

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7163 Priority October 28, 1971 Amount .40 acre feet

THIS IS TO CERTIFY, that EUGENE D. SCROGGIE
of Hayden Lake, Idaho, has complied with the terms and conditions of Permit
No. 95-7163 issued pursuant to Application for Permit dated October 28, 1971,
and has submitted proof to the Department of Water Resources on November 22, 1976,
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 .40 acre feet of water from surface water sump,
tributary to Alpine Lake, 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
Storage for: wildlife	from Jan. 1 to Dec. 31	at - - - - cfs and	.40 acre feet
Fire Prot.	from Jan. 1 to Dec. 31	at - - - - cfs and	.40 acre feet
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .40 acre feet of water be ^{stored} ~~diverted~~ at any one time, and
that the amount of water so ^{stored} ~~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
.40 acre feet per year, said waters to be ^{stored} ~~diverted~~ within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 52N,
Rge. 3W, B. M. 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 $\frac{1}{4}$	
52N	3W	30												X					

Total number of acres irrigated _____

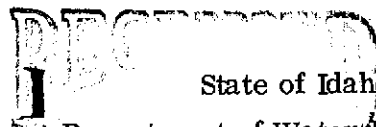
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1 day of

May, 19 78.


Director



State of Idaho
Department of Water Resources

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

ASSIGNMENT OF PERMIT
Department of Water Resources

I, Clinton E. Mitschke, hereby assign to Eugene D. Scroggie
of Route 3, Box 124, Hayden Lake, Idaho 83835
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 95-7163
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 22ND day of NOVEMBER, 19 76.

Clinton E. Mitschke
Permit Holder

Recha Mitschke
Spouse of Permit Holder

State of Idaho)
County of KOOTENAI) ss.

On this 22ND day of NOVEMBER, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Corda M. Patterson
Notary Public residing at
COEUR D'ALENE, IDAHO

My commission expires:
LIFETIME

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 95-7163
IN THE NAME OF EUGENE D. SCROGGIE

ORDER

WHEREAS, on October 28, 1971, Clinton E. Mitschke applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.20 cubic feet per second of water from a surface water sump, tributary to Alpine Lake, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 52N, Rge. 3W, B.M., Kootenai County, to be used for irrigation, fire protection, and wildlife purposes; and,

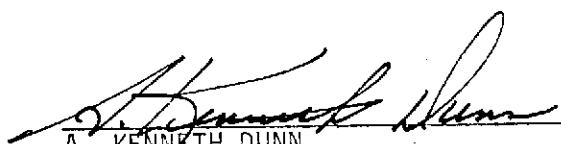
WHEREAS, on January 4, 1972, the Department approved said application and issued Permit No. 95-7163 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on November 26, 1976, the Department received the required proof of beneficial use along with a request for the removal of the measuring device required on this permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 95-7163.

Dated this 8 day of December, 1976.


A. KENNETH DUNN
Administrator, Operations Division

Identification No. 95-7163

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 CLINTON E. MITSCHKE
post office address 2238 West 248th Lomita, California 90717
2. Source of water supply surface water sump which is a tributary of Alpine Lake
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 52 N
Range 3 W B.M. Kootenai County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.14 for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for fire prot. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) propagation
Amount 0.20 for wild life /purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
pit pond 51' x 130' 11' deep

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 400.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 52 N
Range 3 W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

95-7163

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
52N	3W	30												7					7

Total number of acres to be irrigated 7

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 This application is for a pit pond to catch rain water and the run-off from subject property. At present this water runs into the street and ends up in Alpine Lake

[illegible]

95-7163

95-7163

Received by Date 10/28/71 Time 11:30
 Preliminary check by JB Fee \$ 10.00
 Receipted by Date 10-29-71
 Publication prepared by cr Date 11-10-71
 Published in Coeur d'Alene Press
 Publication dates 11-18- & 11-25-71
 Publication approved ck Date 12-22-71
 Priority reduced to 10-28-71 Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by ck

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. 95-7163, 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 January 1, 1977.
- 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 4 day of January, 1972.

L. Kirk Higgins
 Director

RECEIVED

DEC 13 1976

Department of Water Resources
Northern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ surface water sump
(name spring, stream, etc.)
Tributary to Alpine Lake

- Other uses: _____

- Other Points of Diversions: _____

REMOVED by Order

- [illegible]

TOTAL ACREAGE _____ **7**

MICROFILMED

T
3
W

30

*

Diagram of System

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

RECEIVED
DEC 10 1976

Department of Water Resources
Northern District Office

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 95-7163
IN THE NAME OF EUGENE D. SCROGGIE

ORDER

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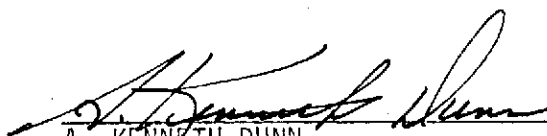
WHEREAS, on January 4, 1972, the Department approved said application and issued Permit No. 95-7163 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on November 26, 1976, the Department received the required proof of beneficial use along with a request for the removal of the measuring device required on this permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 95-7163.

Dated this 8 day of December, 1976.


A. KENNETH DUNN
Administrator, Operations Division

DATE OF EXAM 8/2/77

ACREAGE
Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Fire Protection Q= _____ V= .39 a.f./year 1/1 12/31
Wildlife Q= _____ V= .39 a.f./year 1/1 12/31

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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 _____ Method of measurement estimated capacity of pond

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

Total V recommended 0.39 a.f./year

Recommended Amendments:

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

MEASUREMENT CALCULATION:

51' X 30' X 11' X 7.48 gal/a.f.
325 850 gal/a.f. = 0.39 a.f./year

SYSTEM DESCRIPTION:

A pond approx. 51' x 30' x 11' deep has been dug which collects run off in the spring. The water is retained in the pond and used for wildlife and is a source for fire protection.

REMARKS:

No quantity has been recommended because the water is not physically diverted and it is impossible to measure the rate at which the run off is collected. There is no irrigation from the pond.

Examiner's Signature Paul Combs Date 8/2/77

Checked by Bob Baynes Date 8/5/77

Approved by _____ Date _____

Identification No. _____

Permit No. 95-7163

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Clinton E. Mitschke
b) Post Office Address Route 1, Box 310-X, Hayden Lake, Idaho
2. Permit Number 95-7163
3. Date of Priority that you are prepared to establish Precipitation and Run-off from Irrigation
10-28-71
4. a) Source from which water was appropriated _____
b) Location of the point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30
Township 52N, Range 3W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.14 cfs for Irrigation purposes from March 15 to Nov. 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.20 cfs for Fire Prot. purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.20 cfs for Wildlife purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.20 cfs 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: Estimated.
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) Pit pond 51' X 30' X 11' deep.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____
0.20 cfs for Fire Protection, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W
0.20 cfs for Wildlife, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W

12/8/76

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
52N	3W	30											7						7

Total number of acres irrigated 7

10. Remarks: The source of this diversion is from precipitation and irrigation waste
that is derived from Permit No. 95-7159.

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

11/22/76
(Date)

[Signature]
(Signature)

State of IDAHO)
County of KOOTENAI) ss.

On this 22ND day of NOVEMBER, 19 76, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at
COEUR D'ALENE, IDAHO

My commission expires LIFETIME

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clinton E. Mitschke, 2238 West 248th,
Lomita, California

has on October 28, 1971 submitted Application No. 95-7163
for a permit to appropriate 0.20 cubic feet per second ~~more or less per annum~~
of water from surface water sump, tributary of Alpine Lake
by means of pond
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for fire protection and wild life propagation;
~~for~~ and from March 15 to Nov. 15 for the irrigation of 7 acres

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, 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 December 6, 1971.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on Nov. 18 and Nov. 25, 1971

95-7163