

NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO

Notice is hereby given that Floyd or Janet Luton, Star Route No. 2, Bonners Ferry, Idaho have on November 19, 1970 submitted Application No. 98-7033 to appropriate the public waters of an unnamed creek trib. to Round Prairie Creek. The proposed uses are domestic (0.05 cfs) and stockwater (0.02 cfs) from January 1 to December 31, and irrigation (0.45 cfs) of 30 acres from May 15 to October 15.

The application proposes a maximum diversion and appropriation of 0.5 cubic feet per second of water to be diverted by box, pipe, and ditch within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, B.M., Boundary County and is to be used within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36,

T. 65N, R. 1E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before December 28, 1970.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on December 10 and December 17, 1970.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

~~of~~ 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 State of Idaho Department of Waters Admn.

a Notice of Application for permit to appropriate the
public waters of the State of Idaho-Luton, No. 98-7033

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, com-

mencing with the issue dated Dec. 10, 19670, and ending with the

issue dated Dec. 17, 19670.

Subscribed and sworn to before me this 29 day of Dec, 19670.

William A. Chubb
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

98-7033

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7033 Priority Nov. 19, 1970 Amount 0.07 cfs

THIS IS TO CERTIFY, that FLOYD or JANET LUTON
of Bonnors Ferry, Idaho, have ~~has~~ complied with the terms and conditions of Permit
No. 98-7033 issued pursuant to Application for Permit dated November 19, 1970,
and has submitted proof to the Department of Water Resources on December 13, 1973,
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 0.07 cfs of water from an unnamed creek,
tributary to Round Prairie Creek, 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>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.05</u> cfs and	<u>0.57 acre feet</u>
<u>Stockwater</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.02</u> cfs and	<u>0.40 acre feet</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.07 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
0.97 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36,
Twp. 65 N, Rge. 1 E, B.M. in the County of Boundary

Description and location of place of use:

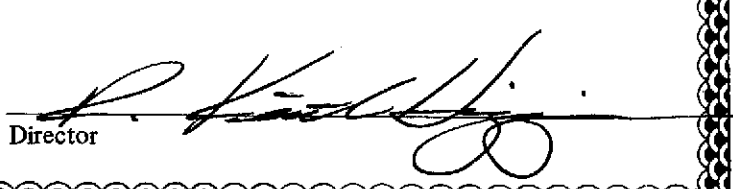
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
65 N	1 E	36					X												

Total number of acres irrigated _____

NOTED 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 28 day of
July, 19 75.

Director 

PERMIT NO. 98-7033

IRRIGATION PORTION OF THIS PERMIT HAS BEEN RE-
LINQUISHED PURSUANT TO LETTER FROM PERMIT HOLDER
DATED 12/11/73. USE IS NOW DOMESTIC & STOCKWATER.

98 7033

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 98-7033) ORDER
IN THE NAME OF FLOYD OR JANET LUTON)

WHEREAS, on November 19, 1970, Floyd or Janet Luton filed with the Department of Water Administration (formerly the Department of Reclamation) an application for permit to appropriate .50 cubic feet per second of water from an unnamed creek, tributary to Round Prairie Creek, to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 65N, Rge. 1E, B.M., Boundary County, to be used for domestic, irrigation, and stock-water purposes; and,

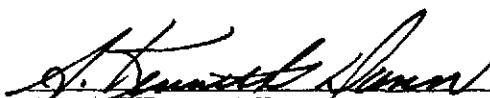
WHEREAS, on January 14, 1971, the Department approved said application and issued Permit No. 98-7033 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1976, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on December 13, 1973 the Department received the required proof of beneficial use of water along with a letter relinquishing the irrigation portion of said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 98-7033.

Dated this 18 day of December, 1973.


A. KENNETH DUNN
Deputy Director

DDR:JC

98 7033

Identification No. 98-7033
Application No. _____

LICENSE ISSUED FOR 07 SEC. FT.
LICENSE PAG. NO. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Floyd or Janet Luton
post office address Star Route #2 Bonners Ferry Idaho 83805
2. Source of water supply unnamed creek which is a tributary of Round Prairie cr.
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 65N
Range 1E B.M. Boundary. County; additional points of diversion if any: _____

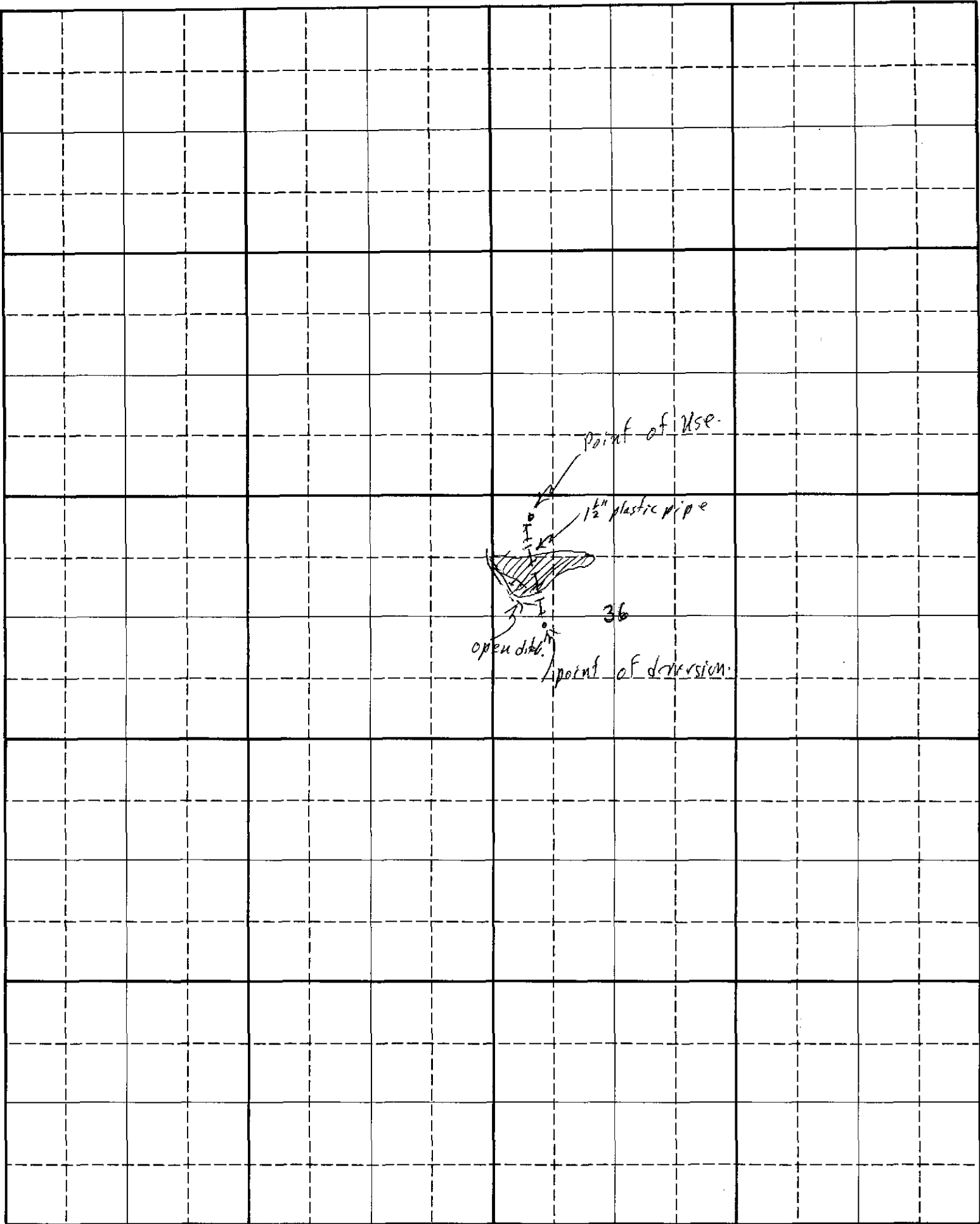
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .06 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ~~15.45~~ .45 for Irrigation purpose from MAY 15 to OCT 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for Stock purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. ~~15.50~~ 1.50 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Domestic water diverted by spring box & 1 1/2" plastic pipe. Irrigation water through open ditch.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ ~~2500~~ 7500.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 65N
Range 1E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 20 head beef 4 horses.

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

98-7033

11. Map of proposed project:



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.

Glenn Lutton
Glenn Lutton
(Applicant)

98-7033

98-7033

Received by eg Date 11-19-70 Time 10:45A
 Preliminary check by Dee Fee \$ 10.00
 Receipted by eg Date 11-19-70
 Publication prepared by dg Date 11-25-70
 Published in Bonnors Ferry Herald
 Publication dates 12-10 & 12-17, 1970
 Publication approved dv Date 12-31-70
 Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Dee 30F at

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7033, 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 January 1, 19 76.
- c. Other: The permit holders shall permanently install and maintain as part of the diverting works a measuring device of a type approved by the department. Maximum rate of diversion shall not exceed 0.05 c.f.s. or 0.57 acre feet per year for domestic purposes.

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

Witness my hand this 14th day of January 19 71.

R. Keith Hays
 State Reclamation Engineer

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 98-7033 Name Floyd or Janet Luton

Source unnamed creek, trib. to Round Prairy Creek

Point of Diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, B.M., Boundary County

Quantity 0.05 Use domestic Period Jan. 1 - Dec. 31

Quantity 0.45 Use irrigation Period May 1 - Oct. 15

Quantity 0.02 Use stockwater Period Jan. 1 - Dec. 31

Well Size _____ Diameter _____ Proposed Depth _____ Feet

Use 20 head of beef, 4 horses, 1 family, 30 acres to be irrigated

Date Forwarded 11-25-70 Date Returned _____ Received by _____

COMMENTS: place of use is owned by Forest Service. There is a Forest Service Easement. STREAM is not named, (Hall Mtn Road).

Measurements are not available.

29 animals x 15 gpd/animal = 360 gpd; .02 cfs = 13,000 gpd

Would take only 0.6 hrs to provide the necessary water each day. A diversion rate of 0.01 would be more reasonable. Domestic diversion is limited to 0.02 cfs/family.

RECOMMENDED:

Applied: Qty. <u>0.02</u>	Use <u>Domestic</u>	Period <u>1-1 to 12-31</u>	AF/A <u>—</u>	AF <u>—</u>
Qty. <u>0.45</u>	Use <u>Irrig</u>	Period <u>5-1 to 10-15</u>	AF/A <u>3.0</u>	AF <u>90</u>
Qty. <u>0.01</u>	Use <u>Stock</u>	Period <u>1-1 to 12-31</u>	AF/A <u>—</u>	AF <u>—</u>
Maximum: Qty. <u>0.02</u>	Use <u>Domestic</u>	Period <u>1-1 to 12-31</u>	AF/A <u>—</u>	AF <u>—</u>
Qty. <u>0.60</u>	Use <u>Irrig</u>	Period <u>4-1 to 11-1</u>	AF/A <u>3.0</u>	AF <u>90</u>
Qty. <u>0.01</u>	Use <u>Stock</u>	Period <u>1-1 to 12-31</u>	AF/A <u>—</u>	AF <u>—</u>

ACTION: Approved X Denied _____

Conditions of approval or reason for denial: Acceptance of reduced diversion rates or justification of the higher rate applied for on the application

INVESTIGATION By Norman C. Young Title Ch. E. Engineer

Date Dec. 11, 1970

98-7033

SPECIAL USE PERMIT

Act of June 4, 1897

This permit is revocable and nontransferable
(Ref. FSM 2710)

a. Record no. (1-2) 70	b. Region (3-4) One 01	c. Forest (5-6) Kaniksu 13
d. District (7-8) Bonners Ferry 07	e. Use number (9-12) Water 2729	f. Kind of use (13-15) Transmission 911
g. State (16-17) Idaho 11	h. County (18-20) Boundary 021	k. Card no. (21) 1

Permission is hereby granted to FLOYD OR JANET LUTON

of Star Route #2 Bonners Ferry, Idaho 83805,
hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

A strip of land approximately 100' in length and 16½' in width located in the NE¼SW¼, Section 36, T.65N., R.1E., B.M., as shown on the attached plat designated Water Transmission, Luton, Floyd or Janet, Platted by N. J. Howarth, 7/16/70, which becomes a part of this permit.

This permit covers 0.05 acres and/or 0.025 miles and is issued for the purpose of:

Domestic water line consisting of a spring box and 1½" pipeline.

1. Construction or occupancy and use under this permit shall begin within 1 months, and construction, if any, shall be completed within 2 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Ten and 83/100 Dollars (\$ 10.83) for the period from November 4 19 70, to December 31, 19 71, and thereafter annually on January 1, Ten and no/100 Dollars (\$ 10.00) :
Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 27 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <i>Floyd Luton</i> <i>Janet Luton</i>	SIGNATURE OF AUTHORIZED OFFICER	DATE
	NAME AND SIGNATURE <i>Paul J. Baker</i>	TITLE Acting Forest Supervisor	DATE NOV 6 1970

(CONTINUED ON REVERSE)

2700-4 (10/68)

98-7033

4. Development plans; layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the national forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

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Director

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County of Boundary } ss.

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Subscribed and sworn to before me this 39 day of Dec, 1970.

William A. Chubb
Chubb
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

98-7033

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Subscribed and sworn to before me this 17 day of Dec, 1970

William A. Chubb
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

98-7033

JUL 16 1982

STATE OF IDAHO
COUNTY OF BOUNDARY

Department of Water Resources

DAVID H LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

FILED 7-14 19 82 AT 1:00 O'CLOCK PM
CLERK OF DISTRICT COURT S. Warner
DEPUTY

DON A. OLOWINSKI
Deputy Attorney General
Chief, Natural Resources Division

JOSEPHINE P. BERNAN
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

IN THE MATTER OF THE GENERAL) Civil No. 5745
DETERMINATION OF THE RIGHTS TO)
THE USE OF THE SURFACE WATERS OF)
THE COW CREEK DRAINAGE BASIN.) DECREE

The report of the Idaho Department of Water Resources ("Water Resources" herein) entitled PROPOSED FINDING OF WATER RIGHTS IN THE COW CREEK DRAINAGE BASIN was filed with this Court on March 27, 1981. The report contains FINDINGS OF FACT, CONCLUSIONS OF LAW, and a LISTING OF WATER RIGHTS.

Pursuant to Idaho Code 42-1410, objections were filed to the PROPOSED FINDINGS. The hearing on those objections came on regularly for trial before this Court, sitting without a jury, on June 15, 1982.

Phillip J. Rassier, Deputy Attorney General, appeared for Water Resources. Randall Day appeared for Kenneth Irons. Glen J. Erickson represented himself.

Glen J. Erickson had filed objections to right numbers 98-7083, 98-2100B, 98-2100A, 98-4073, and 98-7086B. Stipulations on file with the court resolved the objections to rights 98-2100B, 98-2100A, 98-4073, and 98-7086B; the changes to the PRO-

DECREE, Page 1

MICROFILMED

AUG 25 1981

1 POSED FINDINGS from these stipulations are shown in the attached
2 Exhibits A and B. An additional change from these stipulations,
3 not shown on Exhibit A and B is the deletion of right 98-4073.
4 The objection as to 98-7083 was withdrawn in open court by Glen
5 J. Erickson at the hearing.

6 The only other objection in the adjudication was filed
7 by James F. Lyons on behalf of John Graham. That objection was
8 resolved after Mr. Lyons received a set of adjudication maps.

9 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the
10 water rights of the persons made party to this action are as
11 described in the PROPOSED FINDING OF WATER RIGHTS IN THE COW
12 CREEK DRAINAGE BASIN, as amended by Exhibits A and B attached to
13 this decree and incorporated herein by reference, and as amended
14 by the deletion of right 98-4073.

15 DATED this 3 day of July , 1982.

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18 S
19 DAR COGSWELL
20 District Judge
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MICROFILMED
AUG 25 1987

July 29, 1975

Re: Permit No. 98-7033

Floyd or Janet Luton
Star Route 2,
Bonners Ferry, ID 83305

Dear Mr. & Mrs. Luton:

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

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

MICROFILMED

RECEIVED

1. Name of permit holder Floyd or Janet Luton

Post office address Star Route #2, Bonners Ferry, Idaho 83805

Department of Water Administration

Phone Northern District Office

Person to contact

Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed creek

(name, spring, stream, etc.)

Tributary to Round Prairie Creek
(only)

3. Water will be used for the following purposes: (Irrigation use relinquished, see attached letter of 12/11/73 from Mr. Luton)

Amount .05 c.f.s. for domestic

_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31

(mo.-day) inclusive (mo.-day)

Amount .02 c.f.s. for stockwater

AF/Annum	(nature of use)
----------	-----------------

Period of Use: from Jan. 1 to Dec. 31

(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____

_____ AF/Annum (nature of use)

Period of Use: from _____ to _____

(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion .05 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 65N N/S, Range 1E E/W, B.M., Section 36, Subdivision NW 1/4 SW 1/4 Boundary

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

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____ 1/4_____ 1/4_____ County_____

Other Points of Diversions:

Description of diverting works: Wood diversion box, 1½" pipeline.

¹ Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

Permit No. 98-7033
Examination for b/u

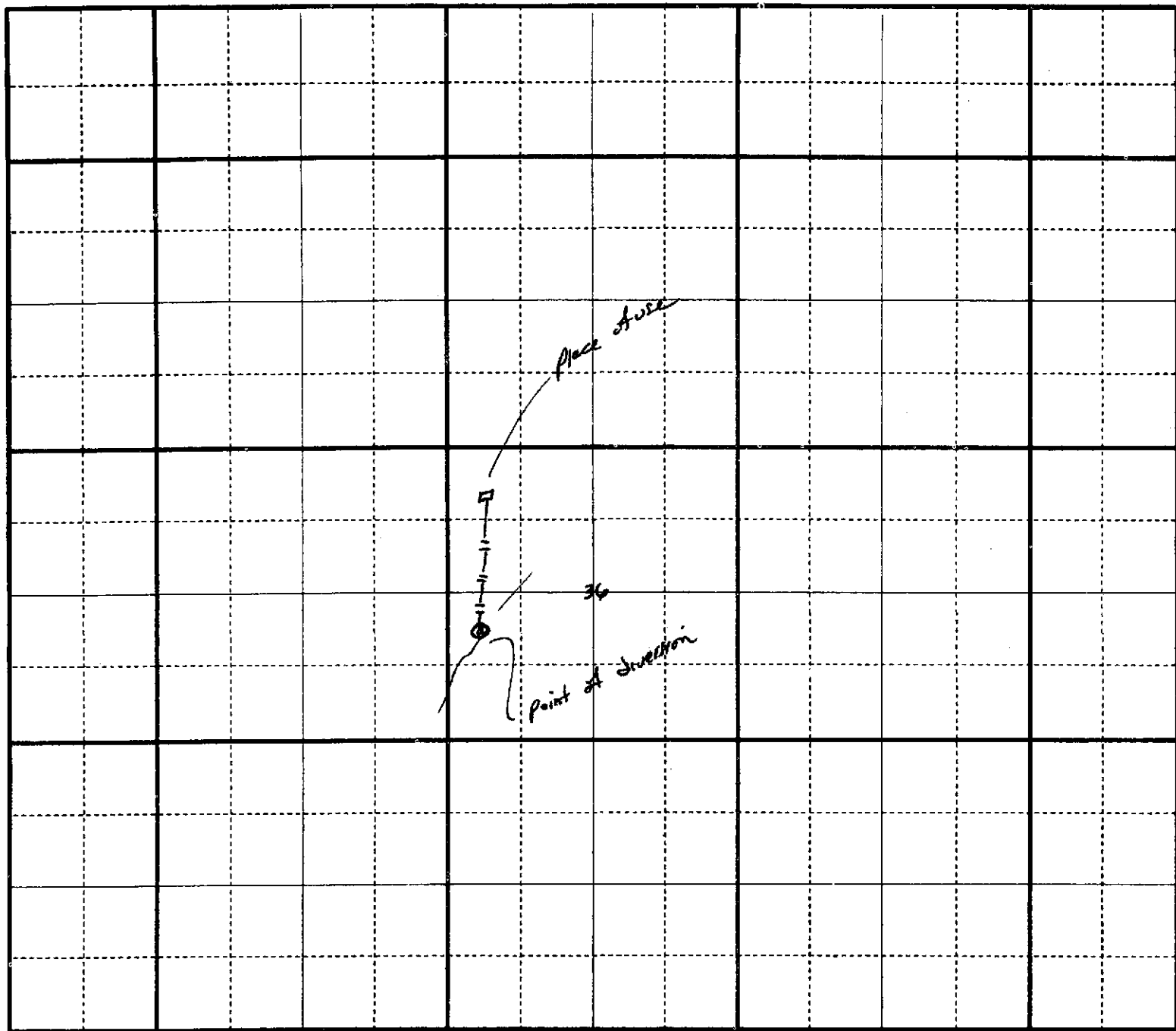


Diagram of System

DATE OF EXAM 7/15/75

ACREAGE

Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q = 0.05 c.f.s. V = 1.2 AF/Ann. from _____ to _____
Domestic Q = 0.04 c.f.s. V = 0.4 AF/Ann. from 4/1 to 12/31
Livestock Q = 0.02 c.f.s. V = 0.4 AF/Ann. from 4/1 to 12/31

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 0.06 cfs allow 0.07 Method of measurement estimated

Total Q recommended 0.06 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.6 a.f./year

Recommended Amendments:

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

MEASUREMENT CALCULATION:

estimated

SYSTEM DESCRIPTION:

Wooden diversion box diverts the water into a 1/2" pipeline approx. 1/2 mile downhill to the place of use.

REMARKS:

Domestic purpose for 1 household.
Stock water for 20 head of cattle and 4 horses.
Point of diversion is located on Forest Service Property.
Necessary easement has been obtained.

Examiner's Signature Jack Campbell Jr. Date 7/15/75

Checked by W. H. Black Date 7/18/75

Approved by _____ Date _____

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 19, 1973

Re: Permit No. 98-7033

Floyd or Janet Luton
Star Route #2
Bonners Ferry, Idaho 83805

Dear Mr. & Mrs. Luton:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which removes the measuring device requirement from this permit. Please be advised that pursuant to your letter we have relinquished the irrigation portion only from your permit.

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

If you have any questions regarding the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosure

98 7033

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
DEC 13 1973 *Rjc*
Department of Water Administration

1. a) Name of Permit Holder Floyd or Janet Lutton
b) Post Office Address Star Route #2 Bonners Ferry Idaho 83805
2. Permit Number 98-7033
3. Date of Priority that you are prepared to establish 10-15-70
4. a) Source from which water was appropriated Unnamed Creek
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 36
Township 65N, Range 1E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount .05 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .02 for Livestock 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)
- b) Total amount appropriated .07 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: Measurements made at end of pipeline. By myself.

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: _____
- b) Describe the agreement or understanding by which you take water from the works: Easement & Right of Way - from U.S. Forest Service.

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) wood diversion box 1/2" pipeline.
- b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
- c) Give well drillers name and address and date the well was completed _____

Exam typed 12/19/73 *jc*

98 7033

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

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

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 $\frac{1}{4}$	

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.

12-3-73
(Date)

Floyd Lutton or Janet Lutton
(Signature)

State of Idaho)
County of Boundary) ss.

On this 3rd day of December, 1973, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Rogden Genies
Notary Public residing at Bonnie's Ferry
Idaho

My commission expires 8-15-74

Benners Ferry, Idaho.
December 11, 1973.

State of Idaho.
Department of Water Administration
State House Annex 2.
Boise, Idaho.

To whom it may concern.

I am sending my final proof for my domestic water. I asked for a small amount of irrigation water, but have found that after the spring run off, that there is no extra water left.

Will you please omit that part of the application.

Thank you.

Sincerely
Flayd Kuten.
Janet Kuten

January 22, 1971

Re: Permit No. 98-7033

Floyd or Janet Luton
Star Route 2
Bonners Ferry, Idaho 83805

Dear Mr. or Mrs. Luton:

Enclosed is a copy of your approved Application for Permit No. 98-7033. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures: Copy of permit
1 informational letter

98-7033

December 30, 1970

Re: Application No. 98-7033 - Floyd or Janet Luton

C Bonners Ferry Herald
212 Main
Bonners Ferry, Idaho 83805

O Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on December 10th and 17th, 1970.

Your cooperation is most appreciated.

P Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98-7033

RECEIVED

DEC 10 1970

Department of Water Administration

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO**

Notice is hereby given that Floyd or Janet Luton, Star Route No. 2, Bonners Ferry, Idaho have on November 19, 1970 submitted Application No. 98-7033 to appropriate the public waters of an unnamed creek trib. to Round Prairie Creek. The proposed uses are domestic (0.05 cfs) and stockwater (0.02 cfs) from January 1 to December 31, and irrigation (0.45 cfs) of 30 acres from May 15 to October 15.

The application proposes a maximum diversion and appropriation of 0.5 cubic feet per second of water to be diverted by box, pipe, and ditch within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, B.M., Boundary County and is to be used within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before December 28, 1970.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on December 10 and December 17, 1970.

98-7033

November 25, 1970

Re: Permit No. 98-7033

Mr. Filloyd Luton
Star Route # 2
Bonners Ferry, Idaho 83805

Dear Mr. Luton:

We are in receipt of your special use permit. We have made a copy of this permit for our files, and are returning the original to you.

If we may be of any further assistance, please do not hesitate to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CM

Enc: original special use permit

98-7033

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

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

November 20, 1970

Mr. Floyd Luton
Star Route # 2
Bonners Ferry, Idaho 83805

Dear Mr. Luton:

We have begun the processing of your application for permit. However, we note in reviewing this application that your place of use of the water, is on Forest Service land. On your application, you have stated that you have an easement from the Forest Service, allowing you to use this land. Before we can take final action on your application, we will need a copy of that easement.

If we may be of any assistance, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

REC-107

NOV 26 1970

Department of Water Administration

This is our permit, since it is the only copy we have
would you please return it.

FLOYD LUTON

98-7033

November 25, 1970

Re: Application No. 98-7033 - Floyd or Janet Luton

Bonnars Ferry Herald
212 Main
Bonnars Ferry, Idaho 83805

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: legal notice

Bill submitted 12-31-70 By ds

98.7033

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

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Ferry, Idaho have Had on November 19, 1970
submitted Application No. 98-7033 to appropriate the public waters of
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1 to December 31, and irrigation (0.45 cfs) of 30 acres from May 15 to October 15.

The application proposes a maximum diversion and appropriation of 0.5
cubic feet per second acre/feet of water to be diverted by box, pipe, and ditch
within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36,
T. 65N, R. 1E, B.M., Boundary County

and is to be used within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T. 65N, R. 1E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration on or before December 28, 1970.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Bonnerr's Ferry Herald, Bonners Ferry, Idaho
on December 10 and December 17, 1970.

KH.

98-7033

November 20, 1970

H
Mr. Filloyd Luton
Star Route # 2
Bonners Ferry, Idaho 83805

C
Dear Mr. Luton:

O
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P
If we may be of any assistance, please feel free to contact us.

Very truly yours,

Y
Dorian Clay
Appropriation Examiner

DC:cm

98-7033

November 19, 1970

Floyd Luton
Star Route #2
Bonners Ferry, Idaho 83805

Dear Mr. Luton:

Returned herewith is Departmental Receipt No. 5346 in the amount of
\$10.00 for Application for Permit,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

98-7033