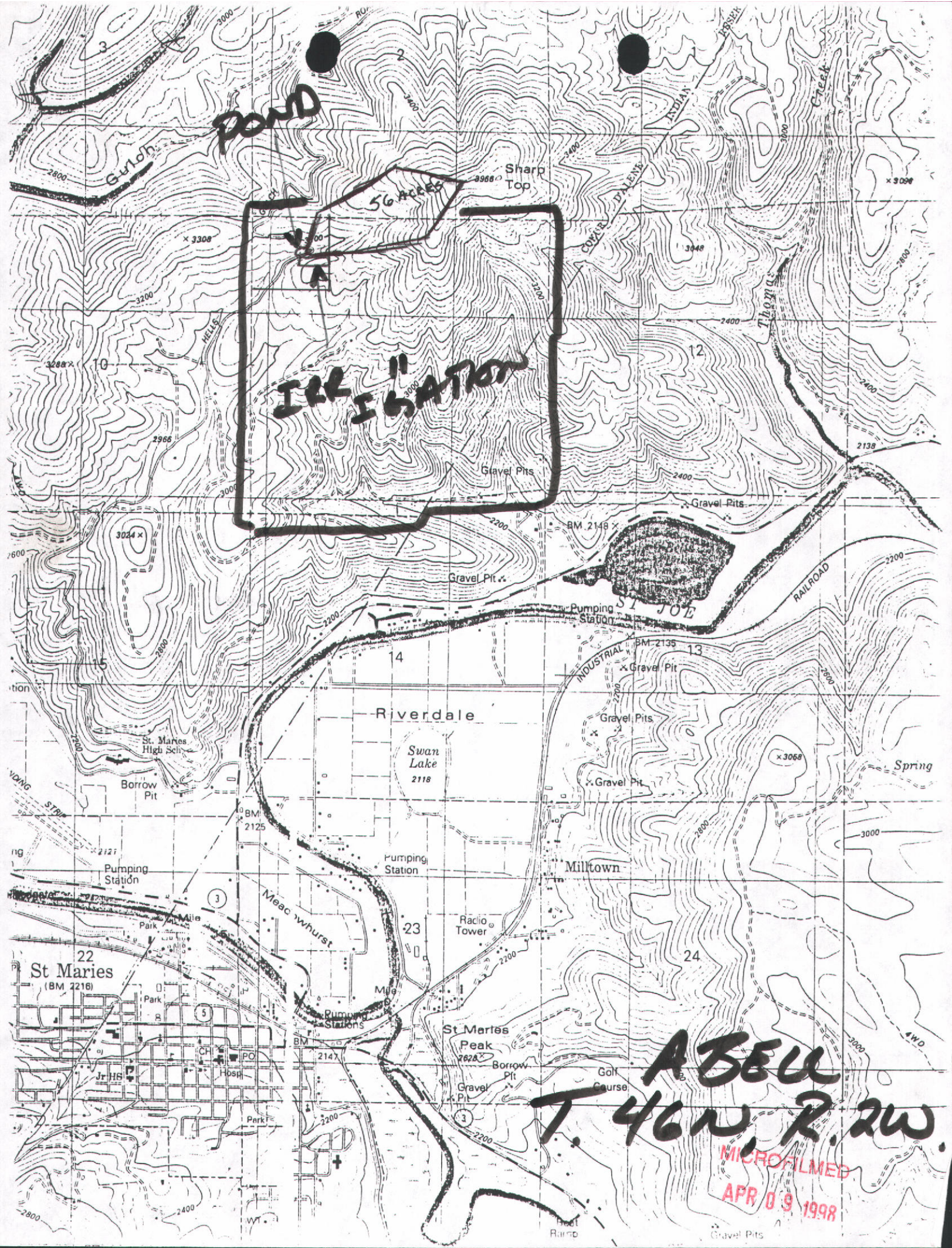




T 46, R 2W, N 1/2 SE 1/4 NW 1/4 NW 1/4

133L H

N

R2W

W

S

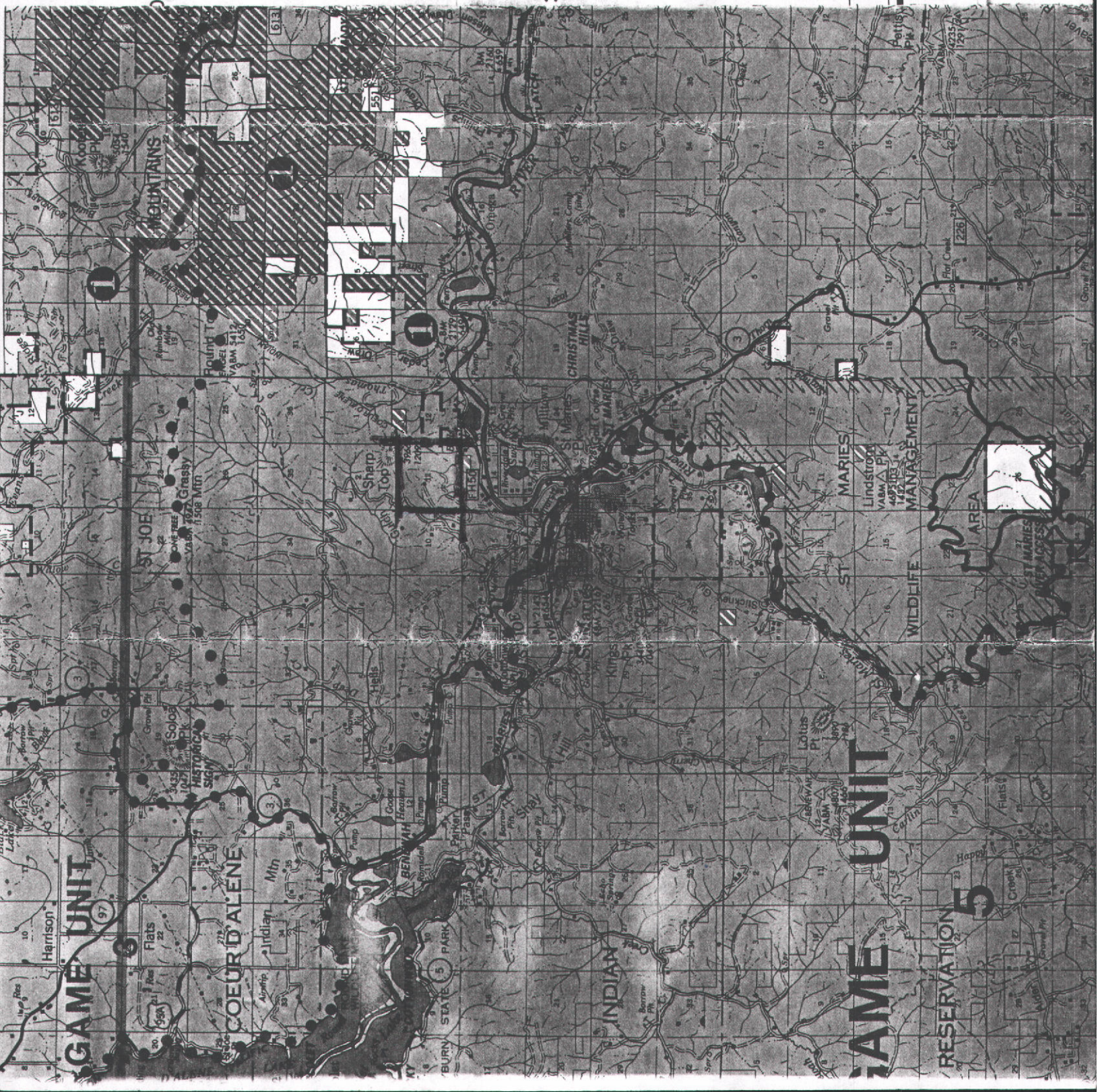
MICROFILMED
APR 09 1999

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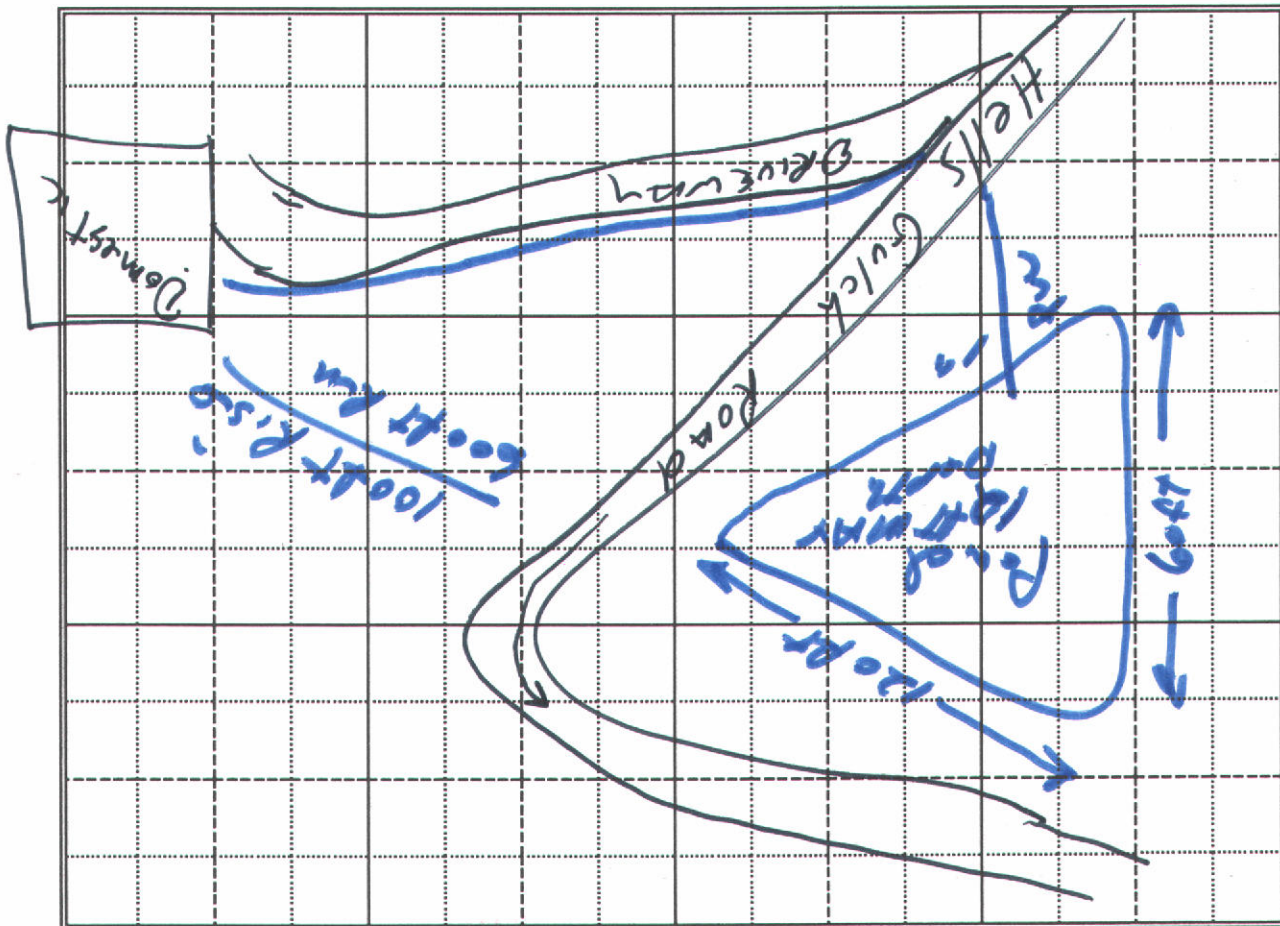
39 N. APR 09 1998

517000mN

5180



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



Scale: 1" = 1175'

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
	Sears	0.5	MT Legible	Sears	1"

*Code to correspond with No. on map and aerial photo

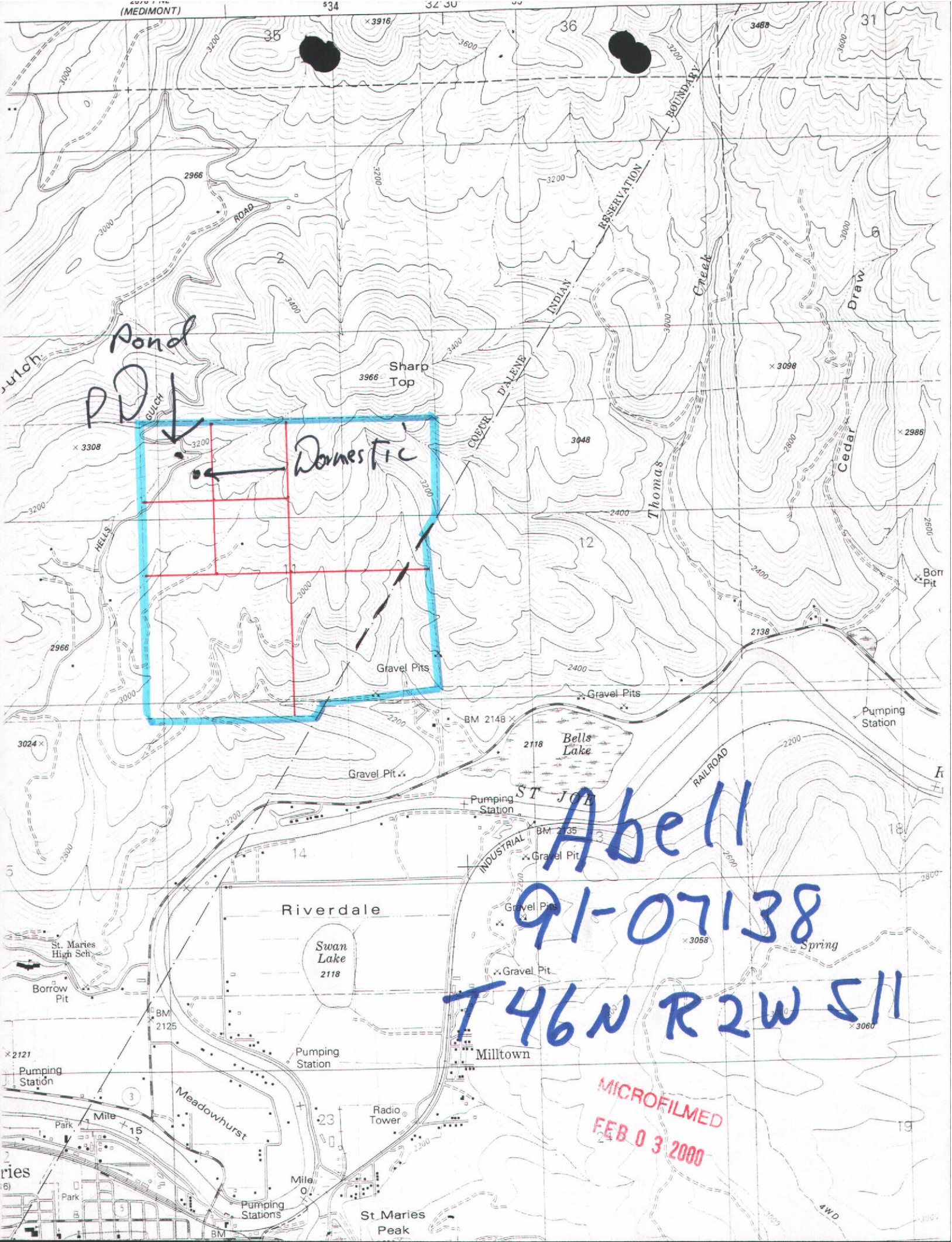
D. FLOW MEASUREMENTS

1.

2. Measurements:

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

MICROFILMED
FEB 03 2000



(MEDIMONT)

Pond

PD

Domestic

Abell

91-07138

T46N R2W 511

MICROFILMED
FEB 03 2000

PERMIT # 91-07138

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



MICROFILMED
FEB 03 2000

91-07138

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 91-07138

Priority: August 11, 1997

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

2.5 AF

This is to certify, that EDWARD PHILLIP ABELL
RT 3 BOX 37X

ST MARIES ID 83861 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 11, 1997; and
has submitted Proof of Beneficial Use on November 3, 1998. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM tributary to **ST. JOE 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>
IRRIGATION	04/01 to 10/31	0.02 CFS	1.5 AF
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		1.0 AF
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.0 AF
	Totals	0.02 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 11, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
46N	02W	11	NWNW	0.5		0.5

Total number of acres irrigated: 0.5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
2. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
3. Recreation storage is for fishing and swimming.

MICROFILMED

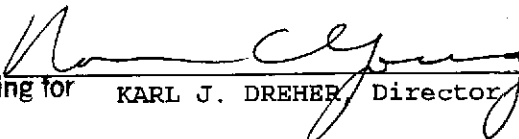
FEB 03 2002

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 91-07138

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 28TH day of JANUARY, 2000.


Acting for KARL J. DREHER, Director



MICROFILMED

FEB 03 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

NOV 04 1998

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. NO. 91-07138 Telephone No. 208-686-1468 (Murray)
2. Name(s) of Permit Holder(s): Edward Phillips Abell
3. Mailing Address: Rt. 3 Box 37 x Hello Butte Rd. Saint Maries, ID 83861
4. Source of Water: unamed stream 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): ____ Stockwater (No. and type of stock): wildlife storage
Irrigation (No. of acres): 5 ac. Other: fire protective storage operation
6. Total rate of diversion and/or volume for which proof is submitted: 0.10 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 (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: Edward P. Abell Telephone Number: Murray phn 686-1468
Address: Rt. 3 Box 37 x Saint Maries ID 83861

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: Edward P. Abell Date: 10/21/98
(include your title, if on behalf of company or organization)

NOV 27 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 91-07138

Proposed Priority: August 11, 1997 Maximum Diversion Rate: 0.10 CFS

This is to certify, that **EDWARD PHILLIP ABELL**
PO BOX 102

ST MARIES ID 83861-0102

has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of **ST JOE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	
IRRIGATION STORAGE	01/01 to 12/31		7.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		7.0 AF
WILDLIFE STORAGE	01/01 to 12/31		7.0 AF
RECREATION STORAGE	01/01 to 12/31		7.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		7.0 AF
Totals		0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 11, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
46N	02W	11	NWNW	5.0		5.0

Total number of acres irrigated: 5.0

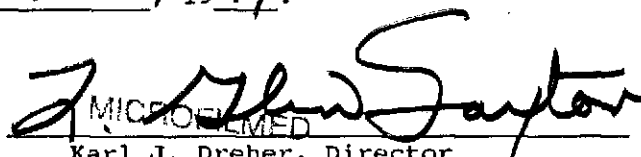
PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1998.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. Recreation storage is for fishing and swimming.

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

17 day of November, 1997.


MICROFILMED
Karl J. Dreher, Director
APR 09 1998

Ident. No. 91-7138

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

NOV 01 1997

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant EDWARD PHILLIP ABELL Phone 686-1468
Mailing address P.O. Box 102 ST MARIES ID 83861
2. Source of water supply UNNAMED STREAM which is a tributary of ST. JOE RIVER
3. Location of point of diversion is Township 46 N Range 2 W Sec. 11 in the BLU 1/4, NW 1/4, Govt Lot B.M., BENEFICIAL County;
additional points of diversion if any: N/A

4. Water will be used for the following purposes:

- (47) Amount 7.0 for STORAGE FOR REC. purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- (1) Amount 7.0 for STORAGE FOR IRRIGATION purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- (3) Amount 7.0 for STORAGE FOR IRR. purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- (50) Amount 7.0 for STORAGE FOR FIRE PROT. purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- (6) Amount 0.10 for IRR. purposes from 3/5 to 4/5 (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) 0.10 and/or (b) 7.0 A.F.
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Embarkment Dam to Store water POND IS 1 ACRE X 12' DEEP.
- b. Height of storage dam 12 feet; active reservoir capacity 7.0 acre-feet; total reservoir capacity 8 acre-feet - ON-STREAM POND
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? N/A
- e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Time required for completion of works and application of water to proposed beneficial use is 1 yr 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 in KW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. Recreation Storage for fishing & swimming

- SMALL DAM PERMIT HAS BEEN FILED.

MICROFILMED
APR 09 1998

MICROFILMED

Received by	8/11/97	Date	8/11/97	Time	2.00 p	Preliminary check by	8/11/97	Date
Fee \$ 50.00		Received by	9/24/97	Date		# NO1527	8/11/97	Date
Publication prepared by		Publication prepared by		Date		Published in	10/11/8/97	Date
Publication approved by		Publication approved by		Date			10/11/8/97	Date

Signature of Applicant (and title, if applicable)

Charles West

of the State of Idaho as herein set forth.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

12. Remarks:

:ឃុំ ៤៣

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

11. a. Who owns the property at the point of diversion? -
b. Who owns the land to be irrigated or place of use?

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

Total number of acres to be irrigated

STORAGE FOR REG. FIRE, WILDLIFE + IRR
IRR FROM STORAGE

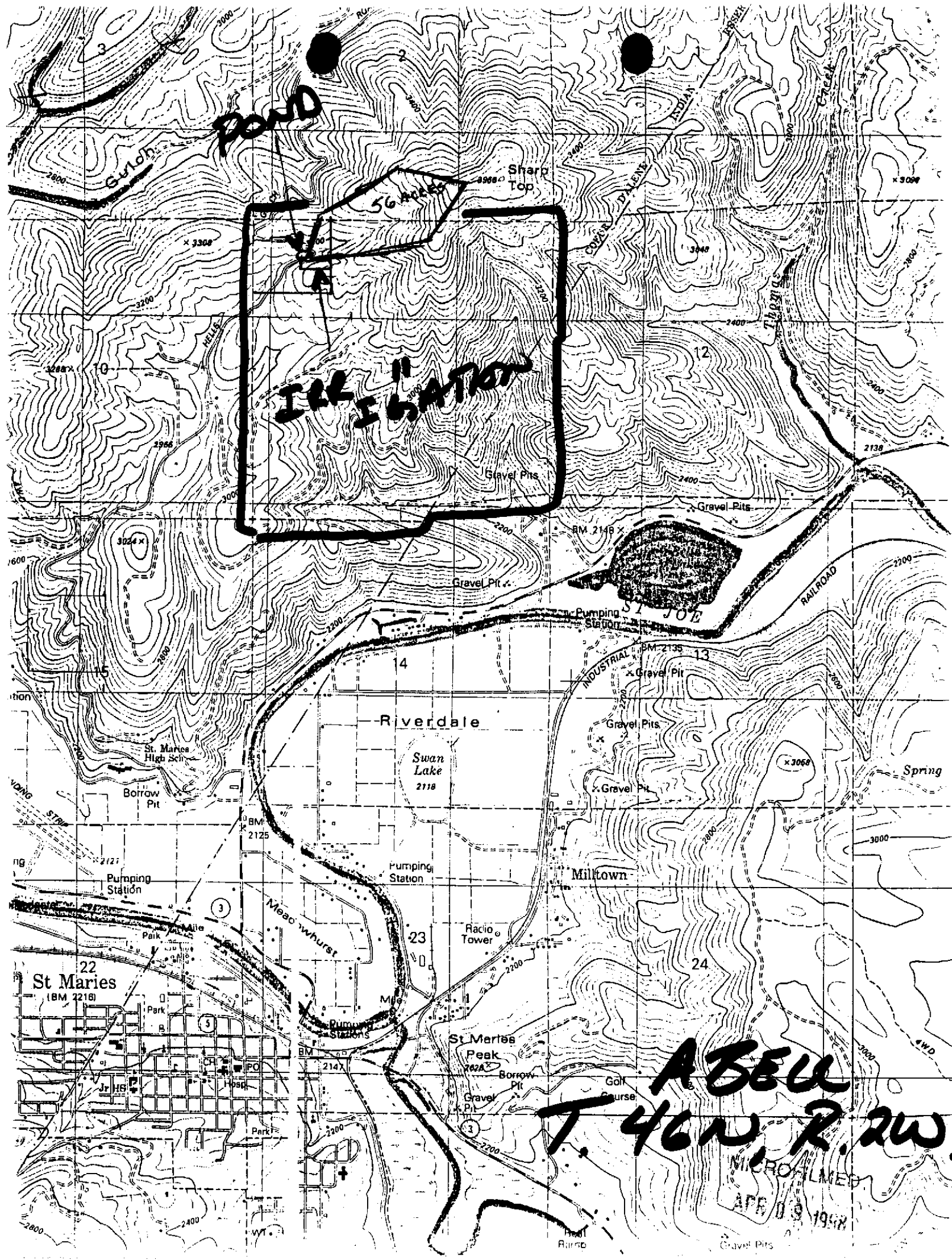
[illegible]

use below. See instructions for standard symbols.

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

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

9. Description of place of use:



T 46, R 2W, N 1/2, S 3/4, NW 1/4 NW 1/4

100 L H

MICROFILMED
APR 03 1992

CS
PK

MICROFILMED

39 APR 09 1958

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N.





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

January 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD PHILLIP ABELL
RT 3 BOX 37X
ST MARIES ID 83861

RE: WATER RIGHT NO. 91-07138

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,

A handwritten signature in cursive script, appearing to read 'Shelley Keen', is written over a horizontal line.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

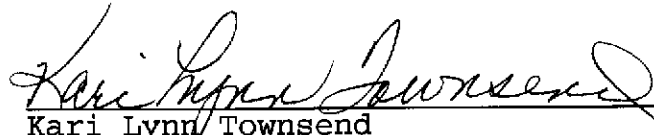
FEB 03 2000

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of **January, 2000**, 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. 91-07138

EDWARD PHILLIP ABELL
RT 3 BOX 37X
ST MARIES ID 83861


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 03 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.

MICROFILMED

FEB 03 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.

MEMORANDUM

TO: File 91-07138

FROM: Sharla

DATE: January 27, 2000

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 91-07138 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.02 cfs	1.5 af
Irrigation Storage	1/1 - 12/31		1.0 af
Irrigation From Storage	4/1 - 10/31		1.0 af
Wildlife Storage	1/1 - 12/31		1.0 af
Recreation Storage	1/1 - 12/31		1.0 af
Fire Prot. Storage	1/1 - 12/31		1.0 af
	TOTALS	0.02 cfs	2.5 af

The "domestic" use the examiner noted is for outside lawn/garden irrigation less than or equal to ½ acre. The license can be issued for irrigation use and no amendment will be necessary for a change of use.

MICROFILMED

FEB 03 2000

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 1/27/00

Permit No. 91-07138

BU Fee Pd \$ 50.00

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) - 065-104
 Supp irr (+ other uses) - 100-105
 ≤ 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)
 STOCK WATER - R37 (BLM/USFS)
 MINING - 081
 FISH/PROP - 029(70'S only)-042-081
 HEAT/COOL - R07(injection well)
 FIRE PROT. - 077 *spec edit*

Use Change/Add - P46

ADVANCE PRIORITY? Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per 1/4 - 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 4/1-10/31

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes ☒ No

AMENDMENTS REQUIRED ☒ Yes No
 Adjustment Memo Needed ☒ Yes No

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9 *below MSF*
 WD - R04 (WD#)
 ≤ 0.20 cfs/others - R02- 01P or No MD
 > 0.20 cfs - R43

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
 Irr., GW supp to SW - 102
~~DOMESTIC~~
 Surface water - WB9 (Big Wood or Boise above Star Bridge)
 27A (Payette R)
 >1 in restricted area - 070-071-075(no parks/common areas, etc)
 Irr use listed separate - WB5
 Lawn/garden included - W01

OVERLAP ANALYSIS/RATES/VOLUMES:

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

Permit Rate 0.10 cfs Fee Limit 0.20 cfs
 Measured cfs Theoretical 0.02 cfs

Use	Rate	Volume
<u>Irr</u>	<u>0.02</u> cfs	<u>5X3=1.5</u> af
<u>Star</u>	<u> </u> cfs	<u>1.0</u> af
<u> </u>	<u> </u> cfs	<u> </u> af
TOTALS	<u> </u> cfs	<u>2.5</u> af

If no, is a claim required: Yes ☒ No

If yes, paragraph codes:

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 91-07138 Reviewed by Jy Date 11-16-98

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

wildlife
stock, irr., fire prot.
storage

Correct Uses? yes

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

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

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 Rt 3 Box 37X
St Martins 83861

Proof Made ~~11-3-98~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 18 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 91-07138

1. Owner: Edward Phillip Abell Phone No. (208) 686-1468

Current Address: RT 3 Box 378 St. Maries Id. 83861

2. Accompanied by: Mr. Abell EXAM DATE: 10-7-99

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to St Joe 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
			NW	NW	11	46N	02W	Benedict	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	
46N	02W	11					D												
							W												
							R												
							F												

RECEIVED
OCT 18 1999

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weight

2. Measurements:

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

D. FLOW MEASUREMENTS

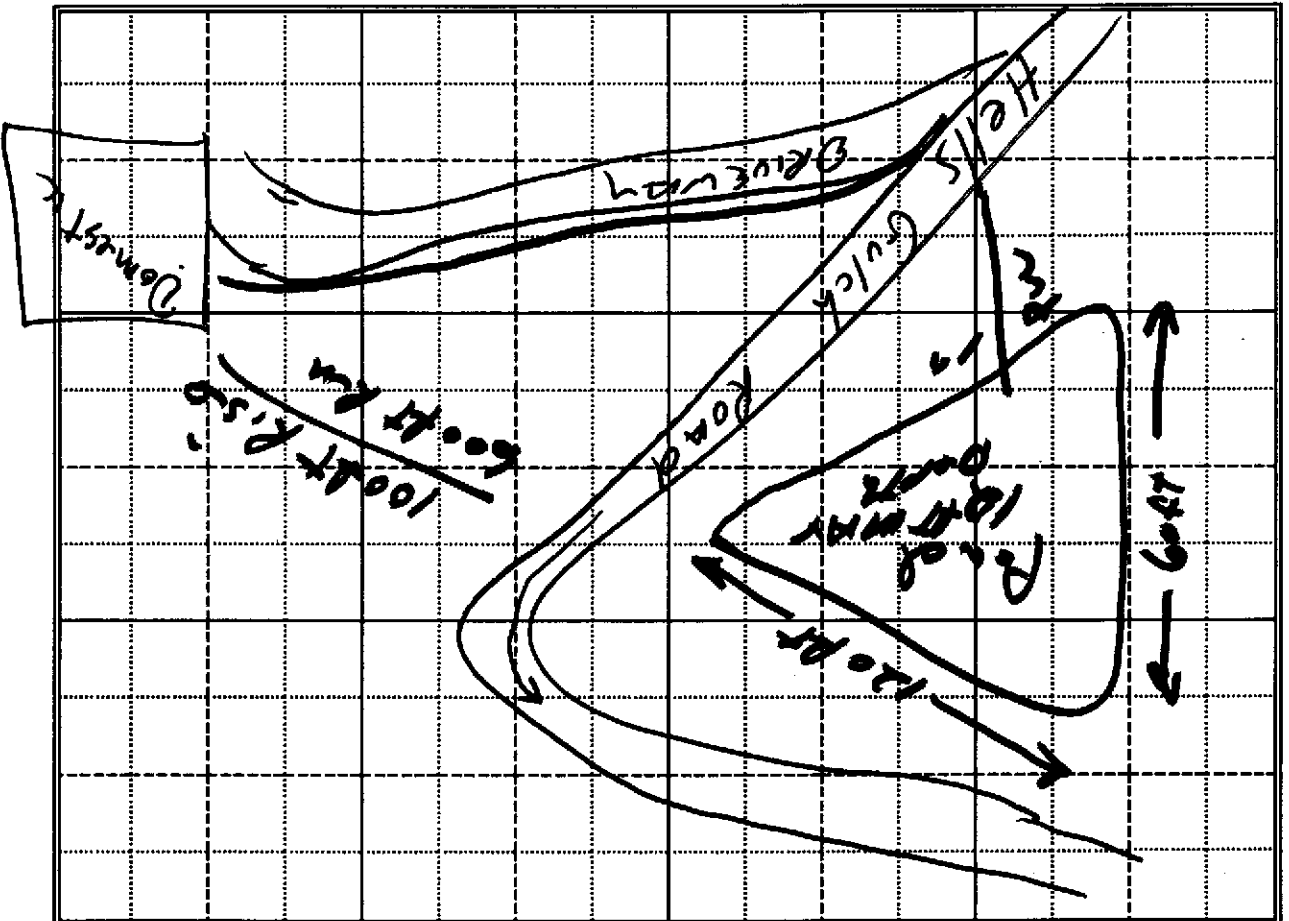
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	SEARS	.05	MTEq/b/a	SEARS	1"
Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size	

4

_____ 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

Source: T = 5175



E. NARRATIVE/REMARKS/COMMENTS

Mr. Abel has a 1" Pvc line buried from pond to his dwelling a 1/2 hp pump supplies water to his yard for outside domestic use.

Domestic does not include inside uses.

Pond is instream

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
FEB 03 2000

APR 3 2000
MICROFILMED
SEAL

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\text{Therefore } 1.8(0.5)(0.7) = \frac{100 + (0.31 \times 40)}{3.08} = 0.016 = 0.02 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

60

120 May 1999

$$\frac{43560}{0.5(60)(100)(12)} = \frac{43560}{43200} = 0.99 = 1AF$$

H. RECOMMENDATIONS

1. Recommended Amounts

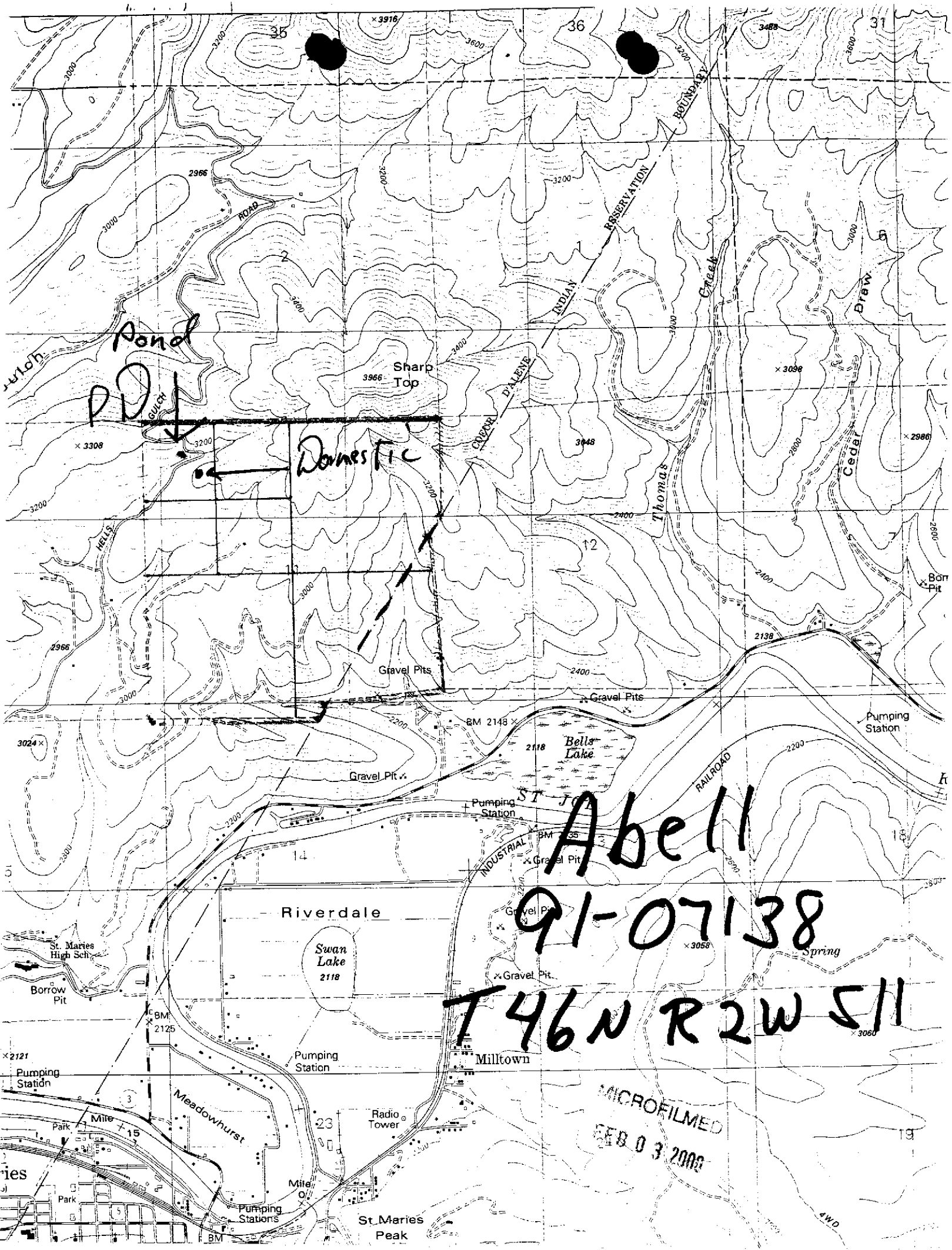
Beneficial Use	From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic Storage	05-01	11-31	0.02	1.06
Domestic Power Storage				
Wildlife Storage				
Irrigation Storage				
Recreation Storage				
Fish Production Storage				

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above
Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name Wayne B. Borch Date 10-13-99
Reviewer _____ Date _____



PERMIT # 91-07138

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



MICROFILMED
FEB 03 2003

91-07138



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

November 17, 1998

Edward Phillip Abell
Rt 3 Box 37X
Hulls Gulch Rd
St Maries ID 83861

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 91-07138

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 **NORTHERN** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

NOV 27 1998

September 30, 1998

EDWARD PHILLIP ABELL
PO BOX 102
ST MARIES ID 838610102

PROOF DUE NOTICE

RE: PERMIT NO. 91-07138

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 December 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.

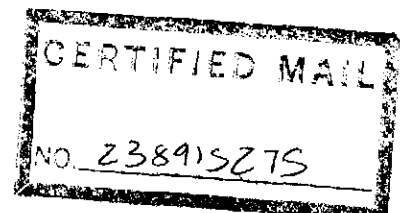
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

NOV 27 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

November 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD PHILLIP ABELL
PO BOX 102
ST MARIES ID 83861-0102

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 91-07138

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.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

APR 09 1998

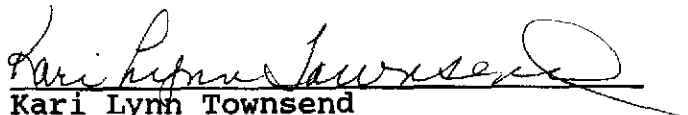
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of November, 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. 91-07138

EDWARD PHILLIP ABELL
PO BOX 102
ST MARIES ID 83861-0102


Kari Lynn Townsend
Secretary

MICROFILMED

APR 09 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou
 No.: 91-7138 Name: Abell Date: 11/12/97 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

- 067 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/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

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

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

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

>1 in rest. area

- 071-070-P53

Fish Propagation

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

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R44/R50/R51/R52 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

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

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

Stock

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

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

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:- R66 027**STANDARD REMARKS:**- Rec stor/fish & swim02079**BENEFICIAL USE DUE:**- 11/1/1998**COMMENTS:**

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCE
APPLICATION ANALYSIS SHEET

RECEIVED WRI
WRA
BC
NOV 01 1997

APPLICATION # 91-7138

DEPARTMENT OF WATER RESOURCES

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

APPLICANT: ABELL BY: AB DATE: 8/11/97

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) 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, acknowledgment)

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

ADDITIONAL INFORMATION

- Yes No
- X Field check: by _____
- X Field report attached
- X Analysis Supp. attached (>5cfs/500af)
- X Water delivered by water master?
- Water District # _____

PROCESSING

- Yes No PRIORITY DATE: 8/11/97
- X (Include Moratorium Remark)
- X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

SM/11/01/97
ADVERTISE IN: BENEFIT 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) Checked by: _____ Date: ____/____/____
- X Groundwater management area Remarks: _____
- X Critical ground water area
- X Well Drilling Permit required
- X Well Drilling Application and Fees received
- X Well Drilling Application approved?
- Well Drilling Application Number _____

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

- (Yes) (No)
- 10/9 Notice of pending void order issued. Final order response date: ____/____/____
- 10/9 Further information required from applicant
- 10/9 Affidavit of publication received
- 10/9 Application published correctly, If not, record action taken: _____
- X Publication dates and paper recorded on application | Sr. Agent initial AB
- X Protests received. Final protest date: 10/20/97
- X Measuring device required
- X Measuring port required
- X Special conditions: _____
- X Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: AB Date: 10/22/97

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 1st day of Oct, 1997, and the last on the 8th day of Oct, 1997.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 8th day of Oct, 1997.

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)
)

On this 8th day of Oct, in the year of 1997 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackburn

Notary Public for Idaho

Residing at St. Maries, Idaho

My commission expires: November 4, 1998

Water right app.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application (s) have been filed to appropriate the public waters of the State of Idaho: 91-07138

ABELL, EDWARD PHILLIP,
P.O. BOX 102, ST. MARIES, ID
83861. Source: UNNAMED
STREAM, Tributary: ST. JOE
RIVER. Diversion Pt.: NWNW Sec
11 T 46N R 02W in BENEWAH
County.

Use: ok

Irrigation (0.100 CFS)
Irrigation storage (7.00 AF)
Irrigation from storage (7.00 AF)
Wildlife storage (7.00 AF)
Recreation storage (7.00 AF)
Fire Protection storage (7.00 AF)
Total Diversion: (0.100 CFS) (7.00 AF)

Date Filed: 8/11/1997

In: BENEWAH County, T46N
R02W S11 NWNW

For additional information concerning the property location, call the Northern Regional Office at (208) 789-1450.

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 October 20, 1997.

Karl J. Dreher, Director

3767--Oct. 1-8

RECEIVED

OCT 09 1997

NORTHERN REGION
IDWR

RECEIVED

208-789-1450

September 24, 1997

Edward Phillip Abell
PO Box 102
St Maries ID 83861

Re: Water Appropriation Application No. 91-07138

Dear Mr. Abell:

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 N011527.

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

MICROFILMED
APR 09 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 4, 1997

Mr. Edwin Phillip Abell
PO Box 102
Saint Maries ID 83861

RE: Application for Permit

Dear Mr. Abell:

We are returning your water right filing for more information and clarification. Please review the following items:

Item 3. It appears that the drainage area outlined on the map would drain into the NW1/4 NW1/4, Sect. 11, T.46N., R.2W. The dam is considered the "point of diversion".

Item 4. The uses need to be specified, such as irrigation, domestic, stock water, etc. Storage elements should also be added for each use from the pond. It is common for storage uses other than irrigation to occur from 1/1-12/31. Volumes should be listed for the storage uses and rates in cubic feet per second and should be listed for uses which occur in conjunction with storage, or separate.

The height of the dam is determined from the vertical distance of the maximum water surface elevation, which is commonly the spillway, to the down-stream toe of the dam. If this is 10 feet or greater the Small Dam Permit is required. There is a \$10.00 fee for this filing.

Please contact me at this office if you have any questions.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED

APR 9 8 1998

91-07138

ABELL, EDWARD PHILLIP
PO BOX 102
ST MARIES, ID 83861

Source: UNNAMED STREAM

Tributary: ST JOE RIVER

Diversion Pt: NWNW Sec 11 T 46N R 02W in BENEWAH County.

Use: IRRIGATION	(	0.100 CFS)	
IRRIGATION STORAGE	(		7.00 AF)
IRRIGATION FROM STORAGE	(		7.00 AF)
WILDLIFE STORAGE	(		7.00 AF)
RECREATION STORAGE	(		7.00 AF)
FIRE PROTECTION STORAGE	(		7.00 AF)
Total Diversion:	(	0.100 CFS)	(7.00 AF)

Date Filed: 8/11/1997

In: BENEWAH County
T46N R02W S11 NWNW

MICROFILMED
APR 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height and capable of storing less than 100 acre-feet of water.

- Name of Owner (print or type): EDWARD Phillip ABell Phone No. message 686-1468
Post Office Address: P.O. Box 102 SAINT MARIES ID 83861
- Application for: ☒ Construction of new dam, ☐ Reconstruction, Alteration of existing dam.
- Location: NW 1/4, NW 1/4, Section 11, Township 46N, Range 2W,
BENAVANT County.
- Source of Water UNNAMED stream to tributary to ST. JOE RIVER
(Name, Unnamed Stream, Other-describe) (Stream Name)
- Drainage Area: ~~250~~ (56) acres, above the site of the dam.
(Approximate)
- Downstream Development undeveloped

Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.

2 culverts 1 1/2 miles Down stream 24" DIA.
under County Rd.

NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban, concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.

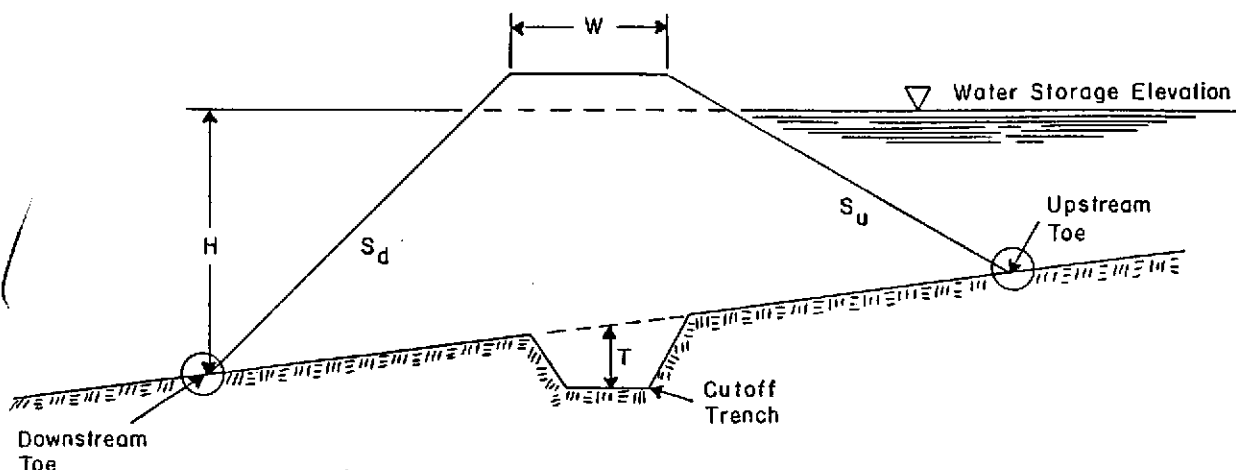
- Reservoir: Surface area 0.18 surf. acres; Storage Capacity 0.7 acre-feet.
- Reservoir Storage Purpose: irrigation & fire suppression storage
(Irrigation, Stockwater, Recreation, Other-describe)

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APR 09 1998

DETAILS OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) _____



Hydraulic Height (H) 12' feet. If dam is being raised, indicate increase in height
N/A feet.

Crest Length 70 feet. Crest (top of dam) Width (W) 8' feet.

Downstream Slope (S_d) 2 : 1; Upstream Slope (S_u) 3 : 1.

Depth of Cutoff Trench (T) 4 feet.

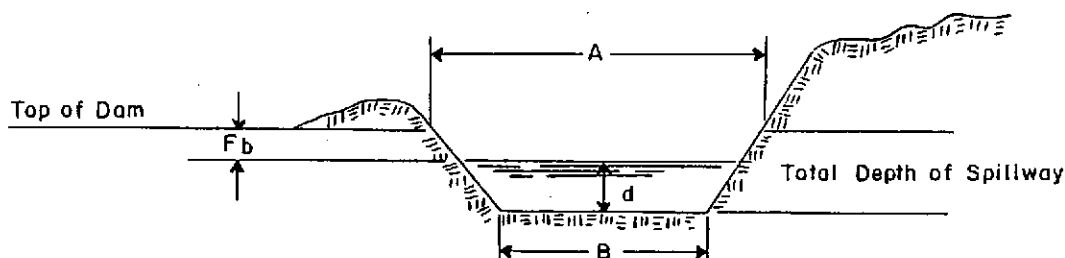
OUTLET 24" (Size); Spillway Culvert (Type); Maximum Release Rate 16.8 cfs.
(under full reservoir head)

Size and number of anti-seep collars 2 4' x 4' x 4' apart
(also indicate spacing of collars along outlet)

SPILLWAY

☐ Service (auxiliary) Spillway, describe _____

☒ Emergency Spillway, Located at: ☐ left, ☒ right abutment, ☐ other location.



Total Depth of Spillway (below top of dam) 3' feet.

Spillway: Bottom width (B) 3 feet; Top Width (A) 5' feet.

Discharge Capacity of Spillway 33.6 cfs at spillway flow depth (d) 2' feet.

Freeboard (F_b) 1' feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining seed w/ grass
(Rock Cut, Rock Riprap, Other-describe)

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APR 09 1998

CONSTRUCTION SCHEDULE

Proposed date for start of construction

8/1/97

8/21/97

(Date)

Edward P. Abell

Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received

8/11/97

By

dp

Fee \$

Date receipted

Received by

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ Dam is hereby approved, subject to the following conditions:

1. This action does not constitute the required authority to appropriate water under Idaho Water Law.
2. The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
3. Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
4. In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
5. Additional Conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED

APR 09 1998

Coeur d'Alene Tribe
Fish and Wildlife Office

P.O. Box 408
Plummer, ID 83851

July 21, 1997

Edward Abell
P.O. Box 102
St. Maries, ID 83861

Mr. Abell:

I'm writing this letter in regard to my visit, on 25 June, to your proposed pond site on Hell's Gulch Rd., north of St. Maries (T 46N, R 2W, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$). We reviewed the project site and briefly discussed some design considerations. The pond would be located adjacent to the county maintained road and receives subsurface flow as well as seasonal surface runoff. Trees and vegetation on the site will be cleared prior to construction, however, no additional excavation will be required. Based on my review, the placement of the pond would not disrupt fisheries resources or watershed function and may enhance local wetlands values.

My understanding is that the pond will use an embankment dam (12 feet high) to impound approximately 0.7 acre-feet of water (70' wide X 110' long = 0.18 surface acres)(1 acre-foot = 325,851 gallons). There are several standard dimensions for a dam of this height that I would recommend: minimum top width should be 8 feet and side slopes should be 3:1 (upstream) and 2:1 (downstream). A cutoff trench should be cut along the centerline of the dam deep enough to extend well into an impervious soil layer, or minimum 2 feet. The bottom of the trench should be no less than 8 feet wide with side slopes no steeper than 1:1. There is a good source of clay on site which would be appropriate for filling the cutoff trench, sealing the pond, and for mixing with sand and gravel to use as fill material in the dam. There is a good reference called, Ponds-Planning, Design, Construction that will give you additional guidelines for your project. The manual is printed by the USDA and should be available at the local Soil Conservation Service office.

It is your responsibility to contact other interested parties (e.g., permitting agencies, county roads department, and adjacent landowners) regarding your plans. As you are aware, you will need to file and obtain a 404 Joint Application for Permit with the U.S. Army Corps of Engineers before you can proceed with construction. You may also find it useful to contact the Benewah County Soil Conservation Service Office in Plummer. They employ engineers who have experience with pond design and may be able to give you more specific recommendations on design and construction.

I appreciate your contacting our office and giving me a chance to review your project. I would like to stay involved with the project through the construction phase if my schedule permits. Let me know when your plans are finalized and I can arrange to be on site during the critical stages of dam construction.

Sincerely,

Angelo Vitale
Fisheries Biologist

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APR 09 1998

7/22/97

W. R. B.

to whom it may concern,

I would like this permit reviewed
ASAP, as this drainage is now dry, and
I wish to access for excavation in the
next 30 days with your approval hopefully.

Sincerely

Edward A. Hill

204 Luther Mt. Court, Saint Marys, Pa.

RECEIVED

AUG 11 1997

NORTHERN REGION
IDWR

Fee of \$50.00 Received 8/11/97 for W.R.
No fee received for small dam

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