



State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 24368/87-2011 Priority Feb. 10, 1965 Amount 0.26 cfs

THIS IS TO CERTIFY, that ERNEST NYGAARD
of Potlatch, Idaho, has complied with the terms and conditions of Permit
No. 24368/87-2011 issued pursuant to Application for Permit dated August 13, 1953,
and has submitted proof to the Department of Water Administration on February 12, 1971,
(late proof)
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 0.26 cfs of water from the Palouse River,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>June 15</u> to <u>Sept. 15</u>	at <u>0.26</u> cfs and	<u>42 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.26 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
42 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4,
Twp. 41 N, Rge. 5 W, B.M. in the County of Latah

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 $\frac{1}{4}$	
41 N	5 W	3										6							6
		4															8		8

Total number of acres irrigated 14

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 3rd day of
January, 19 74.

Director

[Signature]
87-2011

Affidavit of Publication

RECEIVED

APR 13 1971

STATE OF IDAHO
County of Latah

ss.

A. J. Mainear

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

That he is the printer of The DAILY 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 thereto; that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following

dates: April 1, 8,

1971

the same being the dates designated for the publication of said legal notice.

Mainear
Subscribed and sworn to before

me this 8th day of April

1971

A. B. Robinson

Notary Public,

residing at Moscow, Idaho

Residing at Moscow, Idaho

County of Latah

My Commission Expires Feb. 26, 1974

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Ernest Nygaard, Pocatello, Idaho has received an approved Permit No. 24368-87-2011 issued by the Idaho Department of Water Administration authorizing the diversion of 7.25 cubic feet per second of water from the Palouse River. The priority to be established under this permit is February 10, 1964 and the permit was approved August 15, 1963.

Water is to be diverted by sprinkler from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 41N, R. 5W, B.M., Latah County to be used for irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 41N, R. 5W, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on February 12, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho
April 1, 8, 1971

Department of Water Administration

87 2011

Identification No. _____

Permit No. 24368

dg
OK
2-19-71

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Ernest Nygaard
b) Post Office Address Potlatch, Idaho
2. Permit Number 24368 / 87-2011
3. Date of Priority that you are prepared to establish August 13, 1953
4. a) Source from which water was appropriated Palouse River
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 4
Township 41 N., Range 5 W Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount .28CFS for Pasture Irrigation purposes from June 15 to Sept. 15 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 .28 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: Area engineer, SCS, Moscow, Idaho by using H.P. & intake pipe size and lift and information on sprinkler system
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: None
b) Describe the agreement or understanding by which you take water from the works: None
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) SHP electric pump, into 4" main line dividing into 3" laterals
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 None

Exam typed 5-7-71. (CR)

87 2011

37 2011

My commission expires 1-19-72

Notary Public residing at 10440
10500

On this 9th day of February, 1971, 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)
County of LATAH) ss.

2-9-1971 (Date)
X Edward J. [Signature] (Signature)

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

10. Remarks:

Total number of acres irrigated 14

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4/N	5W	4																	8
4/N	5W	3																	6

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-
sion:

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place
of use None

87-2012

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 32164
 PERMIT No. 24368
 DISTRICT No.

1. Name of Applicant: ERNEST NYGAARD

Postoffice address: Rt. 3, Palouse, Wn.

Latah

County:

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 14 miners inches or 7/25 cubic feet per second.

3. Source of water supply: Palouse River which is a tributary of

4. Location of point of diversion: Northwest 990 feet distant from the SE

corner of Section 4, T. 41 N., R. 5 W., B. M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 4, T. 41 N., R. 5 W., B. M., County of Latah

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, 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: \$ 1750.00

8. Kind of works: sprinkler irrigation from stream (Palouse River)

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 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 3 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

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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



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

January 4, 1974

Re: Permit No. 24368/87-2011

Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

87-2011

December 13, 1973

Re: Permit No. 24368/87-2011

Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

A representative of this Department has made an examination of the works covered by your Permit No. ~~24368/87-2011~~ and has found the following:

Quantity of water diverted: 0.26 cfs Source: Palouse River

Amount of water that can be recognized as beneficially used under Idaho law: 0.26 cfs

The maximum quantity diverted shall not exceed 42 acre feet per year.

Beneficial use: For irrigation of 14 acres within the SE 1/4, Sec. 3, SE 1/4, Sec. 4, Twp. 41 N, Rge. 5 W

Point of diversion: SE 1/4, Sec. 4, Twp. 41 N, Rge. 5 W, B.M.

Priority date established: February 10, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Enclosed you will find an order correcting the priority date under Permit No. 24368/87-2011.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

87-2011

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF CORRECTING THE PRIORITY)

DATE UNDER PERMIT NO. 24368/87-2011)

ORDER

IN THE NAME OF ERNEST NYGAARD)

WHEREAS, on August 13, 1953, Ernest Nygaard applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 0.28 cubic feet per second of water from the Palouse River to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 41N, Rge. 5W, B.M., Latah County, to be used for irrigation purposes; and,

WHEREAS, on August 15, 1973, the Department approved said application and issued Permit No. 24368/87-2011 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 15, 1959; and,

WHEREAS, on February 12, 1971, the Department received the required proof of beneficial use of water; and,

WHEREAS, on March 5, 1971, the Department reinstated Permit No. 24368/87-2011 and advanced the priority date to February 10, 1964; and,

WHEREAS, it has been brought to the attention of the Department that the date to which priority was advanced is in error; and,

WHEREAS, the correct date of priority should be February 10, 1965;

IT IS, THEREFORE, HEREBY ORDERED that the priority date under Permit No. 24368/87-2011, be and is, CORRECTED to February 10, 1965.

Dated this 7 day of December, 1973.


R. KEITH HIGGINSON
Director

DDR:JC

87-2011

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Ernest Nygaard
 Post office address Potlatch, Idaho Phone 875-5623
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Palouse River
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount .28 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from June 15 to Sept. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 24368/87-2011
 Examination for B/U

4. Total amount to be appropriated:

Max Rate of Diversion .28 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 41 N N/S, Range 5 W E/W, B.M., Section 4, Subdivision SE 1/4 SE 1/4, Latah
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Other Points of Diversions: _____

Description of diverting works: SHP electric pump, into 4" mainline dividing into 3" laterals.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
41 N	5 W	4																8	8
		3										6							6

87-2011

07 2014

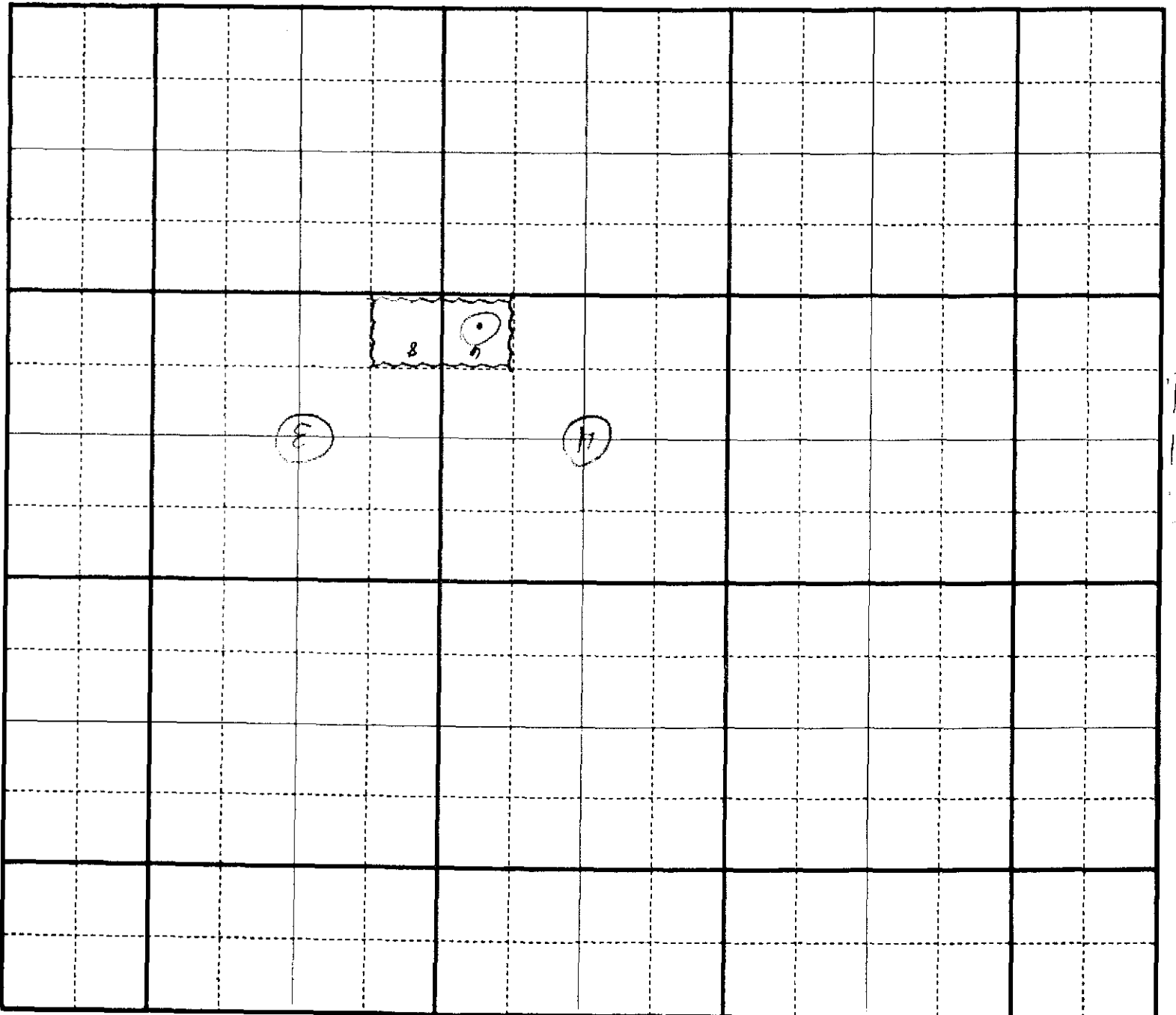
by: _____
by: _____
by: _____

by: CB
Invest +
will call this No. 8-7-72 after
Notifications Mr. Hyatt

DATE 8-3-72

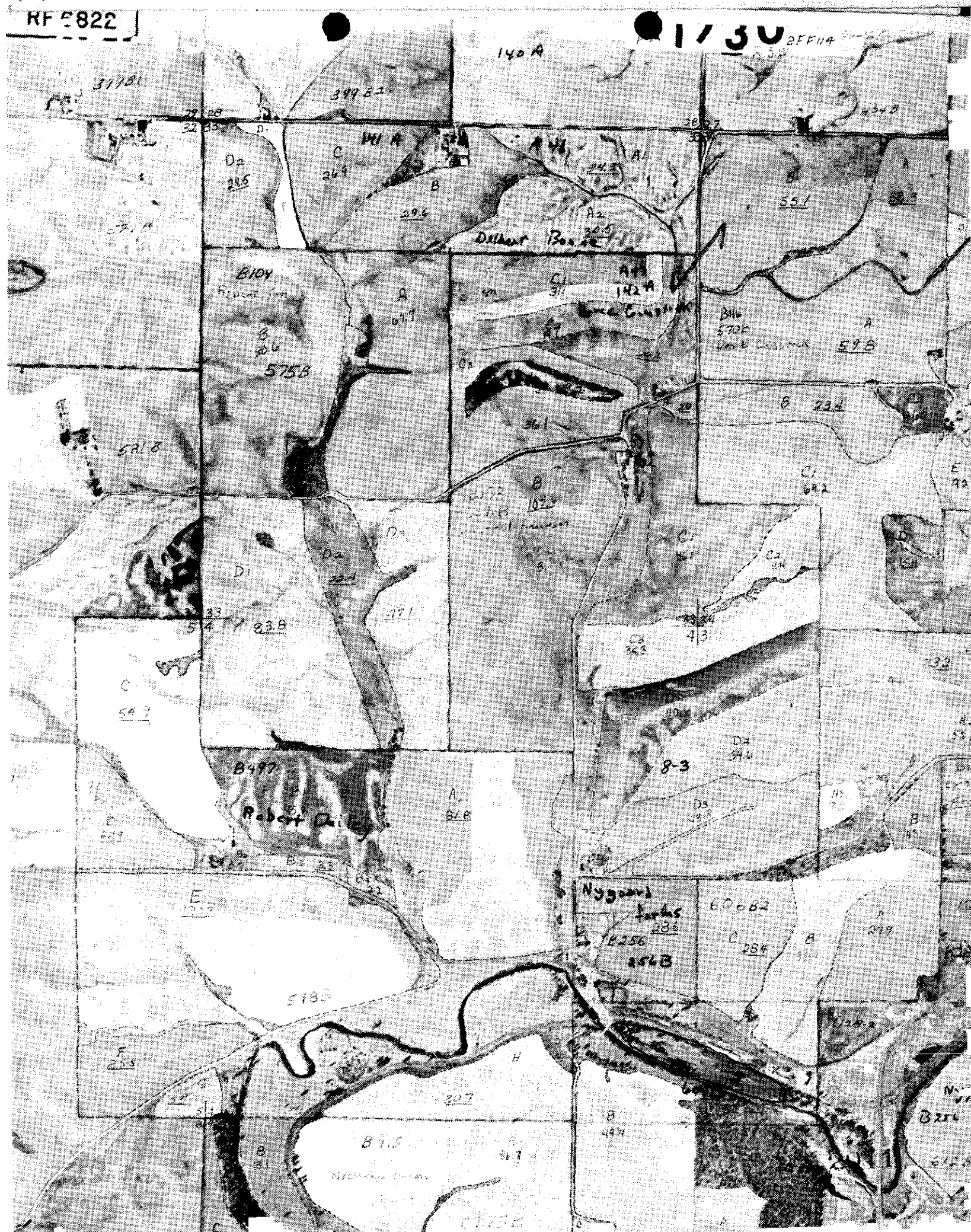
EXAMINATION RECORDS

Diagram of System



R. 5 W.

1730 2FFH4



DATE OF EXAM 5/16/73

ACREAGE

Found 14
Recommended 14

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = .26 c.f.s. V = 42 AF/Ann. from June 15 to Sept 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured .26 cfs Method of measurement pressure gauge

Total Q recommended .26 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 42 a.f./season

Recommended Amendments:

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

MEASUREMENT CALCULATION:

23 Sprinkler heads @ 50 lbs. 23 x 4.98 = .26 cfs
30W Rainbird 5/32" nozzles 448.8

SYSTEM DESCRIPTION:

Smith Motor Co-op Pump
5 h.p Rev: 455
Ser: C1225R2WDA 4" discharge
4" mainline with 3" laterals

REMARKS:

Examiner's Signature Fred Eganbacht Date 5/16/73

Checked by Ernie Bullen Date 5/16/73

Approved by _____ Date _____

April 28, 1971

Re: Permit No. 24368/87-2011

Mr. Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from 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.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

87 2011

April 14, 1971

Re: Permit No. 24368/87-2011 - Ernest Nygaard

Daily Idahonian
Box 399
Moscow, Idaho 83843

Gentlemen:

We are herewith returning the affidavit of publication and certified bill received in connection with the above referenced permit.

In our letter of March 23, 1971, we advised that the expense of this publication was to be paid by Ernest Nygaard, Route 2, Potlatch, Idaho, 83855. Please bill Mr. Nygaard and furnish him with the affidavit.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Affidavit w/certified bill

March 23, 1971

Re: Permit No. 24368/87-2011

Mr. Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

The legal notice for the above-referenced permit is being published in the
Daily Idahonian, Moscow, Idaho on April 1st
and April 8th, 1971.

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.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

87 2011

March 23, 1971

Re: Permit No. 24368/87-2011 - Ernest Nygaard

Daily Idahonian
Box 399
Moscow, Idaho 83843

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 to 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 Water Administration immediately.

The expense of the publication is to be paid by Ernest Nygaard
Potlatch, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB
Enc: legal notice

87 2011

NOTICE OF EXISTING WATER PERMIT

RECEIVED
MAR 23 1971
Department of Water Administration

Notice is hereby given that Ernest Nygaard, Portlatch, Idaho
has received an approved Permit No. 24368/87-2011 issued by the Idaho Department of Water Administration authorizing the diversion ~~9999999~~ of 7/25 cubic feet per second ~~9999/9999~~ of water from the Palouse River.
The priority to be established under this permit is February 10, 1964 and the permit was approved August 15, 1953.

Water is to be diverted by sprinkler
from a point within the SE1/4 Sec. 4, T. 41N, R. 5W, B.M., Latah County
to be used for irrigation
in the SW1/4 Sec. 3; SE1/4 Sec. 4, T. 41N, R. 5W, B.M.

Proof of the application of the water to beneficial use ^{was} ~~is~~ submitted to the Department on ~~02/02/71~~ February 12, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. ~~PLEASE FILE PROTESTS WITH THE DEPARTMENT OF WATER ADMINISTRATION WITHIN TEN (10) DAYS OF THE LAST DATE OF PUBLICATION OF THIS NOTICE OR PRIOR TO THE LICENSING OF THE PERMIT.~~

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Daily Idahonian, Moscow, Idaho
on April 1st and April 8th, 1971

Permit No. 87-2011

Director:

You are hereby authorized to have the above notice published at my expense in the Daily Idahonian of Moscow, Idaho; published in the county in which the works are situated.

Ernest Nygaard
(Signature)
3/12/71
(Date)

P. 2.
(Address)
Portlatch Idaho 83855

March 10, 1971

Re: Permit No. 24368/87-2011

Mr. Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 24368/87-2011. Enclosed you will find an Order which advances the priority under this permit to February 10, 1964.

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 of beneficial use.

The enclosed order modifies the above referenced 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 newspaper as prescribed by the Department. If you will complete and return the enclosed form, we will cause the notice to be published.

If you have any questions or if we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Orders (2)
Advertising authorization
cc: Glen G. Utzman, Attny.

87 2011

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 24368/87-2011)
in the name of ERNEST NYGAARD)
_____)

ORDER

WHEREAS, on August 13, 1953, Ernest Nygaard applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 7/25 cubic feet per second of water from the Palouse River within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 41N, R. 5W, B.M., Latah County, to be used for the irrigation of 14 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, T. 41N, R. 5W, B.M.; and,

WHEREAS, on August 15, 1953, the Department approved the application and issued Permit No. 24368 with the condition that one-fifth of the work be completed on or before February 15, 1955; and that the whole of said works be completed on or before August 15, 1956; and that the water be appropriated to a beneficial use on or before August 15, 1959; and,

WHEREAS, proof of completion of works was made on August 23, 1956; and,

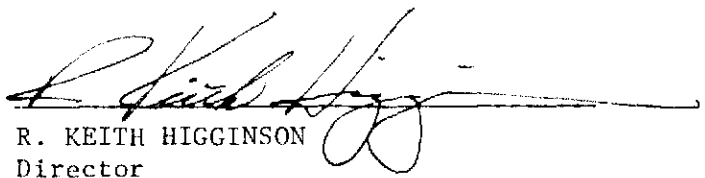
WHEREAS, on January 4, 1971, the Department notified the permit holder that Permit No. 24368/87-2011 was subject to cancellation for failure to submit proof of beneficial use of water on or before August 15, 1959; and,

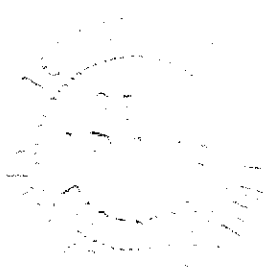
WHEREAS, proof of beneficial use of water was received by the Department on February 12, 1971; and,

WHEREAS, Section 42-218a, Idaho Code, provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

THEREFORE, IT IS HEREBY ORDERED that the priority under Permit No. 24368/87-2011 be advanced to February 10, 1964.

Dated this 5TH day of March, 1971.


R. KEITH HIGGINSON
Director



87 2011

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 24368/87-2011)
in the name of ERNEST NYGAARD)
_____)

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,

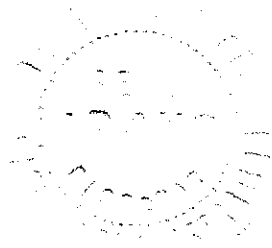
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

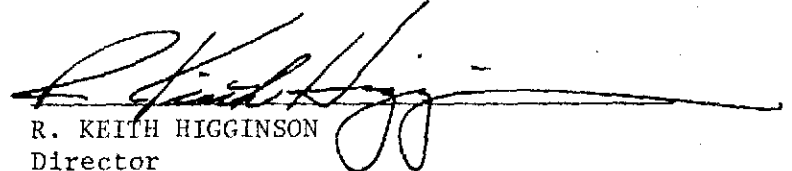
WHEREAS, Permit No. 24368 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure 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.

Dated this 5th day of March, 1971.




R. KEITH HIGGINSON
Director

POST OFFICE BOX 221

GLEN G. UTZMAN
ATTORNEY AT LAW
CERTIFIED PUBLIC ACCOUNTANT
703 NORTH MAIN
MOSCOW, IDAHO 83843

TELEPHONE 882-5534
AREA CODE 208

CERTIFIED MAIL

February 10, 1971

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

Re: Permit No. 24368 (New
Number 87-2011)
Ernest Nygaard

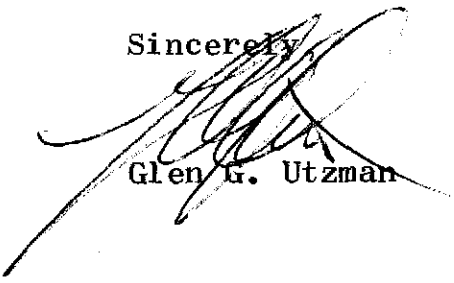
Dear Mr. Higginson:

Enclosed herewith is an executed Proof of Application of Water to Beneficial Use for the above-named permit holder.

I trust you will find the enclosed data satisfactory, and re-instate the Nygaard's water permit.

Should you have any questions please advise.

Sincerely,


Glen G. Utzman

GGU:sc
Enc.

87 2011

GLEN G. UTZMAN
ATTORNEY AT LAW
CERTIFIED PUBLIC ACCOUNTANT
Post Office Box 221
MOSCOW, IDAHO 83843

CERTIFIED MAIL



CERTIFIED

No 100483

MAIL

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

RETURN RECEIPT REQUESTED

87 2011

INSTRUCTIONS TO DELIVERING EMPLOYEES

Show to whom sent and

signature only

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OF ADDRESSEE (Name always be filled in)

CERTIFIED NO.

30808

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

FEB - 5 1970

SHOW WHEN DELIVERED (Date of receipt)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisture gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.	RETURN TO 
POSTMARK OF DELIVERING OFFICE	

NAME OF SENDER

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

February 3, 1971

Re: Permit No. 87-2011 (24368) - Ernest Nygaard

Mr. Glen Utzman
Box 221
Moscow, Idaho 83843

Dear Mr. Utzman:

Here are the Proof of Application of Water to Beneficial Use forms you requested in your recent telephone conversation.

I have researched our records and have found only one filing that might be affected by the loss in priority of Mr. Nygaard's permit. This filing, Permit No. 87-2020, was made in June 1963 by Jesse C. Oylear. The permitted amount of diversion is 4.3 cubic feet per second to be used for irrigation of 215 acres within Section 9 and 10, T. 41 N., R. 3 W., B.M. As you will notice, this place of use is several miles upstream from Mr. Nygaard's place of use.

There are two other later filings on the Palouse River which would have a lower priority than Mr. Nygaard. One has a priority of February 15, 1967 and the other a priority of November 4, 1969, while Mr. Nygaard's filing will have a 1966 priority if the proof of beneficial use is submitted.

If you have further questions concerning this matter, please let us know.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

certified 30308

87 2011

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

Ernest Nygaard

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

87 2011

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

87-2011

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

RENDER FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMASTER
DELIVERING OFFICE

JAN
5
1971
P M

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

3855
**RETURN
TO**

NAME OF SENDER

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

**STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

POST OFFICE, STATE, AND ZIP CODE

055-16-71548-10

POD Form 3811 Apr. 1967

January 4, 1971

CERTIFIED MAIL #36599

Re: Permit No. 24368 (New No. 87-2011)

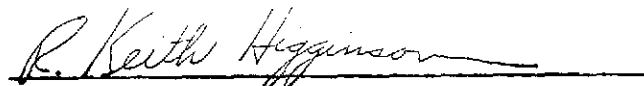
Ernest Nygaard
Potlatch,
Idaho 83855

Dear Mr. Nygaard:

It appearing to the Department of Water Administration that the terms and conditions of Permit 24368/87-2011 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on August 15, 1959,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before February 13, 1971, why said permit should not be cancelled.

Permit 24368/87-2011 claims the use of 0.28 cubic feet per second of water, the point of diversion was to be located within the SE¹/₄SE¹/₄, Sec. 4, T. 41N, R. 5W, B.M. and the permit was approved August 15, 1953.


R. KEITH HIGGINSON
Director

87 2011

August 11, 1959

RE: Permit No. 24368

Ernest Nygaard
Potlatch, Idaho

Dear Mr. Nygaard:

Enclosed are Forms 10 and 11 you submitted and a request for extension of time to prove beneficial use of water.

The Form 10, two required instead of one you sent, shows August 25 as the date for making the proof. That time does not allow sufficient time for four weekly publications of the notice. We could change the date, however we do not know whether Mr. Deslet would be in his office on the date we set.

The request for extension of time is necessary or the priority of your water right would have to be later than the date of filing the number of days your proofs are made after August 15, 1959. If the date of priority is not important, you do not need to make the request for extension of time.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr
enclosures 4

24368

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

RE: Permit No. 24368

Date June 1, 1959

Mr. Ernest Nygaard
Route #3
Palouse, Wash.

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 24368 is due not later than Aug. 15, 1959. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10-2, Form 11-1
instructions

24368

September 27, 1956

RE: Permit No. 24368

Mr. Ernest Nygaard
Route 3,
Palouse, Washington

Dear Mr. Nygaard:

We enclose Certificate of Completion of Works issued on your Permit No. 24368 for the diversion of .28 second foot of the waters of Palouse River with point of diversion located in the SE¹/₄ SE¹/₄ Section 4, Township 41 North, Range 5 West, B.M., with priority of August 13, 1953, for irrigation of land in the SE¹/₄ SE¹/₄ Section 4, and SW¹/₄ SW¹/₄ Section 3, same Township and Range.

We also enclose departmental receipt No. 28154 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

hll
Enc.

24368

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Latah } ss.

Ernest Nygaard, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 24368, and that his postoffice address is R. # 3, Palouse, Washington State of residing in Latah County, Idaho.

Second: That the name of the stream from which said water is to be diverted is _____

Palouse River

Third: That the point of diversion of said water is 990 feet from SE corner of Section Four (4) Twp. 41 North, Range 5, WBM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 15th, 19 56.

Fifth: That the use for which said water is intended is Irrigated Pasture.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Pipe for Irrigated pasture
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____
(State whether ditch, flume or pipe)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use 7/25 second feet of water.

Eighth: That water appropriated under said permit is available for 8 acres of land described as follows: Section Four (4), Township Forty-one (41) North of Range Five (5) West of the Boise Meridian in the SE 1/4 Section 4 and 6 acres in the SW 1/4 SW 1/4 Section 3, Township 41 North, Range 5 West.

Ninth: Remarks: That Land had to be logged, stumps removed and land graded, all according to Soil Conservation Standards

Ernest Nygaard
(Sign Here)

Subscribed and sworn to before me this 23rd day of August, 19 56

My commission expires Nov. 8, 1956

Notary Public.

24368

August 29, 1956

RE: Permit No. 24368

Mr. Ernest Nygaard
Route 3
Palouse, Washington

Dear Mr. Nygaard:

We are returning herewith your proof of completion of works in connection with Permit No. 24368 and will request that you show under Question 8 of said Affidavit more information as to the land description which you intend to irrigate.

Your Permit states that you intend to irrigate 8 acres in the SE¹/₄ SE¹/₄ Section 4 and 6 acres in the SW¹/₄ SW¹/₄ Section 3, Township 41 North, Range 5 West. This is land you wish to irrigate as stated in the Permit. We wish that you would state same under Question 8 of the Affidavit and return to this Department.

We also wish to acknowledge receipt of your check in the amount of \$5.00 for payment of fees for completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll
Enc.

24368

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

June 1, 1956

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Ernest Nygaard
Route 3
Palouse, Washington

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 24368 you are required to complete your diversion works on or before August 15, 1956. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

24368

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 24368

Date August 28, 1953

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Ernest Nygaard
Route 3
Palouse, Washington

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 26132 for \$5.00 filing fee.

24368

NAME OF APPLICANT.....

Form No. 0

A large grid of squares, likely a map or survey area, with a small text block in the bottom right corner. The grid is composed of solid and dashed lines. The text block contains the following information:

Permit Map No. 21368
As Approved
AUG 15 1953
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

24368