

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

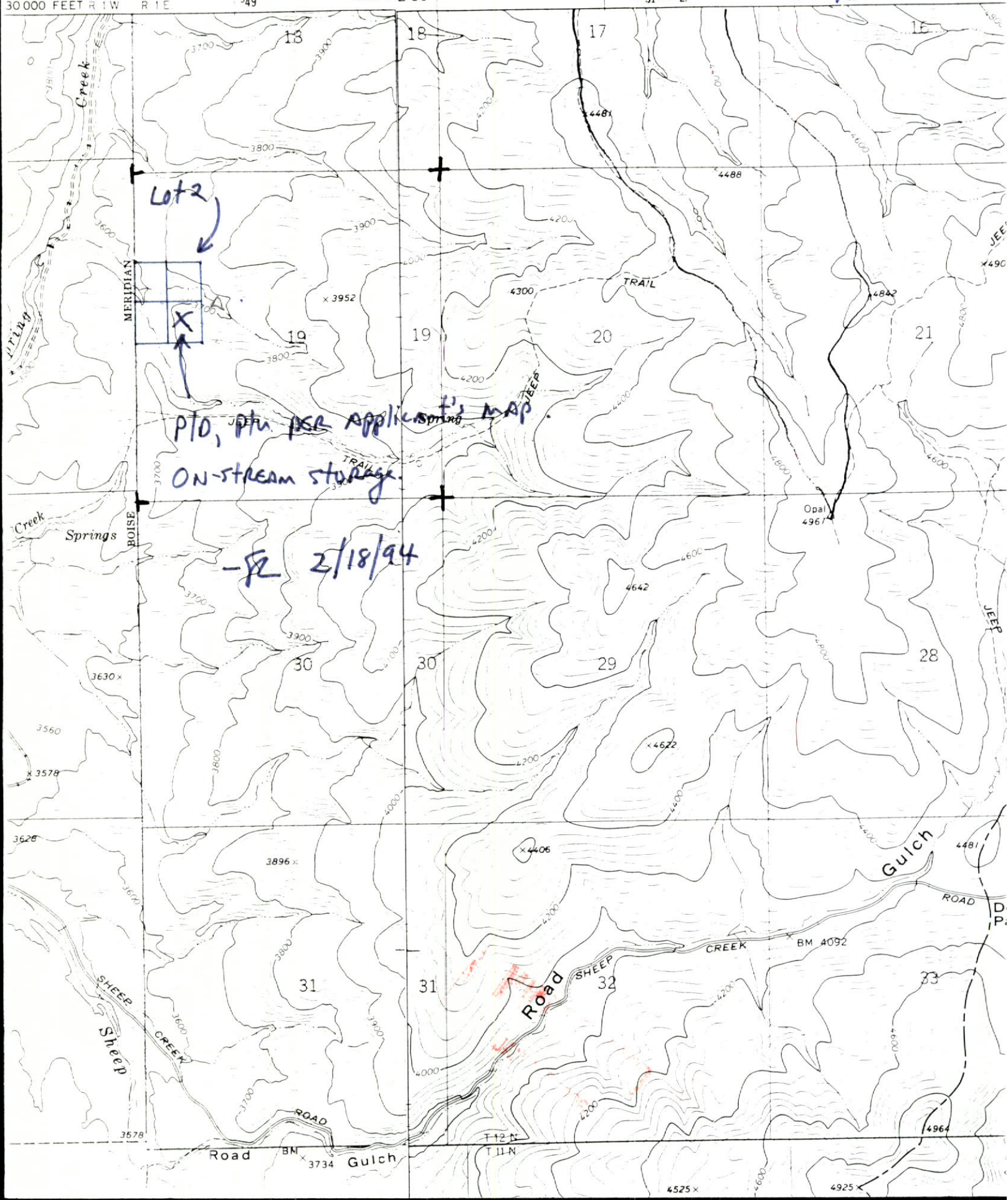
T72N
R1E
S.19⁵⁵²

30 000 FEET R 1 W R 1 E

549

116° 22' 30"

551000m. E.



T12N
R1E
S.19
T.2

BOISE

N.0°23'W.
40.15

NORTH
40.26

N.0°2'E.
40.57

N.0°
39

3052

3070

3088

3090

3095

3098

3103

3108

80

75.39

80

603.67

80

75.50

80

N.0°7'E

N.0°7'E

JAN 25 1933

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T 12 N R 1 E

T. 12 N., R. 1 E.

7 8 9 10

18 17 16 15

19 20 21 22

30 29 28 27

Pt. of Diversion & Place of Use

JAN 25 1971

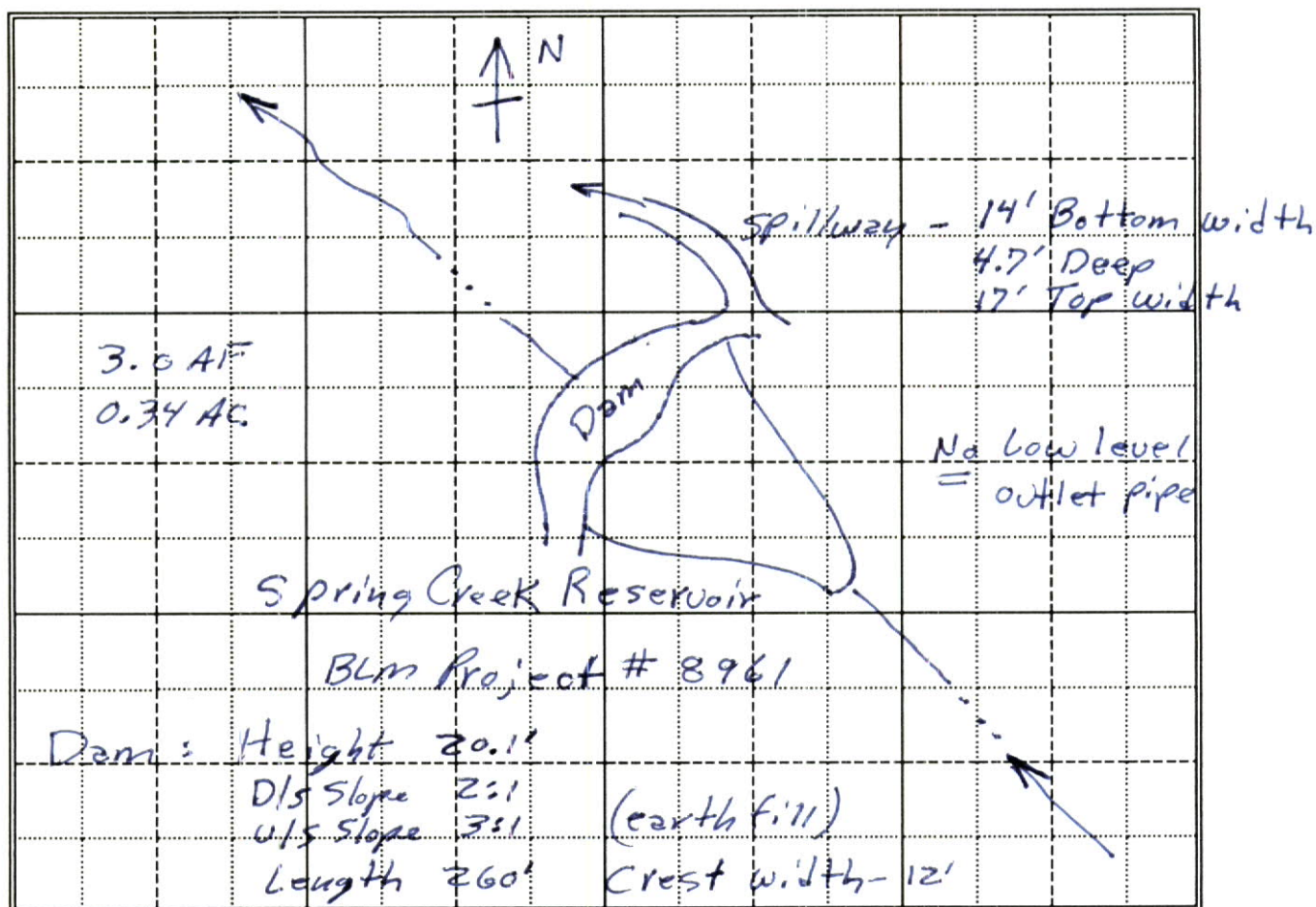
Scale: 2 inches equal 1 mile.

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.

s application for permit to appropriate the public

Samuel L. Mathie
(Applicant)
Acting Area Manager

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



Scale: 1" = No Scale

☒ 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.

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

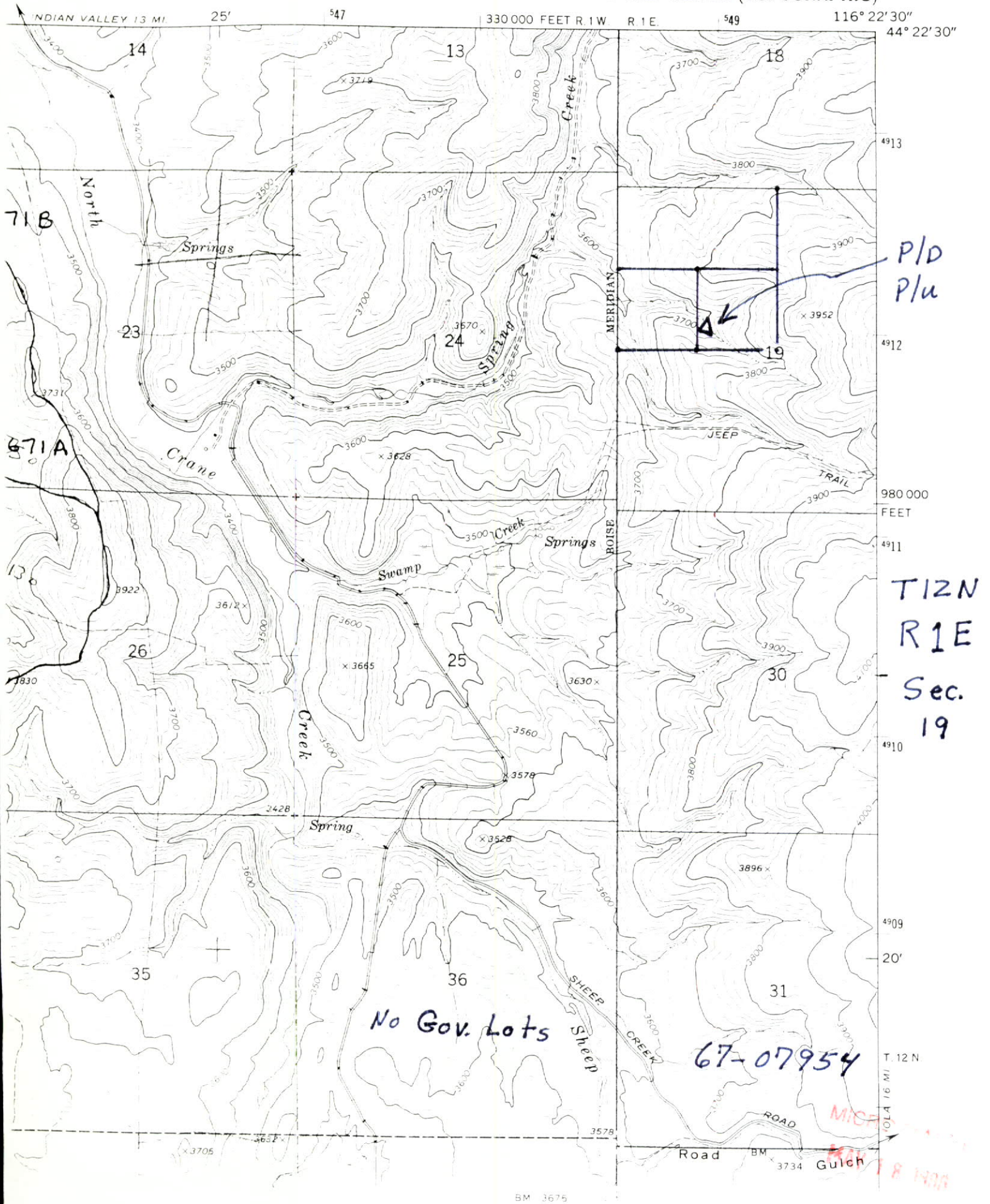
2. Measurements: None - office exam

MICROFILMED

0.5 1.0 0.03

RILEY BUTTE QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2772 IV NE
(TWIN SISTERS)



RILEY BUTTE QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2772 IV NE
(TWIN SISTERS)

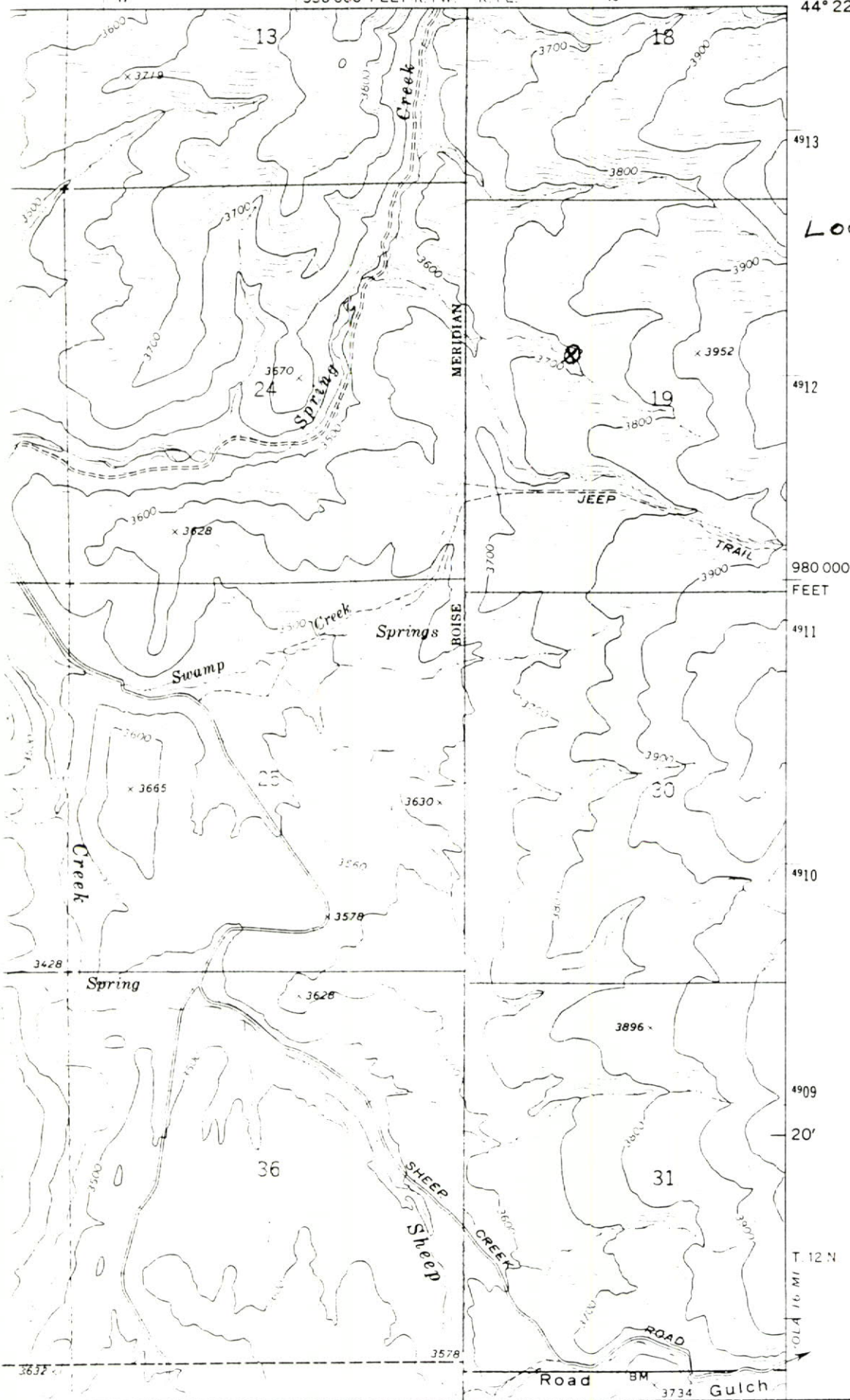
547

330 000 FEET R 1 W R 1 E.

549

116° 22' 30"

44° 22' 30"



Location of 67-07954

980 000
FEET

4910

4909

20'

T 12 N

OLA 16 MI

ROAD

3734

Gulch

RECEIVED
JAN 11 1967

Affidavit of Publication

RECEIVED

APR 06 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
County of Washington

ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published

in said newspaper once a week for ^{two} consecutive weeks in the regular and entire

issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such

notice began March 3, 19 94

and ended March 10, 19 94

Stuart Dopf

Subscribed and sworn to before me

this 4th day of

April, 19 94

B. J. Soule

Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

Public Notices

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho.

67-07954

BUREAU OF LAND MANAGEMENT

BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705

Source: UNNAMED STREAM

Tributary: SPRING CREEK

Diversion Pt: SESWNW Sec. 19 T
12N R 1E in WASHINGTON County.

Use: STOCKWATER STORAGE
(3.00 AF)

STOCKWATER (.030 CFS)

WILDLIFE STORAGE (3.00 AF)

WILDLIFE (.030 CFS)

Total Diversion: (.030 CFS)

Date Filed: 2/16/1994.

In: WASHINGTON County T12N
R1E S19 SWNW.

67-07955

BUREAU OF LAND MANAGEMENT

BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705

Source: UNNAMED STREAM

Tributary: SHEEP CREEK

Diversion Pt: NENESE Sec. 20 T
11N R 1E in WASHINGTON County.

Use: STOCKWATER STORAGE
(4.00 AF)

STOCKWATER (.040 CFS)

WILDLIFE STORAGE (4.00 AF)

WILDLIFE (.040 CFS)

Total Diversion (.040 CFS)

Date Filed: 2/16/1994

In: WASHINGTON County T11N
R1E S20 NESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before MARCH 21, 1994.

R. KEITH HIGGINSON,
Director

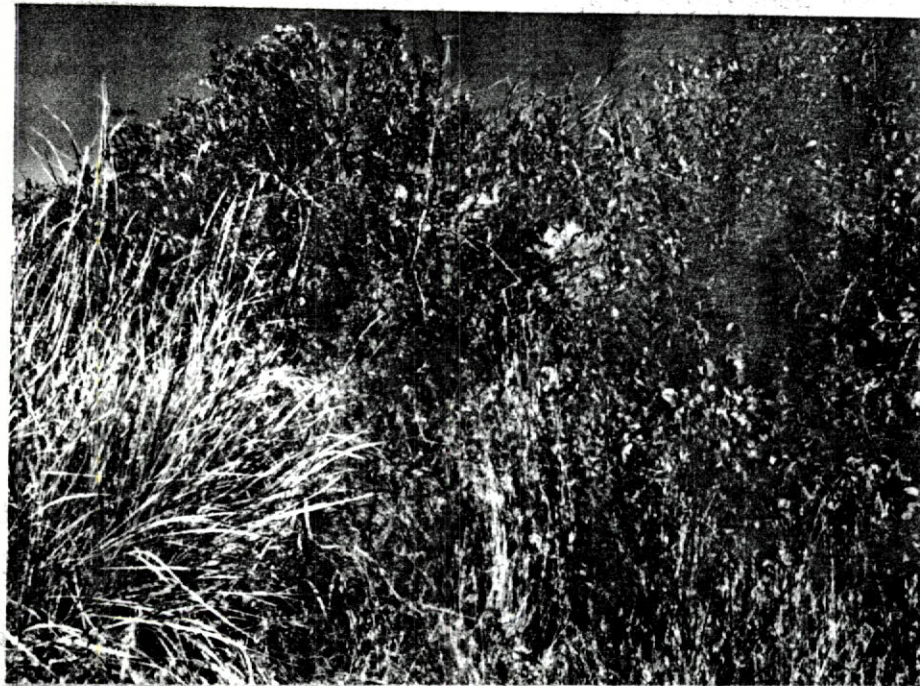
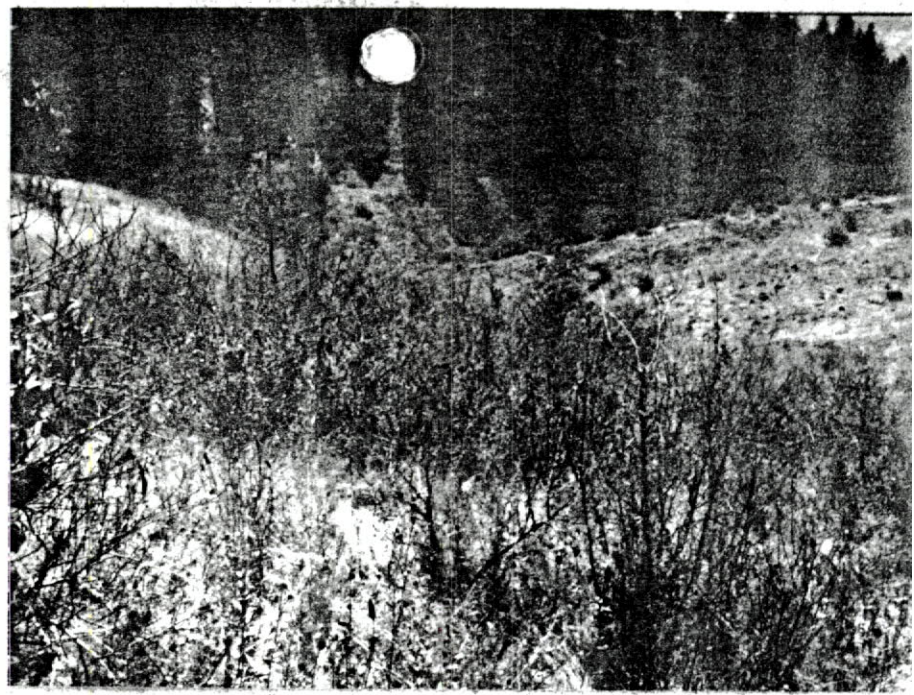
Published: 3/ 3/1994 & 3/10/1994

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JAN 25 1996

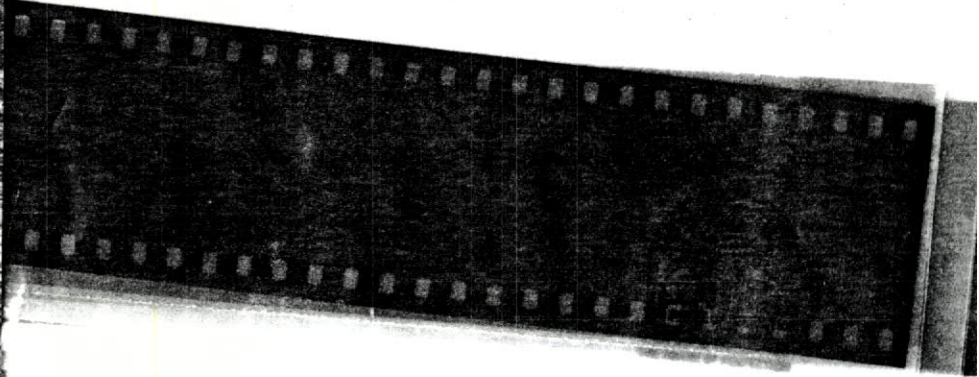
T. 19 N.

Moonshine Spring Site



WILSON MICH

JAN 25 1996



RILEY BUTTE QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2772 IV NE
(TWIN SISTERS)

25' 947 330 000 FEET 949 116° 22' 30" 44° 22' 30"

67-07954

4913

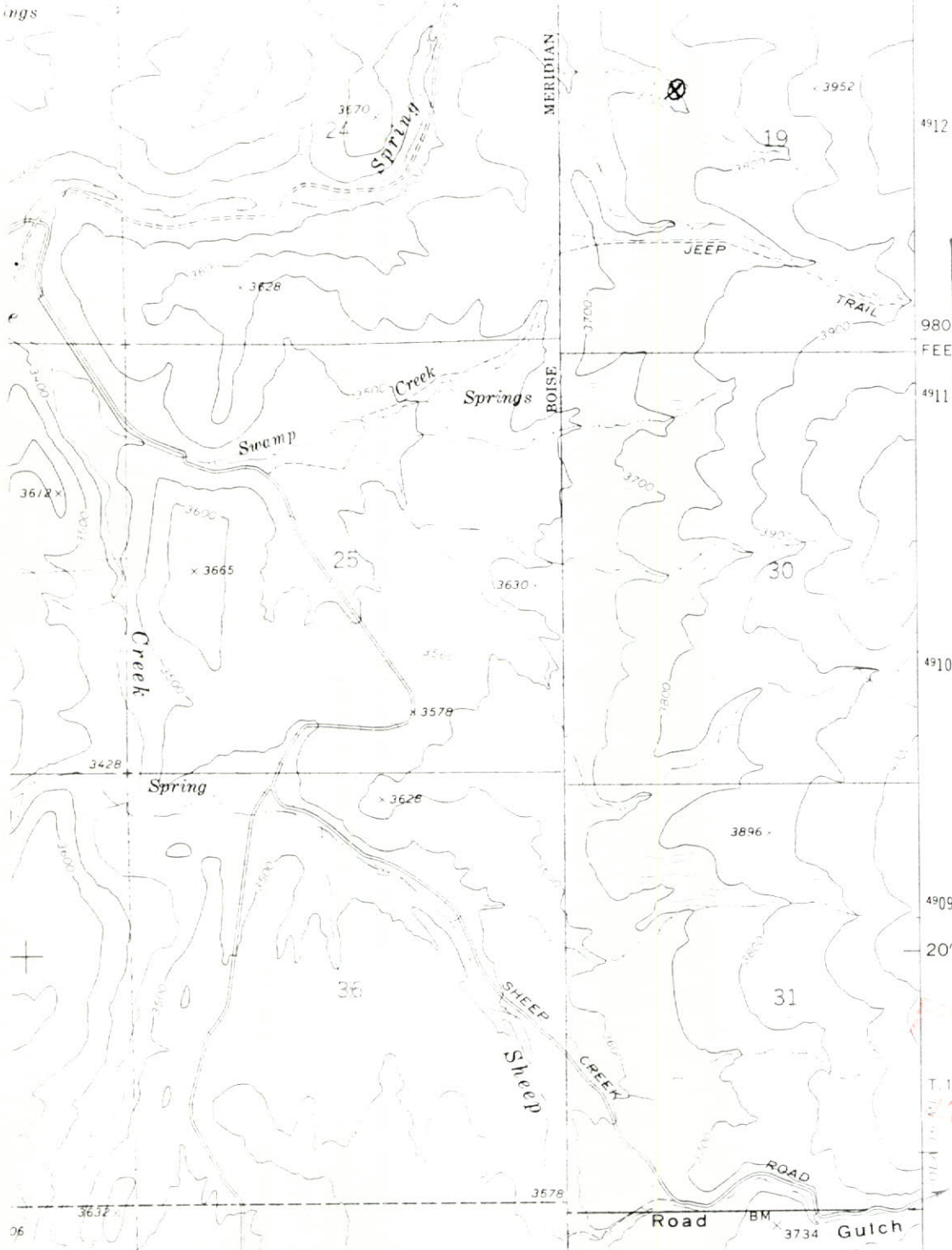
Location of 67-07954

SPRING
CREEK
RESERVOIR

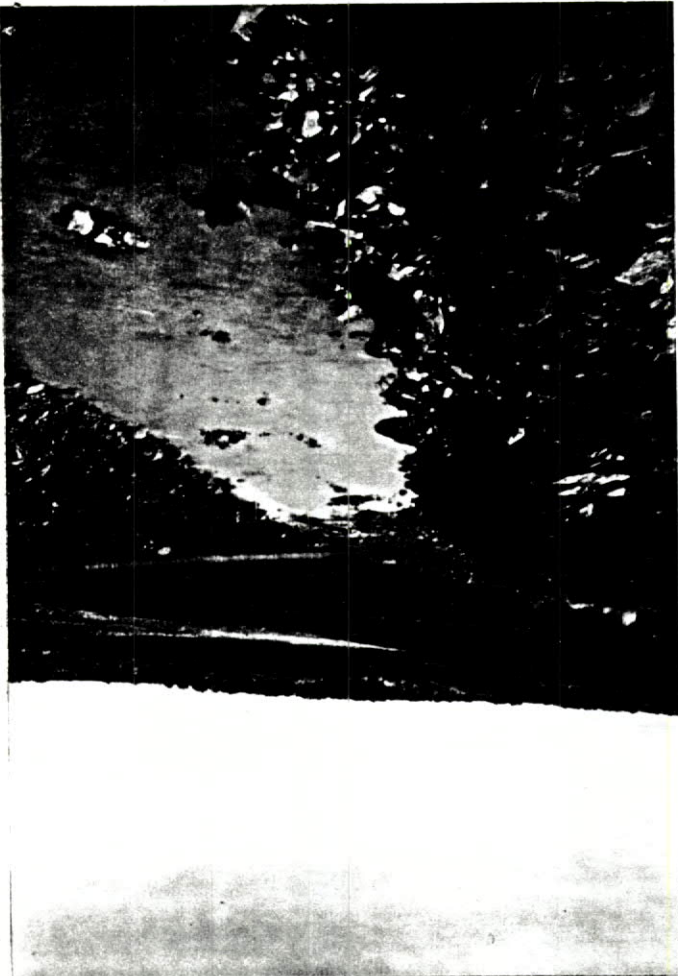
Department of Water Resources
APPLICANT'S

Exhibit B

Date Admitted 9/14/95 LGS



Spring Creek #8967





56/17

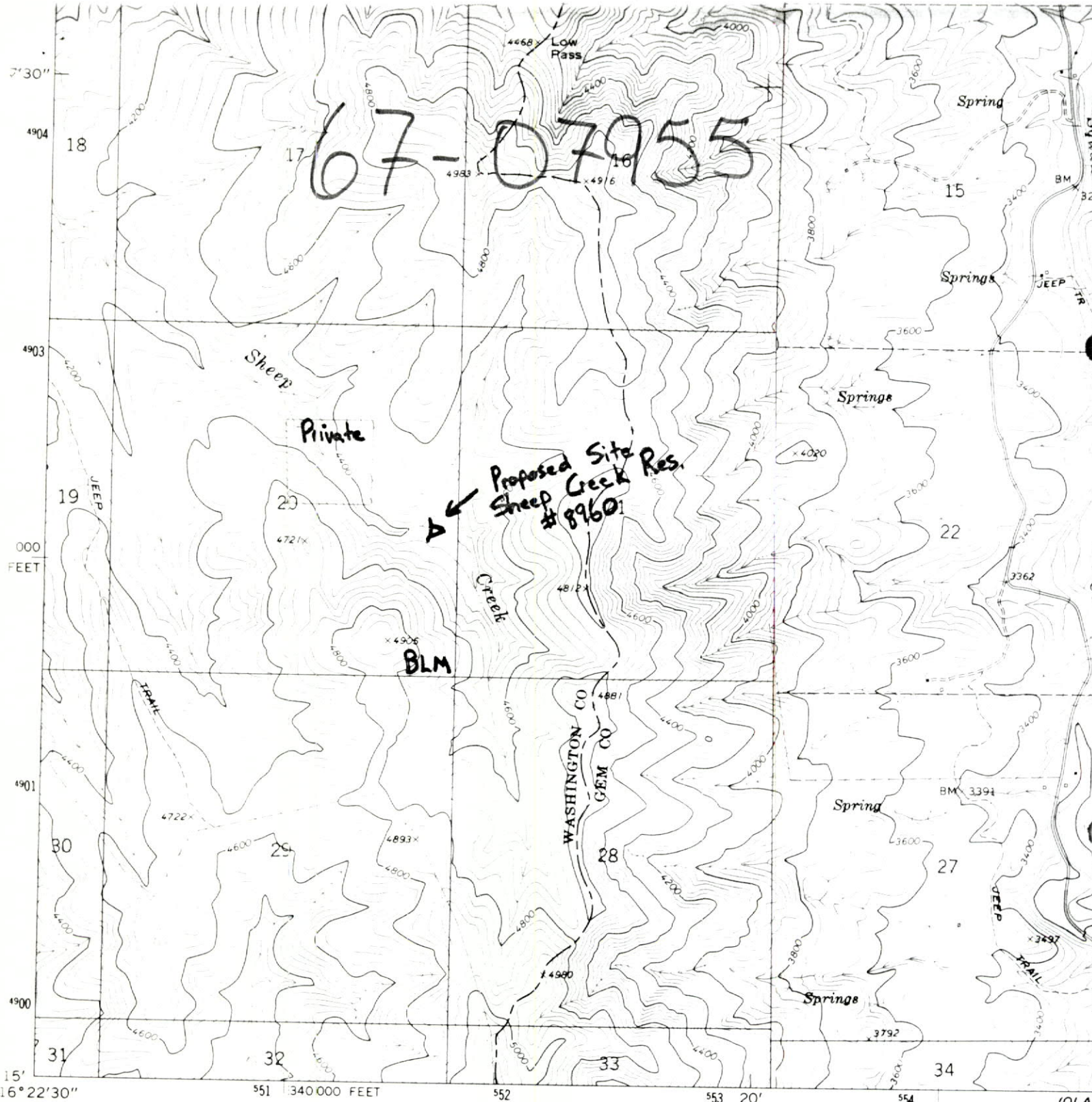
6707954



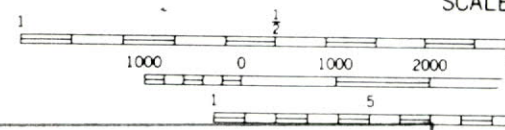
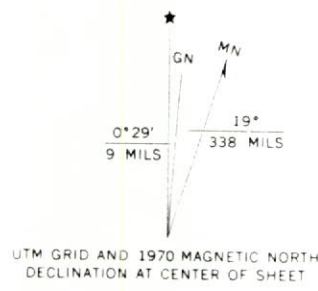
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JAN 25 1996



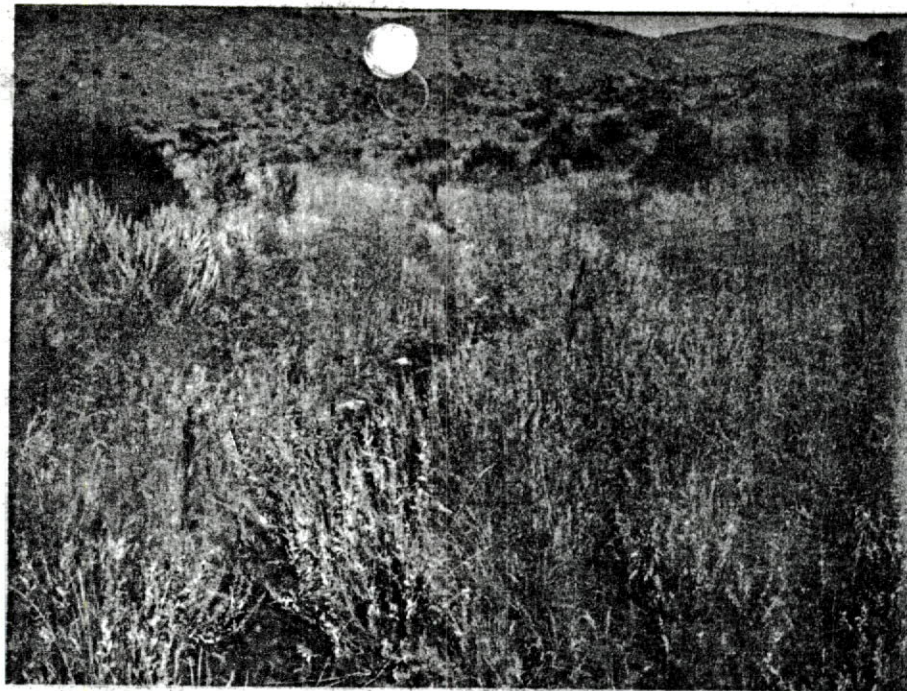
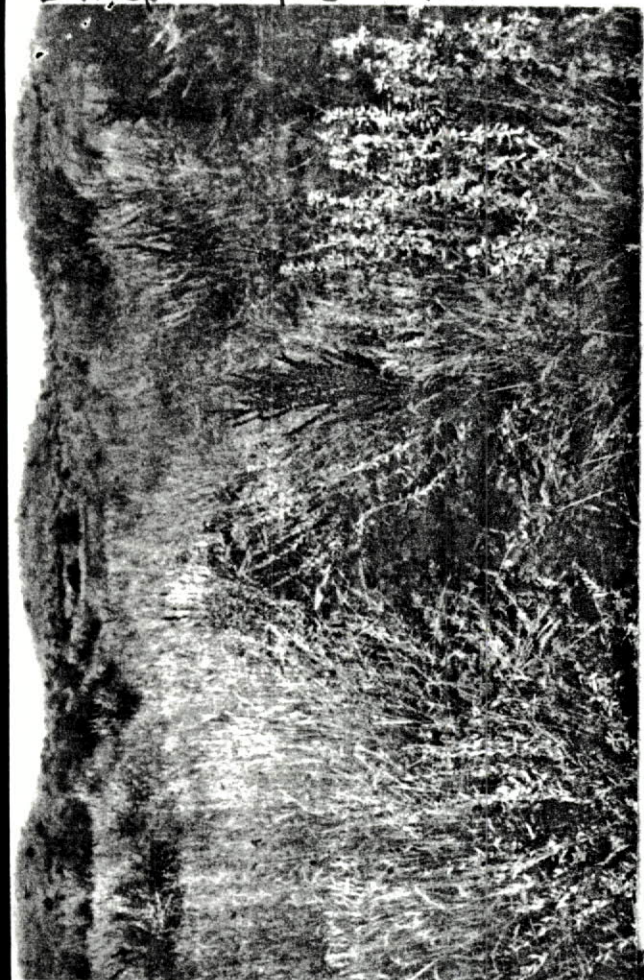
Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by photogrammetric methods from aerial
 photographs taken 1969. Field checked 1970
 Projection and 10,000-foot grid ticks: Idaho coordinate
 system, west zone (transverse Mercator)
 1000-meter Universal Transverse Mercator grid ticks,
 zone 11, shown in blue. 1927 North American datum
 Fine red dashed lines indicate selected fence lines



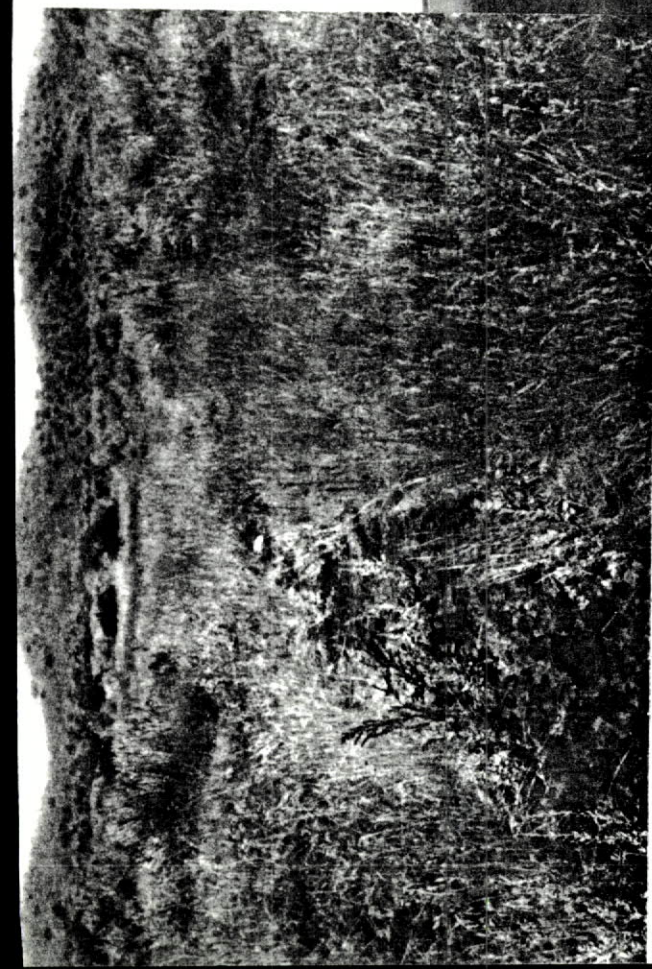
Department of Water Resources
 APPLICANT'S
 Exhibit _____
 Date Admitted 9/14/95 CGS

THIS MAP COMPLIES WITH NATI
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVE
 A FOLDER DESCRIBING TOPOGRAPHIC MAP

Sheep Cr. Res. Site



JAN 25 1996



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07954

Priority: February 16, 1994

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

3.6 AF

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 16, 1994; and
has submitted Proof of Beneficial Use on August 11, 1997. An examination indicates
that the works have a diversion capacity of 0.030 cfs of water from:

UNNAMED STREAM

tributary to SPRING CREEK

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>
STOCKWATER	01/01 to 12/31	0.03 CFS	0.6 AF
STOCKWATER STORAGE	01/01 to 12/31		3.0 AF
WILDLIFE	01/01 to 12/31	0.03 CFS	0.6 AF
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
	Totals	0.03 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SEnw , Sec. 19, Township 12N, Range 01E
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 01E 19 SENW

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

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 which 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED
MAY 18 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07954

CONDITIONS OF APPROVAL AND REMARKS

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
6. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
7. The department retains jurisdiction to require the installation of a low level outlet in Spring Creek Dam or take other measures, as appropriate, to protect prior downstream water rights in times of water shortage.

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 17TH day of FEBRUARY, 1978.


Acting for KARL J. DREHER, Director

MICROFILMED

MAY 16 1998

RECEIVED

FEB 10 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 67-07954

Date of Priority: February 16, 1994

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

3.6 AF

Comes now
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

US DEPT OF INTERIOR

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. 67-07954, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to **SPRING CREEK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	0.6 AF
STOCKWATER STORAGE	01/01 to 12/31		3.0 AF
WILDLIFE	01/01 to 12/31	0.03 CFS	0.6 AF
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
	Totals	0.03 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 19, Township 12N, Range 01E
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 01E 19

SENE

PLACE OF USE:

WILDLIFE, same as STOCKWATER use

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 Lower Snake River Dist., this 6 day of February, 1998.

MAY 18 1998

February

113 LC

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07954

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Received by RD # WD23430 Date 2.6.98

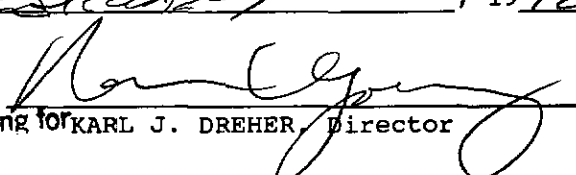
ACTION OF THE DEPARTMENT OF WATER RESOURCES:

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 67-07954 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 which 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
6. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
7. The department retains jurisdiction to require the installation of a low level outlet in Spring Creek Dam or take other measures, as appropriate, to protect prior downstream water rights in times of water shortage.

Witness my hand this 17TH day of February, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

MAY 18 1998

RECEIVED

AUG 11 1997

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. W022912
Receipt By: KB
Date Received: 8/11/97

RECEIVED

AUG 13 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 67-07954 Telephone No. 384-3371

2. Name(s) of Permit Holder(s): US Dept of the Interior, Bureau of Land Management

3. Mailing Address: 3948 Development Ave, Boise, ID. 83705

4. Source of Water: Unnamed stream ^{Trib. Spring} Deep GROUNDWATER (well), Date Drilled: mo. N/A / yr.

a. Well Driller: N/A 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): 100 cattle

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 3.0 acre feet

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

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

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

Has the measuring device been installed? Yes or No ✓

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

Has the measurement port been installed? Yes or No ✓

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

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

Name: Jon Haupt Telephone Number: 384-3371

Address: 3948 Development Ave.

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: [Signature] Area Manager Date: 8/11/97
(include your title, if on behalf of company or organization)

SEP 12 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
67-07954 IN THE NAME OF U.S.)
DEPARTMENT OF INTERIOR, BLM)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 17, 1995, the department issued Permit No. 67-07954 to the U.S. Department of Interior, Bureau of Land Management (permit holder) authorizing the diversion and use of 0.03 cubic feet per second of water from an Unnamed Stream tributary to Spring Creek to be used year round for stockwater and wildlife purposes. The permit holder also proposed to store three (3) acre feet of water for the same purposes.

2. Condition of Approval No. 4. on the permit provides as follows:

The permit holder shall install low level outlet works in the dams contemplated under filings 67-07954 and 67-07955 to provide the mechanism to pass water through the structures during times of water shortage to prior downstream water rights. Upon a showing by the right holder by means of studies, water measurements or other suitable data and information, as determined by the department, the department may modify or waive this condition.

3. The permit holder constructed the dam without a low level outlet prior to the department's October 17, 1995 permit approval.

4. On March 14, 1996, the permit holder proposed an alternative to the installation of a low level outlet, since the dam was already existing. The permit holder advised that it is more cost effective for the permit holder to pump water out of Spring Creek Reservoir into the Spring Creek Drainage during times of water shortage rather than to reconstruct the dam to install a low level outlet.

5. Installation of a low level outlet was required in connection with the equitable distribution of water, not with dam safety considerations.

APR 30 1996

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, authorizes the department to issue water right permits with certain conditions and limitations. Hence, implied authority authorizes the department to modify or rescind conditions of approval.

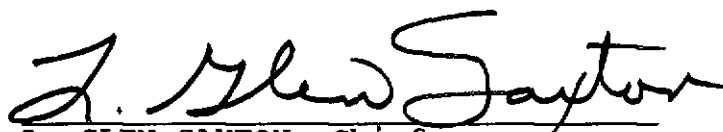
2. The department should rescind Condition of Approval No. 4. in connection with Permit No. 67-07954, but should retain jurisdiction to reinstate the condition in the future if determined necessary by the department to protect prior water rights.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Condition of Approval No. 4. of Permit No. 67-07954 is **RESCINDED**.

IT IS FURTHER HEREBY ORDERED that the department **RETAINS JURISDICTION** of Permit No. 67-07954 and of any license subsequently issued thereto, in order to require the installation of a low level outlet in Spring Creek Dam or take other measures, as appropriate, to protect prior downstream water rights in times of water shortage.

Dated this 15th day of March, 1996.

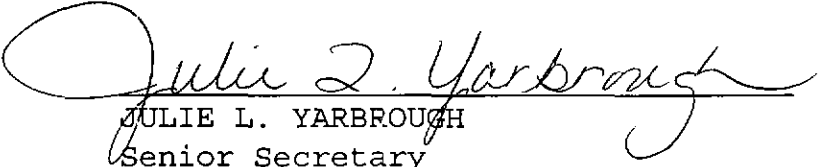

L. GLEN SAXTON, Chief
Water Allocation Bureau

APR 20 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of March, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

Bureau of Land Management
Boise Field Office
3948 Development Ave.
Boise, ID 83705-5389


JULIE L. YARBROUGH
Senior Secretary

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07954

Proposed Priority: February 16, 1994 Maximum Diversion Rate: 0.03 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of SPRING CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	
STOCKWATER STORAGE	01/01 to 12/31		3.0 AF
WILDLIFE	01/01 to 12/31	0.03 CFS	
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
	Totals	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION: SESWNW, Sec. 19, Township 12N, Range 01E
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 01E 19 Lot 2(SWNW)

PLACE OF USE: WILDLIFE, same as STOCKWATER use

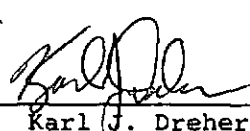
CONDITIONS OF APPROVAL AND REMARKS

1. See Final Order for conditions and limitations for use of water under this approval.

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

17th day of October, 19 95.

JAN 25 1996


Karl J. Dreher, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 67-07954, 67-07955)
AND 69-07110 IN THE NAME OF THE)
BUREAU OF LAND MANAGEMENT)

FINAL ORDER

On September 19, 1995, the Idaho Department of Water Resources (department) issued a Recommended Order in connection with application for permit nos. 67-07954, 67-07955 and 69-07110. None of the parties to the matter filed a request for reconsideration of the Recommended Order. Based upon his understanding of the facts in this matter and of the law, the Director issues the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. On February 16, 1994, the Boise District Office Bureau of Land Management (applicant or BLM) filed the following applications for permit with the department:

Ident no: 67-07954
Rate of div: 0.03 cubic feet per second (cfs)
Storage: 3.0 Acre Feet (AF)
Source: Unnamed Stream tributary to Spring Creek
Use: Stockwater and wildlife.
Period of use: Year-round
Point of div: SE1/4SW1/4NW1/4 Section 19, T12N, R1E, B.M.
Remarks: Water is sought for 100 head of cattle.
Div. method: Dam

Ident no: 67-07955
Rate of div: 0.04 cfs
Storage: 4.0 AF
Source: Unnamed Stream tributary to Sheep Creek
Use: Stockwater and wildlife
Period of use: Year-round
Point of div: NE1/4NE1/4SE1/4 Section 20, T11N, R1E, B.M.
Remarks: Water is sought for 200 head of cattle.
Div method: Dam

Ident no: 69-07110
Rate of div: 0.02 cfs
Source: Spring tributary to Salt Creek
Use: Stockwater and wildlife
Period of use: Year-round
Point of div: SE1/4NE1/4NW1/4 Section 26, T19N, R4W, B.M.
Div method: Headbox collection system and trough
Remarks: Water is sought for 50 head of cattle.

This spring is also known as Dyer Spring.

2. The department published notices of the applications which were protested by Doris Baker.

3. On September 14, 1995, the department conducted a hearing in the matter. The applicant was represented by BLM staff from the Boise District office. The protestant was present and represented herself.

4. Issues identified by the protestant include the following:

a. The proposed use will reduce the quantity of water under existing water rights.

b. The permittees who graze livestock on the BLM managed lands should be included together with the BLM as the applicant for the water rights.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit A - Map of the vicinity related to Application 69-07110 and a copy of four (4) photographs.

b. Applicant's Exhibit B - Map of the vicinity related to Application 67-07954 and a copy of six (6) photographs.

c. Applicant's Exhibit C - Map of the vicinity related to Application 67-07955 and a copy of five (5) photographs.

d. Applicant's Exhibit D - Executive Summary - Reservoir Construction - Cascade Resource Area - June 6, 1994. The exhibit contains a total of nineteen (19) pages.

e. Applicant's Exhibit E - Copy of Section 42-501, Idaho Code.

f. Applicant's Exhibit F - Questions in Regards to U.S. B.L.M. Application for Water Rights on Unnamed Spring, Sheep Creek and Dyer Spring-Salt Creek, answers to the questions and a letter dated April 12, 1995, to Doris Baker from J. David Brunner.

6. The applicant manages certain public lands in Idaho upon which the grazing of privately-owned cattle is allowed under permit.

7. The spring developments contemplated in the applications are associated with existing grazing allotments administered by the applicant. The proposed spring developments are intended to provide additional sources of water for the livestock allotments and will not increase the number of livestock authorized to use the allotments.

8. The applicant has constructed the dam on Spring Creek to impound the water sought under application 67-07954. The dam has an overflow spillway structure but no low level outlet.

9. The applicant has investigated the proposed sites but has not actually measured flow of water from the springs sought for appropriation. Other similar spring developments constructed in the same resource area by the applicant have produced sufficient flow for the intended development.

10. The protestant was not concerned about the effect of the proposed developments upon her own water rights which are not in the immediate vicinity of the proposed projects, but was concerned with potential interference of the projects with downstream water rights owned by other waterusers.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. Section 42-114, Idaho Code, provides in pertinent part as follows:

Any permit issued for the watering of domestic livestock shall be issued to the person or association of persons making application therefor, and the watering of domestic livestock by the person or association of persons to whom the permit was issued shall be deemed a beneficial use of water.

3. Section 42-503, Idaho Code, provides in pertinent part as follows:

Nothing herein shall be construed to deprive the department of water resources of the United States from filing application for waters nor from obtaining permit, license and certificate of water right under the general laws of the state having to do with the appropriation of waters of the state.

4. The BLM is a proper applicant to file applications for permit with the department for the use of water upon BLM administered lands. The permittees (users of the BLM managed lands) also have sufficient possessory interest in the BLM managed lands to file applications for permit similar to the filings of the BLM, but for whatever reason, did not do so in this case and did not protest the filings of the BLM.

5. The applications will not reduce the quantity of water under existing water rights, if the use of water under those applications is properly conditioned.

6. Although the applicant has not measured flow from the springs, the applicant's investigation of the proposed projects showed there was enough water that the applicant was willing to file applications for permit with the department and to proceed with the construction on one of the projects. The water supply available itself is found to be sufficient for the purposes intended.

7. The applications are made in good faith and not for delay or speculative purposes.

8. The applicant has sufficient financial resources with which to complete the project.

9. The applications do not conflict with the local public interest.

10. The applications are not contrary to the conservation of water resources within Idaho.

11. The department should approve the applications with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit Nos. 67-07954, 67-07955 and 69-07110 are **APPROVED** subject to the following conditions and limitations:

1. Use of water under the permits is subject to all prior water rights.

2. Permit holder shall commence the excavation or construction of diverting works within one year of the date these permits are issued and shall proceed diligently until the project is complete.

3. The maximum number of livestock for which water is authorized by the permits is as follows:

67-07954 - 100 cattle
67-07955 - 200 cattle

and when combined with other stockwatering rights on the same grazing allotments shall not exceed the total amount of water required for the livestock on the allotments.

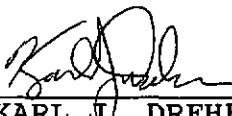
4. The permit holder shall install low level outlet works in the dams contemplated under filings 67-07954 and 67-07955 to provide the mechanism to pass water through the structures during times of water shortage to prior downstream water rights. Upon a showing by the right holder by means of studies, water measurements or other suitable data and information, as determined by the department, the department may modify or waive this condition.

5. The right holder shall file appropriate applications to construct the dams, if applicable, and shall otherwise comply with the dam safety rules of the department.

6. Use of water under permits 67-07954 and 67-07955 is subject to the control of the watermaster of State Water District No. 67, the Weiser River and tributaries.

7. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before October 1, 1997.

Signed this 17th day of October, 1995.



KARL J. DREHER
Director

RECORDED

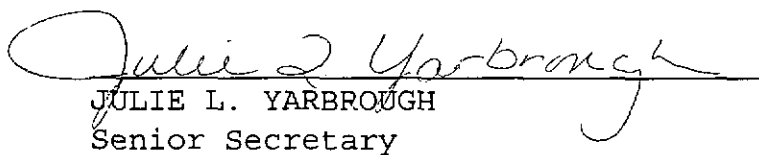
10-17-1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of October, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Bureau of Land Management
Boise District Office
3948 Development Ave.
Boise, ID 83705

Doris Baker
1040 W I V Rd.
Cambridge, ID 83610


JULIE L. YARBROUGH
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 67-07954, 67-07955)
AND 69-07110 IN THE NAME OF THE)
BUREAU OF LAND MANAGEMENT)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of three protested applications for permit, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 16, 1994, the Boise District Office Bureau of Land Management (applicant or BLM) filed the following applications for permit with the department:

Ident no: 67-07954
Rate of div: 0.03 cubic feet per second (cfs)
Storage: 3.0 Acre Feet (AF)
Source: Unnamed Stream tributary to Spring Creek
Use: Stockwater and wildlife.
Period of use: Year-round
Point of div: SE1/4SW1/4NW1/4 Section 19, T12N, R1E, B.M.
Remarks: Water is sought for 100 head of cattle.
Div. method: Dam

Ident no: 67-07955
Rate of div: 0.04 cfs
Storage: 4.0 AF
Source: Unnamed Stream tributary to Sheep Creek
Use: Stockwater and wildlife
Period of use: Year-round
Point of div: NE1/4NE1/4SE1/4 Section 20, T11N, R1E, B.M.
Remarks: Water is sought for 200 head of cattle.
Div method: Dam

Ident no: 69-07110
Rate of div: 0.02 cfs
Source: Spring tributary to Salt Creek
Use: Stockwater and wildlife
Period of use: Year-round
Point of div: SE1/4NE1/4NW1/4 Section 26, T19N, R4W, B.M.
Div method: Headbox collection system and trough
Remarks: Water is sought for 50 head of cattle.
This spring is also known as Dyer Spring.

JAN 25 1994

2. The department published notices of the applications which were protested by Doris Baker.

3. On September 14, 1995, the department conducted a hearing in the matter. The applicant was represented by BLM staff from the Boise District office. The protestant was present and represented herself.

4. Issues identified by the protestant include the following:

a. The proposed use will reduce the quantity of water under existing water rights.

b. The permittees who graze livestock on the BLM managed lands should be included together with the BLM as the applicant for the water rights.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit A - Map of the vicinity related to Application 69-07110 and a copy of four (4) photographs.

b. Applicant's Exhibit B - Map of the vicinity related to Application 67-07954 and a copy of six (6) photographs.

c. Applicant's Exhibit C - Map of the vicinity related to Application 67-07955 and a copy of five (5) photographs.

d. Applicant's Exhibit D - Executive Summary - Reservoir Construction - Cascade Resource Area - June 6, 1994. The exhibit contains a total of nineteen (19) pages.

e. Applicant's Exhibit E - Copy of Section 42-501, Idaho Code.

f. Applicant's Exhibit F - Questions in Regards to U.S. B.L.M. Application for Water Rights on Unnamed Spring, Sheep Creek and Dyer Spring-Salt Creek, answers to the questions and a letter dated April 12, 1995, to Doris Baker from J. David Brunner.

6. The applicant manages certain public lands in Idaho upon which the grazing of privately-owned cattle is allowed under permit.

7. The spring developments contemplated in the applications are associated with existing grazing allotments administered by the applicant. The proposed spring developments are intended to provide additional sources of water for the livestock allotments and will not increase the number of livestock authorized to use the allotments.

8. The applicant has constructed the dam on Spring Creek to

RECEIVED
JAN 25 1996

impound the water sought under application 67-07954. The dam has an overflow spillway structure but no low level outlet.

9. The applicant has investigated the proposed sites but has not actually measured flow of water from the springs sought for appropriation. Other similar spring developments constructed in the same resource area by the applicant have produced sufficient flow for the intended development.

10. The protestant was not concerned about the effect of the proposed developments upon her own water rights which are not in the immediate vicinity of the proposed projects, but was concerned with potential interference of the projects with downstream water rights owned by other waterusers.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. Section 42-114, Idaho Code, provides in pertinent part as follows:

Any permit issued for the watering of domestic livestock shall be issued to the person or association of persons making application therefor and the watering of domestic livestock by the person or association of persons to whom the permit was issued shall be deemed a beneficial use of water.

3. Section 42-503, Idaho Code, provides in pertinent part as follows:

Nothing herein shall be construed to deprive the department of water resources of the United States from filing application for waters nor from obtaining permit, license and certificate of water right under the general laws of the state having to do with the appropriation of waters of the state.

4. The BLM is a proper applicant to file applications for permit with the department for the use of water upon BLM administered lands. The permittees (users of the BLM managed lands) also have sufficient possessory interest in the BLM managed lands to file applications for permit similar to the filings of the BLM, but for whatever reason, did not do so in this case and did not protest the filings of the BLM.

5. The applications will not reduce the quantity of water under existing water rights, if the use of water under those applications is properly conditioned.

6. Although the applicant has not measured flow from the springs, the applicant's investigation of the proposed projects showed there was enough water that the applicant was willing to file applications for permit with the department and to proceed with the construction on one of the projects. The water supply available itself is found to be sufficient for the purposes intended.

7. The applications are made in good faith and not for delay or speculative purposes.

8. The applicant has sufficient financial resources with which to complete the project.

9. The applications do not conflict with the local public interest.

10. The applications are not contrary to the conservation of water resources within Idaho.

11. The department should approve the applications with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit Nos. 67-07954, 67-07955 and 69-07110 are **APPROVED** subject to the following conditions and limitations:

1. Use of water under the permits is subject to all prior water rights.

2. Permit holder shall commence the excavation or construction of diverting works within one year of the date these permits are issued and shall proceed diligently until the project is complete.

3. The maximum number of livestock for which water is authorized by the permits is as follows:

67-07954 - 100 cattle
67-07955 - 200 cattle
69-07110 - 50 cattle

Approved
JAN 25 1956

and when combined with other stockwatering rights on the same grazing allotments shall not exceed the total amount of water required for the livestock on the allotments.

4. The permit holder shall install low level outlet works in the dams contemplated under filings 67-07954 and 67-07955 to provide the mechanism to pass water through the structures during times of water shortage to prior downstream water rights. Upon a showing by the right holder by means of studies, water measurements or other suitable data and information, as determined by the department, the department may modify or waive this condition.

5. The right holder shall file appropriate applications to construct the dams, if applicable, and shall otherwise comply with the dam safety rules of the department.

6. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the Final Order in this matter.

Signed this 19th day of September, 1995.

L. Glen Saxton
L. GLEN SAXTON
Hearing Officer

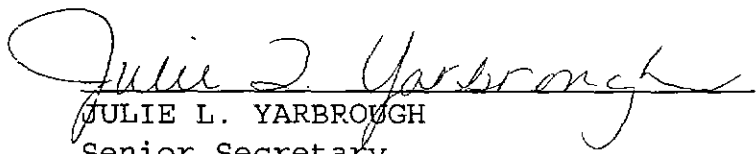
RECEIVED
JAN 25 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of September, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
RECOMMENDED ORDER to the following:

Bureau of Land Management
Boise District Office
3948 Development Ave.
Boise, ID 83705

Doris Baker
1040 W I V Rd.
Cambridge, ID 83610


JULIE L. YARBROUGH
Senior Secretary

Z 418 316.1190



**Receipt for
Certified Mail**

No Insurance Coverage Provided

DORIS BAKER

1040 W I.V. RD

CAMBRIDGE ID 83610

PS Form 3800

Postage	JAN 2 5 1980	\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$ 2 52
Postmark or Date		

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-03-B-0218

PS Form 3800, March 1963 (Reverse)

Z 415 316 491



Receipt for
Certified Mail

No Insurance Coverage Provided

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

PS Form 3800
8-86

Postage	\$ 2.52
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

PS Form 3800, March 1953 (Revised)

Z 344 716 362



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705**

PS Form 3801

Postage		\$
Certified Fee	✓	
Special Delivery Fee	✓	
Restricted Delivery Fee	✓	
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$ 2.52
Postmark or Date		

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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6. Save this receipt and present it if you make inquiry.

105603-03-B-0210

PS Form 3800, March 1993 (Reverse)

Z E84 916 E6E



**Receipt for
Certified Mail**

No Insurance Coverage Provided

DORIS BAKER

1040 W I.V. RD

CAMBRIDGE ID 83610

PS Form 3800

Postage	U.S.	\$
Certified Fee	20	
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$

Postmark or Date

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

103203-03-B-0210

PS Form 3800, March 1993 (Rev. 1992)

B21 CTY
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



RECEIVED

FEB 18 1995

WATER RESOURCES
WESTERN REGION

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2725 WEST BENT WAY

BOISE, IDAHO 83705



67-2954 65-135-87

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

DORIS BAKER
1040 W. J. V. RD
CAMBRIDGE ID 83610

4. Article Number

2418316496

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X

6. Signature — Agent

X

7. Date of Delivery

2-20-83

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

UNITED STATES POSTAL SERVICE



Official Business

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



RECEIVED

AUG 29 1995

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

63



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

DORIS BAKER
1040 W I.V. RD
CAMBRIDGE ID 83610

5. Signature (Addressee)

6. Signature (Agent)

67-7954
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

2 384 916 363

4b. Service Type

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

7. Date of Delivery

8-28-95

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



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



RECEIVED

AUG 29 1995

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2705 AIRPORT WAY
BOISE, IDAHO 83735

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

JAN 2 1991

4a. Article Number

2 384 916 362

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

John Howard

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

67-7954

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

4a. Article Number

2-418 316 491

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

C. Brown

6. Signature (Agent)

[Signature]

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



JAN 15 1994

PENALTY FOR PRIVATE
USE, \$300

RECEIVED

RETURN

TO

DEC 29 1994

WATER RESOURCES
WESTERN REGION

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
BOARD 93705

67-7954, 7955, 697118

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

4. Article Number

P 311 511 951

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X

6. Signature — Agent

X

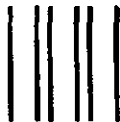
7. Date of Delivery

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

950107R2

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

JAN 12 1995

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

WEST REPORT VRY

BOISE, IDAHO 83705



67-7954

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

DORIS BAKER
1040 W F.V. RD
CAMBRIDGE ID 83610

4. Article Number

P 311 571 752

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

1-26-95

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

RECEIVED
SEP 07 1995
Department of Water Resources

Ident. No. 67-07954

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: BOISE DIST OFFICE BUREAU OF LAND MANAGEMENT 208-384-3352
Address: 3948 DEVELOPMENT AVE
BOISE ID 83705
2. Source: UNNAMED STREAM Trib. to: SPRING CREEK
3. Location of Point of Diversion: SESWNW Sec. 19, Township 12N, Range 01E
WASHINGTON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.030		
STOCKWATER STORAGE	01/01	12/31			3.00
WILDLIFE	01/01	12/31	0.030		
WILDLIFE STORAGE	01/01	12/31			3.00
5. Total quantity to be appropriated is:
0.030 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EARTH FILL DAM
 - 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 groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: STOCKWATER

TWN RGE SEC
12N 01E 19

SWNW

lot #2 *

JAN - 5 1996

* data base updated 4-5-94. St

Place of Use: WILDLIFE, same as STOCKWATER use.

9. 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.

10. Remarks:

Stockwater is for 100 cattle.
Wildlife is for deer, elk and antelope.

11. Map of proposed point of diversion and place of use attached? []

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

JAN 25 1996

Comments: Date: 2/22/1994 User-ID: TAYLOR

Subject:
Project Number

Spring Creek Reservoir, Project #8961.

JAN 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant BOISE DISTRICT BLM
3948 DEVELOPMENT AVE.
BOISE, IDAHO 83705 Phone 384-3352
- Post office address _____
2. Source of water supply UNNAMED
UNKNOWN STREAM which is a tributary of SPRING CR
3. Location of point of diversion is SE ¼ of SW ¼ of NW ¼, Govt. Lot 2
Sec. 19 ~~19~~ ~~24~~ Township 12 N. Range 1 E. B.M. Washington County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 3.0 AF for STOCKWATER
STORAGE purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 CFS for STOCKWATER purposes from 1/01 to 12/31 (both dates inclusive) *
- Amount 3.0 AF for WILDLIFE
STORAGE purposes from 1/01 to 12/31 (both dates inclusive)
- Amount .04 CFS for WILDLIFE purposes from 1/01 to 12/31 (both dates inclusive) *
5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) 3.0 acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. EARTH FILL DAM TO RETAIN
SNOWMELT RUN-OFF.
- b. Height of storage dam 19 ft. feet; active reservoir capacity 3.0 acre-feet; total
reservoir capacity 3.0 acre-feet; period of year when water will be diverted to storage:
1/01 to 12/31 inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

* MAX RATE PER 5/100 - assume wildlife is total rate
ARE SAME AS stock per typical BLM filing. - JZ 2/18/94

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

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. 100 Cattle
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. LIVESTOCK, WILDLIFE (DEER, ELK & ANTELOPE)

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	1E	19							X										
									2.2										

Total number of acres to be irrigated _____

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? U.S. GOVERNMENT
- b. Who owns the land to be irrigated or place of use? U.S. GOVERNMENT
- 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: SPRING CREEK RESERVOIR
PROJECT # 8961

How is
"Comment"
82 2/8/94

JAN 25 1996

RILEY BUTTE QUADRANGLE

IDAHO-WASHINGTON CO.

7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

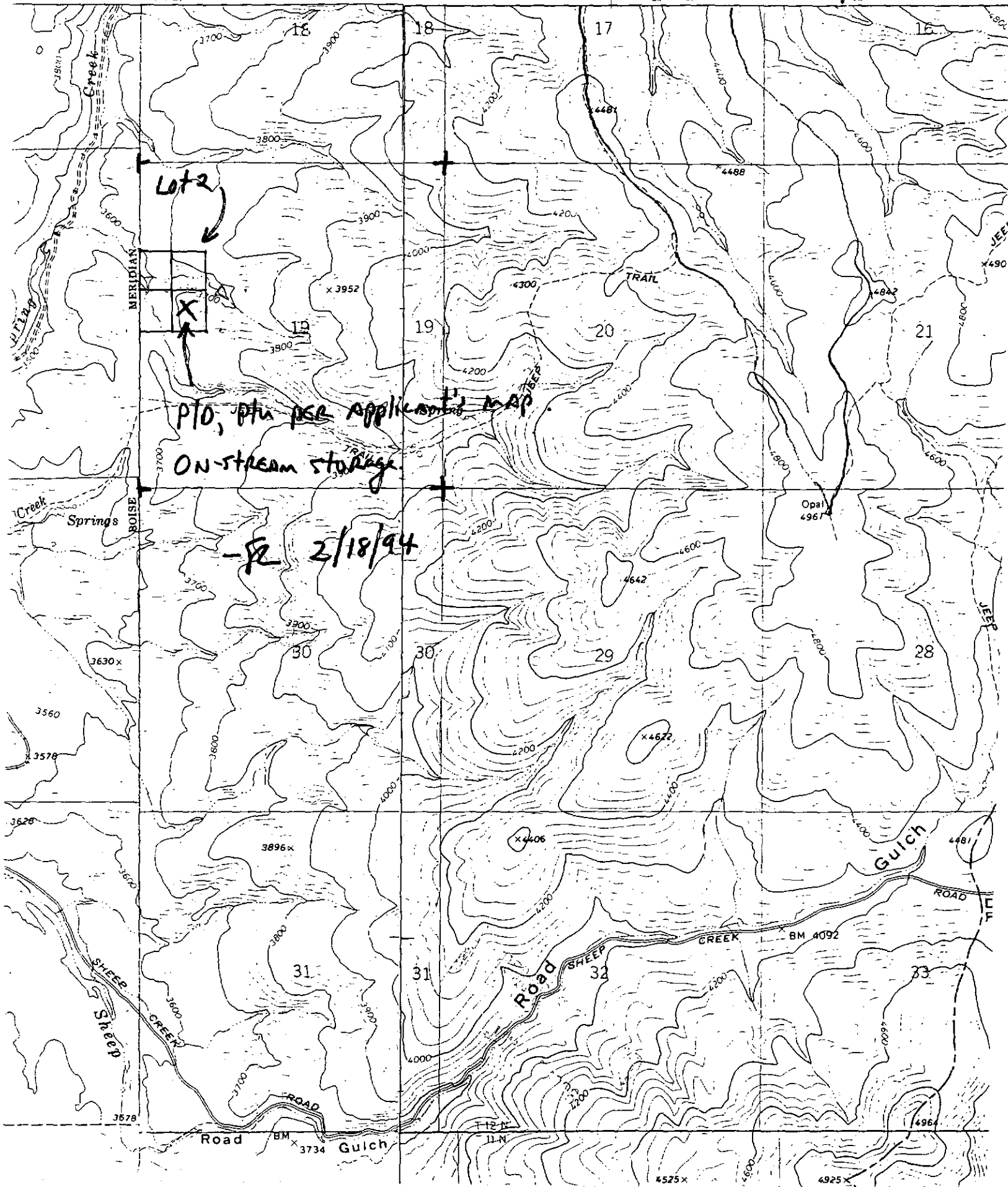
T12N
R1E
S19

30 000 FEET R1W R1E

549

116° 22' 30"

551000m.E.



7722
R1E
S.19
L.2

213

5-19

٢٤

五

4

1

BOISE

N. 0° 23' W.
40.15

NORTH
40.26

N. 0° 2' E
4057

Reserve

N: 0°
39.

270

28

3.53

3052

3070

308

3090

3099

309

37.031

1



75.39

80

60367

10

89

7550

08

N. 0° 7' E

N. O'7 E

171

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T 12 N R 1 E

T. 12 N., R. 1 E.

A 10x10 grid with numbers 1 through 30. The numbers are arranged as follows:

- Row 1: 7, 8, 9, 10
- Row 2: 18, 17, 16, 15
- Row 3: 19, 20, 21, 22
- Row 4: 30, 29, 28, 27

Handwritten note in the third row, first column: "Pt. of Diversion: Place of Use" with an arrow pointing to the number 19.

Handwritten note in the bottom center: "251215"

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.

Application for permit to appropriate the public waters of

Samuel L. Mathis
(Applicant)
Acting Area Manager

Received by VR Date 2-16-94 Time 2:30 pm Preliminary check by RL
Fee \$ 30.00 Receipted by VR # W017186 Date 2-16-94
Publication prepared by AT Date 2-23-94 Published in Open City News
Publication approved _____ Date _____
+ Steven Sigurd

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:

RECEIVED
JAN 19 1994



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

February 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

RE: WATER RIGHT NO. 67-07954

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

MAY 1 1998

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:

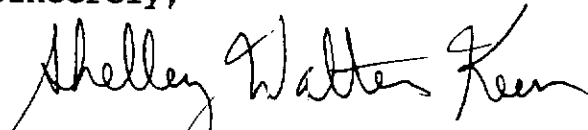
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
MAY 18 1998

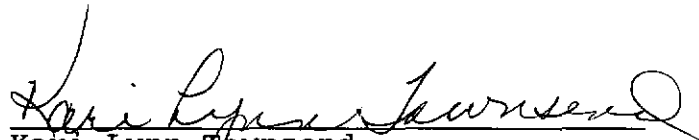
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of February, 1998, 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. 67-07954

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705


Kari Lynn Townsend
Secretary

MAY 18 1998



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

February 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

RE: WATER RIGHT NO. 67-07954

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form describes the point(s) of diversion and place(s) of use and other information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 60 days.

Also, please note that some of the proposed 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

MAY 18 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 67-07954

DATE 1/29/98

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change/clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Amendment required Yes

PLACE OF USE Change OK

Amendment required Yes

Does map agree with written description? Yes no

OVERLAPS P/D P/U
Overlap file pulled & reviewed _____

RATE OF DIV

Permitted Rate .03 cfs
Fee limit .20 cfs \$50⁰⁰
Measured 2 cfs
Theoretical 2 cfs

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/
NATURE OF USES 100 cattle limitation

Use	cfs	Volume Calc	
Stock	.03	.6	af
" stor		3.0	af
wildlife	.03	.6	af
" stor		3.0	af
SUBTOTAL	.03	3.6	af

Flow rate _____ cfs X _____ days X 1.98 = _____ af

Total volume recommended _____ af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS spec cond to retain jurisdiction for low level outlet.

CONDITIONS R04 Watermaster Control WD# 67
_____ GW Measurement/Measuring Device

Overlap

R37 Use-specific conditions

Advancement of Priority Date Required _____ yes _____ no

SRBA Claim Filed NA

Adjustment Memo wild volume

1st Amend Letter P48

2nd Amend Letter P38

MAY 18 1998

3.0 AF
0.34 AC.

N

Dam

Spillway - 14' Bottom
4.7' Deep
17' Top wid

No Low level
= outlet pipe

Spring Creek Reservoir

BLM Project # 8961

Dam: Height 20.1'
D/S Slope 2:1
U/S Slope 3:1
Length 260' (earth fill)
Crest width - 12'

Cut-off Trench Depth - 6.5'

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

Photo of Diversion and System Attached

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

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - office exam

מחזורי ראשון

[illegible]

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for Spring Creek Reservoir, BLM Project #8961, Cascade Resource Area.
2. They did not construct a low level pipe outlet in the dam as a condition of approval for the permit. This condition was rescinded in the "Preliminary Order" of March 15, 1996 by the department. The BLM would pump water out of the reservoir and into the drainage during times of water shortage to protect prior downstream water rights. (Item No. 4)
3. The water is used on the Spring Creek Allotment.
4. 100 Range Cattle use the water.
5. The present grazing period is May 15 to Oct. 15. The grazing period is rotated through the year as part of their Rangeland Management Plan.
6. This was done as an office exam.

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

MICROFILMED
MAY 18 1998

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None - office exam @ BLM office.

For 100 range cattle, Allow 0.03 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

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

2. Volume Calculations for Other Uses: Stockwater + Wildlife

$$\text{Ann. Vol.} = \left(\frac{100 \text{ Head}}{1} \right) \left(\frac{12 \text{ Gal.}}{\text{Day-Head}} \right) \left(\frac{150 \text{ Days}}{\text{Ann.}} \right) \left(\frac{\text{AF}}{325,850 \text{ Gal.}} \right) = \frac{0.55 \text{ AF}}{0.60 \text{ AF}}$$

$$\text{Vol. of Reservoir} \approx \left(\frac{1}{2} \right) (20.1' - 5.0') (0.34 \text{ Ac.}) \approx 2.57 \text{ AF}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.03</u>	<u>0.60</u>
<u>Stockwater Storage</u>	<u>01/01</u>	<u>12/31</u>		<u>3.0 AF</u>
<u>Wild life</u>	<u>01/01</u>	<u>12/31</u>	<u>0.03</u>	
<u>Wild life Storage</u>	<u>01/01</u>	<u>12/31</u>		<u>3.0 AF</u>
			<u>Totals: 0.03</u>	<u>3.0 AF</u>



2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None P/D is SENW
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other P/U is SENW
of Sec. 19.

I. AUTHENTICATION

Field Examiner's Name Don Tomich Date 12-12-97

Reviewer _____ Date _____

SEAL

UNRECORDED

MAY 1 1998

2772 IV NE
(TWIN SISTERS)

Topographic map of a section of the Indian Valley 13 MI. map, showing contour lines, roads, and various landmarks. The map is divided into sections 13, 14, 18, 23, 24, 25, 26, 30, 31, 35, and 36. Key features include Crane Creek, Sheep Creek, and a road labeled "Road". Handwritten annotations include "No Gov. Lots", "67-07954", and "P/D P/u". A grid system is overlaid on the map, with coordinates 44° 22' 30" N and 101° 16' 10" W indicated. A scale bar shows 0 to 1 mile.

P/D
P/u

980 000
FEET

TIZN
R1E
Sec.
19

No Gov. Lots

67-07954

FOIA 16 MI.
T. 12 N.

BM 3675

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 67-07954 Reviewed by [Signature] Date 8-21-97

GENERAL CONSIDERATIONS

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

TYPES OF USE

stock

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

	-
	=
	+

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 8-11-97



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1997

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07954

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.

Please 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 department's WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

C: IDWR - W. Region

SEP 12 1997

July 31, 1997

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

DSAD062111

PROOF DUE NOTICE

RE: PERMIT NO. 67-07954

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1997.

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

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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

67-07954-111
SEP 12 1997



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

March 15, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Permit No. 67-07954 in the name of U.S.
Department of Interior, BLM

Dear Interested Party:

The accompanying order 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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

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 Director. The .

APR 30 1996

Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District

Boise Field Office

3948 Development Avenue

Boise, Idaho 83705-5389

In Reply Refer To:

1010

MAR 13 1996

RECEIVED

MAR 14 1996

Department of Water Resources

Karl Dreher
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Re: In the matter of Application for Permit No. 67-07954 in the name of the Bureau of Land Management.

Dear Mr. Dreher:

This letter is in response to your letter dated October 18, 1995. In that letter you requested that the Bureau of Land Management (BLM) construct a low level outlet in Spring Creek Reservoir, identification no. 67-07954. I would like to propose an alternative to the construction of a low level outlet. In times of water shortage, BLM would pump water out of Spring Creek Reservoir and into the Spring Creek drainage to allow water to flow to prior downstream water right holders. For the following reasons BLM has determined that this would be less costly.

1. Considering these factors; the small size (50 acres) of the watershed, the fact that it is an intermittent drainage and the average annual precipitation is 16 -18 inches, BLM staff predicts that very little, if any, water will flow into the reservoir after July 15. Assuming that water would be needed by downstream water right holders during the late summer and early fall, pumping the water out of the reservoir and into the Spring Creek drainage at that time would provide all available water to downstream water users.

2. BLM engineering staff have projected that to prevent the low level outlet from leaking after installation, major reconstruction of the dam would be necessary when the outlet is installed. This is estimated to cost half as much as the initial construction cost of the dam.

If you would like to discuss this proposal, contact Jon Haupt at 384-3371.

Sincerely,

John E. Fend
Cascade Area Manager

APR 30 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 18, 1995

RE: In the Matter of Application for Permit Nos. 67-07954, 67-07955 & 69-07110 in the name of Bureau of Land Management

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

JAN 25 1996
APR 30 1996

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

RECEIVED
APR 11 1996

APR 15 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 22, 1995

Doris Baker
1040 W. I V Rd.
Cambridge, ID 83610

RE: Water Right Nos. 67-07954, 67-07955 & 69-07110 (BLM)

Dear Ms. Baker:

I have enclosed a copy of the hearing tape and roster of attendance for the above referenced water right hearing, per your request of September 21, 1995.

Additionally, I have enclosed a copy of the invoice for the cost of copying the tape. Please remit \$3.35 for the tape within **thirty (30)** days of receipt of this letter.

If you have any questions or I can be of any further assistance, please feel free to call me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
JAN 25 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 19, 1995

RE: In the matter of Applications for Permit Nos. 67-07954, 67-07955 and 69-07110

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

JAN 5 1996

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

25/1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
SEP 07 1995
Department of Water Resources

IN THE MATTER OF APPLICATIONS) NOTICE OF HEARING
FOR PERMIT NOS. 67-07954, 67-7955 &)
69-7110 IN THE NAME OF US BUREAU OF)
LAND MANAGEMENT, BOISE DISTRICT)
OFFICE.)

On February 16, 1994, the Bureau of Land Management filed with the Department of Water Resources (Department) three applications for permit nos. 67-07954, 67-07955 and 69-07110. The applications were protested by Doris Baker. The conference held by the Department on March 10, 1995 did not resolve the matter of protest.

The Department has scheduled the matter for a hearing to be held on Thursday, September 14, 1995, at 10:00 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. The presiding officer at the hearing will be Glen Saxton.

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

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 23rd day of August, 1995.

David R. Tutthill, Jr.
DAVID R. TUTTHILL, JR., P. E.
Manager, Western Regional Office

RECEIVED
JAN 25 1996

I hereby certify that on the 24th day of August, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary, Office Coordinator

Certified Mail

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

DORIS BAKER
1040 W I.V. RD
CAMBRIDGE ID 83610

JAN 25 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

RECEIVED
JAN 25 1996

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may be written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECEIVED
JAN 25 1996

RECEIVED

JUN 30 1995

WATER RESOURCES
WESTERN REGION

June 28, 1995
11090 Hiway 95
Indian Valley, Ida.
83632

Mr. David R. Tuthill, Jr.
Manager Western Regional Office
Dept. of Water Resources
2735 Airport Way
Boise, Ida. 83705

Dear Mr. Tuthill;

I am writing this letter, in regards to the phone conversation, I had with your secretary, Sue.

From our last meeting, in March, the 10th, I had assumed you had scheduled the next hearing for the 10th of July. Your secretary informed me, that was the date I was supposed to let you know if I wanted a hearing on these water rights, I protested. No. 67-7954, & 67-7955 in Washington Co. and No. 69-7110 in Adams Co.

I would like to have a hearing on these proposals at your earliest convenience.

Enclosed, are some of the questions I tried to ask at the last hearing, but when answers were coming from all different directions (B.L. M. Phipps) it was rather distracting. I may have a few more questions to ask at the hearing also

2/ David, as I gather more information.

Please feel free to call me, if you have any further questions, as if you have any information, which might be helpful to me.

Sincerely yours,
David Baker

My phone no. is:
208-256-4355

RECEIVED
JAN 25 1996

QUESTIONS IN REGARDS TO U.S. B.L.M. APPLICATION
FOR WATER RIGHTS ON UNNAMED SPRING,
SHEEP CREEK AND DYER SPRING-SALT CREEK

1. Are these springs and creeks a tributary to the Snake River?
2. Has a study been done to determine the amount of water which flows from these springs and creeks?
3. Is there still going to be adjudication hearings on the Snake River and its tributaries?
4. Why is a 19 foot dam required to hold 3 acre feet of water?
5. How will the downstream users be affected by damming this water?
6. How can a permit be issued on a stream that would be considered in an adjudication hearing, and have the downstream users been notified of this permit request? How will it affect their filings in an adjudication hearing?
7. What priority will be placed on this permit?
8. Will the springs be improved to provide a continuous flow of water, if so, how much is expected to flow from the springs?
9. Who will monitor the flow of water from the dam? Will the in flow be equalled to the outflow, if so, who will control the water to ensure downstream users will receive their water?
10. Why is the permit for stockwater and not storage since this is a dam to hold back water on a stream system?
11. Is this considered a new use of water if it is determined to be a tributary of the Snake River, and not a historical use of water?

12. Time period for use.
13. forfeit surface water rights
Constitution.

Why B.L.M. Came into existence -
1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River Ecosystem
Boise District Office
3948 Development Avenue
Boise, Idaho 83705-5389

✓ On
Protest file

RECEIVED

APR 13 1995

WATER RESOURCES
WESTERN REGION

In Reply Refer To:

7250

APR 12

Doris Baker
1040 W I.V. Rd
Cambridge, ID 83610

Re: Protested Applications 67-7954, 67-7955 and 69-7110

Dear Mrs. Baker:

At our protest conference on March 10, 1995 Dave Tuthill of Idaho Department of Water Resources asked that we answer the following questions:

67-07954 - Is the point of diversion properly described?

The point of diversion is correct as described. (see enclosed map)

67-07955 - Should horses be shown on this application?

No.

How many cattle should be shown?

386 cattle are authorized from 5/1 to 10/31.

69-07110 - How many cattle are in the allotment?

419 cattle are authorized from 3/16 to 5/31.

419 cattle are authorized from 11/1 to 12/15.

If you have further questions please contact Jon Haupt at 384-3371.

Sincerely,

J. David Brunner
Ecosystem Manager

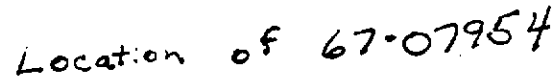
RECEIVED
JAN 25 1996

Enclosure

cc: David Tuthill, Idaho Department of Water Resources

2772 IV NE
(TWIN SISTERS)

44° 22' 30"



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T. 12 N.

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1

Conference Notes 3/10/95

D. Tuttle

BLM 67-7954, 67-7955, 69-7110

See Attached Attendance roster

Questions:

67- 07954 - P/d properly described?

67- 07955 - Should horses be shown on this app?
How many cattle should be shown?

69- 07110 - How many cattle in the allotment

Proposed Action:

Jon Haupt will send a letter addressing these questions, for IDWR & Mrs. Baker

Mrs Baker will respond with her proposed action NLT July 19, 1995

RECEIVED
JAN 25 1996

Conference Notes 3/10/95

D. Tutthill

BLM 67-7954, 67-7955, 69-7110

See Attached Attendance roster

Questions:

67- 07954 - P/d properly described?

67- 07955 - Should horses be shown on this app?
How many cattle should be shown?

69- 07110 - How many cattle in the allotment

Proposed Action:

Jon Haupt will send a letter addressing these questions, for IDWR & Mrs. Baker

Mrs Baker will respond with her proposed action NLT July 19, 1995

JAN 25

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Conducted by: David R. Tuthill, Jr., P.E.

ADDRESS

Miss Baker	1896	Wiscay 95	Indian Valley
Gary Madenford	BLM-ISO		Ida. 83632
Jon Haupt	BLM-Boise Dist		
Jon Jossie	BLM. Boise District		
Barbara Lightinger	302 S. Lakport Dr.	Elko NV	89801
FRED PRICE	BLM-ISO, 3380 AMERICANA TERRACE,	BOISE ID.	83706

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JAN 10 1967

JAN 25 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

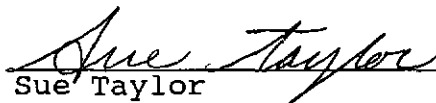
IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 67-7954, 67-7955)
AND 69-7110 IN THE NAME OF THE)
BUREAU OF LAND MANAGEMENT, BOISE)
DISTRICT OFFICE.)

NOTICE OF CANCELLATION
RESCHEDULING

In response to a request from the protestant, the conference in the above-referenced matter scheduled for Friday, January 20, 1995, has been rescheduled to be held on Friday, March 10, 1995, at 10:00 a.m. at the Idaho Department of Water Resources Western Regional Office, 2735 Airport Way, Boise, Idaho.


DAVID R. TUTHILL, JR. P. E.
Manager, Western Regional Office

I hereby certify that on the 25th day of January, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

DORIS BAKER
1040 W I V RD
CAMBRIDGE ID 83610

JAN 25 1995
JAN 25 1995

January 17, 1995

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Tuthill:

This letter is in response to the Notice of Conference on Applications for Permit No. 67-7954, 67-7955 and 69-7110, which I received on January 5, 1995.

Due to the fact that I received the Notice on January 5, 1995 and the hearing has been set for January 20, 1995, I respectfully request that the hearing be postponed until March 10, 1995. This will allow me the time needed to further research this issue and attend the hearing with appropriate information and questions.

If you have any questions or need to contact me in regards to another date, please feel free to contact me at 208 256-4335.

Sincerely yours,



Doris Baker
1096 Highway 95
Indian Valley, ID 83632

RECEIVED

JAN 25 1996

P 311 571 952



**Receipt for
Certified Mail**

No Insurance Coverage Provided

DORIS BAKER
1040 W I.V. RD
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1991
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see chart).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

PS Form 3800, June 1981 (Revised)



P 777 577 957

**Receipt for
Certified Mail**

No Insurance Coverage Provided

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	5/27/91
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	5.1995
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see Form 3811).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

PS Form 3800, June 1991 (Reverse)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 67-7954, 67-7955)
AND 69-7110 IN THE NAME OF BUREAU)
OF LAND MANAGEMENT, BOISE DISTRICT)
OFFICE.)

NOTICE OF CONFERENCE

On February 16, 1994, the Bureau of Land Management, Boise District Office, filed with the Department of Water Resources three applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Doris Baker.

The Department has set the matter of protests for a conference to be held on Friday, January 20, 1995, at 1:00 p.m at the Washington County Courthouse, 256 Court St., Weiser, Idaho 83672. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 23rd day of December, 199⁴.

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

JAN 25 1995

I hereby certify that on the 23rd day of December, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

Certified Mail

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

DORIS BAKER
1040 W I.V. RD
CAMBRIDGE ID 83610

RECEIVED
JAN 25 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

RECEIVED
JAN 25 1996

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may be written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECEIVED
JAN 25 1936

Affidavit of Publication

RECEIVED

APR 06 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
County of Washington

ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published

in said newspaper once a week for ^{two} consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 3, 19 94 and ended March 10, 19 94

Stuart Dopf

Subscribed and sworn to before me

this 4th day of

April, 19 94
B. J. Soule

Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

Public Notices

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho.

67-07954

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705
Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SESWNW Sec. 19 T
12N R 1E in WASHINGTON County.
Use: STOCKWATER STORAGE
(3.00 AF)
STOCKWATER (.030 CFS)
WILDLIFE STORAGE (3.00 AF)
WILDLIFE (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 2/16/1994.
In: WASHINGTON County T12N
R1E S19 SWNW.

67-07955

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705
Source: UNNAMED STREAM
Tributary: SHEEP CREEK
Diversion Pt: NENESE Sec. 20 T
11N R 1E in WASHINGTON County.
Use: STOCKWATER STORAGE
(4.00 AF)
STOCKWATER (.040 CFS)
WILDLIFE STORAGE (4.00 AF)
WILDLIFE (.040 CFS)
Total Diversion (.040 CFS)
Date Filed: 2/16/1994
In: WASHINGTON County T11N
R1E S20 NESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before MARCH 21, 1994.

R. KEITH HIGGINSON,
Director

Published: 3/ 3/1994 & 3/10/1994

RECEIVED

JAN 25 1996

No. 271

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

Sarah Boles, being duly sworn,
deposes and says:

That ^she is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
March 2, 1994, and ending
with the issue of March 9, 1994.
Sarah Boles
Fees, \$ 124.88

Subscribed and sworn to before me this 9
day of March, 1994.
[Signature]
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 1-2, 1999

No. 271
NOTICE OF APPLICATION
FOR WATER RIGHT

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

67-07953

ISAACSON, J. LYNN
777 HIWAY 95
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NENE Sec 29 T 11N R 05W in WASH-
INGTON County.
Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 2/10/1994
In: WASHINGTON County
T11N R05W S29 NENE
3.0 ACRES TOTAL

67-07954

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705
Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SESWNW Sec 19 T 12N R 01E in
WASHINGTON County.
Use: STOCKWATER STORAGE (3.00 AF)
STOCKWATER (.030 CFS)
WILDLIFE STORAGE (3.00 AF)
WILDLIFE (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 2/16/1994
In: WASHINGTON County
T12N R01E S19 SWNW

67-07955

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE.
BOISE, ID 83705
Source: UNNAMED STREAM
Tributary: SHEEP CREEK
Diversion Pt: NENESE Sec 20 T 11N R 01E in WASH-
INGTON County.
Use: STOCKWATER STORAGE (4.00 AF)
STOCKWATER (.040 CFS)
WILDLIFE STORAGE (4.00 AF)
WILDLIFE (.040 CFS)
Total Diversion (.040 CFS)
Date filed: 2/16/1994
In: WASHINGTON County
T11N R01E S20 NESE

Permits will be subject to all prior water rights. Pro-
tests may be submitted based on the criteria of Sec. 42-
203A, Idaho Code. Protests must be filed with the
Director, Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 on or before
MARCH 21, 1994.

R. KEITH HIGGINSON, Director
Published: 3/3/1994 & 3/10/1994

4-2S

JAN 25 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705

Re: Application for Permit No. 67-7954

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 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 purposes 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. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DORIS BAKER
1040 W I.V. RD
CAMBRIDGE ID 83610

Re: Applications for Permit Nos. 69-07110, 67-07954 and
67-07955 in the Name of Bureau of Land Management

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 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 purposes 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. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

At this time we cannot accept your protest of the Bureau of Reclamation's transfers. They have not yet been finalized or advertised. Please watch the newspaper for them to be advertised and if you still wish to protest we can accept it at that time.

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

RECEIVED

MAR 21 1994

WATER RESOURCES
WESTERN REGION

March 17, 1994
1040 W. 2. St. Rd.
Cambridge, Md. 83610

Dear Mr. Higginson,

I am writing to you to protest the applications by the Bureau of Land Management, numbers 69-09110 in Adams County, and numbers 69-09954 and 69-09955 in Washington County.

The Constitution and amendments state that no Federal agency shall infringe upon the God given rights and Properties of any state.

Also, the request by the Bureau of Reclamation for transfer of water rights should be denied, as they are a public office & this water has already been allocated for irrigation.

Sincerely,
Davis Baker

Phone-208-256-4462

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 2/18/94 APPLICATION: 67-7954

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ 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:

Gov't. Lots:
1 P/D
1 P/U

ADDITIONAL INFORMATION

YES	NO	
		<u>Stockwater</u>
<u>N/A</u>		Overlapping place of use: (Describe source & relationship to present application on the back.)
		Overlapping point of diversion:
		Field check required: Field check by: _____
		Field report attached:
		Critical groundwater area:
		Groundwater management area:
		1992 moratorium
		Copy to SCA staff (perennial stream, non-pump diversion):
<u>✓</u>		Send dam safety information: <u>cc to JFW 2/18/94</u>
		Send power requirement letter:
		Send fish farm requirement letter:
		Power residency affidavit:
		Power efficiency form:
		Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
		Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
		<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

✓ Additional information on reverse side:

PROCESSING

APPLICATION

67-

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

☒ YES NO

☐ ☒
☐ ☒
☒ ☐
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # 67

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 3-21-94

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by: Date

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION

67-07954

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVE
BOISE, ID 83705

Source: UNNAMED STREAM

Tributary: SPRING CREEK

Diversion Pt: SESWNW Sec 19 T 12N R 01E in WASHINGTON County.

Use: STOCKWATER STORAGE	(3.00 AF)
STOCKWATER	(.030 CFS)
WILDLIFE STORAGE	(3.00 AF)
WILDLIFE	(.030 CFS)
Total Diversion:	(.030 CFS)

Date Filed: 2/16/1994

In: WASHINGTON County
T12N R01E S19 SWNW

67-07954-17
JAN 25 1996

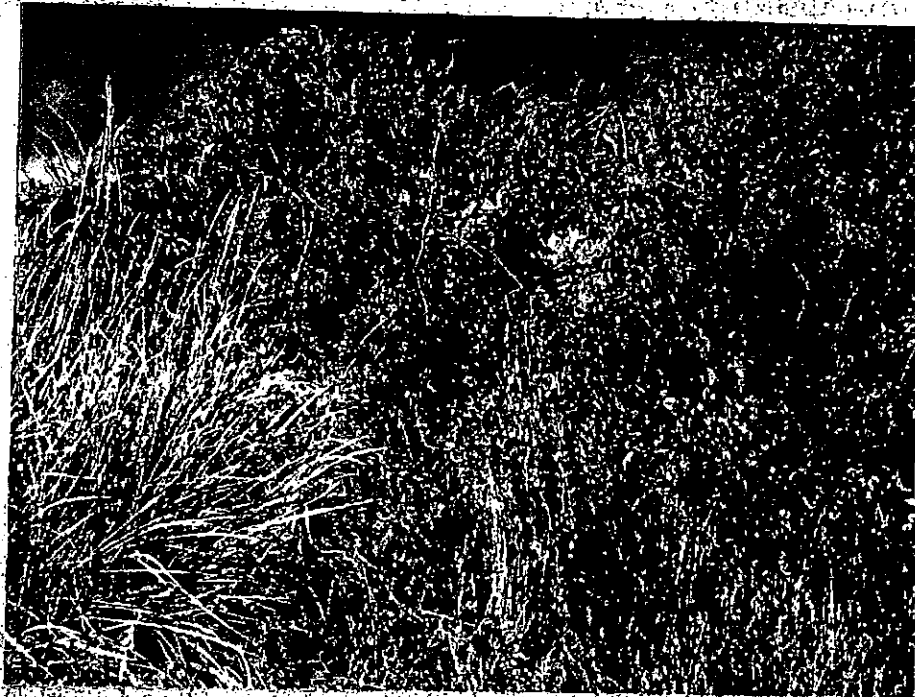
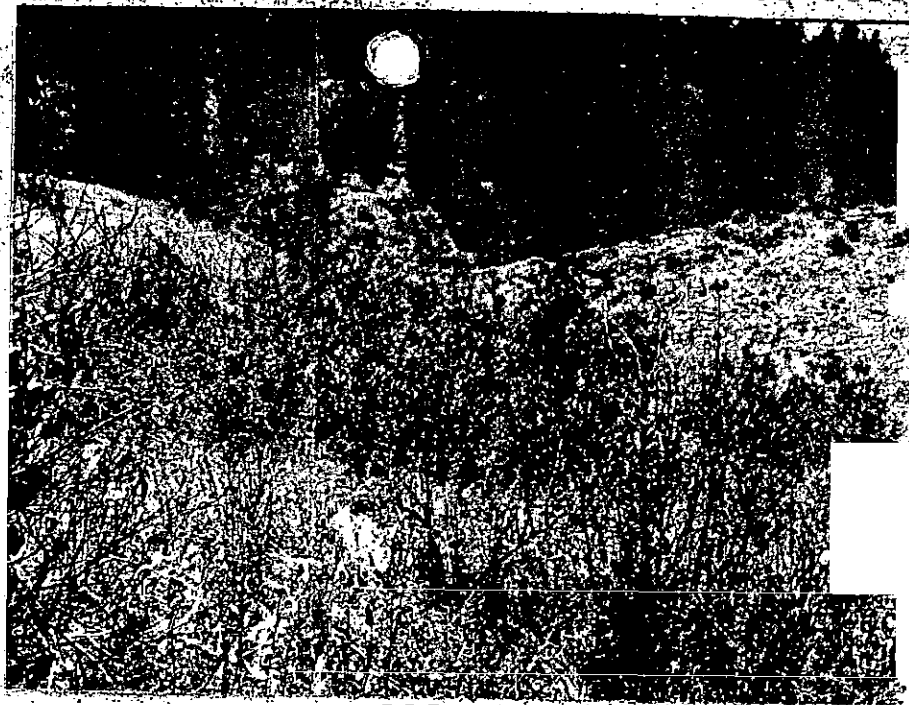
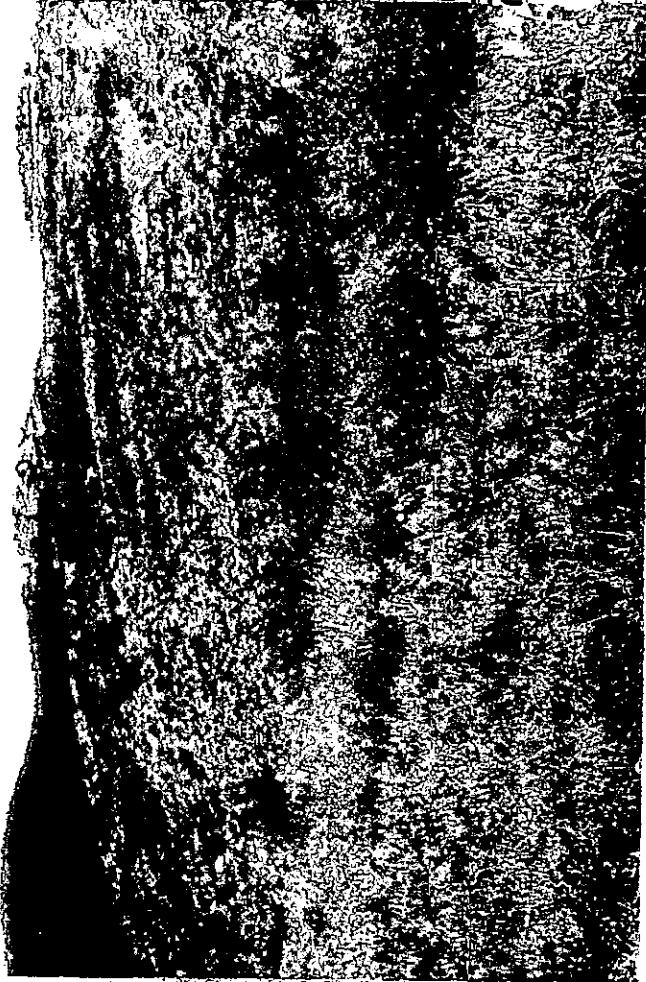
Exhibits ~~and~~ ~~Tape~~

Hearing on 9-14-95

67-1954, 67-79554 69-7110

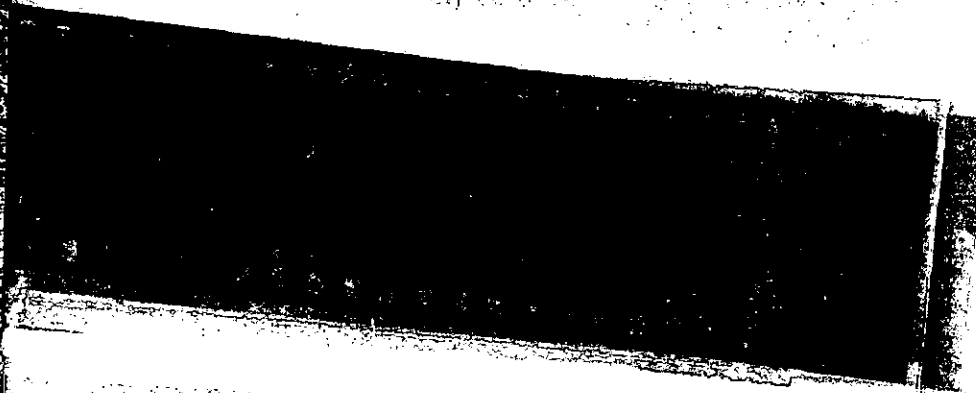
Department of Water Resources
APPLICANT'S
Exhibit A
Date Admitted 9/14/95 168

Moonshine Spring Site



RECEIVED

JAN 25 1936



RILEY BUTTE QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2772 IV NE
(TWIN SISTERS)

25' 547 330 000 FEET 549 116° 22' 30" 44° 22' 30"

67-07954

Location of 67-0795

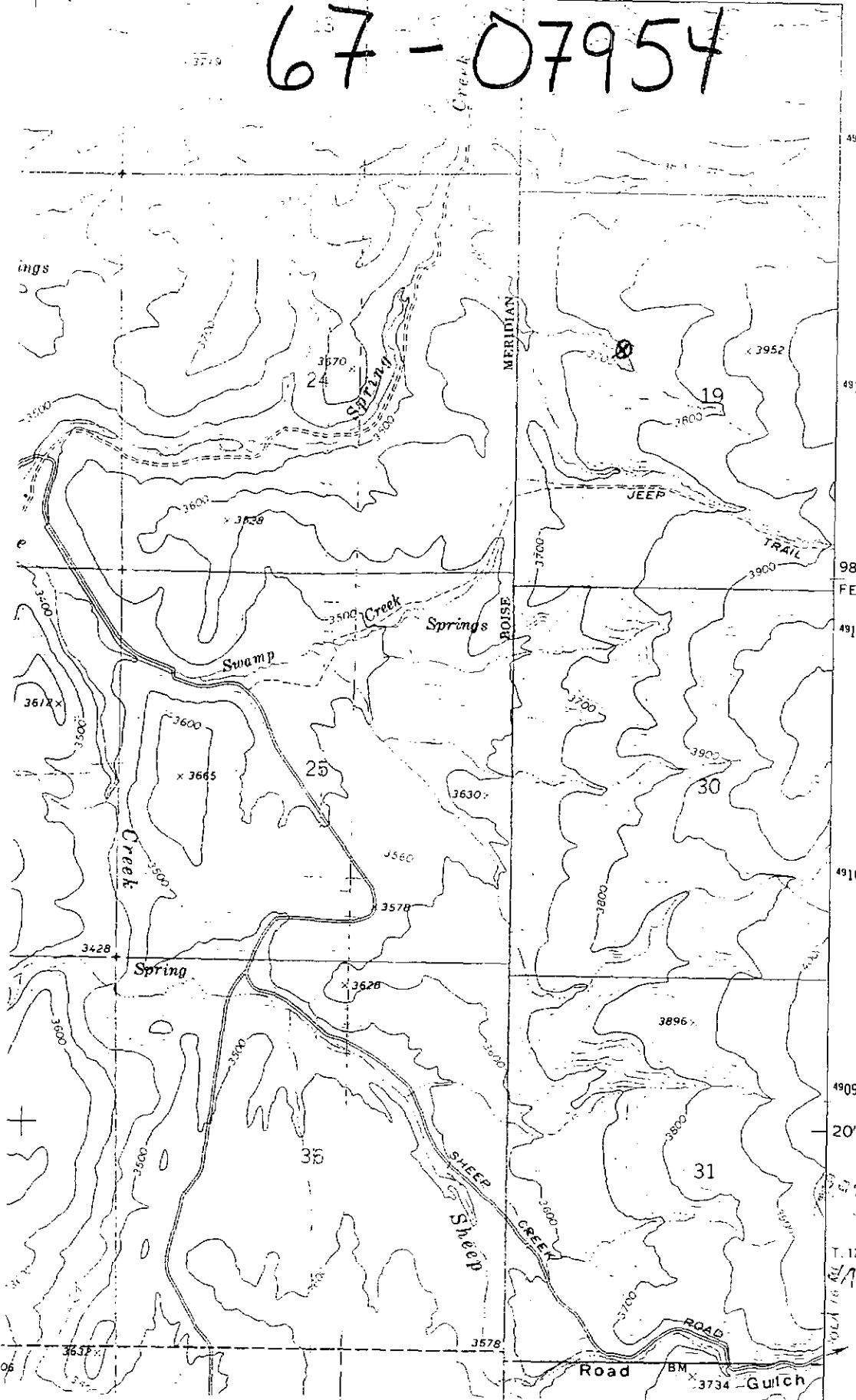
SPRING
CREEK
RESERVOIR

Department of Water Resources
APPLICANT'S

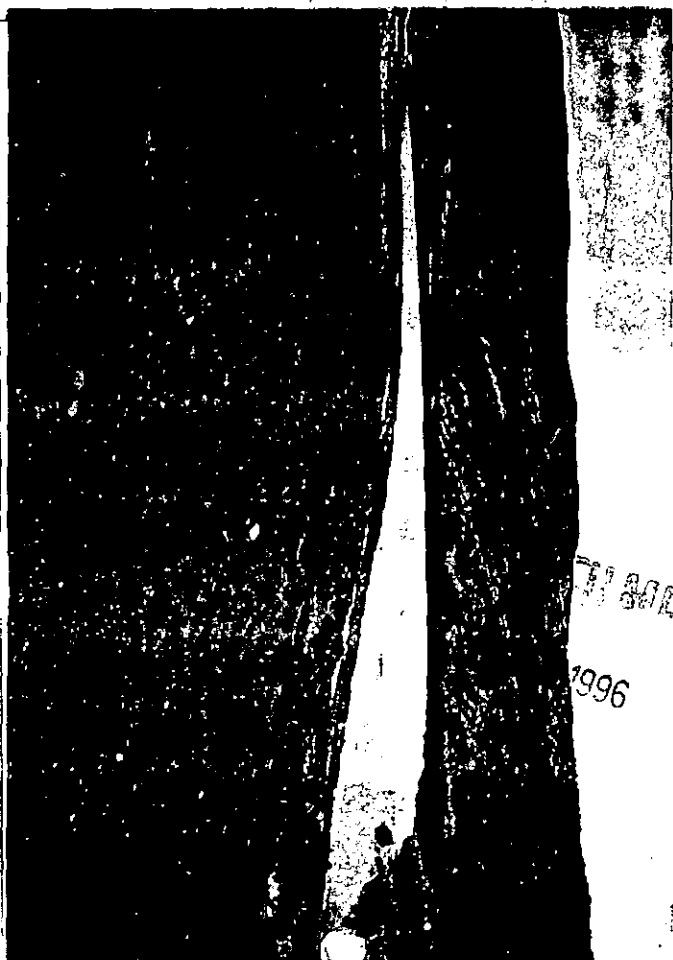
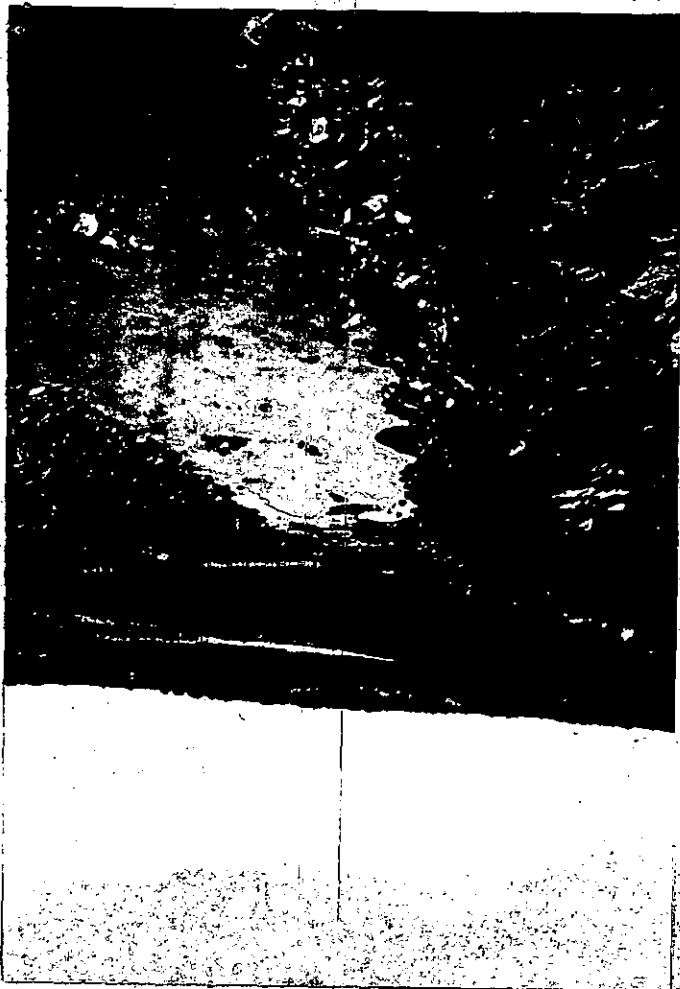
Exhibit

B

Date Admitted 9/14/95 LGS



Spring Creek #8967

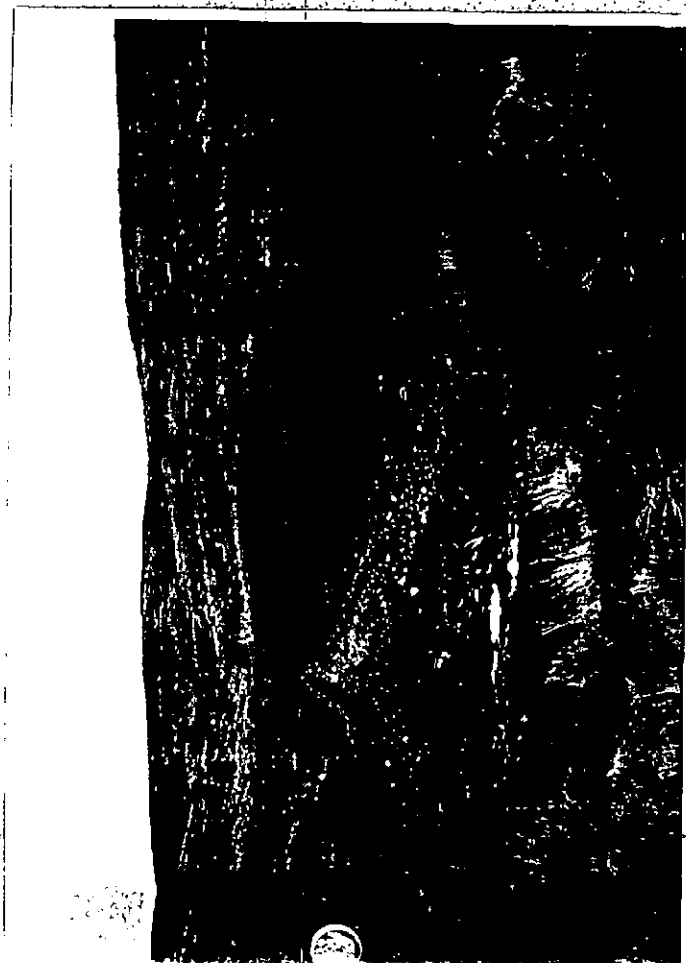


1996



56/17

6707954



56/17

6707954

RECEIVED
JAN 25 1996

Sheep Cr. Res. Site



JAN 25 1996



EXECUTIVE SUMMARY

Reservoir Construction Cascade Resource Area June 6, 1994

Attached are copies of the unsigned decision records for the four proposed reservoir construction projects on the Cascade Resource Area. Please review the enclosed information. Comments should be sent in writing to:

John Fend, Cascade Area Manager
3948 Development Avenue
Boise, ID 83705

Your written comments must be received by June 21, 1994 to be considered. If you would like to discuss any of the proposed projects, please call Mary Clark or Gene Decker at 208-384-3352 before June 21, 1994. Based on comments received, the EA may be modified. If there are no comments that affect the projects, the proposed Decision Record will be signed as the Final Decision Record with construction expected to begin June 23, 1994. An EA (Environmental Analysis) has been developed. If you wish to review the entire EA packet please notify Mary, Gene, or Vicky Cox at the above telephone number.

The four proposed projects are:

Monument Reservoir	T. 9N., R.1W., Section 5 NE1/4 SW1/4 Four Mile Allotment (#91)
Sheep Creek Reservoir	T.11N., R.1E., Section 20 NE1/3 SE1/4 Sheep Creek Allotment (#6)
Spring Creek Reservoir	T.12N., R.1E., Section 19 SE1/4 NW1/4 Spring Creek Allotment (#284)
Jake Allotment Reservoir	T. 9N., R.12., Section 24 SW1/4 NW1/4 Little Emmett Allotment (#393)

All of the above range improvements have been identified in their respective AMP (Allotment Management Plan), except for Sheep Creek. The Sheep Creek Allotment does not have an AMP.

Issues examined in the EA were identified by the Interdisciplinary Team. The reservoir construction proposals were included in the annual letter to the public informing them of our proposals and requesting comments. We did not receive any comments from the letter. The number of alternatives ranged from two to three per reservoir. All four reservoirs had the No Action Alternative which would continue with the present level of management and the construction alternative. In addition the Sheep Creek Reservoir had an alternative that would defer the construction of the reservoir until a management plan could be developed. The Jake Allotment Reservoir had one alternative to relocate the construction site.

As the Authorizing Officer, my responsibility is to select the best alternative that meets our management criteria (based on the RMP and AMPs), that will be beneficial to all the resource, and will not cause negative impacts on the land. Based on the ID Team analysis, I propose the following decisions:

- * Construct the Monument Reservoir (Alternative 2) on the Four Mile Allotment.

The construction of this reservoir will be beneficial to the wild horses as well as encouraging proper forage utilization through wider livestock distribution.

Department of Water Resources
APPLICANT'S

Exhibit D

Date Admitted 9/14/95 LGS

JUN 25 1994

* Defer the construction of the Sheep Creek Reservoir until a management plan can be developed (Alternative 3) for the Crane Creek watershed.

The location of the proposed reservoir is within crucial mule deer winter range. Construction of the reservoir will cause heavy use on the bitterbrush and other forage which could be detrimental to the deer. (This was determined by comparing the utilization mapping of similar areas within the Sheep Creek Allotment. When a management system is initiated there will be stocking levels and season of use established that compliment the wildlife needs and the forage needs. It will be better to wait for the management system than to cause another heavily used area within this allotment.

* Construct the Spring Creek Reservoir (Alternative 2) on the Spring Creek Allotment.

Construction of this reservoir will be beneficial to the management of the allotment by encouraging proper forage utilization through wider livestock distribution.

* Construct the Jake Allotment Reservoir (Alternative 2) on the Little Emmett Allotment.

Construction of this reservoir will be beneficial to the management of the allotment by encouraging proper forage utilization through wider livestock distribution.

APL
Carole Ann Morgan

RECEIVED

JUN 25 1996

1 I.

PURPOSE and NEED

The Cascade Resource Area proposes to construct four reservoirs that will be used primarily for livestock water. These reservoirs can also be used by the local wildlife populations. In the areas that these reservoirs are proposed, there is no water available for the wildlife and livestock to readily use. The reservoirs will be constructed in or very near drainages, therefore will be filled by the annual rainfall. These proposals will help distribute the livestock into area they are not presently using which will help to obtain a more even utilization pattern, they will draw the livestock off of existing waters resulting in less trampling, and will provide water for all animals where there is no drinking water at this time. The proposed reservoirs are located:

Monument Reservoir	T.9N., R.1W., Section 5 NE1/4SW1/4 Four Mile Allotment (#91)
Sheep Creek Reservoir	T.11N., R.1E., Section 20 NE1/4SE1/4 Sheep Creek Allotment (#6)
Spring Creek Reservoir	T.12N., R.1E., Section 19 SE1/4NW1/4 Spring Creek Allotment (#284)
Jake Allotment Reservoir	T.9N., R.1W., Section 24 SW1/4NW1/4 Indian Jake Allotment (#393)

All of the above range improvements have been identified in their respective AMP (Allotment Management Plan), except for Sheep Creek. The Sheep Creek Allotment does not have an Allotment Management Plan.

The reservoir proposals are in conformance with the Livestock Resource management objective of the Preferred Alternative (E) in the Cascade Area RMP (Resource Management Plan), which was approved July 1, 1988. The objective is to "manage 449,059 acres of rangeland to provide forage for livestock and wild horses." Actions to meet this objective are to develop 66 reservoirs, wells, or spring. (Page 24 of the RMP). In the Resource Management Guidelines of the RMP (page 45) it states the "I" (improve) category allotments will be managed to improve the resource conditions. Allotment category I can be compared to "M" (maintain) category allotments which may have improvement work done and "C" (custodial) category allotments which generally will not have range improvement work done on them.

The decisions that must be made are should these reservoirs be constructed as proposed, is a different location needed, and should construction be delayed or can it begin as planned. This analysis will address these situations and document the decisions that are made.

Issues that will be addressed because there has been a particular concern identified are:

1. Do proper soils exist that will support the reservoir construction needs?
2. What T&E species are in the construction area?
3. How should the cultural resources be protected?
4. Will these reservoirs impact any crucial wildlife habitat?

A construction permit and water right from the State of Idaho will be needed for each of these reservoirs. All of the proposed reservoirs and access into the project sites are located on public lands therefore no additional permits or easements will be needed.

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II. ALTERNATIVES

Based on Interdisciplinary Team meetings and public comment the following alternatives have been developed:

MONUMENT RESERVOIR

1. No Action

Under this alternative the Monument Reservoir will not be constructed and the Four Mile Allotment will continue management without the additional water source.

2. Construct the reservoir as proposed

Under this alternative the Monument Reservoir will be constructed as proposed in T.9N., R.1W., Section 5 NE1/4SW1/4 on the Four Mile Allotment. This range improvement was described as being needed in the Four Mile AMP which was approved August 16, 1990. Division of Operations is responsible for construction of the reservoir and all construction specifications will be complied with. Seeding of the disturbed areas will be done at a feasible time after construction is completed.

SHEEP CREEK RESERVOIR

1. No Action

Under this alternative the Sheep Creek Reservoir will not be constructed and the Sheep Creek Allotment will need to continue management without the additional water source.

2. Construct the reservoir as proposed

Under this alternative the Sheep Creek Reservoir will be constructed as proposed in T.11N., R.1E., Section 20 NE1/4SE1/4 on the Sheep Creek Allotment. Division of Operations is responsible for construction of the reservoir and all construction specifications will be complied with. Seeding of the disturbed areas will be done at a feasible time after construction is completed.

3. Defer construction until a rotational grazing system is developed

At this time, the Sheep Creek Allotment does not have an AMP and a season long grazing system being used. Under this alternative the Sheep Creek Reservoir will be postponed until a grazing system is developed and the watering sources can be a part of the system instead of developing a grazing system around existing range improvements.

SPRING CREEK RESERVOIR

1. No Action

Under this alternative the Spring Creek Reservoir will not be constructed and the Spring Creek Allotment will need to continue management without the additional water source.

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2. Construct the reservoir as proposed

Under this alternative the Spring Creek Reservoir will be constructed as proposed in T.12N., R.1E., Section 19 SE1/4NW1/4 on the Spring Creek Allotment. This range improvement was described as being needed in the Spring Creek AMP which was approved June 28, 1968. Division of Operations is responsible for construction of the reservoir and all construction specifications will be complied with. Seeding of the disturbed areas will be done at a feasible time after construction is completed.

JAKE ALLOTMENT RESERVOIR

1. No Action

Under this alternative the Jake Allotment Reservoir will not be constructed and the Little Jake Allotment will need to continue management without the additional water source.

2. Construct the reservoir as proposed

Under this alternative the Jake Allotment Reservoir will be constructed as proposed in T.9N., R.1W., Section 24 SW1/4NW1/4 on the Little Emmett Allotment. This range improvement was described as being needed in the Little Emmett AMP which was approved in 1969 and amended in 1977. Division of Operations is responsible for construction of the reservoir and all construction specifications will be complied with. Seeding of the disturbed areas will be done at a feasible time after construction is completed.

3. Construct a reservoir at an alternate site

Under this alternative a reservoir will be constructed, but at a different site than identified in the proposal. This location will be determined during a field trip with the Bureau of Land Management and the permittee. If an alternative site is found, Division of Operations is responsible for construction of the reservoir and all construction specification will be complied with. Seeding of the disturbed areas will be done at a feasible time (probably in the Fall) after construction is completed.

4. Defer analysis and construction of a reservoir until 1995

Because of the disagreement between the Bureau of Land Management and the permittee on the location of the reservoir - defer the construction of this project until a complete field analysis can be conducted. Several attempts have been made to get together in the field and, so far, nothing has been done. Until all possible reservoir locations are determined it will be difficult to analyze this proposal.

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III. AFFECTED ENVIRONMENT

MONUMENT RESERVOIR

Engineering and Soils

The soil types within this area are:

Gross Stony Loam -- the subsoil is a stony clay loam with medium to low shear strength

Reywat -- this is an extremely stony loam with a subsoil that is an extremely stony clay loam. It has limited material and is found on steep slopes.

There is good probability of finding clay for the core trench.

The drainage area is 303 acres. Dimension of the reservoir will be approximately .8 acre-feet of surface area, 4.1 acre-feet of storage capacity, 17 feet of hydraulic height and 246 feet crest length of the dam. Approximate construction of this reservoir is \$9,000.00.

Cultural Resources

Based on a Class III inventory of the area on August 3, 1993 lithic scatters and camps were found within a .75 mile radius of the project site. This is evidence of prehistoric use of the area.

Range

The proposed Monument Reservoir is within the Four Mile Allotment (#91) which has an AMP (Allotment Management Plan) that was approved August 16, 1990. This allotment is classified as an "I" allotment in the RPS (Rangeland Program Summary of the RMP) (page 9). The permittee is A.L. Cattle, Inc. based in Emmett, Idaho and they have a preference of 4,720 AUMs. They operate under a four pasture rest rotation system from April 15 to October 15 with approximately 400 to 600 head of cattle. Total land within the Four Mile Allotment is 39,242 acres, which includes Public Lands, private property and Idaho Department of Lands property.

Two of the AMP goals are to:

1. Maintain or improve the overall range condition for forage for livestock and wildhorses and for watershed protection.
2. Improve the riparian habitat condition and trend to reflect site potential and to provide improved habitat for upland game birds and big game animals.

Wild Horses

The proposed project is within the Four Mile WHMA (Wild Horse Management Area). There are approximately 20 head of horses within this WHMA on a year long basis.

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Wildlife

The proposed project is within crucial big game (elk and deer) winter habitat. In addition to big game the project area provides habitat for several wildlife species. Passerines and Hawks are common; upland game birds such as Mourning Dove, Hungarian Partridge, Chukker Partridge, and Sage Grouse can be found; other animals include reptiles, small rodents, lagomorphs, badger, and coyote.

SHEEP CREEK RESERVOIR

Engineering and Soils

The soil type within this area is:

Meland Riggins Complex -- with a surface of Stony Loam and a subsurface of Clay Loam. The permeability is moderate to low and the probability is good of finding clay for the core trench.

The drainage area is 450 acres. Dimensions of the reservoir will be approximately 1.3 acre-feet of surface area, 3.8 acre-feet of storage capacity, 6.4 feet of hydraulic height, and 415 feet crest length of the dam. Approximate construction of this reservoir is \$5,800.00.

Cultural Resources

Based on an initial visual sweep of the area on August 3, 1993 basalt and obsidian flakes were located. This is evidence of prehistoric use of the area. The significance of the site still needs to be determined by conducting a more thorough Class III inventory and by making several shovel probes. This will determine the presence of any buried cultural resources. A Class II inventory conducted approximately one mile from the project site failed to locate any cultural resources.

Range

The proposed project is within the Sheep Creek Allotment (#6) and is classified as a "I" category allotment in the RPS (page 7). There are three permittees on this allotment - A.L. Cattle, Inc. from Emmett, Idaho, Alvin Davis and Jeanene Urban both from Ola, Idaho. The total preference on the Sheep Creek Allotment is 2,104 AUMs with a season of use from April 15 to October 31. There is no grazing system followed by the 435 head of cattle that can be on this allotment at any one time. This allotment has Public Lands, Idaho Department of Lands and private property within it's 14,607 acres. Besides cattle grazing, sheep trail through this allotment on their way to the National Forest.

Wildlife

The proposed project is within crucial elk winter habitat and the area is utilized by mule deer during moderate winters. In addition to big game the project area provides

habitat for several wildlife species. Passerines and Hawks are common; upland game birds such as Mourning Dove, Hungarian Partridge, Chukker Partridge, and Sage Grouse can be found; other animals include reptiles, small rodents, lagomorphs, badger, and coyote.

SPRING CREEK RESERVOIR

Engineering and Soils

The soil type within this area is:

Bakeoven Raywat Complex -- which is extremely Stoney Loam and has a subsoil of gravelly Clay Loam. The permeability is moderately slow and there is good probability of finding clay for the core trench.

The drainage area is 147 acres. Dimensions of the reservoir will be approximately 1.1 acre-feet of surface area, 5.6 acre-feet of storage capacity, 15.5 feet of hydraulic height, and 260 feet crest length of the dam. Approximate construction of this reservoir is \$7,200.00.

Cultural Resources

Based on a Class III inventory of the area on September 20, 1993 there are no cultural resources within the project site. There were, however, lithic scatters and camps found within .75 miles of the projects site.

Range

The proposed project is within the Spring Creek Allotment (#284) and is classified as an "I" category allotment in the RPS (page 17). The AMP, approved June 23, 1968, prescribes a four pasture deferred rest rotation. The total preference is 1,388 AUMs during an April 16 to October 15 season of use. The most cattle that can be on this allotment is 231 on 7,826 acres comprised of Public Lands, Idaho Department of Lands and private lands.

The management objective of the Spring Creek Allotment is to develop and maintain the resources of the allotment at an optimum level through a coordinated livestock program in cooperation with the permittee and other agencies.

Wildlife

The proposed project is within crucial big game (elk and deer) winter habitat. In addition to big game the project area provides habitat for several wildlife species. Passerines and Hawks are common; upland game birds such as Mourning Dove, Hungarian Partridge, Chukker Partridge, and Sage Grouse can be found; other animals include antelope, turkey, reptiles, small rodents, lagomorphs, badger, and coyote.

JAKE ALLOTMENT RESERVOIR

Cultural Resources

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Records indicate that a Class II survey within the general area of the proposed project failed to locate any cultural resources except for one biface isolate was located approximately one mile away. Once the exact location of the project is known, a Class III inventory will be conducted.

Range

The proposed project is within the Indian Jake Allotment (#393) and is covered under the Little Emmett AMP. The original AMP was approved in 1969, This plan was amended in 1977 and adjusted and revised in 1981. The Indian Jake Allotment is classified as an "I" category allotment in the RPS (page 19). The only permittee on this allotment is the Little Cattle Company from Emmett, Idaho. There is a three pasture rest rotation system in place with a season of use from May 1 to December 30. The total preference is 598 AUMs that is used by approximately 300 head of cattle. There are 3,970 acres within the Jake Allotment that is comprised of Public Lands, Idaho Department of Lands and private property.

Management objectives in the plan are to test management techniques designed to replace Medusa with native bunchgrass. Among other desirable results, the plan is designed to correlate wildlife needs with livestock management and range improvements.

Wildlife

The proposed project is within crucial elk winter habitat and the area is utilized by mule deer during moderate winters. In addition to big game the project area provides habitat for several wildlife species. Passerines and Hawks are common; upland game birds such as Mourning Dove, Hungarian Partridge, Chukker Partridge, and Sage Grouse can be found; other animals include reptiles, small rodents, lagomorphs, badger, and coyote.

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IV. ENVIRONMENTAL CONSEQUENCES

MONUMENT RESERVOIR

Engineering and Soils

Alternative 1 - No Action

There will be no environmental consequences to the engineering or soils resources if this reservoir is not constructed.

Alternative 2 - Construct Reservoir

Short term soil disturbance will occur at the excavation site and all surface vegetation will be removed. A small amount of wind and water erosion will occur at the dam site until vegetation stabilized the site. During the construction, the two cats will be used for the excavation work. They will be driven into and out of the project site once; the fuel vehicle (a pick-up) will be driven in and out of the site for approximately eight days.

Rainfall, recorded at the Four Mile Pass and Dotson Pass rain gauge stations, ranges from 6.8 inches to 19.0 inches a year. Due to this rainfall and the 15% slope, there will be ample water to fill the reservoir and to keep it full in the future.

Monitoring Needs

Operations is required to inspect reservoirs every three years.

Mitigation Measure

Enter the construction site in a manner that is not visible to the public, where possible. This is to prevent the appearance that a "road" is there and hopefully will prevent off-road vehicles from following the tire tracks created by the construction crew's vehicles which could create an unofficial road.

Cultural Resources

There are no environmental consequences to the cultural resources at the proposed project site because there were no cultural resources found during the August 3, 1993 Class III inventory.

Range

Alternative 1 - No Action

If the reservoir is not constructed there will not be an opportunity to improve the livestock distribution as prescribed in the Allotment Management Plan.

If the reservoir is not constructed, there will be no disturbance to the existing forage nor will there be an introduction of non-native grasses to the area.

Alternative 2 - Construct the Reservoir

Changes to the site will include standing water and an encroachment of shoreline vegetation which will be replacing the native vegetation that is presently there. This will cause some soil disturbance and trampling in the area immediately adjacent to the reservoir.

With this increase of water availability for livestock and wildlife, there will be improved livestock distribution and proper forage utilization within the allotment - for the long term.

There are Skeltonweed populations around the proposed reservoir site. Due to the required seeding of the disturbed areas, the noxious weed populations shouldn't increase. If the seeding is not done, the noxious weeds will take advantage of the disturbed area and lack of other vegetation competition. Once established, they will be very difficult to eradicate.

Monitoring Needs

The Range Staff will check the success of the seeding the following year. If successful - nothing further is needed; if unsuccessful - determine why and reseed if needed.

Wild Horses

Alternative 1 - No Action

At the present time the wild horses are confined to a certain area, due to the lack of water in the remainder of the management area. This will eventually lead to the area being overgrazed.

Alternative 2 - Construct the Reservoir

The construction of a reservoir will give the horses an additional water source that will lead to better distribution within the Wild Horse Management Area.

Wildlife

Alternative 1 - No Action

There will be competition for forage between the elk and livestock during the summer months. The wild horse herd is increasing which will also create more forage competition.

Alternative 2 - Construct the Reservoir

The reservoir will enhance the water availability (distribution, duration, and quantity) for the elk and deer during the winter months. Presently there are

more big game (deer and elk) present in the area during the winter than there are during the summer.

SHEEP CREEK RESERVOIR

Engineering and Soils

Alternative 1 - No Action

There will be no environmental consequences to the engineering or soils resources if this reservoir is not constructed.

Alternative 2 - Construct the reservoir

Short term soil disturbance will occur at the excavation site and all surface vegetation will be removed. A small amount of wind and water erosion will occur at the dam site until vegetation stabilized the site. During the construction, the two cats will be used for the excavation work. They will be driven into and out of the project site once; the fuel vehicle (a pick-up) will be driven in and out of the site for approximately eight days.

Rainfall, recorded at the Four Mile Pass and Dotson Pass rain gauge stations, ranges from 6.8 inches to 19.0 inches a year. Due to this rainfall, there will be ample water to fill the reservoir and to keep it full in the future.

Alternative 3 - Defer construction

Same environmental consequences as for Alternative 2.

Monitoring Needs

Operations is required to inspect reservoirs every three years.

Cultural Resources

Alternative 1 - No Action

There are no environmental consequences to the cultural resources if the proposed project is not constructed.

Alternative 2 - Construct the reservoir

A surface lithic scatter site and the sediment it rests on will be destroyed if construction is to take place. The presence (or absence) of buried cultural deposits is unknown and must be investigated which will help in determining the significance of the site.

Alternative 3 - Defer construction

Same environmental consequences as for Alternative 2.

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Mitigation Measure

A plan will be designed in cooperation with SHPO to protect any cultural resource sites, if found.

Range

Alternative 1 - No Action

Without a reservoir to assist in livestock distribution, there will be a continuation of heavy to extreme utilization at the same sites within the allotment each year.

Alternative 2 - Construct the reservoir

Changes to the site will include standing water and an encroachment of shoreline vegetation which will be replacing the native vegetation that is presently there. This will cause some soil disturbance and trampling in the area immediately adjacent to the reservoir.

With this increase of water availability for livestock and wildlife, there will be improved livestock distribution and proper forage utilization within the allotment - for the long term.

There are noxious weed populations around the proposed reservoir site. Due to the required seeding of the disturbed areas, the noxious weed populations shouldn't increase. If the seeding is not done, the noxious weeds will take advantage of the disturbed area and lack of other vegetation competition. Once established, they will be very difficult to eradicate.

Monitoring Needs

Range Staff will check the seeding the following year. If successful - nothing further will be needed; if unsuccessful - determine why and reseed if needed.

Utilization will be needed after the construction to determine the impact of livestock grazing to the area surrounding the reservoir, the trend of the existing vegetation, and the livestock use of the bitterbrush.

Mitigation Measure

Livestock will be removed from the area when use on the bitterbrush reached 30% on the current year's growth.

Alternative 3 - Defer construction

The environmental consequences will be the same as for Alternative 2, except the positive benefits will be longer in taking effect. Due to other obligation already being worked on it will be six to 10 years

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before an Allotment Management Plan for the Sheep Creek Allotment can be developed.

The negative consequences for deferring the construction will be that the continued heavy use in the same areas will continue.

Wildlife

Alternative 1 - No Action

Rangeland trend and loss of big game habitat (cover and forage) will not decline. Water availability (distribution, duration, and quantity) for wildlife will not be enhanced.

Alternative 2 - Construct the Reservoir

Enhancement of water availability for wildlife would still be achieved to a large extent even without the construction of the proposed project. This project is proposed for construction in an allotment which has season long grazing with no prospect for the development of an AMP and/or implementation of a grazing system in the near future. Construction of the Sheep Creek Reservoir would result in continuous season long grazing of an area that is presently not utilized by livestock. Season long grazing and the use of key forage plants (bluebunch wheatgrass and antelope bitterbrush) during their critical growth stages would not allow for the attainment of phenological requirements. Based on utilization mapping conducted in 1992 and 1993 heavy to severe grazing could result for a distance of one to 1.5 miles surrounding the proposed Sheep Creek Reservoir (based on utilization around other water sites). Repeated heavy to severe grazing, during the critical growth period, would result in a decline in rangeland trend on approximately 2,000 acres of crucial big game habitat surrounding the proposed Sheep Creek Reservoir.

Alternative 3 - Defer Construction

If construction was deferred until the development of an Allotment Management Plan the impacts would be as described under Alternative 1. Assuming the grazing system would incorporate specific big game crucial winter habitat objectives, construction of the proposed reservoir would not result in the loss or deterioration of big game habitat as described under Alternative 2. Construction of the Sheep Creek Reservoir would foster improved water availability for wildlife without a decline in rangeland trend.

SPRING CREEK RESERVOIR

Engineering and Soils

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Alternative 1 - No Action

There will be no environmental consequences to the engineering or soils resources if this reservoir is not constructed.

Alternative 2 - Construct the reservoir

Short term soil disturbance will occur at the excavation site and all surface vegetation will be removed. A small amount of wind and water erosion will occur at the dam site until vegetation stabilized the site. During the construction, the two cats will be used for the excavation work. They will be driven into and out of the project site once; the fuel vehicle (a pick-up) will be driven in and out of the site for approximately eight days.

Rainfall, recorded at the Four Mile Pass and Dotson Pass rain gauge stations, ranges from 6.8 inches to 19.0 inches a year. Due to this rainfall, there will be ample water to fill the reservoir and to keep it full in the future.

Monitoring Needs

Operations is required to inspect reservoirs every three years.

Mitigation Measure

Enter the construction site in a manner that is not visible to the public. This is to prevent the appearance that a "road" exists and this should prevent off-road vehicles from following the tire tracks, left by the construction crew, and create an unofficial road.

Cultural Resources

There are no environmental consequences to the cultural resources at the proposed project site because there were no cultural resources found during the September 20, 1993 Class III inventory.

Range

Alternative 1 - No Action

If the reservoir is not constructed there will not be an opportunity to improve the livestock distribution as prescribed in the Allotment Management Plan.

If the reservoir is not constructed, there will be no disturbance to the existing forage nor will there be an introduction of non-native grasses to the area.

Alternative 2 - Construct the Reservoir

Changes to the site will include standing water and an encroachment of shoreline vegetation which will be replacing the native vegetation that is presently there. This will cause some soil disturbance and trampling in the area immediately adjacent to the reservoir.

With this increase of water availability for livestock and wildlife, there will be improved livestock distribution and proper forage utilization within the allotment - for the long term.

There are Skeltonweed populations around the proposed reservoir site. Due to the required seeding of the disturbed areas, the noxious weed populations shouldn't increase. If the seeding is not done, the noxious weeds will take advantage of the disturbed area and lack of other vegetation competition. Once established, they will be very difficult to eradicate.

Monitoring Needs

The Range Staff will check the success of the seeding the following year. If successful - nothing further is needed; if unsuccessful - determine why and reseed if needed.

Wildlife

Alternative 1 - No Action

There are no environmental consequences to the wildlife resources.

Alternative 2 - Construct the Reservoir

The reservoir will enhance the water availability (distribution, duration, and quantity) for the elk and deer during the winter months.

JAKE ALLOTMENT RESERVOIR

Engineering and Soils

Alternative 1 - No Action

There will be no environmental consequences to the engineering or soils resources if this reservoir is not constructed.

Alternative 2 - Construct the reservoir

To construct the reservoir at this location, blasting will be needed to break through the bedrock so there is a suitable place to tie the dam to. Except for

this bedrock situation, this is the best site for the construction of a reservoir.

Rainfall, recorded at the Four Mile Pass and Dotson Pass rain gauge stations , ranges from 6.8 inches to 19.0 inches a year. Due to this rainfall, there will be ample water to fill the reservoir and to keep it full in the future.

Alternative 3 - Relocate the site

Environmental consequences are not known until this site is determined.

Alternative 4 - Defer analysis

There will be no environmental consequences to the engineering or soils resources if the construction of this reservoir is delayed.

Monitoring Needs

Operations is required to inspect reservoirs every three years.

Cultural Resources

The environmental consequences of the cultural resources at the proposed project site remain unknown until a specific location can be chosen. After the location is chosen, a class III inventory and evaluation will be made.

Mitigation Measure

A plan will be designed in cooperation with SHPO to protect any cultural resource sites, if found.

Range

Alternative 1 - No action

If the reservoir is not constructed there will not be an opportunity to improve the livestock distribution as prescribed in the Allotment Management Plan.

If the reservoir is not constructed, there will be no disturbance to the existing forage nor will there be an introduction of non-native grasses to the area.

Alternative 2 - Construct the Reservoir

Changes to the site will include standing water and an encroachment of shoreline vegetation which will be replacing the native vegetation that is presently there. This will cause some soil disturbance and trampling in the area immediately adjacent to the reservoir.

With this increase of water availability for livestock and wildlife, there will be improved livestock

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distribution and proper forage utilization within the allotment - for the long term.

There are noxious weed populations around the proposed reservoir site. Due to the required seeding of the disturbed areas, the noxious weed populations shouldn't increase. If the seeding is not done, the noxious weeds will take advantage of the disturbed area and lack of other vegetation competition. Once established, they will be very difficult to eradicate.

Alternative 3 - Relocate the site

Environmental consequences are not known until this site is determined.

Alternative 4 - Defer analysis

Delaying the construction of the reservoir will have the same environmental consequences as Alternative 1.

Monitoring Needs

The Range Staff will check the success of the seeding the following year. If successful - nothing further is needed; if unsuccessful - determine why and reseed if needed.

Wildlife

Alternative 1 - No Action

There are no environmental consequences to the wildlife resources.

Alternative 2 - Construct the Reservoir

The reservoir will enhance the water availability (distribution, duration, and quantity) for the elk and deer during the winter months.

Alternative 3 - Relocate the site

Environmental consequences are not known until this site is determined.

Alternative 4 - Defer analysis

Delaying the construction of the reservoir will have no environmental consequences to the wildlife resource.

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V. LIST OF PREPARERS

Mary Clark Lead Rangeland Management Specialists for the Cascade Resource Area and served as the IDT Leader for this project. Mary has 18 1/2 years of Federal Service.

Gene Decker Range Technician and lead of the Range Improvement projects for the Cascade Resource Area. Gene provided on the ground knowledge of each site and prepared the range input to this EA. Gene has ____ years of Federal Service.

John Ryan _____ for the Boise District. John provided on the ground design for each of the projects and prepared the Engineering input for this EA. John has ____ years of Federal Service.

Jon Haupt Rangeland Management Specialist for the Cascade Resource Area. Jon is the lead for the Soil-Water-Air program in the Cascade Resource Area and provided the soils input for this EA. Jon has ____ years of Federal Service.

Jack LaRocco Lead Wildlife Biologist for the Cascade Resource Area and provided the wildlife input for this EA. Jack has ____ years of Federal Service.

Dean Shaw Archeologist for the Cascade Resource Area. Dean provided the cultural resource input for this EA and coordinated with SHPO for specific site protection needs. Dean has ____ years of Federal Service.

VI. COORDINATION and CONSULTATION

Following is a list of the agencies, organizations and persons whom copies of this document were sent.

A.L. Cattle, Inc.	Permittee -- Four Mile and Sheep Creek Allotments
Alvin Davis	Permittee -- Sheep Creek Allotment
Ron Hendrickson	Permittee -- Spring Creek Allotment
Frank Land	Permittee -- Spring Creek Allotment
Little Cattle Company	Permittee -- Jake Allotment
Jeanene Urban	Permittee -- Sheep Creek Allotment
Tim Duffner and Jay Sila	Idaho Department of Lands -- McCall

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CHAPTER 5

APPROPRIATIONS BY BUREAU OF LAND MANAGEMENT OF UNITED STATES DEPARTMENT OF INTERIOR

SECTION.

42-501. Appropriation by United States bureau of land management, department of interior — Fee — Conditions of permit — Flow.
42-502. Revocation of permit.

SECTION.

42-503. Right to file application under general laws.
42-504. Separability.
42-505. Provisions controlling over other acts.

42-501. Appropriation by United States bureau of land management, department of interior — Fee — Conditions of permit — Flow.
— The bureau of land management of the department of interior of the United States may appropriate for the purpose of watering livestock any water not otherwise appropriated, on the public domain. The department of water resources shall, upon application in such form and of such content as it shall by rule prescribe issue permit and license and certificate of water right within a reasonable time in such form as it shall prescribe for such appropriation. With each such application there shall be paid to the department of water resources a fee of ten dollars (\$10.00) and there shall be no further fee required for the issuance of the permit or license and certificate of water right, nor for any other proceedings in connection with such application. Such permit, license and certificate of water right shall be conditioned that the water appropriated shall never be utilized thereunder for any purpose other than the watering of livestock without charge therefor on the public domain. The maximum flow for which permit, license and certificate of water right may issue hereunder shall be five (5) miner's inches, and the maximum storage for which permit, license and certificate of water right may issue hereunder shall be fifteen (15) acre feet in any one storage reservoir. [1939, ch. 205, § 1, p. 412; am. 1971, ch. 152, § 1, p. 752.]

Compiler's notes. The name of the department of water administration (formerly the department of reclamation) has been changed to the department of water resources on the

authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

Opinions of Attorney General. It is unlikely that a court will find that the legis-

herein shall be of the United States permit, license or state having to do 205, § 3, p. 412.

42-504. Separative intent, it is that if any provisions circumstances, is of such provision it is held invalid,

Compiler's notes. refer to §§ 42-501 —

42-505. Provisions of this the provisions of

Compiler's notes. refer to §§ 42-501 —

DIST

SECTION.

42-601. Water division and bc
42-602. Department supervision
42-602A. Emergency Rules
42-603. Supervision Rules
42-604. Creation of
42-605. District meetings and as
Removal

97

DISTRIBUTION OF WATER AMONG APPROPRIATORS

42-505

lature intended a repeal of this section by enactment of § 42-114. OAG 88-6.

JAN 25 1996

Department of Water Resources	
APPLICANT'S	
Exhibit	E
Date Admitted	9/14/95 LGS

Department of Water Resources
APPLICANT'S

Exhibit F
Date Admitted 9/14/95 LGS

QUESTIONS IN REGARDS TO U.S. B.L.M. APPLICATION
FOR WATER RIGHTS ON UNNAMED SPRING,
SHEEP CREEK AND DYER SPRING-SALT CREEK

1. Are these springs and creeks a tributary to the Snake River?
2. Has a study been done to determine the amount of water which flows from these springs and creeks?
3. Is there still going to be adjudication hearings on the Snake River and its tributaries?
4. Why is a 19 foot dam required to hold 3 acre feet of water?
John Miller
5. How will the downstream users be affected by damming this water?
6. How can a permit be issued on a stream that would be considered in an adjudication hearing, and have the downstream users been notified of this permit request? How will it affect their filings in an adjudication hearing?
7. What priority will be placed on this permit?
8. Will the springs be improved to provide a continuous flow of water, if so, how much is expected to flow from the springs?
9. Who will monitor the flow of water from the dam? Will the in flow be equaled to the outflow, if so, who will control the water to ensure downstream users will receive their water?
10. Why is the permit for stockwater and not storage since this is a dam to hold back water on a stream system?
11. Is this considered a new use of water if it is determined to be a tributary of the Snake River, and not a historical use of water?

12. Time period for use.
13. Farmed surface water rights
Constitution
Why B.L.M. came into existence -

avid, as I gather more information.

Please feel free to call me, if you have any further questions, as if you have any information, which might be helpful to me.

Sincerely yours,
David Baker

My phone no. is:
208-256-4355

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9/13/95

Subject: Answers to Questions concerning U.S.D.I. B.L.M.
applications for water rights on Spring Creek, Sheep
Creek and a spring which flows into a tributary of
Salt Creek.

1.) Yes, Moonshine Spring (formerly known as Dyer Spring) flows
into Salt Creek which flows into the Snake River.

Sheep Creek flows into Crane Creek which flows into the Weiser
River which flows into the Snake River.

Spring Creek flows into Crane Creek which flows into the Weiser
River which flows into the Snake River.

2.) No, flow data is not available. But, water is sufficient to
fill the proposed reservoirs and fill a water trough. Past
experience shows that even in a dry year, reservoirs in the
Cascade Resource Area fill with water.

3.) IDWR

4.) If a channel for a reservoir site is V-shaped then the water
will have to backed up many more feet than a reservoir on a less
narrow drainage. In other words a V-shaped channel with a
reservoir will hold fewer acre feet of water and the dam would
have to be higher than the same capacity reservoir constructed on
a flatter or less V-shaped drainage.

5.) IDWR

6.) IDWR

7.) IDWR

8.) Yes, the spring source will be designed with a continuous
flow of water. However, the source may dry up during drought
years, so the flow may be interrupted. The expected rate of flow
is no more than 0.04 CFS.

9.) IDWR? The dams are designed with a spillway to allow
overflow water to be drained back into the drainage. IDWR will
control the water to ensure that downstream users will receive
water.

10.) IDWR.

11.) IDWR.

RECEIVED
JAN 25 1996

12.) Answered in previous letter to Doris Baker dated April 12, 1995.

13.) BLM State Office.

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APR 25 1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River Ecosystem
Boise District Office
3948 Development Avenue
Boise, Idaho 83705-5389

In Reply Refer To:

7250

APR 12

Doris Baker
1040 W I.V. Rd
Cambridge, ID 83610

Re: Protested Applications 67-7954, 67-7955 and 69-7110

Dear Mrs. Baker:

At our protest conference on March 10, 1995 Dave Tuthill of Idaho Department of Water Resources asked that we answer the following questions:

67-07954 - Is the point of diversion properly described?

The point of diversion is correct as described. (see enclosed map)

67-07955 - Should horses be shown on this application?

No.

How many cattle should be shown?

386 cattle are authorized from 5/1 to 10/31.

69-07110 - How many cattle are in the allotment?

419 cattle are authorized from 3/16 to 5/31.

419 cattle are authorized from 11/1 to 12/15.

If you have further questions please contact Jon Haupt at 384-3371.

Sincerely,

J. David Brunner

J. David Brunner
Ecosystem Manager

Enclosure

cc: David Tuthill, Idaho Department of Water Resources

Utility Copies: CF, RF

DISSEMINATION: dj/lac:4/6/95 c:\djossie\baker.ltr

25 1996



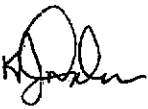
State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMORANDUM

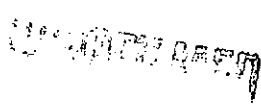
To: L. Glen Saxton
From: Karl J. Dreher 
RE: **APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410**
Date: September 5, 1995

I, Karl J. Dreher, Director of the Idaho Department of Water Resources (department) hereby appoint **L. GLEN SAXTON** in compliance with IDAPA 37.01.01410 (department Procedure Rule 410) to act as Hearing Officer on behalf of the department in the following contested matter:

In the Matter of Application for Permit No.s 67-07954, 67-07955 and 69-07110 in the name of the U.S. Bureau of Land Management

The department has scheduled a hearing in the matter as follows:

Date: September 14, 1995
Time: 10:00 a.m.
Place: IDWR Conference Room
1301 N. Orchard St.
Boise, ID


JAN 25 1996

State of Idaho
Department of Water Resources



ROSTER OF ATTENDANCE

Applicant: Bureau of Land Management

Water right nos: Application for Permit Nos. 67-07954, 67-07955 and 69-07110

Date and time: September 14, 1995, 10:00 a.m.

Location: IDWR Conference Room
1301 N. Orchard St.
Boise, ID

Hearing Officer: L. Glen Saxton

* * Please Print * *

NAME	ADDRESS	REPRESENTING
Barbara Kightlinger	302 S. Lakeport Dr. Elko, NV	myself
Larry Baker	1096 Highway 95 Indian Valley, ID 83632	
Don Josselyn	3948 Development Ave	BLM
Frankie	3380 AMERICANA TERRACE	BLM - STATE OFFICE
Don Hunt	3948 Development Ave Boise, ID 83705	BLM State
Gary Madenford	3380 Americana Terrace, Boise	BLM
Judy Boyle	304 N 8 th Room 454 Boise 83702	Rep Chenoweth

JAN 25 1996