

NOV 14 2003

Page 1 of 6

STATE OF IDAHO Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

*Not signed by both*  
Name of applicant GEORGE B. & PAMELLA FORESTIER Phone 208-838-2212  
Post Office address P.O. Box 924, CHALLIS, ID 83226

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes THE WATER RIGHTS ARE PLANNED TO BE USE FOR MINING PURPOSES.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 72-7247 Priority 02/03/1983 Amount (cfs/ac-ft) 11 CFS/12 AFA Nature of Use MINING Period of Use JAN 1 to DEC 31

2. Total amount of water being transferred 11 cubic feet per second and/or 12 acre-feet per annum.

3. Source of water SALMON RIVER tributary to SNAKE RIVER

4. Point(s) of Diversion: NO CHANGE REQUESTED

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|-----|------|------|--------|--------------------------|
|     |     |     |     |     |      |      |        |                          |
|     |     |     |     |     |      |      |        |                          |
|     |     |     |     |     |      |      |        |                          |
|     |     |     |     |     |      |      |        |                          |
|     |     |     |     |     |      |      |        |                          |

5. Lands irrigated or place of use: MINE OPERATION - RETAIN ORIG. PLACE OF USE - NO IRRIGATION

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 11N  | 18E  | 22   | 40     | 40     | 40     | 40     | -      | -      | -      | -      | -      | -      | -      | -      | 40     | 40     | 40     | 40     | 280    |
| 11N  | 18E  | 22   | X      | X      | X      | X      | -      | -      | -      | -      | -      | -      | -      | -      | X      | X      | X      | X      |        |
| 11N  | 18E  | 23   | -      | -      | -      | -      | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | -      | -      | -      | -      | 280    |
| 11N  | 18E  | 23   | -      | -      | -      | -      | X      | X      | X      | X      | X      | X      | X      | X      | -      | -      | -      | -      |        |
| 11N  | 18E  | 26   | 40     | 40     | 40     | 40     | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | 40     |
| 11N  | 18E  | 26   | X      | X      | X      | X      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

DON'T MATCH MAP

## PART 1

## 6. General Information:

- a. Description of diversion system NO CHANGE IN DIVERSION SYSTEM -  
PUMP IN THE RIVER EXTRACTING WATER - APPROX. 50 GPM,  
5 HP PUMP
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
THE EXISTING IRRIGATED LAND (APPROX. 4 ACRES) WOULD  
NO LONGER BE IRRIGATED FOR AGRICULTURAL USE. REVERTS  
BACK TO A NON-IRRIGATED CONDITION.
- d. Remarks:  
WATER WOULD BE USED FOR MINING AND THE PROJECT  
PROVIDES AN ECONOMIC BENEFIT TO THE LOCAL ECONOMY.  
TRANSFER OF THE WATER RIGHT WOULD NOT IMPACT  
OTHER WATER USERS.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

RECEIVED

NOV 14 2003

Department of Water Resources  
Southern Region

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**  
 (Attach one copy for each right)

RECEIVED

NOV 14 2003

**A. DESCRIPTION OF RIGHT AS RECORDED**Department of Water Resources  
Southern Region

## 1. Right evidenced by:

- a. Decree No. 72-7247 Decreed to GEORGE B. & PAMELA FORESTIER  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated 12/01/2000 in 5TH DISTRICT COURT county of TWIN FALLS
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:



Tax Notice



Warranty Deed



Other

3. Source of water SALMON RIVER tributary to SNAKE RIVER4. Date or priority 02/03/1983

## 5. Water is used for the following purpose:

amount 11/12 for IRRIGATION purposes from APRIL 1 to NOV 1  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 11 R cubic feet per second and/or 12 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| 5   | SW  | NE  | SE  | 11   | 11N  | 18E  | CUSTER | NONE                     |
|     |     | NW  |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: LOT 5 & 8 (4 ACRES)

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals           |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |                  |
| 11N  | 18E  | 11   |        |        |        |        |        |        |        |        |        |        |        |        |        | ✓      |        |        | LOT 5<br>2 ACRES |
| 11N  | 18E  | 11   |        |        |        |        |        |        |        |        |        |        |        |        |        |        | ✓      |        | LOT 8<br>2 ACRES |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                  |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                  |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                  |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                  |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                  |

Total acres 4 ACRES9. Describe any other water rights used for the same purpose as described above NONE

NOV 14 2003

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe \_\_\_\_\_

Department of Water Resources  
Southern Region**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

**RECEIVED**  
**NOV 14 2003**

Department of Water Resources  
 Southern Region

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED  
RMAP

SUPPLEMENTED

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use                 |
|---|-------------------|-----------------------|-----------------|-------------------------------|
|   | <u>MINING</u>     | <u>11/12</u>          | <u>24/7/365</u> | <u>JAN 1</u> to <u>DEC 31</u> |
|   |                   |                       |                 | to _____                      |

2. Quantity and quality of return flows and location of discharge:

7 NO RETURN CURRENTLY OCCURS FROM THE IRRIGATION  
SPRINKLER SYSTEM

3. Describe effects on other water uses resulting from the proposed change:

7 BECAUSE THE CURRENT USE IS CONSUMPTIVE IN NATURE,  
MODIFICATION OF THE WATER RIGHT WILL NOT IMPACT  
OTHER WATER RIGHTS. WHILE THE REQUEST IDENTIFIES  
A FULL OPERATING TIME PERIOD, THE PUMP WILL ONLY OPERATE  
WHEN NEEDED TO EXTRACT WATER.

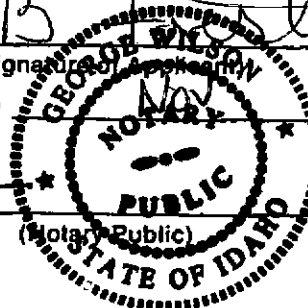
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 11-12-03 day of NOV, 19 03

My commission expires 9-8-06

(Signature of Notary)

**FOR DEPARTMENT USE ONLY**

|                                                     |                                                                                   |
|-----------------------------------------------------|-----------------------------------------------------------------------------------|
| Transfer contains _____ pages and _____ attachments |                                                                                   |
| Received by _____ Date _____                        | Protest filed by _____                                                            |
| Prelim. check by _____ Fee _____                    |                                                                                   |
| Receipted by _____ Date _____                       |                                                                                   |
| Published in _____                                  | Copies of protest forwarded by _____                                              |
| Pub. dates _____                                    | Hearing held by _____ Date _____                                                  |
| Watermaster recommendation requested on _____       | Recommended for <input type="checkbox"/> approval <input type="checkbox"/> denial |
| _____ rec'd. _____                                  | by _____                                                                          |
| Copy of transfer sent to lien holder _____          |                                                                                   |

RECEIVED

NOV 14 2003

 Department of Water Resources  
 Southern Region



**Project Description**  
**New Nature of the Use**  
**Water Rights A72-07247**  
**Part 3 – B1**

The change of beneficial use and location are necessary to support the mining of a locatable building stone on Bureau of Land Management property. The mine owner is purchasing the land, along with water rights, to support the current mining operation.

The proposed use of water rights for mining purposes is consistent with Idaho regulations and beneficial uses of water resources. The irrigated land would be removed from agricultural use and will revert back to a non-irrigated condition. The current water rights allows for 12 ac-ft per year to be diverted for irrigation of 4 acres. These 4 acres consisted of pasture lands with a consumptive use of 10 ac-ft per year.

The mine is located approximately a mile away from the point of diversion, which remains unchanged. The current diversion includes a 5 horsepower pump connected to a pipe and irrigation system. L&W Stone Corp. proposes to install an appropriate fish guard on the suction inlet of the pump to minimize impacts to fisheries. They will consult with the Idaho Department of Fish and Game on the appropriate size and design of the system.

Water would be pumped, as currently configured, periodically during the day to a storage tank. A water truck would deliver water from the storage tank to the mine for use at the operation. While the application indicates 24 hour operation, this is only to allow the pump to be operated at anytime during a 24-hour period, 7-days per week.

The storage tank planned would hold between 5,000-10,000 gallons of water. As the tank emptied, the pump would operate until the tank was full. Operations generally occur 5 days per week resulting in approximately 260 days of mine operations. An average of 12,500 gallons/day would be used for mine operations. To supply this quantity of water the pump would operate approximately 5 hours per day. During the summer months, water consumption would be higher than the winter months. Summer pumping could occur 10-15 hours per day. It is unlikely that pump operation would occur 24 hours per day.

Because water use after November will be significantly reduced and will vary depending on weather, it is proposed to build a small pond of sufficient size to hold water for drilling, limited dust control, and other minor uses between November and March. It is estimated that 5,000 gallons per day would be required to support the mine operation during this period of time. The pond constructed would be approximately 150 feet x 150 feet x 5 feet deep and contain approximately 500,000 gallons of stored water. A small portion of the diverted 0.11 cfs water would report, via a pipeline, to the pond and would

slowly build up pond inventory throughout the withdrawal period (Apr. to Nov.). The total water diverted would neither exceed the .11 cfs or 10 ac-ft allowances under the current water right.

The mine plan submitted to the BLM proposes to disturb approximately 165 acres of land. Water use at the mine operation will include dust control for haul roads, development rock storage areas, lay down yard and other disturbed areas. Water will also be required for drilling, reclamation land irrigation (if required) and other typical mine uses. Currently, there are no plans to use water for fabrication of rock products but could be a used for that in the future. In addition, dust control at the 4 acre property will also be required.

Currently the water use is for irrigation using a sprinkler system to apply water. While the uses are very different they both result in a consumptive use of the water resource. Changing the point of use and the beneficial use will not change the consumptive use of the resource that currently exists; and will not impact to other water rights use by this change. The application proposes to transfer the consumptive portion of the current water right to the mine operation.

The economic benefit to use the water resource for mining is important to the local economy. The current use provides economic benefit to the local community through agricultural activities on the 4 acres of land; however, continued growth the mine operations will also provide significant economic benefit to the local community. Idaho regulations identify mining as a viable beneficial use of the State's water resources in ways that benefit the public. Clearly expansion and continued operation of the mine is important to the local community and the modification of this water right provides for that to occur.

The mine operation has submitted a plan of operations to the Bureau of Land Management to expand mine operations and exploration of the property. Currently, the mine is expected to operate in excess of twenty years and exploration could extend that time period.