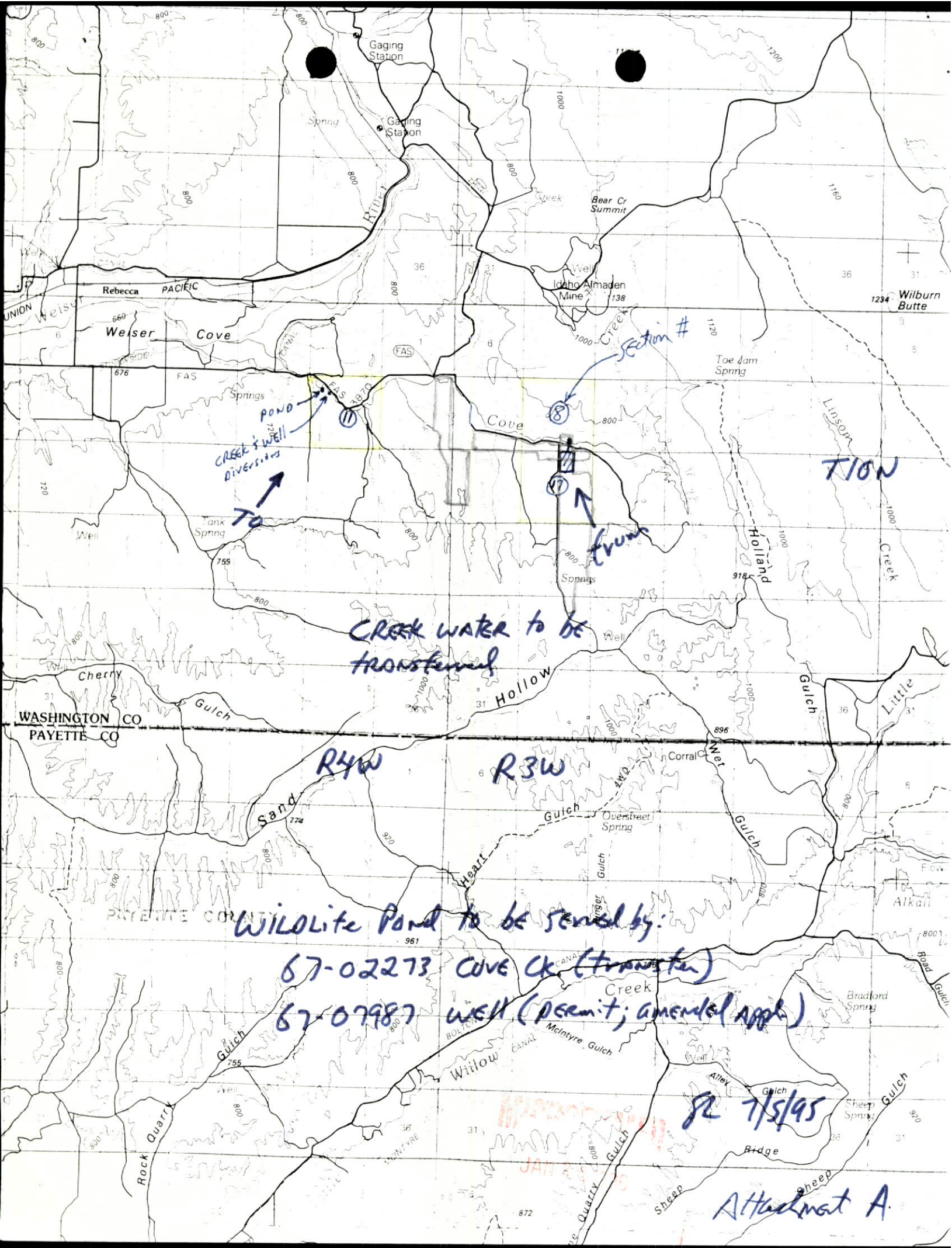




Creek water to be transferred

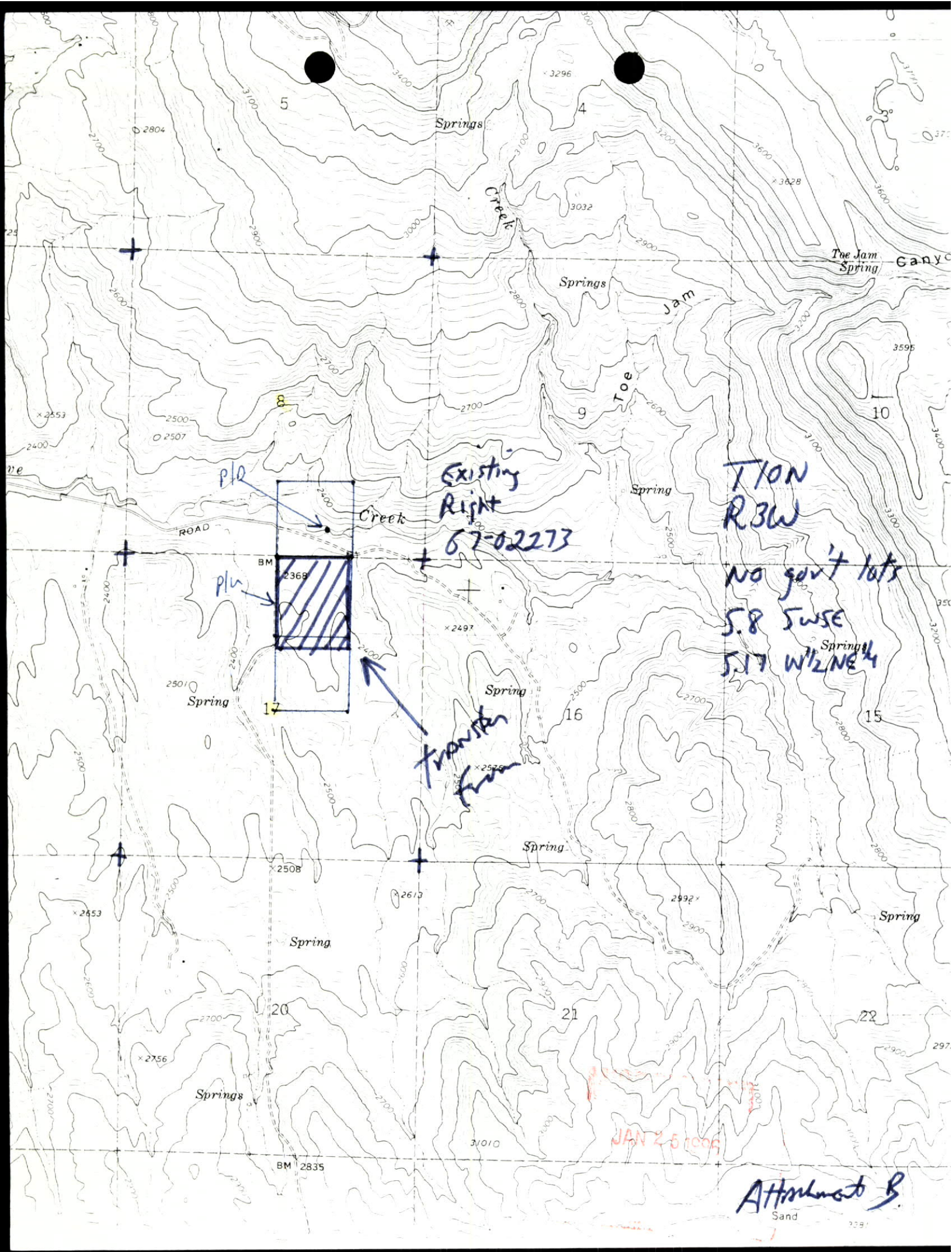
WILOLite Pond to be served by:

67-02273 COVE CK (transfer)

67-07987 well (permit; amend app)

JC 7/5/95

Attachment A



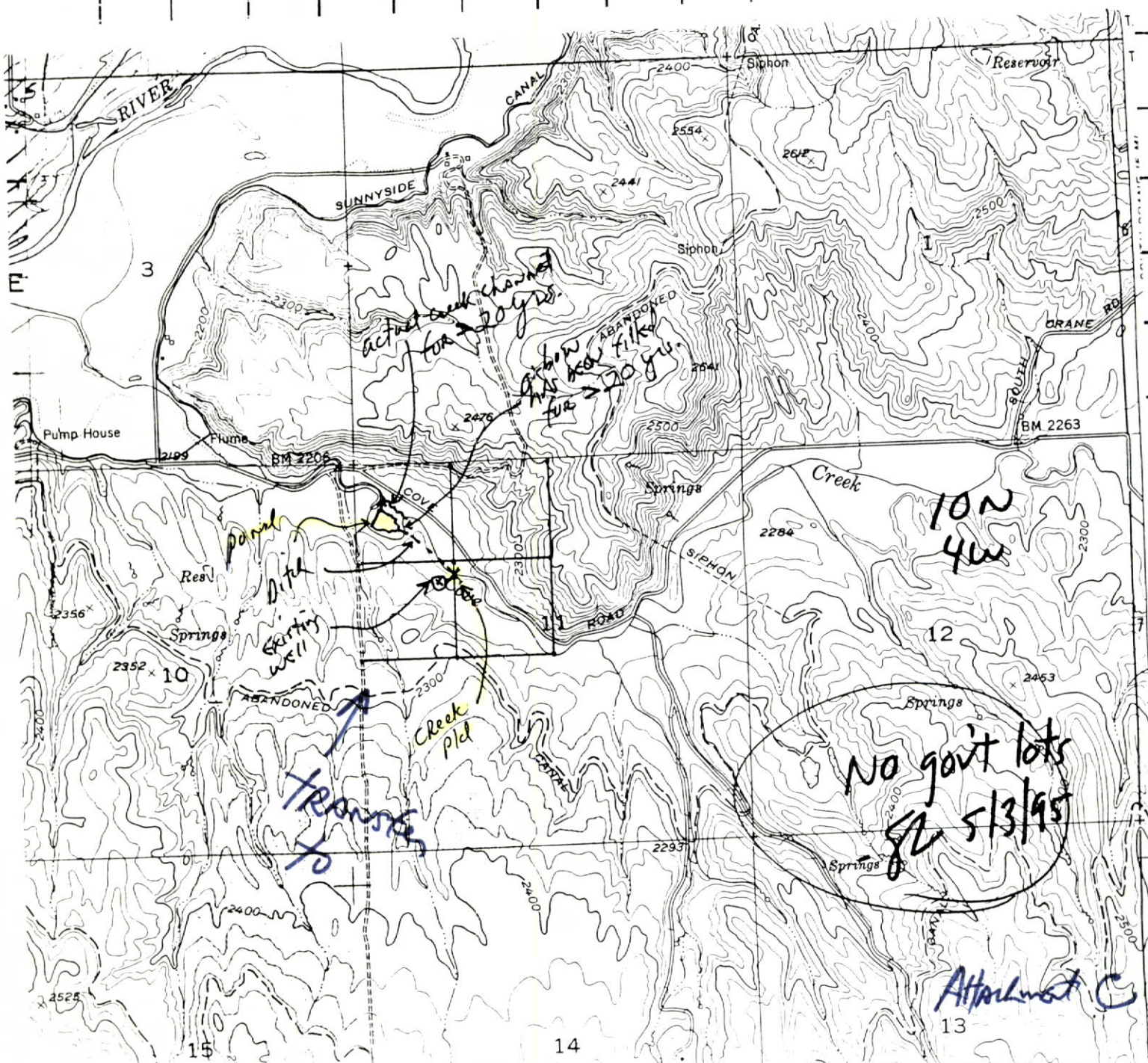
Attachment B  
Sand

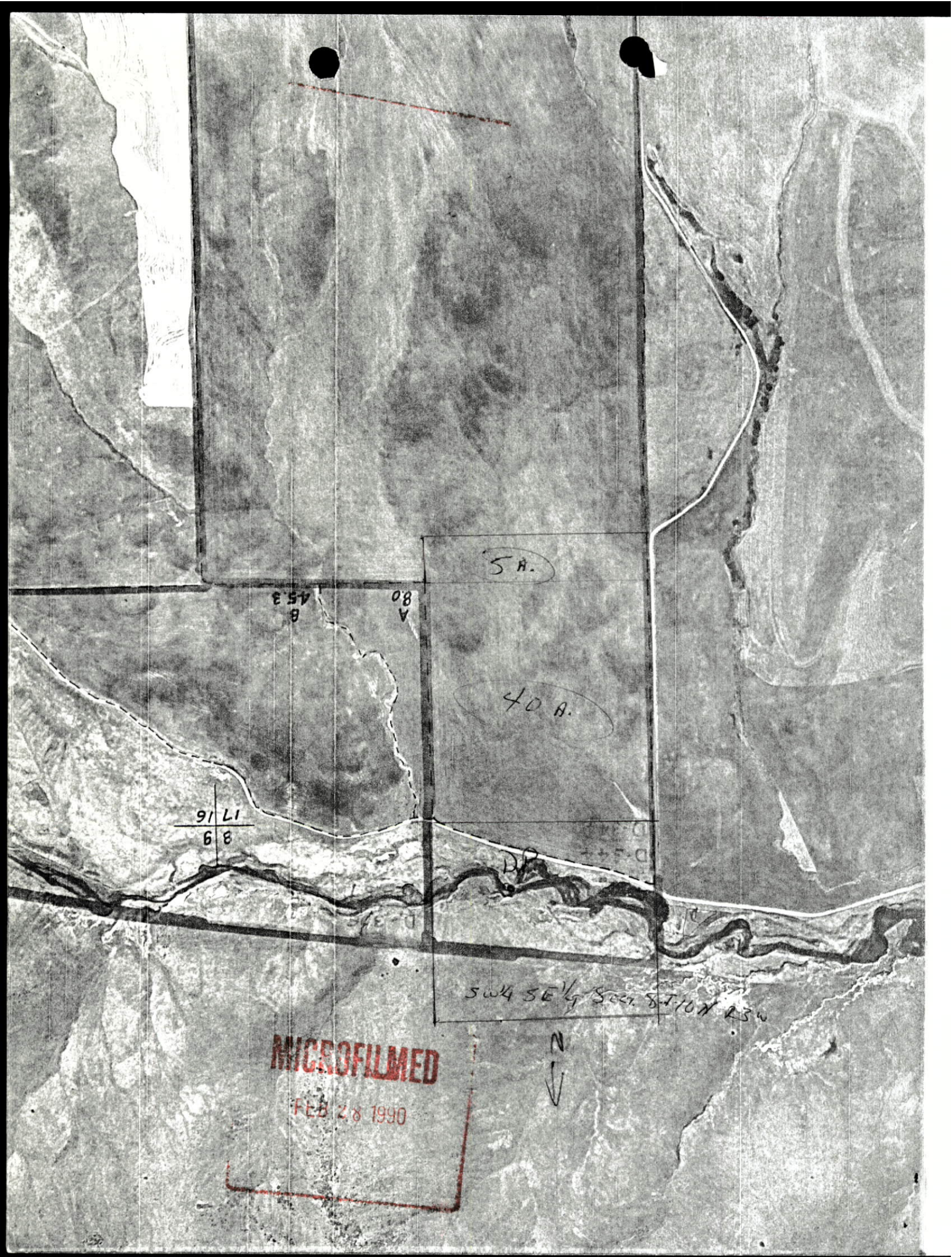
Sand

274

Copy from Appl. for Permit 67-07987. Creek pld deleted from 67-07987 and replaced with Transfer Application of 67-02273. Result: 67-02273 creek } to pond, all year, 67-07987 well } wildlife use

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





5 A.

40 A.

80 A

45.3

91 11  
17 16  
8 9

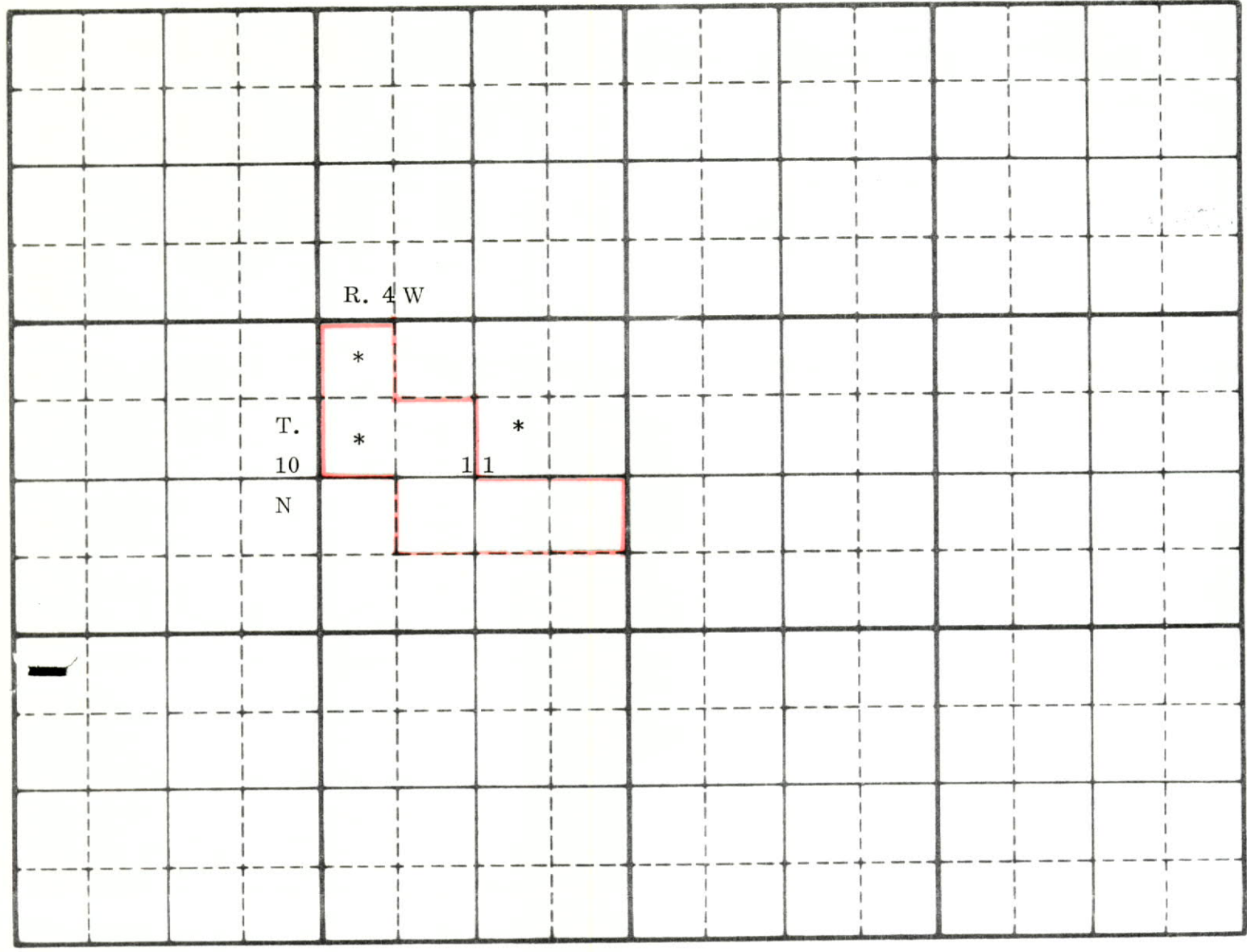
SW 4 SE 1/4 Sec. 8 T10N R3W

MICROFILMED

FEB 28 1990



Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Wenier, Idaho, this 20th day of Sept., 19 73.  
Paul H. Kirk  
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 27951/67-2273.

Witness my hand this 3 day of October, 19 73.

R. Keith Higgins  
Director

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

67-2273

APPLICATION No. 35907  
PERMIT No. 27951  
DISTRICT No.

1. Name of Applicant: Clair K. Kirk

Postoffice address: Rt. 2, Weiser

County: Washington

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:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 1.0

cubic feet per second.

3. Source of water supply: Cove Creek

which is a tributary of

Weiser River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
of section 11 , T. 10 N , R. 4 W. , B. M., County of Washington NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

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: \$1200.00

8. Kind of works: Portable sprinkler pipe, pump and motor

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 feet; width at water line feet; depth of water feet;  
dimensions of flume:

Diameter of pipe 4 inches; length of conduit 0.2 miles.

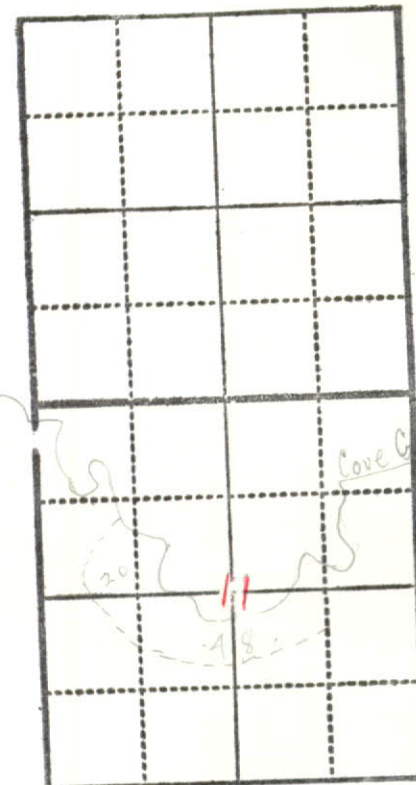
Average grade per mile feet.

12. The time required for the completion of such work is 5 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: none



No 311

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Washington } ss.

Dorothy A. Baath, being duly sworn,  
deposes and says:

That <sup>5</sup>he is the Clerk of  
THE WEISER SIGNAL, a weekly newspaper published at  
Weiser, in the County of Washington and State of Idaho; that  
said paper has been and is in general circulation in the  
county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was pub-  
lished in said newspaper once a week for 2 consecu-  
tive weeks in the regular and entire issue of said paper dur-  
ing the period and time of publication, and was published in  
the newspaper proper and not in a supplement; that said  
paper has been established and regularly published for more  
than seventy-eight consecutive weeks prior to the date of  
first publication of said advertisement.

Such notice was published in the issue beginning with  
JANUARY 15, 1970 and ending  
with the issue of JANUARY 22, 1970

Dorothy A. Baath  
Fees, \$ 11.00

Subscribed and sworn to before me this 30  
day of JANUARY, 1970

John A. Lloyd  
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1970

## No. 311 NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Clair K. Kirk, Route 2, Weiser, Idaho, has received an approved permit No. 27951/87-2273 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from Coye Creek, tributary of the Weiser River, subject to all prior rights. The priority to be established under this permit is May 27, 1959 and the permit was approved May 28, 1959. Water is to be diverted by sprinkler, pipe, pump, and motor from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ -SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 10 N. R. 4 W. B. M., Washington County to be used for irrigation in the S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{2}$ , Sec. 11, T. 10 N. R. 4 W. B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 28, 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. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Signal American,  
Weiser, Idaho, on January 15 and  
January 22, 1970. 86-28

RECEIVED  
FEB 4 1970  
Department of Reclamation

67-2273  
27951

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Washington }Sarah Boles, being duly sworn,  
deposes and says:

That he is the clerk of  
THE WEISER SIGNAL, a weekly newspaper published at  
Weiser, in the County of Washington and State of Idaho; that  
said paper has been and is in general circulation in the  
county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was pub-  
lished in said newspaper once a week for two consecu-  
tive weeks in the regular and entire issue of said paper dur-  
ing the period and time of publication, and was published in  
the newspaper proper and not in a supplement; that said  
paper has been established and regularly published for more  
than seventy-eight consecutive weeks prior to the date of  
first publication of said advertisement.

Such notice was published in the issue beginning with  
August 2, 1995, and ending  
with the issue of August 9, 1995.

Sarah Boles  
Fees, \$ 90.86

Subscribed and sworn to before me this 9  
day of August, 1995.

Judith Parsons  
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 2, 1996

No. 352  
NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 67-02273  
TRANSFER NO. 4670

Notice is hereby given that Clyde Grafe of 2279  
Cove Rd., Weiser, Idaho, 83672 has applied to the  
Department of Water Resources to change point  
of diversion, place of use, nature and season of  
use under the following described water right(s)  
pursuant to section 42-222 of Idaho Code.

## WATER RIGHT(S) AS RECORDED

|                  |                                           |
|------------------|-------------------------------------------|
| Right No.        | 67-02273                                  |
| Claim No.        | A67-02273                                 |
| Basis            | License                                   |
| Date of Priority | 5/27/1959                                 |
| Source           | Cove Creek                                |
| Amount           | 0.52 cfs, 200 AF                          |
| Use              | Irrigation                                |
| Point of Div     | SWSE S08, T10N R03W,<br>Washington County |
| Place of Use     | 45 acres in NE 1/4 S17, T10N<br>R03W      |

## TO BE CHANGED AS FOLLOWS:

|                    |                                                                            |
|--------------------|----------------------------------------------------------------------------|
| Use                | Wildlife, Wildlife Storage,<br>year-round                                  |
| Point of Diversion | SWNW/SENWS11, T10N R04W,<br>Washington County (single<br>point on QQ line) |
| Place of Use       | NWNW S11, T10N R04W                                                        |

Any protest against approval of the proposed  
change of water right application must be filed  
with the Department of Water Resources, West-  
ern Region, 2735 Airport Way, Boise, ID 83705,  
together with a protest fee of \$25.00 on or before  
August 21, 1995. The protestant must also send a  
copy of the protest to the applicant.

Karl J. Dreher, Director  
Published in the Weiser Signal on August 3 and  
10, 1995.

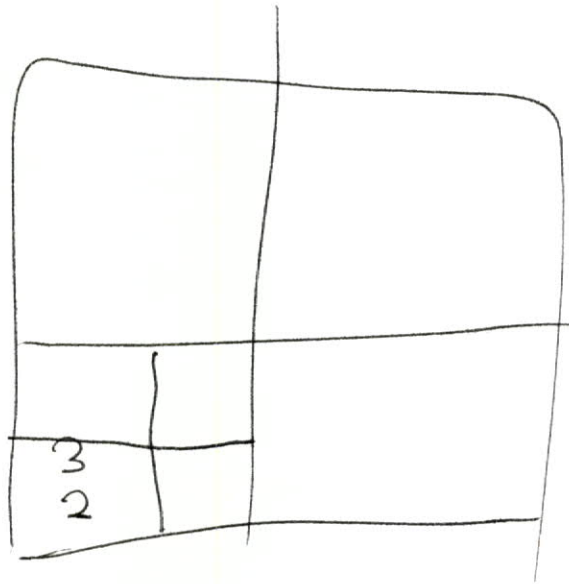
48-2S

RECEIVED

SEP 01 1995

WATER RESOURCES  
WESTERN REGION

JAN 25 1996



RECEIVED  
JUN 1 1966  
U.S. AIR FORCE

Adel in the spring  
Coke Creek del now  
LE 7/22/70

Phone - 549 1447

White w/ Green trim house on N side of road

905.7  
901.9  
3.3

3.3 miles East from 90° turn in road. Turn is  
near NE Cor at NW 1/4, Sec 12, T 10N R 5W

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

PERMIT NO. 27951/67-2273

REPORT ON PROOF OF B/U - Clair K. Kirk

RB 30

2.1  
6.84

2/32

34

@40

273.6  
205.2

232.56 cfm

Supplemental to Crane Creek water

no system to bring in Crane Creek water

450 232.56  
2250

756  
450  
3060

2.52 cfs  
30  
26.00"

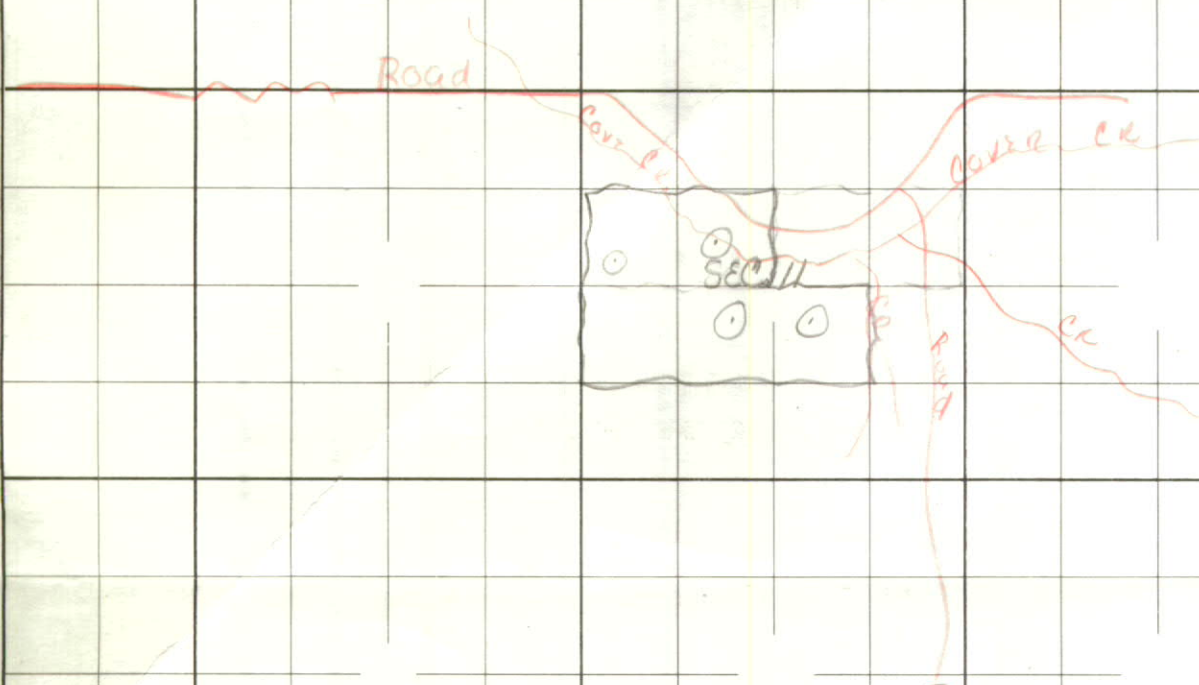
4/1 - 6/1

67 2273

x2

R. 4W

T  
10  
N



Q measured 0.52 cfs.

Q recommended 0.52 cfs.

Volume 62.81 AF/ann **200 AF**

Adreage -  
Found 44.4

recommended 44.4

Subdv. \_\_\_\_\_

Ammendments

- ☐ None
- ☒ P. 4
- ☒ Place of use
- ☐ \_\_\_\_\_

Kirk

67-2273

32.9

28.5

D-179

3 2  
10 11

1.8

14.0

9.3

58.2

12.0

13.5

2.5

9.0

20.1

3.4

D-344

67 2273

No. 311  
NOTICE OF EXISTING WATER  
PERMIT

Notice is hereby given that Clair K. Kirk, Route 2, Weiser, Idaho, has received an approved permit No. 27951/67-2273 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from Cove Creek, tributary of the Weiser River, subject to all prior rights. The priority to be established under this permit is May 27, 1959 and the permit was approved May 28, 1959. Water is to be diverted by sprinkler, pipe, pump, and motor from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 10 N., R. 4 W., B. M., Washington County to be used for irrigation in the S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{2}$ , Sec. 11, T. 10 N., R. 4 W., B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 28, 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. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Signal American,  
Weiser, Idaho, on January 16 and  
January 22, 1970. 86-2s

January 9, 1970

Re: Permit No. 27951/67-2273 - Clair K. Kirk

Signal American  
Box 709  
Weiser, Idaho 83672

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 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 Reclamation immediately.

The expense of the publication is to be paid by Clark K. Kirk,  
Route 2, Weiser, Idaho 83672,  
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

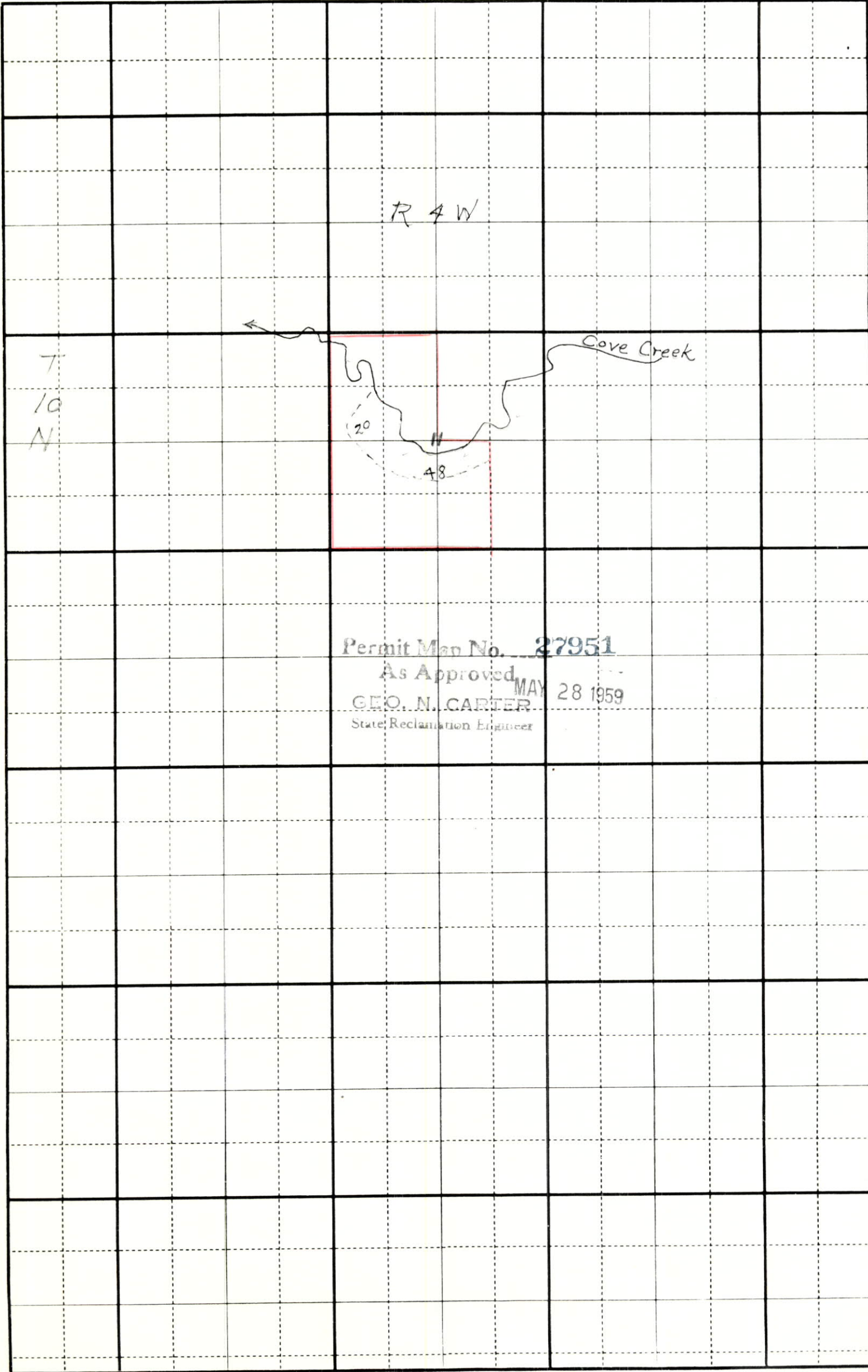
DWM:JMB

Enc. Legal Notice (1)

27951  
67-2273

NAME OF APPLICANT Clair K. Kirk

Form No. 0



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4670  
WATER RIGHT NO. 67-02273

This is to certify that: **CLYDE S GRAFE**  
**2279 COVE RD**  
**WEISER ID 83672**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| WILDLIFE              | 01/01 to 12/31       | 0.52 CFS              | 190.0 AF             |
| WILDLIFE STORAGE      | 01/01 to 12/31       |                       | 10.0 AF              |
| DIVERSION TO STORA    | 01/01 to 12/31       | 0.52 CFS              |                      |
|                       | Totals               | 0.52 CFS              | 200.0 AF             |

SOURCE

COVE CREEK

TRIBUTARY OF

WEISER RIVER

Priority: 05/27/1959

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 11, Township 10N, Range 04W  
SENW , Sec. 11, Township 10N, Range 04W  
WASHINGTON County

PLACE OF USE: WILDLIFE

TWN RGE SEC

10N 04W 11

NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

JAN 25 1996

TRANSFER NO. 4670  
WATER RIGHT NO. 67-02273

CONDITIONS OF APPROVAL AND REMARKS

3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The diversion works shall be constructed in a manner that will protect stream values and not interfere with other Cove Creek diversions.
9. Injection of water from Cove Creek into any well is specifically prohibited.
10. Single point of diversion is located on or near the line between SWNW and SENW, S11, T10N, R04W.

Dated this 4<sup>th</sup> day of December, 1995.

  
Chief, Water Alloc. Bureau

JAN 25 1996

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4670

RECEIVED

JUL 17 1995

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1RECEIVED  
SEP 8 6 1995  
Department of Water ResourcesWATER RESOURCES  
WESTERN REGIONName of applicant Clyde Grate Phone 549-3405  
Post Office address 2279 Cove Rd. Weiser ID 83672

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes This right was originally used on/NEAR proposed location but was transferred several miles east in 1989. Now, propose returning right to its original general site and changing use to wildlife pond all year. Minimal consumptive use outside of irrigation season and lack of storage facilities on Weiser River system suggest that expansion/injury will not occur.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| Right Number | Priority  | Amount (cfs/ac-ft) | Nature of Use    | Period of Use |
|--------------|-----------|--------------------|------------------|---------------|
| 67-02273     | 5/27/1959 | .52 cfs            | Wildlife         | to _____      |
|              |           | .52 cfs            | Div. to Storage  | 1/1 to 12/31  |
|              |           | 10 AF              | Wildlife Storage | to _____      |
|              |           |                    |                  | to _____      |

2. Total amount of water being transferred .52 cubic feet per second and/or 10 acre-feet per annum.  
 3. Source of water Cove Creek tributary to Weiser River (Storage)  
 4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion       |
|-----|-----|-----|-----|------|------|------|------------|--------------------------------|
|     |     | SW  | NW  | 11   | 10N  | 4W   | Washington | } single point on/NEAR RR line |
|     |     | SE  | NW  |      |      |      |            |                                |
|     |     |     |     |      |      |      |            |                                |
|     |     |     |     |      |      |      |            |                                |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 10N  | 4W   | 11   |        |        |        |        | W      |        |        |        |        |        |        |        |        |        |        |        | —      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

ALSO SEE REMARKS - PG. 2

**PART 1**

6. General Information:

a. Description of diversion system headgate & ditch to pond, co-mingle water (via ditch) from well in 67-07987 for wildlife use; return flow from pond to creek (will need stream channel alteration permit for return flow).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Attached

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

There is a McGhee water right and still two wells on site. Records of well cfs should be at your office. Note McGhee water right should also be at office.

d. Remarks:

Appl. 67-07987 proposed creek plus well to pond. Application is protested - Applicant seeks replacement of creek water via transfer in effort to resolve protest & proceed with HIP project with IDFG assistance. 67-07987 will only cover the well as amended. Total water use under 67-02273 & 67-07987 limited to 1.00 cfs and 10 AF storage pond.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

---

---

---

---

---

---

---

---

---

---

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

JAN 13 1996

RECEIVED

JAN 25 1996

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 67-02273

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.52 CFS              | 200.0 AF             |
| <u>SOURCE</u>         | <u>TRIBUTARY OF</u>  |                       |                      |
| COVE CREEK            | WEISER RIVER         |                       |                      |

Priority: 05/27/1959

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 8, Township 10N, Range 03W  
WASHINGTON County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 10N                              | 03W        | 17         | NWNE 40      | SWNE 4.5     |              | 44.5         |
| Total number of acres irrigated: |            |            |              |              |              | 44.5         |

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
2. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
3. TRANS. 3627. INJECTION OF WATER FROM COVE CK. INTO ANY WELL IS SPECIFICALLY PROHIBITED. WATER SHALL BE DIVERTED UNDER THIS RT. AT THE NEW POINT OF DIVERSION IN THE SWSE, S8, T10N, R3W ONLY DURING PERIODS WHEN WATER WOULD HAVE BEEN AVAILABLE AT THE ORIGINAL LOCATION IN THE NWNW, S11, T10N, R4W. THE OWNER OF THIS RIGHT HAS THE RESPONSIBILITY TO PROVIDE ANY WEIRS NEEDED TO MAKE THIS DETERMINATION OF AVAILABILITY AS DESIGNATED BY THE DEPT. & BY THE WATERMASTER OF WATER DISTRICT 67. NO WATER SHALL BE DIVERTED UNDER THIS RIGHT UNTIL A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS FOR USE BY THE WATERMASTER HAVE BEEN INSTALLED. THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS & DOWNSTREAM JUNIOR WATER RIGHTS FOR THE PURPOSE OF WATERING STOCK FROM THE STREAM BETWEEN THE ORIGINAL POINT OF DIVERSION AND THE NEW POINT OF DIVERSION.

APPROVED

JAN 25 1996

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 67-02273 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3627 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment and check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Cave Creek tributary to Weiser River

4. Date or priority 5/27/1959

5. Water is used for the following purpose:

amount .52 for Irrigation purposes from 3/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right .52 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
|     |     | SW  | SE  | 8    | 10N  | 3W   | Washington |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec.               | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|--------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |                    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 10N  | 3W   | <del>8</del><br>17 |        | 40     | 4      |        |        |        |        |        |        |        |        |        |        |        |        |        | 44.5   |
|      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 44.5 (or 45 ac per standard rounding)

9. Describe any other water rights used for the same purpose as described above

67-04492 Cave Cr. (15 ac. NWNE) & 67-07541 (includes all 45 ac. listed above)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes

If yes, describe

CRP Canopy

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

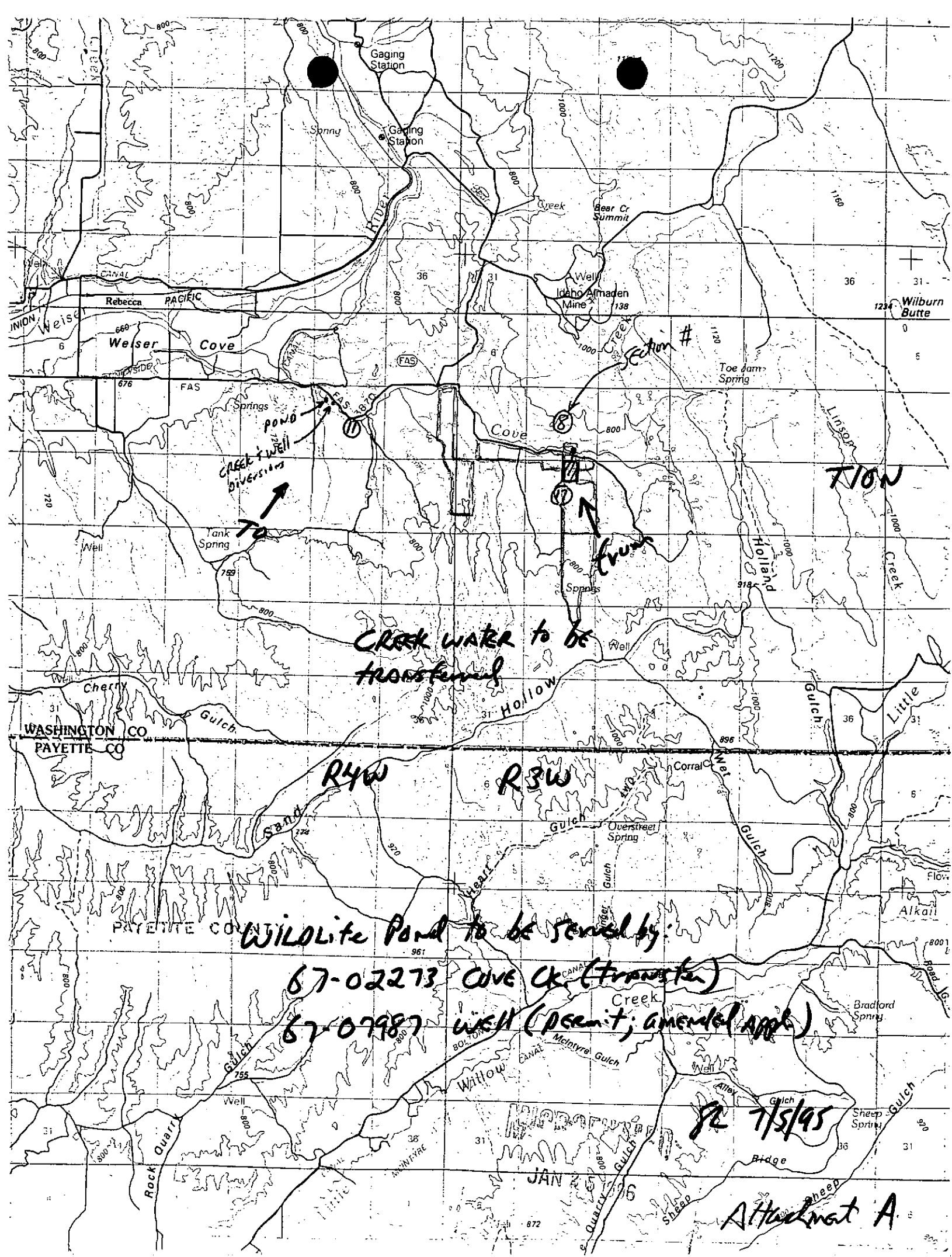
2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_



Creek water to be transferred

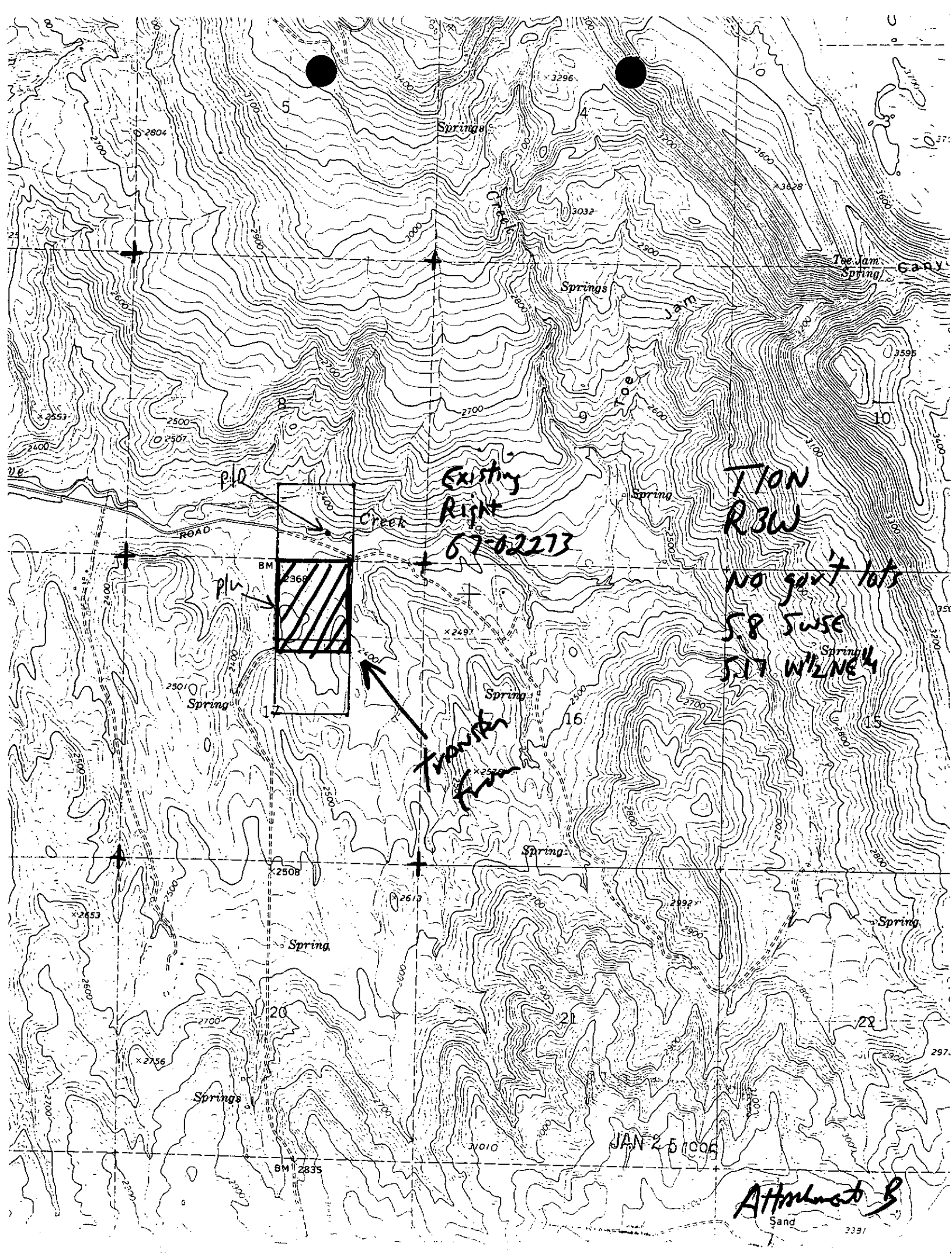
Wildlife Pond to be served by:

- 67-02273 Cove Ck (transfer)
- 67-07987 Well (permit; amended app)

JC 7/5/95

JAN 2 1996

Attachment A



Existing  
Right  
67-02273

T10N  
R3W

No govt lots  
5.8 SWSE  
5.17 W1/2 NE 4

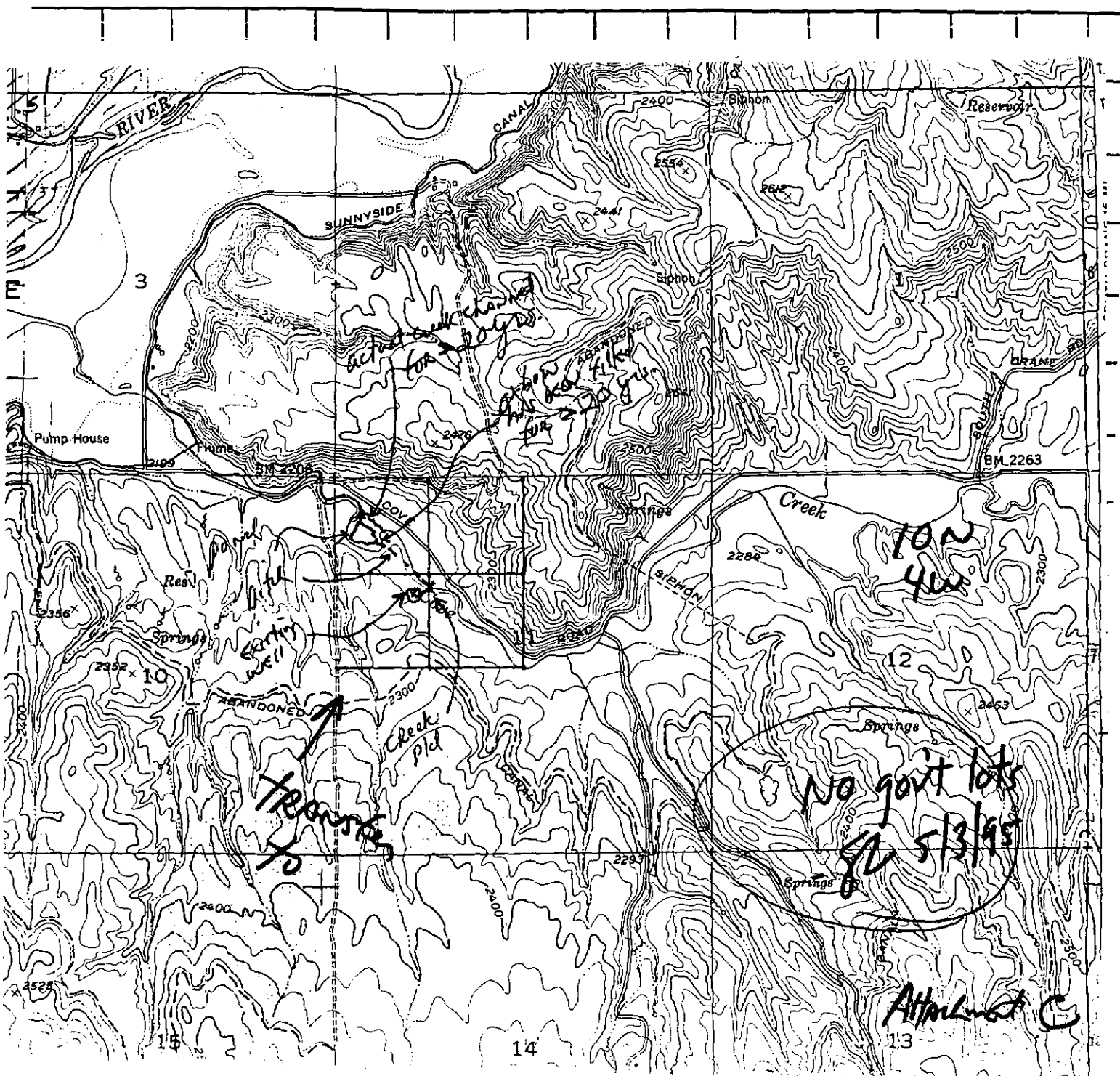
Transfer from

JAN 25 1006

Attachment B  
Sand  
2331

Copy from Appl. for Permit 67-07987. Creek pld deleted from 67-07987 and replaced with Transfer Application of 67-02273. Result: 67-02273 creek } to pond, all year, 67-07987 well } wildlife use

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



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

*See attached maps (3)*

*RECEIVED*

JAN 25 1996

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use              |
|---|-------------------|-----------------------|-----------------|----------------------------|
|   | <u>wetland</u>    | <u>.52</u>            |                 | <u>Feb.</u> to <u>Dec.</u> |
|   |                   |                       |                 | to                         |

2. Quantity and quality of return flows and location of discharge:

water quality will be improved because of sediment load being deposited in pond and location is T16N R4W Sec 11 NW 1/4

3. Describe effects on other water uses resulting from the proposed change:

Change from irrigation use to wildlife use.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ephraim S. Grady  
(Signature of Applicant)

Subscribed and sworn to before me this 14 day of July, 1995.

Bruce J. Davis  
(Notary Public)

My commission expires 9-16-98

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 4 attachments

Received by VR Date 7-17-95 Protest filed by \_\_\_\_\_

Prelim. check by CJA Fee \$100

Receipted by VR W019584 Date 7-17-95

Published in Weiser Signal Copies of protest forwarded by \_\_\_\_\_

Pub. dates 8-3 + 10-95 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. by DW

Copy of transfer sent to lien holder \_\_\_\_\_

**RECEIVED**

JAN 25 1996

A Attachment **D**

Instrument No. 148311  
Page 1 of 3 P.

Ownership of current PUA plus  
attached release letter fr. Walker

MEMORANDUM OF CONTRACT

BE IT KNOWN BY THESE PRESENTS:

THAT A CONTRACT OF SALE WAS ENTERED INTO ON THE 4th DAY OF  
January, 1988, BY AND BETWEEN CLYDE GRAFE, A SINGLE MAN, AS  
SELLER AND LARY C. WALKER AND MARIANNE WALKER, AS BUYER.

Whereby certain real and personal property was conveyed by  
Seller to Purchaser pursuant to the terms of said Contract of  
Sale escrowed at Weiser Valley Title Company, <sup>124-128 E. Y.</sup> ~~35 West Idaho~~  
~~Street~~, Weiser, Idaho, which real is described in Exhibit "A",  
which exhibit is attached hereto and hereby incorporated by  
reference herein.

Said Assignment of Contract includes, contains, and is  
subject to all the terms, provisions, covenants and conditions  
set forth in the printed form thereof, to the same extent as if  
all of said terms, provisions, covenants and conditions were  
copied and included herein verbatim.

IN WITNESS WHEREOF, the undersigned have hereunto set their  
hands and seals, on this the 28 day of April, 1989.

Clyde Grafe  
Clyde Grafe  
"Seller"

Lary C. Walker  
Lary C. Walker

Marianne Walker  
Marianne Walker

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JUL 17 1995

WATER RESOURCES  
WESTERN REGION

RECORDED

JAN 25 1996

EXHIBIT A

Township 10 North, Range 3 West of the Boise Meridian

- Section 8: SW1/4SE1/4;
- Section 17: SE1/4, W1/2NE1/4, SE1/4NE1/4
- Section 18: Lots 1, 2, 3;
- Section 20: NE1/4; N1/2SE1/4, that part of the SW1/4SE1/4 lying North and East of the public road;
- Section 29: That part of the NW1/4NE1/4 lying North and East of the public road.

Township 10 North, Range 4 West of the Boise Meridian

- Section 12: E1/2NE1/4, E1/2SE1/4;
- Section 13: That portion of the E1/2NE1/4 and NE1/4SE1/4 lying North and East of Northeast side of the water mark in the draw of the tributary to Cove Creek traversing said property.

EXCEPTING THEREFROM, An easement 60 feet wide running in a northeasterly direction from properties retained by Seller to the County Road generally following the course and contour of the ground as is drawn on the map attached to this legal description marked Exhibit B and incorporated herein as if set out in full. Said easement expires 25 years from the date of this deed if the same is not used by the Seller or his successors or assigns. The parties particularly accept the description of the property and the easement in general terms.

The Seller hereby retains one-half of the gas, mineral and geothermal rights.

RECEIVED

JUL 17 1995

WATER RESOURCES  
WESTERN REGION

RECORDED

JAN 25 1996

RECEIVED

JUN 14 1995

WATER RESOURCES  
WESTERN REGION

LARY C. WALKER

Attorney at Law

232 East Main Street

Post Office Box 828

Weiser, Idaho 83672

Telephone (208) 549-0390

FAX (208) 549-0404

June 12, 1995

Mr. Clyde Grafe  
2279 Cove Road  
Weiser, ID 83672

Dear Clyde:

Pursuant to our earlier arrangements, you assigned to me the use of the Clair Kirk water right out of Cove Creek for purposes of using on the dry land which I purchased from you.

Due to the fact that the land that I have is tied up in CRP, I have not used the water rights which were temporarily transferred from the original point of diversion on Cove Creek to the location on the east 600 acre tract of land which I purchased from you, the same tract where we drilled the well.

I hereby relinquish that water claim and assign any interest which you have assigned to me back to you for your use however you see fit.

If you have any questions or if there needs to be any formal documents executed, please advise. It is my understanding that this arrangement was just mutually worked out and there would not be any formal documents, but if there are, please advise.

Sincerely,

LARY C. WALKER LAW OFFICE

*Lary C. Walker*  
Lary C. Walker

LCW:prm

JAN 25 1996

67-02273  
per  
walk  
-JR  
6/19/95

Transfer No. 3627  
Water Right No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Clyde S. Grafe Phone 208 549-3405  
Post Office address Route #2, Box 40 Weiser, Idaho 83672

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_ (Name of court)
- b. License No. 27951 / 67-2273 issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant being purchased under an escrowed Contract of Sale from Clair K. Kirk and Evelyn Kirk. Warranty Deed on file at Idaho First National Bank, Weiser, Idaho
3. Source of water Cove Creek tributary to Weiser River
4. Date of priority May 27, 1959
5. Water is used for the following purposes:  
amount 0.52 cfs for irrigation purposes from March 15 to November 15  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (month/day — both dates inclusive)
6. Total amount of water under right: a. 0.52 cubic feet per second  
&/or  
b. 200 acre feet per annum
7. Location of original point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 11  
Township 10 N. Range 4 W., B.M., in Washington County  
Additional points of diversion, if any SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 11  
Township 10 N. Range 4 W. B.M.
8. Lands irrigated or 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 $\frac{1}{4}$ |        |
| 10N  | 4W    | 11   |                  |                  |                  |                  |                  | 2                | 9                | 4                | 9                |                  |                  |                  | 0.52             | 20               |                  |                  | 44.5   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

MICROFILMED

FEB 25 1980

Total number of acres to be irrigated 44.5

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS, |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |

Total number of acres to be irrigated \_\_\_\_\_

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

a. Amount of water to be diverted 01.52 c.f.s. &/or 200 acre feet

b. Description of diverting works Dam, pump, engine, main line & sprinkling system.

c. Describe the reasons for the proposed changes more economical use, ground flatter at that point than at previous point of diversion.
2. Change in point of diversion

Point of diversion SW ¼ SE ¼, Section 8 Township 10 N

Range 3 W, B.M., Washington County

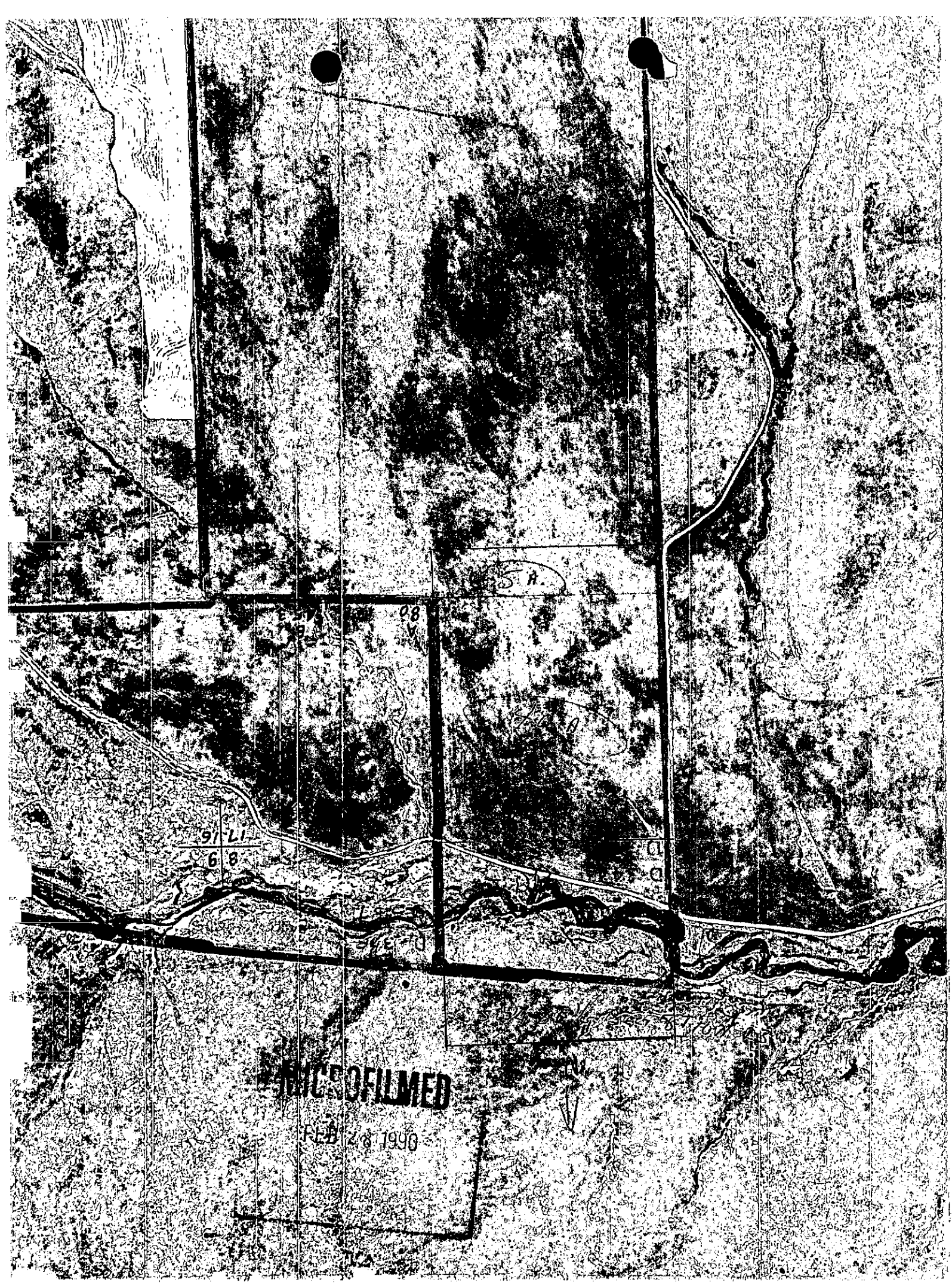
Additional points \_\_\_\_\_
3. Change in place of use

a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes X No \_\_\_\_\_. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
Lands will be returned to dry land crop production as is the adjoining lands.

RECORDED

FEB 10 1990



RECEIVED

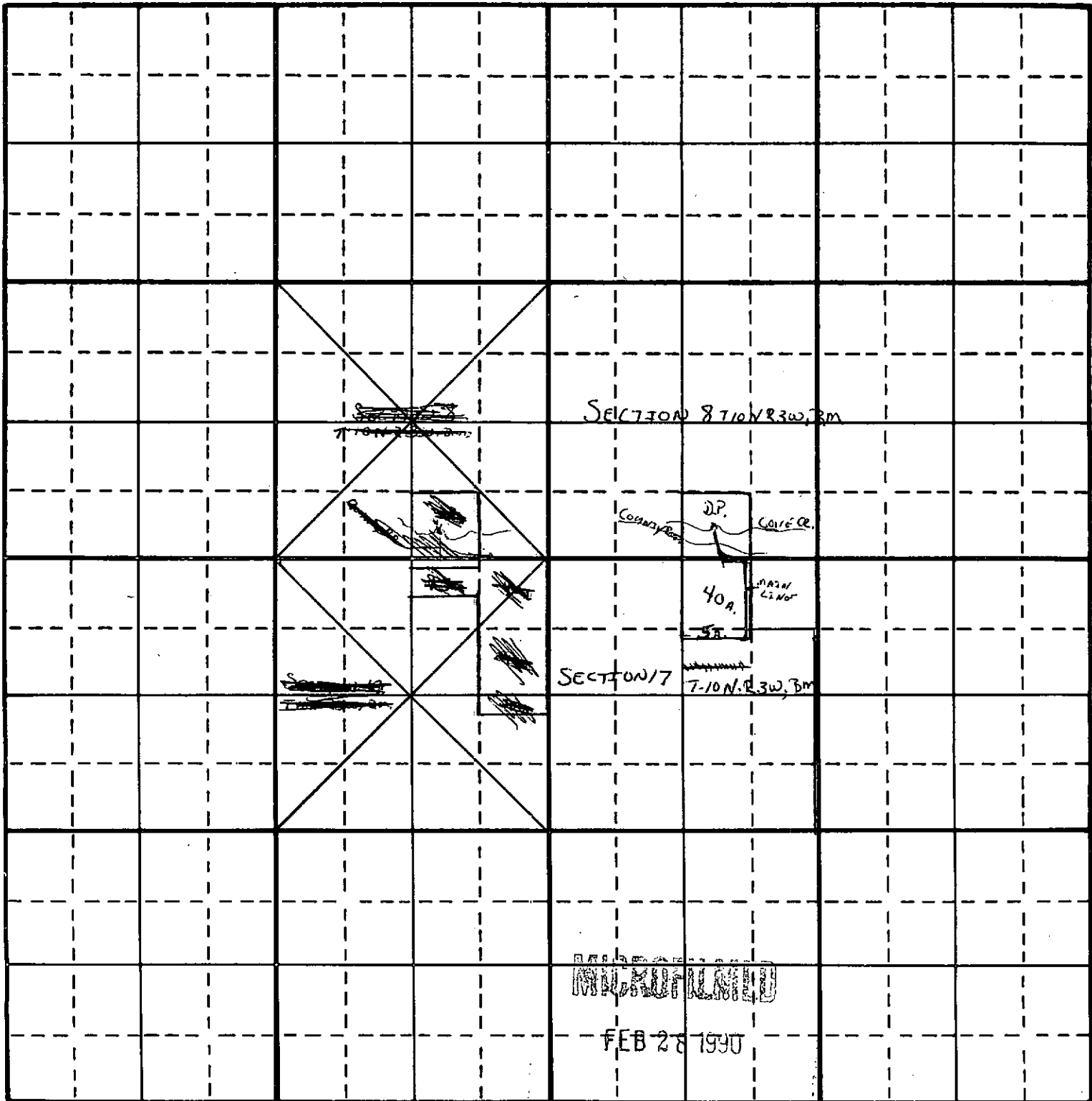
FEB 28 1990

c. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 10N  | 3W    | 17   |     | 40  | 4.5 |     |     |     |     |     |     |     |     |     |     |     |     |     | 44.5   |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 44.5

4. Describe any other water rights used for the same purpose as described above. \_\_\_\_\_
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.  
I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 18 day of May, 19 87  
Chyle S. Gape  
(Signature of Applicant)  
Don T. Burlin  
(Notary Public)

My commission expires Sept 27, 1987

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 67-2273  
and said application is hereby APPROVED, subject to the following limitations and conditions:  
See Attachment A for conditions of approval.

Witness my hand this 30<sup>th</sup> day of November, 19 89

J. Glen Saxton  
Chief, Water Alloc. Bureau

FOR DEPARTMENT USE ONLY

|                                               |                            |                                                 |
|-----------------------------------------------|----------------------------|-------------------------------------------------|
| Received by <u>NN</u>                         | Date <u>5/11/81</u>        | Protest filed by <u>Dwaine Welch for Anna 4</u> |
| Prelim. check by <u>GLS</u>                   | Fee <u>50.00</u>           | <u>Pete Skow</u>                                |
| Receipted by <u>HH</u>                        | Date <u>5/12/81 #18924</u> |                                                 |
| Published in <u>Signal American</u>           |                            | Copies of protest forwarded by <u>JG</u>        |
| Pub. dates <u>5/28, 6/4/81</u>                |                            | Hearing held by _____ Date _____                |
| Watermaster recommendation requested on _____ |                            | Recommended for <u>approval</u> denial          |
| <u>7/81</u> rec'd. <u>7/8/81</u>              |                            | by <u>DRT Gary</u>                              |

MICROFILMED

FEB 28 1990

ATTACHMENT A

Conditions of Approval  
for Trans. No. 3627  
Water Right No. 67-2273

1. Injection of water from Cove Creek into any well is specifically prohibited.
2. Water shall be diverted under this right at the new point of diversion in the SWSE, S8, T10N, R3W, only during periods when water would have been available at the original location in the NWNW, S11, T10N, R4W. The owner of this right has the responsibility to provide any weirs needed to make this determination of availability as designated by the Department and by the Watermaster of Water District 67, (Weiser River and tributaries).
3. Use of water under this right is subject to control by the watermaster of State Water District 67, Weiser River and tributaries.
4. No water shall be diverted under this right until a measuring device and lockable controlling works for use by the watermaster have been installed.
5. This right is subject to all prior water rights and downstream junior water rights for the purpose of watering stock from the stream between the original point of diversion and the new point of diversion.
6. The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

Dated this 30<sup>th</sup> day of November, 1989.

  
Chief, Water Alloc. Bureau

MICROFILMED

FEB 26 1990

Nº 593

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Washington } ss.

Anthony A. Booth, being duly sworn,  
deposes and says:

That he is the Clark of  
THE WEISER SIGNAL, a weekly newspaper published at  
Weiser, in the County of Washington and State of Idaho; that  
said paper has been and is in general circulation in the  
county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was pub-  
lished in said newspaper once a week for Two consecu-  
tive weeks in the regular and entire issue of said paper dur-  
ing the period and time of publication, and was published in  
the newspaper proper and not in a supplement; that said  
paper has been established and regularly published for more  
than seventy-eight consecutive weeks prior to the date of  
first publication of said advertisement.

Such notice was published in the issue beginning with  
May 28, 1981, and ending

with the issue of June 4, 1981

Fees, \$ 53.70 ✓

Subscribed and sworn to before me this 4  
day of June, 1981

Donahue  
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 1985

No. 593

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 67-2221

Notice is hereby given that Dan Swain of Weiser, Idaho has applied to  
the Department of Water Resources for a change of the point of  
diversion and place of use of the water of Cove Creek. The right  
sought to be changed is evidenced by Water Right License 67-2221 and  
is recorded as follows:

Amount: 1.2 cfs Priority 10/29/1952  
Points of Diversion: 2 points in the NESW, Gvt Lot 2, Sec. 7, T 10N,  
R 3W, B.M.

The water is used for Irrigation purposes from 3/15 to 11/15 for the  
irrigation of 105 acres within portions of Sec. 6 and 7, T 10N, R 3W  
and Sec. 1, T 10N, R 4W, Washington County.

### TO BE CHANGED AS FOLLOWS

Amount: 1.2 cfs  
Points of Diversion SWSE, Sec. 8, T 10N, R 3W  
The water will be used for Irrigation purposes from 3/15 to 11/15 for  
105 acres located in the S 1/4 NE 1/4 and the E 1/4 SE 1/4, Sec. 17, T 10N, R  
3W, Washington County.

Any protest against approval of the proposed change of water right  
application must be filed with the Department of Water Resources, 92  
S. Cole Road, Boise, Idaho 83709 on or before June 15, 1981.

A. KENNETH DUNN

Director

Published in the Signal American on 5/28 and 6/4/81

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 67-2273

OK  
DAS Notice is hereby given that Clyde S. Grafe of Weiser, Idaho has  
applied to the Department of Water Resources for a change of the  
point of diversion and place of use of the water of Cove Creek. The  
right sought to be changed is evidenced by Water Right License 67-  
2273 and is recorded as follows:

Amount: .52 cfs Priority 5/27/1959  
Points of Diversion: SENW and SWNE, Sec. 11, T 10N, R 4W, B.M.  
The water is used for Irrigation purposes from 3/15 to 11/15 for the  
irrigation of 44.5 acres within portions of Sec. 11, T 10N, R 4W,  
Washington County.

### TO BE CHANGED AS FOLLOWS

Amount: .52 cfs  
Points of Diversion SWSE, Sec. 8, T 10N, R 3W, B.M.  
The water will be used for Irrigation purposes from 3/15 to 11/15 for  
the irrigation of 44.5 acres within portions of the W 1/4 NE 1/4, Sec. 17,  
T 10N, R 3W, Washington County.

Any protest against approval of the proposed change of water right  
application must be filed with the Department of Water Resources, 92  
S. Cole Road, Boise, Idaho 83709 on or before June 15, 1981.

A. KENNETH DUNN  
Director

Published in the Signal American on 5/28 and 6/4/1981.

JUL 1 1981

Department of Water Resources  
Western R.

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27951/67-2273 Priority May 27, 1959 Amount 0.52 cfs

THIS IS TO CERTIFY, that CLAIR K. KIRK  
of Weiser, Idaho, has complied with the terms and conditions of Permit  
No. 27951/67-2273 issued pursuant to Application for Permit dated May 27, 1959,  
and has submitted proof to the Department of Water Administration on May 20, 1970,  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 0.52 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from Cove Creek  
tributary of the Weiser River is hereby confirmed in the following amounts:

Amount 0.52 cfs for Irrigation from March 15 to Nov. 15 (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 0.52 cfs of water be diverted at  
any one time, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  & SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Sec. 11, Twp. 10 N, Rge. 4 W, B.M.

in the county of Washington; 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 200 acre feet per year or \_\_\_\_\_  
4.5 acre feet per acre.

Description and location of place of use:

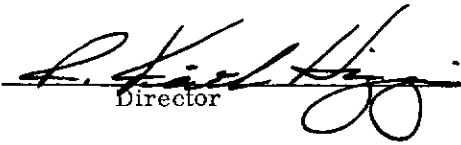
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | 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 $\frac{1}{4}$ |        |
| 10 N | 4 W   | 11   |                  |                  |                  |                  | 2                | 9                | 4                | 9                |                  |                  |                  |                  | 0.5              | 20               |                  |                  | 44.5   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 44.5

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 3 day of

October, 19 73.

  
Director

Receipt # 12418

RECEIVED  
OCT 1 1973

OCT 1 1946  
Department of Water Administration

# APPLICATION FOR AMENDMENT

RECEIVED  
SEP 26 1973  
Department of

SEP 26 1973  
Department of Y. . . . .

Permit No. 27951/67-2273

Comes now Clair K. Kirk of (address) \_\_\_\_\_  
\_\_\_\_\_ Weiser, Idaho \_\_\_\_\_, and represents to the Director of  
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 27951/67-2273, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 11 Twp. 10 N  
Rge. 4 W, B.M., County of Washington. Other points of diversion:  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 11, Twp. 10 N, Rge. 4 W, B.M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount                      for                      purposes from                      to                      (both dates inclusive)

Amount for purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount for purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount for purposes from to (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

44.5

67 2273

*Journal of Management Studies*, 19(6), 701-718.

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Waverly, Ohio, this 20<sup>th</sup> day of Sept., 19 73.

This 20th day of Sept., 19 73.  
Paul H. Kirk  
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,  
hereby approve the above application for amendment for Permit No. 27951/67-2273.

---

Witness my hand this 3 day of October, 19 73

P. Karl Hill  
Director

Identification No. \_\_\_\_\_

Permit No. \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION**

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

**RECEIVED**

MAY 26 1970

Department of Reclamation

1. a) Name of Permit Holder Clark K. Kirk

b) Post Office Address Route 2, Weiser, Idaho

2. Permit Number 67-2273

3. Date of Priority that you are prepared to establish May 27, 1959

4. a) Source from which water was appropriated Cove Creek

b) Location of the point of diversion: SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 11

Township 10N, Range 4W Boise Meridian, Other points of diversion: \_\_\_\_\_

NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 11, T. 10 N, R. 4 W, B. M.

5. a) The amount of water and use to which the water has been applied:

amount 1.0 for irrigation purposes from April 1 to May 31 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 1.0 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: estimated by the permit holder

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_

b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) portable sprinkler pipe, pump,  
and motor

b) Describe the type and size of measuring device which you have installed at your point of diversion: \_\_\_\_\_

c) Give well drillers name and address and date the well was completed \_\_\_\_\_

*exam typed  
5-27-70  
dy*

*27951  
2273*

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

| 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 |        |
| 10N  | 4W    | 11   |        |        |        |        |        |        | 12     | 2      | 20     | 6      |        |        |        | 28     |        |        | 68     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated \_\_\_\_\_ 68

10. Remarks: \_\_\_\_\_

\_\_\_\_\_

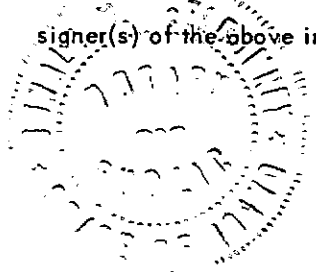
\_\_\_\_\_

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

5-20-70 (Date) Clair K. Kirk (Signature)

State of Idaho ss.  
County of Ada

On this 20 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.



Donald W. Ellingson  
Notary Public residing at 330 Chase Blvd Idaho

My commission expires 2-18-1974

67-2270

1. Name of Applicant: Clair K. Kirk

County: Washington

State :Idaho

- (a) Date and place of incorporation :
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

- (a) Cash on hand:

- (b) Treasury stock:

- (c) Bond to be issued:

- (d) Other resources:

2. Quantity of water claimed: 1.0

cubic feet per second.

3. Source of water supply: Cove Creek

which is a tributary of

4. Location of point of diversion:

Weiser River

feet distant from the

corner of Section \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_, B.M., and is in the  $SW\frac{1}{4}NW\frac{1}{4}$ ;  $NW\frac{1}{4}SE\frac{1}{4}$ ;  
of section 11, T. 10 N, R. 4 W., B. M., County of Washington  $NE\frac{1}{4}SW\frac{1}{4}$ ;  $SE\frac{1}{4}NW\frac{1}{4}$ ;

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: ~~\$1200.00~~

8. Kind of works: Portable sprinkler pipe, pump and motor

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 | fee; width at water line | feet; depth of water | feet; |
| dimensions of flume:       |                          |                      |       |

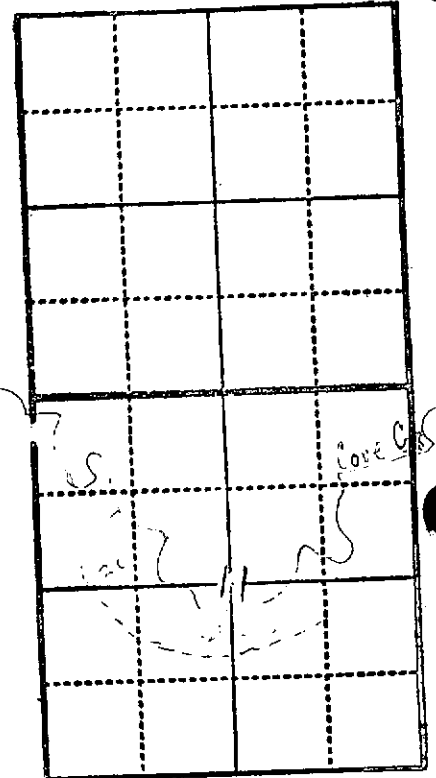
- |                        |   |                           |     |        |
|------------------------|---|---------------------------|-----|--------|
| Diameter of pipe       | 4 | inches; length of conduit | 0.2 | miles. |
| Average grade per mile |   | feet.                     |     |        |

12. The time required for the completion of such work is 5 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: none



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.

Clair K. Kirk Applicant.

By s/ Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 1:00 P.M. May 27, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27951  
Recorded in Book 98 Page 27951 Approved May 28, 1959  
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 July 28, 1959 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 November 28, 1961  
The whole of said work to be completed on or before May 28, 1964  
Beneficial use of water appropriated in accordance herewith, to be made on or before May 28, 1970

WITNESS My hand this 28th day of May, 1959.

s/ GEO. N. CARTER  
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 28th day of May, 1959.  
COUNTERSIGNED: STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLLIE Governor.

REMARKS: Portable sprinkler system used with various points of diversion along land irrigated.

14.

| 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 |        |
| 10 N | 4 W   | 11   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |       |       | 12    | 2     |       |       | 20    | 6     |       |       | 28    |       |       |       | 68     |
|      |       |      | Permit No. 27951<br>CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | This is to certify that CLAIR K. KIRK of Weiser, County of Washington, and State of Idaho, the holder of Permit No. 27951, issued upon Application No. 35907, bearing date of priority of May 27, 1959, authorizing the diversion of 1.0 second feet of waters of Cove Creek, County of Washington, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion 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. 1.0 second feet of the waters of Cove Creek, tributary of Weiser River, that the point of diversion of said waters SW1/4NW1/4, NW1/4SE1/4, NE1/4SW1/4, SE1/4NW1/4, Sec. 11, T. 10 N., R. 4 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | 68 acres in S1/2NW1/4, NW1/4SE1/4, Sec. 11, T. 10 N., R. 4 W., B. M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | Witness my hand this 7th day of April, A. D. 1964.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | s/ RALPH W. THOMAS, Deputy<br>State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      | Proof of Completion of Works Made: April 2, 1964                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

LIC. USE ISSUED FOR 0252 FC. FL.  
LIC. USE PAGE NO.

No. 311

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Washington

Dorothy A. Baugh, being duly sworn,  
deposes and says:

That <sup>S</sup>he is the Clerk of  
THE WEISER SIGNAL, a weekly newspaper published at  
Weiser, in the County of Washington and State of Idaho; that  
said paper has been and is in general circulation in the  
county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was pub-  
lished in said newspaper once a week for 2 consecu-  
tive weeks in the regular and entire issue of said paper dur-  
ing the period and time of publication, and was published in  
the newspaper proper and not in a supplement; that said  
paper has been established and regularly published for more  
than seventy-eight consecutive weeks prior to the date of  
first publication of said advertisement.

Such notice was published in the issue beginning with  
JANUARY 15, 1970 and ending  
with the issue of JANUARY 22, 1970

Dorothy A. Baugh  
Fees, \$ 11.00

Subscribed and sworn to before me this 30  
day of JANUARY, 1970

John A. Long  
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1970

RECEIVED  
FEB 4 1970  
Department of Reclamation

## NO. 311 NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Clair K. Kirk, Route 2, Weiser, Idaho, has received an approved permit No. 27951/67-2273 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from Coye Creek, tributary of the Weiser River, subject to all prior rights. The priority to be established under this permit is May 27, 1959 and the permit was approved May 28, 1959. Water is to be diverted by sprinkler, pipe, pump, and motor from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 10 N., R. 4 W., B. M., Washington County to be used for irrigation in the S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{2}$ , Sec. 11, T. 10 N., R. 4 W., B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 28, 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. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Signal American, Weiser, Idaho, on January 15 and January 22, 1970. 86-2s

67-2273  
27951



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DECEMBER 5, 1995

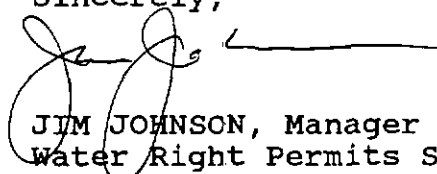
CLYDE S GRAFE  
2279 COVE RD  
WEISER ID 83672

RE: Transfer of Water Right No. 67-02273

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4670). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED  
JAN 25 1996



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DECEMBER 5, 1995

GERALD MYERS  
WATERMASTER  
HC 70 BOX 2010  
MIDVALE ID 83645

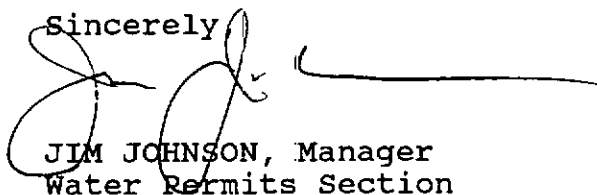
RE: TRANSFER OF WATER RIGHT NO. 67-02273

Dear Jerry,

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer No. 4670) in the name of Clyde S Grafe. Also included is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager  
Water Permits Section

JJ:rl

enc.

RECEIVED  
JAN 25 1996

MEMORANDUM

TO: FILE NO. 67-02273

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4670

DATE: December 1, 1995

=====

Transfer No. 4670 was filed to change the point of diversion, place, season and nature of use under Right No. 67-02273. The transfer proposes to change the irrigation right into use for wildlife, wildlife storage and diversion to storage. Water will be diverted from the Cove Creek into a ditch leading to a 10.0 af pond. Return flows from the pond will be returned to the creek.

Right No. 67-02273 was previously transferred to land under CRP and has never been diverted at the approved location. This transfer returns the right to part of the original licensed location for the proposed new uses.

Season of use was adjusted to year round use for wildlife and storage. The diversion volume was limited to the 200.0 afa developed under the irrigation right. The proposed change in use will result in much less consumption of water than previously used for irrigation.

Change in Nature of Use Evaluation

|              |          |            | <u>Div.Vol.</u> | <u>C.U.Vol.</u> |          |
|--------------|----------|------------|-----------------|-----------------|----------|
| Original:    | 0.52 cfs | 44.5 acres | 200.0 afa       | 155.8 afa       | 245 days |
| Proposed:    | 0.52 "   | -----      | 376.5 "         | (10.0+ ")       | 365 "    |
|              |          |            | Maximum         | Estimate        |          |
|              |          |            |                 | Pond/Storage    |          |
| Recommended: |          |            |                 |                 |          |
|              | 0.52 cfs | -----      | 200.0 afa       | (10.0+ afa)     | 365 days |

Recommended conditions include watermaster control, measuring device/controlling works, future annual reporting, stream alteration permit/limits, protection of stream values and standard transfer conditions.

RECORDED

JAN 25 1996

**TRANSFER REVIEW SHEET**  
(04-95)

Transfer # 4670

09-07-95  
Date Reviewed 08-24-95 38

Right(s) 67-02273

☒ Print Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use  
F:Change Period of Use (G) Other H:Change P/D & Add P/D  
I:Change P/D & P/U Change Nature, P/D + P/U J:Add P/D & Change P/U

Proof of Ownership Memorandum of Contract - Grabe to Walker 4-28-89  
Letter 6-12-95 from Walker to Grabe - Relinquishes all interest in R# 67-02273  
back to Grabe / Never used on Walker property - CRP \*

Transfer ☒ All of Right ☐ Portion of Right  
Resulting Split(s) NONE

Check Transfer Against Right

Season/Vol. To Yr. Round

- (1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume  
(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ \* Proof/Owner (10) ☒ Map  
(11) 67 Water District (12) Yes Pertinent Conditions (13) NO Expansion  
WM approval per telecon w/ Dave T. Some conditions no longer apply Reduced CU

- (2) Change IRR to WLF + WLF STOR, Div to STOR  
(3) Change to year round  
(5) Limit Vol to 200.0 a/c per  
(7) Change P/D back to original location - different AQ  
(8) Change P/U " " " "

\* Washington Co. Assessor identify Rex Price & David Fraser as current owners  
NONE, SECTION, R03W, (2) 9-7-95  
Change in Nature of Use - 44.5 Acres IRR to 10AF STORAGE & FLOW  
Tax record provided by Tim Shelton shows Rex Price % Larry Walker owns transferred acres.

Transfer Remarks Single P/D  
(1) Per Dave T / Region Manager recommendation (See Review Sheet)  
Conditions R04, R43, 030, 028, T07, T08, T09

Database/Processing Notes T file

No Special Edits

WR Reports File

Transfer Memo Complete ☒

67-02273

# Change in Nature of Use Evaluation

|            |         |            |                      |                            |          |
|------------|---------|------------|----------------------|----------------------------|----------|
| Original - | .52 cfs | 44.5 Acres | Div Vol<br>200.0 afa | CD Vol<br>155.85 afa       | 245 Days |
| Transfer   | .52 cfs | Ø "        | 376.5 " Max.         | ≤ 10 afa<br>(Pond/Storage) | 365 "    |

Not enough Info.  
See Map

WR0749NP  
No. T67-02273

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/04/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                     | PRIORITY<br>DATE | WATER USE                                            | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE          | DIVERSION<br>VOLUME     |
|------------------|--------------------------------------------------------------------|------------------|------------------------------------------------------|-------------------------------------------|----------------------------|-------------------------|
| C                | CLYDE S GRAFE<br>2279 COVE RD<br>WEISER ID 83672<br>(208) 549-3405 | 05/27/1959       | WILDLIFE<br>WILDLIFE STORAGE<br>DIVERSION TO STORAGE | 01-01 12-31<br>01-01 12-31<br>01-01 12-31 | 0.520 CFS<br><br>0.520 CFS | 190.00 AFA<br>10.00 AFA |
| TOTAL DIVERSION: |                                                                    |                  |                                                      |                                           | 0.520 CFS                  | 200.00 AFA              |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: LICENSE

Point(s) of Diversion: T10N R04W S11 SWNW SENW WASHINGTON County

Place of use Legal Description for: WILDLIFE

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 10N | 04W | 11 | : |    |    |    |    |    |    | W  |    |    |    |    |    |    |    |    |    | : |

Pou County: WASHINGTON

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 028 - After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 030 - A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: The diversion works shall be constructed in a manner that will protect stream values and not interfere with other Cove Creek diversions.

WR0749NP  
No. T67-02273

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/04/95  
PAGE: 2

Remarks: Injection of water from Cove Creek into any well is specifically prohibited.  
Single point of diversion is located on or near the line between SWNW and SENW, S11, T10N, R04W.

Dates: App. Received: Priority Date: 05/27/1959  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date: 10/03/1973

Misc: Water District Number: 67 Field Exam Fee:

Comments: Date: 12/01/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4670  
Transfer No. 4670 was filed to change the point of diversion, place, nature & season of use under Right No. 67-02273. This transfer proposes to use this irrigation right for wildlife, wildlife storage & diversion to storage.

Audit: 07/21/95 CHODGES 12/01/95 PSKAGGS

RECEIVED

NOV 30 1995

Department of Water Resources

Pam:

These property reports are for  
the parcels owned by Larry Walker  
and Rex Price. I hope this is all the  
information you need if not please  
call or write back to Tim Shelton.

Thank you  
Tim Shelton

Tom Shelton or Fish & Game

[-642-9446-]

[FAX-642-9540]

Clyde Gratie

47-02273

HOLD - DAVE T. has original

RECEIVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:49:55

PARCEL NUMBER: RP 10N03W170600 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: PRICE, REX ETAL  
% WALKER, LARY CLEGAL: NWE SE1/4 S1/2NE  
S17T10R3 280 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002122 A

| CAT | SHT | RY | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|----|----------|----|--------------|----------|-----------|----------|----------|
|-----|-----|----|----------|----|--------------|----------|-----------|----------|----------|

|    |  |      |         |    |        |  |  |  |  |
|----|--|------|---------|----|--------|--|--|--|--|
| 3  |  | 1994 | 278.000 | AC | 15,846 |  |  |  |  |
| 19 |  | 1994 | 2.000   | AC |        |  |  |  |  |

---

|         |         |        |
|---------|---------|--------|
| TOTALS: | 280.000 | 15,846 |
|---------|---------|--------|

DEED REFERENCES:  
DATE: 00/00/0000  
148311

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1994

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

APPROVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:50:09

PARCEL NUMBER: RP 10N03W200000 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: PRICE, REX ETAL  
% WALKER, LARY CLEGAL: NE1/4 N1/2SE TN-1  
S20T10R3 275 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002131 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 3   |     | 1994 | 235.000  | AC | 13,395       |          |           |          |          |
| 5   |     | 1994 | 40.000   | AC | 820          |          |           |          |          |

---

TOTALS: 275.000 14,215DEED REFERENCES:  
DATE: 00/00/0000  
148311

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1994

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:49:58

PARCEL NUMBER: RP 10N03W183000 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: PRICE, REX ETAL  
% WALKER, LARY CLEGAL: LOT 1-2&3 S18T10R3  
106 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002125 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 3   |     | 1994 | 91.000   | AC | 5,187        |          |           |          |          |
| 5   |     | 1994 | 15.000   | AC | 308          |          |           |          |          |

---

TOTALS: 106.000 5,495DEED REFERENCES:  
DATE: 00/00/0000  
148311

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1994

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

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JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:50:12

PARCEL NUMBER: RP 10N03W290600 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 01000

NAME: PRICE, REX ETAL  
% WALKER, LARY CLEGAL: TN-1 S29T10R3  
28 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002143 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 5   |     | 1994 | 28.000   | AC | 574          |          |           |          |          |

---

TOTALS: 28.000 574DEED REFERENCES:  
DATE: 00/00/0000  
148311

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1994

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

RECEIVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:50:16

PARCEL NUMBER: RP 10N04W120010 A PROPERTY ADDRESS:

EFFECTIVE DATE: 09/29/1993  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 01000

NAME: PRICE, REX ET AL  
% WALKER, LARY CLEGAL: E1/2NE; E1/2SE; LESS TN-1;  
154.49 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP10N04W120020T

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 3   |     | 1995 | 120.000  | AC | 6,840        |          |           |          |          |
| 5   |     | 1995 | 34.490   | AC | 707          |          |           |          |          |

---

TOTALS: 154.490 7,547DEED REFERENCES:  
DATE: 00/00/0000

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1995

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

APPROVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:50:19

PARCEL NUMBER: RP 10N04W131820 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 01000

NAME: PRICE, REX ET AL  
% WALKER, LARY CLEGAL: TN-1=E1/2NE, NESE LYING N & E  
OF WATERMARK IN DRAW OF TRIB  
TO COVE CREEK; S13T10R4; 70AC

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002211-02 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 3   |     | 1995 | 70.000   | AC | 3,990        |          |           |          |          |

---

TOTALS: 70.000 3,990DEED REFERENCES:  
DATE: 00/00/0000

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1995

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

JAN 25 1996

## VALUATION SUMMARY SHEET

TIME: 13:50:34

PAGE 1  
DATE: 11/20/95

PARCEL NUMBER: RP 10N03W194200 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992

EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: WALKER, LARY C ETUX

LEGAL: LOT 4 E1/2SW SENW  
S19T10R3 156.53 A

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002127 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 5   |     | 1994 | 156.000  | AC | 3,198        |          |           |          |          |
| 19  |     | 1994 | .530     | AC |              |          |           |          |          |

---

TOTALS: 156.530 3,198DEED REFERENCES:  
DATE: 00/00/0000  
147063

RELATED PARCELS:

SUB-SYSTEMS:  
RLHOMEOWNERS: NONE  
ZONING:  
PHOTO NUMBER:  
MAP NUMBER:  
INSP YEAR: 1994  
SW UNITS:  
SW TYPES:  
PARCEL TYPE:  
LOCATION CODE: 5075

TAX SPECIALS:

RECEIVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:50:38

PARCEL NUMBER: RP 10N04W120150 A PROPERTY ADDRESS:

EFFECTIVE DATE: 09/29/1993  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 01000

NAME: PRICE, REX ETAL  
% WALKER, LARY C ETUXLEGAL: TN-1 OF NENE; S12T10R4  
5.51 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP10N04W120020T

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 12  |     | 1994 | 1.000    | AC | 8,335        |          |           |          |          |
| 18  |     | 1994 | 4.510    | AC | 10,531       |          |           |          |          |

---

TOTALS: 5.510 18,866DEED REFERENCES:  
DATE: 00/00/0000  
158491  
158035RELATED PARCELS:  
SUB-SYSTEMS:  
LDHOMEOWNERS: NONE  
ZONING:  
PHOTO NUMBER:  
MAP NUMBER:  
INSP YEAR: 1994  
SW UNITS:  
SW TYPES:  
PARCEL TYPE:  
LOCATION CODE: 5075

TAX SPECIALS:

RECEIVED

JAN 25 1996

## VALUATION SUMMARY SHEET

PAGE 1  
DATE: 11/20/95

TIME: 13:49:51

PARCEL NUMBER: RP 10N03W088400 A PROPERTY ADDRESS:

EFFECTIVE DATE: 01/16/1992  
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: PRICE, REX ETAL  
% WALKER, LARY CLEGAL: SWSE S8T10R3  
40 ACRES

ADDRESS: 1759 COVE RD

COMMENTS:

WEISER

ID 83672

OLD PARCEL #: RP002104 A

| CAT | SHT | RY   | QUANTITY | UN | MARKET VALUE | HO VALUE | HO EXEMPT | CB VALUE | HARDSHIP |
|-----|-----|------|----------|----|--------------|----------|-----------|----------|----------|
| 3   |     | 1994 | 15.000   | AC | 855          |          |           |          |          |
| 5   |     | 1994 | 25.000   | AC | 513          |          |           |          |          |

---

TOTALS: 40.000 1,368DEED REFERENCES:  
DATE: 00/00/0000  
148311

RELATED PARCELS:

SUB-SYSTEMS:  
RL

HOMEOWNERS: NONE

ZONING:  
PHOTO NUMBER:  
MAP NUMBER:  
INSP YEAR: 1994

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 5075

TAX SPECIALS:

JAN 25 1996

From: DWR80::CHODGES 20-NOV-1995 10:42:39.47  
To: DWR03::PSKAGGS  
CC: CHODGES  
Subj: Transfer 4670

Tim Shelton (IDFG) phoned about the Clyde Grafe transfer on 67-2273. Recall this one is held up pending last piece of evidence of ownership from current land owners (Walker). I explained to Tim what we needed and he is going to try and obtain it. (Grafe has an IDFG project pending at the new place of use.) Tim has your name and address and might send the info directly to you. If you have questions call me.....

ch

RECEIVED

JAN 25 1996

## CONVERSATION MEMORANDUM

DATE

11/13/95

FILE

67-02273 Transcon Appl

NAME OF PARTY

TIM SHELTON 642-9446

67-07887

Permit Appl.

EMPLOYEE

STEVE LESTER

RECEIVED

RE:

Clyde Grater's Filings - Status Check

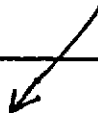
NOV 17 1995

Department of Water Resources

Tim is IDFG consultant helping applicant with pond project & filings etc. - checking on status.....

Transcon appl & S.O. (Pam has) pending response to add'l info request by CSH 9/14/95 letter (resolve questions & who owns licensed P/W).

Permit appl & Rejoin (protest file) pending response & void per DRT 10/25/95 letter.



However: cannot see anything in file that needs more info - just need to see if protestant still wants keep protested now that permit appl. only covers existing well.

Suggest follow-up letter to Grate's protestant & withdrawal of protest or scheduling protest conference?

JAN 25 1996

WAS able to locate files & call Tim on 11/14, left msg & above; followed up with msg 11/16 to call me if have questions. Suggested Tim coordinate with applicant & responses.

CC: Pam (Re: 67-02273)  
Stages



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 14, 1995

CLYDE GRAFE  
2279 COVE RD  
WEISER ID 83672

RECEIVED

SEP 15 1995

RE: Application for Transfer No. 4670  
License No. 67-02273

Department of Water Resources

Dear Mr. Grafe:

Your application for transfer, received 7/17/95, was advertised with no protests and has been forwarded for final review. Additional information will be required from you in order for the review process to be completed.

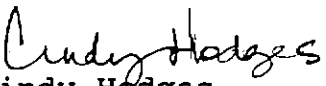
When the transfer application was submitted, it included documents evidencing your controlling interest of this right, namely, the 1989 land purchase agreement between yourself and Walker, and a 1995 statement from Walker releasing any interest in the right. However, according to the Washington County Assessor, current owners of the Walker property are Rex Price and David Fraser. As you are aware, appurtenant rights are considered to be the possession of the current property owner, unless released, or unless the interest to the rights are withheld by the previous owner.

Please forward to our office information regarding the date and conditions of sale of the Walker land to the current owners. Specifically, we need to know if Walker withheld the interest in 67-02273 at the time of sale and subsequently passed it to you in 1995, and if the sale was made final before or after Walker's release statement was made. A copy of the sales agreement or warranty deed which withholds the right, or a statement of release from Price/Fraser should be satisfactory. Without this information, there is not conclusive evidence of your ownership interest on file to complete the transfer.

Any copies may be sent to my attention at the above address. If you have questions, please do not hesitate to phone at 208-334-2190.

Sincerely,

JAN 25 1996

  
Cindy Hodges  
Sr. Water Resource Agent

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '7' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

|                           |              | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |  |  |  |
|---------------------------|--------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|--|--|--|
| WR-NUMBER                 | SOURCE       | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM |  |  |  |
| T10N R03W S 17            |              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |  |  |  |
| Original Location/T#3627  |              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |  |  |  |
| 6702273                   | COVE CREEK : |    |    | 40 | 4  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 44  |  |  |  |
| A6702273                  | COVE CREEK : |    |    | 40 | 5  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 45  |  |  |  |
| 6704492                   | COVE CREEK : | 8  |    | 15 |    |    |    |    |    | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 38  |  |  |  |
| A6704492                  | COVE CREEK : | 8  |    | 15 |    |    |    |    |    | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 38  |  |  |  |
| 6707150                   | SPRINGS :    |    |    |    |    |    |    |    |    | 40 | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 60  |  |  |  |
| 6707541                   | GROUNDWATE : |    |    | 40 |    | 40 |    | 40 |    | 40 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40 | 40 | 40 | 40 |    |    | 280 |  |  |  |
| 6707590                   | WEISER RIV : | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 | 40 | 40 | 40 |    |    | 640 |  |  |  |
| NO MAPPING INFO AVAILABLE |              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |  |  |  |

|                                   |              |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |     |
|-----------------------------------|--------------|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|-----|
| T10N R04W S 11                    |              |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |     |
| Proposed New P/U                  |              |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |     |
| NO MATCHES FOR THIS POU IN AJ-POU |              |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |     |
| 6707590                           | WEISER RIV : | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 40 |  | 640 |
| NO MAPPING INFO AVAILABLE         |              |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |     |

STATE OF ID, Application for Power & IRR, Fish, Power & Rec Storage  
7-9-82 Priority

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS NUMBER INDEX

DATE: 08/24/95

PAGE: 1

WATER RIGHT  
NUMBER

NAME

CFS

67-02273

GRAFE , CLYDE S.

0.52

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

## TRANSFER ANALYSIS SHEET

#4670

INITIAL REVIEW BY: Cyt 7-21-95 APPLICANT Grafe

1. Right number 67-2273
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change of point of diversion ☐ Add diversion point(s) ☒ Change of place of use  
☒ Change nature of use ☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ SRBA claim
  - b. ☒ Description of original point of diversion.
  - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
  - a. ☒ All of right.
  - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
  - c. ☒ Check description of point(s) of diversion.
  - d. ☒ Check description of place of use.
  - e. ☒ Check map (shows p.d. and p.u. after transfer).
  - f. ☒ Check for correct signature, notarization, and fee.
  - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
  - h. ☒ Check for expansion in use of right. Comments See attached memo Cyt 7-21-95
  - i. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) NONE 67-7987 same use proposed, well source
  - j. ☒ SRBA claim. Comments filed by Grafe showing current P/U
  - k. ☐ Is use within Water District? ☒ Yes ☐ No  
If yes, what district? 67 Comment letter sent ☐ Yes ☐ No
  - l. ☒ Legal notice electronically transmitted to DWR03::Vault?

FINAL PROCESSING REVIEW BY: DW

1. Watermaster recommendation requested on 6/26/95 Received on 8/23/95
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

### RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions\* (1) The diversion works shall be constructed in a manner that will protect stream values and not interfere with other Cove Creek diversions (2) OIE, 24"  
(3) 05 (Weiser R, 67), (4) 030
4. By DW Date 9/1/95

RECEIVED

SEP 06 1995

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Washington

Sarah Boles, being duly sworn,  
deposes and says:

That he is the Clerk of  
THE WEISER SIGNAL, a weekly newspaper published at  
Weiser, in the County of Washington and State of Idaho; that  
said paper has been and is in general circulation in the  
county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was pub-

lished in said newspaper once a week for two consec-  
utive weeks in the regular and entire issue of said paper dur-  
ing the period and time of publication, and was published in  
the newspaper proper and not in a supplement; that said  
paper has been established and regularly published for more  
than seventy-eight consecutive weeks prior to the date of  
first publication of said advertisement.

Such notice was published in the issue beginning with  
August 2, 1995, and ending  
with the issue of August 9, 1995  
Sarah Boles

Fees, \$ 90.86

Subscribed and sworn to before me this 9  
day of August, 1995  
Judith Parsons  
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 2, 1996

No. 352  
NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 67-02273  
TRANSFER NO. 4670

Notice is hereby given that Clyde Grafe of 2279  
Cove Rd., Weiser, Idaho, 83672 has applied to the  
Department of Water Resources to change point  
of diversion, place of use, nature and season of  
use under the following described water right(s)  
pursuant to section 42-222 of Idaho Code:

## WATER RIGHT(S) AS RECORDED

|                  |                                           |
|------------------|-------------------------------------------|
| Right No.        | 67-02273                                  |
| Claim No.        | A67-02273                                 |
| Basis            | License                                   |
| Date of Priority | 5/27/1959                                 |
| Source           | Cove Creek                                |
| Amount           | 0.52 cfs, 200 AF                          |
| Use              | Irrigation                                |
| Point of Div     | SWSE S08, T10N R03W,<br>Washington County |
| Place of Use     | 45 acres in NE 1/4 S17, T10N<br>R03W      |

## TO BE CHANGED AS FOLLOWS:

|                    |                                                                           |
|--------------------|---------------------------------------------------------------------------|
| Use                | Wildlife, Wildlife Storage,<br>year-round                                 |
| Point of Diversion | SWNW/SENWS11, T10NR04W,<br>Washington County (single<br>point on QQ line) |
| Place of Use       | NWNW S11, T10N R04W                                                       |

Any protest against approval of the proposed  
change of water right application must be filed  
with the Department of Water Resources, West-  
ern Region, 2735 Airport Way, Boise, ID 83705,  
together with a protest fee of \$25.00 on or before  
August 21, 1995. The protestant must also send a  
copy of the protest to the applicant.

Karl J. Dreher, Director  
Published in the Weiser Signal on August 3 and  
10, 1995.

48-2S

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SEP 01 1995

WATER RESOURCES  
WESTERN REGION

JAN 25 1996

CONVERSATION MEMORANDUM

DATE 8/23/95

FILE 67-02273

NAME OF PARTY Jerry Myers

EMPLOYEE D. Tushill

RE: WM Comments

No concerns on this app for transfer

Ans

I gave approval to construct diversion works in the dry  
(there is no water there now according to Tim Shelton)

No diversion authorized. He stated that the protested app is being  
withdrawn by Clyde Grafe.

Drs. 8/24/95

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

JAN 25 1996

## CONVERSATION MEMORANDUM

DATE

8/21/95

FILE

67-02273

NAME OF PARTY

Tim Shelton 642-9446

EMPLOYEE

Steve Lister

67-07987

RE: REQUEST FOR APPROVAL TO CONDUCT CURE CK.

P/D WORK @ STREAM (67-02273, T. 4670)

CURRENTLY

Equipment on-site improving site for ditch & pond functions - no work done yet NEAR stream, no water diverted from sources.

Joint filing  
for  
well & creek flow  
through ditch  
to pond,  
return flow to  
creek

67-02273 T. 4670 pending transfer CURE CK,  
protest deadline 8/21/95

67-07987 Amended appl. for permit (RE-adv. - WELL  
N/A); remains protested although  
protestors notified 7/26/95 & amended.  
plus other filing; no response  
received from these parties (2) yet.

Requests approval to construct pld @ CURE CK. this  
week since equipment on-site & might not be able  
to obtain equip. use later this season, could result  
in delay until next year after high water period.  
Not requesting to divert, just to construct diversion  
works.

NOTE - SCA comments from STAFF ID 67-07987; should  
also apply to T. 4670

JAN 25 1996



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 26, 1995

GERALD MYERS  
HC 70 BOX 2010  
MIDVALE ID 83645

Re: Application for Transfer of Water Right Nos. 67-02273 in the  
Name of Clyde Grafe

Dear Watermaster:

Enclosed is an application(s) for transfer of a water right(s)  
within your water district. Also enclosed is a form for your  
recommendation concerning this application.

Please review the application and return the enclosed  
recommendation form within two weeks. If you have questions or  
need information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application  
Recommendation of Watermaster Form

RECEIVED  
JAN 25 1996



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

July 26, 1995

CALVIN HICKEY  
2000 COVE RD  
WEISER ID 83672

PETE &/OR KATHY SKOW  
2475 COVE RD  
WEISER ID 83672

Re: Application for Transfer of Water Right No. 67-02273 in the  
Name of Clyde Grafe

Dear Protestants:

Enclosed is an application(s) for transfer of a water right and a  
copy of amended application for permit #67-7987 which may be of  
interest to you.

Please review the applications and let us know of any  
recommendations you may have within two weeks. If you have  
questions or need information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR. P.E.  
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application for Transfer  
Copy of Amended Application

RECEIVED  
JAN 25 1996

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 67-02273  
TRANSFER NO. 4670

Notice is hereby given that Clyde Grafe of 2279 Cove Rd, Weiser, Idaho, 83672 has applied to the Department of Water Resources to change point of diversion, place of use, nature and season of use under the following described water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT(S) AS RECORDED

|                  |                                             |
|------------------|---------------------------------------------|
| Right No.        | 67-02273                                    |
| Claim No.        | A67-02273                                   |
| Basis            | License                                     |
| Date of Priority | 5/27/1959                                   |
| Source           | Cove Creek                                  |
| Amount           | 0.52 cfs, 200 AF                            |
| Use              | Irrigation                                  |
| Point of Div     | SWSE S08, T10N R03W, Washington County      |
| Place of Use     | 45 acres in NE $\frac{1}{4}$ S17, T10N R03W |

TO BE CHANGED AS FOLLOWS:

|                    |                                                                          |
|--------------------|--------------------------------------------------------------------------|
| Use                | Wildlife, Wildlife Storage, year-round                                   |
| Point of Diversion | SWNW/SEnw S11, T10N R04W, Washington County<br>(single point on QQ line) |
| Place of Use       | NWNW S11, T10N R04W                                                      |

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before August 21, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on August 3 and 10, 1995.

RECEIVED

JAN 25 1996

MEMORANDUM

July 21, 1995

TO: Transfer 4670  
FROM: Cindy Hodges  
RE: Review and Analysis

Transfer is being processed in conjunction with application for permit 67-7987, and should be forwarded concurrently for final review, if application protests may be resolved.

Transfer proposes change in nature of use to wildlife storage. Project has been pursued in cooperation with IDFG; full details of proposed facility may be found in 67-7987.

There are two nagging questions with respect to the existing place of use. First, there is a recorded overlap with a statutory claim filed in the name of Skow (protestants to above application). Second, there is a potential issue of unstacking recorded rights.

My respective thoughts:

1. According to Tim Shelton of Idaho Fish and Game, Cove Creek water under the Skow claim (67-04492) has never been used on the Grafe/Walker lands, even though both the statutory and the SRBA version of the claim show 15 acres within NWNE Sec 17. There is a comment on the statutory claim that the irrigated lands mentioned in the homestead deed and/or posted notice were incorrect, and the lands so claimed were the correct acres. Possibly the deed was correct after all, as Skows do not own the NWNE Sec 17. In any event, since this is a non-verified right which will be evidenced through SRBA, perhaps the paper overlap is not significant.

2. 67-2273 was removed to the current place of use in 1989 via transfer 3627. At that time, lands had been purchased by Lary Walker and a well developed for irrigation under 67-7541. The 45 acres plus other lands were irrigated from ~1982-1985 by Walker then placed in CRP. Therefore, at the time of the 1989 transfer, no irrigation was occurring and none has occurred from either water source. Precedent indicates that "unstacking" of recorded rights developed or used together is not permissible. However, beneficial use under 67-2273 never actually happened at the currently recorded P/U due to CRP enrollment. The rights have never been used together. Also, proof is not yet due and has not been filed for 67-07541. It would appear possible that a separation at this point might be allowable.

Other considerations for review (per DRT and SL): This area is not restricted and new rights of this species are permittable. Also, there is no significant existing storage in the Weiser system which might be adversely impacted by the approval of this change.

JAN 25 1996

*I concur with these considerations. In light of this analysis I do not see a reason to deny approvals of the app for permit or app for transfer.*

RECEIVED

JUL 17 1995

WATER RESOURCES  
WESTERN REGION

STEVE:

The LAST time 45 ACRES WAS irrigated  
was prior to CRP enrollment in 1986, last  
irrigated 1985. The 45 ACRES will come out of CRP  
after 1996 if CRP is not approved will  
know if CRP will be approved in 1995, it at all.

The Walker's 45 acres and wells have  
nothing to do with skew permit.

Thank you

Tim Shelton

Idaho Fish & Game.

If any other Question Call 208-642-9446

Called TIM  
7-19-95  
Left MSG.

RECEIVED

JAN 25 1996

CONVERSATION MEMORANDUM

DATE 6-19-95

FILE 67-07987

NAME OF PARTY Tim Shelton ID Fig 642-9446

-02273

EMPLOYEE Steve Lister

RE: Clyde Grate Water User & Pond Proposal

Wants to change appl. 67-07987 to just well;  
delete Cove ck. part.

Replace creek portion with Xer of 67-02273  
back to original (?) site per Larry Walker's  
6-12-95 letter. Change (some) N.U. for pond coverage.

Told him I'd reserve & put into together soonest.

**RECEIVED**

JAN 25 1996

RECEIPT  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: W019584

Date: 7/17/1995  
Time: 11:49:26

Received  
From: GRAFE, CLYDE

| Type of Payment          | Program A cct     | Amount          |
|--------------------------|-------------------|-----------------|
| APPLICATION FOR TRANSFER | 62105 229 21 1155 | 100.00          |
| CHECK                    | 2236              |                 |
|                          |                   | Total \$ 100.00 |

Region: WESTERN

Signature: V. Robinson

RECEIVED  
JAN 25 1996

| OWNER<br>CODE | NAME & ADDRESS                                                     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME      |
|---------------|--------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|--------------------------|
| C             | CLYDE S GRAFE<br>2279 COVE RD<br>WEISER ID 83672<br>(208) 549-3405 | 05/27/1959       | IRRIGATION | 03-15 11-15           | 0.52 CFS          | 200.00 AFA               |
|               |                                                                    |                  |            |                       | TOTAL DIVERSION:  | 0.52 CFS                 |
|               |                                                                    |                  |            |                       | CONSUMPTIVE USE:  | 200.00 AFA<br>157.50 AFA |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: LICENSE

Point(s) of Diversion:

T10N R03W S08

SWSE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |      |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T   | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM         |      |
| 10N | 03W | 17 | : |    |    | 40 |    | 05 |    |    |    |    |    |    |    |    |    |    |    | 45.0        |      |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 45.0 |

POU County: WASHINGTON

Non-Irrigation Uses: NONE.

Other Rights: NONE.

Other Water Rights with Same Point(s) of Diversion and Source:  
A67-04492

Other Water Rights Listing Overlapping Place(s) of Use:  
A67-04492 A67-07541 R67-07541

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 67

Field Inspection Flag:  
Presumption Flag:

*Skow's Cove Cr.  
irrig.  
includes  
15 ac.  
NW1/4 S.17*

*WALKER's well,  
irrig., includes  
all over 12  
acres  
A67-02273*

*\* Significant overlap*

AJ0729NP  
No. A67-04492

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/05/95  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | PETE SKOW       | 07/01/1902       | IRRIGATION | 03-15 11-15           | 5.00 CFS          |                     |
| C             | KATHY SKOW      |                  |            |                       |                   |                     |
|               | 2475 COVE ROAD  |                  |            |                       |                   |                     |
|               | WEISER ID 83672 |                  |            |                       |                   |                     |
|               | (208) 549-2859  |                  |            |                       |                   |                     |
|               |                 |                  |            | TOTAL DIVERSION:      | 5.00 CFS          |                     |
|               |                 |                  |            | CONSUMPTIVE USE:      |                   | 539.00 AFA          |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10N R03W S07 S08 SWSE SWSW SESE SESW SWSE SESE WASHINGTON County WASHINGTON County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |      |    |    |    |    |    |    |    |      | NW |    |    |    | SW |    |    |      | SE |    |    |             |       |        |
|-----|-----|----|------|----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|------|----|----|----|-------------|-------|--------|
| T   | R   | S  | : Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | Lt          | Ac    | : SUM  |
| 10N | 03W | 7  | :    |    |    |    |    |    |    |    | :    |    |    |    |    |    |    |    | :    |    |    |    |             |       | : 75.0 |
| 10N | 03W | 8  | :    |    |    |    |    |    |    |    | :    |    |    |    |    |    |    |    | :    |    |    |    |             |       | : 41.0 |
| 10N | 03W | 17 | :    | 08 |    | 15 |    |    |    |    | :    | 15 |    |    |    |    |    |    | :    |    |    |    |             |       | : 38.0 |
|     |     |    |      |    |    |    |    |    |    |    |      |    |    |    |    |    |    |    |      |    |    |    | TOTAL ACRES | 154.0 |        |

POU County: WASHINGTON

Non-Irrigation Uses: INSTREAM STOCKWATERING.

Other Rights: NONE.

Other Water Rights with Same Point(s) of Diversion and Source:  
A67-02273

Other Water Rights Listing Overlapping Place(s) of Use:  
A67-02273 A67-07541 R67-07541

Remarks: NOTE: THIS CLAIM IS BASED ON A POSTED NOTICE - SEE ATTACHMENT.  
THE POSTED NOTICE SHOWS SEC. 7 & SEC. 18, HOWEVER, THE PLACE OF  
USE HAS CHANGED OVER THE YEARS AND THIS CLAIM REFLECTS THE  
CORRECT PLACE OF USE.

Dates: Exam Made Date: Verified Date: 01/17/1986

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

AJ0729NP  
No. A67-04492

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/05/95  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | PETE SKOW       | 07/01/1902       | IRRIGATION | 03-15 11-15           | 5.00 CFS          |                     |
| C             | KATHY SKOW      |                  |            |                       |                   |                     |
|               | 2475 COVE ROAD  |                  |            |                       |                   |                     |
|               | WEISER ID 83672 |                  |            | TOTAL DIVERSION:      | 5.00 CFS          |                     |
|               | (208) 549-2859  |                  |            | CONSUMPTIVE USE:      |                   | 539.00 AFA          |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T10N R03W S07  
S08

SWSE  
SWSW

SESE  
SESW

SWSE

WASHINGTON County  
SESE WASHINGTON County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       |      |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|------|
| T           | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac    | SUM  |
| 10N         | 03W | 7  | : |    |    |    |    |    |    |    |    |    |    |    |    | 15 |    | 30 | 30    | 75.0 |
| 10N         | 03W | 8  | : |    |    |    |    |    |    |    |    |    |    |    |    | 11 | 15 | 15 |       | 41.0 |
| 10N         | 03W | 17 | : | 08 |    | 15 |    |    |    |    |    |    |    |    |    |    |    |    |       | 38.0 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 154.0 |      |

POU County: WASHINGTON

Non-Irrigation Uses: INSTREAM STOCKWATERING.

Other Rights: NONE.

Other Water Rights with Same Point(s) of Diversion and Source:  
A67-02273

Other Water Rights Listing Overlapping Place(s) of Use:  
A67-02273 A67-07541 R67-07541

Remarks: NOTE: THIS CLAIM IS BASED ON A POSTED NOTICE - SEE ATTACHMENT.  
THE POSTED NOTICE SHOWS SEC. 7 & SEC. 18, HOWEVER, THE PLACE OF  
USE HAS CHANGED OVER THE YEARS AND THIS CLAIM REFLECTS THE  
CORRECT PLACE OF USE.

Dates: Exam Made Date:

Verified Date: 01/17/1986

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

RECEIVED

JUL 17 1995

WATER RESOURCES  
WESTERN REGION

*These 15 acres  
are within the  
45 acres listed  
in 67-02273 -  
how related to Walker's  
land ownership?*

RECEIVED  
MAY 1 1966  
LIBRARY

|  |  |   |
|--|--|---|
|  |  | 2 |
|  |  | 3 |
|  |  |   |
|  |  |   |

FEB 20 1966

WR5809NP  
No. 67-02273

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/19/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | CLYDE S. GRAFE<br>RT. 2 BOX 40<br>WEISER ID 83672 | 05/27/1959       | IRRIGATION | 03-15 11-15           | 0.520 CFS         | 200.00 AFA          |
| TOTAL DIVERSION: |                                                   |                  |            |                       | 0.520 CFS         | 200.00 AFA          |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.520 CFS

Point(s) of Diversion: T10N R03W S08 SWSE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |      |      |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|
| T           | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac   | SUM  |
| 10N         | 03W | 17 | : |    |    | 40 |    | 04 |    |    |    |    |    |    |    |    |    |    |      | 44.5 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 44.5 |      |

Pou County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion and Source:  
67-04492

Other Water Rights Listing Overlapping Place(s) of use:  
67-04492 67-07541

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
- T05 - The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
- 016 - See remarks for additional conditions of approval.

Remarks: TRANS. 3627. INJECTION OF WATER FROM COVE CK. INTO ANY WELL IS SPECIFICALLY PROHIBITED. WATER SHALL BE DIVERTED UNDER THIS RT. AT THE NEW POINT OF DIVERSION IN THE SWSE, S8, T10N, R3W ONLY DURING PERIODS WHEN WATER WOULD HAVE BEEN AVAILABLE AT THE ORIGINAL LOCATION IN THE NWNW, S11, T10N, R4W. THE OWNER OF THIS RIGHT HAS THE RESPONSIBILITY TO PROVIDE ANY WEIRS NEEDED TO MAKE THIS DETERMINATION OF AVAILABILITY AS DESIGNATED BY THE DEPT. & BY THE WATERMASTER OF WATER DISTRICT 67. NO WATER SHALL BE DIVERTED UNDER THIS RIGHT UNTIL A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS FOR USE BY THE WATERMASTER HAVE BEEN INSTALLED. THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS & DOWNSTREAM JUNIOR WATER RIGHTS FOR THE PURPOSE OF WATERING STOCK FROM THE

WR5809NP  
No. 67-02273

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/19/95  
PAGE: 2

Remarks: STREAM BETWEEN THE ORIGINAL POINT OF DIVERSION AND THE NEW POINT  
OF DIVERSION.

Dates: App. Received: Priority Date: 05/27/1959  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date: 10/03/1973

Misc: Water District Number: 67 Field Exam Fee:

Audit: 03/21/86 05/01/88 CONVERT 10/28/88 CURTIS 10/10/89 CURTIS  
01/05/90 CURTIS 01/25/90 CURTIS 08/30/90 CURTIS

WR5809NP  
No. 67-04492

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/05/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                               | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | PETE SKOW<br>RT. 2 BOX 41<br>WEISER ID 83672 | 07/01/1902       | IRRIGATION | 03-15 11-15           | 5.000 CFS         |                     |
| TOTAL DIVERSION: |                                              |                  |            |                       | 5.000 CFS         |                     |

Water Source: COVE CREEK

Tributary to: WEISER RIVER

Stage: STATUTORY CLAIM

| Point(s) of Diversion: | T10N R03W S07<br>S08 | SWSE<br>SWSW | SESE<br>SESW | SWSE | WASHINGTON County<br>SESE WASHINGTON County |
|------------------------|----------------------|--------------|--------------|------|---------------------------------------------|
|------------------------|----------------------|--------------|--------------|------|---------------------------------------------|

Place of use Legal Description for: IRRIGATION

|             |        | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       |      |
|-------------|--------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|------|
| T           | R S    | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac    | SUM  |
| 10N         | 03W 7  | :  |    |    |    |    |    |    |    |    |    |    |    | 15 |    | 30 | 30    | 75.0 |
| 10N         | 03W 8  | :  |    |    |    |    |    |    |    |    |    | 11 | 15 | :  |    | 15 |       | 41.0 |
| 10N         | 03W 17 | :  | 08 | 15 |    |    |    | 15 |    |    |    |    |    | :  |    |    |       | 38.0 |
| TOTAL ACRES |        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 154.0 |      |

Pou County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion and Source:  
67-02273

Other Water Rights Listing Overlapping Place(s) of use:  
67-02273 67-07150 67-07541

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 07/01/1902 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

Misc: Water District Number: Field Exam Fee:

Audit: 01/17/86 05/01/88 CONVERT

WR5809NP  
No. 67-07541

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/05/95  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | LARRY C. WALKER<br>232 E. MAIN<br>WEISER ID 83672 | 05/26/1981       | IRRIGATION | 03-15 10-31           | 3.000 CFS         |                     |
| TOTAL DIVERSION: |                                                   |                  |            |                       | 3.000 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T10N R03W S08 SWSE WASHINGTON County  
S17 NESE NWSE WASHINGTON County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |      |    |      |    |      |    |      |    |   | NW   |    |      |    | SW   |    |      |    | SE |      |    |      |    |      |    |      |    |   |      |             |      |    |       |    |      |  |   |     |
|-----|-----|----|------|----|------|----|------|----|------|----|---|------|----|------|----|------|----|------|----|----|------|----|------|----|------|----|------|----|---|------|-------------|------|----|-------|----|------|--|---|-----|
| T   | R   | S  | NENE |    | NWNE |    | SWNE |    | SENE |    | : | NENW |    | NWNW |    | SWNW |    | SENW |    | :  | NESW |    | NWSW |    | SWSW |    | SESW |    | : | NESE |             | NWSE |    | SWSE  |    | SESE |  | : | SUM |
|     |     |    | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | : | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | :  | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | : | Lt   | Ac          | Lt   | Ac | Lt    | Ac | :    |  |   |     |
| 10N | 03W | 8  | :    |    |      |    |      |    |      |    | : |      |    |      |    |      |    |      |    | :  |      |    |      |    |      |    |      |    | : |      |             |      |    |       |    |      |  |   |     |
| 10N | 03W | 17 | :    |    |      | 40 |      | 40 |      | 40 | : |      |    |      |    |      |    |      |    | :  |      |    | 40   |    | 40   |    | 40   |    | : |      |             |      |    |       |    |      |  |   |     |
|     |     |    |      |    |      |    |      |    |      |    |   |      |    |      |    |      |    |      |    |    |      |    |      |    |      |    |      |    |   |      | TOTAL ACRES |      |    | 290.0 |    |      |  |   |     |

Pou County: WASHINGTON

Other Water Rights Listing Overlapping Place(s) of use:  
67-02273 67-04492

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks: 2 points of diversion in SWSE, S8, T10N, R3W.

Dates: App. Received: Priority Date: 05/26/1981  
Proof Due Date: 07/01/1997 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 03/21/86 05/01/88 CONVERT 10/28/88 CURTIS 12/13/89 TAYLOR  
05/17/90 TAYLOR 06/01/90 CURTIS 07/24/92 GUSTAFSD

WR5809NP  
No. 67-07987

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/19/95  
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| OWNER<br>CODE    | NAME & ADDRESS                                                   | PRIORITY<br>DATE | WATER USE                                            | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE          | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------|------------------|------------------------------------------------------|-------------------------------------------|----------------------------|---------------------|
| C                | CLYDE GRAFE<br>2279 COVE RD<br>WEISER ID 83672<br>(208) 549-3405 | 05/03/1995       | WILDLIFE<br>WILDLIFE STORAGE<br>DIVERSION TO STORAGE | 01-01 12-31<br>01-01 12-31<br>01-01 12-31 | 1.000 CFS<br><br>1.000 CFS | <br><br>10.00 AFA   |
| TOTAL DIVERSION: |                                                                  |                  |                                                      |                                           | 1.000 CFS                  |                     |

Water Source: COVE CREEK  
GROUNDWATER

Tributary to: WEISER RIVER

Stage: APPLICATION

Point(s) of Diversion: T10N R04W S11 SWNW SENW WASHINGTON County

Place of use Legal Description for: WILDLIFE

|     |     |     |   | NE  |     |     |     | NW  |     |     |     | SW  |     |     |     | SE  |     |     |     |     |     |   |
|-----|-----|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|
| T   | R   | S   | : | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | Lt  | Ac  | : |
| --- | --- | --- | : | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | : |
| 10N | 04W | 11  | : |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | : |

Pou County: WASHINGTON

Remarks: Cove Creek point of diversion is single point on or near line between tracts.  
Therefore, possibly 2 points of diversion in SWNW, S11, T10N, R04W.  
Surface and ground water are integrated into a single system.  
Wildlife use is for Habitat Improvement Project (HIP) in conjunction with Idaho Dept. of Fish & Game and US Fish & Wildlife Service.

Dates: App. Received: 05/03/1995 Priority Date: 05/03/1995  
Proof Due Date:  
Exam Made Date: Proof Made Date:  
Licensed Date: Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

7/5/95

Tim - Per your note + phone calls, here's  
the package:

① Appl. 67-07987 to be amended to delete Cove Creek use leaving  
well as source of water.  
Want to reduce amount of water also to capacity of well? If so,  
change cfs values as needed (1 cfs  $\approx$  450 gpm).  
Need Chyde to initial + date Amended appl. top right of 1<sup>st</sup> pg.  
no fee to Amend (\$50 fee waived).

② Transfer appl. for 67-02273 - use this creek water, move to 5.11  
to replace creek deleted from 67-07987.

Complete as follows

- pg 2 # 6 b i c
- pg 3 # A2 - proof of ownership of 45 acres 5.17 ~~plus~~ - this  
will go with Larry Walker's 6/12/95 letter to Chyde saying ok  
to do this (you already sent me copy " " but need proof  
Larry owns that land).
- pg 4 # 10 -
- pg 6 # B1-3-
- notarized signature plus \$100<sup>00</sup> fee for ~~transfer~~ transfer 1996

RECORDED

Also provide:

- info showing when the 45 acres ~~id~~ 67-02273 last irrigated
- " " if/when " " " enrolled in CRP.  
documented from "scs" or "ASCS"  $\rightarrow$
- if id CRP, what is intent for the 45 acres once CRP completed?  
Resume irrigating? Does Walker property have anything to do with  
Skow's 67-04492? copy attached Call if questions - John
- Celebrating Our Centennial Year of Service to Idaho 1895-1995 -

SD-0604-2 Township: 10N Range: 04W Section: 11 Tract: NWNW Lot:

| S       | L | STATE     | O              | S | Max #    | Records | 17         |           |
|---------|---|-----------|----------------|---|----------|---------|------------|-----------|
| E       | O | Water     | W              | T | Priority | Use     |            |           |
| L Tract | T | Right No. | Name           | N | AC       | G       | Date       |           |
|         |   |           | Last, First    |   |          |         | Code       | Desc      |
| NWNW    |   | 67-07590  | STATE OF IDAHO | C | 40       | A       | 07/09/1982 | 02 IRR S  |
|         |   |           |                |   |          |         |            | 03 IRR FS |
|         |   |           |                |   |          |         |            | 20 FIS S  |
|         |   |           |                |   |          |         |            | 21 FIS FS |
|         |   |           |                |   |          |         |            | 28 POWER  |
|         |   |           |                |   |          |         |            | 29 POW S  |
|         |   |           |                |   |          |         |            | 30 POW FS |
| NWNW    |   | 67-07987  | GRAFE, CLYDE   | C |          | A       | 05/03/1995 | 47 REC S  |
|         |   |           |                |   |          |         |            | 16 WILDLF |
|         |   |           |                |   |          |         |            | 17 WILD S |
|         |   |           |                |   |          |         |            | 55 DIV S  |

(Enter=Continue) (GOLD 7=This Query) (Menu )

JAN 25 1996

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE                    | NE   |    |       |    |    |    |    |    | NW |    |    |    |    |    |    |    | SW |    |    |    |    |    |    |    | SE |    |    |    |     |    |    |  | SUM |
|-----------|---------------------------|------|----|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|--|-----|
|           |                           | NE   |    | NW    |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW  |    | SE |  |     |
|           |                           | Lt   | Ac | Lt    | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac |    |  |     |
| 6702273   | T10N R03W S17             | COVE |    | CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |  |     |
|           | :                         |      |    | 40    |    | 04 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    | 44 |  |     |
| A6702273  | COVE CREEK                | :    |    | 40    |    | 05 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 45 |    |  |     |
| 6704492   | COVE CREEK                | :    | 08 | 15    |    |    |    |    |    | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 38 |    |  |     |
| A6704492  | COVE CREEK                | :    | 08 | 15    |    |    |    |    |    | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 38 |    |  |     |
| 6707150   | SPRINGS                   | :    |    |       |    |    |    |    |    | 40 |    | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 60 |    |  |     |
| A6707150  | SPRINGS                   | :    |    |       |    |    |    |    |    | 40 |    | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 60 |    |  |     |
| 6707541   | GROUNDWATE                | :    |    | 40    |    | 40 |    | 40 |    |    |    |    |    |    |    |    |    |    |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 280 |    |    |  |     |
| 6707590   | WEISER RIV                | :    | 40 | 40    |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 40 |    | 640 |    |    |  |     |
|           | NO MAPPING INFO AVAILABLE |      |    |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |  |     |

A67-02273 - just rounds licensed total (44.5) to 45 acres

67-04492 - 15 ac. earliest d.o.p.

67-02273 - added 1959 d.o.p. via T.3627 in 1989 @ 1/2 inch/acre

67-7541 - g.w. permit where proof not filed yet @ 1/2 inch/acre (due 7-1-97)

67-07590 - St. of Idaho Application

would appear ok to "unstack" water in 67-02273 from these acres,  
no apparent expansion or injury. Role of stat. claim to be  
determined in SRBA.

67-2221 ? - Magee right - Not related?

Used in Sec 6 & Sec 1

JAN 25 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 4, 1989

RE: Transfer of Water Right No. 67-2273

Clyde S. Grafe  
Rt. 2, Box 40  
Weiser, ID 83672

Dear Mr. Grafe:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3627). Be sure to note any conditions of approval as listed on the final page.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

FEB 28 1990

MEMORANDUM

TO: FILE/LICENSE NO. 67-2273

FROM: TIM LUKE

RE: APPLICATION FOR TRANSFER

DATE: 11-27-89

=====

Application for transfer no. 3627 should be approved with all of the conditions suggested by Dave Tuthill. See attached conditions prepared by Dave, dated 11/17/89.

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FEB 28 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 665

1. Right number 67-2273 Applicant Glyde S. Grafe

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Other \_\_\_\_\_

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. See transfer agreement from Kirk.

h. ☒ Check for expansion in use of right. Comments Applicant needs to reduce the acreage from 220 to 49.5 acres Applicant needs to reduce acreage.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 67-7467 for 10 acres in SWSE Sec 8, owned by Pete Skow

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 67

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 7/81 Received on 7/8/81

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☒ Yes ☐ No Withdrawn

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* See attached conditions of approval.

4. By Dar TJL Date 11/17/89

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NOV 21 1989

Suggested Conditions of Approval for  
Application for Transfer of Water Right No. 67-2273

*Dth*  
Prepared by: D. Tuthill 11/17/89

1. Injection of water from Cove Creek into any well is specifically prohibited.
2. Water shall be diverted under this water right at the new point of diversion in the SW1/4 SE1/4, Section 8, T 10N, R 3W, only during periods when water would have been available at the original location in the NW1/4 NW1/4, Section 11, T 10 N, R 4 W. The owner of this water right has the responsibility to provide any weirs needed to make this determination of availability, as designated by the Department and by the Watermaster of Water District 67, Weiser River and tributaries.
3. Diversion of water under this water right is subject to the control of the Watermaster of Water District 67, Weiser River and tributaries.
4. No water shall be diverted under this water right until a measuring device and lockable controlling works for use by the watermaster have been installed.
5. This water right is subject to all prior water rights, and downstream junior water rights for the purpose of watering stock from the stream between the original point of diversion and the new point of diversion.

RECORDED

FEB 28 1990

RECEIVED

NOV 16 1989

Department of Water Resources  
Western Regional Office

Telephone  
Area Code 208  
549-0390

Lary C. Walker

LARY C. WALKER  
Attorney at Law  
232 East Main Street  
Post Office Box 828  
Weiser, Idaho 83672

November 15, 1989

Mr. David R. Tughill, Jr.  
Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705

Re: Protest Application for Permit #67-7541, and Transfer  
Application #67-2221 and 67-2273

Dear Dave:

Enclosed please find the fully executed Withdrawal of Protest in  
the above matter.

Thank you for your help.

Sincerely,

LARY C. WALKER LAW OFFICE

*Lary C Walker*  
Lary C. Walker *by perm.*

LCW:dm

RECEIVED

FEB 28 1990

RECEIVED

NOV 16 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Western Regional Office

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER OF WATER RIGHT ) WITHDRAWAL OF PROTEST  
NO. 67-2273 IN THE NAME OF )  
CLYDE S. GRAFE )

We, the undersigned, hereby withdraw our protest to the approval to the above-referenced Application for Transfer subject to the following conditions:

1. Injection of water from Cove Creek into any well is specifically prohibited.

2. Water shall be diverted under this water right at the new point of diversion in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 8, Township 10 N., Range 3 W., only during periods when water would have been available for diversion at the original location in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Township 10 N., Range 4 W. The owner of this water right has the responsibility to provide any weirs needed to make this determination of availability, as designated by the Department and by the Watermaster of Water District #67, Weiser River Tributaries.

3. Diversion of water under this water right is subject to the control of the Watermaster of Water District #67, Weiser River and tributaries.

4. No water shall be diverted under this water right until a measuring device and lockable controlling works for use by the Watermaster are installed.

5. This water right is subject to all prior or inferior water rights, including downstream water rights for the purpose of watering stock from the stream affected by this transfer.

Protestants

Dated this 2 day of November, 1989. Pete Skow  
Pete Skow

Dated this 9 day of NOVEMBER, 1989. Anna Skow Platt  
Anna Skow Platt

Acknowledgement of Applicants

Dated this 22<sup>nd</sup> day of Oct., 1989. Clyde S. Grafe FEB 28 1990  
Clyde S. Grafe

Dated this 26<sup>th</sup> day of Oct., 1989. Larry C. Walker  
Larry C. Walker

Lary C. Walker

LARY C. WALKER  
Attorney at Law  
232 East Main Street  
Post Office Box 828  
Weiser, Idaho 83672

Telephone  
Area Code 208  
549-0390

November 1, 1989

✓OK  
File  
**RECEIVED**  
NOV 03 1989

Mr. David R. Tughill, Jr.  
Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705

Department of Water Resources  
Western Regional Office

Re: Protest Application for Permit #67-7541, and Transfer  
Application #67-2221 and 67-2273

Dear Dave:

I received your proposed Withdrawal of Protest, have reviewed and also have talked to Clyde Grafe and the Skows. I have made a minor change in paragraph 5 to satisfy the Skows. Clyde Grafe has signed the Withdrawal and so have I, but the Skows have not yet been into my office.

I am forwarding to you a copy of the proposed Withdrawal with the minor changes. As soon as the Skows come in, I will forward the final draft to you.

Thank you for your help in this matter.

Sincerely,

LARY C. WALKER LAW OFFICE

*Lary C. Walker*  
Lary C. Walker

LCW:dm

**MICROFILMED**

FEB 28 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER OF WATER RIGHT ) WITHDRAWAL OF PROTEST  
NO. 67-2273 IN THE NAME OF )  
CLYDE S. GRAFE )

We, the undersigned, hereby withdraw our protest to the approval to the above-referenced Application for Transfer subject to the following conditions:

1. Injection of water from Cove Creek into any well is specifically prohibited.

2. Water shall be diverted under this water right at the new point of diversion in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 8, Township 10 N., Range 3 W., only during periods when water would have been available for diversion at the original location in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Township 10 N., Range 4 W. The owner of this water right has the responsibility to provide any weirs needed to make this determination of availability, as designated by the Department and by the Watermaster of Water District #67, Weiser River Tributaries.

3. Diversion of water under this water right is subject to the control of the Watermaster of Water District #67, Weiser River and tributaries.

4. No water shall be diverted under this water right until a measuring device and lockable controlling works for use by the Watermaster are installed.

5. This water right is subject to all prior or inferior water rights, including downstream water rights for the purpose of watering stock from the stream affected by this transfer.

Protestants

Dated this 2 day of November, 1989. Pete Skow  
Pete Skow FEB 28 1990

Dated this \_\_ day of \_\_\_\_\_, 1989. \_\_\_\_\_  
Anna Skow Platt

Acknowledgement of Applicants

Dated this 22<sup>nd</sup> day of Oct., 1989. Clyde S. Grafe  
Clyde S. Grafe

Dated this 26<sup>th</sup> day of Oct., 1989. Larry C. Walker  
Larry C. Walker

MICROFILMED



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 4, 1989

Lary C. Walker, Esq.  
P.O. Box 828  
Weiser, ID 83672

Clyde S. Grafe  
Route 2 Box 40  
Weiser, ID 83672

Pete & Kathy Skow  
Route 2 Box 41  
Weiser, ID 83672

Anna Platt  
525 E. Butterfield  
Weiser, ID 83672

Dan Swain  
2054 Cove Rd.  
Weiser, ID 83672

Re: Protested Application for Permit #67-7541, and Protested Applications for Transfer #67-2221 and 67-2273

Dear Interested Parties:

Pursuant to the conference held on September 27, 1989, regarding the above-referenced applications, the following determinations were made:

1. The protestants, Pete Skow and Anna Skow Platt both indicated that they no longer have an objection to the approval of application for permit #67-7541, which calls for the diversion of 3.0 cubic feet per second from groundwater to be used for irrigation of 298 acres. Enclosed with the letters being sent to Mr. Skow and Mrs. Platt are forms for withdrawal of protest for this application. Please review the documents and if they are appropriate please sign them and return them to this office to enable further processing of this application. Also, the application is presently in the name of Darrell L. Panike, and I would ask that Mr. Walker provide to this office written documentation to demonstrate that the application has been assigned to him.
2. Regarding the application for transfer of water right #67-2221 in the name of Dan Swain, the parties at the conference indicated that this application is no longer current, and is a candidate for withdrawal. Enclosed with the letter being sent to Mr. Swain is a Withdrawal of Application for Transfer form. If this form is appropriate, please

NOT RECORDED  
FEB 28 1990

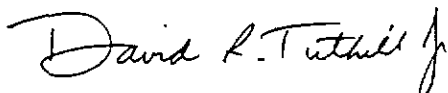
9-27-89

complete it and return it to this office. This method of withdrawing the application saves this office considerable time in the preparation of orders, so your cooperation in this regard is appreciated.

3. Regarding application for transfer of water right #61-2273, the parties at the conference explained that the property in question is presently owned by Lary C. Walker as a contract buyer from Clyde S. Grafe. The land to which the water right is proposed to be transferred is presently in the federal Conservation Reserve Program, and will be in the program for approximately the next nine years. Nevertheless, both Mr. Grafe and Mr. Walker desire to proceed with the transfer, to provide for additional irrigation water on the property when it is released from the Conservation Reserve Program. The conference resulted in the presentation of concerns by the protestants, which were addressed by the applicants. The result of this discussion was an agreement by the parties that if the application is properly conditioned, the protestants will consider withdrawing their protests. Accordingly, a document has been enclosed which calls for the withdrawal of protest subject to agreement by the necessary parties. Each of the recipients of this letter except for Mr. Swain is receiving a copy of this agreement. If you have suggestions for modifications to the agreement, please notify this office as soon as possible. If, on the other hand, you find the agreement to be an acceptable statement which addresses your concerns, you may sign the agreement and submit it to this office. If we receive signatures to the agreement from all parties and no changes are suggested, this office will proceed with processing the application. If we do receive suggestions for change, we will circulate those suggestions to all of the necessary parties.

In order to proceed with timely resolution of these water rights, please return the necessary documents or additional information to this office no later than October 16, 1989. If you have concerns about any aspect in this letter, please feel free to contact this office.

Sincerely,



DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

Enclosures

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FEB 28 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER OF WATER RIGHT )  
NO. 67-2273 IN THE NAME OF )  
CLYDE S. GRAFE )

WITHDRAWAL OF PROTEST

We, the undersigned, hereby withdraw our protest to the approval to the above-referenced Application for Transfer subject to the following conditions:

1. Injection of water from Cove Creek into any well is specifically prohibited.
2. Water shall be diverted under this water right at the new point of diversion in the SW 1/4 SE 1/4 Section 8, Township 10 N., Range 3 W., only during periods when water would have been available for diversion at the original location in the NW 1/4 NW 1/4 Section 11, Township 10 N., Range 4 W. The owner of this water right has the responsibility to provide any weirs needed to make this determination of availability, as designated by the Department and by the Watermaster of Water District #67, Weiser River and tributaries.
3. Diversion of water under this water right is subject to the control of the Watermaster of Water District #67, Weiser River and tributaries.
4. No water shall be diverted under this water right until a measuring device and lockable controlling works for use by the Watermaster are installed.
5. This water right is subject to all prior water rights, including downstream water rights for the purpose of watering stock from the stream.

Protestants

Dated this \_\_\_\_ day of \_\_\_\_\_, 1989. \_\_\_\_\_  
Pete Skow

Dated this \_\_\_\_ day of \_\_\_\_\_, 1989. \_\_\_\_\_  
Anna Skow Platt

Acknowledgement of Applicants

Dated this \_\_\_\_ day of \_\_\_\_\_, 1989 \_\_\_\_\_  
Clyde S. Grafe

Dated this \_\_\_\_ day of \_\_\_\_\_, 1989 \_\_\_\_\_  
Lary C. Walker

**MICROFILMED**

**FEB 28 1990**

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw Application For  
Transfer of Water Right to Appropriate the Public Water  
of the State of Idaho, No. 67-2221.

Signed at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_.

\_\_\_\_\_  
Applicant Holder

ATTEST:

\_\_\_\_\_

MICROFILMED

FEB 28 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                |   |                       |
|--------------------------------|---|-----------------------|
| IN THE MATTER OF APPLICATION   | ) |                       |
|                                | ) |                       |
| FOR PERMIT NO. 67-7541 IN THE  | ) | WITHDRAWAL OF PROTEST |
|                                | ) |                       |
| NAME OF DARRELL & LINDA PANIKE | ) |                       |
|                                | ) |                       |
| _____                          | ) |                       |

We, the undersigned, hereby withdraw our protest to Application for Permit #67-7541 in the name of Darrell and Linda Panike.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Pete Skow

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Anna Skow Platt

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FEB 28 1990

Conference for 67-7541 Darrell & Linda Panike  
67-2221 Dan Swain -  
67-2273 Clyde Grafe

9/27/1989 Wash Co. Annex 10:00 am

Present: Pete & Kathy Skow - Protestants  
Larry C. Walker  
Clyde Grafe  
Anna Skow Platt - Protestant

67-2221 - Potentially eligible for withdrawal  
Obtain Dan Swain's new Texas address from Larry Walker.

Larry C. Walker

Purchased land in 1982 from Clyde Grafe  
Land had been returned from Ely. the Panikes to Clyde Grafe after 1981  
1982-1984 land owned by & farmed by Larry C. Walker

Land is presently in CRP - has been since 1986.  
Present owner is Larry C. Walker.

MICROFILMED

Well was test pumped in fall of 1983.

FEB 28 1990

Protestants

- willing to withdraw protest to GW app.

Protested Right of Concern is App for Transfer ~~was~~<sup>No.</sup> 67-2273

Concerns by protestants

1. Pumping of surface water into well

(Larry Walker is willing to not do this in the future & make the water rt contingent to a condition not allowing this)

2. More water would be available at the new site than at the original site.

Proposed Conditions of Approval

- a. No more water diverted at new site than original site.
- b. If there is a question about availability, this water information is to be obtained (for use by the watermaster) by the water right holder. This could include the installation of weirs.

Conference ended. IOWR to propose conditions for review by parties.

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FEB 28 1990



Darrell Panike

Parents Bud + Fern  
583

262-3472

Larry Walkers office  
said they are not in  
the area

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FEB 28 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

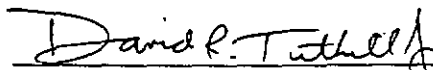
IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 67-7541 AND )  
APPLICATIONS FOR TRANSFER OF )  
WATER RIGHTS NOS. 67-2221 AND )  
67-2273 IN THE NAMES OF DARRELL )  
& LINDA PANIKE, DAN SWAIN AND )  
CLYDE GRAFE, RESPECTIVELY )

NOTICE OF CONFERENCE

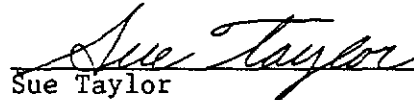
On May 18, 1981, Clyde S. Grafe filed an application for transfer of water right No. 67-2273, and on May 21, 1981, Dan Swain filed an application for transfer of water right no. 67-2221. On May 21, 1981, Darrell and Linda Panike filed with the Department of Water Resources, an application for permit to appropriate the public waters of the State of Idaho. All three applications were protested by Anna and Pete Skow.

The Department has set the matter of protest for a conference on Wednesday, September 27, 1989, at 10:00 a.m., at the Washington County Court Annex, Magistrate Courtroom, 485 E. 3rd, Weiser, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 10<sup>th</sup> day of August, 1989.

  
DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

I hereby certify that on the 11<sup>th</sup> day of August, 1989, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary

Certified Mail

Lary C. Walker  
Attorney at Law  
P.O. Box 828  
Weiser, ID 83672

Darrell &/or Linda Panike  
Route 3 Box 104  
Weiser, ID 83672

Clyde S. Grafe  
Route 2 Box 40  
Weiser, ID 83672

Dan Swain  
Route 2  
Weiser, ID 83672

Dwaine L. Welch, Esq.  
26 S. 9th St. Box 307  
Payette, ID 83661

Pete &/or Anna Skow  
Route 2 Box 41  
Weiser, ID 83672

## CONFERENCE INFORMATION

### IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203(A), the following issues are involved in the consideration of the application and protest(s):

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?
5. Will the proposed use conflict with the local public interest?

The intent of the conference is to resolve any conflicts regarding the proposed water appropriation in light of these five factors. The conference will not be recorded in an effort to promote full discussion of the issues. Possible resolutions are: (1) clarification of the issues resulting in a determination by all parties that the application is acceptable, (2) modification of the application to make it acceptable to the protestant(s), or (3) addition of acceptable restrictions or conditions of approval. If a resolution is not attainable, then a hearing will be set by the Department.

Is your RETURN ADDRESS  
completed on the reverse side?

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
(Extra charge) (Extra charge)

3. Article Addressed to:

Darrell & Linda Panike  
Route 3 Box 104  
Weiser, ID 83672

4. Article Number

P 397 135 365

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt  
for Merchandise

Always obtain signature of addressee  
or agent and **DATE DELIVERED.**

5. Signature — Address

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if  
requested and fee paid)

**MICROFILMED**

FEB 28 1990

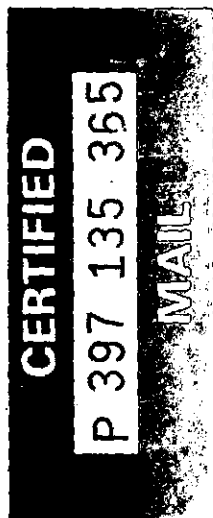
PS Form 3811, Mar. 1988

U.S.G.P.O. 1988-212-865

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IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
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FEB 28 1990

Darrell & Linda Panfili  
Route 3 Box 104  
Weiser, ID 83672

RECEIVED

AUG 15 1989

Department of Water Resources  
Western Regional Office



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 67-7541 AND )  
APPLICATIONS FOR TRANSFER OF )  
WATER RIGHTS NOS. 67-2221 AND )  
67-2273 IN THE NAMES OF DARRELL )  
& LINDA PANIKE, DAN SWAIN AND )  
CLYDE GRAFE, RESPECTIVELY )

NOTICE OF CONFERENCE

On May 18, 1981, Clyde S. Grafe filed an application for transfer of water right No. 67-2273, and on May 21, 1981, Dan Swain filed an application for transfer of water right no. 67-2221. On May 21, 1981, Darrell and Linda Panike filed with the Department of Water Resources, an application for permit to appropriate the public waters of the State of Idaho. All three applications were protested by Anna and Pete Skow.

The Department has set the matter of protest for a conference on Wednesday, September 27, 1989, at 10:00 a.m., at the Washington County Court Annex, Magistrate Courtroom, 485 E. 3rd, Weiser, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

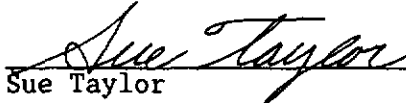
Dated this 10<sup>th</sup> day of August, 1989.

David R. Tuthill  
DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

MICROFILMED

FEB 28 1990

I hereby certify that on the 11<sup>TH</sup> day of August, 1989, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary

Certified Mail

Lary C. Walker  
Attorney at Law  
P.O. Box 828  
Weiser, ID 83672

Darrell &/or Linda Panike  
Route 3 Box 104  
Weiser, ID 83672

Clyde S. Grafe  
Route 2 Box 40  
Weiser, ID 83672

Dan Swain  
Route 2  
Weiser, ID 83672

Dwaine L. Welch, Esq.  
26 S. 9th St. Box 307  
Payette, ID 83661

Pete &/or Anna Skow  
Route 2 Box 41  
Weiser, ID 83672

MICROFILMED  
FEB 28 1990

CONFERENCE INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203(A), the following issues are involved in the consideration of the application and protest(s):

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?
5. Will the proposed use conflict with the local public interest?

The intent of the conference is to resolve any conflicts regarding the proposed water appropriation in light of these five factors. The conference will not be recorded in an effort to promote full discussion of the issues. Possible resolutions are: (1) clarification of the issues resulting in a determination by all parties that the application is acceptable, (2) modification of the application to make it acceptable to the protestant(s), or (3) addition of acceptable restrictions or conditions of approval. If a resolution is not attainable, then a hearing will be set by the Department.

MICROFILMED

FEB 28 1990



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 4, 1989

Lary C. Walker  
Attorney at Law  
P.O. Box 828  
Weiser, ID 83672

549-0390

Re: Application for Permit No. 67-7541 in the Name of Darrell & Linda Panike

Dear Mr. Walker:

A review of our files indicates that the above-referenced application for permit is still unresolved. In our letter to you dated October 18, 1984, Mr. David B. Shaw indicated that we had not yet received an assignment from the Panikes to you, and that we were seeking an update on the status of the application for permit and the applications for transfers in the name of Dan Swain and Clyde Grafe.

In order to enable us to maintain these applications in a valid status, we ask that you provide an update on the present intent to pursue development of the proposals, no later than June 4, 1989.

Please feel free to contact this office if you would like to obtain additional information about the filings.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

cc: Darrell & Linda Panike

**MICROFILMED**

**FEB 28 1990**

October 18, 1984

Lary C. Walker  
Attorney at Law  
P. O. Box 828  
Weiser, ID 83672

Re: Application for Permit No. 67-7541 in the Name of Darrell &  
Linda Panike & Applications for Transfer 67-2221 in the  
Name of Dan Swain 67-2223 in the Name of Clyde Grafe

Dear Lary:

In my conversation with you last March you said you felt an agreement was possible that would resolve the protests against this water right application. You also indicated the application had been assigned to you, however, our records still show Panike as the applicant.

Please provide an update on the status on the application for permit and transfers and outline, if possible, your plans for resolving the protests against the filings in which you have an interest. Please call if you have questions.

Yours truly,

DAVID B. SHAW  
Western Regional Supervisor

DBS:jp

RECEIVED

FEB 28 1985



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

(Office at the corner of  
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

October 27, 1981

Darrell and/or Linda Panike  
Route 3 Box 104  
Weiser, Idaho 83672

RE: Application for Permit No. 67-7541 Transfers 67-2221 and  
67-2273

Dear Mr. and Mrs. Panike:

At the conference held on July 23, 1981 some recommendations were made concerning the above numbered filings. One recommendation was that you investigate the possibility of a study to determine whether your well will impact surrounding wells and springs. It was also suggested the transfers which are presently in Mr. Swain and Mr. Grafe's name be placed in your name.

To date, the Department of Water Resources has not received any additional information from you concerning any of these filings. Please let the Department know at your earliest convenience whether you need additional time or whether you are presently prepared to proceed with a hearing on these application.

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

Yours truly,

DAVID B. SHAW  
Western Region Supervisor

DBS:jpp

cc: Dwaine L. Welch

RECORDED

FEB 28 1982

MEMORANDUM

FILES: 67-2221, 67-2273 & 67-7541  
FROM: David Shaw <sup>ps</sup>  
SUBJECT: Conference of July 23, 1981

---

At the conference the issues involved in the protest against the two transfers and the application for permit were identified and some procedures to be followed were outlined. With regard to the application for permit No. 67-7541, the applicant will investigate having a ground-water study done in an attempt to determine the possible impact of his well on surrounding springs and wells. The applicant will provide the department and the protestant with the results of any tests prior to scheduling a hearing on the application. It was also recommended that the applicant, Panike, have the two transfers put in his name since he is the owner of the project that will make use of the water. An additional issue concerning the application for permit is one of land ownership which is presently the subject of a lawsuit.

With regard to the transfers the issues raised were those of abandonment, particularly with regard to 67-2221, enlargement since water is sometimes available at the proposed point of diversion when water would not be available at the existing point of diversion and interference with existing water rights. In particular one of the water rights for which interference may be a problem is that claim by the protestant for livestock drinking from Cove Creek. The protestant also claims the right from several hot springs which feed Cove Creek as being separate water from Cove Creek for which he has developed a right and Cove Creek water users do not have a right. The Department's position currently is that those springs are a source of Cove Creek and the water is Cove Creek water when it reaches the stream and would be distributed on a priority basis for the water users of Cove Creek. An additional concern for the transfer of right No. 67-2221, is that Mr. Swain does not own any land at the proposed place of use.

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FEB 20 1990

P23 0486402

# RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

|                                                                        |                                                               |                   |   |
|------------------------------------------------------------------------|---------------------------------------------------------------|-------------------|---|
| SENT TO                                                                |                                                               | WYDE S. GYAFER    |   |
| STREET AND NO.                                                         |                                                               | RT 2 BOX 40       |   |
| P.O., STATE AND ZIP CODE                                               |                                                               | WAISER, ID. 83612 |   |
| POSTAGE                                                                |                                                               | \$                |   |
| T POSTMASTER FOR FEES<br>ADDITIONAL SERVICES<br>RETURN RECEIPT SERVICE | CERTIFIED FEE                                                 |                   | c |
|                                                                        | SPECIAL DELIVERY                                              |                   | c |
|                                                                        | RESTRICTED DELIVERY                                           |                   | c |
|                                                                        | SHOW TO WHOM AND DATE DELIVERED                               |                   | c |
|                                                                        | SHOW TO WHOM AND ADDRESS OF DELIVERY                          |                   | c |
|                                                                        | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY      |                   | c |
|                                                                        | SHOW TO WHOM AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY |                   | c |
| TOTAL POSTAGE AND FEES                                                 |                                                               | \$                |   |
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PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ GPO: 1979 302-878

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
TRANSFER OF WATER RIGHT NO. 67-2273 ) NOTICE OF HEARING  
IN THE NAME OF CLYDE S. GRAFE ) AND/OR CONFERENCE  
\_\_\_\_\_)

On May 12, 1981, Clyde S. Grafe filed with the Department of Water Resources an application to change the point of diversion and/or place of use of the above numbered water right. On June 12, 1981, the Department received a protest against approval of said application from Anna Skow and Pete Skow.

The Department has set the matter of protest for hearing for Thursday, July 23, 1981, at 1:30 p.m., in the Washington County Courthouse, Weiser, Idaho.\* The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest:

1. Will the proposed transfer, if approved, injure other water rights?
2. Will the proposed transfer, if approved, constitute an enlargement in use of the original right?

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 at the expense of the requesting party. 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.

\* This hearing will be held in conjunction with the hearings for Transfer 67-2221 and application for permit 67-7541.

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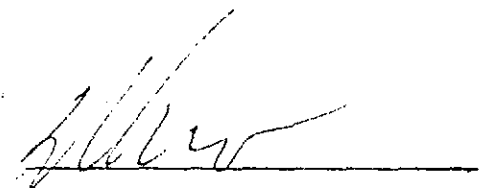
FEB 28 1990

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

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

Dated this <sup>8</sup>/<sub>7</sub>th day of July, 1981.



David B. Shaw  
Western Region Supervisor

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FEB 28 1990

RECEIVED

JUL 8 1981

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 67-2273

Department of Water Resources  
Western Regional Office

RECOMMENDATION OF WATERMASTER

I, Lawson Howland, watermaster of Weiser River,  
of Water District No. 67, County of Washington, State of Idaho,  
whose address is Cambridge, Id. 83610  
have read the attached copy of the application for transfer of water right for 67-2273  
Clyde S. Grafe, and to the best of my knowledge believe the  
(name)  
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: No objections

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_

Dated at Cambridge, Idaho, this 6 day of July 1981.

Lawson Howland  
(signature)

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FEB 28 1990

Please use reverse side if needed.

SPECIAL NOTE: \_\_\_\_\_

Application No. 67-2223

PROTEST INFORMATION SHEET

Protestant - Name(s) \_\_\_\_\_

Anne Skow & Pete Skow

*withdrawn*

Address \_\_\_\_\_

Attorney - Name & Address Dwain E L. Welch, Welch & Osborn  
P.O. Box 307, Payette, ID 83661

Date Filed 6/12/81

Protest Date 6/15/81

Issues interfere w/ existing water rights, forfeiture,  
abandonment

Applicant - Attorney - Name & Address \_\_\_\_\_

Dates: \_\_\_\_\_

Acknowledgement letters: 6/17/81

Hearing Notice: 7/8/81

Hearing Date: 7/23/81

Other: Set w/ 67-2221 & 67-7541

**MICROFILMED**

**FEB 28 1990**

Protest Information submitted in Computer (following hearing): \_\_\_\_\_

June 17, 1981

Re: Application for Transfer No. 67-2273

Clyde S. Grafe  
Route #2, Box 40  
Weiser, ID 83672

Dear Mr. Grafe:

Enclosed please find a copy of the protest filed by Pete and Anna Skow against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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. 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.

Sincerely,

DAVID B. SHAW  
Western Regional Supervisor

DBS:jg

RECORDED

FEB 28 1981

June 17 1981

Re: Applications for Transfer No.'s 67-2221 & 67-2273

Dwaine L. Welch  
Welch & Osborn  
26 S. 9th St., Box 307  
Payette, ID 83661

Dear Mr. Welch:

This is to acknowledge receipt of the protest to issuance of the above referenced applications which you submitted on behalf of Pete and Anna Skow. The following are the principle items we can consider at a conference and/or hearing in either, approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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.

Sincerely,

DAVID B. SHAW  
Western Regional Supervisor

DBS:jg

MICROFILMED

FEB 28 1990

DWAINE L. WELCH  
BERT L. OSBORN

LAW OFFICES  
WELCH & OSBORN

26 SOUTH 9TH STREET

POST OFFICE BOX 307

PAYETTE, IDAHO 83661

June 10, 1981

TELEPHONE  
(208) 642-4458

RECEIVED  
JUN 12 1981

Department of Water Resources  
92 South Cole Road  
Boise, Idaho 83709

Department of Water Resources  
Western Regional Office

Re: Notice of Proposed Change of Water Right  
#67-2221, #67-2273, #67-7541

Gentlemen:

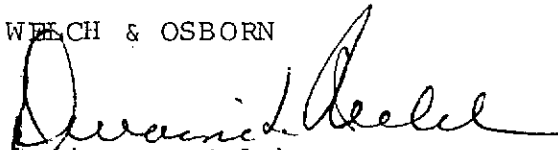
Please be advised that Anna Skow and Pete Skow hereby respectfully protest and object to the Notice of Proposed Change of Water Right filed by Dan Swain of Weiser, Idaho, #67-2221; and to the same Proposed Change of Water Right filed by Clyde S. Grafe of Weiser, Idaho, #67-2273. Both applications apply to the diversion of water on Cove Creek in Washington County.

Objection and protest is also against the application of Darrell and/or Linda Panike, husband and wife, for diversion of ground water by well and pump, #67-7541, covering grounds in Sec. 8, T. 10 N., R. 3 W., B.M., Washington County, Idaho.

These protests and objections are based upon the fact that such applications will interfere with and/or diminish water rights now held by the Skows; and further, that the water rights of Dan Swain and Clyde S. Grafe have been abandoned or forfeited and, therefore, not subject to change for point of diversion.

Very truly yours,

WELCH & OSBORN

  
Dwaine L. Welch

DLW/sn

MICROFILMED

FEB 26 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 67-2273

Notice is hereby given that Clyde S. Grafe  
of Weiser, Idaho has applied to the Department of Water  
Resources for a change of the point of diversion and place of use  
of the water of Cove Creek  
The right sought to be changed is evidenced by Water Right License 67-2273  
and is recorded as follows:

Amount: .52 cfs Priority 5/27/1959  
Point(s) of Diversion: SENE and SWNE, Sec. 11, T 10N, R 4W, B.M.  
The water is used for Irrigation purposes from 3/15 to 11/15  
for the irrigation of 44.5 acres within portions of Sec. 11, T 10N, R 4W,  
Washington County.

TO BE CHANGED AS FOLLOWS

Amount: .52 cfs  
Point(s) of Diversion SWSE, Sec. 8, T 10N, R 3W, B.M.  
The water will be used for Irrigation purposes from 3/15 to  
11/15 for the irrigation of 44.5 acres within portions of the W $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 17,  
T 10N, R 3W, Washington County

Any protest against approval of the proposed change of water right appli-  
cation must be filed with the Department of Water Resources, 92 S. Cole Road,  
Boise, Idaho 83709 on or before June 15, 1981

A. KENNETH DUNN  
Director

MICROFILMED

Published in the Signal American FEB 28 1990  
on 5/28 and 6/4/1981

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Western Region

---

92 South Cole Road  
Boise, Idaho 83709  
(208) 334-2190

MAY 21, 1981

The Signal American  
Box 789  
Weiser, ID 83672

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 15, 1981.

Yours truly,

HELEN L. HARRINGTON  
Secretary

Encl.

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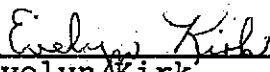
FEB 28 1990

APPROVAL FOR APPLICATION FOR  
TRANSFER OF WATER RIGHT

COMES NOW, the undersigned, CLAIR K. KIRK and EVELYN KIRK, husband and wife, record Licensees of Water Right No. 27951/67-2273, and hereby grant our approval for Application for Transfer of Water Right attached hereto.

DATED this 24<sup>th</sup> day of April, 1981.

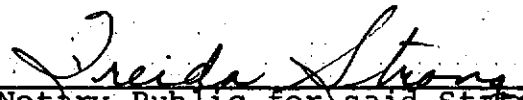
  
\_\_\_\_\_  
Clair K. Kirk

  
\_\_\_\_\_  
Evelyn Kirk

STATE OF IDAHO       )  
                              ) ss.  
County of Washington )

On this the 24<sup>th</sup> day of April, 1981, before me the undersigned, a Notary Public in and for said State, personally appeared CLAIR K. KIRK and EVELYN KIRK, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

  
\_\_\_\_\_  
Notary Public for said State  
Residing at Weiser, Idaho

MICROFILMED

FEB 28 1990

RECEIVED

MAY 11 1981

Department of Water Resources  
Western Regional Office

1 Harold L. Ryan  
2 RYAN, SWEET & MASINGILL  
3 Attorneys at Law  
4 P. O. Box 587  
5 Weiser, Idaho 83672  
6 Telephone: 549-2651

7 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

9  
10 DARRELL PANIKE and LINDA PANIKE, )  
11 husband and wife, ) Case No. 8412  
12 Plaintiffs, ) ORDER FOR INJUNCTION  
13 vs. ) AND RESTRAINING ORDER  
14 L. PETE SKOW, )  
15 Defendant. )

16  
17 HERETOFORE, On the 9th day of April, 1981, a Complaint was  
18 filed by Plaintiff against the Defendant, together with a Motion  
19 for Injunction and Restraining Order, which matter was noticed up  
20 for hearing before the Court at 1:30 o'clock p.m., on Wednesday,  
21 the 22nd day of April, 1981.

22 A hearing was held at 1:30 o'clock p.m. on Wednesday, the  
23 22nd day of April, 1981, the Plaintiff appearing in person and by  
24 and through his attorney, Harold L. Ryan, attorney at law, Weiser,  
25 Idaho, and the Defendant appeared in person and by and through his  
26 attorney, Dwaine L. Welch, attorney at law, Payette, Idaho. Where-  
27 upon, the Court found that the Complaint was a verified Complaint  
28 and the Answer of the Defendant was a verified Answer, with affirma-  
29 tive defenses, and by reason of the affirmative defenses set forth  
30 in the Answer, the Court heard testimony of the Plaintiff and testi-  
31 mony of the Defendant and argument of counsel, **MICROFILMED** being  
32 fully advised in the premises, finds as follows:

FEB 28 1990

1-ar Order for Injunction and Restraining Order

1           1. That the Plaintiffs are contract purchasers of real  
2 estate situate in Washington County, Idaho, from Mr. Clyde Grafe,  
3 a single man, which lands include among other lands the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
4 Section 8, Township 10 North, Range 3 W.B.M., in Washington County,  
5 Idaho.

6           That the Plaintiffs' title, as contract purchasers, is  
7 clearly traceable back to the fee title owners of record.

8           2. The Court further finds that the Plaintiffs' predecessor  
9 in interest, Clyde Grafe, has had assessed to him and has paid all  
10 taxes levied and assessed against the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 8, Twp 10 N.,  
11 Range 3 W.B.M. from the year 1975 through the year 1980.

12 ~~3. That Clyde Grafe and L. Pete Skow made an oral agreement~~  
13 ~~to exchange the use of their respective lands in the year 1975,~~  
14 ~~wherein Clyde Grafe, since 1975, has used and occupied 80 acres~~  
15 ~~situate in the W $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, Township 10 North, Range 3 W.B.M.~~  
16 ~~(which lands are under the control of L. Pete Skow and/or Anna Skow,~~  
17 ~~mother of L. Pete Skow), and L. Pete Skow, in exchange therefor,~~  
18 ~~has used the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 lying North of the County Road,~~  
19 ~~together with a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, and a portion~~  
20 ~~of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, all in Township 10 North, Range 3 W.B.M.~~  
21 ~~(lands owned by Clyde Grafe, now by contract purchase, the Plain-~~  
22 ~~tiffs). That the lands situate North of the County Road in the~~  
23 ~~SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 8 have been used and occupied by the Defen-~~  
24 ~~dant with the permission of Clyde Grafe under such lands exchange~~  
25 ~~agreement as between the parties.~~

26           4. That the Defendant heretofore caused a Complaint to be  
27 filed in the above-entitled Court, being Case No. 8390, against the  
28 record title holders and various assigned contract purchasers, in-  
29 cluding Clyde S. Grafe, which is basically a quiet title action to  
30 the lands situate in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 8, Township 10 North,  
31 Range 3 W.B.M., lying North of the County Road. **MICROFILMED**  
32 herein was not made a party to that action.

2-ar Order for Injunction and Restraining Order

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1           5. That the Plaintiff, as a contract purchaser of lands  
2 from Grafe, has also purchased, through a Lease Purchase Agreement,  
3 certain lands from a Dan Swain, not involved in this action, and  
4 has further leased water rights of Dan Swain from Cove Creek, and  
5 in his purchase of lands from Clyde Grafe, purchased water rights  
6 in Cove Creek owned by Clyde Grafe. That the Plaintiff, ~~in order~~  
7 ~~to put his lands purchased from Clyde Grafe to their highest and~~  
8 ~~best use,~~ <sup>OKA</sup> has planned to irrigate approximately 150 acres with water  
9 from Cove Creek on land situate in Section 8 and Section 17, Town-  
10 ship 10 North, Range 3 W.B.M.

11           That the Plaintiffs have made application, which applica-  
12 tion has been approved, with the Farm Home Administration for a  
13 \$90,000.00 loan for purchase of equipment and have also made appli-  
14 cation to the Production Credit Association for a \$68,000.00 operat-  
15 ing loan for the 1981 farming season, both of which loans have been  
16 approved and are presently ready for disbursement and closing to  
17 the Plaintiffs, but the closing of said loans are contingent and  
18 dependent upon the Plaintiffs locating their point of diversion on  
19 Cove Creek for irrigation water North of the County Road in Cove  
20 Creek, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 8, Township 10 North, Range  
21 3 W.B.M., in order to develop and irrigate his lands as above set  
22 forth.

23           That Plaintiffs have further made arrangements to lease  
24 irrigation wheel line equipment from Hells Canyon Irrigation, Inc.,  
25 an Idaho corporation, to irrigate the said lands in Section 17 and  
26 8 as above described.

27           That the Defendant, L. Pete Skow, on February 24, 1981,  
28 and again on March 27, 1981, did make threats to the Plaintiff to  
29 stay off of and not use the lands purchased by Plaintiff from Clyde  
30 Grafe in said SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, Township 10 North, Range 3 W.B.M.,  
31 and by such threats, has caused the Plaintiff to ~~bring this action.~~  
32

6. The Court further finds that it is vital and necessary:  
3-ar Order for Injunction and Restraining Order

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1 that Plaintiffs have access to their point of diversion in Cove  
2 Creek situate within the lands that Plaintiffs have purchased from  
3 Clyde Grafe to develop and irrigate the lands as above described.  
4 That the Farmers Home Administration now has a check and funds  
5 available, as does the Production Credit Association, to close the  
6 loans as above described to the Plaintiffs. That in reliance upon  
7 such loan commitments, the Plaintiffs have procured a large amount  
8 of machinery and equipment and are committed to a Lease of a large  
9 amount of irrigation equipment to farm and irrigate the lands that  
10 they have purchased from Clyde Grafe and Dan Swain, as hereinabove  
11 described.

12 The Court further finds that the Plaintiff is entitled to  
13 enter upon the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, Township 10 North, Range 3 W.B.M.,  
14 and use this land so purchased from Clyde Grafe as he sees fit and  
15 in any lawful way, and that the relief prayed for in Plaintiffs'  
16 Complaint should be granted.

17 The Court further finds that pursuant to Rule 65 of the  
18 I.R.C.P. that the Plaintiff be required to post a bond in the sum  
19 of \$5,000.00, as surety and security for the payment of any costs,  
20 damages, or reasonable attorney fees, which might later be ordered  
21 by the Court, as may be incurred or suffered by the Defendant pending  
22 the outcome of Case No. 8390 filed in the above-entitled Court,  
23 which is now pending, which such costs and damages including reason-  
24 able attorney fees would be subject to further order of this Court,  
25 should it be found that the Defendant was wrongfully enjoined or  
26 restrained.

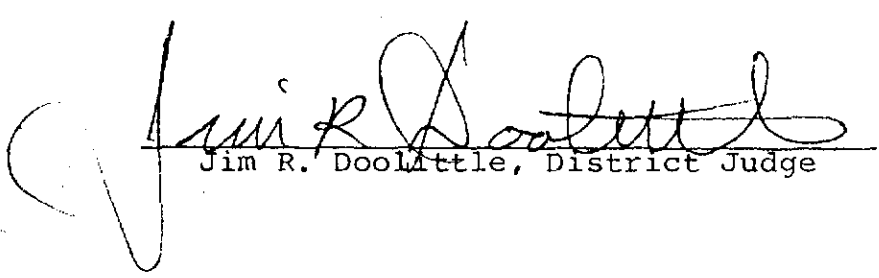
27 NOW, THEREFORE, it is hereby ordered that the Defendant is  
28 hereby enjoined and restrained from in any way interfering with  
29 the Plaintiffs going upon the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8, Township 10 North,  
30 Range 3 W.B.M., and in their entering and using of said land as the  
31 Plaintiffs may see fit for any lawful purpose, as bona fide purchasers  
32 of said land.

4-ar Order for Injunction and Restraining Order

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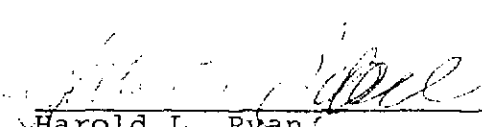
1 IT IS FURTHER ORDERED, That upon the Plaintiffs posting with  
2 the Clerk of the above-entitled Court, a surety bond in the sum of  
3 \$5,000.00, pursuant to Rule 65(c) of the I.R.C.P., that this Order  
4 for Injunction and Restraining Order shall then be in full force  
5 and effect, and shall remain and continue to be in full force and  
6 effect pending further order of this Court.

7 Dated April 24, 1981.

8  
9  
10   
11 Jim R. Doolittle, District Judge  
12  
13  
14

15 CERTIFICATE OF MAILING

16 I hereby certify that a true, full, complete and correct copy  
17 of the above instrument was on the 24th day of April, 1981, mailed  
18 to Dwaine L. Welch, of Payette, Idaho, the attorney of record for  
19 the above-named Defendant, by regular United States mail, with  
20 postage prepaid thereon.

21   
22 Harold L. Ryan  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

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RECEIVED

MAY 11 1981

Department of Water Resources  
Western Regional Office

CONTRACT OF SALE

1  
2 THIS AGREEMENT, made this 16 day of March, 1981, by  
3 and between CLYDE GRAPE, a single man, hereinafter referred to as  
4 Seller, and DARRELL PANIKE and LINDA PANIKE, husband and wife,  
5 hereinafter referred to as Buyer.

6 SALE: Seller, in consideration of the covenants and agreements  
7 of Buyer hereinafter contained, agrees to sell and convey unto  
8 Buyer and Buyer agrees to buy all that certain real property,  
9 together with all and singular the rights and appurtenances thereto  
10 in anywise belonging, situated in the County of Washington, State  
11 of Idaho, described as follows, to-wit:

12 See legal description attached as Exhibit "A".

13 PRICE AND TERMS OF PAYMENT: Buyer agrees to pay for the  
14 premises and Seller agrees to accept as the purchase price therefor  
15 the sum of FOUR HUNDRED FIVE THOUSAND AND NO/100 (\$405,000.00)  
16 DOLLARS, to be paid as follows:

17 1. FORTY THOUSAND FIVE HUNDRED AND NO/100 (\$40,500.00)  
18 DOLLARS on the signing and delivery of this contract, the receipt  
19 of which is hereby acknowledged, and

20 2. Balance of THREE HUNDRED SIXTY FOUR THOUSAND FIVE HUNDRED  
21 AND NO/100 (\$364,500.00) DOLLARS payable in equal annual install-  
22 ments of FORTY-EIGHT THOUSAND THIRTY-SEVEN AND 45/100 (\$48,037.45)  
23 DOLLARS, including both principal and interest, with payments to  
24 apply first to interest then to principal. First of said payments  
25 shall be due on the 1st day of January, 1982, and a like payment on  
26 a like day of each and every year thereafter until January 1, 1991,  
27 at which time the entire balance shall be due and owing. Interest  
28 shall be computed at the rate of eleven and 3/4 percent (11 3/4%)  
29 per annum from the 1st day of March, 1981, and shall be included  
30 in said installments.

31 3. Buyer shall have the right and privilege to make any and  
32 all payments in advance of the due date without suffering any penalty  
or disadvantage.

1-nd CONTRACT OF SALE

FEB 28 1990

1       WATER RIGHTS: Seller further agrees to transfer the water  
2 rights described in License Water Right No. 27951/67-2273 (set forth  
3 in the attached Exhibit "B") from lands described in Exhibit "B"  
4 to a portion of the property described in Exhibit "A", and that the  
5 purchase price herein set forth shall include said water rights so  
6 that said water rights are sold to the Buyer herein along with the  
7 real property.

8       RESERVATION OF GEOTHERMAL RIGHTS: Buyer acknowledges that the  
9 Seller is reserving unto himself one-half of all geothermal rights  
10 to said property.

11       WARRANTY DEED, QUITCLAIM DEED AND ESCROW: At the signing of  
12 this Contract of Sale, the Seller shall also execute his good and  
13 sufficient Warranty Deed conveying said property to the Buyer. The  
14 Buyer shall also execute his good and sufficient Quitclaim Deed  
15 conveying the property to the Seller. Both of these deeds, together  
16 with an executed copy of this Contract of Sale, shall be lodged  
17 with the Idaho First National Bank, Weiser, Idaho, 83672, as  
18 escrow holder. In carrying out the trust imposed in it hereby,  
19 said escrow holder shall be guided by the terms and conditions of  
20 this Contract of Sale. If and when the Buyer shall have complied  
21 with all of the terms and conditions of this Contract of Sale,  
22 then the escrow holder is directed to deliver all escrowed papers  
23 to the Buyer. Thereupon, the Buyer shall record the Warranty Deed  
24 transferring title to the Buyer, and shall destroy the Quitclaim  
25 Deed. However, in the event of any uncured default by the Buyer,  
26 then all escrowed papers shall be returned to the Seller, and the  
27 Quitclaim Deed will be recorded by the Seller in order to remove  
28 any interest of record of the Buyer.

29       NOTICE OF LAND SALE CONTRACT: Upon the signing of this Agreement,  
30 the Buyer and Seller shall also execute a Notice of Land Sale Con-  
31 tract, stating that a Contract of Sale has been entered into  
32 between these parties, and stating that said contract is escrowed

FEB 28 1990

1 as herein provided. Said Notice shall be recorded with the County  
2 Recorder in which the land is situated in order to give notice of  
3 the Buyer's interest in said property.

4 POSSESSION OF PROPERTY: Buyer may enter into immediate  
5 possession of such property and continue in such possession for and  
6 during the life of this agreement. Buyer shall maintain such  
7 premises and all improvements thereon in good repair, shall permit  
8 no waste thereof, and shall take the same care thereof that a  
9 prudent owner would take.

10 PRIOR ENCUMBRANCES: Buyer acknowledges that he has had an  
11 opportunity to see a Preliminary Title Report on said property and  
12 acknowledges that title to a portion of the property is vested in  
13 Rex C. Price and Sophia B. Price and David M. Fraser and Hanna  
14 Fraser, and that Joe B. Barker is purchasing said property under a  
15 Contract of Sale from Price and Fraser. Further, that Grafe is  
16 purchasing said property under contract from Barker. The Seller  
17 agrees to continue making all payments required under the Barker  
18 contract, and agrees to have said contract paid in full prior to  
19 final payment under this agreement thereby passing free and clear  
20 title to the Buyer herein.

21 TITLE INSURANCE: The Seller shall within a reasonable time  
22 and not more than thirty (30) days from the date of this agreement  
23 provide a title insurance policy showing an insurable title subject  
24 only to current taxes, easements of record, and the contract rights  
25 of Joe B. Barker, Rex C. Price and David M. Fraser. Costs of the  
26 title insurance policy shall be paid by the Seller, and the  
27 original policy shall be placed in escrow.

28 ADDRESSES: For the purposes of any notices required under the  
29 provisions of this agreement, the following are the addresses of  
30 the parties until such time as each shall notify the other in  
31 writing of a change of address:

32 Seller: Mr. Clyde Grafe  
Rt. #2, Box 40  
Weiser, Idaho 83672

Buyer: Mr. & Mrs. Darrell Panike  
Oregon Slope  
Weiser, Idaho 83672

1 INSPECTION OF PREMISES: The Buyer acknowledges that he has  
2 been given full opportunity for inspection and accepts the property  
3 in its present condition without relying on any representation of  
4 the Seller or his agents.

5 TAXES, ASSESSMENTS AND IMPROVEMENT LIENS: Seller covenants  
6 to have paid all taxes on the herein described property for the  
7 year 1979. All 1980 tax assessments, water assessments or other  
8 assessments levied on said property shall be paid by the Seller.  
9 Thereafter, beginning January 1, 1981, all taxes and assessments  
10 levied against said property shall be paid by the Buyer. The  
11 Buyer shall not allow any such taxes, assessments, improvement liens,  
12 or other charges to become delinquent on said property during the  
13 term of this Agreement.

14 FORFEITURE: It is specifically understood and agreed between  
15 the parties hereto that time and the strict performance of the  
16 terms and conditions of this contract are the essence thereof, and  
17 in the event said Buyer shall fail to make any payment of principal  
18 or interest as provided herein, or should otherwise fail to do or  
19 perform any of the terms and conditions required of him to be done  
20 and performed, then Seller may at his option declare a forfeiture  
21 of this contract and re-enter and retake possession of said  
22 described real estate and retain as stipulated and liquidated  
23 damages all sums theretofore paid. That in the event Seller should  
24 elect to declare a forfeiture of this contract, he shall do so by  
25 giving to the above named escrow holder an original and two copies  
26 of a Notice of Forfeiture with instructions to the said escrow  
27 holder to mail the same by registered mail or certified mail,  
28 return receipt requested, to the Buyer at his last known place of  
29 address. That said Notice of Forfeiture shall give the Buyer a  
30 period of sixty (60) days from the date of mailing of said Notice  
31 of Forfeiture to correct any and all defaults set forth in said  
32 Notice of Forfeiture as aforesaid, and after sixty (60) days have

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1 elapsed from the mailing of said Notice of Forfeiture, and in the  
2 event Buyer has not corrected the default set forth in the said  
3 Notice of Forfeiture, the said escrow holder is then instructed  
4 to return all papers in its possession under said escrow to the  
5 said Seller, his agents or assigns.

6 IT IS FURTHER PROVIDED, that in the event of any default in  
7 performance by the Buyer of any of the terms and conditions of this  
8 agreement including the foregoing defaults, then in lieu of  
9 declaring a forfeiture of the rights of the Buyer as hereinbefore  
10 provided, the Seller at his option may declare the entire unpaid  
11 balance of the purchase price immediately due and payable and  
12 foreclose this contract in the manner provided by law for the  
13 foreclosure of mortgages in which event a reasonable sum to be  
14 fixed by the Court shall be allowed the Seller as attorney fees  
15 on such foreclosure suit and the payment of said attorney fees  
16 shall be secured by a lien on the above described lands with the  
17 same force and effect as if they were a portion of the unpaid  
18 purchase price.

19 Attorney's fees for preparing the notice of default and any  
20 other expense incurred by Sellers incident to preparation and  
21 service of the notice of default shall be stated in the notice.  
22 As a part of curing the default, Buyers shall pay this sum in  
23 addition to the other amounts demanded on the notice.

24 ESCROW FEE: It is mutually understood and agreed that the  
25 escrow fees will be divided equally between the parties.

26 LEGAL FEE: It is understood by all parties hereto that the  
27 attorneys drafting this agreement represent the Seller, and the  
28 Buyers are free to have this contract reviewed by an attorney of  
29 their own choosing. Buyers agree to pay to the seller an amount  
30 equal to one-half of the attorney fee incurred by the Seller as a  
31 reimbursement of the costs of drafting this agreement.  
32

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REMEDIES: The remedies hereunder shall be cumulative and the parties hereto shall be entitled to assert any remedies for the enforcement of their rights hereunder allowed by law and the remedies specifically provided herein shall not be exclusive.

ATTORNEY'S FEES: In the event suit or action arises hereunder for the enforcement of any of the rights of the parties hereto, the prevailing parties in such litigation shall be entitled, in addition to any other award meet by the Court, to a reasonable sum to be fixed by the Court for attorney's fees.

ADDITIONAL COVENANTS: This agreement expresses the entire agreement of said parties and no oral representations or warranties were made inducing either of the parties to enter into this Agreement. THIS AGREEMENT SHALL BE BINDING upon the heirs, executors, administrators and assigns of the parties hereto.

As used in this contract, the masculine, feminine or neuter gender, and the singular or plural number, shall each be deemed to include the others whenever the context so indicates.

IN WITNESS WHEREOF, the parties hereto have hereunto set  
their hands and seals the day and year first above written.

Clyde Grafe "Seller"

Darrell Panike  
Darrell Panike

Linda Panike  
Linda Panike  
"Buyer"

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EXHIBIT "A"

Situate in Washington County, Idaho:

Township 10 North, Range 3 West of the Boise Meridian.

Section 8: SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;

Section 17: SE $\frac{1}{4}$ , W $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ ;

Section 18: Lots 1, 2, 3;

Section 20: NE $\frac{1}{4}$ ; N $\frac{1}{4}$  SE $\frac{1}{4}$ , That part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  lying North and East of the public road;

Section 29: That part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  lying North and East of the public road.

Township 10 North Range 4 West of the Boise Meridian.

Section 12: E $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{4}$  SE $\frac{1}{4}$ ,

Section 13: That portion of the E $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  lying North and East of a tributary to Cove Creek.

Seller reserves one-half of all geothermal rights.

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State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27951/67-2273 Priority May 27, 1959 Amount 0.52 cfs

THIS IS TO CERTIFY, that CLAIR K. KIRK  
of Weiser, Idaho, has complied with the terms and conditions of Permit  
No. 27951/67-2273 issued pursuant to Application for Permit dated May 27, 1959  
and has submitted proof to the Department of Water Administration on May 20, 1970  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 0.52 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from Cove Creek  
tributary of the Weiser River, is hereby confirmed in the following amounts:  
Amount 0.52 cfs for Irrigation from March 15 to Nov. 15 (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 0.52 cfs of water be diverted at  
any one time, said waters to be diverted within the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> & SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of  
Sec. 11, Twp. 10 N, Rge. 4 W, B.M.

in the county of Washington; 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 200 acre feet per year or  
4.5 acre feet per acre.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | TOTALS |
|------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 10 N | 4 W   | 11   |                                |                                |                                |                                |                                | 2                              | 9                              | 4                              | 9                              |                                |                                |                                | 0.5                            | 20                             |                                |                                | 44.5   |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Total number of acres irrigated 44.5

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 3 day of  
October

FEB 28 1990

Director

I, Dan Swain, holder of Cove Creek water right permit #67-2221, do hereby agree to lease the above described water rights to Darrell Panike and Linda Panike to be used in conjunction with water right permit #67-2273.

To be leased for the sum of \$250.00 per year for five (5) years with the option to renew. *at 250.00 option*

This Agreement is non-transferable. *W*

Upon termination of this lease agreement, we, Darrell Panike and Linda Panike, agree to transfer said water rights back to Dan Swain. *(+ original Point of view.)*

Signed: *Dan Swain*

Date: *5/18/81*

Signed: *Darrell Panike*

Date: *2/28/81*

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STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

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



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

October 16, 1973

Re: Permit No. 27951/67-2273

Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

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

We are also enclosing a copy of the approved amendment for this permit.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

jfr

Enclosures

67 2273

Form 23  
2M-4-65

Red in the spring  
Cool in the morning now

Phone - 549 1447

White w/ Green trim house on N side of road

905.4  
901.9  
3.5

3.3 miles East from 90° turn in road. Turn is  
near NE Cor at NW/4, Sec 12, T 10N R 5W

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

PERMIT NO. 27951/67-2273

REPORT ON PROOF OF B/U - Clair K. Kirk

2.1  
6.84  
31  
273.6  
204.5  
232.56

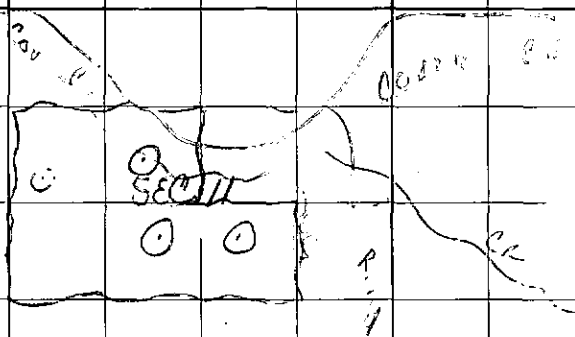
Significant to some level

to some level

67 2273

R. 4W

T  
10  
N



Q measured 0.52 cfs.

Q recommended 0.52 cfs.

Volume 62-81 AF/ann 200 AF

Acresage -  
Found 44.4

recommended 44.4

Subdv. \_\_\_\_\_

Amendments

☐ None

☒ P.P.

☒ Place of use

☐ \_\_\_\_\_

Permit # 67-2273

DATE OF EXAM 6/12/1973

ACREAGE  
Found 44.4  
Recommended 44.4

Irrigation Requirement 4.5 Ac Ft/Ac

USE  
Irrigation Q=0.52 c.f.s. V=62.81 AF/Ann. from 4/1 to 6/1  
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 0.52 cfs Method of measurement P. Gauge

Total Q recommended 0.52 cfs Meter No. Type Condition

Total V recommended 62.81 A.F./Ann.

Recommended Amendments:

P.D. NW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec 11, T10N, R4W  
Place of Use NW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SE 1/4  
Other Sec 11, T10N, R4W  
None

MEASUREMENT CALCULATION:

39 R/B 30 heads @ 50 P.S.I. = 232.56 G.P.M.

Q = 232.56 / 449 = 0.52 cfs.

V = (1.98)(.52)(61) = 62.81 A.F./Ann

44.5(4.5) = 200 AF

SYSTEM DESCRIPTION:

# 50 H.P. D-2 Cat w/ Pump w/ 4" mainline & 3" laterals.

REMARKS:

This permit is Supplemental to Crane Creek Water however there is no way to bring Crane Cr. water to property.

Examiner's Signature M. Clayton Barron Date 6/12/1973

Checked by Date

Approved by Date

DRAW SYSTEM DIAGRAM ON BACK

67-2273

See Amendment  
rough Draft

Kirk

67-2273

32.9

28.5

D179

3 2  
10 11

1.8

14.0

9.3

58.2

12.0

13.5

67 2273

D-344

9.0

3.2

D2 Cat. Supply approx 50 AP

10' 2" machine & 3" bar

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF EXAMINER

Permit No. 27951/67-2273

This proof is for b/u In Water District No.

1. Name of applicant Clair K. Kirk, Rt. 2, Weiser, Idaho

2. Source of water supply: Cove Creek, trib. Weiser River

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  NW NW  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11  
T. 10 N R. 4 W County of Washington

4. Describe works as they exist, giving dimensions and capacities of same: portable sprinkler  
pipe, pump, and motor -- pipe 4" wide -- conduit 0.2 in length

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number  
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other  
than irrigation):

T. 10 N, R. 4 W Sec. 11 S $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  68 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

This examination was made on the 12 day of June, 1973

(Signed) M. Clayton Barron Examiner.

DATE EXAMINATION RECORDS

by: \_\_\_\_\_  
*Mooney & Sons have 1st right*  
*Kirk right has not been used*  
*for several years* by: \_\_\_\_\_  
*Contact early spring before June*  
 \_\_\_\_\_ by: \_\_\_\_\_  
 \_\_\_\_\_ by: \_\_\_\_\_

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

ASCS : Weiser  
 SCS : Weiser

Permit No. 27951/67-2273 - Clair K. Kirk  
 Examination for b/u  
 County Washington  
 Quantity: (permit) Sec. 11 T. 10N R. 4W 1.0 cfs (proof) same

Source: Cove Creek, trib. Weiser River  
 P.D.: SW $\frac{1}{4}$ NW $\frac{1}{4}$   
 NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 NE $\frac{1}{4}$ SW $\frac{1}{4}$   
 SE $\frac{1}{4}$ NW $\frac{1}{4}$   
 Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: May 27, 1959 MADE: May 20, 1970  
 Due: May 28, 1970 PRIORITY: May 27, 1959

2273

31 heads

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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



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

September 28, 1973

Re: Permit No. 27951/67-2273

Mr. Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

We have received the application for amendment in connection with the above referenced permit. Enclosed you will find receipt #12418 in the amount of \$10.00 covering the filing fee.

We are returning the application, however, and ask that it be signed by you. As this permit is in your name, we cannot accept your wife's signature.

Please return the application at your earliest opportunity; we are sorry for any inconvenience we have caused.

Sincerely,

D. DARLENE REICH  
Water Rights Supervisor

DDR/bjg

Enc: Receipt #12418  
Amendment form

67 2273

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

September 19, 1973

Mr. Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

A representative of this Department has made an examination of the works covered by your Permit No. 27951/67-2273 and has found the following:

Quantity of water diverted: 0.52 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.52 cfs

The maximum quantity diverted shall not exceed 200 acre feet per year.

Beneficial use: Irrigation of 44.5 acres within the NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4 Sec. 11, Twp. 10 N, Rge. 4 W, B.M.

Point of diversion: NW1/4NW1/4, SE1/4NW1/4, SW1/4NE1/4 Sec. 11, Twp. 10 N, Rge. 4 W, B.M.

Source: Cove Creek

Priority date established: May 27, 1959

The point of diversion and place of use found by our field examiner differs from that listed under your permit, therefore, it will be necessary for you to amend the permit before a Water License can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 10 day period.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF/bjg

Enclosure

*Receipt # 12418*

67 2273

May 21, 1970

Re: Permit No. 27951/67-2273

Mr. Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 67-2273.

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 so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DC

27951  
67-2273

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

February 27, 1970

Re: Permit No. 27951/67-2273

Mr. Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

One of the conditions of the approval of your permit no. 27951/67-2273 was that proof of application of the water to beneficial use be submitted to this office on or before May 28, 1970.

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, Idaho Code Amended.

Either the proof or a request for 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.

A handwritten signature in cursive script, reading "R. Keith Higginson", is written over a horizontal line.

State Reclamation Engineer

Enc: Proof form  
RKH:tg

CERTIFIED MAIL

67-2273  
27951

# 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.

*21642*

1

*Clair K. Kirk*

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*Mrs. Clair K. Kirk*

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

**MR 2 1973**

*67-2273*

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

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

POSTMARK OF  
DELIVERING OFFICE

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.**

**RETURN  
TO**

NAME OF SENDER

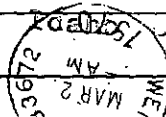
STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Postponed

Annex # 2 Station Use

Boise, Idaho 83707



POD Form 3811 Apr. 1967

C55-16-71548-10

February 27, 1970

Re: Permit No. 27951/67-2273

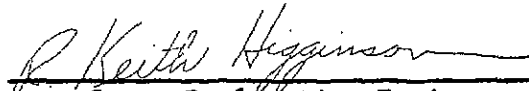
Mr. Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

One of the conditions of the approval of your permit no. 27951/67-2273 was that proof of application of the water to beneficial use be submitted to this office on or before May 28, 1970.

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, Idaho Code Amended.

Either the proof or a request for 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.

  
\_\_\_\_\_  
State Reclamation Engineer

Enc: Proof form  
RKH:tg

CERTIFIED MAIL

#  
21642

27951  
67-2273

February 4, 1970

Re: Permit No. 27951/67-2273

Clark K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until May 28, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:JMB

67-2273  
27951

No. 811  
NOTICE OF EXISTING WATER  
PERMIT

Notice is hereby given that Clair K. Kirk, Route 2, Weiser, Idaho, has received an approved permit No. 27951/67-2273 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from Cove Creek, tributary of the Weiser River, subject to all prior rights. The priority to be established under this permit is May 27, 1959 and the permit was approved May 28, 1959. Water is to be diverted by sprinkler, pipe, pump, and motor from a point within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 11, T. 10 N., R. 4 W., B. M., Washington County, to be used for irrigation in the S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 11, T. 10 N., R. 4 W., B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before May 28, 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. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Signal American,  
Weiser, Idaho, on January 16 and  
January 22, 1970. 86-2s

January 9, 1970

Re: Permit No. 27951/67-2273 - Clair K. Kirk

Signal American  
Box 709  
Weiser, Idaho 83672

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 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 Reclamation immediately.

The expense of the publication is to be paid by Clark K. Kirk,

Route 2, Weiser, Idaho 83672  
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

27951  
67-2273

January 9, 1970

Re: Permit No. 27951/67-2273

Clair K. Kirk  
Route 2  
Weiser, Idaho 83672

Dear Mr. Kirk:

The legal notice for the above referenced permit is being published in the Signal American, Weiser, Idaho, on January 15 and January 22, 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.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:JMB

27951  
67-2273

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

January 2, 1970

*Official  
copy*

Re: Permit No. 27951 (New No. 67-2273)

Clair K. Kirk  
Route 4  
Weiser, Idaho

Dear Mr. Kirk:

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

*27951  
67-2273*

555 556

Department of the Interior

has received an approved permit No.

subject to all prior rights. The priority to be established under this permit is

R. 4 W. B. M., Washington County

in the S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 11, T. 10 N., R. 4 W., B. M.

and San. 22-70.

(Signature)

(Address)

(Date)

Please change the route number to route 2 (this is a postoffice change)

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27951/67-2273 )

in the name of Clair K. Kirk, Route 4, )

Weiser, 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,

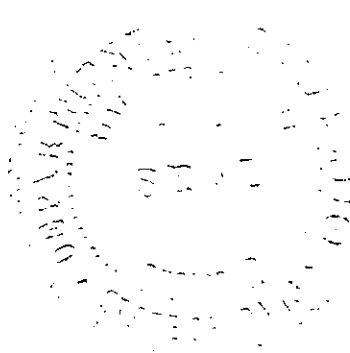
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice  
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 27951 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 24<sup>TH</sup> day of DECEMBER, 19 69.

  
  
R. KEITH HIGGINSON  
State Reclamation Engineer

27951  
67-2273

April 7, 1964

Re: Permit No. 27951

Clair K. Kirk  
Route #4  
Weiser, Idaho

Dear Mr. Kirk:

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

Departmental receipt No. 32164 was given to you when  
you were in the office covering the \$5.00 fee.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

CET:ew

By:

Enc. certificate

(Mrs.) Edna P. Rule  
Chief Clerk

27951

Permit No.

27951

STATE OF IDAHO  
Department of Reclamation

Rec 32164 given

RECEIVED  
APR 2 1964

## Proof of Completion of Works

Department of Reclamation

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of

Washington

ss.

Clair K. Kirk

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. 27951, and that his postoffice address is Weiser R 4 State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Cove Creek

Third: That the point of diversion of said water is SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  section 11, T. 10N, R. 4W, B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 28, 1964

Fifth: That the use for which said water is intended is sprinkler irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Portable sprinkler D2 Caterpillar

(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 \_\_\_\_\_ feet, height \_\_\_\_\_ feet.

(d) Conduit \_\_\_\_\_ width at bottom \_\_\_\_\_ feet, width at water line \_\_\_\_\_

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water \_\_\_\_\_ feet; diameter of pipe \_\_\_\_\_ inches, average grade per mile is \_\_\_\_\_ feet. Length of conduit is \_\_\_\_\_ miles.

Seventh: That said works are capable of conducting to the place of intended use one C.F.S. second feet of water.

Eighth: That water appropriated under said permit is available for 68 acres of land described as follows: In Sec. 11, T. 10N, R. 4W:

12 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 20 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 28 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Ninth: Remarks:—That

Clair K. Kirk

(SIGN HERE)

Subscribed and sworn to before me this

2

day of

April

1964

E. H. Broadbent

NOTARY PUBLIC

My commission expires 11-4-67

27951

June 4, 1959

Re: Permit No. 27951  
Clair K. Kirk

Mr. Harley M. McDowell,  
Idaho Land & Map Service,  
P. O. Box 2161,  
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. 27951 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. 29622 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. Rutledge  
Chief Clerk

Encl. (2)

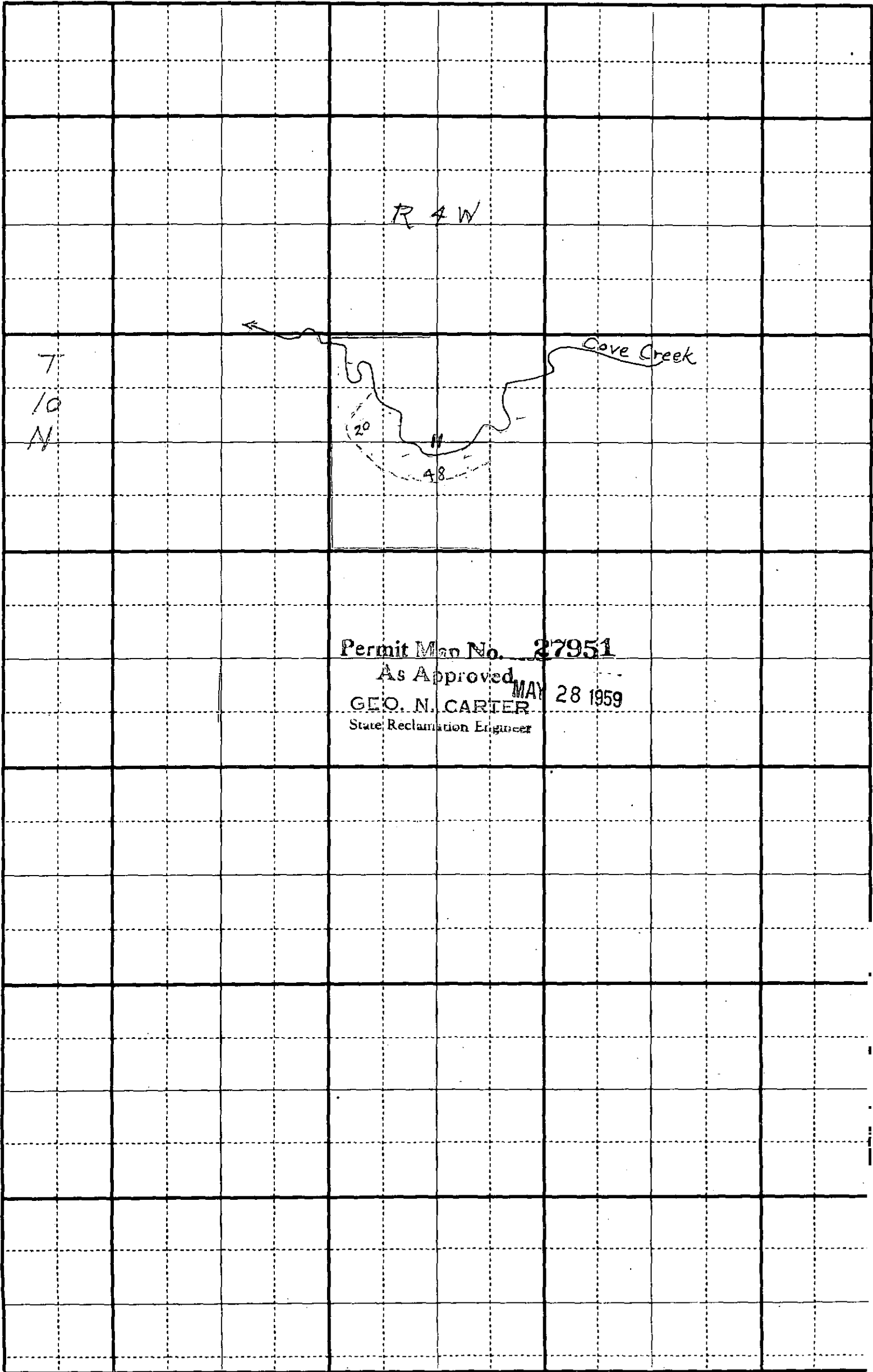
EPR/pmk

cc: Clair K. Kirk

2795.

NAME OF APPLICANT Clair K. Kirk

Form No. 0



Permit Map No. 27951  
As Approved MAY 28 1959  
GEO. N. CARTER  
State Reclamation Engineer

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

INSTRUCTIONS  
PROOF OF COMPLETION OF WORKS

Boise, Idaho  
March 16, 1964

RE: Permit No. 27951, Clair K. Kirk

Harley M. McDowell  
Idaho Land & Appraisal Service  
Box 2161  
Boise, Idaho

Dear Mr. McDowell:

Under the terms of your Permit No. 27951 you are required to complete your diversion works on or before May 28, 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

Enc. Form 6

cc: Clair K. Kirk  
Rt 4, Weiser, Idaho

27951