

⑤

Well to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S5 TWP55N, R5W, BM at ~~area marked in red~~ above. All water will be used at the same location.

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.

~~X~~ Isaac C Dalton
(Applicant)

96 7066

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7066 Priority July 26, 1971 Amount 0.08 cfs

THIS IS TO CERTIFY, that Isaac C. Dalton
of Newport, Washington, has complied with the terms and conditions of Permit
No. 96-7066 issued pursuant to Application for Permit dated July 26, 1971,
and has submitted proof to the Department of Water Resources on August 4, 1976,
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 0.08 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>May 1</u> to <u>September 15</u>	at <u>0.03</u> cfs and	<u>7.0</u> acre feet
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.03</u> cfs and	<u>1.2</u> acre feet
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.2</u> acre feet

(both dates inclusive)

Subject, however, to the condition that no more than 0.08 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
8.4 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Twp.
55N, Rge. 5W in the County of Bonner

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 $\frac{1}{4}$	
55N	5W	5						2											2

Total number of acres irrigated 2

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of

April, 19 83.

Director

Identification No. 96-7066

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Isaac C. Dalton
post office address Rt. 2, Box 33, Newport, Wn.
2. Source of water supply Ground Water which is a tributary of --
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 55 N
Range 5W B.M. Bonner County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into -- at a point in -- $\frac{1}{4}$ of -- $\frac{1}{4}$ of Section -- Township -- Range -- B.M. --
4. Water will be used for the following purposes:
Amount 42 cfs for Household Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
Amount 05 cfs for stock watering purpose from Jan 1 to Dec 31 (both dates inclusive)
Amount 03 cfs for irrigation purpose from May 1 to Sept 15 (both dates inclusive)
5. Total quantity to be appropriated:
a. 20 11 cubic feet per second and/or
b. -- acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. subterranean pump with 1hp electric motor
- b. Height of storage dam -- feet, active reservoir capacity -- acre feet; total reservoir capacity -- acre feet, materials used in storage dam: --
Period of year during which storage will occur -- to -- inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 4" inches; proposed depth of well is 175' feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 15 years. ~~15~~ years
b. Estimated construction cost is \$ 2000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: Domestic household uses and stock watering, besides irrigation.
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 55N
Range 5W B.M. --
(2) Amount of power to be generated: None hp under -- feet of head.
(3) List number of each kind of livestock to be watered 20 head cattle
(4) Name of municipality to be served --, or number of families to be supplied with domestic water one.
(5) If water is to be used for other purposes describe: As above

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
55N	5W	5					2												2 acres

Total number of acres to be irrigated 2 acres

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing -

10. Remarks This is a small, domestic well, to divert .20 cfs only, for general household use, to water 20 head of cattle, and to irrigate approximately 2 acres of ground, used to raise produce for the use of the applicant alone, and members of his immediate family. No sort of commercial application is contemplated for the water being appropriated.

[illegible]

Scale: 2 inches equal 1 mile

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.

X Isaac C. Dalton
(Applicant)

96 7066

Received by ji Date 7-26-71 Time 8.00 A
Preliminary check by De Fee \$ 10.00
Receipted by ji Date 7-27-71
Publication prepared by cr Date 8-17-71
Published in Priest River Times
Publication dates 8-26 & 9-2-71
Publication approved de Date 9-8-71
Priority reduced to 7-26-71 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____

Recommended for approval denial by De D BDFCA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7066, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 76.
 - c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 15 day of October, 19 71.

R. Kent Higgins
Director

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin,

being duly sworn, says that she is the CO-Publisher of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Notice of Application for Water Permit

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 26th day of August, 1971, and _____ ending on the 2nd day of September, 1971, and that said notice was published in said newspaper proper, and not in supplement form.

Marie Martin

Subscribed and sworn to before me this

2nd day of September, 1971

George Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Isaac C. Dalton, Route No. 2, Box 33, Newport, Washington has on July 26, 1971 submitted Application No. 96-7066 for a permit to appropriate 0.20 cubic feet per second of water from a ground water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 55N, R. 5W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for domestic household, and stockwatering purposes, and from May 1 to Sept. 15 for the irrigation of two acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 55N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 13, 1971.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Aug. 26 and Sept. 2, 1971.

34-2t

96 7066

April 20, 1983

RE: Permit No. 96-7066

Isaac C. Dalton
Route #2, Box 33
Newport, WA 99156

Dear Mr. Dalton:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



ate of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 4, 1983

RE: Permit No. 96-7066

Isaac D. Dalton
Route #2, Box 33
Newport, WA 99156

Dear Mr. Dalton:

A representative of this Department has made an examination of the works covered by your Permit No. 96-7066, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.88 cfs Source: groundwater

The maximum quantity diverted shall not exceed 8.4 acre feet
per year.

Point(s) of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 55N, Rge. 5W, Bonner County

Beneficial use: Irrigation of two acres, domestic use for one unit and
stockwater use within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 55N, Rge. 5W

Priority date established: July 26, 1971

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED

RECEIVED

~~AUG 23 1976~~

Department of Water Resources
Northern District Office

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ 2

MICROFILMED

MICROFILMED

*

5

Diagram of System

DATE OF EXAM 7-8-77

ACREAGE
Found 2 ✓
Recommended 2 ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 0.03 c.f.s. ✓ V = 7.0 ✓ AF/Ann. from May 1 to Sept 15
Domestic Q = 0.03 c.f.s. ✓ V = 1.2 ✓ AF/Ann. from Jan 1 to Dec 31
Livestock Q = 0.02 c.f.s. ✓ V = 0.2 ✓ AF/Ann. from Jan 1 to Dec 31
TOTAL .08 8.4

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.08 c.f.s. Method of measurement Calc

Total Q recommended 0.08 c.f.s. Meter No. - Type - Condition -

Total V recommended 8.4

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION: per permit
Irrigation 2 acres = 0.03 c.f.s. ✓ 7.0 AF/Ann ✓
One household = 0.03 " ✓ 1.2 " ✓
20 head stock = 0.02 " ✓ 0.2 " ✓
0.08 " " 8.4 " Total

SYSTEM DESCRIPTION:
well, pump & pipeline to place of use

REMARKS:

Examiner's Signature [Signature] Date 7-11-77

Checked by Bob Haynes Date 7-12-77

Approved by [Signature] Date 2-1-83

MICROFILMED

House & Hay the 1st (2 Acres approx)
Need pump info

MICROFILMED

August 20, 1976

Isaac C. Dalton
Route 2, Box 33
Newport, WA 99156

Re: Permit No. 96-7066

Dear Mr. Dalton:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Coeur d'Alene.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED
AUG 23 1976
COEUR D'ALENE
IDAHO

Identification No. 96-7066

Permit No. _____

RECEIVED

AUG 6 1976 OKJ

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Isaac C Dalton
 b) Post Office Address Rt 2, Box 33, Newport UN, 99156
2. Permit Number 96-7066
3. Date of Priority that you are prepared to establish Oct 15-1971 - Aug 3-76
4. a) Source from which water was appropriated Ground Water
 b) Location of the point of diversion: NW 1/4 of NW 1/4, Section 5
 Township 55N, Range 5W BM Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 Amount _____ for House Hold purposes from Jan 1 to Dec 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount 0.5 cfs for Stock Water purposes from Jan 1 to Dec 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount 0.3 cfs for Irrigation purposes from May 1 to Sept 15 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 11 cubic feet per second cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
Only Clayton Dalton
 b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) pump size 1/2" motor size 1 horse well casing 6" depth 150 ft. diversion 400 ft 2 Sec 5
 b) Describe the type and size of measuring device which you have installed at your point of diversion:
1 inch 1/4 quarter in pipe (1 inch 1/4 quarter in pipe)
 c) Give well driller's name and address and the date the well was completed:
Carl Pitts Highway 41. Back of Perks Gas Station
Drilled some time in 71-
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
House - Garden etc.

Exam typed 8-18-76 by J

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

8-3-76
(Date)

Thane E. Dalton
(Signature)

State of Washington)
Itasca)
County of Pend Oreille) ss.
Bonner)

On this 3 day of August, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Alice S. Owen
Notary Public residing at Wapato

My commission expires 2-1-80

July 30, 1976

CERTIFIED MAIL

138861

Re: Permit No. 96-7066

Issac C. Dalton
Route 2, Box 33
Newport, WA 99156

Dear Mr. Dalton:

One of the conditions of approval of your water Permit No. 96-7066 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED

October 18, 1971

Re: Permit No. 96-7066 - Isaac C. Dalton

C
Isaac C. Dalton
Route #2, Box 33
Newport, Washington

Dear Mr. Dalton:

O
Enclosed is a copy of your approved Application for Permit No. 96-7066. We direct your attention to the conditions of approval as listed on the fourth page.

P
Very truly yours,

BOBBY D. FLEENOR
Assistant Director

Y
BDF:cr

Enclosures

96 7066

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

September 22, 1971



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Re: Application for Permit No. 96-7066

RECEIVED
SEP 23 1971
DEPARTMENT OF WATER ADMINISTRATION

Isaac C. Dalton
Route #2
Post Office Box #33
Newport, Washington

Dear Mr. Dalton:

We are in receipt of your application for permit and have begun processing of the same.

We wish to advise you that under normal conditions, the maximum quantity of water that the Department could approve for domestic use would be 0.03 cubic feet per domestic unit. As you have indicated in the application that the diversion system is for one family only, the quantity of water applied for under the application should be reduced to 0.03 cubic feet per second for domestic use. Please verify your acceptance of this quantity by return mail so that we may continue with the processing of this application.

If you should have any questions, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay

Dorian Clay
Appropriation Examiner

DC:cs

*This is acceptable!
Thank you.
I - Clayton Dalton*

96 7066

September 22, 1971

Re: Application for Permit No. 96-7066

Isaac C. Dalton
Route #2
Post Office Box #33
Newport, Washington

Dear Mr. Dalton:

We are in receipt of your application for permit and have begun processing of the same.

We wish to advise you that under normal conditions, the maximum quantity of water that the Department could approve for domestic use would be 0.03 cubic feet per domestic unit. As you have indicated in the application that the diversion system is for one family only, the quantity of water applied for under the application should be reduced to 0.03 cubic feet per second for domestic use. Please verify your acceptance of this quantity by return mail so that we may continue with the processing of this application.

If you should have any questions, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cs

96 7066

August 18, 1971

Re: Application No. 96-7066 Isaac C. Dalton
" " 96-7067 - J. Wright Baylor
" " 96-7068 - " " "
" " 96-7069 - Verne P. Ellis

Priest River Times
P.O. Box 398
Priest River, Idaho 83856

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notices

Bill submitted 9-8-71 By ds

96 7066

LEGAL...

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Isaac C. Dalton, Route No. 2, Box 33, Newport, Washington has on July 26, 1971 submitted Application No. 96-7066 for a permit to appropriate 0.20 cubic feet per second of water from a ground water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 55N, R. 5W, B.M., Bonner County to be used from Jan. 1 to Dec. 31 for domestic household, and stockwatering purposes, and from May 1 to Sept. 15 for the irrigation of two acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 55N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 13, 1971.

R. KEITH HIGGINSON,
Director.

Published in the Priest River Times, Priest River, Idaho on Aug. 26 and Sept. 2, 1971.

34-1t

O.K.
8-27-71
B.B.

96 7066

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Isaac C. Dalton, Route 2, Box 33,

Newport, Washington

has on July 26, 1971 submitted Application No. 96-7066

for a permit to appropriate 0.20 cubic feet per second ~~xxx feet per second~~

of water from a ground water source

by means of well and pump

within the NW1/4, Sec. 5, T. 55N, R. 5W, B.M., Bonner County

to be used from Jan. 1 to Dec. 31 for domestic household, and stockwatering purposes,
~~xxx~~ and from May 1 to Sept. 15 for the irrigation of two acres

within the NW1/4, Sec. 5, T. 55N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 13, 1971.

R. KEITH HIGGINSON

Director

Published in the Priest River Times, Priest River, Idaho

on Aug. 26 and Sept. 2, 1971.



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

August 13, 1971

Re: Application for Permit No. 96-7066 - Isaac C. Dalton

Thomas E. Cooke
Telephone Building
P.O. Box 788
Priest River, Idaho 83856

Dear Mr. Cooke:

In reviewing the application you have submitted for Mr. Dalton, I fail to find where we have answered completely your inquiries contained in your letter of July 22, 1971. Mr. Dorian Clay, our Appropriation Examiner, received and reviewed the application. He may have already answered your inquiries; however, a copy of his response is not in the file, and he is on vacation at this time. We will, therefore, attempt to cover these points.

Normally, the Department processes the domestic applications for rates ranging from 0.02 cubic feet per second which equals 13,000 gallons in a 24-hour period, to 0.09 cubic feet per second. We can, however, process applications for larger quantities and restrict their volume per season by authorizing specific volumes in acre feet per annum. Our studies at Hayden Lake show that 0.57 acre feet per season is the average for domestic use. We also find that in normal situations, 0.02 c.f.s. will adequately serve up to 200 head of cows with calves; however, we do approve larger amounts and restrict volume in a similar manner to domestic above referenced. The irrigation of two acres of ground may be accomplished with the 0.3 c.f.s. you have requested; however, by statutes we can approve 0.4 c.f.s. without any additional justification and a higher rate for small acreages such as this on the basis of supplemental request. Idaho Statutes restrict the Department from approving more than one inch per acre unless specific justification is submitted. We find that for small tract irrigation, it is very difficult to get over the ground with these small volumes and therefore, upon request, the Department can consider a higher rate of diversion.

In reviewing your application, we feel that the application does not qualify under Section 42-227 of the Idaho Code. House Bill 107 enacted this year clarified the definition of domestic purposes and the definition as it now stands is as follows: "Domestic purpose is for household use or livestock and water use for all other purposes including irrigation of up to $\frac{1}{2}$ acre of land in connection with said household where total use is not in excess of 13,000 gallons per day. For the purpose of the exception in Section 42-227, Idaho Code, domestic purpose shall not include water for mobile home ownership, mobile home parks, and commercial and business establishments." House Bill 107 was necessary in that the Attorney General had ruled the definition contained in the 1967 summary for Section 43-200, Idaho Code was invalid.

96 7066

Page 2

Re: Application No. 96-7066 - Isaac C. Dalton

Thomas E. Cooke

August 13, 1971

The Department appreciates your comments on its Idaho Water Laws and Regulations Manual. As you use this volume, please feel free to contact Mr. Steve Allred, Deputy Director of the Department with any comments you have on this matter.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

96 7066

July 29, 1971

Fred F. Kondo
Attorney at Law
Priest River,
Idaho 83856

Dear Mr. Kondo:

Attached herewith is your receipt No. 6981 in the amount of \$ 10.00
for your application for permit which was submitted in the name of Isaac C. Dalton,
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

96 7066

FRED F. KONDO

ATTORNEY-AT-LAW
Telephone Building
PRIEST RIVER, IDAHO 83856

Phone 448-7371
Area Code 208

July 22, 1971

Idaho Department of Water Administration
Statehouse-Annex No. 2
Boise, Idaho 83707

Re: Application for Permit to Appropriate Water of Mr. Isaac
Dalton, Rt. 2, Box 33, Newport, Wn.

Gentlemen:

Enclosed please find the Application to appropriate water
of Mr. Isaac Dalton, who owns property near Priest River,
Idaho on which he desires to drill a well for the appropriation
of .20 cfs of water. Also enclosed is Mr. Dalton's check in
the amount of \$10.00, payable to your order.

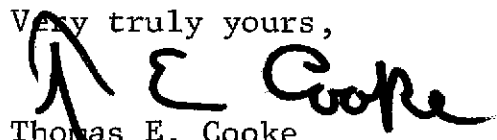
As Mr. Dalton has requested the assistance of this office to
submit his application, we would request your corresponding
directly with us on any questions or problems which may come
up in the processing of this application. I trust, however,
that you will find his application rather routine, and that
there will be no difficulty in his obtaining a permit.

If, after you review the enclosed application, you determine
this to be an I.C. Sec. 42-227 situation, where no permit is
necessary, I would appreciate your so advising me at once.

In closing, may I say what a fine job your Department did in
putting together Vol. 1 of the Idaho Water Laws and Regulations
manual. As a practicing attorney, I find it of great assistance
and use it almost daily in the practice. You deserve great credit
for this fine work, and it fills a big gap in the available
materials on Idaho water law.

Thank you for your usual courtesies.

Very truly yours,


Thomas E. Cooke
Attorney at Law

96 7066

96 7066