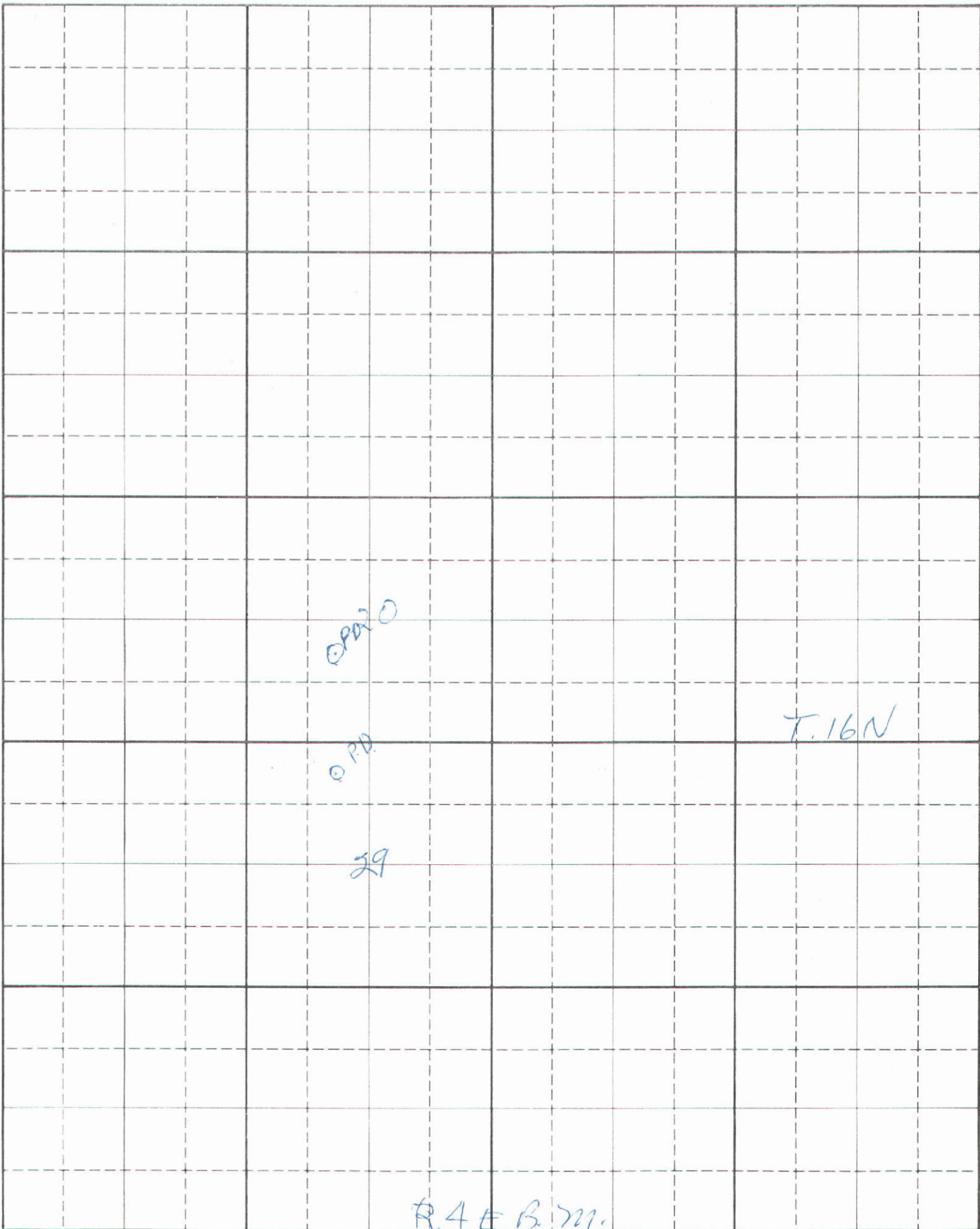


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

William Eld
(Applicant) Pres.

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ^{Two} consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 21, 1974, and ended November 28, 1974.

Donald E. McMahan

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 3rd day of Dec, 1974.
Nora C. Daulton, Notary Public.
My commission expires July 20, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Eld Ranches, Inc. Rt. 1, Box 63, McCall, Idaho has on Nov. 12, 1974 submitted Application No. 65-7516 for a permit to appropriate 36 acre feet per annum of water from Laffinwell Creek, trib. to Gold Fork River by means of storage dam and gravity system within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 16 N, R. 4 E, B.M. Valley County to be used from May 1 to Oct. 1 for irrigation of 200 acres within the SW $\frac{1}{4}$, Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 16 N, R. 4 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 9, 1974.

R. KEITH HIGGINSON
Director

Published in the Star News,
McCall, Idaho on Nov. 21, 1974
and Nov. 28, 1974.

RECEIVED
DEC 9 1974
Department of Water Resources
CENTRAL RECORDS

DEC 9 1974

OK
12-9-74
CW

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07516

Priority: November 12, 1974

Maximum Storage Volume:

36.0 AF

This is to certify, that ELD RANCHES INC

2554 E ROSEBERRY RD

MC CALL ID 83638

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 12, 1974; and has submitted Proof of Beneficial Use on January 22, 1985. An examination indicates that the works have a storage capacity of 130.000 af of water from:

LAFFINWELL CREEK

tributary to **GOLD FORK 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>
IRRIGATION STORAGE	01/01 to 12/31		36.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		36.0 AF
Totals			36.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 29, Township 16N, Range 04E
NWNW , Sec. 29, Township 16N, Range 04E
VALLEY County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	04E	19	SWSE 17	SESE 40		57
		20	NESW 30	NWSW 39	SWSW 36	
			SESW 24	NWSE 7	SWSE 8	144
		29	NENW 26			26

Total number of acres irrigated: 227

CONDITIONS OF APPROVAL AND REMARKS

1. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

OCT 15 1999

State of Idaho
Department of Water Resources

Water Right License

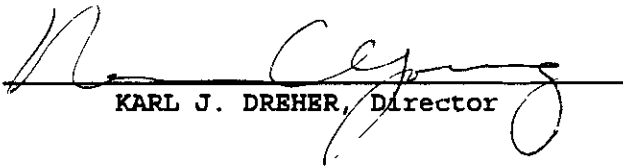
WATER RIGHT NO. 65-07516

CONDITIONS OF APPROVAL AND REMARKS

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
6. Rights 65-07200 and 65-12120 are also diverted through the points of diversion described above.
7. Rights 65-07516, 65-07200 and 65-12120 when combined shall not exceed the irrigation of 227 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 13th day of

OCTOBER, 1999.


KARL J. DREHER, Director

MICROFILMED

OCT 15 1999

RECEIVED

SEP 16 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

For
LicensingApplicant Joe Gld Phone 208-325-8876
Address 2554 E. Roseberry Rd McCall ID 83638I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-07516, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☒ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other1. Point of diversion: 1/4 NE 1/4 NW 1/4, Section 29, Township 16N, Range 4E, B.M.,
County of Valley. Other points of diversion NWNW 1/4 29 T16N R4E
(diversion = dam for Gld Reservoir)2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) NO change of item 2Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)3. Place of use or land to be irrigated: PPou:

T w p	R g e e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		<u>16N 4E 19</u>															<u>17</u>	<u>40</u>	<u>57</u>
		<u>20</u>									<u>30</u>	<u>39</u>	<u>36</u>	<u>24</u>		<u>7</u>	<u>8</u>		<u>144</u>
		<u>29</u>					<u>26</u>												<u>26</u>

Total number of acres to be irrigated = 227 *

4. a. Who owns the property at the point of diversion? } Applicant
b. Who owns the land to be irrigated at the place of use? }
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILMED

* limited to 200 acres in above described
permissible place of use.

OCT 15 1999

SEE ATTACHMENT TO APPLICATION FOR AMENDMENT OF PERMIT NO. 65-07516

Witness my hand this

day of

19

_____, of the Department of Water Resources hereby

Published in

Publication dates

Preliminary check by _____

Publication prepared by

Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Form Holder

Signed this

1

day of

61 61

23 24

will be made at my own risk.

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change

Scale, 2 inches equal 1 mile

See 1987 field exam map
to water right file

Complete the following map by showing land and point of diversion as proposed by this amendment.

State of Idaho
Department of Water Resources
ATTACHMENT TO
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07516

FOR DEPARTMENT USE ONLY

Preliminary check by SL Fee = \$50. Receipted by SB # W025693 Date 9/8/99

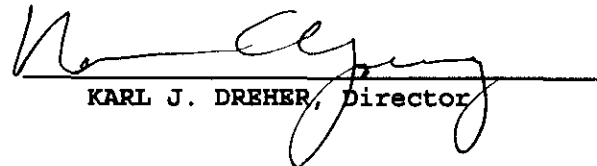
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07516 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
6. Rights 65-07200 and 65-12120 are also diverted through the points of diversion described above.
7. Rights 65-07516, 65-07200 and 65-12120 when combined shall not exceed the irrigation of 227 acres.

Witness my hand this 13TH day of OCTOBER, 1999.


KARL J. DREHER, Director

MICROFILMED
OCT 15 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER REMOVING THE MEASURING DEVICE
REQUIREMENT IN CONNECTION WITH PERMIT NO.
65-7516 IN THE NAME OF ELD RANCHES, INC.

ORDER

WHEREAS, on March 3, 1980, the Director of the Department of Water Resources issued Permit No. 65-7516 with a condition that:

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

and,

WHEREAS, on January 23, 1985, the permit holder requested removal of this condition; and,

WHEREAS, the point of diversion and place of use for Permit No. 65-7516 is located within Water District 65, Payette River, specifically the Gold Fork Drainage, which presently is an inactive water district; and,

WHEREAS, the Department has determined that it is not necessary to have a measuring device to regulate the diversion of water at this time;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval requiring installation of a measuring device be REMOVED as a condition of the permit until such time as the Department determines a need for an installed measuring device to administer the diversion of water.

Dated this 13th day of March, 1985.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

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 65 516

Name(s) of Permit Holder Eld Ranches, Inc.

Post Office Address: Rt. 1, Box 67, McCall, ID 83638

Tel No 325-8705

Source of Water. Laffinwell Creek

Extent of Use

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation 200

(acres)

☒ Other storage

Measuring Device Required?

☒ Yes ☒ No

Installed

☐ Yes ☐ No

Access Port

Required?

☐ Yes ☐ No

Installed?

☐ Yes ☐ No

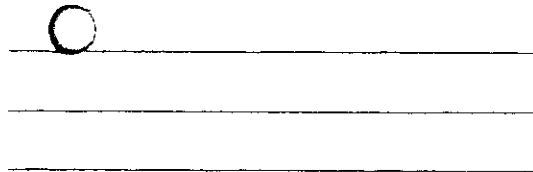
The above information is a true statement of the extent to which the above numbered permit has been developed

1-22-1985

Date

Eld Ranches, Inc. Ed V Pres.
Signature of Permit Holder

MICROFILMED



PLACE
13 CENT
STAMP
HERE

RECEIVED

JAN 22 1985



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

Identification No. _____

Application No. 65-7516

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1 Name of applicant Eld Ranches, Inc. Phone: _____
post office address Rt. 1, Box 63, McCall, ID

2 Source of water supply Laffinwell Creek which is a tributary of Gold Fork River

3 a Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 16 N
Range 4 E B M Valley County; additional points of diversion if any _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 16 N, R. 4 E

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4 Water will be used for the following purposes:

* Amount 36 AF for Irrigation from storage purpose from May 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)

* Amount 36 AF for Storage for irrigation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated. * 2-29-80 J.J.

a _____ cubic feet per second and/or

b 36.0 acre feet per annum.

6 Proposed diverting works.

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

b Height of storage dam 20 feet, active reservoir capacity 96 acre feet, total reservoir
capacity 96 acre feet, materials used in storage dam Earth

Period of year during which storage will occur April to Sept. inclusive
(Mo. Day) (Mo. Day)

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

7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years

b Estimated construction cost is \$5,000.00

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M

(2) Amount of power to be generated _____ hp under _____ feet of head

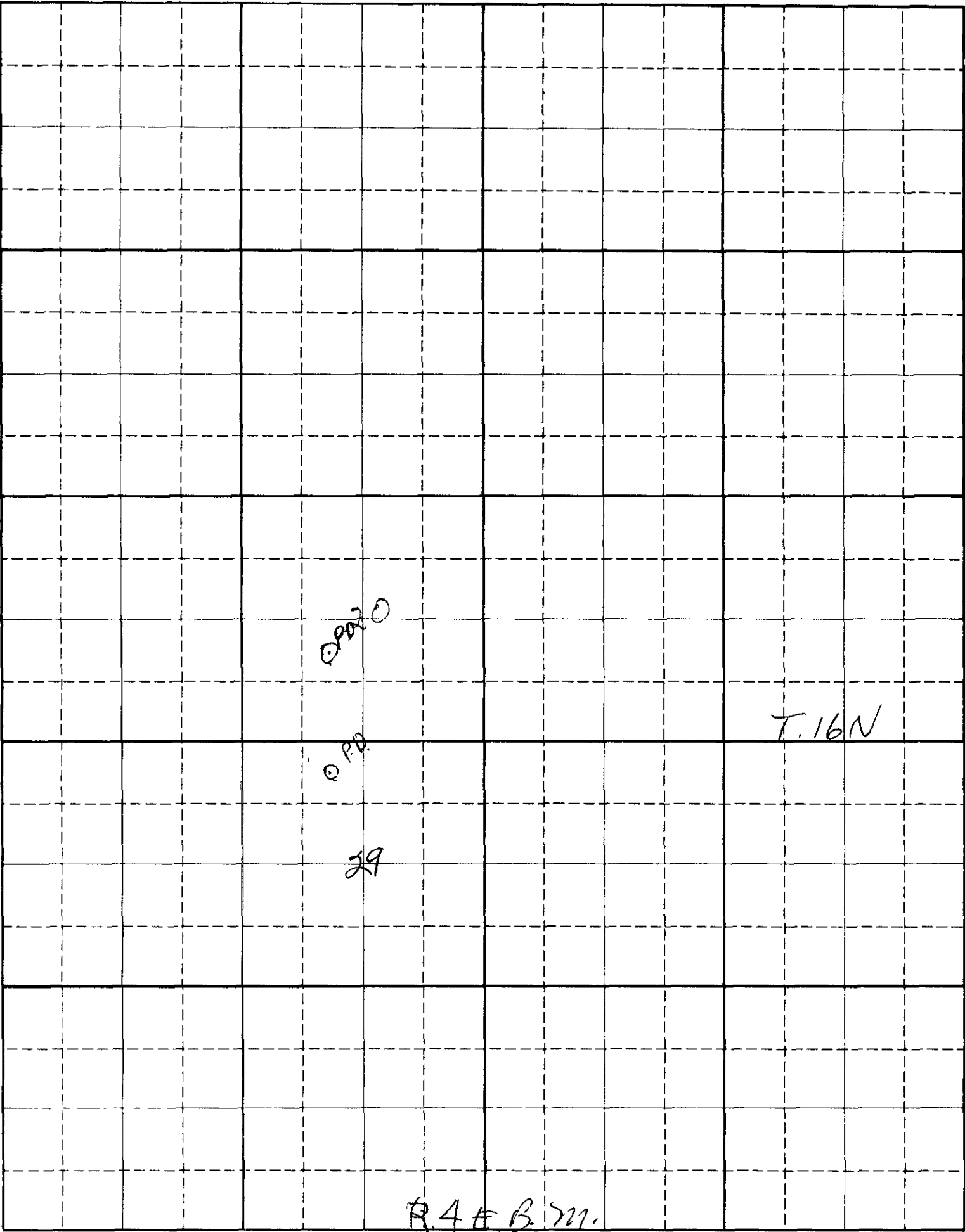
(3) List number of each kind of livestock to be watered _____

(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 _____

MICHAEL MEN

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

William Eld
(Applicant) Pres.

Proposed Priority 11/12/74

Received by Date 11-12-74 Time 8:00 AM
Preliminary check by R.W. Fee \$25.00

Received by Date 11-12-74 #15318

Publication prepared by Date 11-14-74

Published in The Star News

Publication dates Nov. 21 & Nov. 28

Publication approved Date 12-9-74

Priority reduced to Reason

Protests filed by Elmer C. Brown, Donnelly, Id. - withdrawn 2/5/80

Donnelly, Id. - withdrawn 10/28/75

Copies of protests forwarded by Date 12-10-74

Hearing held by Date

Recommended for approval denial by

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. 65-7516, 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 March 1, 1985.

c. Other. (1) The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage. (2) Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured. (3) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River.

Witness my hand this 3rd day of March, 1980.

A. Allen Sayton
Chief, Operations Bureau

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)

) ss

County of Valley)

Donald E McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for TWO consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 21, 1974, and ended November 28, 1974.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 30 day of October, 1974.

My commission expires July 30, 1977.

Donald E McMahan
Donald E. Canfield Notary Public.



DEC 9 1974
 Department of Water Resources

MICROFILMED

DEC 9 1974

OK 12-9-74



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

October 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELD RANCHES INC
2554 E ROSEBERRY RD
MC CALL ID 83638

RE: WATER RIGHT NO. 65-07516

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 described in the enclosed information sheet.

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

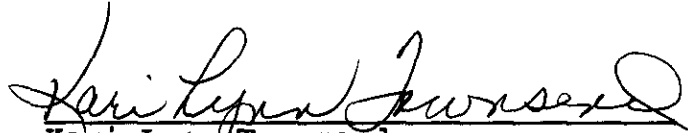
OCT 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of October, 1999, 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. 65-07516

ELD RANCHES INC
2554 E ROSEBERRY RD
MC CALL ID 83638


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 15 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

ORAL ARGUMENT

If the Department grants a petition to review a 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 a 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.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Memorandum

To: Files 65-07200, 65-07516 & 65-12120

From: Kay Walker 

Date: 09/27/99

Re: Licensing Recommendations

.....
.....
In reviewing these rights for licensing, I noticed that the measuring device condition had been removed from Rights 65-07200 & 65-07516 during the permit period. There is a request to remove the measuring device condition from 65-12120 while being licensed.

I discussed this with Tim Luke since he works closely with the water district on the Payette and he stated that the watermaster is not currently measuring any diversions in the area of the North Fork of the Payette. Since no water rights are currently being measured in this area, I recommend we license these rights with condition 01P – "Upon specific notification by the Dept., the right holder shall install a lockable device of a type acceptable to the Dept. in a manner that will provide the watermaster suitable control of the diversion." This will allow IDWR to request installation in the future if it is determined necessary.

.....MICROFILMED.....

OCT 15 1999

LICENSE REVIEW CHECKLIST

Permit No. 65-07516 Date: 9-24-99 Reviewer: Kay Walker

Change/OK

Name/Address

change address

Source

Point of Diversion:

OK
change

Does change clarify original intended source? If no, void permit.

Change (P39/P47) Add (P45/P42) Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

change

Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)

W27 (cpu acre limit)

Overlaps: Right(s) 65-07300, 65-12120

File reviewed ✓ Profile reports printed ✓

also in license process

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate _____ cfs

Fee Limit _____ cfs

Measured _____ cfs

Theoretical _____ cfs

Recommended Total Diversion Rate _____

Water Uses

OK - 36 AF Change (P46)

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total _____ cfs _____ af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/Wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/276)

Volume Determination

_____ cfs x 1 9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks _____

Additional Conditions

Yes Watermaster Control 65

No GW Measurement/Measuring Device

Other Storage - R40

Trust (052/R55 - remove 054)

Non-trust (048/049)

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

yes

Adjust memo _____

Amend Letters

P38

conditions:

R04 R62

R40

OIP

Remarks:

W36-65-12120+65-07200

W27-200ac.

W22

W35-227ac

NO GOV't lots -

RECEIVED

SEP 16 1999

Department of Water Resources

REVISED FIELD EXAM RECOMMENDATIONS

ELD RESERVOIR RIGHTS

65-07200, 65-07516 AND 65-12120

Steve Lester, August 12, 1999

Joe Eld visited the office yesterday in response to my letter of June 16, 1999. This memo summarizes the results of our meeting and serves as the revised license recommendations for the three rights for Eld Reservoir.

Combine the rights into a 227 acre permissible place of use (PPOU) shown in *Exhibit 1*. Use the current standard season of April 15 through October 15 for irrigation and irrigation from storage uses. Allow the following periods to store water based on the current irrigation season and the intent in each permit: 65-07200 during the irrigation season, 65-07516 all year, and 65-12120 outside of the irrigation season. The standard diversion volume of 3 afa/acre is provided (2 afa/acre consumptive use). Show the correct tributary name, Gold Fork River.

Recognize all 130 af of storage. Note that 65-07200 was originally filed to provide .02 cfs (1") per acre plus up to 60 af of storage (see *Exhibit 2*). I mistakenly overlooked this storage intent in 65-07200 until Mr. Eld pointed it out yesterday. Therefore, a new right is not needed to cover the "missing 60 af of storage" previously mentioned in my 1988-1999 letters to the owners. The Dam Safety file identified as D65-7200 supports this "storage intent." Note that the reservoir was last certified by IDWR on October 27, 1997.

The required volume for 227 acres is 681 afa (227 x 3). Right 65-07200 provides most of that water via 600 afa from natural flow and 60 afa from storage. The total volume for 65-07200 is 660 afa since the original application listed 3.2 cfs and two reservoirs at 30 af each. When combined, all three rights provide up to 730 afa from natural flow (600 afa) plus storage (130 afa). It is not clear if the combined rights should be limited to 681 afa or not. Traditionally, natural flow and storage from the same source have been considered as "different sources" due to the timing of when each type of water is normally provided – natural flow in the irrigation season and storage in the off-season. In this case, most of the irrigation and irrigation storage water occurs from 4/15 to 10/15 in 65-07200.

The key point is that the 227 acres are covered with full volume under these rights. In this case, I think that the combined rights include 730 afa instead of 681 afa due to the natural flow and storage factors. Of that total, 600 afa derives from natural flow in 65-07200 and 130 afa comes from storage via all three rights.

Mr. Eld is filing SRBA claims to reflect these revised license recommendations. Once the completed claims have been received at Western Region, SRBA staff will prepare a shape file that can be used in licensing and adjudication processes. In this manner the rights can be licensed and fully recommended to the adjudication court in an identical manner. The shape file will be forwarded to the State Office as soon as possible (about two weeks, I imagine).

See the maps in 65-07200 for the points of diversion and place of use for these rights. Table 1 on the next page outlines the revised license recommendations for the 227 acre PPOU.

Note that the licensing amendments are handled via the attached *Applications for Amendments of Permits*. This method was used to save time and effort in securing the owner's completion of the license amendment steps. These amendments will not be published in the local newspaper.

← DONE 9/8/99
← DONE 9/14/99
← DONE 9/8/99

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Table 1. Revised Recommendations for Eld Reservoir Permits.

RIGHT #	BENEFICIAL USE	CFS AMOUNT	AFA AMOUNT
65-07200	Irrigation	3.2	600
	Irrigation storage	---	60
	Irrigation from storage	---	60
	Subtotal	3.2	660
65-07516	Irrigation storage	---	36
	Irrigation from storage	---	36
	Subtotal	---	36
65-12120	Irrigation storage	---	34
	Irrigation from storage	---	34
	Subtotal	---	34
Total for all rights		3.2	600 natural flow volume 130 storage volume 730 total volume

Table Notes

Season of use should reflect current standards:

65-07200 is 4/15 to 10/15 for all uses

65-07516 and 65-12120 are 4/15 to 10/15 irrigation from storage but for irrigation storage: all year for former and 10/15 to 4/15 (non-irrig. season) for latter

Acreage limitations:

65-07200 limited to 200 acres per irrigation season in PPOU

65-07516 limited to 200 acres per irrigation season in PPOU

65-12120 limited to 160 acres per irrigation season in PPOU

Attachments

Exhibit 1 – PPOU land list

Exhibit 2 – Original application 65-07200

Three amendment applications

— про —

65-0724
65-07516
65-12120

Description and location of place of use:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	4E	19														17	40	57	
		20								30	39	36	24			7	8	144	
		29					26											26	
TOTAL =																	227		
Where - 7200 limit to 200 Acres in ↗																			
- 7576 " " 200 " " ↗																			
- 12120 " " 160 " " ↗																			
MICROFILMED																			
OCT 15 1993																			
Exhibit 1																			

LAPSED?
see District Court
Form 219-S.A. 5/25/85
6/86.
Still valid according to
S.O. file (Cheryl, 5/28/87)

PD: 16N 4E S 29 NE NW
" " S. 20 NES
" " S. 20 SW 1/4
" " S. 29 NE NW

from
Permit

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES

SEP 16 1999
Staff Analysis Sheet
for
Beneficial Use Field Report
DEPARTMENT OF WATER RESOURCES

65-7516
Permit No.
RECEIVED
AUG 29 1989

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

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 5/27/87 (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 65-12120
☐ Other: _____

Check of P/U index SL 5/27/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ Copy of water right(s) attached? 65 7200
Type of Overlap? ☒ Increase rate of flow or volume 65 7200, 65-12120 65 12120
☒ Add P/D's 65 7200
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

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

Scheduling Letter sent? SL 7/23/87 (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 Stan Lester 10/20/87 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent SL 8/10/89 (Initial and date)
Exam Reviewed by Manager of Regional Office DW 8/29/89 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

Department of Water Resources

CRP acres.
See 65-7200 for
and see info.
AUG 29 1989

A. GENERAL INFORMATION

Permit No. 65-7516
1. Owner: Eld Ranches Inc. Phone No. 325-8876
Current Address: Rt. 1 Box 67 McCall Id. 83638
2. Accompanied by: Joe Eld EXAM. DATE: 10/20/87
Address: Same Phone No. same
Relationship to Permit Holder: President
3. Source: Laffinwell Creek tributary to Gold Fork River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-7200, 12120, 3827, 10158, 7408, 8509
☐ Copies Attached
2. Other water rights with same point of diversion: 65-12120 same dam ^{See package of CRP exams}
☐ 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

CRP acres

See 65-7200 for aerial photo & topo maps & photographs.
See attached copy of dam inspection for reservoir details.

~~See~~

SEE 8/12/99 Revised Exam recommendations

-R 9/15/99

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Scale: 1" = _____

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).
☒ 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.)

14' south dam stones 130 c/ft in Eld Reservoir. Irrigation occurred last in 1985 for areas now in CR. Irrigation was in 2 ditch groups for 10 lines with 33 kds/line. Arrows were in and are no longer on site.

See 65.7200 Agent for more info about drugs &

☐ See Remarks on page 4 for continuation

[illegible]

***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 as in 10/18

[illegible]

227 ac in CAP but this permit limited to 200 ac.

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 - SEE DAM SAFETY INSPECTION FOR TOTAL RESERVOIR SIZE.

TOTAL RES. = 130 AC-FT

COVERED BY THIS PERMIT = 36 AC-FT.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: N/A

2. Alternate Method for Checking Purposes: N/A

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 = _____ (8)

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:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

POINT OF DIV. IS dam & creek junction on tract line.

Overlap - See 65-7200 for P/D & P/U overlap m. file copies.

1) 65-7200 direct flow right from Lefferswell for most of same area.

65-12120 additional storage right for same dam & many of same area.

2) Others:

65-3287 stockwater right from Lattinwell Ch. above reservoir in N65W S. 20.

65-10158 domestic well in SWSE S. 20. } 3 different wells.

65-7408 " " " " " }

65-8509 " " " " " }

Lic. Condition - ① R24 ; ② This right, when combined with 65-12120, shall provide no more than 70 cfs of storage.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation Storage	1/1	12/31	—	36.0
Irrigation from Storage	5/1	10/1	—	36.0
Totals:			—	36.0

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

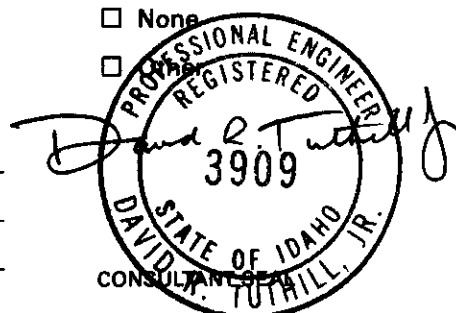
J. AUTHENTICATION

Field Examiner's Name Steven M. Lester

Signature Steven M. Lester

Certification Date _____

Field Report Preparation Date 10/20/87



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

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OCT 15 1999

INTER-DEPARTMENT MEMO — 1

DATE 5/28/87

FROM Steve Lester

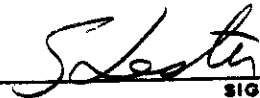
TO File 65-7516

SUBJECT STATUS OF WR

district court letter of 5/25/85 states that 65-7516 has lapsed. Info from - S.O. file shows the right is still valid (phone conv. with Cheryl W.).

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OCT 15 1999



SIGNATURE

FILED

NOV 25 1985

Time 9:40 AM

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY, Idaho, Clerk
N. Jackson, Deputy

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND-)
WATER OF THE PAYETTE RIVER)
DRAINAGE.)

Civil No. 3667

ORDER CORRECTING
CLERICAL ERRORS

The motion of the Director of the Department of Water Resources having come on for hearing on the 25th day of November, 1985, and the court having considered the motion,

IT IS HEREBY ORDERED that the report of the director, entitled PROPOSED FINDINGS OF WATER RIGHTS IN THE PAYETTE RIVER DRAINAGE BASIN, be amended in conformance with Exhibit A, attached hereto and incorporated herein by reference.

DATED this 25th day of November, 1985.

William R. Doolittle
DISTRICT JUDGE

MICROFILMED
OCT 15 1999

65-7546-----PERMIT-LAPSED-
Vol. I
Pg. 182

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	USE PERIOD	MAX AMOUNT	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
--------------	------------------	---------------	-------------	------------	------------	-----------------	--------------------------	-----------------

INDICATES TOTAL

SOURCE: LAFFINWELL CREEK

TRIBUTARY TO: GOLD FORK RIVER

65-7516	ELD RANCHES INC. RT. 1 BOX 67 MC CALL, IDAHO 83638	11/12/1974	IRRIGATION	5/ 1 10/ 1	36.00 AFA --- CFS	NEW 529 TT6N R 4E	NEW(40) MSH(40) 520 TT6N R 4E 529 TT6N R 4E 5200R	PERMIT
REMARKS: THIS PERMIT RIGHT IS NOT DECEDED BY THE PRESENT ADDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								
			IRRIGATION	1/ 1 12/31	36.00 AFA --- CFS *36.00#AFA *---#CFS	SAME AS OTHER USE		
			STORAGE					

INDICATES TOTAL

SOURCE: GROUNDWATER

65-8390	ELLIS, BESSIE M. ELLIS, LEROY E. & FEUSER, GERALDINE 393 EAST ARDEN AVE ARON, ID-83338 2875 BERNICE DR. BURLEY, IDAHO 83318	6/ 1/1948	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 (MNSW) 536 35 T19N R 3E	LOT 3(MNSW) 536 35 T19N R 3E	BENEFICIAL USE
65-8421	ELLSWORTH, ROY J. & THORESON, H. THEODORE 999 NORTH CURTIS ROAD BOISE, IDAHO 83704	6/ 1/1963	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOTS 1 (SENE) S 4 TT8N R 3E	LOTS 1(SENE) S 4 TT8N R 3E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: DEER CREEK

TRIBUTARY TO: CASCADE RESERVOIR

65-8902	GIVENS, LESLIE & GIVENS, JEANNE 528 ALMOND STREET NAMP, IDAHO 83651	6/ 1/1964	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NESE S12 T14N R 2E	NESE LOT 3(MNSW) 532-114N R 2E S 7 T14N R 3E	BENEFICIAL USE
---------	--	-----------	----------	------------	---------------------	-----------------------	---	-------------------

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OCT 15 1999

RIGHT NUMBER	REMARK	RIGHT NUMBER	REMARK
65-7023	PERMIT LAPSED.	65-7310	PERMIT LAPSED.
65-7024	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7350	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7027	PERMIT LAPSED.	65-7351	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7028	APPLICATION DENIED	65-7358	RENUMBERED AS RIGHT 63-8239.
65-7032	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7373	PERMIT LAPSED.
65-7034	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7387	PERMIT LAPSED.
65-7035	PERMIT LAPSED.	65-7393	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7037	PERMIT LAPSED.	65-7394	PERMIT LAPSED.
65-7042	PERMIT LAPSED.	65-7403	RENUMBERED AS RIGHT 63-8180.
65-7045	PERMIT LAPSED.	65-7410	PERMIT LAPSED.
65-7050	PERMIT LAPSED.	65-7413	RENUMBERED AS RIGHT 67-7174.
65-7053	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7416	PERMIT LAPSED.
65-7074	PERMIT LAPSED.	65-7431	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7075	PERMIT LAPSED.	65-7476	PERMIT LAPSED.
65-7080	PERMIT LAPSED.	65-7480	PERMIT LAPSED.
65-7081	PERMIT LAPSED.	65-7493	PERMIT LAPSED.
65-7092	PERMIT LAPSED.	65-7516	PERMIT LAPSED.
65-7096	APPLICATION DENIED	65-7529	RENUMBERED AS RIGHT 63-8093.
65-7105	APPLICATION DENIED	65-7530	RENUMBERED AS RIGHT 63-8094.
65-7113	PERMIT LAPSED.	65-7544	RENUMBERED AS RIGHT 67-7245.
65-7116	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7577	RENUMBERED AS RIGHT 67-7061
65-7132	PERMIT LAPSED.	65-7611	PERMIT LAPSED.
65-7134	PERMIT LAPSED.	65-7638	RENUMBERED AS RIGHT 63-7193.
65-7141	PERMIT LAPSED.	65-7672	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7142	PERMIT LAPSED.	65-7798	PERMIT LAPSED.
65-7148	PERMIT LAPSED.	65-7823	RENUMBERED AS RIGHT 63-8982.
65-7158	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.	65-7835	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.
65-7160	PERMIT LAPSED.	65-7857	RENUMBERED AS RIGHT 63-8918.
65-7163	PERMIT LAPSED.	65-7859	RENUMBERED AS RIGHT 63-8919.
65-7176	PERMIT LAPSED.	65-7864	RENUMBERED AS RIGHT 63-8920.
65-7193	PERMIT LAPSED.	65-7868	RENUMBERED AS RIGHT 63-8921.
65-7202	PERMIT LAPSED.	65-7875	RENUMBERED AS RIGHT 63-7807.
65-7208	PERMIT LAPSED.	65-7919	RENUMBERED AS RIGHT 63-9006.
65-7211	PERMIT LAPSED.	65-7979	RENUMBERED AS RIGHT 63-9042.
65-7212	APPLICATION DENIED.		
65-7214	PERMIT LAPSED.		
65-7227	PERMIT LAPSED.		
65-7230	PERMIT LAPSED.		
65-7242	PERMIT LAPSED.		
65-7246	APPLICATION OR PERMIT RELINQUISHED OR WITHDRAWN.		
65-7250	RENUMBERED AS RIGHT 63-8217.		
65-7254	PERMIT LAPSED.		
65-7256	PERMIT LAPSED.		
65-7261	PERMIT LAPSED.		
65-7262	PERMIT LAPSED.		
65-7282	RENUMBERED AS RIGHT 63-8179.		
65-7307	PERMIT LAPSED.		

15

eld



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 16, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOE & VICKI ELD
ELD RANCHES INC
2554 E ROSEBERRY RD
MCCALL ID 83638

RECEIVED

JUN 18 1999

Department of Water Resources

RE: PERMIT NOS. 65-07200, 65-07516 AND 65-12120

Dear Joe and Vicki:

This letter concerns water right coverage for Eld Reservoir and land irrigated from the reservoir under the above referenced water right permits. As you recall, I did the field exams for the permits in October of 1987. I sent you a letter in early 1988 requesting additional information and recommending that you file another water right to cover part of the reservoir not already protected by these rights.

You provided the additional data. Another water right was not secured to cover the rest of the storage referenced in my 1988 letter. Also, the Snake River Basin Adjudication (SRBA) adds another layer of complexity to the situation.

SRBA recommendations by this agency will be made to the court in the next few months for your area. This provides the opportunity to complete the licensing of the three permits plus protect the rights in the SRBA. The final outcome, after the permits are licensed, will be decreed rights from the SRBA court. Decreed rights offer the ultimate water right protection under Idaho law.

The following steps can be used to accomplish the task. Please see the enclosed information to assist you in these steps.

1. Each permit must be amended to reflect development that occurred that is somewhat different than as permitted. Permit amendments in the licensing process are \$50 each (total \$150).

2. A new permit application must be filed to cover 60 acre-feet of storage not covered by the existing rights. See the mostly completed application form for details. Securing a new right will protect the balance of water used by this system. This protection becomes more important every year with respect to competing issues such as "fish flushing water." It is unlikely that the department can license the three permits while some of the storage water lacks

WAG
JME

June 16, 1999
Page 2

a water right (illegal diversion re I.C. § 42-351). The application fee is \$100.

3. SRBA claims must be filed to cover the three permits. Otherwise, the odd circumstance could occur in which licenses are issued but the rights are subsequently lost because they are not protected in the adjudication.

You can file the claims in one of two ways. One, file claims to reflect the 1987 license recommendations (see attachment). That method lists specific acres per right, all within the combined 227 acre place of use. Two, file claims to describe a 227 acre permissible place of use (PPOU). This means that all the rights are attached to all the acres where each right is limited to its authorized cap within the total area. This technique provides greater flexibility in using the rights.

I recommend the second choice. If you do that, the license recommendations will be adjusted to match the claims. Also, the new right will list the same 227 acres. Either SRBA option includes a filing fee of \$377, which itemizes as \$50 per claim plus \$1 per acre (only pay acre fee once, no charge for overlapping acres). Attached are three claim forms to complete and a sample PPOU page to help you with the claims.

Completion of these three steps will provide the required water right protection for the Laffinwell Creek system. The total cost to file these documents is \$627 as follows:

1) permit amendments	\$150
2) application for permit	\$100
3) SRBA claims	\$377

Steps one and three do not require this office to publish legal notices, but step two will include such publication. The publication time table will not adversely affect the other water right and SRBA processes discussed in this letter.

In order to meet the tight adjudication deadline, the filings should be made within 30 days, preferably as soon as possible. Please give me a call at 208-334-2190 if you have any questions or need any help in completing any of these things.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
OCT 15 1999

MEMORANDUM

TO: File 65-7516

FROM: Sharla

DATE: February 20, 1991

RE: Returned Field Exam

On this date, the field exam report for the above referenced file was returned to the region. According to the date proof of beneficial use was filed for this right, an adjudication claim is needed and has not yet been filed.

The region will solicit the claim and based upon response, either the field exam will be returned with the claim after being reviewed by the region for discrepancies, or the right will be disallowed in the Director's Report for failure of the holder to submit the claim.

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OCT 15 1999

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 8/15/86

TO Dave Tuhrill

SUBJECT FIELD EXAMINATION FEE for 65-12120, 65-7516 & 65-7200

I took one fee for three permits because two of the permits were for storage. I discussed this w/ Bob Howard and we concluded that, if the storage had been included on the material flow permit the dept. would have only charged for the rate of flow.

If you have any questions please let me know.

SIGNATURE _____



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

65-7516
ELD RANCHES INC.
RT. 1 BOX 63
MC CALL, ID 83638

July 23, 1987

Dear Permit Holder:

We are planning to conduct water right field examinations in the vicinity of your water right permit (the permit number is listed above your name) during the weeks of August 3 and August 10, 1987. A field examination is needed to verify your water use so that a water right license can be issued. In order to conduct your exam as efficiently as possible, please call this office to schedule a day and time during the above referenced weeks that is convenient for you. Please note that your system should be operating under normal conditions during the examination.

If there is a problem with scheduling or conducting the examination at this time, please call us and other arrangements can be made.

Sincerely,

Richard Gemperle
Water Resource Agent

FOR 36 AF STORAGE FOR IRRIGATION
FROM LAFFINWELL CK.
MICROFILMED

OCT 15 1999

CONVERSATION MEMORANDUM

DATE 8-3-87FILE 65-7200NAME OF PARTY Joe Eld

65-7561

EMPLOYEE Rich

65-7610

65-7516

65-12120

RE: NOTE

3 of the 5 exams for Eld are
now in set aside (CRP) Program. State Office
called and Gary Spatnick^(SP) said to go ahead and do
exams and theoretically determine flow
rate for 65-7200 and storage/irrigated acres
for 65-7516 and 65-12120

8-12-87 Called Joe Eld to set up appointment
he said access roads were not in and
beavers were damming his creek. He
wanted to delay and conduct exams in
Spring 1988.

MICROFILMED

OCT 15 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

November 6, 1979

William Eld
Route 1, Box 63
McCall, Idaho 83638

Re: 65-7516

Dear Mr. Eld:

Although somewhat untimely, an unclaimed water right in the Payette River drainage adjudication should be brought to your attention. The consequences of not claiming this right would get very sticky legally.

The right I am referring to is for an Application for Permit (65-7516) to develop a right on Laffinwell Creek for 36 acre-feet. As I understand the situation, the right is for presently stored water not covered by other rights. The application, dated November 12, 1974, was protested, and this department has not issued a decision on the issuance of the permit. I have been told the application may be approved in the near future, although conditions may be attached to the right.

The adjudication problem arises because this right has not been claimed with the court along with your other rights. The decree that will be issued before too long will not include the right 65-7516 as a valid water right unless you come "before the court" and claim it before the decree is signed by the judge.

The steps needed to claim 65-7516 have become more numerous because the Proposed Finding of Water Rights has been presented to the court. Rather than detail those steps here, I'll wait until you or your representative contacts me (soon, I hope) to explain the necessary procedures.

Sincerely,

DONALD V. SHAFF
Adjudication Section Supervisor

DVS:aje

MICROFILMED

OCT 15 1999

December 13, 1974

Re: Application No. 65-7516

Eld Ranches, Inc.
Rt. 1, Box 63
McCall, ID 83638

Dear Mr. Eld:

In reviewing 65-7200, which is your original permit covering your storage of water, I noted that each reservoir was to store 30 A.F. or a total of 60 A.F. That would leave the 36 A.F. that would need to be covered by the new application, so we will not need to make any changes or republish it.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cla

MICROFILMED
JAN 1 1975

December 10, 1974

Eld Ranches, Inc.
Rt. 1, Box 63
MC Call, ID 83638

Re: Application for Permit No. 65-7516

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 65-7516. You should be aware that the following are the principle items we can consider a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf. If we may be of any assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cia

Enclosure

MICROFILMED

December 10, 1974

Re: Application No. 65-7516 - Eld Ranches, Inc.

Laurel Hansen
Donnelly, ID 83615

Dear Ms. Hansen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

MICROFILMED

1975

December 10, 1974

Eld Ranches, Inc.
Rt. 1, Box 63
McCall, ID 83638

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your application No. 65-7516. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceedings before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

KENNETH H. POIT, P.E.
Western District Engineer

KHF:cla

Enclosure

MICROFILMED

NOV 13 1974

December 10, 1974

Re: Application No. 65-7516 - Eld Ranches, Inc.

Elmer C. Brown
Donnelly, ID 83615

Dear Mr. Brown:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF;cla

TELEPHONE

1974

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Planning
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1974

The Star News
Box 985
McCall, ID 83638

Re: Claim to a Water Right No. 63-4057 - Kent O. Kelly
Application for Permit No. 63-7516 - Eld Ranches, Inc.
63-7517 - Norman R. Cole

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

MICROFILMED
OCT 15 1999

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ELD RANCHES, INC.
Rt. 1, Box 63, McCall, ID
has on Nov. 12, 1974 submitted Application No. 63-7516
for a permit to appropriate 36 acre feet
per annum of water from Laffinwell Creek, trib. to Cold Fork River
by means of storage dam and gravity system
within the NE1/4, Sec. 22, NE1/4, Sec. 20, T. 16 N, R. 4 E, B.M. Valley County

to be used from May 1 to Oct. 1
for irrigation of 200 acres

within the SW1/4, Sec. 20, NE1/4, Sec. 29, T. 16 N, R. 4 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 9, 1974.

R. KEITH HIGGINSON

Director

Published in the The Star News, McCall, ID
on Nov. 21, 1974 and Nov. 28, 1974.

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OCT 15 1999

MEMORANDUM

TO: FILES

FROM: STEVE LESTER

DATE: AUGUST 11, 1989

RE: FIELD EXAM REPORTS FOR 65-07200, 65-07516, AND 65-12120

The Eld Ranch, Inc. acres covered by the above rights were last irrigated in 1985 via Eld Reservoir (D65-7200) and Laffinwell Creek. Field exams were conducted in October, 1987. Complications and delays in processing the reports were finally resolved, and the reports are forwarded for licensing.

Joe Eld recently called me to discuss a transfer for some portion of these rights. He requested that licensing be expedited for that reason. The main problem that occurs to me concerns the pump information. Joe could not produce any documentation for the pumps and could not identify the purchaser of the two pumps.

The rights provided direct flow and storage coverage for 227 acres. The following summary describes the acres and license recommendations.

Section	Tract	Acres: 65-07200	65-07516	65-12120	Total Ac.
19	SWSE	0	17	17	17
	SESE	30	40	40	40
20	NESW	30	20	0	30
	NWSW	39	22	2	39
	SWSW	36	36	36	36
	SESW	24	24	24	24
	NWSE	7	7	7	7
	SWSE	8	8	8	8
29	NENW	<u>26</u>	<u>26</u>	<u>26</u>	<u>26</u>
	TOTAL:	200	200	160	227

Note the exam fee paid for the rights (JJ memo of 8/15/86). A \$175 fee was paid for all three rights instead of the usual amounts for separate rights (\$175, \$100, and \$100 for 3.2cfs, 36 af, and 34 af). No objections to this were found during the report process.

The 130 ac-ft reservoir is not fully covered by valid rights. My letter of 2/1/88 in file 65-07200 addresses the discrepancy. Additional thoughts are offered here. 65-07516 allows 36 ac-ft for use from 5/1-10/1 and storage from 1/1-12/31. 65-12120 provides an additional 34 ac-ft for use from 5/1-10/1 but to be stored between 11/1-5/1. The combined 70 ac-ft can be stored during 11/1-5/1. However, only 36 ac-ft may be stored in the remainder of the year, 5/2-10/31.

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30 1 1 : 3915

Memo of 8/11/89 to 65-07200, 65-07516, 65-12120

Page 2

Therefore, to provide complete water right protection to the 130 ac-ft Eld Reservoir, a new water right application should be filed for Irrigation Storage. The application should provide 60 ac-ft from 11/1-5/1 ($60+70=130$) and 94 ac-ft from 5/2-10/31 ($94+36=130$), for a total not to exceed 94 ac-ft. The issue of Irrigation from Storage may present problems. Can a new appropriation be approved for a use that did occur but will not continue to occur due to CRP factors? Filing an adjudication claim in the SRBA to cover the additional storage is not an option due to the priority dates of the storage rights.

However, Joe Eld never responded to my 2/1/88 letter other than to indicate little interest in a new right during a telephone conversation earlier this year. He may change his mind if the three rights are licensed and available for transfer but do not provide adequate water for a proposed transfer. It is probably best to let the matter rest and keep this information in the files for reference if needed.

CC: State Office files

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OCT 15 1999



CECIL D. ANDRUS
Governor

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

R. KEITH HIGGINSON
Director

Eld Ranches Inc.
Mr. Joe Eld
Route 1, Box 67
Donnelly, ID. 83638

Feb. 1, 1988

Re: Permits 65-7200, 7516, 12120

Dear Joe:

After our telephone conversation on 1/28/88, I spoke with Dave Tuthill, Regional Manager for this area. In order to license the above permits for the land enrolled in the CRP, it appears that more information is required despite my optimism during the call. We need as much information as possible concerning the pumps used beside the reservoir. The minimum acceptable information is the pump horsepower. Also, please provide the name and address of the buyer of the pumps.

The maximum capacity of the reservoir is 130 acre-feet. From the ASCS photos one finds 227 acres covered by the three permits. The acres are shown in the attached list. With a full reservoir and crops being irrigated, the equivalent of pumping directly from the creek occurred. Permit 65-7200, a direct flow right, covers this. The other two permits provide 70 acre-feet of storage in the 130 ac.-ft. system. Just under half of the storage is not covered by any water right, and you need to file a new Application for Permit (attached forms) for 60 ac.-ft. for the 227 acres to avoid illegal water storage. Developing a new right for CRP acres should be allowed using the same logic that accommodates licensing these acres.

Using this logic, your application would be submitted and, if approved in the usual eight-week time frame, will cover the storage water right deficit. The application should refer to the existing storage permits (7516 and 12120) and note that development already occurred for land now in the CRP. When you receive the approved permit, you could contact the department and request the Proof of Beneficial Use form, which would then be submitted with the appropriate exam fee to facilitate licensing. This office could then complete the "field" exam from the data collected last fall. By this method you will obtain a license for the remainder of the reservoir very quickly.

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OCT 15 1999

I urge you to act swiftly in this matter to protect your property and water rights. Also, please submit the requested pump information by 2/19/88 to avoid any water right penalties. We will provide whatever help you desire.

Sincerely,

Steve Lester
Water Resource Agent

SL:enc

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OCT 15 1999

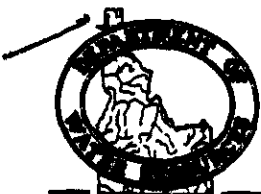
Acres in the CRP covered by Eld Permits 65-7200, 7516, and 12120

<u>Section</u>	<u>Tract</u>	<u>Acres</u>
19	SESE	40
	SWSE	17
20	NESW	30
	NWSW	39
	SWSW	36
	SESW	24
	NWSE	7
	SWSE	8
29	NENW	26
	Total	227

The reservoir dam is found in Section 20, SWSW and SESW.

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OCT 15 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

CECIL D. ANDRUS
Governor

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

A. KEITH HIGGINSON
Director

Eld Ranches Inc.
Mr. Joe Eld
Rt. 1, Box 67
McCall, ID. 83638

Dec. 23, 1987

Re: Permits 65-7200, 7516, 12120, 7610, 7361

Dear Joe:

After meeting with you in late October, gathering field data, and reviewing the above water right files, I realize that additional information is needed to facilitate licensing of the permits. We discussed the details that you could provide to complete the water use picture. This letter serves to refresh your memory in the matter.

The three permits covering storage and use of irrigation water at and around Eld Reservoir are 65-7200, 7516, and 12120. These rights involve the land enrolled in the CRP. I have information about the sprinkler pipes, number of lines and heads per line, pressure readings, and nozzle sizes. Additional data is desired for pump details and sprinkler models. Pump information includes horse-power, brands, serial numbers, pump curves, pump test records, or anything else describing pumping capacity. What sprinkler models were used (for example, Rainbird 30B, Nelson F33, etc.) ? I need any of this data that is available to finish the licensing reports.

Permit 65-7610 is the Gold Fork River pumping plant. A partial exam was conducted on this system. Please consult your records to provide the horse-power of the large diesel engine. Sprinkler head measurements of water use will be made in the next irrigation season to complete the field work on this permit.

The last permit is 65-7361, diverting Boulder Creek to irrigate 120 acres in sections 1 and 12 as follows:

Section 1- NWSW 20 ac., SWSW 20 ac., SESE 40 ac.;
Section 12- NENE 40 ac..

The 120 acres may be irrigated as above or shifted to other tracts as long as the number of acres does not exceed the permit limit. You wondered if rights other than the Roseberry Irrigation District allocation covered the area shown above. No other rights are found on those portions of sections 1 and 12. There are two decreed Eld irrigation rights in the general vicinity. 65-2515 uses Boulder Creek to irrigate 67 acres in the NESE and SESE, sec. 2 and 77 acres in the NENE and SENE, sec. 13. 65-4033 uses the same source for 35 acres in SWNW and 10 acres in NWSW, all within sec. 12. A partial exam was conducted on

OCT 15 1999

permit 65-7361 and can be finished during the next irrigation season. Please remember that a measuring device should be installed in the Boulder Creek diversion ditch.

Concerning assignments of the permits, 65-7200 is the only one in your father's name (William Eld). The other four show "Eld Ranches, Inc.", except 65-12120 which lists "William Eld, President, Eld Ranches, Inc." as the owner. If you want to change any of these names, refer to the enclosed Assignment of Permit forms. Multiple permits may be included on one form. Also attached are the necessary forms to complete applications for transfers of water rights.

Please submit the requested information for the Eld Reservoir permits and the horse-power of the Gold Fork pump engine within 30 days to avoid jeopardizing your water rights in any way. This will allow the licensing process to continue. I'll be glad to help in any way possible.

Sincerely,

Steve Lester
Water Resource Agent

SL:enc

MICROFILMED

OCT 15 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director
h5-7516
FLU PANCHES INC.
RT. 1 BOX 63
MC CALL, ID 83638

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

*See sheet
below -
letter sent
in error.
kw*

October 9, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. 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. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

Sincerely,

David R. Tuthill, Jr.

David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

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OCT 15 1999

Enclosure

4/86

RECEIVED

OCT 15 1986

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 175.00
Date 8-15-86
Receipt # 38924
Receipt by CCW
Sent to S.O. 10/15/86

RECEIVED

AUG 15 1986

1. Permit No. 65-12120/65-7516/65-7200

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: ELD RANCHES INC.

3. Post Office Address: RT 1 Box 63 McCall Id. 83638

Telephone No. 325-8705

4. Source of Water: LAFFINWELL CREEK

5. Extent of Use:

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

IRRIGATION FROM

Irrigation 160 (acres) Other/Remark STORAGE (RTS. 65-7516, 65-12120)

IS INCLUDED IN THIS FEE

RT. 65-7200

6. Total rate &/or volume for which proof is submitted 3.2 cfs * acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

4-28-1978 - All three rights ARE USED TOGETHER

8. Person to contact to accompany the department representative during the field examination:

JOE ELD

(Name)

RT 1 Box 63 McCall IDAHO

(Address)

325-8705

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 8/10/86

Signature of Permit Holder (and title, if appropriate)

X-134 AC-RT RT. 65-12120

X-136 AC-RT RT. 65-7516

OCT 15 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720

A. KENNETH DUNN
Director

65-7516
ELD RANCHES, INC.
RT. 1 BOX 67-
MC CALL, ID 83638

63

138491

June 5, 1986

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 sheet 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.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

OCT 15 1999

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICRONL

OCT 15 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 10, 1985

ELD RANCHES INC.
RT. 1 BOX 67
MC CALL ID 83638

RE: Permit No. 65-7516

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 Fense
Secretary

Enclosure

MICROFILM

OCT 15 1989

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 2-11-85

TO Rita

SUBJECT 65-7516

One option on this one is to remove the M.D. requirement on 65-7516 as requested, and to suggest (as described in Don Sheffi memo dated 2/8/85) to Mr. Eld that he request removal of the M.D. requirement from Permit No. 657200 as well.

Another option is to use one order to remove the M.D. requirements from both permits, because the analysis is identical for both and it is ineffective to remove the requirement from one but not the other.

SIGNATURE

(over)

I think that in this case we can select the latter option to maximize efficiency. Please include in the order the provision that the M.D. request may be reinstated by the Dept in the future,

Dave

MEMO

TO: Dave Tuthill *DT*
FROM: Don Shaff *DS*
DATE: February 8, 1985
RE: 65-7516, Measuring Device Requirement

On Laffinwell Creek, several water rights exist. With the exception of one water right, all of the water rights are above Mr. Elds point of diversion. The Proposed Finding for the Payette River adjudication, contrary to Mr. Eld's letter of January 22, 1985, shows an irrigation water right for .48 cfs downstream from Mr. Eld's points of diversion.

This permit, 65-7516, is in conjunction with 65-7200. These water rights are combined to total 96 acre feet of storage. At the time of the filing of 65-7200, the downstream user filed a protest to this application. At that time the applicant agreed to install upstream and downstream measuring devices. Mr. Eld apparently sought the same conditions for upstream reservoirs represented by 65-12256 and 65-12257, because Mr. Eld protested these applications and the measuring device requirements were a part of the conditions attached to those permits.

One of the findings of the latest hearings involving applications on Laffinwell Creek was the finding that the average annual runoff is about 3700 acre feet per year. The sum of the permits through 65-12257 equals about 1186.1 acre feet^{that} are appropriated for the water rights on Laffinwell Creek. Currently there is no water district on the Gold Fork drainage and specifically Laffinwell Creek drainage. The water users apparently manage the water resource sufficiently to satisfy all water rights.

My recommendation as to the request of the applicant for 65-7516 would be that the measuring device condition may be removed subject to the provisions that, in the future, the water master of District 65 may require the installation and maintenance of measuring devices above and below the reservoirs of the applicant. If this recommendation is implemented, the applicant should be advised that he may want to request the removal of the same condition on 65-7200. ✓ *DT*

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuttle

DATE 1/25/85

TO Don Staff

SUBJECT 65-7516

Based on your dealings in Long Valley, do you know of any reason we should require a meas. dev. on the storage reservoir described by this permit?

Dave

SIGNATURE

Dis. notes

INTER-DEPARTMENT MEMO — 1

FROM

Rita

DATE

1-22-1985

TO

Dave S.

SUBJECT

Measuring Device - 65-7516

*Please make a decision on the m.d.
removal request. Note the attached letter
sent by M Stubblefield. See item
underline in red.*



SIGNATURE

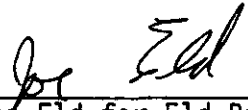
RECEIVED
JAN 23 1985

Department of Water Resources

January 22, 1985

Re: Permit No. 65-7516

I request that the requirement of permanently installed measuring devices be removed from this permit since the only diversion downstream would be for instream stockwater.



Joe Eld for Eld Ranches, Inc.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 26, 1978

Mr. William Eld
Eld Ranches, Inc.
Route 1
McCall, Idaho 83613

RECEIVED
JAN 22 1985

Re: Eld Dam - D65-7200

Department of Water Resources

Dear Mr. Eld:

Enclosed is an approved set of plans and an application for Stage II construction at Eld Dam. The approval is subject to the following conditions:

1. The berm to be placed in the spillway channel and shown on page 2 of the plans is not authorized and must be omitted. We cannot permit construction of the berm since your water right and application for construction of the dam do not authorize storage above elevation 67 feet which is the spillway crest elevation.
2. Riprap or other means of erosion control is needed in the spillway channel to prevent erosion due to water flowing through the unlined channel. Riprap may be required on the upstream face of the dam at a later date if erosion, due to wave action, becomes evident.
3. Requirements for upstream and downstream flow measuring devices and a staff gage on the reservoir will be waived; however, they may be required at some future date if deemed necessary.

In discussing the project with Mr. Gray, he indicates that the project is complete except for the following items:

1. The pedestals for the gate stem guides have not been placed.
2. The 2 feet raise of the embankment to elevation 74 feet has not been completed.
3. The spillway must be enlarged and riprapped to conform to the approved plans and conditions. As mentioned above, however, this does not include construction of the berm and pipe in the channel.

MICROFILMED

Mr. Willia Eld
December 26, 1978
Page 2

Enclosed is a Certificate of Approval for storage of water behind Eld Dam. This Certificate has been issued in accordance with Title 42, Chapter 17 of the Idaho Code. To provide reasonable safety at the dam, the Department has found it necessary to restrict the use as noted on the enclosed certificate. The outlet gate must remain completely open until after spring runoff has occurred and storage is restricted to elevation 65 feet until the dam is completed to Stage II height and approved by the Department.

Prior to the expiration of the enclosed certificate, the above items outlined by Mr. Gray must be completed. The Department will make a final inspection at that time, and if satisfactory, another storage certificate will be issued.

Please let me know if you have any questions.

Very truly yours,

A. Michael Stubblefield

A. Michael Stubblefield, P. E.
Water Resource Engineer

AMS/jl

Enclosures (3)

cc: Western Region

MICROFILMED

December 28, 1984

Eld Ranches, Inc.
Route 1, Box 63
McCall, ID 83638

CERTIFIED MAIL

138608

Gentlemen:

Re: Permit No. 65-7516

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 65-7516 was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1985. (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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government 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

MICROFILMED

STAFF REVIEW - STATE OFFICE

1. Pres. Name vs. Signature
2. S.W. Source
3. 2 Point of Diversion
4. 36 A.F. Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. ✓ Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. ✓ Fee & Rec't. No.

Copies Sent To:

 Idaho Health Department
 Idaho Fish & Game Dept.
 Bureau of Land Management

 U.S.F.S.
 Dept. of Lands
 Other

Dam Safety Information Yes (Goes to Permit Section)

Check:

Critical G.W. Area yes no

Other rights on same land 65-7200 - additional storage right which when combined w/ this application totals 96 A.F.

Withdrawals of all protests received X yes no

Conditions:

ID Power Co. Letter - Snake R. No

Meas. Dev. or Sc. Meas. 18 A

ID Power Co. Letter - G.W. & Tribs. No

Totalizing meter No

Snake River Condition No

Supplemental No

Payette River Letter No

Right-of-Way Cond. No

Priority Date 11/12/74

Watermaster Cond. Yes
Wtr. Dist No. 65

Water Quality #16 No

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

Water Quality #10 No
intrastate interstate

Type Correction on items 4

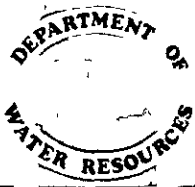
18 18 A 05 (65, Payette River)

I.P. letter w/measuring device cond.

MICROFILMED

Jim
Reviewer

2/29/80
Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address,
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 11, 1980

Eld Ranches, Inc.
Rt. 1 Box 63
McCall, Idaho 83638

Dear Sirs,

RE: Permit No. 65-7516

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit 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 permit 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 permit 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 permit. 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 permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

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

DRT:lr

Enclosure

MICROFILMED

WITHDRAWAL OF PROTEST

I hereby withdraw my protest against the approval of Application
for Permit No. 65-7516, Eld Ranches, Inc.

Signed at Donnelly, Idaho this 7 day of March, 1980.

Laurel Hansen
LAUREL HANSEN

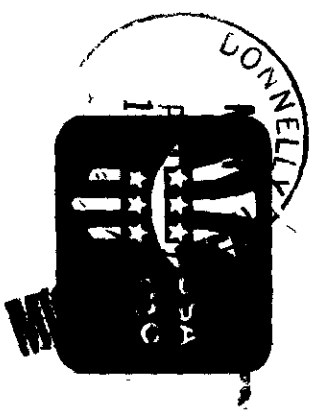
RECEIVED

MAR 10 1980

Department of Water Resources

MICROFILMED

Paul Hansen
Donnelly, Idaho
83615



State of Idaho
Department of Water Resources
Stuttsman
Boise
Idaho 83726

February 7, 1980

Elmer C. Brown
Donnelly,
Idaho 33615

Dear Mr. Brown,

We acknowledge receipt of your withdrawal of protest against Application No. 65-7516, Eld Ranches, Inc. Please be advised that the Department will now take action in processing this application.

Sincerely,

Maureen Reardon
Senior Clerk

MICROFILMED

RECEIVED

JAN 10 1980

January 9, 1979

Department of Water Resources

Bobby W. Fleener
Chief, Regional Offices Bureau -
Dear Sir:

I am replying to your letter of
January 2, 1980 in regard of releasing
my protest on water rights on Loffinwell
Creek, but before I sign a release
on the protest, I would like to visit
with you -

If you are up here, give me a call
or I will look you up when I'm
down -

Laurel Hansen
Donnelly, Idaho
83615

Telephone 325-8761

RECEIVED

David Hansen
Donnelly, Idaho
83615

Bob Hansen



Department of Water
Resource

Statehouse

Boise

Idaho 83720



WITHDRAWAL OF PROTEST

I hereby withdraw my protest against the approval of Application
for Permit No. 65-7516, Eld Ranches, Inc.

Signed at Boise, Idaho this 5th day of February, 1980.

James C. Boon

RECEIVED

FEB 6 1980

Department of Water Resources

RECEIVED

FEB 5 1980

Department of Water Resources
Western Regional Office

MICROFILMED

January 2, 1980

Elmer C. Brown
Donnelly, ID 83615

Dear Mr. Brown:

You recently filed an application for a permit to store 170 acre-feet of water on Laffinwell Creek and attended the hearing that we held in Cascade.

We are prepared to take final action on your application but we find that final action has not been taken on application No. 65-7516 filed by Eld Ranches, Inc. for the storage of 36 acre-feet of water from Laffinwell Creek. That application was protested by you because you felt there was not sufficient water in Laffinwell Creek to fill Mr. Eld's reservoir. During our discussion of your recent application, it became apparent that you now feel there is sufficient water to fill Mr. Eld's reservoir and the new reservoir you are proposing to build.

If we are correct and you now feel there is sufficient water to fill Mr. Eld's reservoir you should withdraw your protest against his application so we can take final action on it and then we will take final action on your application.

Enclosed is a withdrawal statement which you may use in withdrawing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Enclosure

cc: Eld Ranch

MICROFILMED

January 2, 1980

Laurel Hansen
Donnelly, ID 83615

Dear Mr. Hansen:

Re: Protested Application for Permit No. 65-7516

You protested back in 1974 Application for Permit No. 65-7516 by Eld Ranch, Inc. for the storage of 36 acre-feet of water on Laffinwell Creek.

At the conference, you essentially agreed that you had no objection to the reservoir if it did not interfere with your downstream water rights.

Is it possible that since the dam has been built and is now in operation that the concern expressed in your protest and at the conference has been satisfied?

The primary concern seemed to be over stockwater and as I recall, Mr. Eld agreed to release ten miner's inches of water for the purpose.

If you are now satisfied that your existing prior rights will not be affected, you should withdraw your protest with that condition.

Enclosed is a proposed withdrawal that you may wish to use so this matter can be resolved without further delay.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Enclosure

cc: Eld Ranch

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 22, 1975

Re: App. for Permit No. 65-7516

Mr. Elmer C. Brown
Donnelly,
Idaho 83615

Dear Mr. Brown:

A hearing was held recently on Application for Permit No. 65-7516 in the name of Eld Ranches, Inc., on which you submitted a protest.

Through an inadvertant clerical error, you were not notified of that hearing. You may, however, be interested in the outcome of the conference that was held between Mr. Eld, the applicant and Mr. Laurel Hansen, a protestant.

After some discussion, both the parties agreed to allow the Department of Water Resources to reach a decision based upon the information obtained at the conference and the information contained in the records of the Department of Water Resources.

We notice from an examination of a map of the area that your point of diversion is actually upstream from the proposed location of the dam and, therefore, we are wondering how the construction of the storage reservoir could affect your existing water rights.

If you feel that a useful purpose would be served by holding an additional hearing, at which you could be present, please let us know. If you would agree with the applicant and the other protestant that the Department should be allowed to reach a decision based upon it's records, please sign the enclosed statement and return it to us as soon as possible.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

by jfr

BDF:jfr

Enclosure

MICROFILMED

Application for Permit 65-7516

We the undersigned agree to allow the Department of Water Resources to reach a decision based upon the information obtained at the conference in Cascade held on Aug 28, 1975, the information contained in the records of the Department and the information contained in the Application and the written protest.

x William Eld

x Laurel Hansen

RECEIVED

Application for Permit No 65-7516

Applicant

Eld Ranches, Inc.

Protestants

Laurel Hansen

Elmer C. Brown - Did not appear -

Issues

1. Injury to existing rights -

2.

Where are the Protestants PD's? above of below

How much water flow into Gold Fork River?

What are Protestants rights? Use right for stockwatering - 10 in.

This filing is for additional storage above 65-⁷²⁰⁰~~7516~~

✶

Condition - to install M.D. above and below the reservoir
- must comply with the agreement reached
on permit 65-7200

MICROFILMED

65-7516 - 96 AF 65-7520 - 60 AF

TWO POW.

STORAGE - 36 AF in 65-7516

DIRECT DIVERSION - NOT IN FILING 65-7516

- OBJECTION TO USING SUMMER FLOW

PROTESTANT WANTS STOCKWATER AT HIS PLACE WHEN WATER IS LOW.

ALL SUMMER - STREAM DRIES UP

ELMER BROWN IS ABOVE WILLIAM ELD & LAUREL HANSEN
10" AT LAUREL HANSEN BARN

IF BELOW 10" AT BARN, RELEASES MEASURED IMMEDIATELY

BELOW DAM SHALL EQUAL THE INFLOW TO THE

ELD RESERVOIRS MEASURED, ^{IMMEDIATELY} ABOVE THE RESERVOIR SITES.

Roster of Attendance

Hearing held Aug. 28, 1975 at Cascade, Idaho

Application for Permit No. 65-7516

in the name of Eld Ranches, Inc.

Name	Address
Laurel Hansen	Donnelly, Idaho
William Eld	Rt. 1 McCall Idaho

RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

August 6, 1975

Valley County Courthouse
Cascade, ID 83611

Gentlemen:

This is to confirm the use of the Jury Room for conference and/or hearing to be held by this office on Thursday, August 28, 1975, at 9:30 a.m. and 1:30 p.m.

Thank you for your cooperation in this matter.

Sincerely,

Kenneth H. Foit

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cls

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval)
of the Application for Permit No. 65-7516)
in the name of ELD RANCHES, INC.)

NOTICE OF CONFERENCE

AND/OR HEARING

On November 12, 1974, Eld Ranches, Inc. filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 9, 1975, the Department received a protest against approval of said application from Elmer C. Brown and on December 10, 1975 from Laurel Hansen.

The Department has set the matter of protests for conference and/or hearing for Thursday, August 28, 1975, at 1:30 p.m., in the Jury room of the Valley County Courthouse, Cascade, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at this own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 6th day of August, 1975.


KENNETH H. FOIT, P.E.
Western District Engineer

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-7516

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use *Diversion rate on separate w/k.*
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CB 11-13-74

In form to receipt

(2) NA

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) NA

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) CB 11-13-74

In form for advertising

(5) _____

Platted on Map No. _____

(6) ~~NA~~

Located within Water District No. _____

(7) 4EB 12/9/74

Critical groundwater area: yes _____ no ☒

(8) + +

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) Cu 12-9-74

Affidavit of Publication received(date) Ok

(12) 4EB 12/9/74

Final date for protests 12/9/74

Protests received: yes ☒ no ☒

(13) 4EB 12/9/74

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

(14) 4EB 12/9/74

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

? _____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District West

By J. Boone **FILED** 12/9/74

December 13, 1974

Re: Application No. 65-7516

Eld Ranches, Inc.
Rt. 1, Box 63
McCall, ID 83638

Dear Mr. Eld:

In reviewing 65-7200, which is your original permit covering your storage of water, I noted that each reservoir was to store 30 A.F. or a total of 60 A.F. That would leave the 36 A.F. that would need to be covered by the new application, so we will not need to make any changes or republish it.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cla

MAIL
DEC 14 1974

December 2, 1974

Eld Ranches, Inc.
RE. 1, Box 63
McCall, ID 83638

Re: Application for Permit

Dear Mr. Eld:

I have not been able to locate an application that would cover the additional 60 A.F. of storage water. I checked with Mr. Gossett and also the girl that would have written you a receipt and there seems to be no record indicating that we ever received your application. If it was mailed, you should probably stop payment on the check then make another filing.

Mr. Gossett suggested that perhaps your engineer was to file the application for you.

If you need another application prepared, let me know and we will send it to you for your signature.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cla

MICROFILMED

November 7, 1974

William Eld
Rt. 1, Box 63
McCall, ID 83638

Dear Mr. Eld:

We are enclosing an application for permit to cover the additional water you will store on your reservoir. It will be advisable to have a permit on the entire amount stored. It may prevent you from having to store only 60 A.F. at some future date and will also be helpful when the water rights are decreed.

There will be a \$25.00 filing fee, since the other application has been approved.

Please review the enclosed application, make any corrections or changes, sign it and return it to us along with a check.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cla

Enclosure

MICROFILMED

October 23, 1974

Eld Ranches, Inc.
Rt. 1
McCall, ID 83638

Gentlemen:

We have checked our records and have failed to locate a permit for the storage of 96 Acre Feet of the waters of Laffinwell Creek issued to Eld Ranches, Inc. Please advise us if an application for permit might have been made under another name.

Permit No. 65-7200 was issued to Eld Ranches, Inc. for the storage of 30 Acre Feet of water from this creek in two dams located in sections 20 and 29, T. 16 N, R. 4 E, B.M. If your plans have been changed and it is the intention to store 96 Acre Feet under this permit, it will be necessary to file a new application for the extra water to be stored. Have these two reservoirs been built?

We are enclosing forms for making application for permit in the event you will need them.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cia

Enclosure

177000FILMED

December 10, 1974

Eld Ranches, Inc.
Rt. 1, Box 63
MC Call, ID 83638

Re: Application for Permit No. 65-7516

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 65-7516. You should be aware that the following are the principle items we can consider a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf. If we may be of any assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF;cla

Enclosure

MICROFILMED

December 10, 1974

Re: Application No. 65-7516 - Eld Ranches, Inc.

Laurel Hansen
Donnelly, ID 83615

Dear Ms. Hansen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
- 4* Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

MICROFILMED

December 10, 1974

Eld Ranches, Inc.
Rt. 1, Box 63
McCall, ID 83638

Gentlemen:

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2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceedings before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

KENNETH H. POIT, P.E.
Western District Engineer

KHF:cla

Enclosure

RECEIVED

December 10, 1974

Re: Application No. 65-7516 - Eld Ranches, Inc.

Elmer C. Brown
Donnelly, ID 83615

Dear Mr. Brown:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla



Permit, Idaho
RECEIVED

DEC 10 1974

Department of Water Resources

DEC 10 1974

Dear Sir,

In regard to application No. 55-7516 Eld Ranches, Inc. for a water Use Permit, I should like to protest this Permit because of the flow of the Laffinwell creek after the run-off because of the amount of water. I would like to discuss further with Idaho's department of Water Resources, in regard, to a meeting that was held here by the Department in the spring of 1973.

Yours truly
Laural Hansen

MICROFILMED

Frank Hansen
Donnelly, Idaho 83615

RECEIVED



Idaho Department of Water
Resources
Statehouse
Boise
Idaho 83720

Generally Adelle
Dec. 16 1974

Dept. of Water Resources

Boise Idaho

Dear Sirs

Department of
DEC 9 1974

In regard to the application of Ed
Harrick for additional water from
the waters of Laffinwell Creek
I do not think there should be
another permit issued on the
waters of this creek until
the project now under permit
is completed and in operation
as the normal flow of this
stream both spring and
summer is badly over projected.

Sincerely,

Elmer C. Brown

MICROFILMED

Elmer C. Brown
Carmelly Okla.
83615-



Dept. of Water Resources
- State House

Boise Idaho
83720

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2

Boise, Idaho 83707

(208) 384-2215

Western District Office



Water Rights Administration
Water Resource Planning
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1974

The Star News
Box 985
McCall, ID 83638

Re: Claim to a Water Right No. 65-4057 - Kent O. Kelly
Application for Permit No. 65-7516 - Eld Ranches, Inc.
65-7517 - Norman R. Cole

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill submitted

12-9-74

ca

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ELD RANCHES, INC.
Rt. 1, Box 63, McCall, ID
has on Nov. 12, 1974 submitted Application No. 65-7516
for a permit to appropriate ~~ELDER RANCH~~ 36 acre feet
per annum of water from Laffinwell Creek, trib. to Gold Fork River
by means of storage dam and gravity system
within the NE $\frac{1}{4}$ Sec. 29, NE $\frac{1}{4}$ Sec. 20, T. 16 N. R. 4 E. B.M. Valley County
Idaho
to be used from May 1 to Oct. 1
for irrigation of 200 acres
within the SW $\frac{1}{4}$ Sec. 20, NE $\frac{1}{4}$ Sec. 29, T. 16 N. R. 4 E. B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 9, 1974.

R. KEITH HIGGINSON

Director

Published in the The Star News, McCall, ID
on Nov. 21, 1974 and Nov. 28, 1974.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

November 13, 1974

Eld Ranches, Inc.
Rt. 1, Box 63
McCall, ID 83638

Dear Mrs. Eld:

Enclosed is your Receipt No. ~~15318~~ in the amount of \$ ~~25.00~~ for
~~Application for Permit No. 65-7516~~ which was received in this office
on ~~Nov. 12, 1974~~.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

MICROFILMED