



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

May 13, 2009

Larry Holland
5085 Cecile Ave
Las Vegas, NV 89115

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Water Permits 47-7659 & 47-7731

Dear Mr. Holland;

As we discussed, these permits still need to be claimed in the Snake River Basin Adjudication in order for the diversion of water on your Twin Falls property to be legal in the future. As these will be "late" claims, you must request permission from the SRBA Court in Twin Falls to file them; the necessary forms and instructions are enclosed, as are printouts of your water permits. The claims and filings fees will go directly to the Court, not to IDWR.

With regard to the domestic use of the seep tunnel, it is not legally required to have a recorded water right for this use since it began before the mandatory filing requirement in 1971. However, it might be worth \$25 to get this use recorded in the SRBA. A claim form and instructions are enclosed in case you decide to file. I can also recommend this use as part of licensing the existing permit, but you would end up with a 1980 priority date instead of one in the 1940s. Priority date on such uses would rarely be of practical importance, but I can't see that it would hurt anything to have the earlier date. Obviously I cannot give you any legal advice in this matter. Just let me know how you want to handle this.

If you have questions, feel free to contact me. I will continue to work on the licensing of your permits. Both permits require measuring devices, but neither system has one. In order for us to remove this requirement, you will need to request this in writing. Our main office is amenable to removal as long as we can find another way to determine your actual diversion rates. I hope to measure the seep tunnel next week.

Regards,

James E. Stanton
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 21, 1998

Larry Holland
763 Addison Ave W
Twin Falls, ID
83301

RE: Water Permits 47-07659 & 7731

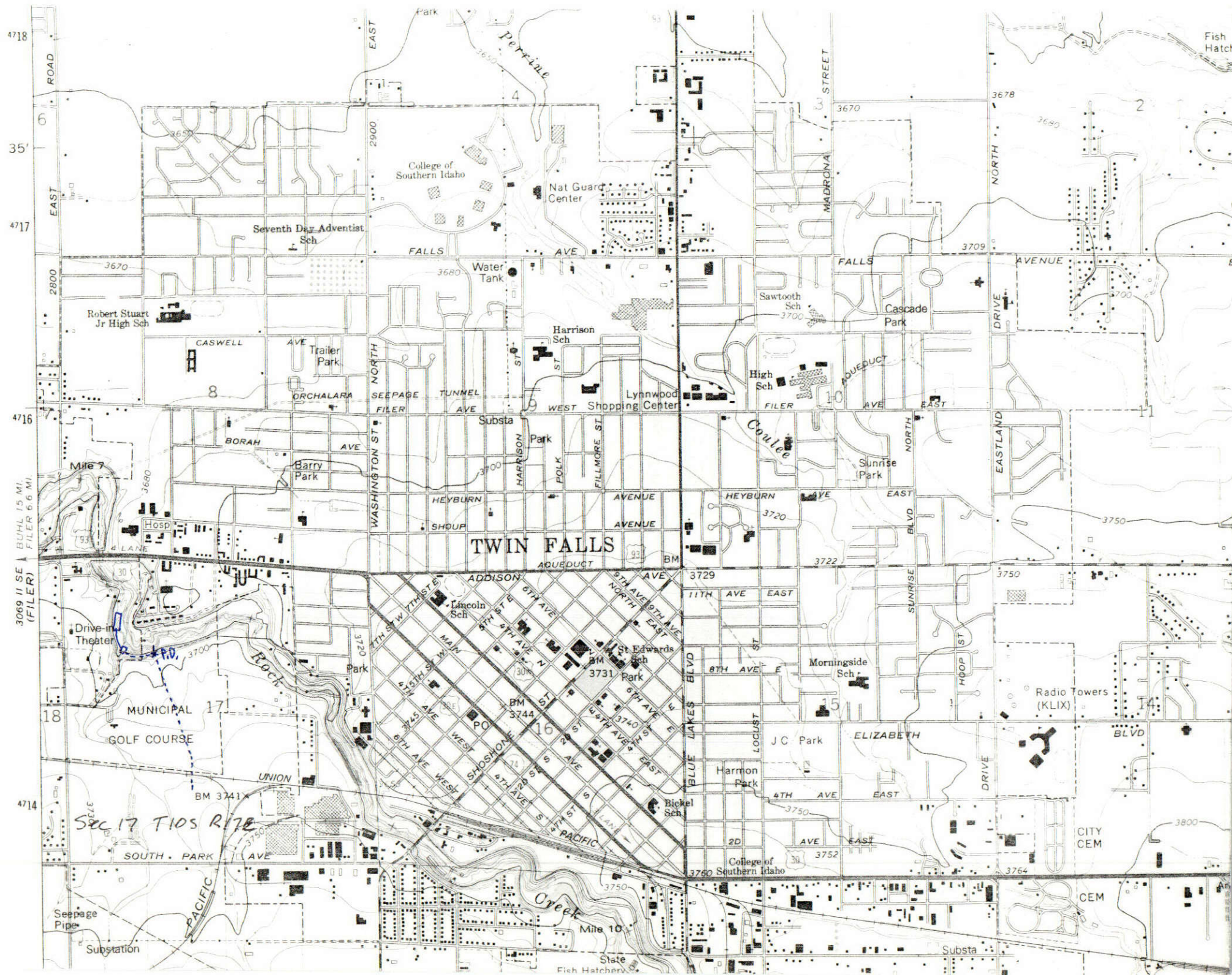
Dear Mr. Holland;

Our records show that you hold the above-referenced permits, which allow the diversion of surface water for fish propagation at the Daydream Ranch. I would like to schedule a licensing examination of your water system, but have found a problem with the 7731 permit. Proof of beneficial use was filed on this permit in July of 1987, which means that you are also required to claim this development in the Snake River Basin Adjudication (SRBA). To date, no SRBA claim has been filed. We cannot conduct the licensing exam until the claim is filed, as the water will eventually be declared invalid without the claim.

Please contact me on this matter at your convenience. We try to schedule surface-water exams during periods of high stream flows, which varies with different streams. Once the claim problem is resolved, an exam can be set for a time that is to your best advantage and of mutual convenience.

Regards,

James E. Stanton
Sr. Water Resource Agent



TWIN FALLS

Sec 17 T10S R17E

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BUHL 15 MI.
FILER 6.6 MI.
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**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-7850

HOLLAND, LARRY &/or
MARILYN

677 NORTH WASHINGTON,
TWIN FALLS, ID 83301

Source: WASTE WATER
tributary to ROCK
CREEK

Date Filed: 08/05/1980

Amount: 7.00 CFS

Diversion Point: SENW Sec
17 T 10S R 17E, TWIN
FALLS Co.

Use: FISH PROP. (7.00 CFS)
from 01/01 to 12/31

Place of Use: NWNW SWNW
Sec 17 T 10S R 17E

Diversion Means: CHECK
DAM & PIPELINE

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before SEPTEMBER 15, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, August
28 and September 4, 1980.

MICROFILMED

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Department of Water Resources
Southern District Office

SEP 15 1980 10528

I, Linda Capps McBuire being first duly sworn up

oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and

entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks

, commencing with the issue dated
August 28, 19 80, and ending with the issue dated
September 4, 19 80.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McBuire
Subscribed and sworn to before me on this 12 day of

September, 19 80.

Thella Rowlett-Smith

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

Form 217
CR 89

NOV 30 1990

Department of Water Resources
Southern Region Office

For Office Use Only
Amount of Fee \$ 200.00
Date 11-30-90
Receipt No. 5013860
Received by J.P. Stanton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

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

Permit No. 47-07659 Telephone No. 202-382-1300

Name(s) of Permit Holder(s): Larry Holland

Post Office Address: 640 N MAIN ST, Las Vegas, NV 89101

Source of Water: SEEPAGE TUNNEL

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Fish Ponds

Total rate and/or volume for which proof is submitted 5 AFS cfs _____ acre feet

Show date water was first diverted and beneficially used under this permit: 1987

One of the following may be a condition of approval of your permit:

Measuring device. Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No AT OUTLET

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No

Fee Enclosed: \$ 200.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

326-5687

Rick Eggleston
Name

543-6675 326-5687
Telephone No.

RT 1 Box 1204 Filer Id 83328
Address

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

11-27-90
Date

Larry Holland
Signature (and title if not owner of a company or organization)

MICROFILMED

JAN 28 1991

RECEIVED

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

RECEIVED

DEC 30 1985

JAN 2 1986

Department of Water Resources
Southern District Office

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

Department of Water Resources

Larry Holland (Name) of c/o Don Hite, Route #4, Box 7385, Twin Falls (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. 47-7659.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 1, 19 85.

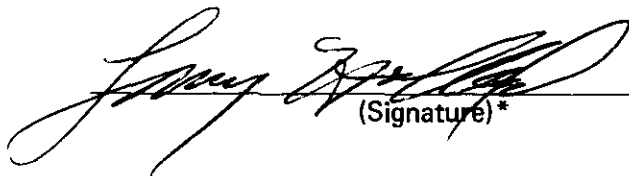
That he has heretofore performed the following work described under said permit: _____

The diversion works have been completed, and some ponds have been built. About
half the anticipated ponds have been constructed.

_____ Costing \$ 20,000.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Uncertainty over the water supply has made it necessary to proceed slowly
with construction, as we are not sure how many ponds can be served. This is especially
important because we are raising fry in addition to larger fish. We are trying to make
the facility as efficient as possible.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 1, 19 90.


(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to December 1, 1990.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to September 3, 1980, pursuant to Sec. 42-218a, Idaho Code.

Signed this 10th day of January, 19 86.


Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Larry &/or Marilyn Holland Phone 733-7054
Post office address c/o Don Hite, 677 North Washington, Twin Falls, Id 83301
2. Source of water supply Seepage Tunnel which is a tributary of Rock Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 10S
Range 17E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 7.00 cfs for fish prop. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 7.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & pipeline

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: (NW 1/4) * R4 11/17/80
SW 1/4 of NW $\frac{1}{4}$ of Section 17 Township 10S

Range 17E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

commercial production of rainbow trout, mainly raising of eggs to fingerlings

MICROFILMED

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

[illegible]

Total number of acres to be irrigated

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

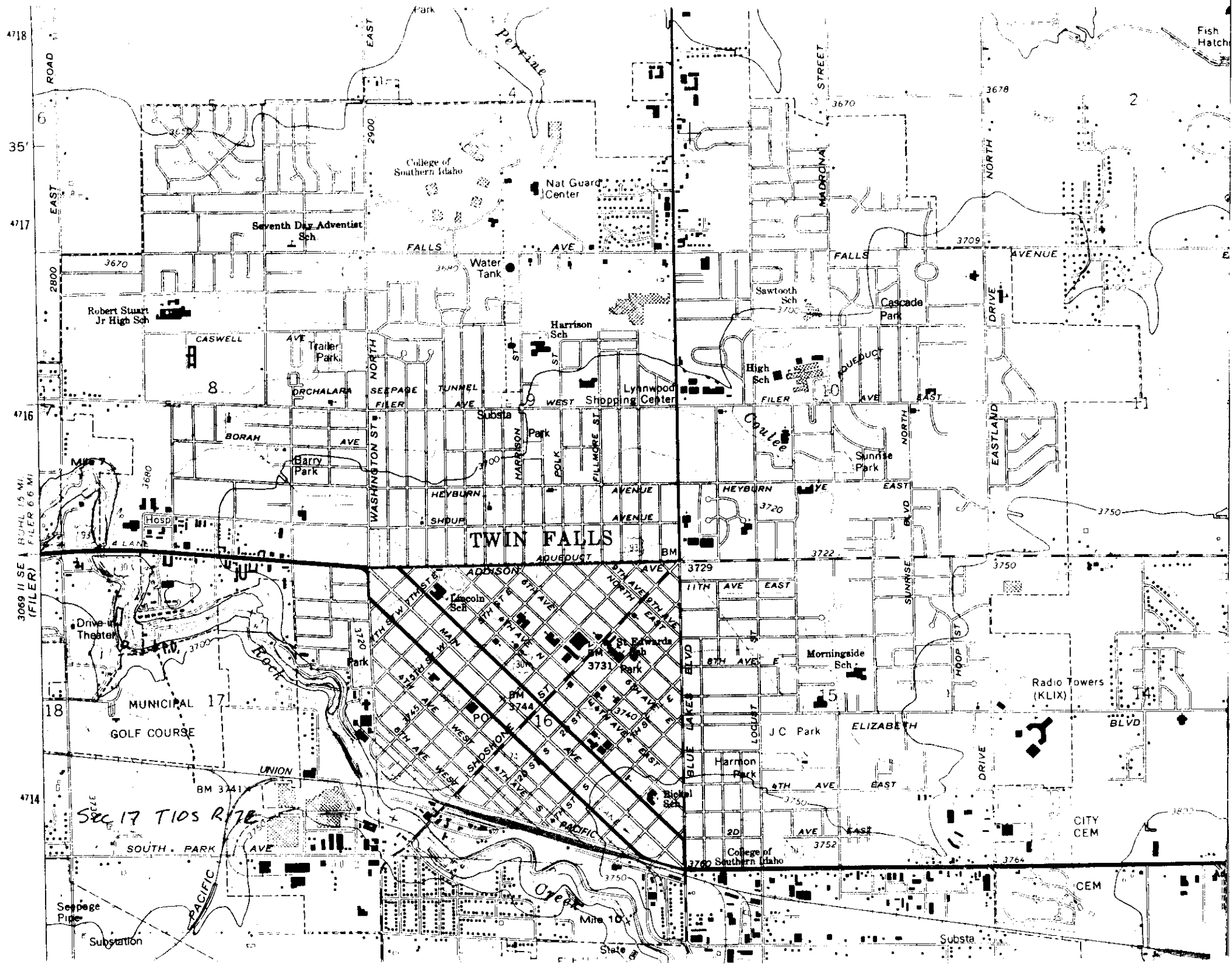
Possibly Permit 47-7528 (assignment of permit not yet completed)

9. a. Who owns the property at the point of diversion City of Twin Falls

b. Who owns the land to be irrigated or place of use Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks



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

[illegible]

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.


(Applicant)

Proposed Priority 8-5-1980

Received by JH Date 8-5-80 Time 8:55 am
Preliminary check by TB Fee \$ 165.00 # 16542
Receipted by marcy Date 8/5/80
Publication prepared by mm Date 8/20/80
Published in Times News
Publication dates Aug 28 + Sept 4, 1980
Publication approved marcy Date 8/26/80
Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7659 , and said application is hereby approved .

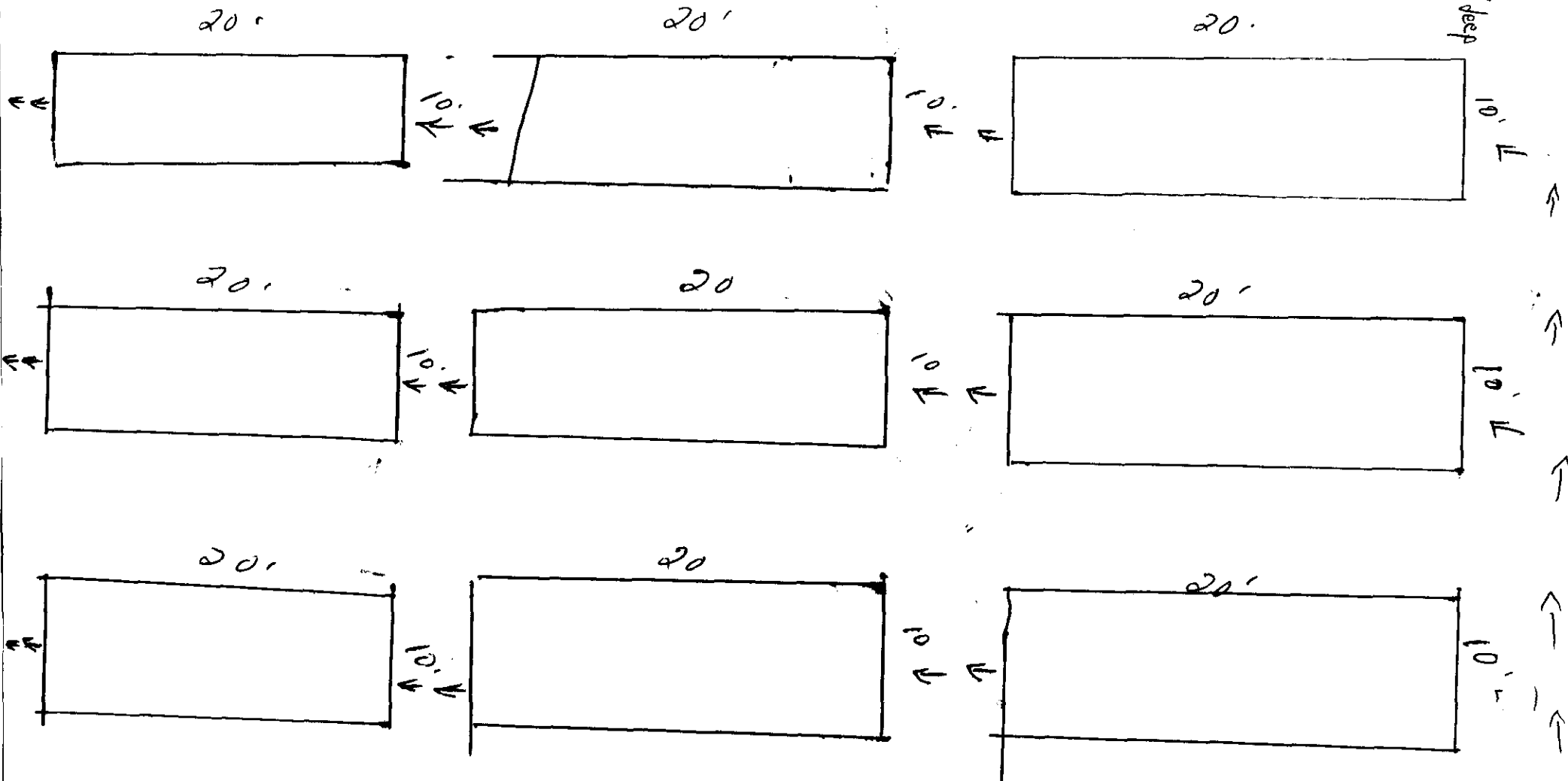
- 1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1 , 19 85 .
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources. (4) Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Witness my hand this 15th day of December, 1980.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

All 3'-4" deep



QUITCLAIM DEED

For Value Received GARY R. STONE and BEVERLY A. STONE, husband
and wife,
do hereby convey, release, remise and forever quit claim
unto LARRY HOLLAND and MARILYN RUTH HOLLAND, 3326 El Camino Real,
Las Vegas, Nevada
the following described premises, to-wit:
See attached Exhibit "A"

together with their appurtenances.

Dated: 2-25-80

Gary R. Stone

Beverly A. Stone

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 25th day of Feb., 1980,
before me, a notary public in and for said State, per-
sonally appeared

GARY R. STONE and BEVERLY A. STONE,
Husband and Wife,

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Jerome E. Johnson

Notary Public

Residing at ~~Jerome~~ Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for
record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

MICROFILMED

EXHIBIT "A"

Township 10 South, Range 17 East of the Boise Meridian,
Twin Falls County, Idaho,

Section 17: Beginning at the Northeast corner of the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section;

THENCE Westerly 577 feet;
THENCE Southerly 1824 feet;
THENCE Easterly 577 feet to the east line of the W $\frac{1}{2}$ NW $\frac{1}{4}$;
THENCE Northerly along said East line 1798 feet to the point
of beginning.

Together with an easement for road purposes over a strip of
land 25 feet wide along the West rim of Rock Creek Canyon,
BEGINNING at the West end of the bridge over Rock Creek at a
point on U.S. Highway No. 30 and running Thence Southerly to
the above described lands;

EXCEPTING from the above described land on the North side of
said premises approximately 1.7 acres heretofore deeded to the
State of Idaho for highway purposes,

AND EXCEPT a parcel of land beginning at the Section corner
common to Section 7, 3, 18, 17, Township 10 South, Range 17
East of the Boise Meridian;

THENCE South 47° 09' 53" East, 975.15 feet to an iron pin,
which is the real point of beginning;

THENCE continuing South 65° 6' 48" East, 295.75 feet to a
metal pipe;

THENCE South 32° 44' 57" West, 412.32 feet to an iron pin;

THENCE South 89° 37' 19" West, 34.87 feet to a metal pipe;

THENCE North 1° 45' 40" West, 471.58 feet to an iron pin,
which is the real point of beginning,

AND EXCEPT

Section 17: A parcel in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as
follows: Beginning at a point on the
East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, said point
also being the Northwest corner of Lot 18
of Morrison's Second Subdivision;

THENCE South 1° 16' East, along said East line, 419.00 feet;

THENCE North 88° 19' West, 100.18 feet;

THENCE North 10° 37' West, 115.72 feet;

THENCE North 20° 22' East, 322.37 feet, to the point of
beginning.

ESCROW AGREEMENT

To Idaho Bank & Trust
Twin Falls Office
Twin Falls, Idaho
(Address)

The undersigned, Adrianne Hurlbert, a divorced woman, and Myrtle Rose Allen, whose husband's name is Raynold A. Allen,
hereinafter called "Grantor," and Gary R. Stone and Beverly A. Stone, husband and wife,
and Larry Holland and Marilyn Holland, husband and wife,
hereinafter called "Grantee," herewith deliver to you in escrow the documents and property hereinafter described to be held and disposed of by you in accordance with the instructions and upon the terms herein set forth, and not otherwise, to all of which the undersigned hereby agree. Said documents and property are described as follows:

Agreement of Sale, Quit Claim Deed, and Warranty Deed, Modification of Agreement of Sale,
See Attached property description

You are hereby authorized and directed to deliver the above described documents and property to Grantee upon payment to you, at the address above specified, for the Grantor of the total sum of \$-----66,000.00-----, principal,
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

(Specify date and amount of each payment of principal and dates of interest payment.)

See attached sheets

CONSIDERATION:

NOW, THEREFORE, for and in consideration of the sum of SEVENTY THOUSAND AND NO/100 DOLLARS (\$70,000.00), to be paid as hereinafter provided by the buyers to the sellers, the sellers agree to sell and the buyers agree to purchase the said property. The terms of payment shall be as follows, to wit:

1. FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00) cash which has been paid and which is hereby receipted by the sellers;

2. TWENTY-FIVE THOUSAND THREE HUNDRED FORTY-SIX AND 49/100 DOLLARS (\$25,346.49) credit by agreeing to pay:

(a) To Hurlbert EIGHT HUNDRED SEVENTY-TWO AND 76/100 (\$872.76) to reimburse her for payment she has made to First Federal Savings and Loan (hereinafter referred to as "First Federal"); EIGHTY-FOUR AND 90/100 (\$84.90) of said amount to be applied to principle and SEVEN HUNDRED EIGHTY-SEVEN AND 86/100 (\$787.86) to interest to August 1, 1979.

(b) The balance of said credit to wit: TWENTY-FIVE THOUSAND TWO HUNDRED SIXTY-ONE AND 59/100 DOLLARS (\$25,261.59) which will be paid through escrow bears interest at NINE PERCENT (9%) per annum from August 1, 1979, and shall be paid in monthly payments of TWO HUNDRED EIGHTEEN AND 19/100 (\$218.19) including interest. The first payment to be due on August 25, 1979, and like payments on the same day of each month thereafter until the amount is paid in full. The parties agree that the buyers are to pay the entire amount owed to First Federal and therefore if any discrepancies occur between the amount shown as owing on the First Federal payment ledger and the escrow agent's payment ledger, the parties agree that the buyers will pay the sum shown owing on the First Federal ledger.

Township 10 South, Range 17 East, Boise Meridian,
Twin Falls County, Idaho.

Section 17: Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said section; thence westerly 577 feet; thence southerly 1824 feet; thence easterly 577 feet to the east line of the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$); thence northerly along said East line 1798 feet to the point of beginning.

Together with an easement for road purposes over a strip of land 25 feet wide along the West rim of Rock Creek Canyon, BEGINNING at the West end of the bridge over Rock Creek at a point on U.S. Highway No. 30 and running thence southerly to the above-described lands;

EXCEPTING from the above-described land on the north side of said premises approximately 1.7 acres heretofore deeded to the State of Idaho for highway purposes,

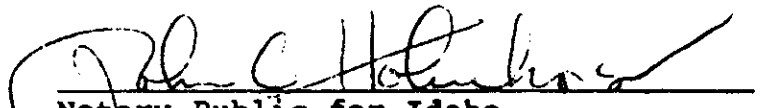
AND EXCEPT a parcel of land beginning at the Section corner common to Section 7, 8, 18, 17, Township 10 South, Range 17 East, Boise Meridian; thence South 47°09'53" East, 975.15 feet to an iron pin, which is the real point of beginning; thence continuing South 65°6'48" East, 295.75 feet to an metal pipe, thence South 32°44'57" West, 412.32 feet to an iron pin; thence South 89°37'19" West, 34.87 feet to a metal pipe, thence North 1°45'40" West, 471.58 feet to an iron pin, which is the real point of beginning,

AND EXCEPT a parcel of land in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17 described as follows: Beginning at a point on the East line of said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), said point also being the Northwest corner of Lot 18 of Morrison's Second Subdivision; Thence South 1°16' East, along said East line, 419.00 feet; thence North 88°19' West, 110.18 feet; thence North 10°37' West, 115.72 feet; thence North 20°22' East, 322.37 feet, to the point of beginning.

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 6th day of July, 1979, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Adrianne Hurlbert, Gary R. Stone, Beverly A. Stone, and Larry Holland, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

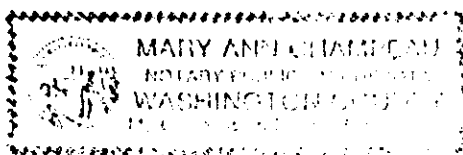
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Twin Falls, Idaho

STATE OF Minnesota)
) ss.
County of Washington)

On this 13th day of August, 1979, before me, the undersigned, a Notary Public for Minnesota, personally appeared Myrtle Rose Allen and Raynold A. Allen, known to be the person whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Minnesota
Residing at Washington, Minnesota

STATE OF NEVADA)
) ss.
County of Clark)

On the _____ day of July, 1979, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Marilyn Holland, known to me to be the person

whose name is subscribed to the foregoing instrument, and
acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day ~~and year in this certificate~~ first
above written.

July 9. 1979


Notary Public — State of Nevada
CLARK COUNTY
DIETER K. STOLTZ
MY COMMISSION EXPIRES September 8, 1981
[Signature]
Notary Public for Nevada
Residing at _____, Nevada

Affidavit of Publication

SEP 15 1980 10528

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

Department of _____

Notary Public in and for the State of Idaho

I, Linda Capps McBaue being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated

August 28, 1980, and ending with the issue dated September 4, 1980.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

12 day of

September, 1980.

Thelma Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1001 North Orchard Street
Boise, Idaho 83706-2237

477659

RETURN TO SENDER
FORWARDING ORDER EXPIRES

JAN 14 1991

RECEIVED

JAN 14 1991

Department of Water Resources

Present to Las Vegas
Address - 1-24-91

December 31, 1990

~~LARRY HOLLAND
MARILYN HOLLAND
C/O DON HITE
677 NORTH WASHINGTON
TWIN FALLS ID 83301~~

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-07659

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

NOT REFILED

JAN 2 1991

RECEIVED

NOV 30 1990

Form 217
CR 89

Department of Water Resources
Southern Region Office

For Office Use Only
Amount Due \$ 200.00
Date 11-30-90
Payment No. 5013860
Received by J.F. Horton

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this permit a stream or river permit under the provisions of the permit law. The permit holder must develop the water right in accordance with the provisions of the permit law. The permit holder must develop the water right in accordance with the provisions of the permit law. The permit holder must develop the water right in accordance with the provisions of the permit law.

Permit No. 47-01007 Telephone No. 542-382-1300

Name of Permit Holder Larry Holland

Part of Site Address 640 N MAIN ST, Las Vegas, NV 89101

Source of Water SEEPING IN TANK

Approximate Date of Construction 1987

Extent of Use:

Domestic Yes Industrial No Agricultural No

Stock Water No Irrigation No Other 100% People

Local use and/or use for water right SEES

Show the water was first directed and used for the intended use 1987

One of the following may be a condition of your permit:

Measuring device Required No Installed X AT OUTLET

OR

Flow Measurement Port Required No Installed No

Fee Enclosed: \$ 200.00 (See License Handbook for details)

Person to contact to accompany the Department representative during the field examination:

Name Mike Eggleston Telephone No. 326-5687
543-6675-3265

Address RT 1 Box 1204 ELER ID 83328

The above information is my true statement of the extent to which the above named person has been using the water right and to relinquish any undeveloped portion of the permit to the State of Idaho.

Date 11-27-90

Signature Larry Holland
(and title if not owner of a company or organization)

RECEIVED

JAN 28 1991

138431

September 30, 1990

LARRY HOLLAND
640 N. MAIN ST
LAS VEGAS, NV 89101

PROOF DUE NOTICE

RE: PERMIT NO. 47-07659

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

JAN 28 1991

FROM 

TO File # 47-7659

SUBJECT Address

DATE 9-24-90

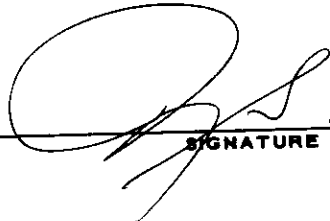
Juniata County Assessors Office lists
Leroy Holland's address as:

640 N. Main St.

Las Vegas NV 89101

MICROFILMED

JAN 28 1991


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7659
Name(s) of Permit Holder(s): LARRY & OR MARILYN HOLLAND
Post Office Address: RT#4 Box 7385
TWIN FALLS IDAHO 83301 733-7054
☒ I hereby certify that construction of diversion works for the above referenced permit began on 2/6/1981 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

8/2/84 Larry Holland
Date Signature of Permit Holder

LARRY & R. HOLLAND
RTE 4 Box 7385
TWIN FALLS IDAHO 83301



ALWAYS
USE ZIP CODE



RECEIVED



FILED

AUG 10 1984

JAN 28 1991

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
STATEHOUSE

BOISE, IDAHO 83720

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

RECEIVED

JAN 8 1988

HDL 77 063032N1

12/30/85

HIT 77 063032N1

Department of Water Resources

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 3 1966

Department of Water Resources

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 13, 1985

HOLLAND, LARRY & MARILYN
C/O DON HITE
677 NORTH WASHINGTON
TWIN FALLS, ID 83301

c/o Don Hite
Rt. 4, Box 7385
Twin Falls, ID 83301

LAPSE NOTICE

RE: PERMIT NO. 47-7659

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SHOWING THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED SEPTEMBER 30, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE FORM OR THE EXTENSION REQUEST FORM MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

MICROFILMED

JAN 28 1991

January 10, 1986

Larry Holland
c/o Don Hite
Rt. 4, Box 7385
Twin Falls, ID 83301

Dear Mr. Holland:

Re: Permit No. 47-7659

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1990. Note that the permit has been reinstated and the priority advanced since the extension request was received after the proof due date.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

150



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

January 3, 1985

Larry Holland
c/o Don Hite
Route 4, Box 7385
Twin Falls, ID 83301

PERMIT NO. 47-7659

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 37394.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 13, 1985

HOLLAND, LARRY & MARILYN
C/O DON HITE
677 NORTH WASHINGTON
TWIN FALLS, ID 83301

c/o Don Hite
Rt. 4, Box 7385
Twin Falls, ID 83301

LAPSE NOTICE

RE: PERMIT NO. 47-7659

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SHOWING THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED SEPTEMBER 30, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE FORM OR THE EXTENSION REQUEST FORM MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

MICROFILMED

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

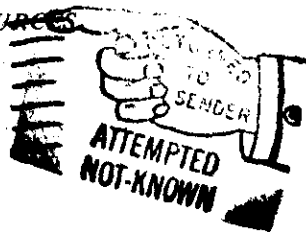
LGS:RF

CERTIFICATION OF MAILING

12-26-1985

Individuals and Organizations
Rita Clark

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
S house
B s, Idaho 83720

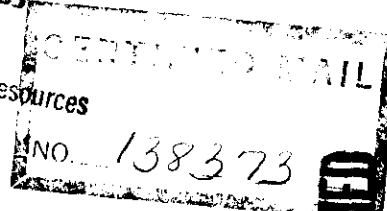


Not

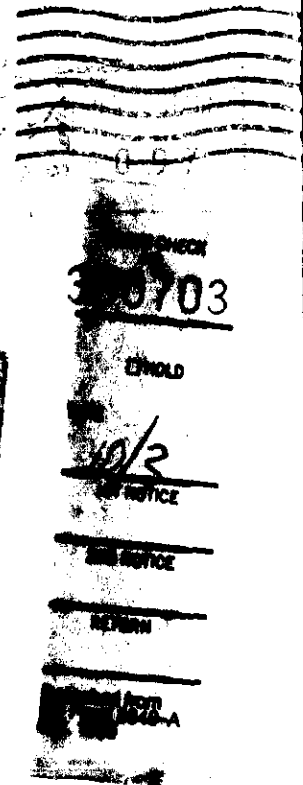
RECEIVED

OCT 2 1985

Department of Water Resources



MICROFILMED



FROM

Rita Fleck

INTER-DEPARTMENT MEMO — 1

TO

File 47-7659

DATE *12-23-1985*

SUBJECT

Returned B/h Notice

*The Twin Falls County Assessor's Office
has an address of 40 Don Hite, Rt. 4, Box
7385, Twin Falls, 83301.*

*I'm forwarding the proof notice and lapse
notice to this address.*

MICROFILMED

[Signature]

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138373

HOLLAND, LARRY & MARILYN
C/O DON HITE
677 NORTH WASHINGTON
TWIN FALLS, ID 83301

PROOF DUE NOTICE

SEPTEMBER 30, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7659 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM 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 FORM 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

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HOLLAND, LARRY & MARILYN
C/O DON HITE
677 NORTH WASHINGTON
TWIN FALLS, ID 83301

DECEMBER 23, 1980

RE: PERMIT NO. 47-7659

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

PLEASE BE ADVISED THAT YOUR PLANS FOR FISH PROPAGATION MAY BE SUBJECT TO REGULATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME. WE SUGGEST THAT YOU CHECK WITH THEM BEFORE STARTING CONSTRUCTION.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 15, 1980

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 47-7659

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 15, 1980

City of Twin Falls
City Hall
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7659

Gentlemen:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, WALKER, TOLMAN & TUCKER

ATTORNEYS AT LAW

P. O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

August 29, 1980

RECEIVED

SEP 2 1980

Department of Water Resources
Southern District Office

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application No. 47-7659

Dear Loren:

The Twin Falls Canal Company Board of Directors have concerns about Application No. 47-7659 as filed by Larry and Marilyn Holland.

The applicant should be aware that he establishes no right to the continued delivery of the water by Twin Falls Canal Company. This is strictly waste and subject to Twin Falls Canal Company's prior rights.

While the Company has no objection to the use of the water for irrigation because the water is only waste water below our last delivery, the purpose of this letter is to advise that the Coulee is mossed with chemical on an ongoing basis for operation and maintenance purposes. Under certain conditions, traces of the chemical may find their way to this location. The applicant should be aware of this procedure which the Canal Company has employed for an excess of 20 years for demossing their system.

To the extent that the water quality is degraded, I am sure that the applicants are aware of their water quality problem. We would anticipate that if the Canal Company is ever sued for alleged water quality violations concerning this waterway, that they will also look to this user.

Please do not consider this an official protest to the permit, but we request that the letter be included in the file.

Respectfully submitted,



JOHN A. ROSHOLT
Attorney for Twin Falls
Canal Company

JAR:bg

MEMBERS OF THE FIRM ARE PROFESSIONAL CORPORATIONS

cc: Larry and Marilyn Holland
Warren Travis

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

42-2659-

HOLLAND, LARRY &/or MARILYN

677 NORTH WASHINGTON, TWIN FALLS, ID 83301

Source: WASTE WATER tributary to ROCK CREEK

Date Filed: 08/05/1980

Amount: 7.00 CFS

Diversion Point: SENW Sec 17 T 10S R 17E, TWIN FALLS Co.

Use: FISH PROP. (7.00 CFS) from 01/01 to 12/31

Place of Use: NWNW SWNW Sec 17 T 10S R 17E

Diversion Means: CHECK DAM & PIPELINE.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before SEPTEMBER 15, 1980.

C. STEPHEN ALLRED

Director

Published 8/28 & 9/4.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following applicat-
ion(s) have been submitted
for permit to appropriate the
public waters of the State of
Idaho:

47-7858

HOLLAND, LARRY & for
MARILYN
677 NORTH WASHINGTON,
TWIN FALLS, ID 83301
Source: WASTE WATER
tributary to ROCK
CREEK

Date Filed: 08/05/1980

Amount: 7.00 CFS

Diversion Point: SENW Sec
17 T 10S R 17E, TWIN
FALLS Co.

Use: FISH PROP. (7.00 CFS)
from 01/01 to 12/31

Place of Use: NWNW SWNW
Sec 17 T 10S R 17E

Diversion Means: CHECK
DAM & PIPELINE

If issued, the permit(s) will
be subject to all prior water
rights. Protests against the
granting of any permit must
be filed with the Director of
the Idaho Department of
Water Resources, 1041 Blue
Lakes Blvd. North, Twin
Falls, Idaho 83301 and re-
ceived on or before SEP-
TEMBER 15, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, August
28 and September 4, 1980.

ok
Aug 26, 80
made

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

AUGUST 19, 1980

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 15, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED
