

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

S. 27, T. 36N, 1W.

WELL
NE SE

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.

64

GARNER SEVENTY FOUR INC.

Barbara Benscoter

Rt. 1 • Box 132

Lapwai, Idaho 83540

(Applicant)

Barbara M. Benscoter
(Title) Sec. of Treasure

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None
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 Although pd & plu appear to be in the NESE sec 27
a check with the assessor's office indicates that the
legal on the app is correct, i.e. NESE sec 27

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 L Beard Date 5/21/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 5/21/85

Date

MICROFILMED

CONSULTANT SEAL

MAR 16 1988

85-7187

Peck
Cem

RIDGE

16

15

14

21

22

23

Gravel
Pit

28

27

26

33

Rose
3281

34

35

MICROFILMED

MAR 16 1988

Jacks
Creek

Ed
1910

361

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-7187

Priority: March 26, 1979 Amount: .06 CFS 1.6 AFA

This is to certify, that GARNER SEVENTY FOUR INC.

RT. 1 BOX 132

LAPWAI, ID 83540

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 26, 1979, and has submitted proof to the Department of Water Resources on March 12, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .06 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	01/01 to 12/31	.02 cfs	.4 afa
Domestic	01/01 to 12/31	.04 cfs	1.2 afa
	Totals	.06 CFS	1.6 AFA

LOCATION OF POINT OF DIVERSION(S):

NESE , Sec. 27, Township 36N, Range 1W
Nez Perce County

PLACE OF USE: Domestic

TWN RGE SEC

36N 1W 27 NESE

PLACE OF USE: Stockwater, same as Domestic use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of November, 1987.

RECORDED

MAR 16 1988

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Garner 74 Inc. Phone 843-2152

Post office address Box132 Lapwai, Idaho 83540

2. Source of water supply Well 410 feet which is a tributary of Not Known

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 36N

Range 1W B.M. Nez Perce County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Stock purposes from 1/1 to 12/31 (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. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Well, pump 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 8 inches; proposed depth of well is 410 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 36N

Range 1W 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 15 Head of Beef

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

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

MICROFILMED

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

[illegible]

Total number of acres to be irrigated

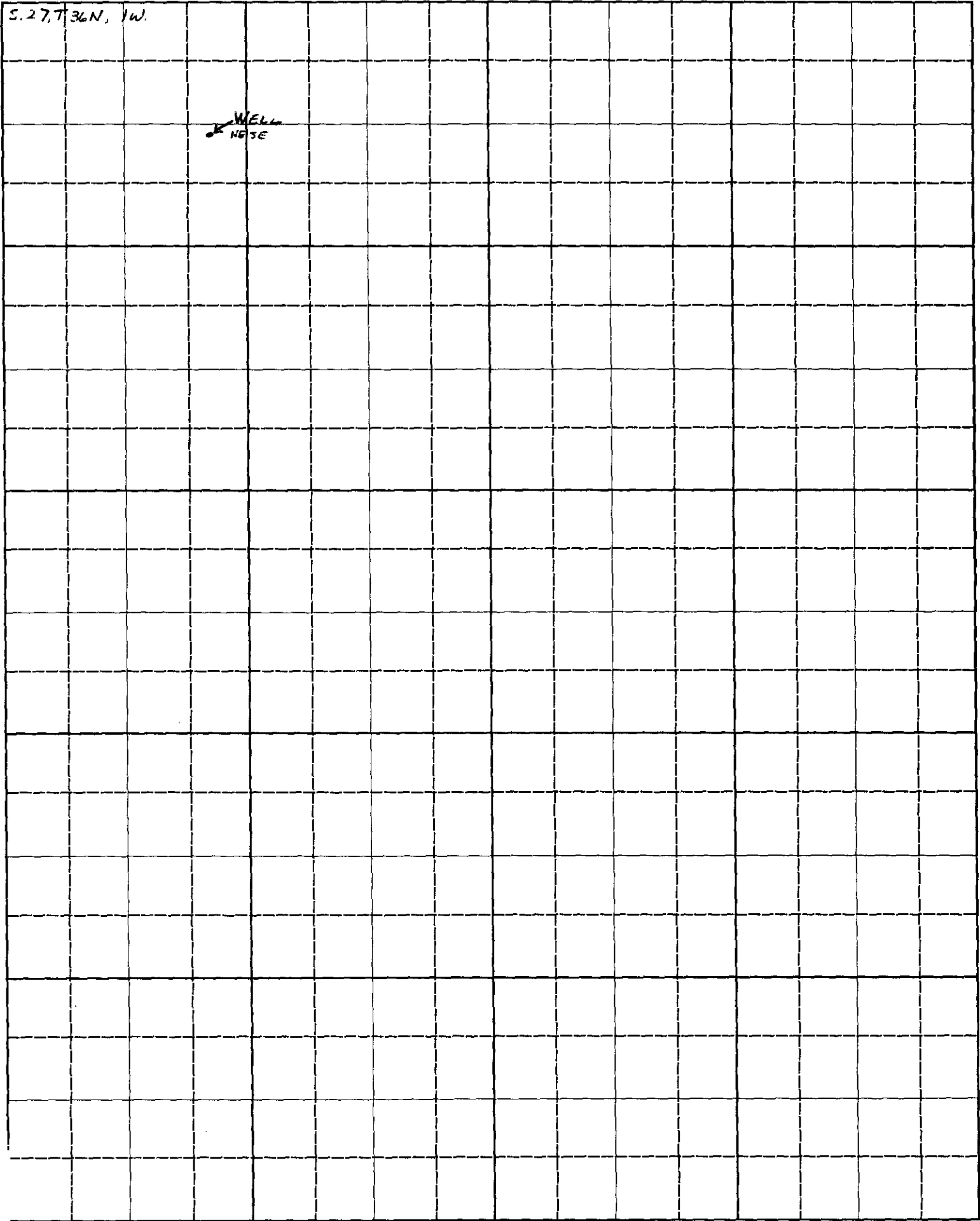
c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion
Garner 74 Inc.
- b. Who owns the land to be irrigated or place of use
Garner 74 Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

applicant to make this filing

10. Remarks	Well was complete and put into service November 14, 1977	20 GPM ±
-------------	--	----------

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.

G4
x **GARNER SEVENTY FOUR INC.**
Barbara Benscoter
Rt. 1 • Box 132
Lapwai, Idaho 83540
(Applicant)
Barbara M. Benscoter
(Title) Sec. of Treasure

Proposed Priority 3-26-79

Received by RMH Date 3-26-79 Time 11:30 AM

Preliminary check by [initials] Fee \$ 20.00

Received by [initials] Date 3/27/79 # 13476

Publication prepared by [initials] Date 3/28/79

Published in Idaho Mining Journal

Publication dates 4/5 & 12/79

Publication approved [initials] Date 4/12/79

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RMH J.S.

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. 85-7187, 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 May 1, 19 84.

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

7th day of

May

, 19 79.

Chief, Operations Bureau

J. Alan Gayton

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Roxie Edmonson

, being duly sworn
deposes and says, I am the Classified Bookkeeper
of the Tribune Publishing Company, a corporation organized
and existing under and by virtue of the laws of the State of
Idaho, publishers of the LEWISTON MORNING TRIBUNE, a
newspaper of general circulation published at Lewiston, Nez
Perce County, Idaho; That the said Lewiston Morning Tribune
is an established paper and has been published regularly and
issued regularly at least once a day for more than 20 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the Notice of Application
attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for two consecutive weeks, the
first publication thereof being on the 5th day of
April, A. D. 19 79, and the last publica-
tion thereof being on the 12th day of April,
A. D. 19 79, and said Notice of Application
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Roxie Edmonson

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of April, 19 79.

Dorothy R. Heutter

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

Department of Water Resources
Northern District Office

3M 5-72 LT 42669

RECORDED
INDEXED

November 22, 1987

GARNER SEVENTY FOUR INC.
RT. 1 BOX 132
LAPWAI, ID 83540

RE: Permit No. 85-7187

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
MAR 16 1988

November 2, 1987

GARNER SEVENTY FOUR INC.
RT. 1 BOX 132
LAPWAI, ID 83540

RE: Permit No. 85-7187

Dear Permit Holder(s):

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

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
MAR 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

JUL 26 1985

Permit No.

10
85-7187

Department of Water Resources

1. Measurement Calculations

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

Estimate

- b) Volume Calculations for Irrigation:

$$V_{i.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$
$$V_{d.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$
$$V = \text{Smaller of } V_{i.R.} \text{ and } V_{d.R.} = \underline{\hspace{2cm}}$$

- c) Volume Calculations for Other Uses:

1 home → 1.2 AFA
15 head stock → 0.4 AFA

2. Overlap Review

- a) Other water rights with same place of use: *None*

- b) Other water rights with same point of diversion: *None*

- c) Analysis:

RECEIVED

MAR 16 1988

Permit No.	85-7187	3/26/79	0.06	3/26/79	3/12/84	0.06	System Capacity
------------	---------	---------	------	---------	---------	------	-----------------

Address: Rt 1 Box 132 Kapawai, Id 83540

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
-------------------	--------------------------	------------------------------	-------------------------

Stock	111	12/31	0.02	0.4
-------	-----	-------	------	-----

7. Point(s) of Diversion:

[illegible][illegible][illegible][illegible][illegible]

9. Recommended Conditions/Remarks:

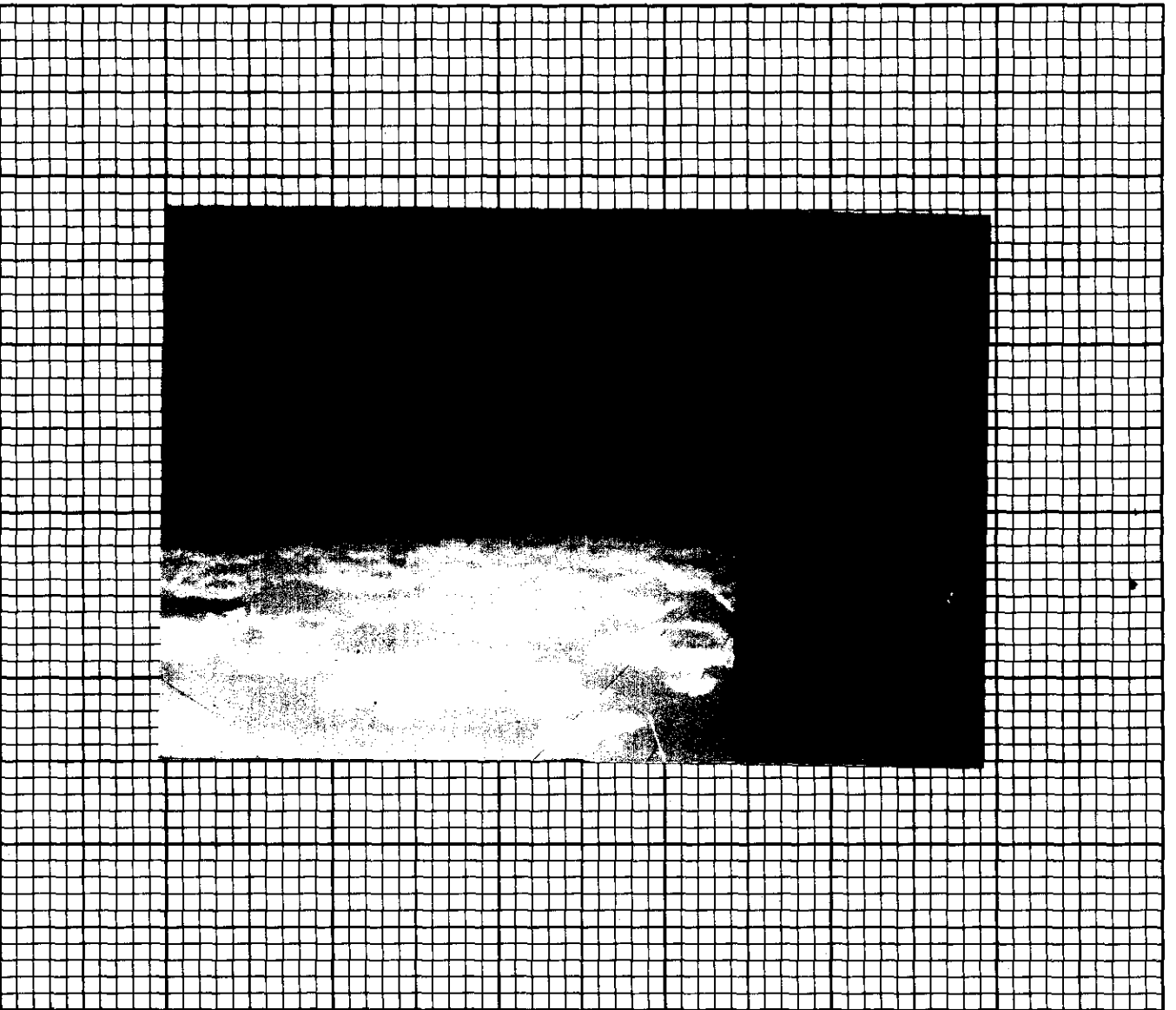
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

1. Examiner's Signature _____
Checked in Regional Office by *Dr. J. J. Jones*
Date *7/17/85*

_____ for some time in past days

Total Acres

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None
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 Although p.d. appears to be in the NE SE sec 27

a check with the assessor's office indicates that the

legal on the app is correct, is NE SE sec 27

15. Recommended Amendments
- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
16. Examiner's/Consultant's Signature J. Beard

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 5/21/85

Date



CONSULTANT SEAL

MAR 16 1988

85-7187

RIDGE

16

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MICROFILMED

MAR 16 1988

Pa
G 18/10

Jacks

Creek

Pack
Carn

Creek

Gravel
Rt

Post
3081

3078

3047

3035

3041

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

APRIL 24, 1984

GARNER SEVENTY FOUR INC.
RT. 1 BOX 132
LAPWAI ID 83540

RE: Permit No. 85-7187

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right 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

RECEIVED

MAR 16 1988

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below Permit No. 85-7187

Name(s) of Permit Holder: Garner Seventy Four, Inc.

Post Office Address: Barbair M. Benscotte - Sec 132
Lapwai, Idaho Tel. No. 843-2152

Source of Water: Well

Extent of Use:

☒ Domestic	<u>1</u>	(number of households)
☒ Stockwater	<u>10 cows, 10 calves, 100</u>	(number and type of stock)
☐ Irrigation	<u>garden - yard</u>	(acres)
☐ Other		

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

March 6, 1984
Date

Garner Seventy Four, Inc.
Barbair M. Benscotte
Signature of Permit Holder *Sec 132*

G
4

GARNER O'ENTY FOUR INC.

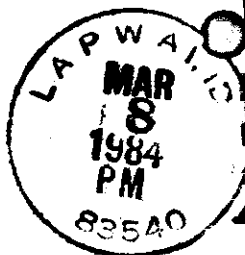
Barbara Benscoter

Rt. 1 • Box 132

Lapwai, Idaho 83540

RECEIVED

MAR 12 1984



IDAHO DEPARTMENT OF WATER RESOURCES
Department of Water Resources
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

85-7187

March 6, 1979

Garner 74 Inc.
Box 132
Lapwai, Idaho 83540

Gentlemen:

We are returning your Check No. 92-212 in the amount of \$1.00 and your Application for Permit, which we have retyped. Before refiling the Application, please notice we have taken the liberty of completing Items 4, 5, 6, 7 and 8C.

Before resubmitting, please check Item 4 to insure that you agree with the figures shown and then sign same indicating your title with the company and return to this office with a check in the amount of \$20.00 for filing fee.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Application (2)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

GARNER 74 INC.,
BOX 132
LAPWAI, ID 83540

PROOF DUE NOTICE

FEBRUARY 28, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 85-7187 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

ENCLOSURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 10, 1979

Re: Permit No. 85-7187

Garner 74, Inc.
Box 132
Lapwai, Idaho 83540

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

RECEIVED

RECEIVED

85-7187

STAFF REVIEW - STATE OFFICE

1. See Name vs. Signature
2. N Source
3. ✓ Point of Diversion
4. 0.86 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 20 Fee & Rec't. No.

Copies Sent To:

NO Idaho Health Department
7 Idaho Fish & Game Dept.
 Bureau of Land Management

NO U.S.F.S.
7 Dept. of Lands
 Other

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

Check:

Critical G.W. Area yes ✓ no

Other rights on same land N/A

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO
 ID Power Co. Letter - G.W. & Tribs.
 Snake River Condition
 Payette River Letter
 Priority Date 3/26/79

Water Quality #16 NO
 Water Quality #10
 intrastate interstate

Meas. Dev. or Sc. Meas. NO
 Totalizing meter
 Supplemental
 Right-of-Way Cond.
 Watermaster Cond.
 Wtr. Dist No.
 Meas. Dev. Cond. for apps within
 a Water Dist.

 Reviewer

5/7 **MICROFILMED**
 Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Garrow 85-7187

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

(1) JK 3/26/79

In form to receipt

(2) _____

Send Copies to:

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

(3) _____

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

(4) JK 3/26/79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) pm 4/13/79

Affidavit of Publication received(date) 4/13/79

(12) pm 4/20/79

Final date for protests April 23, 1979
Protests received: yes _____ no ☒

(13) pm 4/20/79

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

(14) _____

Action recommended:

☒ Approve _____ Deny

3-26-79 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes 4/26/79

RECEIVED
MAY 02 1979

Department of Water Resources

MICROFILMED

85-2182-

GARNER 74 INC.

BOX 132, LAPWAI, ID 83540

Source: GROUNDWATER

Date Filed: 03/26/1979

Amount: 0.06 CFS

Diversion Point: NESE Sec 27 T 36N R 01W, NEZ PERCE Co.

Use: DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NESE Sec 27 T 36N R 01W

Diversion Means: WELL, PUMP & PIPELINE

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

March 28, 1979

Garner 74 Inc.
Box 132
Lapwai, Idaho 83540

RE: 85-7187

Gentlemen:

Enclosed is Receipt No. 13476 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Stree

PMS

Enclosure

MICROFILMED

