



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 25, 1994

JANE HEMINGWAY MASON
REVOCABLE TRUST
117 AUDOBON PLACE
HAILEY ID 83333

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 34-07562

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have have modified our computer records to reflect this change in ownership.

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

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to May 17, 1994

If you have any questions concerning this matter, please free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary



C: IDWR - Regional Office

DEC 29 1994

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

TELEPHONE
(208) 726-1700

FAX
(208) 726-9743

BOISE OFFICE

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

EDWARD A. LAWSON

RECEIVED

NOV 14 1994

November 10, 1994

Department of Water Resources

VIA FAX 208/327-7866 & US MAIL

Ms. Julie L. Yarborough
Senior Secretary
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permit No. 34-0752 (Tanner)
HTEH File No: 1658.3

Dear Ms. Yarborough:

I enclose an Assignment of Permit from Owen R. Tanner to the Jane Hemingway Mason Revocable Trust for the above-referenced Permit. Also, enclosed is our check for \$25.00 which represents your filing fee. I apologize for the delay in getting this returned, but we had some problems connecting with Mr. Tanner.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Edward A. Lawson

da
Enclosures
pc: Client
yarbo.let

MAILED
DEC 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

COPY

Edward A. Lawson Esq.
HAWLEY TROXELL ENNIS
& HAWLEY
P.O. Box 297
Ketchum, ID 83340-0297

RE: Lapsed Permit No. 34-07562 (Owen R. Tanner)

Dear Mr. Lawson:

On June 23, 1994, I sent you a letter explaining that proof of beneficial use for the above referenced permit could not be accepted in the name of the Jane Hemingway Revocable Trust until the permit was assigned by Mr. Owen Tanner. To this date I have not received a reply from you concerning this matter.

The permit lapsed in March and has been of no further force nor effect since that time. The file was slated to be destroyed, but I wanted to give you the opportunity to reinstate the permit since you made a previous effort to do so.

I am sending an Assignment of Permit form for your convenience. If the form is not completed and returned along with the \$25.00 filing fee within fifteen (15) days, I will refund the \$100.00 license examination fee submitted with the proof, and the file will be destroyed.

Please be aware that if water is currently being diverted, it is being done illegally, without a valid water right.

If you have any questions, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

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DEC 29 1994

June 23, 1994

Edward A. Lawson Esq.
HAWLEY TROXELL ENNIS
& HAWLEY
P.O. Box 297
Ketchum, ID 83340-0297

RE: Permit No. 34-07562

Dear Mr. Lawson:

I have enclosed a Assignment of Permit form per our telephone conversation of June 23, 1994.

To avoid any further delay in the processing of this permit, please have the form completed and return it to my attention as soon as possible.

If you have any questions or I can be of any further assistance, please feel free to call me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECEIVED
JUN 29 1994

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C030309

Date: 5/17/1994
Time: 09:28:20

Received
From: HAWLEY TROXELL ENNIS

Type of Payment	Program A cct	Amount
BENEFICIAL USE #34-07562	56104	229 21 1155
		100.00

Total

CHECK 1843

\$100.00

Region: STATE

Signature: DWright

RECEIVED
DEC 29 1994

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

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BOISE, IDAHO 83701-1617

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

EDWARD A. LAWSON

RECEIVED
MAY 17 1994
Department of Water Resources

May 10, 1994

IDWR
1301 N. Orchard St.
Boise, Idaho 83720-9000

ATTN: Mr. Owen Saxton

Re: Permit No. 34-07562
HTEH File No: 1658.3

Dear Mr. Saxton:

I enclose the proof of Beneficial Use for the referenced Permit together with a check for \$100 which represents your filing fee.

Thank you for your continued cooperation and assistance in this matter.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY


Edward A. Lawson

da
Enclosures
pc: Client
idwr.let

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DEC 29 1994

HAWLEY TROXELL ENNIS & HAWLEY

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EDWARD A. LAWSON

RECEIVED
MAR 24 1994
Department of Water Resources

March 23, 1994

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

ATTN: Julie L. Yarbrough, Senior Secretary

Re: Permit No: 34-07562
HTE&H File No: 1658.3

Dear Julie:

Enclosed is the \$15.00 filing fee inadvertently omitted from the Request for Extension of Time submitted in connection with the above-referenced permit.

As explained, my client recently acquired the appurtenant property and has not had an opportunity, due to winter weather, to complete any work. Accordingly, an extension to September 30 is requested.

Thank you for your anticipated cooperation.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Edward A. Lawson

da
Enclosures
pc: Client
water.mas

RECEIVED
DEC 29 1994

March 15, 1994

Jane Hemingway Mason Trust
117 Audubon Place
Hailey, ID 83333

RE: Permit No. 34-07562

Dear Permit Holder:

Returned is the Request for Extension of Time you submitted to our office in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

In order for the Department to process your request, it must be accompanied by a \$15 filing fee. Additionally, in order to consider the extension, some description of the work completed must be supplied. I have enclosed a copy of the water right profile report for your information.

Since the permit lapsed March 1, 1994, and is of no further force not effect, it is imperative you supply the department with the additional information as soon as possible.

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary
Water Allocation Bureau

Enclosure

RECEIVED
DEC 29 1994

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

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EDWARD A. LAWSON

RECEIVED

MAR 11 1994

Department of Water Resources

March 10, 1994

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

ATTN: Adjudication Bureau

Re: Water Right Nos. 34-07113, 34-04017 and 34-07562
HTE&H File No: 1658.3

Dear Sir/Madam:

Enclosed please find a Notice of Change of Water Right Ownership for the above-captioned water rights and a Request for Extension of Time to submit proof of beneficial use of Water Right No. 34-07562.

Please acknowledge receipt of this letter and the enclosures by signing the enclosed copy of this letter where indicated and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Edward A. Lawson

da
Enclosures
pc: Client
water.mas

RECEIVED
DEC 29 1994

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

OWEN R TANNER
PO BOX 464
MACKAY ID 83251

March 7, 1994

LAPSE NOTICE

RE: PERMIT NO. 34-07562

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated December 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MAILED
DEC 29 1994

CERTIFICATION OF MAILING
I hereby certify that on 3-7-94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
[Signature]

December 31, 1993

OWEN R TANNER
PO BOX 464
MACKAY ID 83251

PROOF DUE NOTICE

RE: PERMIT NO. 34-07562

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

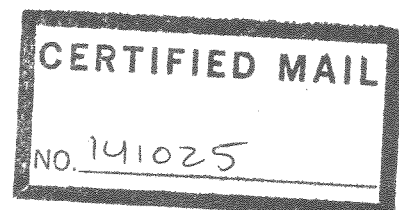
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

DEC 29 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 28, 1993

OWEN R TANNER
PO BOX 464
MACKAY ID 83251-0464

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 34-07562

Dear Permit Holder(s):

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

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

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

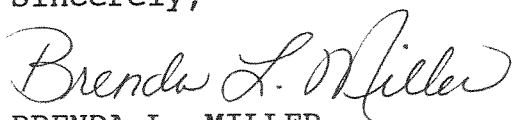
You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as

MICROFILMED

FEB 02 1993

far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,



BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure

RECEIVED

FEB 02 1993

14-Dec-1992

OWEN TANNER
PO BOX 464
MACKAY ID 83251

RE: Application No. 34-07562

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Custer Publishing Co. on 12-17 & 24-92. The advertisement will be published for two consecutive 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. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 9, 1992

CUSTER PUBLISHING CO.
P.O. BOX 405
CHALLIS, ID 83226

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 4, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

FEB 02 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

MAILED

FEB 02 1993

34-07562

TANNER, OWEN R
PO 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

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FEB 02 1993

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

Published: 12/17/1992 & 12/24/1992

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FEB 02 1993