

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO, }

ss.

County of Kootenai, }

Callie Pantner, being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Notice of Application

of which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *18* day of *November*, 19*71*, and ending on the

25 day of *November*, 19*71*.

Callie Pantner

Subscribed and sworn to, before me, this *25* day of *November*

19 *71*

C. Patrick King

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

DEC 20 1971

Department of Water

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clinton E. Mitschke, 2238 West 248th, Lomita, California has on October 28, 1971 submitted Application No. 95-7163 for a permit to appropriate 0.20 cubic feet per second of water from surface water sump, tributary of Alpine Lake by means of pond within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for fire protection and wild life propagation; and from March 15 to Nov. 15 for the irrigation

of 7 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 6, 1971.

R. KEITH HIGGINSON
Director

Nov. 18, 25, 1971

95-7163

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 14, 1971

Re: Application No. 95-7161 - Donald C. Gullledge
" " 95-7162 - Richard L. and Marian J. Kohls
" " 95-7163 - Clinton E. Mitschke

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Idaho

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on November 18th and November 25th, 1971.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

95-7163

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7163 Priority October 28, 1971 Amount .40 acre feet

THIS IS TO CERTIFY, that EUGENE D. SCROGGIE
of Hayden Lake, Idaho, has complied with the terms and conditions of Permit
No. 95-7163 issued pursuant to Application for Permit dated October 28, 1971,
and has submitted proof to the Department of Water Resources on November 22, 1976,
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 .40 acre feet of water from surface water sump,
tributary to Alpine Lake, 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
Storage for: wildlife	from Jan. 1 to Dec. 31	at - - - - cfs and	.40 acre feet
Fire Prot.	from Jan. 1 to Dec. 31	at - - - - cfs and	.40 acre feet
	from to at cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than .40 acre feet of water be ^{stored} ~~diverted~~ at any one time, and
that the amount of water so ^{stored} ~~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
.40 acre feet per year, said waters to be ^{stored} ~~diverted~~ within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 52N,
Rge. 3W, B. M. in the County of Kootenai

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 $\frac{1}{4}$	
52N	3W	30												X					

Total number of acres irrigated _____

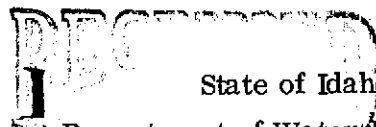
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 1 day of

May, 19 78.


Director



State of Idaho
Department of Water Resources

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

ASSIGNMENT OF PERMIT
Department of Water Resources

I, Clinton E. Mitschke, hereby assign to Eugene D. Scroggie
of Route 3, Box 124, Hayden Lake, Idaho 83835
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 95-7163
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 22ND day of NOVEMBER, 19 76.

Clinton E. Mitschke
Permit Holder

Recha Mitschke
Spouse of Permit Holder

State of Idaho)
County of KOOTENAI) ss.

On this 22ND day of NOVEMBER, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Corda M. Patterson
Notary Public residing at
COEUR D'ALENE, IDAHO

My commission expires:
LIFETIME

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 95-7163
IN THE NAME OF EUGENE D. SCROGGIE

ORDER

WHEREAS, on October 28, 1971, Clinton E. Mitschke applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.20 cubic feet per second of water from a surface water sump, tributary to Alpine Lake, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 52N, Rge. 3W, B.M., Kootenai County, to be used for irrigation, fire protection, and wildlife purposes; and,

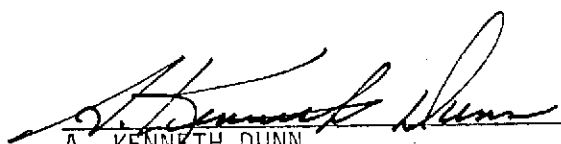
WHEREAS, on January 4, 1972, the Department approved said application and issued Permit No. 95-7163 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on November 26, 1976, the Department received the required proof of beneficial use along with a request for the removal of the measuring device required on this permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 95-7163.

Dated this 8 day of December, 1976.


A. KENNETH DUNN
Administrator, Operations Division

Identification No. 95-7163

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant CLINTON E. MITSCHKE
post office address 2238 West 248th Lomita, California 90717
2. Source of water supply surface water sump which is a tributary of Alpine Lake
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 52 N
Range 3 W B.M. Kootenai 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 0.14 for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for fire prot. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) propagation
Amount 0.20 for wild life /purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
pit pond 51' x 130' 11' deep

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 400.00.
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 SW $\frac{1}{4}$ of Section 30 Township 52 N
Range 3 W 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 _____.
(5) If water is to be used for other purposes describe: _____

95-7163

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

Total number of acres to be irrigated 7

c. Describe any other water rights used for the same purposes as described above. NONE

9. 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.

10. Remarks This application is for a pit pond to catch rain water and the run-off

~~from subject property. At present this water runs into the street and ends up in~~
~~Alpine Lake~~

[illegible]

95-7163

95-7163

Received by Date 10/28/71 Time 11:30 a
Preliminary check by Fee \$ 10.00
Received by Date 10-29-71
Publication prepared by CR Date 11-10-71
Published in Coeur d'Alene Press
Publication dates 11-18- & 11-25-71
Publication approved CR Date 12-22-71
Priority reduced to 10-28-71 Reason
Protests filed by:

Copies of protests forwarded by

Hearing held by Date
Recommended for approval denial by

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7163, 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 January 1, 1977.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 4 day of January, 1972.

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO, }

County of Kootenai, }

ss.

11/16

Callie Poirtner

....., being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Notice of Application

of which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *18* day of *November*, 19*71*, and ending on the

25 day of *November*, 19*71*.

Callie Poirtner

Subscribed and sworn to, before me, this

25 day of *November*

19*71*

C. Patrick King

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clinton E. Mitschke, 2238 West 248th, Lomita, California has on October 28, 1971 submitted Application No. 95-7163 for a permit to appropriate 0.20 cubic feet per second of water from surface water sump, tributary of Alpine Lake by means of pond within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for fire protection and wild life propagation; and from March 15 to Nov. 15 for the irrigation

of 7 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 6, 1971.

R. KEITH HIGGINSON
Director

Nov. 18, 25, 1971

95-7163



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

May 3, 1978

Re: Permit No. 95-7163

Eugene D. Scroggie
Route 3, Box 124
Hayden Lake, ID 83835

Dear Mr. Scroggie:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

NOTED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 14, 1978

Eugene D. Scroggie
Route 3
Box 124
Hayden Lake, Idaho 83835

Dear Mr. Scroggie:

A representative of this Department made an examination of the works covered by your Permit No. 95-7163 on August 2, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .40 acre feet Source: surface water sump, tributary to Alpine Lake. stored
The maximum quantity ~~diverted~~ shall not exceed .40 acre feet per year.

Point of diversion: SESW, Sec. 30, Township 52N, Range 3W, B.M.

Beneficial use: Wildlife & fire protection within the SE3SW, Section 30, township 52N, range 3W, B.M.

Priority date established: October 28, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

RECEIVED

DEC 13 1976

Department of Water Resources
Northern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ surface water sump
(name spring, stream, etc.)
Tributary to Alpine Lake

- Other uses: _____

- Other Points of Diversions: _____

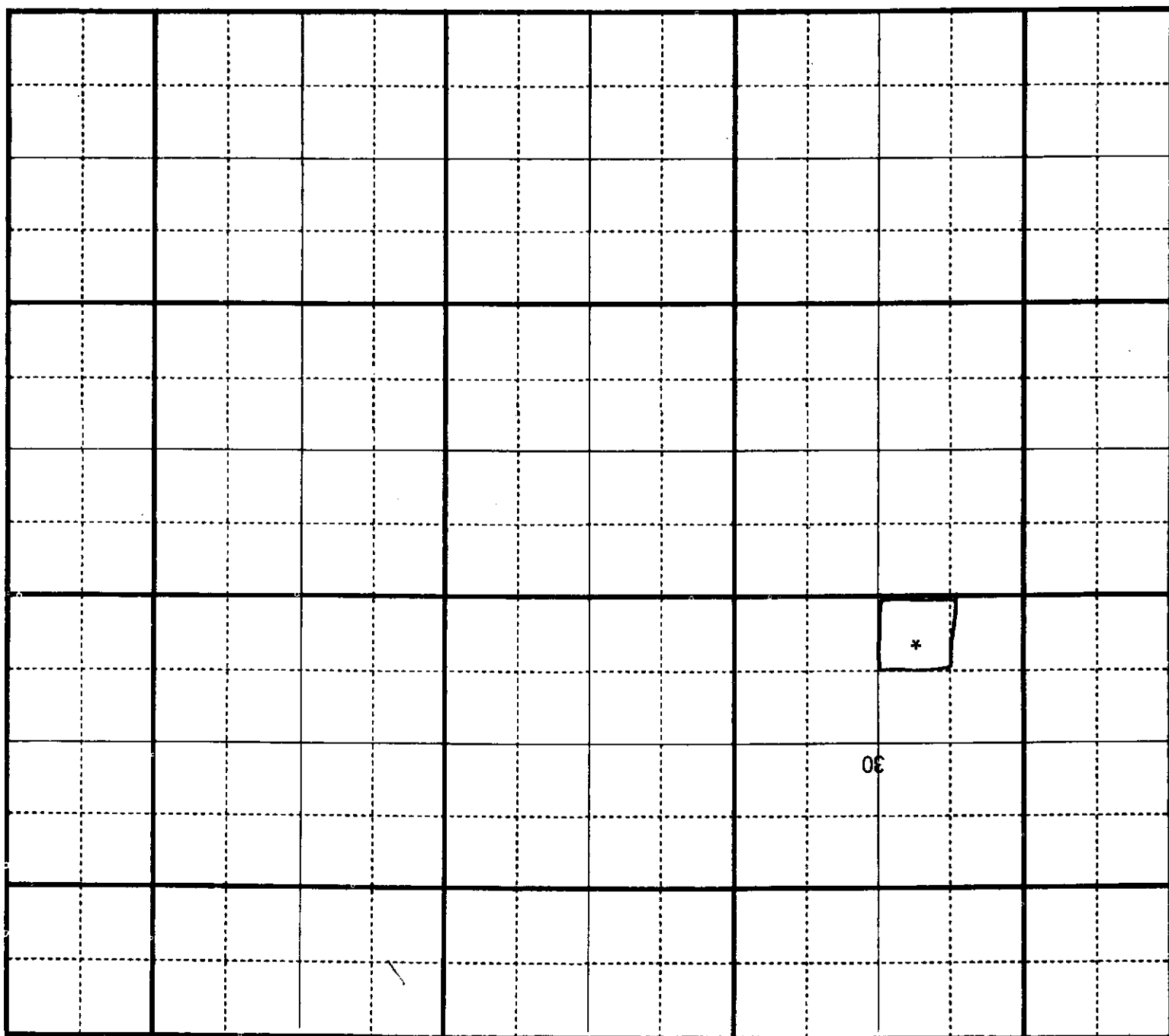
REMOVED by Order

- [illegible]

TOTAL ACREAGE _____ **7**

MICHAEL

Diagram of System



BEFORE THE DEPARTMENT OF WATER RESOURCES.
OF THE
STATE OF IDAHO

RECEIVED
DEC 10 1976

Department of Water Resources
Northern District Office

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 95-7163
IN THE NAME OF EUGENE D. SCROGGIE

ORDER

WHEREAS, on October 28, 1971, Clinton E. Mitschke applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.20 cubic feet per second of water from a surface water sump, tributary to Alpine Lake, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 52N, Rge. 3W, B.M., Kootenai County, to be used for irrigation, fire protection, and wildlife purposes; and,

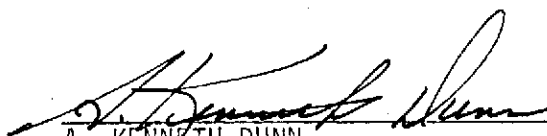
WHEREAS, on January 4, 1972, the Department approved said application and issued Permit No. 95-7163 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on November 26, 1976, the Department received the required proof of beneficial use along with a request for the removal of the measuring device required on this permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 95-7163.

Dated this 8 day of December, 1976.


A. KENNETH DUNN
Administrator, Operations Division

RECEIVED

NOV 26 1976

Department of Water Resources

November 22, 1976

Re: Permit No. 95-7163

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, ID 83814

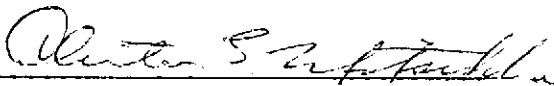
Gentlemen:

Pursuant to the above referenced permit, we are requesting that the measuring device requirement be removed since we are not diverting the amount of water for which we originally applied. There is also no economical method to measure the water.

We would like to inform you that the water under this permit does not plan to be used for irrigation.

Your assistance in this matter is appreciated.

Very truly yours,



CLINTON E. MITSCHKE

Route 1, Box 310-X
Hayden Lake, Idaho 83835

DATE OF EXAM 8/2/77

ACREAGE
Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Fire Protection Q= _____ V= .39 a.f./year 1/1 12/31
Wildlife Q= _____ V= .39 a.f./year 1/1 12/31

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement estimated capacity of pond

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

Total V recommended 0.39 a.f./year

Recommended Amendments:

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

MEASUREMENT CALCULATION:

51' X 30' X 11' X 7.48 gal/a.f.
325 850 gal/a.f. = 0.39 a.f./year

SYSTEM DESCRIPTION:

A pond approx. 51' x 30' x 11' deep has been dug which collects run off in the spring. The water is retained in the pond and used for wildlife and is a source for fire protection.

REMARKS:

No quantity has been recommended because the water is not physically diverted and it is impossible to measure the rate at which the run off is collected. There is no irrigation from the pond.

Examiner's Signature Paul Combs Date 8/2/77

Checked by Bob Baynes Date 8/5/77

Approved by _____ Date _____



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

December 8, 1976

Re: Permit No. 95-7163

Eugene D. Scroggie
Route 3, Box 124
Hayden Lake, Idaho 83835

Dear Mr. Scroggie:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed. We also acknowledge receipt of the affidavit submitted as proof of beneficial use for this permit. Enclosed is an Order which removed the measuring device as a requirement on this permit.

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

If you have any questions regarding the field exam, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

Encl.

Identification No. _____

Permit No. 95-7163

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Clinton E. Mitschke
b) Post Office Address Route 1, Box 310-X, Hayden Lake, Idaho
2. Permit Number 95-7163
3. Date of Priority that you are prepared to establish Precipitation and Run-off from Irrigation
10-28-71
4. a) Source from which water was appropriated _____
b) Location of the point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30
Township 52N, Range 3W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.14 cfs for Irrigation purposes from March 15 to Nov. 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.20 cfs for Fire Prot. purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.20 cfs for Wildlife purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.20 cfs 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) Pit pond 51' X 30' X 11' deep.
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: _____
0.20 cfs for Fire Protection, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W
0.20 cfs for Wildlife, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W

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	
52N	3W	30											7						7

Total number of acres irrigated 7

10. Remarks: The source of this diversion is from precipitation and irrigation waste that is derived from Permit No. 95-7159.

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

11/22/76
(Date)

[Signature]
(Signature)

State of IDAHO)
County of KOOTENAI) ss.

On this 22ND day of NOVEMBER, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at
COEUR D'ALENE, IDAHO

My commission expires LIFETIME

RECEIVED

NOV 26 1976

Department of Water Resources

November 22, 1976

Re: Permit No. 95-7163

RECEIVED

NOV 22 1976

Department of Water Resources
Northern District Office

Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, ID 83814

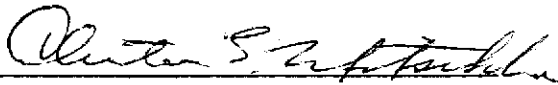
Gentlemen:

Pursuant to the above referenced permit, we are requesting that the measuring device requirement be removed since we are not diverting the amount of water for which we originally applied. There is also no economical method to measure the water.

We would like to inform you that the water under this permit does not plan to be used for irrigation.

Your assistance in this matter is appreciated.

Very truly yours,



CLINTON E. MITSCHKE

Route 1, Box 310-X
Hayden Lake, Idaho 83835

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RETURNED TO SENDER

REASON CHECKED

Unclaimed ☐ Refused ☐

Address unknown ☒

Insufficient Address ☐

No such street ☐ number ☐

No such office in state ☐

Do not remain in this envelope

CERTIFIED MAIL

138025

*Mc Donnell
Mature 11-1-76
care*

Clinton E. Mitschke
~~2238 West 248th~~
~~Lomita, CA 90717~~

RECEIVED

NOV 8 1976
Department of Water Resources

*resent 11/9/76
Rt 1 Box 310
Hayden Lake
83835*

6064 8291

October 29, 1976

CERTIFIED MAIL 138025

Re: Permit No. 95-7163

Clinton E. Mitschke
2238 West 248th
Lomita, CA 90717

Dear Mr. Mitschke:

One of the conditions of approval of your water Permit No. 95-7163 (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 January 1, 1977. 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.


R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 6, 1972

Re: Permit No. 95-7163 - Clinton E. Mitschke

Clinton E. Mitschke
2238 West 248th
Lomita, California 90717

Dear Mr. Mitschke:

Enclosed is a copy of your approved Application for Permit No. 95-7163. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

95-7163

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 14, 1971

Re: Application No. 95-7161 - Donald C. Gullede
" " 95-7162 - Richard L. and Marian J. Kohls
" " 95-7163 - Clinton E. Mitschke

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Idaho

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on November 18th and November 25th, 1971.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM/BB

95-7163

November 10, 1971

Re: Application No. 95-7161 - Donald C. Gullledge
" " 95-7162 - Richard L. & Marian J. Kohls
" " 95-7163 - Clinton E. Mitschke

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Idaho 83814

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

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

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

Bill submitted 12-22-71 By CR

95-7163

LEGAL // 2 COPIES///

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Clinton E. Mitschke, 2238 West 248th, Lomita, California has on October 28, 1971 submitted Application No. 95-7163 for a permit to appropriate 0.20 cubic feet per second of water from surface water pump, tributary of Alpine Lake by means of pond within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for fire protection and wild life propagation; and from March 15 to Nov. 15 for the irrigation of 7 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 6, 1971.

R. KEITH HIGGINSON
Director

Nov. 18, 25, 1971

Correction:
Should be "sump."
Called 11-16-71
22.

95-7163

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clinton E. Mitschke, 2238 West 248th,
Lomita, California

has on October 28, 1971 submitted Application No. 95-7163
for a permit to appropriate 0.20 cubic feet per second ~~more or less per annum~~
of water from surface water sump, tributary of Alpine Lake
by means of pond
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31 for fire protection and wild life propagation;
~~for~~ and from March 15 to Nov. 15 for the irrigation of 7 acres

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 52N, R. 3W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 6, 1971.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on Nov. 18 and Nov. 25, 1971

95-7163

November 3, 1971

C. E. Mitschke
2238 West 248th Street
Lomita, California 90717

Dear Mr. Mitschke:

8431

10.00

Attached herewith is your receipt No. _____ in the amount of \$ _____
~~your application for permit~~

for _____

which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

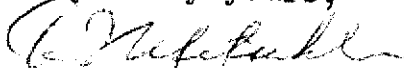
95-7163

October 27, 1971

Dear Mr. Clay:

My sincere thanks for your help in this matter. I have signed the application and am returning per your letter.

Very truly yours,



C. E. Mitschke
2238 W. 248th St.
Lomita, Calif 90717

RECEIVED

OCT 29 1971

Department of Water Administration

95-7163

July 22, 1971

Mr. Clinton Eugene Mitschke
2238 West 248th Street
Lomita, California 90717

Handwritten initials

Dear Mr. Mitschke:

We are returning your claim to a water right and personal check #90-1227 in the amount of \$10.00.

We find in reviewing this claim that you have listed a 7-8-71 priority. We wish to advise you that the Department has been under a mandatory permit system for ground water development since March 25, 1963. The only exemption from this requirement would be those wells drilled for domestic and stock watering purposes only, not to exceed 13 gallons per day.

If the actual intent of the claim is for domestic use, stock watering and irrigation of ten acres, then it should be included in an application for permit. We are enclosing such a form with instructions for your consideration in this matter.

If you should have any questions, please feel free to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #90-1227 (\$10.00)
claim to a water right

95-7163