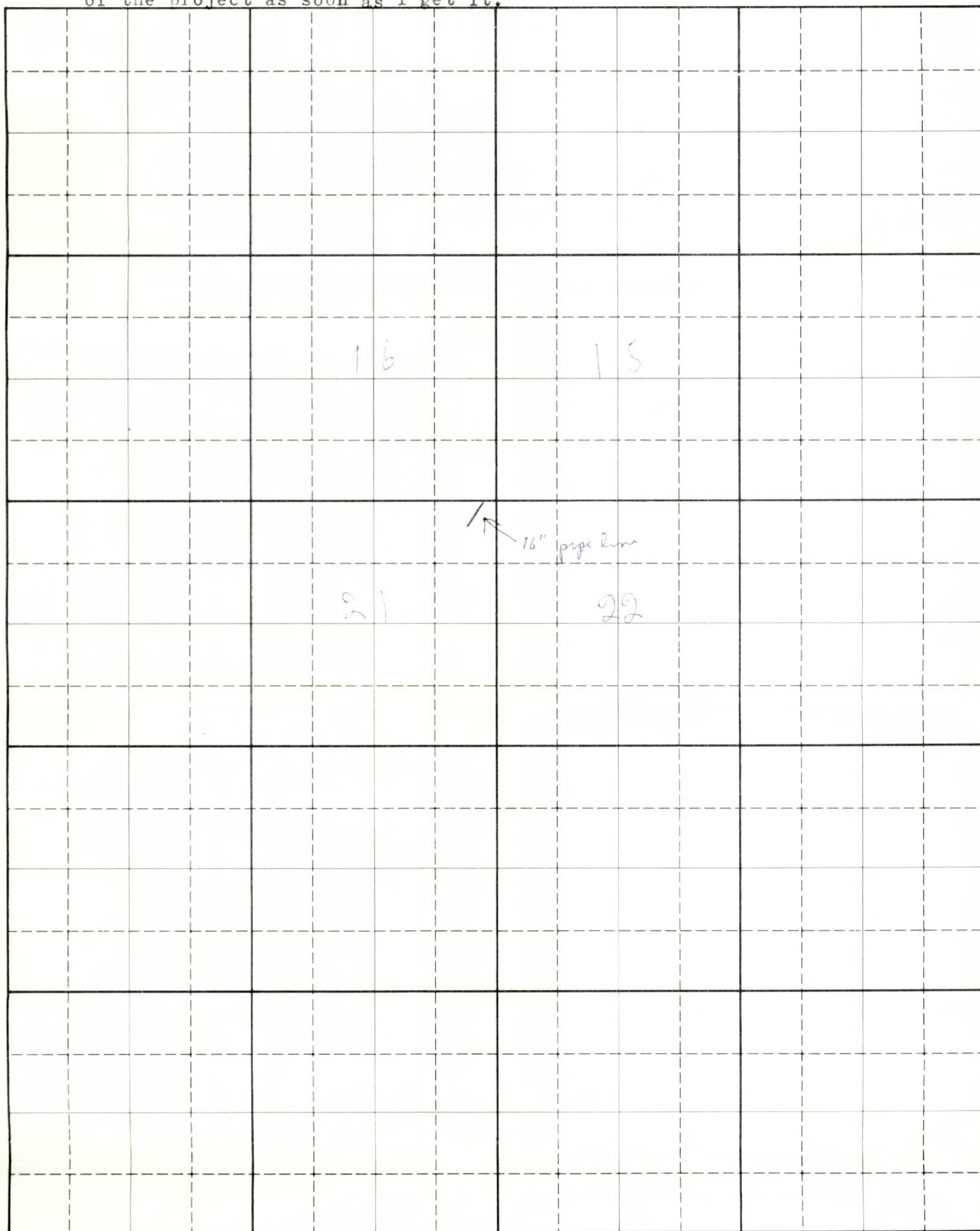


11. Map of proposed project: please note: I will be sending you an aerial photograph of the project as soon as I get it.



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.

(Applicant)

27-7013

RECEIVED

AUG 19 1969

Department of Reclamation

AFFIDAVIT OF PUBLICATION

_____ Gary D. Cash _____ being first duly sworn, says ~~he~~ she is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of August, 1969, and the last publication on the 14th day of August, 1969; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Gary D. Cash

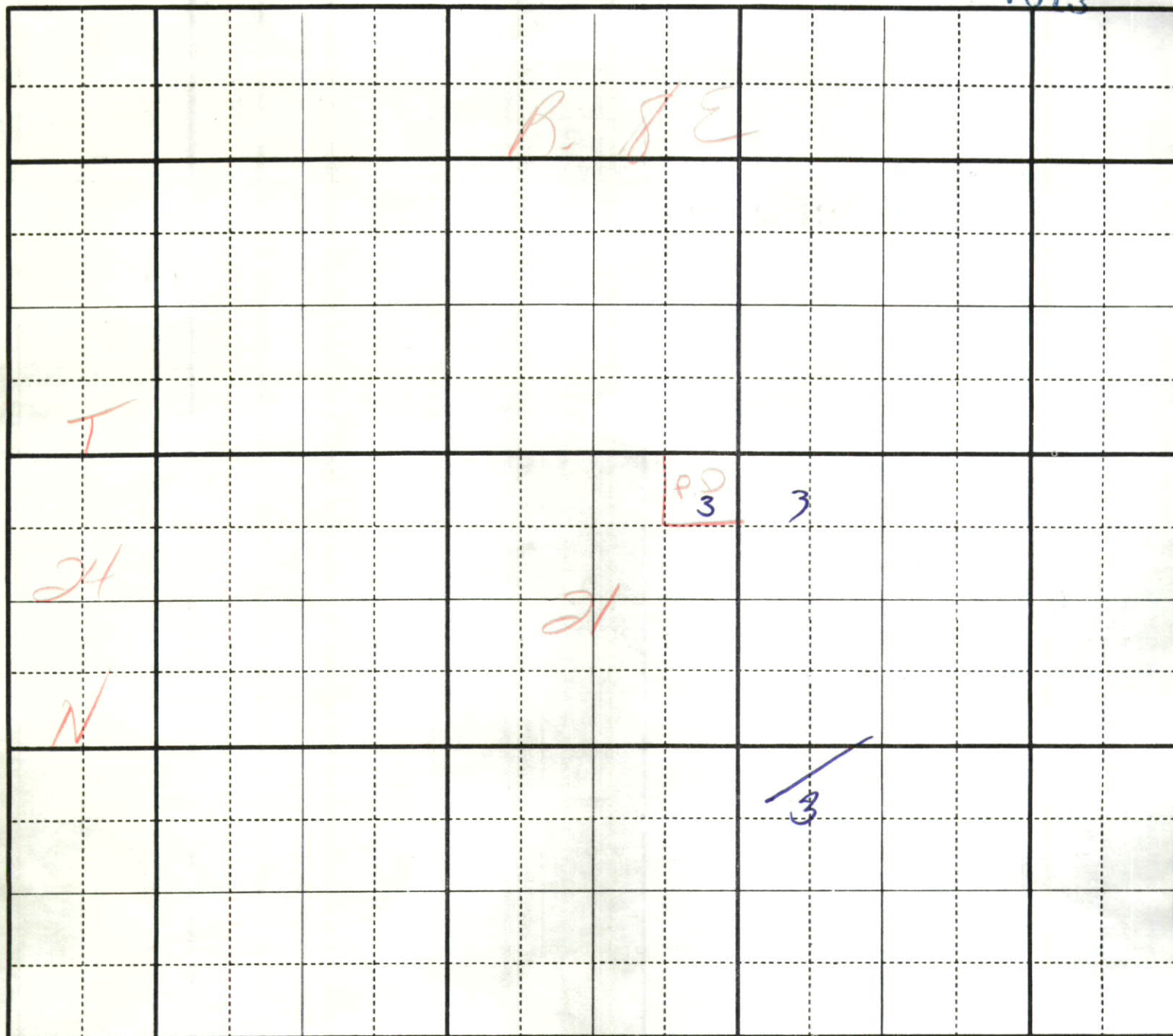
Subscribed and sworn to before me this 14th day of August, 1969

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

**NOTICE OF APPLICATION
FOR WATER**
Notice is hereby given that Rodney T. Cox, Salmon River Star Route, McCall, Idaho, has on July 22, 1969, applied for permit under application No. 77-7013 to divert 8.12 cubic feet per second of water from Five Mile Creek tributary of Salmon River. Water will be diverted by pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N, R. 8 E, B. M., Idaho County and is to be used from January 1 to December 31 for power, stockwater and domestic purposes; and from May 1 to November 1 for irrigation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N, R. 8 E, B. M.
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho County Free Press, Grangeville, Idaho on August 7 and August 14, 1969. A7-14

*Bill submitted
8-22-69*

77-7013



DATE

EXAMINATION RECORDS

Diagram of System

Salmon River

by: _____

by: _____

by: _____

by: _____

5 Mile Creek

Place of Use

House

[Handwritten signature]

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 77-7013 Priority July 22, 1969 Amount 8.08 cfs

THIS IS TO CERTIFY, that RODNEY T. COX
of McCall, Idaho, has complied with the terms and conditions of Permit
No. 77-7013 issued pursuant to Application for Permit dated July 22, 1969
and has submitted proof to the Department of Water Administration on June 21, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 8.08 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Five Mile Creek
tributary of the Salmon River, is hereby confirmed in the following amounts:

Amount 8.0 cfs for Power from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.06 cfs for Irrigation from May 1 to Nov. 1 (both dates inclusive)

Amount 0.02 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

0.02 cfs Stockwater Jan. 1 Dec. 31
Subject, however, to the condition that no more than 8.08 cfs of water be diverted at

any one time, said waters to be diverted within the

NE $\frac{1}{4}$ NE $\frac{1}{4}$ (unsurveyed), Sec. 21, Twp. 24N, Rge. 8E, B.M.

in the county of Idaho; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 13.5 acre feet per year or

4.5 acre feet per acre. for irrigation; 0.6 acre feet for domestic; 1.0
acre feet for stockwater; and 5791.82 acre feet for power with the total amount
Description and location of place of use: not to exceed 5806.92 acre feet per year.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24 N	8 E	21	3															3	
			X	(domestic power & stockwater)															

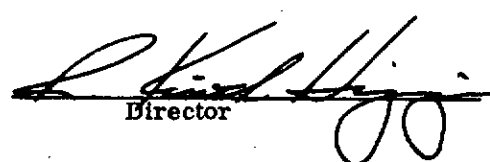
Total number of acres irrigated 3

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

August, 19 72.


Director

77 7013

LICENSE ISSUED FOR 8.08 SEC. FT.
LICENSE PAGE NO. _____

Identification No. 77-7013
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Rodney T. Cox
post office address Salmon River Star Route, McCall, Idaho 83638
2. Source of water supply Five Mile Creek which is a tributary of Salmon River
N.E. 930' from mouth of creek
3. a. Location of point of diversion is unsurveyed of N.E. ¼ of Section 21 Township 24N
Range 8E B.M. Idaho County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Salmon River at a point in unsurveyed
of N.E. ¼ of Section 21 Township 24N Range 8e B.M. _____
4. Water will be used for the following purposes:
Amount 8.0 for power purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.1 for irrigation purpose from May 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum) strawberry Jan 1 Dec 31 (1st year)
5. Total quantity to be appropriated:
a. 8.12 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 16" inch pipeline into creek
will go to generator

b. Height of storage dam none feet, active reservoir capacity none acre feet; total reservoir capacity none acre feet, materials used in storage dam: none
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 \$ 10,000-
8. Description of proposed uses:
a. If water is **not** for irrigation: Survey 3365-B -unsurveyed
(1) Give the place of use of water: N.E. ¼ of N.E. ¼ of Section 21 Township 24N
Range 8 E. B.M.
(2) Amount of power to be generated: 10kw hp under 30 feet of head.
(3) List number of each kind of livestock to be watered 8 hordes

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

77-7013

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

[illegible]

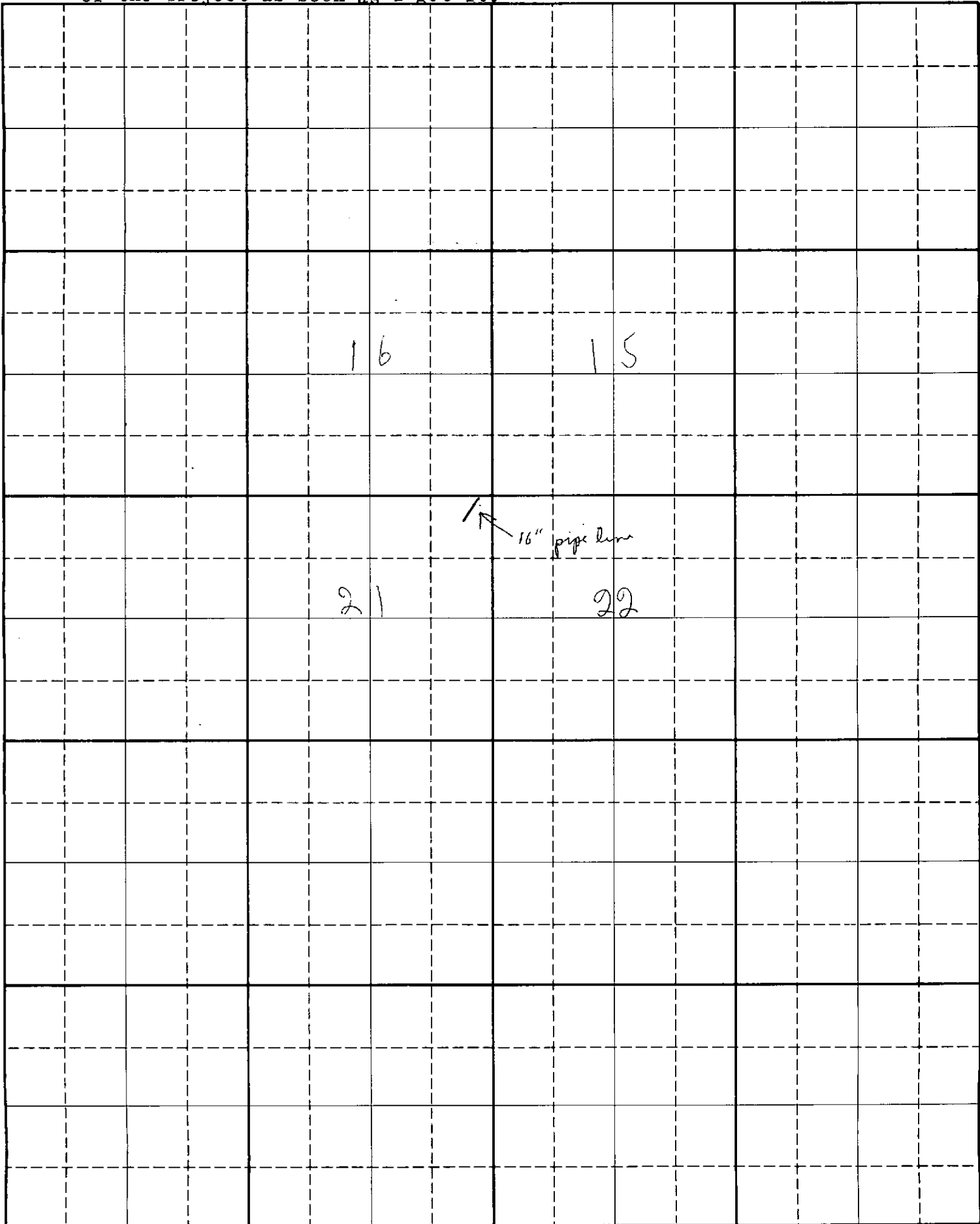
Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes_____

9. a. Who owns the property at the point of diversion Federal Government-Land use permit applied for.
b. Who owns the land to be irrigated or place of use Rodney T. Cox, Chana Cox,
Sylvan A. Hart
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing part owner

10. Remarks _____

11. Map of proposed project please note: I will be sending you an aerial photograph of the project as soon as I get it.



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.

Rodney T. Cox
(Applicant)

77-7013

Received by ef Date 7-22-69 Time 8:00am
Preliminary check by DW Fee \$ 60.00
Receipted by ef Date 7-22-69
Publication prepared by dw Date 7-28-69
Published in Shabo Co. Free Press
Publication dates 8-7 + 14-69
Publication approved dw Date 7-31-69
Priority reduced to _____ Reason _____

Acceptable with out
Residence Affidavit as
per Bill Collins
Affidavit was received
prior approval.

Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by AK DW

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 77-7013, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 75.
- Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 17th day of June, 19 70.

P. Keith Hays
State Reclamation Engineer

RECEIVED

RODNEY T. COX INVESTMENT COMPANY

SALMON RIVER STAR ROUTE

MCCALL, IDAHO 83638

PHONE: 208-344-0497

JUL 22 1969

Department of Reclamation

July 16, 1969

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Many thanks for your letter of July 11th. Enclosed you will find my check for \$60-

I have also included stockwatering as per your suggestion.

I am an Idaho resident-and have been for the past three years. I live a major trip from a Notary- and wonder how this should be handled.

I have an Idaho Drivers License no 543-46-2031 that expires 8-7-70, I have an Idaho Insurance Agents License No.7855(resident), I have filed Idaho personal income tax forms for the past 3 years. I am a property holder and have voted in the state for the past 2 years.

My Uncle, Sylvan A. Hart(Buckskin Bill) who is 1/3 owner of the property upon which the system is being built has been a resident since 1932.

I will send you the affidavit as soon as I can get to a Notary. I hope that this is sufficient.

Rodney T. Cox

77-7013

RECEIVED

AUG 18 1969

Department of Reclamation

AFFIDAVIT OF PUBLICATION

..... Gary D. Cash being first duly sworn, says ~~he~~ is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of August 1969, and the last publication on the 14th day of August 1969; 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.

NOTICE OF APPLICATION FOR WATER
Notice is hereby given that Rodney T. Cox, Salmon River Star Route, McCall, Idaho, has on July 22, 1969, applied for permit under application No. 77-7013 to divert 8.12 cubic feet per second of water from Five Mile Creek tributary of Salmon River. Water will be diverted by pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N., R. 8 E., B. M., Idaho County and is to be used from January 1 to December 31 for power, stockwater and domestic purposes; and from May 1 to November 1 for irrigation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N., R. 8 E., B. M.
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho County Free Press, Grangeville, Idaho on August 7 and August 14, 1969. A7-14

Subscribed and sworn to before me this 14th day of August 1969

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

Bill submitted
8-22-69

77-7013

November 15, 1990

Rodney T. Cox, Ph. D.
23545 N.W. Skyline Boulevard
Hillsboro, OR 97124-9204

Dear Dr. Cox:

Re: Permit No. 77-2210 and Licensed Right No. 77-7013

Per your request, enclosed is a copy of Permit No. 77-2210 which was submitted to the Department on January 5, 1967. Since being issued, a number of requests for extension of time have been granted and it has not been perfected into a license. Note either a request for extension of time or proof of beneficial use form is due on or before January 1, 1990 as per the notice sent to you on October 31, 1990.

Water Right No. 77-7013 is perfected into a license and you have also filed a Claim to a Water Right in the Snake River Adjudication. It appears that you have complied with Idaho's water law at this time.

If you have any questions, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RODNEY T. COX, Ph.D.
23545 N.W. SKYLINE BOULEVARD
HILLSBORO, OREGON 97124-9204
(503) 621-3380

7"7

November 5, 1990

Rita Fleck
Secretary/Records Manager
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
NOV 8 1990

Department of Water Resources

RE: License of Water Right No. 77-7013 and Permit No. 77-02210.

Dear Ms. Fleck

Enclosed is a copy of License of Water Right No. 77-7013. Please inform me if this is in full effect and current, and if there is anything further required in the future to maintain this license.

As for Permit No. 77-02210, would you please inform me which waterways this permit pertains to. Perhaps it would be possible for you to send me a description of the waterways covered by this permit, or simply copies of the permit application filed with your office.

Thank you in advance for your prompt co-operation in this matter.

Sincerely,

Rodney T. Cox

[Handwritten signature]

August 30, 1972

Re: Permit No. 77-7013

Mr. Rodney T. Cox
P.O. Box 221
Grangeville, Idaho 83530

Dear Mr. Cox:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

77 7013

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 3, 1972

Mr. Rodney T. Cox
P. O. Box 221
Grangeville, Idaho 83530

Dear Mr. Cox:

A representative of this Department has made an examination of the works covered by your Permit No. 77-7013 and has found the following:

Quantity of water diverted: 8.08 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 8.08 cfs

The maximum quantity diverted shall not exceed 5806.92 acre feet per season.

Beneficial use: Power, domestic, stockwater and irrigation of 3 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (unsurveyed), Sec. 21, Twp. 24 N, Rge. 8 E, B. M.

Point of diversion: Same as above

The priority date established is: July 22, 1969

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

77 7013

FIELD REPORT

- [illegible]

Handwritten notes on a grid background:

- Top center: $R. H.$
- Left side, middle row: T
- Left side, bottom row: N
- Center, middle row: 21
- Center, bottom row: 21
- Right side, middle row: $P. 3$
- Right side, bottom row: 3

EXAMINATION RECORDS

~~Diagram of System~~

Salmon River

by:

_by:

by

by

5 Mile Creek

place of use

House

N

26

DATE OF EXAM June 72

ACREAGE

Found 3 AcresRecommended 3 AcresIrrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 0.06 c.f.s. V = 13.5 AF/Ann. from Mar 1 to Dec 1
 Domestic Q = 0.02 c.f.s. V = 0.6 AF/Ann. from 1 Jan to Dec 31
 Livestock Q = 0.02 c.f.s. V = 0.6 AF/Ann. from 1 Jan to Dec 31
 Power 8.0 CFS V = 5840 AF/Ann from 1 Jan to Dec 31

Is water co-mingled? yes no

Name source: Five Mile Creek
 twp. 24 N/S, Rge 8 E/W, B.M., Sec. 21, Sub. NE 1/4 NE 1/4 Idaho
Unsurveyed County

Exchange? yes no

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

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

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

Total Q measured 8.08 CFS Method of measurement Submerged OrificeTotal Q recommended 8.08 cfs Meter No. _____ Type _____ Condition _____Total V recommended 5853 AcFt/Ann

Recommended Amendments:

P.D. _____
 Place of Use _____
 Other _____
None

This system could ~~divert~~
 as much water as desired
 controlled by submerged
 rectangular orifice

MEASUREMENT CALCULATION:

$Q = 0.70 A \sqrt{2gH}$ Cross Section Area = 3.0 ft²
 $Q = 8.08$ @ 0.23 feet Head
 $V = 5840 + 13.5 + 1.2 = 5853.62$

SYSTEM DESCRIPTION:

Concrete Headgate with variable opening forms
A submerged orifice and diversion structure from
Five mile Creek. 3' 6" wide. Ditch runs 300 feet to
concrete headbox 4' wide, 6' deep x 8' long. Then into
16" steel 8 gauge 5' 7 1/2' long to power turbine. 10 KW
Leffel water turbine

REMARKS:

Water Ram for domestic system can pump 9600 gals per
day into two pressure tanks - supplies water for fire protection

Power: KATO AC Generator 10 KW 12.5 K.V.A. 110/220 (running 120-208)
Butterfly Valve controls water to turbine. Solid State Voltage Regulator

Examiner's Signature James Barker Date 28 June 72

Checked by _____ Date _____

Approved by _____ Date _____

NOTE: Please Rush 77 7013

Federal Suit Pending on or about August 15, 1972

TO the time & vol. As Me! 11.13

Submerged Orifice

July 6, 1971

Re: Permit No. 77-7013

Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for Permit 77-7013.

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

If we may be of any assistance at any time, please feel free to contact us.

Very truly yours,

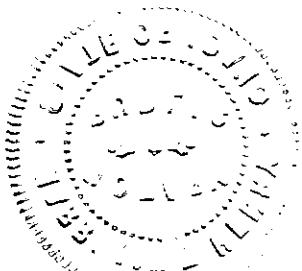
Donald W. McEldowney
Appropriation Supervisor

DWM:DR

77 7013

Identification No. _____

Permit No. 77-7013



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

JUN 27 1969

1. a) Name of Permit Holder Rodney T. Cox
b) Post Office Address Salmon River Star Route, McCall, Idaho 83638 Department of Water Administration
2. Permit Number 77-7013
3. Date of Priority that you are prepared to establish 7-22-69
4. a) Source from which water was appropriated Five Mile Creek-tributary of Salmon River
N. E.
b) Location of the point of diversion: unsurveyed N. E. 1/4, Section 21
Township 24N, Range 8E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 8.0 for power purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .02 for domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
.02 stockwater Jan 1 Dec 31
amount .10 for irrigation purposes from May 1 to Nov 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8.14 + 10% cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Measured by use of weir according to tables and instructions given by James Leffel and Co. Qualifications: PhD Columbia University, Operations Research 1969.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Loose rubble in creek to divert to ditch-thence to drop pond- to pipe line to hydro and water ram-to mill race to river.
b) Describe the type and size of measuring device which you have installed on mill race ~~at your point of diversion:~~
standard weir- I am in process of installing weir at point of diversion.
c) Give well drillers name and address and date the well was completed, _____

77 7013

exam typed 10-4-71
npl

77 7013

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Power: 10kw Leffel water turbine- Domestic Water: 1 1/2" water ram - overflow used for irrigation- Stockwater: no specific installation.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: unsurveyed; irrigating 5 acres-N. E. 1/4, N. E. 1/4 Section 21, Township 24N

Range 8 E

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	

Total number of acres irrigated under 5

10. Remarks: _____

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

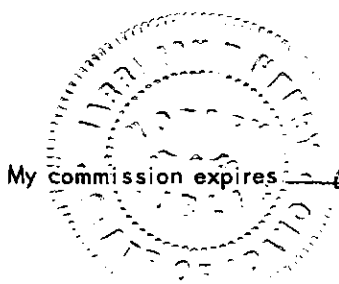
May 24, 1971
(Date)

Rodney T. Cox
(Signature)

State of Idaho)
County of Idaho) ss.

On this 24 day of May, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Changewater



My commission expires 2-7-72

CYCLOPS MINING COMPANY

SALMON RIVER STAR ROUTE

McCALL, IDAHO 83638

PHONE: 208-344-0497

RECEIVED

JUN 21 1971

Department of Water Administration

June 9, 1971

Donald W. McEldowney
Appropriation Supervisor
State of Idaho
Department of Water Administration
Boise, Idaho 83707

Dear Mr. McEldowney:

Thank you for your letter of May 12, 1971.

Permit #33382/77-2210 is in a very confused state-I will have to wait till I get to Boise and discuss it with you. We are confused as to even the county where the creeks are located. In addition I will be needing an extension on the permits to wait for the outcome of some present suits by the State of Idaho against the Federal Government-as to whether I will be allowed to even put in the improvements necessary to use the permit. This is very long and involved-I will do my best to make it to Boise this year to discuss the matter with you.

Now permit #77-7013 is completed and the work is done.

Note the enclosed proof of application of water to Beneficial use.

Also please note the amount of water are maximum amounts. The maximum amount is not always used.

In addition please note I have a weir on the mill race leading from my power plant. I am in the process of constructing a weir on the intake from the creek.

I hope this is all in order.

Sincerely,

Rodney F. Cox

77 7013

August 4, 1970

Re: Permit No. 77-7013

C Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

O The calculations referred to in your letter of June 29, 1970, will not be sufficient to replace the measuring device.

P A measuring device such as a flow meter, will be required in your type of installation. You are not required to have the device installed until you submit evidence of beneficial use. You have until June 1, 1975, within which to submit the required evidence of beneficial use.

P If we may be of any further assistance in this matter, please do not hesitate to contact us.

Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM/cm

77-7013

CYCLOPS MINING COMPANY

SALMON RIVER STAR ROUTE

MCCALL, IDAHO 83638

PHONE: 208-344-0497

RECEIVED

JUL 20 1970

Department of Water Administration

June 29, 1970

R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Thank you very much for approving Permit No. 77-7013.

My wife especially thanks you for she likes being able to keep the house warm-have running water and things like a freezer. My kids would thank you-but they are not quite old enough-

The hydro electric system is installed and works beautifully-we opened it up June 18th-and has been working continuously since June 19th-

The irrigation system is partially done and the domestic water system is being installed-

I have one question-I know the maximum amount of water through my 16" pipe under a 30 foot head to be about 8cfs. For a measuring device is that adequate-if not when must the device be installed-and can I wait for the U of I book on the subject before installing one-

I am just at a loss as to how to meet the regulation-but I will certainly install one as soon as I understand exactly what is required.

Thank you very much

Sincerely,

Rodney T. Cox

77-7013

June 18, 1970

Re: Permit No. 77-7013

Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

Enclosed is a copy of your approved Application for Permit No. 77-7013. We direct your attention to the conditions of approval on the fourth page under approval of the State Reclamation Engineer.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
1 informational letter

77-7013

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 30, 1969

RECEIVED
FEB 17 1970
Department of Reclamation

Re: Application for Permit No. 77-7013

Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

We have been advised by the Forest Service of the denial of your Special Use Permit. Please advise if you have any location on private property to locate the diversion works or if you intend to further pursue a Forest Service special use permit.

We are enclosing a relinquishment form for your use if you desire to relinquish application 77-7013.

If we may be of any assistance, please feel free to contact us at any time.

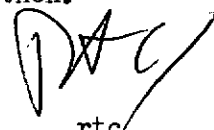
Very truly yours,


Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enclosure

Mr. McEldowney: I am not relinquishing the application and the matter is being pursued further with the Forest Service. As the Diversion is on a valid, 38 year old mining claim I still think that I have the right to the diversion works. I will be back in the country in April and will pursue the matter in detail then.

77-7013

rtc

December 30, 1969

Re: Application for Permit No. 77-7013

Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

We have been advised by the Forest Service of the denial of your Special Use Permit. Please advise if you have any location on private property to locate the diversion works or if you intend to further pursue a Forest Service special use permit.

We are enclosing a relinquishment form for your use if you desire to relinquish application 77-7013.

If we may be of any assistance, please feel free to contact us at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enclosure

77-7013

before we go the route of a memorandum decision, lets write or call Mr Cox and advise him that we have been notified that his special use permit has been denied - also ask if he has any location on private property to locate the diversion works or if he intends on further pursuing a forest Service special use permit. Z

est.

77.7013

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Payette National Forest
McCall, Idaho 83638

RECEIVED
11 24 1969
Department of Reclamation

2720

November 24, 1969



Mr. Donald W. McEldowney
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Reference your letter of October 3 to Ranger Dodds concerning
Rodney T. Cox's Special Use Application to us and his application
for Permit No. 77-7013 to you.

We have denied the Special Use Permit to the Cyclops Mining
Company and have so advised Mr. Cox. A copy of our notification
letter is enclosed.

Please let us know if we can be of further help in this matter.

Sincerely,

Howard R. Koskella

HOWARD R. KOSKELLA
Acting Forest Supervisor

Enclosure

77-7013

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Payette National Forest
McCall, Idaho 83638

2720

November 24, 1969

Cyclops Mining Company
Salmon River Star Route
McCall, Idaho 83638
Attention: Mr. Rodney T. Cox



Dear Mr. Cox:

Reference your application for a Special Use Permit to provide for use of National Forest land on which you proposed construction of a conduit, diversion dam, and head box for use in developing a hydroelectric system.

The land in question lies within the Idaho Primitive Area, and until the Area is added to the National Wilderness Preservation System or removed from Primitive Area status, we cannot authorize additional uses that would adversely effect the future wilderness status for the area. From the information we have, we believe the application is in conflict with the Code of Federal Regulations relative to National Forest Primitive Areas and is therefore denied.

Although your application states that the powerplant is to be used by mining developers, we have no evidence of mining activity which would support the need for such a plant. A small amount of work as a subterfuge for valid mining is not acceptable.

In view of our decision, you should refrain from using National Forest land for the purpose applied for. To do otherwise will make you subject to trespass action.

If you have additional information which you feel is pertinent to the case, we will be glad to consider it.

Sincerely,

Howard R. Koskella

HOWARD R. KOSKELLA
Acting Forest Supervisor

cc: D-8
R.O.
Mr. McEldowney

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 3, 1969

Re: Application for Permit No. 77-7013 - Rodney T. Cox

Mr. Earl Dodds, Dist. Ranger
Big Creek Ranger District
Payette National Forest
McCall, Idaho

Dear Mr. Dodds:

We have received by mail today a letter from the above referenced requesting that we write to you in regards to a land use permit.

We have enclosed a copy of Mr. Cox's letter of September 30, 1969.

If this permit has been issued, would you please forward a copy to the Department for our files.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Letter

77-7013

CYCLOPS MINING COMPANY

SALMON RIVER STAR ROUTE

MCCALL, IDAHO 83638

PHONE: 208-344-0497

RECEIVED

OCT 8 1969

Department of Reclamation

September 30, 1969

Re: Application for Permit No. 77-7013

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Boise, Idaho 83707

Dear Mr. McEldowney:

Thank you for your letter of September 25th.

I have application on file with the Federal Government for a land use permit. It is with Earl Dodds, District Ranger, Big Creek Ranger District, Payette National Forest. Apparently this has been slowed down by the very unfortunate death of Sam Defler, Forest Supervisor. I applied for this over 4 months ago-and have been told that there would be no problems.

I question very strongly whether the permit is necessary. The diversion is on a mining claim that my uncle has held since 1932. This, as far as I know is sufficient.

The system is being put in by Vernon D. Speer, Lewiston, Idaho. He is very much aware of your rules and regulations, having put in and assisted many such projects in the back country.

Because of the slow mail service-it can easily be 6 weeks after the permit is granted and sent to me before I can send it to you. Would you possibly contact Mr. Dodds directly for me in this matter, and have him send the permit directly to your office.

Thank You

Sincerely,

Rodney T. Cox

77-7013

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 25, 1969

Re: Application for Permit No. 77-7013

Mr. Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

Please accept our apology for the delay in answering your letter of September 1, 1969.

We also ask that you excuse our letter of August 22, 1969, as it was inadvertently sent. We meant to advise you of the need of a land use permit as your application states that the Federal Government owns the property at the point of diversion.

Upon receipt of the above mentioned land use permit, we will proceed to take final action on your application for permit.

If we may be of assistance at any time, please do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

77-7013

CYCLOPS MINING COMPANY

SALMON RIVER STAR ROUTE

MCCALL, IDAHO 83638

PHONE: 208-344-0497

RECEIVED

SEP 2 1969

Department of Reclamation

September 1, 1969

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse, Annex 2
Boise, Idaho 83707

Re: Application For Permit
No 77-7013

Dear Mr. McEldowney:

Many thanks for your letter of August 22th.

Please forgive me for being so long in answering-as my mail service is to say the least very poor.

I am at a complete loss over your letter- This is the first that I have heard that I have a desert land entry filed with the Bureau of Land Management.

If this is the case-can you please give me the particulars-and what I have to do to make the land entry valid. I would dearly love to own more than the 4.52 acres that I now have.

In working with my Uncle, Buckskin Bill, in trying to clean up his land problems-all sorts of applications were filed-but as far as my records show a desert land entry was never filed.

I would appreciate you checking this out-as I have a wife who is presently pregnant and a young baby whom I would like to keep warm this winter with the electricity that I plan to generate from my hydro plant.

I can be reached in Boise at the above number-it is Oberbillig Communications-a radio phone.

Thank you

Sincerely,

Rodney T. Cox

77-7013

August 22, 1969

Re: Application for Permit No. 77-7013

Rodney T. Cox
Salmon River Star Route
McCall, Idaho 83638

Dear Mr. Cox:

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department will take no further action until such time as evidence that your desert entry has been allowed is submitted to this office in writing.

Enclosed is your receipt #3345 in the amount of \$60.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Receipt #3345

77-7013

RODNEY T. COX INVESTMENT COMPANY

SALMON RIVER STAR ROUTE

MCCALL, IDAHO 83638

PHONE: 208-344-0497

RECEIVED

AUG 14 1969

Department of Reclamation

Donald W. McEldowney
Appropriation Examiner
Dept of Reclamation
Annex # 2
Boise, Idaho 83707

Dear Mr. McEldowney,

Enclosed in the affidavit I promised
you concerning my Idaho
residency. This is in reply to your
letter of July 11, 1969

Thank you

Sincerely,

Rodney T. Cox

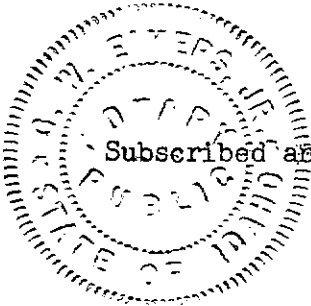
77-7013

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Rodney T. Cox of S.R.S.R. McCall County of Idaho

State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.



Subscribed and sworn to before me this 13th day of Aug, 1969

/s/ Rodney T. Cox

/s/ [Signature]
Notary Public
Residence Bozeman, Idaho
My Commission expires 11-18-70

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142; am. 1957, Ch. 66. (Idaho Code, Sections 42-205 to 42-210).

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____ County of _____
State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____,
as provided by Section 30-143, Idaho Code, at _____,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and
that _____ is a legal _____ qualified to do business
in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____
Notary Public
Residence _____
My commission expires _____

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142; am. 1947, Ch. 66, (Idaho Code, Sections 42-205 to 42-210).

77-7013

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 29, 1969

Void

Re: Applications filed in connection with desert entries

Mr. Curtis Taylor, Acting Manager
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Room 334, Federal Bldg.
550 W. Fort Street
Boise, Idaho 83702

Dear Mr. Taylor:

Please be advised that the following applications have been received in connection with desert entries:

<u>Desert Entry No.</u>	<u>Application No.</u>	<u>Applicants Name</u>
I-2461	47-7075	Frank King
	55-7003	Petan Company - YP Ranches
	55-7004	Petan Company - YP Ranches
	55-7005	Petan Company - YP Ranches
	<u>77-7013</u>	Rodney T. Cox

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

77-7013

NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that Rodney T. Cox, Salmon River Star Route, McCall, Idaho, has on July 22, 1969, applied for permit under application No. 77-7013 to divert 8.12 cubic feet per second of water from Five Mile Creek tributary of Salmon River. Water will be diverted by pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N, R. 8 E, B. M., Idaho County and is to be used from January 1 to December 31 for power, stockwater and domestic purposes; and from May 1 to November 1 for irrigation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24 N, R. 8 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho on August 7 and August 14, 1969. A7-14

*Daily Proof as per
Request*

RECEIVED
AUG 27 1969

Department of Reclamation

July 28, 1969

Re: Application for Permit No. 77-7013
Rodney T. Cox

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc.: Legal notice

77-7013

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Rodney T. Cox, Salmon River Star Route,

McCall, Idaho, has on July 22, 1969,

applied for permit under application No. 77-7013

to divert ~~8.12~~ 8.12 cubic feet per second ~~acre feet~~ acre feet
of water from Five Mile Creek tributary of Salmon River

Water will be diverted by pipeline

within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24N, R. 8E, B.M., Idaho County (unsurveyed)

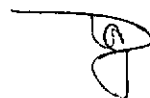
and is to be used from January 1 to December 31 for power, stockwater
and domestic purposes; and from May 1 to November 1 for irrigation
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 24N, R. 8E, B.M. (unsurveyed)

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho,

on August 7 and August 14, 1969



77-7013