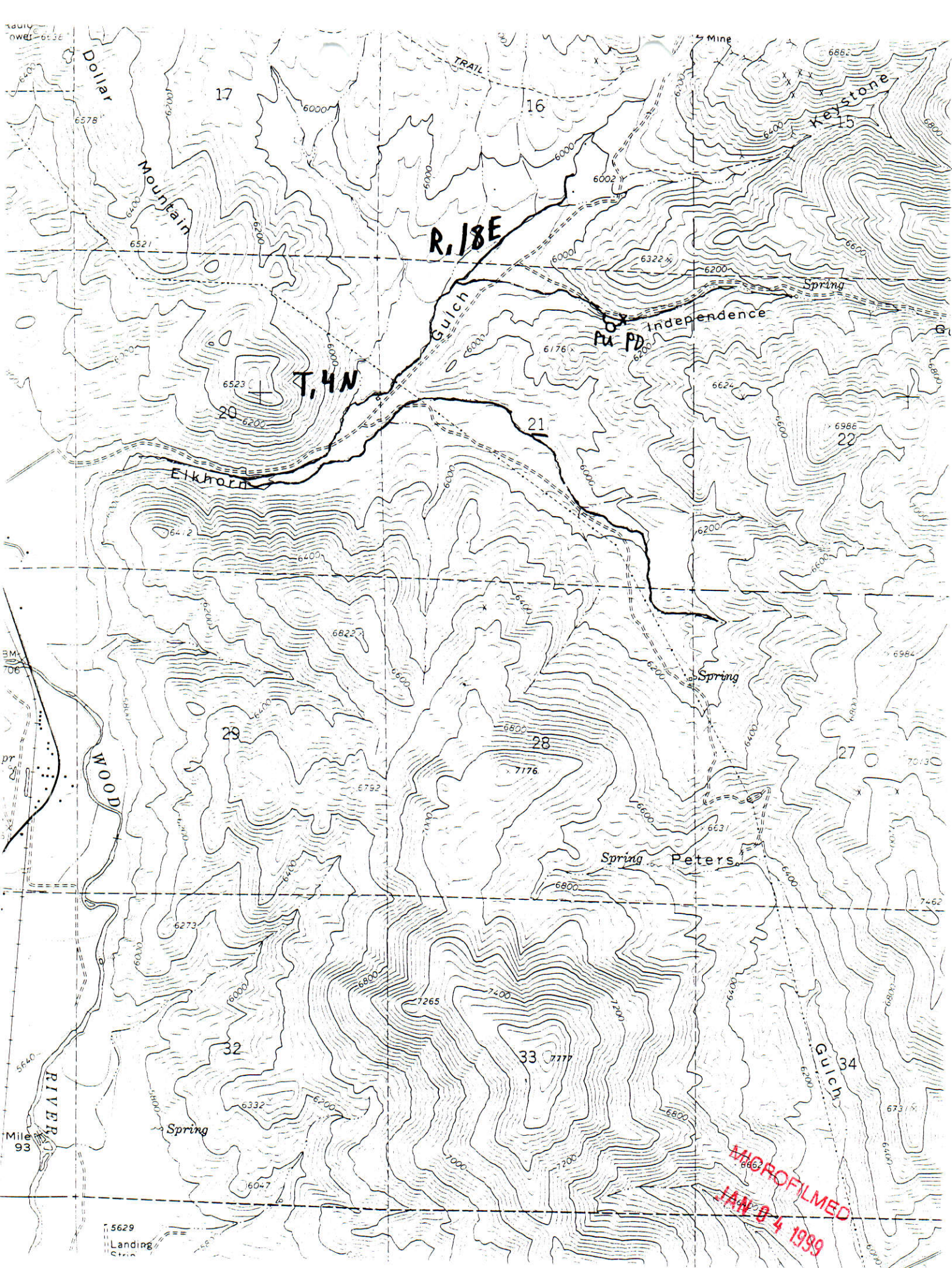
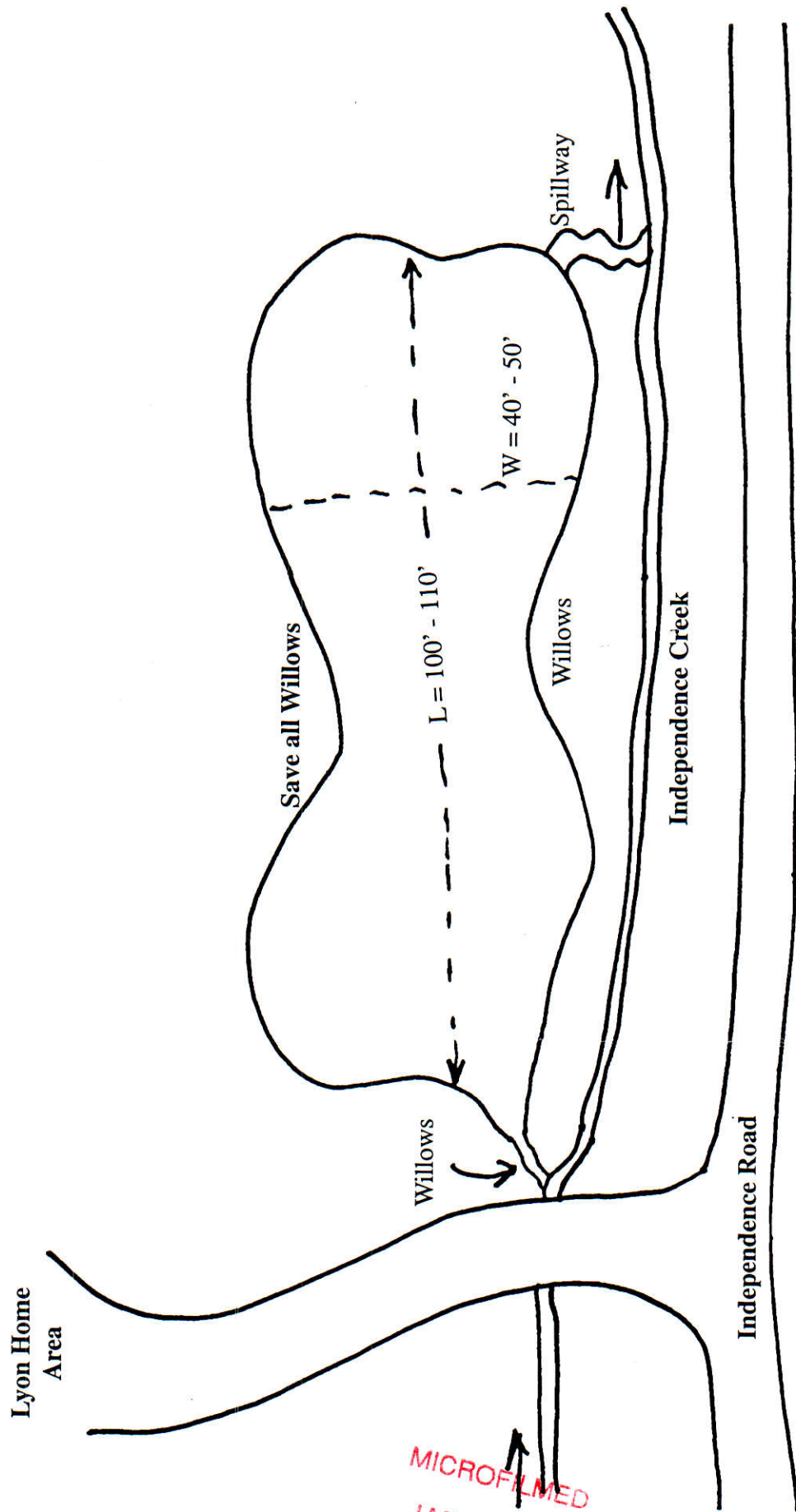


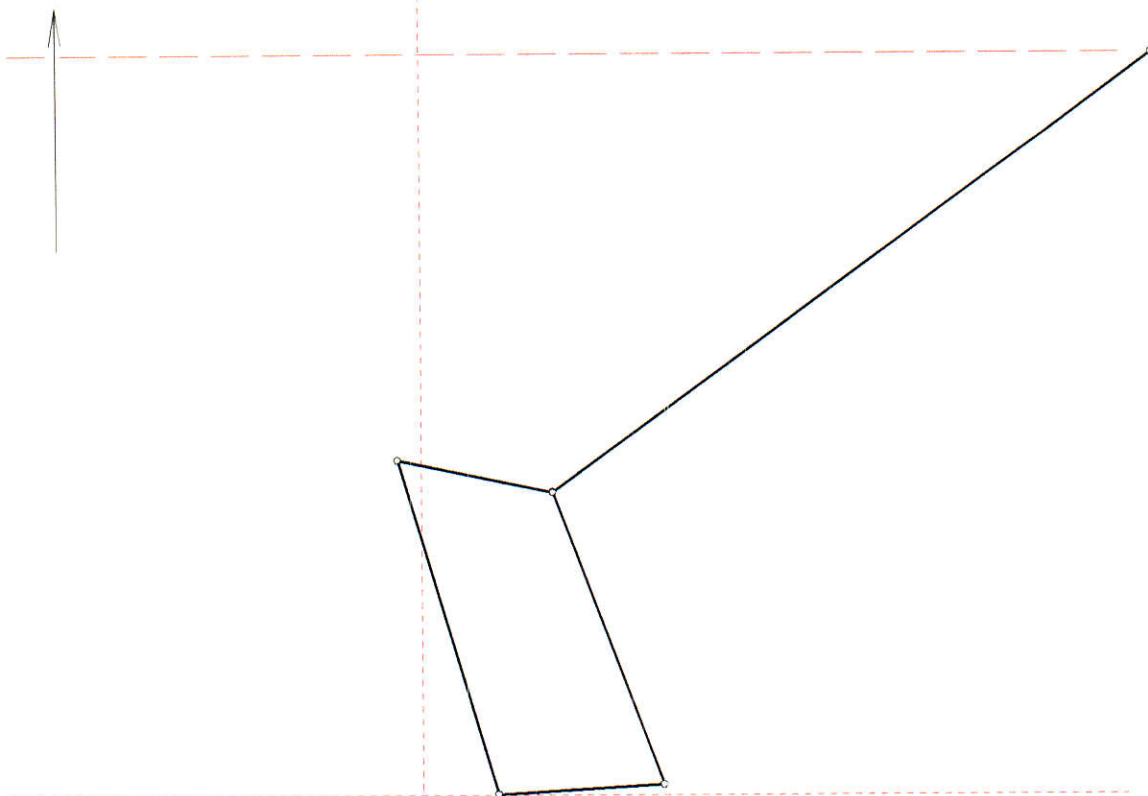


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JAN 04 1999

37-08884

Lyon Site Plan

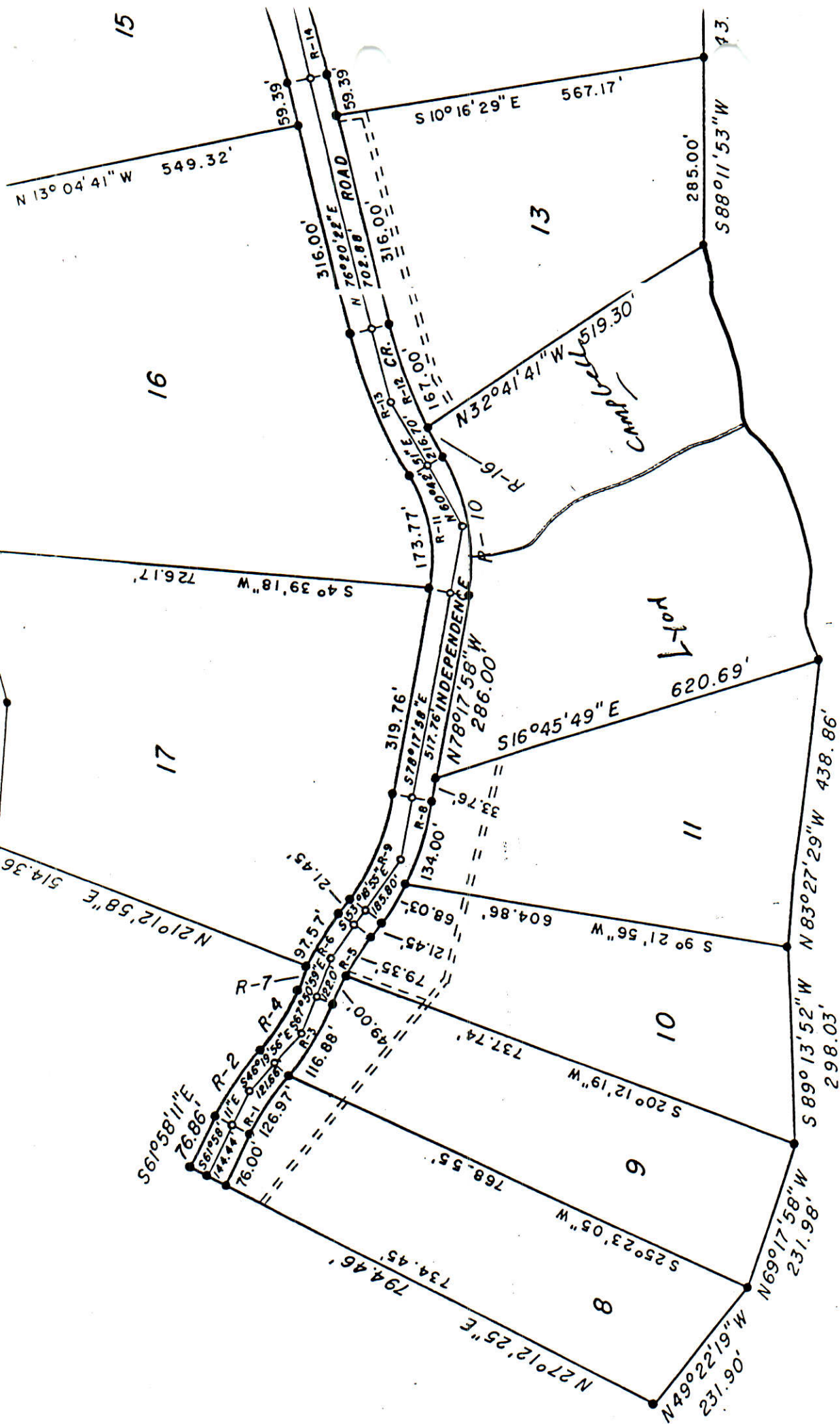




Title:		Date: 10-27-1998
Scale: 1 inch = 346 feet	File:	
Tract 1: 0.562 Acres: 24481 Sq Feet: Closure = n54.1508e 1335.14 Feet: Precision =1/ 2: Perimeter = 3097 Feet		
001=/ne,21,4n,18e	004=s86.4445w 299.48	
002=s54.1827w 1334.82	005=n16.4549w 620.29	
003=s20.5202e 556.76	006=s78.1857e 286.00	

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JAN 0 4 1999

37-08884



Independence Creek
Subdivision

DATA

R	LC	Lc
5.21	126.57	126.97
5.21	142.90	143.34
2.36	116.62	117.30
2.36	94.22	94.77

SCALE: 1" = 200'

MICROFILMED
JAN 04 1999

37-08884

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 27 1998

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 25 day of Nov, in the year 1998, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of Nov, 1998 and the date of the last publication was on the 25 day of Nov, 1998

Daniel J. Gorham
Subscribed and sworn to before me this 25 day of Nov, 1998.
(SEAL)

VIRGINIA R. BALLOU
NOTARY PUBLIC
STATE OF IDAHO

Virginia R. Ballou
NOTARY PUBLIC
commission exp 9-17-04

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 51.133
Number of Insertions 2
Lines tabular at 51.133 7¢ / Pica
Lines straight at 51.133 6¢ / Pica
Subsequent lines at 29.402 5¢ / Pica
TOTAL COST \$69.68

COPY OF NOTICE
(Paste Here)

Water Permit App. 37-08884

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources

BILL TO

Application for water permit

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

C H RANDOLPH &/OR
EVELYN H LYON
1102 ELM TREE RD
LAKE FOREST IL 60045
Application for Permit No.
37-08884

Source: Independence Creek
tributary to Elkhorn Creek

Diversion Pt(s):
SW1/4NE1/4NE1/4, S21, T04N,
R18E; Blaine County.

Use: 1/1-12/31

Recreation (1.5 cfs)

In: N1/2NE1/4, S21, T04N,
R18E; Blaine County

Date Filed: 09/15/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 7, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in the Wood River
Journal on 11/18 & 11/25/98.

MICROFILMED

JAN 04 1999

7-8 pt./line tabular: .07 / pica
7-8 pt./line successive
insertion: .05 / pica

11186



POND LOCATION
~

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37-08884



Pond Site Looking Upstream



Area Below Pond Site

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JAN 04 1999

App. For Permit
Randolph/Lyon
9-17-98
JE Stanton

37-0 8884



Independence Creek Re-Emerging Below Condos

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JAN 04 1999

Randolph/Lyons App.
9-17-98
JE Stanton

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-08884 IN THE NAME OF)
EVELYN H. LYON AND/OR)
C. H. RANDOLPH)
_____)

**ORDER GRANTING PETITION
TO REMOVE MEASURING
DEVICE REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a petition to remove a measuring device requirement, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 29, 1998, the Department issued Permit 37-08884 (permit) to Evelyn H. Lyon and/or C. H. Randolph (permit holders) with conditions of approval requiring the permanent installation of flow measurement devices and lockable controlling works to provide for watermaster control of the water right.
2. On November 30, 1999, the Department received a petition to remove the measuring device and lockable controlling works requirements from the permit holders' representative.
3. On January 20, 2000, the Department received a letter from the Idaho Department of Fish and Game in support of the petition to remove the measuring device and lockable controlling works requirements.
4. Installation of measuring devices and lockable controlling works is not necessary to administer the water right at this time.

CONCLUSIONS OF LAW

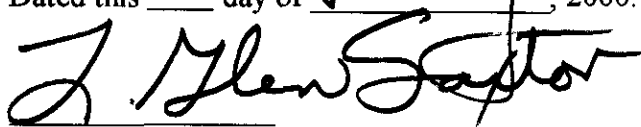
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.

MICROFILMED
JAN 28 2000

ORDER

The conditions of approval requiring the permanent installation of measuring devices and lockable controlling works as part of the diversion works for the permit is **WAIVED**. The Department retains jurisdiction to require the conditions to be reinstated in the future upon a finding of need.

Dated this 25th day of January, 2000.

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is written in a cursive, flowing style with a large initial "L".

L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED

JAN 28 2000

DEC 6 1999

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00 125.00
Receipt No. CO 47409
Receipt By: A. H. Hootch
Date Received: 12-7-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08884 Telephone No. Bruce Lium 208-788-2860

2. Name(s) of Permit Holder(s): Evelyn + Randolph Lium

3. Mailing Address: 1102 Elm Tree Rd. Lake Forest, IL 60045

4. Source of Water: Independence Creek - Tributary to Elk Horn C.
Blaine Co. If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: A. A. Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): ____ Other: Pond - Rec

6. Total rate of diversion and/or volume for which proof is submitted: 1.5 cfs OR ____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Please see narrative.
Measuring Device: Is a measuring device required? Yes ____ or No ✓
Has the measuring device been installed? Yes ____ or No ____
Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ____
Has the measurement port been installed? Yes ____ or No ____

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dr. Bruce Lium Telephone Number: 208-788-2860

Address: P.O. Box 1979, Hailey, Id., 83333

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED

Signature of permit holder: Evelyn H. Lium JAN 28 2000 122-99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08884

Proposed Priority: September 15, 1998 Maximum Diversion Rate: 1.50 CFS

This is to certify, that **EVELYN H LYON**
C H RANDOLPH

1102 ELM TREE RD
LAKE FOREST IL 60045

has applied for a permit to appropriate water from:
INDEPENDENCE CREEK tributary of **ELKHORN CREEK**

and a permit is **APPROVED** for development of water 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	1.50 CFS	
RECREATION STORAGE	01/01 to 12/31		0.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.50 CFS	
	Totals	1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 21, Township 04N, Range 18E
BLAINE County

PLACE OF USE: RECREATION

TWN RGE SEC

04N 18E 21

NENE

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 2000.
2. Subject to all prior water rights.
3. This right authorizes a single point of diversion.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
7. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

MICROFILMED

JAN 04 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08884

CONDITIONS OF APPROVAL AND REMARKS

8. Water shall not be diverted under this right when flows in the Big Wood River are below established minimum stream flows.
9. The right holder shall not divert more than half the natural flow of Independence Creek.
10. Recreation use and recreation storage use are for a private fish pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

29th day of December, 1998.

K. J. Dreher
for Karl J. Dreher, Director

MICROFILMED

JAN 04 1999

RECEIVED

DEC 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 15 1998

Department of Water Resources

Department of Water Resources
Southern Region

1. Name of Applicant C. H. Randolph & or Evelyn H. Lyon Phone 847-234-4353
Mailing address 1102 Elm Tree Rd, Lake Forest, IL 60045
2. Source of water supply Independence Creek which is a tributary of Elkhorn Creek
3. Location of point of diversion is Township 4N Range 18E Sec. 21 in the SW 1/4
NE 1/4, NE 1/4, Govt. Lot _____, B.M., Blaine County
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 1.5 cfs for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.5 for Rec. Storage * purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 1.5 for Div. to Storage * 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 is (a) 1.5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Headgate & ditch to pond,
spillway & ditch back into stream, headgate & pipe back to stream.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Recreation - Fishing pond for family members

* uses added per SWR 12/29/98.

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JAN 04 1999

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	18E	21	R	R															

R = Recreation

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? "

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

12. Remarks: Pond will be about 110' x 50' x 7-8' deep. Evaporation losses will be minimal.

Property is Tax lot 4533, located where Lot 12 of Independence Creek Subdivision would be if it were so designated.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

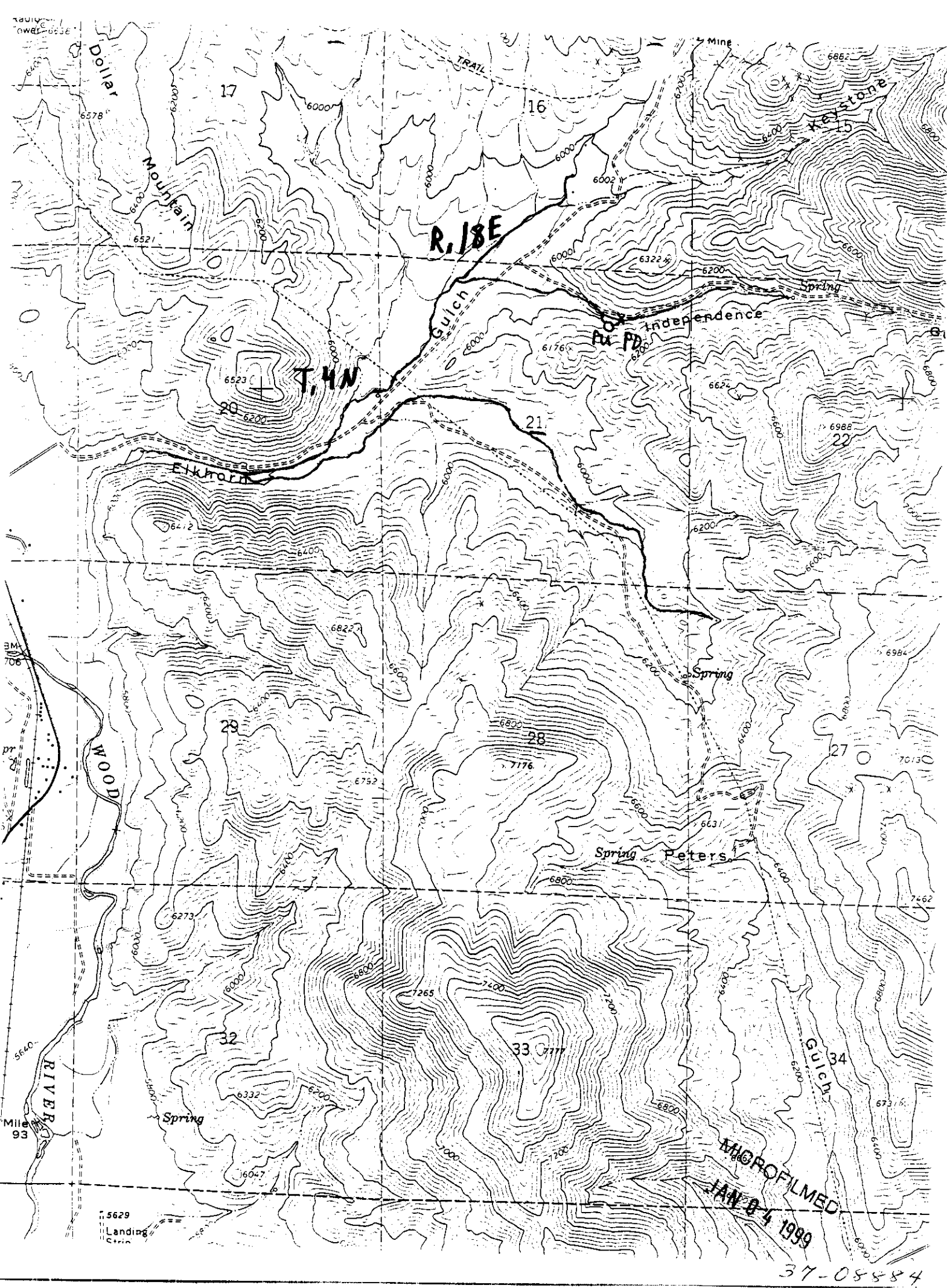
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JAN 04 1999

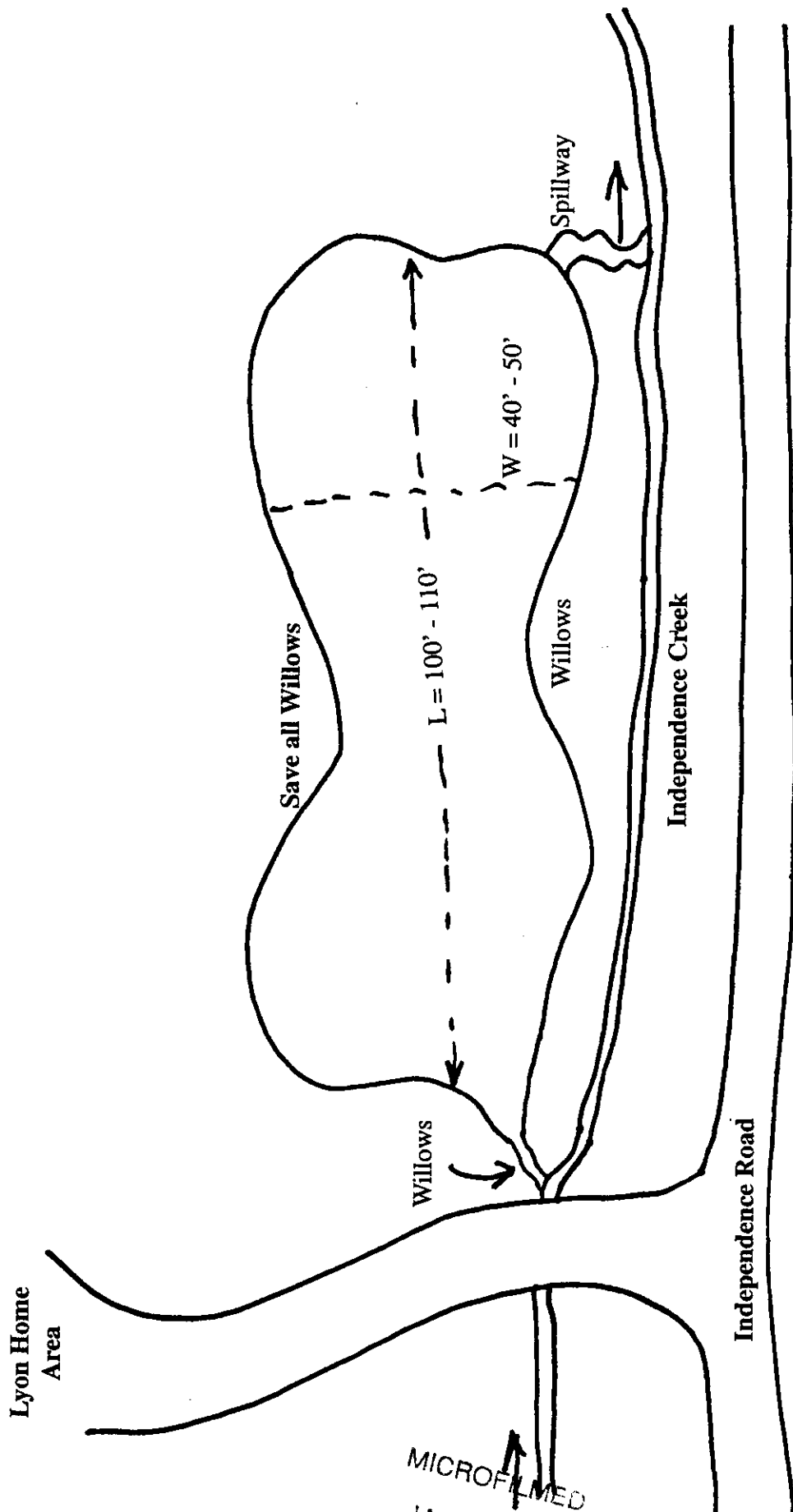
* William H. Lyon
Signature of Applicant (and title, if applicable)

9.10.98

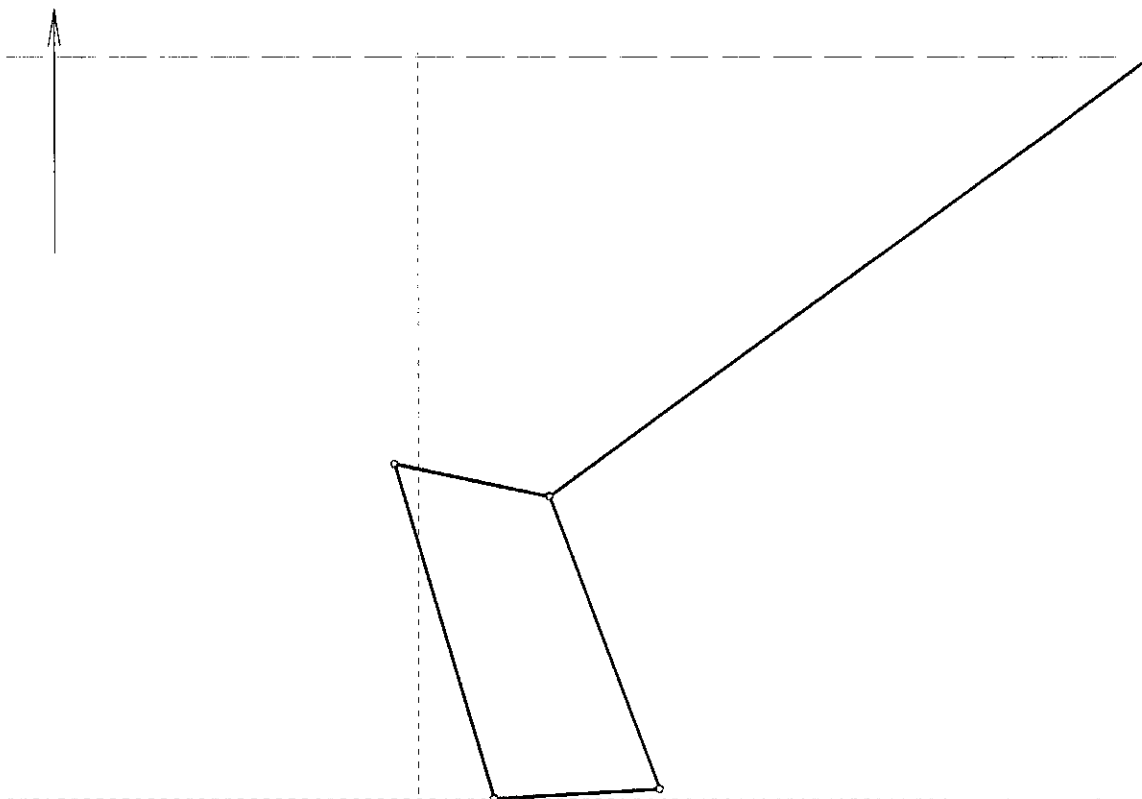
Received by J. E. Stanton Date 9-15-98 Time 11:25 Preliminary check by JD
Fee \$ 120 Received by JD # 5021493 Date 9-15-98
Publication prepared by NB Date 11/10/98 Published in Wood River Journal
Publication approved _____ Date _____



Lyon Site Plan



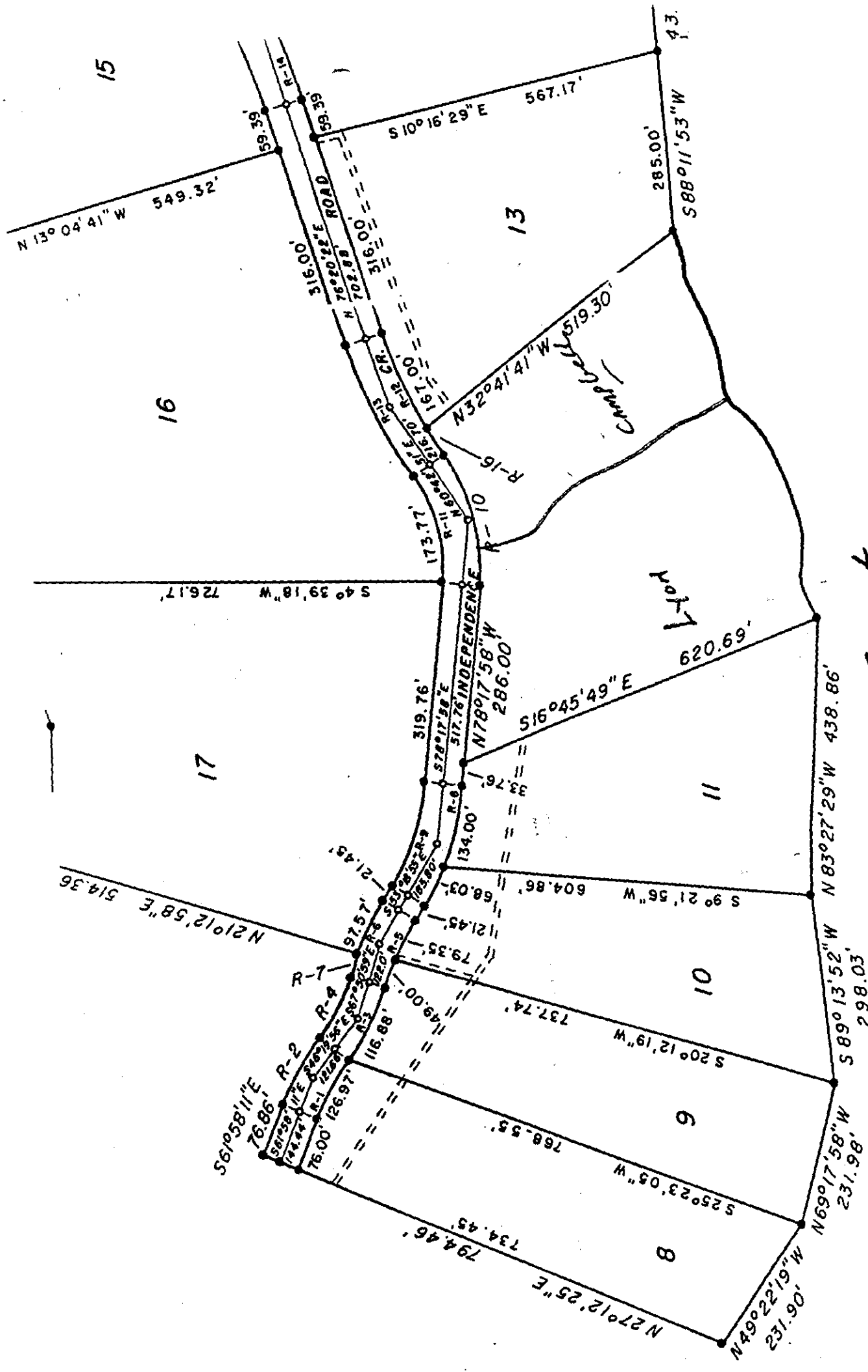
37-08884



Title:		Date: 10-27-1998
Scale: 1 inch = 346 feet	File:	
Tract 1: 0.562 Acres: 24481 Sq Feet: Closure = n54.1508e 1335.14 Feet: Precision =1/ 2: Perimeter = 3097 Feet		
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003=s20.5202e 556.76	006=s78.1857e 286.00	

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JAN 0 4 1999

37-C 8884



*Independence Creek
Subdivision*



SCALE: 1" = 200'

MICROFILMED
JAN 04 1993

DATA

R	LC	LC
5.21	126.57	126.97
5.21	142.90	143.34
1.36	116.62	117.30
2.36	94.22	94.77

37-68884



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

January 26, 2000

RANDOLPH LYON
EVELYN LYON
1102 ELM TREE RD
LAKE FOREST IL 60045

RE: Permit 37-08884

Dear Mr. & Mrs. Lyon:

Enclosed please find an Order issued by the department
Granting Petition to Remove Measuring Device Requirement.

If you have any questions regarding this matter, please call
me at 327-7940.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Dr. Bruce Lium

MICROFILMED

JAN 28 2000

**IDAHO FISH & GAME**

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

January 20, 2000

Dirk Kempthorne / Governor
Jerry Mallet / Interim Director

Mr. Bruce Lium
American Water Resources
P.O. Box 1979
Hailey, Idaho 83333

Re: Permit No. 37-08884 Independence Creek Pond Project

Dear Bruce,

After visiting the site of the pond referenced in water right permit 37-08884 that appropriates water for aesthetics along with fish and wildlife, we concur that measuring devices are not necessary and should therefore be waived. This recommendation is based on the short distance between the pond inlet and outlet, diversions and discharges are not barriers to natural migration of fish and other aquatic organisms, and there is no physical use of water between the point of diversion and discharge back to Independence Creek.

Thank you for the opportunity to review and comment on this application. If you have further questions please contact Dave Parrish, Environmental Staff Biologist at this office.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

Cc: IDFG-NRB (Robertson)
IDFG-Frost
IDWR-Twin Falls

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JAN 28 2000

Leaving Idaho's Wildlife Legacy Better Than We Found It



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

January 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE LIUM
PO BOX 1979
HAILEY ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08884

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form ("proof") submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

The proof you submitted indicates that you have not installed permanent measuring devices above and below the reservoir as required by condition #6 of your permit. The installation must be complete by the time the examination is conducted in order to keep the permit in good standing or you need to request a waiver of the condition supported by evidence from the Fish and Game department requiring that the inlet remain open for fish passage.

If you have questions concerning the field examination or the timing of it, please feel free to contact the Southern Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

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JAN 28 2000

Permit No. 37-08884 Reviewed by WJH Date 1-17-2000

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

Correct Uses?

☒ Surface water source

Ground water source

_____ Drilling permit required?

Copy in the file?

Amount paid for permit

Well log in the file?

Correct?

yes Required?

125 Amount Submitted

yes Correct?

yes Required?

No Installed?

_____ Waiver requested?

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

need spl letter - ock proof but request
evid of F+G fish passage requirement
or request m.d. waiver

New Address

Proof Made 12-06-99

AMERICAN WATER RESOURCES COMPANY

November 30, 1999

Julie Yarbrough
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

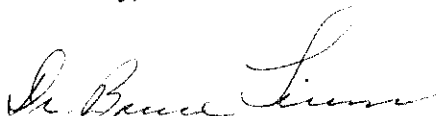
Dear Ms. Yarbrough,

This is in response to your October 31st letter to Evelyn Lyon regarding permit #3708884. Ms. Lyon forwarded your letter and Proof of Beneficial Use form to me for completion. I would like to specifically address item #7.

A measuring device was not used at the pond inlet. The reason it was not used was to allow the original channel of Independence Creek and the inlet water to the pond to remain open for fish passage. This was inline with the conditions of Fish and Game. Fish and Game also requested that we split the flows evenly which was done during construction activities.

Please feel free to call me with any questions. I invite you also to visit the site if you would like to see the diversion that we constructed. Thank you for your consideration.

Sincerely,


Dr. Bruce Lium

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JAN 28 2000

October 31, 1999

EVELYN H LYON
C H RANDOLPH
1102 ELM TREE RD
LAKE FOREST IL 60045

PROOF DUE NOTICE

RE: PERMIT NO. 37-08884

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable 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.

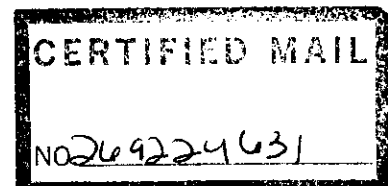
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 28 2000



RECEIVED RECEIVED

MAR 09 1999 MAR 15 1999

Department of Water Resources
Southern Region

RECOMMENDATION FROM STREAM CHANNEL PROTECTION SPECIALIST

APPLICATION FOR PERMIT NO.37-08884

I, TERRY G. BLAU, Stream Channel Protection Specialist for the State of Idaho, Idaho Department of Water Resources, 1341 Fillmore St., Twin Falls, Idaho have read the attached copy of the application for permit 37-08884 in the name of C. H. Randolph and/or Evelyn H. Lyon.

I recommend the following conditions:

[1] All construction activities shall be conducted in such a manner so as to minimize turbidity and comply with Idaho water quality standards.

[2] Fuel, oil, and other hazardous materials shall be stored, and equipment refueled and serviced, away from the stream to insure that a spill cannot enter the waterway.

[3] All construction activities shall be conducted in such a manner so as to minimize turbidity and sediment movement and to comply with Idaho water quality standards. All excavation and stabilization shall be completed prior to diverting water from the creek.

[4] Noxious weeds should be controlled in the work area prior to construction and revegetation, by hand or by using an environmentally safe herbicide to reduce competition and minimize the need to spray during new vegetation establishment.

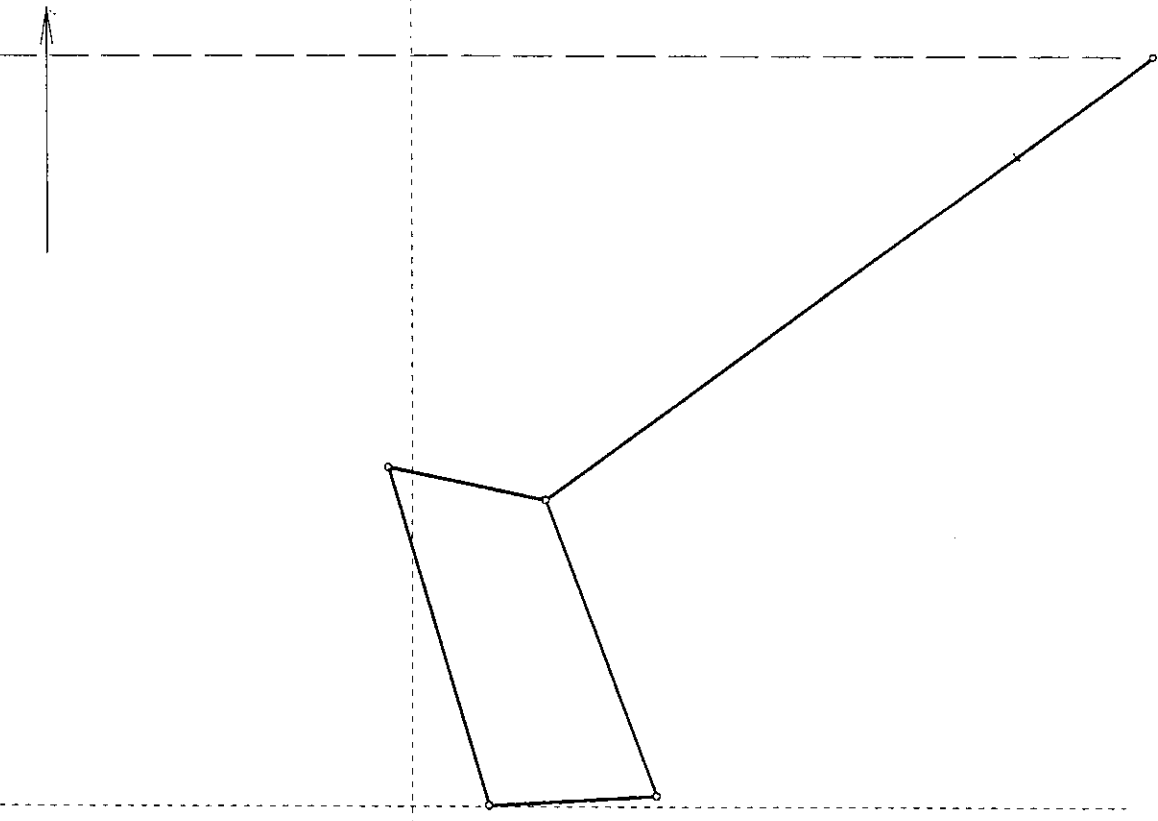
[5] Stream bank vegetation shall be protected to the extent practical during construction. Disturbed areas shall be revegetated and/or seeded with perennial vegetation as prescribed or approved by the A.D.C. to reduce erosion and the invasion of noxious weeds. Trees and shrubs shall be planted as soon as possible after construction in a manner that will provide maximum shading of the pond.

[6] The pond shall not cause violations of the water quality standards for temperature. The owner shall be responsible for the monitoring of water temperature, above the diversion and below the

MICROFILMED

JAN 28 2000

37-08884



Title:		Date: 10-27-1998
Scale: 1 inch = 346 feet	File:	
Tract 1: 0.562 Acres: 24481 Sq Feet: Closure = n54.1508e 1335.14 Feet: Precision = 1/ 2: Perimeter = 3097 Feet		
001=/ne,21,4n,18e	004=s86.4445w 299.48	
002=s54.1827w 1334.82	005=n16.4549w 620.29	
003=s20.5202e 556.76	006=s78.1857e 286.00	

MICROFILMED
JAN 28 2000

37-08884



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 30, 1998

EVELYN H LYON
C H RANDOLPH
1102 ELM TREE RD
LAKE FOREST IL 60045

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08884

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty

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JAN 04 1999

days prior to the commencement of work in the stream.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

ACROFILMED

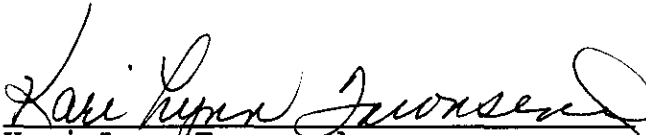
APR 04 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 37-08884

EVELYN H LYON
C H RANDOLPH
1102 ELM TREE RD
LAKE FOREST IL 60045


Kari Lynn Townsend
Secretary

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JAN 04 1999

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

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JAN 04 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

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JAN 04 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Long*No.: 37-8884 Name: Randolph / Lyon Date: 12/22/98 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: ESR Mor / Big Wood R. GWMA / Trust / Non-trust
 PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - Yes / No: RESPONSE: _____
- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9 Big Wood R.
- WD (✓ MAP & LISTING) - 04 (WD # 37)
- > 0.10 cfs - 04-P08 (MD & LD) NA
- ≤ 0.10 cfs - 01H-P08 (LD), 01B or No MD (in-stream stock)
- WMD (✓ MAP) - P08
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - NA (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - NO

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 16 16
- WB9 Allen's Rec use
- 10/1/2000

MEMORANDUM

DATE: December 29, 1998
TO: File No. 37-08884
FROM: Cindy Zimmerman 
SUBJECT: Adjustments to Application

This application originally requested 1.50 cfs from Independence Creek for recreation flow through a 110' x 50' x 8' deep off-stream pond. Idaho Fish & Game is concerned that the high rate of flow would dry up a portion of the creek. Jim Stanton from Southern Region visited the site on September 16, 1998. His report and pictures of the site are in the file. Jim estimated the flow of Independence Creek at that time of his visit at 0.10 cfs.

Since the flow of Independence Creek fluctuates with the season and may not flow at 1.50 cfs on a year round basis, the storage facility may take more than 24 hours to fill during low flow times. Therefore, recreation storage and diversion to storage were added to the application. The department also included a condition of approval on the permit whereby the right holder may not divert more than half the natural flow of Independence Creek.

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JAN 04 1999

RECEIVED

DEC 21 1998

FORM NO.202A
REVISED 7/31/98APPLICATION NO. 37-08884 DEPARTMENT OF WATER RESOURCESSTATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEETINITIAL REVIEW BY J. E. Stanton DATE 9-17-98

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 9-15 1998

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
- ☐ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by J. E. Stanton
- ☒ Yes ☐ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☒ Yes ☐ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	11/10/98	11/12/1998
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. 37	11/10/98	11/24/98
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☐ No Statewide Advertising?
☐ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? 37

☐ Yes ☐ No Special conditions codes:

(Probably not delivered but under his jurisdiction)

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 12/17/98

Date of priority recommended: 9/15/98

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By AP Date 12/17/98

FROM: Allen Merritt

DATE: December 17, 1998

RECEIVED

TO: Application No. 37-08884

In the Name of: Randolph/Lyon

DEC 21 1998

SUBJECT: Review and Recommendation

Department of Water Resources

This application proposes the construction of a small recreation pond off of Independence Creek which is a small stream tributary to Elkhorn Gulch which is considered a dry stream in the Frost Decree.

The application was processed as non-consumptive. No protests were filed. Fish & Game and the watermaster were notified. F&G submitted comment in letter in file. I phoned Lee Peterson and he has no concerns. He indicates there are other small pretty ponds in the area, another will have little impact.

As proposed the size of the pond and impact appears insignificant.

I recommend that the application be approved subject to the following conditions:

- This right is non-consumptive.
- The pond is limited in volume to that of 50' wide x 110' long x 8' deep.
- Measuring devices on the inlet ditch to the pond and discharge ditch back to the creek shall be installed and maintained to measure the inflow and discharge of the pond.
- The director retains jurisdiction over the permit to require mitigation of use if it is determines injury to other rights.
- Diversion from the stream to the pond shall be limited so as to prevent loss of fish passage and riparian habitat on segment of stream bypassed by diversion.
- The use is under control of the watermaster of district 37.

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JAN 04 1999

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 27 1998

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 25 day of Nov, in the year 1998 before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of Nov, 1998 and the date of the last publication was on the 25 day of Nov, 1998

Subscribed and sworn to before me this 25 day of Nov, 1998.
(SEAL)

VIRGINIA R. BALLOU
NOTARY PUBLIC
STATE OF IDAHO

Virginia R. Ballou
NOTARY PUBLIC
Commission exp 9-17-04

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 51.133
Number of Insertions 2
Lines tabular at 51.133 7¢ / Pica
Lines straight at 35.282 6¢ / Pica
Subsequent lines at 29.402 5¢ / Pica
TOTAL COST \$69.68

COPY OF NOTICE
(Paste Here)

Water Permit App. 37-08884
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

~~Application for
water permit~~

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

C H RANDOLPH &/OR
EVELYN H LYON
1102 ELM TREE RD.
LAKE FOREST IL 60045
Application for Permit No.
37-08884

Source: Independence Creek
tributary to Elkhorn Creek
Diversion Pt(s):
SW1/4NE1/4NE1/4, S21, T84N,
R18E; Blaine County.
Use: 1/1-12/31

Recreation (1.5 cfs)
In: NE1/4NE1/4, S21, T84N,
R18E; Blaine County.

Date: 11/18/98

Applicant has submitted an application to the Department of Water Resources, Southern Region,

1341 Elmore St., Suite 200,
Twin Falls, ID 83430 together with a protest fee of \$25.00 on or before December 7, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protesting must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in the Wood River Journal on 11/27/98 & 12/3/98.

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JAN 04 1999

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7-8 pt./line successive
insertion: .05 / pica

11186

APPLICATION FOR PERMIT
NO. 37-08884

RECEIVED
NOV 24 1993
Department of Water Resources
Southern Region

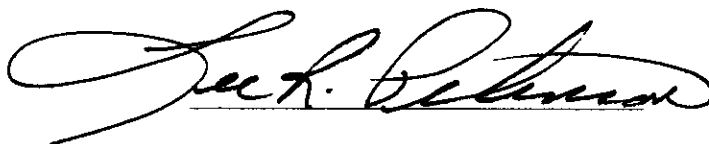
RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352,
have read the attached copy of the application for permit _____
for C H Randolph/Evelyn H Lyon, and to the best of my knowledge believe the
application to be true.

A. I hereby endorse the above numbered Application for Permit and recommend
that the director of the Department of Water Resources approve the application
subject to the following conditions: A measuring device with lockable control be
installed. Either a cippotetti or broadcrest weir, or one acceptable by the
Watermaster.

I do not endorse approval of the above numbered Application for Permit as
requested for the following reasons: _____

Dated at Shoshone, Idaho, this 23rd day of November 1998.



Please use reverse side if needed.

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JAN 04 1999



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Philip E. Batt/Governor
Stephen P. Mealey/Director

November 13, 1998

RECEIVED

NOV 16 1998

Department of Water Resources
Southern Region

Mr. James Stanton
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Application for Permit No. 37-08884 - Randolph/Lyon - Independence Cr.

Dear Terry,

We have reviewed the above referenced application to divert a portion of Independence Creek into a wetland pond near Sun Valley. Please consider the following comments in permitting this application:

1. The existing stream channel should remain intact.
2. The inlet and outlet should not be fish migration barriers. We recommend drops of not more than 12" and velocities less than 2 feet per second through control structures.
3. Because of the size of the pond we recommend extensive shading on the south side. Willow, cottonwood, and aspen would provide the best canopy for shading the pond and would provide perch trees for wildlife.
4. Flows in Independence Creek become low (less than 1 cfs.) during the fall and winter months. We recommend that no more than 50% of the stream flow be diverted into the pond at any one time. Fifty percent of the flow remaining in the present channel should be adequate to maintain riparian vegetation and fish and wildlife within the existing stream corridor.

Thanks for the opportunity to review and comment on this application.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-NRPB

JAN 04 1999

NOTICE OF APPLICATION
FOR WATER PERMIT

The following application has
been filed to appropriate the
public waters of the State of
Idaho:

C H RANDOLPH &/OR

EVELYN H LYON

1102 ELM TREE RD

LAKE FOREST IL 60045

Application for Permit No.

37-08884

Source: Independence Creek
tributary to Elkhorn Creek

D i v e r s i o n P t (s) :

SW1/4NE1/4NE1/4, S21, T04N,

R18E; Blaine County.

Use: 1/1-12/31

Recreation (1.5 cfs)

In: N1/2NE1/4, S21, T04N,

R18E; Blaine County

Date Filed: 09/15/98

Any protest against the proposed
application(s) must be filed with
the Department of Water
Resources, Southern Region,
1341 Fillmore St., Suite 200;
Twin Falls, ID 83301 together
with a protest fee of \$25.00 on
or before December 7, 1998 to
be considered by the Department
in its decision to grant or deny
any part of the proposed
application(s). The protestant
must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River
Journal on 11/18 & 11/25/98.

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JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

November 10, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

C H RANDOLPH &/OR
EVELYN H LYON
1102 ELM TREE RD
LAKE FOREST IL 60045

Application for Permit No. 37-08884

Source: Independence Creek tributary to Elkhorn Creek

Diversion Pt(s): SW1/4NE1/4NE1/4, S21, T04N, R18E; Blaine County.

Use: 1/1-12/31

Recreation (1.5 cfs)

In: N1/2NE1/4, S21, T04N, R18E; Blaine County

Date Filed: 09/15/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 7, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 11/18 & 11/25/98.

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JAN 04 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

November 10, 1998

PHILIP E. BATT
GOVERNOR

BRUCE LIUM
AMERICAN WATER RESOURCES CO
PO BOX 1979
HAILEY ID 83333

KARL J. DREHER
DIRECTOR

Re: Application for Permit No. 37-08884 (C.H. Randolph &/or Evelyn H. Lyon)

Dear Dr. Lium:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of your clients. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Wood River Journal for 11/18 & 11/25/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

cc:
C H RANDOLPH &/OR
EVELYN H LYON
1102 ELM TREE RD
LAKE FOREST IL 60045

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JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN DAVE PARRISH
ID DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 37-08884 (C.H. Randolph
&/or Evelyn H. Lyon)

Dear Mr. Parrish:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure(s)

MICROFILM

JAN 04 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Permit No. 37-08884 - C.H. Randolph
&/or Evelyn H. Lyon

Dear Mr. Peterson:

Enclosed is a copy of an Application for Permit within
your District.

We also have enclosed a Watermaster's Recommendation Form
for your comment and/or recommendation.

Regional review of an unprotested application can be
completed as soon as the final protest period is past;
therefore, your prompt response to this request is
appreciated.

If you have any questions about an application, please
contact this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

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JAN 04 1999

ACTION REQUIRED

FROM: MB

TO: Terry Blau

11/10/98

37-08884

Randolph/Lyon

SCA comment please

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JAN 04 1999

TO: File

DATE: October 27, 1998

FROM: Jim Stanton

SUBJECT: App. for Permit, Lyon

Using the Greenbrier trackplotter program, I plotted the legal description of the property. According to the plotter, it is almost entirely within the NE/NE Sec. 21. But based on my field inspection of the site, the proposed pond should be in the NW/NE Sec. 21. The application therefore shows both tracts as the place of use; the licensing examiner will have to figure it out eventually. I don't know what else to do at this point to determine the proper description.

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JAN 04 1999

37-C 8884

TO: File

DATE: September 21, 1998

FROM: Jim Stanton

SUBJECT: Pre-Permit Exam, Randolph/Lyon App.

Last week I viewed the subject property. Independence Creek is a tiny stream in a narrow canyon. The area has been subdivided, and several homes have already been built there. The pond site is just below a large log home. The riparian area is about the size of a home site. There are 2 more homes below the proposed pond site, and then the stream is conveyed around some condominiums in a buried pipeline. Once past the condos, there is an open V-shaped channel to carry any flow thru another subdivision. I estimated that 0.1 cfs was flowing past the condos, although the flow would probably be higher earlier in the year. Whether the requested flow would be available at times is hard to say, but there is no harm in asking for it just in case. This is classified as a non-consumptive use, so should have no effect on downstream users (if any). The stream appears to be too small to support any native fish.

The legal descriptions are as shown on the site map, but the p/u is questionable. I will plat the meets & bounds description of the property to verify the p/u. I see no reason to deny this application.

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37-08884



POND LOCATION
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37-08884



Pond Site Looking Upstream



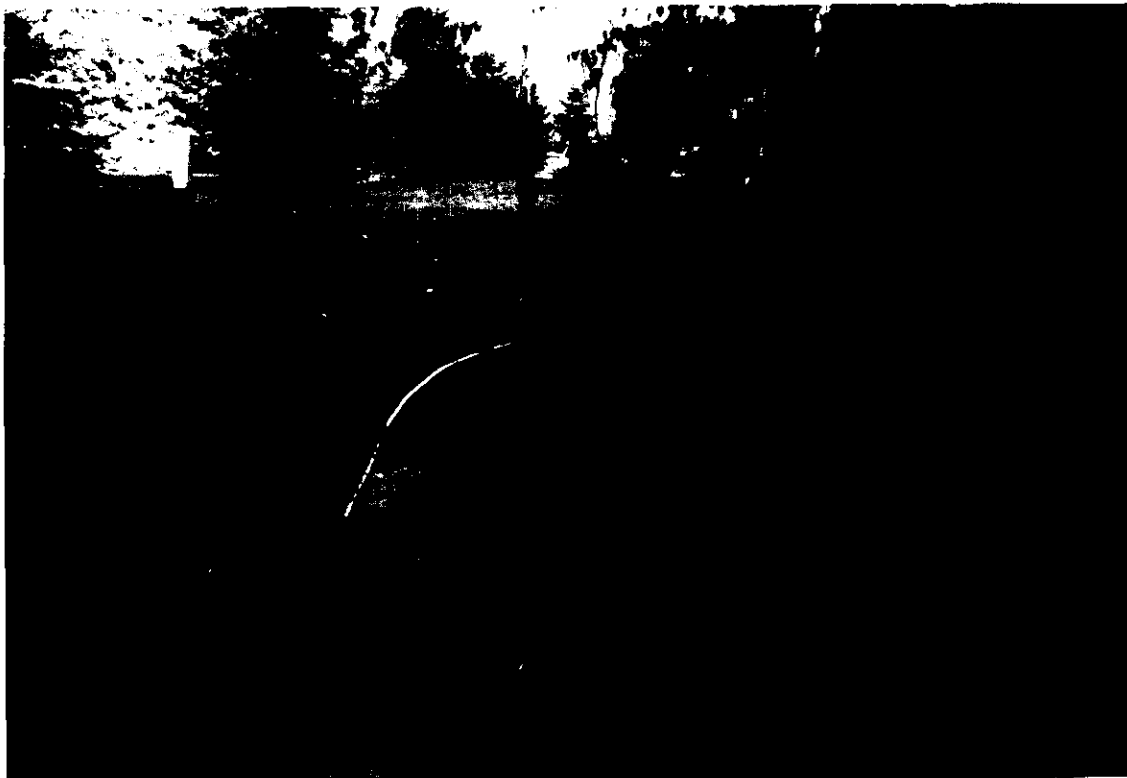
Area Below Pond Site

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JAN 04 1999

App. For Permit
Randolph/Lyon
9-17-98
JE Stanton

37-0 8884



Independence Creek Re-Emerging Below Condos

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JAN 04 1999

Randolph/Lyons App.

9-17-98

JE Stanton

4532
5366
567

4533
Lyon

4534
6176

4682
4535

4536
4671

4537
6466

out to
Bryhawk II

48-73

T 4N R 18E Sec 21 E $\frac{1}{2}$ of NE $\frac{1}{2}$
Commencing at the NE corner of Sec 21
Thence S 0°11'00" W 1,142.00 ft to the point of beginning
" S 0°11'08" W 670.00 ft
" S 82°19'13" W 532.04 ft
" N 31°06'27" W 683.25 ft
" N 20°52'02" W 555.76 ft
" 216.69 ft along a curve to the left with a central
angle of 40°59'11"; radius 302.91 ft, and long chord of
212.10 ft that bears N 81°12'27" E
Thence N 60°42'51" E 52.79 ft
" S 32°41' E 519.30 ft
" N 88°11'53" E 543.70 ft to the point of beginning
Contains 11.55 acres Cancels E $\frac{1}{2}$ NE of Sec 21

T 4N R 18E Sec 21 E $\frac{1}{2}$ of NE
Commencing at the NE corner of Sec 21
Thence S 54°18'27" W 1,334.82 ft to the point of beginning
" S 20°52'02" E 555.76 ft
" S 86°44'45" W 299.48 ft
" N 16°45'49" W 620.69 ft
" S 78°17'58" E 286.00 ft to the point of beginning
Contains 3.61 acres Cancels E $\frac{1}{2}$ NE Sec 21

T 4N R 18E Sec 21 NE NE
All that portion of NE NE except for a fraction of
Independence Creek Sub, and a fraction of TL 4533 & TL 4532
Contains 47 acres Cancels NE NE

T 4N R 18E Sec 21 SE NE
All that portion of SE NE except for a fraction of TL 4532
Cancels SE NE Contains 35.28 acres

T 4N R 18E Sec 21 NW NE
All that portion of NW NE except for Fraction of Independence
Creek Sub.
Cancels NW NE Contains 21.72 acres

T 4N R 17E Sec 14 Lot 4
Commencing at the #2 corner of Keystone Mill site the point
of beginning
Thence S 23°10' E 326.75 ft
" N 1°43' E 365.00 ft
" S 65°12'18" W 153.65 ft to the point of beginning
Contains .58 acres Cancels TL 4267 Inst # 143255

STATE OF IDAHO,
County of Blaine,

} ss.

I, _____, Assessor in and for said County and State, do hereby
certify that the above and foregoing is a true and correct list of tax numbers placed upon the assessment
rolls and assessor's plat book of said county to indicate the certain pieces of land described and shown opposite
each number in the said list, in accordance with the provisions of Sec. 35, Chapter 58, Acts of the Twelfth
Session of the Legislature of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of April, A.D.,
1923

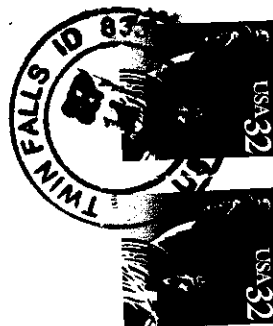
Deane D. Nicholson
Assessor in and for Blaine County, Idaho

MICROFILMED
JAN 04 1993

37-08884

THE AMERICAN WATER RESOURCES COMPANY

POST OFFICE BOX 1979
HAILEY, IDAHO 83333



Dr. Bruce Libm

RECEIVED

SEP 15 1998

Department of Water Resources
Southern Region

*MR. Tim Stanton
Idaho Department of Water Res.
1341 Fillmore St.
Suite 200
Twin Falls, Id. 83301-3380*

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JAN 04 1999