

AFFIDAVIT of PUBLICATION

MAR 30 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources

G. Manager.

Patty Nance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously 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 2x consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 21st day of March 19 90, and the date of the last publication was on the 28th day of March 19 90.

Patty Nance

Subscribed and sworn to before me this 28 day of March, 19 90.
(SEAL)

Norma DeVoe

NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 6¢/Pica a
409.5 Lines straight at 20.48 5¢/Pica a
Subsequent lines at 16.38 4¢/Pica a
TOTAL COST 36.86

COPY OF NOTICE (Paste Here)

App. for Trust Water Right
TITLE OF NOTICE

37-08165

Robert Erkins

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Res.
BILL TO Boise

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 37-08165

ERKINS, ROBERT A.
ERKINS, BERNARDINE M.
P.O. BOX 108
BLISS, ID 83314
Source: WHITE ARROW HOT SPRINGS. Tributary: CLOVER CREEK
Diversion Pt: SENE Sec 30 T 04S R 13E
Use: IRRIGATION (3.000 CFS)
FISH PROPAGATION (3.000 CFS)
HEATING (3.000 CFS)
DOMESTIC (.060 CFS)
RECREATION (.300 CFS)
Total Diversion: (3.000 CFS)
Date Filed: 6/30/1983
In: T04S R13E S30 NESE SWSE SESE
S31 NENE NWNE SWNE SENE
190.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 9, 1990.

-s-R. Keith Higginson, Director
Pub: 3-21, 28 G11987

PUBLICATION RATES (Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

No 551

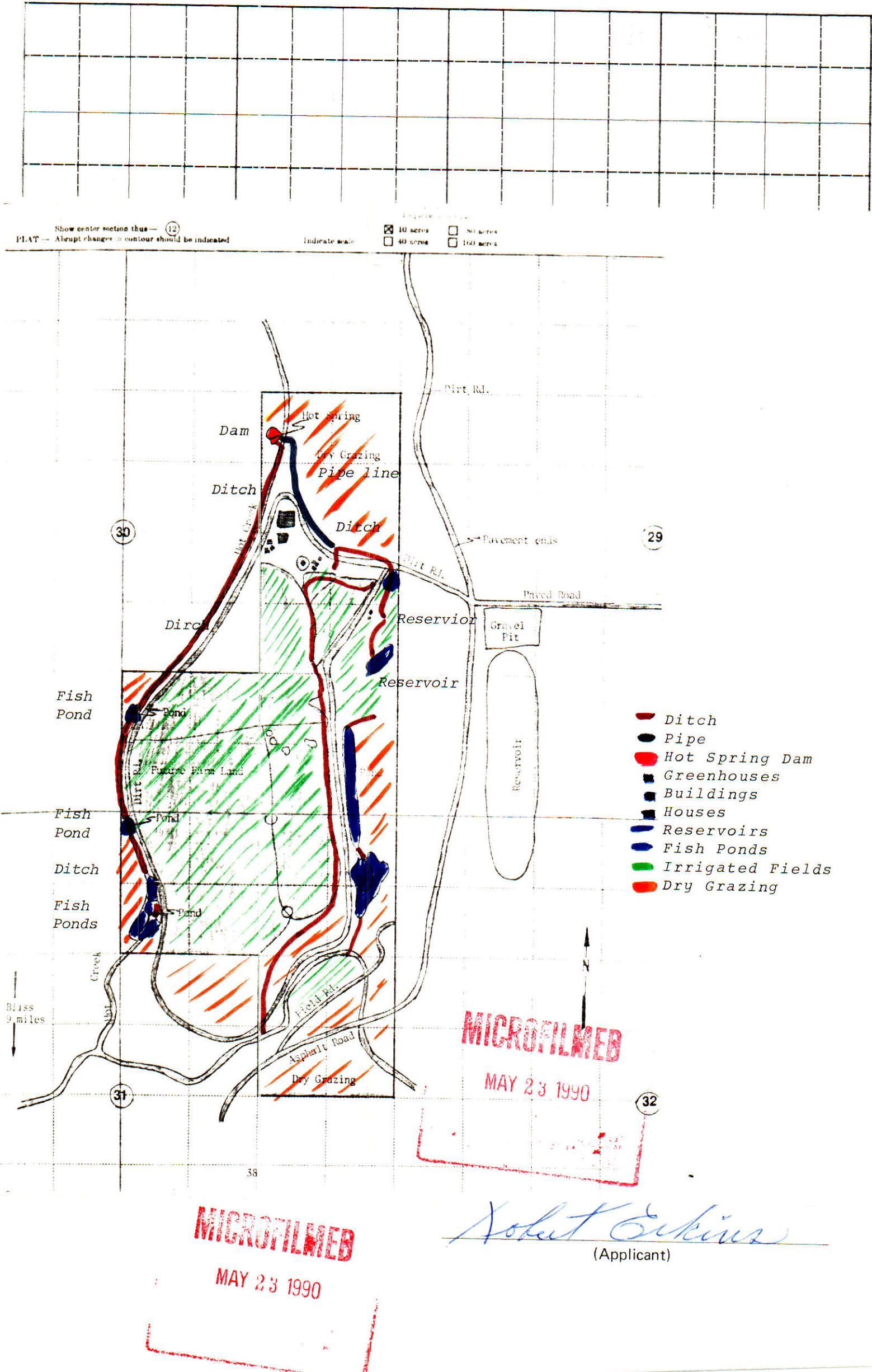
11987

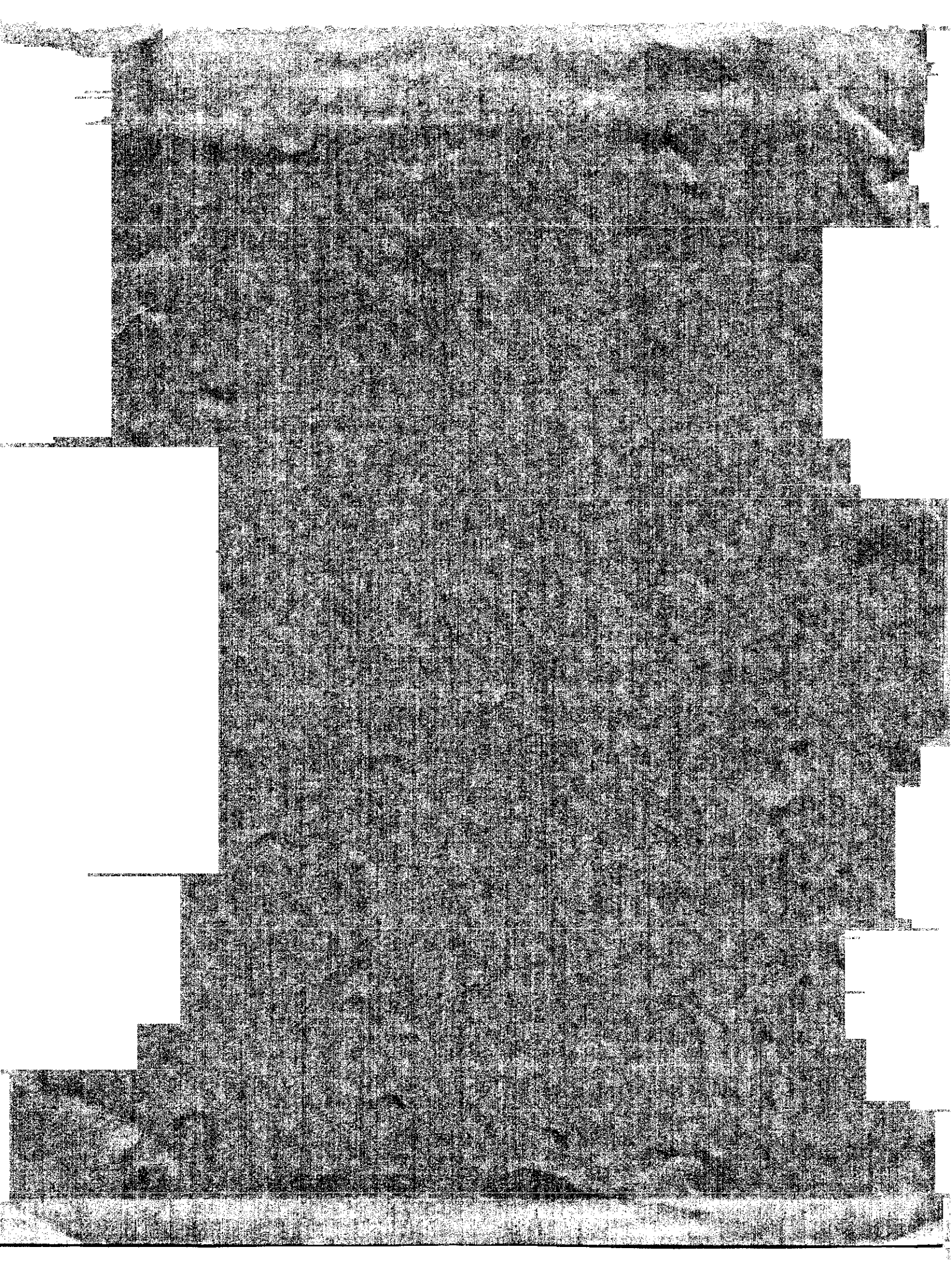
MICROFILMED

MAY 23 1990

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

SEE ATTACHED MAP





RECEIVED

JUN 1 1992

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 150.00Date 6-1-92Receipt No. 202229Receipt by WB**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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08165 Telephone No. 208/352-4460
2. Name(s) of Permit Holder(s): ROBERT A. & BERNARDINE M. ERKINS
3. Mailing Address: WHITE ARROW RANCH, P.O. BOX 108, BLISS, IDAHO 83314
4. Source of Water: STREAM FROM WHITE ARROW HOT SPRINGS

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: 160 Pressure (psi): 100 Dynamic pumping level (ft.): 231 foot head

5. Extent of Use (as authorized by the permit): All the following for both water and heat.
Mushroom production & processing plant. Farm Land.
Office Building. Three houses. Fish Farm.
 Domestic 2 (No. of households) Stockwater 9 fish ponds (No. and type of stock)
heat & Recreation
 Irrigation 150+ (No. of acres) Other GEO THERMAL MUSHROOM PLANT FOR HEAT & WATER.

6. Total rate and/or volume for which proof is submitted 3 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ____ Yes x No Installed? ____ Yes ____ No

OR

Flow Measurement Port: Required? x Yes ____ No Installed? x Yes ____ No

8. Fee Enclosed: \$ 150.00 (See License Fee Schedule on back of Instruction Sheet)

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

R. RANDOLPH (RANDY) ERKINS 208/352-4460

Name Telephone No.

P.O. BOX 122, BLISS, IDAHO 83314

Address

10. The above information 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.

MAY 27, 1992

Date Signature (and title, if on behalf of a company or organization)

Robert A. Erkins, Owner

RECEIVED
JUN 11 1992

STATE OF IDAHO

For Office Use Only

\$15 FEE Received by JSDate 4-17-91Receipt # 1070238

DEPARTMENT OF WATER RESOURCES

APR 16 1991

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

37-08165

Permit No. _____

Name(s) of Permit Holder: ROBERT A. & BERNARDINE M. ERKINS

Name(s) of Permit Holder: _____

Post Office Address: dba WHITE ARROW RANCH P.O. BOX 108

Post Office Address: _____

BLISS, IDAHO 83314208/352-4460

Telephone No. _____

Date Proof is Due: MAY 1, 1991

Describe what work has been completed toward the development of this water right: Fish Ponds, nine (9),
(This must be filled out! If no work has been completed, show "none",)

cost \$16,000. Concrete dams for impounding geothermal waters, two (2), \$17,000.Piping for geothermal waters to: pasteurization vats (4); mushroom plant (1); houses (3),fish ponds (6), fields (60 acres); cost of piping intake and discharge piping \$22,000. Six(6) buildings (including office & greenhouses) using geothermal Costing \$1,355,000.00water, cost \$1,300,000. All geothermal in operation, all fields leveled for irrigation,The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
fish ponds and wildlife areas in.Drought has caused water fluctuations. Irrigation dam washed out due to flash flood andneeds to be rebuilt. All measuring devices for flow of water checking need to be installed.Litigation of Idaho Adjudication (Snake River Basin) has held up this project until the court
ruling was decided.Permit holder(s) request an extension to May 15, 19 92.
(1 yr. minimum)

(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1992.

Signed this 19th day of April, 19 91.

[Signature]
Chief, Water Allocation Bureau

MICROFILMED

MAY 08 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08165

Proposed Priority: June 30, 1983 Maximum Diversion Rate: 3.00 CFS
This is to certify, that **ROBERT A. ERKINS**

BERNARDINE M. ERKINS
P.O. BOX 108
BLISS, ID 83314

has applied for a permit to appropriate water from:

WHITE ARROW HOT SPRINGS tributary of **CLOVER 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>
IRRIGATION	04/01 to 10/31	3.00 CFS
FISH PROPAGATION	01/01 to 12/31	3.00 CFS
HEATING	01/01 to 12/31	3.00 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
RECREATION	01/01 to 12/31	0.30 CFS
Totals		3.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 30, Township 04S, Range 13E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	13E	30	NESE 30	SWSE 40	SESE 30		100
		31	NENE 20	NWNE 30	SWNE 20		90
			SENE 20				

Total number of acres irrigated: 190

PLACE OF USE: FISH PROPAGATION, same as IRRIGATION use

PLACE OF USE: HEATING, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

PLACE OF USE: RECREATION, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED

MAY 23 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08165

CONDITIONS/REMARKS:

5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.
8. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
9. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
10. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
11. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
12. Domestic use is for 2 homes.

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

23 day of April, 1990

for *R. Keith Higginson*
R. Keith Higginson, Director

RECORDED

MAY 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-865

RECEIVED

JUN 30 1983

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant ROBERT A & BERNARDINE M. ERKINS Phone 352-4460
Post office address P.O. BOX 108, BLISS, IDAHO 83314
2. Source of water supply WHITE ARROW HOT SPRINGS which is a tributary of CLOVER CREEK
3. Location of point of diversion is S.E. ¼ of N.E. ¼ of Section 30 Township 4 So
Range 13 E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- * Amount 0.06 cfs domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 3.0 cfs for heat bldgs. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 3.0 cfs for fish ponds purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 3.0 cfs for irrigation purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated: This water is used in a cascade effect from one point to another to make maximum use of water and heat. Water for irrigation used only as needed.
a. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion dam, 700 feet pipe, ditches to various points, reservoirs, ponds, etc. This is a system to use all available water in a cascade effect for multi-use on a year round basis both for water and heat. Water is geothermal.

- b. Height of storage dam 8 ft feet, active reservoir capacity 1300 cu. acre-feet; total reservoir capacity 1300 cu. acre-feet, materials used in storage dam: concrete

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

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

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

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: S.E. ¼ of N.E. ¼ of Section 30 Township 4 SO.
Range 13 E B.M.

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

(3) List number of each kind of livestock to be watered Cattle 100 head. Hogs 150 head.

(4) Name of municipality to be served _____ number of families to be supplied with domestic water 2 families. MAY 23 1990

(5) If water is to be used for other purposes describe: Fish ponds, heating homes, office, greenhouses, mushrooms bldgs, animal barns. recreation.

* To agree with map per T.C. w/ Robert Erkins 12/1/83 *LE*

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	
4S	13E	30													30		40	30	100 A.
* 4S	13E	31	20	30	20	20	20	30	20	20									90 A.

Total number of acres to be irrigated 190 A

c. Describe any other water rights used for the same purposes as described above. Geothermal water is used to supply and heat mushroom growing buildings, greenhouses, homes, office building, animal pens, tropical and warm water fish growing facilities. Water can be used for irrigation when and if necessary to improve heat in soil and during dry periods. All water is used in cascade effect on year-round basis for maximum use of resource.

9. a. Who owns the property at the point of diversion

Robert A. & Bernardine M. Erkins.

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

Robert A. & Bernardine M. Erkins.

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

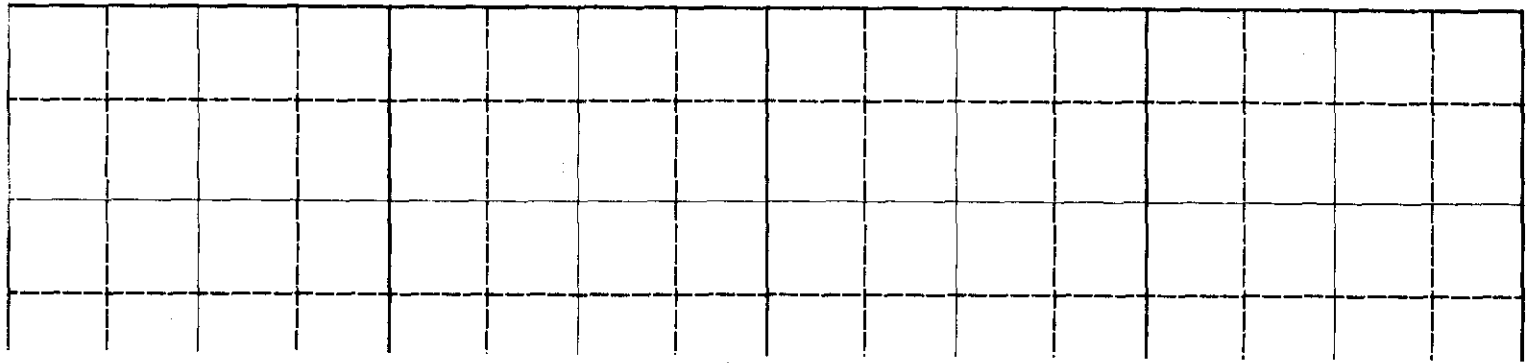
10. Remarks

This water was first used about 1882. Copy of 4th Judicial District Court Case No. 310 for State of Idaho is attached. Section 37 0810 and section 37-0811 give a court decree of April 1, 1982, and June 1, 1884 to this water. Expanded use of the water started by present owners in July 1973.

RECEIVED
MAY 23 1990

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

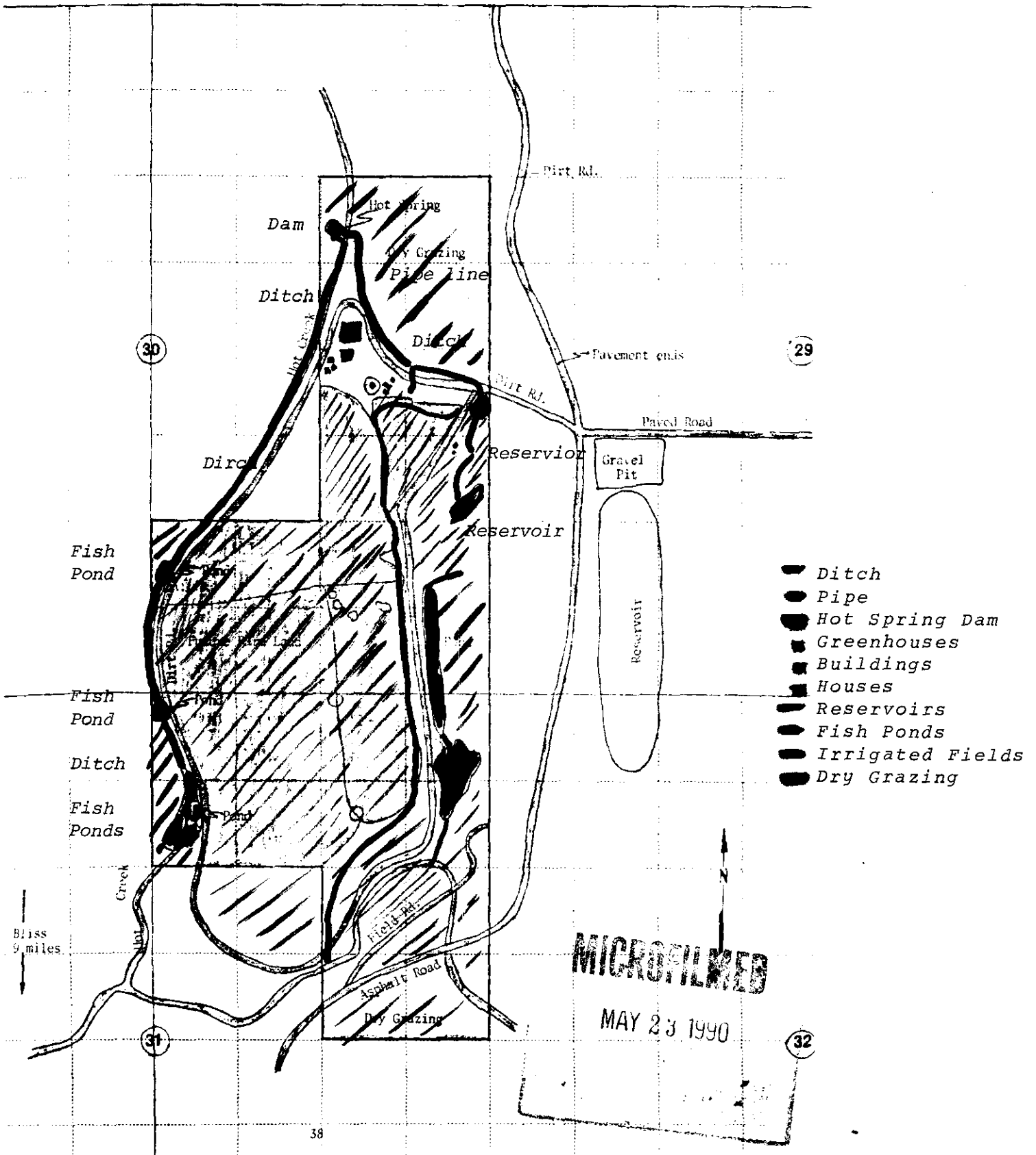
SEE ATTACHED MAP



Show center section thus — (12)
PLAT — Abrupt changes in contour should be indicated

Indicate scale

10 acres
40 acres
No acres
160 acres



MICROFILMED
MAY 23 1990

Robert E. Ekins
(Applicant)

Received by mary Date 6/30/83 Time 11:30 a
Preliminary check by _____ Fee \$ 85.00 # 29133
Receipted by mary Date 6/30/83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by kw

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

MICROFILMED

MAY 23 1990

37-A-6

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
GOODING.

Solon A. Bray and Ira Bray,	)
	)
Plaintiffs,	)
vs.	)
	)
Barlow Ferguson, J. C. Radermacher,	)
Arthur Butler, J. E. Rigger, Joel	)
Sanders, Will Thompson, W. G. Corker,	)
Fred Frickie, Owen Frickie, George	)
Pencroft, Joe Heller, Fred Colvin,	)
George Fletcher, Leslie Butler,	)
T. E. Painter, J. E. Little, C. A.	)
Little, Joe Le Bargo,	)
	)
Defendants,	)
Clinton Sheep Company, a Corporation	)
Belle Hess, Nelson M. Smith, Lizzie	)
Smith and Ida M. Little,	)
	)
<u>Interveners,</u>	)

DECREE
Case #310.

This cause came on for hearing before W. Orr Chapman, Esquire, the legally and duly appointed referee to take the testimony in said cause at Gooding, in Gooding County, State of Idaho, on Monday the 27th day of August, 1917, who took down in Shorthand the testimony introduced thereat, and afterwards transcribed the same and submitted it to the court for his consideration and decision. The court having listened to the argument of the counsel for the respective parties, being fully informed and advised in the premises, and having heretofore made his findings of fact and conclusions of law, does hereby order that judgment be entered in accordance therewith:

WHEREFORE, it is ordered, adjudged and decreed, that the several plaintiffs, defendants and interveners herein named do have judgment respectively for a right to use upon the lands set opposite their respective names for irrigation and other purposes the following amount of water from the waters of what is known as Clover Creek and its tributaries, situate in Gooding

RECORDED
INDEXED
MAY 23 1918

County, State of Idaho, in the amounts and of the priorities set after their respective names and that said water is appurtenant to the lands set opposite their respective names.

37 0805 Solon A. Bray, NE $\frac{1}{4}$ Section 28, W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 27, SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22, SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 22, all in township 4 South, Range 13 E. B. M. Four and one half second feet of water under date of and with a priority of April 1, 1882. The said Solon A. Bray is also entitled to all of the water of a certain Hot Springs located upon his land above described.

Trans.
#2100

37 0806 Ira Bray, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 22, Twp. 4 South, Range 13 East, B.M., .6 second feet of water under date of and with a priority of April 1, 1912.

37 0809 Barlow Ferguson, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 3, all in township 4 South, Range 13 E. B. M. 1.4 second feet of water under date and with a priority of April 1, 1892.

37 0807 W. G. Corker, NW $\frac{1}{4}$ of Section 15, all in Township 5 South, Range 12 E.B.M. .6 second feet of water under date of and with a priority of April 1, 1896, being waste water flowing back into Clover Creek and seepage and waste water flowing from the irrigated ranches situated above the above described land.

37 0808 Blanche F. Thebaud, C. W. Thebaud and John J. Price, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 36, the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 35, Township 4 South, Range 12 East B.M.

----- The W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, all in Section 2; the W $\frac{1}{2}$ of Section 3, all in Township 5 South, Range 12 E.B.M., 5.956 second feet of water under date of and with a priority of April 1, 1882.

MICROFILMED

MAY 23 1990

37 0810 Belle Hess, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 30, Township 4 South, Range 13 East, B.M. 1.2 second feet of the waters of Hot Springs Creek under date of and with a priority of April 1, 1882. Said Hot Springs Creek arises upon her land above described.

37 0811 Lester Butler, NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 31, Township 4 South, Range 13 East, B.M. .8 second feet of the waters of Hot Springs Creek, under date of and with a priority of June 1, 1884. Said Hot Springs Creek is the one arising upon the above described lands of the defendant Belle Hess.

37 0812 Joseph E. Little, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, of Section 29; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20; the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, all in Township 3 South, Range 13 East B.M. .76 of a second foot of water under date of and with a priority of July 7, 1909. The right to use said water is independent of all other users on Clover Creek except the defendant Ida Little, and the said Joseph E. Little is entitled to the above amount of water regardless of the rights of all other users of water from Clover Creek except the defendant Ida Little.

37 0813 Ida Little, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 29, Township 3 South, Range 13 E.B.M. .48 second feet of water under date of and with a priority of July 7, 1909. The right to use said water is independent of all other users on Clover Creek except the defendant Joseph E. Little, and the said Ida Little is entitled to the above amount of water regardless of the rights of all other users of water from Clover Creek except the defendant Joseph Little.

MICROFILMED

MAY 23 1990

37 0814 J. M. Radermacher, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 37, all in Township 4 South, Range 13 E.B.M. The NW $\frac{1}{4}$ of Section 28, Township 4 South, Range 13 E.B.M. .4 second feet of water under date of and with

37 0815 a priority of March 15, 1884, and .76 second feet of water under date of and with a priority of April 1, 1887. The said J. M. Radermacher is also entitled to the use of waters flowing from seepage and springs upon the lands of the plaintiff Solon A. Bray, excepting the waters of the hot springs located thereon.

37 0816 Fred Colvin, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 12 E.B.M. .4 second of water under date of and with a priority of April 1, 1884.

37 0817 Clinton Sheep Company, a corporation, the NE $\frac{1}{4}$ of Section 34; the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 27, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, all in Township 4 South, Range 12 E.B.M. 3.2 second feet of the waters of Calf Creek, a tributary of Clover Creek, under date of and with a priority of April 1, 1904.

~~37 0818~~ Joel Sanders, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 5, Township 5 South, Range 12 E. B.M., the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 1, all in Section 5, Township 5 South, Range 12 E.B.M. 2.4 second feet of water under date of and with a

37 0819 priority of February 21, 1905, and .8 second feet of water under
37 0820 date of and with a priority of April 1, 1887; also 5 second feet of
37 0821 the waters of Dry Creek, a tributary of Clover Creek, under date
of and with a priority of April 1, 1907. The said Joel Sanders is

37 0822 also entitled to divert and store a sufficient amount of the flood waters of the said Clover Creek to fill $\frac{2}{9}$ of the capacity of what is known as Pioneer Reservoir, with a storage priority of March 2, 1910.

MICROFILMED

MAY 23 1980

37 0823 William Thompson, Lots 3 and 4, and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, all in Section 5, Township 5 South, Range 12 E.B.M. The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 32, Township 4 South, Range 12 East B.M. 2.4 second feet of water under date of and

37 0824 with a priority of February 21, 1905. Also 1 second foot of water under date of and with a priority of April 1, 1900. The said William

37 0825 Thompson is also entitled to the right to divert and store a sufficient amount of the flood waters of said Clover Creek to fill $\frac{2}{9}$ of the capacity of Pioneer Reservoir with a storage priority of March 2, 1910.

37 0826 George A. Bancroft, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 8, Township 5 South, Range 12 E.B.M. .7 second feet of water under date of and with a priority of April 1, 1887, and 2.46 second feet under date of and with a priority of February 21, 1905. The said George A.

37 0827

37 0828 Bancroft is also entitled to divert and store a sufficient amount of the flood waters of Clover Creek to fill $\frac{1}{3}$ of the capacity of Pioneer Reservoir and a storage priority of March 2, 1910.

37 0829 H. O. Cheline, the NE $\frac{1}{4}$ of Section 10, Township 5 South, Range 12 East B.M. .8 second feet of water under date of and with a priority of April 1, 1888, and being waste water flowing from Sections 2 and 3 in Township 5 South of Range 12 E.B.M.

37 0830 T. E. Painter, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10; all in Township 3 South, Range 12 E.B.M. The S $\frac{1}{2}$ of the SW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, all in Section 26, Township 4 South, Range 12 E.B.M., 3.2 second feet of the waters of Calf Creek, a tributary of Clover Creek, under date of and with a priority of April 1, 1904.

MICROFILMED

MAY 23 1990

That those certain streams the right to the use of the waters of which is involved in this action, to-wit: Dry Creek from which only the defendant Joel Sanders is entitled to divert and use water, Hot Springs Creek from which the only defendants Belle Hess and Lester Butler have the right to divert and use water, and Calf Creek from which only the defendants Clinton Sheep Company, and T. H. Painter have the right to divert and use water, are all what are commonly known as dry streams and the said users of water therefrom are entitled to their various amounts of water and priorities, as among themselves, as of the respective dates and amounts hereby awarded, regardless of the rights of the users of water from the main stream of Clover Creek, and other streams involved in this action; and that the appropriators and users of water from the main stream of said Clover Creek and from such other streams are not entitled to have the waters of said dry streams continue to flow down to where their channels unite with the main stream of Clover Creek into which they empty.

It is further ordered and adjudged that each and every party to this suit be and is hereby enjoined from using or in any manner interfering with the waters of said Clover Creek and its tributaries except in the manner and in the amount and in the order in which it is herein decreed they each are entitled thereto; and that each and every party hereto is hereby enjoined from wasting any of the waters from said stream and is hereby required, when possible, to turn all waste water into said stream at the nearest practicable point.

Dated this 7th day of April, 1920.

H. F. Ensign, Judge.

Filed April 9, 1920, Myrtle P. Enking, Clerk.

.....

Minneapolis

MAY 23 1920

June 4, 1992

ROBERT A. ERKINS
BERNARDINE M. ERKINS
P.O. BOX 108
BLISS ID 83314

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08165

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form 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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JUN 11 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08165

Reviewed by llg

Date 6/1/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate - 150 fish propagation
domestic - 2 heat & recreation
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
150 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

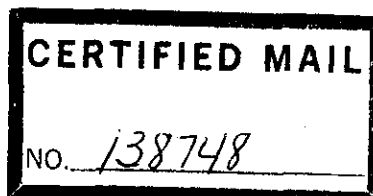
DATA ENTRY

New Address _____

Proof Made 6/1/92
6/4/92 llg

ROBERT A. ERKINS
BERNARDINE M. ERKINS
P.O. BOX 108
BLISS ID 83314

March 31, 1992



RE: PERMIT NO. 37-08165 PROOF DUE NOTICE

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 June 1, 1992. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

JUN 11 1992

April 22, 1991

ROBERT A. & BERNARDINE M. ERKINS
DBA WHITE ARROW RANCH
P O BOX 108
BLISS ID 83314

Dear Mr. and Mrs. Erkins:

Re: Permit No. 37-8165

EXTENSION APPROVAL LETTER

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to JUNE 1, 1992.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests. If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAY 08 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 317-8165

Reviewed by [Signature]

Date 4-19-91

BASIC INFORMATION

- 4 Date stamp received
- 4 Extension received timely (not too early not too late)
- 4 Fee received and receipted
- 4 Name and signature same as permit
- N Address change

BASIS FOR EXTENSION REQUEST

- 4 Has adequate work been completed to demonstrate due diligence?
- 4 Has the cost incurred been adequate to demonstrate an intent to complete the project?
- Has the permit been involved in litigation?
 - a. Swan Falls _____ Dismissed from Swan Falls _____
 - Other _____ Identify _____
 - b. Is supporting documentation needed to complete the file? _____
 - Requested _____
 - c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- Is delay by a government agency? _____
- Is supporting documentation needed to complete the file? _____
- Requested? _____

ACTION TAKEN

Recommend approval based on due diligence for 1 year + 1 mo - June 1, 1992

atp Reinstate Date extension received _____ = _____

Proof due date _____ = _____

No. of days late _____ = _____

Priority date _____ = + _____

ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

[Signature] Change proof due date _____ Address change _____

Priority date change _____

138135
February 28, 1991

ROBERT A. ERKINS
BERNARDINE M. ERKINS
P.O. BOX 108
BLISS, ID 83314

PROOF DUE NOTICE

RE: PERMIT NO. 37-08165

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 May 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 08 1991

S T A T E O F 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

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 24, 1990

ROBERT A. ERKINS
BERNARDINE M. ERKINS
P.O. BOX 108
BLISS, ID 83314

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 37-08165

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED
MAY 23 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

M.
ERKINS, Robert A. & Bernardine

INITIAL REVIEW BY: LT

APPLICATION NUMBER: 37-8145

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. 2-19, 2-69
☒ Yes ☐ No Other rights on same place of use. Deeded Rts & Rts from other Sources.
37-0810, 37-0811
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
6-30-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

Trust Water App -

By: _____

Date: 42 44

STATE OFFICE REVIEW:

P03, P16

51 52 53 01G 07A 09D

☐ See attached sheet for more information.

By: fw

Date: 4-16-90

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 13, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before APRIL 9, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED
MAY 23 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08165 ✓

ERKINS, ROBERT A. ✓
ERKINS, BERNARDINE M. ✓
P.O. BOX 108 ✓
BLISS, ID 83314 ✓

Source: WHITE ARROW HOT SPRINGS ✓ Tributary: CLOVER CREEK ✓

Diversion Pt: SENE ✓ Sec 30 ✓ T 04S ✓ R 13E ✓

Use: IRRIGATION (3.000 CFS) ✓
FISH PROPAGATION (3.000 CFS) ✓
HEATING (3.000 CFS) ✓
DOMESTIC (.060 CFS) ✓
RECREATION (.300 CFS) ✓
Total Diversion: (3.000 CFS) ✓

Date Filed: 6/30/ 1983 ✓

In: T04S R13E S30 NESE ✓ SWSE ✓ SESE ✓
S31 ✓ NENE ✓ NWNE ✓ SWNE ✓ SENE ✓

190.0 ACRES TOTAL ✓

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 9, 1990. ✓

Published 3/21/1990 & 3/28/1990 R. Keith Higginson, Director

RECORDED
MAY 23 1990

MEMORANDUM

TO: FILE/PERMIT NO. 37-8165

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 2-7-90

The applicant has returned the trust water questionnaire and claims that the irrigation project under the application was developed prior to ~~Q~~October of 1984. The application was filed 6/30/83.

Review of the application shows that the applicant stated the project had already been completed at the time the filing was made. The remarks section notes that the irrigation use is covered by decreed rights but that there was some expanded use (including perhaps non-irrigation uses) beginning in 1973. The attached overlap report does confirm decreed rights covering the same land. A statutory claim and a permit also overlap the same place of use.

The attached overlap report also shows the classification of irrigated acreage for 1986 (based on department's remote sensing report). The report has 132 of the 190 acres classified as irrigated. Review of the department's 1974 7.5 minute orthophoto does show some definite field patterns matching most of the place of use given under the application. As this was not conclusive, I further reviewed a 1980 infrared aerial photo on file at the department. This photo showed essentially the same field patterns as the orthophoto. The 1980 photo was taken in mid-September. A large portion of the field did not appear to be irrigated at that particular time. When comparing the three aerial photo sources in three separate years, it appears that less than 190 acres are irrigated. As per the 1986 data, 58 acres are not classified as irrigated.

Based on the above information, I recommend that this application be considered a trust water filing at this time since there appears to be some undeveloped land. The 58 acres classified as non-irrigated from the 1986 remote sensing data should be counted toward the annual trust water depletion limit. The remaining 132 acres are considered developed prior to October of 1984.

MICROFILMED

MAY 23 1990

PLACE OF USE 1/4 1/4 OVERLAP REPORT

02/16/90

SE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

SW

NW

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

NE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 37-8165

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

190+ acres irrigated. Fish ponds (14) in operation. Domestic use in houses, processing plant, and plant operation. Heating houses, plant, and ponds.

3. Please state the number of acres you have irrigated under this application since October 1, 1984. 190+

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Robert A. Erkins

Robert A. Erkins

Date Feb. 21, 1990

MICROFILMED

MAY 23 1990

page 2

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

[illegible]

UNCLASSIFIED

MAY 23 1990



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

February 20, 1990

RE: APPLICATION FOR PERMIT NO. 37-8165

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

MICROFILMED

MAY 23 1990

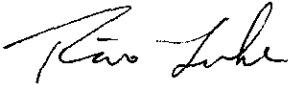
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 334-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

cc: Region

1116-10-10-10

MAY 23 1990

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

Stephen Allred
Director

June 7, 1983

Robert A. & Bernardine M. Erkins
dba White Arrow Ranch
P. O. Box 108
Bliss, Idaho 83314

Re: Claim to a Water Right - Application for Permit

Dear Mr. Erkins:

Please find enclosed your Claim to a Water Right, an Application for Permit form and instructions, as per our telephone conversation of June 1, 1983. Also, your checks in the amounts of \$10.00 and \$20.00. The filing fee for 3 cfs of water is \$85.00.

Your application should include all uses of water commenced since 1971 which have not previously been recorded. Your decreed rights are on record and need not be filed on again. However, the use of this same water for other uses must be filed on.

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

Very truly yours,


Terry G. Blau
Sr. Water Resource Agent

LOH:TGB:marya

Encl:

MICROFILMED

MAY 23 1990

IDENT. NO. _____

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]