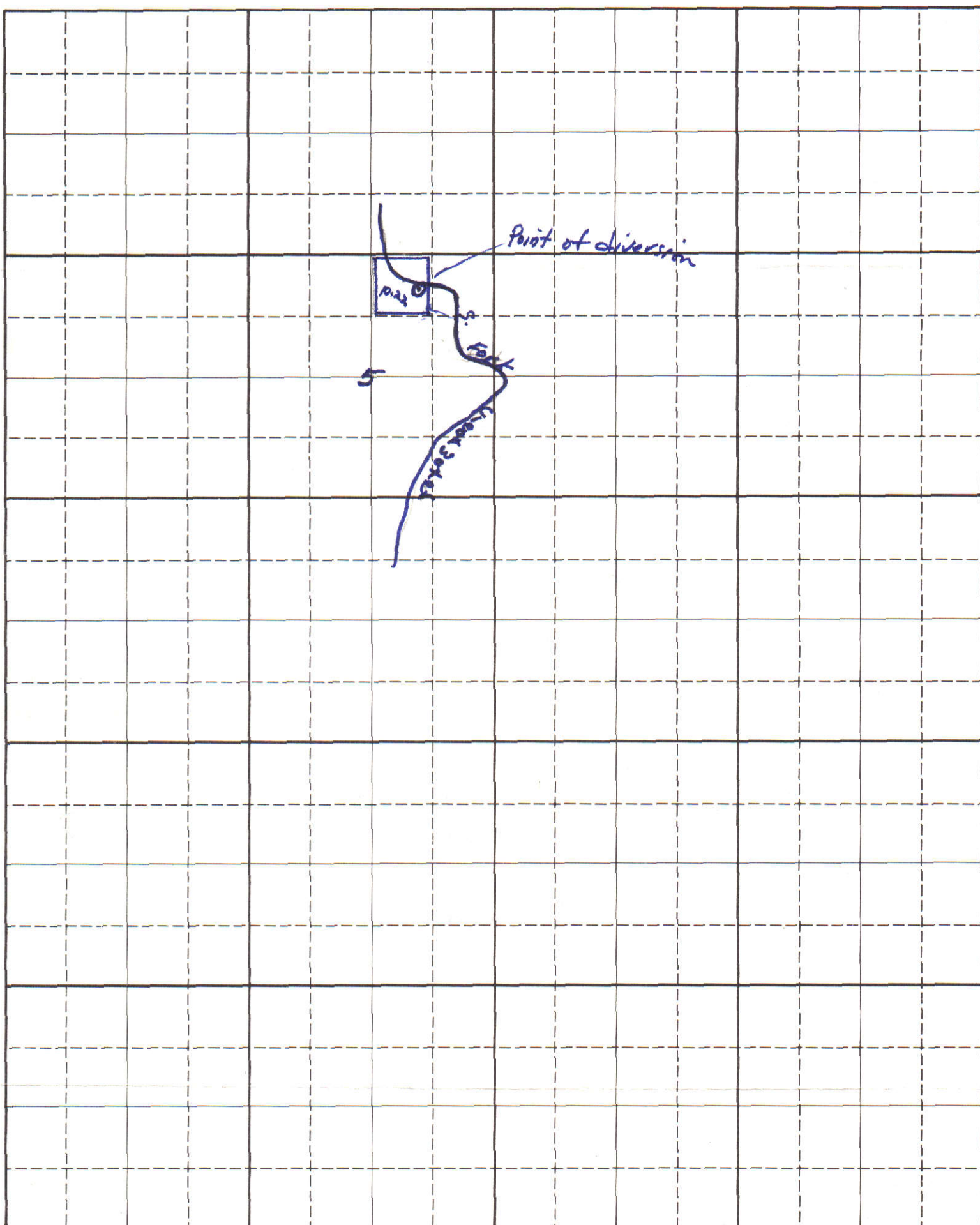


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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 Howard M. Pyley
(Applicant)

85 7040

RECEIVED

AUG 24 1972

Department of Water Administration
Northern District Office

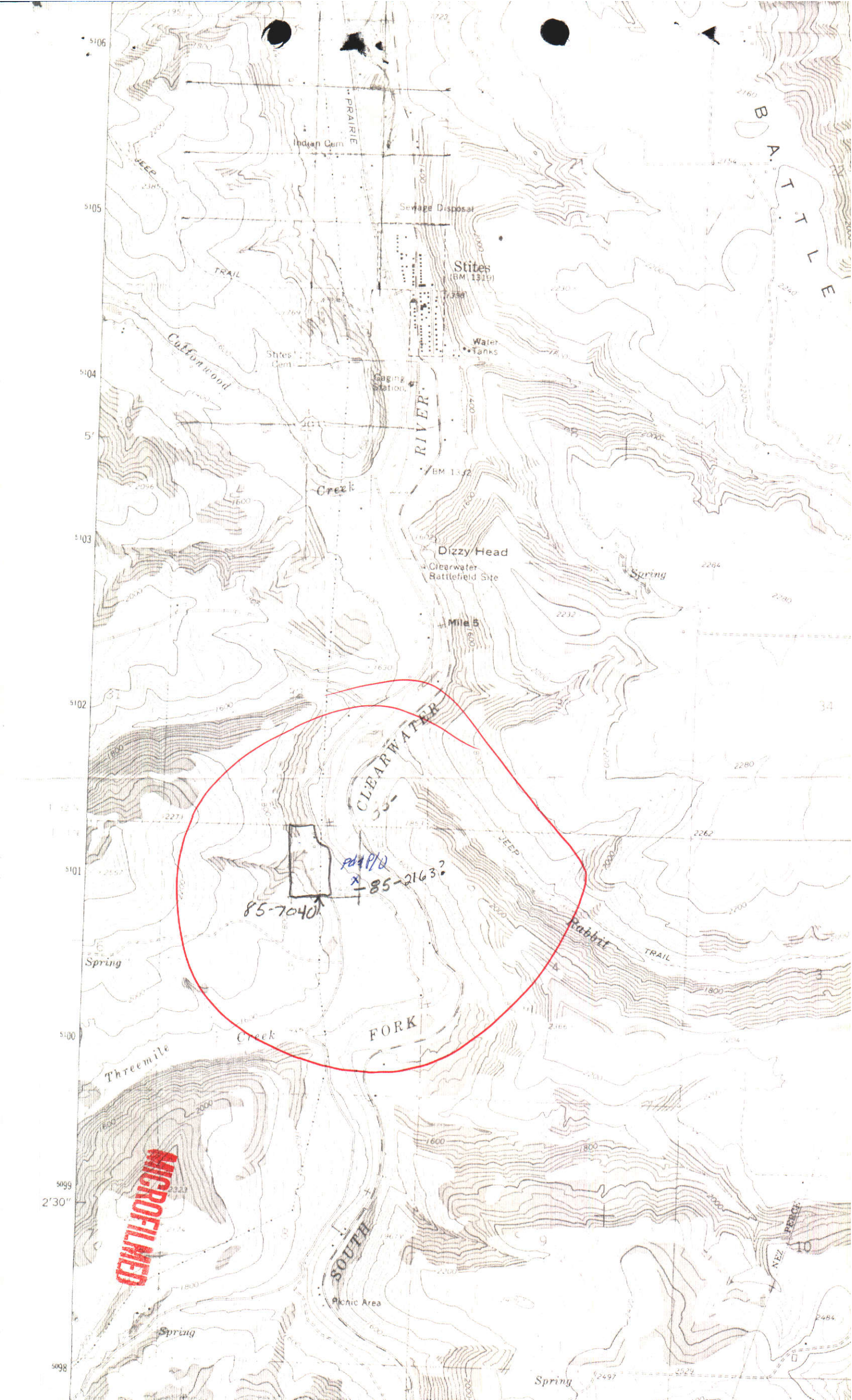
AFFIDAVIT OF PUBLICATION

**NOTICE OF APPLICATION
FOR WATER PERMIT**
Notice is hereby given that Howard M. Pixley, P.O. Box 170, Stites, Idaho has on August 4, 1972 submitted Application No. 85-7040 for a permit to appropriate 0.20 cubic feet per second of water from South Fork of Clearwater River by means of pump and motor within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, B.M., Idaho County to be used from April 1 to Oct. 15 for the irrigation of 10.22 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, 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 Sept. 2, 1972.
R. KEITH HIGGINSON
Director
Published in the Idaho County Free Press, Grangeville, Idaho on Aug. 16 and Aug. 23, 1972.
A16-23

_____ Gary D. Cash _____ being first duly sworn, says he is the _____ Office Manager _____ of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for _____ two _____ weeks, being published _____ two _____ times, the first publication being on the _____ 16th _____ day of _____ August _____, 1972, and the last publication on the _____ 23rd _____ day of _____ August _____, 1972; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

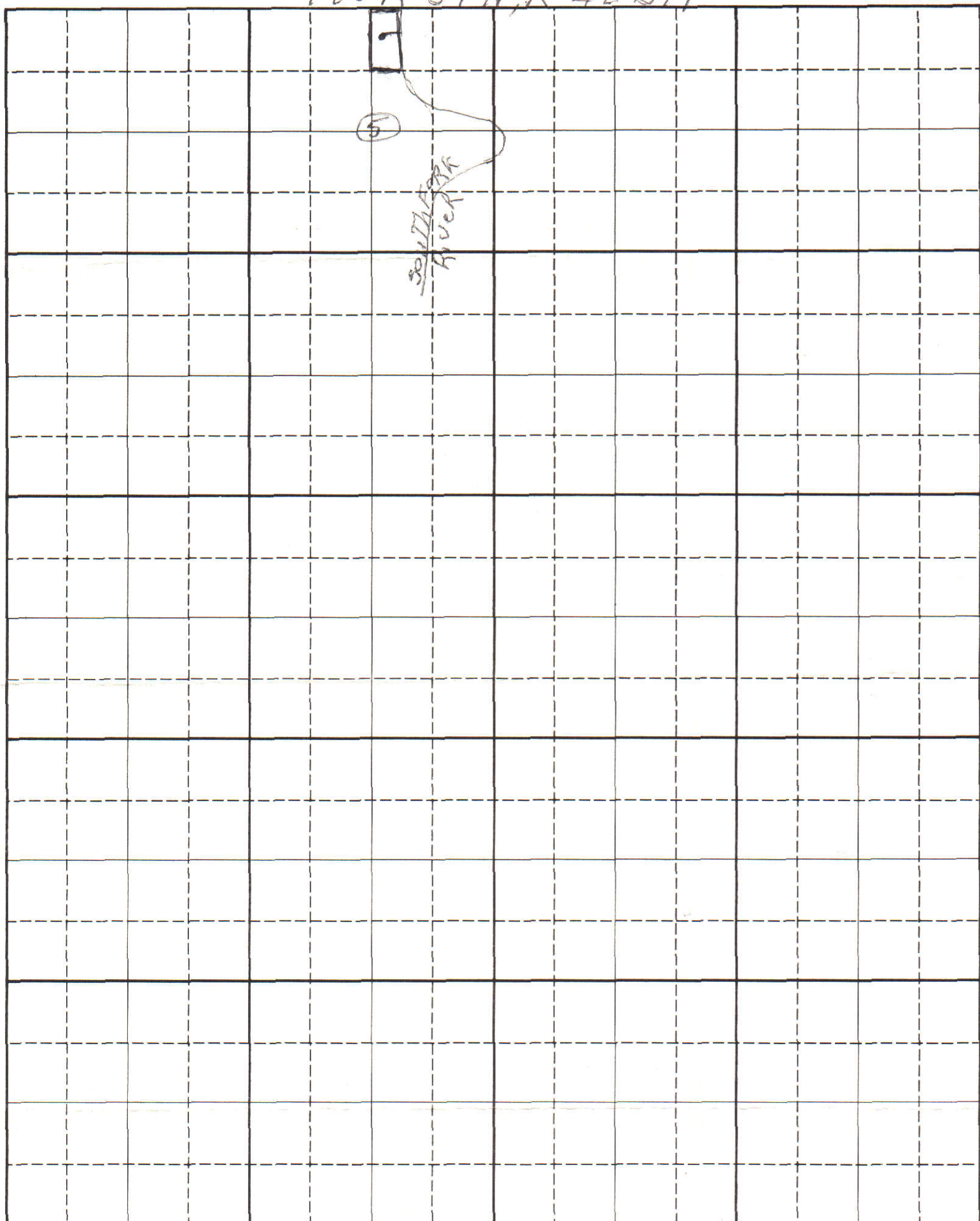
_____ Gary D. Cash _____
Subscribed and sworn to before me this _____ 23rd _____ day of _____ August _____, 1972
_____ Richard C. Hatch _____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

85 7040



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

TWP 31 N, R 4 E B M



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.

Howard M. Ripley
(Applicant)

85 7040

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7040 Priority June 29, 1972 Amount 0.02 cfs

THIS IS TO CERTIFY, that Howard M. Pixley
of Stites, Idaho, has complied with the terms and conditions of Permit
No. 85-7040 issued pursuant to Application for Permit dated June 29, 1972,
and has submitted proof to the Department of Water Resources on August 22, 1977,
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 Clearwater River, South Fork,
tributary to Clearwater 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>April 1</u> to <u>October 15</u>	at <u>0.02</u> cfs and	<u>3.0</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
3.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Twp.
31N, Rge. 4E in the County of Idaho

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 $\frac{1}{4}$	
31N	4E	5		1															1

Total number of acres irrigated 1

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 27TH day of
October, 19 82.

Acting for the Director

Roman C. Young

RECEIVED

JUL 15 1972

Identification No. _____

Application No. 85-7040

Department of Water Administration
Normal and Electric Service

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Howard M. Pixley
post office address P.O. Box 170 Stites, Idaho Phone WA 6-7537
2. Source of water supply So. Fork of Clearwater which is a tributary of Clearwater
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 31 NORTH
Range 4E B.M. EBM County; additional points of diversion if any: _____
THIS ISN'T A GOVERNMENT LOT
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 5 Township 31 N. Range 4E B.M. EBM
4. Water will be used for the following purposes.
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for IRRIGATION purpose from APR 15 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)
5. Total quantity to be appropriated.
a. _____ cubic feet per second and/or
b. 20 acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump and Motor

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 5 years
b. Estimated construction cost is \$ _____.
- 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 17

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

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	
31N	4E	5		10.22															10.22

Total number of acres to be irrigated 10.22

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 Howard M. Pixley

b. Who owns the land to be irrigated or place of use Howard M. Pixley

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 _____

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 Howard M. Pyle
(Applicant)

95 700.

7-18-72

85 7040

Received by ej Date 6-29-72 Time 10:30a.m.
Preliminary check by De Fee \$ \$10.00
Receipted by ej Date 7-10-72
Publication prepared by cr Date 8-11-72
Published in Idaho County Free Press
Publication dates 8-16 & 8-23-72
Publication approved ck Date 8-11-72
Priority reduced to _____ Reason _____

Protests filed by _____

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

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. 85-7040, 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 September 1, 1977.

c. Other: _____

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

Witness my hand this 20 day of September 1972.

R. Keith Higgins
Director

RECEIVED

AUG 24 1972

Department of Water Administration
Boise District Office

AFFIDAVIT OF PUBLICATION

Robert M. Peterson, County Clerk of Idaho County, Idaho, do hereby certify that the following notice was published in the Idaho County Free Press, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 16th day of August, 1972, and the last publication on the 23rd day of August, 1972; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Witness my hand and the seal of said county at Grangeville, Idaho, this 23rd day of August, 1972.

Robert M. Peterson, County Clerk of Idaho County, Idaho

Published in the Idaho County Free Press, Grangeville, Idaho on Aug. 16 and Aug. 23, 1972

ALB-23

Gary D. Cash being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 16th day of August, 1972, and the last publication on the 23rd day of August, 1972; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this 23rd day of August, 1972

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

November 26, 1982

RE: Permit No. 85-7040

Howard M. Pixley
c/o Elinor LaRoca
Star Route, Box 473
Stites, ID 83552

Dear Mr. Pixley:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED
NOV 27 1982
WATER DIVISION
IDAHO DEPT. OF AGRICULTURE



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 8, 1982

RE: Permit No. 85-7040

Howard M. Pixley
c/o Elinor LaRoca
Star Route, Box 473
Stitts, ID 83552

Dear Mr. Pixley:

A representative of this Department has made an examination of the works covered by your Permit No. 85-7040, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.02 cfs Source: Clearwater River, South Fork

The maximum quantity diverted shall not exceed 3.0 acre feet
per year.

Point(s) of diversion: NW¹/₄NE¹/₄, Sec. 5, Twp. 31N, Rge. 4E, Idaho County

Beneficial use: Irrigation of one acre within the NW¹/₄NE¹/₄, Sec. 5, Twp. 31N,
Rge. 4E

Priority date established: June 29, 1972

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED
OCT 11 1982
WATER RESOURCES
DIVISION

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

85-7040
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed.			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8/31/82 Accompanied by Mr LaRoca Total Q measured _____
If source is surface water, estimate total flow of source _____
Methods of measurement Estimate Meets Permit requirements? Yes

Measurement calculations:

WELL/DIVERSION* NO	HP	MOTOR MAKE	MOTOR SERIAL NO	PUMP MAKE	PUMP SERIAL NO	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV	REMARKS
	1	Wagner		Jacuzzi	3C704015			

System Description pump with pipeline to 1/2 acre of lawn and garden irrigation

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement = <u>3.0</u>		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Irrigation</u>	<u>0.02</u> ✓	<u>3.0</u> ✓	<u>4/1</u>	<u>10/15</u>
Total	<u>0.02</u> ✓	<u>3.0</u> ✓		

Remarks New owner:

Elinora LaRoca
Star Rt Box 473
Idaho, Id

RECEIVED

B
A
T
T
L
E

105

104

103

102

101

100

99

98

Indian City

Wage disposal

Stites

Water Tank

Gas Station

Cottonwood

RIVER

Creek

Dizzy Head

Clearwater
Battlefield

Spring

Mile 5

LEARWATER



85-7040

PAK/PQ

X-85-2163?

Rabbit

TRAIL

FORK

Spring

Three miles

MICROFILMED

SOUTH

Pack Area

Spring

Spring

10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

April 5, 1982

Ellenore La Rocha
Star Rt Box 473

Ms. Ethel Pixley
P. O. Box 170
Stites, Id. 83552

RE: 85-7040

Dear Ms. Pixley:

The final stage of the permit process is the issuance of a License which is prima facie evidence of a Water Right. Before this license can be issued an examination of the system, while in operation, must be conducted. You may retain the services of a Registered Professional Engineer for this purpose or you may make an appointment with this office to have a representative of this department conduct the examination at your convenience. There is no charge for the representative's services.

Since the system must be in operation during the examination, please contact this office at least two weeks in advance of the date you wish to have the examination conducted.

Sincerely,

Tom D. King
Sr. Water Resource Agent
TDK/rms

MICROFILMED

WATER RIGHT NUMBER 85-7040

WATER RIGHTS EDIT REPORT

10/03/79

PAGE 207

ACT
IGN

OWNER LAST NAME - PIXLEY

FIRST NAME - HOWARD N.

ADDRESS LINE 1 - P.O. BOX 170

CITY - STITES

STATE - ID

SOURCE - CLEARWATER RIVER, SOUTH FORK

TRIBUTARY OF - CLEARWATER RIVER

STAGE - PERMIT

PRIORITY - 07-18-1972

COUNTY - IDAHO

TOTAL DIV. RATE -

.2000CFS

FROM - 04-01 TO - 10-15 USE - IRRIGATION

USE - IRRIGATION

REMARKS - AC. IRR.=10.22.

PLACE OF USE - TWN 31N RNG 04E SEC 05 TRACT NWNE

AC 10

PROOF DUE - 09-01-1977 PERMIT/DENIED - 09-20-1972

PROOF MADE - P

** W ** PROOF DUE YEAR SHOULD NOT BE LESS THAN CURRENT YR.

N DIVERSION MEANS - PUMP.

IDENT. NO. 85-7040

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

1. Original Owner: Howard M. Riley

Present Owner: _____

2. Address: P.O. Box 170

3. City: States State: IN Zip: _____

4. A. Source of Water: Glennwater River, South York

B. Tributary of: *Clearwater River*

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

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

C. Priority Date: 7-18-1972.

D. County: 49

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>NWNE</u>	<u>5</u>	<u>SIN</u>	<u>4E</u>		

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

from 4-1 to 10-15 for HN 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 _____

119K79

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Acc. int. = 14.22.*
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date: 4-1-1977

B. Date Permit Approved or Denied: 9-20-1972

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank): /

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative): *felony*

September 9, 1977

Re: Permit No. 85-7040

Mrs. Ethel L. Pixley
P. O. Box 170
Stites, Idaho 83552

Dear Mrs. Pixley:

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, but 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 regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

Identification No. _____

Permit No. 85-7040

DECEASED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APR 12 1977 OKJ

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder HOWARD M Pixley (Mrs. Ethel Pixley)
b) Post Office Address P.O. Box 170, Stites, Idaho 83552
2. Permit Number 85-7040
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated So. Fork Clearwater River
b) Location of the point of diversion: N.W 1/4 NE 1/4, Section 5
Township 31 North, Range 4E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied.
Amount .20 acre-feet for irrigation purposes from Apr. 1st to Oct. 15th 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 .20 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: No measurement taken
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.
No
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) _____
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: _____

E X 1

9/2/77

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: 20 acre feet 10.22 acres (actually
7 acres irrigated)

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31N	4E	5		10.22															10.22

Total number of acres irrigated 10.22

10. Remarks: _____

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

AUGUST 19, 1977.
(Date)

Ethel A. Jivley
(Signature)

State of IDAHO)
County of NEZ PERCE) ss.

On this 19th day of AUG., 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

J. D. Philborn

Notary Public residing at LEWISTON.

My commission expires 8-17-80

June 30, 1977

CERTIFIED MAIL

138742

Re: Permit No. 85-7040

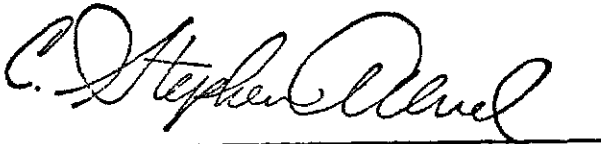
Howard M. Pixley
Box 170
Stites, Idaho 83552

Dear Mr. Pixley:

One of the conditions of approval of your water Permit No. 85-7040 (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 September 1, 1977. 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.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

September 22, 1972

Howard M. Pixley
P.O. Box 170
Stites, Idaho 83552

Dear Mr. Pixley:

Enclosed is a copy of your approved Application for Permit No. 85-7040. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF: cd

Enclosure

85 7040

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>6/28/72</u>	Application No. <u>85-7040</u> Name <u>Howard M. Pixley</u>
(2)			Check: ☐ Signature ☐ Point of Diversion ☐ Quantity of Water and Period of Use ☐ Description of Diverting Works ☐ Time required for C/W and application of water to B/U ☐ Place of Use ☐ Map ☐ Fee
(3)			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.
(5)			In form for advertising _____
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	<u>FE</u>	<u>9/12/72</u>	Action recommended: ☒ Approve Priority <u>8/14/72</u> ☐ Deny Reason for Reduction <u>App not acceptable</u> <u>FE</u> <u>9/12/72</u> See attached sheet for conditions of approval <u>FE</u> <u>9/12/72</u> No conditions for approval
(14)	<u>FE</u>	<u>9/12/72</u>	District <u>Northern</u> By <u>Fred Eganbath</u> Date <u>9/12/72</u> Title <u>Examiner II</u>

85 7040

RECOMMENDEDCONDITIONS OF APPROVAL

☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

September 12, 1972

Re: Application for Permit No. 85-7040

Howard M. Pixley
P.O. Box 170
Stites, ID 83552

Dear Mr. Pixley:

Attached herewith is your receipt No. 9750 in the amount of \$10 for the filing fee on the above referenced application, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

85 7040

August 11, 1972

Re: Application No. 85-7040 - Howard M. Pixley

Idaho County Free Press
Box 267
Grangeville, ID 83530

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
Water Resource Examiner
Northern District

Bill submitted 8-24-72 by CR
85-7040

FE:CR

Enc: Legal Notice

85 7040

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

' THEY GET RESULTS '



TELEPHONES
983-1070 OR 983-1071

"PROMPT SERVICE"

RECEIVED

AUG 24 1972

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18 1886

PRINTERS AND PUBLISHERS

Department of Water Administration
Northern District Office

Grangeville, Idaho 83530 Aug. 23, 1972

State of Idaho
Dept. of Water Administration
401 Front Ave., Rm. 209
Couer d'Alene, Id 83814

DATE	INVOICE NO / ITEMS	AMOUNT
Aug. 16-23	30 lines, 2 times--Not. Applic. #85-7040	\$ 11.10

"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."

IDAHO COUNTY FREE PRESS

BY: Gary D. Cash
Gary D. Cash, Office Mgr.

85 7040

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Howard M. Pixley,

P.O. Box 170, Stites, Idaho

has on August 4, 1972 submitted Application No. 85-7040

for a permit to appropriate 0.20 cubic feet per second ~~XXXXXX feet per second XXXXXX~~

of water from South Fork of Clearwater River

by means of pump and motor

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, B.M., Idaho County

to be used from April 1 to Oct. 15

for the irrigation of 10.22 acres

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, 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 Sept. 2, 1972.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho

on Aug. 16 and Aug. 23, 1972

85 7040

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Howard M. Pixley, P.O. Box 170, Stites, Idaho has on August 4, 1972 submitted Application No. 85-7040 for a permit to appropriate 0.20 cubic feet per second of water from South Fork of Clearwater River by means of pump and motor within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, B.M., Idaho County to be used from April 1 to Oct. 15 for the irrigation of 10.22 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 31N, R. 4E, 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 Sept. 2, 1972.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Aug. 16 and Aug. 23, 1972.

- 430-23

85 7040

O.K.

8-16-72

ck

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
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

July 31, 1972

RECEIVED

AUG 4 1972

Re: Application for Permit No. 85-7040

Department of Water Administration
Northern District Office

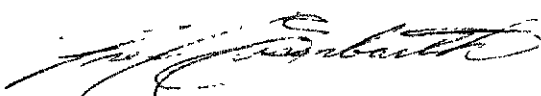
Howard M. Pixley
P.O. Box 170
Stites, ID 83552

Dear Mr. Pixley:

We are once again returning your application for permit for clarification purposes. We are enclosing a map of your proposed project. Please indicate on the map the location of your point of diversion and also the lands you propose to irrigate. This should clarify any questions as to the exact location of your project and assist our Department in the processing of your application.

Please return the application and map as soon as possible, and we shall continue with its processing. Your assistance in this matter is greatly appreciated.

Very truly yours,


Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Application for Permit
Map

the ARROW POINTS
WHERE THE DIVERSION IS TAKEN
FROM THE RIVER 10.22 ACRES
ABOUT $\frac{1}{2}$ ACRE OF THAT LIES ON
SIDE OF THE RIVER.

Howard Pixley
Stites Idaho 83552

85-7040

July 31, 1972

Re: Application for Permit No. 85-7040

Howard M. Pixley
P.O. Box 170
Stites, ID 83552

Dear Mr. Pixley:

We are once again returning your application for permit for clarification purposes. We are enclosing a map of your proposed project. Please indicate on the map the location of your point of diversion and also the lands you propose to irrigate. This should clarify any questions as to the exact location of your project and assist our Department in the processing of your application.

Please return the application and map as soon as possible, and we shall continue with its processing. Your assistance in this matter is greatly appreciated.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Application for Permit
Map

85 7040

July 18, 1972

Howard M. Pixley
P.O. Box 170
Stites, Idaho

Dear Mr. Pixley:

We have taken the liberty of typing your application and ask that you complete several items and return it to us once again.

Item#3--You have listed the point of diversion as located in the SW $\frac{1}{4}$ of Lot #1. If this is a Government Lot please indicate so.

Item #8a1--If the place of use is the same as the point of diversion, please list.

Item #8a4--We need to know the number of families that will be using the domestic water.

Item #8b--You have listed 10.22 acres are to be irrigated. If the water is to be used for irrigation of these acres, you should change item #4 to include irrigation and list the amount of water that will be used for this purpose. Our Department can accept .02cfs per irrigated acre. Please note that if the total amount appropriated is more than .20cfs there will be an additional filing fee. (See enclosed fee schedule)

Please check all items for accuracy and sign at the bottom of page #3 and return the application to our office at your earliest convenience, so that we may start with the processing.

If you should have any questions please feel free to contact us.

Yours very truly,

Fred Eisenbarth
Water Resource Examiner II

825 1261

I just wanted the one
 water right. ~~the~~
 I leased out the water right
 for domestic use.

Forward Pickley
 Little Blaine 5555

RECEIVED

JUL 20 1972

Department of Water Administration

85-7040

85-2040

July 5, 1972

Howard M. Pixley
P.O. Box 170
Stites, Idaho 83552

Dear Mr. Pixley:

We are returning your Check No. 92-308 in the amount of \$10 and also your application for permit.

The Department will process only one source of water supply per application. On this application, you have requested appropriation from the South Fork of the Clearwater River for irrigation purposes, and ground water appropriation for domestic purposes.

We are enclosing an additional form and set of instructions for your use. Please separate the two sources on two separate applications. If we can be of an assistance in completing these forms, please do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor
State Office

DWM:cr

Enc: Check No. 92-308 (\$10.00)
Application for Permit
Application for Permit forms (2)
w/instructions

85 2040

May 22, 1972

Mr. Howard Pixley
Box 170
Stites, Idaho

Dear Mr. Pixley:

Enclosed please find an application for permit to appropriate the public waters of Idaho and a set of instructions for filing the application.

The normal amount allowed equals .02 cubic feet per second per acre irrigated. Fill out all the blanks pertaining to your proposed use, using the instructions as a guide.

If you have any questions, please contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB/b1

Enclosures

85 7070

1880-1910

Stites Idaho

5-18-72

Dear Sir:

I have owned ten acres along the South fork of the Clearwater river, 3 miles South of Stites Idaho, And have lived here since 1945. Would like to get a water right, so I can pump water for irrigation. Would you please let me know as soon as possible

Sincerely yours
Howard Pyley
Stites, Idaho 83552

85 7910

Identification No. _____

Application No. 85-7040

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

JUL 14 1972

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

Department of Water Administration
Northern District Office

- 1 Name of applicant Howard M. Pixley
post office address P.O. Box 170 Stites, Idaho Phone WA 6-7537
- 2 Source of water supply River for irrigation (S. fork) which is a tributary of Clearwater
- 3 a Location of point of diversion is SW $\frac{1}{4}$ of Lot 1 ~~SW~~ of Section 5 Township 31
Range 4E B.M. Idaho 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 0.02 for Domestic purpose from Jan. 1 to Dec. 31 (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 0.02 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. Pump-

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 2 years
b Estimated construction cost is \$ _____.
- 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 7040

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

85 70.2

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	
31N	4E	5																	10.32 acres

Total number of acres to be irrigated 10.32

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 HOWARD M Pixley

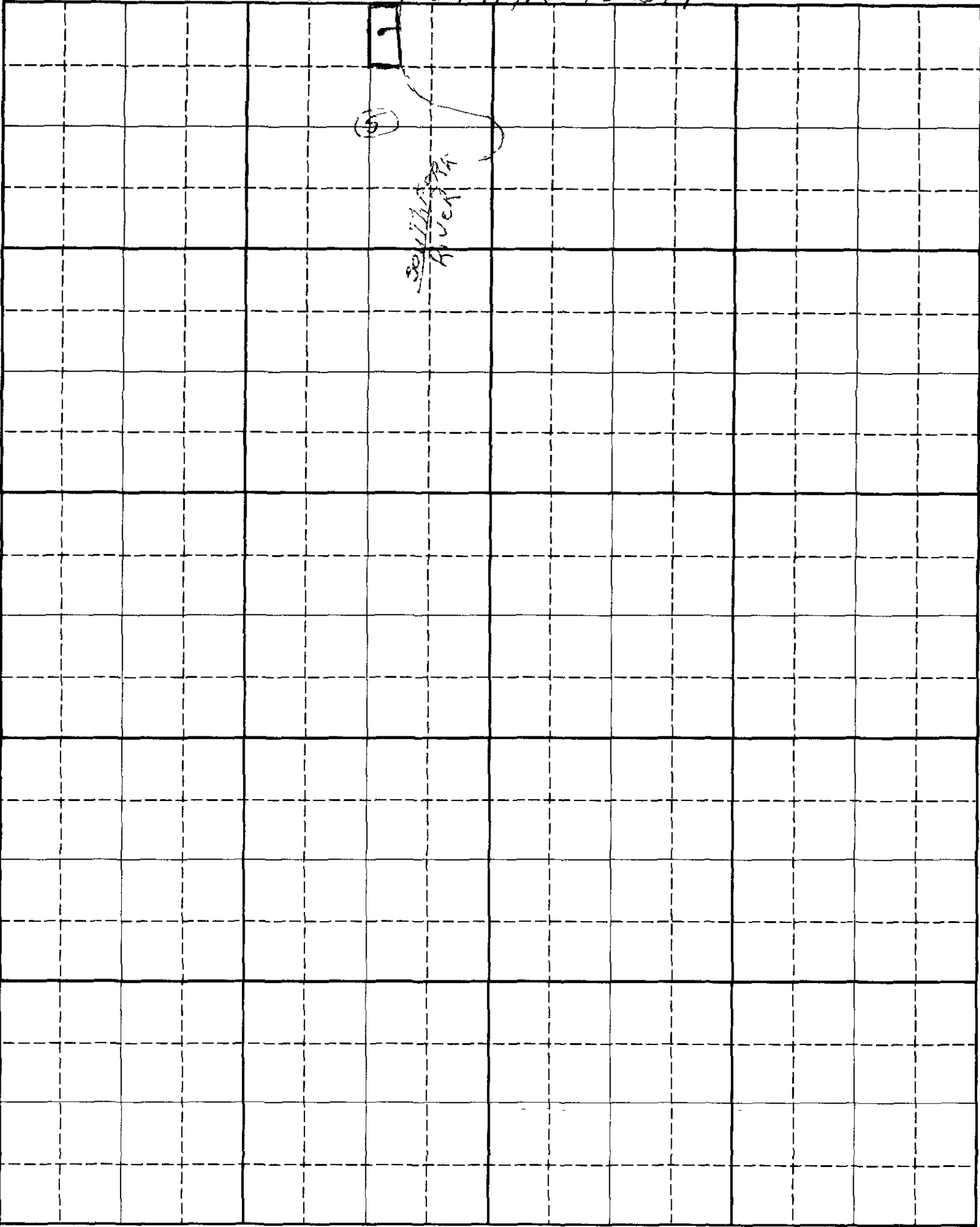
b. Who owns the land to be irrigated or place of use HOWARD M. Pixley

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.

TW 31 N, R 4 E B M



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.

Howard M. Pyle
(Applicant)
85

Received by ij Date 7-12-72 6-29-72 Time 10:30 A
Preliminary check by D Fee \$ 10⁰⁰
Receipted by EJ Date 7-10-72
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 12010

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