

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

IN THE MATTER OF PERMIT NO. 29-07872	)	
IN THE NAME OF US DEPT OF INTERIOR	)	REINSTATEMENT ORDER
BUREAU OF LAND MANAGEMENT	)	

This matter having come before the Department of Water Resources (Department) as a result of the submittal of a Request for Reconsideration, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 28, 1989, the Department issued Permit No. 29-07872 (permit) to the U.S. Dept of Interior, Bureau of Land Management (permit holder) authorizing the appropriation of 0.8 acre feet of water from a spring tributary of sinks for stockwater and wildlife use in the SENESE Section 21, Twp. 08S, Rng. 34E, Power County. A condition of permit approval required the permit holder to submit proof of construction of works and application of water to beneficial use on or before December 1, 1994.

2. On January 23, 1990, the permit holder filed Proof Of Beneficial Use of water with the Department.

3. On September 26, 1995, Department staff conducted a field examination and could not determine that water had been diverted and applied to a beneficial use as authorized by the permit.

4. On April 4, 1996, the Department issued an Order voiding Permit No. 29-07872 and refusing to issue a license for the water right.

5. On April 22, 1996, the permit holder filed a Petition for Reconsideration (petition) of the Department's April 4, 1996, Order and submitted information to show that water has been beneficially used within the authorized development period.

CONCLUSIONS OF LAW

1. The permit holder has provided satisfactory information to show that he has diverted and beneficially used water as authorized by the permit.

2. The Department should rescind the Order dated April 4, 1996, and should reinstate the permit.

ORDER - Pg 1

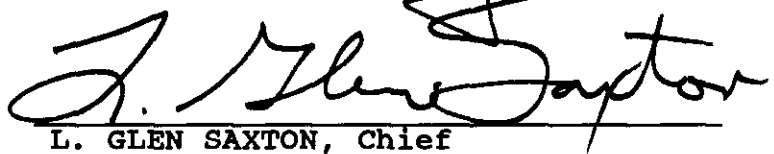
MAY 22 1996

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the Order of the Department dated April 4, 1996, which voided Permit No. 29-07872 in the name of the U.S. Dept. of Interior, Bureau of Land Management and which refused the issuance of a license is **RESCINDED**, and

IT IS FURTHER HEREBY ORDERED that Permit No. 29-07872 is **REINSTATED**.

Dated this 8th day of May, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

MAY 22 1996

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

IN THE MATTER OF PERMIT NO. 29-07872)
IN THE NAME OF US DEPT OF INTERIOR)
BUREAU OF LAND MANAGEMENT)

ORDER

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

FINDINGS OF FACT

1. On August 31, 1989, USDI Bureau of Land Management (permit holder) applied to the Department for a permit to appropriate 0.80 acre feet of water from an Unnamed Spring tributary to sinks within the SENESE Section 21, Township 08S, Range 34E, B.M., Power County, to be used for stockwater and wildlife purposes.

2. On December 28, 1989, the Department approved the application and issued Permit No. 29-07872 (permit).

3. On January 23, 1990, the permit holder submitted Proof of Beneficial Use of water to the Department.

4. On September 26, 1995, Department staff conducted a field exam and found that the water use developed under this permit was fully covered by another permit and no additional beneficial use of water had been developed.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, provides in pertinent part as follows:

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

2. Examination by the Department found that the water use developed under this permit was already covered by Permit No. 29-07879.

ORDER - Pg 1

RECORDED

MAY 22 1996

3. The Department should void the permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-07872 in the name of USDI Bureau of Land Management is **VOIDED** and issuance of a license is **REFUSED** pursuant to Section 42-219, Idaho Code.

Dated this 4th day of April, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

MAY 22 1996

RECEIVED

JAN 23 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ _____

Date _____

Receipt No. _____

Received by _____

DS-2/7/90

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 29-07872 Telephone No. (208) 529-1020

Name(s) of Permit Holder(s): USDI, Bureau of Land Management

Post Office Address: Idaho State Office, 3380 Americana Terrace, Boise ID 83706

Source of Water: Unnamed Stream

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater 50 Range (No. and type of stock) Other Wildlife
Cattle

Total rate and/or volume for which proof is submitted _____ cfs .8 acre/feet

Show date water was first diverted and beneficially used under this permit: 1/1/90

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

Dan Kotansky

(208) 529-1020

Name

Telephone No.

940 Lincoln Road, Idaho Falls, ID 83401

Address

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

MICROFILMED

MAR 05 1990

1-17-90
Date

D. H. Ferguson, Dist Mgr.
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07872

Proposed Priority: August 31, 1989

Maximum Storage Volume:

0.8 AF

This is to certify, that U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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>	<u>ANNUAL VOLUME</u>
STOCKWATER	06/15 to 10/15		0.7 AF
WILDLIFE	01/01 to 12/31		0.1 AF
	Totals		0.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SENESE Sec. 21, Township 08S, Range 34E
POWER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 34E 21 NESE

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1994.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

MICROFILMED

MAR 05 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07872

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

28th day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

MAR 05 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Clifton Pond

To appropriate the public waters of the State of Idaho

1. Name of applicant USDI, Bureau of Land Management Phone 529-1020

Post office address 940 Lincoln Road Idaho Falls, ID 83401

2. Source of water supply Unnamed spring which is a tributary of sinks

3. Location of point of diversion is SE 1/4 of NE 1/4 of Section 21 Township 8 S

Range 34 E B.M. Power _____ County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.7 af for livestock purposes from 6/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.1 af for wildlife 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:

a. _____ cubic feet per second and/or b. 0.8 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam 10 feet, active reservoir capacity 0.8 acre-feet; total reservoir capacity 0.8 acre-feet, materials used in storage dam: native soil

Period of year when water will be diverted to storage 1/1 to 12/31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE 1/4 of SE 1/4 of Section 21 Township 8 S

Range 34 E B.M.

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

(3) List number of each kind of livestock to be watered 50 range cows with calves

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Deer, elk, moose, grouse and other wildlife as found in the area.

MICROFILMED

MAR 11 1990

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion US Government

b. Who owns the land to be irrigated or place of use US Government

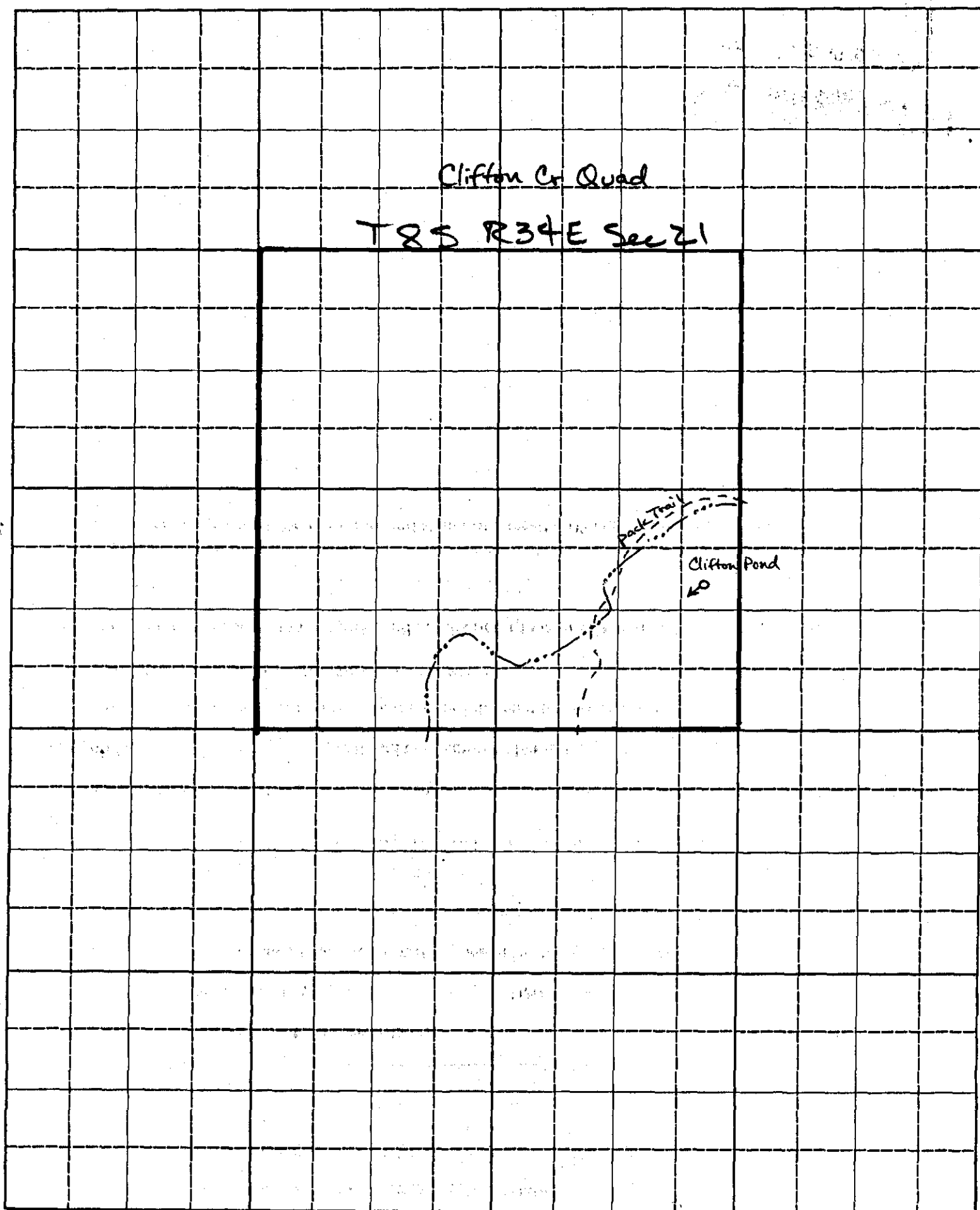
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Development to be known as Clifton Pond. Scheduled to be blasted by
Forest Service personnel in the summer of 1988. Will supply water to allot-
ment #3801. JDR #3032.

UNCLASSIFIED

MAR 05 1990

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



Scale: 2 inches equal 1 mile.

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

DISTRICT MANAGER

L. H. Ferguson
(Applicant)

MICROFILMED

MAR 05 1990

Received by HGJ Date 8-31-89 Time _____

Preliminary check by PRM Fee \$ 30.00

Receipted by HGJ Date 8-31-89 * EO10082

Publication prepared by RB Date Lower Cnty Press

Published in _____

Publication dates 11-1-8-89

Publication approved RB Date 11-20-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

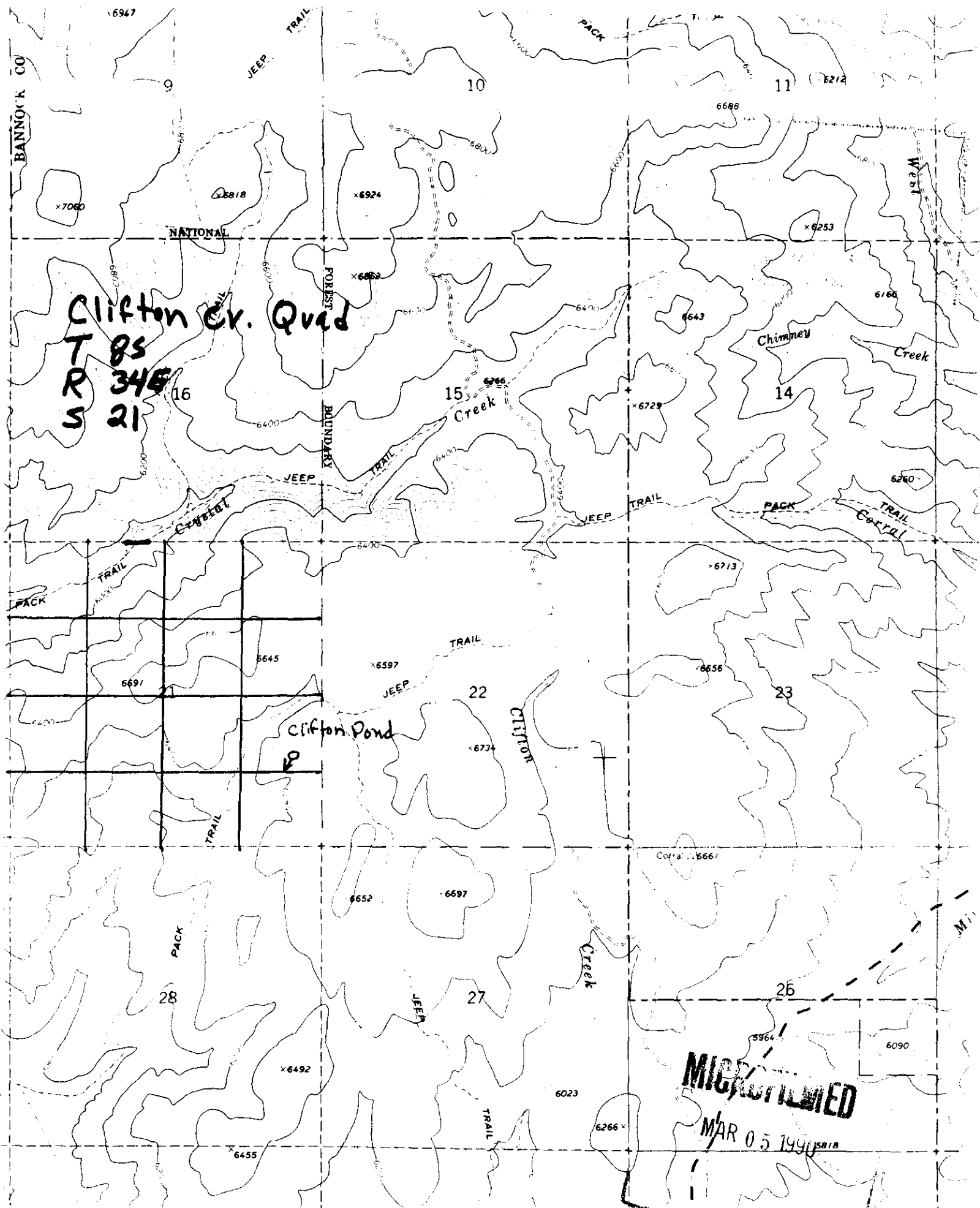
MICROFILMED

MAR 05 1990

BANNOCK CO

Clifton Cr. Quad

T 8S
R 34E
S 21



Affidavit of Publication

State of Idaho

County of Power

RECEIVED

NOV 11 1989

Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1 day of November 19 89 and the date of last publication being the 8 day of November 19 89.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 8 day of November in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

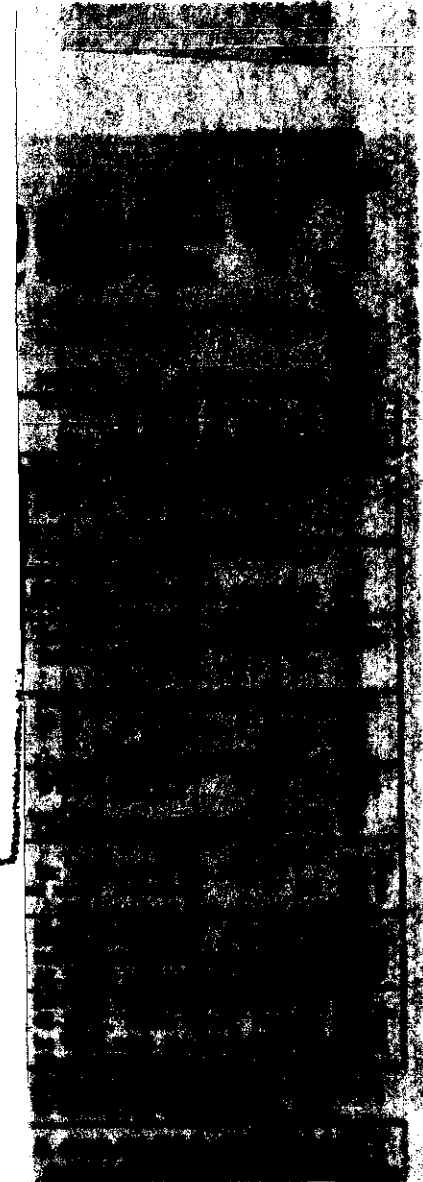
Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

MICROFILMED

MAR 05 1990



Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1 day of November 1989 and the date of last publication being the 8 day of November 1989.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 8 day of November in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Resources
District Office

Page 1 of 1
Nov. 8, 1989

Application for water right

Published in The Power County Press,
Nov. 1, 8, 1989.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07872

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401

Source: UNNAMED SPRING
Tributary: SINKS

Diversion Pt: SENESE Sec 21 T 08S R
34 E

Use: STOCKWATER (.70 AF)
WILDLIFE (.10 AF)

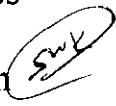
Date Filed: 8/31/1989

In: T08S R34E S21 NESE

The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of Sec.
42-203A, Idaho Code and/or the new
public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402, on
or before NOVEMBER 20, 1989.

R. Keith Higginson, Director

MEMORANDUM

DATE: November 20, 1997
TO: Water Right Files
FROM: Shelley W. Keen 
RE: Supplemental field reports

Today I contacted Paul Meyer to confirm that he is working on supplemental field reports for the following list of rights.

29-07872
29-07882
31-07505
32-07236
35-08645

The information for the initial field reports were submitted by the BLM without IDWR verification of the records. It was decided that IDWR should take a more active role in verifying these rights.

These files should be routed to a licensing reviewer as soon as the supplemental reports are received.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-07872

RECEIVED

JUN 26 1998

Department of Water Resources
Adjudication Bureau

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.80 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/31/1989

POINT OF DIVERSION: T08S R34E S21 SENESE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 10-15	0.70 AFY
	Wildlife	01-01 TO 12-31	0.10 AFY

PLACE OF USE: Wildlife Within Power County
T08S R34E S21 NESE

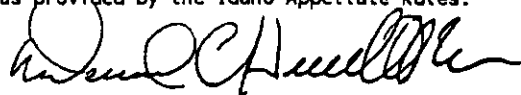
Stockwater Same as Other Use
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

Partial Decree

From: DWR03::SKEEN 25-JUN-1996 11:35:49.45
To: DWR70::PMEYER
CC: SKEEN
Subj: 29-07872

Paul,

Now that you are contemplating BLM exams . . .

Based upon Deena Teal's recommendation, you recommended in your exam for 29-07872 that it be voided because no beneficial use was developed. After we issued our order to void, Deena came forward with a whole bunch of evidence that got the permit reinstated. Perhaps you could include a re-exam for 29-07872 with the info you collect on the six we discussed this morning. There is no need to visit the site -- Deena submitted photos already. A check of BLM records and a completed field report form would be great.

Thanks,

Shelley



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3380 AMERICANA TERRACE
BOISE ID 83706

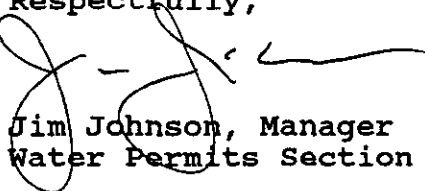
RE: PERMIT NO. 29-07872

Dear Water Right Holder(s):

After reviewing the documents you sent to the Department, it was decided that you have submitted sufficient evidence to have your permit reinstated. Enclosed is the Reinstatement Order which rescinds the Order to void on April 4, 1996, and which Reinstates Permit No. 29-07872.

If you have any questions, you may contact me directly at (208) 327-7947.

Respectfully,


Jim Johnson, Manager
Water Permits Section

JJ:rl

IMPROVED
MAY 22 1996



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River Districts
Idaho Falls District Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

RECEIVED

APR 22 1996

Department of Water Resources

In Reply Refer To:

7250

April 18, 1996

Jim Johnson, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Petition for Reconsideration for Permit No. 29-07872

Dear Mr. Johnson,

I am writing in reference to the April 4, 1996 preliminary order to void Permit No. 29-07872 and to refuse issuance of a license. During the September 26, 1995 field exam conducted in our Idaho Falls office with a member of your staff, it appeared that only one beneficial use of water had been developed and that it was covered by another permit. However, a member of our Pocatello staff conducted a field visit to the site on October 7 and 11, 1995 and determined that two reservoirs were constructed during the same time period and are functioning well. Attached are copies of the field investigations and photographs. Also attached are affidavits from two BLM employees who have personal knowledge of the two reservoirs.

Thank you for your reconsideration in this matter. You may direct questions to me at (208) 524-7533.

Deena Teel

Water Right Specialist

MAY 22 1996

THE RIVER BASIN ADJUDICATION
BLM WATER RIGHT VERIFICATION FORM

Developments and
Playas ✓

SOURCE NAME: PACKTRAIL POND MAP ID #: 7
SOURCE TYPE: RUNOFF; SEEP GPS FILE: NONE
DEVELOPED PROJECT? Y X N 7 1/2' map: CLIFTON CREEK
PROJECT #: 3030 100 K map: POCATELLO
INVESTIGATOR(S): HAGIUS
WATER RIGHT #: 2907879
BLM IDENT: 2903788160
ALLOTMENT NAME: CRYSTAL -1
ALLOTMENT #: 03801
DATE: 10/7/95
TIME: _____
LEGAL LOCATION: T. 8S, R. 34E, S. 21 NE / NE / SE
RESOURCE AREA: POCATELLO
COUNTY: POWER
PHOTO ID: R951011, F18-23
DIMENSIONS: Length 18' Width 22' Depth 2 1/2'
NATURAL DEFINED CHANNELS FLOWING IN? Y X N
NATURAL DEFINED CHANNELS FLOWING OUT? Y X N
ARTIFICIAL CHANNELS FLOWING IN OR OUT? Y N X
SURROUNDING VEG: JUNIPER/ASPEN/GRASS/WEEDS
WATER PRESENT? Y N X
IS WATER SOURCE FUNCTIONING PROPERLY? Y X N
IMPACTS & REMARKS: (ie. Grazing, ORV's, roads, wildlife sightings, bentonite present, past damming, etc.)

FLK i LIVESTOCK SIGN. POND DRY AT TIME OF OBSERVATION, BUT
OBVIOUSLY HAD WATER EARLIER IN THE SEASON. HEAVY GRAZING
ADJACENT TO POND

BLM IDENT was mistakenly listed as 2903780014 on MAY 22 1996
original 24K map and snakemnu database



PACKTRAIL POND

#2903788160

10/7/95

29-07879

44

8

THE RIVER BASIN ADJUDICATION
BLM WATER RIGHT VERIFICATION FORM

Developments and
Plays ✓

SOURCE NAME: CLIFTON POND

MAP ID #: 4

SOURCE TYPE: SPRING & RUNOFF

GPS FILE: NONE

DEVELOPED PROJECT? Y X N

7 1/2' map: CLIFTON CREEK

PROJECT #: 3032

100 K map: POCATELLO

INVESTIGATOR(S): HAGIUS

WATER RIGHT #: 2907872

BLM IDENT: 2903788157

1 GAL/HOUR

ALLOTMENT NAME: CRYSTAL-1

ALLOTMENT #: 03801

DATE: 10/11/95

TIME: 16:45

LEGAL LOCATION: T. 8 S., R. 34 E., S. 21 SE 1 NE 1 SE

RESOURCE AREA: POCATELLO

COUNTY: POWER

PHOTO ID: R951011, F18-23

DIMENSIONS: Length 27' Width 18' Depth 2 1/2'

NATURAL DEFINED CHANNELS FLOWING IN? Y N X

NATURAL DEFINED CHANNELS FLOWING OUT? Y N X

ARTIFICIAL CHANNELS FLOWING IN OR OUT? Y N X

SURROUNDING VEG: DOUG-FIR/ASPEN/WILLOW/GRASS

WATER PRESENT? Y X N

IS WATER SOURCE FUNCTIONING PROPERLY? Y X N

IMPACTS & REMARKS: (ie. Grazing, ORV's, roads, wildlife sightings, bentonite present, past damming, etc.)

DEER & LIVESTOCK SIGN; AREA IN GOOD CONDITION. GOOD POND.

BLM IDENT was mistakenly listed as 290378001

original 24K map and snakemu database

Microfilm
MAY 22 1996



CLIFTON POND
#2903788/57
10/11/95

29-07872

Clifton Pond

20A

CLIFTON POND
#2903788/57
10/11/95

29-07872

21A

AFFIDAVIT OF CAROLYN R. CHAD

1. My name is Carolyn R. Chad. I am a Rangeland Management Specialist with the Bureau of Land Management (BLM), Pocatello Resource Area (PRA). In this position, I am responsible for all aspects of livestock grazing management on public lands within the PRA. My experience includes one season as a BLM Range Technician in Alturas, California; 2 years employment with the Russ Ranch, Eureka, California; and 5 1/2 years employment with the BLM in my current position. I have a Bachelor of Science Degree in Range Management from Humboldt State University, Arcata, California; I attended a 2-month BLM Professional Resource Managers training.

2. During my time of employment in the PRA, I have had occasion to ride in the Crystal-1 Allotment #03801 four times in the past three years. These rides were conducted to meet with the grazing permittees and assess livestock distribution and forage utilization within the allotment. Adequate livestock water is key to good livestock distribution and forage utilization, so inspection of water developments was a key concern in the course of the allotment inspections.

3. I am familiar with the Clifton Pond site, that has been claimed in the Snake River Basin Adjudication as claim #29-07872. I have been to this site twice during the course of the above described allotment inspections. This pond was constructed in May, 1989. It was developed by blasting with dynamite to develop the pond basin. The pond is fed by a small spring/seep located at the east edge of the pond basin. It is a crucial livestock water source for the three permittees with grazing preference in the allotment. This allotment is characterized by steep slopes and brushy vegetation, so the Clifton Pond is crucial to proper livestock distribution and forage utilization.

4. I was last at Clifton Pond in the summer of 1994. At that time, there was available livestock water in the pond and obvious evidence of use by livestock. The permittees whose livestock utilize this allotment have never mentioned a lack of livestock water associated with the Clifton Pond. Based on the above stated facts, I believe that claim # 29-07872 for the Clifton Pond is a valid claim for water.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

19 APRIL, 1996
Dated

Carolyn R. Chad
Carolyn R. Chad, BLM
Rangeland Management Specialist

State of Idaho)

County of Bannock) ss

Subscribed and sworn to before me by Carolyn Chad this 19 day of April, 1996.

Linda Waters

My Commission Expires Sept, 1999
Residing at Pocatello, Idaho

MAY 22 1996

AFFIDAVIT OF CHARLES FREDERICK HAGIUS

1. My name is Charles Frederick Hagius. I am a Mining Engineer with the Bureau of Land Management. I have worked with the Pocatello Resource Area office for 12 years. My education includes a Bachelor of Science degree in Forest/Range Management from Utah State University.

2. I am familiar with the Crystal Creek Allotment Area. On October 11, 1995, as part of my assigned duties with the BLM, I hiked to and photographed the Clifton Pond site that has been claimed in the Snake River Adjudication as Claim Number 29-07872. The Clifton Pond is located in Section 21, T. 8 S., R. 34 E., B.M.

3. A spring source was flowing water into the Clifton Pond. At the time I observed the Clifton Pond, it did contain water suitable for livestock use.

4. Although no cattle were observed in the area, there was ample evidence of recent cattle utilization of the Clifton Pond (cow tracks, cow excrement and there was the remains of the body of a cow near the pond).

5. I believe that claim # 29-07872 for the Clifton Pond is a valid claim for water.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

April 19, 1996
DATE

Charles Frederick Hagius
CHARLES FREDERICK HAGIUS
MINING ENGINEER, BLM

State of Idaho)
)ss
County of Bannock)

Subscribed and sworn to before me by Charles Frederick Hagius
this 19 day of April.

David Waters
My commission Expires Sept, 1999
Residing at Pocatello, Idaho
MAY 22 1996

Is your RETL ADDRESS completed on the reverse side?

SENDER: 29-07872
• Complete items 1 and/or 2 for additional services.
• Complete items 3, and 4a & b.
• 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 mail piece, 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.

RECEIVED
APR 10 1996

I also wish to receive the following services (for a fee):
1. ☐ Addressee's Address
☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3380 AMERICAN TERRACE
BOISE ID 83746

4a. Article Number
P461212132
4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
4-9-96

5. Signature (Addressee)


8. Addressee's Address (Only if requested and fee is paid)

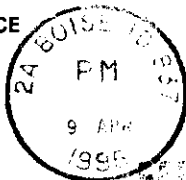
6. Signature (Agent)

RETURN RECEIPT REQUESTED

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

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APR 10 1996

MAY 22 1996

Department of Water Resources Print your name, address and ZIP Code here

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 8, 1996

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
3380 AMERICANA TERRACE
BOISE ID 83706

RE: Permit No. 29-07872

Dear Permit Holder:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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MAY 22 1996

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 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:

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MAY 22 1995

- 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.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

MAY 22 1996

B/U FIELD EXAM REVIEW
Cindy Zimmerman

01/96

Permit #: 29-7872 Name: BLM Date: 3/15/96 ✓ Lots _____
Chng Same
NAME _____ Or Address Change?
SOURCE _____ Clarify source _____
_____ Prelim. Order to Void - Source change.
P/D _____ Amendment Needed? _____ P39
_____ Overlap(s) _____
P/U _____ Amendment Needed? _____ P41
_____ Overlap(s) _____
_____ (Gov't special ¶'s) *P/D & P/U Amend? P37
RATE _____ Permit/fee limits: _____/
_____ Measured Q= _____ cfs/Theoretical Q= _____ cfs
_____ (HP) $8.8 \times 0.70 \times$ _____
_____ + (2.31 x _____)
_____ Recommended capacity _____ cfs
_____ Recommended rate _____ cfs
VOLUME _____ Season: (____/____) _____ = _____ days
_____ Calculations: _____
_____ _____
_____ Flow limit: _____ x _____ x 1.9835 = _____ AF
_____ Recommended volume _____ AF
USES _____ Same Nature of Use? _____ P46
_____ Amendment Needed? _____
REMARKS _____ Multiple p/d's in $\frac{1}{4}$? W32 _____
_____ _____
CONDITIONS _____ Measuring (R01)/Locking (R02) Devices
_____ Watermaster Control (R04) - WD # _____
_____ Irrigation rate/volume overlap
_____ GW irrigation replaces surface water (050)
_____ GW irrigation supplements surface water (065)
_____ Water Quality/Other _____
PRIORITY App Rcd _____ Due _____ Rc'd _____
Receipt# _____ Fee OK? Yes/No
Order to Reinstate Needed? Yes/No Done? _____
If Yes, Advanced? Yes/No to: _____
Priority _____ Examined _____

COMMENTS: No additional B/U; Order to Void

USE	CFS	DIV VOL	SRBA Overlap
_____	_____	_____	Adjustment Memo _____
_____	_____	_____	LICENSE LTR: P49
_____	_____	_____	#1 AMEND LTR: _____/P38
_____	_____	_____	#2 AMEND LTR: P42/P47
<u>TOTAL</u>	_____	_____	<u>ORDER To Void</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 21 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-07872

United States Department of Interior
Bureau of Land Management
940 Lincoln Road, Idaho Falls, ID 83401

Phone: (208) 524-7500

2. Accompanied by: DEENA TEAL EXAM DATE: 4-26-95

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: _____ tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-07879 (SEE REMARKS)

2. Other water rights with the same point of diversion: 29-07879 (SEE REMARKS)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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MAY 22 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

Scale: 1" = _____.

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

AY 22 1996

E. NARRATIVE/REMARKS/COMMENTS

AS PER DISCUSSIONS WITH DEEVA TEAM, THIS PERMIT HAS BEEN
REPLACED BY 29-07879. SYSTEM HAS BEEN DEVELOPED, BUT IS
WHOLY COVERED UNDER 29-07879.

*RECOMMEND CANCELLATION OF PERMIT, BASED ON INFORMATION
SUPPLIED BY BLM.

Have conditions of permit approval been met? ☐ yes ☐ no

RECOMMENDED

MAY 22 1996

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* CANCELLATION *	—	—	—	—
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ☒ Other CANCELLATION

I. AUTHENTICATIONField Examiner's Name DRM Date 2-8-96

Reviewer _____ Date _____

RECORDED
SEAL
MAY 22 1996

February 12, 1990

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07872

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAR 05 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 29, 1989

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P29-07872

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

Microfilmed

MAR 05 1990

25-Oct-1989

USDI, BLM
940 Lincoln Rd.
Idaho Falls, ID 83401

RE: Application No.'s 13-7466, 29-7870, 29-7871, 29-7872,
29-7873, 34-7518, 34-7519, 35-8823, 35-8824, & 35-8827

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your applications. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in the local papers. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

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

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

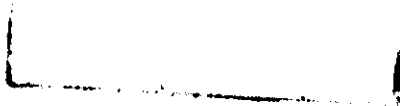
Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/rb

MAILED

MAR 05 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 25, 1989

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

INDEXED

MAR 05 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The Following appl .tion(s) have been filed appropriate the public
waters of the State of Idaho:

RECEIVED

MAR 05 1990

29-07872

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt: SENESE Sec 21 T 08S R 34E

Use: STOCKWATER (.70 AF)
WILDLIFE (.10 AF)

Date Filed: 8/31/1989

In: T08S R34E S21 NESE

RECEIVED

MAR 05 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 20, 1989.

R. Keith Higginson, Director

Published 11/01/1989 & 11/08/1989

Monitored

MAR 05 1990