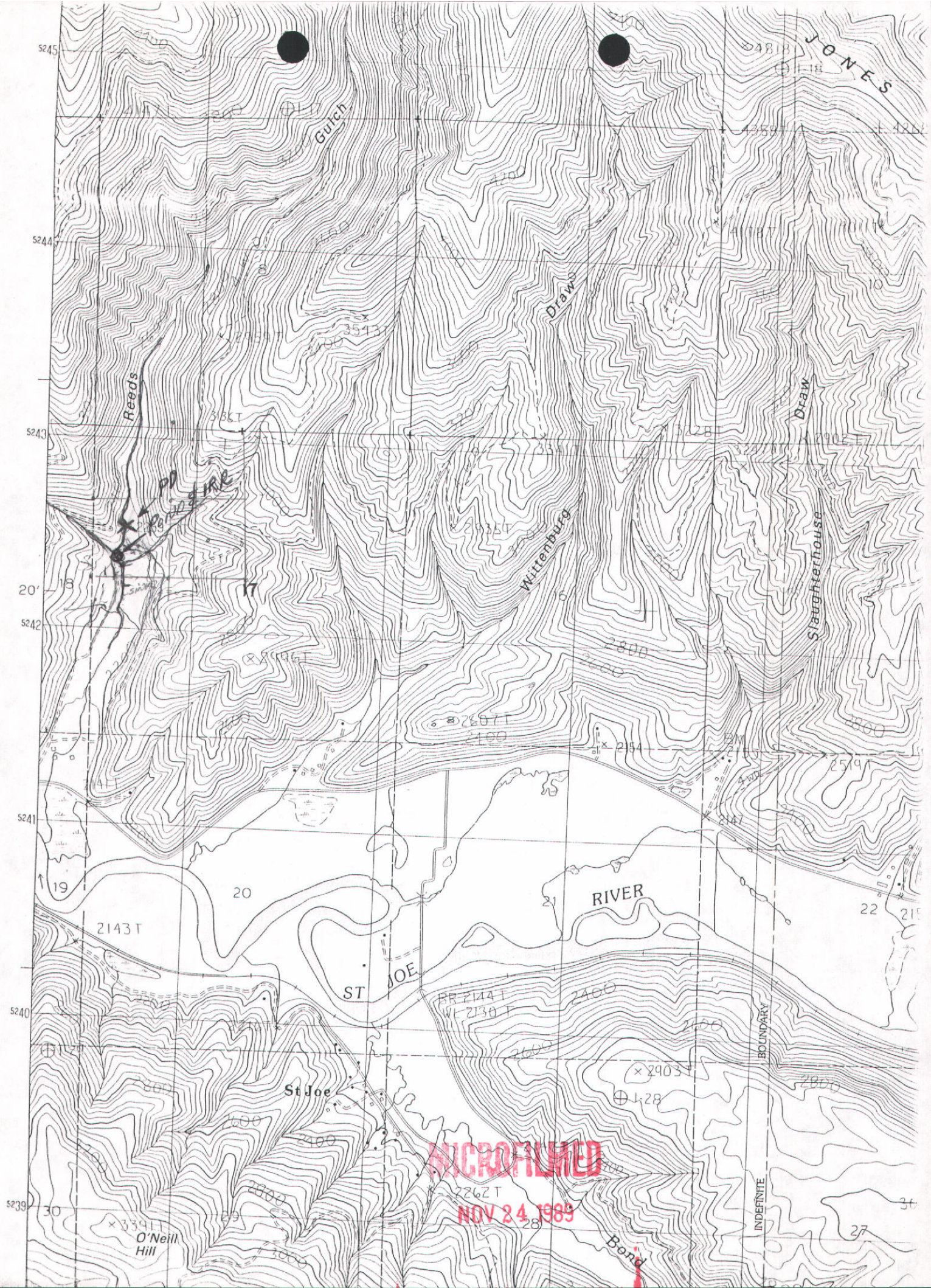






Point of diversion
(100' - 4" plastic pipe)

91-07106

Place of use;
irrigation storage



91-07106



91-07106

Irrigation Storage

MICROFILMED
APR 09 1998



150' - 1 1/4" (I.D.) plastic pipe
 - water syphoned from
 Storage pond

pasture - that is
 irrigated



MICROFILMED
 APR 09 1998



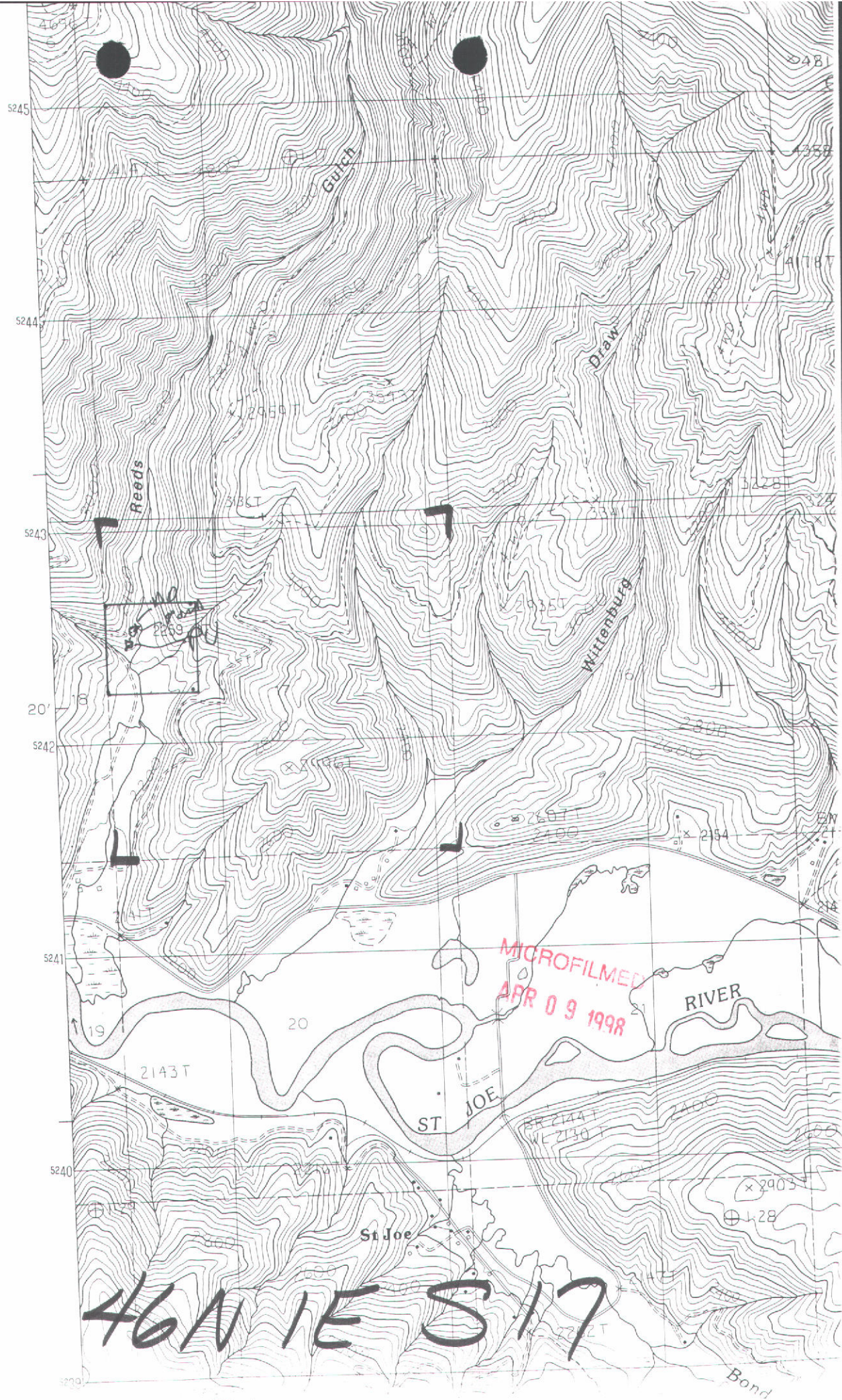
Irrigated pasture -

Shows plastic pipe used to
irrigate

Irrigated pasture



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APR 09 1998



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07106

Priority: August 9, 1989

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

3.4 AF

This is to certify, that LEROY FISH
GLENDIA M FISH

RT 3 BOX 77A

ST. MARIES ID 83861

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1989; and has submitted Proof of Beneficial Use on August 6, 1992. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

REEDS CREEK

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	03/15 to 11/15	0.03 CFS	3.0 AF
IRRIGATION STORAGE	01/01 to 12/31		0.4 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.03 CFS	
	Totals	0.03 CFS	3.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 17, Township 46N, Range 01E
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	01E	17	SWNW	1		1

Total number of acres irrigated: 1

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

RECORDED
APR 09 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07106

CONDITIONS OF APPROVAL AND REMARKS

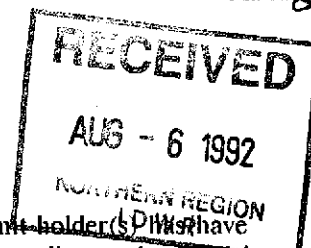
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of MARCH, 1978.


Acting for KARL J. DREHER, Director

MICROFILMED
APR 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE



The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 91-67106 Telephone No. 245-4342

2. Name(s) of Permit Holder(s): LEROY FISH

3. Post Office Address: RT. 3 BOX 77A, ST. MARIES, ID 83861

4. Source of Water: REEDS CREEK

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 1 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 0.03 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes X No Installed? Yes No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

LEROY FISH

Name

245-4342

Telephone No.

RT3 BOX 77A, ST. MARIES, ID 83861

Address

10. The above information 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.

8/6/92
Date

Le Roy N. Fish
Signature (and title if on behalf of a company or organization)

SEP 22 1992

STATE OF IDAHO

For Office Use Only
\$15 FEE Received by TDK
Date 12-7-91
Receipt # 214947

DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 08 1991

REQUEST FOR EXTENSION OF TIME

PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 91-5706

Name(s) of Permit Holder: LEROY FISH

Post Office Address: RT 3 Box 774

ST. MARIES, ID

Telephone No. 245-4342

Date Proof is Due: 12-1-91

Describe what work has been completed toward the development of this water right: COMPLETED
(This must be filled out! If no work has been completed, show "none".)

BUT WASHED OUT DURING SPRING RUN OFF

Costing \$ 10,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permit holder(s) request an extension to DEC. 1, 1996.
(1 yr. minimum)

LeRoy N. Fish
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended to
December 1, 1992.

DEC 31 1991

Signed this 7th day of November, 19 91

A. Shaw Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 91-07106

Proposed Priority: August 9, 1989

Maximum Diversion Rate:

0.03 CFS

This is to certify, that **LEROY FISH**
GLENDA M. FISH
RT 3 BOX 77A
ST. MARIES, ID 83861

has applied for a permit to appropriate water from:

REEDS CREEK

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	0.03 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.03 CFS	
	Totals	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWNW Sec. 17, Township 46N, Range 01E
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	01E	17	SWNW	1		1

Total number of acres irrigated: 1

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

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1991.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

MICROFILMED

NOV 24 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 91-07106

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

6th day of November, 1989.

for J. Glen Saylor
R. Keith Higginson, Director

RECEIVED

NOV 24 1989

Ident. No. 91-07106

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: LEROY FISH 208-245-4342
Address: RT 3 BOX 77A
ST. MARIES, ID 83861
OR
Name: GLENDA M. FISH 208-245-4342
Address: RT 3 BOX 77A
ST. MARIES, ID 83861
2. Source: REEDS CREEK Trib. to: ST. JOE RIVER
3. Location of Point of Diversion: SWNW Sec. 17, Township 46N, Range 01E
BENEWAH County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.030		
DIVERSION TO STORAGE	01/01	12/31	0.030		
IRRIGATION FROM STORAGE	03/15	11/15			1.00
IRRIGATION STORAGE	01/01	12/31			1.00
5. Total quantity to be appropriated is:
0.030 CFS (and/or) 1.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
CATCH BASIN, GRAVITY FLOW PIPE TO POND, PUMP TO IRRIGATION
 - b. Height of storage dam feet; active reservoir capacity 1.00
acre-feet; total reservoir capacity 1.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 years.
8. Description of proposed uses:

MICROFILMED

NOV 24 1969

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
46N 01E 17	SWNW 1			1

Place of Use: IRRIGATION STORAGE

TWN RGE SEC
46N 01E 17

Place of Use: IRRIGATION FROM STORAGE

TWN RGE SEC
46N 01E 17

Place of Use: DIVERSION TO STORAGE

TWN RGE SEC
46N 01E 17

Total number of acres irrigated: 1

10. Describe any other water rights used for the same purposes.
NONE

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

APPLICANT

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

APPLICANT

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? [✓]

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.


Applicant **MICROFILMED**

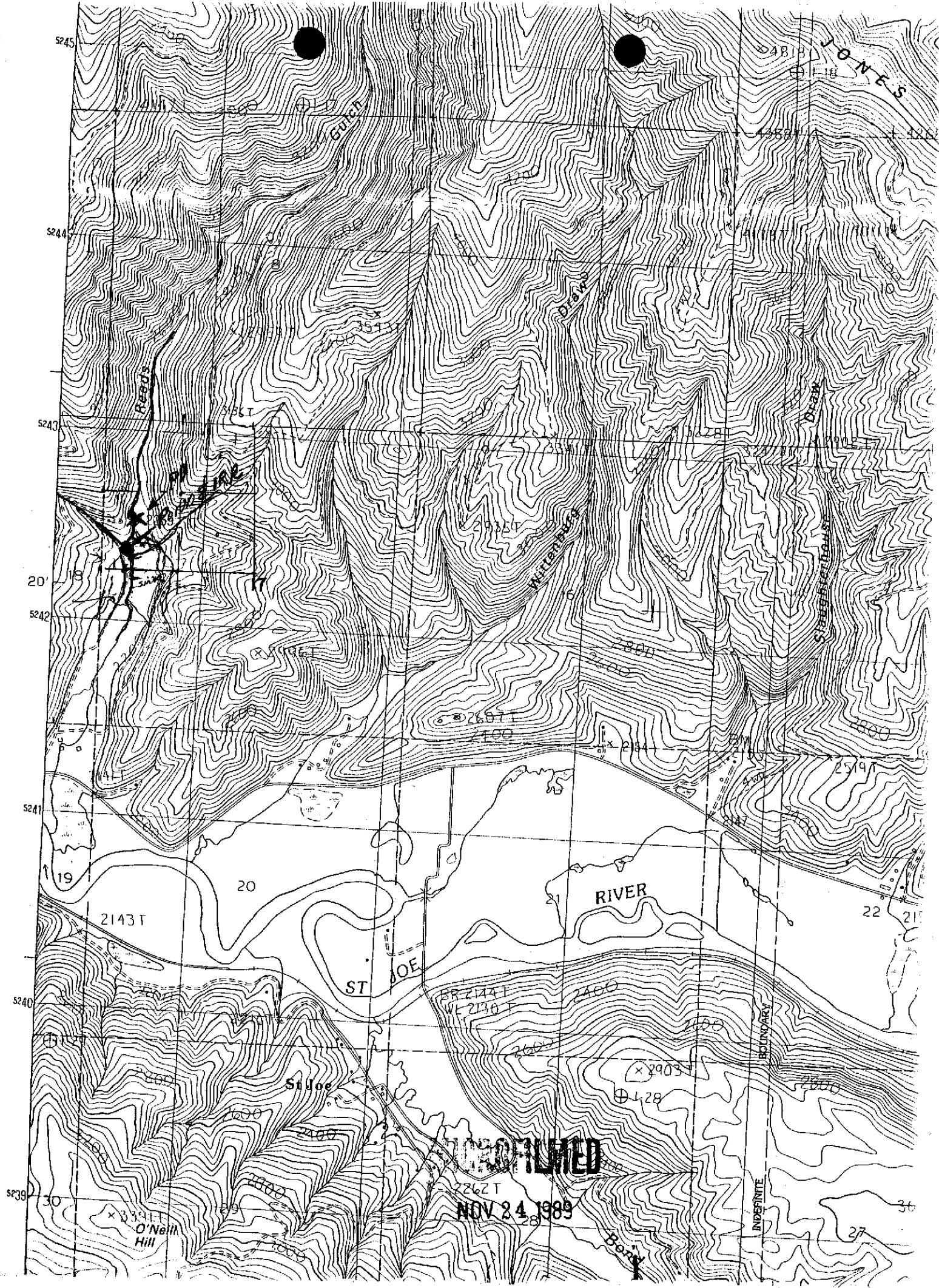
NOV 24 1989

Ident. No. 91-07106
Page 3

Received by JK Date 8/9/89 Time 4:30P Preliminary check by RGH.
Fee \$ 30⁰⁰/₁₀₀ Receipted by JK # N9230 Date 8/9/89
Publication prepared by JK Date 8/30/89 Published in St. Louis Gazette Record
Publication approved JK Date 9/18/89

MICROFILMED

NOV 24 1989



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 hereon.

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 6th day of Sept., 1989, and the last on the 13th day of Sept., 1989.

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 14th day of Sept., 1989

Cynthia Ann Hammes

STATE OF IDAHO
COUNTY OF BENEWAH

On this 14th day of Sept. in the year of 1989, 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 statement therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackman
Notary Public for Idaho

Residing at St. Maries, ID.

My commission expires: Nov. 1990

Leroy Fish files notice for water right NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho: 89-07106

Name: Leroy Fish and Glenda M. Fish

Address: Rt. 3 Box 77A, St. Maries, ID 83861

Source: Reeds Creek

Tributary: St. Joe River

Diversion Pt: SWNW Sec 17 T 46N R 01E

Use: Irrigation (.030 CFS); Diversion to Storage (.030 CFS); Irrigation from Storage (1.00 AF); Irrigation Storage (1.00 AF)

Date Filed: 8/09/1989

In: T46N R01E S17 SWNW

1.0 acres total

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before September 25, 1989.

R. KEITH HIGGINSON,
Director

No. 897 --- Sept. 6-13.

9/18/89



RECORDED

NOV 24 1989

MEMORANDUM

DATE: March 18, 1998

TO: File 91-07106

FROM: Kari Lynn Townsend

RE: Returned Mail

=====

The water right license mailed on March 10, 1998 was returned by the postoffice as non-deliverable.

I checked the B/U field exam and found the name of Phillip Sworden listed as owner. I called the phone number shown on the report form but the number has been disconnected and no number forwarding was offered. A call to information resulted in no listing for "Sworden" in St. Maries, ID.

A phone number for Leroy Fish is listed on the Proof of B/U form. A call to that number resulted in a gruff message stating "I'm either not here or I'm screening my calls. Leave a message". I left a message.

I'll hold the file for 10 days in the call-up drawer and then send to Micro.

MICROFILMED
APR 09 1998

While You Were Out

Date: <u>3/18</u>	Time: <u>3:55</u>
For: <u>RLT</u>	
From: <u>Some guy</u>	
<u>St. Maries</u>	
Phone #:	

- | | |
|--|--|
| ☐ Telephoned | ☐ Please call |
| ☐ Wants to see you | ☐ Will call again |
| ☐ Returned your call | ☐ URGENT |
| ☐ Was here to see you | |

Message: 245-4342 is not
Leroy Fischer's number

ATTENTION WATER RIGHT OWNERS!!!

PLEASE NOTE that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the Department of Water Resources. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the Department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

NORTHERN REGION: (208) 769-1450

SOUTHERN REGION: (208) 736-3033

WESTERN REGION: (208) 334-2190

EASTERN REGION: (208) 525-7161

STATE OFFICE, BOISE: (208) 327-7941

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07106

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of MARCH, 1978.


Acting for KARL J. DREHER, Director



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

March 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEROY FISH
GLENDA M FISH
RT 3 BOX 77A
ST. MARIES ID 83861

RE: WATER RIGHT NO. 91-07106

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 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 this 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 this 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, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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

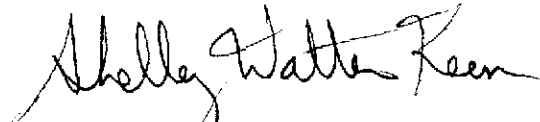
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

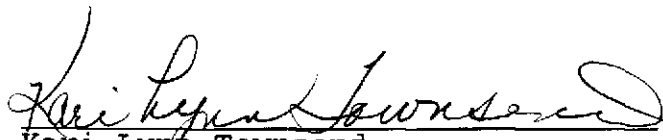
Enclosure

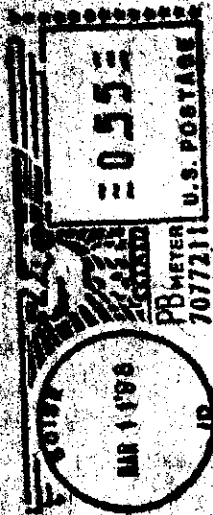
CERTIFICATE OF MAILING

I hereby certify that on the 10th day of March, 1998, 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. 91-07106

LEROY FISH
GLEND A M FISH
RT 3 BOX 77A
ST. MARIES ID 83861


Kari Lynn Townsend
Secretary



RECEIVED
MAR 16 1998

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

L91-07106
LEROY FISH
RT 3 BOX 77A
ST. MARIES

ID 83861

File.

UNRECOVERABLE
PRESSURE
ABLE TO
ORWARD

MICROFILMED

APR 19 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

March 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEROY FISH
GLENDA M FISH
RT 3 BOX 77A
ST. MARIES ID 83861

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- (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.

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APR 09 1968

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.

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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3

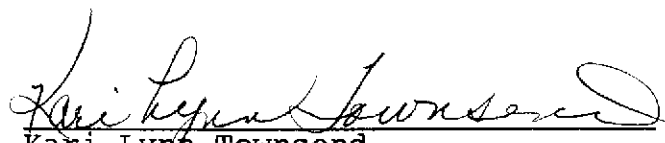
APR 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the **10th** day of **March, 1998**, 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. 91-07106

LEROY FISH
GLENDA M FISH
RT 3 BOX 77A
ST. MARIES ID 83861


Kari Lynn Townsend
Secretary

MICROFILMED
APR 09 1998

MEMORANDUM

TO: File 91-07106

FROM: Sharla

DATE: March 9, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 91-07106 are as follows:

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.03 cfs	3.0 afa
Irrigation Storage	1/1 - 12/31		0.4 afa
Irrig. From Storage	3/15 - 11/15		0.4 afa
Diversion to Storage	1/1 - 12/31	0.03 cfs	
	TOTALS	0.03 cfs	3.4 afa

Volume is rounded to the nearest tenth. Irrigation from storage occurs under this right and diversion to storage should also be listed as it was permitted.

Examiner: Dave Pagel
Exam Date: July 8, 1997

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APR 09 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 91-07106

DATE 3/6/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u> Amendment required <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>—</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>.03</u> cfs
Fee limit	<u>.20</u> cfs <u>\$50.00</u>
Measured	<u>—</u> cfs
Theoretical	<u>.04</u> cfs <u>Manning</u>

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/ NATURE OF USES

<u>✓</u>	Use <u>Stor</u>	cfs <u>.03</u>	Volume Calc <u>3.0 (1x3.0)</u> af
	<u>" Stor</u>		<u>.4</u> af
	<u>Div to Stor</u>	<u>.03</u>	<u>N/A</u> af
			af
	SUBTOTAL	<u>.03</u>	<u>3.4</u> af

Flow rate .03 cfs X 246 days X 1.98 = 14.6 af

Total volume recommended 3.4 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

3/6/98 GW Measurement/Measuring Device

3/6/98 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo reduced volume
(from stor
clw. to stor)

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

91-07106

A. GENERAL INFORMATION

Permit No.

1. Owner: Phillip Swarden Phone No. (208) 245-5258

Current Address: #CO #3 Box T1A St. Maries Id. 83861

2. Accompanied by: Phillip Swarden EXAM DATE: 6-24-97

Address: _____ Phone No. _____

Relationship to Permit Holder: Same

3. Source: Reeds Creek tributary to St. Joe River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A

2. Other water rights with the same point of diversion: N/A

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
			SW	NW	17	46N	1E	Beneviah	U.S.G.S. 7.5 min Quad.

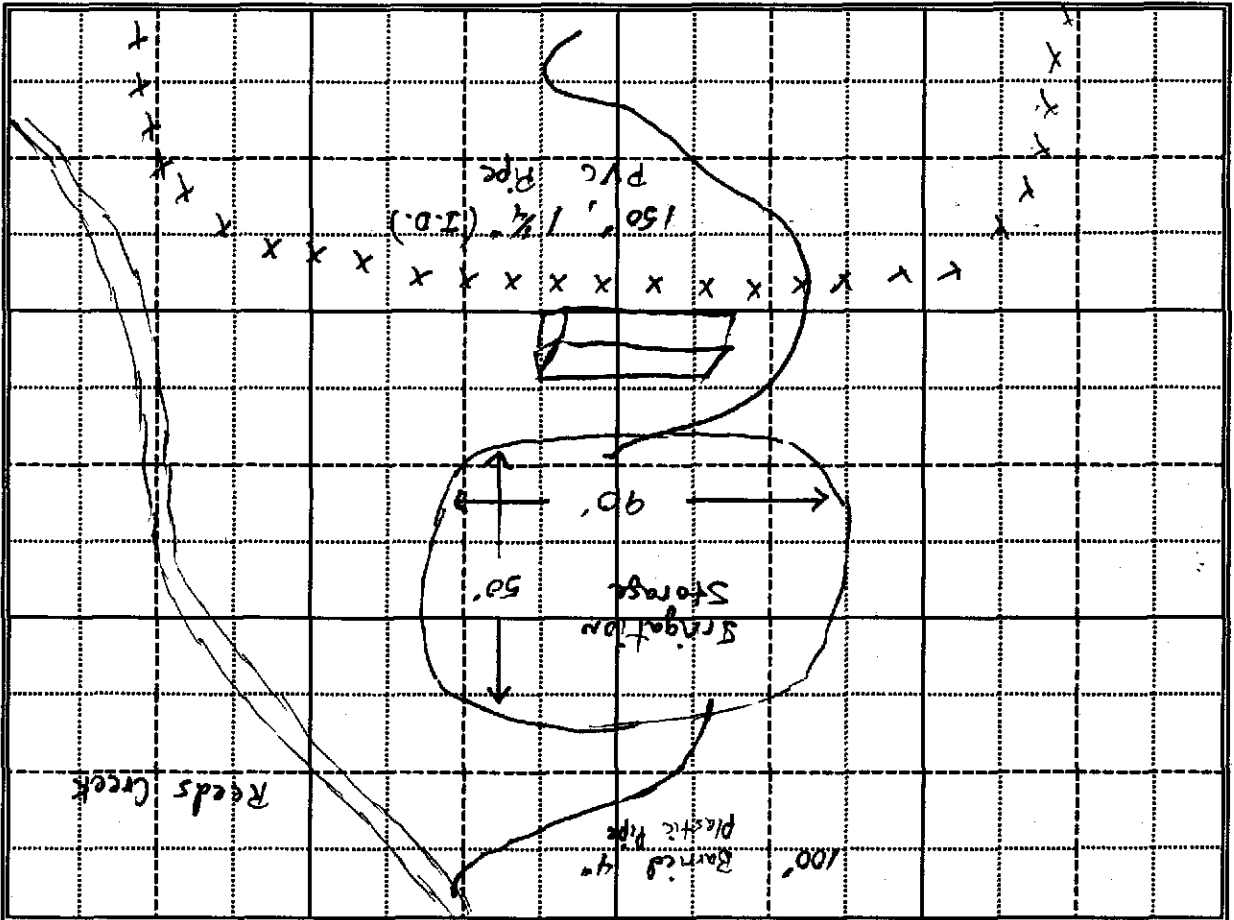
2. Place(s) of Use:

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	1E	17							I										

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APR 09 1998

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.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 of (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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:

E. NARRATIVE/REMARKS/COMMENTS

This System is a gravity feed system. The recent Flooding has caused damage to the pipe at the point of diversion access. Mr. Sworden has not had time to do the repairs but did assure me that he will complete the work very soon.

The original owner did install a 55 gal. drum (with a screen over it) in the creek. a 4" plastic pipe was ~~in place~~ inserted into the barrel to provide access from the dam to the storage pond.

From the storage pond, the water is siphoned through a 1 1/4" (inside diameter) plastic line out into the pasture that is being irrigated.

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

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APR 09 1998

F. FLOW CALCULATIONS

Measured Method:

diversion works damaged by flooding, unable to do measurement

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{1}{1} \times 3.0 = 3.0$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .03 \times 245 \times 1.9835 = 14.58$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 3.0 \text{ afa}$$

2. Volume Calculations for Other Uses:

$$\text{ford dimensions} = 90' \times 50' \times 6'$$

$$\text{Slope factor} = .6$$

$$16200 \text{ ft}^3 \times .00022957 = .37 \text{ afa}$$

$$90 \times 50 \times 6 \times .6 = 16200 \text{ ft}^3$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use		Period of Use		Rate of Diversion		Annual Volume	
Irrigation		From 3/15	To 11/15	Q (cfs)		V (afa)	
Storage		01/01	12/31	.03		.37	

91-07106

Due to conditions caused by recent flooding to the diversion system that had been constructed, it was not possible to do a measurement of the volume of water that is being diverted into the storage pond.

The following calculation is an estimate, using Manning Equation of the amount of flow that Phillip Swarden is able to achieve.

Half Barrel Flow - Manning Equation $(Q = \frac{1.49}{N} A R^{2/3} S^{1/2})$

4" Corrugated plastic pipe

where: N = Manning roughness coefficient (.03)

A = wetted cross-sectional area

R = hydraulic radius (A/P)

P = wetted perimeter

S = Slope = $\frac{10 \text{ ft}}{1000 \text{ ft}} = .01$

$$A = \frac{\pi r^2}{2} = \frac{\pi (\frac{2}{12})^2}{2} = .0436 \text{ ft}^2$$

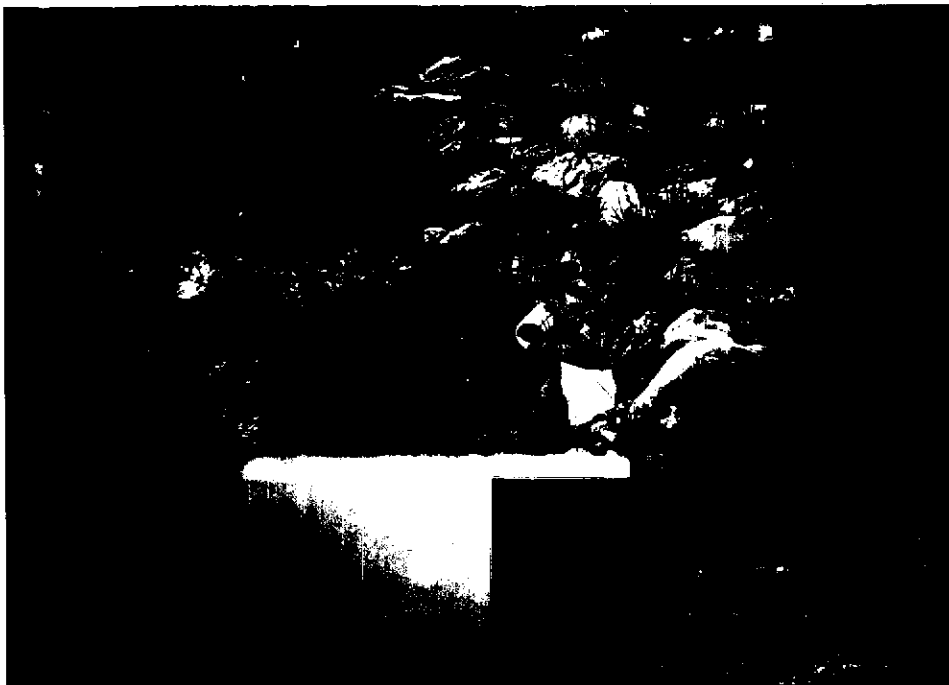
$$P = \frac{\text{circumference}}{2} = \frac{2 \pi R}{2} = \frac{2 \pi (\frac{2}{12})}{2} = .524 \text{ ft.}$$

$$R = \frac{A}{P} = \frac{.0436 \text{ ft}^2}{.524 \text{ ft.}} = .083 \text{ ft}$$

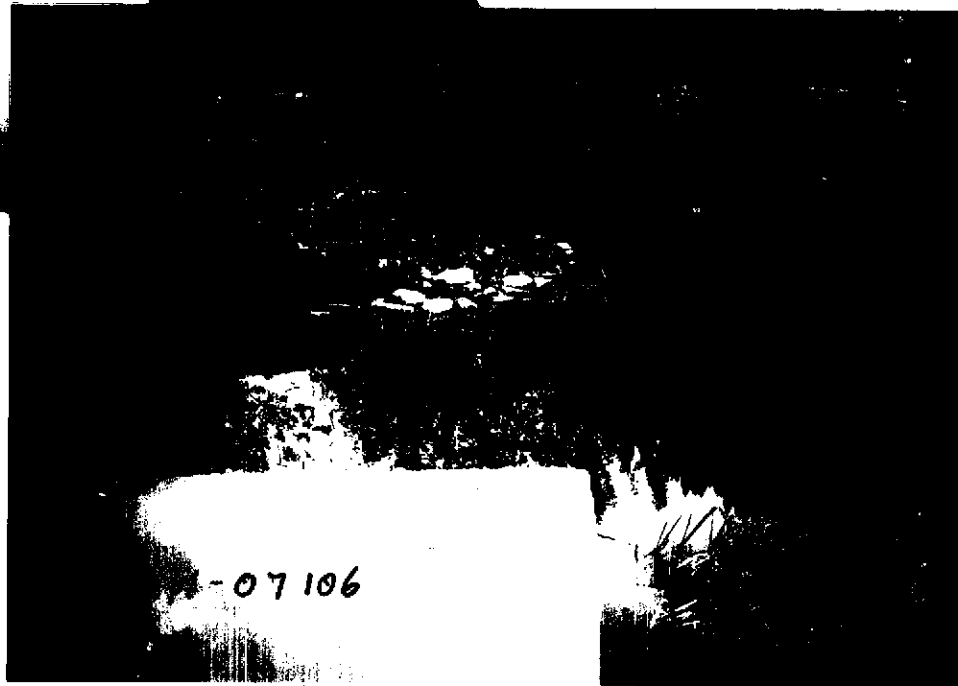
$$\begin{aligned} \text{then: } Q &= \frac{1.49}{.03} (.0436) (.083^{.67}) (.01^{.50}) \\ &= Q = .0409 \text{ cfs} = 18.34 \text{ gpm} \end{aligned}$$

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APR 09 1998



Point of diversion
(100' - 4" plastic pipe)



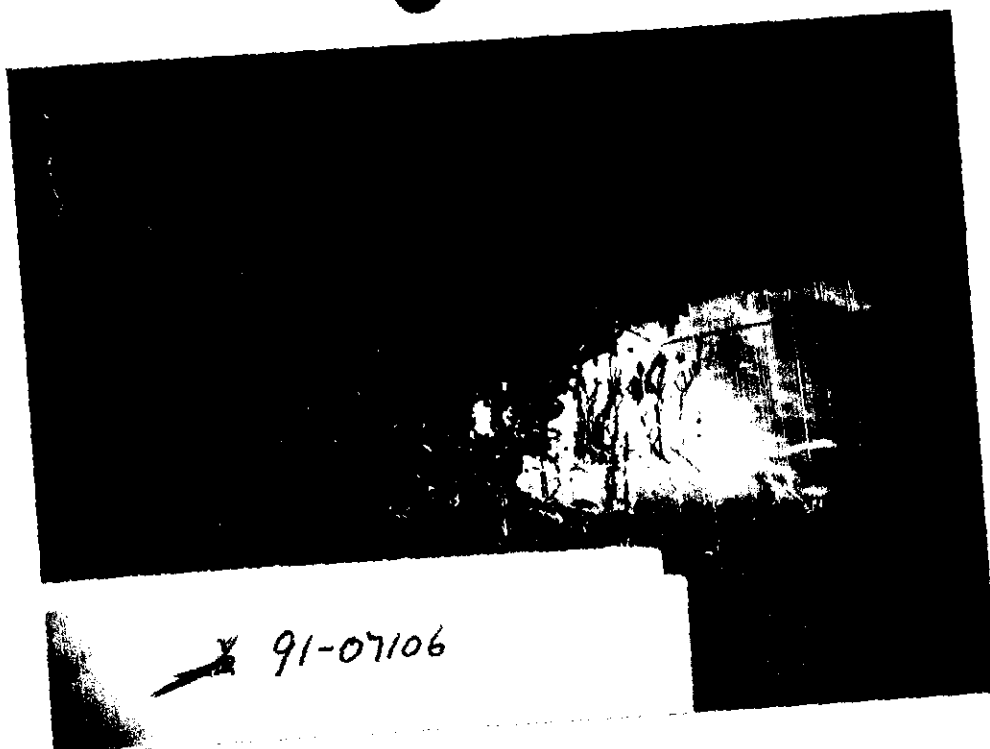
Place of use;
irrigation storage

- 07106



Irrigation storage

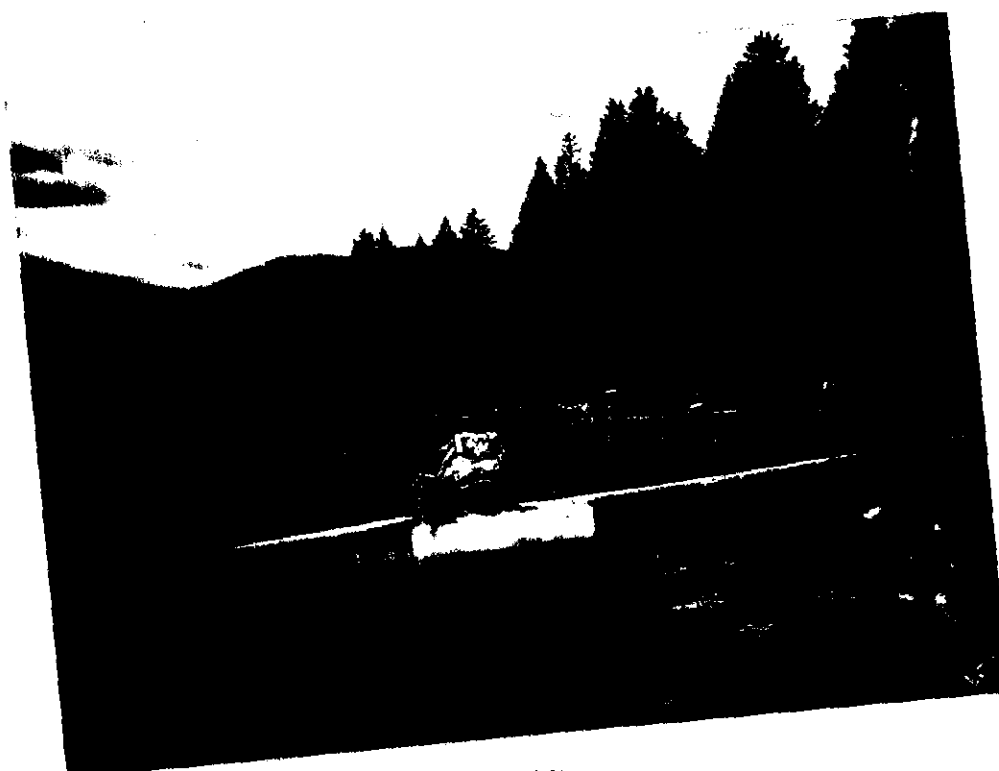
MICROFILMED
APR 09 1998



150' - 1 1/4" (I.D.) plastic pipe
- water syphoned from
Storage Pond

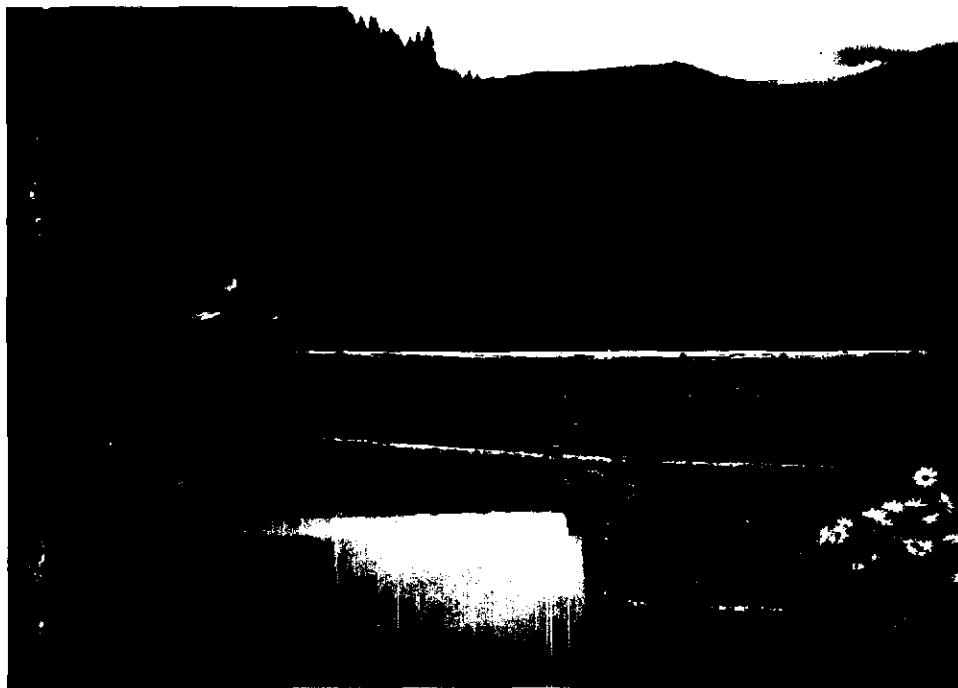
X 91-07106

Pasture - that is
irrigated



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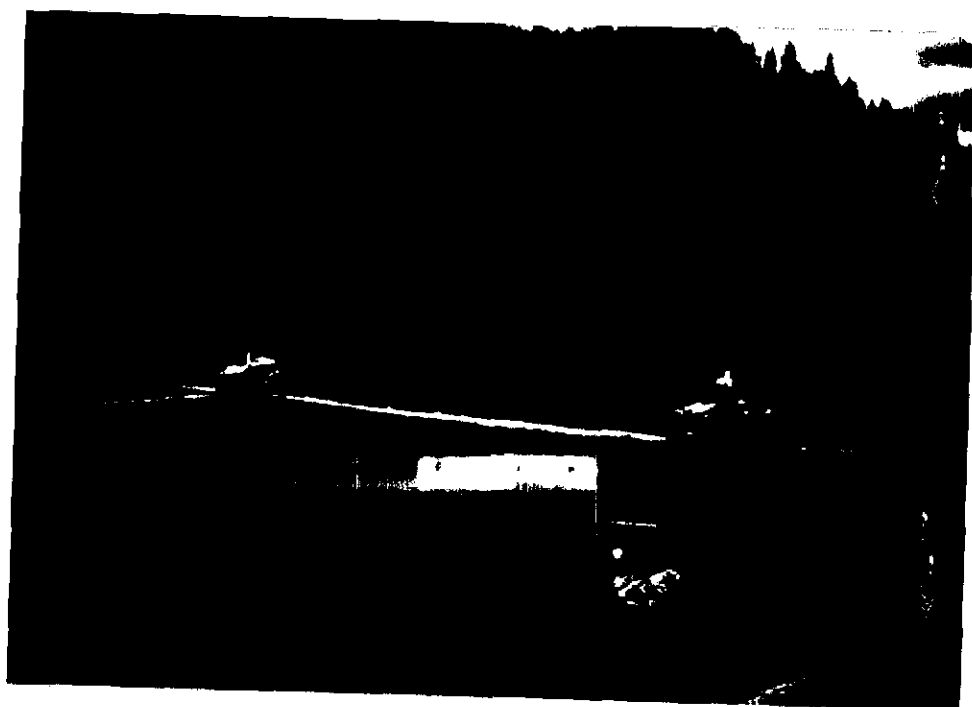
APR 09 1998



Irrigated pasture -

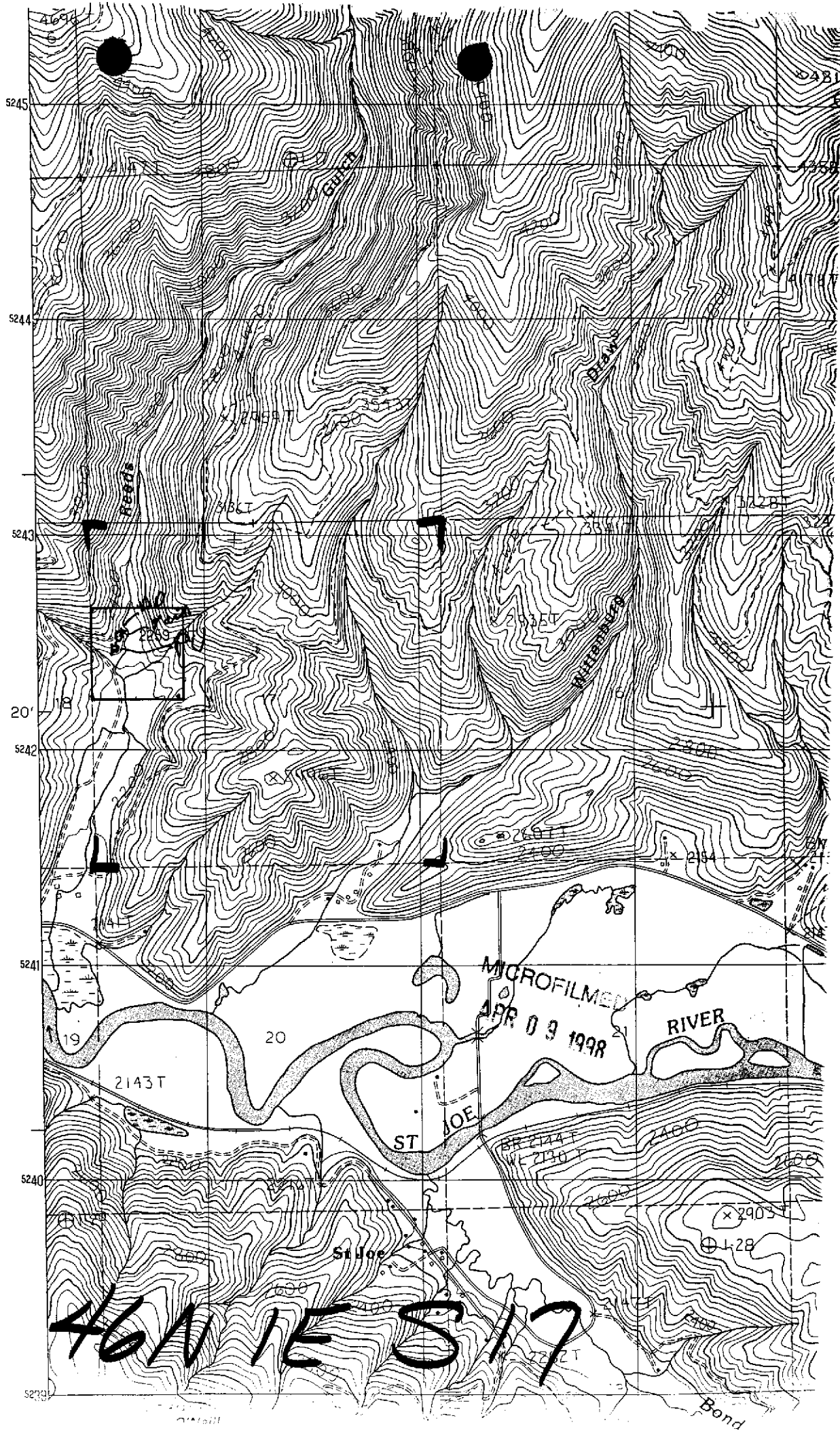
Shows plastic pipe used to
irrigate

Irrigated pasture



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APR 09 1998



August 14, 1992

LEROY FISH
GLENDA M. FISH
RT 3 BOX 77A
ST. MARIES ID 83861

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 91-07106

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

SEP 22 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 91-07106

Reviewed by Klg

Date 8/10/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

irrigate - 1

Correct Uses? _____

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

NA 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

NA Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due	<u>/</u>	-
No. of days late	<u>/</u>	=
Priority Date	<u>/</u>	+
New Priority Date	<u>/</u>	

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 8/6/92

8/14/92 Klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 8, 1991

Leroy Fish
Route 3, Box 77A
St. Maries, ID 83861

Re: Permit No. 91-07106

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1992.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECORDED

DEC 31 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 91-7106

Reviewed by KLK

Date 10/31/91

BASIC INFORMATION

10/8/91 Date stamp received
2/1/91 Extension received timely (not too early not too late)
yes Fee received and receipted
yes Name and signature same as permit
no Address change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
 _____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
 _____ Is supporting documentation needed to complete the file?
 Requested? _____

ACTION TAKEN

1/24/92 approved Based on due diligence
Extend proof due to 12/1/92

_____ Reinstatement Date extension received _____ = _____
 _____ Proof due date _____ = _____
 _____ No. of days late _____ = _____
 _____ Priority date _____ = + _____
 _____ ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

_____ Change proof due date _____ Address change
 _____ Priority date change

LB

138108
September 30, 1991

LEROY FISH
GLENDA M. FISH
RT 3 BOX 77A
ST. MARIES ID 83861

PROOF DUE NOTICE

RE: PERMIT NO. 91-07106

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, 1991. (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,

Nina Shields
Secretary/Records Manager

Enclosures

MAILED

DEC 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 91-07106

Name(s) of Permit Holder(s): Le Roy H. - Elizabeth H. Fish

Post Office Address: HC #3 Box 77A St. Maries
Idaho 83861

Tel. No. 208-245-4342

☒ I hereby certify that construction of diversion works for the above referenced permit began on 8-16-90 (date)

continue to develop the water system with due diligence to maintain a valid permit. Completed 9-15-90

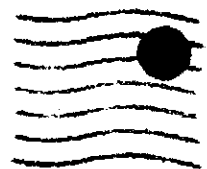
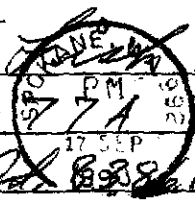
☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

9-17-90
Date

Le Roy H. Fish
Signature of Permit Holder

Le Roy
HC #3 Box
St. Marys, Pa 15881



RECEIVED

SEP 19 1990



RECEIVED

DEC 31 1991

Department of Water Resources
STATEHOUSE
BOISE, IDAHO 83720



S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 7, 1989

LEROY FISH
GLENDA M. FISH
RT 3 BOX 77A
ST. MARIES, ID 83861

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P91-07106

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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NOV 24 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RNA DATE: 8/10/89 APPLICATION: 91-07106
APPLICANT: _____

REQUIRED INFORMATION

- (1). ☒ Name & Address: (If applicant is a corporation or partnership, names must be provided for the director, officers, and other partners.)
- (2). ☒ Source: (See USGS Quad for names of water sources)
- (3). ☒ Point of Diversion including county: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- (4). ☒ Quantity: (flow and/or volume)
☒ Nature of proposed use: (Include description of use)
☒ Period of use:
- (5). ☒ Total Quantity: (flow and/or volume)
- (6). ☒ Description of diverting works:
- (7). ☒ Time required for beneficial use of water:
- (8). ☒ Proposed uses
- (9). ☒ Place of use or acres irrigated:
- (10). ☒ Other Water Rights
- (11). ☒ Ownership
- (13). ☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)
☒ Fee:
☒ yes ___ No* In form to receipt:

ADDITIONAL INFORMATION

- | YES | NO |
|--|--------------------------|
| ☒ | ☐ |
| Overlapping place of use: (Describe source & relationship to present application on the back.) | |
| ☒ | ☐ |
| Overlapping point of diversion: | |
| ☒ | ☐ |
| Field check required: Field check by: _____ | |
| ☒ | ☐ |
| Field report attached: | |
| ☒ | ☐ |
| Critical groundwater area: | |
| ☒ | ☐ |
| Groundwater management area: | |
| ☒ | ☐ |
| Send dam safety information: | |
| ☒ | ☐ |
| Send power requirement letter: | |
| ☒ | ☐ |
| Send fish farm requirement letter: | |
| ☒ | ☐ |
| Power residency affidavit: | |
| ☒ | ☐ |
| Power efficiency form: | |
| ☒ | ☐ |
| Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.) | |
| ☒ | ☐ |
| Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.) | |
| ☒ | ☐ |
| *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT | |

DATE REQUESTED: _____

☒ Additional information on reverse side: _____

RECEIVED
OCT 02 1989
Department of Water Resources

PROCESSING

YES NO

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

FINAL REGIONAL PROCESSING REVIEW

YES NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received, final date for protest

9/25/89

Protests, dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: (see additional info. below)

See Below For Additional Information

Recommended Date of Priority

8/9/89

Recommended by:

STATE OFFICE REVIEW

P17

5726

See below for additional information. By

KUL

Date

10-26-89

ADDITIONAL INFORMATION

Overlap Review Conducted

yes

no (If no, explain)

Below 2 yrs. for B/U development

91-07106

FISH, LEROY
FISH, GLENDA M.
RT 3 BOX 77A
ST. MARIES, ID 83861

Source: REEDS CREEK

Tributary: ST. JOE RIVER

Diversion Pt: SWNW Sec 17 T 46N R 01E

Use: IRRIGATION	(.030 CFS)	
DIVERSION TO STORAGE	(.030 CFS)	
IRRIGATION FROM STORAGE		(1.00 AF)
IRRIGATION STORAGE		(1.00 AF)

Date Filed: 8/09/1989

In: T46N R01E S17 SWNW

1.0 ACRES TOTAL

MICROFILMED

NOV 24 1989