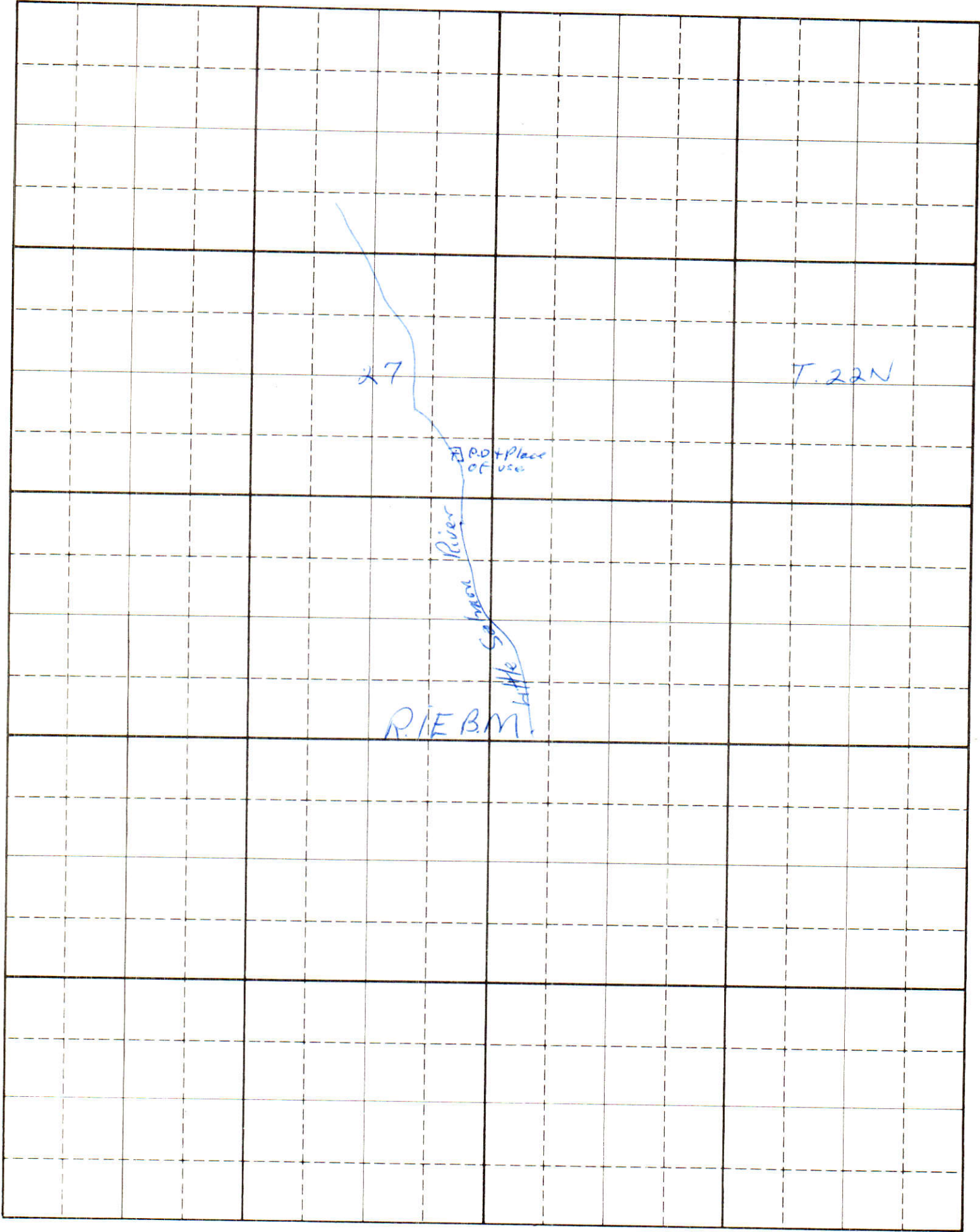


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Gilbert Shaw
(Applicant)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that GILBERT &/or ERMA SHAW Council, ID has on December 22, 1976 submitted Application No. 78-7088 for a permit to appropriate 0.05 cubic feet per second of water from Little Salmon River Trib. to Salmon River by means of Pump & sprinkler system within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 T22N-R1E B.M., Idaho County to be used from May 1 to Oct. 31 for irrigation of 2.3 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 T22N-R1E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before January 23, 1977.

R. KEITH HIGGINSON
Director

Published in the Idaho
County Free Press,
Grangeville, ID on January
5, 1977 and January 12, 1977.

OK
1-25-77

AFFIDAVIT OF PUBLICATION

.....Nona Doanldson..... 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 5th..... day of January....., 1977....., and the last publication on the 12th..... day of January....., 1977.....; 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. Doanldson.....

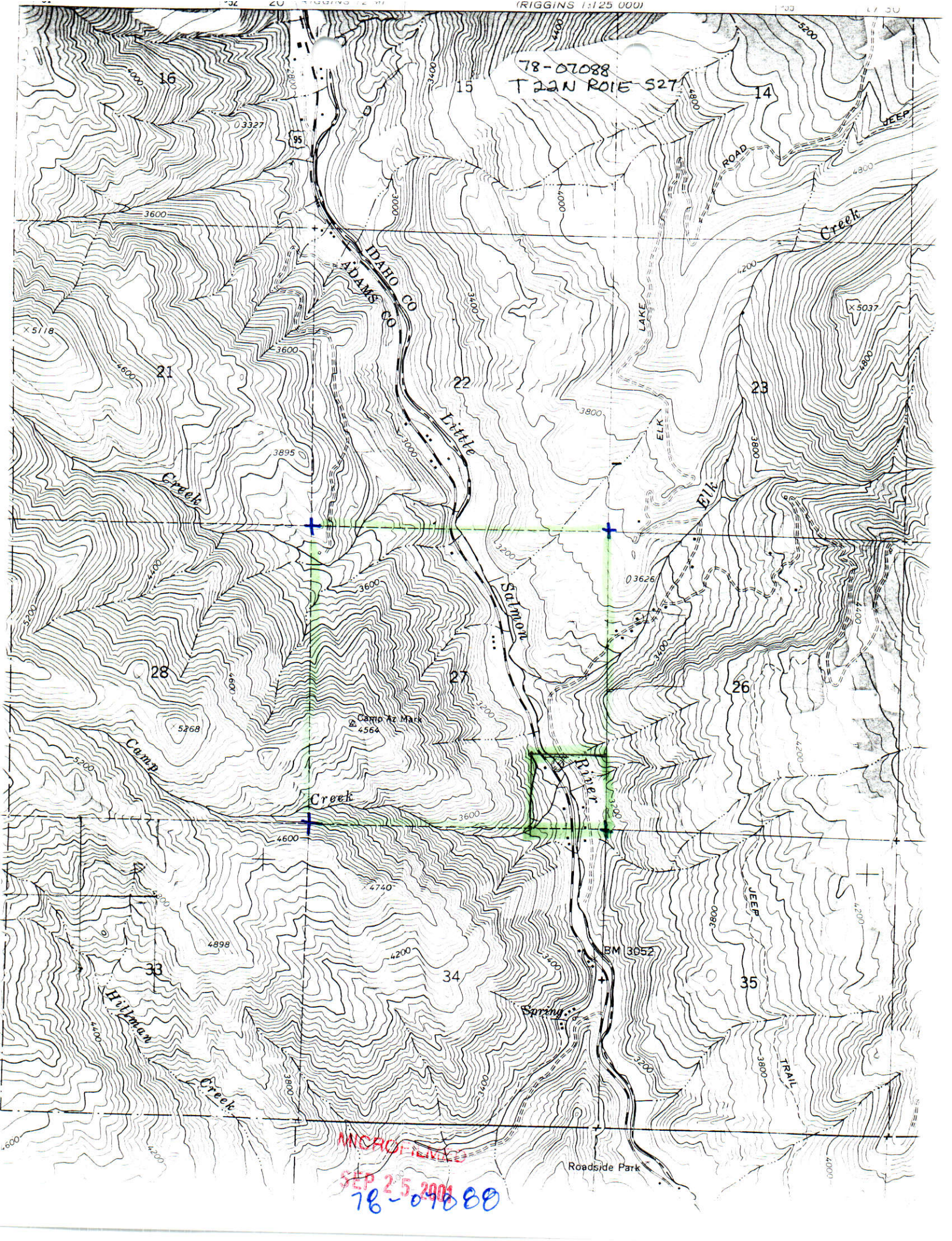
Subscribed and sworn to before me this 12th..... day of January....., 1977.....

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

RECEIVED
JAN 25 1977

Department of Water Resources
Western Regional Office

RECEIVED
JAN 25 1977



78-07088
T 22N R 01E S 27

MICROFILMED
SEP 25 2001
78-07088



PHOTOGRAPHER AND DATE OF PHOTOS P. D'Inicucci 07/21/1998

FILE NO. AND LEGAL DESCR. 78-07088 T22N R1E S27 SESE



Well house

(A78-10193)

No pump found -
no beneficial use
of any kind
found.

Area has been
rowed down,
but no
diversion, pipes,
ditches, or
sprinklers found.

MICROFILMED
SEP 25 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 78-07088

Priority: December 22, 1976

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 1.5 AF

It is hereby certified that ERMA SHAW
GILBERT SHAW
PO BOX 234
COUNCIL ID 83612 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of
Beneficial Use on October 17, 1985. An examination indicates that the works have a diversion capacity
of 0.03 cfs of water from:

SOURCE

LITTLE SALMON RIVER

Tributary: SALMON RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	1.5 AF

LOCATION OF POINT OF DIVERSION:

LITTLE SALMON RIVER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Twp 22N, Rge 01E, B.M. IDAHO County

PLACE OF USE: IRRIGATION

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	01E	27																	.5
																			.5

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
2. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 29TH day of JUNE, 2001.

MICROFILMED

SEP 25 2001


KARL J. DREHER
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 17 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 78-7088

Name(s) of Permit Holder: GILBERT OR ERMA SHAW

Post Office Address: P O BOX 234

COUNCIL ID 83612 Telephone No. 253-4529

Source of Water: LITTLE SALMON RIVER

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 2.3 ACRES (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: Oct 1, 1985

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

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

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

MICROFILMED

DELPHA HUTCHISON
(Name)

P O BOX 234 406 BERKLEY COUNCIL ID 253-6081
(Address) 83612 (Telephone Number)

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

Oct 8, 1985
Date

Erma Shaw
Signature of Permit Holder (and Title, if appropriate)

1-22-85
JH

SHAW
Box 234
COUNCIL, ID 83612



Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

new year

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

SEP 15 1981

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Gilbert W Shaw of Council Idaho Goodrich Rt.
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 78-7088
~~67-4071~~.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before January 1, 19 82.

That he has heretofore performed the following work described under said permit: _____

Bought the Pump and Pipe
and am waiting on the electric power to be put in.

Costing \$ 950

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Waiting on the power to be put to the land
and then I had a heart attack which the Dr
will not let me ~~work~~ work yet.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to January 1, 19 86.

Gilbert W Shaw
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to January 1, 1987.

Signed this 5th day of October, 19 81.

MICROFILMED

A. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by tg Date 9-30-81 Receipt # 20441

Identification No. _____

Application No. 78-7088

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Gilbert &/or Erma Shaw Phone: 253-4529
post office address Goodrich Route, Council, ID
2. Source of water supply Little Salmon River which is a tributary of Salmon River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 22N
Range 1E B.M. Idaho County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.05 for Irrigation purpose from May 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.05 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump & sprinkler system

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

6-11-78

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

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	27																2.3	2.3

Total number of acres to be irrigated 2.3

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

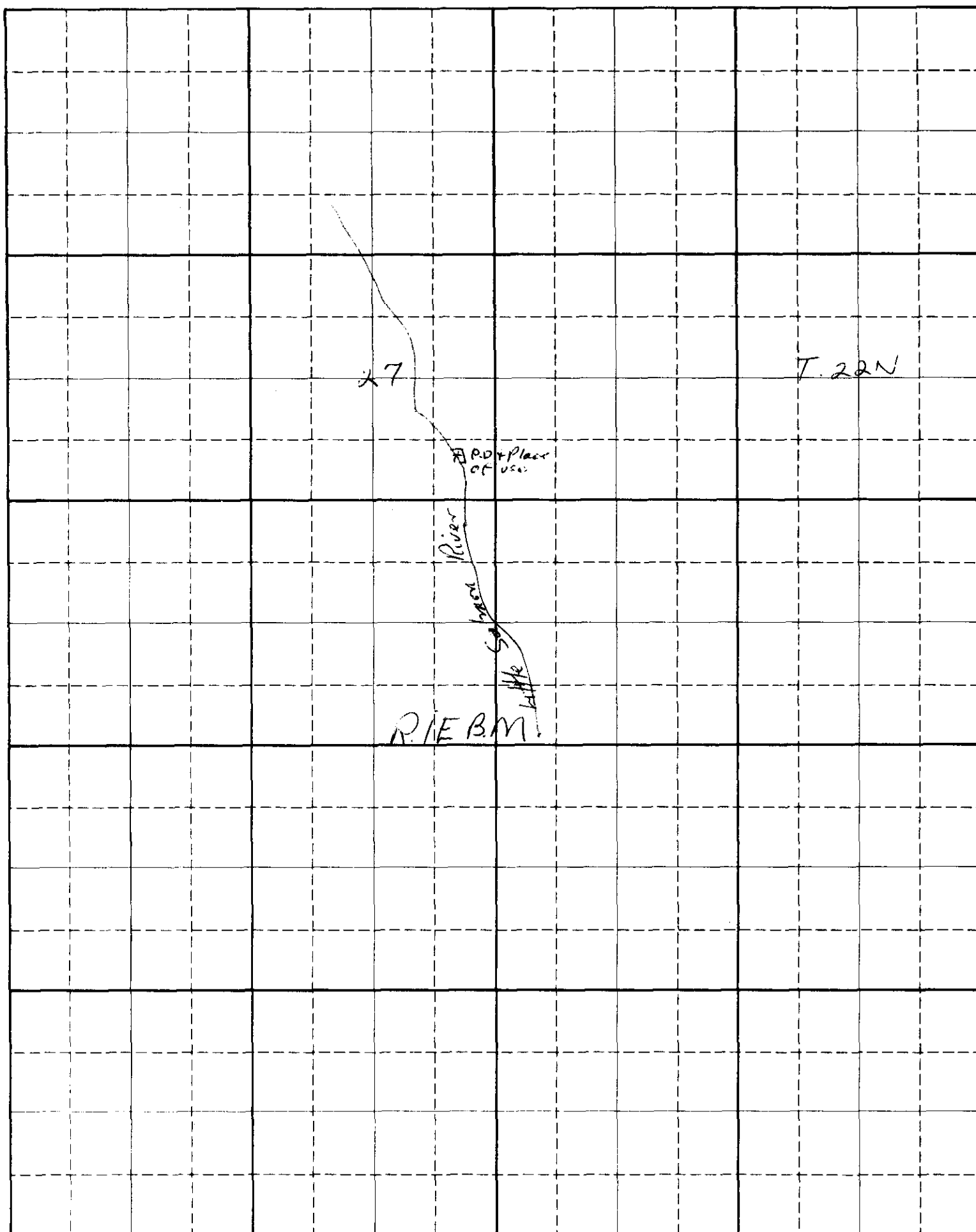
9. a. Who owns the property at the point of diversion Applicant

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.

Gilbert Shaw
(Applicant)

Proposed Priority 12-22-76

Received by RW Date 12-22-76 Time 3:20 P.M.
Preliminary check by RW Fee \$ 10.00 # 6145
Receipted by CS Date 12-22-76
Publication prepared by CS Date 12-29-76
Published in Idaho County Free Press
Publication dates Jan 5, 1977 + Jan 12, 1977
Publication approved rf Date 1-25-77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by THH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

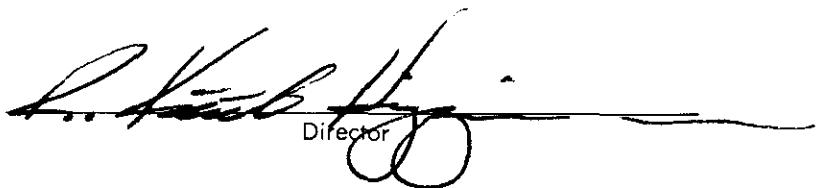
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 78-7088, and said application is hereby APPROVED.

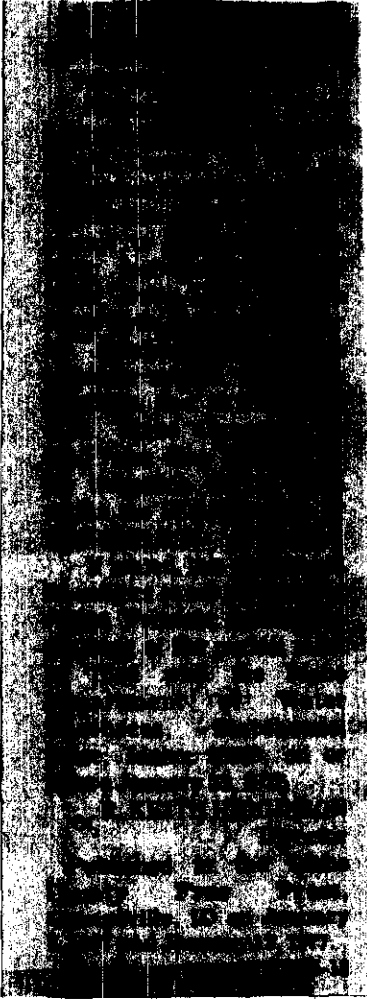
1. Approval of said application is subject to the following limitations and conditions:

- 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 January 1, 19 82.
- c. Other: _____

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

Witness my hand this 31 day of January, 19 77.


Director



AFFIDAVIT OF PUBLICATION

.....Nona Doanldson..... 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^{5th} day of January....., 197⁷....., and the last publication on the^{12th}..... day of January..... 197⁷.....; 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. Doanldson*.....

Subscribed and sworn to before me this^{12th} day of January....., 197⁷.....

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

IDAHO COUNTY
CLERK
JAN 17 1977



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2001

ERMA SHAW
GILBERT SHAW
PO BOX 234
COUNCIL ID 83612

RE: License No. 78-7088 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

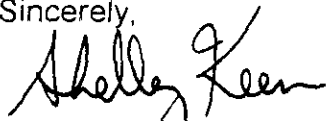
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

SEP 25 2001

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: DELPHA J HUTCHISON
PO BOX 293
COUNCIL ID 83612-0293

MICROFILMED
SEP 25 2001

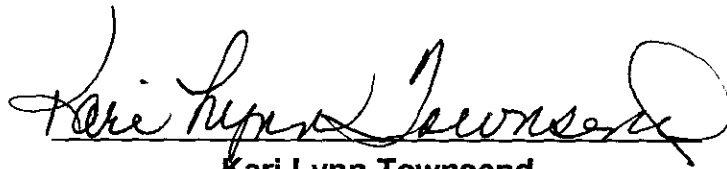
CERTIFICATE OF MAILING

I hereby certify that on July 2, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 78-7088

**GILBERT SHAW
ERMA SHAW
PO BOX 234
COUNCIL ID 83612**

**DELPHA J HUTCHISON
PO BOX 293
COUNCIL ID 83612-0293**


**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 26 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
SEP 25 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

78-7088

1. skeen 6/28/2001 License Review

Comment: License Review and data entry by S. Keen on 6/28/2001. Examiner found no beneficial use, but the right holder submitted enough information to demonstrate that IDWR would have found use if the examination had been done timely. Examination was not done until 13/after proof was submitted. System capacity and acreage are estimates based on my conversation with the right holder.

MICROFILMED

SEP 25 2001

RECEIVED 27-01

To whom it may concern

JUN 28 2001

Department of Water Resources

I Edward Ludwig being a Resident
of Adams County for 69 yrs do
swear by the following statement. Being
a steelhead fisherman for many years I
sighed the hole ^(on the Little Salmon) concerning the property
being questioned. There were people
living on this property most of the
time.

Sincerely
Ed Ludwig

MICROFILMED

SEP 7 5 2001

RECEIVED

JUN 28 2001

Department of Water Resources

Dear Sir:

In reference to your letter for water appropriation permit 78-07088 in the name of Gilbert or Erma Shaw for 2.3 acres on the Little Salmon River.

As I informed you in our conversation on the phone June 12, 2001, Mr Shaw passed away in 1981 and Mrs Shaw passed away in 1991. I am their only heir and the property is recorded in my name at this time. The water Right License for the water rights both on the well for domestic use and the river appropriation was filed by me at the time it was required.

In 1985 I sent you notification we had completed the requirement of beneficial use at that time. I was told by your office that you were very short handed and could not make the required inspection at that time. Shortly after I notified your office I rented the property for a few years. I supplied the renter with a pump irrigation pipe to irrigate their lawn and a large garden spot & berry patch. The irrigation pipe is still on the property and the under-

MICROFILMED

1.
ground water source is still available to supply power to a 220 amp irrigation pump at the pump sight.

My pump house where the pump was stored in the off season was broken into and the pump was stolen along with my well pump. After the pumps were stolen I decided not to rent the property again as it was too difficult to police the property as I was living in Oregon at that time. I have since retired and will be living on the property during the summer months and would like to keep my water rights in the river for irrigation purposes as needed. I intend to plant some fruit trees on the property later.

I feel that I completed my requirements at the time the permit was issued and if the inspection had been done in a timely manner instead of almost 13 years later this situation would not of come to pass.

Enclosed is a letter from an ~~old~~ individual who observed a residence on the property after your beneficial use notification

MICROFILMED
SEP 23 2004

Sincerely,
Delpha J. Hutchison
P.O. Box 293 Council Id. 83612

MEMORANDUM

DATE: June 12, 2001

TO: Water Right File 78-07088

FROM: Shelley W. Keen *SWK*

RE: Phone call from Delpha Hutchison

Delpha Hutchison is the daughter of Gilbert and Erma Shaw, holders of permit 78-07088. Mr. and Mrs. Shaw are both deceased. Ms. Hutchison called today to assure me that a lawn and garden were irrigated prior to proof of beneficial use being submitted in 1985. The property ceased to be irrigated when the permit holders died, shortly after proof was submitted. Ms. Hutchison feels sure that if our examiner has appeared timely, she would have seen evidence of beneficial use. Ms. Hutchison said she has no receipts or photos that would document the beneficial use, so I invited her to submit a notarized affidavit as evidence. Because forfeiture does not apply to permits, IDWR can issue a license if the evidence of beneficial use is found to be sufficient.

Ms. Hutchison also informed me that her new address is PO Box 293 in Council. I suggested that she send IDWR a signed request to change her address in our records.

MICROFILMED

SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 24, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GILBERT &/OR ERMA SHAW
PO BOX 365
WEISER ID 83672

RE: Water Appropriation Permit 78-07088

Notice of Intent to Void Permit

Dear Permit Holders:

On January 31, 1977, IDWR issued permit 78-07088 authorizing you to develop a right to divert 0.05 cfs from the Little Salmon River for the irrigation of 2.3 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 22 North, Range 1 East, B. M., Idaho County. Under the terms of the permit, the development was to have been completed by January 1, 1987. On October 17, 1985, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. However, on July 21, 1998, an IDWR field examiner reported that she could find no evidence that water has actually been used for the purposes described in your permit at the proposed place of use. Therefore, she could not verify that a beneficial use of water has been developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed an actual beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by October 17, 1985, in accordance with Permit 78-07088. If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(6) of the Idaho Code.

If you agree that no beneficial use of water occurred under permit 78-07088, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

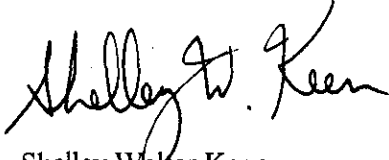
MICROFILMED

SEP 25 2001

May 22, 2001
Page 2

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

Respectfully,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED

SEP 25 2001

RECEIVED

AUG 16 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 78-7088

1. Owner: Erna Shaw Phone No. 253-4529

Current Address: PO Box 365 Weiser 83672 (SRBA claim)

2. Accompanied by: No one

Address: _____ **Phone No.** _____

Relationship to Permit Holder:

3. Source: LITTLE Salmon tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

NO DIVERSION FOUND

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use: NO USE FOUND

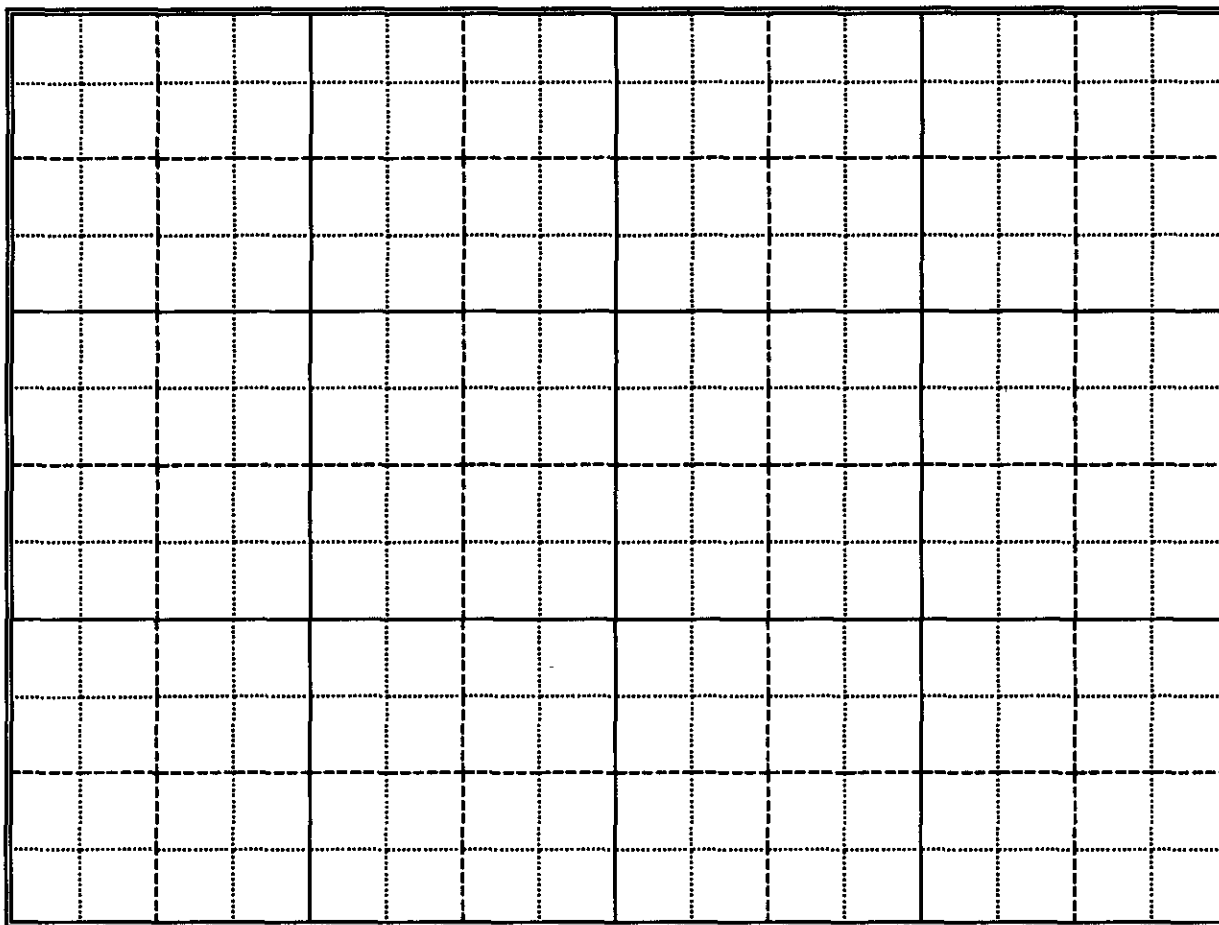
Indicate Method of Determination

[illegible]

SEP 25 2001

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SEP 25 2001

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

*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

2. **Measurements:** No measurements done. No diversion or beneficial use found.

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SEP 15 1981

E. NARRATIVE/REMARKS/COMMENTS

Well house found. No diversion on river found. No beneficial use found. Area around well house has been mowed but no evidence of irrigation - no pump, no pipes, no ditches, no sprinklers. IRS. Show indicated in Sept 9 1997 that irrigation had not occurred for approximately four years (see exam phone memo).

Property AKA tax 34 + 35, T22N R1E, Idaho County.

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

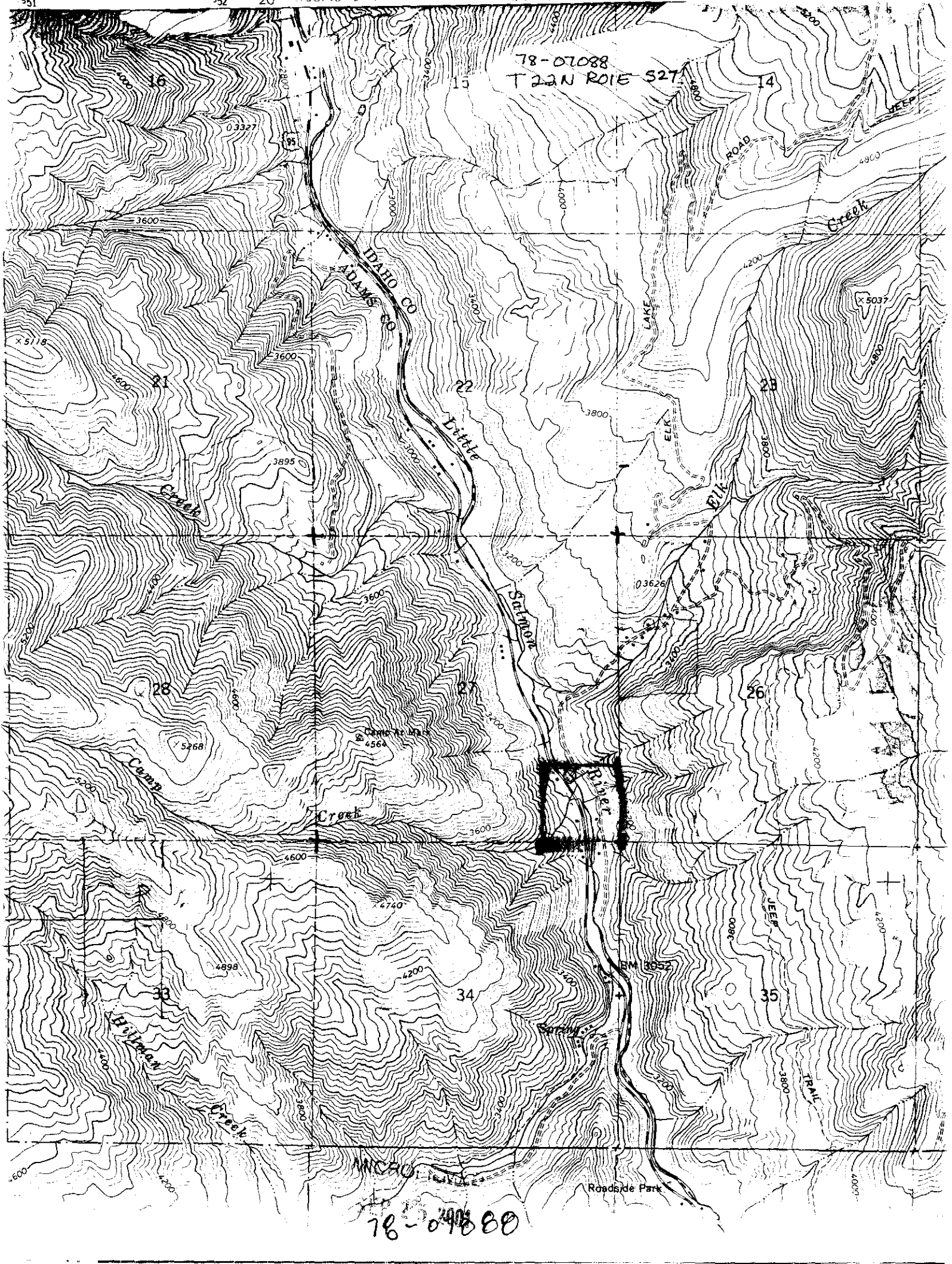
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SEP 25 2001

SEP 25 2001

78-07088
T 22N R01E S27



78-07088



PHOTOGRAPHER AND DATE OF PHOTOS R. D'Amico 07/21/1998

FILE NO. AND LEGAL DESCR. 78-07088 T22N R1E S27 SESE



well house

(A78-10193)

No pump found -
no beneficial use
of any kind
found.

Area has been
rowed down
but no
diversion, pipes,
ditches, or
sprinklers found.

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SEP 25 2001

FIELD NOTES

PERMIT NUMBER 78-07088

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

NOTE

~~Repeated attempts~~

1994 exam scheduling letter to address on
1987 proof returned by P.O. as wrong
address. See exam report for 1998 address info.

-SL 2/1/00

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SEP 25 2001

B/U EXAM SCHEDULING
PHONE MEMO

DATE 07/24/1997

PERMIT # 78-07088

NAME:

PHONE #:

WELL OR PUMP INFO

CASING:

HP: 3

SWL:

PWL:

SET DEPTH:

PSI:

ACRES IRRIGATED:

SPRINKLER INFO

LINE DIA:

HEADS:

NOZZLE SZ:

STOCK:

DOMESTICS:

OTHER USES:

OTHER RIGHTS:

(FOR BS63 GROUND WATER) SURFACE WATER USED?:

DIRECTIONS:

8/29/1997 Pump has been stolen, electric motor on pump. 220 plug-in

No irrigation this past season $\approx$ 4 years

Sprinklers

Lawn/garden/pasture

X Elk Lake Bridge. 1st property ~~is~~ upriver from bridge.

Brown pump house w/broken door

$\approx$ 4:30

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Trail

SEP 25 2001

EXAMINER

THINICVCEL

EXAM DATE/TIME: 7/21/1998

Stearns

Creamer

name

Neighbor above uses water w/out permit?

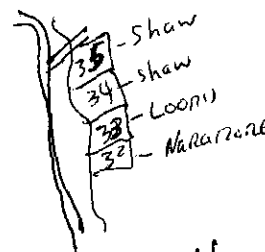
Narmore?

07/21/1998 Idaho County Assessor

TAX 34 Extra Shaw
SESE 527 TAZN RIE

$\approx$ 1.1 acre

TAX 35 Shaw $\approx$ 1.2 acre



No use by

Shaw

found.

No pump,

no Blu

4/86

RECEIVED

JUL 08 1987

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

KEYPUNCHED

For Office Use Only

Fee Received 4/11Date 4/11Receipt # 127Receipt by SKSent to S.O. 127**RECEIVED**

JUL 28 1987

1. Permit No. 78-7088

Department of Water Resources

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Gilbert &/or Erma Shaw3. Post Office Address: P. O. Box 234, Council, ID 83612Telephone No. 549-2433 - Delpha Hutchison4. Source of Water: Little Salmon River

5. Extent of Use:

Domestic (No. of households) Stockwater (No. and type of stock)Irrigation 1.5 (acres) Other/Remark 6. Total rate &/or volume for which proof is submitted 0.04 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

8. Person to contact to accompany the department representative during the field examination:

Delpha Hutchison

(Name)

Box 365, Weiser, ID

(Address)

see above

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

July 8, 1987

Signature of Permit Holder (and title, if appropriate)

Delpha Hutchison (daughter)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

78-7088
SHAW, GILBERT
SHAW, ERMA
P.O. BOX 234
COUNCIL, ID 83612

138367

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

SEP 15 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JANUARY 25, 1986

GILBERT SHAW
P.O. BOX 234
COUNCIL ID 83612

RE: Permit No. 78-7088

Dear Permit Holder:

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 examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED

SEP 25 2001



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

September 6, 1985

Erma Shaw
Council, ID 83612

Re: Permit No. 78-7088

Dear Ms. Shaw,

Please find enclosed, per your letter of August 30, 1985, a proof of beneficial use form.

Please send us for our records a copy of the document which appoints you as personal representative for Gilbert Shaw.

If you have any questions, please contact this office.

Sincerely,

LINDA D. SMITH
Receptionist

Enclosure

MICROFILMED

Aug. 30, 1985

Dear Sir. Please send me a statement of official use form for Permit No. 78-7088. I have the power installed to the pump sight as of last week. I will have the pump in place in the very near future.

Since the extension request was granted Gilbert Shaw has deceased and the property deed is now recorded in Idaho County under my name, Erma Shaw

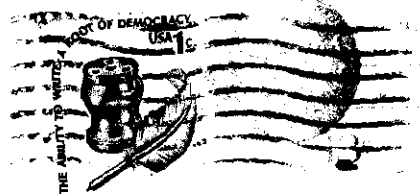
P. O. Box 234

Council, Idaho 83612

Sincerely:

Erma Shaw

MICROFILMED



RECEIVED

SEP 3 1985

State of Idaho
Department of Water Resources
Statehouse
Department of Water Resources
Boise Idaho 83720

© USPS 1981

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 78-7088
Name(s) of Permit Holder(s): GILBERT SHAW
Post Office Address: HC 62 Box 1800
COUNCIL ID 83612 Tel. No. 253-4529

☒ I hereby certify that construction of diversion works for the above referenced permit began on June 15, 1983 (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*:

Gilbert Shaw permit holder
Deceased 1981

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

JUNE 25 1983
Date

Erma Shaw
Signature of Permit Holder

Executor

COLORADO

GILBERT YAW

HC-62 Box 180

COUNCIL, ID



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

October 14, 1981

Gilbert W. Shaw
Goodrich Route
Council, ID 83612

Dear Mr. Shaw:

Re: Permit No. 78-7088

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to January 1, 1987.

Also enclosed is receipt No. 20441 in the amount of \$15.00.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

MICROFILMED

February 2, 1977

Re: Permit No. 78-7088

Gilbert &/or Erma Shaw
Goodrich Route
Council, ID 83612

Dear Mr. and Mrs. Shaw:

Enclosed is a copy of your approved Application for Permit No. 78-7088 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

RECEIVED
FEB 10 1977
WATER RIGHTS
DIVISION

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 78-7088

☒ 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

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
Papers Sent

(1) RWH 12-22-76

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

(4) RWH 12-22-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use None

(10) _____

Comments: _____

(11) if OK

Affidavit of Publication received(date) 1-25-77

(12) if

Final date for protests 1-23-77

Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By

WJH

Date

1-26-77



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

December 30, 1976

Re: Notice of Application for Water Permit No. 78-7088 -- Gilbert &/or Erma Shaw

Idaho County Free Press
Box 257
Grangeville, ID 83530

Gentlemen:

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

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

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

Sincerely,

(Signature of Claimant)

Bill submitted

1-23-77

4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that GILBERT &/or ERMA SHAW
Council, ID
has on December 22, 1976 submitted Application No. 78-7088
for a permit to appropriate 0.05 cubic feet per second ~~acres feet~~
~~XXXXXX~~ of water from XXXX Little Salmon Rive Trib. to Salmon River
by means of Pump & sprinkler system
within the SE¹SE¹ Sec 27 T22N-R1E B.M., Idaho County

to be used from May 1 to Oct 31
for irrigation of 2.3 acres

within the SE¹SE¹ Sec 27 T22N-R1E B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Idaho Depart-
ment of Water Resources, Statehouse, Boise, Idaho, 83720, on or before
January 23, 1977.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, ID
on January 8, 1978 and January 12, 1977.