

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 45-13402

Priority: 03/22/2001

Maximum Diversion Rate: 0.02 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: BIRCH CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	05/01 to 10/31	0.02 CFS
WILDLIFE	05/01 to 10/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 16S, Rge 22E, B.M. CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S 21E 24												X					
16S 22E 18											X						
16S 22E 19			X								L 4						
16S 22E 20									X		L 4						
16S 22E 29		X															

PLACE OF USE: WILDLIFE, same as Stockwater

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2006**.
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. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
5. Stockwater use is for 800 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of June, 2001.

MICROFILMED

1997 7 2001

[Signature]
for KARL J DREHER, Director

RECEIVED
MAR 22 2001
Department of Water Resources
Southern Region

Application ID 58473

It. No. 45-13402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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MAR 07 2001
Department of Water Resources
Southern Region

1. Name of Applicant U.S. Bureau of Land Management Phone (208) 677-6626
Mailing address 15 East 200 South, Burley, ID 83318
2. Source of water supply unnamed stream which is a tributary of Birch Creek
3. Location of point of diversion is Township 16S Range 22E Sec. 28 in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Cassia County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- | | |
|--|---|
| Amount <u>0.02</u> for <u>stockwater</u> | purposes from <u>05/01</u> to <u>10/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.01</u> for <u>wildlife</u> | purposes from <u>05/01</u> to <u>10/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source metal water collection box, metal headbox for settling solids, 1 1/4 inch plastic pipe, and troughs, reservoir
- b. Height of storage dam 8 feet; active reservoir capacity 0.25 acre-feet; total reservoir capacity 0.5 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? _____
- 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 5 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 in kW. _____
- b. Stockwatering; list number and kind of livestock. 800 range cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. various wildlife

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JUN 15 2001

Department of Water Resources

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SEP 07 2001

BURLEY FIELD OFFICE

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
16S	22E	29			S;W														
16S	22E	20										S;W							
16S	22E	19										Lot 4 S;W							
16S	21E	24											S;W						
16S	22E	19			S;W														
16S	22E	18										Lot 4 S;W							

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? BLM
- Who owns the land to be irrigated or place of use? BLM
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

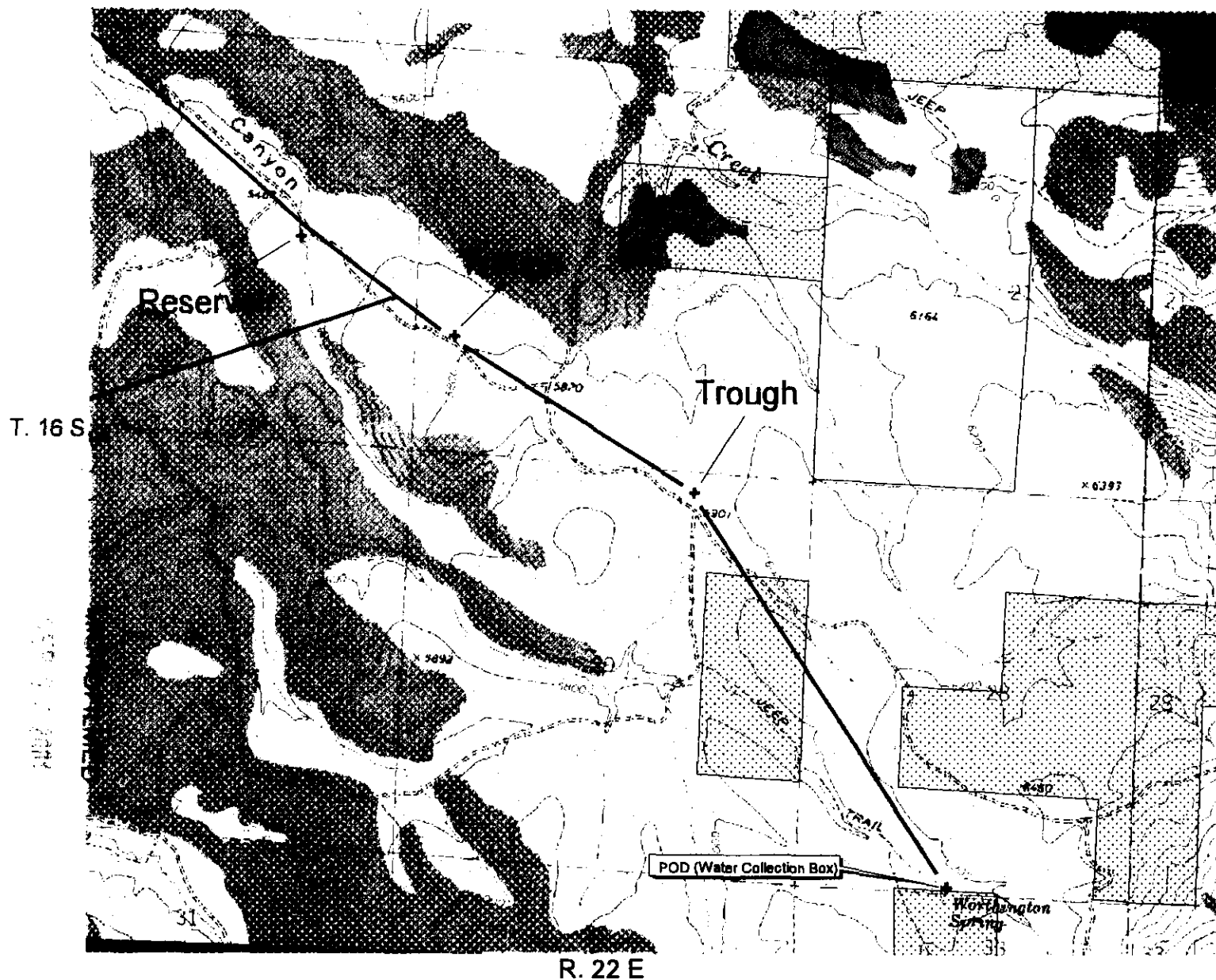
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Steven R. Davis, Hydrologist
 Signature of Applicant (and title, if applicable)

Received by A. SKINNER Date 3/22/01 Time NW VISIT Preliminary check by [Signature]
 Fee \$ 100.00 Receipted by A. SKINNER # 5023686 Date 3/22/01
 Publication prepared by [Signature] Date 5/10/01 Published in [Signature]
 Publication approved [Signature] Date 6/8/01

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 SEP 27 2001



- + Point Determined By GPS
- + Digitized Point
- ~ Digitized Pipeline (Not Actual Route)

Surface Ownership

- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

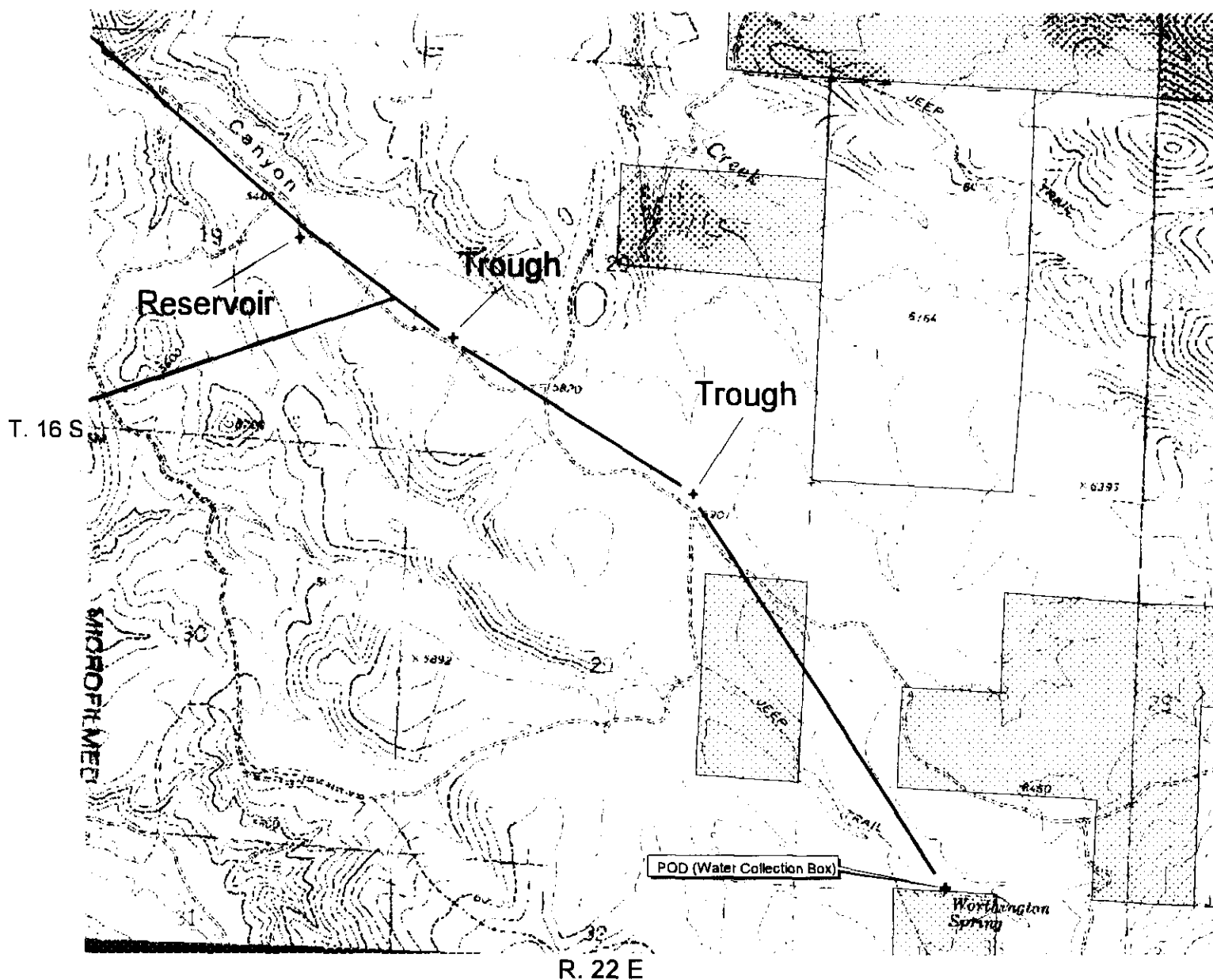
DRAFT



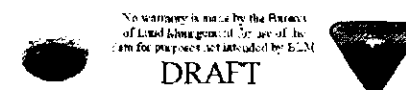
Quad Map Name: Blue Hill



1:24000



- ✦ Point Determined By GPS
 - ✦ Digitized Point
 - Digitized Pipeline (Not Actual Route)
- Surface Ownership
- BLM
 - BIA
 - LU_DOI
 - LU_USDA
 - MIL
 - NPS
 - USFWS
 - PRIVATE
 - STATE
 - US Forest Service



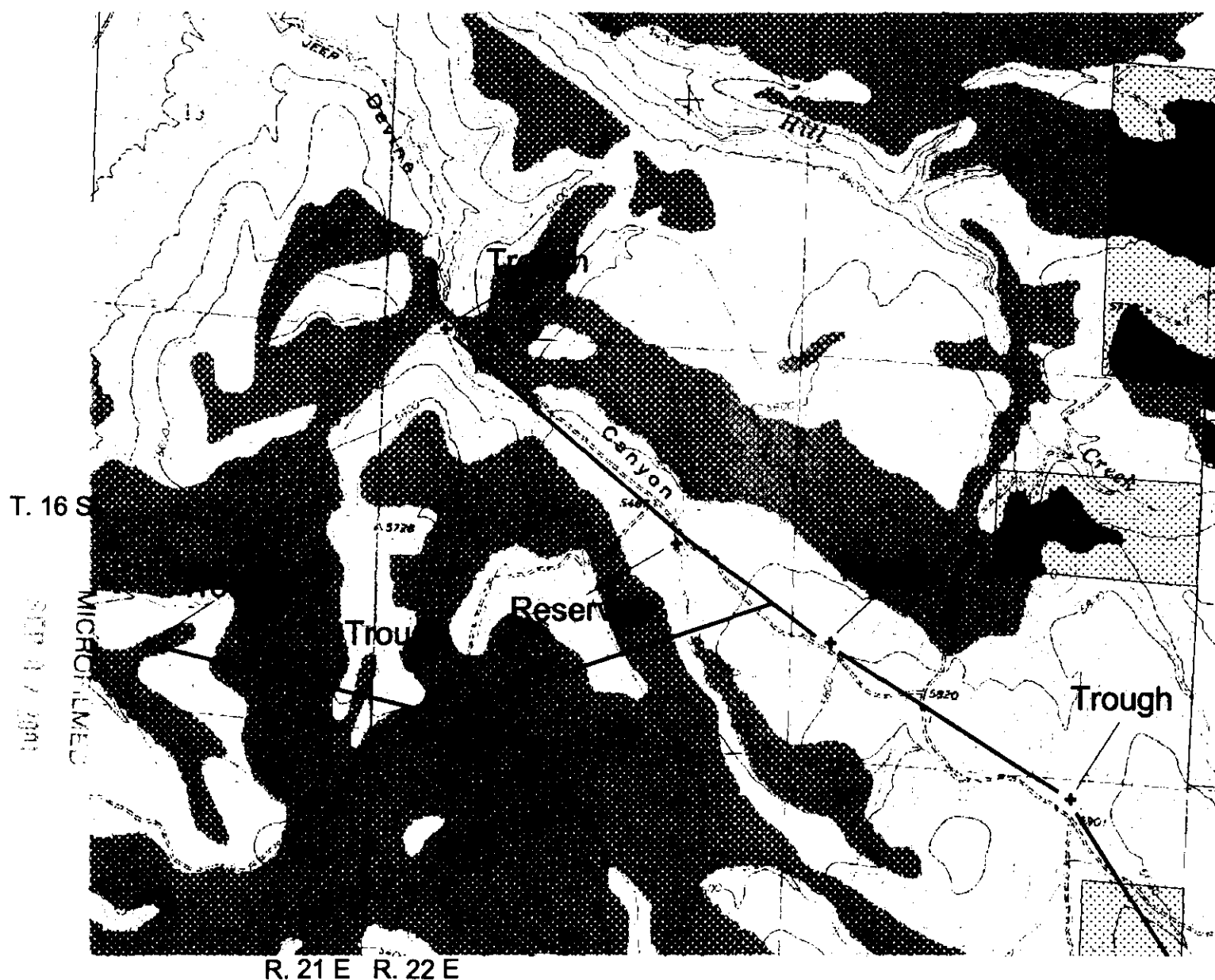
Quad Map Name: Blue Hill



NOTE: All of the pipeline, except the first 75 feet coming from the POD, is already existing.

1:24000

Map 2 of 2



- + Point Determined By GPS
- + Digitized Point
- ~ Digitized Pipeline (Not Actual Route)
- Surface Ownership
- BLM
- BIA
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- PRIVATE
- STATE
- US Forest Service

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DRAFT

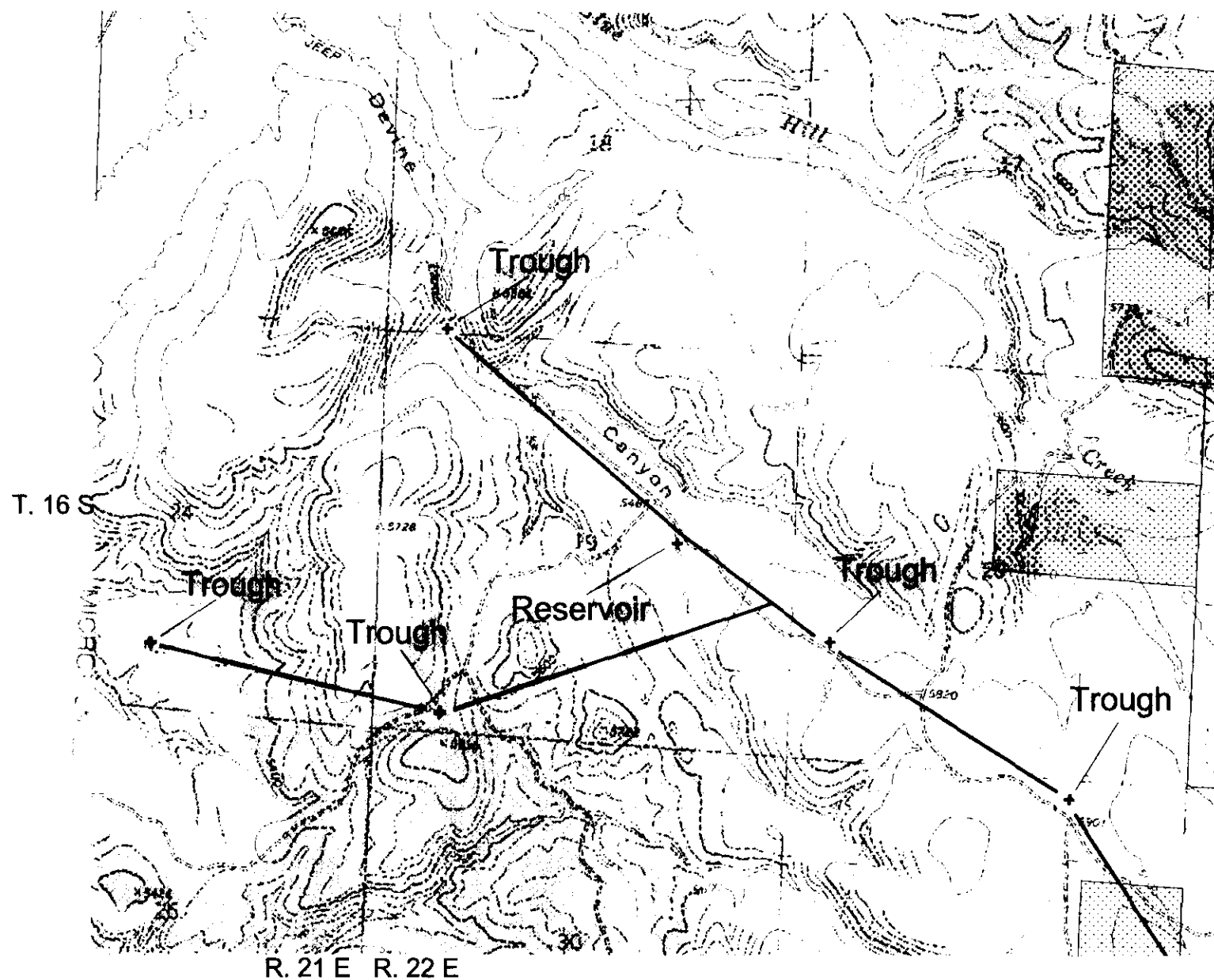
Quad Map Name: Blue Hill



NOTE: All of the pipeline, except the first 75 feet coming from the POD, is already existing.

1:24000

Map 2 of 2



- ✦ Point Determined By GPS
 - ✦ Digitized Point
 - Digitized Pipeline (Not Actual Route)
- Surface Ownership
- BLM
 - BIA
 - LU_DOI
 - LU_USDA
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 - PRIVATE
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 - US Forest Service



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DRAFT



Quad Map Name: Blue Hill



NOTE: All of the pipeline, except the first 75 feet coming from the POD, is already existing.

1:24000



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

June 25, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

RE: Permit No. 45-13402

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

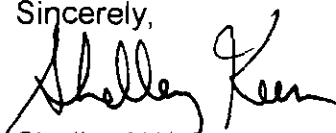
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JUN 27 2001

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, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and the last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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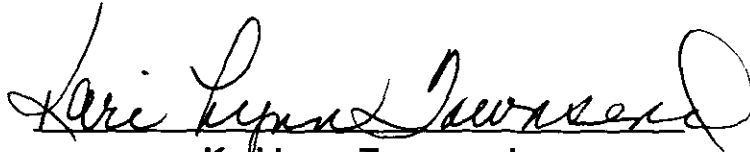
SEP 07 2001

CERTIFICATE OF MAILING

I hereby certify that on June 25, 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. 45-13402

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICRO

SEP 07 2001

**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.

Reviewed by Sharla Curtis on 6/19/01

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA _____ **TRUST/NON-TRUST**

DRILLING PERMIT

***LOCATION:**

Trust

Non-Trust

USES:

BENEFICIAL USE DUE: 7 / 01 / 2006

MISC CONDITIONS/REMARKS:SPRINGS/SINK, INACTIVE WD or ~~WD~~

RIVER BASINS (SW special considerations)

USES:

MUNICIPAL

Multiple pd's per ¼¼ - W32
 Subd lot desc (pd) - W59
 Subd lot desc (pu) - W60
 Use definitions - **W02** example – S/50 range
 Pre-1987 development - 068-074 (allow 120 days for proof due)
 Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

COMMENTS

JUN 15 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY P. SKINNER DATE 3/26/01

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 3/22 19 2001

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. NONE APPARENT
- ☒ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water?
 - If Yes Send Copy to F&G.
 - If Yes Field check/memo required.
 - Field check/memo by _____
- ☐ Yes ☒ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
 - What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes,attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
 - If Yes then request clear evidence of when use started.

• REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	<u>3/20/01</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☐ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☐ Yes ☒ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 6/11/01

Date of priority recommended: 3/22/01

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By AO Date 6/11/01

RECEIVED

MEMO

JUN 15 2001

Department of Water Resources

FROM: Allen Merritt 
TO: Application for Permit No: 45-13402

DATE: June 11, 2001

In the Name of: BLM

SUBJECT: Review and Recommendation

This application is for development of a pipeline from an unnamed stream supplied water from Worthington Spring. The unnamed stream is tributary to Birch Creek which flows into Goose Creek near the Utah border. The Birch Creek should not be confused with the Birch Creek that flows near the town of Oakley and also tributary to Goose Creek below Oakley Reservoir.

The application was processed without protest. The use is in the ESPA moratorium area but the use is de minimus or domestic.

Recommendation

I recommend the application be approved subject to the following conditions:

-Use is limited to 13,000 gpd or less.

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SEP 07 2001

ACTION REQUIRED

5/18/01

FROM: MB

TO: Terry Blair

SCA comment please

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SEP 07 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2001

STEVEN R DAVIS HYDROLOGIST
USDI-BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

Re: Application for Permit No. 45-13402

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the South Idaho Press for 5/14 & 5/21/01. A period of ten days following the second publication will be allowed for the submittal of protests. (June 1, 2001)

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

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SEP 07 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

03/26/2001

Dave Parrish
IDF&G
PO Box 428
Jerome, ID 83338

Application for Permit No. 45-13402

Dear Mr. Parrish:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an untested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by the protest deadline.

Please contact this office if you have any questions regarding the application.

Sincerely,

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

Corey Skinner, PE
Water Resource Engineer

Enclosures
MICROFILMED

SEP 07 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVE DAVIS
US BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY, ID 83318

RE: Application for Permit

Dear Mr. Davis:

The Department of Water Resources has received your water right application. Preliminary review of the application indicates that the correct filing fee was not submitted with your application. Please note that the filing fee for Applications for Permit to appropriate 0.00 cfs to 0.20 cfs is \$100.00. We are returning your application and filing fee (check #143 for \$50.00).

During the preliminary review of your application, it was noted that one of the place of use locations consists of a reservoir in Section 19 (T16S, R22E). This reservoir appears to be located on the unnamed stream in the Devine Canyon drainage. It appears that the BLM does not have a claim filed for this reservoir in the Snake River Basin Adjudication. You may want to investigate the water right situation for this reservoir, and make the appropriate filings if necessary.

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

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosures

MICROFILMED

SEP 07 2001

SOUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICAT

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is a legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated May 14, 2001, and ending with the issue dated May 21, 2001.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 21st day of May in the year of 2001 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

May Moore
Notary Public for Idaho
Residing at: Paul, Idaho
My commission expires: 09-20-2001

Cost of Publication 108.68
Affidavit Fee 5.00
Total Cost 113.68

OK
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6/8/01

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MAY 23 2001

Department of Water Resources
Southern Region

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and is a legal clerk of the South Idaho Press, a published at Burley, Idaho, in the county aforesaid paper is of general circulation therein. Deponent that the printed notice attached hereto was according to law in the regular editions of the Press for 2 consecutive week(s), commencing issue dated July 14, 2001, and ending with July 21, 2001.

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 21st day of July in the year of 2001, me, a Notary Public, personally appeared Ruth Holmes, identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, the statements therein are true, and acknowledged executed the same.

My Comm.
Notary Public for Idaho
Residing at: Paul,
My commission expires:

Cost of Publication 168.48
Affidavit Fee 5.00
Total Cost 173.48

RECEIVED
MAY 23 2001
Department of Water Resources
Cassia County

01-166

NOTICE OF APPLICATIONS

The following application(s) have been filed with the Idaho Department of Water Resources involving public waters of the State of Idaho within Cassia County:

Application for Permit No. 45-13402
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318
Point(s) of Diversion: SESESW S28 T16S R22E
Use: 05/01 To 10/31
STOCKWATER (0.02 CFS)
WILDLIFE (0.01 CFS)
Total Diversion: 0.02 CFS
Date Filed: 03/22/2001

Place Of Use: Parts of Sections 18-20 & S29 T16S R22E and part of S24 T16S R21E

SOLAR FARMS, 181 S 600 E RUPERT ID 83350, has filed Application No. 69069 for changes to ground water rights as follows:

Right No. 45-2744A

Priority: 2/10/60
Use: IRRIGATION (3.34 CFS)
Point(s) of Diversion: SESE S32 T09S R25E

Place of Use: 252.9 acres within S32 & S33 T09S R25E

Right No. 45-2744B

Priority: 2/10/60
Use: year round
COMMERCIAL (0.54 CFS/163.8 AFA)
STOCKWATER (0.32 CFS/96.4 AFA)
Total Amount: 0.86 CFS/260.2 AFA
Point(s) of Diversion: SWSW S33 T09S R25E

Place of Use: S33 T09S R25E

The purpose of the transfer is to change a point of diversion, change a portion of the irrigation right to stockwater/commercial uses in a future expansion of an existing dairy by drying up 40 acres within SESW S33 T09S R25E.

The applicants propose to divert a combined total of 1.39 cfs from two (2) existing wells within SWSW and NWSW for use within S1/2SW all S33 T09S R25E using Designated Right No. 45-2744B for stockwater (0.32 cfs) and commercial (0.54 cfs); Designated Right No. 45-2744D for stockwater (0.53 cfs) and commercial (0.53 cfs). The untransferred portion will continue to irrigate 212.9 acres at the original site.

Permits will be subject to all prior water rights; protests may be submitted based on the criteria of Sec 42-203A. Protests against the proposed change may be submitted based on the criteria of Sec 42-222 Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St. Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 1, 2001. The protestant must also send a copy of the protest to the applicant. Each application requires a separate protest and fee.

KARL J. REHER, Director
Published in the South Idaho Press on May 14 and 21, 2001.

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US DEPT OF INTERIOR

BUREAU OF LAND MANAGEMENT

15 E 200 S

BURLEY ID 83318

Point(s) of Diversion: SESESW S28 T16S R22E

Source UNNAMED STREAM

Use: 05/01 To 10/31

STOCKWATER (0.02 CFS)

WILDLIFE (0.01 CFS)

Total Diversion: 0.02 CFS

Date Filed: 03/22/2001

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STOCKWATER (0.32 CFS/96.4 AFA)

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KARL J DREHER, Director

Published in the South Idaho Press on 5/14 & 5/21/01.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 10, 2001

ATTN KAY MOORE
Legal Notice Department
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Kay:

Enclosed you will find a legal notice 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 notice 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 June 1, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

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