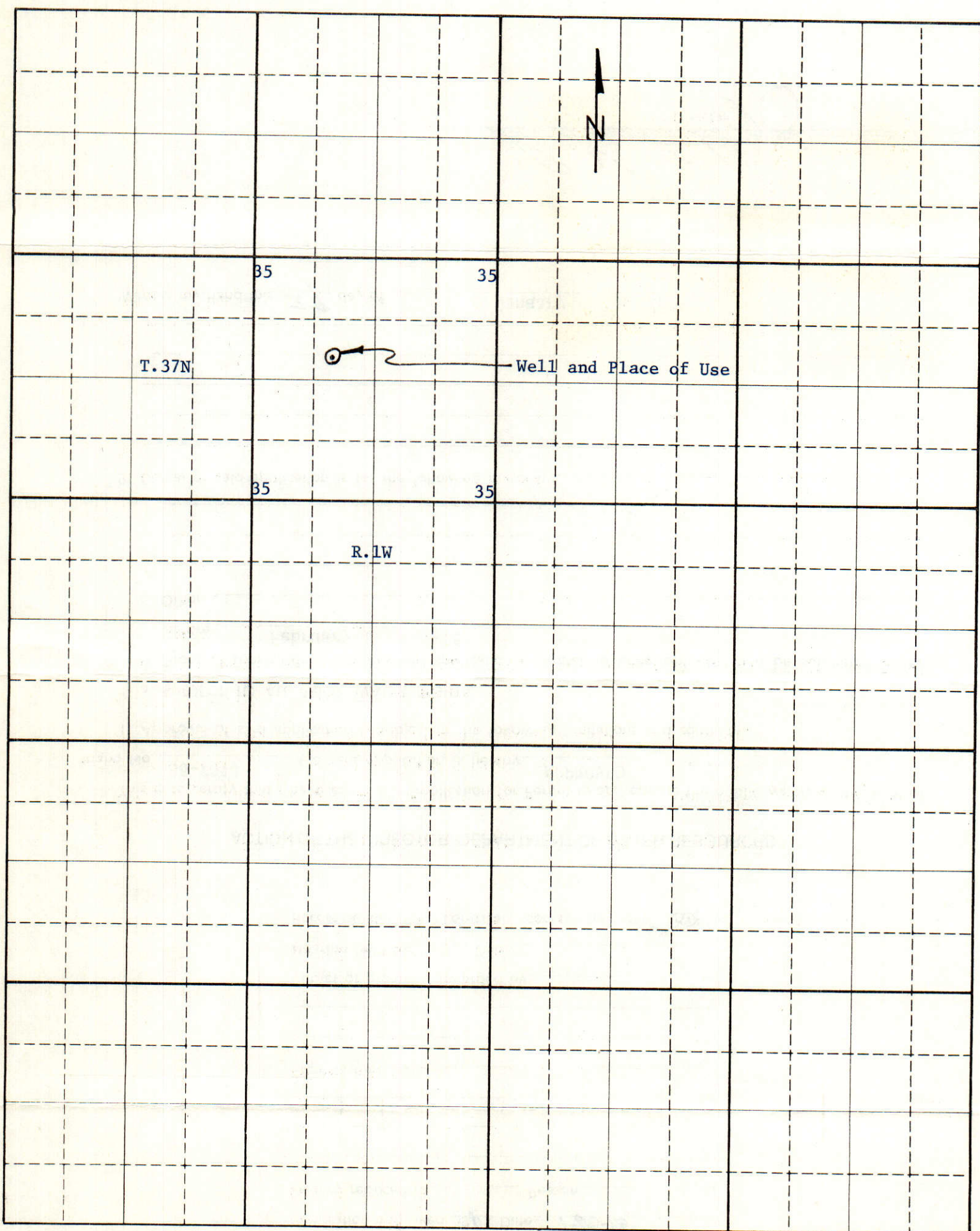


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

John E. Wergheal  
(Applicant)

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Clearwater } ss.

**Nancy Noble**

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

**Notice of Application for  
Water Permit Weighall/Diehl**

That said **Notice**

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 2nd day of January, 19 75, and ending on the 9th day of January, 19 75

Nancy Noble  
Subscribed and sworn to before me this 10th day of January, 19 75

David J. Smith  
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO  
RESIDING AT OROFINO THEREIN

RECEIVED

JAN 15 1975

Department of Water Resources  
Northern District Office

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John E. Weighall and/or Robert Diehl, Box 15, Montello, Nevada have on Dec. 24, 1974, submitted Application No. 88-7044 for a permit to appropriate 0.10 cubic feet per second of water from a ground water source by means of well, pump and motor within the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec 35, T. 37N, R. 1W, B.M., Clearwater County to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stock watering purposes (0.02 cfs) within the

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec 35, T. 37N, R. 1W, 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, 401 Front Ave., Coeur d'Alene, Idaho 83814 on or before Jan. 20, 1975.

**R. KEITH HIGGINSON**  
Director

Published in the Clearwater Tribune, Orofino, Idaho on Jan. 2 and Jan. 9, 1975.

1-2, 9c

MICROFILMED

diversion

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.

*Robert E. Weighall*

*John E. Weighall*  
(Applicant)

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 86-7044 Priority December 24, 1974 Amount 0.10 cfs

THIS IS TO CERTIFY, that JOHN E. WEIGHALL &/OR ROBERT DIEHL  
of Montello, Nevada, has complied with the terms and conditions of Permit  
No. 86-7044 issued pursuant to Application for Permit dated December 24, 1974,  
and has submitted proof to the Department of Water Resources on January 21, 1976,  
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 0.10 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, 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               | from <u>January 1</u> to <u>December 31</u> at <u>0.08</u> cfs and | <u>2.4</u> acre feet |               |
| Stockwater             | from <u>January 1</u> to <u>December 31</u> at <u>0.02</u> cfs and | <u>0.7</u> acre feet |               |
|                        | from _____ to _____ at _____ cfs and                               |                      |               |
| (both dates inclusive) |                                                                    |                      |               |

Subject, however, to the condition that no more than 0.10 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  
3.1 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35  
Twp. 37N, Rge. 1W, B.M. in the County of Clearwater

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  | 1W    | 35   |                  |                  |                  |                  |                  |                  | X                |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

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

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, 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 26 day of  
July, 19 79.

Deputy Director

Identification No. 86-7044

Application No. \_\_\_\_\_

**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 John E. Weighall &/or Robert Diehl Phone: (702) 776-2471  
post office address Box 15, Montello, Nevada 89830

2. Source of water supply Ground water which is a tributary of \_\_\_\_\_

3. a. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 35 Township 37N  
Range 1W B.M. Clearwater County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  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 0.02 for Stockwater 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)

5. Total quantity to be appropriated:

a. 0.10 cubic feet per second and/or

b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with pump and motor.

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 6 inches; proposed depth of well is 200 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 1 years.

b. Estimated construction cost is \$3,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 35 Township 37N  
Range 1W B.M. (South of County Road)

(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered 3 horses, 25 feeder cattle.

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water two.

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

**MICROFILMED**

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 Applicant

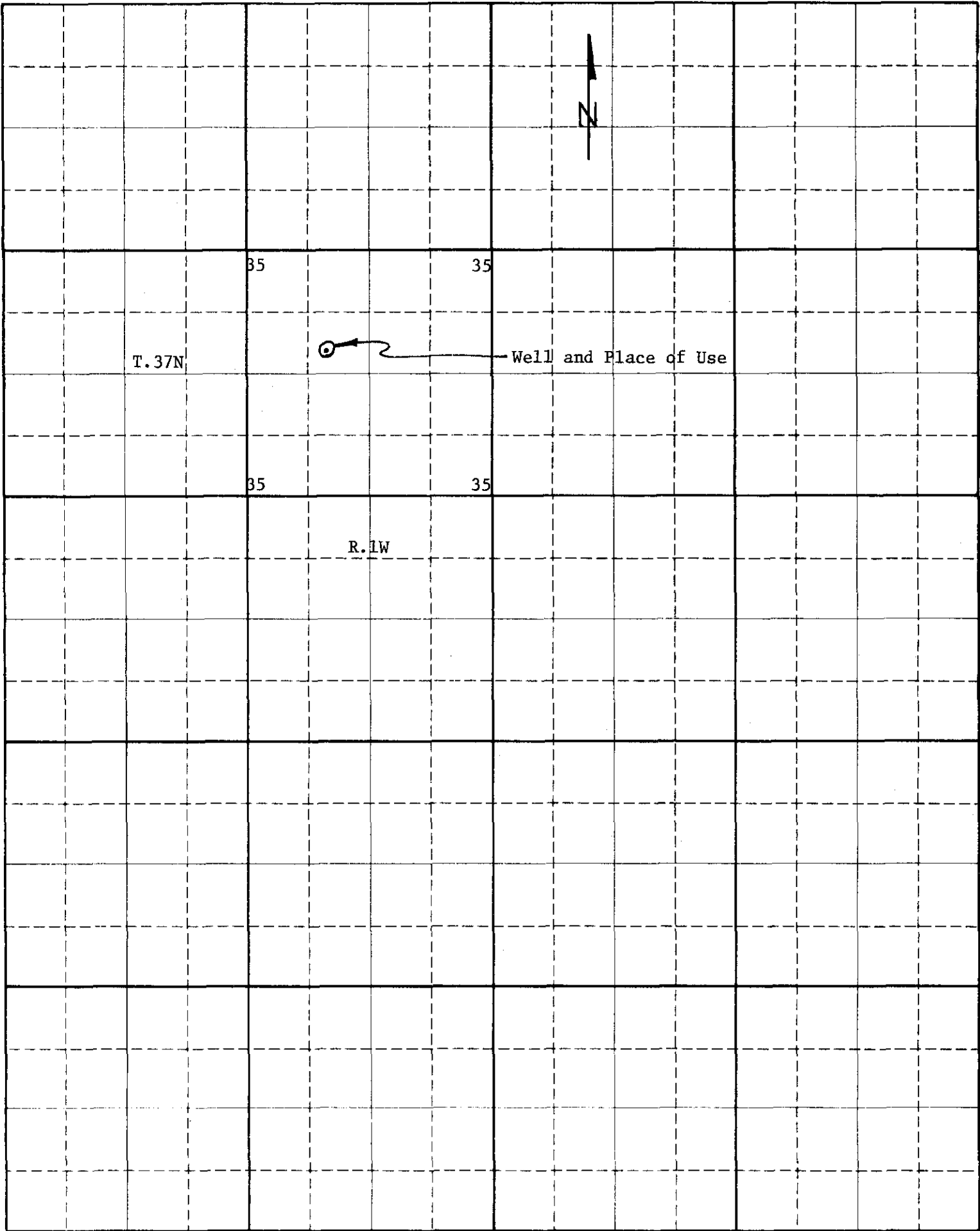
b. Who owns the land to be irrigated or place of use \_\_\_\_\_ Applicant \_\_\_\_\_

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

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

[illegible]

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.

John E. Weighall  
(Applicant)

Proposed Priority 12-24-1974

Received by TE Date 12/24/74 Time 1:00 P  
Preliminary check by TE Fee \$ 1000  
Received by TE Date 12/24/74 # 15162  
15163  
Publication prepared by CP Date 12-27-74  
Published in Clearwater Tribune  
Publication dates 1-2 & 1-9-75  
Publication approved CP Date 1-20-75  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by W SDF

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

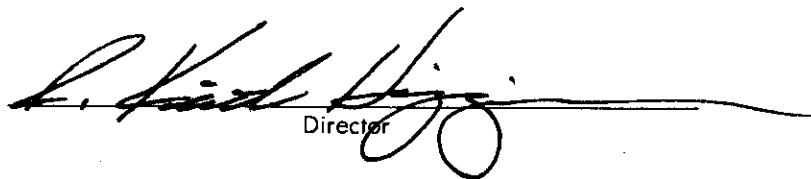
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 86-7044, and said application is hereby APPROVED.

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 February 1, 1976.
- c. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Witness my hand this 29 day of January 19 75.

  
Director

# AF. DAVIT OF PUBLIC TION

STATE OF IDAHO, }  
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for  
Water Permit Weighall/Diehl

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 2nd day of January, 19 75, and ending on the 9th day of January, 19 75

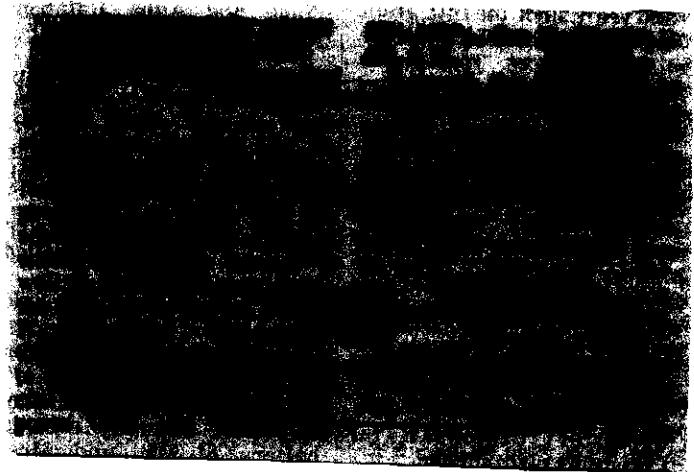
Nancy Noble  
Subscribed and sworn to before me this 10th day of January, 19 75

[Signature]  
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO  
RESIDING AT OROFINO THEREIN

RECEIVED

JAN 16 1975

Department of Natural Resources  
Northern District Office



MICROFILMED

WATER RIGHT NUMBER 86-7044  
ACT  
ION

FROM - 01-01 TO - 12-31 USE - STOCKWATER

WATER RIGHTS EDIT REPORT

USE DIV. RATE -

.7000CFS

USE DIV. VOLUME -

3.10 AFA

10/02/79

PAGE 243

WATER RIGHT NUMBER 86-7044  
ACT  
ION

WATER RIGHTS EDIT REPORT

10/02/79

PAGE 148

N OWNER LAST NAME - WEIGHALL  
N OWNER LAST NAME - DIEHL  
N  
N SOURCE - GROUNDWATER  
N STAGE - LICENSE  
N TOTAL DIV. VOLUME - 3.10 AFA  
N DIVERSION POINT - SENW 35 37N 01W  
N FROM - 01-01 TO - 12-31 USE - STOCKWATER  
N FROM - 01-01 TO - 12-31 USE - DOMESTIC  
N USE - STOCKWATER  
N  
N FIRST NAME - JOHN E.  
N FIRST NAME - ROBERT  
N CITY - MONTELU  
N STATE - NV  
N PRIORITY - 12-24-1974 COUNTY - CLEARWATER TOTAL DIV. RATE - .1000CFS  
N USE DIV. RATE - .7000CFS  
N USE DIV. RATE - 2.4000CFS  
N USE DIV. VOLUME - 3.20 AFA  
N PLACE OF USE - TWN 37N RNG 01W SEC 35 TRACT SENW



- DATA ENTRY -

Record

1. Original Owner: John E. Weighner + Robert Diehl

Present Owner: \_\_\_\_\_

2. Address:

3. City: Montello State: W. Zip:

4. A. Source of Water: GW

- B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

- B. Status (D,L,R,C,A,I,F - leave blank if valid):

- C. Priority Date: 12-24-1974

- D. County: 35

- E. Total Diversion Rate: 1

- F. Total Diversion Volume: 3.1

- G. Transfer/Amendment (P,T of A or blank):

- H. Water District:

- I. DLE/Carey Act (D,C or blank):

- J. Right Basis (for adjudication claims A,B,C only):

|                          | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u>           | <u>Rge.</u>          | <u>Gov't Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-----------------------|----------------------|------------------|---------------|
| 6. A. Point of Diversion | <u>SE NW</u> | <u>35</u>   | <u>37<sup>N</sup></u> | <u>1<sup>W</sup></u> |                  |               |
|                          |              |             |                       |                      |                  |               |
|                          |              |             |                       |                      |                  |               |
|                          |              |             |                       |                      |                  |               |

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for S purposes. Amount 7 / 3.1  
(cfs or AC-FT/yr)

from 1-1 to 12-31 for D purposes. Amount 2.4

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from                      to                      for                      purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

9.14.19.

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):



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

July 26, 1979

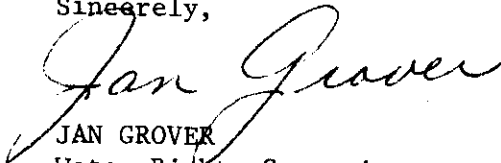
John E. Weighall &/or Robert Diehl  
Box 15  
Montello, NV 89830

Gentlemen:

RE: Water Right No. 85-7044

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

Sincerely,

  
JAN GROVER  
Water Rights Supervisor

JG:lr

Enclosure

**MICROFILMED**

476 3676 -

**DEPARTMENT OF WATER ADMINISTRATION**  
**FIELD REPORT**

FIELD REPORT

John E. Weighall &/or Robert Diehl

RECEIVED

FEB 5 1976  
-776-2471

702-776-2471 1976

Department of Water Resources  
Northern District Office

1. Name of permit holder JOHN E. WEIGHNATT &/OR ROBERT DIENT

Post office address Box 15, Montello, Nevada 89830

Person to contact \_\_\_\_\_

2. Source of water supply: Groundwater ☒ Surface water ☐ \_\_\_\_\_  
(name spring, stream, etc.)  
Tributary to \_\_\_\_\_

3. Water will be used for the following purposes:

Amount 0.08 c.f.s. for Domestic (2)  
           AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31  
(mo.-day) inclusive (mo.-day)

Amount 0.02 c.f.s. for Stockwater (3 horses, 25 cattle)  
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31  
(mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

Permit No. 00-1044

Examination for b/u

86-7044

4. Total amount to be appropriated:

Max Rate of Diversion 0.10 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 37N N/S, Range 1W E/W, B.M., Section 35, Subdivision SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Clearwater  
County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: 6" casing, 148' deep

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE** \_\_\_\_\_

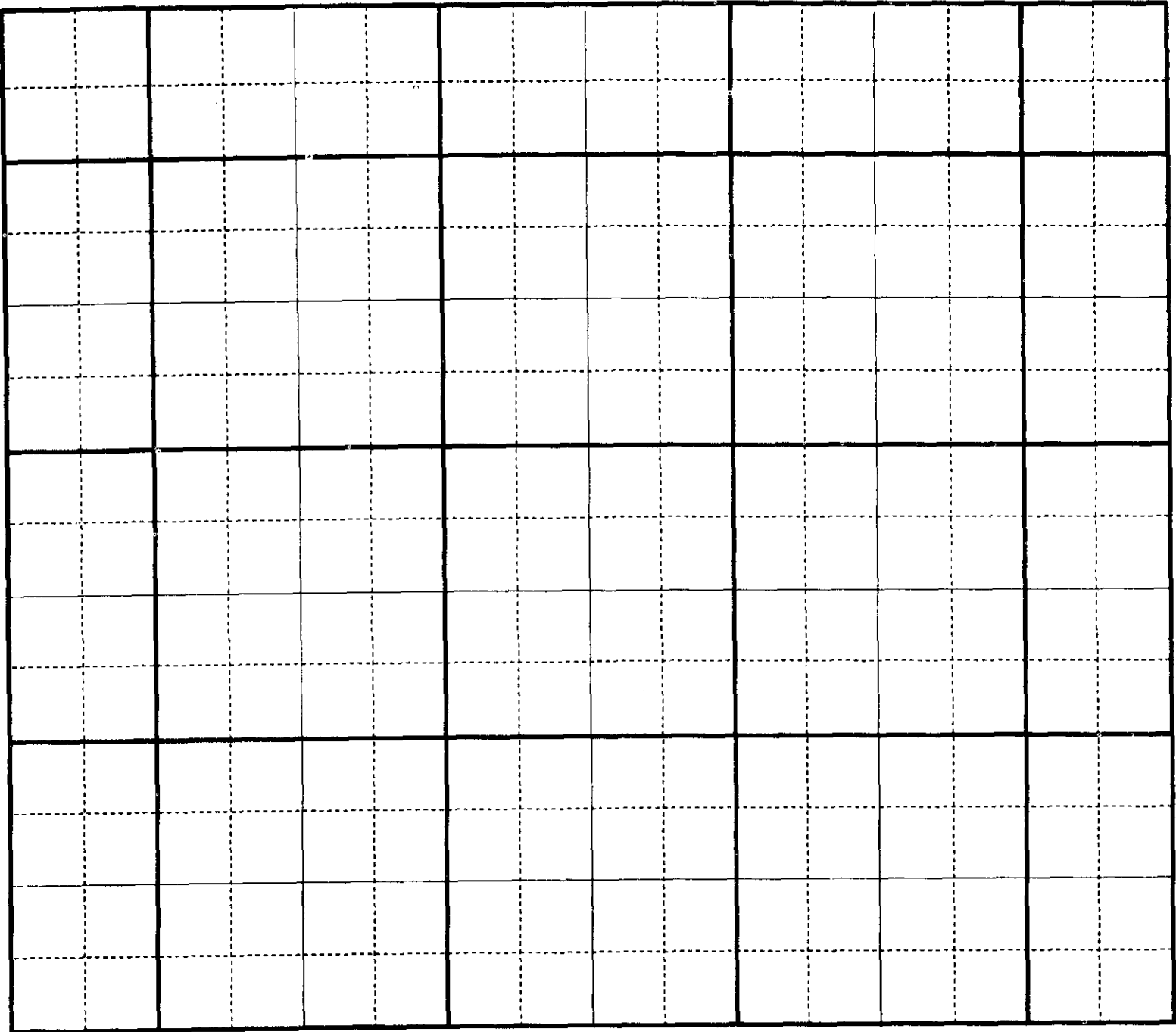


Diagram of System

DATE OF EXAM 7/28/78

ACREAGE  
Found \_\_\_\_\_  
Recommended \_\_\_\_\_

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE  
Irrigation Q= \_\_\_\_\_ c.f.s. V= \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Domestic Q= 0.08 c.f.s. V= 2.4 AF/Ann. from Jan 1 to Dec 31  
Livestock Q= 0.02 c.f.s. V= 0.7 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes \_\_\_\_\_ no ✓

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no ✓

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of injection:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of exchange:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Total Q measured None Method of measurement ^

Total Q recommended 0.10 cfs Meter No. ^ Type ^ Condition ^

Total V recommended 3.10 AF/Ann

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None \_\_\_\_\_

MEASUREMENT CALCULATION:

2 lines @ 0.08 & 2.4 AF  
28 hd Sta @ 0.02 & 0.7 AF  
total 0.10 cfs 3.10 AF/Ann

SYSTEM DESCRIPTION:

well with submersible pump & pipe line to place of use

REMARKS:  
no contact this date - have called before

Examiner's Signature J.D. K... Date 8/31/78  
Checked by Bob Haynes Date 8/10/78  
Approved by \_\_\_\_\_ Date \_\_\_\_\_

February 4, 1976

Re: Permit No. 8C-7044

John E. Weighall &/or Robert Diehl  
Box 15  
Montello, Nevada 89830

Dear Sirs:

We acknowledge receipt of the affidavit submitted as proof of beneficial 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 cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in **Coeur d'Alene.**

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

DDR:JG

Identification No. 86-7044

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

RECEIVED

STATE OF IDAHO

JAN 21 1976 *OK*

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Northern District Office

1. a) Name of Permit Holder John A. or Franklin L. Weighall

b) Post Office Address Box 15 Montello, Nevada 89430

2. Permit Number 86-7044

3. Date of Priority that you are prepared to establish 10/21/74

4. a) Source from which water was appropriated \_\_\_\_\_

b) Location of the point of diversion: SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 35

Township 37N, Range 1W Boise Meridian, Other points of diversion: \_\_\_\_\_

Clearwater County

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

Amount 0.08 for Domestic purposes from Jan 1 to Dec 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount 0.02 for Stockwater purposes from Jan 1 to Dec 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 0.10 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Aqua Drillings & Development Inc.

Aqua Ave. Highway 95 N. P.O. Box 1002 Coeur d'Alene, Ida.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: 83814

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: None

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 6 in. casing, Depth 14' 8"

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

c) Give well driller's name and address and the date the well was completed: Aqua Drillings & Development Inc.

Aqua Ave. Highway 95 N. P.O. Box 1002 Coeur d'Alene, Ida. 83814

Completed 10/21/74

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

Domestic & Garden

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: Garden

| T | R | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|---|---|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|   |   |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

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

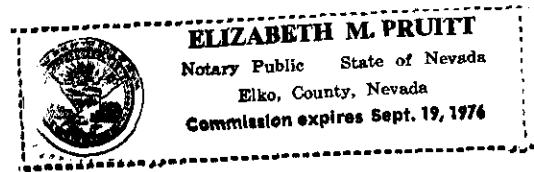
10. Remarks: \_\_\_\_\_

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

Jan 19, 76 (Date) John E. Weighall (Signature)

State of Nevada )  
County of Elko ) ss.

On this 19th day of Jan, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Elizabeth M. Pruitt  
Notary Public residing at Montello Nev.

My commission expires \_\_\_\_\_

SERVICE

IONS

to the space below.  
reverse side.  
to back of article.



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



DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

● SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

## 1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢  
☐ Show to whom, date, & address of delivery.. 35¢  
☐ RESTRICTED DELIVERY.  
☐ Show to whom and date delivered..... 65¢  
☐ RESTRICTED DELIVERY.  
☐ Show to whom, date, and address of delivery 85¢

## 2. ARTICLE ADDRESSED TO:

*RECEIVED*

## 3. ARTICLE DESCRIPTION:

REGISTERED NO. 138149

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

*John W. Wright*  
 DATE OF DELIVERY 12/4/75

POSTMARK

DEC 4 1975

5. ADDRESS (Complete only if requested)

## 6. UNABLE TO DELIVER BECAUSE:

NEW YORK  
 OFFICE  
 INITIALS  
*HWK*

December 1, 1975

CERTIFIED MAIL

13 849

Re: Permit No. 86-7044

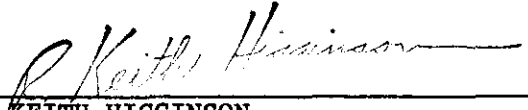
John E. Weighall &/or Robert Diehl  
Box 15  
Montello, Nevada 89830

Gentlemen:

One of the conditions of approval of your water Permit No. 86-7044 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

  
\_\_\_\_\_  
R. KEITH HIGGINSON  
Director

RKH:jg  
Enc: Proof affidavit

86-70441

December 13, 1974

Mr. John E. Weighall  
Box 15  
Montello, Nevada 89830

Dear Mr. Weighall:

Enclosed is your Application for Permit which we have typed for your convenience. We are returning the two checks you submitted, both in the amount of \$5.

Please review all items on the Application and if they are in order, please sign at the bottom of Page 3 and return the form to our office along with the \$10 filing fee.

Your assistance in this matter is appreciated. Please contact us if there are any questions.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Enclosures

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Room 209  
401 Front Avenue  
Coeur d'Alene, Idaho 83814  
(208) 667-6484

November 4, 1974

Mr. John E. Weighall  
Box 15  
Montello, Nevada 89830

Dear Mr. Weighall:

We are returning your Check No. 97-1 in the amount of \$5 which you submitted as the filing fee for water rights for your well.

If this well is to be used for one domestic family, then it is not required to file an application with our Department; however, we do recommend that you do so. We have enclosed an Application for Permit form for your use along with instructions. Please note the fee schedule on Page 4 of the instruction sheet.

If you should have any questions in this matter, feel free to contact our office.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Enclosure

RECEIVED

November 4, 1974

Mr. John E. Weighall  
Box 15  
Montello, Nevada 89830

Dear Mr. Weighall:

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If you should have any questions in this matter, feel free to contact our office.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Enclosure

NOT RECORDED

RECEIVED  
D

INTER-DEPARTMENT MEMO — 1

FROM

Mary

OCT 25 1974

DATE

October 25, 1974

TO

Northern District

Department of Justice  
Northern District Office

SUBJECT

Attached letter and check

Have not receipted or done anything with this lady's check and letter. Didn't know quite what to do. Everyone was out of the office when this came in, so I thought I'd throw this in your laps.

RECEIVED

*Mary*

SIGNATURE

State of Idaho.  
Dept. of Water Administration  
Boise, Idaho.

Oct 24-1974

Dear Sir,

Inclosed please find a check for \$5.00  
filling fee for water rights on a new well  
Drilled by Robert F. Wiegitz for Aqua.  
Drilling & Development, P.O. Box 1002  
Coeur d'Alene, Idaho. 83814. Started Oct  
19th Completed Oct 21, 1974.

Water level 110 ft

D.P.M. 7 gal

Quality good

Temp 78°

Diameter Hole 6 in

Total Depth 148 ft

Steel Casing .025 - 142 ft

Location of Well

Clearwater County

S.W. 1/4 N.W. 1/4

Sec. 35

T. 37 N

R. 1 W.

RECEIVED

OCT 30 1974

Department of Water Resources  
Northern District Office

Sincerely  
John E. Weighall  
Box 15  
Montello, Nevada  
89830

MICROFILMED

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

Application No. \_\_\_\_\_

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

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

1. Name of applicant John E Weighall <sup>1/3 for Robert Diehl</sup> Phone: 702-776-2471  
post office address Box 15 Montello, Nevada
2. Source of water supply Well which is a tributary of ✓
3. a. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 35 Township 37  
Range 1W B.M. Clearwater County; additional points of diversion if any: \_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount .08 for Domestic purpose from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount .02 for Stockwater purpose from 1/1 to 12/31 (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. .10 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. well with pump & motor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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 6 inches; proposed depth of well is 200 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.  
b. Estimated construction cost is \$ 3000.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 35 Township 37  
Range 1W B.M. South of County Road.  
(2) Amount of power to be generated: 2 hp under 100 feet of head. .20 cfs.  
(3) List number of each kind of livestock to be watered 3 horses 25 feeder cattle.  
(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: Gardens  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED

[illegible]

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

diversion

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.

*Robert E. Weighall*

*John E. Weighall*  
(Applicant)

Received by cp Date 12-9-74 Time 1:00 p.m.

Preliminary check by \_\_\_\_\_ Fee \$ \_\_\_\_\_

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_

Publication dates \_\_\_\_\_

Publication approved \_\_\_\_\_ Date \_\_\_\_\_

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Protests filed by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by \_\_\_\_\_

#### 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. Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Director

January 30, 1975

Re: Permit No. 86-7044

John E. Weighall &/or  
Robert Diehl  
Box 15  
Montello, Nevada 89830

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 86-7044. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosure (2)

MICROFILMED

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. 86-7044

☒ 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) AP 12/24 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
- (4) AP 12/24 In form for advertising
- (5) \_\_\_\_\_ \_\_\_\_\_ Platted on Map No. \_\_\_\_\_
- (6) \_\_\_\_\_ \_\_\_\_\_ Located within Water District No. \_\_\_\_\_
- (7) AP 1/20/75 Critical groundwater area: yes \_\_\_\_\_ no ☒
- (8) AP 1/20/75 Groundwater levels:  
\_\_\_\_\_ Declining, ☒ Stable, \_\_\_\_\_ Increasing  
(comment) \_\_\_\_\_
- (9) \_\_\_\_\_ \_\_\_\_\_ Other rights on the same place of use
- (10) \_\_\_\_\_ \_\_\_\_\_ Comments: \_\_\_\_\_
- (11) CP 1/20 Affidavit of Publication received(date) JAN. 15, 1975
- (12) CP 12/27 Final date for protests JANUARY 20, 1975  
Protests received: yes \_\_\_\_\_ no ☒
- (13) AP 1/20/75 All requested information received from agencies or  
applicant: yes ☒ no \_\_\_\_\_
- (14) AP 1/20/75 Action recommended:  
☒ Approve \_\_\_\_\_ Deny  
12/24/75 Proposed Priority  
\_\_\_\_\_ Reason for Reduction \_\_\_\_\_  
No Measuring device required  
\_\_\_\_\_ See attached sheet for other conditions of  
approval  
☒ No special conditions Department of Water Resources approval  
Date 1/20/75
- (15) District 2 Adams By Robert J. Adams Date 1/20/75

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Room 209  
401 Front Avenue  
Coeur d'Alene, Idaho 83814  
(208) 667-6484

December 27, 1974

Re: Application No. 86-7044 - John E. Weighall &/or Robert Diehl

Clearwater Tribune  
Box 71  
Orofino, ID 83544

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,

FRED EISENBARTH  
Northern District Manager

FE:cp

Enc: Legal Notice(s)

*Bill submitted 1-20-75. cp*

**MICROFILMED**

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John E. Weighall &/or Robert Diehl,

Box 15, Montello, Nevada

~~have~~  
~~xxxx~~on Dec. 24, 1974 submitted Application No. 86-7044

for a permit to appropriate 0.10 cubic feet per second ~~xxxxxx~~  
of water from a ground water source

by means of well, pump, and motor

within the SE~~1~~/~~4~~, Sec. 35, T. 37N, R. 1W, B.M., Clearwater County

to be used from Jan. 1 to Dec. 31

for domestic (0.08 cfs) and stockwatering purposes (0.02 cfs)

within the SE~~1~~/~~4~~, Sec. 35, T. 37N, R. 1W, 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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 20, 1975.

R. KEITH HIGGINSON

Director

Published in the Clearwater Tribune, Orofino, Idaho

on Jan. 2 and Jan. 9, 1975

**MICROFILMED**

December 27, 1974

Re: Application for Permit No. 86-7044

John E. Weighall &/or  
Robert Diehl  
Box 15  
Montello, Nevada 89830

Gentlemen:

Attached are your receipt Nos. 15162 and 15163 both in the amount of \$5 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

FRED EISENBARTH  
Northern District Manager

FE:CP

Attachments

**MICROFILMED**