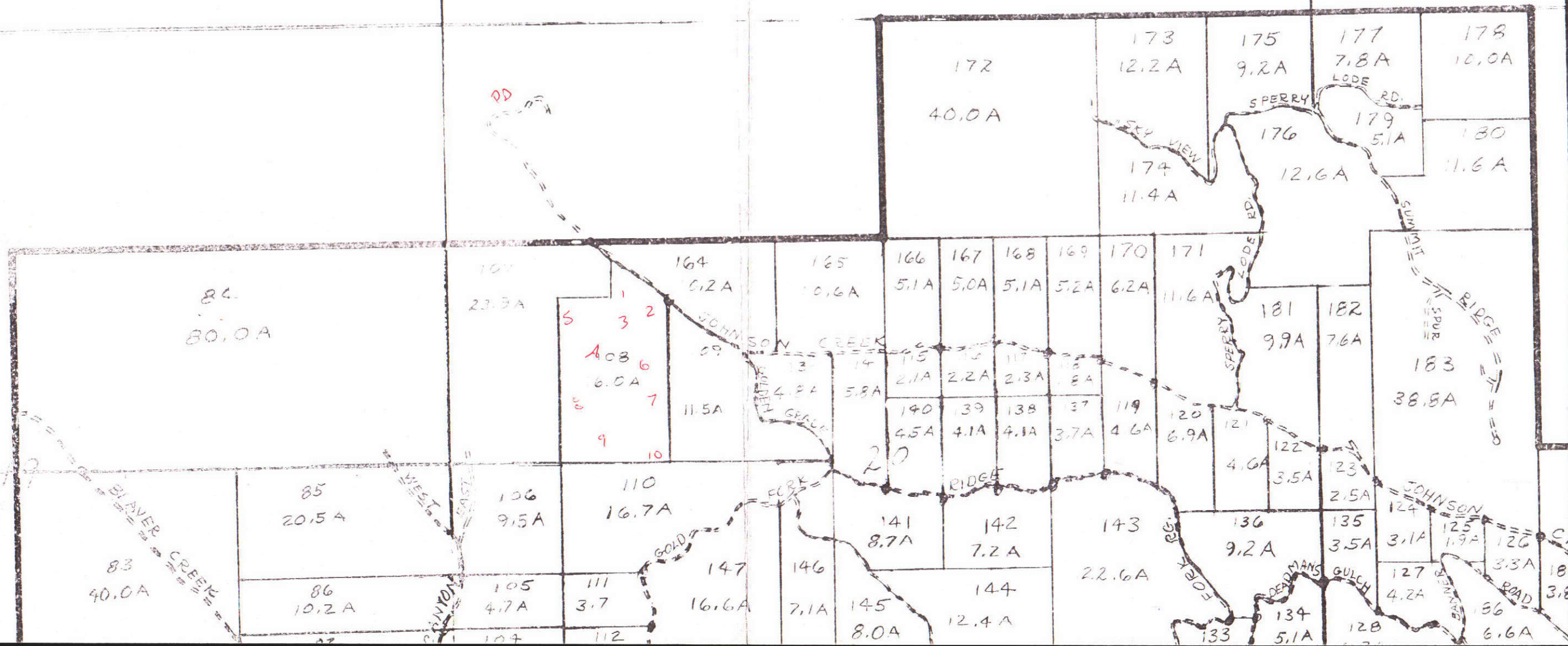
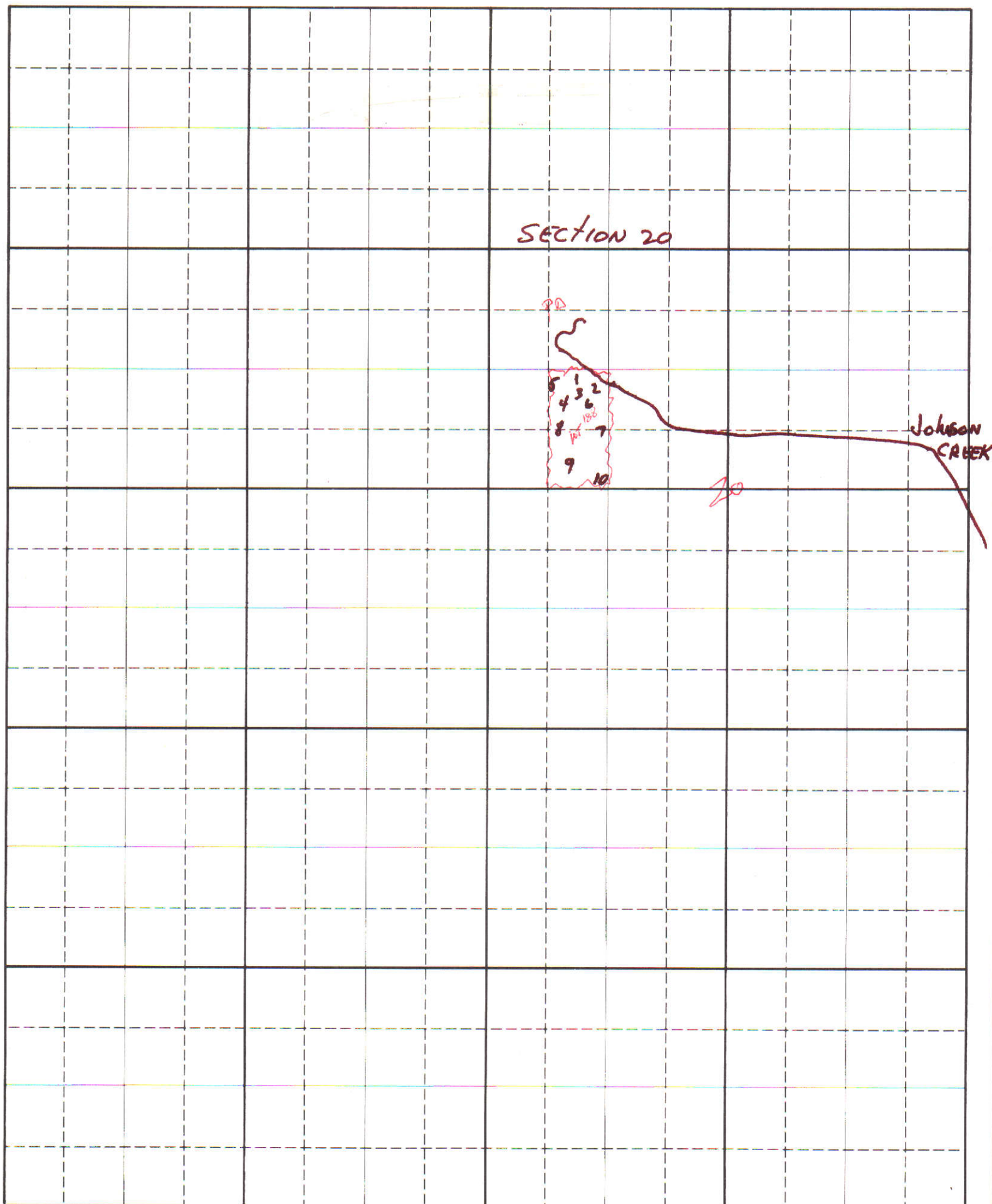


CLEAR CREEK ESTATES



11. Map of proposed project:

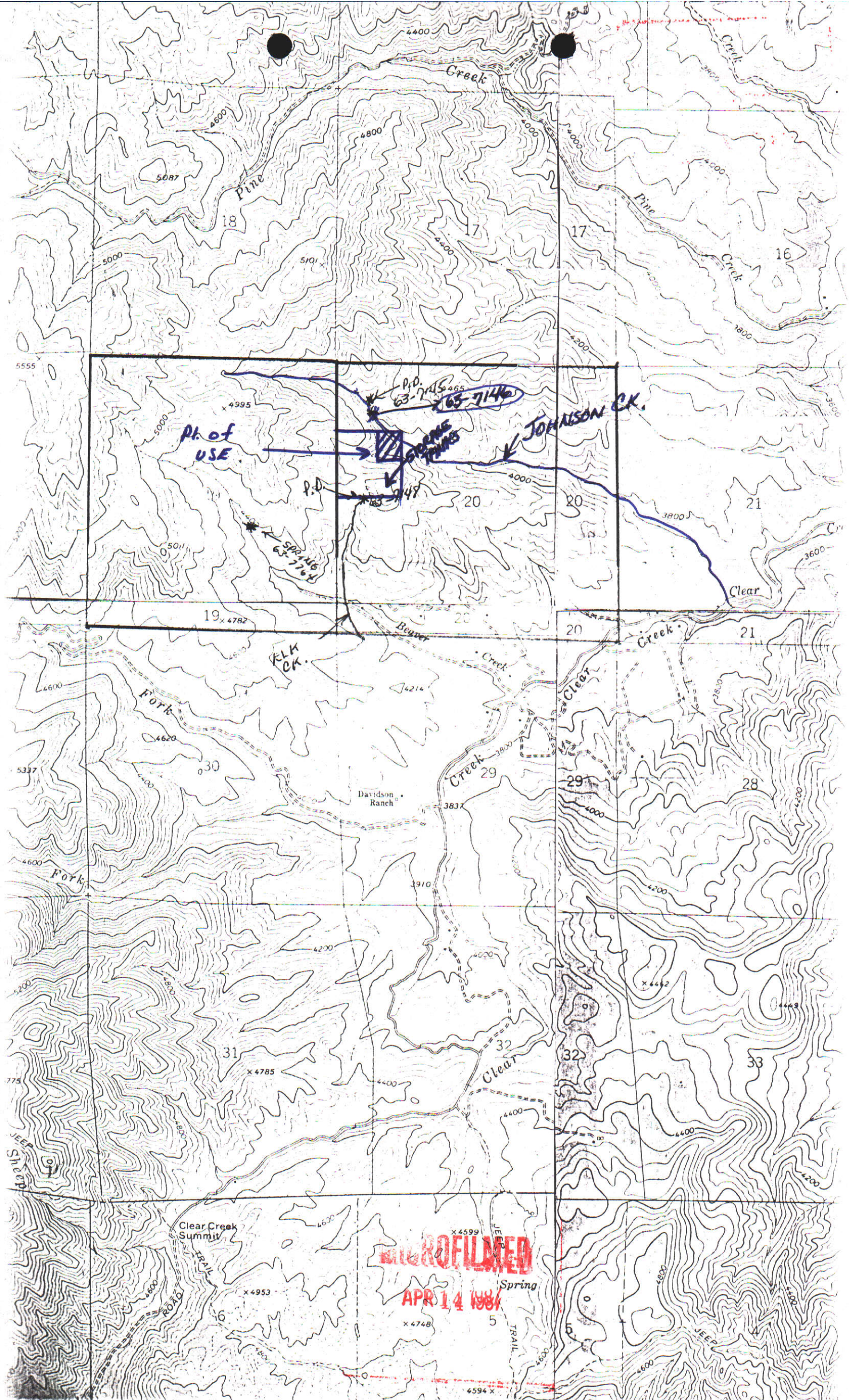


Scale: 2 inches equal 1 mile

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: CORRECTIONS MADE WITH ASSISTANCE OF DR. CALL BY DR. 10-18-68



Pl. of USE

P.D. 63-7146

JOHNSON CK.

ELK CK.

Davidson Ranch

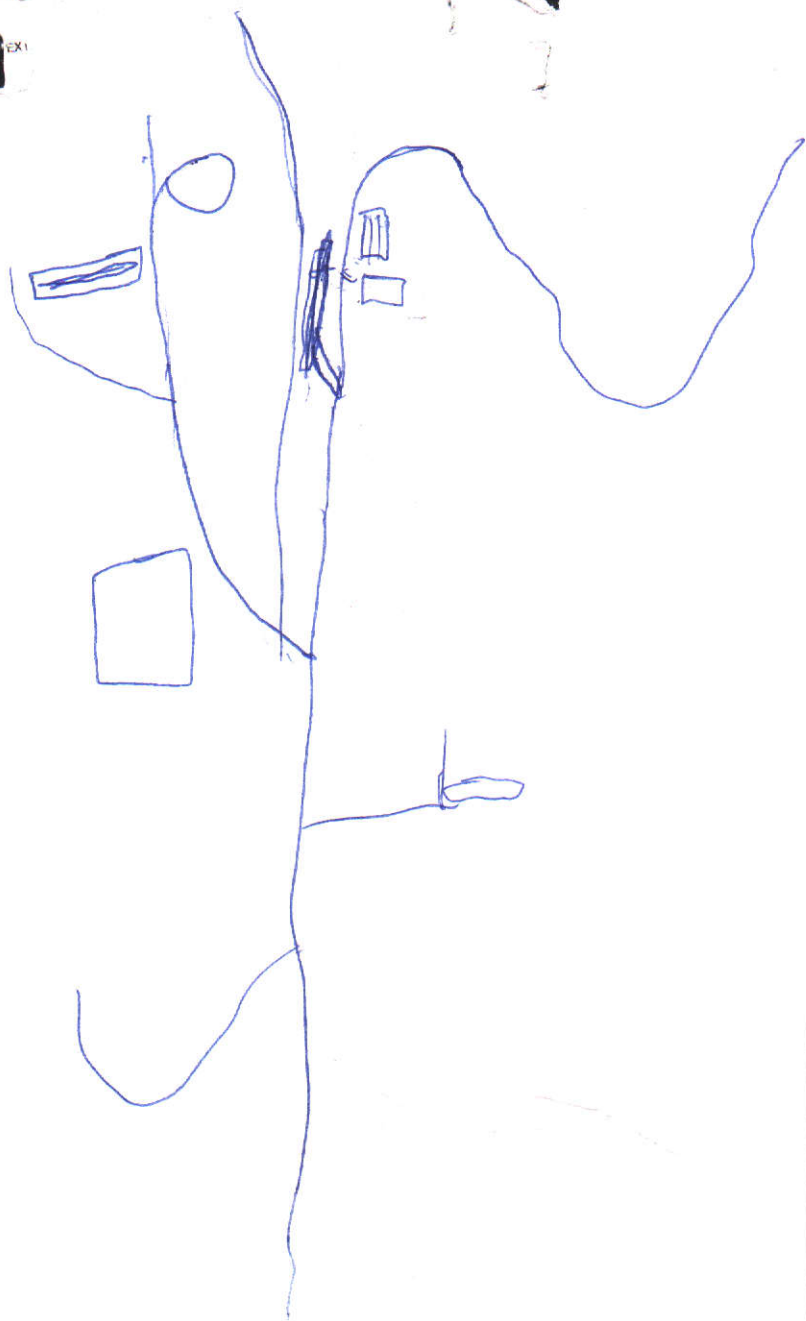
Clear Creek Summit

MICROFILMED
APR 14 1987

Spring

TRAIL

4594 X



MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-7146

Priority: September 9, 1968 Amount: .08 CFS 3.6 AFA

This is to certify, that F. LA MARR HEYREND
3436 BRYSON WAY
BOISE, ID 83704

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated September 9, 1968, and
has submitted proof to the Department of Water Resources on September 30, 1983, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .16 cfs of water from;

JOHNSON CREEK tributary to CLEAR CREEK

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	01/01 to 12/31	.08 cfs	3.6 afa

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

PLACE OF USE: Domestic

TWN RGE SEC

5N 4E 20 SWNW

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. Use of water under this license is subject to control by the watermaster of State Water District No. 63 .
5. Domestic use is for 3 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 6TH day
of April, 1987.

MICROFILMED

Director

APR 14 1987

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION
FOR PERMIT NO. 63-7146 IN THE NAME OF
F. LA MARR HEYREND, M.D.

MEMORANDUM DECISION
AND ORDER

On September 9, 1968, F. La Marr Heyrend, M.D., applied to the Department of Water Resources for a permit to appropriate 0.50 cubic feet per second of water from Johnson Creek, tributary to the Boise River system to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 5N, Rge. 4E B.M., Boise County, to be used for domestic for ten residences, stockwater and irrigation of 2.5 acres.

Notice of the application was published in the Idaho World, Idaho City, Idaho on November 14 and 21, 1968. A protest against approval of the application was received from M. W. Wharton and Leoda N. Wharton on December 5, 1968.

On October 17, 1978, a conference was held in Boise, Idaho. The applicant was present and represented by Mr. John O. Fitzgerald, attorney. The protestants failed to appear. An Order to show cause why the protest should not be dismissed was sent to the protestants on October 19, 1978. Mrs. Leoda N. Wharton responded to the order on behalf of her deceased husband, Marvin W. Wharton. Mrs. Wharton indicated that she had sold the property to Mr. and Mrs. Howard S. Wingate and they were unaware of the conference scheduled for October 17, 1978.

On December 13, 1978, a conference was held in Boise, Idaho. Both the applicant and protestant, Howard Wingate appeared; however, since the protestants did not feel they had a good knowledge of the water situation on their property because they had only recently moved there, it was mutually agreed by the applicant and protestants to postpone the conference for about one year until the protestants had a better understanding of their water requirements. In a letter dated February 8, 1978, the Wingates expressed their desire to continue with the protest of the Whartons as successors in interest to the property on Johnson Creek.

On April 17, 1980, Dr. Heyrend reduced the amount of water to be appropriated to 0.08 cubic feet per second for domestic purposes for 3 residences only, eliminating the stockwater and irrigation uses.

On June 4, 1980, another conference was held in Boise, Idaho. Both the applicant and the protestants were present. Also present was Mr. Doug Ladd a concerned property owner downstream from the applicant. The major issue raised by the

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protestants was whether Johnson Creek has water available for appropriation throughout the entire year. In addition, the question of whether Dr. Heyrend should be allowed to appropriate public water for the development of two additional houses to be sold for profit, was also raised. The testimony of all parties was heard at the conference and it was agreed that the department should reach a decision in the matter based upon the information presented at the conference, the official files and the records of the Department of Water Resources and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1) During most months of the year, water is flowing in Johnson Creek. The reduced water periods are from July through September.

2) The applicant has two homes located on his property in close proximity to Johnson Creek and intends to construct another house. A water system from Johnson Creek has been developed for these houses. The existing system is a gravity pipeline from the creek to a 600-gallon storage tank.

3) The applicant stated that the water system now in existence produces a one-inch pipe full of water flowing the entire year.

4) The protestant has filed a claim to a water right No. 63-4736 with the Department of Water Resources for domestic and irrigation with the means of diversion being a 1 1/2 HP pump and a 1 3/4 inch pipe, however, he presently uses water by dipping water with a bucket for domestic use only.

5) The protestants' homes is located 1/4 mile below the applicant's property. The protestant stated at the conference, that on that day (June 4, 1980) there was water between 1 and 1 1/2 inches deep flowing through an 18-inch culvert on his property.

6) On June 4, 1980, Mr. Ladd filed an application No. 63-9390 to appropriate water from Johnson Creek.

CONCLUSIONS OF LAW

1) There is unappropriated water available in Johnson Creek during the major portion of each year for appropriation under a permit with a 1968 filing date.

2) The appropriation of water into a system for distribution to houses that will be sold is not speculation since the applicant in this instance is not filing to simply preserve the water for future sale but intends to construct and use the system.

3) None of the other items described in Section 42-203, Idaho Code, which may be considered by the Director in evaluating an application for permit, were of

concern to the protestant, and therefore, were not raised as issues at this conference.

4) The applicant is entitled to a permit from the Department of Water Resources with certain conditions and limitations.

ANALYSIS

Johnson Creek has a limited drainage area and during certain times of the year may cease to flow. There are not sufficient records available to indicate when the creek will become completely dry. Testimony presented at the conference indicates that water in the creek can cease to flow in one area and surface in another during various times of the day. Dr. Heyrend indicates that his system would be regulated on a demand situation and when the storage tanks are full, all the overflow water will return to the creek.

The protestant has a claim on file with the Department (see Findings of Fact No. 4). At the conference, he indicated that his means of diversion was a bucket for domestic use and there was no permanent diverting works to his house from Johnson Creek. Mr. Wingate may have established a right to continue to dip water from the stream but any enlargement of use must be later in priority than this permit.

Dr. Heyrend indicated at the conference that he plans to supply three (3) homes with domestic water. An application is not speculative if the applicant fully intends to develop the water as described in the application even though once developed he proposes to sell the improved property.

The Idaho Constitution in Article XV, Section 3 states in part, "...the right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied, ..." In 1977, the Department determined that there is no surface water available for appropriation to be used consumptively during the period of June 15 to November 1 of each year upstream from Lucky Peak Reservoir. It should be noted that domestic use can be considered by the Department as non-consumptive if water is not used for irrigation, lawn or garden watering as a part of the domestic water right. Since application No. 63-7146 was filed in 1968, however, prior to the determination of water availability in the Upper Boise River Drainage, the condition providing for limited domestic use only has not been shown as a condition of approval for permit No. 63-7146.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 63-7146 is APPROVED subject to the following conditions:

- 1) This permit be and is subject to all prior water rights.
- 2) The use of water under this permit is subject to control of the water-master of Water District No. 63.

3. The applicant shall provide the watermaster ready access to his point of diversion.

4. The diverting works shall not obstruct or block the natural stream channel and all overflow water produced by the stream shall be returned directly to Johnson Creek.

Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before October 1, 1983.

Dated this 26 day of September, 1980.


C. STEPHEN ALLRED
Director

Identification No. 63-7146

Application No. _____

STATE OF IDAHO
WATER RESOURCES
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

1. Name of applicant F. La Marr Heyrend, M.D.
post office address ~~106 North Latah~~ Boise, Idaho ~~83704~~
6003 Overland Rd. ~~83705~~
2. Source of water supply Johnson Creek which is a tributary of Boise River
3. a. Location of point of diversion is NW $\frac{1}{4}$ 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 Johnson Creek at a point in SW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 20 Township 5N Range 4E B.M. _____

4. Water will be used for the following purposes:

Amount .08 cfs for Domestic purpose from April 1 to December 1 (both dates inclusive) *See memo*
(cfs or acre-feet per annum)

Amount .2 for horses purpose from April 1 to December 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1 for irrigation purpose from April 1 to December 1 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 5 20.08 cubic feet per second and/or
20.08
- b. _____ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Water to be diverted and filtered
into redwood collecting boxes and piped to 7,000 gal. storage tank. From
tank it will be piped to ~~ten (10)~~ summer home areas. System to 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.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

- (1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 5N
Range 4E B.M.

- (2) Amount of power to be generated: None hp under _____ feet of head.

- (3) List number of each kind of livestock to be watered 10 horses

- (4) Name of municipality to be served Caduceus Ranch, or number of families to be
supplied with domestic water # 3

- (5) If water is to be used for other purposes describe: irrigation of meadow on lower portion
of Lot 108, Clear Creek Estates

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	4E	20		NW1/4				NW1/4				SW1/4							2 1/2 Acres

Total number of acres to be irrigated ~~2 1/2 Acres~~
 NONE

c. Describe any other water rights used for the same purposes _____

9. a. Who owns the property at the point of diversion Applicants Forest Service - Dept. of Interior Duke's memo
 b. Who owns the land to be irrigated or place of use Clear Creek Estates - Town & Country Realty
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing applicant is purchasing above land on contract

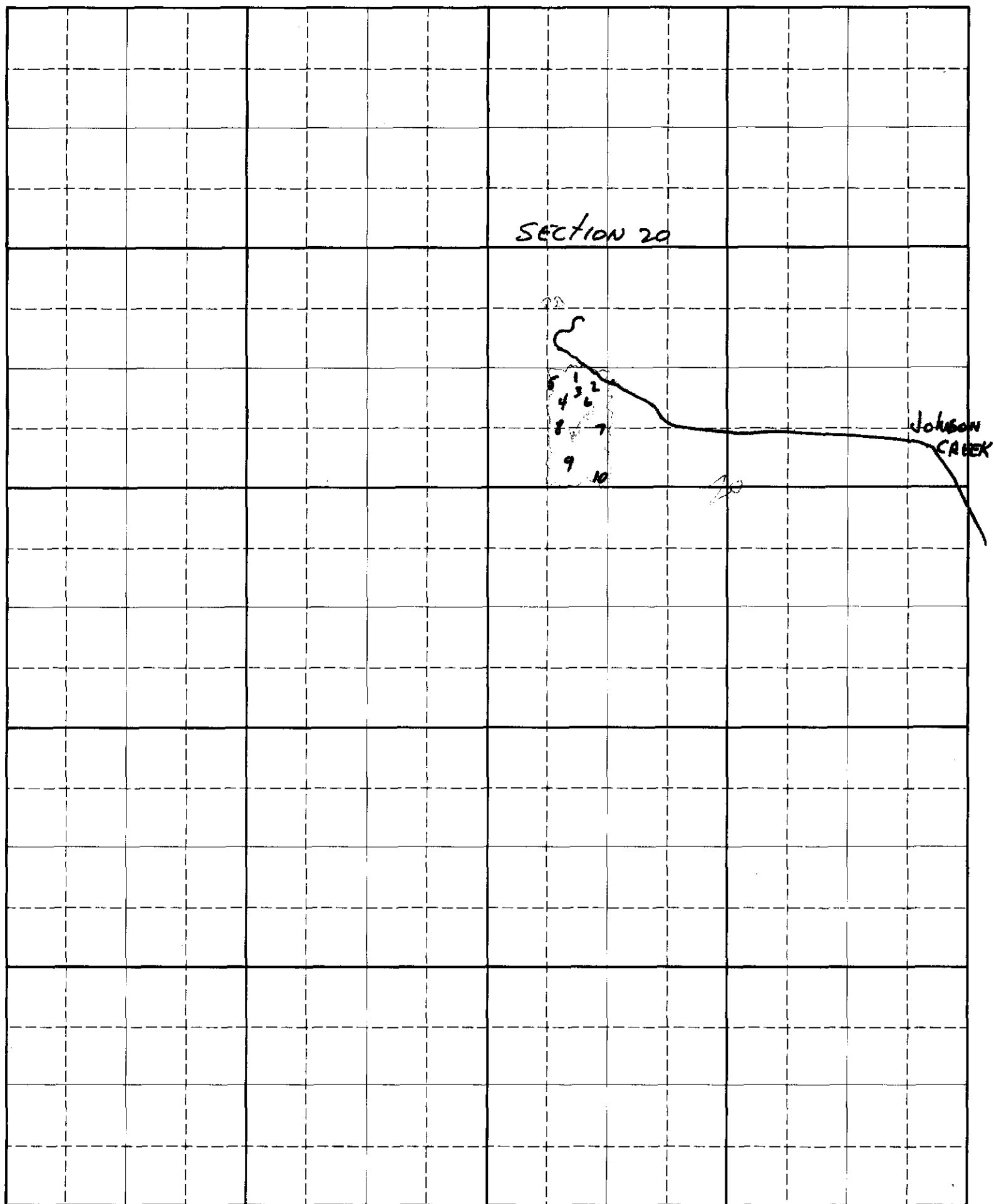
10. Remarks _____

This is a detailed land survey map from 1908, showing a grid of numbered plots with acreage values. The map includes geographical features like 'BEAVER CREEK', 'JOHNSON CREEK', and 'SPERRY CREEK'. It also shows roads such as 'SPERRY RD.', 'JOHNSON RD.', and 'BIRGE RD.'. The survey is dated '1908' and includes a scale bar at the bottom.

Plot Data (Plot Number, Acreage):

Plot Number	Acreage
83	40.0A
84	80.0A
85	20.5A
86	10.2A
87	10.2A
88	10.2A
89	11.5A
90	11.5A
91	11.5A
92	11.5A
93	11.5A
94	11.5A
95	11.5A
96	11.5A
97	11.5A
98	11.5A
99	11.5A
100	11.5A
101	11.5A
102	11.5A
103	11.5A
104	11.5A
105	4.7A
106	9.5A
107	9.5A
108	9.5A
109	9.5A
110	16.7A
111	3.7
112	3.7
113	3.7
114	3.7
115	3.7
116	3.7
117	3.7
118	3.7
119	3.7
120	3.7
121	3.7
122	3.7
123	3.7
124	3.7
125	3.7
126	3.7
127	4.2A
128	4.2A
129	4.2A
130	4.2A
131	4.2A
132	4.2A
133	5.1A
134	5.1A
135	3.5A
136	9.2A
137	9.2A
138	9.2A
139	9.2A
140	4.5A
141	8.7A
142	7.2A
143	22.6A
144	12.4A
145	8.0A
146	7.1A
147	16.6A
148	16.6A
149	16.6A
150	16.6A
151	16.6A
152	16.6A
153	16.6A
154	16.6A
155	16.6A
156	16.6A
157	16.6A
158	16.6A
159	16.6A
160	16.6A
161	16.6A
162	16.6A
163	16.6A
164	5.2A
165	5.2A
166	5.1A
167	5.0A
168	5.1A
169	5.2A
170	6.2A
171	11.6A
172	40.0A
173	12.2A
174	11.4A
175	9.2A
176	12.6A
177	7.8A
178	12.0A
179	5.1A
180	7.6A
181	9.9A
182	7.6A
183	38.8A
184	38.8A
185	38.8A
186	38.8A

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. L. Mann Heyrland
(Applicant)

Priority: Sept. 9, 1968

Received by lj Date 9-9-68 Time 3:00pm
Preliminary check by Wm Fee \$ 10.00 9-10-68
Receipted by ef Date 9-11-68 - rec'd #2060
Publication prepared by ks Date 10/31/68
Published in Idaho World
Publication dates Nov. 14 & 21, 1968
Publication approved tg Date 1/16/69
Priority reduced to _____ Reason _____

Protests filed by: M.W. & Leoda N. Wharton

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

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. 63-7146, and said application is hereby APPROVED.

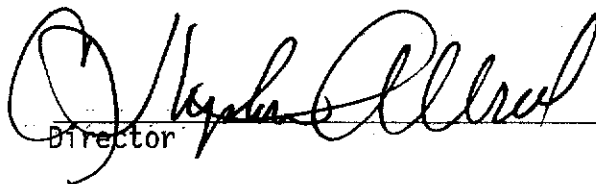
1. Approval of said application is subject to the following limitations and conditions:

- 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 October 1, 19 83.
- c. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER

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

Witness my hand this 26 day of September 19 80.


Director

OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION)
)
FOR PERMIT NO. 63-7146 IN THE NAME OF)
)
F. LAMARR HEYREND, M.D.)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 1st day of October, 1980, true and correct copies of the foregoing MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

F. LaMarr Heyrend
6003 Overland Road
Boise, ID 83705

Howard S. Wingate
8736 S. Cloverdale
Boise, ID 83709

Douglas Ladd
1525 Grant
Boise, ID 83706


RITA I. FLECK

RECEIVED

JAN 16 1968

Department of Reclamation

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO

COUNTY of BOISE

} ss.

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. 14*, 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*8*

Katherine M. Bryan
Clerk District Court

Alison Treacher
Deputy

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that
E. La Marr Heyrend, M.D., 106
North Latah, Boise, Idaho, has
on September 9, 1968, applied
for permit under application No.
63-7146 to divert .5 cubic feet
per second of water from John-
son Creek, tributary of Boise
River. Water will be diverted by
a collection box, pipe, and stor-
age tank within the NW $\frac{1}{4}$ 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 use, stockwater,
and irrigation in the SW $\frac{1}{4}$ NW-
 $\frac{1}{4}$, 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

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April 6, 1987

F. LA MARR HEYREND
3436 BRYSON WAY
BOISE, ID 83704

RE: Permit No. 63-7146

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 05-746

Phone No.

1. Owner: F. J. [illegible] Phone No. [illegible]
Current Address: 2076 [illegible] [illegible]

2. Accompanied by: 100 EXAM. DATE: 3/30/80
Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: English tributary to Lower Niger

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. **System Description** (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

REDWOOD BOX 2' DIAMETER, 12' LONG, 12" DEEP
WITH ABOUT 3' ABOVE BOTTOM TO 1" BELOW TOP. RED-
WOOD BOX & PUMP WHICH IS 12" DIAMETER, 12" LONG FROM
WHICH CAPACITY FROM BOX IS 12" DIAMETER, 12" LONG, 12" DEEP
TOPE OF BOX. NO PUMP WHICH IS 12" DIAMETER, 12" LONG, 12" DEEP
SIZE IS 10" DIAMETER, 12" LONG, 12" DEEP, 12" DEEP, 12" DEEP

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements ☐ Additional data/computation sheets attached

NOTE BOOK: 57000000

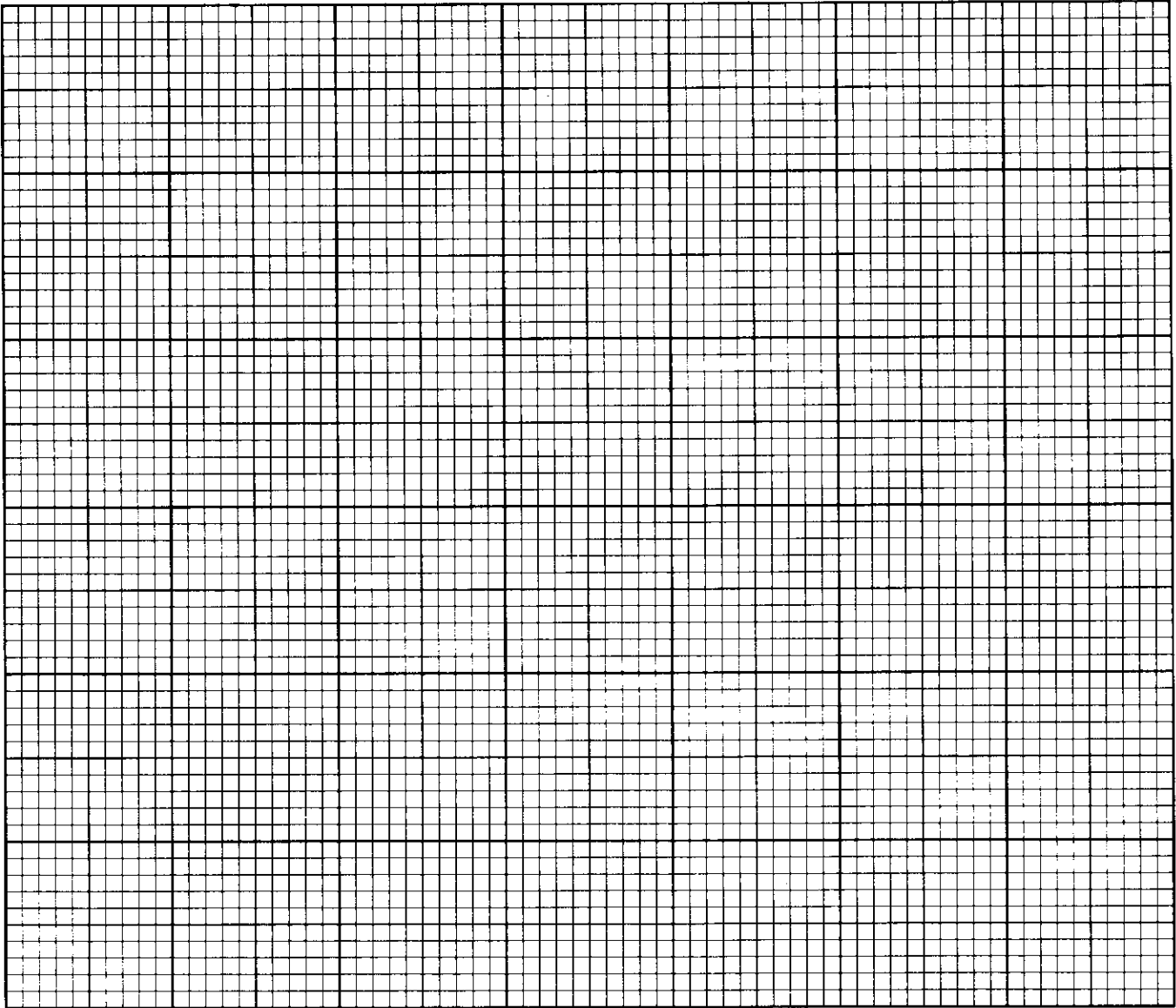
8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

[illegible]

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached
- ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments
- ☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None
- ☐ Change P.U. as reflected above

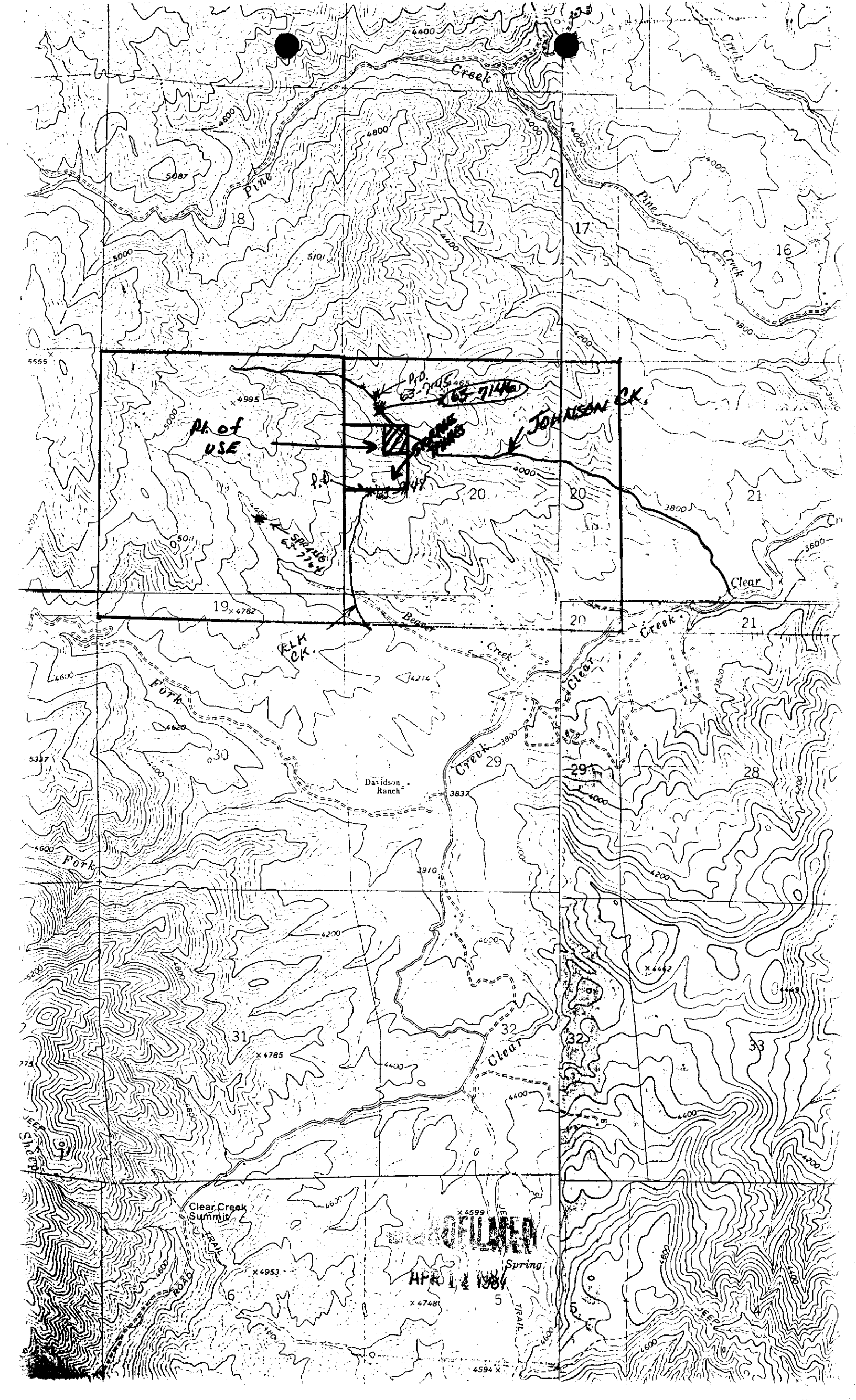
☐ Add P.U. as reflected above

☐ Other
16. Examiner's/Consultant's Signature Jan Shute Date 11/13/85
- Consultant's License Number _____
- IDWR Director's Authorization to Conduct
- Beneficial Use Examination 7/25/85
- Date

CONSULTANT SEAL

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APR 14 1986



RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
DOMESTIC (3)	1/1	12/31	0.08 cfs	3.6 AFA

Allowable Maximums: 0.08 cfs 3.6 AFA

7. Point(s) of Diversion: Same as Form 219A

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Total Acres _____																			

9. Recommended Conditions/Remarks: _____

10. 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 _____

11. Examiner's Signature Jan Thurne
 Date 11/15/85

Checked in Regional Office by 6h5
 Date 1/15/86

Approved in State Office by S. Curles
 Date 3-20-87

Jim

MICROFILMED

APR 14 1987

3-25-87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

63-7146
Permit No.

1. **Measurement Calculations**

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\frac{10 \times 8.8 \times .80}{400' + (20' \div .4333)} = \frac{70.4}{446.2} = 0.16 \text{ cfs}$$

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

- c) Volume Calculations for Other Uses:

DOMESTIC - 3 HOMES X 1.2 = 3.6 AF/ANN.
(FILED BEFORE IN-HOUSE USE ONLY LIMITATION WAS PUT
ON WATER RTS. IN THE UPPER BOISE R. DRAINAGE)

2. **Overlap Review**

- a) Other water rights with same place of use: NONE
- b) Other water rights with same point of diversion: NONE
- c) Analysis:

RECORDED
APR 14 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

APRIL 25, 1984

F. LA MARIE HEYREND
3436 BRYSON WAY
BOISE ID 83704

RE: Permit No. 63-7146

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of 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 examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED

APR 14 1987

February 24, 1984

F. LaMarr Heyrend
3436 Bryson Way
Boise, ID 83704

Dear Dr. Heyrend:

Re: Permit No. 63-7146

This office acknowledges receipt of the statement of beneficial use postcard submitted for this permit received on September 30, 1983.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will contact you to schedule the exam at a convenient time.

If you have any questions regarding the field examination, please contact our Western Regional office at 334-2190.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Western Region

MICROFILMED

APR 14 1984

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. 63-7146.

Name(s) of Permit Holder: F. Lamar Heyrend

Post Office Address: 3436 Bryson Way, Boise,
Idaho 83704 Tel. No. _____

Source of Water: Johnson Ck.

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.

9/30/83
Date

F. Lamar Heyrend MD.
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

RECEIVED



SEP 30 1988

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water STATE HOUSE

BOISE, IDAHO 83720

INTER-DEPARTMENT MEMO — 1

DATE 8/17/83

FROM

Rolyn

TO

File 63-7146

SUBJECT

County Assessors office - Boise

Per Assessors office the Permit holders new
address is: 3436 Bryson Way
Boise 83704

RECEIVED
FBI
AUG 22 1983

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

HEYREND, F. LA MARR
106 N. LATAH
BOISE, ID 83704

138820

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-7146 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED

IDENT. NO. 63-7146

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

ACTION

Note new addresses

Hayward

6003 Overland Rd.

83705

Wingate

8736 S. Cloverdale

83709

362-1955



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

October 1, 1980

F. LaMarr Heyrend
6003 Overland Road
Boise, ID 83705

Dear Mr. Heyrend:

Re: Application for Permit No. 63-7146

Enclosed is a copy of your approved Application for Permit No. 63-7146 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person who does not agree with the decision of the department may request a rehearing before the director within twenty (20) days or may appeal directly to the district court within sixty (60) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Howard S. Wingate
Doug Ladd

MICROFILMED

In The Matter of Application)
for Permit No 63-7146 in)
the Name F. La Marr Heyrend M.D.)

Agreement

We the undersigned agree to allow the department of Water Resources to reach a decision in this matter based upon the information obtained at the conference held on June 6, 1980 at Boise, Idaho.

We understand that by this agreement we are not relinquishing any right of appeal either with the Department for a rehearing or with the District Court.

We also agree to waive the requirement for a proposed decision under title 67 Idaho Code but will allow the decision to be that of the director

Dated this 6th day of June, 1980

F. La Marr Heyrend

Howard E. Wingate

Q. Paul

UNRECORDED

63-7146 - F. LA MARR HEYREND, M. D.

2nd FLOOR CONFERENCE ROOM, IDAHO DEPARTMENT OF WATER RESOURCES

450 W. STATE STREET, BOISE, IDAHO

FRIDAY, JUNE 6, 1980 at 10:00 P. M.

ROSTER OF ATTENDANCE

HEARING CONDUCTED BY Bob Fleenor & Lee Sisco

Name Howard Wingate Address 8736 S. Clarendale Representing

Doug Lajo

1525 GRANT AVE.

F. LA MARR HEYREND 3436 Bayson, Boise, 83705

MICROFILMED

63-7146 - F. LA MARR HEYREND, M. D.

2nd FLOOR CONFERENCE ROOM, IDAHO DEPARTMENT OF WATER RESOURCES

450 W. STATE STREET, BOISE, IDAHO

THURSDAY, APRIL 17, 1980 at 10:00 A. M.

ROSTER OF ATTENDANCE

HEARING CONDUCTED BY David Shaw & Bob Fleener

Name	Address	Representing
F. LaMarr Heyrend M.D.	6003 Overland Boise	Self.

MICROFILMED

RECEIVED

JUN 9 1980

Department of Water Resources
Western Regional Office

6-6-80

63-7146

- .08 cfs -

There is not sufficient water

Mr Ladd has filed an application -

The two houses are existing

Mr Wingate's use has been for stock drinking from the Creek
and carrying water in bucket for household use -

The system is existing with a 600 gal tank - a 7,500 gallon tank will be
installed -

Mr Ladd ~~is~~ is concerned about Mr Heyrend being able to
develop 3 houses and profiteer from the states water

System

Diverted to tank 10 feet from the stream the pumped ~~the~~ to
a storage tank at the top of a hill then gravity to the houses

Wingate

Water flows about 1" ~~of~~ 1 1/2" deep in a 18" culvert

Mr Heyrend

Always has a 1" pipe full of water

Wingate and Ladd are about 1/4 mile below -

MICROFILMED

4/17/80

63-7146

Dr. Heyrend

Applicant.

Wants to reduce appropriation to
0.08 cfs.

Wingate - protestant -
Waited 30 min for protestants
who did not appear.

4-17-80

The Wingates were sent the notice of the hearing scheduled for 1:00pm
in error. Mr Wingate appeared at 1:00pm.

DF

MICROFILMED

June 2, 1980

Dr. F. LaMarr Heyrend
6003 Overland Road
Boise, Idaho 83705

Dear Dr. Heyrend:

This letter is to confirm your conversation with Mr. Bob Fleenor and my telephone conversation with your secretary on this date.

This confirms the change in your hearing date from June 4, 1980 at 1:00 p.m. to June 6 1980 at 10:00 a.m. at the same location.

Please notify me if there are any additional changes.

Sincerely,

HELEN L. HARRINGTON
Secretary

MICROFILMED

June 2, 1980

Howard S. & Ruby M. Wingate
8736 S. Cloverdale
Boise, Idaho 83709

Dear Mr. and Mrs. Wingate:

This letter is to confirm my telephone conversation with Mrs. Wingate j concerning the change in date and time of a hearing of ~~the~~ protest against P. LaMarr Heyrend's Application for Permit No. 63-7146.

This confirms the change in hearing date from June 4, 1980 at 1:00 p.m. to June 6, 1980 at 10:00 a.m. at the same location.

Please notify me if there are any additional changes.

Sincerely,

HELEN L. HARRINGTON
Secretary

MICROFILMED

No.

978217

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

STREET AND NO.

P.O., STATE AND ZIP CODE

POSTAGE

\$

CERTIFIED FEE

¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE
DELIVERED

¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

\$

POSTMARK OR DATE

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6. Save this receipt and present it if you make inquiry.

No.

378218

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

F. Lammert Heynend

STREET AND NO.

106 N. Latah

P.O., STATE AND ZIP CODE

Boise 83704

POSTAGE

\$

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

OPTIONAL SERVICES

SERVICE

SHOW TO WHOM AND DATE
DELIVERED

¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

\$

POSTMARK OR DATE

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF THE APPLICATION FOR PERMIT NO. 63-7146)
IN THE NAME OF F. LA MARR HEYREND, M.D.)

NOTICE OF CONFERENCE
AND/OR HEARING

On September 9, 1968, F. La Marr Heyrend, M.D., filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On February 12, 1979, the Department received a protest against approval of said application from Ruby M. and Howard S. Wingate.

The Department has set the matter of protest for conference and/or hearing for June 4, 1980, at 1:00 p.m., in the 2nd Floor Conference Room of the Idaho Department of Water Resources, 450 W. State Street, Boise, Idaho. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

MICROFILMED

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 67-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211, will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department to dismiss without prejudice the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 27 day of May, 1980.



DAVID B. SHAW
Western Region Supervisor

No.

978080

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				F La Marr Heyrend	
STREET AND NO.				106 N. Latah	
P.O., STATE AND ZIP CODE				Boise, Id 83704	
POSTAGE				\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		¢	
		SPECIAL DELIVERY		¢	
		RESTRICTED DELIVERY		¢	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		¢	
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢	
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢	
TOTAL POSTAGE AND FEES				\$	
POSTMARK OR DATE					

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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

978079

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		<i>Howard Wingate</i>		
STREET AND NO.		<i>c/o Old City Stage</i>		
P.O. STATE AND ZIP CODE		<i>Boise, Id 83706</i>		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		\$
		SPECIAL DELIVERY		\$
		RESTRICTED DELIVERY		\$
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	\$
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		\$	
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR DATE				
<i>3/28/80</i>				
<i>63-71416</i>				

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CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	
OF THE APPLICATION FOR PERMIT NO. 63-7146	)	NOTICE OF CONFERENCE
IN THE NAME OF F. LA MARR HEYREND, M.D.	)	AND/OR HEARING
	)	

On September 9, 1968, F. La Marr Heyrend, M.D., filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On February 12, 1979, the Department received a protest against approval of said application from Ruby M. and Howard S. Wingate.

The Department has set the matter of protest for conference and/or hearing for Thursday, April 17, 1980, at 10:00 a.m., in the 2nd Floor Conference Room of the Idaho Department of Water Resources, 450 W. State Street, Boise, Idaho. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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MICROFILMED

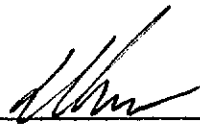
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 57-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department to dismiss without prejudice the protest of the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 27 day of March, 1980.



DAVID B. SHAW
Western Region Supervisor

ROUTING SLIP

1

DATE _____	TIME _____
TO: _____	REF. No. (if any) _____
FROM: (show title) _____	_____

FOR YOUR:

- ☐ Information
☐ Approval
☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
☐ Comment & Return
☐ Take proper Action
☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
☐ Your Request
☐ Boss's Request

Called Wingate 1/25/80
Said he was going to
meet with Heyrend and
his attorney soon and
make his decision.

UNROUTED

TO _____
DATE _____ WHILE YOU WERE OUT TIME _____

M _____
OF _____

PHONE: _____
AREA CODE NUMBER EXT.

☐ Telephoned

☐ Returned Your Call

☐ Will Call Again

☐ Please Call

☐ Called to See You

Hyden 63-7148

63-7145

received
testament
NW NW
20

63-~~7147~~

63-7764

63-7765

63-7766

63-67

63-68

John Fitzgerald

TO Area
DATE 12/17 NAME John Fitzgerald
M
OF
PHONE AREA CODE EXT

☒ Transferred ☐ Returned Your Call ☐ Long Call Agent
☒ From Call ☐ Called to See Agent

000-4481

Called 12/17

Said he would
get a letter to
Windgates on the
cfs drop and would
get back to me.

UNRECORDED
12/17/68

ROUTING SLIP

DATE _____	TIME _____
TO: _____	REF. No. (if any) _____
FROM: (show title) _____	_____

FOR YOUR:

- ☐ Information
- ☐ Approval
- ☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
- ☐ Comment & Return
- ☐ Take Proper Action
- ☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
- ☐ Your Request
- ☐ Boss's Request

dress / motor 58 HP
 into turbine motor head
 with well line pump 46061
 12 inch well 300ft

TO

Lee

T

DATE

12/11

WHILE YOU WERE OUT

TIME

2:00

M

John Fitzgerald

OF

PHONE:

AREA CODE

NUMBER

EXT.



Telephoned



Returned Your Call



Will Call Again



Please Call



Called to See You

BBB-4461

Called 12/17

Said he would
get a letter to
Windgates on the 108
cfs drop and would
get back to me

376-3391

Forest Service Land
up past. Grimes Creek.

morey Clayton x digging
ditch for
domestic uses.

Wingate 362-1955

467-3030 S

Harold Shipley

please call ↑

Heyrend

NATURAL RESOURCES LAW INSTITUTE



10015 S.W. TERWILLIGER BLVD. PORTLAND, OREGON 97219 PHONE (503) 244-1181 633

HOWARD WINGATE

SN 4E Sec 20

JOHNSON CREEK

Someone is putting in a system
that probably isn't filed upon.

HEYREND

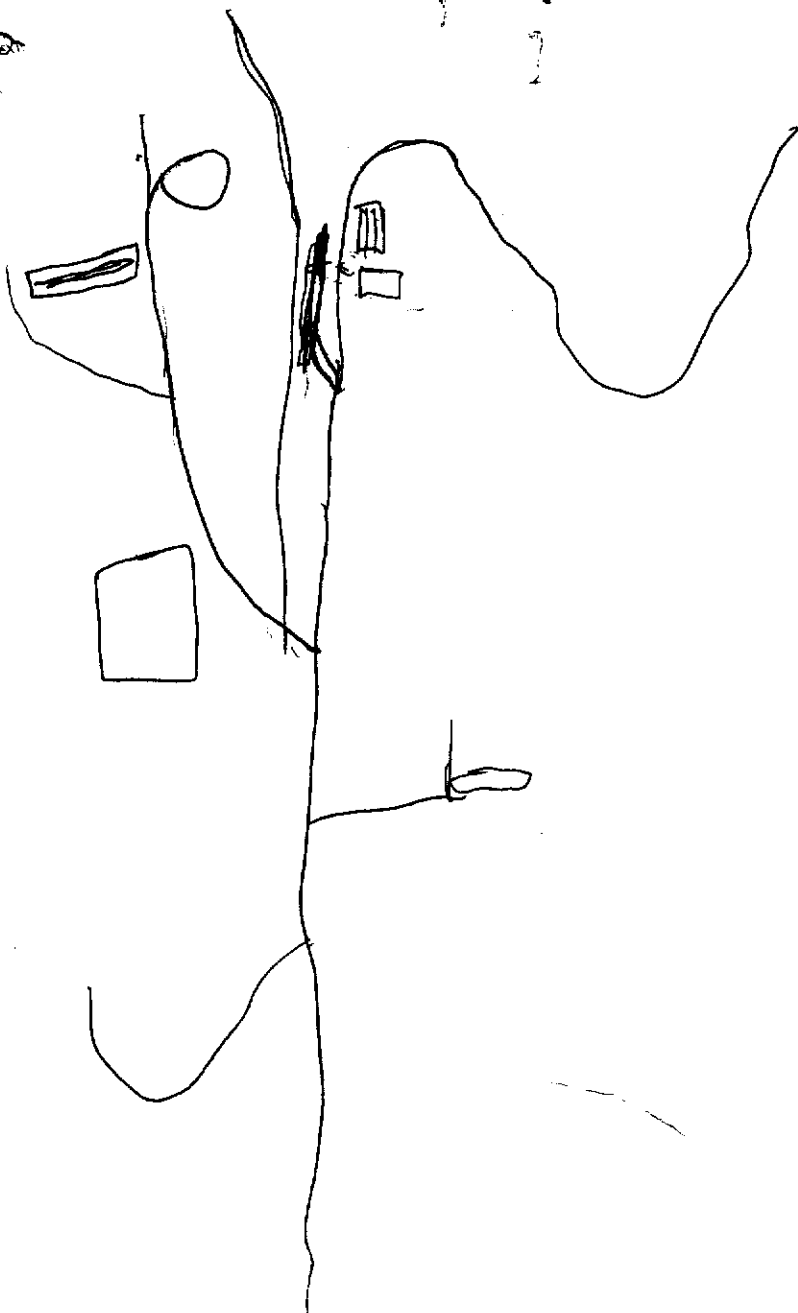
CLAYTONS

MORGAN

} NO PERMITS

~~Ask Lee what he knows about it?~~

TAKEN CARE OF



MICROFILMED

376-2472

February 16, 1979

F. La Marr Heyrend, M.D.
6003 Overland Road
Boise, ID 83705

RE: Protested Application No. 63-7246

Dear Dr. Heyrend:

Enclosed please find a copy of the written request by the Wingates to continue the protest against approval of your water right application that was initiated by the Whartons. The copy is for your information and files.

As agreed in the conference held on December 13, 1978, in Boise, the conference will be reconvened in the Fall of 1979 after the Wingates have become familiar with their water use requirements.

If you have any questions in that matter, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

cc: Mr. John O. Fitzgerald

MICROFILMED

February 16, 1979

Mr. & Mrs. Howard Wingate
c/o Idaho City Stage
Boise, ID 83706

RE: Application for Permit No. 63-7146
In the Name of F. La Marr Heyrend

Dear Mr. & Mrs. Wingate:

This office acknowledges receipt of your request to continue the protest of Mr. and Mrs. Wharton against the approval of the above referenced application. As agreed in the conference held on December 13, 1978, in Boise, a new conference will be reconvened in the Fall of 1979 after you have had an opportunity to become familiar with your water use requirements.

At that conference the following are the principle items that the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:kk

MICROFILMED

RECEIVED

D85

FEB 12 1979

Feb. 8- 79

Dear Sir:

Department of Water Resources
Western Regional Office

{ In the matter of protest (s) against
approval of the application for
permit no. 63-7146

{ In the name of F La Mar Heyrend,
M. D.

We Howard S + Ruby M. Wingate
are buying the property from
Leoda N. Wharton.

{ Sub. No. 7 Lot 167 of Clear
Creek Estates Instrument No. 75759
Records of Boise County, Idaho.

Therefore we wish to continue the
protest made by M. W. + Leoda N. Wharton
Nov. 15th 1971

Our protest being the same as then.
Johnson Creek is not a very large
Creek + in the hottest months of
the year there is not a lot of
water coming past our place.

There is other people between us

+ the Heyrends with domestic rights, other people below us with domestic rights, there is plenty of water for^d conserved if Mr. Heyrend is not allowed to divert the stream into storage tanks for subdivision & irrigation.

There is also the birds & other wild life that needs a place to drink in this area.

Ruby M. Wingate
Howard S. Wingate

Howard S. Wingate
c/o Idaho City Stage
Boise Idaho 83706

RECEIVED
FEB 14 1970

Department of Water Resources
Western Regional Office

MEMORANDUM

TO: File 63-7146
FROM: David B. Shaw
DATE: December 30, 1978
RE: Conference Held on December 13, 1978 at the Dept. of Water Resources Office

This conference came about as a result of an application for a water right filed by F. La Marr Heyrend M.D. that was subsequently protested by Marvin W. and Leoda Ann Wharton. The matter of the protested application was scheduled for conference and/or hearing on October 17, 1978; at which time, only the applicant appeared.

As a result of the Whartons, nonappearance an Order to Show Cause why they had not appeared was prepared on October 19, 1978. In response to the Show Cause Order, Mrs. Wharton contacted the Department and indicated that she was no longer the owner of the property that she had originally felt would be affected by Dr. Heyrend's water right application. She indicated the new owner was probably unaware of the conference that had been scheduled for October 17, 1978.

After a conference with the Department's attorney, the new owner of the Wharton property was contacted and made aware of the unresolved application and protest. The new property owners, Mr. and Mrs. Howard S. Wingate, then indicated they did wish to continue the protest against the granting of Dr. Heyrend's application for permit.

As a result of the Wingate's decision to continue the protest, a second conference was scheduled for December 13, 1978 at the Dept. of Water Resources conference room in Boise. At that conference both the applicant and protestants appeared, however, since the protestants did not feel they had a good knowledge of the water situation on their property since they had only recently moved there, it was mutually agreed by applicant and protestant to postpone the conference for about one year until the protestants had a better understanding of their water requirements. As a result of the agreement between applicant and protestant, the conference will be rescheduled for the fall of 1979.

RECORDED
INDEXED

F. LA MARR HEYREND, M.D.
State Office Conference Room
Department of Water Resources
373 West Franklin Street, Boise, ID

December 13, 1978 - 1:30 pm

ROSTER OF ATTENDANCE

Name	Address	Representing
F. LaMarr Heyrend	6003 Overland	Self
Mr + Mrs Howard S. Wingate	c/o Idaho City Stage	

RECEIVED

No. 978304

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Ellis C. & Helen F. Clark	
STREET AND NO.		4703 Mason Drive	
P.O., STATE AND ZIP CODE		Boise, ID 83701	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		SPECIAL DELIVERY	\$
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	\$
		SHOW TO WHOM AND DATE DELIVERED	\$
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
11/27/78			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

978300

RECEIPT FOR CERTIFIED MAIL**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

SENT TO

Mr. John O. Fitzgerald, Es

STREET AND NO.

Ambrose, Fitzgerald &
Crookston

P.O., STATE AND ZIP CODE

P.O. Box 427

POST OFFICE

Meridian, ID 83642

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

¢

OPTIONAL SERVICES

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

RETURN RECEIPT SERVICESHOW TO WHOM AND DATE
DELIVERED

¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

\$

POSTMARK OR DATE

11/27/78

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.**978301****RECEIPT FOR CERTIFIED MAIL****NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL****(See Reverse)**

SENT TO	Mr. Howard Wingate
STREET AND NO.	c/o Idaho City Stage
	Boise, ID 83706
P.O., STATE AND ZIP CODE	

POSTAGE**\$****CONSULT POSTMASTER FOR FEES****OPTIONAL SERVICES****RETURN RECEIPT SERVICE****CERTIFIED FEE****¢****SPECIAL DELIVERY****¢****RESTRICTED DELIVERY****¢****SHOW TO WHOM AND DATE
DELIVERED****¢****SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY****¢****SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY****¢****SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY****¢****TOTAL POSTAGE AND FEES****\$****POSTMARK OR DATE****11/27/78**

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.**978302****RECEIPT FOR CERTIFIED MAIL****NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL****(See Reverse)**

SENT TO		F. La Marr Heyrend,			
STREET AND NUMBER		M.D. 6003 Overland			
Road					
P.O., STATE AND ZIP CODE		Boise, ID 83705			
POSTAGE		\$			
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	\$			
		\$			
	OPTIONAL SERVICES	SPECIAL DELIVERY	\$		
		RESTRICTED DELIVERY	\$		
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	\$	
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$	
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$				
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$			
TOTAL POSTAGE AND FEES		\$			
POSTMARK OR DATE					
11/27/78					

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

11-27-78
copy to
Bob Fleener

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST(s) AGAINST APPROVAL)
OF THE APPLICATION FOR PERMIT NO. 63-7146)
IN THE NAME OF F. LA MARR HEYREND, M.D.)

NOTICE OF CONFERENCE
AND/OR HEARING

On September 9, 1968, F. La Marr Heyrend filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On November 15, 1971, the Department received a protest against approval of said application from M.W. and Leoda N. Wharton.

The Department has set the matter of protest for conference and/or hearing for Wednesday, December 13, 1978 at 1:30 p.m., in the State Office Conference Room, Department of Water Resources, 373 W. Franklin Street, Boise, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department without prejudice to dismiss the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED This 27 day of November, 1978.



DAVID B. SHAW

Western Regional Supervisor

RECEIVED

November 27, 1978

F. La Marr Heyrend, M.D.
6003 Overland Road
Boise, ID 83705

RE: Protested Application No. 63-7146

Dear Dr. Heyrend:

At the conference held with regard to the protested application on October 17, 1978 in Boise you were told the protestant would be ordered to show cause why they were not in attendance at the conference and if good cause was not shown the protest would be dismissed. Within the time specified, the original protestant, Mrs. Wharton did contact this office and explain that the property that she had previously owned on Johnson Creek now was owned by a different party. She said she did not feel it was her place to continue the protest since she no longer owned the property on Johnson Creek.

Based on Mrs. Wharton's phone call and a conference with our Department's attorney, the new land owner was contacted and made aware of your application and the Wharton's protest. Based upon this information, it is the desire of the new property owner, Mr. Wingate to continue the protest as the Wharton's successor in interest to the Johnson Creek property.

As a result of these occurrences, a new conference and/or hearing has been scheduled in the matter of your protested application for water right no. 63-7246. If you have any questions in this matter, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS/st

cc: Mr. John O. Fitzgerald

MICROFILMED

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..... \$
☐ Show to whom, date and address of delivery... \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Howard Wingate
c/o Idaho City Stage
Boise ID 85706

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	78217	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5-30-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK

1980
MAY
30
1030

CLERK'S
INITIALS

Ch

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 the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGIONAL OFFICE

(Name of Sender)

92 SOUTH COLE ROAD

BOISE, IDAHO 83709

(Street or P.O. Box)

(City, State, and ZIP Code)

63-7146

- 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 \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. John O. Fitzgerald, Esq.
 Ambrose, Fitzgerald & Crookston
 P.O. Box 427

3. ARTICLE DESCRIPTION:

Meridian, ID 83642

REGISTERED NO. CERTIFIED NO. INSURED NO.

978302

(Always obtain signature of addressee or agent)

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SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Kathryn A. McPeak*
 DATE OF DELIVERY

POSTMARK

11-28-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
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Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



(Name of Sender)

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION OFFICE

(Street or P.O. Box)

92 SOUTH COLE ROAD

BOISE, IDAHO 83705

(City, State, and ZIP Code)

- 63-7146
- 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 \$
- ☐ Show to whom, date, and address of delivery \$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Ellis C. & Helen F. Clark
4703 Mason Drive
Boise, ID 83701

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978304	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



(Name of Sender)
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE

92 SOUTH COLE ROAD (P.O. Box)
BOISE, IDAHO 83705

(City, State, and ZIP Code)

- 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 ¢
☐ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery . \$ ____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

John O. Fitzgerald, Esq.
 929 East First - P.O. Box 427
 Meridian, ID 83642

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978371	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

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5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
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- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



Department of Water Resources

(Name of Sender)

92 So. Cole Road

(Street or P.O. Box)

Boise, Idaho 83705

(City, State, and ZIP Code)

- **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. \$
☐ Show to whom, date and address of delivery... \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered..... \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

F. L. 2 Marr Heyrend
 6603 Overland Road
 Boise, ID 83705

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

[Signature]

4.

DATE OF DELIVERY

6/2/80

POSTMARK

5.

ADDRESS (Complete only if requested)

6.

UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

- **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:

*Mr. Howard Wingate
 c/o Id. City Stage
 Boise, Id 83706*

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

978079

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Howard Wingate*
 DATE OF DELIVERY
4-2-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

W

UNITED STATES POSTAL SERVICE

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SENDER INSTRUCTIONS

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

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

Department of Water Resources
Western Regional Office

RETURN
TO



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

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



APR 3 1980

Department of Water Resources

RECEIVED

63-7146
~~65-12283~~

100 1146

- 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 \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

F. La Marr Heyrend, M.D.
 6003 Overland Road
 Boise, ID 83705

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978302	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION OFFICE

92 SOUTH CODE ROAD

BOISE, IDAHO 83705

(City, State, and ZIP Code)

63-7146

- 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 \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Howard Wingate
 c/o Idaho City Stage
 Boise, ID 83706

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

978301

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH COLE ROAD
BOISE, IDAHO 83705

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

- **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:

F. LaMar Heyend, M.D.
1600 3 Overland
Boise, Id 83705

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

978081

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

4-7-80

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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.

Department of Water Resources

APR 8 1980

RETURN
TO
RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

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

APR 9 1980



Department of Water Resources
Western Regional Office

RECEIVED

APR 4 1980

Department of Water Resources
Western Regional Office

63-7146

2

(Certified mail return receipts)

CONVERSATION MEMORANDUM

DATE 11-16-78FILE 63-7146NAME OF PARTY Leoda N. WhartonEMPLOYEE D. ShawRE: Protest of Shaw Cause Order

Mrs. Wharton called today to ask about the protest and her interest in it. She explained that her husband had died & she has sold her property on Johnson Creek. She said people had been telling her she was the only person who could protest Dr. Heyrend's app. & she felt she should not do that since she no longer owned the property.

I told her that the people who purchased her property would be the ones to ~~protest~~ continue the protest. The property was purchased by Chandler's and a Mr. Wingate. Mr. Wingate lives on his property and has the portion of property that has the water right on it that the Whartons were trying to protect.

Mrs. Wharton had asked Mrs. Chandler to inform Mr. Wingate of the protest but was not sure if he had been informed. Mrs. Wharton was going to call Mrs. Chandler & ask if Mr. Wingate had been informed.

MICROFILMED

AMBROSE, FITZGERALD & CROOKSTON

GRANT L. AMBROSE (1915-1968)
JOHN O. FITZGERALD
WAYNE G. CROOKSTON, JR.

ATTORNEYS AND COUNSELORS
929 EAST FIRST - P. O. BOX 427
MERIDIAN, IDAHO 83642

TELEPHONE 888-4461
AREA CODE 208

September 20, 1978

RECEIVED

SEP 21 1978

Mr. Bobby D. Fleenor
Chief, Regional Offices Bureau
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

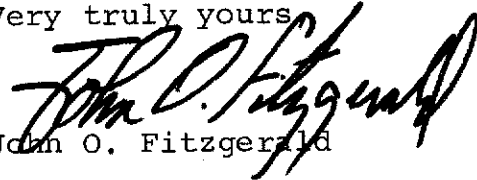
Department of Water Resources

Re: Protested Permit Application No. 63-7146

Mr. Mr. Fleenor:

In re your letter dated September 5, 1978, directed to F. LaMarr Heyrend, M.D., we wish to advise you that we do desire to have a hearing scheduled on the above matter. Would you advise us when a hearing has been set.

Very truly yours,


John O. Fitzgerald

JOF/pm

MICROFILMED

F. LA MARR HEYREND, M.D.
State Office Conference Room
Department of Water Resources
373 West Franklin Street, Boise, Idaho

October 17, 1978 - 10:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
J. LaMarr Heyrend	6003 Overland Rd, Boise	Self
John O. Fitzgerald, Attn,	Box 427	Meridian (Heyrend)

REPROFILMED

- **SEND** 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. \$
☒ Show to whom, date, and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY**
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Ellis C. & Helen F. Clark
4703 Mason Drive
Boise, ID 83701

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978372	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Helen F. Clark*

DATE OF DELIVERY

10-21-78

5. ADDRESS (Complete only if requested)

4703 Mason

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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



Department of Water Resources

(Name of Sender)

92 So. Cole Road

(Street or P.O. Box)

Boise, ID 83705

(City, State, and ZIP Code)

- 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 ¢
☐ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

M. W. & LEODA N. WHARTON
 615 WEST SECOND
 MERIDIAN, ID 83642

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

978377

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized Agent

4.

DATE OF DELIVERY

Oct 5th 1978

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

#123-7141

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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO

OCT 6 1978

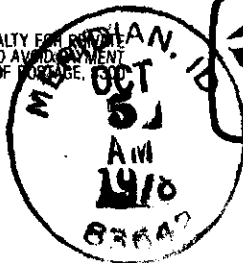
Department of Water Resources
Western Regional Office

DEPT. WATER RESOURCES
(Name of Sender)

2250. COLE
(Street or P.O. Box)

BOISE, ID. 83705
(City, State, and ZIP Code)

PENALTY FOR POSTAGE
USE TO AVOID PAYMENT
OF POSTAGE.



63-7146

- SE: 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. _____ \$
☐ Show to whom, date, and address of delivery. _____ \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. _____ \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

M.W. & Leoda N. Wharton
 615 West 2nd St.
 Meridian, ID 83642

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978373	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

10/21/78

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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



RETURN
TO



007 1978
Department of Water Resources
Western Regional Office

Dept. of Water Resources

(Name of Sender)

92 So. Cole Road

(Street or P.O. Box)

Boise, ID 83705

(City, State, and ZIP Code)

10/3/78

Copies of attached sent this
date as follows:

- 1) cert. mail - Wharton's
- 2) Bob Fleenor
- 3) F. La Marr Heyrend, M.D.
- 4) Ambrose, Fitzgerald

5) *Clarks*

MICROFILMED

No.

978377

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

M. W. & REODA N. HARTON

STREET AND NO.

615 WEST SECOND

P.O., STATE AND ZIP CODE

MERIDIAN, ID 83642

POSTAGE

\$

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

¢

OPTIONAL SERVICES

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE
DELIVERED

¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

POSTMARK OR DATE

RECEIVED

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

● 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 \$ ☐ Show to whom, date, and address of delivery \$ ☐ RESTRICTED DELIVERY Show to whom and date delivered \$ ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: F. LaMarr Heyrend, M.D. 6003 Overland Road Boise, ID 83705		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO. 978369	INSURED NO.
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent		
4. DATE OF DELIVERY <i>10-21-77</i>		POSTMARK
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE		CLERK'S INITIALS

978369

MILWAUKEE

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 the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



Dept. of Water Resources

(Name of Sender)

92 So. Cole Road

(Street or P.O. Box)

Boise, ID 83705

(City, State, and ZIP Code)

No.

778369

RECEIPT FOR CERTIFIED MAIL

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

SENT TO		P. LaMarr Heyrend, M.D.	
STREET AND NO.		6003 Overland Road	
P.O., STATE AND ZIP CODE		Boise, ID 83705	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		SPECIAL DELIVERY	\$
		RESTRICTED DELIVERY	\$
		RETURN RECEIPT SERVICE	\$
		SHOW TO WHOM AND DATE DELIVERED	\$
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
10/20/78			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.**978373****RECEIPT FOR CERTIFIED MAIL****NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL****(See Reverse)****SENT TO****M.W. & Leoda N. Wharton****STREET AND NO.****615 West 2nd St.****P.O., STATE AND ZIP CODE****Meridian, ID 83642****POSTAGE****\$****CONSULT POSTMASTER FOR FEES****CERTIFIED FEE****¢****OPTIONAL SERVICES****SPECIAL DELIVERY****¢****RESTRICTED DELIVERY****¢****RETURN RECEIPT SERVICE****SHOW TO WHOM AND DATE
DELIVERED****¢****SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY****¢****SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY****¢****SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY****¢****TOTAL POSTAGE AND FEES****\$****POSTMARK OR DATE****10/20/78**

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.**978371****RECEIPT FOR CERTIFIED MAIL****NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL****(See Reverse)**

SENT TO		John O. Fitzgerald, Esq.	
STREET AND NO.		929 East First-P.O. Box	
P.O., STATE AND ZIP CODE		427 Meridian, ID 83642	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		SPECIAL DELIVERY	\$
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	\$
		SHOW TO WHOM AND DATE DELIVERED	\$
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		\$	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
10/20/78			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

978372

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				
Ellis C. & Helen F. Clark				
STREET AND NO.				
4703 Mason Drive				
P.O., STATE AND ZIP CODE				
Boise, ID 83701				
POSTAGE			\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		\$
		SPECIAL DELIVERY		\$
		RESTRICTED DELIVERY		\$
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	\$
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		\$	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$	
TOTAL POSTAGE AND FEES			\$	
POSTMARK OR DATE				
10/20/78				

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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6. Save this receipt and present it if you make inquiry.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 63-7146
IN THE NAME OF F. LA MARR HEYREND, M.D.

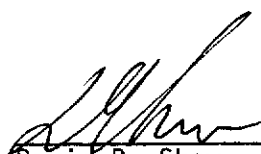
ORDER TO SHOW CAUSE

WHEREAS, on September 9, 1968 F. La Marr Heyrend, M.D. applied to the Department of Water Resources for a permit to appropriate 0.30 cfs of water from Johnson Creek tributary to the Boise River within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 5N, Range 4E Boise Meridian, Boise County to be used for stockwater and irrigation purposes;

WHEREAS, on November 14 and November 21, 1968 notice of this proposed appropriation was published in the Idaho World, Idaho City, Idaho; and whereas on December 5, 1968 the Department received a protest against the approval of said application from M.W. and Leoda N. Wharton; and whereas on October 17, 1978 a hearing concerning this matter was held in Boise, Idaho at which the protestants failed to appear:

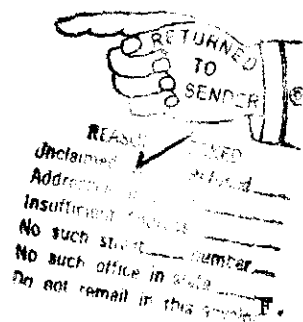
IT IS THEREFORE HEREBY ORDERED That the Protestants show cause on or before November 17, 1978 why application for permit no. 63-7146 should not be approved for failure of protestants to appear at the hearing.

DATED This 19 day of October, 1978.



David B. Shaw
Western Regional Supervisor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
92 South Cole Road
Boise, Idaho 83709



F. LA MARR HEYREND
106 N. LATAH
BOISE, ID 83704

F. La Marr Heyrend
w.D.

6003 Overland Rd.
Boise, ID 83705

Issue
order
Expired
644

140
JAN 15 1980

Resent H-4 80
Do we need to copy some file?

63-7146 - Dr. F. LaMar Hayreud 10-17-78

Protestants did not show up.

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST(s) AGAINST APPROVAL
OF THE APPLICATION FOR PERMIT NO. 63-7146
IN THE NAME OF F. LA MARR HEYREND, M.D.

NOTICE OF CONFERENCE
AND/OR HEARING

On September 9, 1968, F. La Marr Heyrend filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On November 15, 1971, the Department received a protest against approval of said application from M. W. and Leoda N. Wharton.

The Department has set the matter of protest for conference and/or hearing for Tuesday, October 17, 1978, at 10:00 a.m., in the State Office Conference Room, Department of Water Resources, 373 W. Franklin Street, Boise, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

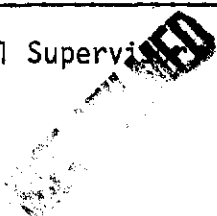
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department without prejudice to dismiss the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED This 3 day of October, 1978.

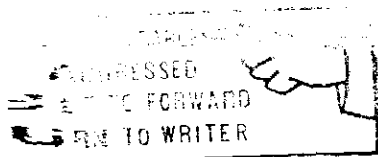


DAVID B. SHAW
Western Regional Supervisor



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
92 South Cole Road
Boise, Idaho 83705

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



MICROFILMED

63-7145 approved
P.O. 11/1/78
7146

Beaver CK 7147 10-1-74 Lapsed

Elk CK 7148 4-1-77
4-1-77

Tribe

Clear CK.

Quad shows
intermittent.

Protestants:

M. W. & Leoda N. Wharton
615 West 2nd St.
Meridian, Idaho 83642

Wingate

Notify of hearing date:

Ellis C. & Helen F. Clark
4703 Mason Drive
Boise, Idaho 83701

*Have not
appeared*

September 5, 1978

F. LaMarr Heyrend, M.D.
6003 Overland Road
Boise, ID 83705

RE: Protested Permit Application No. 63-7146

Dear Dr. Heyrend:

Enclosed is a copy of the letter to you dated July 27. Please note that in the letter we request the status of your project so that we may contact the protesting parties to see if they are interested in continuing with the protest.

If this office does not hear from you within 30 days, we will schedule the application for conference/hearing.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Enc.

RECEIVED
SEP 11 1978
FBI - BOISE

July 27, 1978

Re: Permit No. 63-7146

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

Dear Mr. Heyrend:

A recent review of our protested applications indicates that final action was not taken on the water right application No. 63-7146 for the diversion of Johnson Creek for livestock watering and irrigation purposes.

This application was protested by M. W. and Leoda N. Wharton and concern about the project was expressed by Ellis & Helen Clark. A hearing has never been held in this matter to resolve the concerns expressed but a hearing will be necessary before final action can be taken on the application.

Please let us know the status of your project proposed by this application so that we may contact the protesting parties to see if they are interested in continuing with the protest.

If you have any questions concerning this matter, please contact this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:rf

MICROFILMED

June 12, 1972

Re: Application for Permit No. 63-7146
F. LaMarr Heyrend, M.D.

Ellis C. & Helen F. Clark
4703 Mason Drive
Boise, Idaho 83701

Dear Mr. & Mrs. Clark:

Please forgive the untimely delay in answering your letter of November 14, 1971, in connection with the above referenced application for permit. Your letter was inadvertently misplaced and has just now been brought to our attention.

We cannot accept your November 14, 1971, letter as a protest against this application, as the last date for protest was December 1, 1968. However, the issues you mention against the approval of this application are the same as those that are the basis of a protest filed by M. W. & Leoda N. Wharton. You may, if you wish, appear at the conference and/or hearing when it is held to discuss the matters of protest.

We will attempt to notify you of the time and place set for hearing which, hopefully, will be in the very near future. If you have any questions regarding this matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

Ellis C. Clark
4703 Mason Dr.
Boise Idaho 83701
PR 344-3473

1
Boise, Idaho
November 14, 1971

Mr. Keith Higginson; Director
State of Idaho
Department of Water Admin.

Sir: This Letter is To Register our
objection To the withdrawing of water
From Johnson Creek under permit
637146 in which .3 Foot per
Second is To be withdrawn From
Johnson Creek. To withdraw this
Much water from Johnson Creek
Would dry it up during the Summer
Months. We own Lots 185 and 187
on Johnson Creek and Have a Cabin
Built There and use water from the
Creek. There are Two (2) cabins
on the Lots adjoining ours and They
Both use water From Johnson Creek

also. Lat # 126 owned by W. B. Woods and Lat # 184 (Portion) owned by Mr. Randall.

Again; To Withdraw .3 Foot per Sec. of Water would dry up Johnson Creek and leave us without water for our cabins and in the event of a possible Fire would deny us water To Fight the Fire with.

Yours Truly

Ellis C. Clark

Helen F. Clark

owners of Lots 185 + 187
on Johnson Creek

November 13, 1971

State of Idaho
Dept of Water Adm.
Statehouse - Annex 2.
Boise, Idaho - 83707

Idaho State Water Administration

Re: Application for Permit # 63-7146
J. LaMar Heyrend, M.D.

Gentlemen:

Since we have no idea how much 0.3 cubic feet per second of water is, we really don't know just how to answer concerning Dr. Heyrend's application for a water permit. We do know there isn't a great deal of water in Johnson Creek at any time and that we do use and need the water for our horses and etc.

During June, July, August and September there isn't too much in the Creek - and so we feel that anything that would decrease this flow would make a hardship on anyone depending on this water.

Since there isn't any guarantee that this wouldn't happen if Dr. Heyrend were to divert 0.3 cubic feet of water from the Creek, we feel that we cannot go along with his application for a permit to do this at this time.

Sincerely,

Leoda N. Wharton

RECEIVED

November 5, 1971

Re: Application for Permit No. 63-7146

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

Dear Dr. Heyrend:

In connection with the above referenced application, we would appreciate receiving a map of the area indicating that the point of diversion is not located on Forest Service land.

Your help in this matter is most appreciated.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.



Show to whom, date and 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.

23185

1

Linda N. Wharton

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

NOV 8 1971

6 7146

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO



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

c83-16-71548-11

Form 3811 Apr. 1969

November 4, 1971

CERTIFIED MAIL #23185

Re: Application for Permit No. 63-7146
F. La Marr Heyrend, M.D.

M. W. & Leoda N. Wharton
615 West Second
Meridian, Idaho 83642

Dear Mr. & Mrs. Wharton:

On December 5, 1968, the Department received a protest from you against the above referenced application for permit. This application proposed the diversion of 0.5 cubic feet per second of water from Johnson Creek within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, Twp. 5 N, Rge. 4 E, B.M., Boise County, to be used for domestic, stockwatering and irrigation purposes.

Dr. Heyrend has advised this office that he will not use water for domestic purposes and therefore is proposing to divert only 0.3 cubic feet per second of water for stockwatering and irrigation purposes. If you still wish to protest the issuance of a permit please advise this office within 10 days of the date of this letter. If we do not hear from you, we will assume you have no objection to the issuance of a permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

MEMORANDUM

TO: 63-7146
FROM: Donald W. McElDowney
SUBJECT: request for final action

Pursuant to a telephone conversation with Dr. Heyrend on August 30, 1971, we have been advised that it will not be developed for culinary use under this application. The water will be developed for stock water and irrigation and that due to recent surveys by a private engineering firm, he advised that it is no longer located on Forest Service property, but on property of his own. Therefore, he requested that final action be taken on this following the contact of the protestants to determine if they still wish to protest.



DONALD W. MCELDowney

MICROFILMED

F. LaMARR HEYREND. M.D.
PSYCHIATRY

106 NO. LATAH
343-1818

BOISE, IDAHO
83704

August 26, 1970

State of Idaho
Department of Water Administration
Attn: Donald W. McEldowney
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application for Permit
#63-7146

Dear Mr. McEldowney:

This letter came as a surprise to me in as much as I felt that you had been appraised of the water situation. The Property Owner's Association of Clear Creek voted to form a water co-operation. Each individual utilizing the water system will buy a share on the basis of cost and development and will be responsible for his share of the system in the future. As President of the Property Owner's Association I was to have developed a plant which would become operational in 1971. As of this date, Gray Construction of Nampa, Idaho have been contracted and have begun work on the development of the water system. Two six thousand pound concrete reservoirs with a capacity of twelve thousand gallons have been placed on a knoll at the top of the project. From this point one half of the north half of the Rockwood Ranch can be easily serviced. Two additional reservoirs constituting a pumping station below the knoll have also been put in place. These will be gravity fed from Johnson Creek spring. Mr. Gray has deferred work upon the spring development until late September because a higher water table results in cave in's and potential loss of equipment and personnel.

I will be in contact personally with you in the next ten days. Gray Construction was chosen as the contractor since they have developed springs for the government in the Owyhee mountains and recently installed a sewer system in the city of Star outside of Boise, Idaho.

Sincerely,

F. La Marr Heyrend M.D.
F. La Marr Heyrend, M.D.,
President, Clear Creek
Property Owner's Association

RECEIVED

FLH/v

AUG 27 1970

Department of Water Administration

August 24, 1970

Re: Application for Permit No. 63-7146

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

O Dear Mr. Heyrend:

Please advise the department by return mail as to the current negotiations between the property owners in Clear Creek, as well as your own and the U. S. Forest Service, concerning the right-of-ways and easements problems.

P The matter has drawn on to some length and our last correspondence from the Forest Service indicates that they are waiting for the property owners to get together and decide what they want to do with the spring area.

Y Your assistance in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

By: Dorian Clay

DWM:dc:cm

MICROFILMED

April 14, 1969

Re: Application No. 63-7149

C
O
P
Y

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

Dear Dr. Heyrend:

In response to your letter of February 11, 1969; please be advised that we are not, at this time, prepared to hold a hearing in connection with the above referenced application and the applications which are pending the outcome of the hearing.

The Assistant State Reclamation Engineer, C. Stephen Allred, will require that your negotiations with the United States of America Forest Service be completed prior to the conference and/or hearing.

Please advise us as to your progress or other additional information as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: none

MICROFILMED

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BOISE NATIONAL FOREST
Idaho City, Idaho 83631

IN REPLY REFER TO:

2720

March 6, 1969

Mr. F. LaMarr Heyrend
106 N. Latah
Boise, Idaho 83704

Dear Mr. Heyrend:

This letter is to inform you of the status of your application for Special Use Permit dated September 9, 1968.

We have made a careful multiple use survey of your proposal. Some things are not real clear yet.

As you know, many other owners are also interested in this water. It is impossible for us to accurately judge whose use should have priority. We must decide the question on the basis of the greatest good to the greatest number of people in the long run.

Now that the owners have formed an association, the way is clearer for working out plans for a water system or systems which will benefit the majority.

Your President, Mr. Moody, assures me that the Association is putting such a plan together. When we see this plan we should be able to tell how well your proposal serves it.

I am delaying any further action on individual applications until the Association plan is complete.

If you have any questions about this proposed use, please contact me.

Sincerely yours,

Glenn Bradley
GLENN BRADLEY
District Forest Ranger



*Clear Creek
copy*

RECEIVED

February 11, 1969

Department of Reclamation

State of Idaho
Department of Reclamation
State House - Annex #2
Boise, Idaho 83707

Ref: Letter, dated 28 January 69, from Donald E. McKelowney,
Approp. Examiner, to F. L. Heyrend, M.D.

Attn: Donald E. McKelowney, Approp. Examiner

Dear Mr. McKelowney:

This is a request to establish a hearing by your department. Said hearing to include all interested parties and organizations on water applications numbered 63-7145, 63-7146, 63-7147 and 63-7148.

It is the purpose of the Caduceus organization to establish a water-coop on the property "Caduceus Ranch", owned by Dr. F. L. Heyrend and simultaneously thru the Clear Creek Organization, a total water-coop system. Since Dr. Heyrend owns approximately 15% of the total Clear Creek property and is Vice-President of Clear Creek Corporation, this would seem appropriate.

Caduceus plans to develop approximately two hundred and ten (200) acres into forty-five (45) cabin sites. Each purchaser to assume appropriate responsibility on the basis of water requirements.

Since most of the Clear Creek owners obtain their water from Clear Creek itself or other sources such as springs or wells, etc., we feel the subject application should be approved. Caduceus Ranch plans to establish an "adequate" water system to serve the total area.

It would therefore, be a system compliant with State and Board of Health regulations and with equal share vote.

Your early consideration of this matter would be appreciated.

Very truly yours,

F. L. Heyrend, M.D.

FLH:"Cotton" Call:vjt

MICROFILMED

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

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

Dear Mr. Heyrend:

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.

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.

✓
DECEMBER
Depend.

FEB 25 1969

Department of Reclamation

615 West Second St.
Meridian, Idaho
February 25, 1969

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

In regard to the proposed conference and/or hearing to be held in Boise, we would be most interested in attending any meeting concerning this matter.

Thank you for keeping us informed.

Sincerely,

Marvin W. Wharton
Marvin W. Wharton

REC-1

F. LA MARR HEYREND, M.D.
PSYCHIATRY

FEB 21 1969

106 N. LATAH

313-0118

Department of Reclamation

BOISE, IDAHO
83704

February 20, 1969

Department of Reclamation
Donald W. McEldowney
Statehouse - Annex 2
Boise, Idaho 83707

Re: Conference on Application No. 63-7146

Dear Mr. McEldowney:

The conference being held in Boise, Idaho rather than Idaho City would be very convenient for me.

Please advise us as to the day and time so I can arrange to be there.

Thank you for your kind consideration.

Very truly yours,

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

FLH:vjt

MICROFILMED

February 17, 1969

C
Re: Application No. 63-7146

O
Dr. F. L. Heyrend
106 North Latah
Boise, Idaho 83704

Dear Mr. Heyrend:

P
We wish to advise you that the Department of Reclamation is proposing a conference and/or hearing in the matter of the protest filed in connection with Application No. 63-7146.

We are proposing to hold the conference and/or hearing in Boise, Idaho rather than Idaho City for convenience. Please advise us by return mail as to whether this situation would be agreeable to you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: none

Y
MICROFILMED

RECEIVED

F. LA MARR HEYREND, M.D.
PSYCHIATRY

FEB 12 1969

106 N. LATAH
343-1818

Department of Reclamation BOISE, IDAHO
83704

February 11, 1969

State of Idaho
Department of Reclamation
State House - Annex #2
Boise, Idaho 83707

Ref: Letter, dated 28 January 69, from Donald E. McEldowney,
Approp. Examiner, to F. L. Heyrend, M.D.

Attn: Donald E. McEldowney, Approp. Examiner

Dear Mr. McEldowney:

This is a request to establish a hearing by your department. Said hearing to include all interested parties and organizations on water applications numbered 63-7145, 63-7146, 63-7147 and 63-7148.

It is the purpose of the Caduceus organization to establish a water-coop on the property "Caduceus Ranch", owned by Dr. F. L. Heyrend and simultaneously thru the Clear Creek Organization, a total water-coop system. Since Dr. Heyrend owns approximately 15% of the total Clear Creek property and is Vice-President of Clear Creek Corporation, this would seem appropriate.

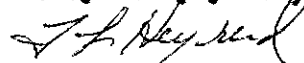
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Since most of the Clear Creek owners obtain their water from Clear Creek itself or other sources such as springs or wells, etc., we feel the subject application should be approved. Caduceus Ranch plans to establish an "adequate" water system to serve the total area.

It would therefore, be a system compliant with State and Board of Health regulations and with equal share vote.

Your early consideration of this matter would be appreciated.

Very truly yours,



F. L. Heyrend, M.D.

FLH:"Cotton" Call:vjt

MICROFILMED

February 17, 1969

Re: Application NO. 63-7146

C
O
P
Y

Mr. M. W. and Mrs. Leoda N. Wharton
615 West Second
Meridian, Idaho

Dear Mr. and Mrs. Wharton:

We wish to advise you that the Department of Reclamation is proposing a conference and/or hearing in the matter of application for Permit No. 63-7146 and the protests filed against it.

We are proposing to hold the conference and/or hearing in Boise, Idaho rather than in Idaho Cidty for convenience. Please advise us by return mail as to whether this situatinn would be agreeable to you.

Your assistance and prompt reply is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

MICROFILMED

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - 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

RECEIVED
JAN 30 1969

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.

MICROFILMED

December 6, 1968

Re: Application No. 63-7146
F. LaMarr Heyrend, M.D.

Mr. M. W. and Mrs. Leoda N. Wharton
615 West Second
Meridian, Idaho

Dear Mr. and Mrs. Wharton:

Please be advised that we have received your protest filed in connection with the above referenced application for permit. A copy of the protest has been forwarded to the applicant.

The department will advise you at such time as a conference and/or hearing is to be scheduled.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:KS
enclosure: none

MICROFILMED

December 6, 1968

C
O
P
Y

Re: Application No. 63-7146

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

Dear Mr. Heyrend:

Please be advised that the Department of Reclamation has received a protest filed in connection with the above referenced application for permit.

The department will advise you at such time as a conference and/or hearing is to be scheduled.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Copy of protest

DEC 11 1968

DEC 5 1968

615 West Second
Meridian, Idaho
December 3, 1968

[Handwritten marks: checkmark, "OK", and signature]

Barr County, Jackson N. D. Dodge
Es. Olsen

RECEIVED

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. 63-7146 to divert .5 cubic feet per second of water from Johnson Creek, tributary of Boise River. Water will be diverted by a collection box, pipe, and storage tank within the NW $\frac{1}{4}$ 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 use, stockwater, and irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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)

RECEIVED
NOV 1 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. 63-7146 to divert ~~store~~
.5 cubic feet per second ~~acre feet~~ of water from Johnson Creek,
tributary of the Boise River. Water will be diverted by a collection
box, pipe, and storage tank within the ~~NW 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
use, stockwater, and irrigation

in the ~~SW 1/4, Sec. 20, T. 5 N, R. 4 E, B.M.~~ 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

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