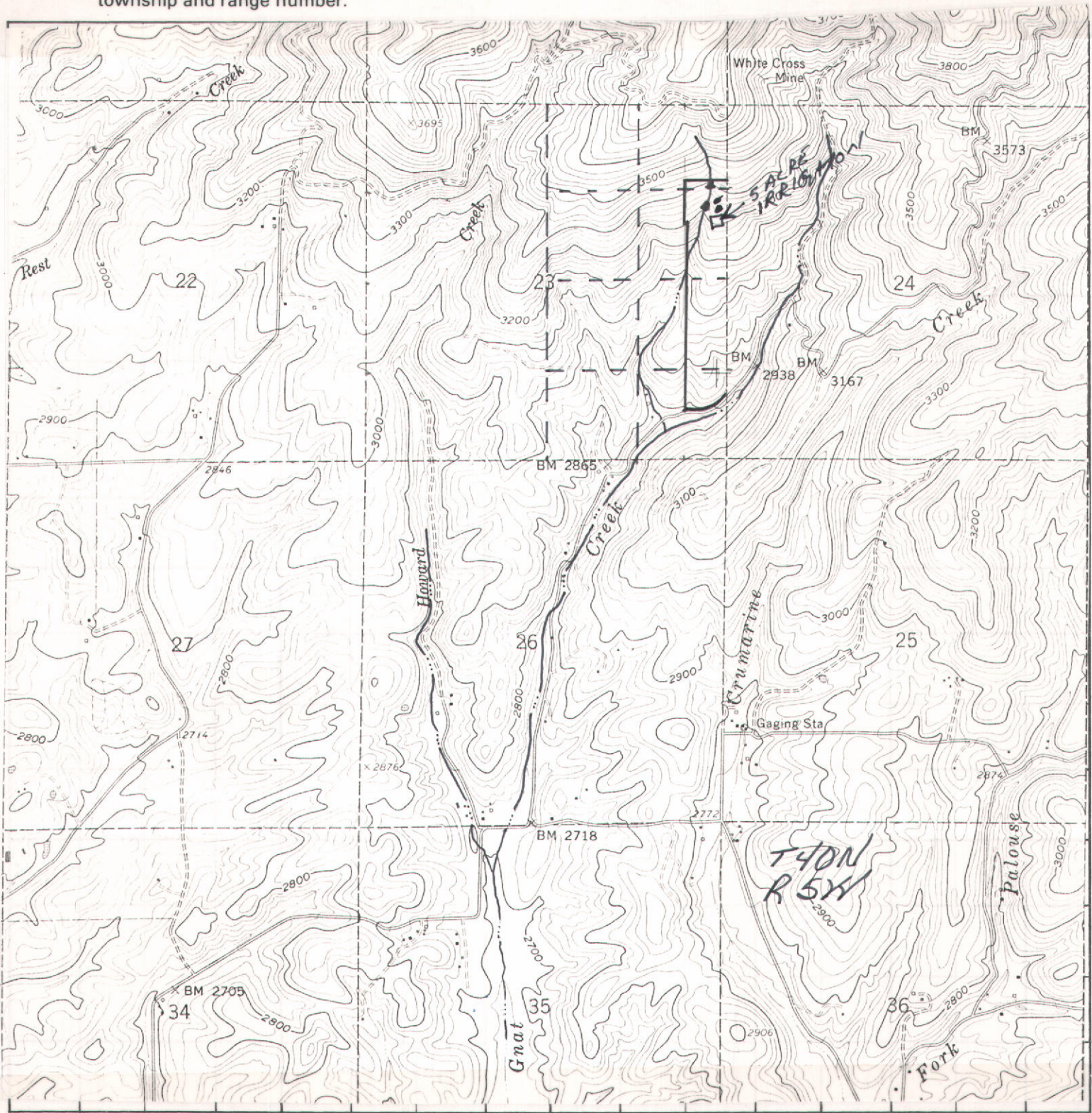


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



MICROFILMED

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.

x *James H. Austin*
(Applicant)

SKETCH #1
PONDS



UNNAMED
SMALL
STREAM

WILDLIFE
PONDS

DRY STREAM
BED

14 13

23 24

2 SMALL WILDLIFE
PONDS WITH
PIPE LINE FROM
THE NORTHWEST
WILDLIFE POND
DOWN TO THE OTHER
POND

HOUSE
PROPOSED WELL SITE
(PIPE LINE TO HOUSE)

MOSCOW MT. CREEK

23 24

26 25

SKETCH #2
POTENTIAL DRIP
IRRIGATION

14 13

23 24

PIPELINE BETWEEN
2 WILDLIFE PONDS

MAXIMUM AREA 5 ACRES
FOR DRIP IRRIGATION
OF TREES FROM
NORROW OF TULO
WILDLIFE PONDS
NEXT TO HOUSE

MOSCOW MT. CREEK

23 24

26 25

SKETCH #3
SAME AS #2
AND #1 BUT TO
SHOW LOT DIMENSIONS
OF 42.3 ACRES

660
660
778'
1444'

PROPOSED
PIPE LINE WELL SITE
TO HOUSE

3178'

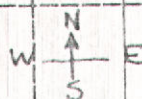
23 24

MICROFILMED

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

THESE 3 SKETCHES ARE ALL OF
THE SAME 42 ACRES, AND ARE SEPARATELY
DEPICTED FOR PURPOSES OF CLARITY

SKETCH #1
PONDS



UNNAMED
SMALL
STREAM

WILDLIFE
PONDS

DRY STREAM
BED

14 13

23 24

HOUSE

PROPOSED WELL SITE
(PIPE LINE TO HOUSE)

2 SMALL WILDLIFE
PONDS WITH
PIPE LINE FROM
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WILDLIFE POND
DOWN TO THE
PO

MOSCOW MT. CREEK

23 24

26 25

SKETCH #2
POTENTIAL DRIP
IRRIGATION

14 13

23 24

PIPELINE BETWEEN
2 WILDLIFE PONDS

MAXIMUM AREA 5A
FOR DRIP IRRIGATION
OF TREES FROM
NORROW OF TWO
WILDLIFE PONDS
NEXT TO HOUSE

MOSCOW MT. CREEK

23 24

26 25

SKETCH #3
SAME AS #2
AND #1 BUT TO
SHOW LOT DIMENSIONS
OF 42.3 ACRES

660

660

778'

1744'

3178'

PROPOSED
PIPE LINE WELL SITE
TO HOUSE

23 24

Scale: 2 inches equal 1 mile, 21 SIDE OF SECTION

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.

James H. Gustafson, Jr.

(Applicant)

MICROFILMED

DIRECTIONS:

IN MOSCOW, GO TOWARD NORTH END OF TOWN AND TAKE 'D' ST. TO MT. VIEW ROAD. GO NORTH ON MT. VIEW OVER A MILE AND A HALF UNTIL YOU COME TO THE SECOND GRAVEL RD. LEADING OFF TO THE RT.

STAY ON GRAVEL RD (MOSCOW MT. RD) SOME 4.3 MILES. TURN INTO A PRIVATE ROAD AT THE METAL GATE. DRIVE UP THE HILL TO THE AUSTINS.

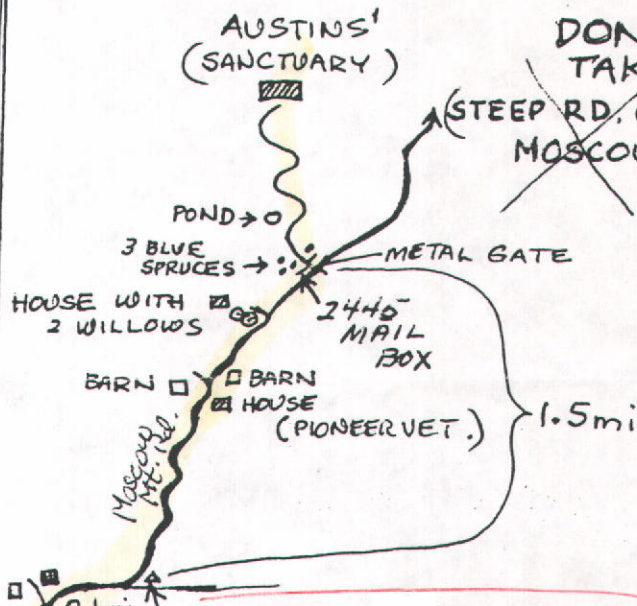
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NORTHWESTERN REGION
IDWR

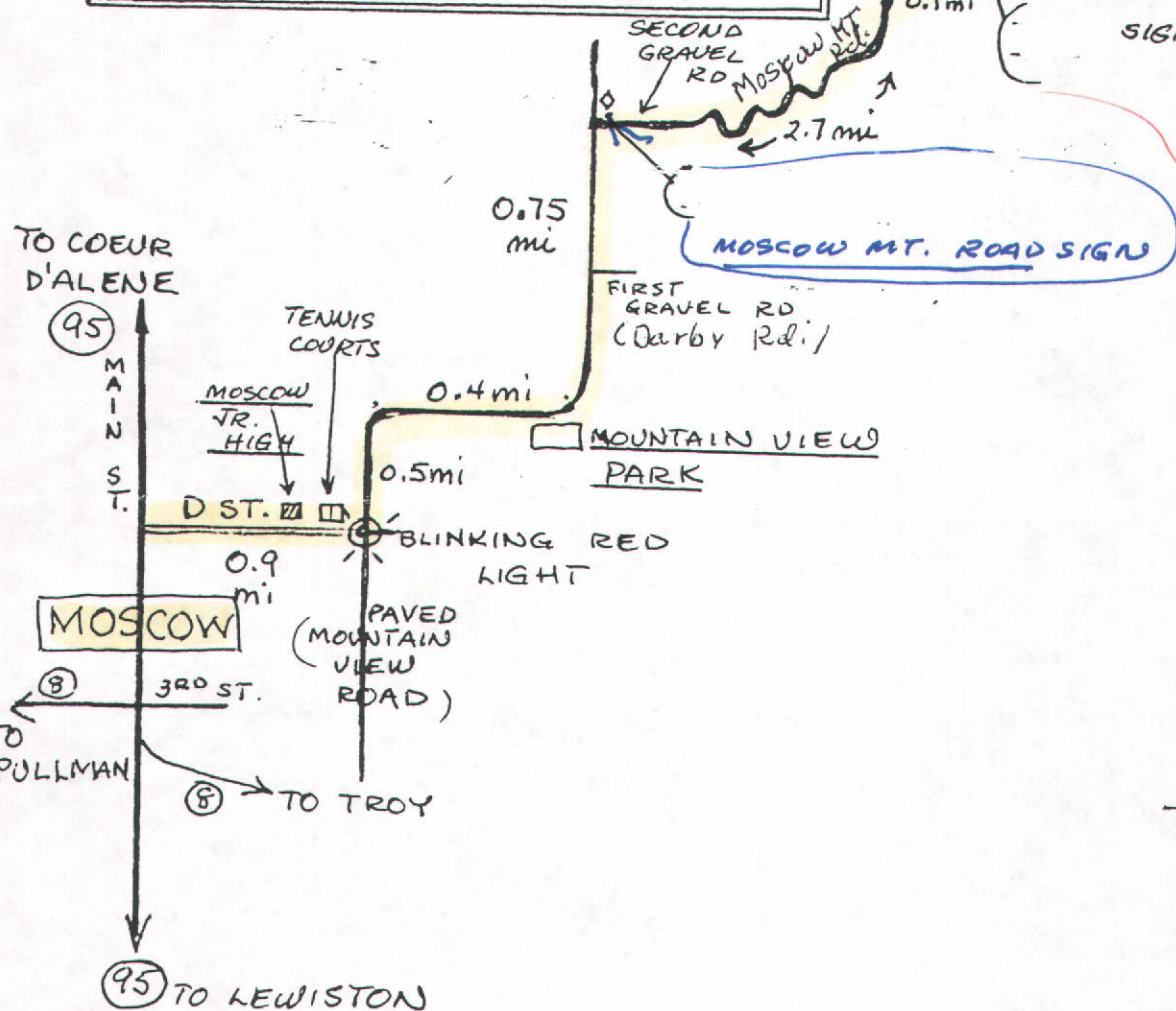
~~DONT TAKE~~

~~(STEEP RD. UP MOSCOW M.)~~

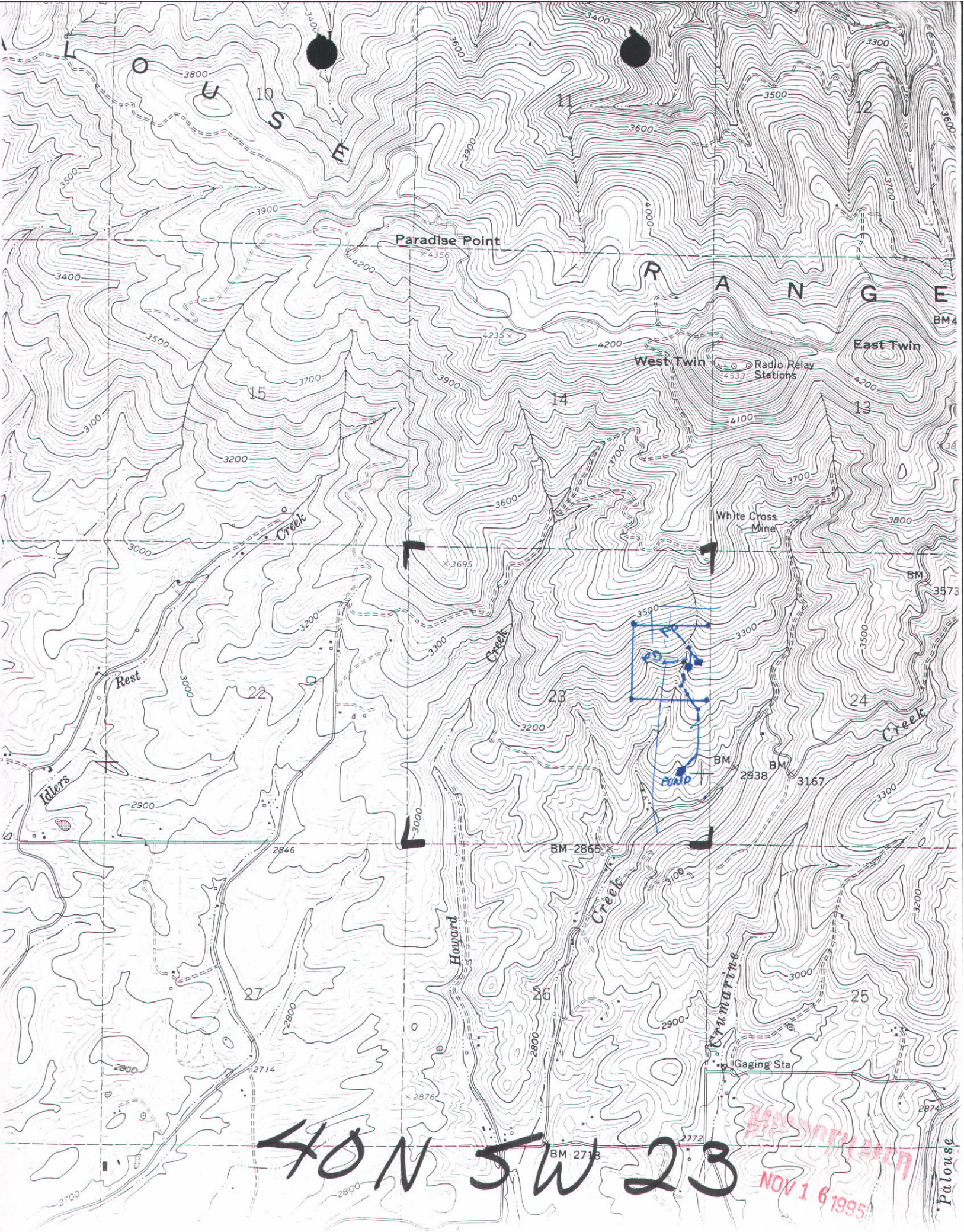


SIGNS: PIONEER VET.

MOSCOW MT. RD



NOV 16 1995





P.D. ①



P.D. 2



Pond + Irrigation

500 gall Storage (X2)



Pond + Irrigation



MICROFILMED

NOV 16 1995

P.D. ①



P.D. 2



Pond + Irrigation

500 gall storage (X2)



Pond + Irrigation



MAIDREILMEN
NOV 16 1995

P.D. 2

Pond + Irrigation

500 gall storage (x2)



Pond + Irrigation



MICROFILMED

NOV 16 1995

Pond + Irrigation

500 gall Storage (X2)

Pond + Irrigation

MICROFILMER

NOV 16 1995



6 29 '95



Pond + Irrigation

MIPOFILMEN
NOV 16 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 87-07125

Priority: June 23, 1986

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

18.0 AF

This is to certify, that JAMES HENRY AUSTIN

2445 MOSCOW MOUNTAIN RD

MOSCOW ID 83843

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 23, 1986; and has submitted Proof of Beneficial Use on August 31, 1992. An examination indicates that the works have a diversion capacity of 0.130 cfs of water from:

UNNAMED STREAM
SPRINGS

tributary to GNAT CREEK

tributary to GNAT CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.05 CFS	15.0 AF
IRRIGATION STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		3.0 AF
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.09 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESENE, Sec. 23, Township 40N, Range 05W
SESENE, Sec. 23, Township 40N, Range 05W
LATAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
40N	05W	23	SENE	5		5

Total number of acres irrigated: 5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: WILDLIFE STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
40N	05W	23
		NENE
		SENE

NOV 16 1985

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 87-07125

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13th day of OCTOBER, 1995.

Acting for

KARL J. DREHER, Director

NOV 16 1995

APPROVED

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OCT 13 1995

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 87-07125

Date of Priority: June 23, 1986

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume: 18.0 AF

JAMES HENRY AUSTIN
2445 MOSCOW MOUNTAIN RD
MOSCOW ID 83843

N

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. 87-07125, and requests that the permit be changed as follows:

Source: UNNAMED STREAM
Source: SPRINGS

tributary to GNAT CREEK
tributary to GNAT CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.05 CFS	15.0 AF
IRRIGATION STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		3.0 AF
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.09 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESENE , Sec. 23, Township 40N, Range 05W
SESENE , Sec. 23, Township 40N, Range 05W
LATAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
40N	05W	23	SENE	5		5

Total number of acres irrigated: 5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: WILDLIFE STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
40N	05W	23	NENE
			SENE

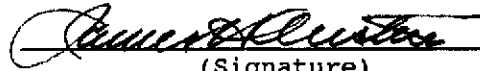
NOV 16 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 87-07125

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

Signed at Moscow, ID., this 10 day of October, 1957.


(Signature)

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NOV 1 1957

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 87-07125

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by JW # C033719 Date 10-13-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 87-07125 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for the lands above.

Witness my hand this 13TH day of OCTOBER, 1995

Acting for Karl J. Dreher
KARL J. DREHER, Director

RECEIVED
NOV 1 8 1995

RECEIVED

AUG 31 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00
Date 8-31-92
Receipt No. 602534
Receipt by [Signature]

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 87-07125 Telephone No. 208-882-7579 Ext 268
2. Name(s) of Permit Holder(s): JAMES H. AUSTIN
3. Mailing Address: Hillcrest Motel, Apt 268, 706 N. Main St. Moscow, ID.
4. Source of Water: UNNAMED SMALL STREAM(S)

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 5 (No. of acres) Other WILDLIFE PONDS, FIRE FIGHTING RESERVOIR

6. Total rate and/or volume for which proof is submitted
- .75 .09
- cfs OR
- 3.0
- acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No ☒ Installed? _____ Yes ☒ No ☒OR
Flow Measurement Port: Required? _____ Yes ☒ No ☒ Installed? _____ Yes ☒ No ☒

8. Fee Enclosed: \$
- 50.
- (See License Fee Schedule on back of Instruction Sheet) (
- attached
-)

9. Person to contact to accompany the Department representative during field examination of the water system.

JAMES H. AUSTIN 208-882-7579 Ext 268
Name Telephone No.Hillcrest Motel, Apt. 268 706 N. MAIN ST MOSCOW, ID. 83843
Address SEP 17 1992

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho. DAMS HAVE NOT BEEN USED TO DIVERT UNNAMED STREAM. INSTEAD SMALL SPRINGS HAVE BEEN DEVELOPED TO RUN H₂O TO IRRIGATE CRP ACRES, AND TO SMALL 500 GAL RESERVOIRS.
- 8/25/92 [Signature]
Date Signature (and title, if on behalf of a company or organization)

RECEIVED
JUL 25 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 87-07125

Name(s) of Permit Holder: JAMES H. AUSTIN MD.

Post Office Address: 6790 E. CEDAR, #602 DENVER, COLO. 80224

Telephone No. 303-388-6107

Date Proof is Due: SEPT 1, 1990

Describe what work has been completed toward the development of this water right: (1) REGION OF TWO UPPER
(This must be filled out! If no work has been completed, show "none".)

PONDS NEAREST HOUSE SITE DUG OUT; DAMS COULDN'T BE COMPACTED IN 1987
BECAUSE OF DROUGHT. (2) LARGE DAM CONSTRUCTED, 1988, ON POND SITE #5;
13' DEEP WATER, AND POND SIZE 175' X 105'. (3) RAINBOW TROUT PLANTED 1990.
COSTS: (1) \$1000 (2) \$6637 (3) \$24 TOTAL Costing \$ 7661.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

(1) UPPER DAMS COULDN'T BE COMPACTED, 1987 (DROUGHT). (2) CRP PROGRAM BY
FEDERAL GOVT. WAS TEMPORARILY DISCONTINUED, MEANING THAT CRP-AIDED TREE
PLANTING IN UPPER ACREAGE NEAR HOUSE, COULDN'T GO FORWARD. PLANS
FOR THESE UPPER 5 TREE PLANTED ACRES ARE EXPECTED TO MATERIALIZE
Permit holder(s) request an extension to SEPT 1, 1993.

UNDER CRP AUSPICES IN 1991-1992 WHEN I *IF OTHER THAN PERMIT HOLDER,
FEE: \$15.00 WILL RE-APPLY TO CRP. (3) HOUSE WILL POWER OF ATTORNEY MUST BE SUPPLIED.
BE BUILT IN 1992 WHEN WE MOVE TO MOSCOW IDAHO.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

SEP 24 1990

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to September 1, 1992.

Signed this 13TH day of September, 1990.

A. M. Saylor
Chief, Water Allocation Bureau

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 87-7125 IN THE NAME OF	)	ORDER EXTENDING
	)	DUE DATE FOR SUBMITTAL
JAMES HENRY AUSTIN	)	OF PROOF OF CONSTRUCTION OF
	)	WORKS AND BENEFICIAL USE

The issue of the length of time permitted for submittal of proof of construction of works and beneficial use having come before the Department by request of the permit holder, the Department finds and concludes as follows:

FINDINGS OF FACT

1. On August 11, 1986, the Department approved Application No. 87-7125, filed in the name of James Henry Austin, and granted a permit for diversion of 0.09 cubic feet per second and storage of 3.0 acre feet in the E1/2NE1/4, Section 23, Township 40 North, Range 5 West, B.M.

2. The permit holder was granted a period of two (2) years to complete construction of works and beneficially use the water, and to submit necessary proof of construction and beneficial use.

3. On September 30, 1986, the permit holder requested by letter that he be granted additional development time, setting forth reasons why completion would take longer than two years.

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OCT 1 1986

4. The Department accepts the following facts to be true as represented by the permit holder:

a. The permit holder resides out of state and may have difficulty overseeing construction.

b. Construction may be delayed by planning and design conducted by the Soil Conservation Service and the U.S. Department of Agriculture.

c. The construction of several storage ponds in steep terrain will require extensive work and cautionary measures.

CONCLUSIONS OF LAW

1. Non-residency is not grounds for the granting of additional time for development of the water resources of the State of Idaho.

2. Anticipated government planning may cause delay in completion of the project and is grounds for granting additional time for development.

3. Extensive construction for completion of the project is grounds for the granting of additional time for completion of the project and placing water to beneficial use.

4. The permit holder should be granted an additional two (2) years to complete his project and submit proof of completion of works and beneficial use.

ORDER

IT IS HEREBY ORDERED that the date set for proof of completion of works and application of water to beneficial use is

extended for a period of two years and shall be submitted to the
Department of Water Resources on or before September 1, 1990.

Dated this 15th day of October, 1986.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant James Henry Austin Phone 303-355-8601

Post office address 955 Eudora St. #1408 Denver, Colo. 80220
(SURFACE)

2. Source of water supply Unnamed Stream which is a tributary of Gnat Creek
(2 points)

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot

Sec. 23 Township 40N Range 5W B.M. Latah County; additional

points of diversion if any: NE 5E NE, Sec. 23, T40N, R5W. (2 points)

4. Water will be used for the following purposes:

Amount 0.05 cfs for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
Amount 0.04 cfs for Diversion to Storage purposes from 1-1 to 12-31 (both dates inclusive)
Amount 3.0 AF for Storage for Irrigation purposes from 1-1 to 12-31 (both dates inclusive)
Amount 3.0 AF for Irrigation from Storage purposes from 4-1 to 11-1 (both dates inclusive)
Amount 3.0 AF for Storage for Wildlife purposes from 1-1 to 12-31 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.09 CFS &/or (b) 3.0 AF/ANN.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two in-stream dams forming
Wild life ponds, with gravity flow pipe to off-stream pond, with
gravity flow pipe to off-stream pond, with gravity flow pipe to drip
irrigation

b. Height of storage dam 9' feet; active reservoir capacity 3 acre-feet; total
reservoir capacity 3 acre-feet; period of year when water will be diverted to storage:
1-1 to 12-31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED

a. Hydropower; show total feet of head and proposed capacity in kW.

c. Municipal; show name of municipality.

e. Other; describe fully. Wild life ponds

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

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

ponding place of use below. See instructions for standard symbols.

[illegible]

5

10. Describe any other water rights used for the same purposes as described above. *None*

11. a. Who owns the property at the point of diversion? *App*

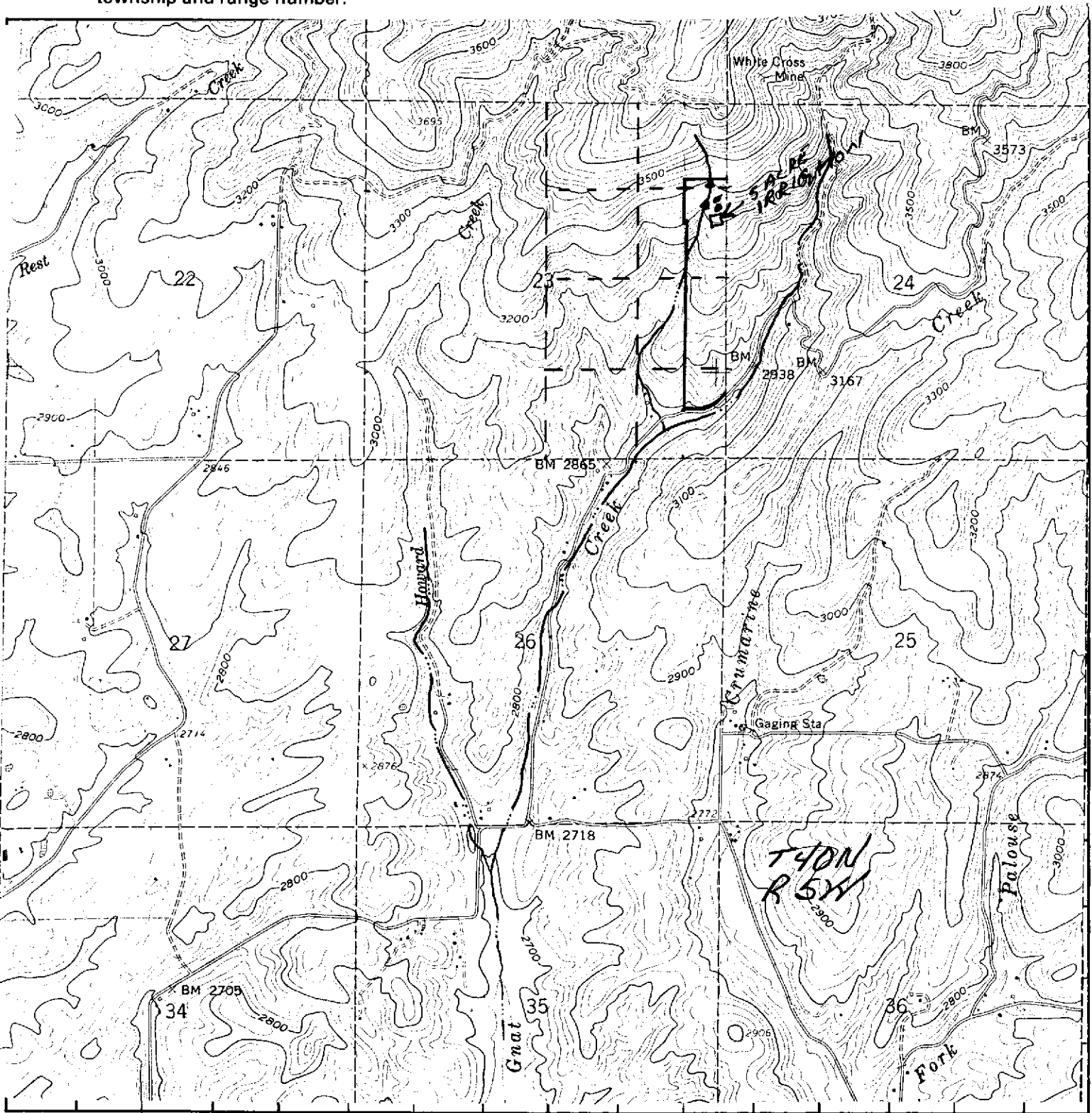
b. Who owns the land to be irrigated or place of use? *100%*

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing.

12. Remarks: *See attached for system sketches*

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



Scale: 2 inches equal 1 mile.

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

x *James H. Curtis*
(Applicant)

Proposed Priority 6/23/86

Received by PMS

6/30/86

Date 6/23/86

Preliminary check by

Time 1:30 PM (M. O. R. &)

Received by # 38036

Date 7/1/86

Publication prepared by

Date 2/2/86

Published in

Date 7/29/86

Publication approved

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

87-7125

APPROVED

, and said application is hereby

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

September 1, 19 88

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

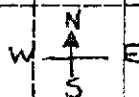
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 11 day of August, 1986.

J. Alan Saylor
Chief, Operations Bureau

SKETCH #1 PONDS



UNNAMED
SMALL
STREAM

WILDLIFE
PONDS

DRY STREAM
BED

14 13

13 24

HOUSE

PROPOSED WELL SITE
(PIPE LINE TO HOUSE)

2 SMALL WILDLIFE
PONDS WITH
PIPE LINE FROM
THE NORTHWEST
WILDLIFE POND
DOWN TO THE LIVE
POND

MOSCOW MT. CREEK

23 24

26 25

SKETCH #2 POTENTIAL DRIP IRRIGATION

14 13

23 24

PIPELINE BETWEEN
2 WILDLIFE PONDS

MAXIMUM AREA 5 ACRES
FOR DRIP IRRIGATION
OF TREES FROM
NORTH OF TWO
WILDLIFE PONDS
NEXT TO HOUSE

MOSCOW MT. CREEK

23 24

26 25

SKETCH #3
SAME AS #2
AND #1 BUT TO
SHOW LOT DIMENSIONS
OF 42.3 ACRES

660'
660'
778'
1444'

PROPOSED
PIPE LINE WELL SITE
TO HOUSE

3178'

23 24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant JAMES HENRY AUSTIN Phone 303-355-8601

Post office address 955 EUDORA DENVER, COLO. 80220

2. Sources of water supply: GROUND WATER which is a tributary of UNNAMED DEEP WELL
1) SOUTHEAST CORNER

3. Location of point of diversion is S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 23 Township 40N

Range SW B.M. LATAH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

a) Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
HOUSEHOLD

b) Amount 3 for IRRIGATED SACRES (ORIP) purposes from APRIL 1 to NOV 1 (both dates inclusive)
NURSERY

c) Amount _____ for WILDLIFE PONDS (PRIMARY) purposes from JAN 1 to DEC 31 (both dates inclusive)
LAND

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

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and b. 3 ACRE FEET (PONDS) acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PLEASE SEE SEPARATE SHEET AS ATTACHMENT.

b. Height of storage dam 10 feet, active reservoir capacity APPROX 3 acre-feet; total reservoir capacity APPROX 3 acre-feet, materials used in storage dam: EARTH, ROCKS, GRAVEL

Period of year when water will be diverted to storage PARTIAL JAN 1 to DEC 31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is EIGHT inches; proposed depth of well is 275 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 40N
Range SW B.M. LATAH COUNTY

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

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

(5) If water is to be used for other purposes describe: PONDS WILL BE USED AS WILDLIFE PONDS PRIMARILY. A FOURTH WILL

BE USED BOTH AS A WILDLIFE POND AND AS A SOURCE FOR DRIP IRRIGATION FOR SOME NEW

TREE PLANTING. WATER WILL BE USED FOR: 1) WILDLIFE COVER 2) NURSERY

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
40N	5W	23				5													5

Total number of acres to be irrigated 5 (MAX)

c. Describe any other water rights used for the same purposes as described above. NONE

9. a. Who owns the property at the point of diversion JAMES H. AUSTIN

b. Who owns the land to be irrigated or place of use JAMES H. AUSTIN

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks ^{a)} WELL DRILLER: MR. EARL WITT, LEWISTON.

b) THE TWO MAJOR PURPOSES OF THIS CONTEMPLATED DEVELOPMENT ARE: (1) TO HAVE SOME DOMESTIC WATER FROM A DEEP WELL DUG INTO GRANITE. (2) TO HAVE SOME SMALL PONDS WHICH WILL ATTRACT VARIOUS WILDLIFE SPECIES.

IF THE PONDS NEXT TO THE HOUSE SITE CAN HAVE SUFFICIENT WATER, DRIP IRRIGATION WILL BE USED TO BRING SOME WATER DOWN FROM THE LOWER POND (NEXT TO THE HOUSE) TO SMALL TREE PLANTINGS ON THE NOW BARE SLOPE. THIS WILL ALSO SERVE TO ATTRACT AND SUSTAIN VARIOUS WILDLIFE SPECIES.

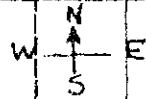
c) PLEASE CONTACT MR DENNIS TRESSEL, AT THE USDA SOIL CONSERVATION SERVICE OFFICE IN MOSCOW (208-882-0501) IF FURTHER CLARIFICATION IS REQUIRED OR RELATED TO THIS APPLICATION.

WICKS

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

THESE 3 SKETCHES ARE ALL OF
THE SAME 42 ACRES, AND ARE SEPARATELY
DEPICTED FOR PURPOSES OF CLARITY

SKETCH #1
PONDS



UNNAMED
SMALL
STREAM

WILDLIFE
PONDS

DRY STREAM
BED

14 13

23 24

2 SMALL WILDLIFE

PONDS WITH
PIPE LINE FROM
THE NORTHWEST
WILDLIFE-POND
DOWN TO THE
POND

HOUSE

PROPOSED WELL SITE
(PIPE LINE TO HOUSE)

MOSCOW MT. CREEK

23 24

26 25

SKETCH #2
POTENTIAL DRIP
IRRIGATION

14 13

23 24

PIPELINE BETWEEN
2 WILDLIFE PONDS

MAXIMUM AREA 5A
FOR DRIP IRRIGATION
OF TREES FROM
LOWER OF TWO
WILDLIFE PONDS
NEXT TO HOUSE

MOSCOW MT. CREEK

23 24

26 25

SKETCH #3
SAME AS #2
AND #1 BUT TO
SHOW LOT DIMENSIONS
OF 42.3 ACRES

660'

660'

778'

1944'

3178'

23 24

PROPOSED
PIPE LINE WELL SITE
TO HOUSE

Scale: 2 inches equal 1 mile, 21 SIDE OF SECTION

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.

James H. Hunter, Jr.
(Applicant)

Received by Mr. [Signature] Date 6/23/82 Time 1:00 pm
Preliminary check by _____ Fee \$ _____
Received by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

RECEIVED

ATTACHMENT TO APPLICATION FOR WATER PERMIT

Section 6 (contd): Proposed Diverting Works:

a) Description of items:

1. Domestic Water Well Pump. Neither the size of the pump nor the size and length of the pipeline to the house can yet be specified.

2. Wildlife Ponds Connecting Pipe. Neither the size or the length of the pipe carrying water from the northwest upper wildlife pond down to the upper wildlife pond near the house are yet known.

b) Dams for shallow wildlife ponds:

There will be 4 small dams of ten feet or under. Two will lie on the small trickle of a stream on the west side of the property. Two others will be off to the east, one above the other, nearer the house.

From the upper of these two latter ponds, water will flow over a small spillway down to the lower pond. If water volume permits, during the warmer months drip irrigation will be used to bring some water down from the lowest pond.

Affidavit of Publication

STATE OF IDAHO
County of Latah

ss.

Ray Rosch

being first duly sworn, on oath,
deposes and says:

That he is the printer of The
IDAHONIAN, a newspaper of
general circulation, printed and
published daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106,
60-107, and 60-108 of the Idaho
Code and the amendments there-
to; that the notice of which the
annexed is a full, true and cor-
rect printed copy was published
in the regular and entire issues
of said newspaper and not in a
supplement thereto, upon the fol-
lowing dates:

July 10, 17, 1986

the same being the dates desig-
nated for the publication of said
legal notice

Ray Rosch
Subscribed and sworn to before
me this 22nd day of July
19 86

Carol Fleener
Notary Public,
residing at Moscow, Idaho

NOTICE OF APPLICATION FOR WATER RIGHTS

The following application(s) have
ben filed to appropriate the public
waters of the State of Idaho.

87-7125

AUSTIN, JAMES HENRY
955 EUDORA ST. #1408, DENVER,
CO 80220

Source: UNNAMED STREAM trib.
to GNAT CREEK

Diversion Pt: SENENE NESENE Sec
23 T 40N R 05W

Use: Irrigation (0.050 CFS)

Irrigation Storage (3.0 AF)

Irrigation From Storage (3.0 AF)

Wildlife Storage (3.0 AF)

Diversion to Storage (0.040 CFS)

Date Filed: 06/23/1986

In: SENE Sec 23 T 40N R 05W
NENE SENE Sec 23T 40N R 05W
FOR 5 ACRES

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, 4055 Government
Way, Suite 9, Coeur d'Alene, Idaho
83814 on or before July 28, 1986.

KEN DUNN, Dir.

July 10, 17, 1986

RECEIVED

JUL 23 1986

Department of Water Resources
Northern District Office

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 16, 1995

JAMES HENRY AUSTIN
2445 MOSCOW MOUNTAIN RD
MOSCOW ID 83843

RE: WATER RIGHT NO. 87-07125

Dear Water Right Holder(s):

Enclosed is a copy of the 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 contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

NOV 16 1995

MEMORANDUM

DATE: October 5, 1995
TO: File No. 87-07125
FROM: ROBERTA LOVEALL
SUBJECT: Address

=====

Mr Austin's address has been changed to the following:

2445 Moscow Mountain Rd
Moscow ID 83843

Please update database. Thnx.

NOV 16 1995

NOV 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

September 27, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES HENRY AUSTIN
2445 MOSCOW MOUNTAIN RD
MOSCOW ID 83843

RE: WATER RIGHT NO. 87-07125

Dear Water Right Holder(s):

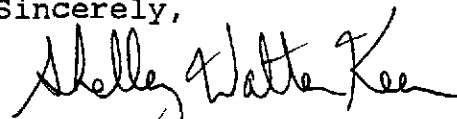
The above referenced right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment is necessary to add your diversions from the springs you have developed. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,


Shelley Walter Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
NOV 1 6 1995

LICENSE REVIEW
Cindy Zimmerman

Permit #: 87-7125 Name: Austin Date: 9/21/95
App Rcd 6/23/95 Priority 6/23/86 Examined 6/29/95 ✓ Lots ✓

NAME Chng OK ✓ Or Address Change?
SOURCE ✓ Clarify source add springs
Prelim. Order to Void - Source change.
P/D ✓ Amendment Needed? add NESENG (spring)
SESENG OK -P39, P38
Overlap(s) _____
P/U ✓ Amendment Needed? _____ -P41, P38
Overlap(s) _____
*P/D & P/U Amend? P37, P38
(See paragraph list for governmental agencies.)

RATE ✓ Permit/fee limits 0.09/20
✓ Measured Q = 0.09 cfs Theoretical Q = _____ cfs
each spring: div to stor = 0.04; irr system = 0.05 cfs
limited to permitted rate
Recommended capacity 0.09 cfs
Recommended rate 0.09 cfs
0.13 capacity

VOLUME ✓ Season of Use: (D) 3/15 - 11/15 = 246 days
Calculations: (5.0 acres x 3.0 AF/ac. = 15.0 AF) +
(wildlife storage = 3.0 AF) = 18.0 AF
Flow limit: 0.05 x 246 x 1.9835 = 184.5 AF
Recommended volume 15.0 + 3.0 = 18.0 AF

USES ✓ Same Nature of Use? _____ -P46
Amendment Needed? _____

REMARKS Multiple p/d's in 1/4?

CONDITIONS Measuring (R01)/Locking (R02) Devices
Watermaster Control (R04) - WD #
240 Irrigation rate/volume overlap
Irrigation water overlap (065) (If gw use sw)
Water Quality
Other

PRIORITY Due 3/1/92 Rc'd 8/31/92 Receipt# CO35364 Fee OK? (Yes) No
Order to Reinstate Needed? Yes (NO) Done? _____
If Yes, Advanced? Yes/No to: _____

COMMENTS: add spring source, amend PD

USE	CFS	DIV VOL	Adjustment Memo
Irrigation	0.05	15.0	✓
Irr Storage	-	3.0	
Irr fm Stor	-	3.0	
Wildlife Stor	-	3.0	
Div. to Storage	0.04	-	
TOTAL	0.09	18.0	

LICENSE ~~P49~~
#1 AMEND LTR: ~~336~~ or
P39/P41/P37 & P38
#2 AMEND LTR: P42 P47

MEMORANDUM

DATE: September 22, 1995
TO: File No. 87-07125
FROM: Cindy Zimmerman
SUBJECT: Review of Beneficial Use Field Report

=====

The following adjustments were made on the field report:

1. Source, add **springs** tributary to Gnat Creek.
2. Point of diversion, add spring in **NESENE**, S23, T40N, R05W.
3. Annual Volume.
 - a. Irrigation and Wildlife Storage, 2 ponds
 - i. In-stream pond, not measured.
 - ii. Off-stream pond = $(150' \times 75' \times 13') \div 43,560$
= $146,250 \div 43,560$
= ~~3.4~~ (limited by permit) ≈ 3.0 AF
 - b. Irrigation = $5.0 \text{ acres} \times 3.0 \text{ AF/acre}$
= 15.0 AF
 - c. Maximum Annual Volume = $a + b$
= $3.0 + 15.0$
= **18.0 AF.**

NOV 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 29 1995
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 87-07125

1. Owner: James Henry Austin Phone No. _____

Current Address: Hillcrest Motel apt 268, 706 N main Moscow Id. 83843

2. Accompanied by: owner EXAM DATE (207) 882-7579 EXT 268

Address: same as above Phone No. _____

Relationship to Permit Holder: _____

* 3. Source: Unnamed Stream tributary to Gnat Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

* 1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	23	40N	05W	LATAH	logs 2.5 min quad
			SE	NE	23	40N	05W	LATAH	"

2. Place(s) of Use:

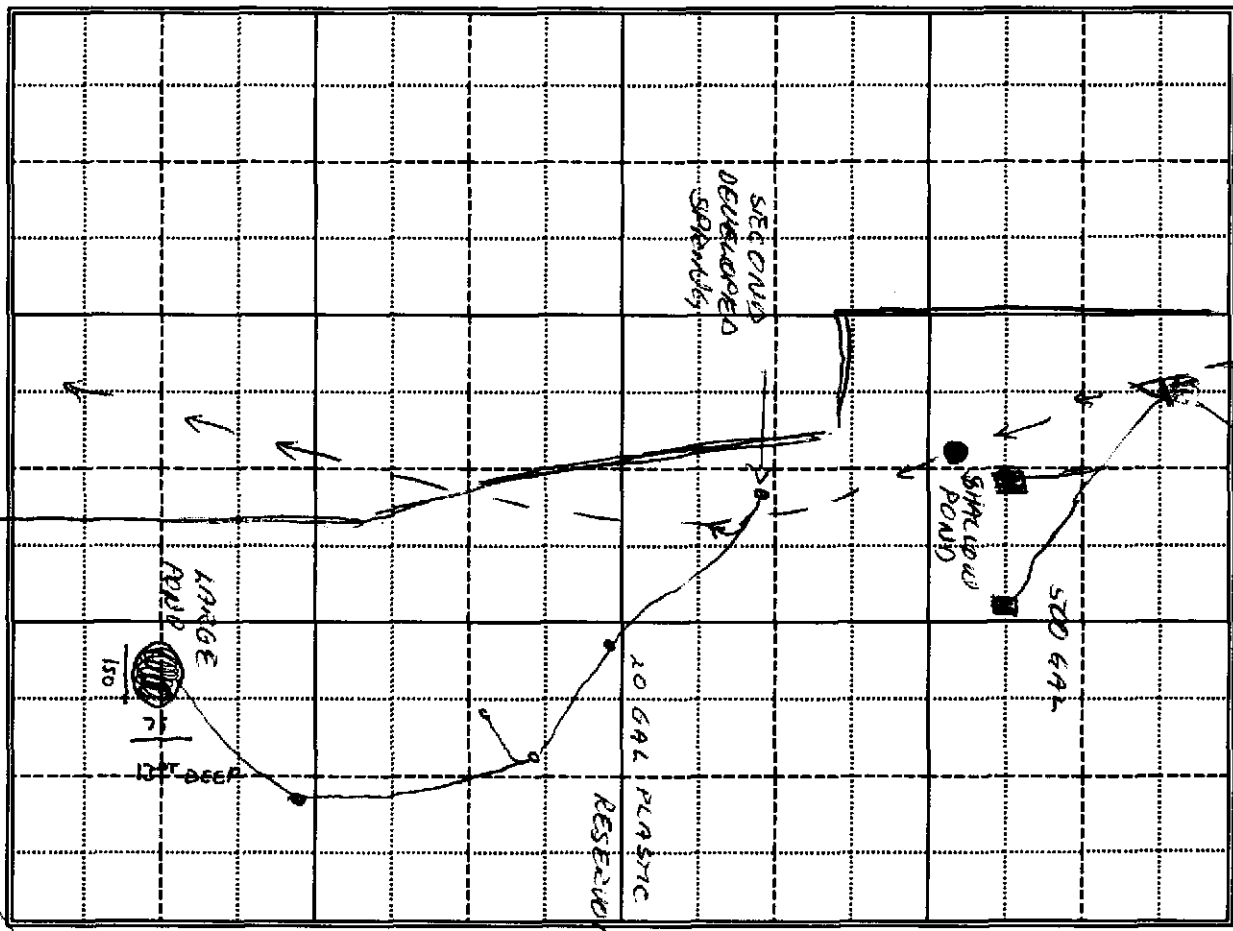
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	05W	23				05													
40N	05W	23	W			W													

RECEIVED
AUG 16 1995

6/24/95
DRA

INTERMITTENT
STREAM
FIRST
DEVELOPED SPRING



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.d. as applicable.

D. FLOW MEASUREMENTS

2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 gallon Bucket	Plastic				5 gal	

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A	N/A	N/A	N/A	

*Code to correspond with No. on map and aerial photo

Scale: 1" = _____
 Copy of USGS Quadrangle Attached Showing location(s) of _____
 point(s) of diversion and place(s) of use (required).
 Aerial Photo Attached _____
 (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached _____

E. NARRATIVE/REMARKS/COMMENTS

system supplies water for irrigation of 5 acres
and water for storage. on system diagram
I noted that there were developed springs
because the creek was dry and owner
developed these for that reason but this
is a running stream part of the year.

Have conditions of permit approval been met? ☒ yes ☐ no

NOV 16 1995

F. FLOW CALCULATIONS

Measured Method:

$$18.9 \text{ gpm} \times 5 \text{ gal} / 14 \text{ sec} = .05$$

$$\text{Diversions To State} = 5 \text{ gal} / 17 \text{ sec} = .04$$

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \times 3 = 15$$

$$V_{DR} = [\text{Diversions Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .05 \times 214 \times 1.9835 = 21.2$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 15$$

2. Volume Calculations for Other Uses:

$$\text{Diversions To State} = .04 \times 365 \times 1.9835 = 29.0$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
* Diversion	* 4-1	* 11-1	* .05	* 15.0
Diversion Storage	1-1	12-31		3.0
Diversion from Storage	* 4-1	* 11-1		* 3.0
Mudbank Storage	01-01	12-31		3.0
Diversion for Storage	01-01	12-31	* .04	* 29.0
		Totals:	* .09	* 29.0

2. Recommended Amendments

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

I. AUTHENTICATION

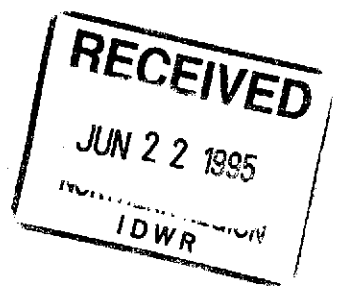
Field Examiner's Name Ad McCreesh Date 7/25/95

Reviewer _____ Date _____

SEAL

* Adjustments made during review of this report for issues approved. See memo for additional information. 9/22/95 cz.

JAMES H. AUSTIN M.D.
2445 MOSCOW MT. ROAD
MOSCOW, ID 83843-9132



6/20/95

Dear Mr. McCracken,

Thank you for your call.

A Map is enclosed for your convenience.

I look forward to your call, and to
seeing you on June 29, Thursday.

Sincerely,
Jim Austin

Encl -

NOV 1 1995

DIRECTIONS:

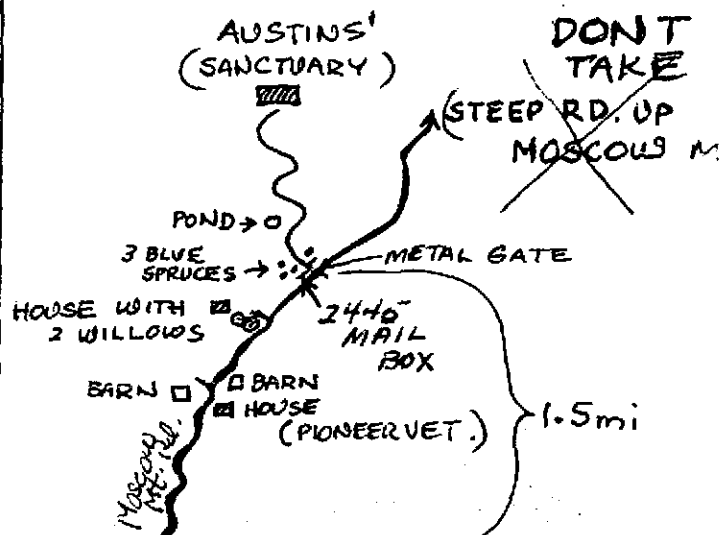
IN MOSCOW, GO TOWARD
NORTH END OF TOWN
AND TAKE 'D' ST. TO
MT. VIEW ROAD. GO NORTH
ON MT. VIEW OVER A MILE
AND A HALF UNTIL YOU
COME TO THE SECOND GRAVEL
RD. LEADING OFF TO THE RT.

STAY ON GRAVEL RD
(MOSCOW MT. RD) SOME
4.3 MILES. TURN INTO
A PRIVATE ROAD AT THE
METAL GATE. DRIVE UP THE
HILL TO THE AUSTINS.

RECEIVED

JUN 22 1995

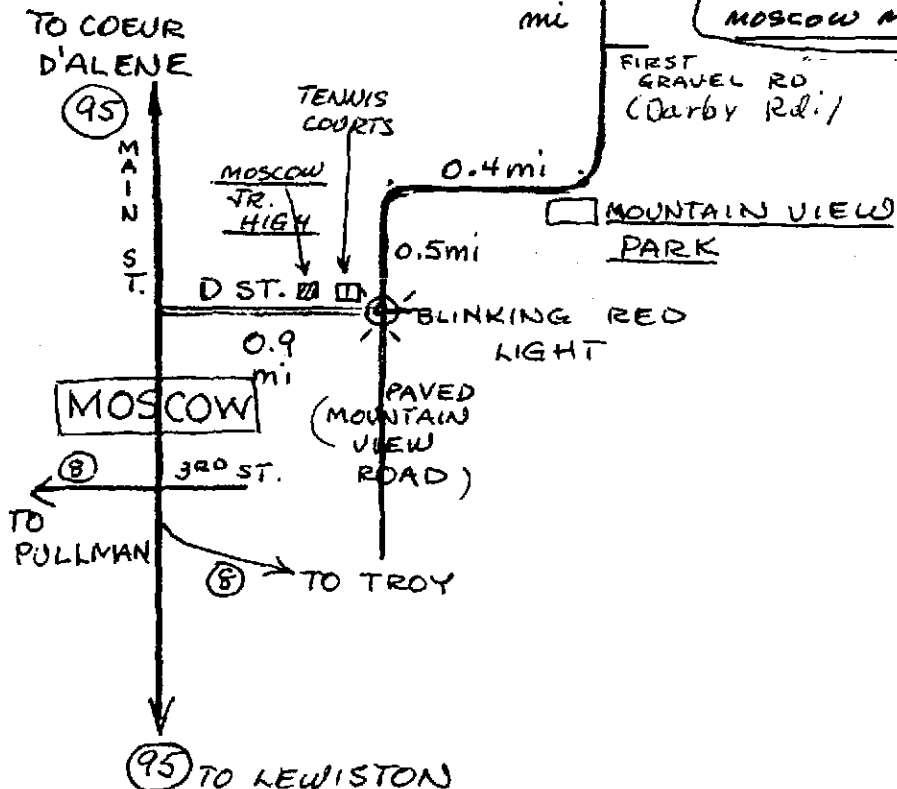
NOTIFICATION
IDWR



SIGNS: PIONEER VET.

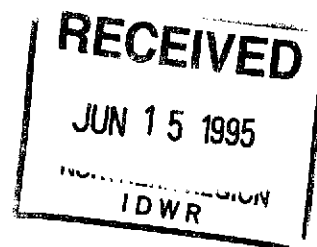
MOSCOW MT. RD

MOSCOW MT. ROAD SIGN



N
NOV 16 1995

JAMES H. AUSTIN M.D.
2445 MOSCOW MT. ROAD
MOSCOW, ID 83843-9132



5/23/95

Re: Permit # 87-07125

Dear Sirs,

I would appreciate it if the field examination to determine and to confirm the use being made of the water could be made in the next several months, if possible.

Mr. John Kunz had me on the list last year, but things were not finalized.

My phone number is:

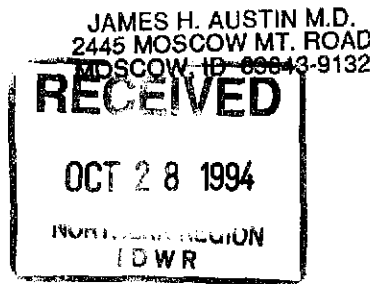
208 - 883-4534

Thank you for this consideration.

Sincerely,
James H. Austin

NOV 16 1995

883-4334



RECEIVED

OCT 24 1994

Department of Water Resources

10/20/94

Re: Permit # 87-07125

Dear Water Resource Dept,

I was expecting Mr. John Kunz would be here for his field examination some 5 weeks ago.

Unfortunately, he wasn't able to make it, and I haven't heard when he will be arriving.

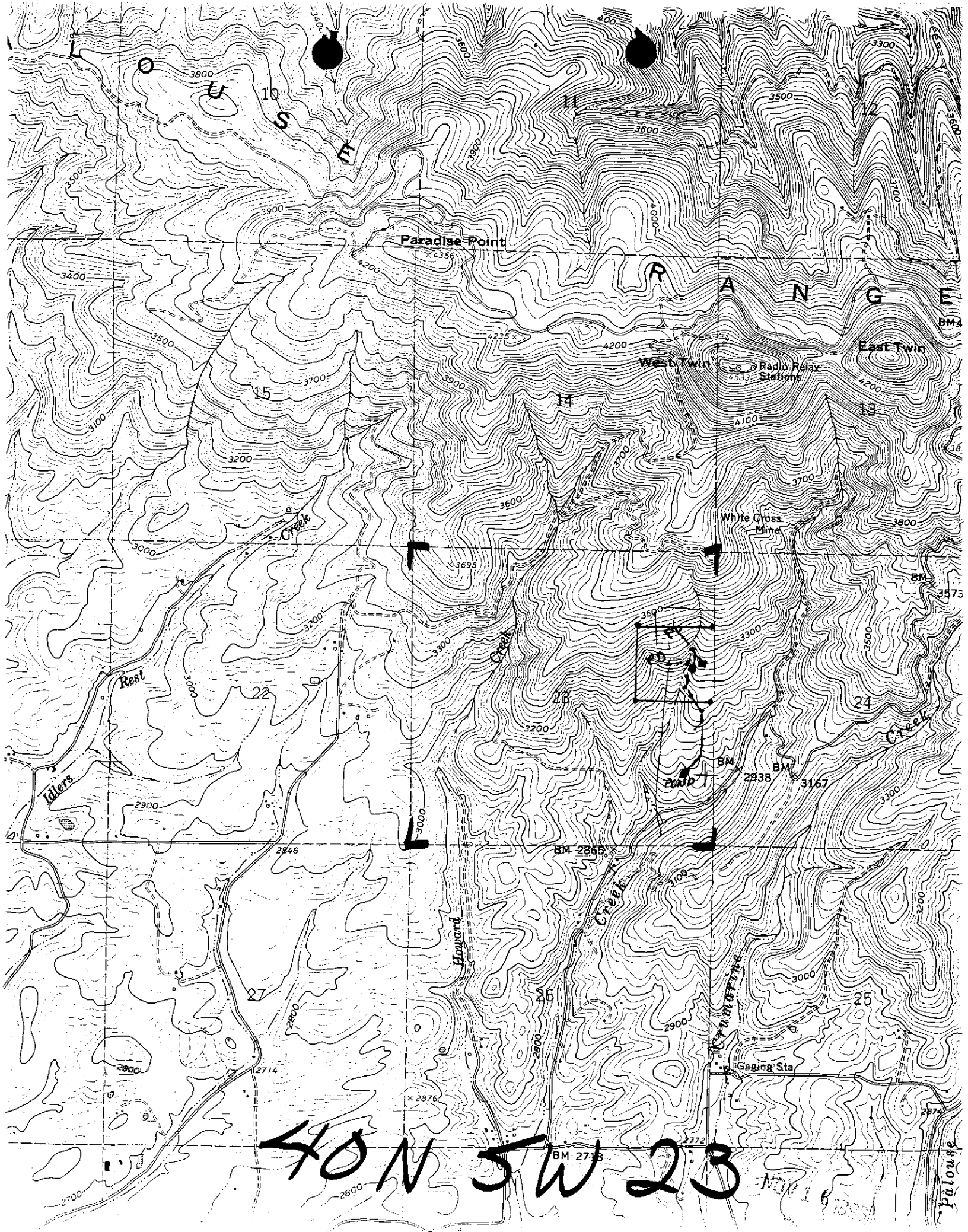
I would like to get this out of the way in 1994, and I wonder if you could contact him so that we could set up a firm appointment before the snow falls?

Thank you for this consideration

Sincerely,

James H. Austin

NOV 16 1994

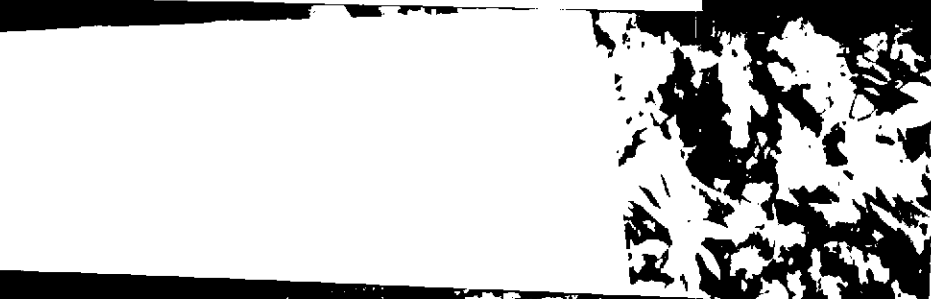




P.D. ①



P.D. 2



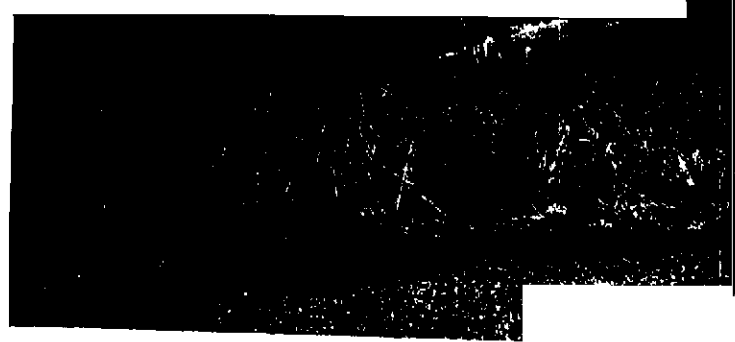
POND + Irrigation



500 gall storage (X2)



POND + Irrigation



11/21/85

P.D. ①

P.D. 2

POND + Irrigation

500 Gall Storage (X2)

Pond + Irrigation

NOV 1 6 1995

P.D. 2



Pond + Irrigation

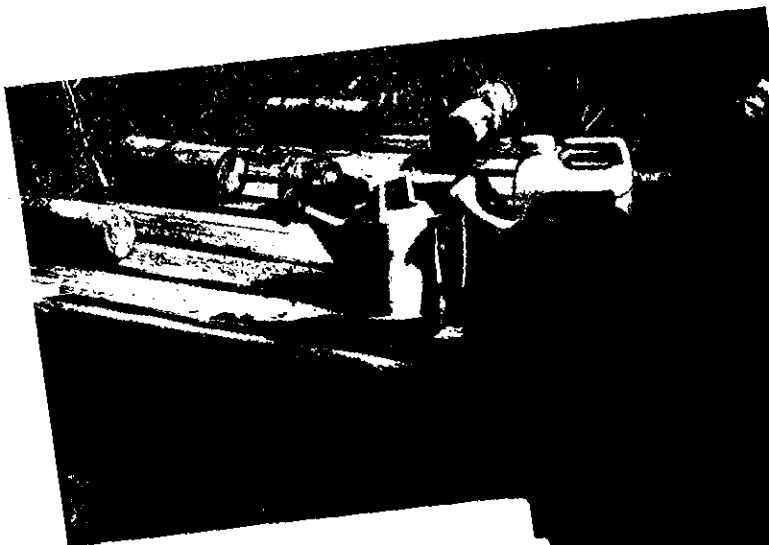
500 gall storage (X2)

Pond + Irrigation



NOV 16 1995

POND + Irrigation



500 Gall Storage (X2)

POND + Irrigation



NOV 16 1995



Pond + Irrigation

NOV 1 6 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 1, 1992

James H. Austin
Hillcrest Motel, Apt 268
706 North Main Street
Moscow, ID 83843

Re: Permit No. 87-07125

PROOF ACKNOWLEDGEMENT

Dear Permit Holder:

Enclosed is a copy of the proof of beneficial use you submitted to this office. Also enclosed is a copy of your permit to appropriate water which indicates a rate of diversion of 0.09 cfs or 3 acre feet for irrigation and wildlife purposes. A license cannot be issued for a rate greater than the maximum rate you applied for on the permit.

The total volume for which proof is submitted has been amended to show 0.09 cfs.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

C: IDWR - Regional Office

Enclosure

RECORDED

SEP 17 1992

Dear Mr. Gustafson,

7/11/92 K

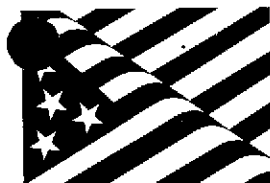
Please change my address
for all correspondence & records
purposes from 6790 E. Cedar Ave
#602 in Denver, CO 80224. To:

87-07125
file

882-7579
Room 268

JAMES HEARD, FOSTER
SEP 17 1992
Hillcrest Motel, Apt 268
706 N. Main St.

Moscow, ID. 83843
Thank you, ~~James~~



USA 19

RECEIVED

State of Idaho

SEP 17 1992 Dept. Water Resources

1301 N. Orchard St.

Statehouse Mail

Boise, ID 83720-9000

June 30, 1992

JAMES HENRY AUSTIN
6790 E. CEDAR AVE. #602
DENVER CO 802240000

PROOF DUE NOTICE

RE: PERMIT NO. 87-07125

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

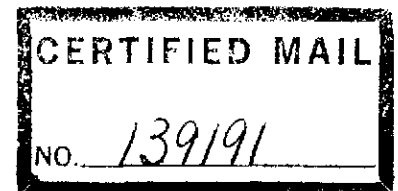
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MAILED

SEP 17 1992

September 13, 1990

James H. Austin, M.D.
6790 E. Cedar, #602
Denver, CO 80224

Dear Dr. Austin:

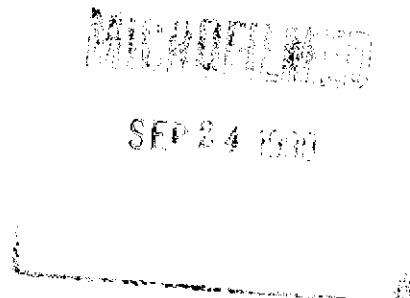
Re: Permit No. 87-7125

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to September 1, 1992.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



JAMES H. AUSTIN M.D.
6790 E. CEDAR AVE. #602
DENVER, COLORADO 80224

July 22, 1990

Re: Permit 87-07125

Dear Mrs. Fleck,

Thank you for your letters of June 30 and July 11.

We are eagerly looking forward to completing our project.

It has gone forward well, with help from the Soil Conservation Service, USDA. We now have one nice pond, planted with rainbow trout on the lower part of the property.

Unfortunately, the CRP program has been temporarily discontinued. We had been counting on another five-acres of tree plantings on the upper part of the property, planted with CRP cost sharing, which we could then be irrigating with water from ~~the upper~~ ponds.

SEP 24 1990

When this CRP program re-opens later in 1990 or 1991, we will reapply.

When we build our house in the summer of 1992, we will have earth moving equipment at the house-site, and

will be then be able to complete the upper ponds and install the appropriate irrigation.

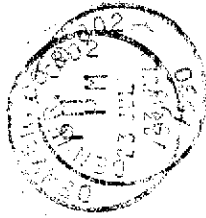
Please extend our existing permit to September 1993, just to be on the safe side of the governmental and building hurdles that sometimes intervene.

Thank you very much for this courtesy.

Sincerely,
James Houston



JAMES H. AUSTIN M.D.
6790 E. CEDAR AVE. #602
DENVER, COLORADO 80224



25



State of Idaho
Dept. of Water Resources
1301 North Crooked St.
Statehouse Mail,
Boise, Idaho.
83720



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

July 11, 1990

James H. Austin
6790 E. Cedar Ave. #602
Denver, CO 80224

RE: Permit No. 87-7125

Dear Mr. Austin:

Pursuant to your telephone call and request for extension of time, enclosed is an extension of time form and instructions. The department will take official action on this form. Note a \$15 fee is required and the form needs to be returned by September 1, 1990 to keep the permit in good standing.

Sincerely,

Nina Shields
Clerical Assistant

Enclosures

MICROFILMED

SEP 24 1990

138009
June 30, 1990

JAMES HENRY AUSTIN
6790 E. CEDAR AVE. #602
DENVER, CO 802240000

PROOF DUE NOTICE

RE: PERMIT NO. 87-07125

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

SEP 4 1990

RECEIVED
JUL 03 1989

Department of Water Resources

June 30, 89

Dear Sirs,

I have property in Idaho and have applied for
a Water Permit which you have on file.

My previous address was 955 Endora in Denver.

Please Change this address for all mailings
etc to the new address:

JAMES H. AUSTIN M.D.
6790 E. CEDAR AVE. #602
Denver, Colo. 80224.

Thank you,

James H. Austin M.D.

(87-7125) - comp. changed
7/7/9 SC

MICROFILMED

SEP 24 1990

December 6, 1988

James H. Austin, M.D.
National Center Hospital for
Mental, Nervous and Muscular Disorders
4-1-1 Ogawahigashi cho, Kodaira, Tokyo
187 Japan

Dear Dr. Austin:

RE: Permit No. 87-7125

The department received your letter dated October 24, 1988 addressed to Gary Spackman in which you explain that the proof due date had been extended to September 1, 1990 and that you had received a lapse notice dated September 23, 1988.

The lapse notice was sent to you in error. It is a computer-generated letter keyed on the proof due date. The proof due date had not been changed in the computer to reflect the new proof due date of September 1, 1990 and I did not catch the error when preparing the lapse notice for mailing. The computer record has been corrected and your permit remains in good standing.

The department will contact you sixty days prior to the date that proof is due with a notice letter and forms. Please keep us advised of your address of record should it change.

I apologize for any inconvenience this matter may have caused you.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

RF

MICROFILMED

DEC 22 1988



DIVISION OF NEUROLOGY
RESEARCH INSTITUTE FOR BRAIN AND BLOOD
AKITA

6-10 Senshu-Kubota-Machi, Akita, 010 JAPAN

RECEIVED
OCT 31 1988

NEW ADDRESS DEC 1988
James H. Austin, M.D.
National Center Hospital for
Mental, Nervous and Muscular Disorders
4-1-1 Ogawahigashi cho, Kodaira, Tokyo
187 Japan

Oct 24, '88

RE: PERMIT 87-7125

Dear Mr. Spackman,

Thank you for your letter of July 27, '88 in response to my sending the blue commencement of workcard in June 1988.

Your letter confirmed what I believed was the result of our previous, lengthy correspondence. Namely, that because of our situation, we would have the opportunity to proceed with construction until Sept 1, 1990, with notification on July 1, 1990.

I have just received a "Lapse Notice", dated Sept 23, '88, forwarded to me here in Japan where I am on sabbatical leave from the University of Colorado. It was signed, by the stamp of, L. Glen Saxton. It says that my water permit has lapsed, and that I was provided the proper forms for renewal. I was provided the proper forms for renewal in a letter dated June 30, '88.

DEC 22 1988

I have received no such letter, and all of our mail has been forwarded here to Japan.

As our correspondence in the past years indicates, I am doing everything I possibly can to meet the Department's rules and regulations, allowing for the fact that I am living out-of-state, or out-of-country.

Please clarify what it is I now need to do, writing directly to me in Japan, where I'll be until July.

Thank you for this consideration Sincerely,

James H. Austin

秋田県立脳血管研究センター 神経内科

〒010 秋田市千秋久保町 6-10 ☎0188-33-0115

Encl: New address after Dec 1, '88

September 23, 1988

JAMES HENRY AUSTIN
955 EUDORA ST. #1408
DENVER, CO 802200000

LAPSE NOTICE

RE: PERMIT NO. 87-07125

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated June 30, 1988.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. Glen Saxton
Chief, Operations Bureau

Enclosures

LGS:RF

DEC 22 1988

CERTIFICATION OF MAILING

I hereby certify that on 9-28-1988
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Rita Fleck

*This notice sent in error. Proof extended
to 9-1-1990 by order. 12-5-88*



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 27, 1988

James H. Austin, M.D.
955 Eudora
Apt. 1408
Denver, CO 80220

RE: Permit to appropriate water no. 87-7125

Dear Mr. Austin:

Thank you for sending the blue commencement of works card in June, 1988. You asked a question about whether we would require notification of minor amendments to existing plans. You are not required to notify us unless major amendments are anticipated. Minor amendments can be remedied at the time you file proof and an examiner conducts a field examination.

Please remember that construction of diversion works and application of water to beneficial use must be complete on or before September 1, 1990. You will receive notification that proof is due on approximately on July 1, 1990.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN
Water Allocation Section

GS:hm

MICROFILMED

DEC 22 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

JUN - 8 1988

Permit No. 87-7125

Name(s) of Permit Holder(s): JAMES H. AUSTIN

Post Office Address: 955 EUDORA AVE
20220

Tel. No. 303-355-8601

☐ I hereby certify that construction of diversion works on the above referenced permit began on OCT 1 1988. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

PLACE
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

JAMES H. AUSTIN M.D.
955 EUDORA
APT. 1408
DENVER, COLORADO 80220

RECEIVED

JUN - 8 1988

Department of Water Resources

June 6, 88

Permit 87-7125

Dear Mr. Sprackman,

I'm enclosing the blue card, form 204-p, indicating that we started construction on our diversion plan last year, dam building incomplete because of drought.

Our plans have evolved somewhat, in that we are planning as part of our CRP project a shallow-water pond for wildlife down in the lower, S.E. portion of the property. Later on, if more inflow to this is required to prevent its drying up, some continuation of the previously mentioned drip irrigation coming down to it might be indicated. We won't know about this, of course, for some time, and other changes in emphasis may occur with time. Do you need any other notification of such minor amendments to our existing plans?

Thank you for this consideration.

Sincerely,
James H. Austin

MICROFILMED

DEC 22 1988

Austin 953 S. Dakota
Denver, Colo. 80220



Paul Dudley White MD



1968 3



Mr. George Spackman

Superintendent, Water Allocation Section

Dept. Water Resources, State House.

Boise, Idaho 83720



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

October 16, 1986

James Henry Austin
955 Endora St. #1408
Denver, CO 80220

Re: Permit No. 97-7125

Dear Mr. Austin:

Enclosed is an Order Extending Due Date for Submittal of Proof of Construction of Works and Beneficial Use. You will note in comparing your permit with the Order that you have been granted an additional two years for development and submittal of proof.

Please be advised that at the expiration of your development period, you may apply for an extension of time provided good cause is shown for the extension.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman".

GARY SPACKMAN
Supervisor, Water Allocation Section

1s

Enclosure

RECEIVED
OCT 21 1986
WATER RESOURCES

RECEIVED

OCT 2 1986

Department of Water Resources

Sept 30, 1986

Dear Mr. Spackman,

Thank you very much for your understanding of our situation in our telephone conversation today.

As we discussed, in item #7 of my application I originally applied for 5(five) years to complete the works requested. This estimate was based on the following considerations:

1) Mrs. Austin and I plan to retire in five years and live on this Moscow Mt. property. However, in the interim I have a full-time university job in Colorado. It is very difficult, operating at a distance like this, to organize, plan, start and complete a four-pond project like this. Try to imagine how you would have to proceed to accomplish this in Colorado, while living and working in Idaho, and you will begin to appreciate our situation.

2) Since December, 1984, we have been diligently trying to design a rational plan for the project, writing to, talking to Mr. Dennis Tressel and Mr. Don Larson of the Soil Conservation Service(SCS) of the US Dept of Agriculture (Federal Bldg, Moscow). It has taken months, not hours, to figure out the correct information for your application. I am still not sure when the SCS will complete the design and send it to me.

3) Even after I do receive the completed design, it will have to be looked at carefully in view of the steep terrain, access, and projected costs. This is the side of a mountain.

4) My experience with weather delays, contractors working delays, etc., leads me to worry about being expected to fully complete such a project long distance on a rigid time scale. I would need to be on hand during construction, and this isn't easy to plan with the weather, months in advance.

5) A deep pond, unprotected by an appropriate fence and signs, poses a potential legal hazard for wandering children. I would need to be on hand to verify depth and such security issues.

6) We plan to start the ponds as wildlife ponds, as noted. When we settle in Moscow we will then need to determine, on the spot, how much gravity flow is needed for irrigation purposes from the two ponds near the house to the East side of the project.

APPROVED

This cannot now be determined. These, and perhaps other matters not now apparent, are difficult to proceed dilligently in; they need to be evaluated and modified some five or more years down the line.

For all these reasons, plus others one can't anticipate now, we would ask for your consideration of the possibility of an amendment to the present permit, along lines of the time frame under which it was originally submitted. Specifically, would you please allow proof of completion of construction to read September 1, 1991? This will give us time to do the thing well, operating at long distance.

Please understand how eagerly I am looking forward to watching wildlife use our ponds and growth from irrigation. However, the existing imposition of a two year deadline for completion seems inappropriate for our situation.

Thank you for your reconsideration of this matter.

Sincerely yours,



James H. Austin M.D. *

Professor of Neurology

Univ. of Colorado Medical School

*Address for all correspondence is:

JAMES AUSTIN M.D.

955 EUDORA

APT. # 1408

Denver, Colorado

80220

MAILED 10 1990

JAMES H. AUSTIN, M.D.
APT. 1408, PARK MAYFAIR EAST
955 EUDORA
DENVER, COLORADO 80220

52125
87-7125



Mr. Gary Spachman

Department of Water Resources

State House

Boise, Idaho

83720



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
AUGUST 12, 1986

AUSTIN, JAMES HENRY
955 EUDORA ST. #1408
DENVER, CO 80220

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 87-7125

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

87-7125

AUSTIN, JAMES HENRY

955 EUDORA ST. #1408, DENVER, CO 80220

Source: UNNAMED STREAM trib. to GNAT CREEK

Diversion Pt: SENENE NESENE Sec 23 T 40N R 05W

Use: IRRIGATION	(0.050 CFS)
IRRIGATION STORAGE	(3.0 AF)
IRRIGATION FROM STORAGE	(3.0 AF)
WILDLIFE STORAGE	(3.0 AF)
DIVERSION TO STORAGE	(0.040 CFS)

Date Filed: 06/23/1986

In: SENE Sec 23 T 40N R 05W NENE SENE Sec 23 T 40N R 05W FOR 5 ACRES

RECORDED

July 9, 1986

Mr. James Austin
955 Eudora St. #1408
Denver, Co. 80220

Re: 87-7125

Dear Mr. Austin:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned Identification No. 87-7125. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Daily Idahonian. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to the final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your Receipt No. 38036 for the amount of \$30.00.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Receipt

MICROFILMED

JAMES H. AUSTIN, M.D.
1408 PARK MAYFAIR EAST
955 EUDORA
DENVER, COLORADO 80220

June 26, '86
RECEIVED
JUN 30 1986

Department of Water Resources
Northern District Office

Dear Mr. King,

Thank you ever so much for unscrambling my application and separating it into two components. I'm sure this was not an easy job, and I appreciate your help!

I'm returning the one surface water application with the application fee check for \$30.

From your letter of June 24, should I draw the conclusion that I do not have to file an application in order to have a well drilled? Mr. Earl Witt has mentioned that, because it is a granite area, even other wells drilled nearby will not pose a threat to our water.

MICHAEL MED
If there is some distinct advantage to the well permit, please let me know, however, so I can apply.

Thank you again, meanwhile,
Sincerely,
James H. Austin
Enclosure: 1) application 2) \$30 check.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 2
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

June 24, 1986

Mr. James Austin
955 Eudora St. #1408
Denver, Co. 80220

Dear Mr. Austin:

I am returning your Check No. 23-103 in the amount of \$30.00 and your Application for Permit since an application for both ground and surface water cannot be accepted.

I have, therefore, taken the liberty of preparing two new applications for you, one for ground water and one for surface water. The ground water single-family water system is exempt from the mandatory filing statutes, but you may file the application if you wish.

The filing fee is \$30.00 for each application. If the application(s) and appropriate fee are returned by July 23, 1986, no reduction in your priority date will be made.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms
Enc. - Appln. (2)
Check

RECEIVED