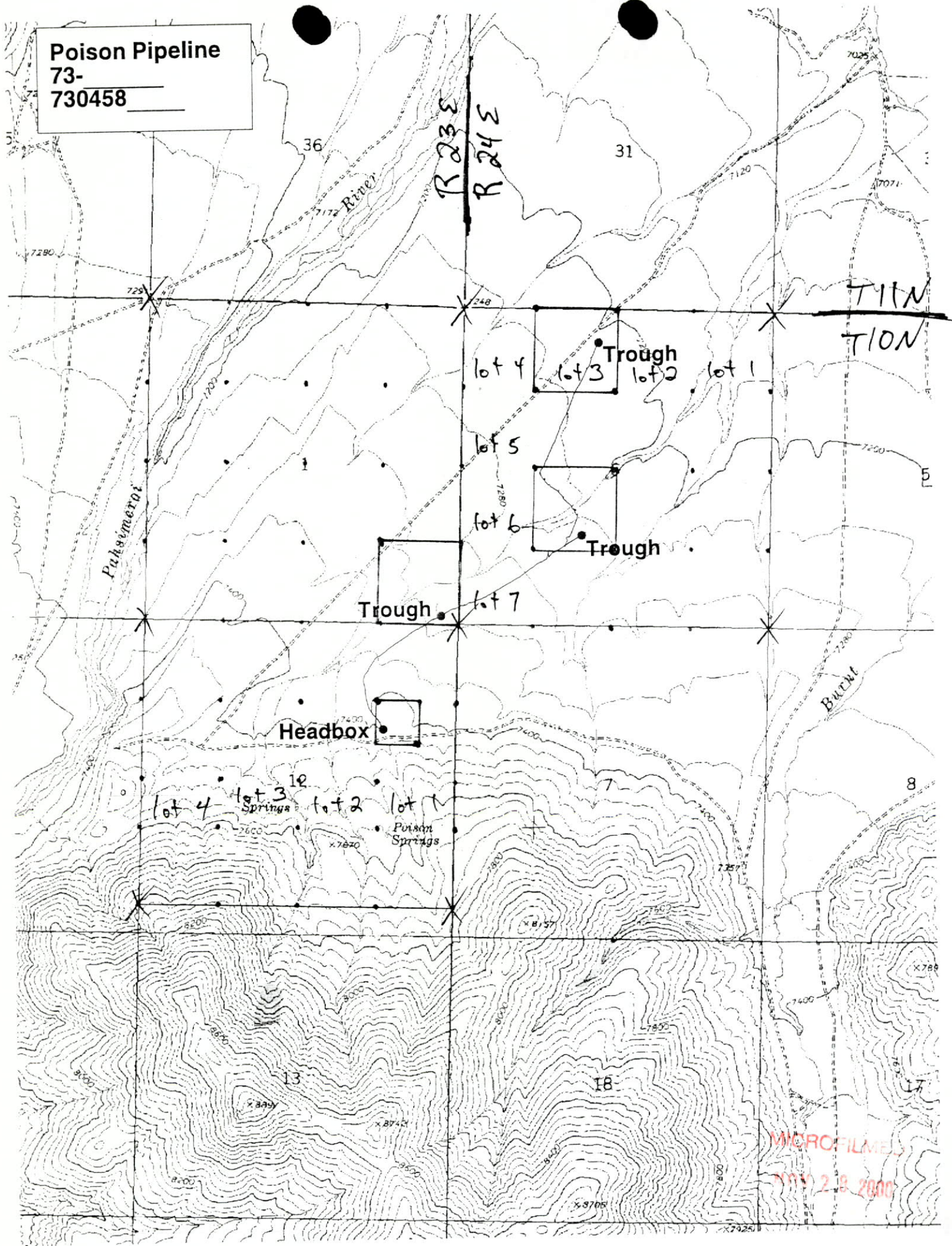


Poison Pipeline  
73-  
730458



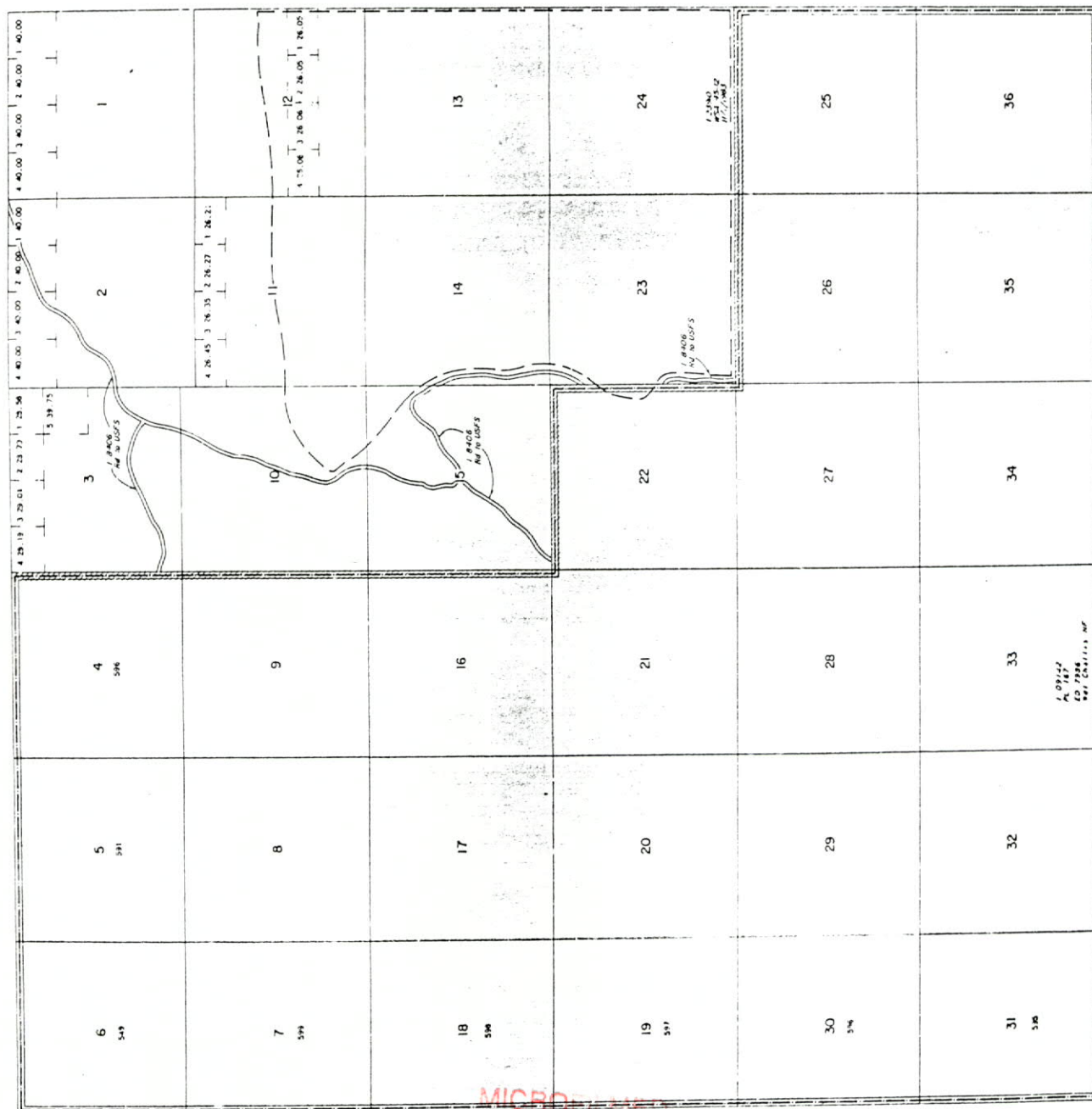
CUSTER COUNTY 037  
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MT PLAT

[illegible]

09142 (at 01 157 14.1 of Cong 7/23/1955)  
re-plate 12/10/1955, All WF surface w/ 1st  
1955



FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

| CURRENT TO | CURRENT TO |
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LINE IN AY9

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9 M-21 f

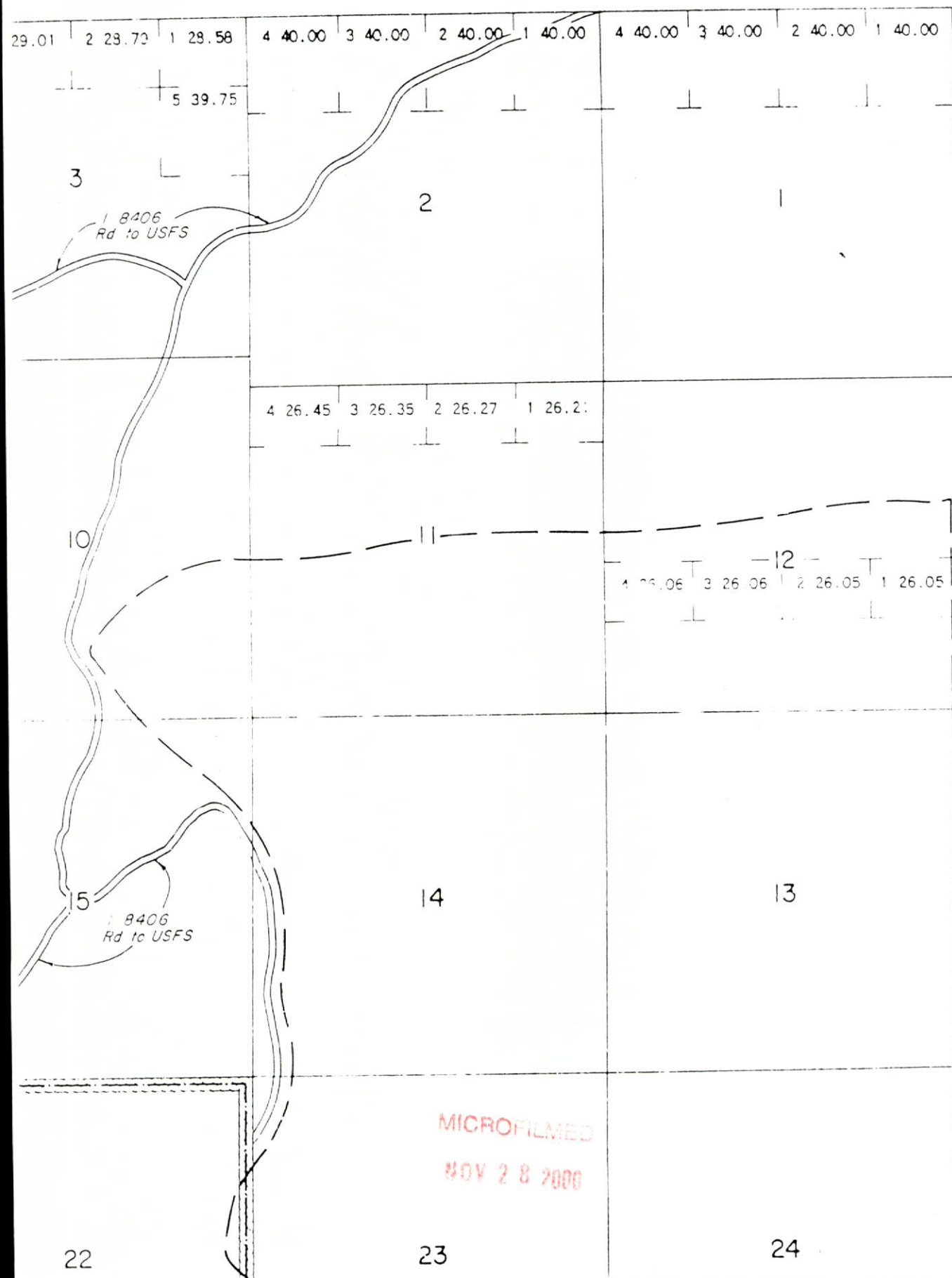
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House War

House War

House War

TION R23E



CUSTER COUNTY 037  
SALMON DISTRICT SEC 3

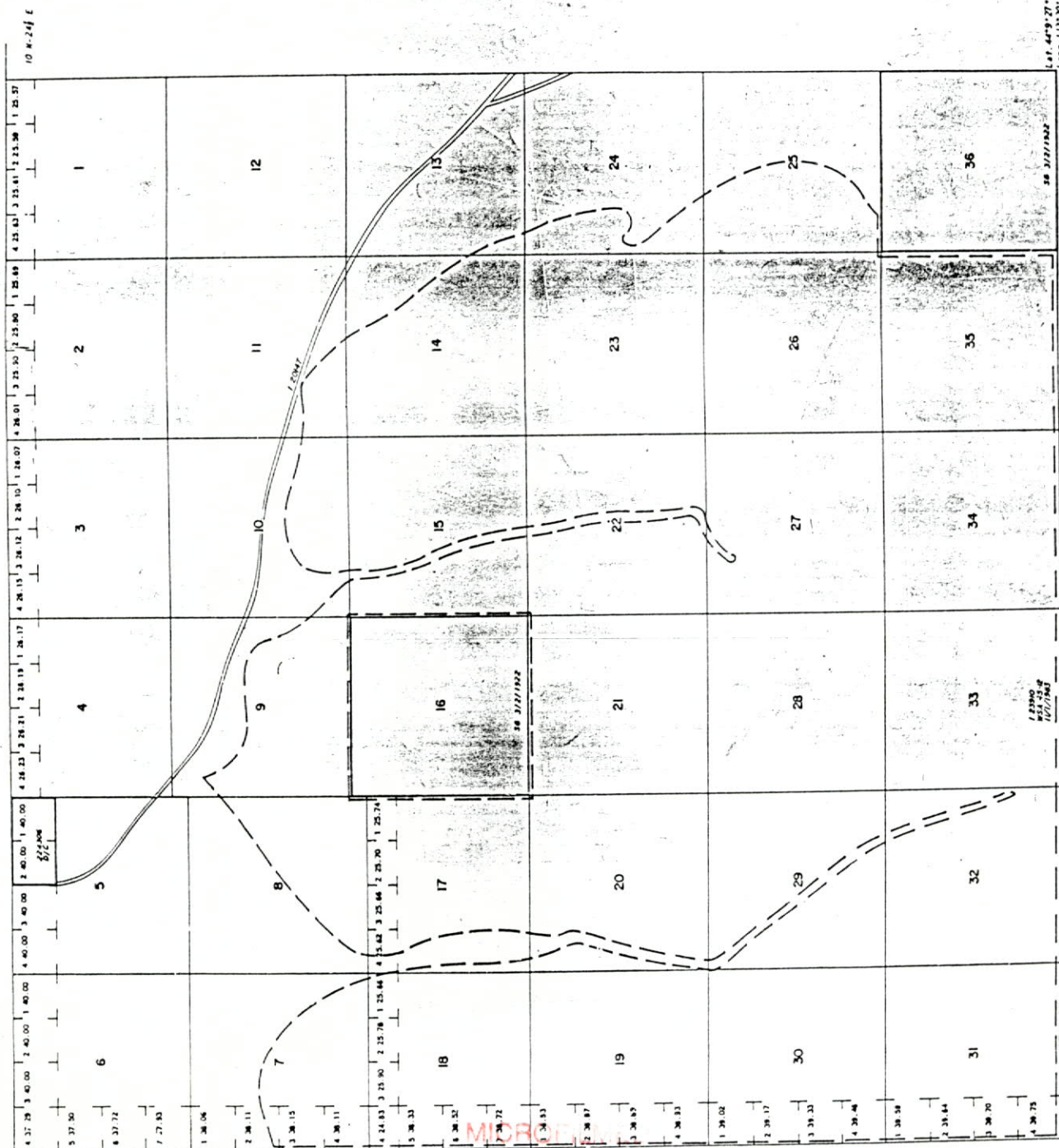
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

11 A-24 E

[illegible]

4379. Aphis madey prior to 10 A.M. 11/19/72 considered Sim filed

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS.

[illegible]

SCALE IN CHAINS

**WARNING STATEMENT**

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL.

NOV 28 2000

4 37.29 3 40.00 2 40.00 1 40.00 4 40.00 3 40.00 2 40.00 1 40.00 4 26.23 3 26.21

224306  
D/C

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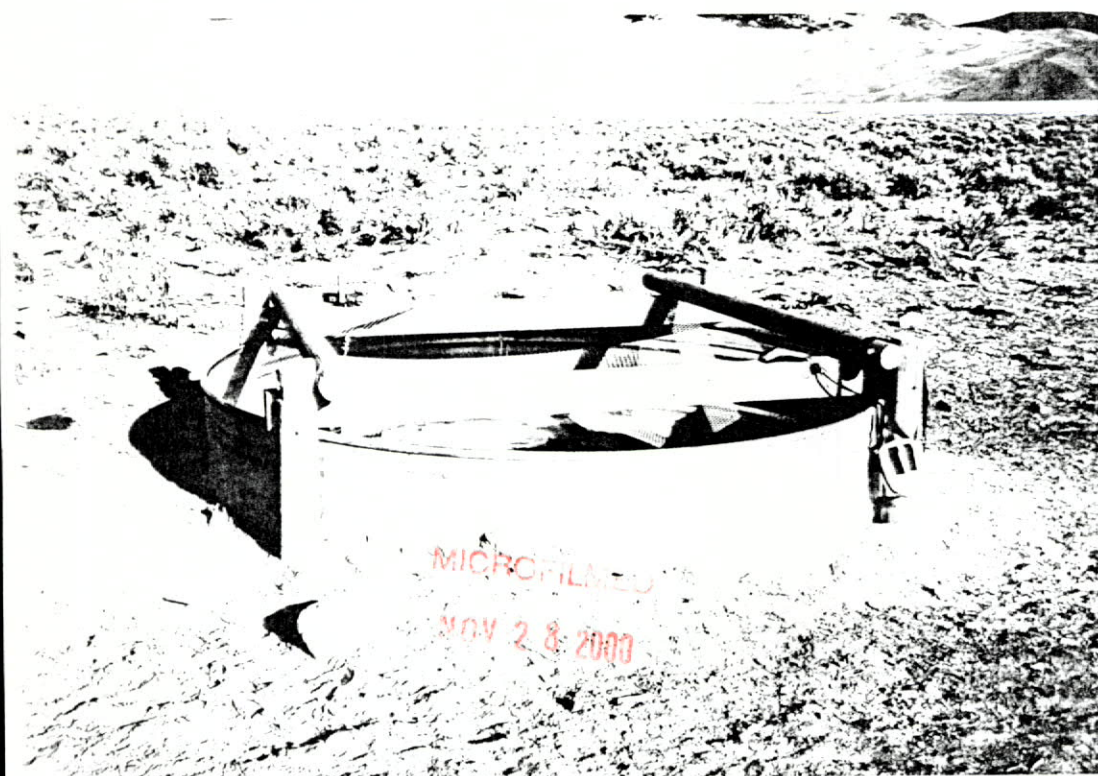
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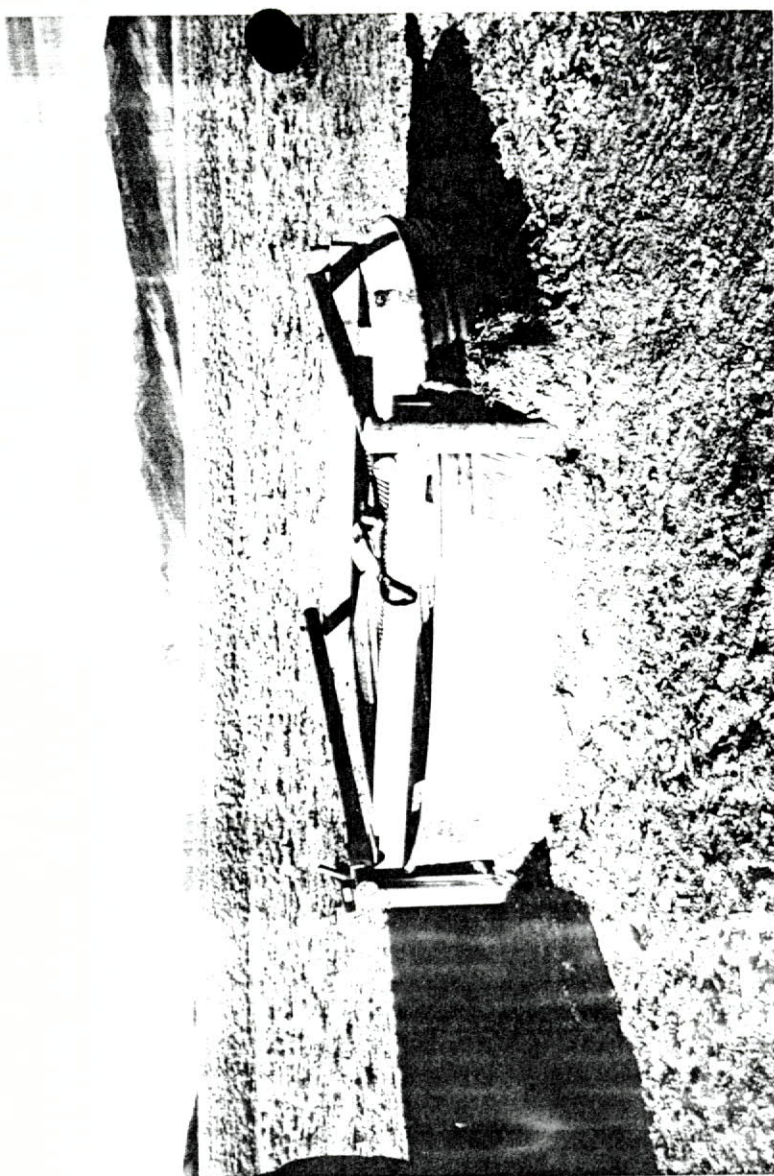
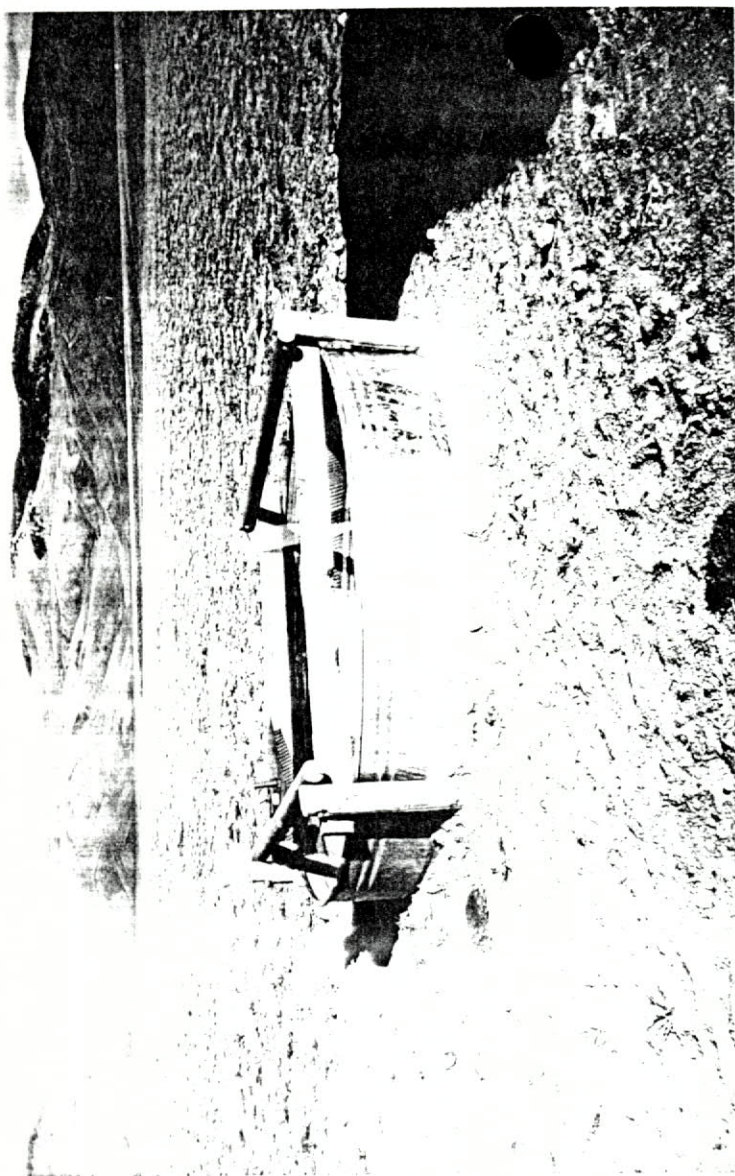
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MICROFILMED  
NOV 28 2000

SG





73- \_\_\_\_\_

730458 \_\_\_\_\_

Tolson - DL  
Trough #1

MICROFILMED  
NOV 28 2000

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 16 2001

DEPARTMENT OF WATER RESOURCES

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

1. Permit No. 73-7133 Telephone No. 756-5400

2. Name of Permit Holder(s): USDI - BLM

3. Mailing Address: 50 Hwy 93 S.

City Salmon State ID Zip 83467

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. — / yr. —

Well Driller: — Drilling Permit Number: — - — - — - —

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): — Stockwater (No. and type of stock): 1000 cattle

Irrigation (No. of acres): — Other: —

6. Total rate of diversion and/or volume for which proof is submitted: .02 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 — or No X

Has the measuring device been installed?

Yes — or No X

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

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

Name: Alan Bittner Telephone Number: 756-5423

Address: —

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Alan Bittner Biologic Technician Date: 2/6/01  
(include your title, if on behalf of company or organization)

MICROFILMED  
MAR 29 2001

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 73-07133

Priority: February 4, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON ID 83467

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                 |
| WILDLIFE              | 01/01 to 12/31       | 0.02 CFS                 |
|                       | Totals               | 0.02 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: NWSENE , Sec. 12, Township 10N, Range 23E  
CUSTER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 23E 1 SESE  
24E 6 Lot 3 (NENW) NESW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2001.
2. Subject to all prior water rights.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
4. Stockwater use is for 1000 range cattle.
5. Project is known as Poison Pipeline.

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

20<sup>th</sup> day of March, 2000

  
for Karl J. Dreher, Director

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NOV 28 2000

RECEIVED

FEB 07 2000 13-07133

RECEIVED

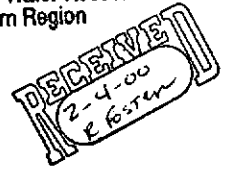
MAR 13 2000

Department of Water Resources

STATE OF IDAHO  
OF WATER RESOURCESDepartment of Water Resources  
Eastern Region

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho



1. Name of Applicant Bureau of Land Management Phone 208-756-5423  
Mailing address Route 2 Box 610 Salmon ID 83467
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 10N Range 23E Sec. 12 in the NW 1/4, SE 1/4, NE 1/4, Govt. Lot \_\_\_\_\_, B.M., Custer County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:
 

|                                             |                                          |                        |
|---------------------------------------------|------------------------------------------|------------------------|
| Amount <u>.02 cfs</u> for <u>Stockwater</u> | purposes from <u>7/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum)                |                                          |                        |
| Amount <u>.02 cfs</u> for <u>Wildlife</u>   | purposes from <u>7/1</u> to <u>12/31</u> | (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)                |                                          |                        |
| Amount _____ for _____                      | purposes from _____ to _____             | (both dates inclusive) |
| (cfs or acre-feet per annum)                |                                          |                        |
5. Total quantity to be appropriated is (a) .02 \_\_\_\_\_ and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source Culvert Headbox
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet
  - d. Is ground water with a temperature of greater than 85°F being sought? No
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)  
project is complete
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. 1000 cattle
  - c. Municipal; show name of municipality. \_\_\_\_\_
  - d. Domestic; show number of households. \_\_\_\_\_
  - e. Other; describe fully. Wildlife

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## 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 | RGE | SEC | N E |    |    |    | N W |       |    |    | S W |    |    |    | S E |    |    |     | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|-------|----|----|-----|----|----|----|-----|----|----|-----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW    | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE  |        |
| 10N | 23E | 1   |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    | StW |        |
| 10N | 24E | 6   |     |    |    |    |     |       |    |    | StW |    |    |    |     |    |    |     |        |
| 10N | 24E | 6   |     |    |    |    | StW | lot 3 |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |
|     |     |     |     |    |    |    |     |       |    |    |     |    |    |    |     |    |    |     |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Beneficial Use claim under 73-10878

11. a. Who owns the property at the point of diversion? US DOI BLM
- b. Who owns the land to be irrigated or place of use? US DOI BLM
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: Known as Poison Pipeline

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township &amp; range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



Signature of Applicant (and title, if applicable)

Received by HWT Date 2-7-2000 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 50.00 Received by HWT # E025594 Date 2-7-2000  
 Publication prepared by SC Date 2/17 & 2/24/00 Published in Challis Messenger  
 Publication approved SC Date 3/7/00

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NOV 28 2000

## BLM Water Right Field Verification Form for SRBA

BLM Identifier 73045IDWR No: 73-7.5 min. quad: Burnt CkProject Name: Poison PL

Project No: \_\_\_\_\_

Priority Date: \_\_\_\_\_

Allot Name: \_\_\_\_\_

Allot No: \_\_\_\_\_

Div Means: \_\_\_\_\_

Source: SpringTrib: Sinks

Tot Div Rate: \_\_\_\_\_

Tot Div Vol: .02 cfs

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

initial  
POU →

| Tn  | Rg  | Sec | T1 | T2 | T3 | Lot |
|-----|-----|-----|----|----|----|-----|
| 10N | 23E | 12  | NW | SE | NE |     |

initial  
POU →

| Tn  | Rg  | S | T1 | T2 | Lot |
|-----|-----|---|----|----|-----|
| 10N | 23E | 1 | SE | SE |     |

10N 24E 6 NE SW

10N 24E 6 NE NW 3

Use: From: To: Div Rate:

04 1/1 12/31 .02

16 1/1 12/31 .02

one square = \_\_\_\_\_ acres

## Field Investigation Info:

Source type: stream - spring - reservoir - well - playa - pond - lake - other

Investigator(s) Miller Bittner

Other type: \_\_\_\_\_

Developed? ☒ NDate/Time 11/16/99 1525

For reservoirs, playas, ponds, lakes, estimate (high water):

Claim Verification Location(s): \_\_\_\_\_

Dimensions: Length \_\_\_\_\_ Width \_\_\_\_\_ Avg Depth \_\_\_\_\_

Channel IN: Artificial - Natural

OUT: Artificial - Natural

Does water arise/sink on public land? Arise - Sink

|       |      |         |
|-------|------|---------|
| Photo | 5, 6 | Headbox |
| Info  | 7    | Trough  |
|       | 8    | "       |
|       | 9    | "       |

For streams and springs:

Flow: \_\_\_\_\_ CFS, or \_\_\_\_\_ GPM

How measured? \_\_\_\_\_

Site Description \_\_\_\_\_

GPS: ☒ N GPS file name: B111620a - PipelineLat. \_\_\_\_\_ Long. \_\_\_\_\_ Enclosure = WP 7-10Good perennial SpringNew pipeline development w/ 3 - 1000 gal round troughsDominant vegetation: cottonwood/aspen - willows - sedges/rushes

Percent bare ground? \_\_\_\_\_

Water present? ☒ N Water class: perennial - intermittent - ephemeral - flowing - standing - groundwater

Where water is not present, what are the indicators that water was present? \_\_\_\_\_

Evidence of livestock/wildlife use at site: \_\_\_\_\_

Recommendation: pursue - amend - drop the water claim

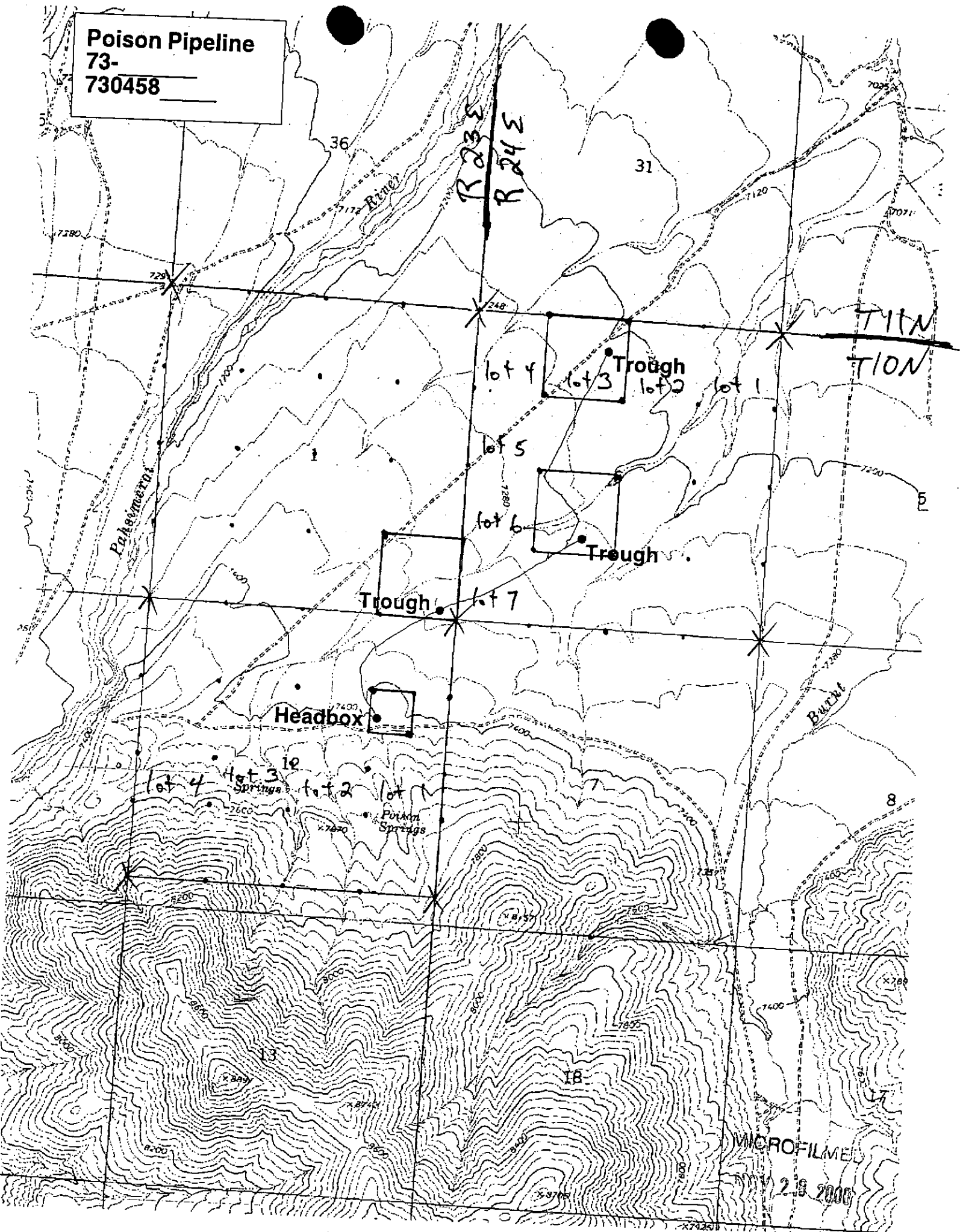
Water Rights Coordinator (sign/date)

Ala Bittner11/26/99

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NOV 28 2000

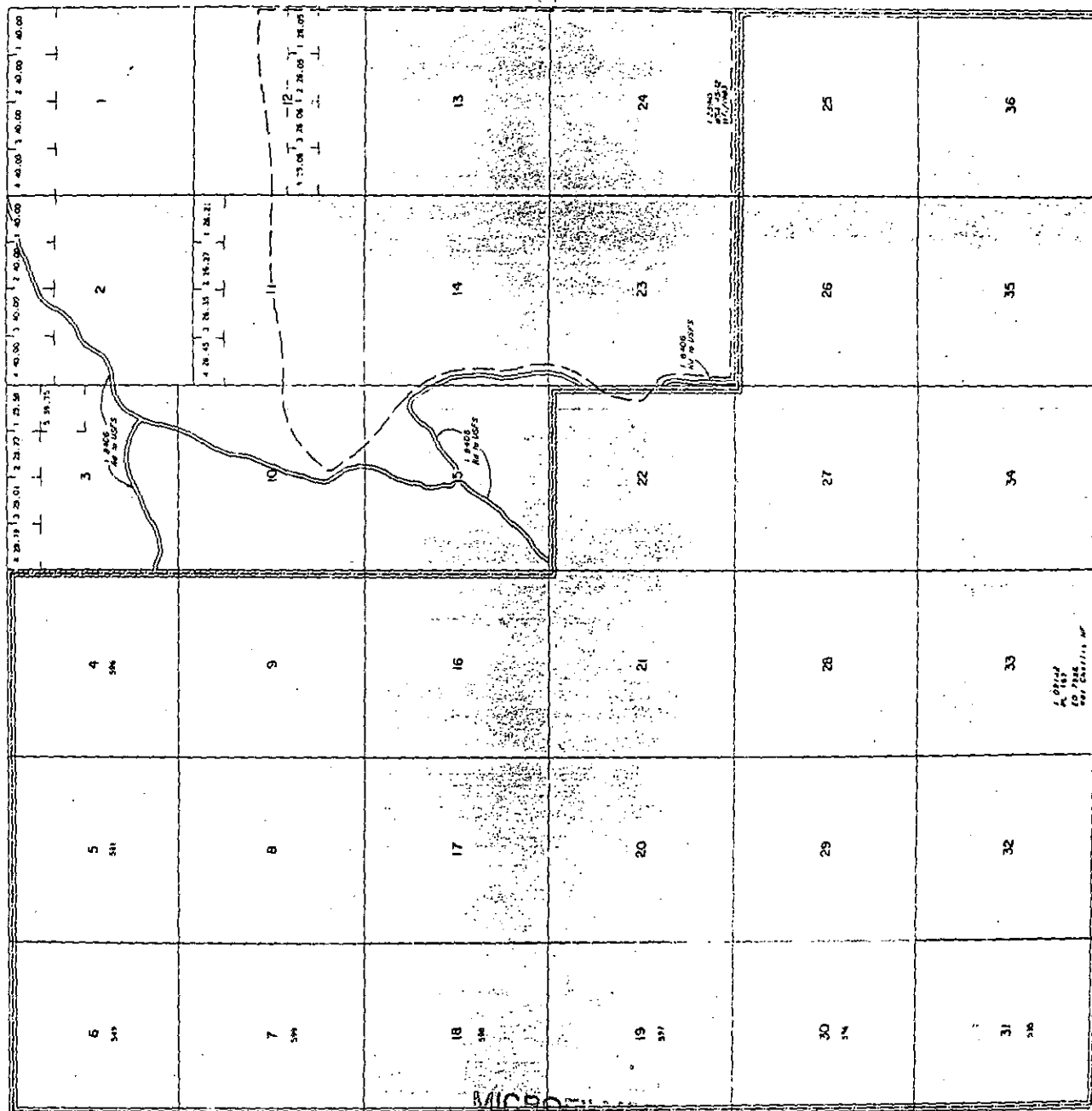
Poison Pipeline  
73-  
730458



CUSTER COUNTY 037  
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLESMT PLAT[illegible]

09142 Cat # 167 (x-1 of Comp 7/23/1955)  
 reclassified 12/15/1962 All NE surface work by  
 1958



THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL.

[illegible]

SCALE IN CHARACTERS

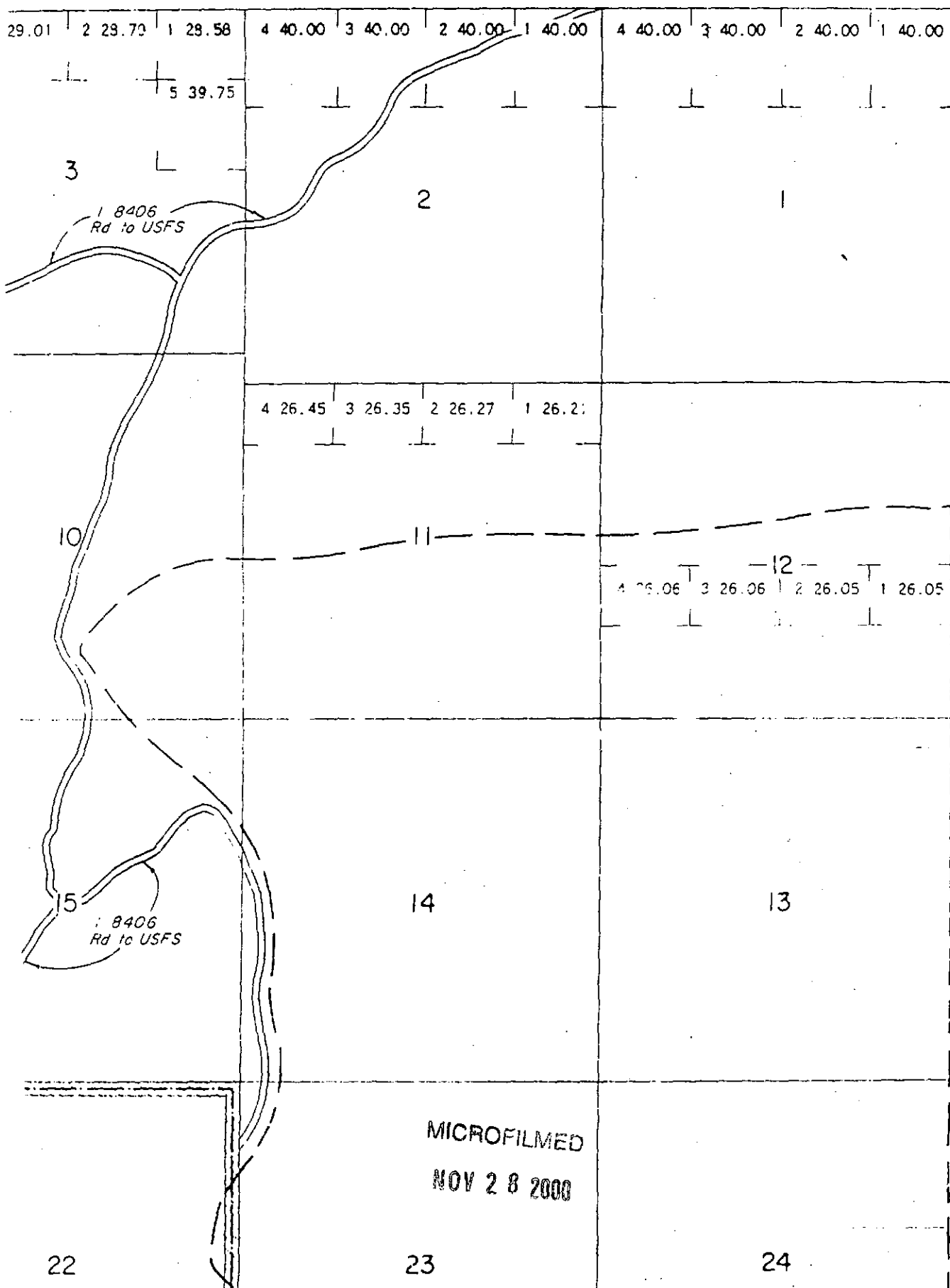
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3 27-4 6

NOV 28 2000

TION R23E



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

CUSTER COUNTY 037

5 JAN 1965 16 MON

MT PLAT[illegible]

14379 Aples made prior to 10 A.M. 11/29/72 containing Sun Rod

Sec 2: Lots 3, 4

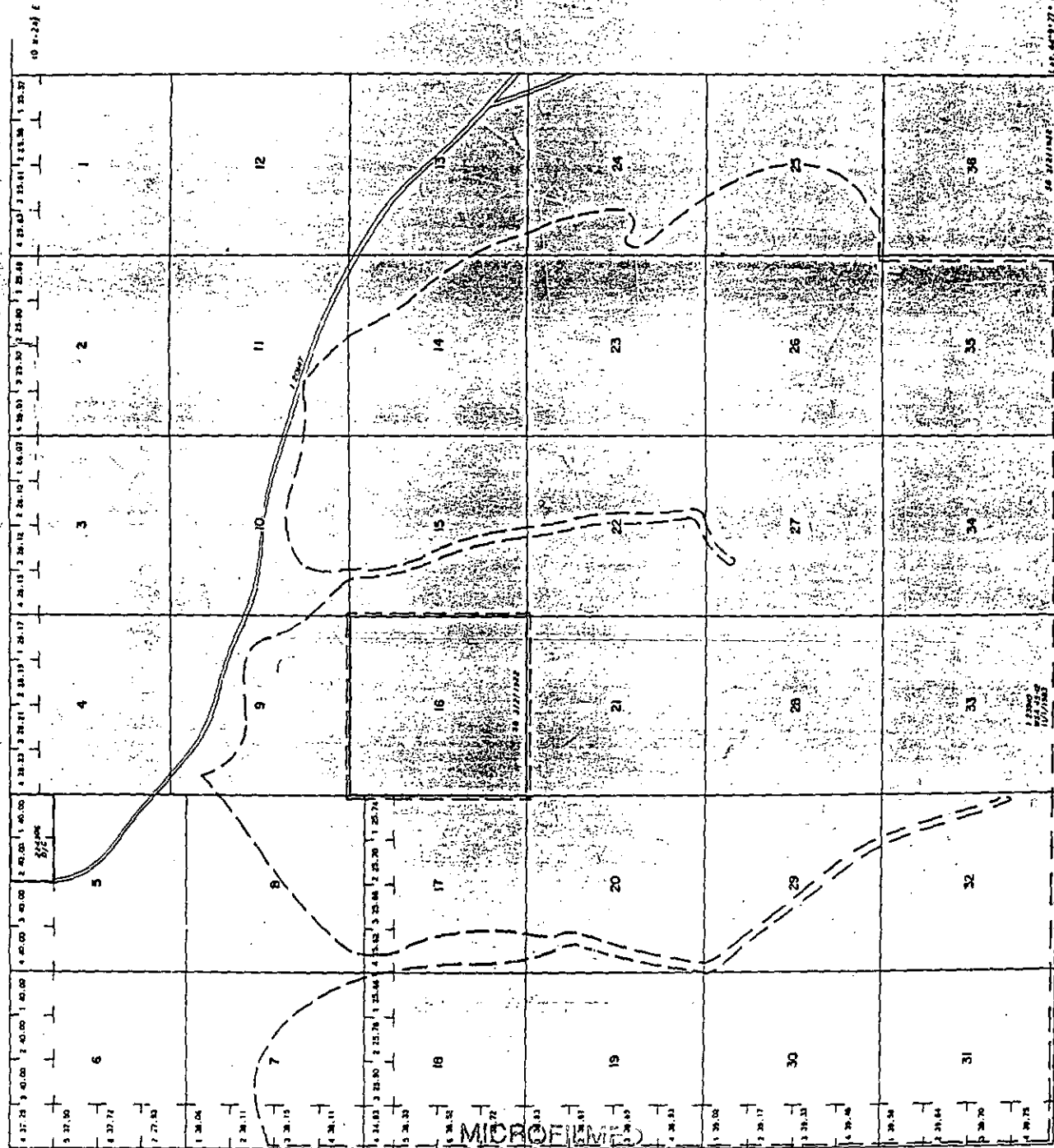
Sec 3: Lots 1, 2

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO WORK OF  
MISCELLANEOUS DOCUMENTS

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LINE PLATS:

THE NOTATION SHOWN ON RTHORUMS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH



MICROFILMS

NOV 28 2000

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D/C

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6 37.72

7 37.93

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4 24.83 3 25.90 2 25.78 1 25.66 4 25.62 3 25.66 2 25.70 1 25.74

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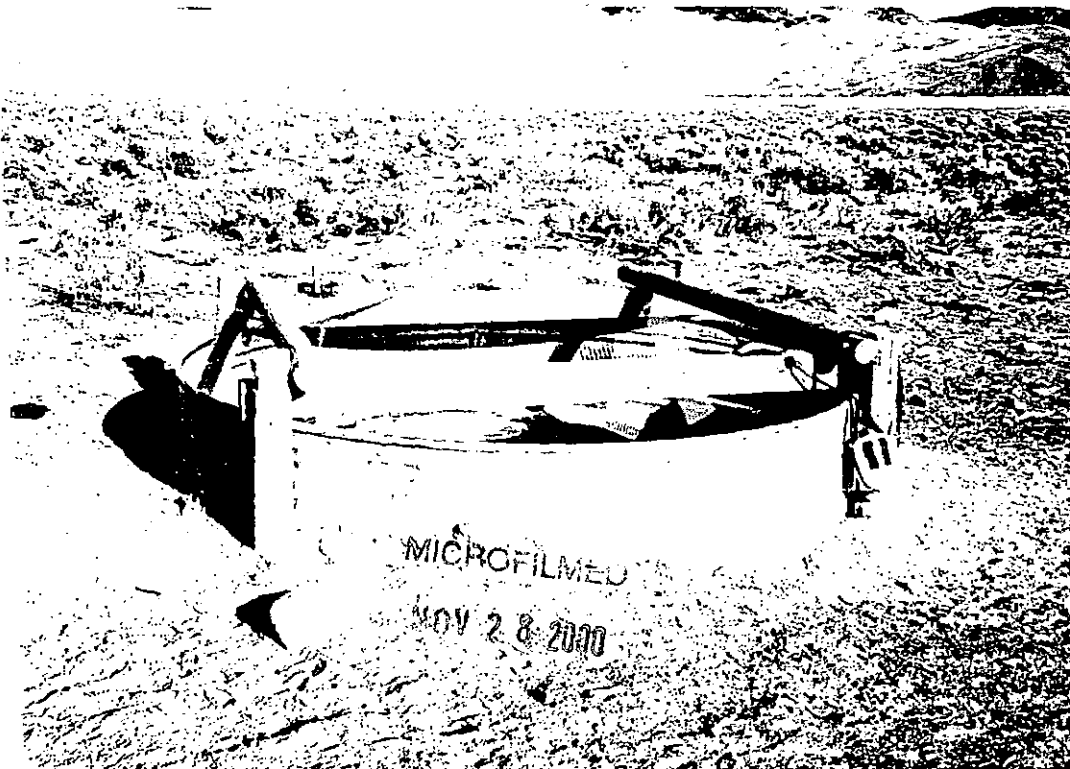
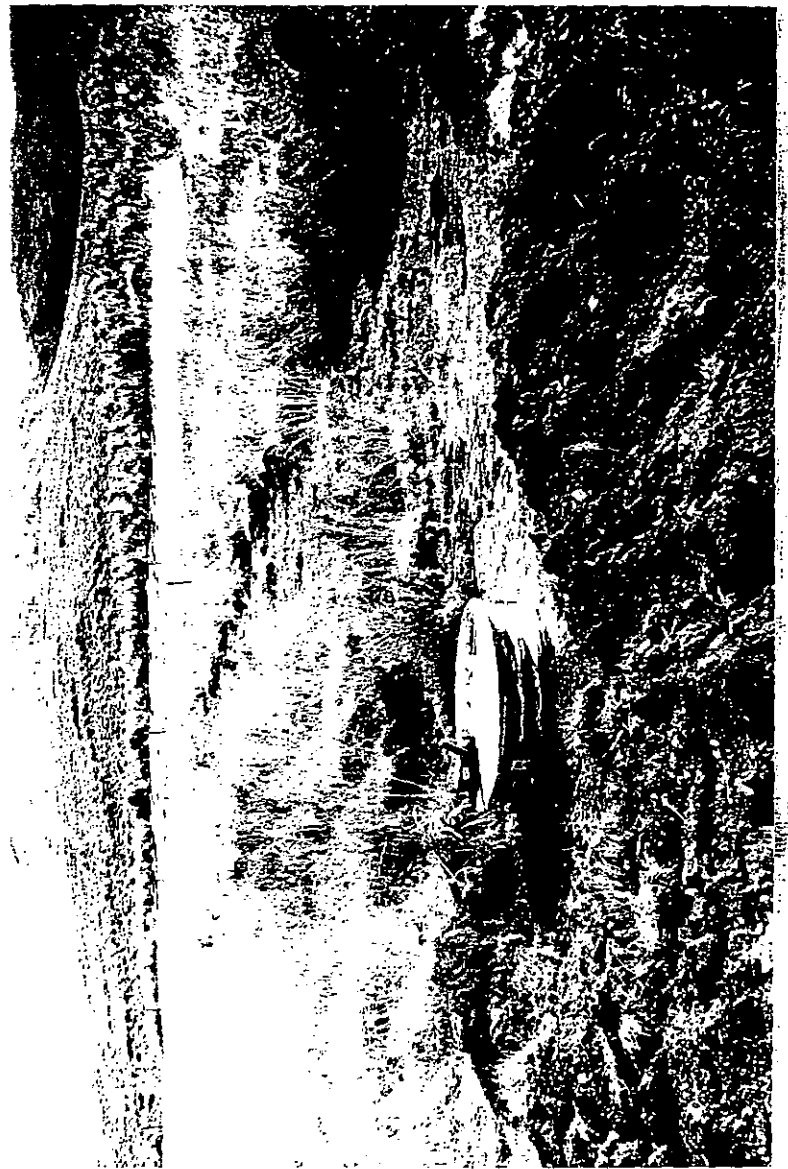
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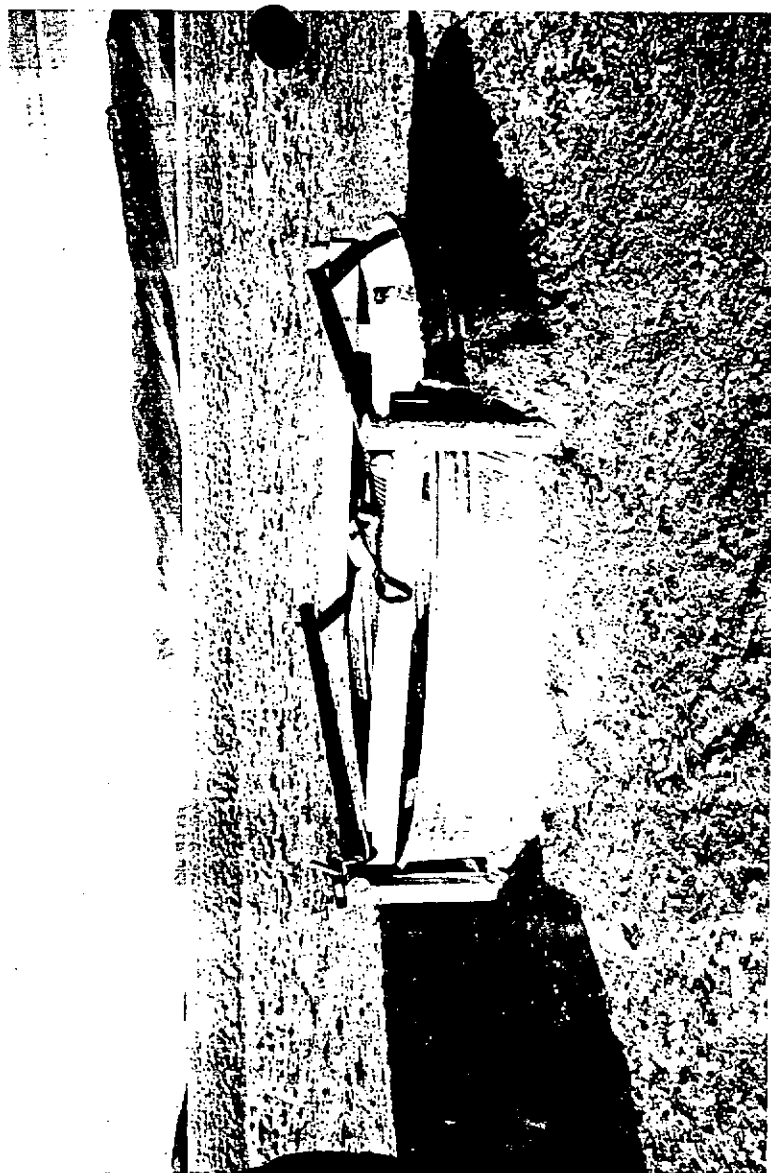
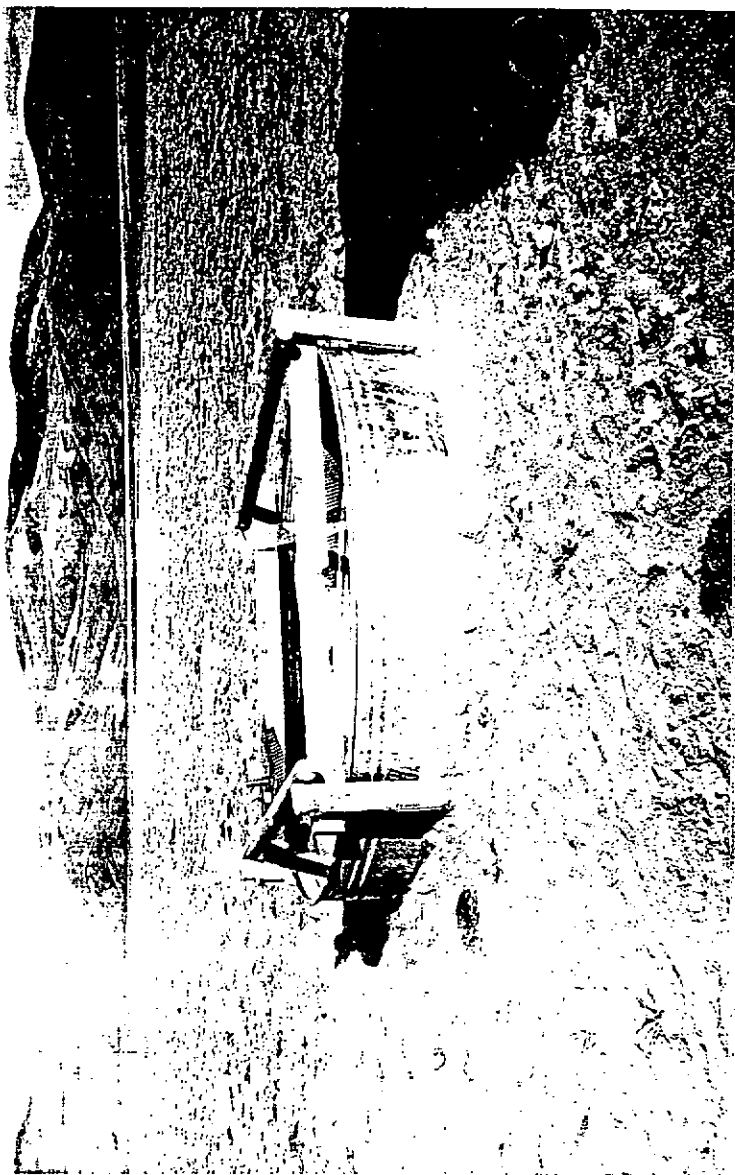
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MICROFILMED  
NO 1 2 8 2000





73- \_\_\_\_\_

730458 \_\_\_\_\_

Poles - DL  
Trough #1

MICROFILMED  
NOV 28 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](http://www.idwr.state.id.us)

March 23, 2001

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
50 HWY 93 S  
SALMON ID 83467

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NOS. 33-07231, 73-07132, 73-07133, and 75-07673**

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. 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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

Deborah Gibson  
Administrative Assistant  
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED  
MAR 29 2001

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 73-7133

Reviewed By: dgibson

Date: March 23, 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.:                      |            | E02530    | 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 | 03/09/2001   |
| Date proof due      | - 04/01/2001 |
| Lapse notice sent   | -            |
| No. of days late    | = 0          |
| Holiday allowance   | +            |
| Priority date       | + 02/04/2000 |
| New priority date   | = 02/04/2000 |

### Deficiencies of Actions Items

Acknowledge proof.

January 31, 2001

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON, ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 73-7133

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 April 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.

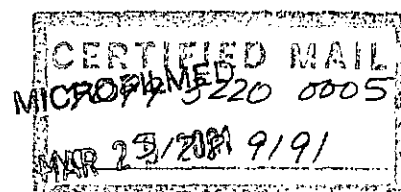
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Enclosures





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

March 20, 2000

DIRK KEMPTHORNE  
GOVERNOR

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON ID 83467

KARL J. DREHER  
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 73-07133

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.

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.

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

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt  
Enclosures

MICROFILMED

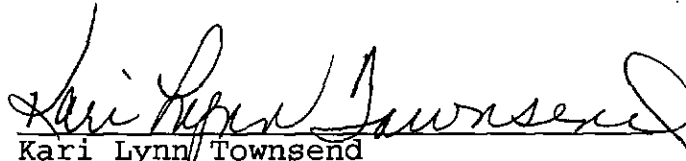
NOV 28 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of March, 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. 73-07133

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON ID 83467

  
Kari Lynn Townsend  
Secretary

MICROFILMED  
NOV 28 2000

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

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

### EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

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

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NOV 28 2000

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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NOV 28 2000

**APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS**  
Reviewed by Sharla Curtis on 3/16/00

No. 73-07133 Name: Bum Corp. Officers N/A Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: No/Yes SC/Wld Moratorium non cons. etc GWMA TRUST/NON-TRUST

**GROUNDWATER: (✓Flow Chart)**

**DRILLING PERMIT**

All wells - 046(P23)  
Basin 34 - 085  
Ltr. 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 - 054-081(P10)  
FISH PROP - 029(70'S only)-007-042-081(P10)  
HEAT/COOL - R07(injection well)  
FIRE PROT. - 077

**BENEFICIAL USE DUE:** 4/10/2001

**MISC CONDITIONS/REMARKS:**

Protested - 020-W19  
(Development Period  
≤ 1 yr - P16  
> 1 yr - 26A(P17)  
Ownership - 004  
Non-consumptive - 027  
Water Quality - 081-R07

**SURFACE WATER: (✓Flow Chart)**

F&G contacted - Yes/No Response  
In/Above MSF - WB9  
PLANNING SECTION 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) N/A spring  
Weiser R (67) - 086-087

**USES:**

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)  
MUNICIPAL  
Restricted area - 022,075  
Irr./GW supp to SW - 102  
DOMESTIC  
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 pds per 1/4 - W32  
Subd lot desc (pd) - W59  
Subd lot desc (pu) - W60  
Use definitions - W02 - example - S/50 range  
Pre-1987 development - 068-074 (allow 120 days for proof due)  
Single pd intended - 076

**IRRIGATION SEASON** \_\_\_\_\_ (Per updated map)

**OTHER CONDITIONS/REMARKS**

Project known as Poison Pipeline

**COMMENTS**

RECEIVED

MAR 13 2000

Department of Water Resources

Dist for Staffing \_\_\_\_\_  
Submitted for advertising \_\_\_\_\_

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

BLM  
INITIAL REVIEW BY HWT DATE \_\_\_\_\_ APPLICATION NO. 73-67133

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 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 73-10878  
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 \_\_\_\_\_

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

By: [Signature]  
STATE OFFICE REVIEW:

2-7-2000

Date: 3-8-2000

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

## AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

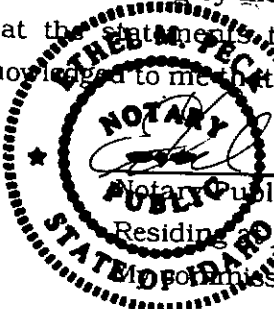
I, Ruth E. Burchill, representing the  
Challis Messenger, a weekly newspaper, pub-  
lished at Challis, Idaho, do solemnly swear that  
the notice hereto attached and made a part here-  
of, was published in the regular and entire issue  
of the Challis Messenger for 2  
consecutive weeks, commencing with the issue  
dated Feb 17 00 and ending with  
the issue dated Feb 24 00.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 24<sup>th</sup> day of Feb. in the  
year of 2000 before me, a Notary Public,  
personally appeared Ruth E. Burchill  
known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn, declared  
that the statements therein are true, and ac-  
knowledge to me that he executed the same.



My commission expires: 3-19-2004

## NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s)  
have been filed to appropriate the  
public waters of the State of Idaho:  
**73-07132**

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGE-  
MENT

RT 2 BOX 610  
SALMON, ID 83467  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: NENESW Sec 24 T  
15N R 20E in CUSTER County.  
Use: STOCKWATER (0.020 CFS)  
WILDLIFE (0.020 CFS)  
Total Diversion: (0.020 CFS)  
Date Filed: 2/4/2000  
In: CUSTER County  
T15N R20E S01 SWSW  
S12 NESW  
S13 NWSE  
S24 NENW  
R21E S19 Lot 2 (SWNW)

**73-07133**

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGE-  
MENT

RT 2 BOX 610  
SALMON, ID 83467  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: NWSENE Sec 12 T  
10N R 23E in CUSTER County.  
Use: STOCKWATER (0.020 CFS)  
WILDLIFE (0.020 CFS)  
Total Diversion: (0.020 CFS)  
Date Filed: 2/4/2000  
In: CUSTER County  
T10N R23E S01 SESE  
R24E S06 NENW NESW

Any protests against the pro-  
posed 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  
MARCH 6, 2000 to be considered  
by the Department in its decision  
to grant or deny any part of the  
proposed application. The protes-  
tant must also send a copy of the  
protest to the applicant.

Karl J. Dreher, Director  
Pub: Feb. 17 & 24, 2000.

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NOV 28 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

February 9, 2000

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON ID 83467

RE: Applications for Permit #33-07231, 73-07132, 73-07133, 74-07393, and 75-07672

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger (33-07231, 73-07132, and 73-07133) and the Recorder Herald (74-07393 and 75-07672) on February 17 and 24, 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

NOV 28 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

FEBRUARY 9, 2000

Legal Notices Department  
CUSTER PUBLISHING CO.  
P.O. BOX 405  
CHALLIS, ID 83226

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.

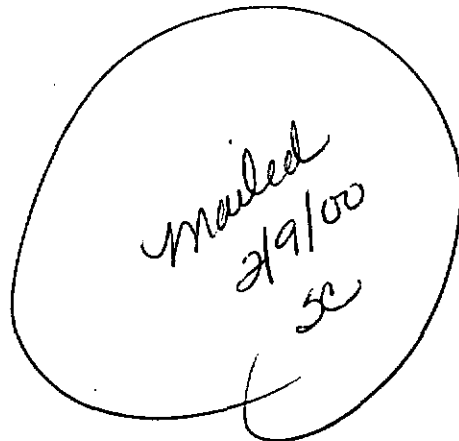
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 6, 2000.

Yours truly,

Sharla Cox  
Senior Secretary

Encl.



MICROFILMED

NOV 28 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

73-07133

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
RT 2 BOX 610  
SALMON, ID 83467

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSENE Sec 12 T 10N R 23E in CUSTER County.

|                  |   |            |
|------------------|---|------------|
| Use: STOCKWATER  | ( | 0.020 CFS) |
| WILDLIFE         | ( | 0.020 CFS) |
| Total Diversion: | ( | 0.020 CFS) |

Date Filed: 2/ 4/2000

|                   |      |      |
|-------------------|------|------|
| In: CUSTER County |      |      |
| T10N R23E S01     | SESE |      |
| R24E S06          | NENW | NESW |

---

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 MARCH 6, 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: 2/17/2000 & 2/24/2000

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NOV 28 2000