

R-2W.

22

27

Sallee Creek

33

34

P.D.

Bayview

Pond de Oreille Lake

T.
54
N.

TO CHEUR D'ALENE

Sub-divisions = one

Area = 1 acre.

use = irrig. & culinary.

Q = one inch.

There is another Sallee Creek just above this one and both empty into Pond de Oreille Lake. Mr. S. says they are entirely different streams.

Mike M. Siskoff

TRP. 54 N. R. 2. W.

26

27

28

36

35

34

33

PEND OREILLE LAKE

Point of Diversion

Salt Creek

Permit Map No. 19410

As Approved

JUN 10 1949

JAMES SPOFFORD
State Reclamation Engineer

State of Idaho

Department of Water Administration

*** AMENDED ***

WATER RIGHT LICENSE

License of Water Right No. 19410/96-2152 Priority June 1, 1943 Amount 0.02 cfs

THIS IS TO CERTIFY, that MIKE SIRKOFF

of Bayview, Idaho, has complied with the terms and conditions of Permit No. 19410/96-2152 issued pursuant to Application for Permit dated June 1, 1943, and has submitted proof to the Department of Water Administration on June 9, 1954, 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 0.02 cfs of water from Bayview Creek, tributary to Pend Oreille Lake, and that the permit holder has applied to a beneficial use established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.02</u> cfs and	<u>3.0 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 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 3.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34,
Twp. 54 N, Rge. 2 W, B.M. 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 $\frac{1}{4}$	
54 N	2 W	34									1								One
			North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469, being a part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Twp. 54 North, Range 2 West, B.M.																

Total number of acres irrigated One

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 2 day of May, 19 74.

Director

96-2152

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Correcting)
License No. 19410/96-2152 in the)
name of MIKE SIRKOFF)

ORDER

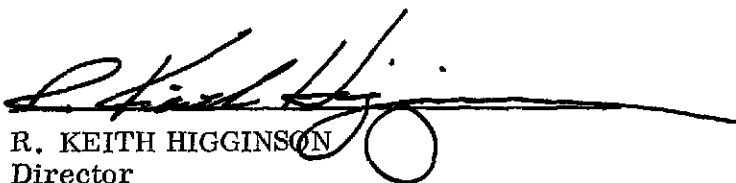
WHEREAS, on November 27, 1954, the Department of Water Administration (formerly the Department of Reclamation) issued the above numbered license to Mike Sirkoff for 0.02 cfs of water from Salee Creek to be diverted at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Twp. 54 N, Rge. 2W, B.M., Kootenai County, for the irrigation of one acre in the North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469, being a part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Twp. 54 North, Range 2 West, B.M.; and,

WHEREAS, it has been brought to the attention of the Department that the source listed, Salee Creek, is in error and should in fact be Bayview Creek; and,

WHEREAS, after having reviewed the Department's records and the quadrangle maps of the U. S. G. S., the Director of the Department of Water Administration finds that the above numbered license should be corrected to show the true source;

IT IS, THEREFORE, HEREBY ORDERED that an amended license be issued under License No. 19410/96-2152 listing the source as Bayview Creek.

Dated this 2 day of May, 1974.


R. KEITH HIGGINSON
Director

96-2152

State of Idaho

License and Certificate of Water Right

Water License No. 19410

Amount 0.02 second foot

Water District No.

Priority June 1, 1943

THIS IS TO CERTIFY that MIKE SIRKOFF

of Bayview, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 1, 1943; that Permit No. 19410 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.1 second foot, was issued thereunder on May 12, 1948, showing that said works were completed on the 27th day of April, 1948; and that on the 9th day of June, 1954,

MIKE SIRKOFF

of Bayview, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Salee Creek, a tributary of Pend Oreille Lake, for the purpose of irrigation

, under Use Permit No. 19410 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

9 of Licenses at page 5418, on the 27th day of November, 1954;

The right hereby confirmed dates from June 1, 1943;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 34, Tp. 54 N., R. 2 W., B. M. Kootenai County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
54 N.	2 W.	34	NW 1/4 SW 1/4 North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469, being a part of the NW 1/4 SW 1/4 Section 34, Twp. 54 North, Range 2 West, B. M.		one

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

27th day of November, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

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

96-2152

Application No. 26908
Permit No. 19410
District No.

1. Name of Applicant: **MIKE M. SARKOFF**

Postoffice address: **Bayview**

County: **Kootenai**

State: **Idaho**

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: **0.1** cubic feet per second.

3. Source of water supply: **Saloe Creek** which is a tributary of **Pend Oreille Lake**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$**

of Section **34** , T. **54 N.**, R. **2 W.**, B. M., County of **Kootenai**

5. Water is to be used for **Irrigating garden or 1 acre of land**

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: \$ **25.00**

8. Kind of works: **Ditch**

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width **1** feet; height **1** feet;

11. Ditch: Width at bottom **1** feet; width at water line **1.5** feet; depth of water **0.5** feet;

dimensions of flume:

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

Average grade per mile feet.

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

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

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

MIKE M. SIRKOFF Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. June 1, 1943

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19410
Recorded in Book 70 Page 19410 Approved June 10, 1943
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 August 10, 1943 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 December 10, 1945
The whole of said work to be completed on or before June 10, 1948
Beneficial use of water appropriated in accordance herewith, to be made on or before June 10, 1954

Witness my hand this 10th day of June, 1943
JAMES SPOFFORD
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSSEN, Governor of the State of Idaho, and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of June, 1943.
STATE OF IDAHO
Countersigned:

(SEAL) By GEO. H. CURTIS Secretary of State. By C. A. BOTTOLFSSEN Governor

Remarks: I wish to renew the water right once held by Harry L. Hornbeck for the waste water or overflow from Salee Creek. The water to be used for irrigating garden and fruit trees on one acre of land, purchased by me from Harry L. Hornbeck

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
54 N.	2 W.	34									1								1
PRMIT NO.19410 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that MIKE M. SIRKOFF of Bayview, County of Kootenai, and State of Idaho, the holder of Permit No. 19410, issued upon Application No. 26908 bearing date of priority of June 1, 1943, authorizing the diversion of 0.1 second feet of the waters of Salee Creek, a tributary of Pend Oreille Lake 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 0.1 second feet of the waters of Salee Creek; that the point of diversion of said waters is in the NW1/4 SW1/4 Section 34, Township 54 North, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Garden in SW1/4 SW1/4 Section 34, Township 54 North, Range 2 West, B.M.																			
Witness my hand this 12th day of May, A.D. 1948																			
Proof of Completion of Works made April 27, 1948 Certificate of Completion of Works issued May 12, 1948.															MARK R. KULP State Reclamation Engineer				

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO NO. 19410

Comes now MIKE M. SIRKOFF, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 19410, and requests that the list of lands to be irrigated, as described in said permit, be change to read as follows:

Beginning 525.5 feet North of the S. E. corner of the N. W. Quarter of the S. W. Quarter of Sec. 34, Twp. 54 North of Range 2 W.B.M., thence North along the East side of said N. W. Quarter of the S. W. Quarter, 100 feet; thence South 89 deg. 40' West, parallel with the South side of said N. W. Quarter of the S. W. Quarter, 417.4 feet; thence South, parallel with the East side of said N. W. Quarter of the S. W. Quarter, 100 feet; thence North, 89 deg. 40' East, parallel with the South side of the said N. W. Quarter of the S. W. Quarter, 417.4 feet, to the place of beginning, being a part of the Northwest Quarter of the Southwest Quarter of Section 34, Township 54 North of Range 2, W.B.M., in Kootenai County, Idaho; and being further described as the North 100 feet of Tax No. 1471; and

Beginning at a point on the East side of the NW 1/4 of the SW 1/4 of Section 34, Twp. 54 N. R. 2 W.B.M., 625.5 feet North of the Southeast corner of said NW 1/4 of SW 1/4; thence North along the subdivision line 8.7 feet; thence South 89 deg. 40' West parallel with the South side of said NW 1/4 of the SW 1/4 208.7 feet; thence South 8.7 feet; thence North 89 deg. 40' East 208.7 feet to the place of beginning, being part of the NW 1/4 of the SW 1/4 of Section 34, Township 54 North, Range 2 W.B.M., and being the South 8.7 feet of Tax No. 1469; acquired from George Lowery and wife by deed recorded 148 Deeds 285, Kootenai County, Idaho, making a total of one plus acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at _____, this 28th day of April, 1954.

MIKE M. SIRKOFF

Date of receipt at Office of Department of Reclamation April 30, 1954

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho No. 19410. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

~~APPROVED FOR 0.02 1954~~

Page 5418

November 20, 1974

Re: License No. 19410/96-2152

Mr. William L. Lawson
7820 Church Street
Highland, California 92346

Dear Mr. Lawson:

In answer to your letter of November 12th, we wish to advise you that the Department has no procedure for changing its records to indicate a new owner once a permit has been licensed. When a license is issued it becomes appurtenant to the land and ownership is automatically conveyed with the land unless it is specifically withheld in the sale transaction.

We will, however, place your letter in our file for future reference as to present ownership. Enclosed for your records is a copy of the license which you now control.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enclosure

RECEIVED

November 12, 1974

William L. Lawson
7820 Church Street
Highland, California
92346

Mr. R. Keith Higginson
614 State Street
Statehouse — Annex 2
Boise, Idaho 83720

Dear Mr. Higginson:

We recently purchased the Mike Sirkoff property in Bayview, Idaho and we have the Deed in our possession. In the sale of this property, the Water Right License No. 19410/ 96-2152 was included in this sale.

We would like to know what the procedure is to transfer this Water Right License from Mike Sirkoff to William L. Lawson or Jean C. Lawson.

Sincerely,



William L. Lawson

RE: License No. 19410/96-2152

May 2, 1974

Re: License No. 19410/96-2152

Mr. Bob Salter
Box 208
Bayview, Idaho 83803

Dear Mr. Salter:

Enclosed herewith is a copy of the Amended License issued this date on the above referenced water right license.

We are also returning the original application for permit for Mrs. Sirkoff's records.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of amended license w/order
Original app for permit

bc: Northern District Office

96-2152

To: Bob Flemer

From: Fred

96-2152

Subject: Changing the name of the
Source of water on a License.

Bob Satter is handling this in
behalf of Mrs. Silkoff. He would
like to have ~~we~~ change the name of
the creek from Satee Creek to
Bayview Creek. The point of diversion
As listed on the license is correct.
Enclosed is the original license
and permit. Please make the
changes and send back to

Bob Satter

Box 208

Bayview, Id 83803

Fred

96-2152

State of Idaho

License and Certificate of Water Right

Water License No. 19410 Priority June 1, 1943 Amount 0.02 second foot

THIS IS TO CERTIFY that MIKE SIRKOFF of Bayview, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 1, 1943; that Permit No. 19410 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.1 second foot, was issued thereunder on May 12, 1948, showing that said works were completed on the 27th day of April, 1948; and that on the 9th day of June, 1954, MIKE SIRKOFF of Bayview, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Salee Creek a tributary of Pend Oreille Lake for the purpose of irrigation, under Use Permit No. 19410 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 9 of Licenses, at Page 5418, on the 27th day of November, 1954; The right hereby confirmed dates from June 1, 1943;

The Point of Diversion is located in the NW 1/4 SW 1/4, Sec. 34, Twp. 54 N., R. 2 W., B.M. Kootenai County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.02 cubic feet per second.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
54 N.	2 W.	34	NW 1/4 SW 1/4 North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469, being a part of the NW 1/4 SW 1/4 Section 34, Twp. 54 North, Range 2 West, B. M.		one

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 27th day of November, 1954

Mark R Kulp
State Reclamation Engineer.

Water Right

28
141

State of Idaho
License and Certificate of
Water Right

Water License No. 19410

To MIKE SINKOFF

Bayview, Idaho

Source of Supply Salas Creek
tributary to Pond Oreille Lake

Kootenai County

Amount 0.02 Sec. Ft.

Point of Diversion NW 1/4 SW 1/4 Section 34,
Twp. 54 N., Range 2 W., B.M.

Place of Use Same

Purpose Irrigation

Date of Priority June 1, 1943

Recorded November 27, 1954

in Book 9 of Licenses, Page 5418

State of Idaho
County of Kootenai

Filed for record

at the request of

Mike Sinkoff

on OCT 11 1955

at 12:01 PM

28

and recorded in book

Miscellaneous Records

of Page 141

Harwood D. Fagg
County Recorder

Charles E. Swan
Deputy

Fee \$ 1.25

Mike Sinkoff
Bayview, Idaho

March 26, 1974

Re: License No. 19410 (New No. 96-2152)

Mrs. Edna Sirkoff
Bayview,
Idaho 83803

Dear Mrs. Sirkoff:

We have been advised by our Coeur d'Alene office that you desire to have the source of water under the above referenced license corrected to Bayview Creek.

If you have the original license in your records, please submit it to this office. If you have lost the original, please advise us in order that the necessary steps can be taken to issue an amended license.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:jfr

96-2152

INTER-DEPARTMENT MEMO — 1

DATE

RECEIVED
MARCH 21 1974

FROM Fred

TO BOB FLEENOR

SUBJECT License No. 96-2152

On November 27, 1954, we issued License No. 96-2152, and at that time the source of water was evidently known as Salee Creek. However, the creek is now known as Bayview Creek.

The holder of the license, Mrs. Edna Sirkoff, would like to have the license changed to represent the true name of the Creek as Bayview Creek. I called Mr. Bob Salter who represents Mrs. Sirkoff and told him that if we can receive the original license, we can then change the name to Bayview Creek and send it back.

This is probably best handled through your office, so I told Mr. Salter that you would write to Mrs. Sirkoff requesting the original license so it can be changed.

Write to: Mrs. Edna Sirkoff
Bayview,
Idaho 83803

(If you are still puzzled, give me a call)


SIGNATURE

96-2152

December 1, 1954

RE: Permit No. 19410

Mr. Mike Sirkoff
Payview
Idaho

Dear Mr. Sirkoff:

We enclose License and Certificate of Water Right issued under Permit No. 19410 confirming your right to the use of 0.02 second foot or 1 inch of water from Salee Creek with point of diversion in the NW¹SW¹ Section 34, Township 54 North, Range 2 West B.M., with priority of June 1, 1943, for irrigation of 1 acre of land as described in the NW¹SW¹ Section 34.

We also enclose departmental receipt No. 27056 for the \$2.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

19410



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

November 13, 1954

RECEIVED
NOV 18 1954

Department of Reclamation

RE: Permit No. 19410

Mr. Mike Sirkoff
Bayview
Idaho

Dear Mr. Sirkoff:

The report of our field engineer on examination for beneficial use on Permit No. 19410 shows that you have irrigated 1 acre of land in the NW¹SW¹ Section 34, Township 54 North, Range 2 West B.M. from Salee Creek.

A License can therefore be issued for 1 inch or .02 second foot of water upon receipt of the statutory fee of \$2.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll

cc: Mr. J. Ward Arney

*Dept. of Reclamation
State House
Boise, Idaho*

*Bayview
Nov 18 - 1954*

*Gentlemen
Enclosed please find M.O. for the
above. = Thanking you.*

*Mike Sirkoff - Bayview
Idaho 19410*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19410

REPORT ON PROOF OF Beneficial Use

MIKE M. SIRKOFF, Bayview, Idaho

app. 0.1 cfs

1.02 cfs
max

one acre

R-2W.

22

27

33

34

T.
54
N.

Sallee Creek

P.D.

Bayview

Pond de Orville Lake

TO
BEUR D'ALENE

Sub divisions = one

Area = 1 acre

use = irrig. & culinary.

Q = one inch.

There is another Sallee Creek just above this one and both empty into Pond de Orville Lake. Mr. S. says they are entirely different streams.

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

Permit No. 19410This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Mike M. Sirkoff, Bayview, Idaho2. Source of water supply: Salee Creek3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34T. 54 N. R. 2 W. County of Kootenai4. Describe works as they exist, giving dimensions and capacities of same: Actually have

whole creek coming onto the place and has an overflow spill in his
garden. Creek channel is 2' to 3' wide. garden ditches are 12" wide.
These water rise below and downstream from the small reservoir
that Puckett claimed in their decree rights for Town of Bayview.
The stream rises at the top of something like an alluvial fan
formation.

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):

North 100 feet of Tax No/ 1471 and South 8.7 feet of Tax No. 1469, being a part of
the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Twp. 54 North, Range 2 West, B. M.

It is very easy to change the course of the stream fr.
one location to another. This has been done just above
Mr. Sirkoff's place and now the whole stream flows
thru his place. A ditch has been cut and guides it along the
fence line.

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

8. What large stream would the water here appropriated finally reach? _____

Remarks: The stream is not large and the neighbors
above (two of them) are taking the whole stream
part of the time. In one turn, the channel is cutting
until it will alter the stream course for a short
distance. It looks as though there may be trouble
over this water. There has been trouble in the past.
Jess Puckett was killed 2 or 3 years ago in Bayview.
Mr. L. says the war is not over even tho Puckett is dead.

This examination was made on the 5 day of Nov, 1954(Signed) E. H. Humphrey Examiner.

19410

Wiles Sirkoff

Boysfiew, Idaho

Permit No. 12410

Examination for Beneficial Use

County Kootenai

34-54N.-2W.

Q = 0.1 c.f.s.

S = Saline break

P.D. = NW. SW. Sec. 34, T. 54N. - R. 2W.

Use = Irrigation/Barren

Look up Humboldt right
and visit

Talk to Ward Arner re

etc.

Priority = June 1, 1943
Due = June 10, 1954.

9W-5-12-48

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
NOV 10 1954

Department of Reclamation

November 1, 1954

RE: Permit No. 19410

Mr. Mike Sirkoff
Bayview
Idaho

Dear Mr. Sirkoff:

I hope to call on you on Saturday morning, November 6 to make inspection as required by law in connection with your Permit No. 19410 which is being brought to license.

Please be prepared to accompany me on this inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

19410

COPY FROM
J. WARD ARNEY
ATTORNEY-AT-LAW
COEUR D'ALENE, IDAHO

October 5, 1954

RECEIVED
OCT 7 1954
Department of Reclamation

Mr. Mike Sirkoff
Bayview
Idaho

Dear Mike:

MIKE M. SIRKOFF; Permit #19410:

As I told you today, the last word I had from the Department of Reclamation was their June 15th letter. It was to the effect that no further action could be taken until investigation was made by their engineer. No doubt this investigation will be made soon, and I have every confidence that your application will be successful.

If you do not hear from the Department or from me in the next three weeks, I suggest that you then contact me and I will contact the Department.

Best of luck to you and Mrs. Sirkoff, whom I hope is well.

Respectfully,

a-m

c: Department of Reclamation
Attn: Mrs. Jeanne L. Anderson
Boise, Idaho

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

July 3, 1954

RECEIVED
JUL 6 1954
Department of Reclamation

Department of Reclamation
Boise
Idaho

Gentlemen:

MIKE M. SIRKOFF; Permit #19410:

Thank you for your June 15th advices to Mr. Sirkoff and the writer, and I know you will do all you can to expedite.

In event I may be of any assistance while your engineer is in this area, do not hesitate to have him contact me.

Respectfully,

a-m

c: Mr. Mike M. Sirkoff
Bayview
Idaho

19410

✓
June 15, 1954

RE: Permit No. 19410

Mr. Mike M. Sirkoff
Bayview
Idaho

Dear Mr. Sirkoff:

We acknowledge receipt of the depositions of yourself and two witnesses also affidavit of publication in the Coeur d'Alene Press all in proof of beneficial use on Permit No. 19410.

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,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
cc Mr. J. Ward Arney

19410

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

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

Carl M. Neuman, being first duly sworn
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the Notice of Proof
application of Water to Beneficial
Use.

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for four consecutive weeks, commencing on the 5th day of May, 1954, and ending on the 26th day of May, 1954.

Carl M. Neuman
Subscribed and sworn to, before me, this 26th day of May, 1954.

B. C. Hugadone
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

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

Notice is hereby given that on 10:00 A. M. on the 9th day of June, 1954, at Coeur d'Alene, County of Kootenai, State of Idaho, before Donna Lloyd, notary public, Wilson Bldg., Coeur d'Alene, proof will be submitted of the application to beneficial use of 0.1 cubic foot per second of waters of Salee Creek, Kootenai County, Idaho in accordance with the terms and conditions of Permit No. 19410 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Mike M. Sirkoff, Bayview, Idaho.

The use to which said water has been applied is irrigating garden or one acre of land.

The amount applied to beneficial use is 0.1 cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469 - being a part of the NW 1/4 SW 1/4 Section 34, Township 54 North, Range 2, W. B. M., Kootenai County, Idaho.

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

The right to take water from such works is based upon Permit No. 19410.

The source of supply from which such water is diverted is Salee Creek, Kootenai County, Idaho.

The date of priority which said user is prepared to establish is June 1, 1943.

MARK R. KULP,
State Reclamation Engineer.
May 5, 12, 19, 26, 1954. 19410

19410

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 14 1954
Department of Reclamation

Permit No. 19410

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Mike M. Sirkoff, Bayview, Idaho, retired farmer

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

Ans.

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

Ans. #19410, June 10th, 1943

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

Ans. Salee Creek, diverted at a point of the NW 1/4 of the SW 1/4.

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.

Ans. water diverted through head-gates into irrigation ditches.

Capable of using 5" to 10" of water.

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. domestic purposes and irrigation. NW 1/4 of the SW 1/4 - 34 - 54 N.

2 W.B.M. One acre

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

Ans. _____

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

Ans. 1 inch per sec.

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. _____

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

Ans. irrigation and domestic

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. _____

(Sign)

X sample on Sir Lloyd

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 Coeur d'Alene County of Kootenai, State of Idaho, on this 9th day of June, A. D. 1954.,

Donna Lloyd

My commission expires 10/8/57.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. Mrs Lois V. Schaeffer, age 57, housewife
Box 41, Bayview, Idaho

Ques. 2. Are you acquainted with Mr. Mike Sirkoff, the holder of Permit No. 19410? How long have you known him and where does he reside?

Ans. 6 yrs. He resides in Bayview, Idaho

Ques. 3. Have you read or heard read said Permit No. #19410, and are you familiar with its provisions and conditions?

Ans. yes, June 10th 1943

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. Salce Creek diverted at a Point of the
N.W. 1/4 of the S.W. 1/4

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. Water diverted through head-gates into
irrigation ditches, capable of 5" to 10" inches of water

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. domestic purposes and irrigation. N.W. 1/4
of the S.W. 1/4 - 34 - 54 ac. 2 W. B.M.M.
One Acre

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

Ans. Cleaning fish and household use

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. Cut over timber, farm purposes
1 inch per sec.

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. Nearly every day for 6 years, next
door neighbor. 5 to 10 inches

(Signed) Mrs. Lois D. Schaeffer

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 Grand d. Alene,
County of Kootenai, State of Idaho, on this 9th day of June,
A. D. 1954.

Donna Hays

Notary Public.

My commission expires 10-8-57

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. J. D. Eitel Dreibach, 39, Bayview, Idaho
Robert A. Penaton, Box 80 Bayview, Idaho

Ques. 2. Are you acquainted with Mr. Mike Linkoff, the holder of Permit No. 19410? How long have you known him and where does he reside?

Ans. Yes, 9 yrs. Bayview, Idaho

Ques. 3. Have you read or heard read said Permit No. 19410, and are you familiar with its provisions and conditions?

Ans. No. Familiar with other permits

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. Sallee Creek. Mr. Linkoff's property. Small diversion box and diversion ditches.

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. Approximately 1 cubic foot 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. One acre. Cultivated. Sande Lawn

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

Ans. Not for power. Watering livestock. Used in conduct of fish smoking business.

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. Cut-over timberland. One or two inches per second

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. From the past 9 years - 1945 - 1954. From one fine inches. Average five or six times per year

(Signed) J. D. Eitel D. Reichard

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 Camas d'Alene, County of Kootenai, State of Idaho, on this 9th day of June, A. D. 19 54.

Donna Lloyd

Notary Public.

My commission expires 10-8-57

May 17th, 1954

RE: Permit No. 19410

Coeur d'Alene Press
Coeur d'Alene
Idaho

Gentlemen:

On May 1st, we sent you notice for publication on Permit No. 19410 in the name of Mike M. Sirkoff.

To date we have received no acknowledgement of this notice.

Please advise if notice is being published and if so send us a copy of your first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

19410

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 19410 BOISE, IDAHO

Date: May 1, 1954

Coeur d'Alene Press

Coeur d'Alene, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **June 9, 1954** the date set for proof, the expense of the publication to be paid by the applicant, **Mike M. Sirkoff** of **Bayview, 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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

19410

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

Notice is hereby given that at 10:00 A. M. on the 9th day of June, 1954,
at Coeur d'Alene, County of Kootenai, State of Idaho, before
Donna Lloyd, notary public, Wilson Bldg., Coeur d'Alene, proof will be submitted of the
application to beneficial use of 0.1 cubic feet per second of the waters of Salée Creek, Kootenai
County, Idaho in accordance with the terms and conditions of Permit No. 19410
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is
Mike M. Sirkoff, Bayview, Idaho

The use to which said water has been applied is irrigating garden or one acre of land

The amount applied to beneficial use is 0.1 cubic foot per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469 - being
a part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2, W.B.M.,
Kootenai County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
unnamed lateral from Salée Creek

The right to take water from such works is based upon Permit No. 19410

The source of supply from which such water is diverted is Salée Creek, Kootenai County,
Idaho

The date of priority which said user is prepared to establish is June 1, 1943.

MARK R. KULP

State Reclamation Engineer.

19410

April 30, 1954

RE: Permit No. 19410

Mr. J. Ward Arney
Coeur d'Alene
Idaho

Dear Mr. Arney:

We return Mike M. Sirkoff's application for amendment to the land list as described in Permit No. 19410, which has been approved by the State Reclamation Engineer and recorded in this department.

We have completed the notice for beneficial use proof under this Permit to include the amended land description, but in order to save Mr. Sirkoff unnecessary expense we have not included the entire metes and bounds description, but have described it as the North 100 feet of Tax No. 1471 and the South 8.7 feet of Tax No. 1469 being a part of the NW 1/4 SW 1/4 Section 34, Township 54 North, Range 2 West B.M.

A copy of the notice will be sent to the Coeur d'Alene Press with instructions to publish it once a week for four weeks prior to June 9, 1954 and to send the affidavit of publication to Mr. Mike M. Sirkoff, Bayview, Idaho, together with statement of costs.

At the time set, he should appear before Donna Lloyd, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, for the purpose of executing the enclosed depositions.

When completed, these depositions are to be returned to this department together with the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

April 28, 1954

RECEIVED
APR 30 1954
Department of Reclamation

Department of Reclamation
Attention: (Miss or Mrs.) J. Anderson
Boise, Idaho

Dear Miss or Mrs. Anderson:

MIKE M. SIRKOFF - PERMIT #19410:

You will find enclosed the application of Mr. Sirkoff to amend the Permit #19410 to correctly describe the property.

In event there is any other factor which may in anywise delay, please call me collect (MOHAWK 4-4216), for I don't want Mr. Sirkoff to be further disturbed.

Inasmuch as the sole basis for this amendment is to correct the description, I assume that it is not necessary to supply the maps which are mentioned on the reverse side of this amended application.

In event the maps are necessary, I hope the publication can be commenced and the maps later supplied, although the source of water and the point of diversion, as well as the location of the works, are all, I assume, in your files.

Respectfully,

J. Ward Arney
(en)

a/w
e/l
Registered

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

April 26, 1954

RECEIVED
APR 28 1954
Department of Reclamation

Department of Reclamation
Attention: (Miss or Mrs.) J. Anderson
Boise, Idaho

Dear Miss or Mrs. Anderson:

MIKE SIRKOFF - PERMIT #19410:

Thank you so much for yours of the 23rd, and I
have sent for Mr. Sirkoff, who should be in in
a few days.

Respectfully,

J. Ward Arney
(m)

a-m

19410

April 23, 1954

RE: Permit No. 19410

Mr. J. Ward Arney
Attorney at Law
Coeur d'Alene, Idaho

Dear Mr. Arney:

Your air mail letter of April 22 in regard to the above numbered permit, has just reached us.

Since the land description in the original application and Permit was evidently in error and should have been the NW¹ SW¹ the Permit can be amended and the form of application for such amendment is enclosed herewith.

Since the date for making proof was set at June 9, a copy of the notice has not yet been sent to the Coeur d'Alene Press for publication. This is fortunate because there will now be no question about the notice describing the place of use as the NW¹ SW¹ Section 34, Township 54 North, Range 2 West B.M.

If the amendment application is returned promptly, it can be approved and recorded in ample time to allow four weeks publication prior to June 9.

Very truly yours,

MARK R. KULI
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

April 22, 1954

Department of Reclamation
Attention: Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

MIKE M. SIRKOFF - PERMIT NO. 19410:

Responsive to my request, Mr. and Mrs. Sirkoff are here now, bringing back your letter of April 15th.

They have brought along the deed by which they acquired the property on which the water is being used, and the abstract pertaining to that property.

This is very definitely located in the NW 1/4 of the SW 1/4 - 34 - 54 N. - 2 W.B.M. (122 Deeds 261 from Hornbeck et ux to Sirkoff et ux).

There was an evident misprision in the application, of which I have a copy, probably a true copy of the original.

On page 2 in the columns designating the quarter section the SW 1/4 of the SW 1/4 is marked, instead of the NW 1/4 of the SW 1/4.

It is an indisputable fact that the grantors (Hornbecks) and the Sirkoffs have owned no other land in that section but the portion of the NW 1/4 of the SW 1/4. It is also an established fact that the water has been diverted at a point of the NW 1/4 of the SW 1/4, and has been used exclusively on the Sirkoff land in the NW 1/4 of the SW 1/4.

19410

J. WARD ARNEY

ATTORNEY AT LAW

COEUR D'ALENE, IDAHO

To: Department of Reclamation

Re: MIKE M. SIRKOFF - PERMIT NO. 19410:

April 22, 1954

-2-

The map (bearing the stamp of my good old friend, Jim Spofford, then reclamation engineer), shows a diversion of being in the NW 1/4 of the SW 1/4, but the usage in the SW 1/4 of the SW 1/4.

In short, the actual title to this water has been established. Now, I have to inquire of you as to establishing the record title in view of this error in description.

Respectfully,

a/w

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

April 19, 1954

RECEIVED
APR 21 1954
Department of Reclamation

Department of Reclamation
Boise
Idaho

Dear (Miss or Mrs.) Anderson:

MIKE M. SIRKOFF; Permit #19410:

I cannot understand how the error in description occurred, but certainly the description in the proof which I sent you April 13th should conform to the application and the subsequent instruments in this matter; and you are authorized to have the proof so amended.

I am sending a copy of this letter to Mr. Sirkoff to have him wife you in case there is any doubt on this subject.

Thank you so much for calling this to my attention.

Respectfully,

a-m

c: Mr. Mike M. Sirkoff
Bayview, Idaho

19410

✓
April 15, 1954

RE: Permit No. 19410

Mr. J. Ward Arney
Attorney at Law
Coeur d'Alene, Idaho

Dear Mr. Arney:

We have your letter of April 13 enclosing notice for proof of beneficial use on Permit No. 19410 in the name of Mike M. Sirkoff.

In checking this notice, we find that the place of use is described as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2 West B.M., whereas, the original Permit, as well as proof of completion of works describes the place of use as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of the section.

Possibly this is an error in the notice and we can correct it upon receipt of your authorization to do so.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

April 13, 1954

RECEIVED
APR 15 1954
Department of Reclamation

Department of Reclamation
Boise
Idaho

Dear Mr. Kulp:

MR. MIKE M. SIRKOFF; Permit #19410:

You will find enclosed, in response to yours of
April 1, 1954:

1. Duplicate notice of proof of application;
2. Authorization to publish notice.

In event there is any omission which you can
supply, please do so, or if it becomes necessary,
phone or wire me. Mr. Sirkoff is at Bayview and
has no phone, but I can arrange to get through
to him if necessary. I make no profession of
having any experience with this sort of paper
work.

Respectfully,

a-m
e/3

19410

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 13, 1954

(P. O.) Bayview, 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

Coeur d'Alene Press of Coeur d'Alene, Kootenai County, published in

the county in which the works are situated.

Walter M. Smith

(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.

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

Notice is hereby given that at 10:00 A. M. on the 9th day of June, 1954,
at Coeur d'Alene, County of Kootenai, State of Idaho, before
Donna Lloyd, notary public, Wilson Bldg., Coeur d'Alene, proof will be submitted of the
application to beneficial use of 0.1 cubic feet per second of the waters of Salee Creek, Kootenai
County, Idaho in accordance with the terms and conditions of Permit No. 19410
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit ~~is~~ is, Mike M.
Sirkoff, Bayview, Idaho

The use to which said water has been applied is irrigating garden or one acre of land

The amount applied to beneficial use is 0.1 cubic feet per second

The place where said water is used ~~(If for irrigation, give full and accurate description of the land irrigated)~~

Southwest quarter of the Southwest quarter of
Section 34, Township 54 North, Range 2, W.B.M.,

Kootenai County, Idaho.

N. 100 ft. of Tax No. 1471 and S. 8.7 ft. of Tax No. 1469 -
being a part of the NW⁴ SW⁴ Section 34 - etc.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
unnamed lateral from Salee creek

The right to take water from such works is based upon Permit No. 19410

The source of supply from which such water is diverted is Salee Creek, Kootenai County,
Idaho

The date of priority which said user is prepared to establish is June 1, 1943

MARK R. KULP

State Reclamation Engineer.

1941D

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

April 1, 1954

Boise, Idaho

Mr. Mike Sirkoff

Bayview, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application
of water to beneficial use under your Permit No. 19410. This
notice should be filled out in duplicate and returned to this office
at least 40 days before the date upon which you wish to make this
proof, in order to allow time for the four weeks' publication re-
quired by law.

This proof must be submitted before a Notary Public or other
officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later
than June 10, 1954, and if proof is submitted later
than said date, your priority will be brought down a length of time
equal to the time elapsing between the date the proof is due and the
date proof is actually made.

Very truly yours,
MARK R. KULP

State Reclamation Engineer

19410

19410

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

MARK R. KULP

September 18, 1951

Subject Salée Cr. Water.

File

This whole situation was inspected on September 13, 1951, with the following comments. People talked to were Jess Puckett, Mrs. Lehman, Mr. and Mrs. Mike Sirkoff and Ward Arney. The dam and head of the water system on Section 34, was checked with a reasonable degree of accuracy, considering the under-brush that was encountered. The dam is the gathering basin for the water system of Bayview. The pool at present is only approximately $\frac{1}{2}$ full. Water runs through an 8 or 10 inch outlet pipe, and does not half fill the pipe at present. *The pool is small, probably 40' x 30' surface area.*

Mr. Puckett told me that he had a pipe line into one of the springs below the dam and conducts water to a weir and drops it into the system ~~to a~~ ~~spring~~ that collects from the reservoir. He told me this in Athol after the inspection had been made. The question seems to be over the rising water below the reservoir. At present there appears to be approximately 15 to 20 inches of rising water.

Mrs. Lehman has a diversion on her place which is the first diversion below the dam at present, taking about $\frac{1}{2}$ the water and spreading it over a small pasture. The stream appears to lose about half the water ~~going down the stream~~ as it crosses another small pasture belonging to Mr. Puckett's brother. There is no diversion. The water sinks in the gravelly stream bed. There are two small culverts across the roadway. Upon being questioned as to the need for two culverts, Puckett stated that one culvert could not carry all the water sometimes in the spring.

the road
Below ~~this~~ is another diversion by Mrs. Nolan which looks to be a new diversion made with a plow and takes probably half or better of the remaining water. A short distance down the channel ~~where the water crosses the road~~ *from this diversion stream* crosses the road, the stream bed is completely dry. Puckett states that the water never goes across the road in the later summertime. This was also verified by Mrs. Lehman's statement.

Mrs. Nolan apparently does not get sufficient water from the diversion, because there is a very long hose leading down to her place in order to supply additional water.

19410

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PAGE 2

MEMORANDUM

Subject _____

File _____

Filing discussed
Mr. Sirkoff was advised ~~his rights~~ could probably be claimed and the same sustained by court action on at least some of the ground lying between his place and reservoir, and that in any event if contest over the water arose it would certainly have to be settled in court unless it could be amicably adjusted outside of court action. Mr. Puckett states that he had disposed of his holding in this matter to his father-in-law Mr. Lindbergh.

E. N. Humphrey
Deputy State Reclamation Engineer

19410

COPY FROM
J. WARD ARNEY
ATTORNEY-AT-LAW
COEUR D'ALENE, IDAHO

RECEIVED
AUG 31 1951
Department of Reclamation

August 29th, 1951

Mr. Mike M. Sirkoff
Box 62
Bayview, Idaho

Dear Mr. Sirkoff:

WATER RIGHTS SALEE CREEK:

Please read the enclosed August 25th, 1951
very courteous letter from Mr. Kulp and re-
turn to my files.

It is suggested that you take no further
action awaiting the recognizance which I
am in hopes Mr. Kulp will have made before
too long.

The report of that will be very material
to all parties concerned.

Respectfully,

a-a

c: Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

19410

August 27, 1951

Mr. J. Ward Arney
Attorney at Law
Coeur d'Alene, Idaho

Dear Mr. Arney:

NINE M. SIKOFF, PERMIT NO. 19410:

While this department exercises no jurisdiction over administration of unadjudicated streams, we are willing to help the water users of an unadjudicated stream to resolve their differences.

With our limited number of qualified men in the department, and the large irrigated acreage in South Idaho, it is difficult to spare anyone on short notice to go to North Idaho.

However, all water problems are of interest to the department and at our earliest opportunity, we will look the situation over.

License 6208 seems to have been regularly processed and issued with the exception of some conclusions made by the department as to the amount of water actually applied to beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

AUG 24 1951

Department of Reclamation

August 21st, 1951

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

Dear Mr. Kulp:

MIKE M. SIRKOFF, PERMIT NO. 19410:

Thank you for yours of August 18th to Mr. Sirkoff with copy to the writer.

First, if you have forms for furnishing the proof for application of beneficial use, I would be grateful if you would send the necessary forms to Mr. Sirkoff.

This situation on Salee Creek is explosive. It is a gross understatement to say that Puckett is a hard customer with whom to deal. He evidently derives all of his interests from the Bayview Townsite & Water Company rights. They are both very litigious.

There is no thought on my part of attempting to embroil your Department in any partisan way. I do suggest that, if it is possible, you have some one from your Department become thoroughly acquainted with the situation as it now exists. We will take care of any necessary litigation. On the other hand, my thought is that possibly a full acquaintance with the facts would place your Department in a position where suggestions might head off litigation and bad neighborhood trouble. My client has no fear of full disclosure of all the facts to your Department.

Incidentally, there is a bare possibility that the Emerson and Peck licenses relate to a creek over another watershed and not at least to this particular Salee Creek.

Respectfully,

August 18, 1951

Re: Permit No. 19410

Mr. Mike M. Sirkoff
Box 62
Bayview, Idaho

Dear Mr. Sirkoff:

At the request of Mr. J. Ward Arney, we give below what our records show in regard to filings on Selae Creek.

License 6208, to the Bayview Townsite and Water Company, for 10 second feet with priority of July 28, 1910, and point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 54 North, Range 2 West B.M.

License 14828 to J. N. Emerson .2 of a second foot with priority of August 3, 1935; point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 54 North, Range 2 West B.M., for irrigation and domestic use on the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28.

License 19513, to Wesley Walter Peck for 0.8 of a second foot with priority of June 5, 1944; point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 54 North, Range 2 West B.M., for irrigation and domestic use on the N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28.

Your own Permit No. 19410 claims 0.1 of a second foot, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 54 North, Range 2 West B.M., for the irrigation of your garden; filing date June 1, 1943; proof of completion of works made April 27, 1948; beneficial use proof due on or before June 10, 1954.

When beneficial use proof has been made and project has been examined by a field engineer from this department, a license may be issued for the amount proved to have been beneficially used.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

cc: J. Ward Arney

P.S. We have no record of permit for Jess Puckett, Sidney E. Lindberg or Mrs. Lehman (or Leeman).

19410

J. WARD ARNEY

ATTORNEY-AT-LAW
Coeur d'Alene, Idaho

August 16, 1951

RECEIVED
AUG 18 1951
Department of Reclamation

State Reclamation Engineer
Boise
Idaho

Dear Sir:

MIKE M. SIRKOFF, PERMIT NO. 19410:

The Sirkoff application had June 10, 1943 approval from your predecessor and completion of works was certified to May 12, 1948.

Sirkoff claims that Jess Puckett or Sidney E. Lindberg, father-in-law of Puckett, and Mrs. Lehman (or Leeman); all of Bayview, are taking his water from Salee Creek.

Would you please let Mr. Sirkoff know at Box 62, Bayview, as to what rights Puckett, Lindberg and/or Lehman have in these Salee Creek waters, their point of diversion, as well as the amount they may use and any restrictions or extensions; as well as the priorities between these three or any of them on the one side and Mr. Sirkoff on the other?

Respectfully,

a-r

P-19410

O. I. c. f. s.-

P. B. H. W. S. H. 34 - 5217-2M -

2m. garden (one acre)

filed 6-1-43

C/W 4-27-45

B/W due 6-10-54

19410

✓
May 13, 1948

Re: Permit No. 19410

Mr. Mike M. Sirkoff
Bayview, Idaho

Dear Mr. Sirkoff:

We enclose Certificate of Completion of Works issued under your Permit No. 19410, for the diversion of 0.1 of a second foot of water from Salee Creek, a tributary of Pend Oreille Lake, with priority of June 1, 1943 and point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2 West, E.M., for irrigation of garden in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2 W.B.M.

We also enclose Departmental Receipt No. 20587 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

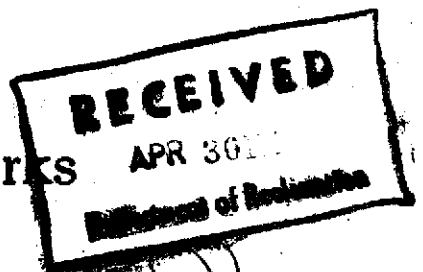
A/am
Enc.

19410

Permit No. 19410STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER



STATE OF IDAHO

County of Kootenai

ss.

See letter
dated 5-2-48
returning

Mike M. Siskoff, being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19410, and that his postoffice address is Bayview
State of Idaho

Second: That the name of the stream which said water is to be ~~directed~~ ^{FROM} is Sabe Creek

DIVERGED

Third: That the point of diversion of said water is NW 1/4 SW 1/4 Sec 34 T54N R2W B.M. County of Kootenai

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 10, 1948

Fifth: That the use for which said water is intended is Irrigating Garden

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

I. Kind of works: 300 feet Ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: Ditch 2 ft wide & 1 ft deep
(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____
(State whether ditch, flume or pipe)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

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

Eighth: That water appropriated under said permit is available for 1 acre
acres of land described as follows: Garden

SW 1/4 SW 1/4 Sec 34

SW 1/4 SW 1/4 Sec 34 T54N R2W B.M.

Ninth: Remarks: That

all work has been completed

SW 1/4 SW 1/4 Sec 34 T54N R2W B.M.

(Sign Here)

Subscribed and sworn to before me this 27 day of July, 1948

My commission expires

Notary Public for the State of Idaho

Res. _____

My commission expires Dec. 14, 1948

Notary Public.

Bayview Idaho

19410

✓
May 6, 1948

Re: Permit No. 19410

Mr. Mike M. Sirkoff
Bayview, Idaho

Dear Mr. Sirkoff:

We return your affidavit submitted in proof of completion of works under Permit No. 19410 in order that you may complete the answer to Question No. 8, by giving the legal description of the land where the water is used by subdivision, section, township and range.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

R-20587

19410

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Mike Sirkoff

Bayview, Idaho

Boise, Idaho April 1, 1948

Dear Sir:-

Under the terms of your permit No. 19410 you are required to complete your diversion works on or before June 10, 1948. 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

19410

June 12, 1943

Re: Permit No. 19410

Mr. Mike M. Sirkoff
Bayview, Idaho

Dear Mr. Sirkoff:

We are enclosing herewith Permit No. 19410.
Be sure and note the limitations and conditions
of same, as given under approval of the State
Reclamation Engineer on the fourth page.

We also enclose Departmental Receipt No. 19103
for the \$5.00 filing fee.

Very truly yours,

JAM. S. SPORFORD
State Reclamation Engineer
By

Chief Clerk

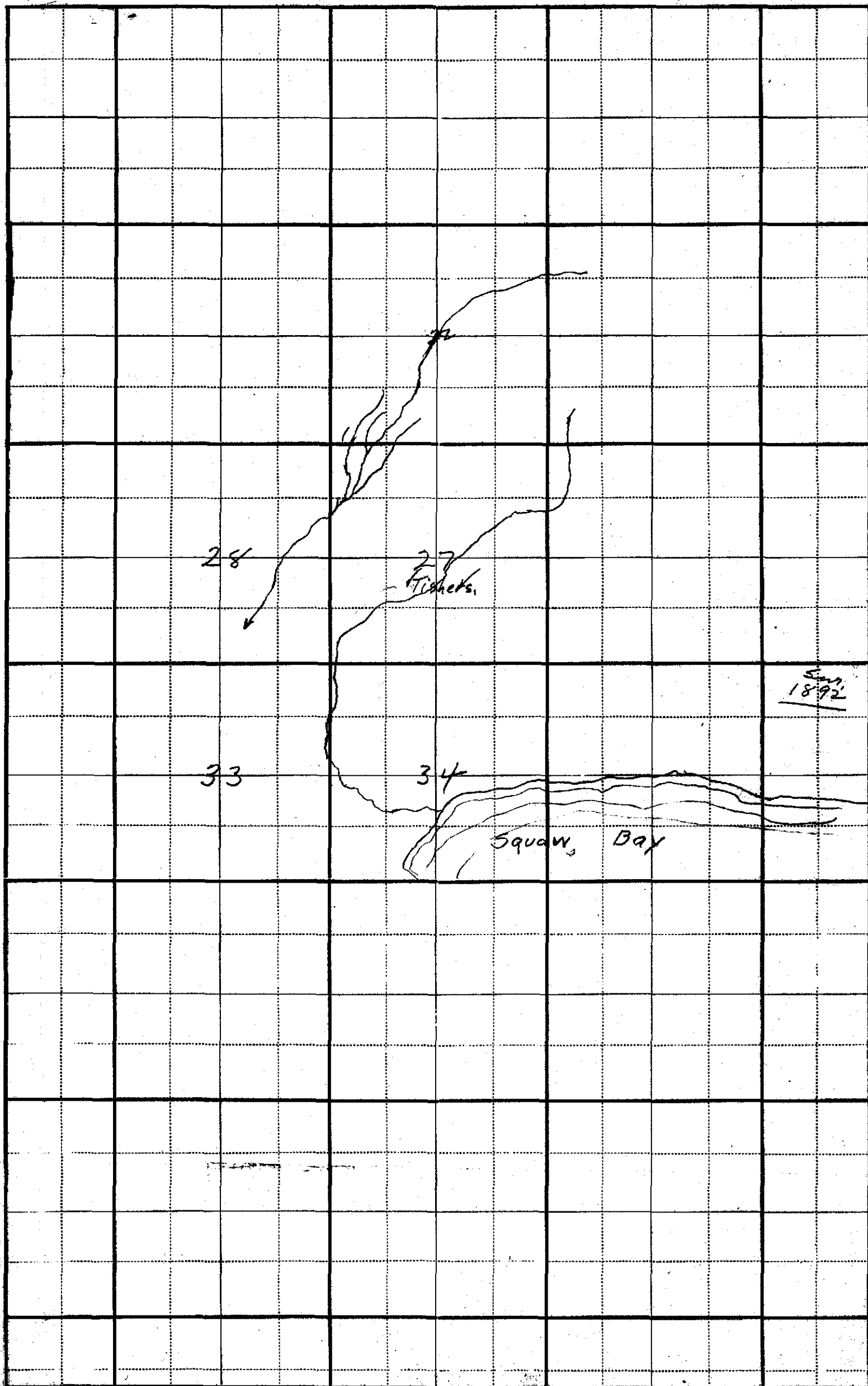
A
Encl.

19410

NAME OF APPLICANT

T. J. H. P. 2 W.

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

19410

Mike M. Sirkoff

TRAP 54 N. R. 2. W.

26

27

28

36

35

34

33

PEND OREILLE LAKE

Point of Diversion

SOUTH CREEK

Permit Map No. 19410

As Approved

JUN 10 1949

JAMES C. OFFICER

State Reclamation Engineer

May 14, 1943

Re: Permit No. 18440

Mr. Mike Sirkoff
P. O. Box # 62
Bayview, Idaho

Dear Mr. Sirkoff:

We are in receipt of your letter of May 11th, in which you inquire relative to a water right formerly held by Abe Hornbeck.

We do not find a filing in that name, but perhaps you refer to Permit No. 18440, in the name of Harry L. Hornbeck of Bayview, for one-tenth of a second foot of water from Salee Creek, diverted in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2 West, for domestic and irrigation use on five acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of this same section.

This permit states that it is for overflow or waste water from Salee Creek; and it was cancelled June 24, 1941, for failure to make the statutory proofs.

We are enclosing a form of application for a new permit, and also pamphlet giving rules and regulations in regard to filing same.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

A
Encls.

19410

Boys View Idaho

May 11 - 43

Commissioner of Reclamation
Boise Idaho

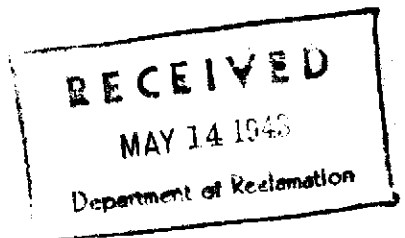
Dear Sirs

I am writing you in regard to Water
Right filed by the Hornbeck on
Waste Water from the Finner Crocker
Place - in which the Hornbeck
since deceased has ^{let} become Delinquent
I have bought the Hornbeck Property
and would like to file a water
Right on the Waste Water. please
advise me as how to proceed
and send me papers to fill out

Yours Truly

Mike Lirkoff

Box 67



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

Notice is hereby given that at 10:00 A. M. on the 9th day of June, 1954, at Coeur d'Alene, County of Kootenai, State of Idaho, before Donna Lloyd, notary public, Wilson Bldg., Coeur d'Alene, proof will be submitted of the application to beneficial use of 0.1 cubic foot per second of waters of Salee Creek, Kootenai County, Idaho in accordance with the terms and conditions of Permit No. 19410 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Mike M. Sirkoff, Bayview, Idaho.

The use to which said water has been applied is irrigating garden or one acre of land.

The amount applied to beneficial use is 0.1 cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469 - being a part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 54 North, Range 2, W. B. M., Kootenai County, Idaho.

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

The right to take water from such works is based upon Permit No. 19410.

The source of supply from which such water is diverted is Salee Creek, Kootenai County, Idaho.

The date of priority which said user is prepared to establish is June 1, 1943.

MARK R. KULP,

State Reclamation Engineer.

May 5, 12, 19, 26, 1954.

19-110