

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

Elk Cr.

Twp. 22N

Rge. 1E

P.D. &
pl. of use

26

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.

Y. W. Perle
(Applicant)

**NOTICE OF APPLICATION
FOR WATER RIGHT.**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

78-7109

Name: G.W. &/or LOMA S. SPERLE

Address: Star Route, New Meadows, ID

Source: SPRINGS

Filed: May 4, 1978

County: Idaho County

Amount: 0.06 cubic feet per second

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 T22N-R1E B.M.

Use: irrigation of 3 acres from May 1 to Oct. 1

Place of Use: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 T22N-R1E B.M.

Means: pipeline to sprinklers *OK*

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before June 5, 1978.

C. STEPHEN ALLRED
Director

Published in the Idaho County Free Press, Grangeville, ID on May 17, 1978 and May 24, 1978.

M17-24

AFFIDAVIT OF PUBLICATION

Nona C. Donaldson being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 2 weeks, being published 2 times, the first publication being on the 17 day of May, 1978, and the last publication on the 24 day of May, 1978; 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.

Nona C. Donaldson

Subscribed and sworn to before me this 24 day of May, 1978.

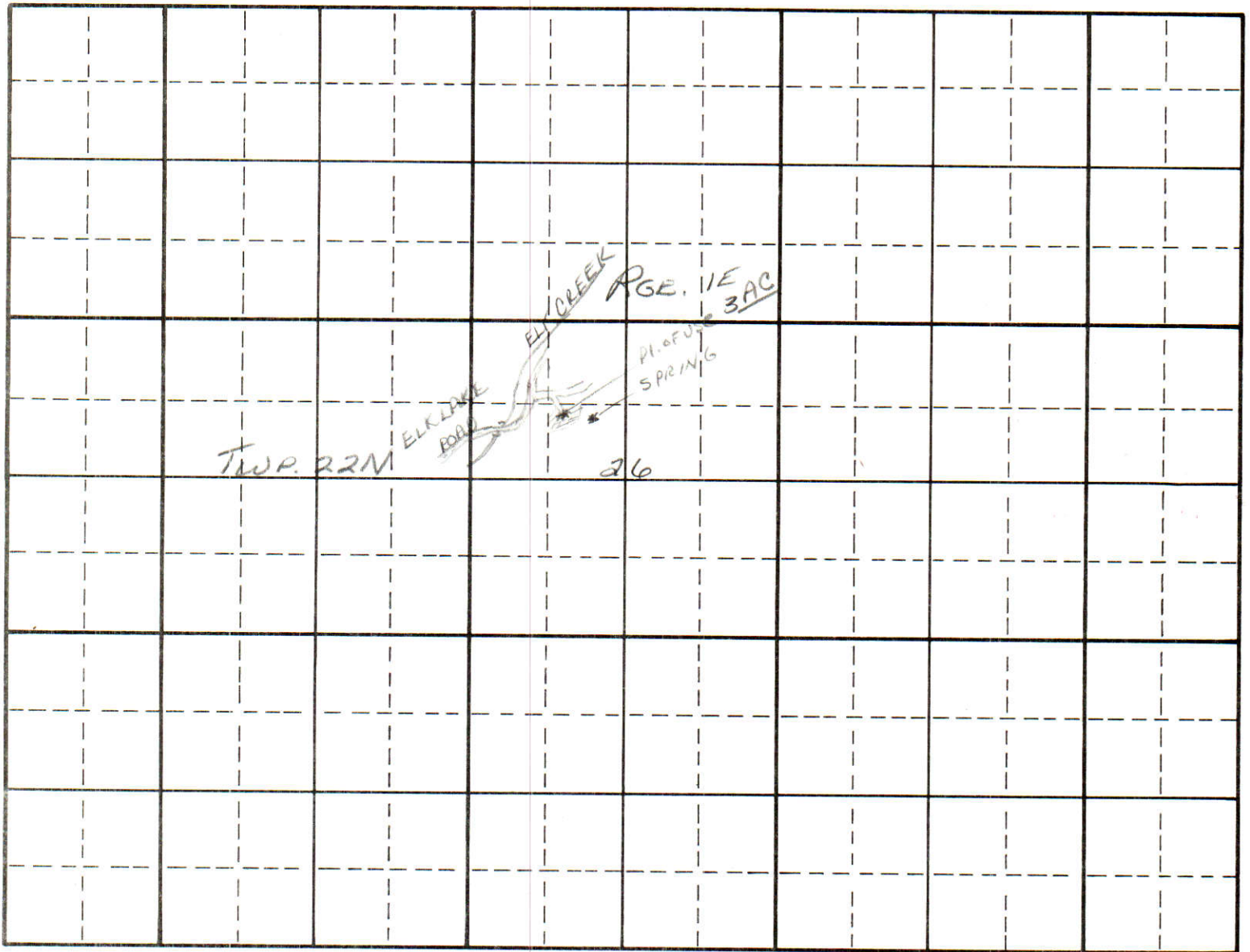
Maribyn J. Stalley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
MAY 30 1978

Department of Water Resources
Western Regional Office

MAP (Attach Aerial Photo)

UNRECORDED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 NW 1/4, SEC 26, TWP. 22N, RGE. 1E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	1E	26								3									3
																			3

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

Examiner's Signature Jan Weaver

Checked-by ELS

Approved by John Johnson

Date 12/01/83

te 1/15/85

Date 5-9-86

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 78-7109 Priority May 4, 1978 Amount 0.04 cfs

THIS IS TO CERTIFY, that Werner Kolb
of New Meadows, Idaho, has complied with the terms and conditions of Permit
No. 78-7109 issued pursuant to Application for Permit dated May 4, 1978,
and has submitted proof to the Department of Water Resources on April 16, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from a spring,
tributary to Elk Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>December 1</u>	at <u>0.04</u> cfs and	<u>12.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
12.0 acre feet per year, said waters to be diverted within the SE 1/4 NW 1/4 Section 26,
Twp 22N, Rge 1E in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	1E	26							3										3

Total number of acres irrigated 3

WIDCOEN MEN

MICROFILMED

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license 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 license 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 license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of JULY, 19 86.

Acting for the

Director

Norman C. Young

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	78-7109	Sperle, G. W. Loma S.	.06
Full Assignment	78-7109	Kolb, Werner	.06

MICROFILMED

RECEIVED
JAN 13 1986

OK
Jim

State of Idaho
Department of Water Resources, Western Region
Statehouse

Boise, Id. 83720

Department of Water Resources
Western Regional Office

ASSIGNMENT OF PERMIT

I, G.W.&/or Loma S. Sperle, hereby assign to Werner Kolb

of HC 75 Box 3552, New Meadows, Idaho 83654
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7109
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ 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)

X Made this 8 day of JAN, 19 1986

G. W. Sperle
Permit Holder

Loma S. Sperle
Spouse of Permit Holder

ARIZONA
State of ~~Idaho~~)
County of COCHISE) ss.

On this 8th day of JANUARY, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

X

Susan F. Santor
Notary Public residing at
50 E. Fry Blvd Sierra Vista, AZ

My commission expires:

My Commission Expires Jan 1, 1987

RECEIVED
JAN 13 1986

MICROFILMED

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 G. W. &/or Loma S. Sperle Phone 628-3484

Post office address Star Route, New Meadows, ID 83654

2. Source of water supply springs which is a tributary of Elk Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 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 0.06 cfs for irrigation purposes from May 1 to October 1 (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:

a. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Gravity sprinkler irrigation-
pipeline to sprinklers.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 3 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

[illegible]

Total number of acres to be irrigated 3

c. Describe any other water rights used for the same purposes as described above. none

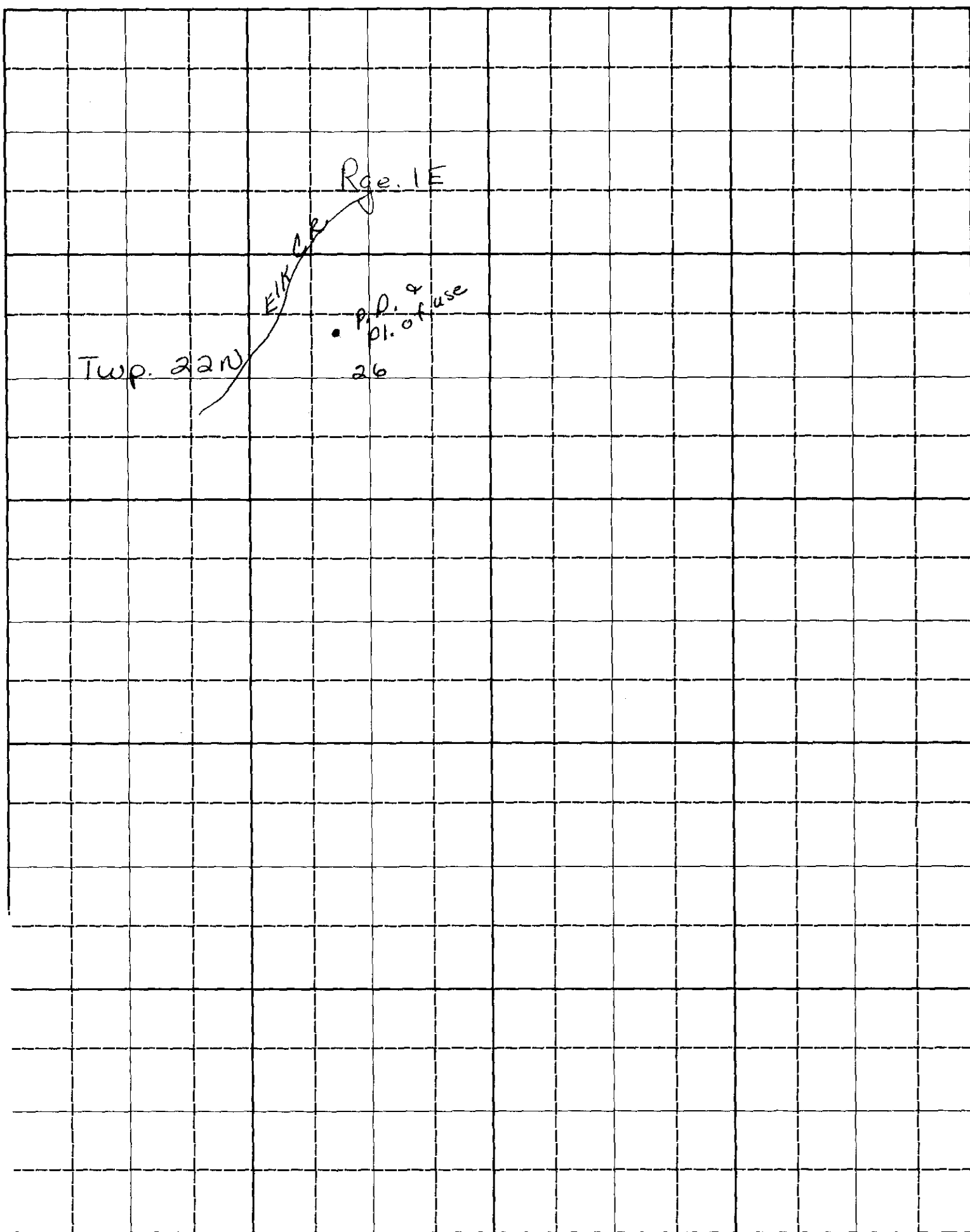
9. a. Who owns the property at the point of diversion Applicant

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

10. Remarks

11. 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.

G. W. Perle
(Applicant)

Proposed Priority 5/04/78

Received by JG Date 5/4/78 Time 11:30 A.M.

Preliminary check by CHS Fee \$ 10.00

Receipted by JG Date 5/4/78 Rec't # 11293

Publication prepared by W Date 5-12-78

Published in Idaho County Free Press

Publication dates May 18 & 25, 1978

Publication approved DEB Date 5-30-78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by DET JG

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. 78-7109, 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 July 1, 19 81.
- 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. Other: _____

Witness my hand this 19TH day of June, 19 78.

Norman Young
Administrator

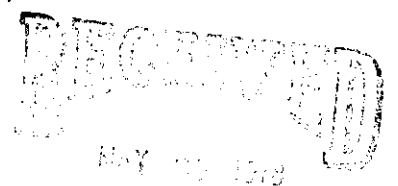
AFFIDAVIT OF PUBLICATION

Nona C. Donaldson being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 2 weeks, being published 2 times, the first publication being on the 17 day of May, 1978, and the last publication on the 24 day of May, 1978; 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.

Nona C. Donaldson

Subscribed and sworn to before me this 24 day of May, 1978.

Marlyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



Idaho County, Idaho
Grangeville, Idaho



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705

78-7109
RECEIVED

AUG 16 1988

R. KEITH HIGGINSON
Department of Water Resources

Mr. Werner Kolb
HC 75, Box 3552
New Meadows, ID. 83654

August 12, 1988

Re: Domestic Use of the Spring

Dear Werner:

Your letter of 8/3/88 to Jan Shurte was received and entered in your water right file. Because I visited the site recently, Jan relayed the letter to me. The dispute concerning the spring on your land involves two key issues.

One, the historical domestic use of the water at your home will be recorded with the enclosed adjudication claim (A78-10343) for .02 cfs. One purpose of the adjudication is to clarify and record such historical beneficial uses of public water. We will retain the supporting evidence that you submitted that documents the use from 1962. Please review the claim, answer item 16, sign the form and have it notarized, and return it with the \$25 fee to me as soon as possible.

Two, domestic rights may replace other rights despite priority dates. A junior domestic right may condemn part or all of a senior right but only through proper legal procedures that include just compensation for the taking of real property as covered by the Idaho Constitution, Article XV, Section 5. However, this is a moot point because your domestic use can be documented to 1962. The Baum-West domestic use dates to 1985 and thus possesses no power to take any of the senior domestic right.

The Baum-West license, 78-07265, was recorded in the adjudication by claim number A78-07265 on 5/26/88. The water right covers .02 cfs for year-round domestic use. This right, with its 7/30/85 priority date, clearly remains the junior right and must respect the seniority of the Kolb rights. The Department advises the parties that the Kolb irrigation (3/1-12/1) and domestic (1/1-12/31) rights, totaling .04 cfs, have priority and must be satisfied first before the junior use occurs. Idaho water law is clear in this matter.

I hope that an amiable solution can be reached. Perhaps the spring simply will not provide adequate water for the involved rights, or perhaps a shared use of the resource can be reached. Please contact this office if additional help may be provided.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: s

Encl.

cc: Glenn & Netta Baum
Floyd & Florence West

Werner Kolb

78-7109
New Meadows, 8-3-1988
HC 75 Box 3552-Idaho 83654

Ms. Jan Shurte
Sr. Water Resource Agent
State of Idaho Dept. of Water Resources
2735 Airport Way

Boise, Idaho 83705

RECEIVED
AUG 5 1988

Department of Water Resources
Western Regional Office

Dear Ms. Shurte,

Through no fault of mine, I find myself in some serious trouble with my Waterrights. You were very efficient and helpful in the past, please suffer through my case history with me:

Since 1962 this property used water from its spring for domestic and irrigation use. (Neighbors are willing to give an affidavit)

In 1978 the previous owner, Mr. Sperle (now in Arizona) realized that he had to file for Waterrights. An inspection at this time should have advised Mr. Sperle that he needed domestic as well as irrigation rights. (The pipeline into the house was very visible) This was not done, nobody, including me knew of the word "domestic". In my four letters (one even was registered) to Mr. Jim Johnson, I asked for a review of my waterrights, especially since some statements were inaccurate and I was wondering about the wintermonths without irrigation. I am from Wisconsin and had no idea that I had to specify "Domestic".

Mr. Johnson never advised me, he always used the words "Water-rights" and did not respond to my expressed fear, that some "Legality" would ruin this household. Never was I advised of the word "Domestic" which was not stated in my waterrights.

Ironically, this "Legality" now is exactly threatening me. Mr. Johnson obviously never even looked at my "Waterrights".

My new neighbors have a domestic waterright for this spring on my property since 1985. Their house was never connected to a waterline just last week their bathroom was finished, three weeks ago they received electric connection and last year their septic system was installed. Until now my waterright was never challenged. Also, as I had pointed out in my letters, this spring does not deliver 18 gal/min. for me, not even mentioning the 8 gal/min. for my new neighbors.

If their new domestic Waterright has priority over my old Waterright because this little word "Domestic" was not included and the spring goes down further, my house becomes worthless.

Since I was forced by a plantclosing into early retirement,
my fixed income is low.

I hope this mess will be straightened out. I hold the Water-
department and Mr. Johnson directly responsible!

Sincerely,

Werner Kolb

Werner Kolb

AFFIDAVIT

I moved to the Elk Lake Road area in Idaho County, Idaho in 1962
At that time the house now occupied by Werner J. Kolb was occupied by
Oral E. Rader's daughter.

In 1964 Oral E. Rader sold the house to Maudie H. Silva
(See Deed No. 217046 attached)

in 1977 Maudie H. Silva sold this property to Gideon W.
Sperle.

In 1986 Gideon W. Sperle sold this property to Werner J. Kolb.
I know that the spring referred to in the above mentioned deed #217046
has been used by the occupants of the Kolb house for domestic purposes
continuously since 1962.

Muriel R. Givens
Muriel R. Givens
3555 Elk Lake Road
Idaho County, Idaho

State of Idaho, County of Idaho

On this 8 day of August 1988
before me, a notary public in and for
said State, personally appeared

MURIEL R. GIVENS

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

Mary O'Leary
Notary Public
Residing at Riggins, Idaho

RECEIVED
Aug. 10 1988

Department of Water Resources
Western Regional Office

217046

WARRANTY DEED

For Value Received ORAL E. RADER and EVELYN RADER, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

MAUDIE H. SILVA, a widow woman

the grantee, the following described premises, in Idaho County Idaho, to wit:

-----Beginning at the ^{sixteenth} quarter corner which is the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 26, T. 22 N., R. 1 E., B. M., thence 90 feet North to the real point of beginning:

Thence E. 278 feet to a point;

Thence S. 535 feet to a point;

Thence W. 636 feet to a point;

Thence N. 190 feet to a point;

Thence Northeasterly 418 feet to the real point of beginning-----

This parcel contains 6 $\frac{1}{2}$ acres more or less-----

Together with all right and title to a certain spring of water that originates on the above described property-----

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

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

Dated: Sept. 10, 1964

Oral Rader
Evelyn Rader

STATE OF IDAHO, COUNTY OF VALLEY
On this 10th day of Sept., 1964,
before me, a notary public in and for said State, personally
appeared Oral E. Rader and Evelyn Rader

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

Residing at McCall, Idaho
Comm. Expires 7/25 - 1965

Notary Public

STATE OF IDAHO, COUNTY OF IDAHO

I hereby certify that this instrument was filed for record at
the request of INLAND ABSTRACT CO.

at minutes past 3 o'clock p.m.,
this 24 day of Sept,
1964, in my office, and duly recorded in Book
of Deeds at page

CARL T. REUTER

Ex-Officio Recorder

By *Bob J. Waite* Deputy.

Fees \$.90

Mail to: Maudie H. Silva
Council, Idaho

INSTRUMENT NO.

REVENUE STAMPS



State of Idaho
Department of Water Resources
1301 N Orchard st.
Boise, Idaho 83706 - 2237

New Meadows, 3.27.88
HC 75 Box 3552 - 83654

MAR 29 1988

RE.: Water Right NO. 78 - 7109

Department of Water Resources

Dear Mr. Johnson,

I received your reply 2-10-88 to my letter of 1-13-88.

As I wrote, my "Water Rights" are not based on Facts and "Domestic Water Rights" have to be included.

I will do anything you would suggest to review the situation.

Thank you,

Werner Kolb

Werner Kolb



State of Idaho
DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 10, 1988

RE: Water Right No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Mr. Kolb:

In response to your questions listed in the letter of 1/13/88, we offer the following:

1. Domestic was not included on the license because it was not identified in the permit.
2. The irrigation season is limited to March 1 thru December 1.
3. The tributary of Elk Creek was listed on the license because it was listed on the permit. The examiner's report did not mention whether or not the tributary of the springs is Elk Creek.

If you have any other questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Dept. of Water Resources
Western Region
92 nd. S.Cole Rd.
Boise, Idaho
83709

New Meadows, 1-13-1988
Box 3552 HC 75, Idaho 83654
Werner Kolb

Water Right License: 78 - 7109

Dear Sir / Madam,

Recently a Lawyer friend of mine looked through my waterright license with critical eyes and urged me to contact you.

As far as I am able to understand this license, there are some very important omissions and an important error.

The spring on my property supplied water to this household, garden and horsepasture since 1964.

1. The license states irrigation, why was domestic water right omitted?
2. The License states March to December, What about January and February?
3. The overflow of the spring (if any) seeps away, it does not reach any river, Elk Creek or Little Salmon River!

I welcome any verification of my statements and would appreciate a new look at my Water Right License.

It would be disastrous for this household, if any "Legality" would be turned against it.

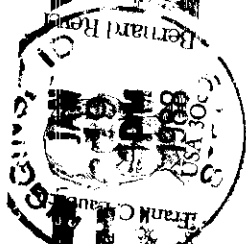
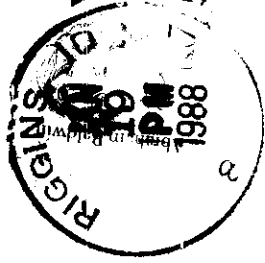
Thank you,

Werner Kolb

Werner Kolb

RECEIVED
JAN 22 1988

Department of Water Resources



RETURN RECEIPT
REQUESTED

Dept. of Water Resources Western Region

State House

4170 W. State St.

Boise, Id. 83720

W. Kolb, HC, 7
New Meadows, Id. 83654

Fold at line over top of envelope to the right
of the return address

93954

RETURN RECEIPT
REQUESTED

CERTIFIED
P 459 596 814
MAIL

RETURN TO SENDER:
() MOVED LEFT NO ORDER
() EXPIRED ORDER
() UNKNOWN/UNDELIVERABLE
() NO SUCH NUMBER/ST/INSUFF

Dept. of Water Resources

Western Region

92 S. Cole Rd,
Boise, Id. 83709



USA
50

RECEIVED

JAN 22 1988

Department of Water Resources

The Post Office does
not forward this letter to you
has address ??

This is crazy! Talk.

3:50
JAN 24

State of Idaho

7-6-86

Department of Water Resources

Boise

RECEIVED

JUL 3 1986

Dear Mr. Johnson,

Department of Water Resources
Western Regional Office

I received your proposed Water Right License and noticed, that the approved (5-4-78) amount of 0.06 cfs for Mr. Sperle (78-7109), who sold me his property has been changed to 0.04 cfs. Why?

We have to maintain our large garden and pasture for our house, plus our household needs. In addition we have to let the water run in the winter to prevent freezing of the lines.

Since our neighbor Mr. Albrecht, who did not occupy his property for 6 years and did absolutely nothing to maintain and clean the spring has a certain right to the spring (located on our property), we foresee conflicts in the future.

Please help us to avoid future trouble and allocate enough water for us to maintain our household.

Sincerely,

Werner Kolb



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

July 3, 1986

RE: Permit No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

Ray Walker

for JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 12, 1986

RE: Water Right No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Mr. Kolb:

We are in receipt of your correspondence of 8/2/86 in regard to the above referenced water right.

You indicated that you had written prior to 8/2/86 and explained in length why you did not agree to the 0.04 cfs shown on the proposed license. Unfortunately, we do not have a record of this letter. Therefore, I will attempt to explain why the 0.04 cfs was used rather than 0.06 as shown on the permit.

First, a permit is only an estimate of how much water will be developed. The water right to be developed must first have an examination by a Department employee to confirm the extent to which water has been put to the uses identified on the permit. On September 1, 1982, an examiner made an inspection of your water use and reported that a spring with headbox and screen was used to divert water into a 10" pipeline, then into a 6" pipe and finally into a 3" pipeline to the sprinkler system.

The sprinkler system consisted of 8 sprinkler heads with 9/64" nozzles. The pressure at the sprinkler heads was 15 psi. The discharge of your sprinkler system is 17.6 gallons/min. which is equal to 0.039 cfs or 0.04 cfs.

If you believe this information is incorrect, you should provide whatever information you have. It will be reviewed and appropriate action will be taken.

Werner Kolb
August 12, 1986
Page 2

If I can be of any further assistance, please feel free to contact me.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

State of Idaho
Department of Water Resources

8-2-86

Permit No 78-7109

RECEIVED
AUG 5 1986

Dear Mr. Johnson,

Department of Water Resources

I received my Water Right License,

I do not agree with it as I wrote to ^{you} at
length. Why did I not receive a response?

The previous Water Right License
of Mr. Speer (who sold me his property)
states 0.06 cfs. Why was it changed
to 0.04 cfs ? ? ?

I protest strongly, as I believe
0.04 cfs will not cover our needs.

Please respond.

Sincerely,

Werner Kolb



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

July 31, 1986

RE: Permit No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Mr. Kolb:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

July 3, 1986

RE: Permit No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

Dept. of Water Resources

MS-1-86
MAY 2 1986

Dear Mr. Johnson, Department of Water R

Thank you for your Letter

of. 2-5-86. When will your regional
office examine my water right system?

MICHAEL

When will my permit become
a licensed water right?

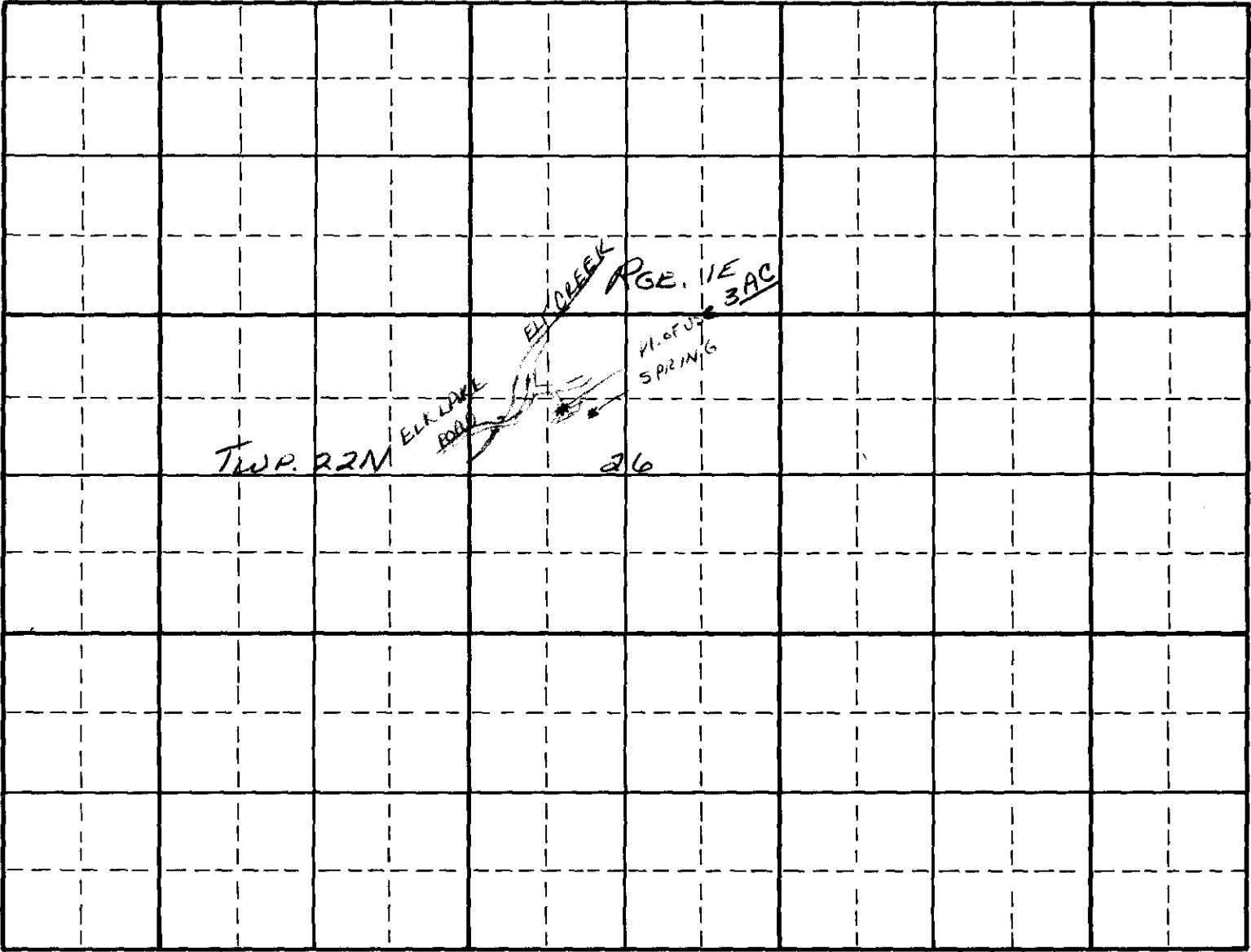
The previous owner (Mr. Spetle) had
only a permit for 8 years??

Sincerely,

Permit No: 78-7109

MICROFILMED

Werner Kolb
(Werner Kolb)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 NW 1/4, SEC 26, TWP. 22N, RGE. 1E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	1E	26								3									3
																			3

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

Examiner's Signature Jan Weaver

Checked-by 625

Approved by Jim Johnson

Date 12/01/83

te 1/15/85

Date 5-9-86

February 5, 1986

RE: Permit No. 78-7109

Werner Kolb
HC 75, Box 3552
New Meadows, ID 83654

Dear Permit Holder(s):

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permit will be for our regional office to examine your water right system.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

UNRECORDED

Permit No. 78-7109

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
~~b. Partial Assignment?~~
- ~~4. "No assignment" condition on permit?~~
5. Commencement of Works received? B/U rec'd
 - a. Commencement of works requested? N/A
 - b. Show Cause Order drafted & sent? N/A
 - c. Cancellation necessary? N/A
6. Affidavit of residency required? NO
7. Extension granted due to litigation? NO
(If yes, commencement of works is not required.)

1. Type permit summary sheet! ✓ Shavla _____
2. Coding sheet. Shavla _____
3. Acknowledgement letter type. # 1a
4. Copy to region. ✓ Shavla _____

Date 1-15-88

Employee Jmi

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

April 29, 1981

G. W. Sperle
Star Route
New Meadows, ID 83654

RE: Permit No. 78-7109

Dear Mr. Sperle:

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

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Kay Walker
Secretary

RECORDED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 78-7109

Name(s) of Permit Holder:

G. W. Sperle

Post Office Address:

Star Route

New Meadows ID

Tel. No.

628-3484

Source of Water:

SPRINGS

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation

3

(acres)

☐ Other

Measuring Device:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

Access Port:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

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

4/16/81

Date

X

G W Sperle

Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



RECEIVED

APR 16 1981

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MAIL ROOM



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 19, 1978

Re: Permit No. 78-7109

G. W. &/or Loma S. Sperle
Star Route
New Meadows, ID 83654

Dear Mr. and Mrs. Sperle:

Enclosed is a copy of your approved Application for Permit No. 78-7109. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

RECEIVED
JUN 21 1978
DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

78-7109-Spaul

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. ☒ Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. ☒ Time req. for Proof of B/U
7. ☐ Place of Use for other than irrig.
8. ☒ Place of Use for irrigation (add acres)
9. ☒ Property Owner at Pt. of Div. & Pl. of Use
10. ☒ Map
11. ☒ Fee & Rec't. No.

Copies Sent To:

☒ Idaho Health Department
☒ Idaho Fish & Game Dept.
☒ Bureau of Land Management

☒ U.S.F.S.
☒ Dept. of Lands
☒ Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area ☐ yes ☒ no

Other rights on same land None platted

Withdrawals of all protests received ☐ yes ☐ no

Conditions:

ID Power Co. Letter - Snake R. ☐

ID Power Co. Letter - G.W. & Tribs. ☐

Snake River Condition ☐

Payette River Letter ☐

Priority Date 5/4/78

Water Quality #16 ☐

Water Quality #10 ☐
intrastate ☐ interstate ☐

Meas. Dev. or Sc. Meas. no

Totalizing meter ☐

Supplemental ☐

Right-of-Way Cond. ☐

Watermaster Cond. ☐
Wtr. Dist No. ☐

Meas. Dev. Cond. for apps within
a Water Dist. ☐

Jan F. Prover
Reviewer
6/15/78
Date

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No.

78-7109

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) 6LS 5/5/78

In form to receipt

(2) _____

Send Copies to:

- _____
Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

- _____
Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) 6LS 5/5/78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) 025B 5-30-78

Affidavit of Publication received(date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

5-4-78 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

☒ No special conditions for approval

(15) District W

By DRT Date 6-6-78

RECEIVED
JUN 7 1978

Department of Water Resources

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

May 12, 1978

Re: Application for Permit No. 78-7100 -- G. W. &/or Loma S. Sperle

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

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. In order to receive payment, the following certification must appear on the bill:

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

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before June 5, 1978.

Sincerely,

RITA FLECK
Secretary

*Bill submitted
6-17-78 alw*

78-7109

Name: G. W. &/or LOMA S. SPERLE

Address: Star Route, New Meadows, ID

Source: SPRINGS

Date Filed: May 4, 1978

County: Idaho County

Amount: 0.06 cubic feet per second

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 T22N-R1E B.M.

Use: irrigation of 3 acres from May 1 to Oct 1

Place of Use: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 T22N-R1E B.M.

Means: pipeline to sprinklers

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT .

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

RECEIVED

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before June 5, 1978.

C. STEPHEN ALLRED

Director

Published in the Idaho County Free Press, Grangeville, ID
on May 17, 1978 and May 24, 1978.

MICROFILMED

IDENT. NO. 78-7109

WATER RIGHT
DATA ENTRY LOG

[illegible]