

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 31143/91-2027 Priority March 2, 1968 Amount 0.12 cfs
(late proof)

THIS IS TO CERTIFY, that FRANK WITHERELL
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 31143/91-2027 issued pursuant to Application for Permit dated May 27, 1963,
and has submitted proof to the Department of Water Administration on March 9, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.12 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed spring
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.12 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.12 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Twp. 46 N, Rge. 1 E, B.M.

in the county of Benewah; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 3.6 acre feet per year ~~or~~

~~exceed per acre.~~

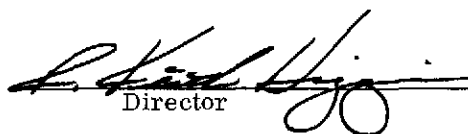
Description and location of place of use:

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 $\frac{1}{4}$	
46 N	1 E	28						X											

Total number of acres irrigated _____

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 3rd day of
January, 19 74.


Director

91-2027

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31143/91-2027)
In the name of FRANK WITHERELL)

ORDER

WHEREAS, on May 27, 1963, Frank Witherell applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 2.0 cubic feet per second of water from an unnamed spring within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, T. 46N, R. 1E, B.M., Benewah County, to be used for domestic purposes; and,

WHEREAS, on June 3, 1963, the Department approved the application and issued Permit No. 31143 with the condition that one-fifth of the work be completed on or before June 3, 1964; and that the whole of said work be completed on or before June 3, 1965; and that the water to appropriated to a beneficial use on or before June 3, 1966; and,

WHEREAS, proof of completion of works was made on May 26, 1965; and,

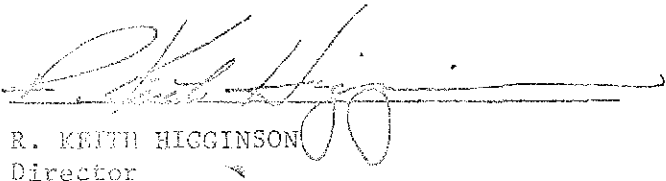
WHEREAS, on January 4, 1971, the Department notified the permit holder that Permit No. 31143/91-2027 was subject to cancellation for failure to submit proof of beneficial use of water on or before June 3, 1966; and,

WHEREAS, proof of beneficial use of water was received by the Department on March 9, 1971; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

THEREFORE, IT IS HEREBY ORDERED that the priority under Permit No. 31143/91-2027 be advanced to March 2, 1968.

Dated this 15th day of March, 1971.


R. KEITH HIGGINSON
Director

RECEIVED

MAR 9 1971

Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Application No. 39235
Identification No. 39235

Permit No. 31143/91-2027

RECEIVED

FEB 16 1971

Department of Water Administration

1. a) Name of Permit Holder FRANK WITHERELL
b) Post Office Address ROUTE #3
2. Permit Number 31143
3. Date of Priority that you are prepared to establish JUNE 3-1963
4. a) Source from which water was appropriated SPRING
b) Location of the point of diversion: SW 1/4 NW 1/4, Section 28
Township 46N, Range 1E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied: (year around)
amount 50 miners inch for Domestic 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)
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: _____
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: PIPE
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 ^{SPRING} surface water, give brief description of diversion structure and/or canal or ditch) located 500' from house with 3 inch plastic pipe. from a 4' sq. wooden structure then by pipe its run into 500 gallon metal tank for small storage supply.
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 _____

Exam typed 5-21-71. (R)

91 2027

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

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

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	
				20				21				22							
				29				28				27							

10. Remarks: We have done this work ourselves, and the spring is used for domestic purposes, and located on our own land. Total number of acres irrigated _____

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

Feb 12 / 1971 Frank Witthorn Chakura Wicknell
(Date) (Signature)

State of Idaho)
County of Benewah) ss.

On this sixth day of March, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Marjorie C. Smith
Notary Public residing at St. Maries, Idaho

My commission expires 2-19-75

91 2023

Jan 18 - 1971

Dear Sirs:

This is to Certify the
Completion of Water Works of
Permit 3143/91-2027 S $10\frac{1}{2}$ NW
 $\frac{1}{4}$ Sec 28 T. 46 N. R. 1 E. B.M.
for 1.0 cubic feet per second
(Minors inch)

The spring is located 500'
from our house (with $\frac{3}{4}$ inch Plastic Pipe)

We have a 4' sq wooden
structure then by pipe it is
then run into a 500 gallon
metal tank for a small storage
supply.

Signed.

Mrs. Frank Littleall

Subscribed and sworn to before me this 30th
day of January, 1971.

Margaret C. Smith
Notary Public for Idaho,
residing at St. Maries, Idaho
My commission expires 2-19-75

MILWAUKEE LAND CO.

1/4 corner

175
OUT LOT
W. Thereill's

Sec. 28

WITHERELL'S

11581

N 1/2

OUT LOT 175
OUT LOT f

SPRING

500 gal TANK

Pipe
500'

W. Thereill's

HOUSE

BLK
10

BLK
11

BLK
12

TITLE
CARPENTERS
4 LOTS

TITLE
W. Thereill's

TITLE
WITHERELL'S

91 2027

TITLE
DON
MARTEN

SW 1/4 NW 1/4
Sec 28 T46N. R16E M

732'
(ST. JOE CITY)

NAME OF APPLICANT

FRANK Witherell

Sec. 28 T. 46 N. R. 15 E

Form No. 0

20

21

22

29

P.D. spring
28

27

32

33

34

Permit Map No. 31143

As Approved JUL 3 1963

Ralph W. Thomas
Deputy State Reclamation Engineer

Office copy

**Application For Permit
To Appropriate the Public Waters of the State of Idaho**

APPLICATION No. 39235
PERMIT No. 31143
DISTRICT No.

1. Name of Applicant: Frank Witherell

Postoffice address: Route #3

County: Benewah

State St. Maries, Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 50 miners inches (1.0) cubic feet per second.

3. Source of water supply: Spring which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of section 28 , T. 46 N., R. 1 E. , B. M., County of Benewah

5. Water is to be used for Domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 80.00

8. Kind of works: Pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Willis F. Strode
Notary Public for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires May 7, 1967 (SEAL)
Date of first receipt at Department of Reclamation: 8:00 A.M. May 27, 1963

s/ Frank Witherell Applicant.
s/ Catherine Witherell

By ~~APPROX~~

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 31143
Recorded in Book 109 Page 31143 Approved June 3, 1963
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before August 3, 1963 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 3, 1964
The whole of said work to be completed on or before June 3, 1965
Beneficial use of water appropriated in accordance herewith, to be made on or before June 3, 1966

WITNESS My hand this 3rd day of June, 1963

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd

day of June, 1963.
Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS: We are the owners of said land and this is a spring on this property, and to be used for domestic purposes.

14.

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 $\frac{1}{4}$	
			Permit No. 31143 ✓ CERTIFICATE OF COMPLETION OF WORKS				
			TO ALL WHOM IT MAY CONCERN:				
			This is to certify that Frank Witherell of St. Maries, County of Benewah, and State of Idaho, the holder of Permit No. 31143, issued upon Application No. 39235 bearing date of priority of May 27, 1963, authorizing the diversion of 1.0 second feet of waters of a spring County of Benewah, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the waters of a spring that the point of diversion of said waters SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T. 46N., R. 1 E.B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:				
			Domestic purposes in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T. 46N., R. 1 E.B.M.				
			Witness my hand this 2nd day of June, A.D. 1965				
			/s/ RALPH W. THOMAS Deputy State Reclamation Engineer				
			Proof of Completion of Works Made: May 26, 1965				

RECEIVED JUN 12 1963
STATE OF IDAHO

FIELD REPORT

TOTAL ACREAGE

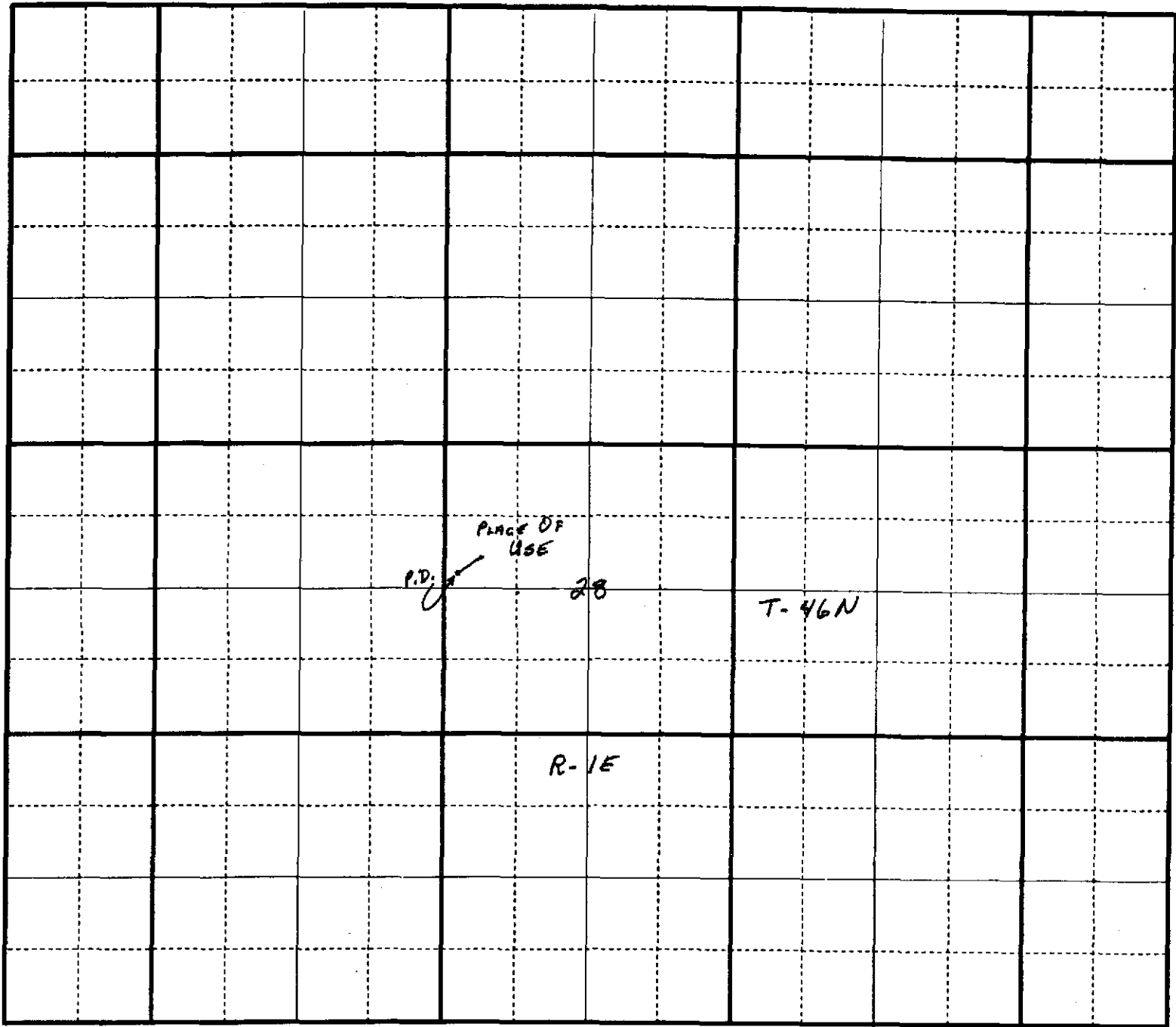


Diagram of System

by:

DATE OF EXAM 7/6/73

by:

ACREAGE

Found _____

Recommended _____

by:

Irrigation Requirement _____ Ac Ft/Ac _____

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Domestic Q= 0.12 c.f.s. V= ~~1.2~~ 3.6 AF/Ann. from JAN 1 to DEC 31

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 0.12 Method of measurement ESTIMATEDTotal Q recommended 0.12 Meter No. — Type _____ Condition _____Total V recommended ~~1.2~~ 3.6 ACFT

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

$$0.04 \text{ cfs} \times 3 = .12$$

$$1.20 \text{ ACFT} \times 3 = 3.6 \text{ ACFT}$$

SYSTEM DESCRIPTION:

COLLECTION BOX AT SPRING. A 500 GALLON RESERVOIR TANK
APPROXIMATELY 100 FT BELOW THE SPRING WITH A 600 FOOT
PIPELINE TO A TRAILER HOUSE AND TWO CABINS

REMARKS:

Examiner's Signature [Signature] Date 7/6/73Checked by [Signature] Date 7/13/73

Approved by _____ Date _____

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31143/91-2027)
in the name of FRANK WITHERELL)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

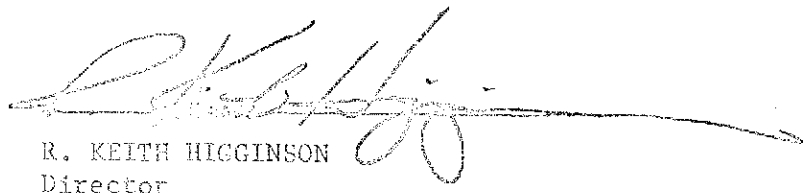
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 31143 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 15th day of March, 1971.


R. KEITH HIGGINSON
Director

EDF:DR

91 2027

Permit No.

31143

STATE OF IDAHO
Department of Reclamation

RECEIVED

JUN 1 1965

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of

Benawak

ss.

Frank Witherell

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

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 31143, and that his postoffice address is Route #3, St. Maries State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Spring

Third: That the point of diversion of said water is SW of NW Sec 28 T. 46 N

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 3, 1965.

Fifth: That the use for which said water is intended is domestic

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Pipe from a reservoir (previous)

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: Not known - covered by prior owner

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use _____

one cubic foot
minus inches second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: domestic use

Ninth: Remarks:—That water is for domestic use

Frank A. Witherell

(SIGN HERE)

Subscribed and sworn to before me this 26 day of May, 1965

Ray A. Bower

NOTARY PUBLIC for the State of Idaho

City of St. Maries, Idaho

My commission expires Feb. 21, 1969

NOTARY PUBLIC

My commission expires

31143

6

20

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23 ← P.D. spring

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31143
JUN 3 1963
Reputy Robert Thomas
Reclamation Engineer

Office copy