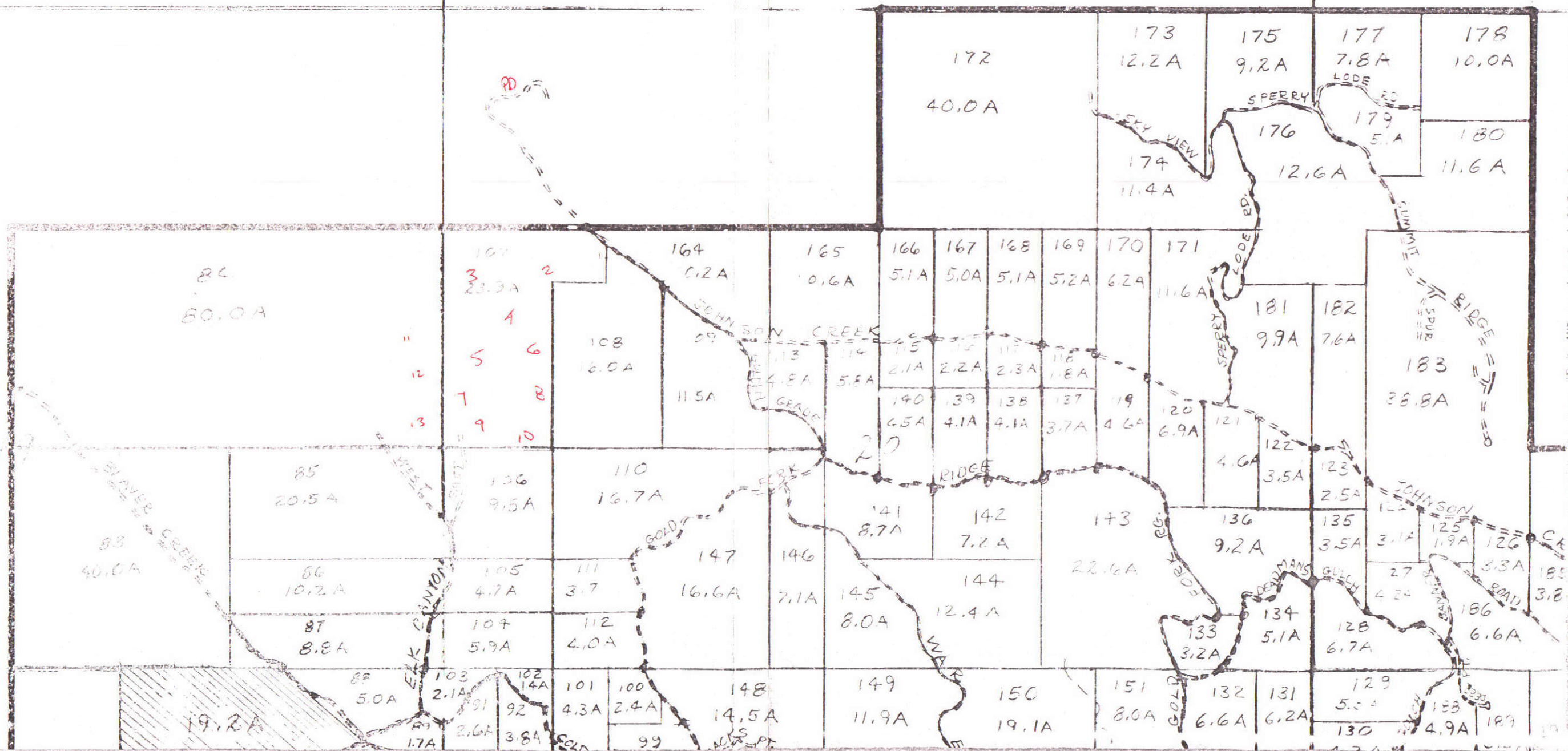
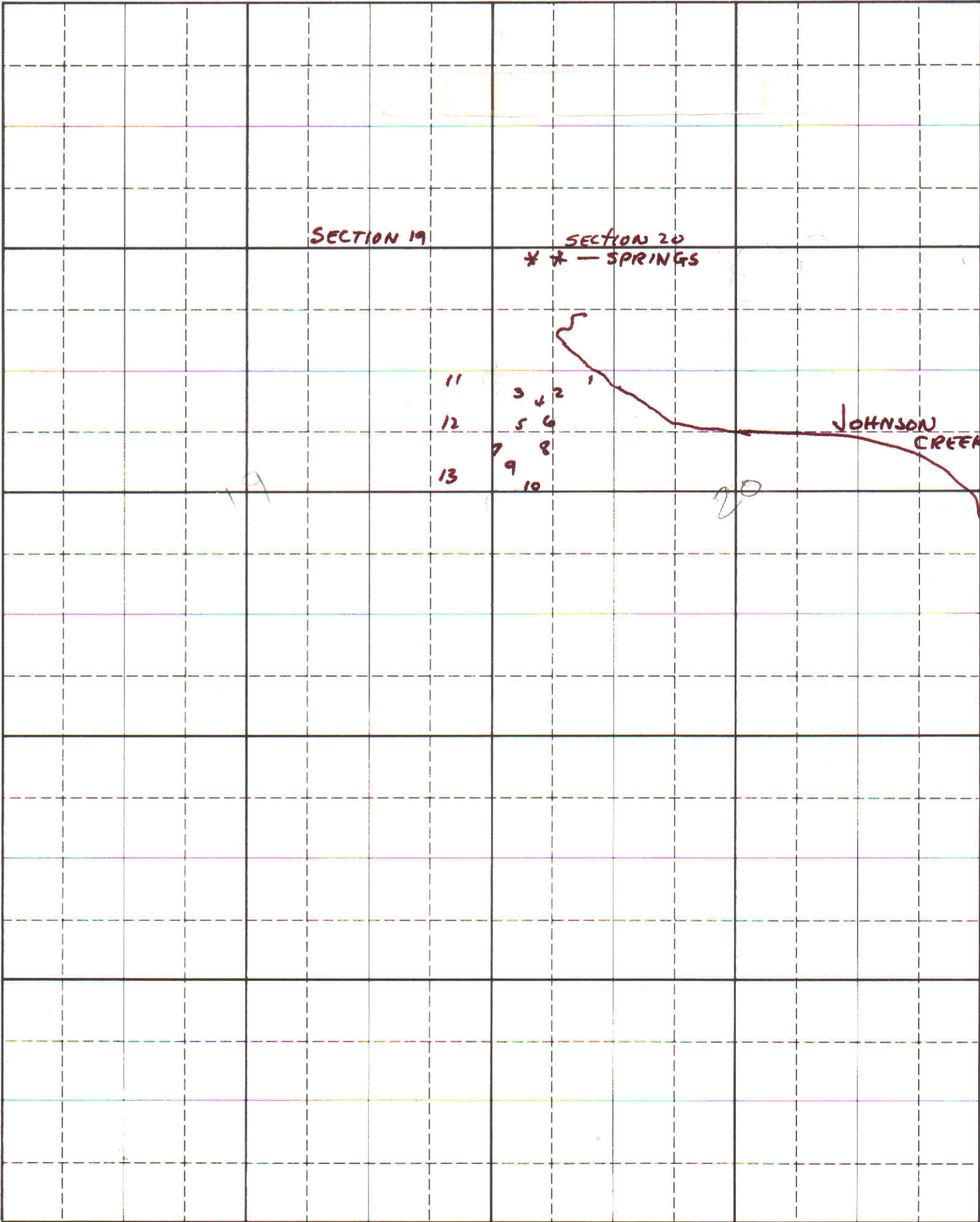


CLEAR CREEK
ESTATES



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)

**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 9

Katherine M. Progan
Clerk District Court

Green Mathis
Deputy

CHIEF ENGR.	
DEPUTY	
WATER RIGHTS	
✓ ADPROP	
DIST	
ADJ	
INVESTIGATION	
WELLS	
DAMS	
ACCOUNTING	
FILE	
RETURN TO	
ISSUED	

RECEIVED

JAN 16 1969

Department of Reclamation

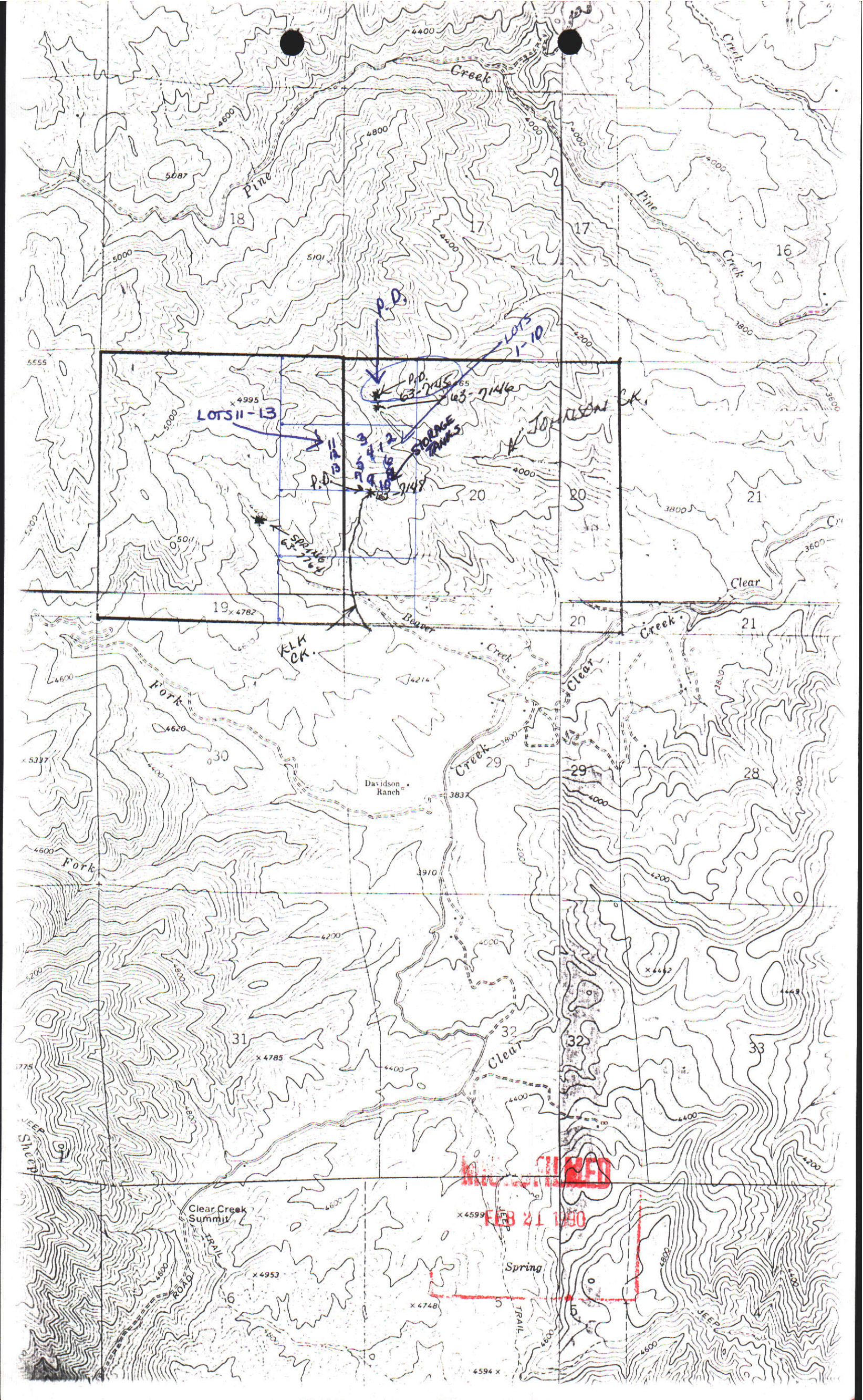
**NOTICE OF APPLICATION
FOR WATER**

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.
63-7145 to divert .5 cubic feet
per second of water from un-
named springs. Water will be di-
verted by a collection box, pipes,
and storage tanks 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 Dec-
ember 1 for culinary purposes,
stock water, and irrigation in
the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19; 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

MICROFILMED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07145

Priority: November 13, 1968

Maximum Diversion Rate:

0.25 CFS

Maximum Diversion Volume:¹

15.0 AF

This is to certify, that F. LA MARR HEYREND
323 N. ALLUMBAUGH
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 of Beneficial Use on January 5, 1979. An examination indicates that the works have a diversion capacity of .250 cfs of water from:

SPRINGS

tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 12/01	0.06 CFS	7.0 AF
STOCKWATER	04/01 to 12/01	0.02 CFS	0.2 AF
DOMESTIC	04/01 to 12/01	0.17 CFS	7.8 AF
	Totals	0.25 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 20, Township 05N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 04E 19	SWNW 0.5			0.5
20	SWNW 1.5			1.5

Total number of acres irrigated: 2

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

MICROFILMED

FEB 21 1990

State of Idaho
Department of Water Resources

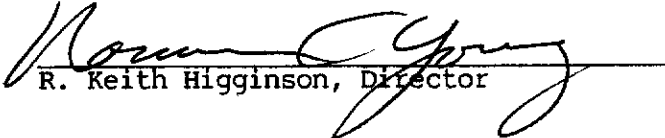
WATER RIGHT LICENSE

WATER RIGHT NO. 63-07145

CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Domestic use is for 13 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 8th day of FEBRUARY, 1990.


R. Keith Higginson, Director

RECEIVED
FEB 21 1990

State of Idaho
Department of Water Resources

RECEIVED
JAN 31 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07145

Department of Water Resources

Date of Priority: November 13, 1968

Maximum Diversion Rate: 0.25 CFS
Maximum Diversion Volume: 15.0 AF

Comes now
6003 OVERLAND RD.
BOISE, ID 83705

F. LA MAR HEYREND

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-07145, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 12/01	0.06 CFS	7.0 AF
STOCKWATER	04/01 to 12/01	0.02 CFS	0.2 AF
DOMESTIC	04/01 to 12/01	0.17 CFS	7.8 AF
	Totals	0.25 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 20, Township 05N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	04E	19	SWNW	0.5		0.5
		20	SWNW	1.5		1.5

Total number of acres irrigated: 2

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

MICROFILMED

FEB 21 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 29th day of January, 1990.

1-29-90
Vicki J. Illery
Notary Public
8/11/92

F. LaMar Heyrend
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07145

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by C Wong Date 1/31/90 # 6014322

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-07145 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
- ✓ 6. Domestic use is for 13 homes.

Witness my hand this 8TH day of FEBRUARY, 1990.


Acting for R. Keith Higginson, Director

MICROFILMED

FEB 21 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-7145
IN THE NAME OF F. LAMARR HEYREND, M.D.

REINSTATEMENT ORDER

WHEREAS, on September 9, 1968, F. LaMarr Heyrend, M.D. filed with the Department of Water Resources an application for permit to appropriate 0.50 cubic feet per second of water from springs 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 culinary, stockwater for horses and irrigation; and,

WHEREAS, on October 21, 1975, the Department approved said application and issued Permit No. 63-7145 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before November 1, 1978; and,

WHEREAS, on August 31, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on November 7, 1978, the Department notified the permit holder that Permit No. 63-7145 had lapsed for failure to submit proof of beneficial use of water; and,

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

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on January 5, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7145 be REINSTATED and the priority advanced to November 13, 1968.

Dated this 6th day of February, 1979.

J. Glen Saylor
CHIEF, OPERATIONS BUREAU

MICROFILMED

Identification No. 63-7145
Application No. _____

APPROVED

STATE OF IDAHO
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
2. Source of water supply Springs A & B which is a tributary of not tributary of river
water, never reaches Johnson Creek
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 _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .3 for culinary purpose from April 1 to December 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .1 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: Lot 107
a. .5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water to be diverted and filtered
into redwood collecting boxes and piped to 7,000 gal. storage tank. From
storage tank water will be piped to 13 summer home areas. System will be
designed to meet standard of State Dept. of Health concerning human consumption.
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 5N
Range 4E B.M. & SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 19, T5N, R4E.
(2) Amount of power to be generated: None hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 5 horses
(4) Name of municipality to be served Caduceus Ranch, or number of families to be
supplied with domestic water 13.
(5) If water is to be used for other purposes describe: .1 cfs. of water will be used to
irrigate upper meadow.
(NOTE - STOCK WATER USE ON SW NW SEC 20)

meadow area permit

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

[illegible]

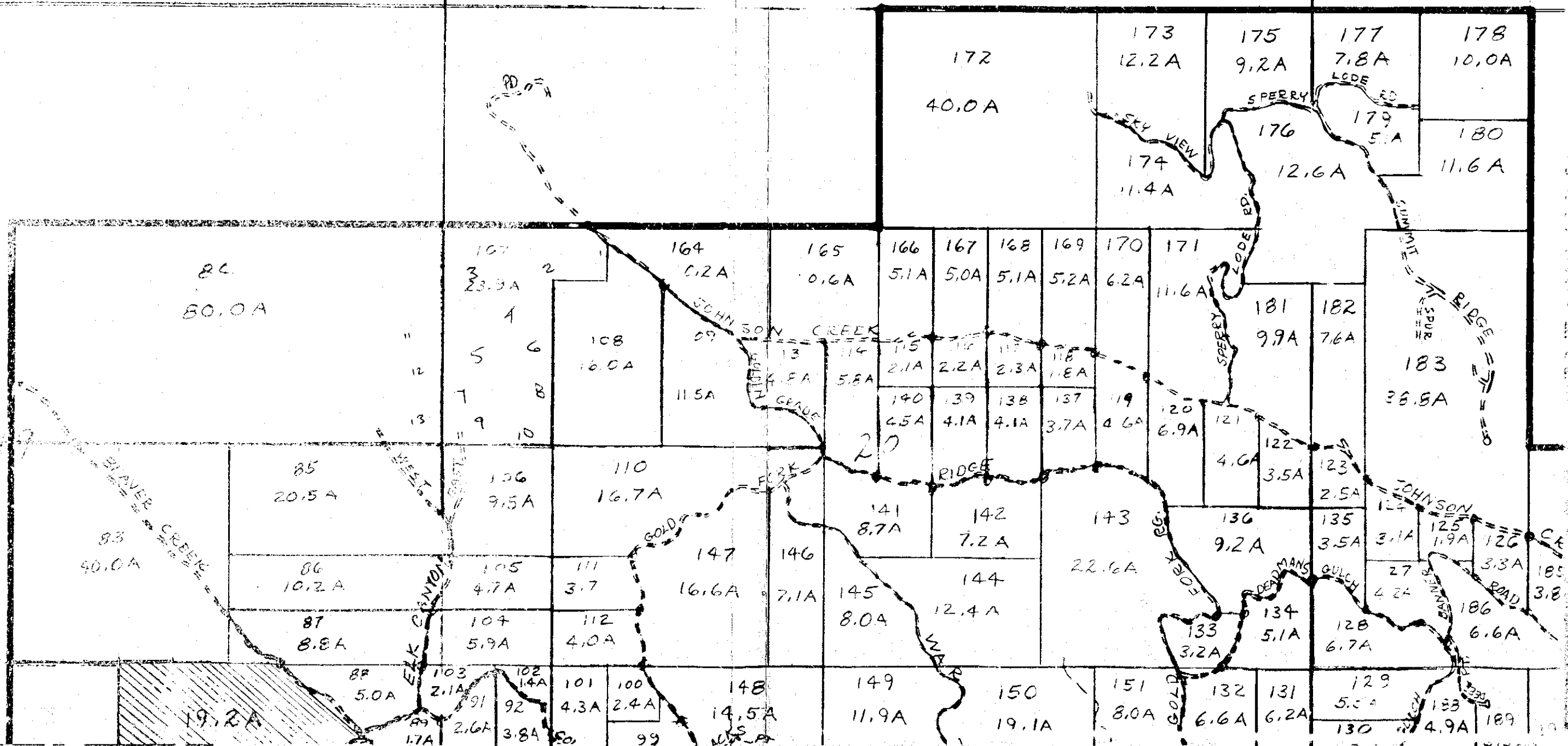
Total number of acres to be irrigated 2 acres

c. Describe any other water rights used for the same purposes_____

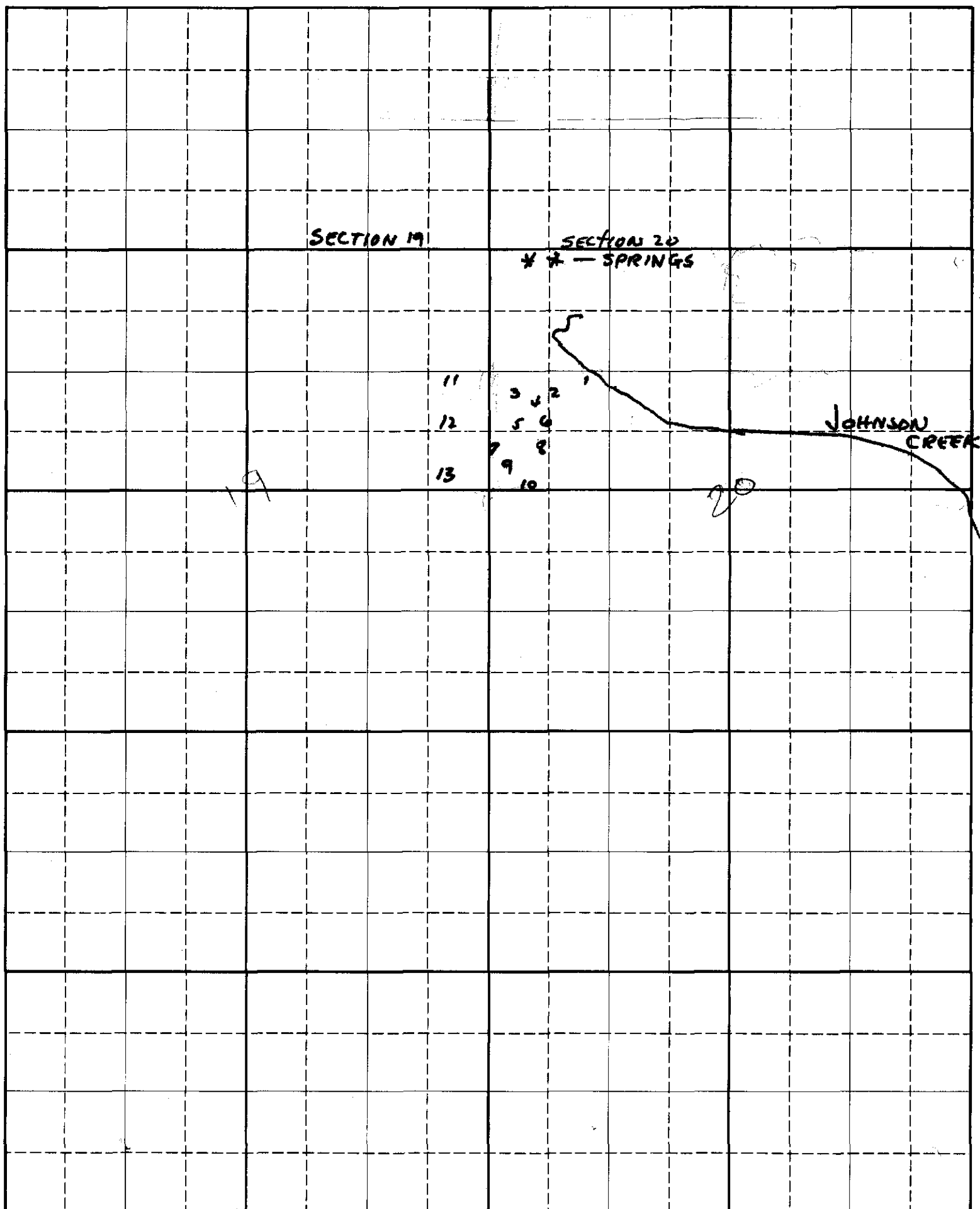
9. a. Who owns the property at the point of diversion U.S. Forest Service, Dept. of Interior
 b. Who owns the land to be irrigated or place of use Clear Creek Estates - Town & Country Realty
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant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

10. Remarks _____

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 Heyrend
(Applicant)

~~Proposed~~ Priority 9-09-1968

Received by dy Date 9-9-68 Time 3:00 pm
Preliminary check by Dell Fee \$ 10⁰⁰ 9-10-68
Receipted by ej Date 9-11-68 rest # 2060
Publication prepared by WJ Date 10-31-68
Published in Idaho Water
Publication dates 11-14 & 21-68
Publication approved WJ Date 11-13-68
Priority reduced to _____ Reason _____

Protests filed by: none 1-16-69

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by WJ DF

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. 63-7145, 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 November 1, 19 78.
- c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

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

Witness my hand this 21 day of October, 19 75.

R. Karl Hj
State Reclamation Engineer

February 8, 1990

F. LA MARR HEYREND
323 N. ALLUMBAUGH
BOISE, ID 83704

RE: PERMIT NO. 63-07145

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
FILMED
FEB 21 1990

323 No. Allumbaugh
Boise, Idaho 83704

FEB 21 1990

RECEIVED

← NOTE ADDRESS
CORRECTION



January 23, 1990

F. LA MAR HEYREND
6003 OVERLAND RD.
BOISE, ID 83705

RE: PERMIT NO. 63-07145

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

FEB 21 1990

DECLASSIFIED

1. Name of permit holder J. Ga Man Heyrend, T.H.W.

Post office address 6003 Overland St., Boise Phone 376-2472

Person to contact _____ Phone 542-3641

2. Source of water supply: Groundwater ☐ Surface water ☒ Springs A + B
(name spring, stream, etc.)

Tributary to sinks

Department of Water Resources

3. water will be used for the following purposes:

Amount 0.3 c.f.s. for Culinary
AF/Annum (nature of use)

Period of Use: from 2-1 to 12-1
(mo.-day) inclusive (mo.-day)

Amount 0.1 c.f.s. for stockwater (5 horses,
AF/Annum (nature of use)

Period of Use: from 4-1 to 12-21
(mo.-day) inclusive (mo.-day)

Amount 0.1 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from 4-1 to 12-1
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.5 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5N N/S, Range 4E E/W, B.M., Section 20, Subdivision NW 1/4 NW 1/4, Boise County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____

Other Points of Diversions: _____

Description of diverting works: 60' perforated pipe at 14", 500 gal. storage tank, distribution system

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

Shape Bottle

TOTAL ACREAGE

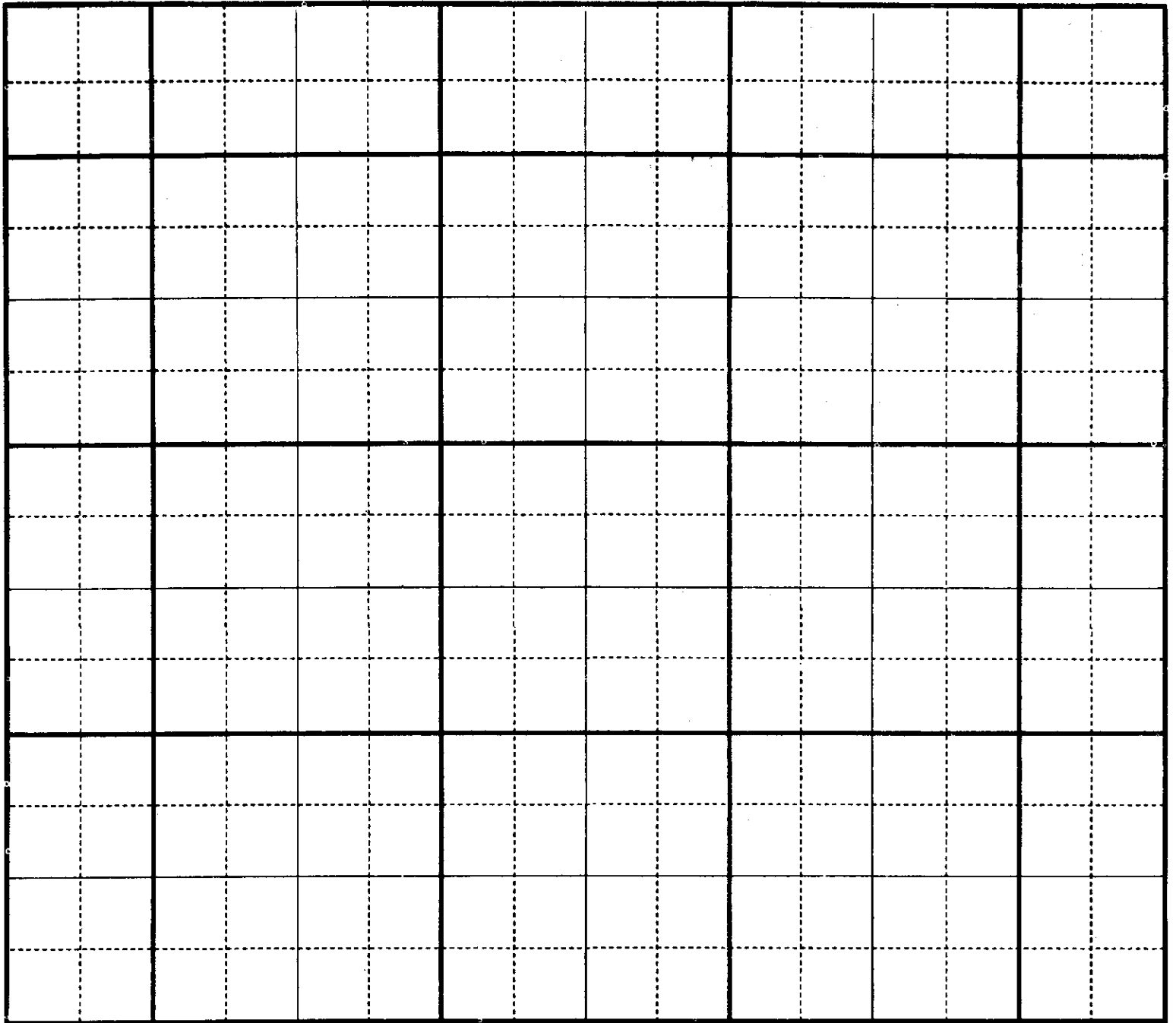


Diagram of System

MICROFILMED

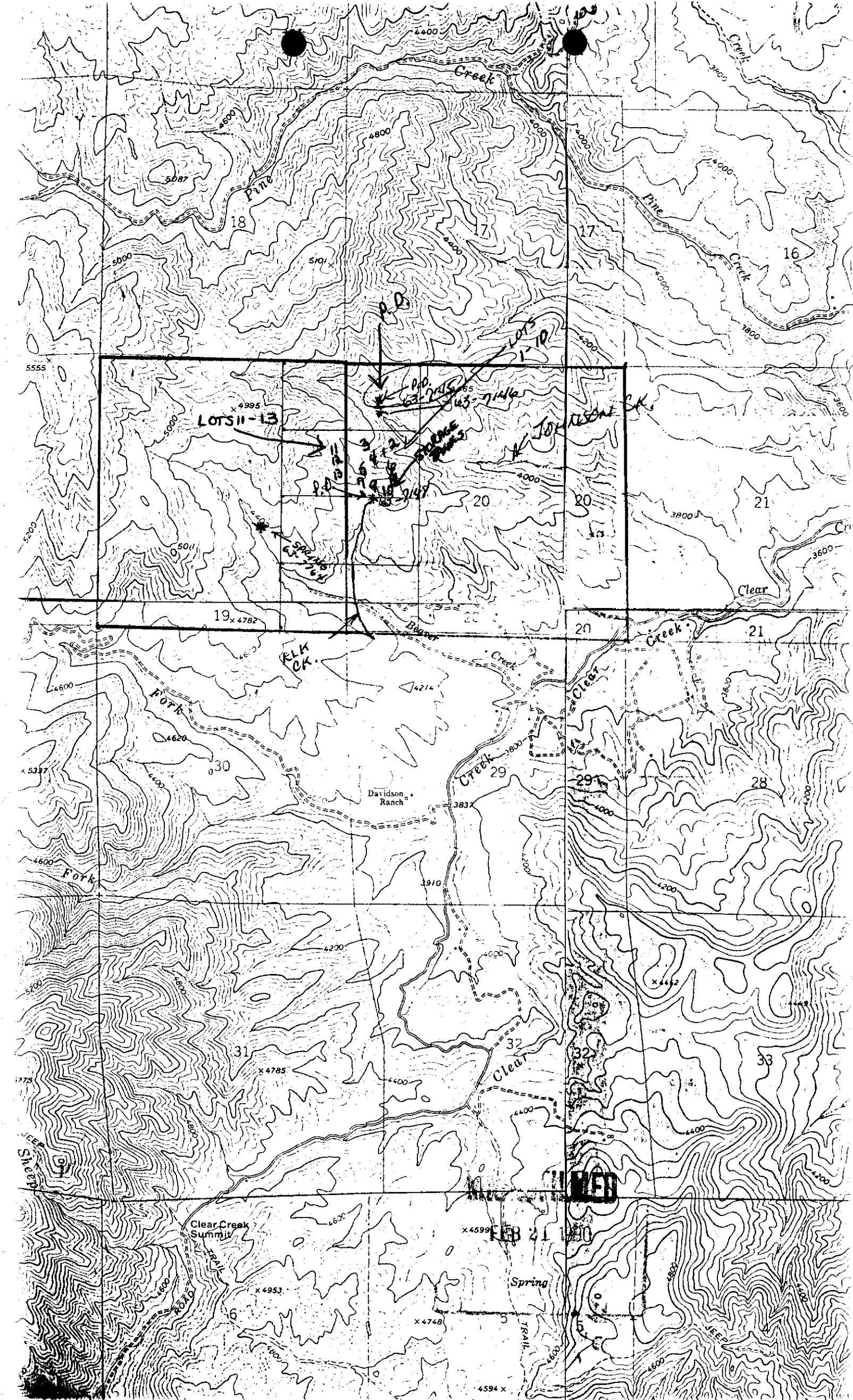
FEB 21 1990

NOTE - Here is an organized system description - Spring has a 60' perforated pipe laid 14' down in the ground with a small storage tank. The water then gravity flows downhill to 2-700 gallon storage tank for gravity distribution to the lots listed on the permit.

There are two lots which due to their location utilize a 5 hp pump on-line to pressurize + pump water up to them.

MICROFILMED

FEB 21 1990



DATE OF EXAM 7/25/1985

ACREAGE

Found 1

Recommended 2
(LOTS HAVE HOOR-UPS W/O HOMES)

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = 0.06 c.f.s./3 ^{100's} V = 2.0 AF AF/Ann. from 4/1 to 12/1

Domestic Q = 0.17 c.f.s./3 V = 2.8 AF AF/Ann. from 4/1 to 12/1

Livestock Q = 0.03 c.f.s./5 V = .07 AF AF/Ann. from 4/1 to 12/1

.05

Is water co-mingled? yes no

may want to reduce to 5.85 because of the 4/1 to 12/31 with no irr.

Name source:

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

Exchange? yes no

Name source exchanged with:

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

Point of injection:

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

Point of exchange:

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

Total Q measured EST. - 0.25 cfs Method of measurement ESTIMATE

Total Q recommended 0.25 cfs Meter No. Type Condition

Total V recommended 14.9 af/ann.

14.87

see above note

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

IRR. - 2 AC X .03 = .06 + 2 X 3.5 AF/PORE = 7.0 AF/ANN. ^{NID LAWN'S INCH. ALREADY UNDER IRR. PORTION}
DOM. - 13 HOMES - .17 (IN-HOUSE INSTANTANEOUS RATE) + 13 X .4 = 7.8 AF/ANN.
STOCK - 5 HD. = .02 CFS + 5 X .0134 = .07 AF/ANN.

SYSTEM DESCRIPTION:

TANKS. SPRING - DUG OUT + GRAVEL PACKED W/ PERF. PIPE. Water gravity fed down to stor. MAINLINE TO LOTS W/ 3 PERMANENT HOMES. 2 HOMES USE PUMPING SYSTEM + ALL OTHER LOTS USE GRAVITY FLOW FROM STORAGE TANKS ON TOP OF HILL. 2-700 GALLON TANKS. 13 LOTS. SHD PUMP FOR HOMES + PRESSURE. SPRINGS ABOVE STORAGE TANK - SEE MAP. HOWEVER TWO HOMES ARE ABOVE STORAGE TANKS + NEED TO HAVE WATER PUMPED UP TO THEM. ALL OTHER HOMES ARE

REMARKS: COULD NOT MEASURE SPRING AS IT SUBS UP INTO TANK
GRAVITY FLOWS TO ~~HOMES~~ STORAGE TANK + THEN HOMES.

IRRIGATION IS SMALL AREA FOR LAWN + GARDEN AROUND HOMES. MAY BE IN AREA AT VERY MOST. THEREFORE, 2 ACRES IS SUFFICIENT.

Examiner's Signature Jan Shute

Date 11/13/85

Checked by MICHAEL

Date 1/15/86

Approved by FEB 41 1990

Date 2/28/89

5/25/79 ATTEMPTED. DR. HEYKENS HAS ROAD TO PROPERTY TO
FIX BEFORE WE CAN GET TO PROPERTY. CONTACT LATER
IN SUMMER.

MICROFILMED

FEB 21 1990

Ad work out - House located head of Gifford Creek
at head creek of road
Road marked for clearance.

5/30/80 J.K.M.

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
6307145	05N	04E	20	NW	NW	SPRINGS	HEYREND, M.D.,
6307146						JOHNSON CREEK	HEYREND, F. LA

MICROFILMED

FEB 21 1990

IDENT. NO. 63-7145

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]

February 7, 1979

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

Dear Dr. Heyrend:

Re: Permit No. 63-7145

Pursuant to your telephone conversation, the Department has withdrawn the request for an extension of time and accepted the proof of beneficial use since the springs have been developed and the distribution system completed. Enclosed is an Order reinstating your permit.

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 try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Boise (384-2190).

Sincerely,

RITA FLECK
Sr. Secretary

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 2-06-79

TO File 63-7145

SUBJECT Extension of Time Request -- Beneficial Use

After reviewing the proof of beneficial use affidavit and the extension of time request, it was decided that we can accept the affidavit since the permit holder had developed the springs and the distribution system to the lots. Therefore, an extension of time is not necessary and has been withdrawn.

RE MICROFILMED
SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

F. La Marr Heyrend, M.D.

of

6003 Overland Road Boise, Idaho

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7145.

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

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

Plat has been filed. Five lots have been sold, 15 remaining

to be sold. Water to two lots with cabins built. Additional 3

lots cabins have not been built yet. The remaining 15 lots will

be sold within the next five years.

Costing \$ 3,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Remaining lots have to be sold and cabins built before water
can be run directly to the cabin sites. The whole systems is
there.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to August, 19 83.

F. La Marr Heyrend MD
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be _____

Signed this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED

JAN 5 1979

Department of Water Resources

1. a) Name of permit holder F. La Marr Heyrend, M.D.
- b) Post office address 6003 Overland Road Boise, Idaho 83705
2. Permit number 63-7145
3. Date of priority that you are prepared to establish _____
4. a) Source from which water was appropriated Springs A & B
- b) Location of the point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20
- Township 5N, Range 4E Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
- | | | | | |
|--|-----------------------|---|-------------------------------|-------|
| Amount <u>.3</u>
(cfs &/or acre-feet per annum) | for <u>Culinary</u> | purposes from <u>4-1</u>
(month-day) | to <u>12-1</u>
(month-day) | incl. |
| Amount <u>.1</u>
(cfs &/or acre-feet per annum) | for <u>Stock</u> | purposes from <u>4-1</u>
(month-day) | to <u>12-1</u>
(month-day) | incl. |
| Amount <u>.1</u>
(cfs &/or acre-feet per annum) | for <u>Irrigation</u> | purposes from <u>4-1</u>
(month-day) | to <u>12-1</u>
(month-day) | incl. |
- b) Total amount appropriated .5 cfs and/or acre-feet per annum.
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the permit holder:
- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
- b) Describe the agreement of understanding by which you take water from the works: Water
is to supply culinary water for lots in
Ponderosa Pines subdivision
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):
60' of perforated pipe buried at 14' in clean gravel
and sealed above & visqueen. Drains to 500 gal
storage tanks. Distributed by 1" lines to lots & cabins.
- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)
N/A

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Exam typed 1-24-79

c) Give well driller's name and address and the date the well was completed:

N/A

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Culinary purposes, stock water
SW $\frac{1}{4}$ NW $\frac{1}{4}$, SEC 20 TWP 5N RGE 4E

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 19 TWP 5N RGE 43

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

None

[illegible]

Total number of acres irrigated

10. Remarks:

marks: System has been operating for Total number of acres irrigated
3 years. Supplies 2 cabins and
is available to hook onto by remaining
lot purchasers for lots in area described in #8.

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

1-5-78

(Date)

J. LaMar Heyrend M.D.

(Signature)

State of

County of

On this 5th day of

, 1979, personally appeared before me the

signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

My commission expires

June 12, 1981

Notary Public

Residing at

Vicki J. Tillery
Notary Public
Residing at Brose



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

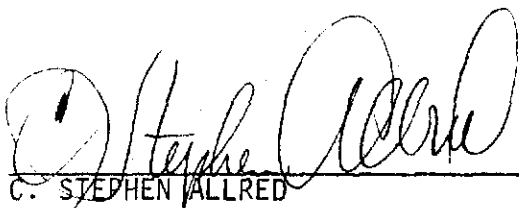
November 7, 1978

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

Dear Dr. Heyrend:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 63-7145 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated August 31, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

August 31, 1978

CERTIFIED MAIL

100135

Re: Permit No. 63-7145

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

Dear Dr. Heyrend:

One of the conditions of approval of your water Permit No. 63-7145 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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


RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



F. La Marr Heyre, M.D.
106 North Latah
Boise, ID 83704

NOT
ABLE TO FORWARD

Not at
this address
RECEIVED
NOV 3 1975
Department of Water Resources

Sent

Nov. 3, 1975

6003 OVERLAND

Boise, ID

83705

nb

RECEIVED

November 3, 1975

Re: Permit Nos.	63-7145	65-7561	63-7790
	63-8014	69-7004	63-7865
	63-8156	79-7017	
	65-7319	98-7150	

U. S. Forest Service
Personnel
1075 Park Blvd.
Boise, ID 83706

Gentlemen:

Enclosed are copies of permits which might be of interest to your agency as the point of diversion is on Forest Service land.

Sincerely,

RITA BENDELE
Senior Clerk

RB

Enc.

C
O
P
Y

October 24, 1975

Re: Permit No. 63-7145

C
O
P
Y
F. La Marr Heyrend, M.D.
106 North Latah
Boise, ID 83704

6003 Overland Rd.
Boise, ID. 83705

Dear Mr. Heyrend:

Enclosed is a copy of your approved Application for Permit No. 63-7145 along with receipt No. 2060 for \$50. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

RECEIVED

RECOMMENDEDCONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☒ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____



January 27, 1975

F. La Marr Hayrend
603 Overland Rd.
Boise, ID 83705

Re: Application for Permit No. 63-7145

Dear Dr. Hayrend:

We are still holding your application for a Water Permit, pending your submitting a special use permit from the U.S. Government.

Please contact this office within 30 days. If at the end of that time we have not recieved the necessary information we will return your application. You can then resubmitt the form with a new fee when you have obtained the necessary special use permit.

If we can be of any assistance in the matter, please feel free to contact this office.

~~Sincerely~~

Sincerely

JAMES E. BOURNEN
W.R. Technician

JEB:jg

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JAN 30 1975
FBI - BOISE

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March 11, 1974

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

Dear Dr. Heyrend:

During a periodic review of your application no. 63-7145, we note that you have not yet submitted a copy of a right-of-way easement from the Forest Service. If you have the Special Use Permit, please send us a copy in order that we can complete your application.

Please contact this office if you have any further questions.

Sincerely,

JAMES E. BOOKER
W. R. Technician II

JEB:def

RECEIVED

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

2720
December 21, 1972



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

Dear Sir:

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

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

Sincerely,

Phillip D. Glass
PHILLIP D. GLASS
District Forest Ranger

Enclosure

MEMORANDUM

TO: 63-7145
FROM: Donald W. McElDowney
SUBJECT: status of filing

Dr. Heyrend was contacted by telephone on August 30, 1971 and we discussed this application in connection with the Clear Creek Estates. Dr. Heyrend advised that he intended to develop fully this application for permit and that the diversion and storage facilities have been erected. Dr. Heyrend further advised that he has been in touch with the Forest Service and they have on sight reviewed this project.

The Clear Creek Estates Group has officially formed and they intend to supply water for all the tracts of land they can reach.

Part of the facilities will be constructed on Forest Service property and part on private land. Only water from these springs have proven satisfactory as far as water quantity for domestic use.

Dr. Heyrend does not intend to assign this permit to the Clear Creek Association. He has 200 plus acres that he can use this system on that he has not yet subdivided.

D
DONALD W. MCELDowney

December 12, 1972

Re: Application for Permit No. 63-7145

District Ranger's Office
U. S. Forest Service
Idaho City, Idaho 83631

ATTN: District Ranger

Gentlemen:

We are enclosing a copy of Application for Permit No. 63-7145 filed by Dr. F. La Marr Heyrend. We have had many communications in the past concerning this matter, however, quite a bit of time has lapsed since we have last contacted you. Please advise us as to the present status of your negotiations with Dr. Heyrend concerning the point of diversion and this particular water system.

If we can assist you, please contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: copy of permit

RECEIVED
DEC 14 1972
FBI - IDAHO

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.

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.

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 83804

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

C

O

P

Y

RECORDED

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.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 10, 1968

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

Idaho World
Idaho City,
Idaho

Gentlemen:

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

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. 63-7145 to divert .5 cubic feet per second of water from unnamed springs. Water will be diverted by a collection box, pipes, and storage tanks 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 purposes, stock water, and irrigation in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15; 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

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. McKelowney
Appropriation Examiner

DWM:ks
enclosure: Legal notices (7)

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that P. La Marr Heyrend, M.D., 106 North Latah,
Boise, Idaho has on September 9, 1968
applied for permit under application No. 63-7145 to divert ~~store~~
5 cubic feet per second ~~acre feet~~ of water from ~~unnamed springs~~
. Water will be diverted by ~~a collection~~
~~box, pipes, and~~ storage tanks within the ~~lands,~~
sec. 20, T. 5 N, R. 4 E, B.M., Boise County
and is to be used from ~~April 1 to December 1 for culinary~~
~~purposes, stock water, and irrigation~~
in the ~~SEC. 19;~~ SEC. 19; ~~sec. 20, T. 5 N, R. 4 E, B.M.~~

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

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho World, Idaho City, Idaho,
on November 7 and November 14, 1968.