



← PLACE OF USE

← UNDER ground SPRING



← PUMP House
TO HOME



← STOCK POND

MICROFILMED
APR 09 1998

93-07043

← PLACE OR USE



← UNDER ground SPRING

← PUMP HOUSE
TO HOME



← STOCK POND

MICROFILMED
APR 09 1998

93-07043

← PLACE OF USE



← UNDER ground SPRING

← PUMP HOUSE
TO HOME



← STOCK POND

MICROFILMED
APR 09 1998

93-07043



PERMIT # 93-07043

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Stockwater storage pond



4" pipe draining into
storage pond

MICROFILMED
APR 09 1998

PERMIT # 93-07043

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Point of diversion -
Spring (dried up)



Domestic well

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APR 09 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 93-07043

Priority: June 28, 1983

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.3 AF

This is to certify, that BILL ROSENBERRY
RUTH ROSENBERRY

HC 1 BOX 275

DE SMET ID 83824

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1983; and has submitted Proof of Beneficial Use on July 27, 1988. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to SINKS

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>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
STOCKWATER STORAGE	01/01 to 12/31		0.2 AF
	Totals	0.02 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWSW , Sec. 2, Township 43N, Range 04W
BENEWAH County

PLACE OF USE: STOCKWATER

TWN RGE SEC

43N 04W 2

NWSW

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.

MICROFILMED

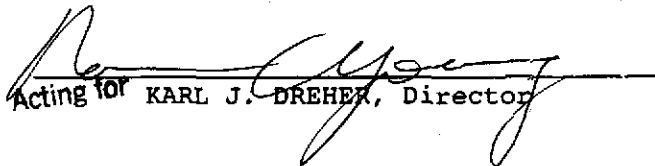
APR 9 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 93-07043

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 16TH
day of MARCH, 1978.


Acting for KARL J. DREHER, Director

MICROFILMED
APR 08 1978

RECEIVED

MAR 10 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 93-07043

Date of Priority: June 28, 1983

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.3 AF

Comes now

BILL ROSENBERRY

RUTH ROSENBERRY

HC01 BOX 275

DE SMET ID 83824

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. 93-07043, and requests that the permit be changed as follows:

Source: SPRING

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
STOCKWATER STORAGE	01/01 to 12/31		0.2 AF
	Totals	0.02 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWSW , Sec. 2, Township 43N, Range 04W
BENEWAH County

PLACE OF USE: STOCKWATER

TWN RGE SEC

43N 04W 2

NWSW

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 at Desmet Idaho, this 4th day of March, 1998.

MICROFILMED

APR 09 1998

William K Rosenberry
(Signature)
Ruth Rosenberry

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 93-07043

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by BS # 10011681 Date 3/10/98

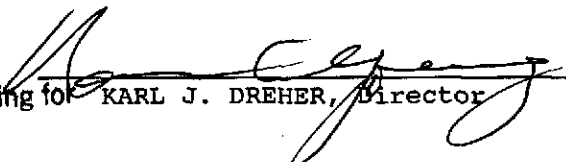
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 93-07043 with the following;

CONDITIONS OF APPROVAL AND REMARKS

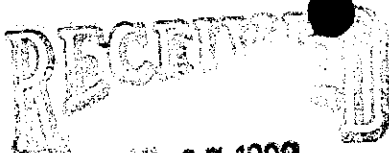
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to 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.

Witness my hand this 16TH day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 03 1998



JUL 27 1988

no seal

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received N/A
Date _____
Receipt # _____
Receipt by [Signature]
Reviewed by [Signature]
Sent to region 8/10/88

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 93-7043

93-4010

Name(s) of Permit Holder: Ruth, Mr. William Rosenberg

Post Office Address: H.C.O. #1 Box 225 Desmet Idaho

Telephone No. 208-274-3342

Source of Water: _____

Extent of Use:

Domestic 1 (number of households) Stockwater 10 (number and type of stock)

Irrigation _____ (acres) Other/Remark this spring is

piped about 1/2 mile into a pond

Total rate and/or volume for which proof is submitted _____ cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? Yes X No
Installed? Yes Yes No

Fee enclosed \$ 0
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes X No
Installed? Yes Yes No

Person to contact to accompany the Department representative during the field examination:

Bill Rosenberg
(Name)

208-274-3342
(Telephone Number)

H.C.O. #1 Box 225 Desmet Idaho
(Address)

The above information 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.

NOT FILLED

July 22, 1988
Date

William T. Rosenberg
Signature of Permit Holder (and title, if appropriate)

AUG 18 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Bill or Ruth Rosenberry Phone 274-3342
Post office address St Rt Box 69, De Smet, Id. 83824
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 44N
Range 5W B.M. Benewah County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Stock purposes from 1-1 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)

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Developed spring
with pipeline to place of use
b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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

8. Description of proposed uses:

- a. If water is not for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 44N
Range 5W B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered 10 hd
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion APP

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

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

10. Remarks _____

Sec 33
T 44N
R 5W

+ R.D.
P/4

Sec 33
T 44N
R 5W

Arthur Rosenberg
(Applicant)

Proposed Priority 6/28/1983

Received by JR Date 6-28-83 Time 11:50AM

Preliminary check by L/B Fee \$ 302

Receipted by JR Date (28373) 6-28-83

Publication prepared by pm Date 7/6/83

Published in St. Marie Gazette Record

Publication dates 7/13-20/83

Publication approved pm Date 8/26/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature] DER

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 93-7043, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 13th day of September, 1983.

[Signature]
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 13th day of July, 1983 and the last on the 20th day of July, 1983.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this 17th day of Aug., 1983.

Sharon D. Black

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

92-7144
Name: Benjamin F. Schrengohst
Address: Rt. 1, Box 193, St. Maries, Idaho 83861
Date Filed: June 24, 1983
Source: Alder Creek, North Fork tributary to Alder Creek
Point of Diversion: Lot 02 Sec 05 T 44N R 03W
In: Lot 02 Sec 05 T 44N R 03W for 1 acre
Use: Irrigation (0.03 cfs)

92-7145
Name: Art H. and-or Georgene B. Shamel
Address: 331 College Ave., St. Maries, Idaho 83861
Date Filed: June 24, 1983
Source: Groundwater
Point of Diversion: NWSW Sec 27 T 46N R 02W
In: Lot 03 Lot 02 Sec 27 T 46N R 02W for 52 acres
Use: Irrigation (0.20 cfs); Stockwater (0.02 cfs); Domestic (0.12 cfs)

92-7146
Name: William L. and-or Rebecca A. Rhodes
Address: Rt. 4, Box 214, St. Maries, Idaho 83861
Date Filed: June 27, 1983
Source: Springs tributary to Santa Creek, Unnamed Stream tributary to Santa Creek
Point of Diversion: SWSE Sec 35 T 44N R 03W

93-7043
Name: Bill and-or Ruth Rosenberry
Address: Star Route, Box 59, DeSmet, Idaho 83824
Date Filed: June 28, 1983
Source: Spring tributary to Sinks
Point of Diversion: NENE Sec 33 T 44N R 05W
In: NENE Sec 33 T 44N R 05W
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

95-8373
Name: Mufiel J. Innes
Address: P.O. Box 345, Plummer, Idaho 83851
Date Filed: June 9, 1983
Source: Groundwater
Point of Diversion: NWSW Sec 11 T 46N R 05W
In: SWNW NWSW Sec 11 T 46N R 05W for 40 acres
Use: Irrigation (0.40 cfs); Stockwater (0.02 cfs); Domestic (0.13 cfs)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814 on or before August 1, 1983.

KEN DUNN, Dir.

No. 7169 — July 13-20.

93-7042
Name: Gary A. and-or Kathleen R. Johnson
Address: Star Route, Box 20, DeSmet, Idaho 83824
Date Filed: June 27, 1983
Source: Spring tributary to Sinks
Point of Diversion: SESW Sec 34 T 44N R 05W
In: SESW Sec 34 T 44N R 05W
Use: Domestic (0.04 cfs)

Department of Water Resources
Northern District Office

92-7143
Name: Raleigh A. Hughes, Jr. and Ardys Hughes
Address: Rt. 4, Box 11, St. Maries, Idaho 83861
Date Filed: June 23, 1983
Source: Groundwater
Point of Diversion: NWNW Sec 25 T 46N R 02W
In: NWNW Sec 25 T 46N R 02W for 2 acres
Use: Irrigation (0.06 cfs); Domestic (0.06 cfs)

Notice of applications for water rights filed

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7081
Name: Clay and-or Jann Julian
Address: Rt. 2, Box 196-H, St. Maries, Idaho 83861
Date Filed: June 22, 1983
Source: Spring tributary to Hells Gulch Creek, Unnamed Stream tributary to Hells Gulch Creek
Point of Diversion: SWNW Sec 35 T 47N R 02W
In: SWNW Sec 35 T 47N R 02W for 1 acre
Use: Irrigation (0.02 cfs); Stockwater (0.02 cfs); Domestic (0.04 cfs)

91-7082
Name: Lynn and-or JoAnne LaForce
Address: Rt. 2, Box 196M, St. Maries, Idaho 83861
Date Filed: June 27, 1983
Source: Groundwater
Point of Diversion: NENE Sec 03 T 46N R 02W
In: NENE Sec 03 T 46N R 02W for 14 acres
Use: Irrigation (0.0350 cfs); Domestic (0.0350 cfs)

91-7083
Name: Lynn and-or JoAnne LaForce
Address: Rt. 2, Box 196M, St. Maries, Idaho 83861
Date Filed: June 27, 1983
Source: Hells Gulch Creek tributary to Saint Joe River
Point of Diversion: NWNW Sec 02 T 46N R 02W
In: NWNW Sec 02 T 46N R 02W for 39 acres
Use: Irrigation (0.75 cfs)

92-7142
Name: Thomas C. Morris
Address: 910 Highland Drive, St. Maries, Idaho 83861
Date Filed: June 23, 1983
Source: Unnamed Stream tributary to Saint Maries River
Point of Diversion: SESW Sec 25 T 46N R 02W
In: SESW Sec 25 T 46N R 02W
Use: Stockwater Storage (3.5 AF); Recreation Storage (3.5 AF)

In: SWSE Sec 35 T 44N R 03W for 1 acre
Use: Irrigation (0.10 cfs); Irrigation Storage (1.0 AF); Irrigation from Storage (1.0 AF); Stockwater Storage (1.0 AF)

92-7147
Name: Edna M. Dawson
Address: Rt. 4, Box 168, St. Maries, Idaho 83861
Date Filed: June 27, 1983
Source: Groundwater
Point of Diversion: SWSE Sec 28 T 44N R 02W
In: SWSE Sec 28 T 44N R 02W
Use: Commercial (0.04 cfs)

92-7148
Name: Jim and-or Karen Anderson
Address: 2211 Ora Ave., St. Maries, Idaho 83861
Date Filed: June 29, 1983
Source: Groundwater
Point of Diversion: SENE Sec 25 T 46N R 03W
In: SENE Sec 25 T 46N R 03W
Use: Domestic (0.04 cfs)

92-7149
Name: Roland J. Houle
Address: E. 4275 20th, Post Falls, Idaho 83854
Date Filed: June 28, 1983
Source: Springs tributary to Sinks
Point of Diversion: NWSW NESW Sec 24 T 44N R 01W
In: NWSW Sec 24 T 44N R 01W NESW NESW Sec 24 T 44N R 01W for 8 acres
Use: Irrigation (0.15 cfs); Stockwater (0.02 cfs)

92-7150
Name: Marmaduke M. Harris
Address: P.O. Box 428, St. Maries, Idaho 83861
Date Filed: June 28, 1983
Source: Renfro Creek tributary to Saint Maries River
Point of Diversion: NENE Sec 22 T 44N R 01W
In: NENE SENE Sec 22 T 44N R 01W for 30 acres
Use: Irrigation (0.20 cfs); Stockwater (0.02 cfs)

92-7151
Name: Steven W. Barnhart
Address: Rt. 4, Box 220 A, St. Maries, Idaho 83861
Date Filed: June 28, 1983
Source: Spring tributary to Santa Creek, Unnamed Stream tributary to Santa Creek
Point of Diversion: NWSW Sec 01 T 43N R 03W
In: NWSW Sec 01 T 43N R 03W for 1 acre
Use: Irrigation (0.03 cfs); Domestic (0.04 cfs)

92-7152
Name: David Furrow
Address: Rt. 4, Box 222 A, St. Maries, Idaho 83861
Date Filed: June 28, 1983
Source: Santa Creek tributary to St. Maries River
Point of Diversion: NWSW Sec 36 T 44N R 03W
In: NWSW Sec 36 T 44N R 03W for 1 acre
Use: Irrigation (0.03 cfs)

91-7153
Name: Frank W. Law
Address: Rt. 4, Box 220 B, St. Maries, Idaho 83861
Date Filed: June 28, 1983
Source: Spring tributary to Santa Creek, Unnamed Stream tributary to Santa Creek
Point of Diversion: SENW Sec 01 T 43N R 03W
In: SENW Sec 01 T 44N R 03W for 1 acre
Use: Irrigation (0.03 cfs); Domestic (0.04 cfs)

93-7041
Name: Albert L. Halverson
Address: P.O. Box 149, St. Maries, Idaho 83861
Date Filed: June 24, 1983
Source: Unnamed Stream tributary to Hangman Creek
Point of Diversion: Lot 04 SENW Sec 04 T 43N R 03W
In: Lot 04 Sec 04 T 43N R 03W
Use: Domestic (0.04 cfs)



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

March 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL ROSENBERRY
RUTH ROSENBERRY
HC 1 BOX 275
DE SMET ID 83824

RE: WATER RIGHT NO. 93-07043

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.

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.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "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

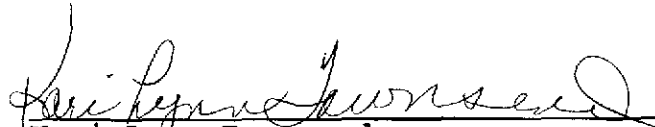
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of March, 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. 93-07043

BILL ROSENBERRY
RUTH ROSENBERRY
HC 1 BOX 275
DE SMET ID 83824


Kari Lynn Townsend
Secretary

MICROFILMED

APR 09 1998



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 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL ROSENBERRY
RUTH ROSENBERRY
HC 1 BOX 275
DE SMET ID 83824

RE: WATER RIGHT NO. 93-07043

Dear Permit Holder(s):

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as it 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.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

APR 09 1998

MEMORANDUM

TO: File 93-07043

FROM: Sharla

DATE: February 23, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 93-07043 are as follows:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.02 cfs	0.1 afa
Stockwater Storage	1/1 - 12/31		0.2 afa
	TOTALS	0.02 cfs	0.3 afa

Volume is rounded to the nearest tenth. Since the domestic component was not developed, the stockwater pond can be included on the license (70' X 30'/43,560 X 4' = 0.2 af)

Examiner: Dave Pagel
Exam Date: August 18, 1997

RECORDED
APR 09 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 93-07043

DATE 2/20/98

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? Yes

If not, prepare Notice of Intent to Void Yes

POINT OF DIV Change OK

Amendment required Yes

PLACE OF USE Change OK

Amendment required Yes

Does map agree with written description? Yes no

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

RATE OF DIV

Permitted Rate .06 cfs

Fee limit .04 cfs no fee pd

Measured Yes cfs

Theoretical Yes cfs

Recommended Total Div Rate .02 cfs

ANNUAL VOLUME/ NATURE OF USES

$$70 \times 30 / 43.560 \times 4 = 19.2 \text{ af}$$

Use	cfs	Volume Calc
Stock	.02	1 af
" Ston		2 af
		af
		af
SUBTOTAL	.02	3 af

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

Total volume recommended 14.5 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS

Yes Watermaster Control WD# Yes

Yes GW Measurement/Measuring Device

Yes Overlap

Yes Use-specific conditions

Advancement of Priority Date Required Yes no

SRBA Claim Filed NA

Adjustment Memo rounded volume

1st Amend Letter P37 P38

2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 93-07043

1. Owner: Bill Rosenberry Phone No. (208) 274-3342

Current Address: HC 1 Box 275 Desmet Idaho 83824

2. Accompanied by: N/A EXAM DATE: 8-6-97

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

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	NW	SW	02	43N	4W	Bewewah	USGS 7.5' Quad

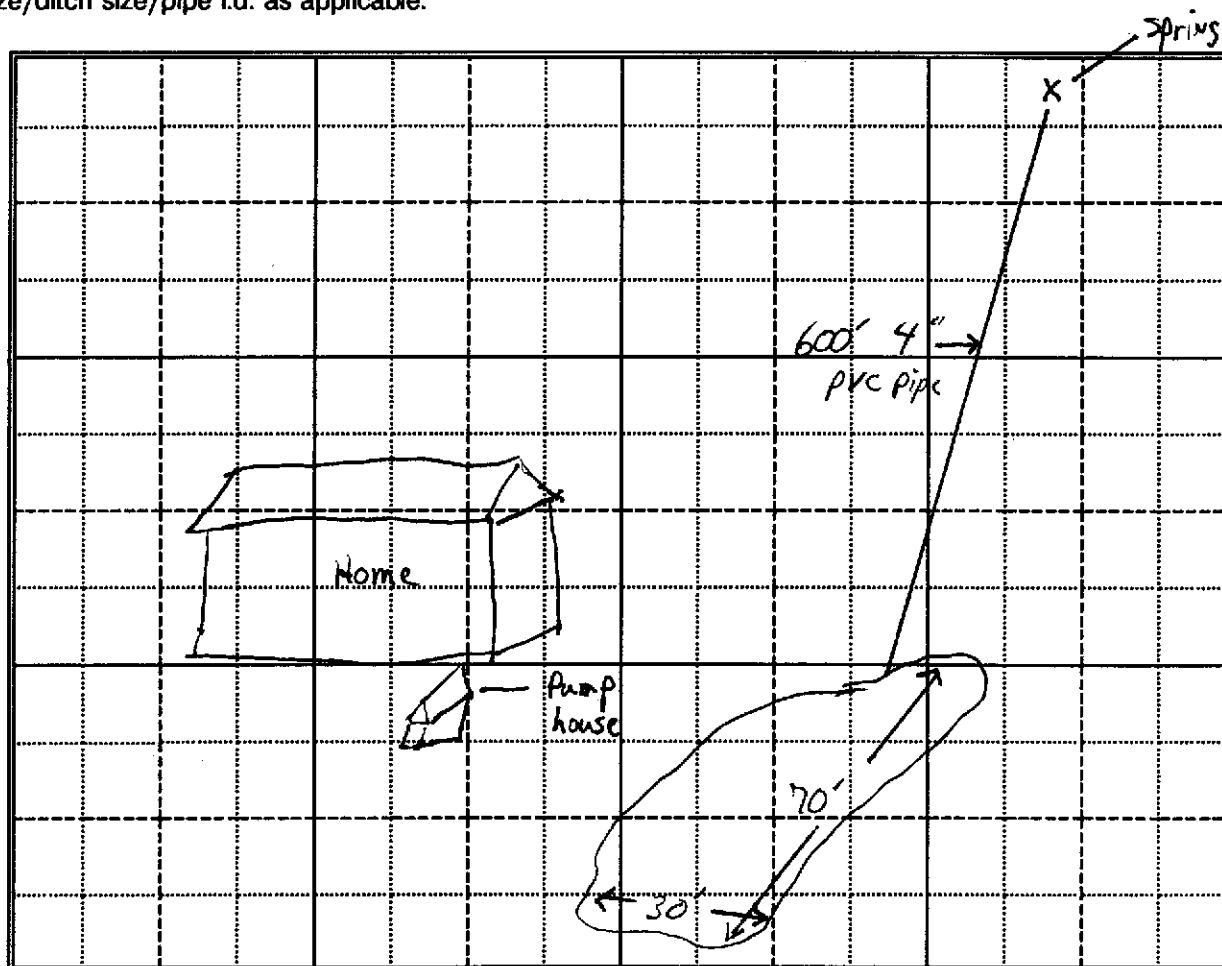
2. Place(s) of Use:

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	
43N	4W	02										5							

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APR 09 1998

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



Scale: 1" = N/A

____ 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

*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: _____

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APR 09 1998

E. NARRATIVE/REMARKS/COMMENTS

At the time this inspection was completed there was not any water flowing from the spring. There was a trickle of water coming out of a 4" pipe feeding into the stock pond.

To my knowledge the domestic water is supplied from a well that is equipped with a 1/2 hp pump. I did not see any development that supplied the home with water from the stock pond.

The legal description given on the water Right Profile Report for the place of use, and point of diversion are incorrect. The correct legal is as noted.

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

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APR 09 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Flow negligible, unable to get measurement

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\begin{aligned} \text{Stock pond} &= 70 \text{ ft.} \times 30 \text{ ft.} \times 4 \text{ ft.} \times .6 \\ &= 5040 \text{ ft}^3 / 43560 \text{ ft}^3 \\ &= .116 \text{ afa} \end{aligned}$$

$$7 \text{ cattle} \times 12 \text{ gals.} \times 365 \text{ days} = 30660 \text{ gals}$$

$$30660 / 325850 = .094 \text{ afa}$$

(.6 = Slope Factor)

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stock water	01/01	12/31	.02	.094
Totals:			.02	.094

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

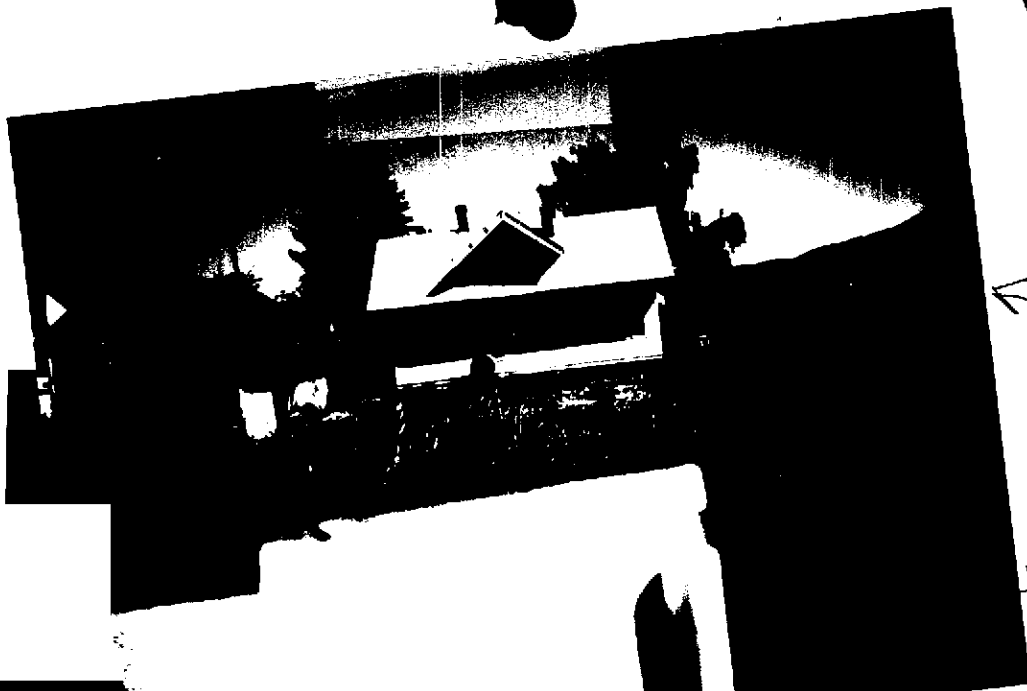
I. AUTHENTICATIONField Examiner's Name David S. Regel Date 8-11-97

Reviewer _____ Date _____

SEAL

MICROFILMED

APR 03 1998



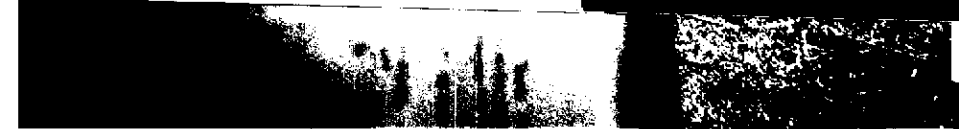
← PLACE OF USE



UNDER GROUND SPRING

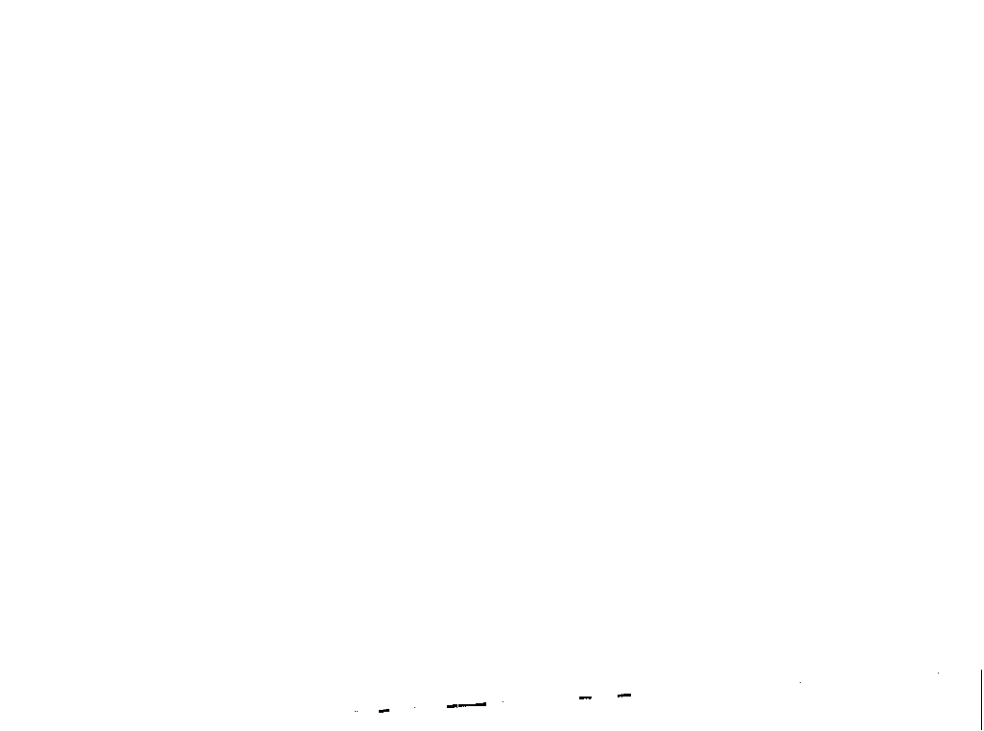


← PUMP HOUSE
TO HOME



← STOCK POND

93-07042



← PLACE OR USE

← UNDER ground SPRING

← PUMP House
TO HOME

← STOCK pond

93-07042

← PLACE OF USE



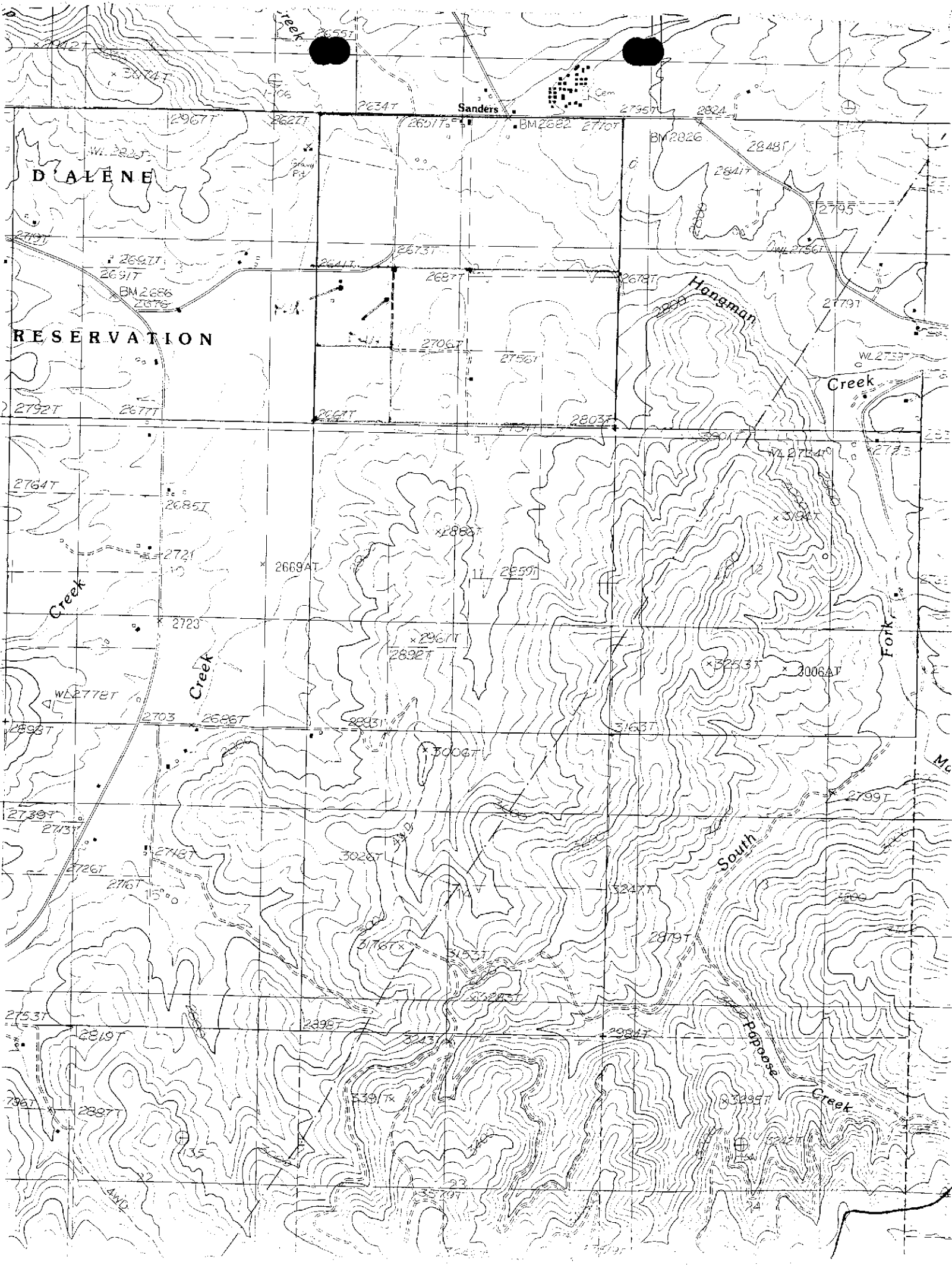
← UNDER ground SPRING

← PUMP House
TO HOME



← STOCK POND

93-07043



PERMIT # 93-07043

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Stockwater storage pond



4" pipe discharging into
storage pond

PERMIT # 93-07043

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Point of diversion -
Spring (dried up)



Domestic well

M E M O R A N D U M

DATE: June 27, 1995

TO: Al Beardslee/File 93-07043

FROM: Shelley W. Keen *SWK*

RE: Field Report Returned to Region

=====

The Beneficial Use Field Report prepared in 1994 for right 93-07043 is being returned to Northern Region for clarification.

The report recommends licensing domestic and stockwater uses from a spring. But, the diagram shows the domestic use being served by a well, not the spring. Also, the caption to one of the photographs indicates an "under ground spring." The examiner needs to document what constitutes an underground spring and how it is different from groundwater.

MICROFILMED

APR 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 29 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 93-07043

1. Owner: BILL ROSENBERY Phone No. _____

Current Address: HC 1 Box 275 DESMET Id, 83824

2. Accompanied by: BILL ROSENBERY EXAM DATE: 7-12-94

Address: SAME AS ABOVE Phone No. (208) 274-3342

Relationship to Permit Holder: _____

3. Source: SPRING tributary to SINKS

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	SW	02	43N	4W	BENEFICIAL	USGS 7.5 MIN QUAD

2. Place(s) of Use:

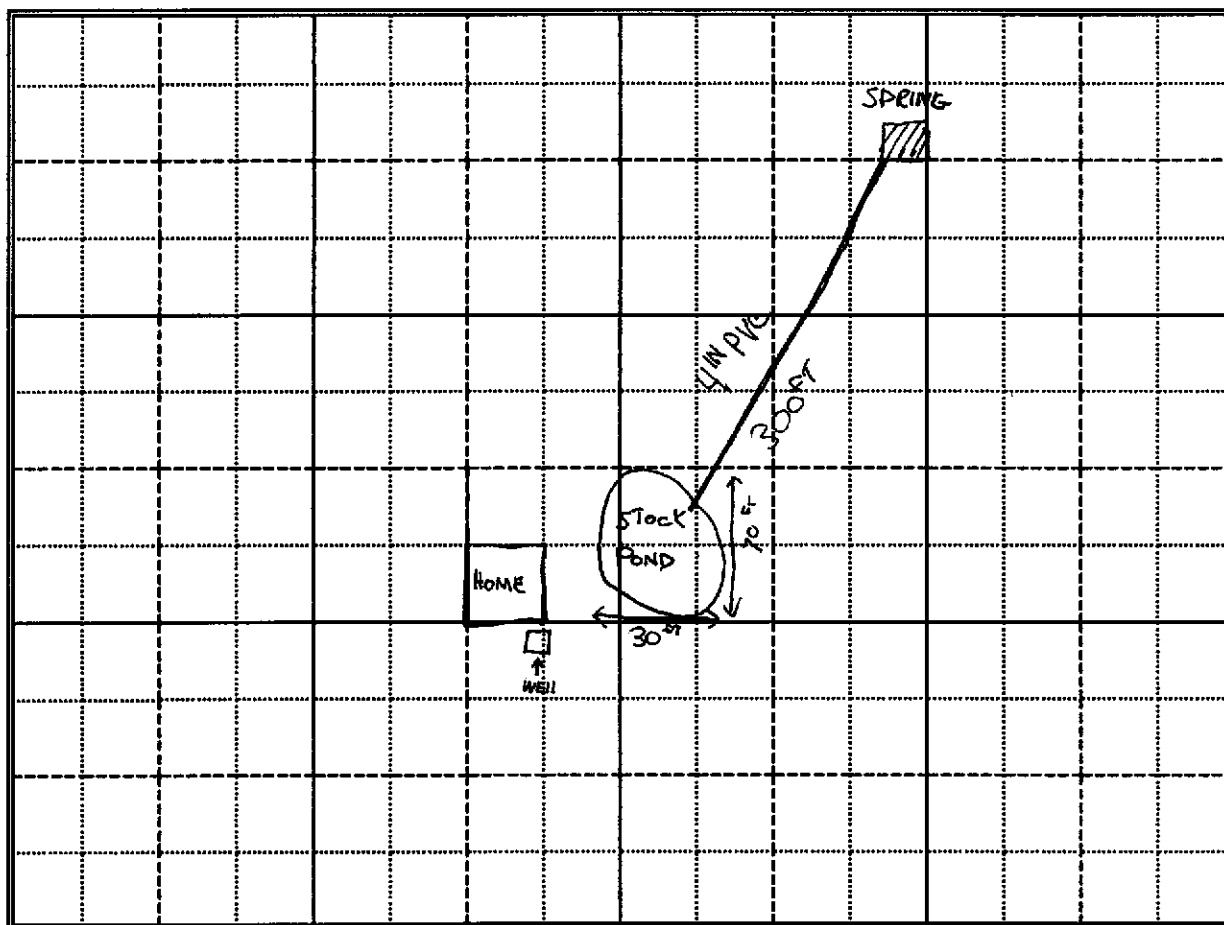
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
43 _N	04 _W	02										D, S.							
	</																		

MICROFILMED

APR 09 1998

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



Scale: 1" = _____

_____ 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

*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

APR 09 1998

E. NARRATIVE/REMARKS/COMMENTS

UNDER ground SPRING fills Stockpond By gravity

Legal description was wrong changed it to T43N R04W Sec 2

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

MICROFILMED
APR 09 1968

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:** $6 \text{ CATTLE} \times 12 \text{ gal} \times 365 / 325,850 = .08 \text{ AFA}$ **H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DOMESTIC</u>	<u>01-01</u>	<u>12-31</u>	<u>.04</u>	<u>1.2</u>
<u>Stock</u>	<u>01-01</u>	<u>12-31</u>	<u>.08</u>	<u>.08</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.06</u>	<u>2.0 *</u>

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 TED MSC RACKEN Date 7/12/94

Reviewer _____ Date _____

SEAL

* Adjustments made during review of this right for license approval.
See memo for additional information. 6/23/95 czf.

MICROFILMED

APR 09 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 12, 1988

Mr. William Rosenberry
HCO 1 Box 275
Desmet, Id. 83824

Re: 93-7043

Dear Mr. Rosenberry:

We acknowledge receipt of your statement of completion of water development use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED
APR 09 1998



ROSENBERRY, BILL & RUTH
STAR RT. BOX 59
DE SMET, ID 83824

CERTIFIED MAIL
June 30, 1988

138116

PROOF DUE NOTICE

RE: Permit No. 93-7043

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, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECORDED

AUG 18 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

ROSENBERRY, BILL & RUTH
STAR RT. BOX 59
DE SMET, ID 83824

SEPTEMBER 27, 1983

RE: PERMIT NO. 93-7043

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

INCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

CLOSURE

93-7043

ROSENBERRY, BILL &/or RUTH

STAR RT. BOX 59, DE SMET, ID 83824

Source: SPRING trib. to SINKS

Date Filed: 06/28/1983

Diversion Pt: NENE Sec 33 T 44N R 05W

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NENE Sec 33 T 44N R 05W

RECEIVED
JUL 1 1983