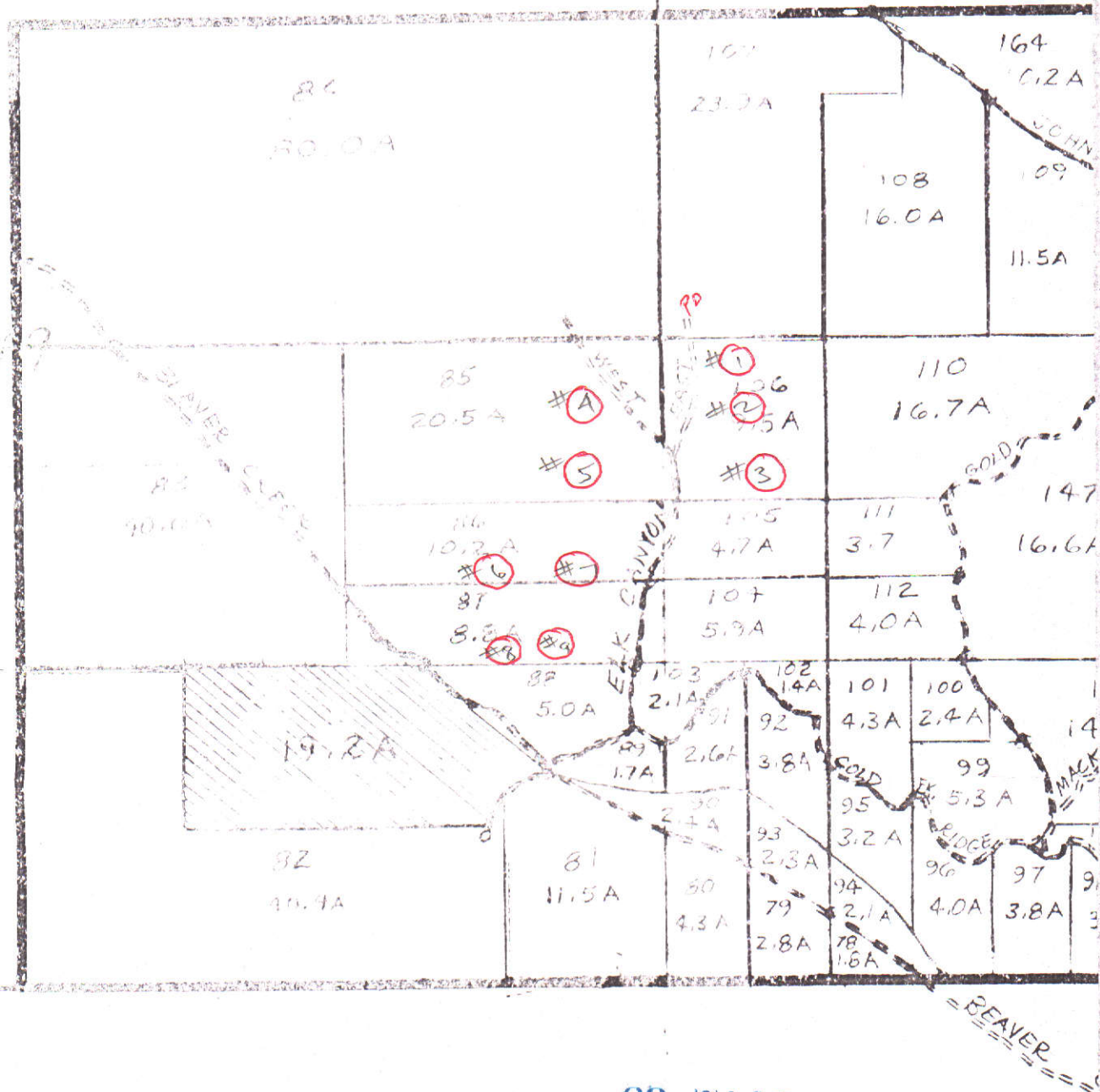
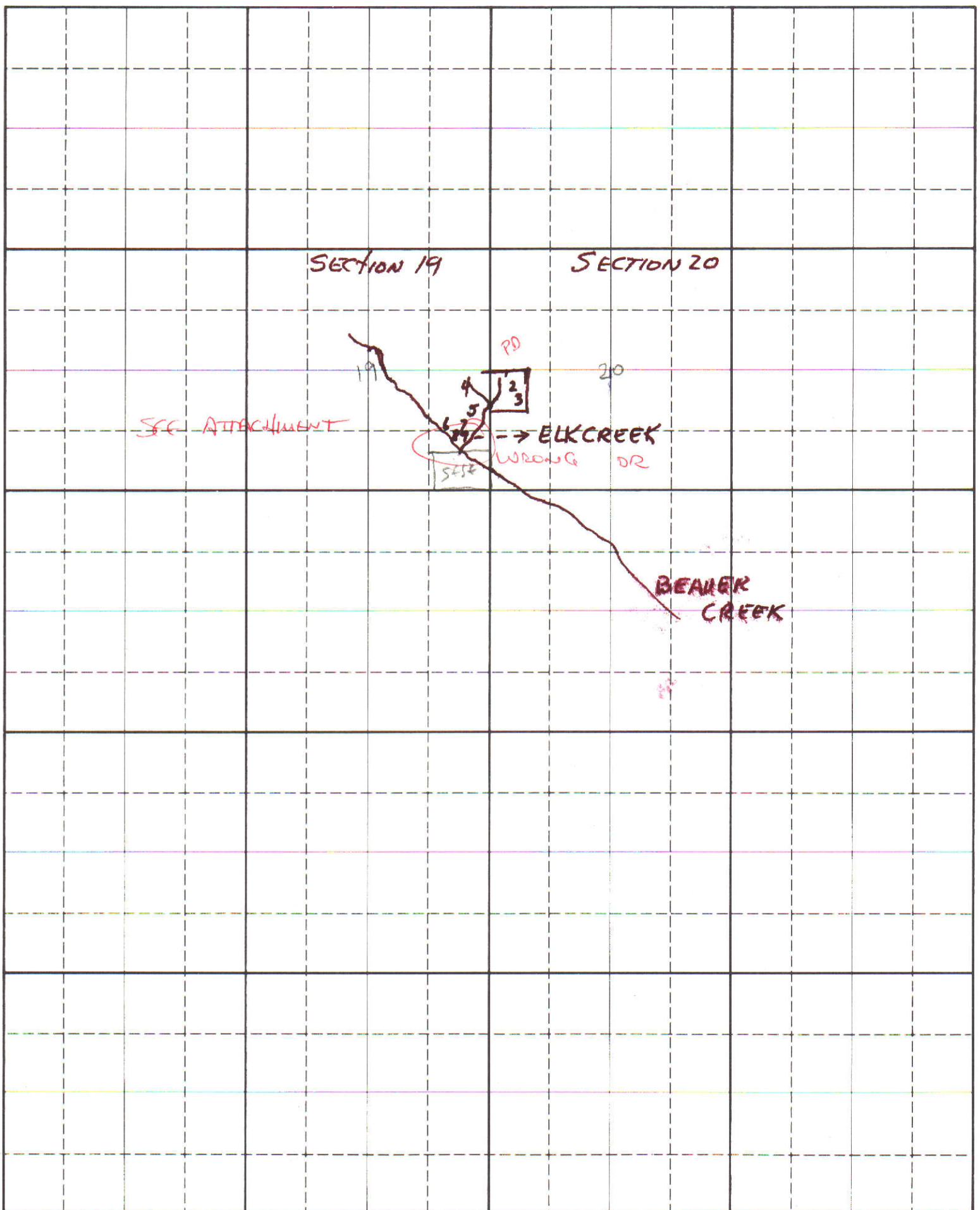


CLEAR CREEK ESTATES



63 7118

11. Map of proposed project:



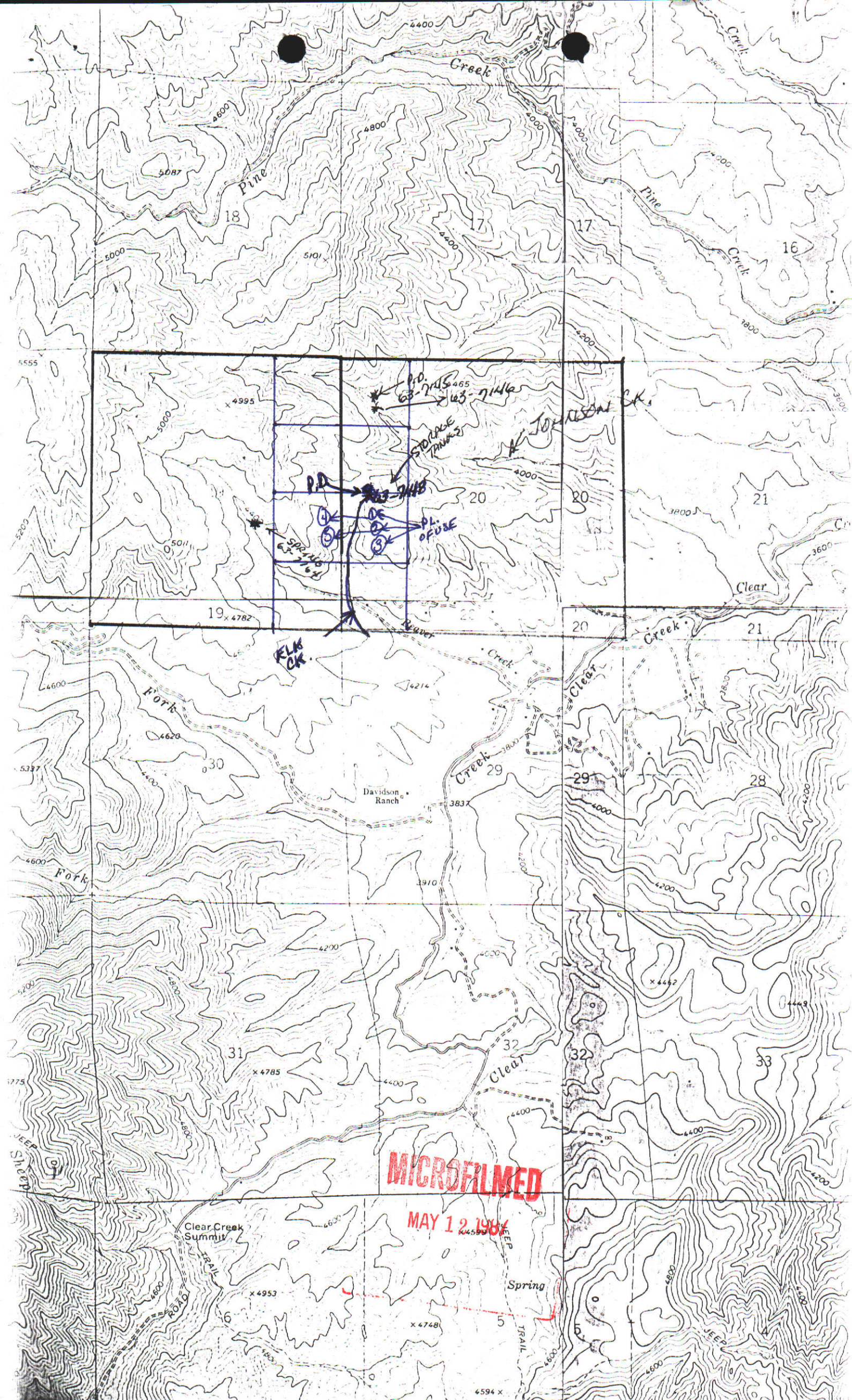
Scale: 2 inches equal 1 mile

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.

F. LaMarr Heyrend
(Applicant)

NOTE PENCIL & RED INK CORRECTIONS MADE BY DR IN THE PRESENTS OF MR (DR) CALL.

63 7148



MICROFILMED

MAY 12 1984



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. Kenneth Dunn
Director

(208) 334-2190

June 1, 1982

F. LaMarr Heyrend
3436 Bryson
Boise, Idaho 83704

RE: 63-7148

Dear Mr. Heyrend:

We acknowledge receipt of your statement submitted as proof as beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

_____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense

Judy Pense
Secretary

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-7148

Priority: September 11, 1968 Amount: .11 CFS 6.0 AFA

This is to certify, that F. LA MARR HEYREND
3436 BRYSON

BOISE, ID 83704 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated September 11, 1968, and
has submitted proof to the Department of Water Resources on March 31, 1982, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .11 cfs of water from;

ELK CREEK tributary to BOISE RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	04/01 to 12/01	.11 cfs	6.0 afa

LOCATION OF POINT OF DIVERSION(S): SWNW , Sec. 20, Township 5N, Range 4E
Boise County

PLACE OF USE: Domestic

TWN RGE SEC

5N	4E	19	NESE
		20	NWSW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 5 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22nd day
of APRIL, 1987.

APPROVED

MAY 12 1987

Acted as the Director

Norman C Young

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 63-7148
IN THE NAME OF F. LAMARR HEYREND, M.D.

ORDER

WHEREAS, on September 11, 1968, F. La Marr Heyrend, M.D. applied with the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.50 cubic feet per second of water from Elk Creek tributary to the Boise River, to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 5N, Rge. 4E, BM., Boise County, to be used for culinary purposes; and,

WHEREAS, on March 26, 1974, the Department approved said application and issued Permit No. 63-7148 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, 1977; and,

WHEREAS, on March 30, 1977, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water be extended to April 1, 1982, on Permit No. 63-7148.

Dated this 17 day of May, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau

RECEIVED
MAY 17 1977

Identification No. 63-7145

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

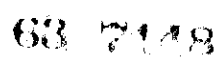
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant E. La Marr Heyrend, M.D.
post office address 106 North Latah Boise, Idaho 83704
2. Source of water supply Elk Creek which is a tributary of Boise River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 5N
Range 4E B.M. Boise County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Elk Creek at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 20 Township 5N Range 4E B.M. Boise County.
4. Water will be used for the following purposes:
Amount .5 for culinary purpose from April 1 to December 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water to be diverted & filtered
into redwood collecting boxes and piped to a 7,000 gallon storage tank.
From the tank water will be piped to nine (9) summer home areas. System
will be designed to meet standards of State Dept. of Health concerning human
consumption.
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 3 years.
b. Estimated construction cost is \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 5N
Range 4E B.M. & NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 20, T5N, R4E of Boise County.
(2) Amount of power to be generated: NONE hp under _____ feet of head.
(3) List number of each kind of livestock to be watered NONE

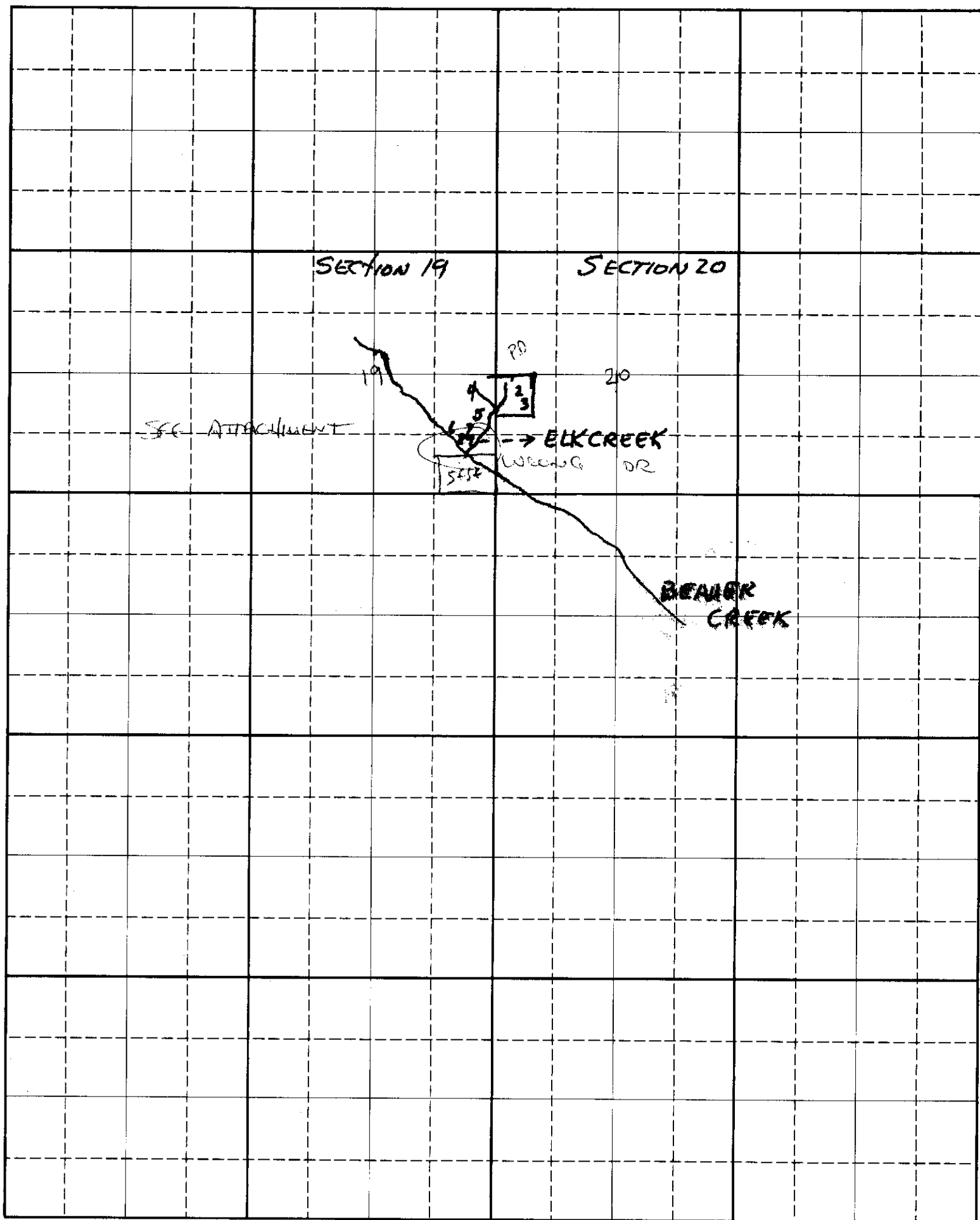
(4) Name of municipality to be served Carduceus Ranch, or number of families to be
supplied with domestic water 9.
(5) If water is to be used for other purposes describe: _____

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30

11. Map of proposed project: -



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.

F. LaMar Heyrond
(Applicant)

NOTE: ABOVE IS A COPY OF THE CORRECTIONS MADE BY THE DEPT. OF THE AG. IN THE RESULTS OF THE 100% (MIL.)

63 7148

Proposed Priority 9-11-1968

Received by dy Date 9-9-68 Time 3:00 pm
 Preliminary check by Dubir Fee \$ 10.00 - 9-10-68
 Receipted by ef Date 9-11-68 - check #2060
 Publication prepared by TH Date 10-31-68
 Published in Idaho Miner
 Publication dates 11-14 & 21-68
 Publication approved TH Date 11-13-68
 Priority reduced to _____ Reason _____

Protests filed by: none 1-16-69

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by BDF

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7148, and said application is hereby APPROVED.

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 April 1, 19 77.
- c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.
The issuance of this permit in no way grants any right-of-way of easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 26 day of March 19 74.

R. Karl Hjort
 State Reclamation Engineer

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO

COUNTY of BOISE

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of **THE IDAHO**
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and State of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for *Two* con-
secutive weeks in the entire and
regular issue of every number of
said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issues beginning

with *Nov. 24*, 1968

and ending with the issue of

Nov. 21, 1968

Fees \$.....

T. R. Adams

Subscribed and sworn to before

me this *14* day of *Jan*

196*9*

Katherine M. Bryan
Clerk District Court

Aileen Heston
Deputy

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that
F. La Marr Haystack, M.D., 196
North Latah, Boise, Idaho, has
on September 9, 1968, applied
for permit under application No.
63-7148 to divert 5 cubic foot
per second from Elk Creek, a
tributary of the Boise River.
Water will be diverted by col-
lection box, pipe, and storage
tank within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec
20, T. 5N., R. 4E., B.M., Boise
County, and is to be used from
April 1 to December 1 for cul-
inary purposes in the NE $\frac{1}{4}$ SE-
 $\frac{1}{4}$, Sec. 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20,
T. 5N., R. 4E., B.M.

Any protest against this appli-
cation must be filed with the
Department of Reclamation
within ten days from the last
date of publication of this no-
tice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Nov. 14 - 21, 1968

April 23, 1987

F. LA MARR HEYREND
3436 BRYSON
BOISE, ID 83704

RE: Permit No. 63-7148

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
MAY 12 1987

March 30, 1987

F. LA MARR HEYREND
3436 BRYSON
BOISE, ID 83704

RE: Permit No. 63-7148

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

UNRECORDED

MAY 12 1987

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

F. LA MAR HEYREND,
ELK CR. M.D.
SUNW, 20, 5N 1E
0.50 - Dom.

RECEIVED

63-7148
Permit No.

CONTACT WITH PERMIT HOLDER

JAN 30 1986

DATE INITIALS REMARKS

- ☐ Appointment letter mailed: _____ Department of Water Resources _____
- ☒ Telephone call made _____
(List Telephone No. used) _____
- ☒ Appointment scheduled for: _____
(Date, time, location) _____
Clear Creek Lodge at 10:00

EXAMINATION

Date 7/25/85 Accompanied by DR. HEYREND'S SON Total Q measured .11 cfs - est.
Source ELK CREEK Tributary to Baese River Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement ESTIMATE Meets permit requirements? _____

Measurement calculations:

SDGPM - est. by permit holder

.11 cfs - 5 homes - instantaneous in - home use.

5 X 1.2 AF/HOME = 6.0 AF/ANN.

- may want to reduce, period of use is only from 4/1 to 12/31

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
			GRAVITY FLOW					

System Description PERF. PIPE IN CREEK W/ GRAVEL PACK & STORAGE TANK (500-600 GALLON) W/ PIPELINE (GRAVITY FLOW TO PLACES OF USE, DEVELOPED SAME AS SPRINGS ON OTHER RIGHTS, BUT IN ELK CREEK.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE
DOMESTIC - 5 HOMES
PERMANENT - 4 STUBBED IN.

Irrigation requirement =		AFA/Acre	
Q (cfs)	V (afa)	FROM	TO
.11 cfs	6.0 AF	4/1	12/1
Total	6.0 AF		

Remarks _____ may want to reduce

MICROFILMED

MAY 12 1987

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SWNW, S 90, TWP. 5N, RGE. 4E.

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4E	20										X							
		19													X				

MICROFILMED

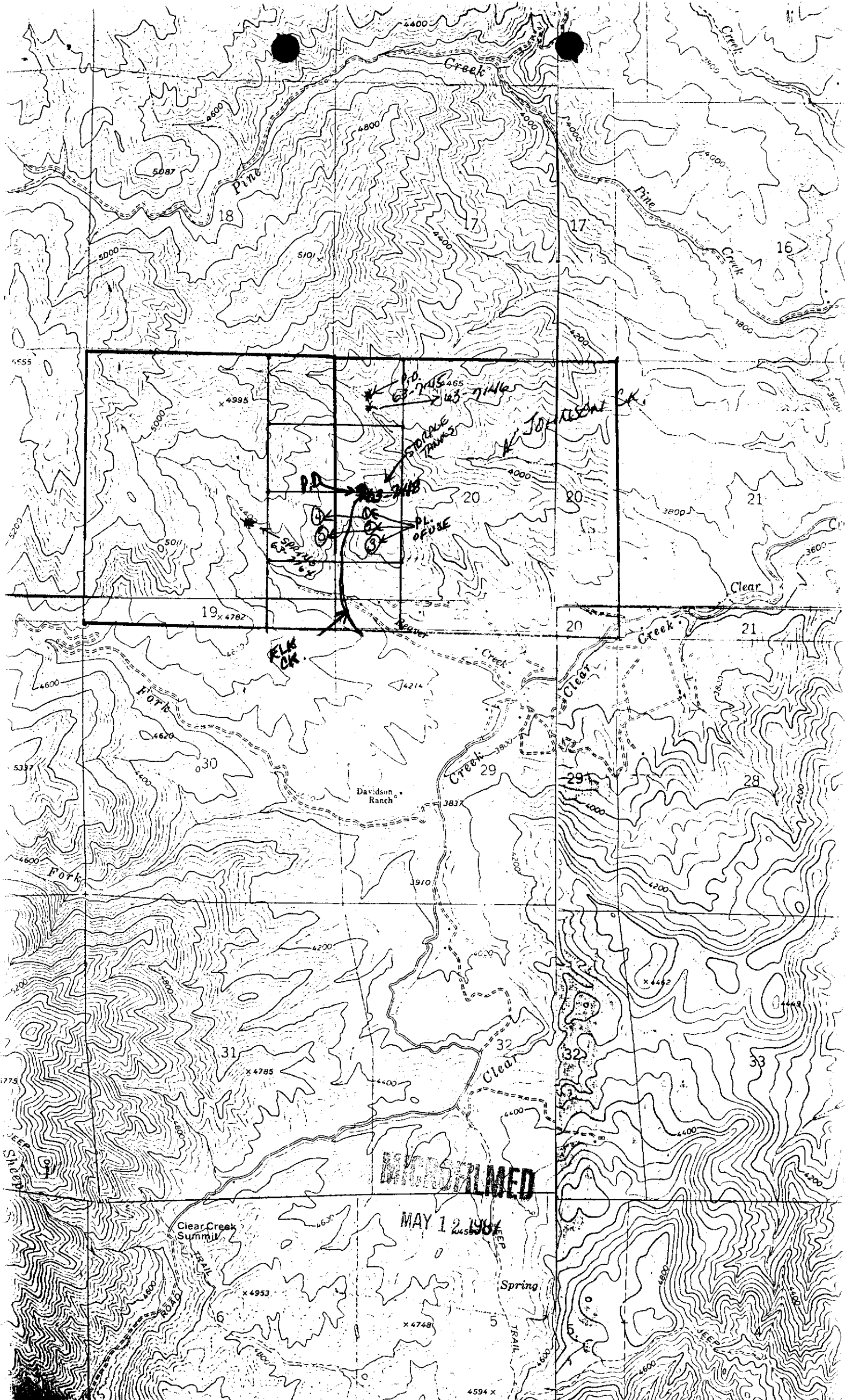
Recommended Amendments:

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☒ None
- ☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

MAY 12 1987

Examiner's Signature	<u>Jan Shute</u>	Date	<u>11/14/85</u>
Checked by	<u>bhs</u>	Date	<u>12-1-86</u>
Approved by	<u>S. Curtis</u>	Date	<u>3-20-87</u>

Sim 3-30-87



RECORDED

MAY 12 1984

Clear Creek Summit

Spring

SHEEP

4594 X

X 4748

X 4953

X 4785

X 4462

Davidson Ranch

FLK CK

P.D.

PL. OF USE

SODAS

63-7445-465

63-7446

63-7447

63-7448

63-7449

63-7450

63-7451

63-7452

63-7453

63-7454



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. Kenneth Dunn
Director

(208) 334-2190

June 1, 1982

F. Lathur Heyrend
3436 Bryson
Boise, Idaho 83704

RE: 63-7148

Dear Mr. Heyrend:

We acknowledge receipt of your statement submitted as proof as beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense

Judy Pense
Secretary

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-7148.

Name(s) of Permit Holder: F. LAMARR HEYREND

Post Office Address: 3436 Bryson

Boise Idaho 83704 Tel. No. 377 8046

Source of Water: Springs

Extent of Use: ☒ Domestic 3 (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

3-20-82
 P.

F. Lamarr Heyrend MD
 State nature of Permit

RECEIVED

MAR 31 1982

Department of Water Resources



MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

7-LAMAR HEYREND

3436 Bryson

Boise, Idaho

PLACE
TEN CENT
STAMP
HERE

CLAIM CHECK
NO.

743458

☐ HOLD

DATE

2/3

1ST NOTICE

2ND NOTICE

RETURN

Delivered from
Form 3849-A
M 479

RECEIVED

FEB 8 1982

Department of Water Resources

UND 00 010504C1 02/05/82

RETURN TO SENDER

XXXX

UNDELIVERABLE AS ADDRESSED

UNABLE TO FORWARD

USPS

Unknown

*ref
2-11-82
per phone call
600 3 Overland*

Boice JNL

UNDELIVERED

138170

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

13170

HEYREND, M.D., F. LA MAR
106 N. LATAH
BOISE, ID 83704

JANUARY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-7148 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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 POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED

WATER RIGHT NUMBER 63-7148

WATER RIGHTS EDIT REPORT

08/30/79

PAGE 88

ACT
ION

N OWNER LAST NAME - HEYREND, M.D.
N ADDRESS LINE 1 - 106 N. LATAH

FIRST NAME - F. LA MAR

N
N SOURCE - ELK CREEK
N STAGE - PERMIT

CITY - BOISE
TRIBUTARY OF - BOISE RIVER

STATE - ID ZIP CODE - 83704

PRIORITY - 09-11-1968 COUNTY - BOISE
WATER DIST. - 63

TOTAL DIV. RATE - .5000CFS

N DIVERSION POINT - SWNW 20 05N 04E

N FROM - 04-01 TO - 12-01 USE - DOMESTIC

USE DIV. RATE - .5000CFS

N USE - DOMESTIC

PLACE OF USE - TWN 05N RNG 04E SEC 19 TRACT NESE

N USE - DOMESTIC

PLACE OF USE - TWN 05N RNG 04E SEC 20 TRACT NWSW

N NON IRRIG USE - D/9 HOMES.

N PROOF DUE - 04-01-1982 PERMIT/DENIED - 03-26-1974

N COND. OF APPRVL - 01 04

N DIVERSION MEANS - COLLECTION BOXES, TANK & PIPELINE.

- DATA ENTRY -

Record

Present Owner: _____

J. Right Basis (for adjudication claims A,B,C only):

7. Period of Use, Use, Diversion Rate/Volume:

from to for purposes. Amount

8. Use Code: D

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

D/G horns.

12. Other Rights for Same Use:

13. A. Proof Due Date: 4-1-1982

B. Date Permit Approved or Denied: 3-26-1974

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: 01, 04

14. Diversion Means (brief narrative): *collecting boxes, tanks & pipeline.*

May 18, 1977

Re: Permit No. 63-7148

L. LaMarr Heyrend, M.D.
6003 Overland Rd.
Boise, Idaho 83705

Dear Mr. Heyrend:

Enclosed is a copy of the approved application for extension of time 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, 1982.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED

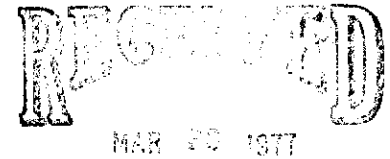
F. LAMARR HEYREND, M.D.

6003 OVERLAND ROAD
376-2472

PSYCHIATRY

BOISE, IDAHO
83705

March 26, 1977



R. Keith Higginson, Director
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Permit No. 63-7148

Dear Mr. Higginson:

There have been difficulties in developing the site which is named on application number 63-7148. The area was developed by digging a trench approximately fifteen feet deep and forming a visqueen envelope within which gravel and perforated pipe were placed. The created a collection reservoir which was then piped out on down the slope. The initial flow was found to be good, but it was noted that there were marked fluctuations in the flow with it being very high in late winter and early spring and very low in the fall. No actual measurements of the flow were made until this year. Weirs were purchased which were to be placed appropriately to measure the flow and at this time unfortunately the spring quit flowing. As of this date no flow has resumed and it was going to be necessary to re-evaluate the site as a source of water.

I am therefore asking for an extension to further investigate this site and to check as to the availability of water which previously has been present. I must note that other springs in the area have also dried up and this may be related to the extremely dry season which we have had. I should also like to request a comment from you as to my technique for measuring the flow of the spring by placing a weir adjacent to the overflow pipe. It is my assumption that the true flow can be ascertained by measuring the flow from the overflow when no water is being removed from the reservoir itself and therefore the entire flow is diverted thru the overflow pipe. Also, I am having this letter hand delivered to you and the gentleman delivering it will have one of the weirs that I am using for you to check if you wish to do so.

Very truly yours,

F. La Marr Heyrend, M.D.
F. La Marr Heyrend, M.D.

FLH/v

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Warehouse
Boise, Idaho 83720

NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

444
F. LaMarr Heyrend, M.D.
106 North Latah
Boise, ID 83704

1003 Overland

RECEIVED

63 7148

638254

RECEIVED

January 31, 1977

CERTIFIED MAIL

138254

Re: Permit No. 63-7148

F. La Marr Heyrend, M.D.
106 North Latah
Boise, Idaho 83704

Dear Mr. Heyrend:

63-7148

One of the conditions of approval of your water Permit No. _____ (see last page of your approved permit) was that evidence of the extent of development be submitted ~~April 15, 1977~~ application of water to beneficial use to this office on or before _____. 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.

MICROFILMED



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

March 29, 1974

C
Re: Permit No. 63-7148

O
F. La Marr Heyrend, M.D.
106 North Latah
Boise, Idaho 83704

P
Dear Doctor Heyrend:

Enclosed is a copy of your approved Application for Permit No. 63-7148. We direct your attention to the conditions of approval as listed on the fourth page.

Y
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.

Also notice that this permit does not grant you a right of way or easement across the land of others.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

63 7148

Inter-office Memorandum

Re: 63-7148/ F. LaMarr Heyrend, M.D.
Appropriation on Elk Creek, tributary Boise River

This application was filed in 1968 in connection with a culinary water supply for nine homes on Elk Creek, tributary to Boise River. This application has not been finally processed due to a verbal agreement between the Department of Water Administration and the U. S. Forest Service concerning appropriation where easements across federal lands were involved. Question was raised concerning the location of the point diversion, whether it was actually on Federal land or on private land. During course of time since the application was filed, Dr. Heyrend has indicated by phone that a survey conducted by a private firm showed the point of diversion not to be on Federal ground. This point was not contested by the Forest Service after they were advised of this premise. We have repeatedly tried to get a copy of the survey or some information concerning it from Dr. Heyrend, but we have not been able to. For this reason, the application could be voided under Section 42-204 of the Idaho Code. However, this may or may not solve the problem at hand. Since right of ways are not matters that must be settled before permits can be approved this is probably not the most equitable route to proceed. The U. S. Forest Service's position has repeatedly been consistent in that they do not wish to allow the person holding the prior appropriation the right to proceed until such time as they know whether or not Dr. Heyrend has the highest best use for the water. If the Department denies the application on this basis, it will seem to be in conflict with State Appropriation system which is based in a priority of first in time, first in right. Therefore, it is recommended that Application 63-7148 be approved with the condition that approval of the application in no way grants right of way across land of others.

63-7148

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

2720
December 21, 1972



Mr. Donald W. McEldowney
Water Rights Administrator
Department of Water Administration
Statehouse-Annex #2
Boise, Idaho 83707

Dear Sir:

We would like to inform you that the area applied for by Dr. F. LaMarr Heyend is now part of the Boise Ranger District. Enclosed is a map of the new district boundaries effective July 1, 1972.

We have not received any further correspondence from Dr. Heyend. We have however received an application for a water transmission line from a Mr. Floyd E. Audette in the same area. We still hold the position of not permitting individuals to develop the few springs until we have heard from the association. We answered Mr. Audette accordingly.

Sincerely,

Phillip D. Glass
PHILLIP D. GLASS
District Forest Ranger

Enclosure

63 7148

November 21, 1972

Re: Application for Permit No. 63-7148

C
Mr. F. LaMarr Heyrend, M. D.
106 North Latah
Boise, Idaho 83704

O
Dear Mr. Heyrend:

On November 1, 1971 we sent you a letter requesting a copy of a survey that had been conducted in connection with your property boundary, so that our records will be complete. As of this date we have not yet received an answer. We are enclosing a copy of the November 1, 1971 letter.

P
Your immediate attention in this matter is appreciated.

Very truly yours,

Y
Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: November 1971 letter

63 7148

November 1, 1971

Re: Application for Permit No. 63-7148

Mr. F. LaMarr Heyrend, M. D.
106 North Latah
Boise, Idaho 83704

Dear Mr. Heyrend:

On August 30, 1971, I discussed by telephone your permit for water in the Clear Creek area. During the discussion, you stated that a recent survey had been conducted by a private engineering firm, in connection with the property boundary, and now by reason of this survey, it has been determined that the point of diversion was not located on Forest Service property, but on private property.

We are, by this letter, requesting that you supply the Department with a copy of this survey, so that our records will be complete and we can determine the exact location of the property and the point of diversion.

Your immediate assistance in this matter will be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

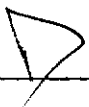
DWM:cs

63 7148

MEMORANDUM

TO: 63-7148
FROM: Donald W. McElDowney
SUBJECT: reduced rate of diversion and change in nature of use

Pursuant to a telephone conversation with Dr. Heyrend, we have been advised that he intends to develop the Clear Creek water for domestic irrigation and stock water, inasmuch as the water quantity has not proven sufficient for culinary use. Due to recent surveys conducted by a private engineering firm, it is now requested that the point of diversion on Elk Creek water be listed as being on private property owned by Dr. Heyrend. He agrees to accept the reduced rate of diversion from 0.50 cubic feet per second to 0.18 cubic feet per second and requested that the use be changed from culinary to irrigation and from domestic and stock water to domestic. We request that this permit be then approved.



DONALD W. MCEL DOWNEY

63-7148

March 4, 1969

Re: Application Noss 63-7145, 63-7146, 63-7147, and 63-7148

Mr. F. LaMarr Hayrend, M.D.
106 North Latah
Boise, Idaho 83704

Dear Mr. Hayrend:

Enclosed is a copy of our letter dated January 28, 1969. As of
this date we have not received a reply. May we hear from you?

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Copy of January 28, 1969 letter.

63 7148

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

March 4, 1969

Re: Application Nos. 63-7145, 63-7146, 63-7147, and 63-7148
Dr. F. LaMarr Heyrend

United States of America
Forest Service
200 Montgomery
Idaho City, Idaho

Gentlemen:

Enclosed is a copy of our letter to Dr. F. LaMarr Heyrend, dated January 28, 1969. As of this date we have not received a reply from Dr. Heyrend. Could you advise us concerning this matter?

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Copy of letter dated January 28, 1969.

63 7148

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATE HOUSE - ANNEX 2
BOISE, IDAHO 83707

January 28, 1969

Re: Application Nos. 63-7145, 63-7146, 63-7147, and 63-7148

Mr. F. LaMarr Heyrend, M.D.
106 North Latah
Boise, Idaho 83704

Dear Dr. Heyrend:

Before final action can be resolved on your applications for permits, we must have information concerning your application for easement on Forest Service ground in connection with your points of diversion. A copy of the authorization from the Forest Service will be sufficient.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: none

63 7148

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 31, 1968

Re: Application Nos. 63-7145, 63-7146, 63-7147, 63-7148, 63-7155,
63-7169, and 65-7057

Idaho World
Idaho City,
Idaho

Dear Mr. Adams:

The Department of Reclamation would appreciate it very much if you could supply us with separate affidavits of publication for each of the above referenced applications. We are returning the original affidavit submitted to the department. We tried to make copies, however, we did not have the equipment to make such large copies.

Your assistance and prompt reply will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Affidavit of publication

P.S. We will withhold payment on your bill until we hear from you.

63 7148

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 10, 1968

Re: Application No. 63-7155 - Harvey Burnett
Application No. 63-7145 - F. La Marr Heyrend, M.D.
Application No. 63-7148 "
Application No. 63-7147 "
Application No. 63-7159 - Howard R. Smith
Application No. 65-7057 - Eltinge and/or John Hasbrouck

Idaho World
Idaho City,
Idaho

Gentlemen:

As of this date we have not received the certified bill of publication or the affidavit of publication for the above referenced applications. Please forward these items to us at your earliest convenience.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

63 7148

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that
F. La Marr Heyrend, M.D., 106

North Latah, Boise, Idaho, has on September 9, 1968, applied for permit under application No. 63-7148 to divert .5 cubic foot per second from Elk Creek, a tributary of the Boise River. Water will be diverted by collection box, pipe, and storage tank within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 20, T. 5N., R. 4E., B.M., Boise County, and is to be used from April 1 to December 1 for culinary purposes in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 5N., R. 4E., B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Nov. 14 - 21, 1968

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that F. La Marr Heyrend, M.D., 106 North Latah, Boise, Idaho, has on September 9, 1968, applied for permit under application No. 63-7148 to divert .5 cubic foot per second from Elk Creek, a tributary of the Boise River. Water will be diverted by collection box, pipe, and storage tank within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 20, T. 5N., R. 4E., B.M., Boise County, and is to be used from April 1 to December 1 for culinary purposes in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 5N., R. 4E., B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Nov. 14 - 21, 1968

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 31, 1968

Re: Application No. 63-7145 - F. La Marr Heyrend, M.D.
Application No. 63-7146 - F. La Marr Heyrend, M.D.
Application No. 63-7147 - F. La Marr Heyrend, M.D.
Application No. 63-7148 - F. La Marr Heyrend, M.D.
Application No. 63-7155 - Harvey Burnett
Application No. 63-7159 - Howard R. Smith
Application No. 65-7057 - Eltinge and/or John Hasbrouck

Idaho World
Idaho City,
Idaho
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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney,
Appropriation Examiner

DWM:ks
enclosure: Legal notices (7)

63 7148

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that F. La Marr Meyrend, M.D., 106 North Latah,
Boise, Idaho has on September 9, 1968
applied for permit under application No. 63-7148 to divert store
.5 cubic feet per second acre feet of water from Elk Creek,
tributary of the Boise River. Water will be diverted by collection
box, pipe, and storage tank within the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 20, T. 5 N, R. 4 E, B.M., Boise County
and is to be used from April 1 to December 1 for
culinary purposes
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 19; NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 20, T. 5 N, R. 4 E, B.M.

Any protest against this application must be filed with the Department of
Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho World, Idaho City, Idaho
on October 17 and October 24.