

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-07269

Priority: 12/15/2000

Maximum Diversion Rate: 0.11 CFS

This is to certify, that TOM LINDSEY
PO BOX 355
LUCILE ID 83542

And/Or

SUE LINDSEY
PO BOX 355
LUCILE ID 83542

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
COMMERCIAL	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, Twp 25N, Rge 01E, B.M. IDAHO County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N 01E 2							X										
							L5										

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N 01E 2							X										
							L5										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2003**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-07269

CONDITIONS OF APPROVAL

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. The right holder shall not use water from a spring or a mine shaft to bottle water.
7. If there is hydrologic connection between the mineshaft located on Bureau of Land Management property and the well authorized as a point of diversion under this right, the right holder shall cease diverting water.
8. Prior to diversion and use of water under this right, the right holder shall provide to the department written evidence from the Division of Environmental Quality and the North Central District Health Department that the well has been approved as a public water supply.
9. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Commercial use is for filling tanker trucks for transporting water offsite for consumption.
11. Domestic use is for 1 home.
12. Failure of the right holder to comply with any of the conditions of this permit is cause for the Director to rescind approval of the permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of December, 2001.


for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
DEC 15 2000WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 26 2000

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Tom &/or Sue Lindsey Phone 208-628-3987
Post Office address PO Box 355 Lucile ID 83542
2. Source of water supply groundwater which is a tributary of N/A
3. Location of point of diversion is 1/4 of SW 1/4 of NW 1/4, Govt. Lot 5
Sec. 02 Township 25N Range 16 B.M. Idaho County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .07 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for Domestic 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)
5. Total quantity to be appropriated is (a) all and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing well, pump & pipeline for home. Add pipeline to site for filling water trucks.
b. Height of storage dam _____ 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 6 inches; proposed depth of well is 66 feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 3-19-93; Drilling firm Unkenkott
Well was drilled for (well owner) Tom Lindsey
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 home internal + external use
e. Other; describe fully. Commercial - supply water to trucks. Trucks, under separate ownership, will transport water for off-site consumption.

1/4-1/4 description for
point of diversion and
place of use approval by Tom Lindsey date 12/20/00.

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	
25N	16	2							X				2						
									Lot 5										

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. NONE for commercial.
79-07137 & 79-07144 ARE SEPARATE SURFACES/DIVERSIONS FOR SAME DOMESTIC USE.

11. a. Who owns the property at the point of diversion? Tom & Sue Lindsey
 b. Who owns the land to be irrigated or place of use? Tom & Sue Lindsey

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: SEE ATTACHED LETTER OF 12-12-00.

12. Remarks: Commercial place of use will be site where tanks ARE
Filled with water pumped from drilled well. This amended application
REPLACES source/diversion on BLM property with well on Applicant's property.
Originally proposed

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

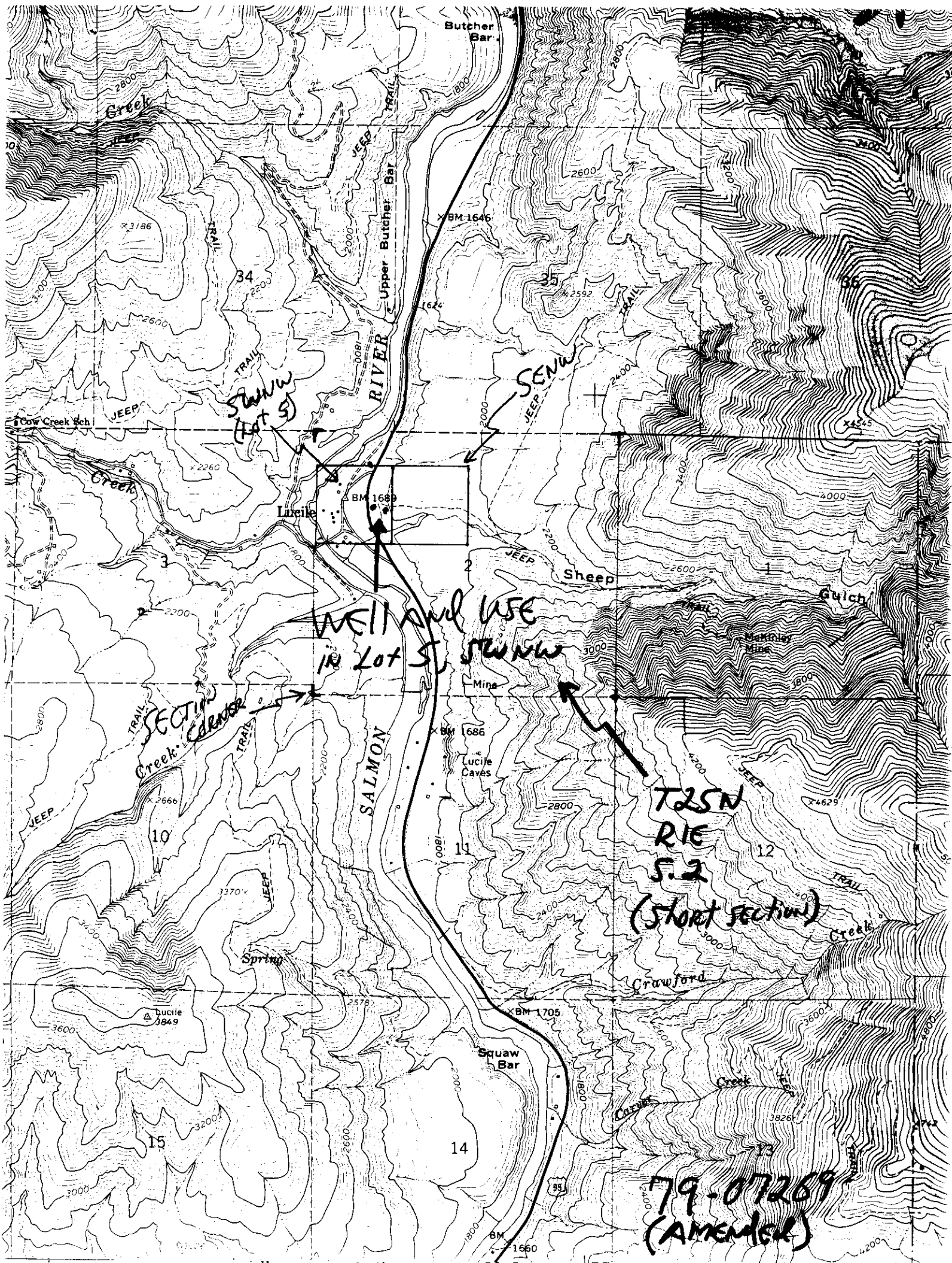
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tom Lindsey
 (Applicant)

Received by Kh Date 12/15/00 Time 9:34 Preliminary check by 82
 * Fee \$ 3000 Received by Kh # W027225 Date 12/15/00
 Publication prepared by Kh Date 1-01 Published in Idaho Free Press
 Publication approved 5-5-01 Date 2-

* Original fee \$50 6-14-99 OK for .11 cfs per fee schedule in place then.
 Additional \$50 12-15-00 OK for Amendment of Application originally
 established under 1999 fee schedule. -82 20-00

211101
 16500 W027334
 Kh



RECEIVED

JUN 14 1999

WATER RESOURCES
WESTERN REGION

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No.

79-07269
~~79-07137~~

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tom & Sue Lindsey Phone 208-28-3987
Mailing address PO Box 355 Lucite Id 83542
2. Source of water supply Spring GROUNDWATER which is a tributary of Sinks *
3. Location of point of diversion is Township 25 N Range 01 E Sec. 2 in the SW 1/4, SE 1/4, NW 1/4, Govt. Lot 8, B.M., Idaho County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- .02 Amount 16 gpm for Commercial purposes from year round to _____ (both dates inclusive) *
(cfs or acre-feet per annum)
Amount 2 gpm for Domestic purposes from year round to _____ (both dates inclusive) *
(cfs or acre-feet per annum)
.02 Amount 4 gpm for B.L.M. stock & game tank purposes from year round 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) .04 12.5 gallons 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 in place

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 _____ years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): done

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. 1 stock & game water B.L.M.

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. Commercial (Bottled water)

* Per 7/19/99 telecon with applicant. b

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	
25N	1E	2								C									

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? BLM My Mining Claim

b. Who owns the land to be irrigated or place of use? _____

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: See water Right license 79-07137

Look under conditions and remarks

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

See Water Right license # 79-07137
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.

Tom Link
Signature of Applicant (and title, if applicable)

Received by KL Date 10/14/99 Time 11:03 Preliminary check by G
Fee \$ 5000 Received by KL # W026330 Date 10/14/99
Publication prepared by KL Date 9-14-99 Published in Idaho Free Press
Publication approved KL Date 11-12-99

NORTH

347

RESURVEY
WEST

35

RETRACED
WEST

LOT 1

3.21

15.57

81.50

19.25

41.15

4

3

2

4

18.40

18.40

18.38

18.36

18

LUCILLE PO.

44.90

Sec. 2

504.58

LUCILLE FERRY

7

11.90

8

36.10

66.55

33.90

65.21

11.80

40

CORRAL

FLUME

43.30

East

25.31

2

44.80

23.50

4

33.20

35.00

Sec. 11

593.60

6

32.90

5

35.00

84.40

42.34

20.80

17.80

2080

38.09

81.05

36.27

10

21.00

West

West

West

West

West

N. 0° 1' W.

N. 0° 1' W.

25N
1E
5.2
Lots
5WNW

RETRACED

79-07269
(AMENDED)



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 14, 2001

TOM LINDSEY
SUE LINDSEY
PO BOX 355
LUCILE ID 83542

RE: Permit No. 79-7269

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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.

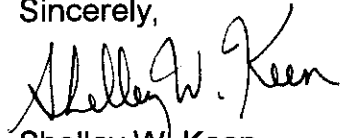
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

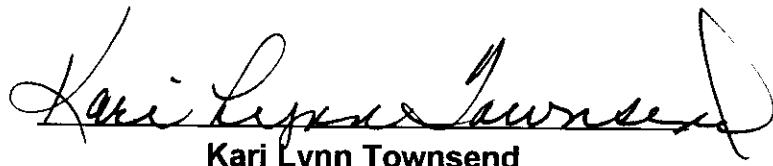
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on December 14, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 79-7269

**TOM LINDSEY
SUE LINDSEY
PO BOX 355
LUCILE ID 83542**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

NOV 29 2001

**WATER RESOURCES
WESTERN REGION**

**IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
79-07269 IN THE NAME OF TOM)
&/OR SUE LINDSEY.)**

**AGREEMENT FOR
WITHDRAWAL OF PROTEST**

On June 14, 1999, Tom &/or Sue Lindsey (Lindseys) filed with the Idaho Department of Water Resources (IDWR) an application to appropriate water no. 79-07269. The application sought to appropriate water from a spring located on public property for commercial and stockwater uses. The public property is managed by the Bureau of Land Management (BLM). The source of the water was changed to "groundwater" and notice of the application was published in September 1999. BLM attempted to protest the application, but did not submit the protest within the protest period.

In November 2000, Tom Lindsey informed IDWR he did not want to seek appropriation from ground water at a point of diversion located on BLM lands. Instead, Lindsey filed an amended application for water right, proposing to appropriate groundwater for commercial and domestic use from an existing domestic well located on his own property. Notice of the amended application was published in January 2001. The amended application was protested by BLM and by Gary &/or Carolyn Hegvet (Hegvets). Hegvets later withdrew their protest.

A prehearing conference was conducted on May 31, 2001 at the Riggins City Hall. Tom Lindsey and BLM discussed the issues of the protest and agreed that the protest could be resolved if: (1) A hydrogeologic review by BLM concluded that the groundwater withdrawal proposed would not affect water uses claimed by BLM, and (2) conditions be placed on the IDWR approval. These conditions were written in a July 10, 2001 letter from IDWR to the parties. In another letter dated July 10, 2001, and sent to IDWR, BLM stated that a hydrologist had concluded Lindsey's proposal would probably not effect the water source for uses claimed by BLM.

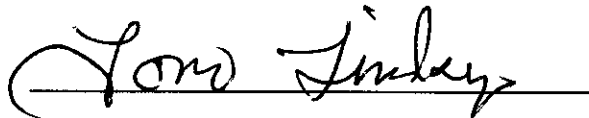
Based on the correspondence and conversations between the parties, the following conditions will become a part of the water right:

1. The water right holders shall not use water from a spring or a mine shaft to bottle water.
2. If there is direct hydrologic connection between the mineshaft located on BLM property and the well authorized as a point of diversion under this water right, the water right holder must cease diverting water.
3. No water shall be diverted from the proposed point of diversion until the Division of Environmental Quality and the North Central District Health Department approves the existing well proposed as a point of diversion as a public water supply well.

4. Any violation of the conditions of approval will result in revocation of any permit or subsequent license issued.

BLM agrees to withdraw its protest upon placement of the above conditions on any subsequent approval by IDWR. Lindseys agree to placement of the conditions on any subsequent approval by IDWR.

Dated this 27 day of November, 2001.

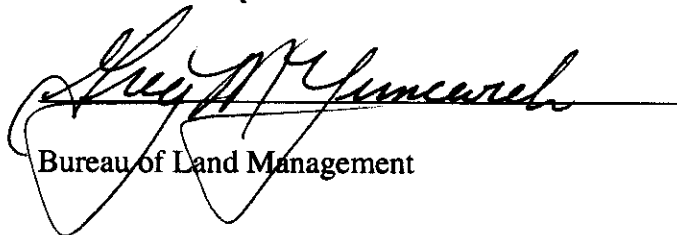
A handwritten signature in cursive script, reading "Tom Lindsey", written over a horizontal line.

Tom Lindsey, Applicant

A handwritten signature in cursive script, reading "Sue Lindsey", written over a horizontal line.

Sue Lindsey, Applicant

Dated this 26 day of November, 2001.

A handwritten signature in cursive script, appearing to read "Kurt M. Yencarek", written over a horizontal line.

Bureau of Land Management



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

Tom Lindsey
P.O. Box 355
Lucile, ID 83542

Re: Application for Water Right no. 79-07269

Dear Mr. Lindsey:

Enclosed is a draft agreement for withdrawal of protest. A written withdrawal of protest is necessary to document the agreement between the parties about conditions to be placed on the permit. I hope the language of the agreement is acceptable. I suggest you contact BLM to confirm its approval and perhaps seek BLM's signature. If BLM does not feel the language is acceptable, the parties should negotiate acceptable language. This document could have been prepared by either of the parties, including yourself if you wanted to expedite the processing of your application.

The draft agreement has not been reviewed by BLM. I am sending BLM a draft agreement with the copy of this letter. Both you and BLM should sign the withdrawal. I prefer that both signatures be on the same document, but separate signatures are acceptable.

You asked that the permit be issued by the end of November 2001. I cannot act on your application until the written withdrawal, signed by both parties, is received. Upon receiving the agreement, signed by both you and BLM, I will personally hand carry your application to our state office for issuance of a permit. While I don't believe the agreement can be returned and a permit issued before November 30, 2001, I believe a permit can be issued within a couple weeks of the return of the withdrawal of protest to this office.

I am happy to talk to you about this further if you want to call me with a spirit of civility.

Sincerely,

Gary Spackman

cc. Greg Yuncevich, BLM
Ron Grant, BLM
Gayle Westhoff, North Central District Health

Legal notice: See Word file "Lindsey"

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JL DATE: 1/8/01 APPLICATION: 79-7269

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works: upgrade drilling permit & \$200
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

Gov't. Lots:
4 P/D
1 P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

Overlapping place of use: (Describe source & relationship to present application on next page.)
Overlapping point of diversion.
Critical groundwater area:
Groundwater management area:
1992 moratorium:
Surface water source, IDFG letter needed.
Protected river or minimum flow reach, notify water planning bureau.
E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
E-mail to Dam Safety staff: (for any storage)
Mitigation plan: Check any that apply.
N/A immediate = acceptable plan required and submitted.
✓ future = open areas, acceptance of condition of approval is in file.
Send power requirement letter &/or fish farm requirement letter.
Power residency affidavit:
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Drilling permit upgrade fee

Date Requested _____ Date Response Received _____

Staff Analysis for 12-15-00 AMENDED APPLICATION

PROCESSING

APP. NO. 29-7269

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☒ ☐
☐ ☒
☐ ☒
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

YES NO

☒ ☐
☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Service

Water Dist. # _____

Water Planning Bureau

Other _____

SEND to same parties
as in original appl.
processing

FINAL REGIONAL PROCESSING REVIEW:

YES NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Final date for protest 2-5-01

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: See agreement forwithdrawal of protest.

See below for additional information

Recommended Date or Priority

12-15-00

Recommended by:

Bary SDate: 12/6/01ADDITIONAL INFORMATION:

Priority Advanced fee suspension codified on 12-15-00. Fees ok since
cfs increase remains in minimum fee category in place when original filing made (up
to .20 cfs for \$50); amendment fee paid 12-15-00.

Use existing D/I on Applicants' land. Remove existing home/garage plus build site to fill
water tanks. Applicants role ends with filling tanks. Trucks (other owners) will
transport water to misc. sites for misc. uses.

Amendment should resolve BLM concerns & public land etc.

SD-4108
INQUIRY ONLY

Idaho Department of Water Resources
Well Drilling Permit Dates - Inquiry

Date: 01/08/01
Time: 10:01:08

Drilling Permit Number: 79-93-W-0004-000

Proposed Start Date:	03/18/1993	Permit
Verbal Issued Date:	03/18/1993	Status: P - Permit
Verbal Issued Time:	11:52:42	Driller License Number: 0125
Application Received Date:	03/19/1993	
Permit Approved Date:	03/19/1993	
Extension Date:	/ /	
Extension Expires Date:	/ /	

Receipt Number:	N006383	Total Fee	Date Paid
		35.00	03/19/1993

(Enter=Exit)
(GOLD8=Cancel)

Department of Water Resources
Western Regional Office

0/1 Log
for
79-7269



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Tom Lindsey
P.O. Box 355
Lucile, ID 83542

Greg Yuncevich
U.S. Bureau of Land Management
Route 3 Box 181
Cottonwood, ID 83522-9498

Re: Application for Water Right No. 79-07269 in the Name of Tom and Sue Lindsay:

At the pre-hearing conference conducted on May 31, 2001, the applicant and protestant agreed that a settlement of the protest against application for water right no. 79-07269 could be reached. The following recites my understanding of what was discussed:

1. Tom and Sue Lindsey will agree not to use water from a spring or the nearby mine shaft to bottle water.
2. There cannot be a direct physical connection between the water in the mineshaft and the groundwater Lindsey's are seeking to appropriate.
3. BLM asked for at least two months to conduct a hydrogeologic analysis.
4. No water shall be diverted until the Division of Environmental Quality and the Panhandle Health District approve the water supply in any well drilled as a public water supply.
5. Any violation of the conditions would result in revocation of any permit or subsequent license issued.

I will take no action on this application until, October 1, 2001. If I have not heard from BLM regarding their hydrogeologic analysis, I will set the matter for hearing.

Sincerely,

Gary Spackman

cc: Gayle Westhoff
711 W. North St.
Grangeville, ID 83530



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Columbia - Salmon Clearwater District
Cottonwood Field Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498
<http://www.blm.gov>

In Reply Refer To:

7250(087)

July 10, 2001

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 79-07269, Tom &/or Sue Lindsey

Dear Mr. Spackman:

We have consulted a Bureau of Land Management (BLM) hydrologist regarding the potential for Mr. Lindsey's proposed commercial water diversion from his well having an impact on the water source located on public land adjacent to Mr. Lindsey's property.

After a very cursory review of available information, our hydrologist feels that there would only be a remote possibility that Mr. Lindsey's water diversion could have any effect on our water source. Therefore we have decided that further investigation of the relationship between the various water sources in Sheep Gulch is not warranted.

That portion of our protest addressing concern about jeopardy to our water source can be disregarded.

We will drop our protest entirely once our other concerns have been satisfied by the solution you agreed to write when we met at Riggins.

If you have any questions, please contact Ron Grant at (208) 962-3680.

Sincerely,

Lynn A Dandy
for Greg M. Yuncevich
Field Manager

cc: Tom and Sue Lindsey

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

ADDRESS

Low Turkey Box 355 Lucile, ID 83512
 Greg Yuncovich Rt 3 Box 181 Cottonwood, ID 83522
 Gayle Weithoff 711 W. North St Shafterville, ID 83530
 Ron Grant Rt 3, Box 181 Cottonwood, ID 83522



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 8, 2001

GARY &/OR CAROLYN HEGVET
PO BOX 324
LUCILLE ID 83542-0324

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Protestant:

This letter is to acknowledge your withdrawal of protest of the above-referenced application for permit.

There are still protests pending against the application, therefore, the conference scheduled for **May 31, 2001 at the Riggins City Hall, in Riggins, Idaho**, will still be held.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and is positioned above the printed name "Gary Spackman".

Gary Spackman

GS:st

CC: Tom &/or Sue Lindsey
US BOR Greg Yuncevich

RECEIVED

MAY 07 2001

WATER RESOURCES
WESTERN REGION

WITHDRAWAL

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of
application for permit to appropriate the
public water of the State of Idaho No.
79-7269.

Signed at Lucile
(location)

this 4th day of May, 1999!

Carolyn Heguet
Signature of Protestor

Gary + Carolyn Heguet
Printed Name of Protestor

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
79-07269 IN THE NAME OF TOM)
&/OR SUE LINDSEY.)
_____)

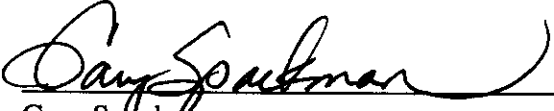
**NOTICE OF PREHEARING
CONFERENCE**

On June 14, 1999, Tom &/or Sue Lindsey filed with the Department of Water Resources (IDWR) application for amendment of permit no. 79-07269. The application was protested by Gary &/or Carolyn Hegvet and Greg Yuncevich, representing the US Bureau of Land Management.

IDWR has scheduled a conference for the protest to be held on **Thursday, May 31, 2001, at 2:00 p.m. at the Riggins City Hall, 126 S. Main, Riggins, ID. 83542.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the conference, please advise the IDWR within (10) days prior to the conference.

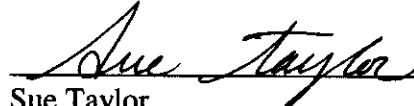
Dated this 27th day of April 2001.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of April 2001, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

TOM &/OR SUE LINDSEY
PO BOX 355
LUCILLE ID 83542

DAVID D RITTENHOUSE
US FOREST SERVICE
1249 VINNELL WY STE 200
BOISE ID 83709

STEVE SPENCER
US FOREST SERVICE
380 E PARKCENTER STE 330
BOISE ID 83706

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

Karl Dr. her

79-07269

I have been working with you people for over two years to gain a commercial licence on my well and spring. I have waited patiently for the system to issue a commercial licence to sell mineral water. I still have not obtained a licence. My neighbor's Heguets have begun selling their water as ice to Food City in Riggins. What type of enforcement do you have for violating Idaho Code. If there is no enforcement why should I have to obtain a commercial licence?
Food city 208-628-3281 (Sam)

RECEIVED

APR 12 2001

WATER RESOL
WESTERN REGION

Tom Lindsey
(Love Lindsey)

4/8/01

22

Jim Carpenter J.T.D.

I have been working with you people for four years now about the problem's with our approach to U.S. 95

I have had nothing but problem's with the overuse for 4 years.

Now Hegvet's have a right for a supplemental permit ~~and~~ if its improved, does this give him the right to use it for buisness with out a legal permit.

This is what is happening now Hegvet's are using the approach for buisness purpose's he has already started making Deliverys for his ice buisness. Food City, Riggins
208-628-3281 (Sam)

When I applied for a permit in 1984 I could not start Construction until I was issued the permit, even though the old approach was dangerous. How can you allow Hegvet's to use the approach with out a legal permit? what Enforcement can you use against one that Violates State Regulations?

(Tom Lindsey)
Tom Lindsey 4/8/01



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RIGGINS CITY HALL
126 S MAIN
RIGGINS ID 83542

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Thursday, May 31, 2001 at 2:00 p.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 27, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM &/OR SUE LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Permit No. 79-07269

Dear Applicant:

Enclosed is a Notice of Prehearing Conference scheduled for Thursday, May 31, 2001 at the Riggins City Hall, 126 S. Main, Riggins, Idaho 83549. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to resolve the protest(s). Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest. Similar letters have been sent to the protestants (BLM and Hegvet)

Please contact this office if you have questions regarding this procedure.

Sincerely,

Gary Spackman

GS:st

Enclosure: Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2001

GARY &/OR CAROLYN HEGVET
PO BOX 324
LUCILLE ID 83542-0324

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Protestants:

The purpose of this letter is to inquire if you still wish to protest Lindseys' above-referenced application for permit. If not, we have enclosed a withdrawal of protest form to be signed by you and returned to this office.

If you still wish to protest the application we have enclosed a Notice of Prehearing Conference scheduled for **Thursday, May 31, 2001, at the Riggins City Hall, 126 S. Main, Riggins, ID 83549.** At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant directly in an effort to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest. Similar letters have been sent to the applicant and the other protestant (BLM).

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

Encl: Notice of Prehearing Conference
Withdrawal of Protest Form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2001

GREG YUNCEVICH
US BUREAU OF LAND MANAGEMENT
RT 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Protestant:

The purpose of this letter is to inquire if you still wish to protest Lindseys' above-referenced application for permit. If not, we have enclosed a withdrawal of protest form to be signed by you and returned to this office.

If you still wish to protest the application we have enclosed a Notice of Prehearing Conference scheduled for **Thursday, May 31, 2001, at the Riggins City Hall, 126 S. Main, Riggins, ID 83549.** At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant directly in an effort to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest. Similar letters have been sent to the applicant and the other protestant (Hegvet).

If this office can be of further assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Encl: Notice of Prehearing Conference
Withdrawal of Protest Form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: Distribution List

Re: Application for Permit No. 79-7269

Dear Interested Parties:

The above referenced application was amended by the applicants and protested by the Bureau of Land Management (BLM) and by Gary and Carolyn Hegvet (Hegvet). Hegvet also sent a related letter to the Idaho Department of Water Resources (IDWR) dated February 13, 2001.

The purpose of my letter is to acknowledge protests and provide identical information to all the parties. Enclosed please find copies of the applicants' amended application, BLM and Hegvet protests, and Hegvet's February 13 letter. Please be advised that parties in this protested matter include the applicant, the protestants and IDWR. All parties must serve notice of all correspondence. This means you should provide copies of all future correspondence to all the parties.

This office will work with you to schedule a prehearing conference, also known as a protest conference, in the next few weeks.

Hegvet's February 13 letter includes a copy of a quitclaim deed indicating Tom and Sue Lindsey sold some property to Thomas J. and/or Gay D. Lindsey. The deed lists water rights in the sale. If the deed correctly describes property associated with Tom and Sue Lindsey's water rights, the new owners should record ownership changes with IDWR. The following table lists water right records in the name of Tom and Sue Lindsey. The table also indicates the type of action needed to change ownership of the water right records with this agency.

<i>Right number</i>	<i>Basis</i>	<i>Action to change ownership</i>
79-7137	License & adjudication claim	File "notice of change in water right ownership" - no fee
79-7194	Permit	File "assignment of permit" - \$25 fee
79-7269	Application for permit	File "assignment of application for permit" - no fee

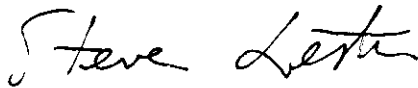
Application for Permit 79-7269
February 15, 2001
Page 2 of 2

Forms to complete the above described actions are available at the IDWR Internet site at www.idwr.state.id.us or by contacting any office of this agency. The forms are included in this mailing to the Lindseys.

Application for Permit No. 79-7269 can remain as filed, can be amended again, or can be withdrawn by the new owners once an assignment of application is properly recorded. The application will remain protested if an assignment is completed. Alternately, Tom and Sue Lindsey could withdraw the application instead of assigning it to new owners. The application is not otherwise affected by the ownership change at this time.

Please contact this office if you need more information.

Sincerely,



Steve Lester
Water Rights Supervisor

Distribution List

Tom and Sue Lindsey
PO Box 355
Lucile ID 83542

Gary & Carolyn Hegvet
PO Box 324
Lucile Id 83542-0324

Attn. Greg M. Yuncevich
BLM Field Manager Cottonwood Office
Route 3, Box 181
Cottonwood ID 83522-9498

Enclosures

Application for Permit No. 79-7269
BLM protest
Hegvet protest
Hegvet February 13 letter with deed

Carolyn & gary Hegvet
P.O. Box 324
Lucile, ID 83542-0324
208-628-3424

February 13, 2001

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Faxed one of two pages second page is legal size

Subject: Protest filed on Thomas and Susan Lindsey's Water Right Permit
Upgrade #79-7269 filed with your office January 31, 2001.

Please also attach the following Legal Quitclaim Deed dated June 29, 1998.

Apparently Thomas and Susan Lindsey sold their Water Rights to Thomas's
father and mother, Thomas J. and Gay D. Lindsey.

Does this effect the new permit?

Please advise ASAP

Thank You For Your Time

Gary & Carolyn Hegvet
Gary & Carolyn Hegvet

400626

QUITCLAIM DEED

 COMPUTER
 INDEXED
 TRACED
 FILMED
 MICROFILMED

For Value Received

Tom and Susan Lindsey

do hereby convey, release, remise and forever quit claim

unto THOMAS J. AND/OR GAY D. LINDSEY

the following described premises, to-wit:

WITNESSETH:

That the said Grantors, for and in consideration of the sum of \$18,000.00, lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantee, her heirs and assigns forever, all mineral rights, water rights, sand and gravel rights in

the following described real property situate in the County of Idaho, State of Idaho, to-wit: Patent # 316750

Part of Lot 7 of Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Beginning at a point South of the Section Corner common to Section 34 and 35 of Township 26 North, Range 1 East, Boise, Meridian, 2616.5 feet, the TRUE POINT OF BEGINNING: thence South 20 feet to a point on the meander line of the Salmon River; thence North 80° West 40 feet to a point; thence North 20 feet to a point; thence South 80° East 40 feet to the TRUE POINT OF BEGINNING.

AND that part of Lots 5 and 7 East of U.S. High v 95 in said Section, Township and Range.

together with their appurtenances.

Dated: 6-29-98

Tom Lindsey

 6-29-98
 Susan Lindsey

STATE OF IDAHO, COUNTY OF

On this 29th day of June, 1998
 before me, a notary public in and for said State, personally appeared Tom + Susan Lindsey

Known to me to be the person who Co name S
 subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at R 19123
 Comm. Expires 8-1-99

Notary Public
 , Idaho

STATE OF IDAHO, COUNTY OF Idaho

I hereby certify that this instrument was filed for record at the request of Thomas J. Lindsey at 40 minutes past 1 o'clock P.M. this 29th day of June 1998, in my office, and duly recorded in Book of Deeds at page

Joe Gehring
 Ex-Officio Recorder

By

Fees \$ 3.00

Deputy.

Mail to:

Box 313

Lucile, Idaho

Printed and for sale by Brown-York Company, Boise

83542

Receipt W027332
21101 Kb

RECEIVED

FEB 01 2001

WATER RESOURCES
WESTERN REGION

Gary & Carolyn Hegvet
P.O. Box 324
Lucile, ID 83542-0324
208-628-3424

January 31, 2001

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Steve Lester;

We would like to file protest on Thomas and Susan Lindsey's Water Right Permit Upgrade #79-7269 filed with your office in January 2001. The protest is he drilled this well in 1993, and has been using it every Spring and Summer to irrigate 1/2 acre garden where he actually sells his produce grown in this garden to the public. He has even advertised in the Free Press for employees to pick and sell the produce grown in this garden. He has been selling produce commercially for the past ten years that we know of out of this garden.

We are in a Civil Court Case with Thomas and Susan Lindsey on February 12, 2001. We are the plaintiffs and they are the defendants. The case involves their the Lindsey's ramming my vehicle as I had to stop on our easement at Thomas and Susan's while Thomas rammed my vehicle deliberately. Thomas has been telling local residences he intends to run us out of our home.

We have been developing a business and purchased Ice Manufacturing Machines since April 2000. We were unaware we needed a Water Right Permit ourselves to use our well for domestic and commercial use. The commercial use is relatively a small usage, and our well pumps approx. 10 gallons per minute.

Page 2 of Protest Lindsey Water Right Permit Upgrade 79-7269

We would also protest his upgrade to Commercial use because his future commercial use did not proceed ours. He was able to file first because we were unaware of the requirement.

He has in fact been contacting everyone he can think of to report anything to make life difficult for us.

Our existing well was drilled in 1980 and we were told Fawn Rupp owned this property before Thomas and Susan ever owned their property.

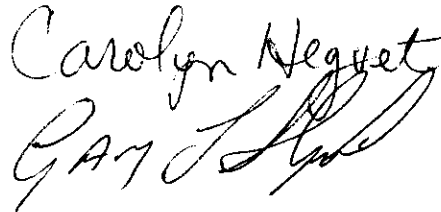
If Thomas Lindsey protests our Water Right for Commercial use of our existing well; and we are unable to obtain approval of this water right; we will be losing \$6,500.00 already spend in development of our well. It would also cost us approx. \$10,000.00 to drill another well for our domestic use.

Thank you for your consideration in this protest.

Sincerely,

Gary & Carolyn Hegvet

Cc Attorney Wesley Hoyt

Handwritten signatures of Carolyn Hegvet and Gary Hegvet. Carolyn's signature is in a cursive script, and Gary's is more stylized and bold.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Columbia - Salmon Clearwater District
Cottonwood Field Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498
<http://www.blm.gov>

In Reply Refer To:

7250(087)

January 30, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
7000 0520 0014 5777 2807

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

W027333
2/1/01 KH

RECEIVED

FEB 01 2001

WATER RESOURCES
WESTERN REGION

Re: Application for Permit No. 79-07269, Tom &/or Sue Lindsey

Dear Mr. Spackman:

The Bureau of Land Management (BLM) wishes to file a protest against the Application for Water Permit, No. 79-07269, filed by Tom &/or Sue Lindsey. A \$25.00 protest fee is enclosed. The reasons for our protest are listed herein.

The proposed point of diversion (POD) and the point of use (POU) in the subject application are located on private land. However, the BLM manages adjacent public land where the BLM has a water right and where the applicant has made three previous water filings. These water filings are as follows:

1. License No. 79-07137, Name - Tom & Sue Lindsey, Priority Date - 06/16/1983, Volume - 0.040 cfs, Use - Domestic, POD - Public Land, POU - Mr. Lindsey's Private Land.
2. License No. 79-07146, Name - BLM, Priority Date - 08/06/1983, Volume - 0.020 cfs, Use - Stockwater and Wildlife, POD - Public Land, POU - Public Land.
3. Permit No. 79-07194, Name - Tom & Sue Lindsey, Priority Date - 10/27/1989, Volume - 0.040 cfs, Use - Domestic, Volume - 0.200 cfs, Use - Mining, POD - Public Land, POU - Mr. Lindsey's Private Land.

4. Application No. 79-07269, Name - Tom & Sue Lindsey, Priority Date - 06/14/1999, Volume - 0.020 cfs, Use - Stockwater, Volume - 0.020 cfs, Use - Commercial (Bottled Water), POD - Public Land, POU - Mr. Lindsey's Private Land.

Mr. Lindsey's latest application is for a volume of 0.070 cfs for commercial bottled water and a volume of 0.040 cfs for domestic use. The POD is a well on Mr. Lindsey's land.

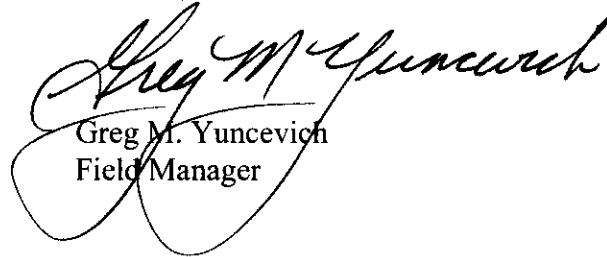
The BLM attempted to protest Mr. Lindsey's last application, No. 79-07269, but failed to meet the protest deadline. Enclosed is a copy of that protest and a copy of a letter to Mr. Lindsey informing him that the BLM would not grant him a right-of-way to transport water from the public land for commercial use.

Mr. Lindsey's needs and intentions are confusing. The BLM is concerned that our Water License, Public Water Reserve, and water availability are not jeopardized by Mr. Lindsey's actions.

Mr. Lindsey previously showed an interest in selling bottled water from the POD on public land because it contains certain minerals that qualify it to be marketed as mineral water. Mr. Lindsey has an existing pipeline from the POD on public land to his private land and, if he is permitted to sell bottled water, it will be difficult to verify the source of the water that he bottles and sells.

Each of Mr. Lindsey's water filings have a volume for his domestic use. These filings appear to be duplicative. If Mr. Lindsey's latest application, No. 79-07269, is approved, we recommend that his previous water rights, permit and application be relinquished or voided since they would no longer be needed.

Sincerely,



Greg M. Yuncevich
Field Manager

3 Enclosures



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia - Salmon Clearwater District
Cottonwood Resource Area Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498
<http://www.blm.gov>

In Reply Refer To:

2800(065)

September 14, 1999

RECEIVED

FEB 01 2001

WATER RESOURCES
WESTERN REGION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Z 356 291 624

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 79-07269, Tom &/or Sue Lindsey

Dear Sir:

The Bureau of Land Management (BLM) wishes to file a protest against Application for Water Permit, no. 79-07269 in the name of Tom &/or Sue Lindsey. A \$25.00 protest fee is enclosed. The reasons for our protest are listed herein.

1. The proposed point of diversion (POD) for this water permit is located on public land administered by the BLM. It should be noted that the legal description in the application is in error. The POD is listed as government lot 8. It is actually located in T. 25 N., R. 1 E., section 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, not lot 8. The proposed place of use (POU) is shown as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 2. The north half of this legal subdivision is owned by Pat and Nelson Evans and the south half of it is public land. We object to an asserted POD and POU for stockwater and commercial use that are located on public land. The applicant has no authorization to use public lands for these uses. The subject permit application also lists 0.02 cfs for "BLM stock and game tank". We object to the BLM's use of water from this source being included in Mr. Lindsey's water permit. Our use of water is authorized under a water license held by the BLM.
2. The United States (BLM) has claimed this water source under a Federal Reserved Water Right (Public Water Reserve No. 107) with a priority date of April 17, 1926. Public Water Reserve No. 107 reserves the water from the spring for stockwater and domestic use. The BLM has also made a beneficial use claim for this water source for stockwater

with a priority date of January 1, 1879 (IDWR no. 79-11693). The BLM also has a state water right, no. 79-07146, for this source of water. This water right has a priority date of 08/06/1983 and shows a surface source as the point of diversion. Sometime after the BLM filed this water right, Mr. Lindsey's mining activities adjacent to the surface spring caused the surface source to dry up. The only water source at this location now is underground and is accessed from Mr. Lindsey's mining adit. The BLM is concerned that any additional diversion from this source may further jeopardize BLM's water rights.

3. Because of the ongoing court ordered Snake River Basin Adjudication, we are reluctant to allow new water rights on public land to be held by anyone other than the United States. We are concerned that, in some instances, private water rights on public land could limit BLM's management options in the future.
4. The point of diversion for Mr. Lindsey's permit is located in the bottom of a natural drainage, Sheep Gulch. Mr. Lindsey has repeatedly expressed concern about the drainage of surface water in Sheep Gulch potentially contaminating the source of water identified in the subject application. Since there may be a potential for contamination from storm drainage, additional water diversion for culinary uses from this location should not be allowed.
5. Since the POD and POU in the subject application are located on public land, a right-of-way grant from the BLM is required for the proposed development to occur. For the reasons listed herein, we will not grant a right-of-way to Mr. Lindsey for his proposed development and we object to the proposed state water permit/license.

Sincerely,

Greg M. Yuncevich
Area Manager

1 Enclosure

cc: ISO - 930



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Columbia - Salmon Clearwater District

Cottonwood Resource Area Office

Route 3, Box 181

Cottonwood, Idaho 83522-9498

<http://www.blm.gov>

RECEIVED
FEB 01 2001
WATER RESOURCES
WESTERN REGION

In Reply Refer To:

2800(065)

July 15, 1999

Tom Lindsey
PO Box 355
Lucile, ID 83542

Dear Tom:

This letter is in response to your proposal to divert water from public land to be bottled and sold commercially.

We made some inquiries to the Bureau of Land Management (BLM) State Office who recommended that we do not authorize such use. Their objections are based upon legal issues pertaining to water rights.

As you may know, most of the state has been involved in legal proceedings to allocate water rights for the last several years. As a result of this court ordered Snake River Basin Adjudication we have learned that we need to be very cautious about water usage on public lands. Our water rights experts have recommended that we allow no new water rights on public land to be held by anyone other than the United States. The reason is that, under state water law, certain property rights can be attached to property through the ownership of a water license. Our advisors feel that this could limit the BLM's ability to manage its land in the future.

Your proposal also may impose an unacceptable risk of liability for the United States. Since you intend to sell water for public consumption, there could be a liability to ensure the water is safe and meets necessary water quality standards. The BLM is very concerned about any possibility of exposure for liability.

You have repeatedly expressed concern over the drainage of surface water in the Sheep Gulch area. If there is a potential for damage from storm drainage, we do not want to make matters worse by permitting additional development in this location.

The biggest problem our legal advisors found with your proposal is that the United States has a Public Water Reserve at this location that dates back to 1879. This reserves the water from the spring (and all water within ¼ mile that is associated with the spring) for stockwater and

domestic use only. Their interpretation is that we cannot legally allow a commercial use of this water as you propose.

Because of the reasons explained here, we would not grant a right-of-way to you for your proposal. We would also object to your proposed state water permit/license for the new diversion.

Sincerely,

Greg M. Yuncevich
Area Manager

cc: ISO - 930
Cindy Zimmerman - IDWR

Idaho Department of Water Resources Receipt

Receipt ID W027333

Payment Amount	\$25.00	Date Received	2/1/01 2:15:00 PM	Region	Western	Status
Payment Type	Check	Check Number	141			

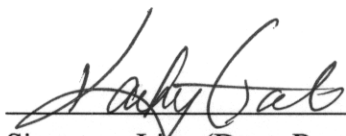
Payer KING, BARBARA

Comment PROTEST 79-07269

Fee Detail

Amount Description Fund FD PCA SO

\$25.00 PROTESTS 0229 21 62103 1155



Signature Line (Dept. Representative)

CONVERSATION MEMORANDUM

DATE 2/22/01
FILE 79-7269

NAME OF PARTY Tom Lindsey 208-628-3987

EMPLOYEE FL

RE: phone message

① Applicant's property was auctioned deal to ~~parents~~ parents recently but now " " back to Applicant ... so ownership change/assignment N/A.

② son protest conference ... requests onsite meeting to help clarify everything.

2/28/01

IDWR Received Lindseys' protest of
Negvots' Appl. 79-13962.

Ako Received Auction deal from parents
back to Tom & Sue ... so Appers assignment
N/A in 79-7269.

RECEIVED

FEB 02 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

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

79-13991

SPENCER RANCH INC.

RT. 2 BOX 504

GRANGEVILLE, ID 83530

Diversion Pt: NESESW Sec 18T 29N R 02E

in IDAHO County, Source: UNNAMED

STREAM

Use: FIRE PROTECTION (01/01 To 12/31 3

AFA)

STORAGE

Total Diversion: (3 AFA)

Date Filed: 11/30/2000

Place of use: FIRE PROTECTION STOR-

AGE

Twp 29N Rge 02E Sec 18 SESW

APPLICATION FOR WATER RIGHT

Tom & Sue Lindsey of P.O. Box 355, Lucile,

ID 83542 applied for an Application for Per-

mit that was advertised on 9-1-1999 and 9-8-

1999 in Idaho County (all sites are in T25N,

R1E, Section 2) as follows:

#79-7269, filed on 6-14-1999, Groundwater

diverted in SWSNW for Commercial (.02

cfs) and Stockwater (.02 cfs) uses in SENW.

Total amount of water is .04 cfs.

AMENDED APPLICATION

The application was amended on 12-15-00

for Groundwater for Commercial (.07 cfs)

and Domestic (0.4 cfs) uses: Will divert and

use water in Gov't. Lot 5 (SWNW). Total

amount of water will be 0.11 cfs. Applicants

agree to mitigate consumptive use in the fu-

ture as needed from an existing well on ap-

plicants' property.

The permit will be subject to all prior water

rights. Protests may be submitted based on

the criteria of Idaho Code, § 42-203A. Any

protest against approval of this application

must be filed with the Idaho Department of

Water Resources, Western Region, 2735 Air-

port Way, Boise, ID 83705-5082, together

with a protest fee of \$25 for each application

on or before February 5, 2001. The protes-

tant must also send a copy of the protest to

the applicant.

Karl J. Dreher, Director

Published in the Idaho County Free Press, 1-

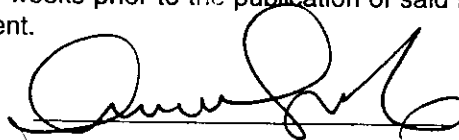
17-2001 and 1-24-2001.

J17-24

STATE OF IDAHO

County of Idaho - ss.

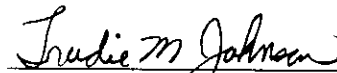
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of January, 2001; and the last publication on the 24th day of January, 2001; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)

COUNTY OF)

On this 24th day of January in the year of 2001, before me a Notary Public personally appeared Andrew J. McNab, 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.



Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 5-15-03



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2001

GREG YUNEVICH
US BUREAU OF LAND MGMT
RT 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. 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(s), your written protest along with the \$25.00 protest fee must be received in this office by February 5, 2001.

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

Sincerely,

Gary Spackman

GS:lm

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 17, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ENVIRONMENTAL HEALTH
NORTH CENTRAL DISTRICT HEALTH DEPT
215 10TH ST
LEWISTON ID 83501

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

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(s), your written protest along with the \$25.00 protest fee must be received in this office by February 5, 2001.

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:lm

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 17, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Water Right No. 63-31128 in the Name of Golden Sunrise Mining Inc
Application for Water Right No. 63-31129 in the Name of Lansing Investment Inc
Application for Water Right No. 63-31133 in the Name of Arena Valley Vineyards LLC
Application for Water Right No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

Enclosed are copies of the above-referenced applications, which may be of interest to your agency. Please review the applications 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(s), your written protest along with the \$25.00 protest fee must be received in this office by February 5, 2001.

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

Sincerely,

Gary Spackman

GS:lm

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

01/10/2001

IDAHO COUNTY FREE PRESS
PO BOX 267
GRANGEVILLE ID 83530

RE: Application for Permit No 79-13991 and 79-7269

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 5, 2001. Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

APPLICATION FOR WATER RIGHT

Tom & Sue Lindsey of PO Box 355, Lucile ID 83542 applied for an Application for Permit that was advertised on 9-1-1999 and 9-8-1999 in Idaho County (all sites are in T25N, R1E, Section 2) as follows:

#79-7269, filed on 6-14-1999, Groundwater diverted in SWSEnw for Commercial (.02 cfs) and Stockwater (.02 cfs) uses in SENW. Total amount of water is .04 cfs.

AMENDED APPLICATION

The application was amended on 12-15-00 for Groundwater for Commercial (.07 cfs) and Domestic (.04 cfs) uses. Will divert and use water in Gov't. Lot 5 (SWNW). Total amount of water will be 0.11 cfs. Applicants agree to mitigate consumptive use in the future as needed from an existing well on applicants' property.

CONVERSATION MEMORANDUM

DATE 1/10/01
FILE 79-7269

NAME OF PARTY Tom Lindsey 208-628-3987
EMPLOYEE JL

RE: Complaint

① i.d. of well owner/user ~~not~~ per his previous letters:

Gary Hegvet
Lucile ID 83542

② Hegvet well = late 1970's - early 1980's,
orig. owner Rupp.
no logs found for this.

③ WR/AT search Hegvet = $\emptyset$

④ will send letter to Hegvet

⑤ Lindsey will send his d.p. upgrade fee.

Items 1-4 → see Hegvet Complaint in 2001 Complaint File



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 8, 2001

TOM & SUE LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Amended Application for Permit No. 79-7269

Dear Applicants:

The above referenced amended application for your well will be advertised in the *Idaho County Free Press* on January 17 and 24, 2001. The protest deadline will be February 5, 2001.

The drilling permit for your well must be upgraded before the application can be forwarded to the central office of this agency for final disposition. The \$35 drilling permit was issued in 1993 for a single-family domestic well. To use the well as proposed in your application, the drilling permit needs to be upgraded to a \$200 drilling permit as required by the well construction rules of this agency. Please remit the \$165 balance due.

Please complete this step within thirty (30) days of the date of this letter to keep the application in good standing.

I could not identify any department records regarding your letter of December 20, 2000, for a well owned by the Huguets. I also do not have a mailing address for them. To pursue your concerns about that situation, please provide the following information:

- full name(s) and mailing address for Huguets
- is the existing or proposed well of concern in Section 2?
- if you are concerned about an existing well, who owned the property when the well was drilled?

I can investigate your concerns based on your written reply. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Idaho Department of Water Resources Receipt

Receipt ID W027225

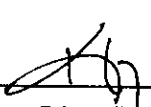
Payment Amount	\$50.00	Date Received	12/15/00 9:34:54 AM	Region	Western	Status
Payment Type	Check	Check Number	1626			

Payer LINDSEY, TOM

Comment APPLICATION FOR PERMIT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PERMITS	0229	21	62103	1155


Signature Line (Dept. Representative)*amendment
fee*

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Tom +/or Sue Lindsey

Mailing Address

PO Box 355

Lucile ID 83542

Application No.
(if known)

79-07269

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

(Tom Lindsey)

Date

12/13/00

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

REC'd
12/15/00
-JL



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 2000

TOM &/OR SUE LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Amended Application for Permit No. 79-07269

Dear Applicants:

Enclosed is your amended application received at this office today. I completed the quarter-quarter description for the proposed point of diversion and place of use based on your identification of the site as Government Lot 5. "Government Lot" is a survey term that does not mean the site is owned by a government.

To comply with processing standards established by the administration of this agency, please show your approval of the information I added to application item numbers 3 and 9 for the diversion point and place of use, respectively. You can approve the information with your initials and date at the bottom of the front page of the application. Please return the application to me at your earliest convenience to allow processing to resume.

On another subject, you asked if Gary Haguet needs a water right from his well to make and sell ice. Section 42-111, *Idaho Code*, allows up to 18 gallons per minute, but not to exceed 2,500 gallons per day, from a well for any purpose without a water right. Use beyond those limits in a commercial setting would require a valid water right. Mr. Haguet does not have a commercial water right according to the records of this agency.

Please let me know if you have any questions about your amended application.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

AMENDED Appl. w/ fee REC'd 12-15-00:

- increased cfs
- changed N/A
- changed legal to Lot 5 but didn't list AQ details.

I added " " & sent back for approval, rec'd back on 12-26-00.

D-O-P Adm'd to 12-15-00, not 12-26-00.

Dec. 12, 00

Steve Lester:

IDWR

✓ Rec'd 12/15/00
w/ Amended Appl.

-82

We would like to start selling 10,000 gal. of mineral water a day.

This would include running the in place pump 6 hrs a day to gain 10,000 gal. at 30 gal per min.

Since we do have a permit from a spring located on BLM, selling the well water would not interfere with Domestic consumption. The well is not hooked up to a pressure tank, and is not being used for Domestic use. We use the spring.

The well produces 70 gal a min at drilling we placed a pump with plastic pipe in the well, the pump pumps 30 gal a minute. The water contains 194 milligrams of Cal. 104 milligrams of mag.

Our property lays along highway right of way our plan is to pump water from my property to tanker trucks parked along highway right of way (lots of room) a portable roll up line will go from our property to the trucks approx 200 ft or less. No permit is required from F.T.D. for portable lines. Tom Fisher over

Didn't fill out #9, you can
~~see~~ since I red dotted spring in
lot 5.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 2000

TOM &/OR SUE LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Amending Application for Permit No. 79-07269

Dear Applicants:

Enclosed is material to amend your application to use your existing domestic well for other purposes. Rather than write a long-winded letter about all the details, I added notes for your consideration. Amending your application will serve as a response to my letter of November 8, 2000.

The following items are included in this mailing.

1. Copy of original application 79-07269.
2. Partly completed amended version based on the telephone conversation with Tom yesterday.
3. Notes to help complete the amended application.
4. A "generic letter" discussing the "request to process form" regarding consumptive use proposed in selling water (commercial use).
5. Instructions for filing future applications for permit.
6. Blank application for permit forms.

The last two items are available at the department's Internet homepage as noted. At least \$50 will be needed to amend your application as explained in the notes.

Please provide your completed amended application to this office within thirty (30) days of the date of this letter. If the information is not timely submitted, Application No. 79-07269 will be removed from the records of this agency. I will be glad to provide more information if you need it. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

11/15/00

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Notes to Amend Appl. 79-07269

- ① Complete items marked on partly completed amended form.
- ② Complete "request to process" form since commercial use is consumptive.
- ③ only 1 signature needed on both forms.

TIPS TO COMPLETE AMENDED APPL. FORM

- ① item 3 Point of Diversion - see map & mark well location. Is it SENW or SWNW? make sure map & written location agree.
- ② item 4 Amount of water - Domestic for 1 home at typical maximum allowed is needed since the system will serve home plus commercial uses.

$$\text{For commercial } \frac{\text{gpm}}{448.8} = \text{cfs}$$

if 30 gpm = .07 cfs
if 50 gpm = .11 cfs

- ③ item 5 TOTAL Amount - CAN, but do not have to add ~~values~~ ^{values} in item 4. For Example:

Domestic	.04	cfs	
Commercial	.11	cfs	
TOTAL	.15	cfs	or } either way ok
	.11	cfs	

- ④ item 7 Time to complete - choose 1, 2, 3, 4 or 5 years to complete development as proposed in amended appl.

- continued -



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NOTES continued

- ⑤ item 9 PLACE OF USE - SEE map & mark locations of home and where water transfer/tanks will be filled. Mark appropriate box or boxes in item 9 chart. Make sure map and chart agree.
- ⑥ item 11 Ownership - Complete a, b, c as needed.
- ⑦ FEE - \$50 required to amend the application.
No other \$ needed if total is .20 cfs (90 gpm) or less.
If total exceeds .20 cfs:
SEE fee schedule in Appl. instructions.
Pay fee minus \$50 originally paid when you first filed on 6/14/99.
Bottom line: At least \$50 needed for amending Appl. 79-07269.

-JZ

CONVERSATION MEMORANDUM

DATE 11/14/00

FILE 79-07269

NAME OF PARTY Tom Lindsey

EMPLOYEE JE

RE: Amend Application

Applicant called a reply to DOR 11/8/00 letter. Does not want to pursue filing as made. Instead, wants to amend to use existing O/I well & pump H₂O* to tanks.

This would be selling water to buyers who might want to take water elsewhere & process it or just sell/consume it. Thinks well water is good enough to sell water this way without having to process & bottle the water himself.

Plus wants to file for other issues at other locations for different uses (could be separate applications).

I will send him info to revise this appl. plus file others if he wants to.

* mentioned existing 30 gpm pump, possible 50 gpm pump.

Begin Amended appl.
info 11/14/00

CONVERSATION MEMORANDUM

DATE 10/30/60
FILE 79-07269

NAME OF PARTY

Tom Lindsey

EMPLOYEE

PL

RE:

Field Visit

Visit was scheduled for 3 p.m. 10/26/60 with Lindsey & Ron Grant of cottonwood BLM office (208-962-3680). I contacted grant in time to cancel.

Lindsey had to cancel at last minute due to family emergency. Said he would be interested in meeting on site in spring, 2001.

CHECK

(1) source spring or ground water supply?

(2) " same/different than:

- 7137 Lindsey Spring } file into suggests these

- 7144 " " } are 2 separate springs

- 7146 BLM " - same or different than

7137? Contradictory file into.

(3) Lindsey complaint e Evans p/i well ... see file into.

Re schedule for March-April 2001 coordinate field visit with Ron Grant.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 2000

TOM LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Permit No. 79-07269

Dear Mr. Lindsey:

This letter confirms that the October 26, 2000, field visit regarding the above referenced application was canceled at your request due to emergency circumstances. My letter also seeks to clarify the status of your application.

This office asked you for additional information in letters dated October 19 and December 17, 2000. Copies of the letters are enclosed. Please provide the information if you want to keep your application in good standing. Another option would allow your application to remain in good standing. You can request an interruption of processing for up to six months to gain more time in which to submit the requested information.

Either option requires a written reply. The field visit will be rescheduled next spring if you complete one of these two steps.

Please submit your written reply within thirty (30) days of the date of this letter. If a reply is not timely submitted, the application will be removed from the records of this agency. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure

Cc: Ron Grant, BLM



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOM LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Water Right No. 79-07269

Dear Mr. Lindsey:

I understand that you spoke to the Director of this Department following my letter dated December 17, 1999. Someone from this office will visit the site of your proposed water diversion and use when we are in the area. The examiner will also contact someone from BLM to participate in the site visit. The inspection may not be scheduled until the spring of 2000.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

cc. Ron Grant-BLM
Norm Young
Steve Lester
Cindy Bird
Lori Graves



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 17, 1999

TOM LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Water Right No. 79-07269

Dear Mr. Lindsey:

Thank you for your letter dated November 15, 1999. After reading your letter and comparing it to my letter asking for information, dated October 19, 1999, I conclude that you have not adequately responded to my inquiries. Enclosed is a copy of the letter I sent you on October 19, 1999.

The Bureau of Land Management (BLM) states that you do not own either the point of diversion or the place of use. You do not dispute their assertion in their letter. Instead, you state that you will use a tanker truck to pump the water on site. You also state that you can use the water for mining purposes. Whether you are planning to use a portable means of diversion and use of the water, or install some permanent delivery system, you need to show the Idaho Department of Water Resources (IDWR) that you have a special use permit for the purpose proposed. Furthermore, you propose to bottle water commercially. The commercial bottling of water is not related to mining in any way, and your argument that your mining claim grants some right to divert water for another purpose is not supported by any information you have submitted to me.

I also asked you to submit proof to show that your proposed use of water would not injure water rights held by BLM. You stated that you would supply them one-half a gallon a minute of water, and that this should be sufficient guarantee to prevent injury. There is nearly always a relationship between surface water flowing in springs and creeks in mountainous areas and ground water related to those flows. IDWR recognizes the relationship between ground water and surface water. Your diversion of ground water very well could affect water rights held by BLM. You have not submitted information to show that BLM's water rights will be protected.

This letter is another request for the information I asked for. If it is not submitted within fourteen (14) days of the date of this letter, I will act to remove your application from our records.

You also asked in your letter for an onsite inspection. Dave Tuthill of this office conducted an onsite inspection previously. I see nothing in the letter that justifies an onsite inspection for uses proposed at the present time.

Sincerely,



Gary Spackman

GS:st

Encl.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Please send comment
letters

INITIAL REVIEW BY: ly DATE: 8/19/99 APPLICATION: 79-07269

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ 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: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

N ADVERTISE REMARK(S)
(Reviewer identify which remarks)

to do T FLAG CHANGED TO P FLAG -OK per Email to
S.O. 1/4/01 -SL

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☒ ☐ Critical groundwater area:
- ☒ ☐ Groundwater management area:
- ☒ ☐ 1992 moratorium: exempt as filed
- ☒ ☐ Surface water source, IDFG letter needed.
- ☒ ☐ Bull trout impact area, IDFG letter needed
- ☒ ☐ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ ☐ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply. exempt as filed
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☐ ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ ☐ Send power requirement letter &/or fish farm requirement letter.
- ☒ ☐ Power residency affidavit:
- ☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

END OF ORIG. Appl.
Processing info = 11/13/00

Date Requested _____ Date Response Received _____

Staff Analysis for original Appl. of 6/14/99.

PROCESSING

APP. NO.

79-07269

YES NO

☒ ☐ In form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☒ ☐ I.D. Health & Welfare
☒ ☐ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☒ ☐ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Other

*c/o Greg Yuncovich
Rt 3, Box 181
Cottonwood Id
83522-9498*

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Final date for protest 9-20-99
☐ ☒ Protests received.
☐ ☐ Recommendations attached:
☐ ☐ Measuring device required:
☐ ☐ Water delivered by water master? District #
☐ ☐ Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date:

ADDITIONAL INFORMATION:

see attached memo dated 8/18/1999

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 08/19/99
Time: 10:58:05

Water Right Number: 79-07269

Comment Date: 6/24/1999 User ID: LGRAVES

Subject: MISC

Applicant has license 79-07137 and permit 79-07194 from the same diversion for domestic use. Per 7/19/1999 telecon with applicant the source is pumped 25' below surface from inside a mining tunnel. Uses will not exceed 2500 gpd. Commercial use is for water bottling and stockwater is for BLM.

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MEMORANDUM

DATE: 8/18/1999

FROM: lg ☺

TO: Gary Spackman

RE: Tom Lindsey

Tom Lindsey filed an application for permit no. 79-07269 to divert spring water for commercial use in the Salmon River moratorium hold area. The commercial use is for bottling water. Per a telecon 7/19/99, Tom asked the source be changed to ground water, therefore making the application exempt from the hold. Before advertising, I asked Tom to submit justification for the change and also asked if he wished to withdraw the application prior to advertising because BLM planned to protest (please see attached BLM letter dated 7/15/99 and IDWR letter dated 7/17/99).

After researching the matter, the following baggage was found attached to the application's diversion works. When Tom dug an exploratory mine tunnel on BLM land, he intercepted ground water ~25' below surface. He then filed permit 79-07194 for mining and domestic uses. BLM protested this permit stating that the diversion would adversely impact their stockwater license for a spring located ~400' West and down gradient from Tom's mining diversion. Dave Tuthill conducted an on-site meeting 10/27/1989 in which BLM agreed to withdraw their protest contingent to conditions of approval (see attached copy). A field exam was conducted on the permit in 1995 and re-examined in 1998. Domestic use was found, mining use was not. Based on condition no. 1 of the Withdrawal of Protest, the source for permit 79-07194 was recommended as ground water rather than spring because the water was not exposed to the surface prior to being pumped. Tom also has license 79-07137 for a spring that was originally located in Sheepgulch drainage. Tom stated in a telecon 7/19/99 that the diversion was relocated to the mining tunnel because the springbox kept washing out. Ron Grant with BLM stated in a 7/20/99 telecon that Tom had moved the spring diversion to the tunnel diversion because once the ground water was intercepted during the tunnel's construction, the spring dried up, which is why BLM protested Tom's permit 79-07194 in 1989.

Since license 79-07137 and permit 79-07194 are from the same diversion for the same domestic use, the license accounts for any spring (surface water) "naturally" exposed to the surface from the mining tunnel and permit 79-07194 was recommended for ground water "pumped" from the tunnel.

Tom has responded to my letter with the attached three page letter dated 8/15/99. On the last page of his letter, he has demanded an on-site inspection from IDWR and BLM, which you may want to address or have me address. I plan to advertise Tom's application, notify BLM for protest, and go from there.

Before the Department of Water Resources
of the
State of Idaho

In the Matter of
Application for Permit No. 79-07194
In the Name of
Tom and/or Sue Lindsay

Withdrawal of Protest

Pursuant to an on-site visit and discussion between the applicant and protestant B.L.M. in the above-referenced matter, the protestant hereby agrees to withdraw the protest to approval of the application, contingent to the following:

1. The applicant shall add groundwater as a source to clarify that presently the water source is not on ground surface. Thus, the applicant would have the option of digging to obtain water, or using ^{spring} water exposed through a mining operation
2. The following conditions of approval shall be added to the water right:
 - a. This water right is junior to water right in the name of Lindsay and U.S. B.L.M. located about 400' down the gulch.
 - b. If diversion under this water right reduces the supply of any senior water right, this water right holder will either reduce his rate of diversion until there is no adverse impact or provide an alternate supply to satisfy the senior water rights.

Dated this 27th day of October, 1989.

Tom Lindsay
Applicant

Larry O. Wilson, B.L.M.
Protestant

#1

208-334-2348

Attention:

Lori Graves

Nov 15, 1999

In regards to application for water Right # 79-07269.

The spring was never used for beneficial use. approx. 40 feet to the north east a spring box was put into the spring to gather the water.

The Depth between the flowing spring and spring box was 7 feet, this is ground water.

To answer #1 of your questions I don't plan to pump water down a new pipe line or the existing pipe line. I plan to use a tanker truck to pump water to it right on site. this water right has nothing to do with my mining claim the Sheep gulch Wedge MC # 72835 under Idaho Code under mining and the federal 1872 mining laws its established I can use the water for

#2

mining purposes you can look
this up earlier than I. You
should be well aware of this.

#2 I have a Contractual
Agreement with the BLM to
Supply the water tank with
1/2 gallon a minute. The BLM
filed over the Top of me after
my filing was complete, this
was not an established spring
under BLM because the BLM
Sent you no filing dates prior
to my filing there will be
no additional injury ~~to the~~

Because there will be no
more further Development
outside. the Incoming water
is flowing 180 feet back
underground BLM has no
jurisdiction underground only
NSA. there was no previous
Development by the BLM,
no one knew about the
Spring until I filed on
it.

#3

this water now is considered
ground water and BLM has
no jurisdiction over the
water

I Demand an onsite
Inspection before any decision
is made. Between BLM,
Water Resource Board and
myself. At your earliest
~~convenience~~. Convenience this
way we can clarify BLM's
5 points of arguments.

Besides BLM did not
get their protest letter in
on time. This voided their
protest according to Idaho
Code. I can always give
the BLM another 1/2 gallon a
minute to their Stock water tank
because the flow of the water is
regulated by a valve.

Tom Lindsay
11-15-99

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

79-07269 ✓

LINDSEY, TOM
LINDSEY, SUE
PO BOX 355
LUCILE, ID 83542
Source: GROUNDWATER
Diversion Pt: SWSNW Sec 2 T 25N R 01E
in IDAHO County.
Use: COMMERCIAL (0.020 CFS)
STOCKWATER (0.020 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 6/14/1999
In: IDAHO County
T25N R01E S02 SENW

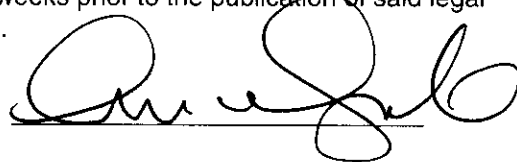
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/8/1999 & 9/8/1999

S1-8

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 1st day of September, 1999; and the last publication on the 8th day of September, 1999; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

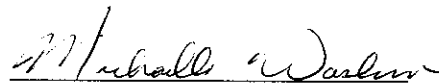


STATE OF IDAHO)
COUNTY OF)

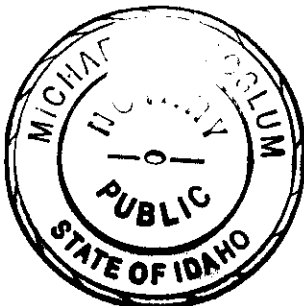
RECEIVED
NOV 10 1999

WATER RESOURCES
DIVISION

On this 8th day of September in the year of 1999, before me a Notary Public personally appeared Andrew J. McNab, 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.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

October 19, 1999

KARL J. DREHER
DIRECTOR

TOM LINDSEY
PO BOX 355
LUCILE ID 83542

Re: Application for Water Right No. 79-07269

Dear Mr. Lindsey:

You filed application for water right no. 79-07269 with the Idaho Department of Water Resources (IDWR), seeking to divert 0.02 cfs for commercial purposes, (bottled water) and 0.02 cfs for stockwater and wildlife. Notice of your application was published in the Idaho County Free Press during the first two weeks of September. Protests were due to be filed with IDWR on or before September 20, 1999.

On September 22, 1999, IDWR received a letter from the Bureau of Land Management (BLM) attempting to protest your application. A copy of the letter is enclosed. We responded to BLM, informing them that the letter could not be considered a protest but IDWR would consider the concerns expressed by BLM in the letter. A copy of my response letter is also enclosed.

As I understand BLM's concerns, they allege that the place of use and point of diversion you have described are both located on public property. BLM has stated that it will not grant a special use permit or a right of way for your proposed use of water. BLM also alleges that your proposed use of water will injure their water rights. Based on the assertions by BLM, I ask for the following information:

1. Please describe how you will obtain a special use permit or right of way from BLM in light of their objection. If you believe you do not need a right of way or special use permit because of an existing mining claim, you must submit evidence of the mining claim together with a memorandum of points and authorities (including statutes and case law) establishing that a claimant of a mining claim may use water on the claim without obtaining the permission of BLM.
2. Please submit technical information showing that your proposed withdrawal will not affect the water rights of BLM. BLM alleges that use of water pursuant to a previous development has deprived them of water under its water right with an earlier priority. They are concerned that additional injury may occur because of your development.

Tom Lindsey
10-19-99
Page -2-

Please submit the requested information within thirty (30) days of the date of this letter. Failure to submit the information will result in the voiding of your application. Any information you submit will be forwarded to BLM for their review.

Sincerely,



Gary Spackman

GS:st

CC: BLM
Lori Graves

Encl.

FAX MESSAGE
United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Upper Columbia & Salmon - Clearwater Districts

MESSAGE BEING SENT FROM:



Cottonwood Office
Route 3, Box 181
Cottonwood, ID 83522
Telephone: (208) 962-3245
Telefax: (208) 962-3275

To:	John Westra	
Fax Number:		
Office:		
From:	Ron Grant	962-3680
Date:		
Number of pages transmitted (including cover sheet):	5	
Remarks:	Thanks for looking into this for me.	

☐

URGENT

☐

ROUTINE

☐

RECEIPT VERIFICATION

CONFIRMATION NUMBER _____

IF NUMBER OF PAGES RECEIVED DOES NOT MATCH
NUMBER OF PAGES TRANSMITTED, PLEASE CALL
TELEPHONE CONFIRMATION NUMBER ABOVE

Z 356 291 624 rg

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Gary Spackman	
Street & Number	
2735 Airport Way	
Post Office, State, & ZIP Code	
Boise ID 83705	
Postage	\$.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	
SEP 15 1999	

PS Form 3800, April 1995

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Gary Spackman Idaho Dept. of Water Resources 2735 Airport Way Boise ID 83705-5082 rg		4a. Article Number Z 356 291 624 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery	
5. Received By: (Print Name) RECEIVED 6. Signature: (Addressee or Agent) X SEP 22 1999		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GREG M YUNCEVICH
AREA MANAGER
BUREAU OF LAND MGMT
RT 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Protestant:

We received your letter dated September 14, 1999, in which you expressed concerns about the approval of the above-referenced application for a water right. Please be advised, however, that the protest period ended September 20, 1999, and your letter was not received until September 22, 1999. The protest must be received by our office on or before the protest period is ended. Pursuant to Idaho Code, we cannot recognize your letter as a protest. Your concerns, however, will be taken into consideration.

The department will now continue to process the application, subject to certain conditions of approval.

By copy of this letter we are requesting Debbie Allen of our fiscal department to refund your protest fee of \$25.00.

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

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

CC: Debbie Allen

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W025756

Date: 9/23/1999
Time: 13:57:16

Received
From: KING, BARBARA

Type of Payment	Program A cct	Amount
PROTEST - 79-07269	62103 229 21 1155	25.00
CHECK 131		
	Total	\$ 25.00

Region: WESTERN

Signature: _____

Kathy Galt



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia - Salmon Clearwater District
Cottonwood Resource Area Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498
<http://www.blm.gov>

In Reply Refer To:

2800(065)

Receipt #
0005756
RECEIVED

SEP 22 1999

Department of Water Resources

September 14, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Z 356 291 624

RECEIVED

SEP 23 1999

WATER RESOURCES
WESTERN REGION

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 79-07269, Tom &/or Sue Lindsey

Dear Sir:

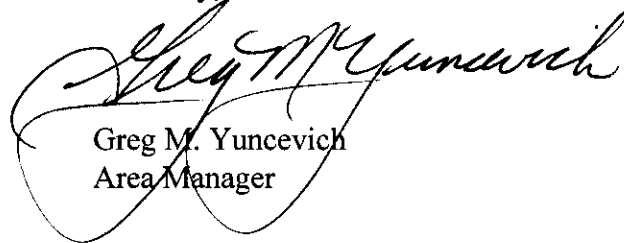
The Bureau of Land Management (BLM) wishes to file a protest against Application for Water Permit, no. 79-07269 in the name of Tom &/or Sue Lindsey. A \$25.00 protest fee is enclosed. The reasons for our protest are listed herein.

1. The proposed point of diversion (POD) for this water permit is located on public land administered by the BLM. It should be noted that the legal description in the application is in error. The POD is listed as government lot 8. It is actually located in T. 25 N., R. 1 E., section 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, not lot 8. The proposed place of use (POU) is shown as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 2. The north half of this legal subdivision is owned by Pat and Nelson Evans and the south half of it is public land. We object to an asserted POD and POU for stockwater and commercial use that are located on public land. The applicant has no authorization to use public lands for these uses. The subject permit application also lists 0.02 cfs for "BLM stock and game tank". We object to the BLM's use of water from this source being included in Mr. Lindsey's water permit. Our use of water is authorized under a water license held by the BLM.
2. The United States (BLM) has claimed this water source under a Federal Reserved Water Right (Public Water Reserve No. 107) with a priority date of April 17, 1926. Public Water Reserve No. 107 reserves the water from the spring for stockwater and domestic use. The BLM has also made a beneficial use claim for this water source for stockwater

with a priority date of January 1, 1879 (IDWR no. 79-11693). The BLM also has a state water right, no. 79-07146, for this source of water. This water right has a priority date of 08/06/1983 and shows a surface source as the point of diversion. Sometime after the BLM filed this water right, Mr. Lindsey's mining activities adjacent to the surface spring caused the surface source to dry up. The only water source at this location now is underground and is accessed from Mr. Lindsey's mining adit. The BLM is concerned that any additional diversion from this source may further jeopardize BLM's water rights.

3. Because of the ongoing court ordered Snake River Basin Adjudication, we are reluctant to allow new water rights on public land to be held by anyone other than the United States. We are concerned that, in some instances, private water rights on public land could limit BLM's management options in the future.
4. The point of diversion for Mr. Lindsey's permit is located in the bottom of a natural drainage, Sheep Gulch. Mr. Lindsey has repeatedly expressed concern about the drainage of surface water in Sheep Gulch potentially contaminating the source of water identified in the subject application. Since there may be a potential for contamination from storm drainage, additional water diversion for culinary uses from this location should not be allowed.
5. Since the POD and POU in the subject application are located on public land, a right-of-way grant from the BLM is required for the proposed development to occur. For the reasons listed herein, we will not grant a right-of-way to Mr. Lindsey for his proposed development and we object to the proposed state water permit/license.

Sincerely,



Greg M. Yuncevich
Area Manager

1 Enclosure

cc: ISO - 930



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 33720
BOISE ID 83706

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

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(s), your written protest along with the \$25.00 protest fee for each application must be received in this office by September 20, 1999.

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:st

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

August 31, 1999

KARL J. DREHER
DIRECTOR

ENVIRONMENTAL HEALTH
NORTH CENTRAL DISTRICT HEALTH DEPT
215 10TH ST
LEWISTON ID 83501

Re: Application for Water Right Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before September 20, 1999. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,


Gary Spackman

GS:st

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 31, 1999

GREG YUNCEVICH
US BUREAU OF LAND MGMT
RT 3 BOX 181
COTTONWOOD ID 83522-9498

Re: Application for Permit No. 79-07269 in the Name of Tom &/or Sue Lindsey

Dear Sir:

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(s), your written protest along with the \$25.00 protest fee must be received in this office by September 20, 1999.

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

Sincerely,

Gary Spackman

GS:st

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR
AUGUST 25, 1999

Legal Notices Department
Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

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 SEPTEMBER 20, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

79-07269

LINDSEY, TOM
LINDSEY, SUE
PO BOX 355
LUCILE, ID 83542

Source: GROUNDWATER

Diversion Pt: SWSNW Sec 2 T 25N R 01E in IDAHO County.

Use: COMMERCIAL	(	0.020 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 6/14/1999

In: IDAHO County
T25N R01E S02 SENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/ 1/1999 & 9/ 8/1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1999

Tom Lindsey
PO Box 355
Lucile ID 83542

RE: Application For Permit No. 79-07269

Dear Tom:

We received your letter 8/18/1999. Notice of your application will be published in the Idaho County Free Press for two consecutive weeks, September 1st and September 8th, followed by a 10 day protest period. The department will not conduct an on-site inspection at the present time. An inspection may occur after notice has been published and possible protests have been evaluated.

If you have further questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Agent

RECEIVED

AUG 18 1999

WATER RESOURCES
WESTERN REGION

Water Resource
Lori Graves

Aug 15, 1999

Your first paragraph is very misleading in your letter, spring water was never diverted for domestic use, when spring box was reviewed by your agent on site, there was never any spring water diverted a spring box was inserted to catch ground water.

A contract with the BLM to supply their stock water tank with a $\frac{1}{2}$ gallon a minute has been in place since the first spring box in 1984 this contract has not been broken.

In your letter you're claiming there is a surface water hold in the area this is false, if you don't believe this come and check it out for yourself. Your third paragraph is very misleading because you list our mining claim as enabling us to file for the water this is a false statement. It was in 1990 that I had BLM and DWR had a on site inspection

So I could use the water
for mining if I needed too.

I later found out
from the 1872 mining laws
I didn't need permission to
use water for mining purposes.

I would please like for
you to get your Information
Correct.

Argument against BLM.

1. BLM has no jurisdiction
on ground water

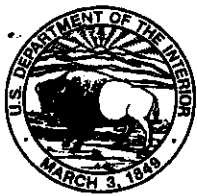
2 BLM has no jurisdiction
under ground on a mining
claim where the source of
the water is.

3. I have a contract with
BLM to supply water to
their stock + game water tank
which supresses their argument
in their litter

4 BLM has no jurisdiction on water
on mining claims

5. there is no free flowing water in the area only storm water.

I'm giving the Water Resource board and BLM 30 days notice from the receipt of this letter that a on site inspection to be done by WKB and BLM legal advisors this will give us enough time for Twila Hornbeak State Rep Judi Danielson State Senator to be present since you are public employee's you should be able to facilitate this, if this cannot be done I'm going to go ahead and sell the water anyway. Any questions please. Don't hesitate to ask, so we can get this mess shinghtened out. Tom Truse,



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Columbia - Salmon Clearwater District

Cottonwood Resource Area Office

Route 3, Box 181

Cottonwood, Idaho 83522-9498

<http://www.blm.gov>

In Reply Refer To:

2800(065)

RECEIVED

JUL 20 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 19 1999

Department of Water Resources

July 15, 1999

Tom Lindsey
PO Box 355
Lucile, ID 83542

Dear Tom:

This letter is in response to your proposal to divert water from public land to be bottled and sold commercially.

We made some inquiries to the Bureau of Land Management (BLM) State Office who recommended that we do not authorize such use. Their objections are based upon legal issues pertaining to water rights.

As you may know, most of the state has been involved in legal proceedings to allocate water rights for the last several years. As a result of this court ordered Snake River Basin Adjudication we have learned that we need to be very cautious about water usage on public lands. Our water rights experts have recommended that we allow no new water rights on public land to be held by anyone other than the United States. The reason is that, under state water law, certain property rights can be attached to property through the ownership of a water license. Our advisors feel that this could limit the BLM's ability to manage its land in the future.

Your proposal also may impose an unacceptable risk of liability for the United States. Since you intend to sell water for public consumption, there could be a liability to ensure the water is safe and meets necessary water quality standards. The BLM is very concerned about any possibility of exposure for liability.

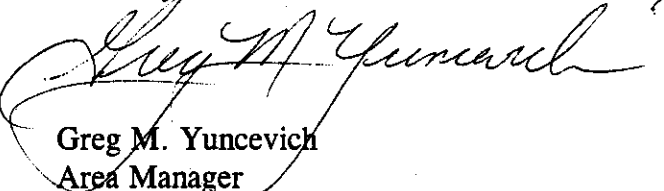
You have repeatedly expressed concern over the drainage of surface water in the Sheep Gulch area. If there is a potential for damage from storm drainage, we do not want to make matters worse by permitting additional development in this location.

The biggest problem our legal advisors found with your proposal is that the United States has a Public Water Reserve at this location that dates back to 1879. This reserves the water from the spring (and all water within $\frac{1}{4}$ mile that is associated with the spring) for stockwater and

domestic use only. Their interpretation is that we cannot legally allow a commercial use of this water as you propose.

Because of the reasons explained here, we would not grant a right-of-way to you for your proposal. We would also object to your proposed state water permit/license for the new diversion.

Sincerely,



Greg M. Yuncevich
Area Manager

cc: ISO - 930

~~Greg M. Yuncevich - DWR~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Tom Lindsey
PO Box 355
Lucile ID 83542

RE: Application 79-07269

RESPONSE DATE: AUGUST 16, 1999

Dear Mr. Lindsey:

This office has initiated review of your Application for Permit no. 79-07269 to divert spring water for commercial and stock purposes. Additional information is necessary before processing of the application can move forward. The required information is described in this letter.

Diversion Source: Application no. 79-07269 lists "spring" as the source of water, however per our telephone conversation, you clarified that the source was actually "ground water" and requested it be changed on the application. Because there is a surface water hold in your area, please provide information to support this change.

Ownership: Application no. 79-07269 lists "mining claim" as the arrangement enabling you to file for water on BLM land. However, the department has been notified by BLM that they oppose your proposed commercial use on their land and will protest your application if advertised. Based on BLM's response, please let the department know if you wish to pursue application no. 79-07269 or withdraw it.

A response to this letter must be received by the **Response Date** noted at the top of this letter. Please notify me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Lori Graves'.

Lori Graves
Water Agent

AMENDED
RECEIVED
DEC 15 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 79-07269

RECEIVED

DEC 26 2000

WATER RESOURCES
WESTERN REGION

- Name of Applicant Tom & Son Sue Lindsey Phone 208-625-3987
Post Office address PO Box 355 Lucile ID 83542
- Source of water supply Groundwater which is a tributary of N/A
- Location of point of diversion is 1/4 of SW 1/4 of NW 1/4, Govt. Lot 5
Sec. 02 Township 25N Range 16 B.M. Idaho County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .07 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for Domestic 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)

- Total quantity to be appropriated is (a) all and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc. Existing well, pump & pipeline for home. Add pipeline to site for filling water trucks.
- Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- Proposed well diameter is 6 inches; proposed depth of well is 66 feet.
- Is ground water with a temperature of greater than 85°F being sought? NO
- If well is already drilled, when? 3-19-93; Drilling firm Unkenkott
Well was drilled for (well owner) Tom Lindsey

- Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

- Hydropower; show total feet of head and proposed capacity if KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 home internal & external use
- Other; describe fully. Commercial - supply water to trucks. Trucks, under separate ownership, will transport water for off-site consumption.

1/4-1/4 description to
Point of Diversion and
Place of use approval by Tom Lindsey date 12/20/00.

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	16	2							X				2						
									Lot 5										

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. NONE for commercial.
79-07137 & 79-07144 ARE SEPARATE SOURCES/DIVERSIONS FOR SAME DOMESTIC USE.

11. a. Who owns the property at the point of diversion? Tom & Sue Lindsey
 b. Who owns the land to be irrigated or place of use?

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: SEE ATTACHED LETTER OF 12-12-00.

12. Remarks: Commercial place of use will be site where tanks ARE
Filled with water pumped from drilled well. This amended application
REPLACES source/diversion on Blm property with well on Applicant's property.
Originally proposed

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

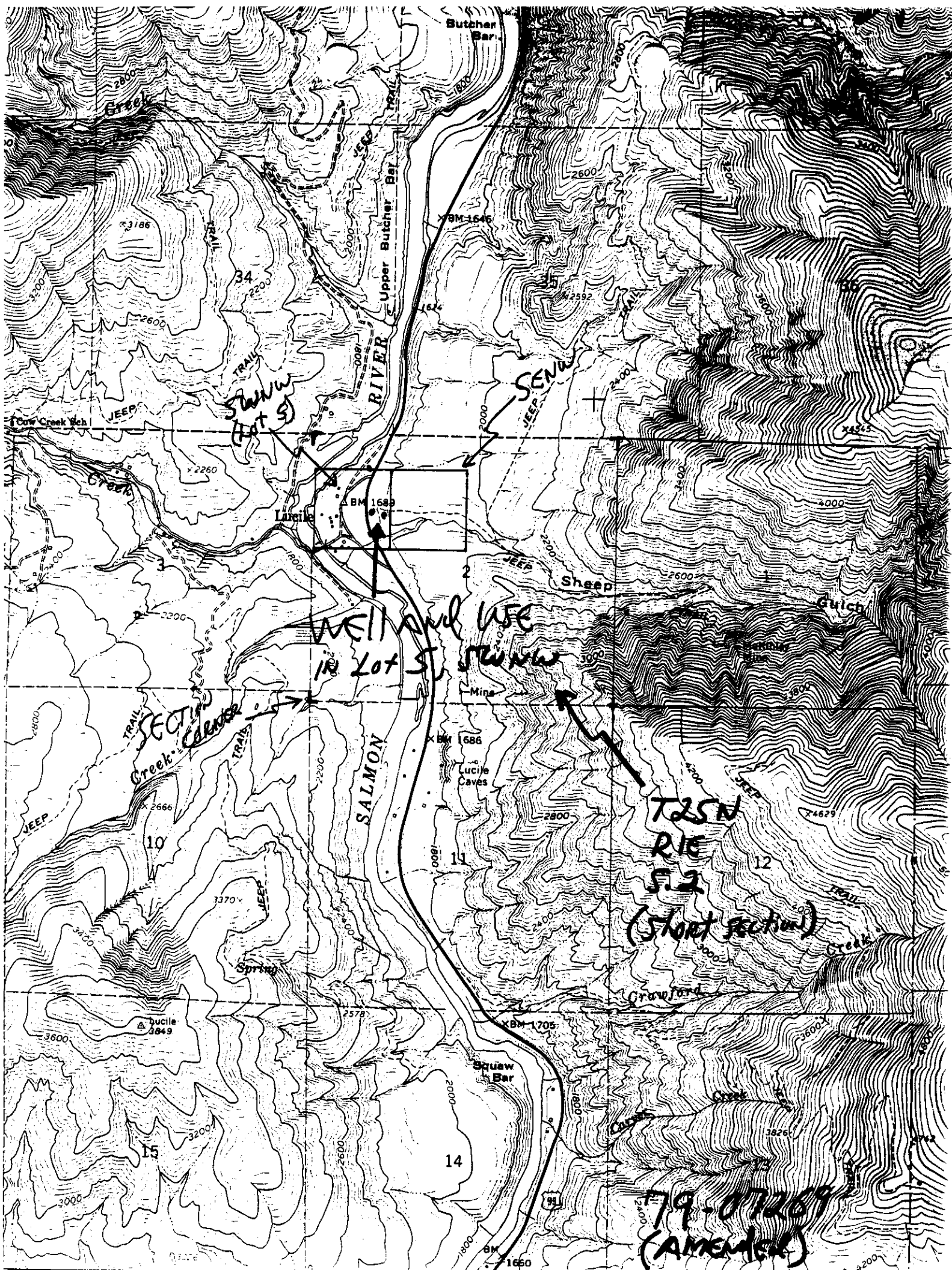
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tom Lindsey
 (Applicant)

Received by Kh Date 12/15/00 Time 9:34 Preliminary check by SR
 * Fee \$ 3000 Received by Kh # W027225 Date 12/15/00
 Publication prepared by Kh Date 1-21 Published in Idaho Free Press
 Publication approved 5-5-01 Date 2-

* Original fee \$50 6-14-99 OK for .11 cfs per fee schedule in place then
 Additional \$50 12-15-00 OK for amendment of application originally
 established under 1999 fee schedule. -gr 20-006

211101
 16500 W027334
 Kh



NORTH
317

RESERVE
WEST

35

RETRA
WEST

LOT 1

81.50

19.25

18.36

18.40

18.40

18.38

LUCILLE PO.

~~4.49~~

LUCILLE FERRY

Sec. 2

504.58

1.90

36.10

CORRAL
CR.
FLUME

66.55
33.90
11.80
4.02
2.66

43.30
East

44.80

80.98

48.30

23.50

RIVER

33.20

35.00

Sec. 11.

593.60

32.90

35.00

40

East

2080

17.80

38.09

81.05

WEST

79-07269

(AMENDED)

25N
1E
5.2
Lots
5WNW

RETRACED

N. 0.2° W. 84.40
42.34

N. 0.1° W.

N. 0.1° W.



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

RECEIVED

MAY 21 1999

WATER RESOURCES
WESTERN REGION

September 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Tom Lindsey
P.O. Box 355
Lucile, ID 83542

REF: Commercial Water Right

Dear Tom;

Your request for commercial use will require that you file a new application for permit. For your convenience, I have enclosed the necessary form. Upon completing the form, please file it with the appropriate fee to the western regional office. The address is on the back of the instruction form.

If you have any question please contact the regional office for assistance in fill out the form. The regional offices phone number is (208) 334-2190.

Sincerely;

Cindy Bird
Enclosure