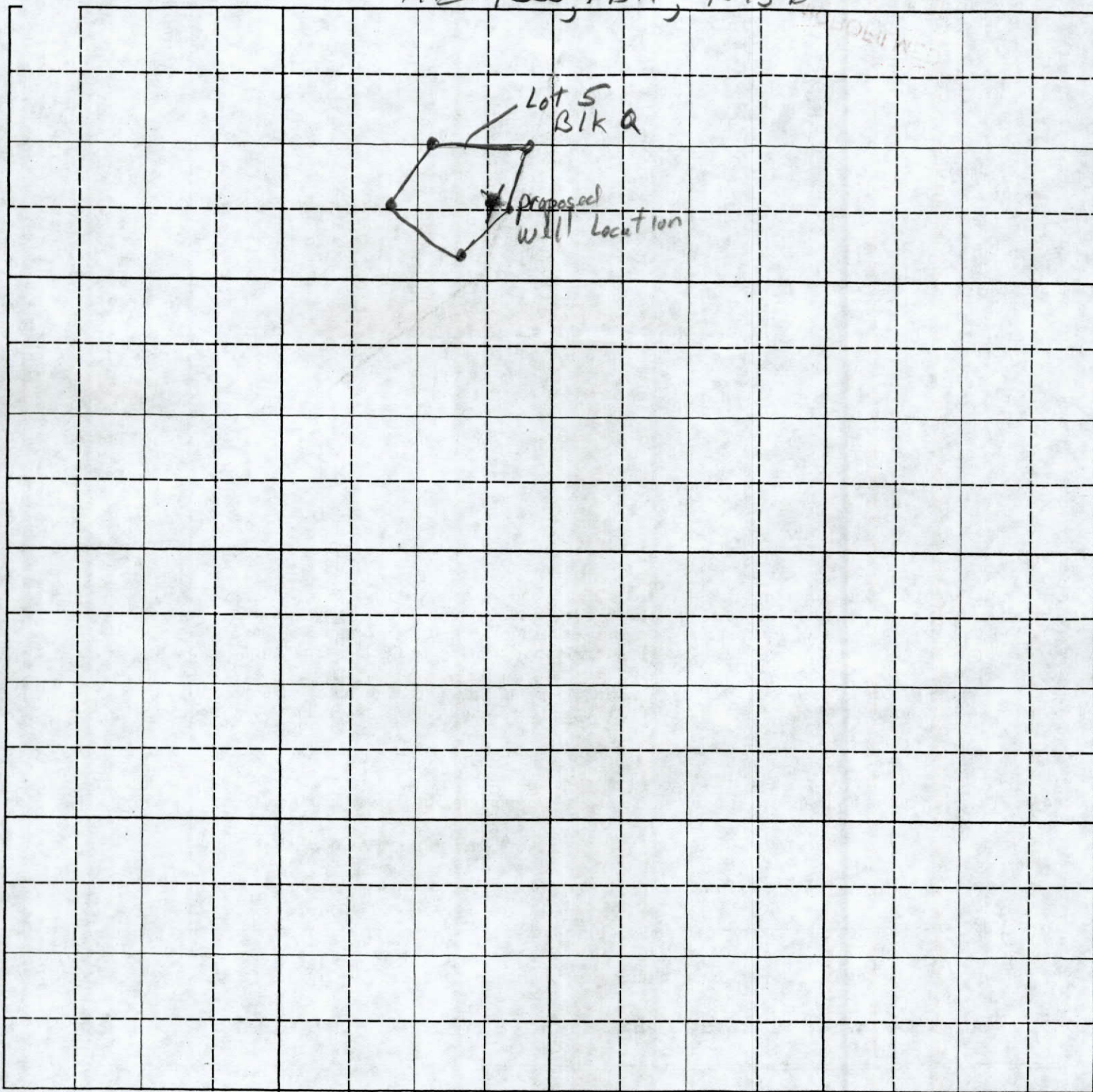


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

NE 1/4 S33 T13N, R43E



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.

United States of America (USDA-Forest Service)

MICROFILMED

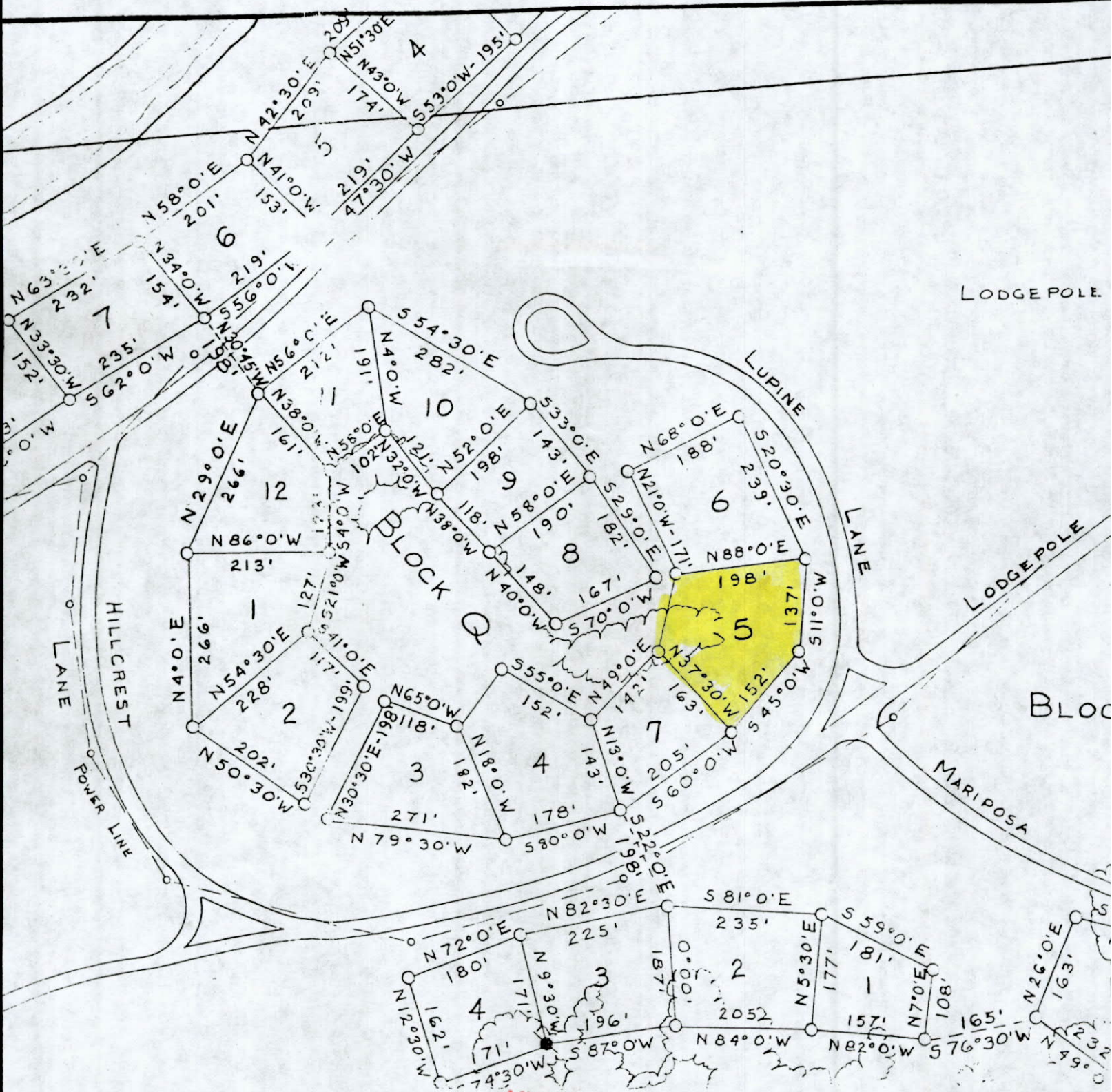
SEP 11 2000

Jack Blackwell

for JACK BLACKWELL,

(Applicant)

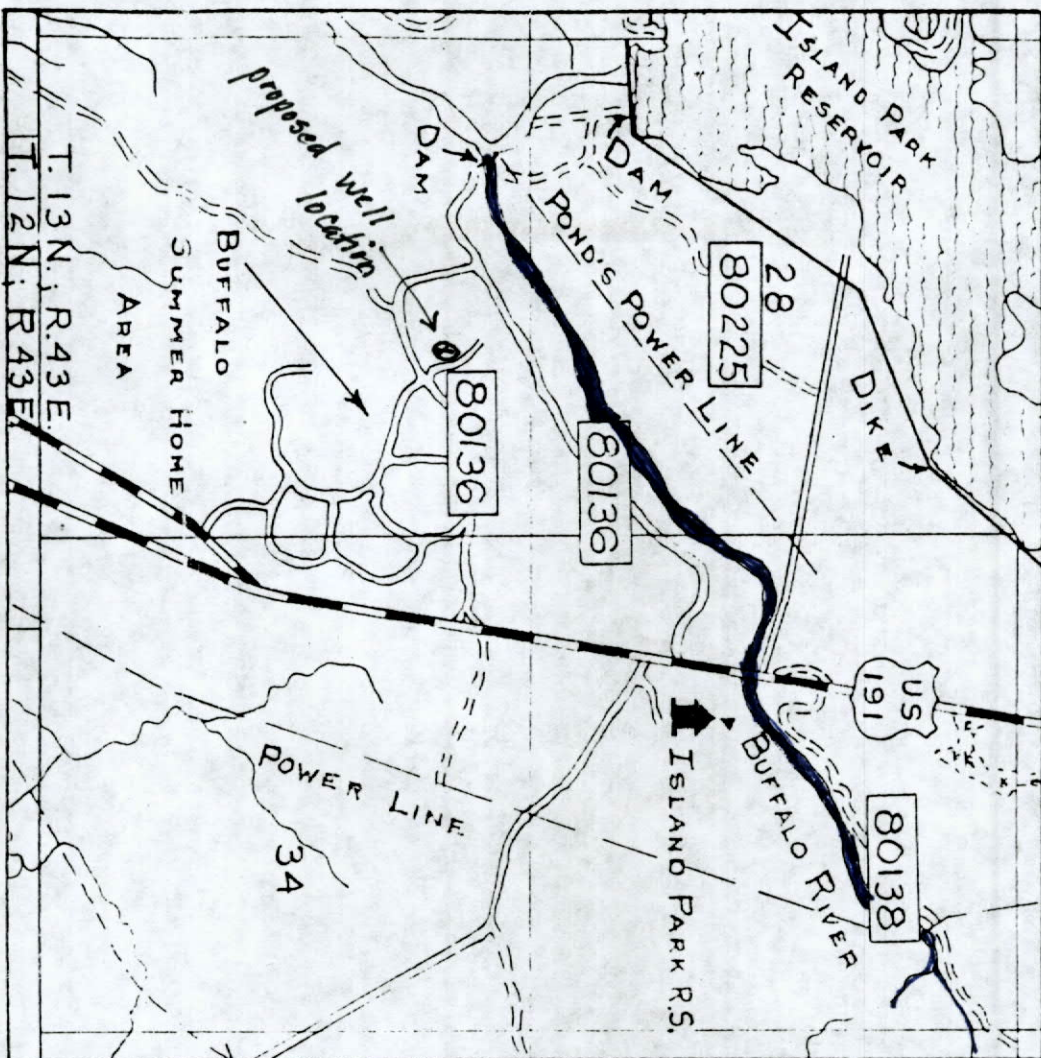
Regional Forester



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SEP 11 2000

VICINITY MAP

SCALE 2" = 1 MILE



NOTES

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SEP 11 2000

THE FREMONT COUNTY HERALD-CHRONICLE
St Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON, being first duly sworn, depose and say, that I am the printer of the FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the NOTICE OF APPLICATION - WATER RIGHT a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on JULY 19, 2000 and the last publication having been made on JULY 26, 2000

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 27TH day of JULY in the year of 2000 before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.

Shirley J. Murray
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires April 29, 2005

RECEIVED

AUG 04 2000

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07592

US DEPT. OF AGRICULTURE
FOREST SERVICE
P.O. BOX 208
ST. ANTHONY, ID 83445.

Source: Groundwater.

Diversion Pt: NWNE Sec 33 T 13N R 43 E in Fremont County.

Use: Domestic (0.040 CFS) Total
Diversion: (0.040 CFS).

Date Filed: 7/7/2000.

In: Fremont County T13N R43E S33
NWNE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 7, 2000, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. July 19 and 26, 2000HC.

MICROFILMED

SEP 11 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
21-07592 IN THE NAME OF) **REINSTATEMENT ORDER**
US DEPT. OF AGRICULTURE,)
FOREST SERVICE)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before September 1, 2001; and,

WHEREAS, the Department notified the permit holder on June 30, 2001 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on September 6, 2001, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on October 24, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-07592 is **REINSTATED** with an advance in priority to **August 29, 2000**.

DATED this 9th day of November, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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NOV 13 2001

RECEIVED

OCT 24 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 29 2001

PROOF OF BENEFICIAL USE

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

1. Permit No. 21-7592 Telephone No. (208) 524-7500 Idaho Falls
(208) 558-7301 Island Park
2. Name(s) of Permit Holder(s): US Dept of Agriculture, U.S. Forest Service
3. Mailing Address: 1405 Hollipark Drive, Idaho Falls, ID 83401-2100
4. Source of Water: Ground Water If GROUNDWATER (well), Date Drilled: mo. 7-7-2000 / yr.
 - a. Well Driller: Andrew Well Drilling Drilling Permit Number: - - - - -
 - b. **OPTIONAL:**
Pump Horsepower: 3/4 Pressure (psi): Dynamic pumping level (ft): 126'
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other:
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u></u>	or	No <u>x</u>
	Has the measuring device been installed?	Yes <u></u>	or	No <u>x</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u></u>	or	No <u>x</u>
	Has the measurement port been installed?	Yes <u></u>	or	No <u>x</u>
8. Fee Enclosed: \$ N/A (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: Kaye Olpin Telephone Number: (208) 558-7301
Address: HC 65 Box 975 Island Park, ID 83429
Special Use Permit Holder: Garth Pincock, Buffalo SHA, Lot 5, Blk Q
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] Date: 10/19/01
(include your title, if on behalf of company or organization)

NOV 13 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07592

Priority: July 7, 2000

Maximum Diversion Rate:

0.04 CFS

This is to certify, that US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY ID 83445

has applied for a permit to appropriate water from: GROUND WATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 33, Township 13N, Range 43E
FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13N 43E 33

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home.
5. Point of diversion and place of use are located within Lot 5, Blk. Q, Buffalo Summer Home Area.

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

24th day of

August

2000

Karl J. Dreher
for Karl J. Dreher, Director

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SEP 11 2000

RECEIVED

AUG 17 2000

Department of Water Resources

Form 202
6/85

Ident. No. 21-07592

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant USDA - Forest Service Phone (208) 624-3151
Post office address Targhee National Forest, P.O. 208, St. Anthony, ID 83445
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 33 Township 13N Range 43E B.M. FREMONT County; additional
points of diversion if any: LOT 5 BLK 9 BUFFALO SUMMER HOME AREA
4. Water will be used for the following purposes:
Amount .04 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 66.04 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 6" WELL, SUBMERSABLE 3/4 HP PUMP
 - 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 6" inches; proposed depth of well is 120 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 YR. years (minimum 1 year).

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SEP 11 2000

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

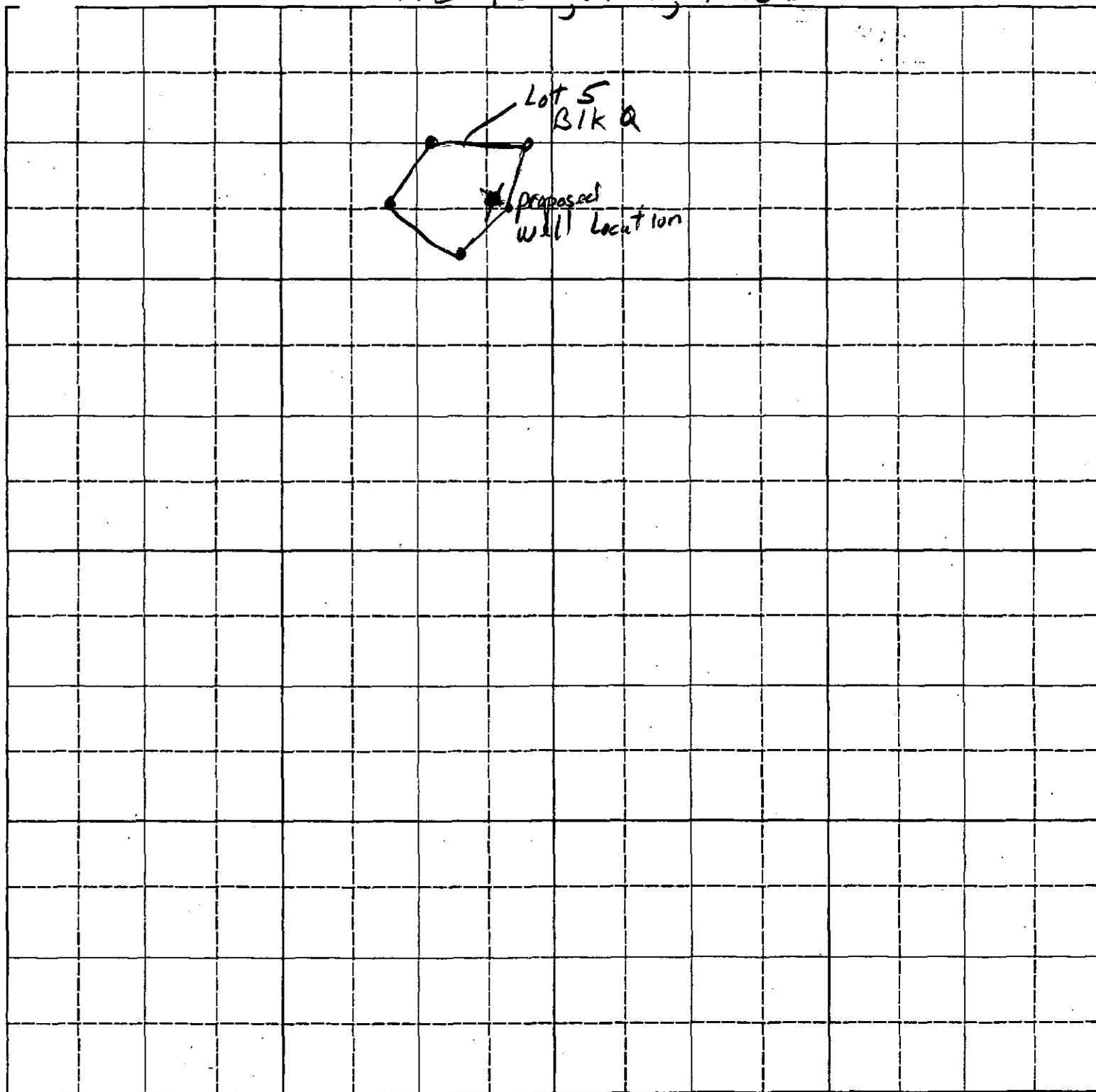
c. Municipal; show name of municipality. _____

d. Domestic; show number of households. SINGLE FAMILY

e. Other; describe fully. _____

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

NE 1/4 S33 T13N R43E



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.

United States of America (USDA-Forest Service)

MICROFILMED

SEP 11 2000

Jack Blackwell
FOR JACK BLACKWELL,

(Applicant)

Regional Forester

MICROFILMED
SEP 11 2000

- 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: _____

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

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

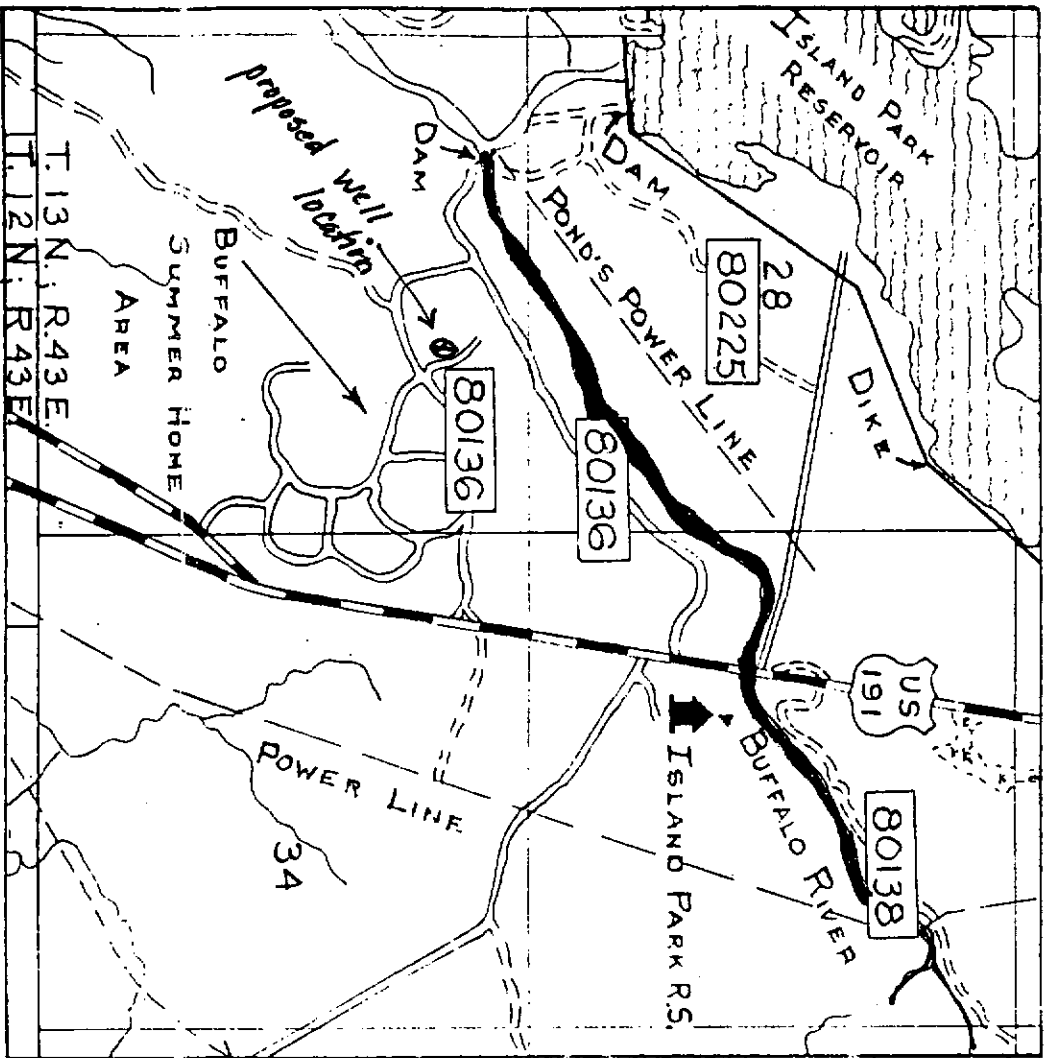
Received by DMB Date July 2, 2000 Time 9:51 Preliminary check by _____

Fee \$ 100.00 Received by CV # E025968 Date July 2000

Publication prepared by SC Date 7/24/00 Published in Herald Chronicle

Publication approved by SC Date 8/4/00

VICINITY MAP SCALE 2" = 1 MILE



NOTES

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SEP 11 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 9, 2001

US DEPT OF AGRICULTURE
FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS ID 83401-2100

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07592

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

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.

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 the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

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NOV 13 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 21-7592

Reviewed By: dgibson

Date: October 31, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?	X	
License examination fee required?		X	Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E025962,	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/24/2001
Date proof due	-	09/01/2001
Lapse notice sent	-	
No. of days late	=	53
Holiday allowance	+	
Priority date	+	07/07/2000
New priority date	=	08/29/2000

Deficiencies of Actions Items

Forward to Well Construction for checking on drilling permit fee paid. If ok with W.C., then send acknowledgement. Update current mailing address. *done -*

Prepare Order for Reinstatement.

W.C. ok'd 11/7.

September 6, 2001

US DEPT OF AGRICULTURE FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS , ID 83401-2100

LAPSE NOTICE

RE: PERMIT NO. 21-7592

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated June 30, 2001. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

MICROFILMED
NOV 13 2001

CERTIFICATION OF MAILING

I hereby certify that on 9/6/01
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dg

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

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:

US DEPT OF AGRICULTURE
FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS ID

4a. Article Number

70993220000551785292

4b. Service Type

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

7. Date of Delivery

7-18-01

5. Received By: (Print Name)

Dixie Y. Oswald

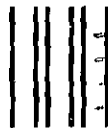
8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Dixie Y. Oswald

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

DEBORAH J GIBSON
IDAHO DEPARTMENT OF WATER RESOURCES
1301 N ORCHARD ST
BOISE ID 83706

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NOV 13 2001

RECEIVED

JUL 20 2001

Department of Water Resources

13706+2237



CERTIFIED MAIL RECEIPT

Domestic Mail Only; No Insurance

Article Sent To:

U. S. Dept. of Ag.

Postage \$

Certified Fee

Return Receipt Fee:
(Endorsement Required)Restricted Delivery Fee:
(Endorsement Required)

Total Postage & Fees \$

MICROFILMED

NOV 13 2001

Postmark
Here11/16/01
deg

Name (Please Print Clearly) (To be completed by mailer)

Forest Service

Street, Apt. No.; or P.O. Box No.

1405 Hollipark Dr.

City, State, ZIP+4

Idaho Falls, Id. 83401-

7099 3220 0005 5178 5292

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.

■ For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.

■ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".

■ If a postmark on the Certified Mail receipt is desired, please present the article to the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and meter.

IMPORTANT: Save this receipt and present it when making an inquiry.

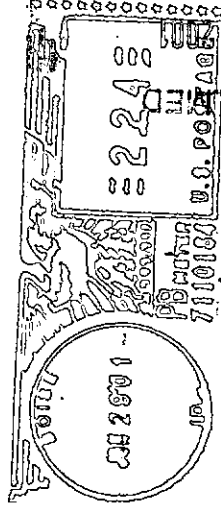
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

U.S. MAIL



7099 3220 0005 5178 6220



RECEIVED

JUL 13 2001

Tang 208

Department of Water Resources

Recent Proof Notice 7/16/01.

TARG208 634452007 1000 04 07/03/01
RETURN TO SENDER
TARGHEE NATIONAL FOREST
1405 HOLLIDAY DR
IDAHO FALLS ID 83401-2100
RETURN TO SENDER

*Ad Hoc
updated.*

83720-0098

June 30, 2001

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY, ID 83445

PROOF DUE NOTICE

RE: PERMIT NO. 21-7592

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 September 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

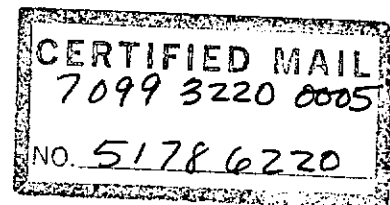
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures



MICROFILMED

NOV 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 2000

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY ID 83445

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07592

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

SEP 11 2000

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

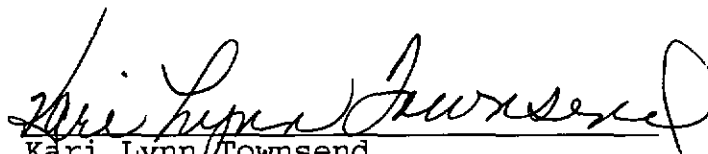
SEP 11 2000

CERTIFICATE OF MAILING

I hereby certify that on the **25th** day of **August, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 21-07592

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY ID 83445


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 11 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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SEP 11 2000

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 8/21/00

No. 21-07592 Name: USFS Corp. Officers N/A Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes SR Moratorium _____ GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 067

WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70's only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)

BENEFICIAL USE DUE: 9/01/2001

MISC CONDITIONS/REMARKS:

Protected - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr. GW supp to SW - 102
DOMESTIC (W01)
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per W04

Subd lot desc (pd) - W59 Lot 5, Blk A, Buffalo Summer Home area
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

AUG 17 2000

Department of Water Resources

Dist for Staffing _____
Submitted for advertising 7-10-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWT DATE 7-6-00 APPLICATION NO. 21-07592

REQUIRED INFORMATION:

Forest Service

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

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
_____ Overlapping point of diversion
_____ Yes _____ No Critical groundwater area
_____ Yes _____ No Groundwater management area
_____ Yes _____ No Send dam safety information
_____ Yes _____ No Send fish farm requirement letter
_____ Yes _____ No Power residency affidavit
_____ Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
_____ Yes _____ No Public Water System
_____ Yes _____ No Planning section review
_____ Yes _____ No Moratorium Hold file
_____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

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

SEND COPIES TO:

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

☒	Yes	☐	No	Affidavit of publication received
☐	Yes	☐	No	Application published correctly. If not, record action taken
☒	Yes	☐	No	Publication dates & paper, recorded on application
☐	Yes	☒	No	Protests received
				Final date for protest _____
☐	Yes	☐	No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐	No	Recommendations attached
☐	Yes	☐	No	Measuring device required
☐	Yes	☐	No	Access port required
☐	Yes	☐	No	Will water be delivered by watermaster? If yes, what District _____
☐	Yes	☐	No	Special conditions of approval or cover letter below.

By: [Signature] Date: 8-9-00
STATE OFFICE REVIEW: _____

By: _____ Date: _____
 ADDITIONAL INFORMATION: _____

Comments received from:

_____ City _____ Id Fish & Game _____ Irrigation District
 _____ County _____ Id Health & Welfare _____ Canal Company
 _____ Reservations _____ Div. Of Environment _____ Other _____

Project impacts/implications report

COMMENTS

Raye Oliver
USF5
SS8-7301

THE FREMONT COUNTY HERALD-CHRONICLE
St Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON, being first duly sworn, depose and say, that I am the printer of the FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the NOTICE OF APPLICATION - WATER RIGHT a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on JULY 19, 2000 and the last publication having been made on JULY 26, 2000

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 27TH day of JULY in the year of 2000 before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.

Shirley J. Murray
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires April 29, 2005

RECEIVED

AUG 04 2000

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07592

US DEPT. OF AGRICULTURE
FOREST SERVICE
P.O. BOX 208

ST. ANTHONY, ID 83445.

Source: Groundwater.

Diversion Pt: NWNE Sec 33 T 13N R 43 E in Fremont County.

Use: Domestic (0.040 CFS) Total
Diversion: (0.040 CFS).

Date Filed: 7/7/2000.

In: Fremont County T13N R43E S33
NWNE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 7, 2000, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. July 19 and 26, 2000HC.

MICROFILMED

SEP 11 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

July 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY ID 83445

RE: Application for Permit # 21-07592

Dear Applicant:

This office is currently in the process of advertising the application in the Herald Chronicle on July 19 and 26, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

SEP 11 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 12, 2000

Legal Notices Department
HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

Dear Legal Dept.:

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

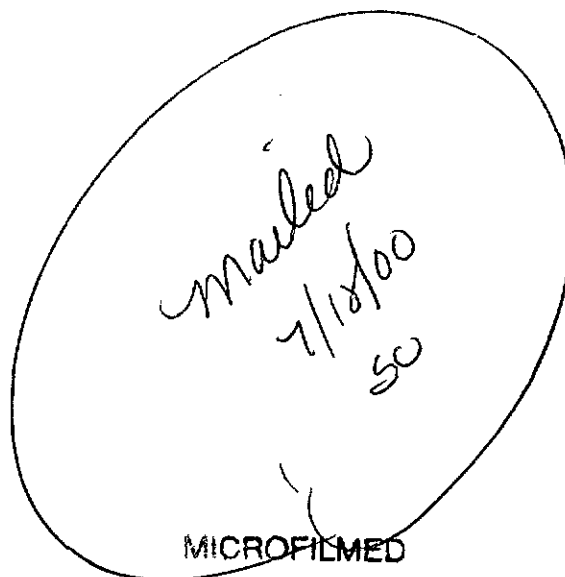
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 7, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



SEP 11 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

21-07592

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 208
ST ANTHONY, ID 83445

Source: GROUNDWATER

Diversion Pt: NWNE Sec 33 T 13N R 43E in FREMONT County.

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

Date Filed: 7/ 7/2000

In: FREMONT County
T13N R43E S33 NWNE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before AUGUST 7, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 7/19/2000 & 7/26/2000

MICROFILMED

SEP 11 2000