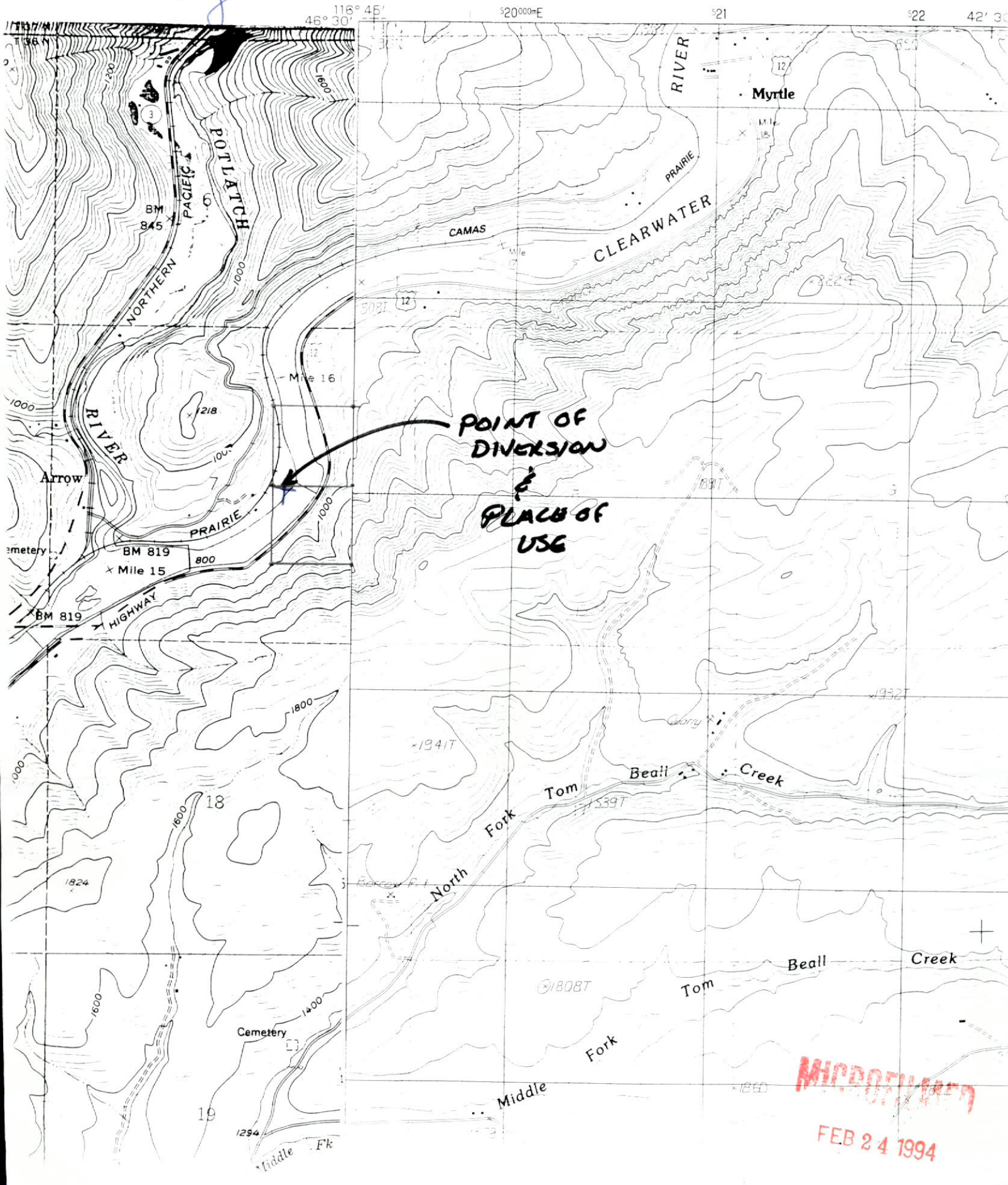


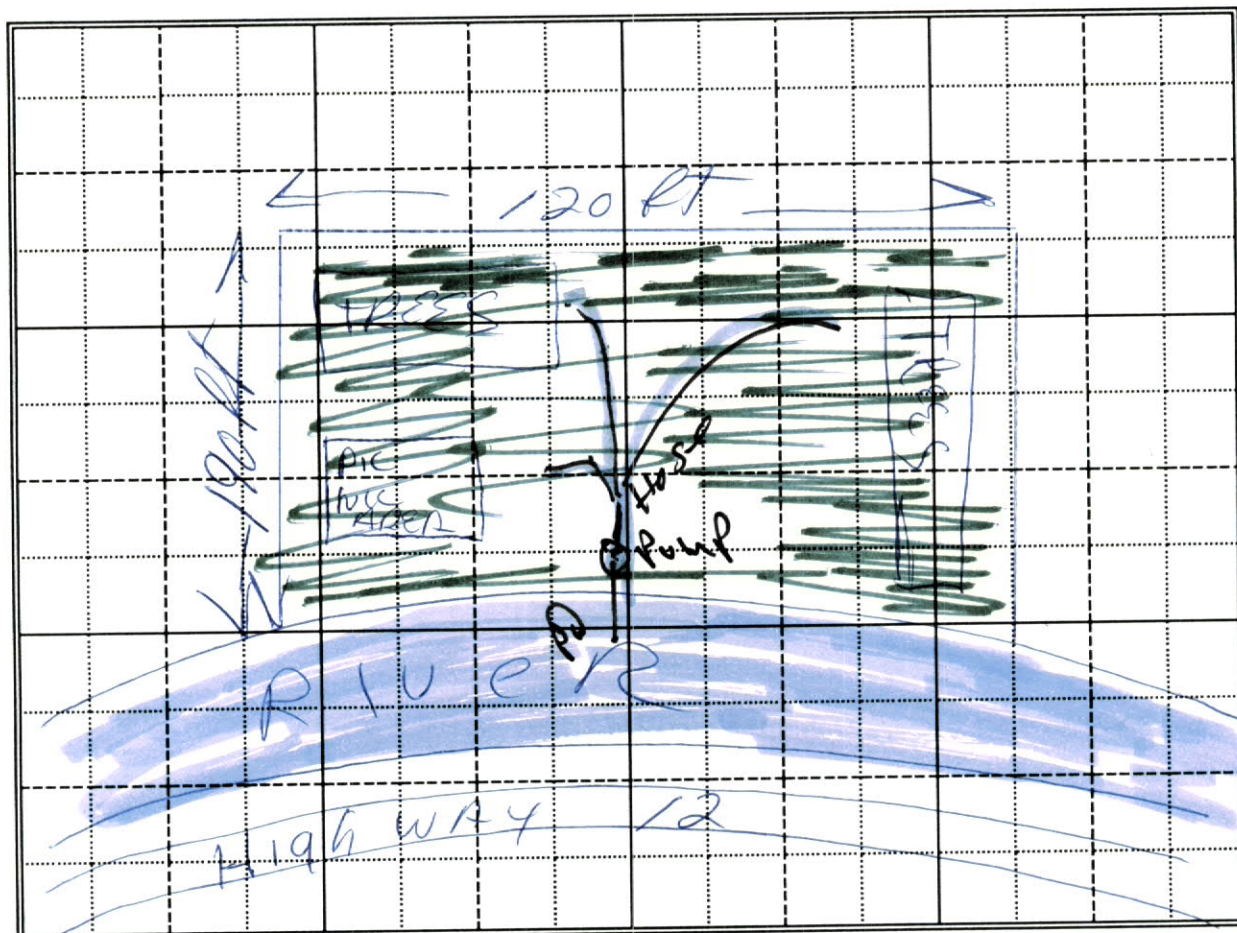
X marks the spot of diversion from River.
This is directly across
the River from
Gibbs Eddy.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MICROFILMED
FEB 24 1994

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



Scale: 1" = NTS

____ 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
	Homelite	1	65017040	Homelite	3/4

*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: _____

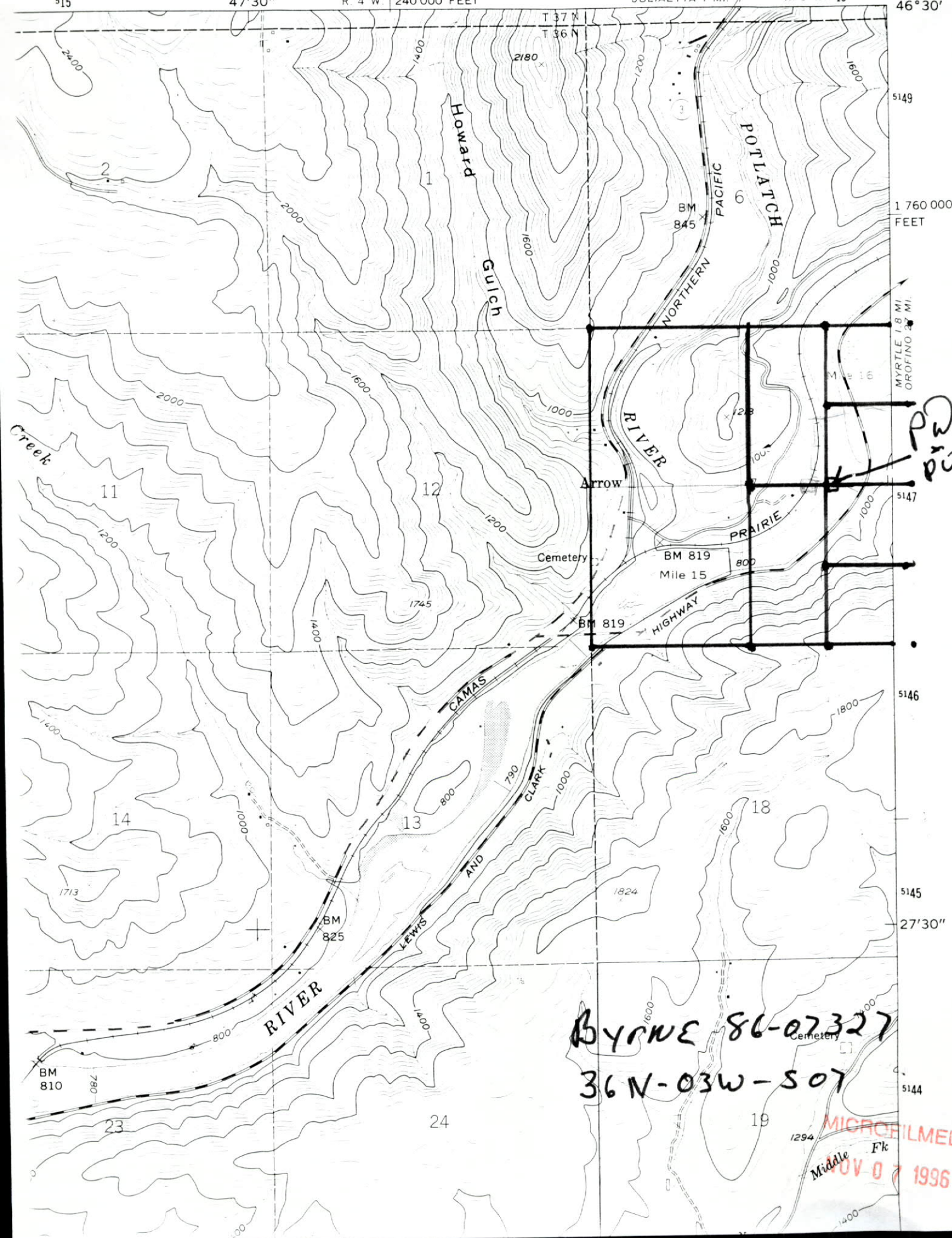
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NOV 07 1996

LAPWAI QUADRANGLE
IDAHO, NEZ PERCE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 LEWISTON ORCHARDS 15' QUADRANGLE

2677 II
(KENDRICK)
1:62 500

515 47'30" R. 4 W. 240 000 FEET T 37 N T 36 N R. 3 W 519 116°45' 46°30'



BYRNE 86-07327
36N-03W-507

MICROFILMED
NOV 07 1996

T36N
R3E

4	3	2	1	4	3	2	1
5		6	.	.	.	4	.
6		.	.	.	.	.	.
7							
1		.	.	.	.	.	.
2		7	.	.	.	9	.
3		.	.	.	.	.	.
4		.	.	.	.	.	.

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NOV 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT # _____

P H O T O G R A P H S



5 28 '96

MICROFILMED
NOV 07 1996

Byrne 86-07327

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 011394 INVOICE No. L00390418Account No. 964750 86-7327Description 90418NOTICTimes 2 Lines 23

Tab Lines _____

\$ 0.00**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
*Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.***AFFIDAVIT OF PUBLICATION**STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF CORRECTION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 010694, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 010694, and the last pub-
lication thereof being on the 011394, and said

NOTICE OF CORRECTION

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis
SUBSCRIBED AND SWORN BEFORE ME THIS THE 18
day of January 1994

Sheral M. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

90418
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT
APPLICATION FOR PERMIT NO.
86-7327 in the name of Daniel T. &
Ellen A. Byrne was advertised incor-
rectly on 12/2 & 9/1993.
The Place of Use was incorrectly de-
scribed as T36N R03E S07 SENE
NESE; whereas correctly it should
be T36N R03W S07 SENE NESE.
(For additional information concern-
ing the property location call the
Northern Regional Office at 765-
4639.)
Protests to the above-referenced
correction must be filed with the ap-
plicant and with the Director, Dept.
of Water Resources, 1910 Northwest
Blvd., Suite 201, Coeur d'Alene, Id.
83814 on or before January 24, 1994.
R. KEITH HIGGINSON, Dir.
Published in the Lewiston Morning
Tribune 1/6 & 13/1994

RECEIVED

JAN 24 1994

NORTHERN REGION
IDWR**INDEXED**

FEB 24 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 120993 INVOICE No. L00388062Account No. 964750 0007327Description 88062NOTICTimes 2 Lines 24

Tab Lines _____

\$ 54.00**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.**RECEIVED**

DEC 15 1993

NORTHERN REGION
IDWR**AFFIDAVIT OF PUBLICATION**STATE OF IDAHO, ss.
County of Nez PerceKaren J. Lewis, being duly sworn,deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 120293, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 120293, and the last pub-
lication thereof being on the 120993, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.Karen J. LewisSUBSCRIBED AND SWORN BEFORE ME THIS THE 10day of December 1993Sheral M. LentzNotary Public in and for the State of Idaho,
residing at Lewiston, therein.

88062

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-07327

BYRNE, ELLEN A.
BYRNE, DANIEL T.
RT. 1 BOX 69-1A

JULIAETTA, ID 83535

Source: CLEARWATER RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 11 (SENE) Sec. 7 T 36N R 03W in NEZ PERCE County

LOT 11 (NESE) Sec. 7 T 36N R 03W in NEZ PERCE County

Use: DOMESTIC: (.060 CFS)
Total Diversion: (.060 CFS)

Date filed: 11/8/1993

In: NEZ PERCE COUNTY R3W

T36N R03E S07 SENE NESE

For additional information concerning the property location, call the
Northern Regional Office at (208) 769-1450.The permit(s) will be subject to all prior water rights. Protests must be
filed with the applicant and with the Director, Dept. of Water Resources,
Northern Region, 1910 Northwest Blvd. Suite 210, Coeur 'd Alene, Idaho 83814
on or before DECEMBER 20, 1993.

R. KEITH HIGGINSON, Director

Published 12/2/1993 & 12/9/1993

RECEIVED

FEB 24 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

 Date 120993

 INVOICE No. L00388062

 Account No. 964750
007327

 Description 88062NOTIC

 Times 2

 Lines 24

 Tab Lines

 \$ 54.00

SOLD TO:

 DEPT. OF WATER RESOURCES
 1910 NORTHWEST BLVD. 210
 COEUR D'ALE
 ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
 Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

 STATE OF IDAHO, ss.
 County of Nez Perce

Karen J. Lewis

, being duly sworn,

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-07327

 BYRNE, ELLEN A.
 BYRNE, DANIEL T.
 RT. 1 BOX 69-1A

JULIAETTA, ID 83535

Source: CLEARWATER RIVER

Diversion Pt: LOT 11 (SENE)

Use: DOMESTIC:

Total Diversion: (.060 CFS)

Date filed: 11/8/1993

In: NEZ PERCE COUNTY

T36N R03E S07 SENE NESE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814 on or before DECEMBER 20, 1993.

Published 12/2/1993 & 12/9/1993

R. KEITH HIGGINSON, Director

I depose and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication began on 120293, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 120293, and the last publication thereof being on the 120993, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

 SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

 day of December 1993

Sheral M. Lantz

 Notary Public in and for the State of Idaho,
 residing at Lewiston, therein.

RECEIVED

DEC 15 1993

 NORTHERN REGION
 IDWR

UNRECORDED

1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 86-07327

Priority: November 8, 1993

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that ELLEN A BYRNE
DANIEL T BYRNE

RT 1 BOX 69-1A

JULIAETTA ID 83535

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 8, 1993; and has submitted Proof of Beneficial Use on December 7, 1995. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

CLEARWATER RIVER

tributary to SNAKE 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>
DOMESTIC	03/01 to 11/30	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 11(SENE), Sec. 7, Township 36N, Range 03W
Lot 11(NESE), Sec. 7, Township 36N, Range 03W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

36N 03W 7

SENE

NESE

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. The daily diversion volume for the domestic use authorized under this right shall not exceed 2,500 gallons per day.
6. Single point of diversion and place of use located on or near the line between Lot 11 (SENE) and Lot 11 (NESE), S7, T36N, R3W.

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NOV 07 1996

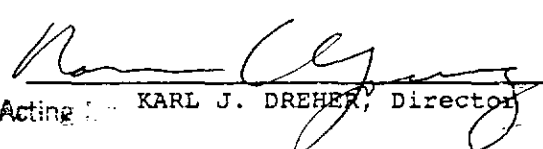
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 86-07327

7. Domestic use is for the irrigation of 1/2 acre.

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 3RD
day of AUGUST, 1996.


Acting KARL J. DREHER, Director

MICROFILMED
NOV 8 7 1996

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C034067
Receipt By: gw
Date Received: 12-9-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 07 1995

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 86-07327 Telephone No. 208-843-2624
2. Name(s) of Permit Holder(s): DANIEL & ELLEN BYRNE
3. Mailing Address: Rt 1, Box 69-1A, Juliaetta, ID 83535-9608
4. Source of Water: Clearwater River If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: 1 hp Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 1/2 ac Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre feet
7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | | | |
|-------------------------------|--|-----------|----|-------------------|
| Measuring Device: | Is a measuring device required? | Yes _____ | or | No <u>x</u> _____ |
| | Has the measuring device been installed? | Yes _____ | or | No _____ |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>x</u> _____ |
| | Has the measurement port been installed? | Yes _____ | or | No _____ |
8. Fee Enclosed: \$ 50. (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Daniel Byrne Telephone Number: 208-843-2624

Address: Rt 1, Box 69-1A, Juliaetta, ID 83535-9608
10. The information given on this form 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.

Signature of permit holder:

(include your title, if on behalf of company or organization)

Date: 12/4/95

FEB 26 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 86-07327

Proposed Priority: November 8, 1993 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **ELLEN A BYRNE**
DANIEL T BYRNE
RT 1 BOX 69-1A
JULIAETTA ID 83535
has applied for a permit to appropriate water from:

CLEARWATER RIVER tributary of **SNAKE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	03/01 to 11/30	0.04 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u> Lot 11(SENE), Sec. 7, Township 36N, Range 03W Lot 11(NESE), Sec. 7, Township 36N, Range 03W NEZ PERCE County		

PLACE OF USE: DOMESTIC

TWN RGE SEC

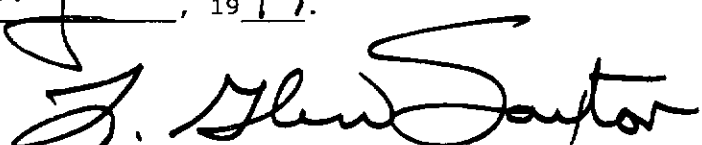
36N 03W 7 SENE NESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1996**.
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. Single point of diversion and place of use located on or near the line between Lot 11 (SENE), and Lot 11 (NESE), S07, T36N, R03W. Domestic use is for irrigation for 1/2 acre of lawn and garden.

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

22nd day of February, 1994.


for R. Keith Higginson, Director

FEB 24 1994

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant DANIEL T. & ELLEN A. BYRNE Phone 208-843-2624
Post office address Rt 1, Box 69-1A, Juliaetta, ID 83535
2. Source of water supply Clearwater River which is a tributary of Snake River
3. Location of point of diversion is _____ ¼ of SE ¼ of NE ¼, Govt. Lot 11
Sec. 7 Township 36N Range 3W of Boise meridian, Nez perce County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
DOMESTIC
Amount 0.06 for DOMESTIC purposes from March 1 to Nov. 30 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.06 and/or (b) 0.05
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. _____
Fairbanks Morse 1 3/4 in pipe
- b. 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.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
- Well was drilled for (well owner) _____
- FEB 24 1994

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

2 ~~continuous~~ years (minimum 1 year).

2 continuous years (minimum 1 year).
* CHANGES MADE AS PER PHONE CONVERSATION 1/9/93

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. DOMESTIC USE IS FOR IRRIGATION OF 1/2
- Other, describe fully. ACRE OF IRRIGATION

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
36N	3	7				<u>D</u>									<u>D</u>				

Total number of acres to be irrigated 3 3/4

10. Describe any other water rights used for the same purposes as described above.

none

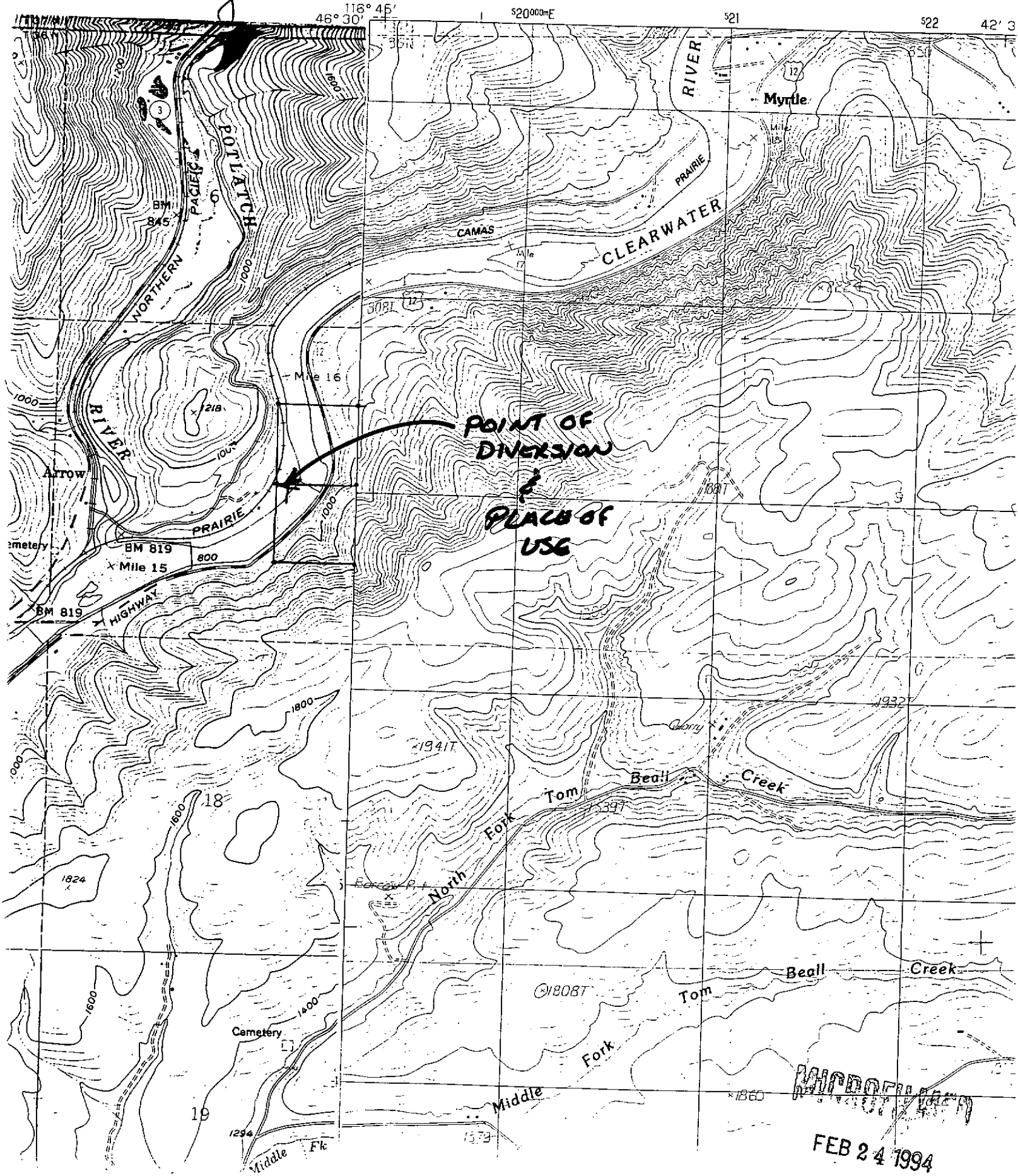
- Who owns the property at the point of diversion? we do APPLICANT
- Who owns the land to be irrigated or place of use? we do APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: P.O.D. ON LINE BETWEEN NE 1/4 SE 1/4 & SE 1/4 NE 1/4
SEC. 7, 36N. 3W.

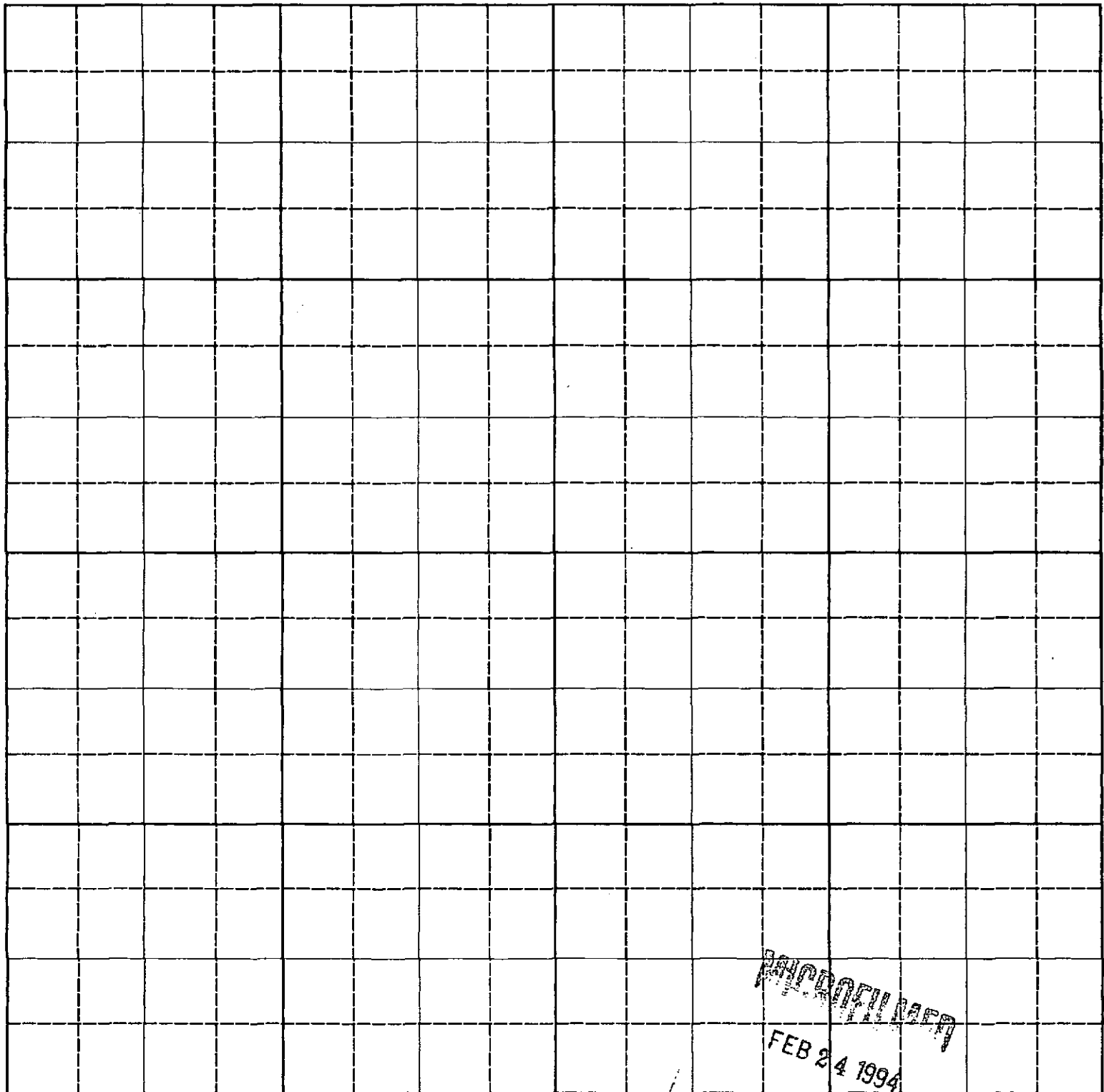
FEB 24 1994

X marks the spot of diversion from river
this is directly across
the river from
Hibbs Eddy.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MICROFILMED
FEB 24 1994



A grid of graph paper with a stamp in the bottom right corner. The stamp is tilted and contains the text:

RECEIVED
FEB 24 1994

Daniel T Byrne
(Applicant)
Eileen A Byrne

Received by pm Date 11/8/93 Time 2:58pm Preliminary check by _____
Fee \$ 35.00 Receipted by pm # N7154 Date 11/8/93
Publication prepared by pm Date 11/24/93 Published in 12/2+9/93 + 1/6+13/94
Publication approved pm Date 1/25/94

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. _____, and said application is hereby _____.

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 _____, 19____.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECORDED

FEB 24 1994



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

August 5, 1996

ELLEN A BYRNE
DANIEL T BYRNE
RT 1 BOX 69-1A
JULIAETTA ID 83535

RE: WATER RIGHT NO. 86-07327

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 ten (10) days of receipt of this license.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SWK:ph

Enclosure

MICROFILMED
NOV 07 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 86-07327

DATE 7/29/96

REVIEWER: S H A R L A

NAME Change OK

Address Change No

SOURCE Change OK

Is change clarification of originally intended source? Yes
If not, prepare Notice of Intent to Void

POINT OF DIV Change OK

Amendment required No

PLACE OF USE Change OK

Amendment required No - 120' x 190' = .52 ac.

Does map agree with written description? Yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .20 cfs \$5000

Measured .04 cfs 5 gal bucket / 16.5 sec.

Theoretical .04 cfs 6.16 / 142.4 = .04 (1 x 8.8 x .7 / 50 + 2.31 x 40)

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/ NATURE OF USES

Use Dom.

Volume Calculation

.6 external af

only af

 af

 af

 af

SUBTOTAL .6 af

Season = 3/1 - 11/30

Flow rate .04 cfs X 365 days X 1.98 ~~af~~ = 29.0 af

Total volume recommended .6 af 14.5

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

External use only
Suble pld & pld on or near line
between lot 11 (SENE), NESE, S7, T36N, R3W.

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo N/A rate .02

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 22 1996

Department of Water Resources
Permit No. 86-07327

A. GENERAL INFORMATION

1. Owner: Daniel E' Ellen Byrne Phone No. (208) 843-2624
Current Address: RT 1, Box 69-14 Juliaetta Id 83535-9608
2. Accompanied by: Daniel Byrne EXAM DATE: 5-28-96
Address: Same as above Phone No. _____
Relationship to Permit Holder: _____
3. Source: Clearwater river tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____
2. Other water rights with the same point of diversion: _____

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
					07	36N	03W	NEZPCE	U.S.G.S. 7.5min Quad

2. Place(s) of Use:

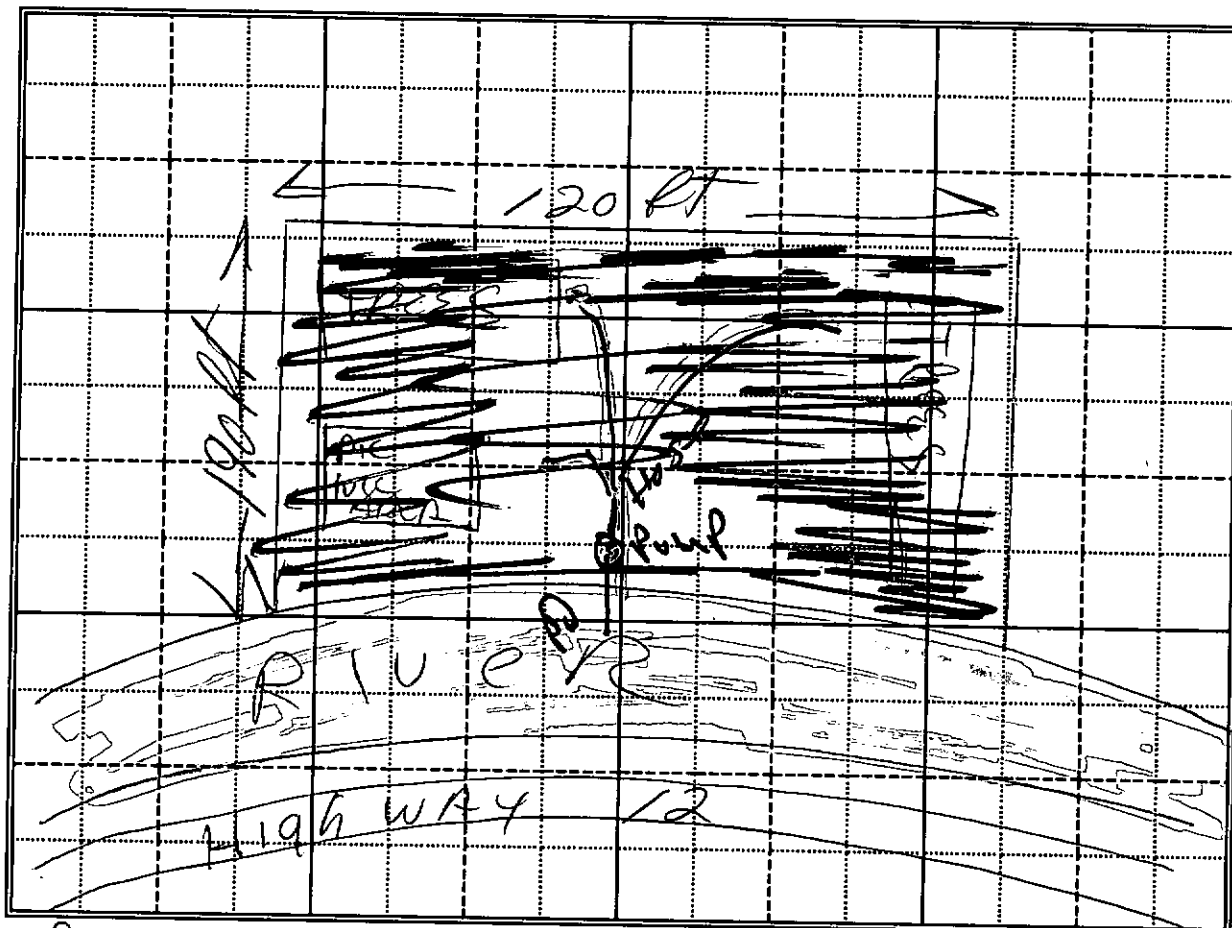
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	03W	07				D									D				

MICROFILMED

NOV 07 1996

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



Scale: 1" = NTS

____ 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
	Homelite	1	65017040	Homelite	3/4

*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:

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NOV 07 1996

E. NARRATIVE/REMARKS/COMMENTS

Mr. Byrne's system consist of a portable gas powered pump with 1" intake. Garden hose is attached to out side of pump and ran to desired areas.

There is no household on this domestic water right

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

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NOV 17 1996

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in 16 1/2 sec = 18 gpm

$$\frac{18 \times .133681}{60} = .04$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

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		
Domestic	03-01	11-30	.04	.6
Totals:			.04	.6

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. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 6-6-96

Reviewer _____ Date _____

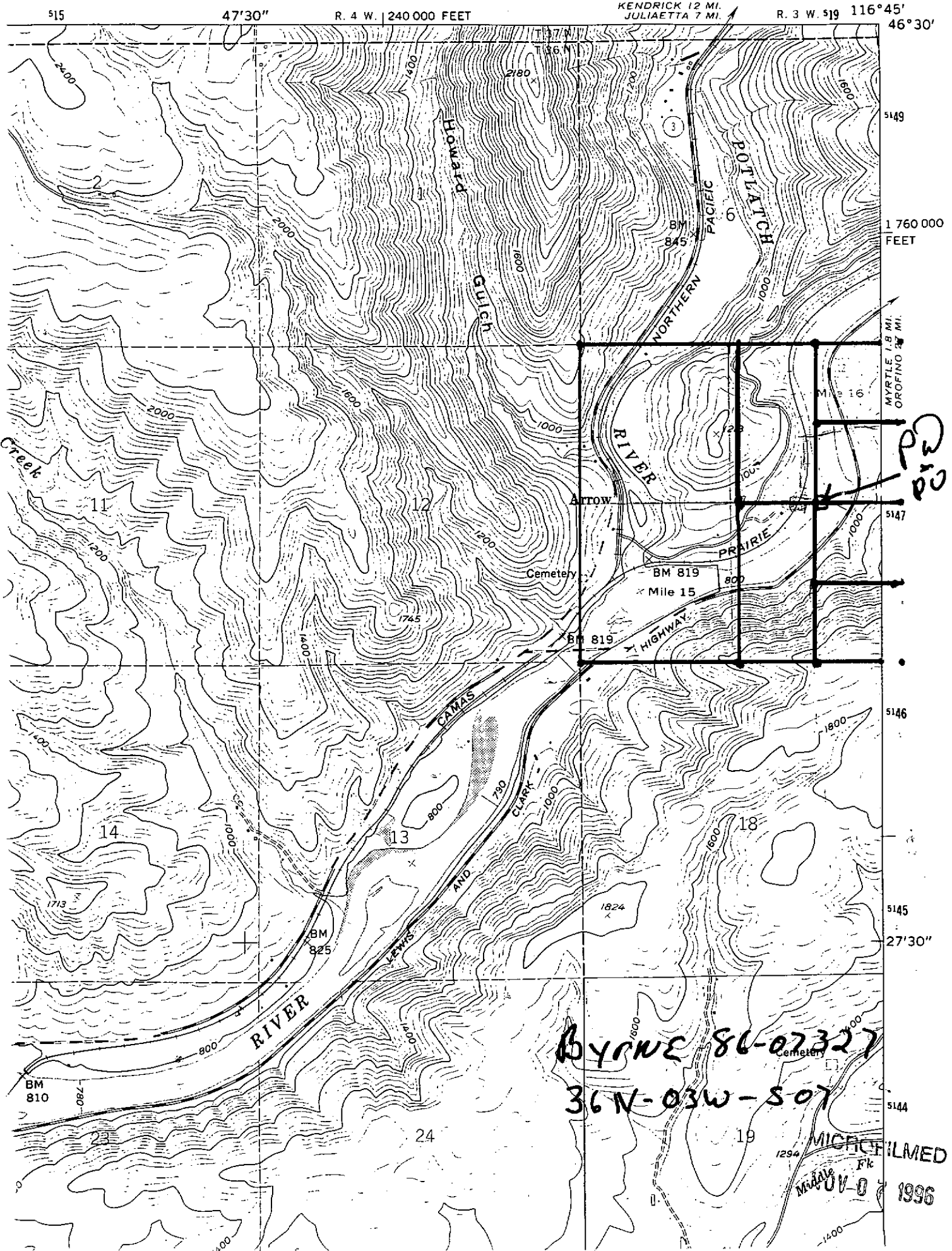
SEAL

MICROFILMED

NOV 07 1996

LAF WAI QUADRANGLE
IDAHO, NEZ PERCE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 LEWISTON ORCHARDS 15' QUADRANGLE

2677 II
(KENDRICK)
1:62 500



T36N B
R3E

4 3 2 1						
4 3 2 1	5 4 3 2 1					
4 3 2 1	5 6 4 3 2 1					4 3 2 1

MICROFILMED
NOV 07 1996

PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



DYNE 96-07327

MICROFILMED
NOV 07 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 86-0732-7 Reviewed by [Signature] Date 12-18-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irr. (dom)

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 _____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☒ Installed?
☒ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	- = +	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 12-7-95

December 19, 1995

ELLEN A BYRNE
DANIEL T BYRNE
RT 1 BOX 69-1A
JULIAETTA ID 83535

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 86-07327

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 Coeur D' Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

FEB 26 1996

November 30, 1995

ELLEN A BYRNE
DANIEL T BYRNE
RT 1 BOX 69-1A
JULIAETTA ID 83535

PROOF DUE NOTICE

RE: PERMIT NO. 86-07327

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 February 1, 1996.

(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.

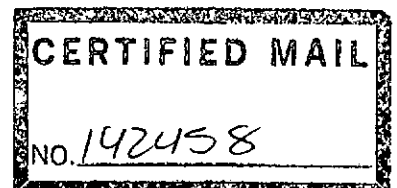
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

FEB 26 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1994

ELLEN A BYRNE
DANIEL T BYRNE
RT 1 BOX 69-1A
JULIAETTA ID 83535

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 86-07327

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

FEB 24 1994

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**

Application #: 86-7327 Date: 2/15/94 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes S/C Mor

SYSTEM COMPLETED:

~~NO~~

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR

- 0.2 cfs - NMR <flow chart>

Drilling Permit:

Included w/permit - Permit No. - - - - -, P99

Existing well - N/A (if drilled before 7/1/87)

No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)

~~SURFACE WATER:~~ not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>

LOCATION:

Water District - WD No.

Surface water - 005 (req) 01J-P08 <flow chart>

(doesn't sink) or 01H-P01 <flow chart>; NMR

Groundwater - P05 (if well has not been drilled)

In stream channel - 030 (stream channel alteration)

Irrigation Dist. - 023

Canal Co. Areas - 023

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (Groundwater temperature)

~~Swan Falls Flag~~ - B <See condition code chart>

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (Surface): Water District Control Condition (005) &....

Boise (63) - 05A (req), 11E (non-domestic use), NA

Payette (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

Fish Propagation - 010/06A/09E-P10 (WQ) & 07A-042 (req)
044 (N 1000 Spr)

Irrigation - 803 (if GW use SW 1st) (+5A do POU comp.), NA

Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09

Mining - 06A/010/09E-P10 & 054 (req)

Storage (✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' dam), NA

Domestic (surface) - 021 (Boise R + L Peak), 27A (Payette R), NA

OWNERSHIP:

Non land owner - 004 (P/D or P/U)

PROTESTED:

Prehearing agreement - 020

OTHER CONDITIONS:

REMARKS:

① Domestic use for 1/2 A lawn & garden.

② PDU located on road line between NESE & SENE

BENEFICIAL USE DUE:

- 2-1-1996

COMMENTS:

- ① Mor Exempt. ② Dis Desc

WR0749NP
No. P86-07327

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/15/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELLEN A BYRNE	11/08/1993	DOMESTIC	03-01 11-30	0.04 CFS	
C	DANIEL T BYRNE RT 1 BOX 69-1A JULIAETTA ID 83535 (208) 843-2624					
TOTAL DIVERSION:					0.04 CFS	

Water Source: CLEARWATER RIVER

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion: T36N R03W S07 Lot 11(SENE) Lot 11(NESE)

NEZ PERCE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
36N	03W	7	:					D	:									D	:	

Pou County: NEZ PERCE

Conditions of Approval:

- 26A - 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.

Remarks: Single point of diversion and place of use located on or near the
line between Lot 11 (SENE), and Lot 11 (NESE), S07, T36N, R03W.
Domestic use is for irrigation for 1/2 acre of lawn and garden.

Dates: App. Received: 11/08/1993 Priority Date: 11/08/1993
Proof Due Date: 02/01/1996 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/09/1993 User-ID: STYPA Subject: DIVERSION DESCRIPTION
Fairbanks Morse 1 3/4 inch pipe.

Date: 02/15/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit is located within the Salmon/Clearwater River
Moratorium boundary; however, its domestic use is within the
acceptable parameters of the moratorium guidelines.

Audit: 02/15/94 ZIMMERMA

No. a
4/87-06/92n

ID. DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
FEB 07 1994

APPLICATION # _____

Department of Water Resources

***** INITIAL REVIEW *****

APPLICANT: BYRNE

BY: AS

DATE: 11/8/93

ITEM REQUIRED INFORMATION

1. (x) Name and Address
2. (x) Source
3. (x) Point of Diversion & County
4. (x) Quantity
(x) Nature of Proposed Use
(x) Period of Use
5. (x) Total Quantity
6. (x) Description of diverting works
7. (x) Time required for b/u
8. (x) Proposed use
9. (x) Place of use or acres irrigated
10. (x) Other Water Rights
11. (x) Ownership
13. (x) Map
(x) Signature
(x) Fee (Amt, recpt, acknowledgment)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

Yes No

- ___ x Field check: by _____
___ 1 Field report attached
___ 1 Analysis Supp. attached(>5cfs/500af)
___ 1 Water delivered by water master?
___ Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 11/8/93

X

(Include Moratorium Remark)

x

Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: NEL PERCE County.

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes)(No)

Checked by: _____ Date: ____/____/____

Remarks: _____

- ___ 1 Groundwater management area
___ 1 Critical ground water area
___ 1 Well Drilling Permit required
___ 1 Well Drilling Application and Fees received
___ 1 Well Drilling Application approved?
___ Well Drilling Application Number _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes)(No)

- ___ Notice of pending void order issued. Final order response date: ____/____/____
___ Further information required from applicant
___ Affidavit of publication received
___ Application published correctly, If not, record action taken: _____
___ 1 Publication dates and paper recorded on application | Sr. Agent initial AS
___ 1 Protests received. Final protest date: 1/24/94
___ Measuring device required
___ Measuring port required
___ Special conditions: _____
___ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AS

Date: 1/25/94

86-07327

BYRNE, ELLEN A
BYRNE, DANIEL T
RT 1 BOX 69-1A
JULIAETTA, ID 83535

Source: CLEARWATER RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 11 (SENE) Sec 7 T 36N R 03W in NEZ PERCE County.
LOT 11 (NESE) Sec 7 T 36N R 03W in NEZ PERCE County.

Use: DOMESTIC

Total Diversion: (.060 CFS)
(.060 CFS)

Date Filed: 11/ 8/1993

In: NEZ PERCE County
T36N R03W S07

SENE

NESE

*changed m
corrected
12/8/93*

PHOTOCOPIED

FEB 24 1994

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 011394 INVOICE No. L00390418

Account No. 964750 87327

Description 90418NOTIC

Times 2 Lines 23

Tab Lines

\$ 0.00

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF CORRECTION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 010694, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 010694, and the last pub-
lication thereof being on the 011394, and said

NOTICE OF CORRECTION

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis

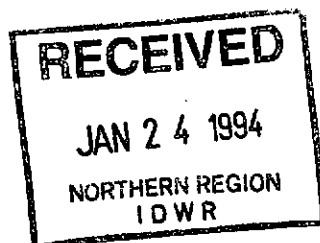
SUBSCRIBED AND SWORN BEFORE ME THIS THE 18

day of January 1994

Sheryl M. Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

90418
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT
APPLICATION FOR PERMIT NO.
86-7327 in the name of Daniel T. &
Ellen A. Byrne was advertised incor-
rectly on 12/2 & 9/1993.
The Place of Use was incorrectly de-
scribed as T36N R03E S07 SENE
NESE; whereas correctly it should
be T36N R03W S07 SENE NESE.
(For additional information concern-
ing the property location, call the
Northern Regional Office at 765-
4639.)
Protests to the above-referenced
correction must be filed with the ap-
plicant and with the Director, Dept.
of Water Resources, 1910 Northwest
Blvd., Suite 201, Coeur d'Alene, Id.
83814 on or before January 24, 1994.
R. KEITH HIGGINSON, Dir.
Published in the Lewiston Morning
Tribune 1/6 & 13/1994



RECEIVED

FEB 24 1994

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 86-7327 in the name of Daniel T. & Ellen A. Byrne was advertised incorrectly on 12/2 & 9/1993.

The Place of Use was incorrectly described as T36N R03E S07 SENE NESE; whereas, correctly it should be T36N R03W S07 SENE NESE.

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

Protests to the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before January 24, 1994.

R. KEITH HIGGINSON, Dir.

Published in the Lewiston Morning Tribune on 1/6 & 13/1994.

RECEIVED

FEB 24 1994

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 120993 INVOICE No. L00388062
Account No. 964750 00-07327
Description 88062NOTIC

**LEGAL ADVERTISING
INVOICE**

Times 2 Lines 24
Tab Lines _____

SOLD TO:

DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 54.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

RECEIVED

DEC 15 1993

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 120293, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 120293, and the last pub-
lication thereof being on the 120993, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10
day of December 1993

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-07327

BYRNE, ELLEN A.
BYRNE, DANIEL T.
RT. 1 BOX 69-1A
JULIAETTA, ID 83535

Source: CLEARWATER RIVER

Diversion Pt: LOT 11 (SENE)
LOT 11 (NESE)

Use: DOMESTIC:

Date filed: 11/8/1993

In: NEZ PERCE COUNTY

T36N(R03E)S07

SENE NESE

For additional information concerning the property location, call the
Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be
filed with the applicant and with the Director, Dept. of Water Resources,
Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814
on or before DECEMBER 20, 1993.

Published 12/2/1993 & 12/9/1993

R. KEITH HIGGINSON, Director

RECEIVED
FEB 24 1994

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 120993

INVOICE No. L00388642

Account No. 964750

07327

Description 88062NOTIC

LEGAL ADVERTISING

INVOICE

Times 2

Lines 24

Tab Lines

SOLD TO:

DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. 210
COEUR D'ALE
ID 83814

\$ 54.00

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis

, being duly sworn,

deposes and says, I am the Legal Clerk

of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-07327

BYRNE, ELLEN A.

BYRNE, DANIEL T.

RT. 1 BOX 69-1A

JULIAETTA, ID 83535

Source: CLEARWATER RIVER

Diversion Pt: LOT 11 (SENE)

LOT 11 (NESE)

Use: DOMESTIC

Total Diversion: { .060 CFS
.060 CFS

Tributary: SNAKE RIVER

Sec. 7 T 36N R 03W in NEZ PERCE County

Sec. 7 T 36N R 03W in NEZ PERCE County

Date filed: 11/8/1993

In: NEZ PERCE COUNTY

T36N R03E S07 SENE NESE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814 on or before DECEMBER 20, 1993.

Published 12/2/1993 & 12/9/1993

R. KEITH HIGGINSON, Director

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication began on 120293, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 120293, and the last publication thereof being on the 120993, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

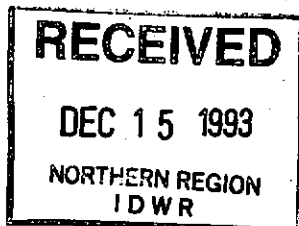
Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of December 1993

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.



ENCLOSURE

DEC 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

~~(208) 769-1450~~ ~~(208) 769-1450~~

Fax (208) 769-1454

CECIL D. ANDRUS

November 29, 1993

R. KEITH HIGGINSON

Director

Mr. and Mrs. Daniel Byrne
Rt. 1 Box 691A
Juliaetta, Id. 83535

Re: 86-7327

Dear Mr. and Mrs. Byrne:

The Idaho Department of Water Resources hereby acknowledges receipt of your letter of November 15, 1993 regarding the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

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

Sincerely,

ALLEN BEARDSLEE

Senior Water Resources Agent

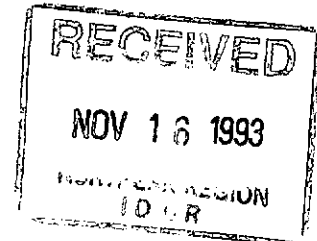
AB/pms

RECEIVED

FEB 24 1994

15 Nov 1993

Bob Haynes
Dept Water Resources
1910 Northwest Bl
Suite 210
Coeur d'Alene, ID 83814-2615



Dear Mr. Haynes:

Claim No. 86-07327

This letter is in regard to our application to use Clearwater River water under Paragraph B, section 42-111, ID code for the purpose of planting polar trees around a picnic area and growing a few vegetables.

This is a piece of land we own along the river of 1.8 acres. 2/3 of this land is in pine trees. We want to plant about 15 poplar trees and grow some vegetables on about 1/5 of an acre that is clear of trees.

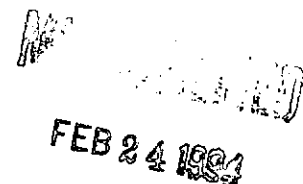
This use will not exceed the limit of 0.04 cubic feet per second or a diversion volume of 2500 gallons per day. The trees and vegetables will be on a drip system. By using a drip system we will have to get a smaller water pump than we have. Something with a 1 in pipe.

We do believe this should qualify as a domestic use exemption.

Sincerely,

Dan & Ellen Byrne

Dan & Ellen Byrne
Rt 1, Box 60-1A
Juliaetta, ID 83535
Phone: 208-843-2624



November 12, 1993

Mr. Daniel Byrne
Rt. 1 Box 691A
Juliaetta, Id. 83535

Dear Mr. Byrne:

Re: Moratorium Order on All Water Right Applications and Permits for the
Diversion and Use of Water within the Clearwater River Basin.

In response to the listing of the Sockeye and Chinook Salmon populations under the Endangered Species Act, the below normal stream flows in the Clearwater River Basin due to the drought conditions across Idaho, and the need for positive action by the State to assist in the protection of anadromous fish, the Director of the Department of Water Resources has established a moratorium on the processing of applications and permits to appropriate surface water resources within the Clearwater River Basin. A copy of the Moratorium Order is attached. This moratorium may apply to individuals who fill out applications for water rights in the Clearwater River Drainage.

However, this moratorium does not apply to applications for minor stock-watering or domestic purposes as defined in Section 42-111, Idaho Code, as follows:

42-111. Domestic purposes defined. - ...the phrase "domestic purposes" or "domestic uses" means:

A. the use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land if the total use is not in excess of thirteen thousand, (13,000) gallons per day, or

B. any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second **AND** a diversion volume of twenty-five hundred (2,500) gallons per day.

The Department would also consider, on a case-by-case basis, processing an application for permit where the use is non-consumptive. If you believe your proposed use qualifies under the above "domestic use" exemption **OR** if you believe your use is non-consumptive, you have to notify the Department by letter stating your reasons. If the Department does not receive any explanation letter from you, your application would be held without action until the moratorium is lifted. If you return an explanation letter but the use does not qualify, the Department will notify you that the application would be held without further processing until the moratorium is lifted.

PROCESSED

FEB 24 1994

Mr. Daniel T. Byrne
Page Two
November 12, 1993

If you have any questions on this matter, please feel free to contact me.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB/pms
Enc. - Receipt No. N7154

Microfilm
FEB 24 1994