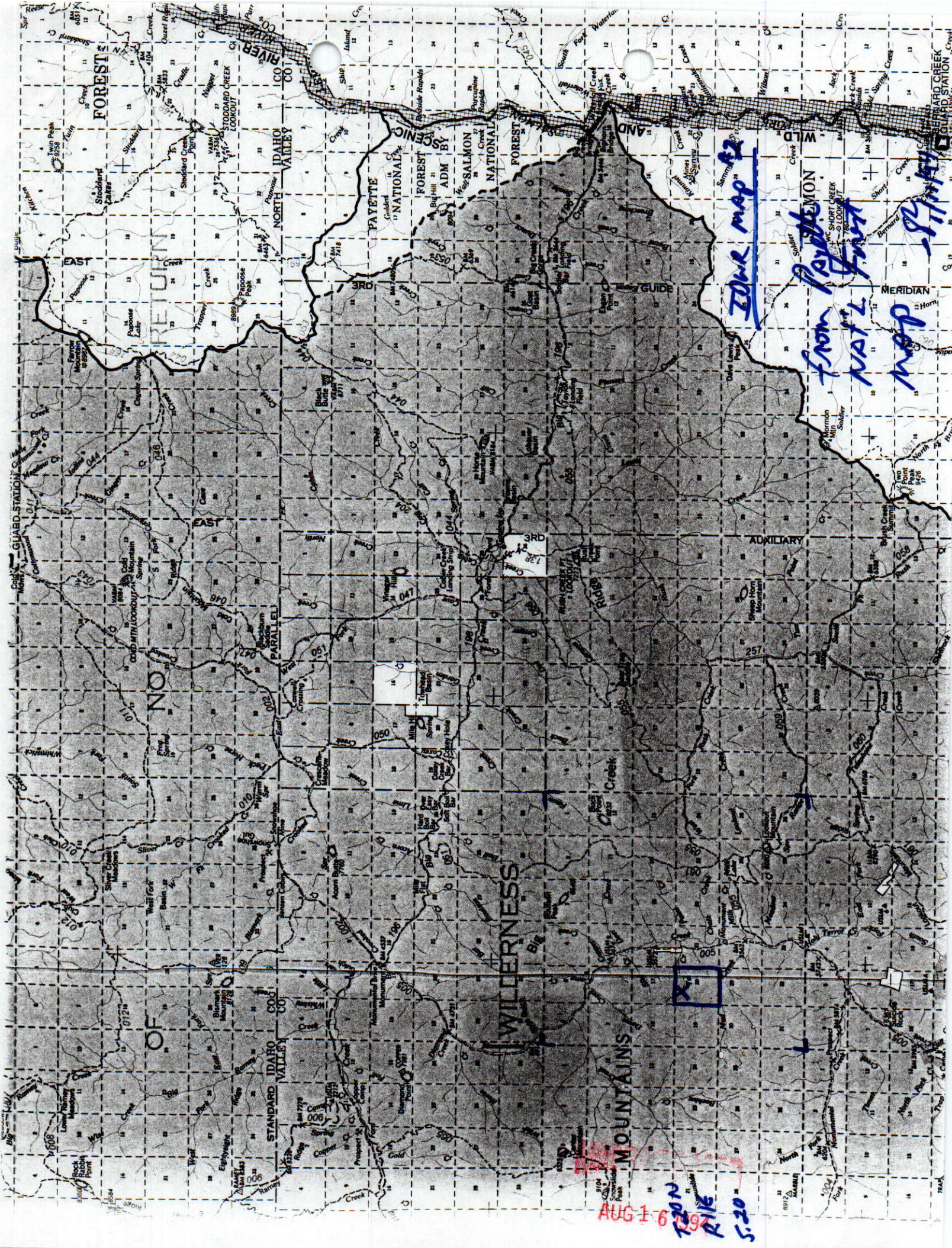




EDR map #2
from Payette Nat'l Forest
map

AUG 16 1991
RLE
5.20

Unsurveyed area

T 20 N

R 11 E

S. 20

T T E

approx. Section Lines
per projections from
quad R-66 to west
from Payette N.E.
map

per
Applicants
map

{ Site in M.S. #3530
P/O, P/u

F O R E S T

LOWR MAP #1

8/1/11/94

new
P/O - 1 of 2 sites

Slide
n/kw/ty
Parcel A
Parcel B } P/u

AUG 16 1994

From GLAD
R-67

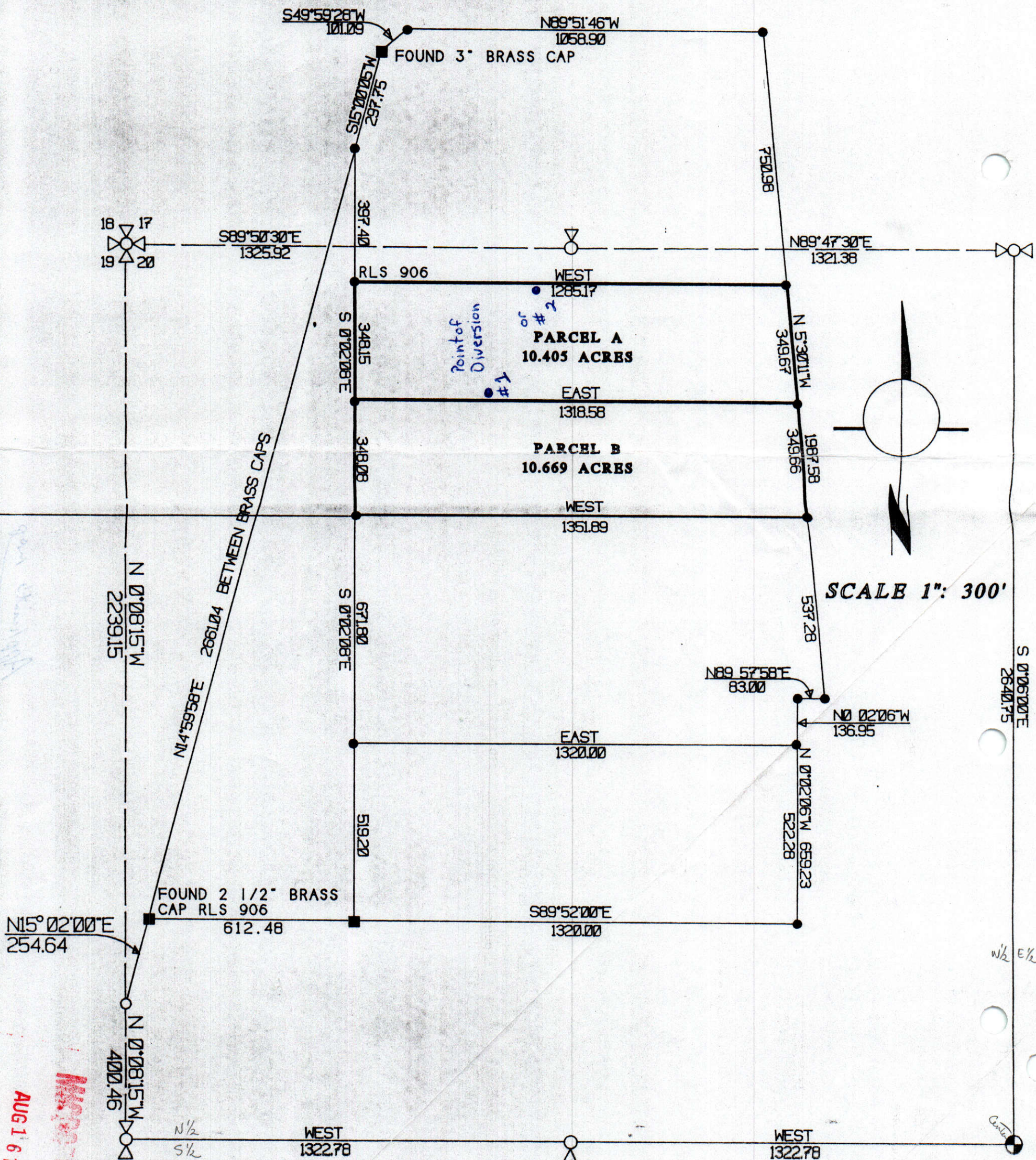
USCM 3674
5248
Simonds
Landing Strip

(MONUMENT)
2974 11 SE

2'3
4989

RECORD OF

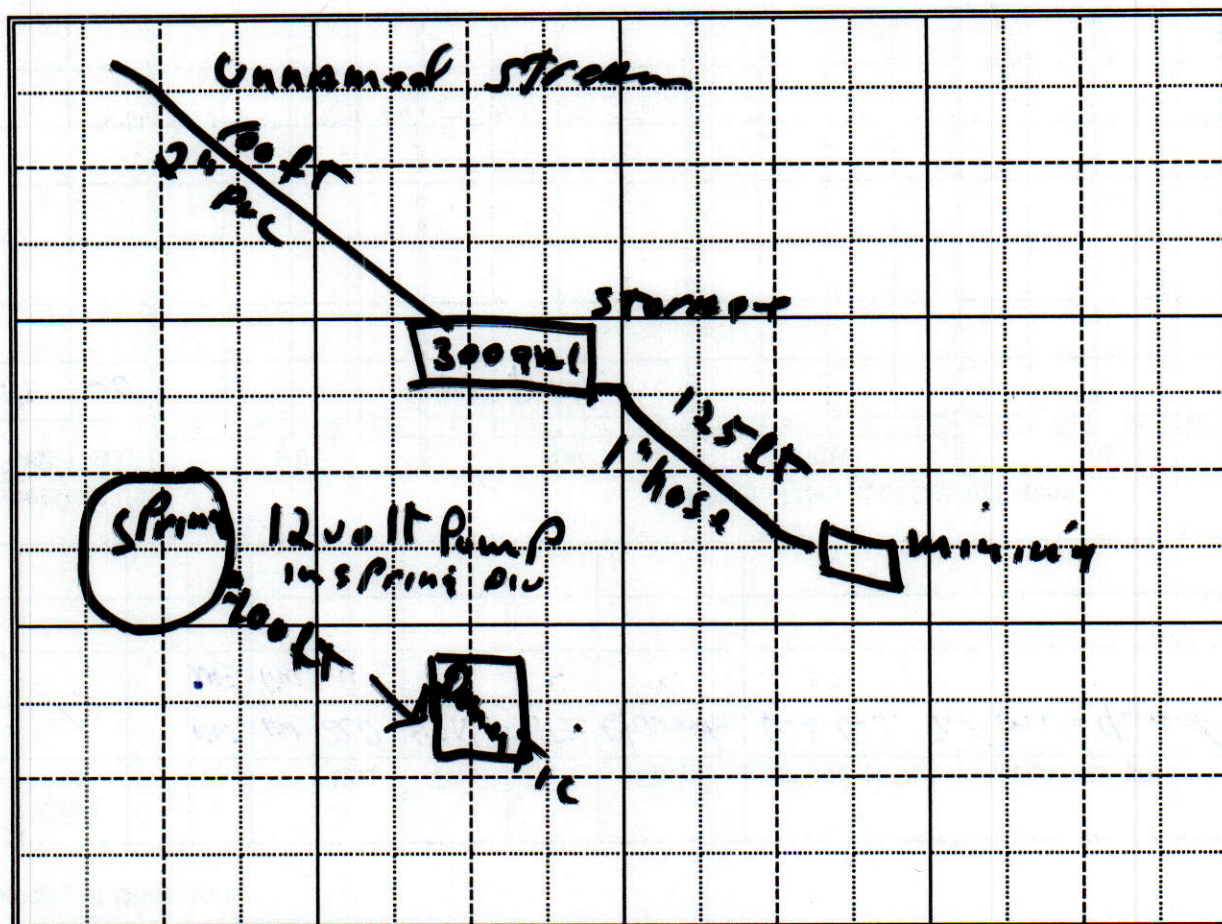
PRELIMINARY



AUG 16 1994

Applicant's map

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
Domestic	12 volt Pump not capable				7/8
mining	GRAVITY				

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

D. FLOW MEASUREMENTS

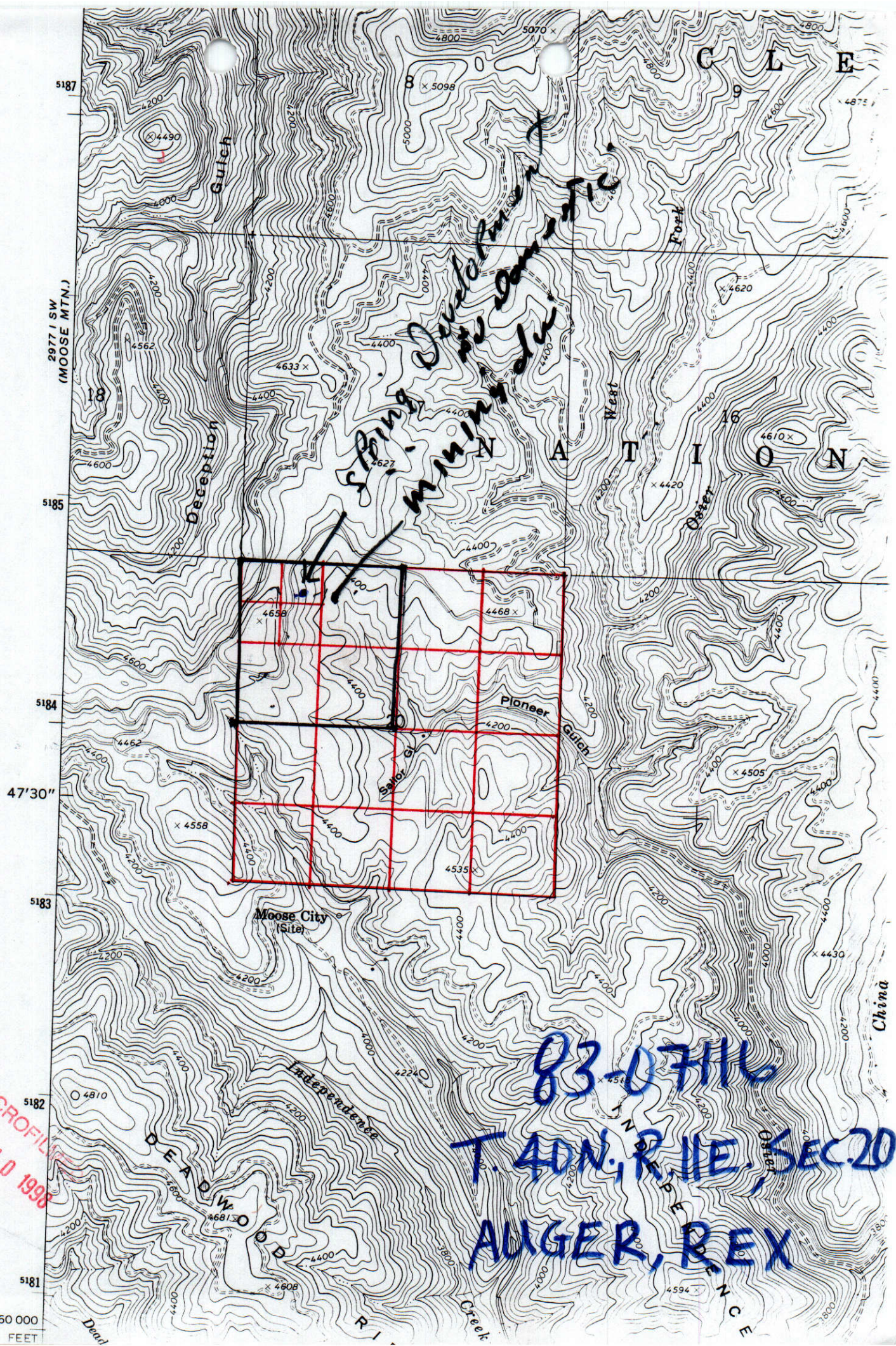
1.

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

2. Measurements: _____

MICROFILMED

JUN 10 1998



5182
MICROFILM
JUN 10 1998

83-07116
T. 40N., R. 11E., SEC. 20
AUGER, REX

PERMIT # 83-07116

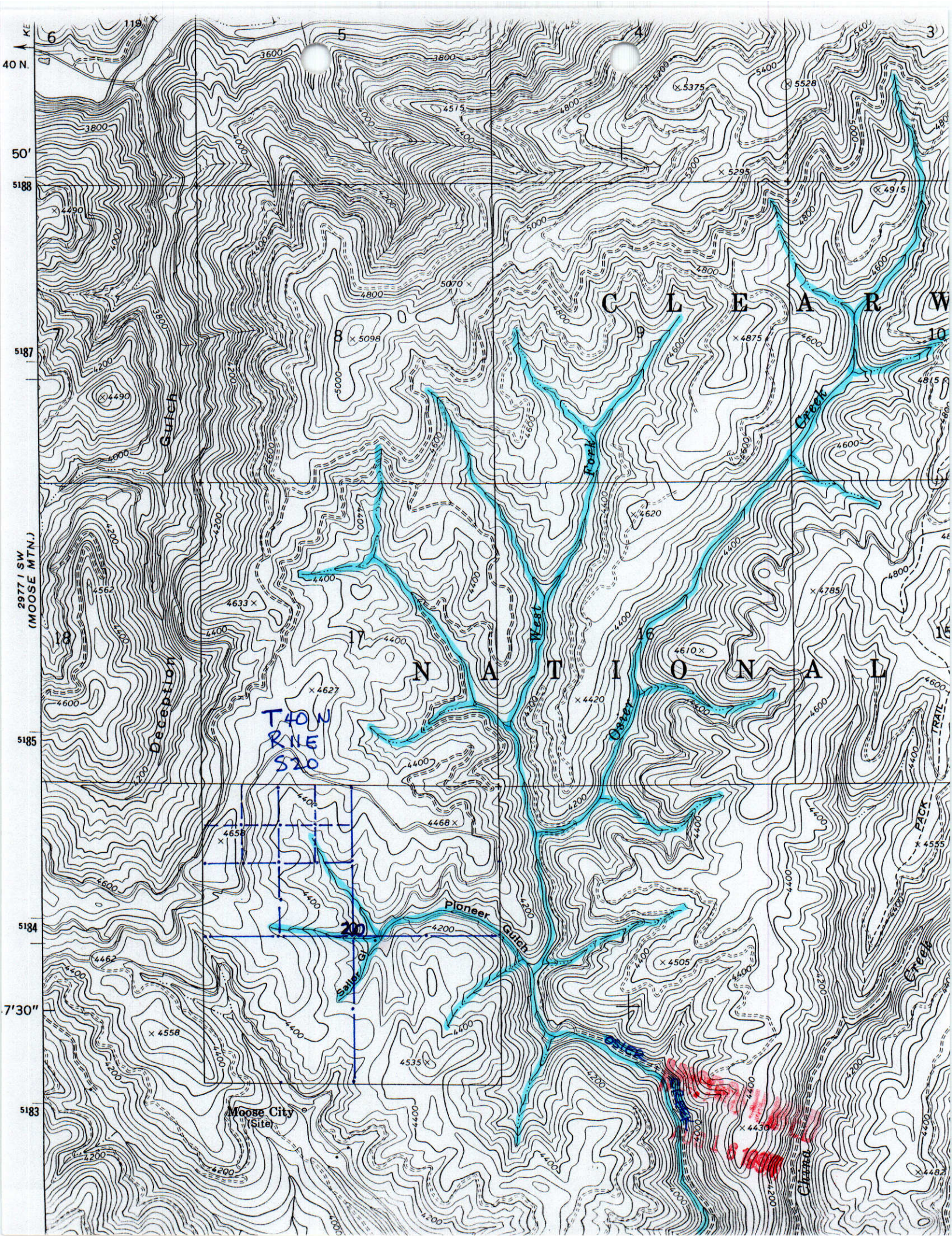
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



Spring
Div.



MICROFILMED
JUN 10 1998



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

Bonnie M. Bessent

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Notice of correction

That Correction

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 3rd day of March 1994 and ending on the 10th day of March 1994

Bonnie M. Bessent
STATE OF IDAHO)
)

COUNTY OF CLEARWATER)

On this 18th day of March in the year of 1994, before me, a Notary Public, personally appeared

Bonnie M. Bessent
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Spence A. Linke
Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 5/13/99

Notice of correction

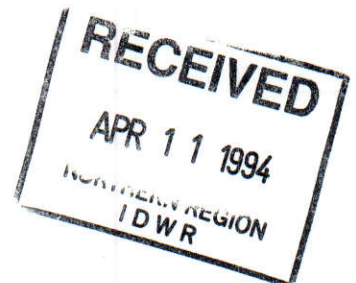
Notice is hereby given that application for permit No. 83-7116 in the name of Rex and Debra Auger was advertised incorrectly on 2/17 & 24, 1994.

The Diversion Point was incorrectly advertised as the NWNW Sec 20 T20N R11E in Valley County whereas, Correctly it should be the NWNW Sec 20 T40N R11E in Clearwater County. The Place of Use was incorrectly advertised as the T20N R11E S20 NENW and NWNW, Valley County; whereas, correctly it should be the T40N R11E S20 NENW and NWNW, Clearwater County. Source was incorrectly advertised as groundwater, whereas, correctly should be spring tributary to Pioneer Creek.

For additional information concerning the property location, call the Northern Regional Office at 769-1450.

Protests to the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID. 83814 on or before March 21, 1994.

R. Keith Higginson, Dir.
3,3-10c



NOTIFIED

AUG 16 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 83-07116

Priority: December 15, 1993

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:

6.1 AF

This is to certify, that REX AUGER
DEBRA AUGER

PO BOX 289

MULLAN ID 83846-0289

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 15, 1993; and has submitted Proof of Beneficial Use on April 15, 1996. An examination indicates that the works have a diversion capacity of 0.050 cfs of water from:

SPRING

tributary to SINKS

UNNAMED STREAM

tributary to OSIER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	03/15 to 11/15	0.03 CFS	4.9 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
	Totals	0.05 CFS	6.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 20, Township 40N, Range 11E
NWNW , Sec. 20, Township 40N, Range 11E
CLEARWATER County

PLACE OF USE: MINING

TWN RGE SEC

40N 11E 20

NENW

PLACE OF USE: DOMESTIC

TWN RGE SEC

40N 11E 20

NWNW

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.

MICROFILMED

JUN 10 1998

State of Idaho
Department of Water Resources

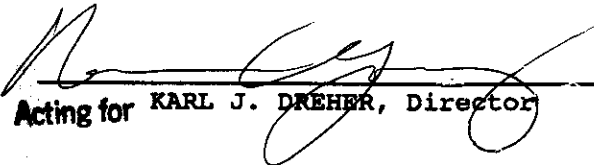
WATER RIGHT LICENSE

WATER RIGHT NO. 83-07116

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
6. Domestic use is for 1 home.

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 20th day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 10 1998

RECEIVED

MAR 19 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 83-07116**Date of Priority:** December 15, 1993**Maximum Diversion Rate:**

0.05 CFS

Maximum Diversion Volume:

6.1 AF

Comes now

REX AUGER

DEBRA AUGER

PO BOX 289

MULLAN ID 83846-0289

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. 83-07116, and requests that the permit be changed as follows:

Source: SPRINGtributary to **SINKS****Source: UNNAMED STREAM**tributary to **OSIER CREEK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	03/15 to 11/15	0.03 CFS	4.9 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
	Totals	0.05 CFS	6.1 AF

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 20, Township 40N, Range 11E
NWNW , Sec. 20, Township 40N, Range 11E
CLEARWATER County**PLACE OF USE:** MINING**TWN RGE SEC**

40N 11E 20

NENW

PLACE OF USE: DOMESTIC**TWN RGE SEC**

40N 11E 20

NWNW

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 R. R. Auger, this 16th day of March, 19 98.

MICROFILMED

JUN 10 1998

R. R. Auger
(Signature)
Debra M Auger

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 83-07116

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = 50.00 Received by LB # C041780 Date 3/19/98

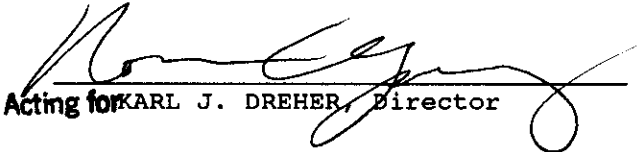
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 83-07116 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.
5. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
6. Domestic use is for 1 home.

Witness my hand this 20TH day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 10 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CORRECTING THE)
SOURCE OF WATER FOR WATER)
APPROPRIATION PERMIT 83-07116 IN) ORDER
THE NAME OF REX &/OR DEBRA AUGER)
_____)

On December 15, 1993, Rex and Debra Auger (applicants) applied to the Department of Water Resources (department) for a permit to appropriate groundwater for mining and domestic purposes.

On February 17 and 24, 1994, the application was properly advertised in the Clearwater Tribune.

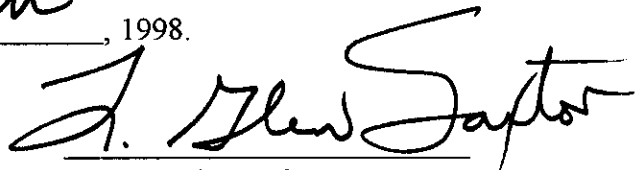
On January 26, 1994, the application was amended to change the point of diversion and place of use descriptions and to correctly identify the source of water as a spring. These changes were advertised again in the Clearwater Tribune on March 3 and 10, 1994.

On May 12, 1994, the department approved the application as water appropriation permit 83-07116 (permit) for a groundwater source.

The department finds that it should have issued the permit for diversion from a spring.

IT IS THEREFORE HEREBY ORDERED that water appropriation permit 83-07116 is corrected to authorize the diversion of water from a spring.

Dated this 5TH day of March, 1998.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

JUN 10 1998

RECEIVED

APR 15 1996

Department of Water-Built for the

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: R. B. O'Quinn Date: 3/27/96
(include your title, if on behalf of company or organization)
State Manager APR 30 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 83-07116

Proposed Priority: December 15, 1993 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **REX AUGER**
DEBRA AUGER
PO BOX 289
MULLAN ID 83846-0289

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MINING	03/15 to 11/15	0.20 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 20, Township 40N, Range 11E
CLEARWATER County

PLACE OF USE: MINING

TWN RGE SEC
40N 11E 20 NENW NWNW

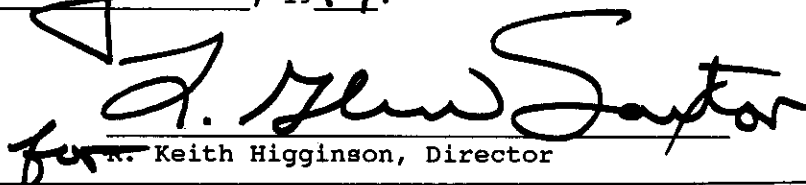
PLACE OF USE: DOMESTIC, same as MINING use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1996.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
5. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

12 day of May, 1994.

APPROVED
AUG 16 1994

for Keith Higginson, Director

RECEIVED
MAY 02 1994

***** AMENDED *****

Ident. No. 83-7116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant REX AND DEBRA AUGER, HUSBAND AND WIFE Phone 744-1574
Post office address P.O. Box 289, MILLAN, ID, 83846
2. Source of water supply SPRING which is a tributary of PIONEER CREEK
Osier Creek *
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____
Sec. 20 Township 40N. Range 11E B.M. UNRECORDED County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for MINING purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. SPRING
PUMPED WITH SURFACE
IMPOUNDMENT TANK AND GRAVITY FEED (1,000 GAL OR LESS).
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

* per review of USGS Quad Map Jim J. 5-6-94

⊗ per original application & advertisement

AUG 16 1994

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. SMALL HAND PLACER MINING OPERATION

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N.	11E.	20					D	D											
							X	X											

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? APPLICANT

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

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

12. Remarks: _____

AUG 16 1994

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

A full-page sheet of white graph paper with a black grid. The grid consists of 20 columns and 20 rows, forming a large square divided into 400 smaller squares. There are no margins or additional markings on the page.

Scale: 2 inches equal 1 mile.

~~AUG 16 1994~~

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.

O. O. Ringer (Applicant)

Received by [Signature] Date 1/26/94 Time 1:00 PM Preliminary check by [Signature]
Fee \$ 20.00 Consent Appln. Receipted by [Signature] # N 7303 Date 1/26/94
Publication prepared by [Signature] Date 2/11/94 Published in Clearwater Tribune
Publication approved [Signature] Date 4/25/94

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. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

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

e. Other:

AUG 16 1994

77-07333 amended
to change source, P/D & P/V,
which resulted in a Basin change
& a new number — 83-7116

INDEXED

AUG 16 1994

Ident. No. 77-07333

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: REX AUGER 208-744-1574
Address: PO BOX 289
MULLEN ID 83846
AND/OR
Name: DEBRA AUGER 208-744-1574
Address: PO BOX 289
MULLEN ID 83846

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWNW Sec. 20, Township 20N, Range 11E
VALLEY County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
MINING	03/15	11/15	0.200		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
Well, Pump and impoundment tank.
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

AUG 16 1964

8. Place of Use: MINING

TWN RGE SEC
20N 11E 20 NENW NWNW

Place of Use: DOMESTIC, same as MINING use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
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:
Domestic use is for 1 home.

11. Map of proposed point of diversion and place of use attached? []

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 30.00 Receipted by _____ #N007227 Date 12/15/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

AUG 16 1994

RECEIVED
JAN 04 1994
WATER RESOURCES
WESTERN REGION

Ident. No. 77-7333

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

DRAFT

To appropriate the public waters of the State of Idaho

1. Name of applicant Rex and Debra Auger, Husband and Wife Phone (208) 744-1574
Post office address P.O. Box 289, Mullan, Idaho 83846

2. Source of water supply Groundwater which is a tributary of n/a

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of — $\frac{1}{4}$, Govt. Lot —
Sec. 20 Township 20 N Range 11 E B.M. Boice Valley MS #3530 County; additional
points of diversion if any: See Maps Attached

4. Water will be used for the following purposes:

Amount 0.04 ~~1 cfs~~ for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.20 ~~2 cfs~~ for Placer Mining purposes from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 ~~3~~ cubic feet per second and/or (b) — ~~—~~ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pumped well with surface impoundment tank and gravity feed (1,000 gallons or less).

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet; period of year when water will be diverted to storage: n/a to — inclusive.

c. Proposed well diameter is 3" inches; proposed depth of well is 50' or less feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? n/a; Drilling firm n/a
Well was drilled for (well owner) n/a

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

2 years (minimum 1 year).

* County corrected per IDWR maps. Application Received with corrections ID items 4 & 5 & 7.
— FL 1/11/94

AUG 16 1994

8. Description of proposed uses *(irrigation only, go to item 9)*:

- a. Hydropower; show total feet of head and proposed capacity in KW. n/a
- b. Stockwatering; list number and kind of livestock. n/a
- c. Municipal; show name of municipality. n/a
- d. Domestic; show number of households. 1
- e. Other; describe fully. Small hand placer mining operation.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20N	11E	20					D	D											
							X	X											

Total number of acres to be irrigated 7

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

11. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. n/a

12. Remarks: The placer use will be strictly hobby use by applicant's family. Site located in M.S. #3530. Unsurveyed area so legal description is approximate. Single P/O located in lot 2 sites in NW¼.

Domestic use is for 2 home.

* P/O assumed to be in Parcel A i/o Parcel B per applicant's map. Additional info per Application. 82 1/11/94

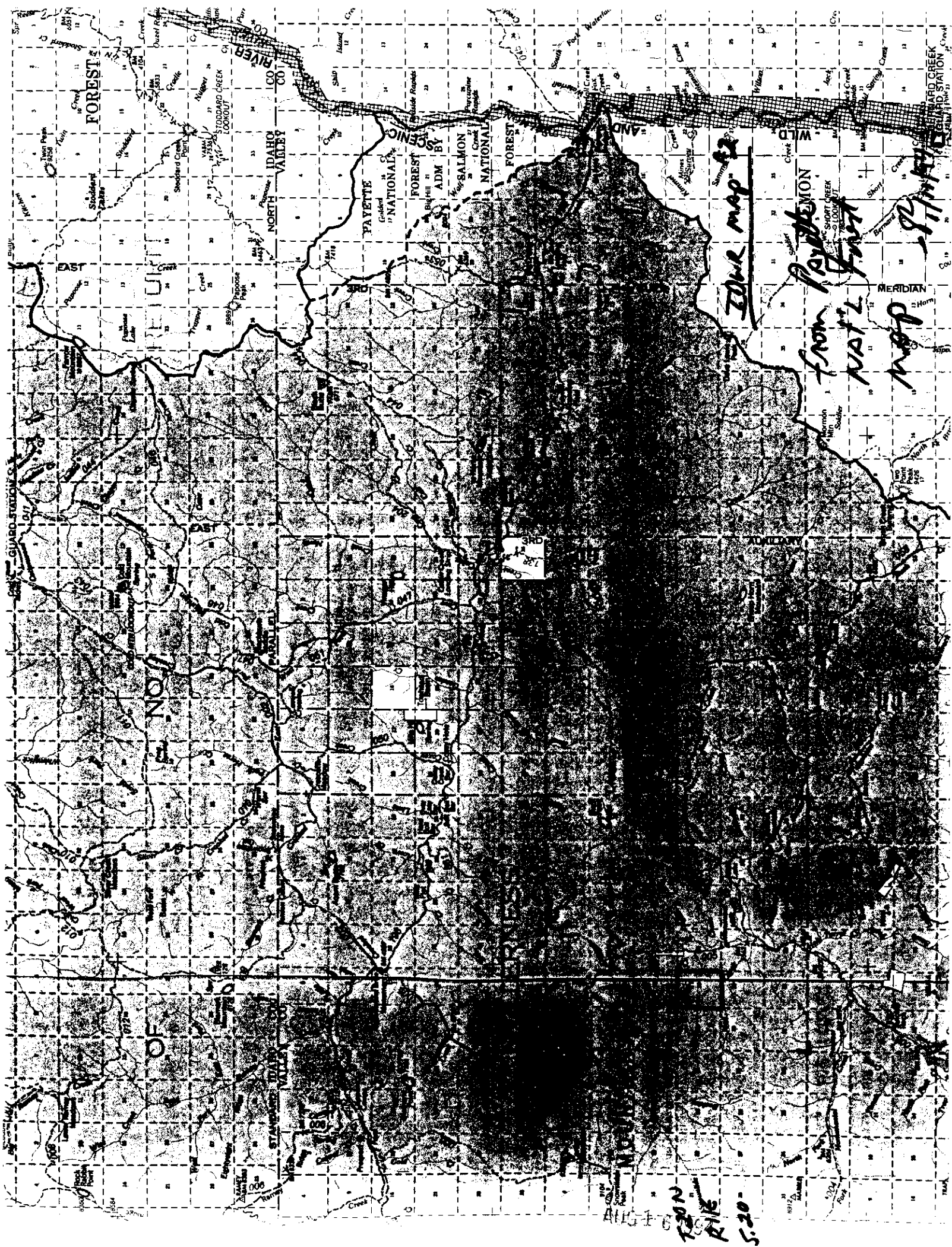
See Attached Maps

Applicants map (1)
IDWR maps (2)

-R 1/11/94

AUG 16 1994

Robert M. Cuzner (Applicant)



Unsurveyed area

T 20 N

R 11 E

T T E 5.20

approx. section lines
per projections from
quad R-66 to west
from Payette N.E.
map

new
P/O #1 of 2 sites

Slide
w/ 2 sites
Parcel A
Parcel B 3 P/O

F O R E S T

per
Applicants
map

{ Site in M.S. #3530
P/O, P/O

LOWR MAP #1

82 1/11/94

AUG 16 1994

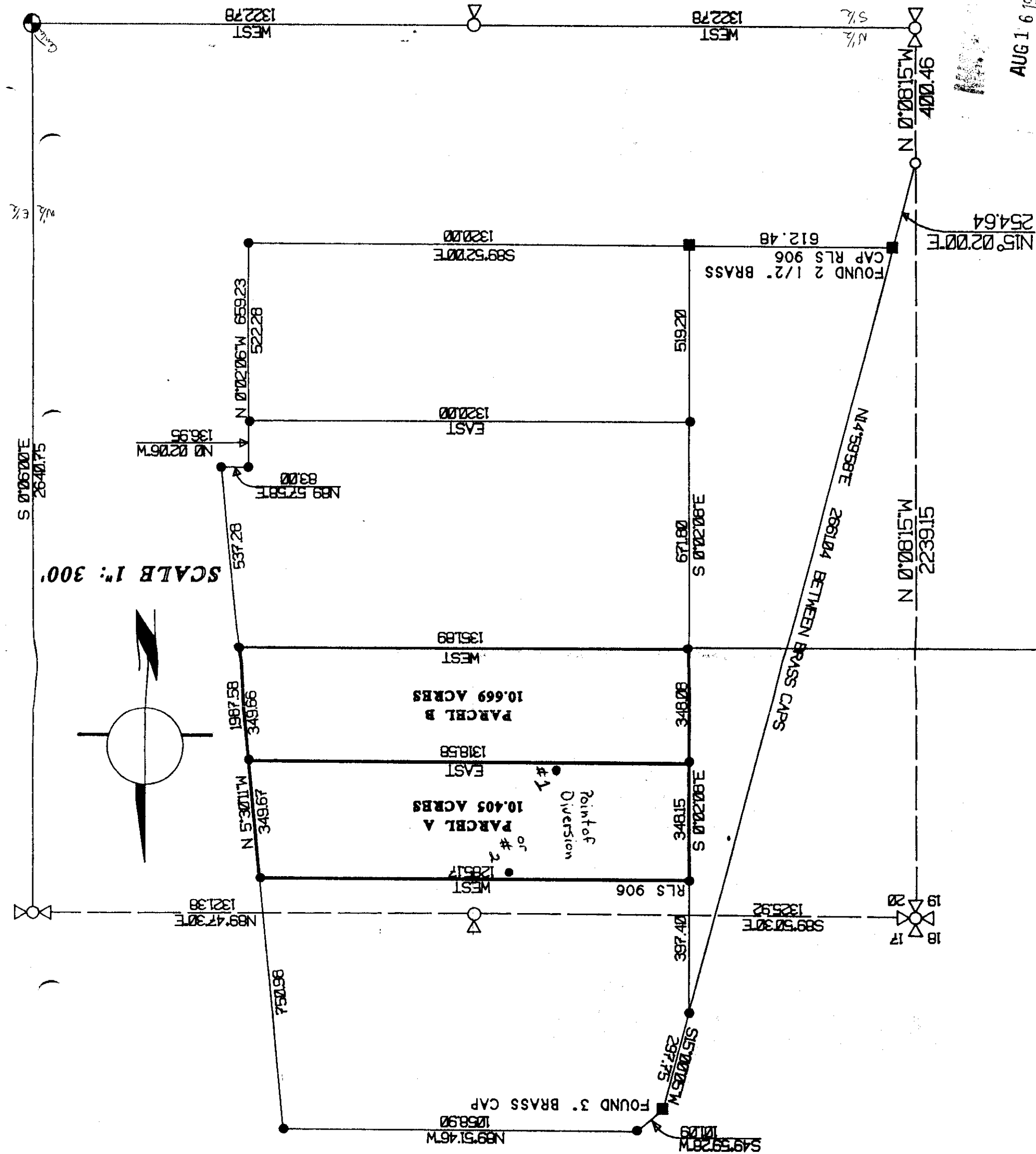
From GLAD
R-67

(MONUMENT)
2974 II SE

2'3
4999

PRELIMN

Applicants map



Received by Date 12/15/93 Time 1:00 PM Preliminary check by SL
Fee \$ 325.00 Received by # N 7227 Date 12/15/93
Publication prepared by Date 1-13-94 Published in Star News
Long Valley Advocate
Publication approved Date

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. , and said application is hereby .

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before , 19 .

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

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

e. Other:

AUG 16 1994



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 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 83846-0289

RE: WATER RIGHT NO. 83-07116

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".

Shelley W. Keen
Water Rights Supervisor

SK:klt

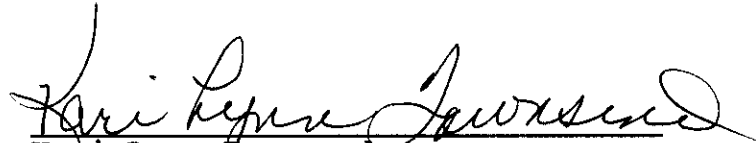
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 23rd 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. 83-07116

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 83846-0289


Kari Lynn Townsend
Secretary

NOTED - LME

JUN 10 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

March 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 83846-0289

RE: WATER RIGHT NO. 83-07116

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

MICROFILM

JUN 10 1998

MEMORANDUM

TO: File 83-07116

FROM: Sharla

DATE: March 4, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 83-07116 are as follows:

H. RECOMMENDATIONS

Mining	1/1 - 12/31	0.03 cfs	4.9 afa
Domestic	1/1 - 12/31	0.02 cfs	1.2 afa
	TOTALS	0.05 cfs	6.1 afa

The examiner states that the mining is hobby-type, thus the diversion is not 24-hour continuous; the volume was calculated on an 8 hr/day basis. The total volume has been calculated accordingly.

An order will be prepared to correct the source as spring like it was amended & advertised.

Examiner: Wayne Baldwin

Exam Date: July 29, 1997

MEMORANDUM

JUN 10 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 83-07116

DATE 3/3/98

REVIEWER: SHARLA

NAME Change OK
SOURCE add
POINT OF DIV add
PLACE OF USE NEW stream

Address Change NO

Is change clarification of originally intended source? NO

If not, prepare Notice of Intent to Void NO

Amendment required YES

Amendment required NO

Does map agree with written description? yes no

OVERLAPS

NO P/D

NO P/U

Overlap file pulled & reviewed NO

RATE OF DIV

Permitted Rate .20 cfs

Fee limit .20 cfs \$50⁰⁰

Measured .05 cfs

Theoretical NO cfs

Recommended Total Div Rate .05 cfs

ANNUAL VOLUME/
NATURE OF USES NO

Use	cfs	Volume Calc	af
<u>dom</u>	<u>.02</u>	<u>1.2</u>	<u>af</u>
<u>turning</u>	<u>.03</u>	<u>4.9</u>	<u>af</u>
			<u>af</u>
			<u>af</u>
SUBTOTAL	<u>.05</u>	<u>6.1</u>	<u>af</u>

.03 X 246 days
@ 8 hrs/day = 4.9 af

Flow rate .03 cfs X 246 days X 1.98 = 14.6 af

Total volume recommended NO af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

1/1 home.

CONDITIONS

NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device

NO Overlap

NO Use-specific conditions

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed NA

Adjustment Memo turning volume
total

1st Amend Letter P37 P38

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

83-07116

A. GENERAL INFORMATION

Permit No. _____

1. Owner: Rex & Deborah Ayer Phone No. (208) 744-1579

Current Address: PO Box 289 Mullan Id 83846-0289

2. Accompanied by: Rex Ayer EXAM DATE: 7-29-97

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring / unnamed stream tributary to Sink / over creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	20	40N	11E	Cle Elum	U.S.G.S. 7.5 min Quad
			NE	NW	11	11	11	11	

2. Place(s) of Use:

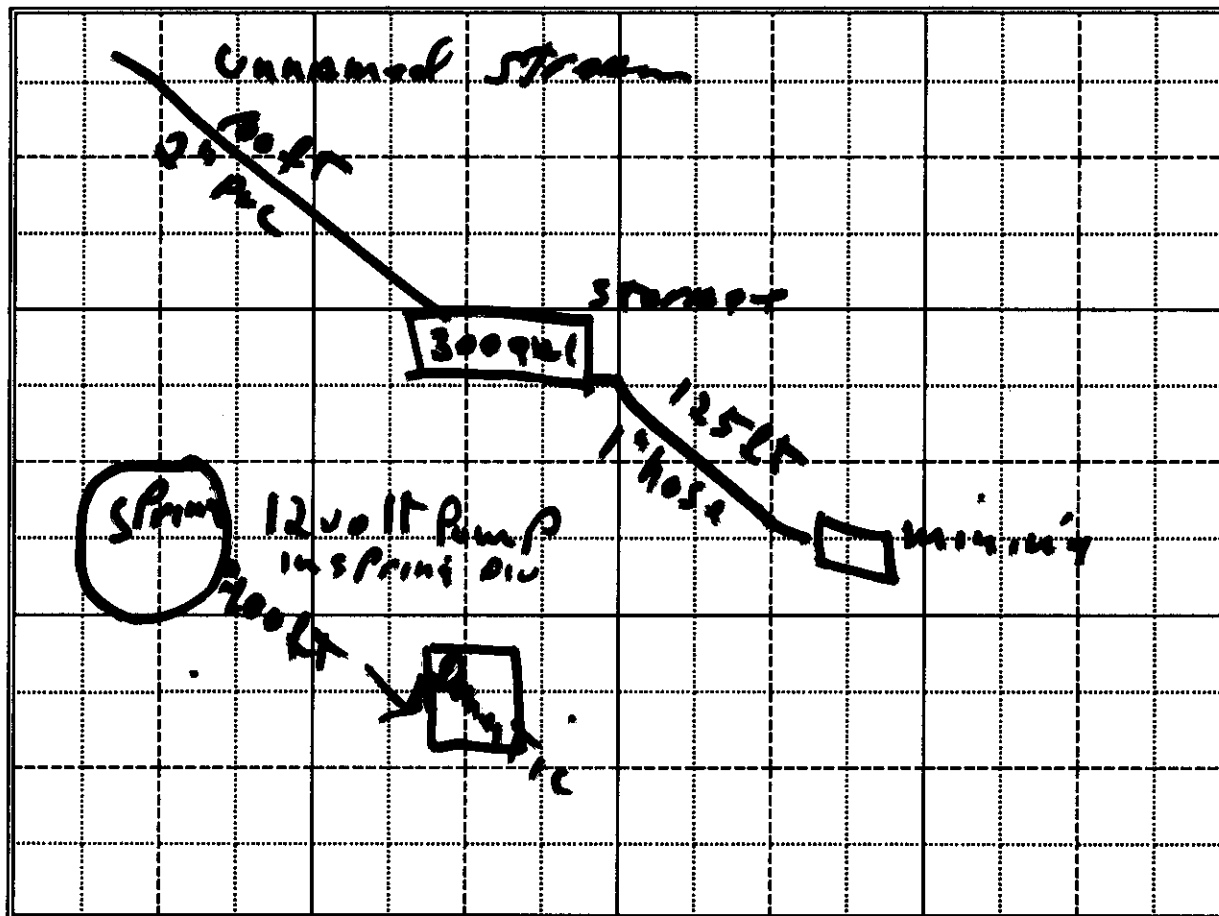
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	11E	20					M	D	"										

MICROFILMED

JUN 10 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
Domestic	12 volt Pump	not visible			5/8
mining	Gravity				

*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:

MICROFILM

JUN 10 1998

E. NARRATIVE/REMARKS/COMMENTS

Mining operation is hobby type

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

MICROFILMED
JUN 10 1998

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

mining 5 gal bucket 5 gal in 22.5 sec = 13.3 gpm

$$\frac{13.3 \times 1.33681}{60} = 1.03 \text{ cfs}$$

Domestic 5 gal in 28 sec = 10.6 gpm

$$\frac{10.6 \times 1.33681}{60} = 1.02 \text{ cfs}$$

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:

$$1.03 \times 1.9835 \times 245 = 19.5$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	01-01	12-31	1.02	1.2
mining	03-15	11-15	1.03	14.5
Totals:			1.05	15.7

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

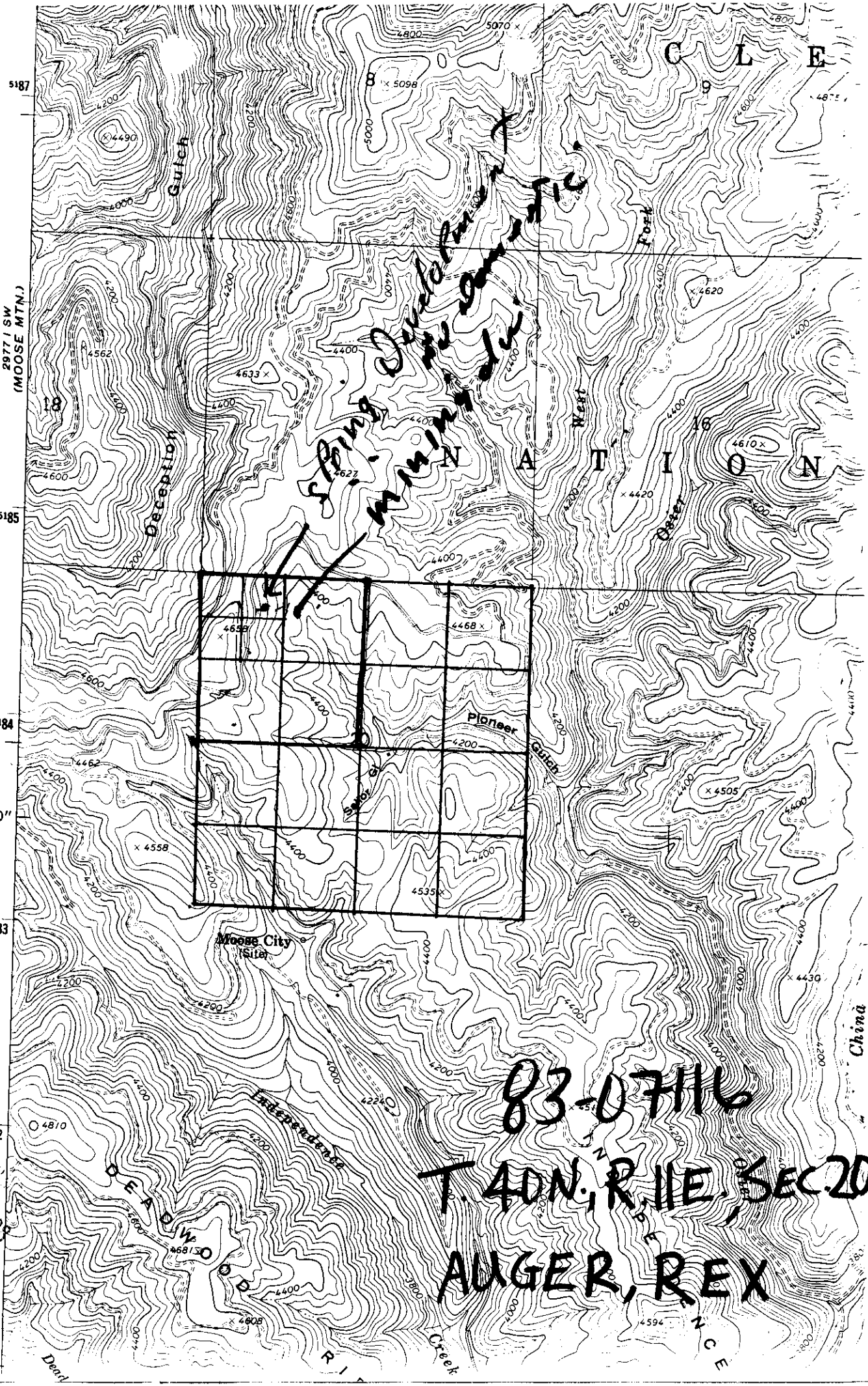
Field Examiner's Name Wayne Salati Date 10-2-97

Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 10 1998



Microfilm
JUN 10 1938

83-07116
T. 40N, R. 11E, SEC 20
AUGER, REX

1 860 000
FEET

PERMIT # 83-07116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



Spring
Site



MICROFILM

JUN 10 1988

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 83-07116 Reviewed by Jy Date 4-17-96

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
no Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 4-15-96

April 17, 1996

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 838460289

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 83-07116

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

APR 30 1996

February 28, 1996

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 838460289

PROOF DUE NOTICE

RE: PERMIT NO. 83-07116

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 May 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

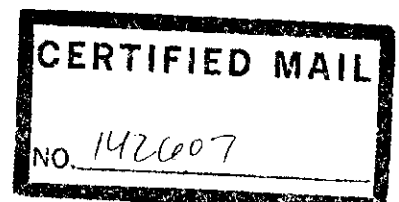
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 30 1996





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 12, 1994

REX AUGER
DEBRA AUGER
PO BOX 289
MULLAN ID 838460289

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 83-07116

Dear Permit Holder:

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures



AUG 16 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

Application #: 83-7116 Name: Auger Date: 5/6/94

AREA OF CONCERN? - No/Yes S/C Mor GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <flo-ch> - T17 (new), 01K (existing), No MD

- 0.2 cfs - No MD <flow chart>

Drilling Permit:

Included w/permit - Permit No. , P99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <flow chart>

LOCATION:

Water District(~~dem~~) - WD No.

*Surface water - 005 (req) 01J-P08 <flow chart>
(doesn't sink) or 01H-P01 <flow chart>; No MD

Groundwater - P05 (new irrigation well)

In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023 (Twin Falls area)

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° Groundwater temp)

Swan Falls Flag - B <See condition code chart>

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA

Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10

044 (N 1000 Spr)

Irrigation - 803(if GW use SW 1st)(+5A do POU comp), NA

Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09

Mining - 054 (req) & 06A/010/09E-P10

Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - ~~021~~(Boise R ↑ L Peak), 27A(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

PROTESTED:

Prehearing agreement- 020

OTHER CONDITIONS:

REMARKS:

① wdl(1)

BENEFICIAL USE DUE:

5-1-1996

COMMENTS:

① Mor Ex

Old (D) Number -

AUGER

REX

2 -

3. -

City

City- MULLAN

State- ID Zip- 838460289

Phone - 208-744-1574

1 - PO BOX 289

2 -

3. -

City- MULLAN

State- ID Zip- 838460289

Phone - 208-744-1574

+ - - - - Source - - - - - +
 GROUNDWATER + - - - - Tributary - - - - -

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers found.
```

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water right number - P83-07116

Prefix Translation: PERMIT

- + - - - - Conditions of Approval - - - - - +
- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
 - 054 - Prior to diversion and use of water under this right, the
 - right holder shall comply with all bonding requirements of
 - appropriate governmental entities.
 - 09E - Water used under this right if discharged into a natural
 - channel or subsurface system shall meet Idaho Water Quality
 - Standards.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 02/10/1994 User Id: STYPA Subject: AMENDED APPLICATION

This application has been amended to change the point of
change the place of use from the NENW and NWNW, S20, T20N, R11E
spring tributary to Osier Creek; and change county from Valley
The change in p/d and p/u resulted in a basin change and

diversion from NWNW, S20, T20N, R11E to NWNW, S20, T40N, R11E;
to NWNW, S20, T40N, R11E; and the source from groundwater to a
County to Clearwater County.
renumbering from 77-07333 to 83-07116.

+ - - Audit Fields - 05/06/94 CZIMMERM

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 05/01/1996	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	- B
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- N007227	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 12/15/1993	Transfer/Amended	- G
Decree Date	- 00/00/0000	Presumption Flag	-		

No. a
4/87-06/92n

I O DEPARTMENT OF WATER RESOURCE
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # _____

***** INITIAL REVIEW *****

APPLICANT: AUGER, REX BY: AB DATE: 1/27/94

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other Water Rights
11. (X) Ownership
13. (X) Map
(X) Signature
(X) Fee (Amt, recpt, acknowledgment)

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 1/26/94

X (Include Moratorium Remark)

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

ADVERTISE IN: CLEARWATER County.

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes) (No)

- X Groundwater management area
+ Critical ground water area
+ Well Drilling Permit required
+ Well Drilling Application and Fees received
+ Well Drilling Application approved?
Well Drilling Application Number _____

Checked by: _____

Remarks: _____

RECEIVED
MAY 02 1994

Department of Water Resources

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

(Yes) (No)

- ____ Notice of pending void order issued. Final order response date: ____/____/____
____ Further information required from applicant
+ Affidavit of publication received
+ Application published correctly, If not, record action taken: _____
____ Publication dates and paper recorded on application
+ Protests received. Final protest date: 3/17/94 3/21/94
____ Measuring device required
____ Measuring port required
____ Special conditions: _____
____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB RMA

Date: 4/28/94

83-07116

AUGER, REX
AUGER, DEBRA
PO BOX 289
MULLEN, ID 83846

Source: GROUNDWATER

Diversion Pt: NWNW Sec 20 T ^{70N}~~20N~~ R 11E in VALLEY County.

Use: MINING (.200 CFS)
 DOMESTIC (.040 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 12/15/1993

In: VALLEY County
 T20N R11E S20 NENW NWNW

Handwritten:
changed to -
T20N
R11E
S20
7/

RECEIVED

AUG 16 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

CECIL D. ANDRUS
February 11, 1994

R. KEITH HIGGINSON
Director

Mr. and Mrs. Rex Auger
P.O. Box 289
Mullan, Id. 83846

Dear Mr. and Mrs. Auger:

Subject: Water Application for Permit Number 83-7116 (formerly 77-7333).

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number N7303. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before your Application for Permit can be approved. If the protest is not resolved, this Department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State Office in Boise.

If your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

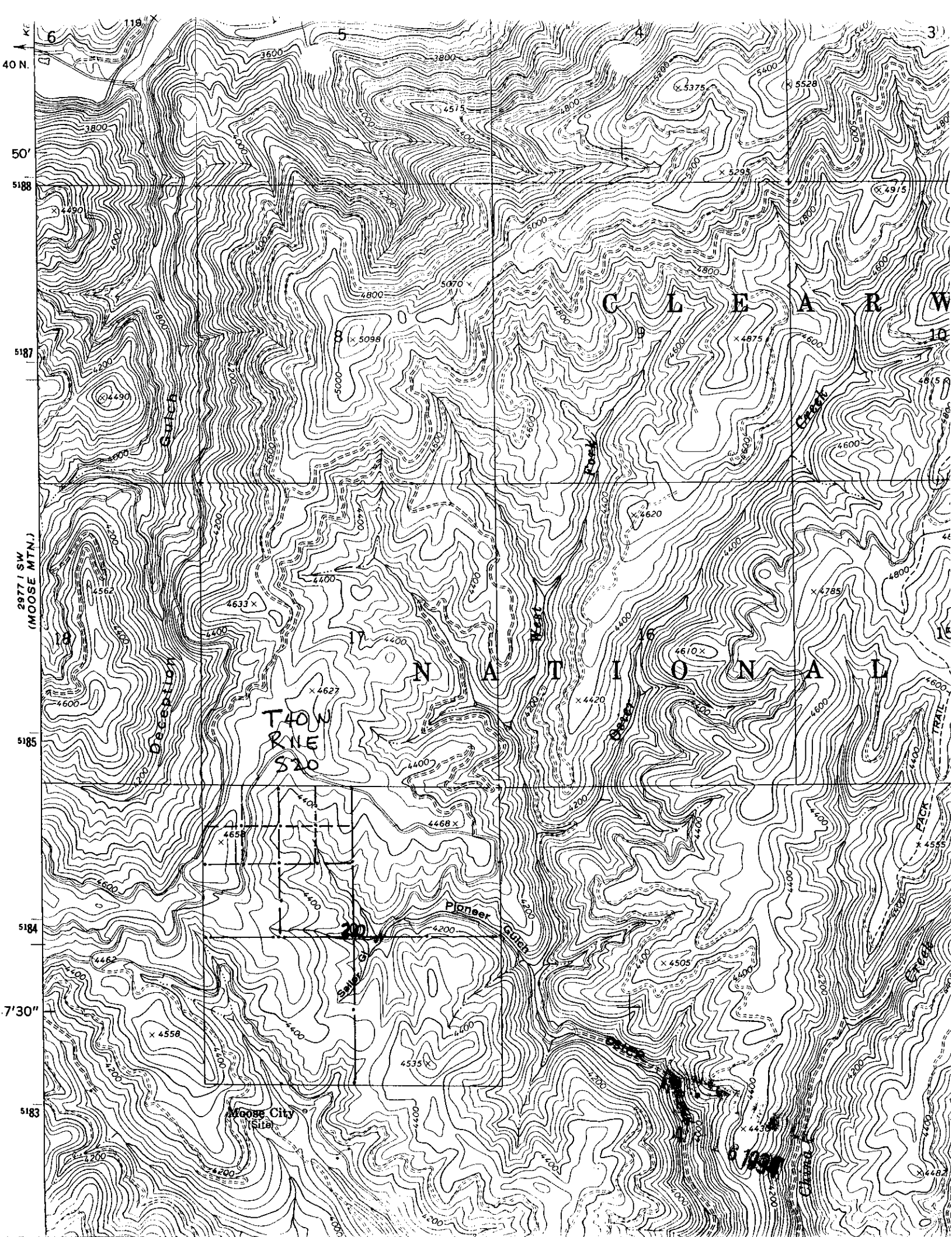
If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent
Enc. - Receipt

RECEIVED

AUG 16 1994



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

Bonnie M. Bessent

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Notice of correction

That Correction

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 3rd day of March 1994 and ending on the 10th day of March 1994

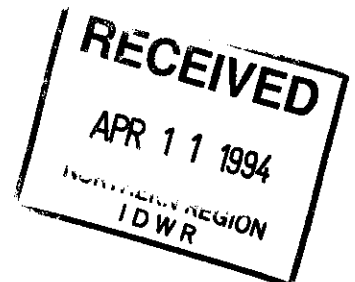
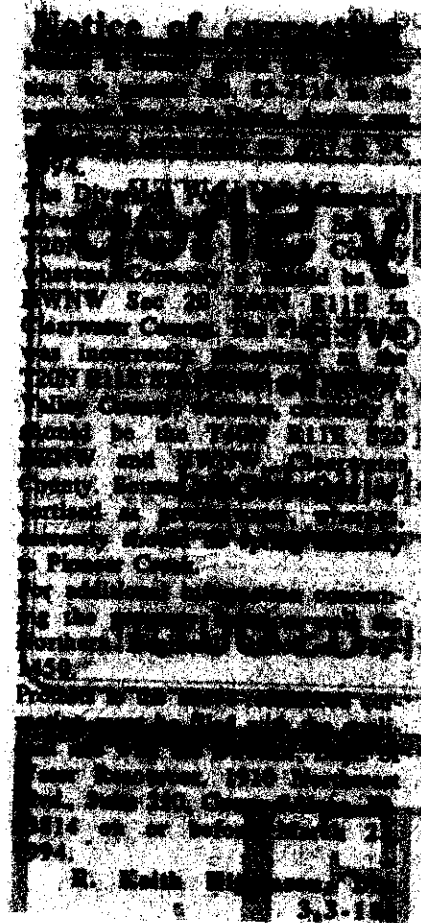
Bonnie M. Bessent

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 18th day of March 1994 in the year of 1994, before me, a Notary Public, personally appeared Bonnie M. Bessent, known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Spence A. Finke

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 5/13/99



MISSOURI

AUG 16 1994

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 83-7116 in the name of Rex and Debra Auger was advertised incorrectly on 2/17 & 24/1994.

The Diversion Point was incorrectly advertised as the NWNW Sec 20 T20N R11E in Valley County whereas, correctly it should be the NWNW Sec 20 T40N R11E in Clearwater County. The Place of Use was incorrectly advertised as the T20N R11E S20 NENW and NWNW, Valley County; whereas, correctly it should be the T40N R11E S20 NENW and NWNW, Clearwater County.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Protests to the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before March 21, 1994.

R. KEITH HIGGINSON, Dir.

Published in the Clearwater Tribune on March 3 & 10, 1994.

AUG 16 1994

476-4571

Add:

The source was incorrectly
advertised as groundwater; whereas,
correctly it should be
spring, trib to Pioneer
Creek

Called
Clemens. Adv. to
add to adv.
3/2/04

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

Bonnie M. Bessent

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Water Rights

That said 83-07115

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 17th day of February 1994 and ending on the 24th day of February 1994.

Bonnie M. Bessent
STATE OF IDAHO)

COUNTY OF CLEARWATER)

On this 25th day of February in the year of 1994, before me, a Notary Public, personally appeared Bonnie M. Bessent, known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Janice A. Linke
Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 5/13/99

NOTICE OF APPLICATION FOR WATER RIGHT

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

83-07115

VAN BROEKE, BRUCE
VAN BROEKE, MARY ELLEN
P.O. BOX 215
MULLAN, ID 83846
Source: GROUNDWATER
Diversion Pt: NWNW Sec. 20
T40N R11E in CLEARWATER
County.
Use: MINING (.040 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.080 CFS)
Date Filed: 2-1-1994
In: CLEARWATER County T 40 N R
11E S20 NWNW

83-07116

AUGER, REX
AUGER, DEBRA
P.O. BOX 289
MULLAN, ID 83846
Source: GROUNDWATER
Diversion Pt: NWNW SEC 20 T20N
R11E in VALLEY County.
Use: MINING (.200 CFS) 04 40N
DOMESTIC (.040 CFS)
Total Diversion: (.200 CFS) 008
Date Filed: 12-15-1993 40N
In: VALLEY County T20N R11E
S20 NENW NWNW

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before MARCH 7, 1994.

R. KEITH HIGGINSON, Director
2-17-94 & 2-24-94

RECEIVED

FEB 1 1994

NORTHERN REGION
IDWR

AUG 1 6 1994

THE INFORMATION

AUG 1 6 1994

FEB-24-'94 THU 09:15

TERM ID: 208 769 1454
TEL NO.: 208 769 1454

P-9999

DATE	ST. TIME	TOTAL TIME	ABSE	227	ID	DEPT CODE	EPGS
207 02-27	09:14	00:01:14			312084760765		00-2146-0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region
1910 Northwest Blvd., Suite 210

Coeur d'Alene, Idaho 83814
(208) 769-1450

FEBRUARY 23, 1994

CLEARWATER TRIBUNE
P. O. BOX 71
OROFINO, ID 83544

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 21, 1994.

Yours truly,



PATRICIA M. STYPA
Secretary/Office Coordinator

Enclosure

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To	From 1 DWK	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

AUG 16 1994

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 83-7116 in the name of Rex and Debra Auger was advertised incorrectly on 2/17 & 24/1994.

The Diversion Point was incorrectly advertised as the NWNW Sec 20 T20N R11E in Valley County whereas, correctly it should be the NWNW Sec 20 T40N R11E in Clearwater County. The Place of Use was incorrectly advertised as the T20N R11E S20 NENW and NWNW, Valley County; whereas, correctly it should be the T40N R11E S20 NENW and NWNW, Clearwater County.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Protests to the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before March 21, 1994.

R. KEITH HIGGINSON, Dir.

Published in the Clearwater Tribune on March 3 & 10, 1994.

1994

IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 1-21-94

To AL BEARDSLEE

From STEVE LESTER

- | | |
|---|--|
| ☐ Take Appropriate Action | ☐ For Your Information |
| ☐ Draft A Reply | ☐ For Your Approval |
| ☐ Action Required By _____ | ☐ For Your Comments |
| ☐ See Me | ☒ As You Requested |
| ☐ Call Me | ☐ Copy (____ Copies) |
| ☐ Return To Me | ☐ File |

Comments

Entire file forwarded to you for
re-numbering + amendment for re-advertising.
This was ~~was~~ really a comedy of errors!
guess I should have caught that by looking
more closely at FS map - shows wilderness
area! Can't win them all I guess.
Thanks for taking care of this, Steve.

Reply

RECEIVED

JAN 26 1994

NORTHWEST REGION
IDWR

Signed _____ Date _____

CONVERSATION MEMORANDUM

DATE 1/20/94
FILE 77-07333NAME OF PARTY See BelowEMPLOYEE Steve Lester

RE:

- ① Randy Zuviga - Payette Nat'l. Forest (McCall)
Location is within Frank Church Wilderness area,
no mining claims in area. Contacted owner, who
told Randy that this should be ± 40 N in
Clearwater County - Forest Service will not protest
assuming that location is correct.
- ② I called owner 744-1574 - said that his attorney
typed the appl. & must have shown incorrect location.
Confirmed that is supposed to be Clearwater County
(Northern Region).
- ③ Talked to Al ~~Baumstey~~^{Baumstee} at Northern - requested that
file be sent to him. He will solicit amendment
(\$20) of appl. & re-advertise.
- ④ File forwarded to Sue Taylor for routing to
Northern 1/21/94.

AUG 16 1994

TO HAVE AND TO HOLD the above premises with their tenements, hereditaments, appurtenances, issues and profits unto the said Grantees and to the Grantees heirs and assigns forever. And the Grantors do hereby covenant to and with the Grantees that they are free from all encumbrances except as above described, and that Grantors will warrant and defend the title therein against all lawful claims and demands whatsoever.

This Warranty Deed is executed in a day of September, 1993, by the Grantors to the Grantees named above.

Stanley M. Jamison

Arlene G. Jamison

STATE OF Idaho
County of Clearwater

On this 14 day of September, 1993, before me, Stanley M. Jamison, a notary public in and for the State of Idaho, personally appeared before me Stanley M. Jamison and Arlene G. Jamison, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary public in and for the State of Idaho, residing at Idaho. My commission expires Idaho.

Witness and recorded at the request of Stanley M. Jamison

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163709

WARRANTY DEED

AUG 16 1994

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration Stanley M. Jamison and Arlene G. Jamison, husband and wife, the Grantors, do hereby convey, grant and warrant unto Bruce Vandorpe and Mary Ellen Vandorpe, husband and wife, Box 211, Miller, Idaho 83441, and Rev. P. August and Debra M. August, husband and wife, Box 28, Paulsen, Idaho 83446, the Grantees, the following described real property situated in the County of Clearwater, State of Idaho, to-wit:

A parcel of land situated in the Northwest Quarter of Section 26, Township 40 North, Range 11 East, Boise Meridian, Clearwater County, Idaho, and being a part of Pioneer Placer Claim M.S. 3530, more particularly described as follows:

Beginning at a 3" brass cap monument marking corner number 4 of Pioneer Mineral Survey 3530; thence S 16°00'05" W 197.75 feet along the westerly boundary of said Pioneer Mineral Survey; thence S 00°02'08" E 393.40 feet along said westerly boundary to a 5/8" steel pin marking the Real Point of Beginning; thence S 00°02'08" E 696.00 feet along said westerly boundary; thence East 1351.78 feet to the easterly boundary of said Pioneer Mineral Survey; thence N 65°30'11" W 699.22 feet along said easterly boundary; thence West 1785.16 feet to the Real Point of Beginning.

TOGETHER WITH a perpetual easement for ingress and egress twenty (20) feet in width along an existing road from the above-described real property to Old Hatch Company Road in the southwest portion of the following-described real property situated in the County of Clearwater, State of Idaho, to-wit:

A parcel of land situated in the Southwest Quarter of Section 17 and the Northwest Quarter of Section 20, Township 40 North, Range 11 East, Boise Meridian, Clearwater County, Idaho, and being a part of Pioneer Placer Claim M.S. 3530, more particularly described as follows:

Beginning at a 3" brass cap monument marking corner number 4 of Pioneer Mineral Survey 3530 and the Real Point of Beginning; thence S 16°00'05" W 197.75 feet along the westerly boundary of said Pioneer Mineral Survey; thence S 00°02'08" E 393.40 feet along said westerly boundary; thence East 1351.78 feet to the easterly boundary of said Pioneer Mineral Survey; thence N 65°30'11" W 135.98 feet along said easterly boundary to the northerly boundary of said Pioneer Mineral Survey; thence N 49°52'04" W 1039.91 feet along said northerly boundary; thence S 49°52'04" W 1011.08 feet to the real point of beginning.

SUBJECT TO easements and restrictions of record

Receipt No: 4007207

RECEIVED
JAN 04 1994
WATER RESOURCES
WESTERN REGION

Date: 12-15-1992
Time: 13:10:45

Received
From: ALDER, DEBRA M.

Type of Payment
1 W/R APPLICATION

Program A cct

Amount

45102

270 21 1155

30.00

Total

\$30.00

CHICK

Region: NORTHERN

Signature:

AUG 16 1994

77-07333

AUGER, REX
AUGER, DEBRA
PO BOX 289
MULLEN, ID 83846

Source: GROUNDWATER

Diversion Pt: NWNW Sec 20 T 20N R 11E in VALLEY County.

Use: MINING (.200 CFS)
 DOMESTIC (.040 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 12/15/1993

In: VALLEY County NENW NWNW
 T20N R11E S20

AUG 16 1994