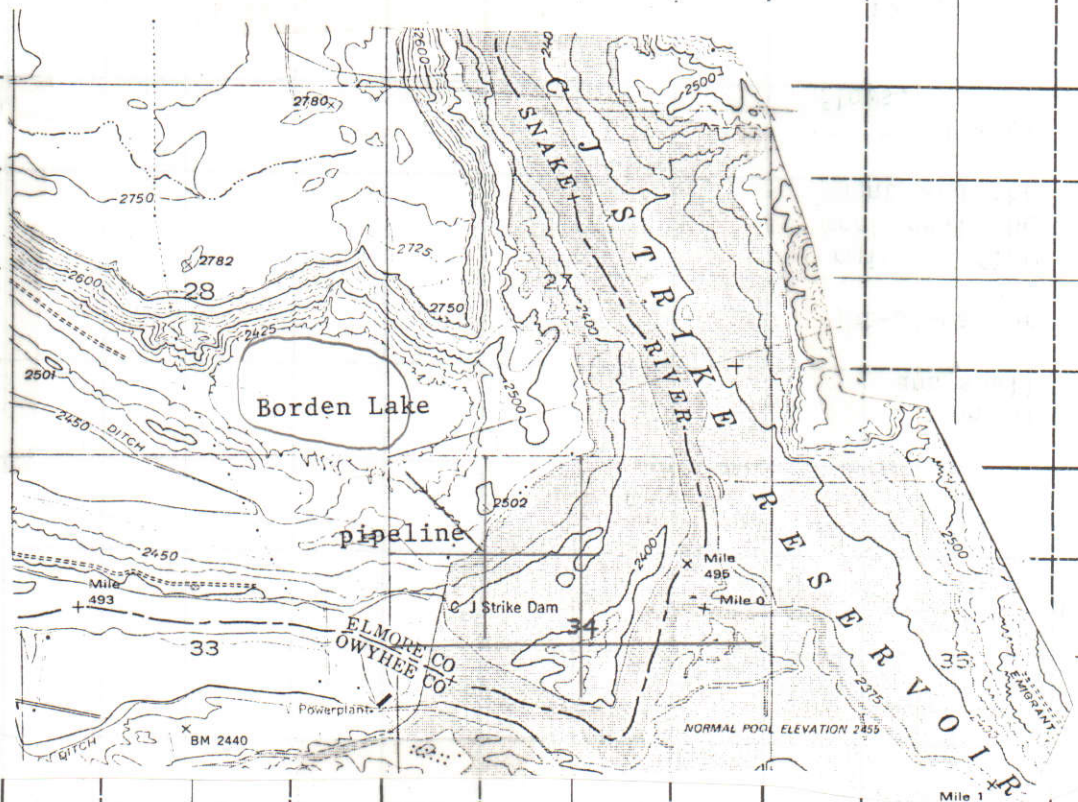


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lee J. VanDe Bogart
(Applicant)

Fish & Game Engineer

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

02-07425 *15P*

State of Idaho, Dept. of Fish & Game
P.O. Box 25, Boise ID 83707

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: NWNW Sec 34 T 05S R

04E

Use: WILDLIFE (1.000 CFS)

Date Filed: 1/26/1988

In: SWSW Sec 27 T 05S R 04E; SESW

Sec 27 T 05S R 04E; NESE Sec 28 T 05S

R 04E; NWSE Sec 28 T 05S R 04E; SWSE

Sec 28 T 05S R 04E; SESE Sec 28 T 05S R

04E

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water Resour-
ces, Western Region, 2735 Airport Way,
Boise, Idaho 83705 on or before May 9,
1988.

R. Keith Higginson, Dir.

Published 4/20 & 4/27/88.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

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

MOUNTAIN HOME NEWS

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

..... consecutive weeks, the first publica-

tion having been made on the day

of, 19...., and

the last publication having been made on the

..... day of

19; every Wednesday issue of the paper

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

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

Mike Thornberry
Subscribed and sworn to me this *28th*

day of *April*, 19*88*

Allen W. Smith
Notary Public

RECEIVED

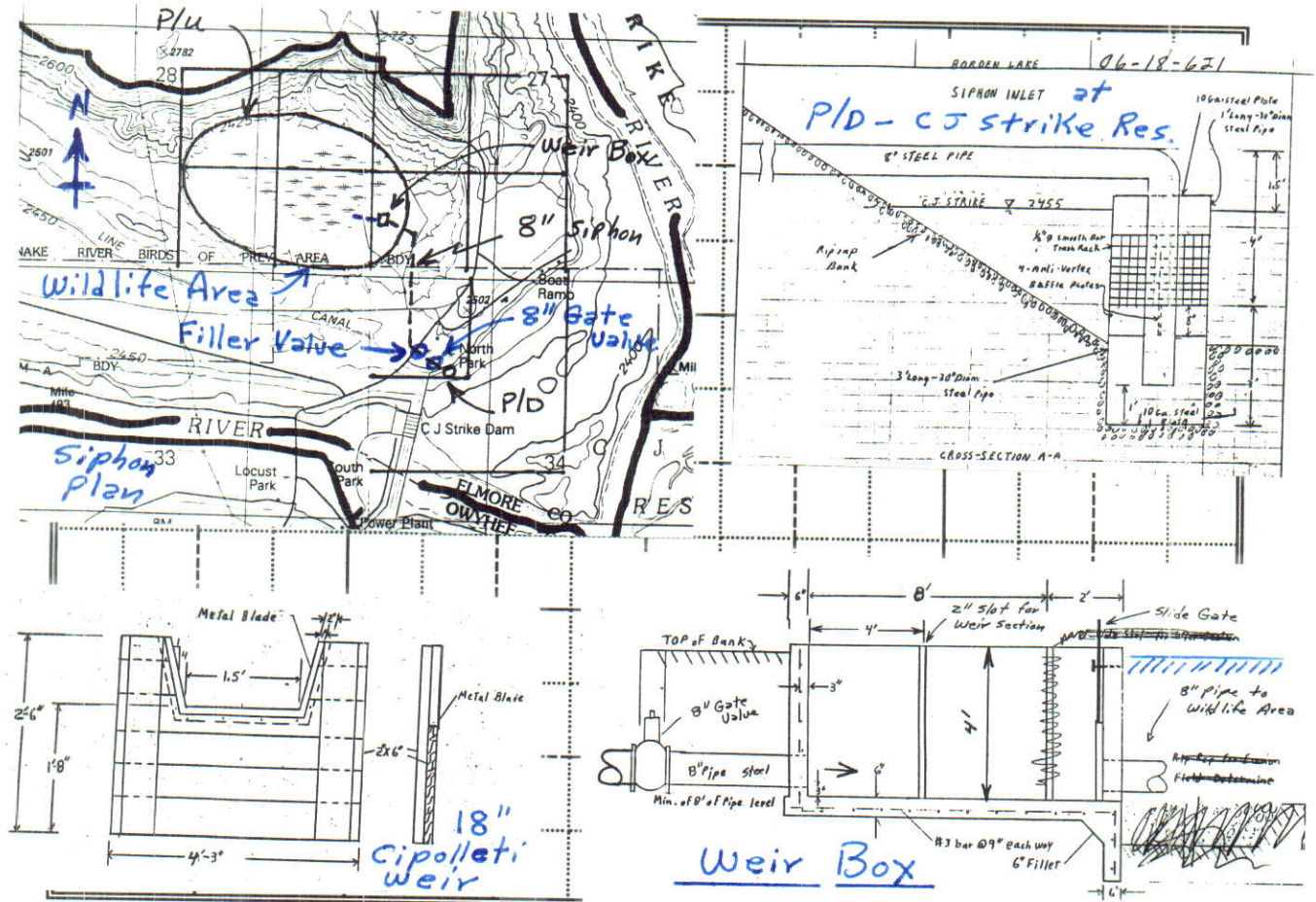
MAY 3 1988

Department of Water Resources
Western Regional Office

MICROFILMED

MAR 20 1990

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



Scale: 1" = 2000' for Siphon Plan

✓ 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
	Gravity operated Siphon				

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

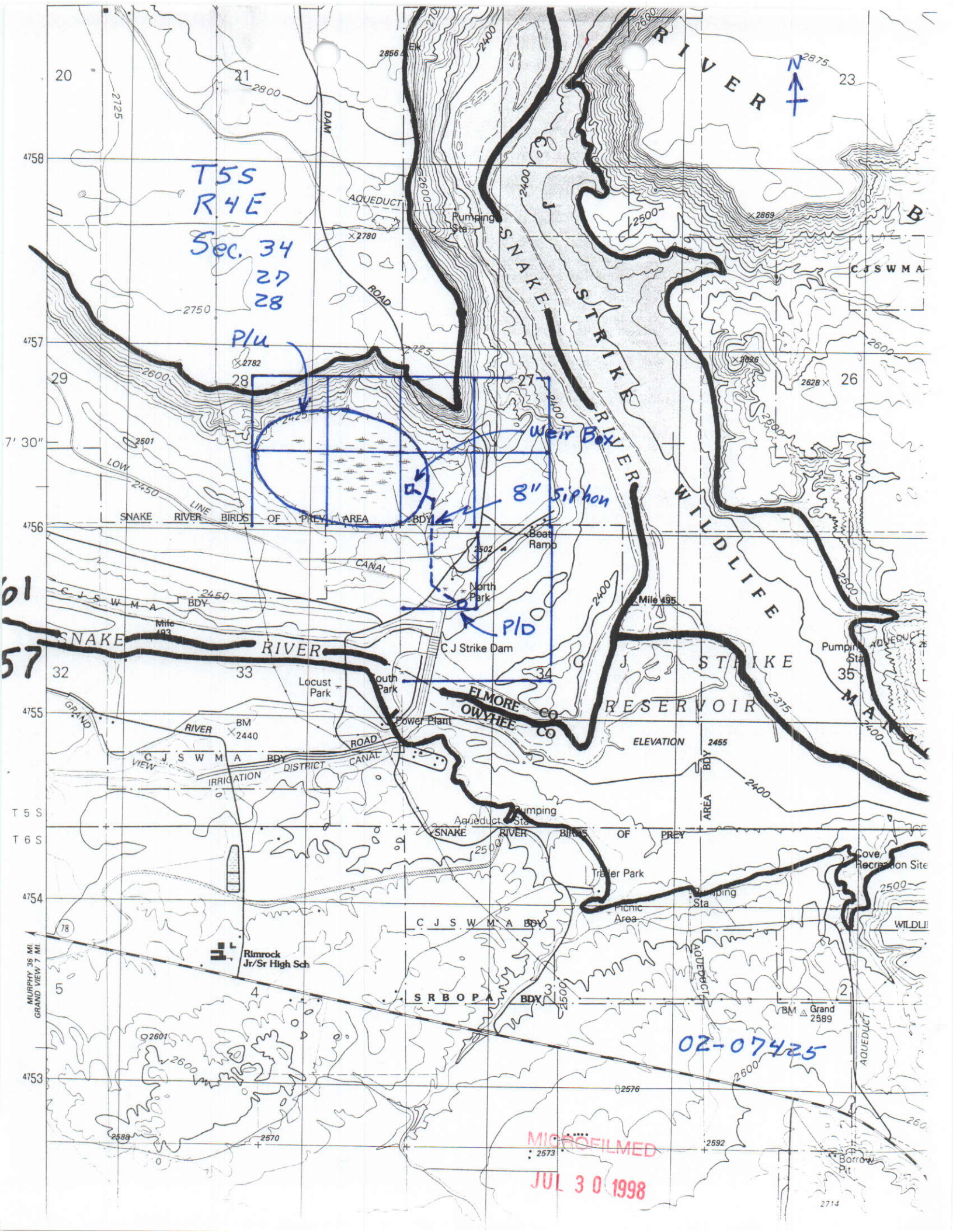
D. FLOW MEASUREMENTS

None taken.

1.

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

2. Measurements: Siphon was not operating at time of exam. Water mark on staff gage for 18" Cippolletti Weir was 0.37'. $Q = 1.14$ cfs.



T5S
R4E
Sec. 34
27
28

P/u

Weir Box
8" siphon

P/d

02-07425

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JUL 30 1998

1 of 2



P/D

Siphon
inlet
structure
at CJ
Strike
Reservoir

View looking
South.



P/u
outlet
Weir Box
in Borden
Lake Marsh.

18" Cipolletti
Weir and
gated 8"
outlet pipe
in background.
8" pipe
inlet to box
is not visible
in photo.

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JUL 30 1998

02-07425

2 of 2



P/u
Borden Lake
Marsh
Wild life
Area.

View
Looking
Northwest



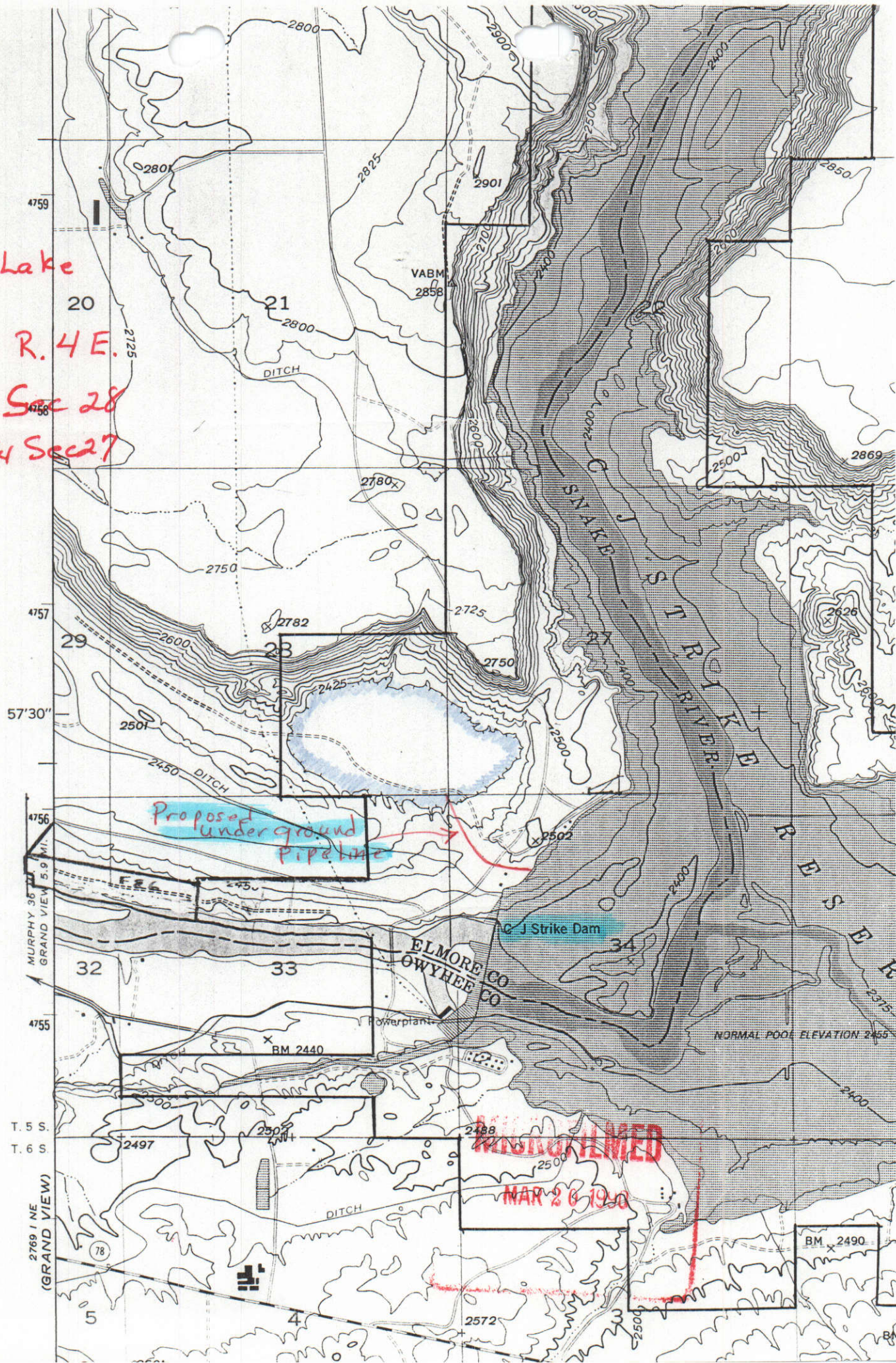
P/u
Borden
Lake
Marsh
Wild life
Area.

View
Looking
Southwest.

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JUL 30 1998

02-07425

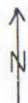
W 1/2 S W 1/4 Sec 27



Borden Lake

Proposed
Water level

Present
Water level



Lowest Pt. in Lake Found 2401'

2
3
4
5
6
7

RECORDED
INDEXED

MAR 20 1990

Edge of Catfish

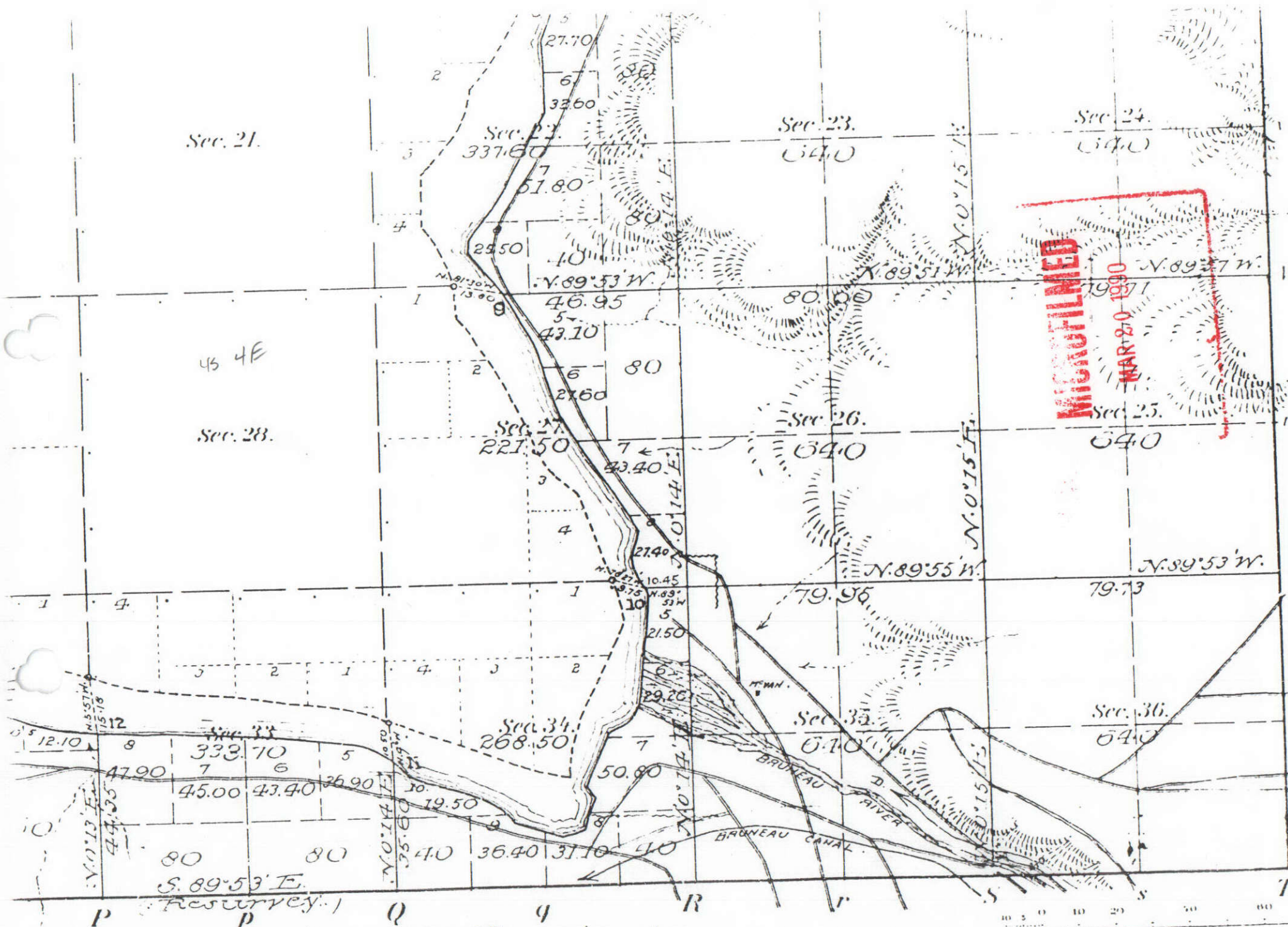
Well
TOP of casing 11.4
W.S. 3.7'

BORDEN LAKE
Scale

0 100 200 300 400 500

28 27
33 34 BM = 2416.47'

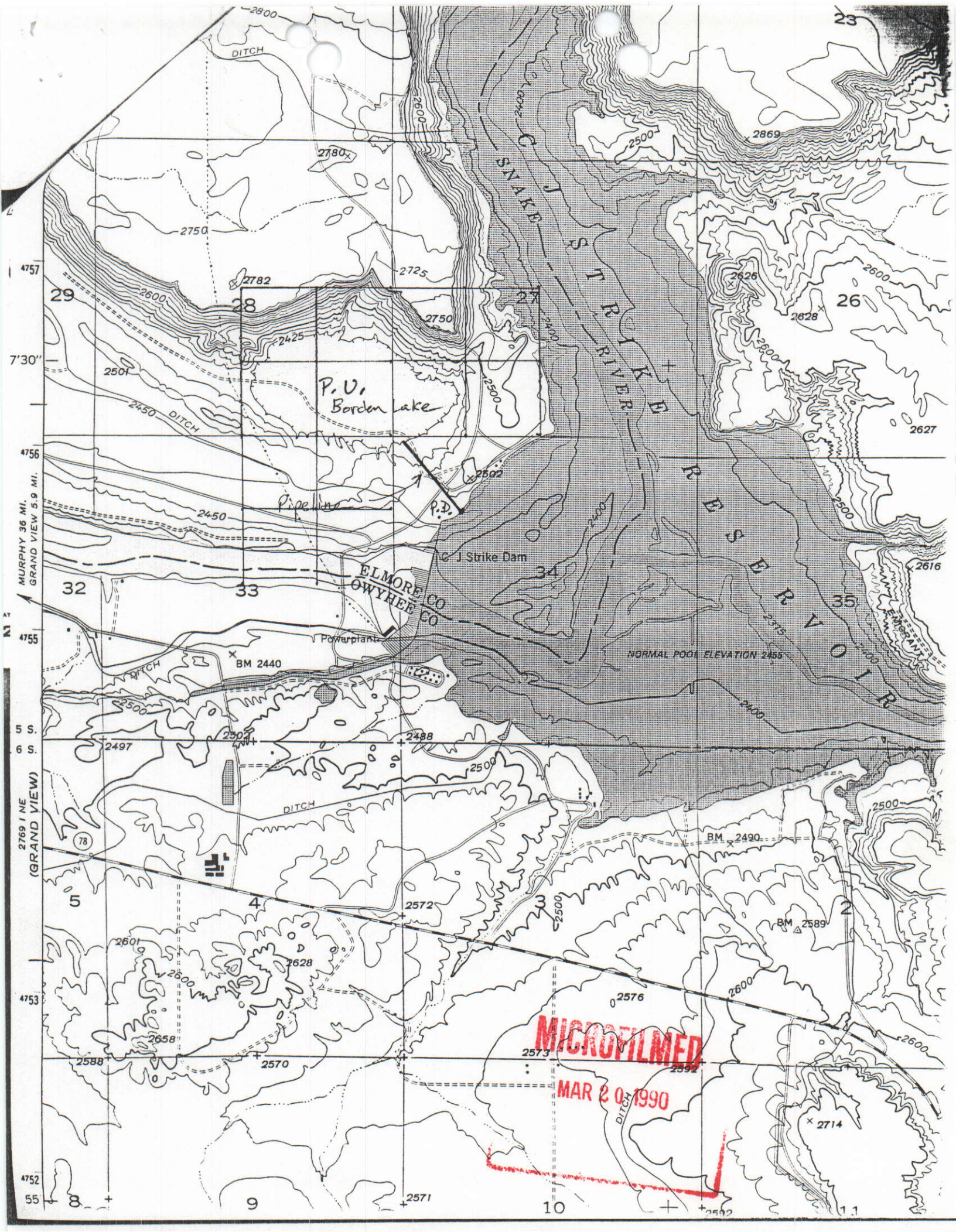
Datum 2400'



Total number of Acres 7537.55 (additional)

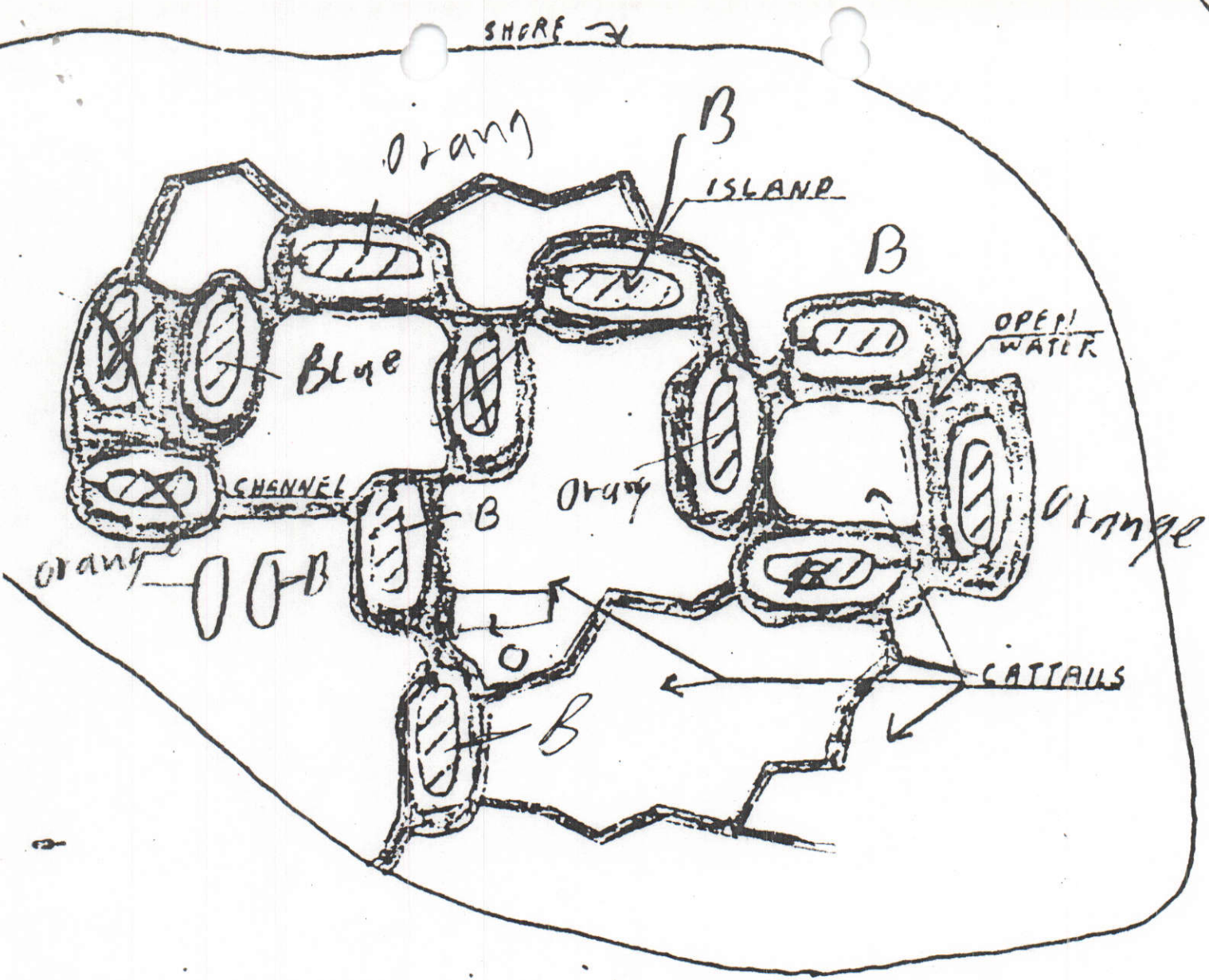
Amount of Surveys	When Surveyed	Mean Declination
11.5	11.5	

The above Map of Township 12 S South



MURPHY 36 MI.
GRAND VIEW 5.9 MI.
2769 1 NE
(GRAND VIEW)
55

MICROFILMED
MAR 20 1990



28 27
33 34 BM

BORDEN LAKE
Scale



MICROFILMED

MAR 20 1990

← ISLAND →

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 02-07425

Priority: January 26, 1988

Maximum Diversion Rate:

1.00 CFS

Maximum Diversion Volume:

600.0 AF

This is to certify, that STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 25

BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 26, 1988; and has submitted Proof of Beneficial Use on February 27, 1992. An examination indicates that the works have a diversion capacity of 1.700 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	09/01 to 06/30	1.00 CFS	600.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 34, Township 05S, Range 04E
ELMORE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

05S 04E 27	NWSW	SWSW	
28	NESE	NWSE	SWSE
	SESE		

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts.

MAY 1992
100 100 936

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 02-07425

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of JUNE, 1998.


Acting for KARL J. DREHER, Director

State of Idaho
Department of Water Resources

RECEIVED
JUN 11 1998
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-07425

Date of Priority: January 26, 1988

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 600.0 AF

Comes now STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 02-07425, and requests that the permit be changed as follows:

Source: SNAKE RIVER tributary to COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	09/01 to 06/30	1.00 CFS	600.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW, Sec. 34, Township 05S, Range 04E
ELMORE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

05S 04E 27	NWSW	SWSW	
28	NESE	NWSE	SWSE
	SESE		

MICROFILMED

JUL 30 1998

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

Signed at Boise, ID, this 8th day of June, 1998.


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 02-07425

FOR DEPARTMENT USE ONLY

Preliminary check by (SWK) Fee = 50.00 Received by LS # 004259 Date 6/11/98

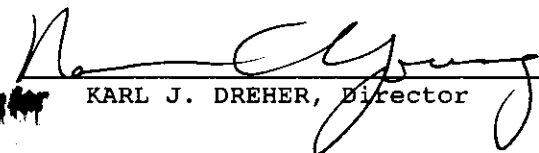
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 02-07425 with the following;

CONDITIONS OF APPROVAL AND REMARKS

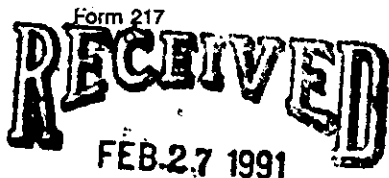
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts.

Witness my hand this 22nd day of June, 1998.


KARL J. DREHER, Director

MICROFILMED

JUL 30 1998



OFFICE USE ONLY
Amt. of Fee \$ 100.00
Date 2-27-92
Receipt No. C063370
Receipt by [signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 02-07425 Telephone No. 334-3700
2. Name(s) of Permit Holder(s): Idaho Department of Fish and Game
3. Mailing Address: 600 S. Walnut, P.O. Box 25, Boise, Idaho 83707
4. Source of Water: Snake River-C.J. Strike Reservoir

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Wildlife

6. Total rate and/or volume for which proof is submitted 1.00 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Dick Orcutt 845-2324
Name Telephone No.
Star Route Box 181, Bruneau, Idaho 83604
Address

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

Date 2/18/92 Signature (and title, if on behalf of a company or organization) A. Heblach, Region 3 Supervisor

APR 06 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 02-07425

Proposed Priority: January 26, 1988 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **STATE OF IDAHO**
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

has applied for a permit to appropriate water from:

SNAKE RIVER

tributary of **COLUMBIA RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

WILDLIFE

09/01 to 06/30

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW Sec. 34, Township 05S, Range 04E
ELMORE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

05S 04E 27
28

SWSW
NESE
SESE

SESW
NWSE

SWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1992**.
2. Subject to all prior water rights.
3. 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.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
6. Water shall not be diverted under this permit unless the flow of the Snake River exceeds prior rights and established downstream minimum stream flows.

RECEIVED

MAR 20 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 02-07425

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

6th day of March, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED
MARCH 12 1990

2-11-90

RECEIVED

JAN 26 1988

Form 202
6/85

Ident. No. 02-07425

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Department of Fish & Game Phone 334-3730
Post office address P. O. Box 25, Boise, ID 83707
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is _____ ¼ of NW ¼ of NW ¼, Govt. Lot _____
Sec. 34 Township 5 S Range 4 E B.M. Elmore County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.0 for Wildlife purposes from Sept. 1 to June 31* (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. The eight-inch diam. one-quarter mile long pipeline is to be a siphon with the intake in C. J. Strike Reservoir and a gate valve at the outlet.
b. Height of storage dam none 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 N.A. inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? no MAR 20 1990
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years years (minimum 1 year).

* Water will not be diverted when the flow over Swan Falls dam is less than or equal to 8400 cfs, nor will it be diverted in July or August.

per conversation with Lee Van De Bogart, 3/29/88. BD

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. This water would be used to maintain the water level in Borden Lake. The stabilized water level will improve the successful hatching of nesting wildlife.

9. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 S	4 E	28													W*	W	W	W	
5 S	4 E	27											W	W					

*NOTE: W = Wildlife

Total number of acres to be irrigated _____

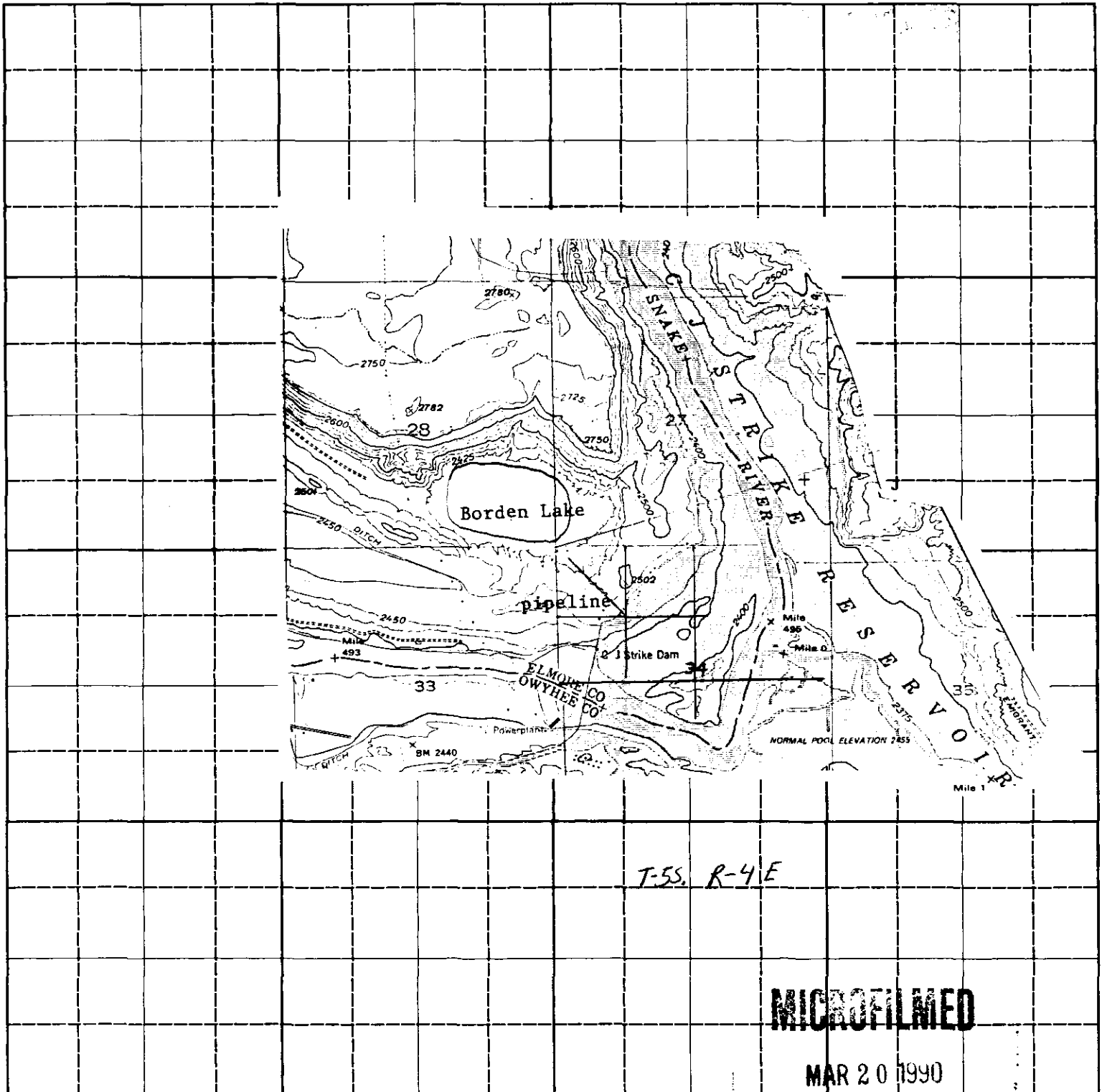
10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? Idaho Power
 - Who owns the land to be irrigated or place of use? U. S. Government -- Bur. of Land Mgmt.
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. The BLM land is under license (#I-09685) to the Dept. of Fish & Game for wildlife management. The Idaho Power land requires an easement for the pipeline and permission to place intake in reservoir.
12. Remarks: Borden Lake does not overflow, so water will only be added to compensate for evaporation and seepage losses.

RECEIVED

MAR 20 1990

13. 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.

Lee C. VanDeBogart
(Applicant)
Fish & Game Engineer

Received by nl JP Date 1-26-88 Time 3:00 pm Proposed Priority 1/26/88
Fee \$ 45.00 Receipted by JP # 46059 replaced by # 1002974 Date 10/19/88
Publication prepared by GG Date 4-13-88 Published in Mountain Home News
Publication approved JP Date 5/10/88

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. 02-7425, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 90.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water shall not be diverted under this permit unless the flow of the Snake River exceeds established downstream minimum stream flows.

Witness my hand this _____ day of _____, 1988.

Director

MICROFILMED

MAR 20 1990

[illegible]

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

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

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

W. J. McSherry
Subscribed and sworn to me this 28th

Notary Public

Notary Public

MICROFILMED

MAR 20 1990

Norm PM

- Suggest holding
this app.

- Info from IPCO
requested in letter
of 2-3-88 was
not provided.

- Even if it were
provided the
impact to the
Snake River
proper is
immediate &
should get in
line w/ other
prior pending filings.

Yes
5-12

Gary S

See note
below

Yes
5-17



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

June 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: WATER RIGHT NO. 02-07425

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 or files an exception and/or brief 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 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 Department.

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 Department. The Department retains the right to review the preliminary order on its own motion.

FILED

JUN 30 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department 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 Department 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 Department 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.

FILED

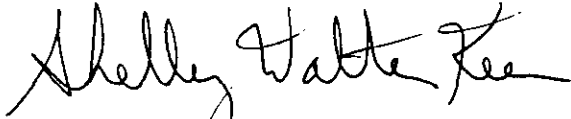
2001 3 0 1998

The appeal must be led 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECORDED

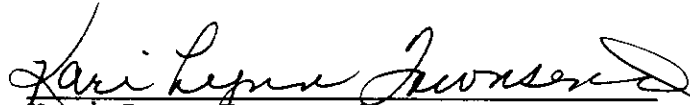
JUL 30 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 02-07425

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707


Kari Lynn Townsend
Secretary

RECORDED
JUN 30 1998



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Philip E. Batt / Governor
Stephen P. Mealey / Director

June 10, 1998

RECEIVED
JUN 11 1998
Department of Water Resources

Mr. Shelley Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: Water right permit no. 02-07425

Dear Shelley:

I have enclosed the signed application for amendment of the above permit, along with a check for \$50.00 (#045754). Please send me a receipt for payment so I can clear the check with our administration bureau. Please call me if you have any questions regarding this matter.

Sincerely,

Cindy Robertson
Fishery Staff Biologist

Enclosures

cc: Dale Turnipseed
Dick Orcutt

JUL 30 1998



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

May 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: WATER RIGHT NO. 02-07425

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

ENCLOSURE

JUL 30 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 10 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 02-07425

1. Owner: State of Idaho, Dept. of Fish & Game Phone No. (208) 334-3730
(Lee Van De Bogart)

Current Address: P.O. Box 25 Boise, ID 83707

2. Accompanied by: Dick Orcutt EXAM DATE: 11-22-96

Address: Fish & Game Office, Bruneau, ID Phone No. (208) 845-2324

Relationship to Permit Holder: Fish & Game Employee - Wildlife Biologist

3. Source: Snake River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: AG1-10587; 90 AFA from Springs

2. Other water rights with the same point of diversion: None

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
			NW	NW	34	55	4E	Elmore	Site visit, Map

2. Place(s) of Use:

Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55	4E	27																	
		28																	
														</					

RECORDED

MAR 30 1998

E. NARRATIVE/REMARKS/COMMENTS

1. The 8" Siphon from CJ Strike Reservoir was designed and constructed by Fish & Game to provide supplemental water to the Borden Lake Marsh Wildlife Area. Although springs provide some water to the area, supplemental water was needed to raise the water surface 2'-3' and provide more open water around the nesting islands and more wetland habitat. A61-10582 is for the Spring water.

2. The Siphon was designed for 1.7 cfs even though their permit is for 1.0 cfs. They designed for extra capacity to allow for unknown losses in the system and a reduction in capacity that may occur over time due to erosion, corrosion, algae growth and sedimentation. The flow is regulated for 1.0 cfs at the outlet weir box by an 8" gate valve, and measured by a 18" Cipolletti weir.

3. At the time of the exam, the Siphon was not operating. A well defined water mark on the weir staff gage indicated a reading of about 0.37' for a flow of 1.14 cfs.

4. High wind conditions on the reservoir causes the Siphon to break suction at the inlet, as wave troughs exceed the depth of the inlet pipe. They plan to redesign the inlet structure and do reconstruction work during the next planned drawdown of CJ Strike Reservoir by ~~Idaho Power Co.~~ ^{MICROFILM Co.}

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

5. Flow is regulated and monitored by Dick Orcutt, Fish & Game ~~But~~ Biologist at Bruneau Field Office. He said that when the water rises about 2'-3' in the wildlife area with the siphon operating, the level stabilizes as excess inflow appears to seep into the surrounding rock/soil formations.

JUL 30 1998

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: — Not Measured

water mark on staff gage in outlet weir box was about 0.37'. For 18" Cipolletti weir, $Q = 1.17$ cfs.

For 1.0 cfs, it should be 0.34'. The water mark could be 0.03' higher from wave action, algae growth, etc.

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:

Wildlife Habitat: 9/1 to 6/30 each year, 303 days

$$AFA = \frac{1.0 \text{ cfs}}{1} \cdot \frac{1.983 \text{ AF}}{1 \text{ cfs Day}} \cdot \frac{303 \text{ days}}{\text{yr.}} = \underline{\underline{600 \text{ AFA}}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Wildlife	9/1	6/30	1.0	600
Totals:			1.0	600

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

I. AUTHENTICATION

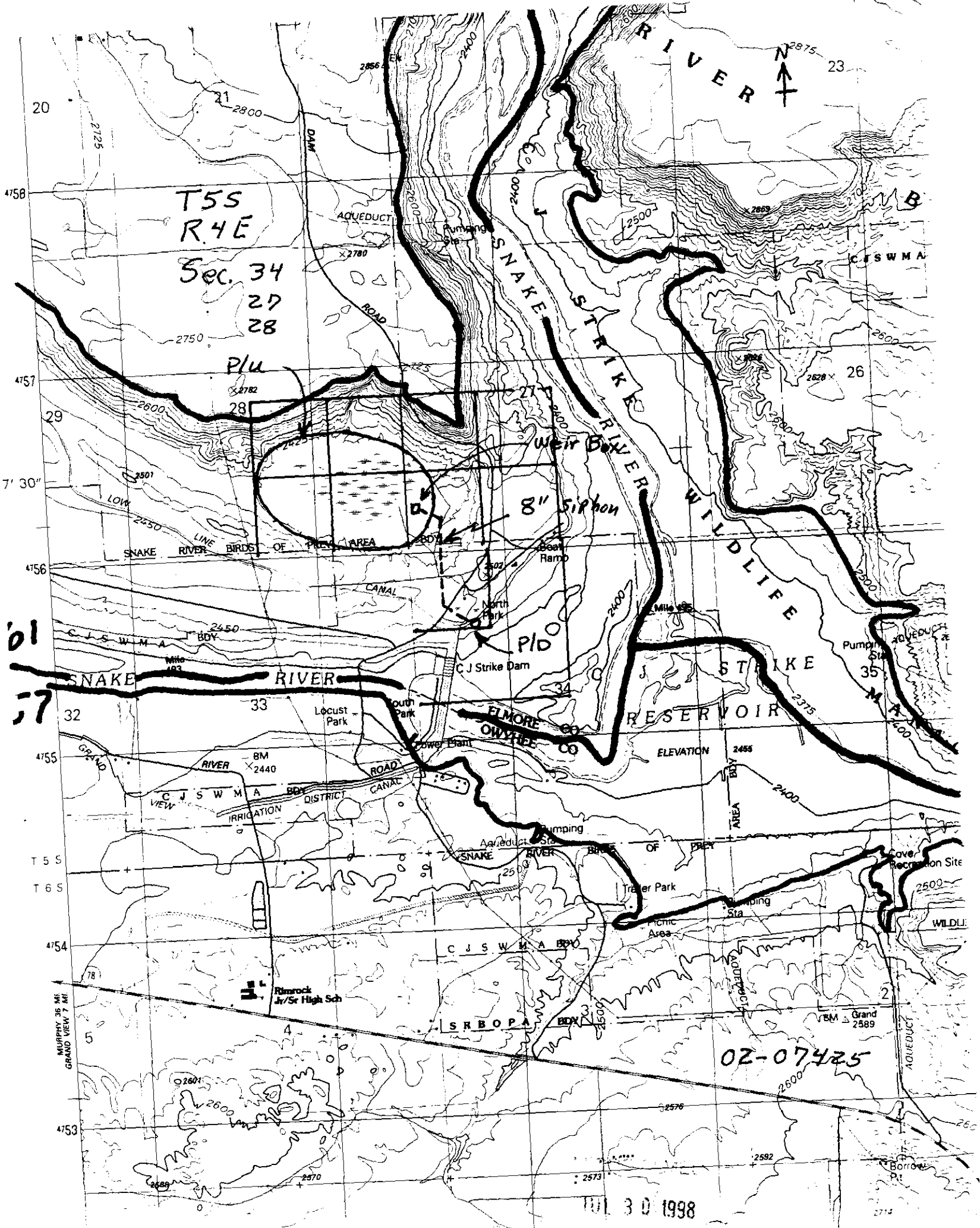
Field Examiner's Name Don Zarnich Date 12-11-96

Reviewer _____ Date _____

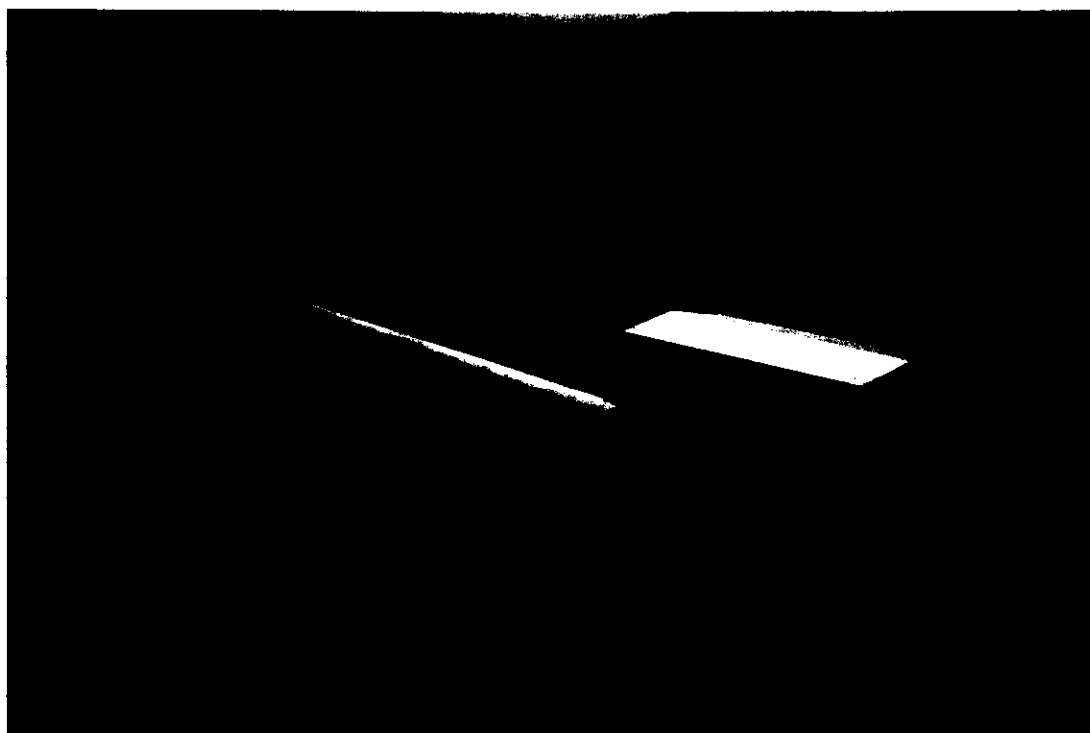
SEAL

MICROFILMED

JUL-30 1998



JUL 30 1998



P/D

Siphon
inlet
structure
at CJ
Strike
Reservoir

View looking
South.

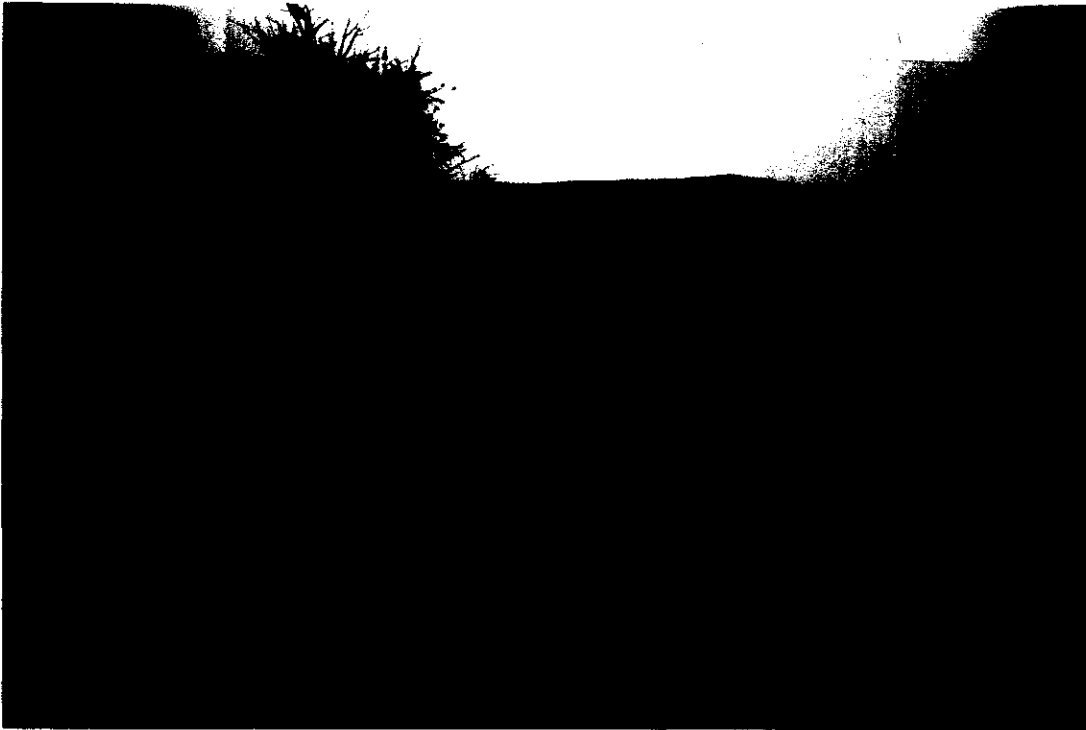


P/u
outlet
Weir Box
in Borden
Lake Marsh.

18" Cipolletti
Weir and
gated 8"
outlet pipe
in background.
8" pipe
inlet to box
is not visible
in photo.

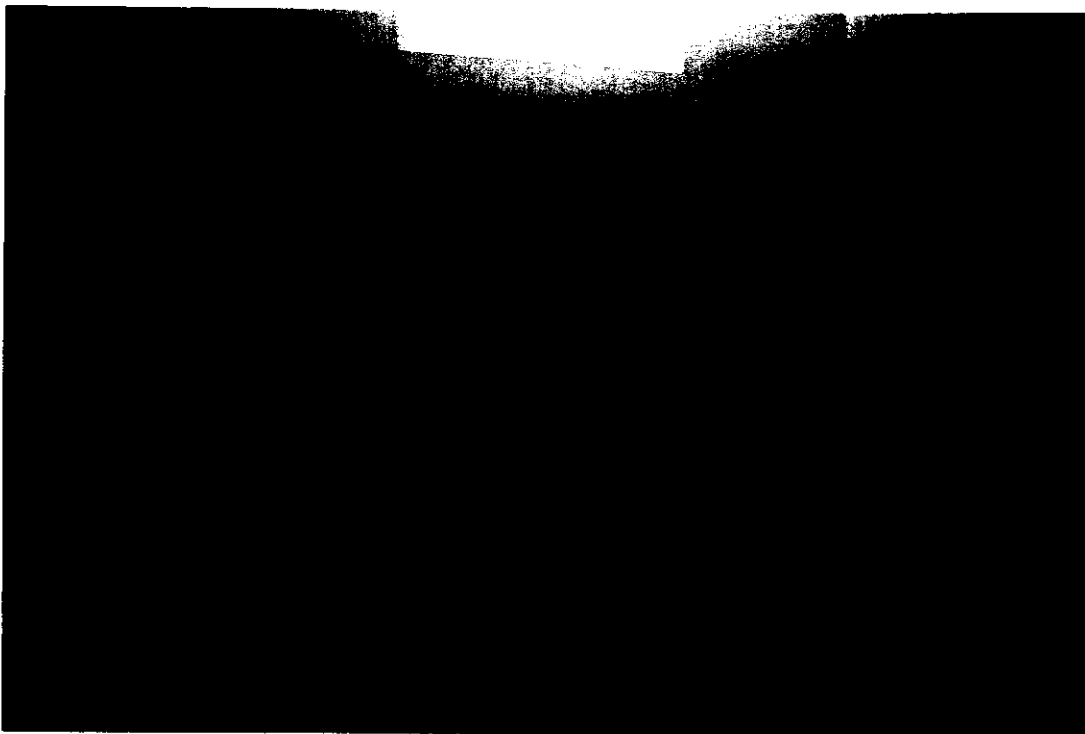
02-07425

2 of 2



P/u
Borden Lake
Marsh
Wild life
Area.

View
Looking
Northwest



P/u
Borden
Lake
Marsh
Wild life
Area.

View
Looking
Southwest.

101 3 0 1998

02-07425

March 6, 1992

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 02-07425

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 WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
APR 06 1992

January 31, 1992

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 02-07425

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

APR 06 1992

CERTIFIED MAIL

NO. 13419

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 02-07425

Name(s) of Permit Holder(s): Idaho Dept of Fight Lane

Post Office Address: P.O. Box 25

Tel. No. 334-3730

☒ I hereby certify that construction of diversion works on the above referenced permit began on March 6, 1992 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

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

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

3-20-92
Date

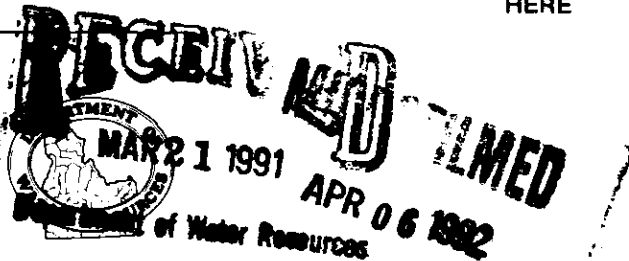
Lee Van Re Bogart
Signature of Permit Holder

Idaho Dept. of Fish and Game

Box 25, 600 So. Walnut St.

Boise, Idaho 83707

PLACE
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 6, 1990

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P02-07425

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users, with earlier rights, of their water supply.

&SKIP

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the river and it's tributaries. If this were to occur, it would essentially mean that there would not be water available for a diversion from your well since the surface water system is fully appropriated. By locating your well as far from the river as possible and by casing out upper water producing zones as the well is constructed, you may be able to reduce the amount of interference with the river.

RECEIVED

MAR 20 1990

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 26 1996

INTER-DEPARTMENT MEMO — 1

FROM Tim

DATE 2-13-90

TO Kley

SUBJECT App No. 02-7425

PG prepare App. for approval.

Should add following condition of approval.

"Water shall be diverted only when flows at Murphy Gaging Station exceed 8400 cfs." — see 0601

SIGNATURE

PROCESSING

☐ Yes ☐ No form for advertising
☐ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ NO Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ NO Recommendations attached
☐ 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 of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 1-26-1988
By _____ Date _____

STATE OFFICE REVIEW

P22, P03, P17

26 04 01G 061

☐ See below for additional information

By FW Date 2-21-90

ADDITIONAL INFORMATION

*App. in TRUST area - Consider as NON-CONSUMPTIVE
OK to allow 2 yrs. to USE -
develop B/U -*

February 13, 1990

Jerry M. Conley, Director
Idaho Fish & Game
600 South Walnut / Box 25
Boise, ID 83707

RE: Application for Permit No. 02-07425

Dear Mr. Conley:

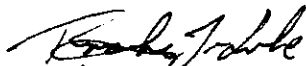
As per your written request dated February 5, 1990, the Department has reconsidered the above referenced application.

Approval of the application was delayed as a result of the Swan Falls litigation and moratorium. At the time your agency filed the application, the United States Congress had only recently ratified the Swan Falls agreement. It was not until later in 1988 that the Department finalized a policy and implementation plan for processing filings affected by the Swan Falls litigation. Since that time, most applications proposing wildlife and stockwater storage upstream from Swan Falls Dam had been processed. Filings such as yours, which propose direct diversions from the Snake River were to be reviewed by their order of priority with other consumptive use filings.

Upon further review of your application and additional information submitted with your latest correspondence, the Department concludes that the proposed use is in the public interest as defined by Section 42-203C, Idaho Code. The Department will prepare the application for approval. You should receive a copy of the approved permit within the next few weeks.

Thank you for your patience and cooperation in this matter.

Sincerely,



Tim Luke
Sr. Water Resource Agent
Water Allocation Bureau

MICROFILMED

MAR 20 1990

MEMORANDUM

TO: GLEN SAXTON

FROM: TIM LUKE

DATE: February 12, 1990

RE: APP. NO. 02-7425/SWAN FALLS PROCESSING

=====

We have received a letter from the director of the Fish & Game Department asking us to consider approving the above referenced application.

The application does propose a direct diversion from the Snake River and is within the trust water area. However, the diversion is for wildlife storage (the proposed diversion will increase the surface area of an existing lake by 12 acres). The use may be considered non-consumptive other than the additional evaporation resulting from the increased surface area. This additional evaporation may be about 36.5 acre-feet per year.*

Water Appropriation Rule 5,3,7. presumes new storage upstream from Swan Falls to be in the public interest until such time as certain studies concerning storage in the Snake River Basin are complete. This rule is based on Policy 5I of the State Water Plan.

Although this application proposes a direct diversion from the Snake River, the diversion merely results in some additional storage. The use is presumed to be in the public interest as defined by Section 42-203C. The local public interest criteria of Section 42-203A is still applicable to this application. The department has approved a number of similar sized stockwater and wildlife storage projects from Snake River trust water tributaries in the past year. I would recommend that the department approve this application.

Note that the applicants have already stated that water will be diverted between September 1 and June 31 only when flows at Murphy are greater than 8400 cfs. This should be included as a permit condition.

*Evaporation estimate equivalent to consumptive irrigation requirement of alfalfa in this area. This method of estimating lake evaporation is acceptable as per Bill Ondrechen of our hydrology section.

MICROFILMED

MAR 20 1990



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

RECEIVED
FEB 9 1990

Department of Water Resources

February 5, 1990

R. Keith Higginson, Director
Idaho Department of Water Resources
STATEHOUSE
Boise ID 83720

RE: Application for Permit No. 02-07425
(Idaho Department of Fish and Game)

Dear Mr. Higginson:

This letter will serve as a petition to your agency to reconsider Application for Permit to Appropriate Water Number 02-07425. The original application was submitted to your agency on July 7, 1988, and is being held by your agency pending resolution of the Swan Falls controversy.

The Department proposes to divert water from the C.J. Strike Reservoir via an underground pipeline to the Borden Lake basin. The water will be used to raise the lake's water level a maximum of two feet. The lake level is maintained by an underground source, possibly seepage from the reservoir.

The present lake level is approximately 41 surface acres and would increase to 53 acres. Due to the natural terrain of the basin, the proposed increase in water level will not significantly increase the number of surface acres, but will provide additional storage for the Snake River system. This additional storage should enhance the amount of water within the Snake River system and for downstream users. The minor increase in the number of surface acres should not adversely affect water losses due to evaporation.

Enclosed, for your information, is a topographical map of the immediate area of the basin and a sketch illustrating the number of surface acres in one-foot increments.

Cecil D. Andrus / Governor
Jerry M. Conley / Director

MICROFILMED

MAR 20 1990



IDAHO FISH & GAME

R. Keith Higginson, Director
February 5, 1990
Page 2

Thank you for reconsidering our application. If you have questions, please contact Dale VonSteen, Regional Wildlife Land Manager, 109 West 44th Street, Boise, Idaho 83714 (327-7025).

Sincerely,



for Jerry M. Conley
Director

JMC/DV/11

Enclosures

cc: Tom Parker
Bureau of Engineering
Dick Orcutt

MICROFILMED

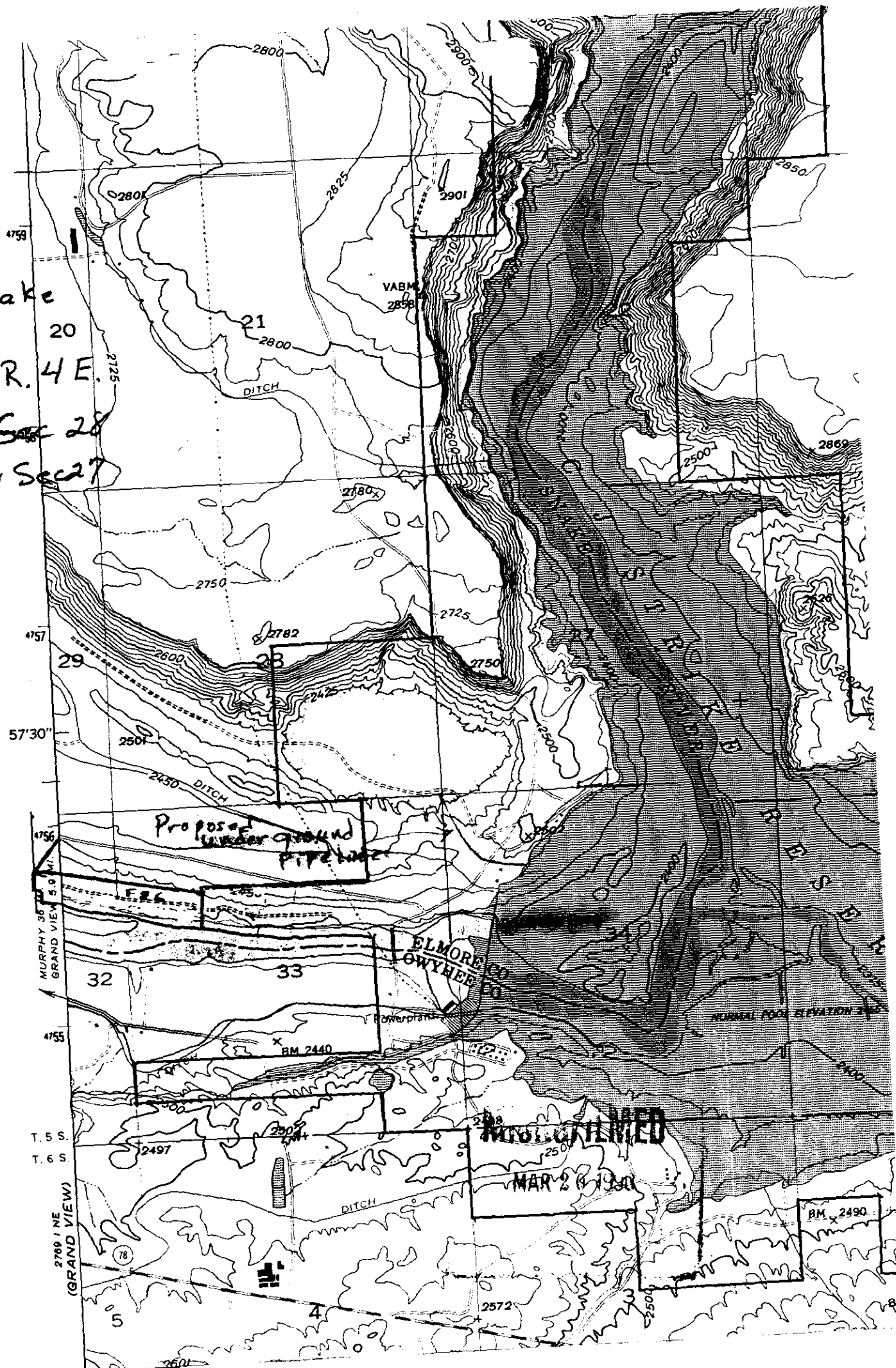
MAR 20 1990

Borden Lake

T.S.S., R. 4E

SE 1/4, Sec 28

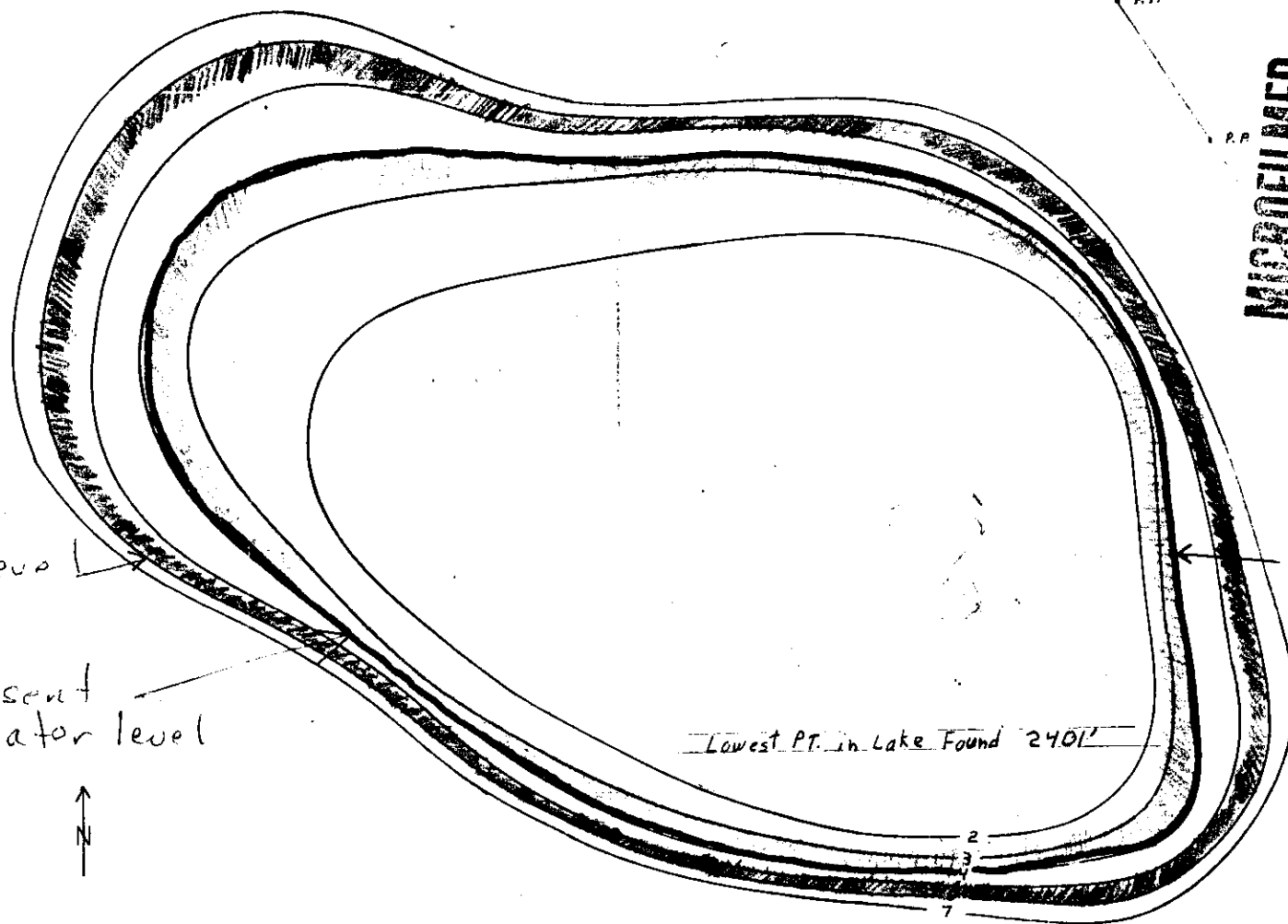
W 1/2 SW 1/4 Sec 27



Borden Lake

Proposed
Water level

Present
Water level



BORDEN LAKE
Scale

0 100 200 300 400 500

28 27
33 34 BM = 2416.47'

Datum 2400'

MICROFILMED

MAR 20 1990

Edge of Cattails

Well
TOP of casing 11.4'
W.S. 3.7'

RECEIPT
For Monies Paid
to the

Idaho Department of Water Resource

*Replaces Receipt No. 46069
Receipted by JP 1/26/88 at
Western -*

C002974

Receipt No:

10/19/88

Date: 09:10:23

Time:

Received IDAHO DEPT OF FISH & GAME
From:

Type of Payment
APPLICATION FOR PERMIT 02-7425

Program Acct
0610199 1238 6390

Amount
\$45.00

Total \$45.00

CHECK 46069

Idaho Department of Water Resources

Region: State

Signature: _____

MICROFILMED

MAR 20 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 31, 1988

Idaho Department of Fish & Game
c/o Lee J. Van DeBogart
P.O. Box 25
Boise, ID 83707

Re: Application for Permit No. 02-07425 (Idaho Department of Fish & Game)

Dear Applicant:

The Department has completed the initial processing of the Application for Permit to Appropriate Water No. 02-07425, which proposes direct diversion from the Snake River to maintain the water level in Border Lake. The water diverted will directly reduce the flow of the Snake River.

The Department of Water Resources is currently holding hundreds of applications proposing use of Snake River Basin water. The applications have been held pending resolution of the Swan Falls controversy. The Department will hold Application No. 02-07425 without action along with the other applications previously filed.

We anticipate that we will begin processing applications in the near future that have been held because of Swan Falls. Application No. 02-07425 will be considered in its proper order once processing begins.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region

MICROFILMED

MAR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

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

APRIL 13, 1988

Mountain Home News
Drawer D
Mountain Home, ID 83647

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 9, 1988.

Yours truly,

JUDY FENSE
Secretary

Encl.

MICROFILMED

MAR 20 1990

02-07425

State of Idaho, Dept. of Fish & Game
P.O. BOX 25
BOISE, ID 83707

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: NWNW Sec 34 T 05S R 04E

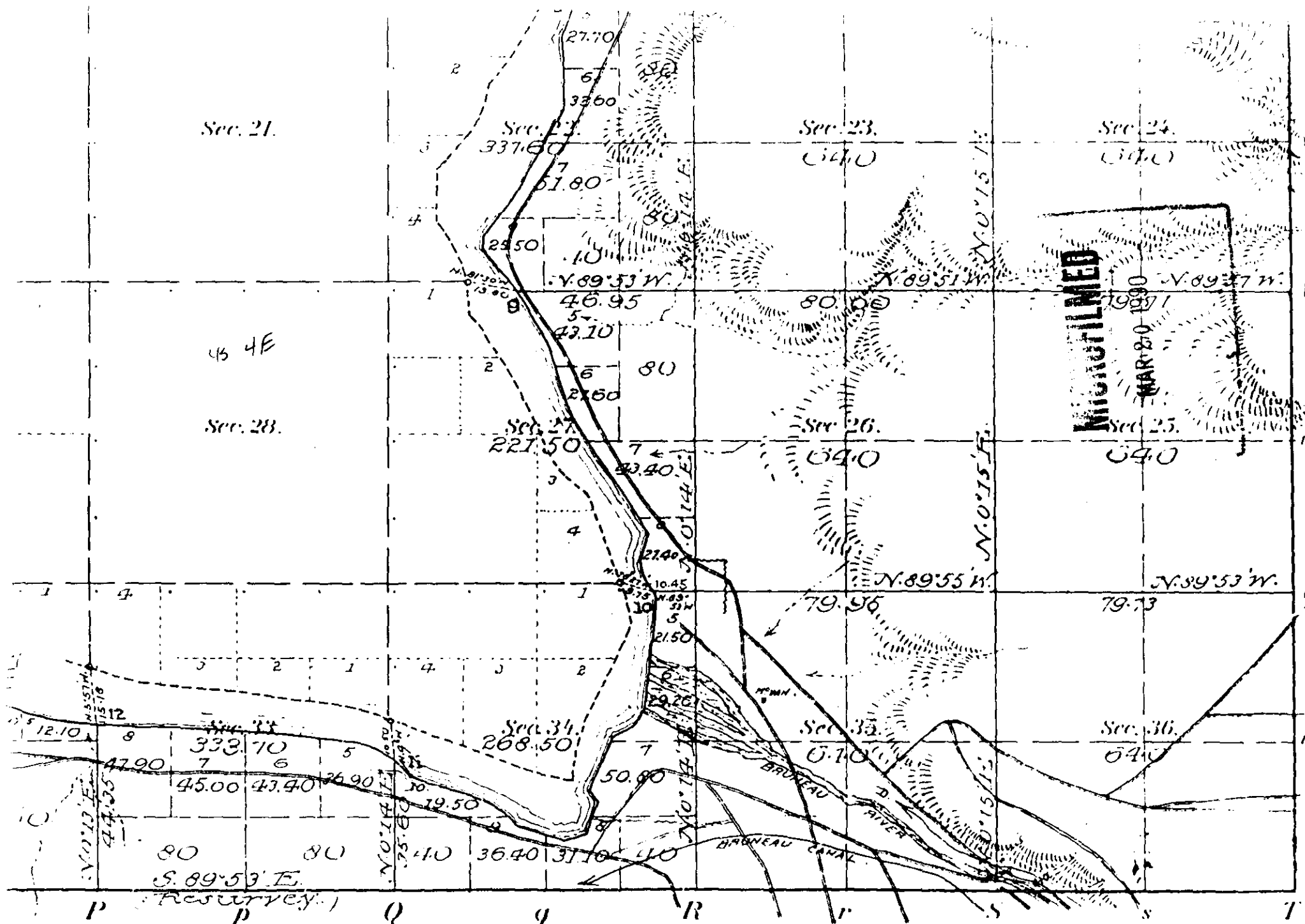
Use: Wildlife (1.000 CFS)

Date Filed: 1/26/1988

In: SWSW Sec 27 T 05S R 04E FOR
SESW Sec 27 T 05S R 04E FOR
NESE Sec 28 T 05S R 04E FOR
NWSE Sec 28 T 05S R 04E FOR
SWSE Sec 28 T 05S R 04E FOR
SESE Sec 28 T 05S R 04E FOR

MICROFILMED

MAR 20 1990



Total number of Acres 7537.55 (additional)

Amount of Surveys 11.5 When Surveyed Mean Declination

Scale 40 Chains to an Inch.

The above Map of Township 1.5 South



State Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 3, 1988

Lee J. Van De Bogart
Idaho Department of Fish & Game
Bureau of Engineering
600 S. Walnut, Box 25
Boise, ID 83707

Dear Mr. Van De Bogart:

We recently received a water right application for permit from your office. There are, however, two problems which must be resolved before we can process this application.

The first problem concerns the place of use description provided in the application. If Borden Lake lies entirely within the hachured closed contour line (i.e. depression) as indicated on the topographic map provided, additional quarter-quarter sections are required to describe its location. I have enclosed a photocopy of the appropriate USGS quad with 40 acre tracts blocked-off and Borden Lake indicated. Based on this map, the following quarter-quarter sections would describe the lake: NESE, NWSE, SWSE, and SESE of Sec. 28; NWSW and SWSW of Sec. 27; NWNE and NENE of Sec. 33; and the NWNW Sec. 34, T. 5S, R. 4E. Please advise me if this description is accurate; if so, I will correct your application accordingly.

The second problem is that the point of diversion and place of use for this application are located upstream from Swan Falls dam on the Snake River. The Department of Water Resources currently places all consumptive surface water applications located within the Snake River drainage upstream from Swan Falls dam in a "hold" status until the Swan Falls issue with Idaho Power Co. is resolved. The proposed use of Snake River water described in the application is to maintain the level of Borden Lake; it would seem that consumptive losses would occur due to seepage and evaporation from the lake.

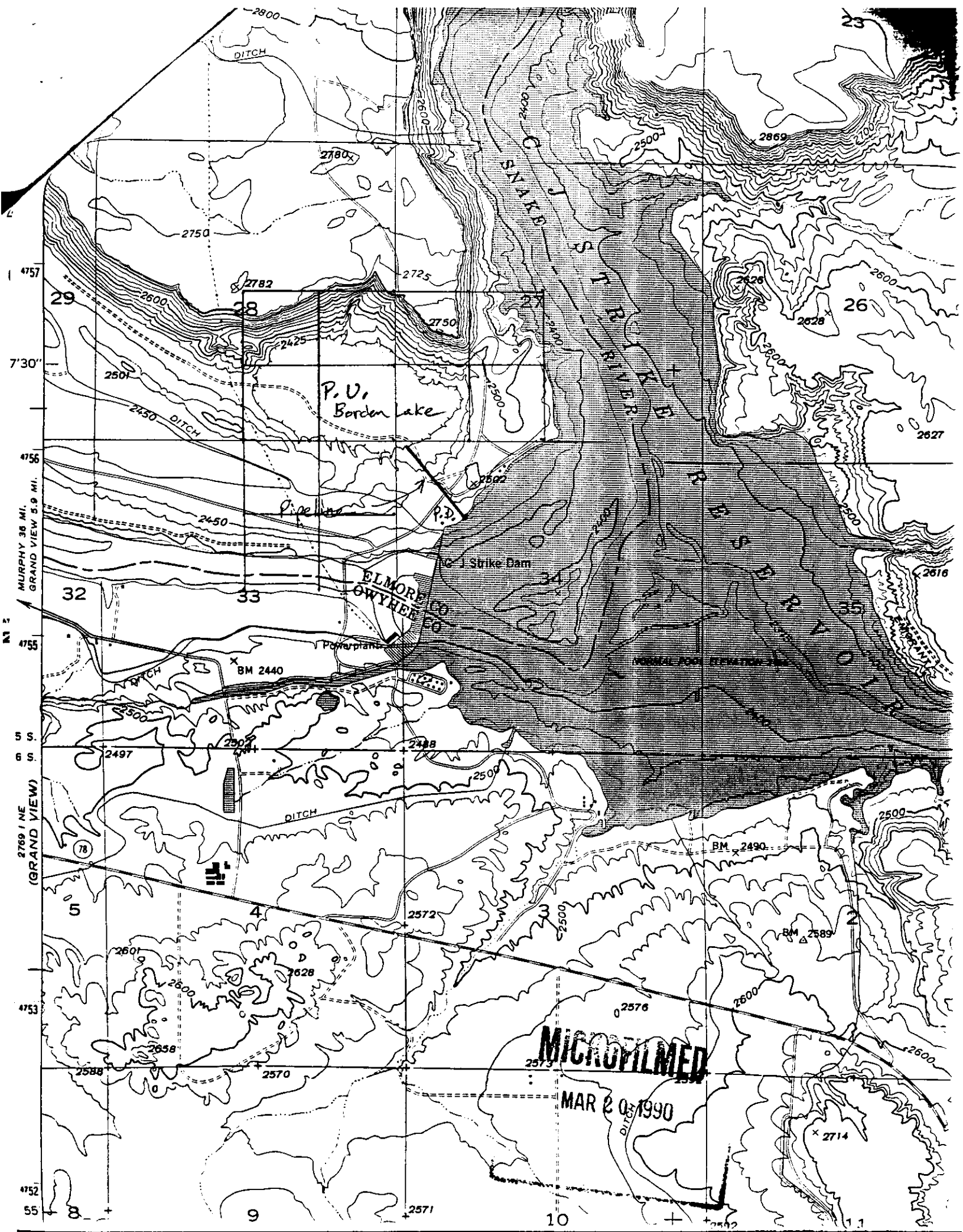
As an alternative to placing your application on "hold" indefinitely, a letter of approval from Idaho Power Co. outlining why they do not consider the proposed water use as consumptive would allow us to continue to process your application. I suggest that you contact Idaho Power Co. to discuss the proposed water use.

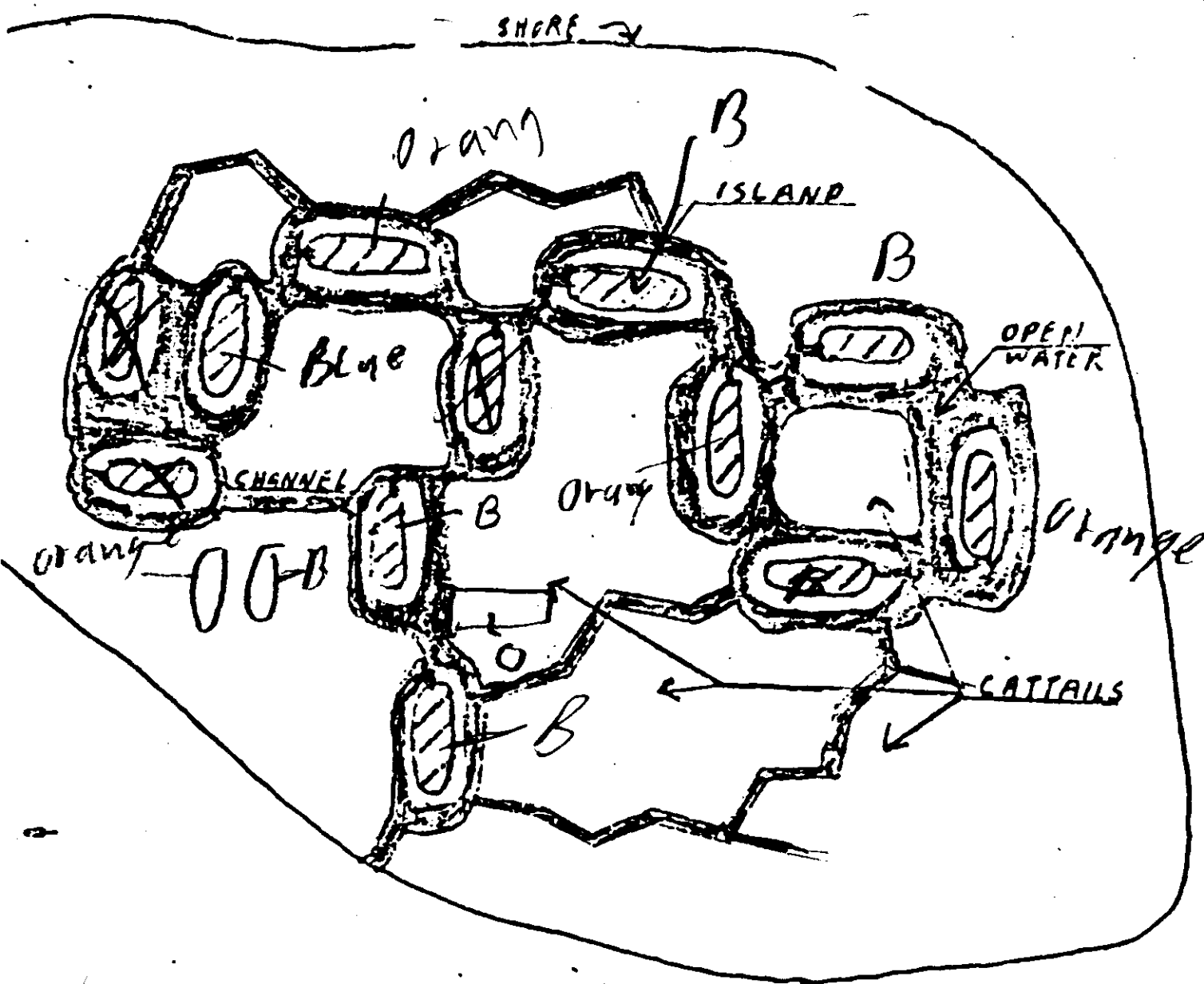
Please feel free to contact this office if you have any questions.

Sincerely,

Brad E. Dingee **MICROFILMED** MAR 20 1990

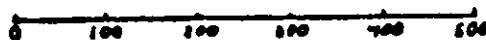
Brad E. Dingee
Sr. Water Resource Agent





28 27
33 34 847

BORDEN LAKE
Scale



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MAR 20 1990

← ISLAND →



600 South Walnut • Box 25
Boise, Idaho 83707

RECEIVED
JAN 26 1988

January 20, 1988

Department of Water Resources

Mr. Michael Stubblefield, P.E.
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Stubblefield:

Enclosed is an Application for Permit to Appropriate the Public Waters of the State of Idaho, along with a check in the amount of \$45.00 to cover the fee.

If you have any questions, please give me a call at 334-3730.

Sincerely,

Lee J. Van De Bogart
Lee J. Van De Bogart
Fish and Game Engineer
Bureau of Engineering

LJVDB:Q

Encs.

MICROFILMED

MAR 20 1990

EQUAL OPPORTUNITY EMPLOYER