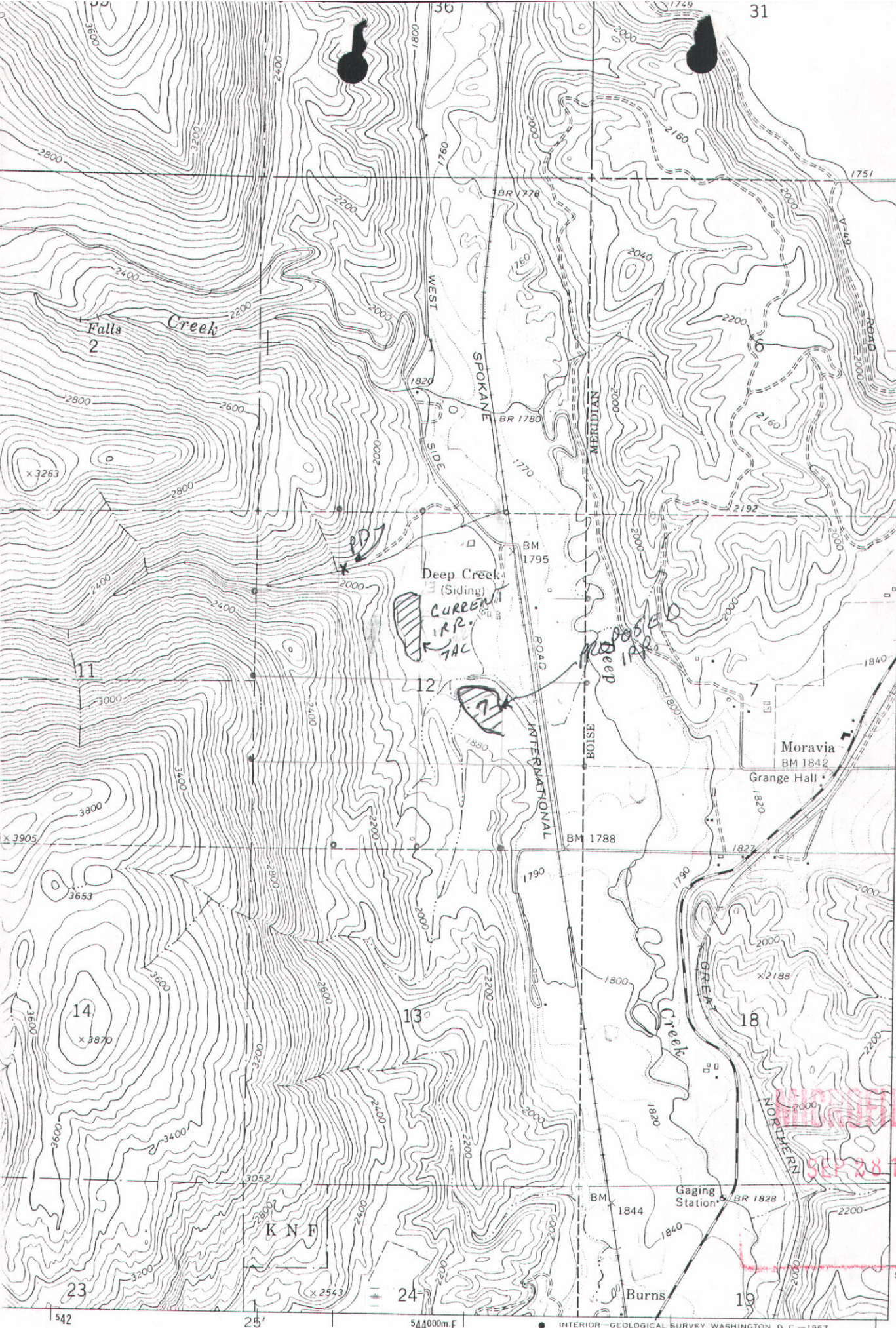




5392
T. 62 N.
T. 61 N.
5391
40'
5390
2.1 MI. TO U.S. 2 & 95
BONNERS FERRY 4.7 MI.
5388
5387
5386000m N.

RECEIVED
SEP 28 1989

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

Carol Arthur being first duly sworn on oath

deposes and says that he/she is Manager

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho; that

the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

Application & Transfer of Water Right
#1304

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 5 day of July, 1989

and ending on the 12 day of July, 1989

and that said notice was published in said newspaper.

Carol A. Arthur

On this 12 day of July in the year

of 1989, before me, a Notary Public, personally

appeared Carol Arthur,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true,

and acknowledged to me that he executed the same.

Anna Thomas
Notary Public for Idaho

Residing at Bonners Ferry

My commission expires: 12-1-1994

NOTICE OF APPLICATION
FOR TRANSFER OF
WATER RIGHT

NOTICE IS HEREBY GIVEN that water right License No. 98-02054 in the name of Joseph G. Brooks was filed for the diversion of 0.14 Cubic Feet per Second of water from an unnamed stream (Caribou Creek), tributary to Deep Creek, with a point of diversion in the NENW Sec. 12

T61N R1W, Boundary County, used for Irrigation purposes, within the SENW Sec. 12, T61N, R1W for 7 Acres. The priority date is July 15, 1940.

The new owners, Ray and Fern Yoder and Rudy and Esther Byler, now wish to transfer the place of use to the NWSE Sec. 12 T61N R1W for 7 Acres.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Any protest to the proposed transfer may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, on or before July 24, 1989.

R. Keith Higginson, Dir.

#1304 July 5, 12, 1989

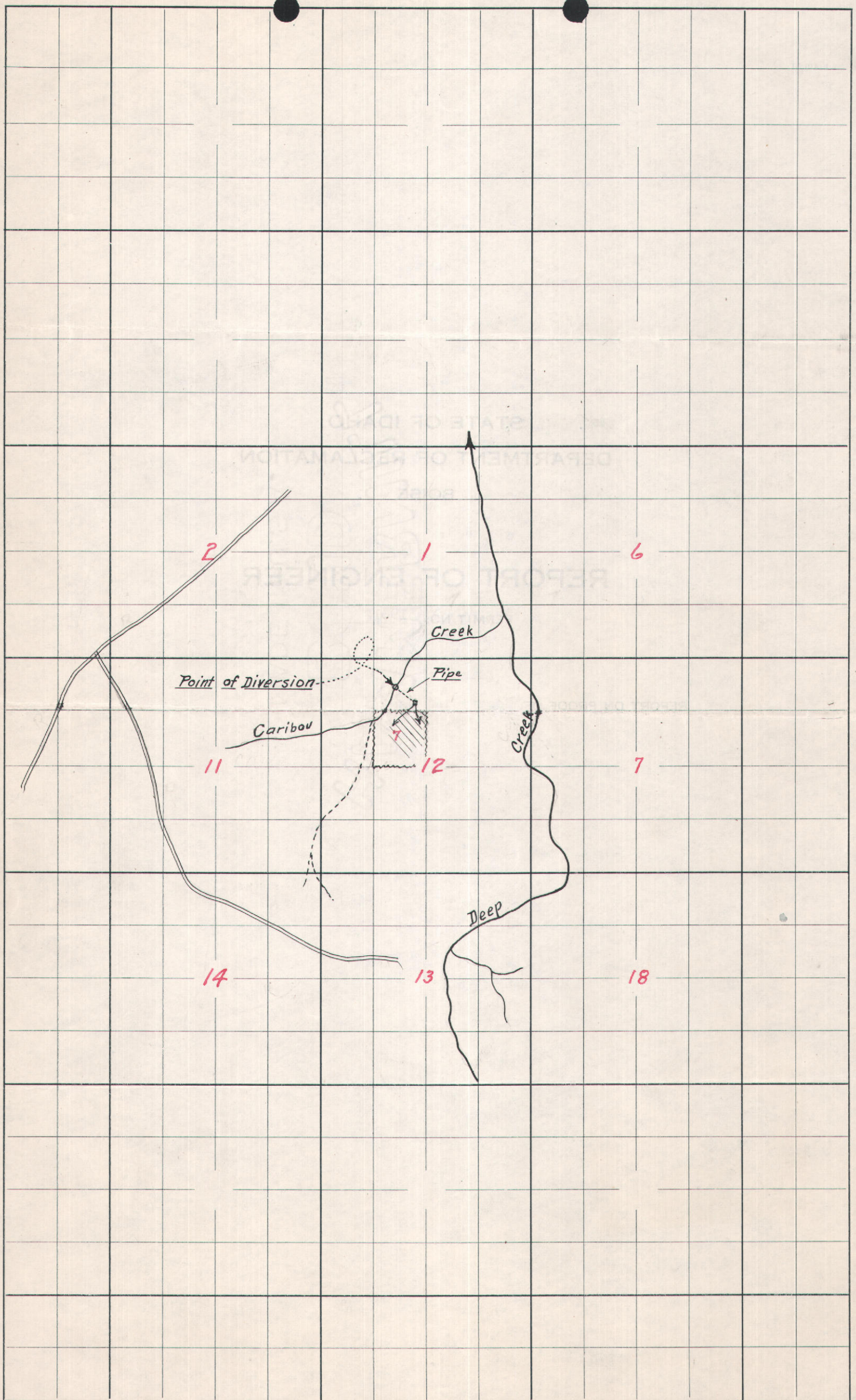
RECEIVED

JUL 14 1989

NORTHERN REGION
IDWR

MICROFILMED

SEP 28 1989



November 23, 1940

Re: Permit No. 19012

Mr. Joseph G. Brooks,
Moravia, Idaho.

Dear Mr. Brooks:

We acknowledge receipt of your Affidavit for proof of completion of works under the above numbered permit, and upon receipt of the statutory fee of \$5.00, a Certificate of Completion of Works will be issued.

We have also received the duplicate notices in connection with beneficial use proof, and your authorization to have same published in the Bonners Ferry Herald.

The notice will be sent to the newspaper, with instructions to publish it once a week for four weeks prior to January 20, 1941, the date set for proof; and about ten days prior to that date, depositions, consisting of one for the holder and one for each of two witnesses, will be sent to Mr. W. H. Richardson, Justice of the Peace, so that he will have them in ample time for the proof.

On January 20th, 1941, you should appear at Mr. Richardson's office, with two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JIA

Chief Clerk

19012

TRASS
#3585

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 98-02054

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Ray and Fern Yoder And

Name of applicant Rudy & Esther Tyler Phone 267-2586

Post Office address Box 210-A Naples, Id 83847

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>98-02054</u>	<u>7-15-40</u>	<u>0.14</u>	<u>IRRIGATION</u>	<u>3-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.14 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Unnamed Stream tributary to Deep Cr.

4. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	12	61N	1W	BOUNDARY	Carbon Cr.

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
61N	1W	12														7			7
					</														

MICROFILMED

SEP 28 1989

Total acres 7

PART 1**6. General Information:**

- a. Description of diversion system PUMP & PIPE LINE TO SPRINKLER SYSTEM
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will be used in dry land farming ~
- d. Remarks:
Unnamed Stream locally known as Corbin Cr.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 98-2054

And said application is hereby APPROVED, subject to the following limitations and conditions:

The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

RECORDED

SEP 28 1989

Witness my hand this

23rd day ofAugust, 19 89J. Alvin Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 98-02054 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Unnamed Stream (Baribou Cr.) tributary to Deep Creek

4. Date or priority 7-15-1940

5. Water is used for the following purpose:

amount 0.14 for IRRIGATION purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.14 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	12	6N	1W	BOUNDARY	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	1W	12								1									1

RECORDED

SEP 28 1989

Total acres 7

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

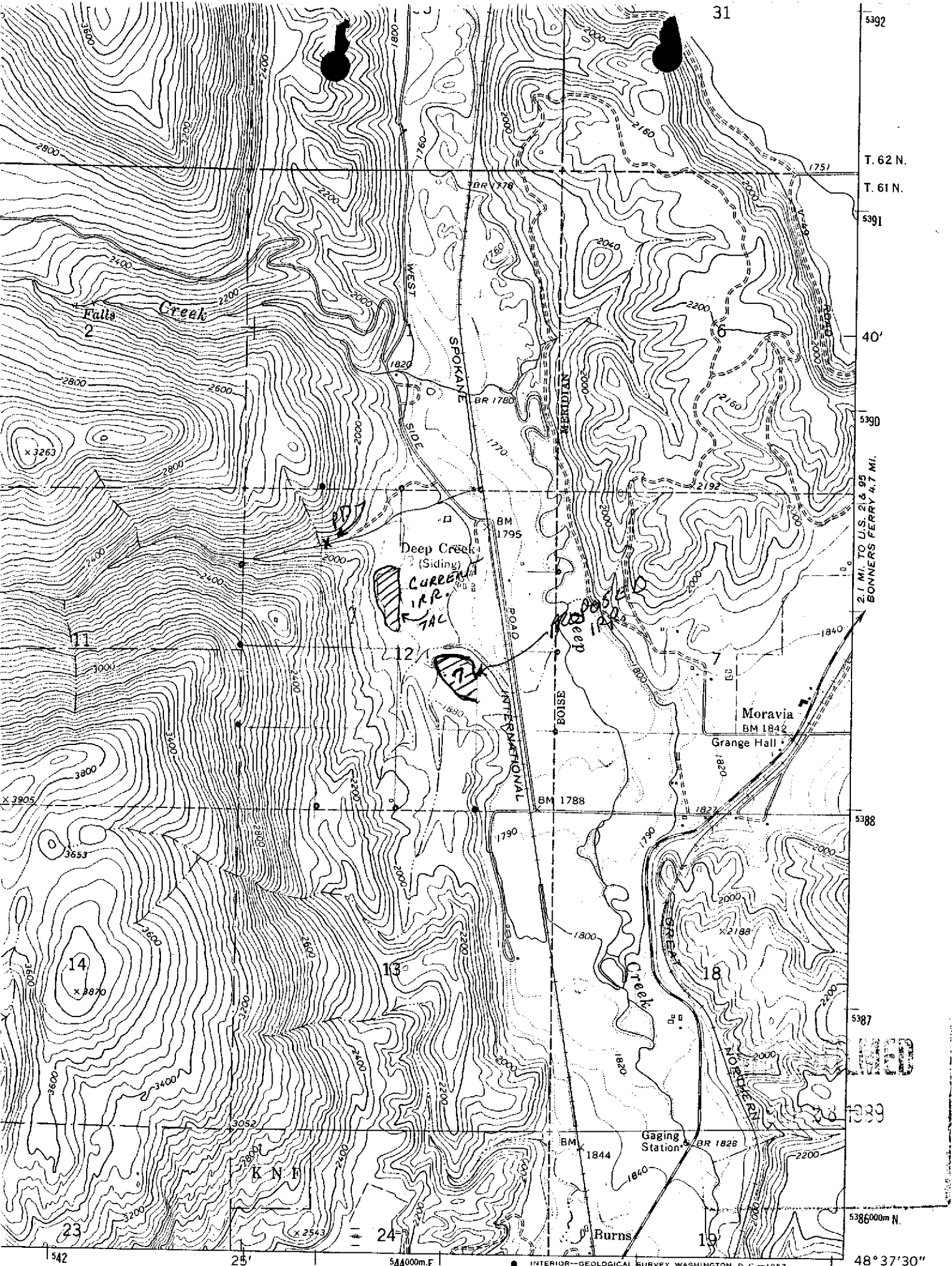
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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SEP 28 1989

Total acres _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid for drawing a map, with a 'MICROFILMED SEP 28 1989' stamp in the bottom right corner.

PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Rudy Byler Brian Byler
x Ray Yoder Jerry Yoder
 (Signature of Applicant)

Subscribed and sworn to before me this 30th day of May, 19 89.

Frances C. Morris
 (Notary Public)

My commission expires 2-21-94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RGH Date 6/21/89 Protest filed by _____

Prelim. check by RGH Fee \$30.00

Receipted by RGH Date 6/21/89 11,310/6

Published in Bonanza Valley Herald Copies of protest forwarded by _____

Pub. dates 7/5-12/89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by Sim Gary

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 28 1989

JUNE 1, 1989
MARLENE W. FALLQUIST
5061 84TH AVE. S.E.
MERCER ISLAND, WA 98040

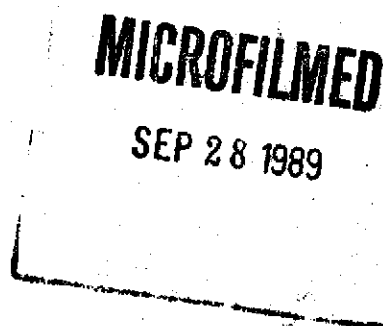
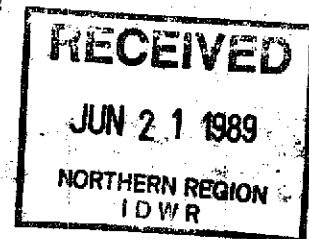
TO WHOM IT MAY CONCERN:

IN REFERENCE TO THE PROPERTY LOCATED ON CARIBOU CREEK IN
BOUNDARY COUNTY, IDAHO WHICH HAS BEEN SOLD BY CAROL W.
SCEARCE AND MARLENE W. FALLQUIST ON NOVEMBER 15, 1988 TO RAY
AND FERN YODER AND RUDY AND ESTHER BYLER BE ADVISED THAT
PERMISSION WAS GIVEN TO THE BUYERS TO RELOCATE WATER RIGHT
TO ANY POINT ON THE PROPERTY.

THANK YOU,

Marlene W. Fallquist

MARLENE W. FALLQUIST
5061 84TH AVE. S.E.
MERCER ISLAND, WA. 98040

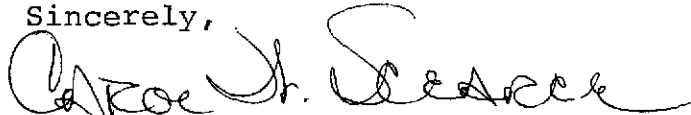


May 31, 1989

To Whom It May Concern:

With regard to property located on Caribou Creek which was sold last year- Be advised it is permislble for buyer to relocate water rights to any point on the property.

Sincerely,



Carol W. Searce

47 Prospect Avenue

San Anselmo, Calif. 94950

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SEP 28 1989

BOUNDARY ABSTRACT COMPANY, LTD.

AGENT FOR BOUNDARY COUNTY
POST OFFICE BOX 749
BONNERS FERRY, IDAHO — 83805
PHONE: 267-3129

IDAHO MAIN OFFICE

LOCATED AT
BOISE, IDAHO

C-7596 PBW

NOTICE OF CONTRACT

NOTICE IS HEREBY GIVEN that on the 15 day of November, 1988, MARLENE WICKSTROM FALLQUIST, a married woman as her sole and separate property, and CAROL WICKSTROM, a married woman as her sole and separate property, as seller, did execute a contract of sale with RAY YODER and FERN YODER, husband and wife, and RUDY BYLER and ESTHER BYLER, husband and wife, as buyer, for the sale of property described as:

The Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4); the West Half of the Southeast Quarter (W 1/2 SE 1/4); the East Half of the Southwest Quarter (E 1/2 SW 1/4) and the East Half of the Northwest Quarter (E 1/2 NW 1/4) of Section Twelve (12), Township Sixty-one (61) North, Range One (1) West, B.M., Boundary County, Idaho,

AND ALSO the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twelve (12), Township Sixty-one (61) North, Range One (1) West, B.M., subject to a pipeline easement across said property, the location of which is more particularly described as follows, to-wit:

A strip of land 30 feet wide, 15 feet each side of the following described centerline:

Beginning at a point South 350 feet from the North Quarter corner of said Section Twelve (12); thence North 77 degrees 14' East 149 feet; thence North 78 degrees 15' East 175 feet; thence North 71 degrees 45' East 510 feet; thence North 64 degrees 20' East 286 feet to a point on the North line of said Section Twelve (12), East 1060 feet from said North Quarter corner, all in Boundary County, Idaho.

SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

the original contract being in escrow at BOUNDARY ABSTRACT CO., LTD., Box 749, Bonners Ferry, Idaho.

Marlene Wickstrom Fallquist
Marlene Wickstrom Fallquist

Carol Wickstrom Searce
Carol Wickstrom Searce

INSTRUMENT NO.:

0157037

RECEPTION (1)
INDEX (1)
FILMED (1)
DELIVERED ()
MAILED ()

STATE OF IDAHO, COUNTY OF

I hereby certify this instrument, consisting of _____ pages
was filed for record at the request of Peter B. Wilson
at 16 minutes past 4:00 o'clock P. m., the
7th day of December, 1988, in my office
and duly recorded in book 68 of Instr. at page 517
Fee \$ 9.00
Ex-officio Recorder
Mail to: Wilson By C. Thornton
Deputy.

ADDRESS OF PURCHASER:

Box 324 Kennedy
Lane
Sarasota, Florida

34240
MICROFILMED

SEP 28 1989

Esther Byler

SEP 28 1989

STATE OF FLORIDA)
) ss.
County of Sarasota)

On this 15th day of November, 1988, before me, the undersigned Notary Public, personally appeared RAY YODER and FERN YODER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Francis M. Hellyer
Notary Public for Florida
Residing at: 3401 Bonita Vista St., Sarasota
Com. Expires: NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JUNE 28, 1991.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF FLORIDA)
) ss.
County of Sarasota)
 HEKMAN

On this 18 day of November, 1988, before me, the undersigned Notary Public, personally appeared RUDY BYLER and ESTHER BYLER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

De S. Rogers
Notary Public for Florida
Residing at: Marytown, F.L.
Com. Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 25, 1989.

MICROFILMED

SEP 28 1989

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

Carol Arthur being first duly sworn on oath
deposes and says that he/she is Manager
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

Application & Transfer of Water Right
#1304

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 5 day of July, 1989
and ending on the 12 day of July, 1989
and that said notice was published in said newspaper. Carol A. Arthur

On this 12 day of July in the year
of 1989, before me, a Notary Public, personally
appeared Carol Arthur,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Anna Thomas
Notary Public for Idaho

Residing at Bonners Ferry

My commission expires: 12-1-1994

NOTICE OF APPLICATION
FOR TRANSFER OF
WATER RIGHT

NOTICE IS HEREBY GIVEN that
water right License No. 98-02054 in
the name of Joseph G. Brooks was
filed for the diversion of 0.14 Cubic
Feet per Second of water from an
unnamed stream (Caribou Creek),
tributary to Deep Creek, with a point
of diversion in the NENW Sec. 12

T61N R1W, Boundary County, used
for irrigation purposes, within the
SE1/4 Sec. 12, T61N, R1W for 7
Acres. The priority date is July 15,
1940.

The new owners, Ray and Fern
Yoder and Rudy and Esther Byler,
now wish to transfer the place of use
to the NWSE Sec. 12 T61N R1W for 7
Acres.

(For additional information
concerning the property location,
call the Northern Regional Office at
765-4639.)

Any protest to the proposed
transfer may be filed with the Idaho
Department of Water Resources,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, ID 83814, on or before
July 24, 1989.

R. Keith Higginson, Dir.

#1304 July 5, 12, 1989

RECEIVED
JUL 14 1989
NOTARY PUBLIC
IDAHO

SEP 28 1989

State of Idaho
License and Certificate of Water Right

Water License No. 19012 Amount 0.14 c.f.s.
Water District No. Priority July 15, 1940

THIS IS TO CERTIFY that JOSEPH G. BROOKS
of Moravia, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 15, 1940, 19 ; that Permit No. 19012
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on December 2, 1940, showing that said works
were completed on the 19th day of November, 19 40 ; and that on the 13th
day of February, 19 41 ,

JOSEPH G. BROOKS
of Moravia, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Caribou Creek
River, a tributary of Deep Creek & Kootenai, for the purpose of irrigation & domestic
use, under Use Permit No. 19012 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4126, on the 21st day of April, 19 42 ;
The right hereby confirmed dates from July 15, 1940, 19 ;

The Point of Diversion is located
in the NE 1/4 1/4 NW 1/4 1/4, Sec. 12, Tp. 61 N, R. 1 W, B. M. Boundary

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 0.14
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
61 N	1 W	12	SE 1/4 NW 1/4	7	7

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of April, 19 42

E. V. BERG
Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. R-450
Water District No.

Amount 400 acre feet per annum
Priority March 17, 1930

THIS IS TO CERTIFY that JOHN MAKI
of Donnelly, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 20, 1929, 19 ; that Permit No. R-450
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
400 acre-second-feet per annum, was issued thereunder on May 25, 1934, 19, showing that said works
were completed on the 22nd day of May, 19 34 ; and that on the 21st
day of March, 19 41,

W. M. DRAKE Assignee

of Donnelly, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of unnamed lake
, a tributary of Middle Fork of Lake Fork, for the purpose of irrigation and domestic
, under Use Permit No. R-450 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4127, on the 21st day of April, 19 42 ;

The right hereby confirmed dates from March 17, 1930, 19 ;

The Point of Diversion is located
in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ $\frac{1}{4}$, Sec. 24, Tp. 19 N, R. 4 E, B. M. Valley

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 400 acre feet
-cubic feet per second- per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N	3 E	2	SW $\frac{1}{4}$ SE $\frac{1}{4}$	160 160 320	160 160 320

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of April, 19 42

E. V. BERG
Commissioner of Reclamation

(SEAL)

98-2054

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

Application No. 26434
Permit No. 19012
District No.

1. Name of Applicant: JOSEPH G. BROOKS
Postoffice address: Moravia County: Boundary 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:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: One half (0.5) cubic feet per second.
3. Source of water supply: Caribou Creek which is a tributary of Deep Creek and Kootenai River
4. Location of point of diversion: feet distant from the corner of Section , T. , R. , B. M., and is ~~the~~ in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 , T. 61 N. , R. 1 W , B. M., County of Boundary
5. Water is to be used for: Irrigation and domestic
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: \$ 450.00 (Work completed)
8. Kind of works: Diversion Dam and pipe lines
9. Height of dam 5 feet; length of dam at top 16 feet; length of dam at bottom 12 feet; material used in dam: Timber under 3 foot head
10. Size of headgate: Width 6" X 6" Box / feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
 Diameter of pipe 200' 6" inches; length of conduit .21 miles.
 300' 4"
 Average grade per mile 300 feet.
12. The time required for the completion of such work is Six months years.
13. The time required for the complete application of the water to the proposed use is No additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

JOSEPH G. BROOKS

Applicant.

Bv

Guy C. McGee

Agent.

Date of first receipt at Department of Reclamation 3:00 P.M. July 15, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **19012**

Recorded in Book 69 Page 19012 Approved July 20, 1940

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before September 18, 1940

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **October 20, 1940**

The whole of said work to be completed on or before **January 20, 1941**

Beneficial use of water appropriated in accordance herewith, to be made on or before **January 20, 1941**

Witness my hand this 20th day of July, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSSEN Governor of the State of Idaho, and GEO. H. CURTIS
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of July 1940

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLESEN

Governor.

Remarks: This work has been completed and in use for several years.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
61 N.	1 W	12					7												7
Total Number of Acres to be Irrigated -																		7	
PERMIT NO. 19012																			
Certificate of Completion of Works																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that JOSEPH G. BROOKS, of Moravia, County of Boundary, and State of Idaho, the holder of Permit No. 19012, issued upon Application No. 26434, bearing date of priority of July 15, 1940, authorizing the diversion of One-half (0.5) second foot of the waters of Caribou Creek, which is a tributary of Deep Creek and Kootenai River, County of Boundary, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use One half (0.5) second of the waters of Caribou Creek; that the point of diversion of said waters is in the NE ¹ / ₄ NW ¹ / ₄ of Section 12, Township 61 North, Range 1 West, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 7 acres in the SE ¹ / ₄ NW ¹ / ₄ of Section 12, Township 61 North, Range 1 West, B. M.																			
Witness my hand this 2nd day of December, A. D. 1940.																			
JAMES SPOFFORD																			
Commissioner of Reclamation																			
Proof of completion of works made November 19, 1940																			
Certificate of Completion of Works issued December 2, 1940.																			
LICENSE ISSUED FOR 0.14 SEC. FT.																			
APR 21 1942 #4126																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 1, 1989

RE: Transfer of Water Right No. 98-2054

Ray & Fern Yoder &
Rudy & Esther Byler
Box 210-A
Naples, ID 83847

Dear Water Right Holders:

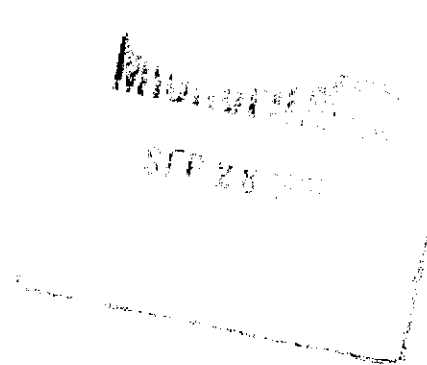
Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3585). Be sure to note any conditions of approval listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



MEMORANDUM

TO: FILE 98-2054
FROM: JIM JOHNSON
RE: TRANSFER APPLICATION REVIEW
DATE: August 22, 1989

=====

CONDITIONS OF APPROVAL

<<T05>> The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

RECEIVED
SEP 28 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: RyH

1. Right number 98-62654 Applicant John & Byler
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☐ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By RyH Date 8/4/89

RECEIVED
AUG 09 1989

Sim

*All uses within Watermaster Districts require special conditions.

Department of Water Resources

NOTICE OF APPLICATION FOR TRANSFER OF WATER RIGHT

NOTICE IS HEREBY GIVEN that water right License No. 98-02054 in the name of Joseph G. Brooks was filed for the diversion of 0.14 Cubic Feet per Second of water from an unnamed stream (Caribou Creek), tributary to Deep Creek, with a point of diversion in the NENW Sec. 12 T61N R1W, Boundary County, used for Irrigation purposes, within the SENW Sec. 12, T61N, R1W for 7 Acres. The priority date is July 15, 1940.

The new owners, Ray and Fern Yoder and Rudy and Esther Byler, now wish to transfer the place of use to the NWSE Sec. 12 T61N R1W for 7 Acres.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Any protest to the proposed transfer may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, on or before July 24, 1989.

R. KEITH HIGGINSON, Dir.

Published in the Bonners Ferry Herald on July 5 & 12, 1989.

RECEIVED

AUG 28 1989

August 8, 1957

Re: Permit No. 13222 - 19012

Mr. R. C. Wickstrom
Bonners Ferry
Idaho

Dear Mr. Wickstrom:

In reply to your letter of July 27, 1957 in which you require additional information relative to the amount of water which you may file on from Caribou Creek in addition to what you now have, for License 13222 and License 19012. You request to know how much additional water you can file on from Caribou Creek.

For domestic and livestock watering, we wish to state that License Rights 13222 and 19012 includes domestic and livestock watering. However, you may file for irrigation purposes on additional unappropriated water that may be in Caribou Creek up to the amount of one inch per acre, excluding the amount of water that you now have licensed water rights for.

We are enclosing an application for filing on additional water, which you may fill out and return to this department, providing you wish to file on additional water for irrigation purposes.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RMW:lw
Encls.

See Letter of transmittal in 13222

19012

May 29, 1957

19012

Mr. R. C. Wickstrom
Bonners Ferry
Idaho

Dear Mr. Wickstrom:

This acknowledges your letter of May 18, 1957, in which you ask about water rights appurtenant to land in Section 12, Township 61 North, Range 1 West, B. M.

This will inform you that we have no record of any water right from Peel Creek. We do have rights recorded from Caribou Creek which are as follows:

Licensed Water Right No. 13222, in the name of Dan Lynch, for twenty-five miner's inches of water, with priority of March 2, 1920, to be used on the ~~W₁NE₁~~^{W₁NE₁} of Section 12, Township 61 North, Range 1 West, B. M.

Licensed Water Right No. 19012, in the name of Joseph D. Brooks, for seven miner's inches, with priority of July 15, 1940, to be used on the SE₁NW₁ of Section 12, Township 61 North, Range 1 West, B. M.

If you should wish to file on more water for use on your property, we have enclosed "Application for Permit to Appropriate the Public Waters of the State of Idaho" together with a pamphlet which gives the regulations and instructions in regard to filing for same.

When this application is approved it will be signed by the proper State Officials and returned to you as a "Use Permit" under which you may proceed with the construction of the work as described in the application.

To complete your water right two proofs are required as follows:

19012

See letter of transmittal in 13222

Mr. R. C. Wickstrom

-2-

May 29, 1957

First: Proof of Completion of Works which is to be made by an affidavit and signed before a notary public. The time required to complete the works and make the proof should be stated under question (12) of the application.

Second: Final proof is made when the water has been applied to beneficial use (irrigation or whatever purpose it is intended). Notice of this proof must be published once a week for four consecutive weeks in the County Newspaper, at your expense. At the time set for the proof, depositions of proof of beneficial use by you (Deposition of Holder) and two disinterested witnesses (Deposition of Witness) must be made. The time, in addition to the time set forth for the completion of works, should be stated under question (13) of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT/nls
Enc:

19012

E. A. Robins

March 3, 1947

Re: Permit No. 19012

Mr. H. B. Kinnear
Assessor of Boundary County
Bonners Ferry, Idaho

Dear Mr. Kinnear:

In reply to your letter of February 27th:

The records in this Department show that License No. 19012 was issued to Joseph G. Brooks on April 21, 1942, for .14 cubic foot per second of water from Caribou Creek with priority of July 15, 1940, for use on seven acres of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 61 North, Range 1 West, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPM

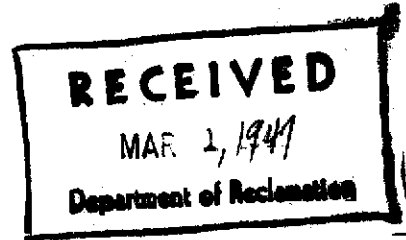
19012

COUNTY OF BOUNDARY
Office of Assessor

H. B. KINNEAR, ASSESSOR
INEZ CAVE, DEPUTY

BONNERS FERRY, IDAHO

Feb. 27 - 47



State of Idaho
Dept of Reclamation
Bacine, Idaho

Gentlemen:

^{refd} Please advise this office if Mr.
J. G. Brooks, of Bonners Ferry, Idaho
Completed his papers on water right
Caribou Creek, Sec. 12 = 61-100.

He can not remember if he completed
same, or not. He some how has lost all
of his papers. any fees for this information
please enclose bill. Thanks

Very truly yours

H. B. Kinnear assessor.

and enclosing for Mr Brooks mail to assessor.

L19012 (4126)

0,14 070 - 7-15-40

Revised 4-21-42

7a. SE NW 12-61 & 1W.

19012

April 21, 1942

Re: 19012

Mr. Joseph G. Brooks
Moravia, Idaho

Dear Mr. Brooks:

We are enclosing a Certificate and License of Water Right on the above numbered permit for the use of 0.14 cubic feet per second of the waters of Caribou Creek to be used on the SE $\frac{1}{4}$ of Sec. 12, Twp. 61 N., Rge 1 W for irrigation and domestic use. The priority date is July 15, 1940.

Very truly yours,
E. V. BERG
Commissioner of Reclamation.

BY: Chief Clerk.

ml.
encl.

19012



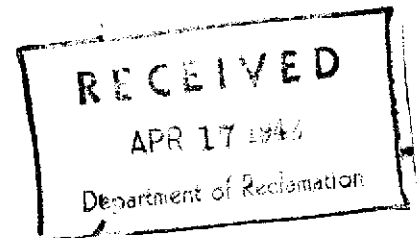
CHASE A. CLARK
GOVERNOR

ROY W. THOMPSON
DEPUTY COMMISSIONER

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

E. V. BERG, COMMISSIONER

BOISE



March 25, 1942

Re: 19012

Mr. Joseph G. Brooks
Moravia, Idaho

Dear Mr. Brooks:

We are in receipt of our engineer's report on the above numbered permit for beneficial use proof. The fee is \$2.00 being at the rate of \$2.00 for each forty acre subdivision or fraction thereof.

Upon receipt of your remittance, a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

Maud Rile

BY: Chief Clerk.

ml.

March 25, 1942

Re: 19012

Mr. Joseph G. Brooks
Moravia, Idaho

Dear Mr. Brooks:

We are in receipt of our engineer's report on the above numbered permit for beneficial use proof. The fee is \$2.00 being at the rate of \$2.00 for each forty acre subdivision or fraction thereof.

Upon receipt of your remittance, a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

ml.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19012

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Joseph G. Brooks, Moravia, Idaho
2. Source of water supply: Caribou Creek
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12
T. 61 N R. 1 E County of Boundary
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is made by a
crib and plank dam eight feet high and forty feet long; thence through
an intake box 6"X6"X150', and a pipe line 550 feet long and of six to
four inch in diameter leading to a bifurcation box, and thence by
smaller sized pipe to the place of use.
5. Water is used for: irrigation and domestic
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 for other than irrigation):
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (7 acres), 12, 61 N, 1 W.

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

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

Remarks: _____

This examination was made on the 29th. day of May, 1941

19012

(Signed)

W. H. Dolman
Examiner.

Permit No. 19012

Examination for Beneficial Use

County Boundary

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 a 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.
-

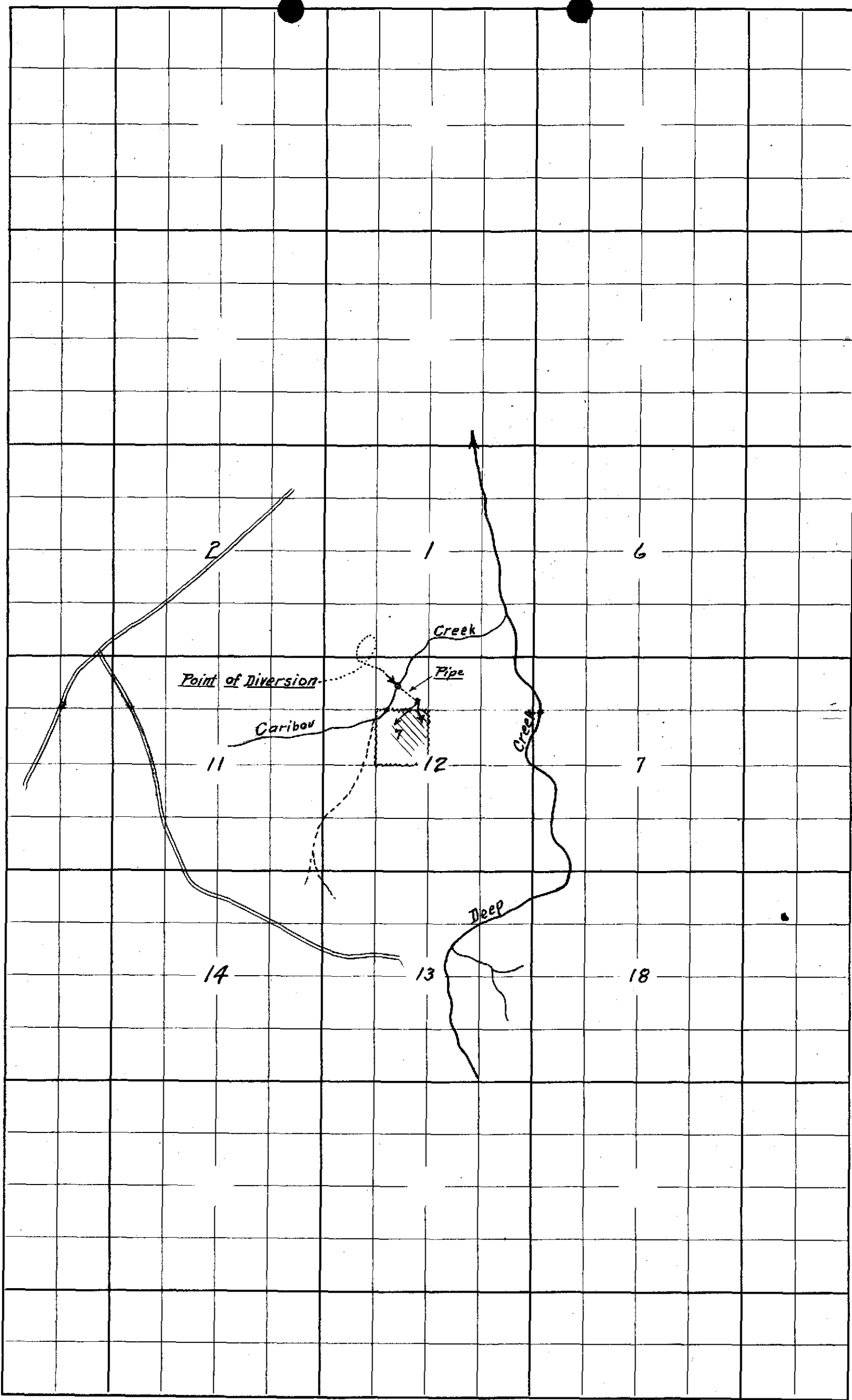
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19012

REPORT ON PROOF OF Beneficial Use

*0.71 for 0.14 cfs
Specs - #200
D. 907*



April 22, 1941.

Re: 19012

Mr. Joe C. Vernon
Boundary County Surveyor
Bonners Ferry, Idaho

Dear Mr. Vernon:

Re: Joseph Brooks.

After a daily search of several weeks, we have found the affidavit of publication which was mailed to this office by Justice of the Peace Richardson. The affidavit had been incorrectly filed and was difficult to find.

We are sorry to have inconvenienced Mr. Brooks, Mr. Richardson, and yourself. Our engineer will make an examination sometime in the near future.

Very truly yours,

E. V. BERG.

Commissioner of Reclamation.

BY: Chief Clerk.

ml.

19012

COUNTY OFFICERS

COUNTY AUDITOR—DOLLIE BRUCE
ATTORNEY—W. J. NIXON
SHERIFF—LESLIE MCCARTHY
TREASURER—DAISY KELLY
PROBATE JUDGE—E. B. SCHLETTE
SUPT. OF SCHOOLS—GRACE DAVIS
ASSESSOR—HARRY B. KINNEAR
SURVEYOR—J. C. VERNON
CORONER—R. M. BOWELL



COUNTY COMMISSIONERS

1ST DIST., RAY SIMS
2ND DIST., H. L. SHIVELY
3RD DIST., J. F. SCHERUPP

JUSTICES OF THE PEACE—

A. J. KENT
N. W. BAKER

DISTRICT JUDGES

E. E. HUNT—SANDPOINT
BERT A. REED—COEUR D'ALENE

Boundary County

BONNERS FERRY, IDAHO
March 21, 1941



E. W. Berg
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

I have your letter of March 15 in regard to the Joseph Brooks water right on Caribou Creek. Guy McGee and myself made this investigation last August. We sent the papers to the office of the Department of Reclamation and the final proof was set before Justice of Peace Richardson for January 20, at which time the witnesses appeared and signed all of the notices together with Mr. Brook's and the Justice of Peace Richardson's signature and they were sent in.

We have a letter dated February 17 in which you ask for an affidavit from the newspaper. This affidavit was received and sent to your department. Mr. Brooks states that he has a receipt from your department that the affidavit from the newspaper was received. If there is any other data necessary, please inform us. If you want more affidavits of witnesses and proof, please notify us immediately and we will get them and send them in.

Very truly yours

Joe C. Vernon

JCV:db

19012

March 13, 1941.

Re: 19012

Mr. W. H. Richardson
Justice of the Peace
Bonners Ferry, Idaho

Dear Mr. Richardson: Joseph G. Brooks, Moravia.

We are in receipt of the affidavit of Publication for Beneficial Use for Mr. Brooks. The proof should have been made on the 20th of January. If he wishes to retain his priority date, proof should be made at once.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By
Chief Clerk.

ml.
cc to Joseph G. Brooks, Moravia.

19012

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

Notice is hereby given that at 11:00 A. M. on the 20th day of January, 1941, at Bonners Ferry, County of Boundary, State of Idaho, before W. H. Richardson, Justice of the Peace, proof will be submitted of the application to beneficial use of .5 cubic feet per second of the waters of Caribou Creek in accordance with the terms and conditions of Permit No. 19012 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Joseph G. Brooks, Moravia, Idaho.

The use to which said water has been applied is Irrigation and Domestic.

The amount applied to beneficial use is .5 Cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 T. 61 N. R. 1 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 Brooks pipe line.

The right to take water from such works is based upon Permit No. 19012.

The source of supply from which such water is diverted is Caribou Creek.

The date of priority which said user is prepared to establish is July 15, 1940.

JAMES SPOFFORD,
Commissioner of Reclamation.
First publication Dec. 19, 1940.
4th and last pub. Jan. 9, 1941.

Affidavit of Publication

STATE OF IDAHO } ss.
County of Boundary }

RECEIVED

MAR 3 1941

Department of Reclamation

being first duly sworn upon his oath, deposes and says: That he is the

Proprietor 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

James Spofford, Commissioner of Reclamation

a Notice of Proof Application of Water to Beneficial Use Joseph G. Brooks

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for

four

consecutive issues, commencing with the issue dated December 19

1940, and ending with the issued dated January 9, 1941

Proprietor
Foreman

Subscribed and sworn to before me this 25 day of

February, 1941

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

19012

February 17, 1941.

Re: 19012

Mr. Joseph G. Brooks
Moravia, Idaho

Dear Mr. Brooks:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses. However you have not sent the affidavit of publication from the newspaper, and it is necessary that this be furnished in order to complete the proof. If you have not already obtained this affidavit from the newspaper, please do so promptly, and sent it to this department.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the State.

However, Mr. Folman, field engineer for the Department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

The Statutory fee in connection with beneficial proof amounts to \$5.00 for domestic use, and \$2.00 for each forty acre tract, or fraction thereof, on which the water is applied.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By
Chief Clerk.

ml.

19012

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 15 1941
Department of Reclamation

Permit No. 19012

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Joseph G. Brooks,

Moravia, Idaho. Rancher

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. no

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #19012, July 26th, 1940

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

Ans. Caribou Creek. Center of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12; Town. 61 Range 1W RM

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.

Ans. 150 Ft. 6" square Box. 100 Ft. 6" round pipe; 300 Ft. 4" pipe
100 Ft. 3/4" pipe to house.

One half (0.5) second foot of water.

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. To irrigate 7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12, Township 61
Range 1W B.M.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Domestic purposes only. + irrigation

Eng. Report.
J.G.B.

19012

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. One half (0.5) second Ft. of water.

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. issued to me.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. about 16 years. through pipes for irrigation about one half (0.5) second Ft.

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. none

(Sign) Joseph G Brooks

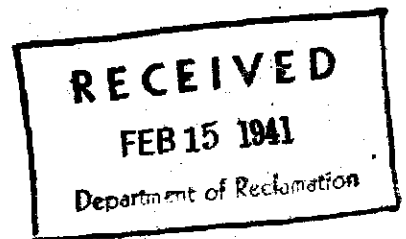
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Bonnery Ferry County of Bounadry, State of Idaho, on this 13th day of Feby., A. D. 19 41.

W B Larr

My commission expires.....

19012

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 19012

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. V. L. Robinson. Age 40. Occupation, Farmer. Residence and
Address, Moravia, Idaho.

Ques. 2. Are you acquainted with Joseph J. Brooks, the
holder of Permit No. 19012? How long have you known him and where does he reside?

Ans. 20 years, resides at Moravia Idaho

Ques. 3. Have you read or heard read said Permit No. 19012, 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. Water taken from Caribou Creek near center of NE 1/4 of NW 1/4
Sec. 12- Town. 61 Range 1W. B. M.

Water is conveyed through Wood Box 6" square for 150 Ft then

through 6" round pipe 100 Ft. 300 Ft. 4" pipe to ground used

for irrigation. 3/4" pipe to house for domestic use

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. About one half (0.5) second foot of water

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division 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 improvement which have
been made as a direct result of said use.

Ans. To irrigate about 7 acres in the SE 1/4 NW 1/4 of Sec. 12--Town 61
Range 1 W. B.M. Original timber land cleared and now used for hay
vegetables and pasture

19012

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

Ans. For household purposes only

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. Sandy loam, about one half (0.5) second Ft.

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. Close neighbor and visit Mr. Brooks home every few days
we always look over irrigation project

(Signed)

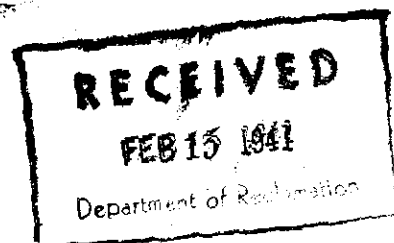
V L Robinson

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 Bonnars Ferry County of Boundary, State of Idaho, on this day of 13th. Decy., A. D. 1941.

W D Butler
Notary Public.

My commission expires

19012

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19012

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. Henry Thomas, 69 years, Farmer, Bonners Ferry, Idaho.Ques. 2. Are you acquainted with Joseph G. Brooks, the holder of Permit No. 19012? How long have you known him and where does he reside?Ans. 35 years, Moravia, Idaho

Ques. 3. Have you read or heard read said Permit No. 19012, 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. Water taken from Caribou Creek near center of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 12- Township 61 Range 1 West BMWater is conveyed through a wood box 6" square for 150 Ft then through 6" round pipe 100 Ft. then through 4" pipe 300 Ft to place for irrigation. 3/4" pipe to house for domestic purposes

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. About one half (0.5) second ft. of water

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. To irrigate about 7 acres of land in SE of NW $\frac{1}{4}$. Sec. 12-Town, 61 Range 1W. BM. Timber land cleared off for hay, vegetables and pasture.

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

Ans. for domestic purposes only

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. Sandy loam land. will take about one half (0.5) sec. Ft.

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

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. Have worked on water line and visited it a number of times

(Signed)

Henry Thomas

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 Bonnars Ferry, County of Boundary, State of Idaho, on this day of 13th. Feby, A. D. 1941.

My commission expires

W. B. Belfry
Notary Public.
Residing at _____
Commission Expires _____ A. D. 1941.

Notary Public.

19012

January 22, 1941

Mr. W. H. Richardson
Justice of the Peace
Bonners Ferry, Idaho

Dear Mr. Richardson: Re: 19012, Joseph G. Brooks, Morevia

We are inclosing the necessary forms for Mr. Brooks and his witnesses to sign, since the advertising has been completed. Please return the three copies to this office at your convenience.

Very truly yours,

E. V. BEFG.
Commissioner of Reclamation.

By
Chief Clerk,

ml.
2 incls.

19012



A. J. KENT AGENCY

REAL ESTATE AND INSURANCE

Phone 20-W

BONNERS FERRY, IDAHO

Jan. 20th. 1941.



Mr. R. V. Berg
Commissioner of Reclamation
Boise, Idaho.

Dear Sir:

Today Mr. Joseph G. Brooks of Moravia Idaho appeared before me as Justice of the Peace to to make proof of Application of Water to Beneficial use under his permit #19012.

Br. Brooks had his witnesses present but I have not received any statements from you for their signatures. Please advise if these witnesses together with Mr. Brooks can yet sign the papers without further advertisement.

As I have handled none of these hearing in the past would appreciate you telling me the fee to be charged.

Yours truly

W. H. Richardson
Justice of the Peace

19012

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Date . ~~December 11,~~ 1940

Re: Permit No. 19012

BONNERS FERRY HERALD
Bonners Ferry, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 20, 1941**, the date set for proof, the expense of the publication to be paid by the applicant,

Joseph G. Brooks, Moravia, Idaho

to whom you should furnish proof of publication on or prior to the date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

Commissioner of Reclamation

19012

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 6, 1940

(P. O.) Moravia, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Bonnors Ferry Herald of Bonnors Ferry, Idaho, published in the county in which the works are situated.

X Joseph G Brooks

(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.

19012

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

Notice is hereby given that at 11:00 A. M. on the 20th day of January, 1941,
 at Bonnerr's Ferry, County of Boundary, State of Idaho, before
W.H. Richardson, Justice of the Peace, proof will be submitted of the
 application to beneficial use of .5 cubic feet per second of the waters of
Caribou in accordance with the terms and conditions of Permit No. 19012
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Joseph G. Brooks, Moravia, Idaho.

The use to which said water has been applied is Irrigation and Domestic

The amount applied to beneficial use is .5 Cubic foot per Second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) SE 1/4 SW 1/4 Section 12 T.61 N.R.1 E.B.M.

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

The right to take water from such works is based upon Permit No. 19012

The source of supply from which such water is diverted is.....

Caribou Creek

The date of priority which said user is prepared to establish is July 15, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

19012

December 3, 1940

Re: Permit No. 19012

Mr. Joseph G. Brooks
Moravia, Idaho

Dear Mr. Brooks:

We enclose herewith Certificate of Completion of Works issued under the above numbered permit to appropriate One half (0.5) second foot of the waters of Caribou Creek, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 61 North, Range 1 West, B.M., for irrigation and domestic purposes.

The Department's Receipt # 17646 for the \$5.00 fee which you paid in connection with completion of works proof is also enclosed.

Very truly yours,

JAMES SPORNORD
Commissioner of Reclamation
By

JLA
Encls.

Chief Clerk

19012



A. J. KENT AGENCY

REAL ESTATE AND INSURANCE

Phone 20-W

BONNERS FERRY, IDAHO

Nov. 26th. 1940.

James Spofford;
Department of Reclamation
Boise, Idaho.

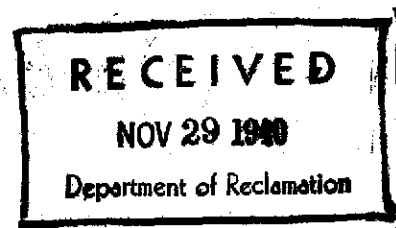
Dear Sir:

Re-Permit #19012

Inclose please find a check covering fee on above permit
in the amount of \$5.00

Yours truly,

Joseph G Brooks



19012

November 23, 1940

Re: Permit No. 19012

Mr. Joseph G. Brooks,
Moravia, Idaho.

Dear Mr. Brooks:

We acknowledge receipt of your Affidavit for proof of completion of works under the above numbered permit, and upon receipt of the statutory fee of \$2.00, a Certificate of Completion of Works will be issued.

We have also received the duplicate notices in connection with beneficial use proof, and your authorization to have same published in the Bonners Ferry Herald.

The notice will be sent to the newspaper, with instructions to publish it once a week for four weeks prior to January 20, 1941, the date set for proof; and about ten days prior to that date, depositions, consisting of one for the holder and one for each of two witnesses, will be sent to Mr. W. H. Richardson, Justice of the Peace, so that he will have them in ample time for the proof.

On January 20th, 1941, you should appear at Mr. Richardson's office, with two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPONFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

19012

Permit No. 19012STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

✓ County of Boundary } ss.Joseph G. Brooks

, 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. 19012, and that his postoffice address is Moravia State of Idaho

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

Caribou CreekThird: That the point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12T.61 N.R.1 W. B.M.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 20, 1940 JAN 20, 1941Fifth: That the use for which said water is intended is Irrigation and DomesticSixth: That on the date above mentioned, the works constructed under said permit were (~~not~~) fully completed and consisted of the following:✓ I. Kind of works: Diversion Dam and Pipe lines.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 16 feet, length of dam at bottom 12 feet. Material used in construction Timber

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.(c) Size of headgate: Width 6" X 6" Box under 3 foot head, height feet.(d) Conduit pipe width at bottom feet, width at water line 200' 6"
(State whether ditch, flume or pipe.) feet, depth of water feet; diameter of pipe 300' 4" inches, average grade per mile is 300 feet. Length of conduit is .21 miles.Seventh: That said works are capable of conducting to the place of intended use 0.5 second feet of water.Eighth: That water appropriated under said permit is available for 7.0 acres of land described as follows: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12T.61 N.R.1 W.B.M.

Ninth: Remarks: That

Joseph G Brooks
(Sign here)Subscribed and sworn to before me this 19th day of November, 1940

My commission expires

Notary Public.
NOTARY PUBLIC RESIDING AT BONNERS FERRY, IDAHO
COMMISSION EXPIRES SEPT. 20th 1944

OK Fee \$5.00

19012

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. **19012**

July 26, 1940

**Joseph C. Brooks,
Moravia, Idaho**

Dear Sir:

Under the terms of your permits No. **19012** you are required to complete your diversion works and make proof of beneficial use on or before **January 20, 1941**

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.

I also enclose blank notice for proof of application of water to beneficial use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is **January 20, 1941**, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly

JAMES SPOTTORD
Commissioner of Reclamation

19012

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19012

Boise, Idaho, **July 26, 1940**

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ^{fourth} ~~third~~ page.

Joseph C. Brooks
Moravia, Idaho
Enc. Receipt # 17480

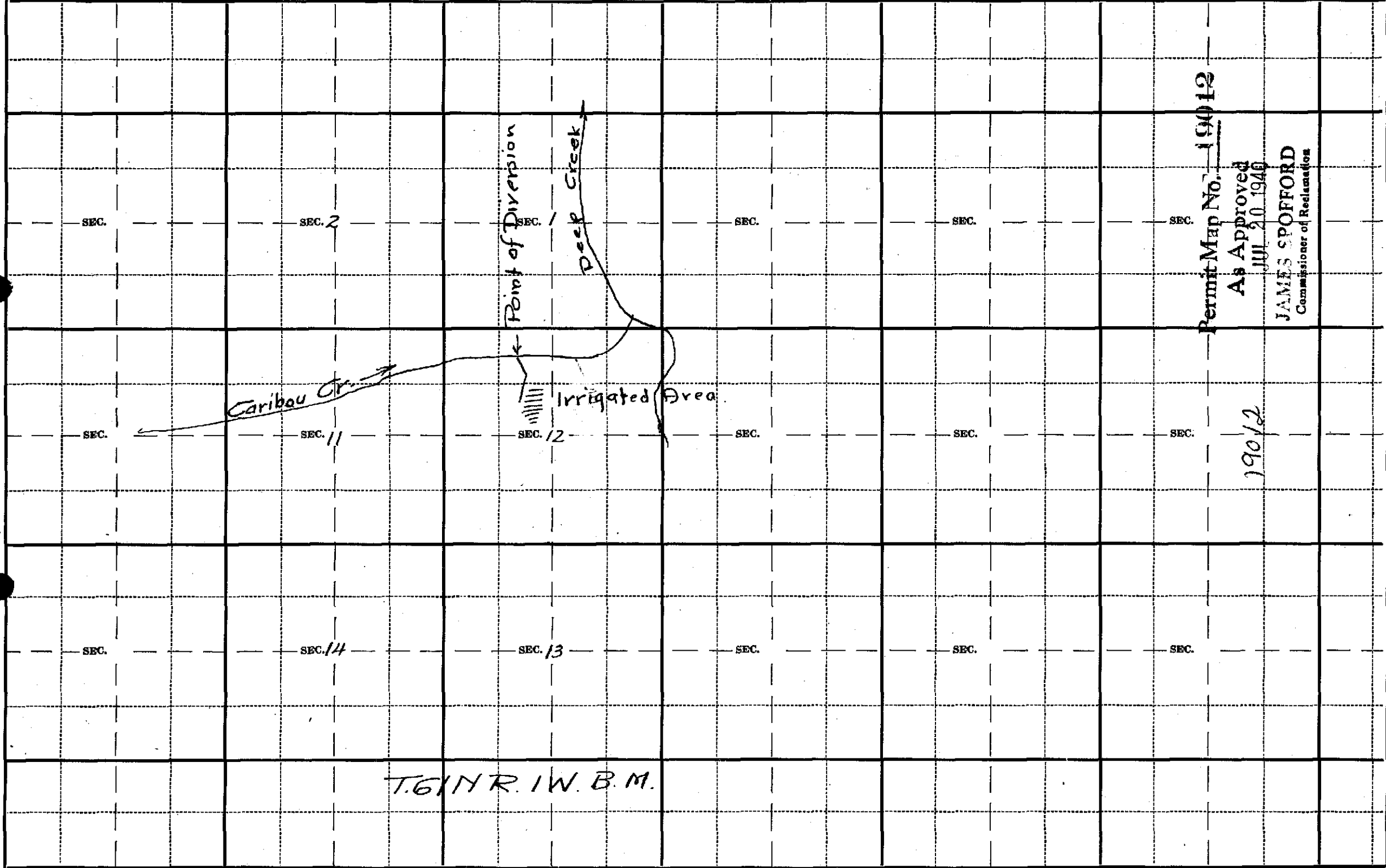
JAM S SPOFFORD

Commissioner of Reclamation.

19012

NAME OF APPLICANT Joseph G. Brooks

FORM NO. 0



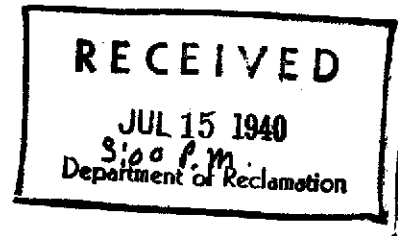
Permit Map No. 19012
As Approved
JUL 20 1940
JAMES SPOFFORD
Commissioner of Reclamation

19012

BOUNDARY COUNTY
Office of County Surveyor

J. C. VERNON, SURVEYOR
BONNERS FERRY, IDAHO

July 15, 1940



Commissioner of Reclamation
State House
Boise, Idaho.

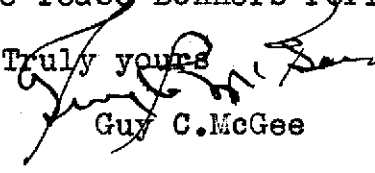
Dear Sir;--

I am inclosing herewith the application for Permit of Mr.
Joseph G. Brooks of Morivia, Idaho.

The work necessary for the diversion and use of this water
has been completed for many years and the use has been made.

It is Mr. Brook's desire that proof be offered at the earliest
date possible and that the advertisement be made in the
Bonners Ferry Herald. Also that the proof be offered before
Mr. Wm. Richardson, Justice of the Peace Bonners Ferry.

Very Truly yours


Guy C. McGee

19012