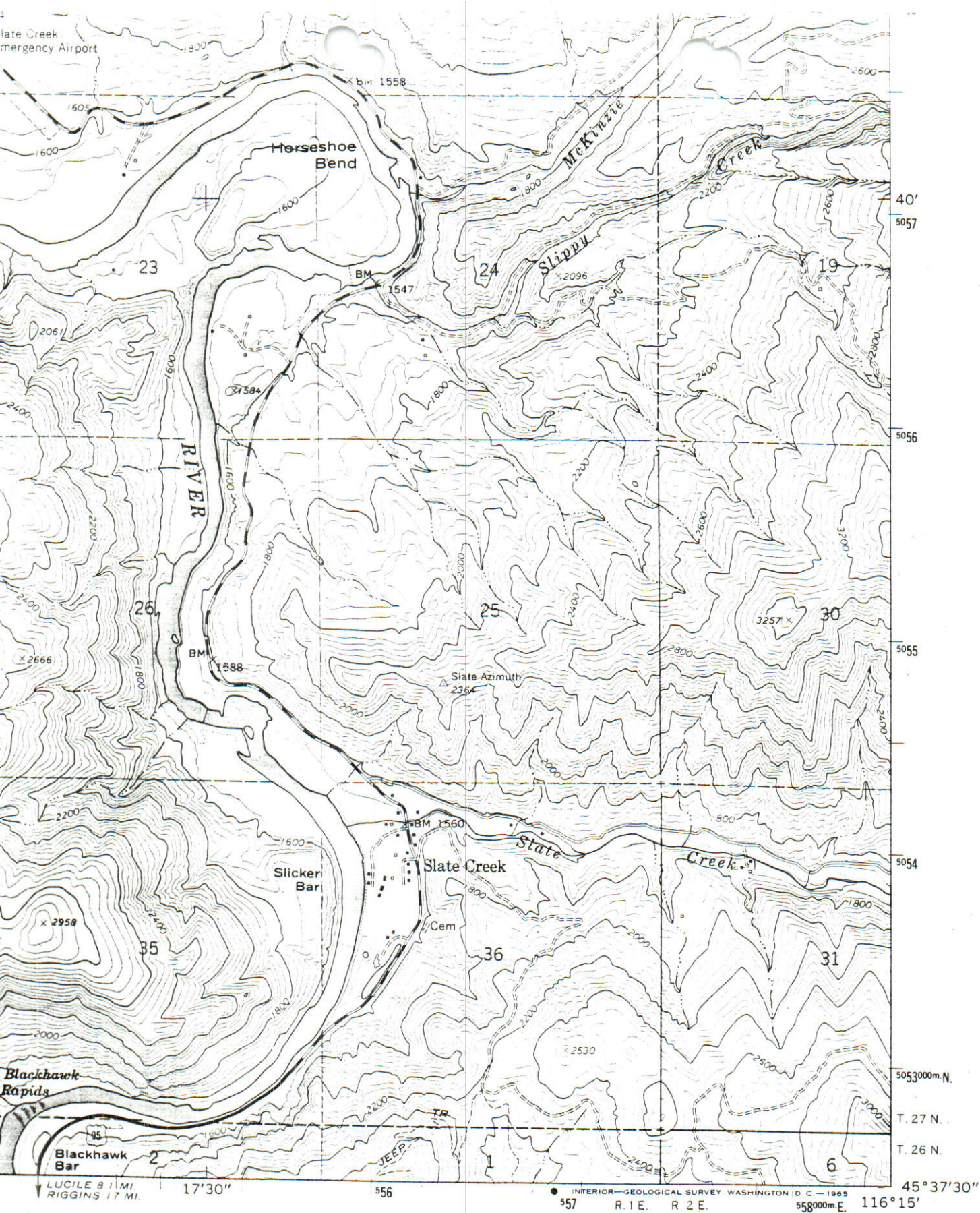


Slate Creek  
Emergency Airport



1 MILE  
0 6000 7000 FEET  
1 KILOMETER

HOURS



**NOTED**  
Heavy-duty  
Medium-duty

DEC 16 1988

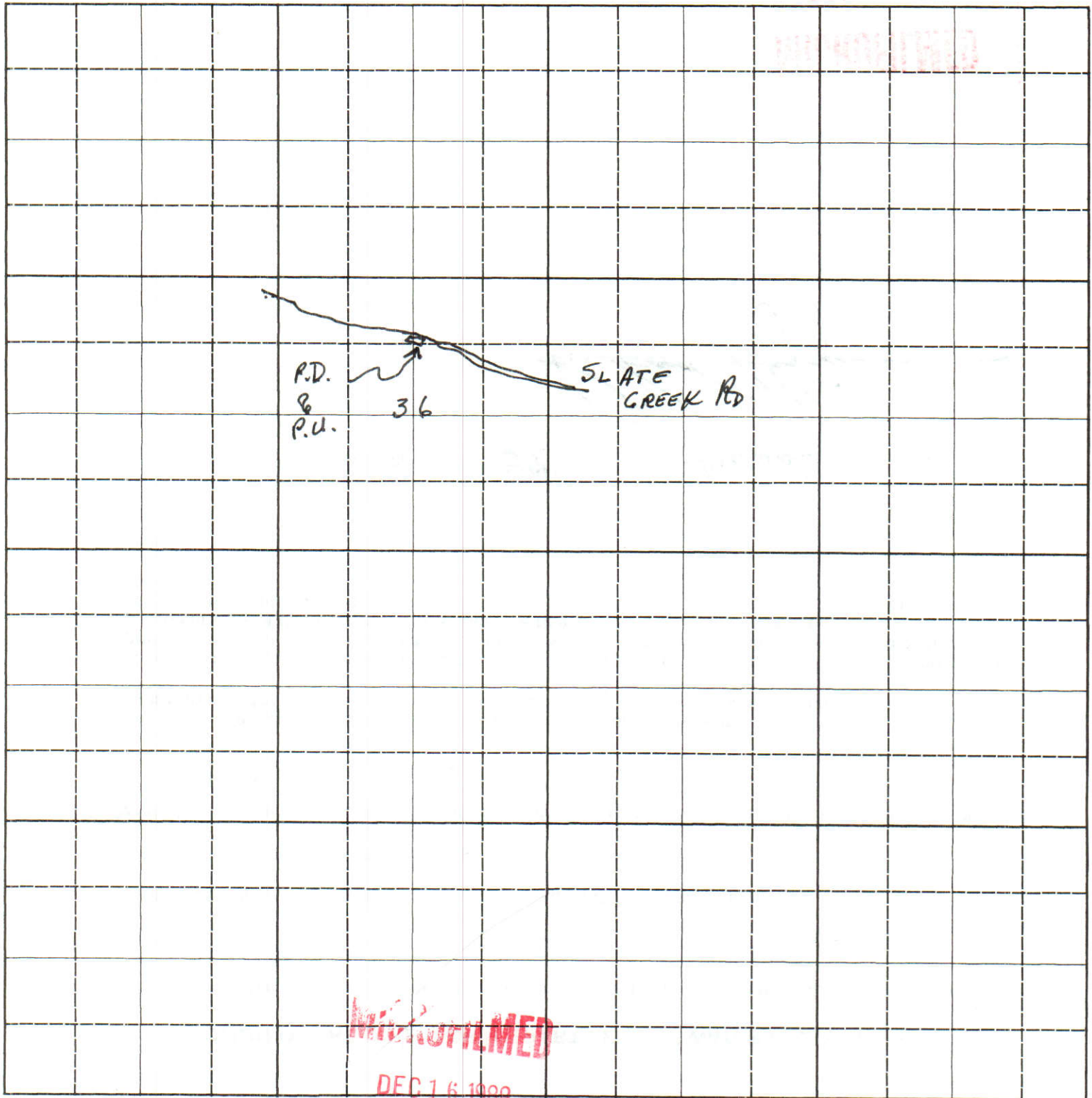
ROAD CLASSIFICATION

Heavy-duty ——— Light-duty ———  
Medium-duty ——— Unimproved dirt ———  
U. S. Route

SLATE CREEK, IDAHO

(JOHN DAY MTN.)  
2775 ft SW

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

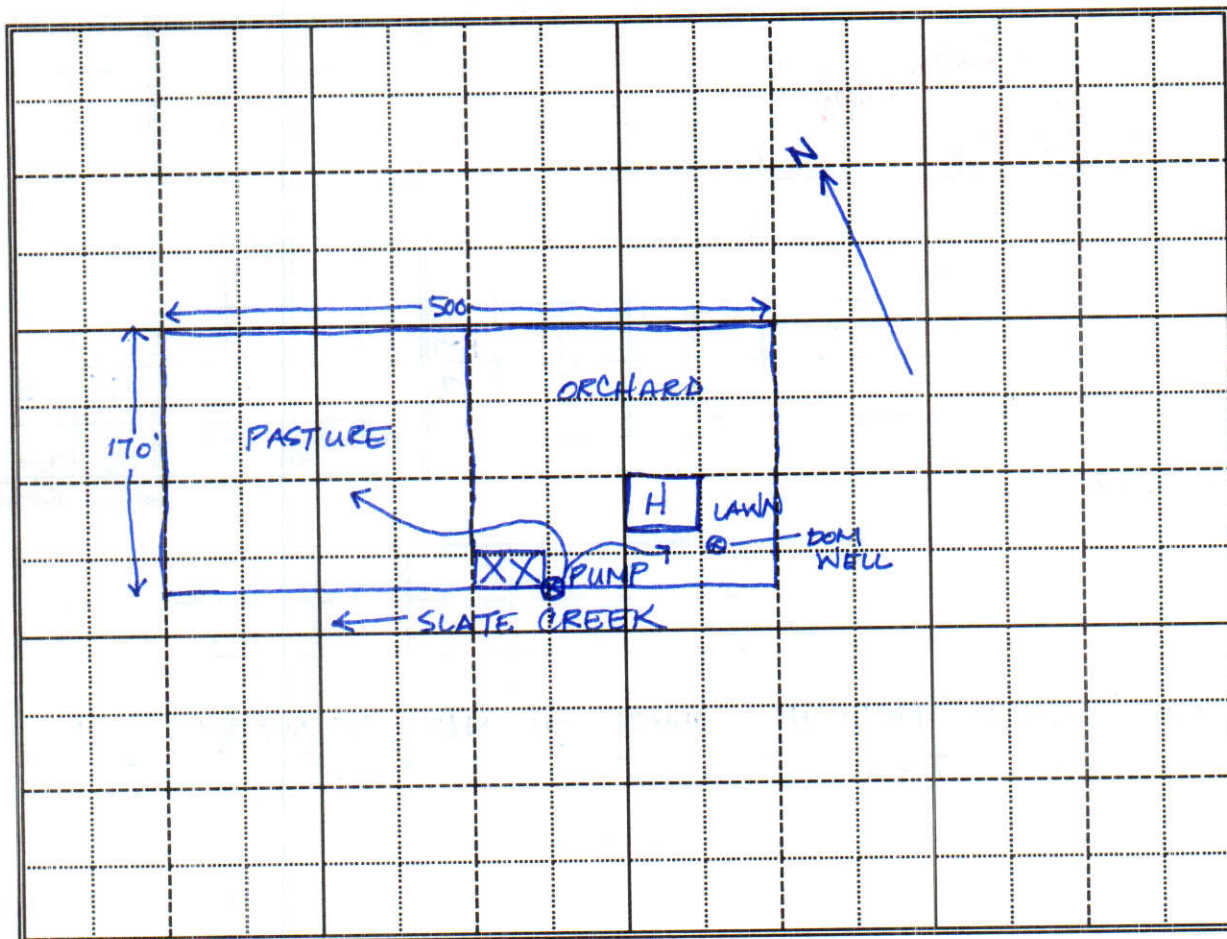


Scale: 2 inches equal 1 mile.

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

Lester J. Cutbert  
(Applicant)

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



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            | 2  |                  |           | 1 1/2"                            |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

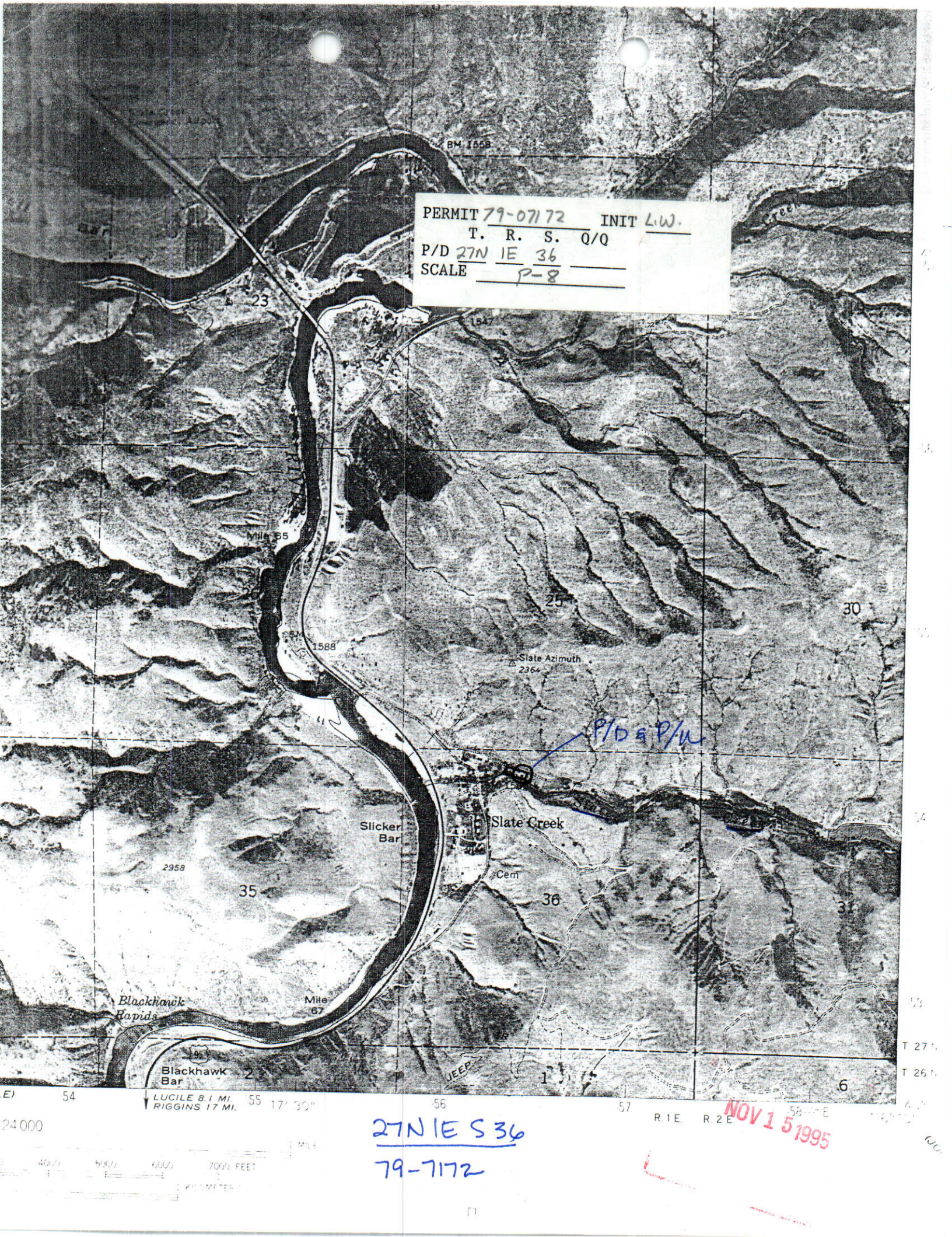
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| Pressure gage         |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

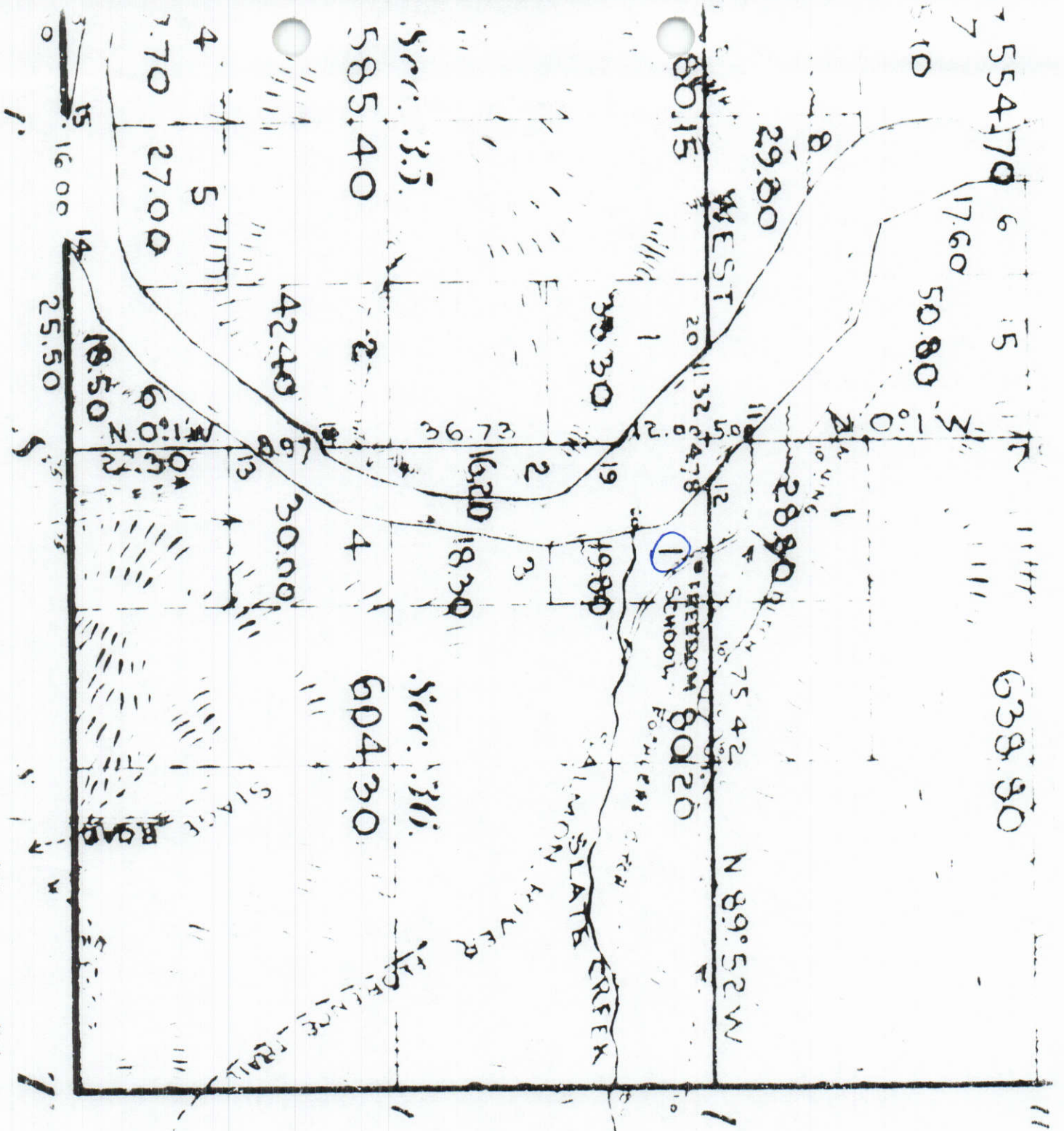
10 Nozzles of various sizes operating at avg 10psi  
 mostly 1 1/4" nozzle size  
 $Q = D^2 \times (\text{psi})^{0.5} \times 30 = (.172)^2 \times (10)^{0.5} \times 30 = 2.8 \text{ gpm}$   
 (each nozzle)

PERMIT 79-07172 INIT L.W.  
 T. R. S. Q/Q  
 P/D 27N 1E 36  
 SCALE P-8



27N 1E S 36  
 79-7172

NOV 15 1995



27N 1E 3A

NOV 15 1995

True Meridian

LAT 45°38'N  
LONG 116°17'W

Scale for Chains to one inch.

79-7172



P/D from  
Slate Creek



P/u pasture



P/u lawn

PROCESSED

NOV 15 1995

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07172

Priority: June 23, 1988

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

8.0 AF

This is to certify, that LESTER J CUTHBERT

BOX 51 SLATE CREEK

WHITE BIRD ID 83554

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 23, 1988; and has submitted Proof of Beneficial Use on August 10, 1989. An examination indicates that the works have a diversion capacity of 0.060 cfs of water from:

SLATE CREEK

tributary to SALMON RIVER

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

| <u>BENEFICIAL USE</u>                                                                                    | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u>      |
|----------------------------------------------------------------------------------------------------------|----------------------|--------------------------|---------------------------|
| IRRIGATION                                                                                               | 03/01 to 11/30       | 0.06 CFS                 | 8.0 AF                    |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> Lot 1 (NENW), Sec. 36, Township 27N, Range 01E<br>IDAHO County |                      |                          |                           |
| <u>PLACE OF USE:</u> IRRIGATION                                                                          |                      |                          |                           |
| <u>TWN RGE SEC</u>                                                                                       | <u>ACRES</u>         | <u>ACRES</u>             | <u>ACRES</u> <u>TOTAL</u> |
| 27N 01E 36                                                                                               | Lot 1(NENW) 2        |                          | 2                         |
| Total number of acres irrigated:                                                                         |                      |                          | 2                         |

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

NOV 15 1995

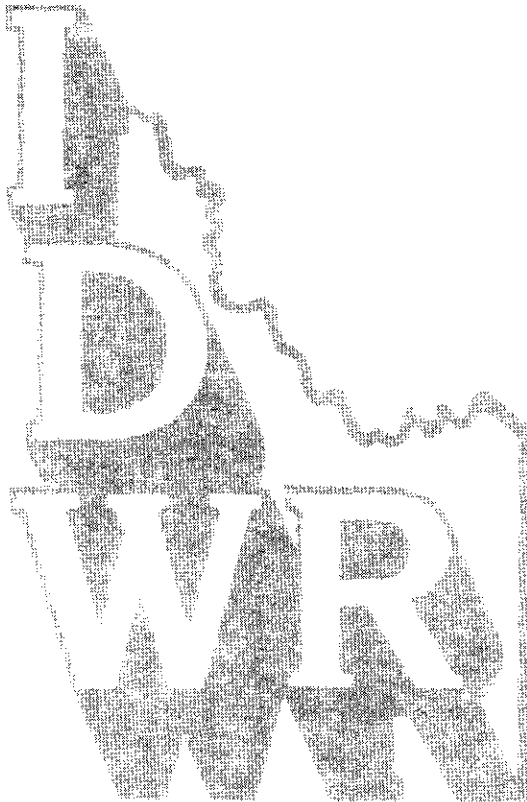
State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07172

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 22<sup>nd</sup>  
day of OCTOBER, 1995.

  
Acting for KARL J. DREHER, Director



NOV 15 1995

State of Idaho  
Department of Water Resources

RECEIVED

OCT 18 1995

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 79-07172**

Department of Water Resources

Date of Priority: June 23, 1988

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

8.0 AF

Comes now  
BOX 51 SLATE CREEK  
WHITE BIRD ID 83554

LESTER J CUTHBERT

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 79-07172, and requests that the permit be changed as follows:

Source: SLATE CREEK

tributary to SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/01 to 11/30       | 0.06 CFS                 | 8.0 AF               |

LOCATION OF POINT(S) OF DIVERSION: Lot 1( NENW), Sec. 36, Township 27N, Range 01E  
IDAHO County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 27N        | 01E        | 36         | Lot 1(NENW)  | 2            |              | 2            |

Total number of acres irrigated: 2

RECEIVED

NOV 15 1995

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

Signed at Lester J Cuthbert, this 10 day of 15, 1995.

Lester J Cuthbert  
(Signature)

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 79-07172**

\*\*\*\*\*

**FOR DEPARTMENT USE ONLY**

Preliminary check by \_\_\_\_\_ Fee = 50- Received by JW #C033790 Date 10/26/95

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 79-07172 with the following;

**CONDITIONS/REMARKS:**

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness my hand this 27<sup>TH</sup> day of OCTOBER, 1995.

Acting for KARL J. DREHER, Director

NOV 15 1995

RECEIVED

AUG 10 1989

For Office Use Only

Fee Received 50.00

Date 8/10/89

Receipt 0009397

Receipt by JS

Reviewed by JS

Sent to region JS

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 19-07172

Name(s) of Permit Holder: LESTER J. CUTHBERT

Post Office Address: Box 51 SLATE CREEK

WHITE BIRD, Ida. 83554 Telephone No. 839-2290

Source of Water: SLATE-CREEK

Extent of Use:

Domestic \_\_\_\_\_ (number of households) Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation 11 (acres) Other/Remark \_\_\_\_\_

Total rate and/or volume for which proof is submitted 0.10 cfs \_\_\_\_\_ acre-feet

Show the date water was first diverted and beneficially used under this permit: July - 15 - 1988

Measuring Device: Required? ☐ Yes ☒ No  
Installed? ☐ Yes ☐ No

Fee enclosed \$ 50.00  
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No  
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Lester J. Cuthbert 839-2290  
(Name) (Telephone Number)

Box 51 - SLATE CREEK - WHITE BIRD IDA.  
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed.  
I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

Lester J. Cuthbert  
Signature of Permit Holder (and title, if appropriate)

83554  
MICROFILMED  
SEP 14 1989

RECEIVED

JUL 5 1988

Form 202  
6/85

STATE OF IDAHO

Ident. No. 79-07172

Department of Water Resources

DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant LESTER J. CUTHBERT Phone 839-2290  
Post office address BOX 51 SLATE CREEK, WHITE BIRD, ID 83554
2. Source of water supply SLATE CREEK which is a tributary of SALMON RIVER
3. Location of point of diversion is \_\_\_\_\_ 1/4 of NW 1/4 of NE 1/4, Govt. Lot \_\_\_\_\_  
Sec. 36 Township 27N Range 1E B.M. IDAHO County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.10 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .10 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. 2 HP PUMP WITH 1 1/2" PIPE  
TO SPRINKLER SYSTEM
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

RECORDED

DEC 16 1988

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 27N | 1E    | 36   |     | 3   |     |     | 1   |     |     |     |     |     |     |     |     |     |     |     | 4      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 4

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

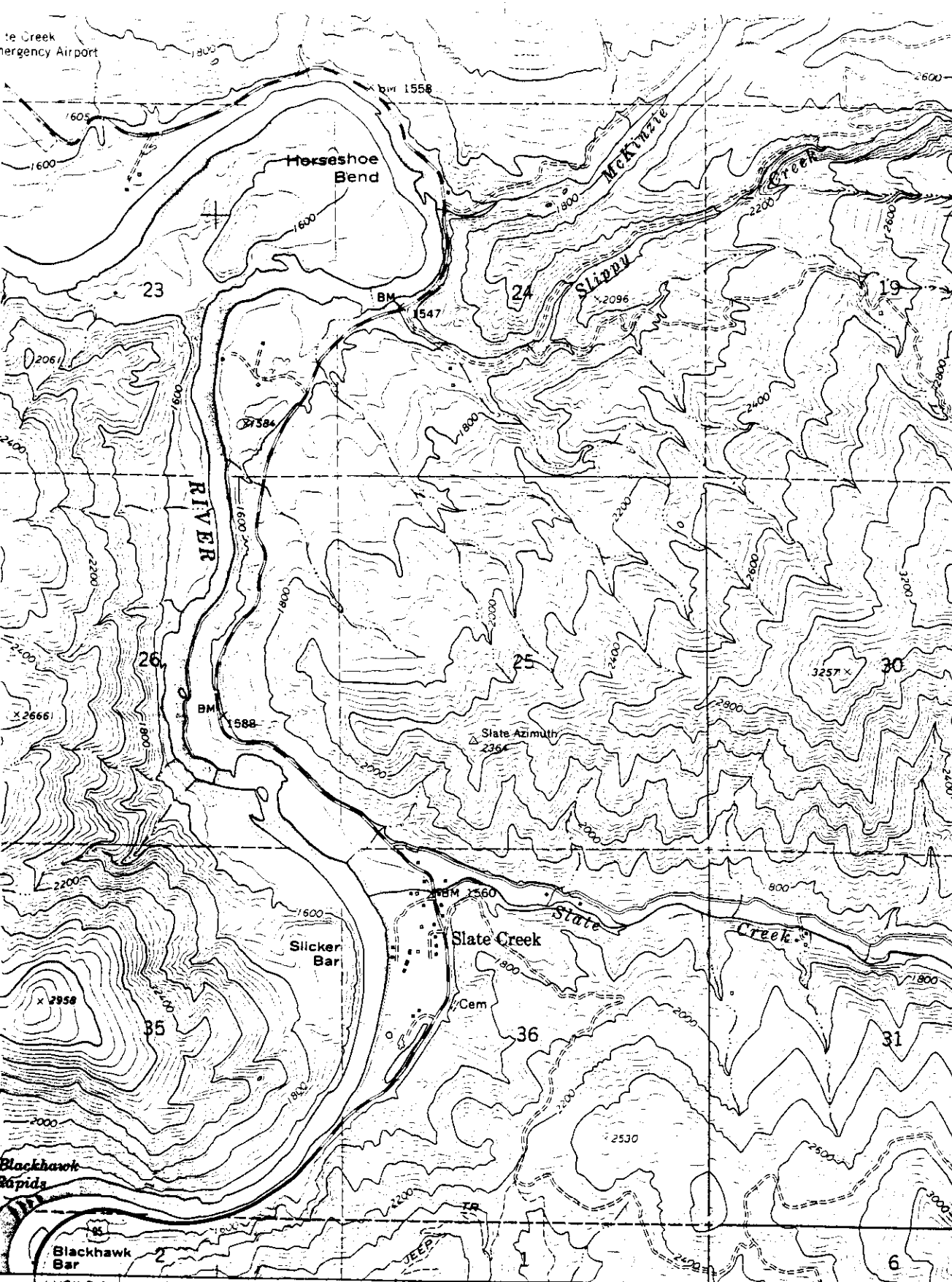
- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? II
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: \_\_\_\_\_

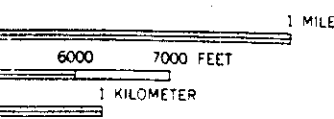
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DEC 16 1988

te Creek  
Emergency Airport



LUCILE 8 MI.  
RIGGINS 17 MI.



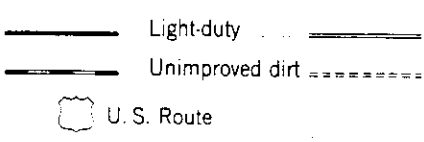
JRS



QUADRANGLE LOCATION

DEC 16 1988

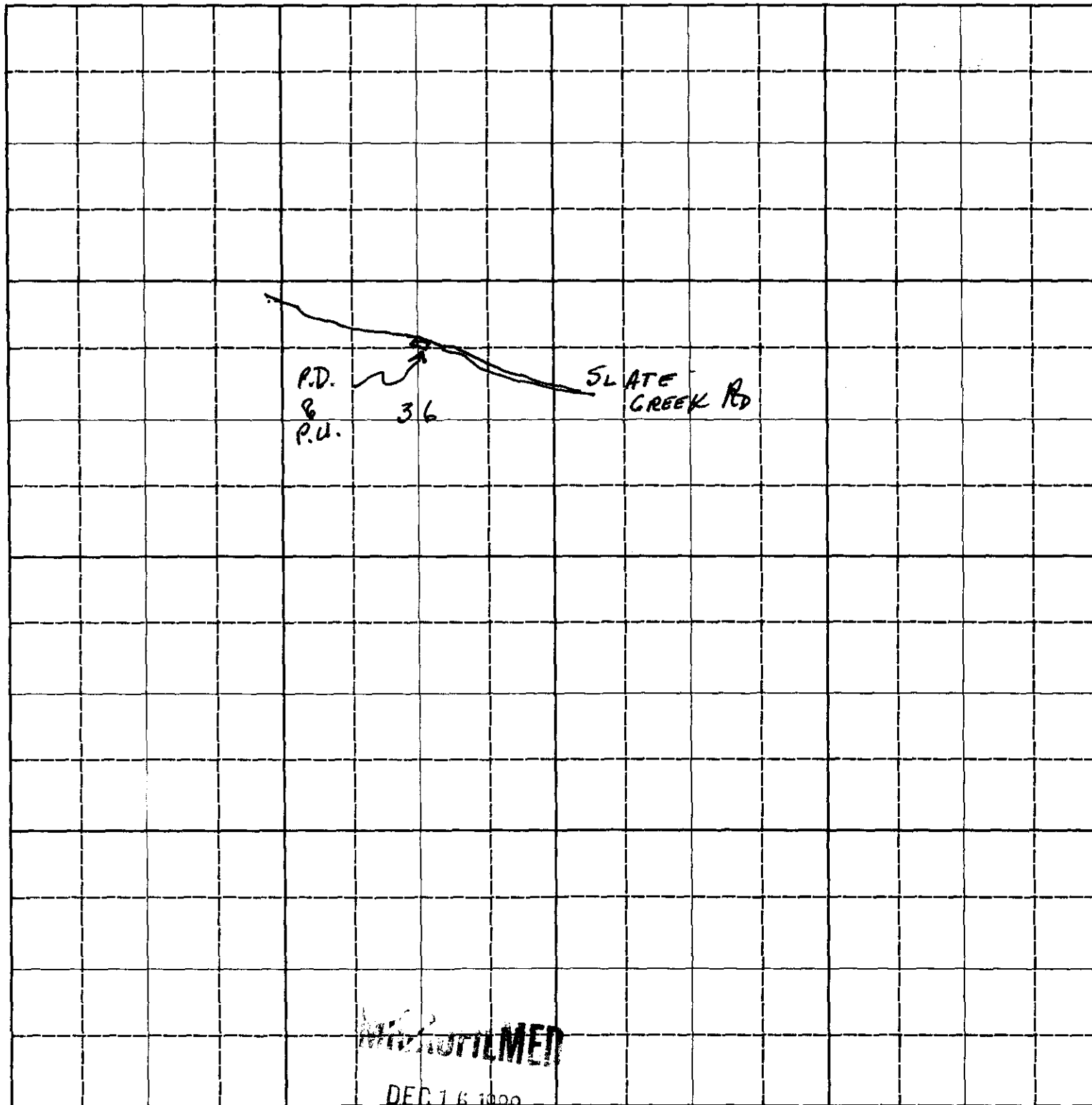
ROAD CLASSIFICATION



SLATE CREEK, IDAHO

JOHN DAY MOUNTAIN  
2775' SW

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



Scale: 2 inches equal 1 mile.

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

Lester J. Cutbert  
(Applicant)

Received by ne Date 7-5-88 Time 12:00 Proposed Priority 6/23/88  
Date 6/23/88 Time 1:00 PM Preliminary check by SL  
Fee \$ 30.00 Received by Ken # N-000337 Date 6/24/88  
Publication prepared by GG Date 7-13-88 Published in ID County Free Press  
Publication approved DS Date 8/5/88 7/20 & 7/27/88

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 79-7172, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 89.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

Witness my hand this 30<sup>th</sup> day of August, 1988.

R. Karl Higgins  
Director

**MICROFILMED**

DEC 16 1988

**NOTICE OF APPLICATION FOR  
WATER RIGHT**

The Following application(s) have been  
filed to appropriate the public waters of  
the State of Idaho:

78-07298

CARROLL, EUGENE G.; CARROLL,  
RUTH E.; 313 SUNRISE DR.,  
PAYETTE, ID 83661

Source: ELK CREEK; Tributary: LITTLE  
SALMON RIVER

Diversion Pt: SWNW Sec 26 T 22N R  
01E

Use: IRRIGATION (.080 CFS);  
DOMESTIC (.040 CFS)

Date Filed: 7/07/1988

In: T22N R01E S28 SWNW; 2.8 ACRES  
TOTAL

79-07170

LOVE, KATHERINE M.; LOVE,  
ARCHIE; HC01, BOX 84B; WHITE  
BIRD, ID 83554

Source: SALMON RIVER; Tributary:  
SNAKE RIVER

Diversion Pt: NENESE Sec 23 T 27N R  
01E

Use: IRRIGATION (.050 CFS)

Date Filed: 6/27/1988

In: T27N R01E S23 NESE; 1.5 ACRES  
TOTAL

79-07171

FERGUSON, DALE; FERGUSON,  
JUNE; HC01 BOX 56; WHITE BIRD, ID  
83554

Source: SLATE CREEK; Tributary:  
SALMON RIVER

Diversion Pt: NENWSE Sec 32 T 27N R  
02E

Use: IRRIGATION (.20 CFS);  
STOCKWATER (.020 CFS)

Date Filed: 6/20/1988

In: T27N R02E S32 NWSE; 0.5 ACRES  
TOTAL

79-07172

CUTHBERT, LESTER J.; BOX 51  
SLATE CREEK; WHITE BIRD, ID 83554

Source: SLATE CREEK; Tributary:  
SALMON RIVER

Diversion Pt: NWNE Sec 36 T 27N R  
01E

Use: IRRIGATION (.100 CFS)

Date Filed: 6/23/1988

In: T27N R01E S36 NWNE NENW; 4.0  
ACRES TOTAL

79-07173

LUNDGREN, IRIS H.  
449 E. RAMONA AVE.  
SALT LAKE CITY, UT 84115

Source: SPRING; Tributary: RACE  
CREEK

Diversion Pt: SENWNE Sec 10 T 24N R  
01E

Use: STOCKWATER (.010 CFS)

Date Filed: 7/05/1988

In: T24N R01E S10 NWNE; 5.0 ACRES  
TOTAL

79-07174

LUNDGREN, IRIS H.  
449 E. RAMONA AVE.  
SALT LAKE CITY, UT 84115

Source: SPRINGS; Tributary: RACE  
CREEK

Diversion Pt: SWNENW Sec 10 T 24N  
R01E

Use: DOMESTIC (.040 CFS)

Date Filed: 7/05/1988

In: T24N R01E S10 NWNE

The permit(s) will be subject to all prior  
water rights. Protests must be filed with  
the Director, Dept. of Water Resources,  
Western Region, 2735 Airport Way,  
Boise, Idaho 83705 on or before

AUGUST 8, 1988.

R. KEITH HIGGINSON, Director

Published 7/20/1988 & 7/27/1988  
Jy20-27

RECEIVED  
AUG 1 1988

Department of Water Resources  
Western Regional Office

**AFFIDAVIT OF PUBLICATION**

Charlotte Sotin

being first duly

sworn, says he is the Bookkeeper

of the IDAHO COUNTY FREE PRESS, a weekly newspaper which

is published and issued weekly at Grangeville, Idaho County,

State of Idaho, and which is of general circulation in said county

and state; that the said notice, of which the one hereto attached

is a true copy, was published in said paper for two weeks,

being published two times, the first publication being

on the 20th day of July, 1988,

and the last publication on the 27th day of

July, 1988; and that the said notice

was published in the newspaper proper and not a supplement;

that said newspaper has been continuously and uninterruptedly

published in said county during a period of more than seventy-

eight consecutive weeks prior to the first publication of said

notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 27th day

of July, 1988.

[Signature]

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

DEC 16 1988



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 27, 1995

LESTER J CUTHBERT  
BOX 51 SLATE CREEK  
WHITE BIRD ID 83554

RE: WATER RIGHT NO. 79-07172

Dear Water Right Holder(s):

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

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

NOV 15 1995

MEMORANDUM

TO: File 79-07172 / Lester J. Cuthbert  
FROM: Brenda Chapman  
DATE: October 23, 1995  
RE: Document Received

=====

Mr. Cuthbert's daughter-in-law called today to explain that he is quite ill and in the hospital. She is managing his affairs for him. She wanted to know why the \$50.00 fee was due. After I explained the amendment process to her, she said she would mail the check today. She also requested we send Mr. Cuthbert's license in care of her. Her address is:

Gloria Cuthbert  
P.O. Box 442  
Plummer, ID 83851

RECEIVED  
OCT 27 1995

NOV 15 1995



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 18, 1995

LESTER J CUTHBERT  
BOX 51 SLATE CREEK  
WHITEBIRD ID 83554

RE: WATER RIGHT NO. 79-07172

Dear Mr. Cuthbert,

Today we received your signed Application for Amendment of your water right. However, we cannot issue your license until we receive the \$50.00 filing fee that is required (Refer to our July 31 and October 3, 1995 letters).

Once your license is issued it will be considered real property, and whoever owns the land will also own the water right. We would like to expedite the issuance of your license for you and request that you send us your filing fee as soon as possible.

Sincerely,

Shelley Walter Keen  
Water Rights Supervisor

SWK:rl

**MICROFILMED**

NOV 15 1995



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

OCTOBER 3, 1995

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LESTER J CUTHBERT  
BOX 51 SLATE CREEK  
WHITEBIRD ID 83544

RE: WATER RIGHT NO. 79-07172

Dear Mr. Cuthbert,

On July 31, 1995, I sent a letter and an Application for Amendment of Water Right No. 79-07172 to you. As yet I have not received the signed Application for Amendment. I am enclosing another copy of the Application for Amendment in the event the correspondence has been misplaced.

I also advised you that if you do not agree with the information presented in the amendment application, you may submit any further evidence you may have to support your conclusion. Please return the signed amendment along with the \$50.00 filing fee or send your evidence to me within the next 14 days.

If I do not hear from you on or before October 18, 1995, I will assume that you are no longer interested in the water right and I will take action to void your permit.

If you have any further questions, please contact me at (208) 327-7946.

Sincerely,

Shelley Walter Keen  
Water Rights Supervisor

SWK:rl

Enclosure

**MICROFILMED**

NOV 15 1995



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 31, 1995

LESTER J CUTHBERT  
BOX 51 SLATE CREEK  
WHITEBIRD ID 83544

RE: WATER RIGHT NO. 79-07172

Dear Mr. Cuthbert:

Last summer IDWR requested that you file an Application for Amendment of Permit 79-07172 to reflect the development as it actually occurred. You responded with a letter indicating that the right should show four acres irrigated rather than two acres. Your correspondence was referred to the examiner who prepared the Beneficial Use Field Report for your water use. The examiner has found nothing to cause her to revise her recommendations. Therefore, I am again requesting that you file an Application for Amendment so that the right can be licensed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point of diversion and the place of use description. Please review it carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 60 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS that may be modified upon further administrative review.

If you still do not concur with the examiner's findings, you may submit conclusive evidence to support your position to me within 60 days. Please bear in mind that your evidence must support development that occurred prior to August 10, 1989, which is the date you submitted your Proof of Beneficial Use statement indicating your development was complete. If you have any questions, please call me at (208) 327-7946 in Boise.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

**MICROFILMED**

SK  
Enclosure

NOV 15 1995

July 15, 1994

MEMORANDUM

TO: Jim Johnson  
WR Licensing File 79-07172

FROM: Cindy Hodges *gh*

RE: Contested B/U Examination

I have reviewed this file and have concluded that my original assessment of 2 irrigated acres is correct. At the time of the exam, the irrigation system was operating primarily within the eastern half of a divided pasture, but one line had been extended through a fence to the western half of the pasture. I recall crossing the fence to take a pressure measurement from the one sprinkler head operating there. Perhaps this explains Ms. Cuthbert's reference to two pastures.

The distance between the county road and Slate Creek (width of property) was estimated by pacing. The length of the irrigated area (east to west) was approximated by an odometer count as I drove the county road frontage north of the property. I am fairly confident about the accuracy of these measurements. I was not shown or did not see any additional obvious irrigated area. There was an area east of Mr. Cuthbert's home which was I think was being used for parking/storage; there may have even been a barn and/or shed present, but no irrigation.

I called Idaho County assessor's office to see if I could obtain a parcel size. I found that Mr. Cuthbert originally owned 24 acres, bounded by the county road and by Slate Creek, within the NWNE and NENW of Section 36. Recently, that property was deeded (or sold) to Mr. Cuthbert's son with several parcels split off. Without additional research, it was difficult for the person assisting me to tell each parcel size or to whom the parcel was deeded. I suspect (but cannot confirm) that Mr. Cuthbert reserved a small (4 acre?) parcel for himself when the property was sold, but transferred the deed to his son rather than keep it in his own name. No property is deeded in the name of Lester Cuthbert in Idaho County.

RECEIVED

NOV 15 1995

RECEIVED

JUN 27 1994

Department of Water Resources

Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706-2237

RE WATER RIGHT NO. 79-07172

Dear Dept. Examiner:

The findings of the examination of Water Right No. 79-07122 for Lester are incorrect. Four acres rather than 2 acres are under irrigation. Lester does use the same sprinkler system for two areas of pasture. He moves the pipe after watering one section to the other section.

It is possible that the point of diversion is not accurate. Please change the Ammendment Application to Four Acres rather than Two acres.

Thank You:

Lester Cuthbert  
Lester Cuthbert

Please Call Gloria Cuthbert at 1-208-686-1967 if you have need of further information.

RECEIVED

NOV 15 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 25, 1994

LESTER J CUTHBERT  
BOX 51 SLATE CREEK  
WHITE BIRD ID 83554

RE: WATER RIGHT NO. 79-07172

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 14 days.

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

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosure

RECORDED  
NOV 15 1995

92  
RECEIVED

**JUN 30 1994**

**WATER RESOURCES  
WESTERN REGION**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

APR 01 1994

Department of Water Resources

## A. GENERAL INFORMATION

Permit No. 79-7172

1. Owner: Lester J. Cuthbert

Phone No. 839-2290

Current Address: Box 51 Slate Creek, White Bird ID 83554

2. Accompanied by: Owner

EXAM DATE : 9/14/92

**Address:**

**Phone No.**

Relationship to Permit Holder:

3. Source: Slate Creek tributary to Salmon River

## B. OVERLAP REVIEW

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

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

### C. DIVERSION AND DELIVERY SYSTEM

**1. Point(s) of Diversion:**

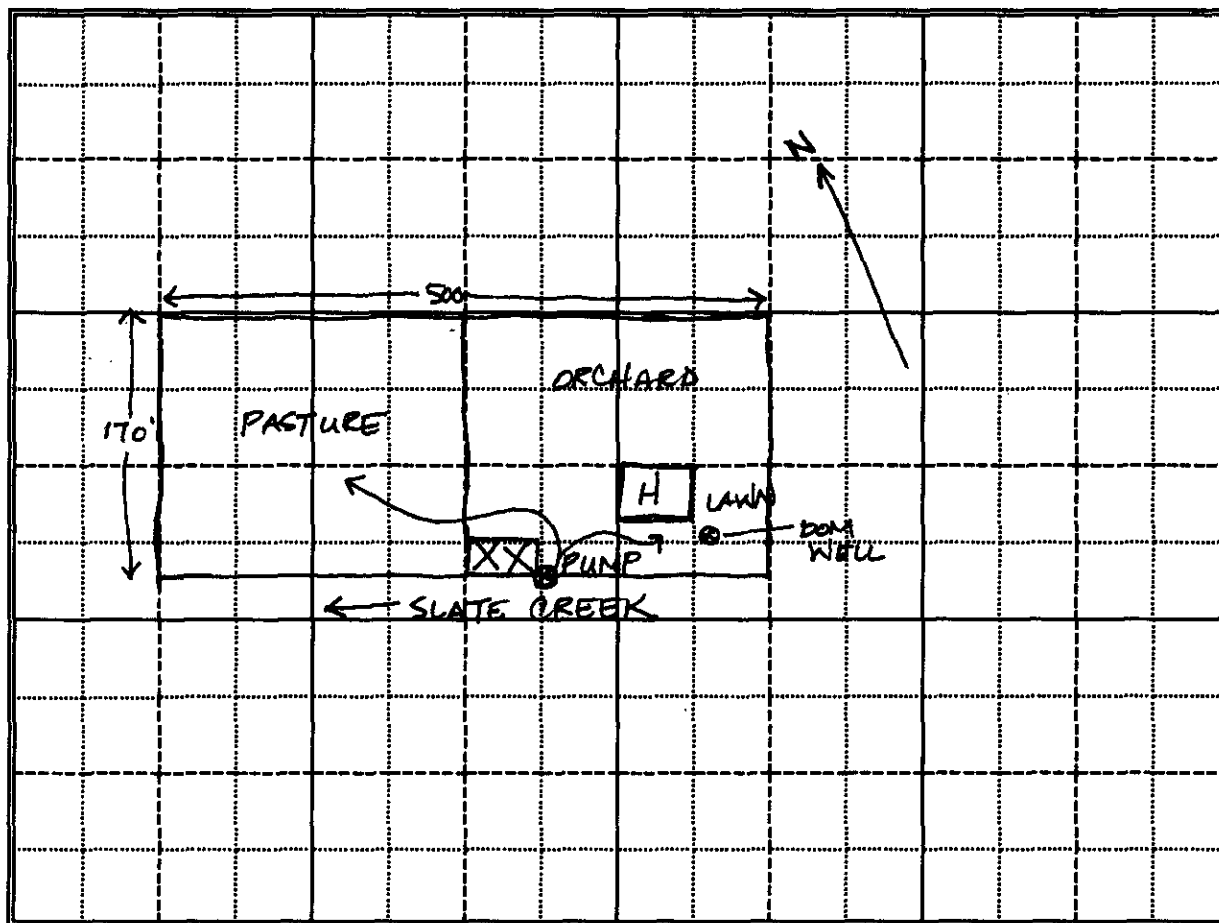
[illegible]

**2. Place(s) of Use:**

Indicate Method of Determination Above, pricing

[illegible]

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



Scale: 1" = NTS

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | 7 Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|------|------------------|-----------|-----------------------------------|
|                                       |            | 2    |                  |           | 1 1/2"                            |
|                                       |            |      |                  |           |                                   |
|                                       |            |      |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| Pressure gage         |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

NOV 15 1995

2. Measurements: 10 NOZZLES of various sizes operating at avg 10psi  
mostly 1/16" nozzle size  
 $Q = 1.48 (PSI)^{0.5} \times 30 = (1.12)^{0.5} \times (10)^{0.5} \times 30 = 2.8 gpm$   
(each nozzle)

**E. NARRATIVE/REMARKS/COMMENTS**

A pump in Slate Creek is used to deliver to approx 2 acres of lawn, orchard & pasture. Slate Creek water is supplemental to domestic well water (or vice versa) on lawn only. Delivery is through 1 1/2" flexible surface line and hoses to impact sprinklers.

Point-of-discharge measurement taken using pressure method. Property fronts on Slate Creek. At time of exam, pasture had just been re-seeded (previous seeding didn't take well). Orchard & lawn established.

Overlaps are other properties, do not affect permit.

SRBA claim A79-10051 filed on domestic well.

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

NOV 15 1995

**F. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

$$10 \text{ nozzles} \times 2.8 \text{ gpm (avg)} = 28 \text{ gpm} = .06 \text{ cfs}$$

allow .06 for 2 ac.

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 4 = 8.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .06 \times 275 \times 1.9835 = 32.7$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8.0$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRR            | 3/1           | 11/30 | .06                          | 8.0                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | .06                          | 8.0                      |

## 2. Recommended Amendments

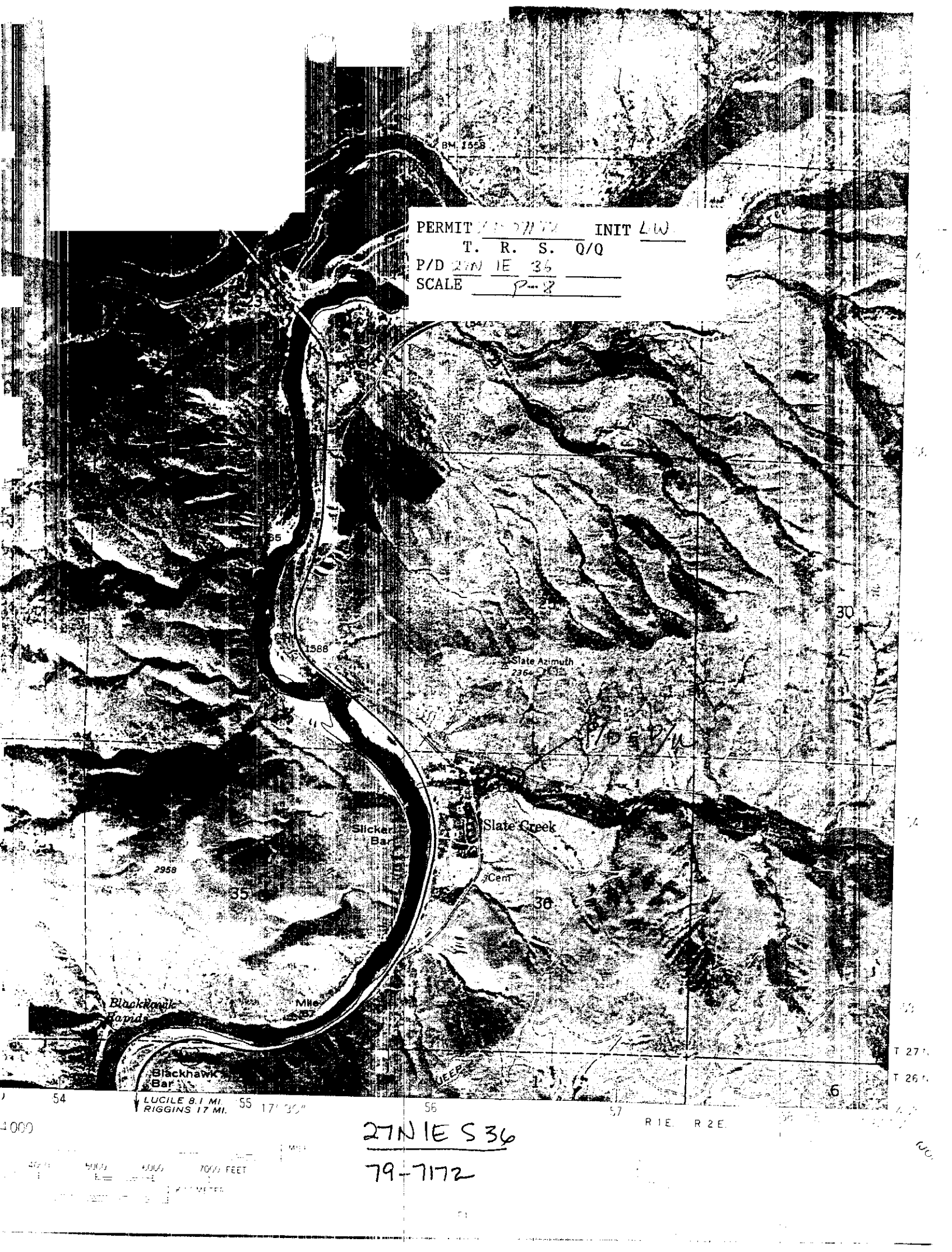
☒ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None☐ Change P.U. as reflected above☒ ~~Add P.U. as reflected above~~☐ Other**I. AUTHENTICATION**Field Examiner's Name Cindy J. Hodges Date 12/12/93

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

NOV 15 1995

PERMIT 79-7172 INIT LW  
 T. R. S. 0/0  
 P/D 27N 1E 36  
 SCALE 1" = 2



27N 1E S 36

79-7172

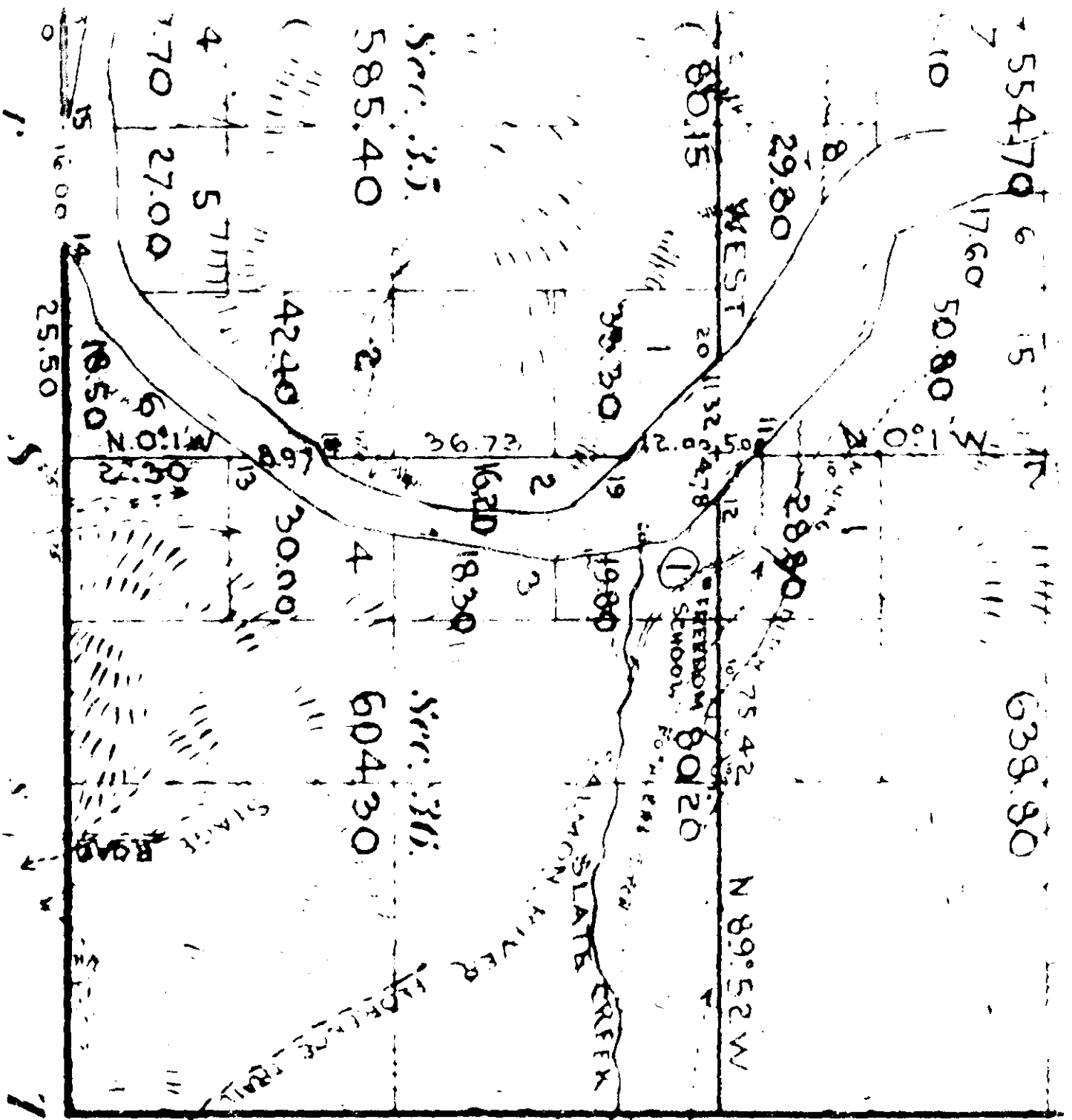
4000

4000  
 5000  
 6000  
 7000 FEET  
 0 1 2 3 4 5 6 7 8 9 10 METERS

R 1 E. R 2 E.

T 27  
 T 26

60



638.80

554.70

50.80

17.60

29.80

28.80

80.15

WEST

FREEDOM SCHOOL

N 89° 52' W

33.30

19.80

16.20

SLATE CREEK

585.40

604.30

42.40

30.00

27.00

18.50

25.50

27N 1E 34

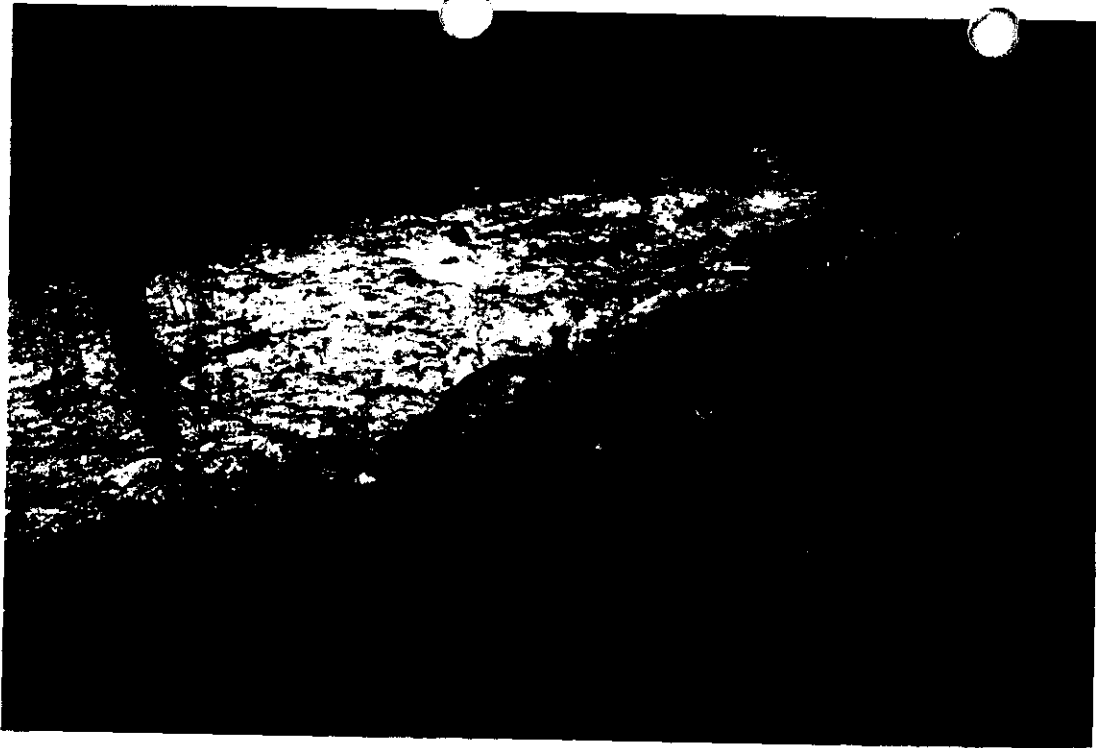
NOV 15 1936

True Meridian

LONG. 116° 17' W  
LAT. 45° 38' N

Scale 1 inch = 100 feet

79-7172



P/D from  
Slate Creek



P/u pasture



P/u lawn

NOV 15 1995

138405  
June 30, 1989

LESTER J. CUTHBERT  
BOX 51 SLATE CREEK  
WHITE BIRD, ID 83554

PROOF DUE NOTICE

RE: PERMIT NO. 79-07172

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

**Microfilm**

SEP 14 1989

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

---

Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
August 31, 1988

LESTER J. CUTHBERT  
BOX 51 SLATE CREEK  
WHITE BIRD, ID 83554

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.        79-07172

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

Gary Spackman  
Supervisor, Water Allocation Section

GS: SC  
Enclosures

**MICROFILMED**  
DEC 16 1988

79-07172

CUTHBERT, LESTER J.  
BOX 51 SLATE CREEK  
WHITE BIRD, ID 83554

Source: SLATE CREEK

Tributary: SALMON RIVER

Diversion Pt:                NWNE        Sec 36 T 27N R 01E

Use: IRRIGATION                ( .100 CFS)

Date Filed: 6/23/1988

In: T27N R01E S36                NWNE                NENW

4.0 ACRES TOTAL

**MICROFILMED**

DEC 16 1988