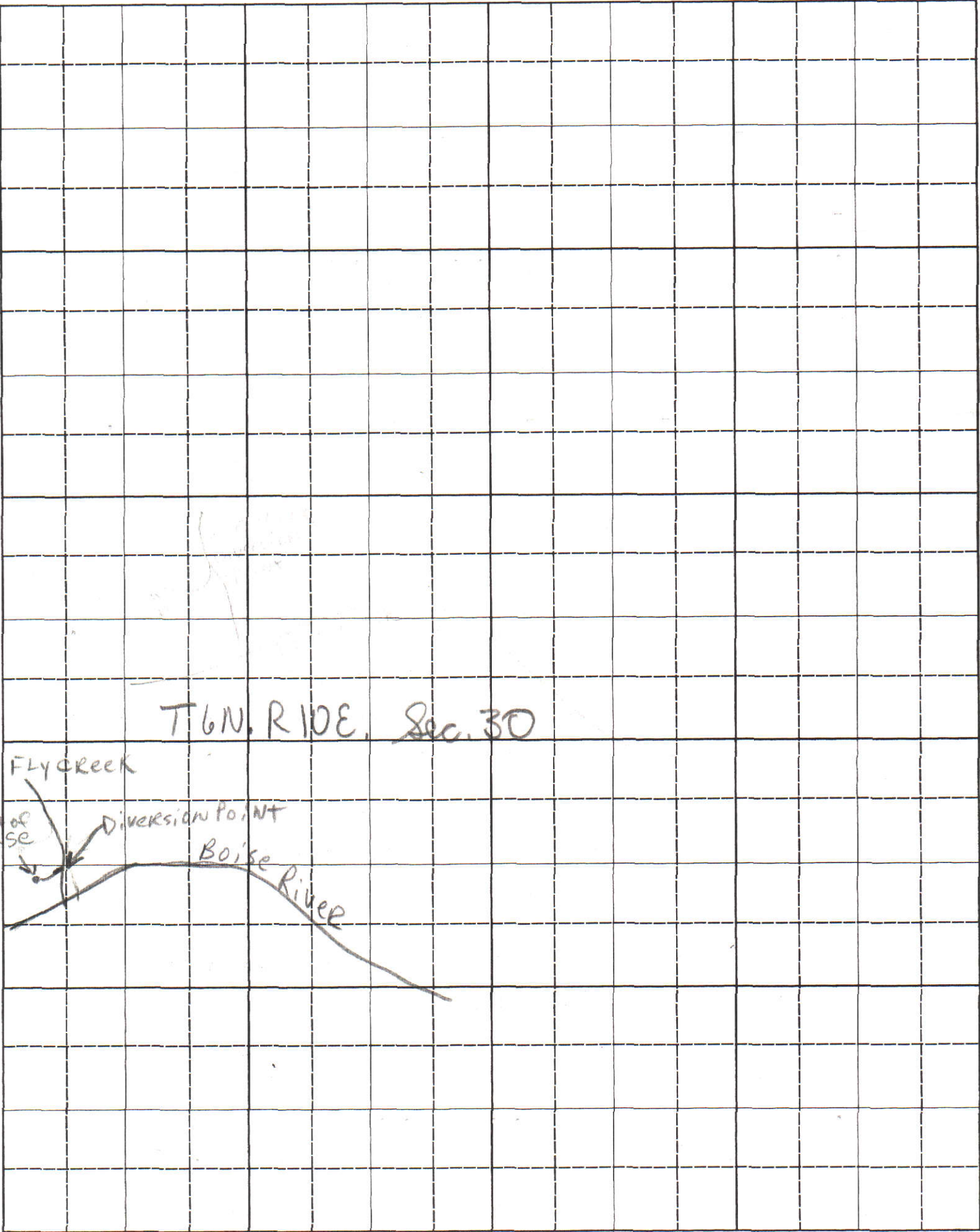


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED

Robert Weatherly
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

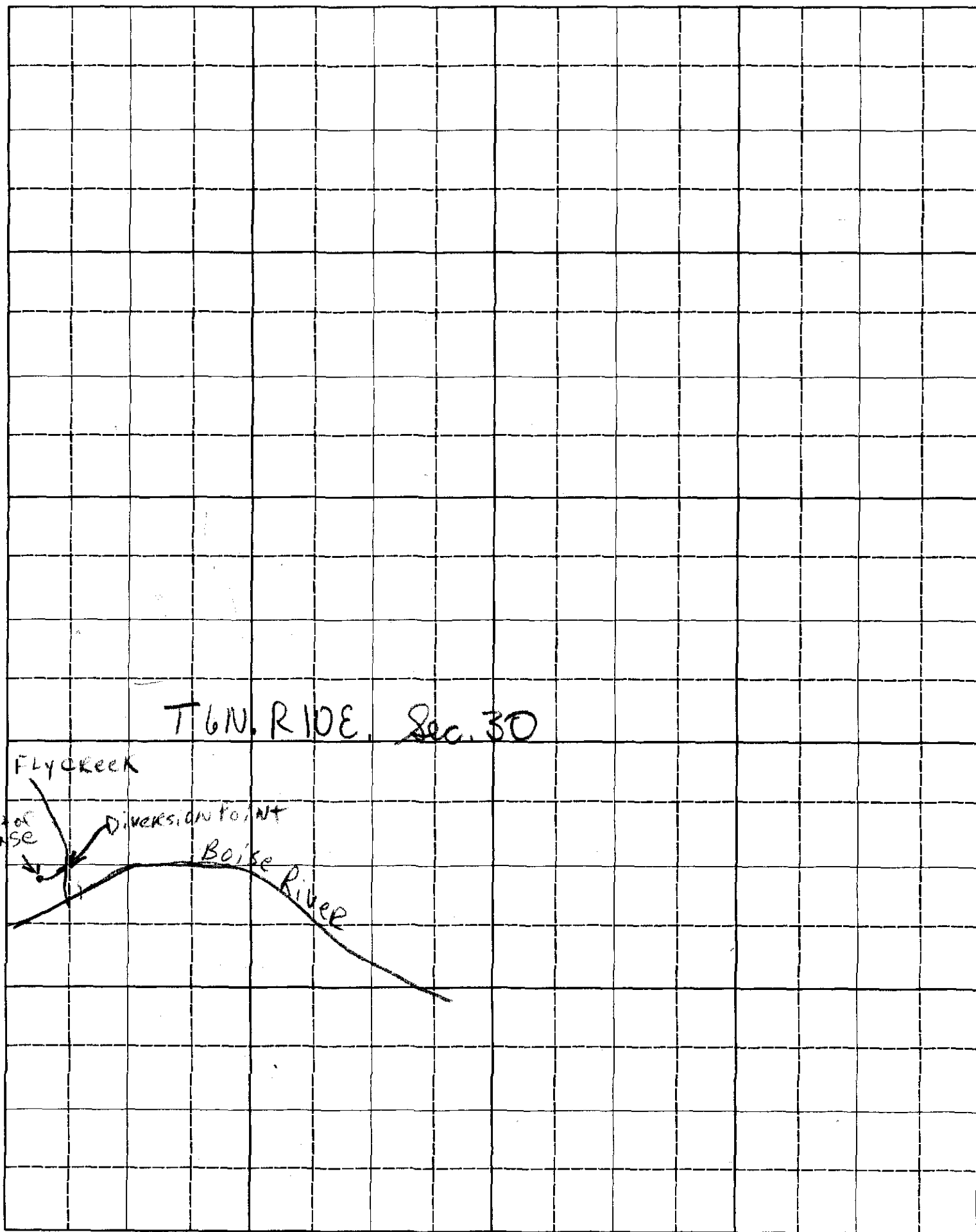
To appropriate the public waters of the State of Idaho

1. Name of applicant WEATHERBY MINING CO. Phone 362-4502
Post office address 16000 SOUTH CLOVERDALE ROAD KUNA, IDAHO 83634
2. Source of water supply FLY CREEK which is a tributary of MIDDLE FORK-BOISE RIVER
3. Location of point of diversion is N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section 30 Township 6N.
Range 10E. B.M. ELMORE County, additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 20 cfs for MINING purposes from 1-1 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:
a. 20 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headgate to 3" pipeline to
area of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section 30 Township 6N.
Range 10E. B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: MINING

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



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.

Robert Weatherly
(Applicant)

Proposed Priority 2/3/1983

Received by OSP Date 2/3/83 Time 10:45 AM
Preliminary check by js Fee \$ 30⁰⁰/₁₀₀
Receipted by OSP Date 2/3/83 # 23165
Publication prepared by jp Date 2/11/83
Published in Mountain Home News
Publication dates 2/17 & 2/24/83
Publication approved JP Date 2/1/83
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS RC

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. 63-9982, and said application is hereby APPROVED.

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 March 1, 19 88.
- 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. Other:
Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
In the event that water used under this permit should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses.
The diversion of water under this permit shall not reduce the flow of the Boise River during the period from June 15 through November 1.
Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 17th day of March, 1983.

L. Glen Saxton
Chief, Operations Bureau

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application has been
filed to appropriate the public waters
of the State of Idaho:

63-9982 ✓ 18

WEATHERBY MINING CO.
16000 S. CLOVERDALE RD..
KUNA, ID 83634

Source: FLY CREEK trib. to BOISE
RIVER, MIDDLE FORK

Date Filed: 02/03/1983

Diversion Pt: NWSW Sec 30 T 06 N
R 10E

Use: MINING (0.20 CFS)

In: NWSW Sec 30 T 06N R 10E

The permit will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region,
Statehouse, Boise, Idaho 83720 on or
before MARCH 7, 1983.

KEN DUNN, Dir.

Published 2/17 & 2/24/83.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 17 day
of February, 1983 and
the last publication having been made on the
24 day of Feb
1983; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 24th
day of February, 1983

Queen W. Swenson
Notary Public



Department of Water Resources
Western Regional Office

16000 C/108 10
Kuna ID 5/14
Weatherly 1987



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-9982

Name(s) of Permit Holder(s): WEATHERBY MINING CO.

Post Office Address: 16000 S. CLOVERDALE

KUNA ID. 83634 Tel. No. 362-4502

☒ I hereby certify that construction of diversion works for the above referenced permit began on 6-13-83 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

6-23-83
Date

Robert Weatherby
Signature of Permit Holder



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 23, 1988

- *63-9982
- *Weatherby Mining Co.
- *16000 S. Cloverdale Rd.
- *Kuna, ID 83634

Dear Applicant(s):

We acknowledge receipt of your statement submitted as proof as beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy Pense", is written over the typed name.

Judy Pense
Secretary

/jp

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 63-9982

Date: 1-20-1988

General Considerations:

✓ Name same as permit
✓ Signature the same as permit holder
✓ Address change _____ If yes, prepare a data entry
✓ Proof received timely
✓ Reinstated

Source of Water:

✓ Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

✓ Rate of diversion appropriate for uses
✓ Is rate or volume and fee appropriate?
✓ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

✓ Is a measuring device or access port required?
✓ Has one been installed?
✓ Waiver or modification of measuring device requested

Remarks: Proof acceptable

✓ Priority Calculation:
Date proof received _____
Date proof due _____ + _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
JAN 15 1988

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received 950.00

Date 1-15-88

Receipt # 48292

Receipt by RG

Reviewed by RG

Sent to region 20-55

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

Permit No. 63-9982

Name(s) of Permit Holder: Weatherby MINING Co

Post Office Address: 16000 S. Cloverdale Rd

KUNA, IDA 83634 Telephone No. 362-4502

Source of Water: FLY CREEK

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark MINING

Total rate and/or volume for which proof is submitted .20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 6/83

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Fee enclosed \$50.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Robert Weatherby 362-4502
(Name) (Telephone Number)

SAME

(Address)

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.

FEB 29 1988

1-13-88
Date

Robert Weatherby (owner)
Signature of Permit Holder (and title, if appropriate)

138170
CERTIFIED MAIL
December 31, 1987

WEATHERBY MINING CO.
16000 S. CLOVERDALE RD.
KUNA, ID 83634

PROOF DUE NOTICE

RE: Permit No. 63-9982

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 March 1, 1988. (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 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

63-9982-11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WEATHERBY MINING CO.
16000 S. CLOVERDALE RD.
KUNA, ID 83634

MARCH 29, 1983

RE: PERMIT NO. 63-9982

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT THERE IS INSUFFICIENT NATURAL FLOW AVAILABLE IN THE FLY CREEK AND TRIBUTARIES TO PROVIDE WATER FOR A NEW APPROPRIATION THROUGHOUT THE ENTIRE SEASON OF USE. DURING THE SPRING RUN-OFF EACH YEAR, THERE MAY BE A PERIOD OF TIME IN WHICH THE PRIOR RIGHTS TO THE USE OF THE NATURAL FLOW AND STORAGE ARE FILLED LEAVING WATER AVAILABLE FOR YOUR PERMIT. AS THE NATURAL FLOW DIMINISHES, HOWEVER, THERE MAY BE NO WATER AVAILABLE FOR YOUR RIGHT UNLESS YOU ARRANGE FOR AN ADDITIONAL SOURCE OF WATER AS A SUPPLEMENTAL SUPPLY.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

RE: PERMIT 63-9982

PAGE 01
MARCH 29, 1983

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan J. J. J. APPLICATION NUMBER: 11-9982

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No
☒ Yes ☒ No
☒ Yes ☒ No
☒ Yes ☒ No*

Field check by: _____

Date: _____

Comments: _____

Field check required.

Critical groundwater area. UPPER BOISE RIVER AREA (NON-CONSUMPTIVE USE)

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☐ Other _____

Copies sent by: JP Date: 2/11/83

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*
☐ Yes ☐ No

In form for advertising.

Final date for protests: 3/7/83

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2/28/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30/23165
☒ Publication dates and paper, recorded on application. 2/17/83 2/24/83 Mountain Home News
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 63

2/3/83 Date of priority recommended.

Special conditions of approval or cover letter. Right-of-way clause

No consumptive use from 6/15 thru 11/1

26

By: DBS

Date: 3/7/83

STATE OFFICE REVIEW:

5/17/83 (Boise R.)

26 of 22 (Boise R.)

☐ See attached sheet for more information.

By: [Signature]

Date: 3/11/83

RECEIVED

MAR 08 1983

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

Public Hearing
Division of Water Resources
Department of Water Resources
Telephone
Date

Re: 0-4-41

Dear A. K. Dunn:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by _____.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

January 11, 1983

Mr. Kent Rogers, Sr.
Deputy Regional Director
United States Department of the Interior
Forest Service
334 25th St.
Logan, UT 84301

Re: 60-9082

Dear Mr. Rogers:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by March 7, 1983.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure

ENCLOSURE

63-9982

WEATHERBY MINING CO.

16000 S. CLOVERDALE RD., KUNA, ID 83634

Source: FLY CREEK trib. to BOISE RIVER, MIDDLE FORK

Date Filed: 02/03/1983

Diversion Pt: NWSW Sec 30 T 06N R 10E

Use: MINING (0.20 CFS)

In: NWSW Sec 30 T 06N R 10E

APPROVED
FOR
RECORD
JAN 10 1983
FBI - KUNA

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 10, 1983

Mountain Home News
Drawer D
Mountain Home, ID 83647

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 7, 1983.

Yours truly,

JUDY PENSE
Secretary

Encl.

