

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-07224

Priority: September 26, 1982

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

6.6 AF

This is to certify, that KURT COPELAND
SUSAN COPELAND

PO BOX 1201

WALLACE ID 83873

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1982; and has submitted Proof of Beneficial Use on October 19, 1987. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

MONTGOMERY CREEK, WEST FORK tributary to MONTGOMERY CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	6.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.04 CFS	6.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 27, Township 49N, Range 03E
SHOSHONE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
49N	03E	27	SENW	2		2

Total number of acres irrigated: 2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED

DEC 16 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 94-07224

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. Domestic use is for 1 home.

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 8TH day of OCTOBER, 1992.

Acting for *Norm C. Young*
R. Keith Higginson, Director

DEC 16 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 94-7224 IN THE
NAME OF KURT AND/OR SUSAN COPELAND

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before September 1, 1987; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit the proof of beneficial use; and,

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

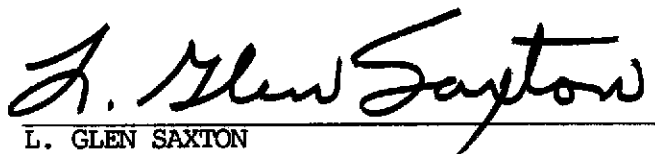
WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on October 19, 1987;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 94-7224 be REINSTATED and the priority advanced to September 26, 1982.

Dated this 21st day of October, 1987.

MAKROFILMED

MAR 17 1988


L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Kurt and/or Susan Copeland Phone (208) 556-6391

Post office address P. O. Box 1201 -- Wallace, Idaho 83873

2. Source of water supply West Fork Montgomery Creek which is a tributary of S. F. CDA River

→ 3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 49

Range B.M. Shoshone County, additional points of diversion if any:

NA

→ 4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .10 CFS for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (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. .14 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Domestic System to consist of gravity feed to storage tank (capacity 2,000 gallons) via 8" line. Intake to have 1/8" mesh wire. Overflow returned to creek. Outflow to consist of 4" line to house for Domestic use. Irrigation to consist of gravity feed from 8" intake line via 4" line

b. Height of storage dam Appr. 5.5 feet, active reservoir capacity .007 acre-feet; total reservoir capacity .007 acre-feet, materials used in storage dam: concrete and/or steel (Approx. 2,000 gal Capacity)

Period of year when water will be diverted to storage Jan. 1 to Dec. 31, inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 49

Range 3 B.M.

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

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

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

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

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	
N49	3 E	27								7.5									7.5

Total number of acres to be irrigated 7.5 *8*

c. Describe any other water rights used for the same purposes as described above. None

*Allow 8
Acres
Re 9/28/82*

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 NA

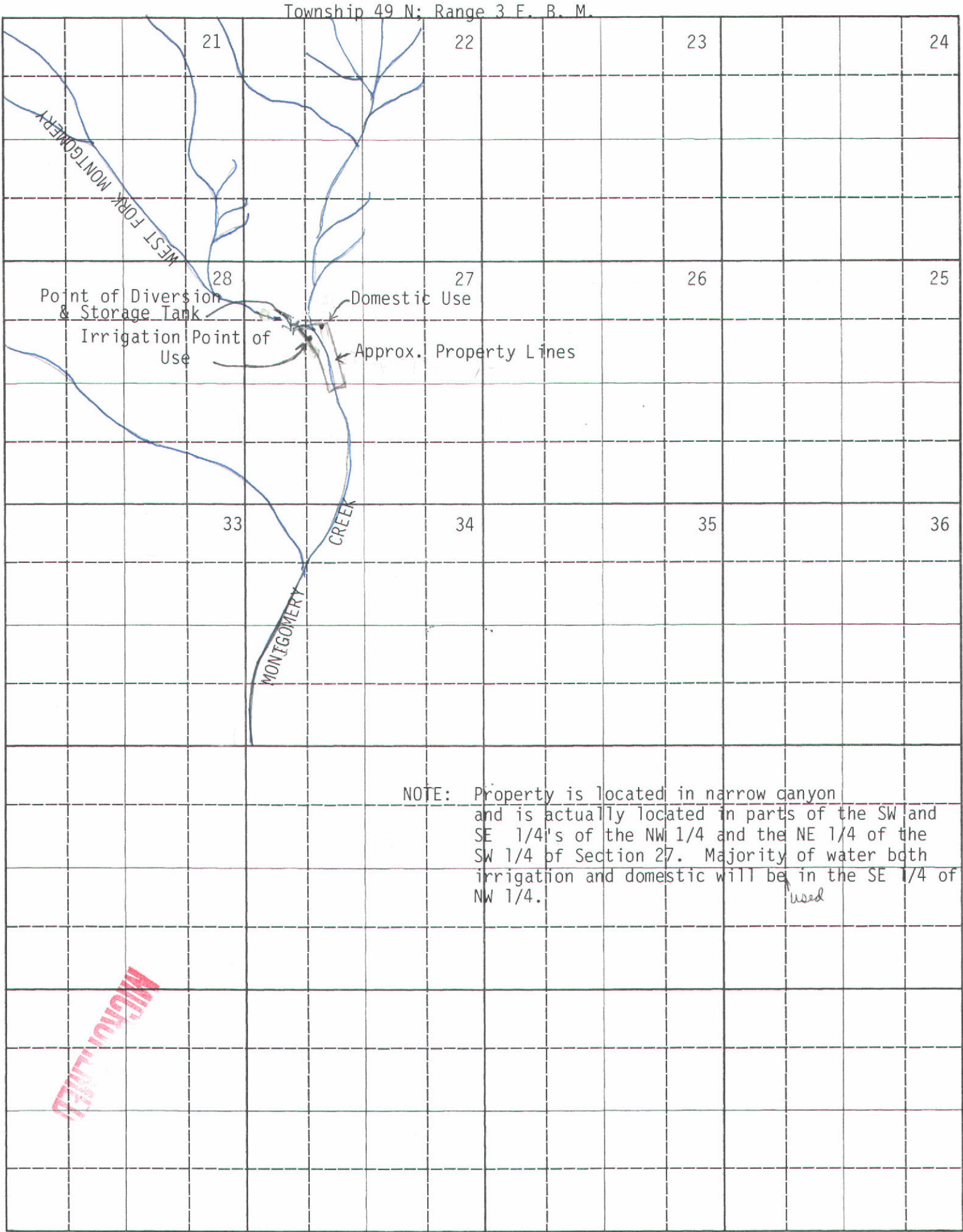
10. Remarks This property is a part of a 1917 land grant to a Joseph Gutenspherger, etal. who sold to Orlandini (160 acres) in 1936. Land was then sold to The Bunker Hill Company in 1978 and which The Bunker Hill Company has sold 6.8 acres to Goss (Lininger) and 7.5 acres to us.

Water was first diverted for beneficial use in 1935 by Gutenspherger. In 1952 Orlandini diverted water from a spring which is a tributary to Montgomery Creek. This diversion is now located on Bunker Hill property, the water line cuts through the southeast corner of our ground and the point of use is the 6.8 acres of land owned by Terry & Catherine Lininger.

We chose the West Fork of Montgomery Creek as our source of diversion as we did not wish to interfere with Lininger's water source. We have noted that the Lininger's have filed both a claim (#94-4082) on the diversion established by Orlandini and an application (#94-7220) for additional water to be diverted from Montgomery Creek in this area. We have filed a protest to the request for permit in accordance with the guidelines outlined by Department of Water Resources as the water claimed far exceeds (doubles) the amount allowed by the State of Idaho.

We respectfully request that the Department of Water Resources grants us the right to develop the West Fork of Montgomery Creek for Domestic and Irrigation purposes for a single house family.

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



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.

Kurt Copeland Susan Copeland
(Applicant)

Proposed Priority 8/9/1982

Received by Mr Date 8/9/82 Time 2:00 PM (filed)
Preliminary check by JK Fee \$ 30
Receipted by Mr Date 8/9/82 (24301)
Publication prepared by Mr Date 8/12/82
Published in Tellico Co. News
Publication dates 8/18 + 25/82
Publication approved Mr Date 8/27/82
Protests filed by: none

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

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. 94-7224, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 87.
- 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.

Witness my hand this 29th day of September, 1982.

A. Glen Sayton
Chief, Operations Bureau

RECEIVED

LICENSE REVIEW CHECKLIST

Permit # 94-07224

Date 09-03-92
38

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance?
	☐	☒	Memo to Advance
	☐	☒	Order to Reinstate Needed? <u>DONE</u>
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☐	☒	Disagree with Actual Measurement?
			<u>2x.03=.06/.04 cfs (IRR) (DOM)</u>
	☒	☐	Disagree with Theoretical?
	☒	☐	Limited by Capacity? <u>.04 cfs</u> (Measured)
TOTAL VOLUME			Rate/ac <u>3.0</u> AFA Irr. Season <u>D</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>Same Per Permit</u> Season Recommended
	☐	☒	Disagree with Examiner's Calculations?
			<u>2x3.0=6.0 cfs (IRR) .6 cfs (DOM)</u>
	☐	☒	Limited by Flow? <u>.04 x 245 x 1.9835 = 19.4 > 6.0</u>
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u>
	☐	☒	<u>Intended</u> source change <u>Tributary to Montgomery Cr.</u>
	☐	☒	Notice of Intent to Void.
P/D			Verify with Map
	☐	☒	Amendment Needed?
	☐	☒	Is Overlap Analysis a Consideration?
P/U			Verify with Map
	☐	☒	Amendment Needed?
	☐	☒	Is Overlap Analysis a Consideration?
USES	☐	☒	Change(s) in Nature of Use?
	☐	☒	Amendment Needed?
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4?
	☒	☐	Non-Irr. Uses <u>DOM/1 Home</u>
	☐	☒	Special Overlap Condition
	☐	☒	Other
CONDITIONS	☐	☒	Measuring Device
	☐	☒	W/Master Control
	<u>R49</u>	☐	Overlap
	☐	☒	Water Quality
			DATES/MISC
		☒	Water Dist.
		☐	App Rec'd
		☒	Exam Made
COMMENTS/MEMOS NEEDED:	<u>Reduced Acres, rate</u>		
License	☐	☒	10-Day 15-Day Special Correspondence

DATE: 09/03/92
PAGE: 1

Stage: LICENSE

Water Source: MONTGOMERY CREEK, WEST FORK

[illegible]

Audit: 09/03/92 SKAGGS

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JUL 27 1992

SENIOR AGENT REVIEW

Check List

for

Beneficial Use Field Report

Department of Water Resources

Permit 94-07224

A. GENERAL INFORMATION

- ✓ 1. Name and address are most current available. (Check BU statement)
✓ 2. Exam Date
✓ 3. Source (Check Permit)

B. OVERLAP REVIEW

- ✓ 1. & 2. (Rule 5,1,4)

C. SYSTEM DESCRIPTION

- ✓ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
✓ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
Photo of pd and/or pu or explanation
✓ 3. Word Picture (Rule 5,1,3 / 5,1,4)
✓ 4. Diversion (Rule 5,1,3)
✓ 5. Compare with USGS Map/Land Survey Maps/Aerial Photos/Permit.
Government Lot ?
Method of determination
✓ 6. Compare USGS/Land Survey? Aerial Photos/Permit.
Method of determination,
Irrigation (Rule 5,1,8),

D. FLOW MEASUREMENTS Check math (Rule 5,1,13 / 5,1,14)

E. FLOW CALCULATIONS Check math (Rule 5,1,13 / 5,1,14)

F. OPTIONAL

G. VOLUME CALCULATIONS

- ✓ Three significant figures/not less than 0.10 (Rule 6,1,2)
Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

H. REMARKS AND OVERLAP ANALYSES

- ✓ All actual uses listed (Rule 5,1,2):
✓ All unused, permitted uses listed (Rule 5,1,2):
✓ Overlaps (Rule 5,1,4):
✓ Return flows (Rule 5,1,5):
✓ Conditions (Rule 5,1,6).

I. RECOMMENDATIONS

- ✓ 1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity
(Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14).
Period of year (Rule 5,1,13)
2. Compare permit to exam for amendments (Rule 5,1,16)

J. AUTHENTICATION

Name, Signature, Certification Date, Exam Date.

WELL INSPECTION REPORT

Check with permit and well log for discrepancies

Signature

Tom D. King Sr.
Tom D. King Sr. Water Resource Agent

Date

9/22/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 94-7224

1. Owner: Kurt and/or Susan Copeland

Phone No. 783-9881

Current Address: P.O. Box 1201, Wallace ID 83873

2. Accompanied by: None

EXAM. DATE: 6/20/91

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: West Fork Montgomery tributary to Montgomery Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: well for drinking water

☐ Copies Attached

2. Other water rights with same point of diversion: None

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached N/A
(required for irrigation of 10 acres or more).

- ☒ Photo of Diversion and System Attached P.U. only, other Photos did not develop
(required for all but single household domestic groundwater, and stockwater).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 94-7224

Phone No. 783-9881
873

XAM. DATE: 6/20/91

Phone No. _____

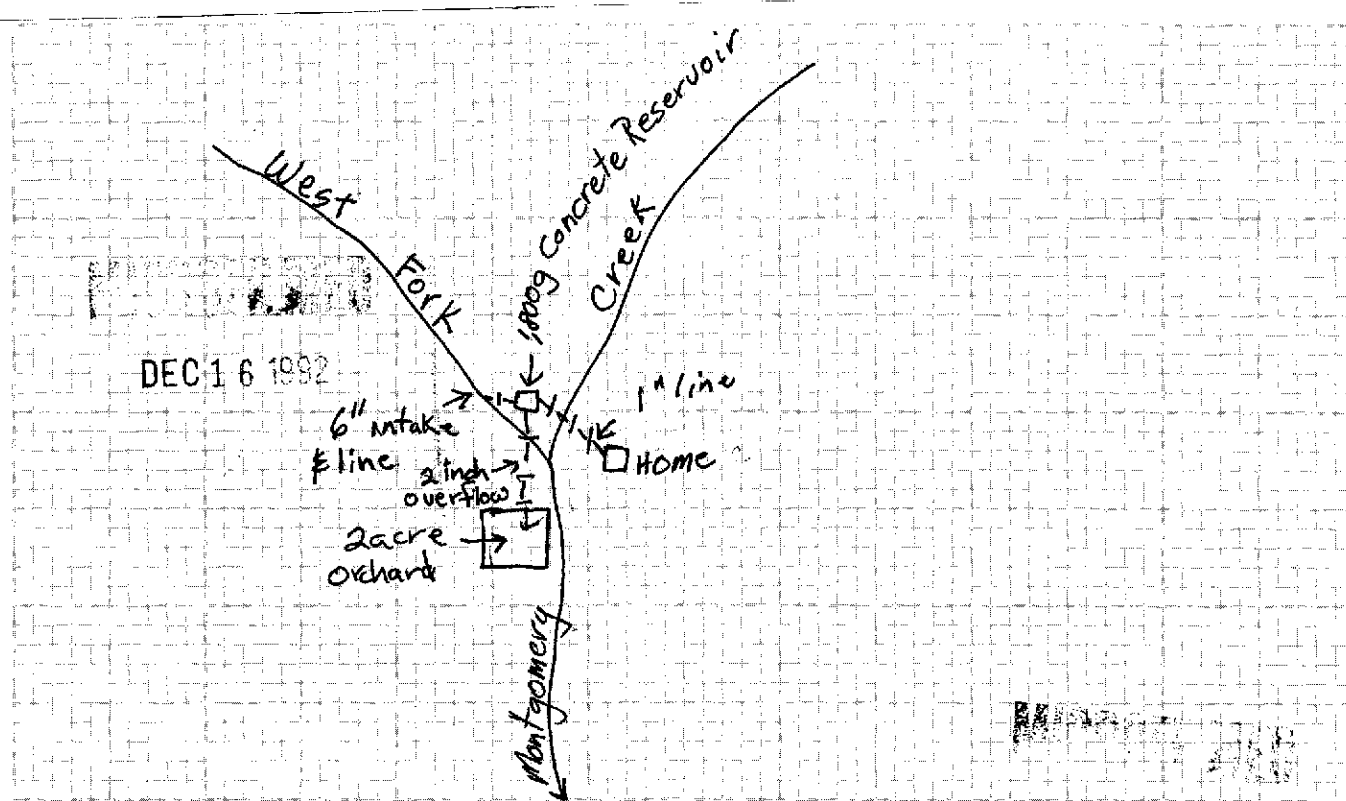
B.

7 water
_____ ☐ Copies Attached

☐ Copies of Field Exam's Attached

C.

s between components. Indicate weir



Scale: 1" = NTS

DEC 16 1992

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached N/A
(required for irrigation of 10 acres or more).

- ☒ Photo of Diversion and System Attached P.U. only, other Photos did not develop
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

~~6"~~ 6" intake and pipe carry water to a 1800 gallon pre-cast concrete storage tank. From there, water is gravity fed to home. A 2 inch overflow ~~on~~ carries water from reservoir to Orchard of 2 acres. Orchard is irrigated by 3, 5/32" x 3/32" Sprinklers @ 45 psi

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Gravity					

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	NW	27	49N	3E	Shoshone	Map

6. Place(s) of Use:

Indicate Method of Determination Map

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	
49N	3E	27								D ₂									2

Do not use this space

DEC 13 1992

Do not use this space

D. FLOW MEASUREMENTS *None* ☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

None

E. FLOW CALCULATIONS ☐ Additional Computation Sheets Attached

1. Measured Method:

1 home 0.04 cfs

2. Alternate Method for Checking Purposes:

*3 sprinklers @ 45psi
5/32" x 3/32" = (4.68 + 1.72) x 3 = 19.2 = 0.04 cfs*

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 3.0 = 6.0 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 245 \times .04 \text{ cfs} \times 1.9835 = 19.4 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.0 \text{ afa}$

2. Volume Calculations for Other Uses: *1 home*

DEC 16 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

No fees were paid ~~is~~ therefore max. Rate is 0.04 cfs and Irrigation & Domestic not cumulative.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use		Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
		From	To		
Domestic	CID TDK	1-1	12-31	0.04 cfs	0.6 afa
Irrigation		3-15	11-15	0.04 cfs	6.0 afa
Totals:				0.04 cfs	6.6 afa

2. 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

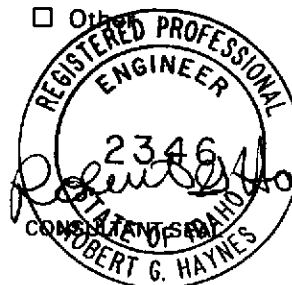
J. AUTHENTICATION

Field Examiner's Name Theresa J. Bright

Signature Theresa J. Bright

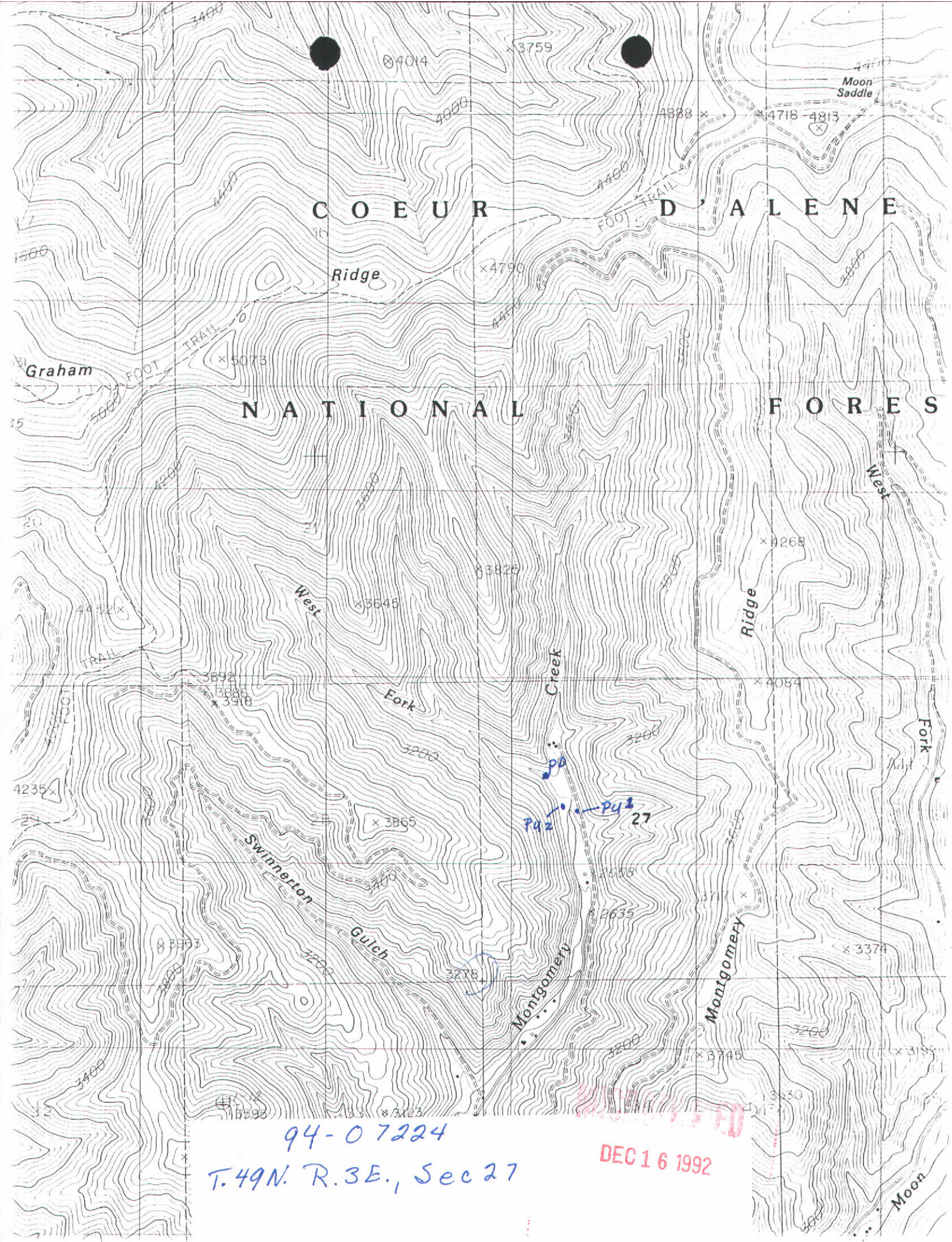
Certification Date 4/10/91

Field Report Preparation Date 6/25/91



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

DEC 16 1992



94-07224
T.49N. R.3E., Sec 27

DEC 16 1992

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 94-7224

DATE: 10-20-1987

Date proof received

292 Oct. 19, 1987

Proof due

-274 Sept. 1

Number of day proof late

48

Priority date

221 Aug. 9, 1982

New priority date

269 Sept. 26, 1982

RECEIVED

OCT 19 1987

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 94-7224

Name(s) of Permit Holder: Kurt & Susan Copeland

Post Office Address: Box 1201 Wallace Id 83873

Telephone No. 783-9881

Source of Water: East West Fork Montgomery Creek

Extent of Use:

Domestic 1 (number of households) Stockwater 3 Horses (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .04 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 5/10/82

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

Fee enclosed \$ 15.00
(See License Examination Fee Schedule)

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

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

Kurt M. Copeland 752-0001
(Name) (Telephone Number)

Box 1201 Wallace Id 83873
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

FILED

MAR 17 1988

9-20-87
Date

Susan L. Copeland
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK

APPLICATION NUMBER: 94-7224

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ 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: _____

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: 9/7/82 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/27/82 ✓
☒ 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? _____
☒ 8/9/82 Date of priority recommended.
☒ Special conditions of approval or cover letter. _____

By: SLW Date: 9/16/82

STATE OFFICE REVIEW:

- return receipt
SLW/L12 26
☐ See attached sheet for more information.
By: SLW Date: 9/28/82

RECEIVED
SEP 21 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Kurt and/or Susan Copeland Phone (208) 556-6391

Post office address P. O. Box 1201 -- Wallace, Idaho 83873

2. Source of water supply West Fork Montgomery Creek which is a tributary of S. F. CDA River

→ 3. Location of point of diversion is W $\frac{1}{4}$ of S $\frac{1}{4}$ of Section 27 Township 49

Range 3 B.M. Shoshone County, additional points of diversion if any: _____

NA

→ 4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 7.5 for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (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. .04 cubic feet per second and/or b. 7.5 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Domestic System to consist of gravity feed to storage tank (capacity 2,000 gallons) via 8" line. Intake to have 1/8" mesh wire. Overflow returned to creek. Outflow to consist of 4" line to house for Domestic use. Irrigation to consist of gravity feed from Domestic storage tank via 4" line or from 8" intake line via 4" line.

b. Height of storage dam Appr. 5.5 feet, active reservoir capacity .007 acre-feet; total reservoir capacity .007 acre-feet, materials used in storage dam: concrete and/or steel

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: W $\frac{1}{4}$ of S $\frac{1}{4}$ of Section 27 Township 49

Range 3 B.M.

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

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

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

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

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	
N 49	3 E	27											7.5						7.5

Total number of acres to be irrigated 7.5

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 NA

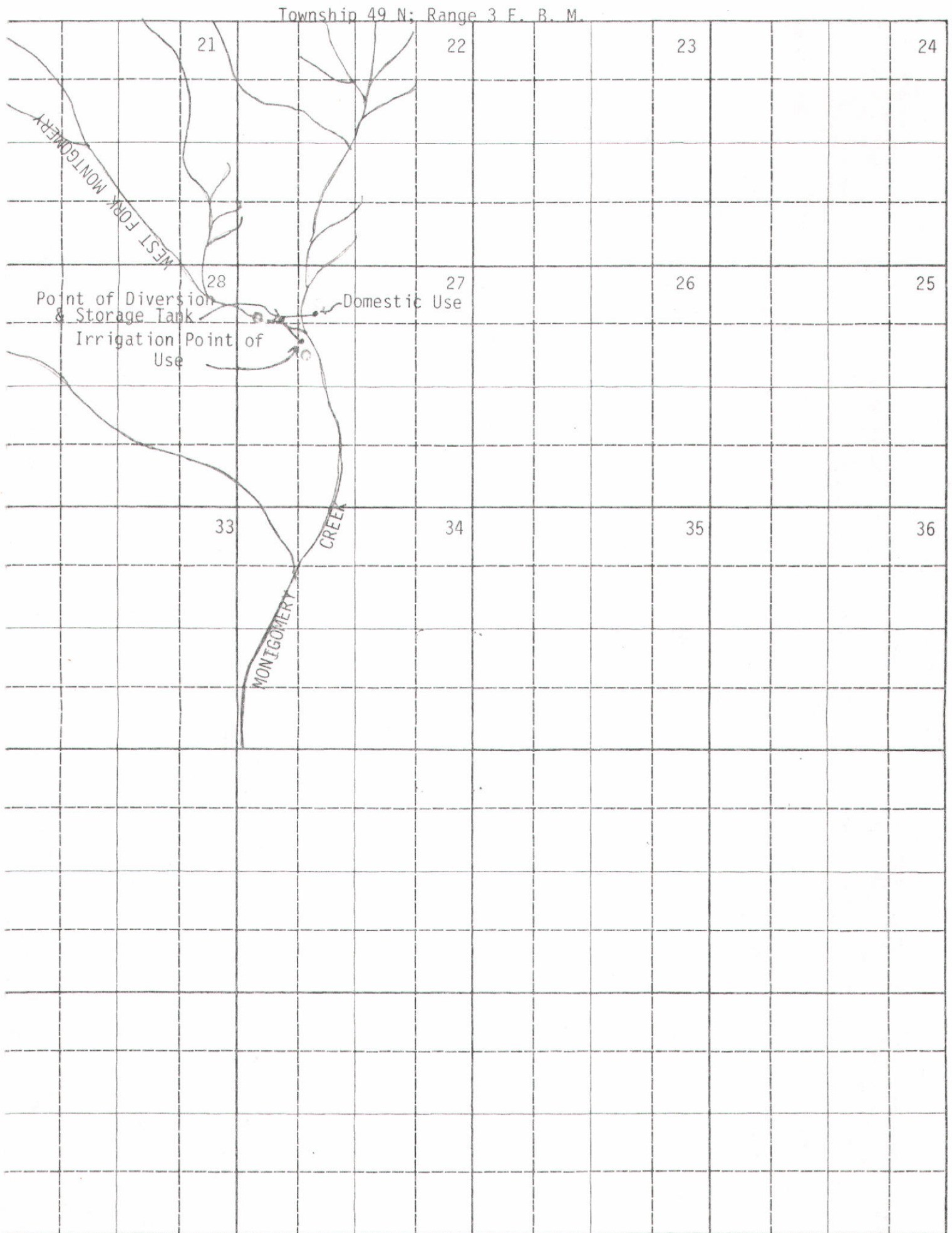
10. Remarks This property is a part of a 1917 land grant to a Joseph Gutsenspherger, et al. who sold to Orlandini (160 acres) in 1936. Land was then sold to The Bunker Hill Company in 1978 and which The Bunker Hill Company has sold 6.8 acres to Goss (Lininger) and 7.5 acres to us.

Water was first diverted for beneficial use in 1935 by Gutsenspherger. In 1952 Orlandini diverted water from a spring which is a tributary to Montgomery Creek. This diversion is now located on Bunker Hill property, the water line cuts through the southeast corner of our ground and the point of use is the 6.8 acres of land owned by Terry & Catherine Lininger.

We chose the West Fork of Montgomery Creek as our source of diversion as we did not wish to interfere with Lininger's water source. We have noted that the Lininger's have filed both a claim (#94-4082) on the diversion established by Orlandini and an application (#94-7220) for additional water to be diverted from Montgomery Creek in this area. We have filed a protest to the request for permit in accordance with the guidelines outlined by Department of Water Resources as the water claimed far exceeds (doubles) the amount allowed by the State of Idaho.

We respectfully request that the Department of Water Resources grants us the right to develop the West Fork of Montgomery Creek for Domestic and Irrigation purposes for a single house family.

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



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.

Kurt Copeland Susan Copeland
(Applicant)

Received by Mr. [unclear] Date 8/2/52 Time 1:03 PM (MCC)

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:

MICROFILMED