

W 4 1/4 SEC. 20 T14N R18E

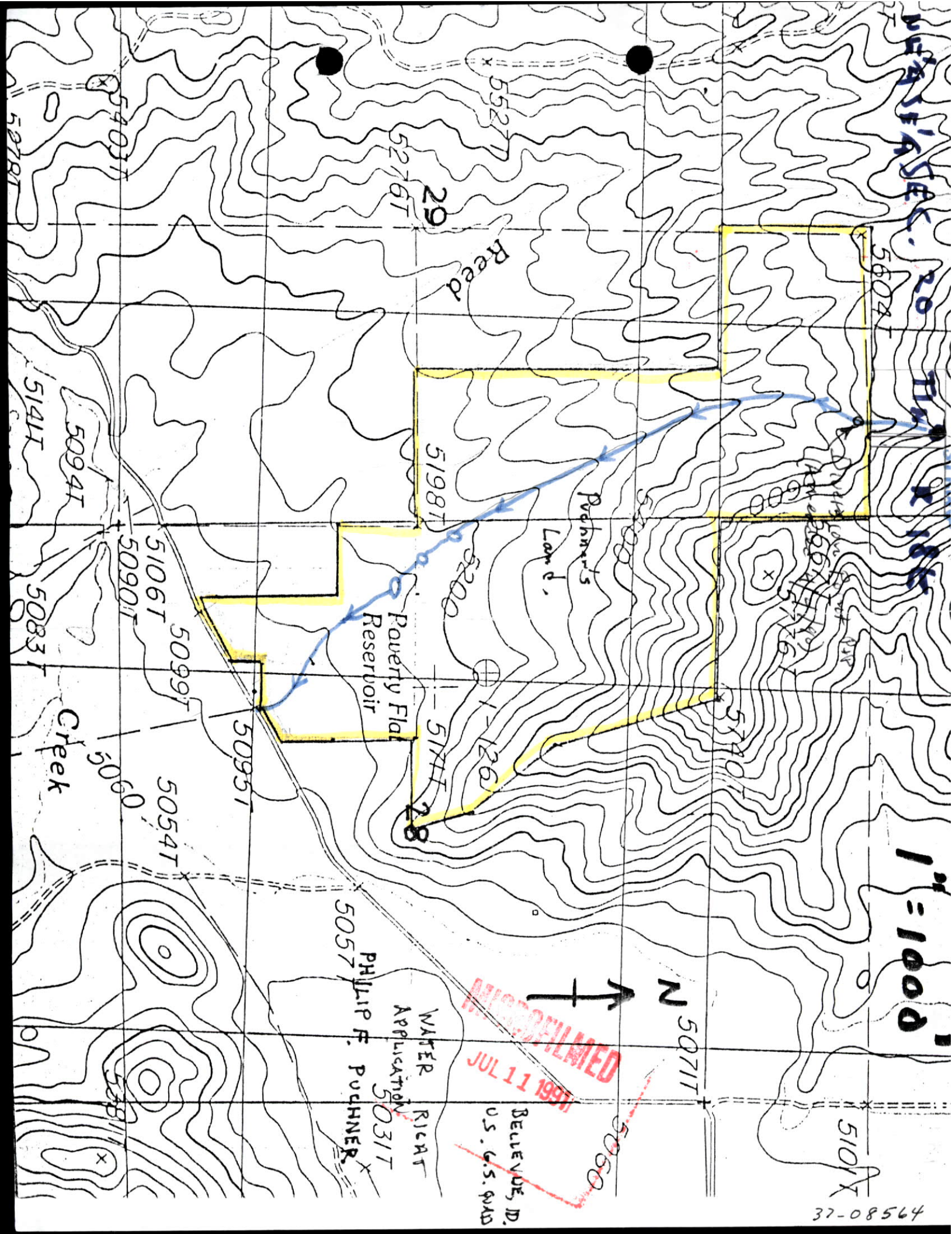
1" = 1000'

37-08564

RECEIVED
JUL 11 1991

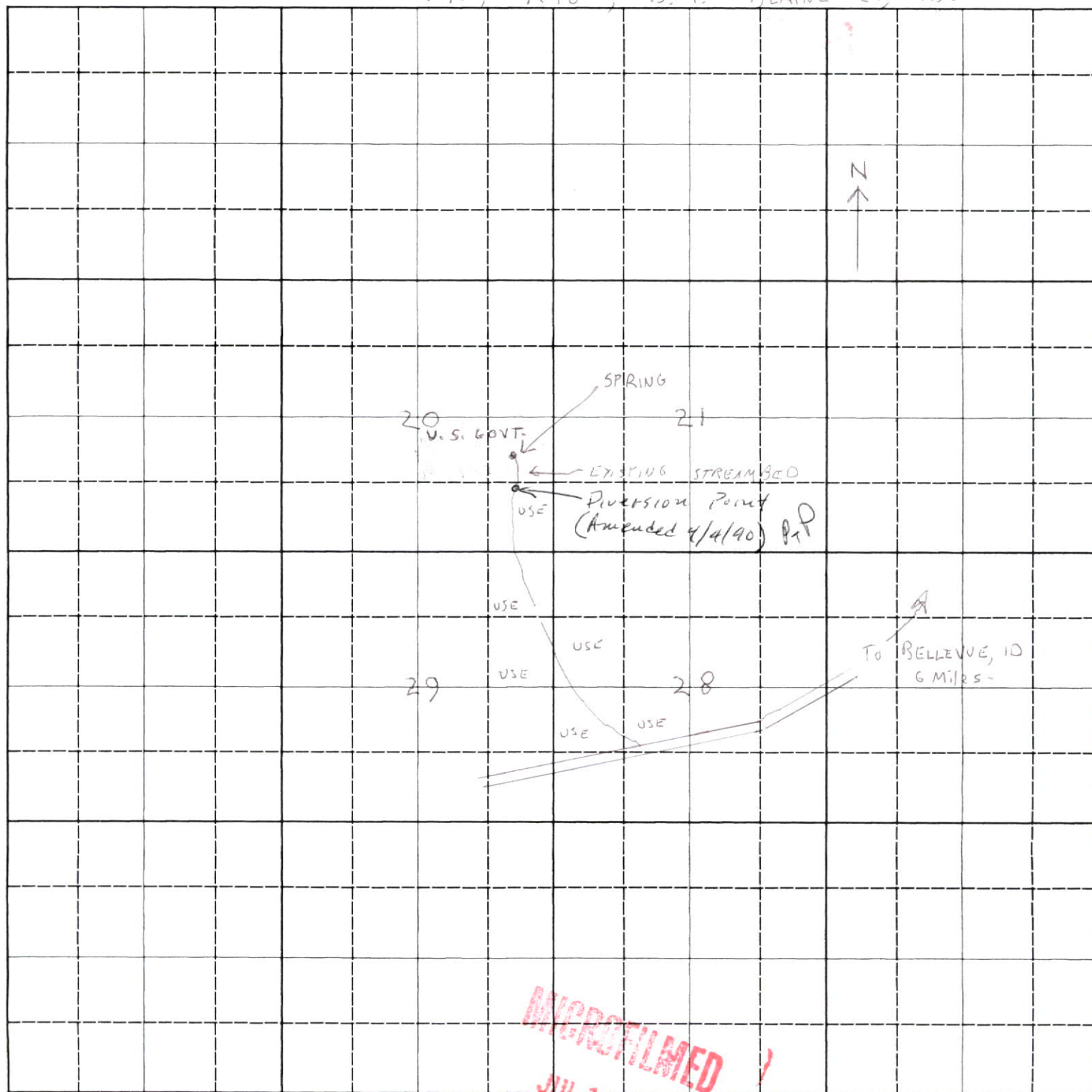
BELLEVUE, ID.
U.S. G.S. 640

WATER RIGHT
APPLICATION
5031T
PHILLIP F. PUCHNER



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

T1N, R18E, B.M. BLAINE CO, ID.



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.

Philip F. Buchanan
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

JUL - 2 1990

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 16 day of May, 1990, and

the date of the last publication was on the 23 day of May, 1990.

Daniel J. Gorham
Subscribed and sworn to before me this 23rd day of May, 1990.
(SEAL)

Robert M. Kuchner
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	<u>11</u>
Number of Lines in Notice	<u>36</u>
Number of Insertions	<u>2</u>
Lines tabular at	<u>36</u> 6c / Pica
Lines straight at	<u>19.80</u> 5c / Pica
Subsequent lines at	<u>15.84</u> 4c / Pica
TOTAL COST	<u>35.64</u>

COPY OF NOTICE
(Paste Here)

Notice of Amended Appl
TITLE OF NOTICE Puchner

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Res.
BILL TO (T.F.)

Puchner seeks amended permit

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340

Source: SPRING
Tributary: SINKS
Diversion Pt: NWSESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Total Diversion (.020 CFS)
Date Filed: 8/23/1989

In: T01N R18E S20 SESE; S28
SWNW NENE NWSW; S29
NENE SENE

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301, on or before June 4, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal-
May 16 & 23, 1990.

NOT FILMED
JUL 11 1991

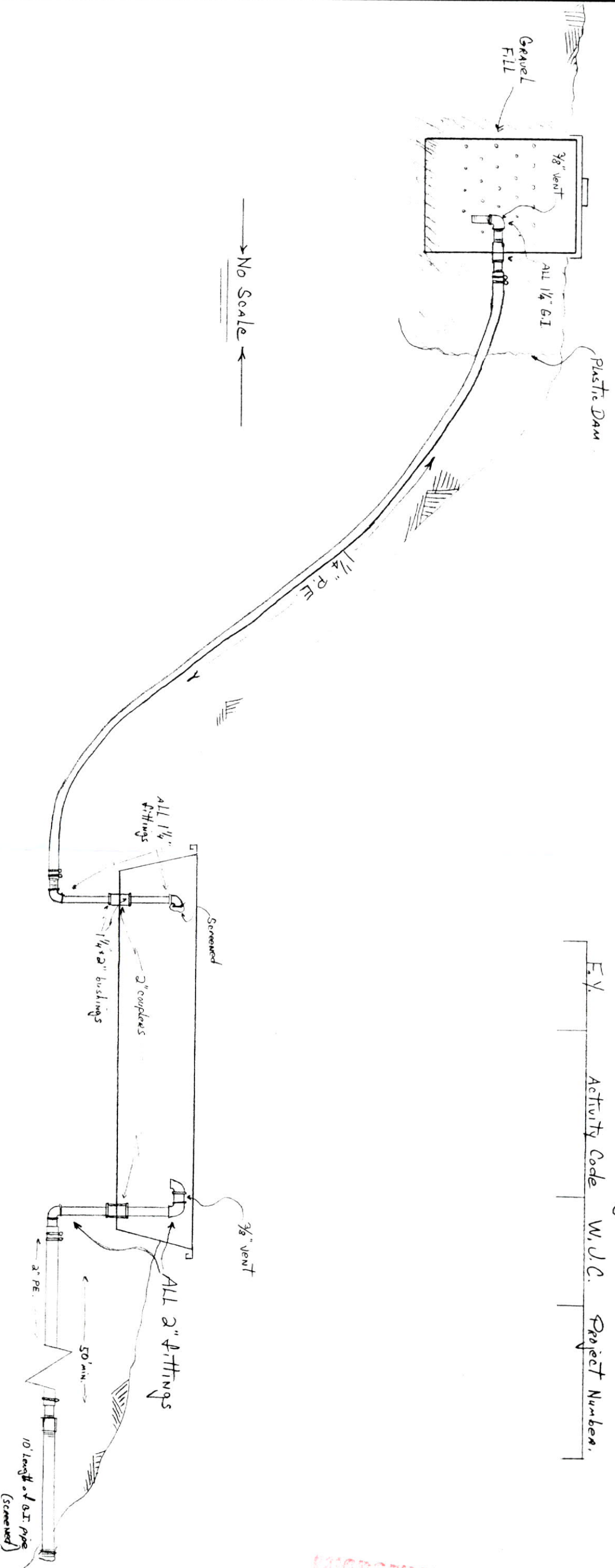
Publication Rates As of Jan., 1990

(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5/ pica
7-8 pt./line tabular: .6/ pica
7-8 pt./line successive
insertion: .4/ pica

No 7031



36"x48" Spring Box



Typical Spring Development

E.Y. Activity Code W.U.C. Project Number.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Typical Spring Development

Shoshone District

DESIGNED

REVIEWED

APPROVED

DRAWN

DATE

DRAWING NO.

SCALE NONE

SHEET 1 OF 1

MICROFILMED

JUL 11 1991

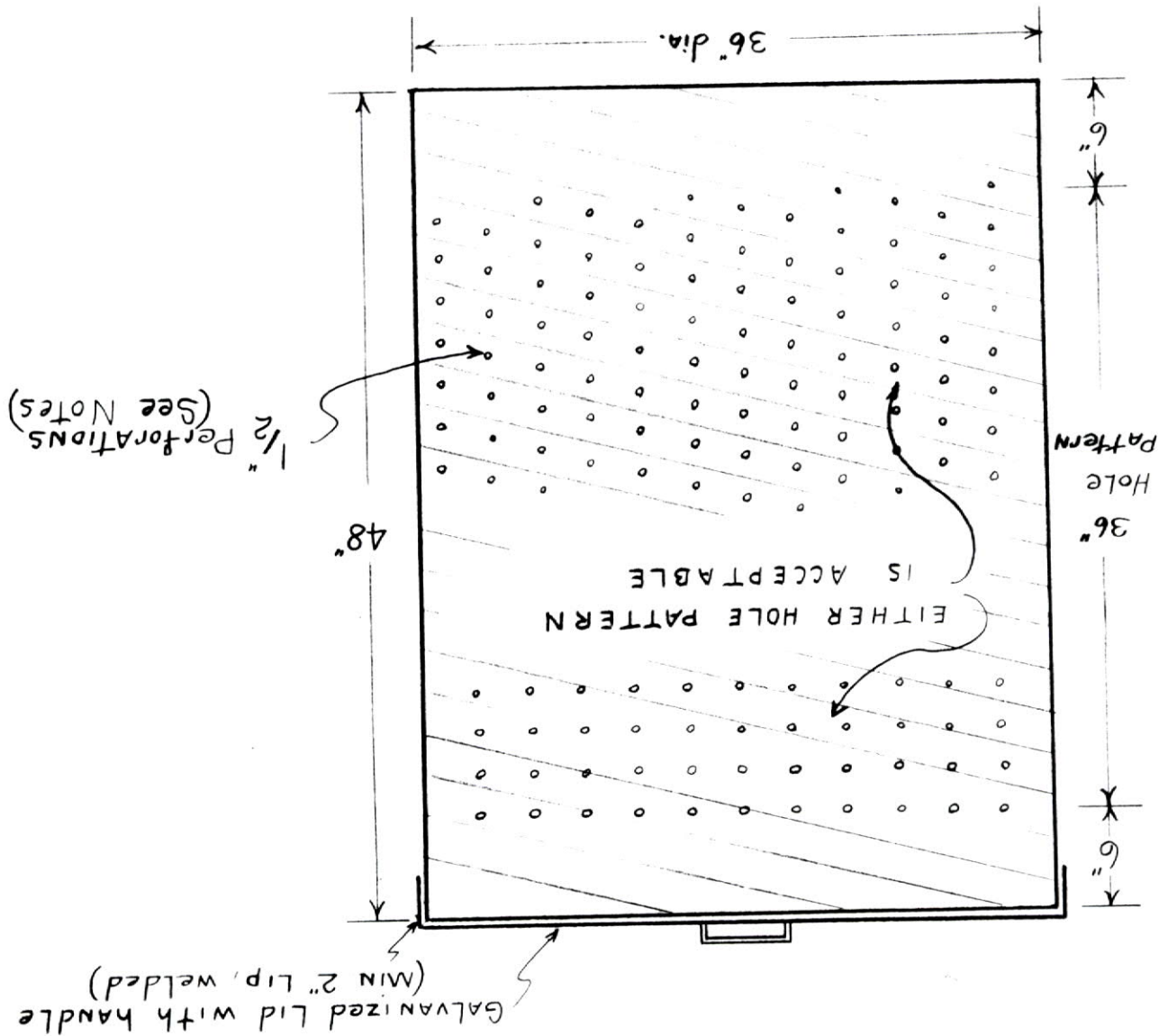
NOT RECORDED

JUL 11 1991

☆ GPO 858-285

DRAWING NO.	
DATE 2-11-86	SHEET 1 OF 1
SCALE NONE	
CHECKED	DRAWN <i>RL</i>
APPROVED	RECOMM.
CHIEF, DIV. OF ENG.	
RECOMM.	RECOMM.
SPRING BOX WITH LID	
U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	

- Notes:
1. Spring Boxes shall be 36" dia. 16 ga corrugated metal pipe in four foot lengths.
 2. CMP shall be a polyclad with the properties of AASHTO M-246 and Fed. Spec W.P.-405-B.
 3. Spring Boxes shall be perforated with $\frac{1}{2}$ " holes every 3" (approx.) Rows of holes will be about 2" apart, or one row in each corrugate (either).
 4. There will be no perforations within 6" of the top and bottom of the box.
 5. Holes may be stamped or drilled but may not be burned or cut with a torch.

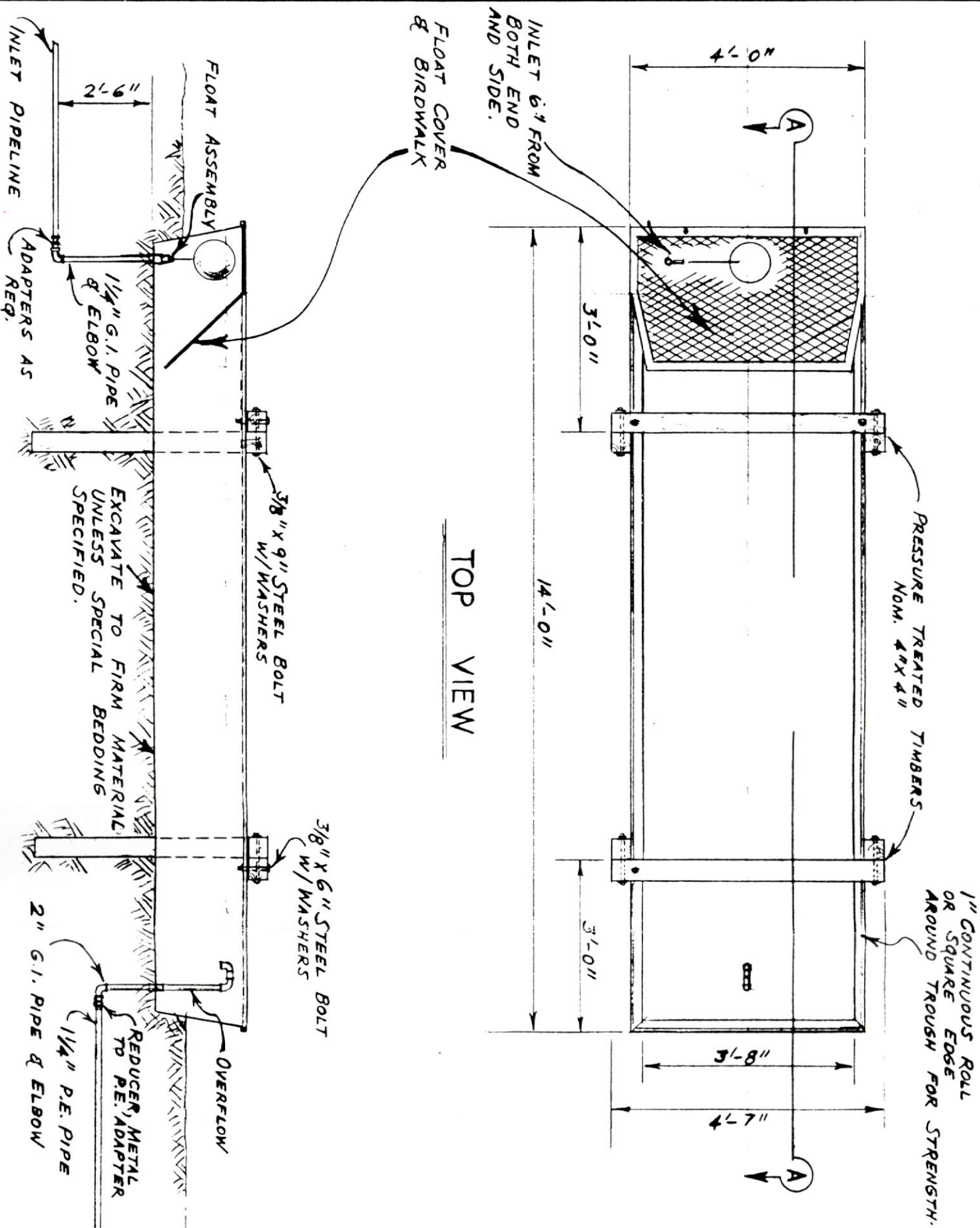


37-8564

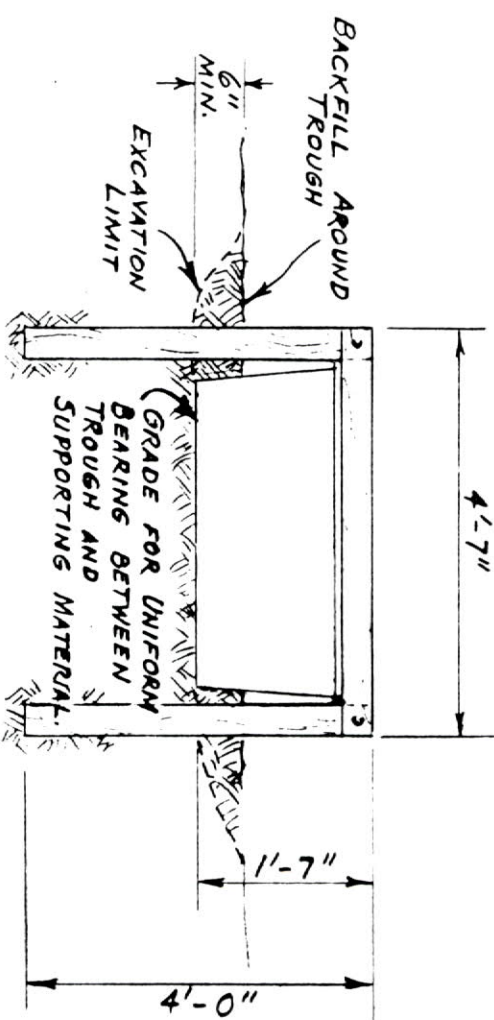
JUL 11 1991

NOTES:

1. TANK SHALL BE EQUAL TO POWDER RIVER NO. 4014 OR CONSTRUCTED OF 14 GA. GALVANIZED STEEL AS SPECIFIED.
2. MINOR DAMAGE FROM WELDING, DRILLING, OR FORMING SHALL BE COVERED BY EQUIVALENT TO ORIGINAL PAINT OR BY A 3 MIL THICKNESS OF GALVANOX TYPE I (OR EQUAL) PAINT IF GALVANIZED.
3. ALL NUTS, BOLTS, AND PIPE FITTINGS SHALL BE GALVANIZED AND/OR CADMIUM PLATED.
4. MINIMUM CAPACITY SHALL BE 503 GAL.



TOP VIEW



END VIEW

SECTION A-A

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
STOCK TROUGH INSTALLATION	
DESIGNED	RECOMM. <i>Reddy</i>
DRAWN <i>CH</i>	RECOMM. <i>CH</i>
CHECKED <i>C.R.S.</i>	APPROVED
SCALE 1/2" = 1'	
DATE 1-29-74	SHEET
DRAWING NO. 11-940-7424-1	





State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08564

Proposed Priority: August 23, 1989 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **PHILIP F. FUCHNER**
P.O. BOX 240
KETCHUM, ID 83340

has applied for a permit to appropriate water from:

SPRING tributary of **SINKS**

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>
-----------------------	----------------------	--------------------------

STOCKWATER	01/01 to 12/31	0.02 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NWSESE	Sec. 20, Township 01N, Range 18E BLAINE County
---	--------	---

PLACE OF USE: STOCKWATER

TWN RGE SEC

01N 18E	20	SESE		
	28	SWNW	NESW	NWSW
	29	NENE	SENE	

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1992**.
2. Subject to all prior water rights.
3. Stockwater use is for 10 horses and 100 range cattle.

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

2nd day of July, 1991.

[Signature]
for R. Keith Higginson, Director

MICROFILMED

JUL 11 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08564

AMENDED
4/4/90

To appropriate the public waters of the State of Idaho

1. Name of applicant Philip F. Puchner Phone 726-9512
Post office address Box 240 Ketchum, Id 83340
2. Source of water supply Spring which is a tributary of Sinks* Big Wood River
3. Location of point of diversion is NW 1/8 1/4 of SE 1/8 1/4 of SE 1/4, Govt. Lot -
Sec. 20 Township 1N Range 18 E B.M. Blaine County; additional
points of diversion if any: None
4. Water will be used for the following purposes: * Per telecon w/applicant 8-23-89
Amount 0.02 for Stock watering purposes from 1 Jan to 31 Dec (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 and/or (b) -
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Existing 2 1/2" Pipe at
spring; natural stream bed to property. Spring discharges thru pipeline
into its natural channel. Stock drink from channel.
- b. Height of storage dam - feet; active reservoir capacity - acre-feet; total
reservoir capacity - acre-feet; period of year when water will be diverted to storage:
- to - inclusive.
- c. Proposed well diameter is - inches; proposed depth of well is - feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year). Works Are Existing

JUL 11 1991

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 100 Beef Cattle; 10 Horses
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully: _____

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	
1N	18E	20																S	
1N	18E	28							S		S	S							
1N	18E	29	S			S													

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? H.S. Applicant **JUL 11 1991**

b. Who owns the land to be irrigated or place of use? Philip F. Puchner

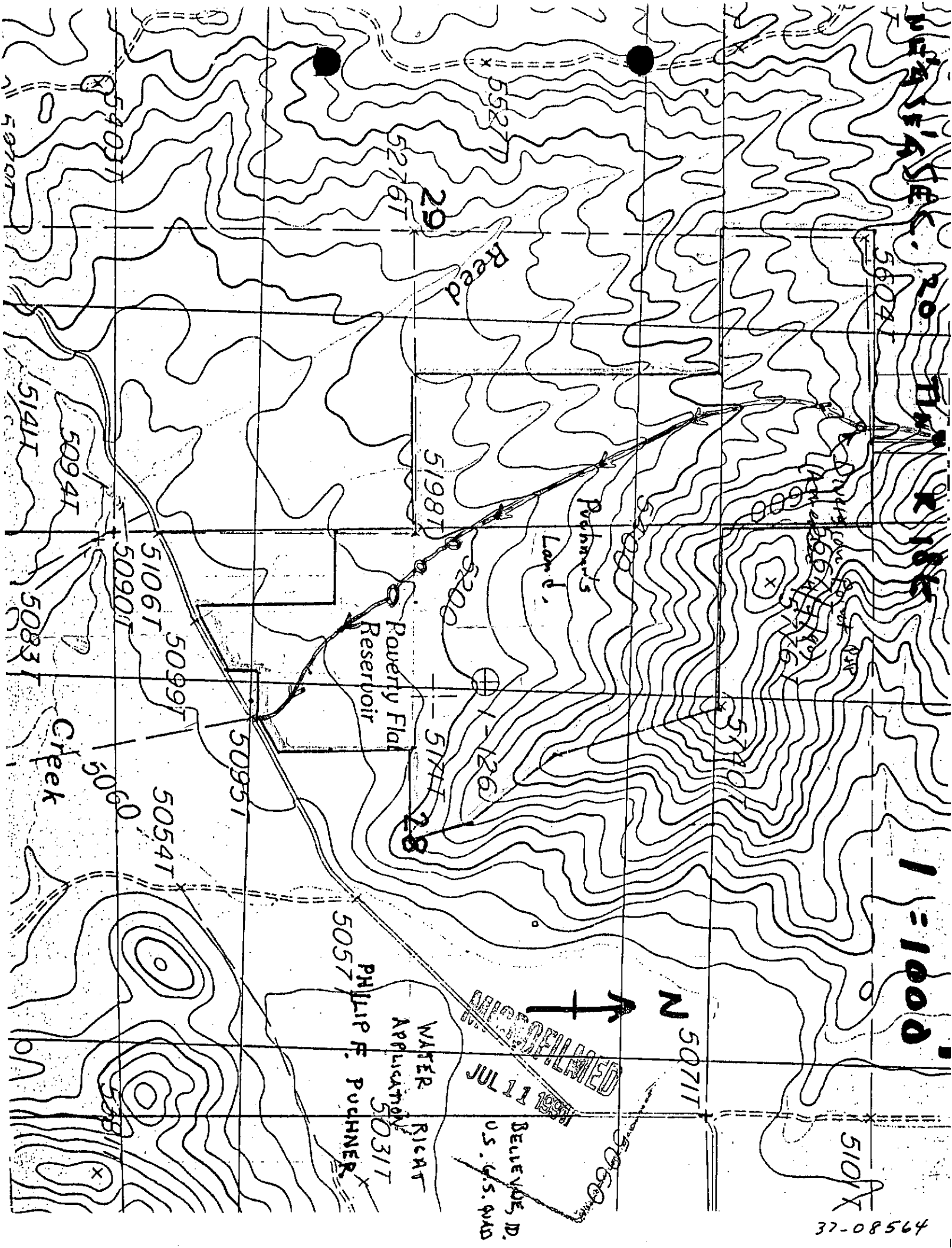
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Water runs naturally from spring to Applicants property in existing stream.

12. Remarks: System was developed at some unknown time in the past by some previous owner of the property. Since the BLM has not filed on this spring, I am filing to record the use.

NEAR ASAC. 20 TH R 185

1 = 1000'

37-08564



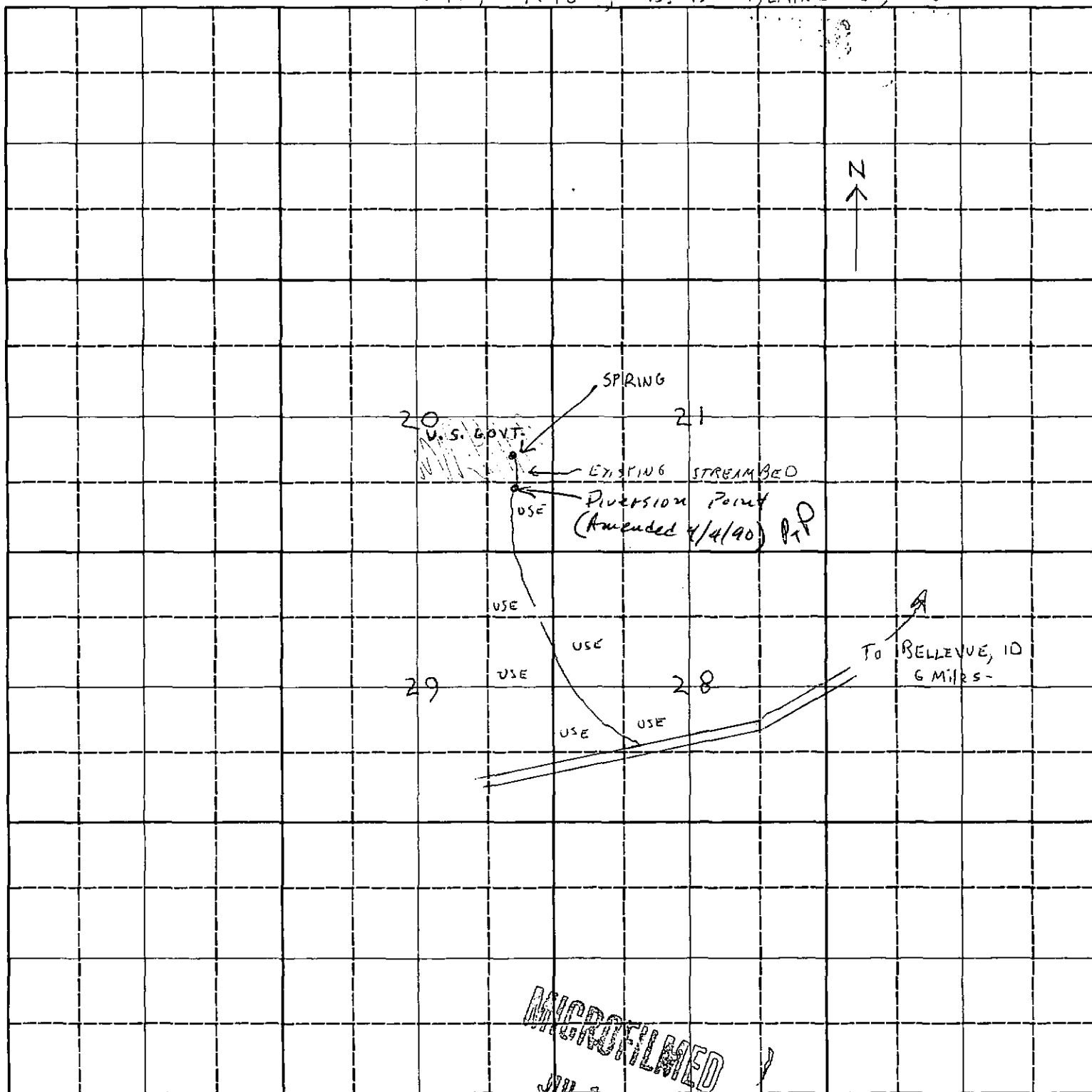
UNRECEIVED
JUL 11 1934

BELLEVUE ID.
U.S. G.S. 440

WATER RIGHT
APPLICATION
5031T
PHILIP F. PUCHNER

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

T1N, R18E, B.M. BLAINE CO, ID.



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.

Philip F. Buchanan
(Applicant)

CAN. # 1906⁸³⁰

Received by ZAP Date 8-23-89 Time 11:30 AM Preliminary check by DRJ
20.00 - readvertising Z. Parker 502082 4-16-90
Fee \$ 30 Receipted by J. Parker # 5008926 Date 8-23-89
Publication prepared by M. Baldwin Date 10/26/89 Published in Wood River Journal
Publication approved T. Gasper Date 11/28/89 7-3-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

JUL 11 1991

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

DANIEL J. GORHAM

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 15th day of Nov, 1989, and

the date of the last publication was on the 22nd day of Nov, 1989

Subscribed and sworn to before me this 24th day of Nov, 1989.
(SEAL)

Robert McKencher

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 115
Number of Insertions 2
Lines tabular at 5.5¢/Pica
115 Lines straight at 63.25¢ 6.5¢/Pica
115 Subsequent lines at 52.60¢ 3.5¢/Pica
TOTAL COST 113.85

COPY OF NOTICE

(Paste Here)

7 Applications

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Seven water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08561

PETER TRUST
C/O E. PARRY THOMAS
P.O. BOX 642
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SESENE Sec 5 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/15/1989
In: 102N R18E S05 SESENE
3.0 ACRES TOTAL

37-08562

HEMINGWAY, JOHN H.
P.O. BOX 387
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SENW Sec 23 T 05N
R 17E
Use: IRRIGATION (.050 CFS)
FIRE PROTECTION (.050 CFS)
Date Filed: 8/28/1989
In: 105N R17E S23 SENW
1.5 ACRES TOTAL

37-08563

REITER, GAIL L.
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SWNW Sec 5 T 03N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/15/1989
In: 103N R18E S05 SWNW
3.0 ACRES TOTAL

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340
Source: SPRINGS
Tributary: SINKS
Diversion Pt: SWNESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Date Filed: 8/23/1989
In: 101N R18E S20 SESENE
SWNW NESW NWSW: S29
NENE SENE

37-08565

RINKER, HARRY
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 03N R
18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/17/1989
In: 103N R18E S07 SENE

37-08566

ENGL, MICHAEL S.
C/O HOGGIE, SPECK
P.O. BOX 987
KETCHUM, ID 83340
Source: SPRINGS
Tributary: BIG WOOD RIVER
Diversion Pt: SWNESE Sec 31 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/10/1989
In: 104N R18E S31 NESW

37-08567

BRANDMAN, CRAIG
BRANDMAN, DELEYS
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWSE Sec 3 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 8/31/1989
In: 103N R18E S03 NESW NWSE
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before DECEMBER 4, 1989.

R. Keith Haggins, Director

Publish: Wood River Journal
November 15 & 22, 1989.

NOT RECORDED
JUL 11 1989

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, } ss.
County of Blaine

JUL - 2 1990

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

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the date of the last publication was on the 23 day of May, 1990.

Daniel J. Gorham

Subscribed and sworn to before me this 23rd day of May, 1990.
(SEAL)

Roberta McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

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Number of Lines in Notice	_____	36
Number of Insertions	_____	2
Lines tabular at	_____	6c / Pica
Lines straight at	<u>19.80</u>	5c / Pica
Subsequent lines at	<u>15.84</u>	4c / Pica
TOTAL COST	<u>35.64</u>	

COPY OF NOTICE
(Paste Here)

Notice of Amended App!
TITLE OF NOTICE Puchner

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Res
BILL TO (TF)

Puchner seeks amended permit

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340

Source: SPRING
Tributary: SINKS
Diversion Pt: NWSESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 8/23/1989

In: T01N R18E S20 SESE; S28
SWNW NESW NWSW; S29
NENE SENE

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301, on or before June 4, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal-
May 16 & 23, 1990.

NOT FILMED
JUL 11 1991

Publication Rates As of Jan., 1990

(Idaho Code,
Rev. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive
insertion: .4/pica

No 7031

WOOD RIVER JOURNAL

112 S. Main Street
P.O. Box 988
HAILEY, IDAHO 83333
(208) 783-3444

(T.I.)

CUSTOMER'S ORDER NO. 174		PHONE		DATE 5-23 19	
NAME Dept - Water Res.					
ADDRESS (T.I.)					
CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETD.	PAY. OUT
		✓			
Legal's / Kuchner					
71021					
(37-8564)					
31 @ 55					
19.50					
15.31					
RECEIVED					
JUL - 2 1990					
SOLD BY Department of Water Resources Southern Region Office					TAX
TOTAL					1.11

All claims and returned goods MUST be accompanied by this bill.

Thank You

PRODUCT 609-3 (NEBS) Inc., Groton, Mass. 01471.

MICROFILMED

JUL 11 1991

December 12, 1991

PHILIP F. PUCHNER
P.O. BOX 240
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08564

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

DEC 23 1991

RECEIVED

DEC 05 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08564 Telephone No. 208-788-2264
2. Name(s) of Permit Holder(s): PHILIP F. PUCHNER
3. Post Office Address: Box 240 KETCHUM ID 83340
4. Source of Water: SPRING NWSESE Sec 20, T1N, R18E, B.M.
- a. If ground water, well driller's name: — Date drilled: —
- b. Pump horsepower: — Pressure (psi): — Dynamic pumping level (ft.): —
5. Extent of Use:
- | | |
|---|---|
| Domestic <u> </u> (No. of households) | Irrigation <u> </u> (No. of acres) |
| Stockwater <u>X</u> (No. and type of stock) | Other <u> </u> |
| <u>10 HORSES + 100 range cattle</u> | |
6. Total rate and/or volume for which proof is submitted 0.02 cfs — acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:
- Measuring device: Required? — Yes X No Installed? — Yes X No
- OR
- Flow Measurement Port: Required? — Yes X No Installed? — Yes X No
8. Fee Enclosed: \$ NONE (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:
- Philip F. Puchner 208-788-2264
Name Telephone No.
- Box 240 KETCHUM ID 83340
Address
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

11/26/91
DatePhilip F. Puchner
Signature (and title if on behalf of a company or organization)

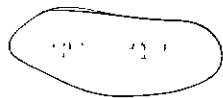
MICROFILMED

DEC 23 1991



REPRODUCED

DEC 23 1991



Watering trough in
stream bed.

I hope this is sufficient.
Development was meant to be
Nil - just drinking from

stream.

Pt Pank

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 37-08564

Date 12/11/91

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit? If no, indicate below.
Yes Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
NA Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? Yes Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

NA Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

NA Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due	☒	-
No. of days late	☒	=
Priority date	☒	+
NEW PRIORITY DATE	☒	=

DATA ENTRY

ADDRESS CHANGE _____

PROOF MADE 12/13/91 KLG



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 8, 1991

PHILIP F. PUCHNER
P.O. BOX 240
KETCHUM, ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08564

Dear Permit Holder:

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

M

JUL 11 1991

APPLICATION FOR PERMIT REVIEW

Application #: 37-8564
Date: 7-1-91

Reviewer: Pam Skaggs

- ✓ Existing:
- No - 26A-P17
 - Complete in 1 year - P16
 - ✓ Yes
 - ✓ Proof not submitted - P16
 - Proof submitted - N/A
 - Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
 - LT. 0.2 cfs - N/A
 - Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23(All GW, even existing wells)
 - ✓ Location:
 - ✓ Water Districts
 - ✓ Surface water *sub* - WD No. 37
 - ~~005~~ 005-01H-P01(LT.2 w/pump)
 - 005-01J-P08(GT.2)
 - Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - C (1, Blank or Other)
 - ✓ Trust - 051-052-053-P74(Consumptive Uses)
 - Non Trust - 048-049
 - River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
 - Use:
 - Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054(req.)
 - Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
 - Ownership:
 - Non land owner - 004
 - Protested:
 - Agreement - 020
- ✓ Beneficial Use Due Date: - 07-01-1992
Other Conditions Recommended

JUL 11 1991

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DR DATE 10/25 APPLICATION NUMBER 37-08564

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
JUN 13 1991

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☒ U.S. BLM ~~Idaho Dept. of Health & Welfare~~
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 6/4/90
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 37
☒ Yes ☐ No Special conditions of approval or cover letter below.

05/37 Big Wood R.

Date of priority recommended 8/23/89 ☒ See below for additional information
By Loren B. Halum Date 6/12/91

STATE OFFICE REVIEW

By _____ ☐ See below for additional information
Date _____

ADDITIONAL INFORMATION

Pre-Hearing Conference held 4/19/90. At Conference, Friends of
Big Wood R. withdrew it's protest after applicant amended
P/D to private land. BLM suggested amendment to private
land in a written statement entered at Conference. Application
was amended, readvertised, & all parties notified.

BLM's action should be sufficient to constitute
a withdrawal of protest.

LOCAL PUBLIC INTEREST

Comments received from:

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

Project impacts/implications report

COMMENTS

Typical Spring Development

E.Y. Activity Code W.U.C. Project Number.

36"x48" Spring Box

Plastic Dam

Gravel Fill

3/8" vent

ALL 1 1/4" G.I.

1 1/4" P.E.

No Scale

3/8" vent

Screened

ALL 1 1/4" fittings

2" couplers

1 1/4"x2" bushings

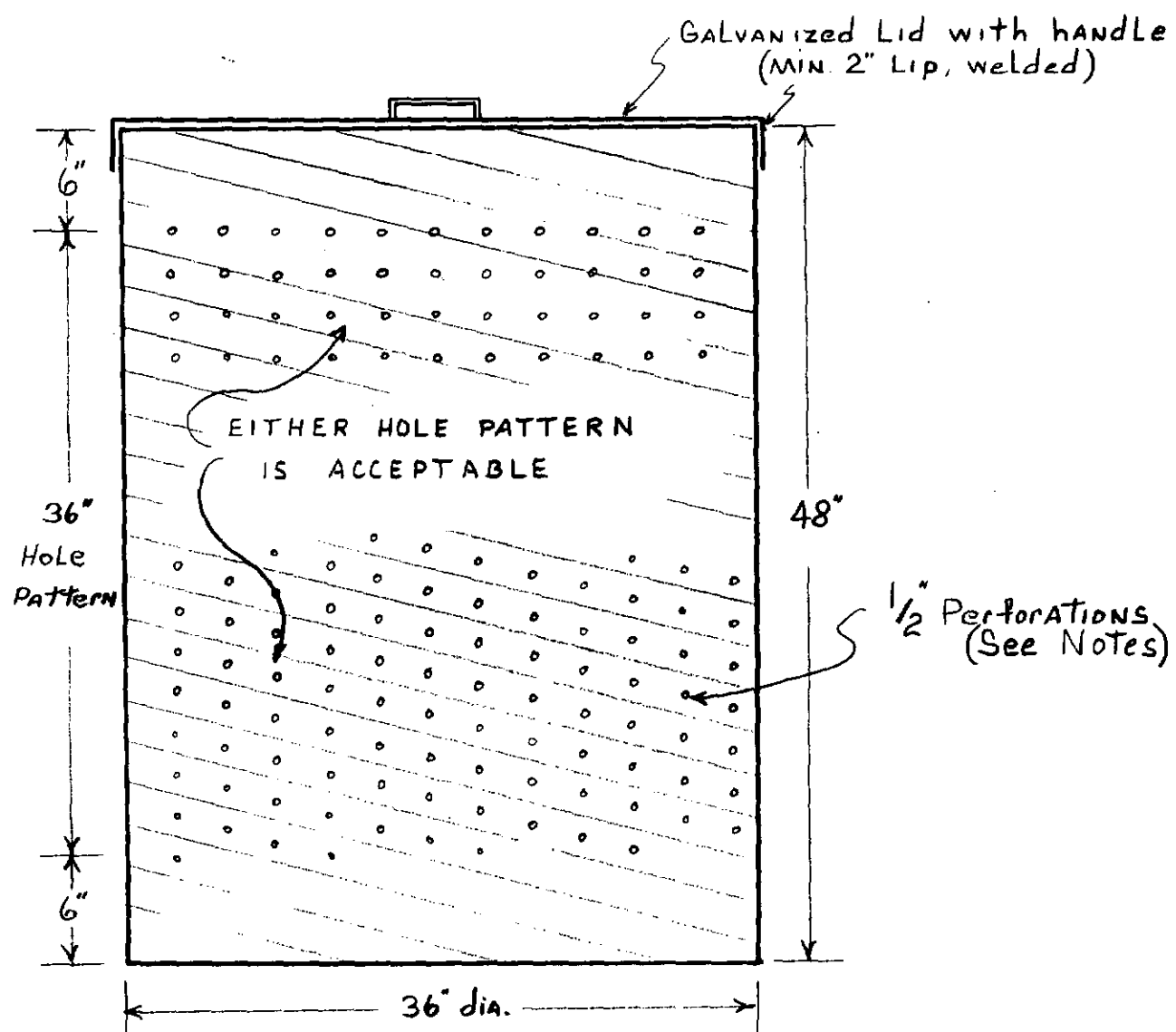
ALL 2" fittings

50' min.

10' Length of G.I. pipe (screened)

MICROFILMED
JUL 11 1991

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
Typical Spring Development	
Shoshone District	
DESIGNED	
REVIEWED	
APPROVED	
DRAWN <i>AB</i>	SCALE <i>NONE</i>
DATE <i>2/1/84</i>	SHEET <i>1</i> OF <i>1</i>



Notes:

1. Spring Boxes shall be 36" dia. 16 ga corrugated metal pipe in four foot lengths.
2. CMP shall be a polyclad with the properties of AASHTO M-246 and Fed. Spec WWP-405-B.
3. Spring Boxes shall be perforated with 1/2" holes every 3" (approx). Rows of holes will be about 2" apart, or one row in each corrugate (either).
4. There will be no perforations within 6" of the top and bottom of the box.
5. Holes may be stamped or drilled but may not be burned or cut with a torch.

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
SPRING BOX WITH LID	
DESIGNED _____	RECOMM. _____
DRAWN <u>BL</u>	RECOMM. _____ CHIEF, DIV. OF ENG.
CHECKED _____	APPROVED _____
SCALE NONE	
DATE <u>2-11-86</u>	SHEET <u>1</u> OF <u>1</u>
DRAWING NO. _____	

☆ GPO 858-285

MISSOURI

JUL 11 1991



SECTION A-A



1. TANK SHALL BE EQUAL TO POWDER RIVER NO. 4014 OR CONSTRUCTED OF 14 GA. GALVANIZED STEEL AS SPECIFIED.
2. MINOR DAMAGE FROM WELDING, DRILLING, OR FORMING SHALL BE COVERED BY EQUIVALENT TO ORIGINAL PAINT OR BY A 3 MIL THICKNESS OF GALVANOX TYPE I (OR EQUAL) PAINT IF GALVANIZED.
3. ALL NUTS, BOLTS, AND PIPE FITTINGS SHALL BE GALVANIZED AND/OR CADMIUM PLATED.
4. MINIMUM CAPACITY SHALL BE 503 GAL.

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
<u>STOCK TROUGH</u> <u>INSTALLATION</u>	
DESIGNED _____ DRAWN <u>CA</u> CHECKED <u>R.S.</u>	RECOMM. _____ RECOMM. <u>Reed</u> APPROVED _____
SCALE 1/2" = 1'	
DATE 12-29-74	SHEET 1
DRAWING NO. 111-9450-7424	
CHIEF, DIV. OF ENR.	

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSESE Sec 20 T 01N R 18E

Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)

Date Filed: 8/23/ 1989

In: T01N R18E S20	SESE		
S28	SWNW	NESW	NWSW
S29	NENE	SENE	

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East., Twin Falls, ID 83301 on or before June 4, 1990.

R. Keith Higginson, Director

Published in Wood River Journal on 5/16 & 5/23/90

RECEIVED
JUL 11 1990

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340

Source: SPRING

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Diversion Pt: NWSESE Sec 20 T
01N R 18E

Use: STOCKWATER (.020 CFS)

Total Diversion (.020 CFS)

Date Filed: 8/23/1989

In: T01N R18E S20 SESE; S28
SWNW NESW NWSW; S29
NENE SENE

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301, on or before June 4, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
May 16 & 23, 1990.

RECEIVED

MAY 10 1990

Department of Water Resources
Southern Region Office

OIC
MB
5/10/90

RECEIVED
MAY 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

MAY 3, 1990

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

JUL 11 1991

03-May-1990

PHILIP F PUCHNER
PO BOX 240
KETCHUM ID 83340

Re: Application for Amendment, 37-08564

Dear Mr. Puchner:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office will be advertising the application in the Wood River Journal on 5/16 & 5/23/90. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED
JUL 11 1991

09-Apr-1990

Friends of the Big Wood River
Nick Cox, President
P.O. Box 4411
Ketchum, ID 83340

Re: application for permit No. 37-08564; Phillip F. Puchner

Dear Mr Cox:

Enclosed is a copy of Mr. Puchner's amended application for permit which was executed at the conference on April 4, and a copy of the withdrawal of protest signed by you.

Upon receipt of a readvertising fee from Mr. Puchner, we will proceed with readvertising of the application.

In the amended application, the applicant proposes a point of diversion on private land owned by him.

Very Truly yours,

Loren O Holmes
Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

JUL 11 1991

09-Apr-1990

Phillip F. Puchner
Box 240
Ketchum, ID 83340

Re: application for permit No. 37-08564; Phillip F. Puchner

Dear Mr. Puchner:

Enclosed is a copy of your amended application for permit which was executed at the conference on April 4.

Upon receipt of a readvertising fee of \$20.00, we will proceed with readvertising of the application as required by law.

Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED
JUL 11 1991

09-Apr-1990

Steven A. Ellis
BLM Shoshone District
P.O. Box 2B
Shoshone, ID 83352

Re: application for permit No. 37-08564; Phillip F. Puchner

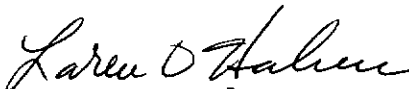
Dear Mr. Ellis:

Enclosed is a copy of Mr. Puchner's amended application for permit which was executed at the conference on April 4.

Upon receipt of a readvertising fee from Mr Puchner, we will proceed with readvertising of the application.

In the amended application, the applicant proposes a point of diversion on private land owned by him.

Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

JUL 11 1991

Conference held by: Loren Holmes

ROSTER OF ATTENDANCE

[illegible]

In the Matter of }
Application 37-08564 } Withdrawal of Protest

The undersigned hereby withdraw
Protests filed in this matter based
on amendments made to the application
to change the diversion point to a
location on Private Land.

Dated April 4/1990.

Nicholas R. Cox, PRES
FRIENDS OF THE BIG WOOD RIVER

RECEIVED

APR 4 1990

Department of Water Resources
Southern Region Office

MICROFILMED

JUL 11 1991

FBW
Prot. Withdrawal

37-08564
Rec'd Conference
4/4/90 Ldt

To Whom it May Concern: WETLANDS POLICY

A Memorandum of Agreement(MOA) exists between the Environmental Protection Agency and the Department of the Army(Corps of Engineers) concerning the determination of mitigation under the Clean Water Act (CWA) Section 404(b)(1). The 404 MOA states in part:



"This MOA expresses the explicit intent of the Army and the EPA to implement the objective of the CWA to restore and maintain the chemical, physical, and biological integrity of the nation's waters, including wetlands.

"The Clean Water Act and the Guidelines set forth a goal of restoring and, maintaining existing aquatic resources and to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall loss of values and functions."

"In focusing the goal of no overall net loss to wetlands, EPA and Army have explicitly recognized the special significance of the nation's wetlands resources."

"This special recognition of wetlands resources does not in any manner diminish the value of the other waters of the United States.

"In most cases a minimum of 1 to 1 acreage replacement of wetlands will be required to achieve a no net loss of values."

It is abundantly clear from this language that the EPA through the Clean Water Act declared a priority interest in the protection of wetlands. It is equally clear that the draining and diminishing of wetlands by diverting water from seeps or springs is counter to this national policy.

Furthermore, the private use of water from drained wetlands for irrigation or ponds cannot and does not constitute the mitigation of a policy of "no net loss of values", nor could such use be considered "a minimum of 1 for 1 acreage replacement."

POLICY STATEMENT:

It is the Policy of the Friends of the Big Wood River to discourage, oppose and protest any draining, diverting or diminishing of springs or seeps or the alteration in any way of their accompanying wetlands.

Not only are such projects counter to national goals for environmental protection, but also any diminution or alteration of wetlands is counter to the public interest in so far as it inevitably reduce the riparian zone and wildlife habitat, as well as recreational and aesthetic values. These projects also diminish the aquifer and consequently diminish the local river system to the detriment of the public interest.

We hold this to be especially true of wetlands on public lands such as those of the BLM and the U.S. Forest Service.

Paul Cox, President
Board of Directors

MICROFILMED

JUL 11 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352



IN REPLY REFER TO:

7250

April 4, 1990

Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

*Rec'd at Conference
4/4/90 L.H.*

Gentlemen:

By letter dated November 9, 1989, we protested the new filing for Water Right No. 37-08564. According to your list dated October 31, 1989, page 15, Philip F. Puchner, on August 23, 1989, filed to divert a water source on land administered by the Bureau of Land Management to a place of use on adjacent private land for stockwater use.

A review of the official land status records indicated the point of diversion, T. 1 N., R. 18 E., Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, to be public land.

One reason for protesting the Water Right No. 37-08564 application was to protect the Federal reserved water rights. It is our intent to file on this spring under the Executive Order of April 16, 1926 (PWR No. 107) when Basin 37 is scheduled for delivery to the court under the Snake River Basin General Water Adjudication schedule.

We visited the spring site on April 3, 1990. During that visit we verified the spring was on public land. The spring had been "developed" in the past, without authorization, by persons unknown to us. Some sort of collection system had been installed. Most of the estimated 6-8 gallons per minute flow was from a 2" diameter pipe although about 10-15 percent of the flow was by seepage from the east side of the pipe. A sketch of the spring area is shown on Attachment 1.

During the visit to the spring site, we observed the droppings of cattle, deer and elk. Coyote scat was also seen nearby. Six sage grouse were flushed within two hundred feet of the spring. A doe deer and last year's fawn were seen on the ridge top about two hundred yards northeast of the spring site. The spring is obviously important to wildlife.

MICROFILMED

JUL 11 1991

*BLM statement
at Conf.*

The spring rises and flows about 600 feet to an east-west fence which forms the approximate boundary between the public land and Mr. Puchner's private land. The fence is located a few feet south of a medium sized willow, the only one on public land within the drainage.

We suggest Mr. Puchner design and install a collection device in the drainage on his private land below the fence. The small stream may sink in late summer, but the presence of the willow indicates yearlong available ground water. Water so collected could be piped to a trough and made available for livestock. We suggest overflow from the trough be piped back to the drainage.

Our agency is committed to the protection of wetlands under Executive Order 11990. Section 1.(a) of that order states in part, "Each agency shall provide leadership and shall take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities..." springs in an arid environment are considered wetlands. We consider dewatering an area, by piping water away, to be a "loss" under the executive order.

In summary, we wish to retain the spring and associated small stream of water for multiple use purposes on the public land. There are alternatives to tapping the spring source on public land. Mr. Puchner can develop water for his livestock on his deeded property. That would meet his need for water and would protect the many values that green zones provide on public land.

Thank you for the opportunity to comment and suggest alternatives to resolve the issue.

Sincerely,

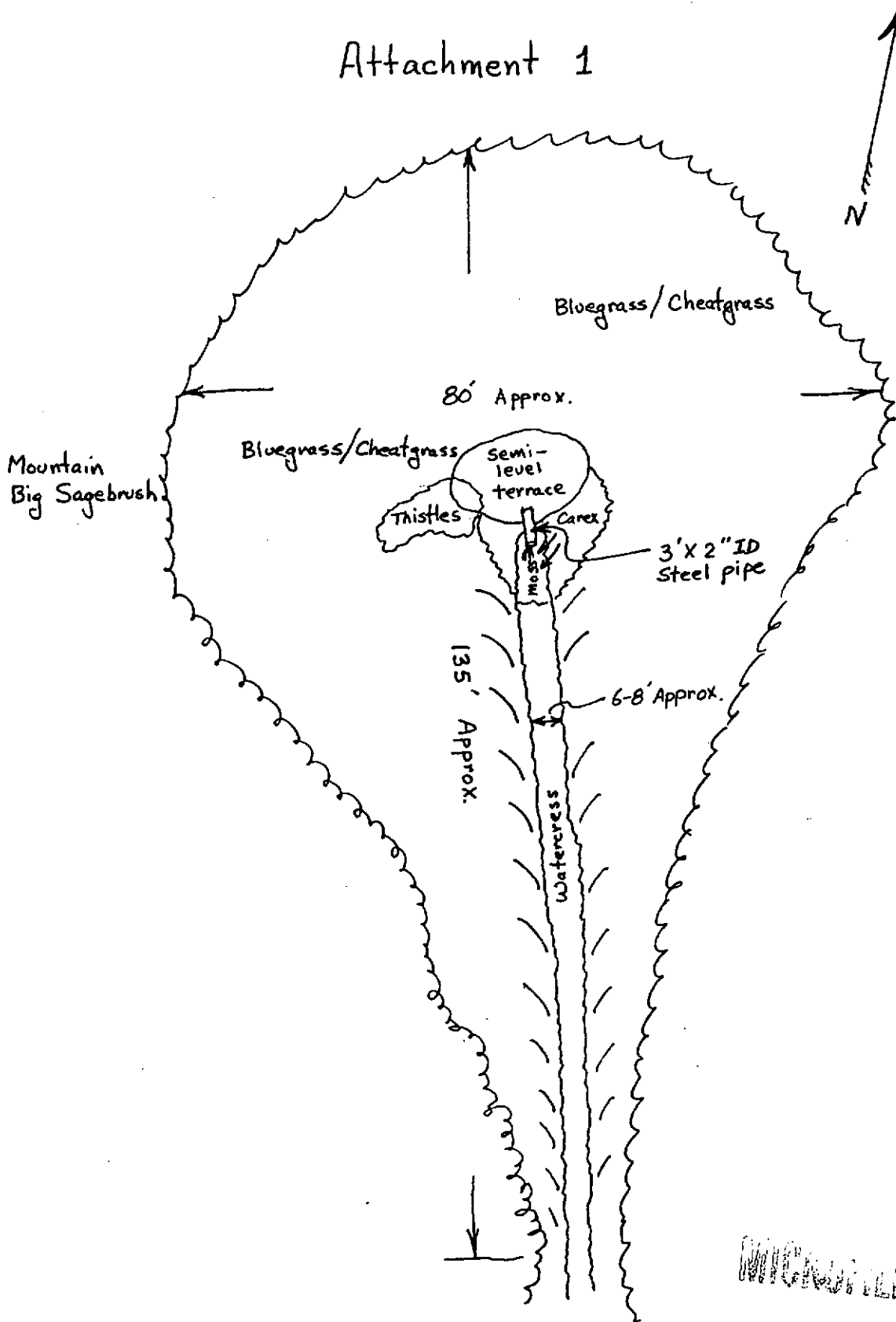


Steven A. Ellis
Area Manager
Monument Resource Area

RECEIVED

MAY 11 1991

Attachment 1



UNCLASSIFIED

JUL 11 1997





PHOTOS 37-8564

JUL 11 1937

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2148 4th Avenue East • Twin Falls, Idaho
83301

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT TO APPROPRIATE
WATER NO. 37-8564

NOTICE OF
PRE-HEARING CONFERENCE

Phillip F. Puchner,

SOURCE: Spring

Applicant

COUNTY: Blaine

BLM Shoshone District,
Friends of the Big Wood River,

Protestants

On August 23, 1989, Phillip F. Puchner, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the Bureau of Land Management, Shoshone District, and from the Friends of the Big Wood River Inc..

The Department has set the matter of protest for conference for Wednesday, April 4, 1990, at 10:00 AM, in the Blaine County Planning and Zoning meeting room, in the Old Courthouse, First and Croy Streets, Hailey.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 22 day of March, 1990.

MICROFILMED
JUL 11 1991


Loren O. Holmes
Southern Region Manager

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 62-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

NOTED

JUL 11 1991

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

Put your address in "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. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

Steven A. Ellis
BLM Shoshone District
P.O. Box 28
Shoshone, ID 83352

37-8564

1661 TT INF

RECEIVED

4. Article Number

978

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

3-23-90

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

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

Put your address in "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. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Phillip F. Puchner
Box 240
Ketchum, ID 83340
MAY 11 1988
03111508JMM

4. Article Number

977

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 for paid)



UNITED STATES POST 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.

RETURN
TO



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

STATE OF IDAHO
DEPT. OF WATER RESOURCES
222 Shoshone St. E.
Twin Falls, ID 83301

RECEIVED

MAR 27 1990

Department of Water
Southern Region

JUL 11 1990



PENALTY FOR PRIVATE
USE, \$300

UNITED STATES POST 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.

RETURN
TO



RECEIVED

MAR 27 1990



Department of Water Resources
Southern Region Office

PENALTY FOR PRIVATE
USE, \$300

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

STATE OF IDAHO
DEPT. OF WATER RESOURCES
202 Shoshone St. E.
Twin Falls, ID 83301

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.

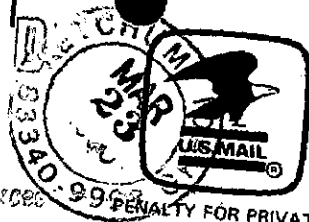
RETURN
TO



RECEIVED

MAR 26 1990

Department of Water Resources
Southern Region Office



PENALTY FOR PRIVATE
USE, \$300

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

STATE OF IDAHO
DEPT. OF WATER RESOURCES
202 Shoshone St. E.
Twin Falls, ID 83301

2 March 7, 1990

Mr. Loren O. Holmes, P.E.
Department of Water Resources
248 4th Ave. East
Twin falls, ID 83301

Re: Application No. 37-08583
Verna Harrah, applicant

RECEIVED

MAR 12 1990

Department of Water Resources
Southern Region Office



Dear Mr. Holmes,

In response to your letter of February 28, 1990, I have contacted Mr. Scott Campbell, an attorney in Boise representing the buyers of the Harrah property for whose benefit the application accrues.

I have offered a possible alternative to the diversion. This alternative needs to be reviewed by the buyers before they would be willing to have the application dropped by Ms Harrah.

I have attempted without success to reach Mr. Randy Bowling, Ms Harrah's representative in Reno. However, I believe Mr. Campbell will be keeping him abreast of the situation.

Re: Application No. 37-08564 ✓
Phil Puchner, applicant

I understand that this is an application for diversion of water for private use from a wetlands area on public (BLM) land. The Friends of the Big Wood have an interest in this diversion and would like to protest it.

I realize that the protest period is technically past and that there will be a preliminary hearing on April 4. I would like to request that representatives of the Friends be allowed to attend that hearing and give testimony.

Re: Application No. 37-08590
James and Nancy Baldwin, applicants

I will be contacting these applicants in an attempt to resolve the protest in the same manner that I did with the Harrah application.

In the future, where time allows, I will attempt to resolve a potential protest without having to file one formally. However, it may still be necessary to file protests in order to establish, in a timely fashion, our right to a hearing.

Please let me know if two representatives from the FBW can attend the Puchner hearing.

Sincerely,

Nick Cox
Nick Cox, Pres

MICROFILMED

JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 28, 1990

Phillip F. Puchner
Box 240
Ketchum, ID 83340

Re: Application for permit No. 37-08564, Phillip F. Puchner

Dear Mr. Puchner:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly to determine nature of the protest and to determine if it is possible to resolve the protest without action by the department.

The attachment to this letter describes the issues which the department must consider in taking action on an application for permit. It also gives a brief description of the procedure followed in holding a pre-hearing conference.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 4, 1990. Notices formally setting the conference time and place will be mailed about March 14.

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

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

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JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 28, 1990

Steven A. Ellis
BLM Shoshone District
P.O. Box 2B
Shoshone, ID 83352

Re: Application for permit No. 37-08564, Phillip F. Puchner

Dear Mr. Ellis:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the protest without action by the department.

The attachment to this letter describes the issues which the department must consider in taking action on an application for permit. It also gives a brief description of the procedure followed in holding a pre-hearing conference.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 4, 1990. Notices formally setting the conference time and place will be mailed about March 14.

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

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED
JUL 11 1991

Attachment to letter dated February 28, 1990

To all parties in the matter of
Application for permit No. 37-08564
In the name of Phillip F. Puchner

**PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE**

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

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JUL 11 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352



IN REPLY REFER TO:

7250

November 9, 1989

RECEIVED

NOV 13 1989

Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Gentlemen:

Please consider this letter an official protest of the new filing for Water Right No. 37-08564. According to your list dated October 31, 1989, page 15, Philip F. Puchner, on August 23, 1989, filed to divert a water source on land administered by the Bureau of Land Management to a place of use on adjacent private land for stockwater use.

A review of the official land status records shows the point of diversion, T. 1N., R. 18E., Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, to be public land.

Our position must be to protest the Water Right No. 37-08564 application to protect the Federal reserved water rights. It is our intent to file on this spring under the Executive Order of April 16, 1926 (PWR No. 107) when Basin 37 is scheduled for delivery to the court under the Snake River Basin General Water Adjudication schedule.

If we can provide additional information or respond to questions, please do not hesitate to call Floyd DeWitt at (208) 886-2206.

Sincerely,

Steven A. Ellis
Area Manager
Monument Resource Area

RECEIVED

JUL 11 1991

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340

Source: SPRING

Tributary: SINKS

Diversion Pt:

SWNESE Sec 20 T 01N R 18E

Use: STOCKWATER

(.020 CFS)

Date Filed: 8/23/1989

In: T01N R18E S20
S28
S29

SESE
SWNW
NENE

NESW
SENE

NWSW

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JUL 11 1991

[Handwritten signature]

OK 11/6/89 mb
NOTICE OF Application
FOR WATER RIGHT

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

37-08561

PETER TRUST
C/O E. PARRY THOMAS
P.O. BOX 642
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SESENE Sec 5 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 9/15/1989
In: 102N R18E S05 SENE
3.0 ACRES TOTAL

37-08562

HEMINGWAY, JOHN H.
P.O. BOX 387
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SENW Sec 23 T 05N
R 17E
Use: IRRIGATION (.050 CFS)
FIRE PROTECTION (.050 CFS)
Date Filed: 8/28/1989
In: 105N R17E S23 SENW
1.5 ACRES TOTAL

37-08563

REITER, GAIL L.
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SWNW Sec 5 T 03N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/16/1989
In: 103N R18E S05 SWNW
3.0 ACRES TOTAL

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Date Filed: 8/23/1989
In: T01N R18E S20 SESE: S28
SWNW NESW NWSW: S29
NENE SENE

37-08565

RINKER, HARRY
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 03N R
18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/17/1989
In: 103N R18E S07 SENE

37-08566

ENGL, MICHAEL S.
C/O HOGUE, SPECK
& AANSTAD
P.O. BOX 987
KETCHUM, ID 83340
Source: SPRINGS
Tributary: BIG WOOD RIVER
Diversion Pt: SWNESW Sec 31 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/10/1989
In: T04N R18E S31 NESW

37-08567

BRANDMAN, CRAIG
BRANDMAN, DELEYS
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWSE Sec 3 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 8/31/1989
In: 103N R18E S03 NESW NWSE
2.0 ACRES TOTAL

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before DECEMBER 4, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
November 15 & 22, 1989.

RECEIVED

NOV 6 1989

Department of Water Resources
Southern Region Office

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JUL 11 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before DECEMBER 4, 1989.

R. Keith Higginson, Director

Published 11/15/1989 & 11/22/1989

MICROFILMED
JUL 11 1991

27-Oct-1989

Philip F. Puchner
P.O. Box 240
Ketchum, ID 83340

Re: Application for Permit No. 37-08564

Dear Mr. Puchner:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 11/15 & 11/22/89. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

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JUL 11 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 26, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 4, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECORDED
JUL 11 1991