

2681 II SW
(MOUNT ROOT-HA)

RECEIVED

JUL 23 1997

NORTHERN REGION
IDWR

N A T I O N A L

5378

5377

32'30"

5376

5375

5000
FEET

5373

Homestead

Creek

Creek

Youngs

17

16

15

14

20

21

22

29

28

27

32

33

34

Jeru Falls

Creek

Pearson

Pack

Martin

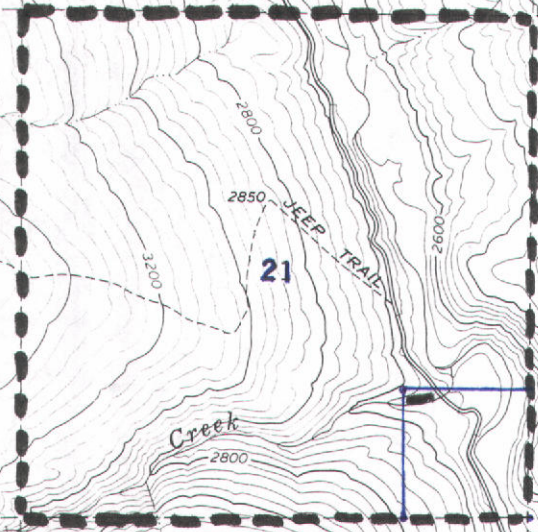
Lindsey

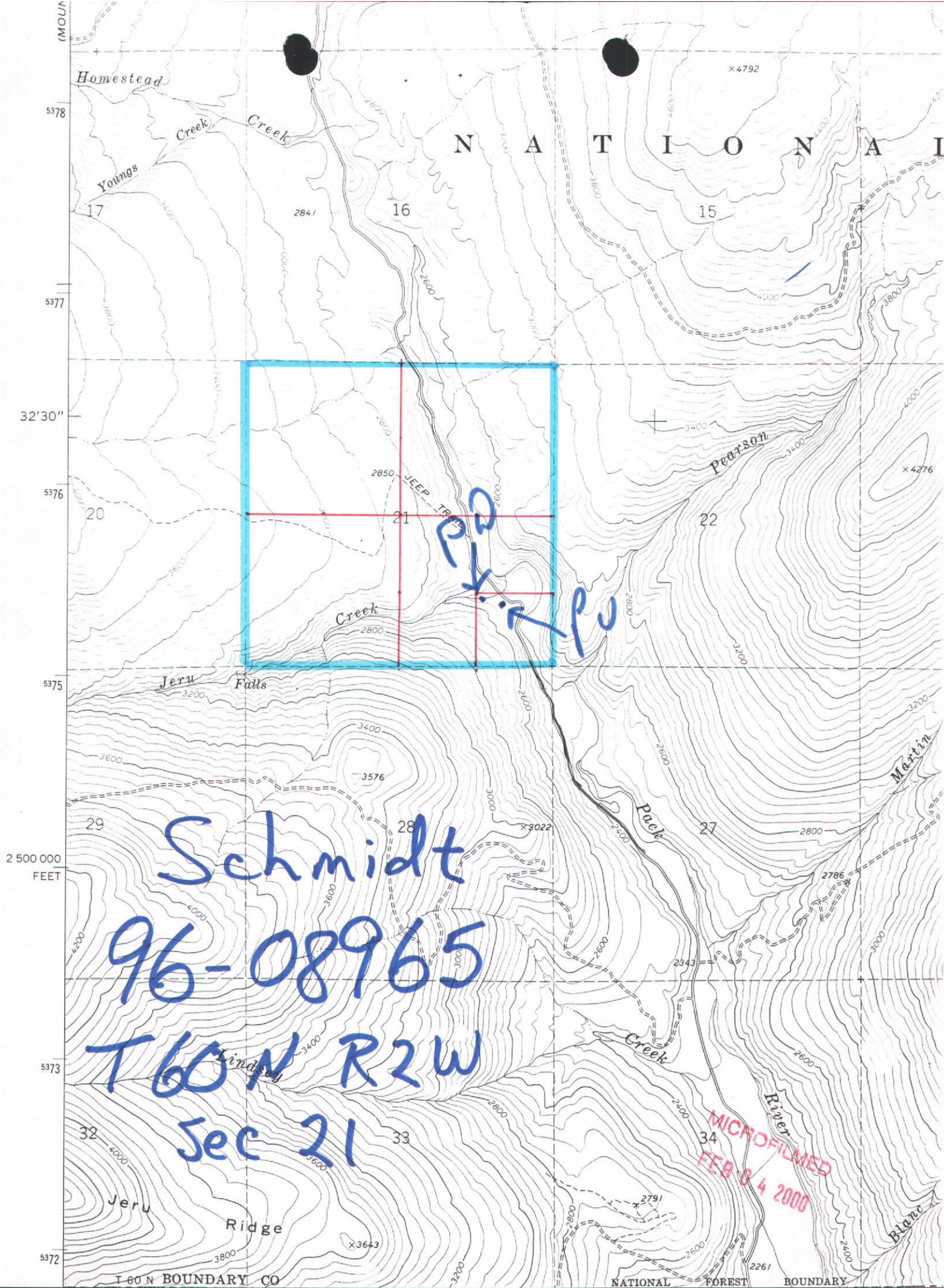
Creek

River

SCHMIDT
T. GON., R. 2W.

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JAN 12 1998





Homestead

X4792

N A T I O N A L

Youngs

Creek

17

2841

16

15

Pearson

X4276

2850

2600

JEEP TRAIL

21

Creek

2800

Jeru

Falls

3200

3400

3576

X3022

Pack

27

2800

Martin

2786

Creek

2343

River

MICROFILMED
FEB 04 2000

32

Jeru

Ridge

X3643

33

NATIONAL

FOREST

BOUNDARY

T 60 N BOUNDARY CO

PERMIT # 96-08965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

96-08965



PD



PJ

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FEB 04 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08965

Priority: July 17, 1997 Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 1.2 AF

This is to certify, that DOLAN P SCHMIDT
4410 ROYAL

COEUR D ALENE ID 83814 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 17, 1997; and
has submitted Proof of Beneficial Use on August 7, 1998. An examination indicates
that the works have a diversion capacity of 0.010 cfs of water from:

JERU CREEK tributary to PACK RIVER

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>
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF

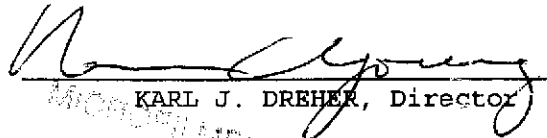
LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 21, Township 60N, Range 02W
BOUNDARY County

PLACE OF USE: DOMESTIC
TWN RGE SEC
60N 02W 21 SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Water shall not be diverted under this right when flows in the Pack River are below established minimum stream flows.
2. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 6th day of DECEMBER, 1999.


KARL J. DREHER, Director

Armt. of Fee \$: 50.00
Receipt No. 13035
Receipt By: B.S.
Date Received: 2/7/98

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

1. Permit No. 96-08965 Telephone No. 765-8461

2. Name(s) of Permit Holder(s): Dolan P. Schmidt

3. Mailing Address: 4410 Royal Cda Id. 83814

4. Source of Water: Jeru crk If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: _____ Drilling Permit Number: - - -

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 400 Stockwater (No. and type of stock):

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ☒

Has the measuring device been installed? Yes or No

Flow Measurement Port: Is a flow measurement port required? Yes or No

Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dolan P. Schmidt Telephone Number: 765-8461

Address: 4410 Royal Cdt Id.

10. The information given on this form 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.

Signature of permit holder: Don P. Schmitt Date: 8-5-98
(include your title, if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08965

Proposed Priority: July 17, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **DOLAN P SCHMIDT**

4410 ROYAL

COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

JERU CREEK

tributary of **PACK RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 21, Township 60N, Range 02W
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

60N 02W 21

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1998**.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right unless flows exceed established minimum stream flows.
4. Domestic use is for 3 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

26th day of

September, 1997.

Karl J. Dreher
Karl J. Dreher, Director

for

RECORDED

1997 9 26

Ident. No. 96-8965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
SEP 19 1997

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Dolan P. Schmidt Phone 765-8461
Post Office address 4410 Royal cda ID 83814
2. Source of water supply Jeru Creek which is a tributary of Pack River
3. Location of point of diversion is SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____
Sec. 21 Township 60N Range 2W B.M. Boundary County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for domestic purposes from Jan 1 to Dec 31 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 500' 1 1/2" pipeline in Jeru Creek
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 3
 - e. Other; describe fully. _____

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JAN 12 1998

9. Description of place of use:

a. If water is for irrigation indicate acreage in each subdivision in the tabulation below.

NA

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	2W	21																D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? " _____"

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Deane F. Schmitt
(Applicant)

Received by db Date 7/17/97 Time 1150a Preliminary check by AB
 Fee \$ 50.00 Receipted by _____ # N011441 Date 7/17/97
 Publication prepared by db Date 7/30/97 Published in Bonner Ferry Herald
 Publication approved db Date 9/4/97 816-13197

JAN 12 1998

2681 II SW
(MOUNT ROOTHA)

RECEIVED

JUL 23 1997

NORTHERN REGION
IDWR

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22

28

27

33

34

Jeru Falls

Creek

pack

Martin

Lindsey

Creek

SCHMIDT
T. BON., R. 2W.

5000
FEET



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 6, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOLAN P SCHMIDT
4410 ROYAL
COEUR D ALENE ID 83814

RE: WATER RIGHT NO. 96-08965

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

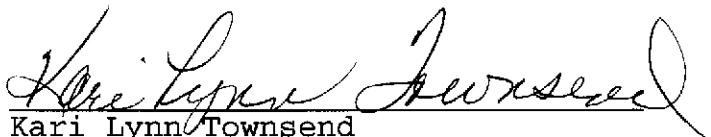
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FEB 04 2000

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-08965

DOLAN P SCHMIDT
4410 ROYAL
COEUR D ALENE ID 83814


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 04 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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FEB 04 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 11/21/99

Permit No. 96-08965

BU Fee Pd \$ 50⁰⁰

Name/Address: ☒ OK ☐ CHANGE

Govt Lots ☒ n/a ☐ plat copy attached

AREA OF CONCERN: No/Yes ☐ ~~Moratorium~~ ☐ GWMA ☐ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M (if on permit)

LOCATION:

Trust - R55(consumptive uses)
Non-Trust - 048-049 (consumptive uses
or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)
PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 081
FISH PROP - 029(70'S only)-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? ☐ Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per ¼/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - C/tire shop
Non-consumptive - 027
Water Quality - 081-R07
Mitigation - 121 (if on permit)
PPU acre limit - W27

CHECK NEW IRR SEASON MAP N/A

SURFACE WATER: (✓Flow Chart)

In/Above MSF ☒ - WB9 → 96-08917
WD ☐ - R04 (WD#)
≤ 0.20 cfs/others - R02- 01P or No MD
> 0.20 cfs - R43
Pack R.

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - WB9 if above Weiser
Payette R (65) - 047(Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
MUNICIPAL
Restricted area - 022,075
In, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
In use listed separate - WB5
Lawn/garden included - W01 (A)

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right #
PU overlap rights - WB7-W31(<1 ac)
GW replaced SW - 050

Permit Rate .04 cfs Fee Limit .20 cfs
Measured .01 cfs Theoretical cfs

Use	Rate	Volume
<u>Dom</u>	<u>.01</u> cfs	<u>1.2</u> af
<u> </u>	<u> </u> cfs	<u> </u> af
<u> </u>	<u> </u> cfs	<u> </u> af
TOTALS	<u> </u> cfs	<u> </u> af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed ☐ Yes ☒ No

If no, is a claim required: ☐ Yes ☒ No

AMENDMENTS REQUIRED ☐ Yes ☒ No

If yes, paragraph codes:

Adjustment Memo Needed ☐ Yes ☒ No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 18 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08965

1. Owner: Dolan P Schmidt Phone No. (208) 765-8461

Current Address: 4410 Royal Green Dalene Id 83814

2. Accompanied by: Dolan Schmidt EXAM DATE: 8-3-99

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Seru Creek tributary to Pack River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	21	60N	02W	Boundary	USGS 7.5 min Quad

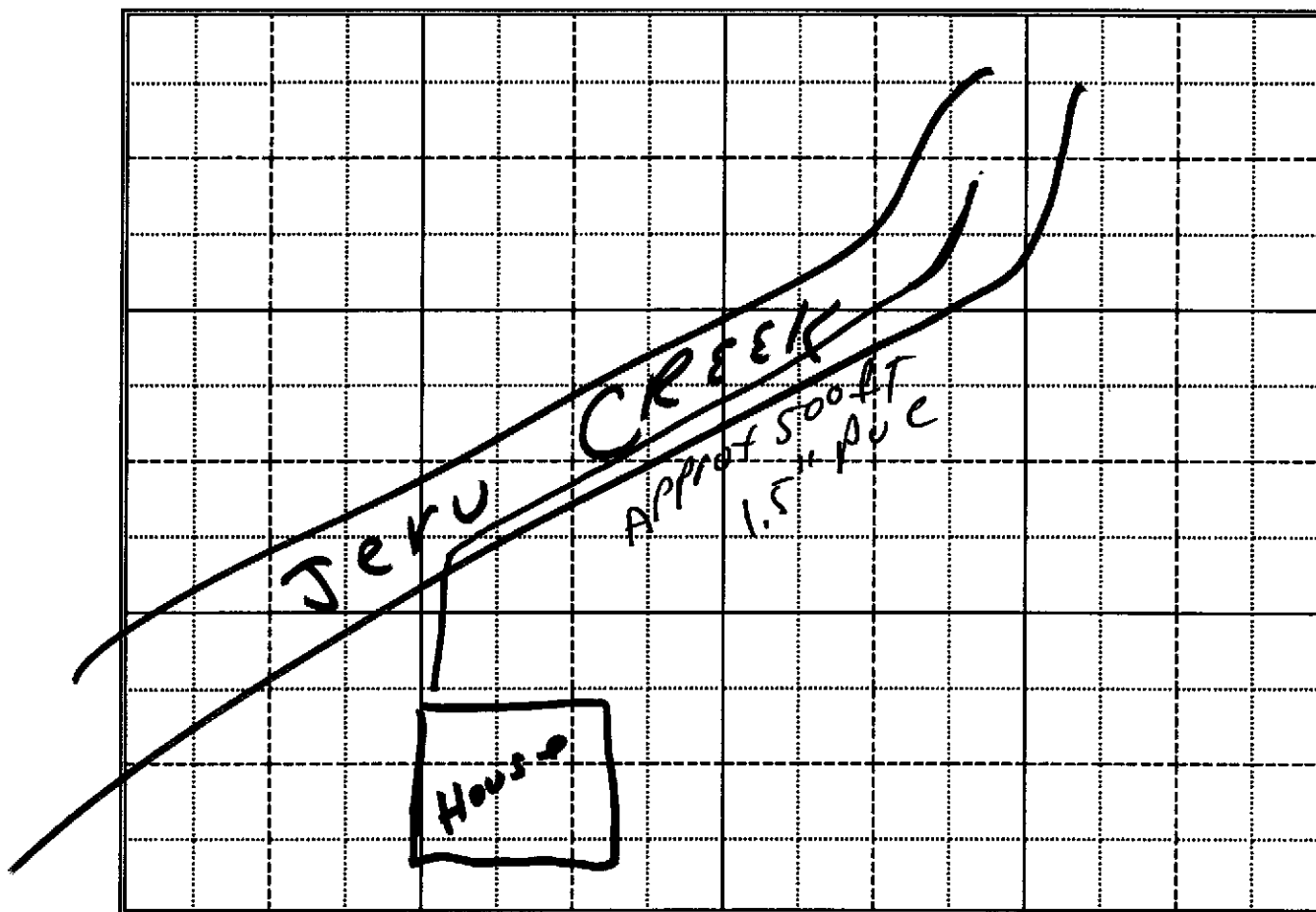
2. Place(s) of Use:

Indicate Method of Determination _____

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	02W	21																D	

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = 100'

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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FEB 6 4 2006

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{array}{r} 5941 \text{ bucket } 5 \text{ gal in } 60 \text{ sec} \\ 5 \times .133681 \\ \hline 60 = .01 \text{ cfs} \end{array}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01-01</u>	<u>02-31</u>	<u>.01</u>	<u>1.2</u>
Totals:			<u>.01</u>	<u>1.2</u>

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

I. AUTHENTICATION

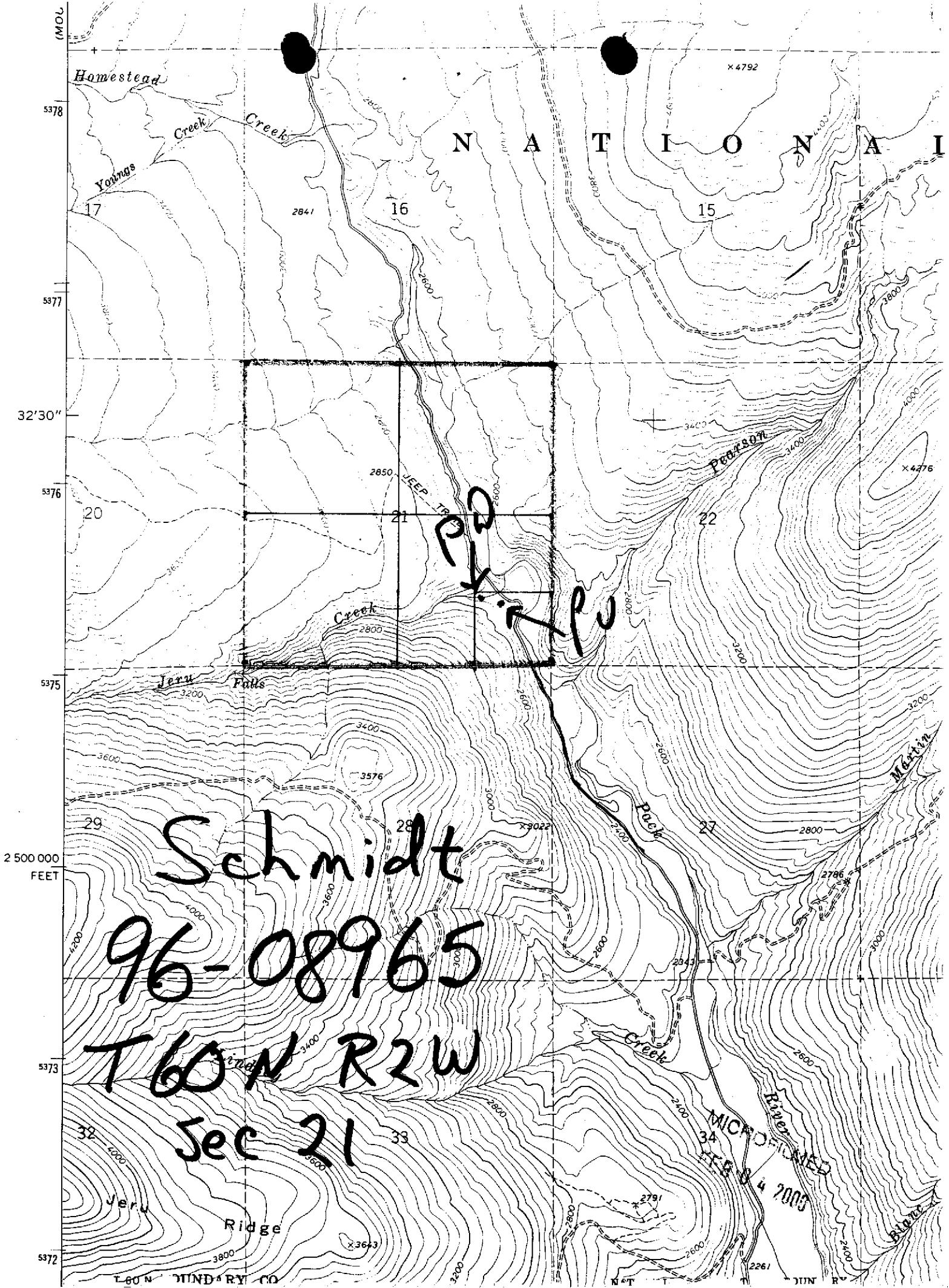
Field Examiner's Name Wayne Balden Date 12

Reviewer _____ Date _____

SEAL

MICROFILMED

FEB 14 1985



Homestead

x 4792

NATIONAL ANTIQUITIES ACT

Yonkers

Creek

17

2841

16

15

32'30"

20

21

22

PD

PU

Creek

Jeru Falls

Pederson

x 4776

29

28

27

Schmidt

96-08965

T60N R2W

Sec 21

Jeru

Ridge

x 3643

Pack

Creek

MICHOU RIVER
FEB 8 4 2003

Martin

Blanch

60 N BOUNDARY CO

NAT

UNIT R

PERMIT # 96-08965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



96-08965

PD

PV

MICROFILMED

FEB 04 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08965 Reviewed by Jay Date 9-8-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom.
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	/	_____	
Date proof due	_____		-	_____
No. of days late	_____		=	_____
Priority Date	_____		+	_____
New Priority Date	_____			_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address _____ Proof Made 8-7-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 1998

Dolan P Schmidt
4410 Royal
Coeur d Alene ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08965

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's NORTHERN Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

SEP 29 1998

July 31, 1998

DOLAN P SCHMIDT
4410 ROYAL
COEUR D ALENE ID 83814

PROOF DUE NOTICE

RE: PERMIT NO. 96-08965

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

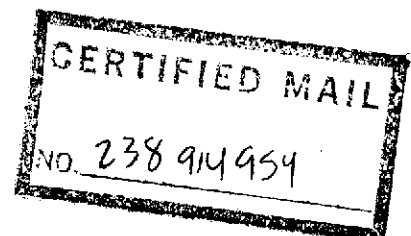
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
SEP 29 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1997

DOLAN P SCHMIDT
4410 ROYAL
COEUR D ALENE ID 83814

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08965

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

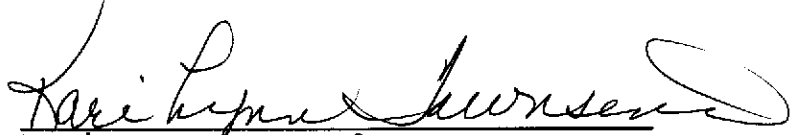
MICROFILMED
JAN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of September, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-08965

DOLAN P SCHMIDT
4410 ROYAL
COEUR D ALENE ID 83814


Kari Lynn Townsend
Secretary

MICROFILM
JAN 12 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*
 No.: 76-8865 Name: Schmidt Date: 9/25/97 Ad OK? ✓ ✓ Gvmt Lts: ✓
AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof

P16

>1 year

- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

- _____ or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)

- 31A (modify remark *WB9) Pack R. Trib To Lake Pond O'Reille

WD (✓ MAP & LISTING)

- R04 (WD # _____) 01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 070-071- P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0.03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

Stock (BLM/USFS)

- R37

Storage (✓3 compo.)

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Basins 71-79

- 029 (fish screens)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- ① woi/3**BENEFICIAL USE DUE:**

- 10/1/ 1998

COMMENTS:

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 19 1997
WR1
WRA
BC

APPLICATION # 96-8965

DEPARTMENT OF WATER RESOURCES

***** INITIAL REVIEW *****

APPLICANT: SCHMIDT BY: AB DATE: 97/17/97

ITEM REQUIRED INFORMATION

1. (x) Name and Address
2. (y) Source
3. (w) Point of Diversion & County
4. (x) Quantity
(x) Nature of Proposed Use
(x) Period of Use
5. (x) Total Quantity
6. (x) Description of diverting works
7. (x) Time required for b/u
8. (x) Proposed use
9. (x) Place of use or acres irrigated
10. (x) Other Water Rights
11. (x) Ownership
13. (x) Map
(x) Signature
(x) Fee (Amt, recpt, acknowlegment)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

Yes No

- Y Field check: by _____
Y Field report attached
Y Analysis Supp. attached(>5cfs/500af)
Y Water delivered by water master?
Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 7/17/97

- X (Include Moratorium Remark)
X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BOUNDARY County.

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes) (No)

- Y Groundwater management area
Y Critical ground water area
Y Well Drilling Permit required
Y Well Drilling Application and Fees received
Y Well Drilling Application approved?
Well Drilling Application Number _____

Checked by: _____ Date: ____/____/____
Remarks: _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- Y Notice of pending void order issued. Final order response date: ____/____/____
Y Further information required from applicant
Y Affidavit of publication received
Y Application published correctly, If not, record action taken: _____
Y Publication dates and paper recorded on application | Sr. Agent initial AB
Y Protests received. Final protest date: 8/25/97
Y Measuring device required
Y Measuring port required
Y Special conditions: _____
Y Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB Date: 9/9/97

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

David Keys being first duly sworn on oath
deposes and says that he/she is publisher
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

#3603 Water Right / Schmidt

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6 day of August, 19 97
and ending on the 13 day of August, 19 97
and that said notice was published in said newspaper.

Dated: August 13, 1997
David Keys

Subscribed and sworn to before me this 13 day
of August, 19 97

Juan E. Duik
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

RECEIVED

SEP 04 1997

NORTHERN REGION
IDWR

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have been
filed to appropriate the public waters of the
State of Idaho:
96-08965

SCHMIDT, DOLAN P
4410 ROYAL
COEUR D'ALENE, ID 83814
Source: JERU CREEK
Tributary: PACK RIVER
Diversion Pt: SESE Sec 21 T
60N R 02W in BOUNDARY County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/17/97
In: BOUNDARY County
T60N R02W S21 SESE
98-07782

BACON, SCOTT S
BACON, JACKIE L
PO BOX 486
BONNERS FERRY, ID 83805
Source: SPRINGS
Tributary: KOOTENAI RIVER
Diversion Pt: LOT 9 (NWSWSW) Sec 1 T
62N R 01W in BOUNDARY County.
Use: IRRIGATION (0.070 CFS)
STOCKWATER (0.010 CFS)
DOMESTIC (0.030 CFS)
Total Diversion: (0.100 CFS)
Date Filed: 7/14/1997
In: BOUNDARY County
T62N R01W S01 Lot 9 (SWSW)
5.0 ACRES TOTAL
98-07783

WOLFF, ALBERT J
RT 1 BOX 578
BONNERS FERRY, ID 83805
Source: KOOTENAI RIVER
Tributary: COLUMBIA RIVER
Diversion Pt: NESW Sec 26 T 62N R 01E
in BOUNDARY County.
Use: RECREATION STORAGE
(7.00 AF)

DIVERSION TO STORAGE (0.200 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 7/23/1997
In: BOUNDARY County
T62N R01E S26 NESW

For additional information concerning
the property location, call the Northern
Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and with the Director, Dept.
of Water Resources, Northern Region,
1910 Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814, together with a
protest fee of \$25.00 on or before
AUGUST 25, 1997.

KARL J. DREHER, Director
BFH#3603 August 6, 13, 1997

RECORDED

SEP 17 1997

July 30, 1997

Dolan P. Schmidt
4410 Royal
Coeur d Alene ID 83814

Re: Water Appropriation Application No. 96-08965

Dear Mr. Schmidt:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N011441.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

RECORDED
JAN 17 1998

96-08965

SCHMIDT, DOLAN P
4410 ROYAL
COEUR D ALENE, ID 83814

Source: JERU CREEK

Tributary: PACK RIVER

Diversion Pt: SESE Sec 21 T 60N R 02W in BOUNDARY County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 7/17/1997

In: BOUNDARY County
T60N R02W S21 SESE

Approved
SEP 17 1997