

MEMORANDUM

TO: File 02-7199E

FROM: KAY WALKER

RE: Summary of Events

Date: October 27, 2005

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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.