



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.

T. 4 N

T.3 N

5629

Landings



Aerial photograph:

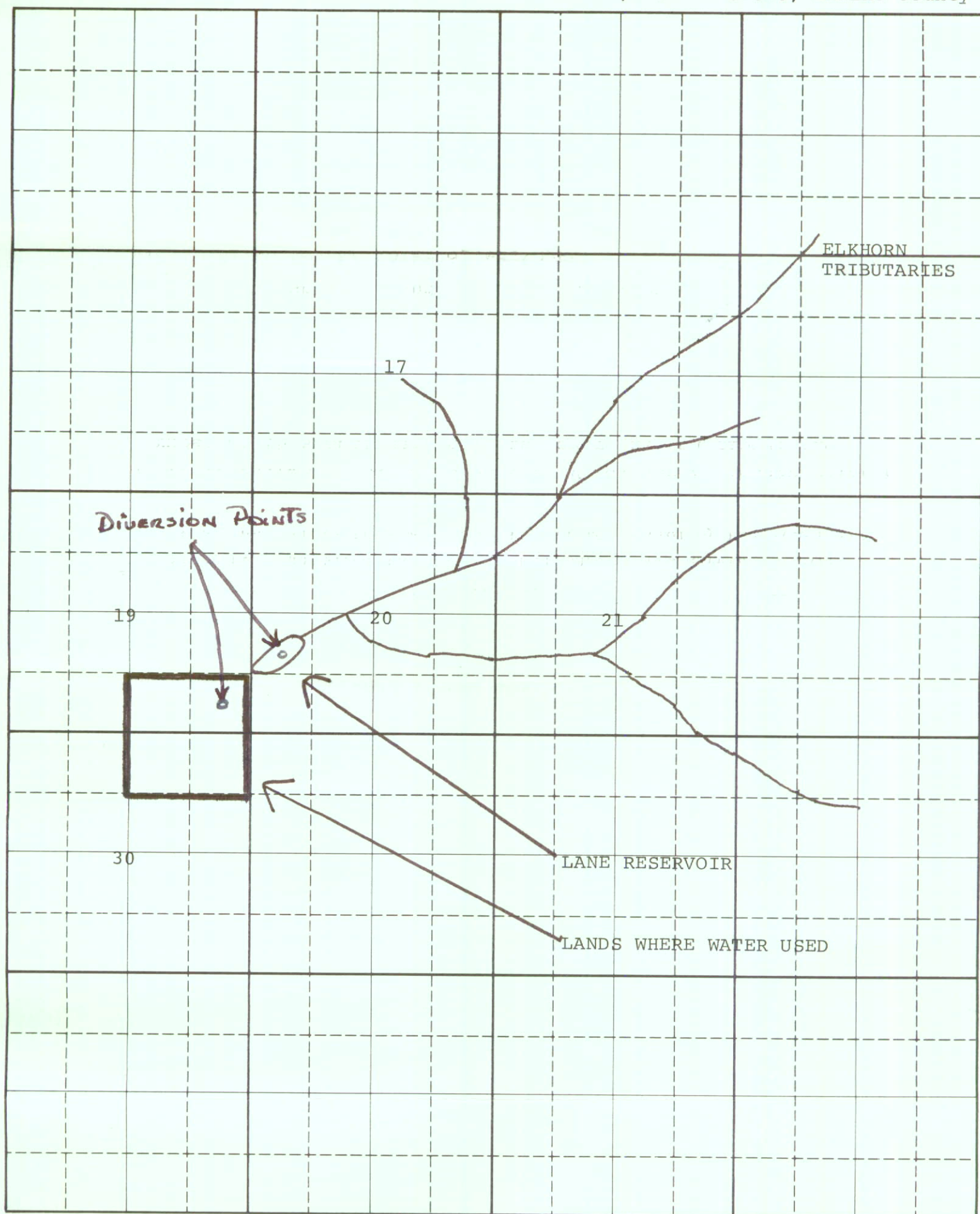
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

NOV 26 1990

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

T. 4 N, R. 18 E.B.M., Blaine County



Scale: 2 inches equal 1 mile

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

By:

(Applicant)

J. C. Lane

LANE COMPANY, a Partnership

37 5 01

AFFIDAVIT OF PUBLICATION

RECEIVED

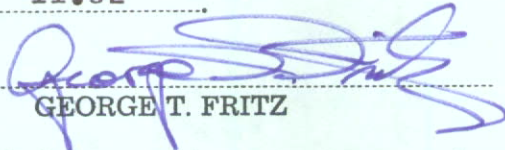
FEB 21 1973

Department of Water Administration
Southern District Office

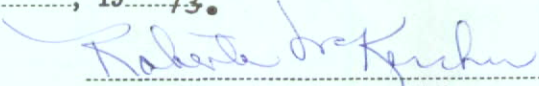
STATE OF IDAHO, }
County of Blaine, } ss.

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 8th day of February, 19 73 and ending with the last publication thereof on the 15th day of February 19 73.

Cost of this publication is \$ 11.52


GEORGE T. FRITZ

Subscribed and sworn to before me, this 16th day
of February, 19 73.


Notary Public for Idaho
Residing at Hailey,
Blaine, County, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lane Company, a partnership, P. O. Box 6, Sun Valley, ID has on Feb. 1, 1973 submitted Application No. 37-7201 for a permit to appropriate 1.0 cubic feet per second of water from Elkhorn Creek by means of diversions within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M., Blaine County to be used from Jan. 1 to Dec. 31 for stockwater purposes and from April 1 to Oct. 1 for the irrigation of 160 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Feb. 26, 1973.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, ID on Feb. 8 and Feb. 15, 1973.

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N

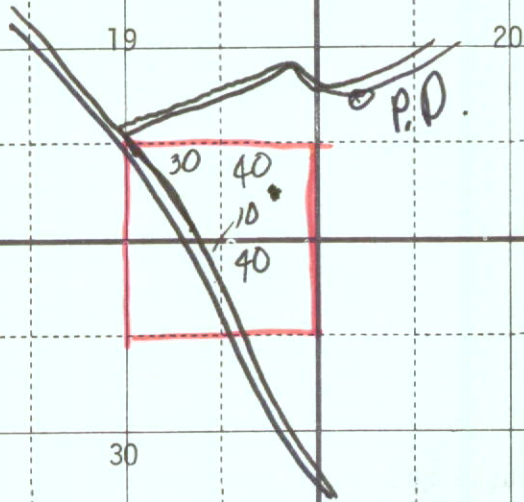


Diagram of System

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 3609 IN THE NAME OF CASCEA ASSOCIATES,
WATER RIGHTS NOS. 37-00081, 37-00082,
37-04016 AND 37-7201

ORDER

The Department having reviewed transfer no. 3609 in the name of Cascea Associates, finds that the transfer can be approved.

IT IS HEREBY ORDERED that transfer no. 3609 is APPROVED subject to the following conditions:

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
<u>3.26 cfs</u>	wildlife	4/1 through 11/1
4.00 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0081 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation pursuant to right no. 37-0081 and right no. 37-0082 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Cree
Priority: 6/1/1884

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<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
<u>1.20 cfs</u>	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
<u>1.00 cfs</u>	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
17.0 acre-feet	storage for aesthetic	1/1 through 12/31
17.0 acre-feet	storage for recreation	1/1 through 12/31
<u>17.0 acre-feet</u>	storage for wildlife	1/1 through 12/31
17.0 acre-feet = Total storage		

- a. The approval of this transfer in no way confirms the validity of right no. 37-4016.
- b. Claim no. 37-4016 shall be considered a flood right available only for the one-time spring fill of the reservoirs and ponds on the property (to a total volume of 17 acre-feet) and not chargeable against the 315 acre-feet total, unless there are not spring flood flows available from Elkhorn Creek. If for purposes of regulation, Elkhorn Creek is found to be tributary to the Big Wood River, the

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watermaster may require release of water stored in the reservoirs and ponds to satisfy downstream storage rights.

5. Water rights diverted from Elkhorn Creek are conditioned as follows:

- a. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet. The volumetric limitation shall not begin to accrue, however, until:
 - i. All rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District No. 37, Big Wood River, and
 - ii. The owner of the rights approved by no. 3609 demands release of water from upstream users.
- b. Long standing man-made alteration in the natural channel of Elkhorn Creek requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201.
- c. Rights 37-0082, 37-4016 and 37-7201 may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.
- d. Diversion of water pursuant to rights 37-0082, 37-4016 and 37-7201 during the non-irrigation season is subject to any minimum streamflows established in the Big Wood River with later dates of priority.
6. All water rights are conditioned as follows:

The wildlife, aesthetic and recreational uses approved by this transfer shall be considered to have a consumptive component equal to the smaller of:

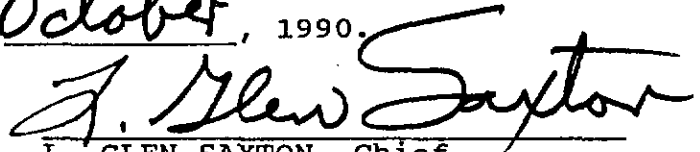
- (a) the irrigation consumption prior to this transfer less irrigation consumption after the transfer, or
- (b) actual consumption by the authorized wildlife, aesthetic and recreational uses.

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The purpose of this condition is to protect the consumptive nature of the water rights transferred to the extent consumption continues.

Dated this 9th day of October, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

RECORDED

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EXHIBIT 1

CASCEA ASSOCIATES, INC.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

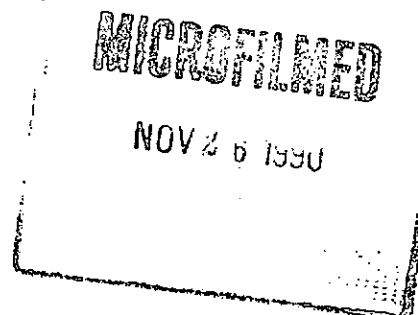


EXHIBIT A

CASCEA ASSOCIATES, INC.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

a. Description of Diversion System

Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake where it will be co-mingled with the waters from the Big Wood River. A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream prior to entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.

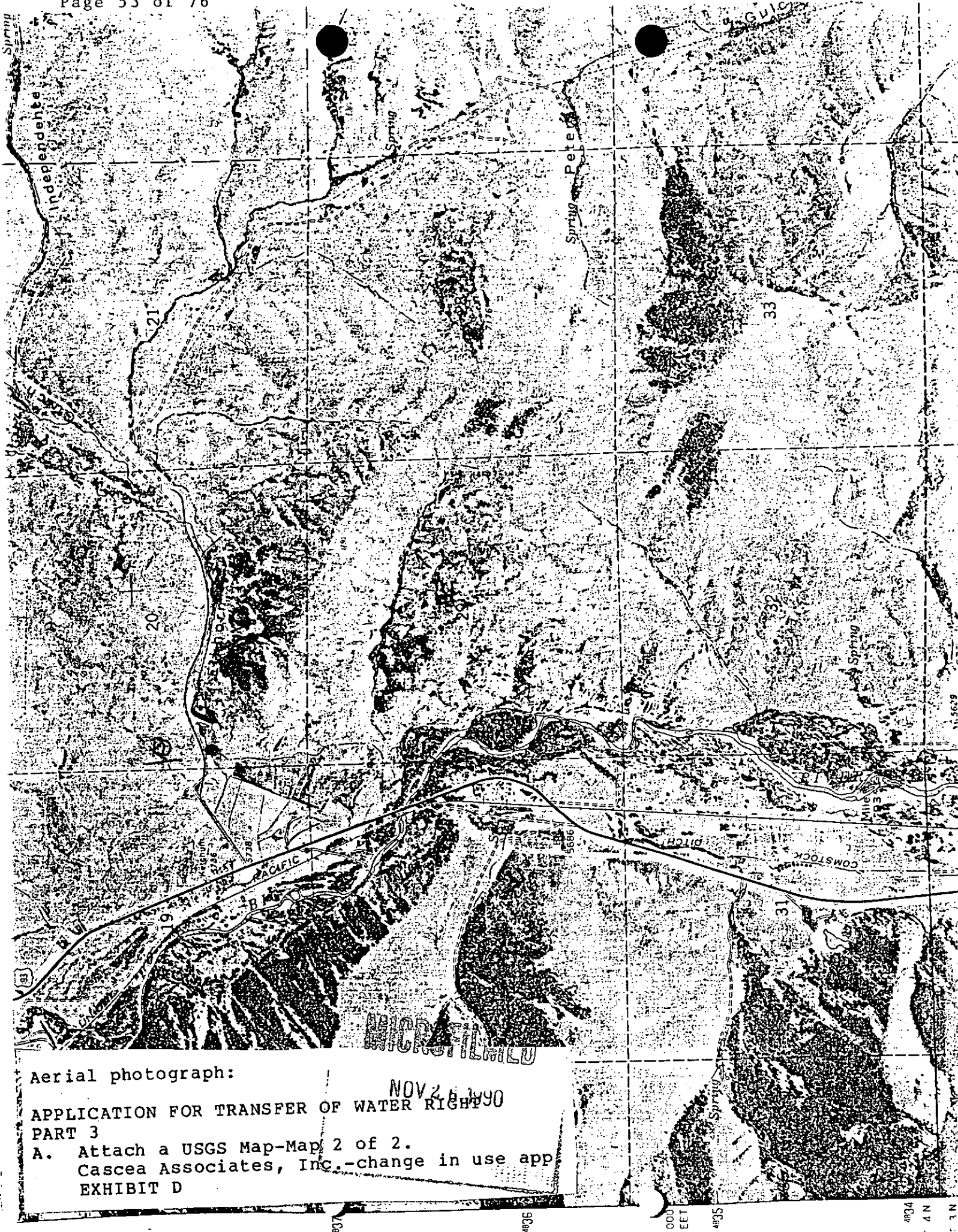
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app
EXHIBIT D

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

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EXHIBIT E

CASCEA ASSOCIATES, INC.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

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EXHIBIT F

CASCEA ASSOCIATES, INC.

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

DANIEL J. GORHAM

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, 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 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 4th day of Oct. 1989 and

the date of the last publication was on the 11th day of Oct. 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 18th day of Oct. 1989
(SEAL)

Roberta M. Ketchum
NOTARY PUBLIC

#6764

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	<u>11</u>
Number of Lines in Notice	<u>198</u>
Number of Insertions	<u>2</u>
Lines tabular at	<u>5.5¢/Pica</u>
<u>198</u> Lines straight at	<u>108.90</u> <u>5¢/Pica</u>
<u>198</u> Subsequent lines at	<u>87.12</u> <u>5¢/Pica</u>
TOTAL COST	<u>196.02</u>

OK
NB
10/20/89

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Caseca)

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Associates seek water right change

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
Nos. 37-00081, 37-07201,
37-00082, 37-04016

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County. Source: Big Wood River tributary to Malad River.

Priority Date: 6/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4, NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County. Source: Elkhorn Creek tributary to Big Wood River.

Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4, SW1/4, S20, T4N, R18E; Blaine County.
Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River.
Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4, SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of

Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to
Big Wood River
Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwa-
ter
Point(s) of diversion: NW1/4-
SW1/4, S20, T4N, R18E; Blaine
County.
Place of use: 160 acres within
S1/2SE1/4, S19, T4N, R18E;
N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS
TO BE CHANGED

Water right No.: 37-04016
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within
S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
AMOUNT: 3.268 CFS
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 4.0 cfs
Source: Big Wood River tributary
to Malad River
Point of diversion: SW1/4SE1/4,
S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: 468 cfs
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 1.2 cfs
Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
Ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch, pump); Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 1.0 cfs
Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (the East
channel); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NE1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 10.0 cfs
Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline & West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E.

Any protest against approval of
the application for transfer must
be filed with the Department of
Water Resources, 2148 4th Ave
East, Twin Falls, ID 83301, on or
before October 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
October 4 & 11, 1989.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7201 Priority March 21, 1973 Amount 1.0 cfs
(late proof)

THIS IS TO CERTIFY, that LANE COMPANY, a partnership
of Sun Valley, Idaho, has complied with the terms and conditions of Permit
No. 37-7201 issued pursuant to Application for Permit dated February 1, 1973,
and has submitted proof to the Department of Water Resources on May 19, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.18 cfs of water from Elkhorn Creek,
tributary to Wood River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 1</u> at <u>1.0</u> cfs and	<u>360</u> acre feet	
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u> at <u>0.06</u> cfs and	<u>3.6</u> acre feet	
	from _____ to _____ at _____ cfs and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
363.6 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 4N,
Rge. 18E, B.M., in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	18E	19															30	40	70
		30	40	10															50

Total number of acres irrigated 120

CONDITION:

The total amount of water diverted under this right shall not exceed 360 acre
feet when combined with other rights for the irrigation of the same land.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

May, 19 79.

[Signature]
Director

RECORDED
INDEXED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7201

IN THE NAME OF LANE COMPANY

ORDER OF REINSTATEMENT

WHEREAS, on February 1, 1973, Lane Company filed with the Department of Water Resources (formerly the Department of Water Administration) an application to appropriate irrigation and stockwater for 1.00 cubic feet per second to be diverted from within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; All in Twp. 4N, Rge. 18E, B.M., and,

WHEREAS, on March 2, 1973, the Department approved said application and issued Permit No. 37-7201 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before April 1, 1974; and,

WHEREAS, on April 2, 1974, the Department extended the time within which to submit proof of beneficial use of water under this permit to April 1, 1976; and,

WHEREAS, on January 30, 1976, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on April 6, 1976, the Department notified the permit holder that Permit No. 37-7201 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, on May 19, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

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

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-7201 be REINSTATED and the priority advanced to March 21, 1973.

Dated this 2ND day of June, 1976.

Norman C. Young
for A. KENNETH DIINN
Administrator, Operations Division

Identification No. _____

Application No. 37-7201

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant LANE COMPANY, a Partnership
post office address P.O. Box 6, Sun Valley, Idaho 83353
2. Source of water supply Elkhorn Creek which is a tributary of Wood River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 4 N
Range 18 E B.M. Blaine County; additional points of diversion if any: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T. 4N, R. 18 E.B.M., Blaine County, Idaho.
- b. If water is not consumed, it will be discharged into Wood River at a point in NE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 30 Township 4N Range 18 E B.M. Blaine County
4. Water will be used for the following purposes:
Amount 1.0c/f/s (cfs or acre-feet per annum) purpose from April 1 to October 1 (both dates inclusive)
Amount .5c/f/s (cfs or acre-feet per annum) purpose from January 1 to December 31 (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
a. 1.0c/f/s cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Elkhorn Creek Channel
to diversions of Lane Company listed in No. 3a above.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is none years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: same irrigation John Rockolt telephone conversation
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township 4N
Range _____ B.M. 2-2-73
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered up to 400 sheep and 200 cattle
at various times.
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

37 7201

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

Total number of acres to be irrigated 160

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

60" - Frost Decree - James Bonning Right - June 1, 1884

4/1/84 claim - filed by Lane Company March 20, 1972 - 10 c/f/s/- Flood

FLAWS

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

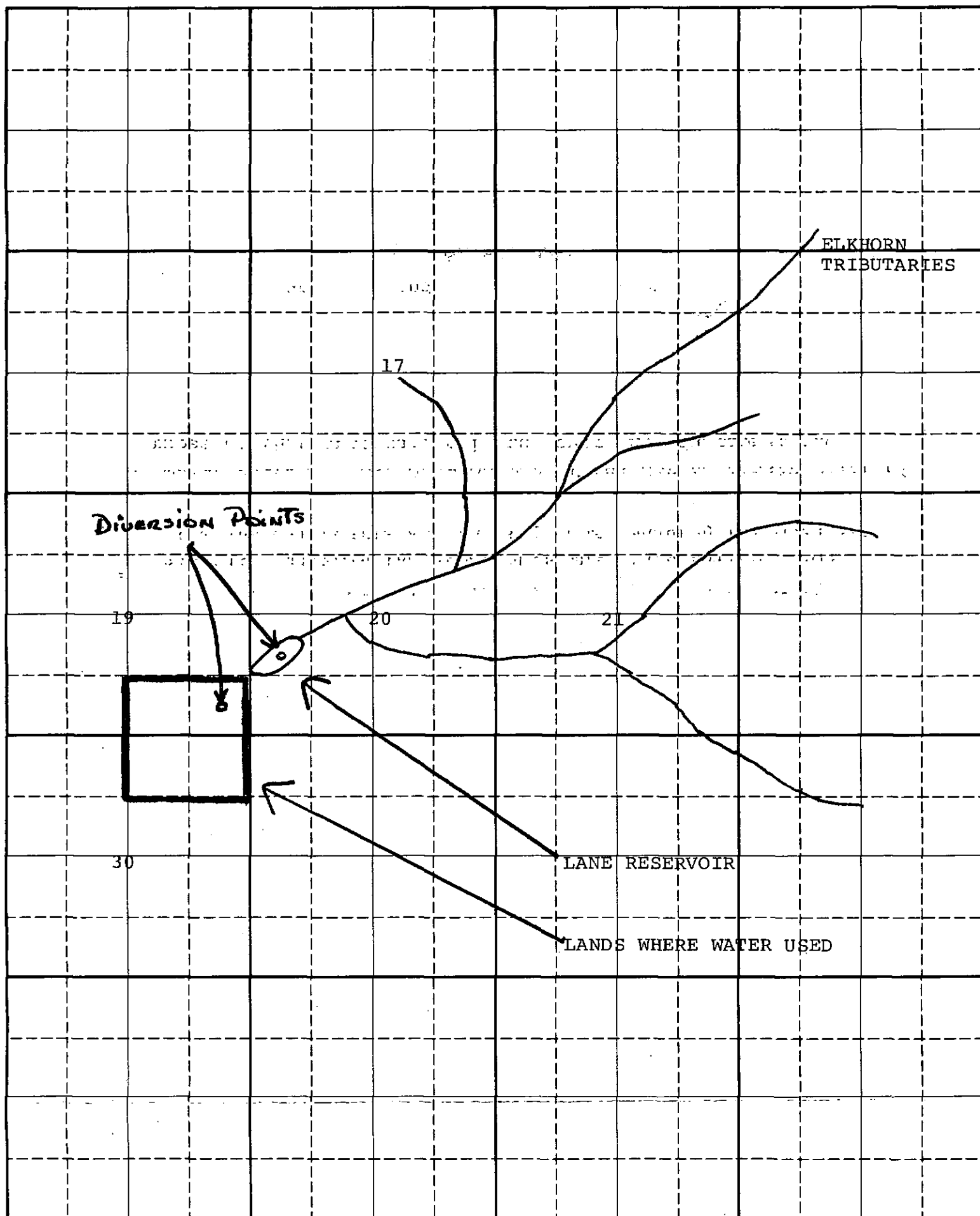
b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing.

10. Remarks Applicant is withdrawing protest to Elkhorn at Sun Valley Application number 37-7148. Elkhorn indicates that when late summer flows of Elkhorn tributaries are not sufficient to fill ponds constructed pursuant to 37-7148, that Elkhorn will divert additional waters to ponds from Sun Valley water system or may develop more flows during construction of ponds. The purpose of this application is to cover the additional flows which may result in Elkhorn basin by reason of development. Presumably water would be introduced by Elkhorn at Sun Valley when the natural flows are not sufficient to cover uses under 37-7148. This filling is made to cover the additional waters which may be introduced into the basin in times of natural shortage and released by Elkhorn into the natural channel, and will flow to Lane's lower diversions.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.
T. 4 N, R. 18 E.B.M., Blaine County



Scale: 2 inches equal 1 mile

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

By: J. C. Lane
(Applicant) J. C. Lane
LANE COMPANY, a Partnership

37 5 01


Deputy Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED

MAR 29 1974

Department of Water Administration

State of Idaho)
County of BLAINE)

Permit No. 37-7201

LANE COMPANY, a Partnership of P.O. Box 6, Sun Valley, Idaho 83353
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 37-7201.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before April 1,, 19 74.

That he has heretofore performed the following work described under said permit:

Costing \$

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Until recently, it hadn't been determined whether Elkhorn would develop as proposed. Now, it appears that Elkhorn will develop as contemplated under Permit No. 37-7148. Applicant requests an extension of time of two years to comply with proofs required under Permit No. 37-7201

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to April 1, 19 76.

(signature) *

Subscribed and sworn before me this 27th day of March, 19 74.

seal

(notary public)

My commission expires May 15/1976

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension for Permit No. 37-7201 to April 1, 1976.

Witness my hand this 2 day of April, 19 74.

Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. <u>37-7201</u> Name <u>Lane Company</u>
(2)	<u>RWA</u>	<u>2-2-73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>RWA</u>	<u>2-2-73</u>	In form for advertising _____
(6)	<u>alw</u>	<u>2-2-73</u>	Affidavit of Publication received _____
(7)			Final date for protests <u>Feb. 26, 1973</u> Protests received: yes _____ no <u>✓</u>
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. <u>37</u>
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☒ Approve Priority <u>2-1-73</u> ☐ Deny Reason for Reduction _____ <u>✓</u> See attached sheet for conditions of approval No conditions for approval
(14)			District <u>Southern</u> By <u>Bob Haynes</u> Date <u>2-26-73</u> Title <u>Dist</u>

Feb 27 1973
Department of Water Administration

37 7201

RECOMMENDED

CONDITIONS OF APPROVAL

D ☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

① ☒ Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Wood River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

D ☒ Other: Maximum rate of diversion shall not exceed 32 cfs when combined with other rights from the same sources.

AFFIDAVIT OF PUBLICATION

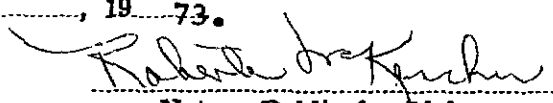
STATE OF IDAHO, }
County of Blaine, } ss.

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 8th day of February, 1973 and ending with the last publication thereof on the 15th day of February 1973.

Cost of this publication is \$ 11.52


GEORGE T. FRITZ

Subscribed and sworn to before me, this 16th day
of February, 1973.


Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

RECEIVED

FEB 21 1973

Department of Water Administration
Southern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lane Company, a partnership, P. O. Box 6, Sun Valley, ID has on Feb. 1, 1973 submitted Application No. 37-7201 for a permit to appropriate 1.0 cubic feet per second of water from Elkhorn Creek by means of diversions within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M., Blaine County to be used from Jan. 1 to Dec. 31 for stockwater purposes and from April 1 to Oct. 1 for the irrigation of 160 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Feb. 26, 1973.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, ID on Feb. 8 and Feb. 15, 1973.

37 7201



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

November 8, 1990

RE: Transfer of Water Right Nos. 37-0081/0082/4016/7201

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day Reavis & Pogue
599 Lexington Ave.
New York, NY 10022

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3609). Be sure to note any conditions of approval as listed on the enclosed Department of Water Resources ORDER dated October 9, 1990.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

NOV 26 1990

INTER-DEPARTMENT MEMO--1

DATE November 8, 1990

FROM Brenda Miller

TO File (s) 37-0081/0082/4016/7201

SUBJECT Approved Transfer No. 3609 Distribution

Copies of the October 9, 1990 ORDER and approved Application for Transfer were also sent to:

Reid Newby
Box T
Shoshone, ID 83352

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303

Brenda Miller

Signature

MICROFILMED

NOV 8 1990

INTER-DEPARTMENT MEMO--1

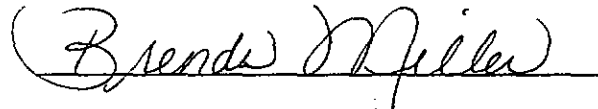
DATE October 10, 1990

FROM Brenda Miller

TO File (s) 37-0082/4016/7201

SUBJECT TRANSFER NO. 3609

Please see File 37-0081 for all correspondence
regarding the above transfer.


Signature

ENCLOSURE

NOV 2 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

September 10, 1990

John Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

Reid Newby
Watermaster Water District #37
Box T
Shoshone, ID 83352

RE: Application for Transfer No. 3609 in the Name of Cascea
Associates; Water Rights Nos. 37-00081, 37-00082, 37-04016
and 37-07201

Gentlemen:

Enclosed is my latest attempt to draft language to satisfy concerns about the Cascea (Lane Ranch) transfer. Will you please review the draft, and comment once more. I would like to resolve this matter expeditiously.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region

MICROFILMED

NOV 26 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

May 22, 1990

John Rosholt, Attorney at Law
P.O. 1906
Twin Falls, ID 83301

RE: Application for Transfer No. 3609 in the Name of Cascea Associates Proposing a Change in Water Rights Nos. 37-00081, 37-00082, 37-04016 & 37-7201

Dear John:

Based on our conversation and my observations of the Cascea (Lane Ranch) development, I propose approval of the transfer with qualifying language.

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
3.26 cfs	wildlife	4/1 through 11/1
4.00 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0081 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation pursuant to right no. 37-0081 and right no. 37-0082 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

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NOV 26 1990

2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Creek
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
1.20 cfs	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
1.00 cfs	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
— acre-feet	storage for aesthetic	1/1 through 12/31
— acre-feet	storage for recreation	1/1 through 12/31
— acre-feet	storage for wildlife	1/1 through 12/31
— acre-feet = Total flow rate		

- a. The approval of this transfer in no way confirms the validity of right no. 37-4016.

Water rights diverted from Elkhorn Creek should be conditioned as follows:

NOV 26 1990

1. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet.

2. Long standing man-made alteration in the natural channel of Elkhorn requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201.

3. This right may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.

All of the water rights transferred should be conditioned as follows:

1. All uses of water authorized by this transfer are presumed to be consumptive uses of water. Diversion of water pursuant to these rights may be prohibited if necessary to supply water to earlier in time priority rights.

2. Adequate measuring devices and lockable headgates satisfactory to the watermaster of Water District #37 shall be permanently installed and maintained as part of the diverting and delivery works.

3. The Department of Water Resources retains jurisdiction over this filing to require determination of the amount of losses in the delivery system and the ponds.

The conditions are only proposals, and I welcome discussion. I suspect there are a couple of areas where questions may arise. I will try to address some of these.

Claim no. 37-4016 appears to be more in the nature of a storage right than a flow right. I recognize that the reservoir is located on the creek itself, and that 10.0 cfs may, at some point in time, flow through the reservoir. I hesitate, however, to authorize, by this transfer the right to demand up to 10.0 cfs of flow with an 1884 priority at the expense of other water users, when, in fact, the right was limited by irrigation of the place of use. Perhaps the proper number to insert is 315 acre-feet, since 315 acre-feet is the amount of water necessary for irrigation of 105 acres.

You may also question the volume limitations on the right from Elkhorn Creek. My reasoning is that Cascea is a downstream user, and should not have the right to demand a full flow of 2.2 cfs or whatever is available in the creek continuously at the expense of upstream water users. The right should be limited by the volume that would have been allowed for the irrigation use.

NOV 26 1990

I am not as worried about the volume limitation on the Big Wood River because there are not intervening water users between your diversion and reinjection back to the river.

Sincerely,



GARY SPACKMAN, Manager
Water Right Permit Section

GS:js

cc: Reid Newby
Southern Region

MICROFILMED

NOV 26 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

April 17, 1990

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, NY 10022

RE: Application for Transfer of Water Right no. 3609, Proposing
the Transfer of Water Rights Nos. 37-00081, 37-00082,
37-04016, 37-7201 in the Name of Cascea Associates, Inc.

Gentlemen:

I have reviewed the above listed transfer, and will attempt to address questions that have arisen as a result of the review. As a preface to my comments, let me say that the transfer stretches the limits of some traditional standards used to review transfers. Strict imposition of these standards might be viewed as a hypertechnical analysis, perhaps missing the mark of proper review. As a result, I have attempted to apply the standards with leniency while still addressing the statutory requirements.

Idaho Code § 42-222 states that the Department must review a transfer by applying three tests: (1) Whether the transfer will injure other water rights, (2) Whether the transfer will result in an enlargement of use, and (3) Whether the transfer is in the public interest. There is also a fourth test that requires evaluation of whether the proposal will adversely affect the agricultural base of the area. I do not see that the fourth test is applicable.

I wish to analyze the enlargement question, which I think raises secondary questions about injury and local public interest. The Department has traditionally reviewed a transfer which proposes a change in the nature of use by looking at three components of the original water use: (a) The flow rate, (b) The annual volume authorized for diversion, and (c) The consumptive use. The most restrictive of the three components must control the change in the nature of use.

The analysis of Gerald Martens, professional engineer, concludes that the amount of water lost from surface water will be approximately the same amount of water authorized for loss in the original right, either by consumption or percolation. Consumptive use does not appear to restrict the application.

NOV 26 1990

Furthermore, the application does not propose diversion of a higher flow rate than is authorized, except that the claim alleges the right to divert an inordinate amount of water which generally is not available in Elkhorn Creek at the rate claimed. The third standard, however, the annual volume diverted, would restrict the flow rate considerably. If the Department applied the traditional review standard related to annual volume diverted, the Department would first determine the number of acres which have been irrigated. The maximum allowable annual volume would be calculated from the number of acres irrigated. The flow rate would be limited to the continuous year-round flow that would produce the annual volume.

The Department has determined that 105 acres were irrigated by these water rights. In the Wood River Valley, the Department has allowed an annual diversion for irrigation of not more than 3.0 acre-feet/acre annually. Subtraction of the 24.4 acres which will still be irrigated from the 105 acres previously irrigated results in a remainder of 80.5 acres. The product of 80.5 acres times 3.0 acre-feet/acre annually equals 241.5 acre-feet remaining for the residual volume of water that could be diverted annually. The volume of 241.5 acre-feet must be converted to a continuous year-round flow rate. The continuous flow rate calculated from annual volume equals 0.33 cubic feet per second.

I am not certain that our traditional approach should apply in this case. I believe we can be more lenient provided no more water is lost by the change. I propose that we accept the engineer's calculation of losses resulting from evaporation, seepage and irrigation, and determine that these volumes will not exceed the volume which would normally be lost.

The flow rates of the respective rights need to be discussed. Rights nos. 37-00081 and 37-00082 describe identical places of use. Right no. 37-00081 authorizes diversion of 4.0 cfs from the Big Wood River. Right no. 37-00082 authorizes diversion of 1.2 cfs from Elkhorn Creek. A total diversion from both rights of 0.732 cfs is proposed for irrigation use. All of the other remaining water rights authorize diversion from Elkhorn Creek. The remaining rights, 37-04016 and 37-07201, represent flow rates of 10.0 cfs and 1.0 cfs, respectively.

I understand that flows in Elkhorn Creek have not been regulated by the watermaster of Water District #37. Non-regulation in the past does not prevent future regulation if Elkhorn Creek is tributary to the Big Wood River. As a result, water supplies from Elkhorn Creek may not be available year round.

Finally, I understand that the natural channel of Elkhorn Creek may have been changed to flow through the proposed ponds.

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NOV 26 1990

Right no. 37-00081, diverted from the Big Wood River, must be treated separately from the Elkhorn Creek rights. I suggest that we subtract 0.732 cfs, the flow rate needed for irrigation, from the total flow rate of 4.0 cfs. This leaves a remainder of 3.268 cfs. A flow rate of 3.268 cfs diverted over an entire irrigation season of 214 days will equal 1,386.88 acre-feet per year. Rather than diversion for just the irrigation season, however, the transfer proposes diversion year-round. Converting 1,386.88 acre-feet per year to a flow rate equals 1.92 cfs. I propose that Cascea be allowed to divert 1.92 from the Big Wood River for the entire year for aesthetics, plus .732 cfs for irrigation during the irrigation season, except when water is not available as described below.

Although the flow rates for the remaining filings diverted from Elkhorn Creek total a much larger flow than necessary for irrigation of 105 acres ($1.2 + 10.0 + 1.0 = 12.2$ cfs) the Department is willing to approve the transfer with a disclaimer that the transfer does not in any way validate claim no. 37-04016. Furthermore, a condition will be added specifically finding that a claim of 10.0 cfs for irrigation of the lands listed in the place of use is exorbitant, and that the total amount of water diverted from Elkhorn Creek should not exceed the amount decreed for diversion from the Big Wood River, or 4.0 cfs. Using the same analysis as above, 0.732 cfs can be diverted from either source or a combination of the sources not to exceed a total of 0.732 cfs for irrigation. By the same reasoning 1.92 cfs may be diverted year round from either source, or a combination of the sources not to exceed a total of 1.92 cfs, except when water is not available as described below.

As I mentioned before, the analysis of Gerald Martens concludes that the amount of water the proposed use will lose through irrigation, seepage and evaporation is 237.7 acre-feet. Assuming a full supply of water during the irrigation season, the maximum volume that could have been diverted for irrigation of 105 acres is 315 acre-feet annually. While there is a difference of 77 acre-feet, the upper number of 315 acre-feet annually presumes a full supply of water. A water right diverted from the Big Wood River with a priority of 1884 is not a reliable source of water every year, and the entire 315 acre-feet may not have been available in most years.

I will recommend that diversions for the proposed uses be cut-off according to their respective priorities. If Cascea is allowed to continue diverting when earlier consumptive rights would be cut-off, water which should remain in the stream to satisfy earlier rights will be lost. This is particularly true with right no. 37-00081, which authorizes diversion from the Big Wood River. If Elkhorn Creek is ever regulated with the Big Wood River, the rights from Elkhorn Creek will also be cut-off, unless a more reliable water right is acquired and left in the Big Wood River to mitigate for lost water.

NOV 2 1986

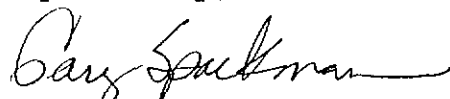
The applicant has the duty to show that out-of-priority diversion will not result in loss of water that will injure other appropriators. The information submitted shows that uncompensated losses will cause injury to other users unless a proposal such as mine is followed. It is possible that out of priority diversion might be permitted if all losses are mitigated. You may also consider the filing of a new application for permit to appropriate water.

I am also concerned about the water supply for the land within the subdivision. This application for transfer proposes irrigation of only 24 acres, which include berms and common areas. The actual lost acreage apparently will be irrigated from some other source, but it is unclear to me what source of water will be sought for irrigation. This question probably should be clarified. I think there will be a temptation on the part of homeowners to divert water directly from the streams running through the subdivision itself. Please provide assurances that irrigation can be limited to 24 acres.

I have not discussed all of the conditions that might be imposed. Other standard conditions requiring measuring devices, watermaster control and compliance with water quality standards will be made a part of the approval.

Please indicate whether my proposal is acceptable. If I do not hear from you within thirty (30) days, I'll assume my proposal is acceptable, and I will prepare the transfer for approval.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. John Rosholt
Ed Miller
Reid Newby

RECEIVED

MAY 2 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. F. Stanton

1. Right number 37-7201 Applicant _____
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other change nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
no expansion - acreage reduction
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37

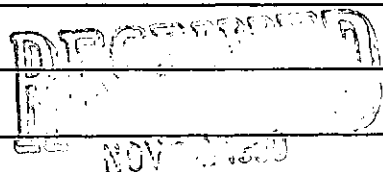
FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____



APPLICATION FOR TRANSFER OF WATER RIGHT

NO. _____

RECOMMENDATION OF WATERMASTER

I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P. O. Box T, Shoshone, ID 83352
have read the attached copy of the application for transfer of water right for _____
Cascea Associates, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: see attached sheet.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 5th day of October 1989.

MICROFILMED

NOV 26 1990

Please use reverse side if needed.

Reid J. Newby
(signature)

RECEIVED

OCT 10 1989

Department of Water Resources
Southern Region Office

Recommendations regarding Transfer of Water Right #37-00081

This water right has not been used for many years. However, an application for extension of time was filed and does not expire until June 30, 1990.

This diversion as proposed will be from river to pump through closed pipe. We request there be a method of control installed so the Watermaster can shut this system off as priority cuts dictate. Also, there be a reliable acceptable means to measure this water.

If the nature of this water use is charged from consumptive to non-consumptive, there will need to be an acceptable measuring device at the point of return to the river. If this water remains as a consumptive use right, we will not require a measuring device back to the river.

Also it is indicated they are planning to use $1\frac{1}{2}$ inches of water per acre on 24.4 acres of land. I understand this water was originally decreed at the rate of 1.63 inches of water per acre. It is also indicated that the applicant proposes to use $1\frac{1}{2}$ inches pf State Water Right #37-00082 on the same 24.4 acres of land making a total of 2.5 inches of water per acre on 24.4 acres of land whan 1.63 inches of water was decreed.

Re: Water Right #37-00082

This water was decreed to the same lands a #37-00081, see comments on Transfer of Water Right #37-00081.

Regards W.R. #37-04016

This right is a claim from Elkhorn Creek and the Watermaster does not deliver claims.

Regards W.R. #37-07201

This water right has not been delivered by the Watermaster's office because it was delivered from Elkhorn Creek, and there was no measuring device or means of control.

We request that the Watermaster should have access to all diversion points and places of use twelve (12) months of the year.

RECEIVED

NOV 26 1990

RECEIVED

OCT 1989

Department of Water Resources
Disk: Patty-154, Patricia Region Office

Associates seek water right change

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cescea Associates, Inc. c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Maled River
Priority Date: 6/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4-NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River
Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of Hwy. 75.

Water right No. 37-04016
Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 160 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04016
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
Amount: 3.268 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 4.0 cfs
Source: Big Wood River tributary to Maled River
Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: .468 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 1.2 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 1.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NE1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 10.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2145 4th Ave East, Twin Falls, ID 83301, on or before October 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-October 4 & 11, 1989.

OK
MB
10/2/89
Galley
Proof
WRS

MICROFILMED

NOV 26 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Big Wood River tributary to Malad River

Priority Date: 6/10/1884

Amount of water: 4.0 cfs

Water use: Irrigation

Point(s) of diversion: SE1/4NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081

Amount of water: 4.0 cfs

Water right No. 37-00082

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 6/1/1884

Amount of water: 1.2 cfs

Water use: Irrigation

Point (s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082

Amount of water: 1.2 cfs

Water right No. 37-07201

Basis of right: License

Source: Elkhorn Creek tributary to Wood River

Priority Date: 3/21/1973

Amount of water: 1.0 cfs

Water use: Irrigation

.06 cfs

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 120 acres within S1/2SE1/4; S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

NOV 26 1990

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201

Amount of water: 1.0 cfs
.06 cfs

Water use: Irrigation
Stockwater

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E. License was incorrect. Actual place
of use is 85 acres east of Hwy. 75.

Water right No. 37-04016

Basis of right: Statutory Claim

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 4/1/1884

Amount of water: 10.0 cfs Water use: Irrigation & stockwater

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 160 acres within S1/2SE1/4, S19, T4N, R18E;

N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04016

Amount of water: 10.0 cfs

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;

NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081

Amount: .732 cfs

Use: Irrigation

AMOUNT: 3.268 CFS

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 4.0 cfs

Source: Big Wood River tributary to Malad River

Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.

Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N,
R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E;
NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082

Amount: .732 cfs

Use: Irrigation

Amount: .468 cfs

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 1.2 cfs

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Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East Ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 1.0 cfs

Source: Elkhorn Creek tributary to Big Wood river
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NE1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 10.0 cfs

Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before October 23, 1989.

R. Keith Higginson, Director

Published in Wood River Journal on 10/4 & 10/11/89.

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NOV 28 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

September 25, 1989

R. KEITH HIGGINSON
Director

Wood River Journal
P.O. Box 988
Hailey, ID 83333

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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
Secretary/Office Coordinator

Enclosure

RECEIVED

NOV 9 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 25, 1989

Reid J. Newby, Watermaster
Water District #37
Box T
Shoshone, ID 83352

Re: Application for Transfer of Water Right Nos. 37-00081,
37-00082, 37-07201, 37-0416

Dear Mr. Newby:

Enclosed is a copies of a 4-part Application for Transfer of
a Water Right within your District, and Watermaster's
Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the
watermaster must be advised of proposed changes in water
rights in the water district and must notify the Department
of his recommendation on the application.

Please complete the enclosed recommendation forms and return
them to this office.

Processing of the application can be completed in 20 days,
therefore, your prompt response to this request will be
appreciated.

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

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

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NOV 26 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 25, 1989

Cascea Associates, Inc.
c/o John Rosholt, Esquire
P.O. Box 1906
Twin Falls, ID 83301

Re: Application for Transfer (Cascea Assoc., Inc.)

Dear Mr. Rosholt:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of Cascea Assoc., Inc.

This office will be advertising the application in the Wood River Journal on 10/4 and 10/11/89. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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.

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

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

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NOV 26 1990

May 30, 1979

Re: Permit No. 37-7201

Lane Company
Box 6
Sun Valley, ID 83353

Gentlemen:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 25, 1979

Re: Permit No. 37-7201

Lane Company
Box 6
Sun Valley, ID 83353

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 37-7201 on August 14, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.0 cfs Source: Elkhorn Creek

The maximum quantity diverted shall not exceed 363.6 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 4N, Rge. 18E, B. M.

Beneficial use: Stockwater and irrigation of 120 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 18E, B. M.

Priority date established: March 21, 1973 (late proof)

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

JUN 7 1976

1. Name of permit holder Lane Company
Post office address Box 6, Sun Valley, ID
Person to contact John C. Lane
Department of Water Resources
Phone Southern District Office
Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ Elkhorn Cr.
Tributary to Wood R. (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 1.00 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 1 to Oct. 1
(mo.-day) inclusive (mo.-day)

Amount 0.50 c.f.s. for Stockwater (200 cattle 400 sheep)
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 37-7201
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 18E E/W, B.M., Section 20, Subdivision NW $\frac{1}{4}$ SW $\frac{1}{4}$, Blaine

Township _____ N/S, Range _____ E/W, B.M., Section 19, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Elkhorn Creek channel to diversion points.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	18E	30	40	40															80
		19															40	40	80

TOTAL ACREAGE 160

T
4
N

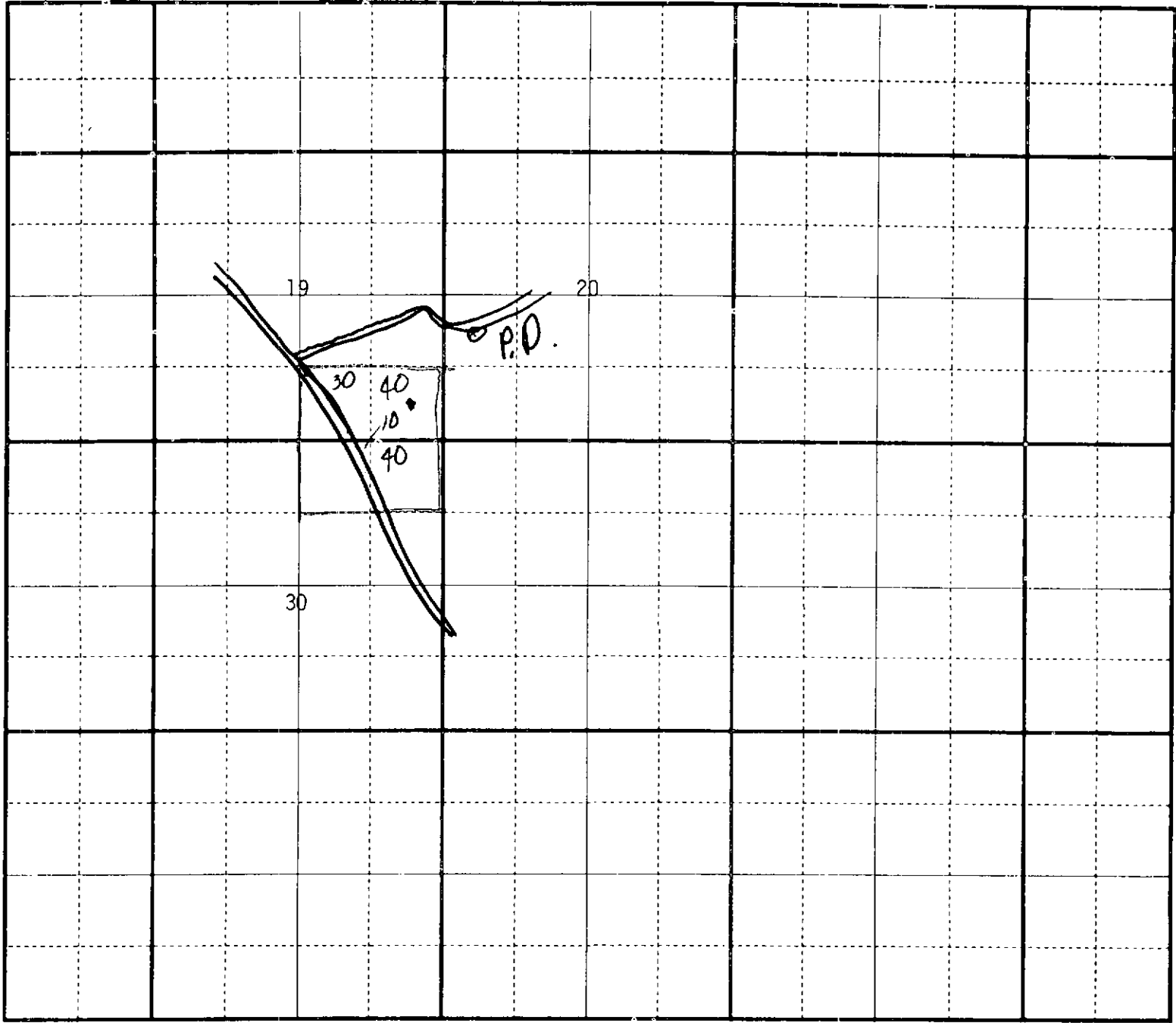


Diagram of System

DATE OF EXAM 8-14-76

ACREAGE
Found 120 Acres
Recommended 120 Acres

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.0 c.f.s. V = 360.0 AF/Ann. from 4-1 to 10-1
Domestic Q = 0.06 c.f.s. V = 2.7 AF/Ann. from 1-1 to 12-31
Livestock Q = 0.06 c.f.s. V = 3.6 AF/Ann. from 1-1 to 12-31
see below
p

Is water co-mingled? yes no ☒

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 2.18 c.f.s. Method of measurement parshall flume.

Total Q recommended 1.0 c.f.s. Meter No. ✓ Type 1' ft. Condition good

Total V recommended 362.7 Ac Ft/ANN
363.6

Recommended Amendments:

P.D. ✓ NWSW Sec 20 4N-18E only
Place of Use ✓
Other _____
None _____

MEASUREMENT CALCULATION:

Meas. .67 on 1 Ft Parshall Flume = 2.18 c.f.s.

Irr. Allowed 1.0 c.f.s. Amount Applied for.
Livestock .05 c.f.s. Range Cattle .01 c.f.s. Sheep (400 Hd) = Total .06 c.f.s.
Irrigation = Volume (360 Ac Ft/ANN) = (120 Acres) (Irr. Req. 3.0 Ac Ft/Ac)
Livestock = Volume 2.7 Ac Ft/ANN (See Dept. Memo)
1.0 x 1.98 x 183 days = 362.3 > 360

SYSTEM DESCRIPTION:

Elkhorn Cr. water is diverted thru Headgate and conveyed thru a 1' parshall flume. Then is conveyed to its place of use.

REMARKS:

at Higher flows, more water could be meas:
for instance during Spring run off.
Pete Lume Was Present during Exam.

Examiner's Signature Gary Sundberg Date 8-17-76
Checked by Terry Blum Date 9-2-76
Approved by Michael R. Steele Date 9-15-76

ANDERSON & KELLY
CONSULTANTS IN ENGINEERING AND GEOLOGY
6700 EMERALD STREET
BOISE, IDAHO 83704

RECEIVED

JUN 7 1976

Department of Water Resources

June 4, 1976

Bobby D. Fleenor
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83702

Dear Bobby:

With further reference to our earlier correspondence, this is to advise that the Parshall flume measuring device was installed on the Lane Co. irrigation channel diverting from Elkhorn creek, and that I personally inspected the installation on May 29, 1976 and found it to be complete and correct. At the time of that inspection the flow being diverted was 2.80 cfs. (gage height of 0.61 feet on the flume).

Sincerely,

ANDERSON & KELLY

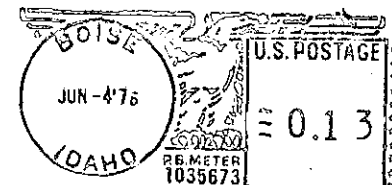
Keith
Keith E. Anderson

cc: J. C. Lane
C. G. McIntire

File 37-7201

11-10-76

ANDERSON & KELLY
6700 EMERALD STREET
BOISE, IDAHO 83704



Mr. Bobby Fleenor
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83702

June 2, 1976

Re: Permit No. 37-7201

Lane Company
Box 6
Sun Valley, Idaho 83353

Dear Sirs:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to March 21, 1973.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Twin Falls.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

RECEIVED

MAY 19 1976

Department of Water Resources

Identification No. _____

Permit No. 37-7201

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Lane Company, a partnership
b) Post Office Address P.O. Box 6, Sun Valley, Idaho 83353
2. Permit Number 37-7201
3. Date of Priority that you are prepared to establish February 1, 1973.
4. a) Source from which water was appropriated Elkhorn Creek which is a tributary of Wood River
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 20
Township 4 North, Range 18 East, Boise Meridian, Other points of diversion:
SE 1/4 SE 1/4, Section 19, Township 4 North, Range 18 East,
Boise Meridian, Blaine County, Idaho.
5. a) The amount of water and use to which the water has been applied:
Amount 1.0 c/f/s for irrigation purposes from April 1 to Oct. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .5 c/f/s for stockwater purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: with current meter, by Keith E. Anderson,
Anderson & Kelly, registered professional engineer.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
Elkhorn Creek Channel to diversions of Lane Company in 4b above.
b) Describe the agreement or understanding by which you take water from the works:
The stream is on the property of the Applicant.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Elkhorn Creek Channel to diversions of Lane Company in 4b above.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Steel
Parshall flume, 18 inch throat, 15 inch depth manufactured by
Thompson Pipe & Steel Co.
c) Give well driller's name and address and the date the well was completed: None
8. If, for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
.5 c.f.s. for stockwater purposes from January 1 to December 31.

5-27-76

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	18E	30	40	40															80
4N	18E	19														40	40		80

Total number of acres irrigated 160

10. Remarks: This is offer of proof on part of permit holder's entitlement under 37-7201. Applicant requests that Department's inspection and measurements be conducted in the later part of June or the first part of July. Applicant acknowledges that all rights under 37-7201 not proven hereunder are forfeited.

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

May , 1976

(Date)

By: John C. Lane

LANE COMPANY

(Signature)

State of Idaho)

) ss.

County of Blaine)

On this 17th day of May, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.



Winton A. Gray
Notary Public residing at Sun Valley,
Idaho

My commission expires May 15, 1980

RECEIVED

MAY 19 1976

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

May 18, 1976

Department of Water Resources
TELEPHONE
(208) 733-3722

OUR FILE NUMBER

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

Mr. R. Keith Higginson
Director, Department of Water Resources
Statehouse Mail
Boise, Idaho 83707

Re: Permit #37-7201

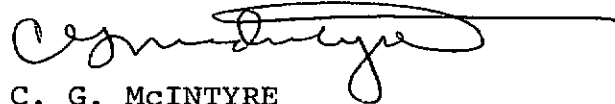
Dear Mr. Higginson:

On behalf of our client, Lane Company, we enclose herewith the Application of Lane Company for reinstatement of its Permit #37-7201, my Affidavit and the Proof of Application of Water to Beneficial Use.

We respectfully request that the permit be reinstated and that we may go forward on the Proof of Application of Water to Beneficial Use.

We will await your further advice.

Sincerely,



C. G. MCINTYRE

CGM:vs

cc: Keith E. Anderson
Anderson & Kelly
Consultants in Engineering & Geology
6700 Emerald Street
Boise, Idaho 83704

Mr. John C. Lane
P.O. Box 6
Sun Valley, Idaho 83353

enc. (3)

RECEIVED

MAY 19 1976

Department of Water Resources

APPLICATION FOR REINSTATEMENT
OF PERMIT

STATE OF IDAHO)
) ss. RE: Permit No. 37-7201
County of Blaine)

Lane Company, a partnership with principal place of business at P.O. Box 6, Sun Valley, Idaho, 83353, being first duly sworn deposes and says:

The partnership is the holder of a permit to appropriate the public waters of the State of Idaho No. 37-7201.

Under the terms of said permit work thereunder was required to be completed on or before April 1, 1974. Valid application for extension of time was made and approved by the Department extending the proof date to April 1, 1976.

On March 30, 1976, your affiant submitted an application for extension of time which your affiant hereby requests be treated as an application for reinstatement of the above permit filed as of March 30, 1976.

The type and size of the measuring devise installed at the point of diversion is a steel parshall flume, 18 inch throat, 15 inch depth manufactured by Thompson Pipe & Steel Co. I respectfully request that the Application for Reinstatement of the Permit #37-7201 be favorably considered and granted; that the Applicant has expended thousands of dollars in the construction work and appropriation and use of the water and should be allowed the right to make proof of application of beneficial use of the water although the date of priority may be advanced until the date the Proof of Application of Water to Beneficial Use is received in the office of the Idaho Department of Water Resources; that snow and weather conditions prohibited the construction of a permanent measuring devise but the manufacturer

has assured the applicant that the Parshall flume will be shipped from Denver, Colorado, by May 10, 1976, for immediate installation.

DATED, This 17th day of May, 1976.

LANE COMPANY

By: John C. Lane

John C. Lane
General Partner

Subscribed and sworn to before me this 17th day of

May, 1976.

Winston S. Gray
NOTARY PUBLIC FOR IDAHO

Residing at Sun Valley, Idaho

RECEIVED

MAY 19 1976

Department of Water Resources

APPLICATION FOR REINSTATEMENT OF PERMIT

STATE OF IDAHO)
) ss. RE: Permit No. 37-7201
County of Twin Falls)

C. G. McINTYRE, of the law firm of PARRY, ROBERTSON, DALY & LARSON, P. O. Box 525, Twin Falls, Idaho, being first duly sworn, on oath deposes and says:

That he is the attorney for Lane Company, a partnership, whose address is P.O. Box 6, Sun Valley, Idaho, 83301, and that said partnership is the holder of a permit to appropriate the public waters of the State of Idaho (Permit No. 37-7201) with a priority date of February 2, 1973, to divert the waters of Elkhorn Creek for the total amount of 1.0 c.f.s. for irrigation purposes from April 1 to October 1 and .5 c.f.s. stock water from January 1 to December 31.

Valid application for extension of time was approved by the Department extending the proof date to April 1, 1976.

That prior to April 1, 1976, your applicant submitted a request for an extension of time which was denied by the Department.

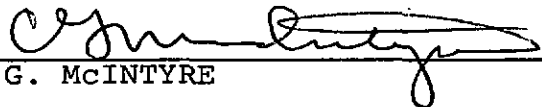
That the applicant submits this application for reinstatement of permit, and herewith transmits proof of application of water to beneficial use.

That applicant has expended thousands of dollars in the construction work, appropriation and use of the water and should not now be denied the right to make proof of application to beneficial use of the water which has been beneficially used for irrigation and stockwater.

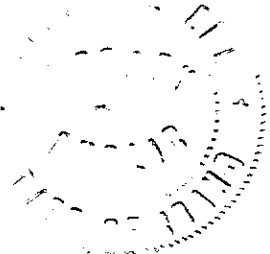
As a result of this submission of proof, the applicant acknowledges that all rights under Permit No. 37-7201, which are not proven are forfeited and subject to appropriation under the statutes of the State of Idaho.

That this application for reinstatement, if necessary, and the accompanying proof of application of water to beneficial use are timely filed within the period allowed by the statutes considering the previous applications for extension of time and that the application should be reinstated, if necessary, and proof accepted in accordance with the proof of application of water to beneficial use, and after proof has been taken by the Department, that the Department issue a license to the applicant, Lane Company, in the amount of water which can be proven with a priority date of February 2, 1973.

WHEREFORE, your applicant prays on behalf of Lane Company that the proof of application of water to beneficial use be accepted, that the permit be reinstated and that after proof is received, that the applicant be issued a license to the extent of said proof with a priority date of February 2, 1973.


C. G. MCINTYRE

SUBSCRIBED and SWORN to before me this 10th day of
May, 1976.




NOTARY PUBLIC FOR IDAHO
Residing at Twin Falls, Idaho



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 13, 1976

Keith Anderson
Anderson & Kelly
6700 Emerald St.
Boise, Idaho 83704

Dear Mr. Anderson:

The measuring device being installed for Lane Company's permit no. 37-7201 as mentioned in your May 7, letter, appears to be adequate.

The proof of beneficial use should be submitted as soon as possible, as a day of priority is being lost for each day after April 1 that it is late. The proof should include a description of the measuring device that is being installed.

The permit will be reinstated when an adequate proof of beneficial use is received as long as it is received within 60 days after the April 6, 1976, date of lapsing.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Lane Company
Box 6
Sun Valley, ID 83353

RECEIVED
MAY 14 1976
WATER RESOURCES
DIVISION

RECEIVED

MAY 10 1976

ANDERSON & KELLY
CONSULTANTS IN ENGINEERING AND GEOLOGY
6700 EMERALD STREET
BOISE, IDAHO 83704

Department of Water Resources

May 7, 1976

Mr. R. Keith Higginson
Director, Department of Water Resources
Statehouse Mail
Boise, Idaho

Re: Lane Co., 37-7201

Dear Keith:

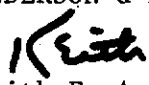
The above application for water right was canceled April 6, 1976. The applicant's reason for not filing final proof affidavit at an earlier time prior to cancellation, was because the measuring device had not been installed.

As you may know, we have been working with the applicant on several matters relating to their water problems. Unfortunately I was out of the United States, from the period of heavy snow accumulation on Lane's property until about 2 weeks ago. The measuring device has been ordered, a pre-fabricated steel Parshall flume, and should be installed and operating before the end of this month--prior to the expiration of time allowed for reinstatement of the application. This is a flume with 18-inch throat, 15-inch depth, manufactured by Thompson Pipe & Steel Co., Denver.

I hope that consideration can be given to the above facts in connection with a request for reinstatement and proof of application to beneficial use which I understand are in the process of being submitted by the applicant.

Sincerely,

ANDERSON & KELLY


Keith E. Anderson

KEA:cjs



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 6, 1976

Lane Company
P. O. Box 6
Sun Valley, Idaho 83353

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 37-7201 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.

A handwritten signature of R. Keith Higginson in dark ink, written over a horizontal line.

R. KEITH HIGGINSON
Director

April 6, 1976

**Re: Permit No. 37-7201
Lane Company**

**Mr. John A. Rosholt
Parry, Robertson, Daly & Larson
P.O. Box 525
Twin Falls, Idaho 83301**

Dear Mr. Rosholt:

Enclosed is a copy of the application for extension of time which has been DENIED by the Director. As you will recall, an extension was granted under this permit in April, 1974.

Your clients should be aware that Idaho is under a mandatory permit system, therefore, it will be necessary to refile an application for permit on this project. An application form is enclosed for your convenience.

Sincerely,

**BOBBY D. FLEENOR
Chief, Water Rights**

BDF:DR

**Enc: Copy of extension app
Application for permit form
Lapse Notice**

**cc: Lane Company
P.O. Box 6, Sun Valley**

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APPLICATION FOR EXTENSION OF TIME

MAR 31 1976

Department of Water Resources

State of Idaho)
County of Blaine)

Permit No. 37-7201

Lane Company, a partnership of P. O. Box 6, Sun Valley, ID 83353
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 37-7201.

That under the terms and conditions of said permit, ^{as extended} work thereunder was required to be completed on or before April 1, 19 76.

That he has heretofore performed the following work described under said permit:

That some reservoir improvements have been made. Anderson and
Kelley have been employed and have made some surveys so as to best
plan for storage or use of 37-7201 waters

Costing \$4,500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Presently snow and weather prohibits construction
work and installation of measuring devices.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to April 1, 19 78.

John Lane
(signature) *

Subscribed and sworn before me this 30th day of March, 19 76.

seal

My commission expires May 15, 1976

Winton S. Gray
(notary public)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Resources, State of Idaho, hereby DENY the above application for extension of time for Permit No. 37-7201 pursuant to Section 42-204, Idaho Code, which provides for the granting of only one extension of time.

Witness my hand this 5 day of April, 19 76.

DENIED

R. Keith Higgins
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

RECEIVED

MAR 31 1976

Department of Water Resources

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P.O. BOX 525

TWIN FALLS, IDAHO 83301

March 22, 1976

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

DIRECTOR	
MANAGING	
ASSISTANT	
SECRETARY	
RECORDS	
TRAINING	
PLANNING	
FINANCE	
LEGAL	
GENERAL	
ADMINISTRATIVE	
OTHER	

Mr. R. Keith Higginson, Director
Department of Water Resources
Statehouse - Annex 2
Boise, Idaho 83720

Attention: Water Rights Division

Gentlemen:

Please find enclosed an application for extension of time on Permit No. 37-7201 executed by Pete Lane, a partner in Lane Company. We ask that the Department consider granting the extension of time. Mr. Lane contemplates completing the work as soon as winter leaves the Blaine County area but it appears impossible to make a proof date of April 1, 1976.

We request your consideration of the application for extension.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:bg

Enclosure

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138279	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

J. Sedwell
 4. DATE OF DELIVERY FEB 3 1978

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

January 30, 1976

CERTIFIED MAIL

188279

Re: Permit No. 37-7201

Lane Company
Box 6
Sun Valley, ID 83353

Dear Sirs:

One of the conditions of approval of your water Permit No. 37-7201 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

cc: John Rosholt
Box 525
Twin Falls, ID 83301

April 11, 1974

Re: Permit No. 37-7201

Lane Company
P. O. Box 6
Sun Valley, ID 83353

Gentlemen:

Enclosed is a copy of the approved application for extension of time submitted in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to April 1, 1976.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC
Enclosure

cc: John A. Rosholt

37-7201

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

March 26, 1974

RECEIVED

MAR 27 1974

Department of Water Administration
(208) 733-5722

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

Re: Permit No. 37-7201
Lane Company

Dear Keith:

This letter is to advise you that this date we have sent an Application for Extension of Time in the above referenced permit, to Mr. Pete Lane, with the request that he execute it and forward it directly to you.

Sincerely,

John A. Rosholt (ddm)

JOHN A. ROSHOLT

JAR:ddm

37-7201

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

①

Pete Lane's

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

FEB 5 1978

Danny Miller

37-7201

65-10-81277-2

PS Form 3811 Sep. 1972

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

37-7201

January 31, 1974

CERTIFIED MAIL

#25132

Re: Permit No. 37-7201

LaneCCompany, a Partnership
P. O. Box 6
Sun Valley, ID 83353

Gentlemen:

One of the conditions of approval of your water Permit No. 37-7201 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

37 7201

Enc: Proof affidavit

March 2, 1973

Re. Permit No.: 37-7201

LANE COMPANY
P. O. Box 6
Sun Valley, Idaho 83353

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 37-7201 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF: cd

Enclosures

37 7201

February 2, 1973

Re: Application No. 37-7201 - Lane Company

Wood River Journal
P. O. Box 988
Hailey, ID 83333

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District
BH:alw

Bill submitted 2-21-73 by alw

Enc. Legal Notice

37 7201

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lane Company, a partnership,
P. O. Box 6, Sun Valley, ID

has on Feb. 1, 1973 submitted Application No. 37-7201
for a permit to appropriate 1.0 cubic feet per second XXXX XXXX XXX XXXXX
of water from Elkhorn Creek
by means of diversions
within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M., Blaine
County

to be used from Jan. 1 to Dec. 31 for stockwater purposes and from April 1 to
XXX Oct. 1 for the irrigation of 160 acres
for

within the NE $\frac{1}{4}$, Sec. 30; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, T. 4N, R. 18E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301
on or before Feb. 26, 1973.

R. KEITH HIGGINSON

Director

Published in the Wood River Journal, Hailey, ID
on Feb. 3 and Feb. 15, 1973

37 7201

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1966)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

January 31, 1973

Department of Water Administration
District Office
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Attn: Mr. Robert G. Haynes

Dear Bob:

Find enclosed, an Application for Permit filed on behalf of the Lane Company for a total of 1.0 c/f/s.

As you recall, at our meeting held in Hailey concerning the Elkhorn-Lane problem, we indicated we would file an additional Permit which will allow us to use the waters which might be developed in the Elkhorn basin by reason of Elkhorn's construction, or waters which might be imported by Elkhorn and released into the Elkhorn stream channel. I hope that the enclosed Permit covers that situation.

Also enclosed is our check in the amount of \$25.00 for Lane's filing fee. If for any reason the check is in an improper amount, please advise and we will remit by return mail.

Sincerely,


JOHN A. ROSHOLT

JAR:ddm

February 1, 1973

Re: Application No. 37-7201 - Lane Company

John A. Rosholt
PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, ID 83301

Dear Mr. Rosholt:

Attached is a Receipt No. 9550 for \$25.00 for the above referenced Application for Permit which was received in this office under the above date.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

37 7201