 83

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Missoula, this 11 day of Aug, 1997.

MICROFILMED
SEP 16 1997

Karl Tyler Chevrolet Inc
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07312

FOR DEPARTMENT USE ONLY

Preliminary check by WK Fee = 50.00 Received by JW # C039900 Date 8-19-97

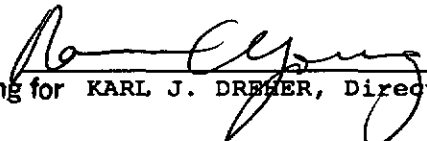
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 74-07312 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 27th day of August, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED
SEP 16 1997

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~74-07312~~	~~Jack Powers~~	
		~~Elizabeth M Powers~~	~~1.66~~
Full Assignment	74-07312	Karl Tyler Chevrolet Inc	1.66

RECEIVED
APR 14 1995

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 10-16-92
Receipt No. CO25767
Receipt by RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 16 1992

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 74-07312 Telephone No. 768-2671
2. Name(s) of Permit Holder(s): Jack or Elizabeth Powers
3. Mailing Address: RT. 1 Leadore Ida 83464
4. Source of Water: Mollies Gulch

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater NA 200 Cattle (No. and type of stock)
Irrigation 83 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.66 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 125. (See License Fee Schedule on back of Instruction Sheet)

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

Jack Powers 768-2671
Name Telephone No.
RT. 1 Leadore Ida 83464
Address

10. The above information 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.

NOV 19 1992

Date

Signature (and title, if on behalf of a company or organization)

Elizabeth Powers

06/93

Filing Fee: 25.00
Received: 3-31-95
Receipt #: C032398

RECEIVED

MAR 31 1995

Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Jack Powers and/or Elizabeth Powers, hereby assign to Karl Tyler Chevrolet, Inc
of 3219 N Reserve, Missoula, Montana 59802
(Permit Holder)
(Full Address)

All my right, title, and interest in and to Permit No. 74-07312
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
Permit No. _____ to appropriate the public waters of the State of Idaho.

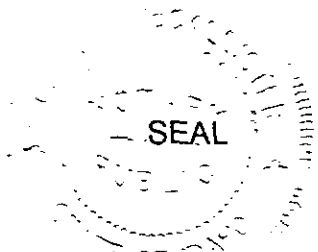
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 22nd day of March, 19 95.

Jack Powers Elizabeth Powers
Permit Holder(s)

State of Idaho)
County of Blaine ss

On this 22nd day of March, 1995, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Cheryl McCallister
Notary Public

Cheryl McCallister
Signature

APR 1 4 1995

My commission expires: 8-24-2000

database updated 4/12/95 c38

State of Idaho
Department of Water Resources

NO. 74-07312

Proposed Priority: June 11, 1990 Maximum Diversion Rate: 1.66 CFS
This is to certify, that JACK POWERS
ELIZABETH M. POWERS
RT. 1
LEADORE, ID 83464

has applied for a permit to appropriate water from:

MOLLIES GULCH tributary of SINKS

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
----------------	---------------	-------------------

IRRIGATION	04/01 to 11/01	1.66	CFS
------------	----------------	------	-----

LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 1, Township 16N, Range 25E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
16N	25E	2	SENE	2		NESE	36	NWSE	20
			SWSE	25					

Total number of acres irrigated: 83

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
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. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

28th day of March, 1991

REF FILMED

APR 15 1991

for A. Glen Saxton
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jack or Elizabeth M Powers Phone 768-2671
Post office address Route 1, Leadore Idaho 83464

2. Source of water supply Mollies Butch which is a tributary of Sinks

3. Location of point of diversion is _____ 1/4 of SW 1/4 of NW* 1/4, Govt. Lot _____

Sec. 1 Township 16 N Range 25 E B.M. Lemhi County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.66 for Irrigation purposes from 4/1 * 15 March to 11/1 * 15 November (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) 1.66 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate to ditch for flood irrigation*

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

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

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5*2 years (minimum 1 year).

MICROFILMED

* Changes as per telecon w/ Jack Powers / 10-25-90 / KCR

APR 15 1991

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16N	25E	02				2									36	20	25		83

Total number of acres to be irrigated 83

10. Describe any other water rights used for the same purposes as described above. NONE*

- Who owns the property at the point of diversion? B.L.M.
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Established easement for ditch and headgate*

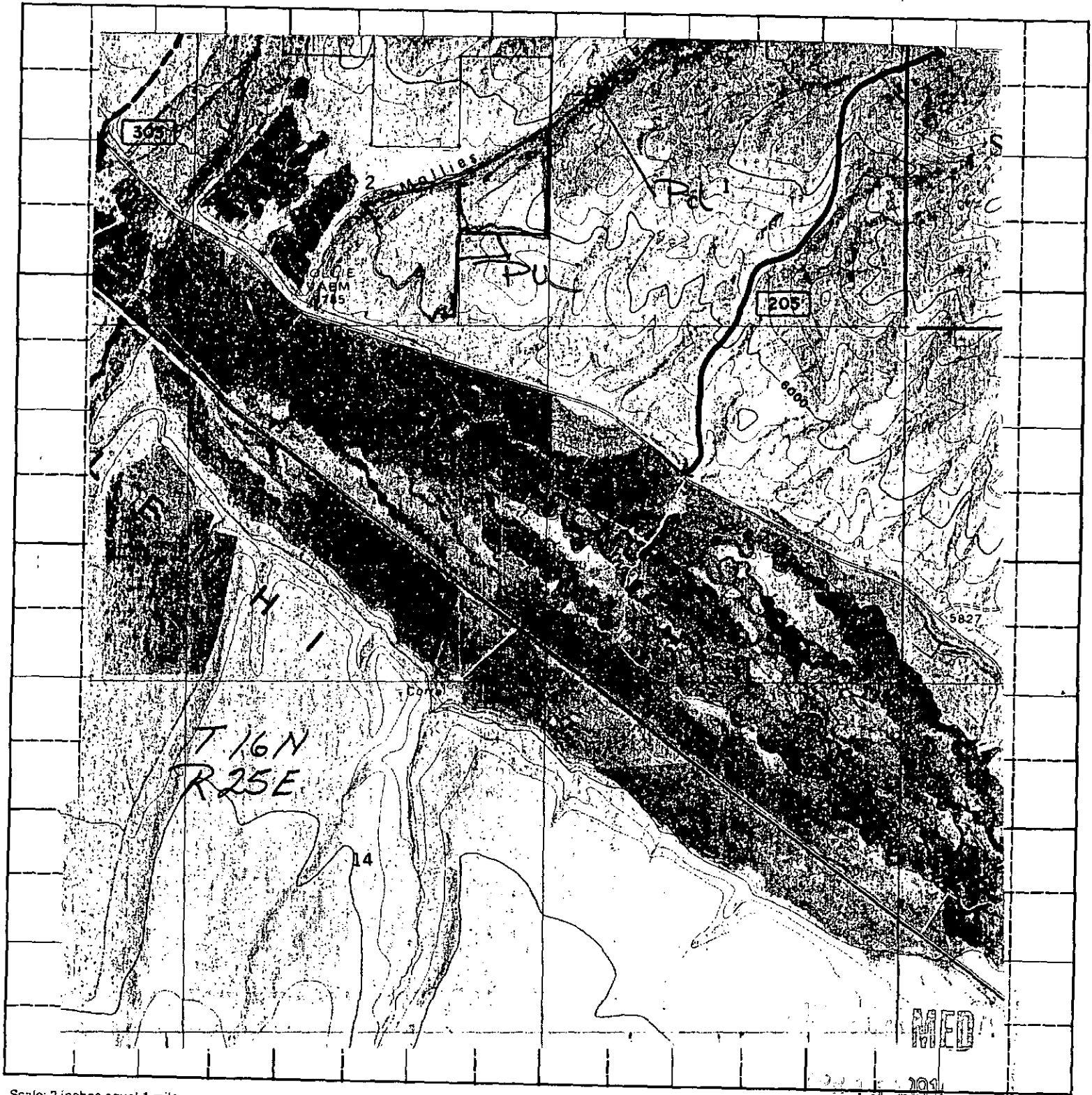
12. Remarks: The stream usually dries up by the first of August. It is shown as intermittent on the USGS map.

Plu is for lands that have no decreed water rights.*

*Changes as per telecon w/ Jack Powers 10-25-90 / KAD

APR 15 1991

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



Scale: 2 inches equal 1 mile.

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

Franklin Jack Von
(Applicant)

Received by DMD Date 11 June 1990 Time 12:03 Preliminary check by KCW
Fee \$ 65⁰⁰ Receipted by DMD # FO14808 Date 11 June 1990
Publication prepared by RB Date 11-15-90 Published in Recorder-Herald
Publication approved Qu Date 11-28-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

APR 15 1991

NOTICE OF APPLICATION
FOR WATER RIGHT

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

73-07117

U.S. DEPT. OF AGRICULTURE
FOREST SERVICE

TARGHEE NATIONAL FOREST

P.O. BOX 208

ST. ANTHONY, ID 83445

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNWE Sec 28 T

11N R 28E

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 5/23/1990

In: T11N R28E S28 NENE

74-07281

SMITH, JENNIFER

P.O. BOX 244

SALMON, ID 83467

SMITH, CLYDE C.

P.O. BOX 244

SALMON, ID 83467

Source: GROUNDWATER

Diversion Pt: NWNE Sec 9 T 20N R

23E

Use: IRRIGATION (.090 CFS)

Total Diversion: (.090 CFS)

Date Filed: 5/3/1990

In: T20N R23E S09 NWNE

3.0 ACRES TOTAL

74-07312

POWERS, JACK

RT. 1

LEADORE, ID 83464

POWERS, ELIZABETH M.

RT. 1

LEADORE, ID 83464

Source: MOLLIES GULCH

Tributary: SINKS

Diversion Pt: SWNW Sec 1 T 16N R

25E

Use: IRRIGATION (1.660 CFS)

Total Diversion: (1.660 CFS)

Date Filed: 6/11/1990

In: T16N R25E S02 SENE NESE

NWSE SWSE

83.0 ACRES TOTAL

74-07313

POWERS, JACK

RT. 1

LEADORE, ID 83464

POWERS, ELIZABETH M.

RT. 1

LEADORE, ID 83464

Source: CRUIKSHANK CREEK

Tributary: CANYON CREEK

Diversion Pt: SWSE Sec 34 T 17N R

27E

Use: IRRIGATION (2.300 CFS)

Total Diversion: (2.300 CFS)

Date Filed: 6/11/1990

In: T17N R27E S33 NESW SESW

NWSE SWSE SESE S34 SWSW

SESW

116.0 ACRES TOTAL

74-07314

LOGAN, RALPH O

RT. 1, BOX 67A

SALMON, ID 83467

LOGAN, MILDRED

RT. 1, BOX 67A

SALMON, ID 83467

Source: LEMHI RIVER

Tributary: SALMON RIVER

Diversion Pt: SWNE Sec 10 T 20N

R 23E

Use: IRRIGATION (.060 CFS)

Total Diversion: (.060 CFS)

Date Filed: 4/30/1990

In: T20N R23E S03 NWSW

2.0 ACRES TOTAL

74-07315

BURCH, JAMES L.

RT. 1, BOX 10 A-2

SALMON, ID 83467

Source: SPRINGS

Tributary: LEMHI RIVER

Diversion Pt: SWNWSW Sec 11 T

21N R 22E SENWSW Sec 11 T 21N

R 22E

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

NOV 21 1990

Department of Water Resources

Eastern District Office

RICKY G. HODGES

being first duly sworn, deposes
and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published
weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Application for Water Rights 73-07117,
74-07281, 74-07312 thru 74-07316, 75-07552 thru 75-07556

printed copy of which is attached to the margin hereof, has been and was correctly printed and pub-
lished in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for 2 consecutive issues, commencing with the issue
dated Nov. 15, 1990 and ending with the issue dated Nov. 22,
1990.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this twenty second day of November in the year of 1990,
before me, A Notary Public, personally appeared
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

Publication Fee \$ 247.32

My Commission expires: 9-21-95

FILED

APR 15 1991



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

August 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KARL TYLER CHEVROLET INC
3219 N RESERVE
MISSOULA MT 59802

RE: WATER RIGHT NO. 74-07312

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

MICROFILMED

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 74-07312

KARL TYLER CHEVROLET INC
3219 N RESERVE
MISSOULA MT 59802


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 16 1997



3219 N. Reserve • P.O. Box 8778
Missoula, Montana 59807



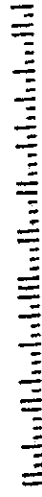
P.O. Box # + Zip Code
added to WR2 screen

8/19/97

SEP 16 1997
MICROFILMED

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

83720-0098





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

August 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KARL TYLER CHEVROLET INC
3219 N RESERVE
MISSOULA MT 59802

RE: WATER RIGHT NO. 74-07312

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

SEP 16 1997



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

July 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KARL TYLER CHEVROLET INC
3219 N RESERVE
MISSOULA MT 59802

RE: WATER RIGHT NO. 74-07312

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

SEP 16 1997

MEMORANDUM

TO: File 74-07312

FROM: Sharla Curtis

DATE: July 15, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 74-07312 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: SENE, S2, T16N, R25E
2. Place(s) of Use:
T16N, R25E, S2 - SESW (14 acres), NESE (11 acres)
NWSE (18 acres), SWSE (36 acres),
SESE (4 acres)
TOTAL: 83 acres

The range is 25E as described on the application and noted on the map attached to the field exam report.

Examiner: Don Simpkins
Exam Date: June 5, 1996

MICROFILMED

SEP 16 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 74-07312

DATE 7/11/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>no</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓</u>	<u>—</u>	Amendment required <u>yes</u>
			Amendment required <u>yes</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>1.66</u> cfs
Fee limit	<u>2.0</u> cfs \$12500
Measured	<u>5.44</u> cfs
Theoretical	<u>—</u> cfs

Recommended Total Div Rate 1.66 cfs

ANNUAL VOLUME/
NATURE OF USES —

✓ Use

<u>Div</u>	Volume Calculation
<u>—</u>	<u>3 x 3.5 = 290.5</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
SUBTOTAL	<u>290.5</u> af

Flow rate 1.66 cfs X 183 days X 1.9824 = 601.5 af

Total volume recommended 290.5 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

R30 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

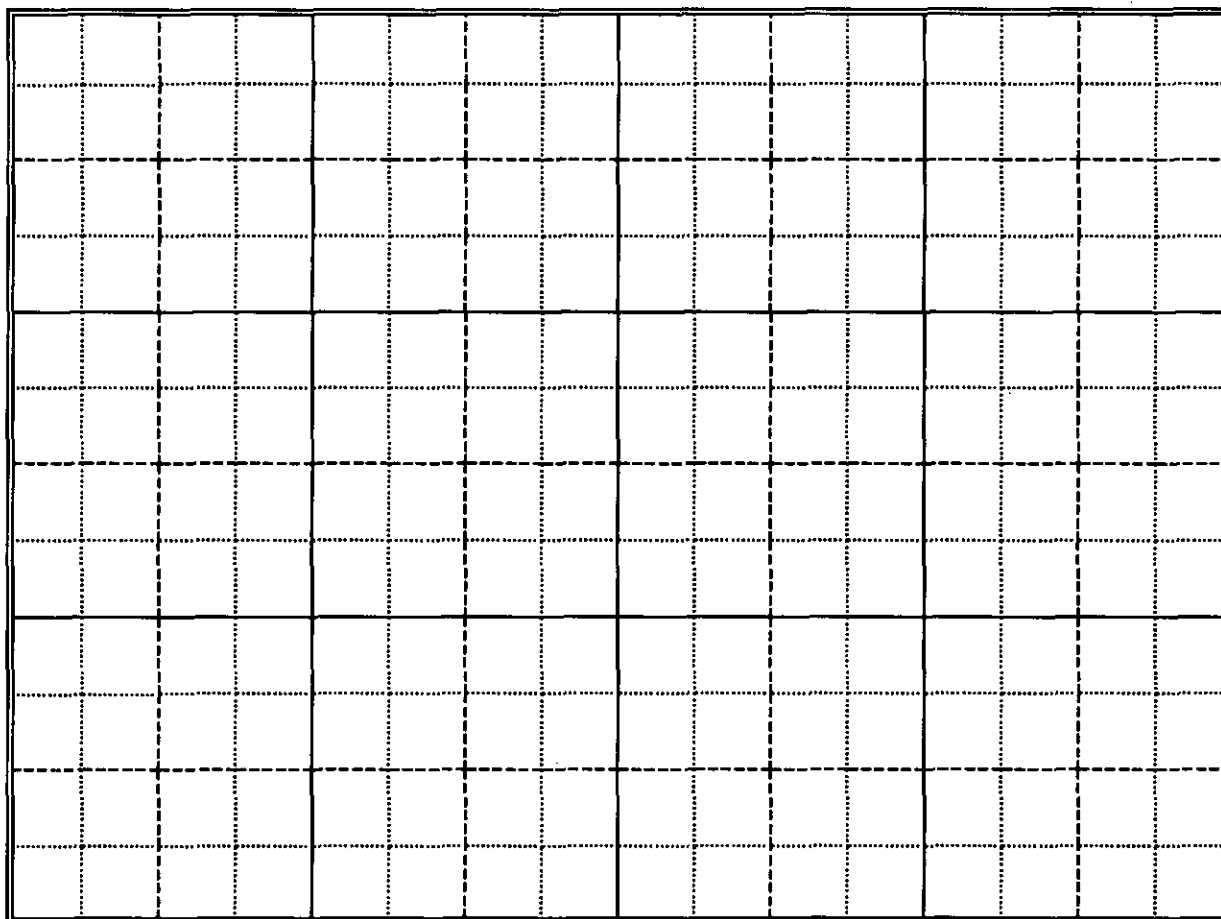
Adjustment Memo Range

1st Amend Letter P37, P38

2nd Amend Letter P47

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

SEE PHOTOS + MAPS



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4. *N/A*

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>AA METEL</i>	<i>AA</i>			<i>090127</i>		

2. Measurements: _____

MICROFILMED

SEP 16 1997

E. NARRATIVE/REMARKS/COMMENTS

THIS IRRIGATION SYSTEM DIVERTS HIGH WATER FLOWS FROM
MOLLIES GULCH VIA A DITCH TO PLACE OF USE. MOST
OF YEAR THERE IS NO FLOW TO FOU.

CONTROL WORKS ARE IS A PLASTIC DAM. HIGH WATER WOULD
WASH OUT CONTROL WORKS.

Have conditions of permit approval been met? ☒ yes ☐ no

(NO CONTROL WORKS)

MICROFILMED
SEP 16 1997

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$Q = \text{STREAM FLOW DOWN DIVERSION DITCH} = 5.44 \text{ CFS}$
(ALL STREAM WATER)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 83 \text{ AC} \times 3.5 = 290.5 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.66 \text{ CFS} \times 183 \times 1.9835 = 602.5 \text{ AFA}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 290.5 \text{ AFA}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS PERMIT LIMITS CFS 1.66

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	1.66	290.5
Totals:			1.66 CFS	290.5 AFA

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name SIMPkins Date 1/24/97

Reviewer _____ Date _____

SEAL

MICROFILMED

SEP 16 1997

AA METER #
090127

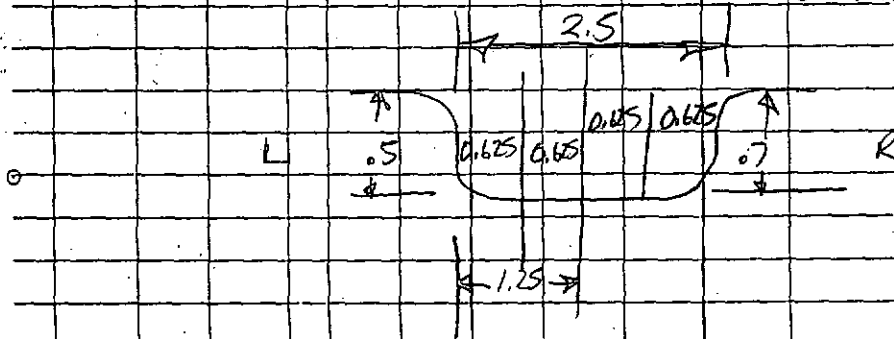
State of Idaho
Department of Water Resources

74-7312

Date 6/5/96 DISCHARGE MEASUREMENT NOTES

Mollie Gulch River at N/A

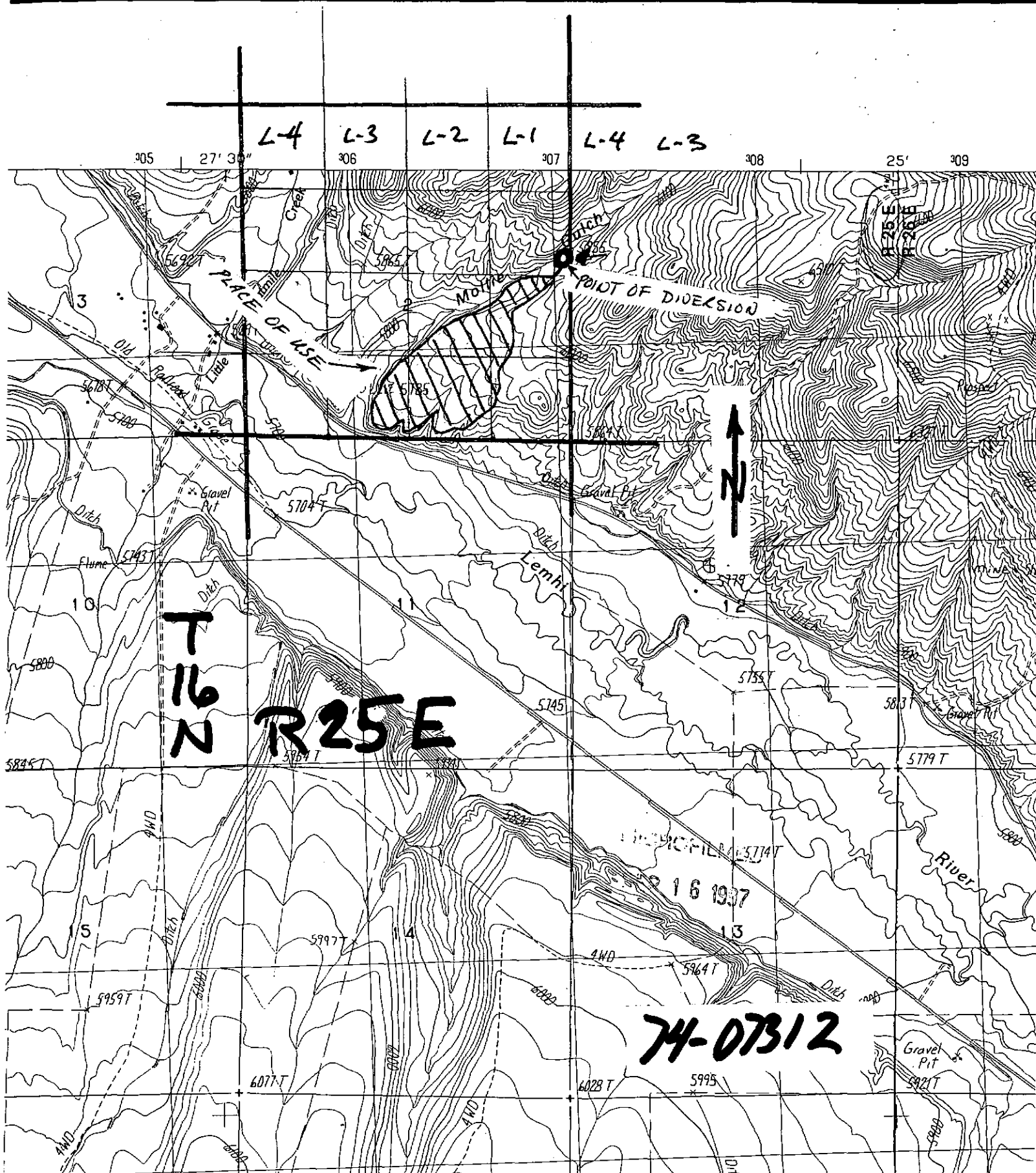
Angle cor- rect to cut	Dist. from initial point	Width	Depth	Obser- vation depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At Point	Mean in ver- tical			
	0										
R	0.625	1.25	.7		80	48	3.63			0.875	3.18
L	1.875	1.25	.5		80	48	3.63			0.625	2.27
											5.44 cfs



NOT FILMED
SEP 16 1997

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

74-07312



T16W, R25E

35 36

2 1

L-3

L-2

L-1

L-4

R25E

T16N

2

1

POINT OF DIVERSION

Manila

P.O.D.

Canister

DELIVERY DITCH

PLACE OF USE

N

83 1KK. ACRES

BOUNDRIES HARD
TO DETERMINE

ONLY SPOON
HIGH WATER
FLOWS

74-07312

74-7312

This is the type of right I
have problems with. There is no water
to measure or see & the ground looks
like its covered in sagebrush. If
it is granted it should be conditional
never to be transferred to any other
Source.

Duf

MICROFILMED

SEP 16 1997

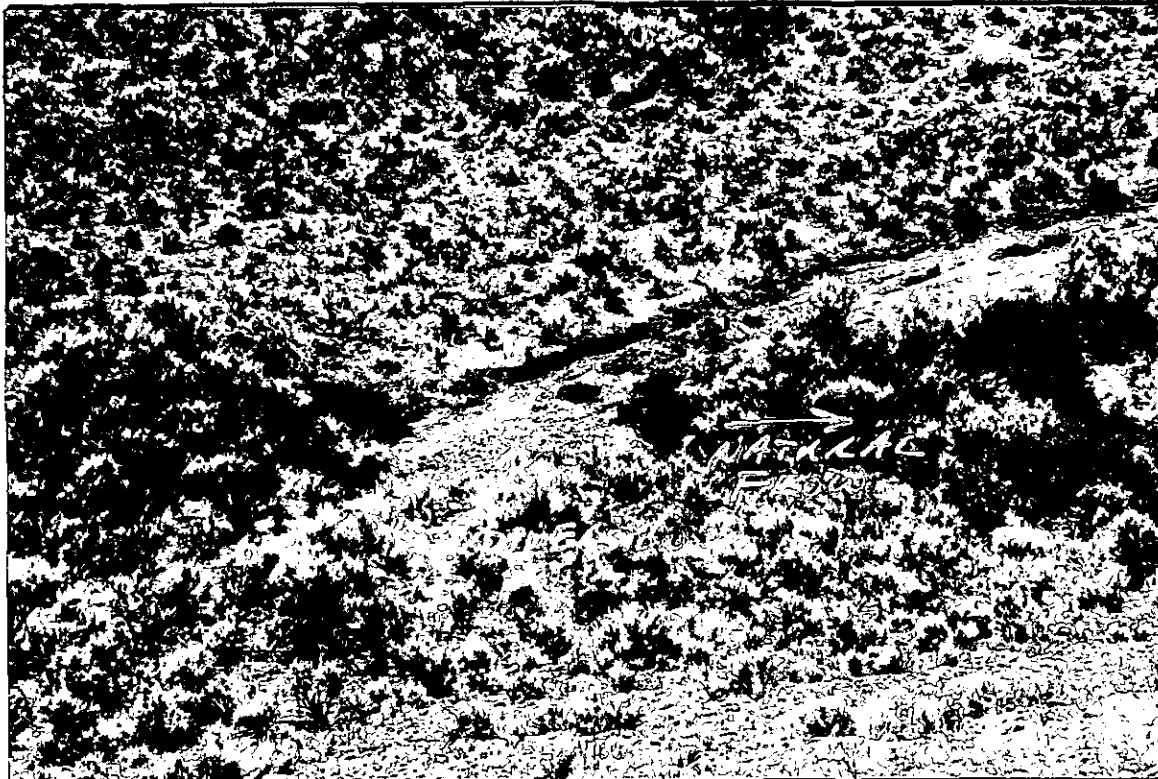
74-07312

KARL TYLER CHECKOLET INC

IRRIGATION

1512

VIEW OF
PLACE OF USE
POINT OF
DIVERSION
FROM NATURAL
STREAM CHANNEL



VIEW OF
DELIVERY DITCH.



RECORDED & INDEXED

SEP 16 1937

PERMIT
NUMBER

74-07312

KARL TYLER CHEU.

IRRIGATION

2512

VIEW OF
PLACE OF USE



VIEW OF
PLACE OF USE



PERMIT
NUMBER

74-07312

RECORDED
SEP 16 1997



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 14, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Karl Tyler Chevrolet Inc.
3219 N Reserve
Missoula MT 59807

RE: Permit Nos. 74-07304/74-07312/74-07313

Dear Sir:

This letter is to confirm that the assignments of ownership on the above referenced water rights are satisfactory. We have modified our computer records to reflect these changes in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

APR 14 1995

WR0749NP
No. 74-07312

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/12/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KARL TYLER CHEVROLET INC 3219 N RESERVE MISSOULA MT 59802 (406) 721-2438	06/11/1990	IRRIGATION	04-01 11-01	1.660 CFS	
TOTAL DIVERSION:					1.660 CFS	

Water Source: MOLLIES GULCH

Tributary to: SINKS

Stage: PERMIT

Point(s) of Diversion: T16N R25E S01

SWNW

LEMHI County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
16N	25E	2				02									36	20	25		83.0
TOTAL ACRES																			83.0

Pou County: LEMHI

Conditions of Approval:

- 26A - 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.
- 004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Dates: App. Received: 06/11/1990 Priority Date: 06/11/1990
Proof Due Date: 04/01/1993 Proof Made Date: 10/16/1992
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 10/16/1992 User-ID: ANDREGG Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/12/1995 User-ID: CZIMMERM Subject: CORPORATE OFFICERS
The officers of Karl Tyler Chevrolet Inc are:
Karl L Tyler, President;
Donna F Tyler, Secretary; and
Rick L Linville, Treasurer.



3219 N. Reserve • P.O. Box 8778 • Missoula, Montana 59807
(406) 721-CHEV • (406) 721-2438 • 1-800-227-2438

April 7, 1995

Cindy Zimmerman
State of Idaho
Department of Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
APR 11 1995
Department of Water Resources

RE:Assignments of Permit Numbers 74-07304, 74-07312, and 74-07313

Dear Ms. Zimmerman:

Thank you for your letter dated April 4, 1995. Below is the information that you requested.

Karl L. Tyler, President, 10115 Mullan Road, Missoula, MT 59802
Donna F. Tyler, Secretary, 10115 Mullan Road, Missoula, MT 59802
Rick L. Linville, Treasurer, P.O. Box 776, Frenchtown, MT 59834

Please contact me if there are any further questions.

Sincerely yours,

Rick L. Linville
Rick L. Linville
Treasurer

RECEIVED

APR 14 1995



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 4, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

KARL TYLER CHEVROLET INC
3219 N RESERVE
MISSOULA MT 59802

RE: Assignments of Permit Nos. 74-07304, 74-07312, & 74-07313

Dear Sirs:

I have received the above assignments for final review. However, due to a statutory requirement I need a list of the names, titles, and addresses of all the officers and/or partners of Karl Tyler Chevrolet, Inc.

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

If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

APR 14 1995

October 23, 1992

JACK POWERS
ELIZABETH M. POWERS
RT. 1
LEADORE ID 83464

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 74-07312

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

NOV 19 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 74-07312

Reviewed by Klg

Date 10/19/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

irrigate - 83
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source
Ground water source

NA 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?
25 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 10/16/92
10/23/92 Klg



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 2, 1991

JACK POWERS
ELIZABETH M. POWERS
RT. 1
LEADORE, ID 83464

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 74-07312

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

FILMED
APR 15 1991

Other Conditions Recommended

February 27, 1991

RE: Application for Permit No. 74-07312 JACK POWERS
Applications for Permits No. 74-07319 & 74-07320
ROBERT CARLSON

Mr. Roy S. Jackson
District Manager
Bureau of Land Management
Salmon District Office
P.O. Box 430
Salmon, ID 83467

Dear Mr. Jackson:

This letter acknowledges receipt of the withdrawal of protest against the above referenced applications. The Department has now resumed processing of these applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: Jack Powers
Robert Carlson

APR 15 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. BOX 430
SALMON, IDAHO 83467



IN REPLY REFER TO:

7200

February 14, 1991

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

Director, Dept. of Water Resources
Eastern Region
Attn: Mr. Higginson
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Dear Mr. Higginson:

We would like to drop our protest of water right application No. 75-07312 in the name of Jack Powers. We have been in contact with him and he has filed a right-of-way application with us for the point of diversion and ditch.

We would also like to drop our protest of water right application Nos. 74-07319 and 74-07320 in the name of Robert Carlson. He has amended his application with you and dropped the Bureau of Land Management parcels in question.

Thank you for your attention to these matters.

Sincerely,

Roy S. Jackson
District Manager

ED

APR 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 28, 1990

RECEIVED

JAN 09 1991

Department of Water Resources
Eastern District Office

Jack or Elizabeth M. Powers
Rt 1
Leadore ID 83464

Dear Applicants:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 74-7312. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights? *no*
2. Is the proposed water supply insufficient for the purpose intended? *no*
3. Is the application made in good faith or for delay or speculative purposes? *In good Faith*
4. Has the applicant sufficient financial resources with which to complete the project? *yes*
5. Will the proposed use under this permit conflict with the local public interest? *No*
6. That it is contrary to conservation of water resources within the State of Idaho. *No*

MICROFILMED

APR 15 1991

Jack or Elizabeth M. Powers
November 28, 1990
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

MIFF FILMED

APR 15 1991

RECEIVED

DEC - 3 1990

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

November 29, 1990

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

RE: Application Nos. 75-07556, 75-07552,
74-07313, 74-07312, and 74-7316

Dear Skip:

Department personnel have reviewed the permit applications referenced above: Russell L. Banta, 2.0 cfs from irrigation wastewater for recreation and stockwater; Michael J. Overacker, 3 cfs from Jessie Creek for irrigation; Jack Powers, 2.3 cfs from Cruikshank Creek for irrigation; Jack Powers, 1.66 cfs from Mollies Gulch (intermittent tributary to the Lemhi River) for irrigation; and Gino Ottonello, 0.10 cfs from springs adjacent to the Lemhi River for irrigation and recreation. We have no objections to the issuance of these permits based on potential impacts to fish or wildlife resources.

Thank you for the opportunity to comment on these applications.

Sincerely,



Herbert A. Pollard, II
Regional Supervisor
Region 6

HAP:JRL:dk

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
Jim Lukens

RECEIVED

APR 15 1991

November 28, 1990

RE: Application for Permit No. 74-7312 JACK/ELIZABETH POWERS

Roy S Jackson
Bureau of Land Management
PO Box 430
Salmon ID 83467

Dear Mr. Jackson:

Your protest against approval of the above referenced application have been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

RECORDED

APR 15 1991

Roy S. Jackson
November 28, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

RECEIVED

APR 15 1991

November 28, 1990

Jack or Elizabeth M. Powers
Rt 1
Leadore ID 83464

Dear Applicants:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 74-7312. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

RECEIVED
APR 15 1991

Jack or Elizabeth M. Powers
November 28, 1990
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

APR 15 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. BOX 430
SALMON, IDAHO 83467



IN REPLY REFER TO:

7250

November 23, 1990

Mr. Higginson
Director, Dept. of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Dear Mr. Higginson:

We would like to protest Water Right Application No. 74-07312 filed by Jack or Elizabeth Powers. The point of diversion and place of use in Section 2 is public land. There is no right-of-way for these facilities or this use.

Sincerely,

Roy S. Jackson
District Manager

cc: Jack Powers

APR 15 1991

RECEIVED

NOV 26 1990

Department of Water Resources
Eastern District Office

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

74-7312

INITIAL REVIEW BY RCW Wilson
Jack or Elizabeth M. Powers
REQUIRED INFORMATIONDATE 10/25/90

APPLICATION NUMBER

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

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) All Plu diff. from any decree Plu - from Jack Powers
- ☒ 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

RECEIVED
MAR 08 1991

Date Requested

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☒ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ 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 12-3-90
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 74
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 6-11-1990
By HWT Date 2-27-91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition, <04>, <0576074 Limb River, <015>

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

74-07312

POWERS, JACK
RT. 1
LEADORE, ID 83464

POWERS, ELIZABETH M.
RT. 1
LEADORE, ID 83464

Source: MOLLIES GULCH

Tributary: SINKS

Diversion Pt: SWNW Sec 1 T 16N R 25E

Use: IRRIGATION (1.660 CFS)
Total Diversion: (1.660 CFS)

Date Filed: 6/11/ 1990

In: T16N R25E S02 SENE NESE NWSE SWSE

83.0 ACRES TOTAL

RECEIVED

APR 15 1991

12-Nov-1990 14:31

JACK OR ELIZABETH M POWERS
RT 1
LEADORE ID 83464

RE: Application No. 74-07313 & 74-07312

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Recorder-Herald on NOVEMBER 15 & 22, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

APR 15 1991

12-Nov-1990

BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application NO. 74-07312

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is DECEMBER 3, 1990, 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 Rights Supervisor

HWJ/rb
enc.

APR 15 1991

12-Nov-1990

HERBERT POLLARD
DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application NO. 75-07556, 75-07552, 74-07313, 74-07312, &
74-7316

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is DECEMBER 3, 1990, 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 Rights Supervisor

HWJ/rb
enc.

APR 13 1991