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PROPOSED WATER LINE TO ATHLETIC FIELD

ATHLETIC FIELD

48-56-35-085

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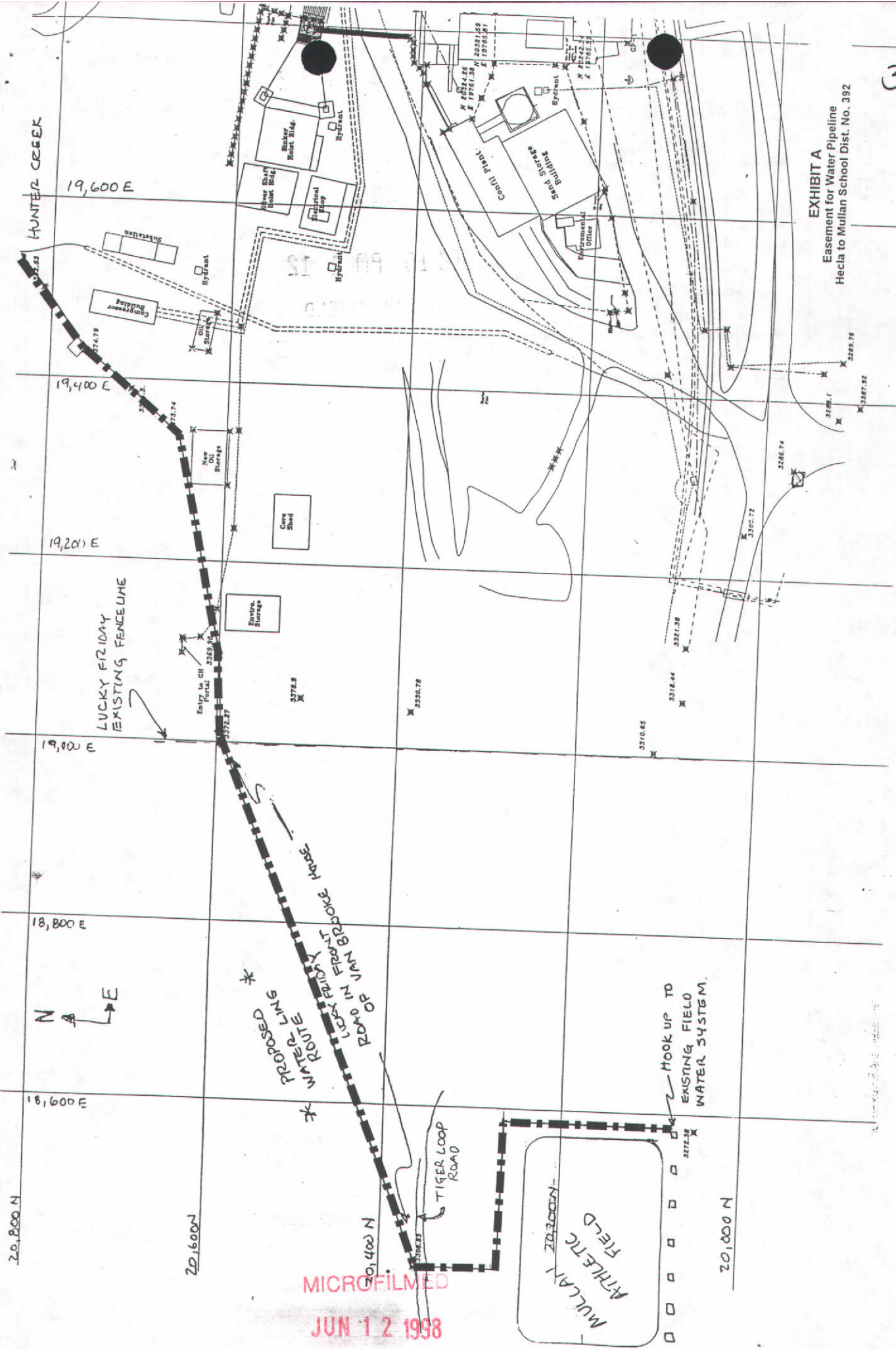
MOULAN SCHOOL DIST.

MICROFILM

10/11/2011

380742

EXHIBIT A
Easement for Water Pipeline
Hecla to Mullan School Dist. No. 392



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JUN 12 1998

2. Measurements:

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

D. FLOW MEASUREMENTS

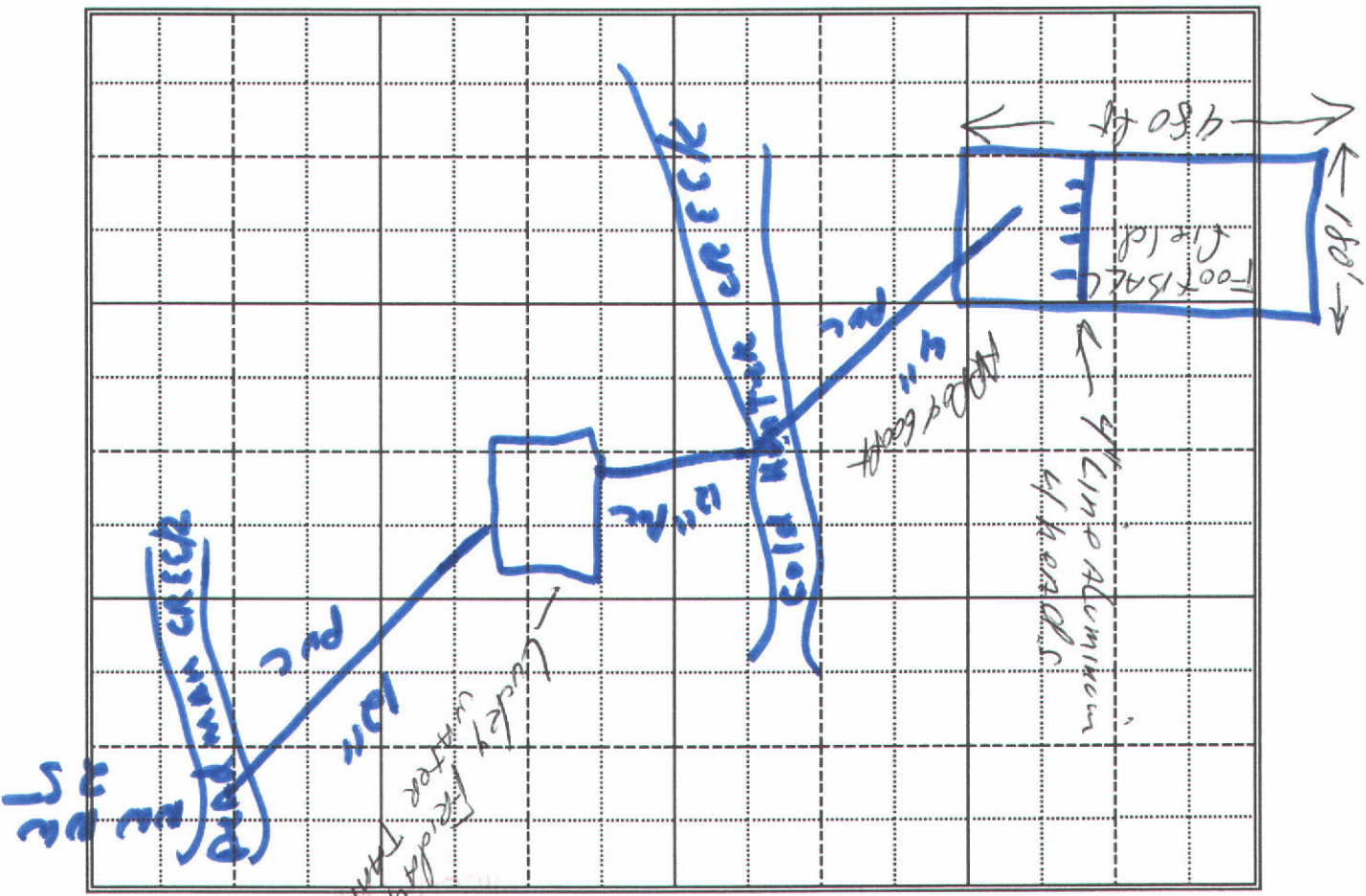
*Code to correspond with No. on map and aerial photo

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

4.

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

Scale: 1" = 11.75'



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

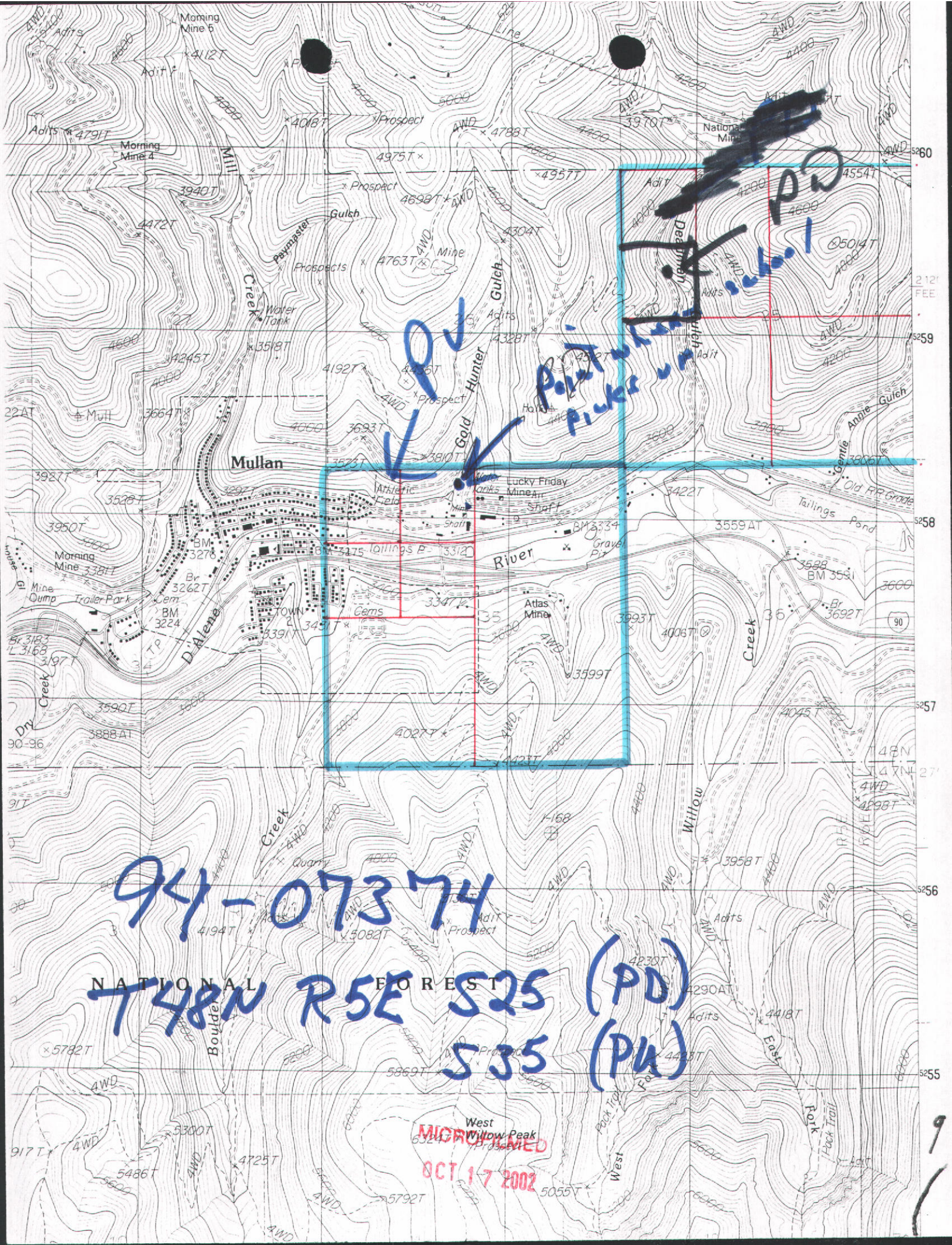


Point where school
Tap is taken's system

94-07374



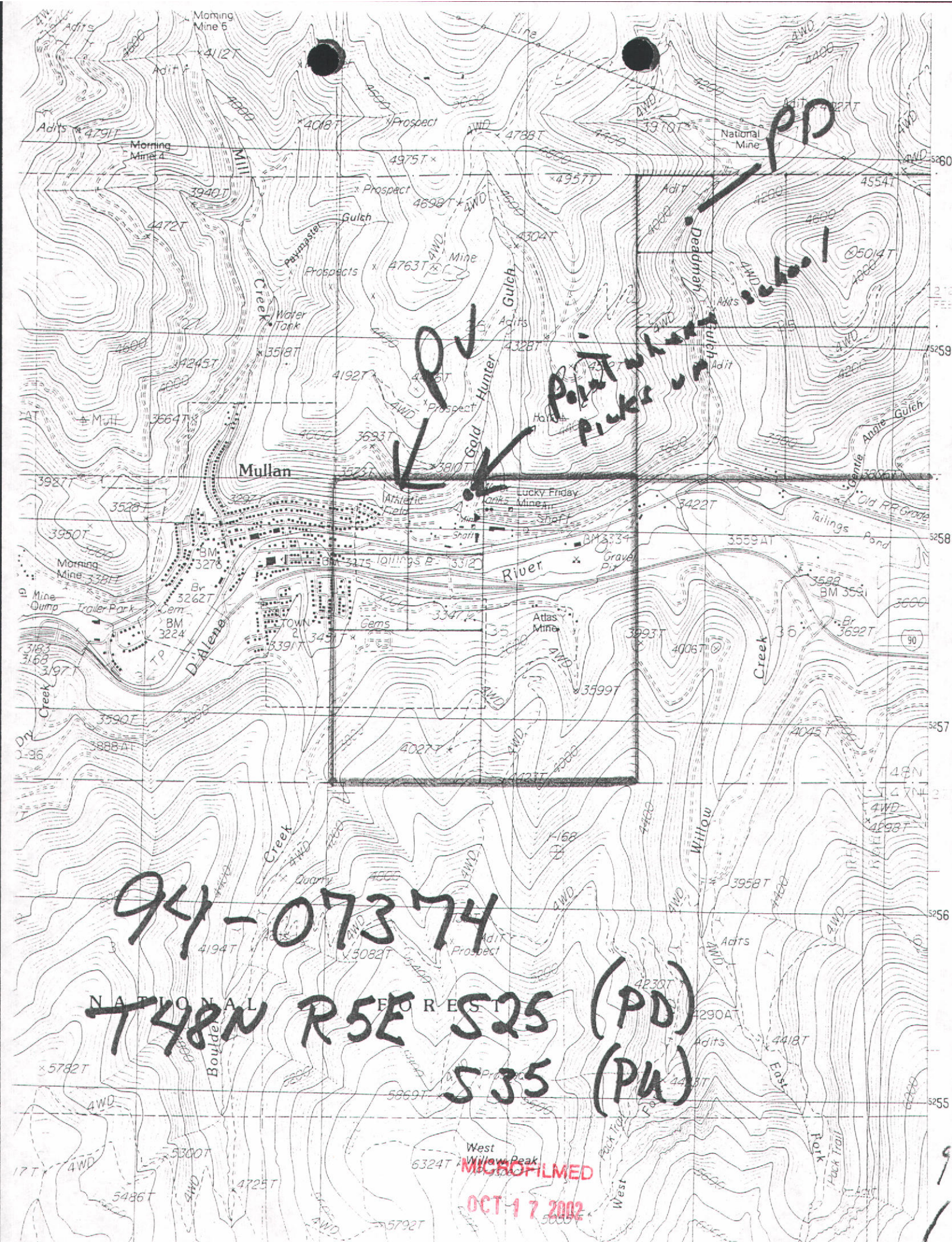
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OCT 17 2002...



94-07374

NATIONAL FOREST
T48N R5E S25 (PD)
S35 (PA)

MICROFILMED
OCT 17 2002

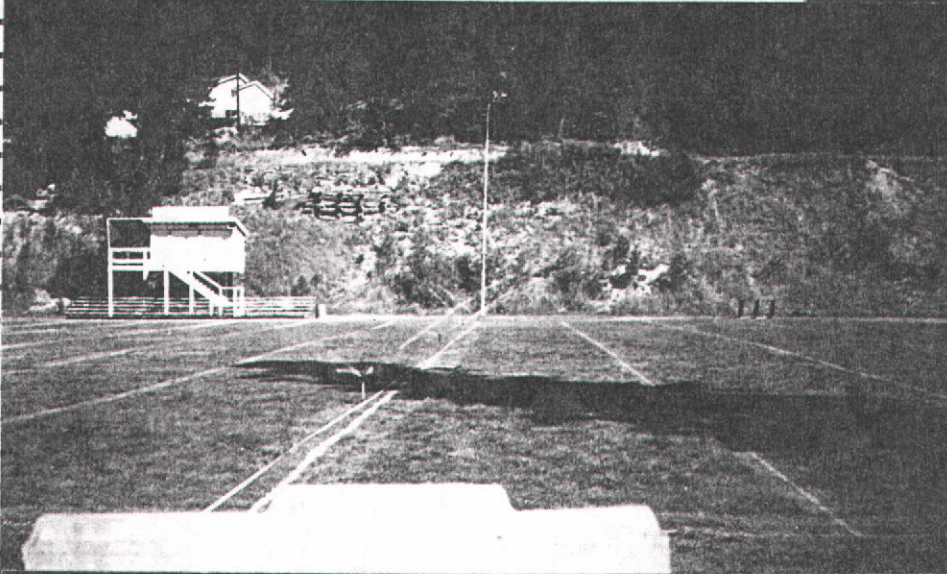


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



Point where school
Tap Hutton's system

94-07374



MICROFILMED
OCT 17 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 94-07374

Priority: February 06, 1998

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 6.0 AF

It is hereby certified that MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 06, 1998; and has
submitted Proof of Beneficial Use on April 13, 1998. An examination indicates that the works have a
diversion capacity of 0.06 cfs of water from:

SOURCE

DEAD MAN CREEK Tributary: SOUTH FORK COEUR D ALENE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	4/15 to 10/31	0.06 CFS	6.0 AF

LOCATION OF POINTS OF DIVERSION:

DEAD MAN CREEK	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 25, Twp 48N, Rge 05E, B.M., SHOSHONE County
DEAD MAN CREEK (Injection)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35, Twp 48N, Rge 05E, B.M., SHOSHONE County
DEAD MAN CREEK (Rediversion)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35, Twp 48N, Rge 05E, B.M., SHOSHONE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 05E 35					1.0	1.0											2.0
Total Acres: 2																	

CONDITIONS OF APPROVAL

1. Water diverted under this right is injected into Gold Hunter Gulch in the NENW, S35, T48N, R05E and is rediverted from Gold Hunter Gulch in the NENW, S35, T48N, R05E.
2. Right 94-02215 is also diverted through the point of diversion described above.
3. Water shall not be diverted under this right when flows in the Coeur d Alene River are below established minimum stream flows.

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OCT 17 2002

State of Idaho
Department of Water Resources
Water Right License

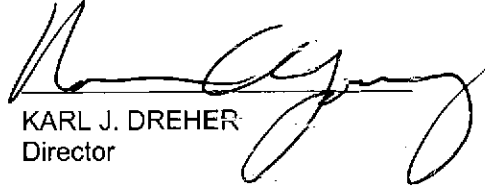
WATER RIGHT NO. 94-07374

4. 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. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of June, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 17 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 94-07374

RECEIVED

JUN 26 2002

Department of Water Resources

Date of Priority: February 06, 1998

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 6.0 AF

Comes now MULLAN SCHOOL DISTRICT NO 392
PO BOX 71

MULLAN ID 83846-0071 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 94-07374, and requests that the permit be changed as follows:

Source: DEAD MAN CREEK Tributary: SOUTH FORK COEUR D ALENE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	4/15 to 10/31	0.06 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEAD MAN CREEK	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 25, Twp 48N, Rge 05E, B.M., SHOSHONE County
DEAD MAN CREEK	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35, Twp 48N, Rge 05E, B.M., SHOSHONE County
(Injection)		
DEAD MAN CREEK	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35, Twp 48N, Rge 05E, B.M., SHOSHONE County
(Rediversion)		

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	05E	35					1.0	1.0											2.0

Total Acres: 2

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 24 day of June, 2002.

Robin Hanley
(Signature & Title)
Superintendent

MICROFILMED

OCT 17 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 94-07374

FOR DEPARTMENT USE ONLY
Preliminary check by 4K Fee \$50⁰⁰ Received by J. Mac # 062963 Date 6-26-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 94-07374 with the following:

CONDITIONS OF APPROVAL

1. Water diverted under this right is injected into Gold Hunter Gulch in the NENW, S35, T48N, R5E and is rediverted from Gold Hunter Gulch in the NENW, S35, T48N, R05E.
2. Right 94-02215 is also diverted through the point of diversion described above.
3. Water shall not be diverted under this right when flows in the Coeur d Alene River are below established minimum stream flows.
4. 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.

Witness my hand this 28th day of June, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 15 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 94-07374 Telephone No. 208-744-1118

2. Name(s) of Permit Holder(s): School District #392

3. Mailing Address: P.O. Box 71; Mullan, Idaho 83846

4. Source of Water: Dead Man Creek If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 2 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Robin Stanley Telephone Number: 208-744-1118

Address: Mullan School District #392; Box 71; Mullan, Idaho 83846

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Robin Stanley Superintendent Date: April 10, 1998
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 12 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 94-07374

Proposed Priority: February 6, 1998

Maximum Diversion Rate:

0.06 CFS

This is to certify, that SCHOOL DISTRICT NO 392

PO BOX 71

MULLAN ID 83846-0071

has applied for a permit to appropriate water from:

DEAD MAN CREEK

tributary of COEUR D ALENE RIVER, S. FORK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 10/15

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 25, Township 48N, Range 05E
SHOSHONE County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

48N 05E 35

NENW 1.0

NWNW 1.0

2.0

Total number of acres irrigated:

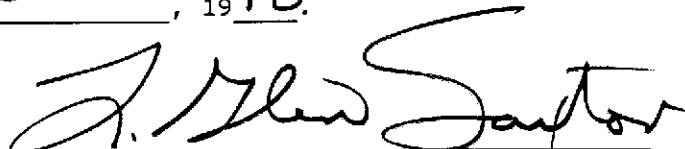
2.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below established minimum stream flows.

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

2nd day of April, 1998.



Karl J. Dreher, Director

for

MICROFILMED

JUN 12 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAR 30 1998

Department of Water Resources

1. Name of Applicant Mullan School District #392 Phone 208-744-1118
Mailing address P.O. Box 71; Mullan, Idaho 83846
2. Source of water supply Dead Man Creek which is a tributary of So. Fk. Coeur d'Alene River
3. Location of point of diversion is Township 48N Range 5E Sec. 25, in the SW 1/4,
NW 1/4, 1/4, Govt. Lot _____, B.M., _____ Shoshone County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .06 for irrigation purposes from 3/15 to 10/15 (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)
 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .06 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Existing Hecla diversion system will be tapped with a 4" line to supply water to the field
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? N/A
 - e. If well is already drilled, when? N/A; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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JUN 12 1998

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

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

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

TWP	RGE	SEC	SECTION											
48N	5E	35												
			NE				NW				SE			
			NE				NW				SE			
			NE				NW				SE			
			NE				NW				SE			
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			NE				NW				SE			

Total number of acres to be irrigated

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

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

Hecla Mining Company

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Mullian School District leases the area of the football field from the Hecla

12. Remarks: Mining Company. The school district also has an agreement to cross Hecla

properly with the water line. The head end of the line will pick up the overflow water from the lucky Friday water tank and use the water to irrigate the football and baseball fields.

Football and baseball fields.

BE IT KNOWN that the undersigned here
of the State of Idaho as herein set forth.

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

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

8661 7 1 1971

Signature of Applicant (and title, if applicable)
Superintendent

Date 2/6/98 Time 11:35a

Received by _____
Fee \$ 50.00

Publication prepared by
Date

Date 2-25-88

Date _____

318198

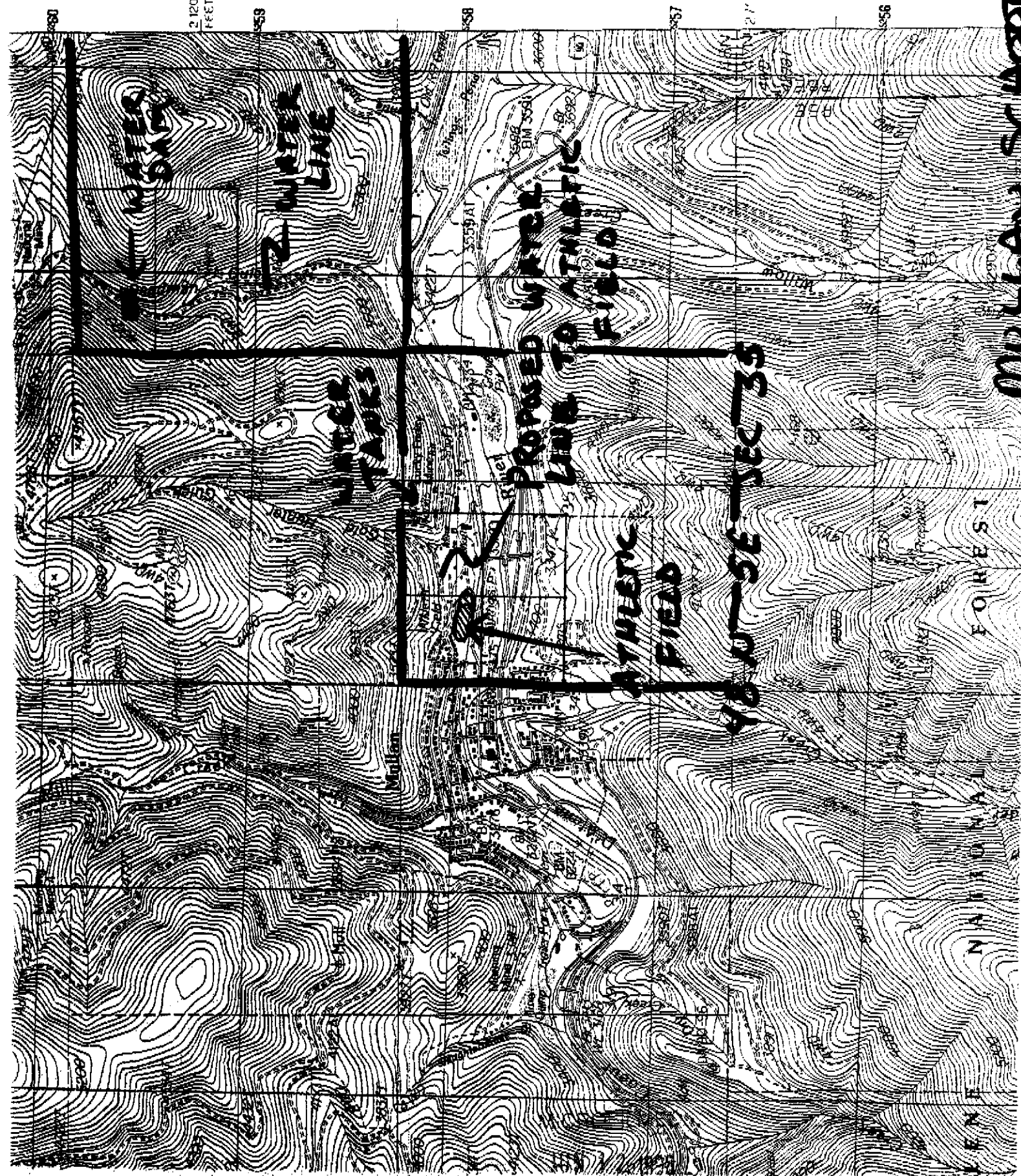
Received by #

2081102

Date

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MOULAN SCHOOL DIST.

RECORDING REQUESTED BY & RETURN TO:

Mullan School District No. 392

P.O. Box 71

Mullan ID 83846

380742

RECEIVED
DEC 15 1997
MULLAN SCHOOL
DISTRICT

GRANT OF EASEMENT FOR WATER PIPELINE

THIS CONVEYANCE, made and entered into this 5th day of December 1997, is from HECLA MINING COMPANY, a Delaware corporation, with an address of 6500 Mineral Drive, Coeur d'Alene, Idaho 83815-8788 ("Grantor") to MULLAN SCHOOL DISTRICT NO. 392, a municipal corporation, with an address of P.O. Box 71, Mullan, Idaho 83846 ("Grantee").

WHEREAS, Grantor owns certain land situated in the Northwest Quarter of Section 35, Township 48 North, Range 5 East, in Shoshone County in the State of Idaho (the "Property"); and

WHEREAS, Grantee wishes to construct a water pipeline, together with the necessary supporting structures, underground foundations markers, fixtures and other necessary or convenient appurtenances connected therewith (the "Water Pipeline") across the Property for the purpose of supplying irrigation water to the athletic field;

NOW, THEREFORE, Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the Grantee, and other good and valuable consideration, receipt of which is hereby acknowledged, does by these presents grant, subject to the terms and conditions contained herein, to Grantee, its successors and assigns, a fifteen-foot (15') wide non-exclusive easement and right of way to install, construct, alter, maintain, inspect, repair, reconstruct and operate the Water Pipeline, at Grantee's sole cost and expense, on, across, over, upon and through the Property, from the water overflow tank owned by Grantor on Hunter Creek, to the athletic field in the Hunter Ranch area, also owned by Grantor and leased to the City of Mullan pursuant to the surface lease dated August 1, 1961 (the "Easement"), as shown in the map labeled Exhibit A, attached hereto and by this reference made a part hereof.

The Easement shall be subject to the following terms and conditions:

1. **Use and Term.** Grantee shall have and hold the rights hereby granted and conveyed so long as it uses and maintains the Easement for the purpose stated herein, and the rights granted herein shall terminate upon Grantee's discontinuance of such use or maintenance for a period of one (1) year.

2. **Easement in Gross.** The Easement shall be an easement in gross and shall not benefit, burden or run with any real property adjacent thereto.

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JUN 12 1998

380742

3. **Access.** Grantee, its successors and assigns shall have the right to reasonable ingress and egress over the Easement and the Property for the purpose of installing, constructing, repairing, renewing, altering, changing, patrolling and operating the Water Pipeline.

4. **Liability.** Grantee, its successors and assigns shall compensate Grantor for all actual damage to the Property or to Grantor's personal property or existing structures caused by the actions or omissions of Grantee or Grantee's contractors, employees or agents in the course of installation, construction, maintenance, operation or repair of the Water Pipeline or the exercise of any other rights herein set forth.

5. **Indemnification.** Grantee, its successors and assigns shall indemnify Grantor at all times and hold harmless Grantor, its successors and assigns from any and all demands, claims causes of action or judgments and all expenses (including, without limitation, attorneys' fees) incurred in investigating or resisting the same, by reason of any injury or loss of life to any person or damage to any property caused by or arising out of the installation, construction, maintenance, operation or repair of the Water Pipeline by Grantee or the exercise or performance of any other rights herein set forth.

6. **Relocation of Easement.** In the event Grantor determines at any time and from time to time it is necessary to relocate any portion of the Water Pipeline or appurtenances, in order to develop, mine or process minerals owned by Grantor on property included in or adjacent to the Property, then on sixty (60) days written notice, Grantee agrees to relocate said Water Pipeline and appurtenant facilities to a location mutually acceptable to Grantor and Grantee, relocation costs to be borne by Grantee. Grantor and Grantee shall execute any amendatory documents necessary or expedient as a result of such relocation.

7. **Restrictions on Grantor's Use.** Subject to Paragraph 6, Grantor, within the Easement, shall not erect or construct, nor permit to be erected or constructed, any building or structure, nor permit any activity, which is inconsistent with Grantee's use of the Easement permitted pursuant hereto.

8. **Removal of Obstructions.** Grantee, its successors and assigns shall have the right to remove or clear any combustible materials, trees, brush, debris, or any other obstruction from the Easement, which in the judgment of Grantee may interfere with or endanger the installation, construction, operation, repair and maintenance of the Water Pipeline. Any subsequent grants of easement rights shall not unreasonably interfere with the rights herein.

9. **Compliance with Laws.** Grantee, its successors and assigns shall comply with all laws, statutes, ordinances, orders that may apply, including but not limited to, environmental constraints.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments, and appurtenances thereunto belonging or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

MICROFILMED

-2- JUN 12 1998

380742

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have caused these presents duly to be executed the day and year first above written.

HECLA MINING COMPANY,
a Delaware corporation

By: Michael B. White
Michael B. White
Vice President

ATTEST

By: Nathaniel K. Adams
Nathaniel K. Adams
Assistant Secretary

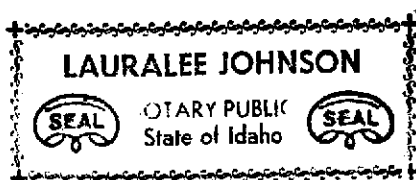
MULLAN SCHOOL DISTRICT NO. 392,
a municipal corporation

By: Robin Stanley
Title: Superintendent / CEO
Print Name: Robin Stanley

STATE OF IDAHO)
County of Kootenai) ss.

ON THIS 5th day of DECEMBER, 1997, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Michael B. White and Nathaniel K. Adams, known or identified to me to be the Vice President and the Assistant Secretary, respectively, of HECLA MINING COMPANY, the officers who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



LauraLee Johnson
Notary Public
Residing at Post Falls
My Commission Expires: March 17, 1999

380742

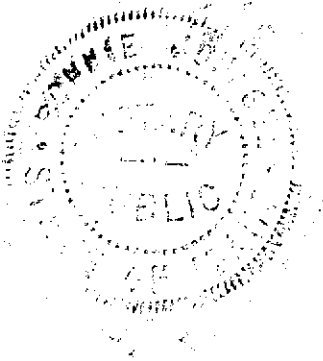
STATE OF IDAHO)

) ss.

County of Shoshone)

ON THIS 10th day of December, 1997, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Robin Harley, known or identified to me to be the Superintendent of MULLAN SCHOOL DISTRICT NO. 392, the individual who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



Bonnie Johnson
Notary Public

Residing at Kingston

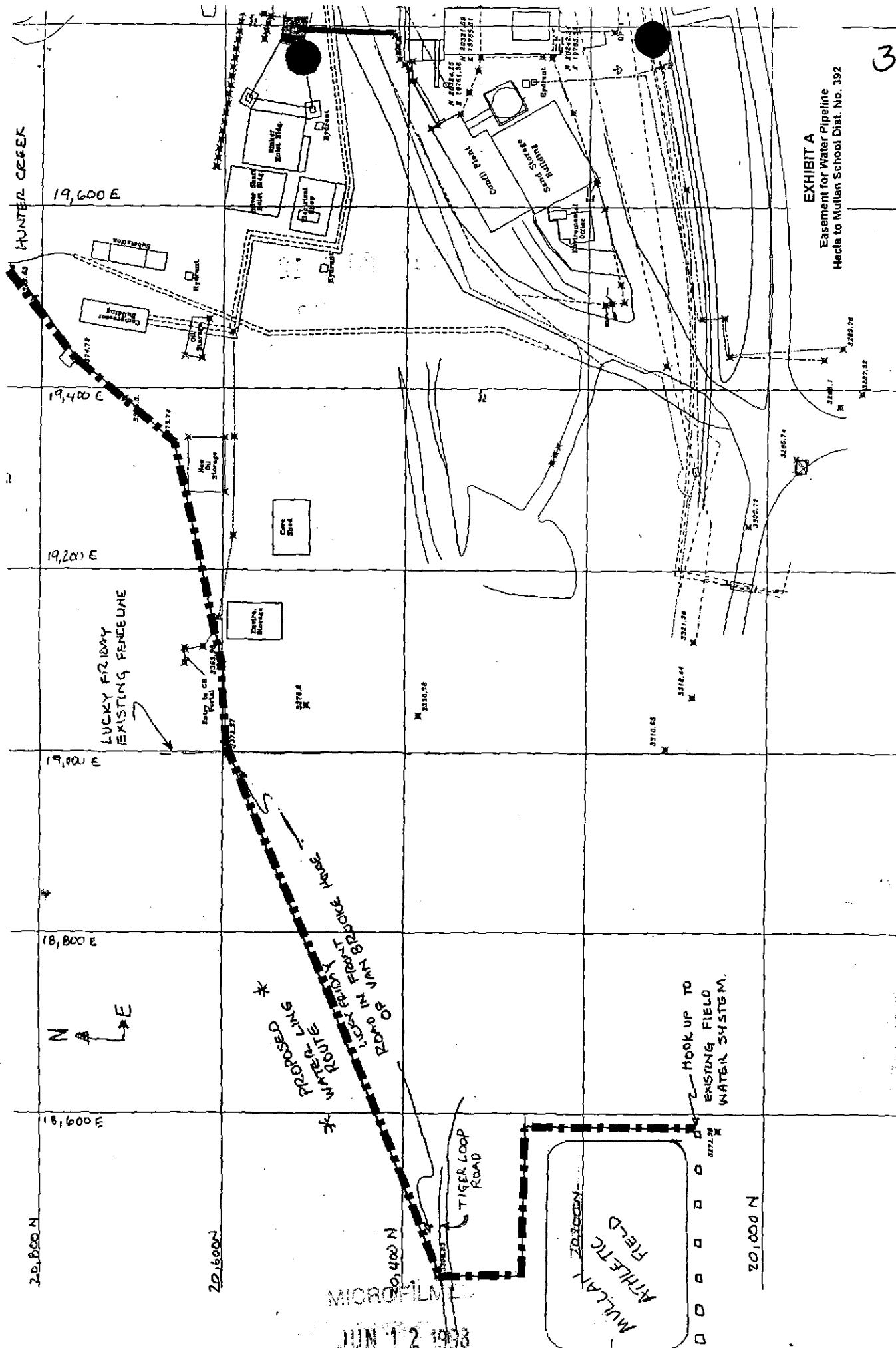
My Commission Expires: 9/20/99

RECORDED

-4-

JUN 12 1998

EXHIBIT A
Easement for Water Pipeline
Hecla to Mullan School Dist. No. 392



RECORDED
at the request of

380742

MULLAN SCHOOL DISTRICT NO. 392

BY

FILED

DEEDS

RETURN TO

MULLAN SCHOOL DIST NO. 392 '97 DEC 10 PM 1 12

P.O. BOX 71

MULLAN, ID 83846

MARCIA WINGFIELD

SHOSHONE CITY RECORDER
BY *[Signature]* DEPUTY

15.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 5, 2002

MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071

RE: License No. 94-7374 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

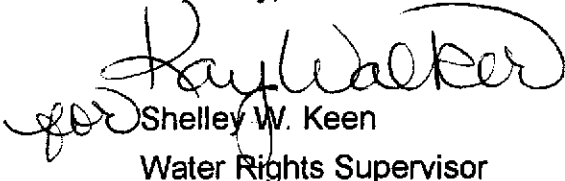
The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

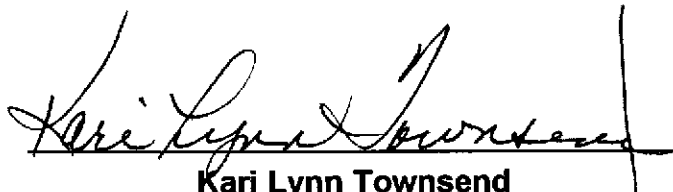
OCT 17 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 94-7374

**MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071**


**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 17 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

MICROFILMED
OCT 17 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071

RE: Water Right Permit No. 94-07374

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

Point(s) of Diversion

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

*per phone con 6/24/02 -
form & fee will
be submitted.
KW*

MICROFILMED

OCT 17 2002

LICENSE REVIEW CHECKLIST

Permit No. 94-7374 Date: 6-20-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none at p/u

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.06 cfs

Fee Limit 0.20 cfs

Measured _____ cfs

Theoretical 0.06 cfs

Recommended Total Diversion Rate 0.06

Water Uses OK

Change (P46)

Season of Use per new Standards

4/15 10/31

Irrigation 0.06 cfs 6.0 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.06 cfs 6.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

Supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.06 cfs x 1.9835 x 200 days = 23.8 af (vs) 2 acres x 3.0 (FHR) = 6.0 af
2.0 (con)

Remarks: _____

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A

Adjust memo _____

Amend Letters P49 P87, S06

Second Amendment Notice _____ S06

OCT 5 - 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT (DWR/North)

RECEIVED

JUL 03 2000 SEP 16 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No.

94-07374

1. Owner:

School District #392

Phone No.

(208) 744-1118

Current Address:

P.O. Box 71 Mullan Id. 83846-0071

2. Accompanied by:

Robin Stanley

EXAM DATE:

9-10-99

Address:

Same as above

Phone No.

Relationship to Permit Holder:

Superintendent

3. Source:

Dead Man Creek

tributary to

Coeur D'Alene River S. Fork

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NW	25	48N	05E	Shoshone	USGS 7.5 min Quad
Rediversion			NE	NW	35	48N	05E	11	11

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	
48N	05E	35					01	01											2

MICROFILMED

OCT 5 7 2002

2. Measurements:

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

D. FLOW MEASUREMENTS

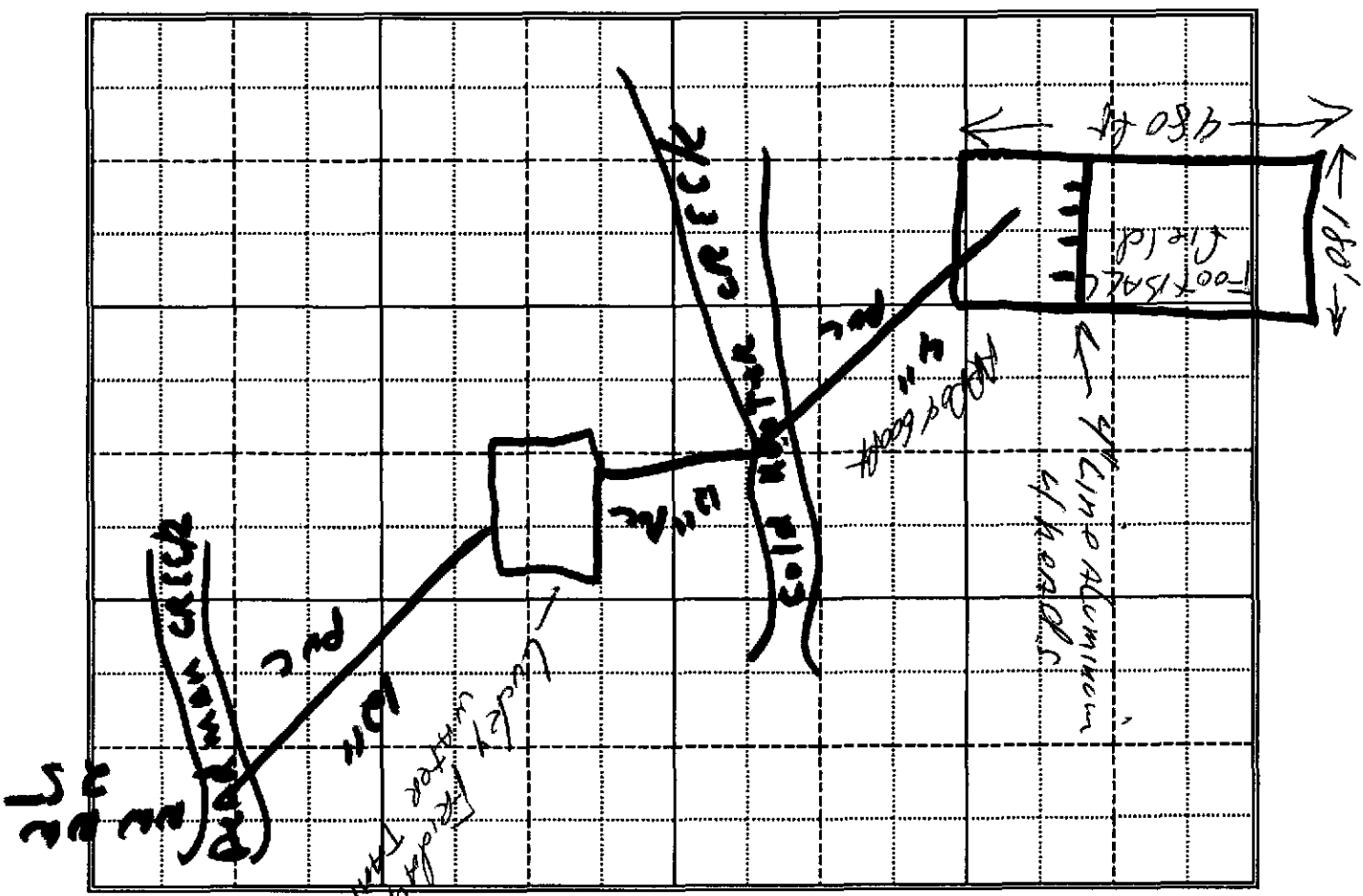
*Code to correspond with No. on map and aerial photo

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

4.

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

Scale: 1" = 1125'



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

E. NARRATIVE/REMARKS/COMMENTS

Point of Diversion owned by Helia
Mining Co. School picks up overblow
from tanks to irrigate foot ball field

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

MICROFILMED
OCT 17 2002

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached
 5 gal bucket 79 pm x 4 heads = 289 pm
 $289 \times 1.33681 = 386.35$
 60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 3 = 6$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 106 \times 214 \times 1.9835 = 255$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 6$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Longaker

Period of Use

From 03-15 To 10-15

Rate of Diversion

Q (cfs) 1.06

Annual Volume

V (afa) 6

2. Recommended Amendments

Change P.D. as reflected above
 Change P.U. as reflected above

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

I. AUTHENTICATION

Field Examiner's Name

Wayne B. Baker

Date

9-14-99

Reviewer

Date

SEAL

MICROFILMED

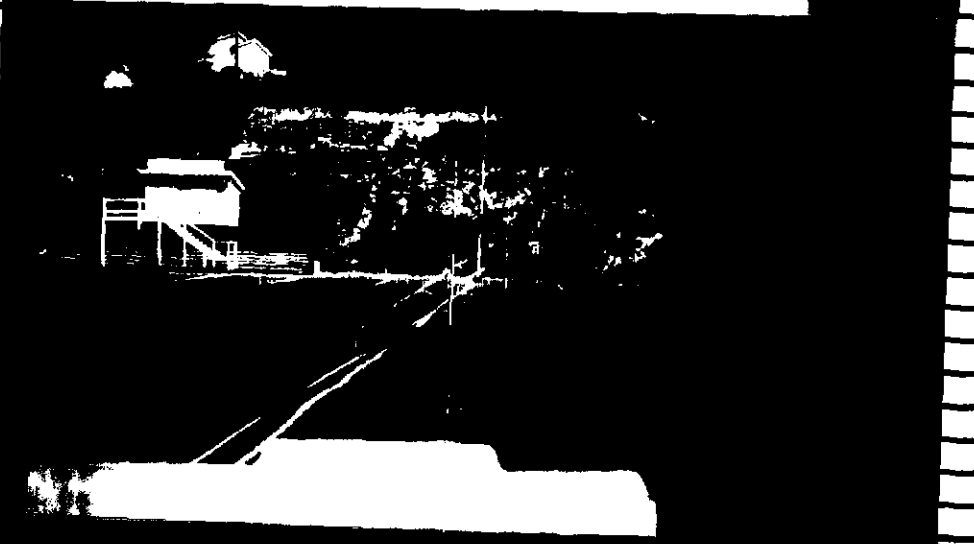
2021 11 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT

Part of where before
the Hager's system

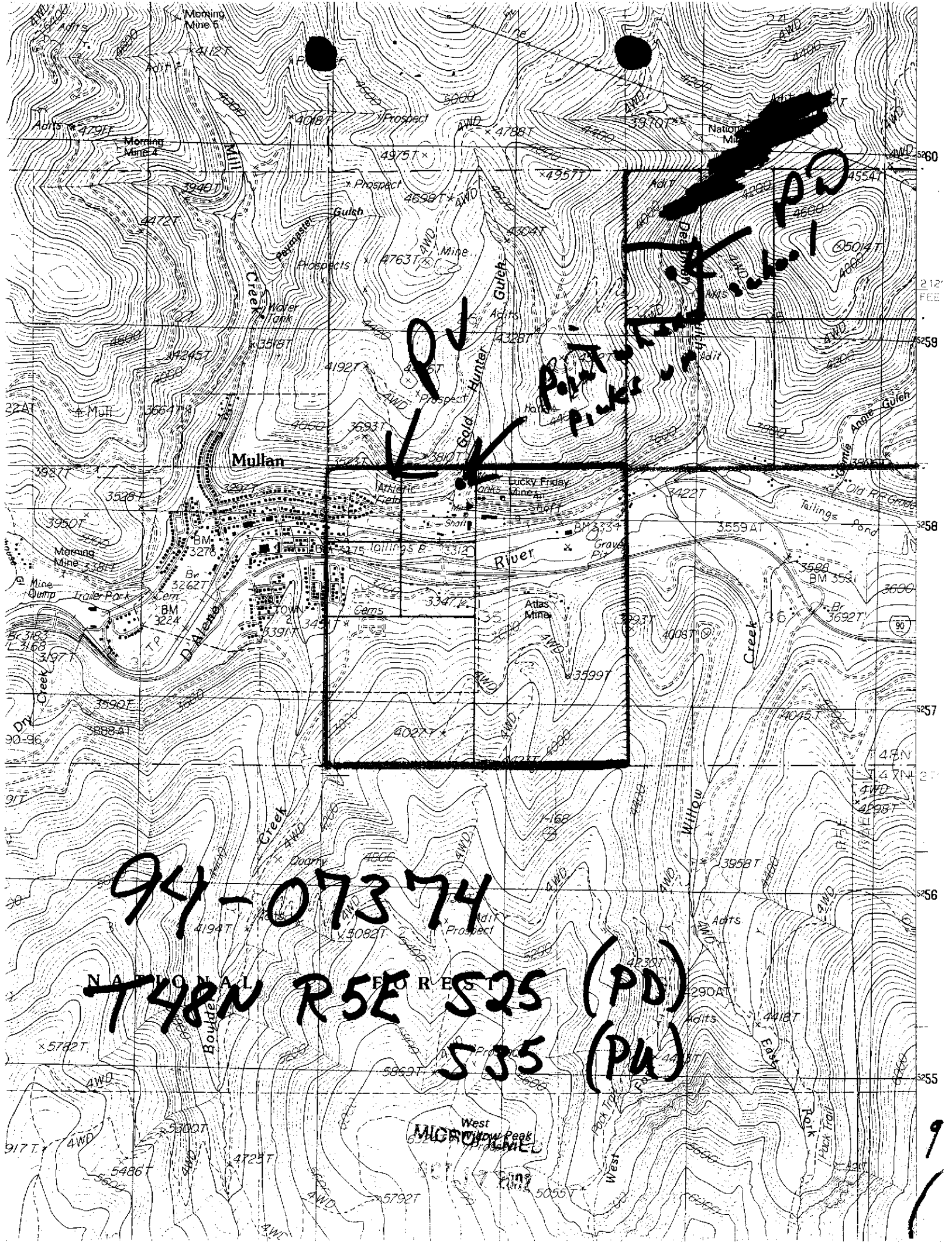
84-0734



pd

pd

MICROFILMED
OCT 17 2002...



MEMORANDUM

DATE: June 29, 2000

TO: Al Beardslee

FROM: Shelley W. Keen *(SWK)*

RE: Re-exam for 94-07374

I am returning the exam for 94-07374 because the relationship between this water use and the use under water right 94-02215 is not clearly explained. Another visit with the school district would probably result in a better license.

Should the source for 94-07374 be Deadman Gulch Creek, or waste water? The application says the school district will pick up "the overflow from the Lucky Friday water tank", which is on the Hecla system under Right 94-02215. The agreement between the school district and Hecla grants an easement for a water line, but the examiner's photo seems to show water from Hecla's system wasting/returning to a natural channel, perhaps Gold Hunter Gulch, and then being rediverted by the school district. What would happen if Hecla ceased using water under 94-02215? Would the school district's right be of no value because the school is entitled only to the overflow/waste water from Hecla? Or could it divert its water right from Deadman Gulch Creek through Hecla's diversion system? And why is there overflow water from Hecla's system? Is Hecla diverting more than it can beneficially use, or is the water return flow from a non-consumptive use?

If you conclude that the school district right is for Deadman Gulch Creek, then is the examiner's point of diversion description correct? It appears from the exam report that the examiner did not visit Deadman Gulch Creek. Right 94-02215 authorizes several points of diversion from Deadman Gulch Creek. None of them match the diversion point recommended by the examiner for 94-07374. Are all the points of diversion in use? Should they all be points of diversion for 94-07374? Should we describe points of injection and points of rediversion from Gold Hunter Gulch Creek?

MICROFILMED
OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 16 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 94-07374

1. Owner: School District #392 Phone No. (208) 744-1118

Current Address: P.O. Box 71 Mullan Id. 83846-0071

2. Accompanied by: Robin Stanley EXAM DATE: 9-10-99

Address: Same as above Phone No. _____

Relationship to Permit Holder: Superintendent

3. Source: Dead Man Creek tributary to Coeur d'Alene River S. Fork

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	25	48N	05E	Shoshone	USGS 7.5 min Quad

2. Place(s) of Use:

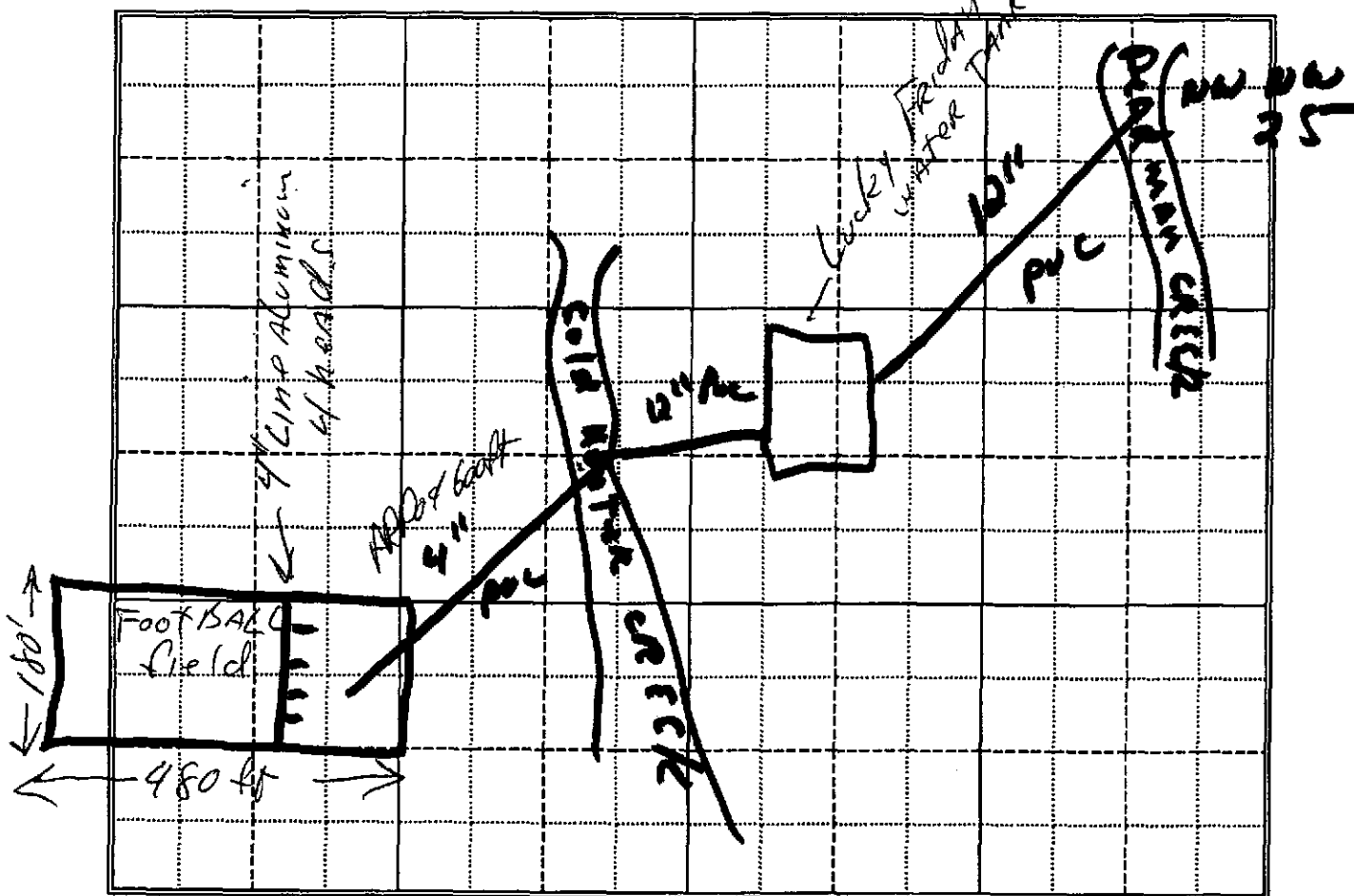
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	05E	35					01	01											2

MICROFILMED

OCT 17 2002

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



Scale: 1" = 100 ft.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

*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:

MICROFILMED

OCT 17 2002

E. NARRATIVE/REMARKS/COMMENTS

Point of Diversion owned by Hecla
Mining Co. School picks up overflow
from tanks to irrigate foot ball field

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

MICROFILMED
OCT 17 2002

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$59A \text{ bucket } 79 \text{ pm } \times 4 \text{ heads } = 289 \text{ pm}$$

$$\frac{289 \times 1.33681}{60} = 1.06 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 3 = 6$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.06 \times 219 \times 1.9835 = 25.5$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	03-15	10-15	1.06	6
Totals:			1.06	6

2. Recommended Amendments

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

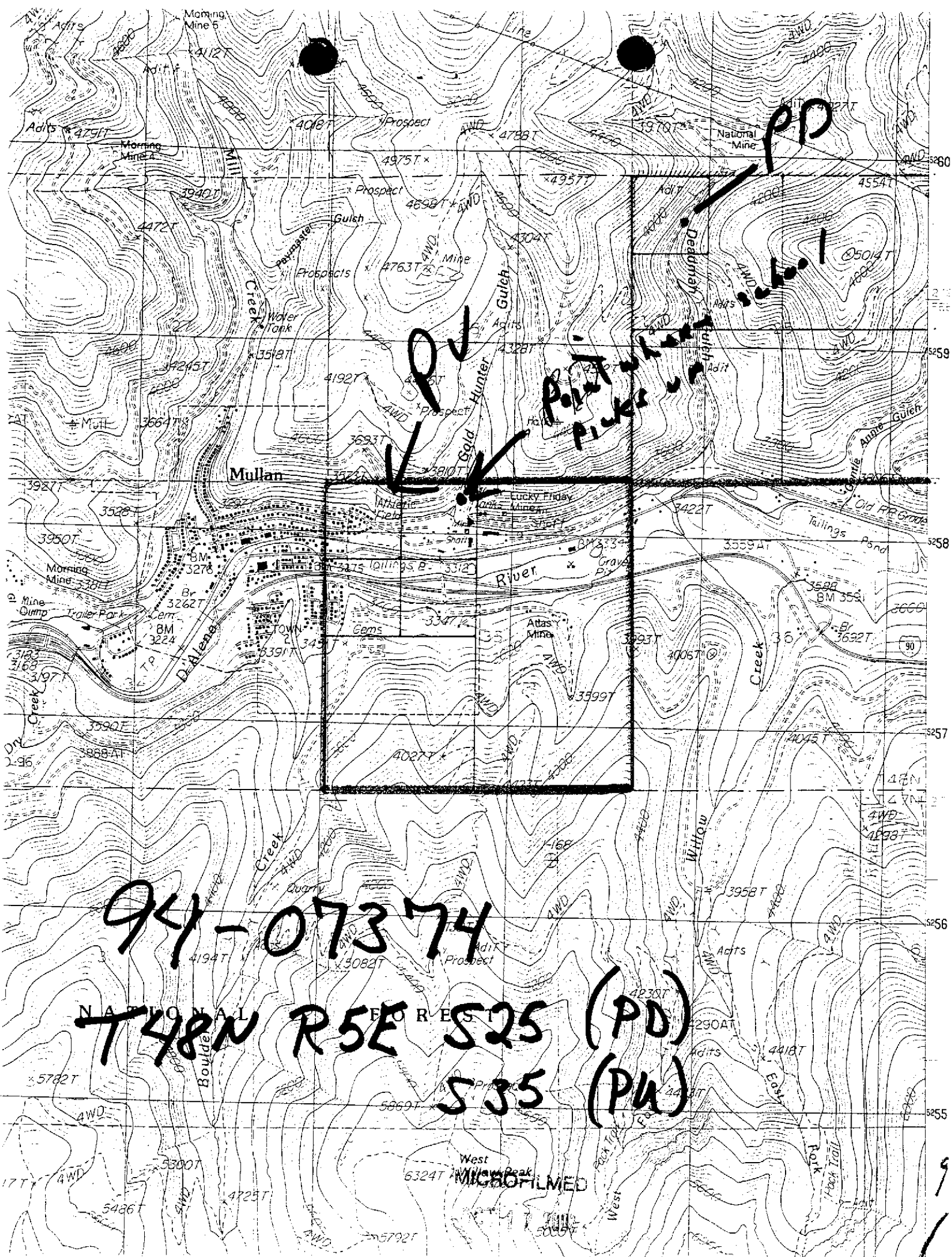
I. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 9-14-99

Reviewer _____ Date _____

SEAL

MICROFILMED

JUL 17 2002

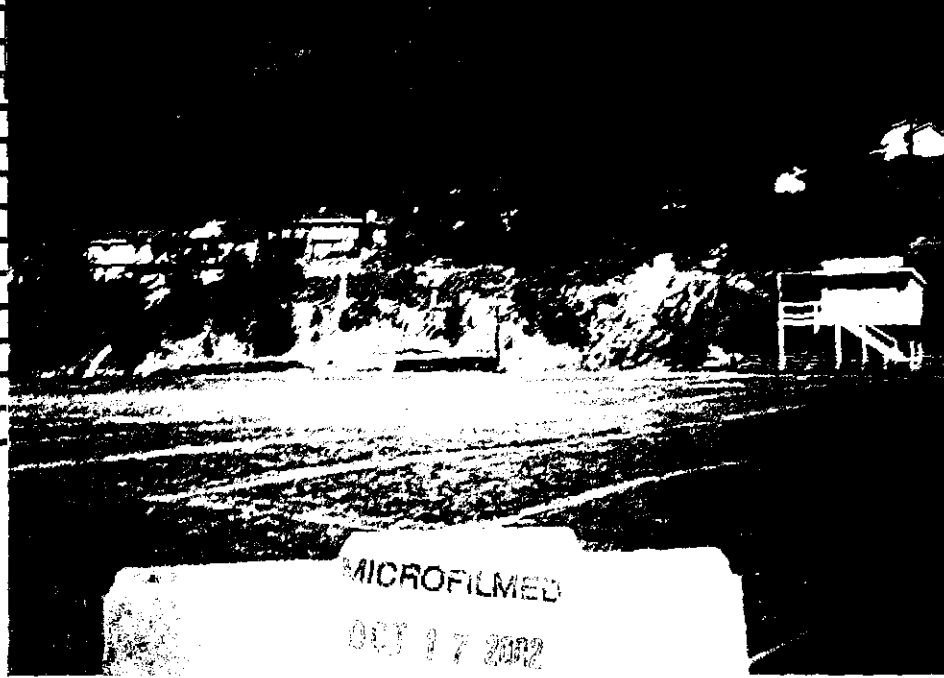


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT

Cal + where before
the Helms system

94-0734



pu

pu

MICROFILMED
OCT 17 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

June 8, 1998

KARL J. DREHER
DIRECTOR

School Dist No 392
PO Box 71
Mullan ID 83846-0071

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 94-07374

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUN 12 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 94-07374 Reviewed by [Signature] Date 6-8-98

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
ND Required?
/ Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 4-3-98



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

April 2, 1998

PHILIP E. BATT
GOVERNOR

SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 94-07374

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

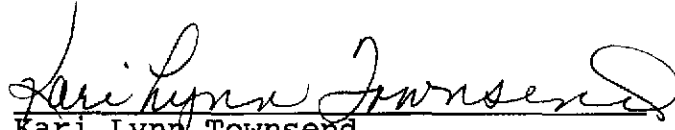
MICROFILMED
JUN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 94-07374

SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN ID 83846-0071


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 12 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*No.: 94-07374 Name: Mullen School Dist Date: 4/1/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

#392

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 CAAR, 94-7341

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22-P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

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

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

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

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

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

LOCATION:

~~42-248 area~~

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

Boise Front LoGeo

- 058 (≤85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 025 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) agreement

OTHER CONDITIONS:

STANDARD REMARKS:

- ID WB9

BENEFICIAL USE DUE:

- 4/1/1999

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WR1
WRA
BC

MAR 30 1998

APPLICATION # 94-7374

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: MULLAN

BY: [Signature]

DATE: 2/6/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
(X) Signature
(X) Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ___ X Field check: by _____
 ___ X Field report attached
 ___ X Analysis Supp. attached(>5cfs/500af)
 ___ X Water delivered by water master?
 Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 2/6/98

___ X (Include Moratorium Remark)

___ X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: SANDHOGG County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
___ <u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
___ <u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
___ <u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()

- ___ 1 Groundwater management area
 ___ 1 Critical ground water area
 ___ 1 Well Drilling Permit required
 ___ 1 Well Drilling Application and Fees received
 ___ 1 Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ___ Notice of pending void order issued. Final order response date: ___/___/___
 ___ Further information required from applicant
 3/18 ___ Affidavit of publication received
 3/18 ___ Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application | Sr. Agent initial [Signature]

Protests received, Final protest date: 3/23/98

Measuring device required

Measuring port required

Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 3/20/98

NOTICE OF APPLICATION FOR WATER RIGHT

94-07374
MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN, ID 83846
Source: DEAD MAN CREEK
Tributary: SOUTH FORK COEUR D
ALENE RIVER
Division Pt: NWNW Sec 25 T 48N R 05E
in SHOSHONE County.
Use: IRRIGATION (0.060 CFS)
Total Division: (0.060 CFS)
Date Filed: 2/6/1998
In: SHOSHONE County T48N R05E S35
NENW NWNW
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before MARCH 23, 1998.

PROOF OF PUBLICATION

Idaho Dept. of Water Resources
Northern Region
Suite #210, 1910 Northwest Blvd.
Coeur d'Alene, Idaho 83814

RECEIVED
MAR 18 1998
NORTHERN REGION
IDWR

s/ Daniel C. Drewry, being first duly sworn deposes and says: SHOSHONE NEWS-PRESS, a daily newspaper of general circulation in said county, published in the city of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of this notice hereinafter described, and that the

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of two (2) consecutive weeks/days, the first publication thereof being in the issue dated 3/5/98-3/12/98

STATE OF IDAHO

COUNTY OF Shoshone

On this 13th day of March in the year of 1998, before me a Notary Public, personally appeared Daniel C. Drewry known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing in Kellogg, Idaho
My Commission expires:
~~10/17/2000~~

ABSTRACT

94-07374

MULLAN SCHOOL DISTRICT NO 392
PO BOX 71
MULLAN, ID 83846

Source: DEAD MAN CREEK

Tributary: SOUTH FORK COEUR D ALENE R

Diversion Pt: NWNW Sec 25 T 48N R 05E in SHOSHONE County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 2/ 6/1998

In: SHOSHONE County
T48N R05E S35 NENW NWNW

2.0 ACRES TOTAL

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JUN 12 1998

February 25, 1998

Robin Stanley, Superintendent
Mullan School District #392
PO Box 71
Mullan ID 83846

Re: Water Appropriation Application No. 94-07374

Dear Superintendent Stanley:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N011802.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

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JUN 12 1998

State of Idaho Department of Water Resources

Water Permit Fee

Drager Field

\$50.00

RECEIVED

FEB 06 1998

NORTHERN REGION
IDWR

MICROFILMED

JUN 12 1998

February 5, 1998