

7

MICROFILMED
APR 14 1999

Point of diversion

Past and present
use of irrigation
water.

River

Clearwater

APR 14 1999

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N.

R 1 - W
T. 36 N
lots 3 & 4

The irrigated portion of this property, "highlighted," was used for pasture and hay production from 1958 until 1968. From 1968 until the present the irrigated area has been nursery stock and Christmas trees.

Highlighted area under irrigation
starting in 1958 using portable
hand lines and or ram guns.

Approx Center
Section 3

Point of diversion

River

Future use of
irrigation water

Cleawater

Driving Range

R 1 - W
T. 36 N
Lots 3 & 4

Highlighted area includes the Golf Course to be
watched from settling ponds "blue" The
water having been pumped from the
River at the original point of
diversion

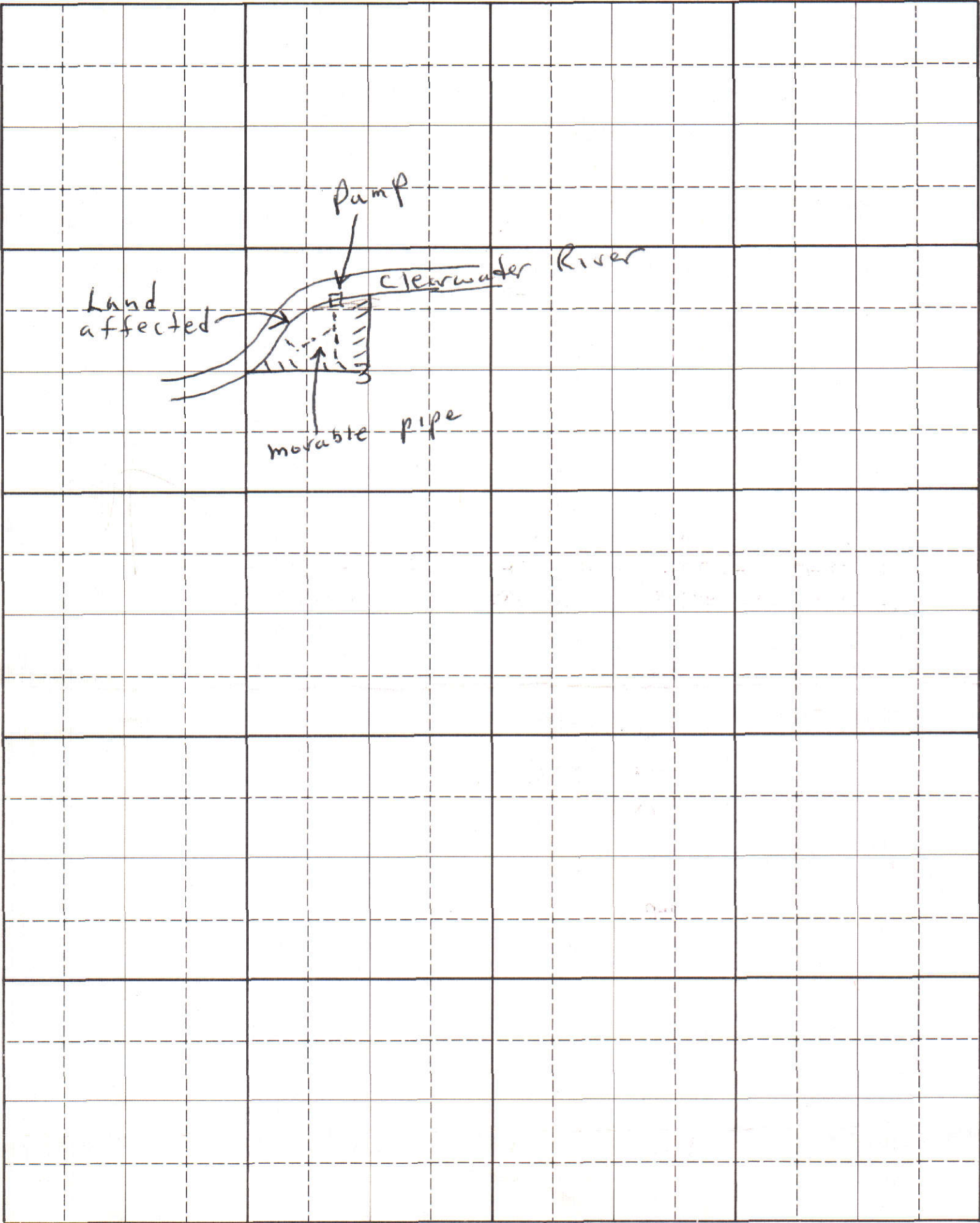
← Approx Center
Section 3

APR 14 1939

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11. Map of proposed project:



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.

John C. Taylor
(Applicant)

85-7013

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER

NOTICE IS HEREBY GIVEN that John C. Kayler, Route 2, Lenore, Idaho has on July 17, 1969 applied for permit under application No. 85-7013 to divert .8 cubic feet per second of water from Clearwater River tributary of Snake River.

Water will be diverted by pump, pipe, sprinkler system within the SE 1/4 NW1/4, Sec. 3, T. 36 N, R. 1 W, B. M., Nez Perce County and is to be used from March 15 to October 15 for irrigation in the SE1/4 NW1/4, Sec. 3, T. 36 N, R. 1 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Lewiston Morning Tribune, Lewiston, Idaho, on July 31 and August 7, 1969.

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 31st day of July, A. D. 1969, and the last publication thereof being on the 7th day of August, A. D. 1969, 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

7th day of August, 1969.

Paulitta J. Klatt 5-5-71

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

*Bill submitted
8-5-69 du*

85-7013

Rge - 1W

T
36
N

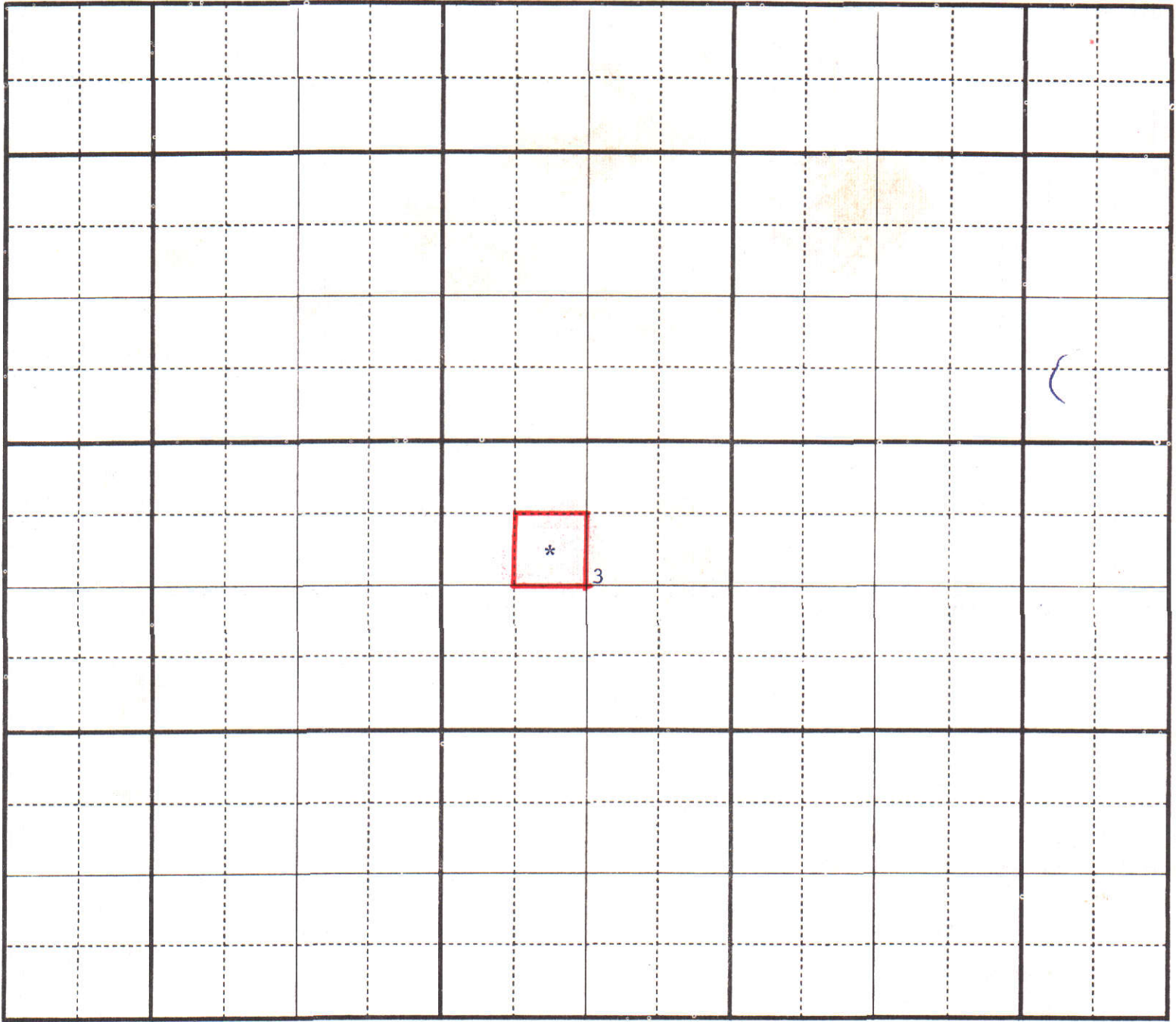


Diagram of System

40 acres
1.2
8

GL3(SWNNW) = 11
GL4(NENW) = 11
SENNW = 18
40

1979 FLIGHT

1979 FLIGHT
SHOWING

T.36N., R.1W, Sec.3

GL3(SWNNW) 11 ACRES

GL4(NENW) 11 ACRES

SENNW 18 ACRES

TOTAL 40 ACRES

SCALE 1" = 660'

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APR 14 1999

Examiner

85-7161
85-7013
Tom D. King

CENTER
SEC 3
T 36 N
R 1 W

Identification No. 85-7013

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 9 1974
late
Department of Water Resources

1. a) Name of Permit Holder JOHN C. KAYLER
b) Post Office Address Route 2, Lenore, Idaho 83541
2. Permit Number 85-7013
3. Date of Priority that you are prepared to establish 7/17/69
4. a) Source from which water was appropriated CLEARWATER RIVER
b) Location of the point of diversion: SE $\frac{1}{4}$ HW $\frac{1}{4}$ Section 5
Township 36 North, Range 1. W Boise Meridian, Other points of diversion: _____
none

5. a) The amount of water and use to which the water has been applied:
amount 0.578016(cfs) for IRRIGATION purposes from March 1, to Sept 30 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 0.578016 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: DETERMINATION MADE ON BASIS OF NUMBER OF RAINBIRD SPRINKLERS IN USE, SIZE OF NOZZLE AND AREA COVERED. U. S. D. A. S. C. S. LEWISTON IDAHO NOTE: WILL ACQUIRE AND INSTALL MEASURING DEVICE AS SOON AS POSSIBLE.

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) 20 h. p. centrifical pump. 5 inch intake pipe 5 inch takeout pipe connects to hand movable system of aluminum pipes serving up to 50 (maximum) 30 (minimum) average 40 rainbirds

b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE, DETERMINATION OF USE DESCRIBED IN 5c.

c) Give well drillers name and address and date the well was completed _____

Exam typed 9/13/74 by JP

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5249
WATER RIGHT NO. 85-07013

This is to certify that: **JOHN C KAYLER**
PO BOX 157
PECK ID 83545

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/30	0.71 CFS	123.6 AF
AESTHETIC STORAGE	01/01 to 12/31		4.7 AF
DIVERSION TO STORA	01/01 to 12/31	0.80 CFS	
	Totals	0.80 CFS	128.3 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
CLEARWATER RIVER	SNAKE RIVER

Priority: 07/25/1969

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NENW), Sec. 3, Township 36N, Range 01W
NEZ PERCE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
36N	01W	3	Lot 4(NENW) 15.0	Lot 3(SWNW) 10.3	SENW 10.0	35.3
Total number of acres irrigated:						35.3

PLACE OF USE: AESTHETIC STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
36N	01W	3

Lot 4(NENW)

CONDITIONS OF APPROVAL AND REMARKS

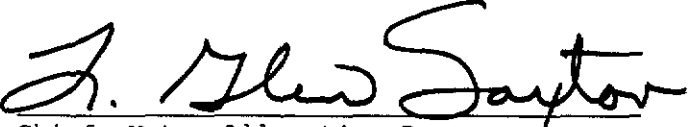
1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 5249
WATER RIGHT NO. 85-07013

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 14th day of October, 1998


Chief, Water Allocation Bureau

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. 5249
RECEIVED
JUL 08 1998

Name of Applicant John C. Kayler Department of Water Resources
Phone 208-486-6841
Postal address P.O. Box 157 City Peck St ID Zip 83545

A. PURPOSE OF THE TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe reason for the proposed changes: PROPERTY WILL BE CHANGED FROM TREE FARM TO GOLF COURSE. 2 PONDS WILL BE DEVELOPED FOR SETTLING WATER PRIOR TO IRRIGATION AND AESTHETIC PURPOSES

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☒ see Attachment PART 3)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>A85-07013</u>	<u>7/25/69</u>	<u>.80</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>10/15</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total diversion rate/volume being transferred: _____ cfs and/or _____ ac-ft per annum

3. Source of water: Clearwater River tributary to: Snake River (or ☐ see Attachment PART 3)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>36N</u>	<u>1W</u>	<u>3</u>	<u>NE</u>	<u>NW</u>		<u>4</u>	<u>Noz Perce</u>	<u>Close To Harpers Bend</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>36N</u>	<u>1W</u>	<u>3</u>					<u>15</u>		<u>103.10</u>										<u>35.3</u>
							<u>5.4</u>		<u>5.3</u>										

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

Total acres 35.3

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): attachedb. Remarks (or ☐ see Attachment _____):

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? _____ Yes ☒ No
If yes, please complete Part 2, item 6.Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? _____ Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

☒ John C. Kaylee
(Signature and Title of Applicant)

Subscribed and sworn before me on this 4th day of April, 19 98.

Allen Bondh
(Signature of Notary Public)

My commission expires: 8/8/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AB Date 4/3/98 Fee \$100.00Received by CO Date 4/3/98 # NO11939

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN C. KAYLER LENORE ID	07/25/1969	IRRIGATION	03/15 10/15	0.800 CFS	120.00 AFA
TOTAL DIVERSION:					0.800 CFS	120.00 AFA

Water Source: CLEARWATER RIVER Tributary to: SNAKE RIVER Stage: LICENSE
 Point(s) of Diversion: T36N R01W S03 SENW NEZ PERCE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
36N	01W	3	:				40	:				:				40.0
TOTAL ACRES															40.0	

Pou County: NEZ PERCE

Conditions of Approval:

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

Dates: App. Received: Priority Date: 07/25/1969
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date: 10/11/1979

Misc: Water District Number: Field Exam Fee:

Audit: 03/12/85 05/14/88 CONVERT 04/15/98 DBALL

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN C KAYLER BOX 157 PECK ID 83545 (208) 486-6841	07/25/1969	IRRIGATION	03-15 10-15	0.80 CFS	120.00 AFA
TOTAL DIVERSION:					0.80 CFS	120.00 AFA
CONSUMPTIVE USE:						120.00 AFA

Water Source: CLEARWATER RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T36N R01W S03 SENW NEZ PERCE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
36N	01W	3	:				40	:				:				40.0
TOTAL ACRES															40.0	

POU County: NEZ PERCE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
 Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by

- a Decree No _____ Decreed to _____
in case of _____ vs _____
dated _____ in _____ county of _____
- b License No _____ issued by the Idaho Department of Water Resources
- c Claim No _____ on file with the Idaho Department of Water Resources
- d Transfer No _____ which produced this right

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership Label document as attachment A. Check appropriate box below

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3 Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6 Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion

8 Lands irrigated or place of use

Twp	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above N/A

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED - *using/transferring all of CR.*
(If the entire right is to be changed by the applicant, omit part B and C)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

Twp	Rge	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

Twp	Rge	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	

Total acres _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- _____ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- N/A 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- ✓ 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- ✓ a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- ✓ b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- ✓ c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- ✓ 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
- N/A 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- ✓ 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- ✓ 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

- ✓ a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- ? b) pump power records
- N/A c) water master records and/or comments if use is within a water district
- N/A d) irrigation crop reports
- ? e) reports from other government agencies and/or qualified consultants
- ? f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- N/A g) describe any defenses to forfeiture - CRP, extension of time, etc
- ? h) other....list other verification documentation for the water right below:

LETTER FROM CLEARWATER POWER COMPANY + ACCOUNT STATEMENT.

10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

11. Identify any other documentation that clarifies the transfer application:

Key Pierce Co. Planning & Zoning Commission

Bids on new irrigation system

MIL-111
APR 14 1962

APPLICATION FOR TRANSFER OF WATER RIGHT

CHANGE IN NATURE OF USE DESCRIPTION

PART 3

A. CHANGE IN NATURE OF USE

1.	New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
55	DIVERSION TO STORAGE	1/1 -- 12/31	0.80	120.00	
02	STORAGE FOR IRRIGATION	3/15 to 1/15		4.68	36
03	IRRIGATION FROM STORAGE	3/15 to 1/15		4.68	
53	STORAGE FOR AESTHETICS	1/1 to 12/31		4.68	
01	IRRIGATION	3/15 to 1/15	0.80		

0.80

120.0

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.

3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

attached design

water volume needed per acre use during peak demand
360,000 gal

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

N/A

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

N/A

TO WHOM IT MAY CONCERN

To the best of my knowledge, the Kayler family has been diverting water from the Clearwater River for irrigation purposes continuously since mid 1950's. At that time the irrigation water was used to produce pasture and hay for a Dairy Farm operation. In the late 1960's the Dairy was discontinued and replaced with a Tree Farm and Nursery, using the same irrigation system that it is today.

SIGNED:

NAME: Clifford E. SmithADDRESS: Box 67Peach, Id 83545

COMMENTS:

I have known John since the
Mid 40's and he is a well thought
of and very conscientious person. I also
remember him using water from the Clear
water for irrigation in the operation of his
dairy farm in the 50's.

100-1-1073
JPC 14 1973

TO WHOM IT MAY CONCERN

To the best of my knowledge, the Kayler family has been diverting water from the Clearwater River for irrigation purposes continuously since mid 1950's. At that time the irrigation water was used to produce pasture and hay for a Dairy Farm operation. In the late 1960's the DAiry was discontinued and replaced with a Tree Farm and Nursery, using the same irrigation system that it is today.

SIGNED:

NAME: Betty GreeneADDRESS: Box 02Peck, ID 83545

COMMENTS:

APR 14 1998

LOGICAL SURVEY

STON 30 MI
DING 18 MI
540000m E

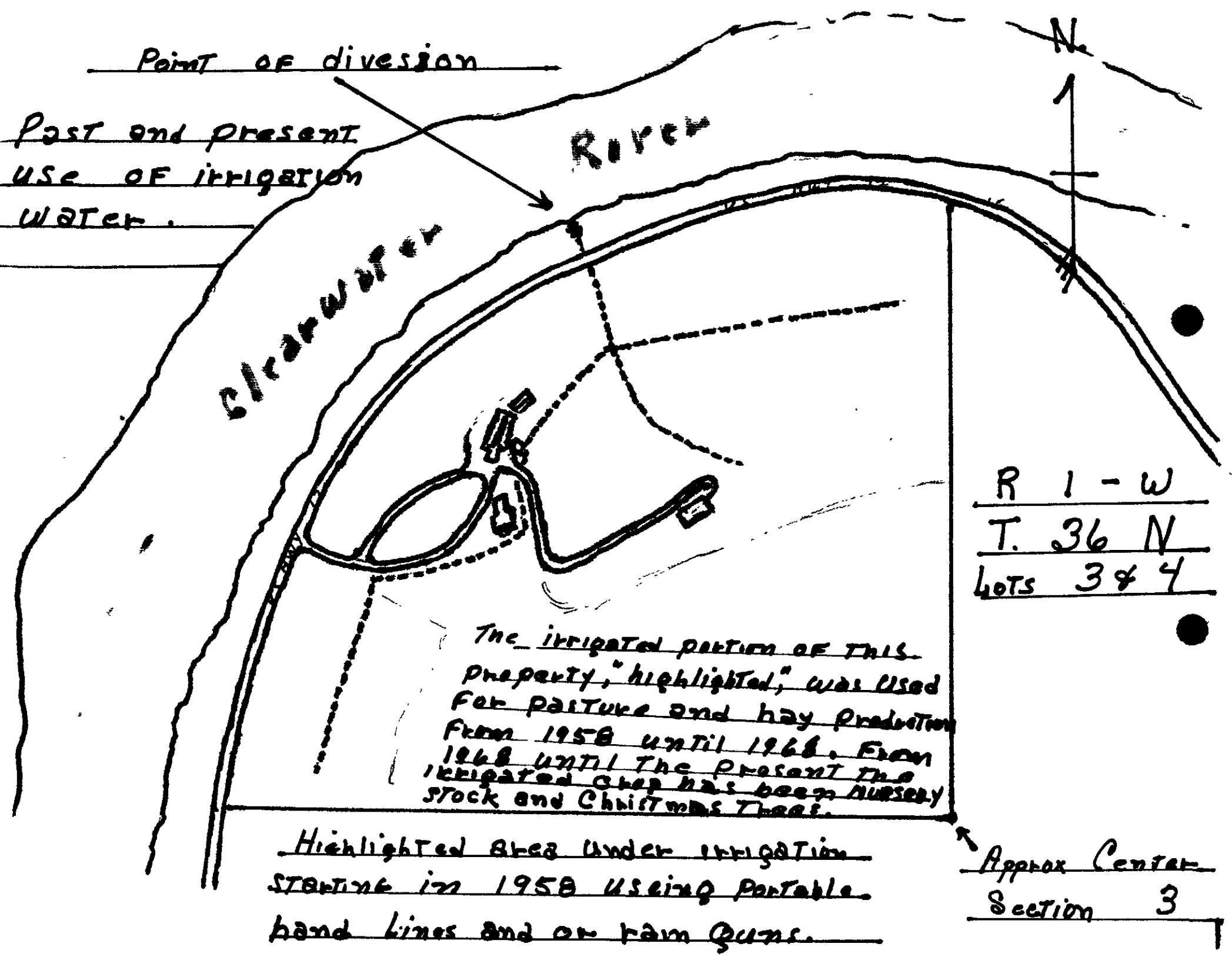
1/2 Mile 32



Township 36 North
Range 1 West
Section 3
• Point of Diversion

Kayler Property
includes S.E 1/4 N.W 1/4
Lots 3 & 4

← 2 →



Point of diversion

River

Future use of
irrigation water

Clemente

Driving Range

R 1 - W
T. 36 N
Lots 3 & 4

Highlighted area includes the Golf Course to be
watered from settling ponds "blue" the
water having been pumped from the
river at the original point of
diversion

Approx Center
Section 3

NOTE AERIAL PHOTO:

The existing system starting at point A, consists of the following. A 20 H.P. centrifugal pump with a 5 inch intake pipe and a 5 inch aluminum out pipe, crossing U.S. Highway 12 via culvert, then reducing to 4 inch pipes at a three way tee located at point B. The 4 inch pipes extend in three directions from that point to supply water to the Nursery seed beds and Christmas trees irrigated with Nelson rain guns and hand lines of 3 or 2 inch aluminum pipe with small impact sprinklers. The main lines consist of aluminum or P.V.C. pipe. The aluminum is on the surface. For the most part the hand lines run perpendicular to the main lines. The line extending from point B, in the direction of the residence has been disassembled. Diversion from the Clearwater River, a tributary of the Snake River, at point A is located at the bed of the river adjacent to lot 4, Section 3, Township 36 North, Range 1 West, Northwest of Hwy 12 at the 34.3 mile location.

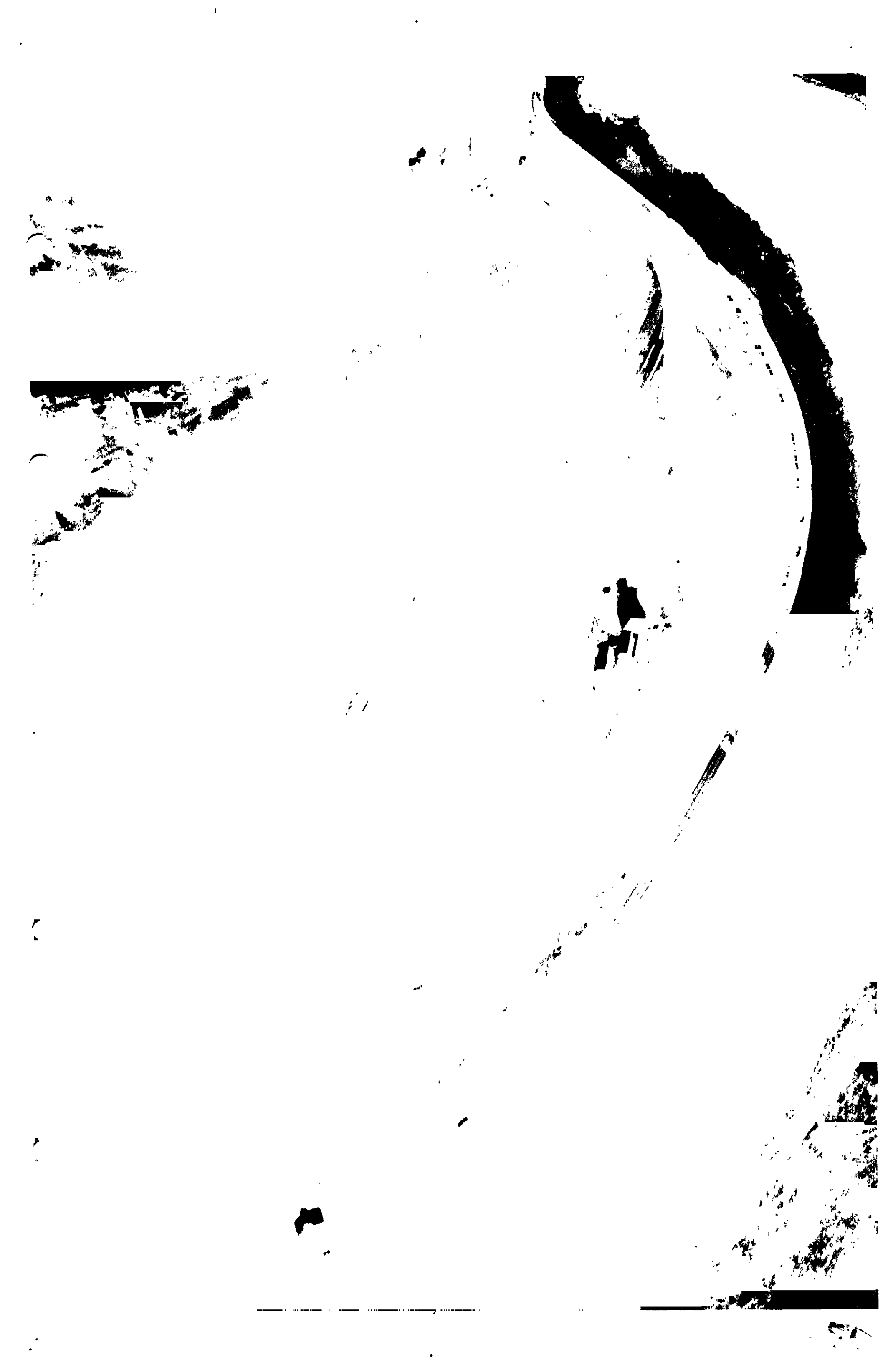
PROPOSED CHANGES:

At point C, the construction of two ponds, each with a surface area of 17,000 square feet and a depth of 6 feet. The ponds are to be connected with a 6 or 8 inch pipe to allow water to flow freely from one to the other. Water pumped through the existing system will be diverted into pond No. 1 (1) the water will then flow through the connecting pipe into pond No. 2 (2), thus allowing any debris from the river to settle in pond No. (1). The result will provide clean water to be diverted from pond No. (2) to the golf course pumping unit located at the west end of that pond. The hand line watering system will be discontinued and replaced with an underground automated system, Mfg. as of yet to be determined, for the purpose of watering fairways, tee's and green's. One exception will be that area occupied by the driving range at point D, this area will continue to be watered by movable sprinklers.

During maximum use, the automated system under consideration will put out 360,000 gallons during a 24 hour period. The two ponds @17,000 square feet surface or a total of 34,000 square feet, when full will contain 1,440,000 gallons. We project this to be a sufficient quantity to water the golf course for approximately 4 days in the event of a diversion pump break down, or during a period of abnormally dirty water at the source.

The nine hole golf course will be approximately 2762 yards in length with the fairways averaging 50 yards in width, equaling 29 acres, plus from $2\frac{1}{2}$ to 3 acres for driving range to total a maximum of 32 acres. We will be watering basically same area that we have been for the past 30 years. We project that our total water usage will be within our current water right limitations with some latitude to expand the system into other small areas should the need arise.

Golf Course Plan
+ photo/diagram



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7013 Priority July 25, 1969 Amount 0.80 cfs
(late proof)

THIS IS TO CERTIFY, that JOHN C. KAYLER
of Lenore, Idaho, has complied with the terms and conditions of Permit
No 85-7013 issued pursuant to Application for Permit dated July 17, 1969,
and has submitted proof to the Department of Water Resources on September 9, 1974,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 1.47 cfs of water from Clearwater River,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>October 15</u>	at <u>0.80</u> cfs and	<u>120</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 0.80 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
120 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 36N,
Rge. 1W, B. M. in the County of Nez Perce

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 $\frac{1}{4}$	
36N	1W	3							40										40

Total number of acres irrigated 40

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

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 10 day of
April, 19 78.


Director

MAKE CHECK PAYABLE TO:
 ENA M CRISP, TAX COLLECTOR
 EZ PERCE COUNTY
 P.O. BOX 22
 EWINSTON, IDAHO 83501

1997 TAX BILL/RECEIPT

PARCEL NUMBER
 R236NC1W032-75A

BILL# 21900 CODE AREA 56-05

L 43.305
 I 86.960

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	130,263
AX 451.61	TAX 451.61	TAX 903.22	HM-	33,446
ATE	LATE		V	96,817
NT	INT			
OST	COST		ACS	72,750
OT	TOT	TOT		

KAYLER JOHN C
 P O BOX 157
 PERK

ID 83545

734.00
 LOTS 3 GENW
 (EXC #6902 HERKIDOF)

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.002269133	219.80
SCH DIST 171	.004684630	453.54
GENERAL ROAD	.001006542	97.44
FED/ST BRIDGE	.000045067	4.36
BIG CAN FIRE	.001151619	61.62
PORT DISTRICT	.000269796	26.12
NP/LEWIS LIBR	.000185676	17.98
SW/LANDFILL	.000000000	
DISTRICT TOTAL	.009612463	880.74
FOREST PROTECT		21.24
FEE		1.24
AMOUNT DUE		903.22

APR 14 1999

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 85-7013

in the name of JOHN C. KAYLER

ORDER OF REINSTATEMENT

WHEREAS, on July 17, 1969, John C. Kayler applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate .8 cubic feet per second of water from the Clearwater River, tributary to the Snake River, within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 36N, Rge. 1W, B.M., Nez Perce County, to be used for irrigation purposes; and,

WHEREAS, on September 15, 1969, the Department approved said application and issued Permit No. 85-7013 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1974; and,

WHEREAS, on July 1, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 4, 1974, the Department notified the permit holder that Permit No. 85-7013 had lapsed for failure to submit the required proof of beneficial use; and,

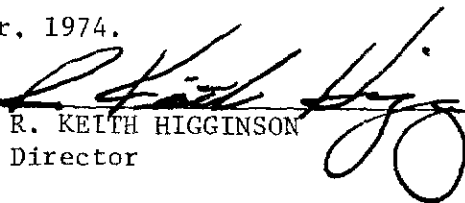
WHEREAS, on September 9, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 85-7013 be REINSTATED and the priority advanced to July 25, 1969.

Dated this 12 day of September, 1974.


R. KEITH HIGGINSON
Director

JG

MICROFILMED

Identification No. 85-7013
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant JOHN C. KAYLER
post office address Route 2, Lenore, Idaho 83541
- 2 Source of water supply Clearwater River which is a tributary of Snake River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 36 North
Range 1 W. B.M. Nez Perce County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into same as above at a point in $\frac{1}{4}$ of $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
- 4 Quantity to be appropriated:
 - a. .8 cubic feet per second and/or
 - b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes.
Irrigation purpose from March 15 to October 15 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
 - a Description of ditches, flumes, pumps, headgates, etc. 20 h.p. centrifical pump. 5 inch intake pipe-5 inch takeout pipe connects to hand movable system of aluminum pipes serving fifty rainbirds (No. 30), approximately 35 of which are run at any given time. System to be enlarged and permanent installation made
 - b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
 - 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 \$ 5,000.00
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 _____

85-7013

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	1WBM	3								X									40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes None , except see 10 below.

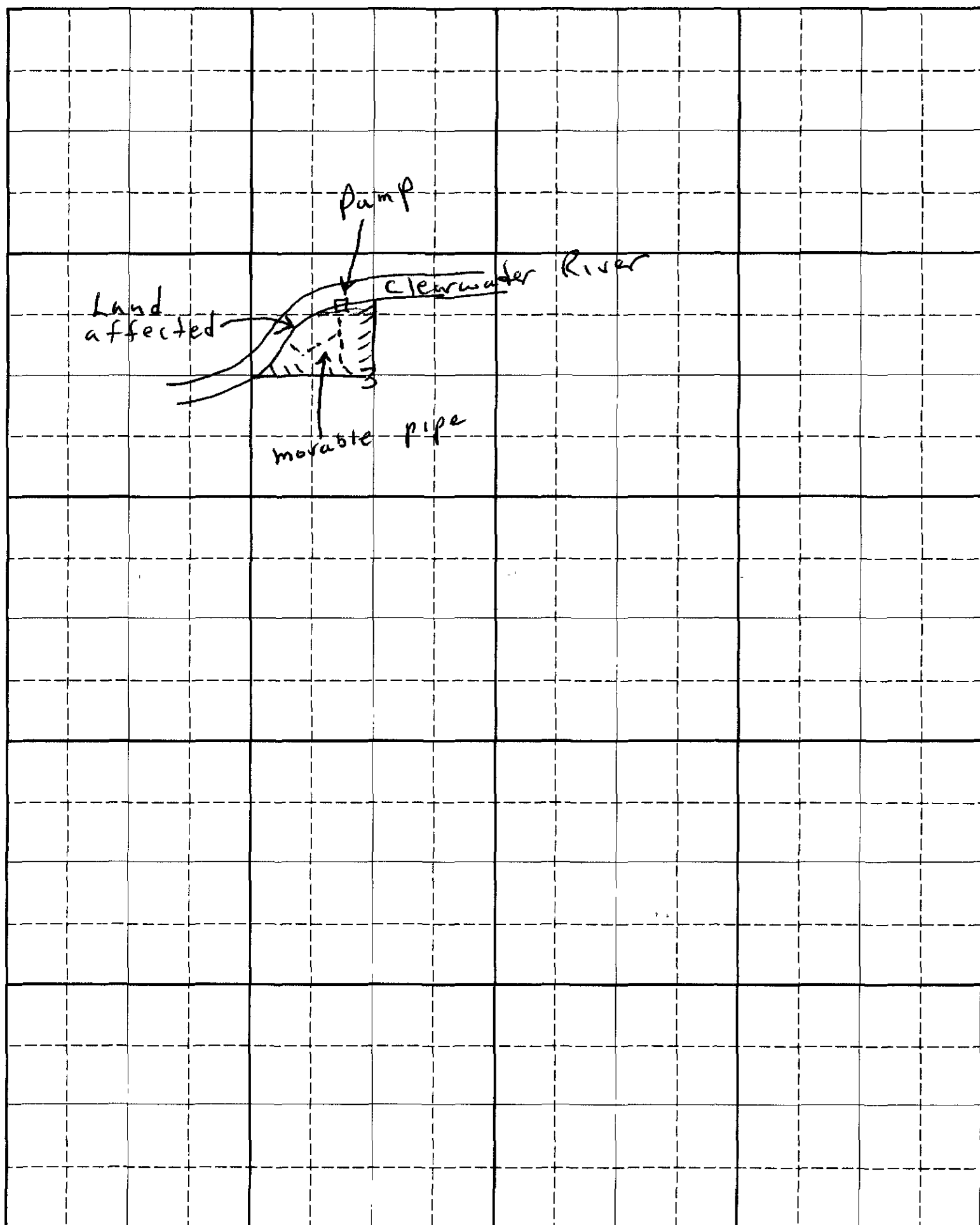
9. a. Who owns the property at the point of diversion John C. Kayler

b. Who owns the land to be irrigated or place of use John C. Kayler

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 Applicant claims a right for waters from the Clearwater River from the general point of diversion by common law appropriation and application to beneficial use, and this application for water permit is made without prejudice to applicant's existing water rights.

11. Map of proposed project.



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.

John C. Taylor
(Applicant)

85-1013

Received by ej Date 7-17-69 Time 9:00
Preliminary check by 20⁰⁰ Fee \$ 20⁰⁰ 7-18-69
Receipted by ej Date 7-18-69
Publication prepared by g Date 7-29-69
Published in Lincoln Morning Star
Publication dates 7-31 and 8-7, 1969
Publication approved ty Date 7-28-69
Priority reduced to _____ Reason _____

Protests filed by None

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

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 85-7013, 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, 19 74.
 - c. Other: The applicant shall permanently install and maintain a permanent measuring device of a type approved by the department as part of his diverting works.

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

Witness my hand this 15th day of September 19 69.

R. Kirk Higgins
State Reclamation Engineer

LAW OFFICES OF
BLAKE, FEENEY AND MOSMAN

WYNNE M BLAKE
THOMAS W FEENEY
ROY E MOSMAN

1901 IDAHO STREET
P O DRAWER 285
LEWISTON, IDAHO 83501

TELEPHONE 743-9516
AREA CODE 208

July 16, 1969

RECEIVED

JUL 17 1969

Department of Reclamation

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

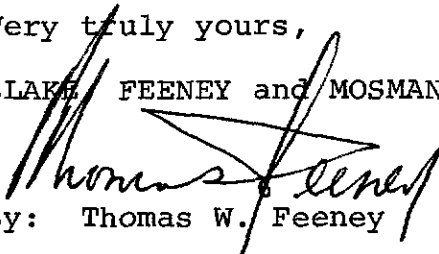
Gentlemen:

Enclosed herewith please find the application of our client John C. Kayler for water permit together with our check in the amount of \$20.00 for filing fee.

Please advise if this application is not in proper form, or if you have any further requirements in connection therewith.

Very truly yours,

BLAKE, FEENEY and MOSMAN


By: Thomas W. Feeny

TWF:gj
enc.
cc - John Kayler

Certified Mail
Return Receipt Requested

85-1013

PLEASE DETACH BEFORE DEPOSITING

PERIOD ENDING	HOURS		RATE		EARNINGS			F. O. A. S.	FEDERAL W'NLS	STATE W'NLS		MISC. OR ADVANCES	NET AMOUNT OF CHECK
	REG.	O. T.	REG.	O. T.		O. T.	TOTAL						
	INVOICE DATE				DESCRIPTION								
					John C. Kayler - Application for Water Permit								

PRINTCRAFT

LAW OFFICES OF
BLAKE, FEENEY AND MOSMAN
LEWISTON, IDAHO

85-7013

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER

NOTICE IS HEREBY GIVEN that John C. Kayler, Route 2, Lenore, Idaho has on July 17, 1969 applied for permit under application No. 85-7013 to divert .8 cubic feet per second of water from Clearwater River tributary of Snake River.

Water will be diverted by pump, pipe, sprinkler system within the SE 1/4 NW 1/4, Sec. 3, T. 36 N., R. 1 W., B. M., Nez Perce County and is to be used from March 15 to October 15 for irrigation in the SE 1/4 NW 1/4, Sec. 3, T. 36 N., R. 1 W., B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Lewiston Morning Tribune, Lewiston, Idaho, on July 31 and August 7, 1969

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

D. V. 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 31st day of July, A. D. 1969, and the last publication thereof being on the 7th day of August, A. D. 1969, 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. V. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

7th day of August, 1969

Paulitta J. Klatt 5-5-71

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

85-7013



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN C KAYLER
PO BOX 157
PECK ID 83545-0157

RE: Water Right 85-07013 (Transfer 5249)

Dear Mr. Kayler:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5249). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

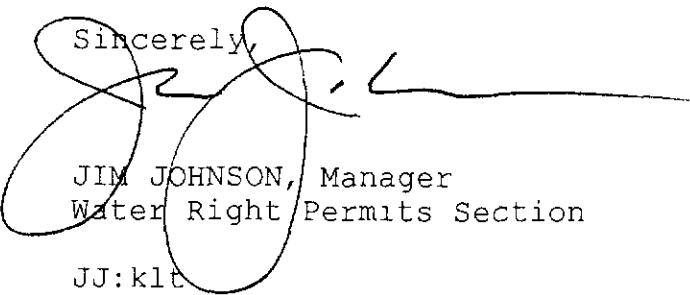
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

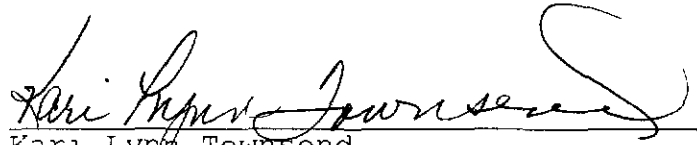
JJ:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 85-07013 (Transfer 5249)

JOHN C KAYLER
PO BOX 157
PECK ID 83545-0157


Karl Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: File 85-07013

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5249 *ck*

DATE: October 8, 1998

=====

Transfer 5249 changes the point of diversion, place, nature and season of use under Right 85-07013. The applicant is proposing to build a golf course on his property. The plan includes two ponds to provide aesthetic storage and act as settling ponds for the irrigation system.

The applicant is removing a total of 4.7 acres from irrigation, while only 1.3 acres would be required to provide for the ponds. I spoke with the applicant and he said that the system as planned will irrigate a maximum of 35.3 acres. The point of diversion was changed to correct the legal description of the original point of diversion and the irrigated acres arranged to cover the planned course. The change from a tree farm to golf course will reduce the total consumptive use.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include measuring device, future annual reporting, irrigation overlap and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div Vol /C U Vol</u>
Before	0.80 cfs	IRR	40.0 acres	140.0 afa/100.0 afa
After	0.71 cfs	IRR	35.3 acres	123.6 afa/ 88.3 afa
	-----	AES STOR	-----	4.7 afa/ 2.0 afa
	<u>0.80 cfs</u>	<u>DIV STOR</u>	<u>-----</u>	<u>-----</u>
	0.80 cfs		35.3 acres	128.3 afa/ 90.3 afa

2 ponds @ 17,000 sq ft each & 6 ft deep = 0.8 acre surface area & 4.7 af volume
0.8 acre x 2.5 af/acre = 2.0 af C U Vol 4.7 af / 3.5 af/acre = 1.3 acres out

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5249

Date Reviewed 10-07-98

Right(s) 85-07013

☒ WRQ/Split Summary ☒ No Activity SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

☒ Other

H:Change P/D & Add P/D

I:Change P/D & P/U

P/U, P/D, Nature
+ Season

J:Add P/D & Change P/U

Proof of Ownership 97 tax notice - identifies Govt. lots 3 & 4 & SENU
72 Acres

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

IRR	35.3 Acres	.71 cfs	123.6 afu / 88.3 afu
AES STORAGE	(1.3 of 4.7 Acres)	—	4.7 afu / 2.0 afu
DEV to STORAGE		.80 cfs	
		.80 cfs	128.3 afu / 90.3 afu

Check Transfer Against Recorded Right

Season/Vol. E / 3.5

(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☐ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NO Water District (12) yes Pertinent Conditions (13) NO Expansion
MD Reduced C.U. Vol.

(2) Change 1.3 acres required + 4.7 total acres retired from IRR to develop a golf course + ponds for AES use & part of the diversion system.

(3) Standard IRR season 3-1 to 11-30. Year round storage use.

(4) $IRR = .02 \text{ cfs} \times 35.3 = .71 \text{ cfs}$

(5) Adjust Volume to current standard $3.5 \text{ afu/acre} = 35.3 \times 3.5 = 123.6 \text{ afu}$

(7) Correct legal P/D NENW instead of SENU

(8) Change IRR P/U Ponds-AES STOR in NENW per photo & map.

3-17-98 Nez Perce Co Planning & Zoning approved conditional use permit for golf course.
Clearwater Power Co. confirms power use for IRR from Clearwater since 1958.
3-3-98 Letter

Transfer Remarks Modified OIM

Conditions R01, R163, T07, T08, T09

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

10-14-98

* Spoke to Mr. Kaylor by telephone 10-8-98. No changes to proposal 35.3 total acres irr.

2 Ponds - 17,000 sq ft each = 34,000 sq ft surface area = .8 acre
34,000 x 6 ft depth = 4.7 at pond volume / 3.5 = 1.3 acre
C.U. ponds = .8 x 2.5 = 2.0 acft
1.3 x 2.5 = 3.3 acft

1.3 Acres out to provide 4.7 at pond volume + more than 2.0 at C.U. Vol.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
8507013	T36N R01W S 3 CLEARWATER RIVER																	40
8504098	BIG CANYON															08-08		8
A8504098	BIG CANYON															08-08		8
8504229	CLEARWATER											10-12						12
A8504229	CLEARWATER							04				10-04						8
8504468	BIG CANYON															04		4
A8504468	BIG CANYON															04		4
A8507013	CLEARWATER									40								40
T8507013	CLEARWATER							04-15		03-10		10						35
8507312	GROUNDWATE															03		3
A8507312	GROUNDWATE															03		3
R8507312	GROUNDWATE															08-03		3
8507353	BIG CANYON																01	1
A8507353	BIG CANYON																01	1
A8511194	GROUNDWATE				02													2
NO MAPPING INFO AVAILABLE																		

No Overlap

SPLIT RIGHT SUMMARY

10/7/98

TRANSFER 5249

D-0611-2 Basin: 85 Starting Water Right: 07013

S			O					S
E	Water	Name	W	Priority	STG/		Use	Y
L	Right No.	Last, First	N	Date	STS	Source	Desc	S
-	85-07013	KAYLER, JOHN C.	C	07/25/1969	L/	CLEARWATER RIVER	IRR	WR
-	T85-07013			07/25/1969	L/	CLEARWATER RIVER	IRR	WR
-							IRR S	
-							IRR FS	
-							AES S	
-							DIV S	
-	A85-07013	KAYLER, JOHN C	C	07/25/1969	L/	CLEARWATER RIVER	IRR	AJ
-								
-								

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

5249

INITIAL REVIEW BY: AB

1. Right number _____ Applicant KAYLER
2. Type of right: ☐ Decree ☒ License ☒ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Other NATURE OF USE
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

Electronically Transferred to Vault
5/15/98 db

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve 6/23/98 AB RHT
2. ☐ Deny
3. Conditions* _____

RECEIVED

JUL 08 1998

Department of Water Resources

4. By _____ Date _____

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/14/98INVOICE NO 173163Account No 964750Description 173163NOTICEOFPROPOSEDTimes 2Lines 25

Tab Lines _____

\$ 75.00**LEGAL ADVERTISING
INVOICE**

SOLD TO ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD STE 210
COEUR D'AL ID 83814

RECEIVED
MAY 18 1998
NORTHERN REGION
IDWR

NOTICE This is an invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk 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 newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 173163NOTICEOFP attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s) Publication being on 05/07, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 05/07/98, and the last publication thereof being on the 05/14/98, and said 173163NOTICEOFP was so published in the regular and entire issue of said newspaper and was 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.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15day of May 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

173163

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 85-07013 (A85-07013)

TRANSFER NO. 5249

NOTICE IS HEREBY GIVEN that JOHN C KAYLER whose address is P O BOX 157, PECK, ID 83545, has applied to the Department of Water Resources for a change of water right pursuant to Section 42-222 of Idaho Code.

WATER RIGHT AS RECORDED:

License No.

Priority Date:

Source:

Point of Diversion:

Amount:

Use:

85-07013 (A85-07013)

July 25, 1969

Clearwater River

SWNE Sec 03, T36N, R01W

08 CFS

Irrigation

WATER RIGHT TO BE CHANGED AS FOLLOWS:

Point of Diversion:

Nature of Use:

NENW Sec 03, T36N, R01W

Property will be changed from tree farm to golf course. Two ponds will be developed for settling water prior to irrigation and aesthetic purpose.

Any protest against approval of the proposed water right application must be filed with the applicant and with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, on or before May 26, 1998.

KARL J. DREHER, Dir.

Published in the Lewiston Tribune on May 7 & 14, 1998.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

PHILIP E. BATT
Governor

KARL J. DREHER
Director

April 29, 1998

Lewiston Tribune
505 C Street
Lewiston ID 83501

Re: Water Right Transfer

Gentlemen:

Enclosed you will find a legal Notice of Proposed Change of Water Right No. 85-07013, Transfer No. 5249, which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before May 23, 1998.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Senior Secretary

Enclosure

44-111-1111
JUL 1 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 85-07013 (A85-07013)

TRANSFER NO. 5249

NOTICE IS HEREBY GIVEN that JOHN C. KAYLER whose address is P O BOX 157, PECK, ID 83545, has applied to the Department of Water Resources for a change of water right pursuant to Section 42-222 of Idaho Code.

WATER RIGHT AS RECORDED:

License No.	85-07013 (A85-07013)
Priority Date:	July 25, 1969
Source:	Clearwater River
Point of Diversion:	SWNE Sec.03, T36N, R01W
Amount:	.08 CFS
Use:	Irrigation

WATER RIGHT TO BE CHANGED AS FOLLOWS:

Point of Diversion:	NENW Sec.03, T36N, R01W
Nature of Use:	Property will be changed from tree farm to golf course. Two ponds will be developed for settling water prior to irrigation and aesthetic purposes.

Any protest against approval of the proposed water right application must be filed with the applicant and with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, on or before May 26, 1998.

KARL J. DREHER, Dir.

Published in the Lewiston Tribune on May 7 & 14, 1998

May 12, 1998

John C. Kayler
PO Box 157
Peck, ID 83545

Re: Water Appropriation No. 85-07013, Transfer No. 5249

Dear Mr. Kayler:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Transfer of Water Right.

Enclosed are some papers that you should keep in your personal files, which you left at our office.

Your transfer application has been prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR NEZ PERCE COUNTY
PLANNING AND ZONING HEARING BOARD

MICROFILM NO.

629994

INST NO
FILED FOR RECORD

FILE NC REG. BY Nez Perce County

1998 MAR 19 A 9:53

BETTY J WILSEY
RECORDER, NEZ PERCE CO. ID

In RE

C.U.P. 98-4

Fantasy Farms Inc

Applicant

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

INDEXED
FILMED
DELIVERED
MAILED

PROCEDURAL FINDINGS

1. That the applicant in this matter filed a request for a Conditional Use Permit and that pursuant to Nez Perce County Ordinance #52, the Nez Perce County Planning and Zoning Commission is designated as the hearing board for variances and conditional use permits

2. That all legal requirements for the Notice of Public Hearing have been met including mailing of notices to all property owners within one thousand (1,000) feet of the parcel eight (8) days prior to the public hearing

3. That notice of the public hearing was published in the Lewiston Morning Tribune, a newspaper of general circulation, fifteen (15) days prior to the public hearing.

4. That there was also posted a notice upon said property

5. That a public hearing was held on the application for Conditional Use Permit in the City of Lewiston, Nez Perce County, Idaho

6 That the Applicant, John Kayler, representing Fantasy Farms, was present.

7 That the Planning and Zoning Commission considered as part of the record of the proceeding the entire record and file of the application for Conditional Use Permit, and furthermore, considered any and all information, whether oral or written, that was received at the time and place of the public

FINDINGS OF FACT, CONCLUSIONS
OF LAW, DECISION - C U.P 98-4

PAGE 1

hearing presented by the applicant or other interested person.

ISSUE

1. That the applicant requested a Conditional Use Permit on the 22nd day of January, 1998 pursuant to Nez Perce County Ordinance #52, Section 6.2.

2. That the Planning and Zoning Commission held a public hearing on the 17th day of February, 1998 pursuant to Ordinance #52 Sections 6.3 and 10.2.

3. Applicable criteria and standards used in evaluation of the application for Conditional Use Permit are Nez Perce County Ordinance #52, Sections 1.1 through 1.4, Sections 6.1 through 6.4, Sections 10.1 through 10.9.

SUBSTANTIVE FINDINGS

1. That the applicant requested a Conditional Use Permit to develop a nine-hole golf course
2. That the zoning for the area is Agricultural Residential.
3. That surrounding land uses are vacant and steep hillsides
4. That there was testimony in support of the applicant
5. That there was no testimony in opposition to the application

CONCLUSIONS OF LAW

1. That all applicable legal provisions regarding public notice prior to the public hearing were met.
2. That the public hearing provided the applicant and interested persons the opportunity to be heard on the issue raised by the application for the Conditional Use Permit.
3. That the request is in conformance with the Comprehensive Plan

DECISION

Therefore based upon all of the information considered in the applicable Sections of the Nez Perce

County Ordinance #52 and applicable State Law, the Nez Perce County Planning and Zoning Commission hereby approves the Conditional Use Permit to develop a nine-hole golf course on property described as Situated in Nez Perce County, State of Idaho to wit: Lots three (3) and four (4) and the Southeast Quarter of the Northwest Quarter, (SE 1/4, NW 1/4) of Section 3, T.36 N, R 1 W, B.M.

Special conditions or contingencies applied to the motion.

1. A detailed site plan shall be submitted to Planning & Zoning Services which shall include drainage plan for the area including the parking lot.
2. There shall be a minimum of forty-eight (48) parking spaces provided with a dust palliative placed by June 1 of each year or else parking shall be paved.
3. Any new structures shall meet Uniform Building Code requirements and permits shall be obtained when necessary
4. All requirements of the North Central District Health Department of State Division of Environmental Quality shall be met regarding sewage disposal and water
5. If concessions or other eating establishments are developed, requirements of the NCDHD shall be complied with as well as additional parking supplied.
6. One free standing sign shall be allowed for the business The following perimeters shall be followed:
 - a. The sign shall not exceed a height of thirty-five feet from ground level to the upper most top of the sign.
 - b. The sign pole portion of the sign shall be a minimum of ten (10) feet from the public right of way
 - c. The square footage of the sign shall not exceed 160 square feet. If the sign has two faces which placed back to back so that both faces cannot be viewed from any point at

the same time and when such sign faces are part of the same sign structure, both faces may be 160 square feet each of total sign area.

- d. No moving or blinking lights shall be allowed
- e. All required of Idaho Code regarding signs on highways shall be met.

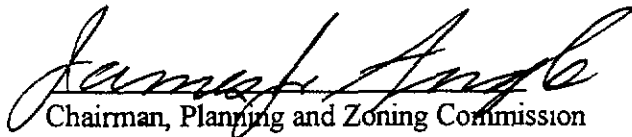
Motion by Commission Member Coder, seconded by
Commission Member Wittman, to adopt the foregoing Findings of Fact, Conclusions of Law
and Decision.

ROLL CALL.

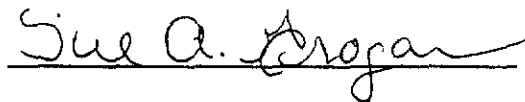
Commission Member Angle	voted <u>no vote</u>
Commission Member Broncheau	voted <u>aye</u>
Commission Member Bruce	voted <u>aye</u>
Commission Member Coder	voted <u>aye</u>
Commission Member Fisher	voted <u>absent</u>
Commission Member Loft	voted <u>aye</u>
Commission Member Wittman	voted <u>aye</u>

Motion approved by a vote of 5-0.

Dated this 17th day of March, 1998.


Chairman, Planning and Zoning Commission

ATTEST:



Sue A. Hogan



CLEARWATER POWER COMPANY

4230 HATWAI ROAD
P. O. BOX 997
LEWISTON, IDAHO 83501

(208) 743-1501
FAX (208) 746-3902

March 3, 1998

Idaho Department of Water Resources
1310 N. Orchard Street
Boise, ID 83706-2237

Re: Fantasy Farms, Inc.
John C. Kayler

To whom it may concern:

I have received a request from John C. Kayler, President of Fantasy Farms, Incorporated to verify that he has a long standing irrigation account established with Clearwater Power Company. The request is in response to his effort to establish water rights for the construction of a nine hole public golf course on his property near Peck, ID.

I have researched our records and found that Clearwater Power initially installed power to this irrigation account on July 17, 1958. Furthermore, the account has been connected since 1958 and to the best of my knowledge has been used to actively pump water from the Clearwater River to irrigate the Kayler's property. I would be more than happy to provide documentation to this effect.

If you need any additional information or have questions regarding this account, do not hesitate to contact me.

Sincerely,

CLEARWATER POWER COMPANY

K. David Hagen
Manager of Energy Resources/Key Accounts

KDH

April 29, 1998

Lewiston Tribune
505 C Street
Lewiston ID 83501

Re: Water Right Transfer

Gentlemen:

Enclosed you will find a legal Notice of Proposed Change of Water Right No. 85-07013, Transfer No. 5249, which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before May 23, 1998.

Thank you.

Sincerely,

Dianne Ball
Senior Secretary

Enclosure

MEMORANDUM

TO: TOM KING, NORTHERN REGION

FROM: KAY WALKER

RE: PERMIT NO. 85-7161 & LICENSE 85-7013

DATE: 8-FEB-1990

=====

TOM: These files have surfaced in our license backlog review and we are not sure what action we should take to clear the matter up. Pursuant to Sharla's memo of 2/8/88, I was curious to find out if you have pursued the idea of requesting a transfer of Rt. 85-7013 or, has the adjudication claim be filed to reflect the actual use under that license? Please review your memo of 11/21/1985 again and make recommendations on how we handle Permit 85-7161. Thanks!! Kay

FROM Sharla

DATE 2/8/88

→ Files 85-7013 & 85-7161

SUBJECT

on this date I sent a memo to Tom King (Northern) explaining that he would have to prepare trans. app for 85-7013 in order to reflect changes as stated in his memo of 11/21/85. we will withhold taking action on 85-7161 to void until trans. is approved

SIGNATURE

MEMORANDUM

RECORDED
DEC 16 1985

Department of Water Resources

TO: File

FM: Tom King

DATE: November 21, 1985

SUBJECT: 85-7013 and 85-7161

When the examination of Permit No. 85-7013 was conducted, the examiner used an in-line "Flow Control" brand flow meter (Serial No. 11334) to determine a diversion rate of 660 gpm/1.47 cfs. This measurement was not compared with the calculated maximum flow of the system which at that time consisted of a 5-inch suction, 20 h.p. motor Serial No. PPJ310313), pump, 5-inch main, 2.5-inch laterals and 42 Rainbird 5/32-inch sprinklers. The examiner also used a field map with a scale of 1 inch equals 4 miles to determine the point of diversion and place of use.

When the examination of 85-7161 was conducted, the examiner used a portable pressure gauge to determine the pressure of each sprinkler in the system. The system at that time consisted of a 5-inch suction, 20 h.p. motor (Serial No. PPJ310313), pump, 5-inch main, 2.5-inch laterals, 7 Rainbird 5/32-inch sprinklers at 42 psi, 14 at 40 psi, 7 at 36 psi, one Raingun 1/2 inch x 5/32 inch at 42 psi and one Raingun 1/2 inch x 5/32 inch at 32 psi. At these pressures, this system will deliver 227 gpm/0.51 cfs. The examiner also used a field map with a scale of 1:24,000 to determine the point of diversion and place of use.

A 20 h.p. motor operating at 100 percent efficiency cannot produce 660 gpm/1.47 cfs against a 125-foot head. However, a 20 h.p. motor operating at 80 percent efficiency can produce 0.51 cfs against 125 feet of head at 64.8 psi and 42 Rainbird 5/32-inch sprinklers will produce 228 gpm/0.51 cfs with a nozzle pressure of 60 psi.

The interior section lines on the maps used for determining the point of diversion and place of use appear to be incorrect. The interior section lines on the 1979 aerial photo were established using the NezPerce County Assessor's records.

Based on the above information, 85-7161 should be CANCELLED and 85-7013 should be changed to reflect the following:

1. The rate of diversion is 0.51 cfs;
2. The point of diversion is within Government Lot 4 (NENW) Sec. 3, T36N, R1W.
3. The irrigated acreages are:
 - A. 11 Acres in Government Lot 3 (SWNW);

CANCELLED

DEC 16 1985

Memorandum to Files 85-7013 and 85-7161
Page Two
November 21, 1985

B. 11 Acres in Government Lot 4 (NENW);

C. 18 Acres in the SENW:

Totaling 40 acres in Sec. 3, T36N, R1W.

On November 15, 1985, I explained to Mr. Kayler that I planned to cancel 85-7161 and that I would place this memorandum in the file of both 85-7013 and 85-7161.

Sam Alton
State Agent



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

April 13, 1978

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 23, 1978

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

A representative of this Department made an examination of the works covered by your Permit No. 85-7013 on December 15, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.80 cfs Source: Clearwater River

The maximum quantity diverted shall not exceed 120 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 36N, Rge. 1W, B. M.

Beneficial use: Irrigation of 40 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3,
Twp. 36N, Rge. 1W, B. M.

Priority date established: July 25, 1969 (late proof)

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,

JAN GROVER
Water Rights Supervisor

JG/kw

INTER-DEPARTMENT MEMO — 1

FROM Tom King

DATE

TO Bob Haynes

SUBJECT Exam - 85-7013

This exam was initially completed 7-12-77.
Due to erroneous misinformation I conducted
another exam & learned that the information
was correct as originally stated.



SIGNATURE

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

DATE OF FIELD REPORT
1974

1. Name of permit holder John C. Kayler
Post office address Route #2, Lenore, ID Phone 206-461-1111
Person to contact _____ Phone _____

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

3. Water will be used for the following purposes

Amount .8 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use from Mar. 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses _____

Permit No. 85-7013
Examination for b/u

4. Total amount to be appropriated

Max Rate of Diversion .8 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 3, Subdivision SE 1/4 NW 1/4, Nez Perce County

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

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

Other Points of Diversions _____

Description of diverting works 20 hp pump, 5" intake pipe, 5" takeout pipe connects to hand movable system of aluminum pipes serving up to 50(max) 30(min) average 40 rainbirds.

Measuring device required yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
36N	1W	3								40									40

TOTAL ACREAGE

40

Rge - 1W

T
36
N

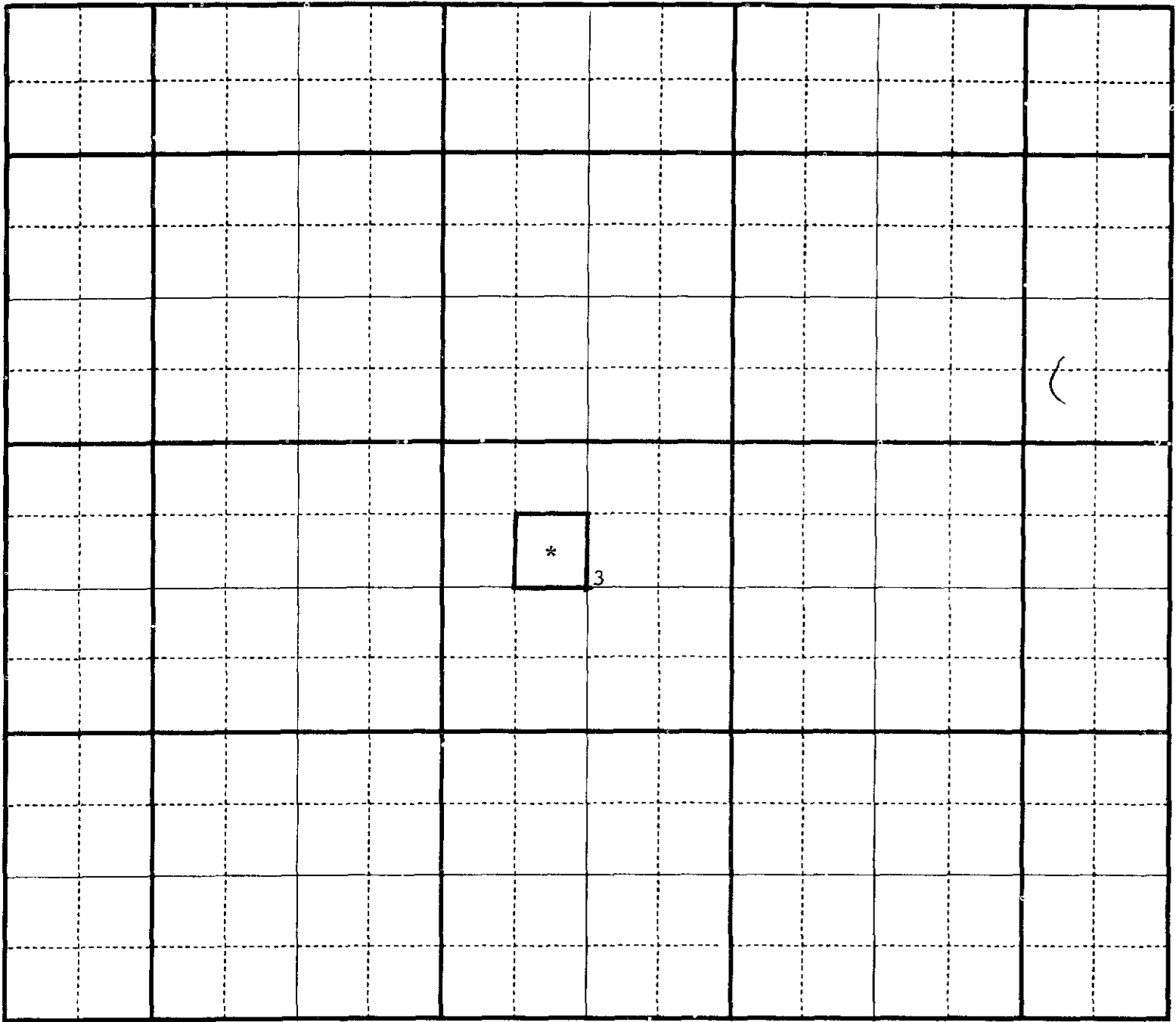


Diagram of System

40 acres
1.2
1.8

DATE OF EXAM 7-12-77

ACREAGE
Found 40
Recommended 40

Irrigation Requirement 30 Ac Ft/Ac

USE
Irrigation Q = 0.80 c.f.s. V = 1200 AF/Ann. from 3-15 to 10-15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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 660 gpm Method of measurement Meter

Total Q recommended 0.80 cfs Meter No. 11334 Type Flow Control Condition good

Total V recommended 1200

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Measured 660 gpm & Max 0.0 cfs/acre = 40 x 0.02 = 0.80 cfs
3.0 AF/Ann/acre = 40 x 3.0 = 120 AF/Ann

SYSTEM DESCRIPTION:

GE 20 hp pump # PPV 313013 from river to 42 R.B. Sphals.

REMARKS:

Informed Mr. Kayler to file for additional water when
he plans to enlarge 450.
12-12-77 spoke with Mr. Kayler concerning 85-2161 - it is
for additional? Average - 40 Acres to the south.

Examiner's Signature [Signature] Date 12-15-77

Checked by _____ Date _____

Approved by _____ Date _____

GL3 (SW NW) = 4 11
 GL4 (NW NW) = 11
 SENNY = 18
 40

1979 FLIGHT



1979 FLIGHT

SHOWING

T.36N, R.1W, Sec.3

GL3 (SW NW) 11 ACRES

GL4 (NW NW) 11 ACRES

SENNY 18 ACRES

TOTAL 40 ACRES

SCALE 1" = 660'

Examiner
 Tom N. King

85-7161
 85-7013

INTER-DEPARTMENT MEMO — 1

DATE 12-7-77

FROM Bill MacAllister

TO file # 85-7013

SUBJECT

Return to region for re-exam / clarification.

W/Ken

SIGNATURE

RECEIVED
12-7-77
12-7-77
12-7-77

November 8, 1977

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

A representative of this Department made an examination of the works covered by your Permit No. 85-7013 on 7-12-77, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.5 cfs Source: Clearwater River

The maximum quantity diverted shall not exceed 75 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Twp. 36N, Rge. 1W

Beneficial use: Irrigation of 25 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3,
Twp. 36N, Rge. 1W, B.M.

Priority date established: July 25, 1969 (late Proof)

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,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

September 20, 1974

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

You were recently sent an Order on September 13, 1974, which reinstated your Permit No. 85-7013 which had lapsed.

You first applied for this permit on July 17, 1969, which became the original priority of your water right. The proof of beneficial use affidavit was due on September 1, 1974, however, you did not submit it until September 9, 1974. Therefore, the original priority had to be changed to the July 25, 1969, date as shown in the Order of Reinstatement and our September 13th letter.

We also are returning your copy of the letter and the Order.

If we can be of any further assistance, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg
Enclosures

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2215

R. Keith Higginson
Director

September 13, 1974

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to July 25, 1969.

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.

We note that in reviewing this proof affidavit you indicate that you will install a measuring device as required by the conditions of approval of your permit. This measuring device must be installed by the time our examiner makes the exam or your water right cannot be confirmed by the issuance of a license. We are enclosing a list of the types of measuring devices approved by this office.

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

Sincerely,

D. Darlene Reich
D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosures

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
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

September 13, 1974

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to July 25, 1969.

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.

We note that in reviewing this proof affidavit you indicate that you will install a measuring device as required by the conditions of approval of your permit. This measuring device must be installed by the time our examiner makes the exam or your water right cannot be confirmed by the issuance of a license. We are enclosing a list of the types of measuring devices approved by this office.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosures

This is a copy of the
original beneficial
use document which
was unreadable
on microfilm

Identification No. _____
85-7013
Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder JOHN C. KAYLER
b) Post Office Address Route 2, Lenore, Idaho 83541
2. Permit Number 85-7013
3. Date of Priority that you are prepared to establish 7/17/69
4. a) Source from which water was appropriated CLEARWATER RIVER
b) Location of the point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section _____
Township 36 North, Range 1.W Boise Meridian, Other points of diversion: _____
none
5. a) The amount of water and use to which the water has been applied:
Amount 0.578016(cfs) for IRRIGATION purposes from March 1, to Sept. 30 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 0.578016 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: DETERMINATION MADE ON BASIS OF NUMBER OF RAINBIRD SPRINKLERS IN USE, SIZE OF NOZZLE AND AREA COVERED. U.S.D.A. S.C.S., LEWISTON, IDAHO Note: will acquire and install measuring device as soon as possible.
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) 20 h.p. centrifical pump. 5 inch intake pipe 5 inc takeout pipe connects to hand movable system of aluminum pipes serving up to 50 (maximum) 30 (minimum) average 40 rainbirds
b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE, DETERMINATION OF USE DISCRIBED IN 5c.
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: _____

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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	
36N	1W	3								X									40A

Total number of acres irrigated 40

10. Remarks: _____

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

Sept. 6, 1974 _____
(Date) (Signature)

State of Idaho)
) ss.
County of Clearwater)

On this 6 day of Sept., 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Orofino, Idaho

My commission expires 6-1-76

6-1-76

Identification No. 85-7013

Permit No.

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 9 1974
lat
18

Department of Water Resources

1. a) Name of Permit Holder JOHN S. MAHLER
b) Post Office Address Route 2, Lenore, Idaho 83341
2. Permit Number 85-7013
3. Date of Priority that you are prepared to establish 7/17/69
4. a) Source from which water was appropriated CHUBBART RIVER
b) Location of the point of diversion 43 1/4 1/4 Section
Township 16 North, Range 1. W Boise Meridian, Other points of diversion: _____

none

5. a) The amount of water and use to which the water has been applied:
amount 0.578016(cfs) for IRRIGATION purposes from March 1 to Sept 30 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 0.578016 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: DETERMINATION MADE ON BASIS OF BUILD UP OF
LANDING SPRING 1 COE, 12 OF ROZELLE AREA COVERED, U. S. D. A. S. C. S.
LEWISTON IDAHO NOTE: WILL ACQUIRE AND INSTALL MEASURING
DEVICE AS SOON AS POSSIBLE
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) 20 h. p. centrifugal pump. 5 inch intake
pipe 5 inch takeout pipe connected to hard movable system of aluminum pipes serving
up to 50 (maximum) 30 (minimum) average 40 rainbirds

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
NONE, DETERMINATION OF USE DESCRIBED IN 5c.

c) Give well drillers name and address and date the well was completed _____

Exam typed 9/13/74 by JP

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 4, 1974

Re: Permit No. 85-7013

John C. Kayler
Roue #2
Lenore, ID 83541

Dear Mr. Kayler:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 85-7013 has lapsed.

You are further advised that the Department cannot reinstate the permit 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, Administrator
Director Operations Division

RKH:jg

WATER RESOURCE BOARD.

John F. Streiff
Chairman
Franklin Jones

George L. Yost
Vice Chairman
M. Reed Hansen

Donald R. Kramer
Secretary
Scott W. Reed

Edwin C. Schwender
Member
Joseph H. N. th

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 filled in)

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

SIGNATURE OF ADDRESSEE'S AGENT IF ANY

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

7-2-74

85-7013

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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

PM
1974



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 VETERANS AFFAIRS
STATEHOUSE - A WING #2
BOISE IDAHO 83707

MICROFILMED

PS Form 3811
June 1973

July 1, 1974

CERTIFIED MAIL

#25550

Re: Permit No. 85-7013

John C. Kayler
Route #2
Lenore, ID 83541

Dear Mr. Kayler:

One of the conditions of approval of your water Permit No. 85-7013 (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, 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

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September 16, 1969

Re: Permit No. 85-7013

Mr. John C. Kayler
Route 2
Lenore, Idaho 83541

Dear Mr. Kayler:

We enclose a copy of your approved application for permit 85-7013 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3331 for \$20.00
1 informational letter

cc. Blake, Feeney and Mosman
Attn: Thomas W. Feeney
P.O. Drawer 285
Lewiston, Idaho 83501

85-7013

July 24, 1969

Re: Application for Permit No. 85-7013
John C. Kayler

Lewiston Morning Tribune,
Lewiston, Idaho

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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Ronald W. McElDowney
Appropriation Examiner

WTM:tp

Enc: Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER**
NOTICE IS HEREBY GIVEN that John C. Kayler, Route 2, Lenore, Idaho has on July 17, 1969 applied for permit under application No. 85-7013 to divert 8 cubic feet per second of water from Clearwater River tributary of Snake River.
Water will be diverted by pump, pipe, sprinkler system within the SE 1/4 NW1/4, Sec. 3, T. 36 N., R. 1 W., B. M., Nez Perce County and is to be used from March 15 to October 15 for irrigation in the SE 1/4 NW1/4, Sec. 3, T. 36 N., R. 1 W., B. M.
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.
R. KEITH MAGGINS, State Reclamation Engineer
Published in the Lewiston Morning Tribune, Lewiston, Idaho, on July 31 and August 7, 1969.

85-7013

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that John C. Kaylar, Route 2, Lenore, Idaho

has on July 17, 1969

applied for permit under application No. 85-7013

to divert ~~1.8~~ .8 cubic feet per second ~~advised~~

of water from Clearwater River tributary of the Snake River

Water will be diverted by pump, pipe, sprinkler system

within the SE 1/4, Sec. 3, T. 36 N, R. 1 W, B. M., Nez Perce County

and is to be used from March 15 to October 15 for irrigation

in the SE 1/4, Sec. 3, T. 36 N, R. 1 W, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Lewiston Morning Tribune, Lewiston, Idaho

on July 31 and August 7, 1969

de
85-7013