

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 30 1976

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Charles E. and Mary H. Davidson, Star Route, Naples, Idaho have on August 25, 1976 submitted Application No. 198-7177 for a permit to appropriate 0.02 cubic feet per second of water from a ground waters source by means of well and pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 60N, R. 1E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 60N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 20, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Sept. 2 and Sept. 9, 1976-idwr

Echo Turnbull, bkpr. for W. H. Chubb
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) of the newspaper

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7177

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 2, 1976, and ending with the issue dated Sept. 9, 1976

Subscribed and sworn to before me this 28 day of Sept, 1976

Butch Allen
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.



TITLE INSURANCE COMPANY, LTD.

1000 N. 10th St., Boise, Idaho 83702

Phone 255-1111
Telex 157111

WARRANTY DEED

MAIN OFFICE

BOISE, IDAHO

REGISTERED

RECORDS & DEEDS

ALL AS ABOVE

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by grantor, CHARLES E. DAVIDSON and MARY H. DAVIDSON, husband and wife, grantor does hereby grant, bargain, sell and convey unto ROBERT E. GILBERT and CECILIA V. GILBERT, husband and wife, grantee, the following described property:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Sixty (60) North, Range One (1) East, B. M., LESS right of way.

TOGETHER with the water rights and easements contained in that certain "Conveyance of Water Rights" between Vera F. Hadlock, a widowed woman, grantor, and Charles E. and Mary H. Davidson, husband and wife, grantee, entered into on the 18th day of August, 1976, and recorded in Book 24 of Instruments at page 165, records of Boundary County, Idaho, on real property described as: The Northeast Quarter (NE $\frac{1}{4}$) of Section Seven (7), Township Sixty (60) North, Range One (1) East, B. M., Boundary County, Idaho.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the grantor does hereby covenant to and with the said grantee that it is the owner in fee simple of said premises and that they are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 26 day of May, 1978.

Charles E. Davidson

POOR QUALITY ORIGINAL

Mary H. Davidson

INSTRUMENT NO.
127194

STATE OF IDAHO, COUNTY OF Boundary

I hereby certify this instrument, consisting of 2 pages was filed for record at the request of

Betty C. Douglas

at 23 minutes past 11:00 o'clock .m. the

26 day of May, 1978, in my office

and duly recorded in book 24 of Inst. at page 170

FILED 26 MAY 1978

By Betty C. Douglas Deputy

ADDRESS OF PURCHASER:

MICROFILMED

FFICE
AT
DAHO
TUES IN
COUNTY

STATE OF IDAHO)
) ss
County of Boundary)

On this 24 day of May, 1978, before me,
the undersigned Notary Public, personally appeared CHARLES H.
DAVIDSON and MARY H. DAVIDSON, husband and wife, known to me
to be the persons whose names are subscribed to the within
instrument and acknowledged to me that they executed the
same.

[Signature]
Notary Public for Idaho
Residing at Bonners Ferry

I, VERA HADDOCK ELLIOTT, do hereby consent to the assignment
of the above "Conveyance of Water Rights" dated August 18, 1976, and
recorded in Book 24 of Instruments at page 165, records of Boundary
County, Idaho, to Robert E. Gilbert and Cecilia V. Gilbert, husband
and wife.

DATED this 25 day of May, 1978.

[Signature]
Vera Haddock Elliott

STATE OF IDAHO)
) ss
County of Boundary)

On this 25 day of May, 1978, before me,
the undersigned Notary Public, personally appeared VERA HADDOCK
ELLIOTT, known to me to be the person whose name is subscribed
to the within instrument and acknowledged to me that they executed
the same.

[Signature]
Notary Public for Idaho
Residing at Bonners Ferry

OF PURCHASER:

POOR QUALITY ORIGINAL

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7177 Priority August 25, 1976 Amount 0.02 cfs

THIS IS TO CERTIFY, that CHARLES E. & MARY H. DAVIDSON
of Naples, Idaho, has complied with the terms and conditions of Permit
No. 98-7177 issued pursuant to Application for Permit dated August 25, 1976,
and has submitted proof to the Department of Water Resources on September 9, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>1.2 acre feet</u>
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 60N,
Rge. 1E, B.M. in the County of Boundary

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 $\frac{1}{4}$	
60N	1E	6																X	

Total number of acres irrigated _____

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 23 day of
July, 19 79.

Director

Identification No. 98-7177

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant CHARLES E. and MARY H. DAVIDSON Phone: _____
post office address Star Route, Naples, Idaho 83847

2. Source of water supply Well which is a tributary of _____

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 60N
Range 1 E. B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 0.02 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .02 cubic feet per second and/or

b. .6 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and underground pipe

b. Height of storage dam N/A feet, active reservoir capacity N/A acre feet; total reservoir capacity N/A acre feet, materials used in storage dam: N/A

Period of year during which storage will occur N/A to N/A inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 225 feet. Existing well.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.

b. Estimated construction cost is \$ \$750.00

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: *SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 60N
Range 1E B.M.

(2) Amount of power to be generated: N/A hp under N/A feet of head.

(3) List number of each kind of livestock to be watered 10 Head of cattle

(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water 1

(5) If water is to be used for other purposes describe: None

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

[illegible]

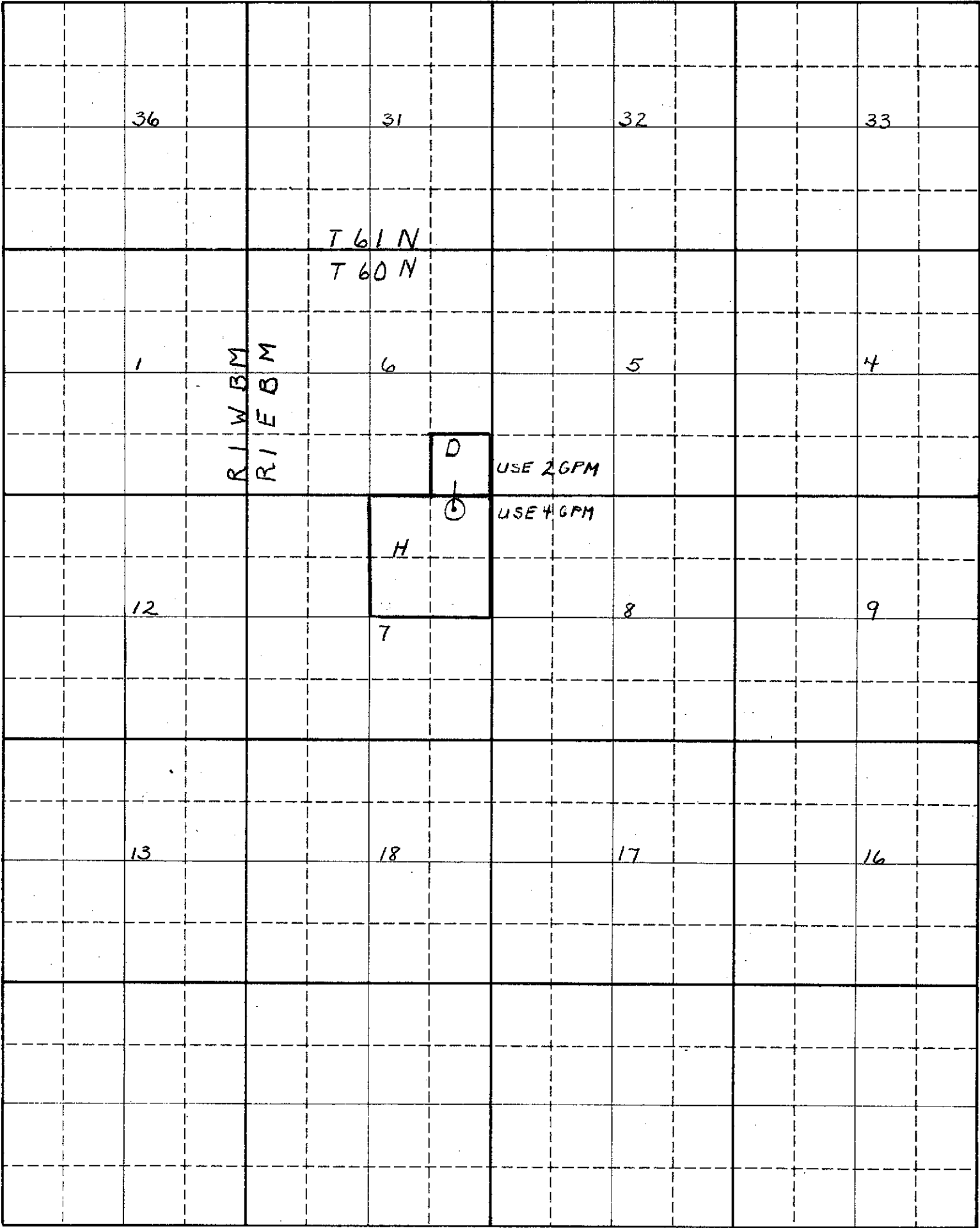
Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion VERA F. HADDOCK
 b. Who owns the land to be irrigated or place of use CHARLES E. and MARY H. DAVIDSON
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Sale of rights in well owned by Vera F. Haddock.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Charles E. Davidson
Mary H Davidson
(Applicant)

Proposed Priority 8-25-76

Received by CP Date 8-25-76 Time 11:00 A.M.

Preliminary check by RGH Fee \$ 10.00

Received by CP Date 8-25-76 (Rec. #4367)

Publication prepared by cp Date 8-27-76

Published in Bonnors Ferry Herald

Publication dates 9-2 & 9-9-76

Publication approved CP Date 10-4-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RGH SDP

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7177, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

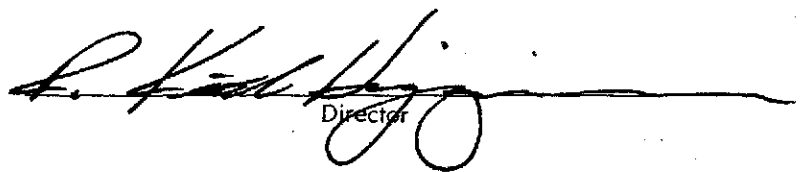
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 77.

c. Other: _____

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

Witness my hand this 9 day of October, 19 76.


Director

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SEP 20 1976

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF APPLICATION FOR WATER PERMIT

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 20, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Sept. 2 and Sept. 9, 1976. Jdwr

Echo Turnbull, b'cr. for W. E. Chubb
first duly sworn upon his oath, deposes and says that he is the publisher (or, foreman) of the said publication, being
Department of Water Resources, Boise, Idaho

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7177

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 2, 1976, and ending with the issue dated Sept. 9, 1976

Echo Turnbull, b'cr. for W. E. Chubb
Subscribed and sworn to before me this 28 day of Sept, 1976

Arthur Allen
Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

January 25, 1985

RECEIVED

JAN 28 1985

Mr. James F. Lyons
Attorney at Law
P. O. Box 368
Bonners Ferry, Id. 83805

Department of Water Resources

Re: 98-7177

Dear Mr. Lyons:

I have forwarded the water agreement of Ms. Haddock and Mr. Davidson to our Boise Office. Mr. Davidson did not file the agreement with his application, but he did make this Department aware of its existence.

Before License No. 98-7177 was issued to Mr. Davidson, I contacted Ms. Haddock Elliot and reassured her that the licensed right of Mr. Davidson was subject to her prior right and that the license in no way negated any previous civil contract.

If I can be of any further service, please don't hesitate to contact me at this office.

Sincerely,

15/

TOM D. KING
Senior Water Resource Agent

TDK/pms

✓ cc: IDWR - State Office - w/enc. (2)

MICROFILMED

J.F. LYONS
OF COUNSEL
W.J. NIXON
W.W. NIXON

J.F. LYONS

ATTORNEY AT LAW

225 MAIN STREET

P.O. BOX 368

BONNERS FERRY, IDAHO 83805

(208) 267-3133

January 21, 1985

RECEIVED

JAN 28 1985

Department of Water Resources

RECEIVED

JAN 24 1985

Department of Water Resources
Northern District Office

Idaho Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

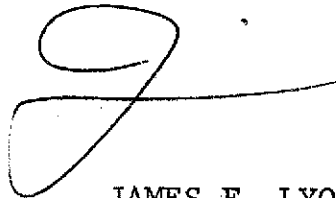
Gentlemen:

Enclosed find Water Right Conveyance that should be in your file in regard to Charles Davidson and Robert Gilbert. Please note that claim of water rights that they have is subject to the terms and conditions of this agreement.

Could you please advise as to whether Mr. Davidson registered this agreement with your office when he initially applied for this claim.

Thank you.

Yours truly,



JAMES F. LYONS
Attorney at Law

JFL:ds

encl.

MICROFILMED

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JAN 28 1985

CONVEYANCE OF WATER RIGHTS

Department of Water Resources

VERA F. HADDOCK, a widowed woman, of Star Route, Naples, Idaho, 83847, dealing with her sole and separate property, hereinafter referred to as the Grantor, and CHARLES E. and MARY H. DAVIDSON, Husband and wife, of Star Route, Naples, Idaho, 83847, hereinafter referred to as the Grantees, and

WHEREAS, the Grantor is the owner of certain real property described with particularity as follows:

The Northeast 1/4 of Section 7, Township 60N., Range 1E, B.M., in the County of Boundary, State of Idaho, and

WHEREAS, there is a certain water well located on the above described real property, from which the Grantor obtains water for domestic purposes for use upon said real property, including the watering of cattle and the irrigation of a lawn and garden, and

WHEREAS, the capacity of said water well is approximately six (6) gallons per minute and is in excess of the actual needs of the Grantor under normal circumstances, and

WHEREAS, the Grantor is willing to sell the excess capacity in said well up to and including one-third (1/3) of the water flowing therefrom, that being two (2) gallons per minute, it being understood that said two (2) gallons per minute is the excess over and above the four (4) gallons per minute retained and reserved by the Grantor for her own use and benefit, and

WHEREAS, the Grantees have attempted to drill a water well on property located near the above described property belonging to the Grantor and have failed to obtain a useful water source, and

WHEREAS, the Grantees desire to purchase the excess capacity in the Grantor's well, to the extent of the two (2) gallons per minute from said well which is in addition to the four (4) gallons per minute required, reserved and retained by the Grantor, and

RECEIVED

JAN 24 1985

Department of Water Resources
Northern District Office

MICROFILMED

WM. H. MULBERRY
ATTORNEY AT LAW
P. O. BOX 130
PINEHURST, IDAHO 83950
208 - 682-3512

WM. H. MULBERRY
ATTORNEY AT LAW
P. O. Box 150
PINEHURST, IDAHO 83850
208 - 682-3512

1 WHEREAS, the parties have mutually agreed upon terms and
2 conditions acceptable to both,

3 NOW THEREFORE, for and in consideration of the mutual co-
4 venants contained herein and the sum of One Thousand Eight Hundred
5 Dollars (\$1,800.00) in hand paid to the Grantor by the Grantees,
6 receipt of which is hereby acknowledged, the parties agree as fol-
7 lows:

8 1. The Grantor does hereby grant, bargain, sell and convey
9 the excess water capacity of the well above described, in the amount
10 of approximately two (2) gallons per minute flow, to the Grantees
11 for their use and benefit upon the following described real property,
12 to-wit:

13 The Southeast Quarter of the Southeast Quarter of
14 Section Six (6), Township 60 North, Range 1 East,
15 Boise Meridian, in the County of Boundary, State
16 of Idaho,

17 Upon which the Grantees presently reside and occupy as their
18 dwelling place.

19 2. The Grantees hereby agree to pay to the Grantor the sum
20 of One Thousand Eight Hundred Dollars (\$1,800.00) upon the execution
21 of this Conveyance, and

22 3. Grantees hereby agree to pay all costs and expenses in-
23 curred in the establishment of the transportation system of water
24 lines and needed pressure tanks, valves, pumps, etc., necessary or
25 convenient for the transportation and utilization of the water
26 herein conveyed for their use and benefit;

27 4. The Grantees use of the water herein conveyed shall be
28 limited to the following uses, to-wit:

- 29 a. Domestic use within Grantees dwelling house;
30 b. Watering of domestic animals in the winter months
31 of each year beginning in November through March;
32 c. For emergency fire protection;
d. The water herein conveyed shall not be used for
irrigation purposes or any other purpose other
than set out herein and in the event the Grantees

WM. H. MULBERRY
ATTORNEY AT LAW
P. O. BOX 130
PINEHURST, IDAHO 83850
208 - 682-3512

1 shall expand or increase the use, their right to draw
2 water from the above described well shall cease and
terminate and all rights shall revert to the Grantor.

3 5. Grantees hereby covenant and agree the design of the water
4 delivery system to be constructed shall assure the Grantor of the
5 first four (4) gallons per minute flow from said well;

6 6. Grantor hereby grants Grantees an easement for a water
7 line together with access for repair and maintenance six (6) feet
8 wide beginning at the well located approximately 400 feet from the
9 County road on Grantor's property and approximately 100 feet from
10 Grantor's dwelling house in a generally Northwest direction from
11 said well to the Grantor's property line bordering on the County
12 road between the two subject properties.

13 7. The parties hereby agree to share costs of reasonable
14 and necessary expenses and maintenance and operation including,
15 but not limited to, electricity, water line repair, pump repair,
16 replacement, etc.; recurring expenses shall be paid on a monthly
17 basis and non-recurring expenses shall be paid within 30 days after
18 expenditure. Grantees shall share said costs and expenses by
19 paying one-third (1/3) thereof and Grantor shall be responsible for
20 the payment of the remaining two-thirds (2/3) of the funds expended
21 for said repairs, maintenance and operation;

22 8. The rights of the Grantees to draw water from said well
23 shall not be assigned, leased, conveyed or transferred in any
24 manner without first obtaining the written consent of the Grantor
25 or her successor in interest, if and in the event that Grantees
26 shall fail to perform all of the conditions and covenants herein
27 required to be performed by the said Grantees, or any one of said
28 conditions and covenants, including but not limited to the payment
29 of one-third (1/3) of the monthly operating expenses, and shall fail
30 to perform as aforesaid for a period of thirty (30) days after de-
31 mand for payment has been made by certified mail, to the address
32 herein stated for the Grantees,

MICROFILMED

WM. H. MULBERRY
ATTORNEY AT LAW
P. O. Box 130
PINEHURST, IDAHO 83850
208 - 682-3512

1 THEN AND IN THAT EVENT Grantor may, at her option, ter-
2 minate the flow of water to the Grantees without further notice and
3 Grantees hereby release Grantor from any and all liability, direct
4 or indirect, that may be suffered by the said Grantees, or their
5 successors in interest, as a result of the termination of water as
6 aforesaid.

7 IT IS FURTHER AGREED that if the water supply should de-
8 crease, to the point where the flow of said well is inadequate to
9 meet the limited needs of the parties as herein set out, the parties
10 shall share the cost, one-third-two-thirds of further development
11 of the subject well, including, but not limited to, deepening of
12 the hole.

13 9. If and in the event that sub-surface water shall be
14 developed on Grantees property above described, Grantees water
15 rights granted hereunder shall be terminated and shall revert to
16 the Grantor.

17 10. Grantees shall be responsible for registration of the
18 water rights herein conveyed and it is understood and agreed that
19 said water rights granted by the State of Idaho, Department of Water
20 Resources, shall be subject to and secondary to this agreement as
21 it pertains to the division of water flow from said well and the
22 rights in the Grantees to draw water from said well is subject to
23 absolute forfeiture and termination upon the contingencies herein
24 stated, notwithstanding the grant of a water right by the State of
25 Idaho Department of Water Resources.

26 INTENDING TO BE LEGALLY BOUND, the parties have hereunto
27 set their hands this 18th day of August, 1976.

28
29 Vera F. Haddock
VERA F. HADDOCK, Grantor

30 Charles E. Davidson
31 CHARLES E. DAVIDSON, Grantee

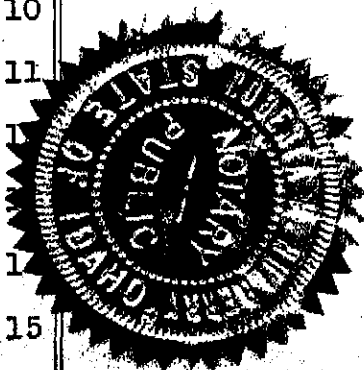
32 Mary H. Davidson
MARY H. DAVIDSON, Grantee

MICROFILMED

1 STATE OF IDAHO)
2 County of) ss.

3 On this 18th day of August, 1976, before me, the
4 undersigned Notary Public, personally appeared VERA F. HADDOCK,
5 known to me to be the person whose name is subscribed to the
6 foregoing as Grantor, and acknowledged to me that she signed
7 the same.

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
9 my Official Seal the day and year first herein written.



Robert H. Mulberry
NOTARY PUBLIC
In and For the State of Idaho
Residing at :

15 STATE OF IDAHO)
16 County of) ss.

17 On this 18th day of August, 1976, before me, the
18 undersigned Notary Public, personally appeared CHARLES E. and
19 MARY H. DAVIDSON, known to me to be the persons whose names are
20 subscribed to the foregoing as Grantees, and acknowledged to me
21 that they signed the same.

22 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
23 my Official Seal the day and year first herein written.



Robert H. Mulberry
NOTARY PUBLIC
In and for the State of Idaho
Residing at:

JAMES F. LYONS
Attorney at Law
P. O. Box 368
Bonners Ferry, Idaho 83805
208-267-3133

RECEIVE

DEC 18 1984

Department of Water Resources
Northern District Office

OK To file DRS

RECEIVED

DEC 31 1984

Department of Water Resources

98-7177

NOTICE OF TERMINATION

Dut
TO: ROBERT GILBERT and CECILIA V. GILBERT, husband and wife; U.S.D.A., Farmers Home Administration, Sandpoint, Idaho;
CHARLES E. DAVIDSON and MARY H. DAVIDSON, husband and wife; Idaho Department of Water Resources, Coeur d' Alene, ID.

Be advised that VERA HADDOCK ELLIOTT hereby terminates your rights in and to a certain well located on her property.

The reason for this is violations of use on several occasions by the afore-named or tenants on the property in that domestic animals were watered in other than the winter months from said water supply; the water was used for irrigation purposes; cars and trailers were washed; the water was allowed to run continuously; the failure of Robert and Cecilia Gilbert to advise tenants of the limited water use requirements; the failure to promptly pay under the agreement.

Further grounds for termination are violations of Paragraph 5 in that the design of the water delivery system has never been made to assure Vera Haddock Elliott of the first 4 gallons per minute flow from the said well.

You are further advised that Vera Haddock Elliott hereby exercises her right of reverter in Paragraph 4-d.

DATED this *11th* day of December, 1984.

[Signature]
Attorney for Defendant

.....

NOTICE OF TERMINATION - 1

MICROFILMED

December 6, 1983

RE: License No. 98-7177

Robert E. & Cecelia V. Gilbert
c/o Ron Beecher, Western Realty
Rt. 1, Box 382
Bonners Ferry, ID 83805

Dear Mr. and Mrs. Gilbert:

Our office acknowledges receipt of Assignment of Permit for the above referenced water right. However, in reviewing the file I find that the Permit has been licensed.

In Idaho, a licensed water right is considered real property and is aquired when the property to which it is appurtenant to is purchased. Proof to owning the property is proof of owning the water right license.

Therefore, I have put the Assignment of Permit into the file for future reference only and no other action will be taken. I have also enclosed a copy of the license for your records.

If you have any questions please feel free to contact our office.

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosure

MICROFILMED



Highway 95 South
Route 1, Box 382 208/267-3823

Bonnors Ferry, Idaho 83805



RECEIVED

OCT 31 1984

Department of Water Resources
Northern District Office

October 30, 1984

RECEIVED

NOV 5 1984

Department of Water Resources

Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Sirs:

Re: License #98-7177

Please find a copy of the warranty deed
transferring reference license to the Gilberts.
This is being sent per our conversation to bring
this file current.

Sincerely,

Ron Beecher
Broker

RB:jld

Enclosure

MICROFILMED



Ron Beecher
Broker

Highway 95 South
Route 1, Box 382

Home (208) 267-2006
Off: (208) 267-3823
Bonnors Ferry, Idaho 83805

of One Dollar (\$1.00) and other moneys
receipt of which is hereby acknowledged by

CHARLES E. DAVIDSON and MARY H. DAVIDSON, husband

does hereby grant, bargain, sell and

to E. GILBERT and CECILIA V. GILBERT, husband

the following described property:

Quarter of the Southeast Quarter (SE 1/4)
Section Six (6), Township Sixty (60) North,
One (1) East, B. M., LESS right of way.

the water rights and easements contained in
"Conveyance of Water Rights" between Vera F.
woman, grantor, and Charles E. and Mary H.
husband and wife, grantees, entered into on the
August, 1976, and recorded in Book 24 of
at page 165, records of Boundary County,
and property described as: The Northeast
of Section Seven (7), Township Sixty (60)
One (1) East, B. M., Boundary County,

AND TO HOLD the said premises with their appurtenances

its heirs and assigns forever. And the

hereby covenant to and with the said grantees

to be the owner in fee simple of said premises and that

from all encumbrances, and that it will warrant

and save same from all lawful claims whatsoever.

Witness this 26 day of May, 1978.

Charles E. Davidson

POOR QUALITY ORIGINAL *Mary H. Davidson*

STATE OF IDAHO, COUNTY OF Boundary

Subscribed, signed and sworn to before me this _____ day of _____, 1978, by _____

and _____, both of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, consisting of _____ pages

and who are acknowledged at the request of _____

_____ Notary Public for Idaho, My Comm. Expires _____

_____ My Office is located at _____

_____ My Salary is _____ per year

_____ My Bond is _____

Superior
Gilbert County

I, VERA EMMETT HILFOTT, of County of _____
of the above _____ of _____
recorded in Book 24 of Instruments _____
County, Idaho, to Robert H. Gilbert and _____
and wife.

DATED this 15 day of May, 197

Vera Hilfott
VERA EMMETT HILFOTT

STATE OF IDAHO)
County of Boundary :ss)

On this 25 day of May, 197, _____
the undersigned Notary Public, personally appeared _____
HILFOTT, known to me to be the person whose name appears
to the within instrument and acknowledged to me that he was
the same.

[Signature]
Notary Public for Idaho
My Comm. Expires _____

POOR QUALITY ORIGINAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

July 23, 1979

Charles E. & Mary H. Davidson
Star Route
Naples, ID 83887

Dear Mr. & Mrs. Davidson:

RE: Water Right No. 98-7177

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

RECEIVED
SEP 22

SEP 29 1977

Department of Water Resources
Northern District Office
Phone _____

Permit No. 98-7177
Examination for b/u

[illegible]

MICROFILMED

TOTAL ACREAGE

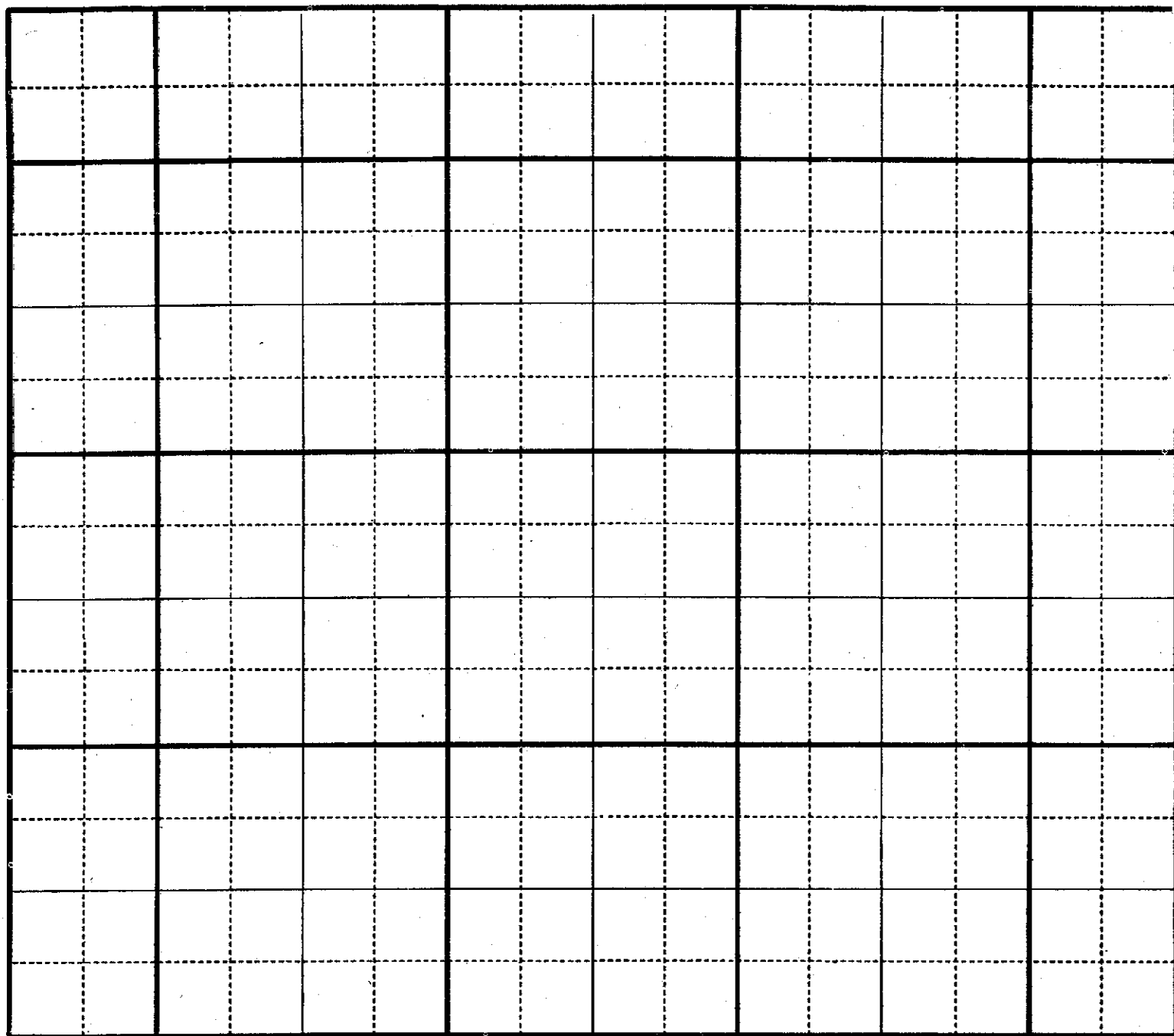


Diagram of System

DATE OF EXAM 5-12-78

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.02 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
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 None Method of measurement None

Total Q recommended 0.02 Meter No. _____ Type _____ Condition _____

Total V recommended 1.2

Recommended Amendments:

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

MEASUREMENT CALCULATION:

One house hold @ 0.02 cfs & 1.2 AFA

SYSTEM DESCRIPTION:

Well, pump and pipe line to place of use

REMARKS:

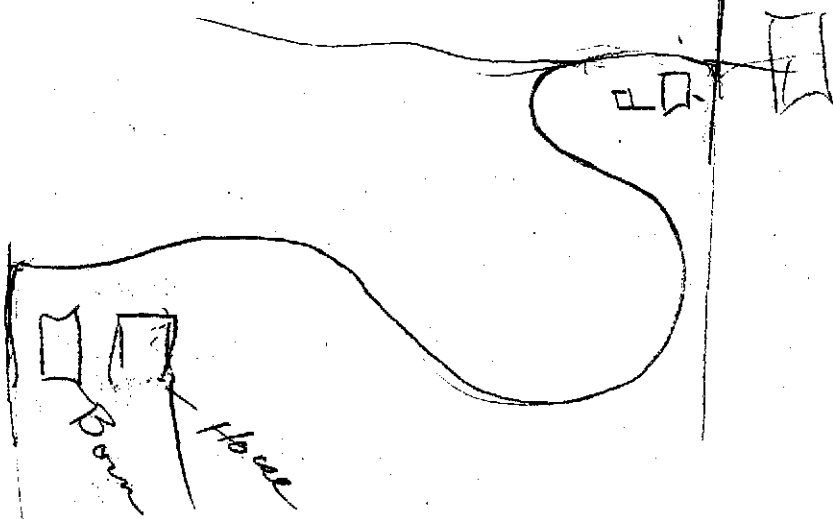
Well is on property of & belongs to Vera Haddock Elliot,
Mr. Davidson has easement & agreement drawn up by an attorney
Spake at some length with me Davidson

Examiner's Signature Tom D King Date 5-17-78

Checked by Bob Haynes Date 5-23-78

Approved by _____ Date _____

after 7 days



Vera Haddock
1/3 of well in well of Elliott

September 27, 1977

Re: Permit No. 98-7177

Charles E. & Mary H. Davidson
Star Route
Naples, Idaho 83847

Dear Mr. & Mrs. Davidson:

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

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

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

UNRECORDED

✓

RECEIVED

SEP 9 1977

Department of Water Resources
Northern District Office

Identification No. 98-7177

Permit No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Charles E. and Mary H. Davidson
b) Post Office Address Star Route, Naples, Idaho 83847
2. Permit Number 98-7177
3. Date of Priority that you are prepared to establish 8-25-76
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7
Township 60 N, Range 1 E. Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.02 cfs = .6 AFPA for domestic purposes from Jan. 1 to Dec. 31 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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: A 1 1/4" gate Valve adjusted to produce 2 gallons per min. at discharge point
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: Well and underground pipe VERA F. HADDOCK Star Route Naples Idaho
b) Describe the agreement or understanding by which you take water from the works: A 2 gallon per min. use for domestic including House and Barn.
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) 1 HP. SUB. Pump - 6" casing - 227 FT.
b) Describe the type and size of measuring device which you have installed at your point of diversion: A 1 1/4" gate Valve Manually Adjusted to produce 2 gallons per min. at 40 P.S.I. at point of discharge
c) Give well driller's name and address and the date the well was completed: Agua drilling Coeur d'Alene Idaho
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: For domestic use in House and Barn

Exam typed

9/27/77 by [signature]

✓

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within 40 acre subdivisions:

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

Total number of acres irrigated _____

10. Remarks: _____

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

Charles E. Davidson
Mary H. Davidson
(Signature)

(Date)

State of Idaho)
County of Boundary) ss.

On this 6th day of September, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Boonville, Perry

My commission expires 10-06-80.

August 31, 1977

CERTIFIED MAIL

138864

Re: Permit No. 98-7177

Charles E. & Mary H. Davidson
Star Route
Naples, Idaho 83847

Dear Mr. & Mrs. Davidson:

One of the conditions of approval of your water Permit No. 98-7177 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

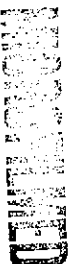
If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency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

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


C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit



✓

October 12, 1976

Re: Permit No. 98-7177

Charles E. & Mary H. Davidson
Star Route
Naples, ID 83847

Dear Mr. and Mrs. Davidson:

Enclosed is a copy of your approved Application for Permit No. 98-7177 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7177 Davidson

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RAA 8-26-76

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) RAA 8-26-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) CP 10/4

Affidavit of Publication received(date) SEPT. 30, 1976

(12) CP 8/27

Final date for protests SEPTEMBER 20, 1976
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

Proposed Priority 8-25-76

Reason for Reduction _____

Measuring device required _____

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern By Bob Haynes Date 10-4-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 22, 1976

Re: Application No. 98-7177 - Charles E. & Mary H. Davidson
" " 98-7178 - Paradise Valley Water Association
" " 98-7179 - Clifford C. &/or Nina Hauck

Bonnars Ferry Herald
P.O. Box 539
Bonnars Ferry, ID 83805

Gentlemen:

Could you please submit the affidavits of publication and bills in connection with the above referenced items. The legal notices were to have been published in your newspaper on September 2 and September 9, 1976.

Your assistance in this matter is appreciated.

Very truly yours,

Corda M. Patterson
Secretary

CP

August 30, 1976

Re: Application for Permit No. 98-7177 - Charles E. and Mary H.
Davidson

Mr. William H. Mulberry
c/o Mr. Charles E. Davidson
Star Route
Naples, ID 83847

Dear Mr. Mulberry:

Attached is your receipt No. 4367 in the amount of \$10 for the filing fee on
the above referenced application which was received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 27, 1976

Re: Application No. 98-7177 Application No. 98-7179
" " 98-7178

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Bill: 10-4-76.4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Charles E. and Mary H. Davidson,
Star Route, Naples, Idaho
~~has~~ have on August 25, 1976 submitted Application No. 98-7177
for a permit to appropriate 0.02 cubic feet per second ~~and x feet per second~~
of water from a ground waters source
by means of well and pipeline
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 60N, R. 1E, B.M., Boundary County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 60N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 20, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonnerr's Ferry Herald, Bonners Ferry, Idaho
on Sept. 2 and Sept. 9, 1976

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Charles E. and Mary H. Davidson, Star Route, Naples, Idaho have on August 25, 1976 submitted Application No. 98-7177 for a permit to appropriate 0.02 cubic feet per second of water from a ground waters source by means of well and pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 60N, R. 1E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 60N, R. 1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 20, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Sept. 2 and Sept. 9, 1976.-idwr

*O.K.
9-2-76
P*