

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	34-07562	Owen R. Tanner	0.35
Full Assignment	34-07562	Jane Hemingway Mason Revocable Trust	0.35

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 34-07562)
)
IN THE NAME OF JANE HEMINGWAY MASON) **ORDER OF**
REVOCABLE TRUST) **REINSTATEMENT**
)
)

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On January 28, 1993, the Department issued Permit No. 34-07562 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1994.

2. On December 31, 1993, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On March 7, 1994, the Department sent a lapse notice to the permit holder.

4. On March 10, 1994, Edward D. Lawson submitted a change of ownership form on behalf of the Jane Hemingway Mason Revocable Trust for the above referenced permit.

5. On March 15, 1994, the Department notified Mr. Lawson that an Assignment of Permit form along with the \$25.00 filing fee would need to be submitted before the Department could change ownership of the permit.

6. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to

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the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

7. On May 17, 1994, Proof of Beneficial Use was submitted along with an explanation that the property was recently acquired by the Jane Hemingway Mason Revocable Trust and that proof was submitted late because of that reason, however, the Assignment of Permit was not received.

8. The Department corresponded several times with Mr. Lawson and on November 14, 1994, an Assignment of Permit was received signed by Owen R. Tanner assigning Permit No. 34-07562 to the Jane Hemingway Mason Revocable Trust.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 34-07562 is **REINSTATED** and the priority is advanced to November 14, 1994.

Dated this 25th day of November, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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MAY 17 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 100.00
Date 5/17/94
Receipt No. C030309
Receipt by dw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 34-07562 Telephone No. _____

2. Name(s) of Permit Holder(s): Jane Hemingway Mason Revocable Trust

3. Mailing Address: 117 Audobon Place, Hailey, Idaho 83333

4. Source of Water: Big Lost River Groundwater

Per. Conversation w/ Ed Lawson 6-23-94

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: pre- 87

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation _____ (No. of acres) Other 1 home and 60 mobile homes

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

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

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

OR

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

8. Fee Enclosed: \$ 100 (See License Fee Schedule on back of Instruction Sheet)

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

Bill Mason 788-3929
Name Telephone No.

117 Audobon Place, Hailey, Idaho 83333
Address

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

5/10/94 Date
By: Jane Hemingway Mason
Signature (and title, if on behalf of a company or organization)
JANE HEMINGWAY MASON, TRUSTEE

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources

ASSIGNMENT OF PERMIT
To change the ownership of a permit

I, Owen R. Tanner, hereby assign to Jane Hemingway Mason
(Permit Holder) Revocable Trust
 of 117 Audobon Place Hailey, Idaho
(Full Address)

All my right, title, and interest in and to Permit No. 34-07562
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this _____ day of _____, 19____.

Owen R. Tanner
 Permit Holder(s)

State of Idaho)
 County of Bonneville)
 SS

On this 7th day of November, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Bruce Rose
 Notary Public

SEAL

NOTARY PUBLIC

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Bruce Rose
 Signature

My commission expires: 3/28/94

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 34-07562

Proposed Priority: November 16, 1992 Maximum Diversion Rate: 0.35 CFS

This is to certify, that **OWEN R TANNER**
PO BOX 464
MACKAY ID 83251

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.35 CFS

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

PLACE OF USE: DOMESTIC
TWN RGE SEC

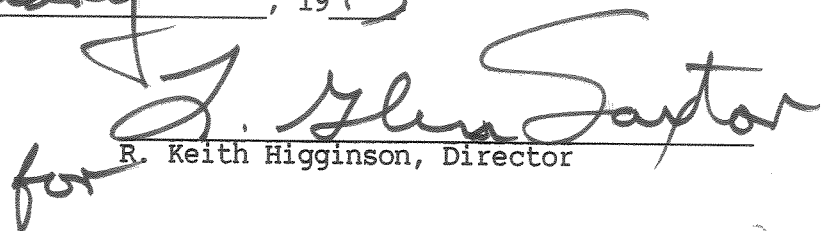
07N 24E 18 NENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1994**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling in accordance with the provisions of Section 42-111, Idaho Code.
6. Two points of diversion are located within NENW, S18, T07N, R24E.
7. Domestic use is for 1 home and 60 mobile homes.

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

28th day of January, 1993


for R. Keith Higginson, Director

MICROFILMED

FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Owen R. Tanner Phone 588-2228

Post office address P.O. Box 464 Mackay, ID 83251

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____

Sec. 18 Township 7N Range 24E B.M. Custer County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

BLM Amount 0.35 for ~~Commercial~~ DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 0.35 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells to 60 trailer spaces and
one home

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

Exists c. Proposed well diameter is 8 inches; proposed depth of well is 60 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

FEB 02 1992

* Change authorized by Glen.

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. one
- e. Other; describe fully. 60 trailer spaces

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	24E	18					C/D												

Total number of acres to be irrigated _____

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

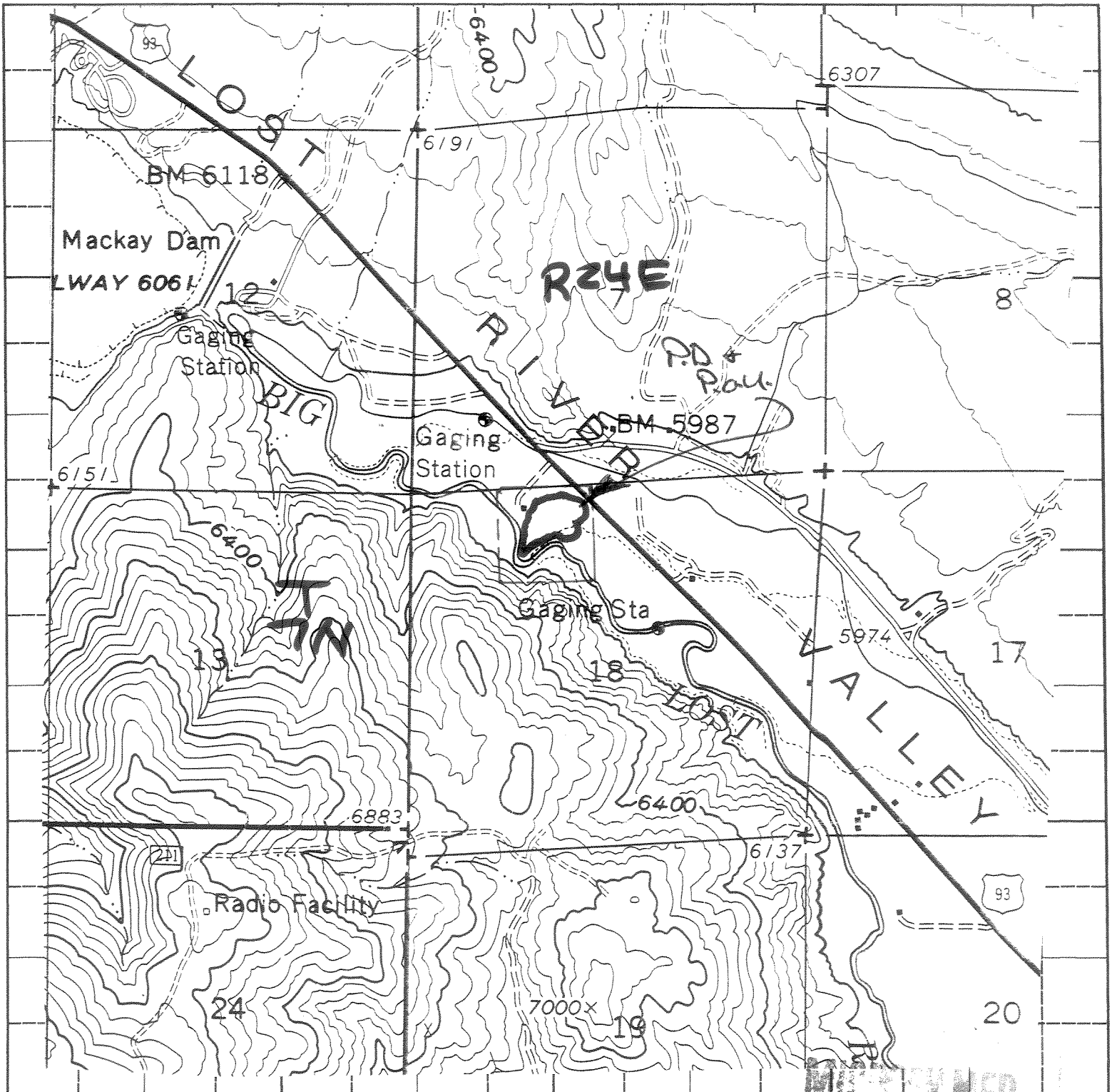
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECORDED

FEB 02 1993

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



Scale: 2 inches equal 1 mile.

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

X Owen R. Tamm
(Applicant)

FEB 02 1993

Received by JT Date 11-16-92 Time _____ Preliminary check by HWT
Fee \$ 45.00 Received by Jo # E018095 Date 11-16-92
Publication prepared by RB Date 12-17-92 Published in Custer Publishing
Publication approved RB Date 1-13-93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Dec 17 1992 and ending with the issue dated Dec 24 1992

Margaret Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 28th day of Dec in the year of 1992, before me, a Notary Public,

personally appeared Margaret Parks, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Ethel M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-89

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DEC 25 1992

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

34-07562

TANNER, OWEN R.
P.O. BOX 464

MACKAY, ID 83251

Source: Groundwater

Diversion Pt: NENW Sec 18

T 07N R 24E in Custer County.

Use: Commercial (.350 cfs)

Domestic (.040 cfs)

Total Diversion: (.350 cfs)

Date Filed: 11/16/1992

In: Custer County

T07N R24E S18 NENW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before January 4, 1993.

R. KEITH HIGGINSON, Director

Pub: Dec. 17 & 24, 1992.

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