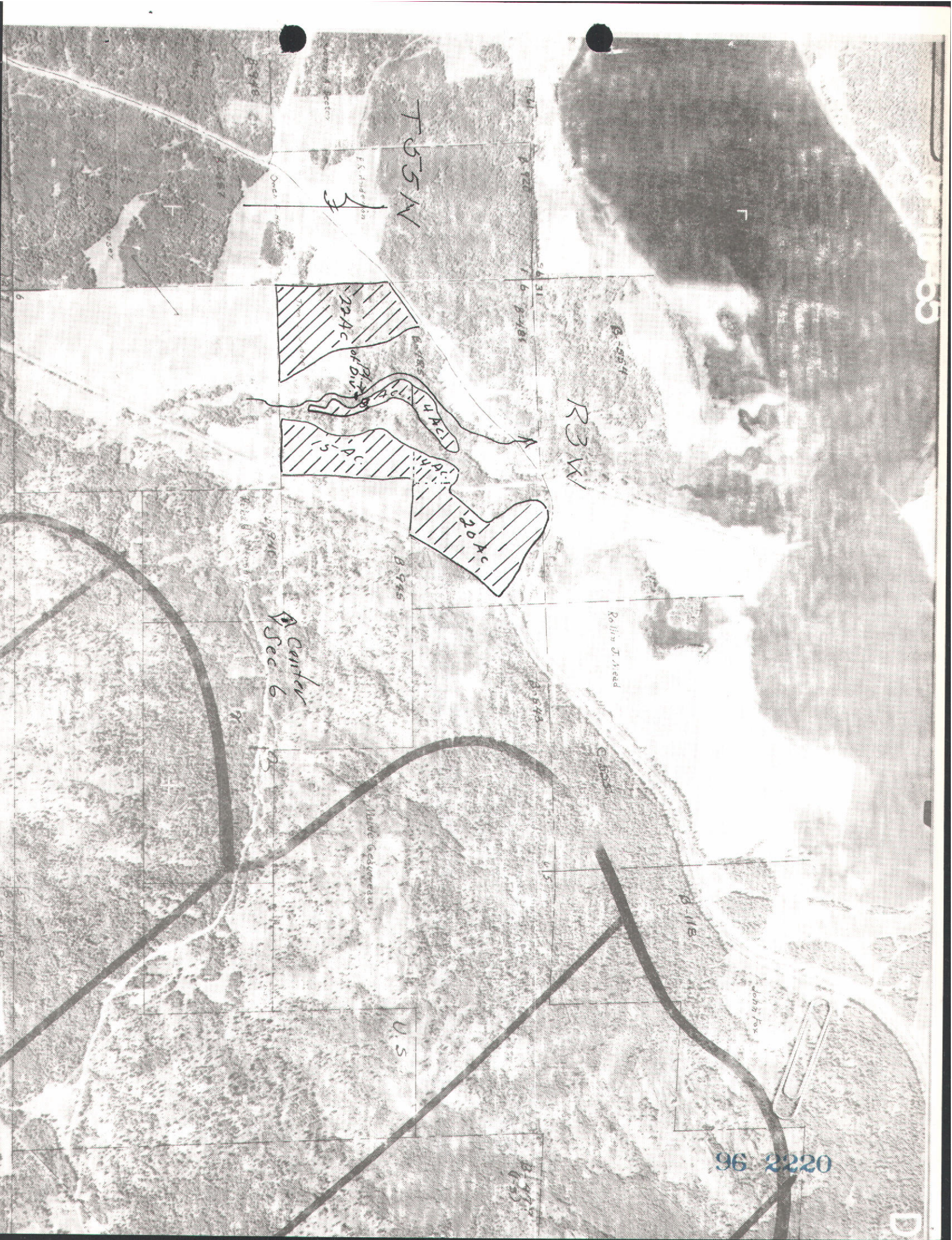




T55M

R3M

A center
Sec 6

12 AC
of Div.

12 AC

20 AC

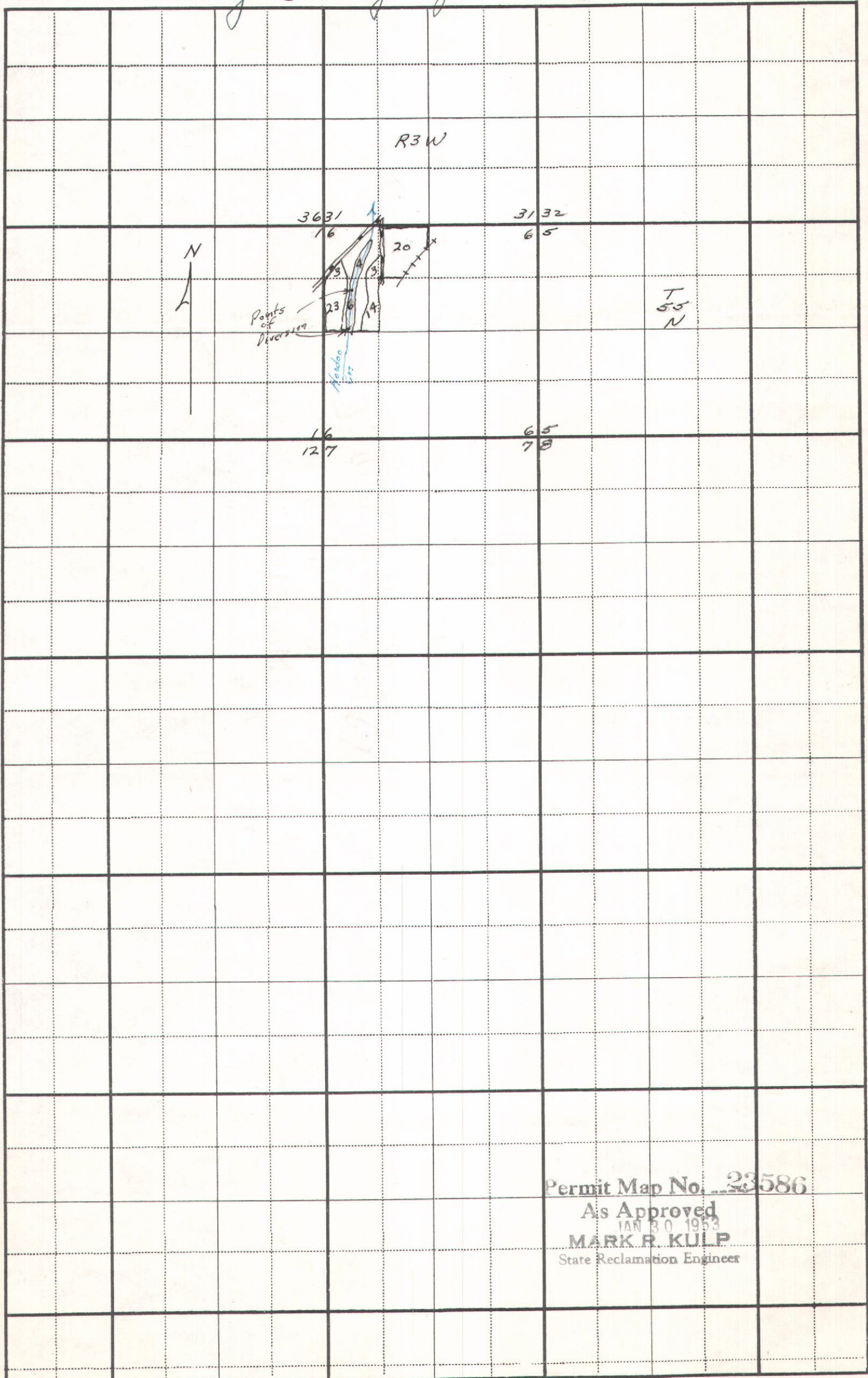
B-945

Rollin J. Reed

U.S.

96 2220

Jim E. Judge



State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 23586/96-2220 Priority Jan. 16, 1961 Amount 0.58 cfs

THIS IS TO CERTIFY, that JIM E. JUDGE
of Sagle, Idaho, has complied with the terms and conditions of Permit
No. 23586/96-2220 issued pursuant to Application for Permit dated January 19, 1953,
and has submitted proof to the Department of Water Administration on January 27, 1971,
(late proof)
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 0.58 cfs of water from Hoodoo Creek,
tributary to Pend Oreille River, 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>May 1</u> to <u>Oct. 15</u> at <u>0.58</u> cfs and			<u>192 acre feet or</u>
			<u>3.0 af per acre</u>
from to at cfs and			
from to at cfs and			

(both dates inclusive)

Subject, however, to the condition that no more than 0.58 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
192 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 6,
Twp. 55 N, Rge. 3 W, B. M. 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 $\frac{1}{4}$	
55 N	3 W	6					20	10	38										68

Total number of acres irrigated 68

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
April, 19 74.

Director

96-2220

Identification No. _____

Permit No. 96-2220

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

dgr
OK
1-27-71
JAN 27 1971

Department of Water Administration

1. a) Name of Permit Holder Jim E. Judge
b) Post Office Address Rt1, Box 83, Sagle, Idaho 83860
2. Permit Number 96-2220 / 23584
3. Date of Priority that you are prepared to establish January 19, 1953
4. a) Source from which water was appropriated Hoodoo creek-tributary of Pend Oreille river.
b) Location of the point of diversion: SW 1/4 NW 1/4, Section 6
Township 55 N, Range 3W Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .54 cfs for irrigation purposes from May 1 to Oct. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .54 cfs 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: size of sprinkler nozzle, pressure at nozzle, and number of sprinklers - Tom Wilson, SCS conservationist.
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: None
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) 20 Hp electric motor and pump, 1600 feet 5" mainline, 3200 feet 4" mainline aluminum pipe, 1320 feet 3" laterals.
b) Describe the type and size of measuring device which you have installed at your point of diversion: none needed - sprinkler system.
c) Give well drillers name and address and date the well was completed None

Exam typed 5-10-71. (CR)

96-2220

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

N/A

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
55N	3W	6					20	8	39									
																		67
TOTALS																		

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

(Date)

Jan 25 - 1971

(Signature)

James E. Gudge

State of Idaho
ss. County of Bonner

On this 25 day of January, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at
Residing at Sandpoint, Idaho
My commission expires July 7, 1974

My commission expires

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin, being duly sworn, says that he 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 Existing 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 18th day of February, 1971, and ending on the 25th day of February, 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

25th day of February, 1971

George Connolly
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Jim E. Judge, Route No. 1, Box 83, Sagle, Idaho has received an approved Permit No. 23586/96-2220 issued by the Idaho Department of Water Administration authorizing the diversion of 1.46 cubic feet per second of water from Hoodoo Creek, trib. to Pend Oreille River. The priority to be established under this permit is January 16, 1961 and the permit was approved January 30, 1953.

Water is to be diverted by ditch, pipe, and headgate from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 55N, R. 3W, B.M., Bonner County, to be used for irrigation in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 55N, R. 3W, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on January 27, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit.

R. KEITH HIGGINSON,
Director,
Idaho Dept. of Water
Administration,
STATEHOUSE, Boise, Idaho.

Published in the Priest River Times, Priest River, Idaho on February 18, 1971, and February 25, 1971.

7-2t

96-2220

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 23586/96-2220)
in the name of Jim E. Judge)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

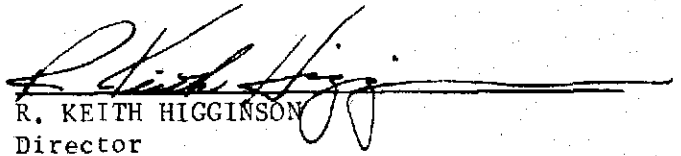
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 96-2220 was issued previous to that date;

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

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 1st day of February, 1971.


R. KEITH HIGGINSON
Director

RKH/dg

96-2220

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

96 - 2220

APPLICATION No. 31357
 PERMIT No. 23586
 DISTRICT No.

1. Name of Applicant: Jim E. Judge

Postoffice address: Sagle

County: Bonner

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 1.46

cubic feet per second.

3. Source of water supply: Hoodoo Creek

which is a tributary of Pend Oreille River

4. Location of point of diversion:

feet distant from the

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

of Section 6 , T. 55 N., R. 3 W. , B.M., County of Bonner

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$

8. Kind of works: ditch, pipe, headgate

9. Height of dam 3 feet feet; length of dam at top 20 feet; length of dam at bottom 20

feet; material used in ~~dam~~ headgate; cement and lumber

10. Size of headgate: Width 20 feet; height 3 feet.

11. Ditch: Width at bottom 3 feet; width at water line 4 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe 4 inches; length of conduit miles.

Average grade per mile 3 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

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

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

JIM E. JUDGE Applicant.
By Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m. Jan. 19, 1953
Returned to applicant for correction:
Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23586
Recorded in Book 84 Page 23586 Approved Jan. 30, 1953
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 he 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 March 30, 1953 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 July 30, 1955
The whole of said work to be completed on or before January 30, 1958
Beneficial use of water appropriated in accordance herewith, to be made on or before January 30, 1963

WITNESS My hand this 30th day of January, 1953
MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN , Governor of the State of Idaho,
and IRA H. MASTERS , Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30 th
day of January , 19 53 STATE OF IDAHO
Countersigned: By LEN JORDAN Governor.
(SEAL) By IRA H. MASTERS Secretary of State.

REMARKS: I have been using water from creek for flood irrigation on creek bottom since 1939.

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	
55 N.	3 W.	6					20	10	43										73
			Permit No. 23586 Certificate of Completion of Works																
			TO ALL WHOM IT MAY CONCERN:																
			This is to certify that JIM E. JUDGE of Sagle, County of Bonner, and State of Idaho, the holder of Permit No. 23586, issued upon Application No. 31357 bearing date of priority of January 19, 1953, authorizing the diversion of 1.46 second feet of the waters of Hoodoo Creek County of Bonner, 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 1.2 second feet of the waters of Hoodoo Creek that the point of diversion of said waters Lot 5 (SW1/4NW1/4) of Section 6, Township 55 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: acres in the N1/2NW1/4 and SW1/4NW1/4 (lots 3, 4, and 5) of Section 6, Township 55 North, Range 3 West, B.M. Proof of Completion of Works made: December 13, 1957.																
			Witness my hand this 19th day of December, A.D. 1957																
			/s/ Mark R. Kulp State Reclamation Engineer																
			Proof of Completion of Works made: December 13, 1957 Certificate of Completion of Works issued: December 19, 1957.																

LICENSE ISSUED FOR 58
LICENSE PAGE

96-2220

March 29, 1979

Mr. and Mrs. Ronald Griffith
Route 1, Box 208 A
Sagle, Idaho 83860

Dear Mr. and Mrs. Griffith:

If Mr. Judge sold you 20 of the acres licensed for irrigation under No. 96-2220 and if he did not specifically withhold the right in the document conveying the property to you, then you own a portion of the right. The Department, however, is unable to change License No. 96-2220 since there is no provision in the Idaho Code for changing a license, except by Court decree.

In Your letter, you mentioned the figure of 1.46 cfs. License No. 96-2220 was issued for 0.58 cfs for 68 acres. That means that your entitlement would be 0.17 cfs under License No. 96-2220.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

RT1, BOX 208-A
SAGE IDAHO 83860
25 MARCH 79

STATE OF IDAHO

DEPARTMENT OF WATER
RESOURCES
AND ADMINISTRATION

COEUR D'ALENE, IDAHO 83814

RECEIVED

MAR 28 1979

Department of Water Resources
Northern District Office

DEAR SIRs:

WE WOULD LIKE TO APPLY FOR THE
TRANSFER OF WATER RIGHTS IN THE
MATTER OF PERMIT # 23586/96-2220 IN
THE NAME OF JIM JUDGE TO OUR
NAMES RONALD L. AND JUDITH H.
GRIFFITH.

WE, ON 13 JULY 1978 PURCHASED
25.20 ACRES OF JIM JUDGES
PROPERTY AND BECAUSE WE PLAN
TO IRRIGATE OUR FIELDS IN THE
SAME MANNER AS JIM JUDGE, WE
WOULD HOPE TO CONTINUE TO
APPROPRIATE 1.46 CUBIC FT PER SECOND
OF WATER FROM HOODOO CREEK,
TRIBUTARY TO THE PEND OREILLE RIVER,
WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SEC 6, T. 55N, R,
3, W. B.M. BONNER COUNTY, OUR LAND IS
THAT PORTION, A 25.20 ACRE TRACT, OF
GOVERNMENT LOT 5 OF SECTION 6, T55N

2
RANGE 3 WEST, BOISE MERIDIAN,
BONNER COUNTY, IDAHO LYING EAST
OF THE THREAD OF HOODOO CREEK.

PLEASE ADVISE AS TO THE FEE
FOR SUCH TRANSFER OF WATER RIGHTS
AND IF ANY FURTHER INFORMATION
IS NEEDED BY YOUR DEPARTMENT.

RESPECTFULLY SUBMITTED
Ronald L. Griffith
Judith H. Griffith

RONALD L. and JUDITH H. GRIFFITH

3/79

IDENT. NO. 96-2220

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

April 4, 1974

Re: Permit No. 23586/96-2220

Jim E. Judge
Route 1, Box 83
Eagle, Idaho 83860

Dear Mr. Judge:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

A
jfr

Enclosure

96-2220

March 13, 1974

Jim E. Judge
Route 1, Box 83
Sagle, Idaho 83860

Dear Mr. Judge:

A representative of this Department has made an examination of the works covered by your Permit No. ~~23586/96-2220~~ and has found the following:

Quantity of water diverted: ~~0.58 cfs~~ Source: ~~Hoodoo Creek~~

Amount of water that can be recognized as beneficially used under Idaho law: ~~0.58 cfs~~

The maximum quantity diverted shall not exceed ~~192~~ acre feet per year.

Beneficial use: ~~For irrigation of 68 acres within the N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec. 6, Twp. 55 N, Rge. 3 W~~

Point of diversion: ~~SW 1/4 NW 1/4, Sec. 6, Twp. 55 N, Rge. 3 W, B.M.~~

Priority date established: ~~January 16, 1961~~

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBEY D. FLEENOR
Assistant Director

jfr

96-2220

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Jim E. Judge

Post office address Sagle, Idaho Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Hoodoo Creek
(name spring, stream, etc.)
Tributary to Pend Oreille River

3. Water will be used for the following purposes:

Amount 1.46 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from May 1 to October 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.46 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 55 N N/S, Range 3 W E/W, B.M., Section 6, Subdivision SW $\frac{1}{4}$ NW $\frac{1}{4}$, Bonner
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: _____

Description of diverting works: 20 h.p. electric motor and pump, 1600 feet 5" mainline,
3200 feet 4" mainline aluminum pipe, 1320 feet 3" laterals.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

73

96-2220

DATE 8/10/71

EXAMINATION RECORDS

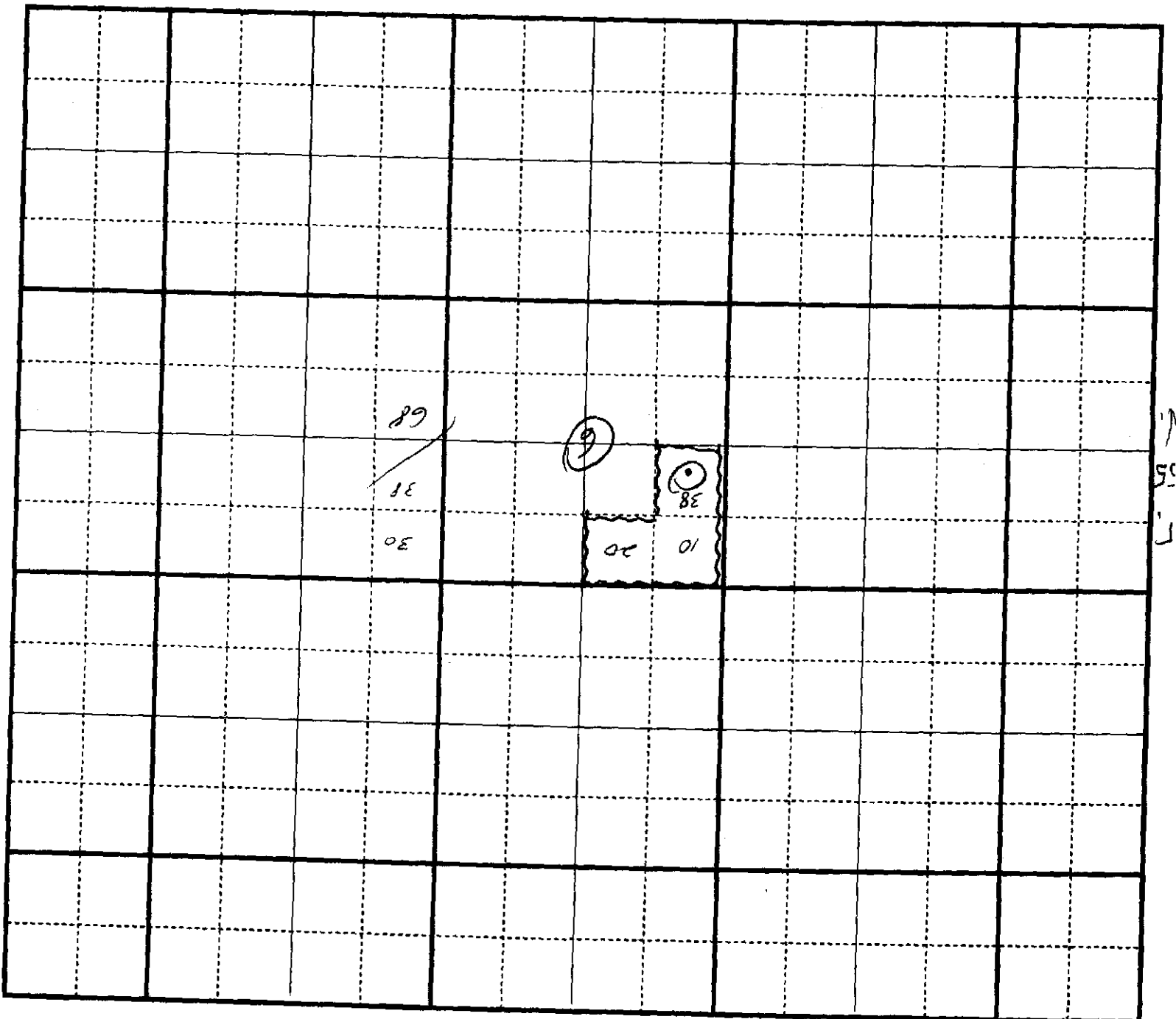
by: *Not investigated*

by: _____

by: _____

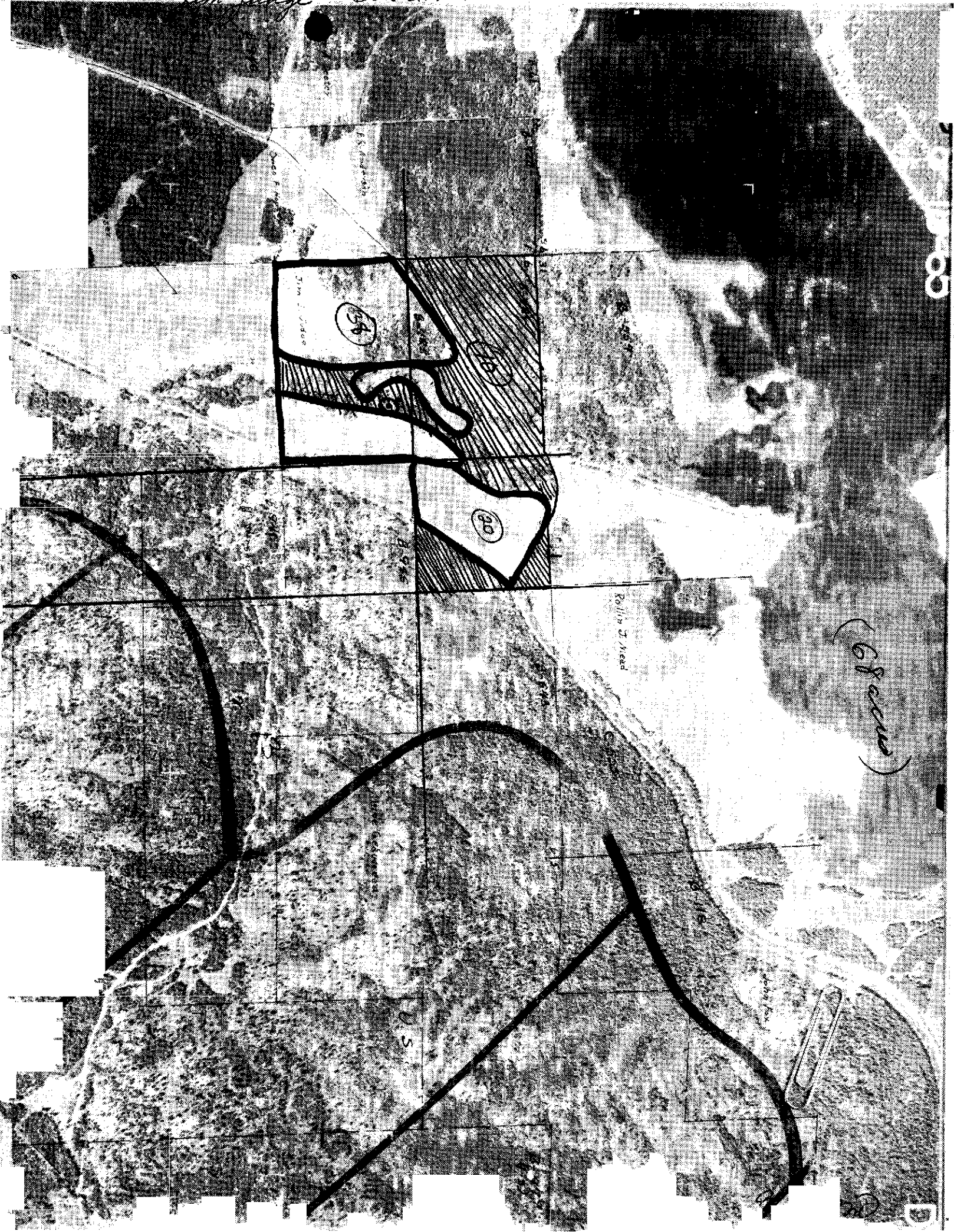
by: _____

Diagram of System



96-2220 R.3W.

Jim Ludge DOR 2FF-13



(Giacca)

$$\begin{array}{r} 8.5 \\ 50 \\ \hline 425.0 \end{array}$$

DATE OF EXAM 7/9/73

ACREAGE
Found 68
Recommended 68

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .58 c.f.s. V = 192.9 AF/Ann. from MAY 1 to OCT 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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 .58 cfs Method of measurement pressure gauge

Total Q recommended .58 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 192.9 a.f. / season

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Rainbird 5/32" @ 55 lbs $(.58 \text{ cfs} \times 1.98 \times 168 \text{ days} = 192.9 \text{ a.f.})$
50 sprinklers $\frac{167}{167} = \frac{191.7}{191.7}$
 $5.22 \times 50 = .58 \text{ cfs}$
448.8

SYSTEM DESCRIPTION:

Westinghouse Motor Centrifical Pump into 5" mainline
29. H.p.
Ser: 122-1661

REMARKS:

Examiner's Signature [Signature] Date 7/9/73

Checked by [Signature] Date 7/13/73

Approved by _____ Date _____

96-2220



8

96-2220

March 12, 1971

Re: Permit No. 23586/96-2220

Jim E. Judge
Route 1, Box 83
Sagle, Idaho 83860

Dear Mr. Judge:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Enclosed please find an order which advances the priority under this permit to January 16, 1961.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 23586/)
)
96-2220 in the name of JIM E. JUDGE)
_____)

ORDER

WHEREAS, on January 19, 1953, Jim E. Judge applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 1.46 cubic feet per second of water from Hoodoo Creek, tributary to the Pend Oreille River, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 6, T. 55N, R. 3W, B.M., Bonner County, to be used for irrigation purposes; and,

WHEREAS, on January 30, 1953, the Department approved the application and issued Permit No. 96-2220 with the condition that one-fifth of the work be completed on or before July 30, 1955; and that the whole of said work be completed on or before January 30, 1958; and that the water be appropriated to a beneficial use on or before January 30, 1963; and,

WHEREAS, proof of completion of works was made on December 13, 1957; and,

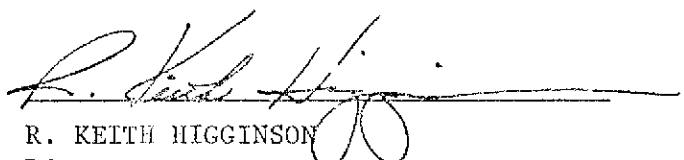
WHEREAS, on December 30, 1970, the Department notified the permit holder that Permit No. 23586/96-2220 was subject to cancellation for failure to submit proof of beneficial use of water due on or before January 30, 1963; and,

WHEREAS, proof of beneficial use of water was received by the Department on January 27, 1971; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

THEREFORE, IT IS HEREBY ORDERED that the priority under Permit No. 23586/96-2220 be advanced to January 16, 1961.

Dated this 10th day of March, 1971.


R. KEITH HIGGINSON
Director

96 2220

February 10, 1971

Re: Permit No. 23586/96-2220

Mr. Jim E. Judge
Route # 1
Sagle, Idaho 83860

Dear Mr. Judge:

The legal notice for the above-referenced permit is being published in the

~~Priest River Times, Priest River, Idaho~~ on ~~February 18, 1971~~
and ~~February 25, 1971~~.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

February 10, 1971

Re: Permit No. 23586/96-2220

The Priest River Times
Post Office Box #398
Priest River, Idaho 83856

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 the Department of Water Administration immediately.

The expense of the publication is to be paid by Jim E. Judge, Route #1, Sagle, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

96 2220

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Jim E. Judge, Route #1, Box 83, Sagle, Idaho
_____ has received an approved Permit No.
23586/96-2220 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~of~~ of 1.46 cubic feet per second ~~from~~ from
~~the~~ of water from Hoodoo Creek, trib. to Pend Oreille River.
The priority to be established under this permit is January 16, 1961
and the permit was approved January 30, 1953.

Water is to be diverted by ditch, pipe, & headgate
from a point within the SW 1/4, Sec. 6, T. 55N, R. 3W, B.M., Bonner County

to be used for irrigation

in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 55N, R. 3W, B.M.

Proof of the application of the water to beneficial use ^{was} ~~79/79/79~~ submitted to the Department on ~~07/07/79~~ January 27, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. ~~Licensing day commences prior to the date beneficial use begins~~ is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Priest River Times, Priest River, Idaho
on February 18, 1971, and February 25, 1971

Permit No. 96-2220

Director:

You are hereby authorized to have the above notice published at my expense in the Priest River Times of Priest River, Idaho; published in the county in which the works are situated.

Jim E. Judge
(Signature)

RT. 1, Sage Flats 83860 2220
(Address)

Feb 8, 1971
(Date)

February 3, 1971

Re: Permit No. 23586/96-2220

Mr. Jim E. Judge
Route #1, Box 83
Sagle, Idaho 83860

Dear Mr. Judge:

We acknowledge receipt of the affidavit submitted as proof of beneficial use in connection with the above referenced permit.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed form, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DC

Enc: order
advertising package

96 2220

January 18, 1971

Re: Permit No. 96-2220

Mr. Jim E. Judge
Route # 1
Post Office Box # 83
Sagle, Idaho 83860

Dear Mr. Judge:

We are enclosing a copy of Permit No. 96-2220 and a beneficial use affidavit, with instructions. If the department receives the affidavit prior to February 8, 1971, we will modify your permit and advise you of further proceedings prior to licensing. If you have any questions in the matter, please contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: copy of Permit No. 96-2220
beneficial use affidavit, with instructions

96 2220

Route 1 Box 83
Sagle, Idaho 83860
January 16, 1971

R. Keith Higginson, Director
State of Idaho Dept. of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Dear Sir:

Re: Your certified letter of December 30, 1970 pertaining to Permit 23586/96-2220. When we received the Certificate of Completion of Works December 13, 1957 we erroneously thought we were through with the project. We don't have that correspondence and must have overlooked the fact that there was the January 30, 1963 time limit on the proof of beneficial use of the water.

We have been using the water continually since 1953 with sprinklers and have used water with gravity flow for part of it since 1939. Is there any possibility of getting this proof of beneficial use in before your cancellation date of February 8, 1971 and offsetting this loss of water right? If so, what is required to complete it?

Sincerely yours,

Jim E. Judge

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

30507

1

John Judge

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

96 2220

96-2220

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

96 2220

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
Moisten gummed ends, attach and hold firmly to back
of article. Print on front of article **RETURN**
RECEIPT REQUESTED.

**RETURN
TO**

POSTMARK OF
DELIVERING OFFICE

**DEC 31
AM 1970**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

December 30, 1970

CERTIFIED MAIL #30507

Re: Permit No. 23586 (New No. 96-2220)

Jim E. Judge
Sagle,
Idaho 83860

Dear Mr. Judge:

It appearing to the Department of Water Administration that the terms and conditions of Permit 23586/96-2220 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on January 30, 1963,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before February 8, 1971, why said permit should not be cancelled.

Permit 23586/96-2220 claims the use of 1.46 cubic feet per second of water, the point of diversion was to be located within the SW¹/₄ NW¹/₄, Sec. 6, T. 55N, R. 3W, B.M. and the permit was approved January 30, 1953.



R. KEITH HIGGINSON
Director

96 2220

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

Re: Permit No. 23586

Date: November 1, 1962

Jim E. Judge
Sagle, Idaho

Dear Mr. Judge:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 23586 is due not later than January 30, 1963. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

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

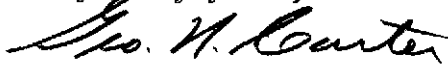
We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the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

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

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

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 2
11

23586

December 19, 1957

Re: Permit No. 23586

Mr. Jim E. Judge
Sagle
Idaho

Dear Mr. Judge:

Enclosed is the Certificate of Completion of Works issued under Permit No. 23586 for the diversion of 1.2 second feet of water from Hoodoo Creek, with the point of diversion in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, for irrigation of 60 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lots 3, 4, and 5) of Section 6, Township 55 North, Range 3 West, B.M.

Enclosed also is departmental receipt #28909 for \$5.00 issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

23586

Permit No. 23586

5.00 OK Enc.

STATE OF IDAHO

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
DEC 1 6 1957

Department of Reclamation

STATE OF IDAHO

County of Bonner

ss.

Jim E. Judge, 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. 23586, and that his postoffice address is Sagle
 State of Idaho

Second: That the name of the stream from which said water is to be diverted is Hoodoo Creek

Third: That the point of diversion of said water is Lot 5, Section 6
T55N - R3W

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 30, 1958

Fifth: That the use for which said water is intended is Irrigation of land

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: Pipe with sprinklers 20 H.P. Pump
 (Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(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 5 inches, average grade per mile is 2.802 feet. Length of conduit is 0.5 miles.

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

Eighth: That water appropriated under said permit is available for 60
 acres of land described as follows: 24 acres in Lot 3, 8 acres in Lot 4,
28 acres in Lot 5, All in Section 6 T55N R3W

Ninth: Remarks: That.....

Jim E. Judge
 (Sign Here)

Subscribed and sworn to before me this 13 day of Dec, 1957

My commission expires Oct 31, 1960

Carl R. Smith
 Notary Public in and for Bonner Co., Idaho, residing at Sandpoint, Idaho

My Commission Expires.....

23586

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

RE: Permit No. 23586

November 1, 1957

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Jim E. Judge
Sagle, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 23586 you are required to complete your diversion works on or before January 30, 1958. 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

23586

S T A T E O F I D A H O

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

R O I S E

Permit No. 23586

Date February 18, 1953

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

Mr. Jim E. Judge
Sagle
Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 25423 for \$5.25 filing fee.

23586



LEN JORDAN
GOVERNOR

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

BOISE

January 12, 1953

RECEIVED
JAN 19 1953
Department of Reclamation

Mr. Jim E. Judge
Sagle, Idaho

Dear Mr. Judge:

We acknowledge receipt of your application for permit to appropriate water from Hoodoo Creek accompanied by your check for the \$5.25 filing fee.

However, you failed to sign the application and we return it herewith for that purpose.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

Ja/veg
Encl.

23586