

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager 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 two issues, the first publication being on the 24th day of August, 1978 and the last on the 31st day of August, 1978.

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.

JoJane Hammes

Subscribed and sworn to before me this 1st day of September, 1978

Chris Lyon
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

*OK
9-1-78
JB*

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

91-7036

Name: Phillip R. Epler
Address: Rt. 3, Box 34, St. Maries, ID

Date Filed: August 9, 1978

Amount: 0.06 cubic feet per second

Source: Spring

Means: collection box and pipeline

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.

11, T46N, R2W, B.M., Benewah County

Place of Use: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T46N, R2W, B.M.

Use: domestic (0.04 cfs) and stock-water (0.02 cfs) from Jan. 1 to Dec. 31

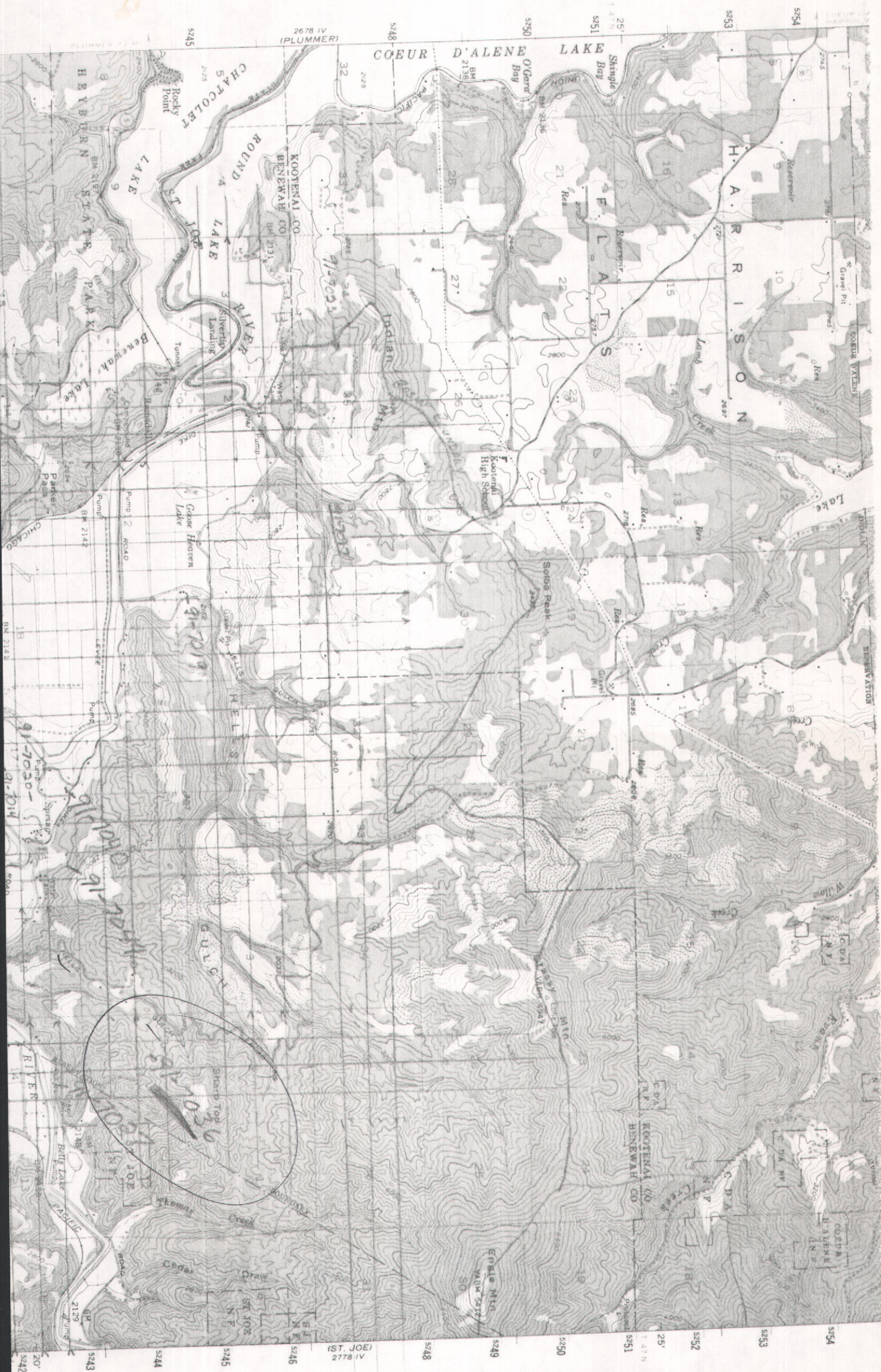
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 11, 1978.

C. STEPHEN ALLRED

Director

Published in the St. Maries Gazette Record, St. Maries, ID on August 24 and August 31, 1978.
No. 5448 — Aug. 24 - Aug. 31

MICROFILMED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 91-7036 Priority August 9, 1978 Amount .06 cfs

THIS IS TO CERTIFY, that Phillip R. Epler
of St. Maries, ID, has complied with the terms and conditions of Permit
No. 91-7036 issued pursuant to Application for Permit dated August 9, 1978,
and has submitted proof to the Department of Water Resources on August 9, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .06 cfs of water from spring,
tributary to St. Joe River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u> at <u>.04</u> cfs and <u>1.2</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
Stockwater	from <u>January 1</u> to <u>December 31</u> at <u>.06</u> cfs and <u>.2</u> acre feet		
	(both dates inclusive)		

Subject, however, to the condition that no more than .06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.4 acre feet per year, said waters to be diverted within the SE 11
T46N R2W in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
46N	2W	11								X									

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 82.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant PHILLIP R. EPLER Phone _____
Post office address RT 3 BOX 34, ST. MARIES, ID 83861
2. Source of water supply SPRING which is a tributary of ST JOE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 46N
Range 2W B.M. BENEWAH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. COLLECTION BOX WITH PIPELINE TO PLACE OF USE

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 46N
Range 2W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 5 HEAD OF CATTLE, ALSO RABBITS & PIGS

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water ONE.

(5) If water is to be used for other purposes describe: _____

TWP	RANGE	SEC.	NE%			NW%			SW%			SE%					
			NE%	NW%	SW%	SE%	NW%	SW%	SE%	NW%	SW%	SE%	NW%	SW%	SE%		
			NE%	NW%	SW%	SE%	NW%	SW%	SE%	NW%	SW%	SE%	NW%	SW%	SE%		
			TOWNSHIP TOTALS														

None

APPENDIX

11

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

T-46N

© 11 P.D. + PLACE
OF
USE

R-2W

Scale: 2 inches equal 1 mile.

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

Philip R. Eple
(Applicant)

Proposed Priority 8/09/78

Received by KK Date 8/9/78 Time 11:00 A

Preliminary check by JK Fee \$ 20.00

Received by KK Date 8/9/78 # 12053

Publication prepared by JK Date 8-14-78

Published in 84 Idaho Eagle & News

Publication dates 8-24 & 31-78

Publication approved JK Date 9-1-78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval by JK denial _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

of Idaho No. 91-7036, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

fore October 1, 19 79.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: _____

Witness my hand this 21st day of September, 19 78.

J. Allen Boyton
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

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JoJane Hammes

Subscribed and sworn to before me this 1st day of September, 1978

Car. Lyon

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

9-1-78

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 11, 1978.

C. STEPHEN ALLRED

Director

Published in the St. Maries Gazette Record, St. Maries, ID on August 24 and August 31, 1978.

No. 5448 — Aug. 24 - Aug. 31

September 22, 1982

RE: Permit No. 91-7036

Phillip R. Epler
Route #3, Box 34
St. Maries, ID 83811

Dear Mr. Epler:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

October 3, 1978

Phillip R. Epler
Route 3, Box 34
St. Maries, ID 83811

Dear Mr. Epler:

Re: Permit No. 91-7036

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

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

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

Sincerely,

RITA FLECK
Water Rights

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

JUL 22 1982

Department of Water Resources 91-7036
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 6-22-80 Accompanied by - Total Q measured -
If source is surface water, estimate total flow of source -
Methods of measurement Est Meets Permit requirements? yes

Measurement calculations:

One Inone 0.04 ✓
Stock 0.02 ✓

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
								Gravity

System Description Collection box with gravity flow pipelins to place of use

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
Domestic	0.04 ✓	1.20 ✓	1-1	12-31
Stock	0.02 ✓	0.20 ✓	1-1	12-31
Total	0.06 ✓	1.40 ✓		

Remarks

Date _____

7/15/82
28-68-2

0	3	82
---	---	----

7th

Handwritten signature

Examiner's Signature _____
Checked by _____
Approved by _____

☒ None
☐ Other

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

[illegible]

~~Place(s) of Use~~

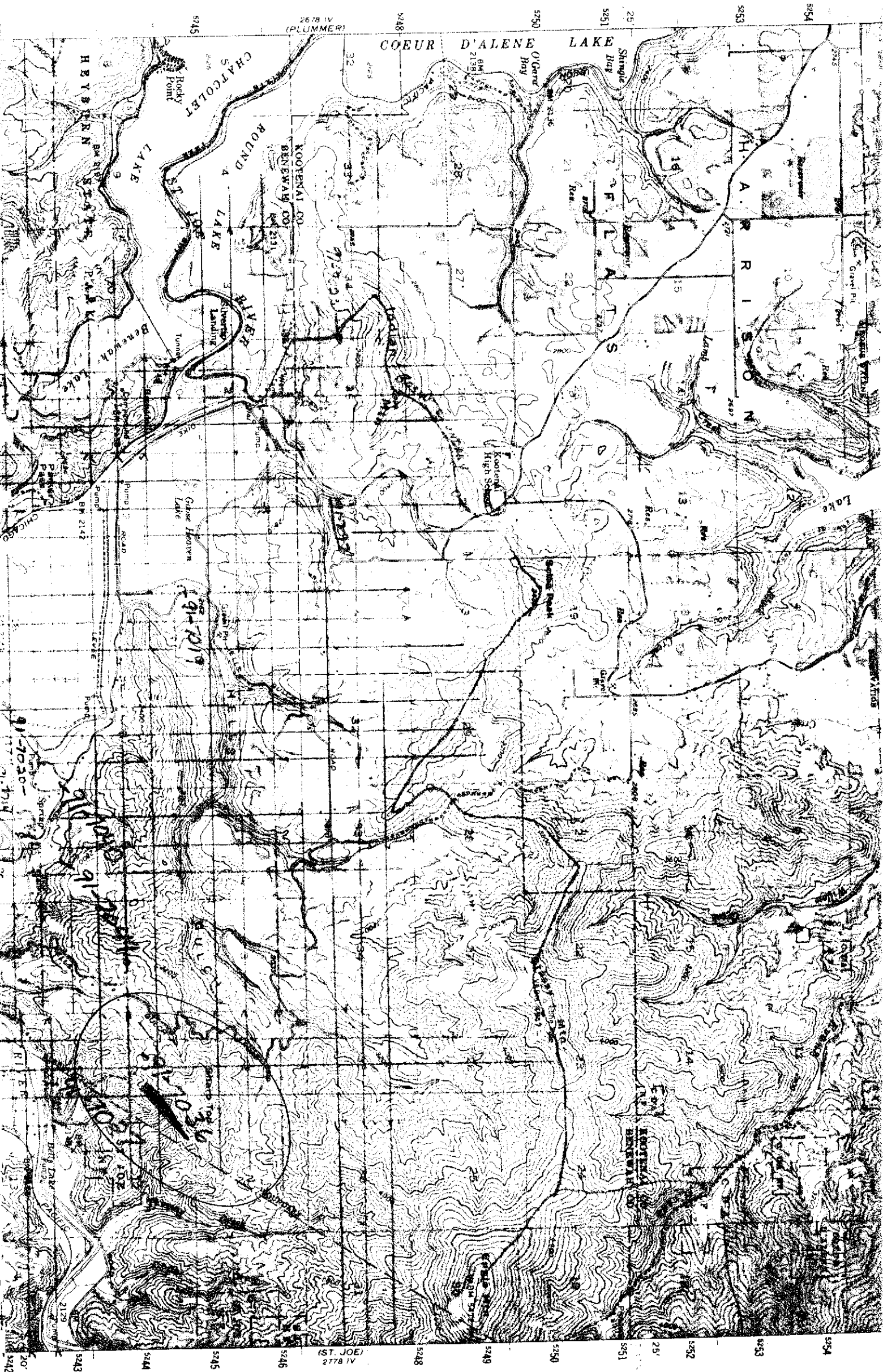
Point(s) of diversion: ~~FE NW-511-46N-2W~~

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

[illegible]

MAP (Attach Aerial Photo)



91-7

Identification No. _____
Permit No. _____
Department of Water Resources
Bureau of Water Conservation
AUG 9 1978
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder PHILLIP R. EPLER
b) Post Office Address RT 3 BOX 34, ST MARIES, ID 83861
2. Permit Number _____
3. Date of Priority that you are prepared to establish 8/9/78
4. a) Source from which water was appropriated SPRING
b) Location of the point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11
Township 46N, Range 2W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.02 for STOCKWATER purposes from JAN 1 to DEC 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.06 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: ESTIMATED
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) COLLECTION BOX WITH PIPELINE TO PLACE OF USE
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
DOMESTIC USE ONE HOUSEHOLD SE NW S-11 T-46 R-2W
STOCKWATER CATTLE, PIGS & RABBITS " " " " " "

Exam typed 8/11/78 by JK

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

8-9-78
 (Date)

Philip R. Egle
 (Signature)

State of Idaho)
) ss.
 County of Boise)

On this 9 day of August, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Alma Burt
 Notary Public residing at
Boise, Id

My commission expires September



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

October 2, 1978

Re: Permit No. 91-7036

Phillip R. Epler
Route 3, Box 34
St. Maries, Idaho 83861

Dear Mr. Epler:

Enclosed is a copy of your approved Application for Permit No. 91-7036. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

91-7036

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. Spr Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. ☒ Time req. for Proof of B/U
7. ☒ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. App Property Owner at Pt. ☒ of Div. & Pl. of Use
10. ☒ Map
11. 30.00 Fee & Rec't. No.
12. Convent Ad

Copies Sent To:

N/A Idaho Health Department
N/A Idaho Fish & Game Dept.
N/A Bureau of Land Management

N/A U.S.F.S.
N/A Dept. of Lands
N/A Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ☒ no

Other rights on same land N/A

N/A Withdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. N/A

ID Power Co. Letter - G.W. & Tribs. N/A

Snake River Condition N/A

Payette River Letter N/A

Priority Date 8-9-78

Water Quality #16 N/A

Water Quality #10 N/A

intrastate interstate

Meas. Dev. or Sc. Meas. N/A

Totalizing meter N/A

Supplemental N/A

Right-of-Way Cond. N/A

Watermaster Cond. N/A

Wtr. Dist No. N/A

Meas. Dev. Cond. for apps within a Water Dist. N/A

Jan
 Reviewer
9/18/78
 Date

RECORDED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Epler

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) SR 8/11/78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) SR 9/11/78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) 9-1-78

(12) _____

Final date for protests 9-11-78

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

8-9-78 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northem

By Bob Hayes Date 9-12-78

RECEIVED

SEP 15 1978

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 17, 1978

RE: Application No. 91-7036

St Maries Gazette Record
PO Box 367
St Maries, Id 83861

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill received
9-1-78
[Signature]

MICROFILMED

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