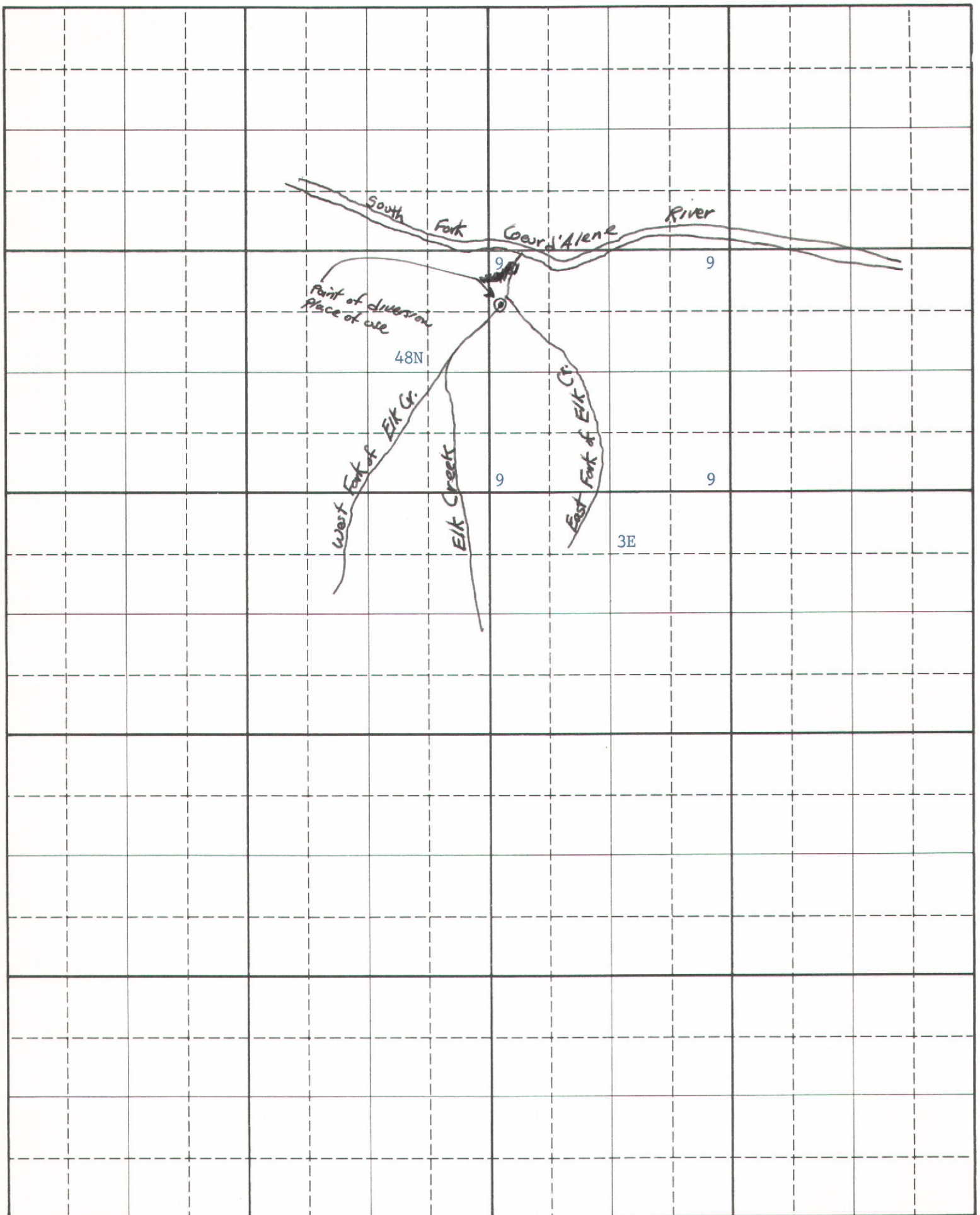


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X Floyd J. Hadley
(Applicant)

94 7042

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 94-7042 Priority October 29, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that LLOYD J. HADLEY
of Kellogg, Idaho, has complied with the terms and conditions of Permit
No. 94-7042 issued pursuant to Application for Permit dated October 29, 1973,
and has submitted proof to the Department of Water Resources on November 30, 1978,
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 0.04 cfs of water from Elk Creek,
tributary to S. Fk. Coeur d'Alene River, 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
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
1.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, Twp. 48N,
Rge. 3E, 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	3E	9					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 herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

May, 19 79.

[Signature]
Director

Identification No. 94-7042

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)

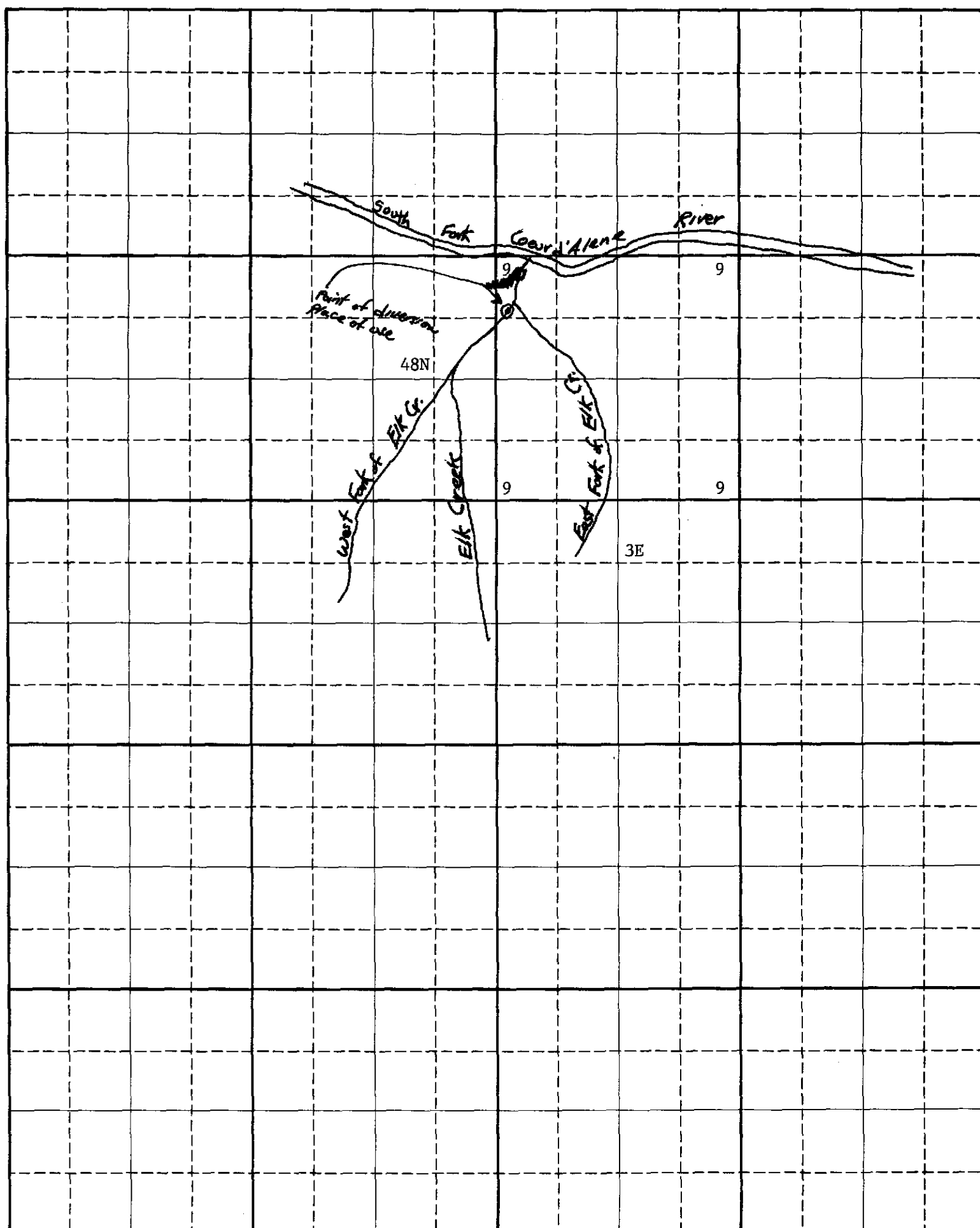
1. Name of applicant Lloyd J. Hadley
post office address Box 308, Kellogg, Idaho
2. Source of water supply Elk Creek which is a tributary of S. Fk. Coeur d'Alene River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 Township 48N
Range 3E B.M. Shoshone County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (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)
5. Total quantity to be appropriated:
a. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Diversion dam and pipeline.

b. Height of storage dam _____ 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 _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 Township 48N
Range 3E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

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.

X Ployd J. Hadley
(Applicant)

94 7042

Proposed priority 10-29-1973

94 7042

Received by CP Date 10-29-73 Time 1:00 P
Preliminary check by FA Fee \$ 10.00
Receipted by FA Date 10/29/73 = 12230
Publication prepared by CP Date 11-2-73
Published in Kellogg Evening News
Publication dates 11-8 & 11-15-73
Publication approved CP Date 11-28-73
Priority reduced to _____ Reason _____

Protests filed by: _____

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

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. 94-7042, 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 December 1, 1978.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 6th day of December 19 73.

R. Karl Higgin
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>EB</u>	<u>10/29/73</u>	Application No. <u>94-7042</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>EB</u>	<u>10/29/73</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>EB</u>	<u>10/29/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ____ Decline (comment) _____ ____ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____ _____
(10)	<u>CP</u>	<u>11-28-73</u>	Affidavit of Publication received (date) <u>NOVEMBER 28, 1973</u>
(11)	<u>CP</u>	<u>11-2-73</u>	Final date for protests <u>NOVEMBER 26, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____ _____
(13)	<u>EB</u>	<u>11/30/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>EB</u>	<u>11/30/73</u>	Action recommended: ☒ Approve Priority <u>10/29/73</u> ____ Deny Reason for Reduction _____ ____ Measuring device required ____ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Northern</u>	By <u>[Signature]</u>	Date <u>11/30/73</u>

PROOF OF PUBLICATION

STATE OF IDAHO
County of Shoshone, }

SS.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lloyd J. Hadley, Box 308, Kellogg, Idaho, has on October 29, 1973, submitted Application No. 94-7042 for a permit to appropriate 0.04 cubic feet per second of water from Elk Creek by means of dam and pipeline within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 48N, R. 3E, B.M., Shoshone County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 48N, R. 3E, 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 November 26, 1973.

R. KEITH HIGGINSON
Director
11-7-14-73

Wm. Penney, being first duly sworn deposes and says that he is publisher of KELLOGG EVENING NEWS a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the

HADLEY
WATER PERMIT

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in a supplement thereto, for a period of 2 consecutive weeks/days, the first publication thereof being in its issue dated NOV 7, 1973 and the last publication thereof being in the issue dated

NOV 14, 1973

Wm Penney

Subscribed and sworn to before me this 26th

day of Nov., 1973.

Wendell R. Brainerd

Notary Public

94 7042

May 30, 1979

Re: Permit No. 94-7042

Lloyd J. Hadley
Box 308
Kellogg, ID 83837

Dear Mr. Hadley:

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

1. Name of permit holder Lloyd J. Hadley
Post office address Box 308 Kellogg, Id Phone 786 9003
Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 77-1042
Examination for blu

- Other Points of Diversions: _____

6. Lands to be irrigated or place of use.

[illegible]

MICROFILMED

TOTAL ACREAGE _____

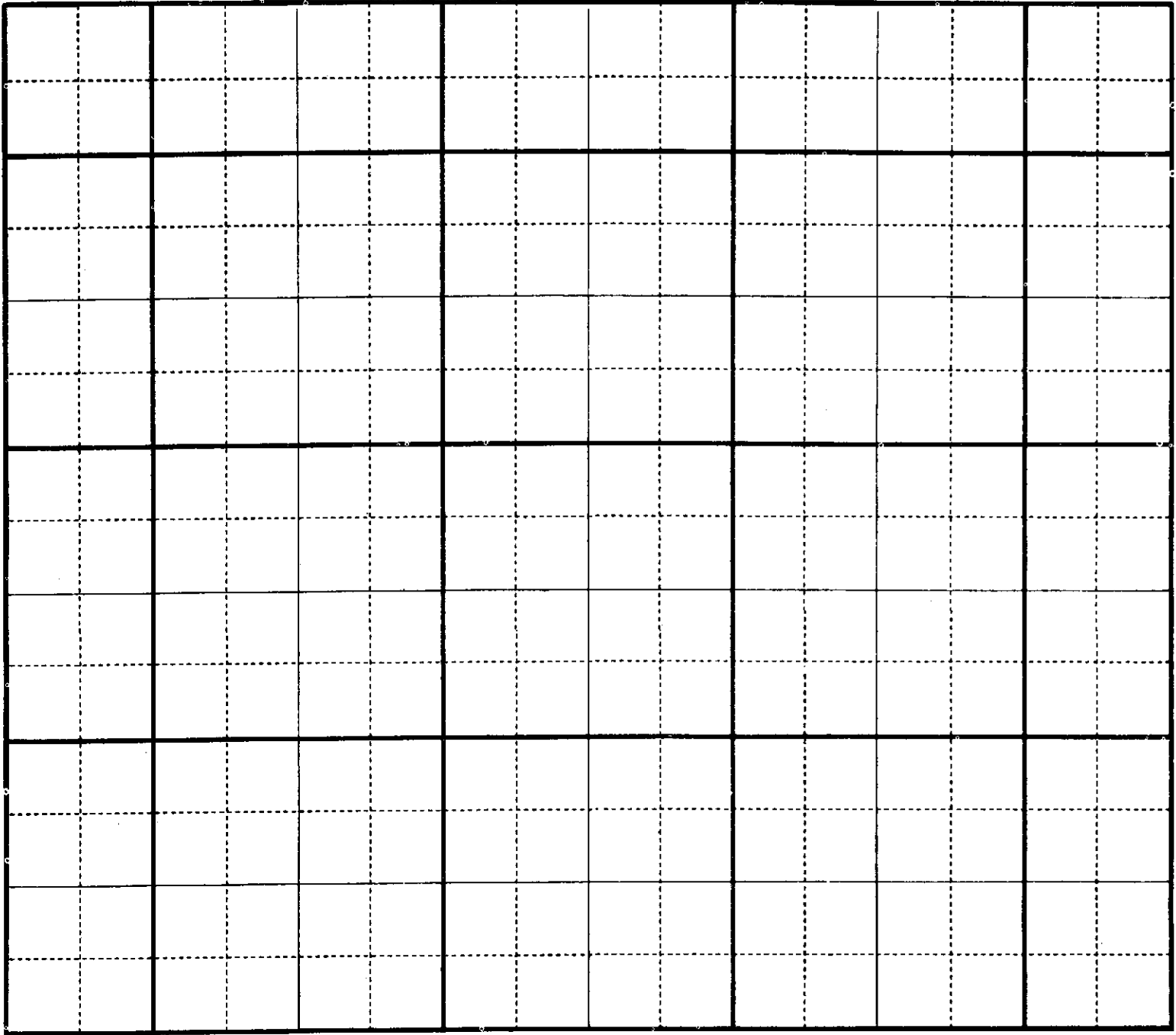


Diagram of System

DATE OF EXAM 4/30/79

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.04 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

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 _____ Method of measurement _____

Total Q recommended 0.04 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

3' dam in stream to help pump & pipe line

REMARKS:

Not done but BMFD was.

Examiner's Signature J King Date 4/30/79

Checked by Bob Hargnes Date 5-1-79

Approved by _____ Date _____

186-9003

4/26/79

1/2 mile west Kellogg
Elizabeth Park
Round Bld

first turn to the new bridge turn left

El - turn Rt go to hill side then left over bridge house on st.
Dk Ben orange trim

Tox 28 & 30

German
Shepherd



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

December 4, 1978

Lloyd J. Hadley
Box 308
Kellogg, ID 83837

Dear Mr. Hadley:

Re: Permit No. 94-7042

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Coeur d'Alene.

Sincerely,

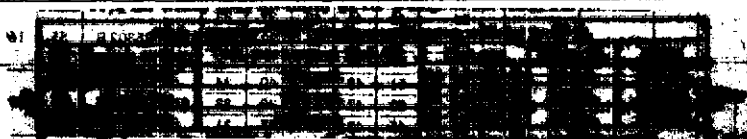
RITA FLECK
Water Rights

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

RECEIVED
NOV 30 1978
Department of Water Resources

1. a) Name of permit holder Lloyd J. Hadley
b) Post office address Box 308, Kellogg, Idaho 83837
2. Permit number 94-7042
3. Date of priority that you are prepared to establish 29 Oct. 1973
4. a) Source from which water was appropriated Elk Creek, tributary of S. Fk. Coeur d'Alene River
b) Location of the point of diversion: NW ¼ NW ¼, Section 9
Township 48N, Range 3E Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs &/or acre-foot per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-foot per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-foot per annum) (month-day) (month-day)
b) Total amount appropriated 0.04 cfs and/or acre-foot 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:
by applicant — Flow rate calculated from pump rating for the 10 ft. lift at site. Rate is 0.03577 cfs.
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:
NA
b) Describe the agreement of understanding by which you take water from the works:
NA
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 diverted from a 3 ft. high rubble masonry dam by a ½ HP electric pump with a 1¼ in. intake and a 1 in discharge, 45 lbs pressure. Operates at a 10 ft. lift.
b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)



MICROFILMED

ed 12/4/78 By 4

Lloyd Hadley
Box 308
Kelllogg, Idaho
83837

REGISTERED
NO. 900

State of Idaho
Department of Water Resources
State house
Boise, Idaho
83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

CERTIFIED MAIL 160263

September 30, 1978

Re: Permit No. 94-7042

Lloyd J. Hadley
Box 308
Kellogg ID 83837

Dear Mr. Hadley:

One of the conditions of approval of your water Permit No. 94-7042 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

December 20, 1973

Re: Permit No. 94-7042

Lloyd J. Hadley
Box 308
Kellogg, Idaho 83837

Dear Mr. Hadley:

Enclosed is a copy of your approved Application for Permit No. 94-7042 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

94 7042

November 28, 1973

Re: Application No. 94-7042 - Lloyd J. Hadley

Kellogg Evening News
401 Main
Kellogg, ID 83837

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on November 8 and November 15, 1973.

Your cooperation in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

94 7042

The Kellogg Evening News

Population Kellogg area 10,000; center of the mining and smelting industry of the Coeur d'Alenes. Home of the greatest silver-lead mine in the world and one of the world's most modern smelting and refining plants. Monthly payroll \$1,500,000 in addition to extensive timber and logging operations tributary to Kellogg. The NEWS is the only newspaper published in the Kellogg district of Shoshone County, Idaho, and is the official paper of Kellogg, Wardner, Smelterville, Osburn, Pinehurst, Mullan and Shoshone County.

KELLOGG, IDAHO

RECEIVED
NOV 22 1973
Department of Water Administration
Boise, Idaho

State of Idaho

Department of Water Administration

401 Front Ave. Rm 209

Coeur d'Alene, Idaho 83814

Nov 26, 1973

Re: Application No 94-7042 Lloyd J. Hadley

Nov 7-14 Elk Creek Water Permit

2 legal insertions

\$9.99

I hereby certify the above account to be correct, earnings and/or merchandise delivered, and payment not received.

J. W. Perry
Signature of Claimant

94 7042

November 2, 1973

Re: Application No. 94-7042 - Lloyd J. Hadley

Kellogg Evening News
401 Main
Kellogg, ID 83837
K
Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. ~~In order to receive payment, the following certification must appear on the bill:~~

~~"I hereby certify that the foregoing account is just and correct; that the amount claimed is legally due, after allowing all just credits; and that no part of the same has been paid."~~

~~-(signature of claimant)~~

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 11-28-73 by CP

FE:CP

Enc: Legal Notice

94 7042

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lloyd J. Hadley,
Box 308, Kellogg, Idaho
has on October 29, 1973 submitted Application No. 94-7042
for a permit to appropriate 0.04 cubic feet per second ~~XXXXXX~~
of water from Elk Creek
by means of dam and pipeline
within the NW¹/₄ NW¹/₄, Sec. 9, T. 48N, R. 3E, B.M., Shoshone County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the NW¹/₄ NW¹/₄, Sec. 9, T. 48N, R. 3E, 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 November 26, 1973.

R. KEITH HIGGINSON

Director

Published in the Kellogg Evening News, Kellogg, Idaho
on Nov. 8 and Nov. 15, 1973

94 7042

November 1, 1973

Re: Application for Permit No. 94-7042

Lloyd J. Hadley
Box 308
Kellogg, ID 83837

Dear Mr. Hadley:

Enclosed is your receipt No. 12230 in the amount of \$10 for the filing fee on the above referenced application which has been received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

94 7042

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 18, 1973

Lloyd J. Hadley
Box 308
Kellogg, ID 83837

Dear Mr. Hadley:

Enclosed is an application for permit to appropriate the public waters of the State of Idaho. We have completed the application using the information you listed in your letter; however, on our maps, the name of the stream from which you propose to divert water is Elk Creek, which is a tributary of the South Fork of the Coeur d'Alene River.

Please review all items on this application, making any corrections or changes necessary. If all items are in order, please sign the form at the bottom of Page 3 and return it to our office with the required \$10 filing fee, and we shall begin its processing.

If you should have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosure

94 7642

Send Application (typed)

10 October 1973

Idaho Department of Water Administration

RECEIVED

401 Front Avenue

OCT 16 1973

Coeur d'Alene, Idaho 83814

Department of Water Administration
Northern District Office

I would like to request permission to appropriate 0.04 cubic feet per second of water from Fork Creek by means of dam and pipeline within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, T. 48 N., R. 3 E. B. M., Shoshone County to be used from Jan. 1 to Dec. 31 for domestic purposes within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, T. 48 N., R. 3 E. B. M.

Sincerely,

Lloyd J. Hadley

Lloyd J. Hadley

Box 308

Kellogg, Idaho

94 7042