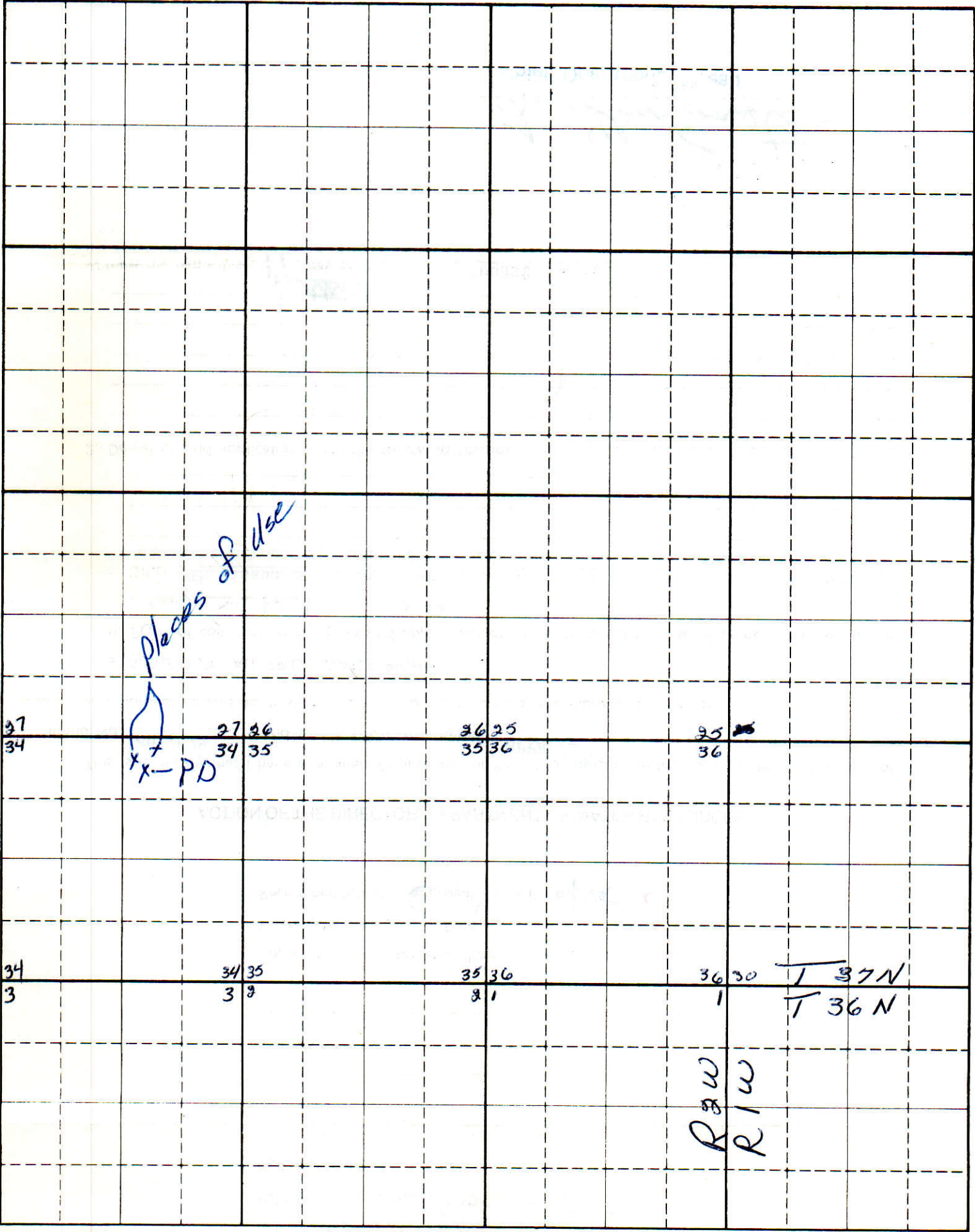


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lawell M. Ayers
(Applicant)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.
Raelene Thornton

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lowell Ayers, Route 1, Box 98V, Lenore, Idaho, has on February 23, 1978, submitted Application No. 86-7079 for a permit to appropriate 0.08 cubic feet per second of water from an unnamed spring, tributary of the Clearwater River by means of developed spring, hydraulic ram and pipeline, within the Government Lot 1, Section 34, T37N, R2W, B.M., Nez Perce County, to be used from Jan. 1 to Dec. 31, for domestic purposes for 2 households within the Government Lot 1, Section 34, T37N, R2W, B.M. 24

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before March 27, 1978.

C. STEPHEN ALLRED
Director

_____, being duly sworn deposes and says, I am the Classified Bookkeeper 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 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of application for water attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 9 day of March, A. D. 19 78 and the last publication thereof being on the 16 day of March, A. D. 19 78, and said Notice of application was so published in the regular and entire issue of the 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.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
16 day of March, 19 78.

Paulitta J. Hamilton

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

MICROFILMED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.

Raelene Thornton

, being duly sworn
deposes and says, I am the Classified Bookkeeper
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 20 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly 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, once a
week for 2 consecutive weeks, the
first publication thereof being on the 6 day of

April, A. D. 19 78, and the last publica-
tion thereof being on the 13 day of April,

A. D. 19 78, and said Notice of correction
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
13 day of April, 19 78

Paulitta J. Hamilton

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

NOTICE OF CORRECTION

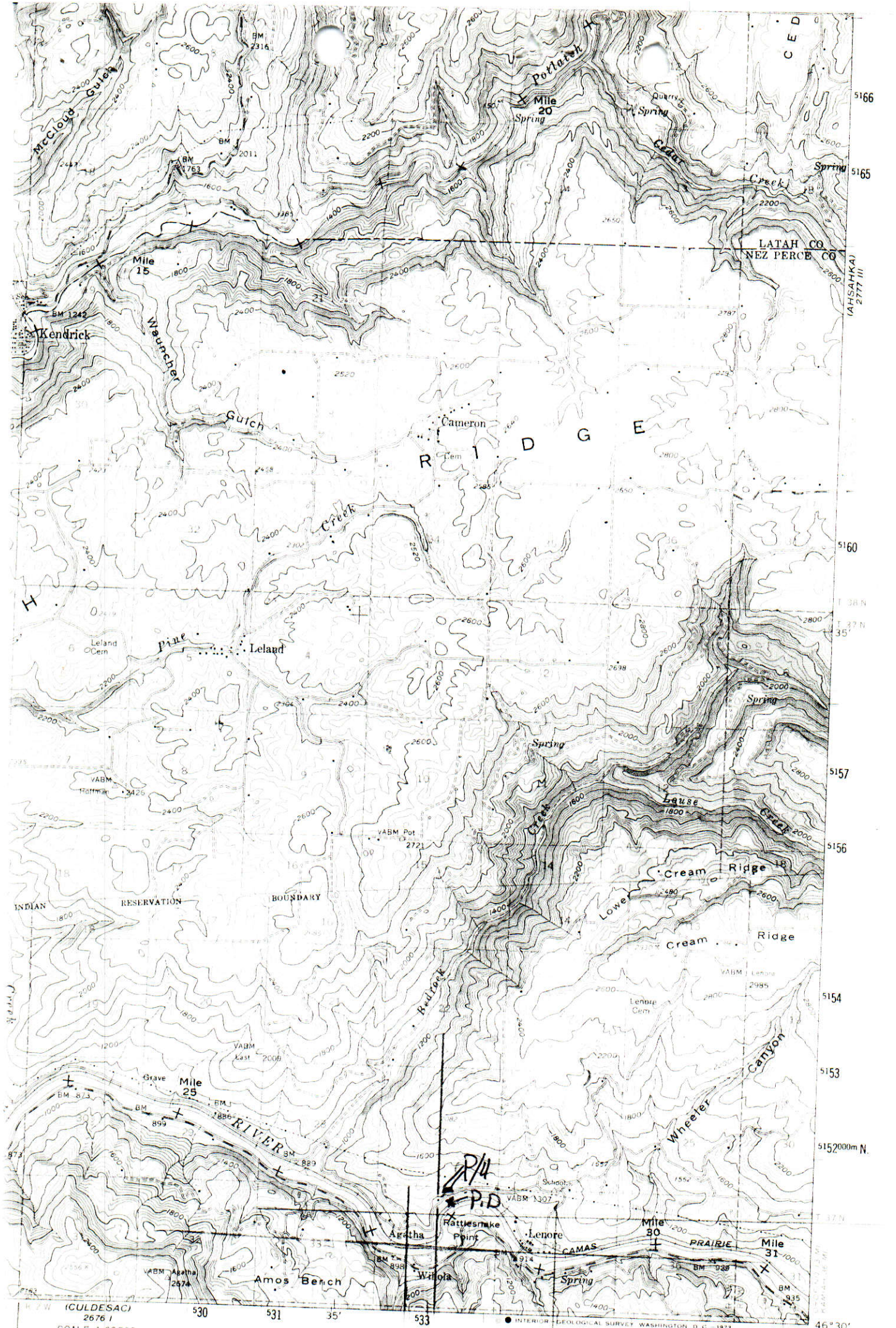
Notice is hereby given that
Application for Permit No. 86-7079
in the name of Lowell Ayers was
advertised incorrectly on March 9
and 10, 1978. The place of use was
advertised as being within the
Government Lot 1, Section 34,
T37N, R1W, E1M. Whereas, the
actual place of use is within the
Government Lot 1, Section 34,
T37N, R2W, E1M.

Any protest to the above cor-
rection must be filed with the
Idaho Department of Water
Resources, 4065 Government
Way, Coeur d'Alene, ID 83814, on
or before April 24, 1978.

C. STEPHEN ALLRED,
Director

MICROFILMED

OK
A-19-78



SCALE 1:62500
6000 9000 12000 15000 18000 21000 FEET
1 2 3 4 5 KILOMETERS
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION
Medium duty ——— Light duty
Unimproved dirt - - - - -
State Route



KENDRICK, IDAHO
N4630-W11639/15
1961
AMS 2677 II-SERIES V793

CONFORMS WITH NATIONAL MAP AND SURVEY STANDARDS
SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 86-7079 Priority February 23, 1978 Amount 0.04 cfs

THIS IS TO CERTIFY, that Lowell Ayers
of Lenore, Idaho, has complied with the terms and conditions of Permit
No. 86-7079 issued pursuant to Application for Permit dated February 23, 1978,
and has submitted proof to the Department of Water Resources on August 3, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from spring,
tributary to Clearwater River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u> at <u>0.04</u> cfs and <u>1.2</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the Government Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
Section 34, Twp. 37N, Rge. 2W in the County of Nez Perce

Description and location of place of use:

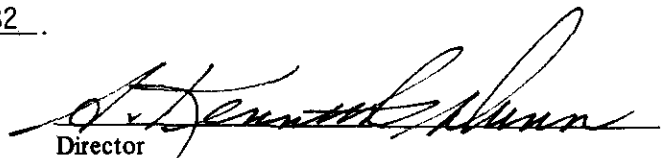
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
37N	2W	34	0.1																

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
September, 19 82.


Director

Identification No. _____
Application No. 86-7079

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lowell Ayers Phone: 836-5516
post office address RT #1 Bx 98-V Lenoire, Id
2. Source of water supply Unnamed Spring which is a tributary of Clearwater River
3. a. Location of point of diversion is GL #1 1/4 of _____ 1/4 of Section 34 Township 37N
Range 2W B.M. Nez Perce County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.08 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.08 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Developed spring
with Hydraulic Ram & pipe line to place of use.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: GL #1 1/4 of 34 1/4 of Section 37N Township 2W
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp 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: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

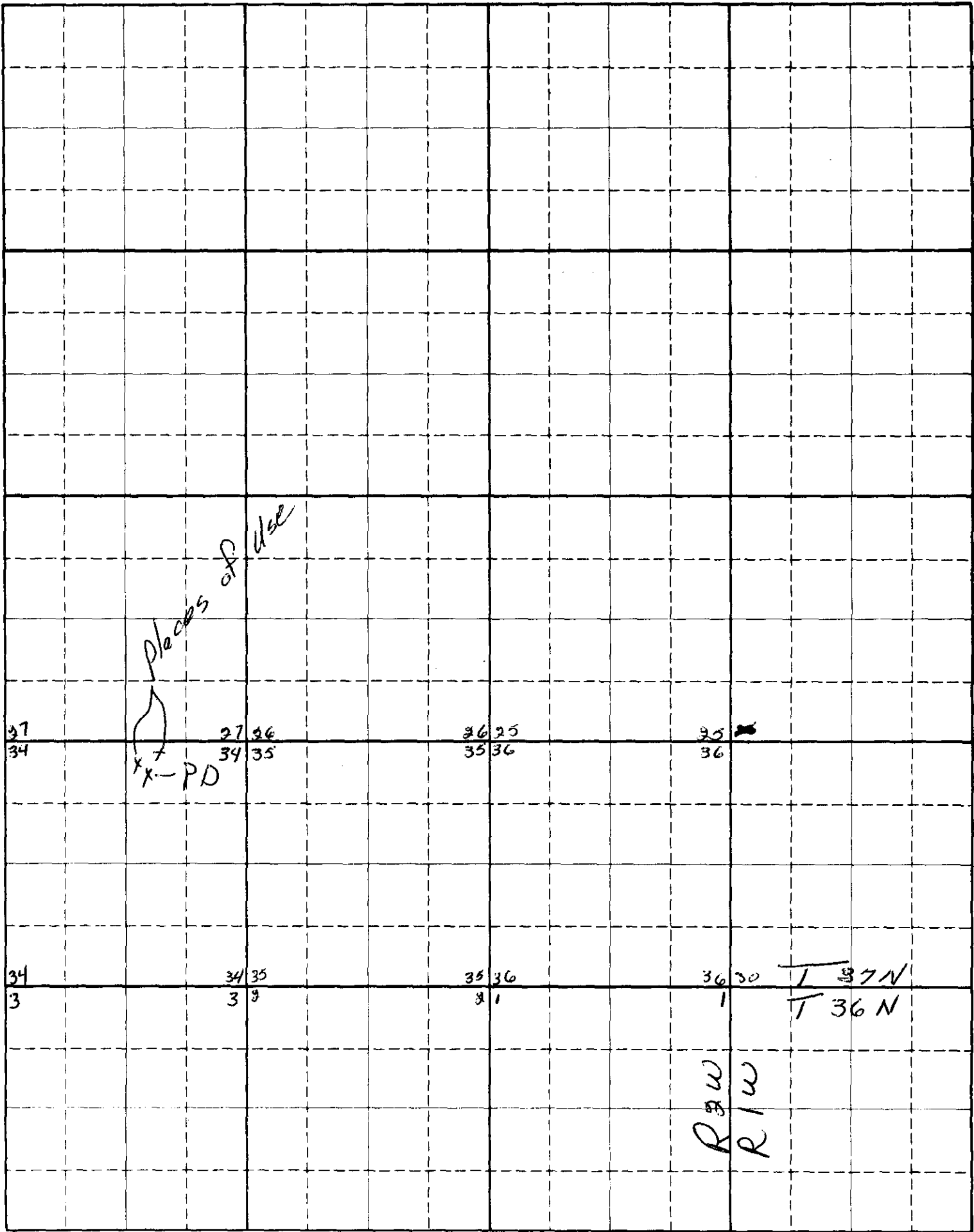
Total number of acres to be irrigated_____

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

9. a. Who owns the property at the point of diversion Kenneth Richardt
b. Who owns the land to be irrigated or place of use K. Richardt & Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Deeded easement

10. Remarks _____

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.

X. Lowell H. Geyer
(Applicant)

02/23/78
Proposed Priority_____

Received by JK Date 2-23-78 Time 1:30 PM

Preliminary check by JK Fee \$ 10.00

Receipted by JK Date (9572)

Publication prepared by B Date 2-24-78

Published in Idaho Morning Tribune

Publication dates 3-9-16-78

Publication approved JK Date 4-17-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JK

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. 86-7079, 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 August 1, 19 83.

c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of August, 19 78.

J. Glen Saxton
Chief, Operations Bureau

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.
Raelene Thornton

_____, being duly sworn
deposes and says, I am the Classified Bookkeeper
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 20 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the Notice of application for water
attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for 2 consecutive weeks, the
first publication thereof being on the 9 day of
March, A. D. 1978 and the last publica-
tion thereof being on the 16 day of March,
A. D. 1978, and said Notice of application
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
16 day of March, 1978

Paulitta Hamilton

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

MICROFILMED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.

Raelene Thornton, being duly sworn
deposes and says, I am the Classified Bookkeeper
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 20 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly 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, once a
week for 2 consecutive weeks, the
first publication thereof being on the 6 day of
April, A. D. 19 78, and the last publica-
tion thereof being on the 13 day of April,
A. D. 19 78, and said Notice of correction
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
13 day of April, 19 78

Rauletta J. Hamilton

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

September 20, 1978

Kenneth Richardt
442 Arbor Avenue
West Chicago, IL 60185

Dear Mr. Richardt:

Re: Permit Nos. 86-7079 and 86-7071 -- Lowell Ayers

Your letters of August 22 and August 26, 1978 have been forwarded to me for response. From a review of the files, it appears that a number of the questions raised in your letters have previously been addressed in correspondence from our Northern Regional office, but perhaps I can give further clarification in this matter.

An application can only be considered by the Department if an applicant has possessory interest in the land where the water will be used. Possessory interest can include outright ownership, land being purchased through a contract, and leased land. The permit issued by the Department does not grant any right-of-way or easements across the lands of another. The obtaining of easements, etc. are civil matters that must be resolved by the parties themselves.

I note that you have made the first filing and thus have the prior water right between the above referenced permits. If there is additional water in excess of the first water right, the second appropriation would then be filled and so on.

Speculation can be used for a reason of denial if there is evidence available which shows that the applicant, in fact, does not intend to make an appropriation of water. It is usually difficult to determine the intentions of an individual with regard to development.

Any of the correspondence or applications filed with the Department are public information. The Department's notice to the public of the applications filed is the legal publication which appears once each week for two consecutive weeks in a paper in the county in which the proposed water use is located.

September 22, 1982

RE: Permit No. 86-7079

Lowell Ayers
R.R. 1, Box 116A
Lenore, ID 83541

Dear Mr. Ayers:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 17, 1982

RE: Permit No. 86-7079

Lowell Ayers
R.R. 1, Box 116A
Lenore, ID 83541

Dear Mr. Ayers:

A representative of this Department has made an examination of the works covered by your Permit No. 86-7079, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs Source: spring trib. to Clearwater River

The maximum quantity diverted shall not exceed 1.2 acre feet
per year.

Point(s) of diversion: Gov. Lot 1(NW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 34, Twp. 37N, Rge. 2W,
Nez Perce County

Beneficial use: Domestic use for 1 unit within the Gov. Lot 1(NW $\frac{1}{4}$ NE $\frac{1}{4}$),
Sec. 34, Twp. 37N, Rge. 2W

Priority date established: February 23, 1978

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

86-7079
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)	11-19-81	JK	Not home - Cliff Gill renter

EXAMINATION

Date 5-9-82 Accompanied by App Total Q measured -
If source is surface water, estimate total flow of source -
Methods of measurement - Meets Permit requirements? yes

Measurement calculations:
one home

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
								<u>Submers.</u>

System Description Developed spring with 4" dia concrete rings with pipe to 4'x6'x5' deep storage or then to 4'x6" Diameter x 52" Conn. tank and 1" pipe to home

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Domestic</u>	<u>0.04</u> ✓	<u>1.2</u> ✓	<u>1.1</u>	<u>12.31</u>
Total	<u>0.04</u> ✓	<u>1.2</u> ✓		

Remarks Exam conducted with Binoculars from S. side of River (Rattlesnake Pt)

Note: Permit identifies 2 homes, but as per memo dated 8-3-81 MR. Richardt has since filed a separate permit for his home only. That permit is 86-7079

RC 8/23/82
Per Tele/conv with Tom King, he said that the Applicant accompanied him & explained the system description to him. He also stated that the spring was in a canyon and not easily accessible therefore he used binoculars.

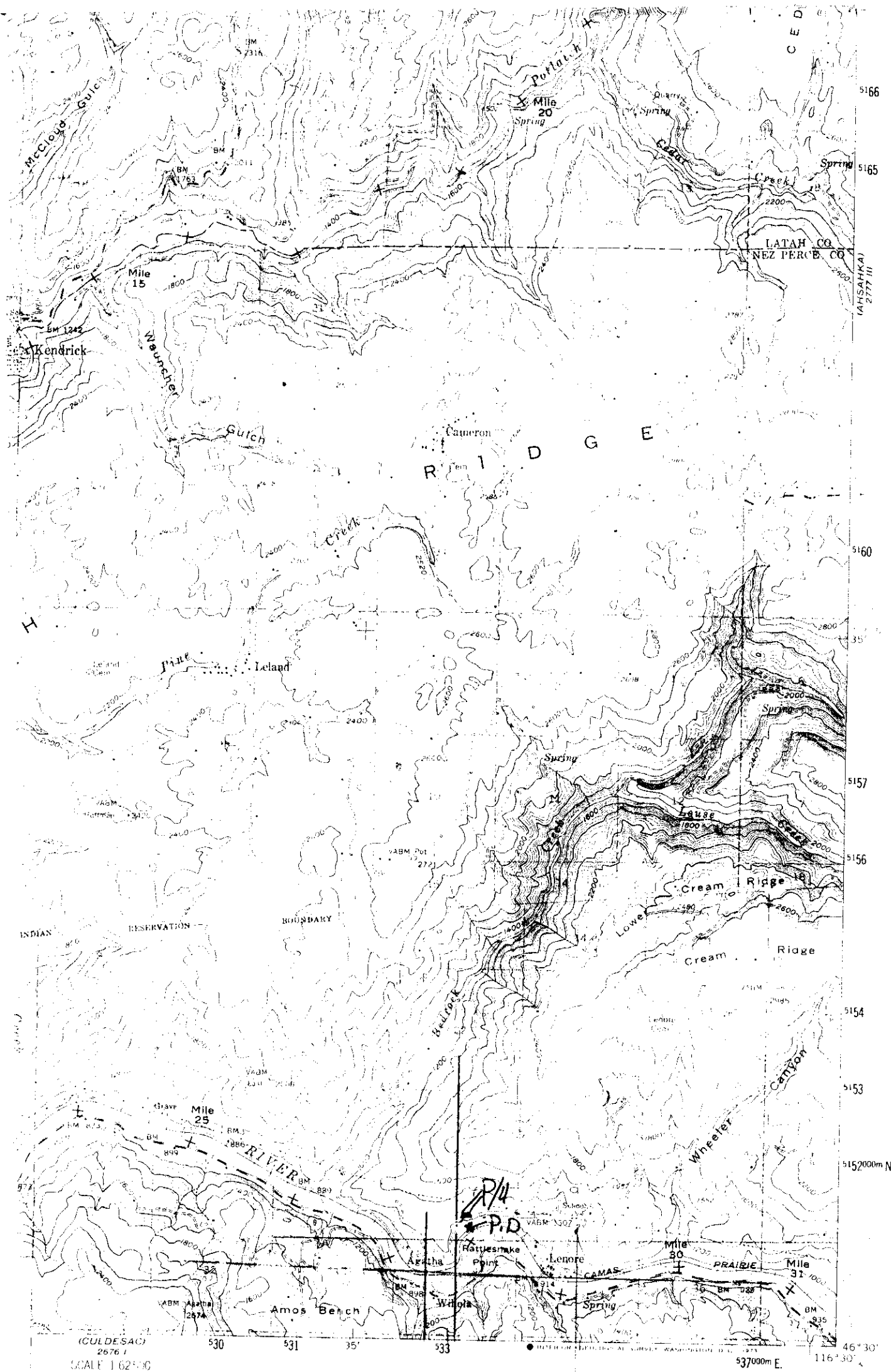
[illegible]

(Include distance from pump to measuring device, if applicable.)

Place(s) of Use

[illegible]☐ Other

Date 7/19/82



SCALE 1:62,500

CONTOUR INTERVAL 40 FEET
DATUM: MEAN SEA LEVEL

ROAD CLASSIFICATION

- Medium duty
- Light duty
- Unimproved dirt
- State Route

KENDRICK, IDAHO
N4630 W11639715
1961

AMS 2677 II - SERIES V793

RECEIVED

OCT 26 1981

Department of Water Resources
Northern District Office

Mr Tom D. King

Senior Water Resources Agent

RE 86-7079

Lowell Ayers
R.R. 1, Box 116A
Lenore, ID 83541

24 mi post

1/3 mi East on S. Side

Dear Mr King in answer to your letter
of OCT 9, 1981.

I now live at Rt 1. BOX 116A. LENORE,

IDAHO 83541. approximately 4 mi west
of the Lenore Bridge. On Highway

U.S. 12. in a brown house at the Big
Row of Mail Boxes (19) at Paradise Acres

Sub-Division My Phone ⁽²⁰⁸⁾ no 836-5784.
not listed in book

If I know a day or so before your
inspection I will be sure to be here.

Except now 2nd will take my wife
to Spokane for Surgery Should be back
home by 6th or 7th of Nov.

Very Truly Yours

Lowell M. Ayers

RECEIVED

DATE 8/3/81

FROM

Kearth

TO

Jita

AUG 5 1981

Department of Water Resources

SUBJECT

No-7079

The attached B/U card shows "2" homes because that is what the application shows. However, it should probably be licensed for only "1" home, because the other home belongs to Kenneth Spickard who filed his own, separate water right.



SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

October 9, 1981

Mr. Lowell Ayers
Rt. 1 Box 116A
Lenore, Id. 83541

RE: 86-7079

Dear Mr. Ayers:

We acknowledge receipt of your statement of completion of water development and 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.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/ems

cc: IDWR - State Office

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit 86-7079.

Name(s) of Permit Holder: Lowell Ayers

Post Office Address: Rt. 1 Box 116A

Lenore, Id. 83541 Tel. No. 836-5784

Source of Water: Spring

Extent of Use: ☒ Domestic Two ☐ Stockwater ☐ Irrigation ☐ Other

RECEIVED
AUG 3 1981

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

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

August 3, 1981

Date

Lowell M. Ayers
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

AUG 5 1981

Department of Water Resources

WATER RIGHT NUMBER 86-7079

OWNER LAST NAME - AYERS
ADDRESS LINE 1 - RT 1 BOX 116A
ADDRESS LINE 2 - FIRST NAME - LOWELL
ADDRESS LINE 3 - CITY - LENORE
SOURCE - SPRING
STAGE - LICENSE
STATUS -
TOTAL DIV. VOLUME - 1.20 AFA TRFR/AMEND -
DIVERSION POINT - NWNE 34 37N 02W LOT 01 REDIV -
FROM - 01-01 TO - 12-31 USE - DOMESTIC
USE - DOMESTIC
DECREE NAME -
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 08-01-1983 PERMIT/DENIED - 08-17-1978 PROTESTED -
PROOF MADE - P FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS - PUMP & PIPELINE.

TRIBUTARY OF - CLEARWATER RIVER
PRIORITY - 02-23-1978 COUNTY - NEZ PERCE
WATER DIST. -
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
USE DIV. RATE - .0400 CFS
PLACE OF USE - TWN 37N RNG 02W SEC 34 TRACT NWNE LOT 01 AC
DATE -
TOTAL ACRES 0

ORIG OWNER -
STATE - ID ZIP CODE - 83541
TOTAL DIV. RATE - .0400 -CFS
RIGHT BASIS -
USE DIV. VOLUME - 1.20 AFA

HEARING -
OLD NO. -

OK

IDENT. NO. 86-7079

WATER RIGHT
DATA ENTRY LOG

[illegible]

...has been applied for and can be developed on that is available. ...will be found by the Department's permit and test water will be ...of benefits ...to the Department.

...you will ...this water. You have the right of ...to civil action in district court against another party.

...satisfactory ...of water.

...

September 20, 1978

...
Chief, Operations Bureau

Kenneth Richardt
442 Arbor Avenue
West Chicago, IL 60185

Dear Mr. Richardt:

Re: Permit Nos. 86-7079 and 86-7071 -- Lowell Ayers

Your letters of August 22 and August 26, 1978 have been forwarded to me for response. From a review of the files, it appears that a number of the questions raised in your letters have previously been addressed in correspondence from our Northern Regional office, but perhaps I can give further clarification in this matter.

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I note that you have made the first filing and thus have the prior water right between the above referenced permits. If there is additional water in excess of the first water right, the second appropriation would then be filled and so on.

Speculation can be used for a reason of denial if there is evidence available which shows that the applicant, in fact, does not intend to make an appropriation of water. It is usually difficult to determine the intentions of an individual with regard to development.

Any of the correspondence or applications filed with the Department are public information. The Department's notice to the public of the applications filed is the legal publication which appears once each week for two consecutive weeks in a paper in the county in which the proposed water use is located.

MICROFILMED

RECEIVED
SEP 1 1978
Department of Water Resources
Northern District Office

August 26, 1978

RECEIVED

AUG 29 1978

Department of Water Resources

State of Idaho
Dept. of Water Resources
State House
373 W. Franklin Street
Boise, Idaho 83720

Attn: Norman C. Young

Dear Sir:

Just received your letter with photo copy of Lowell Ayers application for Water Permit #86-7079. I made application on August 15, 1977, Permit #86-7071, being approved November 1, 1977.

I believe Mr. Ayers approval should be rescinded by your office because of the inequities and mis-statements in his application. He is naming two (2) families to be supplied. I want to know who else he has in mind. Wanting to take over a spring that has cost me much to develop is ridiculous.

Item 9b. asks who owns the land, and he has K. Richardt & applicant. He positively owns no part of my land. Item 9c. he claims to have a deeded easement, which is totally false. Item 6a. he plans to use a water ram which I'm sure you know wastes three times the water it pumps.

Taken from R. Haynes letter, he said the application would be denied if he made it for speculative purposes. Mr. Ayers told me he needed more water so he could sell his land.

I feel I am being had. Why was I not notified when Mr. Ayers applied for water on land that had just received an approved water permit nine months previously? As Mr. Haynes wrote me, if I had filed my protest in time he would have denied Mr. Ayers application. I was six days late but only because I have no way to know, being here in Illinois.

I'm asking for your office to review Mr. Ayers error-filled and incomplete application and rescind your approval.

Very truly yours,


Kenneth Richardt

HR/hr

MICROFILMED

RECEIVED

AUG 25 1978

Department of Water Resources

August 22, 1978

State of Idaho
Dept. of Water Resources
373 W. Franklin
Boise, Idaho 83720

DIRECTOR	AD
DEPUTY DIR.	
RESO. ADMIN.	
RESO. ANALYSIS	
✓ OPER. BUREAU	
TECH. SER. BUR.	
PROJ. STUD. BUR.	
LEGAL	
FISCAL	
PERSONNEL	
FILES	

Dear Sirs:

This is a follow up of our phone conversation of August 21 at 11:30 AM (9:30 Pacific), regarding Lowell Ayres application for water permit No. 86-7079.

It was a shock to open Mr. Haynes letter, when we arrived home from Idaho, to find he completely changed his position on Ayres application. He said it was his opinion the water crossed the property line which I believe is absorbed in our wash. Also, he stated he believed there was water in excess of what I will use, which we don't know at this time, but should have no bearing on his decision.

On Ayers application he asks (item 4 & 5) for 0.08 cubic feet per second which, if I calculate right, would be 36 gallons per minute. I don't think the spring I have developed (approximately \$7000.00 expenditure) will produce that much water at its best time. Item 8-a-4 he uses two families to be supplied. Who else is he applying for? In item 9-b he states he and I own the land and only I have clear title to this property. In 9-c he states he has a deeded easement, which is news to me. There are no commitments on my title pertaining to his statement, only to the Washington Water Power Company and to Northern Pacific Railway Company.

While in Idaho we drove to Coeur d'Alene (August 4th) to see Mr. Haynes as, at that time, had not received any word. He was gone but his office girl was under the impression that Ayers application was denied.

We met Mr. Ayres in May of this year for the first time and it was then that he said he wanted a better water source. He mentioned this was necessary to the sale of his property. Then we met at our building site the 1st of August whereupon he asked what I was going to do. His one comment was "How much will you pay me to sign off?" You know how I answered that. He then said "just drill me a well so I get water and I'll forget the whole thing."

MICROFILMED

August 22, 1978

We were surprised to learn, from Mr. Ayers, that the Department has supplied him with copies of my letters to the Department which were written in supposed confidence.

To me, it seems strange that no effort was made by Mr. Ayres to obtain water until I had completely developed one of the springs.

Because of the errors in Mr. Ayers application for a water permit I believe his request should be denied. Two wrongs do not make a right.

Very truly yours,


Ken Richard

KR/hr

RECEIVED

2/14
Aug 8-15-78

Dear Mr King,

Re: 86-7079.

It has been two months since the inspection of the water on Mr Richard's land.

I would like to know the results as soon as possible as I wish to install the pump and water line as soon as the weather gets cool.

Yours Truly

Twel M. Cyer

Approval sent out
August 17 1978
RSH

MICROFILMED

RECEIVED

AUG 16 1978

Department of Water Resources
Northern District

August 23, 1978

Re: Permit No. 86-7079

Ken Richardt
422 Arbor Ave.
West Chicago, IL 60185

Dear Mr. Richardt:

Enclosed is a copy of Permit No. 86-7079 that I agreed to send to you.

Sincerely,

NORMAN C. YOUNG
Administrator, Operations Bureau

NCY:kw
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

August 18, 1978

Re: Permit No. 86-7079

Lowell Ayers
Route #1, Box 98-V
Lenore, ID 83541

Dear Mr. Ayers:

Enclosed is a copy of your approved Application for Permit No. 86-7079. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

STAFF REVIEW - STATE OFFICE

86-7079

1. OK Name vs. Signature
2. S.W. Source ~~not 1 (NONE)~~
3. ✓ Point of Diversion
4. .08 ✓ ^{2 households} Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. Not app'd Property Owner at Pt. of Div. & Dedicated easement Pl. of Use
10. ✓ Map
11. 10.00 Fee & Rec't. No. 2-23-78

Copies Sent To:

Idaho Health Department 3 sent ^{only when apps are for 10 or more households}
N/A Idaho Fish & Game Dept. N/A U.S.F.S.
N/A Bureau of Land Management N/A Dept. of Lands
N/A Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land None Platted - 867071 ^{from} some

Source. See file - supply for new appropriation is available

Withdrawals of all protests received yes ✓ no - ^{protest not timely filed - protest permitted on right of way limit on permit}

Conditions:

ID Power Co. Letter - Snake R. N/A

ID Power Co. Letter - G.W. & Tribs. N/A

Snake River Condition N/A

Payette River Letter N/A

Priority Date 2-23-78

Water Quality #16 N/A

Water Quality #10 N/A

Intrastate Interstate

Meas. Dev. or Sc. Meas. N/A

Totalizing meter N/A

Supplemental N/A

Right-of-Way Cond. Yes

Watermaster Cond. N/A

Wtr. Dist No.

Meas. Dev. Cond. for apps within a Water Dist.

MICROFILMED

Jimi
 Reviewer
8/15/78
 Date

August 10, 1978

RE: Application No. 86-7079 - Lowell Ayers

Mr. Ken Richardt
422 Arbor Ave
West Chicago, Ill 60185

Dear Mr. Richardt,

Members of the Department of Water Resources staff including myself have conducted a field investigation on the water supply sought by Lowell Ayers. It is our opinion that water in question is public water because it does cross property boundaries. We also believe that there is water in excess of what you will use. Because of these factors, I will recommend approval of Mr. Ayers application. This approval does not and can not grant any right of-way on your property to Mr. Ayers. It will be necessary for him to obtain a valid easement from you if he does not hold one from a previous owner.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MICROFILMED

TO: File 86-7079

FROM: Ken Knoblock 

SUBJECT: Field Inspection

DATE: 6-23-78

On June 21, 1978, Bob Haynes and I inspected the spring described in the application of Lowell Ayers. We found that a catch basin and a collection box had been constructed by Kenneth Richardt. The collection box had water running out of two overflow pipes and down the canyon wall. We were unable to contact Lowell Ayers at that time.

On June 22, 1978, I met with Lowell Ayers and walked to the base of the canyon wall below the spring. I found water (5-10 gpm) flowing through a pipe and under the railroad tracks. I assume it flowed into the Clearwater under the riprap on the river bank. The steepness of the canyon and the dense brush between the spring and the river prevented me from following the entire course of the water.

Lowell Ayers stated that the spring has always flowed down the wall and it flows all year. He also stated that railroad crews have always used the spot for a "watering hole".

I am confident that the water from the spring is public water.

MICROFILM

INTER-DEPARTMENT MEMO — 1

FROM *Jan*
TO *Bob Haynes*

DATE *5/15/78*

SUBJECT

This is the app. where you want a copy

of the Deeded Easement from Lowell

Agency of Peterson
Berry, Peterson & app

RECEIVED

MAY 17 1978

Department of Water Resources
Northern District Office

MICROFILMED

Jan

SIGNATURE

the address of the individual or legal entity to whom the assignment is to be made.

WATER

The Vendors are owners of certain real property lying to the South of and adjacent to the property herein described (hereinafter, for convenience, referred to as the "South property"). However, the two parcels are separated by a County Road.

Subject to the conditions herein contained, the Purchasers shall have the right to enter upon the South property to attempt to locate a suitable water source to supply water to the property hereby contracted to be sold, for the sole purpose of domestic and household use, irrigation of garden and non-commercial row crops, and watering of animals.

It is specifically understood and agreed by the Purchasers that the Vendors make absolutely no representation or guarantee as to the availability of water, the amount or quality thereof, the continuation of a supply thereof, or of any other fact or condition in connection with such water, but are merely granting to the Purchasers the privilege of attempting to secure and maintain such water supply.

Should the Purchasers be able to locate a suitable source of supply upon the South property they shall cause a five-foot easement for pipeline purposes to be surveyed along a line agreed upon by Vendors and Purchasers. Such pipe shall be so routed that it will not interfere with any present or proposed improvement on the South property by the Vendors, and so as to do the least damage to the surface of said South property as is reasonably possible.

When an agreed upon easement shall have been located and surveyed, the Vendors shall grant to the Purchasers in writing a five-foot easement, being 2-1/2 feet on each side of the centerline so surveyed, for the purpose of entering upon said property, laying and maintaining a water transmission line, and further for the purpose of constructing and maintaining such works as may be necessary to divert the water source chosen into the transmission line.

MICROFILMED

All expenses in connection with surveying, laying and maintaining of all such works and line, including any necessary pumps, shall be that of the Purchasers. Whenever the surface of the South property is disturbed by the laying or maintaining of any such line, it will be restored by Purchasers as nearly as reasonably possible to its original condition.

In addition to the other terms and conditions herein contained, the taking of such water shall be governed by the following terms and conditions: (1) The pipe to be placed for transmission of such line shall be of a size necessary to provide a reasonable water supply to the Purchasers for the uses herein mentioned, but in no event exceeding one-inch (1") in diameter; (2) the right to take water from the South property shall not be exclusive to the Purchasers, but shall be shared pro rata with the Vendors or any purchasers or assigns of the Vendors of the South property or any part thereof; (3) no claim shall be made by the Purchasers against the Vendors by reason of the failure or inability of the Purchasers to receive an adequate supply of, (or indeed any) water at any time or for any period of time for any cause whatsoever, excepting only a malicious act of the Vendors; (4) the Purchasers shall comply with all laws, rules and regulations in connection with the taking of such water, including but not limited to health regulations, and secure any permits or rights of way necessary to cross the said county road with said transmission line, all of which shall be the responsibility of the Purchasers; (5) the Purchasers will construct a reservoir or holding pond upon the property herein contracted to be sold of a size no larger than is sufficient to reasonably provide for the Purchasers' water needs for a reasonable period of time. The pipe running into such pond or reservoir shall be fitted with a float valve or other shut-off device which will cause water to cease to flow through such pipeline during all times when the pond or reservoir is full. Purchasers will at all times maintain such float

valve or other shut-off device so that it shall remain fully functional and shall always operate to cease such water flow during all times said pond or reservoir is full. This agreement shall be deemed to be a covenant running with the land and shall be binding upon the Purchasers, their heirs and assigns. Should Purchasers fail to make and keep such a fully functional float valve or shut-off device, the Vendors, their heirs or assigns, at their option, may make all necessary repairs or substitutions in order to accomplish this purpose (being hereby granted access to the said pond or reservoir over the Purchasers' land for this purpose), and the cost and expense of such repairs shall be immediately due and owing from the Purchasers, their heirs or assigns, to the persons making the same, together with interest thereon at the highest legal rate until paid; (6) in case of water shortage, Purchasers agree to prorate and share the available water supply, with all other persons using water from the same source, and to cooperate to conserve the water which is available.

It is agreed that monetary damages would not provide adequate relief to the Vendors in the event of a breach of this agreement concerning water. In case of any such breach, Vendors, their heirs or assigns, at their option, may enforce any of the provisions hereof against Purchasers, their heirs or assigns, by an action for specific performance and/or mandatory or prohibitive injunction.

TITLE INSURANCE

Vendors shall furnish, as soon as reasonably possible after the execution of this contract, a policy of title insurance insuring the title to said real property in the sum of \$11,500.00, subject only to standard exceptions contained in such title insurance policy, to taxes and assessments assumed by the Purchasers hereunder, to easements and rights-of-way of public record, to any unrecorded utility easements, to the Bateman Contract hereinafter referred to, and to any acts or things caused or permitted by the Purchasers subsequent to the date of

shall fail to perfect said water right prior to January 1, 1980, or if Grimms sell, assign or forfeit the said contract for uncured default prior to such date and before such water right is perfected, in any such case the said water right shall become null and void and no longer of force and effect. The obtaining of such revision by Peterson and Berry is not a condition of this contract, but Peterson and Berry agree to use all reasonable efforts to secure such revision.

VII.

Thrapps acknowledge that they have been advised that Peterson and Berry have entered into an oral agreement with one Lowell M. Ayers, granting to the said Lowell M. Ayers the right to secure not to exceed 100 gallons of water per day from the property transferred, and to transport the same across said property to the place of use, said water right to be upon all the same terms and conditions as contained in the Grimm escrow concerning water, and as stated previously in this agreement.

Thrapps take the property transferred subject to said right of Lowell M. Ayers, and agree to grant such water right and easement, if the said Lowell M. Ayers shall sign a written agreement obligating himself to the same terms, concerning such water and water right, as contained in the Grimm escrow concerning water. Such water right shall provide that any development by Ayers must be separate from any other water development upon the property transferred, and that said Ayers will not tap any existing water transmission lines without the written consent of the owners thereof. Such development by Ayers shall be on the portion of the property transferred directly south of the property being purchased by Ayers. If Ayers shall fail to perfect said water right prior to January 1, 1980, or if Ayers shall die, or shall sell, assign or forfeit his contract rights upon said property for uncured default prior to said date and before such water right is perfected, in any such event said water right shall terminate and thereafter be wholly null and void. If Ayers perfects said water

right, by the completion of the necessary works for diversion thereof, prior to such event, then such right may be assigned or transferred by Ayers, or shall pass to his heirs, or assigns.

VIII.

The wives of Peterson and Berry are executing this agreement in order to make the same effective as to any claim of community property rights of said wives in connection with this transaction.

IX.

In the event any party or parties to this agreement shall bring suit or proceeding against any other party or parties hereto, in any way arising out of this agreement, or attempting to enforce any right herein granted, the winning party or parties in such suit or proceeding shall be entitled to receive from the losing party or parties a reasonable sum to be determined by the Court for attorneys fees for the said winning party or parties.

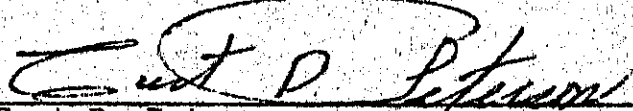
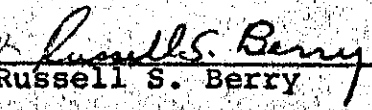
X.

Thrapps acknowledge that they are hereby informed that the said Curt D. Peterson is a licensed real estate broker and the said Russell S. Berry is a licensed real estate salesman of the State of Idaho, and that they are entering into this agreement on their own account. Thrapps have no objection to such position of the said Curt D. Peterson and Russell S. Berry in connection with this transaction.

XI.

The terms of this agreement shall extend to and be binding upon the heirs and assigns of the parties.

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


Curt D. Peterson

Russell S. Berry

June 8, 1978

Re: 8607079 - Ayers

Mr. Kenneth Richardt
422 Arbor Ave.
West Chicago, ILL 60185

Dear Mr. Richardt:

I apologize for not enclosing a copy of Mr. Ayers application in my last letter.

Apparently, from reading your letter, I did not make the situation clear. The Department has not approved Mr. Ayers application and will not approve it until we are satisfied that the water in question is not private water or Mr. Ayers shows us written consent from a previous owner.

If it can be shown that the water is not private water we must determine if:

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

I hope this clarifies the situation, If you have any questions, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

Dept. of Water Resources
Northern Region
Regional Supervisor
Robert G. Haynes P.E.

Saturday June 4

RECEIVED
JUN 7 1978
Department of Water Resources
Northern District

Dear Bob,

Appreciated your phone call two weeks ago. After digesting our talk feel I'm the victim of circumstances because I live so far away. I would have no way to know someone was trying to attack our spring. On my first meeting with Ayres he mentioned he had made application but looked as tho all the state wanted was \$10⁰⁰. This was Tuesday evening May 2 and he must have already received his application approval from your office but he didn't indicate this at that time. That is why I sent in my protest as soon as we got back home. I have no idea how many years

MICROFILMED

② - Ayres has lived there. & no apparent attempt was made to get another source of water till I had spent \$5000⁰⁰ to develop my own spring. Also as far as I know he has done nothing to rework his spring to eliminate an excess of silt in his water.

You did not enclose a copy of Ayres application with your letter. I would appreciate a copy very much.

Not being up on Idaho laws I must depend on advice and direction from you and your office.

Thanking you in advance for a copy of his application

442 Arbor Ave.
West Chicago,
Ill. 60185

I remain

Sincerely
Ken Richard

May 30, 1978

Re: 86-7079

Mr. Lowell Ayers
Rt. 1, Box 98-V
Lenore, ID 83541

Dear Mr. Ayers:

Since our last correspondence with you, we have received a letter from Mr. Kenneth Richardt objecting to the issuance of your permit.

Even though the time period for official protests has passed, it is still the responsibility of the Department to ~~determine~~ if the objections represent reasons for denying the application.

Mr. Richardt has indicated that he believes the spring in question to be private water. Private water is defined by Section 42-212 as a pond of 5 acres or less or a spring which is wholly contained on the property of one person or, in other words, the water does not cross property boundaries.

The Department is prohibited by that same section from issuing a permit to anyone other than the owner unless the applicant has the expressed written consent of the owner.

In your application you indicate that you have an easement to the spring. Would you please provide us with a copy of that easement. If you disagree with Mr. Richardt's contention that the spring is private as defined by Section 42-212, I would be interested in that also.

If there is disagreement of that point I believe that a field inspection by Department personell would be in order before action is taken on your application.

If you have any further questions, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

May 30, 1978

Re: 86-7079

Mr. Kenneth Richardt
422 Arbor Ave.
West Chicago, Ill 60185

Dear Mr. Richardt:

The purpose of this letter is to confirm the essence of our phone conversation last week.

1. Your letter arrived too late to be considered as an "official protest" to Mr. Ayers application. However, it is still the responsibility of this Department to determine if your objections represent reasons for denying the application. The only thing lost is, that should the application be approved over your objection, you do not have standing to appeal the decision into district court.

2. Private water is defined by Section 42-212 of the Idaho Code as being a pond of 5 acres or less or a spring that is wholly contained on one persons property. That same section of the Code prohibits the Department of Water Resources from issuing a permit to anyone other than the owner without his expressed written consent. I have written to Mr. Ayers requesting a copy of that easement. I also indicated that should he dispute your contention that the spring is private, personnel from our office will make a field inspection prior to taking action on his application.

3. Filing of the "Proof of Beneficial Use" for your permit should not be done until the house is complete and water is being used on the premises.

4. I am enclosing a copy of Mr. Ayers application for your information.

If you have any questions, please don't hesitate to contact me.

Sincerely,

ROBERT. G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

May 9, 1978

RECEIVED
MAY 12 1978
Department of Water Resources
Northern District Office

State of Idaho
Dept. of Water Resources

Dear Sir:

I have been informed that one Lowell M. Ayers has filed for a water permit to a spring on property that I own. My property location is described as N.W. 1/4 of N.E. 1/4 of Section 34 Township 37 N. Range 2 W B.M. Nez Perce County. I have applied for a water permit for the spring which was approved November 1, 1977.

Mr. Ayers property is approximately 700 to 800 feet from the spring on the opposite side of the county road. I would like to file a protest as he has no right to apply for a permit on this spring. There are numerous reasons for my objections --one being that I have already developed that spring.

Please send me full information on his filing and what procedure is necessary to resist the Ayers application for a water permit.

In addition would like the proper forms to apply for my water right. My water permit number is 86-7071. My house at this location is now under construction but the spring catchment with pump and heater, and plus piping to 5000 gallon water reservoir, is completed and easy to inspect at this time.

Awaiting further instructions and necessary forms,
I remain,

Very truly yours,


Kenneth Richard
442 Arbor Avenue
West Chicago, Illinois 60185

KR/hr

MICROFILMED

May 4, 1973

RE: Application No. 86-7079

Lowell H. Ayers
Rt 1 Box 98V
Lenore, Id 83541

Dear Mr. Ayers,

Your permit has been sent to the main office in Boise. They seem to be a little slower than usual, but even at their fastest, you would not probably get the approved permit before July or August. I don't believe there is any problem except time. If you have not received the approved permit by September, you might contact us again.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

*Kay, could you
see what's happening
on this one.*

MICROFILMED

May 3-78

Dear Mr King

I have seen Mr Richardt,
he tells me he already
has a permit for water
use from the spring.
I applied for the and my
ad of yet I have not
received my permit.
please advise.

Yours Truly
Lowell M. Ayers

Lowell M. Ayers
Rt. 1, Box 98-V
Lenore, ID 83541

RECEIVED
MAY 4 1978

Department of Water Resources
Northern District Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Ayers

☒ Source
☐ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) JK 9-23-78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) JK 9-23-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) SDW 4-17-78

Affidavit of Publication received (date) 4-17-78
3-20-78

(12) _____

Final date for protests 3-27-78
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

2B.78 Proposed Priority

Reason for Reduction _____

☒ R/W Clause
Measuring device required

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes Date 4-25-78

RECEIVED

APR 27 1978
Aug. 15, 78
Department of Water Resources

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

March 29, 1978

RE: Correction No. 86-7079

Lewiston Morning Tribune
505 C St
Lewiston, Id 83801
Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill
received
4-17-78
SDW* *DK*

Notice of Correction

Notice is hereby given that Application for Permit No. 86-7079 in the name of Lowell Ayers was advertised incorrectly on March 9 & 16, 1978. The place of use was advertised as being within the Government Lot 1, Section 34, T37N, R1W, B.M. Whereas, the actual place of use is within the Government Lot 1, Section 34, T37N, R2W, B.M.

Any protest to the above correction must be filed with the Idaho Dept of Water Resources, 4055 Government Way, Coeur d'Alene, Id 83814, on or before April 24, 1978

C STEPHEN ALLRED
Director

Published in the Lewiston Morning Tribune, Lewiston, Id on April 6 and April 13, 1978

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

March 2, 1978

Re: Application No. 86-7079

Lewiston Morning Tribune
505 C. Street
Lewiston, ID 83501

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

MICROFILMED

January 23, 1978

Re: Application for Permit

Mr. Lowell Ayers
Rt. 1, Box 98-V
Lenore, ID 83541

Dear Mr. Ayers:

Enclosed is a partially completed application as you requested.

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING,
Senior Water Resource Agent

TK/sdw

Enclosure

MICROFILMED

February 17, 1978

Lowell Ayers
Rt 1 Box 98V
Lenore, Id 83541

Dear Mr Ayers,

I regret to inform you that you have not given me a workable legal description. I am returning your check #92-153 in the amount of \$10.00 and a new Application for Permit which I have filled out except for items 3a, 8a1 and 11. Please complete these items, sign the form and refile the application with the \$10.00 fee.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosure

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lowell Ayers
Rt 1 Box 98V, Lenore, Id
has on February 23, 1978 submitted Application No. 86-7079
for a permit to appropriate 0.08 cubic feet per second ~~XXXXXXXXXXXX~~
of water from an unnamed spring, tributary of the Clearwater River
by means of Developed spring, hydrolic ram, & pipeline
within the Gov Lot 1, Sec 34, T37N, R2W, B.M., Nez Perce County

to be used from Jan 1 to Dec 31
for domestic purposes for 2 households
within the Gov Lot 1, Sec 34, T37N, R2W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before March 27, 1978.

C. STEPHEN ALLRED
Director

Published in the Lewiston Morning Tribune, Lewiston, Id
on March 9 and March 16, 1978

MICROFILMED

May 3 - 78

Dear Mr King

I have seen Mr Richard,
he tells me he already
has a permit for water
use, from the spring.
I applied for He and my
self.

As of yet I have not
received my permit,
please advise.

Yours Truly
Lowell M. Ayers

Lowell M. Ayers
Rt. 1, Box 98-V
Lenore, ID 83541

RECEIVED
MAY 4 1978

Department of Water Resources
Northern District Office

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