

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 22995
Permit No. 16244
District No. 20-1.

1. Name of Applicant: C. C. Moore, Governor of Idaho.

Postoffice address: Capitol Bldg., Boise County: Ada State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: See Remarks (a) cubic feet per second.

3. Source of water supply: Big Payette Lake, through, ^{which the Payette River flows,} which is a tributary of

4. Location of point of diversion: See Remarks (b) feet distant from the
corner of Section , T. , R. , B. M., and is in the
of Section , T. , R. , B. M., County of

5. Water is to be used for: Recreational, resort and other purposes as provided in Senate Bill No. 98, enacted by the 18th Session of the Idaho Legislature.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$

8. Kind of works:

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet

12. The time required for the completion of such work is years.

13. The time required for the complete application of the water to the proposed use is 6 months additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

- (a) Is reservoir to be used? If so, fill in (b) and (c) below.
- (b) Name of reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

Agent.

Date of first receipt at Department of Reclamation. 2 P.M., March 5, 1925

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16244

Recorded in Book 58 Page 16244 Approved April 21, 1925

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before _____ See Remarks

The whole of said work to be completed on or before October 21, 1925. See Remarks

Witness my hand this 21st day of April, 1925.

W. C. SWENDSEN
Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Remarks: (a) The quantity of water claimed under this application is 25495 acre feet annual quantity necessary to protect and preserve Big Payette Lake for recreational purposes and that quantity necessary to provide for maintaining the lake water surface elevation at a point not higher than the natural high water level of the lake and at a point not lower in any season, than the natural low water level of the said lake, the appropriation thus covering all of the water in the lake below the natural low water surface elevation, and sufficient of the waters flowing into said lake to maintain it at its natural level. (b) Under this application no diversion of water is contemplated. The natural outlet to Payette Lake is through Payette River on the boundary line between Lots 3 and 4, of Section 8, Township 18 North, Range 3 East, Boise Meridian. General Remarks: This application for permit is made pursuant to the provisions of Senate Bill No. 98, enacted by the Eighteenth Session of the Idaho Legislature and is made for the purpose of complying with and carrying out the provisions of the said bill. NOTE:--That requirement of proof of completion of works, as provided by Chapter 218, Section 5574, Idaho Compiled Statutes, is hereby waived by authority granted in Chapter 83, Section 1, Laws of 1925. License issued for <u>25495</u> ^{Acres} ~~acres~~ ^{feet} ~~feet~~ P. 3315-B. L.																

IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of
herein set forth.

Applicant.

Agent.

d to applicant for correction.

APPROVAL OF COMMISSIONER OF RECLAMATION

At my hand this 21st day of April, 1925.

349

Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
		NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
		Remarks: (a) The quantity of water claimed under this application is 25495 acre feet annually, the quantity necessary to protect and preserve Big Payette Lake for recreational purposes and that quantity necessary to provide for maintaining the lake water surface elevation at a point not higher than the natural high water level of the lake and at a point not lower in any season, than the natural low water level of the said lake, the appropriation thus covering all of the water in the lake below the natural low water surface elevation, and sufficient of the waters flowing into said lake to maintain it at its natural level. (b) Under this application no diversion of water is contemplated. The natural outlet to Payette Lake is through Payette River on the boundary line between Lots 3 and 4, of Section 8, Township 18 North, Range 3 East, Boise Meridian. General Remarks: This application for permit is made pursuant to the provisions of Senate Bill No. 98, enacted by the Eighteenth Session of the Idaho Legislature and is made for the purpose of complying with and carrying out the provisions of the said bill. NOTE:--That requirement of proof of completion of works, as provided by Chapter 218, Section 5574, Idaho Compiled Statutes, is hereby waived by authority granted in Chapter 83, Section 1, Laws of 1925. License issued for <u>25,495</u> ^{Acres} ~~acres~~ ^{feet} <i>P. J. 15-64-6</i>																

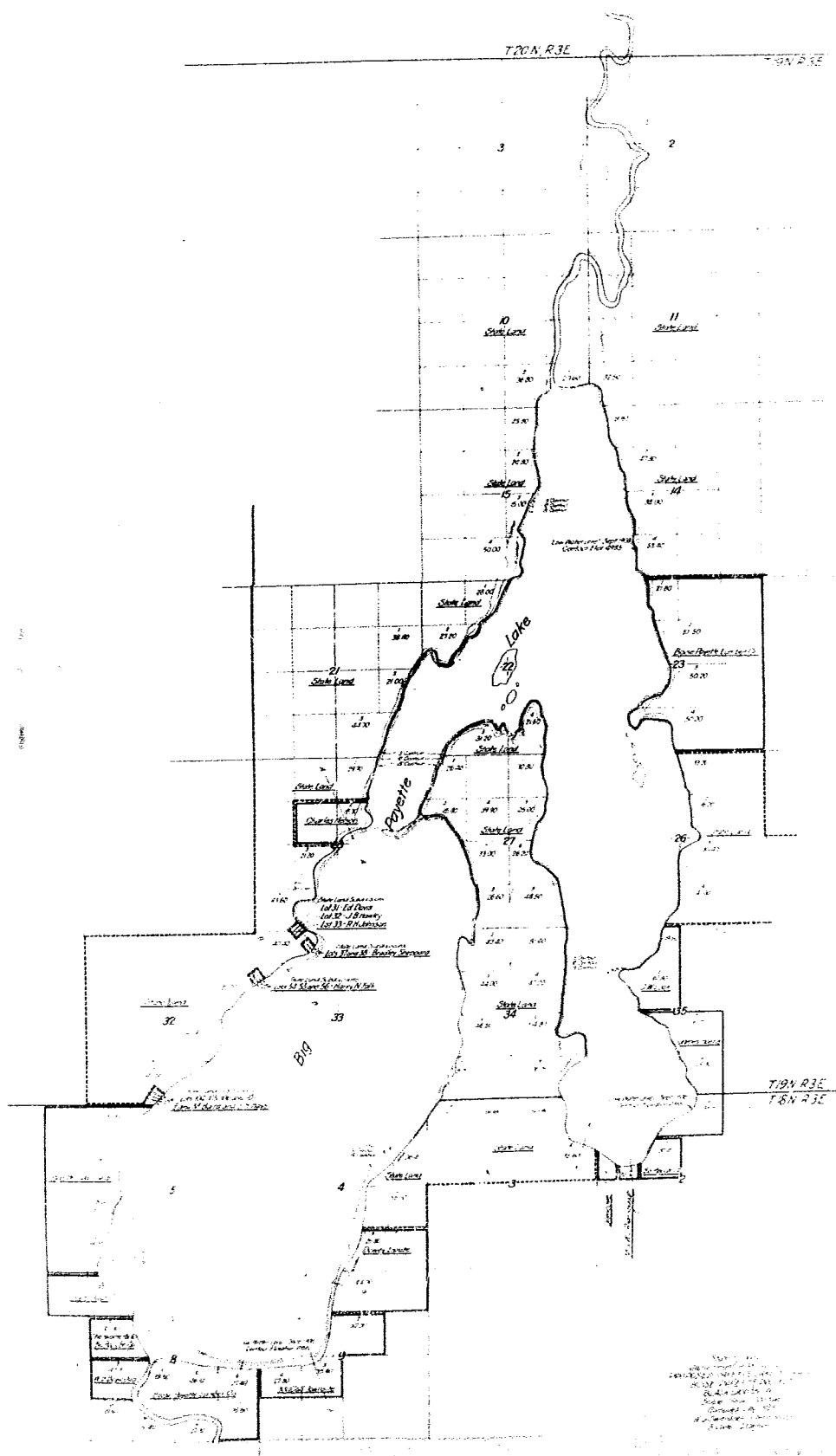
Permit Map No. 6244

As Approved

April 26, 1934

W. G. SWENSON

Commissioner of Reclamation



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16244-State of Idaho

Boise, Idaho, April 21, 1925

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
the Commissioner of Reclamation on the third page.

W. C. SWENSON
Commissioner of Reclamation.

16244

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Honorable C. C. Moore
Governor of Idaho
Building

July 1, 1925

Dear Sir:

I enclose herewith blank notice of proc^{ess} of Application of Water to Beneficial Use under your Permit No. 16244..... which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN
Commissioner of Reclamation.

16244

July 22, 1925.

Re: Permit No. 16244

Mr. Edwin Snow,
Attorney at law,
Boise, Idaho.

Dear Sir:-

Enclosed you will find permit No. 16244, issued in the name of C. C. Moore, Governor of Idaho, for the waters of Payette Lake. You will note in the approval that proof of beneficial use of the water is required to be made by October 31, 1925, and we are accordingly mailing herewith blank notices for this proof.

Very truly yours,
W. C. SWENDBERG,
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

16244

STATE OF IDAHO DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16244

This proof is for BEN. USE

In Water District No. 20-1

1. Name of applicant: C. E. Moore, As Governor of State of Idaho

2. Source of water supply: Big Payette Lake

3. Location of point of diversion: Is in the Purpose of this permit is to prevent diversion
of Section of the waters of Big Payette Lake
T. R. County of

4. Describe works as they exist, giving dimensions and capacities of same: Lake has a superficial
area of 5,000 acres at normal stage. Shore line is naturally adapted
to summer resort and recreational purposes, well timbered and sandy
beaches

5. Water is ~~used for~~ Necessary to retain the natural beauty of the lake and continue
its usefulness as a place of summer homes, clubs, etc

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? North Fork of Payette

River

Remarks:

16244

This examination was made on the 29th day of July 19 25.

(Signed)

Geo. H. Carter

Engineer

Edwin Snow
Lawyer
Boise, Idaho

July 31, 1925.

Hon. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Swendsen:

Permit No. 16244--Big Payette
Lake, C. C. Moore, Governor of
Idaho, holder in trust.

I recently received from you notices indicating that final proof on this permit should be made on or before October 10, 1925, and you have heretofore suggested to me verbally that I act as Governor Moore's agent in preparing the notices for publication and preparing the proof in this public matter in which, in common with the great majority of the citizens of Idaho, I am greatly interested.

I take pleasure therefore in returning to you herewith the original permit and duplicate notices for publication. I have not designated the name of the paper in which the four weeks' notice is to be published and I authorize you to fill in the blank after consulting Governor Moore, if that seems advisable. The nearest paper is that published by Mark Bates of McCall, the name of which I have at the moment forgotten.

It is possible that I may be away from Boise at or about the time this proof is due, and if you will mail me the blanks I will be happy to make up the proofs and forward them to Governor Moore for his signature, and forward them to you before October 10th, the day set for proof.

Very respectfully yours,

Edwin Snow

S-W

16244

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 31, 1925
(P. O.) Boise, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The News of Cascade, Idaho, published in
the county in which the works are situated.

C. C. Morn, Gov of Idaho
by Edwin Morn, Agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet
of water per second, the following certificate must be signed by a well-known and compe-
tent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

W. J. Sloan
Engineer.

August 3, 1923

Re: Permit No. 16244-Big Payette Lakes

Mr. Edwin Snow
Attorney at Law
Boise, Idaho

Dear Sir:

We are in receipt of your letter of July 31st, in which you enclose the above numbered permit, together with notice for publication for proof of beneficial use of water under the above numbered permit. A copy of the notice will be mailed to the Cascade News in time for the required five publications prior to October 10.

Deposition blanks, one for the holder and one for each of two witnesses are herewith enclosed, per your request.

The original permit and maps will be placed on file under the permit number in this office.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK
Encl.

16244

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE August 26, 1925

The News,

Cascade, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to
October 10, 1925, the date set for proof, the expense of the publication to be paid
by the applicant, **Governor C. C. Moore, Boise, by Edwin Snor, Attorney and Agent,** to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of the notice and furnish this office with a copy of the first publication.

Very truly yours,

W. C. SWANSEN,

Commissioner of Reclamation.

Notice for Publication.

NOTICE OF PROOF OF APPLICATION OF WATER TO
BENEFICIAL USE.

Notice is hereby given that at ten o'clock A. M., on the 10th day of October, 1925, before W. G. Swendsen, Commissioner of Reclamation, at his office in the State Capitol Building, Boise, County of Ada, State of Idaho, proof will be submitted of the application to beneficial use of sufficient of the waters of Big Payette Lake to maintain said lake in its natural state and at its natural level, in accordance with the terms and conditions of Permit No. 16244, heretofore issued by the Department of Reclamation.

The name and postoffice address of the person holding such permit is C. C. Moore, Governor of Idaho, Boise, Idaho.

The beneficial use to which said water has been applied is the preservation of said lake for scenic beauty, health and recreation purposes, necessary and desirable for all the inhabitants of the state.

The place where said water is used is at its natural location without diversion.

The source of supply of such water is Big Payette Lake.

The date of priority which said user is prepared to establish is March 5, 1925.

This proof is made in accordance with and under the authority and for the purposes set forth and authorized in

Chapter 83, Idaho Session Laws 1925.

Commissioner of Reclamation.

October 10, 1945

Dear Mr. Swendsen:

Re: Water Permit No. 16244

Big Payette Lake.

I am enclosing herewith affidavit of publication of notice of this proof together with bill of Cascade News for publishing the notice. I assume it would be proper for this bill to be paid out of the Governor's expense appropriation. In that event will your office or the Governor's send to the Cascade News the necessary vouchers to present the bill as a state claim.

Very truly yours,

Edwin Know

1921.

AFFIDAVIT OF PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at ten o'clock A. M. on the 10th day of October, 1925, before W. G. Swendsen, Commissioner of Reclamation, at his office in the State Capitol building, Boise, County of Ada, State of Idaho, proof will be submitted of the application to beneficial use of sufficient of the waters of Big Payette Lake to maintain said lake in its natural state and at its natural level, in accordance with the terms and conditions of Permit No. 15244, heretofore issued by the Department of Reclamation.

The name and postoffice address of the person holding such permit is C. C. Moore, Governor of Idaho, Boise, Idaho.

The beneficial use to which said water has been applied is the preservation of said lake for scenic beauty, health and recreation purposes, necessary and desirable for all the inhabitants of the state.

The place where said water is used is at its natural location without diversion.

The source of supply of such water is Big Payette Lake.

The date of priority which said user is prepared to establish is March 5, 1925.

This proof is made in accordance with and under the authority and for the purposes set forth and authorized in Chapter 83, Idaho Session Laws 1925.

W. G. SWENDSEN,
Commissioner of Reclamation.
4-9,25

STATE OF IDAHO, }
County of Valley. } SS.

Ray E. Coleman being first duly sworn on oath, deposes and says that he is the publisher and printer of the CASCADE NEWS; that said publication is a newspaper printed and published at Cascade, in the County of Valley and State of Idaho, having a general circulation therein, that said newspaper has been continuously and uninterruptedly published weekly in said county during a period of 78 consecutive weeks prior to the 4th day of Sept., 1925; that said newspaper is a legal newspaper under Chapter 38 of the Idaho Session Laws, A. D. 1919, and that the advertisement, a copy of which is hereto attached, was published in the regular and entire issue of said paper, 4 weeks, beginning with the issue of Sept. 4, 1925, and ending with the issue of Sept. 25, 1925.

Ray E. Coleman

Subscribed and sworn to before me, a Notary Public, in and for the County of Valley and the State of Idaho, this 27 day of Sept, 1925.

Wm. Mickelsen

[SEAL.]

Notary Public.

My commission expires _____

16244

STATE OF IDAHO

Department of Reclamation

Boise, Idaho

Permit No. 16244.

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

DEPOSITION OF WITNESS.

Question 1: State your name, age, residence, occupation and postoffice address.

Answer: Edwin Snow, age over twenty-one years, occupation Attorney, residence and postoffice address Boise, Idaho.

Question 2: Are you familiar with the provisions and conditions of permit No. 16244?

Answer: Yes.

Question 3: State source of water supply, place of diversion and describe works for conveying water.

Answer: Source of water supply, Big Payette Lake and its tributaries. No diversion point or diversion works.

Question 4: State for what purpose water is used and at what place.

Answer: Water is used at Big Payette Lake and purpose of use is the preservation of said lake in its present condition for scenic beauty, health and recreation purposes.

Question 5: Have you any interest in the works, water or lands above mentioned?

Answer: No, except as a citizen of the state.

16244

Question 6: State when, how, what amount and to what extent you have witnessed the application for beneficial use of water claimed under this permit.

Answer: During July and August, 1925, to the full extent of the appropriation under this permit.

Edwin How

Subscribed and sworn to before me this 10th day of October, 1925.

James B. Jones
Notary Public for Idaho,
Residence: Boise, Idaho.

STATE OF IDAHO
Department of Reclamation
Boise, Idaho.

Permit No. 16244

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Deposition of Holder

Question 1: State your name, age, residence, occupation and Postoffice address.

Answer: C. C. Moore, Age over twenty-one years, residence and postoffice address Boise, Idaho, occupation Governor of Idaho.

Question 2: If acting on behalf of a corporation, state its name, your position with reference to same and your authority for appearing in its behalf.

Answer: Acting as Governor and Trustee for the people of the State of Idaho under the authority of Chapter 83, Session Laws 1925.

Question 3: State number and date of permit and date of priority you propose to establish under the permit.

Answer: Permit No. 16,244, issued and approved April 21, 1925, date of priority March 5, 1925.

Question 4: State source of water supply and give exact location of point of diversion.

Answer: Source of water supply Big Payette Lake. Water not to be diverted to any point.

Question 5: Describe your works of diversion, etc.

Answer: No works of diversion required or contemplated under appropriation.

16244

Question 6: State for what purpose water is used and describe place of use.

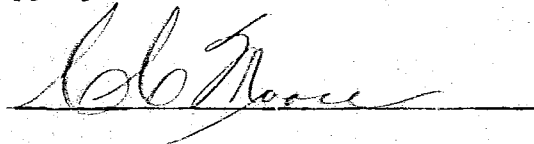
Answer: Purpose of use is preservation of said waters in said lake in its present condition for scenic beauty, health and recreation purposes necessary and desirable for all the inhabitants of the state.

Question 7: What is the minimum amount of water required for the purpose specified above?

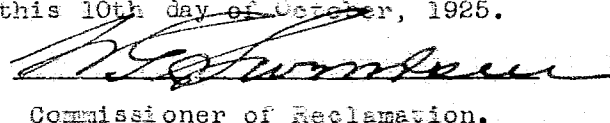
Answer: All the waters of Big Payette Lake and its tributaries which remained unappropriated at the date of priority claimed for this permit, to-wit: March 5, 1925., to the extent of 25,495 acre feet annually.

Question 8: State when, how and what amount and to what extent the waters under the above mentioned permit has been used.

Answer: Since the date of application for this permit and long prior thereto the water has been used to the full extent of this appropriation for the beneficial use above recited.



I hereby certify that the foregoing testimony was subscribed to before me at my office in Boise, County of Ada, State of Idaho, on this 10th day of October, 1925.



Commissioner of Reclamation.

16244

STATE OF IDAHO
Department of Reclamation
Boise, Idaho

Permit No. 16244.

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

DEPOSITION OF WITNESS.

Question 1: State your name, age, residence, occupation and postoffice address.

Answer: Bradley Sheppard, age over twenty-one years, occupation bonds and insurance, residence and postoffice address Boise, Idaho.

Question 2: Are you familiar with the provisions and conditions of permit No. 16244?

Answer: Yes.

Question 3: State source of water supply, place of diversion and describe works for conveying water.

Answer: Source of water supply, Big Payette Lake and its tributaries. No diversion point or diversion works.

Question 4: State for what purpose water is used and at what place.

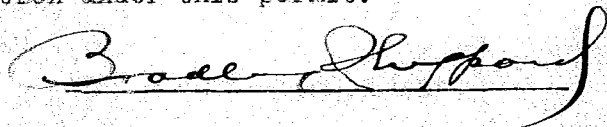
Answer: Water is used at Big Payette Lake and purpose of use is the preservation of said lake in its present condition for scenic beauty, health and recreation purposes.

Question 5: Have you any interest in the works, water or lands above mentioned?

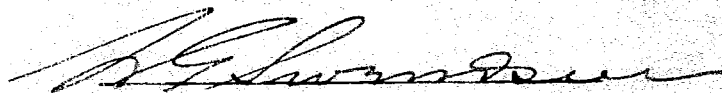
Answer: No, except as a citizen of the state.

Question 6: State when, how, what amount and to what extent you have witnessed the application for beneficial use of water claimed under this permit.

Answer: During July and August, 1925, to the full extent of the appropriation under this permit.



Subscribed and sworn to before me this 10th day of October, 1925.



Commissioner of Reclamation.

16244

October 15, 1925.

Re: Permit No. 16244-

Publisher, The Cascade News,
Cascade, Idaho.

Dear Sir:-

The enclosed voucher should be signed, in duplicate,
and returned to this office. After action has been taken by the
Board of ~~Examiners~~, the warrant will be mailed to you for the amount.

Very truly yours,
W. C. SWENDEEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

V

16244

October 17, 1925

R. Permit No 16244

EDWIN SNOW
Attorney at Law
Boise, Idaho

Dear Sir:

Enclosed is suggested form of license for Permit No. 16244, filed by Governor Moore for the preservation of Big Payette Lake in its natural condition.

If you have any changes to suggest in the form of this license, we would be very pleased to have them.

In specifying the amount of water to be licensed, I am wondering if a Supreme Court decision (1912) 21 I 327, might invalidate this license, which you will observe does not specify a definite quantity of water. The amount licensed might be made more exact by inserting the number of acre feet, which is the volume between the normal high water stage and the normal low water stage. This information we have probably as definite as anyone else.

I am enclosing all of the papers in connection with this permit for your ready-reference and which please return for our files.

Very truly yours,

Assistant Commissioner
of Reclamation

GNC:E
Enclosures

16244

October 26, 1925

Re: Permit No. 16244

HONORABLE C. C. MOORE
Governor, State of Idaho
Capitol Building

Dear Governor Moore:

There is transmitted herewith license issued by this office as a result of filing of Application No. 22995, for permit to appropriate sufficient water of Big Payette Lake to retain its scenic beauty and other valuable features.

The original application for permit, bearing the approval of this office, is returned herewith.

I take it that both of these documents are properly a part of the files of the Governor's office.

Very truly yours,

Director of Water Resources

CNC:E
Enclosures-2

16244

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY That C. C. MOORE, Governor of Idaho and trustee for the people of the State of Idaho, of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 5, 1925;

THAT Permit No. 16244 was issued under said application;

THAT requirement of proof of completion of works, as provided by Chapter 218, Section 5574, Idaho Compiled Statutes, is hereby waived by authority granted in Chapter 83, Section 1, Laws of 1925;

THAT On the 10th day of October, 1925, under the terms and provisions of the said Permit No. 16244, C. C. MOORE, Governor of Idaho and trustee for the people of the State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the water of Big Payette Lake, situate in Valley County, Idaho, for the preservation of said water in said lake for scenic beauty, health and recreation purposes necessary and desirable for all the inhabitants of the State; and

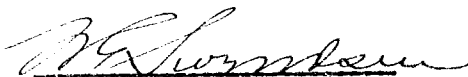
THAT said right to the use of said waters has been perfected in accordance with Chapter ²²~~28~~, Laws of 1925 and other laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at Page 3315, on the 16th day of October, 1925;

The right hereby confirmed dates from March 5, 1925;

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is 25,495 acre feet annually, the amount necessary to maintain the level of Big Payette Lake not higher than normal high water stage and not lower than the natural low water stage at any season of the year.

The right to the use of the water aforesaid, hereby confirmed is restricted to the place of use herein described, as provided by the laws of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 16th day of October, 1925.


Commissioner of Reclamation

January 23, 1969

RE: Permit 65-2333

T. H. Eberle
Attorney at Law
P. O. Box 1368
Boise, Idaho 83701

Dear Mr. Eberle:

This is in reply to your letter of January 21, regarding water rights held by the Governor, for the waters in Payette Lakes.

Water license 65-2333 was issued to Governor C. C. Moore with a priority of March 5, 1925. This license is for 25,495 acre feet annually, the amount necessary to maintain the level of Big Payette Lake, not higher than normal high water stage nor lower than natural low water stage at any season of the year. The use of the water is for scenic beauty, health and recreation purposes necessary and desirable for all the inhabitants of the State.

Hope this answers all your questions regarding this license and if we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

16244
65-2333

JAN 22 1969

FEERLE & BERLIN

(FORMERLY RICHARDS, HAGA & EBERLE)

TITLE INSURANCE BUILDING

BOISE, IDAHO

Department of Reclamation ^{P.O.}
ELBA

P.O. Box 1368 83701

TELEPHONE 344-8535

AREA CODE 208

T. H. EBERLE
JAMES L. BERLIN
WILLIAM C. RODEN
DALE O. MORGAN
R. B. KADING, JR.
R. M. TURNBOW

JAMES R. GILLESPIE
JOHN L. RUNFT
STANLEY D. CROW
JAMES J. SEXTON, III

January 21, 1969

WITHDRAWN PARTNERS:

W. D. EBERLE

CHAS. F. McDEVITT

J. L. EBERLE (1890-1964)

OLIVER O. HAGA (1872-1943)

JAMES H. RICHARDS (1852-1936)

1. NAME
 2. DATE
 3. TIME
 4. LOCATION
 5. REMARKS
 6. INITIALS
 7. SIGNATURE
 8. DATE
 9. TIME
 10. LOCATION
 11. REMARKS
 12. INITIALS
 13. SIGNATURE
 14. DATE
 15. TIME
 16. LOCATION
 17. REMARKS
 18. INITIALS
 19. SIGNATURE
 20. DATE
 21. TIME
 22. LOCATION
 23. REMARKS
 24. INITIALS
 25. SIGNATURE
 26. DATE
 27. TIME
 28. LOCATION
 29. REMARKS
 30. INITIALS
 31. SIGNATURE
 32. DATE
 33. TIME
 34. LOCATION
 35. REMARKS
 36. INITIALS
 37. SIGNATURE
 38. DATE
 39. TIME
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Department of Reclamation
Capitol Building
Boise, Idaho

Re: Section 67-4301 and 4302, Idaho
Code, Appropriation of Big Payette
Lake Water.

Gentlemen:

Under the above Act, which was passed in 1925, the Governor was authorized and directed to appropriate in trust any unappropriated waters of the Big Payette Lake then existing. Each succeeding Governor was to hold in trust such appropriation permit.

Would you be kind enough to advise me of the pertinent information concerning such appropriation, such as the date of the permit, the Governor who appropriated it, and the current status of said permit.

Very truly yours,

F. H. Burk

the/
ecm

Lickmiller
65-2333 - C.C. Moore

~~12th October 1925~~
March 5, 1925

25,195 acre feet Annually, the amount necessary
to maintain the level of Big Bayette Lake not
higher than normal high water stage nor lower
than normal low water stage at any season of the year.

V. 2 u. 4

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

LICENSE AND CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY That C. C. Moore, Governor of Idaho and trustee for the people of the State of Idaho, of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 5, 1925;

THAT Permit No. 16244 was issued under said application;

THAT requirement of proof of completion of works, as provided by Chapter 218, Section 5574, Idaho Compiled Statutes, is hereby waived by authority granted in Chapter 85, Section 1, Laws of 1925;

THAT On the 10th day of October, 1925, under the terms and provisions of said permit No. 16244, C. C. MOORE, Governor of Idaho and trustee for the people of the State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the water of Big Payette Lake, situate in Valley County, Idaho, for the preservation of said water in said lake for scenic beauty, health and recreation purposes necessary and desirable for all the inhabitants of the State; and

THAT said right to the use of said waters has been perfected in accordance with Chapter 75, Laws of 1925 and other Laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6, of Licenses, at page 3715, on the 10th day of October, 1925;

The right hereby confirmed dates from March 5, 1925;

THAT the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is 25,495 acre feet annually, the amount necessary to maintain the level of Big Payette Lake not higher than normal high water stage and not lower than the natural low water stage at any season of the year.

The right to the use of the water aforesaid, hereby confirmed is restricted to the place of use herein described, as provided by the laws of Idaho.

WITNESS, the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 10th day of October, 1925.

(SEAL)

J. C. SHENDEN
Commissioner of Reclamation

August 29, 1972

Office of the Governor
Room 228, Statehouse
Boise, Idaho 83707

Attention: Bill Murphy

Dear Bill:

In response to your telephone call, I am sending you a copy of the District Court decree dated June 26, 1946. As you can see from reading this decree, it is based upon an agreement between the Payette Lakes Protective Association and the Lake Reservoir Company in 1924. This agreement simply states that the reservoir company will not store water in Payette Lake above the "normal highwater line," which was agreed to be 7.05 feet on the gauge at the outlet and would not attempt to draw the water down below the normal "low water line," which was agreed to be at 1.51 feet on the gauge. The agreement further indicates that the water will be maintained insofar as practicable at the high elevation and the water will not be drawn off until the "fall" but no date is indicated. As far as I am able to determine, the Payette Lakes Protective Association does not actually exist at present, having forfeited their charter in 1956.

Last fall, we met with representatives of the McCall area Chamber of Commerce and the reservoir company to discuss complaints of the drawdown of the lake. It was pointed out that the reservoir company arbitrarily draws the water from the lake in the fall without much notice to the landowners around the lake. We suggested to them that they should use every effort to utilize the public press and radio to advise when the lake is to be drawn down.

You should also be aware that pursuant to S.B. 98 and the 18th Idaho Legislature, this department has issued water license 65-2333 to the Governor of Idaho as Trustee for the people of the state. It appropriates the water between the high and low water levels, or a total of 25,495 acre feet annually for "scenic beauty, health, and recreation purposes." This right is subsequent in time and priority to the right of the reservoir company to use the water for irrigation, and, as you know, there is some question concerning its constitutionality.

If further information is needed, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director
RKH:mjl
Enclosure

65-2333