

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 21st day of January, 1983 and the last on the 2nd day of February, 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 9th day of Feb, 1983.

Sharon E. Blackburn

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

OK
2/23/83

Water rights are sought by three parties

NOTICE OF APPLICATION FOR WATER RIGHT

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

91-7065

Name: Steve F. Henderson
Address: Rt. 2 Box 196A, St. Maries, Idaho 83861

Date Filed: Jan. 17, 1983

Source: Springs tributary to Sinks
Point of Diversion: SWSE Sec. 27 T 47N R 02W

In: NWNE Sec 34 T 47N R 02W
Use: Stockwater Storage (1.0 AF);
Domestic (0.04 cfs); Recreation

Storage (1.0 AF); Fire Prot.
Storage (1.0 AF); Diversion to
Storage (0.06 cfs).

92-7110

Name: Robert J. and or Kay C. Leighty
Address: Rt. 1 Box 206B, St. Maries, Idaho 83861

Date Filed: Jan. 18, 1983

Source: Unnamed Stream tributary to Cherry Creek
Point of Diversion: SWNW Sec 29 T 46N R 02W

In: SWNW Sec 29 T 46N R 02W
Use: Stockwater (0.02 cfs)

92-7111

Name: Floyd Legitt
Address: P.O. Box 124, Santa, Idaho 83866

Date Filed: Jan. 17, 1983

Source: Renfro Creek tributary to Saint Maries River, Saint Maries River tributary to Coeur d'Alene Lake

Point of Diversion: NENW Sec 22 T 44N R 01W

In: NENW Sec 22 T 44N R 01W for 4 acres

Use: Irrigation (0.10 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 February 14, 1983.

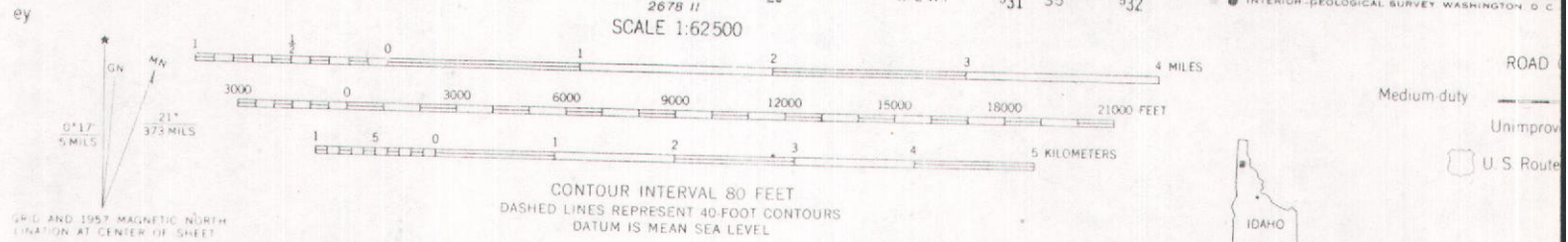
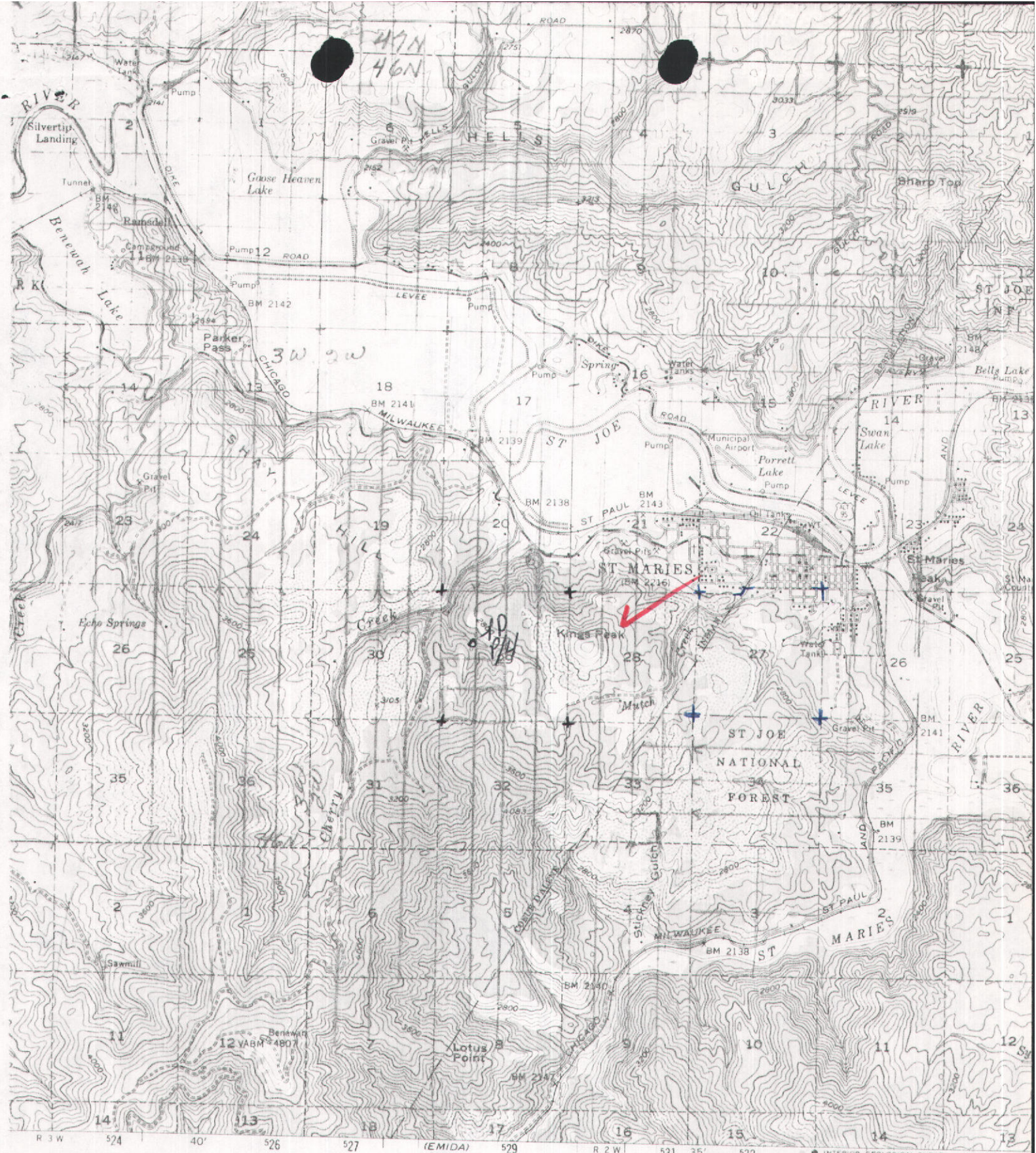
KEN DUNN, Dir.

No. 7019 — Jan. 26-Feb. 2.

RECEIVED
JAN 24 1983

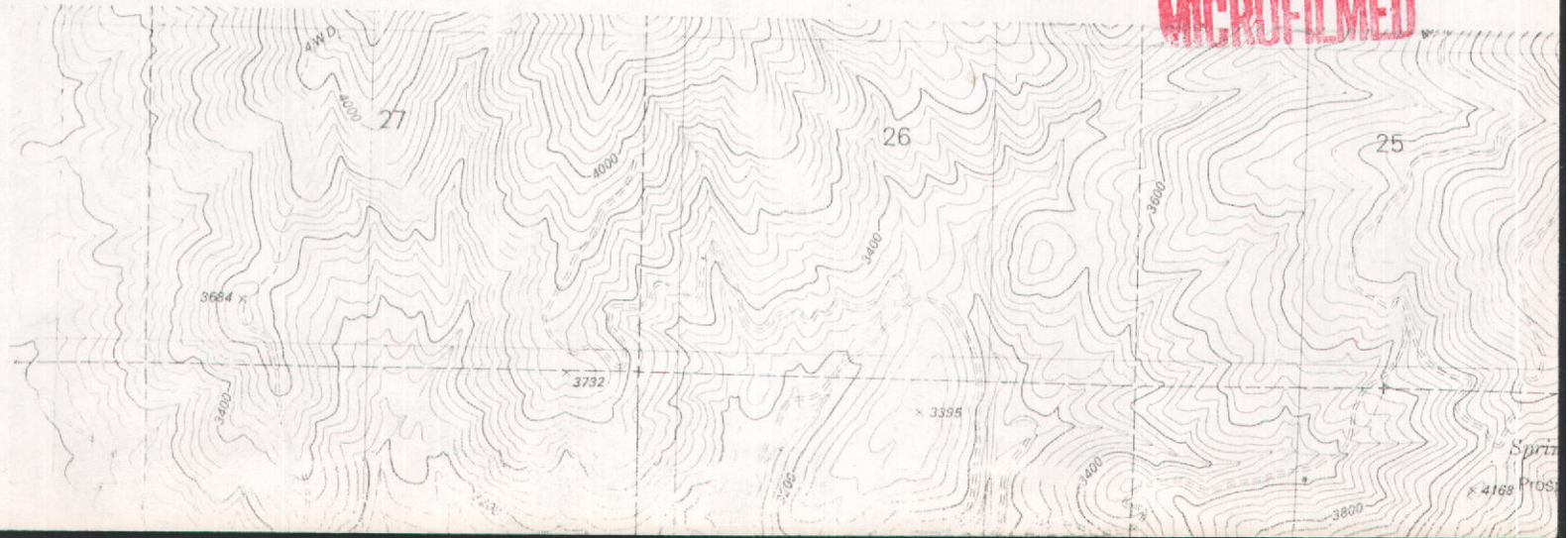
Department of Water Resources
Northern District Office

MICROFILMED



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 92-7110 Priority January 18, 1983 Amount 0.02 cfs

THIS IS TO CERTIFY, that Robert J. or Kay C. Leighty
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 92-7110 issued pursuant to Application for Permit dated January 18, 1983,
and has submitted proof to the Department of Water Resources on January 18, 1983,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from an unnamed stream,
tributary to Cherry Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.2</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.2 acre feet per year, said waters to be diverted within the SW1/4 NW1/4 Section 29,
Twp 46N, Rge 2W in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
46N	2W	29							X										

Total number of acres irrigated _____

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CONDITIONS OF APPROVAL

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

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license 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 license 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 license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of January, 19 86.

Acting for the Norman C Young
Director

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 ROBERT J. OR KAY C. LEIGHTY Phone _____
Post office address RT. 1 BOX 206 B ST. MARIES, ID 83861
2. Source of water supply UNNAMED STREAM which is a tributary of CHERRY CK
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 46N
Range 2W B.M. BENEWAH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for STOCKWATER purposes from JAN 1 to DEC 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:

- a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. DIKE IN STREAM
TO PROVIDE A PONDING AREA

- 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 1 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: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 46N
Range 2W 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 7 HEAD OF CATTLE & DONKEYS
15 GEESE

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

[illegible]

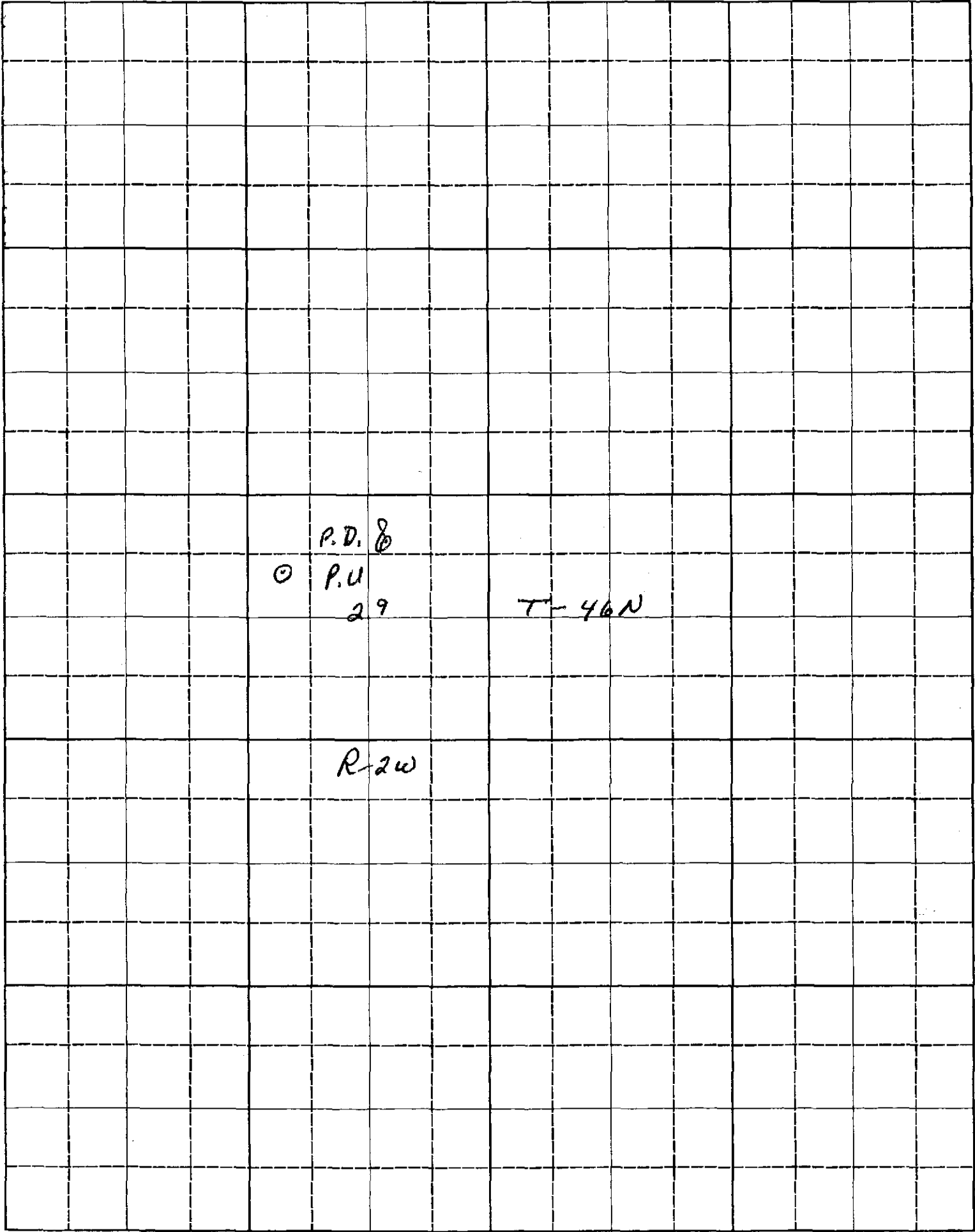
None

Applicant

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

10. Remarks $N\frac{1}{2}$ SWNW, $N\frac{1}{2}$ S $\frac{1}{2}$ NW, 29 T-46N R-20

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Robert J. Lighty
(Applicant)

Received by [Signature] Date 1/18/83 Time 3:00
Preliminary check by [Signature] Fee \$ 24.816
Received by [Signature] Date 1/18/83
Publication prepared by [Signature] Date 1/20/83
Published in Idaho State Record
Publication dates 1/26-2/2/83
Publication approved [Signature] Date 2/23/83
Protests filed by: None
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. 92-7110, 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 be-

fore April 1, 19 84.

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:

Witness my hand this 9th day of March, 1983.

Chief, Operations Bureau

[Signature]

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.

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Subscribed and sworn to before me this 9th day of Feb, 1983

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

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Storage (1.0 AF); Fire Prot.
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Address: Rt. 1 Box 206B, St. Maries, Idaho 83861

Date Filed: Jan. 18, 1983

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Use: Stockwater (0.02 cfs)

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KEN DUNN, Dir.

No. 7019 — Jan. 26-Feb. 2.

RECEIVED
JAN 24 1983

Department of Water Resources
Coeur d'Alene, Idaho

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 22, 1986

RE: Permit No. 92-7110

Robert J. or Kay C. Leighty
Rt. 1, Box 206B
St. Maries, ID 83861

Dear Mr. and Mrs. Leighty:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

SEP 7 1983

92-7110
Permit No.

CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed:

DATE

INITIALS

REMARKS

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 7/22/83 Accompanied by App Total Q measured - est. 0.02

Source Stream Tributary to cherry ck Supp. annubar measurement sheet used? no

If source is surface water, estimate total flow of source 0.5 cfs

Methods of measurement none Meets permit requirements? yes

Measurement calculations: 7 head of cattle - 40 + geese 0.02 cfs = pond 25'x3'x 2' deep
40.2 AF

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS

System Description 2' dam in stream to provide pond for stock & Goose reproduction

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Stock Water

Irrigation requirement = _____ AFA/Acre

Q (cfs)

V (afa)

FROM

TO

0.02 ✓

0.20 ✓

1-1 ✓

12-31 ✓

Total

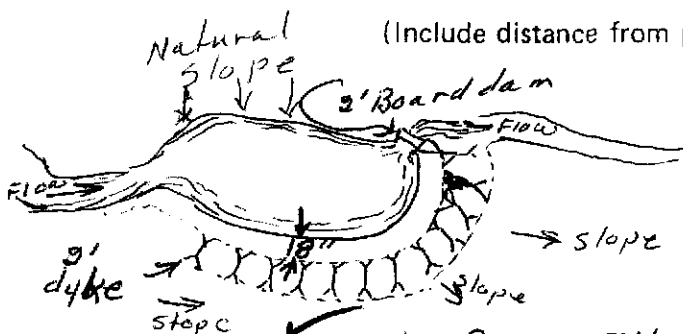
0.02 ✓

0.20 ✓

Remarks Geese need approx one foot of water for reproduction activities

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(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: ^{Step C} SWNW, Sec 29, T46N, R2W

Place(s) of Use

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature _____

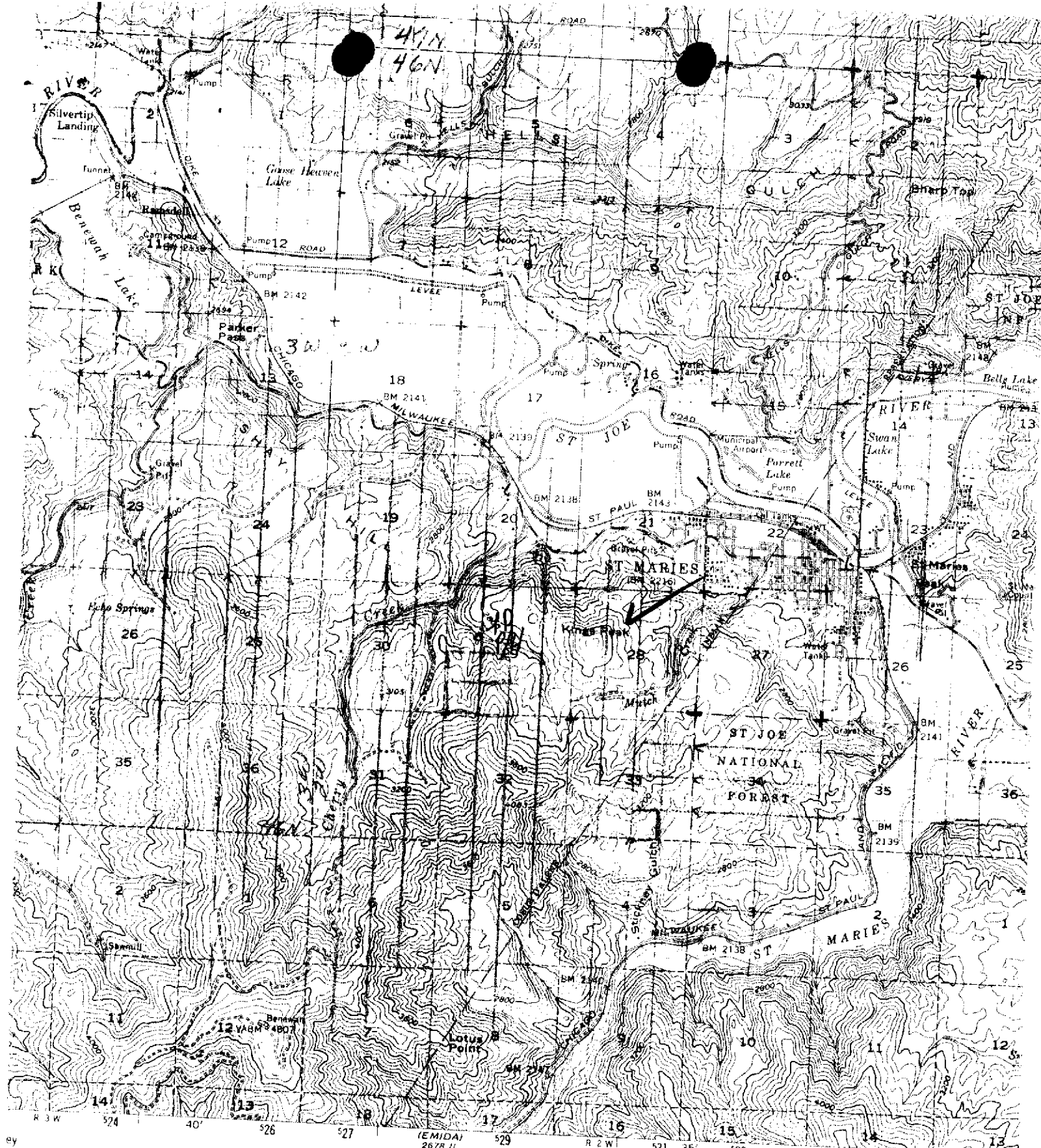
Checked by,

Approved by _____

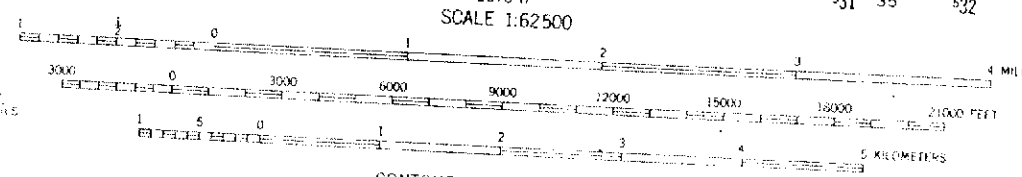
Date 7/25/83

Date 9/1/83

Date 12-7-85

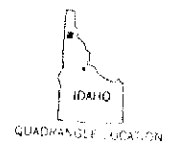


SCALE 1:62500



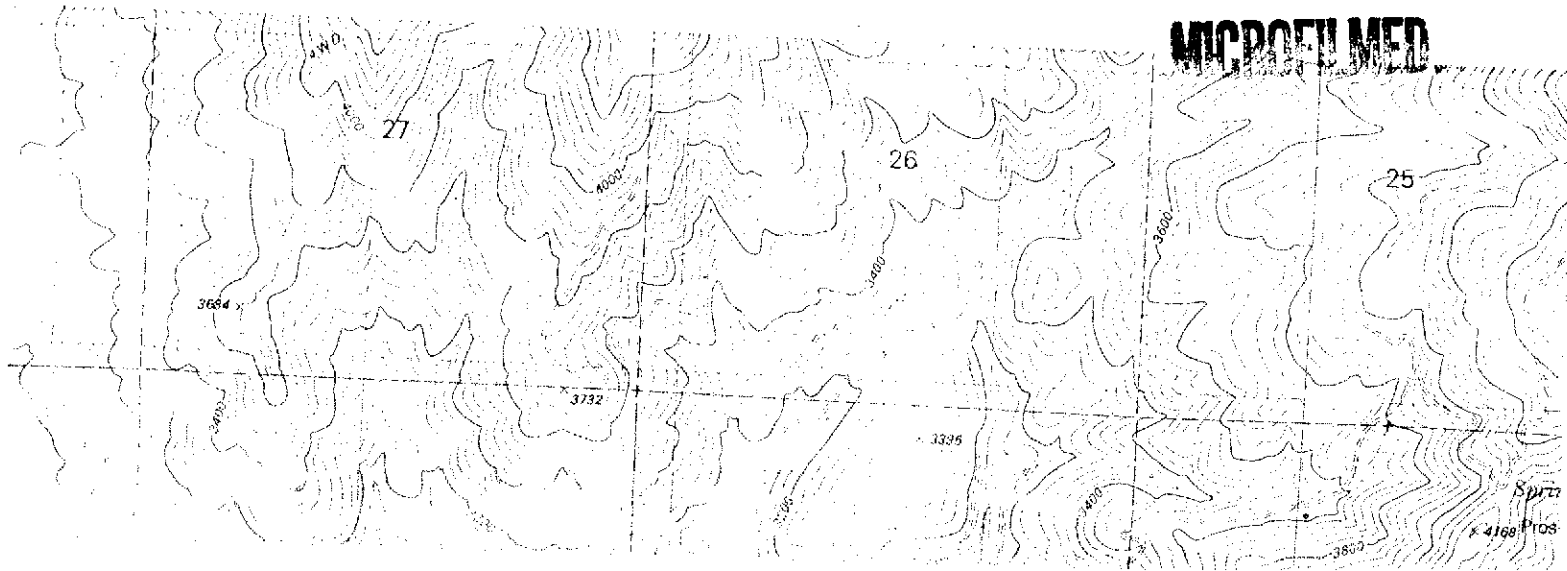
CONTOUR INTERVAL 80 FEET
DASHED LINES REPRESENT 40 FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

ROAD
Medium duty
Unimprov
U.S. Route



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

APRIL 13, 1983

ROBERT & KAY LEIGHTY
ROUTE 1 BOX 206 B
ST. MARIES ID 83861

RE: Permit No. 92-7110

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 667-6484 or in person at our office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 92-7110.

Name(s) of Permit Holder: ROBERT J. OR KAY C. LEIGHTY

Post Office Address: RT 1 BOX 206 B

ST. MARIES, ID 83861 Tel. No. 245-2850

Source of Water: UNNAMED STREAM

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater 25 STOCK (number and type of stock)
☐ Irrigation GEED (acres)
☐ Other _____

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

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

11/18/83
 Date

R J Leighty
 Signature of Permit Holder

Received with App
for Permit on

1-18-83

RC 3/7/83



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LEIGHTY, ROBERT J. & KAY C.
RT. 1 BOX 206B
ST. MARIES, ID 83861

MARCH 15, 1983

RE: PERMIT NO. 92-7110

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.

SINCERELY,

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

ENCLOSURE

RECEIVED
MARCH 15 1983
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: LB

APPLICATION NUMBER: 92-7110

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: 2/14/83

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

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2/14/83
☒ 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? _____

- ☒ Yes ☒ No

Date of priority recommended. 1/18/83

Special conditions of approval or cover letter. _____

By: PSH

Date: 2/28/83

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: Relyn

Date: 3/7/83

MAR 02 1983

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

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

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

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

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

92-2110

LEIGHTY, ROBERT J. &/or KAY C.

RT. 1 BOX 206B, ST. MARIES, ID 83861

Source: UNNAMED STREAM trib. to CHERRY CREEK

Date Filed: 01/18/1983

Diversion Pt: SWNW Sec 29 T 46N R 02W

Use: STOCKWATER (0.02 CFS)

In: SWNW Sec 29 T 46N R 02W

RECEIVED
FEB 1 1983
FBI - BUTTE