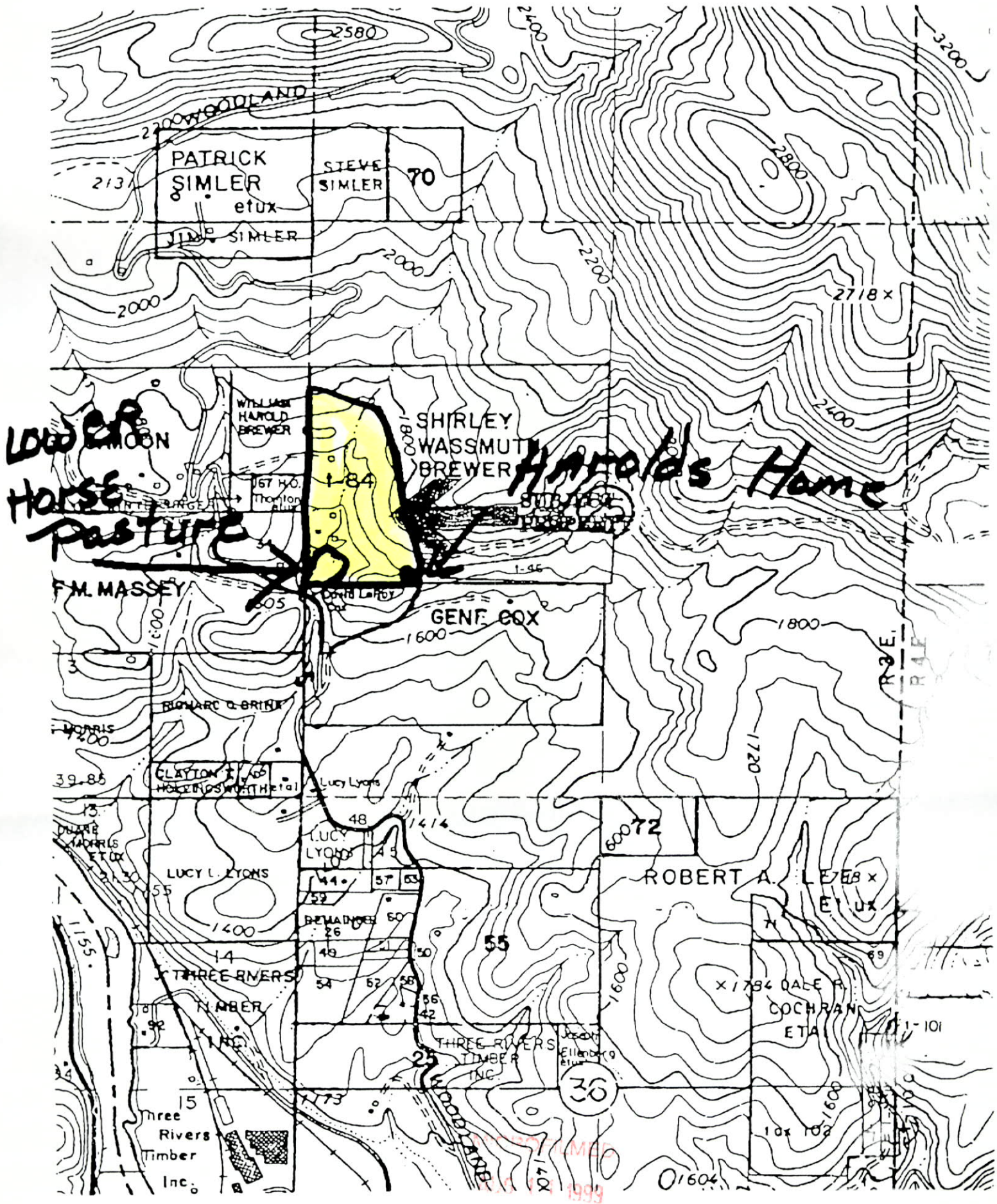
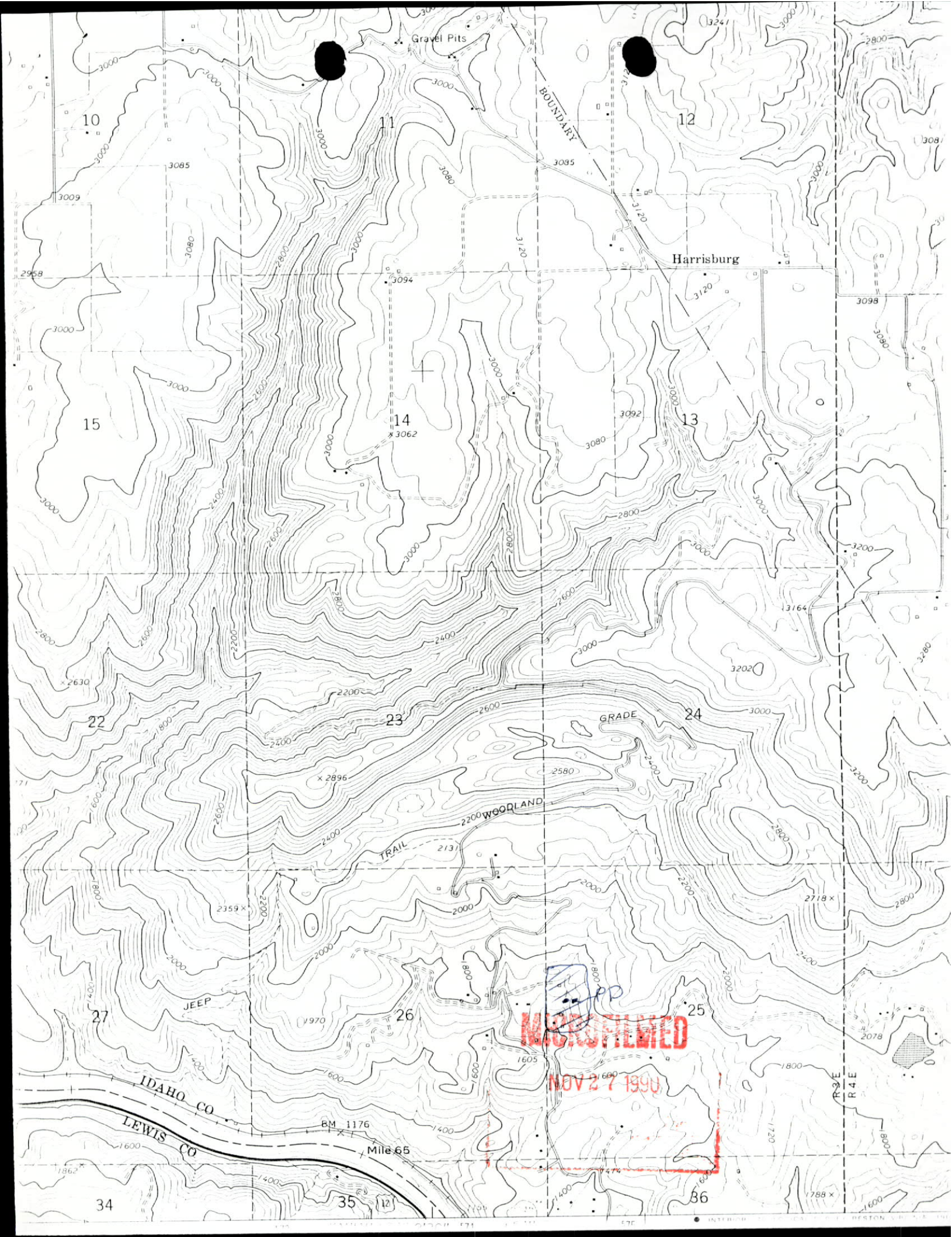
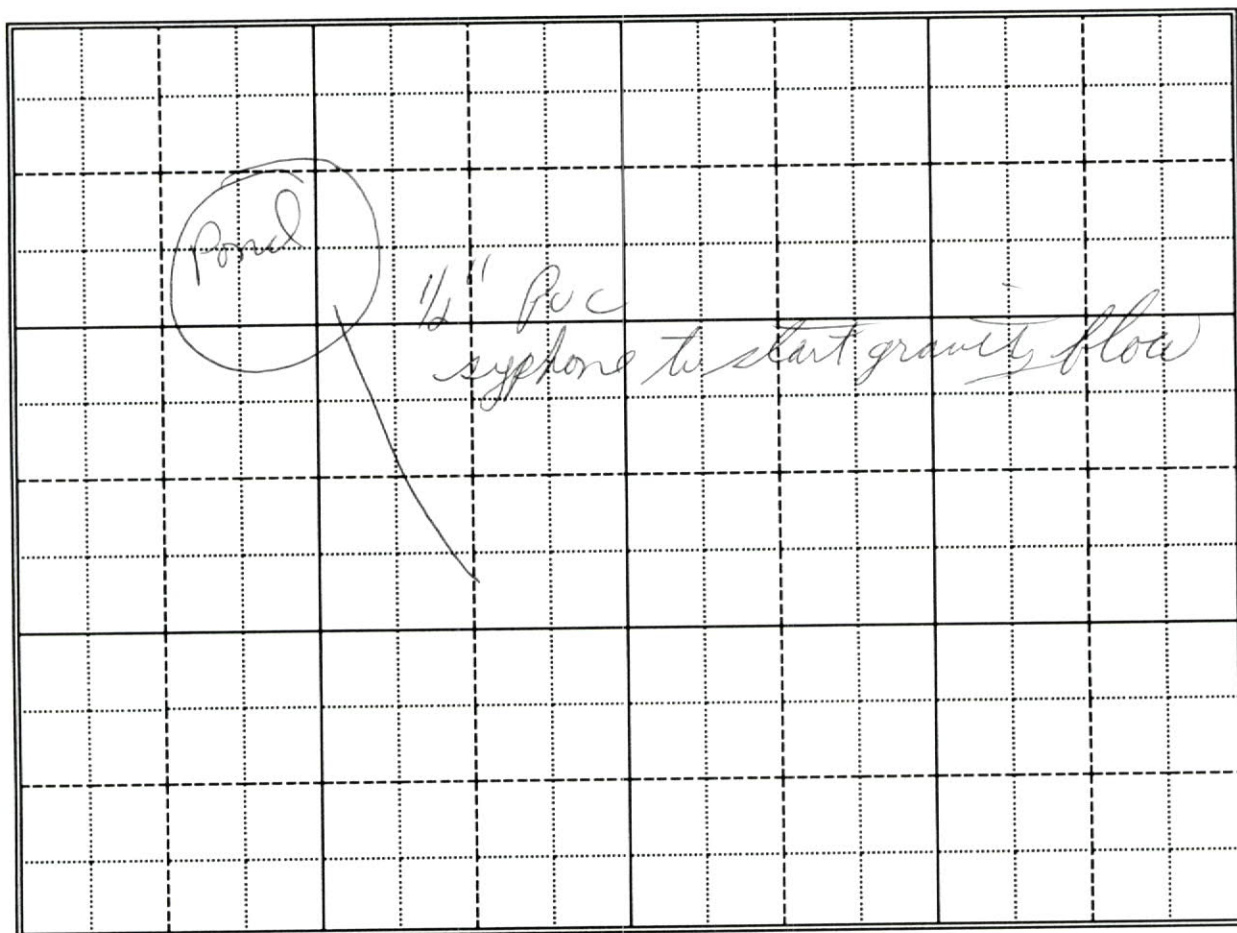






3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>Gravity system</i>				

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

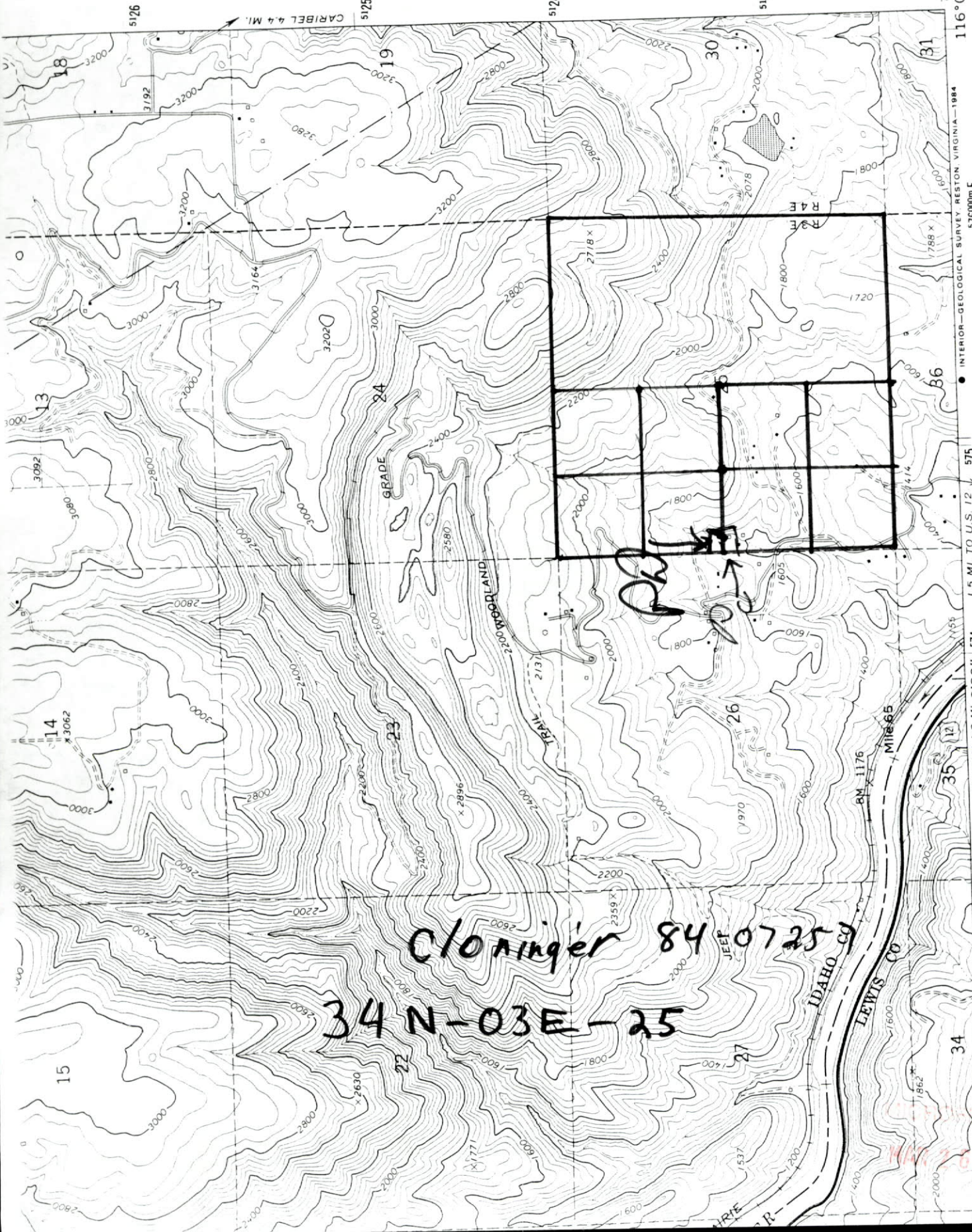
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

4438-2-6-3007



1005K1A)
2876 III NW

ROAD CLASSIFICATION

Heavy-duty — Light-duty

INTERIOR—GEOLOGICAL SURVEY RESTON, VIRGINIA—1984

KAMIAH 1.8 MI. 2'30" 574
KOOSKIA 10 MI.

(KAMIAH)
2776 II NE

SCALE 1:24 000

1 MILE

7000 FEET

UNCLASSIFIED
MAY 26 1957

PERMIT # 84-07257

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R A P H S



PH



IRR
Line

MICHAEL
MAR 26 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUN 09 1999

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources

1. Water Right No(s).: 8407257

Adjudication Claim No(s).: _____

RECEIVED

AUG 09 1999

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

JERRY & KAREN Cloninger
NCR 11 Box 14 Kamiah, Id

4. New Owner/Claimant(s)

AL ENGEN TEE

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 1887

City, State and ZIP Code

LAKE OSWEGO, OR. 97035-0087

New Telephone Number

(503) 816-6858

5. Date you acquired the property

MAY 5, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate

30

Number and type of stock

15 HORSE/CATTLE

Diversion rate in CFS

Number of homes

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

[Signature]

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MICROFILMED

AUG 11 1999



First American Title Insurance Company

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 — Requirements	3
SCHEDULE B-2 — Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact the issuing office.

MICROFILMED
AUG 11 1999

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company



Inland Title Company
524 W. Main Street
Grangeville, ID 83530
(208) 983-0150
Fax: (208) 983-3008

Agent For:

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2.

The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.



First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark L. Ameson* SECRETARY

BY *Dell Under* COUNTERSIGNED

MICROFILMED

AUG 11 1999

Commitment Number: 16455

SCHEDULE A

1. Commitment Date: April 22, 1999 at 10:59 AM
2. Policy (or Policies) to be issued:
 - (a) Owner's Policy (ALTA Own. Policy (10/17/92))
Proposed Insured:
ALLEN C. ENGEN, Trustee of the ALLEN C. ENGEN REVOCABLE TRUST
 - (b) Loan Policy (ALTA Loan Policy (10/17/92))
Proposed Insured:
US BANK NATIONAL ASSOCIATION, it successors and or assigns
 - (c) ()
Proposed Insured:
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
JERRY CLONINGER and KAREN CLONINGER, husband and wife
4. The land referred to in this Commitment is described as follows:

SEE SCHEDULE C ATTACHED HERETO

FIRST AMERICAN TITLE INSURANCE COMPANY

By: Del Lunders

DEL LUNDERS, AUTHORIZED SIGNATORY

ALTA Commitment
Schedule A (10/6/82)

MICROFILMED

AUG 11 1999

Valid Only if
Cover are

File B and
(16455/13)

FIRST AMERICAN TITLE INSURANCE COMPANY

Commitment Number: 16455

SCHEDULE C
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Parcel I: Fee Interest

Township 34 North, Range 3 East, Boise Meridian, Idaho County, Idaho

Section 25: A parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and more particularly described from a survey (Instrument Number 342643) as follows:

Commencing at a brass cap monument marking the Southwest Corner of said Section 25;

Thence N 00°16'47" W, 3,786.68 feet along the West boundary of said Section 25 to the TRUE POINT OF BEGINNING, said point being S 00°16'47" E of and 185.81 feet from an aluminum monument marking the Northwest Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25;

Thence along an existing fence S 74°09'00" E, 698.92 feet;

Thence S 23°49'12" E, 305.05 feet;

Thence S 15°38'18" W, 221.16 feet;

Thence S 02°46'55" W, 363.39 feet;

Thence S 06°28'45" E, 123.59 feet;

Thence S 24°55'11" E, 174.90 feet;

Thence S 40°37'31" E, 385.46 feet;

Thence S 05°39'03" W, 170.78 feet to a point on the South boundary of the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25;

Thence leaving said fence line S 89°24'41" W, 1031.36 feet along the South boundary of the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25 to a steel pin marking the Southwest Corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25;

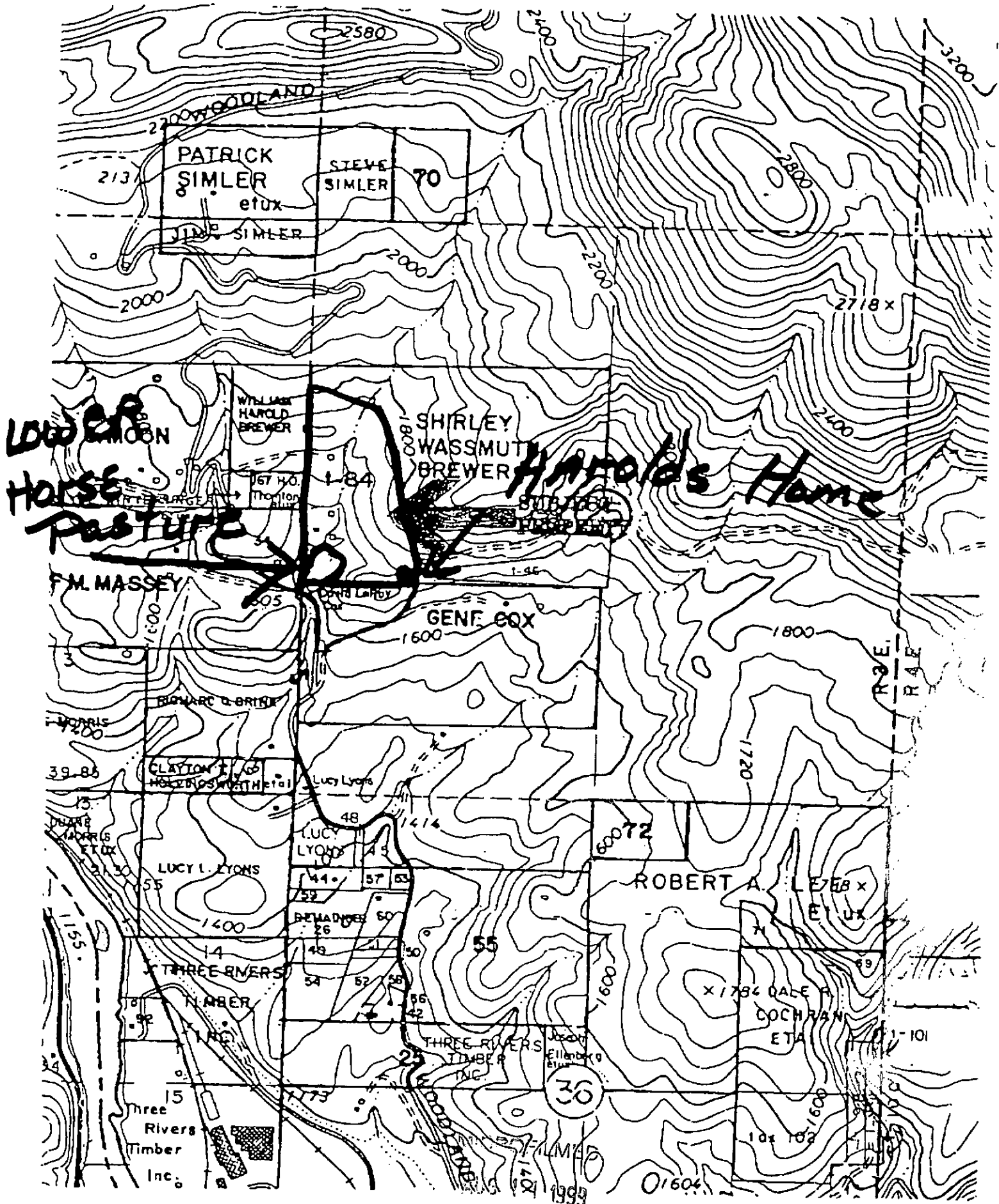
Thence N00°16'47" W, 1800.43 feet along the West boundary of said Section 25 to the TRUE POINT OF BEGINNING.

Parcel II: Equitable Interest

AN EASEMENT AND RIGHT-OF-WAY across an existing road for ingress and egress as described in Instrument Number 283558 records of Idaho County, Idaho, and as shown on Record of Survey recorded as Instrument Number 342643, records of Idaho County, Idaho.

MICROFILMED
AUG 11 1999

SCHEDULE D



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 84-07257

Priority: June 10, 1992

Maximum Diversion Rate:
Maximum Diversion Volume:

0.002 CFS
0.4 AF

This is to certify, that KAREN CLONINGER
JERRY CLONINGER

HCR 11 BOX 14
KAMIAH ID 83536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 10, 1990; and has submitted Proof of Beneficial Use on November 2, 1994. An examination indicates that the works have a diversion capacity of 0.002 cfs of water from:

UNNAMED STREAM

tributary to CLEARWATER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/30	0.002 CFS	0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 25, Township 34N, Range 03E
NWSW , Sec. 25, Township 34N, Range 03E
IDAHO 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>
34N	03E	25	SWNW	0.1		0.1

Total number of acres irrigated: 0.1

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right and right 84-07258, when combined, shall not exceed a diversion greater than one gallon per minute.

RECORDED

MAR 26 1997

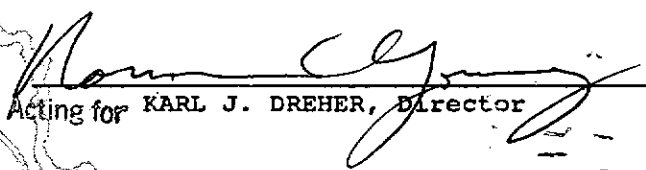
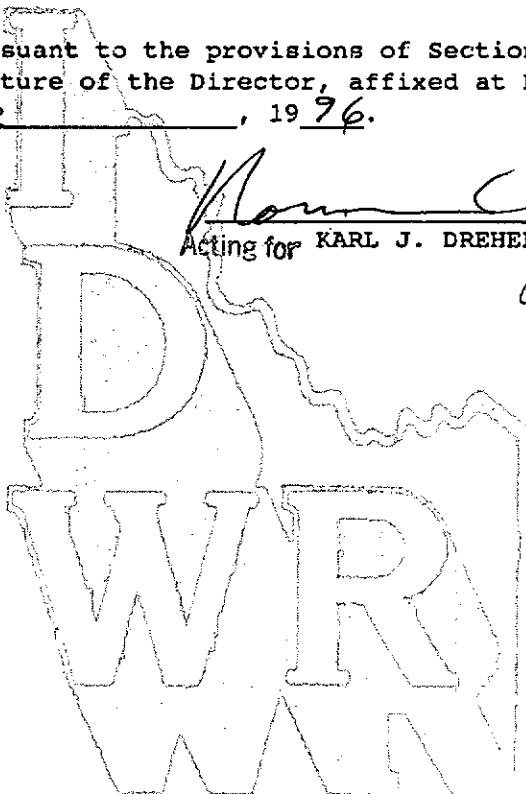
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 84-07257

CONDITIONS OF APPROVAL AND REMARKS

6. The Department of Water Resources retains jurisdiction of this right to review modifications to the diversion and delivery facilities.
7. This right when combined with all other rights shall provide no more than .01 cfs nor more than 0.4 afa for the land described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of OCTOBER, 1976.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 26 1997

IN THE MATTER OF PERMIT NO. 84-07257)
)
IN THE NAME OF JERRY & KAREN CLONINGER) **ORDER OF**
) **REINSTATEMENT**
)

DEC 07 1994

RECEIVED

NOV 02 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 11-2-94
Receipt No. 031593
Receipt by RJ

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 84-07257 Telephone No. (208) 935-0280
2. Name(s) of Permit Holder(s): Jerry and Karen Cloninger
3. Mailing Address: HC 11 Box 14, Kamiah, ID, 83536
4. Source of Water: Unnamed Stream (Crawdadd Creek) ^{we call it}

If GROUNDWATER, Well Driller's Name: N/A Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 17 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.02 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes L No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes L No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Jerry L. Cloninger Telephone No. (208) 935-0280

Address HC 11 Box 14 Kamiah, Idaho 83536

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

10/30/94

Signature (and title, if on behalf of a company or organization)

Jerry L. Cloninger

owner

DEC 07 1994

Send to:

State of Idaho

Dept. of Water Resources

1301 N. Orchard Street

Statehouse Mail

Boise, Idaho

83702

PAID BY ADD

DEC 07 1994

RECEIVED

DEC 01 1993

For Office Use Only
\$15 Fee Received by Manant
Date 12/1/93
Receipt No. 0029133

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 84-07257

Name(s) of Permit Holder: Jerry AND KAREN - Cloninger

Mailing Address: He. 11 Box 14 Kamiah, IDAHO

Date Proof is Due September 1993 Telephone No. (208) 935-0280

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

We've had a backhoe up this summer to dig test holes & we determined that we need to haul clay in for the dam. We will also have to push in a temporary road for the dump trucks. This will need to be done when the ground is dry & hard - next summer.
Costing \$ 180.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Our house burned down in Sept. 1990 and it has been our first priority to reestablish our household and grounds before finishing other projects.

Permit holder(s) request an extension to September 15, 1994

FEE: \$15.00

(Signature)* Jerry L Cloninger

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to November 1, 1994. Permit has been reinstated and priority date has been advanced to June 9, 1990.

DEC 07 1993

Signed this 6th day December, 19 93

J. Glen Saylor
Chief, Water Alloc Bur.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07257

Proposed Priority: May 10, 1990

Maximum Diversion Rate: 0.002 CFS

This is to certify, that **KAREN CLONINGER**
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH, ID 83536

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **CLEARWATER RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.002 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW Sec. 25, Township 34N, Range 03E
NWSW Sec. 25, Township 34N, Range 03E
IDAHO County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

34N 03E 25

SWNW 5

NWSW 12

17

Total number of acres irrigated:

17

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

NOV 21 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

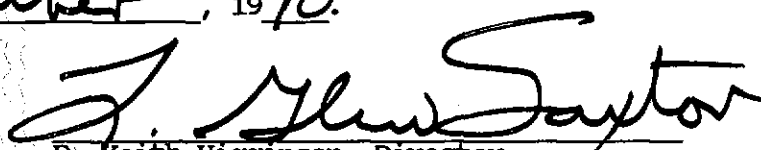
NO. 84-07257

CONDITIONS/REMARKS:

5. Changes in pipe system must be approved by the Department of Water Resources prior to construction.
6. All water diverted under this right must be returned to the stream via a pipe.
7. The Department of Water Resources retains jurisdiction under this permit.
8. This right and right 84-7258 shall not exceed a diversion greater than one gallon per minute.
9. No changes in the pipe system shall occur after April 15, 1991.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

9th day of November, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

NOV 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JERRY CLONINGER 208-935-0280
Address: HCR 14 BIX 14
KAMIAH, ID 83536
AND/OR
Name: KAREN CLONINGER 208-935-0280
Address: HCR 14 BIX 14
KAMIAH, ID 83536

2. Source: UNNAMED STREAM Trib. to: CLEARWATER RIVER
3. Location of Point of Diversion: NWSW Sec. 25, Township 34N, Range 03E
SWNW Sec. 25, Township 34N, Range 03E
IDAHO County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 03/15 | 11/15 | 0.200 | | |
5. Total quantity appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
POND & PIPELINE
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is inches; proposed depth of well is
feet.
 - Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 years
8. Description of proposed uses:

MICROFILMED

NOV 27 1990

Ident. No. 84-07257
Page 2

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
34N	03E	25	SWNW 5	NWSW 12		17
Total number of acres irrigated:						17

10. Describe any other water rights used for the same purposes.
A84-04021, A84-04022, A84-10834

11. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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

Karen Cloninger
Applicant

Received by RYA Date 5/10/90 Time 10:30 Preliminary check by TDK

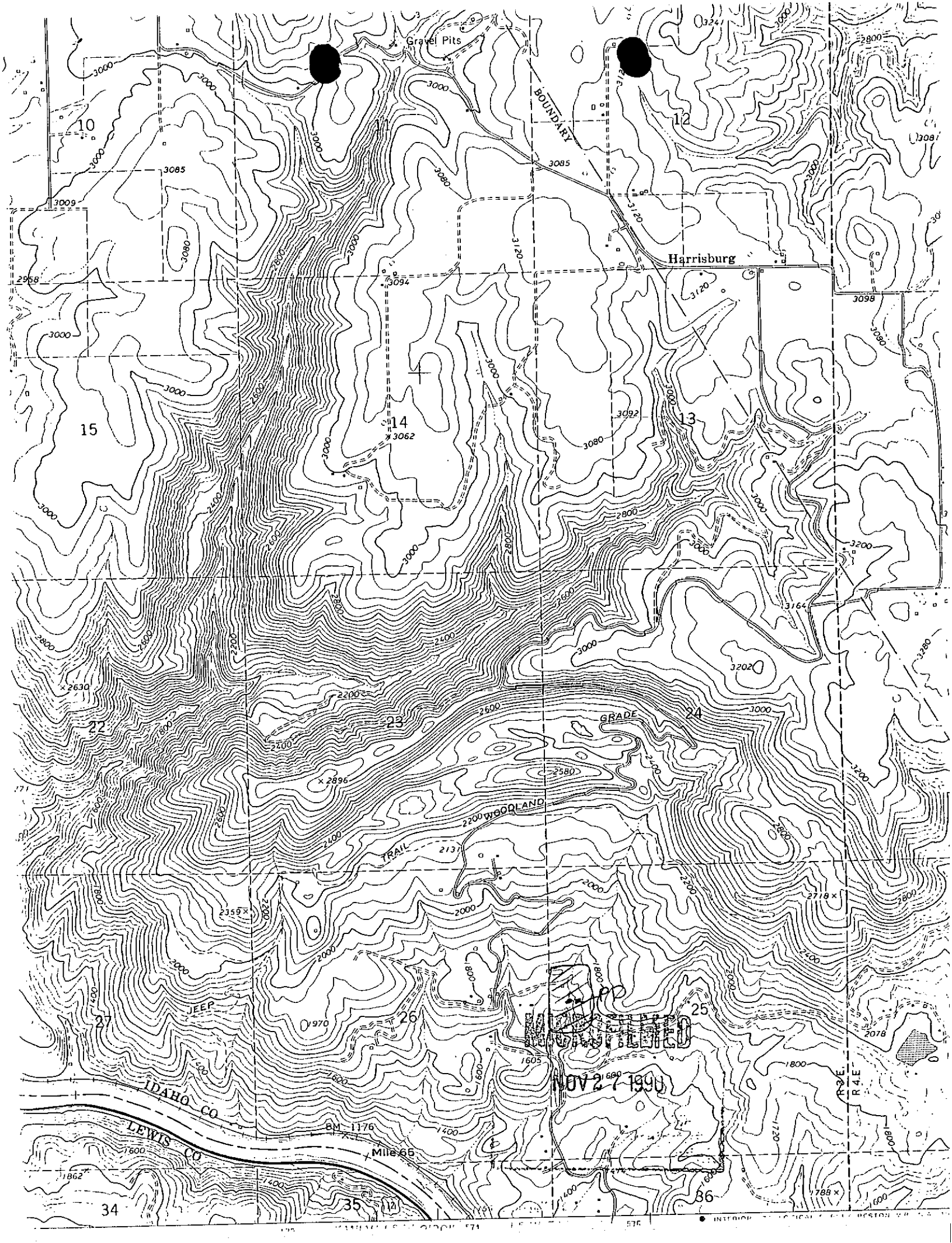
Fee \$ 3000 Received by RYA # N3742 Date 5/10/90

Publication prepared by pm Date 5/31/90 Published in Idaho State Journal
6/8-13/90

Publication approved pm Date 6/29/90

MICROFILMED

NOV 27 1990



**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

81-07148

MC COMBS, DON
MC COMBS, RUTH
HCR 75 BOX 29
KOOSKIA, ID 83539
Source: CLEARWATER RIVER,
MIDDLE FORK
Tributary: CLEARWATER RIVER
Diversion Pt: LOT 5 (SWNE) Sec 3 T
32N R 05E
Use: IRRIGATION (.100 CFS) Total
Diversion: (.100 CFS)
Date Filed: 5/24/1990
In: T32N R05E S03 SENE
5.2 ACRES TOTAL

82-07191

SHEARER LUMBER PRODUCTS
P.O. BOX 389
ELK CITY, ID 83525
Source: AMERICAN RIVER
Tributary: CLEARWATER RIVER,
SOUTH FO
Diversion Pt: NENW Sec 34 T 29N R
08E
Use: INDUSTRIAL (.330 CFS)
Total Diversion: 9.330 CFS)
Date Filed: 5/21/1990
In: T29N R08E S34 NENW.

84-07257

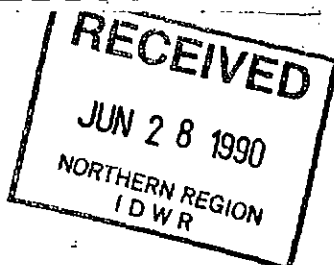
CLONINGER, JERRY
CLONINGER, KAREN
HCR 14 BOX 14
KAMIAH, ID 83536
Source: UNNAMED STREAM
Tributary: CLEARWATER RIVER
Diversion Pt: SWNW Sec 25 T 34N R
03E NWSW Sec 25 T 34N R 03E
Use: IRRIGATION (.200 CFS) Total
Diversion: (.200 CFS)
Date Filed: 5/10/1990
In: T34N R03E S25 SWNW NWSW
17.0 ACRES TOTAL.

For additional information concerning
the property location, call the Northern
Regional Office at 765-4639.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Northern Region, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Idaho 83814
on or before JUNE 25, 1990.

R. KEITH HIGGINSON, Director.
Published 6/6/1990 & 6/13/1990.

J6-13



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Charlotte Sotin

....., being
first duly sworn, says she is the..... Bookkeeper..... of the
IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho,
and is of general circulation in said county and state, that the
said notice, of which the one hereto attached is a true copy, was
published in said paper for two..... weeks, being published
.....two..... times, the first publication being on the
.....6th..... day of June....., 19.....90.....
and the last publication on the.....13th..... day of
.....June....., 19.....90.....; that the said notice was
published in the newspaper proper and not a supplement; that
said newspaper has been continuously and uninterruptedly
published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or
advertisement.

Charlotte Sotin

STATE OF IDAHO)

COUNTY OF)

On this.....13th..... day of June..... in the year
of.....1990....., before me, a Notary Public, personally
appeared.....Charlotte Sotin....., known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared
that the statements therein are true, and acknowledged to me
that he executed the same.

NOV 27 1990

[Signature]
Notary Public for Idaho
Residing at.....Grangeville, Idaho.....
My commission expires:.....9/10/92.....



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AL ENGEN
PO BOX 1887
LAKE OSWEGO OR 97035-0087

RE: Water Right 84-07257

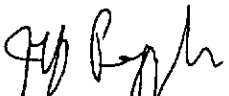
Dear Mr. Engen:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

AUG 11 1999



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

October 23, 1996

KAREN CLONINGER
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07257

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

MAR 26 1997

MEMORANDUM

TO: File 84-07257

FROM: Sharla

DATE: October 18, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 84-07257 are based on the following:

H. RECOMMENDATIONS

1. Recommended Amounts

Irrigation	3/1 - 11/30	0.002 cfs	0.4 afa
------------	-------------	-----------	---------

The standard season of use for irrigation in this area is 3/1 - 11/30.

Examiner: Wayne Baldwin

Exam date: July 25, 1996

MICROFILMED
MAR 26 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 84-07257

DATE 10/18/96

REVIEWER: S H A R L A

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO
If not, prepare Notice of Intent to Void NO

POINT OF DIV Change OK

Amendment required NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS NO P/D NO P/U

RATE OF DIV

Permitted Rate .002 cfs

Fee limit .20 cfs \$5000

Measured NO cfs

Theoretical NO cfs

1 gpm limitation

Recommended Total Div Rate .002 cfs

ANNUAL VOLUME/ NATURE OF USES

Use Mr. .002

Volume Calculation .1 X 3.5 = .4 af

3/1-11/30 Season

NO af
NO af
NO af
NO af
SUBTOTAL .4 af

Flow rate .01 cfs X NO days X 1.9835 = NO af

Total volume recommended NO af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W31 (.01, .4)

CONDITIONS NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device

NO Overlap

NO Use-specific conditions

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed N/A

1st Amend Letter N/A

Adjustment Memo Season - and

2nd Amend Letter N/A

rounding

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 15 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 84-07257

1. Owner: Loren & Jerry Cloninger Phone No. (208) 935-0280

Current Address: HCR 11 Box 14 Laramie Id 83536

2. Accompanied by: Jerry Cloninger EXAM DATE: _____

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to Clearwater River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 84-04022

2. Other water rights with the same point of diversion: 84-04022, 84-07258

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NW	25	34N	03E	IDAHO	U.S.G.S. 7.5 min Quad
			NW	SW	25	34N	03E	"	" " " "

2. Place(s) of Use:

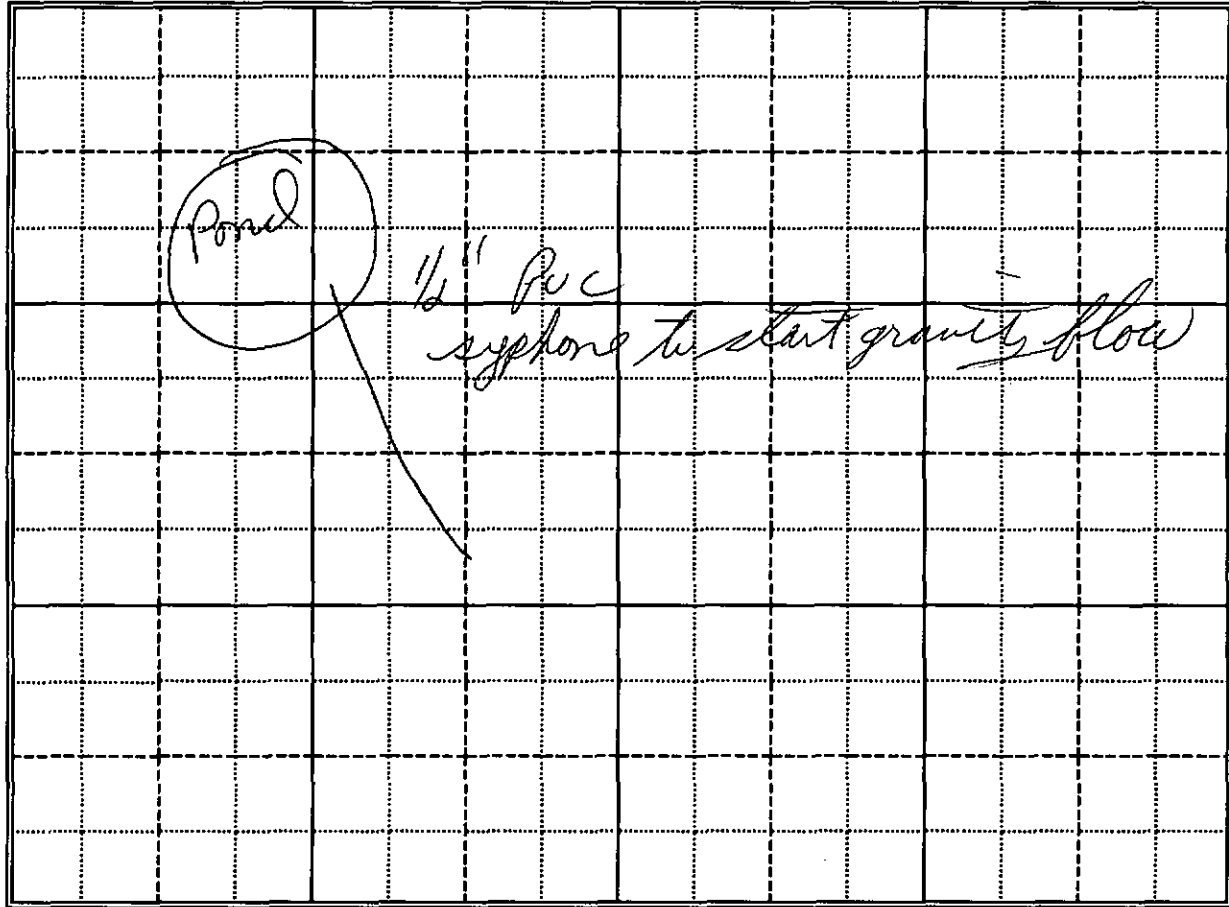
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	03E	25							1002										

MICROFILMED

MAR 26 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Gravity system				

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

The Cloungers application for 17 acres of Irr. was a mistake. Mr. Clounger told me at time of exam that he never intended to irrigate 17 acres. His intention was to irrigate 25 fruit trees located around his property. He has planted 25 trees each are approx 18" high.

Under an agreement with the department and other people in the woodland grade area Mr. Clounger is only allowed to divert 1 gpm.

Due to it being a wet year Mr. Clounger wasn't irrigating at time of exam.

Spoke with Shelly about this exam acreage figured 25 fruit trees (small 18") 2x2 ft around each tree.

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

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MAR 26 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .002 \times 3 = .006$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .002 \times 245 \times 1.9835 = .002$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = .002$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	03-15	11-15	.002	.002
Totals:			.002	.002

2. Recommended Amendments

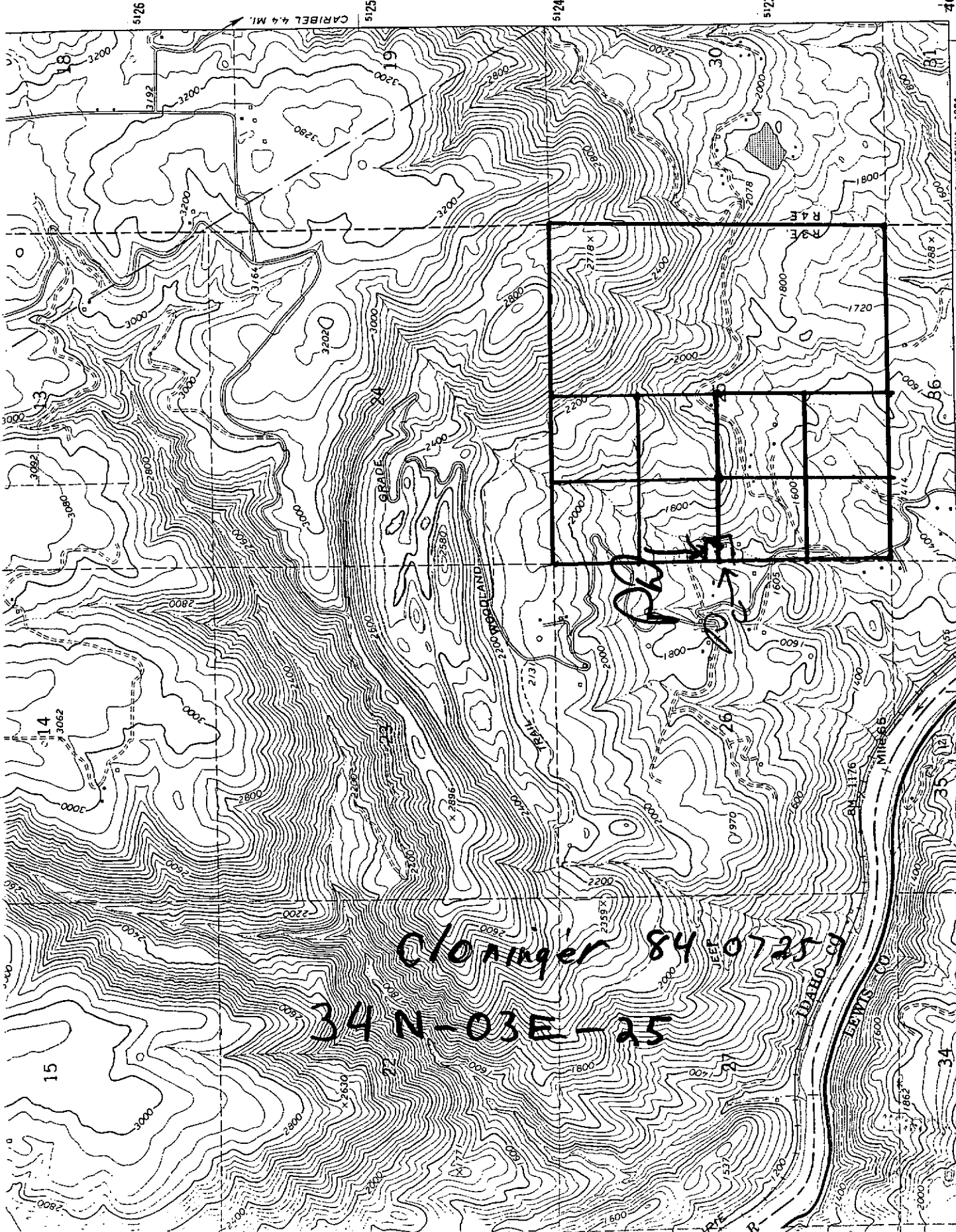
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Wayne S. Saldut Date 7-25-96

Reviewer _____ Date _____

NOT COPIED
 MAR 26 1997
 SEAL



5126

5125

5124

5123000m N.

46°15'
116°00'

(KOOSKIA)
2876 III NW

ROAD CLASSIFICATION

Heavy-duty _____ Light-duty _____

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1984
57600m E.

1.5 MI. TO U.S. 12

1.8 MI. 2°30" 574
KAMIAH
KOOSKIA 10 MI.

1573

(KAMIAH)
2776 II NE

SCALE 1:24,000

1 MILE



Cloninger 84 0725-9

34 N-03 E-25

PERMIT # 84-07257

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R A P H S



PD



IRR
Line

MICROFILMED
MAR 26 1997

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 84-07257

Reviewed by [Signature]

Date 11-18-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

TYPES OF USE

Imm.
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?
☒ Copy in the file? Drilling Permit No. _____
☒ Amount paid for permit
☒ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☒ Installed?
☒ Waiver requested?

PRIORITY CALCULATION

Date proof received 11-2-94
Date proof due 11-1-94 -
No. of days late 1 =
Priority Date 6-9-90 +
New Priority Date 6-10-90

7 6/10/90

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to June 10, 1990.
Proof acceptable

DATA ENTRY

New Address [X]

Proof Made 11-2-92



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 25, 1994

JERRY & KAREN COLNINGER
HC 11 BOX 14
KAMIAH ID 83536

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 84-07257

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to June 10, 1990.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Corue d'Alene, at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

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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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1994

Jerry and Karen Cloninger
HCR 11 Box 14
Kamiah, ID 83536

via fax

RE: Permit No. 84-07257

Dear Mr. and Mrs. Cloninger:

This letter is in response to a telephone conversation you had with Julie Yarbrough this morning concerning the above referenced water right permit.

You had some concerns as to whether your permit authorized you to build a small pond as part of your diversion works. Your water right application anticipated the construction of a small pond and the permit to appropriate water was approved to allow the construction of a small retaining pond for irrigation.

If you have any additional questions concerning this matter, please do not hesitate to contact me at (208)327-7953.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:jly

RECEIVED

DEC 07 1994

August 31, 1994

KAREN CLONINGER
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH ID 83536

PROOF DUE NOTICE

RE: PERMIT NO. 84-07257

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1994.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

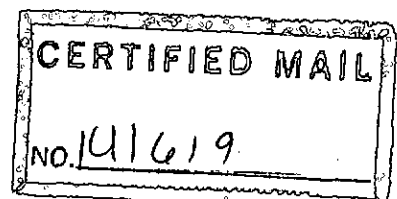
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1993

Karen and Jerry Cloninger
HCR 11 Box 14
Kamiah, ID 83536

Re: Permit No. 84-07257

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to November 1, 1994. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR-Regional Office

DEC 07 1994

10/06/94

11:57

1 208 327 7866

ID WATER RESOURS

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.

6905

CONNECTION TEL

6p912089350762

CONNECTION ID

START TIME

10/06 11:56

USAGE TIME

00'35

PAGES

1

RESULT

OK

DEC 07 1994

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 84-7257 Reviewed by VJA Date 12-02-93

BASIC INFORMATION

yes Date stamp received
No Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

- Extend permit to Nov 1, 1994 based on due diligence.
- need order reinstating permit

PRIORITY CALCULATION

Date extension received	<u>12-1-93</u>	=	<u>335</u>
Proof due date	<u>11-1-93</u>	=	<u>305</u>
Number of days late		=	<u>30</u>
Priority date	<u>5-10-90</u>	=	<u>130</u>
New Priority Date	<u>6-09-90</u>	=	<u>160</u>

DATA ENTRY

New Address _____
Change Proof Due Date 11-1-94
Change Priority Date 6-09-90

November 4, 1993

KAREN CLONINGER
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH ID 83536

LAPSE NOTICE

RE: PERMIT NO. 84-07257

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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DEC 7 1994

DEC 07 1994

CERTIFICATION OF MAILING

I hereby certify that on 11/4/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Leg

August 31, 1993

KAREN CLONINGER
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH ID 83536

PROOF DUE NOTICE

RE: PERMIT NO. 84-07257

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

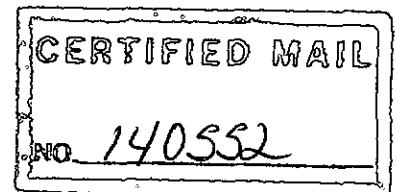
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



DEC 07 1994



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

November 16, 1990

KAREN CLONINGER
JERRY CLONINGER
HCR 11 BOX 14
KAMIAH, ID 83536

PERMIT APPROVAL NOTICE

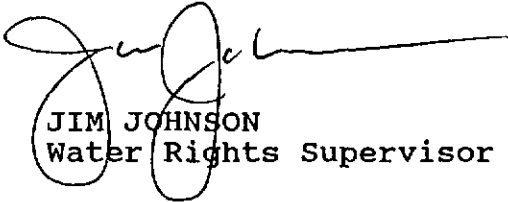
RE: PERMIT NO. 84-07257

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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NOV 27 1990

MEMORANDUM

To: File 84-7257
From: L. Glen Saxton *LS*
RE: RATE OF DIVERSION PERMITTED
Date: November 9, 1990

The rate of diversion approved on the permit (0.002 cfs) was determined to be acceptable in a conference held on the protested application. The rate and associated volume of water to be produced by the rate is not sufficient to irrigate the 17 acres shown on the permit. It is more likely sufficient for one or two acres.

Rather than to seek reduction of the acreage before the permit is issued, it is more expeditious to issue the permit consistent with the terms of the conference and to have the water right examiner determine the amount and location of the acreage which is irrigated after the proof of beneficial use is filed. The acreage to be licensed will then be appropriately reduced before any license is issued in connection with this permit.

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NOV 27 1990

APPLICATION FOR PERMIT REVIEW

Date: 10-23-90

Reviewer: Jim Johnson

Existing:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23

Location:

Water Districts - WD No. Benin
 surface water - 005-P01, 01H-P01, 01J-P08, P04
 groundwater - 005-P05 or P21, 005-01H-P01,
 005-01J-P08

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 58 (Groundwater)

Trust (see list) - 051, 052, 053

Non Trust (see list) - 048, 049

River Basins:

Boise (63) - 11D-P72

Payette (65) - 047, 059-P71

Surface - 005,

Snake (01) - 11A, 061-P22

Use:

Fish Propagation - (P06) 002, 06A, 007, 09E-P10, 010,
 042, 044

Power - (less than 25cfs P18), 01F-P19, 008,
 08A, 09E-P10, 017K, 017G, 017M, 025

Mining - 06A, 006, 09E-P10, 010, 54

Storage - 18A-P09, 18B-P09

Domestic - (restricted areas) 021

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 11-1-1993

Swan Falls Flag: - Benin

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST	)	
APPROVAL OF APPLICATION FOR PERMIT	)	
NO. 84-07257 IN THE NAME OF JERRY	)	STIPULATION FOR ENTRY
AND/OR KAREN CLONINGER.	)	OF PROPOSED DECISION
	)	WITHOUT A HEARING
	)	

The parties to this proceeding, having met at a prehearing conference for the purpose of defining the issues, informally presenting the facts, and discussing their respective positions before a hearing officer of the Idaho Department of Water Resources (department), hereby stipulate and agree as follows:

1. The hearing officer may consider information presented at the prehearing conference, information obtained through a field investigation by department personnel, and other facts available in the files and records of the department in preparing a proposed decision and order.

2. Each party shall have the opportunity, pursuant to Idaho Code Sections 42-1701A and 67-5211, to file exceptions to the proposed decision and order by filing written exceptions thereto within 15 days after service of the proposed decision and order by the department. If a timely exception is not received, the department Director will enter an order adopting a final decision.

3. Each party shall have the opportunity, pursuant to Rule 11 of the Practice and Procedure Rules and Regulations of the department, to file a petition for rehearing within 20 days after service of the final decision. If the department determines that a formal hearing is required, notice will be sent to all parties.

4. Pursuant to Idaho Code Sections 42-1701A and 67-5215, any party may initiate a proceeding for judicial review by filing a petition in the

NOV 27 1990

district court within 30 days after the service of the final decision or, if a timely rehearing is requested, within 30 days after the decision thereon.

5. If an action for judicial review is filed in the district court without an administrative hearing having been held before the department, the parties agree not to oppose a motion for remand of the proceeding to the department for the purpose of conducting a hearing for the presentation of additional evidence.

DATED this ____ day of _____, 199__.

APPLICANT(S)

PROTESTANT(S)

MICROFILMED

NOV 27 1990

SPECIAL NOTE: _____
_____PROTEST INFORMATION SHEETProtestant(s)

NAME	ADDRESS
1 <u>Bill & Shirley Brewer</u>	<u>Star Rt. Box 15 B 1, Kamiah, Id. 83536</u> 6/15/90
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____
6 _____	_____
7 _____	_____
8 _____	_____
9 _____	_____
10 _____	_____

ATTORNEY NAME

ADDRESS

Date Filed: 6/15/90 Protest Due Date: 6/25/90Issues: Not enough water in the stream, will detrimentally affect already
existing water rights.Applicant

ATTORNEY NAME

ADDRESS

	DATE
Protest Date Entered on Computer	<u>6/29/90</u>
Acknowledgement Letters Sent	<u>6/29/90</u>
Hearing Date	_____

(Other Dates)

Other Information: _____

RECORDED
NOV 27 1990Protest information submitted to computer (following hearing): 9/11/90

Name: Shirley Wassmuth Brewer & Jerry & Karen Cloninger
 File: 84-7258 & 84-7257
 Place: USFS Office, Hwy. 13, Grangeville, Id.
 Date: Tuesday, Sept. 11, 1990 at 1:00 PM

ROSTER OF ATTENDANCE

Name	Address	Representing
Val Brink	Art Box 9A	Kamiah
Gaecheline Brink	" "	"
Glenn Cox	HCR 11 Box 11	Kamiah
Gene S. Cox	" "	"
David L. Cox	P.O. Box 421	Kamiah
Harold Cloninger	P.O. Box 728	KAMIAH ID.
Jerry L. Cloninger	HCR 11 BOX 14	KAMIAH ID.
Karen R. Cloninger	HCR 11 BOX 14	Kamiah, Id.
Patricia L. Morris	P.O. Box 465	Kamiah, Id.
Duane Morris	" "	"
Bill Brunet	HCR 11 Box 15	Kamiah Id.
Shirley Brewer	" "	"
Lacy Lyons	Box 1	" "

MICROFILMED

NOV 27 1990

In the Matter of Application)
for Permits No. 5 84-7257 &)
84-7258)

Agreement

We the undersigned agree to the issuance the
above reference Permits under the following
conditions:

1. Permits are limited to 19pm for both
Permits.
2. For 84-7258 all water is return to
creek by pipe.
3. For 84-7258 250 head sheep max or
50 AUM where 1 cow = 5 sheep
- 4 IDWR retains jurisdiction.
5. Change in pipe system for 84-7258
occurs by Oct. 31 unless extended for cause by
IDWR but not beyond April 15 1991
6. 84-7258 is for stockwater only
7. Change in pipe system must be approved
by IDWR prior to construction

Dated Sept 11, 1990

Jacqueline Brink By Dale Brink

Bill Brewer

Shirley Brewer

Lucy Lyons

Dale Brink

Dale Brink for Jean S. Hollingworth

Florance M. Cox

Gene S. Cox

Daniel L. Cox

Jerry L. Cloninger

Karen Cloninger

Patricia Morris

Duane A Morris

Tania Brink Watson

To: Files 84-7257 + 84-7258
From: Norm Young
Re: Conference held 9/11/90
Date: 9/11/90

Bob HAYNES & I held a combined conference on these two applications. After a thorough review of the issues, concerns of the protestants and plans of the applicants, an agreement was drafted allowing the applications to be approved with reduced rates of diversion and extent of use.

The agreement was signed allowing the applications to be issued. Jurisdiction was retained to allow IDWR to reconsider the rate of flow on filing 84-7258 if the applicant requests after determining the reduced amount is not adequate to maintain the quality of the water in the pond for Stockwater.

MICROFILMED

NOV 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: TDK DATE: 5/10/90 APPLICATION NUMBER: 84-07257

APPLICANT: _____

REQUIRED INFORMATION

- (1). ☒ Name & Address: (If applicant is a corporation or partnership, names must be provided for the director, officers, and other partners.)
- (2). ☒ Source: (See USGS Quad for names of water sources)
- (3). ☒ Point of Diversion including county: (spring/10 ac., Subd. lot & block)
- (4). ☒ Quantity: (flow and/or volume)
☒ Nature of proposed use: (Include description of use)
☒ Period of use:
- (5). ☒ Total Quantity: (flow and/or volume)
- (6). ☒ Description of diverting works:
- (7). ☒ Time required for beneficial use of water:
- (8). ☒ Proposed uses:
- (9). ☒ Place of use or acres irrigated:
- (10). ☒ Other Water Rights:
- (11). ☒ Ownership:
- (13). ☒ Map:
☒ Signature: (signator title required for corp., partnership, etc)
☒ Fee: (Amount, receipt number and date recorded on application)
☒ Acknowledgement Letter:
☒ Overlap Review: Attachment? (Y)____ (N) ☒ Remarks? (Y)____ (N)____

ADDITIONAL INFORMATION

- YES NO
- ___ ☒ Field check required: Field check by: _____
- ___ ☒ Field report attached:
- ___ ☒ Critical groundwater area:
- ___ ☒ Groundwater management area:
- ___ ☒ Send dam safety information:
- ___ ☒ Send power requirement letter:
- ___ ☒ Send fish farm requirement letter:
- ___ ☒ Power residency affidavit:
- ___ ☒ Power efficiency form:
- ___ ☒ Within trust water boundry: (Attach Trust Water Supp. Analysis Sheet.)
- ___ ☒ Diversion greater than 5 cfs or 500 af, supplementary analysis sheet attached.

PROCESSING

- YES NO
- ___ ☒ In form for advertising:
- ___ ☒ Statewide advertising: (10.00 or more cfs.)

Send Copies To

- YES NO
- ___ ☒ I.D. Health and Welfare
- ___ ☒ I.D. Fish and Game
- ___ ☒ I.D. Lands
- ___ ☒ Adjudication Bureau

- YES NO
- ___ ☒ U.S. BLM
- ___ ☒ U.S. Forest Svc.
- ___ ☒ Water District # _____
- ___ ☒ Other _____

RECEIVED
OCT 09 1990
Department of Water Resources

FOLLOWING INFORMATION REQUESTED FROM APPLICANT

Application Number _____

Item

Date Requested

FINAL REGIONAL PROCESSING REVIEW

YES NO

___ ☒ Additional information received:

___ ☒ Notice of pending void order issued: Final date of order response. _____

___ ___ Affidavit of publication received:

___ ___ Application published correctly: If not, record action taken.

___ ___ Publication dates and paper recorded on application:

___ ___ Protests received, Final date for protest 6/25/98

___ ___ Recommendations attached:

___ ☒ Measuring device required:

___ ☒ Measuring port required:

___ ☒ Water delivered by water master? District # _____

___ ☒ Special conditions of approval or cover letter: (see additional info. below)

Recommended Date of Priority 5-10-90

Recommended by: TDK PWA Date 10/3/90

STATE OFFICE REVIEW

___ See remarks for additional information. By _____ Date _____

REMARKS

APPLICANT HAS NO OTHER WATER RIGHT FOR SAME PURPOSE
See agreement for conditions

84-07257

CLONINGER, JERRY
CLONINGER, KAREN
HCR 14 BOX 14
KAMIAH, ID 83536

Source: UNNAMED STREAM

Tributary: CLEARWATER RIVER

Diversion Pt: SWNW Sec 25 T 34N R 03E
 NWSW Sec 25 T 34N R 03E

Use: IRRIGATION (.200 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 5/10/ 1990

In: T34N R03E S25 SWNW NWSW

17.0 ACRES TOTAL

MICROFILMED

NOV 27 1990

August 27, 1990

Ms. Menn Pollworth
U.S. Forest Service
Nez Perce National Forest
Highway 12
Grangeville, Id. 83530

Re: 84-7257 and 84-7258

Dear Ms. Pollworth:

This is to confirm reservations our Department has made for a conference and/or hearing to be held on Tuesday, September 11, 1990, starting at 1:00 PM and lasting until approximately 5:00 PM, in the Conference Room of the Supervisor's Office.

If this is not what your records reflect, please advise immediately.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

MICROFILMED

NOV 27 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATION FOR PERMIT) NOTICE OF HEARING
NO. 84-07257 IN THE NAME OF JERRY AND)
KAREN CLONINGER)

On May 10, 1990, Jerry and Karen Cloninger filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 15, 1990 the Department received a protest against approval of said application from Bill and Shirley Brewer.

The Department has set the matter of protest for a hearing for Tuesday, September 11, 1990 at 1:00PM, in the conference room of the Nez Perce National Forest Supervisors Office, Highway 13, Grangeville. 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, 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.

MICROFILMED

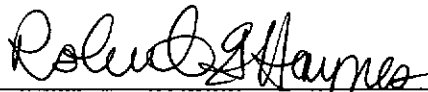
NOV 27 1990

Opportunity shall be afforded all parties of record 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.

Dated this 20th day of August, 1990.


ROBERT G. HAYNES, P.E.
REGIONAL MANAGER

I hereby certify that on the 20th day of August, 1990, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


ROBERT G. HAYNES, P.E.
REGIONAL MANAGER

CERTIFIED MAIL

Jerry and Karen Cloninger
HCR 11 Box 14
Kamiah, ID 83536

Bill & Shirley Brewer
Star Route Box 15-B1
Kamiah, ID 83536

MICROFILMED

NOV 27 1990

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, 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?
6. Will the proposed use be contrary to the conservation of water resources within the state of Idaho?

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.

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.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

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

NOV 27 1990

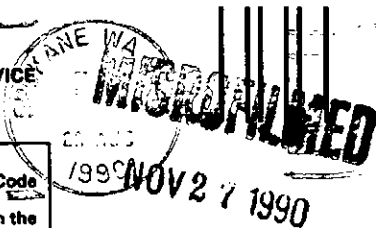
SENDER: Complete Items 1 and 2 when additional services are ordered, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered 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)	
3. Article Addressed to: Jerry & Karen Cloninger HCR 11 Box 14 Kamiah, ID 83536 NOV 27 1990	4. Article Number 14819
	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 <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <i>X</i>	
7. Date of Delivery NOV 27 1990	

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- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

● 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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: Bill & Shirley Brewer Star Rt. Box 15 B-1 Kamiah, ID 83536	4. Article Number 14820 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature - Address X <i>Bill & Shirley Brewer</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature - Agent X							
7. Date of Delivery AUG 21 1990							

UNITED STATES POSTAL SERVICE
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NOV 2 / 1990



PENALTY FOR PRIVATE
USE, \$300

RETURN

Print Sender's name, address, and ZIP Code in the space below.

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AUG 23 1990

NORTHERN REGION
IDWR

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210



Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

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

NAME AND ADDRESS OF SENDER	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	REST. DEL. FEE	REMARKS
COEUR D'ALENE IDAHO 83814												
Blue Lagoon Homeowners Association Rt. 1 Box 123-D, Troy ID 83871	14809 ✓		25	85				90				
James L. Westberg, Siebe, Landek, Westberg & Judge Box 9344, Moscow, ID 83843	14810 ✓											
Shirley Wasmuth Brewer Star Rt. Box 15 B-1, Kamiah, ID 83536	14811 ✓											
Jerry & Karen Cloninger HCR 11 Box 14, Kamiah, ID 83536	14812 ✓											
Duane & Patricia Harris Box 465, Kamiah, ID 83536	14813 ✓											
Mrs. Clayton T. Hollingsworth Star Rt. Box 9, Kamiah, ID 83536	14814 ✓											
Gene & Florence Cox HCR 11 Box 11, Kamiah, ID 83536	14815 ✓											
Richard & Jacqueline Brink Star Rt. Box 9-A, Kamiah, ID 83536	14816 ✓											
David Cox Box 421, Kamiah, ID 83536	14817 ✓											
Paula Brink Watson Star Rt. Box 9-A, Kamiah, ID 83536	14818 ✓											
Jerry & Karen Cloninger HCR 11 Box 14, Kamiah, ID 83536	14819 ✓											
Bill & Shirley Brewer Star Rt. Box 15 B-1, Kamiah, ID 83536	14820 ✓											
Ralph Alberthal 4601 Tammany Creek Rd., Lewiston ID 83501	14821 ✓											
Donald Van Buren 3000 Tammany Creek Rd., Lewiston, ID 83501	14822 ✓											
Karl Van Buren 3136 - 4th Street D. Lewiston, ID 83501	14823 ✓											
TOTAL NUMBER OF PIECES LISTED BY SENDER: 15 TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE: 15 POSTMASTER: PER (Name of receiving employee) NOV 24 1980 1100 201 1980 D. J. Karate												The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, July 1978

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 29, 1990

Mr. and Mrs. Jerry Cloninger
HCR 14 Box 14
Kamiah, Id. 83536

Re: 84-7257

Enclosed is a copy of a protest filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms
Enclosure

RECEIVED

NOV 27 1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 29, 1990

Mr. and Mrs. William Brewer
Star Route Box 15 B 1
Kamiah, Id. 83536

Re: 84-7257

Dear Mr. and Mrs. Brewer:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

MICROFILMED

NOV 27 1990



Tom King

RECEIVED

JUN 15 1990

NORTHERN REGION

IPWR

at this time ~~the~~ Billa Shirley ~~Brewer~~ would like to file a formal protest against the proposed water right application of Jerry & Karen Cloninger. Ref no 84-07257

It is our belief that this water right should be denied for the following reasons.

1. Cloningers have filed for .200 cfs which I calculate at 90 gpm. The stream will be lucky to run 10 gpm by mid June.
2. This extended use will cause a conflict with existing water rights on the stream. We believe that since we bought over $\frac{7}{10}$ of Milo Spivey's property and that both the Cloningers and the Brewers have reference to Milo's water rights in their respective deeds that the available water is already appropriated to the new owners.
3. Total diversion of the stream by Mr Cloninger would affect pasture land down stream by dehanding the stock usage. I believe that all down stream ownerships should at least be guaranteed stock water rights for continued pasturage.
affected land owners a. Dauc Cox
b. Gene Cox
c. Dale Brink
d. Lucy Lyons
e. Duane Morris

It is my understanding that none of these people have water rights on this stream.

NOV 27 1990

4. Milo Spivey and Myself have both tried to irrigate out of this stream and the summer time flow is such that maybe 1-2 acres could be irrigated. Mr Cloninger has way over estimated its potential.