

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

Sec 14
Township 28 N
R1E

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.

Wayne Eller
(Applicant)

79 7022

RECEIVED

MAY 25 1973

Idaho Department of Water Administration

OK
MAY 25 1973

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that WAYNE ELLER, White Bird, Ida. has on May 9, 1973 submitted Application No. 79-7022 for a permit to appropriate .11 cubic feet per second 0.8 acre feet per annum of water from White Bird Creek, trib. to Salmon River by means of pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M., Idaho County to be used from April 1 to Oct. 31 for irrigation of 1/5 acre within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 4, 1973.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Ida. on May 16, 1973 and May 23, 1973. M16-23

_____ Gary D. Cash _____ being first duly sworn, says he is the _____ Office Manager _____ 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 _____ 16th _____ day of _____ May _____, 1973, and the last publication on the _____ 23rd _____ day of _____ May _____, 1973; 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.

_____ Gary D. Cash _____

Subscribed and sworn to before me this _____ 23rd _____ day of _____ May _____, 1973

_____ Richard C. Walker _____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTIFIED

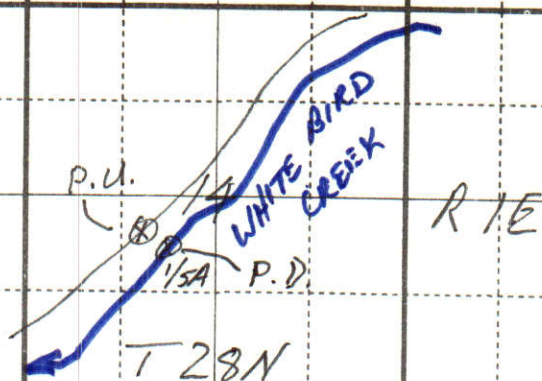


Diagram of System

MAY 21 1973

Department of Water Administration

April 21, 1958

to whom it may concern.
We hereby give Wayne Eller
Consent to put an irrigation
Pipe under ground and wire
to pump overhead, across
our property on lot 1 & 2 of
Block C. town of White Bird

Howard Filant
Ada Filant
White Bird, Idaho



79 7022

79-7022

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that WAYNE ELLER, White Bird, Ida. has on May 9, 1973 submitted Application No. 79-7022 for a permit to appropriate .11 cubic feet per second 0.8 acre feet per annum of water from White Bird Creek, trib. to Salmon River by means of pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M., Idaho County to be used from April 1 to Oct. 31 for irrigation of 1/5 acre within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 4, 1973.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Ida. on May 16, 1973 and May 23, 1973. M16-23

EL-51-9
6-15-73
dlh
XO

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Wayne Eller
of Whitebird, Idaho, has complied with the terms and conditions of Permit
No. 79-7022 issued pursuant to Application for Permit dated May 9, 1973,
and has submitted proof to the Department of Water Resources on June 12, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.11 cfs of water from Whitebird Creek,
tributary to Salmon River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 0.01 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 0.8 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14,
Twp 28N, Rge 1E in the County of Idaho

[illegible]

Total number of acres irrigated .2

the right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
described, and is subject to all prior water rights, as provided by the laws of Idaho. TH

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of May, 1984.

Acting for the Director

APR 30 1984

Ident. No. _____

Department of Water Resources

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now Wayne Eller Phone 839-2352

of (address) White Bird, ID 83554, 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. 79-7022, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 SW 1/4, Section 14, Township 28N, Range 1E, B.M.,
County of Idaho. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount No change 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28N	1E	14									1								1

Acres actually irrigated = 1/5 acre.Total number of acres to be irrigated = 1

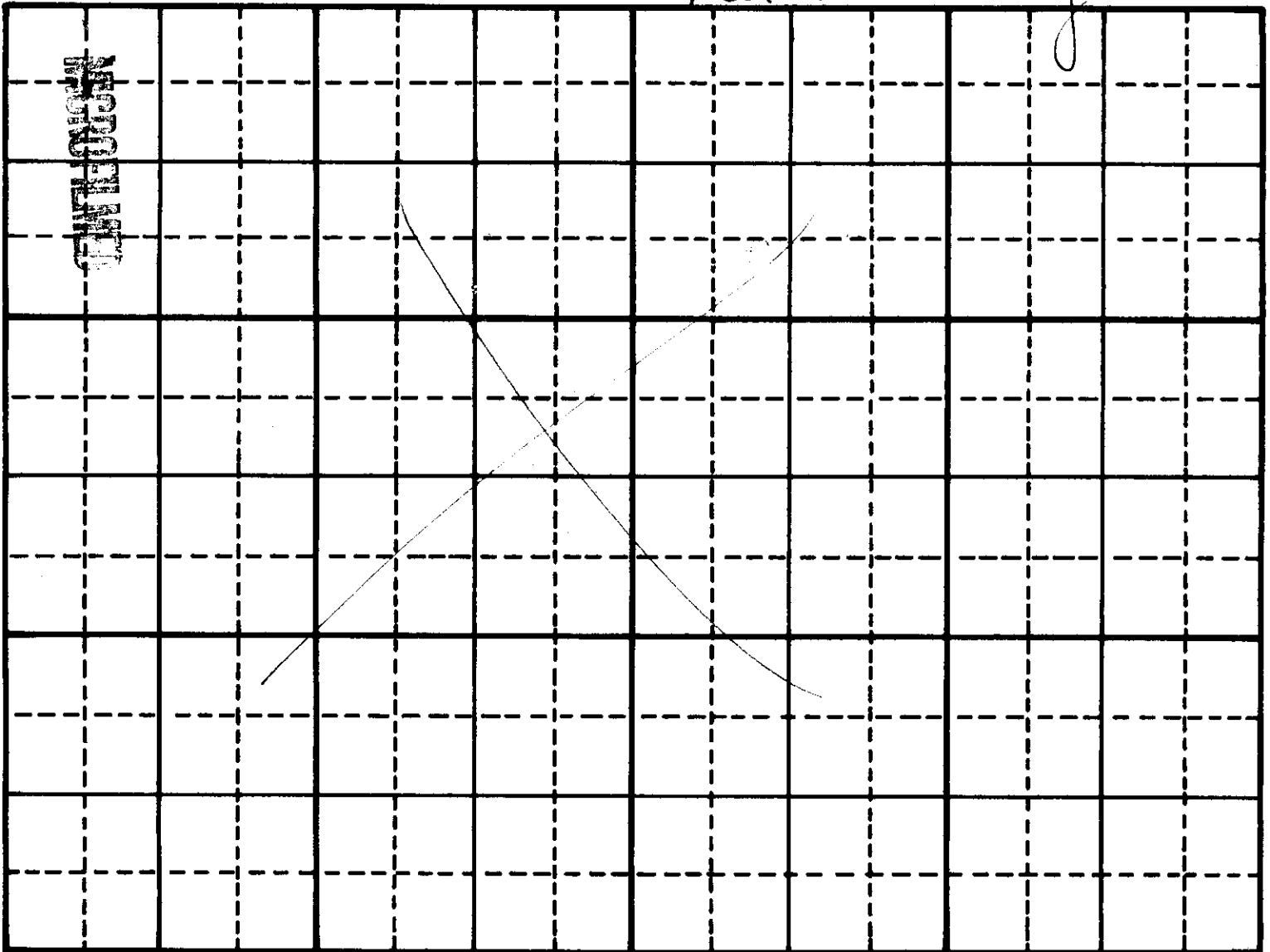
4. a. Who owns the property at the point of diversion? State
b. Who owns the land to be irrigated or the place of use? Wayne Eller
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Not necessary



Scale: 2 inches equal 1 mile.

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

Signed at Whitebird Lake, this 14th day of March, 19 84.

Wayne E. Ellis
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EW Fee = \$20.00 ✓

Receipted by ig Date 4-30-84 #33965

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby
Approve the above Application for Amendment for Permit No. 79-7022.

Witness my hand this 19th day of May, 19 84.

Norman C. Young
Acting for the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 79-7022
IN THE NAME OF WAYNE ELLER

ORDER OF REINSTATEMENT

WHEREAS, on May 9, 1973, Wayne Eller filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 0.11 cubic feet per second of water from White Bird Creek tributary to the Salmon River within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp. 28N, Rge. 1E B.M., Idaho County, to be used for irrigation purposes; and,

WHEREAS, on June 11, 1973, the Department approved said application and issued Permit No. 79-7022 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1978; and,

WHEREAS, on March 31, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on June 9, 1978, the Department notified the permit holder that Permit No. 79-7022 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 12, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 79-7022 be REINSTATED and the priority date advanced to May 20, 1973.

Dated this 16th day of June, 1978.


L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED
JUN 14 1978

Identification No. _____

Application No. 79-7022

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant WAYNE ELLER
post office address WHITE BIRD IDAHO 83251
2. Source of water supply White Bird Creek which is a tributary of SALMON RIVER
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 28 N
Range 1 E B.M. IDAHO County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into White Bird Creek at a point in SW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 14 Township 28 N Range 1 E B.M. _____
4. Water will be used for the following purposes:
Amount .11 for irrigation purpose from APRIL 1st to OCT 31st (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .11 cubic feet per second and/or
b. 0.8 ^{cu ft} ~~total yearly diversion~~ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump Located in said
Location & Pumping .11 C.F.S. For Irrigation Purposes
only 1 1/2 H.P. 1 1/4 suction 1 1/4 outlet

b. Height of storage dam None feet, active reservoir capacity None acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: Irrigation Purposes
2 families

79 7022

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
28N	1E	14											1/5						1/5 acre

Total number of acres to be irrigated 1/5 acre

c. Describe any other water rights used for the same purposes as described above.

Howard Pilant

9. a. Who owns the property at the point of diversion State IDAHO (see letter) R.W.H.

b. Who owns the land to be irrigated or place of use Wayne Eller

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

10. Remarks

[illegible]

Wayne Eller
(Applicant)

79 7022

Received by cy Date 5-9-73 Time 2:00APreliminary check by W.H. Fee \$ 10.00Receipted by cy Date 5-9-73 Recit # 10488Publication prepared by cy Date 5-11-73Published in Idaho County NewsPublication dates 5-16-73 & 5-23-73Publication approved W.H. Date 5-25-73Priority ~~reduced to~~ 5-09-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W.H.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 79-7022, 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 June 1, 1978.
- c. Other: _____

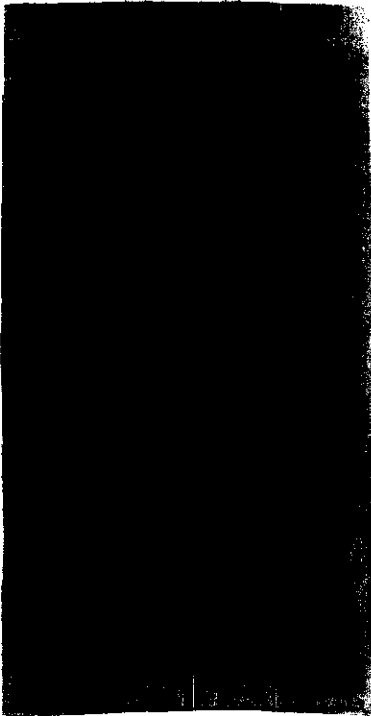
2. Denial of said application is for the following reasons: _____

Witness my hand this 11th day of June, 1973.

P. Karl Hiji
Director

OK
mfg. 25-73

AFFIDAVIT OF PUBLICATION



Gary D. Cash being first duly sworn, says he is the Office Manager 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 16th day of May, 1973, and the last publication on the 23rd day of May, 1973; 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.

Gary D. Cash

Subscribed and sworn to before me this 23rd day of May, 1973

Berhard C. Hader, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>LEB</u>	<u>10 May 73</u>	Application No. <u>79-7022</u> Name <u>Eller</u>
(2)	<u>LEB</u>	<u>10 May 73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	<u>LEB</u>	<u>10 May 73</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>LEB</u>	<u>10 May 73</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>LEB</u>	<u>10 May 73</u>	In form for advertising <u>yes</u>
(6)	<u>MM</u>	<u>5-25-73</u>	Affidavit of Publication received <u>OK</u>
(7)	<u>R.W.H.</u>	<u>6-6-73</u>	Final date for protests <u>6-4-1973</u> Protests received: yes <u>no</u> ☒
(8)	<u>NA</u>		Date and Place of hearing _____ Decision reached at hearing _____
(9)	<u>NA</u>		Located within Water District No. _____
(10)	<u>R.W.H.</u>	<u>6-6-73</u>	Critical groundwater area: yes _____ no ☒
(11)	<u>R.W.H.</u>	<u>6-6-73</u>	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) <u>No information Available</u> ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	<u>R.W.H.</u>	<u>6-6-73</u>	Action recommended: ☒ Approve Priority <u>5-9-1973</u> ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval
(14)	<u>R.W.H.</u>	<u>6-6-73</u>	No conditions for approval
	<u>R.W.H.</u>	<u>6-6-73</u>	District <u>Western</u> By <u>Robert Hamilton</u> Date <u>6-6-1973</u> Title <u>Superintendent of Water Dist.</u>

JUN 6 1973

79 7022

Department of Water Administration

May 22, 1984

RE: Permit No. 79-7022

Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 33965 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosures

52

W. Elder
White Bird Shale
130442
83554

NOTES
CHARGE

State of Idaho
Department of Water Resources

State House
Boice Hall

82720



**LOVE
LOVE
LOVE
LOVE
LOVE**



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 13, 1984

RE: Permit No. 79-7022

Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

A representative of this Department made an examination of the works covered by your Permit No. 79-7022 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: ~~0.02~~ cfs Source: Whitebird Creek trib to Salmon River

^{0.01}
The maximum quantity diverted shall not exceed 0.8 acre feet
per year.

Point(s) of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 28N, Rge 1E

Beneficial Use: Irrigation of 1/5 acre within NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, Twp 28N, Rge 1E

Priority date established: May 20, 1973 (Late Proof)

Conditions (if any):

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

RECORDED
INDEXED

1. Name of permit holder

Post office address

Wayne Ellen
White Bird, Idaho

Phone 835.54

Person to contact _____
Western Regional Office

Phone

- Tributary to Salmon River

- Amount .11 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from Apr 1 to Oct 31
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

- Max Rate of Diversion 0.11 cubic feet per second and annual volume _____ AF/Annum.

- Township 28N N/S, Range 1E E/W, B.M., Section 14, Subdivision SW 1/4 SW 1/4, Idaho
County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions:

Description of diverting works: $1\frac{1}{2}$ HP pump, $1\frac{1}{4}$ inch suction, $1\frac{1}{4}$ inch outlet, Pumping for irrigation

Measuring device required: yes ☐ no ☒

- [illegible]

TOTAL ACREAGE $\frac{1}{5}$

MICROFILMED

UNCLASSIFIED

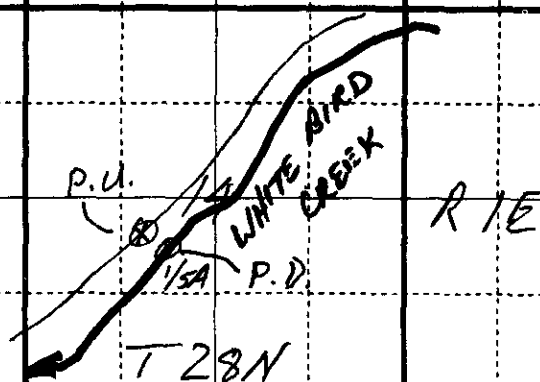


Diagram of System

DATE OF EXAM 6/26/79

ACREAGE
Found 1/5 Acre ✓
Recommended 1/5 Acre ✓

$1/5 \text{ acre} \times 0.03 = .006$
allow 0.01 cfs

Irrigation Requirement 4.0 ✓ Ac Ft/Ac

USE
Irrigation Q = .01 ✓ c.f.s. V = 0.8 AF/Ann. from 3/15 ✓ to 11/15 ✓
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

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

Exchange? yes _____ no ✓

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

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

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

Total Q measured 1.11 cfs ✓ Method of measurement CALCULATION

Total Q recommended .01 ✓ Meter No. _____ Type _____ Condition _____

Total V recommended 2.0 AF/Ann ✓ $V = 1/5 \times 4 = 0.80 \text{ AF}$

Recommended Amendments:

(P.D.) map shows NESW
Place of Use map shows NESW
Other _____
(None) ✓

MEASUREMENT CALCULATION:
 $Q = 1.5 \text{ hp} (80\% \text{ eff}) (8.8) / 40 \text{ psi} (1/4 \text{ inch}) + 5' \text{ lift} = .11 \text{ cfs}$ ✓
 $V = .11 \text{ cfs} (1.98) (212 \text{ days}) = 46.17 \text{ AF/Ann}$

SYSTEM DESCRIPTION:
1 1/2 hp STEAKS CENTRIFUGAL PUMP
#390-88 MODEL 42B12 SERIAL 118-60
PUMP AT CREEK 1/4 LINE APPROX 180' TO
HOUSE, 3/4" HOSES TO SPRINKLERS.

REMARKS:
SYSTEM IN EXCELLENT

Examiner's Signature Charles W. Bryan Jr. Date 6/26/79
Checked by Vilma Howard Date 7/1/79
Approved by Ray Walker Date 3-1-84

RECEIVED

June 16, 1978

Re: Permit No. 79-7022

Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

Enclosed is a copy of the order reinstating your permit and advancing your priority date to May 20, 1973.

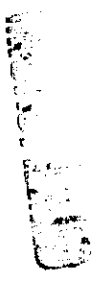
We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in

Sincerely,

JANICE RENK
Water Rights



April 21, 1958

to whom it may concern.
We hereby give Wayne Eller
Consent to put an irrigation
pipe under ground and wire
to pump over head, across
our property on lot 1 & 2 of
Block E. town of White Bird

Howard Pilant
Isla Pilant
White Bird, Idaho



RECEIVED

JUN 12 1978

Department of Water Resources



Identification No. _____

Permit No. 79-7022

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

JUN 12 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder WAYNE ELLER
- b) Post Office Address WHITE BIRD IDAHO - 83554
2. Permit Number 79-7022
3. Date of Priority that you are prepared to establish 5-9-73
4. a) Source from which water was appropriated WHITE BIRD CREEK
- b) Location of the point of diversion: SW 1/4 SW 1/4, Section 14
Township 28 N, Range 1 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount .11 for irrigation purposes from April 1st to Oct 31st incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

- b) Total amount appropriated .11 cfs and/or acre-feet per annum

- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

This rate of flow was estimated from the discharge of gallons per minute from this type pump - by Wayne Eller

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

This is piped from pump at Whitebird Creek through a 2" line to my property

- b) Describe the agreement or understanding by which you take water from the works: This line crossed the Hayward Pelant property. Agreement is enclosed with signatures of both Pelants

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch)

By 1 1/2 HP. Pump 1 1/4" suction 1 1/4" outlet. Pumping .11 CFS. for irrigation purposes only

- b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

- c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

6-16-78

RECEIVED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

This is for irrigation purposes for my garden & lawn at my home approx 1/5 acre

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28N	1E	12											1/5						1/5
28N	1E	14																	1/5

Total number of acres irrigated 1/5

10. Remarks:

Hope this information is sufficient enclosed is signature of both plaintiffs with ~~permission~~ permission to cross their property

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

6-8-78

(Date)

Wayne Eller

(Signature)

State of Idaho)

County of Idaho) ss.

On this 8th day of June, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Gaylord R. Colvin Jr.
Notary Public residing at White Bird, Idaho

My commission expires 1979

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

June 9, 1978

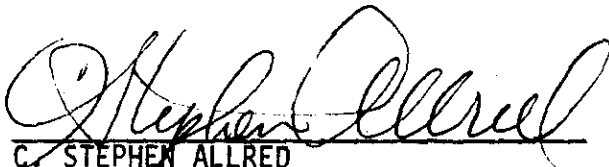
Re: Permit No. 79-7022

Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 79-7022 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1978

CERTIFIED MAIL

1-854

Re: Permit No. 79-7022

Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

One of the conditions of approval of your water Permit No. 79-7022 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

June 12, 1973

Re: Permit No. 79-7022

Mr. Wayne Eller
White Bird,
Idaho 83554

Dear Mr. Eller:

Enclosed is a copy of your approved Application for Permit No. 79-7022. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

79 7022

May 22, 1973

RE: APPLICATION FOR PERMIT NO. 79-7022

Mr. Wayne Eller
White Bird
Idaho 83554

Dear Mr. Eller:

We have received your recent letter in which you state you have been advised that you should have filed a "Claim to a Water Right" rather than a permit.

I agree that you have probably already established a water right and you could have filed a "Claim". However, since we already began processing your application it is impossible to change it to a claim now.

If you had filed a claim, it would have been necessary to have your right decreed by the district court to establish the 1958 priority date. You can still do this with the permit upon showing proof to the court that the water was put to beneficial use in 1958.

I am enclosing a "Claim" form for your use in case you still wish to file it.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mkp

Enclosure

79 7022

MAY 21 1973

Department of Water Administration

Dear Sir

When I applied for a water right I did not add the other family that uses it, I own the pump & line & let our neighbors use water too. With both places it is more than a fifth acre, could possibly be a half acre, I think I stated in the application that two families used the water, but just forgot to list them when giving the area to be irrigated.

9-A The property adjoining the creek was owned by Howard Pelant at the time I put the pump in the creek (1953)

9-C am enclosing copy of agreement with them am sorry about the mistake, but was thinking about the State having control over the creek & not the adjoining property or point of diversion.

am advised that I should file for Water Right instead of Water Permit, since we probably already have a water right established, could you give me information on what I should do, Do I need to fill out a different form.

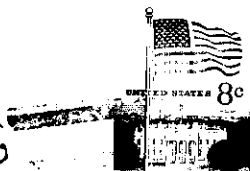
Sincerely Wayne Eller

79 7022

... to the ...
... 1844 ...
... to the ...
... and ...
... and ...
... and ...
... and ...
... and ...

... and ...
... and ...
... and ...

W. E. Eber
Whitebird, Idaho



State of Idaho Department of Water
Administration

State House Annex - 2

Boise Idaho 83707

79 7022

May 9, 1973

Re: Application for Permit

Mr. Wayne Eller
White Bird, Idaho 83554

Dear Mr. Eller:

We have received your Application for Permit to Appropriate the Public Waters of the State of Idaho.

You have applied for 0.11 c.f.s. for irrigation of 1/5 of an acre. According to Idaho law, we could allow only .004 c.f.s. for this amount of land, however, we realize the difficulty in pumping so small an amount of water. If your pump capacity is .11 c.f.s., and we add an 0.8 acre foot limitation to the permit, you could then use a larger diversion rate and irrigate in a short time rather than run your pump continually.

On page two, question 9a., you show the State of Idaho as owner of the point of diversion. Line 9c. does not show what arrangement has been made for an easement from the Land Department.

We will begin processing your application, but will appreciate answers to these two questions.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:def

79 7022

May 1, 1973

Mrs. Wayne Eller
White Bird, Idaho 83554

Dear Mrs. Eller:

Pursuant to your letter request of April 25, 1973, please find enclosed one (1) copy of this Department's Application for Permit form with instructions for filing.

If you should have any further questions, or if we may be of any assistance to you in the completion of this form, please do not hesitate to contact this Department.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosures

79 7022

4-25-73
White Bird, Idaho

Bureau of Water Resources
State House
Boise, Idaho

RECEIVED

30-1973

Department of Water Administration

Dear Sirs:

We wish to apply for a
water-right to pump
water for irrigation from
the White Bird Creek - at
White Bird, Idaho.

Please send us the
form to fill out for this.
Thank you.

Mrs. Wayne Eller.
Box 79 7022 White Bird, Idaho

This is just to irrigate
our small garden & yard.
- also we share it with
our neighbors - the
Edwards Ruarks for
the same purpose.

ERRAFON®

79 7022

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that WAYNE ELLER, White Bird, Ida.

has on May 9, 1973 submitted Application No. 79-7022
for a permit to appropriate .11 cubic feet per second 0.8 acre feet
per annum of water from White Bird Creek, trib. to Salmon River
by means of pump
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M., Idaho County

to be used from April 1 to Oct. 31
for irrigation of 1/5 acre

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 4, 1973.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press

on May 16, 1973 and May 23, 1973

79 7022

79 7022

WAYNE ELLER, White Bird, Ida. has on May 9, 1973 submitted Application No. 79-7022 for a permit to appropriate .11 cubic feet per second .8 acre feet per annum of water from White Bird Creek, trib. to Salmon River by means of pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M., Idaho County to be used from April 1 to Oct. 31 for irrigation of $\frac{1}{5}$ acre within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 4, 1973.

R. KEITH HIGGINSON
Director

Published in the Idaho Coun-

EL-S-15-73
6/14/73
OK

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



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

May 11, 1973

Re: Application for Permit No. 79-7022 Wayne Eller

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill Submitted 5-25-73

Mary Brusley

79 7022

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

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

May 9, 1973

Re: Application for Permit No. 79-7022

Wayne Eller
White Bird, Idaho 83554

Dear Mr. Eller:

Attached herewith is your Receipt No. 10480 in the amount of \$ 10.00
for Application for Permit No. 79-7022

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

79 7022