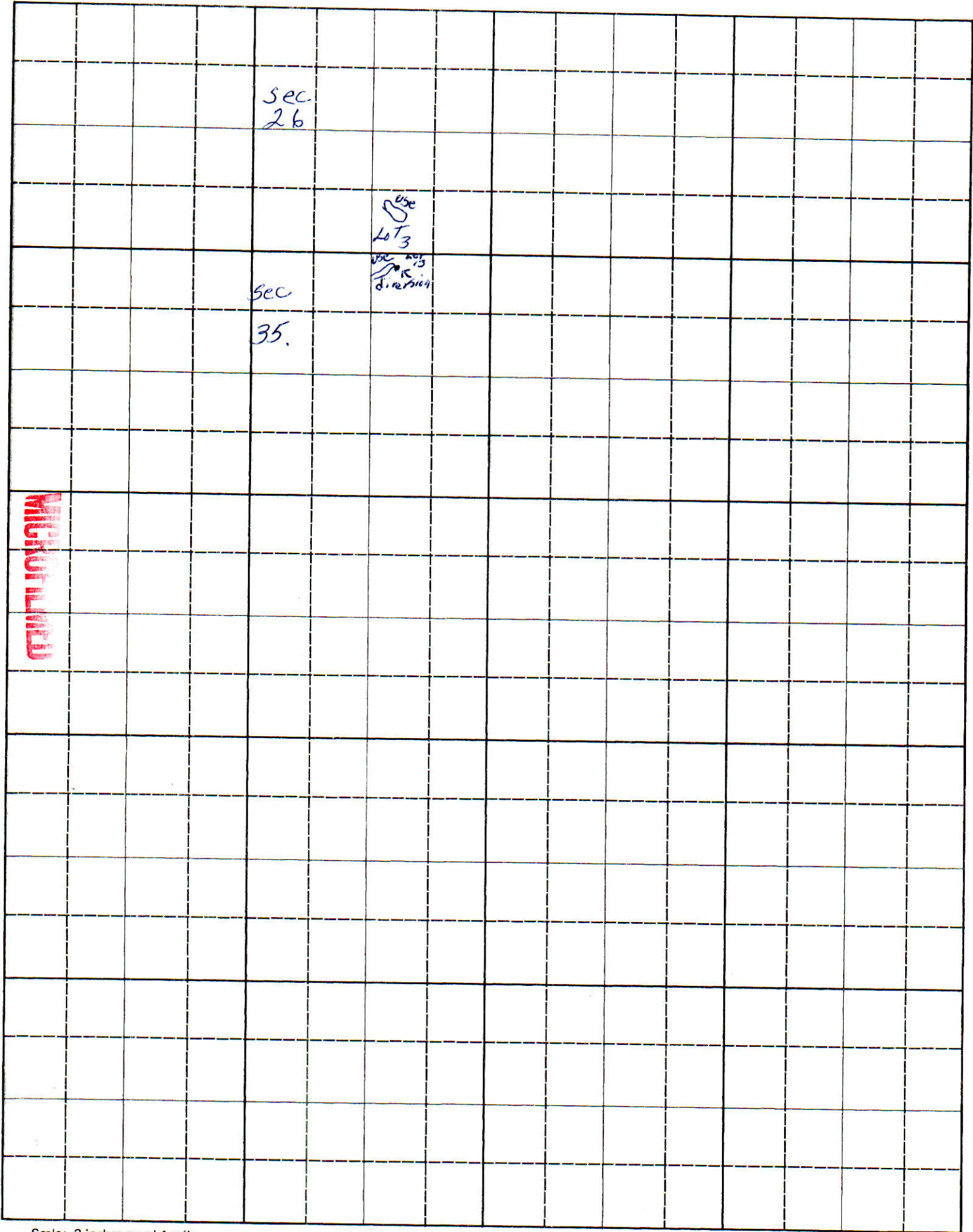


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

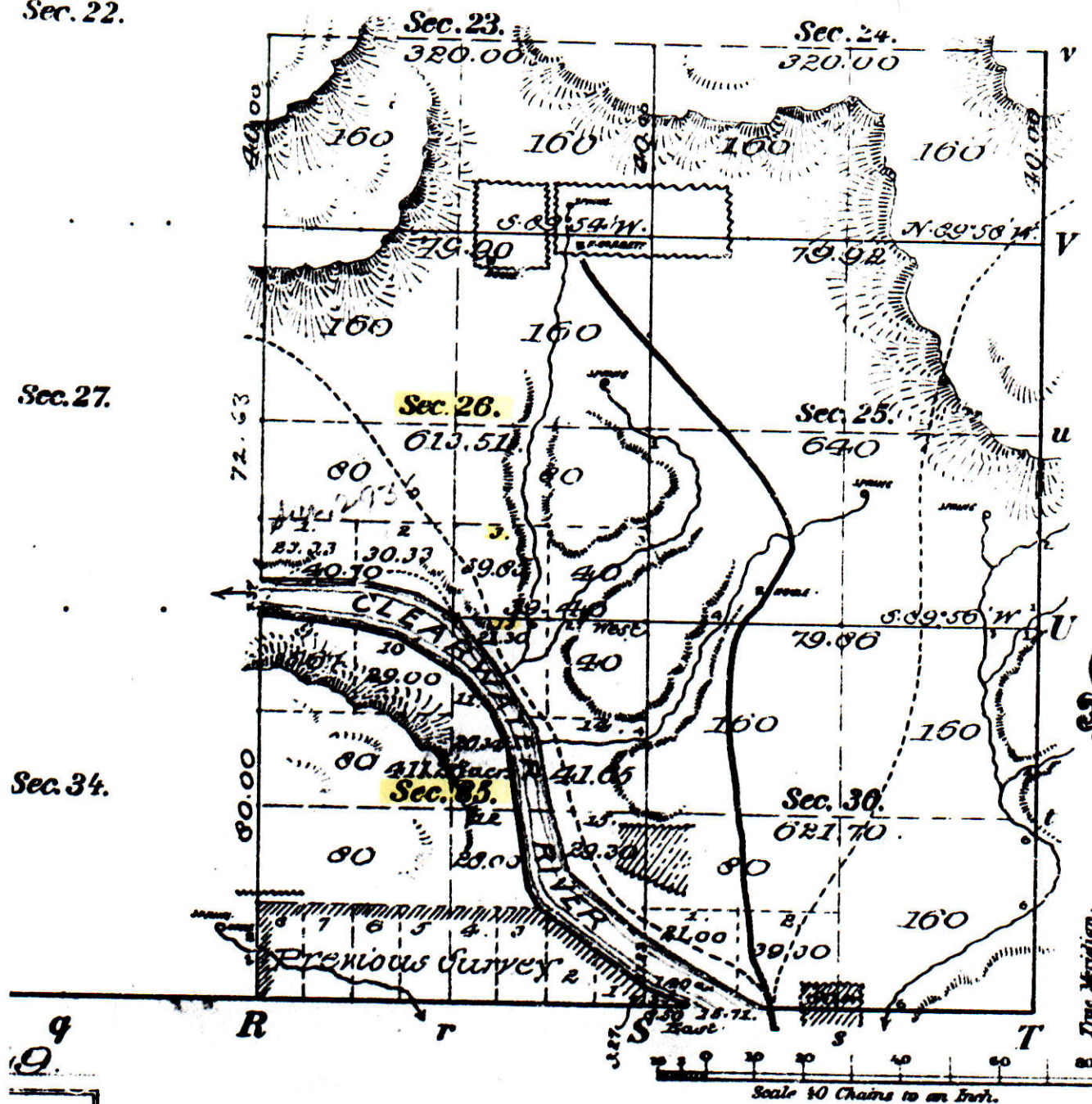


Scale: 2 inches equal 1 mile.

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

Duane A Morris
(Applicant)

Ser. 22.



The above Map, of Township. 1.st 34 North. of Range. 1.st
Boise Meridian. Idaho, is strictly co-
notes of the survey thereof on file in this Office, which have been co-

Surveyor General's Office.
Boise City, Idaho, July 13th 1892

T34N R03E

UNPROCESSED

AUG 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 84-07173

1. Owner: DUANE A. & PATRICIA MORRIS

Phone No. 935-2872

Current Address: P.O. Box 465 KAMIAH, ID 83536

2. Accompanied by: DUANE MORRIS

EXAM. DATE: APRIL 16, 1992

Address: SAME

Phone No.

Relationship to Permit Holder: OWNER

3. Source: SPRING tributary to UNNAMED STREAM (WOODLAND CR.),
TRIBTO: CLEARWATER RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: SEE ATTACHED LIST

☐ Copies Attached

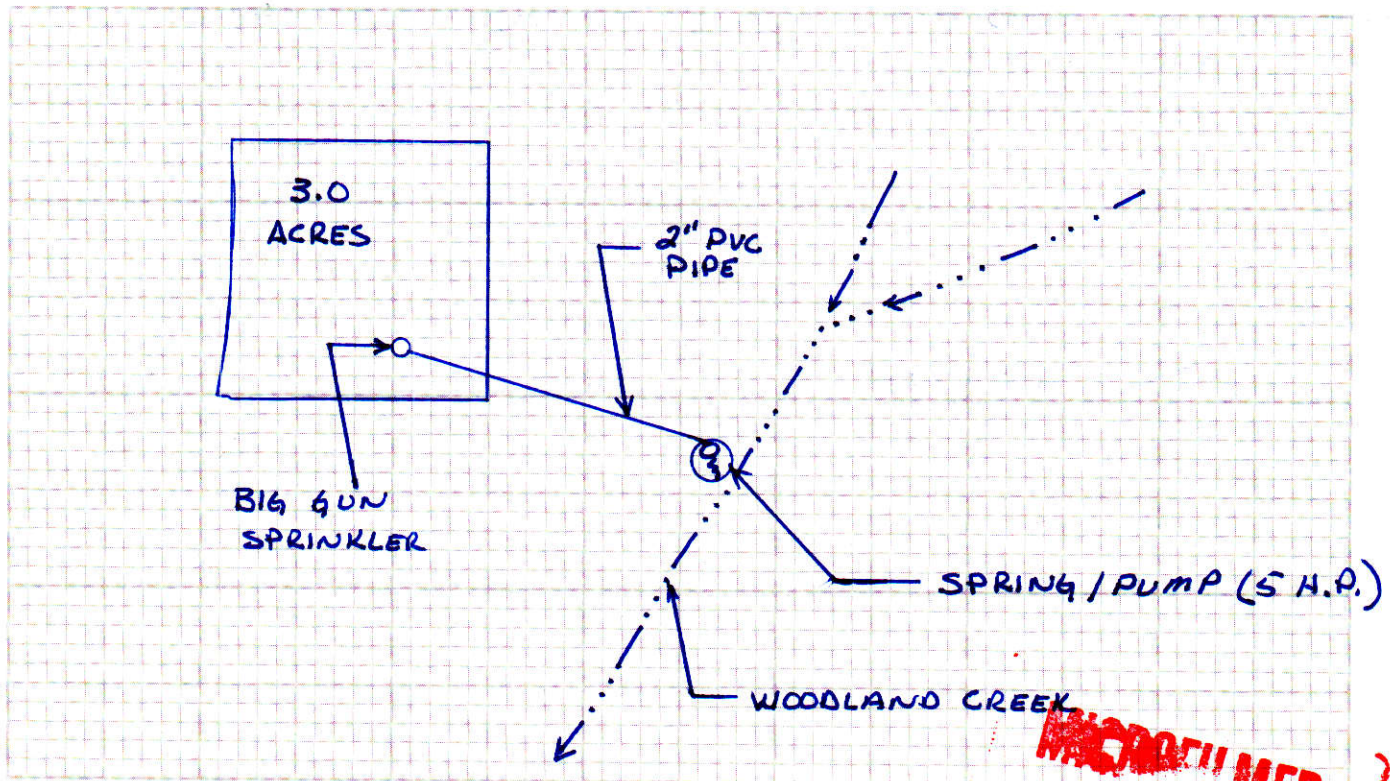
2. Other water rights with same point of diversion: SEE ATTACHED LIST NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

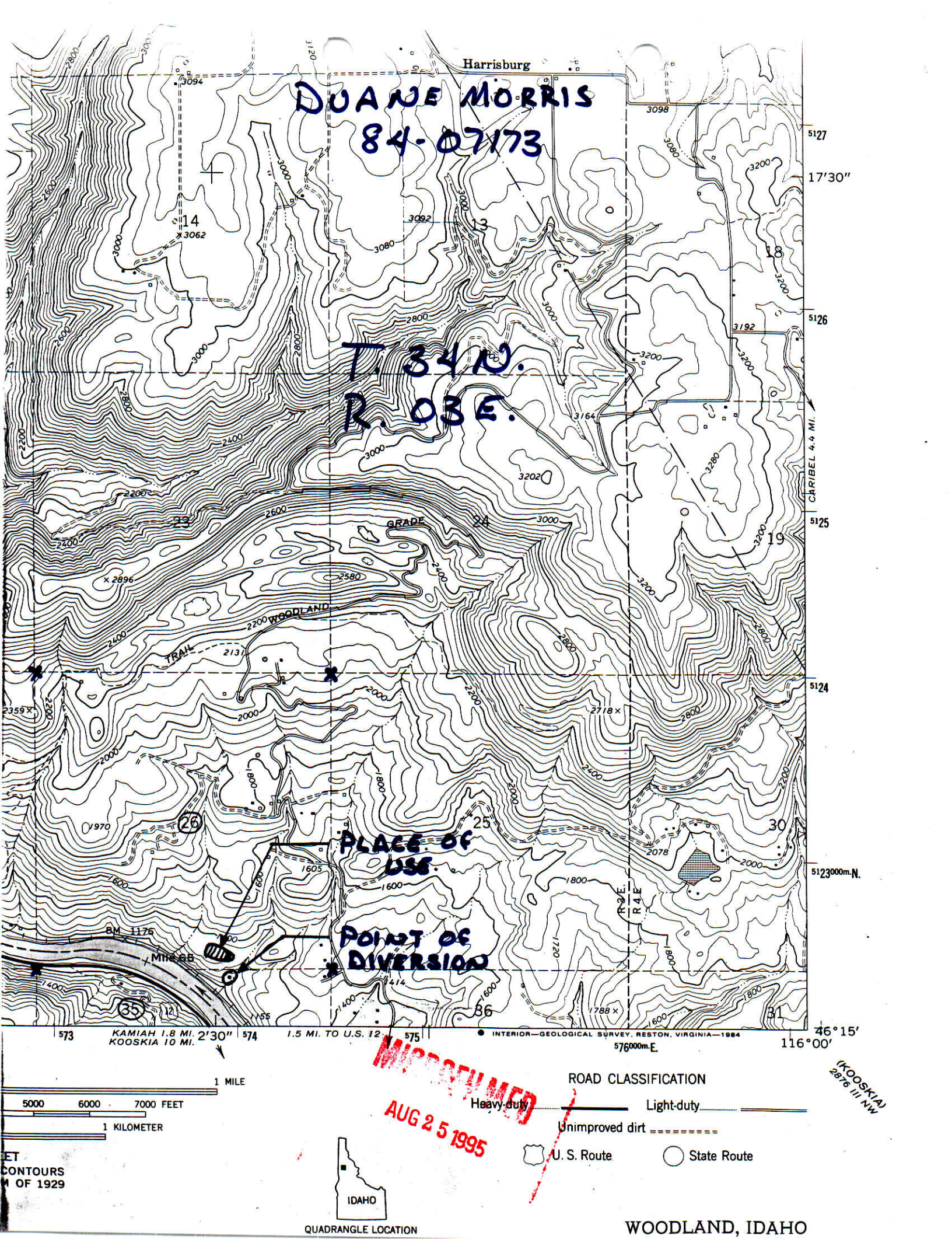
☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

RECORDED
AUG 25 1995



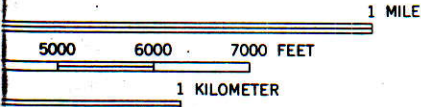
DUANE MORRIS
84-07173

T. 34 N.
R. 03 E.

PLACE OF
USE

POINT OF
DIVERSION

MICROFILMED
AUG 25 1995



ET
CONTOURS
OF 1929



ROAD CLASSIFICATION

Heavy-duty

Light-duty

Unimproved dirt



U. S. Route



State Route

WOODLAND, IDAHO

134N PSE

89

8/26/25

WOODLAND DRAINAGE

SINLER, PATRICK CHARLES

23 24

SINLER, ANNA

26 25

EAST FORK UNNAMED STREAM

WEST FORK UNNAMED STREAM

BREWER, WILLIAM

THORNTON, HAROLD

MOON, LEO

CLONINGER, JERRY

LINDERMAN, KENNETH

MASSEY, KIFF

MASSEY, SKYLER

HOLLINGSWORTH, CLAYTON

25

MORRIS, DUNE

BRIN, RICHARD

LYONS, LUCY

REC'D
AUG 25 1995

STREAM FLOW
Q-NOTES ARE
AT NORTHERN
OFFICE IN
WOODLAND
FILE

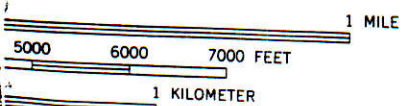
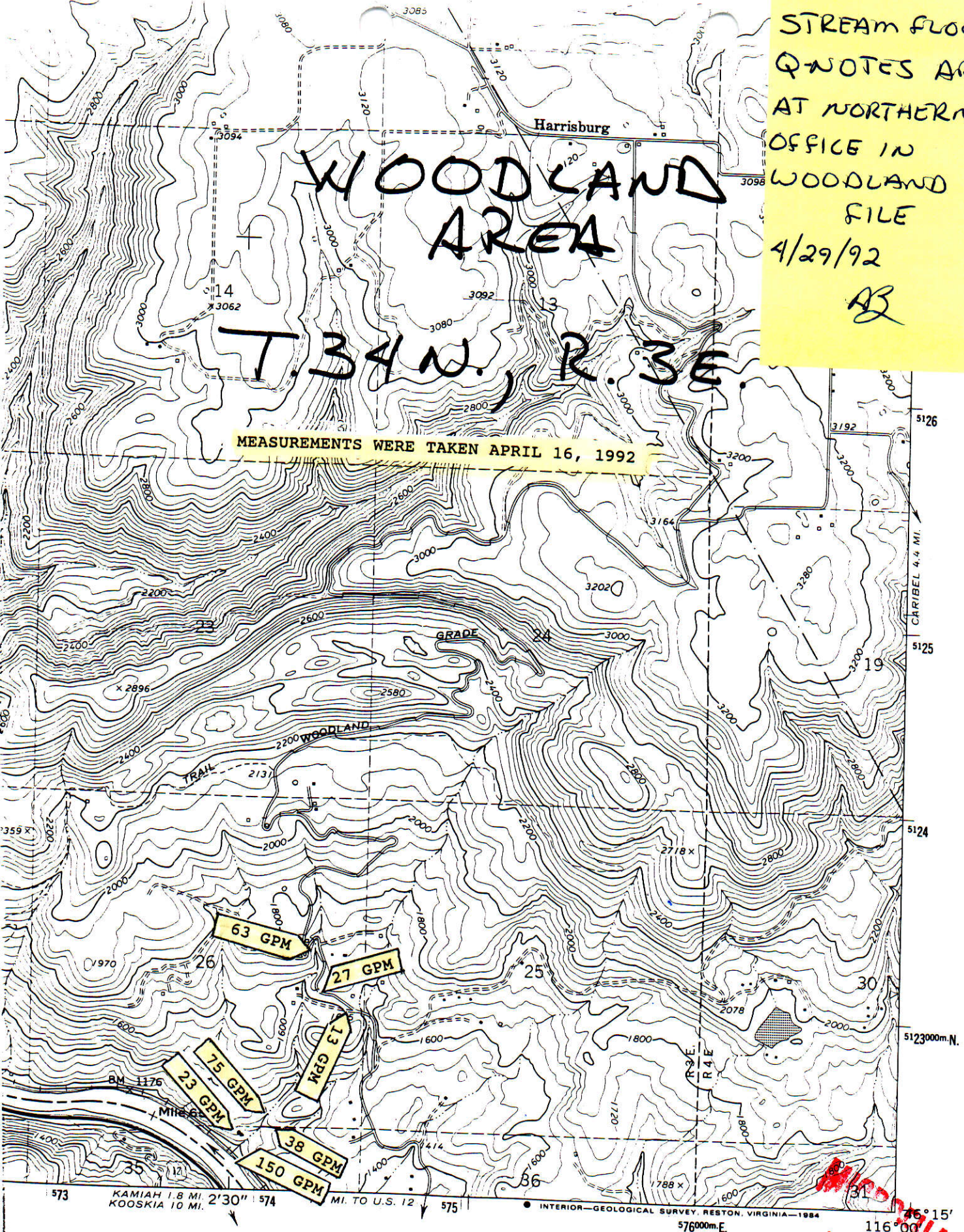
4/29/92

AB

WOODLAND
AREA

T. 34 N., R. 3 E.

MEASUREMENTS WERE TAKEN APRIL 16, 1992

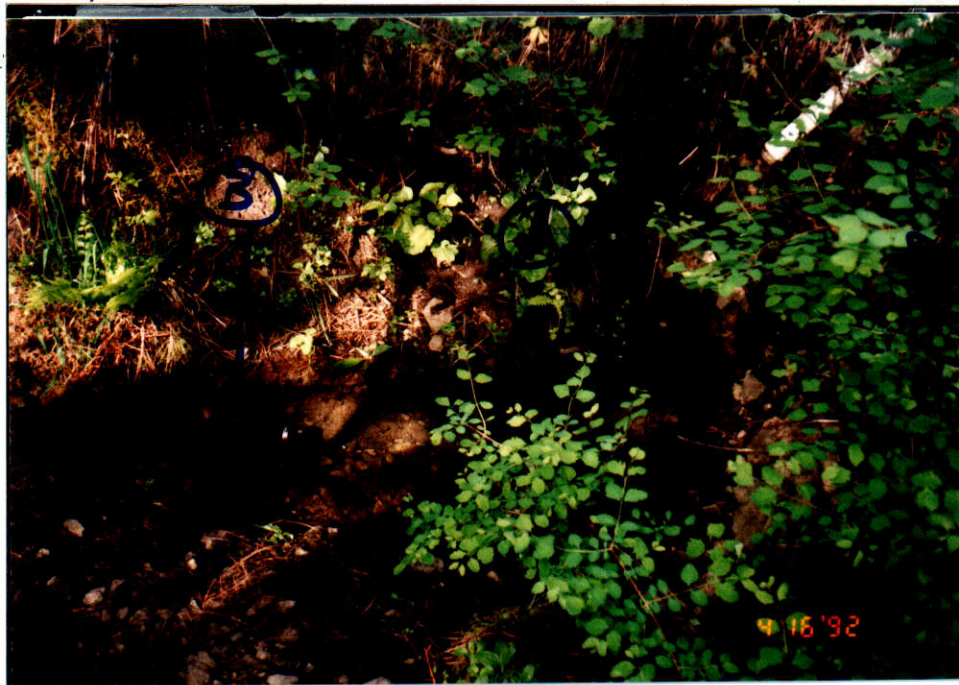


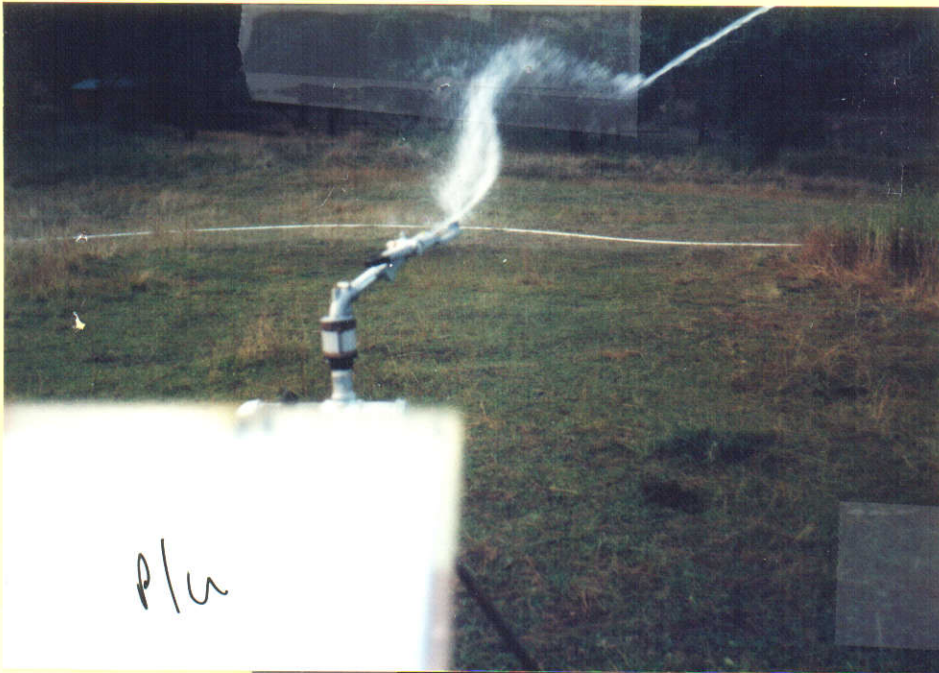
ROAD CLASSIFICATION
Heavy-duty Light-duty
Unimproved dirt =====

U.S. Route

State R

RECEIVED
AUG 25 1995
(KOSKIA)
2876 III NW





P/u



Pump, RP



P/u

84-07173

Aug 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

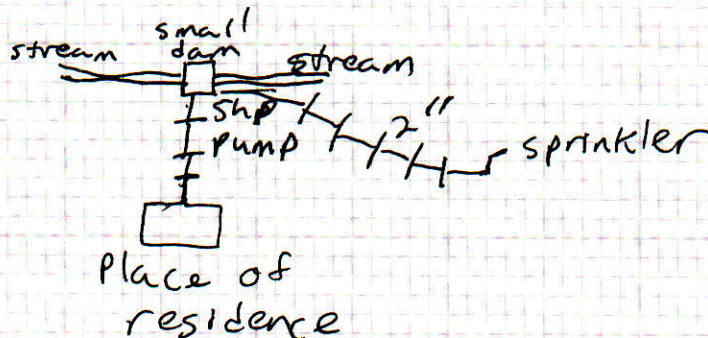
Permit No. 84-07173
1. Owner: Duane A + Patricia Morris Phone No. 935-2872
Current Address: P.O. Box 465 Kamiah ID 83536
2. Accompanied by: Duane Morris EXAM. DATE: 8/8/90
Address: Same Phone No. Same
Relationship to Permit Holder: —
3. Source: Spring tributary to Clearwater River
unnamed stream

B. OVERLAP REVIEW

1. Other water rights with same place of use: 84-02012, 84-04231, 84-04131, 84-07030
84,07030 ☒ Copies Attached
2. Other water rights with same point of diversion: 84-07030 84-07030
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

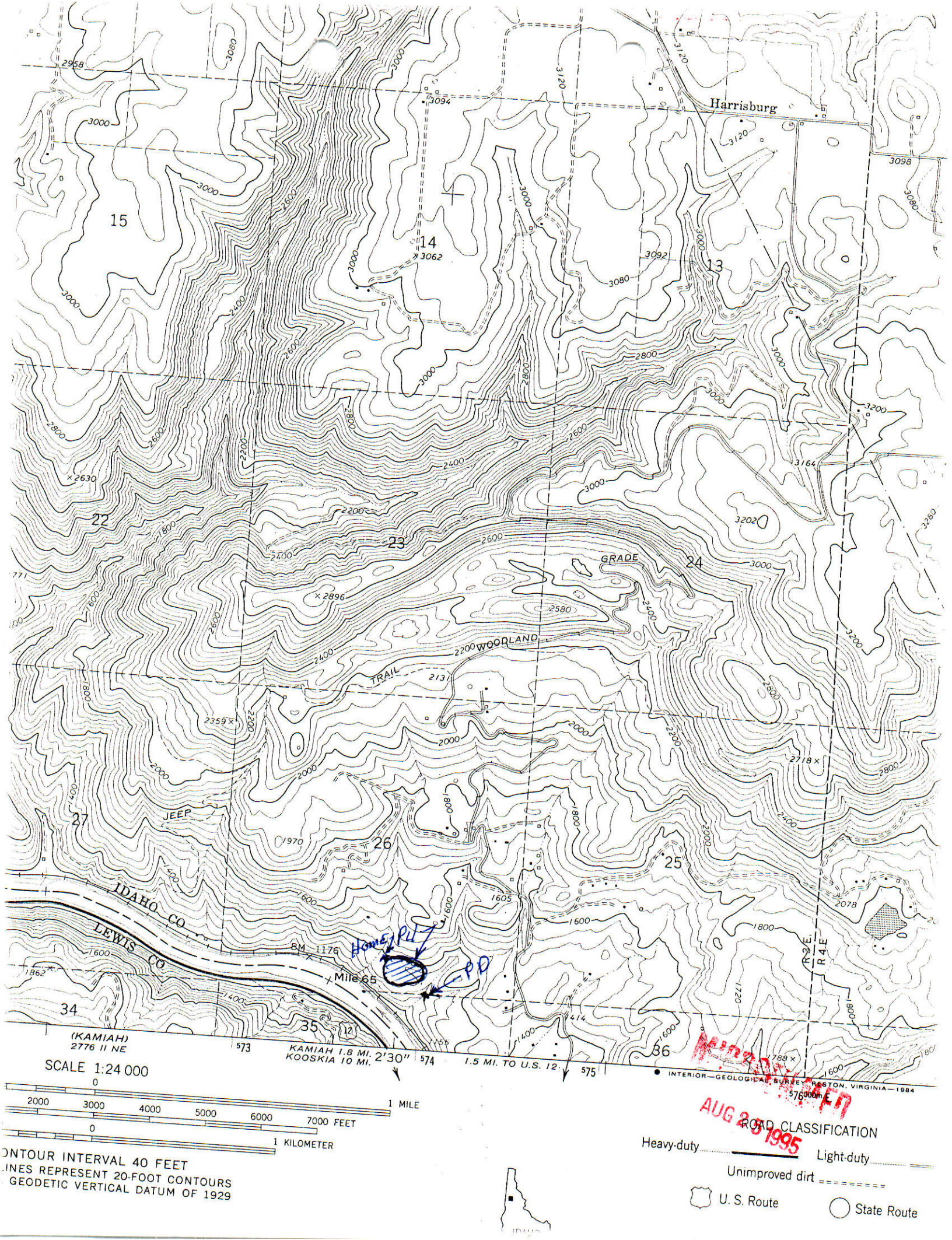
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



RECEIVED
AUG 25 1995

Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.



15

14

Harrisburg

13

22

23

24

GRADE

WOODLAND

TRAIL

JEEP

26

25

IDAHO CO

LEWIS CO

34

35

36

SCALE 1:24 000

(KAMIAH)
2776 II NE
KAMIAH 1.8 MI. 2'30"
KOOSKIA 10 MI.

1.5 MI. TO U.S. 12

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1984

AUG 28 1995

ROAD CLASSIFICATION

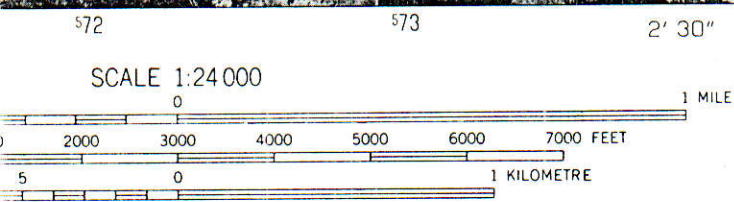
Heavy-duty Light-duty

Unimproved dirt

U.S. Route

State Route

CONTOUR INTERVAL 40 FEET
LINES REPRESENT 20-FOOT CONTOURS
GEODETIC VERTICAL DATUM OF 1929



R3E

R4E

RECEIVED
AUG 25 1995

WOODLAND,
N4615-W116
1975

ADVANCE

Sec
26

P.O. #2
Home

PD#1 2

Lot 3

PD#3

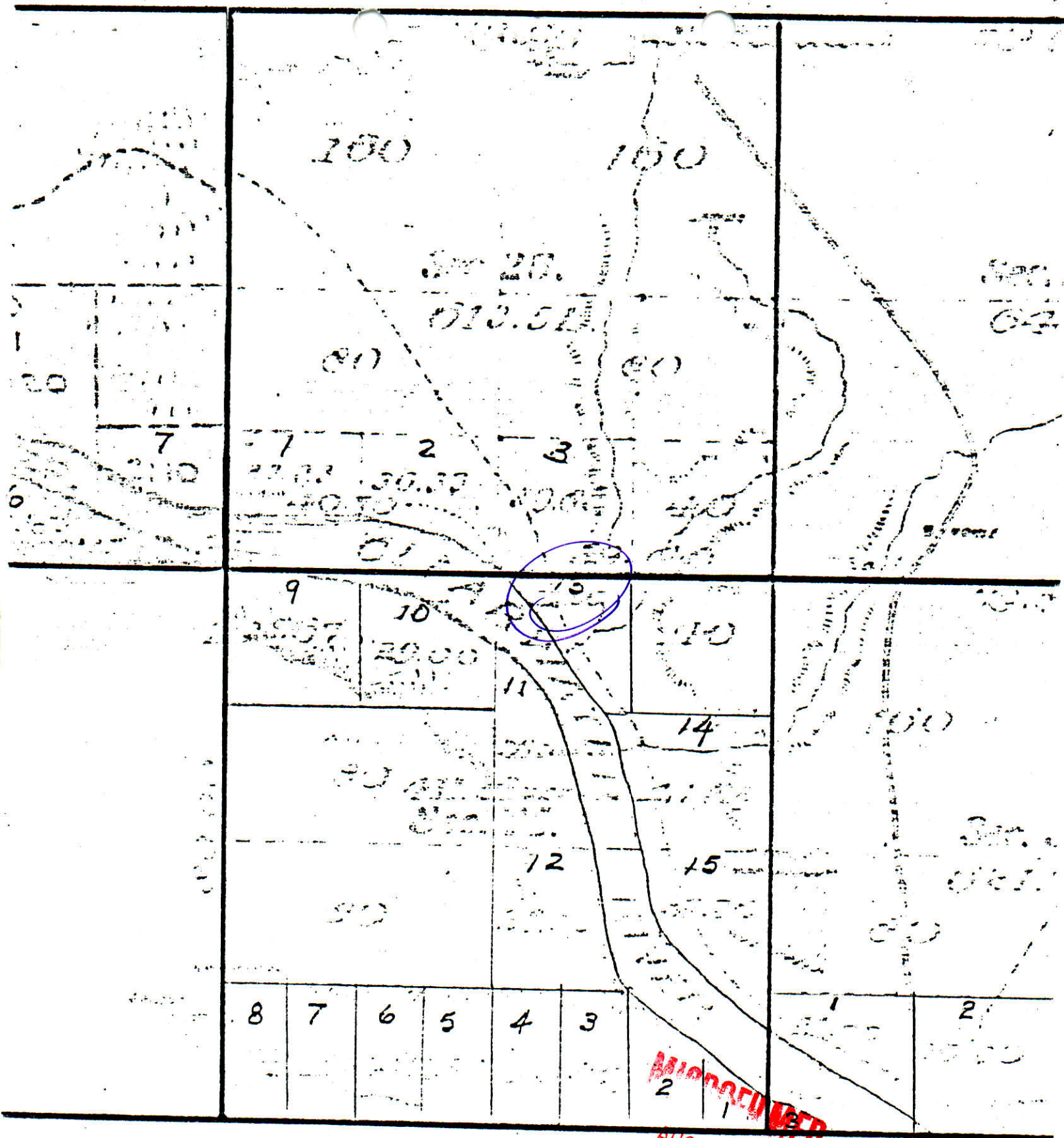
WILSON
13
direction
RESERVOIR



Sec
35

- 1. = 84-02012
- 2. = 84-04281
- 3. = 84-04131

OVERLAP
PLOT
MIDDELMEN
APR 25 1995



RECORDED
AUG 25 1995

DUANE MORRIS
 PD: T34N, R3E, S. 35, L. 3 (NWNE)
 PU: T34N, R3E, S. 26, L. 13 (SWSE)
 35, L. 3 (NWNE)

84-7173
 MAP 87
 QUAD 10
 M-10

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7111
LANDRY, NELSON J.
534 ANGELA AVE., ARABI, LA 70032
Source: SPRING trib. to SINKS
Date Filed: 08/22/1983
Diversion Pt: NESW Sec 24 T22N R07E
Use: DOMESTIC (0.04 CFS)
In: NESW Sec 24 T22N R07E.

84-7112
LYONS, LAWRENCE L.
RT. 1 BOX 282, KODSKIA, ID 83308
Source: SPRING trib. to SINKS
Date Filed: 08/22/1983
Diversion Pt: SWSW Sec 22 T 33N R08E
Use: IRRIGATION (0.08 CFS) DOMESTIC (0.02 CFS)
In: NENE Sec 25 T 33N R 08E FOR 1 ACRE.

84-7113
DANIELS, J. A. & J. J.
1208 10TH AVE., LEWISTON, ID 83841
Source: UNPAVED STREAM Sec. 24 T22N R07E
Date Filed: 08/22/1983
Diversion Pt: SWSW Sec 24 T 22N R07E
Use: IRRIGATION (0.12 CFS) DOMESTIC (0.02 CFS)
In: SWSW Sec 24 T 22N R 07E FOR 1 ACRE.

84-7114
DANIELS, J. A. & J. J.
1208 10TH AVE., LEWISTON, ID 83841
Source: UNPAVED STREAM Sec. 24 T22N R07E
Date Filed: 08/22/1983
Diversion Pt: SWSW Sec 24 T 22N R07E
Use: IRRIGATION (0.12 CFS) DOMESTIC (0.02 CFS)
In: SWSW Sec 24 T 22N R 07E FOR 1 ACRE.

84-7115
BEHRENS, TERRY R.
P.O. BOX 204, PLEA CITY, ID 83639
Source: AMERICAN RIVER trib. to CLEARWATER RIVER, SOUTHFORK
Date Filed: 08/22/1983
Diversion Pt: SWSW Sec 12 T 26N R08E.
Use: IRRIGATION (0.20 CFS)
In: SWSW Sec 12 T 26N R 08E FOR 10 ACRES.

AFFIDAVIT OF PUBLICATION

.....Nona Donaldson..... being first duly office manager sworn, says he is the of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 2 weeks, being published 2 times, the first publication being on the 20 day of July 19 83, and the last publication on the 27 day of July 19 83; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Nona C. Donaldson

Subscribed and sworn to before me this 27 day of July 19 83

....., Notary Public for State of Idaho, residing at Grangeville, Idaho.

84-7173
MORRIS, DUANE A. &/or PATRICIA
P.O. BOX 468, KAMIAH, ID 83836
Source: SPRING trib. to CLEARWATER RIVER
Date Filed: 08/22/1983
Diversion Pt: NWNE Sec 35 T34N R08E
Use: IRRIGATION (0.08 CFS) DOMESTIC (0.02 CFS)
In: SWNE Sec 25 T 34N R 08E NWNE Sec 25 T 34N R 08E SWSW Sec 25 T 34N R 08E FOR 3 ACRES.

84-7181
MANNING, DONALD R.
RT. 1 BOX 66, GRANGEVILLE, ID 83830
Source: GROUNDWATER
Date Filed: 08/22/1983
Diversion Pt: SENW Sec 28 T 31N R 08E
Use: STOCKWATER (0.01 CFS) DOMESTIC (0.02 CFS)
In: SENW Sec 28 T 31N R 08E.

The permit(s) will be subject to all prior water rights. Permits must be filed with the Director, Dept. of Water Resources, 605 Gov't. Bldg., Coeur d'Alene, Id. 83814 on or before AUGUST 2, 1983.

..... KEN DUNN, Dir.
Published 7/20 & 7/27/83.
Jy 20-27

RECEIVED

AUG 2 1983
Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 84-07173

Priority: June 30, 1983

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:

10.5 AF

This is to certify, that DUANE A MORRIS
PATRICIA MORRIS

PO BOX 465

KAMIAH ID 83536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1983; and has submitted Proof of Beneficial Use on August 15, 1988. An examination indicates that the works have a diversion capacity of 0.050 cfs of water from:

SPRING

tributary to UNNAMED STREAM

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	04/01 to 10/31	0.05 CFS	10.5 AF
<u>LOCATION OF POINT(S) OF DIVERSION:</u> Lot 13(NENWNE), Sec. 35, 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	26	Lot 3(SWSE)	3		3

Total number of acres irrigated: 3

CONDITIONS/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 that 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 when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre lands above.

AUG 25 1995

State of Idaho
Department of Water Resources

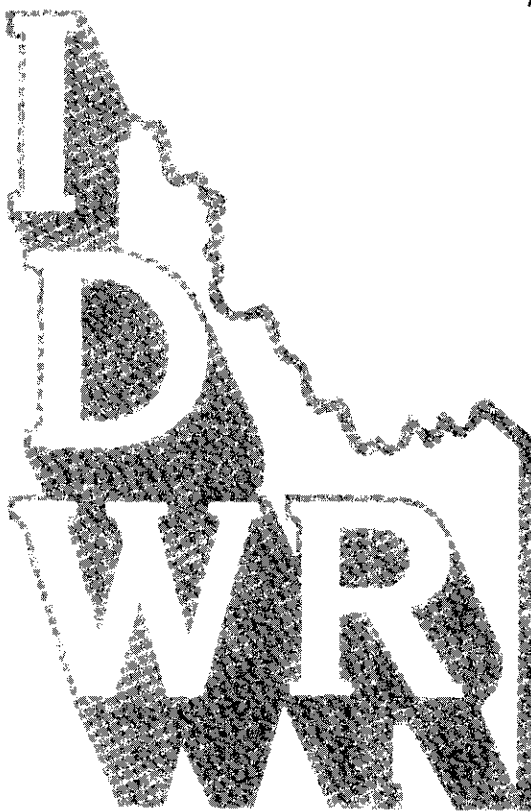
WATER RIGHT LICENSE

WATER RIGHT NO. 84-07173

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 28th
day of July, 1995.

Acting for


KARL J. DREHER, Director



AUG 25 1995

RECEIVED
JUN 30 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of Applicant Duane A. & Patricia Morris Phone 935-2872
Post office address P.O. Box 465 Kamiah ID. 83536

2. Source of water supply Spring which is a tributary of Clearwater River

3. Location of point of diversion is ^{lot 13} N.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 35 Township 34N
Range 3E B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Irrigation purposes from Apr. 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.14 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and pipeline

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 34N
Range 3E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

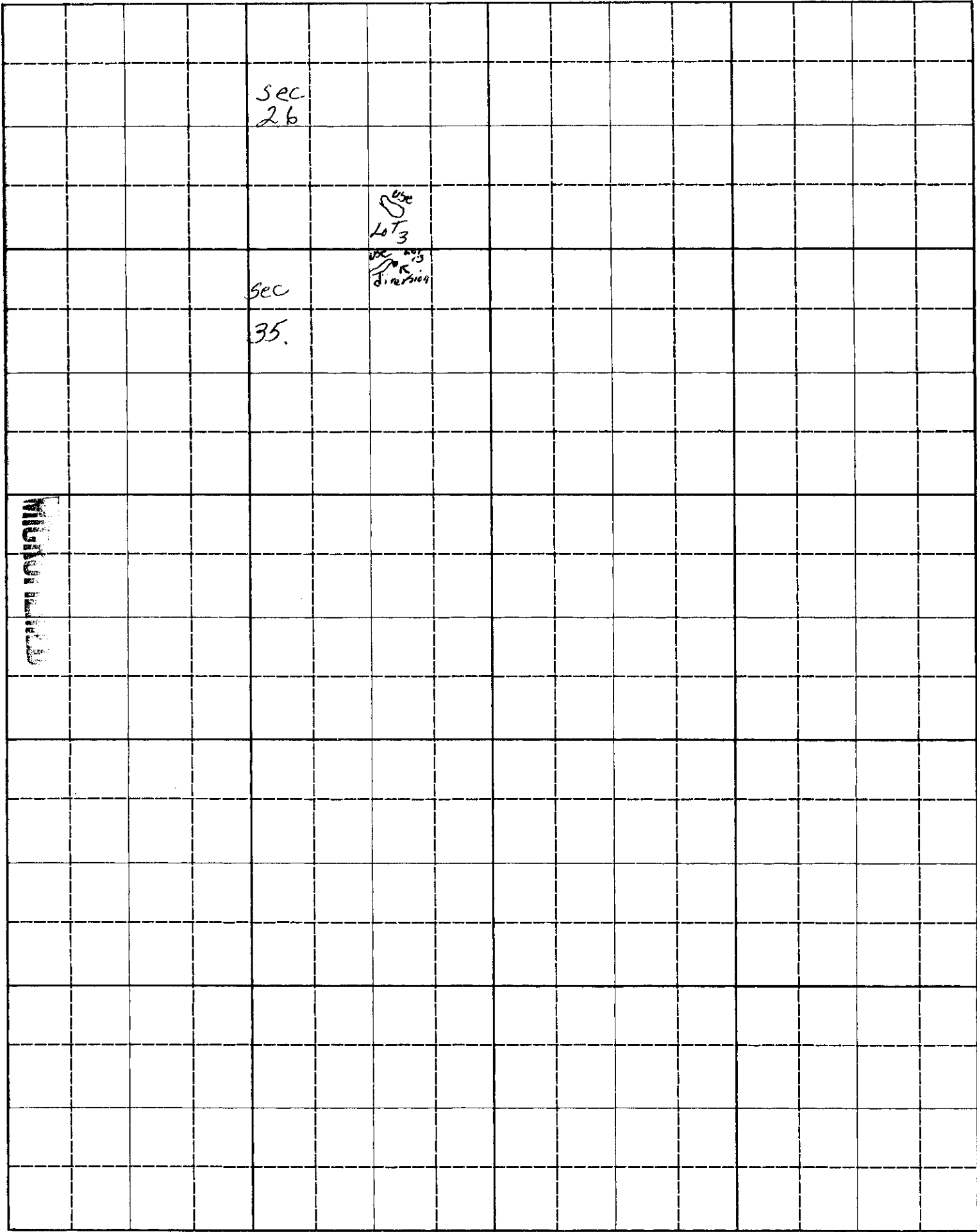
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

(5) If water is to be used for other purposes describe: _____

UNRECORDED

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



Scale: 2 inches equal 1 mile.

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

Duane A Morris
(Applicant)

Proposed Priority 6/30/1983

Received by paa Date 6-30-83 Time 12:30
Preliminary check by ZB Fee \$ 30.00
Receipted by pr Date 7/5/83 (28638)
Publication prepared by KK Date 7-11-83
Published in Idaho Co Press
Publication dates 7-20, 27-83
Publication approved KK Date 9/1/83
Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature] DR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 84-7173, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

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.

Witness my hand this 19th day of September, 1983.

[Signature]
Chief, Operations Bureau



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

July 31, 1995

DUANE A MORRIS
PATRICIA MORRIS
PO BOX 465
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07173

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

AUG 2 5 1995

MEMORANDUM

TO: File 84-07173

FROM: Brenda Chapman

DATE: July 27, 1995

RE: Appeal of Order Adopting Proposed Memorandum
Decision and Order

=====

According to Debbie Drew-Ellis in the Department's legal section, the appeal of the July 6, 1992 Order Adopting Proposed Memorandum Decision and Order filed by William H. and Shirley Brewer was dismissed August 2, 1993. The Order rejected the Brewers' Application for Permit No. 84-07263 and canceled their Permit No. 84-07260. See the attached copies.

RECEIVED
AUG 25 1995

IDAHO CO. DIST. COURT

7:208-983-2376

OCT 0 2 11:49 No.001 P.01

Post-It brand fax transmittal memo 7671		# of pages >
To Phil RASSIER	From ALLEN	
Co. S O	Co. NORTHERN	
Dept.	Phone # 705-4635	
Fax # 327-7866	Fax # 765-2088	

IDAHO COUNTY DISTRICT COURT
FILED
AT 1:10 O'CLOCK P M

AUG 13 1992

ROSE E. GERRING
CLERK OF DISTRICT COURT
BY *[Signature]*

DOCKETED

William H. and Shirley Brewer
HCR 11 Box 15 B-1
Kamiah ID 83536-9402
(208) 935-2270

In the District Court for the Second Judicial District.)
State of Idaho, County of Idaho)
In the Matter of Application for)
Permit No 84-07263 and)
Reprocessing of Suspended Permit No. 84-07260)

SP00631

APPEAL TO
DISTRICT COURT

Come now, William H. and Shirley Brewer and Appeal from the Order Adopting
Proposed Memorandum Decision and Order made by R. Keith Higginson, Director,
Department of Water Resources of the State of Idaho on the 6th day of July,
1992 and mailed on July 17, 1992.

Dated this 9th day of August, 1992

William H. Brewer
William H. Brewer

Shirley Brewer
Shirley Brewer

Subscribed and Sworn to before me this 9th day of August, 1992

My Commission Expires:
1-15-97

Marsha Liddle
Notary Public
Residing at Kamiah, Idaho

MAY 21 1993
AUG 25 1995



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

July 17, 1992

William H. and Shirley Brewer
HCR 11, Box 15 B-1
Kamiah, ID 83536

Dear Mr. and Mrs. Brewer:

Enclosed is a copy of the Order Adopting Proposed Memorandum Decision and Order. Note that the department has considered the exceptions filed on the Proposed Memorandum Decision and Order, however, the final action is the same. The department has rejected the issuance of Application for Permit No. 84-7263 and cancelled Permit No. 84-7260.

If you do not agree with the decision of the department, you may request a rehearing before the Director within 20 days or you may appeal the decision to the district court within 30 days of the mailing of this order.

Sincerely,

NORMAN C. YOUNG, Administrator
Water Management Division

Enclosure

C: Mr. and Mrs. Duane A. Morris
Mr. Don Simler
Mr. Leo C. Moon
Mrs. Anna C. Simler, et al
Mr. and Mrs. Richard D. Brink
Mr. and Mrs. Kiff M. Massey

RECEIVED
MAY 21 1993
AUG 25 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTERS OF APPLICATION FOR)	ORDER ADOPTING
PERMIT NO. 84-07263 (WILLIAM H.)	PROPOSED MEMORANDUM
AND SHIRLEY BREWER) AND THE RE-)	DECISION AND ORDER
PROCESSING OF SUSPENDED PERMIT)	
NO. 84-07260 (WILLIAM H. BREWER))	
_____)	

On May 4, 1992, the Department of Water Resources issued a proposed memorandum decision and order in connection with these matters. On May 19, 1992, exceptions to the proposed memorandum decision and order were received from Bill (William H.) Brewer.

Exceptions I, II, III, and V involve information not included in the hearing record. The record for Application for Permit No. 84-07263 was closed following the hearing held September 18, 1992 and, by agreement, this record with the addition of the Spivy and Lyons letters became the record for reconsidering Permit No. 84-07260. It is not appropriate to augment the hearing record by means of exceptions. Opportunity for requesting a rehearing is provided by Rule 11 of the IDWR "Rules of Practice and Procedure" adopted October 1983.

Exception IV concerns Claim No. A84-04294 by Mr. Leo Moon. Finding No. 13 of the proposed memorandum decision and order notes that the validity of this right is in question. The proposed memorandum decision and order finds that without use of water under Claim No. A84-04294, the flow of water in the unnamed stream is not adequate to supply the existing rights, the mutually agreed to minimum stream flow, and the uses requested by the Application for Permit No. 84-07263 and Permit No. 84-07260.

The exceptions having been considered, the proposed memorandum decision and order issued May 4, 1992 is hereby adopted as the final order of the Director.

SIGNED THIS 6th DAY OF JULY, 1992.


R. KEITH HIGGINSON
DIRECTOR

ORDER ADOPTING PROPOSED
MEMORANDUM DECISION AND ORDER

RECORDED

MAY 21 1993 AUG 25 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 17th day of July, 1992, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

William H. and Shirley Brewer
HCR 11, Box 15B-1
Kamiah, ID 83536

Mr. and Mrs. Duane A. Morris
P. O. Box 465
Kamiah, ID 83536

Mr. Don Simler
Star Route Box 16A
Kamiah, ID 83536

Mr. Leo C. Moon
Rt. 10, Box 652M
Ft. Worth, TX 76135

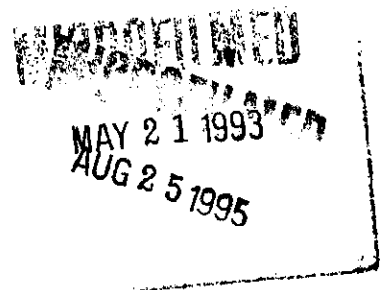
Mrs. Anna C. Simler
Mr. James L. Simler
Mr. Charles Patrick Simler
Ms. Kathleen Gail Simler
HCR 11, Box 16A-1
Kamiah, ID 83536

Mr. and Mrs. Richard D. Brink
HCR 11, Box 9A
Kamiah, ID 83536

Mr. and Mrs. Kliff M. Massey
HCR 11 Box 13
Kamiah, ID 83536



RITA I. FLECK,
Legal Secretary



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTERS OF APPLICATION FOR)	PROPOSED
PERMIT NO. 84-07263 (WILLIAM H.)	MEMORANDUM DECISION
AND SHIRLEY BREWER) AND THE RE-)	AND ORDER
PROCESSING OF SUSPENDED PERMIT)	
NO. 84-07260 (WILLIAM H. BREWER))	
_____)	

A record having been developed in accordance with applicable law and rules and regulations of the Department of Water Resources, the hearing officer proposes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Application for Permit No. 84-07263 was filed February 19, 1991, by William H. and Shirley Brewer (Brewer) seeking to appropriate 0.02 cfs of water from an unnamed stream tributary to the Clearwater River. The point of diversion is described as the SE1/4NE1/4, Section 26, T34N, R03E, B.M. The beneficial use requested is the irrigation of 1 acre within the SE1/4NE1/4, Section 26, T34N, R03E, B.M. The application includes the following statement under "Remarks."

We are not asking for any expansion of the water that has already been appropriated, that remains as is. Instead we would like to increase the acreage the water is put on.

The period of use applied for is April 1 to November 1, but Brewer stipulated on the hearing record that the period of use is July 1 to September 30. Brewer testified that the existing diversion facilities would not be changed or enlarged and the diversion rate would not be increased from that existing during the 1991 irrigation season. The application seeks only to apply the existing rate of flow authorized under an existing license and permit to a total of 2 acres.

2. Notice of Application No. 84-07263 was published in the Idaho County Free Press on March 20 and 27, 1991 establishing a protest period ending April 8, 1991. Timely protests were received from 12 persons claiming to have rights to use water from the unnamed stream.

3. A conference/hearing was held in Grangeville, Idaho on September 18, 1991. Applicant Shirley Brewer was present and represented by Roger Williams, Attorney at Law. The following

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protestants were present and represented themselves: Duane Morris, Patricia Morris, Don Simler, James Simler, Charles Simler, Kathleen Simler, Leo Moon, Kiff Massey, Cheryl Massey, Richard Brink, and Jacqueline Brink.

4. The following issues were raised by the written protests and further identified during the conference as relevant to the matter:

(a) The proposed use will reduce the quantity of water available under existing rights.

(b) The supply of unappropriated water in the source is not adequate for the proposed use.

(c) The proposed use will conflict with the local public interest by reducing flows needed to maintain instream wildlife and aquatic values.

Testimony and evidence concerning Application for Permit No. 84-07263 were received from the applicant and protestants.

5. The protestants alleged that notice of Application for Permit No. 84-07260, filed by Brewer on July 18, 1990, had not appeared in the local newspaper and that protests against its approval would have been filed if they had been informed of the application.

6. Permit No. 84-07260 was issued on September 13, 1990, authorizing the use of the waters of an unnamed stream tributary to the Clearwater River for irrigation of 1 acre of land, stockwater for 240 sheep, 6 cows, and 5 horses and domestic use for one home. The point of diversion and place of use is the SE1/4NE1/4 Section 26, T34N, R03E. The permit was issued with proof of beneficial use due on or before October 1, 1991. Proof was received by the department on August 26, 1991.

7. A review of the department's records showed that notice of Application No. 84-07260 was not given as required by law. On October 1, 1991, an order was entered suspending Permit No. 84-07260 and requiring that the permit be reprocessed. Notice of the filing was made in the Idaho County Free Press newspaper and protests against establishment of a right under the filing were received from Kiff M. and Cheryl E. Massey, Dale and Jacqueline Brink, Don Simler, James L. Simler, Charles P. Simler, Anna C. Simler, Duane and Patricia Morris, and Leo Moon. The issues raised against approval of this filing are the same as those against application for Permit No. 84-07263.

8. Agreements were received from the applicant and all protestants allowing the hearing record made September 18, 1991, on Application for Permit No. 84-07263 to be used as a basis of decision relative to the protests against re-approval of No. 84-07260 except that the applicant requested that letters be written

PROPOSED MEMORANDUM
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in January 1992 by Mr. Milo Spivy and Ms. Lucy Lyons be included in the record. Notice of the request and copies of the letters were provided to all protestants. Objections to including the letters in the record were received from Don Simler, Dale and Jacqueline Brink, Kiff M. Massey, and Leo Moon. The letters were included in the decision record.

9. The applicant holds License No. 84-07180 authorizing the diversion and use of 0.04 cfs from an unnamed stream tributary to Clearwater River for the irrigation of 0.5 acre, stockwater use and domestic use in one home. The location of the point of diversion and place of use is within the SE1/4NE1/4 Section 26, T34N R03E. The date of priority is November 30, 1983. Testimony indicated that the source is a spring tributary to the West Fork of the unnamed stream.

10. Massey filed Snake River Basin Adjudication (SRBA) Claim A84-04001 claiming to use 0.20 cfs of an unnamed stream for irrigation purposes for 10 acres. The point of diversion claimed is in the NE1/4SE1/4, Section 26, T34N, R03E. The period of use claimed is April 1 to October 31 with a priority date of September 23, 1929. The water is diverted by means of low check dams in the creek into ditches and a gravity flow pipe system. Massey also filed SRBA Claim A84-010843 claiming 0.04 cfs from a spring tributary to the unnamed stream for domestic use in one home. The use is claimed year around with a priority of May 1, 1970. Mr. Massey testified that he diverts the entire flow of the west fork of the creek, except for a few gallons per minute to maintain the stream environment, nearly every day throughout the irrigation season. Massey testified that diversion by Brewer reduced the water available at his diversion points to less than that needed to supply his rights and to maintain a flow in the unnamed stream for public purposes.

11. Morris filed SRBA Claim A84-04131 claiming the right to use 0.11 cfs of water from an unnamed stream for irrigation of 5.5 acres. The period of use is claimed to be April 1 to November 1 with a priority of January 1, 1970. The point of diversion is located in Government Lot 3, Section 26, T34N R03E, at a point just downstream from the intersection of the East and West Forks of the unnamed stream. Morris also filed SRBA Claim A84-04281 claiming the right to .03 cfs for domestic and stockwatering uses from a spring tributary to the unnamed stream from a point of diversion located in the NE1/4SE1/4, Section 26, T34N R03E. Mr. Morris testified that diversion by Brewer reduced the water available at his point of diversion to less than that needed to supply his right and resulted in injury to his crops and diversion facilities.

12. Brink filed SRBA Claim A84-10836 claiming 0.04 cfs from the unnamed stream for domestic purposes for one home. The priority date claimed is July 15, 1953. The point of diversion is four locations within the SE1/4SE1/4, Section 26, T34N R03E from both the east and west forks of the unnamed stream.

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13. Moon filed SRBA Claim A84-04294 claiming 0.199 cfs from springs tributary to the unnamed stream for domestic, stockwater and irrigation of 5 acres. The priority date claimed is January 1, 1945. The point of diversion is within the SW1/4NE1/4 and the SE1/4NE1/4, Section 26, T34, R03E within the drainage area of the west fork of the unnamed stream. The validity of this right for irrigation purposes was questioned because of possible forfeiture from nonuse. Moon plans to allow Don Simler to use it for irrigation in 1992.

14. Charles Simler filed SRBA Claim A84-10124 claiming 0.10 cfs from springs tributary to Clearwater River for domestic and stockwatering purposes. The priority date claimed is January 1, 1945. Four points of diversion are in the SE1/4SE1/4, Section 23, T34N, R03E. Testimony indicated the springs are tributary to the west fork of the unnamed stream.

15. Anna Simler filed SRBA Claim A84-10123 claiming 0.10 cfs from springs tributary to Clearwater River for domestic and stockwatering purposes. The priority date claimed is January 1, 1945. Four points of diversion are in the SE1/4SE1/4, Section 23, T34N, R03E and two in the NE1/4NE1/4 Section 26, T34N, R03E. Testimony indicated that the springs are tributary to the west fork of the unnamed stream.

16. Department records include the following SRBA claims, filed by persons not parties to this matter, from the unnamed stream or springs tributary to it:

A84-04021	Cloninger	0.02 cfs	East Fork
A84-04022	Cloninger	0.03 cfs	East Fork
A84-10834	Cloninger	0.02 cfs	East Fork
A84-07011	Thornton	0.04 cfs	East Fork
A84-10847	Linderman	0.04 cfs	Spring
A84-07030	Lyons	0.02 cfs	East Fork
A84-10839	Lyons	0.04 cfs	Spring
A84-10837	Hollingsworth	0.04 cfs	East Fork
A84-10846	Hollingsworth	0.02 cfs	Spring

17. On August 23, 1991, department personnel measured a flow rate of 45 gallon per minute (gpm) in the unnamed stream at a point just downstream from Brewer's point of diversion and upstream from Massey's diversions, 30 gpm in the unnamed stream at the lower end of Massey's field while Massey was diverting 20 gpm, and 33 gpm in the unnamed stream at Morris's point of diversion. During September 1991, Brewer measured 75 gpm flowing in the unnamed stream at its confluence with Clearwater River. Testimony indicates that 30 to 35 gpm of the water measured by Brewer comes from a spring tributary to the unnamed stream from the Morris diversion and that 7 gpm entered from the East Fork of the unnamed stream.

18. A flow rate of about 10 gpm is needed in the unnamed

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stream at all times during the irrigation season to maintain riparian vegetation, aquatic life, wildlife, and instream stockwatering.

19. The diversion rates claimed for irrigation by the protestants are within the statutory duty of water. There is nothing in the record to indicate that Massey's claimed diversion rates or acreages irrigated are inaccurate.

20. Testimony indicated that the flow rates observed in the unnamed stream during the 1991 irrigation season were not unusually low because of drought or other natural factors but were reduced from those observed in previous years by Brewer's additional diversions.

CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code states, in pertinent part:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Section 42-203A(5), Idaho Code.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are most cognizant.

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4. The applicant bears the ultimate burden of proof for all the criteria of Section 42-203A(5), Idaho Code.

5. The flow rate of the unnamed stream is not sufficient to satisfy all valid existing rights and the uses proposed by Application for Permit No. 84-07263 or that proposed by Permit No. 84-07260.

6. Approval of Application for Permit No. 84-07263 or continuation of the approval of Permit No. 84-07260 will result in water diversion and use which will injure other valid existing rights to use the water of the unnamed stream and will conflict with the local public interest by reducing the rate of flow in some reaches of the unnamed stream below that required to maintain riparian vegetation, aquatic life, and wildlife habitat.

7. Application for Permit No. 84-07263 should be rejected and issuance of permit thereon should be denied.

8. Permit No. 84-07260 should be cancelled.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 84-07263 in the name of William H. and Shirley Brewer is REJECTED and issuance of permit thereon is DENIED.

IT IS FURTHER ORDERED that Permit No. 84-07260 in the name of William H. Brewer is CANCELLED and made of no force or effect.


NORMAN C. YOUNG
Hearing Officer

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INDEXED
MAY 21 1994
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CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 4th day of May, 1992, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

William H. Brewer
Shirley Brewer
HCR 11, Box 15B-1
Kamiah, ID 83536

Mr. and Mrs. Duane A. Morris
P O Box 465
Kamiah, ID 83536

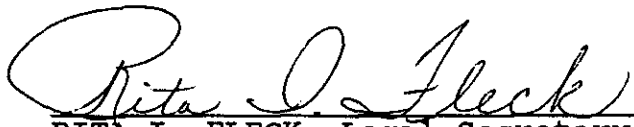
Mr. Don Simler
Star Route Box 16A
Kamiah, ID 83536

Mr. Leo C. Moon
Rt. 10 Box 652M
Ft. Worth, TX 76135

Mrs. Anna C. Simler
Mr. James L. Simler
Mr. Charles Patrick Simler
Ms. Kathleen Gail Simler
HCR 11 Box 16A-1
Kamiah, ID 83536

Mr. and Mrs. Richard D. Brink
HCR 11 Box 9A
Kamiah, ID 83536

Mr. and Mrs. Kiff M. Massey
HCR 11 Box 13
Kamiah, ID 83536


RITA I. FLECK, Legal Secretary

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MAY 21 1993
AUG 25 1995

May 12, 1992

DUANE A MORRIS
PATRICIA MORRIS
PO BOX 465
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07173

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:cz

Enclosure

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AUG 25 1996

LICENSE REVIEW CHECKLIST

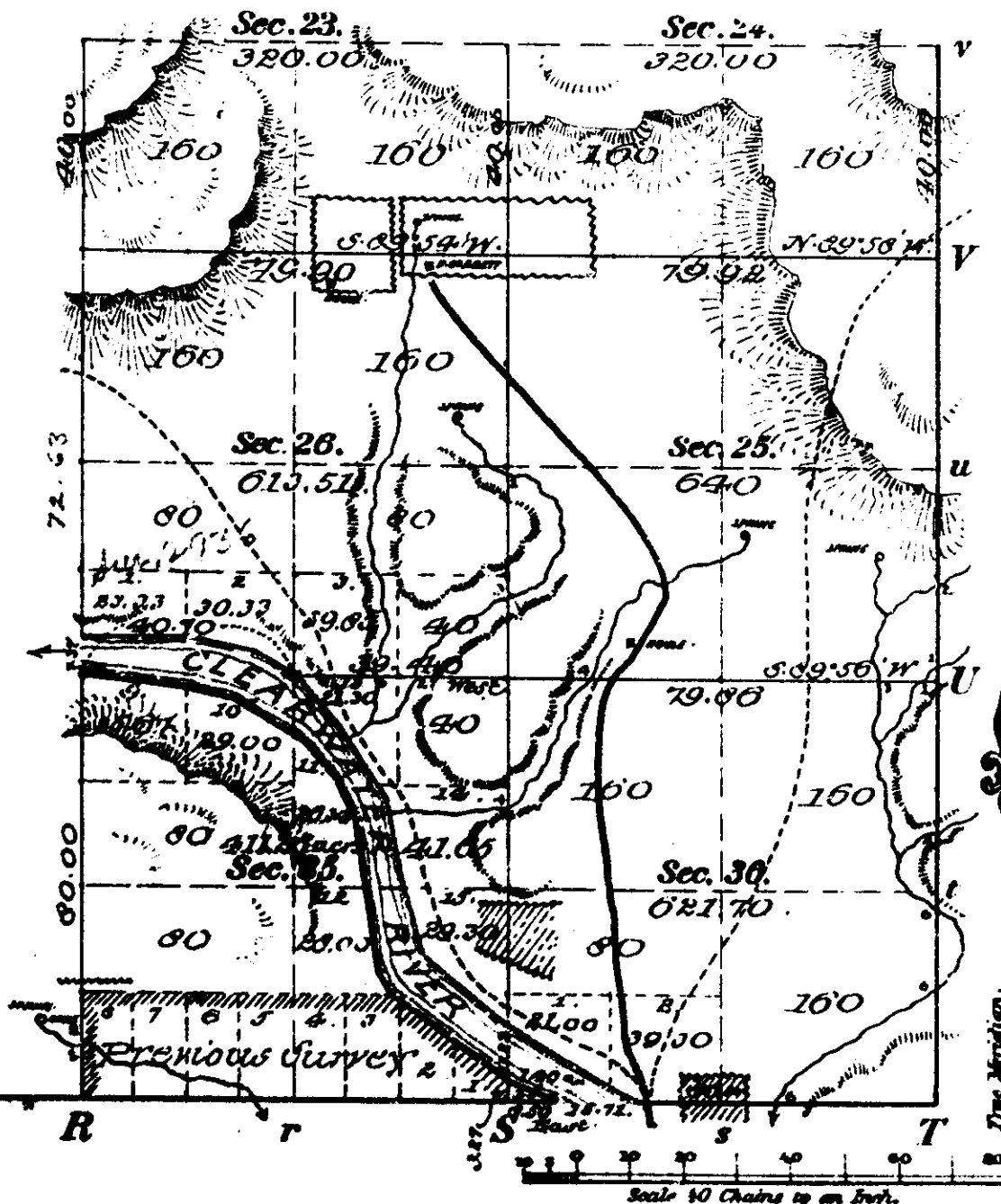
Permit # 84-07173

Date 05-06-92 08

NAME	<u>Yes</u>	<u>No</u>	Address Change?	<u>7-25-95 BC</u>
PRIORITY DATE	<u>Yes</u>	<u>No</u>	Advance?	
	<u>Yes</u>	<u>No</u>	Memo to Advance	
	<u>Yes</u>	<u>No</u>	Order to Reinstate Needed?	
TOTAL CFS	<u>Yes</u>	<u>No</u>	Incorrect Fee for rate recommended?	
	<u>Yes</u>	<u>No</u>	Disagree with Actual Measurement?	
	<u>Yes</u>	<u>No</u>	Disagree with Theoretical?	<u>23 gpm = .05 cfs</u>
	<u>Yes</u>	<u>No</u>	Limited by Capacity?	<u>System Capacity 10 cfs</u>
TOTAL VOLUME	<u>Yes</u>	<u>No</u>	Rate/ac <u>3.5</u> AFA Irr. Season <u>E</u>	
	<u>Yes</u>	<u>No</u>	<u>3-1 to 11-30</u> Standard Irr. Season	
	<u>Yes</u>	<u>No</u>	<u>4-1 to 10-31</u> Per Permit Season Recommended	
	<u>Yes</u>	<u>No</u>	Disagree with Examiner's Calculations?	
	<u>Yes</u>	<u>No</u>	<u>3 x 3.5 = 10.5 AFA (IRR)</u>	
	<u>Yes</u>	<u>No</u>	Limited by Flow?	<u>.05 x 213 x 1.9835 = 21.1 > 10.5</u>
SOURCE	<u>Yes</u>	<u>No</u>	Changes? Clarification of <u>Originally</u>	
	<u>Yes</u>	<u>No</u>	<u>Intended source Trib/Unnamed Stream</u>	
	<u>Yes</u>	<u>No</u>	Notice of Intent to Void.	
P/D	<u>Yes</u>	<u>No</u>	Verify with Map	
	<u>Yes</u>	<u>No</u>	Amendment Needed?	
	<u>Yes</u>	<u>No</u>	Is Overlap Analysis a Consideration?	
P/U	<u>Yes</u>	<u>No</u>	Verify with Map	
	<u>Yes</u>	<u>No</u>	Amendment Needed?	<u>Add Lt 3</u>
	<u>Yes</u>	<u>No</u>	Is Overlap Analysis a Consideration?	
USES	<u>Yes</u>	<u>No</u>	Change(s) in Nature of Use?	<u>Drop DOM</u>
	<u>Yes</u>	<u>No</u>	Amendment Needed?	
REMARKS	<u>Yes</u>	<u>No</u>	Multiple P/Ds in 1/4 1/4?	
	<u>Yes</u>	<u>No</u>	Non-Irr. Uses	
	<u>Yes</u>	<u>No</u>	Special Overlap Condition	
	<u>Yes</u>	<u>No</u>	Other	
CONDITIONS	<u>Yes</u>	<u>No</u>	Measuring Device	DATES/MISC
	<u>Yes</u>	<u>No</u>	W/Master Control	<u>Water Dist.</u>
	<u>Yes</u>	<u>No</u>	Overlap	<u>App Rec'd</u>
	<u>Yes</u>	<u>No</u>	Water Quality	<u>Exam Made</u>
COMMENTS/MEMOS NEEDED:	<u>Reduce Acres, Rates, Uses</u>			
	<u>NO CLAIM FILED (7-25-95/BC)</u>			
License	<u>10-Day</u>	<u>15-Day</u>	<u>Special Correspondence</u>	

OK Jim

Sec 34.



The above Map, of Township 1.st 34 North of Range 1.st
Boise Meridian. Idaho is strictly con-
notes of the survey thereof on file in this Office, which have been ex-

Surveyor General's Office.
Boise City, Idaho, July 13th 1892

T34N R03E

UNRECORDED

AUG 25 1995

J. Johnson

MEMORANDUM

TO: NORM YOUNG *py*

FROM: ALLEN BEARDSLEE

SUBJECT: 84-07173 (DUANE MORRIS) RE-EXAMINATION

DATE: APRIL 29, 1992

Please find enclosed the completed Beneficial Use Field Report that we re-examined. If you have questions, please contact me at Northern Regional Office.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 84-07173

1. Owner: DUANE A. & PATRICIA MORRIS Phone No. 935-2872
Current Address: P.O. Box 465 KAMIAH, ID 83536
2. Accompanied by: DUANE MORRIS EXAM. DATE: APRIL 16, 1992
Address: SAME Phone No.
Relationship to Permit Holder: OWNER

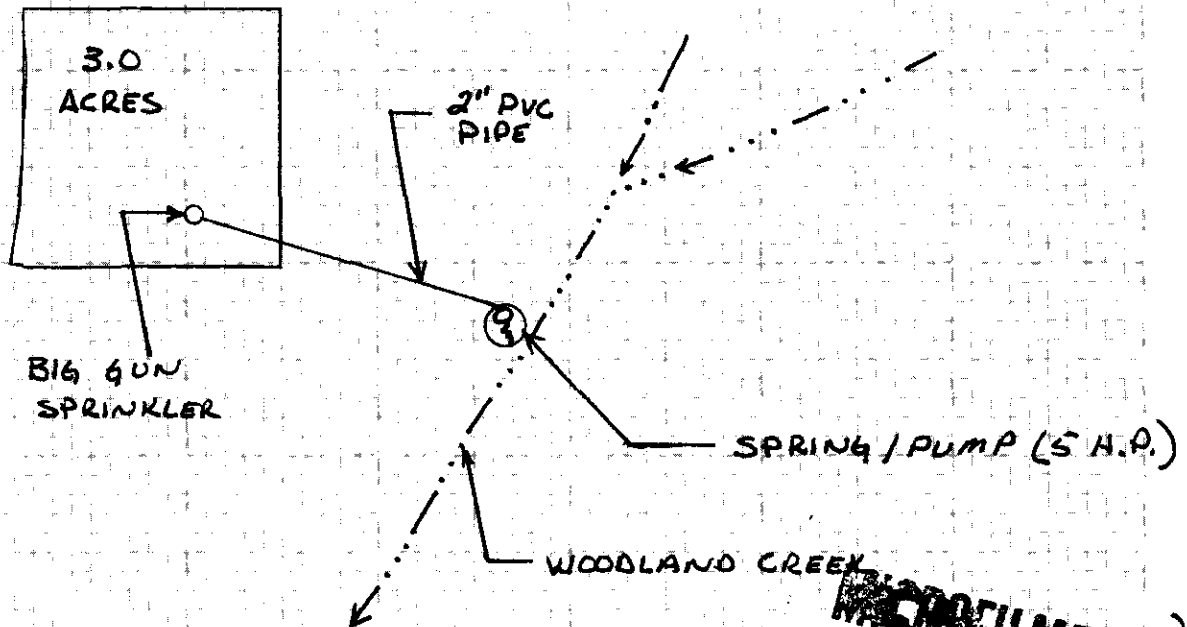
3. Source: SPRING tributary to UNNAMED STREAM (WOODLAND CR.),
TRIBTO: CLEARWATER RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: SEE ATTACHED LIST
☐ Copies Attached
2. Other water rights with same point of diversion: SEE ATTACHED LIST NONE
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☐ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

AUG 25 1995

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

WATER PUMPED FROM SPRING BY 5.0 H.P. PUMP THROUGH
2" PVC PIPE TO RAIN GUN SPRINKLER.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		5.0		MONARCH	JML14097

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
-	13				35	34N	03E	IDAHO	U.S.G.S. 7 1/2 min QUAD.
									NE QUARTER CORNER
									REFERENCE POINT

6. **Place(s) of Use:**

Indicate Method of Determination

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	
34N	03E	26															3		3

MICROFILMED

AUG 25 1983

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

SEE ATTACHED

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (3) (3.5) = 10.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.05) (274) (1.9835) = 27$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10.5$

2. Volume Calculations for Other Uses:

MAINTAINED
AUG 25 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SEE MEMO

THE PLACE OF USE IS GOV'T LOT 3, T.4N, R.5E

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/1	11/30	0.05	10.5
Totals:			0.05	

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

J. AUTHENTICATION

Field Examiner's Name

Signature

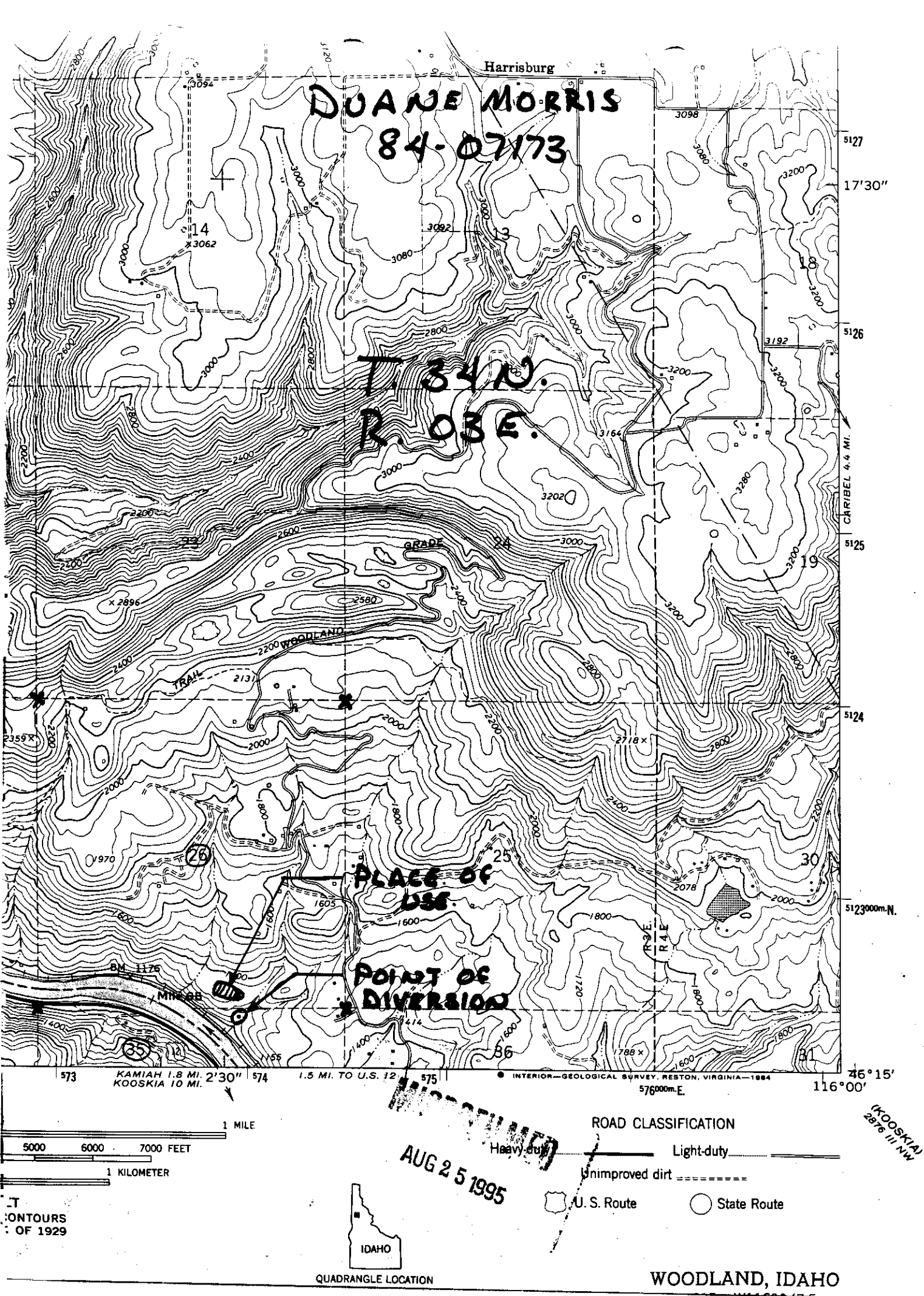
Certification Date

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

APPROVED
AUG 25 1995



OVERLAP REVIEW 84-07173

TO: FILE 84-07173

FROM: BEARDSLEE

DATE: APRIL 16, 1992

PLACE OF USE - TWP. 34N., RGE. 03E., SEC. 26, SW 1/4 SE 1/4

SNAKE RIVER BASIN ADJUDICATION CLAIMS

A84-10129 - ALEXANDRIA DAVIS,
CLAIM WITHDRAWN

A84-04281 - DUANE A. MORRIS,
CLAIM FOR DOMESTIC USE FROM SPRING WEST OF HOME AND OUT OF UNNAMED STREAM
(WOODLAND CREEK) DRAINAGE.

A84-04131 - DUANE A. MORRIS,
CLAIM FROM UNNAMED STREAM, USED FOR IRRIGATION OF WESTERN 3.0 ACRES OF MORRIS'S
PROPERTY.

* LICENSE 84-07173 IS FOR IRRIGATION OF 3.0 ACRES OF THE EASTERN PORTION OF
MORRIS'S PROPERTY.

LICENSED OR PERMITTED WATER RIGHTS

84-02012 - P.L. JACOBSON,
THIS WATER RIGHT APPEARS TO HAVE BEEN FORFEITED BY NON-USE. MR. MORRIS STATED
THAT IT HAD BEEN WELL OVER FIVE YEARS SINCE WATER WAS DIVERTED FROM THIS SOURCE
FOR IRRIGATION PURPOSES.

1

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AUG 25 1995

134N POSE

89

S 26 25

WOODLAND DRAINAGE

SIMLER, PATRICK CHARLES

23 24

SIMLER, ANNA

26 25

WEST FORK UNNAMED STREAM

EAST FORK UNNAMED STREAM

BREWER, WILLIAM

MOON, LEO

THORNTON, HAROLD

CLONINGER, JERRY

LINDERMAN, KENNETH

MASSEY, KIFF

MASSEY, SKYLER

HOLLINGSWORTH, CLAYTON

25

MORRIS, DUNE

BRINK, RICHARD

LYONS, LUCY

UG 2 5 1995

M E M O R A N D U M T O F I L E

FILE: 84-07173 (DUANE MORRIS)

SPRING SOURCE, TRIBUTARY TO WOODLAND CREEK, CLEARWATER RIVER

FROM: ALLEN BEARDSLEE

SUBJECT: BENEFICIAL USE REPORT

DATE: APRIL 16, 1992

BACKGROUND:

Mr. Morris filed Snake River Basin Adjudication Claim Number A84-04131 and has submitted proof of Priority Date of March 1, 1970, for three acres of irrigation. Prior to Licensing 84-07173, we conducted a field examination on April 16, 1992, to determine how these two irrigation water rights will be used together.

During the examination, Mr. Morris stated that the pump that he used to divert water from the spring had been washed out by a flood that occurred after he developed this diversion system and submitted Proof of Beneficial Use. We determined that when the Proof of Beneficial Use Examination was conducted on August 8, 1990, the system that was in use at that time was the diversion from the confluence of the two unnamed streams, which is associated with SRBA Claim Number A84-04131, not the spring source associated with 84-07173.

Mr. Morris showed me where his diversion had been prior to it being washed out. The bank of the creek where the spring is located had been dug out and a pump could have been installed there. There was also a roll of electrical wire hanging in a nearby tree. Mr. Morris explained that he ran this wire from his electrical source at his diversion in the creek to the pump at the spring.

DETERMINATIONS:

- #1. The source of this filing is a Spring tributary to an Unnamed Stream (Woodland Creek), which is tributary to the Clearwater River.
- #2. There is some evidence that water could have been put to beneficial use from this source.
- #3. The spring will produce enough water to irrigate three acres.
- #4. Mr. Morris owns six acres of cleared land (pasture) that could be irrigated.
- #5. Mr. Morris diverts water for domestic purposes from a spring source northwest of his residence, outside of the Woodland Creek drainage basin.

RECEIVED
AUG 25 1995

Page 2.
84-07173
APRIL 16, 1992 MEMORANDUM

STREAM FLOW MEASUREMENTS:

Measurements were taken April 16, 1992. All measurements were made with a 5-gallon bucket and stopwatch. The results are as follows:

West Fork Woodland Creek 75 GPM - 5 Gal. bucket filled in 4 sec.

East Fork Woodland Creek 38 GPM - 5 Gal. bucket filled in 8 sec.

Spring (84-07173 P.O.D.) 23 GPM - 5 Gal. bucket filled in 13 sec.

Woodland Creek @ R.R. Tracks 150 GPM -
1/2 flow = 5 Gal. bucket filled in 4 sec.
1/2 flow = 5 Gal. bucket filled in 4 sec.

RECOMMENDATIONS FOR LICENSE 84-07173:

SOURCE - Spring, Tributary: Clearwater River

DIVERSION RATE - 0.05 CFS

USE - Irrigation

POINT OF DIVERSION - Twp. 34N., Rge. 03E., Sec. 35 NE1/4 NW1/4 NE1/4

PLACE OF USE - Twp. 34N., Rge. 03E., Sec. 26, SW1/4 SE1/4

NUMBER OF ACRES - 3.0

The place of use for this water right will be the eastern 3.0 acres of Morris's property.

The place of use for SRBA Claim Number A84-04131 will be the western 3.0 acres of Morris's property.

* SEE BENEFICIAL USE FIELD REPORT DATED APRIL 16, 1992.

APPROVED
AUG 25 1995

STREAM FLOW
Q NOTES ARE
AT NORTHERN
OFFICE IN
WOODLAND
FILE

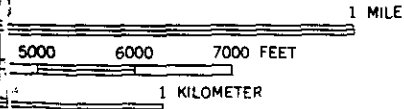
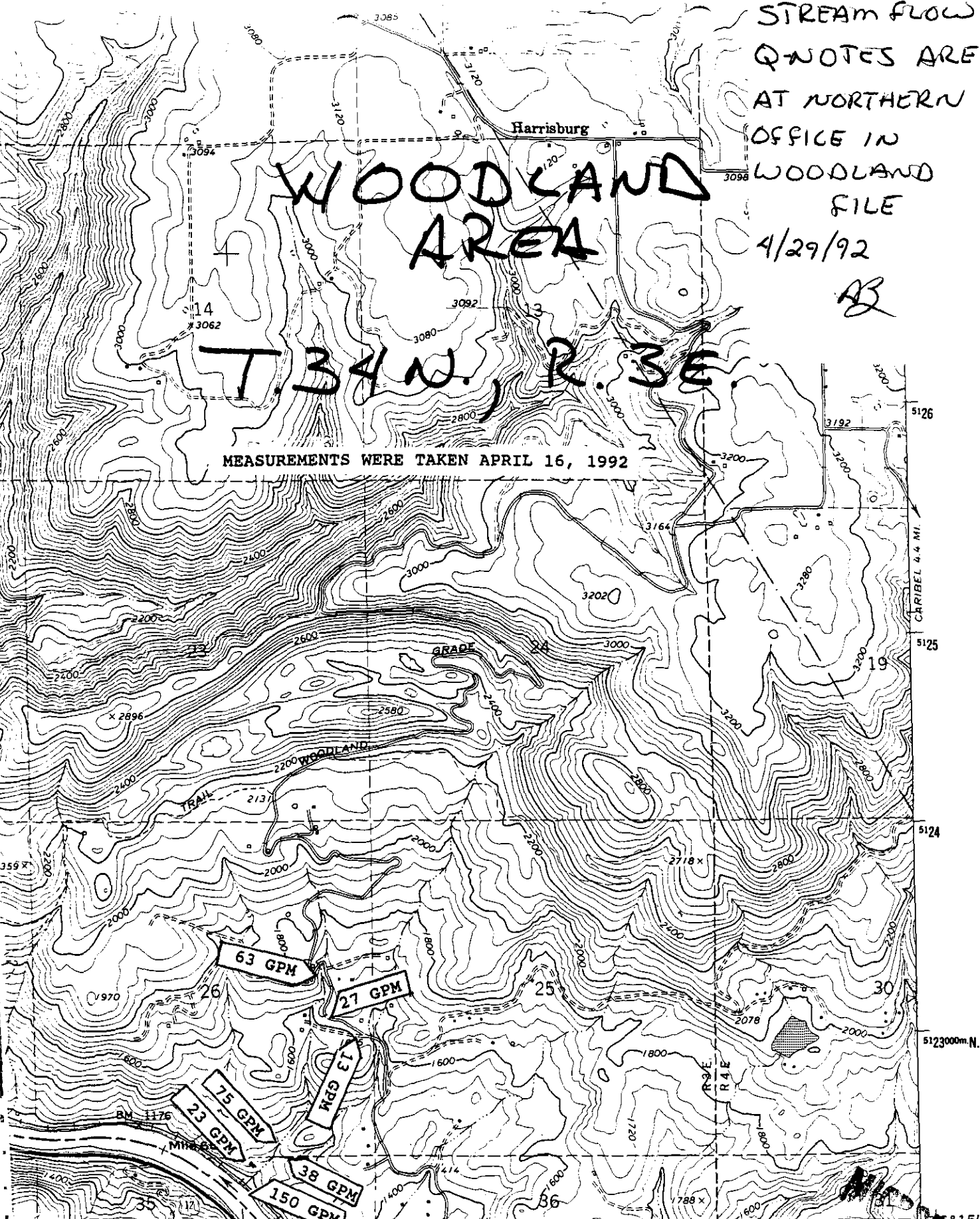
4/29/92

AB

WOODLAND
AREA

T. 34 N., R. 3 E.

MEASUREMENTS WERE TAKEN APRIL 16, 1992



ROAD CLASSIFICATION
Heavy-duty _____ Light-duty _____
Unimproved dirt =====

U.S. Route _____ State Route _____

REC'D
AUG 25 1995
KOSKIA
2676 111 NW

MEMORANDUM TO FILE 84-07173

FROM ALLEN BEARDSLEE

DATE: APRIL 16, 1992

SUBJECT: BENEFICIAL USE FIELD EXAM DESCRIPTION OF PICTURES

PICTURE #1.

Mr. Morris developed the water in this spring by digging the spring out and placing PVC Pipe into the stream bank which drain water from the spring at point A. listed on this picture. Point B. on this picture is a 2" PVC pipe. This is the area where Mr. Morris had his pump before it was washed out.

PICTURE #2.

This picture shows the flow from the spring flowing through the 2" PVC pipe described as point B. in Picture 1. The flow was calculated to be 23 GPM.

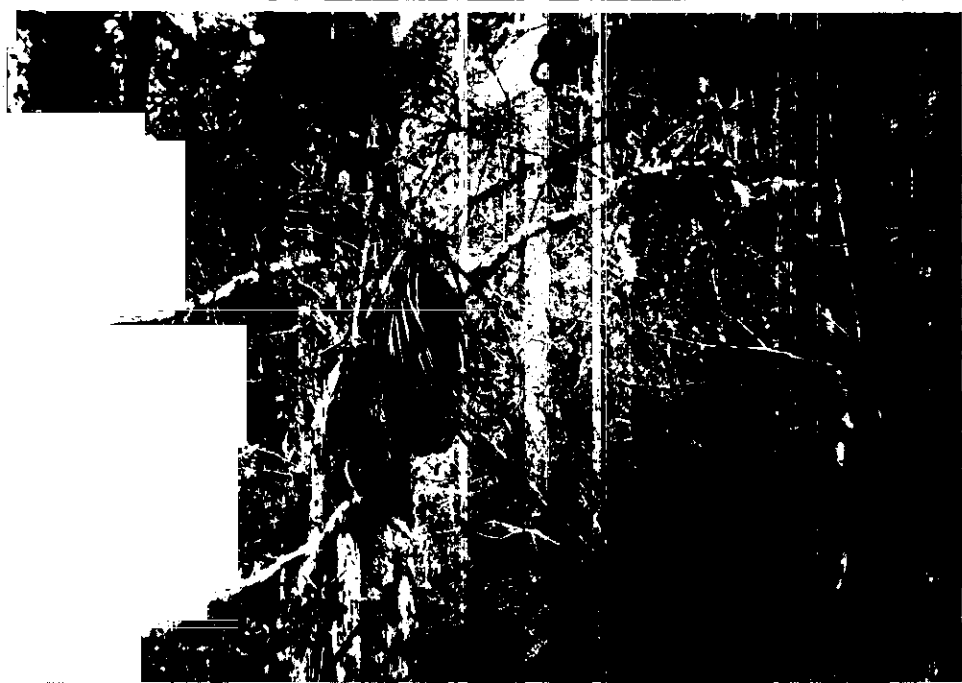
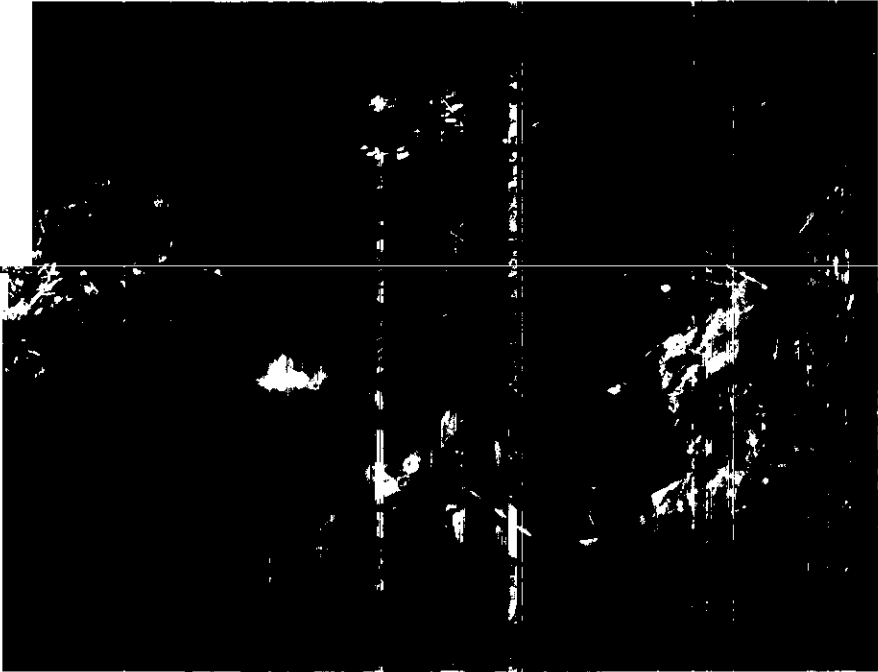
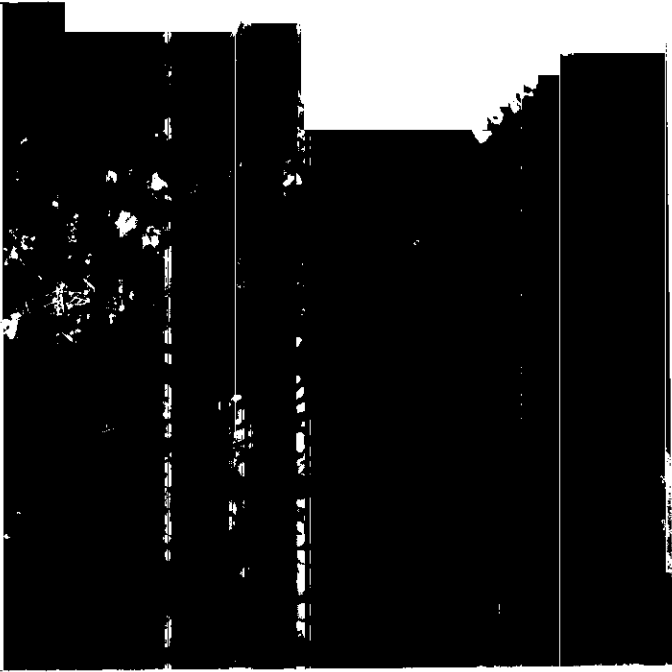
PICTURE #3.

This picture shows the eastern three acres of Mr. Morris's irrigated property. This property is the place of use for 84-07173.

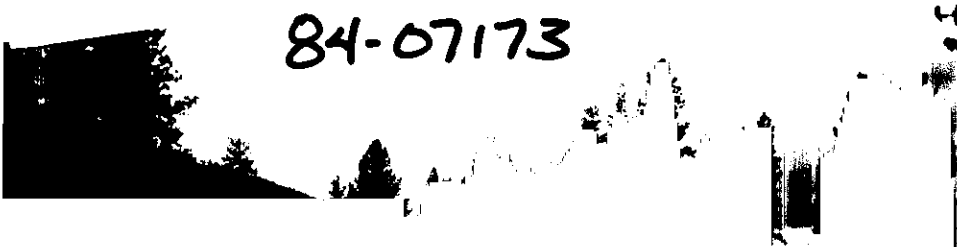
Picture #4.

The electrical wire hanging from the tree at the point of diversion was evidence that a pump had been installed at this site.

AUG 25 1995



84-07173



THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 84-07173

DATE: 29-APR-92

COMPLETE BY: BEARDSLEE

HORSEPOWER = 5

PUMP EFFICIENCY = 60%

DYNAMIC LIFT = 150 FEET

SYSTEM PRESSURE = 50 PSI

QUANTITY = 0.10 CFS

THE LIMITING ELEMENT FOR THIS SYSTEM IS THE
AMOUNT OF WATER THE SPRING WILL PRODUCE.
MR. MORRIS WILL HAVE TO VALVE DOWN THE
5 H.P. PUMP FOR THIS SOURCE.

AGENT SR.,
BEARDSLEE

AUG 25 1995

NOTICE !

THE BENEFICIAL USE REPORT

WAS RETURNED TO THE REGION ON

April 14, 1992

**RECEIVED
AUG 25 1995**

MEMORANDUM

TO: ALLAN BEARDSLEE

FROM: JIM JOHNSON

RE: RETURN OF WATER RIGHT FIELD EXAM

DATE: April 14, 1992

RECEIVED

APR 16 1992

Department of Water Resources
Southern Region Office

=====
Alan, per our conversation attached is the field exam documents along with all related correspondence. If you have any questions please let me know.

RECEIVED

APR 20 1992

NORTHWEST REGION
IDWR

RECEIVED

AUG 25 1995

M E M O R A N D U M

DATE: APRIL 10, 1992
TO: FILE 84-07173
FROM: NORM YOUNG *NY*
RE: LICENSING CONCERNS

Allen Beardslee and I reviewed this file against the proposed recommendations to be made in the SRBA and the information available because of the hearing on 84-07263. We are not able to determine whether the examiner looked at the system installed under a prior claim or if he saw a separate system. Because of the water controversy upstream on this creek, it is extremely important that we not issue both a license and a recommendation that the court decree the claim if only a single use has been developed.

Also, the source needs to be carefully described. It is our thinking that permit 84-07173 was issued for a spring that flows into the unnamed stream below the controversy area. If we issue a license on the unnamed stream, we may have added to the rate that can be demanded from the stream through the controversy area.

Beardslee will make another field visit to the area to pin down the development that has been made under this permit and will provide a follow-up memo.

Beardslee
AUG 25 1995



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

January 9, 1992

Duane A. &/or Patricia Morris
Box 465
Kamiah, ID 83536

RE: Permit No. 84-7173

Dear Mr. and Mrs. Morris:

I have received your letter of September 26, 1991, concerning the source of water we propose to license under this permit. We use the source "unnamed stream" to describe any water flowing downstream of a spring. If your pump and diversion works had been placed at the spring's point of rising from the ground, we would have identified the source as a spring. However, since your diversion actually occurs from the water flowing downstream of the spring, we have identified the source as an unnamed stream.

I will withhold issuing a license for an additional fifteen (15) days to allow you to contact me if you have any further concerns.

Sincerely,

SHARLA CURTIS
Water Right Agent

SC:js

AUG 25 1995

Sept 26, 1991
Technical Records Specialist:

We concur with all the
information of the Water Right
no: 84-07173 except the source
is a spring. Our system is
down at this time, due to
a wash out, and reconstruction.
It will be in operation in 1992.

Thank you
Claus + Patricia Morris

MPD

AUG 25 1995

INTER-DEPARTMENT MEMO — 1

DATE 9-16-91

FROM Sam Skaggs

TO Sharla Curtis + File #84-7173

SUBJECT Re-License Correspondence.

Applicant contacted the Northern Region office concerning this permit. Seems concerned about the change of source & last letter of 9-5-91. I am resending the letter & draft copy of license. Applicant will be contacting this office with questions and further information.

AUG 25 1991

Sam Skaggs

SIGNATURE

September 5, 1991

DUANE A. MORRIS
PATRICIA MORRIS
P.O. BOX 465
KAMIAH ID 83536

RE: WATER RIGHT NO. 84-07173

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

AUG 25 1995

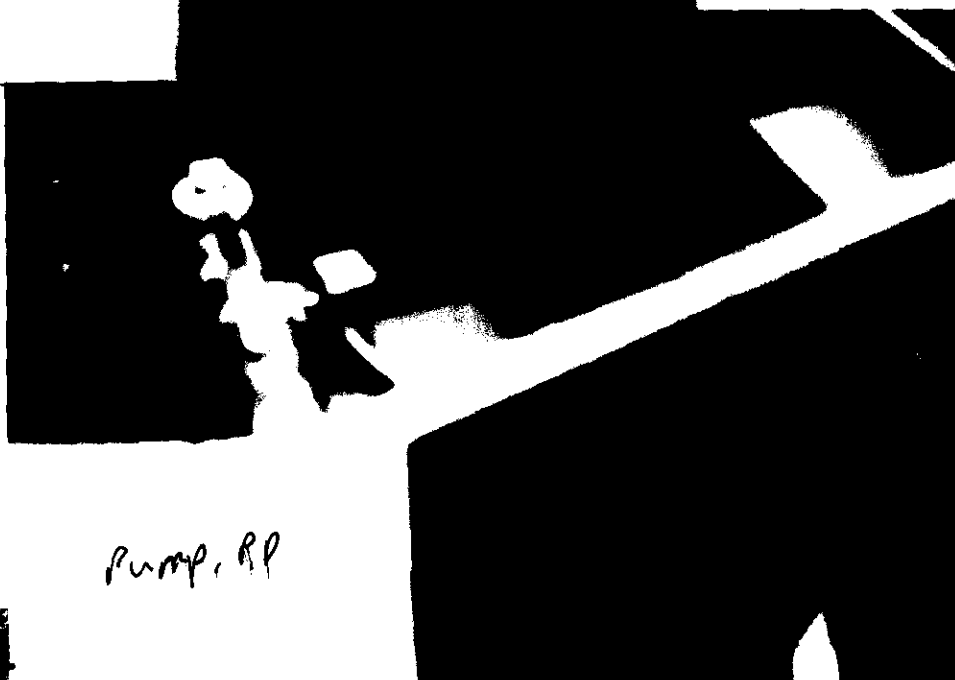
NATIONAL

42-381 50 SHEETS 5 SQUARE
42-382 100 SHEETS 5 SQUARE
42-389 200 SHEETS 5 SQUARE
Made in U.S.A.

84-04131 IS A CLAIM $\frac{1}{2}$ IS NOT CONSIDERED
IN THIS OVERLAP REVIEW

TDK

AUG 25 1995



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

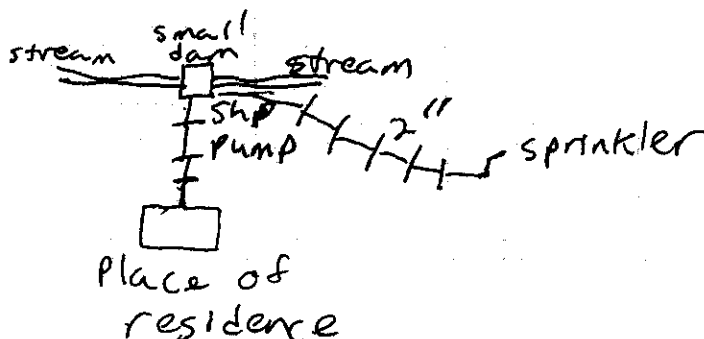
- Permit No. 84-07173
1. Owner: Duane A + Patricia Morris Phone No. 935-2872
Current Address: P.O. Box 465 Kamiah ID 83536
2. Accompanied by: Duane Morris EXAM. DATE: 8/8/90
Address: Same Phone No. Same
Relationship to Permit Holder: —
3. Source: Spring tributary to Clearwater River
unnamed stream

B. OVERLAP REVIEW

1. Other water rights with same place of use: 84-02012, 84-04231, 84-04131, 84-07030
84,07030 ☒ Copies Attached
2. Other water rights with same point of diversion: 84-07030 84-07030
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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AUG 25 1995

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The spring forms an unnamed stream which is dammed up to form a small reservoir where a 5 hp pump is placed that provides water to a rain-gun through 2" line and for 1 domestic residence.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
submersible		5		Monarch	9900 JML14097

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
—	18	N	E	NW	35	34N	3E	Idaho	Map

6. **Place(s) of Use:**

Indicate Method of Determination Map

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	
~~34N~~	~~3E~~	~~35~~																	~~0~~
34N	3E	26																	0
34N	3E	26																	0
34N	3E	26																	0
																			0
																			0
																			0
																			0
34N	3E	26																	9

FDK

Do not use this space

AUG 25 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

~~1.6~~ .6" @ 30 PSI = 757 gal/min.
 (57)(1/448.8) = .13 cfs
 5240

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

.13 cfs for Irrigation
 APPLIED FOR 0.08 IRRIGATION

2. Alternate Method for Checking Purposes:

.04 cfs for 1 Domestic
 .02 cfs for 14 stock

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.5(3) = 10.5 \text{ TDK}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 214 \times .13 = 33.9 \text{ TDK}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10.5 \text{ TDK}$

2. Volume Calculations for Other Uses:

1 Domestic w/ lawn = 1.2
 stock (14) = .4 TDK
 AUG 25 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

- 84-07030 Lapsed
 - 84-04131 - meets the unnamed stream formed by permit 84-07173
 - 84-02012 - runs into the reservoir where the water is pumped from
 - 84-04281 - is the main supply of water to the house. This permit - 84-07173 also supplies
 - The source of water supply was changed to unnamed stream as the spring formed the stream and the diversion is on the stream
- NOTE: NO OVERLAP THIS DIVERSION IS DOWNSTREAM FROM 84-04131, 84-02012, 84-04281 TDK

I. RECOMMENDATIONS

1. Recommended Amounts

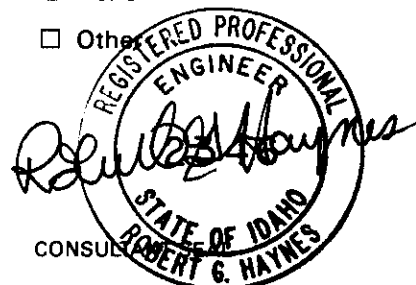
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	11/1	0.0508 TDK	27 TDK
Domestic (1)	1/1	12/31	0.4	1.2 TDK
Totals:			5.09 TDK	28.2 TDK

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

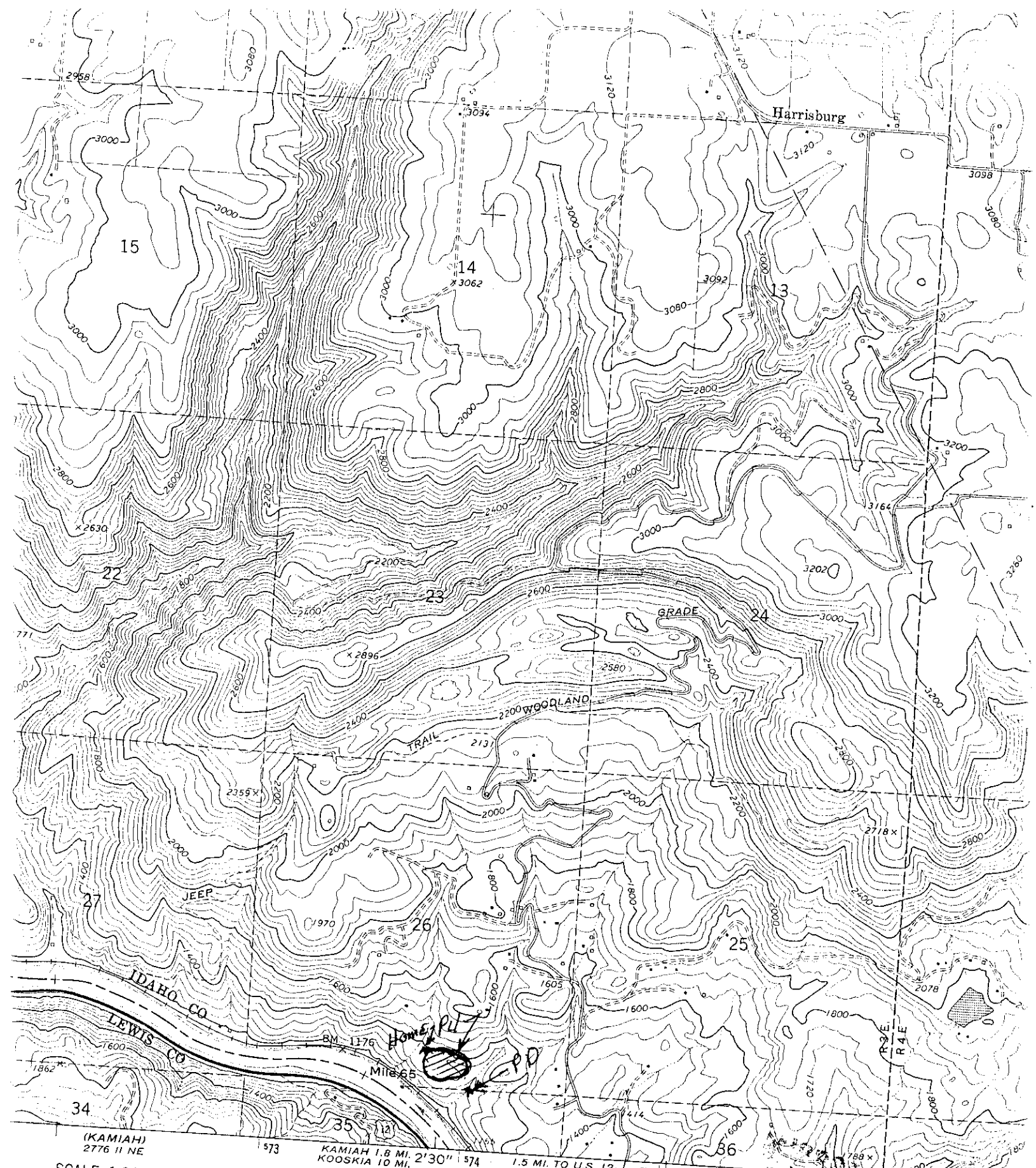
J. AUTHENTICATION

Field Examiner's Name Robert Knoblock
 Signature Robert Knoblock
 Certification Date 4/16/90
 Field Report Preparation Date 8/15/90



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

AUG 25 1995



Harrisburg

15

14

13

22

23

24

GRADE

TRAIL

WOODLAND

JEOP

26

25

IDAHO CO

LEWIS CO

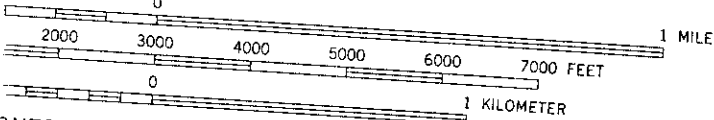
(KAMIAH)
2776 ft NE

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

1.5 MI. TO U.S. 12

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1984

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
DASHED LINES REPRESENT 20-FOOT CONTOURS
GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
Aug 20 1995

Heavy-duty _____ Light-duty _____
Unimproved dirt = ...

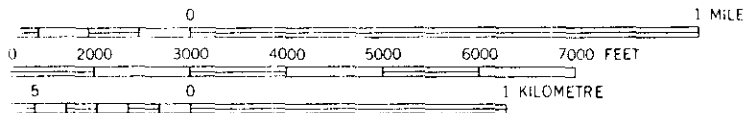
U.S. Route

State Route



572 573 2' 30" 575 576 000m E

SCALE 1:24 000



R3E

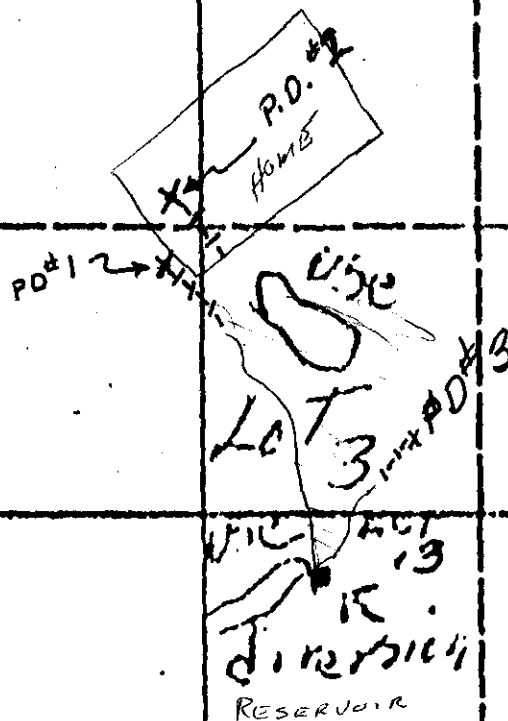
R4E

AUG 25 1995

WOODLAND,
N4615-W116
1975

ADVANCE

Sec.
26



Sec.
35.

- 1. = 84-02012
- 2. = 84-04281
- 3. = 84-04131

MILITARY
OVERLAP
PLOT 251995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 12, 1988

84-7173

Mr. Duane Morris
P.O. Box 465
Kamiah, Id. 83536

Dear Mr. Morris:

We acknowledge receipt of your statement of completion of water development use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms

RECEIVED
OCT 13 1988

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 84-7173

Date: 8/19/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A

Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	+ _____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
AUG 15 1988

For Office Use Only
Fee Received 75
Date 7/29/88
Receipt # 1815
Receipt by SR
Reviewed by JS
Sent to region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

RECEIVED
JUL 28 1988

Permit No. 84-7173

Name(s) of Permit Holder: MORRIS Duane A. & Patricia

Post Office Address: P.O. Box 465 Kamiah ID

Department of Water Resources
Northern District

Telephone No. 208-935-2872

Source of Water: Spring

Extent of Use:

Domestic 2 (number of households)

Stockwater _____ (number and type of stock)

Irrigation 9 (acres)

Other/Remark _____

Total rate and/or volume for which proof is submitted 0.14 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 4-26-84

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ 150.
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Duane Morris
(Name)

208 935 2872
(Telephone Number)

P.O. Box 465 Kamiah ID
(Address)

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.

7-26-88
Date

Patricia Morris Duane Morris
Signature of Permit Holder (and title, if appropriate)

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: N000815

Date: 07/29/88
Time: 09:09:20

Received
From: MORRIS, DUANE

Type of Payment	Program A cct	Amount
PROOF OF BENEFICIAL USE	0650122 1238 6490	\$75.00

Total \$75.00

CHECK 1149

Idaho Department of Water Resources

Region: Northern

Signature:

RECEIVED

OCT 13 1988

138094
CERTIFIED MAIL
June 30, 1988

MORRIS, DUANE A. & PATRICIA
P.O. BOX 465
KAMIAH, ID 83536

PROOF DUE NOTICE

RE: Permit No. 84-7173

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 September 1, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MAILED

OCT 13 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

RECEIVED
MORRIS, DUANE A. & PATRICIA
P.O. BOX 465
KAMIAH, ID 83536

SEPTEMBER 27, 1983

RE: PERMIT NO. 84-7173

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

OK
9/1/83
KL

ment. Ana C. Donaldson.

_____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

AUG 1 1961

Department of Water Resources
Northern District Office

84-2173-

MORRIS, DUANE A. &/or PATRICIA

P.O. BOX 465, KAMIAH, ID 83536

Source: SPRING trib. to CLEARWATER RIVER

Date Filed: 06/30/1983

Diversion Pt: NWNE Sec 35 T 34N R 03E

Use: IRRIGATION	(0.08 CFS)
DOMESTIC	(0.06 CFS)

In: SWNE Sec 26 T 34N R 03E NWNE Sec 35 T 34N R 03E SWSE Sec 26 T 34N R 03E
FOR 9 ACRES