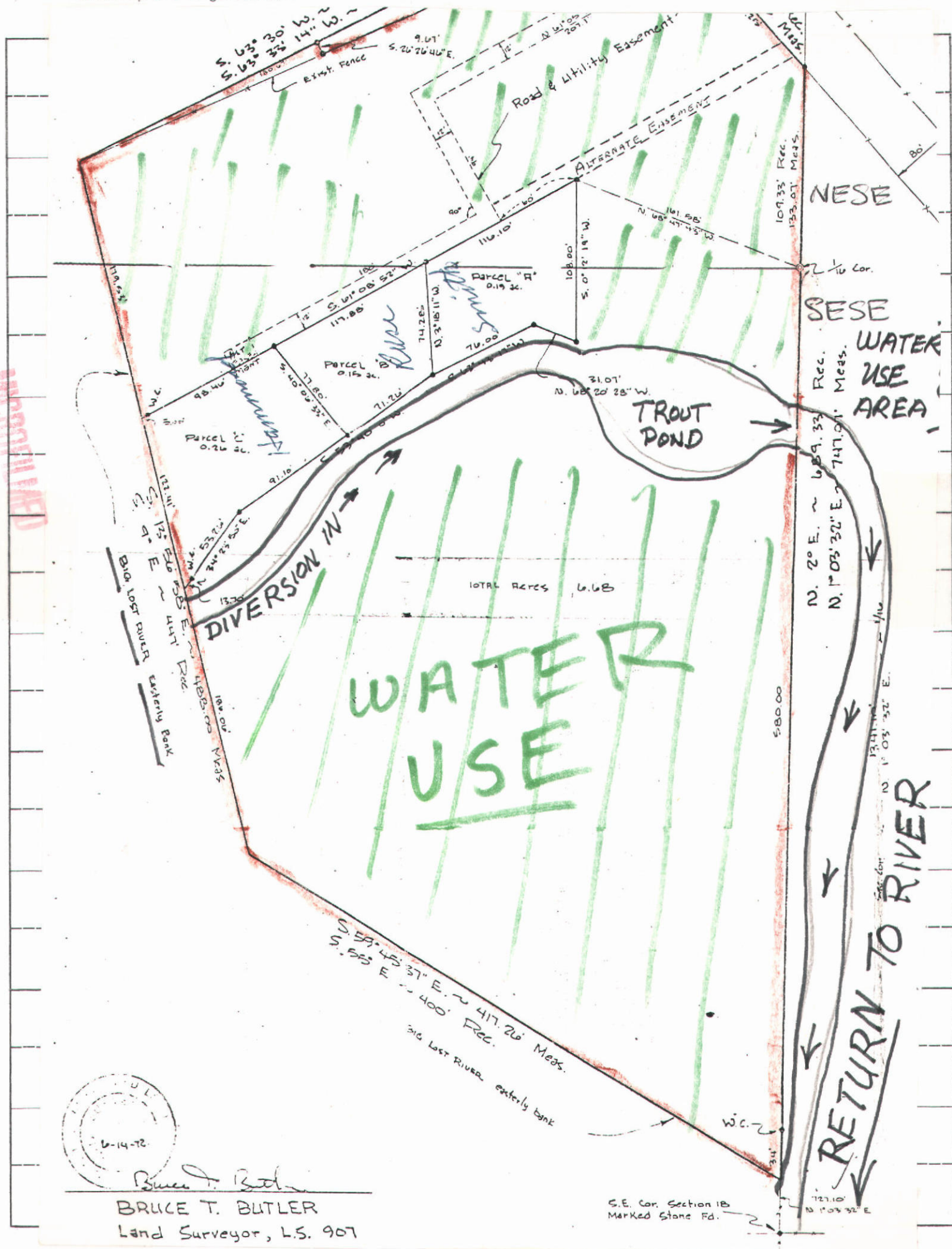


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I. MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2

consecutive weeks, commencing with the issue dated MAY 19

1983 and ending with the issue dated MAY 26 1983

Margaret Parks

Subscribed and sworn to before this 27th day of May

1983

Echel M. Beck

Notary Public, residing at Challis, Idaho. My commission expires on

1/26/86

RECEIVED

MAY 31 1983

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

34-7431

AITKEN, JOYCE D.
RIVER ACRES, BOX 25,
MACKAY, ID 83251

Source: BIG LOST RIVER
trib. to SINKS

Date Filed: 04/28/1983

Diversion Pt: SESE Sec 18 T
07N R 24E

Use: FISH PROP. (3.00
CFS)

In: SESE Sec 18 T 07N R 24E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 6, 1983.

KEN DUNN, Dir.

Pub. 5/19 & 5/26/83

RECEIVED

12.4.00 - Phone Conversation w/ Gary
Kimball. He said Mr. Aitken
is deceased. He will send
change of ownership form & fee.
Kef.



RECEIVED

DEC 01 2000

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St.

P.O. Box 83720

Boise, ID 83720-0098

(208) 327-7900

TO

L34-07431

JOYCE D AITKEN

RIVER ACRES

PO BOX 25

MACKAY

ID 83251

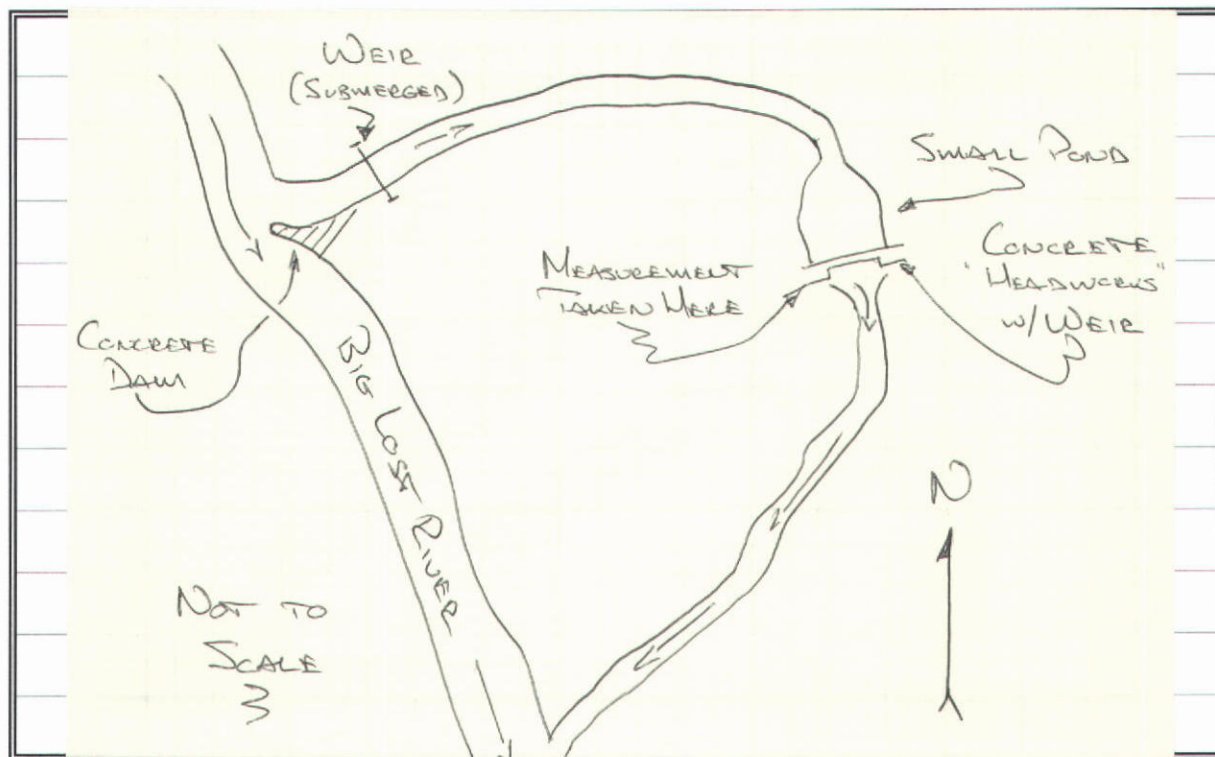
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

MICROFILMED

JUL 23 2003

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



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial photo attached (required for irrigation of 10+ acres)

☒ Photo of diversion and system attached

4. Diversion System Specifications

Well or Diversion Ident. Number*	Motor Make	Horse-power	Motor Serial Number	Pump Discharge Number or Discharge Size
N/A				

*Code to correspond with number on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model Number	Serial Number	Size	Calibration Date
Rectangular weir					4'	

2. Measurements: Examiner measured 1.7" of head across 4' weir on downstream side of small pond.

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JUN 23 2003



Plate 1: Diversion dam at point of diversion.



Plate 2: Headworks at point of diversion looking downstream towards pond.

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JUL 23 2003

34-07431



Plate 3: Weir and outlet at pond.



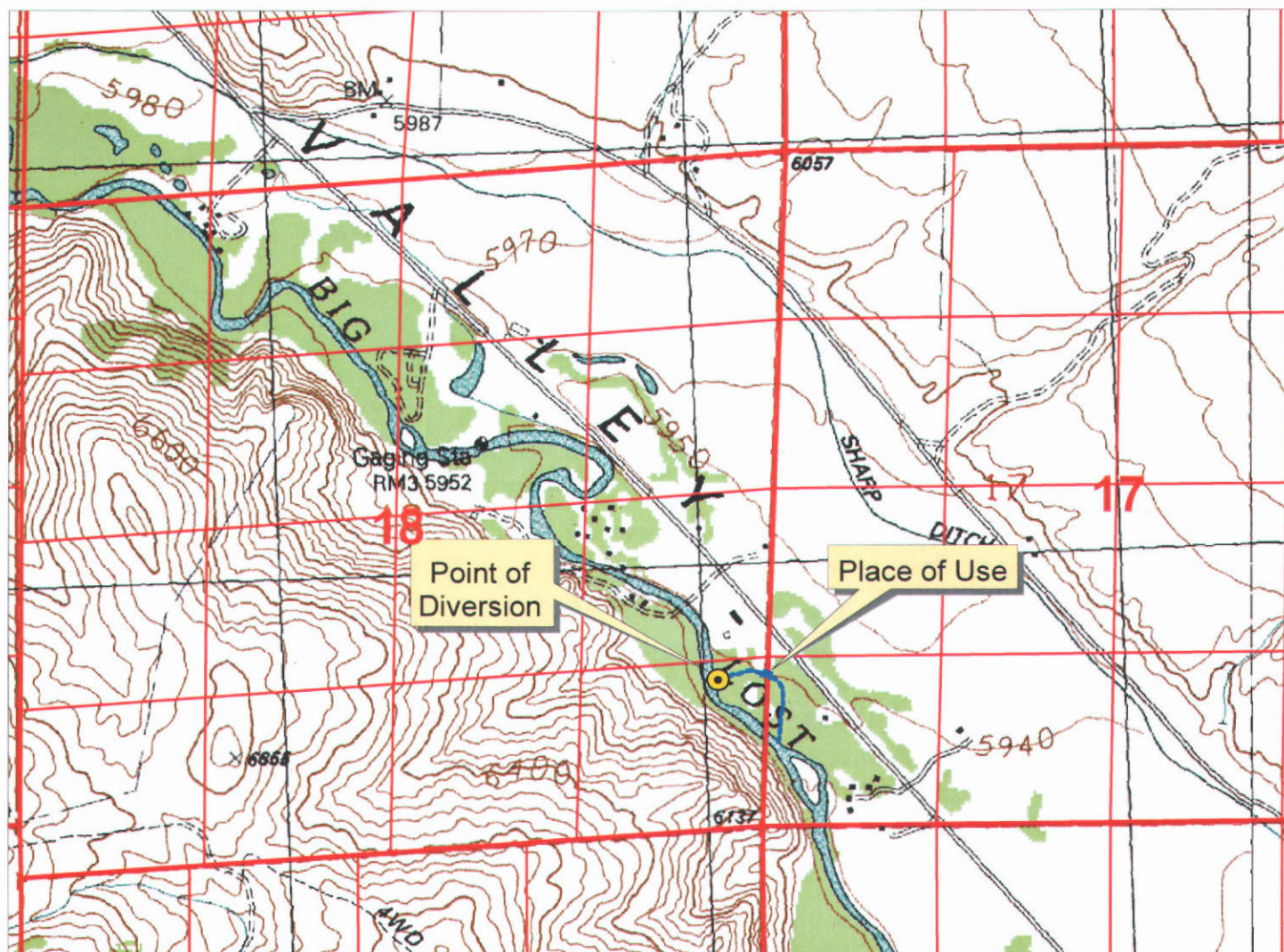
Plate 4: Pond looking upstream from weir showing staff gauge and Frisbee.

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JUL 23 2003

34-07431

Township 07 North, Range 24 East

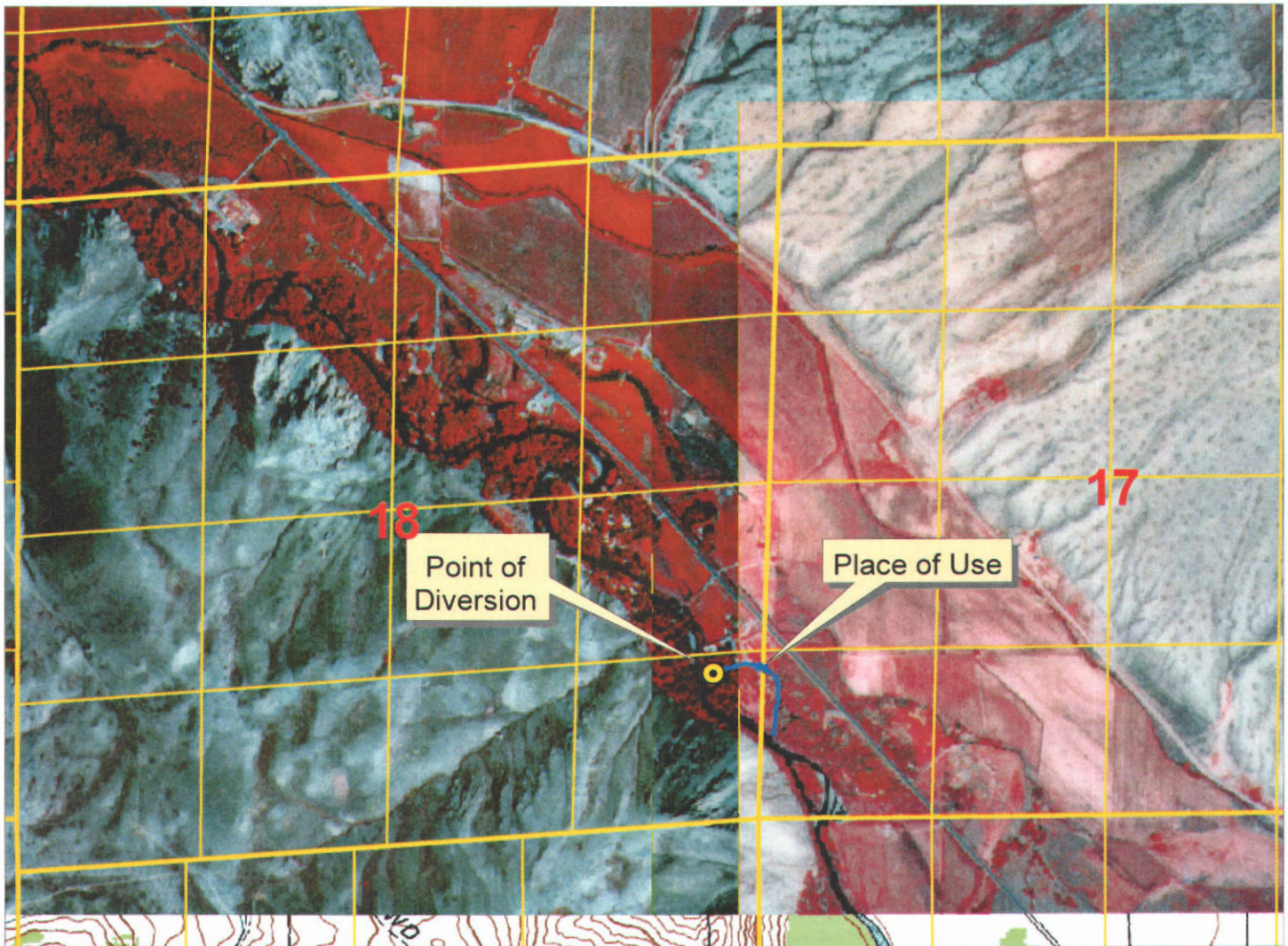


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JUL 23 2003

34-07431 -- Beneficial Use Exam

Township 07 North, Range 24 East



MICROFILMED
11/11/2003
34-07431 -- Beneficial Use Exam



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JUL 23 2003

34-07431



34-07431

8 6 '99

staff gauge at outlet.



Beaver dam in outlet channel.

The outlet has springs flowing into it & is a flood channel of the Big Lost River.

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23 2003

7 1 '99

34-07431



MICROFILMED

III 23 2003

34-07431



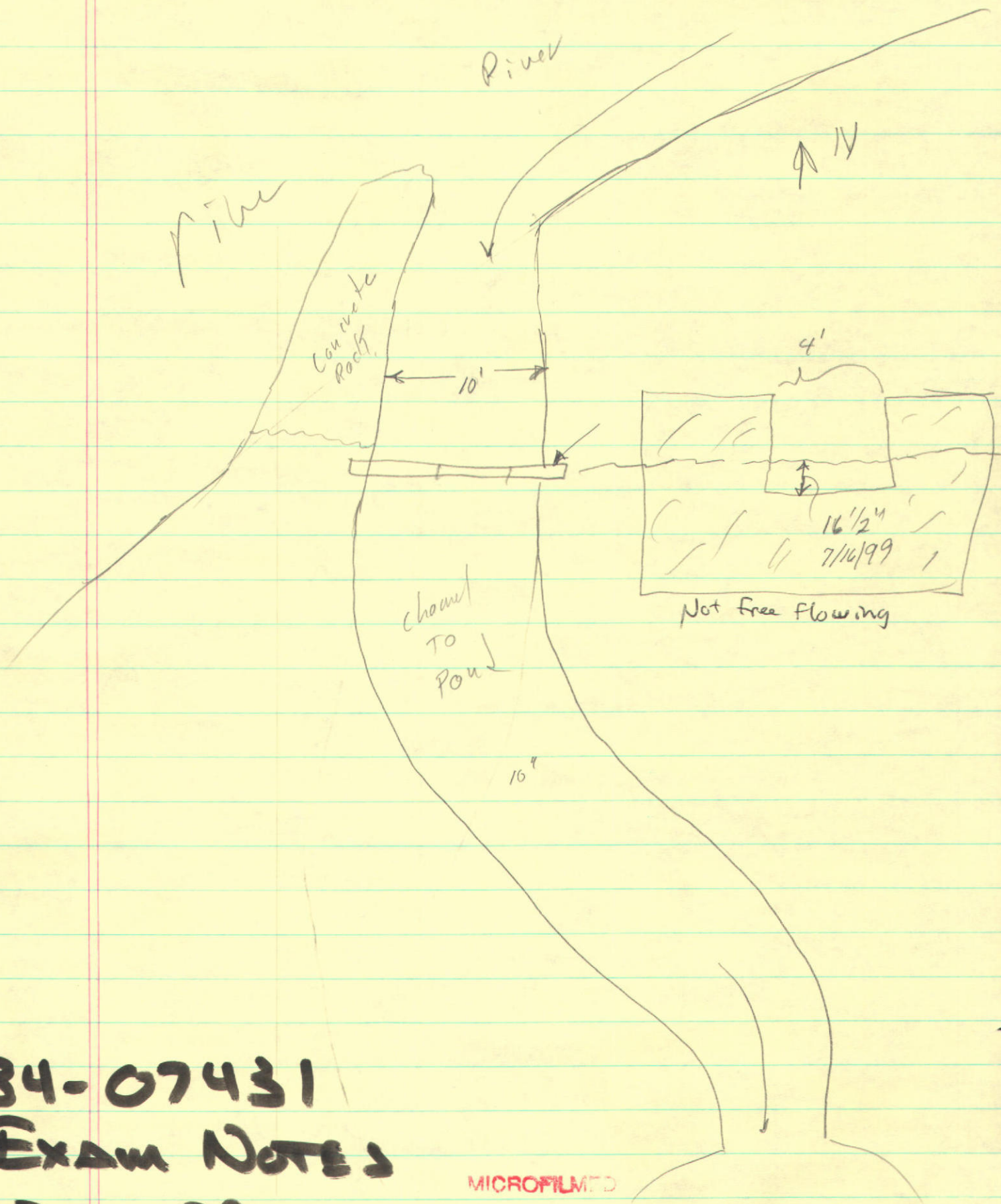












34-07431
Exam Notes
7-16-99

MICROFILMED

III 23 2003

50 Slips

St.
3

inlet
Chama
From
river

reading
1.7 11

Wier

Concave abt.

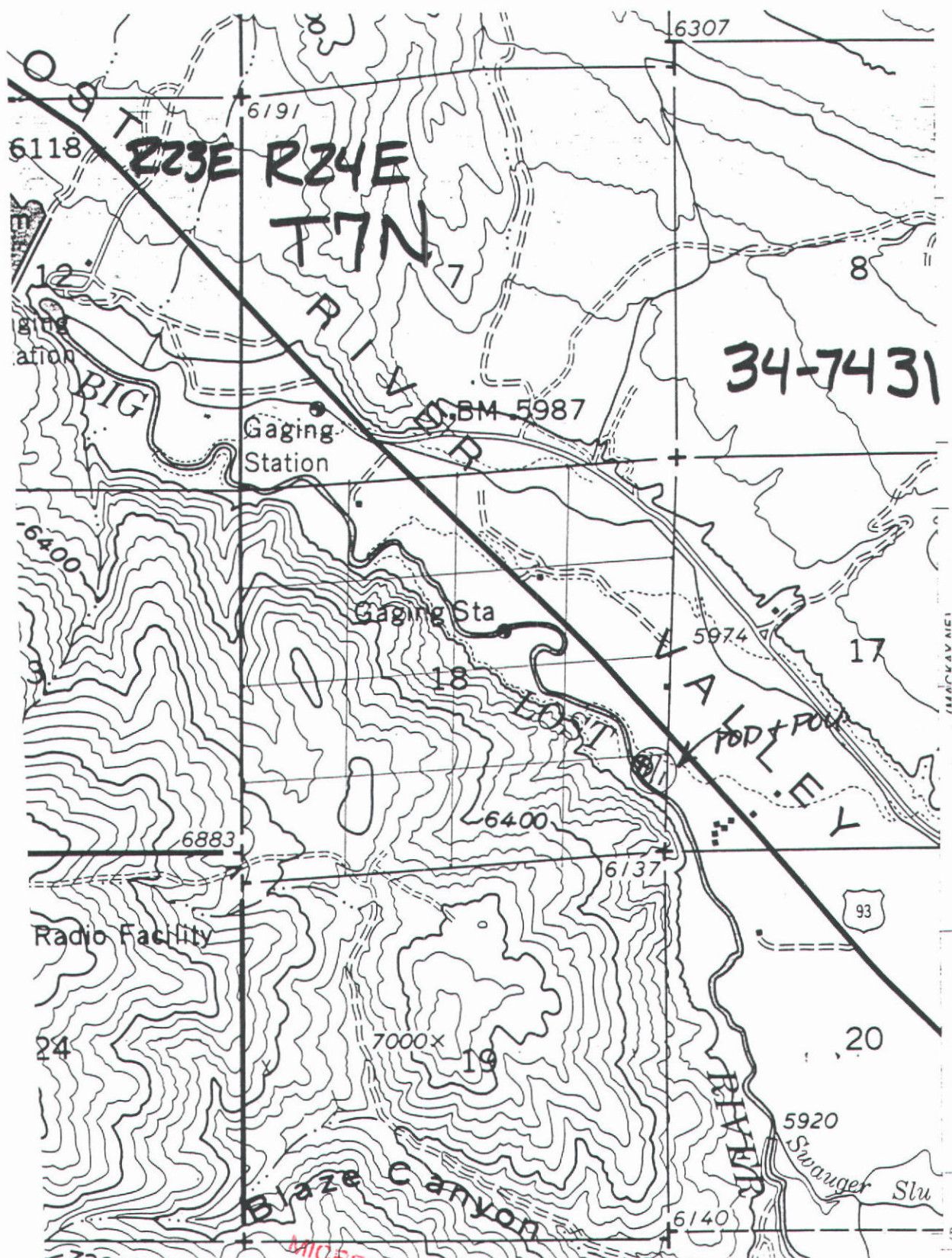
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16 Slips

MICROFILMED

JUL 23 2003

34-07431 - Exam Notes 7-16-99



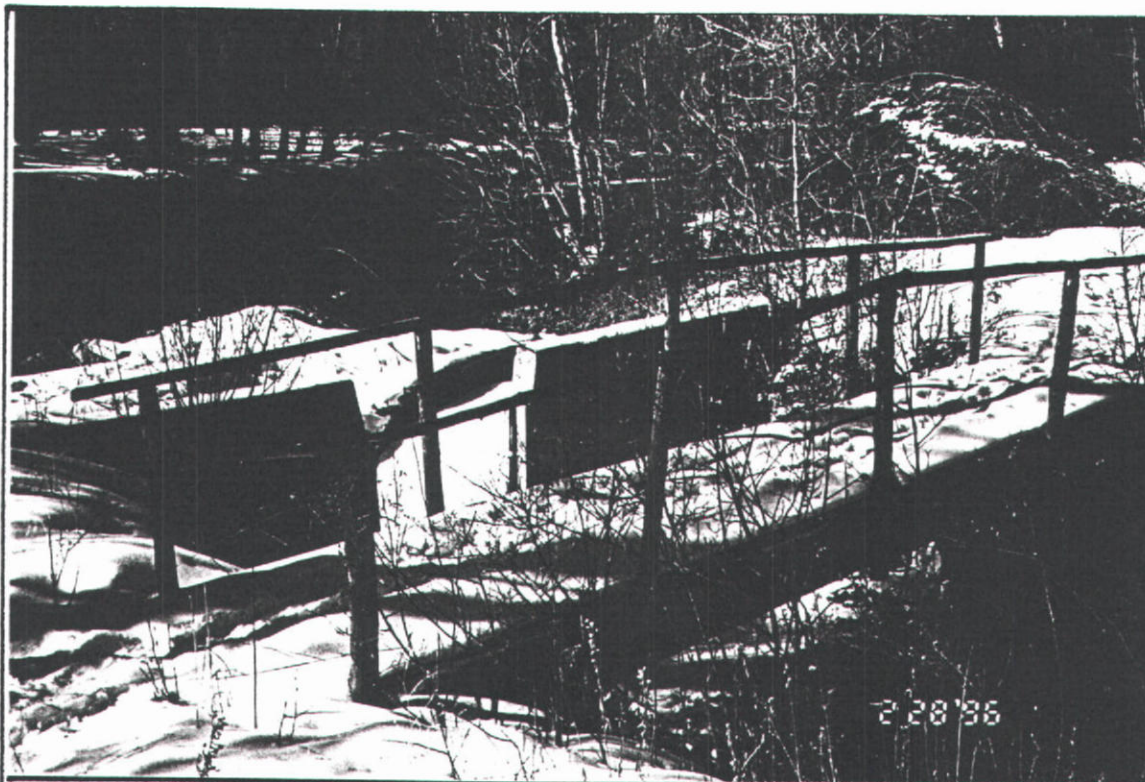
MICROFILMED
JUL 23 2003

GARY KIMBALL

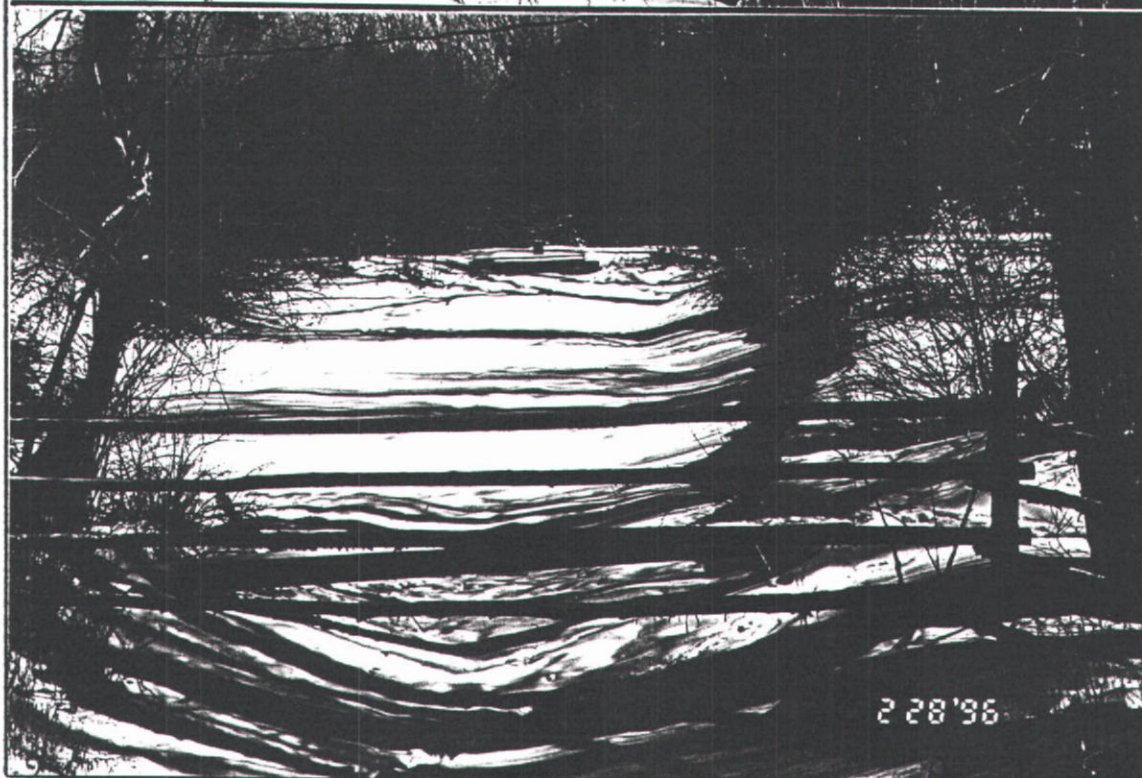
FISH PROP.

1 of 1

VIEW OF
POINT OF
DIVERSION
OFF BIG
LOST RIVER



FISH HOLDING
POND
CURRENTLY
DRY



MICROFILMED

JUL 23 2003

PERMIT
NUMBER

34-7431



in-flow



trout pond



out-flow total 450 ft.

34-7431

AITKEN, JOYCE D.

RIVER ACRES, BOX 25, MACKAY, ID 83251

Source: BIG LOST RIVER trib. to SINKS

Date Filed: 04/28/1983

Diversion Pt: SESE Sec 18 T 07N R 24E

Use: FISH PROP. (3.00 CFS)

In: SESE Sec 18 T 07N R 24E

34-7431

AITKEN, JOYCE D.
RIVER ACRES, BOX 25,
MACKAY, ID 83251

Source: BIG LOST RIVER
trib. to SINKS

Date Filed: 04/28/1983

Diversion Pt: SESE Sec 18 T
07N R 24E

Use: FISH PROP. (3.00
CFS)

In: SESE Sec 18 T 07N R 24E

The permit(s) will be
subject to all prior water
rights. Protests must be filed
with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before JUNE
1983.

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 34-07431

Priority: May 30, 1983

Maximum Diversion Rate:

0.78 CFS

Maximum Diversion Volume:

564.7 AF

This is to certify, that JOYCE D AITKEN

RIVER ACRES

PO BOX 25

MACKAY ID 83251

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 28, 1983; and has submitted Proof of Beneficial Use on September 25, 1985. An examination indicates that the works have a diversion capacity of 0.780 cfs of water from:

BIG LOST RIVER

tributary to SINKS

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>
RECREATION	01/01 to 12/31	0.78 CFS	564.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NESESE , Sec. 18, Township 07N, Range 24E
CUSTER County

PLACE OF USE: RECREATION

TWN RGE SEC

07N 24E 17

SWSW

18

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. A measuring device of a type approved by the Department shall be maintained at the point of diversion.

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 24th day of NOVEMBER, 2000.

MICROFILMED
JUL 23 2003

Acting for

KARL J. DREHER, Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07431

RECEIVED

NOV 24 2000

Department of Water Resources

Date of Priority: May 30, 1983

Maximum Diversion Rate: 0.78 CFS
Maximum Diversion Volume: 564.7 AF

Comes now JOYCE D AITKEN
RIVER ACRES
PO BOX 25
MACKAY ID 83251

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 34-07431, and requests that the permit be changed as follows:

Source: BIG LOST RIVER tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.78 CFS	564.7 AF

LOCATION OF POINT(S) OF DIVERSION: NESESE, Sec. 18, Township 07N, Range 24E
CUSTER County

PLACE OF USE: RECREATION

TWN RGE SEC

07N 24E	17	SWSW
	18	SESE

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

Signed at Mackay, Idaho, this 21 day of November, 2000.

Gary Kimball
MICROFILMED (Signature)

JUL 23 2003

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07431

FOR DEPARTMENT USE ONLY

Preliminary check by LWK Fee = \$50.00 Received by Jm # 051242 Date 11/24/00

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. 34-07431 with the following;

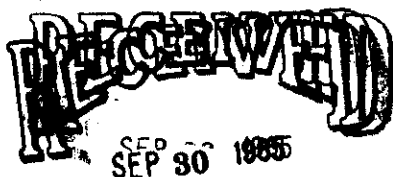
CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. A measuring device of a type approved by the Department shall be maintained at the point of diversion.

Witness my hand this 24TH day of NOVEMBER, 2000.

Karl J. Dreher
Acting for KARL J. DREHER, Director

MICROFILMED
JUL 23 2003



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE



SEP 25 1985

Department of Water Resources
Eastern District Office

The Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 34-7431

Name(s) of Permit Holder: Joyce D. Aitken

Post Office Address: P.O. Box 25 River Acres
Mackay, ID. Telephone No. 588-3034

Source of Water: Big Lost River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Fish Propagation

Indicate the date water was first diverted and beneficially used under this permit: * June 1970

Measuring Device: Required? ☒ Yes ☒ No will be installed by 1986 season
Installed? ☐ Yes ☐ No

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

Person to contact to accompany the Department representative during the field examination:

See above
(Name)

(Address)

(Telephone Number)

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

9-25-85
Date

Joyce D. Aitken
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

For Office Use Only
Fee Received <u>\$15.00</u>
Date <u>8-2-84</u>
Receipt # <u>34974 CCW</u>

RECEIVED
AUG 2 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Joyce D. AITKEN
(Name)

of BOYZE RIVER ACRES, Mackay
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 34-7431.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before April 30, 1984.

That he has heretofore performed the following work described under said permit: We have
(This must be filled out! If no work has been completed put none.)
installed fish and game approved input and output
steel grates for our fish propagation pond. Also
concrete bulkheads to control the high water that
has been a problem for the past two years Costing \$ 460.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
High water for the past two years has been the
main factor in delaying completion

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 30, 1986.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Joyce D. Aitken
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to July 1, 1986.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to May 30, 1983, pursuant to Sec. 42-218a, Idaho Code.

Signed this 7th day of August, 1984.

L. Glen Saxton
Chief, Operations Bureau

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Joyce D. Aitken Phone 588-3034

Post office address River Acres Box 25, Mackay, Idaho 83251

2. Source of water supply Big Lost River which is a tributary of Sinks

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 7N

Range 24E B.M. Custer County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.0 for Fish Prop. purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. At point of diversion concrete abutments with steel gratings. At outflow, concrete spillway with steel gate as per Fish & Game requirements

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 7N
Range 24E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

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

(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: Fish Propagation

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

9 Who owns the property at the point of diversion

9d Who owns the land to be irrigated or place of use

If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

applicant to make this filing

10. Remarks

[illegible]

Jesse D. Antkowiak
(Applicant)

Proposed Priority 4-28-83

Received by HWT Date 4-28-83 Time 11:43 am

Preliminary check by KCW Fee \$ 85.00

Receipted by HWT Date 4/28/83 # 28111

Publication prepared by BP Date 5/11/83

Published in Custer Publ. Co.

Publication dates 5/19 - 5/26/83

Publication approved CW Date 6-6-83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC KC SS

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. 34-7431, 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 July 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

1. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
2. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 34, Big Lost River.
4. Water used under this permit if discharged into a natural channel shall meet Idaho Quality Standards.
5. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.
6. Use of water under this permit shall be non-consumptive.

Witness my hand this 24th day of June, 1983.

J. Glen Saylor
Chief, Operations Bureau

No. 6-32-83

January 20 1983

PRIVATE FISH POND PERMIT

As provided for in Chapter 7, Title 36, Idaho Code, a Private Fish Pond Permit is hereby issued to:

NAME OF PERMITTEE: Joyce Aitken
(Individual or Organization)

ADDRESS: Box 25 Mackay, Idaho 83251

To establish and/or maintain a private fish pond(s) on property:

☒ Owned by operator,

Leased from _____
Name

Address

Utilized under cooperative agreement with

Landowner

Address

Water Source: River diversion On Big Lost River
(Spring, stream diversion, well, etc.) (Watershed where located)

Discharge Flow: 3 Into Big Lost River
(CFS) (Stream or Lake)

County Custer Township 7N Range 24E Sec. 18 Qtr. Sec. E4

Description of fish pond(s) and location as to direction and distance from definite landmark: The pond is located 1.7 miles north of Mackay on Highway 93 and between Highway 93 and the Big Lost River.

Species of Fish: Rainbow Source of Fish: Dick Smith
Mackay, Idaho

I, the undersigned applicant, understand and accept the provisions of the Idaho Code contained on this application.

Joyce Aitken
Signature of Applicant

Title and Organization

19 Jan '83
Date
Jerry L. William
Approved By

IDAHO DEPARTMENT OF FISH AND GAME
Jerry M. Conley, Director

By Don Wright
Date 1/24/83

THIS PERMIT EXPIRES ON DECEMBER 31
NEXT FOLLOWING DATE OF ISSUANCE.

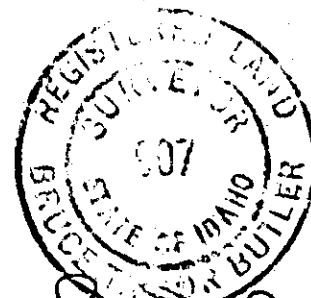
POOR QUALITY ORIGINAL

TOTAL TRACT
PROPERTY DESCRIPTION

FOR JOHN DYER *conveyed to*
Joyce B. Cather

A parcel of land located in part of the SE $\frac{1}{4}$ of Section 18, Township 2 North, Range 24 East of the Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at a steel pipe marking the northeast corner of the SE $\frac{1}{4}$ of said Section 18; thence along the easterly boundary of said Section 18 N 1° 03' 32" E 133.07 feet (Record shown to be N 2° E. 109.33 feet) to a point on the westerly right-of-way boundary of U.S. Highway 93; thence along said Highway boundary N 41° 27' 46" W 168.25 feet (Record shown to be N 41° 31' W 168.25 feet); thence S 63° 33' 14" W 425.00 feet (Record shown to be S 63° 30' W 325 feet) to a point on the East shore bank of the Big Lost River at normal water level; thence along said approximate East shore S 13° 56' 58" E 488.00 feet (Record shown to be S 9° E 447 feet); thence along said approximate East shore S 59° 45' 37" E 417.26 feet (Record shown to be S 55° E 400 feet) to a point on the westerly boundary of said Section 18; thence N 1° 03' 32" E 114.00 feet (Record shown to be N 2° E 580 feet) to the REAL POINT OF BEGINNING.



B. Butler
6-6-77

John Dyer
Joyce B. Cather

WARRANTY DEED

For Value Received John B. Dyer and Irma Dyer, husband and wife

the grantor, do hereby grant, bargain, sell and convey unto Joyce D. Aitken, a married woman, as her sole and separate property.

the grantee, whose current address is 150 Alma St. Menlo Park, Calif.

the following described premises, in Custer County Idaho, to-wit:

EXHIBIT "A" ATTACHED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

POOR QUALITY ORIGINAL

STATE OF IDAHO, COUNTY OF

On this 26th day of October, 1917, before me, a notary public in and for the said State, personally appeared

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Custer County Title

at this 13 minutes past 2 o'clock P.M., day of Nov

INSTRUMENT

Description:

Beginning at the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho; thence North 2° East 109.33 feet; thence North 41°31' West, 168.25 feet along the Westerly line of U. S. Highway 93 Alt; thence South 63°30' West, 325 feet to the East Shore Bank of the Big Lost River at normal water level; thence South 9° East, 447 feet along the East shore line of the Big Lost River; thence South 55° East, 400 feet along the Southeasterly Bank of the Big Lost River to the East line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 2° East along said East line 580 feet to the Point of Beginning, EXCEPTING THEREFROM the following three parcels of land:

Parcel No. 1

A parcel of land located in part of the SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at a steel pipe marking the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18; thence North 68°47'43" West, 161.58 feet; thence South 61°08'52" West, 116.10 feet to the REAL POINT OF BEGINNING; thence South 03°18'11" East, 74.28 feet; thence South 53°40'10" West, 71.26 feet; thence North 40°06'33" West, 77.80 feet; thence North 61°08'52" East, 117.88 feet to the Real Point of Beginning.

Parcel No. 2

A parcel of land located in part of the SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at a steel pipe marking the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18; thence North 68°47'43" West, 161.59 feet; thence South 61°08'50" West, 233.98 feet to the REAL POINT OF BEGINNING; thence South 61°08'52" West, 103.46 feet to a point on the Easterly bank at the normal water level of the Big Lost River; thence South 13°56'58" East, 122.41 feet along said river bank; thence North 34°29'50" East, 66.96 feet; thence North 53°40'10" East, 91.10 feet; thence North 40°06'33" West, 77.80 feet to the Real Point of Beginning.

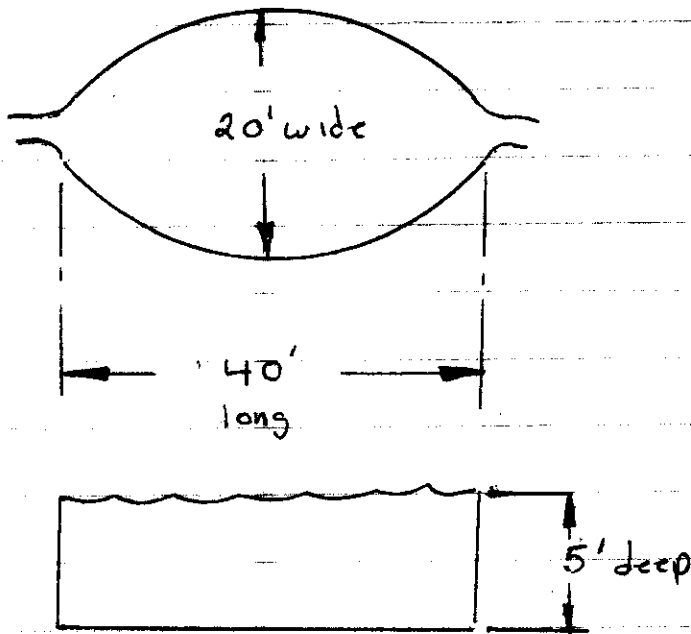
POOR QUALITY ORIGINAL

Parcel No. 3

A parcel of land located in part of the SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at a steel pipe marking the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18; thence North 68°47'43" West, 161.58 feet to the REAL POINT OF BEGINNING; thence South 61°08'52" West, 116.10 feet; thence South 3°18'11" East, 74.28 feet; thence North 63°43'17" East, 76.00 feet; thence South 68°20'28" East, 31.07 feet; thence North 0°12'19" East, 108.00 feet to the Real Point of Beginning.

Trout Pond dimensions



Approximate water holding capacity - 2000 cubic Feet

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. MARGARET PARIS.....

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for ²

consecutive weeks, commencing with the issue dated MAY 19.....

19..⁸³ and ending with the issue dated MAY 26..... 19..⁸³

.....Margaret Paris.....

Subscribed and sworn to before this 27th day of May.....

19..⁸³

.....Evel M. Pick.....

Notary Public, residing at Challis, Idaho. My commission expires on

.....1/26/86.....

RECEIVED

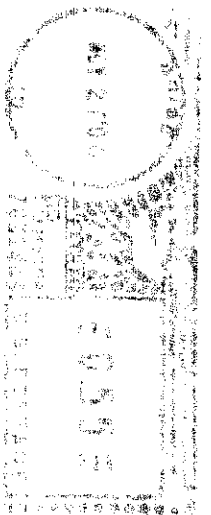
MAY 31 1983

Department of Water Resources
Eastern District Office



FILED

12.4.00 - Phone Conversation w/ Gary
Simball. He said Mr. Aitken
is deceased. He will send
change of ownership m & fee.
Kef.



RECEIVED

DEC 01 2000

Department of Water Resources

MICROFILMED

DEC 11 2000

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St.

P.O. Box 83720

Boise, ID 83720-0098

(208) 327-7900

JOHN D. AITKEN
RIVER ACRES
BOISE, ID
IDAHO

ID 83251



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

November 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOYCE D AITKEN
RIVER ACRES
PO BOX 25
MACKAY ID 83251

RE: WATER RIGHT NO. 34-07431

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

cc: Gary Kimball

MICROFILMED

JUL 23 2003

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of November, 2000, 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. 34-07431

JOYCE D AITKEN
RIVER ACRES
PO BOX 25
MACKAY ID 83251


Kari Lynn Townsend
Secretary

MICROFILMED

JUL 23 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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JUL 23 2003

FINAL ORDER

The Director 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 Director 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.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 2000

RE: Permit No. 34-07431

Joyce D Aitken
C/o Gary Kimball
PO Box 273
Mackay ID 83251

Dear Water Users:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the place of use developed is in a location other than what was described on your permit. Our examiner also stated that the water use has changed from the permitted use. He found the water used to be described as recreational use rather than fish propagation. Therefore, before a license can be issued, this permit must be amended to depict the water right as it was actually developed.

The enclosed Application for Amendment form depicts the place of use and other information, as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented please sign the form and return it with the \$50.00 filing fee within 14 days. Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

In a review of our records, we have also found that a claim has not been filed on this permit in the Snake River Basin Adjudication (SRBA). A claim is required for all water rights that proof of beneficial use was submitted prior to November 17, 1987. The proof of beneficial use for this permit was submitted on September 25, 1985. If a license is issued on this permit and no claim has been submitted in the SRBA the water right may be lost even if licensed. Please contact our Eastern Regional Office in Idaho Falls at 525-7161 to get information about filing a claim on this permit.

If you do not concur with the above information, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7944.

Sincerely,

Kay Walker
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Ernest Carlsen, IDWR, Eastern Region SRBA

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JUL 23 2003

LICENSE REVIEW CHECKLIST

Permit No. 34-07431

Date: 11-14-2000

Reviewer: Kay Walker

Change/OK

*new owners do not know where Mrs. Aitken
10-see memo of 2/19/99*

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

add p/u

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 3.0 cfs
Fee Limit 3.0 cfs
Measured 0.78 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.78

Water Uses

change Change (P46)

Season of Use per new Standards

N/A

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Rec. 0.78 cfs 564.7 af
Total _____ cfs _____ af

~~Irrigation - overlap (R58-R61, R62-R65, R66-R69)~~
~~supp. Gw (WB7/065/104)~~
~~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)~~ *inactive*
~~Water Quality (081/087)~~ *NO*
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

0.78 cfs x 1.9835 x 365 days = 564.7 af (vs) _____ acres x 3.5 (FHR) = _____ af
2.5 cons

Remarks:

027, 1060

Additional Conditions

YES Watermaster Control 34
YES GW Measurement Measuring Device
Other _____
~~Trust (052/R55 - remove 051)~~
~~Non-trust (048/049)~~

GW Dist? _____
Water Mgmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

NO - req'd but not submitted

Adjust memo

Amend Letters

P41, P44, P87, S06

Second Amendment Notice *P44*

S06

** special letter re: SRBA filing*

RECEIVED

OCT 10 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATIONPermit No.: 34-074311. Owner: Joyce D. AitkenPhone No.: (208) 588-3080Current Address: c/o Gary Kimball, Post Office Box 273, Mackay, Idaho 832512. Accompanied by: Linda KimballExam Date: 7/16/99Address: Same

Phone No.: _____

Relationship to Permit Holder: New Owner3. Source: Big Lost RiverTributary to: Sinks**B. OVERLAP REVIEW**1. Other water rights with the same place of use: None2. Other water rights with the same point of diversion: None**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident. No.	Gov't Lot	¼	¼	¼	SEC	TWP	RGE	County	Method of Determination/Remarks
		NE	SE	SE	18	07N	24E	Custer	

2. Place(s) of Use:

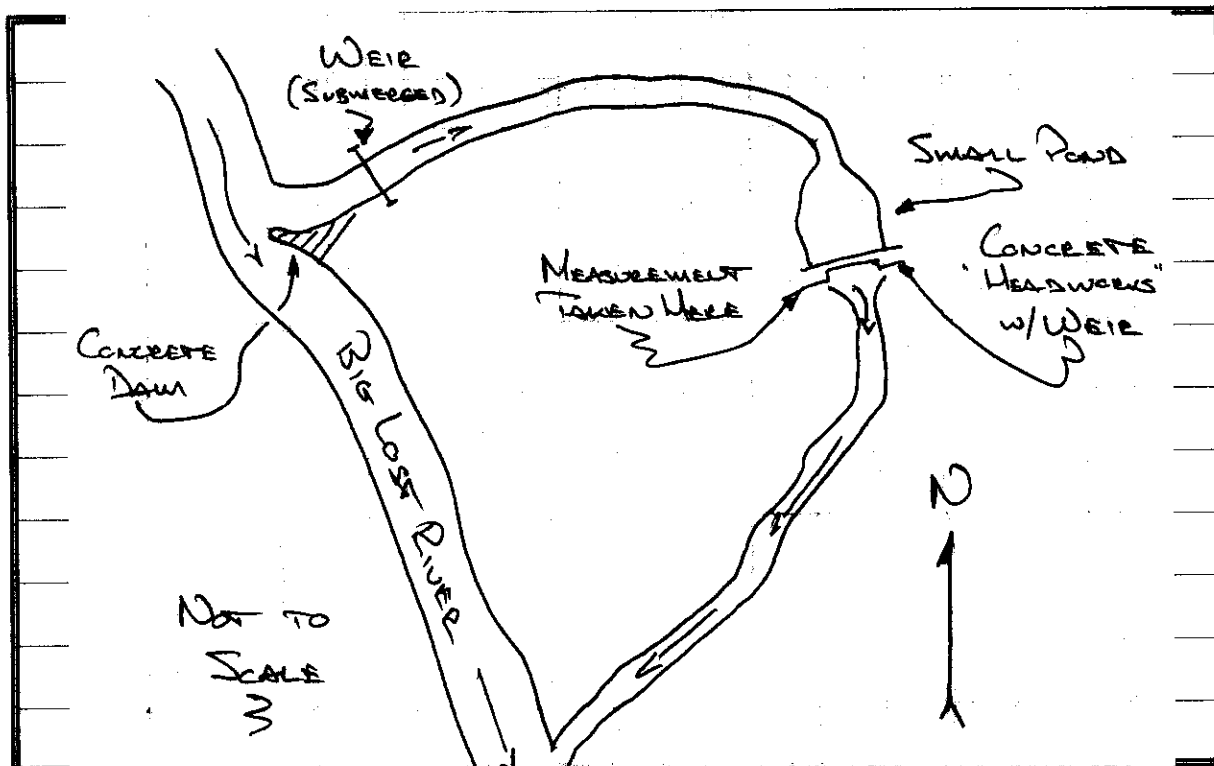
Indicate Method of Determination: Onsite examination, GPS

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	17											R						
		18																R	

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



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial photo attached (required for irrigation of 10+ acres)

☒ Photo of diversion and system attached

4. Diversion System Specifications

Well or Diversion Ident. Number*	Motor Make	Horse-power	Motor Serial Number	Pump Discharge Number or Discharge Size
N/A				

*Code to correspond with number on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model Number	Serial Number	Size	Calibration Date
Rectangular weir					4'	

2. Measurements: Examiner measured 1.7" of head across 4' weir on downstream side of small pond.

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JUN 23 2003

E. NARRATIVE/REMARKS/COMMENTS

– Concrete diversion in Big Lost River to ditch to pond for recreational use. There were two measurement weirs in place at the time of the exam, but the upstream weir was submerged so no accurate reading could be taken at that point.

– Per measurements taken by Dennis Dunn on 07-01-1999, the pond measures approx. 150' in length x 54' wide. Estimated depth is 5'. Total volume is approx. 0.47 AF. As total volume is considerably less than what the measured flow (0.78 cfs) would fill in a 24-hour period, no storage component is needed as part of this right.

– Please note that Proof of Beneficial Use was filed prior to the commencement of the Snake River Basin Adjudication. However, IDWR has no record of a Notice of Claim to a Water Right on file. It is recommended that the present owners file a Notice of Claim as soon as possible.

– Property is now owned by Gary and Linda Kimball. An Assignment of Permit or Change of Ownership will need to be filed with IDWR.

– Three field investigations have taken place on this permit. The first was conducted 04-24-1995 by Don Simpkins, the next on 07-01-1999 by Dennis Dunn and the final on 07-16-1999 by Lee Simmons. Dennis Dunn was again onsite on 08-06-1999 to collect some photographs. Copies and originals of these exams have been attached to this exam for reference. Please note that no evidence of fish propagation was found by any of the examiners. However, there is ample evidence to indicate that recreational use of the system has taken place over the years. I recommend amending the right to show recreational use instead fish propagation as originally permitted.

– Please note additional place of use. Amend place of use as shown to add SWSW 17-07N-24E.

– GPS data collected at site of measurement on 07-16-1999 by Lee Simmons.

Have the conditions of the permit been met? ☒ yes

~~NO~~ MICROFILMED

JUL 23 2003

F. FLOW CALCULATIONS

Measured Method:

Additional computation sheets attached

- Examiner measured 1.7" over the 4' wier on the downstream side of the small pond 07-16-99.
- Per Water Measurement Handbook (Larsen, 2/76), 1.7" equal 0.776 cfs over 4' rect. contracted wier.

Allow 0.78 cfs for Recreation

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

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

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

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

2. Volume Calculations for Other Uses:

$(150' \times 54' \times 5') / 2 = 20250 \text{ cubic feet}$

$20250 \text{ cubic feet} / 43560 = 0.465 \text{ AF} = \sim 0.47 \text{ AF}$

Please note that $0.78 \text{ cfs} \times 1.9835 = 1.55 \text{ AF}$ that can be filled in 24 hours. Total volume of pond is significantly less, thus no storage component is needed for this right.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1-Jan	31-Dec	0.78 cfs	
Totals:			0.78 cfs	

2. Recommended Amendments

☐ Change POD as reflected above ☐ Add POD as reflected above ☐ None
☐ Change POU as reflected above ☒ Add POU as reflected above ☒ Other (See Remarks)

I. AUTHENTICATION

Field Examiner: LEE SIMPSON

Date: 10-5-2000

Reviewer: _____

Date: _____

SEAL

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JUL 23 2003



Plate 1: Diversion dam at point of diversion.



Plate 2: Headworks at point of diversion looking downstream towards pond.

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JUL 23 2003

34-07431



Plate 3: Weir and outlet at pond.



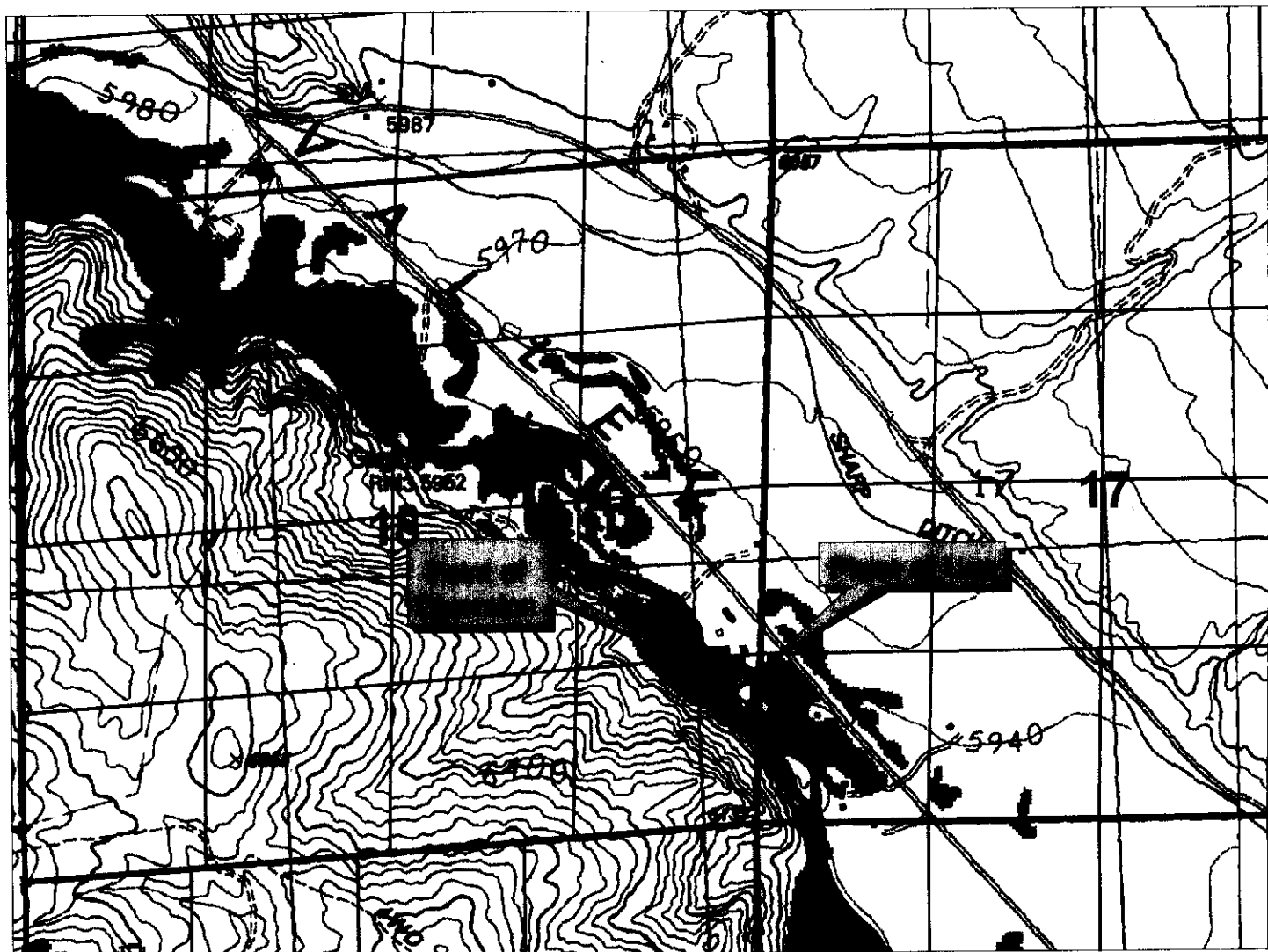
Plate 4: Pond looking upstream from weir showing staff gauge and Frisbee.

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JUL 23 2003

34-07431

Township 07 North, Range 24 East



0.5 0 0.5 1 Miles

1:16000

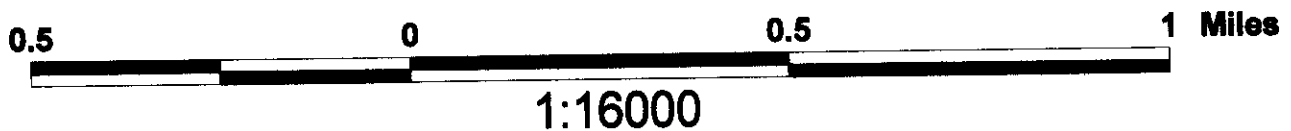
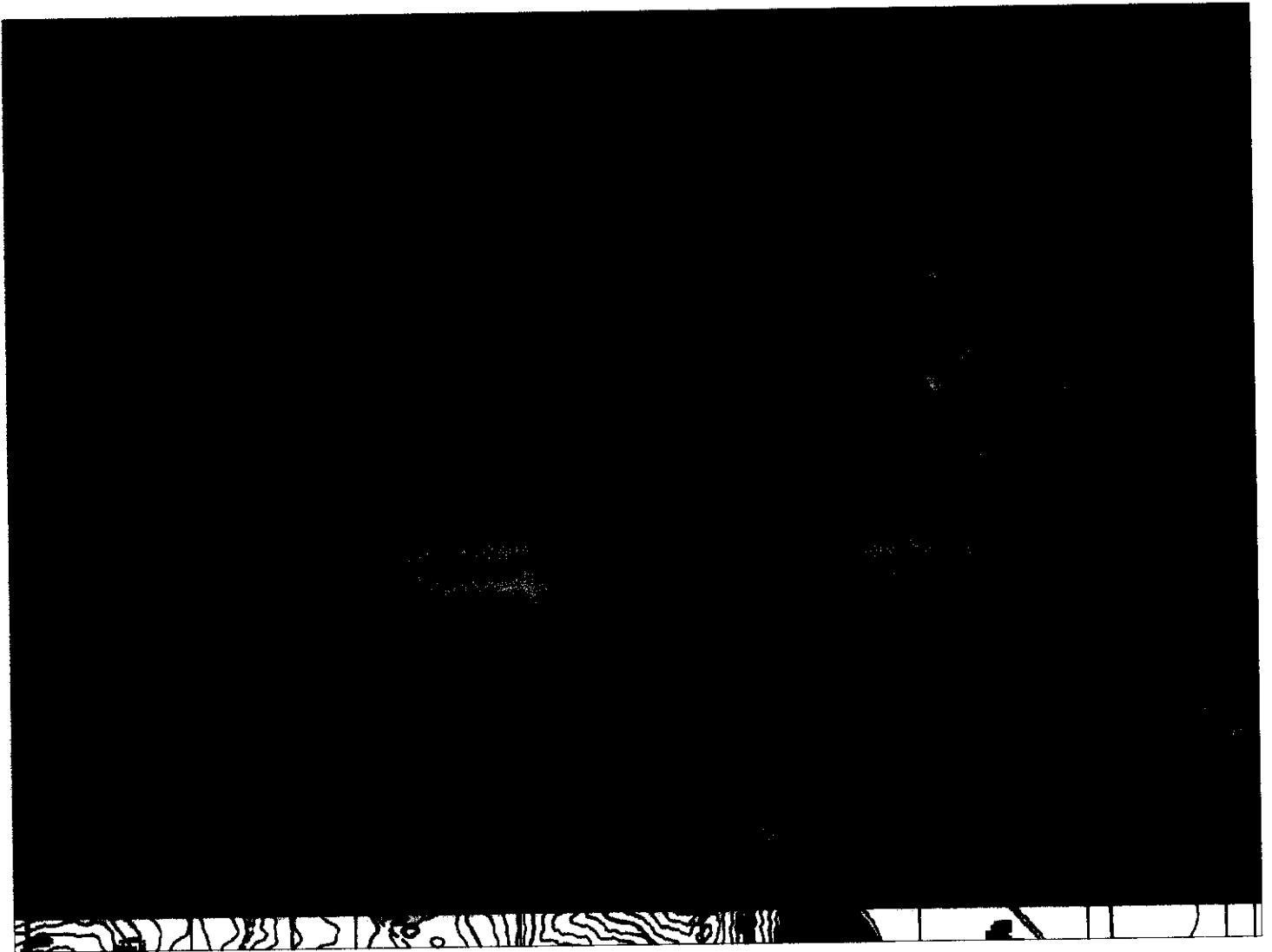


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JUL 23 2003

34-07431 -- Beneficial Use Exam

Township 07 North, Range 24 East



MICROFILMED

34-07431 -- Beneficial Use Exam

Field Exam 34-07431

July 6, 1999

On July 1, 1999 I re-examined 34-07431: There was water flowing through the pond from the Big Lost River. It appears that the pond is an area that has been excavated in an old flood channel of the river. According to Mr. Kimball the channel does not carry water when the gage below the Mackay dam is 1.0 feet or lower.

The channel from the point of diversion to the point that the water re-enters the river is 600 feet in length. Immediately below the pond an unnamed spring/ creek enters the channel from the east. There is visual evidence that there are two other small springs that also enter the channel below the pond on the east bank. There are two flood channels below the pond that carry water during flood stage. There are two beaver dams in the channel below the fish pond. These are not on ground that Mr. Kimball owns and do not appear to be active.

The pond is 150 feet long, 54 feet wide, and 5 feet deep at the deepest point. There is a headgate that the watermaster can control. However due to the configuration of the channel (width and meander) I don't believe that it is possible to install a measuring device.

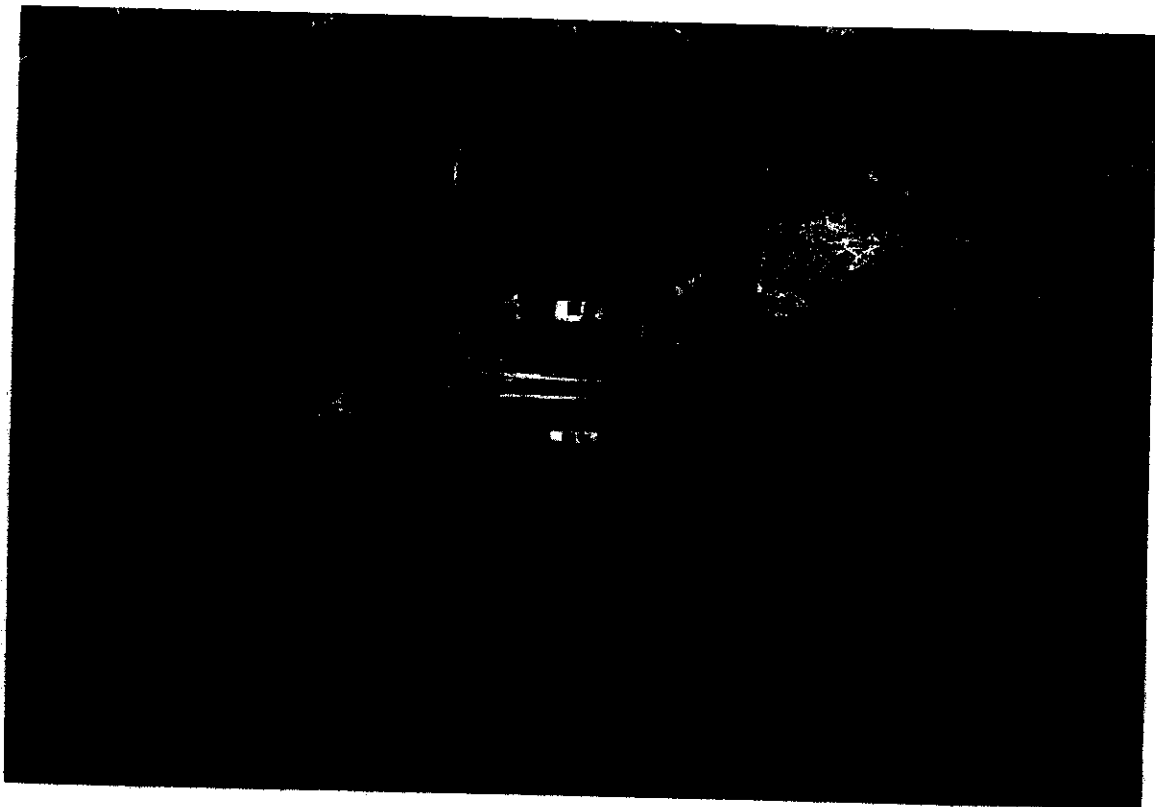
I recommend the department issue a license for 34-07431 for the full amount of the permit. I do not think the department should require a measuring device. The channel is going to carry water with or without the pond in place and the springs below pond are going to flow in the lower portion of the channel.

Dennis M. Dunn

MICROFILMED

23 2003

34-07431



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III 23 2003

34-07431

34-07431



staff gauge at outlet.



Beaver dams in
outlet channel.

The outlet has springs
flowing into it & is
a flood channel of
the Big Lost River.

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23 2003

34-07431



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III 23 2003 34-07431

34-07481 Exam by
LEE SIMMONS

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

Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

MICROFILMED

JUL 23 2003

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MICROFILMED
JUN 23 2003

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name _____ Date _____

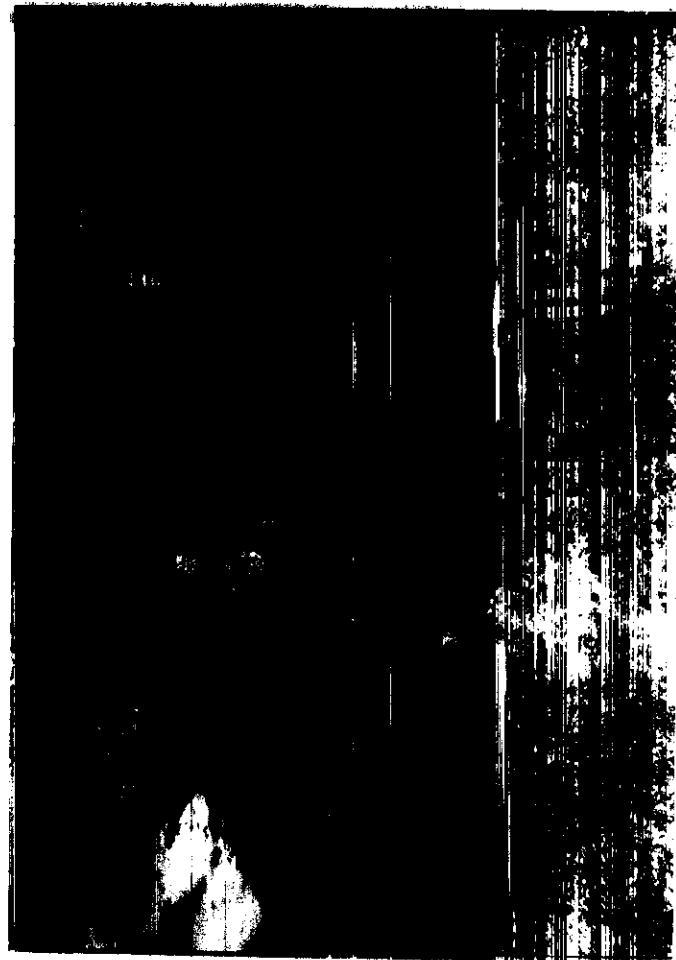
Reviewer _____ Date _____

SEAL

MICROFILMED

JUL 23 2003











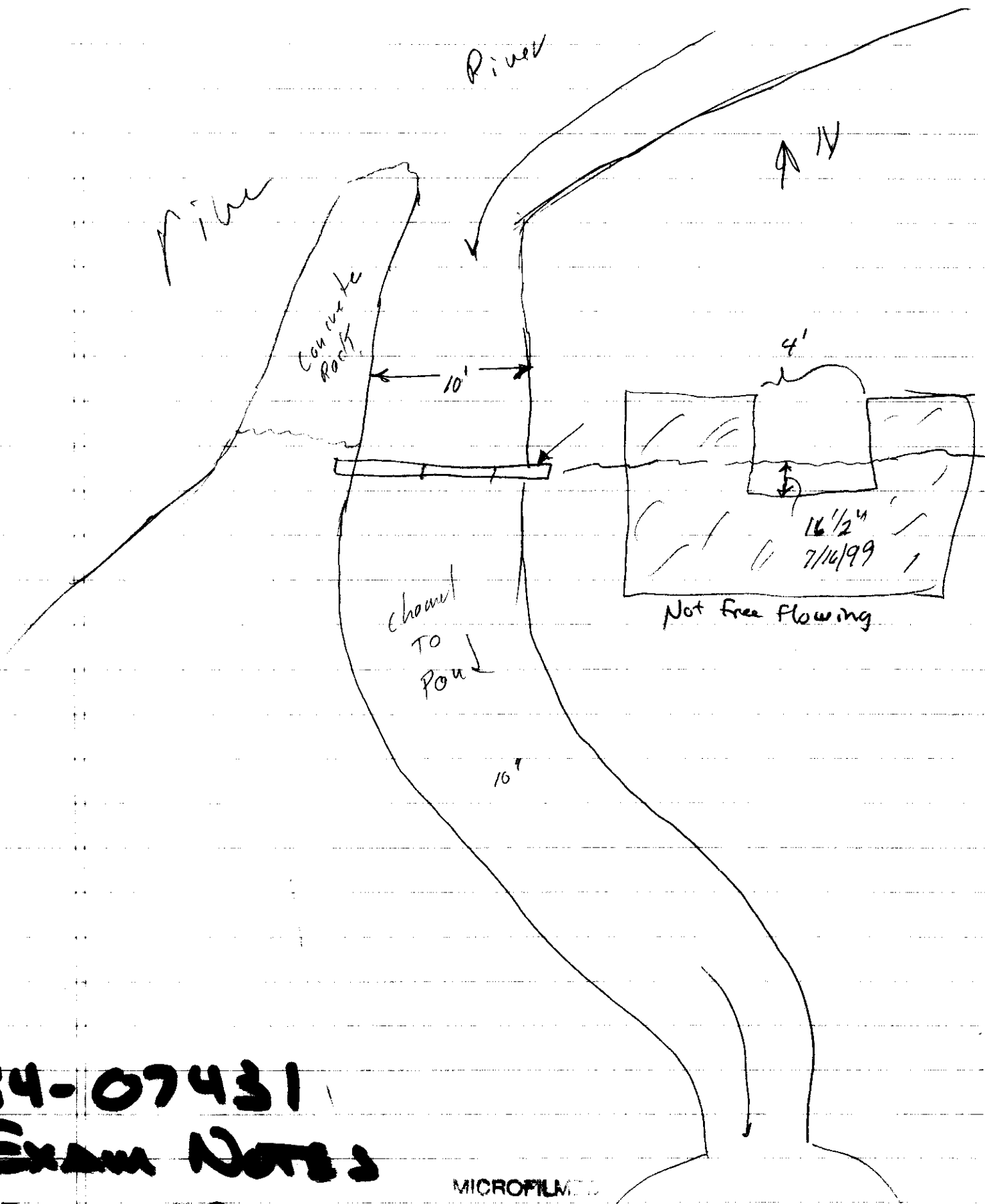


Exam Photos

7-16-1999

MICROFILMED

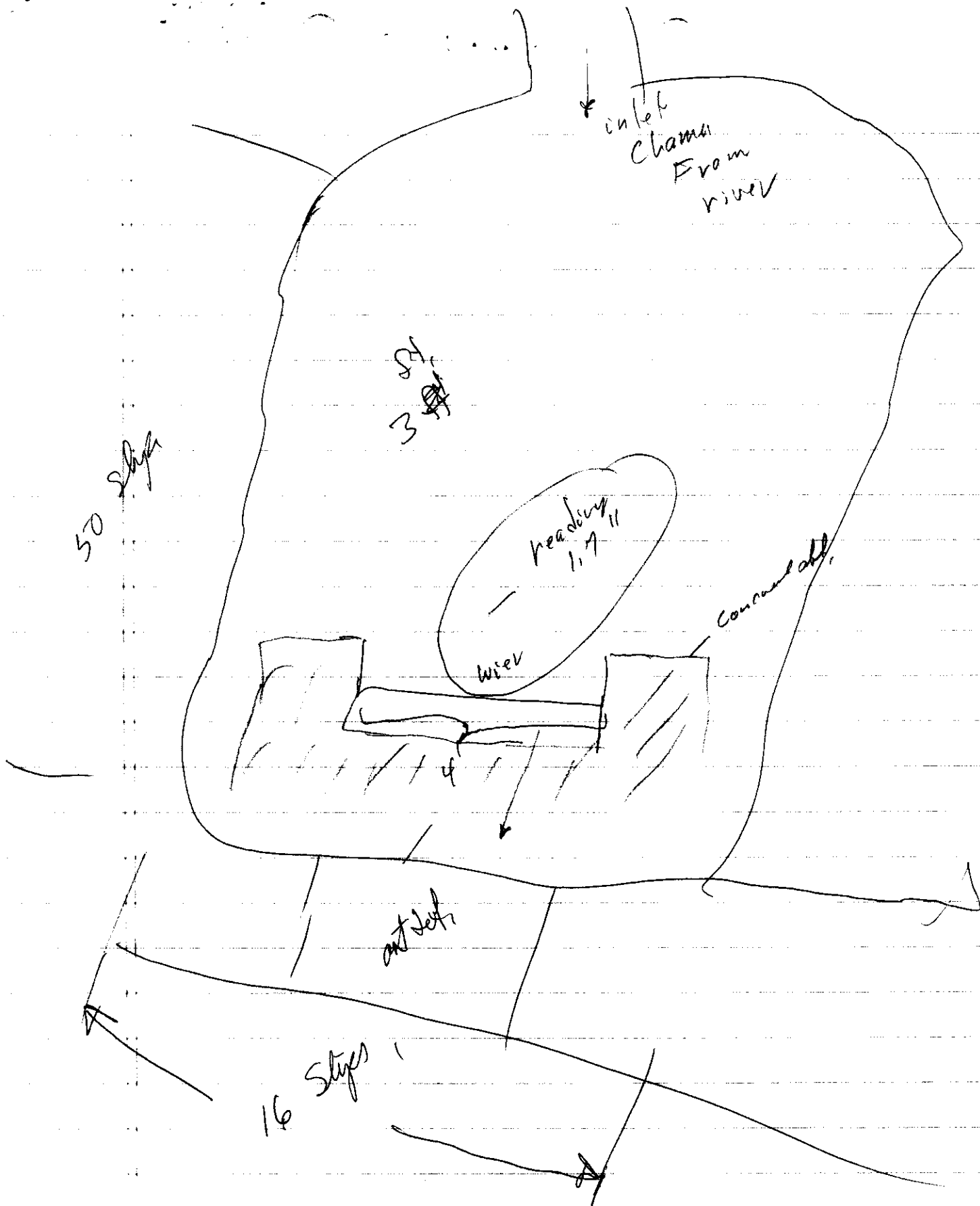
JUL 23 2003



34-07431
Exam Notes
7-16-99

MICROFILMED

1991 2 3 2000



MICROFILMED

111 23 2003

34-07431 - Exam Notes 7-16-99

Keen, Shelley

From: Meyer, Paul
Sent: Wednesday, September 20, 2000 3:08 PM
To: Keen, Shelley
Subject: Status on 34-07431...

Hi Shelley,

I spoke briefly with Skip about 34-07431. Seems there has been NO claim filed in the SRBA on this right. Proof was submitted in 1986. A note to the file dated 8-1-1990 by Scott King indicates that Scott gave the present owner at the time (Ron Robinson?) the forms to file a Notice of Claim, but it was never followed thru on.

I'll write this one up as a recreational pond, but the Kimballs need to get in an late SRBA claim into the district court in Twin Falls ASAP. They might even want to contact Don Shaff personally to find out if it's even possible. I'm afraid if they don't, the right may be toast.

FYI, we're dead in the water over here as far as the VAX is concerned. Lost another drive, so WR research is a "no go". It'll be next week before I can get it out to you.

--Paul

|

MICROFILMED
JUL 23 2003

MEMORANDUM

DATE: February 19, 1999

TO: Skip Jones

FROM: Shelley W. Keen ^(SWK)

RE: Examination for Permit 34-07431

Thanks for agreeing to take another look at file 34-07431. As we discussed, Gary Kimball responded to my 2/10/99 letter by calling and agreeing to work with someone from your office to get a field examination completed.

Mr. Kimball believes there was a beneficial use of water developed under this permit. From his description, it sounds more like aesthetic or recreation purposes than commercial fish propagation. I think your idea about contacting the watermaster for additional verification is an excellent one.

Mr. Kimball is expecting someone from your office to contact him right away at his home phone (208-588-3080) or at his wife's (Linda Kimball) work phone (208-588-3311). Mr. Kimball is aware that if the field exam does not happen by this spring, or if no record of a beneficial use can be established, the permit will be voided.

Mr. Kimball told me that Joyce Aitken, the original permit holder, is not around to assign the permit to him. I told Mr. Kimball he can submit an ownership change notice if/when the right is licensed.

MICROFILMED
JUL 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1501 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



PRESENTED
FIRST CLASS

BOISE
FEB 10 '99
ID

U.S. POSTAGE
0.243

PE METER
6711893

AUTHORIZED TIME FOR FORWARDING HAS
EXPIRED.

JOYCE AITKEN
PO BOX 25
MCKAY ID 83251

File 34-0743/

MICROFILMED

JUL 23 2003

RECEIVED
FEB 16 1999

Department of Water Resources





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

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY & LINDA KIMBALL
PO BOX 273
196 E WHITEKNOB
MACKAY ID 83251

RE: Water Right No. 34-07431

Notice of Pending Order to Void Permit

Dear Mr. Kimball:

On September 25, 1985, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by Joyce Aitken for Permit 34-07431, which authorized the diversion of water from the Big Lost River for fish propagation purposes in Section 18, Township 7 North, Range 24 East, B.M., in Custer County. I am writing you because I was informed by IDWR staff in Idaho Falls that you now own the property where the water development was to have occurred.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development. On more than half a dozen occasions since 1987 IDWR personnel attempted to contact the current property owner by telephone and in person to schedule a time for conducting an examination. In 1995 and 1996 IDWR staff contacted you in an effort to schedule a time to conduct the required examination, but there is no record that you responded to the requests.

If you believe a water right was developed in accordance with the permit, please contact me to make arrangements for a field examination to be conducted on your property. If I do not hear from you within thirty days, I will assume you no longer have any interest in establishing a water right, and I will take action to void the permit.

Please contact me by telephone at 208-327-7946 or by mail at the address on the letterhead.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Cc: ~~Joyce Aitken~~
Eastern Region



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

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY & LINDA KIMBALL
PO BOX 273
196 E WHITEKNOB
MACKAY ID 83251

RE: Water Right No. 34-07431

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Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Cc: Joyce Aitken
Eastern Region

MICROFILMED
JUN 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 21 1998

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 34-074311. Owner: NEW OWNER PRIOR OWNER
GARY KIMBALL JOYCE D. AITKEN Phone No. (208) 588-3080Current Address: PO. Box 273, MACKAY, IDAHO 83251
196 E. White Knob2. Accompanied by: N/A EXAM DATE: 4/24/95Address: N/A Phone No. N/ARelationship to Permit Holder: N/A3. Source: BIG LOST RIVER tributary to SINKS**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	SE	18	7N	R24E	CUSTER	U.S.G.S. ORTHOPHOTO/TOPO MAP

2. Place(s) of Use:

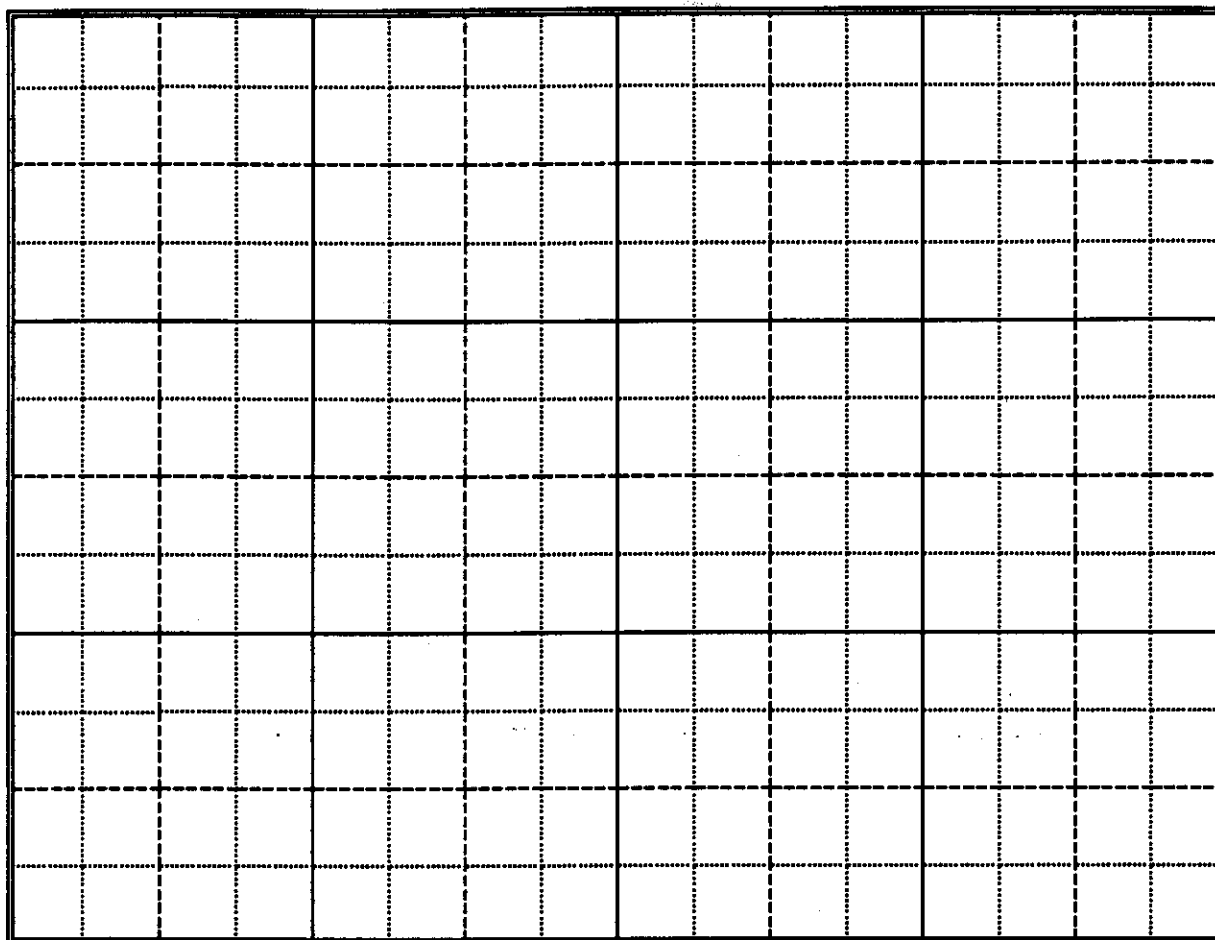
Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	24E	18																H	

MICROFILMED

JUL 23 2003

3. **Delivery System Diagram:**  Date all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable. *SEE MAP + ATTACHMENTS*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: NONE

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JUL 23 2003

E. NARRATIVE/REMARKS/COMMENTS

I HAVE MADE SEVERAL ATTEMPTS TO CONTACT ORIGINAL PERMITEE WITH NO SUCCESS (CRATER COUNTY COURTHOUSE, U.S. POST OFFICE, POWER COMPANY). I WAS ADVISED THAT PROPERTY HAD SOLD TO RON ROBINSON AND SUBSEQUENTLY HAS BEEN SOLD TO GARY & LINDA KIMBALL. MRS. KIMBALL WORKS AT LOST RIVER RURAL ELECTRIC. I HAVE CONTACTED MRS. KIMBALL SEVERAL TIMES OVER THE SUMMER (1995), ABOUT THEIR INTENDED USE OF THE FACILITIES. ON EACH CONTACT WITH HER, I ASKED TO HAVE HER HUSBAND CALL ME; SHE SAID HE WOULD CONTACT ME. I ALSO ADVISED THAT THE PERMIT COULD NOT BE USED FOR ANY OTHER USE (EX. IRRIGATION), WHEN ASK ABOUT NATURE OF PERMIT. I AGAIN CALLED HER ON 1/25/96 ORYONK AND 1/26/96 OYH, STILL NO RETURN CALLS. MRS. KIMBALL WAS GIVEN AN ASSIGNMENT FORM ON 4/24/95, NO RESULTS. RECOMMENDATION:

① SOME DEVELOPMENT OF FISH SYSTEM OCCURRED IN THE PAST, CURRENTLY NOT IN USE.

② UNABLE TO LOCATE JOYCE AITKEN. — SYSTEM HAS NOT BEEN USED SINCE 1988.

③ NEW OWNERS DO NOT APPEAR TO INTEND TO CONTACT ME OR USE PERMIT USE FOR FISH PROPAGATION.

* ④ RECOMMEND PERMIT BE LAPSED.

NOTE: JOYCE D. AITKEN SOLD PROPERTY (DEED #18846) IN 1988 TO JAMES W. PARKER.

* SYSTEM HAS NOT BEEN USED SINCE THAT SALE DATE.

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

MICROFILMED
JUL 23 2003

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS *PERMIT BE LAPSED - NO BENEFICIAL USE.*

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>FISH PROPAGATION</i>	<i>1/1</i>	<i>12/31</i>	<i>0</i>	
Totals:			<i>0</i>	<i>0</i>

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

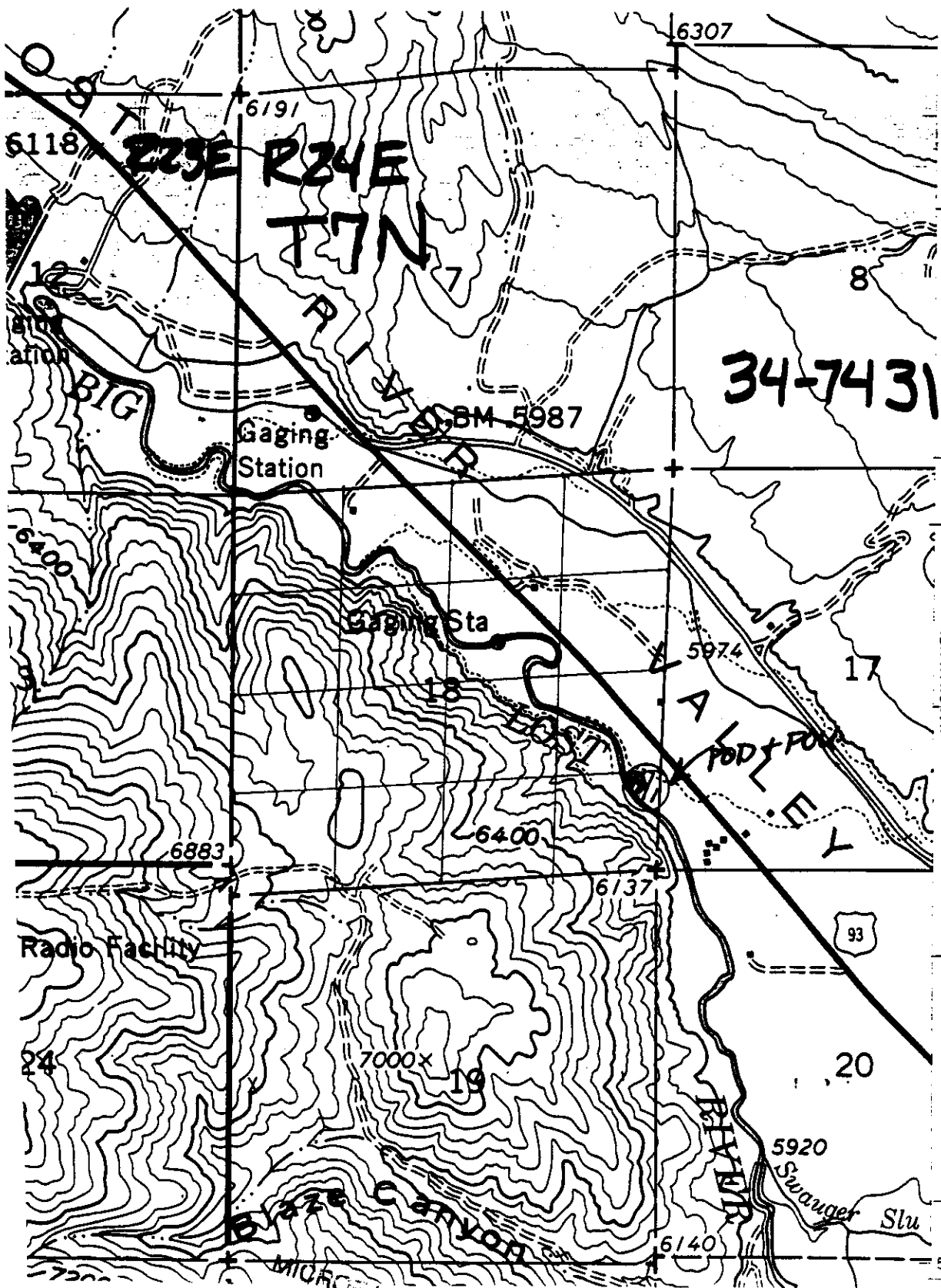
I. AUTHENTICATIONField Examiner's Name *SIMPkins* Date *1/26/96*

Reviewer _____ Date _____

SEAL

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JUL 23 2003



MICROFILMED
JUL 23 2003

GARY KIMBALL

FISH PROP.

1 of 1

VIEW OF
POINT OF
DIVERSION
OFF BIG
LOST RIVER



FISH HOLDING
POND
CURRENTLY
DRY



MICROFILMED

III 23 2003

PERMIT
NUMBER

34-7431

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

34-7431

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	7/17/87	0900 Jms	no answer for several tries
☐ Telephone call made (List Telephone No. used)	7/23/87	1300	no answer
☐ Appointment scheduled for: (Date, time, location)	7/27/87	1116	no answer
	7/24/90	H	10:35 hrs no answer
	7/25/90	H	Stopped by Joyce Atken's home, new owner Ron Robinson
	7/26/90	H	Gave Ron Application Papers and told him Joyce needs to transfer permit to him
	7/13/91	DRN	No Answer
	2/2/95	DRN	Attempted to locate Ron Robinson HTL to listed phone number.
	4/24/95	DRN	Contacted new owners Larry Kimball, they do not intend to raise fish.
	1/25/96	0840 DRN	Ask Linda Kimball to have husband call.
	1/26/96	0946 DRN	" " " " " " "
			advised will begin permit if he will not contact me on permit - she said they will not raise fish.

Ron Robinson
588 -3388

MICROFILMED

23 2003

4/86

RECEIVED

SEP 3 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 150.00
Date 9-3-86
Receipt # 39867
Receipt by mg
Sent to S.O. 9-17-86

RECEIVED

SEP 18 1986

1. Permit No. 34-7431

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ 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: Joyce D. Aitken

3. Post Office Address: Box 25 River Acres Mackay, ID 83251
Telephone No. 208 588-3034

4. Source of Water: Big Lost River

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark Fish propagation

6. Total rate &/or volume for which proof is submitted 3.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit (Month/year)

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

(Name)

(Address)

(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 8/31/86

Signature of Permit Holder (and title, if applicable) Joyce D. Aitken

copy returned for file

JUL 23 2003

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
~~2.01 - 3.0~~	~~201 - 300~~	~~150.00~~
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



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

34-7431
AITKEN, JOYCE D.
RIVER ACRES
BOX 25
MACKAY, ID 83251

0013502

JUL 30 1986

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 recently enacted HB 671 and is being developed at this time. A listing

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JUL 23 2003

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

MICROFILMED

JUL 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 20, 1986

JOYCE D. AITKEN
P.O. BOX 25
RIVER ACRES
MACKAY

ID 83251

RE: Permit No. 34-7431

Dear Permit Holder:

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

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

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

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 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED
JUL 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 6, 1985

RE: Permit No. 34-7431

Joyce D. Aitken
Box 25, River Acres
Mackay, ID 83251

Dear Ms. Aitken:

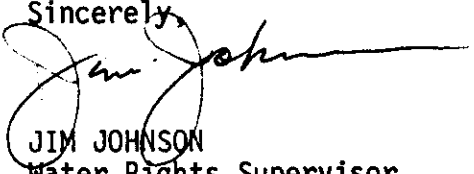
We are in receipt of your correspondence requesting removal of the requirement to install measuring devices at the point of diversion and at the point of effluent discharge.

After reviewing the matter, we find that your diversion and water use, although non-consumptive, is located within the Big Lost River Water District. This water district experiences water shortages yearly which require a watermaster to be appointed for the purposes of regulating water diversions.

Also, in order to determine the amount of water that you have developed for fish propagation under your permit, flow measurement is required. Therefore, for these considerations, the request for measuring device removal is denied. However, the Department sees no value in requiring measuring devices at both the point of diversion and at the point of effluent discharge. Therefore, the requirement to install a measuring device at the point of effluent discharge is removed.

If you have any questions on this matter, please let us know.

Sincerely,



JIM JOHNSON

Water Rights Supervisor

JJ:sc

cc: Eastern Region
Watermaster, Water Dist. 34

MICROFILMED

JUL 23 2003

Mr. and Mrs. William R. Aitken
"River Acres"
Mackay, Idaho 83251

September 26, 1985

State of Idaho
Dept of Water Resources
State Office
450 W. State Street
Boise, Idaho
83720
Attention Mr. Norm Young

RECEIVED

OCT 3 1985

Department of Water Resources

Dear Mr. Young,

I'm writing to you regarding the measuring device requirement for permit 347431. I respectfully ask that it be waived in this case. I have a very short, 450 feet, run, non-consumptive use. The loss incurred is so minimal, and that it doesn't seem to warrant the expense it would require. Please give this your consideration, and let me know what you decide. I'm enclosing three pictures to give you an idea of the size of the run and ~~measuring~~ ^{measuring} device.

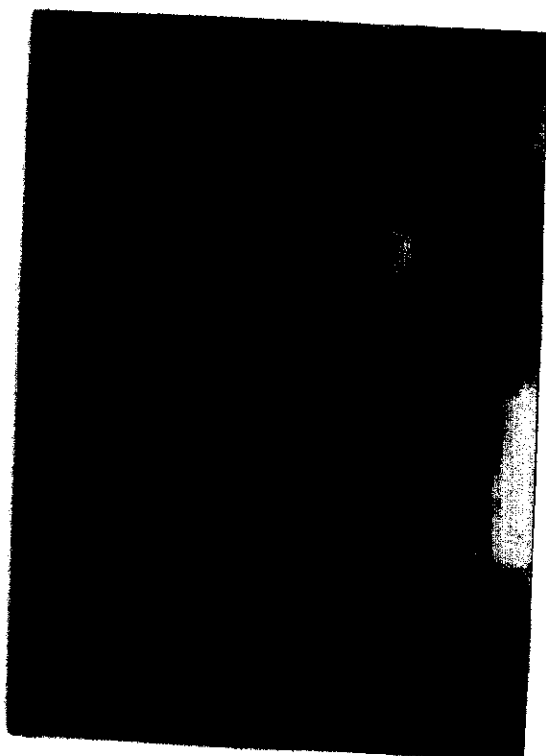
RECEIVED
OCT 23 2003

Sincerely yours
Joyce D. Aitken

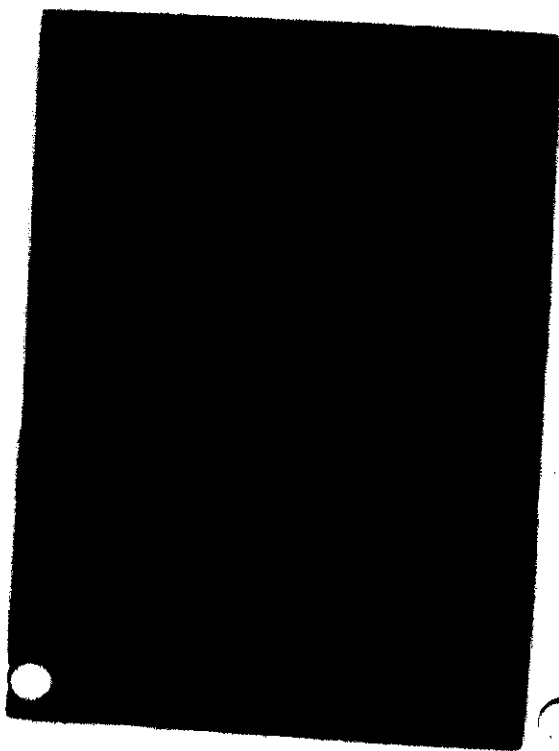
in-flow



trout pond



out-flow total 450.47





State of *Idaho*
Department of Water Resources
State Office
450 W State Street

Attention:
Mr. Nohn Young

Boise, Idaho

83720

MICROFILMED

JUL 23 2003

Mr. and Mrs. William R. Aitken
"River Acres"
Mackay, Idaho 83251

0



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

August 16, 1984

Joyce D. Aitken
Box 25, River Acres
Mackay, ID 83251

Dear Ms. Aitken:

Re: Permit No. 34-7431

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to July 1, 1985. Please note that the permit has been reinstated with an advance in priority since the extension of time request was submitted after the proof date.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time

RECEIVED
AUG 21 1984

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 34-7431

- ☒ Date received stamp
- ☒ Fee received and receipted
- ☒ Name on request same as on permit
- ☒ Address same permit as on latest correspondence
- ☒ Proof due date within six months of due date
- ☒ Signature same as permit
- ☒ Source of water the same
- ☒ Review conditions of approval
- ☒ Extensions previously approved
- ☒ Proceed diligently
- ☒ Is delay caused by litigation: Swan Falls
- Date lit. completed
- Date lit. began
- Period of delay
- New proof due date

ACTION: Reinstate & approve based on due diligence

- ☒ Is the extension timely received?
- ☒ Reinstate: Extension received Aug. 2 214
- Proof due date July 1 - 182
- Days late 32
- Priority date Apr. 28, '83 118
- Adjusted priority date May 30, '83 150
- ☒ Is there commencement of works?
- ☒ Cover letter
- ☒ Coding sheet
- ☒ Rolodex card updated and refiled

Reviewed by [Signature] Date: 8-16-84

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

August 2, 1984

W.R. or Joyce D. Aitken
115 El Camino Real
Menlo Park, CA 94025

PERMIT NO. **34-7431**

We are in receipt of the **\$15** extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **34974**

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

AITKEN, JOYCE D.
RIVER ACRES
BOX 25
MACKAY, ID 83251

LAPSE NOTICE

JULY 09, 1984

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 34-7431 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED APRIL 30, 1984.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

Hereby certified that a copy of the enclosed was deposited in the United States mail, postage prepaid, addressed to the individual(s) named above.

Sita Fleck

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138684

AITKEN, JOYCE D.
RIVER ACRES
BOX 25
MACKAY, ID 83251

PROOF DUE NOTICE

APRIL 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 34-7431 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MACROFILMED

August 3, 1983

RE: Permit No. 34-7431

Joyce D. Aitken
River Acres Box 25
Mackay, ID 83251

Dear Permit Holder:

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control of your diversion.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

We have enclosed instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures

ENCLOSURE

Mr. and Mrs. William R. Aitken

"River Acres"

Mackay, Idaho 83251

App No. 34-7431

June 27, 1983

Dept Water Resources
& Conservation

This is to confirm my visit with you,
& your help, to be sure I have done
everything necessary to protect, & assure,
my water rights, on, & to my property -
just north of Mackay, Idaho. I
never did hear the results. Please let
me know if this is all I have to do.

Sincerely, yours,
Geyer Aitken

RECEIVED

JUL 6 1983

Department of Water Resources
Eastern District Office

St. Astor
6 Tuckaloo Ave
Fenton, Cal 94025

Department of Water
150 Shays Ave
Idaho Falls,
83401

R REGISTERED MAIL

R 013 063 354

CLAIM CHECK

968541

☐ HOLD

DATE

7-1

1ST NOTICE

61

2ND NOTICE

7-6

RETURN

7-11

Detached from
PS Form 3849-A
Oct 1980



IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

June 13, 1983

RECEIVED

JUN 14 1983

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
Idaho Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

RE: Application for Permit No. 34-7431 AITKEN
on the Big Lost River

Dear Ernie:

We have reviewed the above application for water for fish propagation on the Big Lost River near Mackay. We have no objection to the application.

The applicant should be informed though that screening and fish passage facilities will be required at point of diversion as provided by Idaho Code, Sec. 36-906. A fish pond permit will also be required from our department. Ms. Aitken may contact us for design specifications on the screens and fish passage facilities.

Thank you for the opportunity to comment on this application.

Sincerely,

Tom Reinecker
Regional Supervisor
Region 6

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Kerth C Wilson

APPLICATION NUMBER: 34 7431

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☒ Yes ☒ No
☒ Yes ☒ No
☒ Yes ☒ No
☒ Yes ☒ No*

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other WD-34

Copies sent by: _____

Date: _____

CW 5-16-83
CW 5-16-83

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: June 6, 1983

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-31-83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No

Measuring device required.

- ☐ Yes ☒ No

Access port required.

- ☒ Yes ☐ No

Will water be delivered by watermaster? If yes, what district? #34

4-28-83

Date of priority recommended.

Special conditions of approval or cover letter. Code 04, 09D, 26

Assignment or sale of this permit is subject to a determination by the Dept. that the permit holder has proceeded with to develop the permit with due diligence and without speculation.

By: Ernest Carlson

Date: June 13, 1983

STATE OFFICE REVIEW:

SW/L6, LO1, LO6

02 04 05 (34 Big Lost R)

Department of Water Resources

- ☐ See attached sheet for more information.

By: Kelvin

Date: 6/17/83

CW

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

May 16, 1983

RE: Application for Permit No. 34-7431 AITKEN

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 6, 1983, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

May 16, 1983

RE: Application for Permit No. 34-7431 AITKEN

Mr. Eugene Gabert, Watermaster
Water District No. 34
Box 206
Mackay, ID 83251

Dear Mr. Gabert:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 6, 1983, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 11, 1983

Custer County Publishing Co.
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before JUNE 6, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 6, 1983.

KEN DUNN, Dir.

Published 5/19 & 5/26/83.

MICROFILMED

34-2431

HITKEN, JOYCE D.

RIVER ACRES, BOX 25, MACKAY, ID 83251

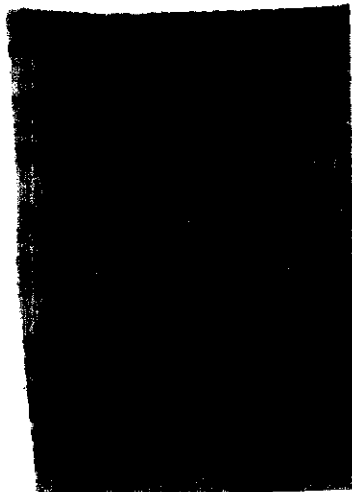
Source: BIG LOST RIVER trib. to SINKS

Date Filed: 04/28/1983

Diversion Pt: SESE Sec 18 T 07N R 24E

Use: FISH PROP. (3.00 CFS)

In: SESE Sec 18 T 07N R 24E



MICROFILMED

March 17, 1983

Joyce Aitken
River Acres, Box 25
Mackay, ID 83251

Dear Mrs. Aitken:

Enclosed is your application for permit and check #92-42 for \$30.00. The application and accompanying information was incomplete if your intension was to apply for fish propagation. There was enough confusion that I feel you should call or make an appointment to meet with me at this office.

I have also enclosed a partially completed application for fish propagation for your potential use.

I'll be expecting to here from you soon.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosures

11-11-11-11-11

February 24, 1983

William R. Aitken
River Acres, Box 25
Mackay, ID 83251

Dear Mr. Aitken:

To appropriate water for fish propagation, you must first submit an application to the Department of Water Resources. In addition to the regular information required on the application, you will need to provide illustration of the facility which should include sizes and number of ponds and total proposed facility volume. When submitting the application to the Department, you should also include proof of possessory interest in the place of use. This proof can normally be satisfied by furnishing a copy of your warranty deed or title insurance.

I was unable to locate an application or permit already recorded in your name, so for your convenience an application for permit with instructions is enclosed. If you decide to proceed with ~~filing~~ application, be sure to include the above referenced information and the statutory filing fee explained on the last page of the instructions.

If you have any questions about the application or wish assistance in completing it, feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp

Enclosures

RECEIVED