

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

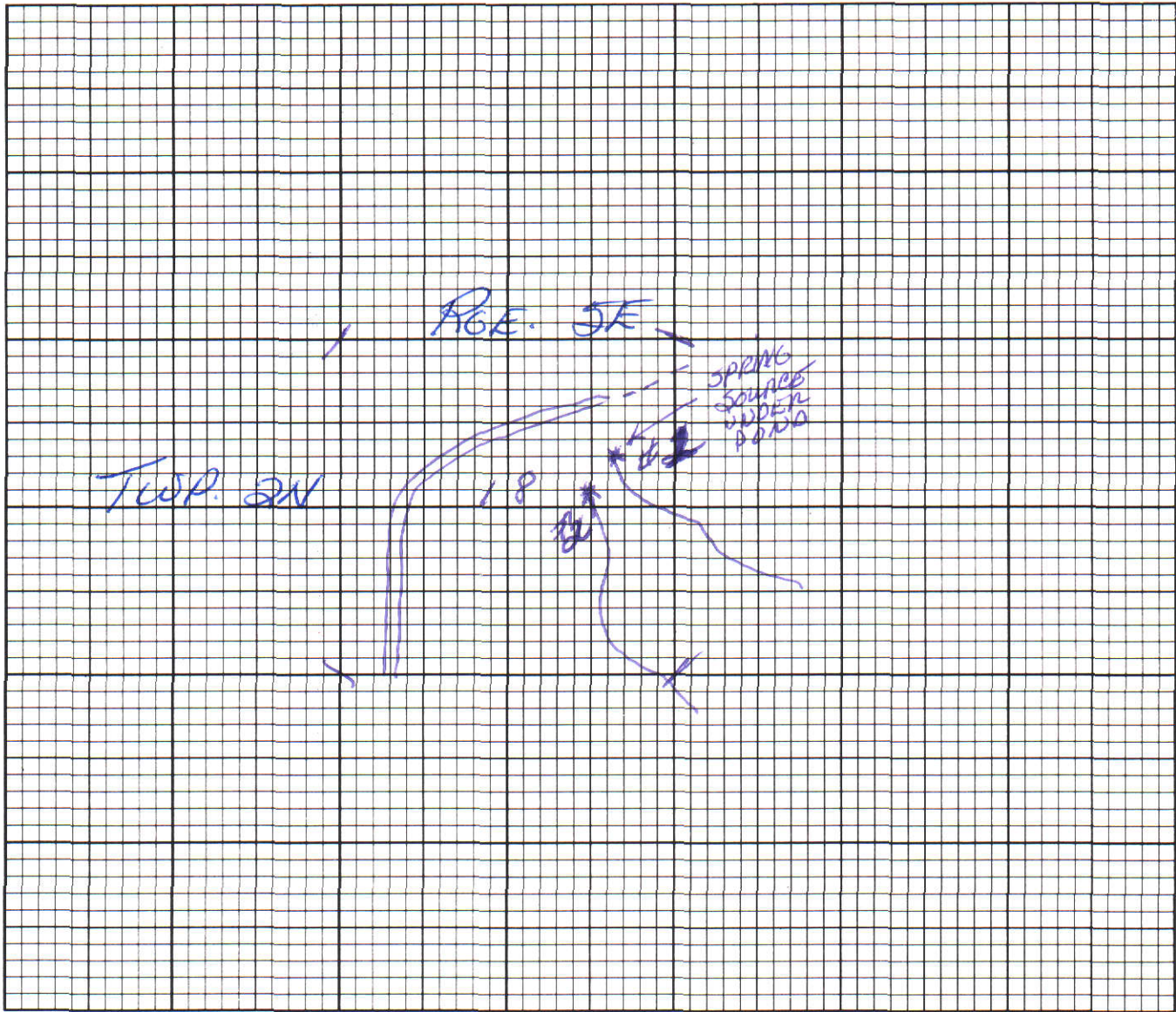
A 20x20 grid with handwritten text. On the left side, the text "T2N" is written vertically. At the bottom center, the text "R5E" is written. In the middle of the grid, there is a small box containing the text "P.D." and "P.U." with the number "10" written next to it.

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.

Gordon L. Bort President
(Applicant)

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks Map (topographic) was used at time of exam to locate exact location of springs
15. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other
16. Examiner's/Consultant's Signature Jan Shute Date 12/18/85
Consultant's License Number _____
IDWR Director's Authorization to Conduct Beneficial Use Examination 7/18/85 Date _____

RECORDED

APR 15 1991

CONSULTANT SEAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09942

Priority: July 16, 1982

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume:¹ 84.7 AF

This is to certify, that LEO NUTSCH
MIKE NUTSCH
GORDON BORT

17341 11TH AVE. N.
NAMPA, ID 83687

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 16, 1982; and has submitted Proof of Beneficial Use on August 29, 1983. An examination indicates that the works have a diversion capacity of .200 cfs of water from:

SPRINGS

tributary to BENDER CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	04/01 to 11/01	0.20 CFS	84.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSENE , Sec. 18, Township 02N, Range 05E
SESWNE , Sec. 18, Township 02N, Range 05E
ELMORE County

PLACE OF USE: MINING
TWN RGE SEC

02N 05E 18 SWNE SENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 63
6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

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State of Idaho
Department of Water Resources

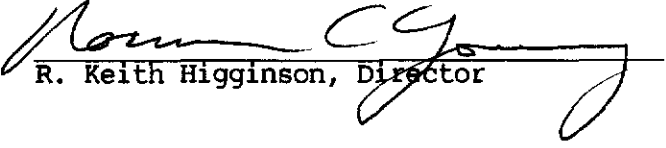
WATER RIGHT LICENSE

WATER RIGHT NO. 63-09942

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9th
day of April, 19 91.

Acting for


R. Keith Higginson, Director

RECEIVED
JAN 02 1991

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09942

APPROVED

Date of Priority: July 16, 1982

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume:¹ 84.7 AF

Comes now

LEO NUTSCH
MIKE NUTSCH
GORDON BORT

1903 7TH ST. S.
NAMPA, ID 83651

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-09942, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to BENDER CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	04/01 to 11/01	0.20 CFS	84.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSENE , Sec. 18, Township 02N, Range 05E
SESWNE , Sec. 18, Township 02N, Range 05E
ELMORE County

PLACE OF USE: MINING
TWN RGE SEC

02N 05E 18

SWNE

SENE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Nampa, this 31 day of Dec, 1990.

Michael Mutsch
(Signature)

APR 15 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09942

FOR DEPARTMENT USE ONLY

Preliminary check by 50 Fee \$20.00 Receipted by gy Date 1/9/91 #C019287

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-09942 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 63

Witness my hand this 9TH day of APRIL, 19 91.

Acting for

R. Keith Higginson, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 63-9942 IN THE NAME	)	ORDER OF REINSTATEMENT
	)	
OF LEO NUTSCH, MIKE NUTSCH	)	
	)	
& GORDON BORT	)	
_____	)	

This matter having come before the Department of Water Resources (Department) the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On November 26, 1990, the Department issued an order which voided Permit No. 63-9942. As provided by Section 42-219, Idaho Code, the permit had been voided because the permit holders had failed to submit an amendment requested by the Department.

2. On December 12, 1990, the Department received correspondence from Michael Nutsch stating that the Department's correspondence had been sent to a former address of Gordon Bort, but had not been forwarded to any of the permit holders. The amendment was subsequently submitted to the Department on January 2, 1991.

CONCLUSIONS OF LAW

1. The Department erred in issuing the Order Voiding Permit No. 63-9942 dated November 26, 1990.

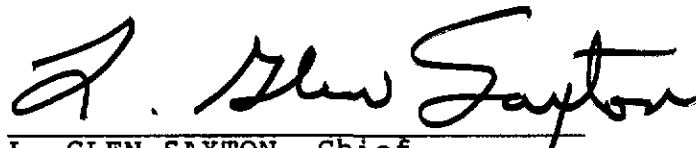
APR 15 1991

2. The Department should rescind the Order Voiding Permit dated November 26, 1990 and reinstate Permit No. 63-9942.

ORDER

IT IS HEREBY ORDERED that the Order Voiding Permit dated November 26, 1990, is rescinded and Permit No. 63-9942 is reinstated.

Dated this 1st day of April, 1991.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED
APR 15 1991

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-09942)
IN THE NAME OF LEO NUTSCH, MIKE) ORDER VOIDING PERMIT
NUTSCH, AND GORDON BORT)
_____)

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 16, 1982, P.T.L.A. Mines applied to the Department for a permit to appropriate 1.0 cubic feet per second of water from springs within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S18, T2N, R5E, B.M., Elmore County, to be used for mining purposes.
2. On September 16, 1982, the Department approved the Application for Permit.
3. On August 29, 1983, the Department received Proof of Beneficial Use for the Permit.
4. On July 18, 1985, the Department conducted a field examination and the examiner's report indicated that the place of use and point of diversion differed from the place of use and point of diversion authorized by the Permit.
5. On December 6, 1989, the Department sent notice and an Amendment to the permit holder stating that the permit had to

APR 15 1991

be amended before the Department could issue a license.

6. On March 23, 1990, the Department sent a second notice to the permit holder stating that the permit had to be amended before the Department could issue a license.

7. On September 13, 1990, the Department sent a Notice of Pending Order Voiding Permit for failure to amend the permit so that a license could be issued.

8. The Department has not received the Application for Amendment of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Development of the water as listed on the permit was a condition of the permit, and compliance with the condition was required prior to perfection of a water right.

3. The Department is unable to issue a license for the permit, because the water was not developed on the property described in the permit.

4. The permit could have been amended by the permit holder but the permit holder failed or refused to file the appropriate amendment.

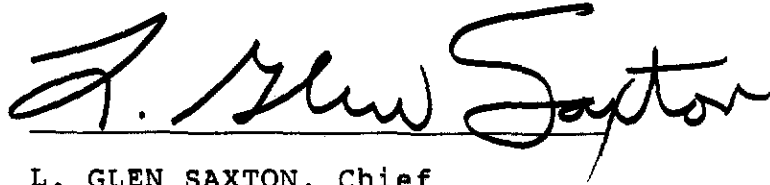
5. A license should not be issued on this permit and the permit should be voided.

APR 15 1991

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-09942 is VOIDED and issuance of a license thereon is REFUSED.

Dated this 26th day of November, 1990.



L. GLEN SAXTON, Chief
Water Allocations Bureau

APR 15 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	63-9942	P. T. L. A. Mines	1.0 cfs
Full Assignment	63-9942	Leo Nutsch, Mike Nutsch & Gordon Bort	1.0 cfs

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED
MAY 29 1985

ASSIGNMENT OF PERMIT

I, P.T.L.A. MINES
LEO NUTSCH, PARTNER, hereby assign to LEO NUTSCH, MIKE NUTSCH,
of ROUTE 2, NAMPA, ID 83651 + GORDON BORT
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 103-9942
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 29th day of May, 19 85.

Leo B. Nutsch
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 29 day of May, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Nancy M. Northway
Notary Public residing at
Boise

My commission expires:
Life

MICROFILMED

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 P. T. L. A. Mines Phone 466-7208

Post office address 1903 7th St. So. Nampa, ID 83651
(formerly 104 Holly, Nampa)

2. Source of water supply Springs which is a tributary of Bender Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 2N

Range 5E B.M. Elmore County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 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. 1.0 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Steel Tank Used For Spring Water
Collection With Engine Driven Pump From Tank Pumping to Storage An Gravity Feed
To Mine.

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 1 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: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 2N
Range 5E B.M.

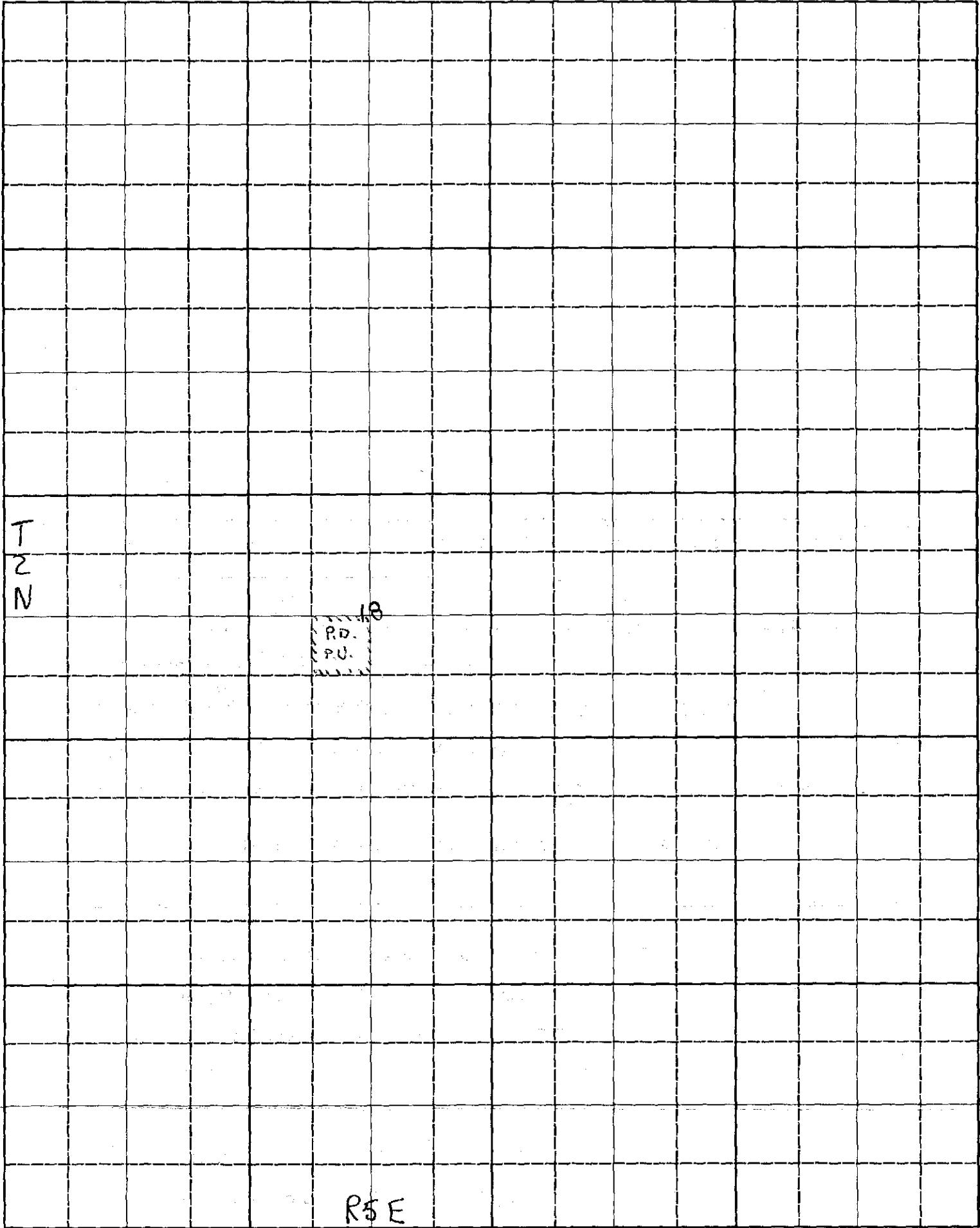
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(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: Used for dust settling and tools in
mine drilling operation.

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.

Gordon L. Bort President
(Applicant)

Proposed Priority 7/16/1982

8-10-82

9:00 am

8-10-82

Received by mn Date 7-16-82 Time 10:00 am

Preliminary check by JG Fee \$ 45.00 # 24056

Receipted by mn Date 7-16-82

Publication prepared by 48 Date 8/19/82

Published in raton Home News

Publication dates 8/26 & 9/2/82

Publication approved 18 Date 9/2/82

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS

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. 63-9942, 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 October 1, 19 83.
- 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Boise River.

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.

Witness my hand this 16th day of September, 1982.

L. Glen Saxton
Chief, Operations Bureau

**NOTICE OF APPLICATIONS
FOR WATER RIGHTS**

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:
61-7480

THOMPSON, WILLIES.
2440 W. 54TH ST., MOUNTAIN
HOME, ID 83647
Source: GROUNDWATER
Date Filed: 03/09/1982
Amount: 0.80 CFS
Diversion Point: SESW Sec 15 T 04S
R 06E, ELMORE Co.
Use: IRRIGATION (0.80 CFS) from
03/15 to 11/15
Place of Use: SESW Sec 15 T 04S R
06E FOR 40 ACRES
Diversion Means: WELL, PUMP,
PIPELINE & SPRINKLER
63-9942

P. T. L. A. MINES
1903 7TH ST. S., NAMPA, ID 83651
Source: SPRINGS tributary to
BENDER CREEK
Date Filed: 07/16/1982
Amount: 1.00 CFS
Diversion Point: NESW Sec 18 T
02N R 05E, ELMORE Co.
Use: MINING (1.00 CFS) from 01/01
to 12/31
Place of Use: NESW Sec 18 T 02N R
05E
Diversion Means: TANK, PUMP &
GRAVITY DITCH

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 13, 1982.

A. KENNETH DUNN
Director

Published 8/26 & 9/2/82.

RECEIVED

SEP 6 1982

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd 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 26 day
of August, 1982, and
the last publication having been made on the
2 day of Sept,
1982; 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.

Floyd S. Waters

Subscribed and sworn to me this 2nd
day of September, 1982

Dean W. Suenor
Notary Public

April 11, 1991

LEO NUTSCH
MIKE NUTSCH
GORDON BORT
17241 11TH AVE. N.
NAMPA, ID 83687

RE: WATER RIGHT NO. 63-09942

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Also enclosed is an Order of Reinstatement rescinding the Order Voiding Permit dated November 26, 1990.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

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APR 15 1991



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

December 19, 1990

RE: Water Right No. 63-9942

Michael Nutsch
17341 11th Ave. N.
Nampa, ID 83687

Dear Mr. Nutsch:

I have reviewed your letter regarding the status of the above referenced water right. I offer the following in response.

The address of 1903 7th St. S. was the address listed by our examiner on his field inspection report as a current address for contact of the permit holder(s). Correspondence we sent in the past few months was never returned to us, therefore, we had no idea that it was not reaching you or the other two owners. Based on this, it appeared that our notices were not being acted upon and subsequently we voided the permit for the holder's failure to respond to our requests.

Enclosed are copies of our correspondence leading to the voiding of the permit. Also enclosed is the application for amendment which is referred to in the previous correspondence and which is needed for licensing purposes. I have enclosed a copy of the original filing for your comparison to understand why the amendment is needed and have highlighted the areas of change on the permit.

If you agree with the amendment's proposal, please sign the form and return it with the \$20.00 filing fee. We can then rescind the order voiding the permit and can issue a license for the right. Feel free to give me a call if you have any further questions.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

Enclosures

APR 15 1991

12-10-90

RECEIVED
DEC 12 1990

Department of Water Resources

STATE OF IDAHO WATER RESOURCES

SIR

I RECIEVED A CERITFIED LETTER, FRIDAY, 12-7-90, STATING THAT THE WATER RIGHTS ON THE P.T.L. MINE HAVE BEEN VOIDED. IT STATED THAT SEVERAL LETTERS HAD BEEN SENT AND NO ANSWER RECIEVED. APPARANTLY ALL LETTERS HAD BEEN SENT TO 1903 7TH ST. SO , THE FORMER RES OF GORDON BORT (WHO HAD MOVED TO ANCHORAGE ALASKA APPROX 6 YRS AGO). I HAVE NOT RECIEVED ANY OF THOSE LETTERS. THE CURRENT RES OF 1903 7TH ST SO, WHEN THE CERTIFIED LETTER CAME, CONTACTED ME AND I WENT AN PICKED IT UP. THIS WAS THE FIRST LETTER THAT I HAD RECIEVED IN REGARDS TO THE WATER RIGHTS OF THE MINE. ABOUT A YEAR AGO, I HAD FILED THE WATER RIGHTS AND THERE WAS NO MENTION OF ANY AMENDMENTS TO THE WATER RIGHTS.

DUE TO THE FORMER MAIL NOT REACHING ME AND THIS WAS THE FIRST I HEARD THERE WAS PROBLEM. I HOPE THAT THE SITUATION CAN BE CORRECTED.

Permit # 63-09942.

SINCERLY



MICHAEL J NUTSCH
17341 11TH AVE NO EXT
NAMPA IDAHO 83687
467-1075

WATER RESOURCES

1991

September 12, 1990

Leo Nutsch
Mike Nutsch
Gordon Bort
1903 7th St. S.
Nampa, ID 83651

RE: Permit No. 63-09942

NOTICE OF PENDING ORDER VOIDING PERMIT

Dear Permit Holder(s):

The development proposed in Permit to Appropriate Water No. 63-09942 was examined in 1985 by Department of Water Resources personnel. At the time of the examination, the Department personnel discovered that the actual place of use &/or point of diversion differed from the place of use &/or point of diversion proposed in the permit.

We have attempted on several occasions to persuade you to file an application for amendment of Permit No. 63-09942 with the Department. To date, the application for amendment of the permit has not been filed with the Department.

Enclosed is a completed application for amendment of your permit which reflects the correct point of diversion and place of use. You should sign the application for amendment, and return it to this Department accompanied by a \$20 filing fee within thirty (30) days of the date of this letter.

Should you fail or refuse to submit the application for amendment within thirty (30) days, the Department will act to void your permit. The grounds for voiding the permit are set forth in Section 42-219, Idaho Code, where it states that if the Department finds "that the applicant has not fully complied with the law and the conditions of the permit . . . [it] may refuse issuance of a license and void the permit." One of the conditions of the permit was that the point of diversion would be located as indicated on the permit.

RECEIVED
SEP 15 1990

APR 15 1991

Page 2

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:blm

Enclosure

cc: Western Region

I hereby certify that on this 13th day of September, 1990, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

Brenda L. Miller

March 23, 1990

LEO NUTSCH
MIKE NUTSCH
GORDON BORT
1903 7TH ST. S.
NAMPA, ID 83651

RE: PERMIT NO. 63-09942

Dear Permit Holder(s):

We previously forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue the license.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

December 6, 1989

LEO NUTSCH
MIKE NUTSCH
GORDON BORT
1903 7TH ST. S.
NAMPA, ID 83651

RE: PERMIT NO. 63-09942

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

APR 15 1991

Table - Brenda

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in "RETURN TO" Space on the reverse side. Failure to do so will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

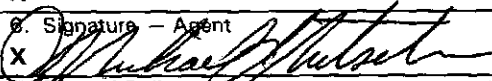
Leo Nutsch
Mike Nutsch
Gordon Bort
1903 7th St. S.
Nampa, ID 83651

4. Article Number
3557

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☒ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

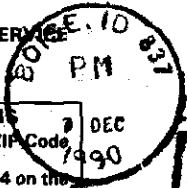
6. Signature — Agent
X 

7. Date of Delivery
12-7-90

8. Addressee's Address (ONLY if requested and fee paid)
63-09942

MICROFILMED
APR 15 1991

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" when appropriate.

RETURNED

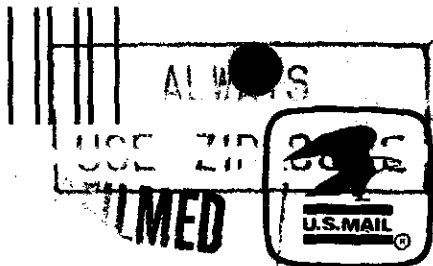
RECEIVED

DEC 10 1990

Department of Water Resources

Print Sender's name, address, and ZIP Code in the space below.

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83705



APR 15 1991

PENALTY FOR PRIVATE
USE, \$300





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

November 29, 1990

CERTIFIED MAIL # 33557

RE: Permit No. 63-09942

Leo Nutsch
Mike Nutsch
Gordon Bort
1903 7th St. S.
Nampa, ID 83651

Dear Water Right Holder(s):

Enclosed is an Order which voids the above referenced permit for failure to comply with the requirements of such permit and failure to show cause why such action should not be taken.

Please be advised that if you do not agree with the decision of the Department you may, within fifteen (15) days of receipt of the order voiding your permit, request a hearing before the Director. Failure to timely petition the Director within fifteen days of receipt of the order may prevent you from further contesting the voiding of your permit.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:blm

Enclosure

NOT RECORDED

APR 15 1991

Department of Water Resources

Phone No. 466-6898

3. Source: SPRINGS (2) tributary to BENDER CR.

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

#1 SPRING 90 GALLON TANK (PERFORATED OPEN BOTTOM) WHERE WATER FLOWS IN W/ PIPELINE FROM TANK GRAVITY FLOW TO LARGER TANK. USED FOR DOMESTIC PURPOSES & MINING FOR DRILLS & DUST REDUCTION.

#2 SPRING EARTH DAM COLLECTS ^{REST OF} SPRING WATER & A LITTLE FROM ~~THE~~ ^{THE} SPRING (MAIN WATER SOURCE). ^{H1 SPRING #15} 3 HP W/ 3" PIPELINE FROM POND FOR SAME USE AS OTHER SPRING. SPRING COMES UP UNDER POND.

7. Measurements ☐ Additional data/computation sheets attached

EST. 10" OF WATER OR 30 cfs (PERMIT HOLDER ESTIMATE)

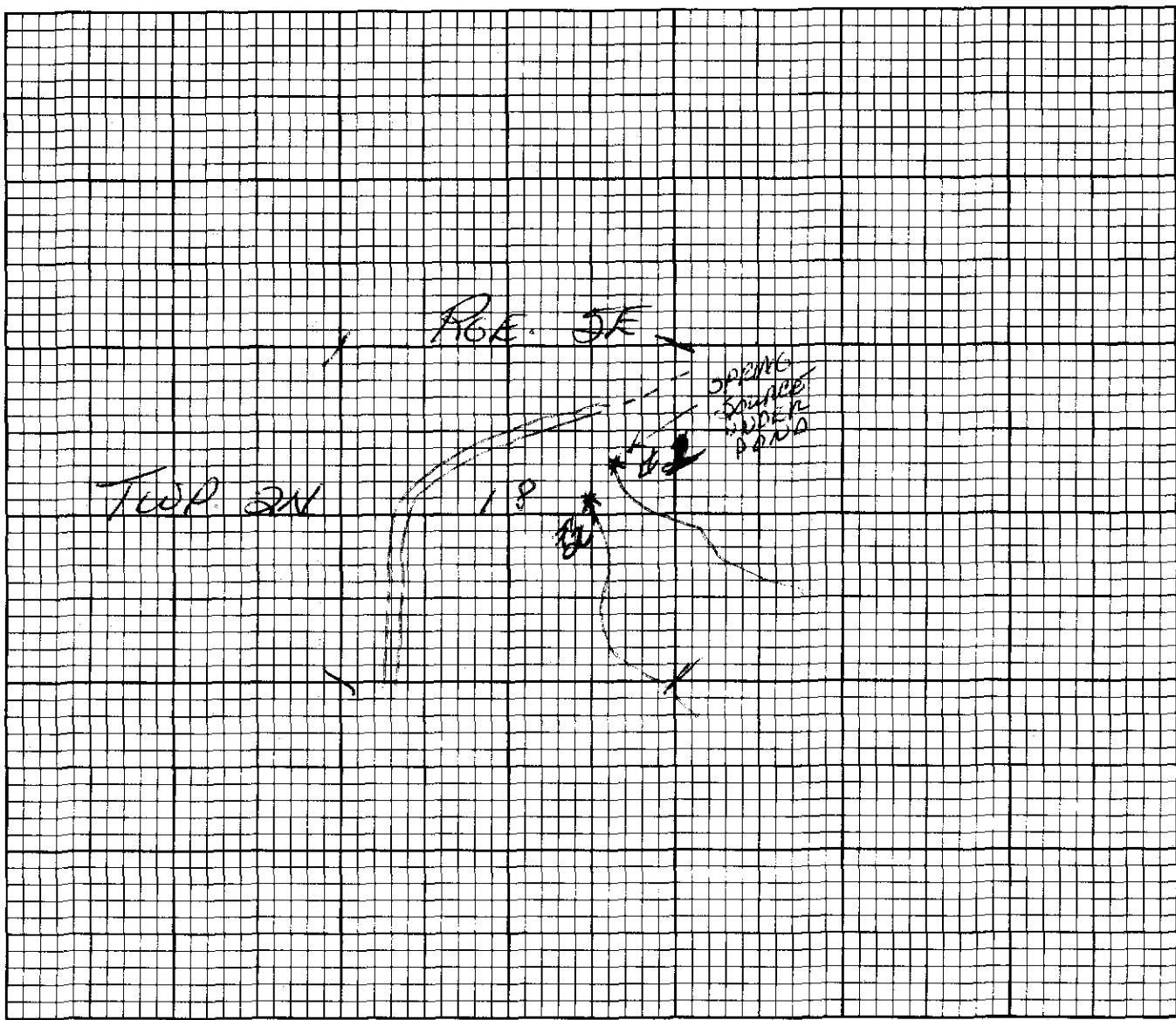
8. Point(s) of Diversion:

Indicate Method of Determination

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

Total Acres _____

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached
- ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Map (topographic) was used at time of exam to locate exact location of springs.

15. Recommended Amendments

☒ Change P.D. as reflected above

☒ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☐ None

☐ Other
16. Examiner's/Consultant's Signature Jan Shute Date 12/18/85
- Consultant's License Number _____
- IDWR Director's Authorization to Conduct Beneficial Use Examination 7/18/85 Date _____

CONSULTANT SEAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

MAR 18 1986

63-9942
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

None

- b) Volume Calculations for Irrigation: *N/A*

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

- c) Volume Calculations for Other Uses:

Mining - no of amount

2. Overlap Review

- a) Other water rights with same place of use: *NONE*

- b) Other water rights with same point of diversion: *NONE*

- c) Analysis:

APR 15 1991

ED

7/18/85

I, LEO NUTSCH, DO HEREBY REQUEST
REMOVAL OF THE MEASURING DEVICE
REQUIREMENT FOR PERMIT No. 63-9942
DUE TO THE FACT THAT THE TOTAL
WATER USE IS .20 CFS WHICH IS UNDER
THE AMOUNT REQUIRING A MEASURING
DEVICE.

Leo R. Nutsch
LEO NUTSCH

MICRO
APR 15 1991

June 7, 1985

RE: Permit No. 63-9942

Leo &/or Mike Nutsch &/or Gordon Bort
Rt. 2
Nampa, ID 83651

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permit will be for our regional office to examine your water right system.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

MICROFILMED

Permit No. 63-9942

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign? ✓
b/ Partial Assign?
4. "No assignment" condition on permit? ~~YES~~ NO
5. Commencement of works received? *proof in file*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? NO
7. Extension granted due to litigation?
If yes, commencement of works is not required.

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type #12
4. Copy to region ✓

Date: 6-5-85
Employee: K. Walker

MICROFILMED

February 9, 1984

P.T.L.A. Mines
c/o Leo Nutsch
Rt. 2
Nampa, ID 83651

Gentlemen:

Re: Permit No. 63-9942

This office acknowledges receipt of the statement of beneficial use postcard submitted for this permit received on August 29, 1983.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will contact you to schedule the exam at a convenient time.

If you have any questions regarding the field examination, please contact our Western Regional office at 334-2190.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Western Region

MICROFILMED

PLACE
13 CENT
STAMP
HERE

REGISTERED

AUG 22 1983

DEPARTMENT OF Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-9942.

Name(s) of Permit Holder: P.T.L.A. Mines

Post Office Address: 1903 7th St. S.

Nampa Id 83651

Tel. No. 466-7208

Source of Water: springs

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☒ Other

mining

Measuring Device: Required?

☐ Yes

☐ No

Installed?

☐ Yes

☐ No

Access Port:

Required?

☒ Yes

☐ No

Installed?

☐ Yes

☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

8/29/83

Date

(Part owner)
Leo

R. Vatsch

Signature of Permit Holder

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 8/29/83

TO File 63-9942

SUBJECT

Mr Nutsch was in today to file B/U card. He owns $\frac{1}{3}$ of the mine and is in the process of obtaining $\frac{1}{3}$ more. Mr Bort, the president, is now living in Alaska & therefore, Mr. Nutsch requests that all future correspondence be sent to him at:

MICROFILMED

Leo Nutsch

Rt. 2

Nampa, Id 83651

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

P. T. L. A. MINES
1903 7TH ST. S.
NAMPA, ID 83651

138833

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9942 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

P. T. L. A. MINES
1903 7TH ST. S.
NAMPA, ID 83651

SEPTEMBER 28, 1982

RE: PERMIT NO. 63-9942

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.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

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 Gruver

APPLICATION NUMBER: 63-9942

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 Field check required.
☐ Yes ☒ No Critical groundwater area. OUTSIDE MIN. HOME STUDY AREA.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*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: _____ Date: _____

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: 9/13/82
Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/8/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 45/24056
☒ Publication dates and paper, recorded on application. Min Home News 8/26 & 9/2/82
☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No
☒ Yes ☐ No
☒ Yes ☐ No

Measuring device required.
Access port required.
Will water be delivered by watermaster? If yes, what district? 63
Date of priority recommended. 7/16/82

Special conditions of approval or cover letter. No consumptive use of water diverted under this permit shall be allowed from June 15 through November 1 of each year except when Bender Creek ~~ceases~~ ceases to flow between the springs and the Boise River.
Right-of-way clause.

By: DBS

Date: 9/13/82

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____

Date: 9/15/82

RECEIVED
SEP 14 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

Statehouse
Boise, Idaho 83720
(208) 334-2190

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 13, 1982.

A. KENNETH DUNN

Director

Published 8/26 & 9/2/82.

P. T. L. A. MINES

Source: SPRINGS tributary to BENDER CREEK

Amount: 1.00 CFS

Use: MINING (1.00 CFS) from 01/01 to 12/31

Place of Use: NESW Sec 18 T 02N R 05E

Diversion Means: TANK, PUMP & GRAVITY DITCH

RECEIVED

WATER RIGHT
DATA ENTRY LOG

[illegible]