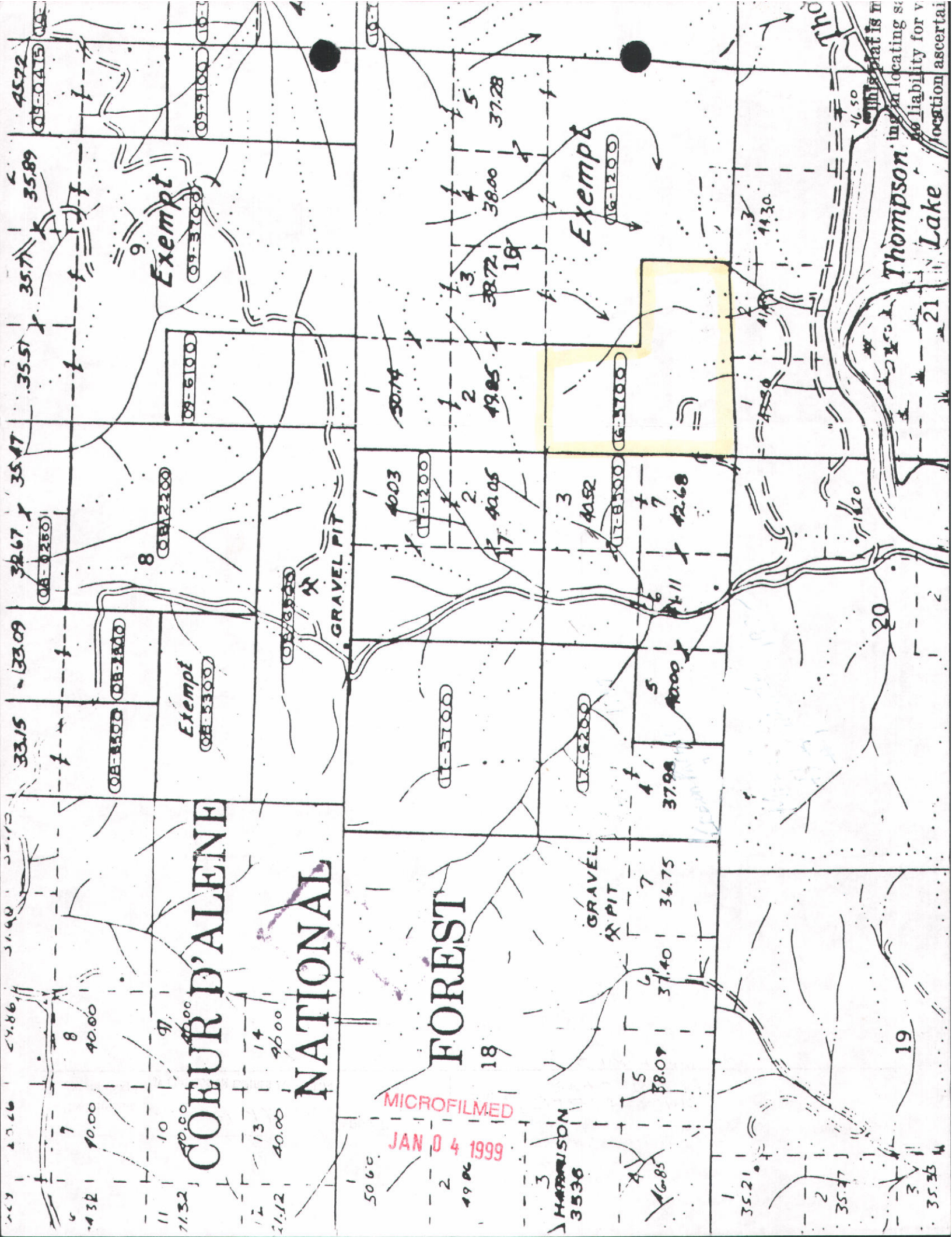




COEUR D'ALENE
NATIONAL
FOREST

MICROFILMED
JAN 04 1999

HARRISON
3536

Thompson Lake

20

19

Exempt

Exempt

Exempt

GRAVEL PIT

GRAVEL PIT

This map is not
to be used for
locating
liability for
location ascertai

State of Idaho
License and Certificate of Water Right

Water License No. 15353
Water District No. 91-A

Amount 0.1 sec. ft.
Priority 10-28-21

THIS IS TO CERTIFY that John H. Justus
of Harrison, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 28, 1921; that Permit No. 15353
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second feet, was issued thereunder on October 2, 1922, showing that said works
were completed on the 2nd day of October, 1922; and that on the 2nd
day of December, 1924,

John H. Justus
of Harrison, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed
spring, a tributary of _____, for the purpose of domestic use
under Use Permit No. 15353 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3224, on the 2nd day of December, 1924;
The right hereby confirmed dates from October 28, 1921;

The Point of Diversion is located
in the SW 1/4 NW 1/4, Sec. 16, Tp. 48 N., R. 3 W., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 0.1 cubic feet per second.

Description and location of use: For domestic use principally.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>48 N.</u>	<u>3 W.</u>	<u>16</u>	<u>NW 1/4 SW 1/4</u>		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 2nd day of December, 1924

(SEAL)

W. G. SWENDSEN
Commissioner of Reclamation.
By GEO. H. CARTER
Assistant

94-2116
95-2113
2213

R0749NP
No. 95-02213

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN H. JUSTUS HARRISON ID	10/28/1921	DOMESTIC	00/00 00/00	0.100 CFS	
TOTAL DIVERSION:					0.100 CFS	

Water Source: SPRING

Tributary to:

Stage: LICENSE

★ Point(s) of Diversion: T48N R03W S16 NWN KOOTENAI County

⊗ Place of use Legal Description for: DOMESTIC

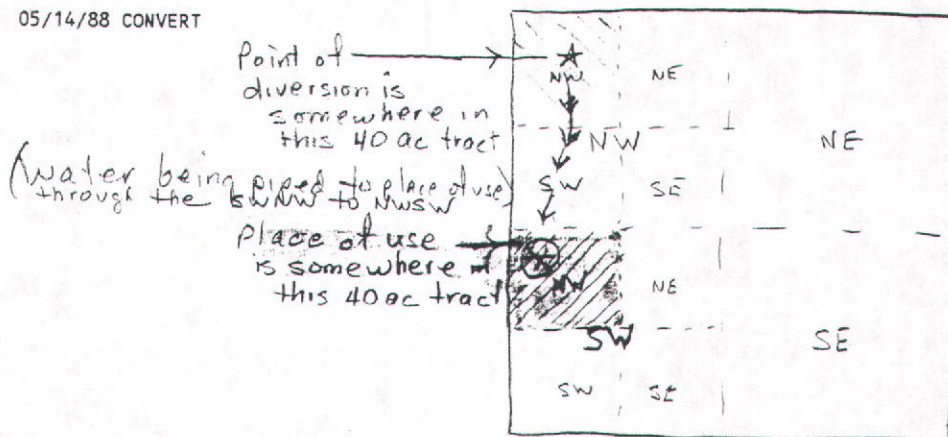
NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
48N	03W	16	:	:	:	:	:	:	D	:	:	:	:	:	:

Pou County: KOOTENAI

Dates: App. Received: Priority Date: 10/28/1921
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/25/1979

Misc: Water District Number: Field Exam Fee:

Audit: 03/10/86 05/14/88 CONVERT



You should probably check w/ the owner of the property where the spring is located. There should have been a formal, written agreement between that landowner & JUSTICE at the time the spring was developed for JUSTICE's use. If that is the Forest Service - check w/ them. There might be an easement recorded w/ the county - ck w/ the County Clerk & Recorder

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FEB 25 2002

✓
May 21, 1943

Re: Permit No. 15353

Mr. J. Ward Arney
Attorney at Law
Coeur d'Alene, Idaho

Dear Mr. Arney:

We are in receipt of your letter of May 17th, in regard to the above numbered permit and license in the name of John B. Justus.

The records in this Department show that this license covers one-tenth (0.1) second foot of water from an unnamed spring for domestic use on the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 48 North, Range 3 West, with a priority date of October 28, 1921.

If the instrument conveying this property to Everett E. Thompson includes the water rights appurtenant thereto, it will not be necessary for Mr. Thompson to make an additional application, as in that case the transfer of the property would automatically transfer the water right.

However, as a matter of record, it might be well to have a properly executed and attested instrument filed in this Department evidencing the transfer of this water right from the legal heir or executor of the original permit holder to the present owner.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

15353

Affidavit of Publication

State of Idaho,)
County of Kootenai,) ss.

I, S. M. Logan, do solemnly swear that I am the publisher of the Harrison Searchlight, a weekly newspaper of general circulation published once a week at Harrison, Idaho; that the notice attached hereto and which is made a part of this affidavit and a part of the proof of Notice *for Publication*

was published in said newspaper for 4 consecutive weeks, the first publication having been made on the 10th day of August, 1923 the last publication having been on the 31st day of August, 1923

That said notice was published in the regular and entire issue of every number of said paper during the said period and time of publication; that said notice was published in the newspaper proper, and not in a supplement; and that said newspaper had been continuously and uninterruptedly published at Harrison, in Kootenai county, Idaho during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of the notice attached hereto.

S M Logan

Subscribed and sworn to before me this 31st day of August, 1923

M W Frost

Notary Public

in and for the State of Idaho,
residing at Harrison, Idaho.

NOTICE FOR PUBLICATION.

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 7th day of September, 1923, at Harrison, County of Kootenai, State of Idaho, before M. W. Frost, a Notary Public, Harrison, Idaho, proof will be submitted of the application to beneficial use of Spring 0.1 cubic feet per second of the waters of an Unnamed Spring, in accordance with the terms and conditions of Permit No. 15353, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John H. Justus, post office address is Harrison, Idaho.

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

The amount applied to beneficial use is 0.1 cubic feet per second, to be used NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Township 48 N. R. 3. B. M.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) principally Domestic Use.

The name of the canal or ditch or other works by which said water is conducted to such place of use is an Unnamed Spring.

The right to take water from such works is based upon Permit No. 15353.

The source of supply from which such water is diverted is an Unnamed Spring, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Township 48, N., R. 3 W., B. M., Kootenai County, Idaho.

The date of the priority which said user is preferred to established is October 28th, 1921.

W. G. SWENDSEN,

Commission of Reclamation

Published Aug 10, 17, 24, 31

15353

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
NOV 25 1998
IDWR/North

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 95-02213
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - (A.) A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - (B.) PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant JOHN JUSTUS

4. New Owner/Claimant(s) JAMES C. KIRK
Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address 1333 KINGSLEY LN.
City, State and ZIP Code CARSON CITY, NV. 89701
New Telephone Number (702) 885-1594

5. Date you acquired the property 5-27-70

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 0 Number and type of stock -
 Diversion rate in CFS 0.1 Number of homes 1 Other uses DOMESTIC
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) James C. Kirk

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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JAN 04 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.

4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
 IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033
 IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
 IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

MICROFILMED

JAN 0 4 1999

564278

WARRANTY DEED

BOOK 238 PAGE 50

For Value Received EVERETT E. THOMPSON and CLARA M. THOMPSON, husband and wife,

the grantor S, do hereby grant, bargain, sell and convey unto DALLAS O. KIRK and LAURA F. KIRK, husband and wife, and LEONARD G. KIRK and GERALDINE H. KIRK, husband and wife,

the grantee S, the following described premises, in Kootenai County Idaho, to-wit:

The West Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, of Section 16, Township 48 North, Range 3 W.B.M., Kootenai County, State of Idaho;

TOGETHER WITH that certain water license issued by the State of Idaho, being License No. 15353, issued October 28, 1961, recorded in Volume 6, Licenses, page 3224.

95-02213

S. Reissued

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said Grantees, that they are the owner S in fee simple of said premises; that they are free from all incumbrances excepting for (a) easements and rights of way in view and of record,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 27, 1970.

Everett E. Thompson

Clara M. Thompson

STATE OF IDAHO, COUNTY OF Kootenai
On this 27 day of May, 19 70
before me, a notary public in and for said State, personally appeared EVERETT E. THOMPSON and CLARA M. THOMPSON, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]

Notary Public

Residing at Acacia ALBIE, Idaho
Comm. Expires 1975

MY COMMISSION EXPIRES JAN. 8, 1975

STATE OF IDAHO, COUNTY OF Kootenai
I hereby certify that this instrument was filed for record at the request of PATTON & TITHE CO

at 9 minutes past 9 o'clock A.M.,
this JUN - 5 1970 day of JUNE,
19 70, in my office, and duly recorded in Book
of Deeds at page

HAROLD E. PETERSON
Ex-Officio Recorder

By Nancy Heath

Deputy.

Fees \$ 10
Mail to: DALLAS KIRK
R#4 - Box 586

INSTRUMENT No.

MICROFILMED

JAN 04 1993

Licenses and Certificate of Water Right

File No. 100-10458

Work Order No. 91-4

Amount 0.1 sec. fl.

Practical Issues

THIS IS TO CERTIFY that John E. Justus
of Harrison, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 28, 1921; that Permit No. 15353
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1000 cfs, was issued thereunder on October 2, 1922, showing that said works
were completed on the 2nd day of October, 1922; and that on the 2nd
day of November, 1924.

John H. Justus

State of Idaho, made proof to the satisfaction of the
U. S. Reclamation of Idaho, of the right to use the waters of an unreserved
a tributary of the Snake River, for the purpose of domestic use
under the Forest No. 15555 of the Commissioner of Reclamation
and the right to the use of said waters has been granted in accordance with the laws of
the United States to the Commissioner of Reclamation of Idaho and entered of record in
of Idaho, at No. 3224, on the 2nd day of December, 1924.
Witness my hand and the seal of the Department of the Interior, at Washington, D. C., this 10th day of October, 1925.

...of water to which sulphuric acid is added and hereby constituted, for all purposes
...in amount actually needed and beneficially used for said purposes, and shall not
...0.1 cubic feet per second.

Description and location of well For domestic use principally.

Tract	Range	Sec.	Full Name Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
40 E	2 W	14	NE 1/4 SW 1/4		

That right to the use of the water aforesaid hereby confirmed is restricted to the lands or place or places herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho
this 2nd day of December, 1934

W. B. SWANSEN
Commissioner of Reclamation.

ORG. FAC. CATER

APPLICATION FOR PERMIT 94-2116

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 21814
Permit No. 15353
District No. 91-A

1. Name of Applicant: John H. Justus,
Postoffice address: Harrison, County: Kootenai, State: Idaho.
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: 0.1 cubic feet per second.
3. Source of water supply: unnamed spring which is a tributary of nothing
4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
 of Section 16 , T. 48 N. , R. 3 W. , B. M., County of Kootenai.
5. Water is to be used for: Domestic purposes.
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: \$ 150.00
8. Kind of works: 3/4 inch iron pipe
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 3/4 inches; length of conduit 1/2 miles.
 Average grade per mile 20 feet
12. The time required for the completion of such work is one years.
13. The time required for the complete application of the water to the proposed use is one additional years.
14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (a) Is reservoir to be used? Yes. A small one If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit: none
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

John H. Justus.

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. 9 A. M. October 28, 1921.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15353

Recorded in Book 54 Page 15353 Approved October 28, 1921.

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

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

Work to begin on or before December 28, 1921. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 28, 1922.

The whole of said work to be completed on or before October 28, 1922.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 28, 1923.

Witness my hand this 28th day of October, 1921.

W. G. SWENDSEN.
Commissioner of Reclamation.

Remarks :

14 Twp	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			In the NW1/4 of the NW1/4 of Section 16, T. 48 N., R. 3 W., there is a small spring which I desire to pipe to my home for domestic purposes. I intend to make use of a small reservoir or tank of about 50Bbl. capacity, and about 3500 feet of 3/4 inch iron pipe. ----- Proof of Completion of Works made September 30, 1922. Certificate of Completion of Works issued October 2, 1922. Permit No. 15353 CERTIFICATE OF COMPLETION OF WORKS To All Whom It May Concern: This is to certify that John H. Justus of Harrison, County of Kootenai, and State of Idaho, the holder of Permit No. 15353, issued upon Application No. 21814, bearing date of priority of October 28, 1921, authorizing the diversion of 0.1 second feet of the waters of an unnamed spring, County of Kootenai, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.1 second feet of the waters of an unnamed spring; that the point of diversion of said waters is in the NW1/4 of the NW1/4 of Section 16, T. 48 N., R. 3 W., B. M., and that the water is to be used for domestic purposes. Witness my hand this 2d day of October, A. D. 1922. W. G. Swendsen, Commissioner of Reclamation By Geo. N. Carter, Assistant. LICENSE ISSUED FOR 0.1 SEC. 16. Page 3221																

RECEIVED

NOV 30 2001

KEN BEAULIEU (KB)

7400 Center Ave Suite 108

PROPERTY MANAGEMENT

Huntington Beach, Ca 92647 Department of Water Resources

FAX - Mail Confirmation
Copy ✓

Date: 11/26/01

Number of pages including cover sheet: 4

To:

MR Jeff Pepperack
DWR - Water Rights Permit
Manager

Phone: (208) 321-1900

Fax phone: (208) 321 7866

CC:

From:

MARY Gallegos

Phone: 714/903-0677

Fax phone: 714/903-0696

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment

Please review my letter to Mr Donald Mc Narie - Department of Lands - also for your review your letter to me 5/15/2000. We continue to have problems with Mr Lomas. Anything you and your office could do would be appreciated. We feel like our backs are to the wall, we have tried to fully cooperate - a court battle will be expensive & lengthy. Help!

MICROFILMED

FEB 25 2002

Mary Kirk Gallegos
17439 Santa Maria
Fountain Valley, Ca 92708
714) 842-0224

November 25, 2001

Donald McNarie
P O Box 83720
Boise, Idaho 83720-0050
208) 334-0200 Fax 208) 334-2339

Re: Easement No 6214, Water Permit No 95-2213

Dear Mr. McNarie:

You asked that I send you a copy of the above easement indicating that it had been recorded. I did hand carry this document to the County Recorders Office on 9/24/01, please see enclosed.

Last summer we tested the water system, depleting water on hand and checking restoration time. This year we ran out of water. Our initial inspection indicated that our waterline was probably damaged when the State cut in their road last fall for the logging practice. We had to hire a local contractor who after many hours of trying to locate the damage found our line had been cut below the ground surface at the spring box. Someone else's line has been attached to our original source totally deviating all water.

We have filed a criminal complaint with the Sheriff, Case No 01-30467 Malicious Injury to Property. We plan to prove vandalism and prosecute. We have identified Mr. George Bomar as our most likely suspect.

I am sure you have in your file the 5/15/2000 letter from *Jeff Peppersack*, Manager Water Right Permits Section detailing the distribution of water (copy enclosed for your easy reference.) We apparently have no choice but to share this water with Mr. Bomar, we the senior permit holders and he the junior, more than likely there is plenty of water for both. We cannot tolerate or afford to have him continue to destroy our water system. We have complied with all your requirements. We are spending a small fortune developing a retirement home for our future use. Water is a key element in our plans, in part this particular land was purchased years ago because it had a water source and valid water permit.

We have been taxpayers since 1970 and believe we should have fair and equal rights and protection under the law. Since issuing Mr. Bomar a water permit (and I would assume easement) to our same spring has created this problem, we would ask your assistance in solving it before we are forced to take legal action.

Sincerely,

Mary Kirk Gallegos
James C. Kirk

Cc: Jeff Peppersack, Manager Water Rights Permits Section, PO Box 83720, Boise 83720-0098
Ron Valek, IDL, 1806 Main St, St. Maries, ID 83861
Allen Beardslee, DWR, 1910 Northwest Blvd, Suite 210, Coeur d' Alene, ID 83814-2615

MICROFILMED

FEB 25 2002

1696748

STATE OF IDAHO
EASEMENT NO. 6214

THIS INDENTURE, made 31st day of October, 2000, by and between the **STATE OF IDAHO, DEPARTMENT OF LANDS**, 954 West Jefferson Street, P.O. Box 83720, Boise, Idaho 83720-0050, acting by and through the State Board of Land Commissioners, (Grantor), and **JAMES KIRK**, of 1333 Kingsley Lane, Carson City, Nevada 89701; and **MARY GALLEGOS**, sister, of 17439 Santa Maria, Fountain Valley, California 92708, (Grantees);

WITNESSETH, that for and in consideration of the sum of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**, lawful money of the United States of America, receipt whereof is hereby acknowledged and other valuable considerations, the Grantor does hereby grant to the Grantees, their heirs, successors in interest and assigns, forever, a permanent easement for the purpose of constructing, using, and maintaining, a water intake and a buried water pipeline over

the following described lands situated in **KOOTENAI COUNTY**, State of Idaho, to-

trip of land ten (10.00) feet wide, being five (5.00) feet on each side of the following centerline:

commencing at the northwest corner of Section 16, Township 48 North, Range 3 West, idian; thence South, 957.20 feet along the west boundary of Government Lot 1 of said i to a point designated as Point A on the map attached hereto and made a part ence North 76° East, 82.50 feet; thence North 61° East, 65.0 feet; thence North 57° feet; thence North 62° East, 75.5 feet; thence North 50° East, 150.2 feet; thence East, 99.2 feet; thence North 43° East, 34.9 feet; thence North 66° East, 40.5 feet to a gnated as Point B on the map attached hereto and made a part hereof, said point water intake for the pipeline and the REAL POINT OF BEGINNING; thence South 44° .1 feet; thence South 10° West, 34.0 feet; thence South 26° West, 187.3 feet; thence West, 59.9 feet; thence South 10° West, 218.8 feet; thence South 20° East, 71.3 feet; uth 4° West, 286.4 feet; thence South 6° West, 119.8 feet; thence South, 158.2 feet; uth 8° East, 43.5 feet; thence South 12° West, 42.2 feet; thence South 4° West, 63.1 e South 10° West, 86.9 feet; thence South 6° West, 193.8 feet; thence South 14° 3 feet; thence South 12° West, 26.2 feet; thence South 6° East, 125.2 feet; thence Vest, 69.6 feet; thence South 12° West, 51.0 feet to a point on the south line of nt Lot 2 of said Section 16, said point being the terminus of said easement, the above area containing 0.47 of an acre, more or less.

Subject to the following terms:

1. The boundary lines of said easement shall be prolonged or shortened to begin on the property lines and end where said waterline joins the unnamed creek.
2. It is fully understood and agreed that if any future road construction or reconstruction affects the pipeline it shall be the sole responsibility and expense of the Grantees for removing, relocating, and reinstalling of said pipeline necessitated by such construction or reconstruction.

MICROFILMED

FEB 25 2002

RECORDERS

OFFICE

KOOTENAI COUNTY

THANK YOU

CRUST

FOUR

DAY

1696748

ACCT.#

RECORD

TOTAL

CASH

0001-0001

4977

12.00

12.00

12.00

9/24/ 1

PM12:54



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mary Kirk Gallegos
17439 Santa Maria Street
Fountain Valley, CA 92708

RE: Water Right No. 95-02213

Dear Ms. Gallegos:

I have received your letter of May 3, 2000 regarding the above referenced water right. In your letter, you asked if there have been any changes in the status of the water right. Our records indicate that the water right is a license in the name of James C. Kirk issued for 0.1 cfs from a spring for domestic purposes. The priority date is October 28, 1921. Although the license is evidence that a water right was developed and beneficially used, a water right can be forfeited through non-use either in whole or in part. In addition, issuance of a water right does not grant a right-of-way or easement across other public or private lands.

You indicated in your letter that you feel the water right is in jeopardy because of a potential competing use of the water due to a water right permit issued to Mr. George Bomar (Permit No. 95-09010). Mr. Bomar's permit has a priority date of March 18, 1999. In the event of a water shortage, water is allocated based on the priority dates of the existing valid water rights. The earlier rights are filled first to the extent that the water can be put to beneficial use under the limits and conditions of those water rights.

After receipt of your letter, I contacted Mr. Allen Beardslee of our Northern Region office in Coeur d'Alene. Mr. Beardslee indicated that he has been working with both James Kirk and George Bomar in an attempt to resolve the water right issues. Mr. Beardslee also indicated that both parties have been working with Marianne Besaw of the Idaho Department of Lands regarding easement issues for conveyance of water from the source to their respective places of use. I encourage continued efforts with those individuals to resolve any remaining issues.

Please feel free to call if you have additional questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

MICROFILMED

FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

August 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Donald F. McNarie
Bureau of Real Estate
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050

RE: Water Right No. 95-02213

Dear Mr. McNarie:

I have received your letter of August 9, 2000 regarding the request for assignment papers to add the name of your department to the above referenced water right. I am enclosing our Notice of Change in Water Right Ownership form for your consideration in this matter. Since this water right is a licensed water right, which is not considered personal property subject to assignment, an Assignment of Permit form would not be appropriate in this case.

Please be aware that the Department of Water Resources (IDWR) does not have authority to change the legal ownership of a water right. Under section 42-248, Idaho Code, IDWR only has authority to record a change in ownership that has already occurred through voluntary conveyance, court decree, or other similar means. The water right license was originally issued to John H. Justus confirming that the water right was developed and beneficially used at the authorized place of use. You must provide evidence of a legal change in ownership of this water right before a change can be processed by IDWR.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

Enclosure

MICROFILMED
FEB 25 2002

RECEIVED

2000

Department of Water Resources

IDAHO DEPARTMENT OF LANDS

954 W. Jefferson St., PO Box 83720
Boise, Idaho 83720-0050
Phone (208) 334-0200 Fax (208) 334-2339

STANLEY F. HAMILTON - DIRECTOR

Mr. Jeff Peppersack, Manager
Water Right Permits Section
Idaho Dept. of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

August 9, 2000

BOARD OF LAND
COMMISSIONERS

DIRK KEMPTHORNE
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

MARILYN HOWARD
Sup't of Public
Instruction

SUBJECT : Water Right 95-02213 (Lot 1, Sec. 16, Twp. 48 North, Rge. 3
West, B.M.)

Dear Mr. Peppersack:

According to information provided to this office, the subject water right was issued on October 28, 1921, to John H. Justus for domestic use. The people that now have the water right are James Kirk and Mary Kirk Gallegos of Fountain Valley, California. I understand in correspondence from Mary Kirk Gallegos and from personnel in our St. Maries office that the subject water right is still valid. The permit was placed in the name of James Kirk and Mary Kirk Gallegos in 1998.

Since the spring which is the source of the water for this water right arises on state endowment land, the water right needs to be assigned and placed in the name of Idaho Department of Lands as well as the adjacent landowners (the Kirk's). Please send me the proper assignment papers to place the water permit in the name of the Idaho Department of Lands.

If you have any questions or need more information, please give me a call at 334-0259.

Sincerely,

Donald F. McNarie

Donald F. McNarie
Real Estate Specialist
Bureau of Real Estate

DFM/dfm

Enclosure

MICROFILMED
FEB 25 2002

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

December 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES C KIRK
1333 KINGSLEY LN
CARSON CITY NV 89701

RE: WATER RIGHT 95-02213

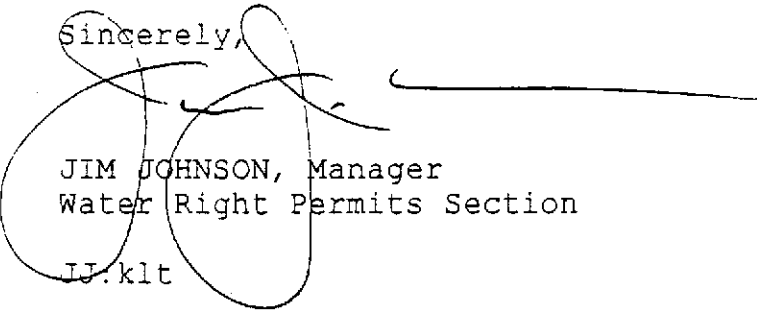
Dear Mr. Kirk:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

IJ:klt

Enclosure

MICROFILMED
DEC 25 2002

DEPT. OF LANDS
MAY 22 PM 1:55
BOISE, IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mary Kirk Gallegos
17439 Santa Maria Street
Fountain Valley, CA 92708

RE: Water Right No. 95-02213

Dear Ms. Gallegos:

I have received your letter of May 3, 2000 regarding the above referenced water right. In your letter, you asked if there have been any changes in the status of the water right. Our records indicate that the water right is a license in the name of James C. Kirk issued for 0.1 cfs from a spring for domestic purposes. The priority date is October 28, 1921. Although the license is evidence that a water right was developed and beneficially used, a water right can be forfeited through non-use either in whole or in part. In addition, issuance of a water right does not grant a right-of-way or easement across other public or private lands.

You indicated in your letter that you feel the water right is in jeopardy because of a potential competing use of the water due to a water right permit issued to Mr. George Bomar (Permit No. 95-09010). Mr. Bomar's permit has a priority date of March 18, 1999. In the event of a water shortage, water is allocated based on the priority dates of the existing valid water rights. The earlier rights are filled first to the extent that the water can be put to beneficial use under the limits and conditions of those water rights.

After receipt of your letter, I contacted Mr. Allen Beardslee of our Northern Region office in Coeur d'Alene. Mr. Beardslee indicated that he has been working with both James Kirk and George Bomar in an attempt to resolve the water right issues. Mr. Beardslee also indicated that both parties have been working with Marianne Besaw of the Idaho Department of Lands regarding easement issues for conveyance of water from the source to their respective places of use. I encourage continued efforts with those individuals to resolve any remaining issues.

Please feel free to call if you have additional questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

DEPT. OF LANDS
BOISE, IDAHO
MAY 22 PM 1:55

MICROFILMED

MAY 23 2002

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 95-02213

JAMES C KIRK
1333 KINGSLEY LN
CARSON CITY NV 89701

Priority Date: 10/28/1921
Stage: LICENSE

Source: SPRING

Beneficial Use	From:	To:	Diversion Rate	Volume
DOMESTIC	00-00	00-00	0.10 CFS	
		Total:	0.10 CFS	

Point(s) of Diversion: NWNW, Sec. 16, Township 48N, Range 03W

Place(s) of Use: DOMESTIC

Twp:	Rng:	Sec:	Tract: Acres:	Tract: Acres:	Tract: Acres:
48N	03W	16	NWSW		

Conditions of Approval and Remarks:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Dates: Licensed Date: 09/25/1979

MICROFILMED

FEB 25 2002

AR0749NP
No. 95-02213

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN H. JUSTUS HARRISON ID	10/28/1921	DOMESTIC	00/00 00/00	0.100 CFS	
TOTAL DIVERSION:					0.100 CFS	

Water Source: SPRING

Tributary to:

Stage: LICENSE

★ Point(s) of Diversion: T48N R03W S16 NWNW KOOTENAI County

⊗ Place of use Legal Description for: DOMESTIC

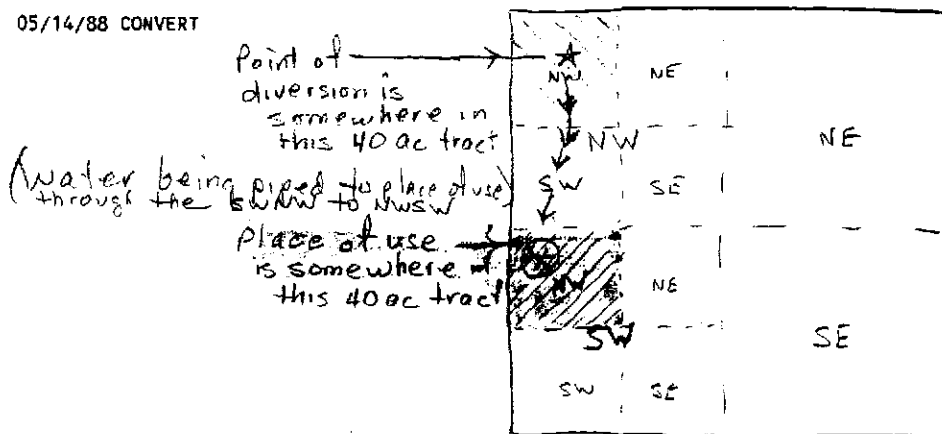
NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
48N	03W	16	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: KOOTENAI

Dates: App. Received: Priority Date: 10/28/1921
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/25/1979

Misc: Water District Number: Field Exam Fee:

Audit: 03/10/86 05/14/88 CONVERT



You should probably check w/ the owner of the property where the spring is located. There should have been a formal, written agreement between that landowner & JUSTICE at the time the spring was developed for JUSTICE's use. If that is the Forest Service - check w/ them. There might be an easement recorded w/ the county - ok w/ the County Clerk & Recorder.

MICROFILMED

FEB 25 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mary Kirk Gallegos
17439 Santa Maria Street
Fountain Valley, CA 92708

RE: Water Right No. 95-02213

Dear Ms. Gallegos:

I have received your letter of May 3, 2000 regarding the above referenced water right. In your letter, you asked if there have been any changes in the status of the water right. Our records indicate that the water right is a license in the name of James C. Kirk issued for 0.1 cfs from a spring for domestic purposes. The priority date is October 28, 1921. Although the license is evidence that a water right was developed and beneficially used, a water right can be forfeited through non-use either in whole or in part. In addition, issuance of a water right does not grant a right-of-way or easement across other public or private lands.

You indicated in your letter that you feel the water right is in jeopardy because of a potential competing use of the water due to a water right permit issued to Mr. George Bomar (Permit No. 95-09010). Mr. Bomar's permit has a priority date of March 18, 1999. In the event of a water shortage, water is allocated based on the priority dates of the existing valid water rights. The earlier rights are filled first to the extent that the water can be put to beneficial use under the limits and conditions of those water rights.

After receipt of your letter, I contacted Mr. Allen Beardslee of our Northern Region office in Coeur d'Alene. Mr. Beardslee indicated that he has been working with both James Kirk and George Bomar in an attempt to resolve the water right issues. Mr. Beardslee also indicated that both parties have been working with Marianne Besaw of the Idaho Department of Lands regarding easement issues for conveyance of water from the source to their respective places of use. I encourage continued efforts with those individuals to resolve any remaining issues.

Please feel free to call if you have additional questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

MICROFILMED

FEB 25 2002

RECEIVED

MAY 8 - 2000

Department of Water Resources

Mary Kirk Gallegos
17439 Santa Maria Street
Fountain Valley, CA 92708
714) 842-0224 days 903-0677

May 3, 2000

Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

Attn: Jim Johnson, Manager
Water Right Permits Section

Re Water right 95-02213

Please indicate if there have been any changes in status on the above permit, as we seem to be receiving conflicting and confusing information from your department.

The original "license and permit" was #15353 was issued to John Justus by the Department of Reclamation 12/2/24. I have copies of all applications, inspections as well as the original License and Certificate of Water rights. The paperwork clearly indicates by legal description the point of origin, point of diversion, and method of conveyance. All of which would seem to indicate all necessary right of access was granted with the permit. No where in any paperwork does it indicate that the issuance of that permit is conditional upon obtaining an easement or that the permit will be invalid without one. Further the permit has no expiration date and was issued in perpetuity. As the permit has been in continuous use since issuance we hold a water right that has been vested since 1924.

I have a letter from a lawyer to this same department from 1943 when the property was sold to Mr. Thompson, inquiring if any further application was required to pass this permit to the new owner. The answer from Mr. James Spofford, State Reclamation engineer, was no, if the deed included the water right then the water right passed with the land. No requirement for an easement was identified at that time.

We purchased the property from Mr. Thompson in May of 1970; the deed included this same water permit. We note our property tax bill includes assessment for the use of water on the site. . The original water system has been in use for nearly 80 years. Before my brother and I began extensive repairs to this system, (\$7600) we made inquiries to the Department of Water Resources to determine the current status of our permit and recorded a change of ownership in 1998. The letter of confirmation is from you.

MICROFILMED

FEB 25 2002

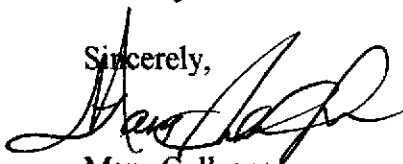
Department of Water Resources, May 3, 2000- page 2 of 2 pages

We now understand the state has attempted to take our first priority water rights by issuing a permit and easement to our spring to a Mr. Bomar in exchange for an easement across his property so the Department of Land can complete a logging operation. This action is invalid due to the priority of our right. It is our understanding that Mr. Bomar was issued a water right to a spring on a different location, but Mr. Bomar has objected to the quality of the water and threatened to revoke the easement across his property. On this threat, the state appears to be attempting to condemn our rights.

We must insist that you clarify the intent of your actions immediately. The above action t would seriously interfere with our current construction plans and substantially devalue our property.

Thank you in advance for your prompt attention to this matter.

Sincerely,



Mary Gallegos

CC James C. Kirk
1333 Kingsley Lane
Carson City, NV 89701

MICROFILMED
FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

December 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES C KIRK
1333 KINGSLEY LN
CARSON CITY NV 89701

RE: WATER RIGHT 95-02213

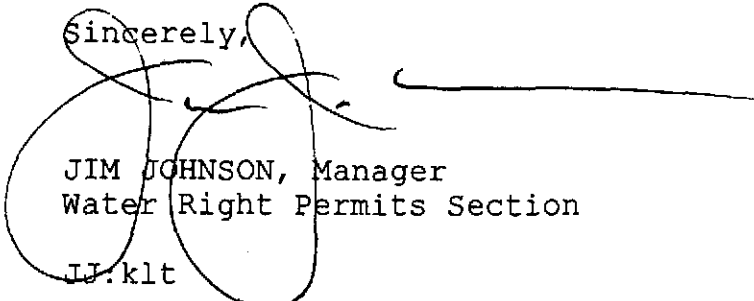
Dear Mr. Kirk:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ.klt

Enclosure

MICROFILMED

JAN 04 1999

May 21, 1943

Re: Permit No. 15353

Mr. J. Ward Arney
Attorney at Law
Coeur d'Alene, Idaho

Dear Mr. Arney:

We are in receipt of your letter of May 17th, in regard to the above numbered permit and license in the name of John A. Justus.

The records in this Department show that this license covers one-tenth (0.1) second foot of water from an unnamed spring for domestic use on the NW 1/4 SW 1/4 Section 16, Township 48 North, Range 3 East, with a priority date of October 23, 1921.

If the instrument conveying this property to Everett E. Thompson includes the water rights appurtenant thereto, it will not be necessary for Mr. Thompson to make an additional application, as in that case the transfer of the property would automatically transfer the water right.

However, as a matter of record, it might be well to have a properly executed and attested instrument filed in this Department evidencing the transfer of this water right from the legal heir or executor of the original permit holder to the present owner.

Very truly yours,

JAM. C. SPOFFORD
State Reclamation Engineer

By

Chief Clerk

A

15353

J. WARD ARNEY

ATTORNEY-AT-LAW

Coeur d'Alene, Idaho

CLAY V. SPEAR
ASSOCIATE

May 17, 1943



Department of Reclamation
Boise
Idaho

Gentlemen:

WATER LICENSE NO. 15353; DISTRICT NO. 91-A:

John H. Justus, now deceased, acquired this license December 2, 1924 and his wife, Minnie Justus, whom I am representing, is selling the property which this license serves, with some other property, to Everett E. Thompson, Harrison, Idaho, the sale being made under an executory contract in escrow with the Idaho First National Bank, Coeur d'Alene.

Kindly advise Mr. Thompson directly, in event he has to make any additional application.

Respectfully,

jwa/ir

15353

L 3224

Original, LWA

Letter 15353 to 16-451136

NY 10-28-21 -

December 2, 1924

Re: Permit No. 15353

Mr. John H. Justus
Harrison, Idaho

Dear Sir:

We enclose herewith Water License
issued under the above numbered permit,
together with receipt for fees.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

15353

STATE OF IDAHO
C. C. MOORE, GOVERNOR
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER

BOISE

October 27, 1924

Re: Permit No. 15353

Mr. John H. Justus
Harrison, Idaho

Dear Sir:

Upon receipt of fees in the sum
of \$5.00 license will be issued you under
the above numbered permit.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By *Ed Brown*
Chief Clerk

*Enclosed find cash. for License
Re. permit # 15353.*

John H Justus

15353

October 27, 1924

Re: Permit No. 15353

Mr. John H. Justus
Harrison, Idaho

Dear Sir:

Upon receipt of fees in the sum
of \$5.00 license will be issued you under
the above numbered permit.

Very truly yours,

W. G. SWENDBSEN
Commissioner of Reclamation

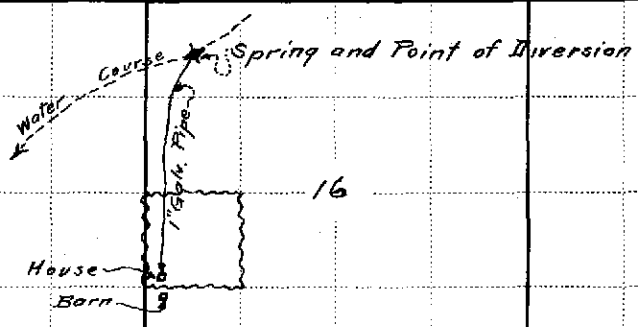
By _____
Chief Clerk

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 15353

REPORT ON PROOF OF BENEFICIAL USE WATER



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 15353This proof is for Beneficial UseIn Water District No. 91-A

1. Name of applicant: John H. Justus
2. Source of water supply: Unnamed Spring
3. Location of point of diversion: Is in the NW1/4 of Section 16
T. 49 N R. 3 W.B.M. County of Kootenai

4. Describe works as they exist, giving dimensions and capacities of same: Spring House of concrete 8'x8'x6' deep, walls 4' thick & reinforced top, sides & bottom. 3200 ft of 9 inch pipe delivers water to farm buildings

5. Water is used for: domestic and lawn, some garden

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Domestic use, principally, garden and lawn, in the NW1/4, Sec. 16, Twp. 49 N., R. 3 W., B.M.

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

8. What large stream would the water here appropriated finally reach? none

Remarks: Construction is first class

This examination was made on the 3rd day of June 1927

15353

(Signed)

Herb R. Tolman

Examiner.

Permit No. **15353**

Examination for **Beneficial Use**

County **KOOTENAI**

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

September 10, 1923.

Re: Permit No. 15353.

Mr. John H. Justus,
Harrison, Idaho.

Dear Sir:-

We are in receipt of depositions and affidavit of publication for proof of use of water under the above numbered permit. These are in proper form and will be held without further action until the report of our engineer can be made, at which time you will be further advised as to fees due before issuing license.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By
Chief Clerk.

15353

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 15353

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John H. Justus, my age is (49) years, occupation Farmer,
my Postoffice adress is Harrison, Idaho,

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual self.

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

Ans. 15353. Date of Permit Oct' 28th, 1921 Date of Priority Oct'
28th, 1921,

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

Ans. From Spring, on NW $\frac{1}{4}$ SW $\frac{1}{4}$ sect' 16, T-48-N-R-3-W-B-M,

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. a Concrete Cistern, through Gravity Pipe, and will convey about
30- Gallons per Hour. no Name, Except my pipe line,

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. used for Domestic purposes, & Garden & Lawn, located on on the
W $\frac{1}{2}$ of SW $\frac{1}{4}$ sect' 16 T-48-N-R-3-W-B-M, Kootenai County, Idaho,

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

Ans. None-

15353

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. about 50- Gallons per Day., 24-Hours,

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. I have used it for Domestic Purposes and Irrigating the Garden
and watering Stock,

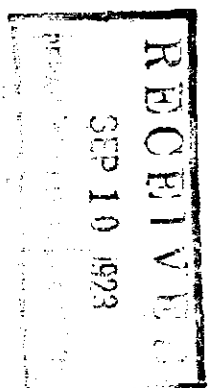
Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. None.

(Sign) John H. Justice

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in City of Harrison, County of Kootenai State of Idaho, on this 7th, day of Septemebr A. D. 19 23.

W. W. Frost
Notary Public, Harrison, Idaho,



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 15353

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Charles E. Cleveland, age 53, years Harrison, Idaho,
Barber.

Ques. 2. Are you acquainted with.....John H. Justus....., the
holder of Permit No. 15353? How long have you known him and where does he reside?

Ans. About six years, he resides on sect' 16- T-48-N-R-3-W-Bm
Kootenai County, Idaho, his Postoffice address is Harrison, Idaho,

Ques. 3. Have you read or heard read said Permit No. 15353, and are you familiar with its provisions and conditions?

Ans. Yes,

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. From Spring, diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$ sect' 16. T-48-N-R-3-W-B-M.
Gravity Pipe Line.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 0.1 cubic feet per Second, about 30 gallons per Hour.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic Use, for house use and Garden and lawn.
Purposes, to be used on W $\frac{1}{2}$ of SW $\frac{1}{4}$ sect' 16-T-48-N-R-3-W-B-M,

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

Ans. no.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. No.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the property and investigated the works within the last year, and am well Acquainted with the person and property.

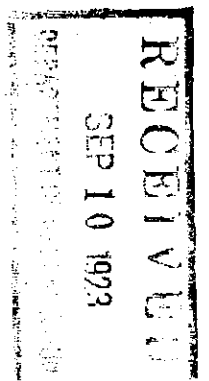
(Sign) *C. C. Cleveland*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in City of Harrison, County of Kootenai, State of Idaho, on this 7th, day of September A. D. 1923.

M. W. Trout
Notary Public.

My commission expires March 11 th 1924,

15353



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 15353

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Artemus B. Cathcart, my age 48 years, Harness maker,
Postoffice address is Harrison, Idaho.

Ques. 2. Are you acquainted with John H. Justus, the
holder of Permit No. 15353? How long have you known him and where does he reside?

Ans. I have know him for 14 years, he resides on Sect' 16 T-48-N-
R, 3-W-B-M, Kootenai County, Idaho, his postoffice address is Harrison,
Idaho,

Ques. 3. Have you read or heard read said Permit No. 15353, and are you familiar with its provisions and conditions?

Ans. yes,

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. From a Spring, diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sect' 16-T-48-N-R-3-W-B-M
gravity Pipe Line,

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 0.1 Cubic Feet per second, i estimate it will deliver
to Place of diversion about 30- gallons per hour,

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation purposes and Domestic Use. for House and Harden and
Lawn Purposes, principally to be used on W- $\frac{1}{2}$ of SW $\frac{1}{4}$ sect' 16 T-48-
N-R-3-W-B-M, Kootenai County, Idaho,

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

Ans. No.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. No, just for House & Garden & Lawn and domestic use,

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the property and investigated the works within the last year several times, and am well acquainted with the person and property.

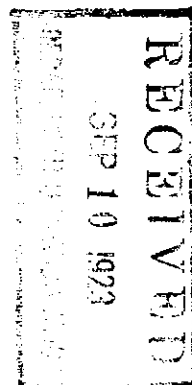
(Sign) Artemus B. Cathart

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in City of Harrison, County of Kootenai, State of Idaho, on this 7th, day of Septemebr A. D. 1923..

[Signature]
Notary Public.

My commission expires March 11th, 1924,

15353



Affidavit of Publication

State of Idaho,)
County of Kootenai,) ss.

I, S. M. Logan, do solemnly swear that I am the publisher of the Harrison Searchlight, a weekly newspaper of general circulation published once a week at Harrison, Idaho; that the notice attached hereto and which is made a part of this affidavit and a part of the proof of Notice *for Publication*

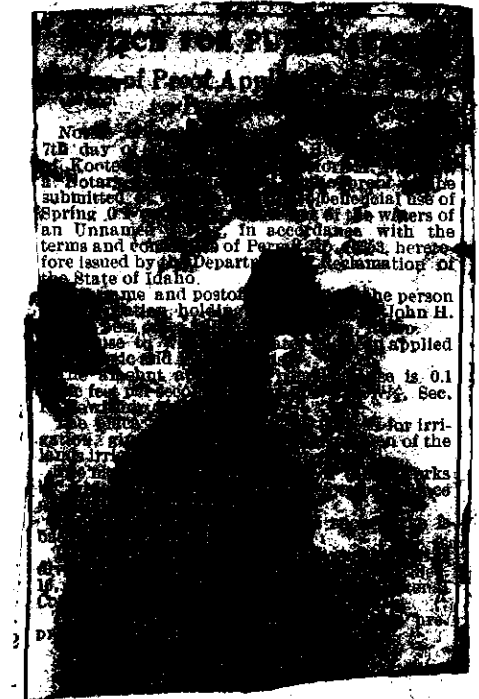
was published in said newspaper for 4 consecutive weeks, the first publication having been made on the 10th day of August, 1923 the last publication having been on the 31st day of August, 1923

That said notice was published in the regular and entire issue of every number of said paper during the said period and time of publication; that said notice was published in the newspaper proper, and not in a supplement; and that said newspaper had been continuously and uninterruptedly published at Harrison, in Kootenai county, Idaho during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of the notice attached hereto.

S M Logan

Subscribed and sworn to before me this 31st day of August, 1923

W W Frost
Notary Public
in and for the State of Idaho,
residing at Harrison, Idaho.



15353

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

~~PROOF OF COMPLETION OF WORKS~~
~~AND~~
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, August 30, 1923.

John H. Justus,
c/o M. W. Frost,
Notary Public,
Harrison, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of ~~completion of~~
~~works and~~ beneficial use of water under Permit No. 15353.

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On September 7, 1923., the date set for proof, the enclosed forms (~~one~~ for permit holder and ~~one~~ each for two disinterested witnesses) should be filled out and sworn to, at Harrison before M. W. Frost, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

M. G. SWENDSEN,
Commissioner of ~~clamation~~ ~~xxxxx~~
State Engineer

15353

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE August 1, 1923.

Harrison Searchlight,
Harrison, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 7, 1923, the date set for proof, the expense of the publication to be paid by the applicant, John H. Justus, Harrison, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN.

Commissioner of Reclamation.

15353

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

July 11, 1923.

Mr. John H. Justus,
Harrison, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15353, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

15353

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 23rd, 1923,

(P. O.) Harrison, Idaho,

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Harrison Searchlight, of Weekly news-paper, published in
the county in which the works are situated.

John H. Justice

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

15353

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10. a. m. on the 7th day of Sept., 1923,
at Harrison, County of Kootenai, State of Idaho,
before M. W. Frost, a Notary Public, Harrison, Idaho, proof will be submitted
of the application to beneficial use of Spring. 0.1 cubic feet per second of the
waters of an Unnamed Spring, in accordance with the terms and conditions of
Permit No. 15353 heretofore issued by the Department of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
John H. Justus. Po. Address is Harrison, Idaho,

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

The amount applied to beneficial use is 0.1 per second to be used NW 1/4 SW 1/4 sec 16 T 48 N R 3 W B M

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Principally Domestic Use,

The name of the canal or ditch or other works by which said water is conducted to such place of use
is an Unnamed Spring,

The right to take water from such works is based upon Permit No. 15353

The source of supply from which such water is diverted is an Unnamed Spring
NW 1/4 of SW 1/4 sec 16 T 48 N R 3 W B M

48 N R 3 W B M, Kootenai County, Idaho,

The date of the priority which said user is prepared to establish is Oct. 28th, 1921.

W. G. SWENDSEN.

Commissioner of Reclamation.

15353

7/21/23
16-48 N-3 W- B-M Oct. 28-23

July 25, 1923.

Re: Permit No. 15353

Mr. John H. Justus,
Harrison, Idaho.

Dear Sir:

We are returning herewith your notice for publication to be completed with respect to the date, place where proof will be submitted and the name of the notary public before whom proof will be taken. These blanks should be returned to us in time to allow for the required four weeks publication before the date set for making proof.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

Encls.

15353

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

July 11, 1923.

Mr. John H. Justus,
Harrison, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15353, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

15353

October 10, 1922.

Re: Permit No. 15353.

Mr. John H. Justus,
Harrison, Idaho.

Dear Sir:

We are inclosing herewith Certificate of Completion of Works, issued under the above numbered Permit, together with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By

Chief Clerk.

Encls.

15353

NAME OF APPLICANT

John H. Justus, Harrison, Idaho.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

← spring
Sec. 16, T. 48 N. R. 3 W.
← House

15353

Permit No. 15353

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Kootenai } ss.

John Justus, 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. 15353, and that his postoffice address is Harrison, State of Idaho.

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

Third: That the point of division of said water is from Lot 1 sect' 16. & to NW 1/4 of SW 1/4 sect' 16, T-48-N-R-3-W-B-M, Kootenai County, Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct. 28th, 1922.

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

Sixth: That on the date above mentioned, the works constructed under said permit were (as warranted) fully completed and consisted of the following:

I. Kind of works: Reservoir 8-X-8. 6-ft' High, 1-Inch pipe to house Galv' Iron.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: nil

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

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

(b) Capacity of reservoir nil acre feet.

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

(d) Conduit nil width at bottom nil feet, width at water line nil feet, depth of water nil feet; diameter of pipe nil inches, average grade per mile is nil feet. Length of conduit is nil miles.

Seventh: That said works are capable of conducting to the place of intended use 1.5 second feet of water.

Eighth: That water appropriated under said permit is available for nil acres of land described as follows: NIL

Ninth: Remarks: That

John H. Justus
(Sign here)

Subscribed and sworn to before me this 30th day of September, 1922

Notary Public.

My commission expires March 11th, 1924

15353

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. John Justus,
Harrison, Idaho.

Boise, Idaho,
July 13, 1922.

Dear Sir:—

Under the terms of your permit No.. 15353.....you are required to complete your diversion works on or before Oct. 28, 1922. 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,

W. G. SWENDSEN.
Commissoner of Reclamation.

15353

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit 15353.

Mr. John H. Justus,
Harrison, Idaho.

Boise, Idaho,

October 31, 1921.

Dear Sir:

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

W. G. SWENDSEN.

Commissioner of Reclamation.

15353

NAME OF APPLICANT

John H. Justus

SEC.

SEC.

SEC.

SEC.

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SEC.

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SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Sec. 16, T. 48. N. 3 W.

Spring

House

15353

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.