

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Harold R. Turner P. O. Box 921, Salmon, Idaho has on 5/18/73 submitted Application No. 75-7045 for a permit to appropriate 0.19 cubic feet per second of water from an unnamed stream, tributary of sinks; by means of dam, storage reservoir and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, B. M., Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family & stockwatering purposes for 8 head of horses, and from Apr. 1 to Oct. 1 for the irrigation of 6.5 acres, all uses within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 18, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on May 31 and June 7, 1973.

5-31-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

JUN 11 1973

JERRY G. ROSIN

Department of Water Administration
Eastern District Office

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Application for Water Permit #75-7045

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated May 31, 1973 and ending with the issue dated June 7, 1973

Jerry G. Rosin
seventh

Subscribed and sworn to before me, this _____ day of June, 1973

Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 12.95

75 7045

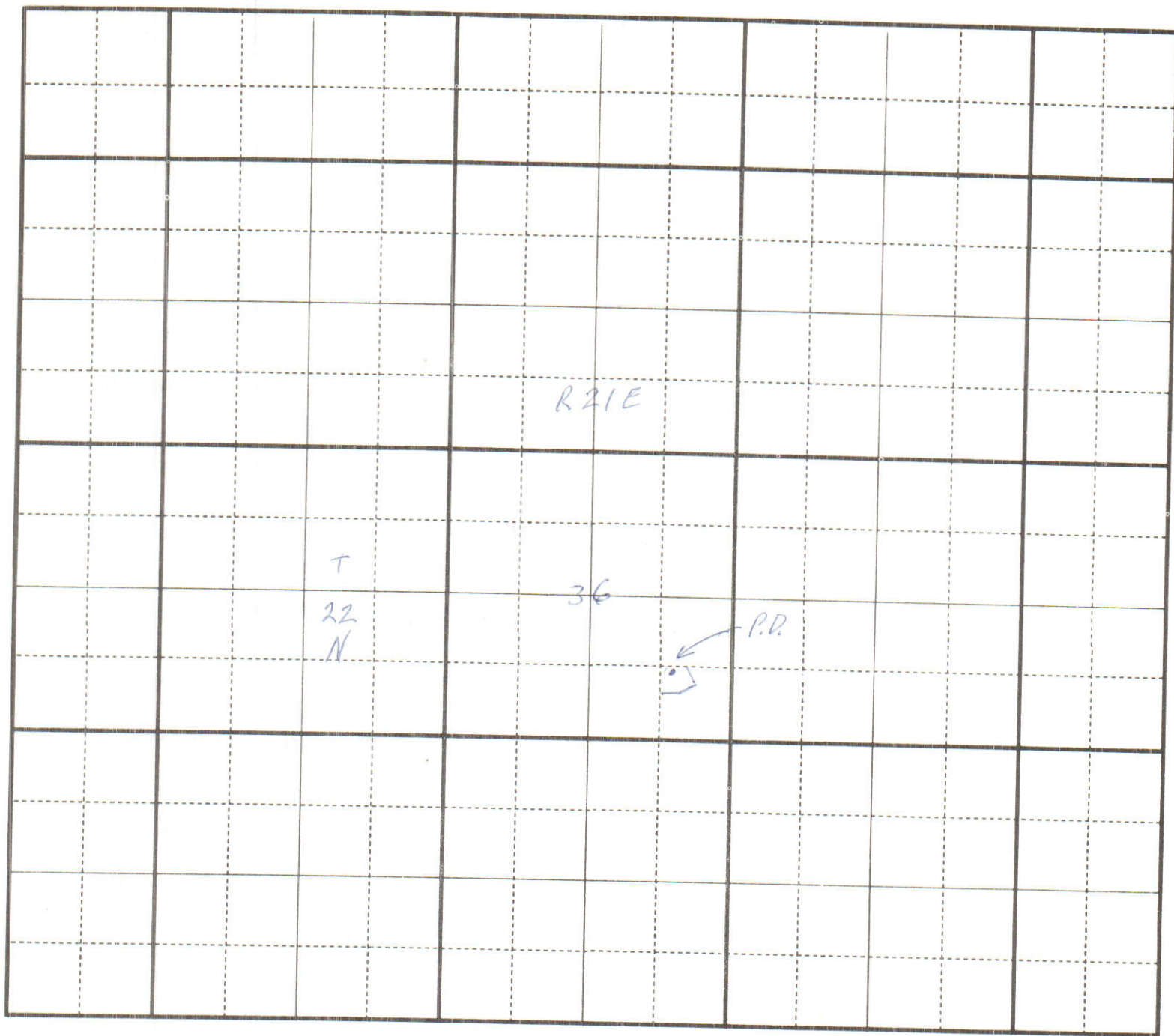
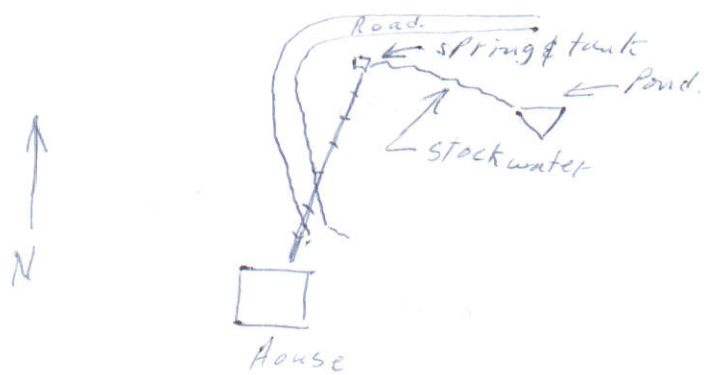


Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 75-7045 Priority May 18, 1973 Amount 0.02 cfs

THIS IS TO CERTIFY, that JOHN M. WAITE & KATHLEEN WAITE
of Salmon, Idaho, have ~~not~~ complied with the terms and conditions of Permit
No. 75-7045 issued pursuant to Application for Permit dated May 18, 1973,
and has submitted proof to the Department of Water Resources on December 1, 1975,
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 0.02 cfs of water from an unnamed spring,
tributary to _____, 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>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and			<u>1.2 acre feet</u>
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and			<u>0.2 acre feet</u>
from _____ to _____ at _____ cfs and			
(both dates inclusive)			

Subject, however, to ~~the condition~~ that no more than 0.02 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
1.4 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36,
Twp. 22 N, Rge. 21 E, B. M. in the County of Lemhi

Description and location of place of use:

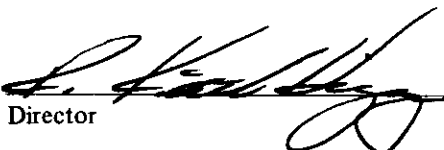
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
22 N	21 E	36																X	

Total number of acres irrigated _____

NOTE: 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.

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 10 day of
June, 19 76.


Director

Send copy of license to new holder----

John M. & Kathleen Waite

P.O. Box 1359

Salmon, ID 83467

WARRANTY DEED

For Value Received

HAROLD R. TURNER and MARJORIE A. TURNER, husband and wife

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

JOHN M. WAITE and KATHLEEN WAITE, husband and wife

whose current address is

P.O. Box 1359

Salmon, Idaho 83467

the grantees, the following described premises, in LEMHI County Idaho, to wit:

A fraction of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 22 N., Range 21 E., Boise Meridian, more particularly described as follows, to-wit:

Commencing at the Northeasterly corner of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, run thence West along the Northerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 a distance of 695.0 feet to the point of beginning, and the Northeasterly corner of the tract of land herein described; continuing thence West 540.0 feet; thence S. 70° 20' W., 502.86 feet; thence East 281.01 feet; thence N. 67° 52' E., 460.0 feet; thence N. 17° 32' W., 340.0 feet to the point of beginning. . .

Together with any and all water and water rights, ditch and ditch rights including but not limited to 0.02 cubic feet per second appropriated under Permit No. 75-7045.

The above conveyance is made free and clear of all other encumbrances except; rights of way and easements, reservations in federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

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

and that t h e y will warrant and defend the same from all lawful claims whatsoever.

Dated: June 24, 1975

Harold R. Turner
Harold R. Turner

Marjorie A. Turner
Marjorie A. Turner

STATE OF IDAHO, COUNTY OF LEMHI

On this 24th day of June, 1975, before me, a notary public in and for said State, personally appeared

HAROLD R. TURNER and MARJORIE A. TURNER,
husband and wife

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

Marie C. Smith
Notary Public

Residing at Salmon, Idaho
Comm. Expires 10/1/78

INDEXED

Fee \$1.00 Per Page
Deputy

By John M. Waite
Ex-Officio Recorder

John M. Waite
County, Idaho

John M. Waite
County, Idaho

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County, Idaho

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John M. Waite
County, Idaho

John M. Waite
County, Idaho

see comments sheet
in file

Identification No. 75 7045
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant HAROLD R. TURNER
post office address P.O. Box 921 Salmon, Idaho 83467
2. Source of water supply unnamed stream which is a tributary of sinks
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 22N
Range 21E B.M. Lemhi County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into ditch at a point in SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 36 Township 22N Range 21E B.M. _____
4. Water will be used for the following purposes:
Amount 0.13 for irrigation purpose from Apr. 1 to Oct. 1 (both dates inclusive)
(cfs or acre feet per annum)
Amount 0.02 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 0.02 for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated: allow 0.02 cfs
a. 0.02 cubic feet per second ~~and/or~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Developed spring with dam and storage reservoir and pump.

b. Height of storage dam 10 feet, active reservoir capacity 2 acre feet; total reservoir capacity 2 acre feet, materials used in storage dam: earth filled
Period of year during which storage will occur Jan. 1 to Dec. 31 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 1 years.
b. Estimated construction cost is \$ 700.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 22N
Range 21E 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 8 head of horses

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water one.
(5) If water is to be used for other purposes describe: Water from spring also to be used for dwelling.

75 7045

LICENSE ISSUED FOR 0.02 SEC. FT.

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

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	21E	36																	6.5
																			6.5

Total number of acres to be irrigated 6.5
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 Harold R. Turner
b. Who owns the land to be irrigated or place of use Harold R. Turner
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 I purchased this land on January 2, 1973 from Axel K. Sorensen. In the process of developing a spring for domestic use we developed a flow of water that runs approximately 20 gpm. As this was in excess of need for domestic use, we built an earth filled dam that will store approximately 2 acre feet. I intend to irrigate the parcel of land with an electric pump and sprinkler system from this reservoir. I will also use it for stockwater, fire protection, and recreation.
The domestic use will not exceed 1/2 acre of irrigation.

T22N

R21E

36

* P.D. AND PLACE OF US

75 7045

75 7045

Proposed Priority 5-18-1973 Received by ej Date 3/29/73 Time 10:30 am
Preliminary check by NCY Fee \$ 10.00
Receipted by sa Date 5-21-73 Receipt # 10202
Publication prepared by mb Date 5-22-73
Published in The Recorder Herald - Salmon, Id.
Publication dates May 31, June 7, 1973
Publication approved NCY Date 6/18/73
Priority reduced to _____ Reason _____

Protests filed by: Shallen L. Blackadar

Copies of protests forwarded by MB
Hearing held by _____ Date _____
Recommended for approval denial by NCY W

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 75-7045, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 75.
- c. Other: The maximum rate of diversion shall not exceed 0.02 cfs.

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

Witness my hand this _____ day of November 19 73.


Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	NCY	5/8/73	Application No. _____ Name <u>TURNER</u>
(2)	NCY	5/21/73	Check: ☒ Signature <u>Not signed OK</u> ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee ☒ County
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	"	"	In form for advertising <u>Yes</u> <u>Return for Signature</u>
(6)	mk	6/12/73	Affidavit of Publication received <u>6-12-73</u>
(7)			Final date for protests <u>June 18 1973</u> Protests received: yes <u>X</u> no _____
(8)	NCY	11/8/73	Date and Place of hearing <u>SALMON IDAHO 10/25/73</u> Decision reached at hearing <u>Protest withdrawn after applicant amended application.</u> <u>75-A</u>
(9)	"	"	Located within Water District No. _____
(10)	"	"	Critical groundwater area: yes _____ no <u>N.A</u>
(11)			Groundwater levels: ☐ Decline (comment) <u>N A</u> ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)	NCY	5/8/73	Comments: <u>P.D. Appears to be below any existing diversion in Jesse CK drainage.</u> <u>Control of U.M. Not required.</u>
(13)	NCY	11/8/73	Action recommended: ☒ Approve ☐ Deny Priority <u>5/21/73</u> Reason for Reduction <u>Incomplete app. -</u> <u>Sec 42-204</u> See attached sheet for conditions of approval
(14)	NCY	11/8/73	District <u>E</u> By <u>NCY</u> Date <u>11/8/73</u> Title <u>D.E.</u>

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>KL4</u>	<u>4/2/73</u>	Application No. _____ Name <u>TURNER</u>
(2)	<u>"</u>	<u>"</u>	Check: ☒ Signature ☒ Point of Diversion <i>appears should be covered stream</i> ☒ Quantity of Water and Period of Use <i>should list stockwater and spring</i> ☒ Description of Diverting Works <i>appears should be done & no.</i> ☒ Time required for C/W and application of water to B/U ☒ Place of Use <i>Not listed for domestic</i> ☒ Map ☒ Fee ☒ <i>county</i> Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management <i>Retype & Return</i> <i>Do not Receipt -</i>
(3)	<u>"</u>	<u>"</u>	<i>N.A.</i> ☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(4)	<u>"</u>	<u>"</u>	<i>N.A.</i> In form for advertising <u>No</u>
(5)	_____	_____	Affidavit of Publication received _____
(6)	_____	_____	Final date for protests _____ Protests received: yes _____ no _____
(7)	_____	_____	Date and Place of hearing _____ Decision reached at hearing _____
(8)	_____	_____	Located within Water District No. _____
(9)	_____	_____	Critical groundwater area: yes _____ no _____
(10)	_____	_____	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(11)	_____	_____	Comments: _____ _____ _____
(12)	_____	_____	Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(13)	_____	_____	District _____ By _____ Date _____ Title _____
(14)	_____	_____	

INTER-DEPARTMENT MEMO — 1

RECEIVED

APR 2 1973

Department of Water Administration
Eastern District Office

DATE , March 29, 1973

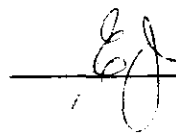
FROM E. J.

TO NORM

SUBJECT Harold R. Turner application

Bob says there should be a stock water purpose listed among other thing.
Attached is Mr. Turner's check No. 92-164 in the amount of \$10.00.

75 7045



SIGNATURE

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

JUN 11 1973

JERRY G. ROSIN

Department of Water Administration

Eastern District of Idaho

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Application for Water Permit #75-7045

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated May 31, 1973 and ending with the issue dated June 7, 1973

Jerry G. Rosin
seventh

Subscribed and sworn to before me, this _____ day of June, 1973

Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 12.95

75 7045

that the Recorder-Herald is a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein, and that the said Notice of Application for Water Permit #75-7045 was printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated May 31, 1973 and ending with the issue dated June 7, 1973.

Witness my hand and the seal of the Department of Water Administration, Eastern District of Idaho, at Salmon, Idaho, this 11th day of June, 1973.

Notary Public for the State of Idaho,
Residing at Salmon, Idaho

WATER RIGHT NUMBER 75-7045

OWNER LAST NAME - WAITE
OWNER LAST NAME - WAITE
ADDRESS LINE 1 - P.O. BOX 1359
ADDRESS LINE 3 -

FIRST NAME - JOHN M.
FIRST NAME - KATHLEEN
ADDRESS LINE 2 -
CITY - SALMON

ORIG OWNER -
ORIG OWNER -

STATE - ID ZIP CODE - 83467

SOURCE - SPRING

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 05-18-1973 COUNTY - LEMHI

TOTAL DIV. RATE - .0200 -CFS

TOTAL DIV. VOLUME - 1.40 AFA TRFR/AMEND -

WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - SESE 36 22N 21E LOT REDIV - 272.0 92.0 336.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 2.1

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0200 CFS USE DIV. VOLUME - .20 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0200 CFS USE DIV. VOLUME - 1.20 AFA

USE - STOCKWATER

PLACE OF USE - TWN 22N RNG 21E SEC 36 TRACT SESE LOT AC

DECREE NAME -

DATE -

TOTAL ACRES 0

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 75-7045

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 75-7045
 Old No. New No.

Record

1. Original Owner: Harold R. Turner

Present Owner: John M. & Kathleen Waite

2. Address: P.O. Box 1359

3. City: Salmon State: ID Zip: 83467

4. A. Source of Water:

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date:

D. County:

E. Total Diversion Rate:

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion						

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for _____ purposes. Amount _____
 (cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

ch
10-3-79

June 11, 1976

Re: Permit No. 75-7045

John M. & Kathleen Waite
P.O. Box 1359
Salmon, ID 83467

Dear Mr. and Mrs. Waite:

Enclosed is a copy of the water right license issued on the above referenced permit.

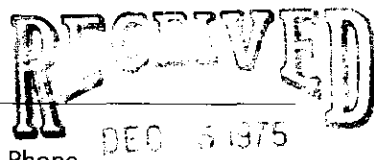
Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enclosure

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT



1. Name of permit holder Harold R. Turner
Post office address Box 921, Salmon, ID Phone DEC 6 1975
Person to contact _____ Phone Department of Water Resources
Eastern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed stream
Tributary to Sinks (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 0.02 c.f.s. for Domestic (1)
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount 0.02 c.f.s. for Stockwater (8 horses)
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 75-7045
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 0.02 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 22N N/S, Range 21E E/W, B.M., Section 36, Subdivision SE 1/4 SE 1/4, Lemhi
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: 1,000 gal. concrete tank and 3/4 hp submersible pump

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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	21E	36																X	

TOTAL ACREAGE _____

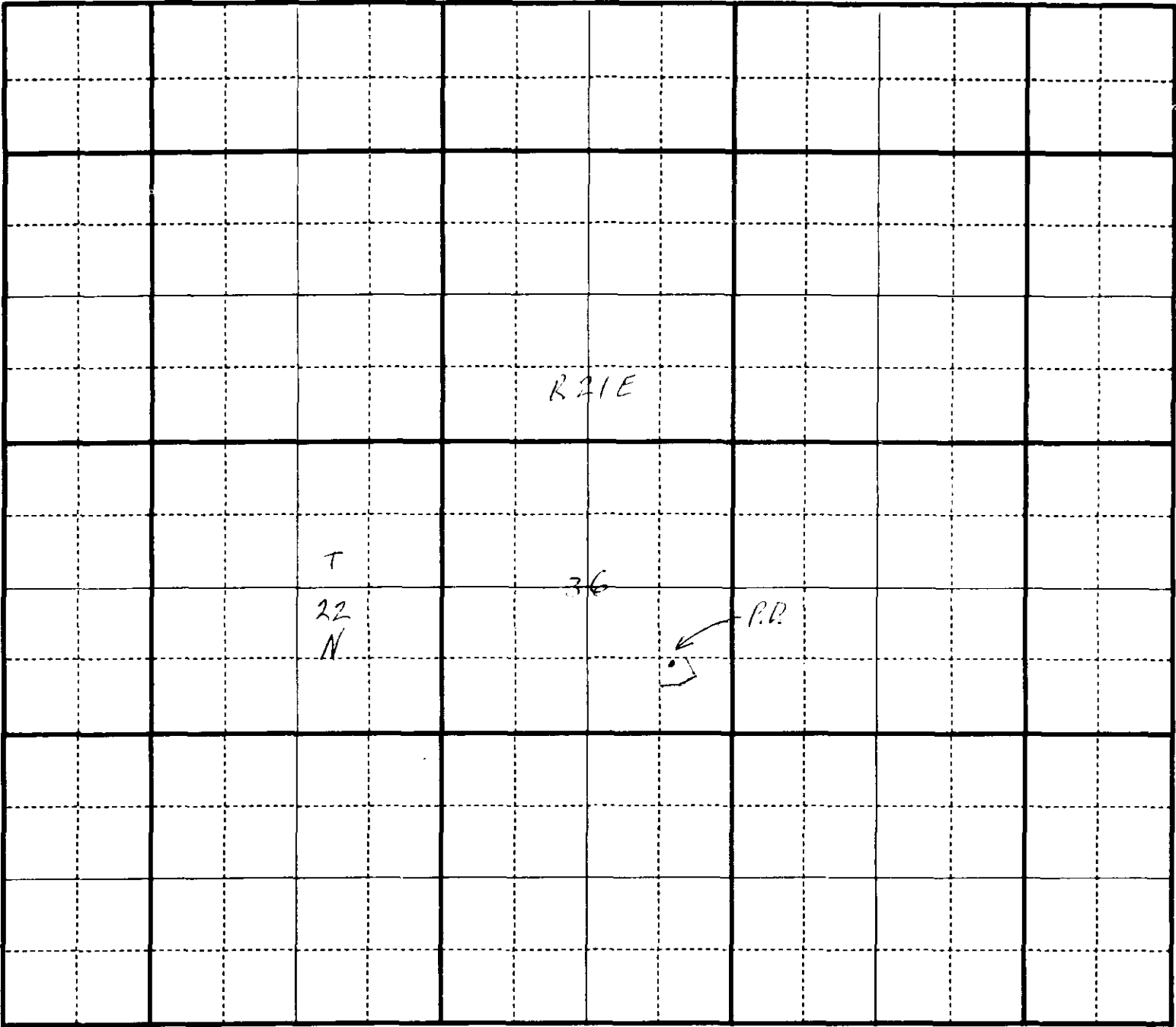
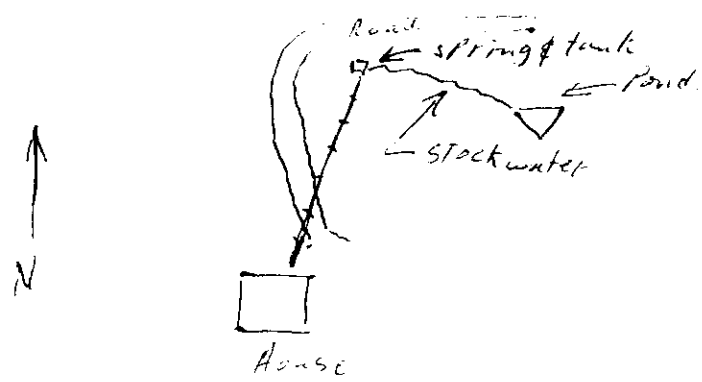


Diagram of System



DATE OF EXAM May 4, 1976

ACREAGE
Found NA.
Recommended NA.

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= .02 c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= .02 c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
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 Not Measured Method of measurement _____

Total Q recommended .02 Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Flow not measured. Water flowing
from holding tank over flow is more than .02 cfs.

SYSTEM DESCRIPTION:

2 Perforated Plastic Pipes sunk in
spring area & leading into a 1000 gal Buried Concrete tank.
3/4 HP Submersible Pump is installed in tank & supplies
water to house. Stock water from holding
Tank over flow.

REMARKS:

System shown by owner, John Waite
Copy of Deed making assignment of Permit Attached.
John Waite's address is P.O. Box 1359, Salmon, Id. 83467

Examiner's Signature Lauren O. Halmer Date May 4, 1976

Checked by William A. Phelps Date May 7, 1976

Approved by _____ Date _____

December 4, 1975

Re: Permit No. 75-7045

Harold R. Turner
Box 921
Salmon, Idaho 83467

Dear MR. Turner:

We acknowledge receipt of the affidavit 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. 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 so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in **Idaho Falls.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

DEC 1 1973

OK j

Department of Water Resources

Identification No. _____

Permit No. 75-7045

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Harold R. Turner
b) Post Office Address Box 921 Salmon, Idaho
2. Permit Number 75-7045
3. Date of Priority that you are prepared to establish April 1, 1973
4. a) Source from which water was appropriated underground spring
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 36
Township 22N, Range 21E Boise Meridian, Other points of diversion:
NONE
5. a) The amount of water and use to which the water has been applied:
Amount 0.02 cfs for domestic, livestock purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) and lawn irrigation (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.02 cfs 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: Not applicable
domestic and lawn use
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:
Not applicable
b) Describe the agreement or understanding by which you take water from the works:
Not applicable
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) 1,000 gal. concrete tank and 3/4 H.P. submerisable pump
b) Describe the type and size of measuring device which you have installed at your point of diversion:
None
c) Give well driller's name and address and the date the well was completed:
None
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
domestic use for personal home and livestock water

12-375 j

12-375

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____
irrigation of lawn area of residence in SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 36, TWP 22N.,
RGE 21E.B.M.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks: water for domestic use, livestock water and irrigation
of lawn area

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

24 Nov 75 (Date) David J. Burns (Signature)

State of IDAHO)
) ss.
County of LEMHI)

On this 24th day of November, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John M. Harte
Notary Public residing at Salmon, Idaho

My commission expires 10/1/77

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

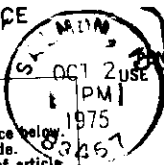
● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery..... 35¢ ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery..... 85¢								
2. ARTICLE ADDRESSED TO: MICROFILMED								
3. ARTICLE DESCRIPTION: <table border="1"><tr><td>REGISTERED NO.</td><td>CERTIFIED NO.</td><td>INSURED NO.</td></tr><tr><td></td><td>57306</td><td></td></tr></table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		57306	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	57306							
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Paul D. Burns</i>								
4. DATE OF DELIVERY 7		POSTMARK 1515 OCT 1975						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>[Signature]</i>						

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.



Penalty for Private
Use to Avoid Payment
of Postage, \$300



RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

October 1, 1975

CERTIFIED MAIL

27366

Re: Permit No. 75-7045

Mr. Harold R. Turner
Box 921
Salmon, Idaho 83467

Dear Mr. Turner:

One of the conditions of approval of your water Permit No. 75-7045 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit



STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 23, 1973

Re: Permit No. 75-7045

Harold R. Turner
P. O. Box 921
Salmon, Idaho 83467

Dear Mr. Turner:

Enclosed is a copy of your approved Application for Permit No. 75-7045. We direct your attention to the conditions of approval as listed on the fourth page. Also enclosed is a copy of the withdrawal of protest as requested.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Dr. W.L. Blackadar
P. O. Box 1110
Salmon, Idaho 83467

Enclosures

75 7045

Application for Permit 75-7045

I hereby withdrawn my protest against application for permit 75-7045 with the understanding that the irrigation portion be deleted from the application, and that the amount ~~for domestic use~~ be reduced to 0.02 for domestic, 0.02 for stockwater not to exceed 0.02 total.

Signed this 25th day of October, 1973 at Salmon, Idaho

W. H. Kershader Jr.

75 7045

75-7045 Harold R. Turner

Courtroom, Lemhi County Courthouse, Salmon, Idaho

October 25, 1973 - 10:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Harold R. Turner	Box 921 Salmon Idaho	Harold R. Turner
W. L. Blachadom	Box 1110 Salmon Ida	Self.

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

262

①

Charles H. Turner

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SEP 28 1973

③

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

75-745

U.S. POSTAL SERVICE
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RECEIVED
SEP 28 1 PM
1972
OCT 3 467



PS Form 3811 Sep. 1972

Postmarking Station
Post Office

DEPARTMENT OF WATER ADMINISTRATION

SENDER INSTRUCTIONS

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↓

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- Moisten gummed ends and attach to back of article.

RETURN TO

↓

IDAHO DEPARTMENT OF WATER ADMINISTRATION
REGIONAL DISTRICT OFFICE
IDAHO FALLS, IDAHO 83401

75-7048

75-7045
SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

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to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

261

1

W. L. Blackledge

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

A. Blackledge

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

SEP 28 1972

75-7045

PS Form 3811 Sep. 1972 e55-10-81277-2

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



Postmark Delivering Office

SENDER INSTRUCTIONS

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- If special services are desired, check block(s) on other side.
- Moisture damaged ends and attach to back of article.

RETURN
TO

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
1015 LINCOLN BL.
BOISE, IDAHO 83726

75-7045

SENDER: Be sure to follow instructions on other side

75-7045

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

263

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

SEP 27 1973

75-7045

PS Form 3811 Sep. 1972 e55-16-81277-2

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO

U.S. DEPARTMENT OF WATER ADMINISTRATION

WASHINGTON, D.C. 20540

U.S. DEPARTMENT OF WATER ADMINISTRATION

WASHINGTON, D.C. 20540

75-7095

STATE OF IDAHO
~~DEPARTMENT OF WATER ADMINISTRATION~~
Eastern District Office
South Holmes Ave. • Idaho Falls, Idaho
83401

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
1515 LINCOLN RD
IDAHO FALLS, IDAHO 83401

RETURNED RECEIPTS REQUESTED

75-7045

75 7045

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 75-7045)
in the name of HAROLD R. TURNER)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On May 8, 1973, Harold R. Turner filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On June 18, 1973, the Department received a protest against approval of said application from Walter L. Blackadar.

The Department has set the matter of protest for conference and/or hearing for Thursday, October 25, 1973, at 10:00 a.m., in the Courtroom of the Lemhi County Courthouse, Salmon, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 25TH day of SEPTEMBER, 1973.


NORMAN C. YOUNG
District Engineer

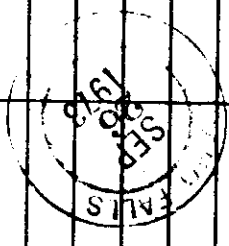
NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ Registered
☐ Registered C.O.D.
☒ Certified

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	ACTUAL VALUE	REMARKS
1	261 Military St. Blackstone Box 110 Salem, Mass.	30	15			75-7645
2	262 Samuel F. Johnson Box 931 Salem, Mass.	30	15			"
3	263 Sherman F. Fowley, Jr. Box 127 Salem, Mass.	30	15			"
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TOTAL NO. OF PIECES LISTED BY SENDER

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POSTAGE PER (Rate of postage certified)

Under "Remarks" show postage paid if other than here

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

1515 Lincoln Road

September 25, 1973

Lemhi County Courthouse
Clerk of the District Court
Salmon, Idaho 83467

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, October 25, 1973, at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

75 7045

June 19, 1973

Re: Application for Permit No. 75-7045 - Harold R. Turner

Sherman F. Furey, Jr.
Attorney-at-Law
Professional Building
P.O. Box 1127
Salmon, ID 83467

Dear Mr. Furey:

Enclosed please find a letter addressed to Mr. Walter L. Blackadar in reference to the above application.

If you have any questions, please contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosure

75 7045

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 19, 1973

Re: Application No. 75-7045

Mr. Walter L. Blackadar
c/o Sherman F. Furey, Jr.
P.O. Box 1127
Salmon, Idaho 83467

Dear Mr. Blackadar:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

75 7045

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW
PROFESSIONAL BUILDING
P. O. BOX 1127

SALMON, IDAHO 83467

TELEPHONE
(208) 756-2577

JUN 18 1973

mb

Department of Water Administration
Regional District Office

June 14, 1973

CERTIFIED MAIL - Return Receipt Requested

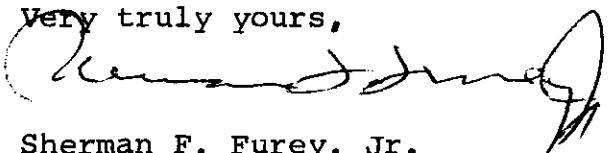
Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

**Re: Application of Harold R. Turner
Application No. 75-7045**

Gentlemen:

Enclosed for filing in the above matter is Protest of
Dr. W.L. Blackadar.

Very truly yours,


Sherman F. Furey, Jr.

SFF:bd
Enclosure

cc: Mr. James C. Herndon

75 7045

RECEIVED

JUN 19 1975

Department of Water Administration
Eastern District Office

IN THE DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

In the Matter of the Application)	
for Water Permit of)	
HAROLD R. TURNER)	P R O T E S T
Salmon, Idaho)	
Application No. 75-7045)	
_____)	

WALTER L. BLACKADAR, Whose address is P.O. Box 1110, Salmon, Idaho 83467, hereby protests and excepts to the above-captioned filing and application for water permit, to the extent that said application seeks the right to use water for irrigation of land, and for grounds of said protest and exception states:

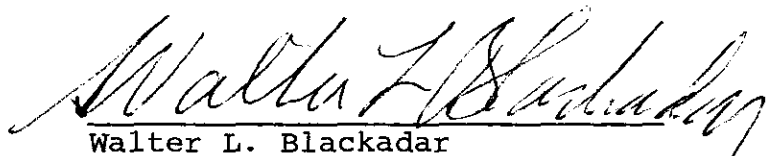
1. The water applied for by applicant is not waste water or tail water, but is, as stated in applicant's notice, water from an unnamed stream, and said stream is a natural flowing stream which has been used by protestant and his predecessors in interest to irrigate the premises described on Exhibit "A" attached hereto, and by this reference made a part hereof, continuously and beneficially since the year 1868.

2. That protestant has a right, as a result of said diversion and application to beneficial use, to use the waters applied for on protestant's said lands for the irrigation thereof with a priority date of 1868, which right is prior and superior to any right that might be appurtenant to the lands described in applicant's notice.

3. The application and diversion of waters as proposed in applicant's application would illegally contravene protestant's prior and superior rights, and would result in the destruction of crops and drying up of protestant's said lands, which lands have,

as aforesaid, been irrigated with the waters applied for by applicant continuously each year since the year 1868.

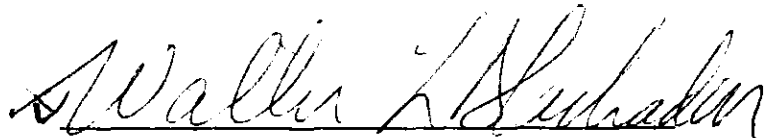
WHEREFORE, Your protestant protests and excepts to said application, and prays that said application be denied, and held for naught.


Walter L. Blackadar
Protestant

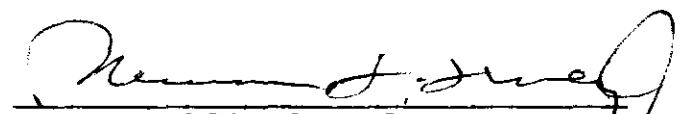
STATE OF IDAHO)
) ss.
County of Lemhi)

WALTER L. BLACKADAR, Being first duly sworn, according to law, deposes and says:

That he is the protestant named in the above-entitled Protest, that he has read the foregoing Protest, knows the contents thereof, and he believes the facts therein stated to be true.



SUBSCRIBED And sworn to before me this 14th day of June, 1973.


Notary Public for Idaho
Residing at Salmon, Idaho
My Commission Expires: 3-21-77

SW¹₄SW¹₄ of Section 31, T. 22 N.,
R. 22 E.B.M., in Lemhi County,
Idaho.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Paul D. Andrus
Governor
Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

Harold R. Turner
P.O. Box 921
Salmon, Idaho 83467
Re: Application for Permit No. 75-7045

June 19, 1973

Dear Mr. Turner:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 75-7045. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc: Copy of Protest(s)

75 7045

May 25, 1973

Re: Application No. 75-7045 - Harold R. Turner

The Recorder-Herald
P.O. Box 310
Salmon, Idaho 83467

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 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)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 6-12-73 by ml

NCY:mb
Enc: Legal notice

75 7045

mt
**NOTICE OF APPLICATION FOR
WATER PERMIT**

75 7045

Notice is hereby given that Harold R. Turner P. O. Box 921, Salmon, Idaho has on 5/18/73 submitted Application No. 75-7045 for a permit to appropriate 0.19 cubic feet per second of water from an unnamed stream, tributary of sinks; by means of dam, storage reservoir and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, B. M., Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family & stockwatering purposes for 8 head of horses, and from Apr. 1 to Oct. 1 for the irrigation of 6.5 acres, all uses within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 18, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on May 31 and June 7, 1973.

5-31-2tc

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harold R. Turner

P.O. Box 921, Salmon, Idaho

has on 5/18/73 submitted Application No. 75-7045

for a permit to appropriate 0.19 cubic feet per second ~~none feet per second~~

of water from an unnamed stream, tributary of sinks;

by means of dam, storage reservoir and pump

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, B.M., Lemhi County;

to be used from Jan. 1 to Dec. 31

for domestic purposes for one family & stockwatering purposes for 8 head of horses, and from Apr. 1 to Oct. 1 for the irrigation of 6.5 acres, all uses

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 22N, R. 21E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 18, 1973.

R. KEITH HIGGINSON

Director

Published in the The Recorder-Herald, Salmon, Idaho

on May 31 and June 7, 1973

75 7045

24

May 21, 1973

Mr. Harold R. Turner
P.O. Box 921
Salmon, ID 83467

Dear Mr. Turner:

Attached herewith is departmental receipt No. 10202 in the amount of \$10 for your application for permit which was received in this office.

This letter is a response to your request for information concerning water rights on the land described as follows:

Beginning at Corner #1, identical with standard corner of T. 22N, R. 21E and 22E, B.M.; thence North 89°, 55' West, 40 chains to Corner #2; thence North 5' East, 20 chains to Corner #3; thence South 89°, 55'E, 39.9 chains to Corner #4; thence South 20.06 chains to Corner #1, the place of beginning, containing an area of 80.02 acres of land.

We interpret this description to include essentially the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 22N, Rge. 21E. The following rights were decreed to George C. Miller by the decree George Miller -vs- Ernest Long, et al, for use on the above described land:

Right No. 75-0001
Amount: .7 c.f.s.
Priority Date: April 1, 1894
Source: Jesse Creek

Right No. 75-0013
Amount: .6 c.f.s.
Priority Date: September 15, 1914
Source: Jesse Creek

The abstract of water rights provided to the Jesse Creek Watermaster has, however, for many years listed the place of use for these rights as the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, Twp. 22N, Rge. 22E. It is possible that these rights have been used for a sufficient period of time that they have been lost by adverse possession, and that they would no longer be pertinent to Section 36. We have checked to see if a transfer was filed making this change, and we do not have any on record.

75 7045

Page 2
Mr. Turner
May 21, 1973

This Department will plan to discuss this problem with the Jesse Creek Watermaster to determine where the water has been used in recent years.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

Attachment

INTER-DEPARTMENT MEMO — 1

DATE May 17, 1973

FROM Norm Young

TO Bob Fleenor

SUBJECT Water Rights

For Rights No. 75-0001 and 75-0013, the description of the place of use on the decree does not appear to agree with that presented in the abstract. We have had a request from Harold Turner of Salmon for us to check to see if there are any water rights on the land described by the description for these rights on the decree. Has there been a transfer moving the place of use or was it merely an error in plotting at the time the abstract was made?

It appears this could cause a problem, particularly if the fellow who owns the W₂SW₄, Sec. 31 has been using the water.

We need a quick answer on this.

75 7045

SIGNATURE

Beginning at Corner #1, identical with standard ~~the~~ corner of T. 22N, R. 21E, and 22E, B.M.; thence North 89° , 55' West, 40 Chains to Corner #2; thence North 5' East, 20 Chains to Corner #3; thence South 89° , 55' ~~E~~ 39.9 Chains to Corner #4; thence South 20.06 Chains to Corner #1, the place of beginning, containing an area of 80.02 acres of land ($S\frac{1}{2} SE\frac{1}{4} 36$ T. 22N, R. 21E)

Decreed .7 c.f.s., April 1, 1894, to George C. Miller in 6th Judicial District, Lemhi County

Plaintiff Miller -vs- Defendant Long, June 19, 1925

Decreed .6 c.f.s., September 14, 1914

Mr. Harold R. Turner, P.O. Box 921, Salmon, Idaho, would like to know the rights decreed to this ground.

Right No., Source, Priority, etc.

$S\frac{1}{2} SE\frac{1}{4}$, Sec. 36, T. 22N, R. 21E

May 17, 1973

Mr. Harold R. Turner
P.O. Box 921
Salmon, ID 83467

Dear Mr. Turner:

This is to advise you that we are researching our water right records to determine what water rights we show for the parcel of land you described yesterday in your telephone call to this office. We found it necessary to contact our Boise Office on this matter and will notify you of our findings as soon as we hear from them.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

75 7045

May 8, 1973

Mr. Harold R. Turner
P.O. Box 921
Salmon, ID 83467

Dear Mr. Turner:

We are returning your application for permit and check No. 92-164 in the amount of \$10, as we note that the application has not been signed.

Please sign and return the application to this office with the required filing fee so we may begin processing it for you.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enc: Check #92-164 (\$10)
App/Per

75 7045

April 2, 1973

Mr. Harold R. Turner
P.O. Box 921
Salmon, ID 83467

Dear Mr. Turner:

We are returning your application for permit and check No. 92-164 in the amount of \$10. There are several items which needed to be clarified before processing can be commenced. We have retyped the application to reflect the information that we feel is correct and would appreciate your changing any of the items which are not correct.

1. In Item 2 the source of water supply has been changed from spring to unnamed stream, tributary to sinks, since it appears that the spring itself is not being taken in hand with a headbox.
2. In Item 4 an entry has been made for stockwater usage. The total quantity of water appropriated listed in Item 5 has been increased to 0.19, as there is no additional filing fee for this increase.
3. In Item 8a-1 we have listed the place of use as being the same as that for the point of diversion.
4. In Item 8 we have listed the number of families to be served as one.

If you have any questions, I will be happy to try to answer them. I plan a visit to the Salmon SCS Office on Thursday or Friday of this week.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:

Enc: app/per
check #92-164 (\$10)

75 7044