

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

(✓) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(✓) Field Report (✓) Quad Sheet () Gov. Lot Plat (✓) Rules Check list
(✓) Aerial Photo () Photo PD/PU

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

() Correspondence (Date) _____

() Other (List) _____

Contacts: _____

Remarks: _____

The fence square is background is PD



Exam Completed By Zarin Dubet

Sr. Agent Review _____

Regional Manager Review PSA

MICROFILMED

MAR 22 1991

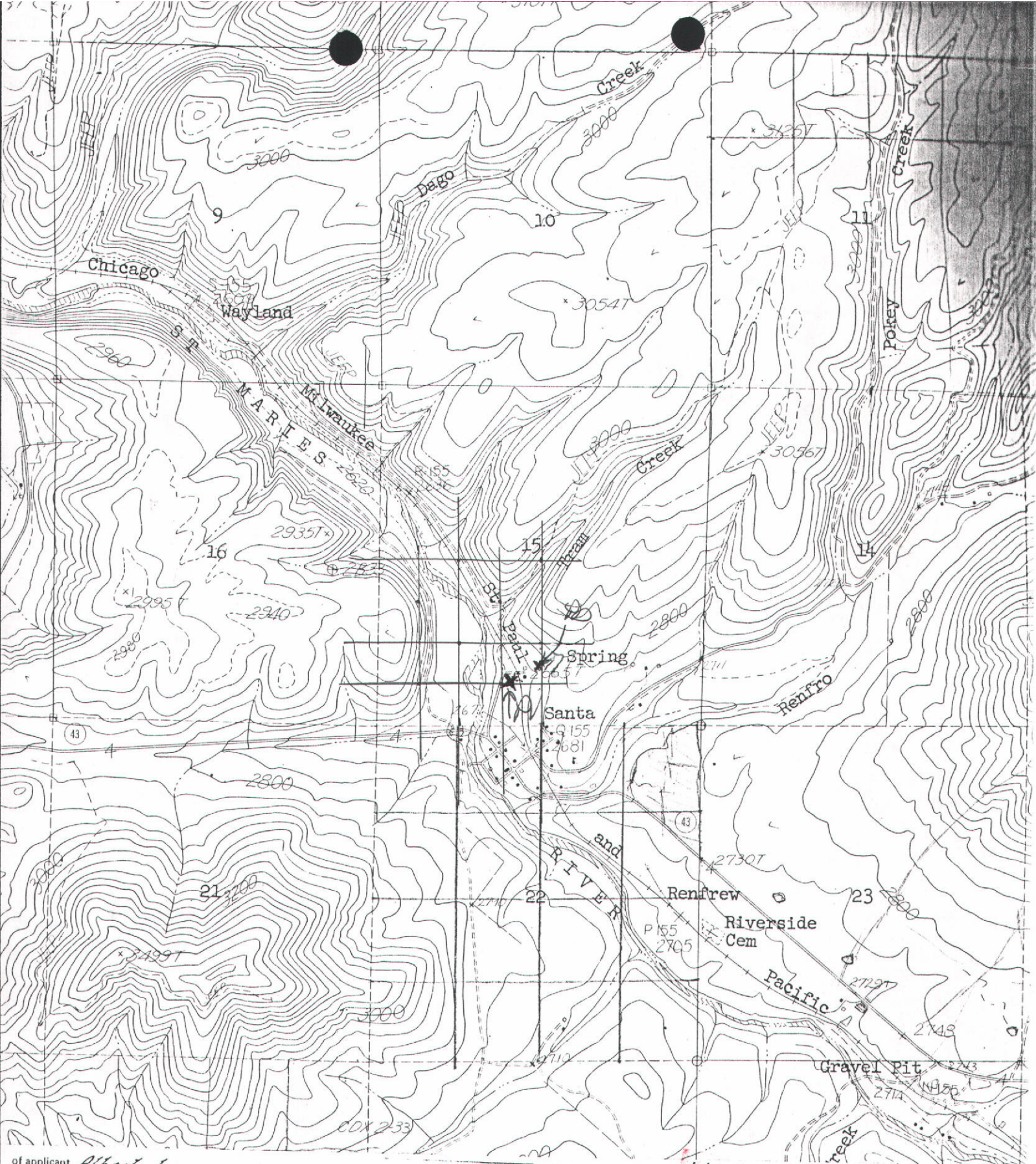
Date 8/21/89

Date _____

Date 6/8/90

PERMIT NUMBER

92-07134



of applicant Albert Lux Phone 245-4653
 Office address Box 84 Santa Id 83866
Spring tributary to St. Morris River
 of water supply St. Morris River which is a tributary of St. Joe
 ion of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 44N
1/4 B.M. Berensak County, additional points of diversion if any:

Place of use: T 24N N, R 1W, Sec 15 Permit # 92-7134
SESW 1 HOME
92-4028 **MAR 22 1991** Map # 17
 Quad # H-7

will be used for the following purposes:
 nt 0.01 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 nt 0.02 for St. Joe purposes from 1-1 to 12-31 (both dates inclusive)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 92-07134

Priority: May 25, 1983

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 1.4 AF

This is to certify, that ALBERT LUX
P.O. BOX 84

SANTA, ID 83866 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 25, 1983; and
has submitted Proof of Beneficial Use on July 5, 1988. An examination indicates
that the works have a diversion capacity of .040 cfs of water from:

SPRING tributary to ST. MARIES RIVER

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	0.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION: NESESW, Sec. 15, Township 44N, Range 01W
BENEWAH County

PLACE OF USE: STOCKWATER
TWN RGE SEC

44N 01W 15 SESW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater is for 5 cattle; domestic use is for 1 home.

MICROFILMED

MAR 22 1991

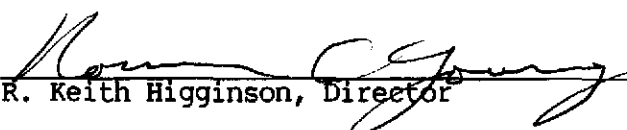
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 92-07134

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 27TH
day of FEBRUARY, 1991.

Acting for


R. Keith Higginson, Director

RECORDED

FILED 2 27 1991

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 Albert Lux Phone 245-4653
Post office address Box 84 Sonto Id 83866
2. Source of water supply Spring tributary to SE, Morias River which is a tributary of SE Joe
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 44N
Range 1W B.M. Berewak 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 gravity flow to home. Pump in river with pipe
to stock pond
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: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 44N
Range 1W 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 5 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: _____

MICROFILMED

UNCONTROLLED

[illegible]

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 Hilda Perry

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

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

applicant to make this filing **Exempt**.

10. Remarks

Sec 15
T44N
R1W

+P.D.
P/4

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

MICROFILMED

* Albert Luy
(Applicant)

MICROFILMED

Proposed Priority 5-25-83

Received by [Signature] Date 5-25-83 Time 11:30 AM
Preliminary check by [Signature] Fee \$ 30.00

Received by [Signature] Date 5-26-83 (27019)

Publication prepared by [Signature] Date 5/26/83

Published in St. Albans State Press

Publication dates 6/10/83

Publication approved [Signature] Date 6/10/83

Protests filed by: [Signature]

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature]

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. 92-7134, 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 1 August, 1988.

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.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 20 day of July, 1983.

David R. Tuttle

Acting For L. GLEN SAXTON, 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 1st day of June, 1983 and the last on the 8th day of June, 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.

JoJane Hammes

Subscribed and sworn to before me this day of, 19.....

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

RECEIVED

JUN 10 1983

Department of Water Resources
Northern District Office

Several residents
apply for water rights

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7074

Name: Herman Lounsbury
Address: P.O. Box 79, St. Maries, Idaho 83861
Date Filed: May 24, 1983
Source: Groundwater
Point of Diversion: SENE Sec 07 T 46N R 02W
In: SENE Sec 07 T 46N R 02W
Use: Domestic (0.16 cfs)

92-7130

Name: William A. Slinkard
Address: Rt. 1 Box 107, Palouse, WA 99161
Date Filed: May 11, 1983
Source: Little Carpenter Creek tributary to Carpenter Creek
Point of Diversion: NWNW Sec 14 T 43N R 01W
In: NWNW Sec 14 T 43N R 01W for 5 acres
Use: Irrigation (0.20 cfs); Irrigation Storage (1.0 AF); Domestic (0.04 cfs); Recreation storage (1.0 AF); Diversion to storage (0.20 cfs)

92-7131

Name: Larry and-or Helen Beckner
Address: P.O. Box 261, Fernwood, Idaho 83830
Date Filed: May 23, 1983
Source: Groundwater
Point of Diversion: SESW SWSW Sec 24 T 44N R 01W
In: SESW SWSW Sec 24 T 44N R 01W
Use: Domestic (0.04 cfs)

92-7132

Name: Valerie Kennon
Address: P.O. Box 251, Fernwood, Idaho 83837
Date Filed: May 23, 1983
Source: Crystal Creek tributary to Saint Maries River
Point of Diversion: NENW Sec 31 T 44N R 01E
In: NENW Sec 31 T 44N R 01E for 8 acres
Use: Irrigation (0.16 cfs); Stockwater (0.02 cfs)

92-7133

Name: Lester S. and-or Glenda R. Opal
Address: 241 Flume St., Boise, Idaho 83702
Date Filed: May 17, 1983
Source: Happy Creek tributary to Alder Creek
Point of Diversion: SWNE Sec 26 T 45N R 03W
In: SWNE Sec 26 T 45N R 03W for 12 acres
Use: Irrigation (0.20 cfs)

92-7134

Name: Albert Lux
Address: P.O. Box 84, Santa, Idaho 83866
Date Filed: May 25, 1983
Source: Spring tributary to Saint Maries River, Saint Maries River tributary to Saint Joe River
Point of Diversion: SESW Sec 15 T 44N R 01W
In: SESW Sec 15 T 44N R 01W
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho 83814 on or before June 20, 1983.

KENDUNN, Dir.

No. 7136 — June 1-8.

February 28, 1991

ALBERT LUX
P.O. BOX 84
SANTA, ID 83866

RE: WATER RIGHT NO. 92-07134

Dear Water Right Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

FILED

MAR 22 1991

LICENSE REVIEW CHECKLIST

Permit No. 92-7134

Name/Address change? ok ☒

Priority date Advance? yes no ☒

Memo to advance no ☒

Order to reinstate needed? yes no ☒

Total cfs Limited by fee no ☒

Limited by capacity no ☒

Total volume Limited by flow no ☒

Chart checked for AF rate/ac N/A

Capacity Actual measurement checked NONE

Theoretical checked NONE

If greater than permit, check for other rts no ☒

Source Changed? yes no ☒

If so, is memo needed to clarify? no ☒

P/D Verify with map no ☒ permit no ☒

More than one per 1/4? Remember remark no ☒

Check p/d overlap N/A

Uses Check irrigation period of use w/ chart N/A

P/U Verify with map no ☒ permit no ☒

> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4 no ☒

Description of non-irrig uses no ☒

Special overlap condition no ☒

Conditions -

Measuring device no ☒
W.Master control no ☒
Overlap no ☒
Water quality no ☒
Other no ☒

Dates/Misc. -

Water Dist no ☒
App Rec'd no ☒
Proof Rec'd no ☒

CHECK FOR ADJ. CLAIM

Needed according to proof filed no ☒

Filed - needs amended no ☒

Add'l fee required no ☒

Not filed no ☒

Not needed no ☒

MAR 22 1991

Comments/Changes to Examiner's Recommendations:

License no ☒ 10-day no ☒ 30-day no ☒

Back of field report signed? no ☒

Reviewer S. Curtis Date 2/21/91 Review time 7 min.

SENIOR AGENT REVIEW

RECEIVED
JUN 27 1990

Check List
for
Beneficial Use Field Report

Department of Water Resources

Permit 92-7134

✓ **A. GENERAL INFORMATION**

- ✓ 1. Name and address are most current available. (Check BU statement)
✓ 2. Exam Date
✓ 3. Source (Check Permit)

✓ **B. OVERLAP REVIEW**

- ✓ 1. & 2. (Rule 5,1,4)

✓ **C. SYSTEM DESCRIPTION**

- ✓ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
✓ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
✓ 3. Word Picture (Rule 5,1,3 / 5,1,4)
✓ 4. Diversion (Rule 5,1,3)
✓ 5. Compare with USGS Map, Land Survey Maps, Aerial Photos and Permit.
✓ 6. Irrigation (Rule 5,1,8)

✓ **D. FLOW MEASUREMENTS** Check math (Rule 5,1,13 / 5,1,14)

✓ **E. FLOW CALCULATIONS** Check math (Rule 5,1,13 / 5,1,14)

✓ **F. OPTIONAL**

✓ **G. VOLUME CALCULATIONS**

- Three significant figures and no more than 1/10's (Rule 6,1,2)
Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

✓ **H. REMARKS AND OVERLAP ANALYSES**

- ✓ All actual uses listed; all permitted uses not used, also listed; (Rule 5,1,2):
✓ Overlaps (Rule 5,1,4):
✓ Return flows (Rule 5,1,5):
✓ Conditions (Rule 5,1,6).

✓ **I. RECOMMENDATIONS**

- ✓ 1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity
(Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14).
Period of year (Rule 5,1,13)
✓ 2. Compare permit to exam for amendments (Rule 5,1,16)

✓ **J. AUTHENTICATION**

Name, Signature, Certification Date, Exam Date.

✓ **WELL INSPECTION REPORT**

Check with permit and well log for discrepancies

Signature JH

Date 8/19/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

(☒) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(☒) Field Report (☒) Quad Sheet () Gov. Lot Plat (☒) Rules Check list
(☒) Aerial Photo () Photo PD/PU

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

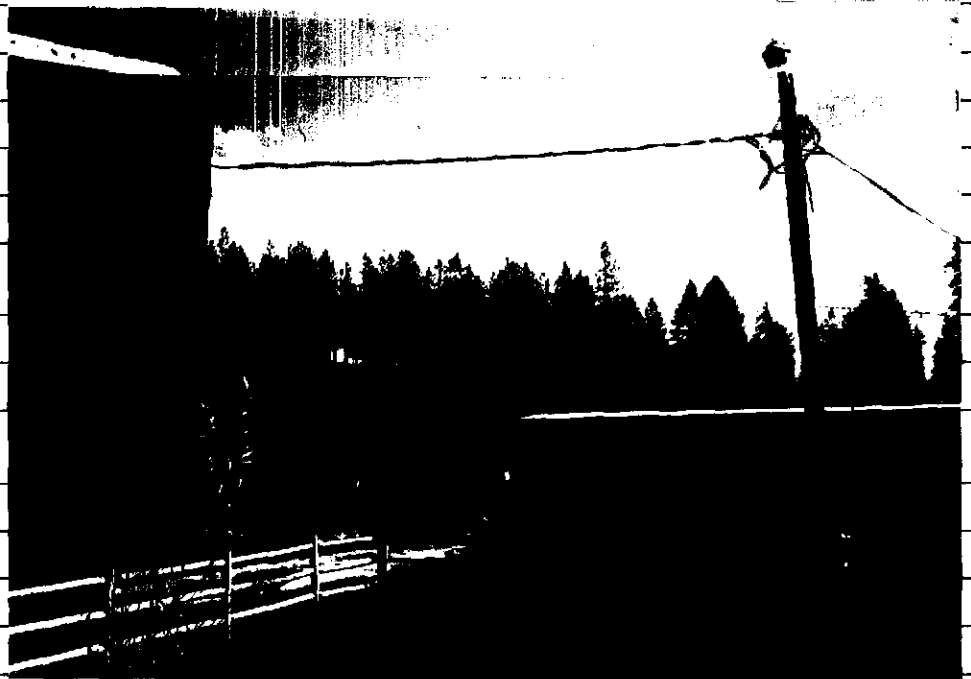
() Correspondence (Date) _____

() Other (List) _____

Contacts: _____

Remarks: _____

The fenced
square in
background
is PD



Exam Completed By Zain Sultan

Sr. Agent Review _____

Regional Manager Review PSM

RECEIVED

MAR 22 1991

Date 8/21/89

Date _____

Date 6/8/90

PERMIT NUMBER

92-07134

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 27 1990

Department of Water Resources

A. GENERAL INFORMATION

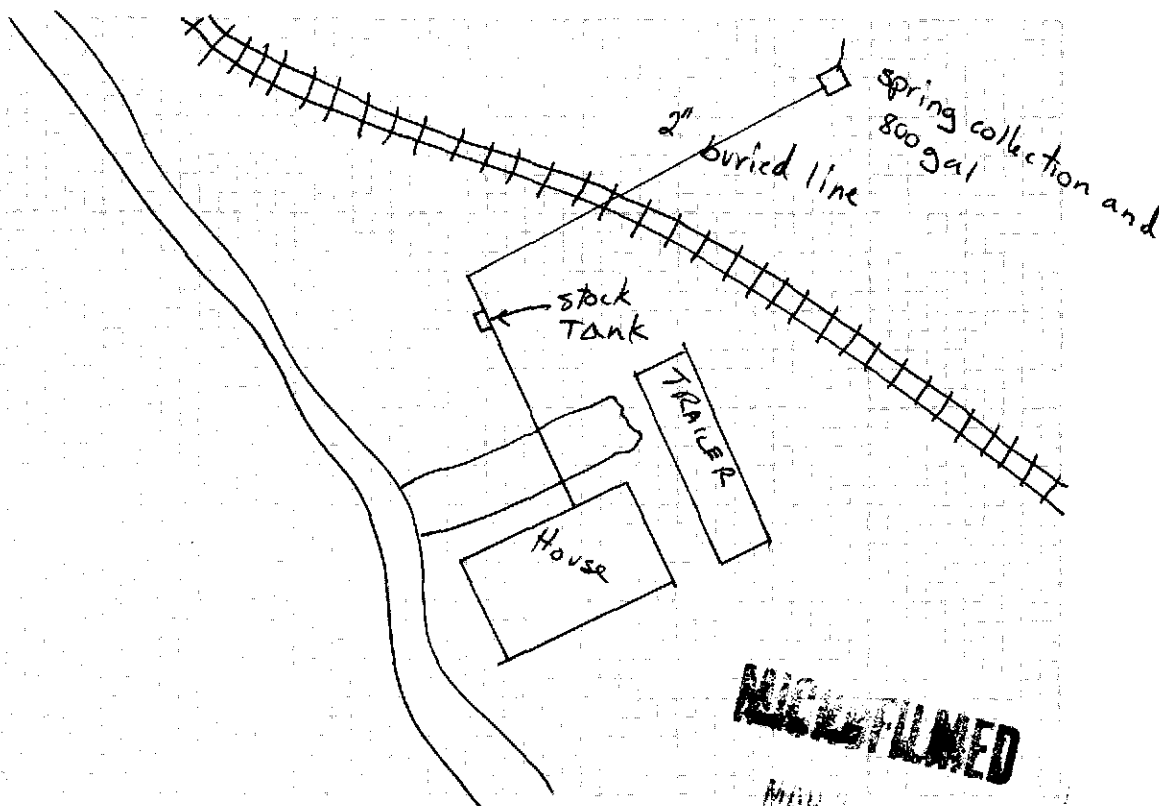
Permit No. 92-7134
Phone No. 245-4653
1. Owner: Albert Lux
Current Address: Box 84 Santa Id 83866
2. Accompanied by: Albert Lux EXAM. DATE: 8/11/89
Address: same Phone No. same
Relationship to Permit Holder: same
3. Source: Spring tributary to St. Marias R.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
☐ Copies Attached
2. Other water rights with same point of diversion: NONE
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 1/4 mi

2. ☒ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

RECEIVED
MAY 24 1991

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

collection system draining into 800 gal storage tank then going to a house ^{stock} feed by a "buried" line.

5102K
TANK

JK

☐ See Remarks on page 4 for continuation

[illegible]

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

5. Point(s) of Diversion:

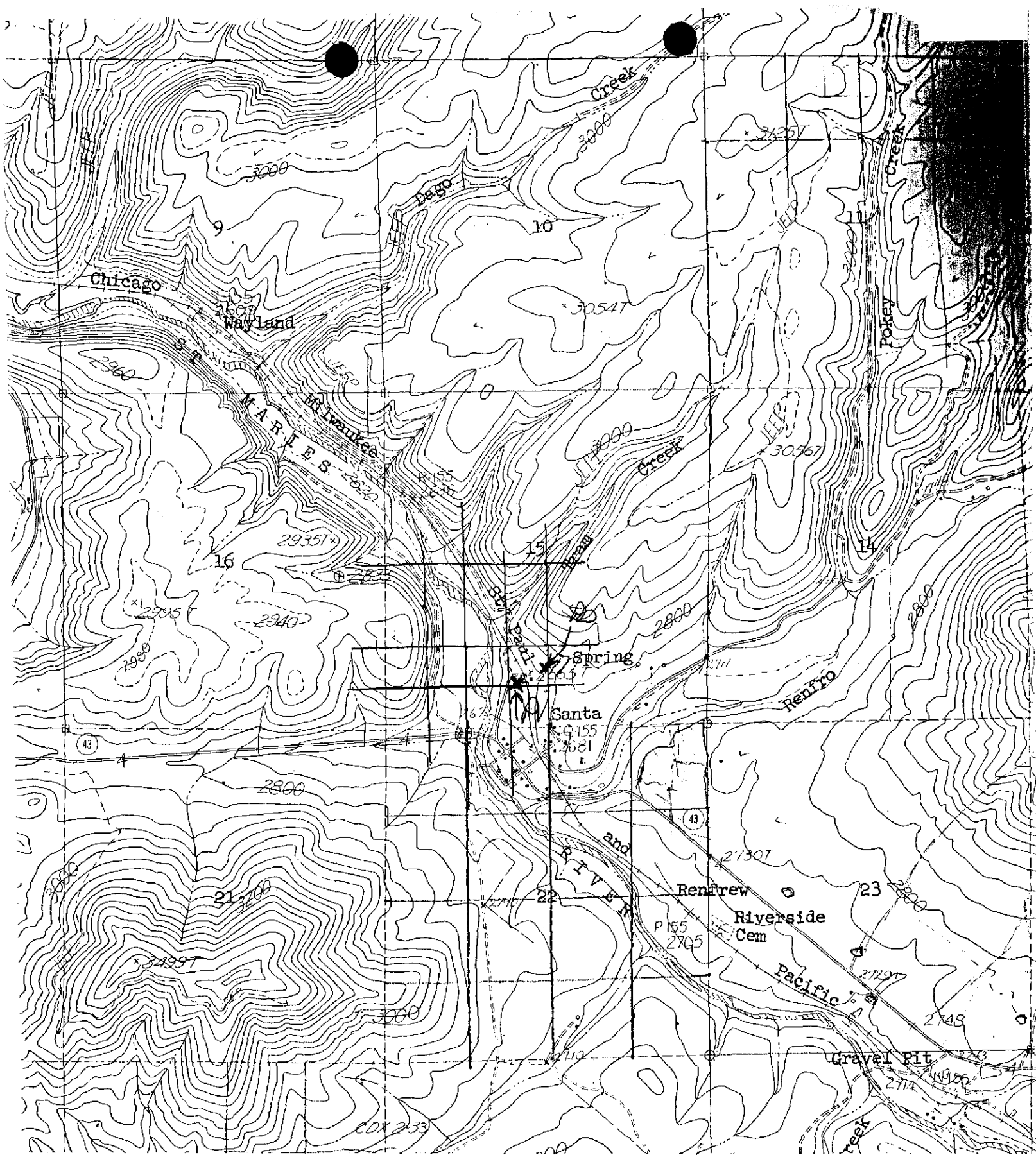
[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space



of applicant Albert Lux Phone 245-4653
 Office address Box 84 Santa Id 83866
 of water supply Spring tributary to St. Maries River which is a tributary of St. Joe
 of point of diversion is SE % of SW % of Section 15 Township 44N
 of SW B.M. Berewick County, additional points of diversion if any:

Place of use: T 44N R 1W Sec 15 Permit # 92-7134
SESW 1/4 Home Map # 17
92-4028 MAR 22 1991 Quad # H-7

will be used for the following purposes:
 nt 0.01 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 nt 0.01 for St. Joe purposes from

Do not use this space

D. FLOW MEASUREMENTS

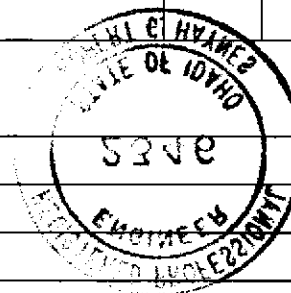
NONE

☐ Additional Data Sheets Attached

1.

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

2. Measurements:



E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

1 HOME DOMESTIC 0.04 cfs
STOCK (5hd) 0.02 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

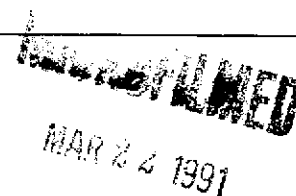
$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

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

2. Volume Calculations for Other Uses:

1 HOME DOMESTIC 1.2 afa
STOCK = 0.2 afa



H. REMARKS AND OVERLAP REVIEW ANALYSIS

NONE

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use		Period of Use		Rate of Diversion	Annual Volume
		From	To	Q (cfs)	V (afa)
Domestic		1/1	12/31	0.04 cfs	1.2 afa
Stock		1/1	12/31	0.02 cfs	0.3 afa
		Totals:		0.04 cfs	1.4 afa

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name Louis Sukovaty

Signature [Signature]

Certification Date 2/17/89

Field Report Preparation Date 8/16/89



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

2/21/91



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. Albert Lux
Box 84
Santa, Id. 83866

Re: 92-7134

Dear Mr. Lux:

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

RECEIVED

OCT 13 1988



1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 92-7134

Date: 8/19/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
N Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____
Date proof due _____ + _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
JUL - 5 1988
no fee
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by js
Sent to region _____

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. none 92-7134

Name(s) of Permit Holder: Albert Lutz

Post Office Address: Box 84 Santa Ida. 83866

Telephone No. 1-208-245-4653

Source of Water: Spring water To Residence - (Connected to Residence)
Spring tributary to St. Marie's River

Extent of Use:

Domestic one (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .04 cfs _____ acre-feet

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

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ none required
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

Albert Lutz 1-208-245-4653
(Name) (Telephone Number)

Box 84 Santa Ida 83866
(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.

6/29-88
Date

no permit required OCT 13 1988
(Owner) Albert Lutz
Signature of Permit Holder (and title, if appropriate)

138839
CERTIFIED MAIL
May 31, 1988

LUX, ALBERT
P.O. BOX 84
SANTA, ID 83866

PROOF DUE NOTICE

RE: Permit No. 92-7134

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 August 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

OCT 13 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director April 13, 1983

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

RECEIVED

NOV 16 1983

Department of Water Resources

Mr. Albert Lux
P. O. Box 84
Santa, Id. 83866

Dear Mr. Lux:

Per your request, I am sending you two Applications for Permit along with a set of instructions. In order for a water right to be established from either the spring or the St. Maries River, an Application for Permit must be filed.

If the spring flows into the St. Maries River, a single application would suffice for both sources. If the spring sinks back into the ground before reaching the river, two separate filings would be required.

If you have any questions, please contact me at this office.

Sincerely,

LAWRENCE D. BEARD
Senior Water Resource Analyst

LDB/pms

Enc. - Applications (2)
Instructions



RECEIVED

APR 18 1983

Department of Water Resources
Northern District Office

P.O. Box 84
Santa, Idaho 83366
April 12, 1983

Northern Region
Idaho Department of Water Resources
Route 5, Box 203
Coeur d'Alene, Idaho 83814

Gentlemen,

In 1976, we purchased the property, legal description inclosed, and built our home on it. We were granted fifty per cent use of the spring on Hulda Perry's property, adjacent to our land. She has filed for water rights. Is it necessary for us to file for water rights? If so, please send us the necessary papers to fill out. We are on the St. Maries River and would like permission to use same, should we choose, for irrigation. Would we need water rights for this, too? We would never have more than three head of stock.

Respectfully yours,

Albert Lux

enclo. ~~water right~~
water right easement.

MICROFILMED

WATER RIGHT EASEMENT

The undersigned, M. R. VORTMAN, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration does hereby grant and convey unto ALBERT LUX and CLARA G. LUX, husband and wife, an easement for the use of spring water from the spring and water source located on the following described property, to-wit:

That portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Fifteen (15), Township Forty-four (44) North, Range One (1) West, Boise Meridian, which lies east of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and south and east of the county road, as now laid out, over and across said land, as hereinafter more fully defined.

for household and domestic use on the following described property, to-wit:

A parcel of land in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Fifteen (15), Township Forty-four (44) North, Range One (1) West, Boise Meridian, described as follows: Beginning at a point on the east side of the county road, which is 20 feet south of a small draw; thence northerly along the east side of a county road to the point of intersection of the county road and the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southerly along the right-of-way to a point 716 feet north of the north line of Section Twenty-two (22); thence west to a point 716 feet north of the north line of Section Twenty-two (22) on the east bank of the St. Maries River; thence northerly along said east bank to a point west of the point of beginning; thence east to the east side of the county road, to a point 20 feet south of a small draw, the place of beginning, excluding therefrom the county road right-of-way over and across said described land.

The Grantees herein shall have the right to install a pipeline from the spring over and across the above described property where said spring is located to the above described property which said easement services, said pipeline to be not greater than two inches in diameter, and he shall have the right to thereafter inspect, repair and maintain said pipeline.

This easement runs with the land and inures to the benefit of the Grantees herein, their heirs, executors, administrators and assigns.

This is not an exclusive easement, but the water from the water source herein described shall be used in common with the owners of

the parcel of land above described where said spring is located,
and the Grantee herein shall be limited to the use of not more
than fifty percent (50%) of said water at any given time.

IN WITNESS WHEREOF, the undersigned have executed this instrument
this 13th day of August, 1976.


M. R. VORTMAN

STATE OF IDAHO)
) ss.
County of Benewah)

THIS IS TO CERTIFY that before me the undersigned Notary Public
in and for the State and County aforesaid personally appeared M. R.
VORTMAN, to me known to be the person whose name is subscribed to
the foregoing Water Right Easement, and acknowledged to me that he
signed the same for the uses and purposes therein set forth.

DATED this 13th day of August, 1976.


Notary Public in and for Idaho
Residing at: Plummer, Idaho
Commission Expires: Life

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LUX, ALBERT
P.O. BOX 84
SANTA, ID 83866

AUGUST 02, 1983

RE: PERMIT NO. 92-7134

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.

SINCERELY,

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

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RGH

APPLICATION NUMBER: 92-7134

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No
☐ Yes ☐ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: 6/20/83 ✓

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6/10/83 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☐ Yes ☒ No

Measuring device required.

- ☐ Yes ☒ No

Access port required.

- ☐ Yes ☒ No

Will water be delivered by watermaster? If yes, what district? _____

- ☒ 5-25-83

Date of priority recommended.

Special conditions of approval or cover letter. _____

By: LB

Date: 7-11-83

STATE OFFICE REVIEW:

SLW/L17

cd 26

- ☐ See attached sheet for more information.

By: [Signature]

Date: 7/5/83

RECEIVED
JUL 15 1983

Department of Water Resources

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

92-2134

LUX, ALBERT

P.O. BOX 84, SANTA, ID 83866

Source: SPRING trib. to SAINT MARIES RIVER
SAINT MARIES RIVER trib. to SAINT JOE RIVER

Date Filed: 05/25/1983

Diversion Pt: SESW Sec 15 T 44N R 01W

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

In: SESW Sec 15 T 44N R 01W

RECEIVED