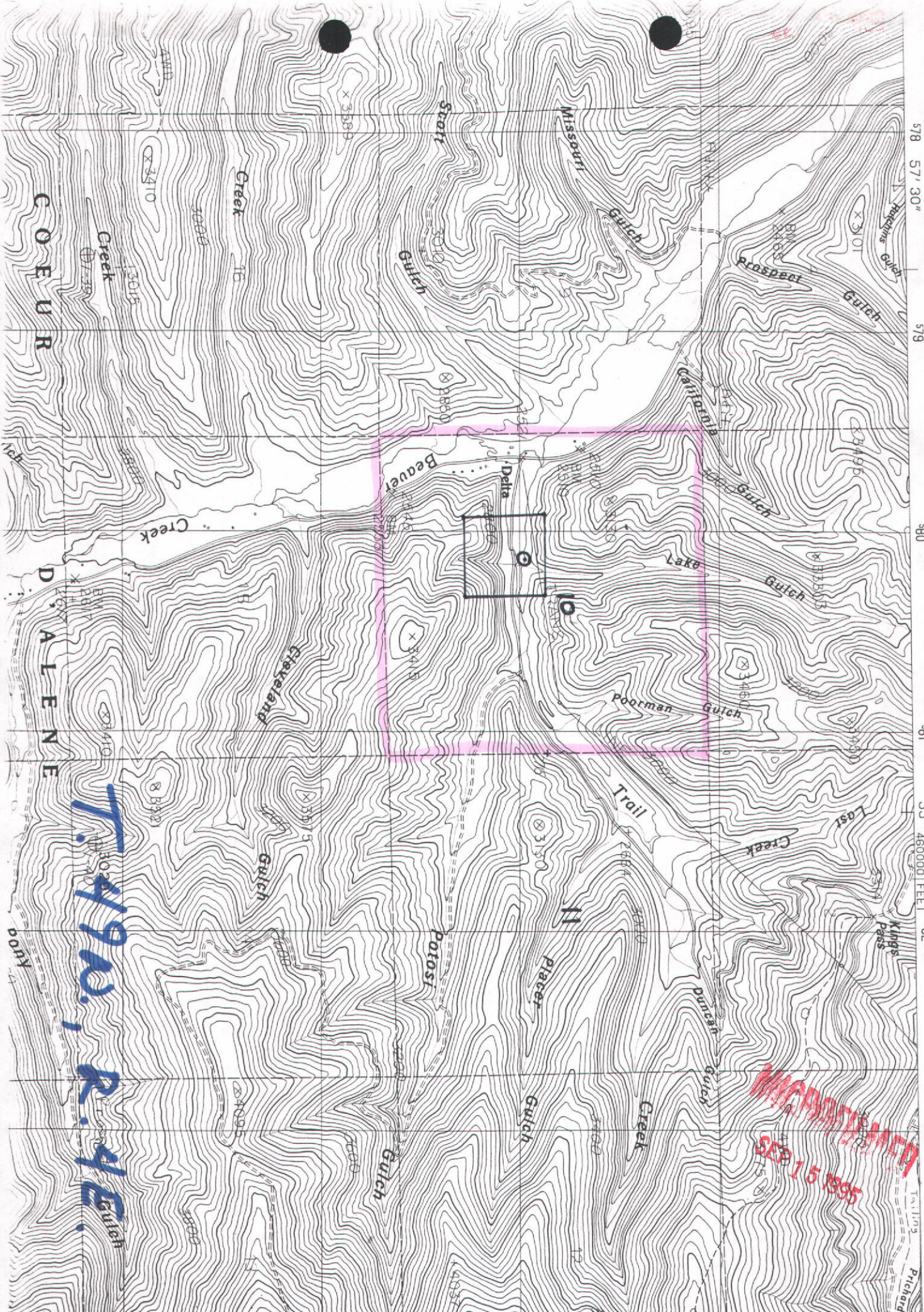
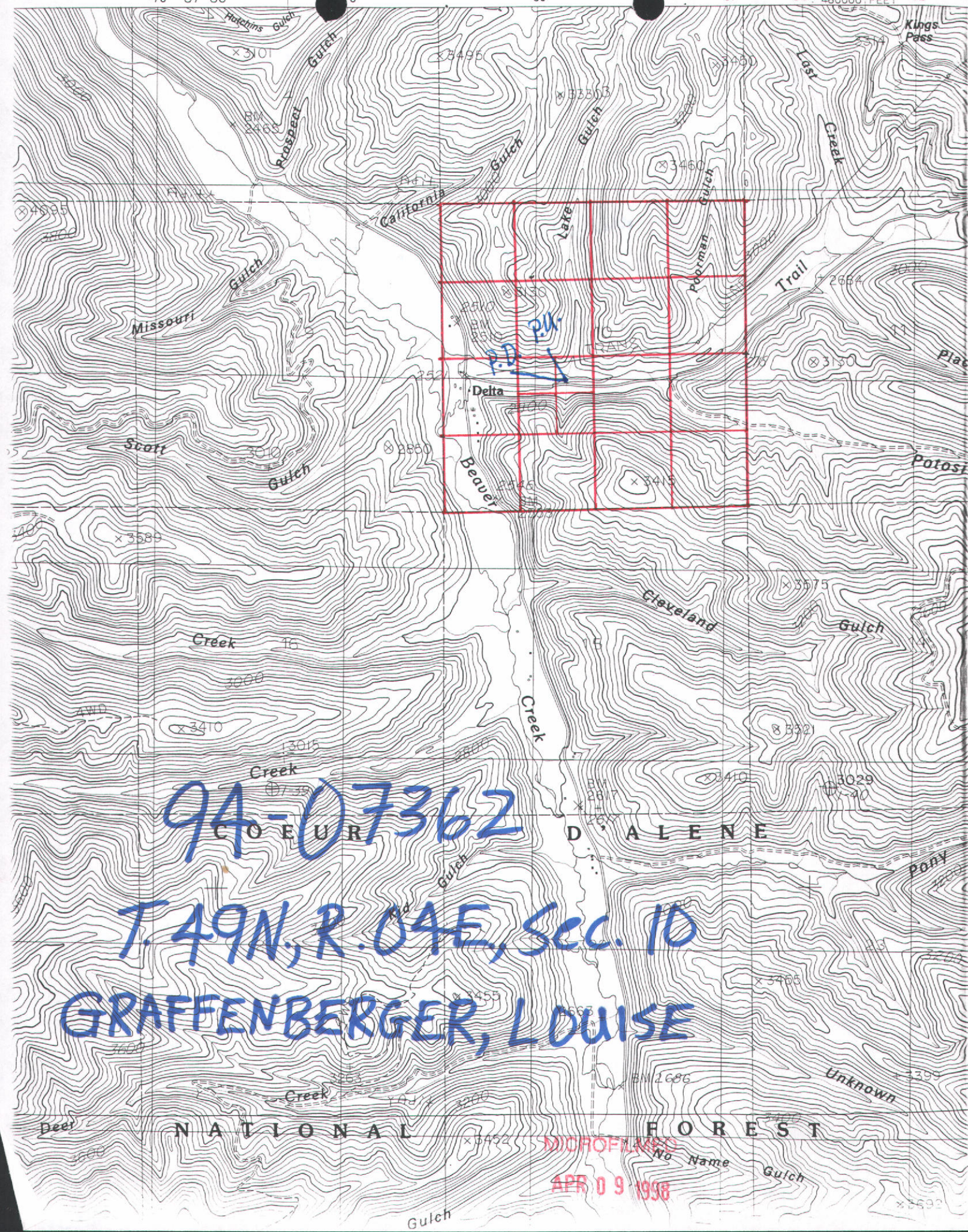




COEUR  
D'ALENE

T. 49N., R. 4E.

NOT REPRODUCED  
SEP 15 1995



PERMIT # 94-07362

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Diversion From  
Trail Creek



Diversion  
Storage

MICROFILMED

APR 09 1998

PERMIT #

94-07362

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



4" pipe from  
pump to Sluice



Place of Use

Sluice used to "wash"  
diggings to separate  
gold particles

MICROFILMED

APR 09 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 94-07362

Priority: June 27, 1995

Maximum Diversion Rate:

0.16 CFS

Maximum Diversion Volume:

0.9 AF

This is to certify, that LOUISE GRAFFENBERGER

PO BOX 403

OSBURN ID 83849-0403

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1995; and has submitted Proof of Beneficial Use on July 23, 1996. An examination indicates that the works have a diversion capacity of 0.160 cfs of water from:

TRAIL CREEK

tributary to BEAVER CREEK

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| MINING                | 01/01 to 12/31       | 0.16 CFS                 | 0.9 AF               |

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 10, Township 49N, Range 04E  
SHOSHONE County

PLACE OF USE: MINING

TWN RGE SEC

49N 04E 10

NESW

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MICROFILMED

APR 05 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 94-07362

## CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 22<sup>TH</sup>  
day of FEBRUARY, 1998.

  
Acting for KARL J. DREHER, Director

MICROFILMED

APR 09 1998

**JUL 25 1996**

## 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. 94-07362 Telephone No. 752-9022

2. Name(s) of Permit Holder(s): LOUISE GRAFFENBERGER

3. Mailing Address: P.O. Box 403 OSBORN ID 838490403

4. Source of Water: TRAIL 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): \_\_\_\_\_ Other: MINING

6. Total rate of diversion and/or volume for which proof is submitted: 2.0 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 |
|-------------------|---------------------------------|-----|----|----|
| 1                 | 1                               |     |    |    |
| 2                 | 2                               |     |    |    |
| 3                 | 3                               |     |    |    |
| 4                 | 4                               |     |    |    |
| 5                 | 5                               |     |    |    |
| 6                 | 6                               |     |    |    |
| 7                 | 7                               |     |    |    |
| 8                 | 8                               |     |    |    |
| 9                 | 9                               |     |    |    |
| 10                | 10                              |     |    |    |
| 11                | 11                              |     |    |    |
| 12                | 12                              |     |    |    |
| 13                | 13                              |     |    |    |
| 14                | 14                              |     |    |    |
| 15                | 15                              |     |    |    |
| 16                | 16                              |     |    |    |
| 17                | 17                              |     |    |    |
| 18                | 18                              |     |    |    |
| 19                | 19                              |     |    |    |
| 20                | 20                              |     |    |    |
| 21                | 21                              |     |    |    |
| 22                | 22                              |     |    |    |
| 23                | 23                              |     |    |    |
| 24                | 24                              |     |    |    |
| 25                | 25                              |     |    |    |
| 26                | 26                              |     |    |    |
| 27                | 27                              |     |    |    |
| 28                | 28                              |     |    |    |
| 29                | 29                              |     |    |    |
| 30                | 30                              |     |    |    |
| 31                | 31                              |     |    |    |
| 32                | 32                              |     |    |    |
| 33                | 33                              |     |    |    |
| 34                | 34                              |     |    |    |
| 35                | 35                              |     |    |    |
| 36                | 36                              |     |    |    |
| 37                | 37                              |     |    |    |
| 38                | 38                              |     |    |    |
| 39                | 39                              |     |    |    |
| 40                | 40                              |     |    |    |
| 41                | 41                              |     |    |    |
| 42                | 42                              |     |    |    |
| 43                | 43                              |     |    |    |
| 44                | 44                              |     |    |    |
| 45                | 45                              |     |    |    |
| 46                | 46                              |     |    |    |
| 47                | 47                              |     |    |    |
| 48                | 48                              |     |    |    |
| 49                | 49                              |     |    |    |
| 50                | 50                              |     |    |    |
| 51                | 51                              |     |    |    |
| 52                | 52                              |     |    |    |
| 53                | 53                              |     |    |    |
| 54                | 54                              |     |    |    |
| 55                | 55                              |     |    |    |
| 56                | 56                              |     |    |    |
| 57                | 57                              |     |    |    |
| 58                | 58                              |     |    |    |
| 59                | 59                              |     |    |    |
| 60                | 60                              |     |    |    |
| 61                | 61                              |     |    |    |
| 62                | 62                              |     |    |    |
| 63                | 63                              |     |    |    |
| 64                | 64                              |     |    |    |
| 65                | 65                              |     |    |    |
| 66                | 66                              |     |    |    |
| 67                | 67                              |     |    |    |
| 68                | 68                              |     |    |    |
| 69                | 69                              |     |    |    |
| 70                | 70                              |     |    |    |
| 71                | 71                              |     |    |    |
| 72                | 72                              |     |    |    |
| 73                | 73                              |     |    |    |
| 74                | 74                              |     |    |    |
| 75                | 75                              |     |    |    |
| 76                | 76                              |     |    |    |
| 77                | 77                              |     |    |    |
| 78                | 78                              |     |    |    |
| 79                | 79                              |     |    |    |
| 80                | 80                              |     |    |    |
| 81                | 81                              |     |    |    |
| 82                | 82                              |     |    |    |
| 83                | 83                              |     |    |    |
| 84                | 84                              |     |    |    |
| 85                | 85                              |     |    |    |
| 86                | 86                              |     |    |    |
| 87                | 87                              |     |    |    |
| 88                | 88                              |     |    |    |
| 89                | 89                              |     |    |    |
| 90                | 90                              |     |    |    |
| 91                | 91                              |     |    |    |
| 92                | 92                              |     |    |    |
| 93                | 93                              |     |    |    |
| 94                | 94                              |     |    |    |
| 95                | 95                              |     |    |    |
| 96                | 96                              |     |    |    |
| 97                | 97                              |     |    |    |
| 98                | 98                              |     |    |    |
| 99                | 99                              |     |    |    |
| 100               | 100                             |     |    |    |

Has the measuring device been installed? Yes          or No         

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

Has the measurement port been installed? Yes          or No         

8. Fee Enclosed: \$ 125.00 (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: James A. E. Telephone Number: \_\_\_\_\_

Address: 11111 11th Ave

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: Louise Trappenberg Date: 11/1/00  
(include your title, if on behalf of company or organization)

SEP 12 1966

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 94-07362

Proposed Priority: June 27, 1995

Maximum Diversion Rate:

3.00 CFS

This is to certify, that LOUISE GRAFFENBERGER

PO BOX 403

OSBURN ID 83849-0403

has applied for a permit to appropriate water from:

TRAIL CREEK

tributary of BEAVER CREEK

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| MINING                | 01/01 to 12/31       | 3.00 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 10, Township 49N, Range 04E  
SHOSHONE County

PLACE OF USE: MINING

TWN RGE SEC

49N 04E 10

NESW

**CONDITIONS OF APPROVAL AND REMARKS**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1996.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
5. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

21<sup>st</sup> day of August, 1995.

*Karl J. Dreher*  
for  
Karl J. Dreher, Director

RECORDED

SEP 15 1995

Al BEARDSLY 1910 NW Blvd  
769-1450 suite #210

Form 202  
10/92  
**RECEIVED**  
AUG 17 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 94-7362  
1 cfs = 448.8 GPM  
sg-time  
amtX total time  
1 min

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Louise Graffenberger Phone 752-9022  
Post office address P.O. Box 403, OSBURN ID 83849
2. Source of water supply Trail Creek which is a tributary of BEAVER CREEK
3. Location of point of diversion is NE 1/4 of SW 1/4, Govt. Lot 10  
Sec. 10 Township T49N Range 4E B.M. Shoshone County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 3.0 for mining purposes from Y. to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.0 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. 100 H.P. Pump in Creek  
TO WASHING PLANT
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
  - d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is  
1 years (minimum 1 year).

SEP 15 1995

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. \_\_\_\_\_

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 column.

[illegible][illegible]

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

b. Who owns the land to be irrigated or place of use?  
58412

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

12. Remarks: \_\_\_\_\_



A large grid of graph paper, consisting of 20 columns and 20 rows of squares. In the bottom right corner, there is a black stamp that reads "MICROFILMED". The stamp is oriented vertically and appears to be a library or archival mark. The grid is otherwise empty.

SEP 15 1995

*Louise Graffenberg*  
(Applicant)

RECEIVED  
SEP 15 1995

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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 \_\_\_\_\_, 19\_\_\_\_.

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

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: \_\_\_\_\_.

# ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by AS Date 6/27/95 Time 9:45 Preliminary check by AS

Fee \$ 140.00 Received by AS Date 7/12/95 Published in Idaho News Letter 7/20/95

Publication prepared by AS Date 8/1/95

Publication approved AS Date 8/1/95



## 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

February 27, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LOUISE GRAFFENBERGER  
PO BOX 403  
OSBURN ID 83849-0403

RE: WATER RIGHT NO. 94-07362

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

#### PETITION FOR RECONSIDERATION

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

#### EXCEPTIONS AND BRIEFS

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

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

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APR 09 1998

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

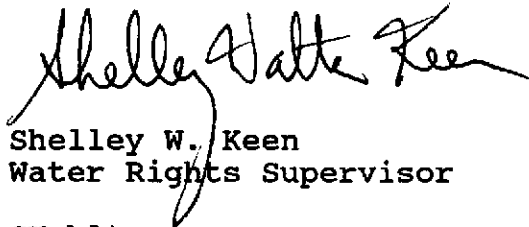
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen  
Water Rights Supervisor

SK:klt

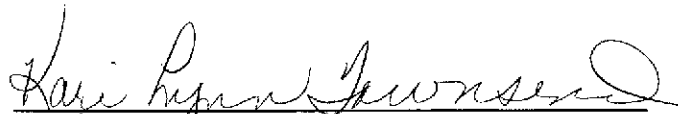
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of **February, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

**Water Right No. 94-07362**

LOUISE GRAFFENBERGER  
PO BOX 403  
OSBURN ID 83849-0403

  
Kari Lynn Townsend  
Secretary

MICROFILMED

APR 08 1998

## MEMORANDUM

TO: File 94-07362

FROM: Sharla

DATE: February 25, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 94-07362 are as follows:

### H. RECOMMENDATIONS

|        |             |          |         |
|--------|-------------|----------|---------|
| Mining | 1/1 - 12/31 | 0.16 cfs | 0.9 afa |
|--------|-------------|----------|---------|

The volume was based on the size of the pond, being filled 8 times/ month, 4 mos/year  
(50' X 15' X 4' X 0.4 = 1200 cf X 32 fills = 38,400 cf/43,560 = 0.88 af ~ 0.9 afa).

Examiner: David Pagel  
Exam Date: July 22, 1997

MICROFILMED

APR 8 9 1998

# LICENSE REVIEW CHECKLIST

PERMIT NO. 94-07362

DATE 2/25/98

REVIEWER: SHARLA

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

Does map agree with written description? ✓ yes — no

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

## RATE OF DIV

Permitted Rate 3.0 cfs  
Fee limit 2.0 cfs \$125<sup>00</sup>  
Measured .16 cfs  
Theoretical — cfs

Recommended Total Div Rate .16 cfs

ANNUAL VOLUME/  
NATURE OF USES —

|          |                                  |                            |
|----------|----------------------------------|----------------------------|
| <u>✓</u> | Use <u>mining</u> cfs <u>.16</u> | Volume Calc <u>22.9</u> af |
| <u>—</u> | <u>—</u>                         | <u>—</u> af                |
| <u>—</u> | <u>—</u>                         | <u>—</u> af                |
| <u>—</u> | <u>—</u>                         | <u>—</u> af                |
| <u>—</u> | <u>—</u>                         | <u>—</u> af                |
| <u>—</u> | SUBTOTAL <u>—</u>                | <u>—</u> af                |

Flow rate .16 cfs X <sup>120</sup>40 days X 1.98 = 38.0 af  
Total volume recommended 2.2 af  
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

01M GW Measurement/Measuring Device

— Overlap 081  
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo volume calc

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

JAN 27 1998

Department of Water Resources

**94-07362**

**A. GENERAL INFORMATION**

Permit No.

1. Owner: Louise Graffenberger Phone No. (208) 752-9022

Current Address: P.O. Box 403 Osburn Id. 83849-0403

2. Accompanied by: Louise Graffenberger EXAM DATE: 7-22-97

Address: Same Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: Trail Creek tributary to Beaver Creek

**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 |
|-----------|-----------|-----|-----|-----|------|------|------|----------|---------------------------------|
|           |           |     | NE  | SW  | 10   | 49N  | 4E   | Shoshone | U.S.G.S. 7.5 min Quad.          |
|           |           |     |     |     |      |      |      |          |                                 |
|           |           |     |     |     |      |      |      |          |                                 |
|           |           |     |     |     |      |      |      |          |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 49N | 4E  | 10  |    |    |    |    |    |    |    |    | M  |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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APR 09 1998

2. Measurements:

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

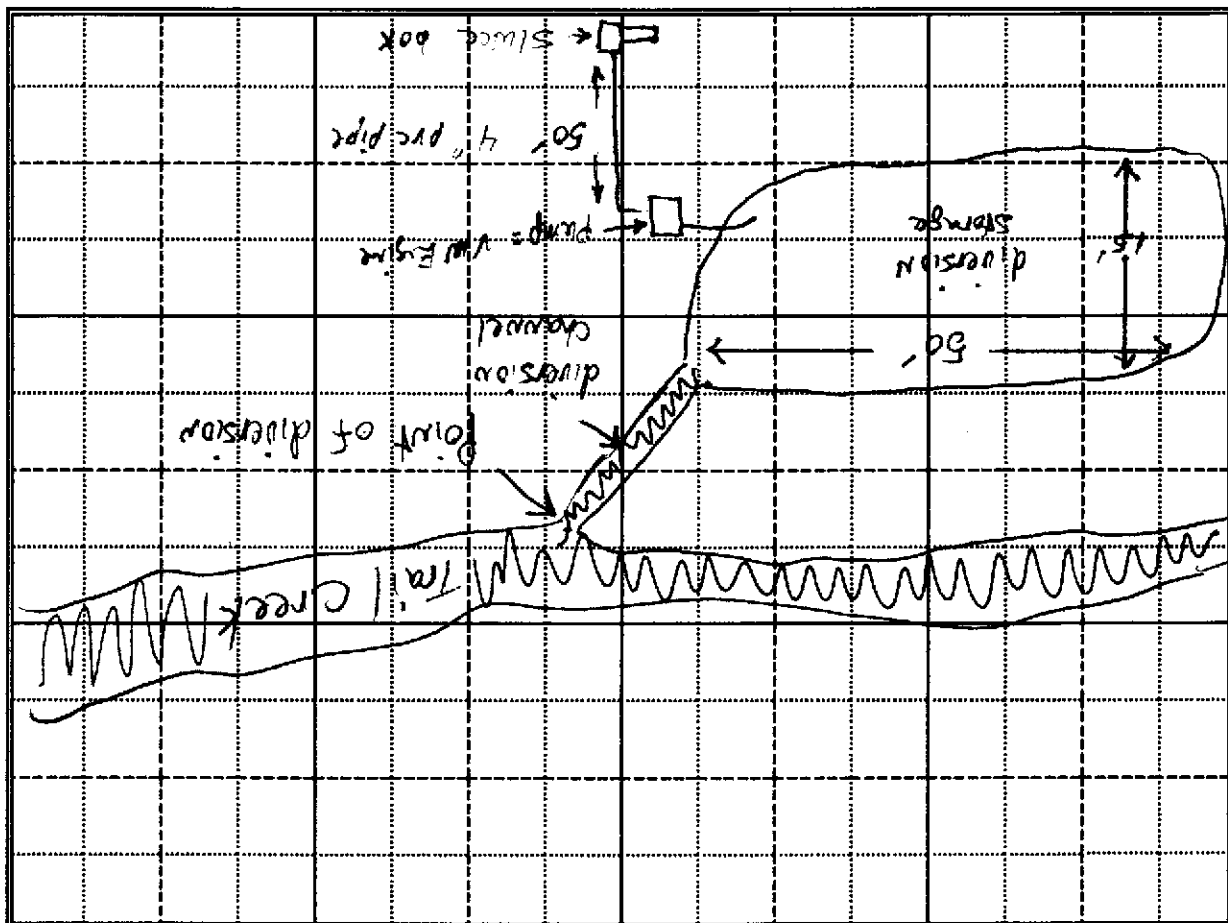
D. FLOW MEASUREMENTS

\*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 |
|                                        | VW Engine  |    |                  |           |                                   |
|                                        |            |    |                  |           |                                   |
|                                        |            |    |                  |           |                                   |

4.

Scale: 1" = 100' N/A  
Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).  
Aerial Photo Attached of 10+ acres (required for irrigation of 10+ acres)  
Photo of Diversion and System Attached



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

**E. NARRATIVE/REMARKS/COMMENTS**

Surface water is being diverted from Trail Creek through an open channel 3 ft. wide x 6" deep. Then stored in a pond w/ a capacity of 1800  $\text{ft}^3$ .

Applicant states that the flow measured on 7-22-97 is sufficient for operation. During operation the storage pond level is reduced to half capacity. This would normally occur at a maximum of 2 times weekly.

Based on the dimensions of 50 ft x 15 ft x 2 ft of the pond I calculate 1500  $\text{ft}^3$  of water being used each time operation occurs.

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

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# F. FLOW CALCULATIONS

Measured Method:

$$Q = .16 \text{ cfs}$$

Additional Computation Sheets Attached

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

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

$$\text{Storage Pond} = 50 \text{ ft} \times 15 \text{ ft} \times 4 \text{ ft}$$

$$\text{Pond Filled 8 times / mo.} \times 4 \text{ mos. (annual operation length)}$$

$$\frac{1800 \text{ ft}^3}{.6}$$

$$50 \times 15 \times 4 = 3000 \text{ ft}^3$$

$$32 \times 1800 \text{ ft}^3 = 57600$$

## H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Mowing

From

To

01/01

12/31

Rate of Diversion

Q (cfs)

.16

Annual Volume

V (afa)

.18

Totals:

.16

.18

## 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. AUTHENTICATION

Field Examiner's Name

David M. Regal

Date

7-23-97

Reviewer

Date

SEAL

MICROFILMED  
APR 09 1998

94-07362

T. 49N, R. 04E, SEC. 10

GRAFFENBERGER, LOUISE

NATIONAL FOREST

APR 9 3 1958

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
OPEN CHANNEL DISCHARGE MEASUREMENT NOTES

## GENERAL INFORMATION

CLAIM / WATER RIGHT NUMBER: 94-07362SOURCE: Trail CreekTRIBUTARY TO: Beaver CreekCOUNTY: ShoshoneDATE: 7-22-97LOCATION: T. 49N R. 04E SEC. 10, 1/4 NE 1/4 SW 1/4

LOCATION NOTES:

PERSON(S) CONDUCTING MEAS.: D. Pagel

ACCOMPANIED BY:

MEAS. DEVICE Swoffer 2100

I.D. NO.

SPIN TEST: BEFORE MEAS.

AFTER MEAS.

COMPUTED BY: D. PagelDATE: 7-22-97

CHECKED BY:

DATE:

## RESULTS

WIDTH: 1.6 ft.AREA: .305 sq ft.VEL.: .52DISCHARGE: .1596 CFS

## MEASUREMENT DATA

CROSS SECTION:

FLOW CONDITIONS:

DIVERSIONS UPSTREAM:

REMARKS:

## SYSTEM DIAGRAM

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APR 8 9 1998

| DIST. FROM INITIAL POINT | WIDTH | DEPTH | INSTRL. DEPTH | REVS. | TIME SEC. | VELOCITY |         |       | AREA  | DISCHARGE | DIST. FROM INITIAL POINT | WIDTH | DEPTH | OBSERV. DEPTH | REVS. | TIME SEC. | VELOCITY |         |       | AREA | DISCHARGE |  |
|--------------------------|-------|-------|---------------|-------|-----------|----------|---------|-------|-------|-----------|--------------------------|-------|-------|---------------|-------|-----------|----------|---------|-------|------|-----------|--|
|                          |       |       |               |       |           | AT POINT | MEAN IN | VERT. |       |           |                          |       |       |               |       |           | AT POINT | MEAN IN | VERT. |      |           |  |
| .9                       |       | REW   | at            |       | 10:40     |          |         |       |       |           |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.5                      | .05   | .15   |               |       |           | .28      |         |       | .0075 | .0021     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.6                      | .10   | .20   |               |       |           | .42      |         |       | .02   | .0084     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.7                      | .10   | .20   |               |       |           | .48      |         |       | .02   | .0096     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.8                      | .10   | .20   |               |       |           | .36      |         |       | .02   | .0072     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.9                      | .10   | .20   |               |       |           | .36      |         |       | .02   | .0072     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.0                      | .10   | .20   |               |       |           | .46      |         |       | .02   | .0092     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.1                      | .10   | .20   |               |       |           | .58      |         |       | .02   | .0116     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.2                      | .10   | .20   |               |       |           | .67      |         |       | .02   | .0134     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.3                      | .10   | .20   |               |       |           | .60      |         |       | .02   | .012      |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.4                      | .10   | .20   |               |       |           | .58      |         |       | .02   | .0116     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.5                      | .10   | .20   |               |       |           | .67      |         |       | .02   | .0134     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.6                      | .10   | .20   |               |       |           | .65      |         |       | .02   | .013      |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.7                      | .10   | .20   |               |       |           | .59      |         |       | .02   | .0118     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.8                      | .10   | .15   |               |       |           | .63      |         |       | .015  | .0094     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 2.9                      | .10   | .15   |               |       |           | .51      |         |       | .015  | .0076     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 3.0                      | .10   | .20   |               |       |           | .46      |         |       | .02   | .0092     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 3.1                      | .05   | .15   |               |       |           | .39      |         |       | .0075 | .0029     |                          |       |       |               |       |           |          |         |       |      |           |  |
| 3.9                      |       | REW   | at            |       | 11:07     |          |         |       |       |           |                          |       |       |               |       |           |          |         |       |      |           |  |
| 1.6                      | 1.6   |       |               |       |           |          |         |       | .305  | .1596     |                          |       |       |               |       |           |          |         |       |      |           |  |

$$V = \frac{.1596}{.305} = .523$$

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: GRAFFENBERGER

DATE: 23-JUL-97

COMPLETE BY: PAGEL

HORSEPOWER = 50

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 50 FEET

SYSTEM PRESSURE = 50 PSI

QUANTITY = 1.85 CFS

MICROFILMED  
APR 09 1998

PERMIT # 9407362

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Diversion From  
Trail Creek



Diversion  
Storage

MICROFILMED

APR 6 9 1998

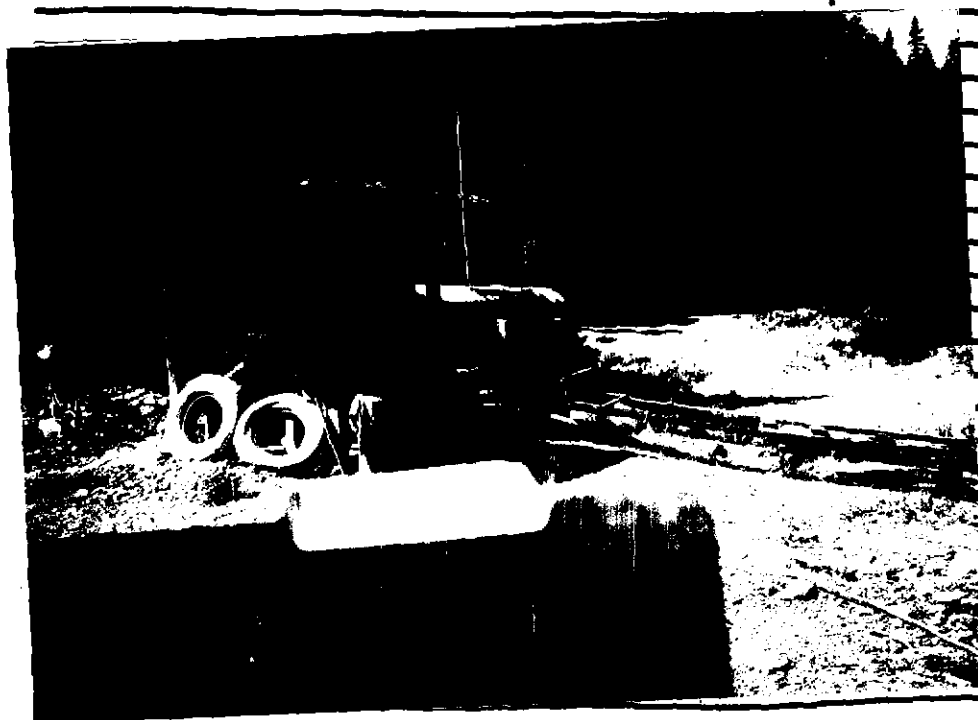
PERMIT 94-07362

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



4" pipe from  
pump to sluice



Place of use

Sluice used to "wash"  
diggings to separate  
gold particles

MICROFILMED

APR 9 8 1988

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 94-07362 Reviewed by Jay Date 8-19-96

**GENERAL CONSIDERATIONS**

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

**TYPES OF USE**

mining

Correct Uses? yes

**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**

yes Required?

125- Amount Submitted

yes Correct?

**MEASURING DEVICE**

no Required?

☐ Installed?

☐ Waiver requested?

SEP 2 1996

**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 \_\_\_\_\_

Proof Made 7-23-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR  
August 28, 1996

LOUISE GRAFFENBERGER  
PO BOX 403  
OSBURN ID 83849-0403

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 94-07362

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region



SEP 12 1996

June 30, 1996

LOUISE GRAFFENBERGER  
PO BOX 403  
OSBURN ID 838490403

PROOF DUE NOTICE

RE: PERMIT NO. 94-07362

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1996. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

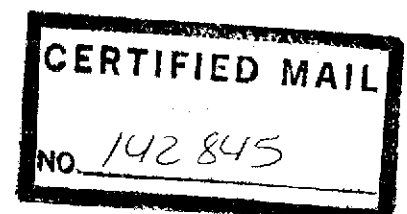
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

SEP 12 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 21, 1995

LOUISE GRAFFENBERGER  
PO BOX 403  
OSBURN ID 83849-0403

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 94-07362

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. 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 be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

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.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosures

SEP 15 1995

**APPLICATION FOR PERMIT**  
**STATE OFFICE REVIEW**  
by Cindy Zimmerman

No.: 94-7362 Name: Grabenberger Date: 8/18/95 Ad OK? ✓  
Correct Fee? ✓ Receipt #: N947 Priority: 6/27/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes \_\_\_\_\_ Mor \_\_\_\_\_ GWMA Trust/Non-trust  
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

**SYSTEM COMPLETED:**

Yes/proof filed - NA  
1 year/no proof - P16  
+1 year - 26A-P17

**GROUNDWATER:** <✓ FLO-CH>

+ 0.2 cfs - 01M  
=/- 0.2 cfs - No MD  
=/+ 5 a. - 01M, 065(if GW use SW 1st)

**Drilling Permit:**

Existing well - NA (pre 7/1/87)  
Included w/permit - Permit No. \_\_\_\_\_, P99  
No WD permit? - 046-46B-P23 (post 7/1/87)  
irr. in WD - P05 (new well)

**SURFACE WATER** <✓ FLO-CH> (Surface water that doesn't sink in WD):

Water District(~~dem~~) - 005 (req) WD # \_\_\_\_\_ <SEE MAP & LISTING>  
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08  
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD  
=/+ 5 a. irr. - 028(may report)  
In-WD + 0.2 cfs - 01M or No MD (in-stream)  
- 0.2 cfs - No MD  
=/+ 5 a. irr. - 01M

**~~RIVER BASINS~~** (\*Surface water):

Snake R (01) - 11A-P04, NA  
(02/03) - 007-P07 (w/remark WB9), NA  
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA  
Payette R (65) - 064(consump. use), 047-P04(Payette Lake), NA

**USE:**

Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA  
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)  
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)  
+ 5 a - 03A (0.02 cfs/A)  
Mining - 054 (req) & 06A/010/09E(P10)  
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);  
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09  
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

**LOCATION:**

Boise Front LoGeo - 058 (-85° GW temp only)  
In-stream dev. - P52 (stream channel alteration)  
Irr Dist/Canal Co. - 023 (Twin Falls area)  
Swan Falls Flag - B <SEE CODE CHART>  
Trust - 051-052-053-P74 (Consumptive Uses), NA  
Non-Trust <1> - 048-049 (Consumptive Uses), NA

**OWNERSHIP:** Non-land owner - 004 (PD/PU) \_\_\_\_\_

**OTHER CONDITIONS:** \_\_\_\_\_

**STANDARD REMARKS:** \_\_\_\_\_

**BENEFICIAL USE DUE:** - 9-1-1996

**COMMENTS:** \_\_\_\_\_

No. a  
4/87-06/92n

I. DEPARTMENT OF WATER RESOURCE  
APPLICATION ANALYSIS

APPLICATION # 94-7362

WR  
WR  
MC

\*\*\*\*\* INITIAL REVIEW \*\*\*\*\*

APPLICANT: GRAFFEN BERGER BY: AS DATE: 6/27/95

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
13. (X) Map  
(X) Signature  
(X) Fee (Amt, recpt, acknowlegment)

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 6/27/95

- X (Include Moratorium Remark)  
X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: SHOSHONE 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 \*\*\*\*\*

(Yes) (No)

- X 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?  
Well Drilling Application Number \_\_\_\_\_

Checked by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Remarks: \_\_\_\_\_

\*\*\*\*\* FINAL REGIONAL PROCESSING/REVIEW \*\*\*\*\*

(Yes) (No)

- 8/1 Notice of pending void order issued. Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
8/1 Further information required from applicant  
8/1 Affidavit of publication received  
7/14 Application published correctly, If not, record action taken: \_\_\_\_\_  
7/14 Publication dates and paper recorded on application | Sr. Agent initial \_\_\_\_\_  
1 Protests received. Final protest date: 8/17/95  
1 Measuring device required  
1 Measuring port required  
1 Special conditions: \_\_\_\_\_  
1 Special conditions of approval supplement and/or cover letter attached:

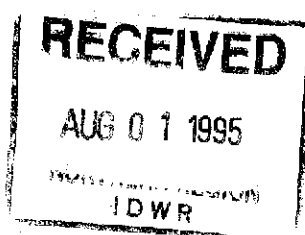
Approval Recommended by: RJA

RECEIVED

AUG 17 1995

Date: 8/10/95

Department of Water Resources



PROOF OF PUBLICATION

- ) Department of Water Resources
- ) 1910 Northwest Blvd. Suite 210
- ) Coeur d' Alene, Id 83814

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

LEGAL NOTICE

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 (2) Two consecutive weeks/days, the first  
publication thereof being in the issue dated 7/20, 27/95

STATE OF IDAHO

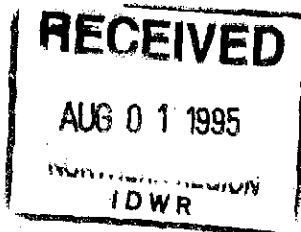
COUNTY OF

On this 28 day of July in the year of 1995  
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

NOTICE OF APPLICATION  
FOR WATER RIGHT  
The Following application(s) have been  
filed to appropriate the public waters of  
the State of Idaho:  
91-07134 —  
SUTHERLAND, SIDNEY A  
BOX 425  
CALDER, ID 83808  
Source: ST JOE RIVER; Tributary: LAKE  
COEUR D ALENE  
Diversion Pt: LOT 4 (NWNW) Sec 10 T  
45N R 03E in SHOSHONE County.  
Use: IRRIGATION (0.400 CFS)  
Total Diversion: (0.400 CFS)  
Date Filed: 7/11/1995  
In: SHOSHONE County  
T45N R03E S10 Lot 3(NENW) Lot  
4(NWNW)  
20.0 ACRES TOTAL  
94-07362 ← ok  
GRAFFENBERGER, LOUISE  
P O BOX 403  
OSBURN, ID 83849  
Source: TRAIL CREEK; Tributary:  
BEAVER CREEK  
Diversion Pt: NESW Sec 10 T 49N 04E in  
SHOSHONE county.  
Use: MINING (3.000 CFS)  
Total Diversion: (3.000 CFS)  
Date Filed: 6/27/1995  
In: SHOSHONE County T49N R04E S10  
NESW  
For additional information concerning the  
property location, call the Northern  
Regional Office at (208) 769-1450.  
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  
AUGUST 7, 1995.  
KARL J. DREHER, Director  
Legal #SHO 046  
2 x 7-20/27/1995

SEP 15 1995



## PROOF OF PUBLICATION

) Department of Water Resources  
) 1910 Northwest Blvd. Suite 210  
) Coeur d' Alene, Id 83814  
)

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

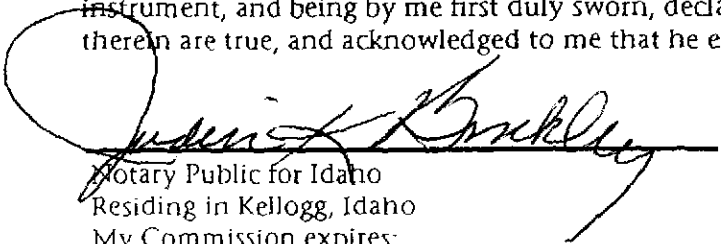
### LEGAL NOTICE

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 (2) Two consecutive weeks/days, the first  
publication thereof being in the issue dated 7/20, 27/95

STATE OF IDAHO

COUNTY OF

On this 28 day of July in the year of 1995  
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

RECEIVED  
SEP 15 1995

94-07362

GRAFFENBERGER, LOUISE  
P O BOX 403  
OSBURN, ID 83849

Source: TRAIL CREEK

Tributary: BEAVER CREEK

Diversion Pt:                NESW        Sec 10 T 49N R 04E in SHOSHONE County.

Use: MINING                                (            3.000 CFS)

                                          Total Diversion: (            3.000 CFS)

Date Filed: 6/27/1995

In: SHOSHONE County  
     T49N R04E S10

NESW

RECEIVED  
SEP 15 1995

July 14, 1995

Louise Graffenberger  
P O Box 403  
Osburn, ID 83849

Re: Water Appropriation Application No. 94-07362

Dear Ms. Graffenberger:

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.

Your appropriation application is currently being prepared for advertising in the 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. 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. However 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.

If your application is for groundwater and you are using a well that was constructed after July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application, if no permit was obtained by you or previous owners to construct the well. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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

SEP 15 1995