

State of Idaho

License and Certificate of Water Right

Water License No. 21927

Amount .46 c.f.s.

Water District No.

Priority August 24, 1957

THIS IS TO CERTIFY that LORNE IRWIN - Assignee - FRED R. MOORE
of Athol, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 9, 1951; that Permit No. 21927
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.76 second feet, was issued thereunder on October 3, 1955, showing that said works
were completed on the 20th day of September, 1955; and that on the 2nd
day of September, 1961,

FRED R. MOORE

of Athol, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Lewellen
Creek, a tributary of, for the purpose of irrigation
, under Use Permit No. 21927, of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7491, on the 12 day of October, 1962;

The right hereby confirmed dates from August, 1957;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 24, Tp. 53 N, R. 3 W. County Kootenai

That the amount of water to which such right is entitled and here confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .46 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
53 N	3 W.	24	NW 1/4 SE 1/4	15	13
			SW 1/4 SE 1/4	10	40
			SE 1/4 SW 1/4	20	31
			Total number of acres to be irrigated:		84

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
12th day of October, 1962.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

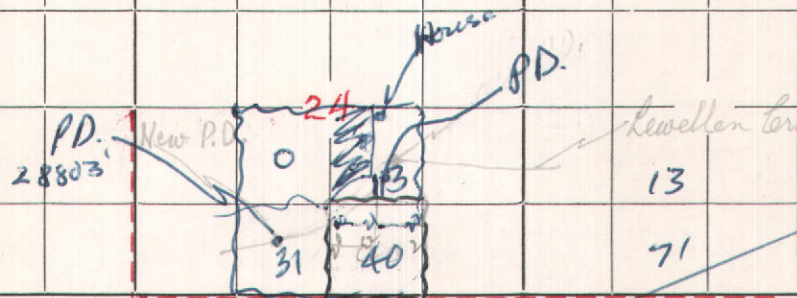
(SEAL)

R-3 W.

17 - $3\frac{1}{16} \times 3\frac{1}{32}$

16 - $1\frac{13}{16} \times 3\frac{1}{32}$

T.
53
N.



$$3\frac{1}{16} \times 3\frac{1}{32} \times 21'' = 5.83 \text{ sq. ft.}$$

$$99.11 \text{ sq. ft.}$$

$$1\frac{13}{16} \times 3\frac{1}{32} \times 21'' = 6.83 \text{ sq. ft.}$$

$$109.28 \text{ sq. ft.}$$

$$9 \times 208.39 \text{ sq. ft.}$$

$$23.1 \text{ sq. ft.}$$

$$.46 \text{ cfs}$$

TO U.S. HWY. NO. 95
AND COEUR D'ALENE

Subdivisions 3 (see 21927)

See Permit
28803

Area

84

Q

.46 cfs at 23 inches

March 9, 1960

Re: Permit No. 21927
Fred R. Moore

Mr. Fred R. Moore
Athol, Idaho

Dear Mr. Moore:

We enclose the assignment of Permit No. 21927 to you from the Edward Mellick estate, by Mrs. Edward Mellick, which has been duly recorded in this office.

We also enclose departmental receipt No. 30028 in the amount of \$0.50 covering fees for recording the assignment.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew
Enc. assignment
receipt

21927

February 9, 1960

Re: Permit No. 21927

Mr. Fred R. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

Enclosed is form for assignment of Permit. There is a 50¢ fee for the recording of assignment which should be sent when assignment is returned.

In the case Washington State Sugar Co. vs. Jacob Goodrich dated June 10, 1914 by District Judge R. M. Dunn, and as amended by the Supreme Court, water of Lemellyn Creek was adjudicated as follows:

Name	Amount c.f.s.	Priority	Land Irrigated
M. C. King	0.9	6-12-97	W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T53N-R3W
T. W. Eae & O. M. Olson	0.16	6-12-97	E $\frac{1}{2}$ NE $\frac{1}{4}$, " " " "
William Bohn (B. P. Stoddard)	0.02	12-17-00	W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24 " "
Jacob Goodrich	0.02	12-17-00	E $\frac{1}{2}$ SW $\frac{1}{4}$ " " " "
Peter Rutz	0.10	12-17-00	E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ " " " "
Fred Herring (A. L. Paullin)	0.10	12-17-00	E $\frac{1}{2}$ SE $\frac{1}{4}$ " " " "
Washington State Sugar Co.	6.0	8-23-09	no description

Permits and Licenses

License #2329	- J. D. Ford	0.20	- 9-12-06
License #2246	- Sam Shepherd	0.5	7-7-06
Permit 15795	- Andrew Tofte	1.6	4-21-23
" 21927	- Edward Mellick	0.76	2-29-51

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T53N -R2W.
SW $\frac{1}{4}$, " " " "
W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, " "
E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24
T. 53 N., R 3 W.

21927

Page Two - Continued - Fred R. Moore

Samuel Shepherd, License No. 2246 and J. D. Ford License #2329 were, apparently, defendants in the above mentioned case, however there is no mention of their water right in the decree or report on the case by the Supreme Court. Both licenses were issued in October, 1910. The Findings of Facts and conclusions of law, which are not on file in this office, may show why their rights are not mentioned in the decree. The Findings of Facts should be on file in the Kootenia County Court House.

Permit 15795 in the name of Andrew Tofte is only a use right and does not have a date of priority. Mr. Tofte made the proof of completion of works however the proof of beneficial use of the water was never made.

Permit 21927 filed by Lorne Irwin and later assigned to Edward Mellick is also a use right as proof of beneficial use of the water has not been made. Proof of beneficial use of the water was due February 17, 1955.

Beneficial use of the water under either of the two permits mentioned above may be made by the holder of the permit. The priority of the license will be advanced the length of time the proof is late. An assignment of permit No. 21927 from Edward Mellick to you is necessary before you can make the proof of beneficial use of the water. The date of priority would be some time in 1956, if the proof is made at this time.

We believe this is a complete list of valid rights on Lewellyn Creek as shown in the records in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. assignment form

21927

February 9, 1960

Re: Permit No. 21927

Mr. Fred R. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

Enclosed is form for assignment of Permit. There is a 50¢ fee for the recording of assignment which should be sent when assignment is returned.

In the case Washington State Sugar Co. vs. Jacob Goodrich dated June 10, 1914 by District Judge R. W. Dunn, and as amended by the Supreme Court, water of Lewellyn Creek was adjudicated as follows:

Name	Amount c.f.s.	Priority	Land Irrigated
M. C. King	0.9	6-12-97	W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T53N-R3W
T. W. Rae & O. M. Olson	0.16	6-12-97	E $\frac{1}{2}$ NE $\frac{1}{4}$, " " " "
William Bohn (B. F. Stoddard)	0.02	12-17-00	W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, " "
Jacob Goodrich	0.02	12-17-00	E $\frac{1}{2}$ SW $\frac{1}{4}$, " " " "
Peter Rutz	0.10	12-17-00	E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, " " " "
Fred Herring (A. L. Paullin)	0.10	12-17-00	E $\frac{1}{2}$ SE $\frac{1}{4}$, " " " "
Washington State Sugar Co.	6.0	8-23-09	no description

Permits and Licenses

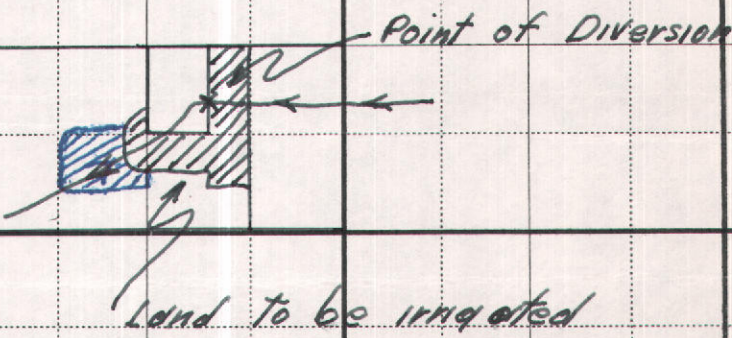
License #2329 - J. D. Ford	0.20	- 9-12-06	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T53N -R2W.
License #2246 - Sam Shepherd	0.5	7-7-06	SW $\frac{1}{4}$, " " " "
Permit 15795 - Andrew Tofte	1.6	4-21-23	W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, " "
" 21927 - Edward Mellick	0.76	2-29-51	E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24, T. 53 N., R 3 W.

21927

NAME OF APPLICANT Mr. Lane Irwin

Form No. 0

Section 24 Range 3W. Township 53N.



Permit Map No. 21927
As Approved
FEB 17 1951
MARK R. KULP
State Reclamation Engineer

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.

SEE Decree

State of Idaho
License and Certificate of Water Right

Water License No. 21927

Amount .46 c.f.s.

Water District No. _____

Priority August 24, 1957

THIS IS TO CERTIFY that LORNE IRWIN - Assignee - FRED R. MOORE
of Athol, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 9, 1951; that Permit No. 21927
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.76 second feet, was issued thereunder on October 3, 1955, showing that said works
were completed on the 20th day of September, 1955; and that on the 2nd
day of September, 1961,

FRED R. MOORE

of Athol, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Lewellen
Creek, a tributary of _____, for the purpose of irrigation
, under Use Permit No. 21927, of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7491, on the 12 day of October, 1962;

The right hereby confirmed dates from August, 1957;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 24, Tp. 53 N, R. 3 W. _____ County Kootenai

That the amount of water to which such right is entitled as here confirmed, for the purposes
aforesaid, is limited to an amount actually needed and benefited for said purposes, and shall
not exceed .46 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
53 N	3 W.	24	NW 1/4 SE 1/4	15	13
			SW 1/4 SE 1/4	10	40
			SE 1/4 SW 1/4	20	31
			Total number of acres to be irrigated:		84

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
12th day of October, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

96 2181

N^o 21927
96-2181

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29641
PERMIT No. 21927
DISTRICT No.

1. Name of Applicant: LORNE IRWIN

Postoffice address: Route 1, Athol

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 0.76

cubic feet per second.

3. Source of water supply: Lewellen Creek

which is a tributary of

4. Location of point of diversion: 2700±

feet distant from the S. E.

corner of Section 24, T. 53 N., R. 3 W., B.M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 24, T. 53 N., R. 3 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, 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: \$ 2,300.00

8. Kind of works: Sprinkler irrigation system

9. Height of dam None 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 Four (4) 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. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: See copy of letter sent to Mr. Irwin by Mr. Kulp, attached. (Letter in file)

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.

LORNE IRWIN Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. February 9, 1951

Returned to applicant for correction: February 10, 1951

Corrected application received: February 16, 1951

Approval of State Reclamation Engineer

The number of this permit is 21927

Recorded in Book 78 Page 21927 Approved February 17, 1951

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 April 17, 1951 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 February 17, 1953

The whole of said work to be completed on or before February 17, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before February 17, 1955

WITNESS My hand this 17th day of February, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,

and IRA H. MASTERS, 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 17th

day of February, 19 51.

STATE OF IDAHO

Countersigned:

(SEAL) By IRA H. MASTERS

By LEN JORDAN Governor.

Secretary of State.

Lewellen Creek flows on Mr. Irwin's property and ends. It spreads out and sinks into the ground.

REMARKS: Due to the water rights already appurtenant to the land, the sum of 12 inches, the application is made for 38 additional inches to give Mr. Irwin 50 inches, or one second foot of water for complete irrigation of his land.

He now has a small system for the irrigation of 25 acres. He wishes to get a larger unit for the 50 acres within the next four years.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
53 N.	3 W.	24									5			20		15	10	50	
A S S I G N M E N T																			
For value received, I hereby assign all my right, title, and interest in and to Permit to appropriate the Pub Waters of the State of Idaho, No. 21927 to Edward Mellick of Athol, Idaho.																			
LORNE A. IRWIN Permit holder.																			
PEARL IRWIN Wife of Permit Holder.																			
State of Idaho) County of Kootenai) ss.																			
On this 11th day of July, 1955, before me, a Notary Public for the State of Idaho, residing at Hayden Lake, Id personally appeared Lorne A. Irwin & Pearl Irwin, known to me to be the person whose name is subscribed to the wit instrument, and duly acknowledged to me that he executed the same.																			
In witness whereof, I have hereunto set my hand and affixed my Notorial seal, the day and year in this certifi first above written.																			
(SEAL) My commission expires Mar. 14, 1956.																			
Received and filed for record in the Department of Reclamation, at Boise, Idaho, September 29, 1955. MARK R. KULP State Reclamation Engineer																			

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

In the Matter of the Reinstatement)
of Permit No. 21927 Under the) ORDER REINSTATING PERMIT
Provisions of Section 42-311, Idaho Code)

WHEREAS, Permit No. 21927 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: February 17, 1955; and,

WHEREAS, On the 17th day of June, 1955, notice to show cause why said permit should not be canceled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 27th day of June, 1955, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 28th day of September, 1955, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21927, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21927 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 3rd day of October, 1955.

(SEAL)

MARK R. KULP
State Reclamation Engineer

Permit No. 21927
C E R T I F I C A T E O F C O M P L E T I O N O F W O R K S

TO ALL WHOM IT MAY CONCERN:

This is to certify that EDWARD MELLICK of Athol, County of Kootenai, and State of Idaho, the holder of Permit No. 21927, issued upon Application No. 29641 bearing date of priority of February 9, 1951, authorizing the diversion of 0.76 second foot of the waters of Lewellen Creek, County of Kootenai, State of Idaho, for irrigation 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 0.76 second foot of the waters of Lewellen Creek; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 53 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24, Township 53 North, Range 3 West, B.M.

Witness my hand this 3rd day of October, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made September 20, 1955
Certificate of Completion of Works issued October 3, 1955.

PROBATE COURT OF KOOTENAI COUNTY - ORDER APPROVING SALE IN THE MATTER OF EDWARD F. MELLICK, ESTATE -

See order in file

A S S I G N M E N T

✓ For value received, I hereby assign my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21927 to FRED R. MOORE, Route #1, Athol, Idaho

Deceased - see order above
Permit Holder
s/ Mrs. Edward Mellick
Wife of Permit Holder

State of Idaho)
County of Kootenai) ss

On this 16th day of February, 1960, before me, a Notary Public for the State of Idaho, residing at Rathdrum, Idaho, personally appeared Mrs. Edward Mellick, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that she executed the same.

IN WITNESS WHERE, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

s/ G. B. HESS
Notary Public, residing
at Rathdrum, Idaho

Recorded March 9, 1960

LICENSE ISSUED FOR 46 SEC. FT.

Page 7491

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

04/04/80

INDICATES TOTAL

SOURCE: LEWELLEN CREEK

TRIBUTARY TO: SINKS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
96-0005A	MORROW, DAVID N. MORROW, PENNY L. RT. 1 BOX 714A HAYDEN LAKE ID 83835	12-17-1900	STOCKWATER	01-01 12-31	2.70 AFA .04 CFS	NWSE S24 T53N R03W	NWSE S24 T53N R03W	DECREE
			DOMESTIC	01-01 12-31	1.20 AFA .04 CFS		SAME AS OTHER USE	
					3.90* AFA .08* CFS			
96-0007A	BENNETT, ROH BENNETT, SANDRA RT. 1 BOX 72B ATHOL ID 83801	12-17-1900	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	NESE S24 T53N R03W	NESE S24 T53N R03W	DECREE
96-0108	HAWS, MARC HAWS, KAREN RT. 1 BOX 81C ATHOL ID 83801	04-01-1909	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	SESE S19 T53N R02W	SESE S19 T53N R02W	BENEFICIAL USE
96-2181A	MORROW, DAVID N. MORROW, PENNY L. RT. 1 BOX 714A HAYDEN LAKE ID 83835	08-24-1957	IRRIGATION	03-15 11-15	.131 CFS	NWSE S24 T53N R03W	SESW(11) NWSE(13) S24 T53N R03W	LICENSE
							* 24 ACRES*	
96-2181B	MORTON, PAUL MORTON, GLADYS 2120 BOYD AVE COEUR D'ALENE ID 83814	08-24-1957	IRRIGATION	03-15 11-15	.027 CFS	SESW S24 T53N R03W	SESW(05) S24 T53N R03W	LICENSE
							* 5 ACRES*	
96-2181C	SCHOEPP, WALT RT. 3 BOX 249B RATHDRUM ID 83858	08-24-1957	IRRIGATION	03-15 11-15	.077 CFS	SESW S24 T53N R03W	SESW(14) S24 T53N R03W	LICENSE
							* 14 ACRES*	
96-2181D	BETCHER, KEITH R. RT. 1 BOX EL 15 OROVILLE WA 98844	08-24-1957	IRRIGATION	03-15 11-15	.044 CFS	SWSE S24 T53N R03W	SWSE(10) S24 T53N R03W	LICENSE
							* 10 ACRES*	
96-2181E	MOUNTAIN VIEW RANCH	08-24-1957	IRRIGATION	03-15 11-15		SWSE S24	SWSE(20)	LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

04/04/80

INDICATES TOTAL

SOURCE: LEWELLEN CREEK

TRIBUTARY TO: SINKS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
96-2181E	2415 GOVERNMENT WAY SUITE 7 COEUR D ALENE	10 83814			.110 CFS	T53N R03W	S24 T53N R03W	
							* 20 ACRES*	
96-2181F	ZIMMERMAN, DONALD ZIMMERMAN, DAWN 811 N. 7TH. COEUR D ALENE	08-24-1957	IRRIGATION	03-15 11-15	.066 CFS	NWSE S24 T53N R03W	SWSE(10) S24 T53N R03W	LICENSE
		10 83814					* 10 ACRES*	
96-2260A	MORROW, DAVID N. MORROW, PENNY L. RT. 1 BOX 714A HAYDEN LAKE	06-20-1960	IRRIGATION	03-15 11-15	.070 CFS	NWSE S24 T53N R03W	SESW(11) NWSE(13) S24 T53N R03W	LICENSE
		10 83815					* 24 ACRES*	
96-2260B	MORTON, PAUL MORTON, GLADYS MAY 2120 HOYD AVE. COEUR D ALENE	06-20-1960	IRRIGATION	03-15 11-15	.014 CFS	SESW S24 T53N R03W	SESW(05) S24 T53N R03W	LICENSE
		10 83814					* 5 ACRES*	
96-2260C	SCHOEPP, WALT RT. 3 BOX 249B RATHDRUM	06-20-1960	IRRIGATION	03-15 11-15	.040 CFS	SESW S24 T53N R03W	SESW(14) S24 T53N R03W	LICENSE
		10 83858					* 14 ACRES*	
96-2260D	BETCHER, KEITH R. RT. 1 BOX EL 15 GROVILLE	06-20-1960	IRRIGATION	03-15 11-15	.023 CFS	SWSE S24 T53N R03W	SWSE(10) S24 T53N R03W	LICENSE
		WA 98844					* 10 ACRES*	
96-2260E	MOUNTAIN VIEW RANCH 2415 GOVERNMENT WAY COEUR D ALENE	06-20-1960	IRRIGATION	03-15 11-15	.057 CFS	SWSE S24 T53N R03W	SWSE(20) S24 T53N R03W	LICENSE
		10 83814					* 20 ACRES*	
96-2260F	ZIMMERMAN, DONALD ZIMMERMAN, DAWN 811 N. 7TH. COEUR D ALENE	06-20-1960	IRRIGATION	03-15 11-15	.034 CFS	NWSE S24 T53N R03W	SWSE(10) S24 T53N R03W	LICENSE
		10 83814					* 10 ACRES*	

October 12, 1962

Re: Permits No. 21927; 28803

Fred R. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

Enclosed are Licenses and Certificates of Water Right issued on the above numbered permits, also the amendment to the land list on permit No. 28803, which has been recorded in this office.

Departmental Receipt No. 31280 is enclosed covering the fees of \$7.00.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPH:ew

Enc. licenses (2)
receipt
amendment

21927

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

October 3, 1962

Re: Permit No. 21927

Fred R. Moore
Rt 1, Box 73
Athol, Idaho

Dear Mr. Moore:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 21927 shows the pump and pipe line is capable of conveying 23 miner's inches, or .46 c.f.s. of water for irrigation of 84 acres.

Upon receipt of the statutory fees of \$ 6.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of August 24, 1957 to the use of .46 second feet of surface water with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 53 N., R. 3 W., B.M. from Lowellen Creek for irrigation of 84 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24, T. 53 N., R. 3 W., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

21927

RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21927

NW SE

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Fred R. Moore2. Source of water supply: Lewellen Creek3. Location of point of diversion: Is in the NW 1/4 SE 1/4 of Section 24T. 53 N R. 3 W.B.M. County of Kootenai4. Describe works as they exist, giving dimensions and capacities of same: 7 1/2 HP G.E.

Motor # NK 2797. Rainway Centrifical Pump # 1976 size
1 1/2" x 7 1/2" x 2" - 3" suction pipe to 2" inlet. 1 1/2" Outlet to 5" aluminum
Portable. Main line.

5. Water is used for: irrigation6. 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 other than irrigation):

E 1/2 SW 1/4, W 1/2 SE 1/4,
30 acres in SW 1/4 Sec. 24., Twp. 53 N., Rge. 3 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? ?Remarks: Mr. Fred Moore along.

Measured by taking pressure readings along the lateral.

This examination was made on the 12th day of September, 1962

(Signed)

Loyola Johnson

Examiner.

21927

Fred E. Moore *well*
Rt. #1, Box 73 7-10-62
Athol, Idaho
Permit No. 21927

Examination for Beneficial Use
County Kootenai
Sec. 24T. 53 NR. 3 E. B.M.

Quantity: 0.76 a. f. s.

Source: Lewellen Cr.

P.D.: A & S Sec. 24, T. 53 N. - R. 3 W. B.M.

Use: Irrigation

Filed: Feb. 9, 1951

Due: Feb. 17, 1955

Extension: Delayed B/24 P.D.

Completion of Works: 10-3-55

Other Rights: Legal Letter in
file from M. L.
H. G. Hux

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 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.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 13 1952

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21927

REPORT ON PROOF OF Beneficial Use

Fred R. Moore, Rt. #1, Box 73, Athol, Idaho

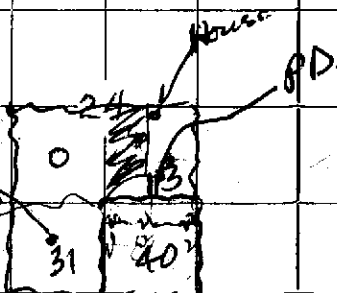
R-3 W.

17 - $5\frac{1}{6} \times 3\frac{1}{32}$

16 - $13\frac{1}{64} \times 3\frac{1}{32}$

T
53
N.

P.D.
28803



$\frac{3}{16} \times \frac{1}{32} \times 21'' = 5.836''$

99.116''

$\frac{1}{64} \times \frac{3}{16} \times 21'' = 6.83$

109.286''

208.396''

23.14

.46 cts

TO U.S. HWY. NO. 95
AND COEUR D'ALENE

Subdivision 3- (see 21427)

See Permit
#28803

AREA

84

Q

.46 cts. of 23 inches

September 12, 1961

Re: Permit No. 21927

Fred R. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Kootenai County Leader, all submitted in proof of completion of works and beneficial use on Permit No. 21927.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

21927

NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

AFFIDAVIT OF PUBLICATION

Notice is hereby given that at 10 A. M. on the 2nd day of September, 1961, at Bayview, County of Kootenai, State of Idaho, before C. R. Snyder, proof will be submitted of the application to beneficial use of .76 cubic feet per second of the waters of Lewellen Creek in accordance with the terms and conditions of Permit No. 21927 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Fred R. Moore, Rt. 1, Box 73, Athol, Idaho.

The use to which said water has been applied is Irrigation. The amount applied to beneficial use is .76.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 24, twp. 53 N., R. 3 W. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Lewellen Creek.

The right to take from such works is based upon Permit No. 21927.

The source of supply from which such water is diverted is Lewellen Creek in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 53 N., R. 3 W. B. M.

The date of priority which said user is prepared to establish is August 24, 1957.

GEO. N. CARTER,
State Reclamation Engineer.
July 28, Aug. 4, 11, 18, 1961.

STATE OF IDAHO, }
County of Kootenai, } ss.

I, CAROLYN PRUITT, Being first duly sworn, upon oath deposes and says:

1. I am now and at times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one and not a party of the above entitled action.

2. I am now and at times hereinafter mentioned was the

CHIEF CLERK of the Kootenai County Leader, a newspaper printed and published weekly in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said County.

3. The NOTICE OF PROOF APPLICATION OF WATER

#21927 - FRED R. MOORE

of which the annexed is a printed copy, was published in the regular Fri-

day issue of said newspaper for 4 consecutive issues, commenc-

ing on the 28 day of JULY, 1961, and ending

on the 18 day of AUGUST, 1961 and such

publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight weeks immediately prior to the first publication of said notice.

Signed Carolyn Pruitt

Subscribed and sworn to before me this 18TH day

of AUGUST, 1961.

Joe Whitley
Notary public in and for the State of Idaho, residing at Coeur d'Alene, Idaho.

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

✓
Permit No. 21927

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Fred R. Moore, Athol, Idaho, dairy farmer
Rt 1 Box 73 Athol, Idaho

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. NONE

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

Ans. Permit no. 21927 Oct 3, 1955 8-20-57
Priority Feb 9, 1951

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

Ans. Lewellen Creek - is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24.
T. 53 N. Rge 3 W B.M.

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. SPRINKLER IRRIGATION RAINBIRD #40
SIZE OF NOZZLES $\frac{5}{32} \times \frac{13}{64}$ This system has 17
heads each 10 gal a min = 170 gal a minute. Conveyed
by pipe from Lewellen creek.

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 of seeded pasture 15 acres in the NW $\frac{1}{4}$
Imp. 53 Range 3 W Sec 24 - 5 acres in the NE $\frac{1}{4}$
Imp 53 Range 34 Sec 24

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. irrigation permit from Lewellen creek.

21927

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

Ans. NONE

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

Ans. NONE

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. ASSIGNMENT FROM MRS EDWARD MELLICK MAR. 8, 1960

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

Ans. SPRINKLER IRRIGATION we bought this place in 1956 and started using the sprinkler system. the permit was taken out in 1951 by LORNE RAWIN

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. We have Permit # 28803 issued July 25, 1961
the amount is 0.60 C.F.S.

(Sign) Paul R. Moore

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 Bayview, County of Kootenai, State of Idaho, on this 2nd day of September, A. D. 1961

C. R. Snyder
NOTARY PUBLIC for the State of Idaho
Residing at Bayview, Idaho
My commission expires September 15, 1962

My commission expires _____

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHOSEP 21 1961
Department of ReclamationPERMIT NO. 21927**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. James W. Fischer 4-30-32 RT-1 athol, Idaho
Carpenter athol, IdahoQues. 2. Are you acquainted with Fred R. Moore, the holder of Permit No. 21927? How long have you known him and where does he reside?Ans. 1 1/2 years, RT-1 atholQues. 3. Have you read or heard read said Permit No. 21927, 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. Lewellen creek ~~to~~ 2700 feet from SE corner
Sec 24 T 53N Range 3W5 HP Elect pump & aluminum sprinkler system

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. 0.76 cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision 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 improvements which have been made as a direct result of said use.

Ans. Irrigation of 20 acres seeded pasture

21927

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

Ans. Irrigation only

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. Full capacity of 5 HP irrigation pump

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

Ans. No

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. 5 hp pump running day & night at full capacity

(Signed) James W. Fischer

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 Bayview, County of Boole, State of Idaho, on this 2nd day of Sept., A. D. 1961.

NOTARY PUBLIC for the State of Idaho
Residing at Bayview, Idaho

C. B. Snyder
Notary Public.

My commission expires My commission expires September 15, 1962.

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21927

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. Rev R Walsh, Age 75, Athol Idaho, P-1
Merchant

Ques. 2. Are you acquainted with Fred R Moore, the holder of Permit No. 21927? How long have you known him and where does he reside?

Ans. 5 years Since 1956

Ques. 3. Have you read or heard read said Permit No. 21927, 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. Levellon Creek 2700 feet from
S E corner Sec 24 Tp 53 N Range 3 E

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. 0.76 den ft per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision 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 improvements which have been made as a direct result of said use.

Ans. Irrigation 20 acres seeded pasture

21927

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

Ans. Irrigation only

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. Full capacity of 5 HP motor. Natural meadow

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

Ans. No

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 irrigation season at full capacity of pump

(Signed) R. P. Ketch.

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 Bayview, County of Rootenai, State of Idaho, on this 2 day of September, A. D. 1961.

C. B. Snyder

Notary Public.

NOTARY PUBLIC for the State of Idaho
Residing at Bayview, Idaho

My commission expires My commission expires September 15, 1962

21927

July 31, 1961

RE: Permit No. 21927
Fred R. Moore

Kootenai County Leader
Coeur d' Alene, Idaho

Gentlemen:

In the legal notice of proof of beneficial use of water under Permit No. 21927 in the name of Fred R. Moore in paragraph one the amount of water reads "76 cubic feet per second."

This should be .76 cubic feet per second. Kindly make correction in subsequent issues, and send us a tear sheet for checking.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

H. Petri
Water Rights Clerk

HP:ar

21927

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

July 24, 1961

Re: Permit No. 21927

Mr. Fred R. Moore,
Rt. #1, Box 73,
Athol, Idaho.

Dear Mr. Moore:

This acknowledges the Notice of Proof of ~~Application of Water to Beneficial Use~~ Application of Water to Beneficial Use under Permit No. 21927. The proofs are to be made at 2:00 o'clock P.M., on the 2nd day of September, 1961, ~~1958~~ before C. R. Snyder, Bayview, Idaho, Notary Public.

As of this date we have mailed the Notice to the Kootenai County Leader with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~Waldridge~~ ^{Rule}
Chief Clerk

Encl.
EPR: pak
cc: Notary

21927

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. 21927
Fred R. Moore

Date: July 24, 1961

Kootenai County Leader,
Coeur d'Alene, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to September 2, 1961 the date set for proof; the expense of the publication is to be paid by the applicant

Fred R. Moore of Rt. #1, Box 73, Athol, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

21927

Form No. 11
2M - 10/60

RECEIVED
JUL 24 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 21, 1961

(P. O.) Rt 1 Box 73 Athol, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Kootenai County Leader of Coeur d'Alene published in
the county in which the works are situated. Kootenai Co.

Fred R. Moore

(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 competent engineer.)

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

Engineer.

21927

RECEIVED

JUL 24 1961

Department of Reclamation

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

Notice is hereby given that at 10 A. M. on the 2 day of Sept., 1961,
at Bayview, County of Kootenai, State of Idaho, before
C. R. Snyder, proof will be submitted of the
application to beneficial use of 0.76 cubic feet per second of the waters of Lewellen
Creek in accordance with the terms and conditions of Permit No. 21927
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ed R.
Moore Rt 1 Box 73 Atkal, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 0.76

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 24, Township
53 North, Range 3 West B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Lewellen Creek

The right to take water from such works is based upon Permit No. 21927

The source of supply from which such water is diverted is Lewellen Cr. in NW 1/4 SE 1/4
Sec. 24, T. 53 N. - R. 3 W. B.M.

The date of priority which said user is prepared to establish is Feb. 9, 1951

Aug. 24, 1957

Geo. H. Carter

State Reclamation Engineer.

21927

RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATIONRE: Permit No. 21927Date July 14, 1961**Fred R. Moore
Rt. #1, Box 73
Athol, Idaho**

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. _____ is due not later than _____. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc.

This sheet is for instructions for beneficial use proofs on Permit 21927 as requested July 12th.

21927

September 12, 1960

RE: Permit No. 21927
28803
Fred R. Moore

Robert B. Garrett, County Supervisor
Farmers Home Administration
Box 830
Coeur d'Alene, Idaho

Dear Mr. Garrett:

We acknowledge receipt of your letter of September 7. The contents have been noted on our records.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

21927

March 9, 1960

Re: Permit No. 21927
Fred R. Moore

Mr. Fred R. Moore
Athol, Idaho

Dear Mr. Moore:

We enclose the assignment of Permit No. 21927 to you from the Edward Mellick estate, by Mrs. Edward Mellick, which has been duly recorded in this office.

We also enclose departmental receipt No. 30028 in the amount of \$0.50 covering fees for recording the assignment.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Gule
Chief Clerk

KPR:sw
Enc. assignment
receipt

21927

RECEIVED
MAR 8 1956
Department of Immigration

IN THE PROBATE COURT OF KOOTENAI COUNTY, IDAHO

In the Matter of the Estate)
 of)
EDWARD F. MELLICK, Deceased.)

ORDER APPROVING SALE AND
DIRECTING CONVEYANCE

In this matter the petition of ROSE C. MELLICK, the Administratrix, of the estate of EDWARD F. MELLICK, deceased, having come regularly on for hearing this day, the Court finds that a petition setting forth the necessity for the sale of all the property of the decedent was duly made and filed herein April 27, 1956, from which it appears that Edward F. Mellick died November 26, 1955 in Kootenai County, Idaho and left surviving him as his sole and only heirs, Rose C. Mellick, his wife. Joseph Mellick, son age 25 years. John Mellick, son aged 18 years, and James Mellick, son aged 17 years. That the decedent, EDWARD F. MELLICK and ROSE C. MELLICK had acquired as their community property the SW $\frac{1}{4}$; the SW $\frac{1}{4}$ of SE $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ all in Sec. 24, Twp. 53 N., R.3, WBM, Kootenai County, Idaho. Together with farm equipment, horses, cattle including 1 - 1953 International H. Farm-All tractor; 1-new 3-bottom disc plow; manure loader; 7-section spike tooth harrow; 10' grain drill; 7' power mower; 4 wheel rubber tired wagon; burr-mill; new 8' tandem disc; 6 can upright air flow cooler; 3-unit Surge Milker and complete sprinkling system with 5 H.P. motor, which belongs to and goes with the real estate. Also 15 milk cows and 4 heifers.

That all said contracts was purchased with money acquired by decedent and Rose C. Mellick, which they had earned during their married life, or money they had borrowed, and that the real estate was purchased on conditional sales contract whereby the owner reserved the title until the same was fully paid for and the farm machinery was purchased in the same manner.

21927

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That an order was duly made herein directing the Administratrix to make sale of said property and due notice of said sale having been duly given and proof thereof having been filed in this Court. A bid in writing having been submitted by Fred Moore and Evelyn Moore wherein he has offered for all said real and personal property, the sum of \$26,000.00 and he is to assume the contract with Lorne Irwin for the purchase of the real estate and the following described personal property to wit:

1-1953 International H. Farm All tractor;
1-new 3-bottom disc plow; manure loader;
7-section spike tooth harrow; 10' grain drill;
7' power mower; 4 wheel rubber tired wagon;
burr-mill grinder; new 8' tandem disc; 6 can
upright air flow cooler; 3-unit Surge milker and
complete sprinkling system with 5 H.P. motor,
which belongs to and goes with the real estate.
Also 15 milk cows and 4 heifers.

and said bid being the highest and best bid received.

It is ordered, adjudged and decreed that the bid of Fred Moore and Evelyn Moore for all the personal property herein before described together with the real estate before described and subject to indebtedness and title reserved by the vendor which the purchaser assumes and agrees to pay as a part of said purchase price, be and the same hereby is confirmed and approved and the said Rose C. Mellick, Administratrix, be and she hereby is ordered and directed to make, execute and deliver to the purchaser good and sufficient transfer of said real estate and personal property described and set forth in the contract and agreement with Fred Moore and Evelyn Moore etc., but subject to said contract indebtedness and the balance remaining due thereon which purchaser assumes and agrees to pay, and to also transfer to the purchaser all the estates right title and interest in and to all the cattle, farm machinery and equipment belonging to said farm and used as a part thereof. The Administratrix to pay the mortgage indebtedness to the Idaho First National Bank upon the mortgage for the cattle.

7/9/27

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mrs. Rose C. Mellick, the administratrix, of the estate of Edward F. Mellick, shall make, execute and deliver to the purchasers good and sufficient Bill of Sale transferring to them all of the personal property herein described and as to said personal property held by the estate an Conditional Sales Contract, that the said Rose C. Mellick shall make, execute and deliver good and sufficient assignment of the purchaser's interest in said property, but subject to all contract and mortgages outstanding against the same to the end that all the estates rights, title and interest in said property both real, personal and mixed, shall be transfered to the purchaser so that the purchaser upon the completion of the payment dur under said contract shall be entitled to deeds and bills of sale for the property covered thereby and it is further ordered that upon said sale being completed, the said administratrix shall make immediate return to this Court.

* * * * *

Dated this 11th day of June, A.D., 1956.



MAXINE WHITNEY
Probate Judge

21987

RECEIVED
MAR 3 1960
Department of Reclamation

PROBATE CERTIFICATE

STATE OF IDAHO, }
County of Kootenai, } ss.

IN THE PROBATE COURT OF SAID COUNTY

I, EUGENE W. MacDONALD, Probate Judge and Ex-Officio Clerk of the Probate Court in and for the County and State aforesaid, do hereby certify the within and foregoing to be a full, true and correct copy of the whole thereof, of Excerpts of the
Order Approving Sale and Directing Conveyance, In the Matter of the
Estate of EDWARD F. MELLICK, Deceased.
as the same appears of record and the files of my office in Book.....26....., on Page 77....

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal this 29th day of Feb., 1960.

EUGENE W. MacDONALD
Probate Judge and Ex-Officio Clerk of the Probate Court.

By: Dennis M. Good
Deputy Clerk

21927

February 23, 1960

Re: Permit No. 21927

Mr. Fred R. Moore,
Rt. #1, Box 73,
Athol, Idaho.

Dear Mr. Moore:

Enclosed are the Assignment you sent with the .50¢ fee attached, and a blank form.

The Assignment cannot be accepted without additional papers. The Assignment can be assigned by the executor, or if the estate has been distributed, by the new owner.

We will need the Assignment, signed by the proper person, with a certified copy of the Court Order naming the executor, or a certified copy of portion of the Court Order of final distribution, naming the owner of the land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH THOMAS
Office Engineer

Encl.
RT:pmk

21927

February 9, 1960

Re: Permit No. 21927

Mr. Fred R. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

Enclosed is form for assignment of Permit. There is a 50¢ fee for the recording of assignment which should be sent when assignment is returned.

In the case Washington State Sugar Co. vs. Jacob Goodrich dated June 10, 1914 by District Judge R. H. Dunn, and as amended by the Supreme Court, water of Lewellyn Creek was adjudicated as follows:

Name	Amount c.f.s.	Priority	Land Irrigated
M. C. King	0.9	6-12-97	W1/4, Sec. 24, T53N-R3W
T. W. Roe & O. M. Olson	0.16	6-12-97	E1/4, " " " "
William Bohm (B. P. Stoddard)	0.02	12-17-00	W1/4, Sec. 24, " "
Jacob Goodrich	0.02	12-17-00	E1/4, " " " "
Peter Bate	0.10	12-17-00	E1/4, " " " "
Fred Herring (A. L. Paullin)	0.10	12-17-00	E1/4, " " " "
Washington State Sugar Co.	6.0	8-23-09	no description

Permits and Licenses

License #2329 - J. D. Ford 0.20 - 9-12-06
License #2246 - Sam Shepherd 0.5 7-7-06
Permit 15795 - Andrew Tofte 1.6 4-21-23
" 21927 - Edward Mallick 0.76 2-29-51

W1/4, Sec. 19, T53N - R2W.
S1/4, " " " "
W1/4, Sec. 20, " "
E1/4, W1/4, Sec. 24
T. 53 N., R 3 W.

21927

Page Two - Continued - Fred A. Moore

Samuel Shepherd, License No. 2246 and J. D. Ford License #2329 were, apparently, defendants in the above mentioned case, however there is no mention of their water right in the decree or report on the case by the Supreme Court. Both licenses were issued in October, 1910. The Findings of Facts and conclusions of law, which were not on file in this office, may show why their rights are not mentioned in the decree. The Findings of Facts should be on file in the Kootenai County Court House.

Permit 15795 in the name of Andrew Tofte is only a use right and does not have a date of priority. Mr. Tofte made the proof of completion of works however the proof of beneficial use of the water was never made.

Permit 21927 filed by Lorne Irwin and later assigned to Edward Mellick is also a use right as proof of beneficial use of the water has not been made. Proof of beneficial use of the water was due February 17, 1955.

Beneficial use of the water under either of the two permits mentioned above may be made by the holder of the permit. The priority of the license will be advanced the length of time the proof is late. An assignment of permit No. 21927 from Edward Mellick to you is necessary before you can make the proof of beneficial use of the water. The date of priority would be some time in 1956, if the proof is made at this time.

We believe this is a complete list of valid rights on Lewellyn Creek as shown in the records in this office.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. assignment form

21927

February 9, 1960

Re: Permit No. 21927

Mr. Fred B. Moore
Route #1, Box 73
Athol, Idaho

Dear Mr. Moore:

Enclosed is form for assignment of Permit. There is a 50¢ fee for the recording of assignment which should be sent when assignment is returned.

In the case Washington State Sugar Co. vs. Jacob Goodrich dated June 10, 1911, by District Judge A. W. Dunn, and as amended by the Supreme Court, water of Lewellyn Creek was adjudicated as follows:

Name	Amount c.f.s.	Priority	Land Irrigated
M. C. King	0.9	6-12-97	W ¹ / ₄ NE ¹ / ₄ , Sec. 25, T53N-R3W
T. W. Rae & O. M. Olson	0.16	6-12-97	E ¹ / ₄ NE ¹ / ₄ , " " " "
William Bohm (B. P. Stoddard)	0.02	12-17-00	W ¹ / ₄ SW ¹ / ₄ , Sec. 24 " " "
Jacob Goodrich	0.02	12-17-00	E ¹ / ₄ SW ¹ / ₄ , " " " "
Peter Ruts	0.10	12-17-00	E ¹ / ₄ W ¹ / ₂ SE ¹ / ₄ , " " " "
Fred Herring (A. L. Paulin)	0.10	12-17-00	E ¹ / ₄ SE ¹ / ₄ , " " " "
Washington State Sugar Co.	6.0	8-23-09	no description

Permits and Licenses

License #2329 - J. D. Ford 0.20 - 9-12-06
License #2246 - Sam Shephard 0.5 7-7-06
Permit 15795 - Andrew Tofte 1.6 4-21-23
" 21927 - Edward Mallist 0.76 2-29-51

W¹/₄SE¹/₄, Sec. 19, T53N-R2W.
SW¹/₄, " " " "
W¹/₄SE¹/₄, Sec. 26, " " "
E¹/₄SW¹/₄, W¹/₄SE¹/₄, Sec. 25
T. 53 N., R. 3 W.

21927

Page Two - Continued - Fred R. Moore

Samuel Shepherd, License No. 2246 and J. D. Ford License #2329 were, apparently, defendants in the above mentioned case, however there is no mention of their water right in the decree or report on the case by the Supreme Court. Both licenses were issued in October, 1910. The Findings of Facts and conclusions of law, which are not on file in this office, may show why their rights are not mentioned in the decree. The Findings of Facts should be on file in the Kootenai County Court House.

Permit 15795 in the name of Andrew Tofte is only a use right and does not have a date of priority. Mr. Tofte made the proof of completion of works however the proof of beneficial use of the water was never made.

Permit 21927 filed by Lorne Irwin and later assigned to Edward Mallick is also a use right as proof of beneficial use of the water has not been made. Proof of beneficial use of the water was due February 17, 1955.

Beneficial use of the water under either of the two permits mentioned above may be made by the holder of the permit. The priority of the license will be advanced the length of time the proof is late. An assignment of permit No. 21927 from Edward Mallick to you is necessary before you can make the proof of beneficial use of the water. The date of priority would be some time in 1956, if the proof is made at this time.

We believe this is a complete list of valid rights on Lowellyn Creek as shown in the records in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. assignment form

21927

RECEIVED
FEB 4 1960

Department of Reclamation

Athol, Idaho

February 2, 1960

Department of Reclamation
State Reclamation Engineer
Geo. N. Carter

Dear Sir:

I am enclosing a letter I received from you in 1958. We would like to have you check recent years for a sprinkler irrigation right taken out by Loren Irwin. We understand this was taken out approximately seven years ago. We also need information on the other irrigation rights on Llewellyn Creek. Who has the first right etc. We need this information for the F. H. A. so would appreciate your help.

Is it possible to get a copy of said water right? We saw this water right at the time we bought the Irwin place. The right was supposed to be with papers in escrow at the bank, but some way or other has been misplaced.

Thank you.

Very truly yours,

Fred R. Moore

Rt. 1 Box 73

Athol, Idaho

2/9/77



ROBERT E. SMYLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

~~MARSHAL R. RULP~~, STATE RECLAMATION ENGINEER
GEO. N. CARTER
BOISE

July 28, 1958

Mr. Fred R. Moore
Rt. # 1
Box 73
Athol, Idaho

Dear Mr. Moore:

You describe the Lagenhedder place as being the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, Township 53 North, Range 2 West, B. M. We do not find a water right for that land from Lewellen Creek. Our records show that Lagenhedder purchased from Mr. Shepherd the SW $\frac{1}{4}$ of Section 19, same township, for which there is a water license right for 0.5 cubic feet per second or 25 miners inches, with priority of July 7, 1906.

this is our place [The SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 53 North, Range 3 West has a decreed water right for 0.1 cubic feet per second or 5 miners inches with priority of December 17, 1900.]

Laws governing water rights in Idaho fill a book. The last book was published in 1947 and is not available at this time. A new book is being prepared to include laws enacted since that time. We do have a book printed in 1956, with many points of law explained and opinions of the Courts. That book sells for \$1.00.

We do not understand your request for information on the first water on the Irwin place. The water right was initiated when Jacob Goodrich and Jefferson Brown posted a notice of water right at the intake of the Hall Ditch, December 17, 1900, for irrigation of lands in the S $\frac{1}{2}$ Section 24.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rutledge
Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

21927

October 3, 1955

RE: Permit No. 21927

Mr. Edward Mellick
Route 1, Box 74
Athol, Idaho

Dear Mr. Mellick:

We have recorded the Assignment of Permit No. 21927 from Lorne A. Irwin and wife to you and return same herewith.

The Permit has been reinstated and we enclose Certificate of Completion of Works for the diversion of 0.76 second foot of water from Lewellen Creek with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 53 North, Range 3 West, B.M., for irrigation of land in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section.

We also enclose departmental receipt No. 27577 for \$5.50 which includes \$5.00 completion of works fee and fifty cents for recording the Assignment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 21927 Under the)
Provisions of Section ~~5504~~ Idaho)
~~Compiled Statutes~~ 42-311 Idaho Code)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21927 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: February 17, 1955; and,

WHEREAS, On the 17th day of June, 1955, ~~192~~ notice to show cause why said permit should not be canceled, under the provisions of Section ~~5504~~ 42-311 Idaho Code ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

WHEREAS, On the 27th day of June, 1955, ~~192~~ the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 28th day of September, 1955, ~~192~~ depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

~~Engineer~~ WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ State Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21927, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21927 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 3rd day of October, 1955.

Mark R. Kulp
Commissioner of Reclamation
State Reclamation Engineer

By _____
Assistant

21927

RECEIVED
SEP 28 1955
Department of Reclamation

Arthof, Ida.
Sept. 27, 1953

Mr. Mark R. Kulp.
State Reclamation Engineer
Boise, Ida.

Dear Sir,

Ree the Proofs of
Completion of Works papers
and am very sorry to have
made this mistake. They
should have been dated a
year back (1954).

Mr Irwin had this
systems completed when
we moved here.

I am kind of new at
this business. 21927

Again I say I'm sorry.

Sincerely
W.H. really need this work. Ed Millick

PERMIT NO. 21927

Proof of Completion of Works

RECEIVED
SEP 28 1955
Department of Reclamation

DEPOSITION OF HOLDER

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

Ans. Ed Mellick, Dairy FarmerAthol, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. NoQues. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion. 21927 April 17 1951Ans. 29641 12 cu. in. Lewellam creek2700 ft. from S.E. corner of Sec 24 T53N R3W

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Sprinkler system for pasture & hay land 50 or more acres. Gravelly, level & dry

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes April 28, 1954 all we could use

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes, in all respects

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. 5 H.P. motor & pump 1600 ft 4 in mainline 680 ft 3 in laterals\$3000.00(Sign here.) Ed MellickI 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 Boeur d'AleneCounty of Kootenai, State of Idaho, on this 20thday of September A. D. 1955Willis F. Strobe
Notary Public.

My Commission expires

21927

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21927**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Eugene W. Johnson. Fed. Dealer
Rt + 2 Coeur d'Alene IdahoQues. 2. Are you acquainted with E. D. Mellick, the holder of Permit No. 21927, authorizing the diversion of 12/50 second-feet of the waters of Levellyn Creek, at Atthal for irrigation purposes? How long have you known him, and where does he reside?Ans. 1 yr + 1/2. Atthal IdahoQues. 3. Have you read or heard read said Permit No. 21927, and are you familiar with its terms and conditions?Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This land is used for Pasture & Hay.
he needs about 2.7 inch every 11th day
for best results.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes Completed April 28, 1957

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. he now has 17 heads operating at all
times with a 5 horse pump & motor switch
will cover 30 acres by properly moving in
about 15 days.(Sign here.) Eugene W. JohnsonI 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, at my office in Coeur d'Alene County of Boatena, State of Idaho, on this 20th day of September, A. D. 1955.

21927

Willis F. StrodeNOTARY PUBLIC for the State of Idaho
residing at Coeur d'Alene
My Commission expires May 1-1959

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21922**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Louis Bailey R. 1 Box 643 Coeur d'Alene, Ida
RetiredQues. 2. Are you acquainted with Ed Mellink, the holder of Permit No. 21922, authorizing the diversion of 17/20 second-feet of the waters of Llewellyn Creek, at Arhol for irrigation purposes? How long have you known him, and where does he reside?Ans. 5 years Arhol, IdahoQues. 3. Have you read or heard read said Permit No. 21922, and are you familiar with its terms and conditions?Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land is used for hay and pasture
he needs about 2 cusecs every 10 days

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes - Completed April 28, 1924

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. They have 17 aqueducts - heads now
operating with 4 1/2 h.p. pump & motor. They
irrigate 500 ac. at present(Sign here.) Louis Bailey

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, at my office in Coeur d'Alene County of Kootenai, State of Idaho, on this 20th day of September, A. D. 1925.

21922Willis F. Strode

September 23, 1955

RE: Permit No. 21927

Mr. Ed Mellick
Route 1 - Box 74
Athol, Idaho

Dear Mr. Mellick:

We have your letter of September 21 enclosing depositions of yourself and two witnesses in proof of completion of works on Permit No. 21927.

If you will refer to copy of letter addressed Mr. Loren A. Irwin on July 14, these depositions must definitely state that the works were completed prior to February 17, 1955, the date set for proof, if that is the case.

Your own deposition says that the water was turned in April 28, 1955, which is not acceptable and the depositions of your two witnesses fail to state the date when the works were completed.

We return them all for the necessary correction.

In regard to the fees, there is a fifty cents fee for recording the Assignment of this Permit from Mr. Irwin to you and there will also be a fee of \$5.00 for Certificate of Completion of Works if the proofs are acceptable and the Permit reinstated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

21927

RECEIVED
SEP 23 1955
Department of Reclamation

Athol, Idaho

Sept. 21, 1955

Mr Mark Kulp

Boise, Ida.

Dear Sir,

I am very sorry to be so late with these papers. I do hope they are made out the way they should be.

If there is any change please bill me and I will take care of it at home.

Sincerely,

Ed Mallick

R.1, Athol, Ida.

9/927

✓
September 14, 1955

RE: Permit No. 21927

Mr. Edward Mellick
Athol
Idaho

Dear Mr. Mellick:

On July 14, 1955, we sent you copy of letter addressed to Mr. Lorne A. Irwin in regard to an Assignment of Permit No. 21927 from him to you.

This letter explained that the Permit was being held for cancellation for failure to make proof of Completion of Works when due on or before February 17, 1955. You were also advised to what could be done to reinstate the Permit, since we understood from a previous letter received from Mr. Irwin, that the works had been completed.

Unless we hear from you in the very near future final order of Cancellation will have to issue.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

21927

✓
July 14, 1955

RE: Permit No. 21927

Mr. Lorne A. Irwin
Hayden Lake
Idaho

Dear Mr. Irwin:

This mornings mail brings us an Assignment of Permit No. 21927 from yourself and wife to Edward Mellick, but you failed to enclose the 50¢ fee for recording mentioned in our letter of June 27.

We are sending a copy of this letter to Mr. Mellick in order that he may understand what is required if the Permit is to be reinstated.

As you know, proof of Completion of Works was due on this Permit on or before February 17, 1955, and when the proof was not made registered notice was sent you stating that the Permit was being held for cancellation for failure to make the proof, and in reply, you advised that the work had been completed and in that case Mr. Mellick may submit depositions of himself and two witnesses describing the works and stating that they were completed prior to February 17, 1955.

The forms of deposition are enclosed in the copy of this letter we are sending Mr. Mellick.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
CC: Mr. Edward Mellick

21927

June 27, 1955

RE: Permit No. 21927

Mr. Lorne Irwin
Hayden Lake
Idaho

Dear Mr. Irwin:

We have your letter of June 23 in reply to registered notice sent you that your Permit No. 21927 was subject to cancellation for failure to make proof of completion of works when due on February 17, 1955. We regret that you did not notify us that you had sold the property when notice was sent you on December 1, 1954 calling attention to the fact that this proof was due.

However, since you state you have completed the work, the new owner may take the necessary steps to reinstate the Permit; but in order to do this, we should have an Assignment of the Permit executed by yourself and your wife on the enclosed form to the new owner. The fee for recording this Assignment is fifty cents. Thereafter, we can advise the new owner as to the steps necessary to reinstate the Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21927

Wapiti Lake, Idaho
June 23, 1955

Department of Reclamation
Boise, Idaho

RECEIVED
JUN 27 1955
Department of Reclamation

Dear Sirs;

We received your notice about the
completion of the water works and holding
it for cancellation Permit No- 21927.

We have completed this work and recently
sold the place and new owner is following
our same system in irrigation. You must
have sent another notice which we didn't
receive. What should we do to straighten out
this matter? Awaiting your reply.

21927
Yours truly,
Lorne Irwin

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

Lorne D. Smith
(Signature or name of addressee)

2 *Donna Finckwith*
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery *6-20*, 19 *55*

21927

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIVERING
OFFICE

Return to Department of Reclamation

Street and Number,
of Post Office Box

(NAME OF SENDER)

CERTIFIED MAIL

107 State House

REGISTERED ARTICLE

NO. 19029 Post Office

INSURED PARCEL
RETURN RECEIPT REQUESTED

12421

State

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

June 17, 1955

Re: Permit No. 21927

To Mr. Lorne Irwin
Route 1
Abbot, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21927
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works February 17, 1955

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 21927
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21927 claims the use of 0.76 cubic feet per second of the
waters of Lewellyn Creek with point of diversion located
in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Twp. 53 North, Range 3 West, B. M., and
was approved February 17, 1950

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
17th day of June, 1955

Mark R. Kulp.

State Reclamation Engineer.

By Assistant.

21927

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

December 1, 1954

RE: Permit No. 21927

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Lorne Irwin
Route 1
Athol, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 21927 you are required to complete your diversion works on or before February 17, 1955. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

21927

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 21927

Date February 21, 1951

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Lorne Irwin
Route 1
Athol, Idaho

MARK R. KULP
State Reclamation Engineer

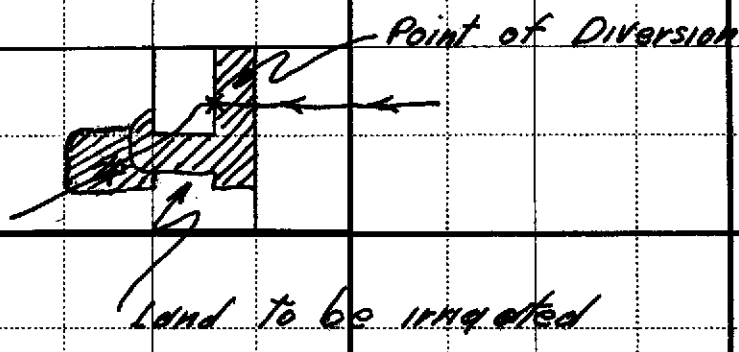
Enc. Departmental Receipt No. 23085.

21927

NAME OF APPLICANT Mr. Edna Irwin

Form No. 0

Section 24 Range 3W Township 53N.

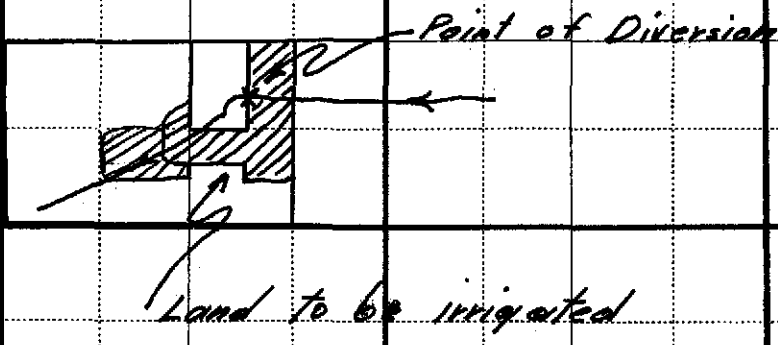


Permit Map No. 21927
As Approved
FEB 17 1951
MARK R. KULP
State Reclamation Engineer

NAME OF APPLICANT Mr. Lorne Irwin

Form No. 0

Section 24 Range 3W Township 53N



Permit Map No. 21927
As Approved
FEB 17 1951
MARK R. KULP
State Reclamation Engineer

February 10, 1951

Re: Application No. 29641

Mr. Lorne Irwin
Route 1
Athol, Idaho

Dear Mr. Irwin:

We acknowledge receipt of your application for Permit to appropriate 0.76 of a second feet of water from Lewallen Creek, accompanied by your check for the \$5.00 filing fee.

However, the land description as given under Question 14 does not exactly agree with the sketch map. The sketch map shows approximately six acres to be irrigated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24 while the tabulation under Question 14 shows 20 acres.

We therefore return the application and sketch map for whatever correction may be necessary.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21927

February 3, 1951

Mr. Lorne Irwin
Route 1
Athol, Idaho

Dear Mr. Irwin:

In reply to your letter of February 1, 1951, we enclose herewith an Application for Permit to Appropriate the Public Waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application. In order to complete your water right, two proofs are required as follows:

First, proof of completion of works which is made by affidavit before a Notary Public. The time required for making this proof should be stated under Question 12 in the application.

The final proof is made when the water has been completely applied for irrigation or whatever purpose it is intended. Notice of such proof must be published for four consecutive weeks in a county newspaper at your expense, and at the time set for proof, depositions are to be executed by yourself and two witnesses in proof of such beneficial use. The additional time required for making this proof should be stated under Question 13 of the application

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21927

Atch, Idaho
Feb. 1, 1951

Department of Reclamation
Mark R. Kulp, Eng.
Boise, Idaho.

Dear Sir,

I am interested in filing for water rights to set up an irrigation system. Would you please send me an application or forms that I must have in order to do so. Any other information you have would be welcome. My source of water is a creek running through the place if it makes any difference. Please send these soon as possible.

Yours truly,
Lorne Swin

RECEIVED
FEB 3 1951
Department of Reclamation

21927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Mark R. Kulp, State Reclamation Engineer
BOISE

October 2, 1950

Mr. Lorne Irwin
Route 1
Athol, Idaho

Dear Mr. Irwin:

A decree rendered by Judge R. N. Dunn, dated June 10, 1914, in the District Court of Kootenai County, decrees the following water from Lewellen Creek for land in the S $\frac{1}{2}$ Section 24, Twp. 53 North, Range 3 West, B.M., with priority of December 17, 1900:

1/50 of a cubic foot per second, or one inch,
for the W $\frac{1}{2}$ SW $\frac{1}{4}$.

1/50 of a cubic foot per second, or one inch,
for the E $\frac{1}{2}$ SW $\frac{1}{4}$.

5/50 of a cubic foot per second, or five inches,
for the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

5/50 of a cubic foot per second, or five inches,
for the E $\frac{1}{2}$ SE $\frac{1}{4}$.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By /s/ Jeanne L. Anderson

Chief Clerk

71927