

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.


(Applicant)

MICROFILMED

115151

RECEPTION (✓)
INDEXED (✓)
FILMED ()
DELIVERED ()
MAILED ()

AGREEMENT

THIS AGREEMENT, Made this 15th day of January, 1970, by and between ROBERT F. SHAWLEY and SALLY SHAWLEY, husband and wife, the parties of the first part, hereinafter referred to as the Shawleys; DONALD F. GILKEY and FAY O. GILKEY, husband and wife, the parties of the second part, hereinafter referred to as the Gilkeys; and QUINN HOLLIBAUGH and JANICE E. HOLLIBAUGH, husband and wife, the parties of the first part, hereinafter referred to as the Hollibaughs;

WHEREAS, Shawleys are purchasing, under a title retaining Contract of Sale, the following described real property, situate in the County of Clearwater, State of Idaho, to-wit:

Township 36 North, Range 2 E.B.M.:
Section 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING

That part of said tract contained within the boundaries of Westwood Terrace, according to the recorded plat thereof;

and

WHEREAS, Hollibaughs are the owners of Lot 12, Block 4, Westwood Terrace, according to the recorded plat thereof; and

WHEREAS, Gilkeys are the owners of Lot 10, Block 4, Westwood Terrace, according to the recorded plat thereof, and also the following described real property, located adjacent to said Westwood Terrace, to-wit:

A portion of Lot 1, Section 28, Township 36 North, Range 2 E.B.M., described as:

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Beginning at a point 243.8 feet east of the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 36 North, Range 2 E.B.M.; thence

South 170 feet; thence

East 256.24 feet, more or less, to the west right of way line of the Lewis-Clark Highway; thence

Northerly along said west right of way line 170 feet, more or less, to the section line common to Sections 21 and 28, Township 36 North, Range 2 E.B.M.; thence

West 256.24 feet, more or less, to the point of beginning;

and

WHEREAS, Shawleys, Gilkeys and Hollibaugh are desirous of developing a spring on the Shawley property, for the mutual benefit of the properties belonging to all of said parties; and

WHEREAS, certain pipeline easements and roadway easements will be required over portions of the Shawley property in order to provide an adequate water distribution system;

NOW, THEREFORE, IT IS HEREBY AGREED among all the parties hereto as follows:

I.

Shawleys, Gilkeys and Hollibaugh shall develop the spring on the Shawley property, including the construction of a catch basin for water distribution, and each of the parties shall be responsible for one-third of the cost of the development and construction, and of the maintenance of the spring and catch basin.

II.

Hollibaugh and Gilkeys, jointly, shall be entitled to receive and share one-half of the water from said catch basin, but in no event to exceed the capacity of a three-quarter inch steel pipe. Shawleys shall receive and have one-half of the water from said catch basin, together

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with any excess or overflow. To provide for such division of said waters, the parties shall install two level three-quarter inch steel pipes and valves in the catch basin wall.

III.

In the event that either the Hollibaughs or the Gilkeys should vacate the usage of the pipes and pipelines, and/or the use of the water from said catch basin, for a period of one year, then their right to such water shall automatically terminate, and such waters shall thereafter belong to the other of said parties. In the event that both the Hollibaughs and the Gilkeys, or the successors between them, should vacate the usage of the pipes and pipelines, and/or the use of the water from said catch basin, for a period of one year, then their right to such water shall automatically terminate, and such waters shall thereafter belong to Shawleys.

IV.

The water rights hereinabove designated as belonging to Gilkeys and Hollibaughs, shall be limited to the existing residences now on their respective properties; and they shall not be permitted to add any additional users onto such system; provided, however that Gilkeys may use their share of such water on either of their tracts above described, as they may desire, but in no event shall such water be used on both tracts.

V.

Shawleys reserve the right to drill a well or wells on other portions of the Shawley property, so long as the drilling of the same does not reduce the flow from the spring to the reservoir hereinabove specified.

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VI.

Shawleys hereby grant to Gilkeys an easement for a pipeline from said reservoir to the southwest corner of Lot 7, Block 6, Westwood Terrace; and also from the north line of Fir Drive of said Westwood Terrace to the southwest corner of Lot 5, Block 1, Westwood Terrace. Gilkeys shall have access thereto only for purposes of pipe repair along the pipe line, and Shawleys shall not be responsible for any pipe damage caused by stock.

VII.

Shawleys hereby grant to Hollibaugh an easement for a pipeline from the said reservoir to the south line of Lot 9, Block 6, Westwood Terrace. Hollibaugh shall have access thereto only for purposes of pipe repair along the pipeline, and Shawleys shall not be responsible for any pipe damage caused by stock.

VIII.

It is understood that Shawleys intend to construct a road through the existing pipeline area, and Gilkeys and Hollibaugh agree that they will relocate their existing pipelines at their expense, such that they will not interfere with the construction, use or maintenance of said road.

IX.

All parties agree that the easements and water rights herein specified shall run with the lands of the respective parties hereto, as hereinabove described; and that all obligations of maintenance and repair of the water system shall be binding upon the heirs and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set

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their hands and seals the day and year in this instrument first above written.

Robert F. Shawley SEAL
Parties of the first part
Shally Shawley SEAL
Donald F. Gilkey SEAL
Fay O. Gilkey SEAL
Parties of the second part
Quinn Hollibaugh SEAL
Janice E. Hollibaugh SEAL
Parties of the third part

STATE OF IDAHO)
)ss.
County of Clearwater)

On this 16th day of January, 1970, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Robert F. Shawley and Shally Shawley, husband and wife, Donald F. Gilkey and Fay O. Gilkey, husband and wife, and Quinn Hollibaugh and Janice E. Hollibaugh, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they 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.

Morris L. Hargis
Notary Public in and for the
State of Idaho, residing at
Orofino, therein.

Filed and recorded at the request of Lee Weddle
at 2:35 o'clock P.M. this 8 day of June, 1971
Frances Phelps By: Chris Jones
Ex-Officio Auditor-Recorder Deputy
Clearwater County, Idaho

Return: Box 1189
City

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Clearwater }

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
Right - Shawley 85-7268 &
85-7269

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 18th day of June, 1981, and ending on the 25th day of June, 1981.

Subscribed and sworn to before me this 26th day of June, 1981.

Betty E. Knight

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

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

85-7268

Shawley, Robert
General Delivery, Orofino,
Id. 83544

Source: SPRINGS tributary
to SINKS

Date Filed: 05/14/1981

Amount: 0.20 CFS

Diversion Point: NWSW
SWSW SWNW Sec 25 T 36N R
02E, CLEARWATER Co.

Use: IRRIGATION (0.12
CFS) from 03/15 to 11/15;
DOMESTIC (0.08 CFS) from
01/01 to 12/31

Place of Use: SWSW SESW
Sec 28 T 36N R 02E SESW Sec
28 T 36N R 02E FOR 6 ACRES

Diversion Means: DEVEL-
OPED SPRINGS AND PIPE-
LINE.

85-7269

Shawley, Robert
General Delivery, Orofino,
Id. 83544

Source: UNNAMED STR-
EAM tributary to CLEAR-
WATER RIVER

Date Filed: 05/14/1981

Amount: 0.15 CFS

Diversion Point: SWSW Sec
28 T 36N R 02E, CLEAR-
WATER Co.

Use: IRRIGATION (0.10
CFS) from 03/15 to 11/15;
STOCKWATER (0.05 CFS)
from 01/01 to 12/31

Place of Use: SWSW Sec. 28
T 36N R 02E FOR 5 ACRES

Diversion Means: DAM,
POND AND PIPELINE.

If issued, the permit(s) will
be subject to all prior water
rights. Protests against the
granting of any permit must
be filed with the Director of
the Idaho Department of
Water Resources, 4055 Gov't
Way, Coeur d'Alene, Id., 83814
on or before July 6, 1981.

A. Kenneth Dunn
Director
6-18,25c

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JUL 6 1981

Department of Water Resources
Coeur d'Alene, Idaho

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
AUG 8 1985

85-7268
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Domestic + 2 separate systems $\Rightarrow$ allow 0.04 cfs per household

$\therefore Q_{\text{Dom}} = 0.08 \text{ cfs} \checkmark$

Irrigation (3) = $3(0.02) = 0.06 \text{ cfs} \checkmark$

est. $Q_T = 0.14 \text{ cfs} \checkmark$

- b) Volume Calculations for Irrigation:

$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{3(3)}{1} = 9.0 \text{ AFA} \checkmark$

$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{28.6 \text{ AFA}}{1} = 28.6 \text{ AFA} \checkmark$

$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 9.0 \text{ AFA} \checkmark$

- c) Volume Calculations for Other Uses:

Domestic (2) $\rightarrow 2(1.2) = 2.4 \text{ AFA} \checkmark$

2. Overlap Review

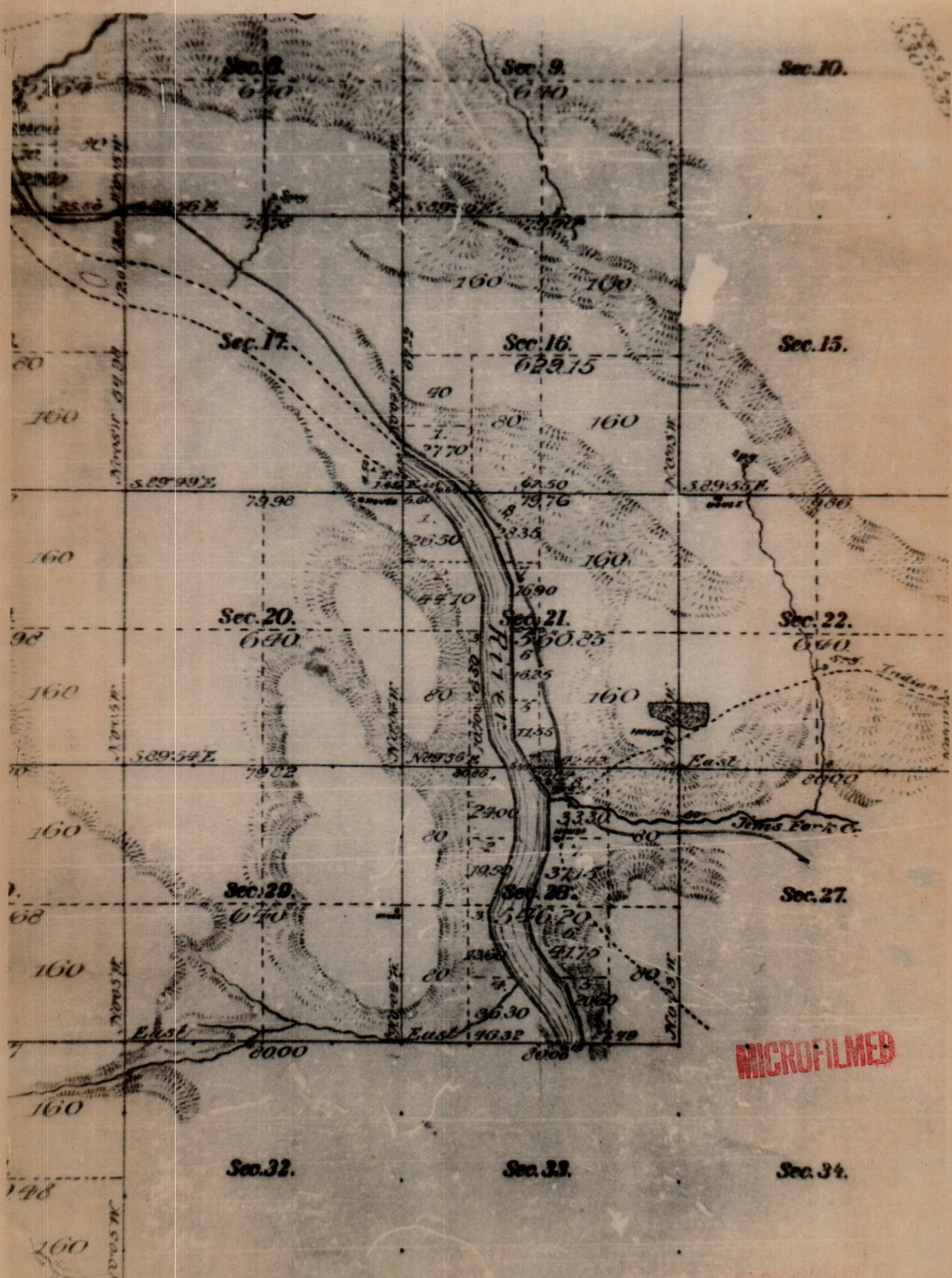
- a) Other water rights with same place of use: _____

- b) Other water rights with same point of diversion: _____

- c) Analysis:

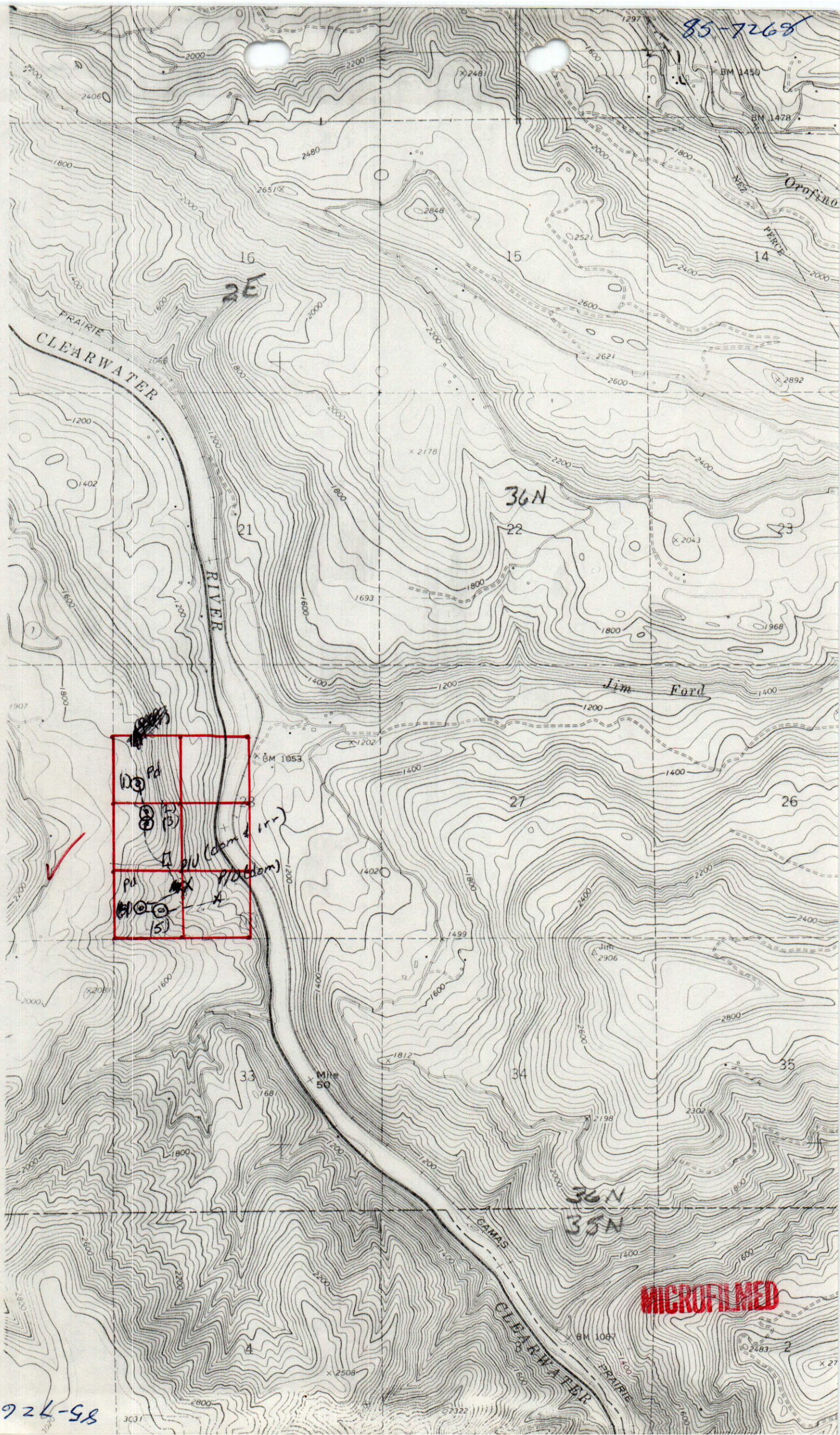


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85-7268



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85-7268

**State of Idaho
Department of Water Resources**

WATER RIGHT LICENSE

License of Water Right No. 85-7268 Priority May 14, 1981 Amount 0.14 cfs

THIS IS TO CERTIFY, that Robert F. Shawley
of Orofino, Idaho, has complied with the terms and conditions of Permit
No. 85-7268 issued pursuant to Application for Permit dated May 14, 1981,
and has submitted proof to the Department of Water Resources on April 6, 1983,
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 0.14 cfs of water from springs,
tributary to sinks, 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
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.06</u> cfs and	<u>9.0</u> acre feet
Domestic (2 Units)	from <u>January 1</u> to <u>December 31</u>	at <u>0.08</u> cfs and	<u>2.4</u> acre feet
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.14 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
11.4 acre feet per year, said waters to be diverted within the SW1/4; NW1/4 (2 pts);
SW1/4 (2 pts) Sec. 28, Twp 36N, Rge 2E in the County of Clearwater

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
36N	2E	28												GL 4 3					3

Total number of acres irrigated 3

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CONDITIONS OF APPROVAL

a. 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.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25TH day of APRIL, 19 86.

Acting for the

Director

Norman C Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Robert Flannery Phone 476-7943

Post office address Orofino Idaho. Gen. Del.

2. Source of water supply 5 springs which is a tributary of Sinks

3. Location of point of diversion is NW ^(2pts) $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 36N

Range 2E B.M. Clear water County, additional points of diversion if any: _____

(2pts)
SWSW, SWNW, Sec 28, T 36N, R 2E

4. Water will be used for the following purposes:

Amount 0.08 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.12 for irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. developed springs
and ~~pumps~~

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 36N
Range 2E B.M.

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

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

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36N	2E	28											4						4
36N	2E	28												2					2

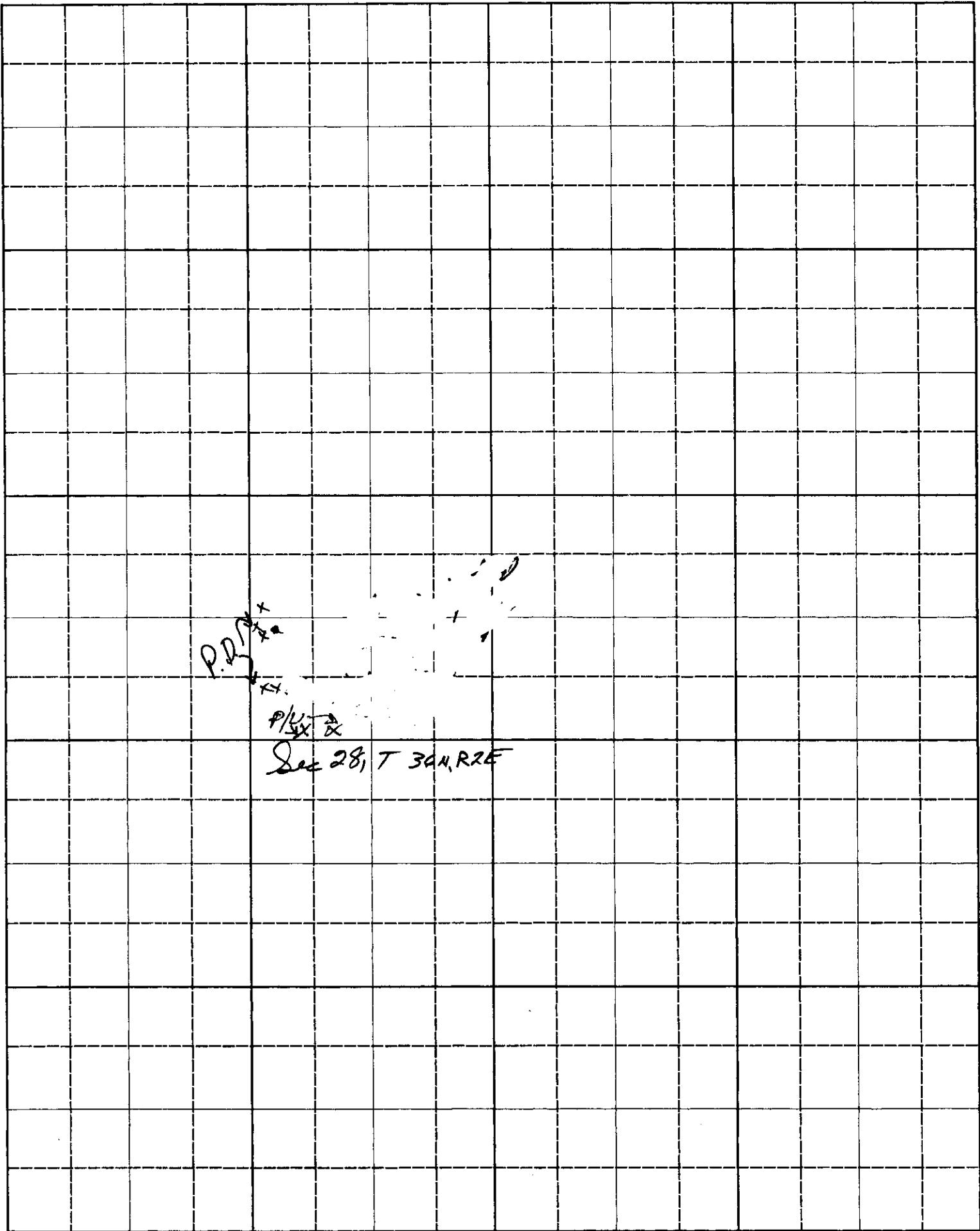
Total number of acres to be irrigated 6

c. Describe any other water rights used for the same purposes as described above. NONE

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 3 springs within the NW SW Sec 28 are
under agreement filed at Clearwater court
same instrument # 115151.
Ronald F. Silbey
Fay Silbey
Don Stockton

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.


(Applicant)

Proposed Priority

Received by

Date

5/14/81

Time

11:30 AM

Preliminary check by

JB

Fee \$

20.00

Received by

Date

6/10/81 (18173)

Publication prepared by

Date

6/11/81

Published in

Clearwater Tribune

Publication dates

6/18 & 25/81

Publication approved

Date

7/6/81

Protests filed by:

none

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by

glt

JK

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

of Idaho No. 85-7268, 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 be-

fore July 1, 1986.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

Witness my hand this 14th day of

July

, 1981.

Administrator, Resources Admin. Div.

[Signature]

115151

RECEPTION (Y)
INDEXED (Y)
FILED ()
DELIVERED ()
MAILED ()

AGREEMENT

THIS AGREEMENT, Made this 15th day of January, 1970, by and between ROBERT F. SHAWLEY and SALLY SHAWLEY, husband and wife, the parties of the first part, hereinafter referred to as the Shawleys; DONALD P. GILKEY and FAY O. GILKEY, husband and wife, the parties of the second part, hereinafter referred to as the Gilkeys; and QUINN HOLLIBAUGH and JANICE E. HOLLIBAUGH, husband and wife, the parties of the first part, hereinafter referred to as the Hollibaughs;

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Section 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING

That part of said tract contained within the boundaries of Westwood Terrace, according to the recorded plat thereof;

and

WHEREAS, Hollibaughs are the owners of Lot 12, Block 4, Westwood Terrace, according to the recorded plat thereof; and

WHEREAS, Gilkeys are the owners of Lot 10, Block 4, Westwood Terrace, according to the recorded plat thereof, and also the following described real property, located adjacent to said Westwood Terrace, to-wit:

A portion of Lot 1, Section 28, Township 36 North, Range 2 E.B.M., described as:

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JAN 21 1970
FBI - IDAHO

Beginning at a point 343.8 feet east of the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 36 North, Range 2 E.B.M.; thence

South 170 feet; thence

East 256.24 feet, more or less, to the west right of way line of the Lewis-Clark Highway; thence

Northerly along said west right of way line 170 feet, more or less, to the section line common to Sections 21 and 28, Township 36 North, Range 2 E.B.M.; thence

West 256.24 feet, more or less, to the point of beginning;

and

WHEREAS, Shawleys, Gilkeys and Hollibaugh are desirous of developing a spring on the Shawley property, for the mutual benefit of the properties belonging to all of said parties; and

WHEREAS, certain pipeline easements and roadway easements will be required over portions of the Shawley property in order to provide an adequate water distribution system;

NOW, THEREFORE, IT IS HEREBY AGREED among all the parties hereto as follows:

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Shawleys, Gilkeys and Hollibaugh shall develop the spring on the Shawley property, including the construction of a catch basin for water distribution, and each of the parties shall be responsible for one-third of the cost of the development and construction, and of the maintenance of the spring and catch basin.

II.

Hollibaugh and Gilkeys, jointly, shall be entitled to receive and share one-half of the water from said catch basin, but in no event to exceed the capacity of a three-quarter inch steel pipe. Shawleys shall receive and have one-half of the water from said catch basin, together

with any excess or overflow. To provide for such division of said waters, the parties shall install two level three-quarter inch steel pipes and valves in the catch basin wall.

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V.

Shawleys reserve the right to drill a well or wells on other parcels of Shawley property, so long as the drilling of the same does not cause the water to be withdrawn from the catch basin.

VI.

Shawleys hereby grant to Gilkeys an easement for a pipeline from said reservoir to the southwest corner of Lot 7, Block 6, Westwood Terrace; and also from the north line of Fir Drive of said Westwood Terrace to the southwest corner of Lot 5, Block 1, Westwood Terrace. Gilkeys shall have access thereto only for purposes of pipe repair along the pipe line, and Shawleys shall not be responsible for any pipe damage caused by stock.

VII.

Shawleys hereby grant to Hollibaugh an easement for a pipeline from the said reservoir to the south line of Lot 2, Block 6, Westwood Terrace. Hollibaugh shall have access thereto only for purposes of pipe repair along the pipeline, and Shawleys shall not be responsible for any pipe damage caused by stock.

VIII.

It is understood that Shawleys intend to construct a road through the existing pipeline area, and Gilkeys and Hollibaugh agree that they will relocate their existing pipelines at their expense, such that they will not interfere with the construction, use or maintenance of said road.

IX.

All parties agree that the easements and water rights herein specified shall run with the lands of the respective parties hereto, as herein above described; and that all obligations of maintenance and repair of the water system shall be binding upon the heirs and assigns of the respective parties hereto.

MICROFILM

their hands and seals the day and year in this instrument first above
written.

Robert F. Shawley SEAL
Parties of the first part
Shally Shawley SEAL
Donald F. Gilkey SEAL
Parties of the second part
Fay O. Gilkey SEAL
Quinn Hollibaugh SEAL
Parties of the third part
Janice E. Hollibaugh SEAL

STATE OF IDAHO)
)ss.
County of Clearwater)

On this 16th day of January, 1970, before me, the undersigned,
a Notary Public in and for the State of Idaho, personally appeared Robert
F. Shawley and Shally Shawley, husband and wife, Donald F. Gilkey and
Fay O. Gilkey, husband and wife, and Quinn Hollibaugh and Janice E.
Hollibaugh, husband and wife, known to me to be the persons whose
names are subscribed to the within and foregoing instrument, and
acknowledged to me that they executed the same.

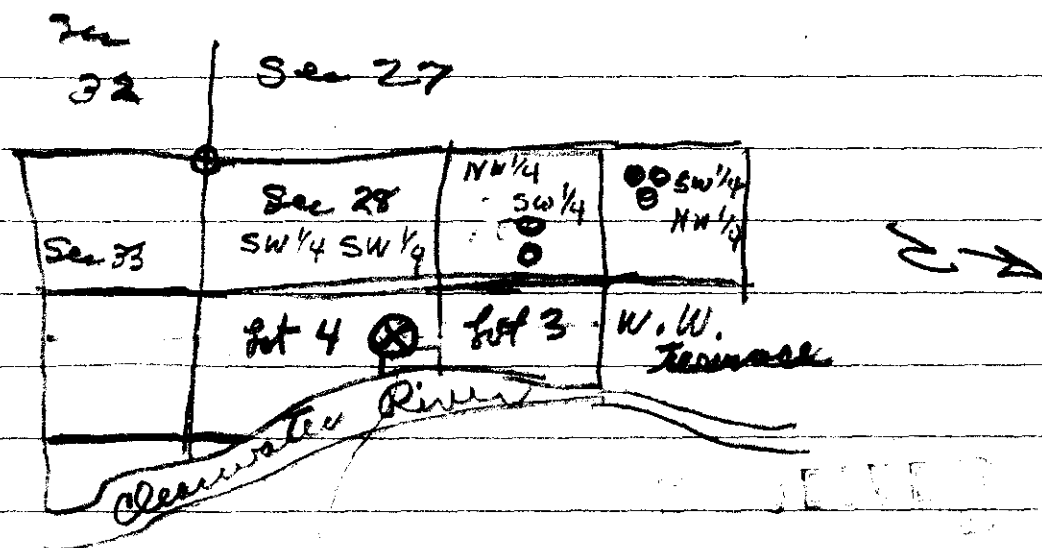
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above written.

Morris A. [Signature]
Notary Public in and for the
State of Idaho, residing at
Orefino, therein.

Filed and recorded at the request of [Signature]

MICROFILMED

Hi Jerry - hope you are feeling better -



⊙ ⊙ Springs on permit
(all piped to gether)

⊗ Garden spot + pasture
where add amount of
water will be used.

(Have a rental here.)

there is 3 or 4 acres here that
has been farmed.

Hope this is what you need to
complete permit. If not let me
know.

Thanks

enclosed
(2 applications)

May 12 - 81

Ferry -

- ① I am sending the water agreement. Between Gilkey Hollibaugh and my self - 1.
(Hollibaugh has sold the property to Don Stockton).
- ② remarks - They have sign as acknowledgment and agreement.
(The Springs are all completed and functioning)
- ③ would like the exp fee raised to 120 (5.00 per permit)
- ④ returning other application.
correct fee /
\$60 ok

Thanks Ferry

St. Shaver

751

We own 12 lots in Westwood Terrace

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Clearwater }

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
Right - Shawley 85-7268 &
85-7269

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 18th day of June, 1981, and ending on the 25th day of June, 1981.

Subscribed and sworn to before me this 26th day of June, 1981.

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

RECEIVED
JUL 6 1981

Department of Water Resources
Bureau of Water Rights

MICROFILMED

Water Force -
State house -

RECEIVED

SEP 2 1982

Department of Water Resources

Dear Sirs: Some time
ago. You sent me 2
blue cards to fill out
about completing water
projects - I have lost
them. ^{would} you send them
again. Thanking You.

Bob Shawley
Orofino Idaho.

83544

(Robert Shawley)

85-7269

85-7268

MICROFILMED

DEC 21 1988

AFTER FIVE DAYS RETURN TO
Bob Shawley
Orofino Ida
83544



Water Reservoir
State house

Boise
83720

Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 85-7268

Name(s) of Permit Holder(s): Robert Shawley

Post Office Address: Orefino

San Val

Tel. 716-7943

☐ I hereby certify that construction of diversion works for the above referenced permit began on _____ (date) 1988. I understand that I must continue to develop the water system with due diligence to maintain a valid permit. 5 springs S-23 IS DESIGN R 2E

☐ I hereby certify that construction of diverting works on the above referenced project has ~~not been~~ been completed and in use for more than 2 years Nov 12/82 Robert Shawley due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

PLACE
STAMP
HERE

*Sometime
between
July 30
& Nov. 29, 1982
in the file & not date
stamped.*

MICROFILMED

DEC 21 1982



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 28, 1986

RE: Permit No. 85-7268

Robert F. Shawley
Orofino,
Idaho 83544

Dear Mr. Shawley:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

April 10, 1986

RE: Permit No. 85-7268

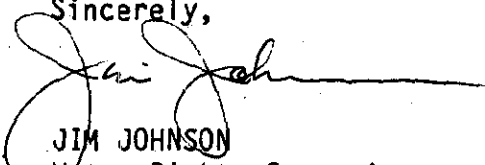
Robert F. Shawley
Orofino,
Idaho 83544

Dear Permit Holder(s):

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

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

AUG 8 1985

85-7268
Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Domestic + 2 separate systems $\Rightarrow$ allow 0.04 cfs per household

$$\therefore Q_{\text{dom}} = 0.08 \text{ cfs} \checkmark$$

$$\text{Irrigation (3)} = 3(0.02) = 0.06 \text{ cfs} \checkmark$$

$$\text{est. } Q_T = 0.14 \text{ cfs} \checkmark$$

b) Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{3(3)}{1} = 9.0 \text{ AFA} \checkmark$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{29.2(245 \text{ days})}{1} = 29.2 \text{ AFA} \checkmark$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 9.0 \text{ AFA} \checkmark$$

c) Volume Calculations for Other Uses:

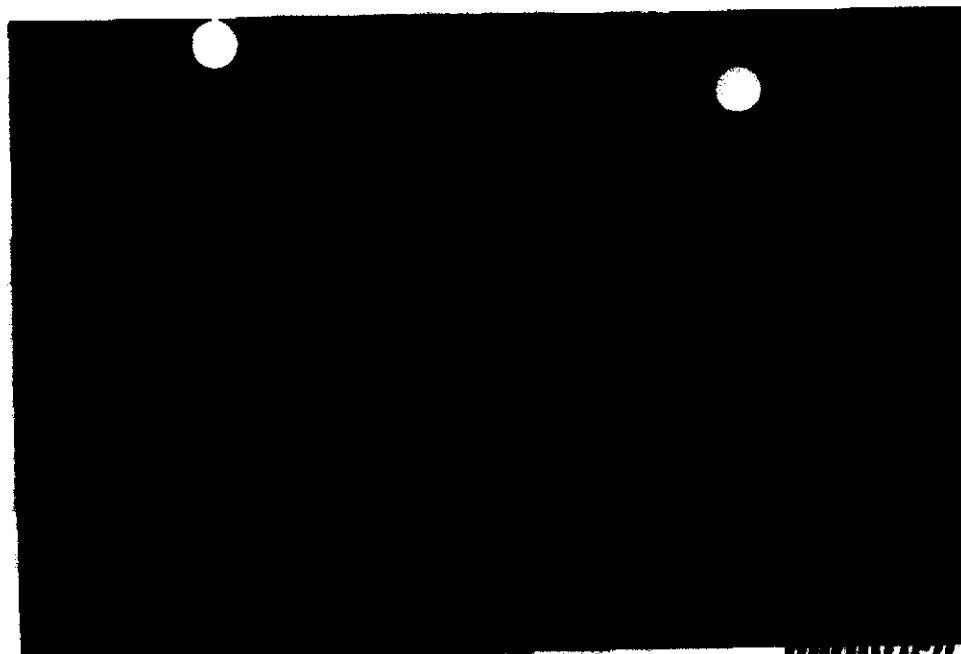
$$\text{Domestic (2)} \rightarrow 2(1.2) = 2.4 \text{ AFA} \checkmark$$

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:



PHOTOCOPIED

10 day

- Date 4-2-86

Department of Water Resources
Permit No. 85-1268

Phone No. _____

- | Well/Diversion*
No. | Motor
Make | HP | Motor
Serial No. | Pump
Make | Pump Serial No. or
Discharge Size |
|------------------------|---------------|----|---------------------|--------------|--------------------------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
5 springs, 2 systems - Springs 1-3 (on map) supply water single family domestic use and irrigation at ~ ~~100~~ ¹⁰ ~~psi~~ ^{psi}. Springs ~~4 & 5~~ supply water to 2 other houses, different owners, may not have water right. Springs 4 & 5 supply water ~~to~~ 2nd household

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

- [illegible]

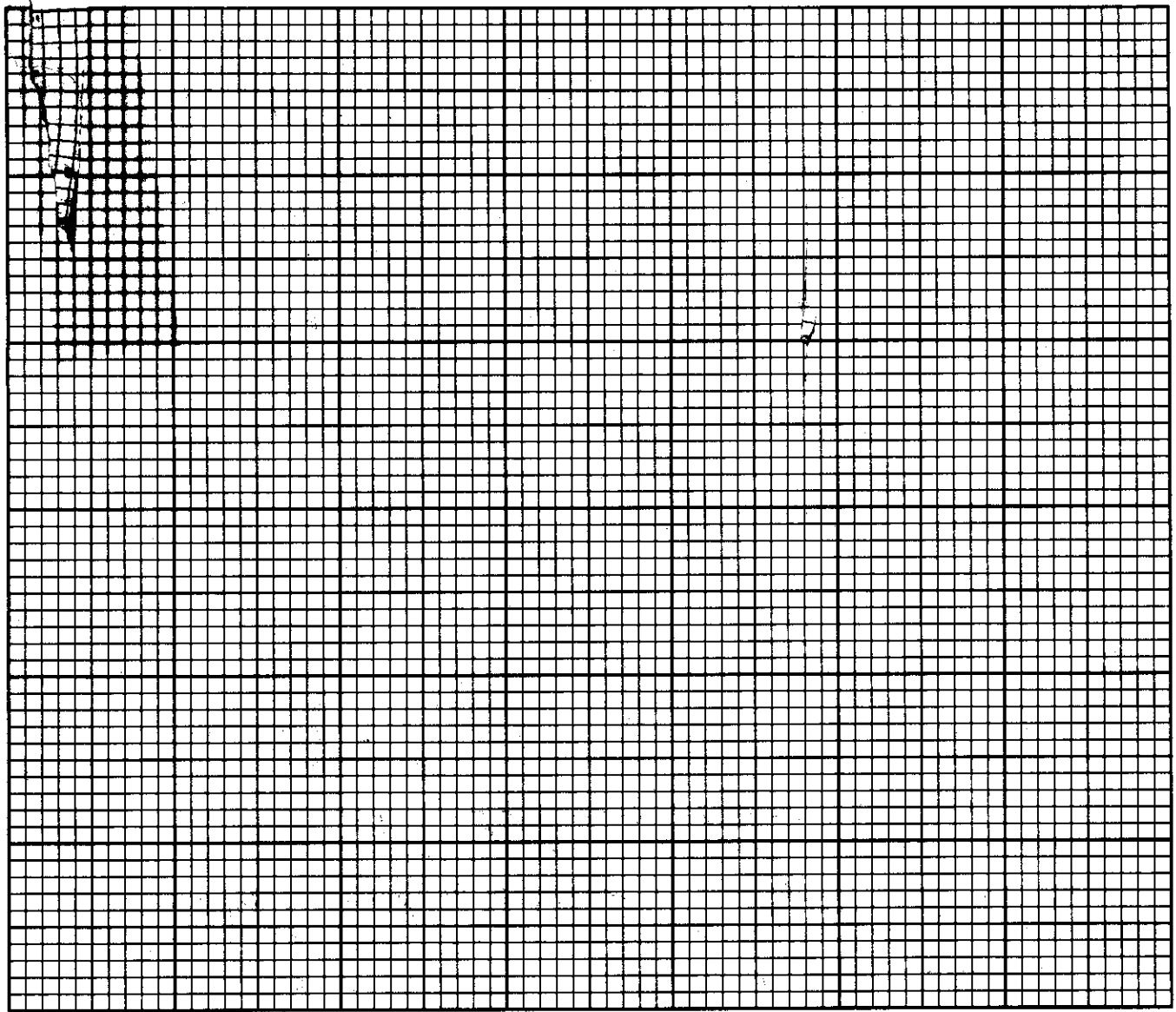
- [illegible]

10. Other water rights on these lands 85-7269

11. Other water right diverted from same p.d. yes

MICROFILMED

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature A. Beard Date 7/25/85

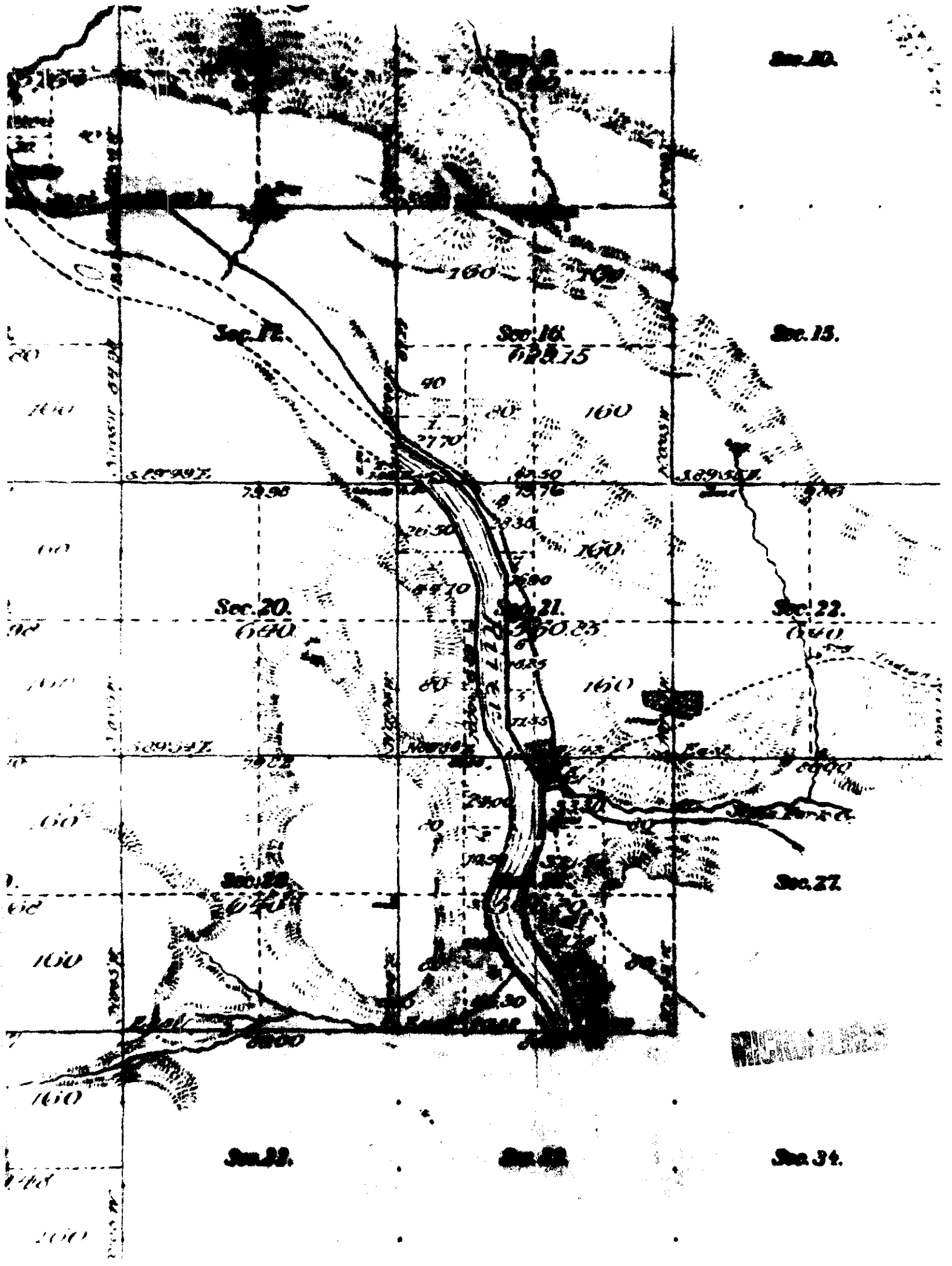
Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

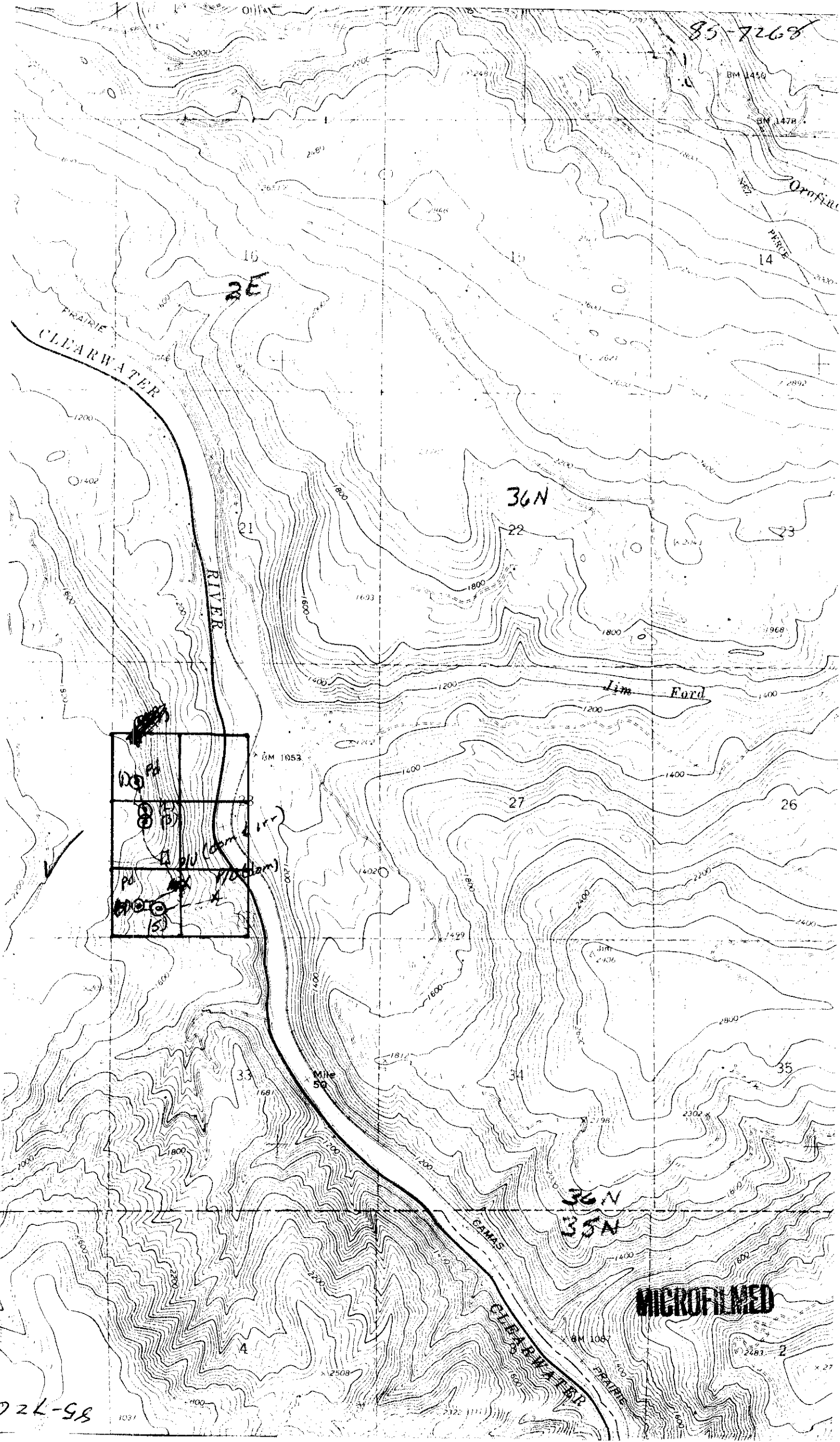
Date

CONSULTANT SEAL



Standard Parallel North

85-7268



MICROFILMED

85-7268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

MAY 2, 1983

ROBERT F. SHAWLEY

OROFINO ID 83544

RE: Permit No. 85-7268

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 667-6484 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

R. F. Shoup

(PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 85-7268.

Name(s) of Permit Holder: Robert F Shawley

Post Office Address: Orcutt Idaho 83544

Tel. No. 476-7943

Source of Water: 5 springs — sinks

Extent of Use: ☒ Domestic 2 (number of households)
☒ Stockwater _____ (number and type of stock)
☒ Irrigation _____ (acres)
☒ Other 2-barns
(see) application permit

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

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

Jan 1983
Date

Robert F Shawley
Signature of Permit Holder

November 29, 1982

Robert Shawley
General Delivery
Orofino, ID 83544

Dear Mr. Shawley:

Re: Permit No. 85-7268

Pursuant to your note and the Commencement of Works postcard, enclosed is a Statement of Beneficial Use postcard.

Please complete and return the postcard. This officially notifies the Department that you have completed the project and you wish the Department to start the licensing process.

If you have any questions concerning this matter, please feel free to contact me at 334-4290.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

5 Spring

I believe I wrote you
some time ago that this
project was completed and
in use.

Jim S.

107713

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SHAWLEY, ROBERT
GENERAL DELIVERY
OROFINO, ID 83544

JULY 21, 1981

RE: PERMIT NO. 85-7268

DEAR PERMIT HOLDER:

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

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

SINCERELY,

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

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RB

APPLICATION NUMBER: 85-7268

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 7/6/81 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7/6/81 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
✓ 5/14/81 Date of priority recommended.
Special conditions of approval or cover letter. _____

STATE OFFICE REVIEW:

By: Ryft

Date: 7/6/81

- ☐ See attached sheet for more information.

By: Ryft

Date: 7/13/81

85-2268-

SHAWLEY, ROBERT

GENERAL DELIVERY, OROFINO, ID 83544

Source: SPRINGS tributary to SINKS

Date Filed: 05/14/1981

Amount: 0.20 CFS

Diversion Point: NWSW SWSW SSWNW Sec 28 T 36N R 02E, CLEARWATER Co.

Use: IRRIGATION	(0.12 CFS)	from 03/15 to 11/15
DOMESTIC	(0.08 CFS)	from 01/01 to 12/31

Place of Use: SWSW SESW Sec 28 T 36N R 02E SESW Sec 28 T 36N R 02E
FOR 6 ACRES

Diversion Means: DEVELOPED SPRINGS AND PIPELINE.

A. Kenneth Dunn
xxxxxxxxxx

June 4, 1981

Mr. Robert Shawley
General Delivery
Orofino, Id. 83544

Dear Mr. Shawley:

I am returning your Application for Permit for your signature.

Please sign and return to this office for processing.

If you have any questions, please contact me at this office.

Sincerely,

LAWRENCE D. BEARD
E.I.T.

LDE/pms

Enc. - Application

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert H. Hume Co. Phone 476-7943
Post office address Co. 20000 Idaho / Gen. Del.

2. Source of water supply 5 springs which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 36 N
Range 2 E B.M. Clear water County, additional points of diversion if any: _____
SWSW, SANW, Sec 28, T 36 N, R 2 E.

4. Water will be used for the following purposes:

Amount 0.08 for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.12 for irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. developed springs
and pipe.

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 36 N
Range 2 E B.M.

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

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

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36N	2E	28											4						4
36N	2E	28											2						6

Total number of acres to be irrigated 6

c. Describe any other water rights used for the same purposes as described above. NONE

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

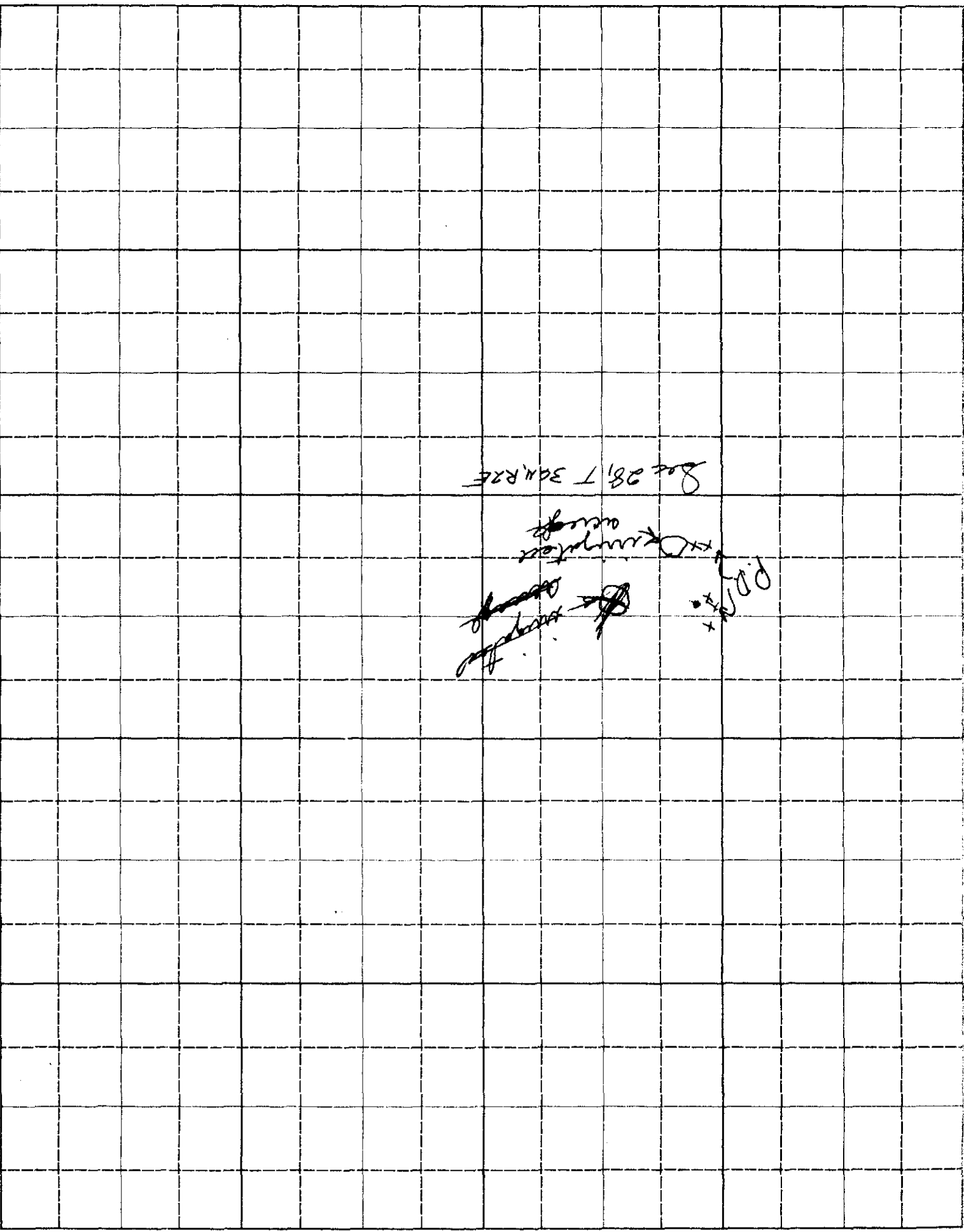
3 springs within the NW SW Sec 28 are under agreement filed at Clearwater court house instrument # 115151.

Donald F. Silbey

Fay Silbey

Don Stockton

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.

(Applicant)

X

Received by PSH Date 5/14/81 Time 1:00PM
Preliminary check by _____ Fee \$ 20⁰⁰~~xx~~
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
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. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this _____ day of _____, 19____.

Director

IDENT. NO. 85-7268

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]