

29-08133

RECEIVED

APR 05 1996

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 4/1/1996

Receipt No. 6022016

Receipt by KCW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-08133 901 Telephone No. (208) 524-7500

2. Name(s) of Permit Holder(s): U.S.D.I., Bureau of Land Management

3. Mailing Address: 1405 Hollipark Drive, Idaho Falls, Idaho 83401

4. Source of Water: Spring

If **GROUNDWATER**, Well Driller's Name: N/A Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 100 range cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other Wildlife, variable amounts

6. Total rate and/or volume for which proof is submitted 0.03 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes X No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes X No

8. Fee Enclosed: \$50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Carolyn Chad (208) 236-6860
Name Telephone No.

1111 N. 8th, Pocatello, Idaho 83201
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4/1/96
Date

Deana Lee - Ecologist
Signature (and title, if on behalf of a company or organization)

APR 29 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-08133

Proposed Priority: January 26, 1994

Maximum Diversion Rate:

0.03 CFS

This is to certify, that **US DEPT OF INTERIOR**
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:

SPRING

tributary of **NINEMILE CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	05/16 to 10/15	0.03 CFS
WILDLIFE	01/01 to 12/31	0.01 CFS
	Totals	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 9, Township 11S, Range 38E
BANNOCK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11S 38E 9

SWSW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1996.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 29F.
5. Source locally known as Downey Spring.
6. Downey Spring is located in the Ninemile CRMP.
7. Stockwater use is for 100 range cattle.

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

11th day of April, 1994.

APR 18 1994

[Signature]
for R. Keith Higginson, Director



29-8133

Ident No. _____

STATE OF IDAHO

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant U.S.D.I. Bureau of Land Management Phone (208) 524-7500Post office address 940 Lincoln Road, Idaho Falls, Idaho 834012. Source of water supply *Downey Spring which is a tributary of sinks *Nine Mile Creek3. Location of point of diversion is *SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____Sec. 9 Township 11 S. Range 38 E. B.M. Bannock County; additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.03 for livestock purposes from 5/16 to 10/15 (both dates inclusive)
(cfs or acres-foot per annum)Amount 0.01 for wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acres-foot per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acres-foot per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acres-foot per annum)5. Total quantity to be appropriated is (a) 0.03 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headbox and pipeline to troughb. Height of storage dam N/A 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 N/A inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 90°F being sought? No7. Time required for the completion of the works and application of the water to the proposed beneficial use is two years (minimum 1 year).

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to per map & data entry standards 3/24/94 c.zg.

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

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. 100 range cattle
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of household. N/A
- e. Other; describe fully. Wildlife: 60 deer, coyotes, doves, rabbits, non-game birds and small mammals

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 instruction for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 S	38 E	9											8						

Total number of acres to be irrigated _____

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

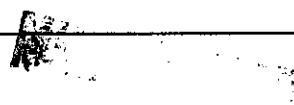
11. a. Who owns the property at the point of diversion? USDI, BLM

b. Who owns the land to be irrigated or place of use? USDI, BLM

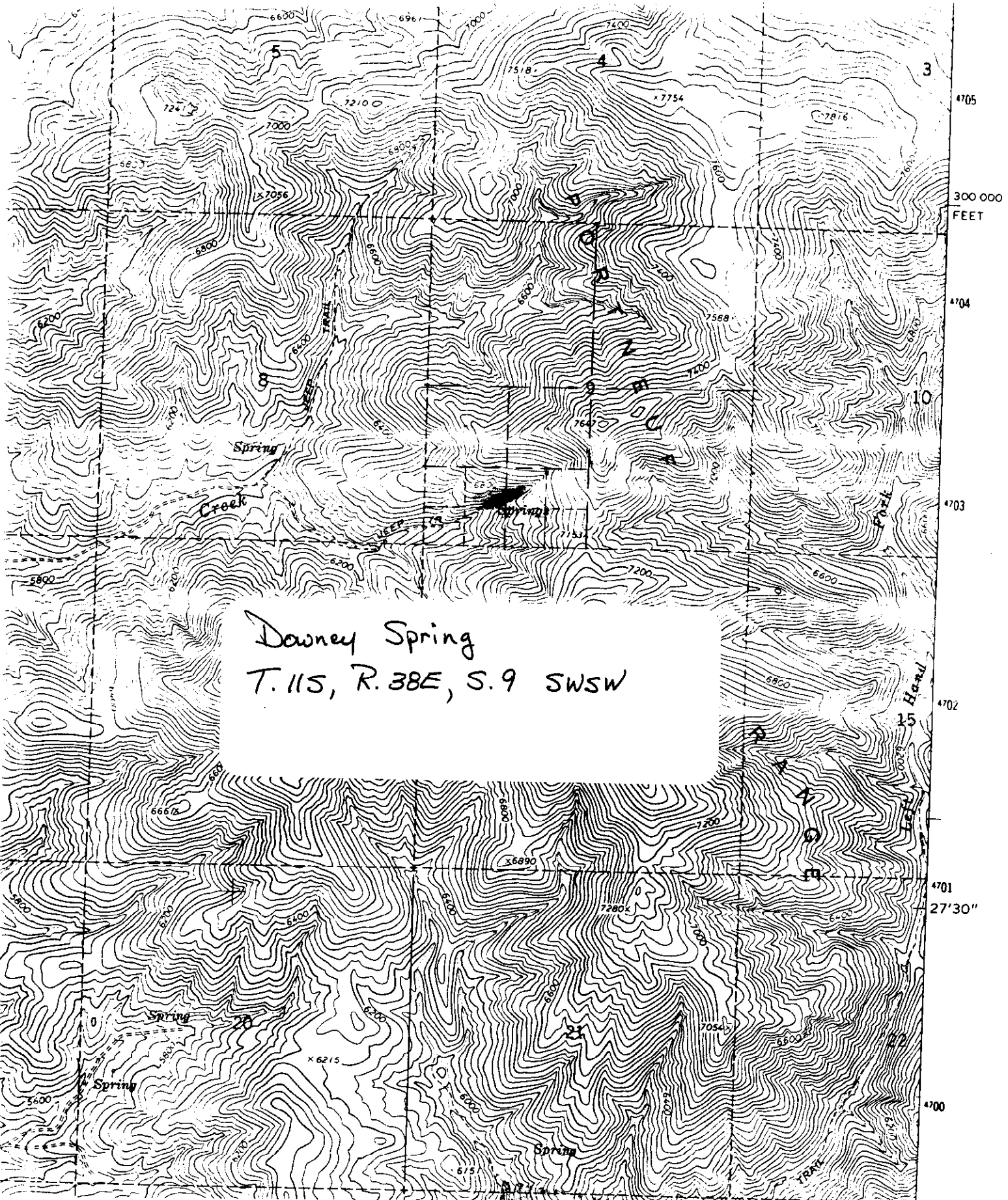
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks ① Downey Spring is located in the Ninemile CRMP.

① Source locally known as Downey Spring.



APR 18 1994



Downey Spring
T. 11S, R. 38E, S. 9 SWSW

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.

APR 18 1994
[Signature]
(Applicant)

Received by RB Date 1-26-94 Time _____ Preliminary check by _____
Fee \$ 30 Receipted by RB # E019445 Date 1-26-94
Publication prepared by RB Date 2-12-94 Published in ID State Journal
Publication approved LB Date 3-1-94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

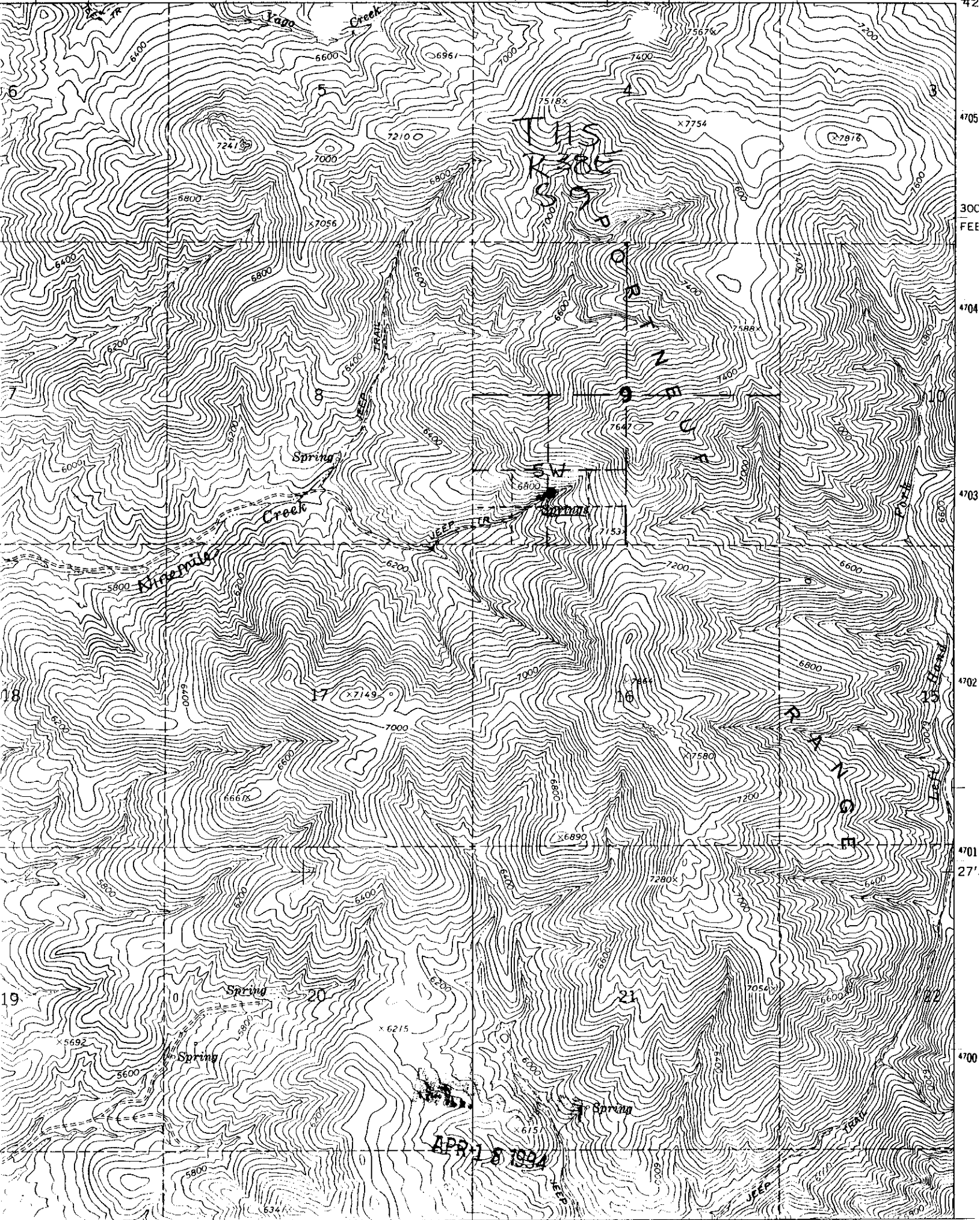
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

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



APR 18 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 17, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-08133

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECORDED

APR 29 1996

January 31, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 29-08133

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 1, 1996.

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

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

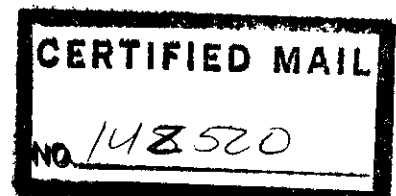
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 29 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 12, 1994

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08133

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

APR 18 1994

MEMORANDUM

DATE: March 24, 1994
TO: Eastern Region
FROM: Cindy Zimmerman
SUBJECT: Right No. 29-08133

=====

During the permit review of the above application, I noted that the p/d listed on the application may not truly reflect the actual location of the spring.

The application identified the p/d as being in SESWSW, S09, T11S, R38E. The map indicates the location of the spring on or near the line between NESWSW and NWSESW, S09, T11S, R38E. The permit has been issued identifying the p/d in SWSW, S09, T11S, R38E.

Please have the examiner clarify the question of the actual location of the spring during the beneficial use field exam.

Thanks,

Cindy

RECEIVED

APR 18 1994

MEMORANDUM

DATE: March 24, 1994
TO: Eastern Region
FROM: Cindy Zimmerman
SUBJECT: Right No. 29-08133

=====

During the permit review of the above application, I noted that the p/d listed on the application may not truly reflect the actual location of the spring.

The application identified the p/d as being in SESWSW, S09, T11S, R38E. The map indicates the location of the spring on or near the line between NESWSW and NWSESW, S09, T11S, R38E. The permit has been issued identifying the p/d in SWSW, S09, T11S, R38E.

Please have the examiner clarify the question of the actual location of the spring during the beneficial use field exam.

Thanks,

Cindy

APR 18 1994

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

NOTICE OF APPLICATION FOR WATER RIGHT
The Following application(s) have been filed to
appropriate the public waters of the State of Idaho:
29-08131

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: CAMBRIDGE SPRING
Tributary: SINKS
Diversion Pt: SESWSE
Sec 5 T 11S R 38E in BANNOCK County
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S05 SWSE

29-08132
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: BRUSH CREEK SPRING
Tributary: SINKS
Diversion Pt: SWSESW
Sec 5 T 11S R 38E in BANNOCK County
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S05 SESW

29-08133
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: DOWNEY SPRING
Tributary: SINKS
Diversion Pt: SESWSW
Sec 9 T 11S R 38E in BANNOCK County
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S09 SWSW

29-08134
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: CRIDDLE SPRING
Tributary: SINKS
Diversion Pt: NENESW
Sec 17 T 11S R 38E in BANNOCK County
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S17 NESW

29-08135
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: LEFT HAND FORK SPRING
Tributary: SINKS
Diversion Pt: SWSWNW
Sec 21 T 11S R 38E in BANNOCK County
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S21 SWNW

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

FEBRUARY 17	19 94	19
FEBRUARY 24	19 94	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 24TH day of FEBRUARY in the year of 1994,
before me, a Notary Public, personally appeared

LORI A SEKOT, 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 statements therein are
true, and acknowledged to me that he executed the same.

Jeri L. Larson
Notary Public for Idaho

Residing at Pocatello

My commission expires July, 1997

RECORDED

APR 18 1994

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08131
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: CAMBRIDGE SPRING
Tributary: SINKS
Diversion Pt: SESWSE
Sec 5 T 11S R 38E in BANNOCK County.
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S05 SWSE

29-08132
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: BRUSH CREEK SPRING
Tributary: SINKS
Diversion Pt: SWSESW
Sec 5 T 11S R 38E in BANNOCK County.
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S05 SESW

29-08133
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: DOWNEY SPRING
Tributary: SINKS
Diversion Pt: SESWSW
Sec 9 T 11S R 38E in BANNOCK County.
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S09 SWSW

29-08134
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: CRIDDLE SPRING
Tributary: SINKS
Diversion Pt: NENESW
Sec 17 T 11S R 38E in BANNOCK County.
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S17 NESW

29-08135
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401
Source: LEFT HAND FORK SPRING
Tributary: SINKS
Diversion Pt: SWSWNW
Sec 21 T 11S R 38E in BANNOCK County.
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 1/26/1994
In: BANNOCK County
T11S R38E S21 SWNW

29-08136
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT

LORI A SEKOT

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

FEBRUARY 17	19 94	19
FEBRUARY 24	19 94	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Lori A Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 24TH day of FEBRUARY in the year of 1994,
before me, a Notary Public, personally appeared

LORI A SEKOT

, 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 statements therein are
true, and acknowledged to me that he executed the same.

Joni L. Larson
Notary Public for Idaho

Residing at Pocatello

My commission expires July, 1997

APR 18 1994

29-08133

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD
IDAHO FALLS, ID 83401

Source: DOWNEY SPRING

Tributary: SINKS

Diversion Pt: SESWSW Sec 9 T 11S R 38E in BANNOCK County.

Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversion: (.030 CFS)

Date Filed: 1/26/1994

In: BANNOCK County
T11S R38E S09 SWSW

RECEIVED

APR 18 1994

10-Feb-1994

USDI BLM
940 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application No. 29-08131 THRU 29-08138

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the IDAHO STATE JOURNAL on 2-17 & 24-94. The advertisement will be published 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.

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

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

APR 18 1994