

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 17978/91-2021 Priority Feb. 2, 1960 Amount 3.0 cfs
(late proof)

THIS IS TO CERTIFY, that the CITY OF ST. MARIES
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 17978/91-2021 issued pursuant to Application for Permit dated July 16, 1934,
and has submitted proof to the Department of Water Administration on February 11, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.70 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rochat Creek
tributary of the St. Joe River is hereby confirmed in the following amounts:

Amount 3.0 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 3.0 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, Twp. 46 N, Rge. 1 W, 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~~ ~~xxx feet per acre~~

Description and location of place of use: City of St. Maries & Vicinity

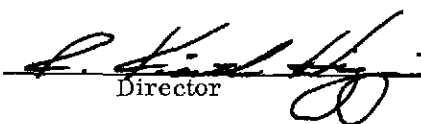
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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 20 day of

November, 19 73.


Director

91-2021

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

Base
Joe Pentland

1. Name of permit holder City of St. Maries
 Post office address St. Maries, Idaho Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Rochat Creek
 (name spring, stream, etc.)
 Tributary to St. Joe River

3. Water will be used for the following purposes:

Amount 3.0 c.f.s. for Municipal
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 17978/91-2021
 Examination for B/U

4. Total amount to be appropriated:

Max Rate of Diversion 3.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 46 N/S, Range 1 E/W, B.M., Section 3, Subdivision SW 1/4 NE 1/4, Benewah County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: Water is conveyed from point of diversion to place of use by 12 inch water main.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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	
46N	1W	3			x														

91-2021 TOTAL ACREAGE _____

9/1-2021

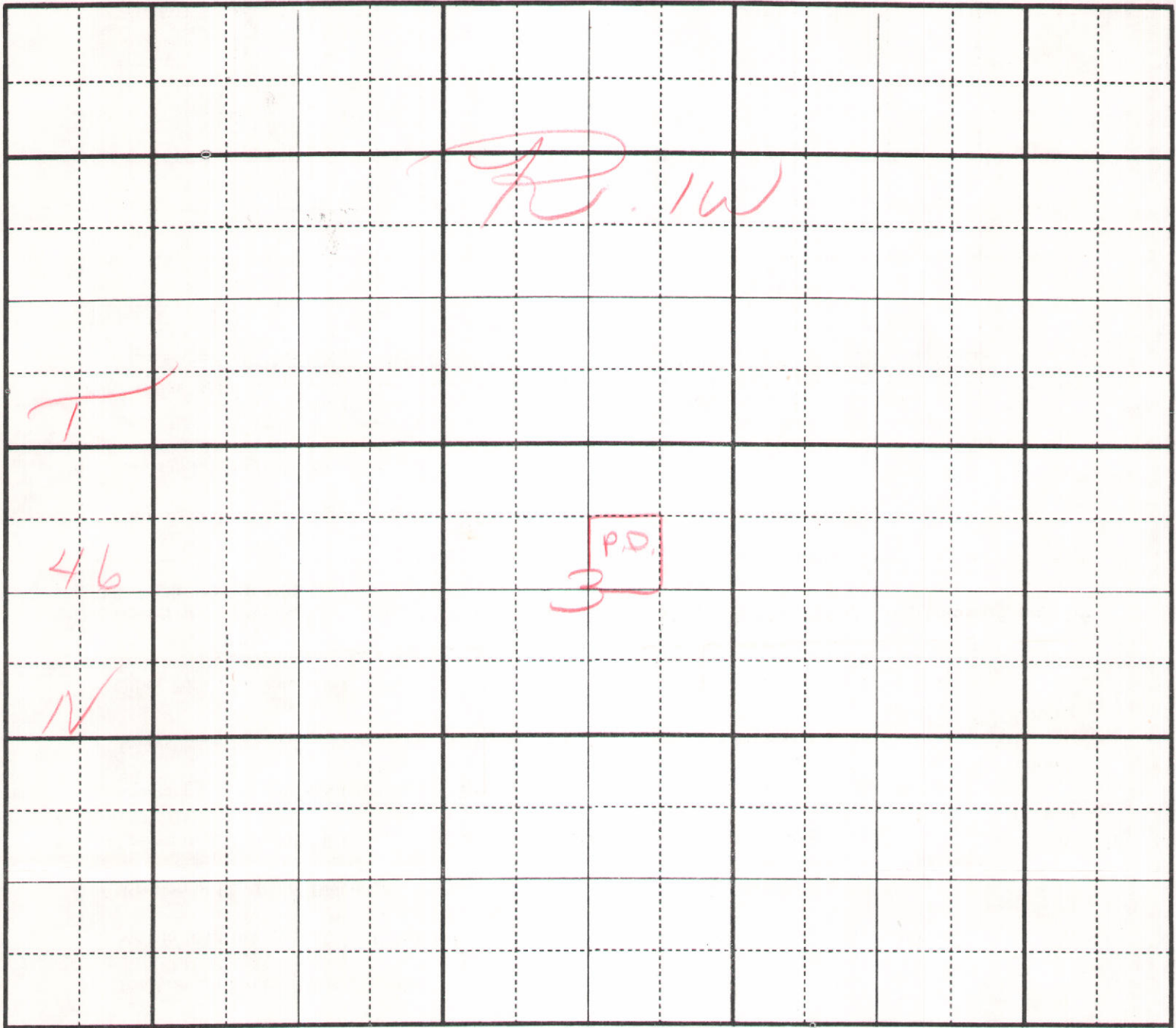


Diagram of System

Dam 75' across
45' in height
Concrete and rocks
12" main gravity flow to
place of use.
Chronics Engineering ^{ASSOC.} from Boise has
measured the system.

DATE OF EXAM 10/2/72

ACREAGE
Found _____
Recommended _____

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 _____
Municipal Q= 3.0 cfs. V= A/E from 1/1 to 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 3.7 cfs (2.4 mgd) Method of measurement measured by Chronic & Associates

Total Q recommended 3.0 Meter No. _____ Type _____ Condition _____

Total V recommended X

Recommended Amendments:

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

MEASUREMENT CALCULATION:

The point of Diversion is located approx. 7 miles from the City of St. Maries. It was impossible to drive to the point of diversion due to creek has washed the road away and now you have to cross the creek in 3 places. System measured by Chronic & Associates at 2.4 mgd $\frac{(2,400,000)}{1440} \div 448.8 = 3.7 \text{ cfs}$ (see attached report)

SYSTEM DESCRIPTION:

1150 water users The system is not metered. Unable to take any measurements or to determine the volume of water that is used during the year. (See attached report)

REMARKS:

Claim 91-4001
Department of Health has measured the Q. Approx. 2 years ago. (See Report)

Examiner's Signature Paul Eisenbach Jr. Date 10/2/72
Checked by Philo Block Date 11/2/73
Approved by _____ Date _____

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
10/10/71
late
Department of Reclamation

1. a) Name of Permit Holder City of St. Maries, St. Maries, Idaho (a municipal corporation)
b) Post Office Address St. Maries, Idaho 83861
2. Permit Number 17978 - New number 91-9021
3. Date of Priority that you are prepared to establish 1959**
4. a) Source from which water was appropriated Rochat Creek
b) Location of the point of diversion: 1/4 1/4, Section 3
Township 46 North, Range 1 West Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 3 C.F.S. for municipal purposes from year round 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 3 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: Pete Torchie, City waterworks superintendent for many years, and from prior permit.
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: N/A
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) Water is conveyed from point of diversion to place of use by 12 inch water main.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed N/A

91 2021

exam typed 9-28-71
mjl

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Water is the sole source of water supply of the City of St. Maries
and also water customers outside the corporate limits of the City of
St. Maries.

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

[illegible]

Total number of acres irrigated _____

10. Remarks: This has been the municipal water supply of this City since July, 1934;
the 1959 priority based on Mr. Dorian Clay's letter of January 13, 1971.

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

February 1, 1971
(Date)

Otto Holstein (Mayor of City of St. Maries)
(Signature)

State of Idaho)
County of Benewah) ss.

On this 1st day of February, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Richard J. McTear
Notary Public residing at 57. mares

My commission expires 2-6-73

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 17978/91-2021)
in the name of the CITY OF ST. MARIES)
_____)

ORDER

WHEREAS, on July 16, 1934, the City of St. Maries applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 3.0 cubic feet per second of water from Rochat Creek within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 46N, R. 1W, B.M., Benewah County, to be used for municipal purposes; and,

WHEREAS, on July 25, 1934, the Department approved the application and issued Permit No. 17978 with the condition that one-fifth of the work be completed on or before January 25, 1937; and that the whole of said work be completed on or before July 25, 1939; and that the water be appropriated to a beneficial use on or before July 25, 1945; and,

WHEREAS, proof of completion of works was made on June 22, 1939; and,

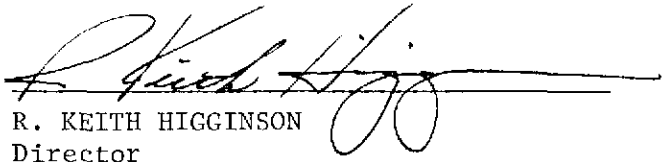
WHEREAS, on January 4, 1971, the Department notified the permit holder that Permit No. 17978/91-2021 was subject to cancellation for failure to submit proof of beneficial use of water on July 25, 1945; and,

WHEREAS, proof of beneficial use of water was received by the Department on February 11, 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. 17978/91-2021 be advanced to February 2, 1960.

Dated this 29th day of March, 1971.


R. KEITH HIGGINSON
Director

BFD:DR

91 2021

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 17978/91-2021)
in the name of the CITY OF ST. MARIES)
_____)

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,

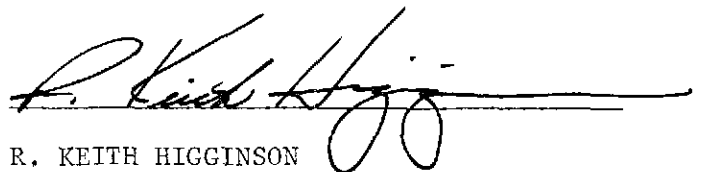
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 17978 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 29TH day of MARCH, 1971.


R. KEITH HIGGINSON
Director

BDF:DR

91 2021

91-2021

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25161
Permit No. 17978
District No.

1. Name of Applicant: CITY OF ST. MARIES

Postoffice address: St. Maries County: Benewah State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: Incorporated as a City, April 16th, 1913.
(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) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: 3 cubic feet per second.

3. Source of water supply: Rochat Creek which is a tributary of St. Joe River.

4. Location of point of diversion: S. 42° 7' W. 2966.5 feet distant from the NE corner of Section 3, T. 46 N., R. 1 W., B. M., and is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 46 N., R. 1 W., B. M., County of Benewah

5. Water is to be used for: Municipal City Water System

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 , 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: \$ 105,600.00

8. Kind of works: Concrete Dam with 43748 feet of Cast Iron or Steel Pipe.

9. Height of dam 10 feet; length of dam at top 57 feet; length of dam at bottom 20 feet; material used in dam: Concrete & Steel Reinforcement.

10. Size of headgate: Width 3 feet; height 4 feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
Diameter of pipe 14, 12, 10, 8 inches; length of conduit 8 $\frac{1}{4}$ miles.
Average grade per mile 30.88 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

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

15. (a) Is reservoir to be used? No 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 waters of the State of Idaho as herein set forth.

City of St. Maries, Idaho

Applicant.

By Walter Boberg, Clerk

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. July 16, 1934

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17978

Recorded in Book 64 Page 17978 Approved July 25, 1934.

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 September 24, 1934 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 January 25, 1937.

The whole of said work to be completed on or before July 25, 1939.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 25, 1945.

Witness my hand this 25th day of July, 1934.

R. W. FARIS
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Permit No. 17978 Certificate of Completion of Works _____ TO ALL WHOM IT MAY CONCERN: This is to certify that CITY OF ST. MARIES, of St. Maries, County of Benewah, and State of Idaho, the holder of Permit No. 17978, issued upon Application No. 25161, bearing date of priority of July 16, 1934, authorizing the diversion of Three (3) second feet of the waters of Rochat Creek, a tributary of St. Joe River, County of Benewah, State of Idaho, for municipal city water system 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 out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use three (3) second feet of the waters of Rochat Creek; that the point of diversion of said waters is S. 42° 7' W. 2966.5 feet distant from the N E corner of Section 3, Township 46 North, Range 1 West, B.M., and is in the SW¼ NE¼ of Section 3, Township 46 North, Range 1 West, B.M., County of Benewah. Witness my hand this 14th day of August, A.D. 1939. Proof of Completion of Works made June 22, 1939 Certificate of Completion of Works issued August 14, 1939. JAMES SPOFFORD Commissioner of Reclamation																

LICENSE ISSUED FOR 30 CFS FT
LICENSE PAG

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the City of St. Maries, St. Maries,
Idaho, has received an approved Permit No.
17978/91-2021 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~amount~~ of 3.0 cubic feet per second ~~amount~~
~~amount~~ of water from Rochat Creek, tributary to St. Joe River.
The priority to be established under this permit is February 2, 1960,
and the permit was approved July 25, 1934.

Water is to be diverted by a water main
from a point within the SW 1/4 of Sec. 3, T. 46N, R. 1W, B.M., Benewah
County,
to be used for municipal purposes
in the city

Proof of the application of the water to beneficial use ~~was~~ ^{was} sub-
mitted to the Department on ~~February 11, 1971~~ February 11, 1971. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice ~~no protest may be filed after this date~~
~~no protest may be filed after this date~~
~~no protest may be filed after this date~~

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the St. Maries Gazette Record, St. Maries, Idaho,
on June 23rd and June 30th, 1971

Permit No. 17978/91-2021

Director:

You are hereby authorized to have the above notice published at my expense
in the St. Maries Gazette Record of St. Maries, Idaho;
published in the county in which the works are situated.

City of St. Maries
by Rich J. Mitalah
(Signature) city attorney
June 8, 1971
(Date)

St. Maries, Idaho
(Address)

91 5071

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Benewah

} ss.

Walter Boberg, Clerk, St. Maries,, 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. 17978, and that his postoffice address is St. Maries, Idaho
State of _____

Second: That the name of the stream from which said water is to be directed is _____

Rochat Creek

Third: That the point of diversion of said water is S. 42° 07' W. 2966.5 feet distant from the N.E. corner of Section 3, T. 46 N., R. 1 W., B.M., and is in the SW 1/4 NE 1/4 of Sec. 3, T. 46 N. R. 1 W. B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 20, 1937, 1937.

Fifth: That the use for which said water is intended is Municipal City Water System.

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

I. Kind of works: reservoir, dam and pipe line

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: _____

(a) Height of dam 37 feet, length of dam at top 80 feet, length of dam at bottom 10 feet. Material used in construction Ashler stone masonry

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir two acre feet.

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

(d) Conduit 12" pipe width at bottom 12" feet, width at water line 12"
(State whether ditch, flume or pipe.)
feet, depth of water 6 feet; diameter of pipe 12" inches, average grade per mile is about 33 feet. Length of conduit is 8 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use three second feet of water.

Eighth: That water appropriated under said permit is available for none acres of land described as follows: _____

Ninth: Remarks: That dam was not finished on time due unfavorable weather conditions; the contractor was released from that portion of the contract and the city finished it on November the 11th, 1938. The structure, as finished, was designed to permit additional storage, if needed; with of dam at bottom 12', top 5'.

Walter Boberg
(Sign here)

Subscribed and sworn to before me this 22nd day of June, 1939

My commission expires 6/28/42

R. B. Sargent
Notary Public.

JUN 22 1939
3:00 P.M.

17978
3 COPY/SEC

406-24-39