

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Ronald L. and Mary Ann Cooper, Spenard, Alaska, have received an approved permit no. 30396/75-2150 issued by the Idaho State Reclamation Department authorizing the diversion of 0.5 cubic feet per second of water from the North Fork of Boyle Creek, tributary of the Salmon River, subject to all prior rights. The priority to be established under this permit is February 28, 1962 and the permit was approved March 5, 1962. Water is to be diverted by ditches from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 23 N, R. 22 E. B. M., Lemhi County to be used for irrigation in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 23 N, R. 22 E, B. M. Proof of the application of the water to beneficial use was submitted to the department on June 2, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Recorder-Herald, Salmon, Idaho, on August 13 and August 20, 1970.

8-13-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

OCT 1 1970
Department of Water Administration

JERRY G. ROSIN

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 EXISTING WATER PERMIT

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 two consecutive issues, commencing with the issue dated 8-13, 19 70 and ending with the issue dated 8-20, 19 70

Jerry G. Rosin

Subscribed and sworn to before me, this 20th

day of August, 19 70.

[Signature]
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 10.08

75-2150
30394

R. 22 E.

T.
23
N.

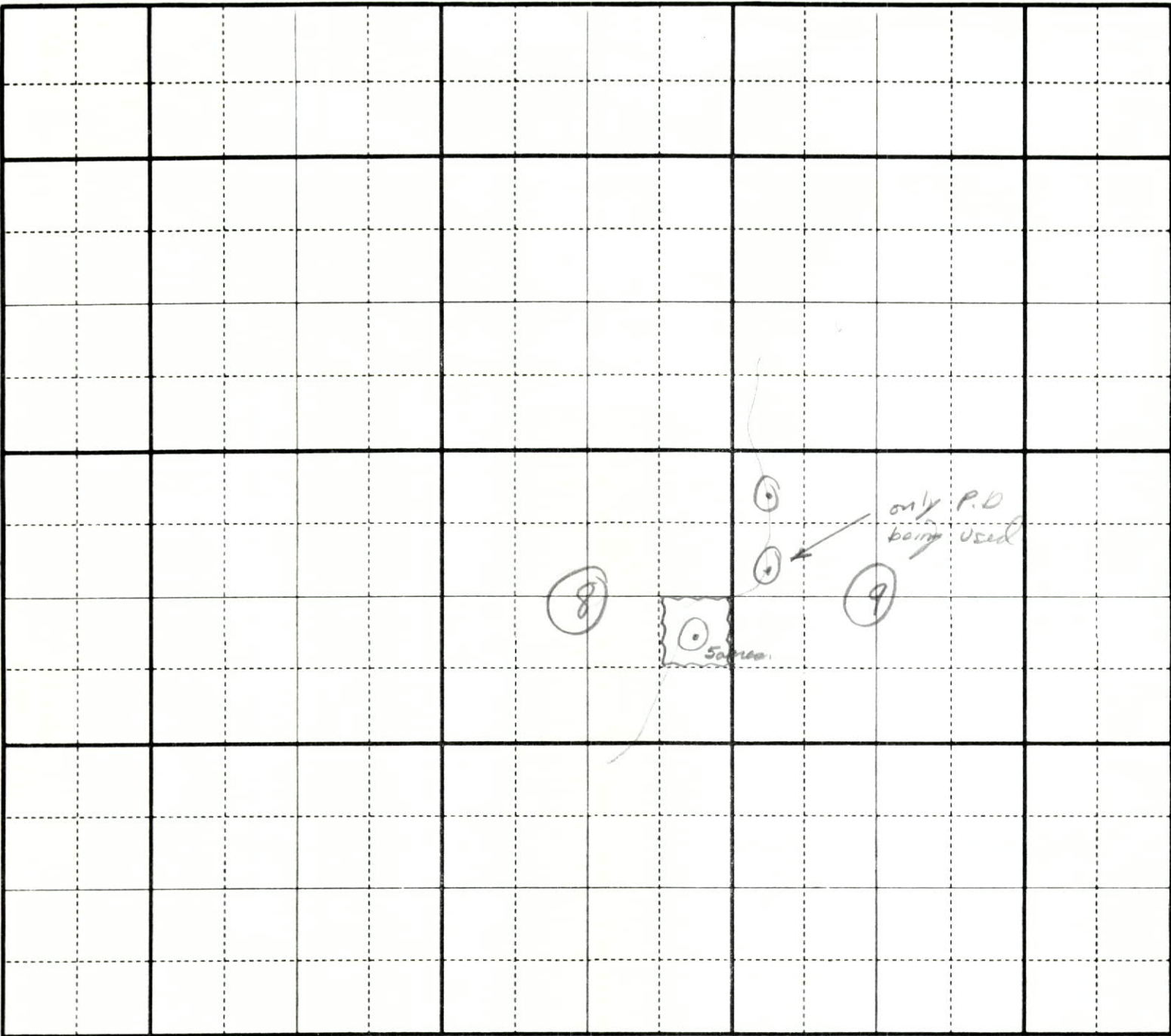


Diagram of System

There is only one P.D. being used. That is in SW 1/4 Sec 9

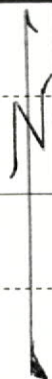


NAME OF APPLICANT

Eric Embley - Salmon, Idaho - Box 383

Form No. 0

RECEIVED
FEB 28 1962
Department of Reclamation



78

89

Boyle Creek

Ditch #1

Ditch #2

Ditch #3

Ditch #4

Ditch #5

Ditch #6

Ditch #7

Ditch #8

Ditch #9

Ditch #10

Ditch #11

Ditch #12

Ditch #13

Ditch #14

Ditch #15

Ditch #16

Ditch #17

Ditch #18

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Ditch #39

Ditch #40

Ditch #41

Ditch #42

Ditch #43

Ditch #44

Ditch #45

Ditch #46

Ditch #47

Ditch #48

Ditch #49

Ditch #50

78

89

Permit No. 30396

As Approved

MAR 5 1962

GEO. H. CARTER

State Reclamation Engineer

T. 23 N., R. 22 E., B.M.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30396/75-2150 Priority May 28, 1962 Amount 0.10 cfs
(late proof)

THIS IS TO CERTIFY, that Ronald L. & Mary Ann Cooper
of Spenard, Alaska, has complied with the terms and conditions of Permit
No. 30396/75-2150 issued pursuant to Application for Permit dated February 28, 1962,
and has submitted proof to the Department of Water Administration on June 2, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.10 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from North Fork of Boyle Creek (now North Fork
of Tower Creek)
tributary of the Salmon River, is hereby confirmed in the following amounts:
Amount 0.10 for irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.10 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Twp. 23 N, Rge. 22 E, B.M.

in the county of Lemhi; 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 15 acre feet per year or _____
3.0 acre feet per acre.

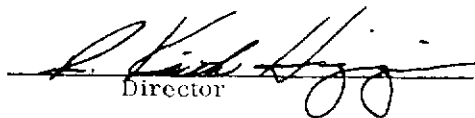
Description and location of place of use:

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 $\frac{1}{4}$	
23 N	22 E	S													5				5

Total number of acres irrigated 5

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 11 day of
November, 19 71.


Director

75 2150

BEFORE THE STATE RECLAMATION ENGINEER

OF

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 30396/75-2150)
in the name of RONALD L. AND MARY ANN COOPER)

ORDER OF REINSTATEMENT

WHEREAS, on February 28, 1962, Mr. Erle Embley applied to the Department of Reclamation for a permit to appropriate 0.5 cubic feet per second of water from the North Fork of Boyle Creek, which is a tributary of the Salmon River to be diverted in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 22 N, R. 23 E, B. M., Lemhi County, Idaho for irrigation of 25 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 23 N, R. 22 E, B. M.; and,

WHEREAS, on March 5, 1962, the Department of Reclamation approved the application subject to the condition that one-fifth of the work be completed on or before March 5, 1963, and that proof of the application of water to beneficial use be submitted to the Department on or before March 5, 1970; and,

WHEREAS, on February 28, 1964, the Department of Reclamation received the required Completion of Works; and,

WHEREAS, on November 3, 1969, the Department of Reclamation forwarded to the permit holder an order modifying the requirements for completion of Permit 30396/75-2150, notifying the permit holder that he was required to submit proof of the application of the water to beneficial use and instructed the permit holder as to the steps to be taken to make that proof; and,

WHEREAS, on April 6, 1970, the permit holder was notified by certified mail that the permit had lapsed for failure to submit proof of beneficial use; and,

WHEREAS, on April 7, 1970, the Department received an assignment of permit from Thelma Baker, Executrix of the Estate of Erle Embley, Deceased, to Ronald L. Cooper and Mary Ann Cooper; and,

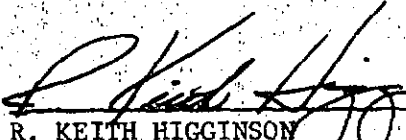
WHEREAS, on June 2, 1970, the Department of Reclamation received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, submission of an affidavit of proof of beneficial use is considered as a reasonable showing as to why the permit should be reinstated;

THEREFORE, IT IS HEREBY ORDERED that Permit 30396/75-2150 be REINSTATED and the priority reduced to May 28, 1962.

Dated this 24TH day of JUNE, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED
APR 7 1965
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

I, /THELMA BAKER, Executrix of the Estate of Erle Embly, Deceased,
of RONALD L. COOPER and MARY ANN COOPER, Name
Spenard, Alaska Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 75-2150 (30396)
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 16th day of March, 19 65.

ESTATE OF ERLE EMBLY, DECEASED
BY X Thelma E. Baker EXECUTRIX
Permit Holder

XXXXXXXXXXXXXXXXXXXX

State of Idaho)
County of LEMHI) ss.

On this 31st day of March, 19 70, 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
SALMON, IDAHO

My commission expires 2/10/72

75 - 2150
30396

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 30396)
in the name of Erle Embley,)
Box 383, Salmon, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

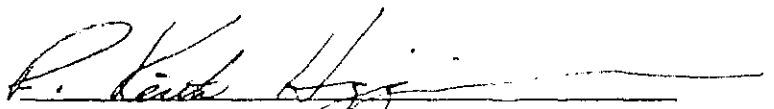
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 30396 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 20th day of OCTOBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

30396

75-2150

**Application For Permit
To Appropriate the Public Waters of the State of Idaho**

APPLICATION No. 38444
PERMIT No. 30396
DISTRICT No.

1. Name of Applicant: Erle Embley

Postoffice address: Box 383, Salmon

County: Lemhi

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

ASSIGNED TO

Ronald L. and Mary Ann Cooper
Spenard, Alaska

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 25 miner inches or 0.5 cubic feet per second.

3. Source of water supply: Boyle Creek (North Fork of Boyle/ which is a tributary of Salmon River

4. Location of point of diversion: See Remarks feet distant from the

corner of Section , T. , R. , B.M., and is in the

of section , T. , R. , B. M., County of Lemhi

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1000.00

8. Kind of works: 3 ditches as shown on Form No. 0

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 2 fee; width at water line $2\frac{1}{2}$ feet; depth of water 8" feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Erle Embley Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. February 28, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30396

Recorded in Book 106 Page 30396 Approved March 5, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before May 5, 1962 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 5, 1963

The whole of said work to be completed on or before March 5, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before March 5, 1970

WITNESS My hand this 5th day of March, 1962

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th

day of March, 1962.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS: The water is to be diverted from Boyle Creek through 3 different ditches, alternately, the ditches are shown on Form No. 0. The points of diversion are as follows: Ditch No. 1 - 1000 ft. Southeast from NE Cor. of Sec. 8, and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9; Ditch No. 2 - ~~as shown on Page 1 of Application~~ in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9; Dit. No. 3 - 300' Southwest from the East $\frac{1}{4}$ Cor. of Sec. 8, and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8; Plan is to install a sprinkler system to irrigate from Dit. No. 1. The water applied for has been used continuously on the premises herein described for irrigation since prior to the year 1907.

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 $\frac{1}{4}$		
23 N	22 E	8	Permit No. 30396 CERTIFICATE OF COMPLETION OF WORKS				25	25
TO ALL WHOM IT MAY CONCERN:								
This is to certify that ERLE EMBLEY of Salmoh, County of Lemhi, and State of Idaho, the holder of Permit No. 30396, issued upon Application No. 38444, bearing date of priority of February 28, 1962, authorizing the diversion of 0.5 second feet of waters of Boyle Creek (now called Tower Creek), County of Lemhi, State of Idaho, for irrigat purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of complet of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.5 second feet of the waters of Boyle Creek, tributary of Salmon River, tha the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.9, T. 23 N., R. 22 E., B. M., and that t lands proposed to be irrigated by the use of said water are described as follows, to-wit:								
25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 23 N., R. 22 E., B. M.								
Witness my hand this 28th day of February, A. D. 1964								
s/ CARL E. TAPPAN State Reclamation Engineer								
Proof of Completion of Works Made: February 22, 1964								
LICENSE ISSUED FOR 0.10 SEC. F1. LICENSE PAGE NO. _____								

NOTICE OF EXISTING WATER PERMIT

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R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Recorder-Herald, Salmon, Idaho, on August 13 and August 20, 1970.

8-13-2tc

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi }

OCT 1 1970

Department of Water Administration

JERRY G. ROSIN

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 EXISTING WATER PERMIT

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 two consecutive issues, commencing with the issue dated 8-13, 1970 and ending with the issue dated 8-20, 1970

Subscribed and sworn to before me, this 20th

day of August, 1970.

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

Publication Fee \$ 10.08

75-2150
30394

Identification No. _____

Permit No. 75-2150

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED
JUN 2 1970

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder RONALD L. COOPER
b) Post Office Address 5311 Dorbrandt Street, Anchorage, Alaska 99502
2. Permit Number 30396/75-2150
3. Date of Priority that you are prepared to establish February 28, 1962 for Permit
4. a) Source from which water was appropriated Tower Creek formerly Boyle Creek
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 8, and NW 1/4 NW 1/4 of Section 9,
SW 1/4 NW 1/4 of Section 9,
Township 23 North, Range 22 East Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 0.5 Cu.ft.s for irrigation purposes from April 1 to November 1 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)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.5 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: Hugh Coiner, Salmon, Idaho, Consulting Engineer
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: none
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) three ditches about 20" wide top, 16" wide bottom and 16" deep.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Wood Frame 24" by 24".
c) Give well drillers name and address and date the well was completed None

Exam typed 5-7-71. (CA)

75-2150
30396

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use None

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23 N	22 E	8													25				25

Total number of acres irrigated 25

10. Remarks: Water applied for has been used continuously on the above premises for irrigation since prior to the year 1907. Filing is for the purpose of record proof.

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

May 15, 1970
(Date)

Ronald D. Cogger
(Signature)

State of IDAHO)
County of LEMHI) ss.

On this 15th day of May, 19 70, 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 Salmon, Idaho

My commission expires 2/10/72

Permit No. 30396STATE OF IDAHO
Department of Reclamation

RECEIVED

FEB 28 1964

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Lemhi } ss.Erle Embley, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 30396, and that his postoffice address is Box 383, Salmon State of Idaho.Second: That the name of the stream from which said water is to be diverted is Boyle Creek (Now called Tower Creek)Third: That the point of diversion of said water is Three points -- (1) 1,000 feet SE of NE Corner of Sec 8, in NW 1/4 NW 1/4 of Sec. 9 T 23 N, R 22 E.B.M.; (2) In SW 1/4 NW 1/4 Sec. 9, T 23 N, R 22 E.B.M.; (3) 300 ft. SW of the East 1/4 corner of Sec. 8 in the NE 1/4 SE 1/4 Sec. 8 T 23 N, R 22 E.B.M. all in Lemhi County, IdahoFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 5, 19 64Fifth: That the use for which said water is intended is IrrigationSixth: That on the date above mentioned, the works constructed under said permit were ~~(NOT)~~ fully completed and consisted of the following:I. Kind of Works: Ditch, Flume and three headgates

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 1, 11, & 14 feet, height 2, 2 & 2 feet.(d) Conduit ditch width at bottom 1 1/2 feet, width at water line 3

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 10 inches; diameter of pipe _____ inches, average grade per mile is 20 feet. Length of conduit is 3/4 miles.Seventh: That said works are capable of conducting to the place of intended use one second feet of water.Eighth: That water appropriated under said permit is available for 25 acres of land described as follows: NE 1/4 SE 1/4 Sec. 8, twp. 23 North, Rge 22 E.B.M., Lemhi County, IdahoNinth: Remarks: That Plan is to install sprinkler system to irrigate from Ditch No. 1, and the water is to be diverted through said three ditches alternately. The water applied for has been used continuously on the premises herein described for irrigation isnce prior to the year 1907.Subscribed and sworn to before me this 22nd day of February, 19 64My commission expires March 21, 1965Erle Embley
(SIGN HERE)

Residing at Salmon, Idaho

NOTARY PUBLIC

WATER RIGHT NUMBER 75-2150

OWNER LAST NAME - EMBLEY
OWNER LAST NAME - COOPER
OWNER LAST NAME - COOPERFIRST NAME - ERLE
FIRST NAME - RONALD L.
FIRST NAME - MARY ANNORIG OWNER -
ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - SPENARD

STATE - AK ZIP CODE -

SOURCE - TOWER CREEK, NORTH FORK

TRIBUTARY OF - SALMON RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 05-28-1962 COUNTY - LEMHI

TOTAL DIV. RATE - .1000 -CFS

TOTAL DIV. VOLUME - 15.00 AFA TRFR/AMEND -

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

DIVERSION POINT - SWNW 09 23N 22E LOT REDIV -

272.0 92.0 328.0 0.0 0.0 0.0 0.0 0.0 0.0 2.7

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .1000 CFS USE DIV. VOLUME - 15.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 23N RNG 22E SEC 08 TRACT NESE LOT AC 05

DECREE NAME -

DATE -

TOTAL ACRES 5

REMARKS - SOURCE KNOWN LOCALLY AS N. FK. BOYLE CK.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 30396

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED LGS

281 VERIFIED

IDENT. NO. 75-2150

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 30396 175-2150
Old No. New No.

Record

1. Original Owner: Earl Embley
Ronald L. + Mary Ann CooperPresent Owner: ↓

2. Address:

3. City: Spennard State: AK Zip:4. A. Source of Water: Tower Creek, North ForkB. Tributary of: Salmon River5. A. Stage (A,P,L,D,S,J): L

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

C. Priority Date: 5-28-1962D. County: 59E. Total Diversion Rate: .1F. Total Diversion Volume: 15.

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	<u>SWNW</u>	<u>9</u>	<u>23N</u>	<u>22E</u>		

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

from _____ to _____ for A purposes. Amount .1/15.
(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 _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks:

B.

C.

D.

E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 30396

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

November 15, 1971

C Re: Permit No. 30396/75-2150 - Ronald L. & Mary Ann Cooper

O Mr. C. Walker Lyon
Attorney-at-Law
Box 250
Salmon, Idaho 83467

Dear Mr. Walker:

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

P As our letter of October 29, 1971, which was addressed to Mr. & Mrs. Cooper at Spenard, Alaska, was returned to our office, we are forwarding the license to you.

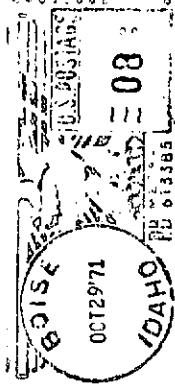
Sincerely,

Y BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

75 2150

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



RECEIVED
NOV 4 1971

Department of Water Administration

Ronald L. & Mary Ann Cooper
Spenard,
ALASKA

RETURNED FOR BETTER ADDRESS



RETURN
TO WRITER
UNCLAIMED

75 2150

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

October 29, 1971

Ronald L. & Mary Ann Cooper
Spenard,
Alaska

Dear Mr. & Mrs. Cooper:

A representative of this department has made an examination of the works covered by your Permit No. 30396/75-2150 and has found the following:

Quantity of water diverted: 0.10 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.10 cfs

The maximum quantity diverted shall not exceed 15 acre feet per season.

Beneficial Use: Irrigation of 5 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8,
Twp. 23 N, Rge. 22 E, B.M.

The priority date established is : May 28, 1962

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,

Bobby D Fleenor
BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: C. Walker Lyon
Box 250
Salmon, Idaho

75 2150

October 29, 1971

Ronald L. & Mary Ann Cooper
Spenard,
Alaska

Dear Mr. & Mrs. Cooper:

A representative of this department has made an examination of the works covered by your Permit No. 30396/75-2150 and has found the following:

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Twp. 23 N, Rge. 22 E, B.M.

The priority date established is : May 28, 1962

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,

BOBBY D. FLEENOR
Assistant Director

75 2150

BDF:DR
cc: C. Walker Lyon
Box 250
Salmon, Idaho

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Ronald L. and Mary Ann Cooper
Postoffice address Spenard, Alaska Phone _____
Person to contact C. Walker Lyon, Attorney Phone 756-2814
2. Source of water supply: Groundwater ☐ Surface water ☒ Boyle Creek (No. Fork of Boyle Ck.)
(name spring, stream, etc.)
Tributary to Salmon River

3. Water will be used for the following purposes:

Amount 0.5 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 1 to November 1
(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)

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

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

Other uses: _____

Permit No. 30396/75-2150
Examination for B/U

4. Total amount to be appropriated:

Max Rate of Diversion 0.5 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(Ditch #1) Township 23 N N/S, Range 22 E E/W, B.M., Section 9, Subdivision NW 1/4 NW 1/4, Lemhi
County
(Ditch #2) Township 23 N N/S, Range 22 E E/W, B.M., Section 9, Subdivision SW 1/4 NW 1/4, Lemhi
County
(Ditch #3) Township 23 N N/S, Range 22 E E/W, B.M., Section 8, Subdivision NE 1/4 SE 1/4, Lemhi
County

Other Points of Diversions: _____

Description of diverting works: Three ditches about 20" wide top, 16" wide bottom and 16" deep.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23 N	22 E	8													25				25

R. J. E.

T. 73
U.

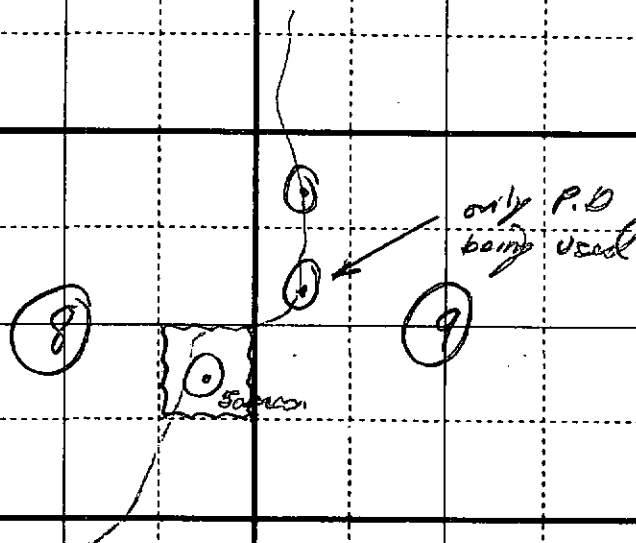
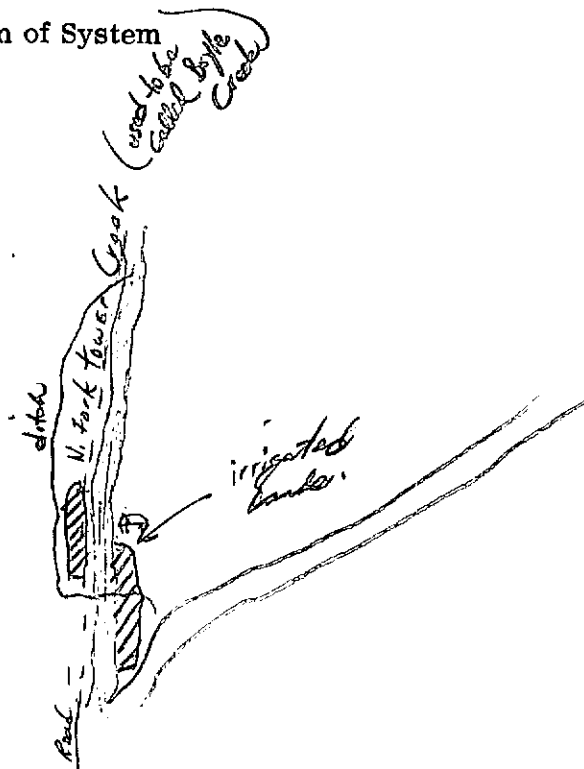


Diagram of System

There is only one P.D. being used. That is in SWAMP 9



75 2160

DATE OF EXAM 8/24/71

ACREAGE

Found 5 acres
Recommended 5 acres

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = .1 c.f.s. V = 15 AF AF/Ann. from Apr. 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ 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 estimated (there is more than .1 cfs running in his ditch) Method of measurement _____

Total Q recommended .1 Meter No. _____ Type _____ Condition _____

Total V recommended 15 AF

Recommended Amendments:

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

MEASUREMENT CALCULATION:

There is more than .1 cfs running in his ditch. I recommend to him 1" per acre or 5 inches of water.

SYSTEM DESCRIPTION:

P.D. is on Sec 9 SW NW. Sec 9 23N-22E and in riparian discharge from Towns Creek (North Fork). This creek used to be called Boyle Creek. Water runs in a small ditch to place of use.

REMARKS:

The P.D. in NW NW Sec 9 is no longer being used. There is a P.D. in the NESE Sec 8, but the flume has been washed out and is no longer used.

Examiner's Signature Fred E. [Signature] Date 8/24/71

Checked by mje Date 9/1/71

Approved by _____ Date _____

NOTE ON EXAM

contact C. Walker

Ac. on Att
ph. No. 756-2814

give address

✓
α

4
10/10/10

30394
75-2150

October 26, 1970

Re: Permit No. 30396/75-2150 - Ronald L. and Mary Ann Cooper

Mr. C. Walker Lyon, Attorney
Box 250
Salmon, Idaho 83467

Dear Mr. Walker:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

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 someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

75-2150
30396

LAW OFFICES
C. WALKER LYON
SALMON, IDAHO

TELEPHONE 756-2814

P. O. BOX 250

September 30, 1970

RECEIVED

OCT 1 1970

Department of Water Administration
State House - Annex 2
Boise, Idaho 83707

Department of Water Administration

Gentlemen:

Enclosed herewith is the
affidavit of publication of the notice
of existing water permit No. 30396/75-2150
of Ronald L. and Mary Ann Cooper.

Very truly yours,

CWL:gl



75-2150
30396

September 28, 1970

Re: Permit No. 30396/75-2150

Mr. C. Walker Lyon,
Attorney
Box 250
Salmon, Idaho 83467

Dear Mr. Lyon:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 30396/75-2150. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Recorder-Herald, Salmon, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

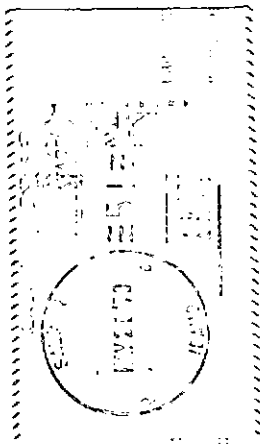
Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

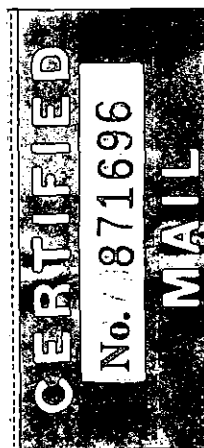
DWM/DG

30396
75-2150

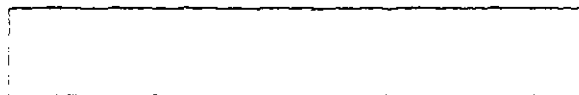
AFTER FIVE DAYS RETURN TO
LYON LAW OFFICES
SALMON, IDAHO 83487



RETURN RECEIPT REQUESTED



Hon. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707



75-2150
30396

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

RETURN TO
WRITER
UNCLAIMED



JUL 15 1970

Ronald L. & Mary Ann Cooper

Spennard,

Alaska

99503

RECEIVED

AUG 4 1970

Department of Reclamation

75-2150
30396

July 31, 1970

Re: Permit No. 30396/75-2150

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

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 the Department of Water Administration immediately.

The expense of the publication is to be paid by C. Walker Lyon, Attorney, Box 250, Salmon, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

75-2150
30396

July 31, 1970

Re: Permit No. 30396/75-2150

Mr. C. Walker Lyon,
Attorney
Box 250
Salmon, Idaho 83467

Dear Mr. Lyon:

The legal notice for the above-referenced permit is being published in the
Recorder-Herald, Salmon, Idaho on August 13
and August 20, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

75-2150
30396

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE -- ANNEX 2
BOISE, IDAHO 83707

June 24, 1970

Re: Permit No. 30396/75-2150

Mr. C. Walker Lyon
LYON LAW OFFICES
Box 250
Salmon, Idaho 83467

Dear Mr. Lyon:

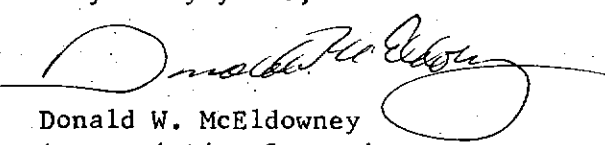
We acknowledge receipt of the affidavit of beneficial use submitted in connection with the above referenced permit.

Please find enclosed an ORDER OF REINSTATEMENT for permit no. 30396/75-2150. You will note that the priority has been reduced to May 28, 1962.

Before a field examination takes place and a license issued, it will be required that a notice be published for two weeks at the permit holder's expense in the Recorder-Herald of Salmon, Idaho. We are enclosing an authorization to publish for you or the permit holder to complete. Upon receipt of the signed authorization, we will cause the notice to be published. The newspaper will bill you direct for the publication and furnish you with an affidavit of publication upon payment of the bill, which you must forward to the Department of Reclamation.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: ORDER OF REINSTATEMENT
authorization to publish
cc: Ronald L. & Mary Ann Cooper
Spenard, Alaska

75-2150
30396

LAW OFFICES
C. WALKER LYON
SALMON, IDAHO

TELEPHONE 756-2814

P. O. BOX 250

July 22, 1970

RECEIVED

JUL 23 1970

Department of Water Administration

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

Dear Mr. McEldowney:

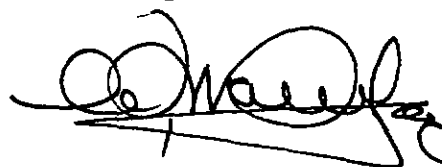
Enclosed herewith is the Notice of Existing Water Permit to be published in the Recorder Herald in Salmon, Idaho, together with the authority to have the publication expense billed to me.

I understood the Coopers would be at Salmon before now and held up sending you the notice, but seeing they are delayed I am enclosing it now.

If there is anything further you need, please write my office.

CWL:gl
ENC:2

Sincerely,



75-2150
30396

RECEIVED

NOTICE: This completed form authorizes the Idaho Department of Reclamation to publish a required legal notice at YOUR expense.

State Reclamation Engineer
Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Recorder-Herald of Salmon, Idaho, as required under the Rules and Regulations of the Idaho Department of Reclamation and the Laws of the State of Idaho. My complete billing address is C. Walker Lyon, Attorney, Box 250, Salmon, Idaho. Dated this 15th day of July, 19 70.


Signature

ATTORNEY
Title

RECEIVED
FEB 28

Spencer, Alaska

R. KEITH HIGGINSON
State Reclamation Engineer.

75-2150
30396

June 24, 1970

Re: Permit No. 30396/75-2150

Mr. C. Walker Lyon
LYON LAW OFFICES
Box 250
Salmon, Idaho 83467

Dear Mr. Lyon:

We acknowledge receipt of the affidavit of beneficial use submitted in connection with the above referenced permit.

Please find enclosed an ORDER OF REINSTATEMENT for permit no. 30396/75-2150. You will note that the priority has been reduced to May 28, 1962.

Before a field examination takes place and a license issued, it will be required that a notice be published for two weeks at the permit holder's expense in the Recorder-Herald of Salmon, Idaho. We are enclosing an authorization to publish for you or the permit holder to complete. Upon receipt of the signed authorization, we will cause the notice to be published. The newspaper will bill you direct for the publication and furnish you with an affidavit of publication upon payment of the bill, which you must forward to the Department of Reclamation.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: ORDER OF REINSTATEMENT
authorization to publish
cc: Ronald L. & Mary Ann Cooper
Spenard, Alaska

75-2150
30396

LAW OFFICES
C. WALKER LYON
SALMON, IDAHO

TELEPHONE 756-2814

P. O. BOX 250

May 29, 1970

RECEIVED

JUN 2 1970

Department of Reclamation

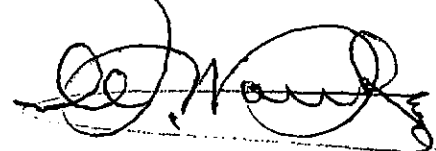
Hon. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed herewith is Proof of
Application of Water to Beneficial Use
of Permit No. 30396/75-2150 of Ronald
L. Cooper for fifty miner inches of
water of Tower Creek for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 8, Township 23 North, Range 22
E.B.M., Lemhi County, Idaho.

If there should be any further
information needed, please write or call
my office.

Sincerely,



CWL:gl
ENC:1

75-2150
30396

April 10, 1970

Re: Permit No. 75-2150 - Ronald L. and Mary Ann Cooper

Mr. C. Walker Lyon
LYON LAW OFFICES
Box 250
Salmon, Idaho 83467

Dear Mr. Lyon:

We are in receipt of the assignment in connection with the above referenced permit. The assignment has been recorded in our office and we are enclosing a copy of the permit for your clients records.

You have no doubt received by this time a copy of the lapse notice forwarded to Mrs. Thelma Baker on April 6, 1970. As the permit has lapsed, the Department could not now accept an application for extension of time. However, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing.

As submission of proof of application of water to beneficial use is considered a showing of reasonable cause, we are enclosing a beneficial use affidavit for your clients use in this matter. Please be advised that the affidavit must be received by the Department on or before June 5, 1970.

If you have any questions or if we may be of any assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Copy of permit
B/U affidavit

75-2150

30396

LYON LAW OFFICES

BOX 250

SALMON, IDAHO 83467

C. WALKER LYON

FREDERICK C. LYON

April 6, 1970

RECEIVED

APR 7 1970

TELEPHONE 756-2814
AREA CODE 208
Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
State House - Annex 2
Boise, Idaho 83707

Re: Permit No.
75-2150 (30396)

Dear Mr. McEldowney:

In response to your letter of March 4, I am enclosing herewith an Assignment of Permit No. 75-2150.

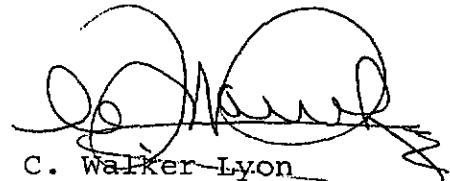
The reason for the delay is that Mrs. Baker was in the State of Washington and then returned to Idaho and my letter followed her. My client, Ronald L. Cooper is in Spenard, Alaska.

Would you please file the Assignment and if there is any charges, bill me.

Also would you please give me an extension for sixty days to contact my client in Alaska and get either a formal extension or proof of beneficial use forms made out.

You will note the water has used on this property since around 1907.

Sincerely,


C. Walker Lyon

CWL:gl
ENC:1

75-2150
30396

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 6, 1970

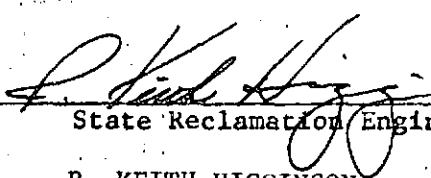
Re: Permit No. 30396/75-2150

Estate of Erle Embley
c/o Mrs. Thelma Baker
Box 383
Salmon, Idaho 83467

Dear Mrs. Baker:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, Permit 30396/75-2150 has lapsed.

You are further advised that the department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.


State Reclamation Engineer

R. KEITH HIGGINSON

RKH:DR

cc: Mr. C. Walker Lyon
Box 250
Salmon, Idaho 83467

Form 7

75-2150
30396

March 4, 1970

Re: Permit No. 75-2150 (30396)

C
O
P
Y

Lyon Law Offices
Box 250
Salmon, Idaho 83467

Attn: C. Walker Lyon

Dear Mr. Lyon:

We are in receipt of your letter, of February 18, 1970, concerning the above referenced permit. In reviewing the warranty deed and decree of distribution, we find that this is not sufficient with which to arrest control of the permit in question. The comment, "together with all water, water rights, ditches, ditch rights, range, and range rights appertaining thereto or used in conjunction therewith", is a standard phrase found in warranty deeds and deeds of this nature. The Idaho Attorney General's office has advised us that in as much as a permit is personal property, until such time as a license is executed, and that there is no appurtenance to the property in question until the license is executed warranty deeds or other deeds with such references are insufficient for the purpose of arresting control of a permit. We would recommend that, as in most cases similar to this, the administrator of the estate convey the permit specifically by number to Mr. Cooper.

With reference to the additional time for submitting the required affidavit of beneficial use, the affidavit of beneficial use must be received, on or before March 5, 1970. We will use your letter, of February 18, 1970, as the initial request of Mr. Cooper for the extension of time. We are enclosing an extension application form, which he can complete and return to this department as soon as he submits satisfactory evidence that he is the permit holder. We are also enclosing a beneficial use affidavit and instructions.

75-2150
30396

Page Two
C. Walker Lyon
March 4, 1970

We will withhold action under this permit for 30 days, which we hope will be adequate time to secure control of the permit, submit an affidavit of beneficial use or an application for extension of time. If you have any questions on the matter, please contact us directly.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosures: extension of time form
beneficial use affidavit & instructions
copy of permit

C
O
P
Y

75-2150
30 396

LYON LAW OFFICES

BOX 250

SALMON, IDAHO 83467

C. WALKER LYON

~~FREDERICKSON LYON~~

February 18, 1970

TELEPHONE 756-2814
AREA CODE 208

RECEIVED

FEB 18 1970

Mr. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

Department of Reclamation

Re: Permit No.
30396/75-2150

Dear Mr. Higginson:

Your letter of January 2, 1970, addressed to Erle Embley has been handed to me by Ronald L. Cooper, the owner now of the land for the above permit.

Shortly after making proof of completion of work, Erle Embley died, his estate was probated and his heirs sold the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 23 North, Range 22 E.B.M., together with the water rights to Ronald L. Cooper, who is Embley's grandson.

I am enclosing herewith the original Decree of Distribution in the Estate of Erle Embley, Deceased, entered March 16, 1965, and the Warranty Deed dated March 16, 1965, transferring the property from Mr. Embley's heirs to my clients.

My first question is, are these recorded instruments sufficient to transfer the water rights on your records? Two, Mr. Cooper was informed that the final proof had been made on the water, the Executrix thinking the proof of works was the final proof, therefore, Mr. Cooper desires some additional time to file Proof of Application of water to beneficial use. The water has been put to a beneficial use, and needs only proof.

Under 5-C of your form of proof, is it sufficient

75-2150
30396

Page 2

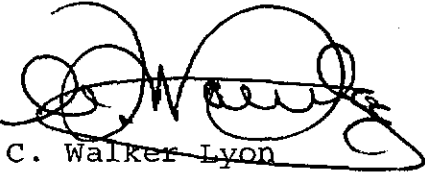
R. Keith Higginson
State Reclamation Engineer

Re: Permit No. 30396/75-2150

to state that Carl E. Tappan, who signed the proof of works, was this person, or must we obtain another engineer at this time?

The original application appears to have been lost or destroyed. Could we have a copy of the same so we can show the date of priority.

Sincerely,



C. Walker Lyon

CWL:gl
ENC:2

75-2150
30396

IN THE MATTER OF THE ESTATE)
)
 OF) DECREE OF DISTRIBUTION
)
 ERLE EMBLEY, DECEASED.)

75-2150
30396

last will and testament of said deceased, the hereinafter persons were willed the hereinafter described property as herein set forth, share and share alike.

NOW, THEREFORE, On this 16th day of March, 1965, on motion of C. Walker Lyon, attorney for the Executrix of said estate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the following remaining property of said estate, described as follows, to-wit:

Cash \$853.70

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 23 North, Range 22, E.B.M., containing 39 acres, more or less.

Together with all water, water rights, ditches, ditch rights, range and range rights, appertaining thereto or used in connection therewith.

Subject to a real estate contract of the 4th day of May, 1962, between the deceased, Erle Embley and Ronald L. Cooper and Mary Ann Cooper, husband and wife, for the purchase price of \$6000.00 at no interest upon which \$1500.00 has been paid at this time, leaving a balance due and owing of \$4500.00 at no interest.

Together with any other property, real or personal, not now known or discovered, of whatsoever kind and nature, which may belong to said estate, or in which the said decedent or estate may have any interest, or may be entitled, be, and the same hereby is, distributed to: David Roy Embley, an undivided one-fifth interest; to Vernon E. Embley, an undivided one-fifth interest; to Lawrence C. Embley, an undivided one-fifth interest; to Ruth Eastlick, an undivided one-fifth interest; to Thelma Baker, an undivided one-fifth interest.

Dated in Open Court this 16th day of March, 1965.

(((SEAL)))

IRVIN C. ROBERTSON

PROBATE JUDGE

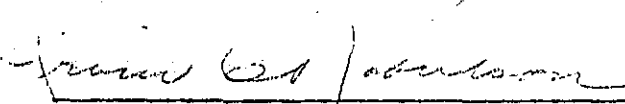
75-2150
30396

C E R T I F I C A T E

STATE OF IDAHO)
) ss
COUNTY OF LEMHI)

I, IRVIN C. ROBERTSON, Probate Judge and
Ex-Officio Clerk of the Probate Court of Lemhi County,
State of Idaho, do hereby certify that the foregoing is
a full, true and correct copy of the Decree of Distribution
on file and of record in my office, in the matter of the
Estate of Erle Embley, Deceased.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the official seal of the Probate Court
of Lemhi County, Idaho, this 16th day of March, 1965.



PROBATE JUDGE

STATE OF IDAHO, ALASKA } ss.
County of ANCHORAGE

On this 4th day of May, in the year 1965, before me
the undersigned, a Notary Public
in and for said State, personally appeared LAWRENCE C. EMBLEY

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day
and year in this certificate first above written.

Barbara J. Hansen
Notary Public for Alaska, Residing at Sitka, Alaska, Date
June 11, 1968

IN WITNESS WHEREOF, The said parties of the first part have hereunto set
hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Thelma Baker (Seal)
Ruth Eastlick (Seal)
Vernon E. Embley (Seal)
Goy Embley (Seal)
Lawrence C. Embley (Seal)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI

On this 31st day of July, in the year 1965, before me
a Notary Public

in and for said State, personally appeared DAVID ROY EMBLEY, VERNON E. EMBLEY, LAWRENCE
EMBLEY, RUTH EASTLICK and THELMA BAKER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day
and year in this certificate first above written.

Heidi C. Evers
Notary Public for the State of Idaho
Residing at Laramie, Idaho

NO. 2038
WARRANTY DEED

TO

Date 19

STATE OF IDAHO, } ss.
COUNTY OF LEMHI

I hereby certify that this instrument was

filed for record at request of

Frederick C. Lyon

at 15 minutes past 11

o'clock A. M. this 23 day

of July, A. D. 1965

in my office, and duly entered in Book File

of Deeds

Eleanor Aldous

Ex-Officio Recorder

By Margarette Butler Deputy

Fee \$ 2.00 Paid

Mail to

75-2150

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21510

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

1-9-70

30396

75-2150

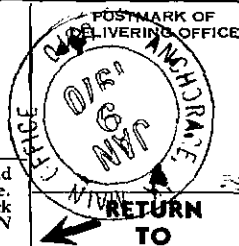
POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

655-10-71648-10

POD Form 3811 Apr. 1967

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.



NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Reclamation
Anner # 1 state use
Boise, Idaho 83702

January 2, 1970

Re: Permit No. 30396/75-2150

CERTIFIED MAIL

#21510

Erle Embley
Box 383
Salmon, Idaho

Dear Mr. Embley:

One of the conditions of the approval of your permit
30396/75-2150 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
March 5, 1____, 19 70.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension 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.



State Reclamation Engineer
R. KEITH HIGGINSON

Enclosure: Proof form

JMB

Form 5

30396
75-2150

November 3, 1969

Re: Permit No. 30396 (New No. 75-2150)

Erle Embley
Box 383
Salmon, Idaho

Dear Mr. Embley:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit, ~~and are now submitting proof of beneficial use~~. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

30396
75-2150

February 28, 1964

Re: Permit No. 30396

Mr. Erle Embley
Box 383
Salmon, Idaho

Dear Mr. Embley:

Enclosed is the Completion of Works Certificate
issued on the above numbered permit.

Also enclosed is Departmental Receipt No. 32107,
in the amount of \$5.00, covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

30396

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Jan. 2, 1964

Re: Permit No. 30396

Erle Embley
P. O. Box 383
Salmon, Idaho

Dear Mr. Embley:

Under the terms of your Permit No. 30396 you are required to complete your diversion works on or before March 5, 1964. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Form 6

30396

March 13, 1962

Re: Permit No. 30396

Mr. Erle Embley,
Box 363,
Salmon, Idaho.

Dear Mr. Embley:

We enclose Permit No. 30396 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30966 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

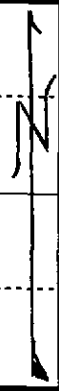
GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

30396

RECEIVED
FEB 28 1962
Department of Reclamation

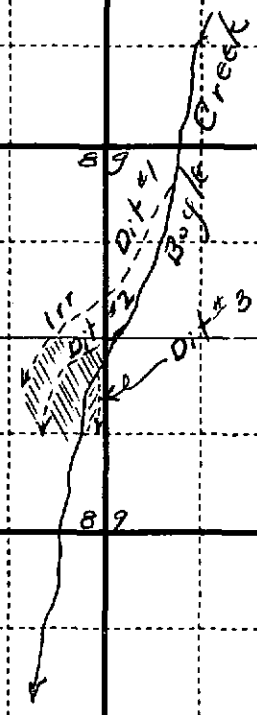


78

89

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89



Permit Map No. 230396

As Approved MAR 5 1962

GEO. H. CARTER
State Reclamation Engineer

T.23 N., R.22 E., B.M.

Box 383, Salmon, Ida. 2/24/62

FEB 28 1962

Ralph W. Thomas, Department of Reclamation
Boise, Ida.

Dear Sir — In reply to your letter of Feb. 16, under #, The diversion of ditch No. 2 is about 1000 ft. below No. 1 and the diversion of ditch No. 3 is about 300 ft. below No. 2 on the opposite side of the creek.

The sprinkler system would be used mostly from ditch No. 1 as some of the ground is above the ditch and is a gravelly soil and requires lot of water by flood irrigation and would use the three ditches as it would & save considerable of pipe.

There is a place on ditch No. 3 that could be used as a storage pond if necessary.

Yours truly,
Erl E. Embley

30396

February 16, 1962

Re: Application for Permit

Orle Babley
P. O. Box 383
Salmon, Idaho

Dear Mr. Babley:

Returned herewith is your application for permit with attached check for \$5.00.

You must sign the application on page 2 before it can be accepted.

Under 4 of the Application you show one point of diversion and under remarks you show three points, however you also show that you plan to install a sprinkler system from ditch No. 1, which we assume would eliminate the other two ditches.

Under 12 on page 2, I have inserted two years to complete the work with no extra time to prove beneficial use of the water. That would seem ample time as you show that the water has been used since 1907.

Under 3 you show the source of water supply as Boyle Creek, North Fork, whereas the maps show only Boyle Creek.

Kindly correct the application, sign and return for processing.

Very truly yours,

GEO. H. CARLIN
State Reclamation Engineer

By:

RALPH H. SMITHS, Deputy
State Reclamation Engineer

RT:ow
Enc. application with check

30396

February 6, 1962

Re: Application for Permit

Erle Embley
P. O. Box 383
Salmon, Idaho

Dear Mr. Embley:

Returned herewith are your check for \$5.00 and sketch map. Also enclosed is application form with instructions.

Kindly complete the application and return to this office with the check.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. check and
map
Form 3 & instructions

30394

RECEIVED
FEB 6 1962
Department of Reclamation

Salmon, Idaho

Box 383

Feb. 5, 1962

Dept. of Reclamation
Boise, Idaho

Dear Sirs -

I want to file on 25 inches of water from the
North Fork of Boyle Creek. Inclosed is my check for
\$5.00 for filing fee. please send whatever papers
and instructions to finish my filing on same.

Thank you

Erle Embley

30396