

SJR Telephone Conversation Record

Claim Number: 2-7199E

Date: 11/23

Time: PM

Caller: Pollock (Art) 896-4712

Notes:

Told him permit had been reinstated & he will need field exam. He asked if they will call in advance & if said they will. Discussed that max would be 1.33 ac as per assignment. He's OK with that
I will modify rec to as per permit

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
02-7199E IN THE NAME OF)
ARTHUR F. POLLOCK, JR.)
_____)

ORDER OF REINSTATEMENT

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

FINDINGS OF FACT

1. On January 7, 1986, the Department reinstated Permit No. 02-7199E in the name of Earl G. Fox and Donna R. Fox (permit holders) for the diversion and use of 0.08 cfs of water from the Snake River in the SW¼SW¼ of Section 14, Township 2 North, Range 4 West, B. M., for the irrigation of 4 acres.
2. On February 27, 1986, the Department returned two assignments of this permit to the permit holders because they did not include the addresses of the new property owners. The assignments of permits were to assign portions of Permit No. 02-7199E to Mr. James Hughey and Mr. Arthur F. Pollock, Jr.
3. On April 3, 1987, the Department sent an Examination Fee Notice to Earl G. Fox for Permit No. 02-7199E.
4. On May 5, 1988, Permit No. 02-7199E lapsed for failure of the permit holders to submit the required examination fee.
5. On November 30, 1988, Arthur F. Pollock, Jr. and Dulcie Pollock (claimants) filed a claim in the Snake River Basin Adjudication (SRBA) on a portion of Permit 02-7199E. They had not been informed that the permit had not been changed to their name or that the permit had lapsed for failure of the permit holder to submit an examination fee.
6. On October 12, 2005, Department staff corresponded with Arthur F. and Dulcie Pollock regarding the Notice of Claim to a Water Right submitted for lapsed Permit 02-7199E. The Department staff advised the claimants that the permit may be able to be reinstated if they would submit the required examination fee to the Department.
7. On October 17, 2005, the Department received the examination fee for the permit along with a late fee.

8. *Idaho Code* § 42-218a.3 says in pertinent part, "The original priority date of a lapsed permit shall not be reinstated except upon a showing of error or mistake of the department."

CONCLUSIONS OF LAW

1. The Department made no attempt to contact James Hughey or Arthur F. Pollock, Jr. so that they could submit the examination fee to prevent the permit from lapsing.
2. The Department erred by not trying to contact the current property owners.
3. The permit should be reinstated with no advance in priority in accordance with the provisions of *Idaho Code* § 42-218a.3.

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 02-7199E is **REINSTATED** with no advance in priority.

Dated this 23rd day of November, 2005.



GARY SPACKMAN

MEMORANDUM

TO: File 02-7199E

FROM: KAY WALKER

RE: Summary of Events

Date: October 27, 2005

.....

7/16/1975	Application filed with IDWR
8/19/1975	Permit issued to Sam Ashe for 2.0 cfs and 113.6 acres of irrigation
8/01/1979	Extension of Time approved allowing until 9/1/1984 to develop
7/29/1981	Assignment of 2 acres to Gordon Kirkeby = 02-7199B
7/29/1981	Assignment of 5 acres to Gordon Kirkeby = 02-7199C
5/03/1983	Assignment of 5 acres to Lionel Daniel from Kirkeby = 02-7199C
5/03/1983	Assignment of 2 acres to Daniel from Kirkeby = 02-7199B
7/10/1984	Proof made by Ashe for 02-7199A
9/30/1984	Order extending time for proof of b/u to 12/1/1994 for 02-7199D (Combination of 02-7199B & 02-7199C)
10/03/1984	Proof made by Daniels for 02-7199D
11/20/1984	License issued to Sam Ashe for 11 acres and 0.22 cfs = 02-7199A
6/05/1985	Sam Ashe assigned 4 acres to Earl & Donna Fox – Note: <u>Assignment was received in September of 1981.</u> IDWR had no copy of the assignment and when Mr. Fox came into the office in 6/1985 to discuss the permit he brought in a copy of the 1981 assignment along with a second assignment form that Mr. Ashe had signed on 6/4/1985. Mr. Fox submitted proof of beneficial use for his 4 acres on this date. The Department reinstated the Fox's portion of this right and numbered it 02-7199E.
02/27/1986	The Department returned 2 assignments of permit to Earl G. Fox to provide information regarding the assignee's mailing addresses. A copy of one of the assignments described 1 1/3 acres of land be assigned to Arthur F. Pollock Jr. in the amount of 0.03 cfs. Mr. Fox never returned the assignments to the Department.
04/03/1987	The Department sent out an Examination Fee Notice to Earl G. Fox for Permit 02-7199E.
05/05/1988	The Department lapsed permit 02-7199E because an examination fee was not submitted.
11/30/1988	On November 30, 1988, Arthur F. & Dulcie Pollock filed a claim in the SRBA for their use of this water right. They had no idea that the permit had lapsed for failure to submit the examination fee and claimed their portion of the right in good faith and believing that he had obtained a portion of Permit 02-7199E and it was still a valid right.

10/12/2005 SRBA staff corresponded with the Pollock's and advised them that the permit had lapsed for failure to submit field examination fee and offered them an opportunity to submit field examination fee in order to try to reinstate their portion of the permit.

10/17/2005 Field examination fee was submitted to IDWR along with a \$50.00 late fee.

Review of file revealed that Permit 02-7199E had lapsed due to no fault of the Pollock's. Review of Owyhee County tax lot information shows that Pollock's own 1 1/3 acres in the area of original permit. Permit should be reinstated with no advance in priority date in the amount of 0.03 cfs and 1 1/3 acres of irrigation.

To: File

From: SJR 

Date: 11/21/05

Re: 2-7199E

Mr. Pollock called the department in response to a letter requesting proof of priority date for a claim with a beneficial use basis. Investigation of the claim file indicated his claim should have been submitted based upon a permit. In addition, the permit had lapsed because an incomplete assignment form (lacking address) was returned to the assigning party (Fox) and never returned to IDWR or forwarded to the claimant. The license exam fee notice was then sent to Fox (the assignor) rather than Pollock, Fox (the assignee) did not respond, and the permit lapsed.

I subsequently advised Mr. Fox that he needed to submit the license fee and a late fee to attempt to reinstate the permit. The reinstatement order was not signed in time for the preliminary director's report, and a preliminary recommendation that the claim be disallowed was sent to Mr. Pollock.

The permit lapse notice was sent May 5 of 1988. Mr. Pollock visited the Western region office in November of 1988 to file a claim. The signed claim paperwork in the claim file is computer-generated, and there is not an original claim form present, leading me to believe someone at Western filled out the claim for Mr. Pollock. The basis of the claim is "Beneficial Use", and the claimed priority date is July 16, 1975. A remark on the claim indicates that an attached document indicates "this right has been reinstated", but the attachment pertains to a reinstatement of a prior assignment from Ashe to Fox.

My understanding of the process is that a permit cannot be reinstated in conditions like these unless a mistake was made by IDWR. It appears an argument could be made that IDWR made two mistakes at claims taking, one in completing a claim form without advising the claimant of the inconsistency of a beneficial use claim with a 1975 priority date, and another in failing to determine that the permit reinstatement was for a prior lapse and advising the claimant that his permit had indeed lapsed.

I have had several conversations with Mr. Pollock regarding his water right claim, and I believe he has acted in good faith to promptly do everything he believed he needed to do to have his claim recommended favorably.

SJR Telephone Conversation Record

Claim Number: 2-7199E

Date: 11/21

Time: AM

Caller: Art Bollock

Notes: TC ← msg TC →

why disallowed
explained permit lapse because assignment
from tax not completed
couldn't reinstate because wasn't IDWR's
fault

explained that at NOE he can state that he
had gone to western region office & they
told him everything was OK

if will copy rec for example & put in
file, he will come to public meeting

receipt copy from Kay, put in file

memo to file explaining SR



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

December 8, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ARTHUR F &/OR DULCIE POLLOCK
PO BOX 602
MARSING ID 83639

RE: PERMIT NO. 02-7199E REINSTATEMENT

Dear Mr. and Mrs. Pollock:

The department acknowledges receipt of the examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit since the examination fee was submitted more than 1 year after the lapse notice was issued. Please note that the permit was reinstated with no advance in priority date.

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 the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Please note that the permit was reinstated in the name of Earl G. &/or Donna R. Fox since they were the last permit holders of record. If you can provide the original of the assignment of permit form that was returned to Mr. Fox, in February of 1986, we would be happy to change a portion of this permit to your name. If Mr. Fox is unavailable, the permit can remain in his name and once we complete the field examination the license can be issued in his name and then you could submit a notice of change in water right ownership to change the right to your names. In Idaho, a permit is considered personal property and only the permit holder of record can assign the permit, or portion thereof, to another party. Enclosed, for your convenience, is a blank assignment of permit form in case you can locate Mr. Fox to assign the permit. Please note that there is a \$25.00 assignment fee that must accompany the form.

If you have any questions concerning this matter, please feel free to contact me at 287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

cc: IDWR - Western Region
✓ SRBA Claim File

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
02-7199E IN THE NAME OF)
EARL G. &/OR DONNA R. FOX)
_____)

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CONCLUSIONS OF LAW

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Dated this 23rd day of November, 2005.



GARY SPACKMAN

Idaho Department of Water Resources

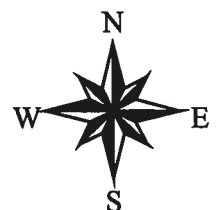
1987 NAPP Photo



0 0.2 0.4 0.6 Miles

Claim Number: 02-7199E
Legal: T02N, R04W, S14
Reviewed By: BTB 6/24/05

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 12, 2005

2-7199E
ARTHUR AND DULCIE POLLOCK
PO BOX 602
MARSING, ID 83639

Re: Fee Requirements for Permit Number 2-7199E

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

Because you had filed a beneficial use claim, a letter was sent to you requesting evidence of the historic use. When you called earlier this week, I explained what types of information might constitute said proof and stated I would look deeper into the background of your claim.

Beneficial use claims apply only to appropriations initiated prior to May 20, 1971. Subsequent to that time, claimants have been required to follow the statutory permit procedure. After further investigation, I have determined that your claim is not based upon beneficial use but upon a permit that was granted in response to an application filed by Sam Ashe on July 16, 1975. Permits are considered personal property, and as such ownership changes are transacted through what is called an assignment. The portion of the original permit associated with your land (2-7199E) was assigned by Mr. Ash to Earl Fox. Earl Fox in turn attempted to assign the permit to you in October 1985.

Unfortunately, when Mr. Fox submitted the permit assignment form to IDWR, he failed to include your address. IDWR was unable to change the ownership of the permit without the proper address, and they sent a letter to Mr. Fox in February 1986 requesting that he provide the necessary address information. This information was never returned to IDWR, and the permit remained in Mr. Fox's name.

One of the conditions on the permit was that a field examination be conducted to verify that the water was being put to beneficial use. This required that an exam fee be submitted prior to June 3, 1988. No exam fee was submitted, and the permit lapsed.

Arthur and Dulcie Pollock
October 12, 2005
Page 2

To have the permit reinstated, you will need to submit both a \$50 exam fee and a \$50 late fee. If you do not submit the fees, it will be recommended that your claim be disallowed. Should you choose to submit the fees, please indicate in the memo field of your check that the fees are to apply to "exam and late fee 2-7199E". Upon receipt of the fees, IDWR will be able to reinstate the permit and your water right claim will be changed to indicate the water usage is based up on the permit.

Should you decide to return the materials in a mailer different from that enclosed, please include the notation "ATTN: Kay Walker – Exam and Late Fees – 2-7199E" on the front of the mailer. If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 2-7199E, handy when you call.



Steve Robischon
Adjudication Technical Support Section



ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 27, 1986

RE: Permit No. 02-7199

Earl G. Fox
Star Rt., Box 104
Melba, ID 83641

Dear Mr. Fox:

Enclosed are two assignment of permits which need the addresses of Mr. James Hughey and Mr. Arthur F. Pollock, Jr.

Please return the assignments so the processing of the ownership changes can be completed- If you have any questions, let me know. My phone number is 334-4162.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, EARL G. FOX, hereby assign to ARTHUR F. POLLOCK, JR.
of _____
Address _____

CHECK ONE

- ☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.
- ☒ The following described portion of my right, title, and interest in and to Permit
No. 02-7199E to appropriate the public waters of the State of Idaho.

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

1 1/3 ACRES WITHIN THE NE1/4, SEC. 14,
TWP. 2N, RGE. 4W FOR .03 CFS. PT.
OF DIVERSION IN THE SW1/4 (LOT 4)
SEC. 14, TWP. 2N, RGE. 4W.

Made this 31 day of October, 19 85.

Earl G. Fox
Permit Holder

Donna R. Fox
Spouse of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 31st day of October, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) ~~(they)~~ executed the same.

seal

Robert A. Flores
Notary Public residing at
Barma

My commission expires:

Lifetime

MICROFILMED
AUG 10 1992

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a permit that the permit holder(s) has completed development to the extent shown below, of Permit No. **02-7197E**

Name(s) of Permit Holder: **EARL G. FOX**

Post Office Address: **STAR ROUTE, BOX 104,**

MILDA, ID 83641

Tel. No. **896-4217**

Source of Water: **SNAKE RIVER**

Extent of Use: ☐ Domestic
☐ Stockwater
☒ Irrigation
☐ Other

(number of households)
(number and type of stock)
(acres)

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

6/5/85
Date

Earl G. Fox
Signature of Permit Holder



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

02-7199F
FOX, EARL G.
STAR PT. BOX 104
MELBA, ID 83641

138010

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.



State of ID

DEPARTMENT OF WATER RESOURCES

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

02-7199E
FOX, EARL G.
STAR RT. BOX 104
MELBA, ID 83641

CECIL D. ANDRUS
GOVERNOR
R. KETH HIGGINSON
DIRECTOR

May 5, 1988

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 3, 1988, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 3, 1987.

If the permit lapses, it can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 1, 1988, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-07199 E

Date: 7-8-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	2N	4W	14										-3							2
GIS													2							1.3
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 2

Overlapping POU Claim #'s:

Total GIS Acres: 1.3

COMMENTS:

per county data + claim map

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A02-07199E
Date Received: 11/30/1988
Receipt No: W 1546
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR F. POLLOCK, JR. 208-896-4712
Address: PO BOX 602
MARSING, ID 83639

OR

Name: DULCIE POLLOCK, JR. 208-896-4712
Address: PO BOX 602
MARSING, ID 83639

2. Date of Priority: JUL 16, 1975

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	04W	14	NE	SW			OWYHEE

5. Description of diverting works:
PUMP & PIPELINE TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A02-07199E

Page 1

Date: 11/30/88

MICROFILMED
AUG 10 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	04W	14	NW SW		IRR	2.0
Section Acres						2.0
Total Acres						2.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS ORIGINALLY OWNED BY EARL G. FOX. THIS RIGHT IS SHOWN TO HAVE LAPSED IN THE WR FILE. HOWEVER, THE ATTACHED DOCUMENT INDICATES THIS RIGHT HAS BEEN REINSTATED. THE P/D HAS BEEN MOVED FROM THE SW, SW1/4 OF SECTION 14 TO THE NE, SW1/4 OF SECTION 14 BECAUSE THE CLAIMANTS DO NOT OWN THE PROPERTY OF THE ORIGINAL DIVERSION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 6

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Arthur J. Folbeck Jr. Date: 10 30 88
Date:

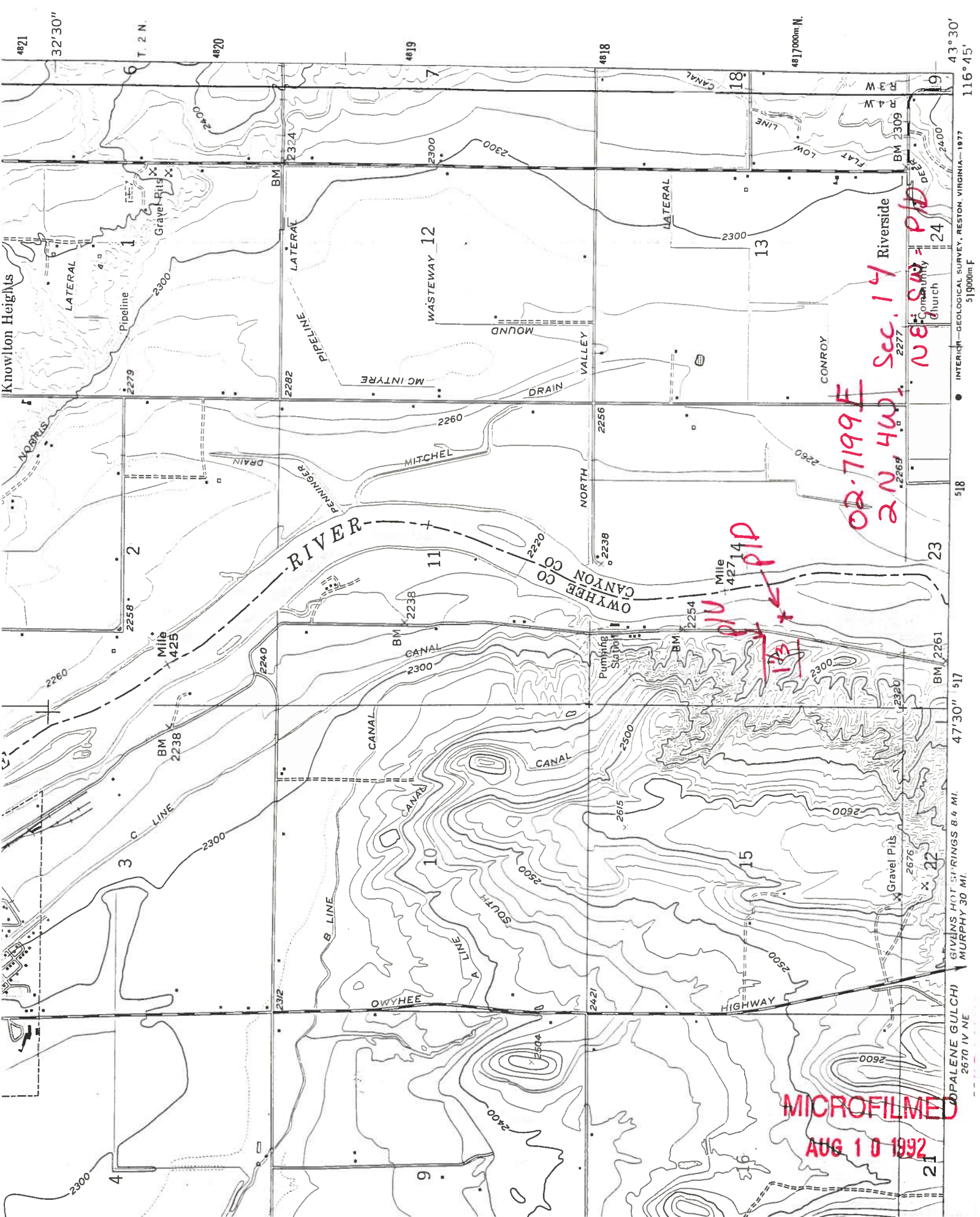
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of November 19 88.

Nancy M. Lindgren
Notary Public

Seal

Residing at Boise
My Commission Expires 1-19-1994



MICROFILMED
AUG 10 1992

02-7199F
2N. 4W. Sec. 14 Riverside

NE SA = P.D.

43°30' 116°45'
INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1977
519000m F
518
47°30' 517
OPALENE GULCH
2670 IV NE
GIVENS HOT SPRINGS 8.4 MI.
MURPHY 30 MI.

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7199E

Name(s) of Permit Holder: EARL G. FOX

Post Office Address: STAR ROUTE, BOX 104,

MELBA ID 83641 Tel. No. 896-4217

Source of Water: SNAKE RIVER

Extent of Use: ☐ Domestic (number of households)

☐ Stockwater (number and type of stock)

☒ Irrigation (acres) Order 514 T2N-R4W

☐ Other WORK WAS STARTED IN 1975

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

Date 6/5/85 REINSTITUTED Signature of Permit Holder Earl G. Fox

RECEIVED
FEB 27 1986

Department of Water Resources
Western Regional Office

Water Resources approved
with the condition that
to beneficial use be

submitted on or before September 1, 1979; and,

WHEREAS, on August 1, 1979, the Department granted a request for extension of time until September 1, 1984; and,

WHEREAS, on October 3, 1984, Sam Ashe submitted proof of beneficial use; and,

WHEREAS, on June 4, 1985, Earl G. Fox notified the Department that it was his understanding that a portion of Permit No. 02-7199 had been assigned to he and Donna R. Fox via an assignment of permit dated August 11, 1981; and,

WHEREAS, Earl G. Fox producted a copy of said assignment of permit, which bears a department date stamp of September 30, 1981; and,

WHEREAS, the Department file for Application for Permit No. 02-7199 contains no record of having originally received or returned said assignment of permit; and,

WHEREAS, the department does not have documentation of demonstrate that said assignment is invalid;

NOW, THEREFORE, the portion of Permit No. 02-7199E identified in the Assignment of Permit dated August 11, 1985, is hereby REINSTATED with no delay

MICROFILMED
AUG 10 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
FEB 27 1986

Department of Water Resources
Western Regional Office

IN THE MATTER OF PERMIT NO. 02-7199E)

IN THE NAME OF EARL G. FOX)

ORDER

WHEREAS, on August 19, 1975, the Department of Water Resources approved Application for Permit No. 02-7199 submitted by Sam Ashe with the condition that proof of construction of works and application of water to beneficial use be submitted on or before September 1, 1979; and,

WHEREAS, on August 1, 1979, the Department granted a request for extension of time until September 1, 1984; and,

WHEREAS, on October 3, 1984, Sam Ashe submitted proof of beneficial use; and,

WHEREAS, on June 4, 1985, Earl G. Fox notified the Department that it was his understanding that a portion of Permit No. 02-7199 had been assigned to he and Donna R. Fox via an assignment of permit dated August 11, 1981; and,

WHEREAS, Earl G. Fox producted a copy of said assignment of permit, which bears a department date stamp of September 30, 1981; and,

WHEREAS, the Department file for Application for Permit No. 02-7199 contains no record of having originally received or returned said assignment of permit; and,

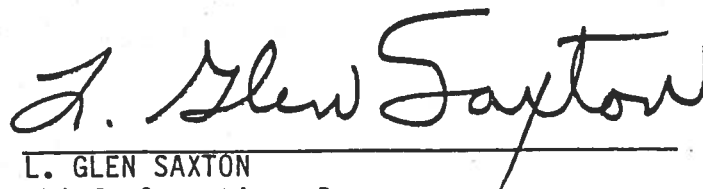
WHEREAS, the department does not have documentation of demonstrate that said assignment is invalid;

NOW, THEREFORE, the portion of Permit No. 02-7199E identified in the Assignment of Permit dated August 11, 1985, is hereby REINSTATED with no delay

MICROFILMED
AUG 10 1992

in date of priority and the name of the reinstated portion of the permit is hereby changed to Earl G. Fox and Donna R. Fox.

Dated this 7th day of January, 1986.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

AUG 10 1992

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, EARL G. FOX, hereby assign to ARTHUR F. POLLOCK, JR.
of _____
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 02-7199E to appropriate the public waters of the State of Idaho.

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

1 1/3 ACRES WITHIN THE NE1/4, SEC. 14,
TWP. 2N, RGE. 4W) FOR .03 CFS. PT.
OF DIVERSION IN THE SW1/4 (LOT 4)
SEC. 14, TWP. 2N, RGE. 4W.

Made this 31 day of October, 19 85.

Earl G. Fox
Permit Holder

Donna R. Fox
Spouse of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 31st day of October, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

seal

Robert A. Flores
Notary Public residing at
Barma

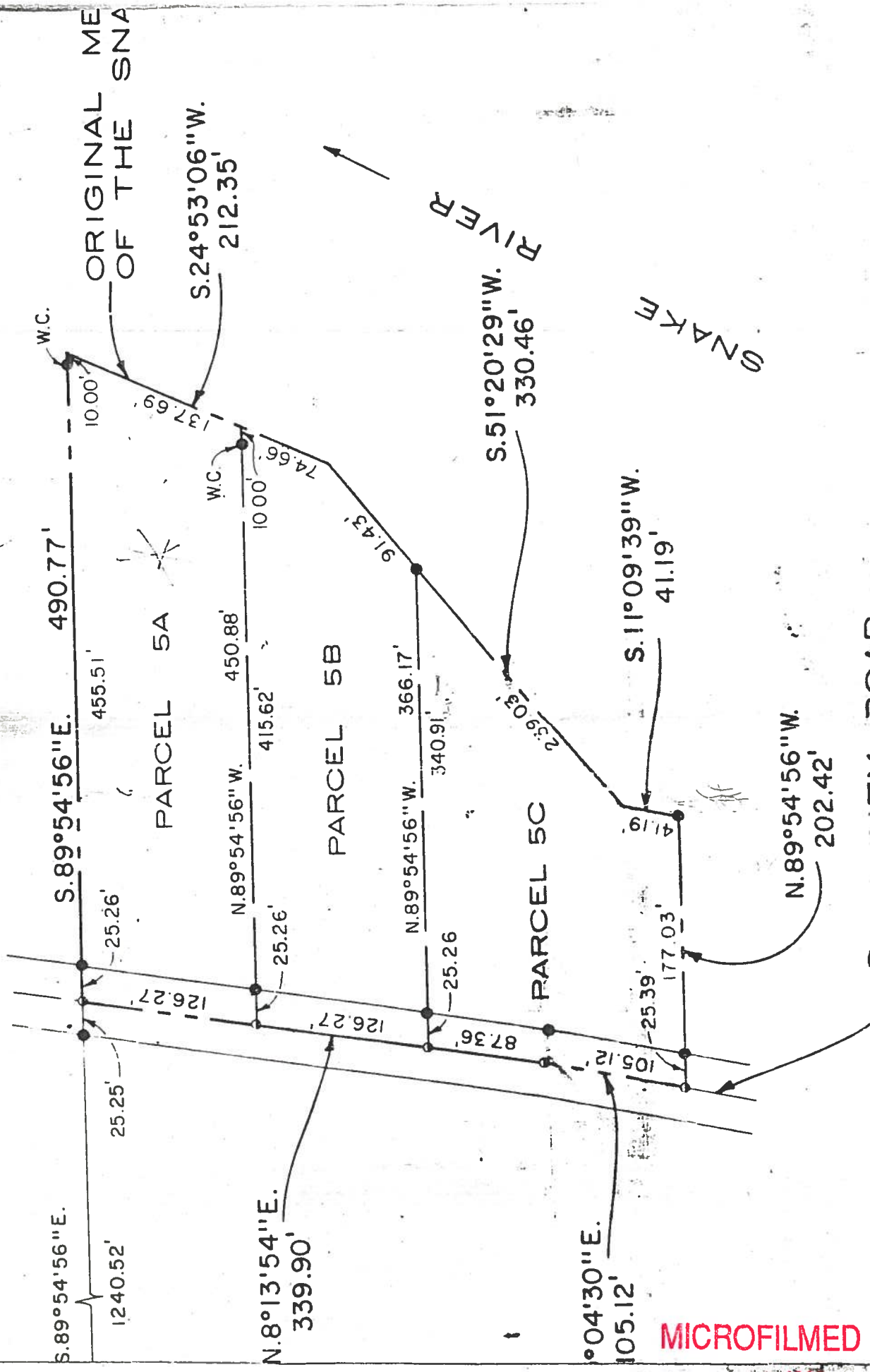
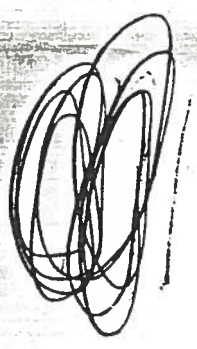
My commission expires:

Lifetime

MICROFILMED
AUG 10 1992



Handwritten notes:
97
64
99.896
20.896



WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Original Permit	02-7199	Sam Ashe	2.0 cfs
Partial Assignment	02-7199A	Sam Ashe	1.87 cfs
	02-7199B	Gordon Kirkeby	.04 cfs
	02-7199C	Gordon Kirkeby	.09 cfs
Full Assignment of a Partial	02-7199 B	Lionel Daniel	.04 cfs
Full Assignment of a Partial	02-7199 C	Lionel Daniel	.09 cfs

RECEIVED

MAY 3 1983

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

OK to process
RC 5/3/83

I, Gordon Kirkeby, hereby assign to Lionel Daniel
of Rt 1, Marsing, Idaho Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 02-7199 C to appropriate the public waters of the State of Idaho.

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

5 acres in the SE 1/4, NW 1/4, Section 14, Township 2 North,

Range 4 West, B.M.

Point of diversion SW 1/4 of the SW 1/4, Section 14, T2N, R4W, B.M.

19 acre feet per annum

Made this 21st day of April, 1983.

Gordon Kirkeby
Permit Holder

Karen Kirkeby
Spouse of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 21st day of April, 1983, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Myrtle Moorhead
Notary Public residing at
Marsing, Idaho

My commission expires:
September

Department of Water Resources
Western Regional Office