

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(Late Proof)
License of Water Right No. 94-7056 Priority July 14, 1974 Amount .38 cfs

THIS IS TO CERTIFY, that AMERICAN SMELTING AND REFINING CO.
of Wallace Idaho, has complied with the terms and conditions of Permit
No. 94-7056 issued pursuant to Application for Permit dated June 5, 1974,
and has submitted proof to the Department of Water Resources on September 9, 1977,
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 .38 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 (1 unit)	from January 1 to December 31	at 04 cfs and	1.2 acre feet
Commercial	from January 1 to December 31	at .38 cfs and	N/A
Fire Protection	from January 1 to December 31	at .10 cfs and	N/A

(both dates inclusive)

Subject, however, to the condition that no more than .38 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
N/A acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 48N,
Rge. 4E B. M. in the County of Shoshone

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 $\frac{1}{4}$	
48N	4E	19																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 described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26th day of
June, 19 81.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 94-7056 IN THE
NAME OF THE AMERICAN SMELTING AND REFINING CO.

ORDER OF REINSTATEMENT

WHEREAS, on June 5, 1974, the American Smelting and Refining Company filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 0.50 cubic feet per second of groundwater to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, Twp. 48N, Rge. 4E, B.M., Shoshone County, to be used for domestic, fire protection and milling purposes; and,

WHEREAS, on July 15, 1974, the Department approved said application and issued Permit No. 94-7056 with the condition that proof of beneficial use of water and construction of works be submitted to the Department on or before August 1, 1977; and,

WHEREAS, on May 31, 1977, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 11, 1977, the Department notified the permit holder that Permit No. 94-7056 had lapsed for failure to submit the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 94-7056 be REINSTATED and the priority advanced to July 14, 1974.

Dated this 19 day of September, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau

RECEIVED
SEP 20 1977
WATER RESOURCES
DIVISION

APPLICATION FOR AMENDMENT

Comes now American Smelting and Refining Company of (address) _____

No. 94-7056, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SWSE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 48N

R. 4E, B.M. Other points of diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20, T48N, R4E, B.M.

NO CHANGE

mo. - day

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)

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)

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

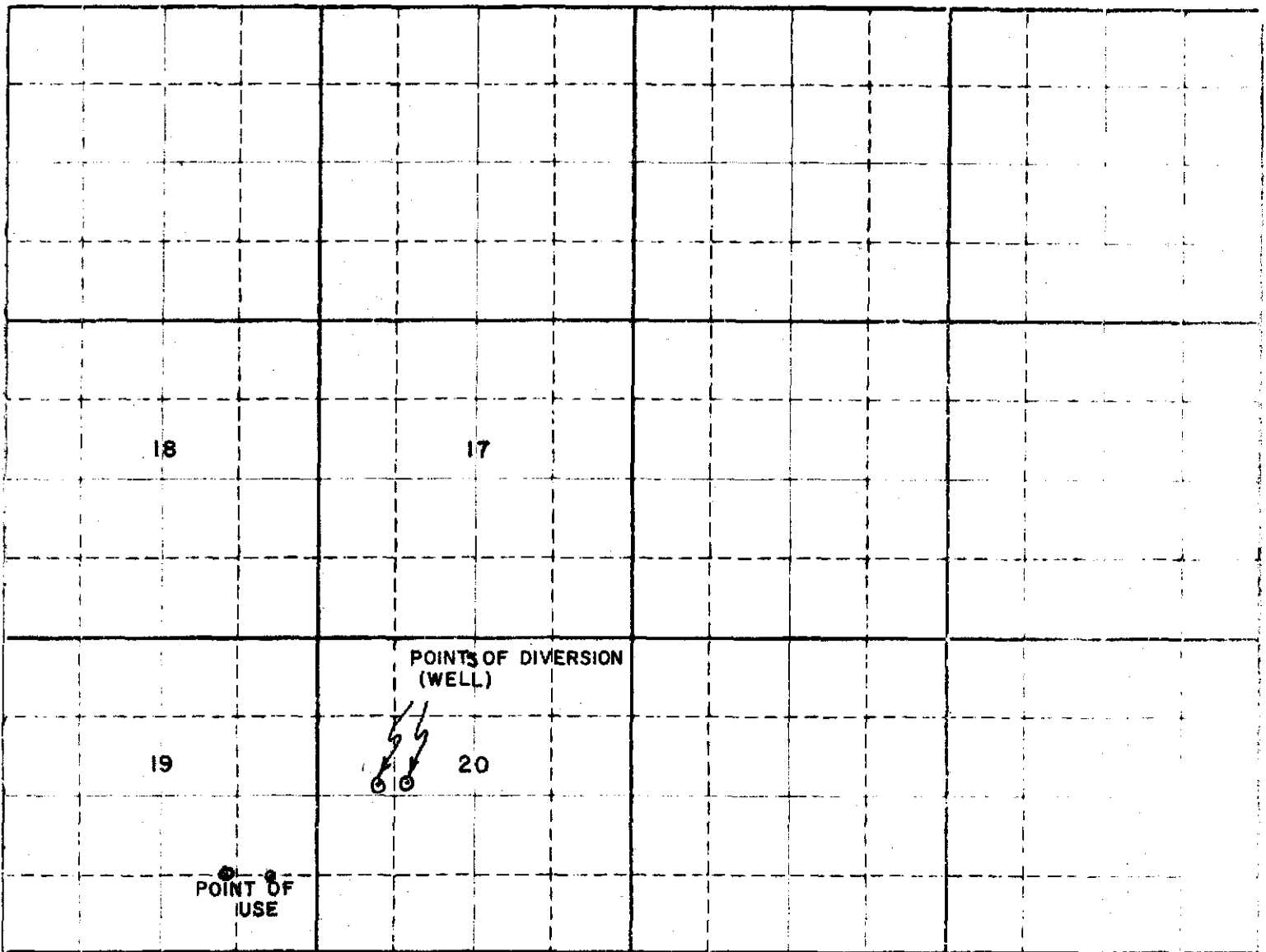
3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at New York, New York, this 4th day of April, 1977

ASARCO Incorporated

Norman T. Jones

(signature) Vice President

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Administrator, Resources Administration Division

I, NORMAN C. YOUNG

~~Director~~ of the Department of Water ~~Administration~~

Resources

hereby APPROVE the above application for amendment on Permit No. 94-7056.

Witness my hand this 26th day of April, 19 77

Norman C. Young
~~Director~~

Administrator, Resources Administration Div.

Identification No. 94-7056

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 American Smelting and Refining Co.
post office address Box 440, Wallace, Idaho, 83873
2. Source of water supply Ground Water in Shield's Gulch which is a tributary of S. Fork-Coeur d'Alene River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 48N
Range 4E B.M. Shoshone County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Shield's Gulch at a point in SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 19 Township 48N Range 4E B.M. Shoshone County
4. Water will be used for the following purposes:
Amount $\frac{1}{2}$ cfs for operation of mill purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ~~104~~ for domestic purpose from " to " (both dates inclusive)
(cfs or acre-feet per annum)
Amount ~~10~~ for fire protection purpose from " to " (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. $\frac{1}{2}$ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. a shallow well at diversion point which is about 50' West of the stream line of Shield's Gulch. This will be covered by a 75 H.P. Deep Well pump (with one standby) The water will be pumped thru a 3" or 4" pipe to the point of use.
b. Height of storage dam none 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 20 feet. Possibly will be a dug well.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$ 12,800.00
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 SE $\frac{1}{4}$ of Section 19 Township 48N
Range 4E B.M.
(2) Amount of power to be generated: none hp under _____ feet of head.
(3) List number of each kind of livestock to be watered none
(4) Name of municipality to be served none, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: will furnish domestic water for a 150 man mining and milling operation, and the water for a mill, which will concentrate silver copper ore. If it proves feasible some water will be reused in the mill - possibly 50%

94 7056

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. We will use a minor amount of water furnished by Idaho Water Co., which bought the Dagle Water System.

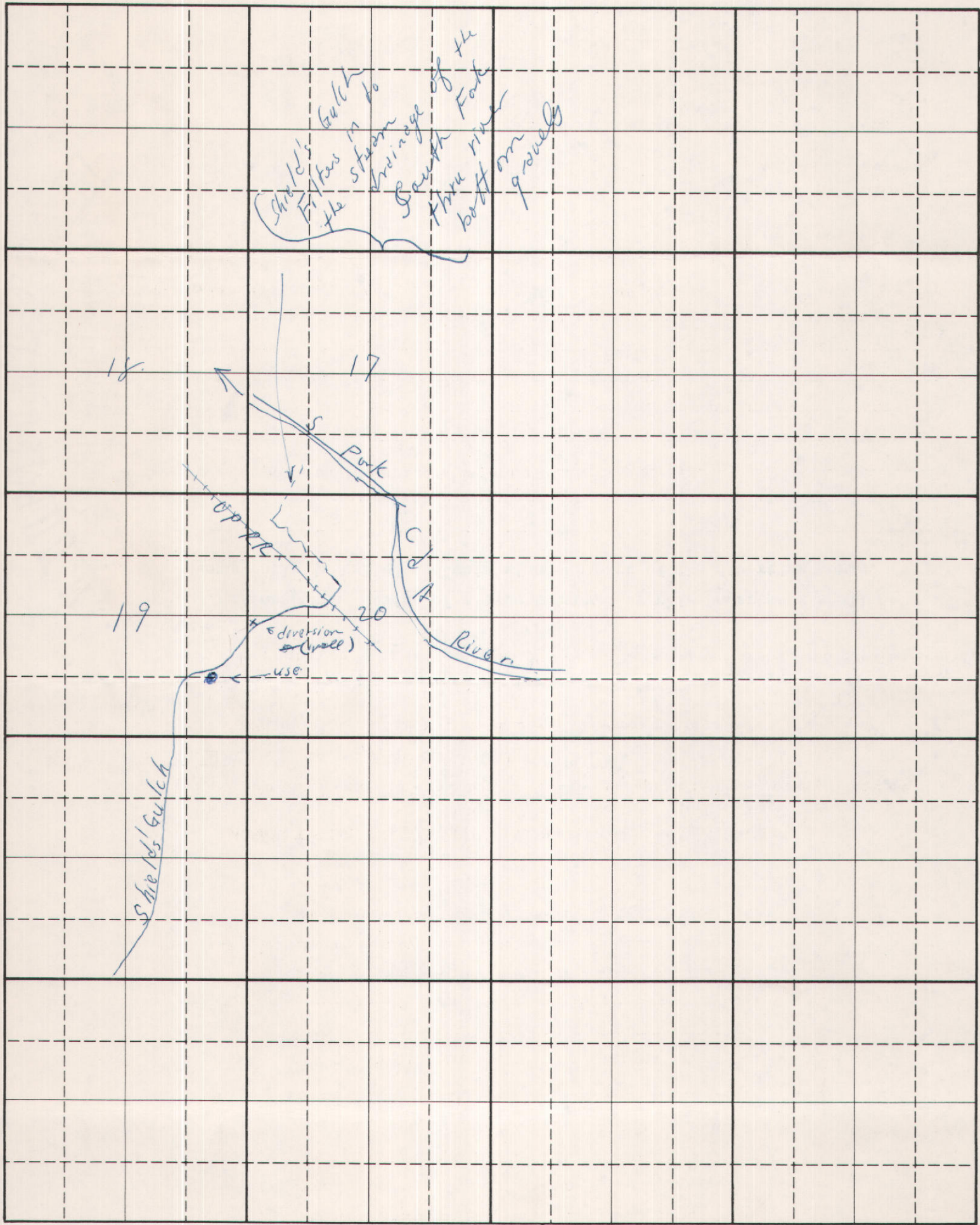
9. a. Who owns the property at the point of diversion Coeur d'Alene Mines.

b. Who owns the land to be irrigated or place of use Coeur d'Alene Mines.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing American Smelting and Refining Company has a long term lease from the owner. The lease covers mineral and surface rights.

10. Remarks _____

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.

American Smelting & Refining Co.
(Applicant)
by R. H. Pettit Jr.
Chief Engineer
84 7056

Received by CP Date 6-5-74 Time 11:30 A.M.
Preliminary check by TE Fee \$ 25.00
Receipted by TE Date 6-5-74 # 14115
Publication prepared by CP Date 6-7-74
Published in North Idaho Press
Publication dates 6-13 & 6-20-74
Publication approved CP Date 7-1-74
Priority reduced to _____ Reason _____

Protests filed by: _____

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

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. 94-7056, 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 August 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 15 day of July 1974.

R. Karl Hjiri
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>EE</u>	<u>6/5/74</u>	Application No. <u>94-7056</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>EE</u>	<u>6/5/74</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S. F.S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>EE</u>	<u>6/5/74</u>	In form for advertising
(6)			Located within Water District No. _____
(7)	<u>EE</u>	<u>7/8/74</u>	Critical groundwater area: yes _____ no ☒
(8)	<u>EE</u>	<u>7/8/74</u>	Groundwater levels: ____ Decline (comment) _____ ☒ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>CP</u>	<u>7/1</u>	Affidavit of Publication received (date) <u>JUNE 24, 1974</u>
(11)	<u>CP</u>	<u>6/7</u>	Final date for protests <u>JULY 1, 1974</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>EE</u>	<u>7/8/74</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>EE</u>	<u>7/8/74</u>	Action recommended: ☒ Approve Priority <u>6-5-74</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>Platte</u>	By <u>[Signature]</u>	Date <u>7/8/74</u> 94 7056 RECEIVED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED
MAY 26 1981
Department of Water Resources

94-7056

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 5/14/81 Accompanied by BILL RUST Total Q measured 170 gpm
If source is surface water, estimate total flow of source _____
Methods of measurement Sparkling gage Meets Permit requirements? yes

Measurement calculations:

170
141.8 0.38 cfs capacity

$$CAPACITY = \frac{75(.8)(8.8)}{35 + 40(2.3)} = \frac{528}{127} = 4.15 \text{ cfs} *$$

ALLOW .04 for domestic as per permit & .10 for fire protection as per permit

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	75	GE	5K6257X4168A	Johnson	U/K	Sparkling	good	
	75	GE	" "	Johnson	U/K	Sparkling		backup pump

System Description 4ft culvert 38ft deep with 2 pumps, one pump is backup. water is conveyed by 4" steel pipe to place of use.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = _____ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
<u>Commercial (Mill)</u>	<u>0.38</u> ✓	<u>N/A</u>	<u>1/1</u>	<u>12/31</u>
<u>Domestic</u>	<u>0.04</u> ✓	<u>1.2</u>	<u>1/1</u>	<u>12/31</u>
<u>Fire protection</u>	<u>0.10</u> ✓	<u>N/A</u>	<u>1/1</u>	<u>12/31</u>
Total	<u>0.38</u> ✓	<u>N/A</u>		

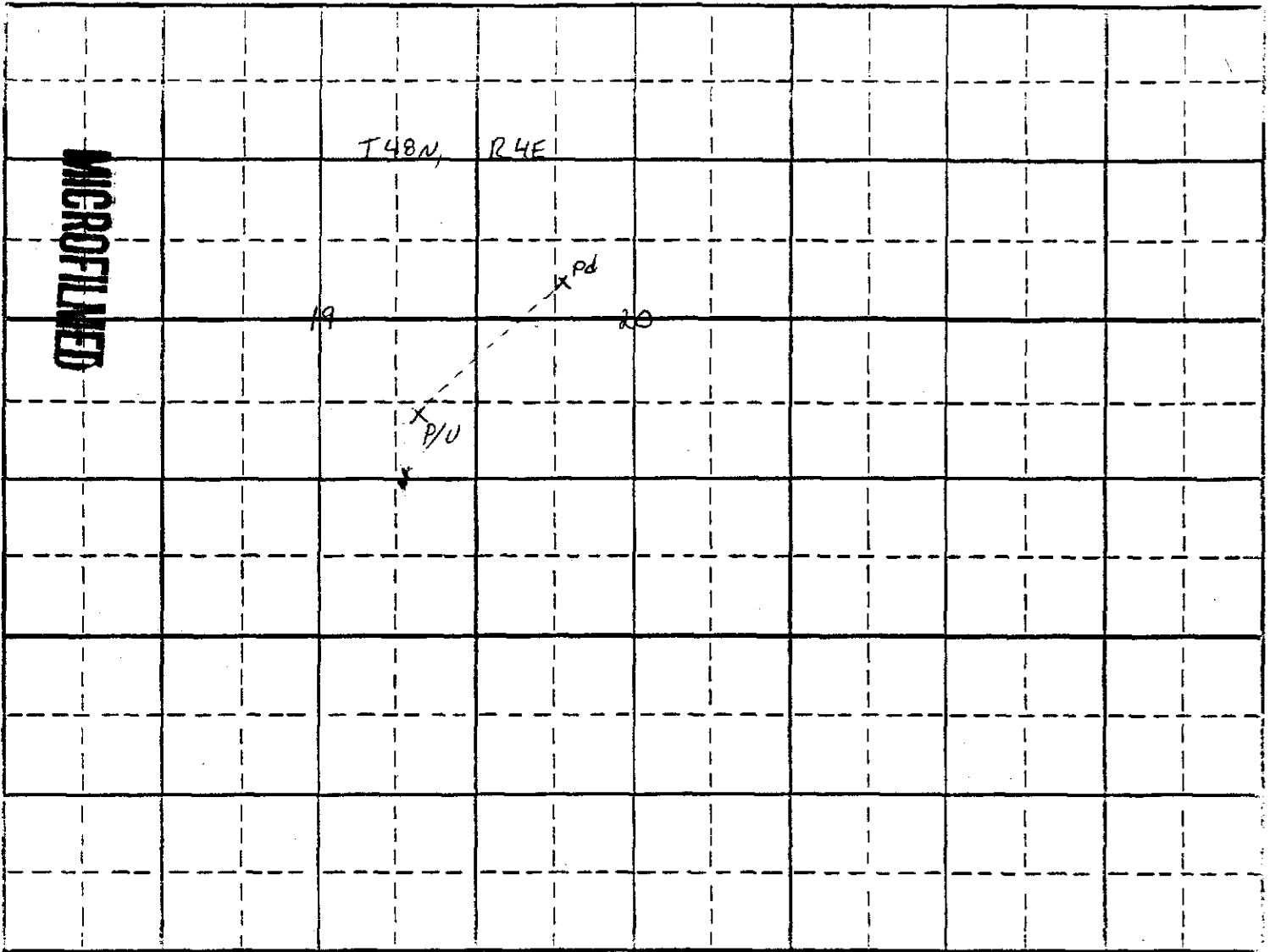
Remarks

* The pump installed on the well under this permit can produce much more water than required to satisfy the use. The recommended quantity that can be used under the permit is not the capacity but rather the amount measured which is 0.38 cfs.

4/3/81

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

No diagram submitted with this exam. R

Point(s) of diversion: SE 1/4 SEC 20 T48N, R4E

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	
✓ 48N	4E	19																X	

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

Examiner's Signature [Signature]

Date 5/15/81

Checked by [Signature]

Date 5/18/81

Approved by [Signature]

Date 5/28/81

Identification No. _____
Permit No. 94-7056

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 9 1976
Department of Water Resources

1. a) Name of Permit Holder ASARCO Incorporated
b) Post Office Address Box 440, Wallace, Idaho 83873
2. Permit Number 94-7056
3. Date of Priority that you are prepared to establish 1-1-76
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20
Township 48 North, Range R4E Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount 1/2 cfs for operation of purposes from 1-1-76 to 9-7-77 incl.
(cfs and/or acre-feet per annum) mill (Month-Day) (Month-Day)
Amount .04 cfs for domestic purposes from 1-1-76 to 9-7-77 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .04 for fire protection purposes from 1-1-76 to 9-7-77 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1/2 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: Sparling propeller mainline meter
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:
ASARCO Incorporated has a long-term lease from Coeur d'Alene Mines Co., owners of the property.
b) Describe the agreement or understanding by which you take water from the works:
ASARCO Incorporated has a long-term lease from Coeur d'Alene Mines Co. which covers surface and mineral rights.
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) 6-5/8" deep well pump with 75 HP motor.
12" well casing. Depth of well - 40'.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Sparling propeller mainline motor.
c) Give well driller's name and address and the date the well was completed: Brand X Water Well Co.,
Lindon Cordon, Rt. 1 8543, Rathdrum, Idaho 83858
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

RECORDED

9/20/76

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	

Total number of acres irrigated _____

10. Remarks: _____

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

9-7-77
 (Date)

C.J. Ward
 C.J. Ward (Signature)

State of Idaho)
) ss.
 County of Shoshone)

On this 7th day of September, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public
 Notary Public residing at Wallace, Idaho
 Commission expires January 1, 1978

My commission expires January 1, 1978

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that American Smelting and Refining Company,
Box 440, Wallace, Idaho
has on June 5, 1974 submitted Application No. 94-7056
for a permit to appropriate 0.5 cubic feet per second ~~one foot per second~~
of water from a ground water source
by means of well, pump, and pipeline
within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 48N, R. 4E, BM, Shoshone County

to be used from Jan. 1 to Dec. 31
for mill operation (0.5 cfs), domestic (0.04 cfs), and fire protection
purposes (0.10 cfs)
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 48N, R. 4E, 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
July 1, 1974.

R. KEITH HIGGINSON

Director

Published in the North Idaho Press, Wallace, Idaho
on June 13 and June 20, 1974

94 7056