

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7264 Priority March 12, 1973 Amount 0.56 cfs

THIS IS TO CERTIFY, that Larry Gilman & John Wheeler
of Hayden Lake, Idaho, has complied with the terms and conditions of Permit
No. 95-7264 issued pursuant to Application for Permit dated March 12, 1973,
and has submitted proof to the Department of Water Resources on April 28, 1983,
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 0.56 cfs of water from a groundwater 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
Domestic (138 Units)	from <u>January 1</u> to <u>December 31</u>	at <u>0.56</u> cfs and	<u>165.6</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 0.56 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
165.6 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31,
Twp 51N, Rge 4W in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
51N	4W	31											X	X			X	X	

Total number of acres irrigated _____

P/U also known as Royal Highland Addition

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

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

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

Norman C. Young
Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Orginial Permit	95-7264	Irvin Scheller	1.0 cfs
Full Assignment	95-7264	Larry Gilman & John Wheeler	1.0. cfs

MICROFILMED

Robyn

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

JUL 19 1982

Department of Water Resources

*OK to proceed
PWC
7/20/82*

I, Irvin Scheller, hereby assign to Larry Gilman & John Wheeler
of P.O. Box 1090 Hayden Lake, Idaho 83835
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 95-7264
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)

Made this 2 day of July, 19 82.

RECEIVED

JUL 16 1982

Department of Water Resources
Northern District Office

Irvin Scheller
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Kootenai) ss.

On this 2 day of July, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Larry Gilman
Notary Public residing at
Coeur d'Alene

My commission expires:

life

seal
MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 95-7264

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

RECEIVED
MAR 31 1978

State of Idaho

County of Kootenai

Department of Water Resources
Northern District Office

Permit No. 95-7264

Irvin Scheller
(name)

of PO Box 475, Post Falls, Id. 83854
(address)

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

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriation the Public Waters of the State of Idaho No. 95-7264.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Apr. 1, 19 78.

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

System is completed. There are 39 houses
presently on system and in various stages
of construction

Costing \$

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Size of project too large to
complete in time allotted. However the closer
to completion the faster the progress.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Apr 1, 19 83.

Irvin Scheller
(signature) *

Subscribed and sworn before me this 31 day of March, 19 78.

seal

Ala Bato
Notary Public residing at
Idaho Falls

My commission expires September

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use of water is extended
to April 1, 1983.

Witness my hand this 11 day of April, 1978

D. Glen Saxton
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

Identification No. 95-7264

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Irvin Scheller
 post office address P. O. Box 163, Osburn, Idaho 83849
2. Source of water supply Well which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 Township 51N
 Range 4W B.M. Kootenai 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 1 cfs for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. One cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. _____
8" diameter cased well 426' deep w/pump

- b. Height of storage dam N.A. feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 8 inches; proposed depth of well is 426 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 5 years.
 b. Estimated construction cost is \$ 20,000.00.
8. Description of proposed uses:

	NW	SE
a. If water is not for irrigation:	SW	SE
	SE	SW

 - (1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 Township 51N
 Range 4W 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 Royal Highland Addition, or number of families to be
 supplied with domestic water 150.
 - (5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Irvin Scheller

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

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

10. Remarks _____

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

SECTION 31

Well

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Irvin Scheller
(Applicant)

95 7264

Received by CB Date 12 MAR 73 Time 2:05 PM
Preliminary check by CB Fee \$ 25.00 \$8571
Receipted by CB Date 12 MAR 1973
Publication prepared by cr Date 3-16-73
Published in Coeur d'Alene Press
Publication dates 3-22 & 3-29-73
Publication approved de Date 4-9-73
Priority ~~standard~~ 3-12-73 Reason _____

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7264, 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 April 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 17 day of April 19 73.


Deputy Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	CB	12 MAR 73	Application No. <u>95-7264</u> Name <u>Arvin Scheller</u>
(2)	CB	12 MAR 73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	CB	12 MAR 73	Send copies to: ☒ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	CB	12 MAR 73	☐ Request ^{Done} Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	CB	12 MAR 73	In form for advertising <u>OK</u>
(6)	CR	4-9-73	Affidavit of Publication received <u>April 2, 1973</u>
(7)	CR	3-16-73	Final date for protests <u>April 9, 1973</u> Protests received: yes <u>no</u> ☒
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)	FB	4/9/73	Critical groundwater area: yes _____ no ☒
(11)	FB	4/9/73	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	FB	4/9/73	Action recommended: ☒ Approve Priority <u>5/12/73</u> ☐ Deny Reason for Reduction _____ <u>FB</u> <u>4/9/73</u> See attached sheet for conditions of approval _____ No conditions for approval
(14)	FB	4/9/73	District <u>Nathan</u> By <u>Paul H.</u> Date <u>4/9/73</u> Title <u>Paul H.</u>

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APR 11 1973
Department of Water Administration

RECOMMENDEDCONDITIONS OF APPROVAL

- ☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

Remarks *Diversion Point Close to 1/32 line between SW & SE of SE SW, Sec 31*

Attached - Map & Plans

Point(s) of diversion: 5th (SE 2nd), Sec. 31, T51N, R4W

Place(s) of Use

[illegible]☐ Other

Date 4-4-84

95-7264



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
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WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:
"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Irvin Scheller,

P.O. Box 163, Osburn, Idaho

has on March 12, 1973 submitted Application No. 95-7264

for a permit to appropriate 1.0 cubic feet per second XXXXXXXXXXXXXXXXXXXX acre feet per annum

of water from a ground water source

by means of well and pump

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 51N, R. 4W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31

for domestic purposes for 150 families (Royal Highland Addition)

within the W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, T. 51N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 9, 1973.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on March 22 and March 29, 1973 95 7264