

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

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

Callie Painter, being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *22* day of *January*, 19*70*, and ending on the

29 day of *January*, 19*70*.

Subscribed and sworn to, before me, this *29* day of *January*, 19*70*.

19*70*.

Callie Painter
E. Patrick King
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho, has received an approved permit No. 33589/94-2223 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from Robinson Creek, tributary of the Coeur d'Alene River subject to all prior rights. The priority to be established under this permit is May 1, 1967 and the permit was approved May 19, 1967. Water is to be diverted by dam from a point within the NE $\frac{1}{4}$, Govt. Lot 3, Sec. 30, T. 48 N, R. 1 W, B.M., Kootenai County, to be used for irrigation in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Govt. Lot 1), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Govt. Lot 2), Sec. 30, T. 48 N, R. 1 W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 19, 1974. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Jan. 22, 29, 1970

94-2223 33589

34

1810

85

$$f(x) = 8.$$

UNCLASSIFIED

RECEIVED
JAN 15 1970
Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho,
_____ has received an approved permit No.
33589/94-2223 issued by the Idaho State Reclamation Department authorizing the
diversion /storage/ of 0.4 cubic feet per second /acre/feet/per/annum
of water from Robinson Creek, tributary of the Coeur d'Alene River,
subject to all prior rights. The priority to be established under this permit is
May 1, 1967 and the permit was approved May 19, 1967.

Water is to be diverted by dam
from a point within the NE 1/4, Govt. Lot 3, Sec. 30, T. 48 N. R. 1 W. B. M.,
Kootenai County,

to be used for irrigation
in the NW 1/4 NW 1/4 (Govt. Lot 1), SW 1/4 NW 1/4 (Govt. Lot 2), Sec. 30, T. 48 N,
R. 1 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the
department on or before May 19, 1974. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho, on
January 22 January 23 and January 29, 1970.

State Reclamation Engineer:

Permit No. 33589/94-2223

You are hereby authorized to have the attached notice published at my expense in
the Coeur d'Alene Press of Coeur d'Alene, Idaho;
published in the county in which the works are situated.

Gerald L. McKim
(Signature)

Box 44 SILVERTON, IDA.
(Address)
1/14/70
(Date)

33589
94-2223

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 94-2223 Priority May 1, 1967 Amount 0.20 cfs

THIS IS TO CERTIFY, that Hugh O. Capps Jr. and Frances W. Capps
of Cataldo, Idaho, has complied with the terms and conditions of Permit
No. 94-2223 issued pursuant to Application for Permit dated May 1, 1967,
and has submitted proof to the Department of Water Resources on May 3, 1974,
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 0.25 cfs of water from Robinson Creek,
tributary to Coeur d'Alene River, 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
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.20</u> cfs and <u>30.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 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
30.0 acre feet per year, said waters to be diverted within the Government Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 30, Twp. 48N, Rge. 1W in the County of Kootenai

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 $\frac{1}{4}$	
48N	1W	30						GL 2				GL 3							10
								8				2							

Total number of acres irrigated 10

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 29 day of
January, 19 82.

Director

DRT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
< LICENSING >
APPLICATION FOR AMENDMENT OF A PERMITRECEIVED
DEC 21 1991

To change the point of diversion and/or the place of use

Comes now Hugh O. Capps Jr. & Frances W. Cappsof (address) Gallup, NM Rt 1 Box 223, CATALUNO, ID 83810, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 94-2223, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ $\frac{1}{4}$, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	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 $\frac{1}{4}$	
48N	1W	30							GL2 8			GL3 2							10

Total number of acres to be irrigated = 10

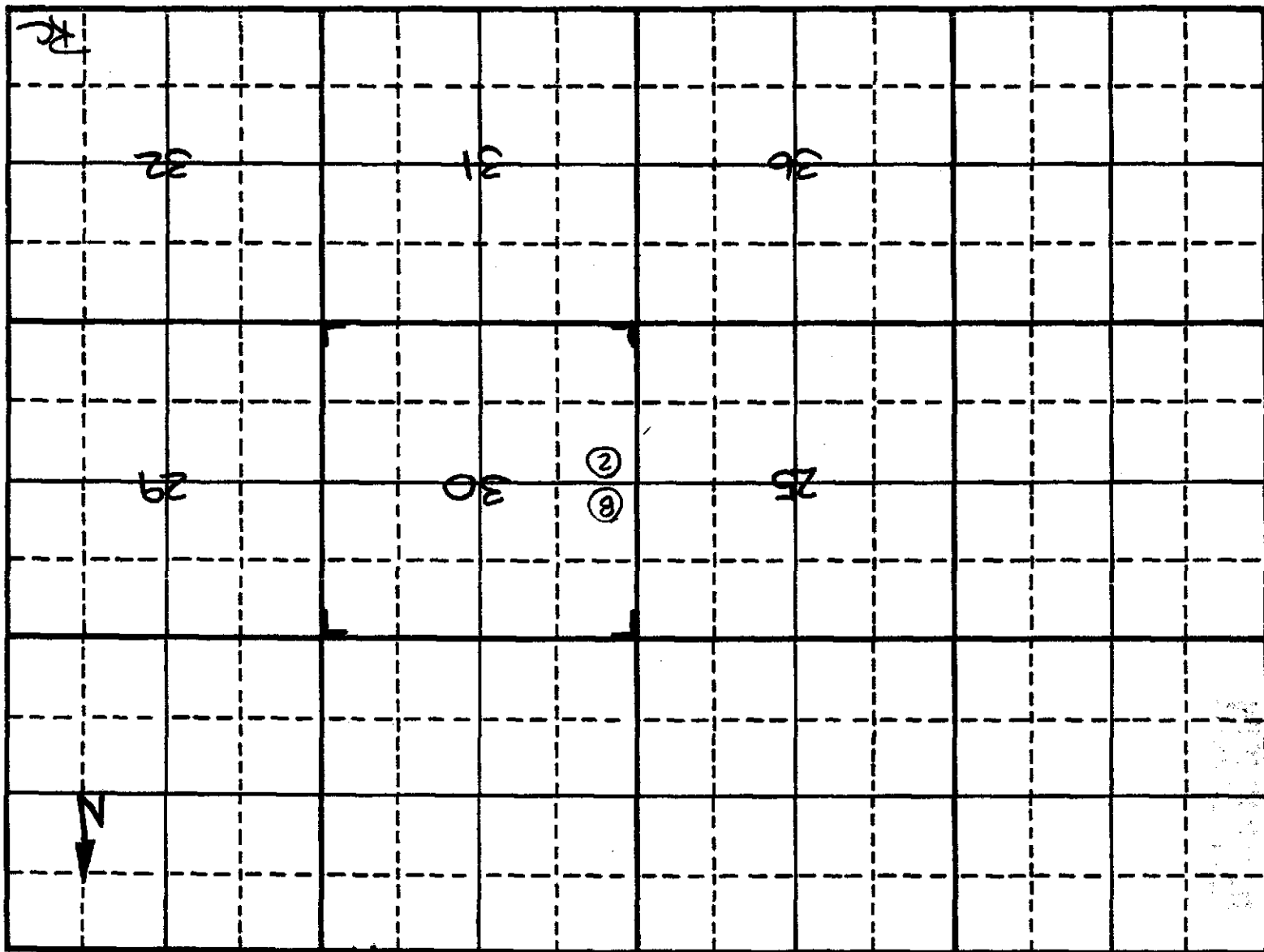
4. a. Who owns the property at the point of diversion?
- b. Who owns the land to be irrigated or the place of use?
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

T48N R1W



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at

CD'A

this 12 day of Dec

19 81

(Signature)

Kyle A. Cagle

MICROFILMED

FOR DEPARTMENT USE ONLY

Preliminary check by *JK* Fee = \$20.00

Received by *JK* Date

#21043 12/17/81

Publication prepared by *N/A* Date

Published in

Publication dates

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN

, Director of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 94-2223.

Witness my hand this 29 day of January

19 82

Director

A. Kenneth Dunn

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

RECEIVED

MAY 3 1974

The undersigned owner (s) of Permit (Application) No. 33589/94-2223 of the State Reclamation Engineer of the State of Idaho hereby nominates and appoints LYMAN S. BATES, whose address is 3504 W KIERNAN, SPOKANE, WA 99205, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 3rd day of May, 1974

_____ Hugh O. Capps Jr
Francis W. Capps

STATE OF IDAHO)
County KOOTENAI) ss

On this 3rd day of May, 1974, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cada M. Roberts
Notary Public

My Commission expires:

SEPT. 11, 1976

94-2223

State of Idaho

Department of Water Administration

RECEIVED

ASSIGNMENT OF PERMIT

I, Gerald L. McKim, hereby assign to Hugh O. Capps, Jr. and Frances W. Capps
of 3300 Ciniza Drive, Gallup, New Mexico 87301
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 33589/94-2223 to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this 9th day of APRIL, 19 74.

Gerald L. McKim
Permit Holder

Eleanor J. McKim
Spouse of Permit Holder

State of Idaho)
County of Shoshone) ss.

On this 9 day of APRIL, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~ (they) executed the same.

Leonard F. Kiser
Notary Public residing at
Silverton, Idaho

My commission expires: 11/15/77

OK. FEG 4/10/74

94-2223

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED

MAR 18 1974

Department of Water Administration

State of Idaho)

County of Shoshone)

Permit No. 33589/94-2223

Gerald L. McKim of Silverton, Idaho
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 33589/94-2223.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before May 19, 19 74.

That he has heretofore performed the following work described under said permit:

none

Costing \$

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Sold property on Contract Sale-1973 to Hugh O. Capps, Jr.,

3300 Ciniya Drive, Gallup, New Mexico 87301-Mr. Capps requires added time to complete
the requirements.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to May 19, 19 76.

Gerald L. McKim
Gerald L. McKim (signature) *

Subscribed and sworn before me this 15th day of March, 19 74.

[Signature]
(notary public)

seal

My commission expires 8-25-75

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby DENY the above application for extension of time for Permit No. 33589/94-2223 for failure of the permit holder to proceed with diligence in the completion of his project.

Witness my hand this 20 day of March, 19 74.

[Signature]
Director

DENIED

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

94-2223

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33589/94-2223)

in the name of Gerald L. McKim, Box 44,)

Silverton, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

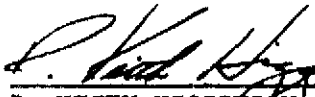
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33589 was issued previous to that date;

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

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit to the
Department of Reclamation proof of the application of the water to
beneficial use on or before May 19, 1974. The permit holder should
be aware that failure to complete one-fifth of the works within one-
half of the time originally set for Completion of Works may be grounds
for cancellation at the instance of the department.

Dated this 30TH day of DECEMBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

33589
94-2223

Application For Permit

To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: Hugh O. Capps, Jr. & Frances W. Capps
3300 Ciniza Drive
Gallup, New Mexico 87301

APPLICATION No. 41844
PERMIT No. 33589
DISTRICT No.

1. Name of Applicant: Gerald L. McKim

Postoffice address: Box 44, Silverton

County: Shoshone

State: Idaho 83867

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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: .4

cubic feet per second. or 20 inches.

3. Source of water supply: Robinson Creek

which is a tributary of Coeur d'Alene River.

4. Location of point of diversion: 2,640

feet distant from the Southwest

corner of Section 30, T. 48 N, R. 1 W, B.M., and is in the (NE 1/4 of Gov't Lot 3

of section 30, T. 48 N, R. 1 W, B. M., County of Kootenai

5. Water is to be used for Irrigation

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

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

T. , R. , B.M., in the of Section of , 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: \$ 100.00

8. Kind of works: Dam

9. Height of dam 4 feet; length of dam at top 20 feet; length of dam at bottom 17

feet; material used in dam: earth, sand and gravel from creek

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

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

Diameter of pipe 3 inches; length of conduit 1/4 miles.

Average grade per mile 280 feet.

12. The time required for the completion of such work is 3 years.

13. The time required for the complete application of the water to the proposed use is 4 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

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

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

/s/ GERALD L. McKIM *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: May 1, 1967 8:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33589

Recorded in Book 117 Page 33589 Approved May 19, 1967

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 July 19, 1967 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 Nov. 19, 1968

The whole of said work to be completed on or before May 19, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before May 19, 1974

WITNESS My hand this 19th day of May, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, _____ DON SAMUELSON _____, Governor of the State of Idaho,
and _____ PETE T. CENARRUSA _____, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th

day of May, 1967

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ PETE T. CENARRUSA
Secretary of State.

By /s/ DON SAMUELSON
Governor.

REMARKS:

14.

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 $\frac{1}{4}$	
48 N	1 W	30						10 (Gov't Lot 1)										10	
48 N	1 W	30						10 (Gov't Lot 2)										10	
																	Total number of acres to be irrigated:	20	

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

County of Kootenai,

ss.

Callie Poyntner

being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Notice of Existing Water Permit

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *22* day of *January*, 19*70*, and ending on the

29 day of *January*, 19*70*.

Callie Poyntner

Subscribed and sworn to, before me, this *29* day of *January*, 19*70*.

19*70*.

C. Patrick King

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho, has received an approved permit No. 33589/94-2223 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from Robinson Creek, tributary of the Coeur d'Alene River subject to all prior rights. The priority to be established under this permit is May 1, 1967 and the permit was approved May 19, 1967. Water is to be diverted by dam from a point within the NE $\frac{1}{4}$, Govt. Lot 3, Sec. 30, T. 48 N, R. 1 W, B.M., Kootenai County, to be used for irrigation in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Govt. Lot 1), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Govt. Lot 2), Sec. 30, T. 48 N, R. 1 W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 19, 1974. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Jan. 22, 29, 1970

94-2223 33589

Address all communications to

Form No. 1
5M 1-65

Gerald L. McKim

P.O. Box 44, Silverton, Idaho 83867

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41844

Permit No. 33589

District No. _____

RECEIVED
MAY 1 1967
8:00 A.M.
Department of Reclamation

1. Name of Applicant: Gerald L. McKim
Post Office address: Box 44, Silverton County Shoshone State Idaho

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: _____

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: 2/5 (Two-fifths) 20" or 4 cfs cubic feet per second
3. Source of water supply: Robinson Creek
which is tributary of Coeur d'Alene River
4. Location of point of diversion: 2,640 feet distant from the Southwest corner
of Section 30, Twp. 48 N, Rge. 1 W, B. M., and is in the N. E. 1/4 of Govt. Lot 3
of Section 30, Twp. 48 N, Rge. 1 W B.M., County of Kootenai
5. Water is to be used for: Irrigation
6. If for any non-irrigation purpose, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, 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 _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: Dam
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 4 feet; length of dam at top 20 feet; length of dam at bottom 17

feet; material used in dam earth, sand and gravel from creek
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width 10 feet; Height 3 feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe 3 inches;

Length of conduit 1/4 miles. Average grade per mile 280 feet.

33589

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks:

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.

Gerald L. McGinn
Applicant.

By, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
County of) ss.

On this day of, 19....., before me, a Notary Public for the State of Idaho, residing at, personally appeared..... known to me to be the person.... whose name.... subscribed to the foregoing certificate, and acknowledged to me that he.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires

33589

Approval of State Reclamation Engineer

The number of this permit is 33589

Recorded in Book 117 Page 33589 approved MAY 19 1967

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 before

Work to begin on or before July 19, 1967, and to continue dillgently and uninterrupedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 19, 1968

The whole of said work to be completed on or before May 19, 1970

Beneficial use of water appropriated in accordance herewith, to be made on or before May 19, 1974

Witness my hand this 19th day of May 1967

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON SAMUELSON Governor of the State of Idaho,

and PETE T. CENARRUSA Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th day of May 1967

Countersigned:

By *Pete T. Cenarrusa*
Secretary of State.

STATE OF IDAHO

By *Don Samuelson*
Governor.

No. 33589

PERMIT

Date of first receipt at office of State
Reclamation Engineer

May 1, 1967 8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

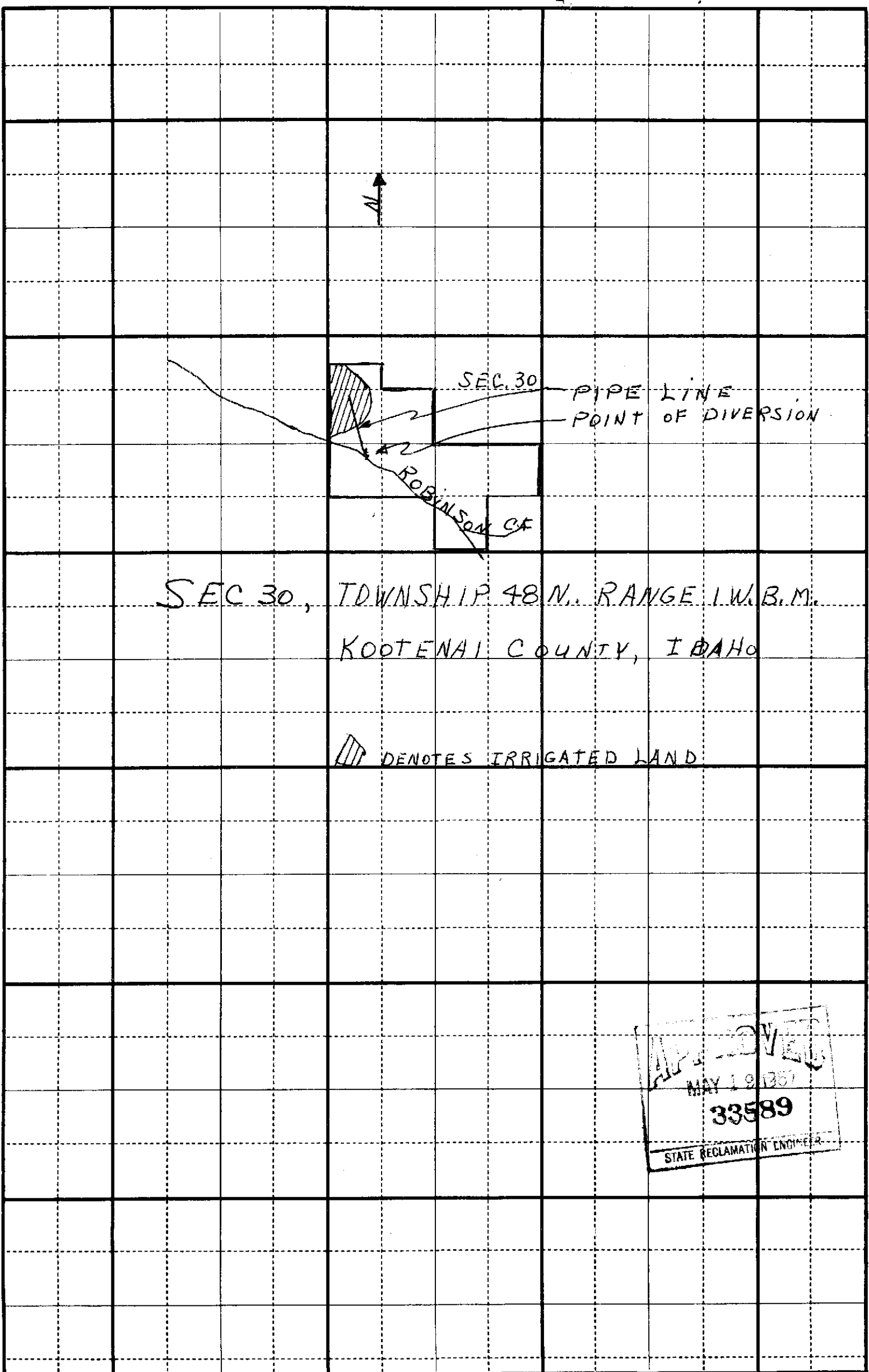
FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

33589



APPROVED
MAY 19 1967
33589
STATE RECLAMATION ENGINEER

February 9, 1982

RE: Permit No. 94-2223

Hugh O. Capps Jr. and Frances W. Capps
Box 223, Route #1
Cataldo, ID 83810

Dear Mr. and Mrs. Capps:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 6, 1981

RE: Permit No. 94-2223

Hugh O. Capps
Box 223, Route #1
Cataldo, ID 83810

Dear Mr. Capps:

A representative of this Department made an examination of the works covered by your Permit No. 94-2223 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.20 cfs Source: Robinson Creek

The maximum quantity diverted shall not exceed 30.0 acre feet
per year.

Point of diversion: GL 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 30, Twp. 48N, Rge. 1W

Beneficial use: Irrigation of 8 acres in GL 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 2 acres in
GL 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 30, Twp. 48N, Rge. 1W

Priority date established: May 1, 1967

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RECEIVED

SEP 23 1981

Department of Water Resources



UNCL

- ☐ Moved, Left No Address
- ☐ No Such Number
- ☐ Addressee Unknown
- ☐ Insufficient Address
- ☐ No Mail Receptacle
- ☐ Attempted, Not Known
- ☒ Forwarding Order Expired
- ☐ No Obvious Value

Rte # 5 Init AF Date 9-19-81

Hugh O. Capps Jr. & Frances W. Capps
3300 Ciniza Dr.
Gallup, NM 87301





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 11, 1981

Hugh O. Capps Jr. & Frances W. Capps
3300 Ciniza Dr.
Gallup, NM 87301

Dear Mr. & Mrs. Capps,
A representative of this Department made an examination of the works covered by your Permit No. 94-2223 on Sept. 22, 1980, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .20 cfs Source: Robinson Creek

The maximum quantity diverted shall not exceed 30.0 acre feet
per year.

Point of diversion: GL 3 (NWSW) Section 30, Twp 48N, Rge 1W

Beneficial use: Irrigation of 8 acres in GL 2 (SWNW), 2 acres in
GL 3 (NWSW) Section 30, Twp 48N, Rge 1W

Priority date established: May 1, 1967

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

Jim Johnson

Water Rights Supervisor

JG:j
Enclosure

MICROFILM

October 15, 1981

RE: Permit No. 94-2223

Hugh O. Capps Jr. & Frances W. Capps
3300 Ciniza Dr.
Gallup, NM 87301

Dear Mr. and Mrs. Capps:

On September 11, 1981, we forwarded an amendment to you so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated. If you have any questions, please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 11, 1981

Hugh O. Capps Jr. & Frances W. Capps
3300 Ciniza Dr.
Gallup, NM 87301

Dear Mr. & Mrs. Capps,

A representative of this Department made an examination of the works covered by your Permit No. 94-2223 on Sept. 22, 1980, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .20 cfs Source: Robinson Creek

The maximum quantity diverted shall not exceed 30.0 acre feet
per year.

Point of diversion: GL 3 (NWSW) Section 30, Twp 48N, Rge 1W

Beneficial use: Irrigation of 8 acres in GL 2 (SWNW), 2 acres in
GL 3 (NWSW) Section 30, Twp 48N, Rge 1W

Priority date established: May 1, 1967

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN JOHNSON
Water Rights Supervisor

JG:j
Enclosure

MICROFILMED

WICRIMED

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

(msmn)

Point(s) of diversion: GL-3, Sec 30, T48N, R1E

Place(s) of Use

[illegible]

Recommended Amendments:

- ☒ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other
- ☐ None

Examiner's Signature _____

Approved by _____

Checked by _____

Date _____

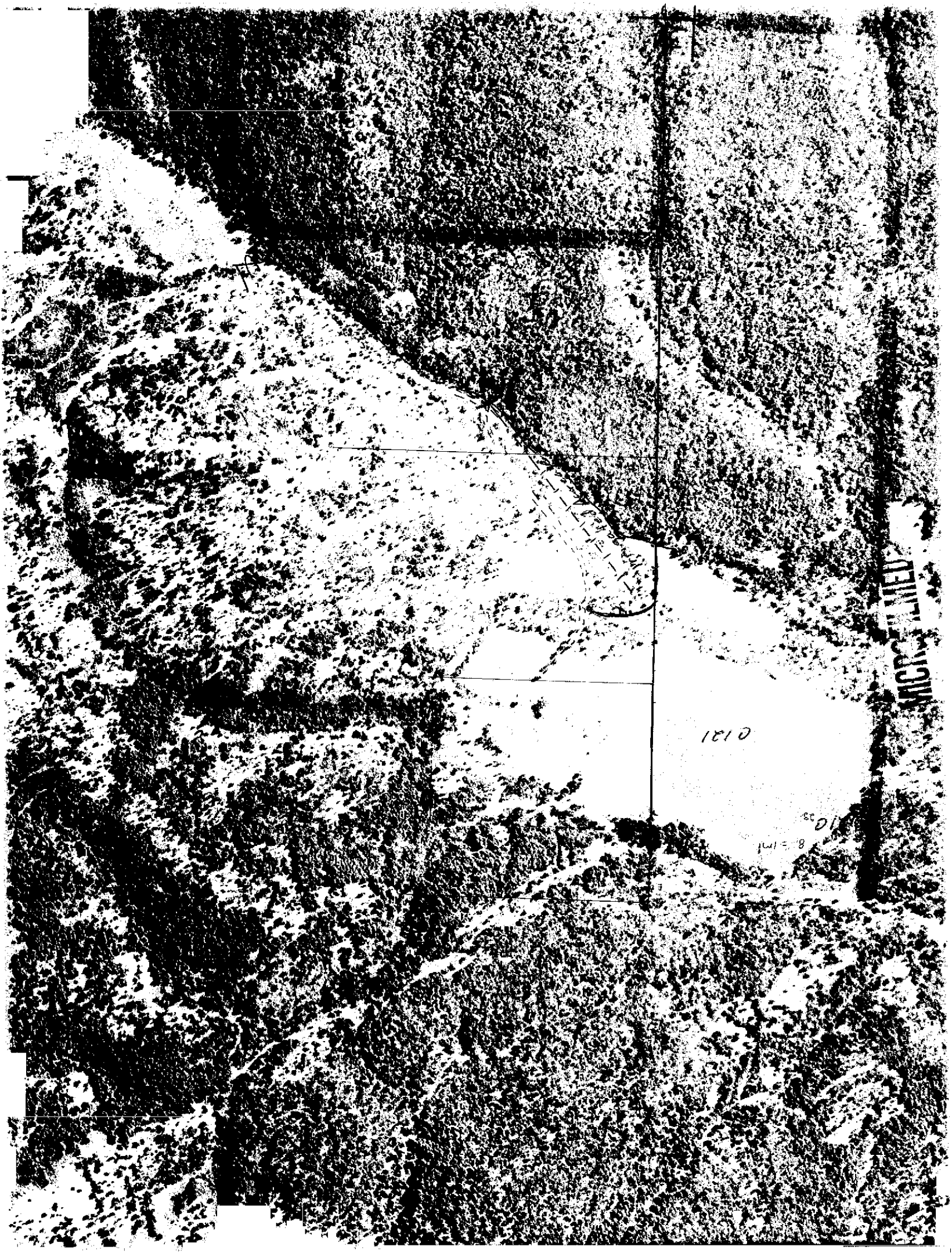
18/2/9

Date _____

08/1/92

Date _____

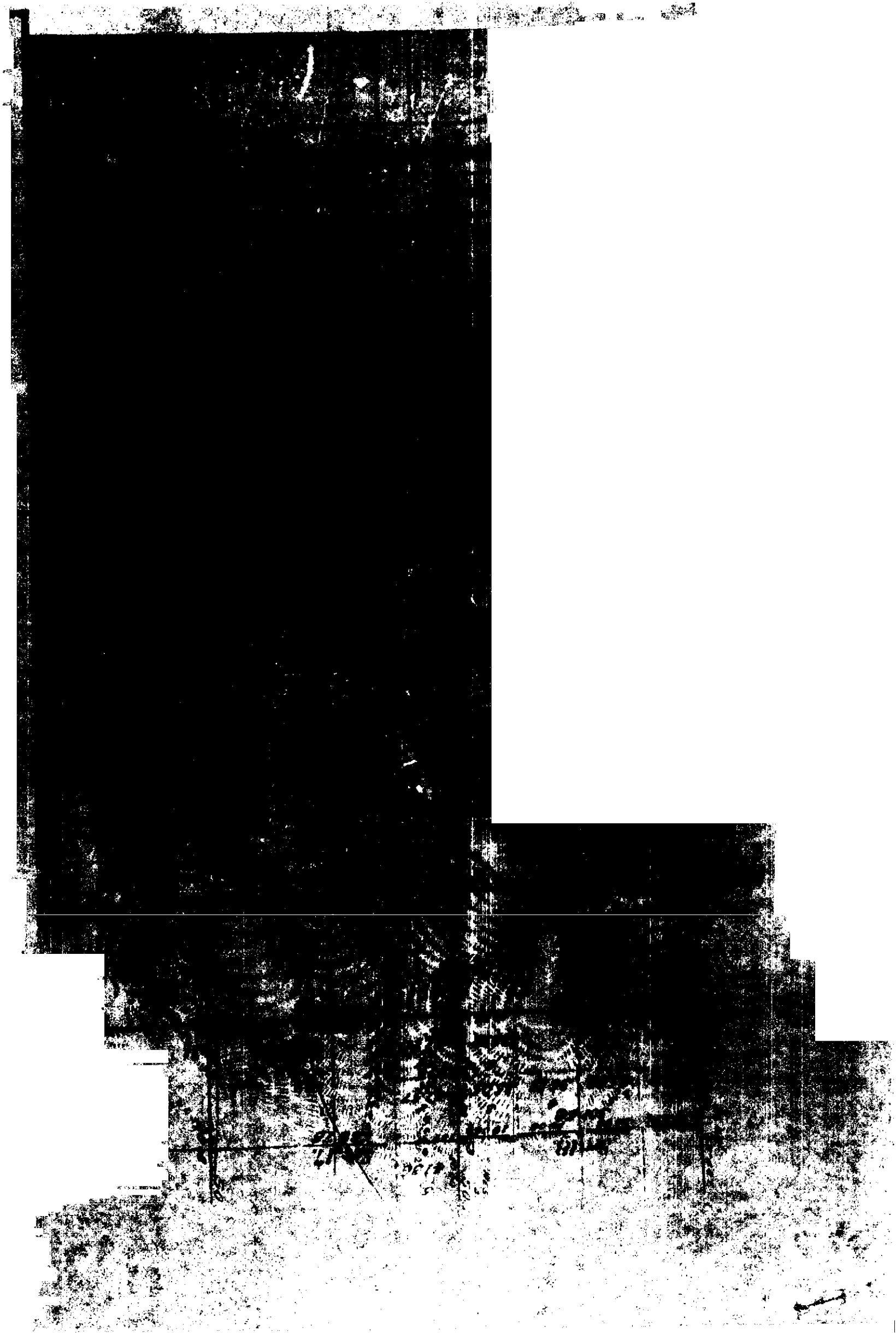
9-26-80



UNCLASSIFIED

0101

0101
101-8



WATER PLOTT NIEBRO 04-3222

OWNER LAST NAME - MC KIM
OWNER LAST NAME - CAPPS, JR.
OWNER LAST NAME - CAPPS

FIRST NAME - GERALD C.
FIRST NAME - HUGH O.
FIRST NAME - FRANCES W.

0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
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8	8	8
9	9	9

ADDRESS LINE 1 - ~~3300 CHINA DR.~~ RT. 1 BOX 223
ADDRESS LINE 3 -

ADDRESS LINE 2 -
CITY - BALTIMORE

CATNaldo

STATE - ~~##~~ ZIP CODE - 87301

SOURCE - ROBINSON CREEK

PRIMARY OF - COEUR D'ALENE RIVER

838/0

STAGE PERMIT

STATUS -

PRIORITY - 05-01-1967 COUNTY - KODJENAI

TOTAL DIV. RATE - 4000 - CFS

TOTAL DIV. VOLUME - 30.0 .00 AFA TRFR/AMEND -

WATER DIST. -

BLE/CAREY ACT - R

BASIS -

DIVERSION POINT - NWSN 30 48N 01W LUT 03 REDIV -

420.0 4

14.0 1.0 0.0

0.0 0.0 0.0 0.0 2.0

FROM - 3-15 TO - 11-15 USE - INVESTIGATION

USE DIV. RATE - 1

000 CFS USE DIV. VOLUME - 30.0 .00 AFA

USE - IRRIGATION

PLACE OF USE - TWIN 48N RANG 01W SEC 30 TRACT

LOT 01 AC 10 TRACT ~~01~~ LOT 02 AC 10

DECLASS NAME -

from Lic.

DATE -

TRACT	TOTAL ACRES	20
1	20	20
2	20	20
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OTHER RIGHTS FOR SAME USE -

PROUD - 05-19-1974 PERMIT/DENIED - 05-19-1967 PROTESTED -

HEARING -

DLG NO. - 33589

PROOF MADE - P FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DAM, HEADGATE & PIPELINE.

3/79

IDENT. NO. 94-2223

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

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

March 28, 1974

Please file

Re: Permit No. 33589/94-2223

Mr. Hugh O. Capps, Jr.
3300 Ciniza Drive
Gallup, New Mexico 87301

Dear Mr. Capps:

A permit to appropriate water from Robinson Creek for the irrigation of 20 acres was issued to Mr. McKim on May 19, 1967. Mr. McKim then had until May 19, 1974, in which to complete his project and apply the water to a beneficial use.

On March 18, our Department received a request from Mr. McKim for an extension of time in which to complete the development. On March 21 we issued a denial of this request on the grounds that no development had taken place as stated in accordance with the permit. Therefore, proof of beneficial use of the water is due on May 19, 1974. There will be a 60-day period after that date in which to reinstate the permit by submitting the proof.

If you are now the holder of Permit No. 94-2223, you should have Mr. McKim complete the enclosed assignment form. We would then have your name appearing as the holder of the permit.

We hope this has answered your questions. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

bcc: Boise Office

94-2223

RECEIVED
MAR 21 1974

3300 Ciniza Drive
Gallup, New Mexico 87301
March 19, 1974

RECEIVED
MAR 22 1974

Department of Water Administration
Northern Idaho

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

Dear Mr. Higginson:

I am writing you regarding my interest in a water permit No. 33589/94-2223, issued to a Mr. Gerald L. McKim for Robinson Creek in Northern Idaho. My wife and I purchased the land from Mr. McKim in October 1973 with the understanding that the water rights would be transferred with the land upon payment to the State of Idaho of a transfer fee of two dollars. When my agent went to the office in Coeur d' Alene to execute the transfer he was informed that no work had been done and unless some beneficial work was accomplished prior to May 1974 the permit issued to Mr. McKim would be cancelled.

I have just received from Mr. McKim a copy of his letter to you dated March 11, 1974, requesting an extension together with a copy of your letter to him dated March 1, 1974, requesting his proof of application of water to beneficial use as a condition for approval of Permit No. 33589/94-2223.

My question is, how do I have the water rights permit to the property purchased by me transferred from Mr. McKim to my name with ample time to complete the work required for an approved permit? Next, I need to know the requirements I must meet in order to be granted an approved water permit. If you can provide me with the above information, then I will be able to start work this summer.

It is my intention to move onto the property late this year or early next year when I retire; therefore, I am very interested in securing the approved water rights to Robinson Creek for future use.

May 19, 1974
March 19 received extension
March 21 sub out denied

94-2223

Enclosed find a stamped self-addressed envelope for your convenience in answering my questions and supplying the State requirements I need to meet in order to qualify for a valid water permit.

Sincerely,

Hugh O. Capps, Jr.

Hugh O. Capps, Jr.

Enclosure

Q4-2223

May 17, 1974

Re: Permit No. 33589/94-2223

Hugh O. & Frances W. Capps
3300 Ciniza Drive
Gallup, New Mexico 87301

Dear Mr. & Mrs. Capps:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell 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 concerning the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

cc: Lyman S. Bates
3504 W. Kierman
Spokane, WA 99205

94-2223

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAY 3 1974 *JP*

Department of Water Administration
Northern District Office

1. a) Name of Permit Holder Hugh O. Capps, Jr. and Frances W. Capps
b) Post Office Address 3300 Ciniza Drive, Gallup, New Mexico 87301
2. Permit Number 33589/94-2223
3. Date of Priority that you are prepared to establish May 1, 1967
4. a) Source from which water was appropriated Robinson Creek
b) Location of the point of diversion: Gov't. Lot 2 ~~1/4~~ Section 30
Township 48N, Range 1W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 0.16 cfs for Irrigation purposes from June 1 to Oct. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.16 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: By specification of pump, Jacuzzi model
5M and 2" pipe with sprinklers, 40' radius.

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: _____
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) _____
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed _____

FOR EXAM, PLEASE CONTACT: Lyman S. Bates at 327-7314.

Exam typed *JP*

94-2223

~~SEPT. 11, 1976~~

Carla M. Rocco
Notary Public residing at _____
C.D.N.

On this 3rd day of MAY, 1974, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

State of IDAHO ss. County of KOOTENAI

5/3/74 (Date)

(Signature)
 Francis W. Cooper

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

8 Total number of acres irrigated

[illegible]

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: 8 acres of pasture land.

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

2700-116

April 16, 1974

Re: Permit No. 33589/94-2223

Hugh O. Capps, Jr. & Frances W. Capps
3300 Ciniza Drive
Gallup, New Mexico 87301

Dear Mr. & Mrs. Capps:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed accordingly.

You should be aware that proof of beneficial use of water is due under this permit on or before May 19, 1974. Enclosed is a copy of the proof due notice sent by certified mail to Mr. McKim on March 1, 1974.

We wish also to advise you that Mr. McKim requested an extension of time within which to submit proof. A copy of that request, which was denied, is enclosed for your review.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jg
Enclosures

94-2223

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

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

March 28, 1974

SDT

Re: Permit No. 33589/94-2223

Mr. Hugh O. Capps, Jr.
3300 Ciniza Drive
Gallup, New Mexico 87301

Dear Mr. Capps:

A permit to appropriate water from Robinson Creek for the irrigation of 20 acres was issued to Mr. McKim on May 19, 1967. Mr. McKim then had until May 19, 1974, in which to complete his project and apply the water to a beneficial use.

On March 18, our Department received a request from Mr. McKim for an extension of time in which to complete the development. On March 21 we issued a denial of this request on the grounds that no development had taken place as stated in accordance with the permit. Therefore, proof of beneficial use of the water is due on May 19, 1974. There will be a 60-day period after that date in which to reinstate the permit by submitting the proof.

If you are now the holder of Permit No. 94-2223, you should have Mr. McKim complete the enclosed assignment form. We would then have your name appearing as the holder of the permit.

We hope this has answered your questions. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

bcc: Boise Office ✓

94-2223

RECEIVED

MAR 21 1974

3300 Ciniza Drive
Gallup, New Mexico 87301
March 19, 1974
Department of Water Administration

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

Dear Mr. Higginson:

I am writing you regarding my interest in a water permit No. 33589/94-2223, issued to a Mr. Gerald L. McKim for Robinson Creek in Northern Idaho. My wife and I purchased the land from Mr. McKim in October 1973 with the understanding that the water rights would be transferred with the land upon payment to the State of Idaho of a transfer fee of two dollars. When my agent went to the office in Coeur d'Alene to execute the transfer he was informed that no work had been done and unless some beneficial work was accomplished prior to May 1974 the permit issued to Mr. McKim would be cancelled.

I have just received from Mr. McKim a copy of his letter to you dated March 11, 1974, requesting an extension together with a copy of your letter to him dated March 1, 1974, requesting his proof of application of water to beneficial use as a condition for approval of Permit No. 33589/94-2223.

My question is, how do I have the water rights permit to the property purchased by me transferred from Mr. McKim to my name with ample time to complete the work required for an approved permit? Next, I need to know the requirements I must meet in order to be granted an approved water permit. If you can provide me with the above information, then I will be able to start work this summer.

It is my intention to move onto the property late this year or early next year when I retire; therefore, I am very interested in securing the approved water rights to Robinson Creek for future use.

94-2223

May 19, 1974
March 18 received letter
March 21 sent out denial

Enclosed find a stamped self-addressed envelope for your convenience in answering my questions and supplying the State requirements I need to meet in order to qualify for a valid water permit.

Sincerely,

Hugh O. Capps, Jr.

Hugh O. Capps, Jr.

Enclosure

94-2223

March 21, 1974

Re: Permit No. 33589/94-2223

Gerald L. McKim
Box 44
Silverton, ID 83867

Dear Mr. McKim:

Enclosed is a copy of the DENIED application for extension of time submitted in connection with the above referenced permit.

You should be aware that Idaho is under a mandatory permit system, therefore, it will be necessary to file an application for permit at such time as you continue to develop this project.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosure

94-2223

March 13, 1974

Re: Permit No. 33589/94-2223

Gerald L. McKim
Box 44
Silverton, ID 83867

Dear Mr. McKim:

Pursuant to your letter dated March 11, 1974, we are enclosing an application for extension of time form.

This application form will give us the information we need to process your extension request.

Please complete this form and submit it to our office on or before the date set for proof, May 19, 1974.

If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Jan Carpenter, Secretary to
Bobby D. Fleenor
Assistant Director

JC
Enclosure

94-2223

RECEIVED

MAR 13 1974

Department of Water Administration

March 11, 1974
Box 44,
Silverton, Idaho 83867

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

Re: Permit No. 33589/94-2223

Dear Sir:

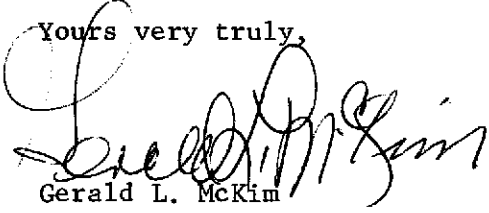
In reference to the above Permit for Application of Water to Beneficial Use ,
I have not at this time met the conditions necessary for the issuance of a Permit.

I therefore request an extension of time for compliance of said conditions.

I sold the property in October of 1973 on contract to Mr. Hugh O. Capps, Jr.;
3300 Ciniya Drive, Gallup, New Mexico, 87301. It is his intention to complete
said conditions, as I had originally intended , and desires the maximum extension
of time allowed in this case.

Thank You for your consideration.

Yours very truly,


Gerald L. McKim

CC: Hugh O. Capps, Jr.,
3300 Ciniya Drive
Gallup, New Mexico 87301

94-2223

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

①

L. Gerald Hickman, Ingrid Hickman

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

MAR 4 1974

③

94-2223

PS Form 3811 Sep. 1972

655-10-81277-2

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

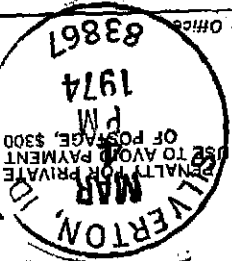
DEPARTMENT OF WATER ADMINISTRATION

POINT TO POINT

	• Print in the space below your name, address, including ZIP Code.
	• If special services are desired, check block(s) on other side.
• Moisten gummed ends and attach to back of article.	

SENDER INSTRUCTIONS

Postmark of Delivering Office



RETURN
TO



94-20023

March 1, 1974

CERTIFIED MAIL

25174

Re: Permit No. 33589/94-2223

Gerald L. McKim
Box 44
Silverton, Idaho 83867

Dear Mr. McKim:

One of the conditions of approval of your water Permit No. 33589/94-2223 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 19, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

94-2223

Enc: Proof affidavit

March 30, 1970

Re: Permit No. 33589/94-2223

Mr. Gerald L. McKim
Box 44
Silverton, Idaho

Dear Mr. McKim:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until May 19, 1974, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG

33589
94-2223

March 11, 1970

Re: Permit No. 33589/94-2223

Mr. Gerald L. McKim
Box 44
Silverton, Idaho

Dear Mr. McKim:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until May 19, 1974; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Coeur d'Alene Press, Coeur d'Alene, Idaho, and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG

94-2223
33589

January 15, 1970

Re: Permit No. 33589/94-2223

Gerald L. McKim
Box 44
Silverton, Idaho 83867

Dear Mr. McKim:

The legal notice for the above referenced permit is being published in the Coeur d'Alene Press, Coeur d'Alene, Idaho, on January 22 and January 29, 1970.

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

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

33589
94-2223

January 15, 1970

Re: Permit No. 33589/94-2223 - Gerald L. McKim

Coeur d'Alene Press
Coeur d'Alene, Idaho 83814

Gentlemen:

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

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

The expense of the publication is to be paid by Gerald L. McKim, Box 44, Silverton, Idaho 83867,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

33589
94-2223

RECEIVED
of
Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Gerald L. McKim, Box 44, Silverton, Idaho.
_____ has received an approved permit No.
33589/94-2223 issued by the Idaho State Reclamation Department authorizing the
diversion ~~at the~~ of 0.4 cubic feet per second ~~at the~~ ~~of~~ ~~the~~ ~~of~~
of water from Robinson Creek, tributary of the Coeur d'Alene River,
subject to all prior rights. The priority to be established under this permit is
May 1, 1967 and the permit was approved May 19, 1967.
Water is to be diverted by dam
from a point within the NE 1/4, Govt. Lot 3, Sec. 30, T. 48 N. R. 1 W. B. M.,
Kootenai County,
to be used for irrigation
in the N 1/2 NW 1/4 (Govt. Lot 1), SW 1/4 NW 1/4 (Govt. Lot 2), Sec. 30, T. 48 N.
R. 1 W. B. M.
Proof of the application of the water to beneficial use is to be submitted to the
department on or before May 19, 1974. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho. on
~~January 20~~ January 20 and January 29, 1970.

State Reclamation Engineer:

Permit No. 33589/94-2223

You are hereby authorized to have the attached notice published at my expense in
the Coeur d'Alene Press of Coeur d'Alene, Idaho;
published in the county in which the works are situated.

(Signature)

(Address)

(Date)

33589

94-2223

January 2, 1970

Re: Permit No. 33589 (New No. 94-2223)

Gerald L. McKim
Box 44
Silverton, Idaho 83867

Dear Mr. McKim:

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package
33589
94-2223

September 22, 1967

Re: 33589 - Permit
Edward & Shirley Fox vs. Mr. McKim

William D. McFarland
Attorney at Law
816 Sherman Avenue
Coeur D'Alene, Idaho 83824

Dear Mr. McFarland:

We are in receipt of your letter of September 15, 1967 on the above referenced permit.

Please be advised that Permit 33589 was received by the Department of Reclamation on May 1, 1967, 8:00 a.m. and was approved on May 19, 1967. The permit authorized the diversion of 0.4 c.f.s. of the waters of Robinson Creek, with the point of diversion 2,640 feet from the SW corner of Sec. 30, T. 48 N, R. 1 W, B.M. and is in the NE $\frac{1}{4}$ of Government Lot 3 in Sec. 30. The permit is to irrigate 20 acres as follows: 10 acres in Government Lot 1 and 10 acres in Government Lot 2 (W $\frac{1}{2}$ NW $\frac{1}{4}$), Sec. 30, T. 48 N, R. 1 W, B.M. Work is to begin on or before July 19, 1967. One-fifth of the work is to be completed on or before November 19, 1968. The whole of said work is to be completed on May 19, 1969. Then proof of beneficial use must be submitted on or before May 19, 1974.

If your clients wish to protest action on this permit, their protest should be directed to the State Reclamation Engineer, outlining in detail, the nature of the protest and listing all appurtenant information.

Please contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

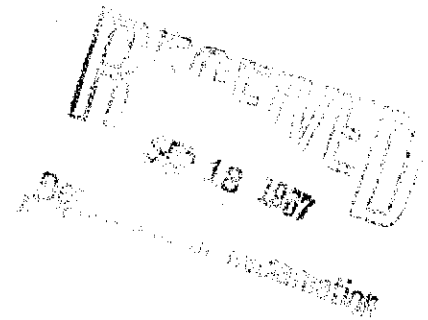
DWM:nw

33589

McFARLAND & McFARLAND
ATTORNEYS
COEUR D'ALENE PROFESSIONAL CENTER
816 SHERMAN AVENUE
COEUR D'ALENE, IDAHO 83814

W. B. McFARLAND
WM. D. McFARLAND

September 15, 1967



33589

State Reclamation Engineer
State of Idaho
107 State House
Boise, Idaho

Dear Sir:

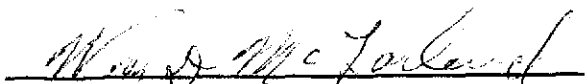
Edward H. Fox and Shirley L. Fox who are purchasing under contract portions of Sections 23 and 26, Township 48 North, Range 2 W.B.M., Kootenai County, Idaho, have been advised that a Mr. McKim has made application to build a dam and divert water from Robinson Creek which runs through their property.

They wish to protest such action as it will divert water from Robinson Creek from which they and several of their neighbors obtain water for cattle and domestic purposes.

We would very much appreciate it if you would advise us as to whether such an application has been filed, and if so, when and where the hearing on the application has been set.

Yours truly,

McFARLAND & McFARLAND


Wm. D. McFarland
A Member of the Firm
Residence & P. O. Address:
Coeur d'Alene, Idaho

Attorneys for Edward H. and
Shirley L. Fox

WDM:s

33589

May 31, 1967

33589

Re: Permit No.

Gerald L. McKim
P.O. Box 44
Silverton, Idaho 83867

Dear Mr. McKim:

33589

We enclose Permit No. _____ in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

33765

We also enclose Departmental Receipt No. 5.00 which was issued covering payment in the amount of \$ _____ for the filing fee of the above mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ajw

permit, receipt

Enc:

33589

GERALD L. MCKIM
BOX 44
SILVERTON, IDAHO

RECEIVED
MAY 1 1967
Department of Reclamation

April 28, 1967

33589

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

ATTN: Mr. Robert W. Hamilton

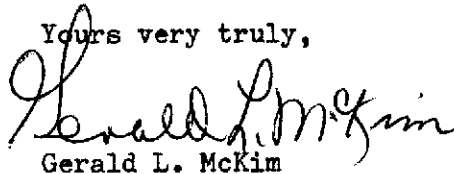
Dear Sir,

Enclosed please find my application for permit to appropriate the public water in the State of Idaho from Robinson Creek, Kootenai County.

I am enclosing a check in the amount of \$5.00 for permit fees.

If there are any questions concerning this application, please contact the undersigned.

Yours very truly,


Gerald L. McKim

GLM/mem

Encs.

33589