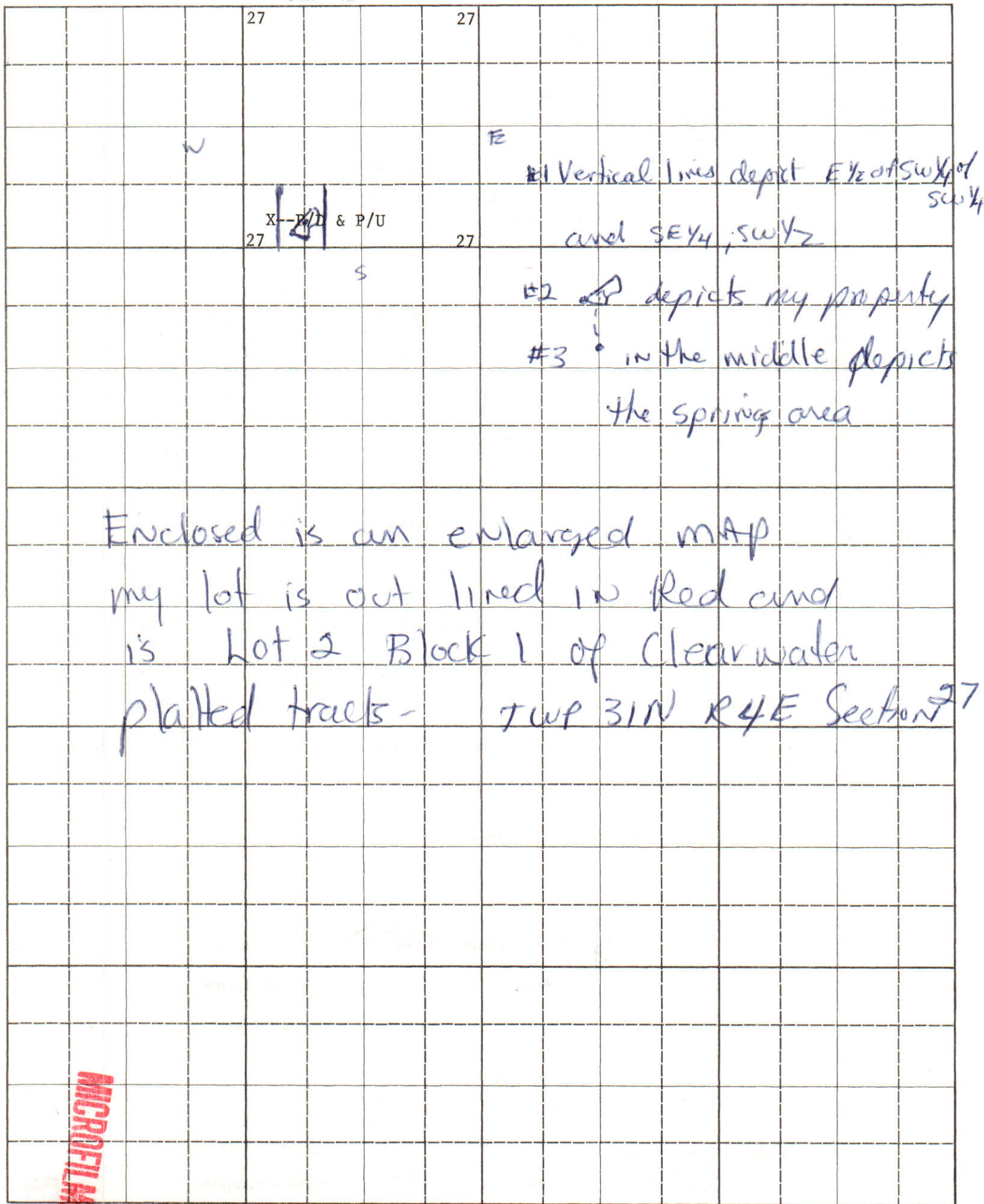


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

31N 4E



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.

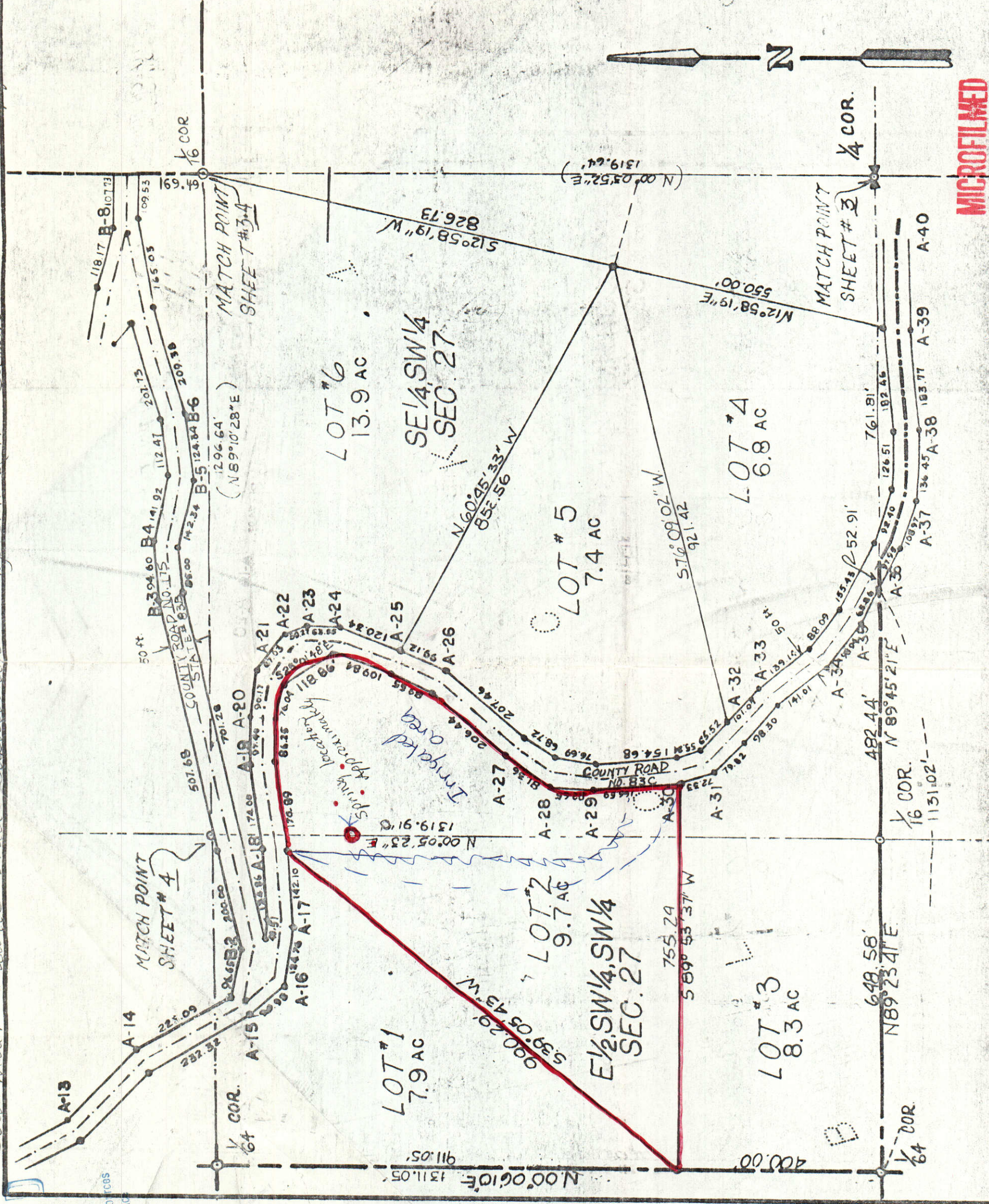
Dennis W McQuire
(Applicant)

RECEIVED

SEP 10 1979

Department of Water Resources
Northern District Office

Clearwater Platred Tracts Subdivision Typ 31N. T4E Section 27 pg. 2



MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho;

82-7066

SMITH, JR., SAMUEL W.
SMITH, HAROLD G.
P.O. BOX 946, LOS BANOS,
CA 93635

Source: AMERICAN RIVER
tributary to CLEARWATER
RIVER, SOUTH FORK

Date Filed: 08/30/1979

Amount: 0.20 CFS

Diversion Point: Sec 24 T
29N R 08E, IDAHO CO.;
patented mineral surveys
#2100 and #2311.

Use: DOMESTIC (0.16 CFS)
from 01/01 to 12/31 MINING
(0.20 CFS) from 01/01 to
12/31

Place of Use: Sec 24 T 29N R
08E; patented mineral
surveys #2100 and #2311.

Diversion Means: PUMP,
PIPE & OPEN DITCH

82-7067

SCOTT, FRANK M. &/or
EVELYN G.

STAR RT. BOX 26,
GRANGEVILLE, ID 83530

Source: UNNAMED
SPRING

Date Filed: 09/05/1979

Amount: 0.14 CFS

Diversion Point: SENW Sec
03 T 30N R 04E, IDAHO Co.

Use: IRRIGATION (0.02
CFS) from 03/15 to 11/15
STOCKWATER (0.02 CFS)
from 01/01 to 12/31
DOMESTIC (0.12 CFS) from
01/01 to 12/31

Place of Use: SENW Sec 03 T
30N R 04E FOR 1 ACRES

Diversion Means:
COLLECTION TANK &
PIPE

82-7068

SCOTT, BRUCE A.
RT. 2, BOX 319, KOOSKIA,
ID 83539

Source: UNNAMED
SPRING

Date Filed: 09/07/1979

Amount: 0.06 CFS

Diversion Point: SESW Sec
27 T 31N R 04E, IDAHO Co.

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

Place of Use: SWSW Sec 27 T
31N R 04E SESE Sec 28 T 31N
R 04E

Diversion Means:
COLLECTION BOX & PIPE

82-7069

MCGUIRE, DENNIS W.
P.O. BOX 271, KAMIAH ID
83536

Source: UNNAMED
SPRINGS

Date Filed: 08/27/1979

Amount: 0.06 CFS 2.5 AC-FT

Diversion Point: SWSW
SESW Sec 27 T 31N R 04E,
IDAHO Co.

Use: IRRIGATION
STORAGE (0.02 CFS) from
10/01 to 04/30 IRRIGATION
FROM STORAGE (2.5 AC-
FT) from 06/01 to 08/31
STOCKWATER (0.02 CFS)
from 01/01 to 12/31
DOMESTIC (0.02 CFS) from
01/01 to 12/31

Place of Use: SWSW SESW
SWSE Sec 27 T 31N R 04E
FOR 10 ACRES

Diversion Means:
DEVELOPED SPRING &
PIPE

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho
Department of Water
Resources, 4055 Gov't Way,
Coeur d'Alene, Id, 83814 on or
before OCTOBER 9, 1979.

C. STEPHEN ALLRED
Director

Published 9/19 & 9/26/79.

Sept. 19-26

AFFIDAVIT OF PUBLICATION

..... Nona Donaldson being first duly

sworn, says he is the Office Manager

of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,

State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached

is a true copy, was published in said paper for 2 weeks,

being published 2 times, the first publication being

on the 19 day of September 1979

and the last publication on the 26 day of

..... September 1979

; and that the said notice

was published in the newspaper proper and not a supplement;

that said newspaper has been continuously and uninterruptedly

published in said county during a period of more than seventy-

eight consecutive weeks prior to the first publication of said

notice or advertisement.

Nona C. Donaldson

Subscribed and sworn to before me this 28 day
of September 1979

Marilep J. Stalley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

OCT 1 1979

Department of Water Resources
Western Regional Office

RECEIVED

OCT 16 1979

Department of Water Resources
Northern District Office

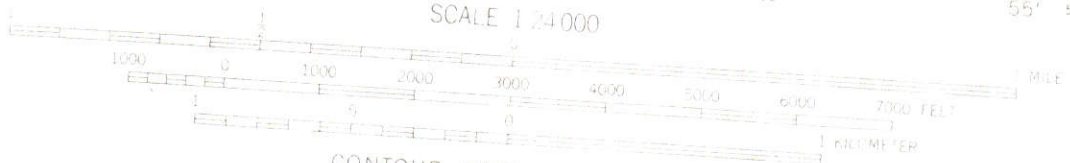


82-7069



HARPSTER 11 30
GRANVILLE 14 30

582 (HARPSTER)
2875 IV NW
SCALE 1:24,000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA

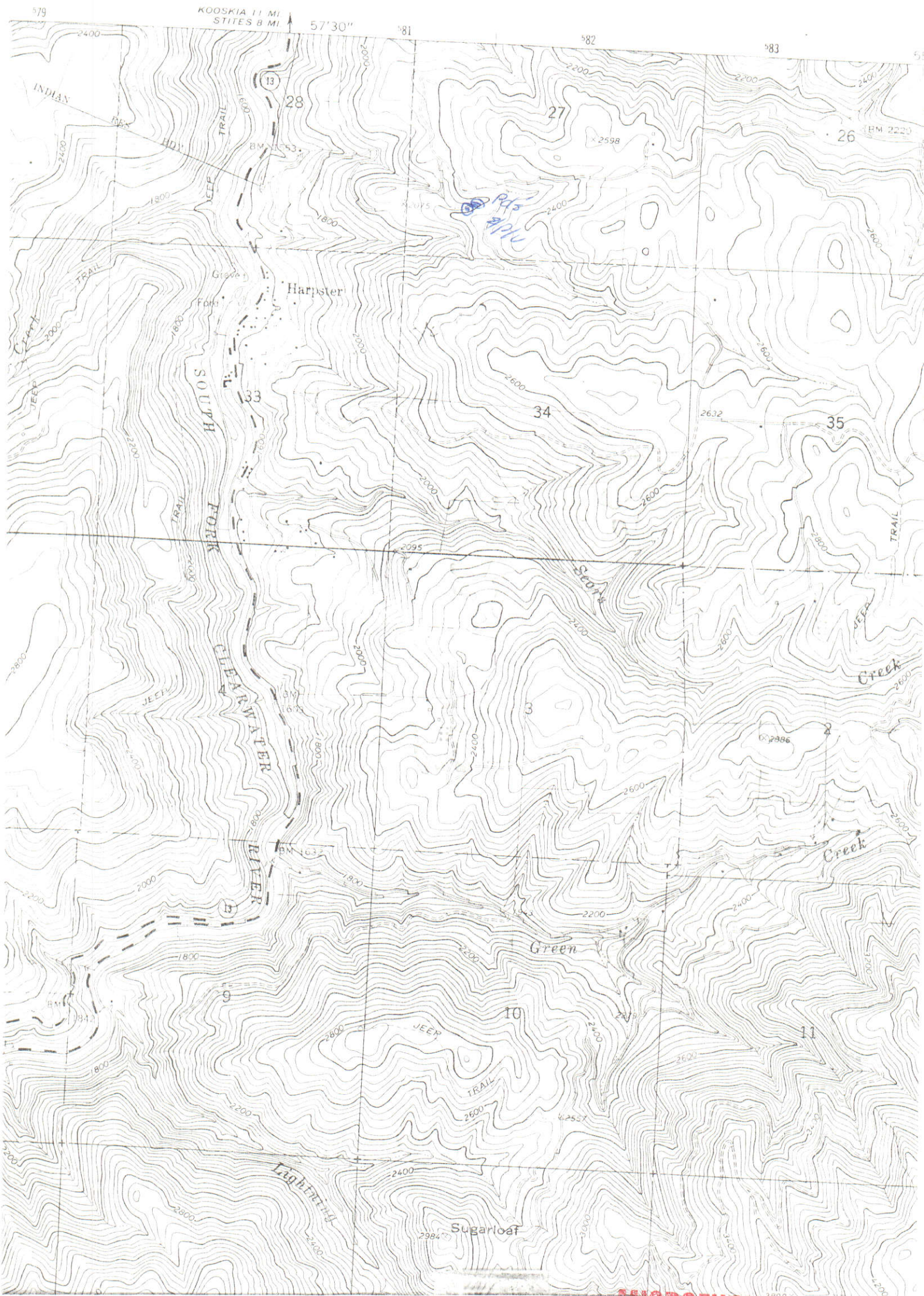
NOT RECORDED

MAR 16 1988

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAP SYMBOLS IS AVAILABLE ON REQUEST

TWP. 31N RGE. 4E SEC. 27 MAP # N-61 MAP SCALE _____
DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 82-7069

TERIOR



MICROFILMED

MAR 16 1988

TWP. 31N RGE. 4E SEC. 27 MAP # N-11 MAP SCALE

DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 82-706P

done vid by J.B. 8/27/79 - 3pm.
Received by _____ Date _____ Time _____

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: _____

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

Director

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 82-7069

Priority: August 27, 1979 Amount: .02 CFS .2 AFA

This is to certify, that IDAHO COUNTY TITLE CO. INC.

319 W. MAIN

GRANGEVILLE, ID 83530

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated August 27, 1979, and has submitted proof to the Department of Water Resources on May 10, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .02 cfs of water from;

SPRINGS

tributary to SINKS

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	01/01 to 12/31	.02 cfs	.2 afa

LOCATION OF POINT OF DIVERSION(S): SWSW , Sec. 27, Township 31N, Range 4E
Idaho County

PLACE OF USE: Stockwater

TWN RGE SEC

31N 4E 27 SWSW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 2 points of diversion located in SWSW, S27, T31N, R4E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of November, 19 87.

MICROFILMED

MAR 16 1988

Director

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, DENNIS W. MCGUIRE, hereby assign to Idaho County Title Company, Inc.
of 319 West Main, Grangeville, Idaho 83530
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 82-7069
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Note Permit # 82-7069 was issued for a spring
on Lot 2 Block 1 of the Clearwater Platted
Tracts, Idaho County, Idaho. DCM

Made this 3 day of June, 19 83.

Dennis W. McGuire
Permit Holder- DENNIS W. MCGUIRE

Marcia K. McGuire
Spouse of Permit Holder -MARCIA K. MCGUIRE

State of OREGON)
County of Baker) ss.

On this 3rd day of June, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Samia B. Menolascina
Notary Public residing at Baker, Oregon.

RECEIVED

My commission expires:

10-26-84

JUN 8 1983

Department of Water Resources
Northern District Office

MICROFILMED

RECEIVED

SEP 10 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

Department of Water Resources
Northern District Office

To appropriate the public waters of the State of Idaho

office = 935-0230

1. Name of applicant Dennis W. McGuire Phone 935-0195Post office address P. O. Box 271 Kamiah, Idaho 835362. Source of water supply Unnamed Springs which is a tributary of _____3. Location of point of diversion is E 1/2 of SW 1/4 of SW 1/4 1/4 of Section 27 Township 31NRange 4E B.M. Idaho County, additional points of diversion if any: _____AKA Clearwater Platted Tracts Block 1, Block 2. - see inclosed map

4. Water will be used for the following purposes:

Amount 002 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Storage for (From remarks 9/11/79 TK)Amount 002 for Irrigation purposes from 10/1 to 4/30 (both dates inclusive)
(cfs or acre-feet per annum)Amount 002 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Irrigation from (From remarks 9/11/79 TK)Amount 2.5 AF for Storage purposes from 8/1 to 8/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 006 cubic feet per second and/or b. 2.5 acre-feet per annum. From remarks 9/11/79 TK

6. Proposed diverting works:

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

Developed Spring and Pipe to irrigation storage and other uses.(From remarks 9/11/79 TK)b. Height of storage dam 9 feet 10-12 feet, active reservoir capacity 2 1/2 3 Ac/Ft Per tel. con. 9/25 TK
capacity 3 1/2 acre-feet, materials used in storage dam: compacted earth & rockPeriod of year when water will be diverted to storage Oct 1 to April 30 inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet. SEE REMARKS section

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 2 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: E 1/2(1) Give the place of use of water: SW 1/4 of SW 1/4 1/4 of Section 27 Township 31NRange 4E B.M. SE 1/4 and SW 1/4

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

5-10 Head Stock

(4) Name of municipality to be served _____, or number of families to be

supplied with domestic water 1.

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

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31N	4E	27											1½	3.5			3½		9
														From map					

Total number of acres to be irrigated 9

*Round to 9 acres
RC 4/2/03*

c. Describe any other water rights used for the same purposes as described above.

None

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

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

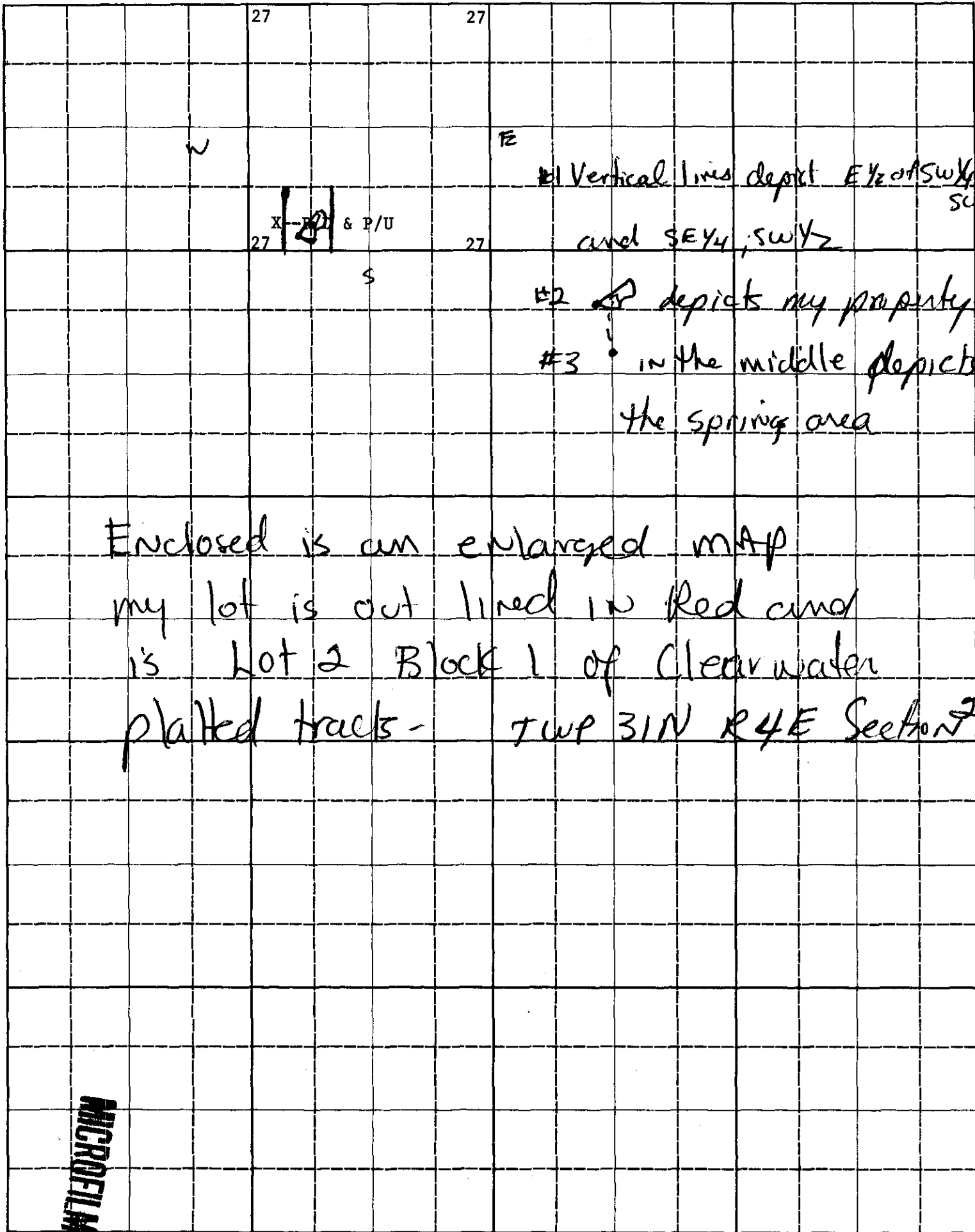
10. Remarks Storage of water - Answered per enclosed letter
#1 amount of water diverted to storage
would be .002 cfs, and it will
be stored for irrigation

#2 Acce feet stored Annually would be
Approx. 2¼ acce feet - again irrigation
note - this would be used out of well it
is being filled & would never reach
capacity

#3 - All water accumulated in this storage
would be used for irrigation.

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

31N 4E



Enclosed is an enlarged map
my lot is out lined in Red and
is Lot 2 Block 1 of Clearwater
platted tracts - Twp 31N R4E Section 27

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.

Dennis W McLeure
(Applicant)

MICROFILMED

Proposed Priority 8-27-79 JB 9-30-79 1:00
Received by _____ Date _____ Time _____
Preliminary check by JK Fee \$ 20.00
Received by pus Date 9/11/79
Publication prepared by pm Date 9/13/79
Published in Shoshone County News
Publication dates 9/19 & 26/79
Publication approved JB Date 10-14-79
Protests filed by: Bruce A. Scott 10/2/79 Protest withdrawn

Copies of protests forwarded by pm 10/5/79
Hearing held by _____ Date _____
Recommended for approval denial by pus JK

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 82-7069, and said application is hereby Approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, , 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

This permit is subject to the agreement dated April 26, 1983 between permit holder and protestant (s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 22nd day of June, 1983.

A. Glen Saxton
Chief, Operations Bureau

WILLIAM B. TAYLOR, JR.
ATTORNEY AT LAW

POST OFFICE BOX 326
GRANGEVILLE, IDAHO 83830
TELEPHONE 983-0141
134 NORTH STATE STREET

POST OFFICE BOX 240
COTTONWOOD, IDAHO 83522
TELEPHONE 962-3191
SEUBERT BUILDING
(BY APPOINTMENT ONLY)

October 3, 1979

Mr. Robert G. Haynes
Regional Supervisor
Idaho Dept. of Water Resources
Northern Region
4055 Government Way
Coeur d' Alene, Idaho 83814

Department of
Idaho County District Courts

Re: Application No. 82-7068,
Bruce A. Scott, and Ap-
plication No. 82-7069,
Dennis W. McGuire

Dear Mr. Haynes:

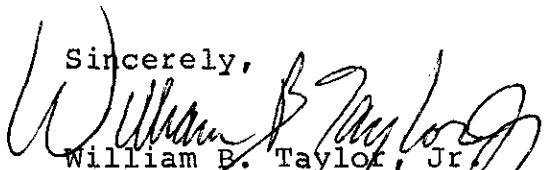
This letter is in response to your letter of September 26, 1979, addressed to my client, Mr. Bruce A. Scott, concerning his application No. 82-7068. You are hereby advised that Mr. Scott intends to institute an appropriate action through this office in the Idaho County District Court to determine the validity of his rights involving the spring in question and the validity of his right-of-way easement which has been a matter of record in Idaho County for some years.

Mr. Scott has also requested that I file this letter with you as a protest to the granting of a permit and any other subsequent rights involving the same spring to Mr. Dennis W. McGuire, whose application is No. RE 82-7069, upon the grounds and for the reasons that Mr. Scott has a prior right to the water produced in such spring, for domestic purposes, as indicated in the document in his chain of title which created the pipeline easement and interest in such spring, a copy of which I am sending to you under separate cover and that Mr. Scott has a priority claim to that amount of water specified in such document for domestic purposes, and that Mr. McGuire's rights would be junior in priority to those of Mr. Scott.

This letter of protest is being filed with your office prior to October 9, 1979, pursuant to the notice published in the Idaho County Free Press.

Thank you.

Sincerely,


William B. Taylor, Jr.
Attorney for Bruce A. Scott

WBT:pvb

MR. ROBERT G. HAYNES

October 3, 1979

cc: Mr. Bruce A. Scott
Route 2 Box 319
Kooskia, Idaho 83539

Mr. Dennis W. McGuire
P. O. Box 271
Kamiah, Idaho 83536

Mr. Kenneth Hoogland, Manager
Idaho County Title Co.
109 North College St.
Grangeville, Idaho 83530

Mr. Dennis L. Albers
Attorney at Law
P. O. Box 314
Grangeville, Idaho 83530

MICROFILM

RECEIVED

SEP 24 1979

SEPTEMBER 20, 1979

MR. TOM KING:

Department of Water Resources
Northern District Office

Copy

My name is Dennis W. McGuire and I am writing this letter in conjunction with my application for a water right. (RE 82-7069). I noticed in the Grangeville Free Press newspaper that Bruce Scott was filing for a water right on the same spring, at least that is what it looked like. I was also notified by KEN HOOGLAND of the Idaho County Title Insurance Office, and he stated that he called your office and that indeed Bruce Scott was filing for the same spring.

This is a letter of protest, so that he will not be granted a water right to my spring for the following reasons:

- (1) The spring is located on my property not his
- (2) He owns a lot of land and has numerous water rights and wells and does not need any more water, especially from someone that hardly has enough for himself.
- (3) He wants this water right so that he can put a trailer up on his property for a hired hand and then let this hired hand use my water instead of his.
- (4) I now have a young couple and their children living on my property and they are hooked into the spring and using it for their domestic water, and they barely have enough at the present time.
- (5) I do not know this Bruce Scott personally, but I understand that he is always going around and telling people that he owns this and that, mainly land and water just to get things stirred up. I do personally know people who are having problems with this Bruce Scott because he is claiming to own some of their land, and claims to have a road easement thru it etc.

The man has no right to my spring whatsoever, and the Idaho County Title Ins. Company is ready to defend this on a water easement basis. If you have any questions on this feel free to contact myself or Ken Hoogland of the Idaho County Title Ins. Co.

Sincerely: Dennis W. McGuire

Dennis W McGuire

P.O. BOX 271

Kamiah, Idaho 83536

Home phone 935-0195 NOT HOOKED UP YET, JUST MOVED

Office phone 935-0230

KEN HOOGLAND, IDAHO COUNTY TITLE INS. CO. 983-2662

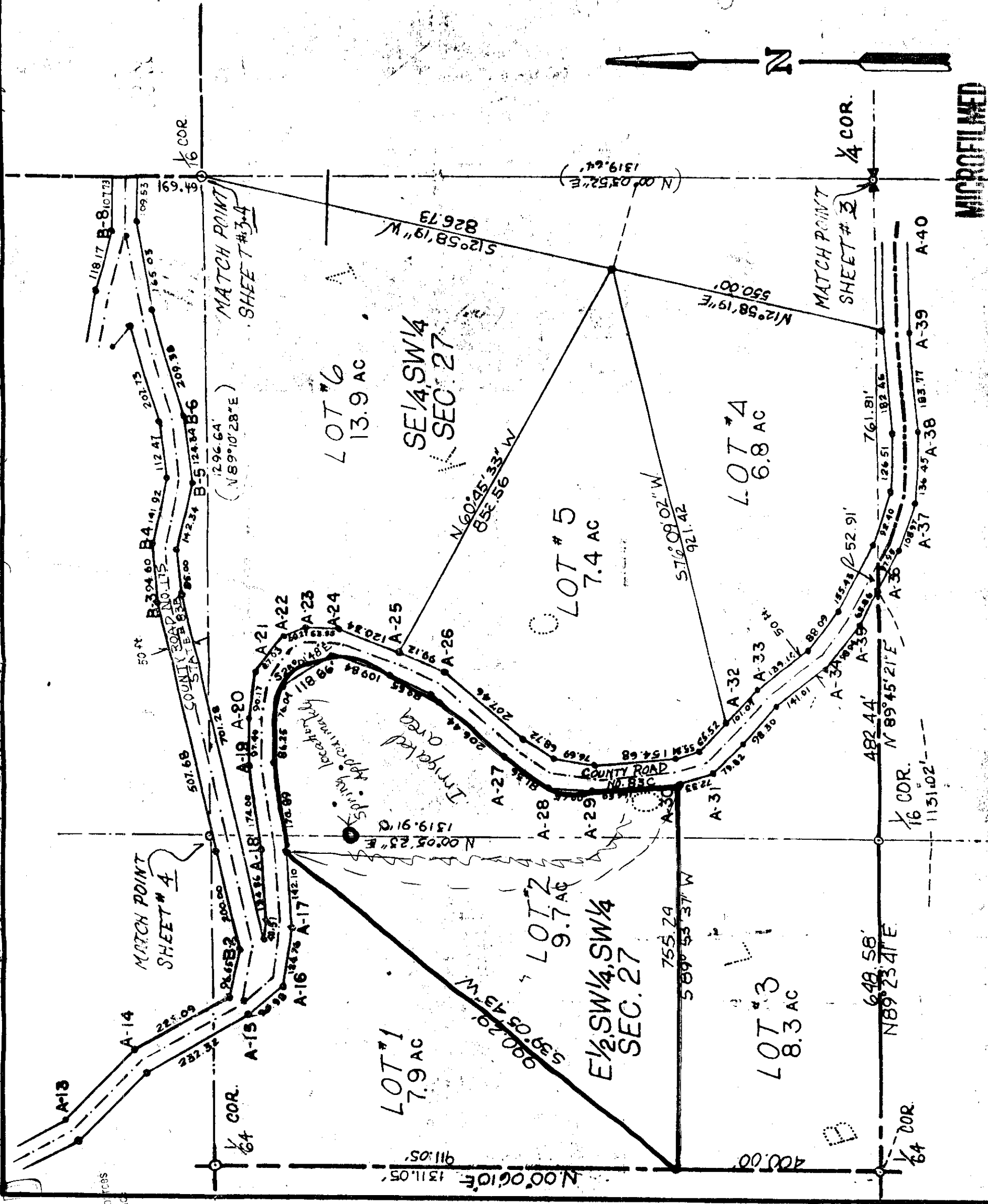
P.S. I will have my DAM Storage application completed and sent in within a week. Thank-you

RECEIVED

SEP 10 1979

Department of Water Resources
Northern District Office

Clearwater Platrol Tracts Subdivision Twp 31N. R4E Section 27 pg. 2



WORLD

APPLICATION
RIGHT
given
following ap-
(s) have been
mitted for permit to
appropriate the public
of the State of Idaho,
82-7066

SMITH, JR., SAMUEL W.
SMITH, HAROLD G.
P.O. BOX 946, LOS BANOS,
83335

Source: AMERICAN RIVER
Diversion Point: CLEARWATER
RIVER, SOUTH FORK
Date Filed: 08/30/1979
Amount: 0.20 CFS

Diversion Point: Sec 24 T
29N R 06E, IDAHO CO.;
patented mineral surveys
#2100 and #2311.

Use: DOMESTIC (0.16 CFS)
from 01/01 to 12/31 MINING
(0.04 CFS) from 01/01 to
12/31

Place of Use: Sec 24 T 29N R
06E; patented mineral
surveys #2100 and #2311.

Diversion Means: PUMP,
PIPE & OPEN DITCH
82-7067

SCOTT, FRANK M. &/or
FELLYNG.

STAR RT. BOX 26,
GRANGEVILLE, ID 83530

Source: UNNAMED
SPRING

Date Filed: 09/05/1979
Amount: 0.14 CFS

Diversion Point: SENW Sec
03 T 30N R 04E, IDAHO Co.

Use: IRRIGATION (0.02
CFS) from 03/15 to 11/15
STOCKWATER (0.02 CFS)

from 01/01 to 12/31
DOMESTIC (0.12 CFS) from
01/01 to 12/31

Place of Use: SENW Sec 03 T
30N R 04E FOR 1 ACRES

Diversion Means:
COLLECTION TANK

OK
KOOKIA

Source: UNNAMED
SPRING

Date Filed: 09/07/1979
Amount: 0.06 CFS

Diversion Point: SESW Sec
27 T 31N R 04E, IDAHO Co.

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

Place of Use: SWSW Sec 27 T
31N R 04E SESE Sec 28 T 31N
R 04E

Diversion Means:
COLLECTION BOX & PIPE

82-7069

MCGUIRE, DENNIS W.
P.O. BOX 271, KAMIAH

83336

Source: UNNAMED
SPRINGS

Date Filed: 08/27/1979
Amount: 0.06 CFS 2.5 ACRES

Diversion Point: SW
SESW Sec 27 T 31N R 04E
IDAHO Co.

Use: IRRIGATION
STORAGE (0.02 CFS) from
10/01 to 04/30 IRRIGATION
FROM STORAGE (2.5

FT) from 06/01 to 04/30
STOCKWATER (0.02 CFS)
from 01/01 to 12/31

DOMESTIC (0.02 CFS) from
01/01 to 12/31

Place of Use: SWSW Sec 27 T
31N R 04E SESE Sec 28 T 31N
R 04E FOR 10 ACRES

Diversion Means:
DEVELOPED SPRING
PIPE

If issued, the permit
will be subject to all
water rights. Proceeding
against the granting of
permit must be filed with

Director of the Idaho
Department of Water
Resources, 4055 Gov't

Coeur d'Alene, Id, 83814
before OCTOBER 9, 1979
C. STEPHEN ALL

Published 9/19 & 9/26/79
Sept

AFFIDAVIT OF PUBLICATION

..... Nona Donaldson being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 19 day of September 1979
and the last publication on the 26 day of
..... September 1979; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Subscribed and sworn to before me this 28 day
of September 1979

..... Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

OCT 1 1979

Department of Water Resources
Western Regional Office

RECEIVED

OCT 16 1979

Department of Water Resources
Northern District Office

March 4, 1992

Sam Dotson
Connie F. Dotson
P.O. Box 64
Stites, ID 83552

RE: Permit No. 82-07193
License No. 82-07069

Dear Mr. and Mrs. Dotson:

I received your correspondence concerning ownership of the above referenced rights.

A permit is considered personal property and the owner of record, Idaho County Title Company, Inc. of Grangeville, must assign the permit to you. The Notice of Contract Sale does not include the legal description (township, section, and range) nor does it include the water right number. The Department prefers to have an assignment form on file; therefore, I am enclosing an Assignment of Permit form for them to assign the permit to you. When the notarized form is returned to me, I will update our records to reflect the change in ownership.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let me know.

Sincerely,

BRENDA L. MILLER
Technical Records Specialist

Enclosure

RECEIVED
FEB 17 1992

356235

NOTICE OF CONTRACT SALE

Department of Water Resources

TO: ROSE GEHRING, IDAHO COUNTY CLERK

Please be notified that on this 29 day of October, 1990,
by an unrecorded Contract of Sale, IDAHO COUNTY TITLE COMPANY,
INC., joined by KENNETH A. HOOGLAND and LONALEE HOOGLAND, have
sold the following described real property in Idaho County, Idaho,
to-wit:

Lot 2 Block 1 of the Clearwater Platted Tracts
Addition to Idaho County, Idaho.

to SAMUEL DOTSON and CONNIE F. DOTSON, husband and wife, of
252 Oak Meadows Road, Oakville, Washington 98531. This notice
is intended to acquaint the public at large to the fact of such

Contract of Sale, which contract is being held for collection
at ~~Idaho County Title Company, 319 West Main, Grangeville, Idaho~~
~~83530. 83552.~~

IDAHO COUNTY TITLE COMPANY, INC.,

By: Tom Leuck
Tom Leuck, President

ATTEST:

Dennis L. Albers
Dennis L. Albers, Secretary

(SEAL)

Kenneth A. Hoogland
KENNETH A. HOOGLAND

Lonalee Hoogland
LONALEE HOOGLAND

Samuel Dotson
SAMUEL DOTSON

Connie F. Dotson
CONNIE F. DOTSON

STATE OF IDAHO)

ss

County of Idaho)

On this 31st day of October, 1990, before me, a Notary
Public in and for such County and State, personally appeared
TOM LEUCK and DENNIS L. ALBERS, known to me to be the President
and Secretary, respectively of IDAHO COUNTY TITLE COMPANY, INC.,
an Idaho Corporation, whose names are subscribed to the within
instrument, and they acknowledged to me that they freely executed
the same for and on behalf of such corporation.

INTER-DEPARTMENT MEMO

TO: Fili
FROM: Karen

SUBJECT: proof/assign
DATE: 1/29/92

Mrs. Dotson called - she is confused about her water rights. # 82-07193 (not 02-07193 as she thought) is a permit w/proof due. Permit in the name of Idaho County Title - They supposedly filed an assignment which we do not have. Mrs. Dotson will resubmit. She will also send proof that they have purchased the land so we can change the license on 82-07069 over to her as well.

- () For your information
() Response required

Karen Gustafson
signature

November 22, 1987

IDAHO COUNTY TITLE CO. INC.
319 W. MAIN
GRANGEVILLE, ID 83530

RE: Permit No. 82-7069

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 16 1988

October ²⁷/₂, 1987

IDAHO COUNTY TITLE CO. INC.
319 W. MAIN
GRANGEVILLE, ID 83530

RE: Permit No. 82-7069

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
MAR 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

AUG 22 1985

10-DAY

82-7069

Permit No.

1. Measurement Calculations

Department of Water Resources

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

Stock (4) $\Rightarrow$ 0.02 cfs

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

- c) Volume Calculations for Other Uses:

Stock (4) $\Rightarrow$ 0.2 AFA / TABLE

2. Overlap Review

- a) Other water rights with same place of use: _____

- b) Other water rights with same point of diversion: _____

- c) Analysis:

MICROFILMED

MAR 16 1988

RECOMMENDED AMOUNTS

- | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
|------------|----------|----------|-----------|----------------------|-----------------|
| 82-7069 | 8-27-79 | 0.02 cts | 8/27/79 | 5-10-85 | 0.02 |

4. Permit Holder: Idaho County Title Co Inc.

Address: 319 West Main Grangeville, Id. 83530

5. Source: Springs (2) tributary to Sinks

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

5/50K 1/1 12/31 0.02 0.2

Allowable Maximums: 0.02 0.2

- 7. Point(s) of Diversion:**

[illegible]

- ### 8. Place(s) 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	
31N	4E	27											X						
Total Acres _____																			

9. Recommended Conditions/Remarks: 2-Pts. in P/O (2-springs)

MICROFILMED

MAR 16 1988

- ## 10. Recommended Amendments

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

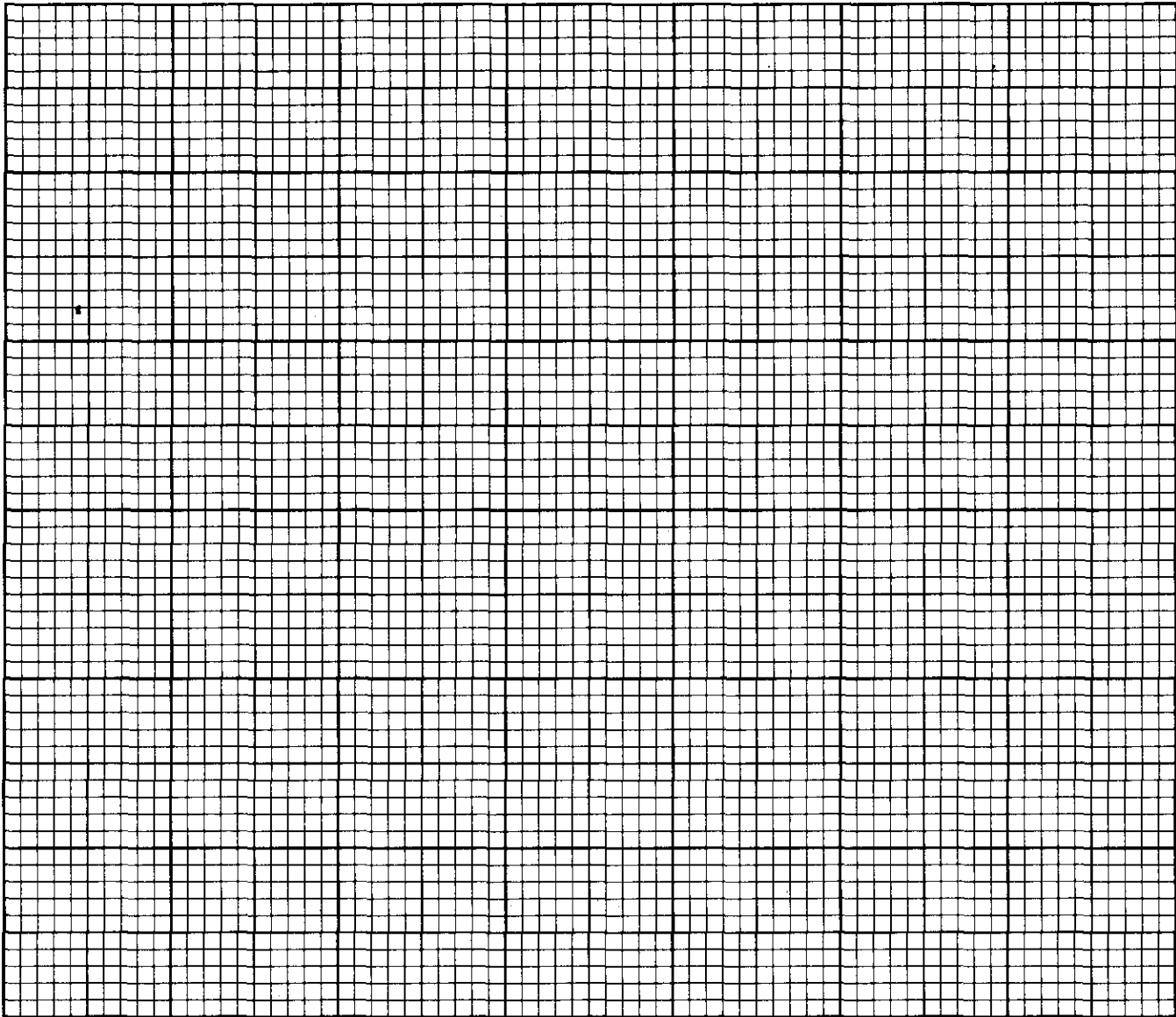
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature *L. Beard* Date 8/5/85

Checked in Regional Office by Bob Haynes Date 8/15/85

Approved in State Office by Ron Hoverton Date 10-13-87

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



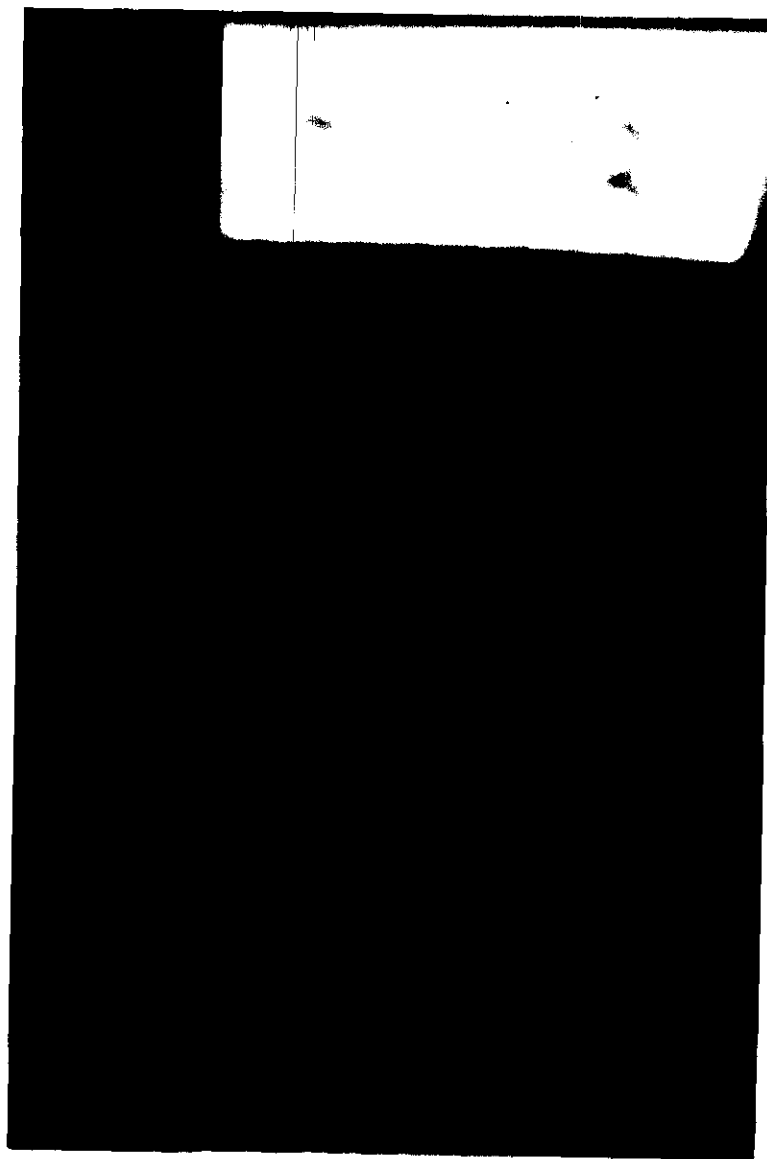
13. ☒ **Photo of Diversion & System Attached** ☐ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

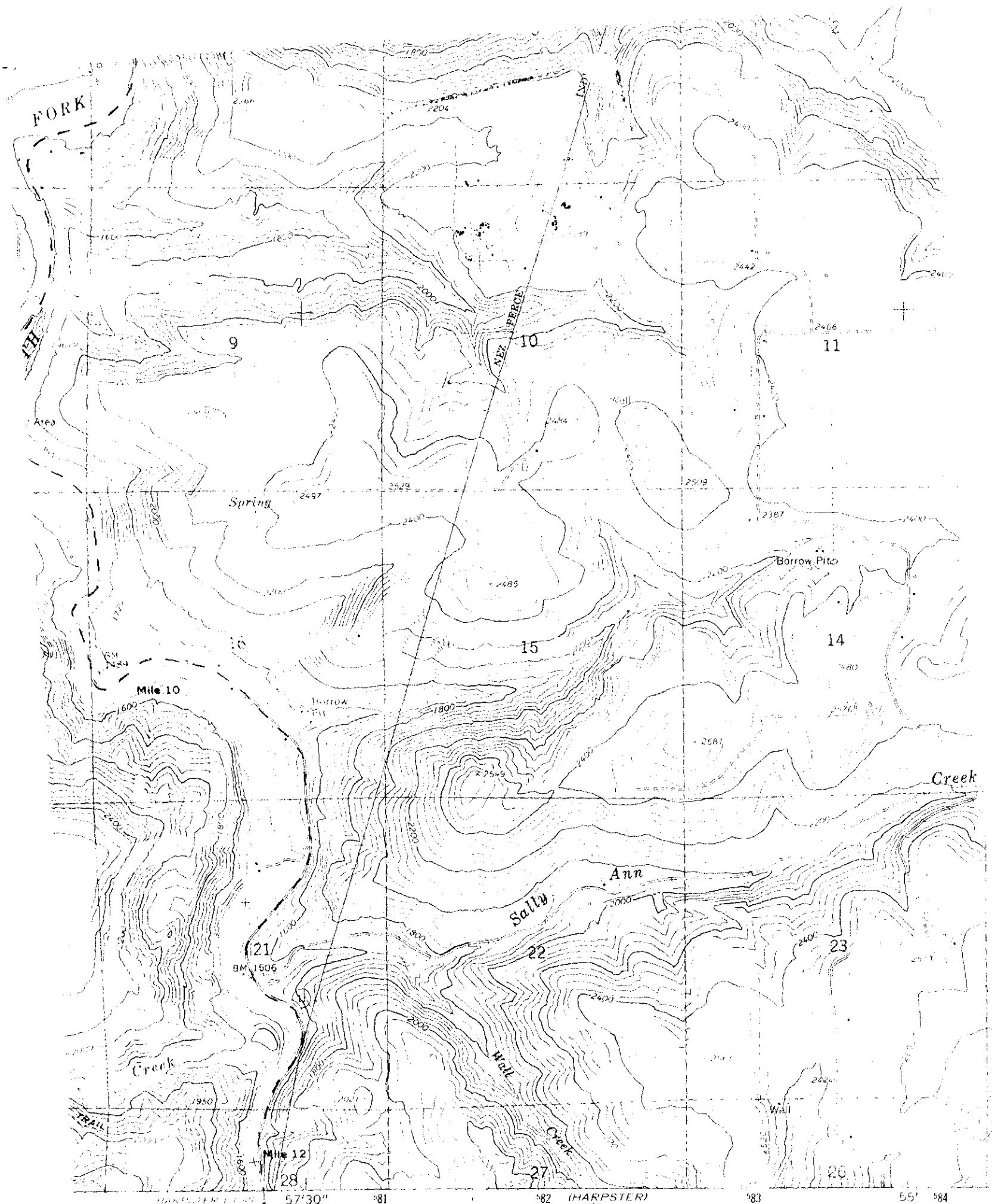
14. Remarks _____

15. Recommended Amendments
- | | | |
|---|--|--|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☒ None |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature *L. Beard* Date 8/1/85
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date _____
MICROFILMED
MAR 16 1988
CONSULTANT SEAL





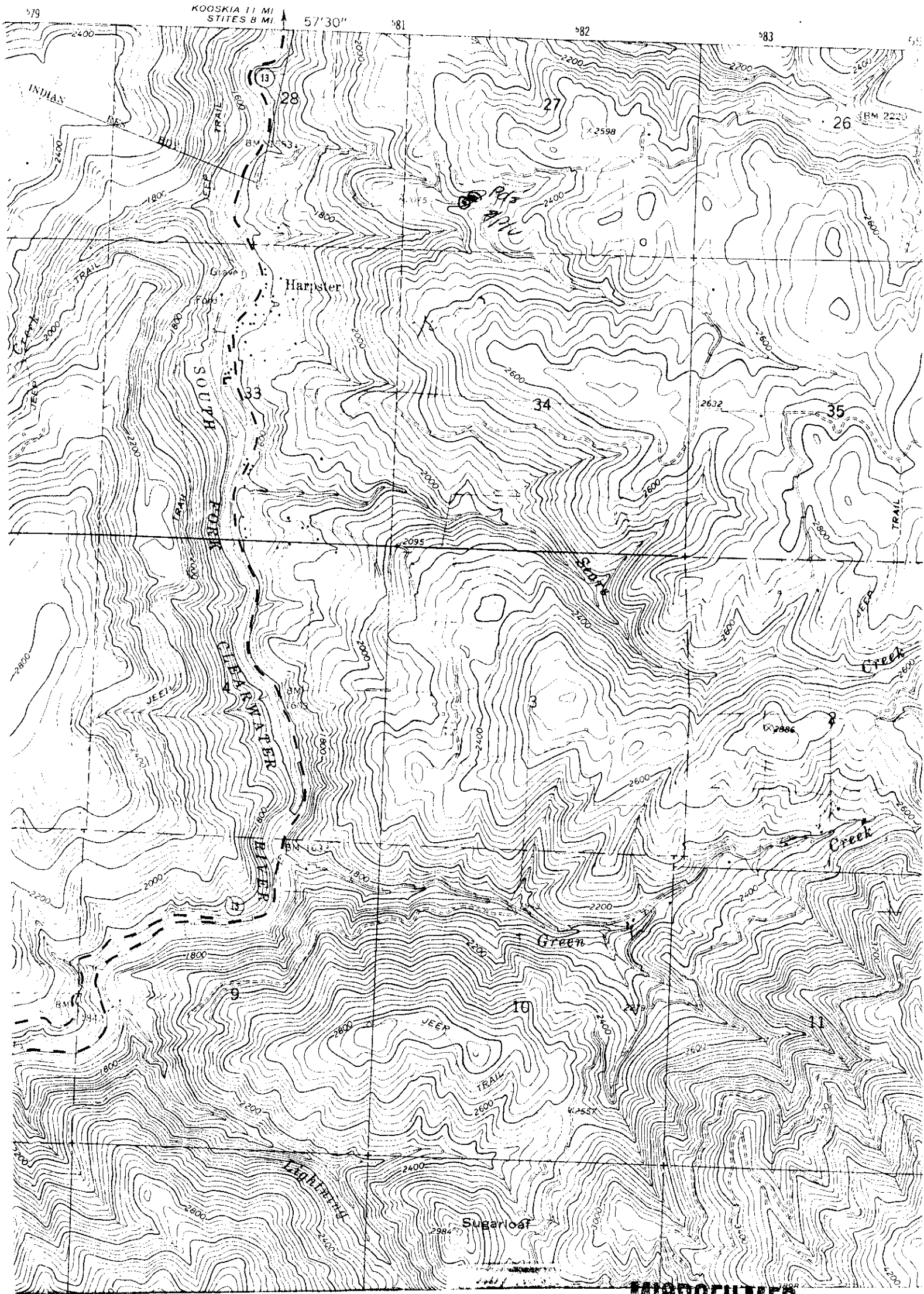
57°30" 81 82 (HARPSTER) 83 55' 58'

SCALE 1:24,000
 CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 10 FOOT CONTOURS
 DATUM IS MEAN SEA

MAR 16 1988
 THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAP SYMBOLS IS AVAILABLE ON REQUEST

TWP. 31N RGE. 4E SEC. 2 MAP # N-61 MAP SCALE 1:24,000
 DATE OF FIELD EXAM FIELD REPORT MAP PERMIT # 82-7069

TERIOR



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MAR 16 1988

TWP. 31N RGE. 4E SEC. 27 MAP # 11-11

MAP SCALE

DATE OF FIELD EXAM

FIELD REPORT MAP PERMIT # 70-7000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

JUNE 21, 1985

IDAHO COUNTY TITLE CO. INC.
319 W. MAIN
GRANGEVILLE ID 83530

RE: Permit No. 82-7069

Dear Permit Holder:

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

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

MAR 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
MAY 10 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 82-7069

Name(s) of Permit Holder: Idaho County Title Co. Inc.

Post Office Address: 319 West Main

Grangeville Idaho Telephone No. 208-983-2662

Source of Water: Unnamed spring on E 1/2 SW 1/4 of SW 1/4 and SE 1/4 SW 1/4 S 27 T 31 N R 4 E 5 M.

Extent of Use:

Domestic Previously 1 household (number of households)
- Enough storage currently for 2

Stockwater Horses up to 8 head (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Water is shared By agreement.

with Bruce Seath. See Attached copy.

Indicate the date water was first diverted and beneficially used under this permit: _____

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

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Dennis Albers Attorney at Law
(Name)

204 West North Grangeville Id. 983-2311
(Address) (Telephone Number)

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

5-7-85
Date

Idaho County Title Co.
Signature of Permit Holder (and Title, if appropriate)
by Dennis Albers
Secretary

MICROFILMED

Dennis L. Albers

ATTORNEY AT LAW

P.O. BOX 314

GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
311 MAIN
PHONE (208) 935-2161

GRANGEVILLE OFFICE
204 W. NORTH
PHONE (208) 983-2310

7 May 1985

RECEIVED
MAY 10 1985

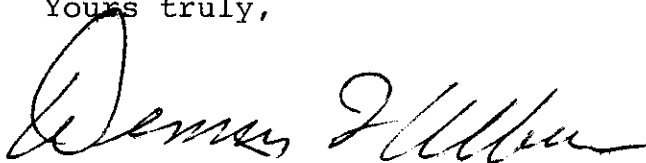
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Dear Sir:

Enclosed please find a Proof of Beneficial Use form
in regard to Idaho County Title Company, Inc. as permit
holder.

Yours truly,



DENNIS L. ALBERS

DLA:law

Enclosure

MICROFILMED

RECEIVED

MAY 10 1985

Department of Water Resources

AGREEMENT

THIS AGREEMENT, made this 26 day of April, 1983, by and between IDAHO COUNTY TITLE COMPANY, INC., an Idaho Corporation, hereinafter called the TITLE COMPANY, and BRUCE A. SCOTT and RUBY SCOTT, husband and wife, hereinafter called the SCOTTS,

W I T N E S S E T H

WHEREAS, the Title Company is the owner of certain real property comprising a portion of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 27, Township 31 North, Range 4 East, Boise Meridian, known as Lot 2, Block 1 of the Clearwater platted tracts addition of Idaho County, Idaho, according to the recorded plat thereof; and,

WHEREAS, there is a certain spring located upon such tract owned by the Title Company which is more particularly described in Instrument No. 42513, being a Warranty Deed, dated December 30, 1915, from George N. Saunders and wife, to Floyd F. Ferguson and others, recorded in Book 39 of Deeds at Page 406, records of Idaho County, State of Idaho, which spring is the subject of a recently contested and currently pending application for water right, before the Idaho Department of Water Resources; and,

WHEREAS, the parties Scott are successors in ownership of the tract of land more particularly described in a Warranty Deed of Book 39 at Page 406 as Instrument No. 42513 to the interest of Floyd F. Ferguson and others, thereunder; and,

WHEREAS, it is further anticipated that such agreement shall be binding upon the successors of the respective parties to this agreement, perpetually, unless otherwise modified by the successors, and be recorded in the Idaho County Recorder's office,

1 NOW, THEREFORE, IT IS MUTUALLY AGREED, COVENANTED
2 AND PROMISED AS FOLLOWS:

3 FIRST: That, except as hereinafter provided, Idaho
4 County Title Company, and the Scotts and their successors, as
5 the case may be, shall perpetually share equally in the water
6 produced by the hereinabove mentioned spring.

7 SECOND: That the parties shall share equally in the
8 costs of development, improvement and maintenance of such spring,
9 including any pump or pumps, and any other equipment which is
10 used in connection with the production of water from such spring.
11 Each party shall be responsible for providing their or its own
12 storage tank, of approximately 1,000 gallons in size, or other-
13 wise, and shall pay the total cost thereof, including costs of
14 installation, saving the other party or parties to this agree-
15 ment harmless from any such costs.

16 THIRD: That the Scotts shall be entitled to proceed
17 forthwith in the development and improvement of such spring, in-
18 cluding the installation of equipment, together with their stor-
19 age tank, as hereinabove described, with them advancing the
20 whole costs of such expenditures, except the cost of the tank and
21 its installation which shall be borne entirely by them, and they
22 being entitled to forthwith make installation of a pipeline
23 across the land owned by the title company to the land owned by
24 the Second Parties in a reasonable manner with as little damage
25 done to the premises of the title company as is reasonably poss-
26 ible under the circumstances and the Scotts and their heirs and
27 assigns shall have a perpetual right to enter upon the premises
28 for the purpose of maintenance, repair and other necessary work
29 upon such pipeline as it proceeds from such spring and storage
30 tank to the premises owned by the Scotts.

31 FOURTH: The parties acknowledge, that certain work
32 has already been accomplished on the spring, and that the sum of

1 \$ 458.87 has been paid upon the execution of this
 2 agreement to the Scotts for reimbursement of their one-half of
 3 the costs, improvements and development work. Further expendi-
 4 tures on the spring which shall be for the mutual benefit of both
 5 parties, shall be shared by them equally. In the event of a dis-
 6 pute over the propriety of any expenditures, each party shall ap-
 7 point one arbitrator and those arbitrators shall appoint a third
 8 arbitrator to settle the differences and take into account all
 9 facts and circumstances surrounding the improvements and the
 10 decision of the arbitrator shall be binding upon all parties.

11 FIFTH: That, in all events, the title company or its
 12 successors and assigns shall be entitled to a priority of the
 13 water from such spring and into their tank in an amount reasonably
 14 necessary to sustain the actual household, providing subsistence
 15 to growing trees and shrubs, in the time of a shortage of water,
 16 in an amount not to exceed 400 gallons for any one given day, be-
 17 fore any water shall be used by the Scotts or their heirs or
 18 assigns from such spring. Any apparatus to be installed by the
 19 parties shall provide for the priority hereunder contemplated and
 20 as aforesaid shall be for domestic and household uses only.

21 SIXTH: That an executed copy of this instrument shall
 22 be provided by the parties to the Department of Water Resources in
 23 reference to the currently pending application by them for water
 24 right permits and may be used by such agency in determining
 25 priorities in the issuance of permits as such department shall
 26 see fit. The parties understand that the Idaho County Title
 27 Company is a successor in interest to the spring and a successor
 28 in interest to the application made by Dennis W. McGuire and
 29 Marcia K. McGuire, husband and wife, of Kamiah, Idaho.

30 OTHER COVENANTS: It is further understood and agreed
 31 that the owners of the property upon which the above mentioned
 32 spring is located, as well as the owners of any adjoining prop-

erty shall be responsible for any damage done to the water line and storage tanks caused by them, their agents, employees or other representatives, during the term of this agreement.

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

IDAHO COUNTY TITLE COMPANY, INC.,

By: Tom Leuck Pres
Tom Leuck, President

ATTEST:

Dennis L. Albers
Dennis L. Albers, Secretary

(SEAL)

Bruce A. Scott
Bruce A. Scott

Ruby Scott
Ruby Scott

STATE OF IDAHO

County of Idaho -- ss.

On this 26 day of April, 1983, before me, a Notary Public in and for such county and state, personally appeared TOM LEUCK and DENNIS L. ALBERS, known to me to be the President and Secretary, respectively, of IDAHO COUNTY TITLE COMPANY, INC., an Idaho corporation, whose names are subscribed to AGREEMENT

1 the within instrument, and they acknowledged to me that they free-
2 ly executed the same for and on behalf of such corporation.

3 IN WITNESS WHEREOF, I have hereunto set my hand and
4 affixed my official seal the day and year first above written.

5 (SEAL)

6 Notary Public for Idaho, residing at Grangeville.

7 My commission expires Life, 19__.

9 STATE OF IDAHO

10 County of Idaho -- ss.

11 On this 10 day of January, 1983, before me,
12 a Notary Public in and for such county and state, personally ap-
13 peared BRUCE A. SCOTT and RUBY SCOTT, husband and wife, known to
14 me to be the persons whose names are subscribed to the within
15 instrument, and they acknowledged to me that they freely executed
16 the same.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 affixed my official seal the day and year first above written.

19 (SEAL)

20 Notary Public for Idaho, residing at Grangeville.

21 My commission expires Life, 19__.

22
23
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32
POOR QUALITY ORIGINAL

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138962

IDAHO COUNTY TITLE COMPANY, INC.
319 WEST MAIN
GRANGEVILLE, ID 83530

PROOF DUE NOTICE

APRIL 30, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 82-7069 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

DENNIS L. ALBERS
ATTORNEY AT LAW
P. O. BOX 314
GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
BOX 185 — 311 MAIN
PHONE (208) 935-2161

September 2, 1983

GRANGEVILLE OFFICE
204 W. NORTH
PHONE (208) 983-2310

✓ Comm of Works
No response req'd.
DLS

RECEIVED
SEP 8 1983

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes
Regional Supervisor
Department of Water Resources
Suite No. 1 - 4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. Haynes:

Re: 82-7068 and 82-7069

In relation to the above permits which have now been assigned to Idaho County Title Co., Inc., and agreed upon with Bruce Scott, we received in the mail recently a card for filing about when this particular spring was impressed into beneficial use. Somehow that card has been misplaced, but please be advised that the spring has as of March, 1982, approximately, been developed with the location of two small cisterns. Mr. Scott is using his portion, and the Title Co. is using their portion currently for horse and cattle watering, but the spring is ready to be hooked to a residence once the lot is sold.

Please notify me if there is something further that you need for evidence purposes.

Yours truly,

DENNIS L. ALBERS

DLA:jee

cc/Idaho County Title Co.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MC GUIRE, DENNIS W.
P.O. BOX 271
KAMIAH, ID 83536

JULY 06, 1983

RE: PERMIT NO. 82-7069

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: SK

APPLICATION NUMBER: 82-7089

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Dam Safety

9/25/79 Mr. Mc Guire changed dam to 9 feet

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
☒ Yes ☐ No Final date for protests: 10-9-79 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-16-79 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☒ No Measuring device required.
☒ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 8/27/79 Date of priority recommended.
Special conditions of approval or cover letter. _____

MICROFILMED

By: _____ Date: _____

STATE OFFICE REVIEW:

SLW/LIT

26 04 20A (4-26-88)

- ☐ See attached sheet for more information.

By: Reyn Date: 6/17/83

Department of Water Resources
RECEIVED
JUN 1983

DENNIS L. ALBERS
ATTORNEY AT LAW
P. O. BOX 314
GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
BOX 185 — 311 MAIN
PHONE (208) 935-2161

June 7, 1983

GRANGEVILLE OFFICE
204 W. NORTH
PHONE (208) 983-2310

Mr. Bob Haynes
Department of Water Resources
Route 5, Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

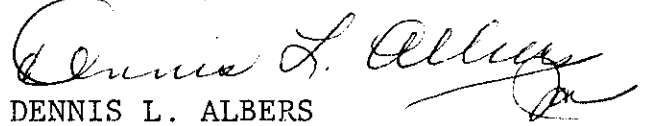
Dear Mr. Haynes:

Re: Permit #82-7069

Enclosed is an Assignment of Permit in the McGuire-Title Company-Scott matter. Please process this in your usual way with the earlier agreement that I sent you.

Hopefully this should now end all of these matter, and we would own the permit. Please advise if that is not the case.

Yours truly,


DENNIS L. ALBERS

DLA:jee

Enc.

RECEIVED

JUN 8 1983

Department of Water Resources
Northern District Office

MICROFILMED

DENNIS L. ALBERS

ATTORNEY AT LAW

P. O. BOX 314

GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
BOX 185 — 311 MAIN
PHONE (208) 935-2161

April 26, 1983

GRANGEVILLE OFFICE
204 W. NORTH
PHONE (208) 983-2310

Mr. Ken Knoblock
Idaho Department of Water Resources
Route 5, Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

Dear Ken:

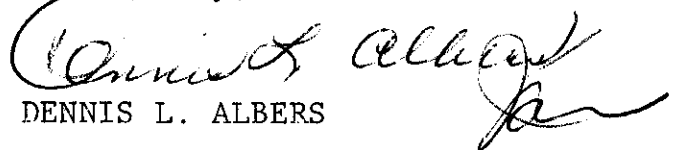
Re: McGuire-Scott-Idaho County Title Co.
Matter

After many months we finally have reached an agreement in relation to the previous dispute that was between McGuire and Bruce Scott. The title company is now the owner of the McGuire property and exceeds to all the rights that McGuire had.

We have recorded the original of this agreement as of the 26th day of April, and are sending you a copy of the agreement for processing in whatever way you feel is appropriate.

Contact me if I need to do something else to have this water right registered in the two names with the title company having the priority.

Yours truly,


DENNIS L. ALBERS

DLA:jee

Enc.

RECEIVED

APR 26 1983

Department of Water Resources
Northern District Office

MICROFILMED

RECEIVED

APR 27 1983

Department of Water Resources
Northern District Office

AGREEMENT

THIS AGREEMENT, made this 26 day of April, 1983, by and between IDAHO COUNTY TITLE COMPANY, INC., an Idaho Corporation, hereinafter called the TITLE COMPANY, and BRUCE A. SCOTT and RUBY SCOTT, husband and wife, hereinafter called the SCOTTS,

W I T N E S S E T H

WHEREAS, the Title Company is the owner of certain real property comprising a portion of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 27, Township 31 North, Range 4 East, Boise Meridian, known as Lot 2, Block 1 of the Clearwater platted tracts addition of Idaho County, Idaho, according to the recorded plat thereof; and,

WHEREAS, there is a certain spring located upon such tract owned by the Title Company which is more particularly described in Instrument No. 42513, being a Warranty Deed, dated December 30, 1915, from George N. Saunders and wife, to Floyd F. Fergason and others, recorded in Book 39 of Deeds at Page 406, records of Idaho County, State of Idaho, which spring is the subject of a recently contested and currently pending application for water right, before the Idaho Department of Water Resources; and,

WHEREAS, the parties Scott are successors in ownership of the tract of land more particularly described in a Warranty Deed of Book 39 at Page 406 as Instrument No. 42513 to the interest of Floyd F. Fergason and others, thereunder; and,

WHEREAS, it is further anticipated that such agreement shall be binding upon the successors of the respective parties to this agreement, perpetually, unless otherwise modified by the successors, and be recorded in the Idaho County Recorder's office,

WILLIAM B. TAYLOR, JR.

1 NOW, THEREFORE, IT IS MUTUALLY AGREED, COVENANTED
2 AND PROMISED AS FOLLOWS:

3 FIRST: That, except as hereinafter provided, Idaho
4 County Title Company, and the Scotts and their successors, as
5 the case may be, shall perpetually share equally in the water
6 produced by the hereinabove mentioned spring.

7 SECOND: That the parties shall share equally in the
8 costs of development, improvement and maintenance of such spring,
9 including any pump or pumps, and any other equipment which is
10 used in connection with the production of water from such spring.
11 Each party shall be responsible for providing their or its own
12 storage tank, of approximately 1,000 gallons in size, or other-
13 wise, and shall pay the total cost thereof, including costs of
14 installation, saving the other party or parties to this agree-
15 ment harmless from any such costs.

16 THIRD: That the Scotts shall be entitled to proceed
17 forthwith in the development and improvement of such spring, in-
18 cluding the installation of equipment, together with their stor-
19 age tank, as hereinabove described, with them advancing the
20 whole costs of such expenditures, except the cost of the tank and
21 its installation which shall be borne entirely by them, and they
22 being entitled to forthwith make installation of a pipeline
23 across the land owned by the title company to the land owned by
24 the Second Parties in a reasonable manner with as little damage
25 done to the premises of the title company as is reasonably poss-
26 ible under the circumstances and the Scotts and their heirs and
27 assigns shall have a perpetual right to enter upon the premises
28 for the purpose of maintenance, repair and other necessary work
29 upon such pipeline as it proceeds from such spring and storage
30 tank to the premises owned by the Scotts.

31 FOURTH: The parties acknowledge, that certain work
32 has already been accomplished on the spring, and that the sum of

MICROFILMED

1 \$ 458.87 has been paid upon the execution of this
2 agreement to the Scotts for reimbursement of their one-half of
3 the costs, improvements and development work. Further expendi-
4 tures on the spring which shall be for the mutual benefit of both
5 parties, shall be shared by them equally. In the event of a dis-
6 pute over the propriety of any expenditures, each party shall ap-
7 ~~point~~ one arbitrator and those arbitrators shall appoint a third
8 arbitrator to settle the differences and take into account all
9 facts and circumstances surrounding the improvements and the
10 decision of the arbitrator shall be binding upon all parties.

11 FIFTH: That, in all events, the title company or its
12 successors and assigns shall be entitled to a priority of the
13 water from such spring and into their tank in an amount reasonably
14 necessary to sustain the actual household, providing subsistence
15 to growing trees and shrubs, in the time of a shortage of water,
16 in an amount not to exceed 400 gallons for any one given day, be-
17 fore any water shall be used by the Scotts or their heirs or
18 assigns from such spring. Any apparatus to be installed by the
19 parties shall provide for the priority hereunder contemplated and
20 as aforesaid shall be for domestic and household uses only.

21 SIXTH: That an executed copy of this instrument shall
22 be provided by the parties to the Department of Water Resources in
23 reference to the currently pending application by them for water
24 right permits and may be used by such agency in determining
25 priorities in the issuance of permits as such department shall
26 see fit. The parties understand that the Idaho County Title
27 Company is a successor in interest to the spring and a successor
28 in interest to the application made by Dennis W. McGuire and
29 Marcia K. McGuire, husband and wife, of Kamiah, Idaho.

30 OTHER COVENANTS: It is further understood and agreed
31 that the owners of the property upon which the above mentioned
32 spring is located, as well as the owners of any adjoining prop-

erty shall be responsible for any damage done to the water line and storage tanks caused by them, their agents, employees or other representatives, during the term of this agreement.

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

IDAHO COUNTY TITLE COMPANY, INC.,

By: Tom Leuck, Pres.
Tom Leuck, President

ATTEST:

Dennis L. Albers
Dennis L. Albers, Secretary

(SEAL)

Bruce A. Scott
Bruce A. Scott

Ruby E. Scott
Ruby Scott

STATE OF IDAHO

County of Idaho -- ss.

On this 26 day of April, 1983, before me, a Notary Public in and for such county and state, personally appeared TOM LEUCK and DENNIS L. ALBERS, known to me to be the President and Secretary, respectively, of IDAHO COUNTY TITLE COMPANY, INC., an Idaho corporation, whose names are subscribed to

AGREEMENT

Page Four

RECORDED

1 the within instrument, and they acknowledged to me that they free-
2 ly executed the same for and on behalf of such corporation.

3 IN WITNESS WHEREOF, I have hereunto set my hand and
4 affixed my official seal the day and year first above written.

5 (SEAL)

6 Notary Public for Idaho, residing at Grangeville.

7 My commission expires Life, 19__.

8
9 STATE OF IDAHO

10 County of Idaho -- ss.

11 On this 10 day of January, 1983, before me,
12 a Notary Public in and for such county and state, personally ap-
13 peared BRUCE A. SCOTT and RUBY SCOTT, husband and wife, known to
14 me to be the persons whose names are subscribed to the within
15 instrument, and they acknowledged to me that they freely executed
16 the same.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 affixed my official seal the day and year first above written.

19 (SEAL)

20 Notary Public for Idaho, residing at Grangeville.

21 My commission expires Life, 19__.

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RECEIVED

AUG 5 1982

Department of Water Resources
Northern District Office

Box 319 Rt 2
Hooskia La 83539
Aug 3, 82

Dear Sirs

Received your letter regarding Permit 827068 827069. We made an agreement for the spring, and it was drawn up for approval and sent to Dennis Alferts ^{Yreung, La} their attorney and part owner in the property. I have talked to them and called them several times, and they say they will get it right out. But no luck so far.

I went ahead with the work and cleaned and put in the spring rings and tops and I piped the water to our place, and have been using it since 1979 after we had our meeting. So far the cost is all mine. I would like to get it settled and a permit for it. Sincerely,
Bruce H. Scott

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~C. Stephen Alfred~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667 6484

July 27, 1982

Idaho County Title Company
109 N. College Street
Grangeville, Id. 83530

Re: 82-7068 and 82-7069

Attn: Kenneth A. Hooglund

Gentlemen:

On March 9, 1981, I wrote to Mr. Dennis W. McGuire relating to his application and an application of Mr. Bruce A. Scott, both of which were counter-protested.

At the time, I was lead to believe that an agreement was pending to resolve the matter of the protests. To date, we have not received an agreement.

In addition, Application No. 82-7069 is still in the name of Dennis W. McGuire. I am enclosing an assignment form which Mr. McGuire must sign in order to transfer ownership of that permit from himself to Idaho County Title Company.

If the Department has not received an agreement between yourself and Mr. Scott within thirty days, we shall re-schedule the matter for hearing, take evidence and testimony and issue decisions relating to the protested applications.

If you have any questions, please don't hesitate to contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Assignment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~State Engineer~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667 6484

July 27, 1982

Mr. Bruce A. Scott
Rt. 2 Box 319
Kooskia, Id. 83539

Re: 82-7068 and 82-7069

Dear Mr. Scott:

On March 9, 1981, I wrote you concerning an agreement which was pending relating to the above-referenced applications.

This is to inform you that if we have not received the agreement relating to the above-referenced applications within thirty days, the Department will re-schedule the matter for hearing at which time we will take testimony and evidence and issue a decision regarding those applications.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

MICROFILMED

MARCH 20, 1981

ROBERT G. HAYNES
Regional Supervisor:

I just got back from a two week trip and found your letter of March 9, 1981 in my mail.

If I remember correctly, at that meeting on Oct. 25, 1979, it was decided that I had first right to the spring and that Mr. Scott was entitled to all excess. But I no longer own that piece of property. The Idaho County Title Ins. Co. in Grangeville, Idaho bought it from me. I would suggest that you contact a Mr. Ken Hoogland with that agency. Besides being the present owners, they were also at the Oct. 25, 1979 meeting and took an active part.

Any and all agreements between them and Mr. Scott are the ones that should be considered at this time.

Sincerely: Dennis W. McGuire

Dennis W. McGuire

RECEIVED

MAR 23 1981

Department of Water Resources,
Northern District Office

MICROFILMED

March 9, 1981

Mr. Dennis McGuire
Box 279
Kamiah, Id. 83539

Re: 82-7068
82-7069

Dear Mr. McGuire:

On October 25, 1979, the Department of Water Resources held a conference regarding protests to the issuance of the two above-referenced applications for permit. Those conferences were continued pending the results of field work to determine the production of the spring that both applications proposed to develop.

To date, we have heard nothing regarding the outcome of the field investigation. Please advise us as to the following:

1. Are you still interested in pursuing your application?
2. Are you still contesting the application of Bruce Scott (82-7068)?

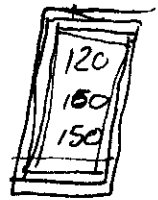
If an agreement has been reached, please send us notice by mail so that we may take action on that permit.

If you have any questions, please don't hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms



M^cGuire 82-7069

.052 = 1300 gpm

Spring presently flows at 1 gpm

Presently flows into a cattle watering trough

Most years — Mr Scott claims — water flows across property boundaries

What is the normal spring flow —

→ Private waters 1967 case private waters

→

The water is only sufficient for one house —

Hearing continued to allow an agreement on development of the system —

Name: Dennis W. McGuire / Bruce A. Scott
File: 82-7069 82-7068
Place: Idaho County Courthouse Room #31, Grangeville, ID
Date: Oct. 25, 1979 1pm

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

Bruce A. Scott

Dennis W. McGuire

Kenneth A. Hoagland

William S. Taylor Jr.

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

PERMIT NO. 1005 ALBANY, N.Y.
OCT 11 1979
FORENALLY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



**RETURN
TO**

R E C E I V E

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1
COEUR D'ALENE, ID 83814

OCT 11 1979

(Name of Sender)

Department of Water Resources
Northern District Office

(Street or P. O. Box)

(City, State, and ZIP Code)

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

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

- ☒ Show to whom and date delivered. _____ c
☐ Show to whom, date, and address of delivery. _____ c
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. _____ c
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Bruce A. Scott
 Rt. 2 Box 319

Koonkia, ID 83539

ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

13477-

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

82-7069

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 302, SUITE #1
COEUR D' ALENE, ID 83814

R E C E I V E D

OCT 11 1979

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

MICROFILMED

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

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

- ☒ Show to whom and date delivered. _____¢
☐ Show to whom, date, and address of delivery. _____¢
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. _____¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Mr. Dennis McGuire
 P. O. Box 271
 Kamiah, ID 83536

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13478	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Dennis McGuire

4. **DATE OF DELIVERY**

OCT 10 1979

POSTMARK

OCT 10 1979

5. **ADDRESS** (Complete only if requested)6. **UNABLE TO DELIVER BECAUSE:**
 CLERK'S
 INITIALS
 USPO

1979

NAME AND ADDRESS OF SENDER

Indicate type of mail

☐ INSURED ☐ C. O. D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE	REMARKS
1 13466	Mr. Robert Savage, Rt. 6 Box 34 Priest River ID 83856	15	80			45				
2 13467	Mr. & Mrs. John Bahler, Rt. 6 Box 29, Priest River, ID	"	"			"				
3 13468	Mr. Dag Grudem, 202 S. First Ave., Sandpoint, ID 83864	"	"			"				
4 13469	Mr. & Mrs. Ernest D. Little, P. O. Box 606, Sandpoint ID	"	"			"				
5 13470	Mr. David Goldman, Star RT. 1, Bonners Ferry, ID 83805	"	"			"				
6 13471	Mr. Ernest G. Krause, 507 Iva Dr. Farmington NM 87401	"	"			"				
7 13472	Mr. Robert R. Krause, Star Rt. 1, Porthill, ID 83853	"	"			"				
8 13473	Mr. Raymond O. Hinthorn, Star Rt. 1 Box 76, B. F. ID	"	"			"				
9 13474	Mr. Francis D. Chicane, Rt. 1 Box 106, Grangeville, ID	"	"			"				
10 13475	Mr. Vernon Workman, Rt. 1 Box 100A, Grangeville, ID	"	"			"				
11 13476	Mr. & Mrs. Sydney Smith, P. O. Box 129, Cocolalla, ID	"	"			"				
12 13477	Mr. Bruce A. Scott, Rt. 2 Box 319, Kooskia, ID 83539	"	"			"				
13 13478 ✓	Mr. Dennis W. McGuire, P. O. Box 271, Kamiah, ID 83536	"	"			"				✓ 10-11-79
14 13479	Mr. William B. Taylor, P. O. Box 326, Grangrville, ID	"	"			"				
15 13480	Dr. Larry R. Delane, 3326 4th Bryden C. C. Lewiston, ID	"	"			"				
16 13481	Mr. E. B. Ponack, 1428 G. St., Lewiston, ID 83501	"	"			"				
17 13482	Mr. Harold G. Smith, 1685 Redbird Rd. Lewiston, ID	"	"			"				
18										
19										
20										

TOTAL NUMBER OF PIECES LISTED BY SENDER

36

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

36

POSTMASTER, PER (Name of receiving employee)

J. Jones

* Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."
* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.



85-7207-1314
85-7205 98-1314
85-7207 10-11-79
85-7207-A-July 1958



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 9, 1979

Auditor's Office
Idaho County Courthouse
Grangeville, Idaho 83530

Dear Madam:

Re: 82-7068, 82-7069, and 85-7205

This is to confirm reservations for a conference and/or hearing to be held by this Department on Thursday, October 25, 1979, beginning at 10:30 a.m., in Meeting Room No. 31 in the Idaho County Courthouse.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

MICROFILMED

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 82-7069 IN)
THE NAME OF DENNIS W. MCGUIRE.)

NOTICE OF CONFERENCE
AND/OR HEARING

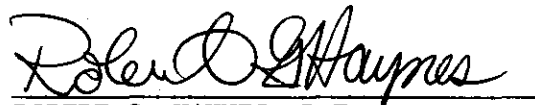
On August 27, 1979, Dennis W. McGuire filed with the Department of Water Resources an application for Permit No. 82-7069. The Department received a protest against approval of said permit from William B. Taylor, Jr., Attorney at Law, on behalf of Bruce A. Scott on October 4, 1979.

The Department has set the matter of protests for conference and/or hearing for Thursday, October 25, 1979, at 1:00 p.m., in Meeting Room No. 31 located in the Idaho County Courthouse, Grangeville, Idaho 83530. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED: This 5th day of October, 1979.


ROBERT G. HAYNES, P.E.
Regional Supervisor

100-144-1

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

October 5, 1979

Mr. Dennis W. McGuire
P. O. Box 271
Kamiah, Idaho 83536

RE: 82-7069

Dear Mr. McGuire:

Enclosed is a copy of a protest filed against the above-referenced application. The Department has set the matter of protest for conference and/or hearing pursuant to the enclosed notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure

MAILED 11 OCT 10 1979

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
N o r t h e r n R e g i o n

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

October 5, 1979

Mr. William B. Taylor, Jr.
Attorney at Law
P. O. Box 326
Grangeville, Idaho 83530

RE: 82-7069

Dear Mr. Taylor:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department has set this matter for conference and/or pursuant to the attached notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

MICROFILMED

82-2069.

MC GUIRE, DENNIS W.

P.O. BOX 271, KAMIAH, ID 83536

Source: UNNAMED SPRINGS

Date Filed: 08/27/1979

Amount: 0.06 CFS 2.5 AC-FT

Diversion Point: SWSW SESW Sec 27 T 31N R 04E, IDAHO Co.

Use: IRRIGATION STORAGE	(0.02 CFS)	from 10/01 to 04/30
IRRIGATION FROM STORAGE	(2.5 AC-FT)	from 06/01 to 08/31
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SWSW SESW SWSE Sec 27 T 31N R 04E FOR 10 ACRES

Diversion Means: DEVELOPED SPRING & PIPE

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

September 14, 1979

Mr. Dennis W. McGuire
P. O. Box 271
Kamiah, ID 83536

RE: 82-7069

Dear Mr. McGuire:

Enclosed is Receipt No. 15020 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Stypa

PMS

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

**Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484**

September 11, 1979

Mr. Dennis W. McGuire
P. O. Box 271
Kamiah, ID 83636

Dear Mr. McGuire:

It will be necessary for you to complete the enclosed form #1710 prior to construction of your dam. Rule number seven of the enclosed "Safety of Dams," will explain the steps you must take prior to and during construction.

No fee are required on the Dam Application, however your Application for Permit to appropriate water can not be approved until the dam application has been received by the department.

If you have any futher questions please do not hestiate to conatact our office.

Sincerely,

Tom D King

Tom D. King
Senior Water Resource Agent

tdk/jb
Enc: One Application
Safety of Dams

SECRET

August 29, 1979

Mr. Dennis W. McGuire
P. O. Box 271
Kamiah, Idaho 83536

Dear Mr. McGuire:

I have taken the liberty of preparing a new Application for Permit and I am sending it to you along with your Check No. 92-308 and original Application.

The map you provided led to confusion about the place of use and point of diversion, so please check this carefully prior to refiling. You mentioned a dam in your original application but no mention was made of a storage right, so I did not include it in the new application. If you do plan to store water, please supply the following information under "Remarks":

1. Amount (CFS) of water to be diverted to storage and purpose for which it will be stored;
2. Volume (AF/ANN) of water to be stored and for what purpose;
3. Amount (CFS) of water to be taken from storage for what purpose.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc: Applications (2)
Check

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis W. McGuire Phone 935-0195

Post office address P. O. Box 271 Kamiah, Idaho 83536

2. Source of water supply Unnamed Spring which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 31N

Range 4E B.M. Idaho County, additional points of diversion if any: _____

AKA Clearwater Platted Tracts Block 1, Block 2.

4. Water will be used for the following purposes:

Amount .002 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .002 for Irrigation purposes from 6/1 to 8/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .002 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. .006 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
Developed Spring and Pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 31N
Range 4E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____
5-10 Head Stock

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis W. McGwire Phone 935-0195Post office address P.O. Box 271 Kamiah, Idaho2. Source of water supply underground spring which is a tributary of 03. Location of point of diversion is E 1/2 SW 1/4 of SW 1/4 of Section 27 Township 31Range 4E B.M. Idaho County County, additional points of diversion if any: _____Clearwater platted tracts - Block 1 - Lot 2

4. Water will be used for the following purposes:

0.002 Amount 1 gal. per minute for Domestic use purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)0.0002 Amount 1 gal. per minute for Irrigation purposes from JUNE 1st to August 31 (both dates inclusive)
(cfs or acre-feet per annum)0.002 Amount 1 gal. per minute for Animals purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3/4 of 1 min. inch. or .006 cfs. cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. possibly pump for spring
when dug out and developed
Developed Spring Exposedb. Height of storage dam 10 feet, active reservoir capacity Appx 3 acre-feet; total reservoir capacity Appx 4 acre-feet, materials used in storage dam: Compacted earth & rockPeriod of year when water will be diverted to storage Oct 1 to March 1 inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: E 1/2(1) Give the place of use of water: SW 1/4 of SW 1/4 of Section 27 Township 31
Range 4E B.M.(2) Amount of power to be generated: N/A horsepower under N/A feet of head.(3) List number of each kind of livestock to be watered 1 milk cow, 1 beef cow
2 goats, chickens, rabbits(4) Name of municipality to be served NONE, or number of families to be supplied with domestic water 1 family.

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

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for review - 4/24/79 - 3 PM

Received by _____ Date _____ Time _____

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

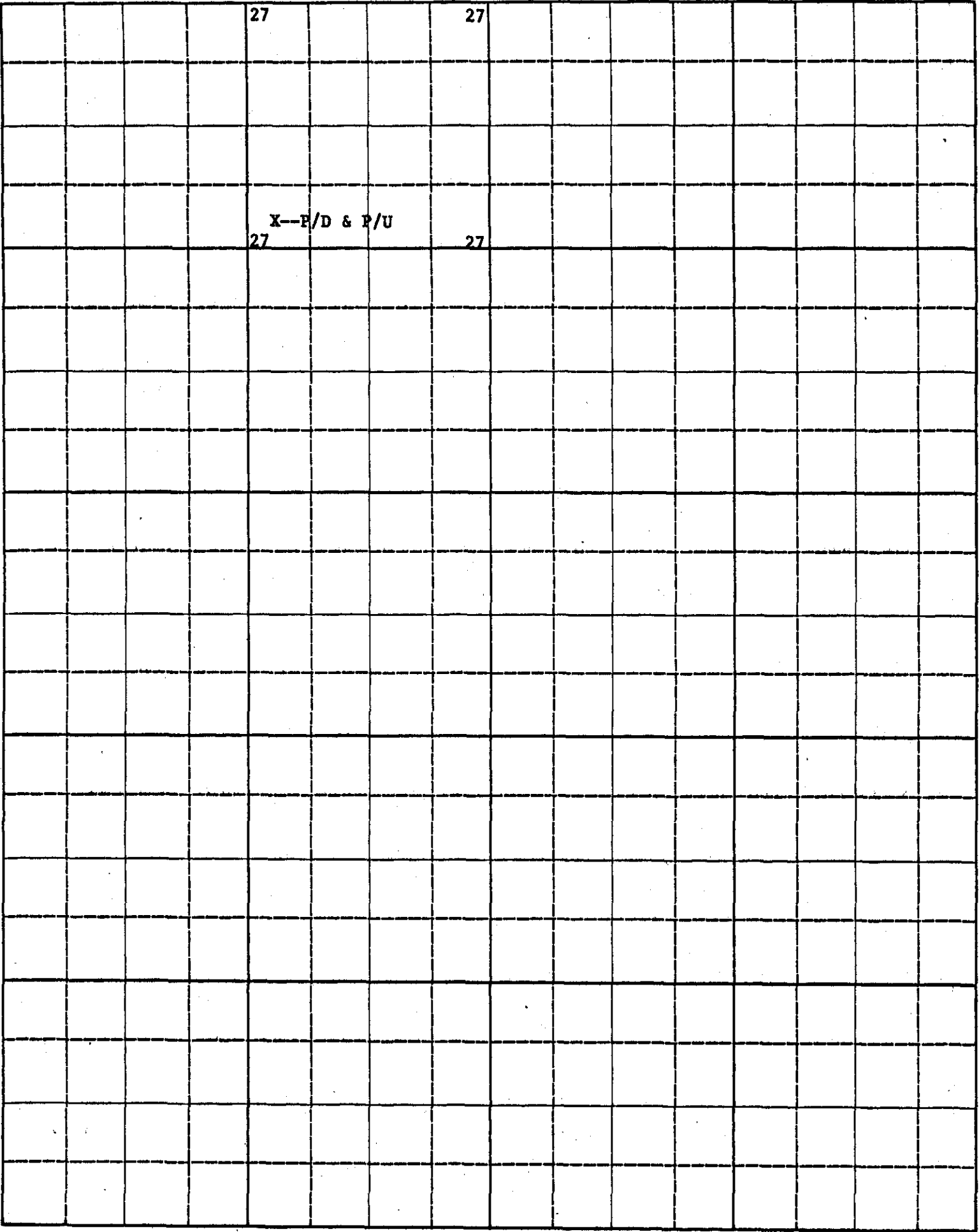
Witness my hand this _____ day of _____, 19____.

Director

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

31N 4E



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.

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(Applicant)

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31N	4E	27											5						5

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. _____

None

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

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

MICROFILMED

IDENT. NO. 82-7069

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

WATER RIGHT
DATA ENTRY LOG

[illegible]