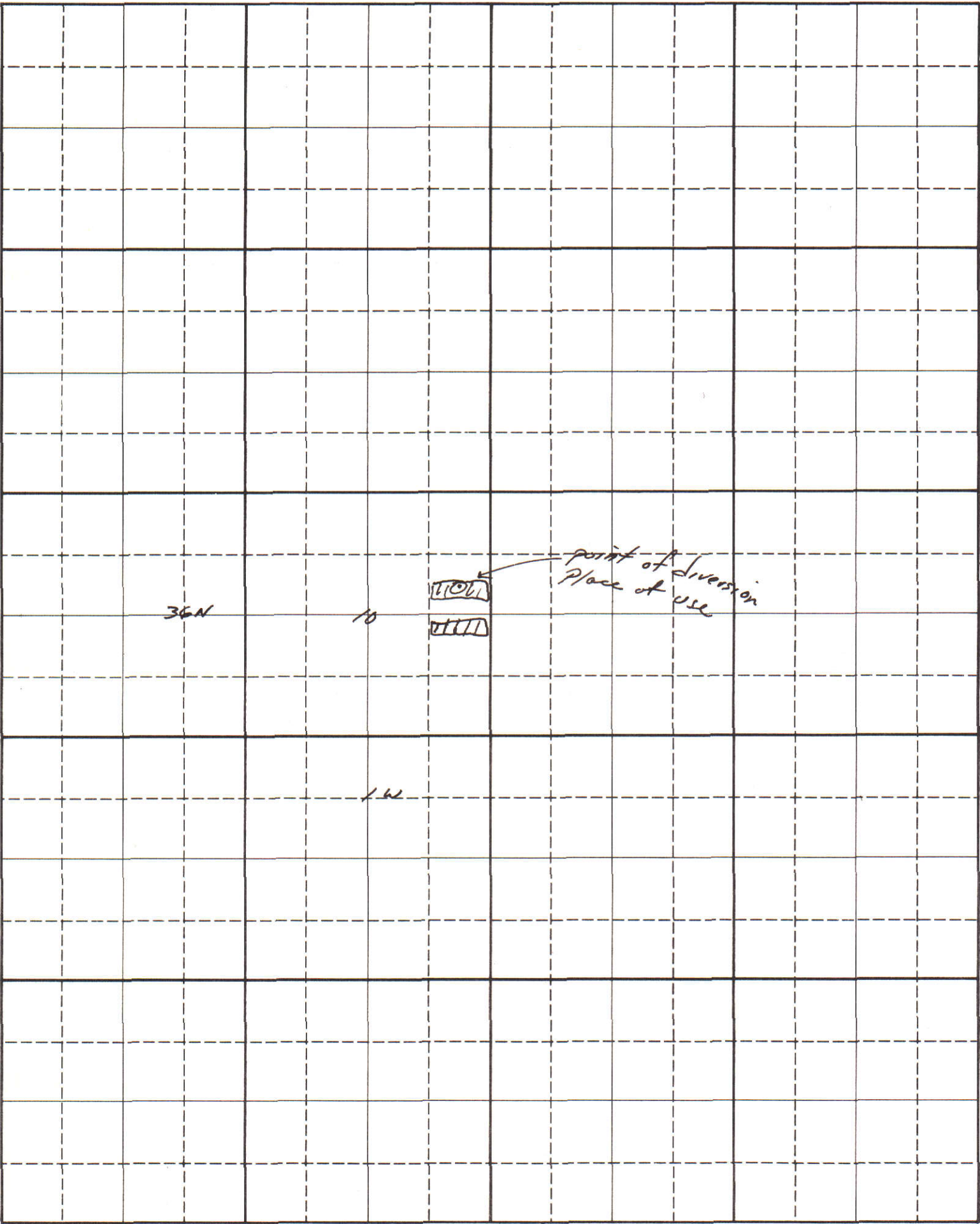


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X Archie B. Head
(Applicant)

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.

Alvin B. Hood
(Applicant)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Arlee B. Head, Route No. 1, Box 11-B, Peck, Idaho has on June 22, 1973 submitted Application No. 85-7059 for a permit to appropriate 0.2 cubic feet per second of water from an Un-named Stream, tributary of Big Canyon Creek by means of pond within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 36N, R. 1W, B.M., Nez Perce County to be used from May 1 to Oct. 15 for the irrigation of 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 1W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before July 23, 1973.

R KEITH HIGGINSON
Director

RECEIVED

JUL 16 1973

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 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 8th day of
July, A. D. 1973, and the last publica-
tion thereof being on the 12th day of July,
A. D. 1973, 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.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of July, 1973.

Norman W. Rich 8-28-76

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7059 Priority June 22, 1973 Amount 0.02 cfs

THIS IS TO CERTIFY, that David E. Elkins & Donna M. Elkins
of Orofino, Idaho, has complied with the terms and conditions of Permit
No. 85-7059 issued pursuant to Application for Permit dated June 22, 1973,
and has submitted proof to the Department of Water Resources on July 25, 1978,
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 0.02 cfs of water from unnamed stream,
tributary to Big Canyon Creek, 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
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.4</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 0.02 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
0.4 acre feet per year, said waters to be diverted within the SE 1/4 NE 1/4 Section 10,
Twp 36N, Rge 1W in the County of Nez Perce

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
36N	1W	10				X									X				

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of
JUNE, 19 84

Acting for the Director

Norman C. Young

JUN 15 1984

STATE OF IDAHO

Department of Water Resources

Licensing

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use

APPROVED
1-208

Comes now David E. & Donna Elkins

Phone 486-7606

of (address) Box 845 Orofino, ID 83544

, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 85-7059, and requests that the permit and permit map be changed as follows:

1. Point of diversion: No change $\frac{1}{4}$ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M., County of _____ . Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.02 for Stockwater 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)

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

3. Place of use or land to be irrigated:

No change

TWP	RGE	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 $\frac{1}{4}$	
<u>36N</u>	<u>1W</u>	<u>10</u>				<u>10</u>									<u>10</u>				<u>20</u> *

*per letter dated 6/16/84 - kw

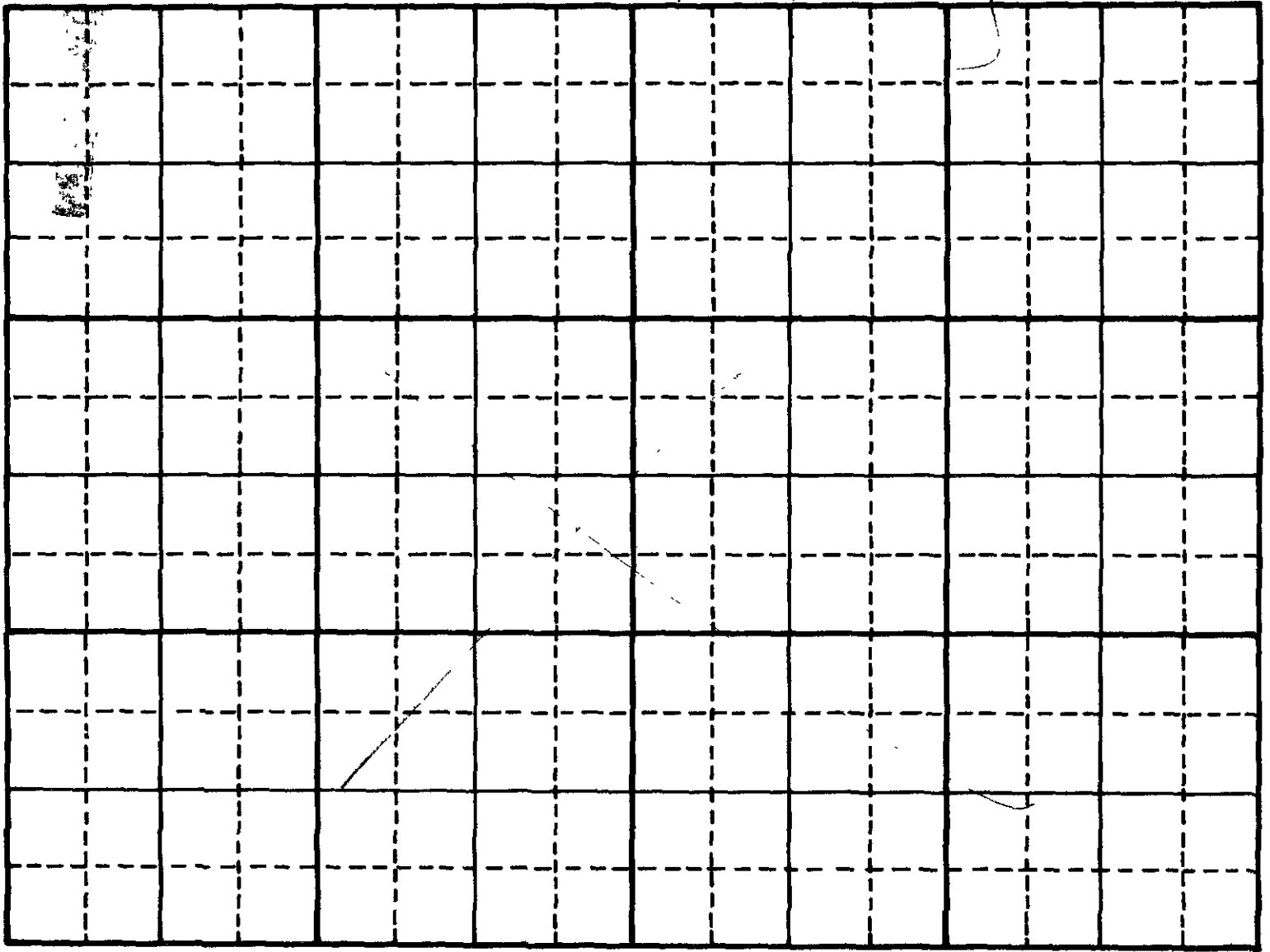
Total number of acres to be irrigated = 20

4. a. Who owns the property at the point of diversion? David E. and Donna Elkins
- b. Who owns the land to be irrigated or the place of use? David E. and Donna Elkins
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Not Necessary



Scale. 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at _____, this 8th day of June, 1984.

Norma M. Elkins
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by *kw* Fee = \$20.00 ✓

Received by *tg* Date 6-12-84 #34736

Publication prepared by *N/A* Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 85-7059.

Witness my hand this 29th day of June, 1984.

Norman C Young
Acting for the Director

RECORDED
MAY 7 1984

CONF

WARRANTY DEED

Department of Water Resources

ARLEE B. HEAD and WANDA E. HEAD, formerly husband and wife, of Route 1, Box 11-B, Peck, Idaho, County of Nez Perce, State of Idaho, hereinafter called the Grantors, for and in consideration of Ten Dollars (\$10.00) does hereby GRANT, CONVEY and WARRANT to DAVID E. ELKINS and DONNA M. ELKINS, husband and wife, of P.O. Box 845, Orofino, County of Clearwater, State of Idaho, hereinafter called the Grantees, the following described real property situate in Nez Perce County, State of Idaho, to-wit:

Township 36 North, Range 1 W.B.M, Section 10:
The Southeast Quarter of the Northeast Quarter,
EXCEPTING a tract beginning at the Southwest corner
of Lot 3 of the Townsite of Peck, Idaho, thence
South 97 feet; thence West 75 feet to the road,
thence Northeasterly along said road to a point 12
feet North of the Place of Beginning; thence South
to THE PLACE OF BEGINNING;
All that portion of the Northeast Quarter of the
Southeast Quarter lying North of Angel Ridge Road
(also known as Allen Grade).

AND

The Northeast Quarter of the Northeast Quarter of
Section 10, Township 36 North, Range 1 West of the
Boise Meridian excepting therefrom the following:
Beginning at the Northeast corner of the Northeast
Quarter of the Northeast Quarter; thence West along
the North line of Section 10 a distance of 660 feet;
thence Southeasterly to the Southeast corner of the
Northeast Quarter of the Northeast Quarter of Section
10; thence North 1320 feet to the Northeast corner
of Section 10 and the Point of Beginning.

SUBJECT TO:

That certain Real Estate Mortgage from Arlee B. Head
and Wanda E. Head to the Government recorded as
Instrument #415742, on the records of Nez Perce
County, Idaho, which said mortgage shall continue
in full force and effect.

TO HAVE AND TO HOLD the said premises, with their appurtenances,
unto the said Grantees and to the Grantees' heirs and assigns for-
ever. And the Grantors do hereby covenant to and with the Grantees,
that they are free from all encumbrances, except as above described;

and that Grantors will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

DATED this 28th day of June, 1983.

Arlee B. Head

Wanda E. Head

STATE OF IDAHO)
) ss.
County of Clearwater)

On this _____ day of June, 1983, before me, the undersigned Notary Public, personally appeared ARLEE B. HEAD and WANDA E. HEAD, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
In and for the State of Idaho,
Residing at Orofino, therein.

Donna

Copy

1984

ESCROW CONTRACT

Department of Water Resources

THIS INDENTURE, made and entered into this 8th day of December, 1981, by and between ARLEE B. HEAD and WANDA E. HEAD, husband and wife, Route 1, Box 11-B, Peck, Idaho 83545, parties of the first part, hereinafter referred to as "Sellers", and DAVID E. ELKINS and DONNA M. ELKINS, husband and wife, the parties of the second part, hereinafter referred to as "Buyers";

WITNESSETH AS FOLLOWS:

The Sellers for and in consideration of the covenants hereinafter contained on the part of the Buyers, do hereby sell and agree to convey unto the Buyers, by Warranty Deed in the usual form upon the prompt and full performance by the Buyers of the terms of this agreement, a good and clear title, free from all encumbrances, to the following described real property, situate and being in the County of Nez Perce, State of Idaho, to-wit:

See attached EXHIBIT "A"

together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining

The terms and conditions of the sale are as follows:

I

PURCHASE PRICE

The purchase price of the said property is Eighty Five Thousand Dollars (\$85,000.00), payable as follows:

The sum of Five Hundred Dollars (\$500.00), hereof, is paid as consideration for the execution of an earnest money agreement heretofore entered into between Sellers and Buyers.

The sum of Nine Thousand Five Hundred Dollars (\$9,500.00), paid on the date of execution hereof, the receipt whereof is hereby acknowledged by Sellers as having been paid

The approximate sum of Thirty Seven Thousand Dollars

(\$37,000.00) by the assumption and payment by Buyers of an existing Mortgage, previously executed by Sellers, in favor of Farmers Home Administration. This Mortgage is payable in annual installments of Two Thousand Four Hundred Dollars (\$2,400.00), which installments include interest accruing on the unpaid principal balance at the rate of Five and One-half Percent (5½%) per annum.

The balance of the purchase price, in the approximate sum of Thirty Eight Thousand Dollars (\$38,000.00) shall be paid by Buyers' conveyance to Sellers of Buyers' equity in certain real property situate and being in the County of Clearwater, State of Idaho, to-wit:

A portion of Lot 1, Section 4, Township 36 North,
Range 1 E, B.M., described as:

Beginning at a point 125 feet south of the southeast corner of Block 12, Bowler Subdivision, according to the recorded plat thereof; thence

South to the south line of said Lot 1; thence
West to a point 276 feet, 4 inches east of the southwest corner of said Lot 1; thence
North to a point due west of the point of beginning;
thence
East to the point of beginning.

It is understood and agreed that Sellers will assume and pay the existing encumbrance on the hereinabove described real property, which encumbrance is in favor of United First Mortgage Corporation, and currently carries an existing outstanding balance in the amount of Fourteen Thousand Four Hundred Seventeen and 44/100 Dollars (\$14,417.44). This Mortgage is payable in monthly installments of One Hundred Seventy One and 44/100 Dollars (\$171.44), which payments are subject to changes reflecting increases in real property taxes or insurance. All of the foregoing monthly installments include interest accruing on the unpaid principal balance at the rate of Seven and One-half Percent (7½%) per annum, and include a reserve account providing for payment of taxes and insurance. The amount of each monthly payment attributable to

principal and interest due on the foregoing encumbrance is One Hundred Twenty Two and 50/100 Dollars (\$122.50) of each monthly payment.

II

EXISTING MORTGAGE

the parties hereby acknowledge and agree that the premises being conveyed herein to Buyers are being sold subject to the terms of that certain Mortgage dated June 16, 1978, executed by Sellers herein in favor of Farmers Home Administration.

The hereinabove described Mortgage carries an approximate current principal balance in the amount of Thirty Seven Thousand Dollars (\$37,000.00), payable in annual installments of Two Thousand Four Hundred Dollars (\$2,400.00) per year, including interest accruing on the unpaid principal balance at the rate of Five and One-half Percent (5½%) per annum. Said annual installments shall begin on the 1st day of December, 1981, and continue on the 1st day of December of each and every year thereafter, until fully paid and satisfied. The escrow holder herein designated is expressly directed to apply the entire annual payment due hereunder, in the amount of Two Thousand Four Hundred Dollars (\$2,400.00), toward satisfaction of the Mortgage specified above. Upon payment in full of the hereinabove described Mortgage, it is understood and agreed that Buyers' financial obligations hereunder will have terminated and the escrow holder may then deliver to buyers the Warranty Deed which is deposited in conjunction with this agreement.

III

EXISTING RENTAL AGREEMENT

The parties understand and agree that the premises being conveyed to Sellers by Buyers as specifically set forth above are currently rented at a rate of Three Hundred Twenty Dollars (\$320.00)

per month. The escrow holder hereinafter named is hereby directed to apply the sum of One Hundred Seventy One and 44/100 Dollars (\$171.44) of each monthly rental payment toward reduction of the encumbrance in favor of United First Mortgage Corporation more specifically set forth above. In addition thereto the escrow holder is directed to pay monthly water and sewer assessments out of each rental payment, and direct the balance to WANDA E. HEAD until the premises are sold. At the time of sale, the proceeds derived therefrom shall be divided evenly between ARLEE B. HEAD and WANDA E. HEAD. It is agreed that WANDA E. HEAD shall receive the sum of Ten Thousand Dollars (\$10,000.00) in rental payments or proceeds of sale, whichever first occurs. Accordingly, if at the time of sale WANDA E. HEAD has not received the sum of Ten Thousand Dollars (\$10,000.00) in rental payments, the balance shall be paid to her from the proceeds derived from sale of said premises.

IV

ESCROW HOLDER

The Sellers hereby designate, as escrow holder, EAGLE ESCROW, P.O. Box 844, Orofino, Idaho 83544.

Sellers have, of even date herewith, executed a Warranty Deed in the usual form conveying the premises to the Buyers. The Deed and also an executed copy of this agreement, shall be deposited with the escrow holder, to be held by the escrow holder until the terms of this agreement shall have been fully complied with.

Aside from the faithful accounting of the funds deposited with the escrow holder, no responsibility shall attach to said escrow holder. All fees and charges of the escrow holder shall be paid by the Buyers and Sellers equally.

Buyers acknowledge having executed, of even date herewith, a QUITCLAIM DEED to the property specified above; said deed is in favor of Sellers and being deposited with the escrow holder specified herein. Buyers agree, that in the event of their

under the provisions of this agreement, said QUITCLAIM DEED
escrow holder, and may be recorded
to Sellers' title caused by Buyers'
of the purchase price due hereun-
instructed to deliver this QUITCLAIM
all remaining documents concerned here-

V

and deliver to the Buyers a Pol-
the face amount of the purchase price,
or damage by reason of defect in title
of prior liens not assumed under this
Policy shall not be delivered to the
in full the existing first mortgage
Farmers Home Administration.

VI

is levied and assessed on the premises
prior to 1981 shall be paid by the
Sellers. All taxes and assessments now or hereinafter levied or
assessed upon the said premises for the year 1981 shall be paid
by Sellers. All taxes and assessments levied and assessed upon
the premises for the years subsequent to the year 1981, shall be
paid by the Buyers before the same shall become delinquent.

VII

POSSESSION

The Buyers shall be entitled to possession on December 31,
1981.

VIII

EXAMINATION OF PROPERTY

Buyers acknowledge that Buyers have made an independent ex-

amination and inspection of the property hereinabove described, and all improvements thereon and are fully aware of the condition of the same and are not relying upon any representation made by Sellers, or Sellers' Agent, as to the condition of the property

IX

IMPROVEMENTS AND ADDITIONS

Buyers agree to promptly pay for any and all improvements or additions made on the premises or any new buildings erected thereon. In the event any lien or claim of lien is filed or attached the Buyers agree promptly to pay and discharge the same, provided, however, Buyers shall have a reasonable time and opportunity to legally defend any such claim, lien, or action to foreclose a lien, and in the event Buyers fail to defend such action, Sellers may use the name of the Buyers, if necessary, in such defense.

The Buyers may make such alterations and improvements on the premises as they may desire; provided, however that Buyers shall permit no lien or encumbrances to attach against the premises and shall be solely and exclusively responsible for any damage or destruction to the premises or any part thereof. All alterations, improvements, and fixtures which may be placed upon said property by the Buyers shall be and remain a part of the realty and shall not be considered as personalty and, should the Buyers default hereunder, the same shall revert to and reinvest to the Sellers.

X

INSURANCE

Buyers shall keep any improvements and buildings on the premises herein conveyed insured for their reasonable insurable value with a company acceptable to Sellers, the premium thereon to be paid by the Buyers promptly when due, and possession of the policy, or a duplicate original thereof, shall be delivered to the escrow holder. The Buyers shall cause the company issuing the policy to

prepare and deliver an endorsement on the policy providing for payment thereon to the Sellers, in the event of loss, and in an amount equal to Sellers' interest in the subject real property.

XI

FAILURE BY BUYERS TO PAY TAXES OR INSURANCE

If the Buyers shall fail to pay the taxes, insurance premiums, or assessments, or shall fail to pay and discharge any lien when due, the Sellers may make such payments and may add the amount of the payment or payments together with any costs or attorney's fees necessarily incurred in connection therewith to the principal sum then due under this agreement.

XII

NONASSIGNABILITY OF CONTRACT

The Buyers shall not and will not transfer or assign this agreement, or any of their interest therein, without the previous written consent of the Sellers, and any such attempted assignment or transfer, without such written consent, shall render this contract null and void at the election of the Sellers; provided, however, that Sellers shall not arbitrarily or unreasonably withhold consent in the event Buyers request consent for an assignment to a financially responsible person.

XIII

DEFAULT

In the event Buyers shall fail to make any of the payments, or any part thereof or shall fail to perform any of the covenants on their part made and entered into herein, TIME BEING OF THE ESSENCE OF THIS AGREEMENT, and shall remain in default after thirty (30) days' written notice by the Sellers to the Buyers to perform or correct such default; which notice shall specify the default(s) complained of, the Sellers may exercise either one of the following two options:

A. Repay the full amount of the unpaid balance under the

contract as immediately due and payable, and may require the Buyers to pay the whole of said sum within thirty (30) days from the expiration of said notice to perform; or

B. Terminate this agreement, and in the event of such termination, all payments made by the Buyers shall be retained by the Sellers as rental and liquidated damages for the breach of this agreement by the Buyers, it being understood and agreed as of the date of execution thereof that Sellers' actual damages in the event of Buyers' default would be difficult to ascertain. Upon Buyers' default, Sellers shall have the right to reenter and take possession of the premises with all buildings and improvements thereon. In the event of such default, termination and forfeiture, all papers on deposit with the escrow holder shall be returned to the Sellers, and after such default and return, the responsibility of the escrow holder for the custody of same shall cease.

XIV

COST OF NOTICE OF DEFAULT

In the event Sellers serve notice of default as hereinabove provided, Buyers agree to pay the sum of Fifty Dollars (\$50.00) as and for the Sellers' reasonable costs of preparing and serving said notice of default. Said sum shall be paid with the payments required to cure said default, or concurrently, with any action required to be taken, other than payment of the monthly installment then due, to cure said default, and the default shall not be corrected or cured unless said sum is paid with the amount necessary to correct said default or concurrently with any action required to be taken to cure said default. Said sum shall not be payment upon the contract and shall not be credited by the escrow holder as such, but shall be disbursed by the escrow agent or agent solely to Sellers.

MICROFILMED

XV

WAIVER

Any waiver of any term of this agreement by Sellers shall not be continuing waiver of that term, nor shall it be construed to be a waiver of any other term of this agreement.

XVI

NOTICE

Any notice to be given under the terms of this agreement shall be deemed to have been given upon the deposit in the United States mail, addressed to the Buyers, with postage prepaid; the time period shall be deemed to have commenced upon the day of deposit; the receipt for mailing of this notice by certified or registered mail is sufficient proof of service of this notice. A copy of the notice shall be mailed by certified or registered mail to the escrow holder.

XVII

TIMBER AND WATER RIGHTS

It is expressly understood and agreed that Buyers shall not harvest timber for commercial production or use, during the term of this contract, without the express written consent of Sellers first had and obtained. It is further understood, however, that Buyers shall be permitted to use the timber existent on said premises for improvements to the dwelling house or outbuildings on the premises and for domestic firewood consumption. The timber can be milled for improvements; Buyers shall be permitted to relocate the old barn and excavate for a new barn.

Sellers herewith convey to Buyers any and all rights they may have to water emanating from a spring located on the upper most portion of the real property herein conveyed. Further, Sellers convey and transfer unto Buyers any and all interest they may have in water located in the lower spring and creek.

also situated on the premises. Sellers further convey any and all mineral rights they have on said real property.

XVIII

REPRESENTATION BY ATTORNEY

All parties hereto understand and acknowledge that the law offices of ROBERT E. KINNEY has prepared this escrow contract and other papers related thereto, and said law firm represents the Sellers in this transaction. The Buyers acknowledge that they have been advised by this office to seek other legal counsel to protect their interest in the event conflict arises between Buyers and Sellers.

The Buyers agree to reimburse Sellers for one-half of the costs involved in preparation of all legal documents.

XIX

ATTORNEY'S FEES

In the event any action is brought to enforce any of the terms of this agreement, the successful party shall be entitled to recover in addition to the costs and disbursements provided by law, a reasonable attorney's fee.

XX

BINDING ON HEIRS

The terms of this agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors, and assigns to the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

SELLERS:

Arlee B. Head
ARLEE B. HEAD

Wanda E. Head
WANDA E. HEAD

BUYERS:

David E. Elkins
DAVID E. ELKINS

Donna M. Elkins
DONNA M. ELKINS

STATE OF IDAHO)
County of Clearwater) ss.

On this ____ day of December, 1981, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared ARLEE B. HEAD and WANDA E. HEAD, husband and wife, known to me to be the persons whose names are subscribed to the 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.

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

STATE OF IDAHO)
County of Clearwater) ss.

On this ____ day of December, 1981, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared DAVID E. ELKINS and DONNA M. ELKINS, husband and wife, known to me to be the persons whose names are subscribed to the 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.

ESCROW CONTRACT - 11

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 85-7059 IN THE NAME	)	ORDER TO SHOW CAUSE
	)	
OF ARLEE B. HEAD	)	
	)	

WHEREAS, on June 22, 1973, Arlee B. Head applied to the Department of Water Resources for a permit to appropriate 0.2 cubic feet per second of water from an unnamed stream tributary to Big Canyon Creek within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 36 North, Range 1 West, B.M., Nez Perce County, to be used for irrigation purposes; and,

WHEREAS, on July 27, 1973 the Department approved said Application for Permit; and,

WHEREAS, on August 7, 1974 the Department lapsed said Permit for failure to submit Proof to Beneficial Use; and,

WHEREAS, on August 9, 1974 the Department received a Request for Extension of Time for Beneficial Use; and,

WHEREAS, on August 20, 1974 the Department approved the Request for Extension of Time for Beneficial Use; and,

WHEREAS, on July 25, 1978 the Department received Proof of Beneficial Use for said Permit; and,

WHEREAS, on August 10, 1979 the Department conducted a field examination and the examiner's report indicated that water has been diverted and put to a beneficial use within a different legal description as set forth on said Permit; and,

WHEREAS, on October 17, 1983 the Department sent a notice and an Amendment to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

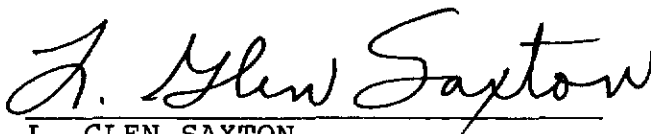
WHEREAS, on December 28, 1983 the Department sent a second notice to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

WHEREAS, as of this date the Department has not received the Amendment of Permit; and,

WHEREAS, pursuant to the provisions of Section 42-311, Idaho Code, the Director of the Department of Water Resources is empowered to cancel permits for which development requirements have not been completed;

IT IS, THEREFORE ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before March 10, 1984 why Permit No. 85-7059 should not be Cancelled.

Dated this 6th day of February, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REINSTATING AND EXTENDING THE)
PROOF DUE DATE FOR PERMIT NO.'S 85-7059 and) ORDER
85-7060 in the name of ARLEE B. HEAD)
_____)

WHEREAS, on June 22, 1973, Arlee B. Head applied to the Department of Water Resources (formerly the Department of Water Administration) for permits to appropriate (Permit No. 85-7059) 0.2 cubic feet per second of water from an unnamed stream, tributary to the Big Canyon Creek, within the SE¹/₄NE¹/₄, Sec. 10, Twp. 36N, Rge. 1W, B.M., Nez Perce County, to be used for irrigation purposes, and (Permit No. 85-7060) 0.04 cubic feet per second of water from unnamed springs, from two points within the SE¹/₄NE¹/₄, Sec. 10, Twp. 36N, Rge. 1W, B.M., Nez Perce County, to be used for domestic purposes; and,

WHEREAS, on July 27, 1973, the Department approved said applications and issued Permit No.'s 85-7059 and 85-7060 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1974; and,

WHEREAS, on May 31, 1974, the Department notified the permit holder that proof of beneficial use was due on the permits and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 29, 1974, the Department's Northern District Office received a request for an extension of time for the permits; and,

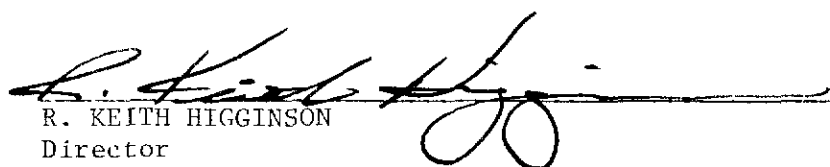
WHEREAS, on August 7, 1974, the Department's Boise Office inadvertently lapsed Permit No.'s 85-7059 and 85-7060; and,

WHEREAS, it appears that under the circumstances the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that Permit No.'s 85-7059 and 85-7060 be REINSTATED without a loss of priority;

IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use of water under Permit No.'s 85-7059 & 85-7060 be extended to August 1, 1978.

Dated this 20 day of August, 1974.


R. KEITH HIGGINSON
Director

DDR:JG

85-7059

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Pay Perce)

Permit No. 85-7059 & 85-7060

Arlee B. Head of Rt. 1 Box 11 B, Park
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 85-7059 & 85-7060.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before August 1, 19 74.

That he has heretofore performed the following work described under said permit:

Have nearly completed spring no. 85-7059. The pond still needs fence around it and needs Bentonite to seal it. Spring no 85-7060 - Need to complete connections to go to Spring no 85-7059. Need to build roof over tank Costing \$ 1595.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Lack of finances and time to work on it.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to Dec. 1, 19 74.

Arlee B. Head
(signature) *

Subscribed and sworn before me this 8th day of August, 19 74.

seal

William A. Lalue
(notary public)

My commission expires 1978

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, _____, Director of the Idaho Department of Water Administration, State of Idaho, hereby _____

SEE ORDER DATED 8/20/74.

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

Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

OK 750

Identification No. 85-7059

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Arlee B. Head
post office address Route #1, Box 11-B, Peck, Idaho
2. Source of water supply Unnamed Stream which is a tributary of Big Canyon Creek
3. a Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 36N
Range 1W B.M. Nez Perce County; additional points of diversion if any. _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 0.2 for Irrigation purpose from May 1 to Oct. 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 0.2 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc 30' X 25' pond off side of creek.

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 \$ 500.00.
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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 _____

85 7059

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

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	1W	10				10									10				20

Total number of acres to be irrigated 20

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

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

36N

10

16E

100A
111A

point of diversion
place of use

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.

X Paul B. Lead
(Applicant)

85 7059

Received by KK Date 6/22/73 Time 1:30 PM
 Preliminary check by KK Fee \$ 6/25/73
 Receipted by KK Date 6/25/73 # 10730
 Publication prepared by cr Date 6-29-73
 Published in Lewiston Morning Tribune
 Publication dates 7-5 & 7-12-73
 Publication approved ce Date 7-23-73
 Priority ~~reduced to~~ 6-22-73 Reason _____

 Protests filed by _____

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

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. 85-7059, 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 August 1, 1974.

c. Other _____

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

Witness my hand this 27th day of July, 19 73.

R. Karl Hjort
 Director

Identification No. _____

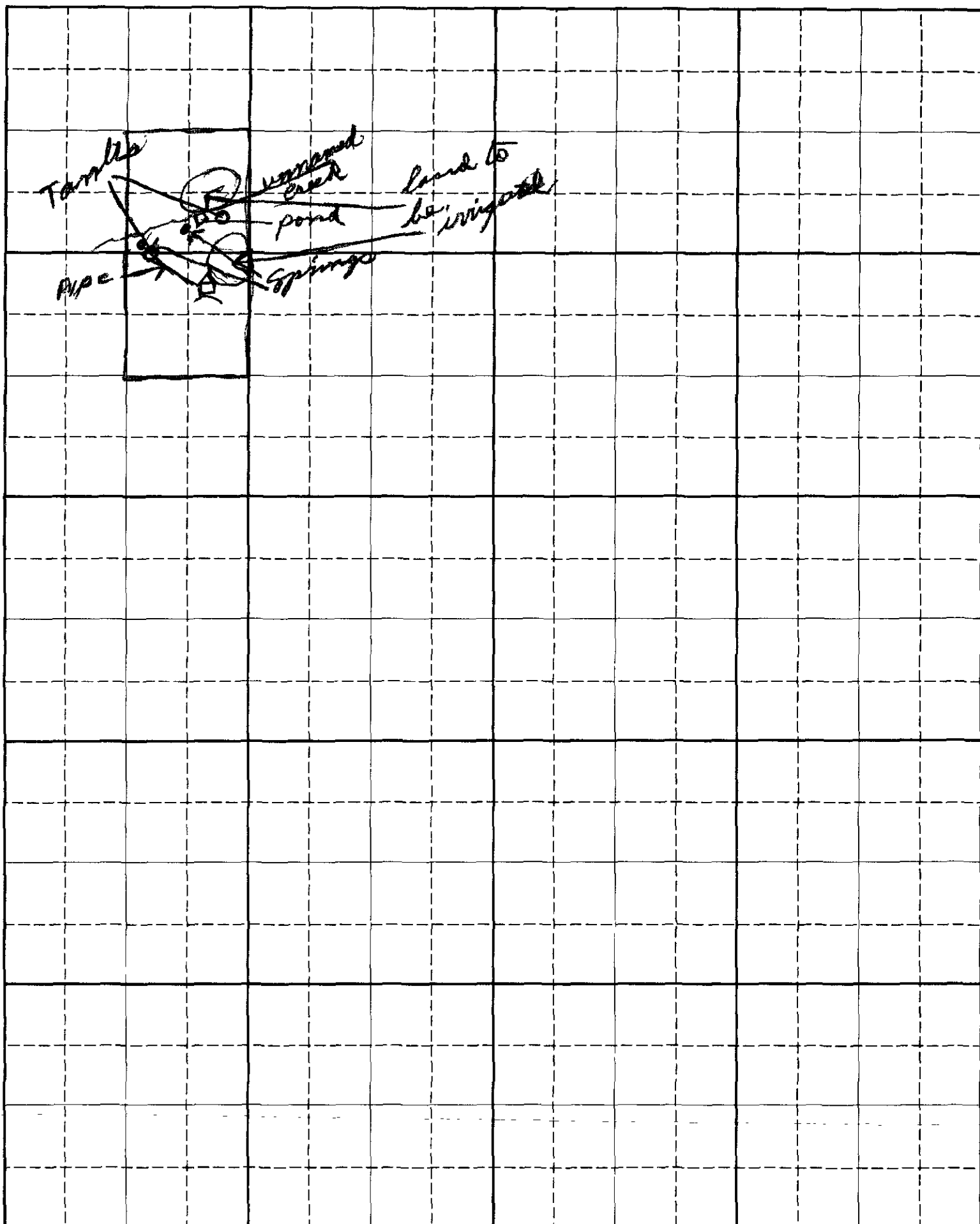
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

1. Name of applicant Arlee B. Head
post office address Route 1, Box 11-B, Peck, Idaho 83545
2. Source of water supply unnamed creek which is a tributary of Big Canyon Creek
- 3 a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 36
Range 1W B.M. Nez Perce County, additional points of diversion if any: 2 springs, also in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10,
- b. If water is not consumed, it will be discharged into unnamed creek at a point in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 36 Range 1W B.M. _____
- 4 Water will be used for the following purposes.
Amount .0052 ^(cfs or acre-feet per annum) for domestic purpose from All Year to _____ (both dates inclusive)
Amount .01114 ^(cfs or acre-feet per annum) for irrigation purpose from 1 May to Oct. 15 (both dates inclusive)
Amount _____ ^(cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated.
a .01634 cubic feet per second and/or
b _____ acre feet per annum.
6. Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. _____
700 gallon storage tank for domestic water
30' x 25' pond off side of creek, for irrigation water
- b Height of storage dam 4 feet, active reservoir capacity .00552 acre feet; total reservoir capacity .00414 acre feet, materials used in storage dam Dirt and rock
Period of year during which storage will occur February 1 to October 15 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 \$ 500.00.
8. Description of proposed uses
a. If water is **not** for irrigation
(1) Give the place of use of water SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 36
Range 1 W 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 1
(5) If water is to be used for other purposes describe _____

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.

Paul B. Neal
(Applicant)

85 7059

Received by W Date 6-15-73 Time 1:00 P
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by _____

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

85 7059

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 _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other _____

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

Witness my hand this _____ day of _____ 19____.

Director

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Arlee B. Head, Route No 1, Box 11-B, Peck, Idaho has on June 22, 1973 submitted Application No. 75-7059 for a permit to appropriate 2 cubic feet per second of water from an unnamed stream tributary of Big Canyon Creek, means of pond within the NE 1/4, Sec. 10, T. 38N, R. 16E, Nez Perce County, Idaho from May 1 to October 1, 1973, for irrigation of 20 acres of land in the SE 1/4, NE 1/4, and NW 1/4, Sec. 10, T. 38N, R. 16E, Nez Perce County, Idaho.

If the permit will be subject to water rights. Protests to the granting of the permit must be filed with the Idaho Department of Water Administration, 101 Front Ave., Coeur d'Alene, Idaho, 83814 on or before June 1, 1973.

R. K. HIGGINSON
Director

RECEIVED

JUL 16 1973

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 two consecutive weeks, the

first publication thereof being on the 8th day of July, A. D. 1973, and the last publica-

tion thereof being on the 12th day of July, A. D. 1973, 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

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of July, 1973

Norman W. Rich 8-28-76

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

WRD417

WATER RIGHTS PROOF OF PRIORITY REPORT

08/16/84

PAGE 1

WATER RIGHT NUMBER 00-7050

OWNER LAST NAME - HEAD

OWNER LAST NAME - ELKINS

OWNER LAST NAME - ELKINS

ADDRESS LINE 1 - P.O. BOX 545

ADDRESS LINE 2 -

SOURCE - UNNAMED ST-CA1

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SENE 10 36N 01W LOT

FROM - 01-01 TO - 11-01 USE - STOCKWATER

USE - STOCKWATER

DEGREE NAME -

REMARKS - REINSTATE. 1-20-1974.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 08-01-1978 PERMIT/DENIED - 07-27-1978 PROTESTED -

PROOF MADE - F. ELKINS - CONG. OF APPROVAL -

DIVERSION MEANS - FUND 8 PIPELINE.

FIRST NAME - ARLEE S.

FIRST NAME - DAVID E.

FIRST NAME - DONNA M.

ORIG OWNER - 0

ORIG OWNER -

ORIG OWNER -

ADDRESS LINE 2 -

CITY - DROFIND

STATE - ID ZIP CODE - 83544

TRIBUTARY OF - BIG CANYON CR

PRIORITY - 06-22-1973

COUNTY - NEZ PERCE TOTAL DIV. RATE - .0200 -CFS

WATER DIST. -

OLE/CAREY ACT - RIGHT BASIS -

272.0 48.0 18.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 1.5

USE DIV. RATE -

.0200 CFS USE DIV. VOLUME -

.40 AFA

PLACE OF USE - TWN 36N RNG 01E SEC 10 TRACT SENE LCT AC

DATE -

TOTAL ACRES 0

HEARING -

OLD NO. -

3/79

IDENT. NO.

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

Initials

Date _____

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

**Field Exam Accepted
and changes entered**

License Signed

Transfer Approved

Keypunched by State Office

Coded ownership change
Liquor Updated

License Updated

SC **AUG 16 1984** **VERIFIED**

July 18, 1984

RE: Permit No. 85-7059

David E. & Donna Elkins
Box 845
Orofino, ID 83544

Dear Mr. and Mrs. Elkins:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosures

MICROFILMED

June 18, 1984

RE: Permit No. 85-7059

David E. & Donna Elkins
Box 845
Orofino, ID 83544

Dear Mr. and Mrs. Elkins:

We are in receipt of the application for licensing amendment for the above referenced permit. Enclosed is Departmental Receipt No. 34736 in the amount of \$20.00.

We notice that you have added 20 acres of land to the amendment application. However, even though the original permit allowed for the irrigation of 20 acres, our examiner did not find any use of water for irrigation purposes when he conducted the field examination of the system. Therefore, we cannot license ~~whis~~ right for an irrigation use.

If you wish to irrigate the 20 acres you have added to the amendment application, we suggest that you file a new application for permit for that use. We have enclosed an application for permit form and instructions for completion of the form for your use in this matter.

We shall proceed with the licensing of Permit No. 85-7059, for the use of stockwater only, unless you wish to dispute the findings of our field examiner. If we do not hear from you within the next 10 days, we will assume you have no objections.

If you have any questions, please feel free to contact our office.

Sincerely,



KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

May 16, 1984

RE: License 85-7060 and Permit 85-7069

David E. & Donna M. Elkins
Box 845
Orofino, ID 83544

Dear Mr. and Mrs. Elkins:

We acknowledge receipt of the copies of your Warranty Deed and Escrow Contract that you sent to our office. In reading through the Escrow Contract I find that you are now the holders of the above referenced water rights. Thank you for your assistance in this matter. I have changed our computer records to show you as the present owners of License 85-7060 and Permit 85-7059. Since I have already sent you a copy of right 85-7060, I have not enclosed one with this letter.

As I stated in my letter of March 12, 1984, we are attempting to license Permit No. 85-7059, but the right must be amended to show the actual use of water as our field examiner found it. We are enclosing a partially completed amendment form for your use in this matter. I am also enclosing a copy of Permit No. 85-7059 in its original form for your information.

When our examiner looked at the system identified under this permit, he found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 0.02 cfs Source: unnamed stream trib to Big C
Canyon Creek

The maximum quantity diverted shall not exceed 0.4 acre feet
per year.

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp 36N, Rge 1W, Nez Perce Co.

Beneficial Use: Stockwater within SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10,
Twp 36N, Rge 1W

Priority date established: June 22, 1973

David E. & Donna Elkins

May 16, 1984

Page 2

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days, in order that we might issue your license as set forth above. If you do not concur with the above findings or have any questions, please contact us within the 30-day period.

Sincerely,

KAY WALKER

Technical Records Specialist

KW:sc

Enclosure

4-27-1984

FILE 85-7059
85-7060NAME OF PARTY Donna M. ElkinsEMPLOYEE Kay WalkerRE: proof of ownership

Mrs. Elkins called in regard to my letter of 3/12/84.

She states that the water rights are mentioned in their property sale - she will send in a copy of the deed.

allow until May 30, 1984 before taking any (further) action.

March 12, 1984

RE: Water Right Permit No. 85-7059

David E. Elkins
Box 845
Orofino, ID 83544

Dear Mr. Elkins:

We are in the process of licensing a water right permit for Mr. Arlee B. Head, whom we were unable to contact; per a phone conversation with the Nez Perce County Assessor's Office we found that you are now the owner of Mr. Head's property.

We find that Mr. Head also had licensed Water Right No. 85-7060 (copy enclosed). This licensed right is appurtenant to the land. Right No. 85-7059, the one we are attempting to license, is being used to water 20 head of stock from an unnamed stream tributary to Big Canyon Creek. However, the right was originally filed for irrigation purposes and needs to be amended to change the use to stockwatering. Only the permit holder can sign the amendment form, in this case only Mr. Head can sign the form, unless you can supply either an assignment of permit form from Mr. Head to yourself, or provide a copy of the sale contract which shows the water right as part of the sale.

Enclosed is an assignment form. If you cannot supply us with information naming yourself as the permit holder, the right will be cancelled.

Please contact our office on or before April 30, 1984 with your intentions regarding this permit so it can either be licensed or cleared from our records. If you have any questions on this matter, please let us know.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

RECORDED

INTER-DEPARTMENT MEMO — 1

DATE 3/9/84

FROM Ray Walker

TO File 85-7059

SUBJECT Mr. to
address per assessor's
office this date:

←
Rt. 1, Box 11B
Peck, Id.

property has been
sold - new owners
are:
David E. Elkins
P.O. Box 845
Orapine, Id.

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Borae, Idaho 83720

85-7059

Arlee B. Head
General Delivery
Pinehurst, ID 83850

RECEIVED

MAR 8 1984

Department of Water Resources



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

February 9, 1984

CERTIFIED MAIL #33039

RE: Permit No. 85-7059

Arlee B. Head
General Delivery
Pinehurst, ID 83850

Dear Mr. Head:

Enclosed is an Order to Show Cause why Permit No. 85-7059 in your name, should not be cancelled.

Note that any information in response to this Order must be submitted by March 10, 1984. Please contact this office if you have any questions.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
)
NO. 85-7059 IN THE NAME)
)
OF ARLEE B. HEAD)

)

ORDER TO SHOW CAUSE

WHEREAS, on June 22, 1973, Arlee B. Head applied to the Department of Water Resources for a permit to appropriate 0.2 cubic feet per second of water from an unnamed stream tributary to Big Canyon Creek within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 36 North, Range 1 West, B.M., Nez Perce County, to be used for irrigation purposes; and,

WHEREAS, on July 27, 1973 the Department approved said Application for Permit; and,

WHEREAS, on August 7, 1974 the Department lapsed said Permit for failure to submit Proof to Beneficial Use; and,

WHEREAS, on August 9, 1974 the Department received a Request for Extension of Time for Beneficial Use; and,

WHEREAS, on August 20, 1974 the Department approved the Request for Extension of Time for Beneficial Use; and,

WHEREAS, on July 25, 1978 the Department received Proof of Beneficial Use for said Permit; and,

WHEREAS, on August 10, 1979 the Department conducted a field examination and the examiner's report indicated that water has been diverted and put to a beneficial use within a different legal description as set forth on said Permit; and,

WHEREAS, on October 17, 1983 the Department sent a notice and an Amendment to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

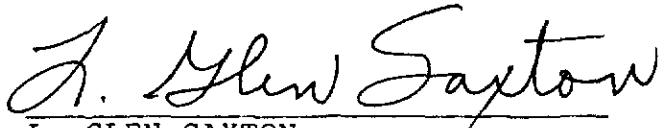
WHEREAS, on December 28, 1983 the Department sent a second notice to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

WHEREAS, as of this date the Department has not received the Amendment of Permit; and,

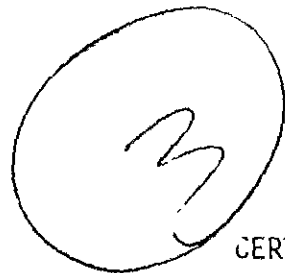
WHEREAS, pursuant to the provisions of Section 42-311, Idaho Code, the Director of the Department of Water Resources is empowered to cancel permits for which development requirements have not been completed;

IT IS, THEREFORE ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before March 10, 1984 why Permit No. 85-7059 should not be Cancelled.

Dated this 6th day of February, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

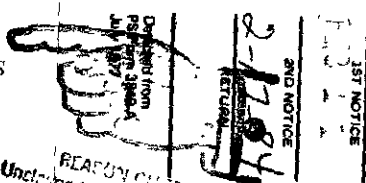
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



CERTIFIED MAIL # 33039

RETURN RECEIPT REQUESTED

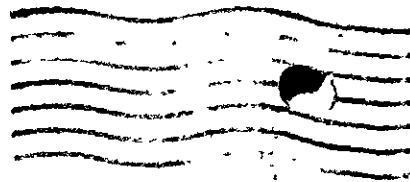
REASON FOR RETURN
Undelivered _____
Attempted delivery failed _____
Insufficient postage _____
No such street or number _____
No such office or unit _____
Do not remove from this envelope



DATE

☐ HOLD

CLAIM CHECK NO.



85-7059

Arlee B. Head
Gen. Del.
Pinehurst, ID 83850

RECEIVED

FEB 28 1984

Department of Water Resources

Resent to
same address
not certified
3/5/84
L.W.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
CIVIL ENGINE
BOISE, IDAHO 83720

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Arlee B. Head
 Gen. Del.
 Pinehurst, ID 83850

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

33039

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

POSTMARK

FEB
 26
 1984

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNCLAIMED

CLERK'S
 INITIALS

YJ

85-7059 sc

☆ GPO : 1979-288-848

February 9, 1984

CERTIFIED MAIL #33039

RE: Permit No. 85-7059

Arlee B. Head
General Delivery
Pinehurst, ID 83850

Dear Mr. Head:

Enclosed is an Order to Show Cause why Permit No. 85-7059 in your name, should not be cancelled.

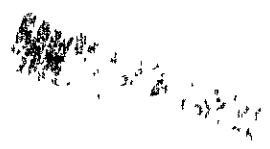
Note that any information in response to this Order must be submitted by March 10, 1984. Please contact this office if you have any questions.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure



December 28, 1983

RE: Permit No. 85-7059

Arlee B. Head
Gen. Del.
Pinehurst, ID 83850

Dear Mr. Head:

On October 17, 1983, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

RECEIVED

85-7059
-7060

NOV 14 1983

Dear Sir:

NOV 14 1983

Nov. 9, 83

If you can give me 30 days more on these water permit numbers I will be in a better position to take care of it. As it is, I am working quite a ways away from there and this will give me some time to take care of the business and of this.

There was two permit numbers given to me. One was for domestic water and the other for stockwater.

If you can't give me some kind of an extension, let me know.

Sincerely,

Arlee Head
Gen. Del.
Pinehurst, Id. 83850

p.s. I just received this letter you sent on Nov. 8, that's why it's taking so long to take care of this.



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

October 17, 1983

RE: Permit No. 85-7059

Arlee B. Head
Rt. 1, Box 11-B
Peck, ID 83545

*> see new address of
address on correct. 11/9/83*

Dear Mr. Head:

A representative of this Department made an examination of the works covered by your Permit No. 85-7059 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .02 cfs Source: unnamed stream trib. to Big Canyon Cr.

The maximum quantity diverted shall not exceed .4 acre feet
per year.

Point of diversion: SENE, Sec. 10, Twp. 36N, Rge. 1W, Nez Perce County

Beneficial use: Stockwater within the SENE, NESE, Sec. 10, Twp. 36N, Rge. 1W

Priority date established: June 22, 1973

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

3. Water will be used for the following purposes

Other uses. _____

- 4 Total amount to be appropriated

Max Rate of Diversion 0.20 cubic feet per second and annual volume _____ AF/Annum

- ### 5. Location of Point(s) of Diversion

Township 36N N/S, Range 1W E/W, B.M., Section 10, Subdivision SE $\frac{1}{4}$ NE $\frac{1}{4}$, Nez Perce County

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

Township	N/S	Range	E/W	B. M.	Section	Subdivision	1/4	1/4	County
----------	-----	-------	-----	-------	---------	-------------	-----	-----	--------

Other Points of Diversions _____

Description of diverting works 30' x 25' pond

Measuring device required yes ☐ no ☒

6. Lands to be irrigated or place of use

[illegible]

TOTAL ACREAGE _____ 20

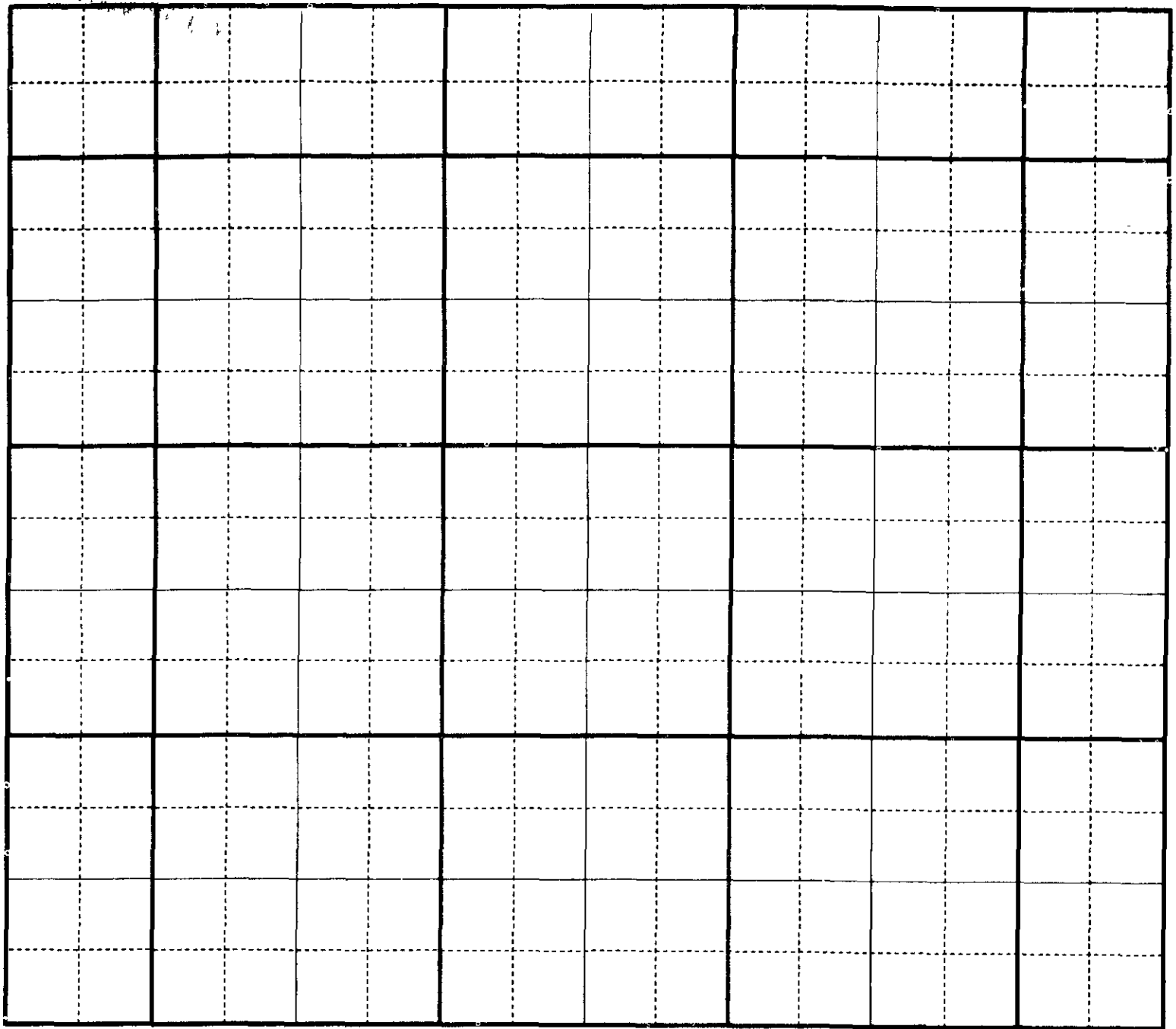


Diagram of System

DATE OF EXAM 8-10-79

ACREAGE
Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= 0 c.f.s. ^{JK 5-6-83} V= 0 AF/Ann. from _____ to _____
Domestic Q= 0.02 c.f.s. V= 0.7 AF/Ann. from 1-1 to 12-31
Livestock Q= 0.02 c.f.s. V= .4 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 0 ^{JK 5-6-83} Method of measurement Est

Total Q recommended 0.02 cfs ^{JK 5-6-83} Meter No. _____ Type _____ Condition _____

Total V recommended 0.7 AF ^{JK 5-6-83}

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None 0

MEASUREMENT CALCULATION:

20 hd stock ^{JK 5-6-83}

OK Recommend that future of use be amended to stockwater and that this right not be cancelled

SYSTEM DESCRIPTION:

30' x 25' pond excavated pond in stream ^{JK 5-6-83}

Right 85-7060 is for Domestic from springs - No relationship to this permit

J.J.

REMARKS:

Permit # 85-7060 in same area 30' x 25' pond is used for stock water. Informed Mrs. Head that they would have to refill for the stock. She said they had already had one extended and informed her that they would need to refill for it.

Examiner's Signature J.W. King Date 8-10-79

Checked by Bob Haynes Date 8-31-79

Approved by John John Date _____

2-1-83

7-26-83

Over

Calculations (change in nature of use.
can not expand the original
permit)

Original Permit Irrigation .20 cfs for 20 Acres

$$V = 20 \text{ ac} \times 4.5 = 90.0 \text{ AF}$$

$$.20 \times 1.9835 \times 214 = 84.9 \text{ AF}$$

field examiner found 20 hd stock

$$20 \text{ hd stock} = .02 \text{ cfs} \neq .4 \text{ AF}$$

By changing the nature of use no
Expansion would occur.

JC 7/26/83

- DATA ENTRY -

Ord No.

New No.

1. Original Owner: Orlos B. Head

Present Owner: _____

2. Address: Rt. 1 Box 113

3. City: Leek State: Id Zip: 83545

4. A. Source of Water: unnamed stream

B. Tributary of: Big Canyon Creek

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

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

C. Priority Date: 6-22-1973

D. County: 69

E. Total Diversion Rate: - 2

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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SENE</u>	<u>10</u>	<u>36^N</u>	<u>1W</u>		

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

from 5-1 to 10 15 for A purposes. Amount .2
(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 _____

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Reinitiated 8-20 AMU.
B. 2 P/D SENE, S10, T36N, R1W.
C. IN
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date: 2-1-1978

B. Date Permit Approved or Denied: 7-27-1973

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank): $\rightarrow$

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative): *panel & pipelines*



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

September 20, 1978

Arlee B. Head
Route 1, Box 11-B
Peck, ID 83545

Dear Mr. Head:

Re: Permit No. 85-7059 & 85-7060

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Coeur d'Alene.

Sincerely,

RITA FLECK
Water Rights

Identification No. 85-7059

Permit No. 85-7059 **D**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Arlee B. Head
b) Post Office Address Route #1 Box 11-B, Peck, Idaho 83545
2. Permit Number 85-7059
3. Date of Priority that you are prepared to establish 6-22-1973
4. a) Source from which water was appropriated Unnamed Stream
b) Location of the point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10
Township 36N, Range 1W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.2 for Irrigation purposes from May 1 to Oct. 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 _____ 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: This was done by catching the water coming from the overflow pipe. Done by myself.
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: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 30' x 25' pond off side of creek.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 9/6/78 by af

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	
36N1W		10			10										10				20

Total number of acres irrigated 20

10. Remarks: _____

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

7-21-78
 (Date)

Arlene E. Head
 (Signature)

State of Idaho)
) ss.
 County of Carleton)

On this 21 day of July, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Larry D Chandler
 Notary Public residing at Idaho

My commission expires 1-28-81





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 31, 1978

CERTIFIED MAIL

138 & 14

Re: Permit No. 85-7059 & 85-7060

Arlee B. Head
Route 1, Box 11-B
Peck, Idaho 83545

Dear Mr. Head:

One of the conditions of approval of the above referenced water right 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 August 1, 1978. The enclosed affidavit form is the document you must complete and submit as the proof of application of water to 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.

Janice Renk

JANICE RENK
Water Rights

Encl: Proof affidavit

Sept. 11, 1974

Dear Sir:

I want to thank you so much for the extension on our permits. My husband had surgery in June and was unable to work on this project this summer as he had planned, so we really appreciate more time to work on it. Thank you very much.

Mrs. Arlee Head

85-7059

85-7060

MICROFILMED

RECEIVED

FROM *Rt. 1 Box 11-B*

Pack, Idaho
83545



Idaho Water Resource Board
State House
Boise, Idaho

83720

August 21, 1974

Re: Permit No.: 85-7059 & 85-7060

Arlee B. Head
Route #1, Box 11-B
Peck, ID 83545

Dear Mr. Head:

Enclosed is an Order which reinstates and extends the proof due date in connection with the above referenced permits. Please note that the priority has not been advanced.

The time within which to submit proof of beneficial use for these permits has been advanced to August 1, 1978.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

85-7059

July 30, 1974

Re: Permit No. 85-7059
" " 85-7060

Mrs. Arlee Head
Route 1, Box 11-B
Peck, ID 83545

Dear Mrs. Head:

Enclosed is an Extension of Time form as requested in your letter of July 26, 1974.
Please complete and return this form as soon as possible.

Feel free to contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

85-7059

August 26, 1974

De: [redacted] **Police**
 Re: [redacted] **Police**

Mrs. Alice Head

85-7059



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 7, 1974

Re: Permit No.'s 85-7059 & 85-7060

Arlee B. Head
Route #1, Box 11-B
Peck, Idaho 83545

Dear Mr. Head:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No.'s 85-7059 & 85-7060 have lapsed.

You are further advised that the Department cannot reinstate these permits except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON by A. KENNETH DUNN
Director

85-7059

WATER RESOURCE BOARD.

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed

Edwin C. Schlender
Member

Joseph H. Nettleton

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filed in)

CERTIFIED NO.

25454

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

6/1/74

85-7059

POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code

- If special services are desired (check block(s) on other side)
- Moisten gummed ends and attach to back of article

**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION
STATE HOUSE - ANNEX #2
BOISE, IDAHO 83707

RECEIVED

85-7039

7/1/85

Form 3811
JUL 1973

May 31, 1974 CERTIFIED MAIL

#25454

Re: Permit No. 85-7059 & 85-7060

Arlee B. Head
Route #1, Box 11-B
Peck, Idaho 83545

Dear Mr. Head:

One of the conditions of approval of your water Permit No. 85-7059 & 85-7060 (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 August 1, 1974. 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

Enc: Proof affidavit (2)

85-7059

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>cl</u>	<u>6-29-73</u>	Application No. <u>85-7059</u>
(2)			☒ 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
(3)	<u>HK</u>	<u>6/25/73</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>KK</u>	<u>6/25/73</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: <u>NONE</u>
(10)	<u>cl</u>	<u>7-23-73</u>	Affidavit of Publication received (date) <u>July 16, 1973</u>
(11)	<u>cl</u>	<u>7-2-73</u>	Final date for protests <u>July 23, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>EE</u>	<u>7/23/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>EE</u>	<u>7/23/73</u>	Action recommended: ☒ Approve Priority <u>6/23/73</u> ____ Deny Reason for Reduction _____ ____ Measuring device required ____ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>North</u>	By <u>[Signature]</u> Date <u>7/23/73</u>	

July 27, 1973

Re: Permit No. 85-7059 & 85-7060

Mr. Arlee B. Head
Route #1, Box 11-B
Peck, ID 83545

Dear Mr. Head:

Enclosed is a copy of your approved Application for Permit No. 85-7060 and 85-7059.

We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

85 7059

June 29, 1973

Re: Application No. 85-7059 - Arlee B. Head
" " 85-7060 - " " "

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 7-23-73 by CR

FE:CR

ENC: Legal Notices (2)

85 7059

THE *Tribune* PUBLISHING CO.

Producers of Printing of Distinction

5th & C Sts. Lewiston, Idaho 83501

Phone 743-4411

Sold to

RECEIVED

State of Idaho, Dept. of Water
401 Front Ave. Rm. 209
Coeur D'Alene, Idaho
83814

JUL 15 1973

Date July 12th, 1973

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of Application for Water Permit, Arlee B. Head #85-7059 28 lines, 2 times hereby certify the above account is correct and just, that the supplies were actually furnished and/or the services were actually rendered as charged and that I/We have not received payment therefor Signed: Tribune Publishing Co. By: <i>D.N. Sinclair</i> D.N. Sinclair, Office Manager CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY	10.36

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Arlee B. Head,
Route #1, Box 11-B, Peck, Idaho
has on June 22, 1973 submitted Application No. 85-7059
for a permit to appropriate 0.2 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Strea, tributary of Big Canyon Creek
by means of pond
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 36N, R. 1W, B.M., Nez Perce County

to be used from May 1 to Oct. 15
for the irrigation of 20 acres

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 1W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before July 23, 1973.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho
on July 5 and July 12, 1973

85 7059

June 29, 1973

Re: Application for Permit No. 85-7059
" " " 85-7060

Arlee B. Head
Route #1, Box 11-B
Peck, ID 83545

Dear Mr. Head:

Attached is your receipt No. 10730 in the amount of \$20 for the filing fee on the above referenced applications, which were received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

85 7059

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Hugginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

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

June 19, 1973

Arlee B. Head
Route #1, Box 11-B
Peck, ID 83545

Dear Mr. Head:

We have received your application for permit to appropriate water from an Unnamed Creek and two springs. Since there are two separate sources of water, it will be necessary to submit two separate applications.

We have taken the liberty of typing two applications from the information you submitted and are returning them for your review. We are also returning your Check No. 92-212 in the amount of \$10.

Please review both applications, and if you are in agreement with all items, please sign both at the bottom of Page 3 and return them to our office. The filing fee is \$10 per application.

If you have any questions, or if we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cr

Enclosures

85 7059