

(RIGGINS 1:125 000)

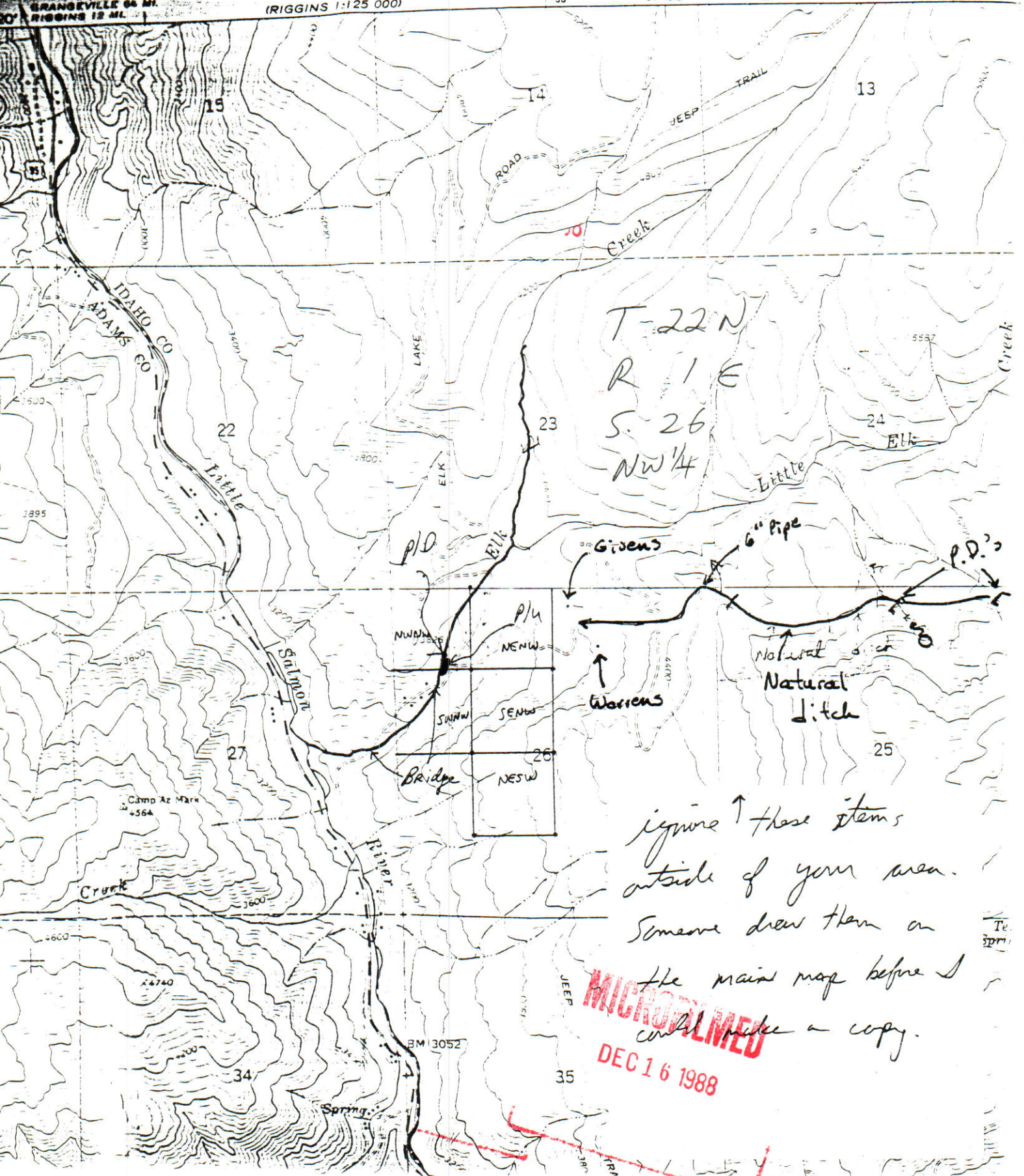
555

17°30"

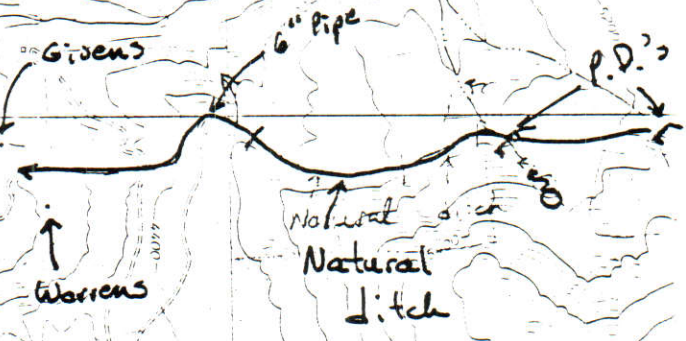
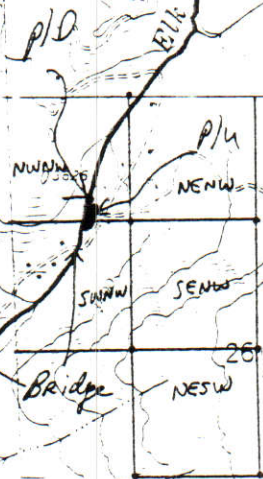
556

557

BRANDEVILLE 64 MI.
RIGGINS 12 MI.

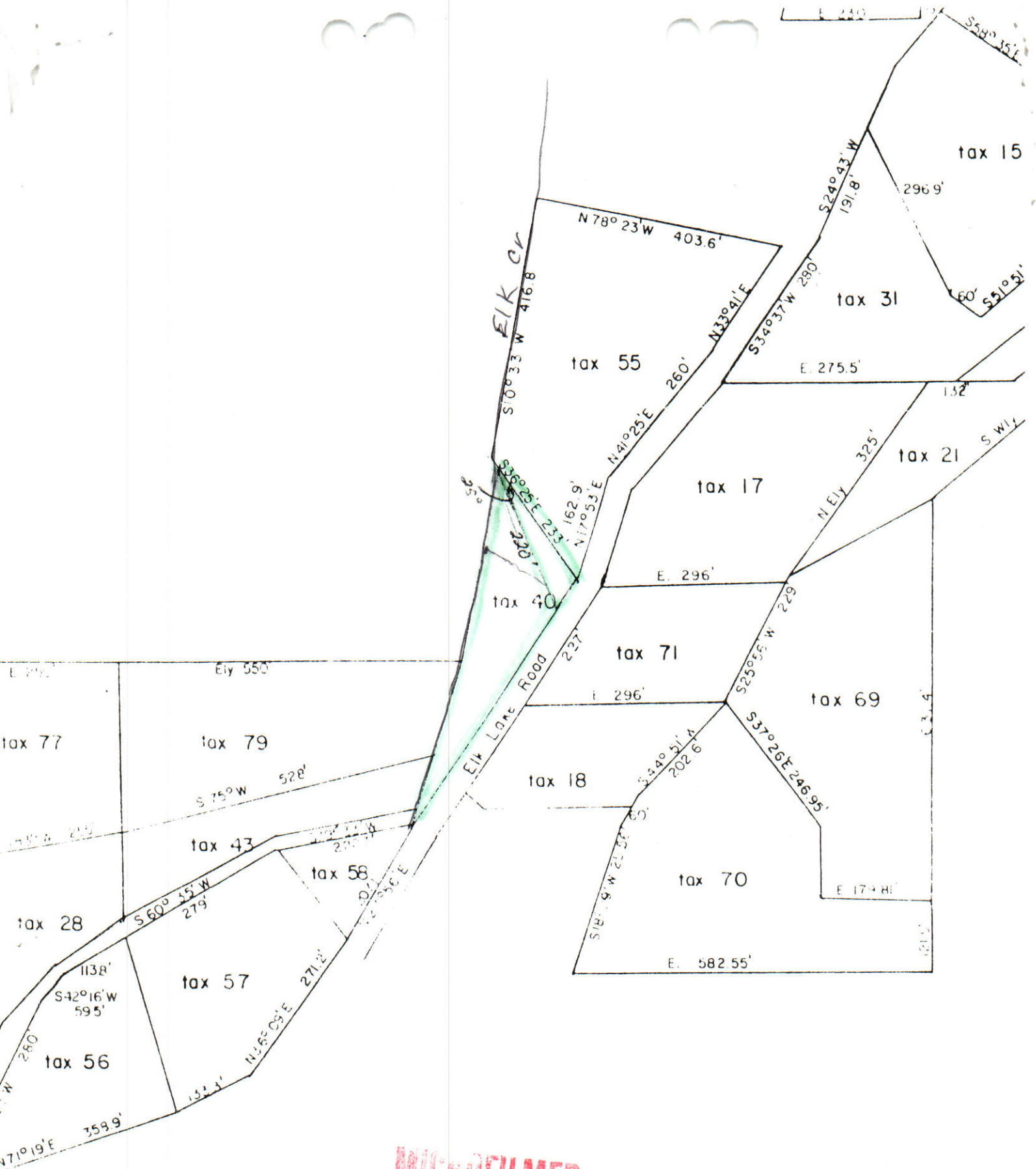


T-22 N
R 1 E
S. 26
NW 1/4



ignore ↑ these items
outside of your area.
Someone drew them on
the main map before I
could make a copy.

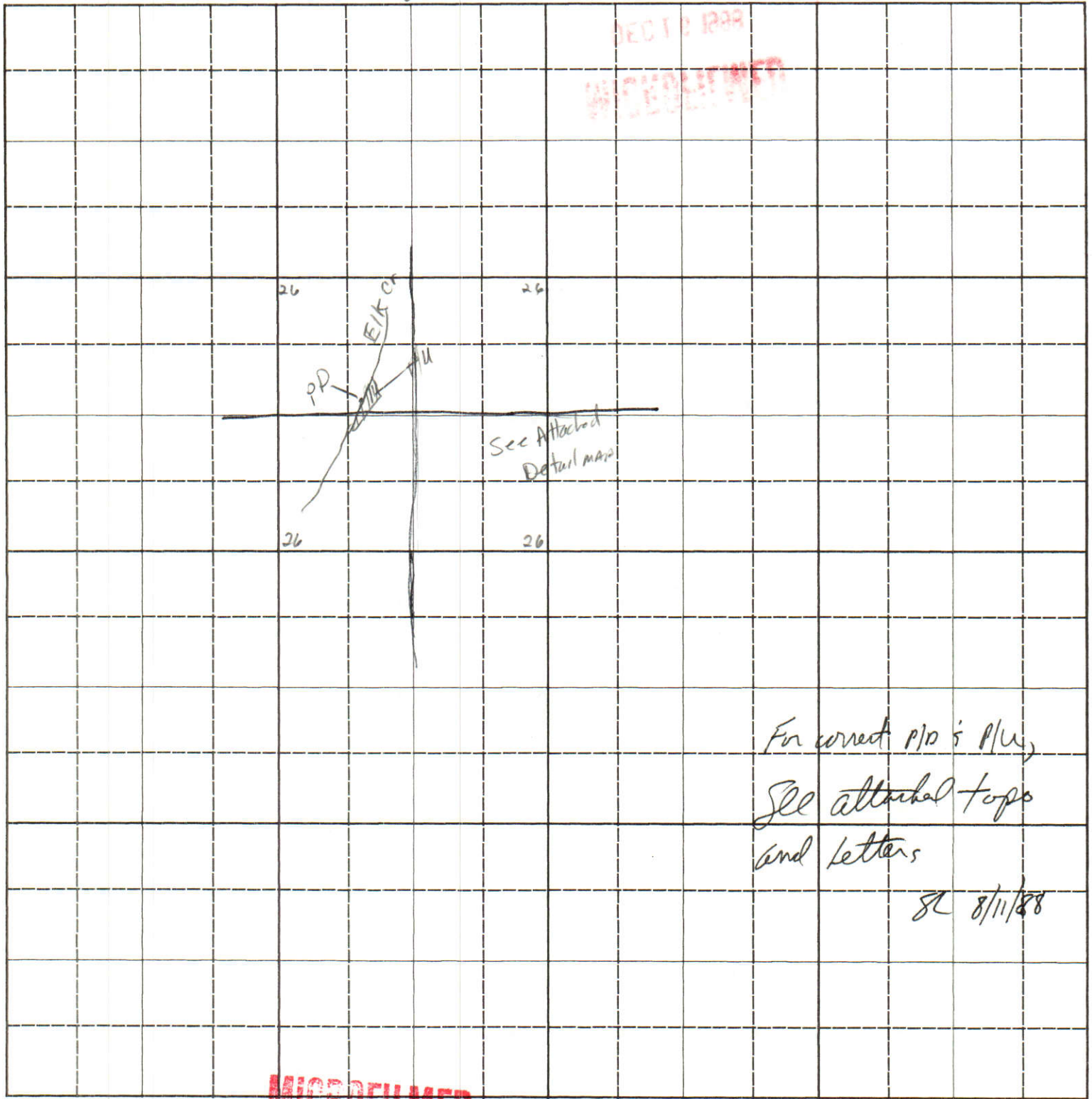
MICROFILMED
DEC 16 1988



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. T22N R1E



For correct P/D & P/U,
See attached topo
and letters

SL 8/11/88

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.

DH Diamond
(Applicant)

2626.94'

S 00°

N 1/16

(800')
748.11'

1/4 ⊕
27 26

CPF

N 34°15'41" E 1690.45'

bridge

Δ = 53°58'52"
R = 125.00'
L = 117.77'
C = 113.46'
S 55°43'26" W

set
5/8" rebar

1.487 ac.

3.200 ac

RECORD OF SURVEY
INST. NO. 351545

78-07301

5

A78-10329

Total site 1.5 Ac.
per 1997 survey

1997 survey,
(see next p.)

Center line of Elk Creek

center line of
20' ingress and
egress easement

S 36°16'37" W 208.33'
basis of bearings

S 48°43'51" E
75.18'

S 26°41'47" W 181.58'

S 17°53'00" W 162.90'

S 41°25'00" W 260.00'

N 01°11'00" W 102.60'

N 40°45'00" E 100.00'

N 16°07'00" E 69.50'

N 08°42'00" W 83.61'

(S 10°33' W 416.8')

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S 2

KEY

- 1) P/O : P/L A78-10206
- 2) P/O univ. stream 78-07324 — SEE NOTE
- 3) P/O spring 78-07324
- 4) P/L pond 78-07324 in 2 gg

5) P/O 78-07304 - original was to be pld at #8

6) P/O stream 78-07328 (ELK CR.)

7) P/L 78-07304 : 78-07328

8) Spring partly developed on Alimur Trust land. SEE photos + map pg. in file 78-07304.

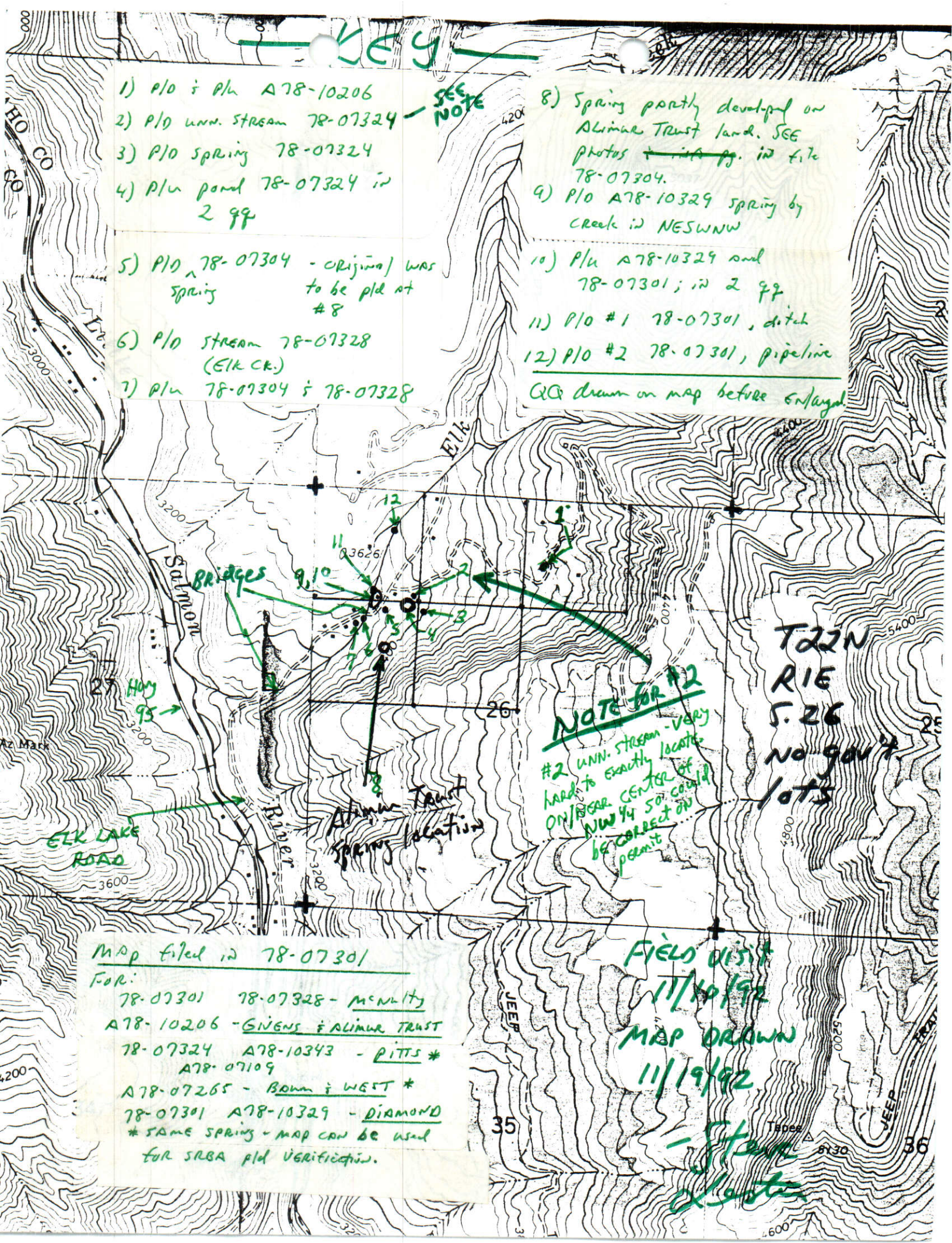
9) P/O A78-10329 spring by creek in NESWNW

10) P/L A78-10329 and 78-07301; in 2 gg

11) P/O #1 78-07301, ditch

12) P/O #2 78-07301, pipeline

QQ drawn on map before enlarged.



NOTE FOR #2

#2 UNIV. stream - very hard to exactly locate ON/BEAR center of NW 1/4 so could be correct on permit

T22N
R1E
S.26
No gov't
lots

Map filed in 78-07301

For:

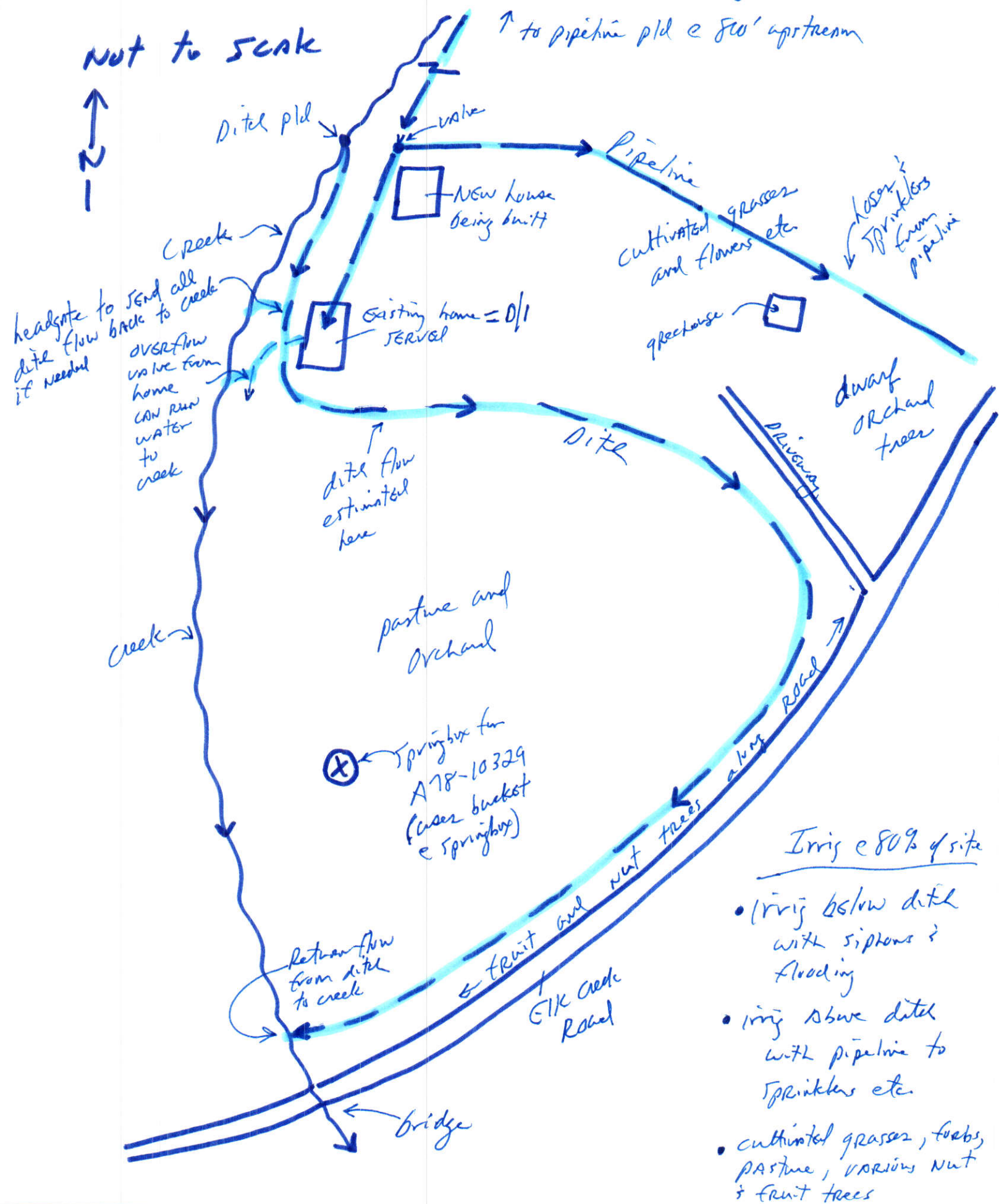
- 78-07301 78-07328 - McNulty
- A78-10206 - GIVENS & ALIMUR TRUST
- 78-07324 A78-10343 - PITTS *
- A78-07109
- A78-07265 - BOWN & WEST *
- 78-07301 A78-10329 - DIAMOND
- * SAME SPRING - map can be used for SRBA pld verification.

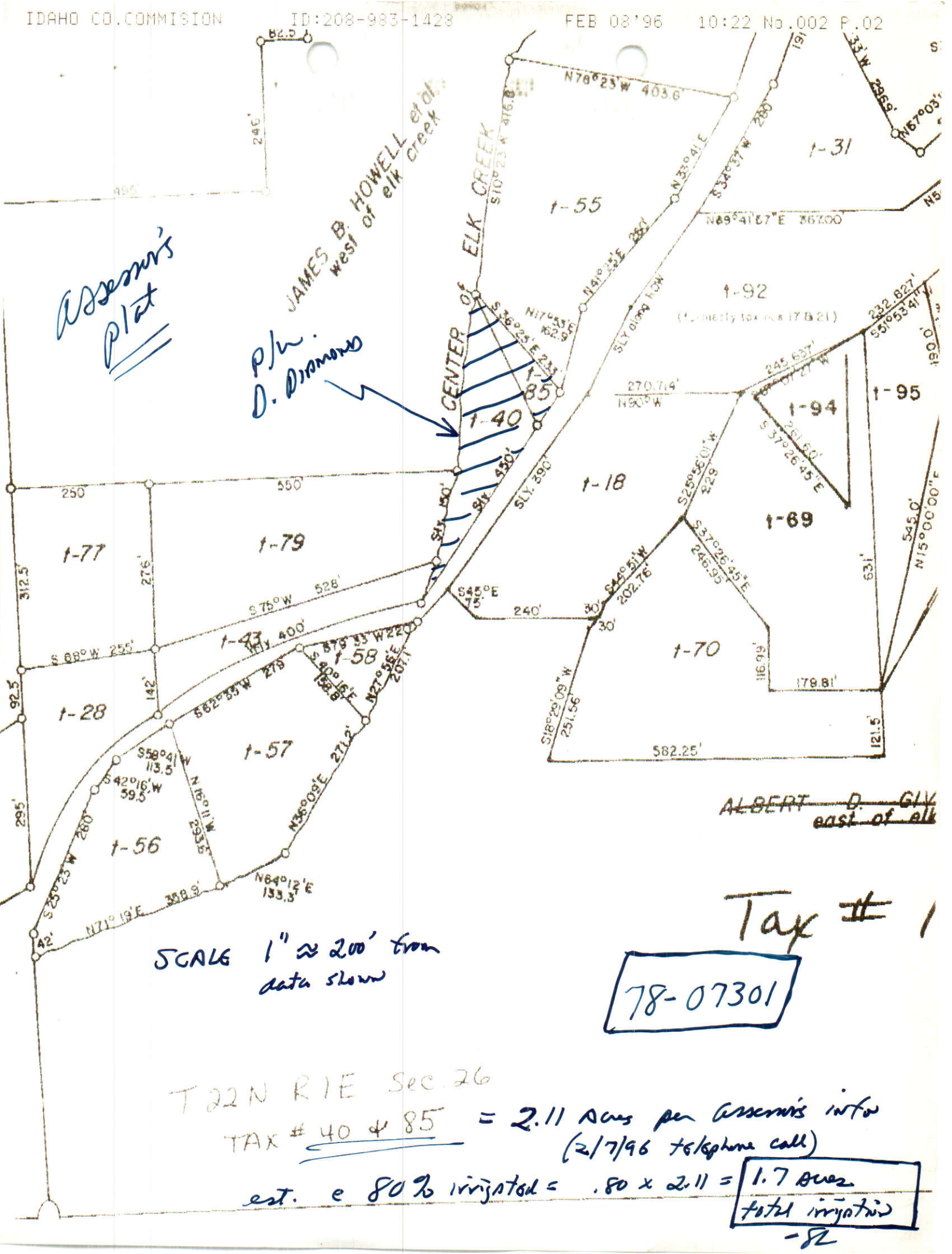
FIELD VISIT
11/10/92

MAP DRAWN
11/19/92

- Steve
Xeste

78-07301 system diagram





Assessors Plat

JAMES B. HOWELL et al.
West of elk creek

P/W.
D. Diamond

CENTER OF ELK CREEK

ALBERT D. GIV
east of elk

Tax # 1

78-07301

SCALE 1" ≈ 200' from
data shown

T 22N R 1E Sec. 26

TAX # 40 & 85 = 2.11 Acres per Assessors info
(2/7/96 telephone call)

est. e 80% irrigated = .80 x 2.11 = 1.7 Acres
total irrigated
-82



P/O #2

Checkdam &
pipeline looking
downstream.

PHOTO ONE-

>

P/O #1

Checkdam &
ditch looking
downstream;
owner shown
on left



PHOTO TWO-



PHOTO THREE- Looking up the ditch from a middle of the property. D/I use site in background (r.).



PHOTO FOUR- Looking uphill where sprinkler irrigated found greenhouse site in the background.



PHOTO FIVE-

Another view above the ditch. Various cultivated planting areas are found.



PHOTO SIX-

Relation of current O/I use (left) & future O/I use (upper right). Will switch once new home completed.

grows special varieties of various ornamental etc plants; trees, grasses, shrubs, flowers included.

Elk Lake Rd
New Meadows, Id
83654

Mr. Lester:

Per our telephone
conversation of 11-14-90
I enclose a photograph
of the diversion of Elk
Creek described in my
permit.

Freezing weather prohibits
further masonry until
next spring.

The project will be
completed in 1991.

Thank you for your
reassurance that my
claim is a good one and
that there will be no
threats of loss due to the
incompletion of the
sluice/viaduct.

Dave Diamond

Not
quite what
I said on
phone -
I referred
to possible
ext. of
time v.
submitting
proof of
b.w. 8/26/90
11/26/90

PERMIT <sup>Get
Draws -
Town and
back</sup>

78-07301

Letter + photo
Received at Western
11/21/90.

82



MicroFILMED

FEB 67 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 78-07301)
IN THE NAME OF DAVID HAROLD DIAMOND) ORDER OF
REINSTATEMENT)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

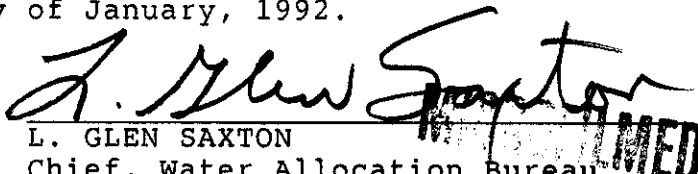
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on January 14, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 78-07301 be REINSTATED with an advance in priority to September 8, 1988.

Dated this 15th day of January, 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
FEB 11 1992

RECEIVED

JAN 14 1992

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 1/14/92
Receipt No. 2022926
Received by OP

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/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.

1. Permit No. 78-7301 Telephone No. 628-3437
2. Name(s) of Permit Holder(s): David Harold Diamond
3. Post Office Address: HC 75 Box 3561, New Meadows, Id 83654
4. Source of Water: Elk Creek

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

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 1 1/2 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .09 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Same as above

Name

Telephone No. _____

Address _____

MICROFILMED

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

FEB 11 1992Jan 10, 1992

Date

DH Diamond

Signature (and title if on behalf of a company or organization)

RECEIVED
NOV 8 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 78-07301

Name(s) of Permit Holder: DAVID DIAMOND

Post Office Address: HC 75 BOX 3561, NEW MEADOWS, ID 83654

Telephone No. 628-3437

Date Proof is Due: Dec 1, 1990

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

A masonry sluice diverting a small channel of
ELK CREEK to my orchard. Work about 1/2 complete.

Costing \$ 300.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Working in Alaska from last spring freeze-up, until
MON. OCT. 29, 1991. Will resume work immediately and weather
permitting (little freezing) I will complete it by Dec. 1, 1990

Permit holder(s) request an extension to Sept 30, 1991.

(1 yr. minimum)

(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to December 1, 1991.

Signed this 25th day of January, 19 91.

J. Shw Saylor
Chief, Water Allocation Bureau

MICROFILMED

FEB 07 1991

30

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 David Harold Diamond Phone (208) 628-3516
Post office address PO Box 75 Box 3561, New Meadows, ID 83654
2. Source of water supply ELK Creek which is a tributary of Little Salmon R.
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 22 N Range 1 E 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 .09 for Irrigation purposes from 4/15 to 10/15 (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)
5. Total quantity to be appropriated is (a) .11 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Earth ditch from creek
to place of use. Pump or Hydraulic ram for property
above ditch. Poly pipe pipeline 1 1/4"
 - 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
2 5 years (minimum 1 year).

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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. 1
- 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	
22N	1E	26						2	1	*2	1								3

* per letter of 8/1/88
response received 8/1/88
-82

Total number of acres to be irrigated 3

- Describe any other water rights used for the same purposes as described above. Spring development for Domestic use. (Adj. claim filed with Application, 82 2/1/88).
A 78-10329
- Who owns the property at the point of diversion? Applicant
 - Who owns the land to be irrigated or place of use? "
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

DEC 16 1988

INDIA

7.5

R 1 E

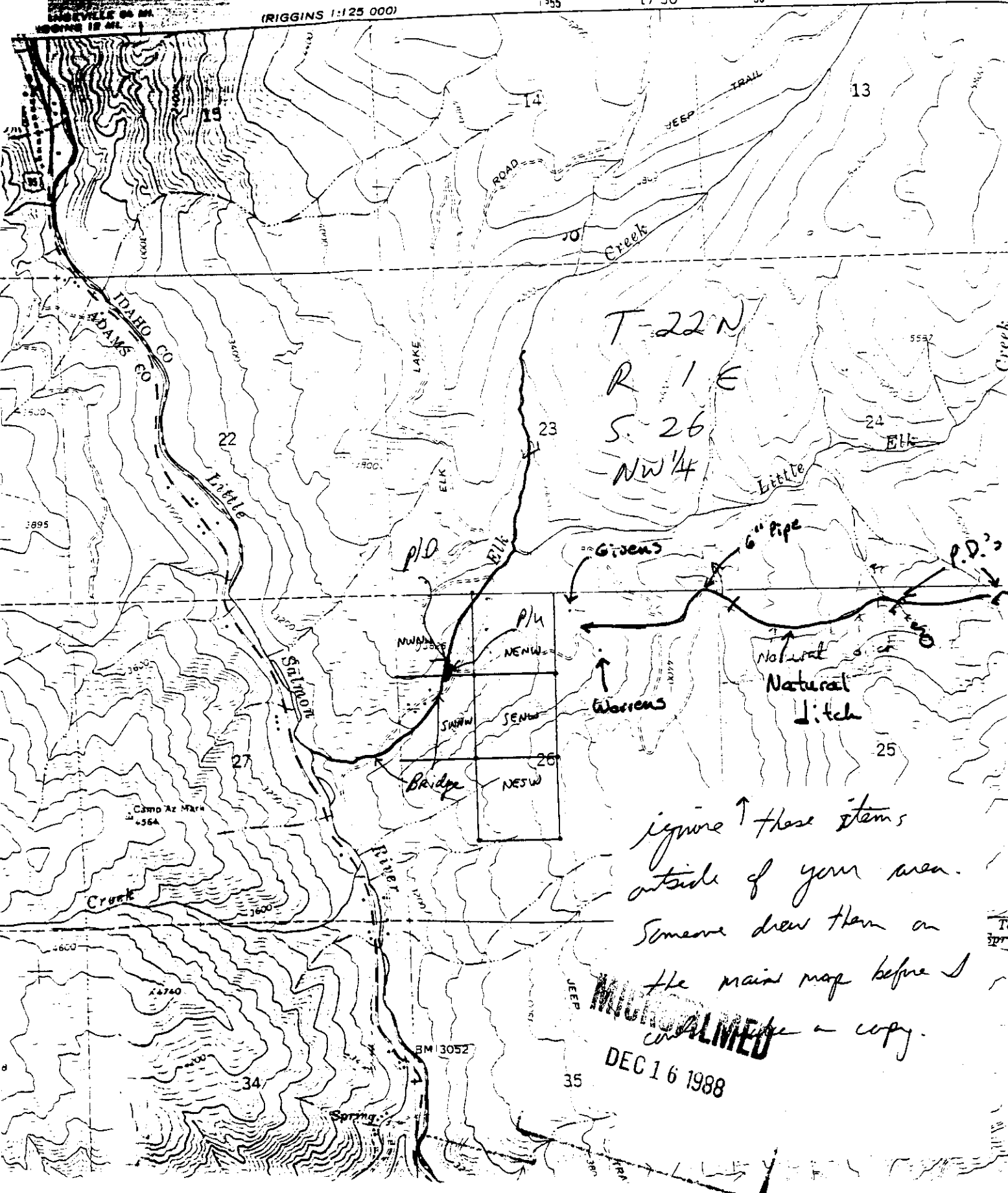
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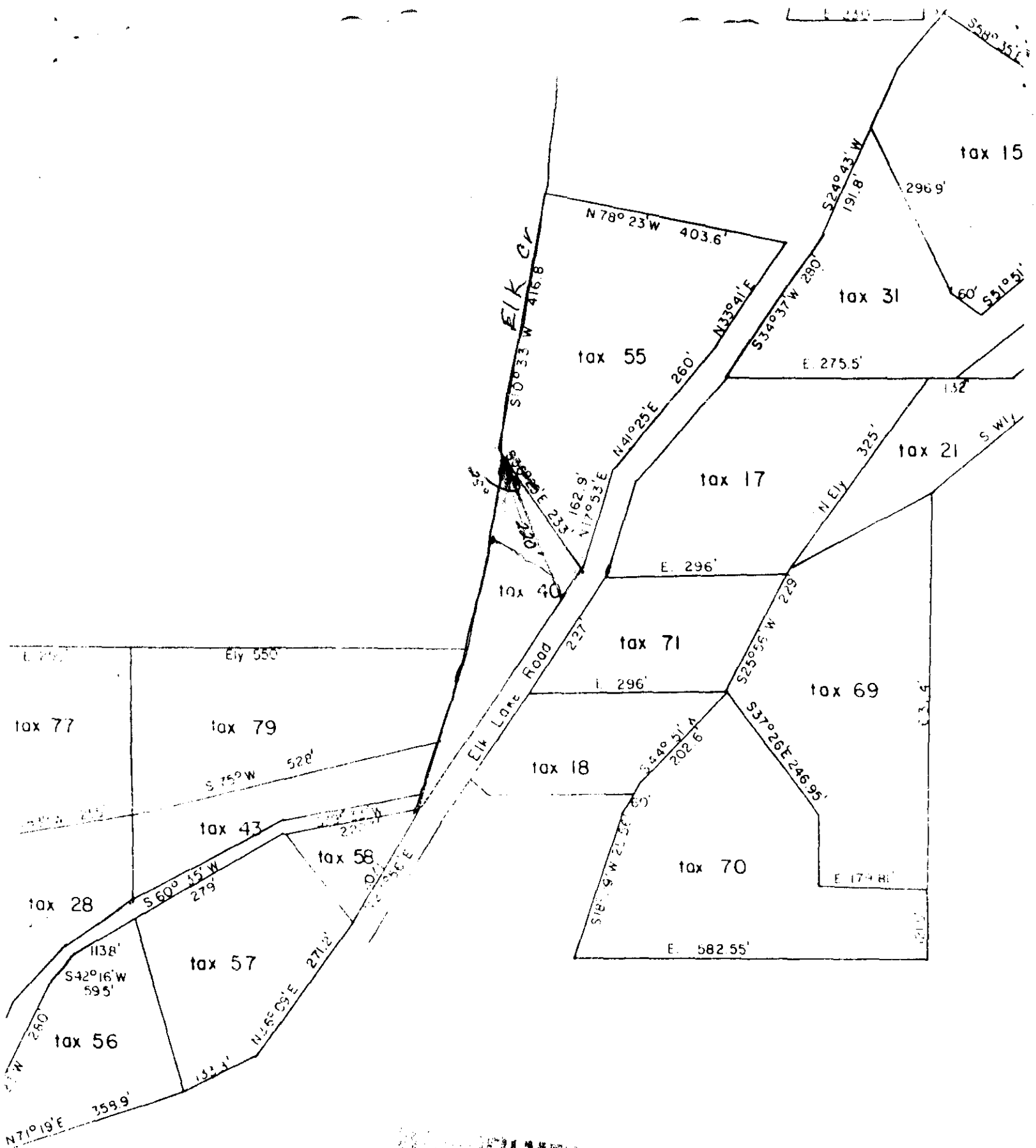
17'30"

556

557

(RIGGINS 1:125 000)

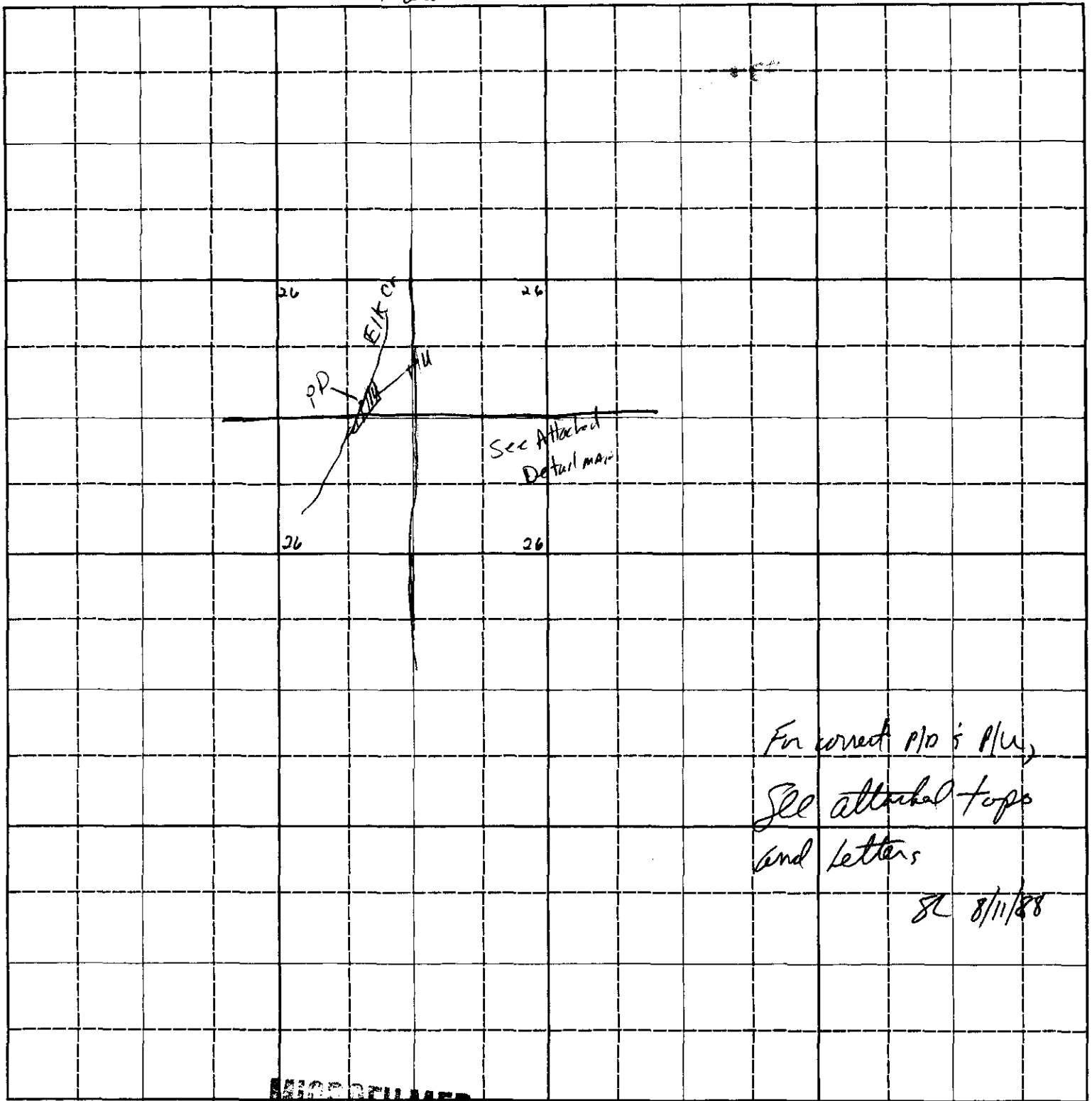




REPRODUCED

DEC 16 1968

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T22N R1E



Scale: 2 inches equal 1 mile.

MICROFILMED

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.

DH Diamond
(Applicant)

NOTE check attached with appl. received
on 7/26/88

Proposed Priority 7/26/88

Received by nl Date 7-26-88 Time 12:00 Preliminary check by SL
Fee \$ 30⁰⁰ Receipted by SL # W000589 Date 8/1/88
Publication prepared by GG Date 8-31-88 Published in Idaho World
9/7 & 9/14/88
Publication approved SL Date 10/10/88

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. 78-7301, 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 90.
- 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:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

J. Glen Saylor

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:

78-07301

DIAMOND, DAVID HAROLD; HC75
BOX 3561; NEW MEADOWS, ID 83654
Source: ELK CREEK Tributary: LITTLE
SALMON RIVER
Diversion Pt: SENWNW Sec 26 T 22N
R 01E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.020 CFS)
Date Filed: 7/26/1988
In: T22N R01E S26 NWNW SWNW 3.0
ACRES TOTAL

78-07302

R & S REALTY CORP.; P.O. BOX 247;
RIGGINS, ID 83549
Source: SPRING Tributary: PAPOOSE
CREEK
Diversion Pt: LOT 1 (SENWNW) Sec 19
T 24N R 01E

Use: DOMESTIC (.040 CFS)
Date Filed: 7/27/1988
In: T24N R01E S19 Lot 5 (SWNW).

78-07303

YOUTH WITH A MISSION; P.O. BOX
Y.W.A.M.; RIGGINS, ID 83549
Source: GROUNDWATER
Diversion Pt: NWSE Sec 1 T23N R 01W
Use: DOMESTIC (.060 CFS)
Date Filed: 8/19/1988
In: T23N R01W S01 NWSE.

79-07176

NELSON, VICTORIA; 328 N.
NEWPORT BLVD. #467; NEWPORT
BEACH, CA 92663
Source: GROUNDWATER
Diversion Pt: SENE Sec 36 T 27N R
01E

Use: IRRIGATION (.220 CFS)
STOCKWATER (.020 CFS) DOMESTIC
(.100 CFS)
Date Filed: 7/13/1988
In: T27N R01E S36 SENE 11.0 ACRES
TOTAL

79-07188

HELMICH, MRS. KIM L.; HESTER,
MRS. JAMES A.; SMITH, MRS. DUANE
B.; P.O. BOX 494; RIGGINS, ID 83549
Source: SPRING Tributary: SINKS
Diversion Pt: LOT 5 (SWSENE) Sec 3
T24N R 01E

Use: DOMESTIC (.120 CFS)
Date Filed: 7/28/1988
In: T24N R01E S03 Lot 6 NESE) Lot 7
(SESE).

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
SEPTEMBER 26, 1988.

R. KEITH HIGGINSON, Director
Published 9/07/1988 & 9/14/1988.

S7-14

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 7th day of September, 1988,
and the last publication on the 14th 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 14th
day of September, 1988.

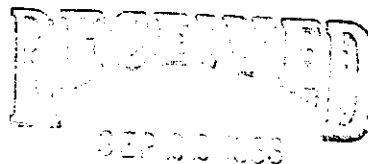
W. D. Caldwell

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

DEC 16 1988



Department of Water Resources
Western Regional Office

RECEIVED

OCT 27 1997

MEMORANDUM

Department of Water Resources

TO: FILES 78-07301 AND A78-10329

FROM: STEVE LESTER 

DATE: OCTOBER 23, 1997

RE: CHANGE OF OWNERSHIP & LICENSE RECOMMENDATION

Mr. Townsend filed a change in ownership today for above filings. No other rights or claims apply to this property. The change for domestic claim A78-10329 can be completed without delay.

However, 78-07301 remains a permit. The field exam was forwarded to S.O. in 1996 and licensing is in process. Once the license is issued, the ownership change can be completed for this right. Mr. Townsend said that the previous owner is traveling around the country and would be too hard to locate to complete an assignment of permit. The proposed ownership change for this right can be handled after the license is completed. SRBA does not apply to the permit.

He now lives in Oregon but expects to move to the Idaho site soon. He will submit a change in address once the move is made.

He submitted 1997 survey data to correctly identify the parcel size. I recall from the 1992 field exam and assessor's office data that the lot size was identified as 2.11 acres with about 80% being irrigated in 78-07301. The new survey data offers a chance to revise the license recommendation to improve the accuracy. The license recommendation should be revised as follows (only the changes are listed here):

Total parcel is 1.5 acres, estimated that 80% is irrigated.

$1.5 \times .8 = 1.2$ acres irrigated (previously 1.7 acres shown).

$1.2 \text{ acres} \times 3 \text{ afa/acre} = 3.6 \text{ afa irrig.}$ (previously 5.1 afa).

Total volume = $3.6 + .6 = 4.2 \text{ afa}$ (previously 5.7 afa).

c: S.O. & Region File 78-07301

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 78-07301
Adjudication Claim No(s): A78-10329

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant David H. Townsend
HC 75 Box 3561 New Meadows
Id 83654

4. New Owner/Claimant(s) Paul D. or Linda M. Townsend
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 32421 East Historic Columbia River Highway
City, State and ZIP Code Corbett OR. 97019
New Telephone Number (503) 695-2789

5. Date you acquired the property 7-30-97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 44 Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____

SEE
Attached

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Paul D. Townsend

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

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

394445

WARRANTY DEED

For Value Received, David H. Diamond, also known as David Harold Diamond and also known as D.H. Diamond, an unmarried man

the Grantors, do hereby grant, bargain, sell and convey unto

Paul Townsend and Linda Townsend, husband and wife

whose address is: 32421 E. Historic Columbia River Hwy, Corbett, Oregon 97019
the grantee, the following described premises, to-wit:

See attached Exhibit A

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1997 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

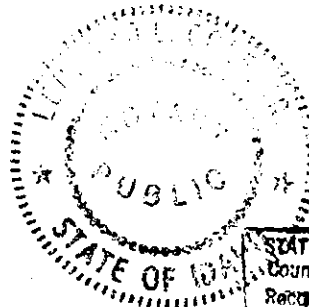
July 30, 1997
D.H. Diamond
David H. Diamond

P.D.T.

State of Idaho)
County of Valer) ss

On the 30 day of July, 1997 before me, Leona S.
L. Cole Jr. a notary public in and for said State,
personally appeared David H. Diamond
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Leona S. Cole
Notary Public
Residing at: CASCADE
Commission Expires: 1-13-99



STATE OF IDAHO	County of Idaho
Recorded at request of	
IDAHO COUNTY TITLE	
at 20 minutes past 3:00 P.M.	this 15 day of Aug 1997
ROSE E. GERRIN	
Recorder	

EXHIBIT A

A parcel of land situate in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T. 22 N., R. 1 E., B.M., Idaho County, Idaho, more particularly described as follows:

Commencing at brass cap marking the corner common to Sections 22, 23, 26 and 27, T. 22 N., R. 1 E., B.M., Idaho County, Idaho; thence, S. 00° 44' 06" E., 2,626.94 feet to a brass cap marking the 1/4 Corner common to said Sections 26 and 27; thence, N. 34° 15' 41" E., 1,690.45 feet to a $\frac{1}{2}$ " x 24" rebar on the west right-of-way of Elk Lake Road, the REAL POINT OF BEGINNING:

Thence, S. 28° 44' 00" W., 330.11 feet along said west right-of-way to a 5/8" x 30" rebar,

thence, 117.77 feet along a curve to the right whose delta angle is 53° 58' 52" and radius is 125.00 feet along said right-of-way to the center line of Elk Creek,

thence, northerly along said Elk Creek center line:

N. 37° 43' 39" E., 56.89 feet; N. 66° 37' 55" E., 32.40 feet; N. 23° 49' 39" E., 44.27 feet; N. 01° 26' 11" E., 40.74 feet; N. 20° 01' 39" W., 88.15 feet; N. 32° 18' 11" W., 36.47 feet; N. 26° 27' 03" E., 47.54 feet; N. 32° 26' 50" E., 19.84 feet; N. 01° 16' 47" E., 85.51 feet; N. 06° 21' 52" W., 63.99 feet; N. 29° 53' 33" E., 38.84 feet; N. 58° 54' 46" E., 35.41 feet; N. 24° 50' 34" E., 23.72 feet; N. 30° 50' 47" E., 22.10 feet; N. 08° 42' 00" W., 56.59 feet;

thence, S. 36° 08' 57" E., 53.00 feet to a $\frac{1}{2}$ " x 24" rebar,

thence, continuing S. 36° 08' 57" E., 208.86 feet to a $\frac{1}{2}$ " x 24" rebar on the westerly right-of-way of Elk Lake Road,

thence, S. 29° 04' 00" W., 51.14 feet to the Point of Beginning, containing 1.487 acres, more or less.

Subject to a 20.00 foot wide ingress and egress easement situate in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, T. 22 N., R. 1 E., B.M., Idaho County, Idaho, more particularly described as follows:

Commencing at brass cap marking the corner common to Sections 22, 23, 26 and 27, T. 22 N., R. 1 E., B.M., Idaho County, Idaho;

thence, S. 00° 44' 06" E., 2,626.94 feet to a brass cap marking the 1/4 Corner common to said Sections 26 and 27; thence, N. 34° 15' 41" E., 1,690.45 feet to a $\frac{1}{2}$ " x 24" rebar on the west right-of-way of Elk Lake Road; thence, N. 29° 04' 00" W., 14.67 feet along said west right-of-way to the REAL POINT OF BEGINNING:

Thence, N. 37° 46' 00" W., 132.00 feet,

thence, N. 06° 11' 00" W., 39.00 feet,

thence, N. 25° 40' 00" E., 19.69 feet to the northerly boundary of the above described parcel of land, the Point of Ending.

Bearings based on Record of Survey Inst. No. 351545.

STATE OF RECORDER

BOOK _____ PAGE _____
RECORDS OF SURVEY
INST. NO. _____

SS
HO }

ST OF _____, THE
VEY WAS FILED FOR RECORD
OF THE RECORDER OF IDAHO
ON THE _____ DAY OF _____
M. AND C. _____ RECORDED IN _____
AT PAGE _____.

DER E _____ ICIO RECORDER

I, Joel W. Droulard, a Professional Land Surveyor,
do hereby certify that this plat was prepared from
notes taken during an actual survey made under my
direct supervision in June and July of 1997, and that it
correctly represents the points, courses, and distances
as recorded in said field notes.



*CC from oversized
plat Mr. Townsend
showed me today.
-JL 10/23/97*



scale : 1 in = 100 ft

LEGEND

- 5/8" rebar found
- 1/2" rebar found

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

*This exam contains
master topo map for
several wa & aj files*

A. GENERAL INFORMATION

Permit No. 78-07301

1. Owner: David Harold Diamond

Phone No. NONE - *not in service anymore*

Current Address: HC 75 Box 3561 NEW Meadows, ID 83654

2. Accompanied by: Same

EXAM DATE: 11/10/92

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: ELK CREEK

tributary to LITTLE SALMON RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 78-04002 ^{"Bisc"} / 07014 ^{"Little ELK"} / 04000 / 07006 / 07328 / 07329 } ELK

2. Other water rights with the same point of diversion: 78-07014 " " " } CRICK, other

C. DIVERSION AND DELIVERY SYSTEM

*plus 78-07333 spring, other land
* 78-10329 spring, same D/I as permit*

diversing, other land

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		SE	NW	NW	26	22N	1E	Idaho	#11 on topo (ditch) } <u>USGS</u>
									} <u>7 1/2'</u>
2		NE	NW	NW					#12 on topo (pipeline) } <u>quad</u>

2. Place(s) of Use:

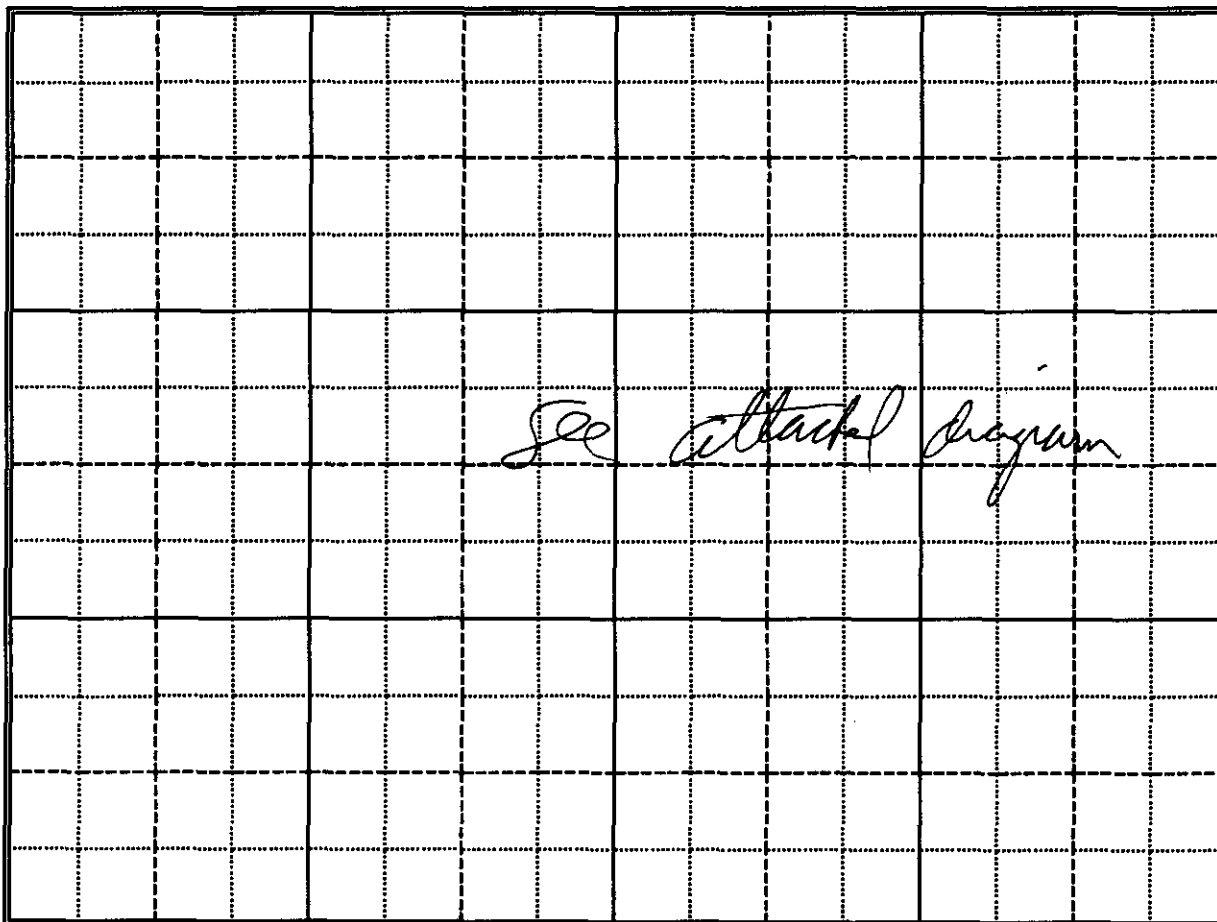
Indicate Method of Determination *as above + assessor's plot*

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						1	.7										1.7
								0	0										

D/I on/NEAR gq line ; 1996 assessor's plot (faxed) provides average limits

** only 1 on same site as this permit*

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



Scale: 1" =

☒ 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
	N/A		No pumps		

*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						

2. Measurements: ~ 80% of 2.11 acres irrigated (.8 x 2.11 ≈ 1.7 acres).

Pipeline pld ~ 900' upstream from ditch pld.

Ditch - total depth .75', total width 1.8'

"0" seep" est. velocity 10 ft " - 5.
meas. depth of " " .2'
" " width " " 1.2'

E. NARRATIVE/REMARKS/COMMENTS

This irrig. & domestic system includes 2 diversions from creek. Upstream diversion (#2) is a rock checkdam & pipeline. A 2" steel pipe contains the 1 1/2" black plastic pipe that leads c 900' to P/L. A control valve located NEAR NEW home being built (new unit not served at time of exam) splits line into 2 portions. One segment delivers internal domestic water to original home in use. Home has 3/4" overflow pipe back to creek. Second segment runs across north portion of land to serve 4-6 Rainbird sprinklers & misc. hose connections to irrigate above the ditch (see pld #1). Pipeline pld is identified as #12 on master map used for a number of files plus complaint investigation for other property. Irrigation segment of pipeline has been winterized so not in operation now during Exam.

The irrig. ditch diversion (#1) is found NEAR the new home that is being built. A rock checkdam & rock lined ditch divert water for siphon tubes & other flood irrigation between ditch & creek NEAR the home in use, a headgate in ditch can shunt all flow to creek if necessary. Ditch ends at creek in lower (south) end of property by Elk Cr. Road. Ditch pld is item #11 on map.

Irrigation includes fruit ~~& nut~~ ^{nut} trees, various pasture & ornamental grasses, misc. flowers - all ~~can~~ are cultivated varieties not to be confused with native vegetation; this is legitimate irrig. use. Total site is 2.11 acres (assessor's info) & c 80% is irrigated.

Property aka Tax #40 and #85 per 2/8/96 tax ~~receipt~~ RECEIVED from assessor's office.

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

- NOTE
- ① most ditch flow returns to creek at bottom of property NEAR bridge so no injury if excessive ditch diversion.
 - ② springbox = A78-10329; no conveyance, just use bucket to corey water &/or fill containers. Same O/I as permit but SEPARATE Right.

sprinklers winterized so could not measure psi & heads etc.; used theoretical calc. worksheet.

F. FLOW CALCULATIONS

Measured Method:

(1) ☒ Additional Computation Sheets Attached

(2) Ditch est. of flow at exam (too small to meter)

$$Q = VA = \frac{10'}{55} \times 1.2' \times .2' = .48 \text{ cfs}$$

(3) Ditch if full (see item D2) = $\frac{10'}{55} \times 1.8' \times .75' = 2.70 \text{ cfs}$

SYSTEM CAPACITY $F(1) + F(3) = .02 + 2.70 \text{ cfs} = 2.72 \text{ cfs}$ but generally do not run that much in ditch

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.7)(3.0) = 5.1$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.06)(184)(1.9835) = 21.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 5.1$$

2. Volume Calculations for Other Uses:

D/I int. use, allow .6 af
(allow .02 cfs as in permit)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrig.	From 4/15	To 10/15	.06	5.1
Domestic	1/1	12/31	.02	.6
Totals:			.08	5.7

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 Steven Lester Date 2/8/96

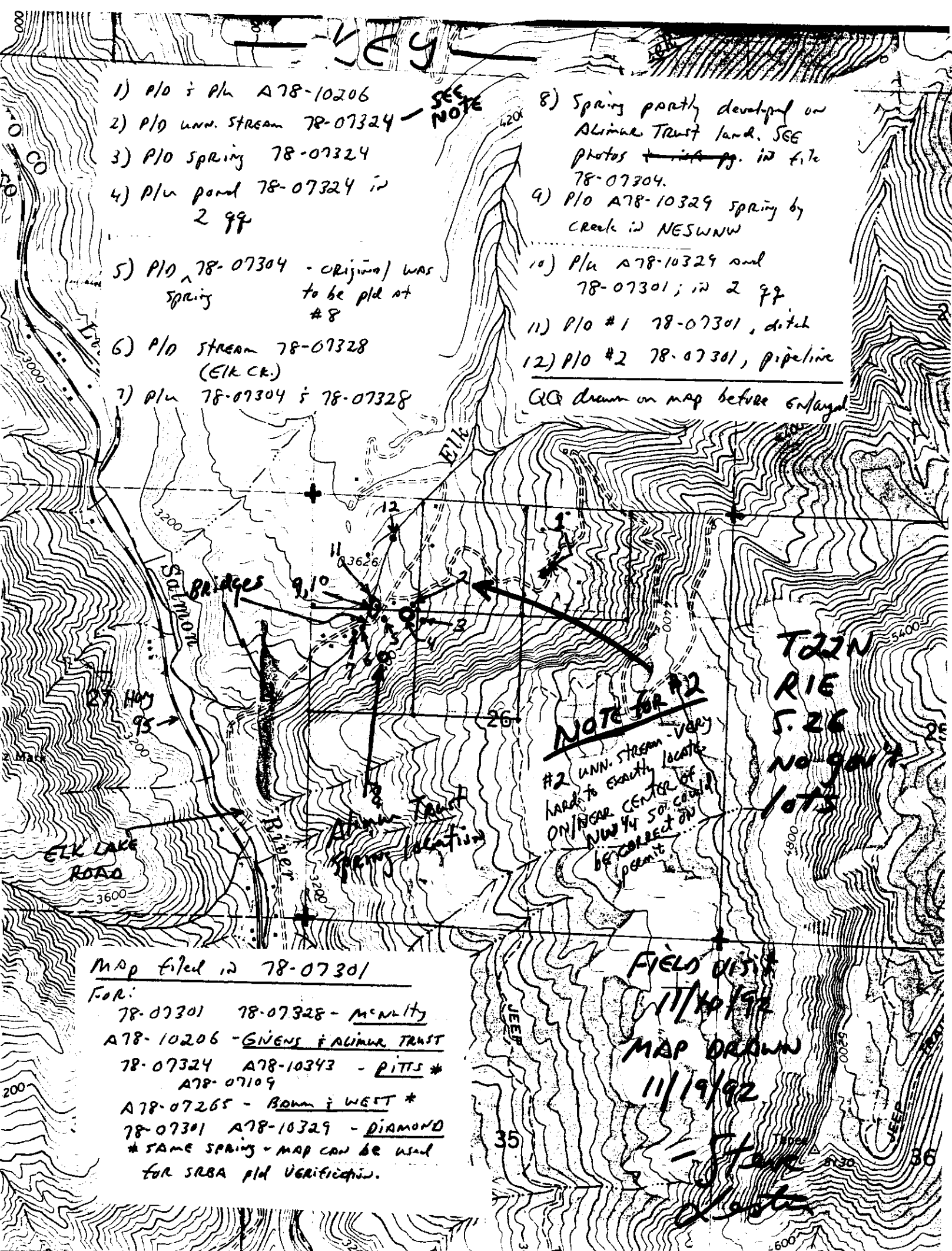
Reviewer _____ Date _____

SEAL

* Only 1 pld listed in right but orig. Appl. shows (item 6a) ditch plus pipeline. Implies possibly 2 pld intended, & that's what was developed. As like good basis to verify 2 pld so not recommending a lic. amendment (no fee needed).

- 1) P/O ÷ P/L A78-10206
 2) P/O UNN. STREAM 78-07324 — SEE NOTE
 3) P/O Spring 78-07324
 4) P/L pond 78-07324 in 2 qf
 5) P/O 78-07304 - original was to be pld at #8
 6) P/O stream 78-07328 (ELK CR.)
 7) P/L 78-07304 ÷ 78-07328

- 8) Spring partly developed on Alimur Trust land. SEE photos + info pg. in file 78-07304.
 9) P/O A78-10329 spring by creek in NESWNW
 10) P/L A78-10329 and 78-07301; in 2 qf
 11) P/O #1 78-07301, ditch
 12) P/O #2 78-07301, pipeline
 QQ drawn on map before enlarged

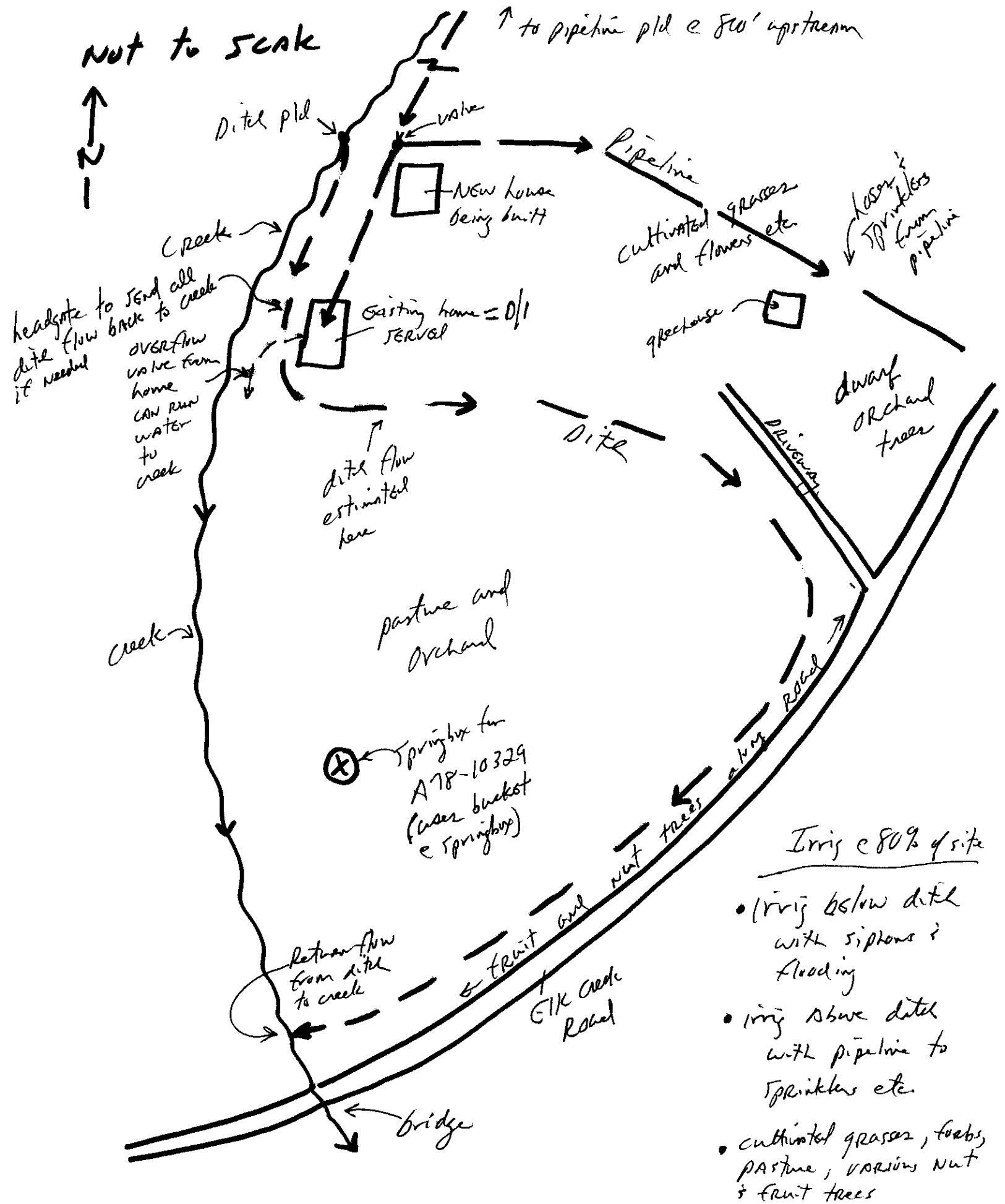


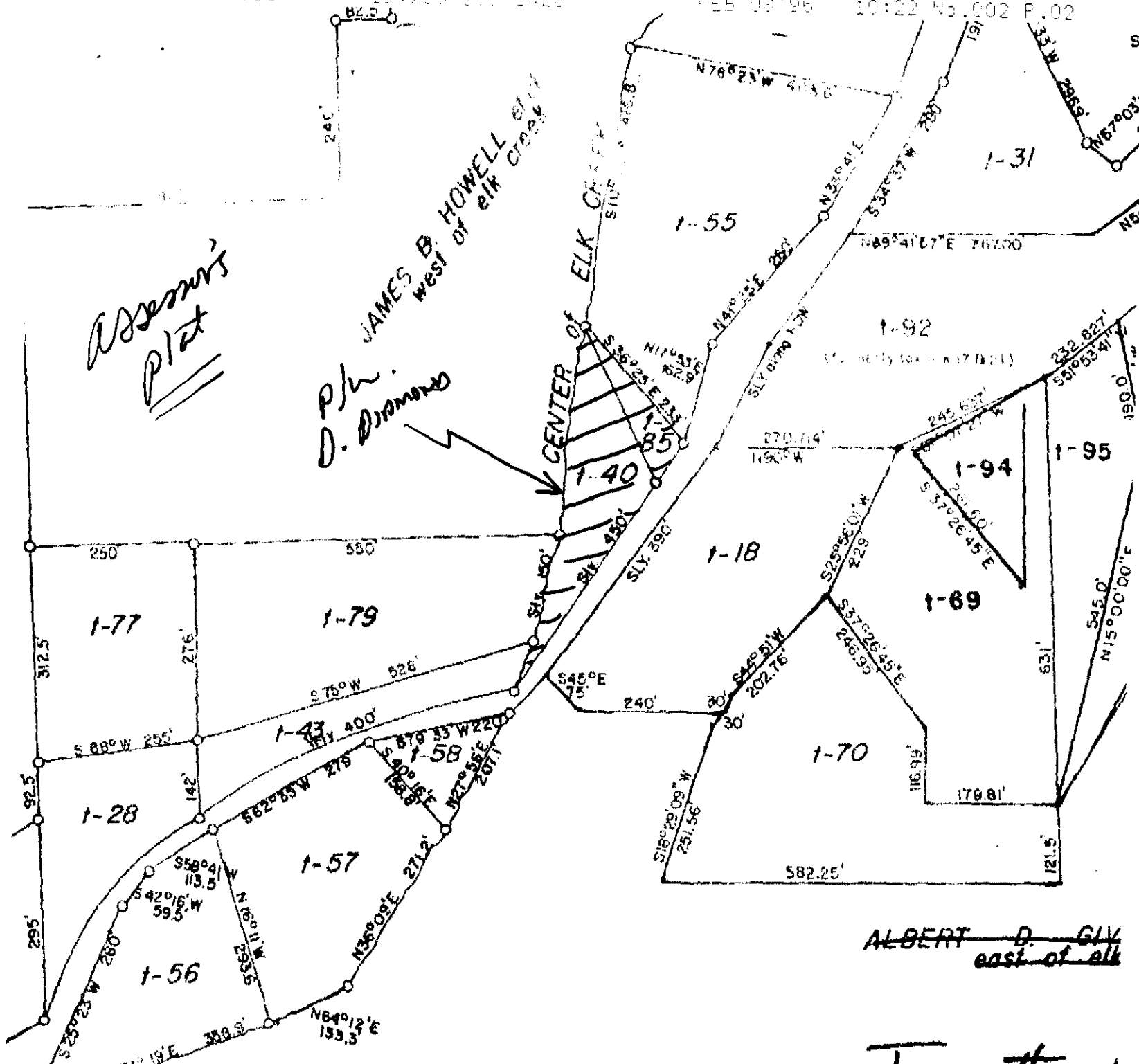
Map filed in 78-07301

For:

- 78-07301 78-07328 - McNulty
 A78-10206 - GIVENS & ALIMUR TRUST
 78-07324 A78-10343 - PITTS *
 A78-07109
 A78-07265 - BOWN & WEST *
 78-07301 A78-10329 - DIAMOND
 * SAME SPRING - MAP CAN BE USED
 FOR SRBA pld VERIFICATION.

78-07301 system Diagram





SCALE 1" $\approx$ 200' from data shown

ALBERT D. GIV
east of elk

Tax # 1

78-07301

T22N R1E Sec 26

TAX # 40 + 85 = 2.11 Acres per Assessor's info
(2/7/96 telephone call)

est. e 80% irrigated = .80 x 2.11 = 1.7 Acres

total irrigated

M. BECKMAN
IDAHO COUNTY ASSESSOR
IDAHO COUNTY
IDAHO COUNTY, ID 83350-1993

(000 983-2742

1428
IDAHO COUNTY 2396TELECOMMUNICATIONS
COVER PAGEDELIVER TO: Steve Lester

COMPANY: _____

ADDRESS: _____

TELEPHONE NO: _____

FAX NO: _____

FROM: _____

MESSAGE: _____

PERSON SENDING FAX: Deanna LeggTELEPHONE: 208 983-2742FAX NO: 208-983-1428

DATE: _____ TIME: _____

THIS TELECOMMUNICATIONS CONSISTS OF _____ PAGES, INCLUDING THIS PAGE.
IF YOU HAVE ANY PROBLEMS RECEIVING IT, PLEASE CALL INDIVIDUAL
LISTED ABOVE.

assessor's plat $\rightarrow$ Tx. $40+85 = 0$. Diamond c 2.1 acres
total
area



Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Steve Lester
2/8/96
Project: Flow Computation for Permit No. 78-07301

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4 * \text{Length} / 100)$

To Find: Compute Rate of Flow

Data Table

Total Head: 40.00 feet

Pressure Req'd: 10.00 psi

Available Head: 16.90 feet

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Adjusted
per 1121
C.I.

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	900.00	16.61	
10.00	0.00	0.00	
10.00	0.00	0.00	
10.00	0.00	0.00	16.61

about direct note
w/ sim. head
in iterative process

Rate of Flow: 0.020 CFS

Solution is obtained by entering an estimated rate of flow and adjusting until Total Head Loss approximates Available Head.

Since some pressure req'd for use,
use this ps. est., .02 cfs available
from pipe for irrig (can run 2-3
heads at once?). ok when add to
ditch flow.
↑
At low pressure use

use for
pipe est.

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Steve Lester
2/8/96
Project: Flow Computation for Permit No. 78-07301

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$$

To Find: Compute Rate of Flow

Data Table

Total Head: 40.00 feet
 Pressure Req'd: 0.00 psi
 Available Head: 40.00 feet
 Pipe Roughness: 150.00

if assume no pressure

Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	900.00	41.57	
10.00	0.00	0.00	
10.00	0.00	0.00	
10.00	0.00	0.00	<u>41.57</u>

Rate of Flow: 0.032 CFS

Solution is obtained by entering an estimated rate of flow and adjusting until Total Head Loss approximates Available Head.

*Do not use
for pipe
est.*



PHOTO ONE-

P/O #2

Checkdam &
pipeline looking
downstream.



P/O #1
Checkdam &
ditch looking
downstream;
owner shown
on left

PHOTO TWO-

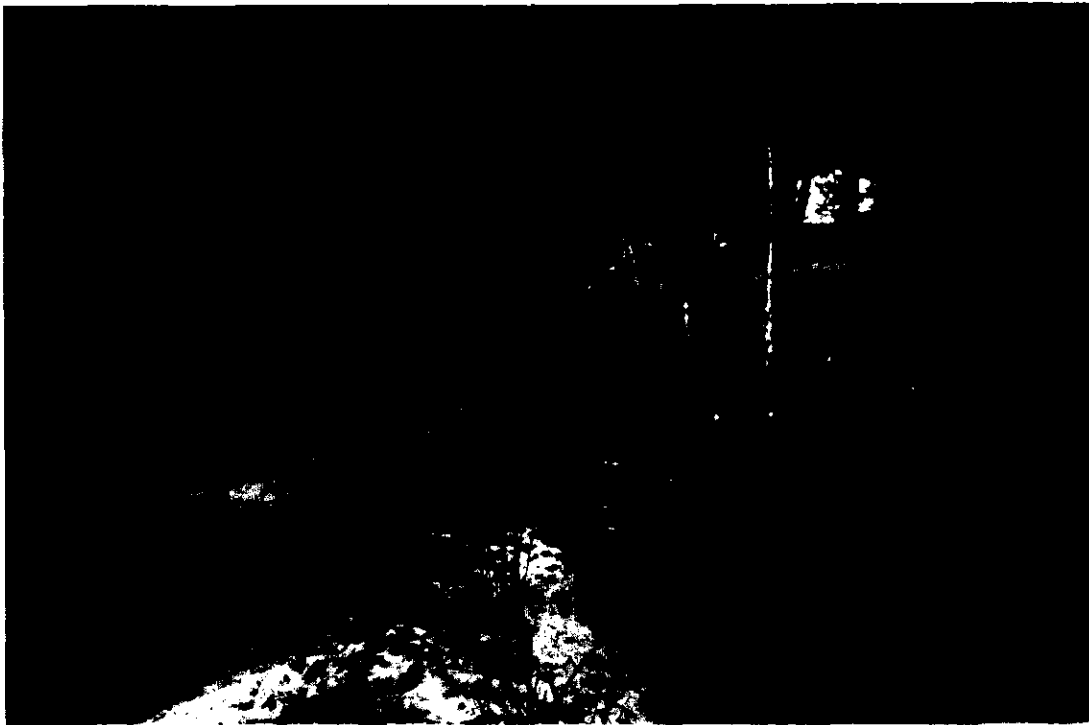


PHOTO THREE- Looking up the ditch from c middle of the property. O/I use site in background (R.).

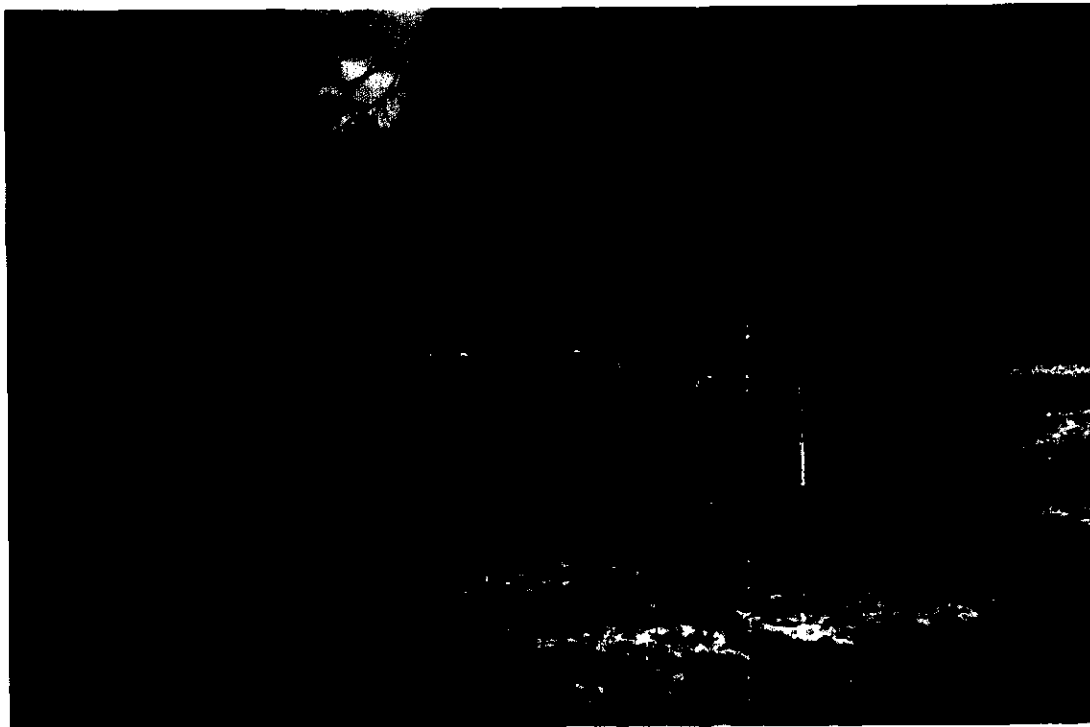


PHOTO FOUR- Looking uphill where sprinkler irrigated found. greenhouse site in the background.



PHOTO FIVE-

Another view above the ditch. Various cultivated planting areas are found.



PHOTO SIX-

Relation of current O/I use (left) & future O/I use (upper right). Will switch once new home completed.

grows special varieties of various ornamental etc plants; trees, grasses, shrubs, flowers included.

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

January 24, 1992

DAVID HAROLD DIAMOND
HC 75 BOX 3561
NEW MEADOWS ID 83654

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 78-07301

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED

FEB 11 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 78-07301

Reviewed by Klg

Date 1/15/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? _____
yes Address same as permit? _____
no Proof timely received? Correct Uses? _____
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>1/14/92</u>	<u>14</u>	<u>365</u>
Date proof due	<u>12/1/91</u>	<u>- + 30</u>	<u>- 335</u>
No. of days late		<u>= 44</u>	<u>30</u>
Priority Date	<u>7/26/88</u>	<u>+ 207</u>	
New Priority Date	<u>9/8/88</u>	<u>251</u>	

DEFICIENCIES OR ACTION ITEMS

proof acceptable
needs an order

DATA ENTRY

New Address _____

Proof Made 1/14/92
1/24/92 Klg

December 10, 1991

DAVID HAROLD DIAMOND
HC 75 BOX 3561
NEW MEADOWS ID 83654

LAPSE NOTICE

RE: PERMIT NO. 78-07301

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 12-11-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

FEB 11 1992

Elk Lake Road
New Meadow

10-11-91

Last week I received a
Certified letter from you
which I have lost. I assume
it was a reminder about
my creek diversion permit,
but I did not get it read
before mistakenly discarding
it.

Please send a copy of what-
ever you sent ASDP.

My apologies and Thank
you.

David Diamond

MICROFILMED

FEB 11 1992

resent 10/17/91

DAVID HAROLD DIAMOND
HC 75 BOX 3561
NEW MEADOWS ID 83654

138099
September 30, 1991

PROOF DUE NOTICE

RE: PERMIT NO. 78-07301

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, 1991. (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,

Nina Shields
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 11 1992

January 29, 1991

DAVID DIAMOND
HC 75 BOX 3561
NEW MEADOWS ID 83654

Dear Mr. Diamond:

Re: Permit No. 78-7301

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1991.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

NOV 7 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 78-7301

Reviewed by *[Signature]*

Date 1-23-91

BASIC INFORMATION

Y Date stamp received
Y Extension received timely (not too early not too late)
Y Fee received and receipted
Y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN

Recommend approval based on due diligence for one year

N/A Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

[Signature] Change proof due date _____ Address change
 Priority date change _____

Elk Lake Rd
New Meadows, Id
83654

PERMIT <sup>sent to
Bureau
back</sup>
78-07301

Mr. Lester:

Per our telephone
conversation of 11-14-90
I enclose a photograph
of the diversion of Elk
Creek described in my
permit.

Freezing weather prohibits
further masonry until
next spring.

The project will be
completed in 1991.

Thank you for your
reassurance that my
claim is a good one and
that there will be no
threats of loss due to the
incompletion of the
sluice/viaduct.

Dave Diamond

Letter + photo
Received at Western
11/21/90.

82

Not
quite what
I said on
phone -
I referred
to possible
ext. of
time v.
submitting
proof of
b.w. 8/28/90



MicroFILMED

FEB 07 1991

1825-10
September 30, 1990

DAVID HAROLD DIAMOND
HC75 BOX 3561
NEW MEADOWS, ID 83654

PROOF DUE NOTICE

RE: PERMIT NO. 78-07301

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, 1990. (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

FEB 17 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 78-07301
Name(s) of Permit Holder(s): DAVID H. DIAMOND
Post Office Address: HC 75 BOX 356
NEW MEADOWS, ID 83654 Tel. No. 208-3437

☒ I hereby certify that construction of diversion work for the above referenced permit began on NOV. 18, 1988 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

Date

DH Diamond
Signature of Permit Holder

RECEIVED

DEC 20 1989

Department of Water Resources

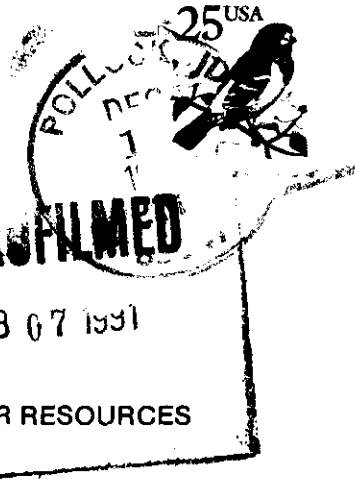
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



D. H. AMOND
ELK LAKE ROAD
NEW MEADOWS, ID 83654

MICROFILMED

FEB 07 1991



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

DAVID HAROLD DIAMOND
HC75 BOX 3561
NEW MEADOWS, ID 83654

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

RE: PERMIT NO. 78-07301

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

MICROFILMED

DEC 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY SL DATE 8/11/88 APPLICATION NUMBER 78-07301

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
Field check by _____
☐ 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

08/24/1988

Department of Water Resources

P/O

78-4002* Elk Creek (shown as Big E.C., which is actually the same).

78-7014** Elk Creek.

78-7250*** Springs.

A78-10329 Ady. claim in applicant's name for a spring in SWNW (different tract).

These 4 unique sources are different than applicant's Elk Cr. diversion.

1/4

NWNW { 78-4000 use Little Elk Creek for different irrigation.
78-4002* different land.
78-7250*** " "

SWNW { 78-4135 Springs for use on different land.
78-7006 Elk Creek for irrigation " "
78-7014** different domestic.
78-7270 Springs Little Elk Creek for different land.
A78-10329 domestic use in SWNW, same domestic as in application.

☒ Yes ☐ No 1.. form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

☐ 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

☒ Yes ☐ No Affidavit of publication received
☐ Yes ☒ No Application published correctly. If not, record action taken.
no action taken

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest September 26, 1988
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached Approved, DRA
☐ 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.
26A, Recommend that 2 years be allowed for completion of this project.
☐ See below for additional information
Date of priority recommended 7/26/1988
By DRA Date 10/18/1988

By tw ☐ See below for additional information
Date 11/28/88

allow 2 yrs. for B/U development

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

AUGUST 31, 1988

Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 26, 1988.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

DEC 16 1988

78-07301

DIAMOND, DAVID HAROLD
HC75 BOX 3561
NEW MEADOWS, ID 83654

Source: ELK CREEK

Tributary: LITTLE SALMON RIVER

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

Use: IRRIGATION (.090 CFS)
DOMESTIC (.020 CFS)

Date Filed: 7/26/1988

In: T22N R01E S26 NWNW SWNW

3.0 ACRES TOTAL

MICROFILMED

DEC 10 1988

11 Lake Rd
Mondaca, Ida
83469

Mr. Lester:

August 2, 1988

I know that your writing means that I've done something wrong, but your letter states that my "point of diversion is accurately shown." Do you mean NOT accurately shown?

The diversion point is NW NW, the water is also used in SW NW. My property falls only within the NW NW and SW NW 1/4 and these are the only quarters I should have shown for use.

I apologize if I wrote the wrong information and thank you for catching any errors. Please let me know if I've got it right now.

Dave Diamond



Department of Water Resources
Western Regional Office

MICROFILMED

DEC 16 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 1, 1988

Dear Applicant:

Your application for permit and adjudication claim were recently received. The application discusses using Elk Creek for domestic and irrigation uses. The point of diversion is shown as SE-NW-NW and the place of use as SE-NW and NE-SW, all within Section 26.

Please refer to the attached topo map. I highlighted several quarter-quarters and Elk Creek. It appears from your hand-drawn map and the tax lot map that you enclosed that the point of diversion is accurately shown. The diversion point for a creek is listed to the nearest 1/4-1/4, which is the NW-NW instead of the SE-NW-NW. However, the place of use probably falls in the NW-NW and SW-NW.

Let me know the correct place of use. To avoid jeopardizing the application or any loss of priority (seniority) date, please respond within 30 days. Please contact me (208-334-2190) if additional help is needed. Thank you.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:s
Encl.

MICROFILMED

DEC 16 1988

3/83

IDENT. NO. 78-07301

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

WATER RIGHT
DATA ENTRY LOG

[illegible]