

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 1st day of...September..., 19.77. and the last on the 8th day of September..., 19.77

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...9th... day of September, 19.77...

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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gary and-or Susan Herr, General Delivery, St. Maries, Idaho has on August 19, 1977 submitted Application No. 95-7774 for a permit to appropriate 0.06 cubic feet per second of water from unnamed spring by means of spring box, pump and pipeline to place of use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T45N, R3W, B.M., Benewah County to be used from Jan. 1 to Dec. 31 (0.04cfs) for domestic and March 15 to Nov. 15 for irrigation of 1 acre (0.02 cfs) within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T45N, R3W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 19, 1977.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on September 1 and September 8, 1977.

No. 4993 — Sept. 1 - Sept. 8

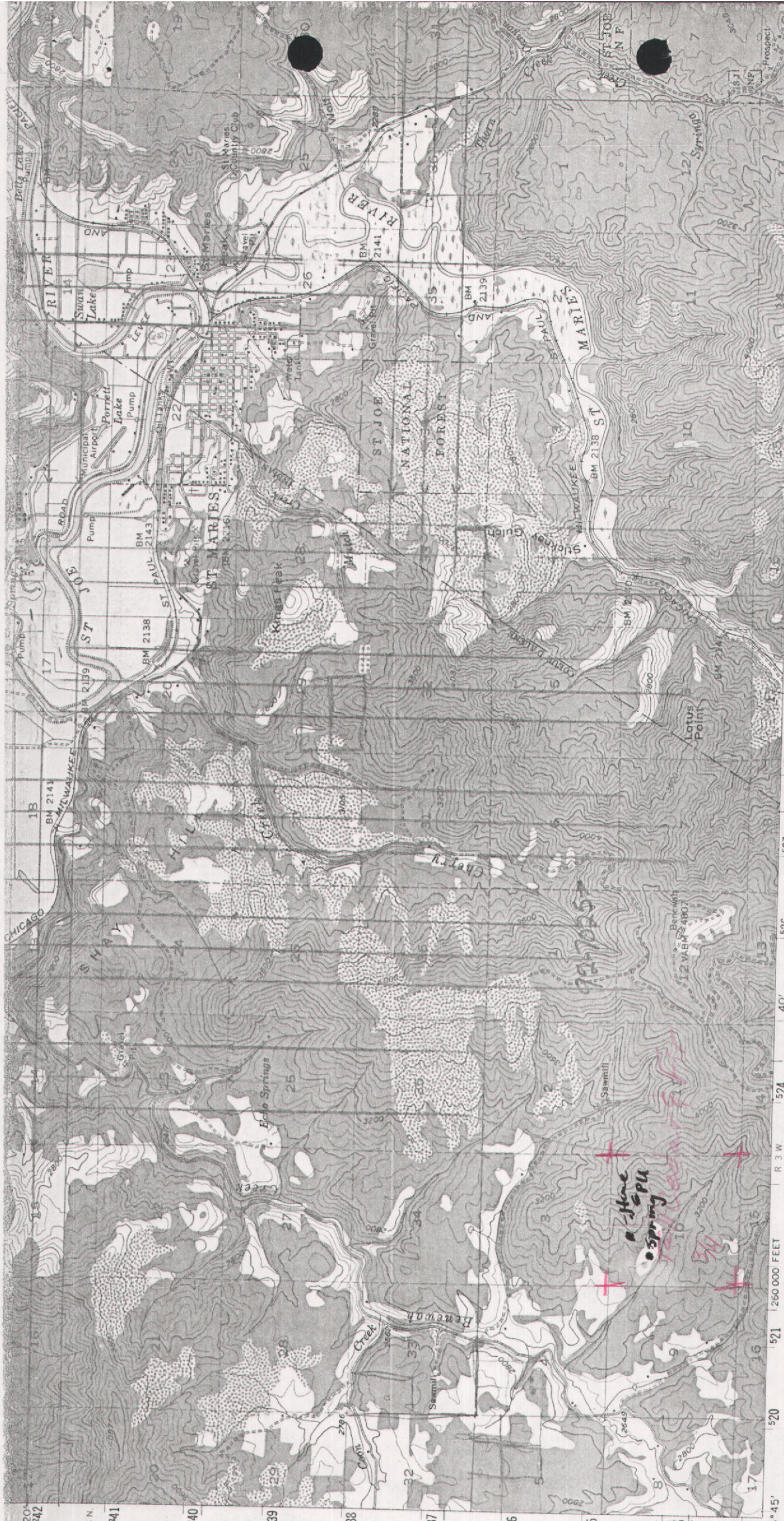
OK
9.12.77
B

RECORDED

2-3' Contour Rings
3/4 hp jacuzzi

MICROFILMED

1/8 mi.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by ER-55 plotter

Aerial photographs taken 1954. Field check 1957

Polyconic projection. 1927 North American datum

10,000-foot grid based on Idaho coordinate system,

west zone

1000-meter Universal Transverse Mercator grid ticks,

zone 11, shown in blue

Red tint indicates areas in which only

landmark buildings are shown

Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown

(TENSED)
Zero III

XENW

GN
21°
37.3 MILS
0°17'
5 MILS

UTM GRID AND 1957 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

SCALE 1:62,500

CONTOUR INTERVAL 80 FEET
DASHED LINES REPRESENT 40-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

4 MILES
21000 FEET
5 KILOMETERS

ROAD CLASSIFICATION
Medium-duty
Light-duty
Unimproved dirt

U. S. Route
State Route

ST. MARIES, IDA
N4715-W11630/1

1957
AMS 2678 I-SERIES

ST. MARIES, IDA
N4715-W11630/1

ST. MARIES, IDA
N4715-W11630/1

ST. MARIES, IDA
N4715-W11630/1

ST. MARIES, IDA
N4715-W11630/1

ST. MARIES, IDA
N4715-W11630/1

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7774 Priority August 19, 1977 Amount 0.06 cfs

THIS IS TO CERTIFY, that Gary &/or Susan Herr
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 95-7774 issued pursuant to Application for Permit dated August 19, 1977,
and has submitted proof to the Department of Water Resources on October 18, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from spring,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.02</u> cfs and	<u>3.0</u> acre feet
<u>Domestic</u> (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____ at _____ cfs and _____		
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.06 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
4.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Twp.
45N, Rge. 3W in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
45N	3W	10					1												1

Total number of acres irrigated 1

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 30 day of
November, 19 81.

Acting for the Director

Norman Young

Identification No. _____

Application No. 95-7774

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

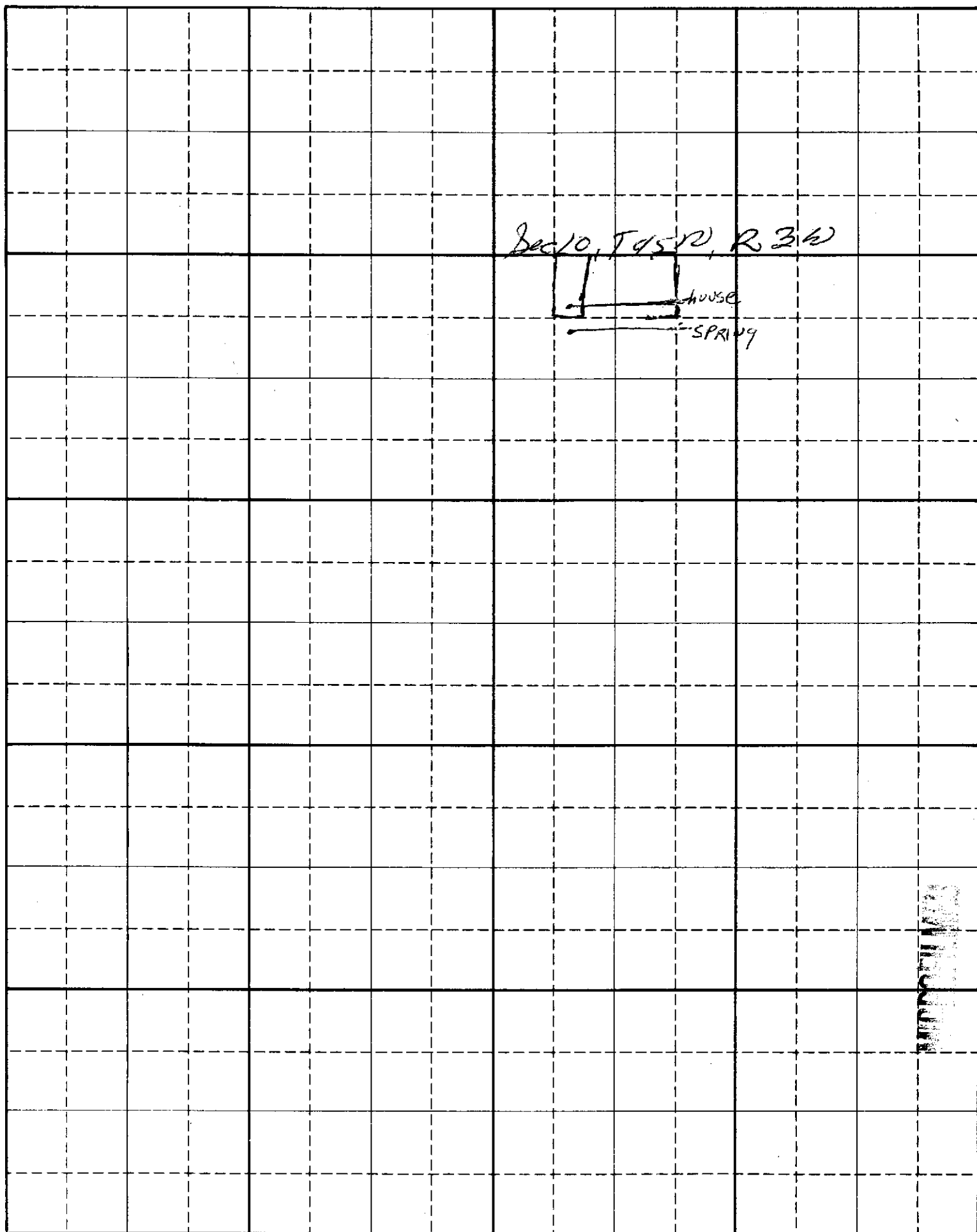
1. Name of applicant Gary &/or Susan Herr Phone: _____
post office address General Delivery, St Maries, Id 83861
2. Source of water supply unnamed spring which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 45N
Range 3W B.M. Benewah County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Irr purpose from March 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.06 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
spring box, pump & 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 during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 45N
Range 3W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

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



Scale: 2 inches equal 1 mile

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

Gary Herr
(Applicant)

Proposed Priority 8/19/77

Received by B Date 8-17-77 Time 2 PM
Preliminary check by KL Fee \$ 10.00
Received by B Date 8-17-77 (5246)
Publication prepared by B Date 8-23-77
Published in Idaho Falls Post
Publication dates 9-1-8-77
Publication approved B Date 9-12-77
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approve) denial by KL

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. 95-7774, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

before November 1, 19 78.

c. Other: _____

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

Witness my hand this 13 day of October, 19 77.

Deputy Director

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 1st day of September, 1977, and the last on the 8th day of September, 1977.

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 9th day of September, 1977.

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

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If issued, this permit shall 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 15, 1977.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on September 1 and September 8, 1977.
No. 4098 - Sept. 1 - Sept. 8

OK
9.12.77
B

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 3, 1981

RE: Permit No. 95-7774

Mary &/or Susan Herr
Star Route #1, Box 86
St. Maries, ID 83861

Dear Mr. and Mrs. Herr:

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

Sincerely,


JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED
1981

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

JUL 29 1981

Department of Water Resources

95-7774

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 7-15-81 Accompanied by — Total Q measured —If source is surface water, estimate total flow of source —Methods of measurement Est Meets Permit requirements? —Measurement calculations: One home @
Lawn & garden sprinklers

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	<u>3/4</u>							<u>Sub</u>

System Description Developed spring with pipe line to place of use.

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

RECOMMENDED AMOUNTS

Irrigation requirement = 3.0 AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
<u>Domestic</u>	<u>0.04</u> ✓	<u>1.2</u> ✓	<u>1-1</u>	<u>12-31</u>
<u>Irrigation</u>	<u>0.02</u> ✓	<u>3.0</u> ✓	<u>3-15</u>	<u>11-15</u>
Total	<u>.06</u>	<u>4.2</u>		

Remarks less than one acre - unable to determine if spring may
be in SW NW - close to lineNo Overlapping rights

COPY TO SECTION



ST. MARIES, ID.
N4715-W11630/1
1957
A.S. 0478 1-SHEET

ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt ———
U.S. Route ——— State Route ———

SCALE 1:62,500
0 1 2 3 4 MILES
0 3000 6000 9000 12000 15000 18000 21000 FEET
0 1 2 3 4 5 KILOMETERS

CONTOUR INTERVAL 80 FEET
DASHED LINES REPRESENT 40-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

UTM GRID AND 1957 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET
0°17' 5 MILS
21° 373 MILS

QUADRANGLE LOCATION
IDAHO

FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by ER-55 plotter
Aerial photographs taken 1954. Field check 1957
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
west zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue
Red tint indicates areas in which only
landmark buildings are shown
Dashed land lines indicate approximate locations
Unchecked elevations are shown in brown



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 31, 1978

Gary &/or Susan Herr
Star Route 1, Box 86
St. Maries, ID 83861

Dear Mr. & Mrs. Herr:

Re: Permit No. 95-7774

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

RECEIVED

PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE

OCT 18 1978

Department of Water Resources

1. a) Name of permit holder Gary & Susan Herr
b) Post office address Star Rt. 1 Box 86 St. Maries Id.
83861
2. Permit number 95-7774
3. Date of priority that you are prepared to establish 8-19-77
4. a) Source from which water was appropriated Unnamed Spring
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 10
Township 45 N, Range 3 W Boise Meridian. Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount .04 for Domestic purposes from JAN. 1 to Dec. 31 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount .02 for IRR. purposes from MAR. 15 to NOV. 15 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

- b) Total amount appropriated .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 amount
of flow during 24 hour period into
1000 gallon container

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 of 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):

Spring box, 3/4 h.p. Pump

- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Pumping system is connected directly
to 1000 tank. Tank is situated for
gravity flow to usage. It takes
4 hours to fill or empty our 1000 g. tank

EXAMINED MICROFILMED

Life

Barbara J. Walker
Residing at *St. Thomas, Virgo*
Notary Public

On this 77 day of October, 1978, personally appeared before me the

Deborah

\$5.

Oct 10 1978

(Signature) *John Doe*

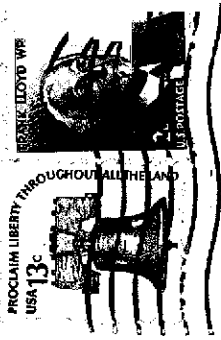
Total number of acres irrigated

[illegible]

Domestic water for 2 bedroom house
water to barn for stock.

(c) Give well driller's name and address and the date the well was completed:

G. Hern
Rt 1 Box 86
St. Maries Id.
83861



Dep. of Water Resources
State Capitol
Boise Idaho 83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

CERTIFIED MAIL

100187

August 31, 1978

Re: Permit No.

95-7774

Gary &/or Susan Herr
General Delivery
St. Maries, ID 83861

Dear Mr. & Mrs. Herr:

One of the conditions of approval of your water Permit No. 95-7774 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

October 20, 1977

Re: Permit No. 95-7774

Gary &/or Susan Herr
General Delivery
St. Maries, ID 83861

Dear Mr. and Mrs. Herr:

Enclosed is a copy of your approved Application for Permit No 95-7774 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

RECEIVED



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 25, 1977

Re: Application for Permit Nos. 91-7031 - Scheib and 95-7774 - Herr

St. Maries Gazette Record
P.O. 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 M...
9-12-77
B*

RECEIVED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ 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) KK 8/19/77

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) KK 8/19/77

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: No Sild review
none to

(11) _____

Affidavit of Publication received (date) 9-12-77

(12) _____

Final date for protests 9-19-77

Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

8-19-77 Proposed Priority

_____ Reason for Reduction

NO Measuring device required

_____ See attached sheet for other conditions approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes Date 9-19-77

RECEIVED

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Notice is hereby given that Gary &/or Susan Harr

General Delivery, St Maries, ID

has on August 19, 1977 submitted Application No. 95-7774

for a permit to appropriate 0.06 cubic feet per second ~~XXXXXX~~
of water from unnamed spring

by means of spring box, pump and pipeline to place of use

within the SE1/4, Sec 10, T45N, R3W B.M. Benewah County

to be used from Jan 1 to Dec 31 (0.04 cfs) for domestic and March 15 to Nov 15
for irrigation of 1 acre (0.02 cfs)

within the NE1/4, Sec 10, T45N, R3W B.M.

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C. STEPHEN ALLRED
Director

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on September 1 and September 8, 1977

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