

EXHIBIT "A"

Documents from the City of Smelterville's files regarding the well located at City Park:

1. Map
2. Deed dated 18th day of May, 1966
3. Application for Permit, Approved
4. Certification of compliance with the terms and conditions of the permit, dated March 21, 1972
5. Notice of Application for Water Permit
6. Proof of Publication
7. Contact person Arthur Listo document
8. Commencement of Works, for Permit No. 94-7023, dated 11/17/82
9. Proof of Application of Water to Beneficial Use
10. Letter from M. Russell Bosch, of the Department of Water Administration to the City of Smelterville, dated March 21, 1972
11. Letter from Bobby D. Fleenor, Assistant Director, to the City of Smelterville, dated May 25, 1972
12. Letter from D. Darlene Reich, Water Rights Supervisor to the City of Smelterville, dated May 24, 1973
13. Letter from D. Darlene Reich, Water Rights Supervisor to the City of Smelterville, dated August 17, 1976

* * * * *

IDWR / NORTH

1. *...
 2. *...
 3. *...
 4. *...
 5. *...*****

[illegible]

20

THIS INSTRUMENT, Made the 18th day of May, 1966,
between AMERICAN SMELTING AND REFINING COMPANY, a New Jersey corporation,
Grantor, and the Village of Smelterville, a municipal corporation of the
County of Shoshone, State of Idaho, Grantee,

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of One Dollar
(\$1.00), lawful money of the United States of America, receipt of which
is hereby acknowledged, and other considerations has sold, conveyed, and
quitclaimed, and by these presents does sell, convey and quitclaim unto
the Grantee as and for a public park, to be held under Chapter 10, Title
50, of the Idaho Code, which provides that the rights of the municipality
in and to the estate herein conveyed shall be inviolable except by vote
of the people, the following described real property, situated in the
County of Shoshone, State of Idaho, to-wit:

Lot 15:

From the southwest corner of section 35, Township 49 North,
Range 2 East, B.M., which is a 2-inch pipe with a brass cap,
go North 88°40'50" East a distance of 784.59 feet to corner
No. 1, a steel pin, and the place of beginning and a point on
the south right-of-way line of an old State Highway;

Thence North 71°42' East along said right-of-way line
a distance of 465.04 feet to corner No. 2;

Thence South 18°21'50" East along said right-of-way line
a distance of 12.96 feet to corner No. 3;

Thence North 71°38'10" East along said right-of-way line
a distance of 74.38 feet to corner No. 4;

Thence South 0°34'30" West along the west right-of-way
line of "A" Street of Smelterville a distance of 161.70
feet to corner No. 5;

Thence North 89°25'40" West along the north right-of-way
line of First Avenue of Smelterville, which north right-
of-way line is parallel to and 25 feet north of the south
line of said section 35, a distance of 514.59 feet to
corner No. 1, the place of beginning,

containing 1.013 acres, more or less, (as shown on the attached
map,) all lying in the southwest quarter (SW 1/4) of section 35,
Township 49 North, Range 2 East, B.M., Shoshone County, Idaho,

with the appurtenances.

RECEIVED

DEC 09 2011

IDWR/NORTH

94 70'

DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

RECEIVED

DEC 09 2011

IDWR / NORTH

PERMIT ISSUED FOR 0.02 SEC. 71

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

1. Name of applicant CITY OF SMELTERVILLE
post office address P.O. BOX 208 SMELTERVILLE, IDAHO 83868
2. Source of water supply UNDERGROUND which is a tributary of N.A.
3. a. Location of point of diversion is SW $\frac{1}{4}$ of South West $\frac{1}{4}$ of Section 35 Township 49 North
Range 2 East B.M. SHOSHONE County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into N.A. at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for IRRIGATION purpose from MAR 15 to NOV. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.02 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. N. A.

b. Height of storage dam N. A. feet, active reservoir capacity N. A. acre feet; total reservoir
capacity N. A. acre feet, materials used in storage dam: N. A.
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 6 inches; proposed depth of well is 100 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$2,000.00.
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

			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
49N	2E	35											✓					1.013

RECEIVED
DEC 09 2011
IDWR/NORTH

Total number of acres to be irrigated 1.013

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

9. a. Who owns the property at the point of diversion CITY OF SHELTERVILLE

b. Who owns the land to be irrigated or place of use CITY OF SHELTERVILLE

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 Water to be used to water lawn for City park- less than one acre.
City may find other presently unknown use for water.

RECEIVED
DEC 09 2011
IDWR / NORTH

35

P.P.
P.U.

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.

License of Water Right No. 94-7023 Priority March 21, 1972 Amount 0.02 cfs

THIS IS TO CERTIFY, that the CITY OF SMELTERVILLE
of Smelterville, Idaho, has complied with the terms and conditions of Permit
No. 94-7023 issued pursuant to Application for Permit dated March 21, 1972,
and has submitted proof to the Department of Water Resources on May 24, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a ground water source,
tributary to _____, 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>Nov. 15</u>	at <u>0.02</u> cfs and	<u>3.0</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35,
Twp. 49 N, Rge. 2 E, B.M. in the County of Shoshone

Description and location of place of use: (City Park)

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 $\frac{1}{4}$	
49 N	2 E	35										X							1.013

Total number of acres irrigated 1.013

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.

RECEIVED
DEC 09 2011
IDWR / NORTH

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that City of Smelterville, P.O. Box 208,
Smelterville, Idaho

has on March 21, 1972 submitted Application No. 94-7023

for a permit to appropriate 0.02 cubic feet per second ~~acre feet per second~~
of water from a ground water source

~~any part of~~

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 49N, R. 2E, B.M., Shoshone County

to be used from March 15 to Nov. 15

for the irrigation of 1.013 acres

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 49N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 17, 1972.

R. KEITH HIGGINSON

Director

Published in the Kellogg Evening News, Kellogg, Idaho

on March 30 and April 6, 1972.

94 7023

RECEIVED
DEC 09 2011
IDWR/NORTH

PROOF OF PUBLICATION

STATE OF IDAHO

County of Shoshone, }

SS.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that City of Smelterville, P.O. Box 208, Smelterville, Idaho has on March 21, 1972 submitted Application No. 94-7023 for a permit to appropriate 0.02 cubic feet per second of water from a ground water source within the SW¹/₄SW¹/₄, Sec. 35, T. 49N, R. 2E, B.M., Shoshone County to be used from March 15 to Nov. 15 for the irrigation of 1.013 acres within the SW¹/₄SW¹/₄, Sec. 35, T. 49N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 17, 1972.

R. KEITH HIGGINSON

Director

3-29-4-5-72

Wm. Penney, being first duly sworn deposes and says that he is publisher of KELLOGG EVENING NEWS a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the

CITY OF SMELTERVILLE
WATER PERMIT APPLICATION

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in a supplement thereto, for a period of 2 consecutive weeks/days, the first publication thereof being in its issue dated MAR 29, 1972 and the last publication thereof being in the issue dated APR 5, 1972

Subscribed and sworn to before me this 13th

day of April, 1972

Wendell R. Baird

Notary Public

84 5000

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
49N	2E	35											X						1.013

RECEIVED
DEC 09 2011
IDWR / NORTH

35

*

Diagram of System

Found one
Recommended one

Irrigation Requirement 3.0 Ac Ft/Ac

RECEIVED
DEC 09 2011
IDWR / NORTH

USE

Irrigation Q = 0.02 c.f.s. V = .6 AF/Ann. from Mar 15 to Nov 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 0.02 cfs Method of measurement calc

Total Q recommended 0.02 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 0.6 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

one Acre @ 0.02 cfs = 0.6 AF/Ann

SYSTEM DESCRIPTION:

5hp submersible pump, ser# 7107233, well with pump and
pipe line to spr hds.

REMARKS:

RECEIVED
DEC 09 2011
IDWR / NORTH

Form 204-P
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Resources Test Area
Shoshone County

COMMENCEMENT OF WORKS

Permit No. 94-7023
Name(s) of Permit Holder(s): I.T.D., Div. of Hwys
Post Office Address: P.O. Box 7129, Pocatello, ID 83707
Tel. No. 334-3646

☐ I hereby certify that construction of diversion works for the above referenced permit began on 11/17/88 (Date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

A change in project priorities by the Idaho Transportation Board

11/17/88 Date
Signature of Permit Holder
Engineering Mgr. II

*Note: A financing difficulty is not an acceptable reason.

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
DEC 09 2011
IDWR/NORTH

1. a) Name of Permit Holder City of Smelterville
b) Post Office Address P.O. Box 208--Smelterville, Idaho 83868
2. Permit Number 94-7023
3. Date of Priority that you are prepared to establish May 17, 1972
4. a) Source from which water was appropriated Underground
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 35
Township 49 North, Range 2 East Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 0.02 for Irrigation purposes from March 15 to November 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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: Larry Gilman of Well service Co.
He used large container with time- results 64 G.P.H.
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) six inch pipe, five horse one phase motor- well depth ninety five feet. Water goes into pipes and is sprinkled by sprinkler heads. Automatic timer.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed December 13, 1971
Aqua Drilling and Development, Inc.
Rt. 1 - Orofino, Idaho 83544

RECEIVED
DEC 09 2011
IDWR/NORTH

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:
1.013 acres park grass

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	
49 N	2 E	35											**						1.013

Total number of acres irrigated 1.013

0. Remarks: _____

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

22-73 (Date) Mayor Everett Ely (Signature)

State of IDAHO)
 County of SHOSHONE) ss.

On this 22nd day of May, 1973, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Harold Thomas
 Notary Public residing at Smelterville

My commission expires August 15 1976

RECEIVED
DEC 09 2011
DWR/NORTH

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 to whom, date and address

☐ Deliver ONLY to addressee

RECEIPT

Received the numbered article described below

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

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

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

1	City of Springfield
2	Signature of Addressee's Agent, if any
3	94 7023
4/2/73	

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

March 21, 1972

City of Smelterville
Box 208
Smelterville, Idaho 83858

Gentlemen:

Attached herewith is your receipt No. 8204 in the amount of \$ 10.00
for your application for permit
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

RECEIVED
DEC 09 2011
IDWR / NORTH

94 7023

RECEIVED
DEC 09 2011
IDWR / NORTH

May 25, 1972

Re: Permit No. 94-7023

City of Smelterville
P.O. Box 208
Smelterville, Idaho 83868

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 94-7023. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit

bc: Northern District Office

94 7023

RECEIVED
DEC 09 1973
IDWR/NORTH

May 24, 1973

Re: Permit No. 94-7023

City of Smelterville
P. O. Box 208
Smelterville, Idaho 83868

Gentlemen:

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

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

If you have any questions regarding the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jc

94 7023

RECEIVED
DEC 09 1976
IDWR / NORTH

August 17, 1976

Re: Permit No. 94-7023

The City of Smelterville
P.O. Box 209
Smelterville, ID 83868

Gentlemen:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.