

(SEAL)

N^o 18915
95-2072

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

Application No. 26319
Permit No. 18915
District No.

1. Name of Applicant: OSCAR LARSON
Postoffice address: Rathdrum County: Kootenai 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: 0.25 cubic feet per second.
3. Source of water supply: Unnamed Creek which is a tributary of Unnamed Creek (Cedar?)
4. Location of point of diversion: 650 feet distant from the N W corner of Section 34, T. 52 N., R. 5 W., B. M., and is the NW¹/₄ NW¹/₄ of Section 34, T. 52 N., R. 5 W., B. M., County of Kootenai
5. Water is to be used for: Irrigation and domestic purposes
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: \$50.00
8. Kind of works: Diversion dam
9. Height of dam 2 ¹/₂ feet; length of dam at top 10 feet; length of dam at bottom 2 feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 1 feet; width at water line 2 feet; depth of water 3/4 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 One years.
13. The time required for the complete application of the water to the proposed use is no additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No 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.

OSCAR LARSON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. December 14, 1939

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18915
Recorded in Book 69 Page 18915 Approved December 16, 1939
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
Work to begin on or before February 14, 1940 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 June 16, 1940
The whole of said work to be completed on or before December 16, 1940
Beneficial use of water appropriated in accordance herewith, to be made on or before December 16, 1940

Witness my hand this 16th day of December, 1939

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. VOTTOLFSSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th day of December 19 39

Countersigned:

STATE OF IDAHO

(SEAL

By

GEO. H. CURTIS

Secretary of State.

By

C. A. VOTTOLFSSEN

Governor.

Remarks: Beneficial use has been made by me since 1920 for domestic and irrigation purposes. Temporary low earth diversion is made each year during irrigation season. It is desired to construct permanent diversion works.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
52 N.	5 W.	34					20												20
Total Number of Acres to be Irrigated - 20																			

PERMIT NO. 18915
Certificate of Completion of Works.

TO ALL WHOM IT MAY CONCERN:

This is to certify that OSCAR LARSON, of Rathdrum, County of Kootenai, and State of Idaho, the holder of Permit No. 18915, issued upon Application No. 26319, bearing date of priority of December 14, 1939, authorizing the diversion of 0.25 second foot of the waters of an unnamed creek, tributary of an unnamed creek (Cedar Creek), County of Kootenai, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.25 second foot of the waters of said unnamed stream; that the point of diversion of said waters is located 650 feet distant from the Northwest corner of Section 34, Township 52 North, Range 5 West, B. M., and in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 52 North, Range 5 West, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Twenty (20) acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 52 North, Range 5 West, B. M.
Witness my hand this 15th day of October, A. D. 1940.

JAMES SPOFFORD
Commissioner of Reclamation

Proof of completion of works made October 10, 1940.
Certificate of Completion of Works issued October 15, 1940.

LICENSE ISSUED FOR 0.4 SEC. FT.
APR 18 1942 # 4124

To: Director,
State Of Idaho
Dept Of Water Administration
Statehouse-Annex 2
Boise, Idaho, 83707

From: James T. Kerns
E. 3206 First Ave
Post Falls, Idaho, 83854

Re: Water Right #95-2072

Date: December 31, 1989.

RECEIVED

JAN 10 1990

Department of Water Resources

Dear Sir,

During 1989, I subdivided the property upon which this water-right is located. The parcel was sold on different dates to two separate parties. In both of the deeds, I made specific mention of the water-right. Both sales are recorded in Kootenai County.

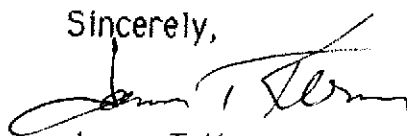
The first transaction, on August 22, 1989, was to "Kelly." At that time I specifically retained the water-right, although that necessitated the movement of the "point of diversion" approximately 100 feet downstream. This new point of diversion is across the road, but still in the same forty acre subdivision, therefore no notice was made to your Department.

The second transaction on September 15, 1989, was to "Pokorny". At that time I specifically included the water-right into the sale.

If it is necessary for me to sign any additional forms or papers, in order to assist Mr. Pokorny to ensure his ownership of the water-right, #95-2072, I am willing and available to do so.

All papers relating to this water-right in my possession, as well as a copy of this letter, are being sent to Mr. Pokorny.

Sincerely,


James T. Kerns

MICROFILMED

MAR 23 1990

MEMO

TO: File No. 95-2072
FROM: James Kerns
DATE: November 16, 1973
SUBJECT: Change in Point of Diversion

In 1973, the dam was moved downstream approximately 1,000 feet within the same 40-acre tract. The place of use will remain unchanged.

The purpose of this memo and map is to put on record that the dam was moved and that permission was granted.

James T. Kerns
Route #1, Box 11-B
Rathdrum, ID 83858

95-2072



Original Location of Dam (1939)

W074 1804

New Location of Dam (1973)

Spreight
A100

Nelson

A109

A138
Everett

A193
J. Jones

380
A67
Schoenat

A138
Everett

733
A106
Phillips

95-2072



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18915

REPORT ON PROOF OF Beneficial use

*C. H. W. Apr. 104 C. H. W.
Spec. 8212
J. H. W.*

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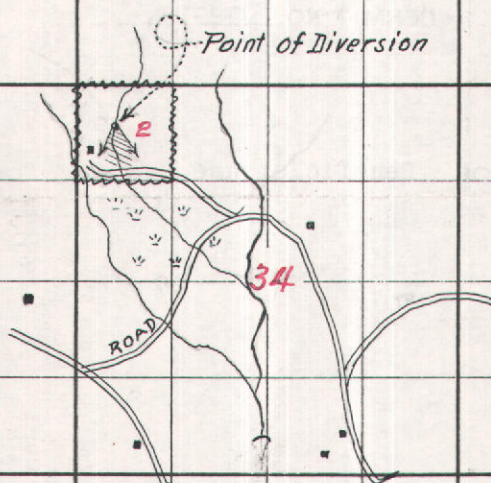
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18915

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Oscar Larson- Route 1, Rathdrum, Idaho
2. Source of water supply: Unnamed creek
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34
T. 52 N. R. 5 W. County of Kootenai
4. Describe works as they exist, giving dimensions and capacities of same: Log and rock check dam
four feet long, and one foot high. Ditch one foot wide and one foot
deep; no other structures are necessary.
5. Water is used for: Irrigation and domestic
6. State whether or not water has been turned into works of diversion: Yes
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): NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Twp. 52 N., Range 5 W., B.M.

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

8. What large stream would the water here appropriated finally reach? "sinks ordinarily"

Remarks: _____

This examination was made on the 29th. day of May, 1941

18915

(Signed)

Fred H. Polman
Examiner.

Oscar Larson
Route 1- Rathdrum, Idaho 70

Permit No. 18915

Examination for Beneficial Use

County Kootenai

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18915

Proof of Application of Water to Beneficial Use

Deposition of Holder

✓ Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Oscar Larson, Rathdrum, Idaho, Farmer.

✓ Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. No corporation

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 18915, Date Dec. 16, 1939

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

Ans. Unnamed Creek in Sec. 34, Twp. 52 N. R. 5 W. B. M.

Point of diversion 550 feet distant from the N.W. Corner of
said section 34. NW 1/4 of 34

✓ Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

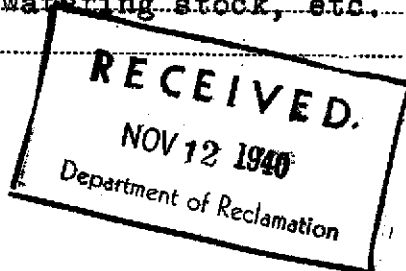
Ans. Diversion dam of earth and rock; conveys one-quarter second foot
of water. Ditch is of earth, no name.

✓ Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic. Number of acres little less than 20
acres in NW 1/4 of NW 1/4 of Sec. 34, Twp. 52 NR 5 WBM. Cultivated land.
Improvements are maintenance of cultivated tract and growing of
crops thereon.

✓ Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation, also for domestic use such as watering stock, etc.



✓ Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. About a quarter second foot.

✓ Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the person. There is no corporation, etc.

✓ Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used each summer for irrigation of the said approx. 20 acres and to the amount of approx. one-quarter second foot.

✓ Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water used.

(Sign).....

Oscar Larson

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rathdrum, County of Kootenai, State of Idaho, on this 2th day of November, A. D. 1940.

term of office

My ~~commission~~ expires Jan. 13, 1941

Justice of the Peace
Rathdrum, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18915

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

✓ Ques. 1. State your name, age, residence, occupation and postoffice address.

(Raymond)
Ans. Ray Winch, age 51, Rathdrum, Idaho.

✓ Ques. 2. Are you acquainted with Oscar Larson, the holder of Permit No. 18915? How long have you known him and where does he reside?

Ans. Yes, I have known him 12 years, he resides near Rathdrum, Idaho

✓ Ques. 3. Have you read or heard read said Permit No. 18915, and are you familiar with its provisions and conditions?

Ans. Yes

✓ Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. An unnamed creek; place of diversion is approx. 650 feet distant from the NW corner of Sec. 34-52-5 W. Works are a dam of earth and rock and a ditch to convey water to place of use.

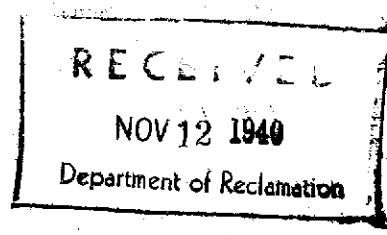
✓ Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About one-quarter second foot.

✓ Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation of something less than 20 acres in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 34, Twp. 52, N.R. 5 W.B.M. The land is cultivated, and improvements consist of the works and the irrigated lands and the growing of crops on said land. Water is also used for domestic purposes, such as watering stock.

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✓ Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. Only other use is domestic, to water a few head of stock.

✓ Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. It is bottom land. My estimate of the amount of water required for the approx. 20 acres is about one-quarter second foot.

✓ Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works nor the lands, but I use water from the same Unnamed Creek lower down, under my Permits Numbers 18808 and 18813.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During the summer, I have seen the water used by Oscar Larson on his place described for irrigation of crops within the subdivision described on his permit No. 18915.

(Signed)

Raymond W. Linch

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rathdrum, County of Kootenai, State of Idaho, on this ~~day of~~ 9th day of November, A. D. 19 40.

term of office
My ~~commission~~ expires Jan. 13, 1941

J. M. Culp
Justice of the Peace ~~for the~~
Rathdrum, Idaho

18915

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18915

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

✓ Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Fred Lundin, 65 years of age; res. Rathdrum, Idaho; occu-
pation Farming.

✓ Ques. 2. Are you acquainted with Yes Oscar Larson, the holder of Permit No. 18915? How long have you known him and where does he reside?

Ans. Yes, I have known him over 20 years. He resides near
Rathdrum, Idaho

✓ Ques. 3. Have you read or heard read said Permit No. 18915, and are you familiar with its provisions and conditions?

Ans. Yes

✓ Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed Creek. The place of diversion is approx. 650 feet
from the NW corner of sec. 34, Twp. 52, NR 5 WBM. Rock and
earthen dam and ditch is used to convey the water to place of
use.

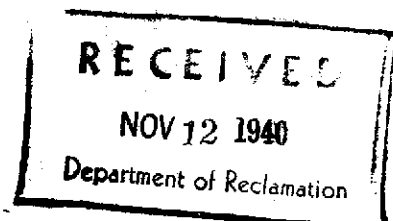
✓ Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Approx. one-quarter of one second foot.

✓ Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic use, on the place owned by Oscar Lar-
son. The sub-division irrigated is in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
section 34-52-5 W. Slightly less than 20 acres in this one
sub-division. Cultivated land. Improvements consist of the
irrigated land used for growing crops.

18915



Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. Water is used for domestic purposes, such as watering
stock, in addition to use for irrigation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Bottom land. I estimate that a quarter ~~inch~~ second foot
of ~~water~~ water is required for profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. The Creek flows through my land before reaching the point of
diversion, but I have no interest in the use of that water.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have observed the use of this water at the said place
off and on each summer for a period of 20 years. At said times
Oscar Larson was using approximately one-quarter second foot
of water from the works above described, for beneficial use.

(Signed)

Fred Lundin

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rathdrum, County of Kootenai, State of Idaho, on this ~~day~~ 9th day of November, A. D. 19 40.

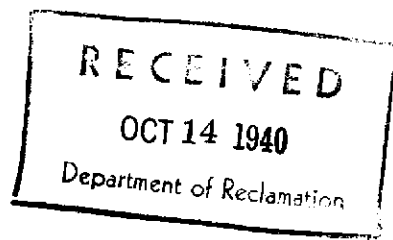
term of office

My ~~commission~~ expires Jan. 13, 1941

J. M. Culp
Justice of the Peace ~~Myra E. E. E.~~
Rathdrum, Idaho

18915

Permit No 18915.....

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Kootenai

} ss.

Oscar Larson

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 18915, and that his postoffice address is RFD 1, Rathdrum State of Idaho

Second: That the name of the stream from which said water is to be directed is Unnamed Creek

Third: That the point of diversion of said water is 650 feet distant from the NW corner of Sec. 34, Twp. 52 N., R. 5 W., County of Kootenai, Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 16, 19 40

Fifth: That the use for which said water is intended is domestic and irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: rock and earth diversion dam, and ditch.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 2 1/2 feet, length of dam at top 10 feet, length of dam at bottom 2 feet. Material used in construction earth and rock

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir .0015 acre feet. or approx. 75 cu. ft.

(c) Size of headgate: Width 12 in., height 12 in.

(d) Conduit ditch width at bottom one feet, width at water line two ft.
(State whether ditch, flume or pipe.)
feet, depth of water 4 feet; diameter of pipe none inches, average grade per mile is 350 feet. Length of conduit is 1-17th miles.

Seventh: That said works are capable of conducting to the place of intended use .25 second feet of water.

Eighth: That water appropriated under said permit is available for 20 acres of land described as follows: in N.W. 1/4 of Sec. 34, Twp. 52 N., R. 5 WBM.

Ninth: Remarks: That Beneficial use has been made by me since 1920 for domestic and irrigation purposes. Temporary low earth diversion is made each year during irrigation season. It is desired to construct permanent diversion works.

Oscar Larson
(Sign here)

Subscribed and sworn to before me this 10th day of October, 19 40

term

My commission expires Jan. 10, 1941

J. M. Culp
Justice of the Peace
Rathdrum, Idaho

18915

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 9:00 A. M. on the 9th day of November, 1940
 at Rathdrum, County of Kootenai, State of Idaho, before
J. R. M. Gulp, Justice of the Peace, proof will be submitted of the
 application to beneficial use of one-quarter cubic feet per second of the waters of an un-
named creek in accordance with the terms and conditions of Permit No. 18915
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Oscar Larson, RFD. No. 1, Rathdrum, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is one-quarter cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Approximately twenty acres in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section
34, Township 52 North, Range 5 West of Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is short ditch, no name.

The right to take water from such works is based upon Permit No. 18915

The source of supply from which such water is diverted is an unnamed creek in

Section 34, Twp. 52 N., R. 5 W.B.M.

December 14, 1939

The date of priority which said user is prepared to establish is July 1, 1920

JAMES SPOFFORD

Commissioner of Reclamation.

18915

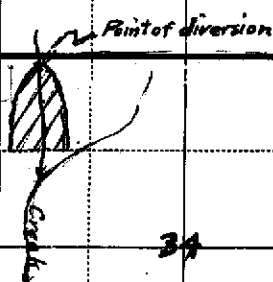
NAME OF APPLICANT ^{137°} *Oscar Larson*

FORM No. 0

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T.52 N., R.5 W. B.M.
T.51 N., R.5 W. B.M.

3

2

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18915

Permit Map No. 18915
As Approved
DEC 16 1939
JAMES SPOFFORD
Commissioner of Reclamation