

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 two issues, the first publication being on the 12th day of July, 1979 and the last on the 19th day of July, 1979.

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 20th day of July, 1979.

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

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 92-7050 in the Name of Theodore H. or Lois Agidius was advertised incorrectly on June 7 and June 14 1979.

The amount of water for Storage for Irrigation was incorrectly advertised as being 3 A-F; whereas it should read 5 A-F.

The amount of water for Irrigation from Storage was incorrectly advertised as being 5 A-F; whereas it should read 3 A-F.

Any protest to the above-referenced correction must be filed with the State of Idaho Department of Water Resources, 4055 Government Way, Coeur d'alene, Idaho 83814, on or before July 30, 1979.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record on July 12 and July 19, 1979.
No. 5792 — July 12-July 19

RECEIVED

JUL 26 1979

Department of Water Resources
Northern District Office

MICROFILMED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 92-7050 Priority May 23, 1979 Amount 5.0 acre feet

THIS IS TO CERTIFY, that Theodore H. or Lois Agidius
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 92-7050 issued pursuant to Application for Permit dated May 23, 1979,
and has submitted proof to the Department of Water Resources on July 8, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the ~~diversion~~ ^{storage} of 5.0 acre feet of water from Mutch Creek,
tributary to St. Joe River, 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
Irrigation	from <u>January 1</u> to <u>December 31</u>	at <u>N/A</u> cfs and	<u>5.0 acre feet</u>
Storage	from <u>March 15</u> to <u>November 15</u>	at <u>N/A</u> cfs and	<u>3.0 acre feet</u>
Wildlife	from <u>January 1</u> to <u>December 31</u>	at <u>N/A</u> cfs and	<u>5.0 acre feet</u>
Storage	* (both dates inclusive)		

Subject, however, to the condition that no more than 5.0 acre feet of water be ~~diverted~~ ^{stored} 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
5.0 acre feet per year, said waters to be diverted within the SE1SW1 Section 28,
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	28											1						1

* Fire Protection
Storage

January 1 to December 31

Total number of acres irrigated 1
5.0 acre feet

WATER RIGHT

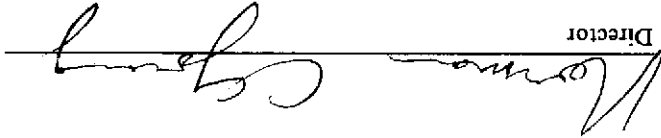
MICROFILMED

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
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 THEODORE HOR LOIS AGIDIUS Phone 245-2904
Post office address Box 175, ST. MARIES, ID 83861
2. Source of water supply MUTCH CREEK which is a tributary of ST. JOE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 46N
Range 2W B.M. BENEWAH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 5 AF for STORAGE purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) FOR FIRE PROTECTION
- Amount 5 AF for STORAGE FOR purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) IRRIGATION
- Amount 5 AF for WILDLIFE purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR D.I.
- Amount 5 AF for FIRE PROTECTION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) FROM STORAGE
5. Total quantity to be appropriated: 3 AF IRRIGATION FROM STORAGE MARIS NO 15

- a. 3 cubic feet per second and/or b. 5 AF acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 3-5' DAM WITH PIPELINE
TO PLACE OF USE

- b. Height of storage dam 5 feet, active reservoir capacity 5 acre-feet; total reservoir capacity 5 acre-feet, materials used in storage dam: EARTH

Period of year when water will be diverted to storage JAN 1 to DEC 31 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 28 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 _____

- (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: WILDLIFE - FISH & ANIMALS

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

[illegible]

Total number of acres to be irrigated

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

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

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

10. Remarks

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

28 T-46N

© P.D. & Place of Use

2R3

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.

Shirley H. Aguirre
(Applicant)

Proposed Priority 5/23/79

Received by KK Date 5/23/79 Time 10:00 A
Preliminary check by AK Fee \$ 20.00
Receipted by KK Date 5/23/79 # 13584
Publication prepared by pm Date 5/25/79
Published in St. Marias Gazette
Publication dates 6/14 + 7/79 / Resear. 7/12 + 19/79
Publication approved pm Date 7/26/79
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by PGH Jim

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. 92-7050, 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 October 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 29th day of October, 19 79.

L. Glen Saxton
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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Subscribed and sworn to before me this 20th day of July, 1979.

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

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C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record on July 12 and July 19, 1979.
No. 5792 — July 12-July 19

RECEIVED
JUL 20 1979

State of Idaho
Department of Water Resources
Coeur d'Alene District Office

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advertised as being 3 A/F; whereas it should read 5 A/F.

The amount of water for Irrigation from Storage was incorrectly
advertised as being 5 A/F; whereas it should read 3 A/F.

Any protest/~~exception~~ to the above-referenced correction must be filed
with the State of Idaho Department of Water Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814, on or before July 30, 19 79.

C. STEPHEN ALLRED

Director

Published in the St. Maries Gazette Record on
July 12 and July 19, 19 79.

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 7th day of June, 1979 and the last on the 14th day of June, 1979.

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 15th day of June, 1979.

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

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

92-7050

Name: Theodore H. or Lois Agidius
Address: Box 175, St. Maries, Idaho 83861

Date Filed: May 23, 1979

Amount: 5.0 AC-FT

Source: Mutch Creek tributary to St. Joe River

Means: Dam and Pipe

Point of Diversion: SESW Sec 28 T 46N R 02W, Benewah county

Place of Use: SESW Sec 28 T 46N R 02W for 1 acre

Use: Irrigation Storage (3.0 AC-FT) from Jan. 1 to Dec. 31; Irrigation from Storage (5.0 AC-FT) from March 15 to Nov. 15; Fire Prot. Storage (5.0 AC-FT) from Jan. 1 to Dec. 31; Fire Prot. from Storage (5.0 AC-FT) from Jan 1 to Dec. 31; Wildlife (5.0 AC-FT) from Jan. 1 to Dec. 31.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho, 83814 on or before June 25, 1979.

C. STEPHEN ALLRED
Director

No. 5752 — June 7-June 14.

RECEIVED

JUN 26 1979

Department of Water Resources
Northern District Office

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. 92-7050

Theodore H. or Lois Agidius
Box 175
St. Maries, ID 83861

Dear Mr. and Mrs. Agidius:

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

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1983
92-7050
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			Tom Remington scs office St. Marins
			245-2314 - if Mr. Ogilvie
☐ Telephone call made: (List Telephone No. used)			or Larry Cook
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7/22/83 Accompanied by - Total Q measured ≈ 5.0 AF
If source is surface water, estimate total flow of source _____
Methods of measurement Tape Meets Permit requirements? _____

Measurement calculations:
 $160' \times 100' \times 13' \text{ pond} = \frac{208,000}{43560} = 4.77 \text{ AF} \sim \text{approx depth}$
5.0 AF ok

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

System Description 6' dam forming 160' x 100' x 13' pond with 1" gravity flow pvc to corrugates

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

RECOMMENDED AMOUNTS

USE	Q (cfs)	V (afa)	FROM	TO
Storage for Irrigation ✓	N/A	5.0 ✓	1-1 ✓	12-31 ✓
Storage for Fire Protection ✓	N/A	5.0 ✓	1-1 ✓	12-31 ✓
Irrigation from Storage ✓		3.0 ✓	3-15 ✓	11-15 ✓
(Storage for) Wildlife ✓		5.0 ✓	1-1 ✓	12-31 ✓
Total	N/A	5.0		

Remarks Pond listed with IDPL For H₂O Lift -

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CONFIDENTIAL

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

Point(s) of diversion: $57.5W, Sec 28, T46N, R2W$

[illegible]

Recommended Amendments:

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

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None ☐ Other

Approved by _____

Checked by

Examiner's Signature

Date _____

Date _____

Date _____

58-5-85

52116

7/25/83



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

October 8, 1982

Theodore Asidius
Bx 175
St. Maries, ID 83861

RE: 92-7050

Dear Sir:

We acknowledge receipt of your statement of completion of water development and 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 in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/fms

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. 92-7050.

Name(s) of Permit Holder: THEODORE Y LOIS AGIDIUS

Post Office Address: P.O. BOX 175 ST. MARIES, IDAHO
83861 Tel. No. 245-2904

Source of Water: MATCH CREEK

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation ONE (acres)
☐ Other FIRE PROTECTION, WILDLIFE

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.

July 3 1988 Date **MICROFILMED** Shelene H. Agidius Signature of Permit Holder

T. H. Abidi

P.O. Box 175, ST. MARIES,

IDAHO 83861



Ralph Bunche



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

November 3, 1973

Theodore & Lois Agdfius
Box 175
St. Maries, Idaho 83861

Dear Mr. & Mrs. Agdfius,

RE: Permit No. 92-7050

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

NOT RECORDED

maureen has

RECEIVED

Department of Water Resources

Sept. 19, 1979

Idaho Department of Water Resources
Route 5 Box 203
4055 Government Way
Coeur D' Alene, Idaho 83814

*Please file
in 92-7050*

Dear Sir:

I respectfully request information on the disposition of my water use permit request which was submitted at your office on May 23, 1979.

The permit request involved a low head dam on Mutch Creek, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 28, T46N, R2WBM.

I have no knowledge of objections or complications of this permit request, therefore, I do feel that the four (4) month time lapse for issuance is excessive.

Respectfully yours,

Theodore H. Agidius
Theodore H. Agidius
P.O. Box 175
St. Maries, Idaho 83861

*Discussed with Mrs
Agidius 9-26-79*

245-2904

RECEIVED

SEP 21 1979

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK
CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ 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.

APPLICATION NUMBER: 92-7050

Agidius
Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. N/A
☒ Yes ☐ No* In form for advertising.
Final date for protests: 7/30/79
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: 4/26/79
☐ Application published correctly. If not, record action taken: Revised 7/12+19/79 - 2 uses.
☒ 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? _____
☒ 5-23-79 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: RWA Date: 7-30-79

STATE OFFICE REVIEW:

Short letter w/o conditions

☐ See attached sheet for more information.

By: Jmi Date: 10/26/79

RECEIVED
OCT 25 1979

92-2050-

AGIDIUS, THEODORE H. &/or LOIS

BOX 175, ST. MARIES, ID 83861

Source: MUTCH CREEK tributary to ST. JOE RIVER

Date Filed: 05/23/1979

Amount: 5.0 AC-FT

Diversion Point: SESW Sec 28 T 46N R 02W, BENEWAH Co.

Use: IRRIGATION STORAGE	(3.0 AC-FT)	from 01/01 to 12/31
IRRIGATION FROM STORAGE	3 (5.0 AC-FT)	from 03/15 to 11/15
FIRE PROT. STORAGE	(5.0 AC-FT)	from 01/01 to 12/31
FIRE PROT. FROM STORAGE	(5.0 AC-FT)	from 01/01 to 12/31
WILDLIFE	(5.0 AC-FT)	from 01/01 to 12/31

Place of Use: SESW Sec 28 T 46N R 02W FOR 1 ACRES

Diversion Means: DAM & PIPE

MICROFILMED

July 5, 1979

St. Maries Gazette Record
P. O. Box 667
St. Maries, Idaho 83861

Gentlemen:

Re: 92-7050

Enclosed is a Notice of Correction for the above-referenced permit which was incorrectly advertised on ~~April~~ 17 and June 14, 1979.

Please publish the Notice of Correction on July 12 and July 19, 1979, and forward your Affidavit of Publication and billing for this second publishing. If you cannot publish on these dates, please contact me immediately.

Sincerely,

Patricia M. Styap
Secretary

Enc. - Notice of Correction

RECORDED