

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO, }
County of Clearwater } ss.

APR 22 1975

Department of Water Resources
Northern District Office

Nancy Noble

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 Application for Water
Permit - Harry Schaack

That said Notice

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 full period of two consecutive issues commencing on the 3rd day of April, 1975, and ending on the 10th day of April, 1975

Nancy Noble
Subscribed and sworn to before me this 11th day of April, 1975

[Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harry Schaack, Route 3, Box 105, Orofino, Idaho, has on March 24, 1975, submitted Application No. 184-7027 for a permit to appropriate 0.00669 cubic feet per second of water from a ground water source by means of pump, motor, pipelines and sprinklers within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 37N, R. 2E, B.M., Clearwater County to be used from April 1 to Nov. 1 for the irrigation of one acre within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 37N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho 83814 on or before April 21, 1975.

R. KEITH HIGGINSON
Director

4-3, 10 c

MICROFILMED



SOIL and CAPABILITY MAP

Prepared by SOIL CONSERVATION SERVICE ★ UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with

CLEARWATER SCD

SC DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER SANDER'S CEMETERY DISTRICT

CHAIRMAN
OPERATOR HARRY SCHMACK

CLEARWATER
COUNTY

IDAHO
STATE

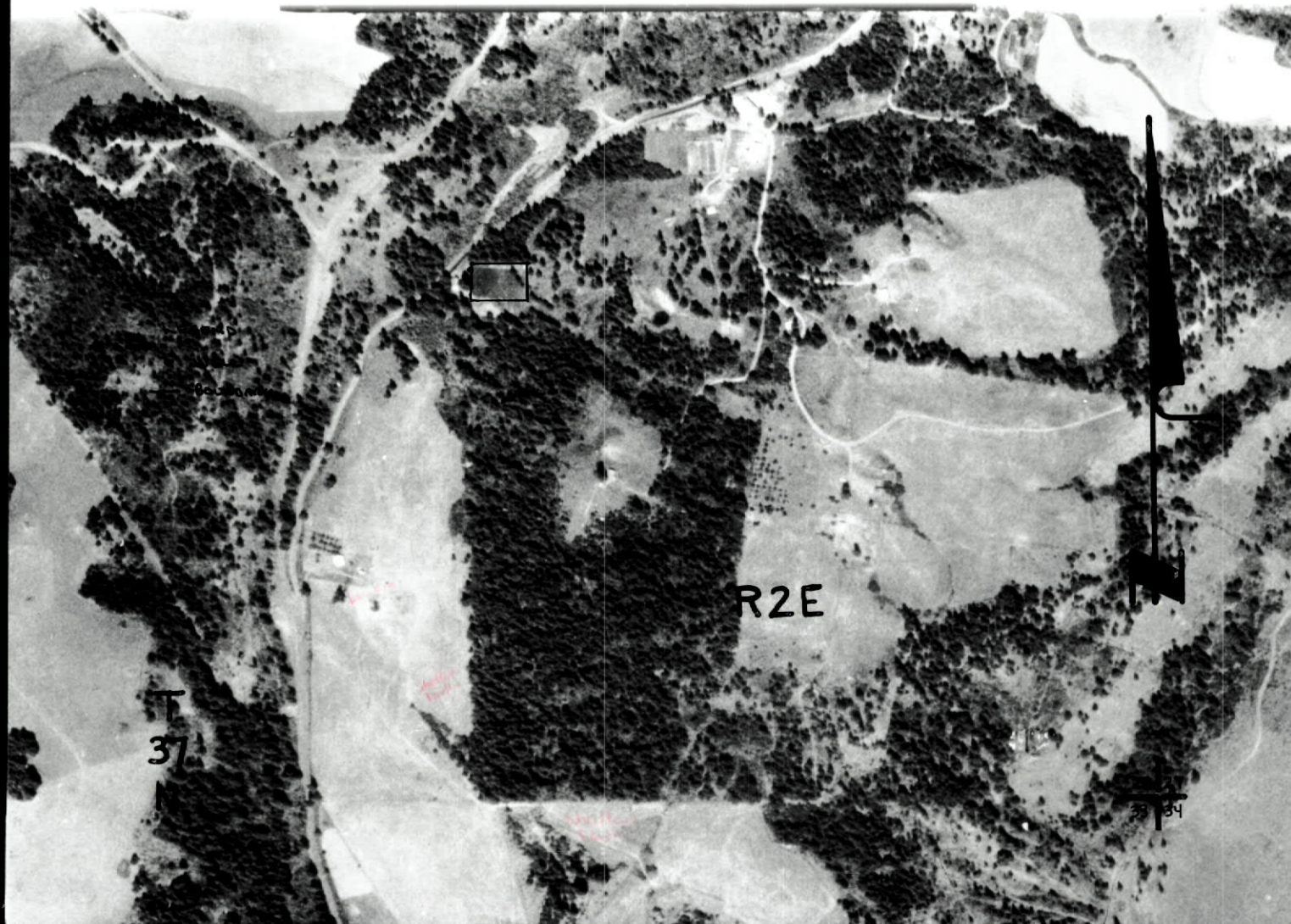
FARM NO.

DATE 5-25-76

SCALE 8" = 1 mile
APPROXIMATE

ACRES 1 A
APPROXIMATE

PHOTO NO.



0-12 12.625
12-25 12.632

7

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37
N

28

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Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 84-7027 Priority March 30, 1975 Amount 0.00669 cfs
(late proof)

THIS IS TO CERTIFY, that SANDERS CEMETERY DISTRICT
of Orofino, Idaho, has complied with the terms and conditions of Permit
No. 84-7027 issued pursuant to Application for Permit dated March 24, 1975,
and has submitted proof to the Department of Water Resources on June 7, 1976,
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 0.00669 cfs of water from a groundwater source,
tributary to _____, 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
<u>Irrigation from</u>	<u>April 1</u> to <u>November 1</u>	<u>at 0.00669 cfs and</u>	<u>3 acre feet</u>
_____ from _____	_____ to _____	_____ at _____ cfs and _____	_____
_____ from _____	_____ to _____	_____ at _____ cfs and _____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.00669 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
3 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 37N,
Rge. 2E, B.M., in the County of Clearwater

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
37N	2E	28																1	1

Total number of acres irrigated 1

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
July, 19 79.

Deputy Director

RECEIVED

SEP 9 1977

State of Idaho
Department of Water Resources

RECEIVED
SEP 19 1977

Department of Water Resources
Northern District Office

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Harry Schaak, hereby assign to Sanders Cemetery District
of _____

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 84-7027
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19____.

Harry Schaak
Permit Holder

1 Mrs. Harry Schaak
Spouse of Permit Holder

State of Idaho)
County of Clearwater) ss.

On this 16th day of September, 1977, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

Travels Phelps, Clerk
of the District Court
Notary Public residing at Clearwater County
Idaho
by Ante Travis, Deputy

My commission expires: _____

MICROFILMED

seal

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 84-7027

IN THE NAME OF HARRY SCHAACK

ORDER OF REINSTATEMENT

WHEREAS, on March 24, 1975, Harry Schaack filed with the Department of Water Resources an application for permit to appropriate 0.00669 cubic feet per second of ground water to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 37N, Rge. 2E, B.M., Clearwater County, to be used for irrigation purposes; and,

WHEREAS, on May 1, 1975, the Department approved said application and issued Permit No. 84-7027 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1976; and,

WHEREAS, on April 1, 1976, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on June 1, 1976, the permit automatically lapsed for failure to submit proof of beneficial use of water; and,

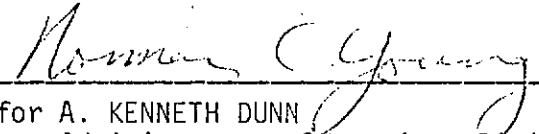
WHEREAS, on June 7, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 84-7027 be REINSTATED and the priority advanced to March 30, 1975.

Dated this 18th day of June, 1976.


for A. KENNETH DUNN
Administrator, Operations Division

Identification No. 84-7027

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

ASSIGNED TO:

Sanders Cemetery Dist.
Box 1176
Orofino, ID 83544

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Harry Schaack Phone: 476-3872
post office address Rt. 3, Box 105, Orofino, Idaho 83544
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 37N
Range 2 E. B.M. Clearwater County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .00669 c.f.s. (3 gal per minute) for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .00669 cubic feet per second and/or 3 gallons per minute
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 4 inch submersible pump with
electrical motor (size and make unknown); 1" main line and 3/4" lateral
line pipes (total of 175 feet of pipe); sprinklers.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is 6 inches; proposed depth of well is 97 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years. (See Remarks)
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp 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: _____

MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
37N	2EBM	28														X			1

Total number of acres to be irrigated 1

c. Describe any other water rights used for the same purposes as described above. Claim to a water right filed concurrently herewith; same water source; a priority date of September 30, 1962, for 17 gallons per minute; no identification numbers available.

9. a. Who owns the property at the point of diversion Sanders Cemetery District
 b. Who owns the land to be irrigated or place of use Sanders Cemetery District
 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 1. Harry Schaack is the Chairman of the Board of the Sander's Cemetery District.
3. A complete legal description is attached hereto and incorporated herein by reference.
6. The records regarding the model of pump and motor size are unavailable.
7. The well was completed in September, 1962, and construction costs have been fully paid. The well was drilled by Ken W. Bowers.

APPLICANT'S ATTORNEY: Kenneth M. Sebby
 P. O. Box 666
 Orofino, Idaho 83544
 476-5216

S28, T37N, R2EBM

[illegible]

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.

Harry Schenk
(Applicant)

Proposed Priority 3-24-1975

Received by CP Date 3-24-75 Time 12:30 p.m.

Preliminary check by RE Fee \$ 10.00

Receipted by RE Date 3/24/75 # 840

Publication prepared by CP Date 3-28-75

Published in Clearwater Tribune

Publication dates 4-3 & 4-10-75

Publication approved CP Date 4-22-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ysj

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. 84-7027, and said application is hereby APPROVED.

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

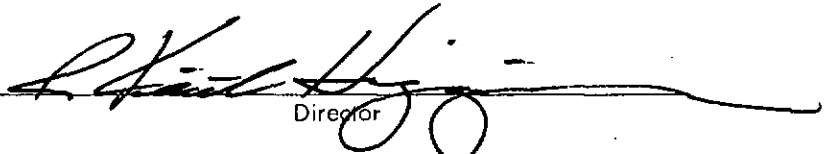
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 76.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 1 day of May 19 75.


Director

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF IDAHO, }
County of Clearwater } ss.

APR 22 1975

Nancy Noble

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 Application for Water
Permit - Harry Schaack

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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 full period of two consecutive issues commencing on the 3rd day of April, 1975, and ending on the 10th day of April, 1975

Nancy Noble

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho 83814 on or before April 21, 1975.

R. KEITH HIGGINSON
Director

4-3, 10 c

MICROFILMED

WATER RIGHT NUMBER 84-7027

OWNER LAST NAME - SCHAACK
OWNER LAST NAME - SANDERS CEMETERY DISTRICT

FIRST NAME - HARRY

ORIG OWNER - 0

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - OROFINO

STATE - ID ZIP CODE -

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 03-30-1975 COUNTY - CLEARWATER TCTAL DIV. RATE - .0100 -CFS

TOTAL DIV. VOLUME -

3.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSE 28 37N 02E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

.0100 CFS USE DIV. VOLUME -

3.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 37N RNG 02E SEC 28 TRACT NWSE LOT AC 01

DECREE NAME -

DATE -

TOTAL ACRES 1

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED JHA

5/16/85

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 184-7027
 Old No. _____ New No. _____

Record

1. Original Owner: Harry Schack

Present Owner: Sanders Cemetery District

2. Address:

3. City: Orofino State: Id Zip: _____

4. A. Source of Water: Sw

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 3-30-1975

D. County: 35

E. Total Diversion Rate: .01

F. Total Diversion Volume: 30

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>28</u>	<u>37N</u>	<u>3</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount .01/3.
 (cfs or AG-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



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

July 26, 1979

Harry Schaack
Route 3, Box 105
Orofino, ID 83544

Dear Mr. Schaack:

RE: Water Right No. 84-7027

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

RECEIVED
JUL 27 1979
MICROFILMED



SOIL and CAPABILITY MAP

Prepared by SOIL CONSERVATION SERVICE ★ UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with

CLEARWATER SCD

S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER SANDER'S CEMETERY DISTRICT

OPERATOR HARRY SCHMACK

CLEARWATER

COUNTY

IDAHO

STATE

FARM NO.

SCALE 8" = 1 mile

PHOTO NO.

DATE 5-25-76

ACRES

APPROXIMATE

APPROXIMATE



R2E

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0-12
17-75

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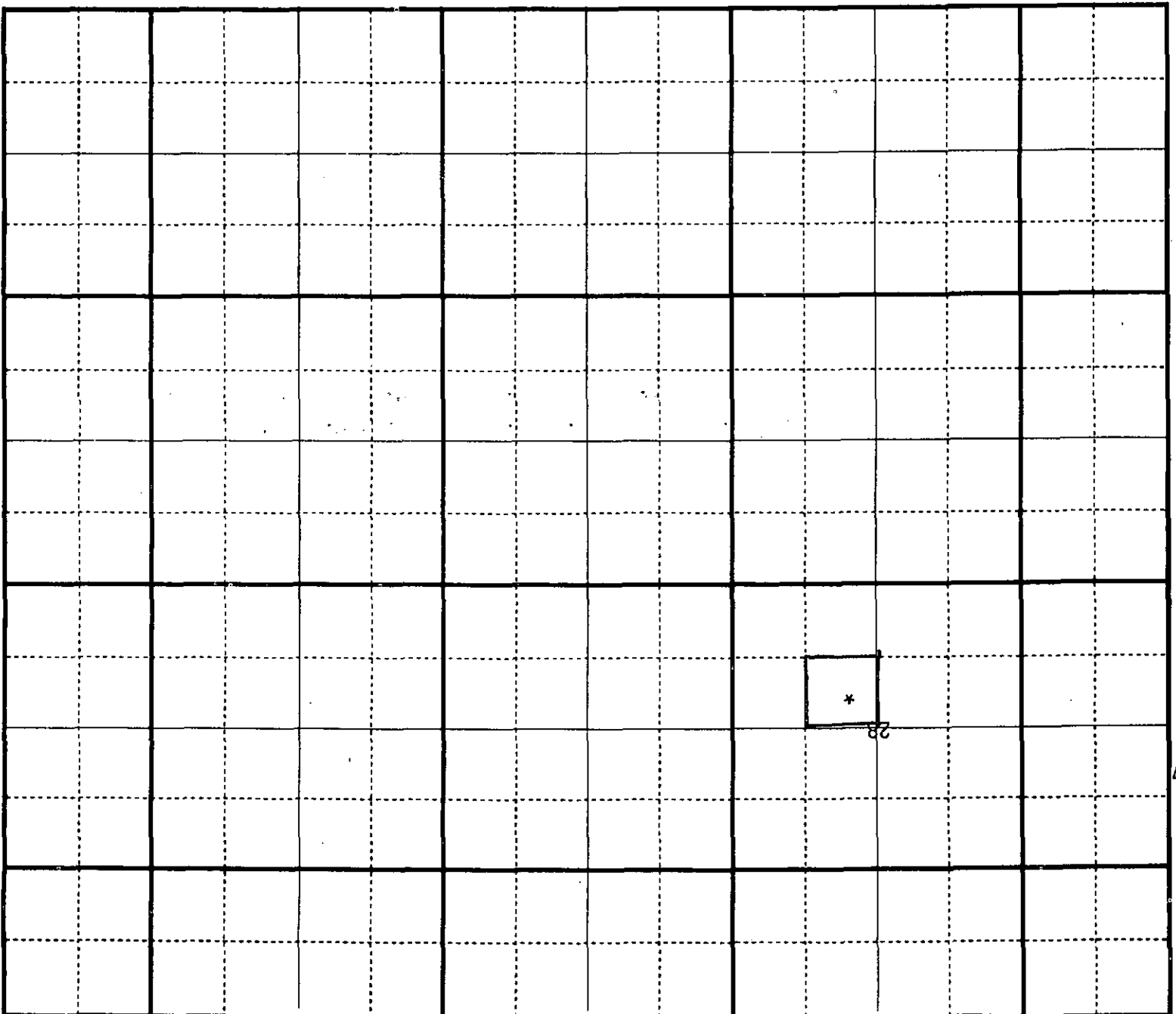
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RECEIVED

TOTAL ACREAGE _____ 1

Diagram of System



DATE OF EXAM 7-13-77

ACREAGE

Found 1
Recommended 1

Irrigation Requirement 2.8 ~~3.8~~ ^{4.9} AF/Ann

USE

Irrigation Q = 0.00669 c.f.s. V = 0.00669 AF/Ann. from Apr 1 to Nov 1
Domestic Q = 0.00669 c.f.s. V = 3.0 AF/Ann. from to
Livestock Q = 0.00669 c.f.s. V = 3.0 AF/Ann. from to

Is water co-mingled? yes no

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured Method of measurement NONE
estimate

Total Q recommended 0.00669 Meter No Type Condition

Total V recommended 3.0 AF/Ann

Recommended Amendments 3.0

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION: Q = 0.007 with
One acre @ 0.00669 c.f.s. x 2.8 AF/Ann
Q = 0.00669 c.f.s. ≈ 0.007 c.f.s.

SYSTEM DESCRIPTION:

1/2" submersible pump & pipeline to place of use
210 days
1.98 V = 210 day x 1.98 x 0.007 = 2.91 AF/yr ≈ 2.9 AF/yr
415.8
x 0.00669

REMARKS:

The water is used for the irrigation of the
cemetery (Sonders Cemetery Dist.)

Examiner's Signature Tom King Jr. Date 7-13-77

Checked by Bob Hanner Date 8-14-77

Approved by Date

$$\begin{array}{r}
 .00669 \\
 \underline{31.98} \\
 1782 \\
 1188 \\
 \underline{1188} \\
 .0132462 \\
 3.65
 \end{array}$$

89-

4019

File to microfiche

August 29, 1977

Mr. Harry Schaack
Rt. 3, Box 105
Orofino, ID 83544

Dear Mr. Schaack:

Pursuant to our telephone conversation, I have enclosed copies of the Claim to a Water Right No. 84-4019 and Application for Permit No. 84-7027 filed in connection with the Sanders Cemetery District. As you can see these both were filed in your name. I have enclosed an assignment for the application No. 84-7027, which you need to sign before a Notary Public. I didn't know who was the secretary or if the district had a mailing address. Please fill in that information before returning the assignment to us.

We will change our records to show that the Sanders Cemetery District is the owner of Claim No. 84-4019.

If you have any questions, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/sdw

Enclosure

August 11, 1977

Maline Osborn, Sec Treas.
Sanders Cemetery Maint Dist
Box 1176
Orofino, Id 83544

Dear Ms Osburn,

Enclosed you will find an Assignment of Permit forms. Please have Mr Schaack sign the document and return it to this office.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosure

Opofino, Idaho
Aug 3, 1977

Water Resource Agent
Mrs Tom King
Coeur d'Alene, Idaho.

Dear Mrs King:

Thank you for your help in
getting our water right.

One of our board members
believes that someplace, in Boise,
we have filed for this and never
received any papers. Would this
information be of any help to you?

Sincerely

Maline Osborne Sec Treas
Sunder Cemetery District
Opofino, Idaho 83544
Box 1176

RECEIVED

AUG 5 1977

Department of Water Resources
Northern District Office

July 25, 1977

Maline Osborn, Sec Treas.
Sanders Cemetery Maint Dist
Box 1176
Orofino, Id 83544

Dear Ms Osborn,

Enclosed is the Claim to a Water Right you requested. Under item 4, in the space provided, please place the date that the well was completed.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosure

Orofino, Idaho
July 15, 1977

Dept of Water Resources
Coeur d'Alene, Idaho

Dear Sirs;

More than a year ago it was decided that a representative of your department would check our drilled well for draw down. We want to get final water rights on this well, and believe this check up by your agent to be necessary.

We would appreciate it if this can be done soon.

Respectfully

Maline Osborne - 476-3871

Sec. Treas.

RECEIVED

JUL 20 1977

Department of Water Resources
Northern District Office

[Signature]

Sanders Cemetery Maint Dist

Orofino, Idaho 83544

Box 1176

April 14, 1978

Re: Permit No. 84-7027

Sanders Cemetery District
Attn: Maline Osborne
Box 1176
Orofino, ID 83544

Dear Mrs. Osborne:

Enclosed is a copy of your permit and the assignment submitted by Harry Schaak.

At the time we sent acknowledgement of the assignment to Sanders Cemetery District, C/o Harry Schaak because we had no address for the Sanders Cemetery District.

All correspondence will now be mailed to you at the Box 1176, Orofino, Idaho address.

If you have any questions, please contact us.

Sincerely,

KAY WALKER
Senior Clerk

KW:k
Enclosures

Orofino, Idaho

Apr 11, 1978

State of Idaho
Dept of Water Resources
Boise, Idaho

RECEIVED

APR 13 1978

Department of Water Resources

Dear Sirs:

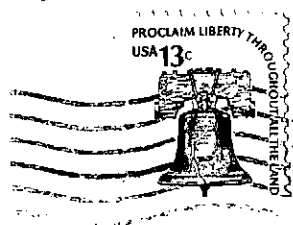
Re: Permit no 84-7027 for
Sanders Cemetery District -
We have not received any
papers to have on file showing
that we have a water permit.
Why don't we receive this?

Respectfully

Mahine Osborne
Sec. Sanders Cemetery Dist
Orofino, Idaho
Box 1176

Your last correspondence about this was to
Harry Schosack
Orofino Idaho R3 Box 105

Cox 1176
Opafino, Idaho
83544



State of Idaho
Dept of Water Resources
Statehouse
Boise, Idaho 83720

December 7, 1977

C
Re: Permit No. 84-7027

O
Sanders Cemetary District
c/o Harry Schaack
Route 3, Box 105
Orofino, Idaho 83544

Dear Mr. Schaack:

P
We acknowledge receipt of the assignment conveying the above referenced permit into the name of Sanders Cemetary District. The assignment has been entered into the Department's records.

Sincerely,

Y
BILL MAC ALLISTER
Water Resource Agent

BM:JFR

MIC

State of Idaho
Department of Water Resources

ROUGH DRAFT

WATER RIGHT LICENSE

License of Water Right No. 84-7027 Priority March 30, 1975 Amount 0.007 cfs

THIS IS TO CERTIFY, that Sanders Cemetery District
of Orofino, Idaho, has complied with the terms and conditions of Permit
No. 84-7027 issued pursuant to Application for Permit dated March 24, 1975
and has submitted proof to the Department of Water Resources on March 24, 1975
June 7, 1976
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 0.007 cfs of water from a groundwater source
tributary to _____, 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
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>0.007</u> cfs and	<u>2.9</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 0.007 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
2.9 acre feet per year, said waters to be diverted within the NW 1/4 SE 1/4 Sec 28,
Twp 37N, Rge 2E, B.M. in the County of Clearwater

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>37N</u>	<u>2E</u>	<u>28</u>														<u>1</u>			<u>1</u>

Total number of acres irrigated 1

ROUGH DRAFT

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of _____, 19 _____.

Director

IDENT. NO. _____

WATER RIGHT
DATA ENTRY LOG

[illegible]

December 7, 1977

Re: Permit No. 84-7027

Sanders Cemetary District
C/o Harry Schaack
Rt. 3, Box 105
Orofino, ID 83544

Dear Mr. Schaack:

A representative of this Department made an examination of the works covered by your Permit No. 84-7027 on 7/13/77, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.007 cfs Source: groundwater

The maximum quantity diverted shall not exceed 2.9 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 37N, Rge. 2E, B. M.

Beneficial use: Irrigation of 1 acre within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 37N,
Rge. 2E, B. M.

Priority date established: March 30, 1975

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau
BDF/cah

June 23, 1976

Re: Permit No. 84-7027

Harry Schaack
Route 3, Box 105
Orofino, Idaho 83544

Dear Mr. Schaack:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to March 30, 1975.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Coeur d'Alene.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosure

RECEIVED

JUN 7 1976

Identification No. 84-7027

Department of Water Resources

Permit No. 84-7027

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Harry Schaack for the Sander's Cemetary District
b) Post Office Address Rt. 3, Box 105, Orofino, Idaho 83544
2. Permit Number 84-7027
3. Date of Priority that you are prepared to establish March 24, 1975
4. a) Source from which water was appropriated Ground Water - Well
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28
Township 37N, Range 2E Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount .00669 C.F.S. (3 gal. per minute) for irrigation purposes from April 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .00669 or 3 gallons per minute cfs and/or acre-feet per annum
measured 5/25/76 0.0365 for 16.4 gallons per minute
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Timed discharge by stopwatch into gallon container from each of 5 outlets all at full open-Pressure @ pump discharge - 8-10psi throughout test. By Neil Fitzsimmons, P. E. Agricultural Engineer, soil conservation service Idaho Reg # 2091
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 4 inch submersible pump with electrical motor (size and make unknown); 1" main line and 3/4" lateral line pipes (total of 175 feet of pipe); sprinklers
b) Describe the type and size of measuring device which you have installed at your point of diversion: none pump controls listed as lhp jacuzzi submersible 4350 RPM SN 1546-S 2/S-98; lift and drawdown data on well not available. The sprinkler system operates off a pressure tank system with 20-40psi range. Operating pressure required is N20p5lso measured discharge exceeds sprinkler capacity.
c) Give well driller's name and address and the date the well was completed: Ken W. Bowers, current address unknown; completed in September, 1962 (construction costs have been fully paid)
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Examined 6-24-76 f

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

[illegible]

Total number of acres irrigated 1

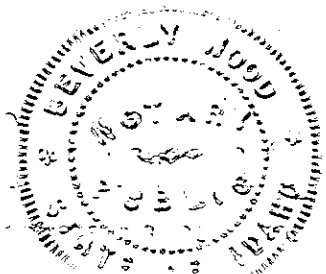
The above information is a true statement of the extent to which the above numbered permit has been developed.

June 3, 1974
(Date)

Harvey J. Schach
(Signature)

) ss.

On this 3rd day of June, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



My commission expires

Beverly Wood
Notary Public residing at Orlando, FL

RECEIVED

JUN 7 1976

MICHAEL E. McNICHOLS
KENNETH M. SEBBY
LAWYERS

Department of Water Resources

227 COLLEGE AVENUE - P. O. BOX 666 - OROFINO, IDAHO 83544
208 - 476-5216

June 4, 1976

Department of Water Resources
State Capitol
Boise, Idaho 83720

Re: Proof of Application of Water to Beneficial Use: Permit No. 84-7027

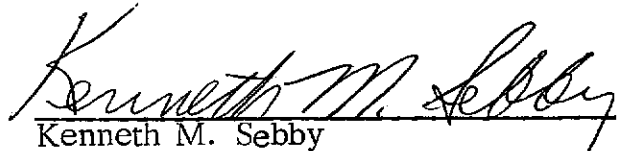
Gentlemen:

Please find enclosed herewith the above referenced Proof form, together with the photograph.

Earlier this week I spoke with Mr. Ken Noblock, assistant manager of the Northern District, regarding the lateness of the submission of this proof. Please consider this letter a petition for reinstatement of their permit. The cause of the delay was one in obtaining a proper person to make the measurement required by 5c, and then reducing the necessary information into your form.

Should there be any questions, whatsoever, please contact me immediately.

Yours very truly,


Kenneth M. Sebby

jr
enclosures

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138496	

(Always obtain signature of addressee or agent)

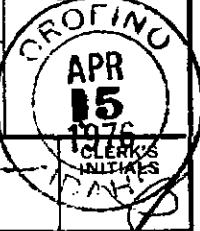
I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Harvey Schach

4. DATE OF DELIVERY
APR 5 1976

POSTMARK



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Moisten gummed ends and attach to back of article.

**RETURN
TO**



**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

April 1, 1976

CERTIFIED MAIL #138496

Re: Permit No. 84-7027

Harry Schaack
Route 3, Box 105
Orofino, Idaho 83544

Dear Mr. Schaack:

One of the conditions of approval of your water Permit No. 84-7027 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before JUNE 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg

Enc: Proof affidavit

May 1, 1975

Re: Permit No. 84-7027

Mr. Harry Schaack
Route 3, Box 105
Orofino, Idaho 83544

Dear Mr. Schaack:

Enclosed is a copy of your approved Application for Permit No. 84-7027. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 84-7027

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) SC 3/24/75

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) SC 3/24/75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) SC 4/22

Critical groundwater area: yes _____ no ☒

(8) SC 4/22

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use yes

(10) _____

Comments: _____

(11) CP 4/22

Affidavit of Publication received(date) April 22, 1975

(12) CP 3/28

Final date for protests April 21, 1975
Protests received: yes _____ no ☒

(13) SC 4/22

All requested information received from agencies or applicant: yes ☒ no _____

(14) SC 4/22

Action recommended:

☒ Approve _____ Deny

3/24/75 Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By [Signature] Date 4/22/75

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-8484

March 28, 1975

Re: Application No. 84-7027 - Harry Schaack
Claim No. 84-4019 - " "

Clearwater Tribune
Box 71
Orofino, ID 83544

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

MICROFILMED

Bill: 4-22-75. 0

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harry Schaack,
Route 3, Box 105, Orofino, Idaho
has on March 24, 1975 submitted Application No. 84-7027
for a permit to appropriate 0.00669 cubic feet per second ~~acres feet per second~~
of water from a ground water source
by means of pump, motor, pipelines, and sprinklers
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 37N, R. 2E, B.M., Clearwater County

to be used from April 1 to Nov. 1
for the irrigation of one acre

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 37N, R. 2E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 21, 1975.

R. KEITH HIGGINSON

Director

Published in the Clearwater Tribune, Orofino, Idaho
on April 3 and April 10, 1975

MICROFILMED

March 28, 1975

Re: Application for Permit No. 84-7027 - Harry Schaack (Sanders Cemetery Dist.)
Claim to a Water Right No. 84-4019 - " " " " "

Mr. Kenneth M. Sebby
P.O. Box 666
Orfino, ID 83544

Dear Mr. Sebby:

Attached is your receipt No. 840 in the amount of \$20 for the filing fees on the above referenced items which were received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Attachment

MICROFILMED