

34

DISCONTINUED

1810

24

$$I(\omega) = 8.8$$

RECEIVED
JAN 15 1970
Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho,
_____ has received an approved permit No.
33589/94-2223 issued by the Idaho State Reclamation Department authorizing the
diversion /storage/ of 0.4 cubic feet per second /acre/feet/per/annum
of water from Robinson Creek, tributary of the Coeur d'Alene River,
subject to all prior rights. The priority to be established under this permit is
May 1, 1967 and the permit was approved May 19, 1967.

Water is to be diverted by dam
from a point within the NE 1/4, Govt. Lot 3, Sec. 30, T. 48 N. R. 1 W. B. M.,
Kootenai County,

to be used for irrigation
in the NW 1/4 NW 1/4 (Govt. Lot 1), SW 1/4 NW 1/4 (Govt. Lot 2), Sec. 30, T. 48 N,
R. 1 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the
department on or before May 19, 1974. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho, on
January 22 January 23 and January 29, 1970.

State Reclamation Engineer:

Permit No. 33589/94-2223

You are hereby authorized to have the attached notice published at my expense in
the Coeur d'Alene Press of Coeur d'Alene, Idaho;
published in the county in which the works are situated.

Gerald L. McKim
(Signature)

Box 44 SILVERTON, IDA.
(Address)
1/14/70
(Date)

33589
94-2223

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 94-2223 Priority May 1, 1967 Amount 0.20 cfs

THIS IS TO CERTIFY, that Hugh O. Capps Jr. and Frances W. Capps
of Cataldo, Idaho, has complied with the terms and conditions of Permit
No. 94-2223 issued pursuant to Application for Permit dated May 1, 1967,
and has submitted proof to the Department of Water Resources on May 3, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.25 cfs of water from Robinson Creek,
tributary to Coeur d'Alene River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.20</u> cfs and <u>30.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
30.0 acre feet per year, said waters to be diverted within the Government Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 30, Twp. 48N, Rge. 1W in the County of Kootenai

Description and location of place of use:

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 $\frac{1}{4}$	
48N	1W	30						GL 2				GL 3							10
								8				2							

Total number of acres irrigated 10

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 82.

Director

DRT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
< LICENSING >
APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED
DEC 21 1991

To change the point of diversion and/or the place of use

Comes now Hugh O. Capps Jr. & Frances W. Capps

of (address) Gallup, NM Rt 1 Box 223, CATALUNO, ID 83810, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 94-2223, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ $\frac{1}{4}$, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
NO CHANGE
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)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	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 $\frac{1}{4}$	
48N	1W	30							GL2 8				GL3 2						10

Total number of acres to be irrigated = 10

4. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or the place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing:

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

T48N R1W

Scale: 2 inches equal 1 mile.

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

Signed at CD'A, this 12 day of Dec, 19 81.

Hugh D. Capper Jr.
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JK Fee = \$20.00 → Receipted by KK Date #21043 12/12/81

Publication prepared by N/A Date _____ Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby
APPROVE the above Application for Amendment of Permit No. 94-2223.

Witness my hand this 29 day of January, 19 82.

A. Kenneth Dunn
Director

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

RECEIVED

MAY 2 1974

The undersigned owner (s) of Permit (Application) No. 33589/94-2223 of the State Reclamation Engineer of the State of Idaho hereby nominates and appoints LYMAN S. BATES, whose address is 3504 W KIERNAN, SPOKANE, WA 99205, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 3rd day of May, 1974

_____ Hugh O. Capps Jr
Francis W. Capps

STATE OF IDAHO)
County KOOTENAI) ss

On this 3rd day of May, 1974, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cada M. Roberts
Notary Public

My Commission expires:

SEPT. 11, 1976

94-2223

State of Idaho

Department of Water Administration

RECEIVED

ASSIGNMENT OF PERMIT

I, Gerald L. McKim, hereby assign to Hugh O. Capps, Jr. and Frances W. Capps
of 3300 Ciniza Drive, Gallup, New Mexico 87301
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 33589/94-2223 to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this 9th day of APRIL, 19 74.

Gerald L. McKim
Permit Holder

Eleanor J. McKim
Spouse of Permit Holder

State of Idaho)
County of Shoshone) ss.

On this 9 day of APRIL, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~ (they) executed the same.

Leonard F. Kiser
Notary Public residing at
Silverton, Idaho

My commission expires: 11/15/77

OK. FEG 4/10/74

94-2223

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

MAR 18 1974

Department of Water Administration

APPLICATION FOR EXTENSION OF TIME

State of Idaho)

County of Shoshone)

Permit No. 33589/94-2223

Gerald L. McKim of Silverton, Idaho
(name) (address)

State of Idaho, being first duly sworn, upon his oath 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. 33589/94-2223.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before May 19, 19 74.

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

none

Costing \$

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Sold property on Contract Sale-1973 to Hugh O. Capps, Jr.,
3300 Ciniya Drive, Gallup, New Mexico 87301-Mr. Capps requires added time to complete
the requirements.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to May 19, 19 76.

Gerald L. McKim
Gerald L. McKim (signature) *

Subscribed and sworn before me this 15th day of March, 19 74.

[Signature]
(notary public)

seal

My commission expires 8-25-75

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby DENY the above application for extension of time for Permit No. 33589/94-2223 for failure of the permit holder to proceed with diligence in the completion of his project.

Witness my hand this 20 day of March, 19 74.

[Signature]
Director

DENIED

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

94-2223

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33589/94-2223)

in the name of Gerald L. McKim, Box 44,)

Silverton, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

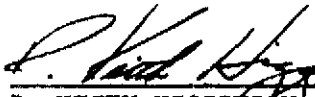
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33589 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit to the
Department of Reclamation proof of the application of the water to
beneficial use on or before May 19, 1974. The permit holder should
be aware that failure to complete one-fifth of the works within one-
half of the time originally set for Completion of Works may be grounds
for cancellation at the instance of the department.

Dated this 30TH day of DECEMBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

33589
94-2223

Application For Permit

To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: Hugh O. Capps, Jr. & Frances W. Capps
3300 Ciniza Drive
Gallup, New Mexico 87301

APPLICATION No. 41844
PERMIT No. 33589
DISTRICT No.

1. Name of Applicant: Gerald L. McKim

Postoffice address: Box 44, Silverton

County: Shoshone

State: Idaho 83867

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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: .4

cubic feet per second. or 20 inches.

3. Source of water supply: Robinson Creek

which is a tributary of Coeur d'Alene River.

4. Location of point of diversion: 2,640

feet distant from the Southwest

corner of Section 30, T. 48 N, R. 1 W, B.M., and is in the (NE 1/4 of Gov't Lot 3

of section 30, T. 48 N, R. 1 W, B. M., County of Kootenai

5. Water is to be used for Irrigation

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 of , 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: \$ 100.00

8. Kind of works: Dam

9. Height of dam 4 feet; length of dam at top 20 feet; length of dam at bottom 17

feet; material used in dam: earth, sand and gravel from creek

10. Size of headgate: Width 10 feet; height 3 feet.

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

Diameter of pipe 3 inches; length of conduit 1/4 miles.

Average grade per mile 280 feet.

12. The time required for the completion of such work is 3 years.

13. The time required for the complete application of the water to the proposed use is 4 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

16. (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 water of the State of Idaho as herein set forth.

/s/ GERALD L. McKIM *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: May 1, 1967 8:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33589

Recorded in Book 117 Page 33589 Approved May 19, 1967

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 July 19, 1967 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 Nov. 19, 1968

The whole of said work to be completed on or before May 19, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before May 19, 1974

WITNESS My hand this 19th day of May, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, _____ DON SAMUELSON _____, Governor of the State of Idaho,
and _____ PETE T. CENARRUSA _____, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th

day of May, 1967

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ PETE T. CENARRUSA
Secretary of State.

By /s/ DON SAMUELSON
Governor.

REMARKS:

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 $\frac{1}{4}$	
48 N	1 W	30						10 (Gov't Lot 1)										10	
48 N	1 W	30						10 (Gov't Lot 2)										10	
																	Total number of acres to be irrigated:	20	

Address all communications to

Form No. 1
5M 1-65

Gerald L. McKim

P.O. Box 44, Silverton, Idaho 83867

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41844

Permit No. 33589

District No. _____

RECEIVED
MAY 1 1967
8:00 A.M.
Department of Reclamation

1. Name of Applicant: Gerald L. McKim
Post Office address: Box 44, Silverton County Shoshone State Idaho

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: _____

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: 2/5 (Two-fifths) sec. 20" or 4 cfs cubic feet per second
3. Source of water supply: Robinson Creek
which is tributary of Coeur d'Alene River
4. Location of point of diversion: 2,640 feet distant from the Southwest corner
of Section 30, Twp. 48 N, Rge. 1 W, B. M., and is in the N. E. 1/4 of Govt. Lot 3
of Section 30, Twp. 48 N, Rge. 1 W B.M., County of Kootenai
5. Water is to be used for: Irrigation
6. If for any non-irrigation purpose, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, 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 _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: Dam
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 4 feet; length of dam at top 20 feet; length of dam at bottom 17

feet; material used in dam earth, sand and gravel from creek
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width 10 feet; Height 3 feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe 3 inches;

Length of conduit 1/4 miles. Average grade per mile 280 feet.

33589

16. (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:

Remarks:

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.

Gerald L. McGinn
Applicant.

By, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
County of) ss.

On this day of, 19....., before me, a Notary Public for the State of Idaho, residing at, personally appeared..... known to me to be the person.... whose name.... subscribed to the foregoing certificate, and acknowledged to me that he.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires

33589

Approval of State Reclamation Engineer

The number of this permit is 33589

Recorded in Book 117 Page 33589 approved MAY 19 1967

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 before

Work to begin on or before July 19, 1967, and to continue dillgently and uninterrupedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 19, 1968

The whole of said work to be completed on or before May 19, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before May 19, 1974

Witness my hand this 19th day of May 1967

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON SAMUELSON Governor of the State of Idaho,

and PETE T. CENARRUSA Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th day of May 1967

Countersigned:

By *Pete T. Cenarrusa*
Secretary of State.

STATE OF IDAHO

By *Don Samuelson*
Governor.

No. 33589

PERMIT

Date of first receipt at office of State
Reclamation Engineer

May 1, 1967 8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

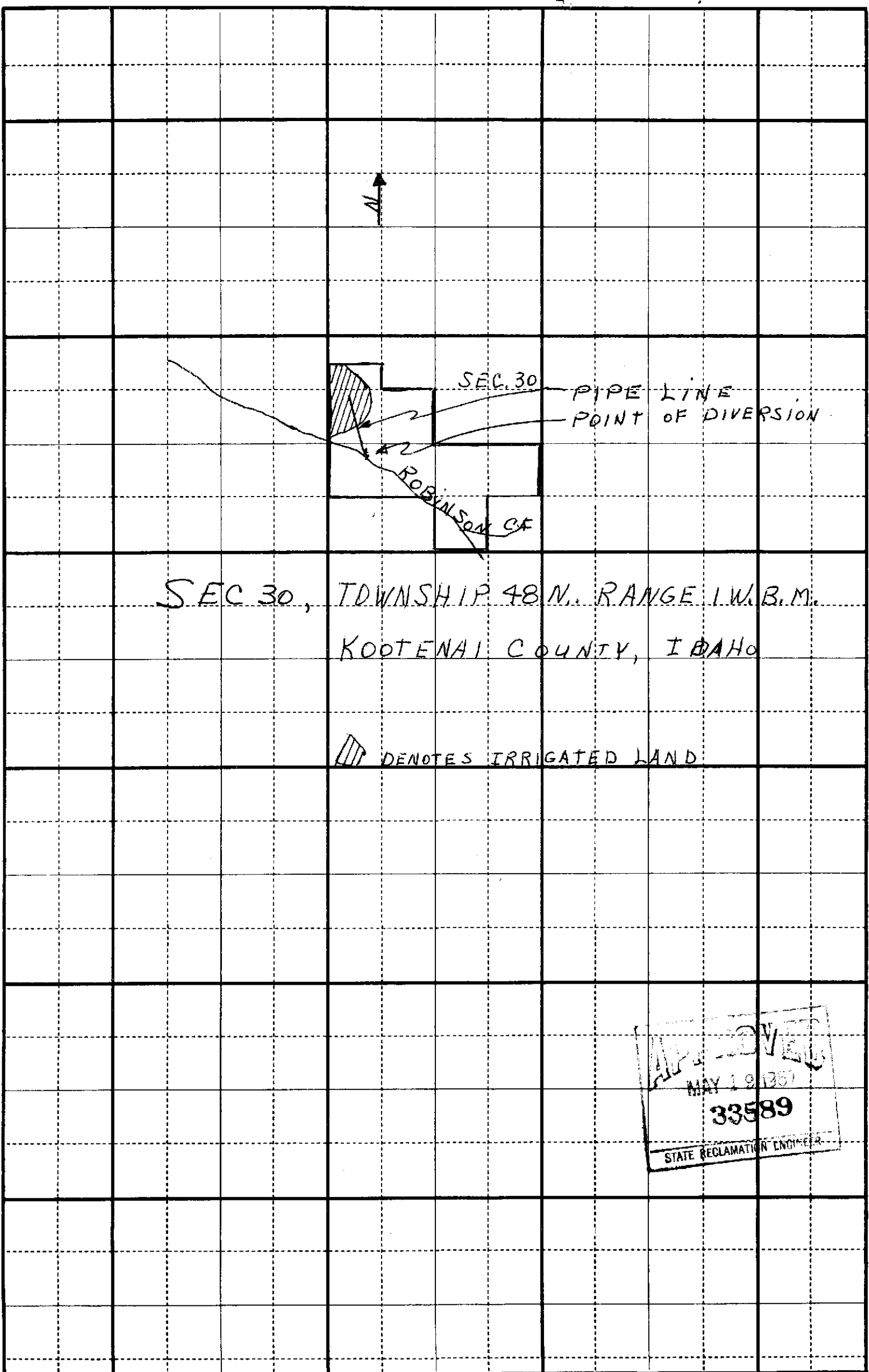
FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

33589



APPROVED
MAY 19 1967
33589
STATE RECLAMATION ENGINEER

MICROFILMED

[illegible]

(Include distance from pump to measuring device, if applicable.)

(NWSW)

✓ Point(s) of diversion: GL-3, Sec 30, T48N, R1W

Place(s) of Use

[illegible]☒ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above☐ Other

Examiner's Signature: _____

Date 9-26-80

Checked by

Date 12/1/80

Approved by

Date 6/23/81

34

1810

85

$$I(\omega) = 0.8$$

UNCLASSIFIED

Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey	When
West Township lines	Stephen D. Hunsicker	Jan. 21, 1905	3 43 97	Sept. 19
Subdivisions			39 12 49	Aug. 26
Res.			1 36 90	Sept. 1
Meridian, etc.			2 08 83	Aug. 2
South by, etc.			2 26 64	Aug. 4
			1 22 21	Aug. 6

Area of Watersurface 139 Acs. of Public Land 1523109 Total number a

N 6 0 0 5 4



8243

MICROFILMED

WATER RIGHT NUMBER 94-2223

OWNER LAST NAME - MC KIM
OWNER LAST NAME - CAPPS, JR.
OWNER LAST NAME - CAPPSFIRST NAME - GERALD L.
FIRST NAME - HUGH O.
FIRST NAME - FRANCES W.ORIG OWNER - 0
ORIG OWNER -
ORIG OWNER -ADDRESS LINE 1 - ~~3300 STATE ST.~~ AT 1 BOX 223

ADDRESS LINE 2 -

CITY - GALLOP *Cataldo*STATE - ~~MT~~ ID ZIP CODE - 87301

SOURCE - ROBINSON CREEK

IRRIUTARY OF - COEUR D'ALENE RIVER

TOTAL DIV. RATE - ~~1.2~~ 1.2 - CFSSTAGE - ~~PERMIT~~

STATUS -

PRIORITY - 05-01-1967 COUNTY - KOOTENAI

TOTAL DIV. RATE - ~~1.2~~ 1.2 - CFS

TOTAL DIV. VOLUME -

30.0 .00 AFA TRFR/AMEND -

WATER DIST. -

DUE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSM 30 48N 01W LOT 03 REDIV -

420.0 47.0 14.0 1.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE - ~~1.2~~ 1.2 - CFSUSE DIV. VOLUME - ~~30.0~~ 30.0 .00 AFA

FROM - 3-1/5 TO - 11-1/5 USE - IRRIGATION

USE DIV. RATE - ~~1.2~~ 1.2 - CFSUSE DIV. VOLUME - ~~30.0~~ 30.0 .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 48N RNG 01W SEC 30 TRACT

LOT 01 AC 10 TRACT

DEGREE NAME -

X#2

DATE -

TOTAL ACRES 20

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 05-19-1974 PERMIT/DENIED - 05-19-1967 PROTESTED -

HEARING -

ULD NO. - 33589

PROOF MADE - P FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DAM, HEADGATE & PIPELINE.

3/79

IDENT. NO. 94-2223

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

Identification No. _____
Permit No. 94-2223

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAY 3 1974 *js*

Department of Water Administration
Northern District Office

1. a) Name of Permit Holder Hugh O. Capps, Jr. and Frances W. Capps
b) Post Office Address 3300 Ciniza Drive, Gallup, New Mexico 87301
2. Permit Number 33589/94-2223
3. Date of Priority that you are prepared to establish May 1, 1967
4. a) Source from which water was appropriated Robinson Creek
b) Location of the point of diversion: Gov't. Lot 2 ~~1/4~~ Section 30
Township 48N, Range 1W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 0.16 cfs for Irrigation purposes from June 1 to Oct. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.16 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By specification of pump, Jacuzzi model 5M and 2" pipe with sprinklers, 40' radius.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed _____

FOR EXAM, PLEASE CONTACT: Lyman S. Bates at 327-7314.

Exam typed *7/17/74* by *js*

94-2223

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

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: 8 acres of pasture land.

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 $\frac{1}{4}$	
48N	1W	30							8										8

Total number of acres irrigated 8

10. Remarks: _____

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

5/3/74
(Date)

Hugh O. Capps, Jr.
(Signature)

Frances W. Capps

State of IDAHO)
County of KOOTENAI) ss.

On this 3RD day of MAY, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Corda M. Roberts
Notary Public residing at cd.t.

My commission expires SEPT. 11, 1976

RECEIVED
of
Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho.
_____ has received an approved permit No.
33589/94-2223 issued by the Idaho State Reclamation Department authorizing the
diversion ~~at the~~ of 0.4 cubic feet per second ~~at the~~ ~~of~~ ~~the~~ ~~of~~
of water from Robinson Creek, tributary of the Coeur d'Alene River,
subject to all prior rights. The priority to be established under this permit is
May 1, 1967 and the permit was approved May 19, 1967.
Water is to be diverted by dam
from a point within the NE 1/4, Govt. Lot 3, Sec. 30, T. 48 N. R. 1 W. B. M.,
Kootenai County,
to be used for irrigation
in the N 1/2 NW 1/4 (Govt. Lot 1), SW 1/4 NW 1/4 (Govt. Lot 2), Sec. 30, T. 48 N.
R. 1 W. B. M.
Proof of the application of the water to beneficial use is to be submitted to the
department on or before May 19, 1974. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho. on
~~January 20~~ January 20 and January 29, 1970.

State Reclamation Engineer:

Permit No. 33589/94-2223

You are hereby authorized to have the attached notice published at my expense in
the Coeur d'Alene Press of Coeur d'Alene, Idaho;

published in the county in which the works are situated.

Gerald L. McKim
(Signature)

Box 44 SILVERTON, IDA.
(Address)

1/14/70
(Date)

33589

94-2223