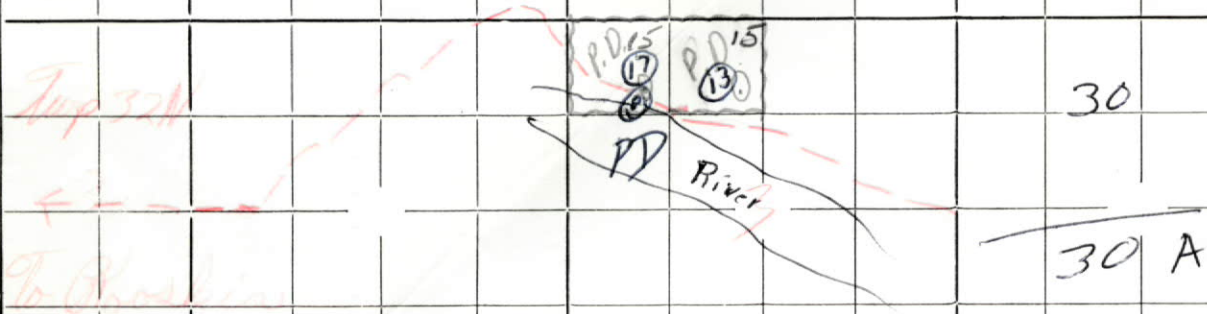


Page 55



Area - 30 A est

Subd - 2

Q - 0.51 cfs

VOL - @ 30 AC-FT / ACCE / SEASON
MAX DIVERTED AEST TO
EXCEED 90 AC-FT / SEASON

DE 10-14-09

AFFIDAVIT OF PUBLICATION

Gary D. Cash being first duly

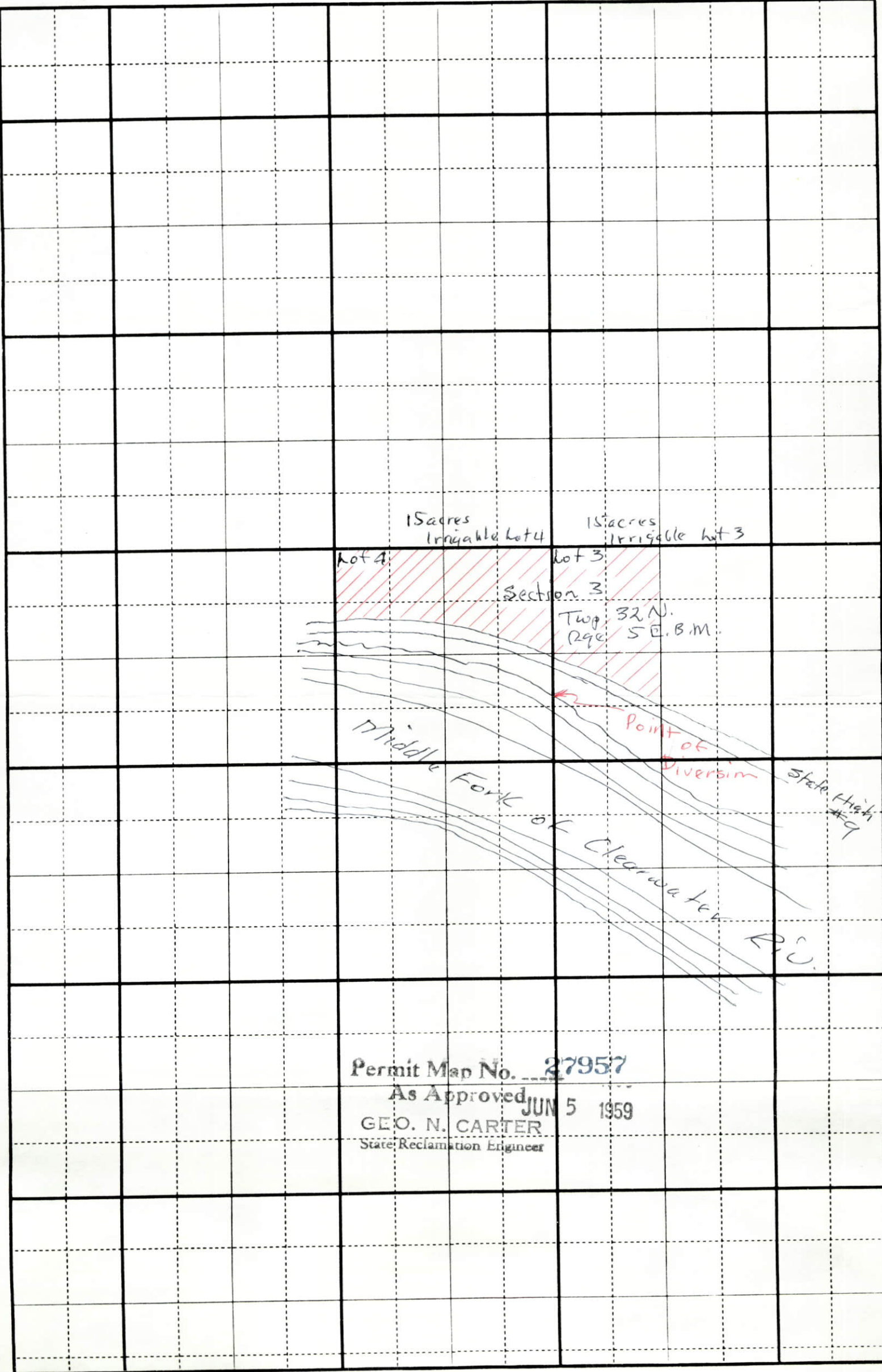
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 4 weeks,
being published 4 times, the first publication being
on the 21st day of April, 1966,
and the last publication on the 12th day of
May, 1966; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this 12th day
of May, 1966

Richard C. Hatch, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE
Notice is hereby given that on the
1st day of June, 1966, at Grangeville,
County of Idaho, State of Idaho, be-
fore Joseph Montell, a Notary Public,
proof will be submitted of the ap-
plication to beneficial use of 0.6
cubic feet per second of the waters
of Middle Fork of Clearwater River
in accordance with the terms and
conditions of Permit No. 27957 here-
tofore issued by the Department of
Reclamation of the State of Idaho.
The name and post office address
of the person or corporation holding
said permit Earl Cleghorn, Star Rte.,
Kooskia, Idaho.
The use to which said water has
been applied is for irrigation.
The amount applied to beneficial
use is 0.6 cubic feet p/s.
The point of diversion of said water
is Lots 3 & 4 Sec. 3, Twp. 32 N.
Rge. 5 E.B.M.
The place where said water is
used (LEGAL DESCRIPTION) Lots 3
& 4, Sec. 3, Twp. 32 N. Rge 5 E.B.M.
(30 acres therein).
The date of priority which said
user is prepared to establish is
May 27, 1959.
CARL E. TAPPAN,
A21-M12 State Reclamation Engineer



Permit Map No. 27957
 As Approved JUN 5 1959
 GEO. N. CARTER
 State Reclamation Engineer

WATER LICENSE

Water License No. 27957/81-2015 Priority May 27, 1959 Amount 0.51 c.f.s.

THIS IS TO CERTIFY, that EARL CLEGHORN
 of Kooskia, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated May 27, 1959; that Permit 27957/81-2015 was issued pursuant
 to said application; that the proposed works were completed on or about July 1959,
 with a storage/or carrying capacity of 0.51 c.f.s., said works consisting of
pump, motor, and sprinkler system; and that on June 1, 1966,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 0.90
 acre feet per season, with a maximum rate of diversion of 0.51 cubic feet per second of the waters
 of Middle Fork Clearwater River, tributary of Snake River,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in Lot 4 (NW ¼ NW ¼) Sec. 3, T. 32 N, R. 5 E, B.M., and
 other additional points _____, in the County of
Idaho; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 0.90 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32 N	5 E	3					L 3 13	L 4 17											30

Total number of acres irrigated 30

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of November, 19 69.

Stephen Allen
 Deputy State Reclamation Engineer

Application For Permit To Appropriate the Public Waters of the State of Idaho

81-2015

APPLICATION No. 35906
PERMIT No. 27957
DISTRICT No.

1. Name of Applicant: Earl Cleghorn

Postoffice address: Star Rte. Kooskia,

County: Idaho

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.6 cubic feet per second.

3. Source of water supply: Middle Fork of Clearwater River which is a tributary of Snake River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the Lots 3 & 4
of section 3 , T. 32 N., R. 5 E. , B. M., County of Idaho

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 3000.00

8. Kind of works: Sprinkler system

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom none fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe 3 and 5 inches; length of conduit 2000 ft.

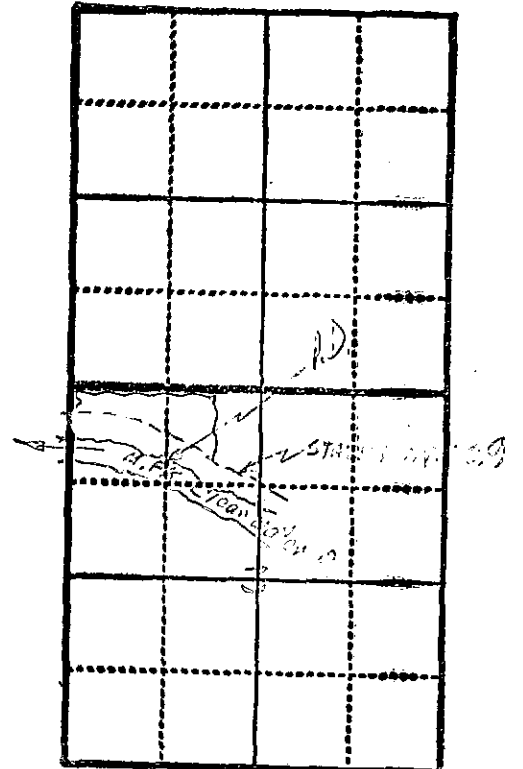
Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none



16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Earl Cleghorn

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 27, 1959

Returned to applicant for correction: May 27, 1959

Corrected application received: June 2, 1959

Approval of State Reclamation Engineer

The number of this permit is 27957

Recorded in Book 98, Page 27957 Approved June 5, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before August 5, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 5, 1959

The whole of said work to be completed on or before June 5, 1960

Beneficial use of water appropriated in accordance herewith, to be made on or before June 5, 1966

WITNESS My hand this 5th day of June, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We,.....ROBERT E. SMYLLIE....., Governor of the State of Idaho,
andARNOLD WILLIAMS....., Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....5th.....

day of June, 19 59.
Countersigned:

STATE OF IDAHO

-(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By S/ ROBERT E. SMYLFIE

Governor.

REMARKS:

14.

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 $\frac{1}{4}$	
32 N	5 E.	3		15	15		30
			Permit No. 27957. CERTIFICATE OF COMPLETION OF WORKS ✓				
TO ALL WHOM IT MAY CONCERN:							
This is to certify that EARL CLEGHORN of Kooskia, County of Idaho, and State of Idaho, the holder of Permit No. 27957, issued upon Application No. 35906 bearing date of priority of May 27, 1959, authorizing the diversion of 0.6 second feet of waters of the Middle Fork Clearwater River, County of Idaho, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.6 second feet of the waters of the Middle Fork of the Clearwater River, tributary to the Snake River; that the point of diversion of said waters <u>Lots 3 and 4, Sec. 3, T. 32 N., R. 5 E., B. M.</u>; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:							
30 acres in Lots 3 and 4, Sec. 3, T. 32 N., R. 5 E., B. M.							
Witness my hand this 19th day of April, A. D. 1960.			s/ GEO. N. CARTER State Reclamation Engineer				
Proof of Completion of Works Made: April 12, 1960							
			LICENSE ISSUED FOR <u>0.51</u> SEC. FT. LICENSE PAGE NO. <u> </u>				
							30

April 1, 1983

Mr. Orval Syron
Box 112A, Star Rt.
Kooskia, ID 83539

Dear Mr. Syron:

In reply to your letter received March 31, 1983, water right No. 81-2015 in the name of Earl Cleghorn is on record with this Department in the form of a valid license.

A license is considered real property and appurtenant to the lands with ownership of the water right evidenced by ownership of the land.

We also have on record your permit No. 81-7103. Since your water rights are on record with this Department in the form of a valid license and permit, no additional filing is necessary for water used under these rights.

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

Sincerely,

ROBERTA GARRETT
Records Supervisor

RG:sc

RECEIVED

MAR 31 1987

Dear Sir:

We want to verify that the ^{Department of Water Resources} ff;

Water Liscence number is still in effect
from the new ruling.

Water Liscense 27957/81 --2015

dated 17 November 1969 amount 0.51 cfs.

We use this water each summer for our
irrigation of hay fields etc.

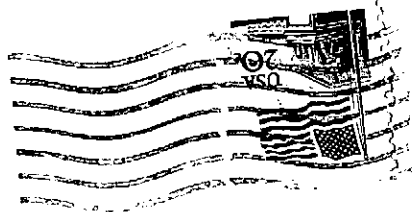
Thank you.

Orval Syron
ORVAL SYRON

BOX 112 A Star Route
Kooskia, Idaho 83539

Lic. 81-2015
Permit 81-7103

Orval Lyon
112A - Rte
IDA - 83539



Ida. Dept. Water Resources
State house
Boise, Idaho, 83720

September 21, 1976

Re: License No. 27957/81-2015

Mr. Henry R. Boomer
Attorney at Law
P. O. Box 158
Kamiah, ID 83536

Dear Mr. Boomer:

This office has received the assignments conveying the above referenced license to Orval and Verna Syron.

We wish to advise you, however, that the Department has no procedure for changing the records of ownership once a permit has been licensed. When a license is issued it becomes appurtenant to the land and ownership automatically is conveyed with the land unless it is specifically withheld in the sale transaction.

We will place the submitted documents in our file for future reference as to present ownership. Should you have questions regarding this matter, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Henry R. Boomer
ATTORNEY AT LAW

RECEIVED

SEP 6 1976

KAMIAH HOTEL BLDG.
PHONE 208-935-0137

P. O. BOX 158
Department of Water Resources KAMIAH, IDAHO 83536

August 26, 1976

RECEIVED

AUG 30 1976

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources
Rt. 5, Box 203
4055 Government Way
Coeur d'Alene, Idaho

Dear People:

Enclosed please find an Assignment of Interest in the State of Idaho Water License, along with Proof of Application of Water to Beneficial Use in the name of Orval Syron and Verna Syron. If your office should require any more information, please do not hesitate to contact me by phone or letter.

Thank you.

Very truly yours,



Henry R. Boomer

HRB/kk

Enclosures

cc: Syron

260428

INDEXED

TRACED

FILED

RECEIVED

AUG 30 1976

Department of Water Resources
Northern District Office

ASSIGNMENT OF PRO RATA INTEREST IN
STATE OF IDAHO WATER LICENSE

KNOW ALL MEN BY THESE PRESENTS:

That we, V. I. McDONALD and REELY BROTHERS, a co-partnership, parties of the first part, hereinafter called the "Assignors," for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration to us in hand paid by ORVAL SYRON and VERNA SYRON, husband and wife, parties of the second part, hereinafter called the "Assignees," whose address is Kamiah
Idaho, receipt whereof is hereby acknowledged,

DO HEREBY SELL, TRANSFER, ASSIGN AND SET OVER to the said Assignees, their heirs, executors and assigns, all our right, title and interest, whether at law or in equity, in and to that certain "Water License" issued by the State Reclamation Engineer of the State of Idaho, as Water License No. 27957/81-2015, with Priority Date of May 27, 1959, which License was issued under date of November 17, 1969, and which granted to EARL M. CLEGHORN the right to take 0.51 c.f.s. of water from the Middle Fork of the Clearwater River, for application thereof to a total land area of thirty acres, a copy of which said Water License, together with an assignment thereof to the Assignors, is attached hereto, marked Exhibit "A" and by reference incorporated herein as though fully set forth.

TO HAVE AND TO HOLD unto the Assignees, and their heirs, executors and assigns, forever.

This assignment shall be binding upon the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands as
of the 25 day of Sept, 19 75.

V. I. McDonald
V. I. McDonald

REELY BROTHERS, a co-partnership.

By [Signature]
"ASSIGNORS"

STATE OF MONTANA)
County of Missoula) ss.

On this 25th day of September, 1975, before me, the undersigned, a Notary Public in and for said State, personally appeared V. I. McDONALD, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

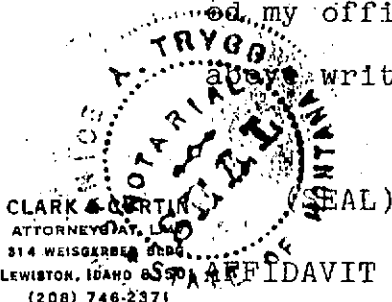


Janice A. Trygg
Notary Public in and for said State,
residing at Missoula, therein.
Commission expires November 15, 1977

STATE OF MONTANA)
County of Missoula) ss.

On this 25th day of September, 1975, before me, the undersigned, a Notary Public in and for said State, personally appeared John J. Reely, known to me to be one of the partners in the partnership of REELY BROTHERS, a co-partnership, of Missoula, Montana, and one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Janice A. Trygg
Notary Public in and for said State,
residing at Missoula, therein.
-3- *Commission expires November 15, 1977*

ASSIGNMENT OF PRO RATA INTEREST IN
STATE OF IDAHO WATER LICENSE

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the undersigned, GOLDA M. CLEGHORN, individually and as Administratrix of the Estate of Earl M. Cleghorn, deceased, with approval of the Probate Court of Idaho County, State of Idaho, and pursuant to procedure had therefor, has contracted to sell certain real property situated in Idaho County, Idaho, and hereinafter particularly described, to V. I. McDONALD and REELEY BROTHERS, a Copartnership; and

WHEREAS, the undersigned, as surviving wife and sole heir of Earl M. Cleghorn, deceased, has succeeded to all rights covered by a certain "Water License" issued by the State Reclamation Engineer of the State of Idaho as Water License No. 27957/81-2015, with Priority Date of May 27, 1959, which License was issued under date of November 17, 1969, and which granted to the said Earl M. Cleghorn the right to take 0.51 c. f. s. of water from the Middle Fork of the Clearwater River, for application thereof to a total land area of thirty acres; and

WHEREAS, the undersigned has agreed to sell the above named Copartnership a portion of said thirty acres, amounting to 26.7 acres, for which a portion of the licensed water will be required;

NOW, THEREFORE, as a part of, and in conjunction with that certain Purchase and Sale Agreement made and dated July 1, 1968, by and between Earl Cleghorn and Golda Cleghorn, husband and wife, as Vendors, and the said V. I. McDonald and Reeley Brothers, a Copartnership, as Purchasers, the undersigned does hereby, subject to the same terms and conditions as are set forth in said Purchase and Sale Agreement of July 1, 1968, sell, assign, transfer and convey unto said Purchasers, above named, a pro rata share of the licensed water, such share amounting to 26.7/30ths of the total

amount of water granted by said License, to-wit, 0.51 c. f. s., such pro rata share thus amounting to 0.4539 c. f. s., the same to be applied to the following described real property, to-wit:

Lots 3 and 4 of Section 3, Twp. 32 N., R. 5 E., B. M.; the S $\frac{1}{2}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35, all in Twp. 33 N., R. 5 E., B. M.; EXCEPTING, a portion of Lot 3, of Section 3 particularly described as follows:

Beginning at a fence corner post, from which point the N $\frac{1}{4}$ corner of said Section 3 bears North 835.19 ft., thence South 0°01' W., 393.52 ft. along a fence to the Northerly right of way line of U. S. Highway No. 12; Thence North 81°56' W., 482.72 ft. along said Northerly right of way line to a point marked by $\frac{1}{2}$ in. x 24 in. iron bar; thence North 12°25' E., 336.93 ft. along a fence to a point marked by a $\frac{1}{2}$ in. x 24 in. iron bar set in the fence corner; thence South 79°28' E., 385.66 ft. along a fence to a point marked by a $\frac{1}{2}$ in. x 24 in. iron bar set in a fence corner; thence North 6°41' E., 67.46 ft. along a fence to a point marked by a $\frac{1}{2}$ in. x 24 in. iron bar set in a fence corner; thence North 88°21' E., 17.06 ft. along a fence to the place of beginning, containing a calculated area of 3.33 acres, more or less.

A photocopy of said "Water License" is attached hereto and made a part hereof by reference as though fully set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand as of July 1, 1968.

Golda M. Cleghorn

STATE OF WASHINGTON)
) ss.
COUNTY OF Okanogan)

On this 18 day of Sept, 1970, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared GOLDA M. CLEGHORN, known to me to be the individual whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same individually and as Administratrix of the Estate of Earl M. Cleghorn, deceased.

WATER LICENSE

Water License No. 27957/81-2015 Priority May 27, 1959 Amount 0.51 c.f.s.

THIS IS TO CERTIFY, that EARL CLEGHORN
of Kooskia, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 27, 1959; that Permit 27957/81-2015 was issued pursuant
to said application; that the proposed works were completed on or about July 1959
with a storage/or carrying capacity of 0.51 c.f.s. said work consisting of
pump, motor, and sprinkler system; and that on June 1, 1966
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 0.90
acre feet per season, with a maximum rate of diversion of 0.51 cubic feet per second of the waters
of Middle Fork Clearwater River, tributary of Snake River
for the purpose of Irrigation from April 1 to October 31
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 4 (NW 1/4 NW 1/4) Sec. 3 T. 32 N. R. 5 E. B.M., and
other additional points _____, in the County of
Idaho; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 0.90 acre feet per year.

Description and location of place of use:

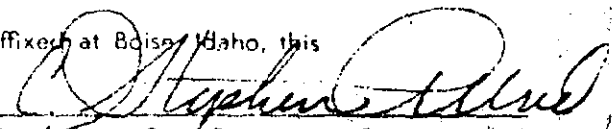
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
32 N	5 E	3					13	17											30

Total number of acres irrigated 30

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of November, 19 69


Deputy State Reclamation Engineer

Identification No. _____

Permit No. ~~27957/81-2045~~

RECEIVED

AUG 30 1976

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Orval Syron and Verna Syron, husband and wife
b) Post Office Address Box 28 (Star Rt.), Kooskia, Idaho 83539
2. Permit Number ~~27957/81-2045~~
3. Date of Priority that you are prepared to establish May 27, 1959
4. a) Source from which water was appropriated Middle Fork, Clearwater River
b) Location of the point of diversion: Lot 4 NW ¼ NW ¼, Section 3
Township 32N, Range 5E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
Amount 0.51 cfs for irrigation / and stock watering purposes from April 1 to October 1 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.90 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: Users are using said water for same purposes and in approximately the same amounts as their predecessors in interest. (See attached exhibits)
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
n/a
b) Describe the agreement or understanding by which you take water from the works: n/a
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) pump, motor, and sprinkler system.
Pump is 10 h.p., 3 phase.
b) Describe the type and size of measuring device which you have installed at your point of diversion: none
c) Give well driller's name and address and the date the well was completed: n/a
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
use a minimal amount for stock watering

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

May 25, 1970

Re: Licensed Permit No. 81-2015

Mr. Paul G. Eimers
201 West Main Street
Grangeville, Idaho 83530

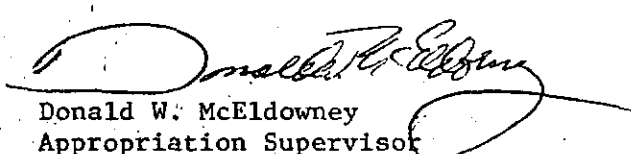
Dear Mr. Eimers:

As it would appear, there is no statutory division on the appurtenancy of water rights that we can identify in the Idaho Code. We have been advised by the Idaho Attorney General's office that, in the case of irrigation, each parcel of ground has an equal apportionate share of the total water license. In other words, if 300 acres of ground was licensed and the license was for 300 inches of water, each acre would receive one inch of benefit under the license. The same would hold true in cases where less than one inch per acre was realized under the license.

We are further advised that the only exception to this would be the terms and conditions of a specific sales contract ratio. The ratio could not exceed one inch per acre, maximum under state law and if the contract is silent, the pro-rate apportionment mentioned would hold true.

We hope this information will assist you. If not, please contact us again and we will attempt to clarify the matter more substantially.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:tg

Enc: none

81-2015
27957

PAUL G. EIMERS
ATTORNEY AT LAW
201 WEST MAIN STREET
GRANGEVILLE, IDAHO 83530
AREA CODE 208
TELEPHONE 983-0710

RECEIVED

MAY 21 1970

Department of Reclamation

May 20, 1970

State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho 83707

Re: Water License No. 27957/81-2015
Estate of Earl Cleghorn, Deceased

Dear Sir:

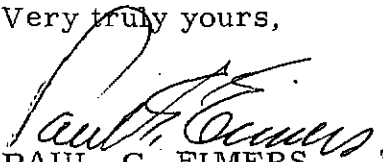
The referenced water license was issued November 17, 1969. The licensee, Earl Cleghorn, died January 26, 1970, and his estate is now being administered by Golda Cleghorn, his surviving wife.

The referenced license was issued for water to be taken from the Middlefork of the Clearwater River in an amount sufficient to irrigate 30 acres situated in the Northwest Quarter of Section 3, Twp. 32, N. R. 5, E. B. M. Prior to his death, the licensee contracted to sell all of the irrigable land except 3.3 acres upon which his home was located; and the administratrix of his estate now desires to sell the home and the 3.3 acres reserved from the earlier contract.

The question now arises as to apportionment of the water between the purchasers.

I find nothing in the statutes concerning a division of the rights under an existing license, and therefor write to inquire of you whether there is an established practice, or any provisions in your regulations which will permit a division between the two purchasers. Your advice will be appreciated.

Very truly yours,


PAUL G. EIMERS

PGE/las

81-2015
27957

November 17, 1969

Re: Permit No. 27957/81-2015

Mr. Earl Cleghorn
Star Route
Kooskia, Idaho 83539

Dear Mr. Cleghorn:

Enclosed herewith you will find your Water License issued on the
above numbered permit.

Also enclosed is departmental receipt No. 3820 in the amount of
\$4.00 covering the fees.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures

81-2015
27957

Kooskia, Idaho
Nov. 7, 1969

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Sir:

Enclosed find check in the
amount of four dollars (\$4.00)
to pay for the license and
Certificate of Water Right on my
Permit No. 81-2015. The
priority date established is May 27, ¹⁹⁵⁹~~1969~~.

RECEIVED
Nov 10 1969

Department of Reclamation

Yours truly,
Earl Cleghorn
Star Route
Kooskia, Idaho 83539

Re: Permit No. 27957/81-2015

24957
81-2015

November 5, 1969

Re: Permit No. 27957/81-2015

Mr. Earl Cleghorn
Star Route
Kooskia, Idaho 83539

Dear Mr. Cleghorn:

A representative of this department has made an examination of the works covered by your Permit 81-2015 and has found the following:

Quantity of water diverted: 0.51 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 0.51 c.f.s.

The maximum quantity diverted shall not exceed 0.90 acre feet per season.

Purpose of use: Irrigation of 30 acres within N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 3, Twp. 32 N., Rge. 5 E., B.M.

The priority date established is: May 27, 1959

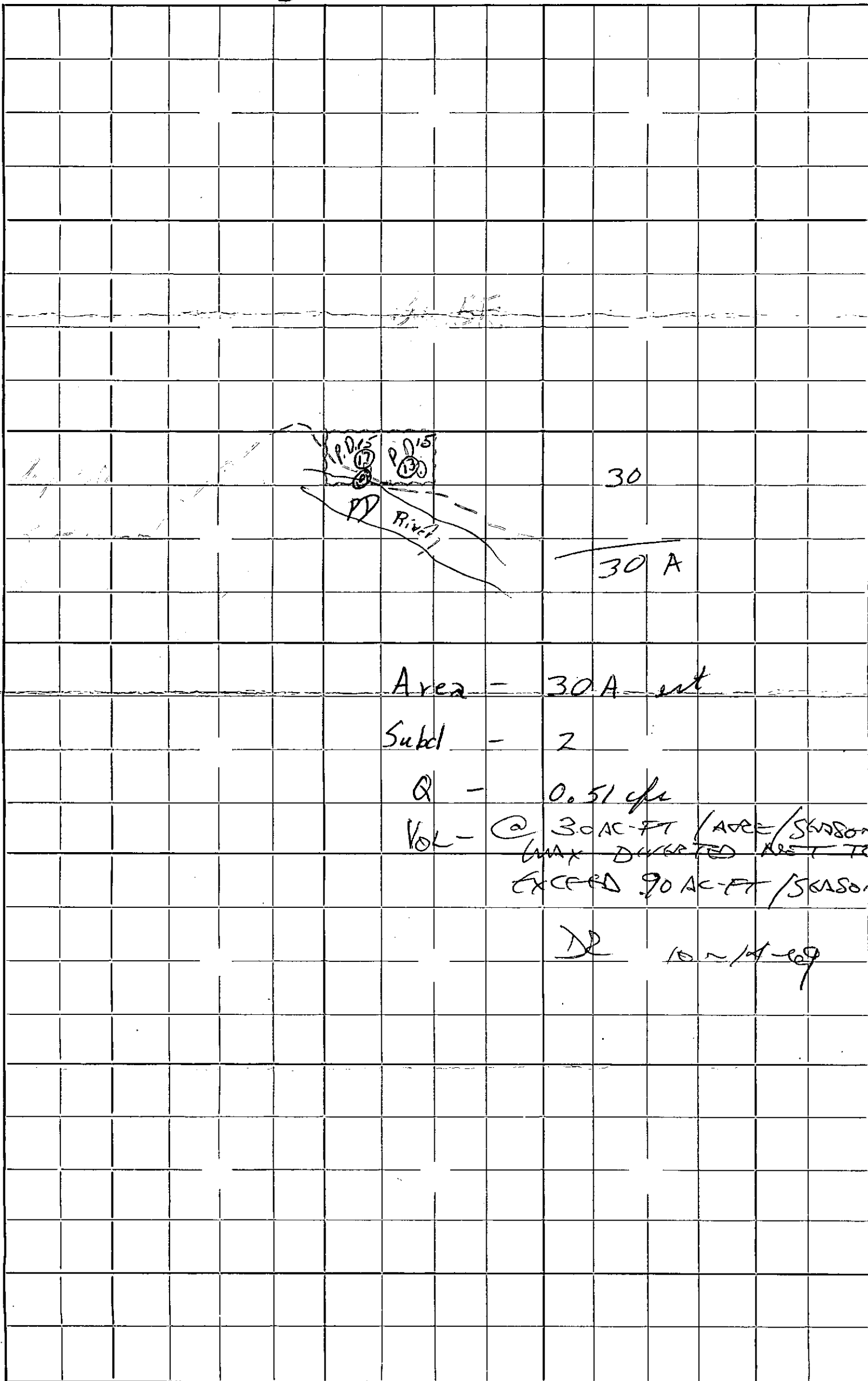
A fee totaling \$ 4.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

27957
81-2015



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27957

REPORT ON PROOF OF Beneficial Use

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 27957 ✓

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Earl Cleghorn ✓

2. Source of water supply: Middle Fork Clearwater River

3. Location of point of diversion: Is in the Lot ~~1~~ 4 of Section 3 ✓

T. 32 N. R. 5 E., B.M. County of Idaho

4. Describe works as they exist, giving dimensions and capacities of same:

G.E. 10 HP Motor Type K 3530 rpm @ 60 cps
Model-5K4254A11 Serial-RV 36544 belt drive
through same size pulleys to Cornell 2"x134" Rain
Flow Centrifugal pump model 2WF2 Serial 11550 - 7
4" pump intake 4" main line about 1300 ft long

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N½NW¼, Sec. 3, T. 32 N., R. 5 E., B.M.

Acres lots 3 & 4

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake R.

Remarks:

Crops are hay & pasture
soil is loamy with some gravel

28 - 3/16 x 3/32 #30 Rain Birds @ 41 psi

Q = 8.17 (28) / 449 = .508 524 .51 cfs

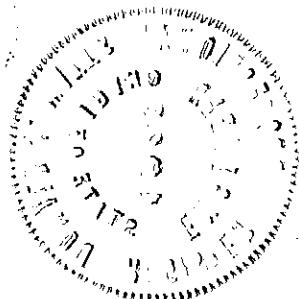
Mr. Cleghorn Present.

This examination was made on the 13th day of June, 1969

(Signed)

Don W. Hatten
Examiner.

81-2015
24931



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Earl Cleghorn
Star Route
Kooskia, Idaho 83539
Permit No. 27957

Examination for Beneficial Use

County Idaho

Quantity: 0.6 c.f.s. Sec. 3 T. 32N R. 5 E., B.M.

Source: Middle Fork Clearwater River

P.D.: Lots 3 & 4, Sec. 3, T. 32 N., R. 5 E., B.M.

Use: Irrigation

Filed: May 27, 1959

Due: June 5, 1966

Extension:
Made: June 1, 1966

Protest:

Completion of Works: April 19, 1960

Other Rights: none

January 24, 1968

Re: Permit No. 27957

Earl Cleghorn
Star Route
Kooskia, Idaho 83539

Dear Mr. Cleghorn:

We are in receipt of your letter of January 12, 1968. Please be advised that the Department of Reclamation has proposed to examine the proof of completion and application of water to beneficial use submitted in connection with your permit during the 1968 season.

At present, the department is faced with a considerable backlog of field examinations. You should bear in mind that you suffer no loss in priority due to the tardiness of the department.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

27957

RECEIVED

JAN 15 1968

Kooskia, Idaho

Jan. 12, 1968

State of Idaho

Department of Reclamation
Dep't. of Reclamation

Boise , Idaho

Sirs:

On June 17, 1966 I received a letter from you acknowledging receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho County Free Press. These papers were submitted by me in proof of completion of works and beneficial use of water from the Middlefork of the Clearwater river for irrigation. This is Permit no. 27957.

In your letter you stated that before final action was taken that an engineer would come to make a field examination. Since this has been a year and a half ago, and no action has been taken as far as I know, I am wondering what has happened. I feel that I should be paying something for the use of the water, as I did while the permit was in force, These last papers were to establish a Priority as I understood .

Would you be so kind as to tell me what I am to expect regarding this matter.

Thank you,

Earl Cleghorn

Earl Cleghorn
Star Route
Kooskia, Idaho 83539

27957

Re: Permit No. 27957

June 17, 1966

Earl Cleghorn
Star Route
Kooskia, Idaho 83539

Dear Mr. Cleghorn:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho County Free Press all submitted in proof of completion of works and beneficial use on Permit No. 27957.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

P.S. We are returning your receipt for the cost of publication.

27957

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. 27957

RECEIVED
JUN 3 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

Earl Cleghorn, Cattle Rancher, Star Route, Kooskia, Idaho 83539

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf: _____

Ques. 3. State number, approval date of permit, and date of priority: _____

Permit 27957, Approval Date April 19, 1960, Priority Date May 27, 1959

Ques. 4. State source of water supply: Middle Fork of Clearwater River

Give location of point of diversion, showing subdivision, section, township and range
Lots 3 and 4, Sec 3, T. 32N., R. 5E., B. M.

Ques. 5. Describe your works of diversion: 10 HP Electric Moter, Cornell 2 1/2 GPM Pump

2 1/2" Intake, 3/4" Discharge 2200' 4" Main, state amount of water they are capable of conveying from point of diversion to place of use: 2 1/2 GPM; Give name of canal or ditch or other works by which water is conducted to such place of use: 2200 Feet of 4" Main and 880 Feet of 3" Lateral; if a well, state depth of well _____; depth and size of casing _____; depth to water _____; if pump is used, state discharge of pump: 2 1/2 GPM; tell how it was measured or determined _____

Manufacture Rating _____; if sprinkler irrigation, give number and size of nozzles and operating pressure: 24 sprinklers - sometimes up to 30 sprinklers

Rainbird #30- 1 1/6 4x 3/32 operating pressure 40#

Ques. 6. State for what purpose water is used: Irrigation

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with/said water:

NE 1/4 of NW 1/4 Sec 3 T. 32N, R5E, BM 15 Acres, NW 1/4 of NW 1/4 Sec 3 T. 32N, R5E, BM 15 Acres

Total Irrigated 30 Acres

D

State nature of all improvements which have been made as a direct result of said use:

10 HP Pump & Moter, 2200' of 4" Main, 880' of 3" Lateral Irrigating 30Acres Hay & Pasture.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: July 1959 0.6 CFS - Time used since first use:

June to Oct 1960 to 1965 and May 1966 to date also July 1959 to Oct 1959

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) Earl Chisham

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Grangeville, County of Idaho
State of Idaho, on this 1st day of June, A. D. 1966.

My commission expires: Oct. 4, 1966

Joseph M. Teel

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
JUN 3 1966

Department of Reclamation

PERMIT NO. 27957**Proof of Application of Water to Beneficial Use**
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Leo Messinger, age 70 years, Kooskia, Idaho County, Retired,
Post Office, Kooskia, IdahoQues. 2. Are you acquainted with Earl Cleghorn, the
holder of Permit No. 27957? How long have you known him and where does
he reside?Ans. 6 years at Middlefork of Clearwater River farmQues. 3. Have you read or heard read said Permit No. 27957, and are you
familiar with its provisions and conditions?Ans. YesQues. 4. State source of water supply, place of diversion, and describe works for
conveying water from point of diversion to place of use.Ans. Middle Fork of Clearwater River. Diversion point is in Lots 3
& 4, Sec. 3, Twp. 32N. Rge 5 E. B.M. Pump and 4" pipeQues. 5. How many second feet of water do you estimate said works will safely
conduct to place of use, and how much water have you seen being so conveyed?Ans. 0.5 or 0.6 cu.ft./sec.Ques. 6. State for what purpose water is used and at what place. (If for irrigation,
give each subdivision in which water has been used and number of acres irrigated in
each subdivision.) State whether cultivated or natural meadow land and the nature
of all improvements which have been made as a direct result of said use.Ans. Irrigation in Lots 3,4, Sec. 3, Twp. 32 N. Rge 5 E. B.M. about
30 acres divided evenly. Natural meadow. Increased carrying capacity
for the cattle and hay cut.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Meadow land. .6 cu.ft/sec.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since 1960 and seen the application of the water on the meadow usually daily during the summer months

(Signed) Leo M. Munniger

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Grangeville, County of Idaho, State of Idaho, on this 1st day of June, A. D. 1966.

Joseph M. Munniger
Notary Public.

My commission expires Oct. 4, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
JUN 3 1966

Department of Reclamation

PERMIT NO. 27957**Proof of Application of Water to Beneficial Use**
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lon Osborne, age 64, Kooskia, Idaho Co., Idaho, RetiredPost Office Address, Kooskia, IdahoQues. 2. Are you acquainted with Earl Cleghorn, the holder of Permit No. 27957? How long have you known him and where does he reside?Ans. 10 years and he resides on Middle Fork of Clearwater RiverQues. 3. Have you read or heard read said Permit No. 27957, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Middle Fork of Clearwater River. Diversion point is in Lots 3 & 4 Sec. 3, Twp. 32N. Rge. 5 E. B.M. Pump and 4" aluminum pipe

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.5 or 0.6 cu.ft. per.second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation in Lots 3 & 4, Sec. 3, Twp. 32 N. Rge. 5 E.B.M.approx. 15 acres in each lot. Ntural meadow. Increased production of hay and carrying capacity for cattle

27957

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Meadow land and 0.6 cu.ft/second would be necessary

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since 1959 and witnessed the daily application of the water during the summer months.

(Signed) Lon Osburn

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Grangeville, County of Idaho, State of Idaho, on this 1st day of June, A. D. 1966.

Joseph M. Mott

Notary Public.

My commission expires Oct. 4, 1966.

RECEIVED
JUN 3 1966

Department of Reclamation

AFFIDAVIT OF PUBLICATION

Gary D. Cash

being first duly

sworn, says he is the Office Manager

of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 4 weeks, being published 4 times, the first publication being on the 21st day of April, 1966, and the last publication on the 12th day of May, 1966; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this 12th day of May, 1966

Richard C. Hatcher

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE
Notice is hereby given that on the 1st day of June, 1966, at Grangeville, County of Idaho, State of Idaho, before Joseph Montell, a Notary Public, proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of Middle Fork of Clearwater River in accordance with the terms and conditions of Permit No. 27957 heretofore issued by the Department of Reclamation of the State of Idaho. The name and post office address of the person or corporation holding said permit Earl Cleghorn, Star Rte., Kooskia, Idaho.
The use to which said water has been applied is for irrigation.
The amount applied to beneficial use is 0.6 cubic feet p/s.
The point of diversion of said water is Lots 3 & 4 Sec. 3, Twp. 32 N. Rge. 5 E.B.M.
The place where said water is used (LEGAL DESCRIPTION) Lots 3 & 4, Sec. 3, Twp. 32 N. Rge 5 E.B.M. (30 acres therein).
The date of priority which said user is prepared to establish is May 27, 1959.
CARL E. TAPPAN,
A21-M12 State Reclamation Engineer

27957

RECEIVED

APR 14 1966

9:00 A.M.
Department of Reclamation

State of Idaho
Dept. of Reclamation
107 State House
Boise, Idaho

Gentlemen:

Please find enclosed a proof of the legal notice which has been scheduled to appear in our paper on April 21 & 28 and May 5 & 12. This legal for Mr. Earl Cleghorn was requested by your letter of April 11. If any discrepancies are noted please advise. Thank you.

Sincerely yours,

Gary D. Cash

Gary D. Cash, Office Mgr.
Idaho County Free Press

MEMO FROM

Idaho County Free Press

PRINTERS and PUBLISHERS

P. O. Box 267

Phone 983 - 1070

GRANGEVILLE, IDAHO

April 13, 1966

27957

HOLD TILL A21

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 1st day of June, 1966, at Grangeville, County of Idaho, State of Idaho, before Joseph Montell, a Notary Public, proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of Middle Fork of Clearwater River in accordance with the terms and conditions of Permit No. 27957 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Earl Cleghorn, Star Rte., Kooskia, Idaho.

The use to which said water has been applied is for irrigation.

The amount applied to beneficial use is 0.6 cubic feet p/s.

The point of diversion of said water is Lots 3 & 4 Sec. 3, Twp. 32 N. Rge. 5 E.B.M.

The place where said water is used (LEGAL DESCRIPTION) Lots 3 & 4, Sec. 3, Twp. 32 N. Rge 5 E.B.M. (30 acres therein).

The date of priority which said user is prepared to establish is May 27, 1959.

CARL E. TAPPAN,
A21-M12 State Reclamation Engineer

RECEIVED

APR 14 1966

9:00 A.M.

Department of Reclamation

27957

April 11, 1966

Re: Permit No. 27957

Earl Cleghorn
Star Route
Kooskia, Idaho

Dear Mr. Cleghorn:

This acknowledges the Notice of Proof of ~~Completion of Works and~~ Application of water to Beneficial Use under Permit No. 27957. The proofs are to be made at ~~xxxxxx~~ o'clock ~~xxxxxx~~ on the 1st day of June, 1966, before Joseph Montell, Grangeville, Idaho Notary Public.

As of this date, we have mailed the Notice to the Idaho County Freepress, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

XXXXXXXXXXXXXXXXXXXX
MRS. EDNA P. RULE
XXXXXXXXXXXX
Chief Clerk
M. Russell Bosch
Office Manager

Encl.
EPR:pmk
cc: Notary

27957

April 11, 1966

Re: Permit No. 27957

Idaho County Freepress
Grangeville, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to June 1, 1966. The expense of the publication is to be paid by Earl Cleghorn of Star Route, Kooskia, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

27957

RECEIVED
APR 11 1966
7:30 A.M.
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 8, 1966

(P. O.) Star Rte., Kooskia, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Idaho County Freepress of Grangeville, Idaho Co., Idaho Published in the county in which the works are situated.

Earl Cleghorn

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

27957

RECORDED
JUN 11 1966
11:30 A.M.
Department of Reclamation

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at ~~10:00~~ A.M. on the 1st day of June, 1966,
at Grangeville, County of Idaho, State of Idaho, before
Joseph Montell, a Notary Public, proof will be submitted of the
application to beneficial use of 0.6 cubic feet per second of the waters of
Middle Fork of Clearwater River in accordance with the terms and conditions of
Permit No. 27957 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit
Earl Cleghorn, Star Rte., Kooskia, Idaho

The use to which said water has been applied is for irrigation

The amount applied to beneficial use is 0.6 cubic feet p/s

The point of diversion of said water is Lots 3 & 4 Sec. 3, Twp. 32 N. Rge. 5 E. B.M.

The place where said water is used (LEGAL DESCRIPTION) Lots 3 & 4, Sec. 3, Twp.
32 N. Rge 5 E. B.M. (30 acres therein)

The date of priority which said user is prepared to establish is May 27, 1959

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 27957

Date:
April 4, 1966

Earl Cleghorn
Kooskia, Idaho

Dear Mr. Cleghorn:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 27957 is due not later than **June 5, 1966**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,


CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 10 and 11

27957

May 15, 1963

Re: Permit No. 27957

Mr. Earl Cleghorn
Star Rt.
Kooskia, Idaho

Dear Mr. Cleghorn:

Your letter in regard to the mining claim filed on the river adjacent to your property has been turned over to the State Department of Public Lands as they have jurisdiction in this case.

We hope you have no trouble. In case you do have trouble, we suggest that you consult an attorney.

Very truly yours,

GEORGE N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj

27957

RIF THE WIEB

OCT 1 1962

Kooskia, Idaho
Sept. 29, 1962

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho

Department of Reclamation

Dear Mr. Thomas:

I want to thank you for letting me know about the Richard L. Roby application for a mining lease on the Middlefork of the Clearwater river. No one would have even known about it, if you had not sent me the information, as the legal notice in the Idaho County Free Press had escaped every ones attention.

Not only would this mining operation damage my irrigation system, but myself and the people in this part of the State feel that it would be a detriment to the wild life, scenic beauty, sportsmen, etc., who get so much pleasure out of this beautiful river.

We have started a campaign to do all that we can to prevent this mining lease from being granted. Letters of protest, a petition with nearly 600 signatures of interested citizens, and have enlisted the interest of State Senator Mr. William J. Dee in our behalf. If this were granted, there would be other miners filing for leases and soon the river would be ruined, in our opinion.

If you know of any way that you can be of help to us, it would be greatly appreciated. A hearing for the final decision will be before the State Land Board soon. We have not been notified of the date as to now. This is to be in Boise, Idaho.

Thank you again very sincerely,

Earl Cleghorn

Earl Cleghorn
Star Route
Kooskia, Idaho

27957

Sept. 7, 1962

Mr. O. J. Buxton
State Land Commissioner
Idaho Dept. of Public Lands
BUILDING

Dear Mr. Buxton:

In regard to the notice of hearing on a proposed river bed lease to be published in the Idaho County Free Press at Grangeville, Idaho, we have notified the one permit holder who has a recorded right in area to be advertised on the Middle Fork of Clearwater River for mining.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Sept. 7, 1962

Re: Permit No. 27957

Earl Cleghorn
Star Route
Kooskia, Idaho

Dear Mr. Cleghorn:

There is a notice being published in the Idaho
County Free Press of Grangeville which might be of interest
to you.

A copy of this notice is attached.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. copy of notice

27957

NOTICE

NOTICE IS HEREBY GIVEN that Richard L. Roby & Others, of Kamiah, Idaho, have applied to the State Board of Land Commissioners of the State of Idaho for a lease for the purpose of mining for garnets, gold and other associated valuable minerals from the following described river in Idaho County:

The bed of the Middle Fork of the Clearwater River, below highwater lines, as it flows from the East boundary of the NW $\frac{1}{4}$ Sec 3, Twp 32 N, Rge 5 E, BM, to the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 4, Twp 32 N, Rge 5 E, BM, containing 3643 acres, more or less,

and that on Monday September 24, 1962, at 2:00 P.M. o'clock, at the courthouse in Grangeville, Idaho, before the State Board of Land Commissioners, or its authorized agent, the opportunity will be given to any and all persons to appear and present for its consideration any reason, or reasons, why a lease of the aforesaid lands for the aforesaid purposes should not be granted.

By order of the State Board of Land Commissioners.

O. J. BUXTON
State Land Commissioner

ld

27957

27957

IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO



COMMISSIONER
O. J. BUXTON

September 5, 1962

STATE BOARD OF LAND COMMISSIONERS

ROBERT E. SMYLIE
GOVERNOR AND CHAIRMAN

ARNOLD WILLIAMS
SECRETARY OF STATE

FRANK L. BENSON
ATTORNEY GENERAL

JOE R. WILLIAMS
STATE AUDITOR

DELMER F. ENGELKING
SUP'T OF PUBLIC INSTRUCTION

Re 27957

Mr. George N. Carter, Engineer
Department of Reclamation
Boise, Idaho

Dear Mr Carter:

The enclosed copy of a notice of a hearing on a proposed river bed lease is being published in the Idaho County Free Press of Grangeville, Idaho.

Will you please notify any interested irrigators, or others, you think might wish to be represented at the hearing.

Sincerely,

O. J. Buxton
State Land Commissioner

ld
enc

RECEIVED

Department of Reclamation

27957

April 19, 1960

Re: Permit No. 27957

Mr. Earl Cleghorn
Star Route
Kooskia, Idaho

Dear Mr. Cleghorn:

We enclose, herewith, Certificate of Completion of Works issued on your Permit No. 27957.

We also enclose departmental receipt No. 30072, in the amount of \$5.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Kule
Chief Clerk

EPR:ew

Enc. certificate
receipt

27957
R

Permit No. 27957

STATE OF IDAHO

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Idaho

ss.

Earl Cleghorn, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 27957, and that his postoffice address is Star Rte., Kooskia State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Middle Fork of Clearwater River.

Third: That the point of diversion of said water is Lots 3 and 4 of Section 3, Twp. 32 N. Rge. 5 E. B. M. & Middle Fk. Clearwater River.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 5, 1960.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~XXXXXX~~ fully completed and consisted of the following:

I. Kind of works: Pipe ^(sprinkler)
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit Pipe width at bottom feet, width at water line
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe 3 & 5 inches, average grade per mile is feet. Length of conduit is 2000 miles.

Seventh: That said works are capable of conducting to the place of intended use 0.6 cu. ft. second feet of water.

Eighth: That water appropriated under said permit is available for 30 acres of land described as follows: Pt. of Lots 3 & 4 of Section 3, Twp. 32 N. Rge. 5 E. B. M.

Ninth: Remarks: That the system is pumped from the source in pipe 3 to 5 inches in diameter

Earl Cleghorn
(Sign Here)

Subscribed and sworn to before me this 12 day of April, 1960

My commission expires Oct. 8, 1962

Joseph M. Mott
Notary Public.

27957

RT

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

April 1, 1960

Re: Permit No. 27957

Earl Cleghorn
Star Route
Kooskia, Idaho

Dear Sir:

Under the terms of your permit No. 27957 you are required to complete your diversion works on or before June 5, 1960. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

GEO. N. CARTER

STATE RECLAMATION ENGINEER

Enc. Form 6

27957

June 10, 1959

Re: Permit No. 27957

Mr. Earl Cleghorn,
Star Rte.,
Kooskia, Idaho.

Dear Mr. Cleghorn:

We enclose Permit No. 27957 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental Receipt No. 29565, which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit, was returned to you with our letter of May 27, 1959.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

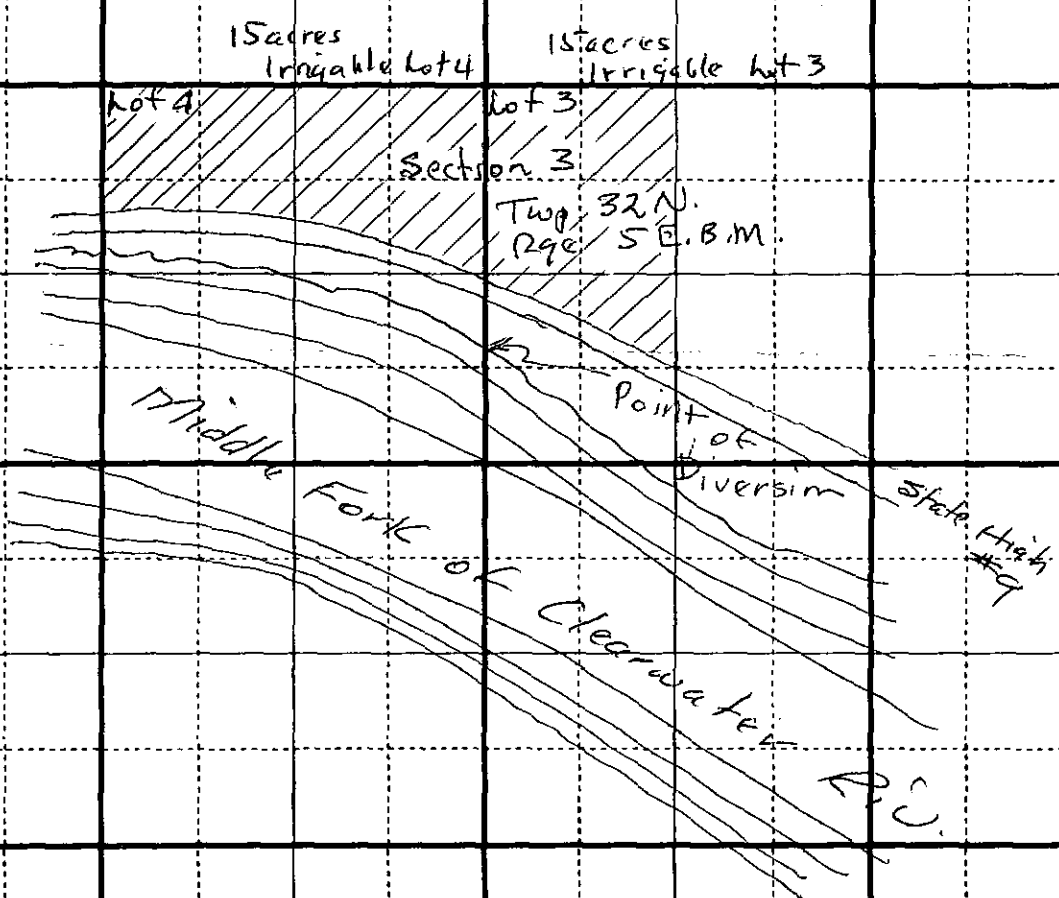
Encl.

EPR/pmk

27957-1

NAME OF APPLICANT Earl Oleghorn

Form No. 0



Permit Map No. 27957
As Approved JUN 5 1959
GEO. N. CARTER
State Reclamation Engineer

May 27, 1959

Re: Application for Permit

35906

Mr. Earl Cleghorn
Star Route
Kooskia, Idaho

Dear Mr. Cleghorn:

Enclosed is your application for permit with attached receipt for the \$5.00 filing fee.

Kindly answer questions 7, 8, 11 and 12 and return the application to this office. The amount of water claimed is one cubic foot per second. As you show only 30 acres to be irrigated, the amount cannot exceed 0.6 cubic feet per second, except in unusual cases, and upon justification, more water may be approved.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:ew
Enc. application
receipt

27957

RT