

Vienna, Illinois
October 11, 1964

ATTORNEY GENERAL'S OFFICE
STATE OF IDAHO

RECEIVED

OCT 19 1964

Attorney General
Boise, Idaho.

Attention of Mr. Stephen Boaler

Dear Sir:

Enclosed is \$3.00 for the copies of a water license attached to your letter of October 6. The water license is issued to Clara E. Derrick, number 17280. It raises a few questions that I would like to have answered.

Does Mr. Green, the heir of Mrs. Derrick, enjoy the benefits of this license?

It so happens that the platted streets in Del Cardo Bay are dedicated to the public on condition that the lots served by the streets are not vacated. This condition has not been established. Is it a valid question to contest the right of the state to issue a license to an individual that would interfere with the use of First Street as a thoroughfare for the public?

The applicant implied that the spring would be on First Street. This is not so because the street would have to extend beyond the platted boundary to the adjoining private property now owned by Mrs. Anderson. Is it a valid question of the State's right to license this spring without knowledge of the land owner?

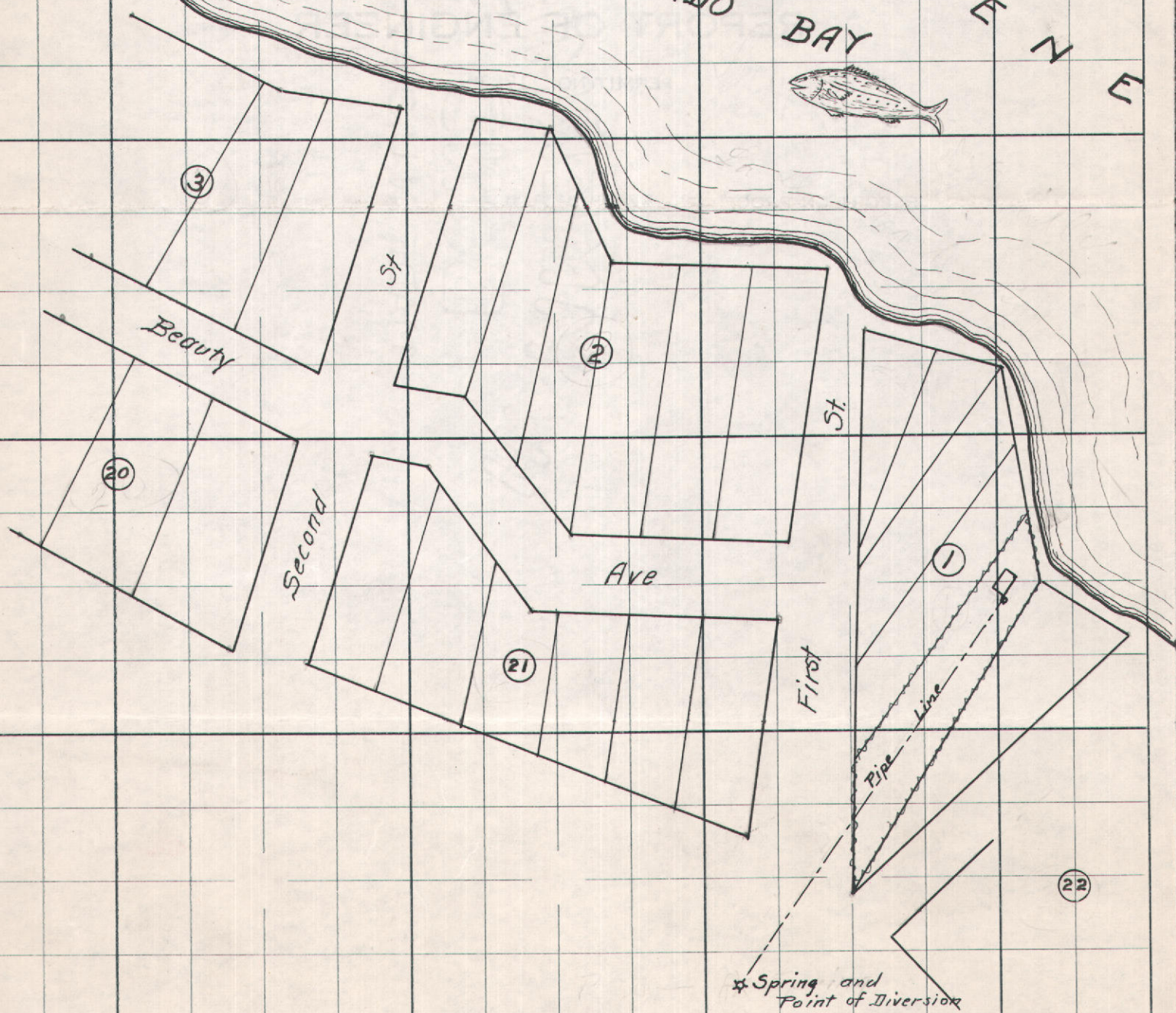
Your comments would be most helpful in clarifying a water supply issue.

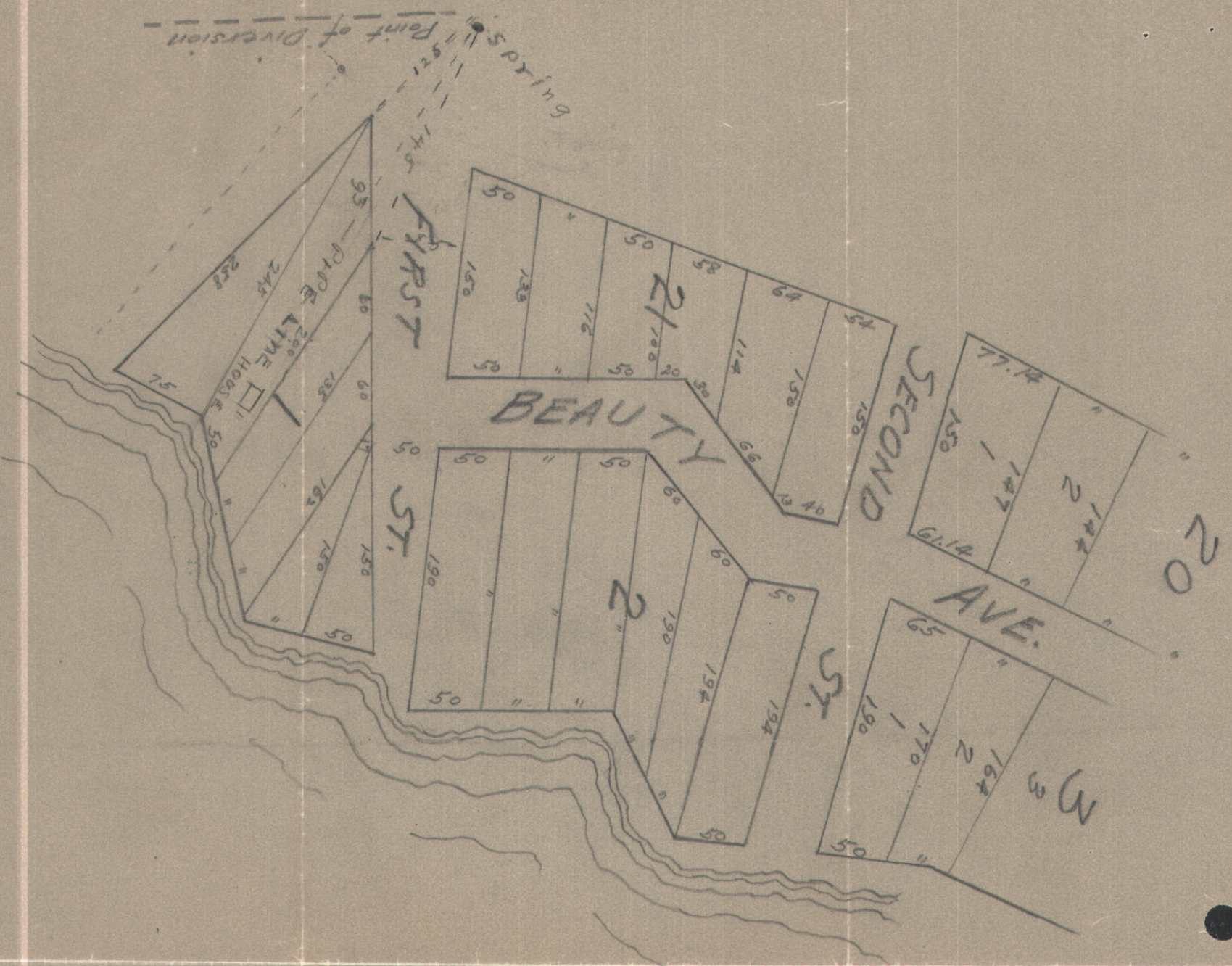
Sincerely

C. A. Gregory
C. A. GREGORY

17280

LAKE
COEUR
LA DEL
CARDO
BAY
D'ALENE





North
 VA. 22° 30' E.
 Scale = 1 in. = 100 ft.

LA DEL CARDO
 BAY
 IDAHO

Permit Map No. 17280
 As Approved
 MAY 1 1930

GEO. N. CARTER
 Commissioner of Reclamation

17280

State of Idaho

License and Certificate of Water Right

Water License No. 17280
 Water District No. _____

Amount 0.02 sec. ft.
 Priority April 26, 1930

THIS IS TO CERTIFY that CLARA E. DERRICK
 of Spokane, Washington, made application for a permit to appropriate the
 public waters of the State of Idaho, dated April 26, 1930; that Permit No. 17280
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.02 of 1 second ^{foot} feet, was issued thereunder on October 20, 1930, showing that said works
 were completed on the 16th day of September, 1930; and that on the 1st
 day of May, 1936,

CLARA E. DERRICK

of Spokane, State of Washington, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of a spring
 , a tributary of _____, for the purpose of domestic use
 , under Use Permit No. 17280 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 ^{State Reclamation Engineer} ~~Commissioner of Reclamation~~ of Idaho and entered of record in Volume 7
 of Licenses, at page 4251, on the 28th day of March, 1945;

The right hereby confirmed dates from April 26, 1930;

The Point of Diversion is located about 125 ft. SW of the SW corner of Block 22 LaDelCardo Bay
 in the $\frac{1}{4}$ ~~--14~~, Sec. 23, Tp. 49 N., R. 4 W., B. M. Kootenai County

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 0.02 of 1 sec. ft.
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			On shore of LaDelCardo Bay at applicant's summer home.		
			This license is issued in correction of License recorded in Volume 7 of Licenses, at Page 3810, and in lieu thereof.		

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 ^{State Reclamation Engineer} ~~Commissioner of Reclamation~~, affixed at Boise, Idaho,
 this 28th day of March, 1945

MARK R. KULP

 Commissioner of Reclamation

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 18949
 Water District No. _____

Amount .0356 second foot
 Priority February 23, 1940

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, FOREST SERVICE
 of Ogden, Utah, made application for a permit to appropriate the
 public waters of the State of Idaho, dated February 23, 1940; that Permit No. 18949
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 .0356 second feet, was issued thereunder on December 20, 1943, showing that said works
 were completed on the 16th day of November, 1943; and that on the 27th
 day of December, 1943,

UNITED STATES OF AMERICA, FOREST SERVICE

of Ogden, State of Utah, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Rasche Spring
 a tributary of Stanley Lake, for the purpose of domestic and recreational use at Stanley
 Lake Camp Ground, under Use Permit No. 18949 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume 7
 of Licenses, at page 4250, on the 27th day of March, 1945;

The right hereby confirmed dates from February 23, 1940;

The Point of Diversion is located N.1°2' W.723.8 ft. from S.¼ cor. Sec. 28, T.11 N., R.12 E., B.M.
 in the SE ¼ SW ¼, Sec. 28, Tp. 11 N., R. 12 E., B. M. Custer County

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 .0356
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Stanley Lake Public Camp Ground on the North shore of Stanley Lake, Challis National Forest, and within the Southeast Quarter of Section 28, Township 11 North, Range 12 East, B.M.		

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.

State Reclamation Engineer

WITNESS the seal and signature of the ~~Commissioner of Reclamation~~, affixed at Boise, Idaho,
 this 27th day of March, 1945

MARK R. KULP

~~Commissioner of Reclamation~~
 State Reclamation Engineer

(SEAL)

State of Idaho

Water License No. **17280**

Amount 0.02 Sec. Ft.

Priority April 26, 1930

THIS IS TO CERTIFY that **CLARA E. DERRICK**

of Spokane, Washington, made application for a permit to appropriate the public waters of the State of Idaho, dated April 26, 1930; that Permit No. 17280 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.02 of 1 second-foot, was issued thereunder on October 20, 1930, showing that said works were completed on the 16th day of September, 1930; and that on the 1st day of May, 1935,

CLARA E. DERRICK

The right hereby confirmed dates from **April 26**, 19**30** ;

The Point of Diversion is located about 125 ft. SW of the SW corner of block 22 La Del Cardo Bay
~~XXXX~~ ~~XX~~ ~~XXXX~~ , Tp. 53 N. , R. 2 W. , B. M. Kootenai County.

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 0.02 of 1 cubic ^{foot} ~~foot~~ per second.

Description and location of use: On shore of La Del Cardo Bay at permit holder's summer home.

SEE PAGE 425

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 23rd day of January, 1936.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 17280

Amount 0.02 sec. ft.

Water District No.

Priority April 26, 1930

THIS IS TO CERTIFY that CLARA E. DERRICK
 of Spokane, Washington, made application for a permit to appropriate the
 public waters of the State of Idaho, dated April 26, 1930; that Permit No. 17280
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.02 of 1 second ^{foot} ~~feet~~, was issued thereunder on October 20, 1930, showing that said works
 were completed on the 16th day of September, 1930; and that on the 1st
 day of May, 1936,

CLARA E. DERRICK

of Spokane, State of Washington, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of a spring
 , a tributary of , for the purpose of domestic use
 , under Use Permit No. 17280 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~~ ^{State Reclamation Engineer} of Idaho and entered of record in Volume 7
 of Licenses, at page 4251, on the 28th day of March, 1945;

The right hereby confirmed dates from April 26, 1930;

The Point of Diversion is located about 125 ft. SW of the SW corner of Block 22 LaDelCardo Bay
 in the ~~1/4~~ Sec. 23, Tp. 49 N., R. 4 W., B. M. Kootenai County

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 0.02 of 1 sec. ft.
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
On shore of LaDelCardo Bay at applicant's summer home.					
This license is issued in correction of License recorded in Volume 7 of Licenses, at Page 3810, and in lieu thereof.					

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.

State Reclamation Engineer

WITNESS the seal and signature of the ~~Commissioner of Reclamation~~, affixed at Boise, Idaho,
 this 28th day of March, 1945

MARK R. KULP

Commissioner of Reclamation

(SEAL)

96-2125

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

95-5204

Application No. 24320
Permit No. 17280
District No.

1. Name of Applicant: Clara E. Derrick
 Postoffice address: 2324 W. Dalton
 Spokane County: Spokane State: Washington.
 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: .02 cubic feet per second.
3. Source of water supply: Spring which is a tributary of
4. Location of point of diversion: "See Remarks" feet distant from the
 corner of Section , T. , R. , B. M., and is in the
 of Section , T. , R. , B. M., County of ~~Bonner~~ *Kootenai* 53N-2W.
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: \$ 35.00
8. Kind of works: Container and 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 inches; length of conduit 300 ft. ~~water~~
 Average grade per mile feet.
12. The time required for the completion of such work is six months. ~~year~~
13. The time required for the complete application of the water to the proposed use is five additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

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

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

Clara E. Derrick Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9 A. M., April 26, 1930.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17280
Recorded in Book 62 Page 17280 Approved May 1, 1930.
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 June 30, 1930 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 August 1, 1930.
The whole of said work to be completed on or before November 1, 1930.
Beneficial use of water appropriated in accordance herewith, to be made on or before May 1, 1935.

Witness my hand this 1st day of May, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			This spring is located in First Street of La Del Cardo Bay, about 125 feet Southwest of the Southwest corner of Block 22, as the same is shown on the plat of La Del Cardo Bay, Idaho. This spring runs not to exceed one inch of water, and I desire to put in a small concrete container and pipe water to my summer home located on Lot 2, Block 1, La Del Cardo Bay. This spring is not on government or unleased state land, or on leased state land or private land but is located in First street of La Del Cardo Bay dedicated to the public. Permit No. 17280 CERTIFICATE OF COMPLETION OF WORKS. To All Whom It May Concern: This is to certify that Clara E. Derrick, of Spokane, County of Spokane, State of Washington, the holder of Permit No. 17280, issued upon Application No. 24320, bearing date of priority of April 26, 1930, authorizing the diversion of 0.02 second feet of the waters of a spring, County of Bonner, 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 0.02 second feet of the waters of said Spring; that the point of diversion of said waters is at the spring located in First Street, La Del Cardo Bay, about 125 feet S.W. of the S.W.Cor. of Block 22, La Del Cardo Bay; and that the place of use of said water is at the summer home of the applicant, located on Lot 2, Block 1, La Del Cardo Bay. Witness my hand this 20th day of October, 1930. GEO. N. CARTER Commissioner of Reclamation.																

Val. 7

"

Page 3810

"

4251

November 13, 1964

Re: License No. 17280
Clara E. Derrick

C. A. Gregory
Vienna, Illinois

Dear Mr. Gregory:

We have your letter of November 1st, in regard to Water License No. 17280.

A Water License is a permanent water right and is appurtenant to the place described, unless transferred to other property by the owner. We have no record of a transfer of the license in question.

The location was visited by the field examiner from this office on July 16, 1935 and he did not raise any question about the ownership of the land on which the spring is located.

The application claimed that the land was in the street, also that former owners of her house had used the water. There were no protests in regard to her proof of use of the water and notice of her intention to make proof was published, according to Statutes, in the Coeur d'Alene paper. Presumably the spring is still in use on the same location.

The water right is good, according to the Water License, until the District Court rules otherwise.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

c.c Stephen W. Boller
Attorney General's Office
Building

17280

66

A check was sent to our office by Steve Boller from the Attorney Generals Office in the amount of \$3.00 for photo copies of Permit and License No. 17280. The check was from Charles Gregory, Vienna, Illinois. Receipt No. 32491 was issued for that check ~~was~~ ^{and} was handed to Steve Boller to mail to sender.

Edna Rule
10/19/64

17280

Vienna, Idaho
October 11, 1964

ATTORNEY GENERAL'S OFFICE

BOISE, IDAHO

RECEIVED

OCT 19 1964

Attorney General
Boise, Idaho.

Attention of Mr. Stephen Boaler

Dear Sir:

Enclosed is \$3.00 for the copies of a water license attached to your letter of October 6. The water license is issued to Clara E. Derrick, number 7280. It raises a few questions that I would like to have answered.

Does Mr. Green, the heir of Mrs. Derrick, enjoy the benefits of this license?

It so happens that the platted streets on Del Cardo Bay are dedicated to the public on condition that the lots served by the streets are not vacated. This condition has not been established. Is it a valid question to contest the right of the state to issue a license to an individual that would interfere with the use of First Street as a thoroughfare for the public?

The applicant implied that the spring would be on First Street. This is not so because the street would have to extend beyond the platted boundary to the adjoining private property now owned by Mrs. Anderson. Is it a valid question of the State's right to license this spring without knowledge of the land owners?

Your comments would be most helpful in clarifying a water supply issue.

Sincerely,

C. L. GREGORY

17280

17280

March 28, 1945

Messrs. Randall & Danskin
Paulsen Building,
Spokane, 8, Washington.

Attention- Mr. F.B. Danskin

Gentlemen:

We duly received your letter of March 15th, calling attention to what appeared to be an error in the description of the point of diversion as shown in License and Certificate of Water Right No. 17280, in the name of Clara L. Derrick.

We have made a careful check of this matter, but owing to discrepancies in maps and plats we are unable to locate the point of diversion any more definitely than in Section 23, Township 49 North, Range 4 West, B. M.

We have issued a correction license accordingly, which we enclose herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K: A
Encl.

17280

RANDALL & DANSKIN
ATTORNEYS AND COUNSELORS
PAULSEN BUILDING
SPOKANE, WASHINGTON

C.D. RANDALL
F.B. DANSKIN

8

March 15, 1945.

RECEIVED

MAR 17 1945

Department of Reclamation

Department of Reclamation
Boise, Idaho

Gentlemen: Re: Water License No. 17280

While probating the estate of Clara E. Bigger, formerly Clara E. Derrick, her son and only heir, William Randolph Green, has discovered that the license and certificate of water right issued to Clara E. Derrick by the Commissioner of Reclamation of Idaho on the 23rd day of January, 1936, erroneously locates the land and point of diversion covered by said license in Township 53 North, Range 2, West Boise Meridian, Kootenai County, when as a matter of fact the correct location is Township 49 North, Range 4, W.B.M.

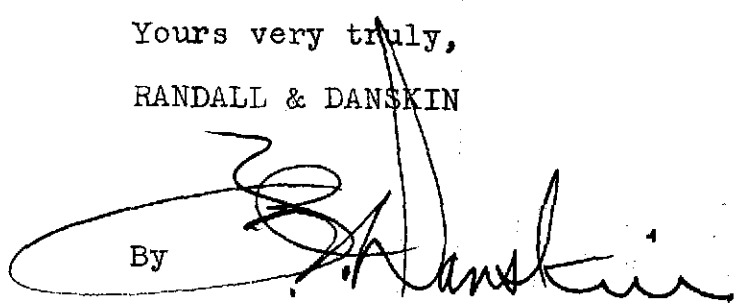
The certificate states that the license has been entered of record in Volume 7 of Licenses, page 3810.

Mr. Green, whom we represent, would like to have this matter corrected, and we are writing to inquire just what procedure we should take to have this done.

Appreciating your attention, we are

Yours very truly,

RANDALL & DANSKIN

By 

FBD:dkb

Discussed in Sec 23 29th R. 4th W

MRK. 3/23/45

17280

January 28, 1936

Re: Permit No. 17280

CLARA E. DERRICK
W. 2324 Dalton Ave.,
Spokane, Washington

Dear Madam:

We are enclosing herewith Water License No. 17280, issued under the above numbered permit, confirming your right to the use of 0.02 of 1 second foot of the waters of a spring in Kootenai County, Idaho. We are also enclosing our office receipt in the amount of \$5.00, which was the fee due in connection with final proof under this permit.

Very truly yours,

R. E. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17280

November 27, 1935

Re: Permit No. 17280

CLARA E. DERRICK
W. 2324 Dalton Ave.,
Spokane, Washington

Dear Madam:

As you know, Mr. Fred Tolman, Field Engineer from this department, made an examination of the diversion works which you have constructed under the terms of the above permit and the use to which the water is being applied, on the 16th day of July of this year. We now have his report covering such examination and it shows that you have constructed the necessary works to utilize the waters of the spring mentioned in the permit and that the same is being used for domestic purposes at your cottage.

Therefore, upon receipt of a statutory fee in the amount of \$5.00 we shall issue a license to you.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

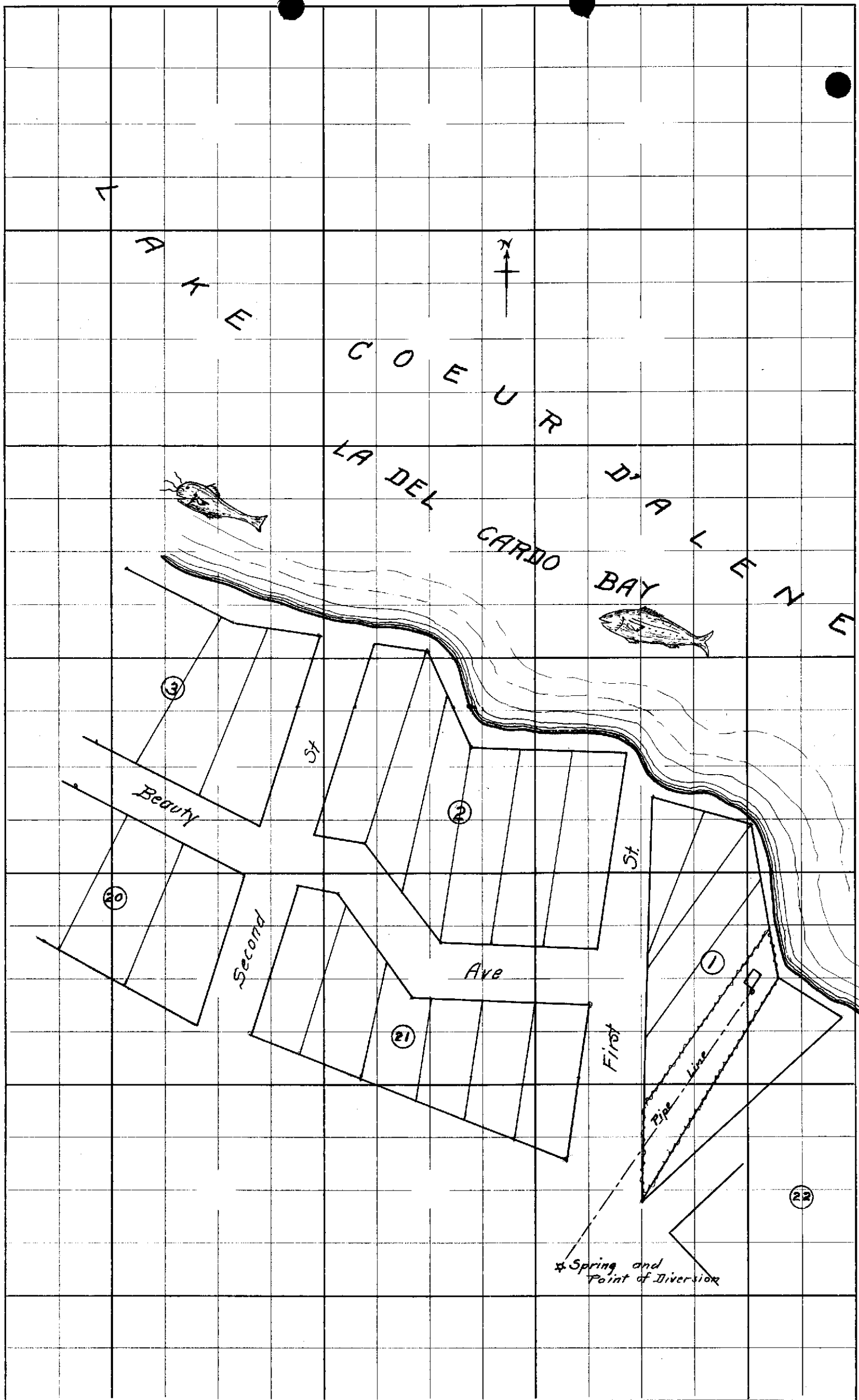
17280

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17280

REPORT ON PROOF OF BENEFICIAL USE



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17280

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17280

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Clara E. Derrick
2. Source of water supply: Spring
3. Location of point of diversion: Is ~~in~~ about 125' Southwest of the SW Cor. of block 22 of Section
La Del Cardo Bay, Kootenai County
 T. R. County of Kootenai

4. Describe works as they exist, giving dimensions and capacities of same: Spring, walled

with concrete, 4 ft deep & 2 ft. diameter. discharges
thru 3/4" pipe a distance of 300 ft to an outdoor
hydrant at rear of cottage

5. Water is used for: Domestic use

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):

(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

This examination was made on the 16th day of July, 1935

(Signed) W. H. Dolman Examiner.

CLARA E. DERRICK
W. 2324 Dalton Ave., 82-
Spokane, Washington
Permit No. 17280

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.

May 9, 1935

Re: Permit No. 17280

CLARA E. DERRICK
West 2324 Dalton Ave.,
Spokane, Washington

Dear Madam:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees due before the issuance of your license.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

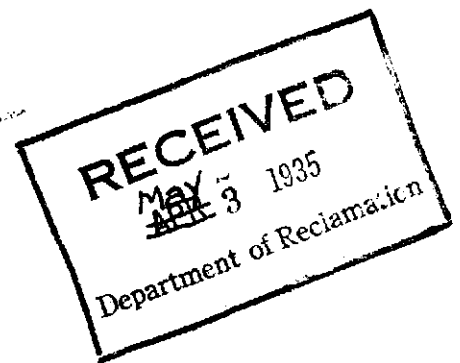
By _____
Chief Clerk & Office Engr.

PLH/rg

17280

RANDALL & DANSKIN
ATTORNEYS AND COUNSELORS
PAULSEN BUILDING
SPOKANE, WASHINGTON

C. D. RANDALL
F. B. DANSKIN
PAUL F. SCHIFFNER



May 2, 1935.

Honorable R. W. Paris,
Commissioner of Reclamation,
Boise, Idaho.

Re: Permit No. 17280 - Clara E. Derrick.

Dear Sir:

In accordance with your letter of April 26, 1935,
I am enclosing herewith deposition of the permit
holder, Clara E. Derrick, the depositions
of two witnesses, G. W. Bigger and J. J. Bigger,
together with the affidavit of publication of notice.

Trusting you will find these in order, I am,

Yours very truly,

A handwritten signature in cursive script, appearing to read "F. B. Danskin".

FBD:G
Encls.

17280

AFFIDAVIT OF PUBLICATION

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

Ann M. Leland being first duly sworn upon oath deposes and says:

NOTICE FOR PUBLICATION

Notice of Proof Application of
Water to Beneficial Use

Notice is hereby given that at 10:00 a. m. on the 1st day of May, 1935, at Spokane, County of Spokane, State of Washington, before F. B. Danskin, Notary Public, proof will be submitted of the application to beneficial use of 0.02 cubic feet per second of the waters of a spring in accordance with the terms and conditions of Permit No. 17280 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Clara S. Derrick, W. 2324 Dalton, Spokane, Washington.

The use to which said water has been applied is domestic purposes.

The amount applied to beneficial use is 0.02 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Summer home of Clara E. Derrick.

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

The right to take water from such works is based upon Permit No. 17280.

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

The date of the priority which said user is prepared to establish is April 26, 1930.

R. W. FARIS,
Commissioner of Reclamation
April 6-13-20-27-D.

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party to the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the 'Coeur d'Alene Press' a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Nature for Publication* -
Nature of Proof Application of Water to Beneficial Use

of which the annexed is a printed copy, was published in the regular.....

daily issue of said newspaper for *four issues* consecutive
Apr 6-13 Co. 27, commencing on the *6th* day of *Apr*
193*5*, and ending on the *27th* day of *April* 193*5*,

and such publication was made as often during said period as said.....

daily newspaper was regularly issued.

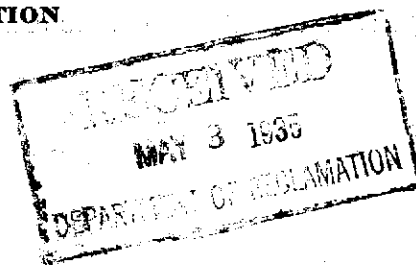
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *of Proof Application*

Ann M. Leland
Subscribed and sworn to before me this *27th* day of *April*
193*5*

[Signature]
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho

17280

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Clara E. Derrick, West 2324 Dalton Ave., Spokane, Wash.

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. Acting personally

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

Ans. Permit no. 17280, May 1st, 1930. Priority date April 26, 1930

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

Ans. Water source is a spring. ~~Diversion at spring.~~ about 125 ft SW of the SW corner of Block 22, La Del Cardo Bay

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. Private pipe line from spring capable of carrying one ~~half~~ inch stream.

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

Ans. Water used for domestic purposes at Clara E. Derrick's summer home.

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

Ans. *****

OK

17280

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

Ans. .02 cu. ft. per sec.

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. *****

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

Ans. Water has been used continually for domestic purposes
and the full flow of the spring has been used.

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

None.

Ans.

(Sign)

Clara C. Derick

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 Bohannon, County of Bohannon, State of Idaho, on this 1st day of May, A. D. 1935.

W. A. Ranskin
Notary Public

My commission expires

April 11-1936

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. J. J. Bigger 5425 Indiana Ave
Age 61 Spokane

Ques. 2. Are you acquainted with Clara E. Herrick, the holder of Permit No. 17280? How long have you known him and where does he reside?

Ans. 5 years W 2324 Walton Ave Spokane

Ques. 3. Have you read or heard read said Permit No. 17280, 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. Spring - consists of container
and Pipe Line to summer home

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. .02 cu. feet per second same conveyed

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

Ans. Domestic purposes

17280

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

Ans. None

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. None

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. Having connected & disconnected this line on various occasions and on visits to home. Also being a neighbor and owning a place 1/4 mile south of this place.

(Signed)

J. J. Bigger

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 Baker County of Baker State of Idaho, on this day of May 1935 D. 1935

My commission expires

April 11-1936.

E. J. Danekun
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. J. H. Bigger - E 428 Indiana Ave
Age - 25 - Spokane, Wash.

Ques. 2. Are you acquainted with Clara E. Derrick, the holder of Permit No. 17280? How long have you known ^{her} ~~him~~ and where does ^{she} ~~he~~ reside?

Ans. Yes - 10 yrs. - 2324 Dalton - Spokane, W²

Ques. 3. Have you read or heard read said Permit No. 17280, 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. Spring - at spring - works
consist of container and pipe

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. .02 cu ft per sec. (approx) the same amount conveyed

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

Ans. The water is used for domestic
purposes at the summer home of Clara
E. Derrick

17280

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

Ans. _____

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. _____

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

Ans. none

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

Ans. Upon numerous visits to the home of Clara E. Derrick. I have seen the total amount of water used for domestic purposes

(Signed) H. H. Egger

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 Idaho, County of Idaho, State of Idaho, on this day of May, A. D. 1935

My commission expires April 11-1936

E. H. Ranshaw
Notary Public.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 26, 1935

Re: Permit No. 17280

MR. F. B. DANSKIN, Notary Public
c/o Clara E. Derrick,
W. 2324 Dalton St.,
Spokane, Washington

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17280

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 May 1, 1935, 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 Spokane, Washington before F. B. Danskin, 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.

R. W. PARIS

Commissioner of Reclamation.

17280

April 4, 1935

Re: Permit No.17280

CLARA E. DERRICK
W. 2324 Dalton St.,
Spokane, Washington

Dear Madam:

We are in receipt of your papers made out in connection with final proof under the above permit.

A few days ago we returned these papers to you with the request that you insert the name of some Notary Public, or other official, before whom you wished to offer proof, and complete the notice. However, you misconstrued our meaning and had the notary's acknowledgement attached to the form designating the name of the newspaper in which you desired publication. We, therefore, have taken the liberty of inserting the name of F. B. Danskin, Notary Public for the State of Washington, as the person before whom proof will be offered. A copy of the notice, in completed form, is being forwarded today to the Coeur d'Alene Press with instructions to publish it once a week for four consecutive weeks, prior to May 1st, which is the date for proof.

After the publication has been completed the newspaper will furnish you with an affidavit of publication, upon receipt of the charge for such publication.

About April 21st we shall mail three depositions to Mr. Danskin, in care of your address, so that he will have them in ample time for the proof. At the time specified you should appear at Mr. Danskin's office with two disinterested witnesses who are familiar with the terms of the permit, for the purpose of executing these depositions. When they have been completed, kindly forward them to this office with the affidavit of publication from the newspaper.

Will you kindly hand this letter to Mr. Danskin in order that he may be fully advised as to the procedure?

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

17280
PLH:RG

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date April 4, 1935

Re: Permit No. 17280

EDITOR, COEUR D'ALENE PRESS
Coeur d'Alene,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 1, 1935, the date set for proof, the expense of the publication to be paid by the applicant,

Clara E. Derrick, 2324 W. Dalton, Spokane, Washington
to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

This notice will have to appear in your paper not later than April 9th in order for the four publications to be made by April 30th, which, as you will note, is the last day before proof will be offered.

17280

March 30, 1935

Re: Permit No. 17280

CLARA E. DERRICK
W. 2324 Dalton St.,
Spokane, Washington

Dear Madam:

We are herewith returning your papers, in connection with beneficial use proof, with the request that you fill in the name of some Notary Public or other official who is empowered to administer oaths in the state of Washington.

It will be quite agreeable for you to offer proof on the 1st day of May, which is the date when such proof will be due. However, these papers must be returned at the earliest possible date so that there will be sufficient time for the four weeks publication, which is required prior to the date set for proof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17280

STATE OF WASHINGTON,

County of *Spokane*

} ss.

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this *2nd* day of *April* 193*5* personally appeared before me

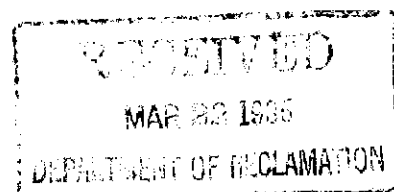
Clara E. Derrick

to me known to be the individual described in and who executed the within instrument, and acknowledged that she signed and sealed the same as *her* free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal the day and year last above written.

17280

E. R. Anshin
Notary Public for State of Washington,
Residing at *Spokane Wash.*



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 20, 1935
(P. O.) No. 2324 Dalton Spokane Wn.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

~~XXXXXXXXXX~~

Clara E. Herrick

(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.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 1st day of May, 19 35,
Washington
 at Spokane, County of Spokane, State of Idaho,
 before E. B. Danskin, Notary Public, proof will be submitted
 of the application to beneficial use of 0.02 cubic feet per second of the
 waters of a spring in accordance with the terms and conditions of
 Permit No. 17280 heretofore issued by the Commissioner of Reclamation
 of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
Clara E. Derrick, W. 2324 Dalton, Spokane, Washington

The use to which said water has been applied is domestic purposes.

The amount applied to beneficial use is 0.02 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Summer home of Clara E. Derrick.

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

The right to take water from such works is based upon Permit No. 17280

The source of supply from which such water is diverted is a spring

The date of the priority which said user is prepared to establish is April 26, 1930

R. W. FARIS

Commissioner of Reclamation.

17280

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

CLARA E. DERRICK
2324 West Dalton St.,
Spokane, Washington

March 9, 1935

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17280....., which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is May 1, 1935....., and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS ~~XXXXXXXXXXXX~~
Commissioner of Reclamation.

17280

October 20, 1930

Re: Permit No. 17280

Mrs. Clara E. Derrick
2324 W. Dalton
Spokane, Washington

Dear Madam:-

Enclosed you will find certificate of completion of works issued under the above permit, with receipt for fees paid.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

17280

Permit No.

17280

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF ~~IDAHO~~, Wash.

County of

Spokane

SS

Class E. Derrick

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

First: That she is the holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 17280, and that ^{her} ~~his~~ postoffice address is 2324 W. Dalton, Spokane State of ~~Idaho~~ Washington

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

a spring in First Street 7th Ave. Cando Bar 125 feet S.W. 1/4 Sec. 22

Third: That the point of diversion of said water is at the location of the spring

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 1, 1930.

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

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: Small concrete container at location of spring and

pipe line to house on lot 2 Blk 14th Cando Bar

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

Concrete

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

(b) Capacity of reservoir — acre feet. 80 gallons.

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

(d) Conduit pipe width at bottom — feet, width at water line —

(State whether ditch, flume or pipe.)

feet, depth of water — feet; diameter of pipe 1 inch inches, average grade per mile is 2.00 feet. Length of conduit is 3.00 miles feet.

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

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

Ninth: Remarks: That

Water is used only for domestic purposes and all the works described above have been completed

Class E. Derrick

(Sign here)

Subscribed and sworn to before me this

16th

day of

Sept

1930

My commission expires

Mar 28-1932

Notary Public

17280

Spokane - Wm.

Aug. 14, 1930.

Dept. of Reclamation,
Boise, Ida.

Dear Sir,

Will you please send
another blank form for
completion of work. The one
you sent was lost by mistake

Yours Truly

Mrs Clara E. Derrick
No. 2324 Dalton ave
Spokane - Wash.

Permit No. 17280

17280

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

August 1, 1930

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Clara B. Derrick
2324 W. Dalton
Spokane, Washington

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. **17280**.....you are required to complete your diversion works on or before **Nov. 1, 1930**..... 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,

GEO. H. CARTER
Commissioner of Reclamation.

17280

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

August 1, 1930

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Clara B. Derrick
2324 W. Dalton
Spokane, Washington

Boise, Idaho,

Dear Sir:—

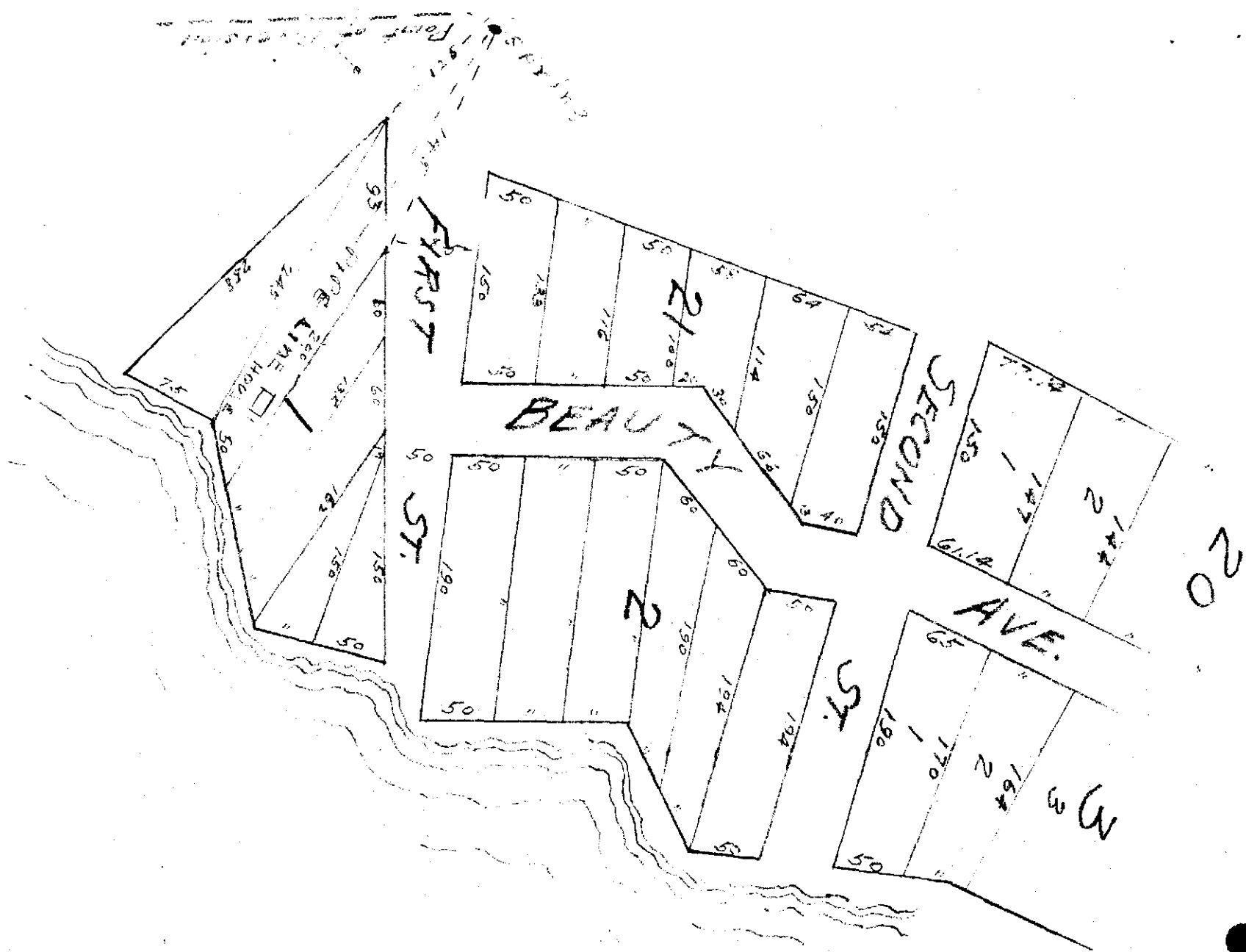
Under the terms of your permit No. **17280**.....you are required to complete your diversion works on or before **Nov. 1, 1930**..... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above 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,

GEO. N. CARTER
Commissioner of Reclamation.

17280



20

North

LA. 22° 30' E.

Scale = 1 in. = 100 ft.

LA DEL CARDO

BAY

IDAHO

17280

17280.

April 7, 1930

Clara E. Derrick
W. 2324 Dalton Ave.
Spokane, Washington

Dear Madam:

Your application for .02 of a second foot or one miners inch of water from spring is herewith returned for corrections in the following particulars:

Answer paragraph 7 (cost of container and pipe, or works).

Answer paragraphs 12 and 13. Under paragraph 12, maximum time allowed is five years. Under paragraph 13 the maximum time allowed is six years according to statutes.

If spring is located on government or unleased state land, kindly mention so under remarks. If spring is located on leased state land or private land other than your own it is necessary that the affidavit to file on springs be properly filled out and witnessed before a notary public.

Upon receipt of this application filled out with reference to the above mentioned particulars, together with fee of \$5.00, being at the rate of \$5.00 for the first sec. ft. or fraction thereof, as required by law and sketch maps in duplicate on forms inclosed, showing spring which is point of diversion and conduit or pipe line to place of use application will be allowed to pass to permit.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

SL:G

17280

Spokane Wash.
April, 4, 1930.

Department of Reclamation:-

Dear Sir:-

I wish to state this spring is located in the street and was used for years by the party I bought this place from, the place was vacant for several years so of course the spring is not in very good shape now, but would like to fix it right and take care of it. I am sending you a plat of Helcarolo Bay, and marked where spring is located. will you kindly return plat. (over)

17280

Mrs Clara E. Derrick
No 2324 Dalton ave
Spokane
Washington.