

Res.

R-2W.

19

Hornby Creek

19

11

30

T.
57
N.

P.D.

Un-named stream

P.D.

U.S. HWY. NO. 8
TO SANDPOINT

Pend Oreille River

Subdivisions = 2

Area = 30 acres.

$Q = 5''$

P.D. is any place along ^{0.10} stream in the area.

1-Hornby Cr

6734

22638 - De Vere & Walker

0.1 CFS Unnamed Cr & Hornby Cr

PD Lots 1, 2 - 30 - 57N - 2W

irr 19 Ac - Lot 1
11 Ac - Lot 2

Rte 2 Box 232
Sandpoint, Idaho
Oct. 9, 1964

RECEIVED
OCT 12 1964

Department of Reclamation

Bureau of Reclamation
State House
Boise, Idaho

Dear Sir:

I would like to know if anyone has
filed water rights on a creek and a spring
located on the following tract of land.

Part of the S1/2 of the NW1/4 of Section 30, Township 57 North of Range 2 West
of the Boise Meridian, Bonner County, Idaho, as follows:

Beginning at the West Quarter corner of said Section 30; thence North along
the West line of said section, 1167.5 feet; thence East Parallel with the East and
West center line of said Section 30, to the Westerly right of way line of the county
road as constructed November 14, 1961; thence Southeasterly along said county
road to its intersection with the East and West center line of said Section 30;
thence West along said center line to the place of beginning.

If no one has filed water rights
on this land, will you please send me
the necessary forms, and advise me of the
charges.

I am enclosing a stamped, self addressed
envelope for your convenience.

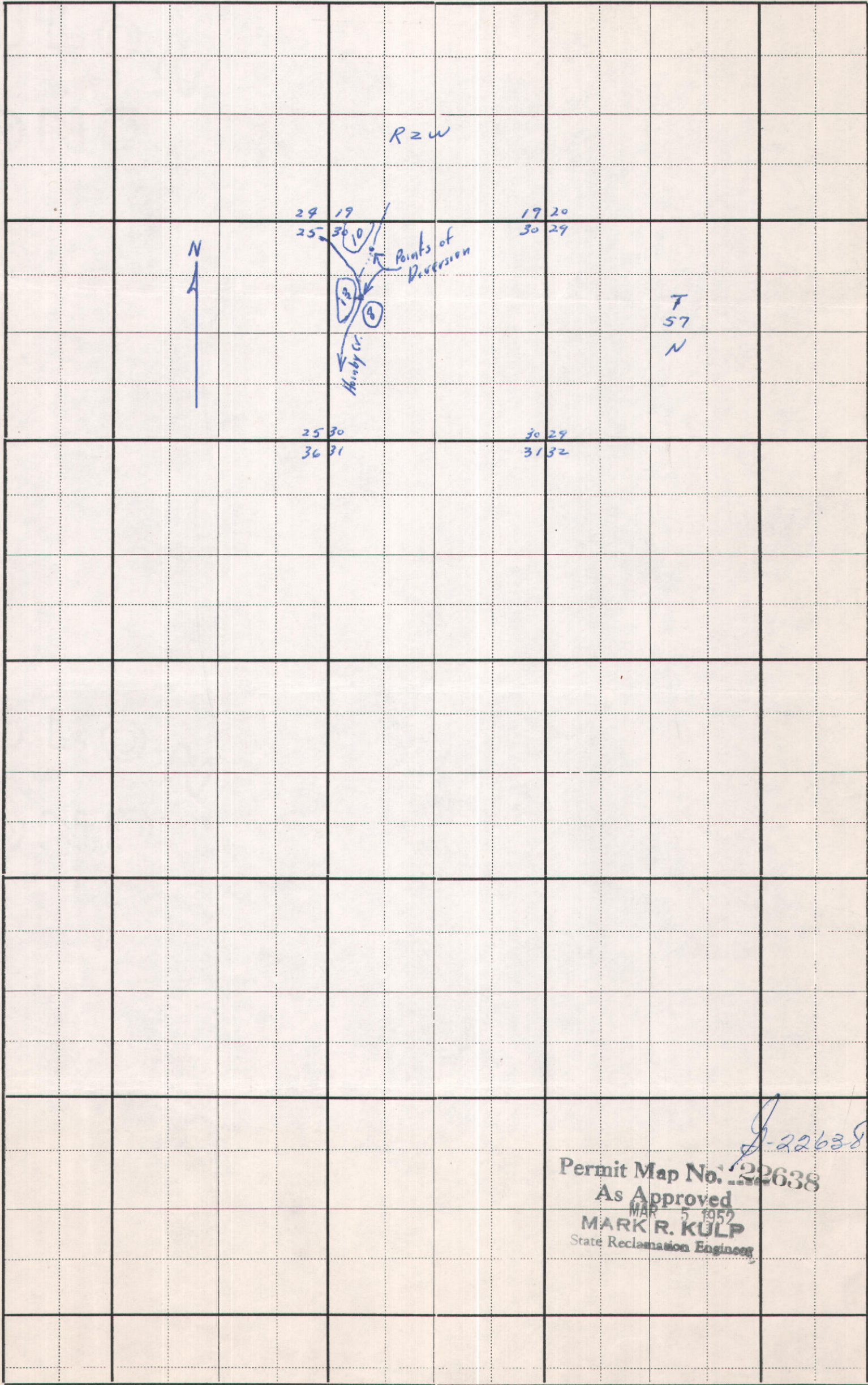
Thank you,

Eugene R. Savage

J-22638

NAME OF APPLICANT Delore D. Walker

Form No. 0



Permit Map No. 22638
As Approved
MAR 5 1952
MARK R. KULP
State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. 22638

Amount 0.10 c.f.s.

Water District No.

Priority March 15, 1952

THIS IS TO CERTIFY that DeVERE D. WALKER
 of Sandpoint, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 4, 1952; that Permit No. 22638
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.62 second feet, was issued thereunder on March 11, 1957, showing that said works
 were completed on the 6 day of March, 1957; and that on the 16
 day of March, 1959,
 DeVERE D. WALKER

of Sandpoint, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of un-named creek &
 Hornby Creek, a tributary of Ponderay River, for the purpose of irrigation
 , under Use Permit No. 22638 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
 11 of Licenses at page 6734, on the 21 day of August, 1959;

The right hereby confirmed dates from March 15, 1952;

The Point of Diversion is located Lots 1 & 2, or $W\frac{1}{2}NW\frac{1}{4}$, Sec. 30
 in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. , Tp. 57 N., R. 2 W., B. M. Bonner 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 0.10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
57 N.	2 W.	30	$NW\frac{1}{4}$ $NW\frac{1}{4}$ (Lot 1)	10	19
			$SW\frac{1}{4}$ $NW\frac{1}{4}$ (" 2)	21	11
			Total number of acres to be irrigated:		30

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
 21 day of August, 1959.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

(supplemental)
Water License No. 22566

Amount 0.7 c.f.s.

Water District No.

Priority March 26, 1953

THIS IS TO CERTIFY that ELMER G. MITCHELL - Assignee - ERNEST C. JOHNSON
of Homedale, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 19, 1952; that Permit No. 22566
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on February 27, 1952, showing that said works
were completed on the 23rd day of February, 1952; and that on the 6th
day of July, 1959,

ELMER G. MITCHELL - Assignee - ERNEST C. JOHNSON
of Homedale, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of un-named
stream, a tributary of Succor Creek, for the purpose of irrigation
, under Use Permit No. 22566 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
11 of Licenses at page 6733, on the 20 day of August, 1959;
The right hereby confirmed dates from March 26, 1953;

The Point of Diversion is located
in the SE 1/4 SW 1/4, Sec. 11, Tp. 3 N., R. 6 W., B. M. Owyhee 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 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	6 W.	11	NE 1/4 NW 1/4 NW 1/4 NW 1/4	34 12	22 13
			Total number of acres to be irrigated:		35

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

20 day of August, 1959.

Geo. H. Carter

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

96-2199

APPLICATION No. 30382
 PERMIT No. 22638
 DISTRICT No.

1. Name of Applicant: DeVERE D. WALKER

Postoffice address: Sandpoint

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: 0.62 cubic feet per second.

3. Source of water supply: Hornby Creek & un-named branch which is a tributary of Ponderay River

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

corner of Section , T. , R. , B. M., and is in the Lots 1 and 2

of Section 30 , T. 57 N. , R. 2 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: \$ 1,500.00

8. Kind of works: Sprinkler system and pump (portable)

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 feet; height feet.

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

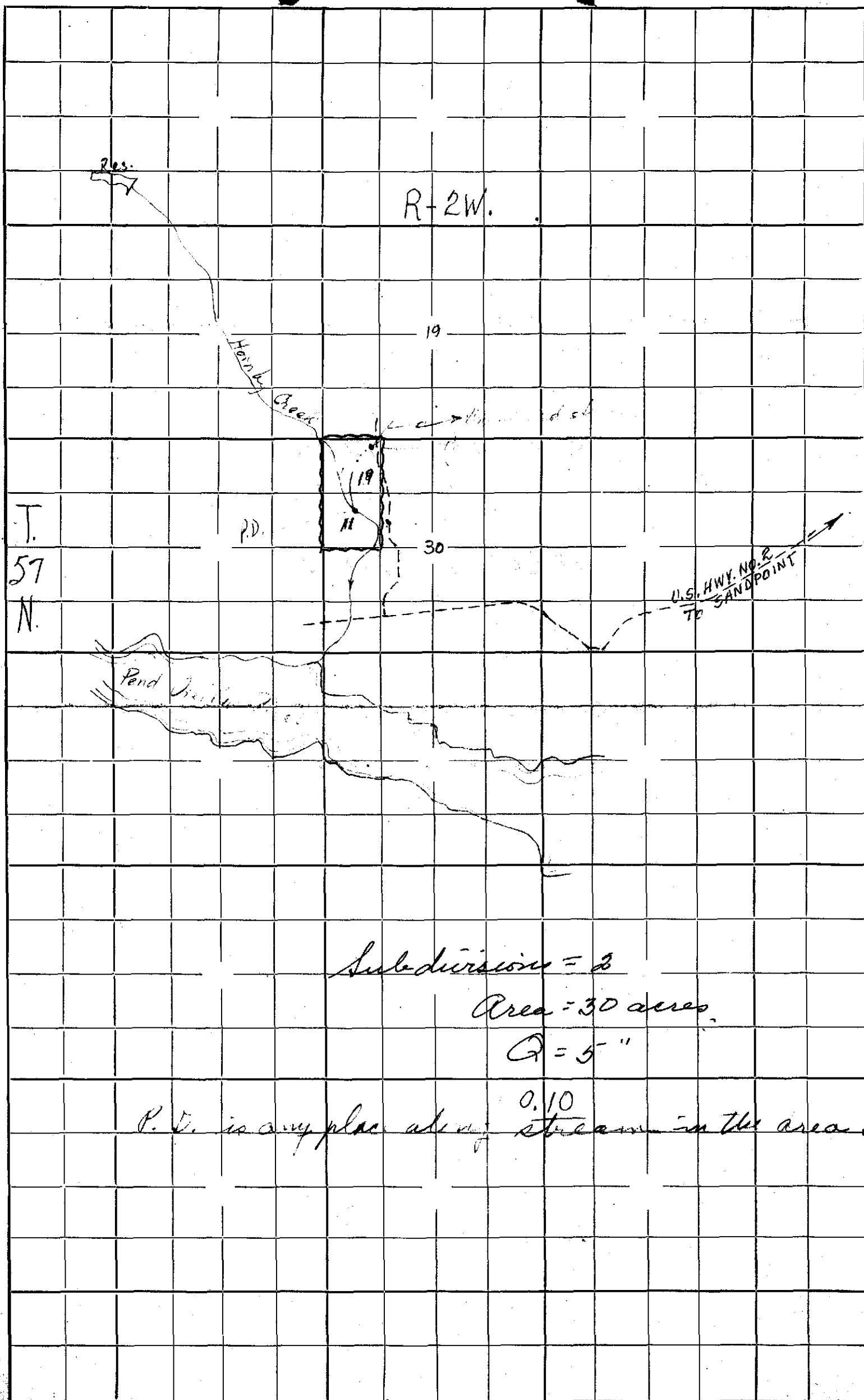
Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Two (2) 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: Not known



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

G-22638

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22638

REPORT ON PROOF OF Beneficial Use

DeVere D. Walker, Rt. #2, Sandpoint, Idaho

Lindstrom

8
Dief or Leaf
Cold Spring
Chinew Cr - Cars.

100 acre W. Sherwood

Art Lichle (crop - Crops)

Cold Spring
book 1 - P. 42.

Chinew Cr. (crop - Crops)
book 1 - P. 46.
W. Sherwood

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
AUG 4 1959

Department of Reclamation

DeVere L. Walker
Rt. #2, Sandpoint, Idaho
Permit No. 22638

Examination for Beneficial Use

County: Bonner
30 - 57N. - 2W.

Gr 0.62 a.f.s.

S = Flouby Dr. & Du-named Shasta

P.D. = Lots 182, Sec. 30, T. 57N. - R. 2W.

Use = Irrigation

6015500X
7(250.0000
20

Filed = March 4, 1952

Due = March 5, 1959

Mr. Smith m.d.
T. Rock well.

N. W. Sherwood

Henry

SW - 3-11-57

no other right

7 1/2 hp. M. Cullloch
motor 1 cyl.

15000 ghr @ 10 #

3' x 2" pit.

M. Cullloch cent.

San Angeles

Set on Los. in creek

operate 1 day

7 pm - rain bands

1125' x 1 1/2" rubber,

cotton covered fire hose.

200 # pressure capy.

5' x 3 1/2" 32 - 10

use open bore 7 1/2

allow 6 1/2" 6 1/2

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

Permit No. 22638This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant DeVere D. Walker
2. Source of water supply: Hornby Creek & un-named stream (branch of Ponderay River)
3. Location of point of diversion: Is in the Lots 1 and 2 of Section 30
T. 57 N. R. 2 W. B. M. County of Bonner

4. Describe works as they exist, giving dimensions and capacities of same: 7 1/2 hp. gas engine with McCulloch centrifugal pump. 3" x 2" hose 11.25' x 1 1/2" heavy hose to deliver water. Intends to change to a sprinkler system with 10 heads 3/32" x 5/32"

5. Water is used for: irrigation

6. 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):

31 acres in NW 1/4 of Sec. 30., Twp. 57 N., Rge. 2 W. B. M.

This is in an area that needs very little irrigation most of the time. The irrigation that has been done appears to be on a "hit or miss" and "hope" basis. Hope the irrigation is sufficient to do some good.

Looks like it may go to court.

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

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

Remarks:

Mr. Walker along. We talked to the Sherwoods. They claim all the water in the stream at this time of year. Say main flow is diverted from Rhine's Creek and this stream would be practically dry. Say they will prevent him from any irrigation except his yard.

This examination was made on the 29 day of July, 19 59

(Signed)

E. N. Humphrey
Examiner.

G. 22638

October 12, 1964

Re: License No. 22638

Eugene R. Savage
Route #2, Box 232
Sandpoint, Idaho

Dear Mr. Savage:

Water License No. 22638 has been issued to DeVere D. Walker for 0.1 c.f.s. from unnamed creek and from Hornby Creek, points of diversion in Lots 1 and 2, Sec. 30, for irrigation of 19 acres in Lot 1, and 11 acres in Lot 2, Sec. 30, T. 57 N., R. 2 W., B. M.

I find no other recorded right to divert water from Hornby Creek.

Forms are enclosed, as requested.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Form 1 and instructions

22638

Hornby Cr

6734

22638 - De Vere & Walker

0.1 CFS Demand 244 Hornby Cr

20 Lots 1, 2, 3, 4 - 57N - 2W

100 19 Ac - Lot 1
11 Ac - Lot 2

Rte 2 Box 232
Sandpoint, Idaho

Oct 9, 1964

RECEIVED
OCT 12 1964

Department of Reclamation

Bureau of Reclamation
State House
Boise, Idaho

Dear Sir:

I would like to know if anyone has
filed water rights on a creek and a spring
located on the following tract of land.

Part of the S1/2 of the NW1/4 of Section 30, Township 57 North of Range 14 East
of the Boise Meridian, Bonner County, Idaho, as follows:

Beginning at the West Quarter corner of said Section 30, thence South along
the West line of said section, 1167.5 feet; thence East Parallel with the
West center line of said Section 30, to the Westerly right of way line of
road as constructed November 14, 1961; thence Southeast along said
road to its intersection with the East and West center line of said Section 30;
thence West along said center line to the place of beginning.

If no one has filed water rights
on this land, will you please send me
the necessary forms, and advise me of the
charges.

I am enclosing a stamped, self addressed
envelope for your convenience.

Thank you,

Eugene R. Savage

J-22638

August 21, 1959

Re: Permit No. 22638

DeVere D. Walker
Route #2
Sandpoint, Idaho

Dear Mr. Walker:

We enclose License and Certificate of Water Right
issued on Permit No. 22638.

We also enclose departmental receipt No. 29719
in the amount of \$4.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc. license
receipt

9-22638

RT



ROBERT E. SMYTHIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

August 12, 1959

Re: Permit No. 22638

RECEIVED
AUG 20 1959
Department of Reclamation

Mr. DeVere D. Walker,
Route #2,
Sandpoint, Idaho.

Dear Mr. Walker:

I am enclosing Order Dismissing Protest and
Allowing License and Certificate of Water Right, which
is self-explanatory.

Very truly yours,

G. N. Carter
GEO. N. CARTER
State Reclamation Engineer

Encl.
GNC/pmk

8-18-59 Lis:

Attached my check for \$4.⁰⁰ as requested

Thanks very much -

DeVere D. Walker

P-22638

August 13, 1959

RE: Permit No. 22638

DeVere D. Walker
Rt 2
Sandpoint, Idaho

Dear Mr. Walker:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 22638 shows that the works is capable of conveying 5 miner's inches (0.10 c.f.s.) of water for irrigation of 30 acres.

Upon receipt of the statutory fee, \$4.00 at the rate of \$2.00 for each 40-acre subdivision, we will issue the License and Certificate of Water Right, confirming the right with priority of March 4, 1952, to the use of 0.10 second foot of water from Hornby Creek and an unnamed stream (tributary of the Ponderay River), with point of diversion in Lots 1,2 Section 30, for irrigation of 30 acres in Lots 1, 2 of Section 30, Township 57N., Range 2W.B.M.

Enclosed is letter and Order of Dismissal of Protest.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr
enclosures 2

g-22638

August 12, 1959

Re: Permit No. 22638

Mr. DeVore D. Walker,
Route #2,
Sandpoint, Idaho.

Dear Mr. Walker:

I am enclosing Order Dismissing Protest and
Allowing License and Certificate of Water Right, which
is self-explanatory.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Encl.
GNC/pak

P-22638

August 12, 1959

Re: Permit No. 22638
DeVere D. Walker

Greene & Hunt,
Attorneys at Law,
323 North Second Ave.,
Sandpoint, Idaho.

Attention: Raymond T. Greene, Jr.

Gentlemen:

I am enclosing copy of Order Dismissing Protest and
Allowing License and Certificate of Water Right in connec-
tion with the above named permit holder.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Encl.
GNC/pmk

G-22638

IN RE: PERMIT NO. 22638

DeVere D. Walker
Holder

ORDER Dismissing Protest
and Allowing License and
Certificate of Water Right

WHEREAS, Devere D. Walker, holder of Permit No. 22638, to appropriate 0.62 cubic feet per second of the waters of Hornby Creek, and an unnamed branch thereof, legally published notice of intention to make Proof of Application of Water to Beneficial Use in accordance with the terms and conditions of the said permit, and;

WHEREAS, H. T. Sherwood, W. N. Sherwood, John Smith, Theodore Rockwell and Robert Becker, pursuant to Section 42-224 Idaho Code, joined in a sworn protest against the granting of any license for the use of the waters claimed by virtue of the permit, alleging as their basis of objection that they have heretofore appropriated and beneficially used all the waters of Hornby Creek, and some other creeks in this vicinity save and except some small amount of surplus or flood flows during the spring runoff of the streams, and;

WHEREAS, The Deputy State Engineer has examined the premises and all conditions on the ground relating to the diversion and application of water to beneficial use and finds that the permit holder has actually diverted 0.10 cubic feet of the waters of Hornby Creek and applied same to the irrigation of 30 acres of land in the West $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 30, Twp. 57 N., R. 2 W.B.M., and;

WHEREAS, The State Reclamation Engineer by granting a subsequent water permit cannot interfere in any manner with vested rights of prior appropriators.

NOW, THEREFORE, The said protest of H. T. Sherwood, W. N. Sherwood, John Smith, Theodore Rockwell and Robert Becker, is hereby held for naught and license and certificate of water right may be granted to Devere D. Walker in amount of 0.10 cubic feet per second from the waters of Hornby Creek for irrigation of the lands described in said Permit No. 22638, in accordance with its rightful priority date.

Anyone feeling himself aggrieved by the decision of the Department of Reclamation in its findings upon the application for a water license and the protests entered therein may appeal therefrom to the District Court of the County in which the place of use of water is claimed, all in accordance with Section 42-224 Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation of the State of Idaho, at Boise, Idaho, this 12th day of August, 1959.

Geo. N. Carter

GEO. N. CARTER
State Reclamation Engineer

9-22638

IN RE: PERMIT NO. 22638

DeVere D. Walker
Holder

ORDER Dismissing Protest
and Allowing License and
Certificate of Water Right

WHEREAS, Devere D. Walker, holder of Permit No. 22638, to appropriate 0.62 cubic feet per second of the waters of Hornby Creek, and an unnamed branch thereof, legally published notice of intention to make Proof of Application of Water to Beneficial Use in accordance with the terms and conditions of the said permit, and;

WHEREAS, H. T. Sherwood, W. N. Sherwood, John Smith, Theodore Rockwell and Robert Becker, pursuant to Section 42-224 Idaho Code, joined in a sworn protest against the granting of any license for the use of the waters claimed by virtue of the permit, alleging as their basis of objection that they have heretofore appropriated and beneficially used all the waters of Hornby Creek, and some other creeks in this vicinity save and except some small amount of surplus or flood flows during the spring runoff of the streams, and;

WHEREAS, The Deputy State Engineer has examined the premises and all conditions on the ground relating to the diversion and application of water to beneficial use and finds that the permit holder has actually diverted 0.10 cubic feet of the waters of Hornby Creek and applied same to the irrigation of 30 acres of land in the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 30, Twp. 57 N., R. 2 W.B.M., and;

WHEREAS, The State Reclamation Engineer by granting a subsequent water permit cannot interfere in any manner with vested rights of prior appropriators.

NOW, THEREFORE, The said protest of H. T. Sherwood, W. N. Sherwood, John Smith, Theodore Rockwell and Robert Becker, is hereby held for naught and license and certificate of water right may be granted to Devere D. Walker in amount of 0.10 cubic feet per second from the waters of Hornby Creek for irrigation of the lands described in said Permit No. 22638, in accordance with its rightful priority date.

Anyone feeling himself aggrieved by the decision of the Department of Reclamation in its findings upon the application for a water license and the protests entered therein may appeal therefrom to the District Court of the County in which the place of use of water is claimed, all in accordance with Section 42-224 Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation of the State of Idaho, at Boise, Idaho, this 12th day of August, 1959.

GEO. W. CARTER
State Reclamation Engineer

9-22638



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

July 24, 1959

Re: Permit # 22638

Mr. DeVere D. Walker
Route #2
Sandpoint, Idaho

Dear Mr. Walker:

Statutes requires a field inspection in connection with the proofs on Permit # 22638 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Wednesday, in the morning

July 29, 1959.

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

ENH:ew

Form A

9-22638

March 24, 1959

RE: Permit No. 22638

Mr. DeVere D. Walker
Route #2
Sandpoint, Idaho

Dear Mr. Walker:

We acknowledge receipt of the Depositions of the Holder and two witnesses, also affidavit of publication in The Sandpoint News-Bulletin, all submitted in proof of beneficial use On Permit No. 22638.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

cc: Raymond T. Greene, Jr.
% Greene & Hunt
Attorneys At Law
323 North 2nd Avenue
Sandpoint, Idaho

G 22638

GLENN E. BANDELIN
DAR COGSWELL

LAW OFFICES OF
BANDELIN & COGSWELL
NEWS-BULLETIN BUILDING
SANDPOINT, IDAHO

TELEPHONE CO 3-3129

19th March, 1959

State Reclamation Engineer,
Department of Reclamation,
Boise,
Idaho

Dear Sir,

re: DeVere D. Walker: Permit No. 22638

Enclosed herewith are the Affidavit of Publication; Deposition
of Holder; and two Depositions of Witness, all duly completed,
for filing in the above matter.

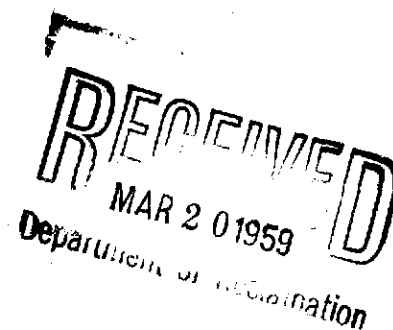
Yours very truly,

Dar Cogswell
Dar Cogswell

/awh
Encl:

Permit No. 22638

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. ✓ 22638

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. ✓ DeVere D. Walker, Route 2, Sandpoint, Idaho
Occupation - 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. 3-5-52
No. 22638 dated March 4, 1952. Date of priority March 4, 1952

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

Ans. ✓ Hornby Creek and unnamed branch, tributary of Pend Oreille River
Point of diversion Lots 1 and 2, or the West Half of the Northwest Quarter
of Section 30 Township 57 North Range 2 West B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Sprinkler system and pump (portable) conveying 0.62 cu. ft. per second
Discharge of pump 12,000 galls. per hour measured by meter.
Size of nozzles 7 galls per minute, 30-lbs. operating pressure.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation Used in West Half of Northwest Quarter, Section 30 Township 57
North Range 2 WBM. 31 acres irrigated. Natural meadow.

22638

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. _____

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. _____ Irrigating meadow land

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) DeVere D. Walker

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 _____ Sandpoint _____ County of _____ Bonner
State of Idaho, on this _____ 16th _____ day of _____ March _____, A. D. 19⁵⁹

My commission expires _____ 12/9/62

Stan Cogswell
Notary Public for
Idaho - residing
at Sandpoint

9-22368

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 20 1959
Department of Reclamation

PERMIT NO. 22638

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. William E. Waggoner, age 35, Route 2, Sandpoint, Idaho; Laborer

Ques. 2. Are you acquainted with DeVere D. Walker, the holder of Permit No. 22638? How long have you known him and where does he reside?

Ans. I have known DeVere D. Walker since August of 1951, and he resides in Route 2, Sandpoint, Idaho

Ques. 3. Have you read or heard read said Permit No. 22638, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Hornby Creek and unnamed branch, tributaries of Pend Oreille River
Point of diversion Lots 1 and 2, or the West Half of the Northwest Quarter of Section 30 Township 57 North Range 2 West B.M.
Sprinkler system and portable pump

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.62 cu. ft. per second. Have seen 49 galls per minute being conveyed

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 purposes, used in West Half of Northwest Quarter Section 30 Township 57 North Range 2 WBM, irrigating 31 acres of natural meadow land

g-22638

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

Ans. _____

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. _____

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

Ans. _____ None whatsoever _____

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. _____
In 1958, by pump, pumping 49 galls per minute

(Signed) William E. Wagner

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 Sandpoint,
County of Bonner, State of Idaho, on this 16th day of March,
A. D. 19 59.

My commission expires 12/9/62

Don Cogswell
Notary Public.
for Idaho, residing
at Sandpoint

8-22638

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
MAR 20 1959
Department of ReclamationPERMIT NO. 22638**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. George F. Andrews, age 35, Route 2, Sandpoint, Idaho; Laborer

Ques. 2. Are you acquainted with DeVere D. Walker, the holder of Permit No. 22638? How long have you known him and where does he reside?

Ans. I have known DeVere D. Walker for eight years, and he resides at Route 2, Sandpoint, Idaho

Ques. 3. Have you read or heard read said Permit No. 22638, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Hornby Creek and unnamed branch, tributaries of Pend Oreille River
Point of diversion Lots 1 and 2, or the West Half of the Northwest Quarter
of Section 30 Township 57 North Range 2 West B.M.
Sprinkler system and portable pump.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.62 cu.ft.per second. Have seen 49 galls per minute being conveyed

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 purposes, used in West Half Northwest Quarter Section 30 Township
57 North Range 2 WBM, irrigating 31 acres of natural meadow land

g-22638

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

Ans. _____

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. _____

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. In 1958, by pump, pumping 49 galls per minute

(Signed) George F. Andrews

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 Sandpoint,

County of Bonner, State of Idaho, on this 16th day of March,
A. D. 1959.

My commission expires 12/9/62

Bar Cogswell
Notary Public.
for Idaho residing
at Sandpoint

1-22638

Affidavit of Publication

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

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice for Publication; Notice of Proof
Application of Water to Beneficial
Use; DeVere D. Walker

as it was published in the regular and entire issue
of the said paper for a period of Four
consecutive weeks, commencing on the 12th
day of February, 19 59, and end-
ing on the 5th day of March,
19 59, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this
19 59 day of March, 19 59.

Chas. E. Smith

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

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

Notice is hereby given that at
10:00 A. M. on the 16th day of
March, 1959, at Sandpoint, County
of Bonner, State of Idaho, before
Dar Cogswell, Notary Public, proof
will be submitted of the application
to beneficial use of 0.62 cubic feet
per second of the waters of Hornby
Creek and unnamed branch in ac-
cordance with the terms and con-
ditions of Permit No. 22638 hereto-
fore issued by the Department of
Reclamation of the State of Idaho.

The name and postoffice address
of the person or corporation holding
said permit are DeVere D. Walker,
Route 2, Sandpoint, Idaho.

The use to which said water has
been applied is irrigation.

The amount applied to beneficial
use is 0.62 cu. ft. per second.

The place where said water is
used (if for irrigation, give full
and accurate description of the
lands irrigated): W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 30,
Twp. 57 No., Rge. 2 W. B. M.

Points of Diversion — (Unnamed
stream in Lot 1), (Hornby Creek
in Lot 2), Both in Section 30, Twp.
57 N., Rge. 2 W. B. M.

The name of the canal or ditch
or other works by which said water
is conducted to such place of use
is no canal.

The right to take water from
such works is based upon Permit
No. 22638.

The source of supply from which
such water is diverted is Hornby
Creek and unnamed branch.

The date of priority which said

user is prepared to establish is
March 4th, 1952.

CEO. N. CARTER,
State Reclamation Engineer.
fl2-19-26-m5

9-22638

March 20, 1959

Re: Permit No. 22636

Mr. DeVere D. Walker
Route #2
Sandpoint, Idaho

Dear Mr. Walker:

Enclosed is a copy of protest against issuance of a license to you for a water right except as your right would be junior to other water rights downstream.

Upon receipt of the depositions of holder and two witnesses in accordance with the notice in the Sandpoint News Bulletin, you will be notified that an engineer from this office will inspect your works at some future date.

You will be notified after the inspection of any further action in regard to the protest.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:sw
Enc:

cc: Greene & Hunt
Attorneys

g-22636

RT

RAYMOND T. GREENE, JR.

JAMES E. HUNT

GREENE & HUNT

ATTORNEYS AT LAW

323 NORTH SECOND AVENUE

SANDPOINT, IDAHO

TELEPHONE CONGRESS 3-2109

RECEIVED
MAR 19 1959
Department of Reclamation

March 17, 1959

Mr. George N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. 22638
DeVere D. Walker

Dear Mr. Carter:

Thank you for your letter of March 16th.
Sorry we overlooked notarizing the signatures on the protest but have now done so, and return the protest in duplicate to you.

Very truly yours,

GREENE & HUNT

By:

Raymond T. Greene, Jr.
Raymond T. Greene, Jr.

6-22638

PROTEST AGAINST ISSUANCE
OF WATER LICENSE

RECEIVED
MAR 13 1959
Department of Reclamation

To the Department of Reclamation
of the State of Idaho
Boise, Idaho

The undersigned, H. L. SHERWOOD, W. N. SHERWOOD, JOHN SMITH, THEODORE ROCKWELL and ROBERT BECKER, pursuant to Idaho Code 42-224, do hereby make and file their protest against the issuance of a license for water to be issued in favor of De Vere D. Walker of Route 2, Sandpoint, Idaho. The notice of proof of application of water to beneficial use pursuant to Permit No. 22638 citing March 16, 1959 at ten o'clock a.m. for proof before Dar Cogswell, a notary public at Sandpoint, Idaho for the application to beneficial use of 0.62 cubic feet per second of the water in said notice stated. The publication of which has been printed in the Sandpoint News Bulletin at Sandpoint, Idaho on February 12, 19th, 26th and on March 5th, 1959.

Said protestants are the owners of certain properties in the South Half of Section 30, Township 57 North, Range 2, West B.M. as set forth in Schedule "A" attached hereto.

That said protestants own the waters of said creeks as hereinafter set forth in the following proportions and in which they and their predecessors have used said water for irrigation and stock watering purposes: H. L. Sherwood, three-eighths; W. N. Sherwood, three-eighths; and the remaining one-fourth in John Smith, Theodore Rockwell and Robert Becker. That the undersigned protest the granting of the license claimed by the said De Vere D. Walker for the reasons hereinafter set forth.

That the undersigned and their predecessors in interest have at all times now and since prior to 1940 beneficially used the entire flow of Cold Springs Creek, which has also in the past been known as Lindstrom, Flume or Hornby Creek, as the same has been necessary for the purposes of watering stock and irrigating the said properties in the

4-22638

South Half of said Section 30 during the growing season and as is usual in such instances in a good husbandlike manner for the proper irrigation of said lands and the watering of said stock.

Said protestants and their said predecessors in interest use and have used for said period of time for the purposes stated all of the normal flow of the waters of the said Cold Springs Creek, their point of diversion from said Creek being at a point approximately 1920 feet North of the Great Northern Railway. That due to the fact that during the later part of the growing season there is not nearly sufficient waters for the purposes required, protestants and their predecessors long ago found it necessary to construct further diversionary channels leading from the headwaters of the said Cold Springs Creek from a point approximately two and one-half miles North of said Great Northern Railway leading Northwesterly approximately one-fourth mile to a juncture with Carr Creek, which was formerly also known as Riners Creek, at which point protestants have maintained a seasonal dam whereby they diverted from said Carr Creek waters through said diversionary channel to Cold Springs Creek and thence to their said properties in the South Half of said Section 30.

That said protestants as aforesaid have used all of said waters beneficially for irrigation upon their said lands and for watering their said stock as has been necessary except, of course, for the surplus or excess thereof caused by the spring high water run-off and, of course, have not every minute of the day used all of said waters insofar as good irrigation practices would not so allow.

That said protestants and each of them strenuously protest the granting of any license for the use of waters by the said De Vere D. Walker which may interfere with protestants prior appropriation of the same and admit only that the said De Vere D. Walker may have established some small right in and to any surplus waters of the appropriated waters

4-22638

of protestants which the protestants may not actually be using at a given time or waters in excess of the appropriated waters of the protestants during the spring high water run-off.

WHEREFORE, protestants pray that said application of the said De Vere D. Walker be denied save and except as to any excess of the waters of said streams over and above that appropriated and used by protestants as hereinabove set forth.

W. M. Sherwood

W. M. Sherwood

Robert Becker

Theodore Beckwee

John W. Smith MD

Subscribed and sworn to before me this 12th day of
March, 1959.

Raymond T. Green

Notary Public in and for the State of
Idaho, residing at Sandpoint therein.

9-22638

SCHEDULE "A"

H. L. SHERWOOD being the owner of the following described property, to-wit:

Tax No. 3 less tax nos. Tax No. 3 being described as follows: Southeast Quarter of Section 30, Township 57 North, Range 2, W.B.M., less tax nos.

Tax No. 10 described as follows: Beginning 1320 feet West and 298 feet North of the Southeast corner of Section 30; thence Westerly parallel to G. N. Railway right of way 378.6 feet; thence North 50 feet; thence Easterly 378.6 feet; thence South 50 feet to beginning, excepting an easement to North Idaho and Montana Power Company.

East Half of Northeast Quarter of Section 30, Township 57 North, Range 2, W.B.M.

W. N. SHERWOOD being the owner of the following described property, to-wit:

Tax No. 2 described as follows: Beginning on North and South center line of Section 30, Township 57 North, Range 2, W.B.M., 359 feet North of Quarter corner between Sections 30 and 31; thence North 967.4 feet; thence East 941 feet; thence South 944.4 feet; thence South $88^{\circ} 38'$ West 941.4 feet to beginning, containing 20.909 acres.

Tax No. 5 described as follows: Beginning where North line of County road on North side of Great Northern Railway intersects North and South center line of Section 30; thence North 64 rods; South $88^{\circ} 33'$ West 40 rods; thence South 64 rods; thence North $88^{\circ} 33'$ East 40 rods to beginning, containing 16 acres.

Tax No. 20 described as follows: a plot of land in Southeast Quarter of Section 30 described as follows: beginning at a point 220 feet East of the Southwest corner of Northwest Quarter of Southeast Quarter; thence due East 721 feet; thence North 1320 feet to North boundary line of Southeast Quarter; thence West 721 feet; thence South 1320 feet to place of beginning, containing 21.85 acres more or less.

JOHN SMITH being the owner of the following described property, to-wit:

That part of Government Lots 3 and 4 and the Southeast Quarter of the Southwest Quarter of Section 30, Township 57 North, Range 2, W.B.M. lying North of U. S. Highway No. 2 and West of a line described as follows: Beginning at a point on the East and West center line approximately 1419.4 feet West of the center of said Section, which point is 135 feet West of the Northeast corner of said Lot 3; thence

9-22368

16

South 1546 feet; thence East 759 feet more or less to the West right of way line of the County road; thence South along said line to where same intersects the North line of Highway No. 2; and less a tract described as follows: Beginning at a point on the North line of U. S. Highway No. 2, which bears N. $68^{\circ} 39'$ East 823.5 feet from the Southwest corner of said Section 30; thence N. $0^{\circ} 04'$ West 388.7 feet; thence S. $89^{\circ} 25'$ West 37.0 feet; thence N. $0^{\circ} 04'$ West 220 feet; thence N. $89^{\circ} 25'$ East 389.8 feet; thence N. $0^{\circ} 04'$ West 169.2 feet; thence N. $89^{\circ} 29'$ East 617.8 feet to the West line of County road; thence South along said West line to where same intersects the North line of U. S. Highway No. 2; thence Westerly along the North line of U. S. Highway No. 2 to the place of beginning.

THEODORE ROCKWELL being the owner of the following described property, to-wit:

Tax No. 27, Section 30, Township 57 North, Range 2, W.B.M., being more particularly described as follows: Beginning at the exact center of said Section 30; thence South on the North and South center line of said Section a distance of approximately 1004.8 feet to the Northeast corner of the present Joe Draine property; thence West along the North line of the Joe Draine property a distance of approximately 422 feet to the center line of the present county road; thence in a Southwesterly direction following the center line of said County Road a distance of approximately 394 feet; thence South following the center line of said County Road a distance of approximately 216 feet; thence $90^{\circ} 00'$ West 759 feet to a point 25 feet South of present irrigation ditch; thence $90^{\circ} 00'$ North 1546 feet to a point on Quarter line, 135 feet West of 1/16 corner post, and 56 feet West of present R. E. A. center line; thence East along Quarter line a distance of approximately 1419.4 feet back to place of beginning, containing 40 acres more or less, lying in Southwest Quarter of Section 30, Township 57 North, Range 2, West B.M.

ROBERT BECKER being the owner of the following described property, to-wit:

Beginning at a point which is 1350 feet North of the South Quarter corner of Section 30, Township 57 North, Range 2, W.B.M., being on the North and South Quarter line of said Section; thence North 325.2 feet to a point; thence West 422 feet to the East boundary line of the County road now existing; thence Southerly to a point which is 424.6 feet West of the point of beginning; thence East 424.6 feet to the point of beginning.

G. 22637

March 16, 1959

Re: Permit No. 22638

Raymond T. Greene, Jr.
% Greene & Hunt
Attorneys At Law
323 North 2nd Avenue
Sandpoint, Idaho

Dear Mr. Greene:

This letter acknowledges receipt of the protest filed by your law firm in behalf of H. Z. Sherwood, W. N. Sherwood, John Smith, Theodore Rockwell and Robert Becker against the issuance of a license on Permit No. 22638, DeVere D. Walker permit holder.

After the proof papers are filed the next action will be a field examination by an examining engineer from this office.

With the engineers report in hand, consideration will be given the proof, and the protest together with all relevant facts which may come to notice, and you will be notified of the departments decision in the matter.

In the meantime it might be prudent to have the notary's signature on the protest. It is returned for that purpose.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC/lw
Enclosure
cc: DeVere D. Walker
Route # 2
Sandpoint, Idaho

22638

RAYMOND T. GREENE, JR.

JAMES E. HUNT

GREENE & HUNT

ATTORNEYS AT LAW

323 NORTH SECOND AVENUE

SANDPOINT, IDAHO

TELEPHONE CONGRESS 3-2109

RECEIVED
MAR 13 1959
Department of Reclamation

March 12, 1959

Department of Reclamation
Boise, Idaho

Attention: Geo. N. Carter
State Reclamation Engineer

Re: Permit No. 22638
DeVere D. Walker
Rt. 2, Sandpoint, Idaho

Dear Mr. Carter:

Pursuant to Idaho Code 42-224, certain property owners in Section 30, Township 57 North, Range 2, West B.M. wish to protest the granting of a license for water to the above named DeVere D. Walker, as shown by the copy of Protest submitted herewith to you in duplicate.

Very truly yours,

GREENE & HUNT

By:

Raymond T. Greene, Jr.
Raymond T. Greene, Jr.

4-22638

Sandpoint, Idaho
March 2, 1959

Gentlemen:

We are in receipt of Permit No. 26202 for Edgar J. Iverson and Olga Iverson, Sandpoint, Idaho, permit No. 22638 for DeVere D. Walker. Both publications began on Feb. 26 and shall run four consecutive weeks. We are enclosing a check copy under separate cover.

Yours very truly,

SANDPOINT NEWS-BULLETIN

9-22366

RECEIVED
MAR 3 1959
Department of Reclamation



THIS SIDE OF CARD IS FOR ADDRESS

State of Idaho
Department of Reclamation
Boise, Idaho

J. 20368

Feb. 23, 1959

Re: Permit No. 22638
DeVere D. Walker

Sandpoint News Bulletin
Sandpoint, Idaho

Gentlemen:

On February 2, 1959 we sent you Notice of Publication giving instructions for publishing for DeVere D. Walker on Permit No. 22638.

We also requested acknowledgment of receipt of above notice and copy of tear sheet of the first publication. Neither have been received in this office and prompt attention to these requests will be appreciated.

Very truly yours,

GEO. M. CARTER
State Reclamation Engineer

By:

HENRY PETRI
Water Rights Clerk

GNC:HJ:ew

J-22638

Sandpoint, Idaho
Feb. 9, 1959

Gentlemen:

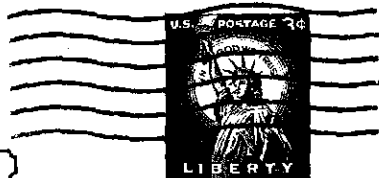
We have received the notice of publication of "Application of Water to Beneficial Use" for DeVere D. Walker, Sandpoint, Permit No. 22638.

The legal notice will be published Feb. 12, 19, 26 and March 5.

Yours very truly,

SANDPOINT NEWS BULLETIN

4-22638



THIS SIDE OF CARD IS FOR ADDRESS

State of Idaho
Department of Reclamation
Boise, Idaho

J-22638

February 2, 1959

Re: Permit No. 22638
DeVere D. Walker

Mr. Dar Cogswell
Attorney At Law
News Bulletin Building
Sandpoint, Idaho

Dear Mr. Cogswell:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 22638, in the name of DeVere D. Walker. Final proof is to be made before you, as Notary, on the 16th day of March, 1959, at 10:00 A. M., at Sandpoint, Idaho.

As of this date we have mailed the notice to the Sandpoint News Bulletin, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: DeVere D. Walker

6-22638

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: February 2, 1959

Re: Permit No. 22638
DeVere D. Walker

Sandpoint News Bulletin
Sandpoint, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to March 16, 1959 the date set for proof; the expense of the publication is to be paid by the applicant's Attorney

Dar Cogswell, Attorney At Law of News Bulletin Building,
Sandpoint, Idaho
to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge

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

22638

GLENN E. BANDELIN
DAR COGSWELL

LAW OFFICES OF
BANDELIN & COGSWELL
NEWS-BULLETIN BUILDING
SANDPOINT, IDAHO

TELEPHONE CO 3-3129

30th January, 1959

RECEIVED
FEB 2 1959
Department of Reclamation

Department of Reclamation,
Boise,
Idaho

Gentlemen,

re: Permit No. 22638

Enclosed herewith are completed Forms 10 (in
duplicate) and 11 in connection with proof of application
of water for beneficial use under the above permit.

Yours very truly,



Dar Cogswell

/awh
Encl:

4-22638

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
FEB 2 1959
Department of Reclamation

(Date) January 30th, 1959
(P. O.) Sandpoint, 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
Sandpoint News-Bulletin of Sandpoint, Idaho published in
the county in which the works are situated.

DeVere S. Walker
by Dar Cogswell
attorney for DeVere S. Walker

(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.

9-22638

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

RECEIVED
FEB 2 1959
Department of Reclamation

Notice is hereby given that at 10.00 A. M. on the 16th day of March, 1959,
at Sandpoint, County of Bonner, State of Idaho, before
Dar Cogswell, Notary Public, proof will be submitted of the
application to beneficial use of 0.62 cubic feet per second of the waters of Hornby Creek
and unnamed branch in accordance with the terms and conditions of Permit No. 22638
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 are
DeVere D. Walker, Route 2, Sandpoint, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 0.62 cu.ft per second

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

West Half of the Northwest Quarter of Section 30
Township 57 North, Range 2 W.B.M.

Points of Diversion: Un-named stream in Lot 1, } both in Sec. 30, T. 57N. - R. 2W.
Hornby Creek "Lot 2" } B.M.

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

No canal

The right to take water from such works is based upon Permit No. 22638

The source of supply from which such water is diverted is Hornby Creek and unnamed branch

The date of priority which said user is prepared to establish is March 4th, 1952

State Reclamation Engineer.

22638

22

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. 22638Date January 1, 1959DeVere D. Walker
Sandpoint, Idaho - Route #2

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 22638 is due not later than March 5, 1959. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

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

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc.

J-22638

March 11, 1957

Re: Permit No. 22638

Mr. DeVere D. Walker
Route # 2
Sandpoint, Idaho

Dear Mr. Walker:

We enclose Certificate of Completion of Works issued under Permit No. 22638 for the diversion of 0.62 second foot of the water of Hornby Creek and unnamed branch/which are tributaries of the Ponderay River with point of diversion in the W¹/₂ NW¹/₄ of Section 30, Township 57 North, Range 2 West B.M., with priority of March 4, 1952, for irrigating the lands in the W¹/₂ NW¹/₄ of Section 30.

Also enclosed is departmental receipt No. 28478 for \$5.00 issued for payment of the \$5.00 fee for a Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nld
Enclosures (2)

g-22638

Permit No. 22638STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bonner

SS.

Devere D. Walker, 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. 22638, and that his postoffice address is Sandpoint, ID²
State of Idaho

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

Flume CreekThird: That the point of diversion of said water is located on W² N¹ W¹ Sec. 30Twp 57, R 2 W Pump irrigation, various points.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 5, 1957.Fifth: That the use for which said water is intended is Irrigation

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: 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 ✓ 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 0.62 second feet of water.Eighth: That water appropriated under said permit is available for 31 acres of land described as follows: W² N¹ W¹ Sec 30 Twp 57 R 2 W

Ninth: Remarks:—That

Devere D. Walker

(SIGN HERE)

Subscribed and sworn to before me this 6th day of March, 1957Lorraine D. Merrill

NOTARY PUBLIC

Residing at Sandpoint, IdahoMy commission expires 6/8/5922638

Nong

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho ~~January~~ 1, 1957

DeVere D. Walker
Sandpoint, Idaho
Route #2

Dear Sir:-

Under the terms of your permit No. 22638 you are required to complete your diversion works on or before March 5, 1957. 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

22638

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 22638

Date March 8, 1958

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.

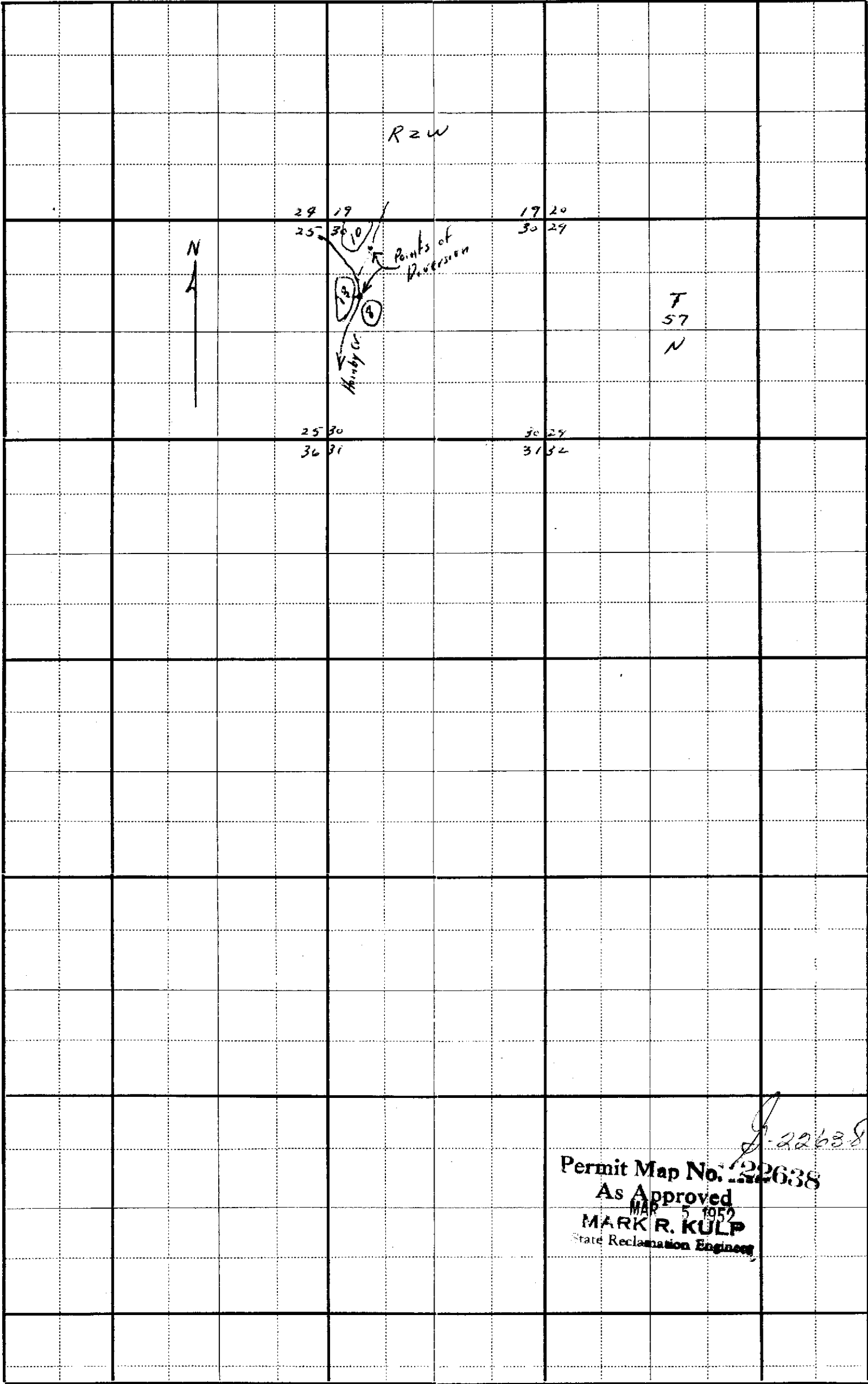
Mr. DeVere D. Walker
Route 2
Sandpoint, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 24234 for \$5.00 filing fee.

NAME OF APPLICANT Devere D. Walker

Form No. 0



Permit Map No. 22638
As Approved
MAR 5 1952
MARK R. KULP
State Reclamation Engineer



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

February 28, 1952

RECEIVED
MAR 4 1952
9 am
Department of Reclamation

Mr. DeVere D. Walker
Route 2
Sandpoint, Idaho

Dear Mr. Walker:

We acknowledge receipt of your application for permit to appropriate 0.62 second foot of water from Hornby Creek.

However, you failed to enclose the statutory filing fee of \$5.00 which is required before the application can be placed on file and given a priority date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannette L. Anderson
Chief Clerk

9-27-52
A:fg

Gentlemen: —

*I am enclosing herewith the \$5.00
filing fee. Thank you kindly,
Mrs. D. D. Walker*

October 23, 1951

Mr. DeVere D. Walker
Route 2
Sandpoint, Idaho

Dear Mr. Walker:

In reply to your letter of October 20, 1951, we enclose herewith an application for permit to appropriate the public waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

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

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

9-22638

Sandpoint, Ida.
Route 2
Oct. 20, 1951

Mark R. Kulp
State Reclamation Engineer
Bureau of Reclamation
Boise, Ida.

Dear Sir:

I would appreciate receiving
the necessary papers and outline
of procedure needed to receive
the water rights on a stream,
for irrigation purposes.

Very truly,

Arthur D. Walker

22638
RECEIVED
OCT 23 1951
Bureau of Reclamation