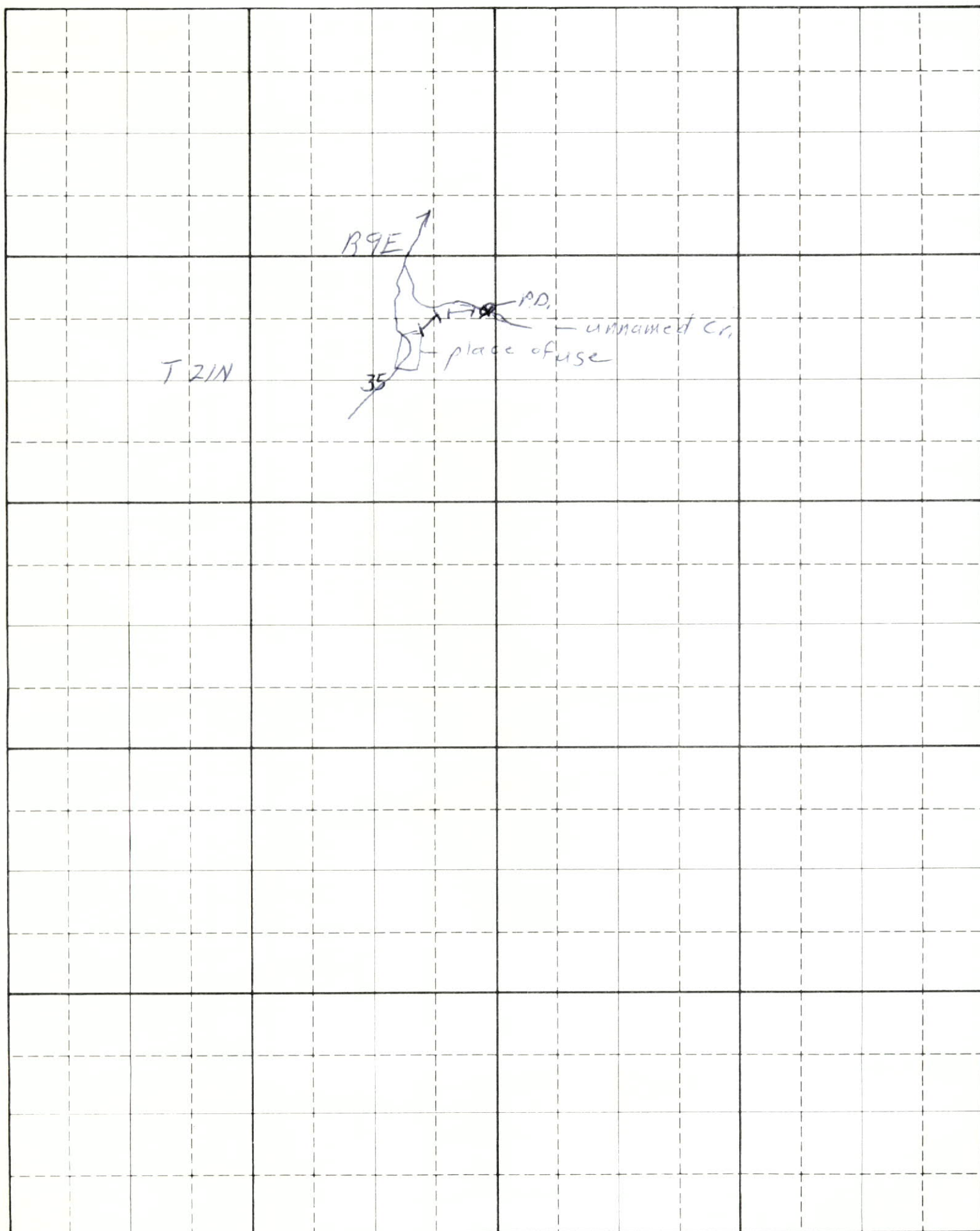


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

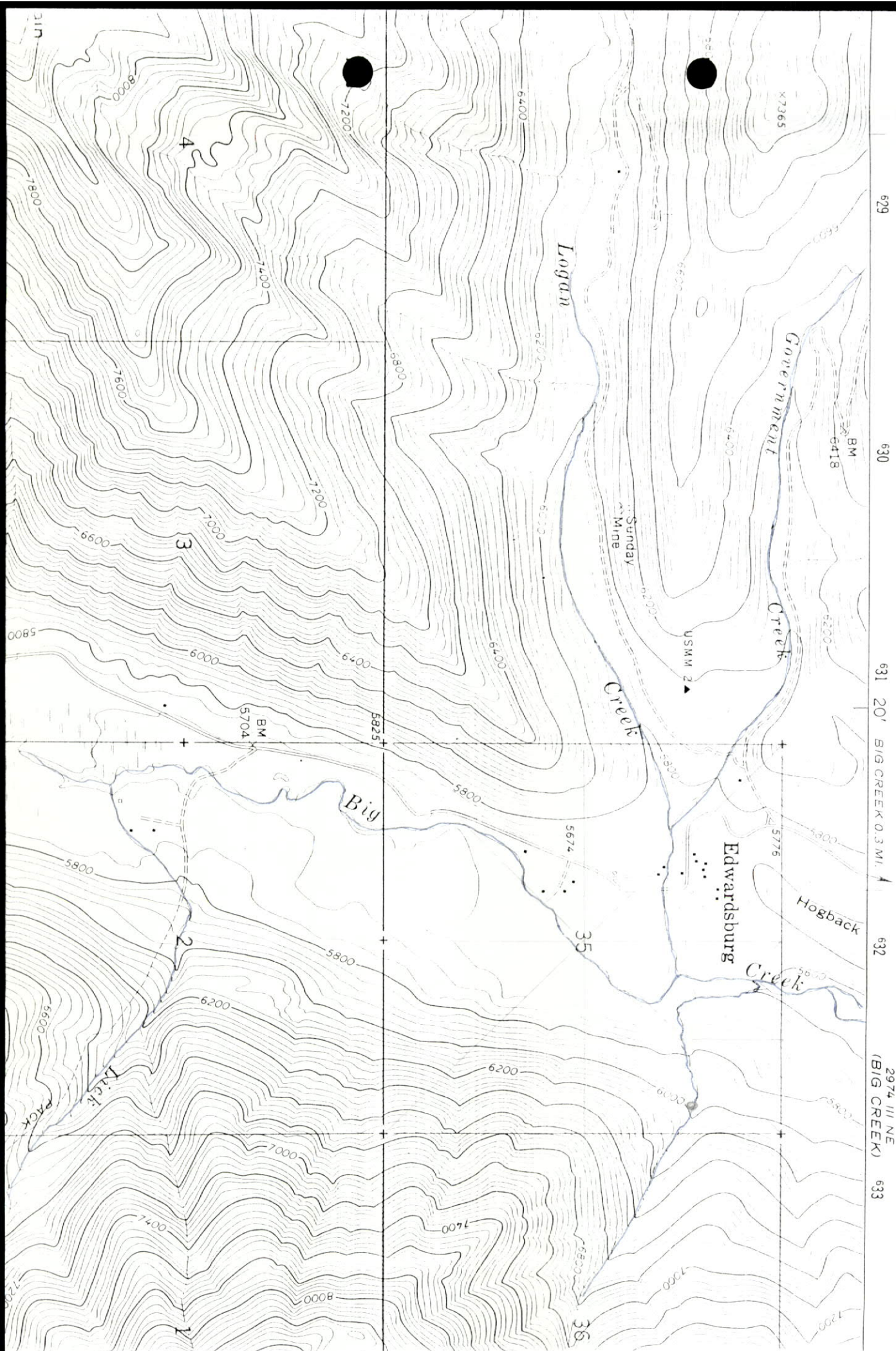


Scale: 2 inches equal 1 mile

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.

x Lex E. Lanham
(Applicant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





Point(s) of diversion: NE 1/4 NE 1/4, SEC. 35, TWP. 21N, RGE. 9E, B.M.

[illegible]☐ Other

Date 7-19-85



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)

(208) 334-2190

A. Kenneth Dunn

Director

March 31, 1982

Catherine Gillihan
850 Jackson
Emmett, Id. 83617

RE: 77-7058

Dear Ms. Gillihan:

We acknowledge receipt of your statement submitted as proof as 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 field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ 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.

Sincerely,

Judy Pense

Judy Pense
Secretary

*void
see lapse
notice of
6/9/1982*

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
(Late Proof)

License of Water Right No. 77-7058 Priority November 29, 1976 Amount 0.44 cfs

THIS IS TO CERTIFY, that Catherine Gillihan
of Emmett, Idaho, has complied with the terms and conditions of Permit
No. 77-7058 issued pursuant to Application for Permit dated November 10, 1976,
and has submitted proof to the Department of Water Resources on December 7, 1981,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.44 cfs of water from an unnamed stream,
tributary to Big Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>October 15</u>	at <u>0.16</u> cfs and	<u>24.0</u> acre feet
Power	from <u>January 1</u> to <u>December 31</u>	at <u>0.44</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.44 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
24.0 acre feet per year, said waters to be diverted within the NE 1/4 Section 35,
Twp 21N, Rge 9E in the County of Valley

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	
21N	9E	35			8														8

Total number of acres irrigated 8

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

The diversion and use of water under this license is subject to review by the Director 30 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18TH day of SEPTEMBER, 19 85.

Acting for the

Director

Norman C Young

MS ✓

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO.

IN THE MATTER OF PERMIT NO. 77-7058

IN THE NAME OF REX E. LANHAM

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1981; and,

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

WHEREAS, on December 2, 1981, proof was submitted to the Department by Catherine Gillihan; and,

WHEREAS, on February 16, 1982 and on April 15, 1982, the Department contacted the administrator of the estate of the permit holder and requested evidence to show that Catherine Gillihan was authorized to submit proof; and,

WHEREAS, on June 14, 1982, the Department sent notice that the permit had lapsed since such evidence was not provided; and,

WHEREAS, on July 1, 1982, the permit was assigned to Catherine Gillihan; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 77-7058 be REINSTATED and the priority advanced to November 29, 1976.

Dated this 15th day of November, 1982.



L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

I, Don Ferguson, Personal Representative of the Estate of Rex Lanham, do hereby assign to Catherine Gillihan, 850 Jackson Avenue, Emmett, Idaho 83617, all rights, title and interest to Permit No. 77-7058. Dated this 1st day of July, 1982.

RECEIVED

OCT 25 1982

Department of Water Resources

Don Ferguson

Don Ferguson, Personal Representative
Estate of Rex E. Lanham

Subscribed to before me, the undersigned Notary Public, this first day of July, 1982.

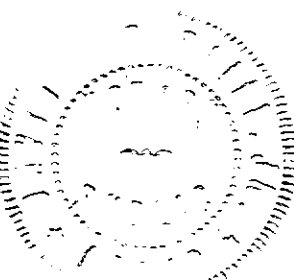
STATE OF IDAHO]
COUNTY OF BONNEVILLE] ss

[Signature]

MICROFILMED

I personally viewed the original of
this document, which was properly
notarized and sealed

D and R. Tuttle 10/25/82, Notary Residing in Ada Co,
Seal expires 10/24/89



Alfred C. Hagan
LANGROISE, SULLIVAN & SMYTHE
Suite 1400 Idaho First Plaza
P. O. Box 2527
Boise, Idaho 83701
Telephone: (208) 343-3676

FILED

O'CLOCK

7/6/81

Thelma R. Kolodziej, Clerk

1-*Shirley Beut* Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

In the Matter of the Estate of)
) CASE NO. 2412
REX E. LANHAM,)
) LETTERS TESTAMENTARY
Deceased.)
)
)
)

1. DON FERGUSON was duly appointed and qualified as Successor
Personal Representative of the estate of the above named Decedent on the 6th
day of July, 1981, by the Magistrate acting as Registrar with all authority
pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment qualification; and
authority of the said personal representative.

3. In accordance with this appointment, under the provisions of Section
15-3-608, Idaho Code, the appointment of Idaho Bank & Trust Co. as Personal
Representative is hereby terminated.

WITNESS, my signature and the Seal of this Court, this 6th day of

July, 1981.

1- ALFRED O. PERRY

MAGISTRATE

STATE OF IDAHO }
COUNTY OF GEM } ss.

I, Thelma R. Kolodziej, Clerk of the Magistrate Division of the
District Court of the Third Judicial District of the State of Idaho,
in and for the County of Gem, do hereby certify that the foregoing
is a true and correct copy of the original on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal this 10th day of July, 1981.

Thelma R. Kolodziej, Clerk

By *Shirley Beut* Deputy

MICROFILMED

Identification No. _____

Application No. 77-7058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Rex E. Lanham Phone: 365-2750
post office address Box 242, Rt 2, Emmett, ID
2. Source of water supply Unnamed Stream which is a tributary of Big Creek
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 21N
Range 9E B.M. Valley County; additional points of diversion if any: _____

- 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 2.5 for Power purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .16 for Irrig purpose from Apr 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Check dam into concrete tank then
to pipeline

- b. Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ 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 \$ 6,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 21N
Range 9E B.M. _____
(2) Amount of power to be generated: 20 KW ~~XXXXX~~ _____ 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 2.
(5) If water is to be used for other purposes describe: Power

Proposed

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21N	9E	35			8														8

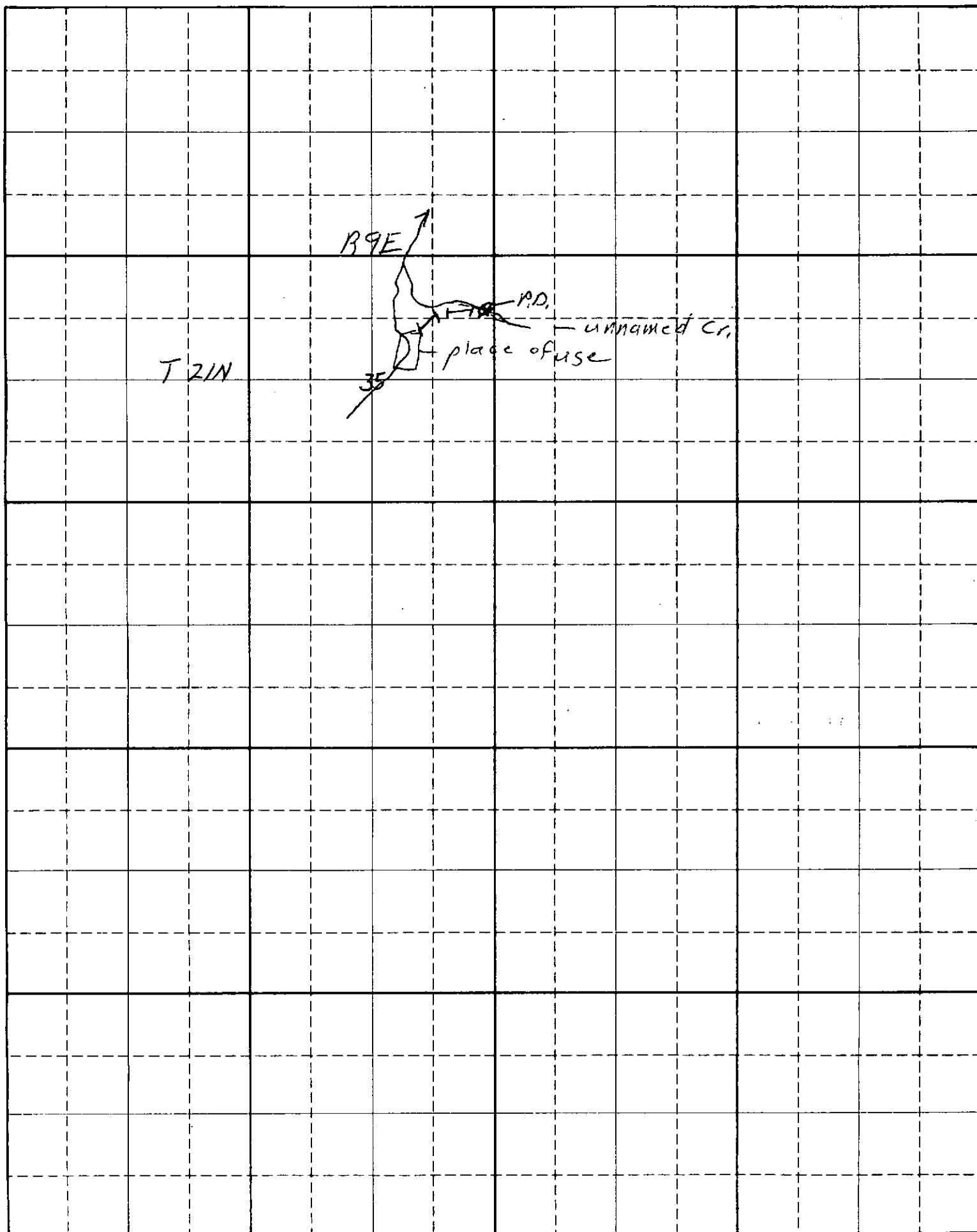
Total number of acres to be irrigated 8

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion USFS
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant has applied for & recieved a special use permit from the USFS.

10. Remarks

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.

x Bo E Lanham
(Applicant)

Proposed Priority 11-10-76

Received by 6LS Date 11/10/76 Time 2:30 PM
Preliminary check by 6LS Fee \$ 45.00 # 6060
Received by CS Date November 10, 1976
Publication prepared by mf Date 11-16-76
Published in Star News
Publication dates 11-25-76 : 12-2-76
Publication approved mf Date 12-8-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by THH

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. 77-7058, 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 December 1, 19 81.
- c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 18 day of December, 19 76.

R. Keith Higgins
Director

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Rex E. Lanham of Emmett, ID, County of
Gem, State of Idaho, being duly sworn, do hereby certify that I
am a bona fide resident of the State of Idaho.

/s/ Rex E. Lanham

Subscribed and sworn to before me this 10 day of November, 19 76

/s/ David R. Tithell

Notary Public

Residence Boise Id

My Commission Expires Sept 10, 1980

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of
_____, State of Idaho, being first duly sworn, depose and say:
That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____
_____, as provided by Section 30-143, Idaho Code, at _____
_____, Idaho, wherein are kept the records provided by Section 30-144, Idaho
Code, and that _____ is a legal _____
qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

/s/ _____

Notary Public

Residence _____

My Commission Expires _____

PUBLISHER'S AFFIDAVIT

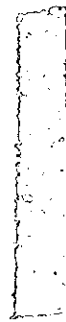
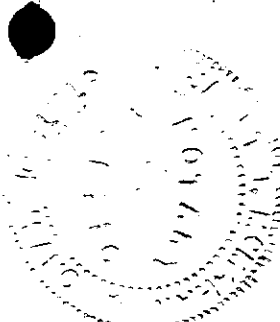
STATE OF IDAHO)

) ss.

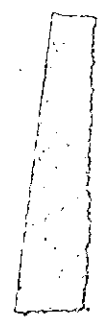
County of Valley)

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 25 1976 and ended December 2 1976

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 2 day of December, 1976.
Robert J. McLean, Notary Public.
My commission expires January 1, 1980.



OK-26
12/3



RECEIVED
DEC 6 11

Department of Water Resources
Western Regional Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Rex E. Lanham Emmett, ID has on November 10, 1976 submitted Application No. 77-7058 for a permit to appropriate 2.5 cubic feet per second ~~acre-foot-per-second~~ of water from an unnamed stream trib of Big Creek by means of tank & pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T21N-R9E B.M., Valley County to be used from Jan 1 to Dec 31 for power and domestic and Apr 15 to Oct 15 for irrigation of 8 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T21N-R9E 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 December 13, 1976.

R. Keith Higginson Director
Published in the Star News,
McCall, ID on Nov. 25, & Dec 2,
1976.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 18, 1990

Cathy Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Mrs. Gillihan:

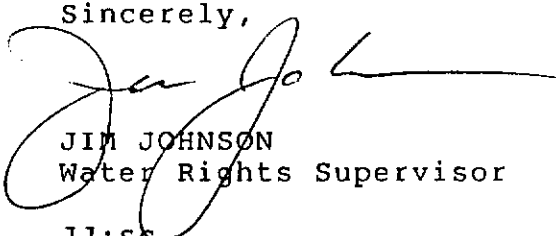
I have reviewed your request for amending License No. 77-7058 to add domestic use. I also reviewed the water right file containing the field examination and related correspondence.

In this review I found that you had responded to the pre-license correspondence sent on July 29, 1985 and subsequently corrections were made. These corrections were made based on your conversation with the field examiner. On August 20, 1985 additional correspondence was sent identifying the adjustments made. This correspondence stated that if you did not concur with the findings, you were to contact us within twn (10) days, otherwise a water right license would be issued as set forth in the draft. No response was received and on September 18, 1985 the license was issued.

In our conversation you did specify that some construction for domestic use had occurred but that no domestic units have been built. The development of diversion works is not a demonstration of actual use. Based on this information, the omission of domestic use on the license does not appear to be in error.

I recommend that you file a new application for permit when you are within six (6) months of initiating construction of the domestic units.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:ss

cc: Jan Shurte - Western Region

MEMORANDUM

TO: FILE 77-7058

FROM: JIM JOHNSON

RE: AMENDING LICENSE

DATE: April 6, 1990

=====

In response to Jans' Memo of March 21, 1990, I called Cathy Gillihan for additional information.

She explained that her father(the original permit holder) had constructed a dam on a unnamed stream and had installed a ten inch pipeline from the dam to the power site. A second ten inch pipeline was installed for filling a 1000 gallon storage tank for domestic use. A two inch pipeline connected the storage tank to two frost free hydrants located at the domestic unit site. The domestic unit has not yet been constructed because her father passed away before he could complete his plans . She said that a trailer house at times had been location at the domestic site and used the water.

On July 29,1985 the Department sent prelicense correspondence to Mrs. Gillihan. She responded by arranging a meeting with the field examiner, Jan Shurte(Grover). Jan prepared a follow up memo requesting that the place of use location be changed and stated "There is no domestic use from this creek." Adjustments were made to the proposed license and the Department sent notice of the changes in follow up correspondence sent on August 20, 1985. No further response from the permit holder was received. The license was issued on September 18, 1985.

The right holder in February 1990, four years after the license was issued, comes forward stating that the Department erred by removing the domestic use from the license. Apparently without the domestic use included on the license they cannot meet the requirements for obtaining a FERC license for the powerplant. She stated the reason for not responding to the August 20, 1985 correspondence was because she was gone to Big Creek (the area this right is located). By the time she returned the license had already been issued.

I do not feel there is sufficient evidence presented to cause the Department to amend the water right adding domestic use to the license. Over 15 years have passed since the application for permit was filed and the domestic units have not been developed, even though the pipeline and storage tanks have been installed.

The appropriate action for the permit holder at this time is

to file for an new appropriation.

cc Jan Shurte

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

629

630

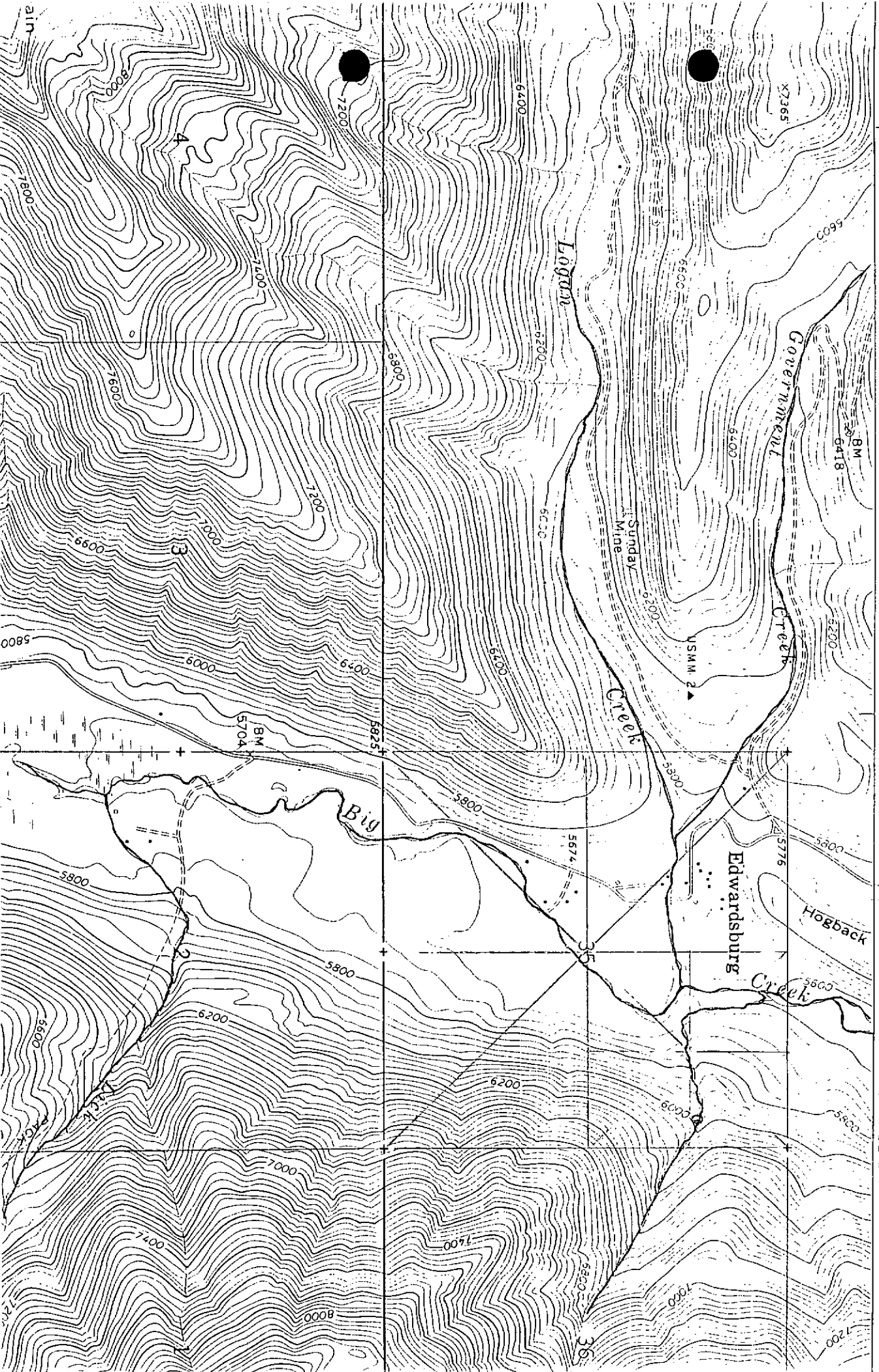
631

20' BIG CREEK 0.3 MI.

632

2974 III NE
(BIG CREEK)

633



[illegible]

NR-NUMBER	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT	+	SUM
-----------	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	---	-----

21N 09E 35

NO MAPPING INFO AVAILABLE

March 21, 1990

RECEIVED
MAR 27 1990

MEMORANDUM

TO: Gary Spackman & Jim Johnson

FROM: Jan Shurte

Department of Water Resources

SUBJECT: Cathy Gillihan's letter of 2/5/90

Attached is a letter Cathy Gillihan brought in while doing her adjudication claims for a different county. I'm not sure of the license can be amended, but it appears that Cathy Gillihan went into the State Office after the first 30-day notice letter and requested the domestic use for the Lodge be removed, since it receives its water from another source. Rather than just the Lodge, we removed both the Lodge and home. It appears to me, if our records show this same course of action, that this license should be amended. I'll let you decide if our records show a good enough reason to amend. She is right in that the adjudication claim references the domestic use, however the claim will not be decreed for several years and she needs a current right (the license) in correct order to fulfill the obligations to FERC. Let me know what happens.

Jan

GILLIHAN'S GUIDE SERVICE

Bob & Cathy Gillihan
850 Jackson Ave.
Emmett, ID 83617

Office (208) 365-5384 - Message (208) 365-2750 - Radio-tele (208) 382-4336

State of Idaho
Department of Water Resources
State Office,
450 W. State St.
Boise, Idaho

David R. Tuthill, Jr.

Dear Sir,

This letter is in reference to water license #77-7058, issued to Catherine Gillihan on, Sept. 1985, and contained an error, the omission of the domestic water.

Because of the remoteness of this area, some time has lapsed in the correcting of this license. After the onsite inspection by Jan Shurte, accompanied by Ron Vaughn, letters were issued. It had been assumed that the domestic water was for the lodge rather than the cabin sight. I made several telephone calls and an office appearance to Jan and Jim Johnson. The correction letter and the license were both issued during my busy season and I was unable to review the letter before the license was issued and both continued to contain a serious error, in that the domestic water was omitted entirely. Jan was contacted by myself per telephone and she stated that she would correct the matter.

No correspondence exchanged concerning this license. On 11/17/88, during the filing of adjudication claims, Jan corrected the license under remarks., concerning the domestic water. Our legal council tells us that adjudication and issuance of license corrections could take up to ten years.

RECEIVED
FEB 05 1990
RECEIVED
MAR 27 1990

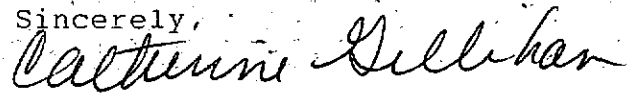
Department of Water Resources
Western Regional Office

Department of Water Resources

The forest service is requiring us to have a FERC permit to continue operating our hydro-power plant on this license. To be exempted, or obtain a federal permit the State licence need to show domestic, power, and irrigation to correspond with the requirements and federal use permit. Already, we have passed the exemption date and it has been increasingly difficult to obtain a permit. It is cost prohibitive for us to secure liability insurance without this power plant, and the state will not provide power to this area. It is necessary for us to obtain this FERC permit to continue our operation.

Any assistance you can give me in expediting this correction , so that we can continue with our permits would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Gillihan". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Catherine Gillihan



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

August 20, 1985

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

RE: Permit No. 77-7058

Catherine Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Permit Holder(s):

Per your visit to this office on Tuesday, August 13, 1985, the location of 8 acres or irrigated land has been changed and a license will be issued containing the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.44 cfs Source: unnamed stream trib to Big Creek

The maximum quantity diverted shall not exceed 25.2 acre feet per year.

Point(s) of diversion: NENE, Sec. 35, Twp 21N, Rge 9E

Beneficial Use: Power and irrigation of 8 acres within SWNE, Sec. 35, Twp 21N, Rge 9E

Priority date established: November 29, 1976 (Late Proof)

Conditions (if any): The diversion & use of water under this license is subject to review by the Director 30 yrs. from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein & may revise, delete or add conditions under which the rt. may be exercised. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

If you do not concur with these findings, please contact us within 10 days; otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

*Went to
Water
office to
Carroll
earlier &
letter +
license came
while hunting
camp
insurance*



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

July 29, 1985

RE: Permit No. 77-7058

Catherine Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 77-7058 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.44 cfs Source: an unnamed stream trib to Big Creek

The maximum quantity diverted shall not exceed 25.2 acre feet per year.

Point(s) of diversion: NENE, Sec. 35, Twp 21N, Rge 9E

Beneficial Use: Domestic and irrigation of 8 acres within SENW, Sec. 35; and power within SWNE, Sec. 35; Twp 21N, Rge 9E

Priority date established: November 29, 1976 (late proof)

Conditions (if any): Domestic use is for 1 home and 1 lodge. The diversion & use of water under this lic. is subject to review by the Director 30 yrs. from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein & may revise, delete or add conditions under which the rt. may be exercised. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

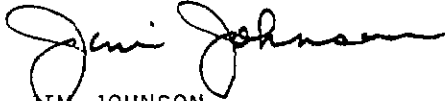
In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

*License
Wrong -
Phone call
to Jan &
Jill
went to
office &
corrected
records*

Page 2

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson".

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure



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 20, 1985

RE: Permit No. 77-7058

Catherine Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Ms. Gillihan:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

August 20, 1985

RE: Permit No. 77-7058

Catherine Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Permit Holder(s):

Per your visit to this office on Tuesday, August 13, 1985, the location of 8 acres or irrigated land has been changed and a license will be issued containing the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 0.44 cfs Source: unnamed stream trib to
Big Creek

The maximum quantity diverted shall not exceed 25.2 acre feet
per year.

Point(s) of diversion: NENE, Sec. 35, Twp 21N, Rge 9E

Beneficial Use: Power and irrigation of 8 acres within SWNE,
Sec. 35, Twp 21N, Rge 9E

Priority date established: November 29, 1976 (Late Proof)

Conditions (if any): The diversion & use of water under this
license is subject to review by the Director 30 yrs. from the
date of issuance. Upon appropriate findings relative to the
interest of the public, the Director may cancel all or any part
of the use authorized herein & may revise, delete or add
conditions under which the rt. may be exercised. Return water
shall be treated to insure that the effluent meets Idaho Water
Quality Standards.

If you do not concur with these findings, please contact us within 10 days;
otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

MEMO

TO: Jim Johnson

FROM: Jan Grover *Jan G.*

SUBJECT: Field Exam for Catherine Gillihan - Permit 77-7058

On Tuesday, August 13, 1985, Catherine Gillihan visited our office with a question concerning her 30-day notice letter and amendment. Her question was as to where the 8 acres and domestic use was.

This exam was in a very remote area which I was flown into and at the time was conducting field exams for other permits. Therefore, I did not have a copy of this permit nor did Cathy Gillihan. At the time I was under the impression that the 8 acres were at the Lodge along with the domestic use. However, today Mrs. Gillihan told me that those 8 acres are irrigated by Logan and Govt. Creeks along with the domestic use. She stated the 8 acres is for the area surrounding the power house for keeping the grass green for fire protection purposes as the first power plant was burned down earlier.

Therefore, the exam needs to be changed to show the 8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 21N, Rge. 9E rather than at the Lodge in the SE $\frac{1}{4}$ NW $\frac{1}{4}$. There is no domestic use from this creek.

MICROFILMED

July 29, 1985

RE: Permit No. 77-7058

Catherine Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 77-7058 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.44 cfs Source: an unnamed stream trib to Big Creek

The maximum quantity diverted shall not exceed 25.2 acre feet per year.

Point(s) of diversion: NENE, Sec. 35, Twp 21N, Rge 9E

Beneficial Use: Domestic and irrigation of 8 acres within SENW, Sec. 35; and power within SWNE, Sec. 35; Twp 21N, Rge 9E

Priority date established: November 29, 1976 (late proof)

Conditions (if any): Domestic use is for 1 home and 1 lodge. The diversion & use of water under this lic. is subject to review by the Director 30 yrs. from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein & may revise, delete or add conditions under which the rt. may be exercised. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

MICROFILMED

Page 2

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

MICROFILMED

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	<u>3/31/82</u>	<u>jp</u>	<u>no appointments made</u>
☐ Telephone call made: (List Telephone No. used)	<u>8/23/82</u>	<u>JG</u>	<u>RON VAUGHN CALLED STATING HE WAS FLYING INTO BIG CK. & THE FIELD EXAMS. COULD BE COMPLETED.</u>
☐ Appointment scheduled for: (Date, time, location)	<u>8/25/82</u>	<u>JG</u>	

EXAMINATION

Date 8/25/82 Accompanied by RON VAUGHN Total Q measured CALC. - 0.44 CFS
If source is surface water, estimate total flow of source _____
Methods of measurement CALC. Meets Permit requirements? _____

Measurement calculations:

P = HORSEPOWER $P = \frac{Q H E}{8.8}$ $Q = \frac{(12 \text{ KW}) (8.8)}{(1.46)} = \frac{141.55 \checkmark}{324 \checkmark} = 0.436 \approx 0.44 \text{ cfs}$

Q = FLOW (CFS) $Q = \frac{P (8.8)}{E H}$ $\frac{141.55 \checkmark}{324 \checkmark} = 0.44 \text{ CFS}$

H = HEAD (ft)

E = EFF. SEE REMARKS

~~DOMESTIC 3 HOMES X .04 = 0.08' 8 AC IRRIG X .02 = 0.16 CFS~~

~~(HALWS INCL IRRIG.) 0.6 X 2 = 1.2 AF $\rightarrow$ 8 AC X 3 AF/AC = 24 AF/ANN.~~

[illegible]

System Description CEMENT CHECK IN NO-NAME CK. W/SCREENED 10" OUTFLOW PIPE.
GOES FROM 10" METAL PIPE TO 5" PVC PIPE TO 4" METAL PIPE TO 1" NOZZLE INTO 12 KW
POWER GENERATOR W/DISCHARGE INTO CK. SEPARATE LINE ACROSS BIG CREEK TO LOGGERS HOSE
*Code with map on reverse side. Disregard code if only one. (BIG CK) APPROX. 360' OF FALL. PASTURE & LAWN IRRIGATION

RECOMMENDED AMOUNTS

Irrigation requirement = $\frac{W_p}{AFA/Acre}$

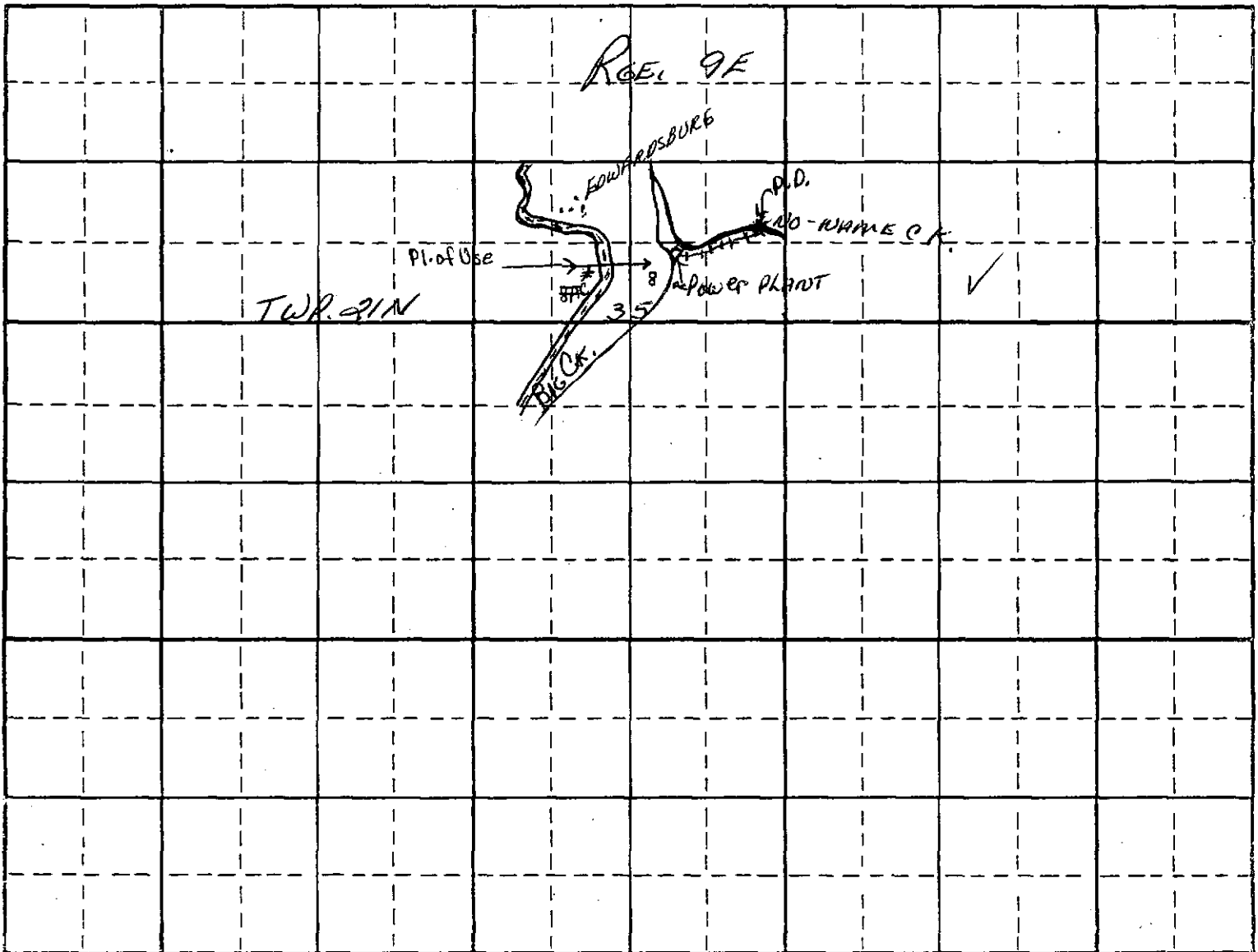
	USE	Q (cfs)	V (afa)	FROM	TO
Power ✓		0.44 ✓	N/A	1/1 ✓	12/31 ✓
Domestic ✓ (2) (LODGE & HOME)		6.08 ✓	1.2	1/1 ✓	12/31 ✓
TRRIG ✓ - 8 AC		0.16 ✓	24.0 ✓	4/15 ✓	10/15 ✓ (183 days)
Total		0.44 ✓	24.0 25.2 ✓		

Remarks

THE PIPELINE WAS UNDERGROUND FROM THE SCREEN AT THE PT. OF DIVERSION INTO THE POWER PLANT & THROUGH IT. THERE WAS NO POINT WHERE THE WATER COULD BE MEASURED ACCURATELY. THEREFORE, USING THE ABOVE FORMULA I HAVE CALCULATED THE FLOW ACCORDING TO INFORMATION FURNISHED. ✓

$$\text{irrig. } V = 0.16 \times 1.9835 \times 183 = 58.07 \text{ AF}$$

MICROFILMED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NE 1/4 NE 1/4, SEC. 35, TWP. 21N, RGE. 9E B.M.

Place(s) of Use change

TWP.	RGE.	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	
21N	9E	35			X (POWER)					8									8
										X (DOMESTIC)									8

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

Examiner's Signature Jan Grover Date 12/1/83
 Checked by 665 Date 5/17/85
 Approved by Kay Walker Date 7-19-85

Overlap Review of Rt. 77-7058

per terminal 7/19/85:

pd/tr: none

pu/tr: (SWNE) ~~77-2150-domestic~~ - no review done

77-2043 - irrig.

~~77-4008-irrig.~~ - ^{claim} NO review done

~~77-4007-irrig.~~ - ^{claim} NO review done

~~77-2151-stock~~ - NO review done

(SEnw) 77-2043 - irrig.

~~77-4008-irrig.~~

~~77-4007-irrig.~~

~~77-4009-domestic~~

~~77-7025-domestic~~ - ^{use} NO review done

77-7176 - power

77-2043 - Lic., Government Ck., different source, pld-NWNW, Sec. 35 - NO plu overlap per review of field exams. NO overlap.

77-7176 - Protested application - NO further review done.

No overlapping rights. fw

MICROFILMED

LYONS, BOHNER, CHASAN & WALTON

ATTORNEYS AT LAW

OLD LIBRARY SQUARE

815 W. WASHINGTON • P.O. BOX 1397

BOISE, IDAHO 83701

RECEIVED

MAY 23 1985

Department of Water Resources

TELEPHONE

(208) 345-3780

A.L. LYONS
A.J. BOHNER
ANDREW M. CHASAN
TIMOTHY C. WALTON
CHARLES B. BAUER
E. SCOTT HARMON
G. PHILIP BERNSTEIN

May 17, 1985

Ms. Walker
Department of Water Resources
450 W. State Street
Boise, ID 83720

RE: Permit No. 77-7058, Initial applicant being Rex E. Lanham, subsequent applicant being Mr. Lanham's daughter, Catherine Gillihan

Dear Ms. Walker:

Please be advised that the undersigned represents the interests of Catherine Gillihan. She has asked that I correspond with you in reference to the above mentioned permit number.

As historical background, an application for permit was initially issued to Mr. Rex E. Lanham, the father of Catherine Gillihan who is now deceased. That application progressed to the point where on the 24th day of November, 1982, Catherine Gillihan did receive the enclosed letter, a copy of which is attached hereto from Rita I. Fleck, Sr. Secretary, acknowledging the receipt of an assignment conveying the above-referenced permit to her and stating that Ms. Gover had conducted a field examination and a water right license would be issued.

Since that date, November 24, 1982, although Mrs. Gillihan has made several contacts with the Department of Water Resources, her efforts to gain her water license has not been forthwith.

Demand is hereby made upon the Department of Water Resources to issue the water right license in accordance with the application so that my client can proceed with this matter.

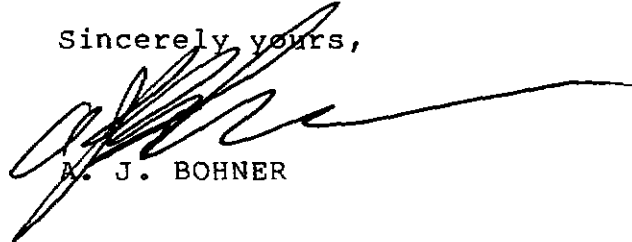
MICROFILMED

Ms. Walker
Page 2
May 17, 1985

As you well know besides dealing with Idaho Water Rights in the Big Creek area we also deal with Forest Service permits and our ability to deal with the Forest Service is somewhat hindered without this particular license which should have been issued in 1982.

Your prompt attention to this request is desired and if there are any questions or concerns, please advise immediately so that we may act accordingly in this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'A. J. Bohner', written over the typed name.

A. J. BOHNER

AJB:sc

cc: Gillihan

MICROFILMED

November 24, 1982

Catherine Gillihan
850 Jackson Avenue
Emmett, ID 83617

Dear Ms. Gillihan:

Re: Permit No. 77-7058

This office acknowledges receipt of the assignment conveying the above-referenced permit to you. The assignment has been entered into the Department's records.

Enclosed is a copy of the Order which reinstates the permit.

I understand that Jan Grover has conducted a field examination. Based upon her recommendations a water right license will be issued.

Sincerely,

RIIA I. FLECK
Sr. Secretary

Enc.

MICROFILMED

FROM *Rita*

DATE *Nov. 24, 1982*

TO *File*

SUBJECT *Calculation of Priority Date*

Proof received Dec. 2

Proof due date Dec. 1

No. of days late 1 day

Date Assign. rec. ~~July 1~~ = 182

Date notice sent June 14 = 165

No. of days late

*1 day
+ 17 days
18 total day
the priority
is advanced*

MICROFILMED

SIGNATURE

June 17, 1982

Donald Ferguson CPA
480 Memorial Drive
Idaho Falls, ID 83401

Dear Mr. Ferguson:

Re: Permit No. 77-7058

As administrator of the Rex E. Lanham estate, you are the only individual who is authorized to sign any documentation that will affect the above referenced permit.

In response to my letter dated June 8, 1982, Ms. Catherine Gillihan called to say she is very much interested in reinstating the permit, which is now lapsed due to failure to submit proof of beneficial use.

It is very important that we receive in this office, prior to August 6, 1982, either a signed beneficial use postcard (which has been completed and enclosed for your convenience), or a power of attorney statement authorizing Ms. Gillihan's signature on the beneficial use postcard. If we have not received one of these items by August 6, the permit cannot be reinstated and it will be destroyed.

If you have questions on this matter, feel free to contact me at (208) 334-4104.

Sincerely,

DAVID R. TUTHILL, Jr.
Acting Chief, Operations Bureau

DRT:gm

cc; Catherine Gillihan

MICROFILMED

CONVERSATION MEMORANDUM

DATE 6/15/82

FILE 77-7058

NAME OF PARTY Catherine Gillihan

EMPLOYEE Dave Tutthill

RE: 77-7058

Ms. Gillihan called to say she is very much interested in proving up on this permit & suggested that we send a proof of B/U card to Mr. Ferguson to sign.

She also stated that the water use should be examined only when the area is open, July → Sept.

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

June 8, 1982

Catherine Gilliban
850 Jackson
Emmett, ID 83617

77-7058

Re: Permit No. ~~77-7078~~
Rex Lanham

Dear Ms. Gilliban:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 77-7078 has lapsed. This office did not receive the documentation designating you as personal representative for Rex Lanham as requested of Donald Ferguson on February 16 and April 15, 1982.

Your permit cannot be reinstated unless the documentation is received in this office within sixty days of the date of this lapse notice. If the documentation is not received, the permit will no longer be of any force or effect.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR.
Acting Chief, Operations Bureau

DRT:rf

cc: Donald Ferguson

CERTIFICATION OF MAILING
I hereby certify that on 06/14/1982
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

MICROFILMED



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)

A. Kenneth Dunn
Director
March 31, 1982

(208) 334-2190

Catherine Gillihan
850 Jackson
Emmett, Id. 83617

RE: 77-7058

Dear Ms. Gillihan:

We acknowledge receipt of your statement submitted as proof as 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 field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ 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.

Sincerely,

Judy Pense

Judy Pense
Secretary

*void
see lapse
notice of
6/8/1982*

MICROFILMED

CONVERSATION MEMORANDUM

DATE Feb 16, 1982FILE 77-7058NAME OF PARTY Donald FergusonEMPLOYEE Rita Fleck

RE: _____

I notified Mr. Ferguson by phone today that an assignment to Catherine Gilligan is necessary to clear up the matter of beneficial use. Mr. Ferguson will ~~add~~ an assignment and a copy of the document ~~representing~~ appointing him administrator.

April 15, 1982

I again contacted Mr. Ferguson. He was advised by an attorney not to allow Mrs. Gilligan the authority to submit the beneficial use. I explained that the permit would lapse. He stated would get the proper papers together and send them.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Phil Rassier

DATE 2/11/82

TO File 77-7058

SUBJECT Proof submission

Since the permit holder is deceased the proof of beneficial use should be submitted by the Personal Representative of the Estate of Rex E. Lanham. *The personal representative should also provide a copy of the court order appointing him personal representative. PJZ*

MICROFILMED

Phil Rassier
SIGNATURE

M E M O R A N D U M

TO: File 77-7058
FROM: D. Shaff *DS*
SUBJECT: Submitted Proof
DATE: February 4, 1982

On December 2, 1981, Cathrine Gillihan, Rex Lanham's daughter, came in to this office to submit proof of beneficial use on this permit. Proof was due December 1, 1981. She and her father were co-owners of a company that operates a guide service where this water right was to be developed. LUCKY BRANDS, INC., c/o Rex Lanham, filed claims 77-4007 and 77-4008 for use of water in the same area. For 1980, the last year an annual report was filed, Gillihan was not registered as an officer or director of LUCKY BRANDS, INC.

In this office on December 2, Gillihan was informed a Power-of-Attorney is normally required for someone other than the permit holder to take any action affecting the permit. She said she was a co-owner of the operation, and the administrator of the estate who would issue the Power-of-Attorney or sign the proof card was being changed. Due to her absence from Emmett in the guide service business, actual receipt (not delivery at the address) of the proof due notice was on or about December 1. Lanham apparently died about the spring, 1981. Because further delay would advance the date of priority, proof was accepted by Gillihan on behalf of her deceased father.

Referring to Sec. 42-217, Idaho Code, before the 1979 amendment was enacted, "the person or persons using such water" was required to submit proof. Only with the 1979 amendment was "the permit holder" specifically required to submit proof. The 1979 amendment was apparently made to clarify who has the responsibility for submitting proof. The argument could be presented that this permit, initiated November 10, 1976, under the laws existing at that time, was not affected by the amendment in 1979, because no notice or order prior to the 1981 proof-due notice was sent to the permit holder. The validity of this argument could be questioned.

In conclusion, the net effect of this memorandum is to recommend a hold be placed retroactive to December 2, 1981 on the sixty-day period for lapsing of this permit. If a second proof card is necessary, Donald Ferguson, C. P. A., 480 Memorial Drive, Idaho Falls, should be contacted. He is the administrator of the Rex E. Lanham estate.

83401
Ph. 523-0862

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. 77-7058.

Name(s) of Permit Holder: REX E. LANHAM, DECEASED

Post Office Address: Rt. 2, Box 242 850 JACKSON
EMMETT, ID 83617 Tel. No. 365-5884

Source of Water: UNNAMED STREET

Extent of Use: ☒ Domestic 2 (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 8 (acres)
☒ Other POWER 20 KW

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.

12/02/81
 Date

Laughter Catherine Sullivan
 Signature of Permit Holder



RECEIVED

DEC 2 1981

Department of Water Resources

PLACE
TEN CENT
STAMP
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

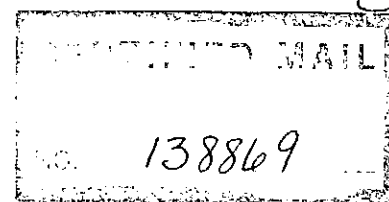
OCT 3 1981

Department of Water
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD



Per Assessment Office
850 Jackson Avenue
Emmett Id 83617
17

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138869

LANHAM, REX E.
RT. 2 BOX 242
EMMETT, ID 83617

SEPTEMBER 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 77-7058 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

IDENT. NO. 77-7058

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

December 20, 1976

Re: Permit No. 77-7058

Rex E. Lanham
Box 242, Rt. 2
Emmett, ID 83617

Dear Mr. Lanham:

Enclosed is a copy of your approved Application for Permit No. **77-7058** . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

1000

INTER-DEPARTMENT MEMO — 1

FROM L. Glen Saxton

TO File 77-7058

SUBJECT File 77-7058

DATE 12-16-1976

On October 20, 1976, I visited the site of this application. There are no other users of the stream. The proposed use is so far from civilization, there is no practical reason to require a measuring device.

I recommend the application be approved.

Glen

SIGNATURE

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 77-7058

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

☒ Pre-permit exam *242*
☐ Adjudication Claim
☐ Dam Construction
☐ Papers Sent

(1) R.W.H. 11-12-76

In form to receipt

(2) _____

Send Copies to:

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

(3) _____

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

(4) R.W.H. 11-12-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A
_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use none

(10) _____

Comments: I have field examined this proposal. There are no other users. The stream flows $\approx$ 200 inches. ft
Affidavit of Publication received(date) 12-8-76

(11) rf OK

(12) _____

Final date for protests _____
Protests received: yes _____ no _____

(13) _____

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

(14) _____

Action recommended:
☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

See memo → NO
To file R/W clause

_____ Measuring device required
_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By 242 Date 12-15-76



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 324-2190

77-7058

November 17, 1976

RE: Notice of Application for Water Permit - SEE ATTACHED SHEET

The Star News
Box 985
McCall, ID 83638

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 in 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."

Sincerely,

(Signature of Claimant)

Bill submitted

12-8-76

[Handwritten signature]

Published in the Star News on November 25, 1976, and December 2, 1976

65-7717 - Orville H. Roberts
65-7732 - Lester &/or Ella Mae Downing &/or Ray &/or Gladys Davis
65-7733 - Dennis &/or Earl R. Davis
65-7734 - J.K.M.R. Association
65-7735 - Chester A. &/or Leona &/or Leon Brownlee
65-7739 - James H. &/or Susan M. Olson
65-7747 - Earl C. &/or Helen E. Vanover
65-7746 - Wagonwheel Hideout
65-7736 - Robert M. &/or Betsy Gudmundsen
65-7737 - A. Duane &/or Virginia L. Smith
65-7738 - Richard &/or Mary B. Hormaechea
65-7740 - Floyd F. &/or Dimple F. Post
65-7741 - Gleen Hillhouse
65-7742 - Olindo or Gail Marchi
65-7743 - Robert J. Conway
65-7744 - Merle L. or Claudie R. Newell
65-7745 - Richard D. Rutledge
77-7058 - Rex E. Lanham

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rex E. Lanham

Emmett, ID

has on November 10, 1976 submitted Application No. 77-7058

for a permit to appropriate 2.5 cubic feet per second acre feet

per annum of water from an unnamed stream trib of Big Creek

by means of tank~~AGE~~ & pipeline

within the NE~~1~~NE~~1~~ Sec 35 T21N-R9E B.M., Valley County

to be used from Jan 1 to Dec 31 for power~~ed~~ and domestic and Apr 15 to Oct 15

for irrigation of 8 acres

within the SW~~1~~NE~~1~~ Sec 35 T21N-R9E 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 December 13, 1976.

R. KEITH HIGGINSON

Director

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on November 25, 1976 and December 2, 1976