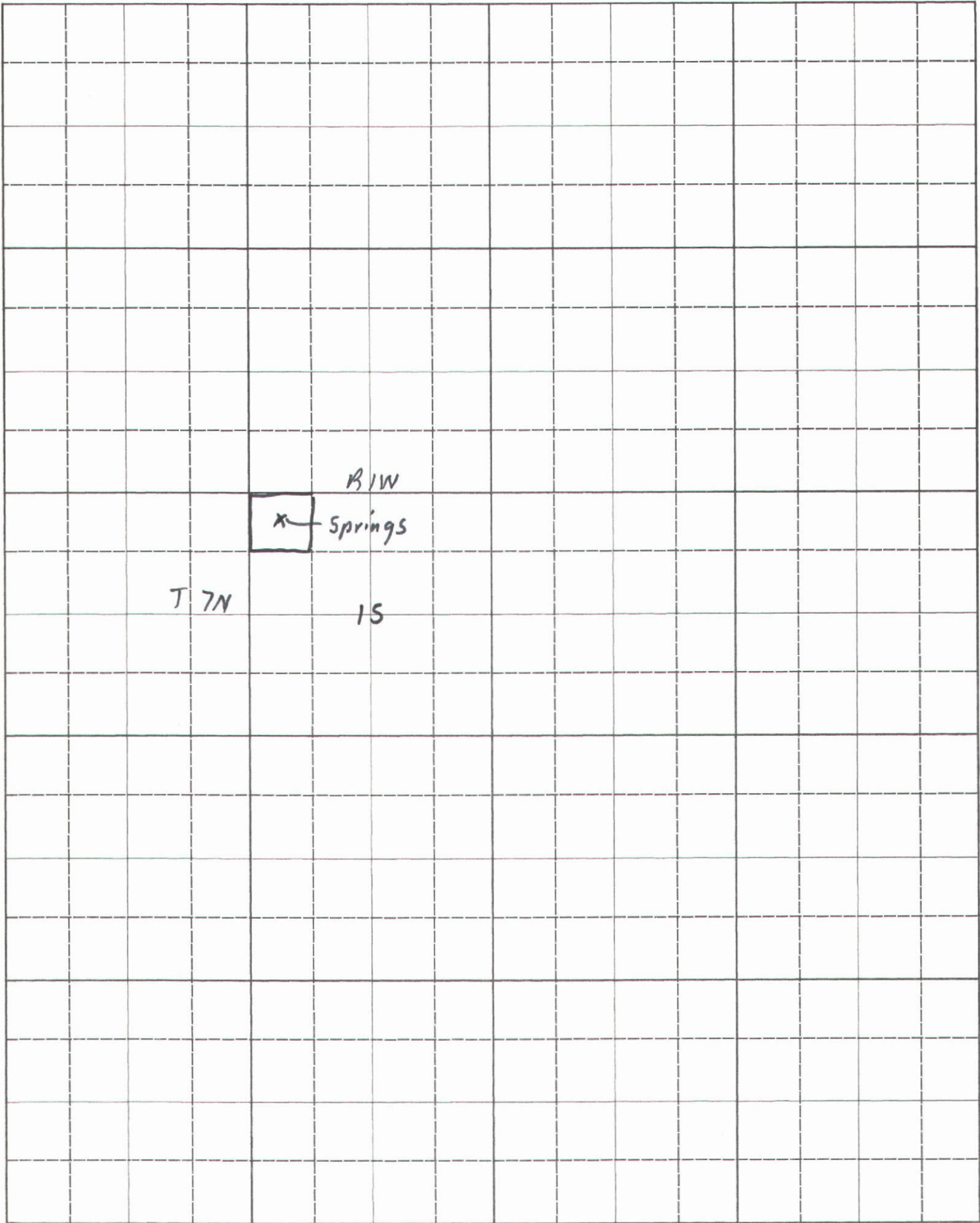


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Frank E. Marcum Price
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 05 1987

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-12221

1. Owner: MARCUM LAND COMPANY, INC. Phone No. 888-4951
Current Address: P.O. Box 386 MERIDIAN, ID. 83642

2. Accompanied by: FRANK E. MARCUM EXAM. DATE: 10/10/86

Address: ← SAME AS ABOVE → Phone No. _____

Relationship to Permit Holder: PRESIDENT

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

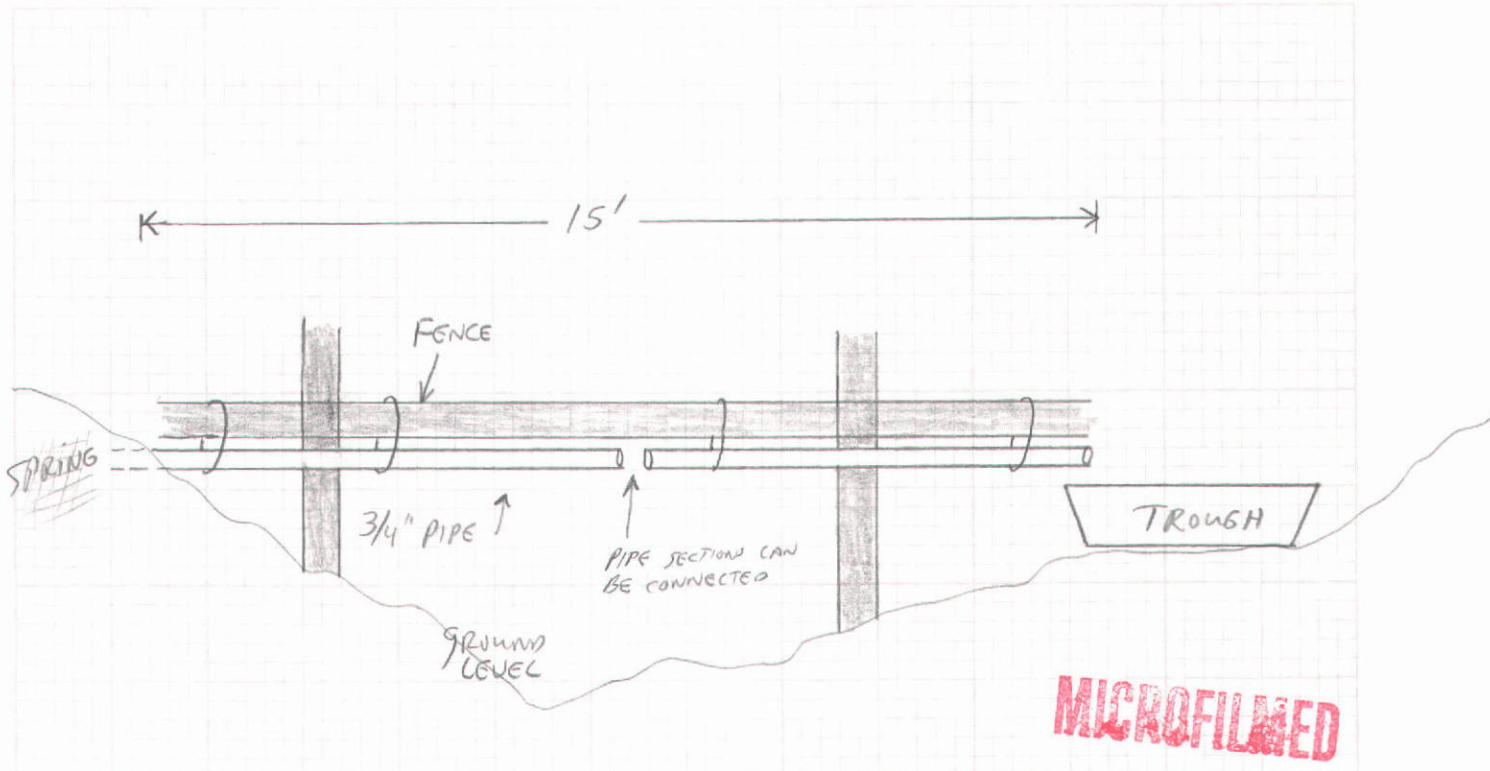
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

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JUL 07 1988

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). SEE PHOTO LOG, PHOTO (4) ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12221

Priority: May 22, 1979 Amount: .12 CFS 1.7 AFA

This is to certify, that MARCUM LAND CO. INC.

P.O. BOX 386

MERIDIAN, ID 83642

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 10, 1979, and has submitted proof to the Department of Water Resources on June 12, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .12 cfs of water from;

SPRING tributary to SINKS

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	01/01 to 12/31	.12 cfs	1.7 afa

LOCATION OF POINT OF DIVERSION(S): NWNWNW , Sec. 15, Township 7N, Range 1W
Gem County

PLACE OF USE: Stockwater

TWN RGE SEC

7N 1W 15 NWNW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 65 .
5. The maximum combined rate of diversion under this right & Right Nos. 65-12219 & 65-12220 shall not exceed .12 cfs.

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 18th day of April, 1988.

MICROFILMED

JUL 07 1988

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-12221 IN THE)
NAME OF MARCUM LAND CO., INC.) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1984; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 12, 1984;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-12221 be REINSTATED and the priority advanced to May 22, 1979.

Dated this 23rd day of July, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Marcum Land Co., Inc. Phone 888-4951

Post office address P.O. Box 386, Meridian, ID 83641

2. Source of water supply Springs which is a tributary of Cherry Gulch

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 7N

Range 1W B.M. Gem County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .12 for Stockwater 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring Box with pipeline to trough

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ 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: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 7N

Range 1W 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 500 head stock

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

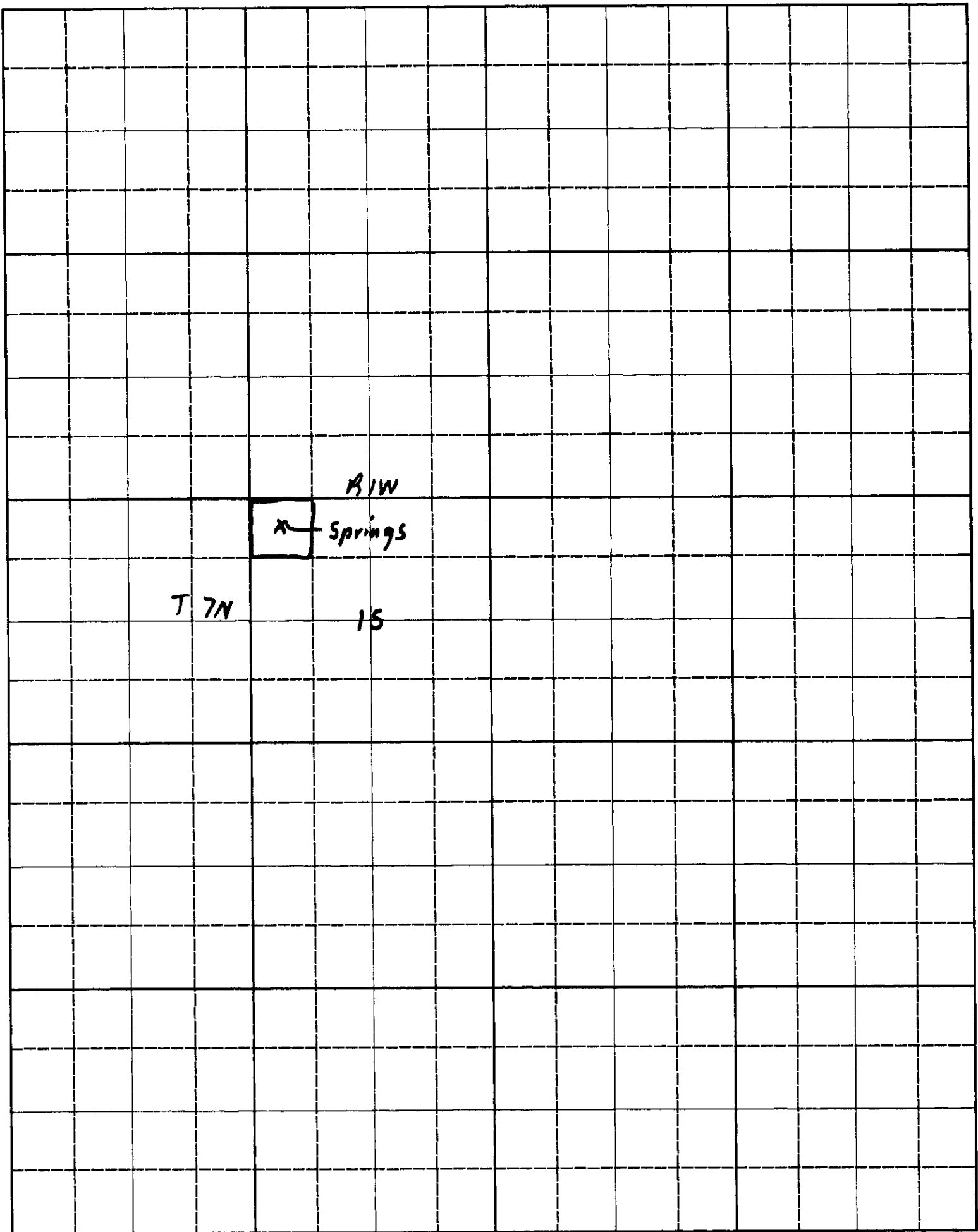
(5) If water is to be used for other purposes describe: _____

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[illegible]

property is owned by a person other than the applicant, describe the arrangement enabling the

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.

Frank E. Marcum, Pres.
(Applicant)

Proposed Priority 4-10-79

Received by

645

Date 4/10/79

Time 2:00

Preliminary check by

Fee \$

20.00

Received by

KM

Date

4/10/79

#13038

Publication prepared by

kk

Date

4/12/79

Published in

Emmett-Messenger

Publication dates

4/19 & 4/26/79

Publication approved

Date

Protests filed by:

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by DBS

4.5

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. 65-12221, 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 be-

fore

May 1

, 19 84.

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: (1) Use of water under this permit is subject to control by the water-

master of State Water District. (2) This permit when combined with 65-12219,

65-12220, & 65-12222 shall not exceed 0.12 cubic feet per second for stock-

water.

Witness my hand this

25

day of

May

, 19 79.

Chief, Operations Bureau

D. Allen Gayton

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

65-12217

Lawrence L. and-or Lorece I. Lamb, 1803 Union Lane, Emmett, Idaho 83617. Source: Groundwater. Date filed: April 10, 1979. Amount: 1.40 cfs. Diversion Point: NENW Sec 15 T 06N R 02W SESW Sec 10 T 06N R 02W, Gem County. Use: Irrigation, (1.40 cfs) from March 15 to November 15; Fish Prop. (1.60 cfs) from January 1 to December 31. Place of use: SESW Sec 10 T 06N R 02W NENW Sec 15 T 06N R 02W for 70 acres. Diversion Means: Pump from dug pond.

(65-12219)

Marcum Land Co., Inc., P.O. Box 386, Meridian, ID 83641. Source: Springs tributary to Cherry Gulch. Date Filed: April 10, 1979. Amount: 0.16 cfs. Diversion Point: NWSE SWSE SESE SWNE Sec 10 T. 07N R 01W, Gem County. Use: Stockwater, (0.12 cfs) from January 1 to December 31; Domestic, (0.04) from January 1 to December 31. Place of Use: NWSE SWSE SESE SWNE Sec 10 T 07N R 01W. Diversion Means: Spring box, pipeline and troughs.

65-12220

Marcum Land Co., Inc., P.O. Box 386, Meridian, ID 83641. Source: Unnamed creek tributary to Haw Creek. Priority Date: April 10, 1979. Amount: 0.12 cfs. Diversion Point: SWNE Sec 09 T 07N R 01W, Gem County. Use: Stockwater, (0.12 cfs) from January 1 to December 31. Place of Use: SWNE Sec 09 T 07N R 01W. Diversion Means: Ditch to trough.

65-12221

Marcum Land Co., Inc., P.O. Box 386, Meridian, ID 83741. Source: Springs tributary to Cherry gulch. Date Filed: April 10, 1979. Amount: 0.12 cfs. Diversion Point: NWNW Sec 15 T 07N R 01W, Gem County. Use: Stockwater, (0.12 cfs) from January 1 to December 31. Place of Use: NWNW Sec 15 T. 07N R 01W. Diversion Means: Spring box, pipeline, trough.

65-12222

Marcum Land Co., Inc., P.O. Box 386, Meridian, ID 83641. Source: Springs tributary to Cherry Gulch. Date Filed: April 10, 1979. Amount: 0.12 cfs. Diversion Point: NESW SESW Sec 10 T 07N R 01W. Use: Stockwater (0.12 cfs) from January 1 to December 31. Place of Use: NESW SESW Sec 10 T 07N R 01W. Diversion Means: Spring box, pipeline and trough.

65-12223

Marcum Land Co., Inc., P.O. Box 386, Meridian, ID 83641. Source: Groundwater. Date Filed: April 10, 1979. Amount: 5.00 cfs. Diversion Point: SESE SWSE SWNE NESW Sec 10 T 07N R 01W, NWSW SWSW Sec 10 T. 07N R 01W, Gem County. Use: Irrigation (5.00 cfs) from March 15 to November 15. Place of Use: SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 10 T 07N R 01W NWNW Sec 15 T 07N R 01W NESE NWSE Sec 09 T 07N R 01W for 250 acres. Diversion Means: Wells and sprinkler system.

If issued, the permit(s) will be subject to all prior water rights. Protests against the grantings of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before May 7, 1979,

C. Stephen Allred, director
2-4-19,26

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Amite Soren, being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of

Messenger-Index for 2 consecutive weekly issues thereof, be-

ginning with the issue of April 19

79, and ending with the issue of

April 26, 1979
Amite Soren

Subscribed and sworn to before me this

18th day of

May, 1979

Amite Soren R. H. H. H.

Notary Public,

Residing at Emmett, Idaho.

RECEIVED

MAY 22 1979

Department of Water Resources
Western Regional Office

MICROFILMED

April 19, 1988

MARCUM LAND CO. INC.
P.O. BOX 386
MERIDIAN, ID 83642

RE: Permit No. 65-12221

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

FILED
JUL 07 1988

FROM Steve Lester

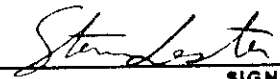
DATE 1/7/87

TO Files 65-12219, 12220, 12221, 12222
MARCEM LAND COMPANY, INC.

SUBJECT

FIELD EXAMS :

These four water rights provide stockwater use on the ± 777 acre Marcum Ranch SW of Squaw Butte. Field exams for all four WR's were conducted on same day. Refer to 65-12219 for USGS quad, photos, & microfiche overlap copies.



SIGNATURE

JUL 07 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12221
Permit No.

RECEIVED

MAR 05 1987

A. Prior to Conducting the Exam, the File Contains:

☒ Blank Field Report Form

☒ Copy of Permit

Department of Water Resources

☒ Copies of any Amendments/Orders with conditions of approval

REINSTATED 7/23/81, PRIORITY
DATE NEW 5/22/79

☒ Computer Data Proof Report

☒ Copy of U.S.G.S. Quad

☒ Check for Government Lots. If so, make a copy of Government Plat NONE

Check of P/D index SL 9/22/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index SL 9/22/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? 7/24/86 SL (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

☒ Fully completed and signed Field Report Form

☒ Photographs of Point of Diversion and Place of Use

☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Stang 10/10/86 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 2/17/87 (Initial and date)

Exam Reviewed by Manager of Regional Office DR 2/24/87 (Initial and date)

Exam Date Entered in Computer 2/3/87 (Initial and date)

Exam sent to State Office SL 3/4/87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File SL 2/22/87 (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 05 1987

Department of Water Resources

A. GENERAL INFORMATION

1 Owner: MARCUM LAND COMPANY, INC. Permit No. 65-12221
Current Address: P.O. Box 386 MERIDIAN, ID. 83642 Phone No. 888-4951
2 Accompanied by: FRANK E. MARCUM EXAM DATE: 10/10/86
Address: ← SAME AS ABOVE → Phone No. _____
Relationship to Permit Holder: PRESIDENT
3 Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

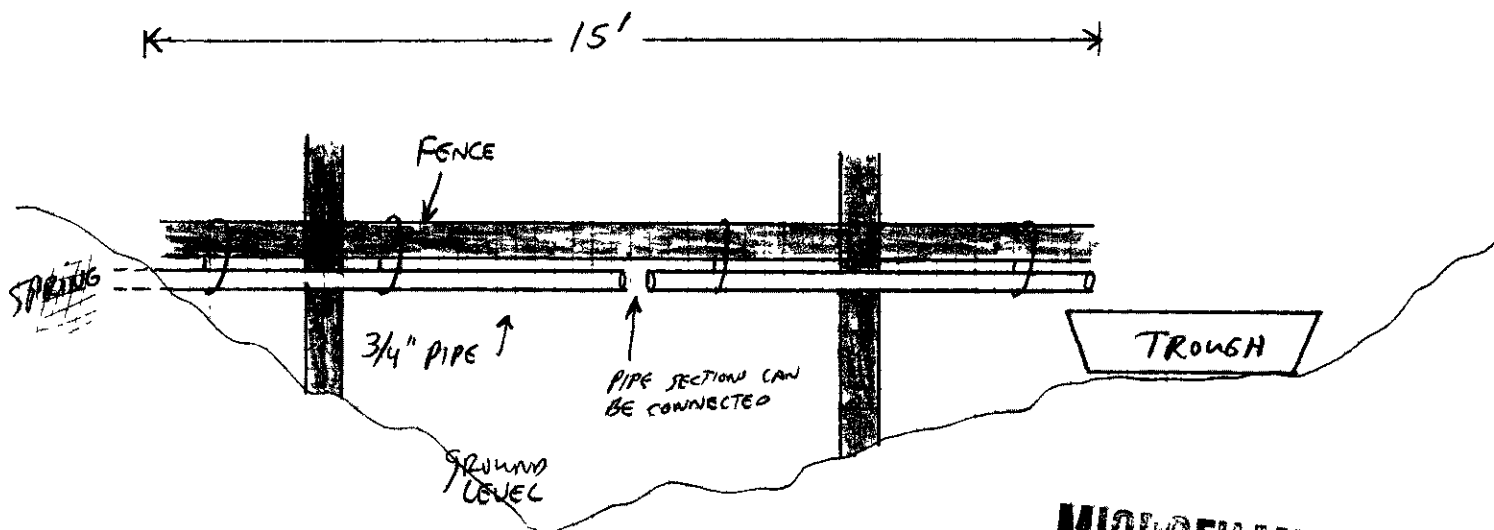
1. Other water rights with same place of use. NONE

☐ Copies Attached
2. Other water rights with same point of diversion: NONE

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1 **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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JUL 07 1988

Scale: 1" = NOT TO SCALE

2 ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more)
place(s) of use (required). SEE PHOTO LOG, PHOTO (4)
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A spring approx. 350' SE of corner common to sections 9, 10, 15, & 16 supplies water to a trough 15' SW of spring. 3/4" pipe is used and attached to a wooden fence. Minn. flow was noted (photo 9) but measurement was not made due to variable flow of spring and season ~~that season~~ in which exam was made. Use is for 125 head of water during runoff periods, usually 3/1-7/15 (measurement in October would unfairly limit licensed water amount).

☐ See Remarks on page 4 for continuation

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

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination 4565 / 5, QWAO

[illegible]

Do not use this space

RECEIVED

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: NONE - VARIABLE FLOW (SEE NARRATIVE)

2. Alternate Method for Checking Purposes: NONE

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

STUCK WATER
125 hel.
137 days

$125 \times .0134 = 1.7$
v3.
 $.12 \times 1.98 \times 137 = 32.6$

JUL 07 1988

H. REMARKS AND OVERLAP REVIEW ANALYSIS

WHEN COMBINED WITH 65-12219, 12220, 12222, 1310, AND 9266, THIS SHALL NOT EXCEED .12 CFS FOR STOCKWATER. 1310 & 9266 ARE ADDED TO CONDITION USING SAME RATIONALE THAT GROUPED 65-12219-12222 IN CONDITION OF PERMIT. SEE B.U. REPORT 65-12219 FOR EXPLANATION.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STOCKWATER	1/1	12/31	.12	1.7
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

J. AUTHENTICATION

Field Examiner's Name

Steven Lester

Signature

Steven Lester

Certification Date

Field Report Preparation Date

10/10/86

BD

2/17/87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

JUL 07 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JULY 30, 1984

MARCUM LAND CO. INC.
P.O. BOX 386
MERIDIAN ID 83642

RE: Permit No. 65-12221

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Enclosed please find a copy of an order involving your permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

Enclosure

RECEIVED

JUL 07 1988

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. 65-12221.

Name(s) of Permit Holder MARCUM LAND CO., INC.

Post Office Address: P.O. Box 286

MERIDIAN, IDAHO 83642 Tel No 888-4951

Source of Water ORIGIN ON PROPERTY
SPRING FED SMALL CREEKS & SPRINGS

Extent of Use ☒ Domestic 2 OR MORE (number of households)
☒ Stockwater RANGE CATTLE (number and type of stock) 200 TO 300 PAIR
☒ Irrigation VARIABLE (acres)
☐ Other

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

6-11-84
Date

UNRECORDED

Frank E. Marcum
Signature of Permit Holder

Marcus Land Co., Inc.
P.O. Box 386
Meridian, Id 83442



RECEIVED



JUN 12 1984
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MAIL ROOM

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 65-12221

DATE: 7-20-1984

Date proof received

163

June 12

Proof due

- 121

May 1

Number of day proof late

42

Priority date

+ 100

Apr 10, 1979

New priority date

142

May 22, 1979

Remarks:

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

~~MICROFILMED~~

May 17, 1984

Marcum Land Co., Inc.
P. O. Box 386
Meridian, ID 83641

Gentlemen:

Re: Permit No. 65-12221

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 65-12221 has lapsed. This office did not receive either an acceptable notice that you have completed the project (proof of beneficial use) by the date required on your permit or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated February 28, 1984.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

A statement of beneficial use postcard and a request for extension of time form are again enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request and that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

RECEIVED
The date of this notice is 5-12-1984
a copy of this notice was
sent to the Idaho State main,
Bureau of Land Management, and to the
Bureau of Reclamation.
Peter Lusk

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

MARCUM LAND CO., INC.
P.O. BOX 386
MERIDIAN, ID 83641

PROOF DUE NOTICE

FEBRUARY 28, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12221 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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WATER RIGHT
DATA ENTRY LOG

[illegible]

June 1, 1979

Re: Permit No.'s 65-12219, 65-12220, 65-12221, 65-12222

Marcum Land Co., Inc.
P.O. Box 386
Meridian, ID 83641

Gentlemen:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth page of the permits.

The exercise of these permits may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permits may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al., (Ada County Civil No. 62237) may determine to what extent the exercise of your permits may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permits. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permits or a subsequent license or water right.

Also please be advised that there is insufficient natural flow available in the Payette River and tributaries to provide water for a new appropriation throughout the entire season of use.

During the spring run-off each year, there may be a period of time in which the

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prior rights to the use of the natural flow and storage are filled leaving water available for your later-in-time permits. As the natural flow diminishes, however, there would be no water available for your rights unless you had arranged for an additional source of water as a supplemental supply.

This information is provided so that you will not be mislead into thinking that these permits will provide sufficient water through the entire season of use. If you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. Spr Source
3. ✓ Point of Diversion
4. 0.12 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 20 Fee & Rec't. No.

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u> </u> Idaho Fish & Game Dept.	<u> </u> Dept. of Lands
<u> </u> Bureau of Land Management	<u> </u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land N/A

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

Meas. Dev. or Sc. Meas. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Totalizing meter NO

Snake River Condition NO

Supplemental NO

Payette River Letter Yes

Right-of-Way Cond. NO

Priority Date 4/10/79

Watermaster Cond. Yes # 06
Wtr. Dist No.

Water Quality #16 NO

Meas. Dev. Cond. for apps within a Water Dist. NO

Water Quality #10

Intrastate interstate

This permit when combined with rights No. 65-12219, 65-12220, and 65-12222 shall not exceed 0.12 cfs for stockwater.

Jeri
APPROVED
5/24/79
Date

C.W. Bryan 4/11/79

CONDITIONS FOR APPROVAL:

THIS APPLICATION FOR PERMIT SUBMITTED FOR APPROVAL WHEN COMBINED WITH THE OTHER THREE MARCUM LAND CO., INC. APPLICATIONS FOR PERMIT SUBMITTED FOR APPROVAL SHALL PROVIDE NO MORE THAN .12 CFS. THE SAME 500 HEAD OF STOCK ARE REPRESENTED ON EACH APPLICATION.

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12221

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CWB 4/11/79

In form to receipt

(2) _____

Send Copies to:

- _____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

- _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) CWB 4/11/79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. 65

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) AK OK

Affidavit of Publication received(date) 5/22/79

(12) _____

Final date for protests 5/7/79

Protests received: yes _____ no X

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

4/10/79 Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By [Signature]

Date 5/22/79

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I.P. letter.
Basin 65 w.m. condition
Payette River letter
This right when combined
with 65-12219 of 65-12222
shall provide for stockwater.
0.12 cfs for stockwater.
23 1979
Department of Water Resources

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

MINOR, LIMITED

65-12221

MARCUM LAND CO., INC.

P.O. BOX 386, MERIDIAN, ID 83741

Source: SPRINGS tributary to CHERRY GULCH

Date Filed: 04/10/1979

Amount: 0.12 CFS

Diversion Point: NWNW Sec 15 T 07N R 01W, GEM Co.

Use: STOCKWATER (0.12 CFS) from 01/01 to 12/31

Place of Use: NWNW Sec 15 T 07N R 01W

Diversion Means: SPRING BOX, PIPELINE, TROUGH

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If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before MAY 7, 1979.

C. STEPHEN ALLRED

Director

Published 4/19 & 4/16/79.

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