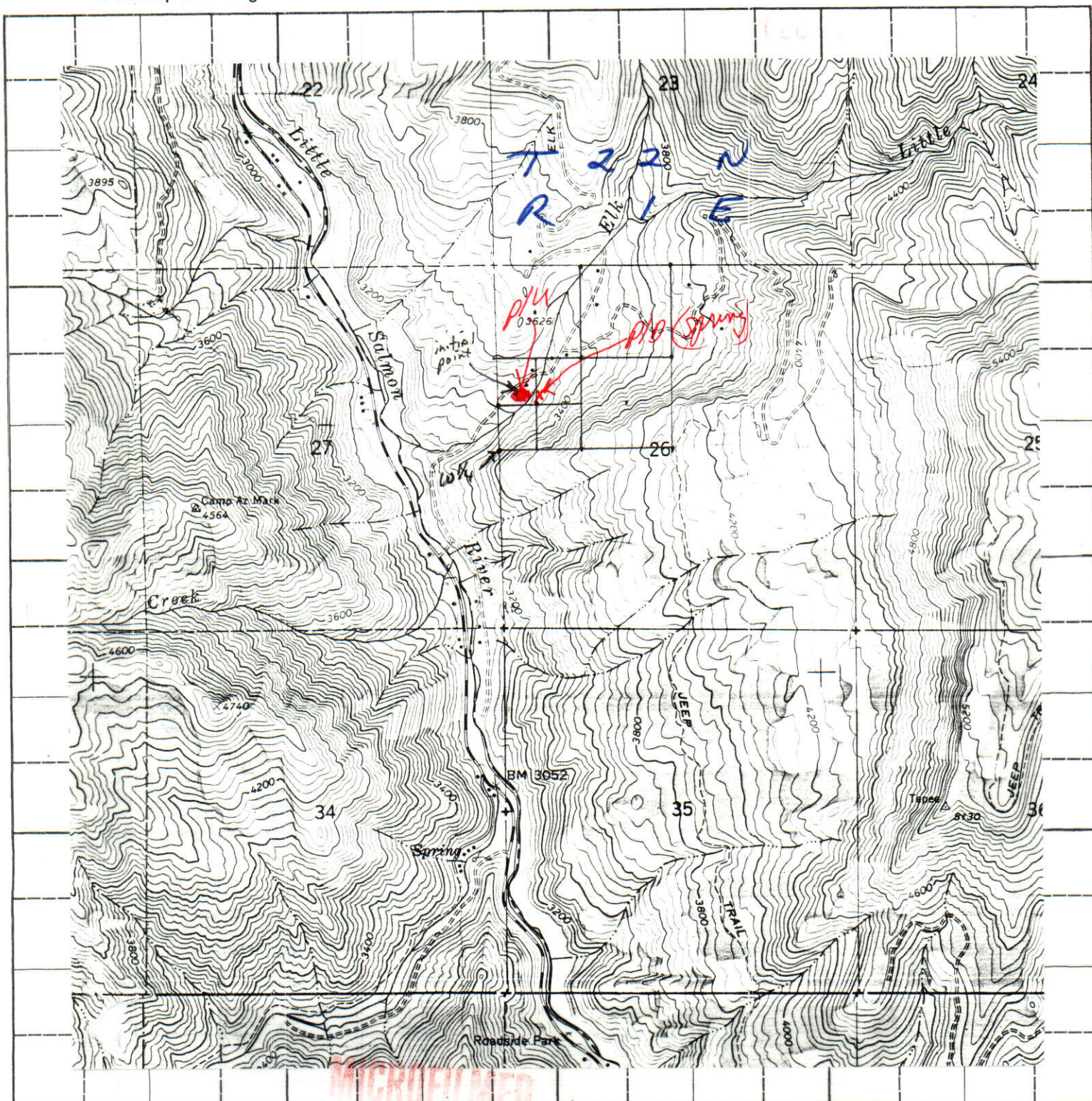


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

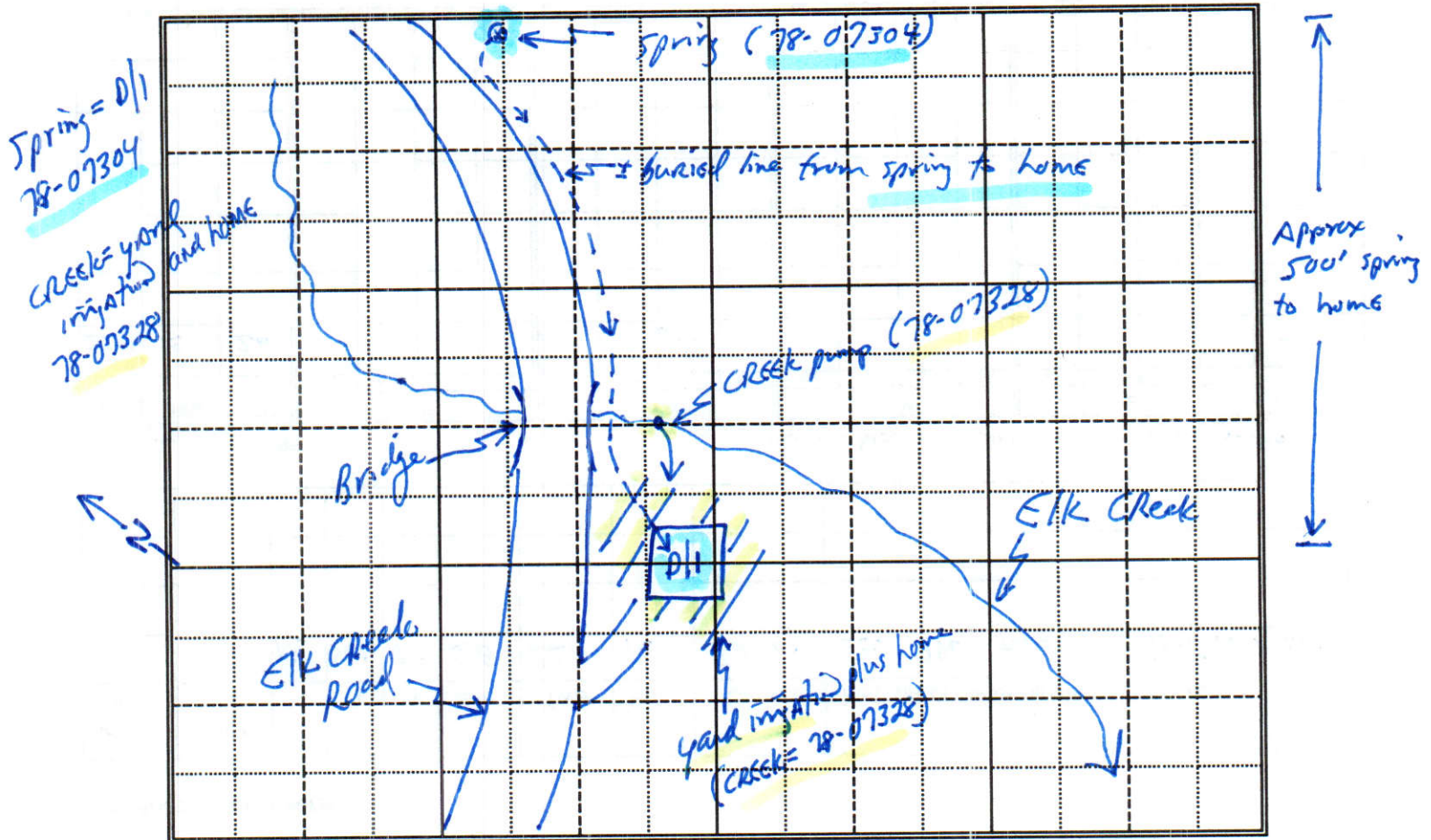
DEC 16 1988

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.

Jackie D. Coons
(Applicant)
May K. Coons

— Diagram for 2 permit exams —

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



Scale: 1" = NOT TO SCALE

☒ 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.

SEE MASTER TUPU file in 78-07301 Exam

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A for spring					

*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
NONE possible						

2. Measurements: e 500' pld to ph (pacing via road)

NO flow meas. possible @ Exam



PHOTO ONE-

P/O 78-07304 →
Spring on south side
of Elk Cr. Road
Pipeline SEEN behind
Mr. McNulty's legs.

→
P/O 78-07328
pump station on
Elk Creek by
bridge near home.
Home is behind
viewer.

PHOTO TWO-





PHOTO THREE-

P/L both rights. ↗

78-07304 Spring D/I (interior)

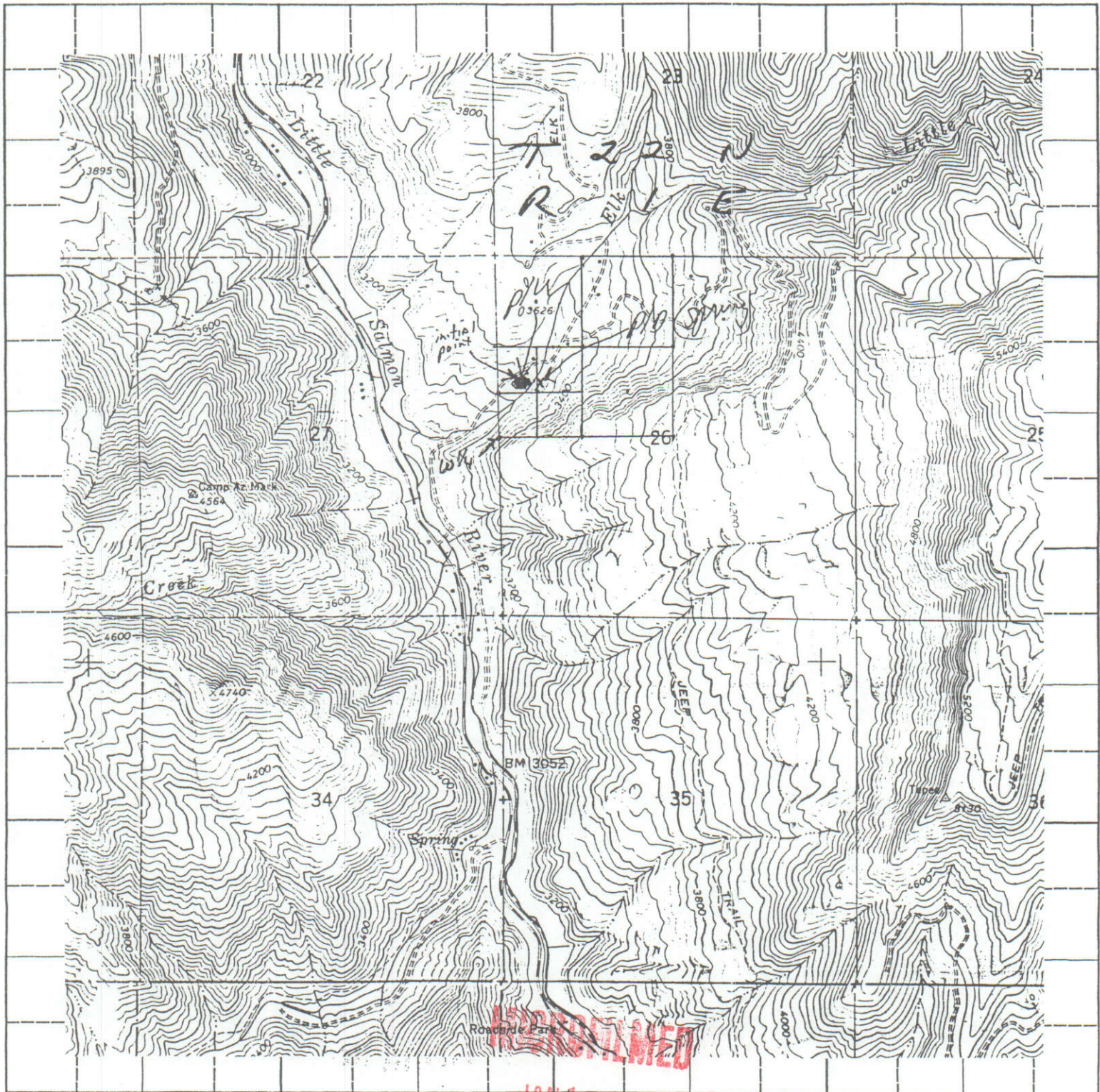
78-07328 creek 1/2 Acre
yard (grass)

↗
Spring on Alimura Trust
land. Somewhat developed
(dug out) but no
conveyance found to any
P/L.

PHOTO FOUR-



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.

Mark K. Cocus
(Applicant)
Mark K. Cocus

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	78-7304	Jackie D. Cocus Mary K. Cocus	.02
~~Full Assignment~~	~~78-7304~~	~~Donald Lee Hellwege~~	~~.02~~
Full Assignment (Tax Record)	78-7304	Richard McNulty	.02

MICROFILMED

JAN 17 1991

RECEIVED
DEC 11 1990

Department of Water Resources

1801 N. 15th St.
Boise, ID 83702
Dec 7, 1990

Subject: Transfer of Permit

Dear Ms. Fleck,

I have purchased the described property from Mr. Donald Hellwege, and would appreciate having the water rights and permit issued in the name of Richard M. and Helen M. McQuilty.

In reply to your request, and our conversation 12-5-90, please note the attached.

The tax-valuation-summary was obtained from Idaho County Tax Office, Grangeville, ID.

Thank you for your cooperation

Truly yours
Richard M. McQuilty
MICROFILMED

JAN 17 1991

(208) 389-1387

VALUATION SUMMARY SHEET

TIME 18:16:54

DATE 11/29/90

PARCEL RP22N01E2637901 PROPERTY ADDRESS

EFFECTIVE DATE 1/01/91 EXPIRE DATE 0/00/00 CAT YR QUANTITY UNIT VALUE TREND

NAME	MC NULTY, RICHARD M	12	87	.450	AC	10,500
	& MC NULTY, HELEN M (HEW)	34	88			12,525

1301 NORTH 18TH

BOISE ID 83702

DESC

T22N R1E SEC 20

.45 ACRE

MICROFILMED

JAN 17 1991

TAX # 58

TOTALS .450 \$23,025

TAX CODE AREA 9-00

PREVIOUS PARCEL # RP22N01E263790A

COMMENTS WAS: HELLEDGE, DONALD LEE ETUX

*** SUBSYSTEMS PRESENT ***
NONE

MAP # 11-15-90

PHOTO #

DEED # NEW

SUBDIVISION 0000

ZONE MJL

OLD 348943

EXEMPTIONS: #DISALLOWED H.O. #

RECEIVED
NOV 28 1989

Department of Water Resources
Western Regional Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ NONE
Date 11/28/89
Receipt No. 78-2-9-90
Received by SL

RECEIVED
NOV 30 1989

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have 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. 78-07304 Telephone No. 466-7743

Name(s) of Permit Holder(s): Donald L. and Claire E. Hellwege

Post Office Address: 319 W. Roosevelt Nampa, Idaho 83686

Source of Water: Spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic 1 (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .02 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: ? 1976

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ -0- (See License Examination Fee Schedule) Less than .04 cfs Dm use

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

Donald L. Hellwege 466-7743
Name Telephone No.

319 W. Roosevelt Nampa ID 83686
Address

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

11.25.89
Date

Donald L. Hellwege
Signature (and title if on behalf of a company or organization)

FILMED
MAR 16 1990

RECEIVED

NOV 30 1989

State of Idaho

Department of Water Resources

RECEIVED
NOV 28 1989

Department of Water Resources

ASSIGNMENT OF ^{Permit} APPLICATION

Department of Water Resources
Western Regional Office

I, Jackie D. Cocus, hereby assign to Donald Lee Hellwege
of 319 W Roosevelt Nampa Idaho
Address

CHECK ONE



All my right, title, and interest in and to Application No. 78-07304
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Application
No. 78-07304 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 16th day of October, 19 89.

Jackie D. Cocus
Application Holder

Mary K. Cocus
Spouse of Application Holder

State of Idaho)
County of Idaho) ss.

On this 16 day of Oct, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Delana C. Bice
Notary Public residing at
Riggins Idaho

My commission expires:
1-11-89

RECORDED

MAR 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Jackie D. f/or Mary K. Cocus Phone 628-3359
Post office address Box 246 Pollock, Id. 83547

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 22N Range 1E B.M. Idaho County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for domestic purposes from 1/1 to 12/31 (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) .02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pvc pipe from spring
to cabin

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).

DEC 16 1985

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
22N	1E	26							D										—

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? M. R. Givens

b. Who owns the land to be irrigated or place of use? Applicant

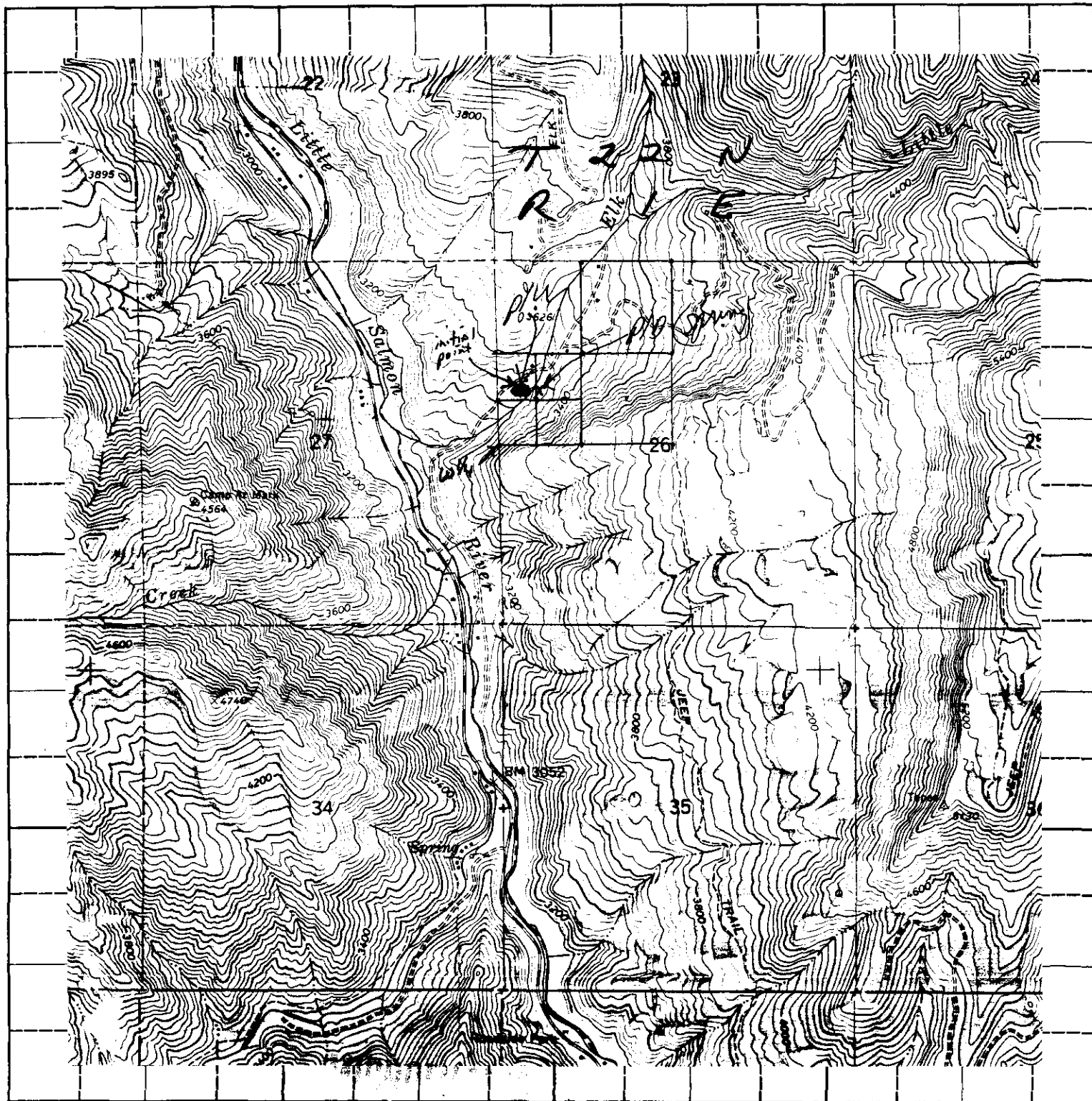
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. warranty deed allows access to pld. See attached copy issued to original p/w owners (Stippich).

12. Remarks: Existing system.

MICROFILMED

DEC 16 1988

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.

Jackie D. Cocus
(Applicant)
Mark K. Cocus

Proposed Priority 9/2/88 No 1 enc.

* Fee received 9/2/88 p.m.

Received by SL Date 7-20-88 Time 2:00 pm Preliminary check by SL

Fee \$ 30⁰⁰ Receipted by SL # W000821 Date 9/6/88 *

Publication prepared by GG Date 9-14-88 Published in Idaho County Free Press
9/21 & 9/28/88

Publication approved SL Date 10/13/88

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. 78-7304, 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 December 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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 30th day of November, 1988.

J. Glen Saylor

RECORDED

DEC 16 1988

265648

WARRANTY DEED

INDEXED (14)
TRACTED (4)
FILED (4)

For Value Received MURIEL RUTH GIVENS, a widow, of
New Meadow, Idaho
and for Ten Dollars and other valuable considerations - \$10.00 & OVC

the grantor, does hereby grant, bargain, sell and convey unto

Lawrence W. Stippich and Susie A. Stippich, husband and wife, of
New Meadows, Idaho

the grantee, the following described ~~premises~~ real property ~~County Idaho to-wit:~~
lying and being in Idaho County, Idaho, to-wit:

A parcel of land situated in the SW¹/₄ of Section 26, T22N, R1E,
S.M., Idaho County, Idaho, more particularly described as follows:
Beginning at a 3"x36" rebar set on the Southeasterly side of a
County Road, from which point the West Quarter Corner of said
Section 26 bears South, 883 feet and West 257 feet,
Thence South 16°11'E, 293.6 feet to the center of Elk Creek, from
which point a 3/8"x24" rebar bears N16°11' W, 25 feet,
Thence North 64°12'E, 133.3 feet,
Thence North 36°09'E, 271.2 feet,
Thence North 27°56'E, 207.1 feet all along the center of said Elk Creek
to the Southerly line of said road,
Thence South 79°33' W, 220.7 feet,
Thence South 60°35'W, 279.0 feet all along said Southerly line of the
said County Road to the place of beginning, containing a calculated
area of 2.38 acres, more or less.

Buyer or Grantee shall have the right to take water, for domestic
purposes only, by a 3/4" pipeline from a spring on Grantor's land
across Elk Creek about 250 feet South and have a right of way
from the spring over Grantor's property to install and maintain
said pipeline.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees, that she is the owner in fee simple of said premises; that they are free
from all incumbrances

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

Dated: Sept 23, 1976

Muriel Ruth Givens

STATE OF IDAHO, COUNTY OF *Idaho*
On this *23rd* day of *Sept.*, 19 *76*,
before me, a notary public in and for said State, personally
appeared

Muriel Ruth Givens,
a widow

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Donald A. Allison
Notary Public
Residing at *Riggins*, Idaho
Comm. Expires *August 4, 1978*

STATE OF IDAHO, COUNTY OF *Idaho*
I hereby certify that this instrument was filed for record at
the request of *Idaho Bank and Trust*
Riggins
at *50* minutes past *10* o'clock A.M.,
this *3* day of *November*,
19 *76*, in my office, and duly recorded in Book
of Deeds at page

BOB J. WAITE

Ex-Officio Recorder

By *Lucille Haines* Deputy.

Fees \$ *1.00*

Mail to: *Box 32 Riggins Idaho 83549*

Applicant J.O. Coons (phone conv 8/26/88 8c)
Givens property is E. of Coons and
across Elk creek

MICROFILMED

DEC 16 1988

INSTRUMENT No.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

77-07278

DE ROUSSE, LYNN; JORDAN,
CHRISTINE; 12612 NE ROSE
PARKWAY, PORTLAND, OR 97230
Source: HI YU CREEK Tributary;
BLACK SAND CREEK Source: BLACK
SAND CREEK Tributary: SAND CREEK
Source: UNNAMED STREAM Tributary:
BLACK SAND CREEK
Diversion Pt: SENW Sec 25 T25N R
03E
Use: MINING (1,000 CFS)
Date Filed: 7/15/1988
In: T25N R03E S25 NENW NWNW
SWNW SENW.

78-07304 ✓ OF

COCUS, JACKIE D.; COCUS, MARY
K.; P.O. BOX 246; POLLOCK, ID 83547
Source: SPRING Tributary: SINKS
Diversion Pt: NESWNW Sec 26 T 22N
R01E
Use: DOMESTIC (.020 CFS)
Date Filed: 09/01/1988
In: T22N R01E S26 SWNW.

79-07189

LEFSAKER, KENNETH R.; RT. 4;
COTTONWOOD, ID 83522
Source: SPRING Tributary: SINKS
Diversion pt: NENENW Sec 21 T 28N R
01W
Use: DOMESTIC (.040 CFS)
Date Filed: 7/22/1988
In: T28N R01W S21 NWNE.

79-07190

FIEDLER, STEVE; P.O. BOX 322;
LUCILE, ID 83542
Source: COW CREEK Tributary:
SALMON RIVER
Diversion Pt: SESWSE Sec 33 T 26N R
01E
Use: IRRIGATION (.030 CFS)
Date Filed: 9/08/1988
In: T26N R01E S33 SWSE
1.0 ACRES TOTAL

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
OCTOBER 10, 1988.

R. KEITH HIGGINSON, Director
Published 9/21/1988 & 9/28/1988

S21-28

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 21st day of September, 1988,
and the last publication on the 28th day of
September, 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 28th day
of September, 1988.

[Signature] Notary Public

for State of Idaho, residing at Grangeville, Idaho.

MICHAEL

DEC 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION *and H&K*

Permit No. 78-07304

1. Owner: Richard McNulty Phone No. 389-1387

Current Address: 1801 N. 18th St., Boise, ID 83702

2. Accompanied by: Same EXAM DATE: 11/10/92

Address: _____ Phone No. _____

Relationship to Permit Holder: bought property from permittee

3. Source: Spring tributary to Elk Creek * *and home*

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 78-07328 Elk Creek for yard for McNulty.

2. Other water rights with the same point of diversion: 78-07006 -
-07301 -
-07329 - Appl. held per maintenance *Elk Creek, all are other properties*

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	—	NE	SW	NW	26	22N	1E	Idaho	SEE 7 1/2' topo ID 78-07301 Exam

2. Place(s) of Use:

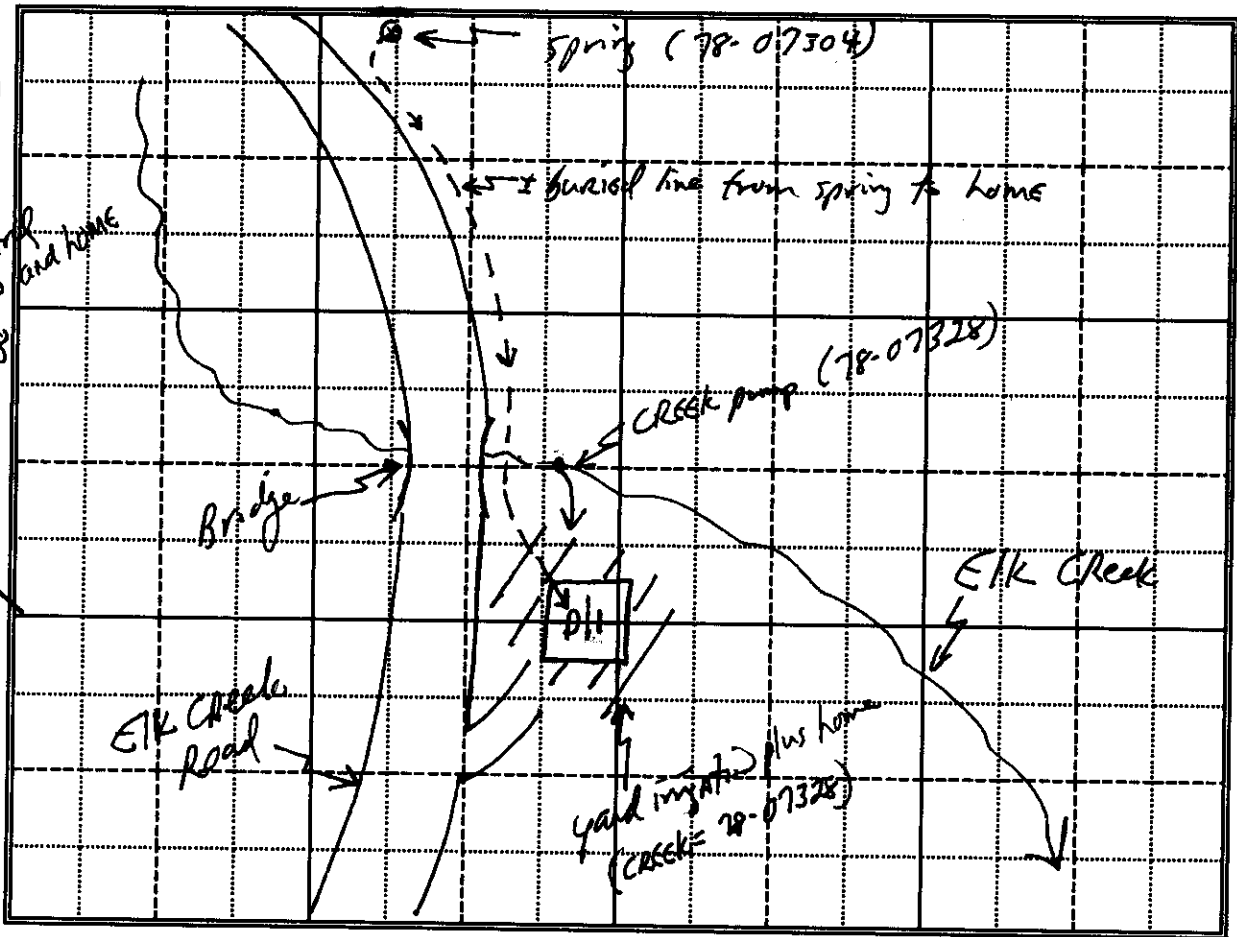
Indicate Method of Determination as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26							D										—

* proximity to creek - would have to assume it's tributary since so close

— Diagram for 2 permit exams —

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



Scale: 1" = NOT TO SCALE

☒ 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. SEE MASTER TUPU FILED IN 78-07301 EXAM

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	for spring				

*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
NONE possible						

2. Measurements: e 500' pld to pt (pacing via road)

NO flow meas. possible @ exam

E. NARRATIVE/REMARKS/COMMENTS

This ~~perm~~ permit was originally to develop a spring on Alimur Trust property (Albert Givens, Trustee). Region received considerable amount of material in 1992 a complaint by Mr. Givens regarding this spring on Trust property (#8 on master topo in 78-07301). That spring was partly developed (dug out etc.) but has no conveyance to any pln.

pld = #5
on master
topo

Instead, another spring near Elk Cr. Road was developed for this permit. A springbox with a 1 1/4" pipe that reduces to 3/4" or 1" at home comprises the current development. The buried line more or less follows the road to the house. Internal use only. Yard use is from ~~the~~ creek (78-07328).

plu = #7
on topo

Mr. McNulty stated that the Trust spring (#8 on topo) has served ~~the~~ ~~from~~ the home. He was given extra time after the exam to substantiate this * since I found no conveyance from #8 site to home (home is #7 on topo).

Result: Same legal for pld but a different spring than originally indicated. Can change this pld without an amendment.

NOTE: visited Alimur Trust spring with Mr. McNulty & Mr. Givens on this same day. See photo #4 in this exam.

Add'l. O/I water supplied via 78-07328 for misc. internal use

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

* gave him until 4/1/93 but he was not able to provide any verification that a conveyance had been in place. Disallow Alimur Trust spring as pld.

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

*N/A**allow .02 cfs per percent
system found***G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:***D/I (intercept) only, allow .6 Afa***H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>1/1</i>	<i>12/31</i>	<i>.02</i>	<i>0.6</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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. AUTHENTICATIONField Examiner's Name *Steve Lester* Date *2/20/96*

Reviewer _____ Date _____

SEAL



PHOTO ONE-

P/O 78-07304 ↗
Spring on south side
of Elk Cr. Road
Pipeline SEEN behind
Mr. McNulty's legs.

↗
P/O 78-07328
pump station on
Elk Creek by
bridge near home.
Home is behind
viewer.

PHOTO TWO-





PHOTO THREE-

P/L both rights. 
78-07304 Spring D/I (internal)
78-07328 creek 1/2 Acre
Yard (grass)


Spring on Alimua Trust
land. Somewhat developed
(dugout) but no
convergence found to any
P/L.

PHOTO FOUR-



From: DWR80::SLESTER 20-FEB-1996 14:21:17.94
To: DWR03::SCURTIS
CC: SLESTER
Subj: COMPLAINT FILE INFORMATION

Sharla, please place a copy of this message in these files for future reference as needed:

78-07301 & 78-07304 & 78-07334 (last one lapsed so paper filing questionable)

Latter two files involve a 1992 complaint matter from Mr. Albert Givens, Trustee of Alimur Trust, regarding a spring on Trust property and alleged uses/problems.

If any information is needed about this, consult as follows:

- * Exam map from Nov. 1992 filed in 78-07301 (Diamond, "master topo")
- * System diagram & photographs in Nov. 1992 exam 78-07304 (McNulty)
- * or contact me at 334-2190.

Original exams to be forwarded from Region to S.O. soonest.

thanks,

Steve



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

December 8, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Mr. Albert Givens:
HC 75 Box 3553
New Meadows, ID. 83654

RE: Questions Related to Springs

Dear Mr. Givens:

You had several questions during my visit to the Elk Creek area on 11/10/92. I hope the following responses address your concerns.

- 1) Grant/Briggs have not filed another water right application on any springs recently. The only filing for a spring in their names is Permit 78-07334 for the spring located on Alimur Trust property.
- 2) The spring on the trust property is located on a sidehill directly above and not far from Elk Creek. Due to its location, it must be assumed that the spring is hydraulically connected to the creek in the absence of evidence to the contrary. The department does not have the resources to spend on investigating the question of whether or not the spring is public or private water. In either case, a water right is required for any diversion and beneficial use related to this source.
- 3) The issue of access to any source of water is a separate issue from a water right since water rights do not convey right-of-way across private property. The access question is a private and civil matter beyond the jurisdiction of this department.
- 4) No basis exists to cancel the McNulty Permit 78-07304 or the Grant/Briggs Permit 78-07334, both of which show the spring on Alimur Trust land as a point of diversion. Based on the 11/10/92 field exam of the McNulty right, the point of diversion for the license will be recommended to be another spring (located just up Elk Lake Road from McNulty's cabin) instead of the trust property spring. However, if Mr. McNulty can provide convincing documentation that the trust spring was developed and delivered water to his cabin within the last five years, that spring will be included as a second diversion point on the license recommendation for Permit 78-07304. He has until 4/1/93 to provide such documentation, and you will have a chance to respond to anything that he sends me.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

CONVERSATION MEMORANDUM

DATE 6/26/92

FILE 78-07304

NAME OF PARTY Richard McNulty 389-1387

EMPLOYEE Steve Laster

← 1801 N. 18th St.
Box 83702

RE: EXAM

Will provide info with directions etc.
to allow non-scheduled exam anytime.

This spring also serve another house. He
will include info about other house so
we can see if need to do SPBA s/p
license work for 2nd house.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 15, 1991

Re: Water Right No. 78-7304

Richard M. McNulty
1801 N. 18th St.
Boise, ID 83702

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

MICROFILMED

JAN 17 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 14, 1990

Donald Lee Hellwege
319 W. Roosevelt
Nampa, ID 83686

Dear Mr. Hellwege:

Re: Permit No. 78-7304

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the department's records. A copy of the permit is enclosed for your information.

The department received the proof of beneficial use form. The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Western Regional office will conduct the exam, but he will try to contact prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA T. FLECK
Secretary/Records Manager

Enclosure

*Tim Finkle
copy of this record - County Court House*

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JAN 17 1991

Dec. 3, 1990

Mr. & Mrs. McNulty,

Enclosed, please find the water rights papers. Take these and the papers showing the property transfer to the State Dept. of Water Resources.

The man we talked to was John Westra.

Also enclosed are the keys to the trailer.

Clair Hillweg

Insurance information.

We had a homeowner policy which included fire, liability, etc.
Personal loss coverage \$25,000.00
\$100,000.00 personal liability
\$1,000.00 medical
\$250.00 deductible \$114.00 year

RECEIVED
JAN 17 1991

Mutual of Enumclaw Insurance purchased through Jim Waters Insurance in Nampa.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Jackie D. &/or Mary K. Cocus Phone 628-3359
Post office address Box 246 Pollock, Id. 83547

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 22N Range 1E B.M. Idaho County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for domestic purposes from 1/1 to 12/31 (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) .02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pvc pipe from spring
to cabin

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 JAN 17 1985 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).

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DEC 16 1983

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
22N	1E	26						D											—

Total number of acres to be irrigated _____

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

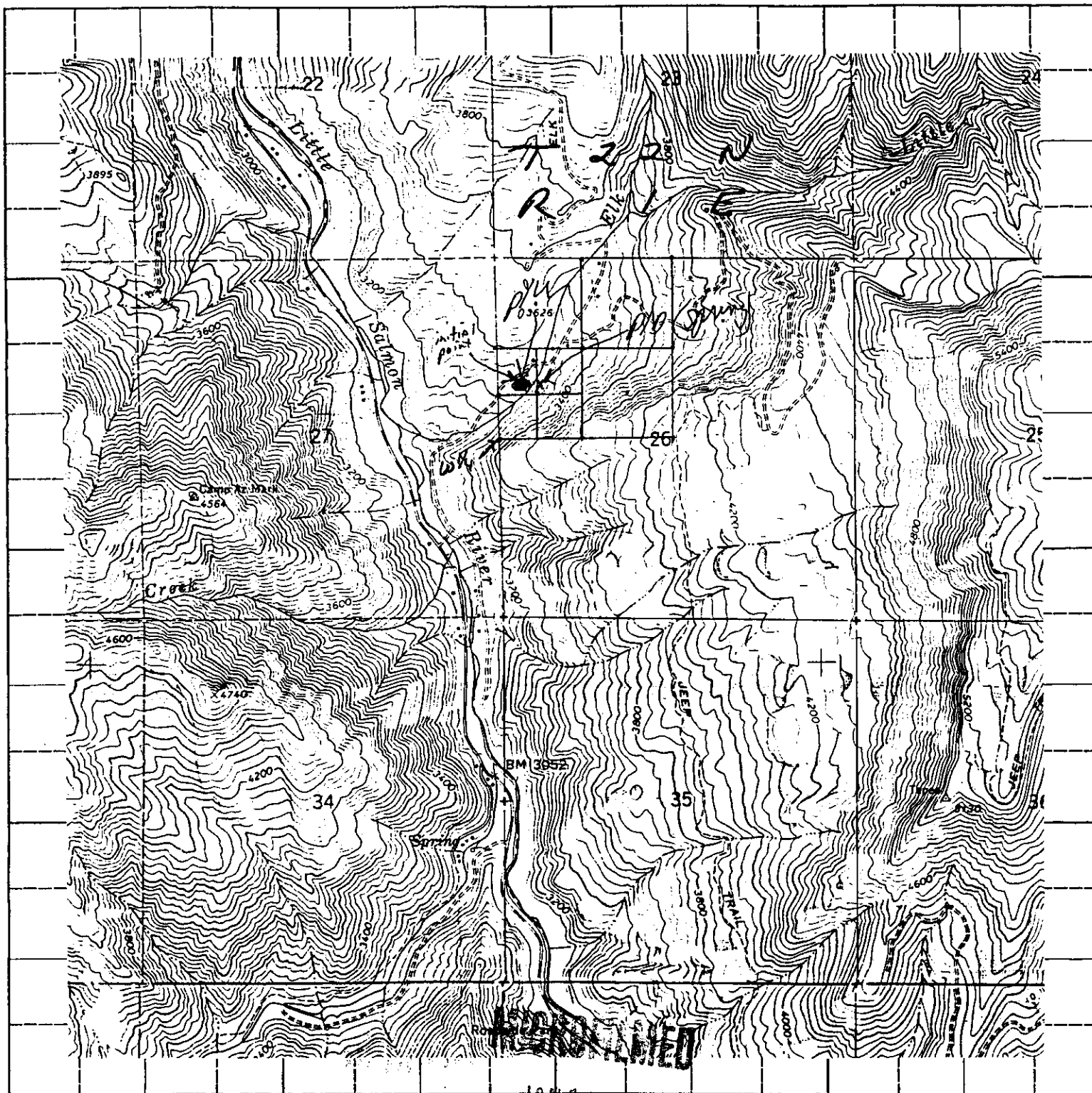
11. a. Who owns the property at the point of diversion? M.R. Givens
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Warranty deed allows access to pld. See attached copy issued to original pld owners (Stippich).

12. Remarks: Existing system. **RECORDED** **RECORDED**

JAN 17 1991

DEC 16 1988

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



JAN 17 1991

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.

Charles D. Cocus
(Applicant)
Mark K. Cocus

* Fee received 9/2/88 p.m.

Proposed Priority 9/2/88

Received by RL Date 7-20-88 Time 2:00 pm Preliminary check by SL

Fee \$ 30⁰⁰ Receipted by SL # W000821 Date 9/6/88 *

Publication prepared by GG Date 9-14-88 Published in Idaho County Free Press

Publication approved SL Date 10/13/88 9/21 & 9/28/88

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. 78-7304, 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 December 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:

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 30th day of November, 1988.

J. Glen Saxton

MICROFILMED

JAN 17 1991

RECORDED

DEC 16 1988

February 14, 1990

Donald Lee Hellwege
319 W. Roosevelt
Nampa, ID 83686

Dear Mr. Hellwege:

Re: Permit No. 78-7304

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the department's records. A copy of the permit is enclosed for your information.

The department received the proof of beneficial use form. The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Western Regional office will conduct the exam, but he will try to contact prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

UNRECORDED

MAR 16 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 78-7204

Date: 2-9-90

General Considerations:

OK Name same as permit
OK Signature the same as permit holder
NI Address change If yes, prepare a data entry
✓ Proof received timely
Reinstated

Source of Water:

✓ Surface water
✓ Groundwater
NA 1. well log in file
✓ 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

✓ Rate of diversion appropriate for uses
✓ Is rate or volume and fee appropriate?
✓ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

NO Is a measuring device or access port required?
✓ Has one been installed?
✓ Waiver or modification of measuring device requested

Remarks:

giving acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

NA	
	-
	=
	+
	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

JACKIE D. COCUS
MARY K. COCUS
P.O. BOX 246
POLLOCK, ID 83547

September 30, 1989

138699

PROOF DUE NOTICE

RE: PERMIT NO. 78-07304

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 December 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

MICROFILMED

MAR 16 1990

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
December 5, 1988

JACKIE D. COCUS
MARY K. COCUS
P.O. BOX 246
POLLOCK, ID 83547

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

RE: PERMIT NO. 78-07304

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 Rights Permits Section

GS: SC
Enclosures

RECEIVED
DEC 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

TIAL REVIEW BY SC DATE 8/26/88 APPLICATION NUMBER 78-07304

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) yes
- ☒ Overlapping point of diversion yes
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☒ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested OCT 24 1988

Department of Water Resources

RECEIVED

P/W

All different sources:

78-4135 other springs

78-7006 Elk creek

78-7270 spring & Little Elk creek

P/W

all different places using different sources than applicant:

78-4135 domestic, see above.

78-7006 Elk creek, irrigation.

78-7014 Elk creek, domestic.

78-7270 domestic & irrigation, see above.

PROCESSING

- ☒ Yes ☐ No I. Form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

- ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

- ☒ Yes ☐ No Affidavit of publication received
☐ Yes ☒ No Application published correctly. If not, record action taken.
received date
☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 10/10/1988
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

04,
Date of priority recommended 9/22/1988 (Late fee) 9/2/1988
By DW Date 10/18/1988

STATE OFFICE REVIEW

P110 04
By KW ☐ See below for additional information
Date 11/28/88

ADDITIONAL INFORMATION

78-07304

COCUS, JACKIE D.
COCUS, MARY K.
P.O. BOX 246
POLLOCK, ID 83547

Source: SPRING

Tributary: SINKS

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

Use: DOMESTIC (.020 CFS)

Date Filed: 09/01/1988

In: T22N R01E S26 SWNW

MICROFILMED
DEC 16 1988