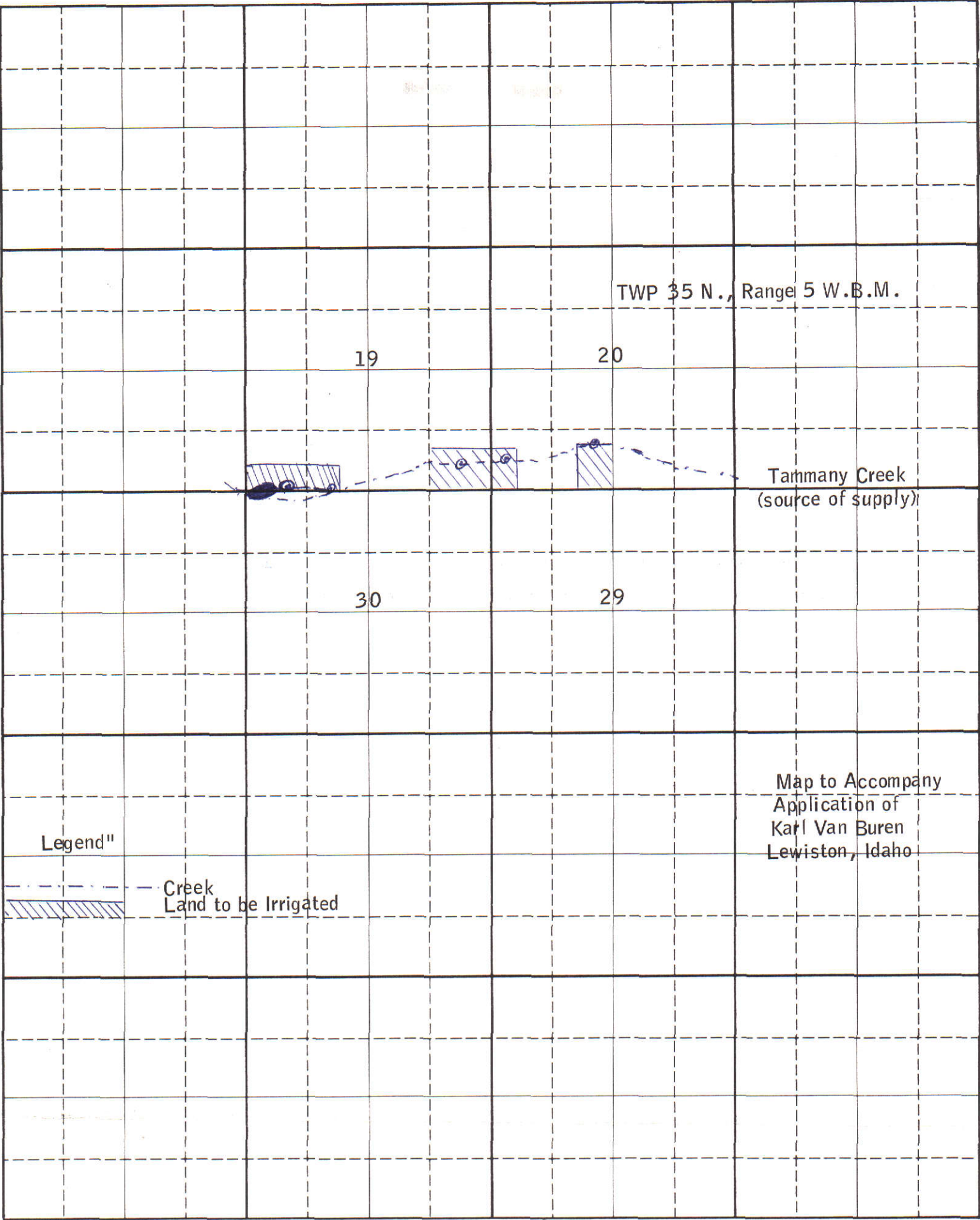


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Karl Van Buren
(Applicant) Karl Van Buren

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

April

(Claimant)

19 74

Residing at Lewiston, Idaho

JUNE 27, 1975

Received by <u> <i>Sej</i> </u>	Date <u> 11-08-74 </u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$10.00 fee received by _____	Date _____			
Approved for publication by _____				
Published in _____				
Dates _____				

85 7084

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Karl Van Buren, 3136 Fourth Street D, Lewiston, Idaho, has on April 26, 1974, submitted Application No. 85-7084 for a permit to appropriate 1.0 cubic feet per second of water from Tammany Creek by means of pump, pipes, and sprinklers within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N, R. 5W, B.M., Nez Perce County, to be used from March 15 to Nov. 15 for the irrigation of 50 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before May 27, 1974.

R. KEITH HIGGINSON
Director

RECEIVED

MAY 20 1974

Department of Water Administration
Northern District Office

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

D.N. Sinclair, being duly sworn deposes and says, I am the office manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of Application attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 9th day of May, A. D. 19 74, and the last publication thereof being on the 16th day of May, A. D. 19 74, and said Notice of Application was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

16 day of May, 19 74.

Norman W. Ficks 8-28-76
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

T
35
N

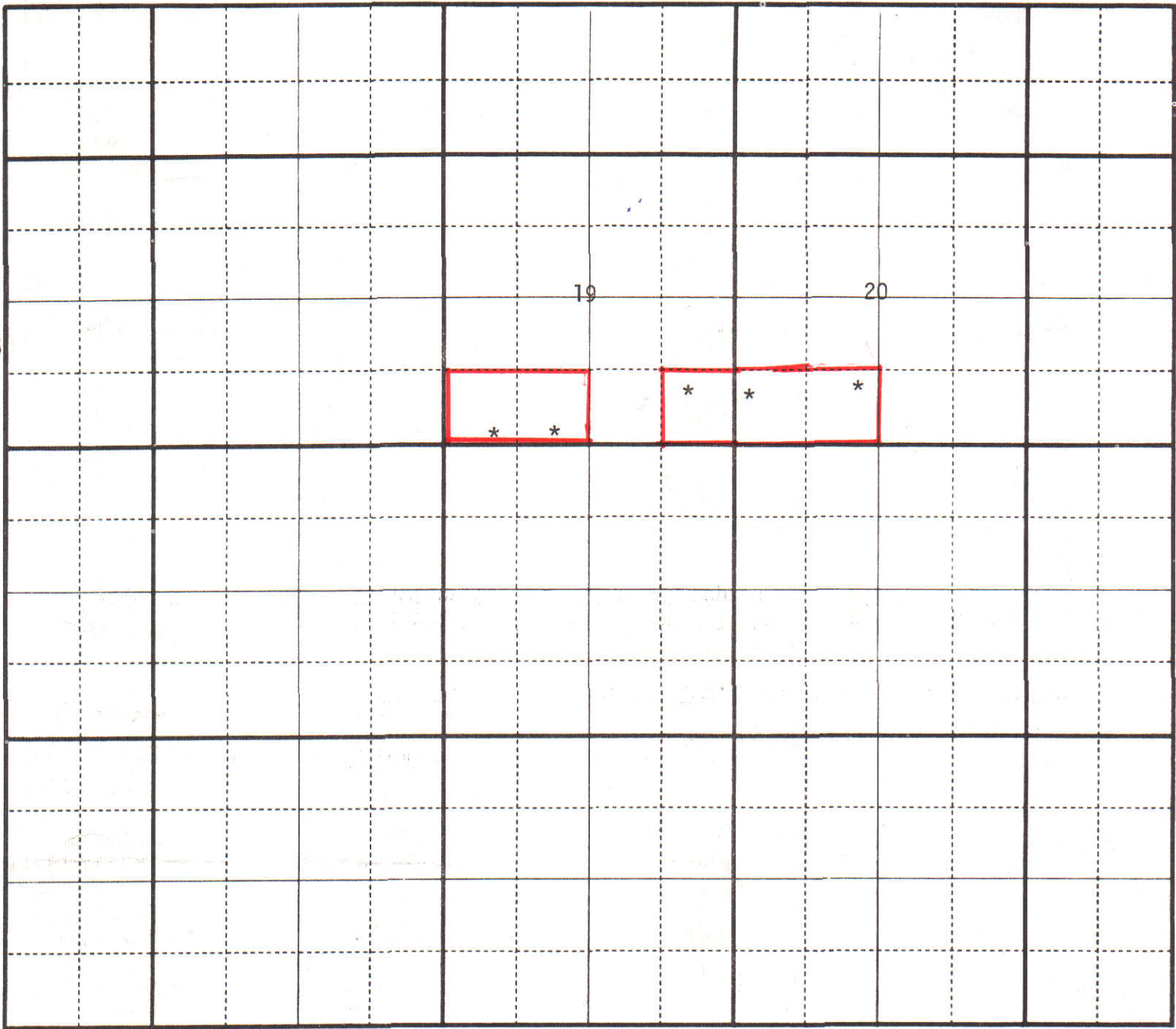


Diagram of System

BADGER MAGNETIC DRIVE IRRIGATION METER

A Low-Cost Water Meter for Farms and Ranches

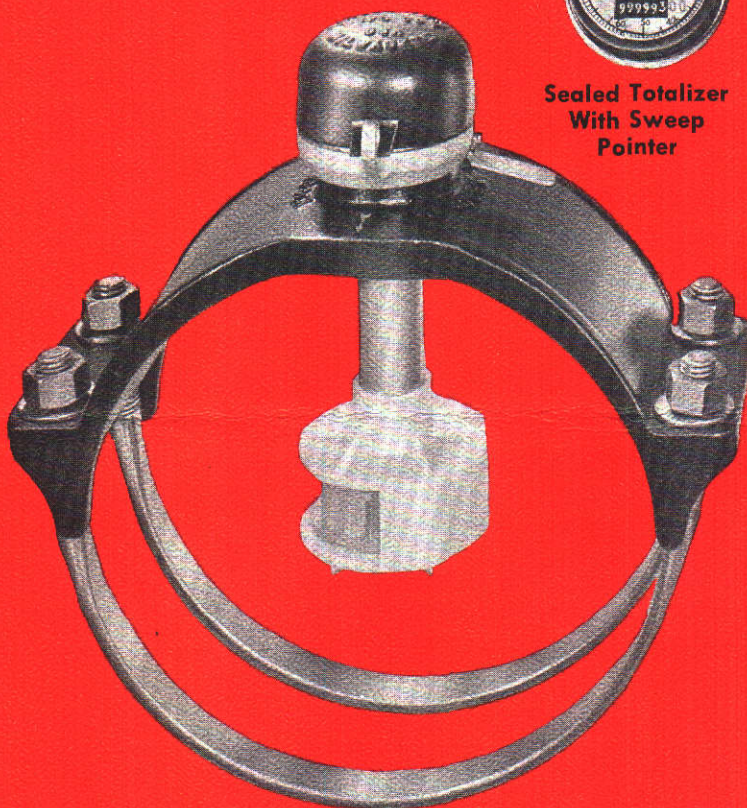
The MDIM meter fills the need of farmers and ranchers for an economical, but reasonably accurate, method of measuring large-volume water consumption. Constructed with a magnetic drive, the meter requires little maintenance because there are no gears in the water and the register is sealed against moisture and corrosion.

In operating principle, the MDIM is a relatively new type of radial rotor meter. It is designed for wells and irrigation projects where remote instrumentation is not used with the meter.

For about half the cost of other irrigation meters, the MDIM helps growers to apply the right amount of water when it will prove most beneficial to crops. It also will keep close watch on the amount of water being withdrawn from underground supplies.



Sealed Totalizer
With Sweep
Pointer



MODEL MDIM 4"-12"

FEATURES AND SPECIFICATIONS

APPLICATIONS: For wells, pump discharges and gravity irrigation systems where water is relatively free of debris. Pipe must be full when meter is operating.

ACCURACY: Plus or minus 2 per cent of actual flow over the range shown in tables on page 2. For accurate totalization, the flow range should correspond with specified meter size. However, for intermittent usage, the maximum flow range may be exceeded by 50 per cent without damaging meter. Accuracy not affected by pressure changes.

OPERATING CONDITIONS: Pressures up to 100 psi and temperatures to 150°F.

HEAD LOSS: Under 1 psi at maximum rated flow.

INSTALLATION: Simply cut hole in pipe, insert meter and clamp onto pipe with two U-bolts. Rubber gasket provided as seal. (Meter also available with tube at additional cost.)

TOTALIZER: Six-digit, straight-reading totalizer is hermetically sealed against moisture. Can be calibrated in gallons, acre feet, cubic feet or cubic meters. Sweep test hand provided for timing rate of flow. Totalizer's hood has locking hasp and seal screw to prevent tampering.

MATERIALS: Meter saddle constructed of cast iron. Shaft, bearings and magnets are ceramic. Radial rotor and rotor housing are molded of durable plastic which does not corrode. Drop pipe and other parts that come in contact with fluid are stainless steel, bronze or brass.

Intermountain Water Service, Inc.
6760 Emerald
Boise, Idaho 83704

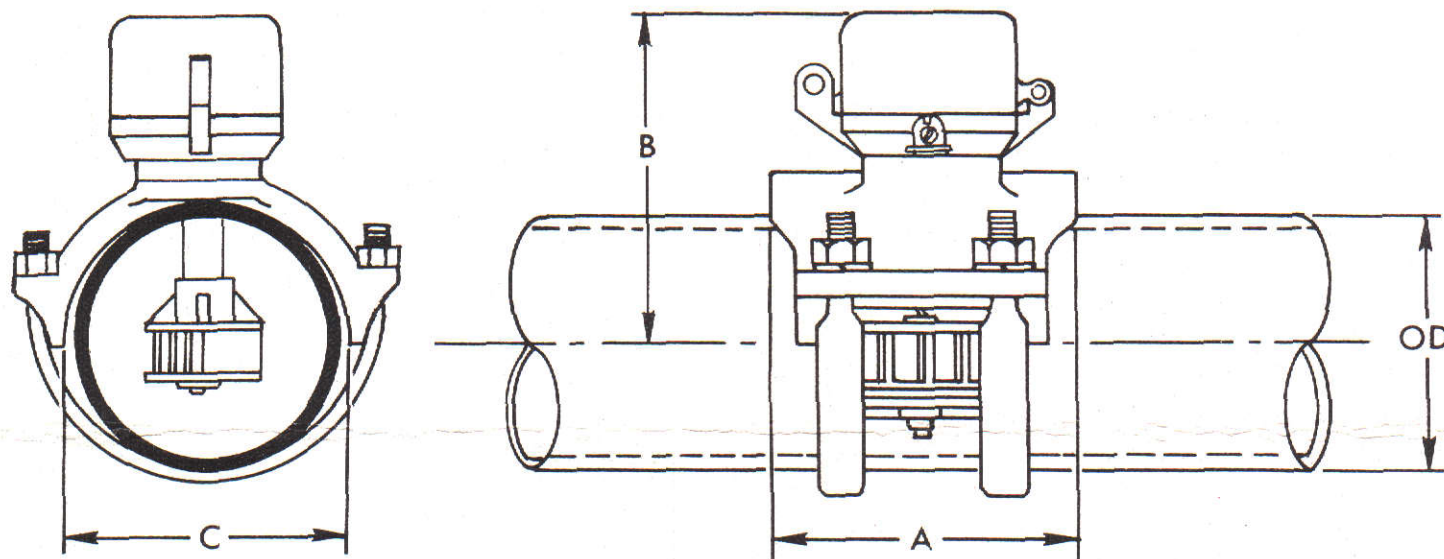
Badger Meter, Inc. Instruments Division
4545 West Brown Deer Road Milwaukee, Wisconsin 53223



MICROFILMED

MODEL M100M

4"-12"



SPECIFICATIONS

METER SIZE Nominal Pipe I. D.	PIPE O.D. ± 10%	FLOW RANGE GPM		DIMENSION A	DIMENSION B	DIMENSION C	APPROX. SHIPPING WEIGHT POUNDS
		MAXIMUM	MINIMUM				
4"	4-1/2"	400	100	4-7/8"	5-3/8"	5-3/16"	9
6"	6-5/8"	900	225	4-7/8"	6-7/16"	7-1/4"	10-1/2
8"	8-5/8"	1,500	375	4-7/8"	7-7/16"	9-1/2"	12
10"	10-3/4"	2,400	600	4-7/8"	8-13/32"	11-3/8"	14
12"	12-3/4"	3,500	700	4-7/8"	10-1/4"	13-13/16"	16

WARRANTY

Badger warrants its meters and accessories to be free from defects in material and workmanship for a period of 18 months from date of shipment or 12 months from date of installation, whichever period shall be shorter. Any Badger meter or part found to be defective in Badger's judgment within such period will, at Badger's option, be repaired or replaced, without charge, or the purchase price thereof will be refunded, upon return thereof to factory or service center designated by Badger, transportation charges prepaid.

THE FOREGOING WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS OR IMPLIED WARRANTIES WHATSOEVER INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Badger shall not be liable for any defects attributable to acts or omissions of others after shipment, nor any consequential, incidental or contingent damage whatsoever.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7084 Priority April 26, 1974 Amount 1.0 cfs

THIS IS TO CERTIFY, that KARL VAN BUREN
of Lewiston, ID, has complied with the terms and conditions of Permit
No. 85-7084 issued pursuant to Application for Permit dated April 26, 1974,
and has submitted proof to the Department of Water Resources on June 27, 1975,
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 1.14 cfs of water from Tammany Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>1.0</u> cfs and <u>150</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
(both dates inclusive)			

Subject, however, to the condition that no more than 1.0 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
150 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 19; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 35N, in the County of Nez Perce
Rge. 5W, B.M.

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
35N	5W	19									10	5					15		30
		20									5	15							20

Total number of acres irrigated 50

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
September, 19 79.

Director

MICROFILMED

Identification No. 85-7084

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

1. Name of applicant Karl Van Buren
post office address 3136 Fourth Street D. Lewiston, Idaho 83501 743-2604
2. Source of water supply Tammany Creek which is a tributary of Snake River
SEE REMARKS
3. a. Location of point of diversion is _____ ¼ of _____ ¼ of Sections 19 & 20 Township 35 N
Range 5 W. B.M. Nez Perce County; additional points of diversion if any: _____
convenient points along Tammany Creek in Sections 19 and 20
- b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1CFS for irrigation purpose from March 15 to November 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. One (1) cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. A portable electric powered pump to be used
at convenient points along Tammany Creek . The water is to be pumped through pipes and
sprinkled on land
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 5000⁰⁰.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: Water to also be used for watering livestock
(for which purpose water has been used for years)

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

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 $\frac{1}{4}$	
35	5	20											15						15
35	5	20											5						5
35	5	19															15		15
35	5	19											10	5					15
(all W.B.M.)																			

Total number of acres to be irrigated 50

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

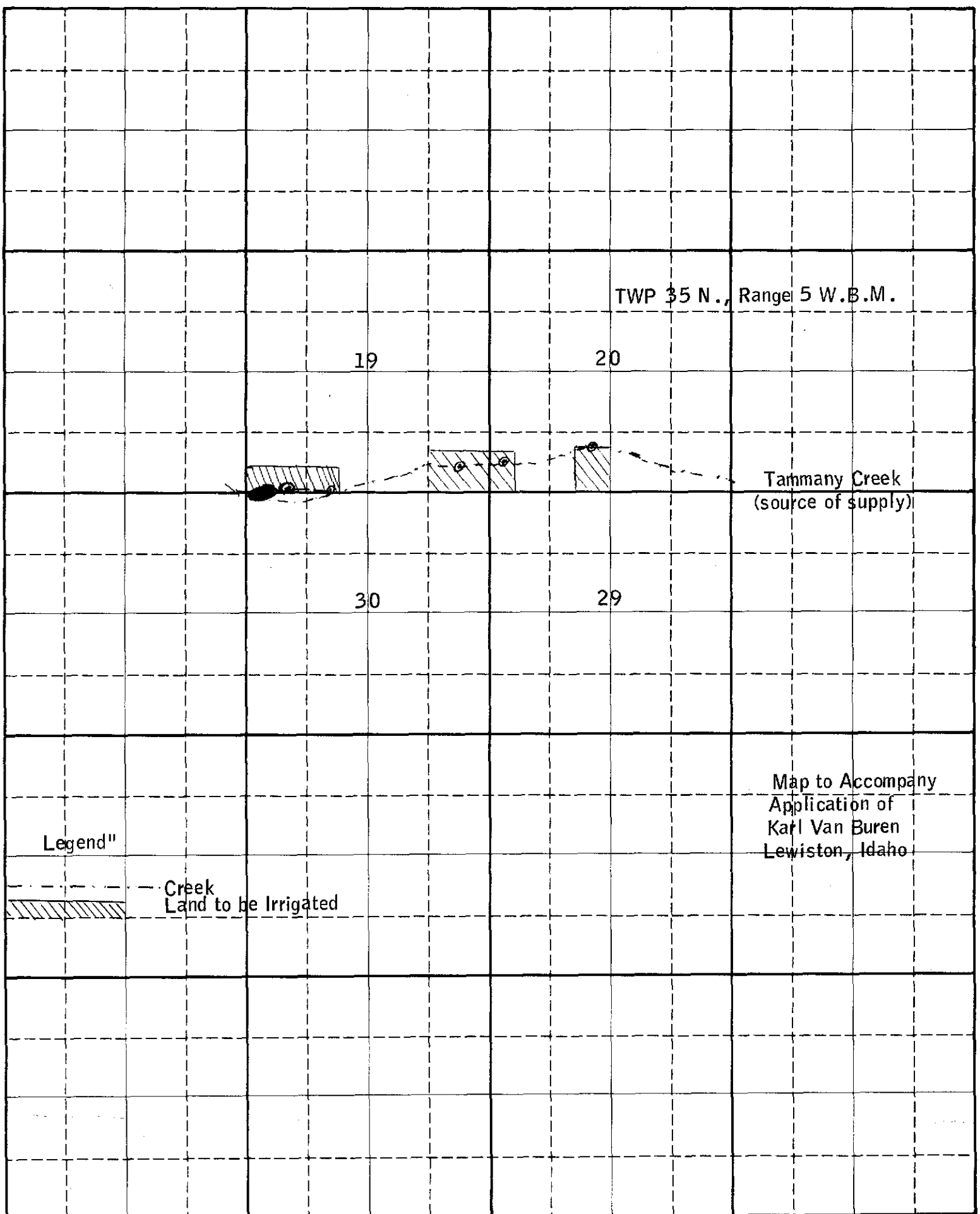
9. a. Who owns the property at the point of diversion applicant

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 n/a

10. Remarks POINTS OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 35N, R. 5W, B.M. This is a portable system which will be used to divert water from the above described locations.

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.

Karl Van Buren
(Applicant) Karl Van Buren

85 7084

Received by ef Date 4-26-74 Time 8:00A
 Preliminary check by ef Fee \$ 25.00
 Receipted by ef Date 4-26-74 Receipt # 14395
 Publication prepared by CP Date 5-3-74
 Published in Lewiston Morning Tribune
 Publication dates 5-9 & 5-16-74
 Publication approved CP Date 5-28-74
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by dr 30F

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 85-7084, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1975.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 6 day of June 1974.

R. Karl Higgins
 Director

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Karl Van Buren
(name of claimant)
of 3136 - 4th Street d, Lewiston, Idaho, , claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Snake River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Tammany Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	1 CFS	Use	irrigation	Period of Use:	From	March 15	To	Nov. 15
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/d)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 1 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute. **predecessor in title was holder of permit**
- (4) Priority claimed: (the date water was first applied to beneficial use) **#26910 approved 5/14/59**

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 1/4 Sec. Twp. 35 N. Rge. 5 W. B. M. County of Nez Perce
 Additional points of diversion: Convenient points along said creek in Sections 19 and 20.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities: be as specific as possible. a portable electric-powered pump to be used at convenient points along creek. The water to be pumped through pipes and sprinkled on land

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 50

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Water to be used for watering livestock.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

[illegible]

Scale: 2 inches equal 1 mile.

[illegible]

SS.

Radwan Raza

April

(Claimant)

19 74

Residing at Lewiston, Idaho

JUNE 27, 1975

68-74

Forwarded to _____ Date _____
claimant by: _____

Dates

85 7084

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>su</u>	<u>4-26-74</u>	Application No. <u>85-7084</u> <u>Karl Van Suran</u>
(2)			☐ Source ☒ Point of Diversion - <u>West of apt road</u> (see remarks) ☐ 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
(3)	<u>FLP</u>	<u>4/26/74</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S. F.S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>FLP</u>	<u>4/26/74</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>CP</u>	<u>5/28</u>	Affidavit of Publication received (date) <u>MAY 20, 1974</u>
(11)	<u>CP</u>	<u>5/3</u>	Final date for protests <u>MAY 27, 1974</u> Protests received: yes _____ no <u>✓</u>
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>FLP</u>	<u>5/30</u>	All requested information received from agencies or applicant yes <u>✓</u> no _____
(14)	<u>FLP</u>	<u>5/30</u>	Action recommended: ☒ Approve ☐ Deny ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>Northern</u>	By <u>Karl Van Suran</u>	Date <u>5/30/74</u>

Stockwater Use?
new or showed claim
be filed?
(old use)

RECEIVED

85 7084

MAY 31 1974

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

NOTICE OF APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Karl Van Buren, 3136 Fourth Street, D. Lewiston, Idaho, has on April 11, 1974, submitted Application No. 88-28-76 for a permit to appropriate 1.0 cubic feet per second of water from Tammany Creek by means of pump, pipes, and canals within the SE 1/4 SE 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, Sec. 19, T. 35N, R. 5W, B.M., Nez Perce County, to be used from March 15 to Nov. 15 for the irrigation of 50 acres within the SE 1/4 SE 1/4, S 1/2 SW 1/4, Sec. 19, SE 1/4 SW 1/4, SW 1/4 SW 1/4, Sec. 20, T. 35N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before May 27, 1974.

R. KEITH HIGGINSON
Director

D.N. Sinclair, being duly sworn deposes and says, I am the office manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of Application attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 9th day of May, A. D. 19 74, and the last publication thereof being on the 16th day of May, A. D. 19 74, and said Notice of Application was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

16 day of May, 19 74.

Norman W. Rich 8-28-76
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

January 2, 1980

Re: Permit No. 85-7084

Daniel W. O'Connell
Lewiston Professional Bldg.
1219 Idaho St.
Lewiston, ID 83501

Dear Mr. O'Connell:

We have received your letter concerning the change in ownership of the above referenced permit.

When a water right is licensed it becomes appurtenant to the land it covers and whoever owns the land owns the water right making the name on the license no longer important. Therefore, we cannot change the name on a license, however, we will keep this letter in our file as a reference to the present owner.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

MICROFILMED

WARE, STELLMON & O'CONNELL

LAWYERS

LEWISTON PROFESSIONAL BUILDING

1219 IDAHO STREET

LEWISTON, IDAHO 83501

MARCUS J. WARE

ELBERT A. STELLMON

DANIEL W. O'CONNELL

WILLIAM A. STELLMON

AREA CODE 208

TELEPHONE 743-1516

P. O. DRAWER 835

CABLE ADDRESS: WASCO

Department of Water Resources

DEC 12 1979

December 11, 1979

RECEIVED

The Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Karl VanBuren Permit No. 85-7084

The holder of the above water right wishes to transfer it to a corporation he has formed in the name of Karl VanBuren Farm Co., an Idaho corporation. We would appreciate having the proper form and any necessary instructions from your office so that this transfer may be made.

Thank you.

Very truly yours,

WARE, STELLMON & O'CONNELL

Daniel W. O'Connell

DWO: dn

MICROFILMED

WARE, STELLMON & O'CONNELL

ATTORNEYS AT LAW

P. O. DRAWER 835

LEWISTON, IDAHO 83501



WILL ROGIE



Performing Arts U.S.

The Department of Water Resources
Statehouse
Boise, ID 83720

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 185-7084
Old No. New No.

Record

1. Original Owner: Karl Van Buren

Present Owner: _____

2. Address: 3136 4th St. N
3. City: Lewiston State: Id Zip: 835014. A. Source of Water: Tammany Creek
B. Tributary of: Snake River

5. A. Stage (A,P,L,D,S,J): ~~S~~ L
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: 4-26-1974
D. County: 69
E. Total Diversion Rate: 1
F. Total Diversion Volume:
G. Transfer/Amendment (P,T of A or blank):
H. Water District:
I. DLE/Carey Act (D,C or blank):
J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>9ESW</u>	<u>20</u>	<u>35N</u>	<u>5W</u>		
	<u>SWSW</u>	<u>20</u>	<u>35N</u>	<u>5W</u>		
	<u>SESE</u>	<u>19</u>	<u>35N</u>	<u>5W</u>		
	<u>SWSW</u>	<u>19</u>	<u>35N</u>	<u>5W</u>		
	<u>SESW</u>	<u>19</u>	<u>35N</u>	<u>5W</u>		

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

from 3-15 to 11-15 for A purposes. Amount 1
(cfs or AC-FT/yr)
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date: 7-1-1975

B. Date Permit Approved or Denied: 6-6-1974

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank): 6

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

H. Conditions of Approval: 01

14. Diversion Means (brief narrative): *Portable pump, pipeline & sprinklers.*



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

October 4, 1979

Karl Van Buren
3136 Fourth Street D.
Lewiston, Idaho 83501

Dear Mr. Van Buren,

RE: Permit No. 85-7084

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

4. 2 pump
7-12-77 TK
Perm. pump?
Done

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED
JUL 12 1977
Department of Water
Northern District

1. Name of permit holder Karl Van Buren
Post office address 3136 Fourth St.D. Lewiston, ID 83501 Phone Department of Water Northern District
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Tammany Creek
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 1.00 c.f.s. for Irrigation (also for a few livestock)
AF/Annum (nature of use)

Period of Use: from March 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

Permit No. 85-7084
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 35N N/S, Range 5W E/W, B.M., Section 20, Subdivision SE 1/4 SW 1/4, Nez Perce

Township " N/S, Range " E/W, B.M., Section 20, Subdivision SW 1/4 SW 1/4, County

Township " N/S, Range " E/W, B.M., Section 19, Subdivision SE 1/4 SE 1/4, County

Other Points of Diversions: SW 1/4 SW 1/4, SE 1/4 SW 1/4, Sec. 19, Twp. 35N, Rge. 5W, B.M., Nez Perce

Description of diverting works: A portable electric powered 10 hp pump used at convenient points along Tammany Creek, the water is pumped through pipes and sprinkled on land.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or 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	
35N	5W	19										10	5					15	30
"	"	20										5	15						20

TOTAL ACREAGE 50

Rge. 5 W

T
35
N

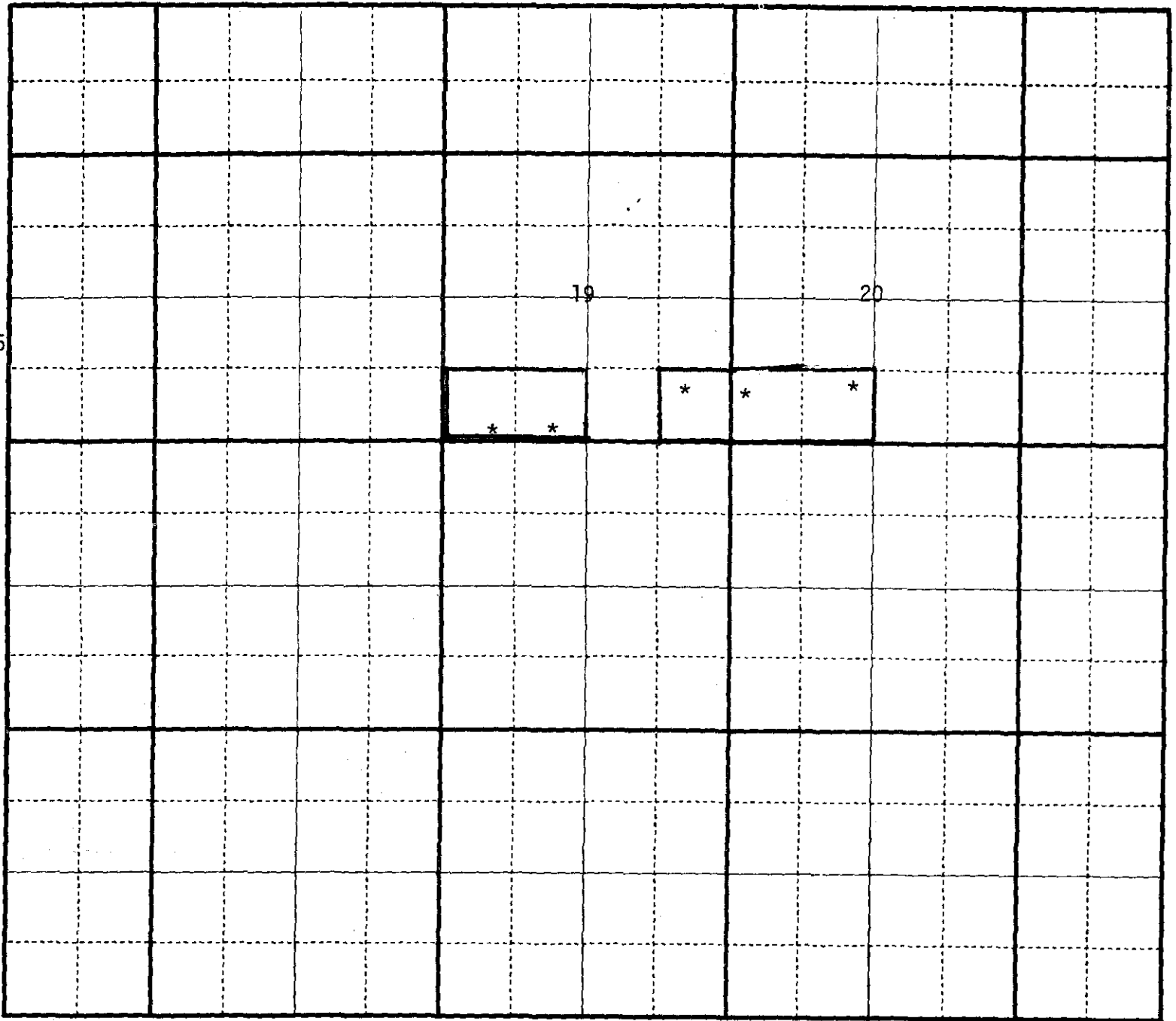


Diagram of System

DATE OF EXAM 8-7-79

ACREAGE
Found 50
Recommended 50

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q= 1.0 c.f.s. V= 150.0 AF/Ann. from 3-15 to 11-15
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

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

Exchange? yes _____ no _____

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

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

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

Total Q measured 215 gpm + 300 gpm = 515 gpm = 1.14 cfs Method of measurement Meter (2)

Total Q recommended 1.0 cfs Meter No. (1) M0644464 (2) M0647800 Type Budger Condition good

Total V recommended 150 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

Per Permit 1.0 cfs - measure 1.14 cfs

50 Acres (3) = 150 AF/Ann

SYSTEM DESCRIPTION:

Two portable Gould Century 10 hp motors # (1) 3P, (2) 3P Mod 6-332996-01, with two Beckley pumps
Ser # 7482061 & # 7486846 to (1) 14, (2) 28, Rainbird sprinkler head 30 WIS with 3/16 nozzle.

REMARKS:

Mtr V. accompanied on #1 ppm not on #2. Motors old &
unable to read 2nd plate well.

Stack drink from stream

Examiner's Signature [Signature] Date 8-16-79

Checked by Bob Haynes Date _____

Approved by _____ Date _____

Badge 115247464

Gould centurf

10 hp #3P

Berkley pump #17432061

74P

7486846

33 RB 30 WS 2/16

Badge MG 647800

300 gpm

Gould Centurf Motor

15 hp #1

#6-5-100-01

Berkley pump

1496846

15%

40

42-70

301

300 gpm

July 18, 1977

RE: Application No. 85-7084

Karl Van Buren
3136 Fourth St. D
Lewiston, Id 83501

Dear Mr Van Buren,

I have been informed that I can not recommend the licensing of your water rights until you have a measuring devise on the pump which I have not as yet examined.

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

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

RECEIVED

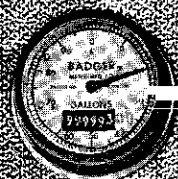
GER MAGNETIC DRIVE GATION METER

st Water Meter and Ranches

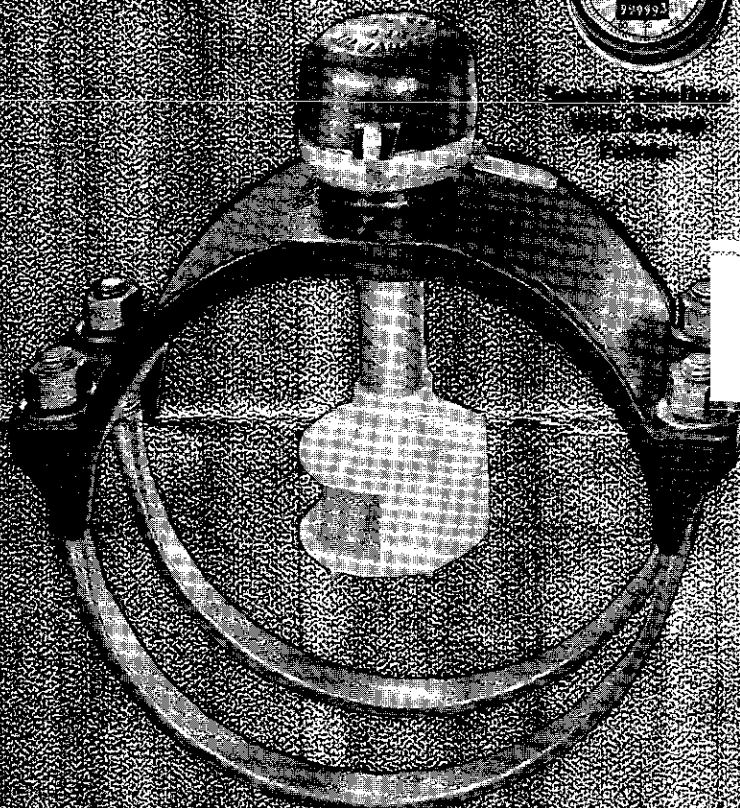
It meets all demands and measures
reliably accurate.
High accuracy, low consumption,
simple design, low cost, and
easy installation are the main
features of this meter and its
low cost, reliable and accurate.

Since the meter is a magnetic drive
meter, it is designed for wells and
other places where installation is
difficult.

One of the main features of this
meter is that it is very accurate
and reliable. It is also
easy to install and is very
durable and accurate.



Water Meter
with Gauge
Option



Magnetic Drive Meter

FEATURES AND SPECIFICATIONS

APPLICATIONS: For wells, pump discharges and gravity irrigation systems where water is relatively free of debris. Pipe must be full when meter is operating.

ACCURACY: Plus or minus 2 per cent of actual flow over the range shown in tables on page 2. For accurate totalization, the flow range should correspond with specified meter size. However, for intermittent usage, the maximum flow range may be exceeded by 50 per cent without damaging meter. Accuracy not affected by pressure changes.

OPERATING CONDITIONS: Pressures up to 100 psi and temperatures to 150°F.

HEAD LOSS: Under 1 psi at maximum rated flow.

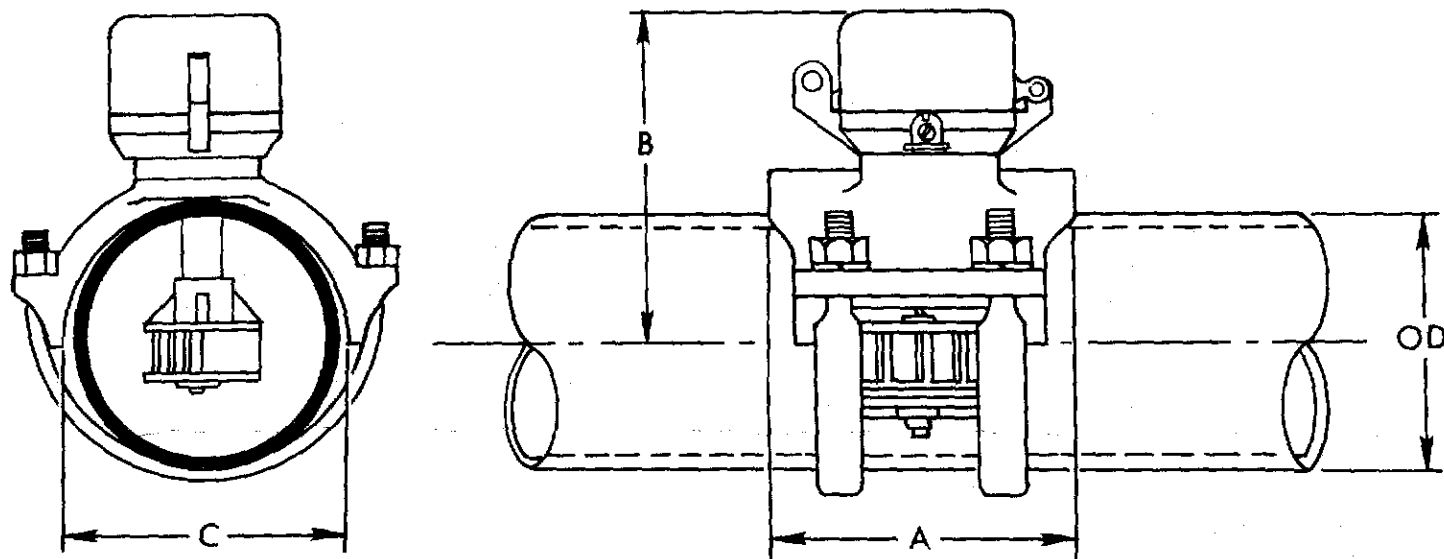
INSTALLATION: Simply cut hole in pipe, insert meter and clamp onto pipe with two U-bolts. Rubber gasket provided as seal. (Meter also available with tube at additional cost.)

TOTALIZER: Six-digit, straight-reading totalizer is hermetically sealed against moisture. Can be calibrated in gallons, acre feet, cubic feet or cubic meters. Sweep test hand provided for timing rate of flow. Totalizer's hood has locking hasp and seal screw to prevent tampering.

MATERIALS: Meter saddle constructed of cast iron. Shaft, bearings and magnets are ceramic. Radial rotor and rotor housing are molded of durable plastic which does not corrode. Drop pipe and other parts that come in contact with fluid are stainless steel, bronze or brass.



MODEL M/PN 4"-12"



SPECIFICATIONS

METER SIZE Nominal Pipe I. D.	PIPE O.D. ± 10%	FLOW RANGE GPM		DIMENSION A	DIMENSION B	DIMENSION C	APPROX. SHIPPING WEIGHT POUNDS
		MAXIMUM	MINIMUM				
4"	4-1/2"	400	100	4-7/8"	5-3/8"	5-3/16"	9
6"	6-5/8"	900	225	4-7/8"	6-7/16"	7-1/4"	10-1/2
8"	8-5/8"	1,500	375	4-7/8"	7-7/16"	9-1/2"	12
10"	10-3/4"	2,400	600	4-7/8"	8-13/32"	11-3/8"	14
12"	12-3/4"	3,500	700	4-7/8"	10-1/4"	13-13/16"	16

WARRANTY

Badger warrants its meters and accessories to be free from defects in material and workmanship for a period of 18 months from date of shipment or 12 months from date of installation, whichever period shall be shorter. Any Badger meter or part found to be defective in Badger's judgment within such period will, at Badger's option, be repaired or replaced, without charge, or the purchase price thereof will be refunded, upon return thereof to factory or service center designated by Badger, transportation charges prepaid.

THE FOREGOING WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS OR IMPLIED WARRANTIES WHATSOEVER INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Badger shall not be liable for any defects attributable to acts or omissions of others after shipment, nor any consequential, incidental or contingent damage whatsoever.

July 17, 1975

Re: Permit No. 85-7084

Karl Van Buren
3136 Fourth Street
Lewiston, Idaho 83501

Dear Mr. Van Buren:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Coeur d'Alene.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

Identification No. _____

Permit No. 85-7084

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

ok jr

1. a) Name of Permit Holder Karl Van Buren
b) Post Office Address 3136 Fourth Street D., Lewiston, Idaho 83501
2. Permit Number 85-7084
3. Date of Priority that you are prepared to establish 4-26-1974
4. a) Source from which water was appropriated Tammany Creek
b) Location of the point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19
Township 35N, Range 5 W Boise Meridian, Other points of diversion: _____
This is a portable system which will be used to divert water from the above-
described locations.
5. a) The amount of water and use to which the water has been applied:
Amount 1 CFS for irrigation purposes from March 15 to November 15 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 one (1) CFS 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: The rate of flow was made by the measuring device
described in 7 b. below.
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:
none
b) Describe the agreement or understanding by which you take water from the works: none
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) A portable electric-powered 10 h.p pump used at convenient
points along Tammany Creek, the water pumped through pipes and sprinkled on land.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
A commercial type propeller meter measuring device installed in a four-inch pipe.
(Brochure enclosed describes meter used)
c) Give well driller's name and address and the date the well was completed: none
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____
Water to also be used for watering livestock (for which purpose water has been
used for years)

Examined 7-18-75 *jr*

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	5	20											15						15
35	5	20										5							5
35	5	19															15		15
35	5	19										10	5						15
(all W.B.M.)																			

Total number of acres irrigated 50

10. Remarks: _____

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

June, 1975

(Date)

Karl Van Buren

(Signature)

State of Idaho)

) ss.

County of Nez Perce)

On this 26th day of June, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Melvin B. Shumaker

Notary Public residing at

Lewiston, Idaho 83501

My commission expires August 21, 1978

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

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

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

26788

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. *Karl Van Buren*

DATE OF DELIVERY

MAY 7 1975

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

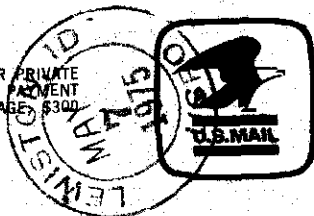
- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



MARCH 10 1975
DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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



May 1, 1975

CERTIFIED MAIL

26788

Re: Permit No. 85-7084

Narl Van Buren
3136 Fourth St. D.
Lewiston, ID 83501

Dear Mr. Van Buren:

One of the conditions of approval of your water Permit No. 85-7084 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

cc: Ware, Stellmon & O'Connell
Attn: Daniel W. O'Connell

1219 Idaho Street
Lewiston, ID 83501

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 11, 1974

Re: Permit No. 85-7084

Ware, Stellmon & O'Connell
1219 Idaho Street
Lewiston, Idaho 83501

Gentlemen:

Pursuant to your letter of June 7, 1974 enclosed is a copy of the approved Application for Permit No. 85-7084.

If you have any further questions concerning this permit, please contact this office.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

85-7084

WARE, STELLMON & O'CONNELL

LAWYERS

LEWISTON PROFESSIONAL BUILDING

1219 IDAHO STREET

LEWISTON, IDAHO 83501

MARCUS J. WARE
ELBERT A. STELLMON
DANIEL W. O'CONNELL
WILLIAM A. STELLMON

June 7, 1974

RECEIVED
AREA CODE 208
TELEPHONE 743-1516
P. O. DRAWER 835
CABLE ADDRESS: WARECO

Mr. Bobby D. Fleenor
Assistant Director
Idaho Department of Water Administration
614 State Street
Statehouse Annex 2
Boise, Idaho 83720

Dear Mr. Fleenor:

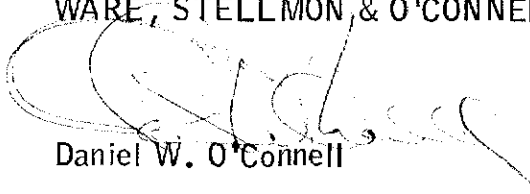
Application of Karl Van Buren

According to my calculations, the time should be about expired for publication and protest. Therefore, we would appreciate knowing the status of this claim.

Thank you.

Very truly yours,

WARE, STELLMON & O'CONNELL


Daniel W. O'Connell

DWO:cw

85-7084

June 7, 1974

Re: Permit No. 85-7084

Karl Van Buren
3136 Fourth Street
Lewiston, Idaho 83501

Dear Mr. Van Buren:

Enclosed is a copy of your approved Application for Permit No. 85-7084 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

85 7084

May 3, 1974

Re: Application No. 85-7084 - Karl Van Buren

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 5/21/74 by CP

FE:CP

Enc: Legal Notice

85-7084

THE *Tribune* PUBLISHING CO.



Producers of Printing of Distinction

5th & C Sts. Lewiston, Idaho 83501

Phone 743-9411

Sold to

Dept. of Water Ad.

401 Front Ave. rm. 209

Coeur d'Alene, Idaho 83814

Date May 16th, 19 74

acct#96475

Requisition No.	Job No.	Quantity	DESCRIPTION	Amount
			Notice of Application #85-7084 (Karl VarBuren) 33 lines 2 times 937¢ hereby certify the above account is correct and just, that the supplies were actually fur- nished and/or the services were actually ren- dered as charged and that I/We have not re- ceived payment therefor Signed: <u>Tribune Publishing</u> By: <u>D.N. Sinclair</u> D.N. Sinclair THANK YOU FOR YOUR PATRONAGE Check Your Order Carefully and Call Us if Not Satisfactory	\$12.21
85	7084			

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Karl Van Buren,
3136 Fourth Street D, Lewiston, Idaho
has on April 26, 1974 submitted Application No. 85-7084
for a permit to appropriate 1.0 cubic feet per second ~~acre feet per annum~~
of water from Tammany Creek
by means of pump, pipes, and sprinklers
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N,
R. 5W, B.M., Nez Perce County

to be used from March 15 to Nov. 15
for the irrigation of 50 acres

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before May 27, 1974.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho
on May 9 and May 16, 1974

85 7084

**NOTICE OF APPLICATION
FOR WATER PERMIT**

NOTICE IS HEREBY GIVEN that Karl Van Buren, 3136 Fourth Street D, Lewiston, Idaho, has on April 26, 1974, submitted Application No. 85-7084 for a permit to appropriate 1.0 cubic feet per second of water from Tammany Creek by means of pump, pipes, and sprinklers within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N. R. 5W, B.M., Nez Perce County, to be used from March 15 to Nov. 15 for the irrigation of 50 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 35N, R. 5W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before May 27, 1974.

R. KEITH HIGGINSON
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho on May 9 and May 16, 1974.

85 7084

May 2, 1974

Re: Application for Permit No. 85-7084

Mr. Karl Van Buren
3136 Fourth Street D
Lewiston, ID 83501

Dear Mr. Van Buren:

Attached is your receipt No. 14395 in the amount of \$25 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

FREDEEISENBARTH
Northern District Manager

FE:cp

Enclosure

85 7084

WARE, STELLMON & O'CONNELL

LAWYERS

LEWISTON PROFESSIONAL BUILDING

1219 IDAHO STREET

LEWISTON, IDAHO 83501

MARCUS J. WARE
ELBERT A. STELLMON
DANIEL W. O'CONNELL
WILLIAM A. STELLMON

AREA CODE 208
TELEPHONE 743-1515
P. O. DRAWER 835
CABLE ADDRESS: WASCO

April 23, 1974

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
614 State Street
Statehouse, Annex 2
Boise, Idaho 83720

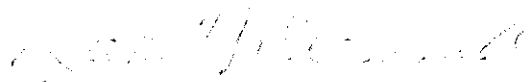
Dear Mr. Fleenor:

VanBuren Application

Since I have been corresponding with you about this matter, we are submitting the enclosed application to you rather than to the Department's Coeur d'Alene office.

Very truly yours,

WARE, STELLMON & O'CONNELL



Daniel W. O'Connell

DWO:hmh

enclosure

April 9, 1974

Mr. Daniel W. O'Connell
Ware, Stellmon & O'Connell
P.O. Drawer 835
Lewiston, Idaho 83501

Dear Mr. O'Connell:

We have reviewed and are returning the Claim to a Water Right submitted in behalf of Karl Van Buren. Also enclosed is Mr. Van Buren's check No. 92-30 for \$10.00.

A claim should be used only to record an existing water right. An application for permit to appropriate water must be filed for all new irrigation projects. The evidence in file 26910 indicates that Mr. Ensor did not complete his proposed project and, therefore, we would have serious doubts about a priority based upon the date of that permit.

However, if the 50 acres of land was irrigated before 1971, the date of the first beneficial use could be claimed as the date of priority of that right under a claim.

An application for permit form is enclosed for your consideration if this is indeed a new irrigation project.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Claim w/check #92-30
App for permit form

bc: Northern District Office

100-74691

WARE, STELLMON & O'CONNELL

LAWYERS

LEWISTON PROFESSIONAL BUILDING

1219 IDAHO STREET

LEWISTON, IDAHO 83501

MARCUS J. WARE
ELBERT A. STELLMON
DANIEL W. O'CONNELL
WILLIAM A. STELLMON

AREA CODE 208
TELEPHONE 743-1516
P. O. DRAWER 895
CABLE ADDRESS: WASCO

April 4, 1974

Mr. Bobby D. Fleenor
Assistant Director
Idaho Department of Water Administration
614 State Street
Statehouse Annex 2
Boise, Idaho 83720

Dear Mr. Fleenor:

After receiving your March 18 letter and the copy of the opinion from the Attorney General's office, we wrote once again to the United States Attorney but to date have not received a response.

Recognizing the problems of getting anything out of the Federal government, we have decided to file a claim to a water right and a completed claim form in the name of Karl Van Buren is enclosed. Mr. Van Buren's check for \$10.00 accompanies the claim.

We are enclosing a photocopy of an application for permit that was granted to Laurence E. Ensor in 1959. Subsequent to that time, Mr. Van Buren acquired property in Sections 19 and 20 from Mr. Ensor and such property is the same as was covered by the Ensor permit. I am uncertain as to whether or not this creates a priority, but we have referred to this permit in paragraph 4 of our claim. You will note that exactly the same amount of water and acreage to be irrigated is stated in both our claim and the Ensor permit.

I am informed by Mr. Van Buren that no one else is presently appropriating water from Tammany Creek and even if no priority is established by reason of Mr. Van Buren being the successor in title to the Ensor property, we are hopeful that the enclosed claim will provide the protection we seek.

If you need any further information from me, we would appreciate hearing from you.

Very truly yours,

WARE, STELLMON & O'CONNELL

Daniel W. O'Connell

DWO:cw
Enc