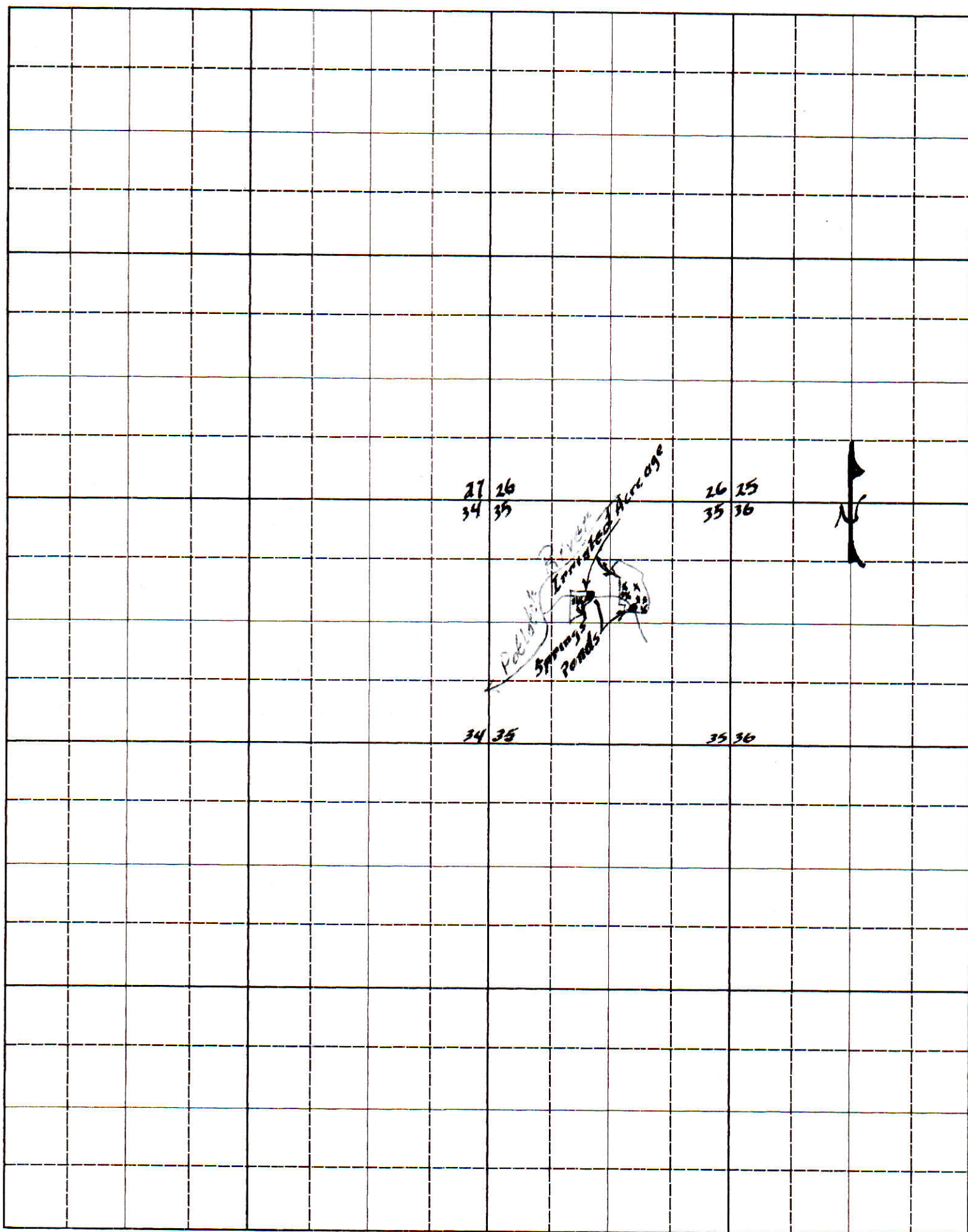


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

x Elmer R. R. R.
(Applicant)

MICROFILMED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-7150

EMERY, MARY E.

P.O. Box 46, Kendrick, ID 83537

Source: Springs tributary to Potlatch River; unnamed stream tributary to Potlatch River.

Date Filed: 09/13/1982.

Amount: 0.20 CFS.

Diversion Point: SENW SWNE Sec 35 T 38N R 03W, Nez Perce Co.

Use: Irrigation (0.18 CFS) from 04/01 to 11/01.

Domestic (0.02 CFS) from 01/01 to 12/31

Place of Use: SWNE SENW Sec 35 T 38N R 03W SENW Sec 35 T 38N R 03W for 17 acres.

Diversion Means: Dams, pump, pipe and tank.

86-7156

WING, ERNEST.

Rt. 1, Box 71, Juliaetta, ID 83535

Source: Howard Creek tributary to Potlatch Creek.

Date Filed: 12/02/82

Amount: 0.02 CFS

Diversion Point: NENE Sec 12 T 36N R 04W, Nez Perce Co.

Use: Irrigation (0.02 CFS) from 05/01 to 10/30.

Place of Use: NENE Sec 12 T 36N R 04W for 3 acres.

Diversion Means: Pump.

88-7317

CLARK, P.T.

HEINECKE, PERRY.

1301 G St., Lewiston, ID 83501.

Source: Groundwater.

Date Filed: 12/02/1982.

Amount: 0.09 CFS.

Diversion Point: SESE Sec 04 T 33N R 04W, Nez Perce Co.

Use: Domestic (0.09 CFS) from 01/01 to 12/31.

Place of Use: NENE NWNE SENE SWNE Sec 09 T 33N R 04W SESE SWSE Sec 04 T 33N R 04W.

Diversion Means: Well, pump and pipe.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID 83814, on or before March 7, 1983.

KEN DUNN

Director

STATE OF IDAHO,

County of Nez Perce

ss.

Gayle Bohmacker

being duly sworn

deposes and says, I am the Classified Bookkeeper

of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the NOTICE OF APPLICATION FOR WATER RIGHT

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a

week for 2 consecutive weeks, the

first publication thereof being on the 17th day of

February

, A. D. 19 83,

and the last publica-

tion thereof being on the 24th day of February,

A. D. 19 83, and said NOTICE OF APPLICATION FOR WATER

was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

24th

day of

February

, 19 83

RECEIVED

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

FEB 24

Department of

Water Resources

RECORDED

Publisher's Affidavit of Publication

STATE OF IDAHO, }
County of Nez Perce } ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-7150

EMERY, MARY E.
P.O. Box 46, Keendrick, ID 83537
Source: SPRINGS tributary to POT-
LATCH RIVER
UNNAMED STREAM tributary to
POTLATCH RIVER

Date Filed: 09/13/1982

Amount: 0.20 CFS.

Diversion Point: SENW SWNE Sec 35 T
38N R 03W, Nez perce Co.

Use: Irrigation (0.18 CFS) from 04/01 to
11/01.

Domestic (0.02CFS) from 01/01 to 12/
31.

Place of Use: SWNE SENW Sec 35 T
38N 03W SENW Sec 35 T 38N R 03W for
17 ACRES.

Diversion Means: DAMS, PUMP, PIPE
AND TANK.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, 4055 Gov't Way, Coeur
d'Alene, ID 83814 on or before Novem-
ber 22, 1982.

KEN DUNN
Dir.

11/8/83

Gayle Schumacher

, being duly sworn,

deposes and says, I am the Classified Bookkeeper
of the Tribune Publishing Company, a corporation organized and
existing under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a newspaper
of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an estab-
lished paper and has been published regularly and issued reg-
ularly at least once a day for more than 20 consecutive years
next immediately preceding the first publication of this notice,
and has been so published uninterruptedly for said period; that

the NOTICE OF WATER RIGHT APPLICATION
attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, one time. Pub-
lication being on the 8th day of November, A.D. 1983

NOTICE OF WATER RIGHT APPLICATION
was so published
in the regular and entire issue of said newspaper and not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of pub-
lication as set forth above.

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 3rd
day of February, 1983

Sheryl M. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

RECEIVED

FEB 4 1983

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

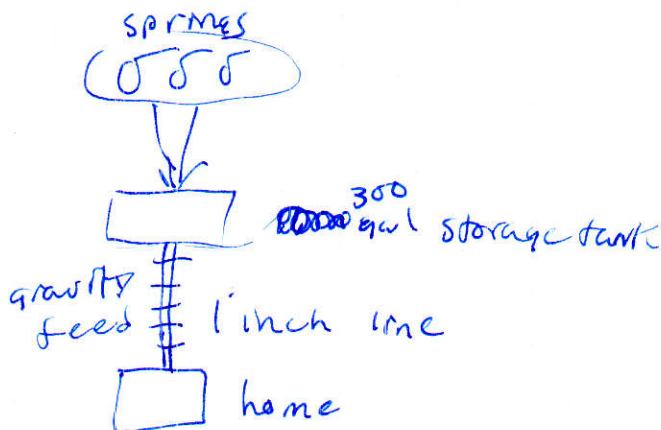
1. Owner: Mary E. Emery Permit No. 86-07150
Current Address: Box 891 Orofino ID Phone No. 476-7123 or 476-5731
2. Accompanied by: Emil Fleiger's son EXAM. DATE: 6/18/90
Address: Box 46 Kendrick ID 83537 Phone No. -
Relationship to Permit Holder: -
3. Source: Spring tributary to Potlatch River

B. OVERLAP REVIEW

1. Other water rights with same place of use: -
☐ Copies Attached
2. Other water rights with same point of diversion: -
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

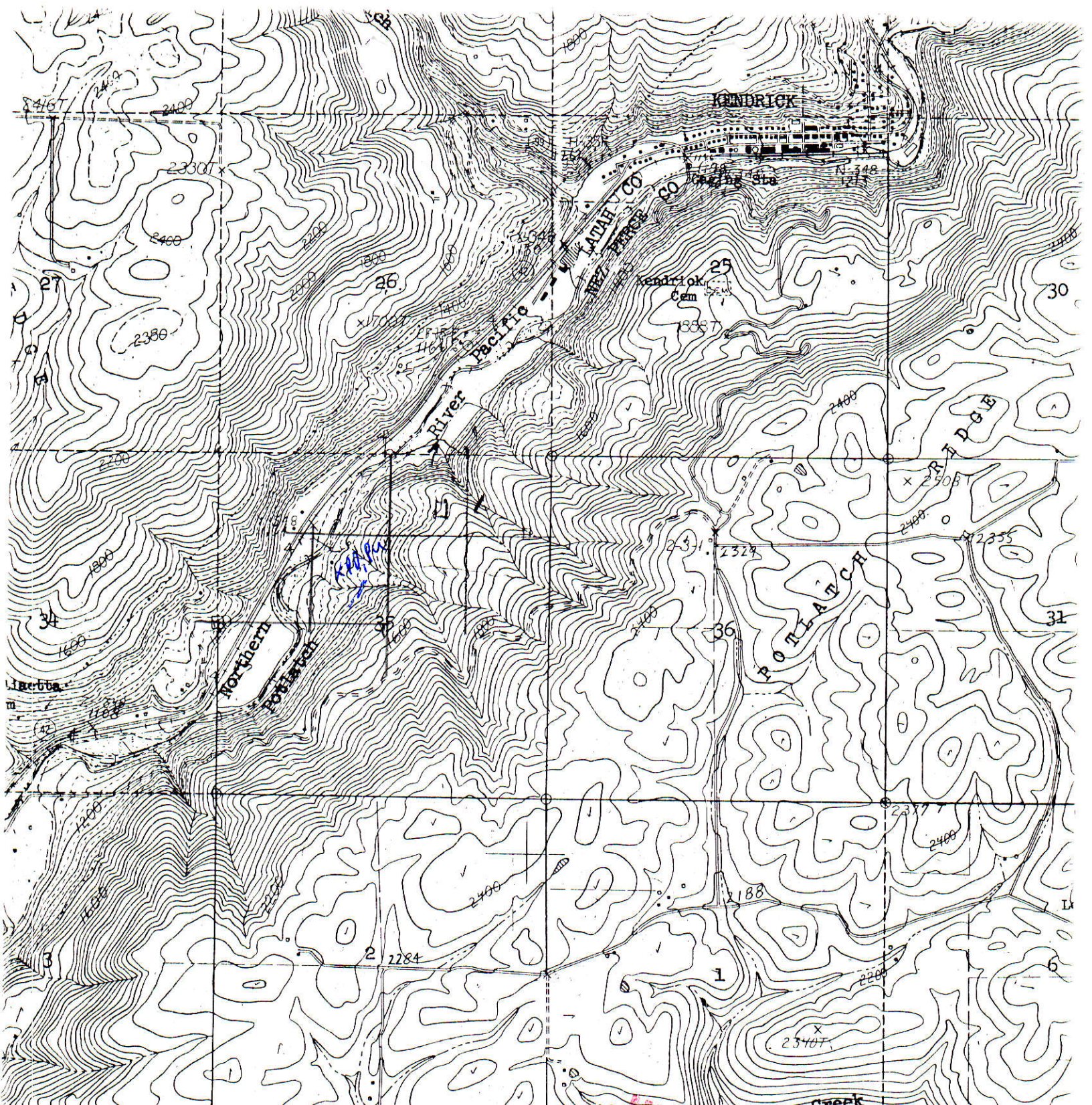
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater. PHOTO DID NOT DEVELOP TRK)

RECEIVED
AUG 08 1991



NAME: MARY E. EMERY PERMIT NUMBER: 86-07150
PD: T 38N R 3W, SEC. 35, SE NW GL MAP: #
PU: T , R , SEC. , AC/IRR: QUAD:
SOURCE: UNNAMED STREAM TRIBUTARY TO: POTLATCH RIVER

86-07150

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
R. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6494

FEBRUARY 10, 1983

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

Enclosed you will
find the dates indi-
cated in your newspaper
proof to this off-
ice cannot be publis-
hed immediately.

In affidavit of s
with the publica

please send the
office before MAI

ours truly,

Patricia M. Styr
Secretary

D. Gyle Schumacher - which we wish to have published
These are the ones to be re-advertised 2 times
on 2/17 & 2/21/83. If us

I am returning the original bills, since they
are partially incorrect (the bill for 86-715 will
have to show that it was advertised twice). When
you send the new affidavits, just send a new
bill. If you have any questions, call.

Pet.

1-10-83

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

N



Scale: 2 inches equal 1 mile.

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

May 10 1900
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 86-07150

Priority: October 20, 1982

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:¹

1.2 AF

This is to certify, that EMIL P. FLIGER
MARY E. EMERY

P.O. BOX 891

OROFINO, ID 83537

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 20, 1982; and has submitted Proof of Beneficial Use on April 3, 1989. An examination indicates that the works have a diversion capacity of .020 cfs of water from:

SPRINGS

tributary to POTLATCH RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SEW , Sec. 35, Township 38N, Range 03W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

38N 03W 35

SEW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Three points of diversion located within SENW, S35, T38N, R3W.
6. Domestic use is for 1 home.

AUG 08 1991

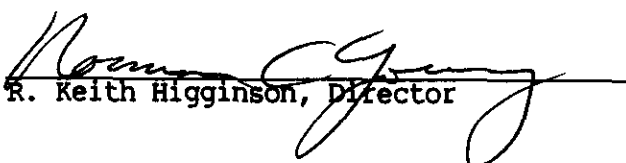
State of Idaho
Department of Water Resources

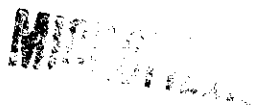
WATER RIGHT LICENSE

WATER RIGHT NO. 86-07150

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 26TH
day of June, 1991.

Acting for


R. Keith Higginson, Director


AUG 08 1991

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF)
APPLICATION FOR PERMIT NO. 86-7150 IN THE)
NAME OF MARY E. EMERY)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on April 2, 1984, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1989.

Dated this 24th day of April, 1984.


A. KENNETH DUNN
Director

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)	PROPOSED
OF APPLICATION FOR PERMIT NO. 86-7150 IN)	MEMORANDUM DECISION
<u>THE NAME OF MARY E. EMERY.</u>)	AND ORDER

On September 13, 1982, Mary E. Emery applied to the Department of Water Resources for a permit to appropriate 0.12 cubic feet per second of water from nine springs tributary to the Potlatch River and an unnamed stream tributary to the Potlatch River to be diverted within the SENW and the SWNE of Sec. 35, Township 38 North, Range 3 West, Nezperce County, to be used for domestic purposes and irrigation of ten acres within the above-described tracts.

Notice of the application was published in the Lewiston Morning Tribune, Lewiston, Idaho, on November 3, 1982, and on February 17 and 24, 1983.

The Department received protests against approval of said application on November 22, 1982, from Ervin Hasch, John Fisher and Jeff Fisher.

On September 12, 1983, a conference was held in Lewiston, Idaho. The applicant was present and represented herself. The protestant, John Fisher, was present and represented himself and Ervin Hasch and Jeff Fisher. The major issue at the conference was whether there was interference with the protestants' desire to use water from the same source.

At the conference, the parties agreed to allow the Department to reach a decision in the matter based upon information obtained at the conference and information contained in the files and records of the Department.

At the close of the hearing, Mary E. Emery assigned the permit to Mary E. Emery and/or Emil P. Fliger, Box 46, Kendrick, Idaho.

Based on the information presented at the conference, the official files and records of the Department of Water Resources and the Director's understanding of the law, the hearing officer for the Director of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

- 1) The protestants have filed Application Nos. 86-7176 and 86-7177 in the same general area but from sources which are different.

2) The protestants have no application or vested water right on the source that the applicant proposes to use.

3) Whether the applicant agreed to help pay the cost of a joint water system with the protestants is a contractual matter and the proper forum to decide whether there was a breach of contract is a court of law.

4) The water source is sufficient for the purposes proposed by the applicant.

CONCLUSIONS OF LAW

1) The protest is unfounded and must be rejected.

2) The applicant is entitled to a Permit to appropriate the Public Waters of the State of Idaho.

ORDER

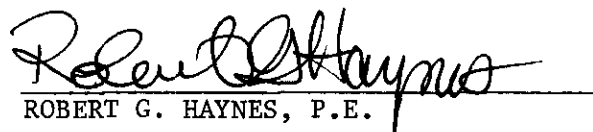
IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 86-7150 is APPROVED subject to the following conditions:

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

2) The permit holder shall commence the excavation or construction of diverting works within one year of the date this permit issued and shall proceed diligently until the project is complete.

3) Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 9th day of March, 1984.


ROBERT G. HAYNES, P.E.

Hearing Officer

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Mary E. Emery &/or Emil P. Fliger* Phone 276-7311 *kw Per assignment of 9/12/1983

Post office address Box 46 Kendrick, Id. 83537

2. Source of water supply Spring tributary of unnamed stream which is a tributary of Palladin River
(3 pts)

3. Location of point of diversion is SE ¼ of NW ¼ of Section 35 Township 38N

Range 3W B.M. NEZ PERCE County, additional points of diversion if any: _____

(8 pts) SWNE, Sec 35, T38N, R3W

4. Water will be used for the following purposes:

Amount 0.10 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.2012 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small dams in stream
with pump pipeline to irrigation. Developed
Springs with pipe to 300 gal tank taken to home

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

→ (1) Give the place of use of water: SE ¼ of NW ¼ of Section 35 Township 38N
Range 3W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

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

MICROFILMED

JS	NW%	JS
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MICROFILMED

Applicant

Applicant

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

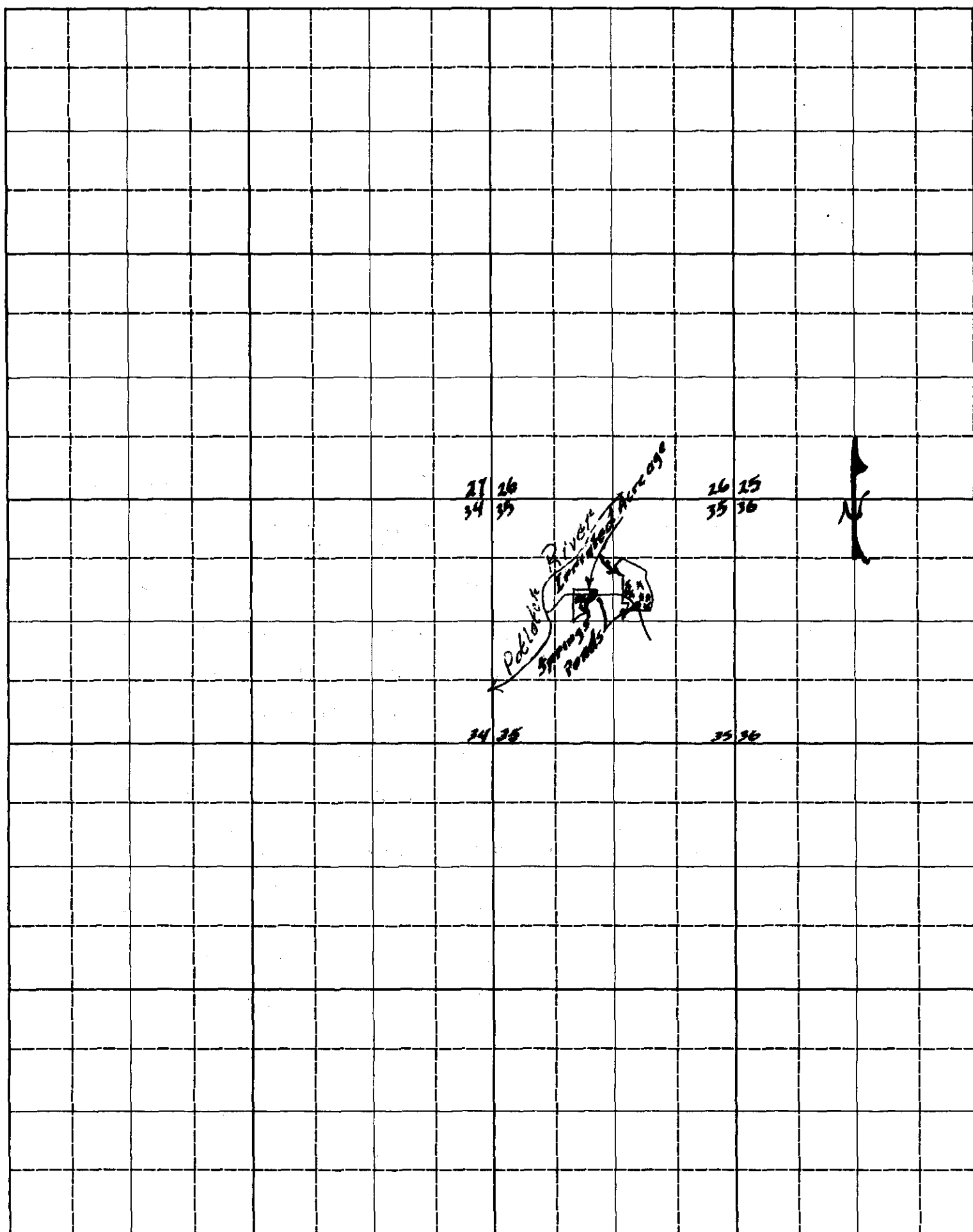
2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any lessons learned for future projects.

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



Scale: 2 inches equal 1 mile.

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

x Mary R. Smith
(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority: 10/20/82

Received by PMS Date 9/13/82 Time 1:00 P.M. - 12:30 P.M. Original - JK

Preliminary check by AB Fee \$ 30.00

Receipted by PM Date 10/20/82 (2-5044)

Publication prepared by PM Date 10/28/82

Published in Levinson Tribune

Publication dates 11/4-11/82 12-24/82 2/17-24/83

Publication approved PM Date 11/1/82

Protests filed by: Ervin Hasch, John Fisher & Jeff Fisher 11/22/82

Copies of protests forwarded by PM 11/23/82

Hearing held by PM Date 11/23/82

Recommended for approval denial by KW

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. 86-7150, 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 April 1, 19 89.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Dated this 24th day of April, 1984.

A. Kenneth Dunn
A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATION FOR PERMIT NO. 86-7150 IN THE
NAME OF MARY E. EMERY

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 27th day of April, 1984, a true and
correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND
ORDER was mailed postage prepaid to:

Mary E. Emery and/or Emil P. Fliger
Box 46
Kendrick, ID 83537

Ervin Hasch
610 Bryden Drive
Lewiston, ID 83501

John H. Fisher and Jeff Fisher
127 15th Avenue
Lewiston, ID 83501

Robert L. Brower
BROWER & CALLERY
1111 F St., Suite B
Lewiston, ID 83501



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATION FOR PERMIT)
NO. 86-7150 IN THE NAME OF)
MARY E. EMERY)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, ROBERT G. HAYNES, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on September 12, 1983, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 86-7150 IN
THE NAME OF MARY E. EMERY

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 2nd day of April, 1984, true and correct
copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION
AND ORDER were mailed postage prepaid to:

Mary E. Emery and/or
Emil P. Fliger
Box 46
Kendrick, ID 83537

Ervin Hasch
610 Bryden Drive
Lewiston, ID 83501

John H. Fisher and
Jeff Fisher
127 15th Avenue
Lewiston, ID 83501

Robert L. Brower
BROWER & CALLERY
1111 F. St., Suite B
Lewiston, ID 83501



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

RECEIVED

State of Idaho
County of Jeze Perce

I, Mary E Emery, hereby assigned all
my right, title and interest in Application
No 86-7150 to Mary E. Emery c/o Emil
P. Fliger, Box 46 Kendrick ID 83537

Sworn to before me this 12th day of September 1983

Robert D. Haynes

My Commission expires
7/20/86

Notary Public
Residing at C/A

MICROFILMED

RECEIVED

NOV 22 1982

Department of Water Resources
Northern District Office

November 16, 1982

Director
Dept. of Water Resources
1015 North
Boise, Idaho 83726

Dear Sir;

This letter is to file a formal protest to the application for water rights filed by Mary E. Emery of Kendrick, Idaho on 9-13-82, for SPRINGS TRIBUTARY, to CHINLEIGH RIVER, the CHINLEIGH RIVER tributary to JOHN TON RIVER.

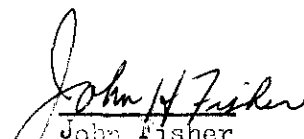
We Ervin Hasch, John Fisher, and Jeffrey Fisher are also land owners in the JOHN TON RIVER area and all need water for our fields and for irrigation purposes. We are all working together to get all of all who must use this water, and while she agreed to this plan and also to share the cost, she has never paid her share nor notified us of her plans to file.

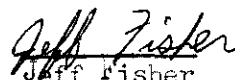
Also, the amount of water she has filed for (0.20 CFS) is more water than the UNIMATED SPRING can produce even at flood stage.

There are three other parties besides ourselves who also have an interest in the water.

Sincerely,


Ervin Hasch


John Fisher


Jeff Fisher

610 Bryden Dr.
Levinston, Id. 83551

RECEIVED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

EMERY, MARY E.
P.O. Box 46, Kendrick, ID 83347
Source: Springs tributary to Potlatch River; unnamed stream tributary to Potlatch River.

Date Filed: 09/13/1982
Amount: 0.29 CFS
Diversion Point: SE1/4 SW1/4 Sec 35 T 33N R 03W, Nez Perce Co.
Use: Irrigation (0.18 CFS) from 04/01 to 11/01

Domestic (0.02 CFS) from 12/01 to 12/31
Place of Use: SW1/4 Sec 35 T 33N R 03W, Nez Perce Co.
for 17 acres
Diversion Means: Well, pump, pipe and tank.

WING, THOMAS
P.O. Box 7, Shoshone, ID 83441
Source: Shoshone River tributary to Potlatch River.
Date Filed: 12/01/82

Amount: 0.01 CFS
Diversion Point: SE1/4 SW1/4 Sec 35 T 33N R 03W, Nez Perce Co.
Use: Domestic (0.01 CFS) from 01/01 to 12/31.

Place of Use: SE1/4 SW1/4 Sec 35 T 33N R 03W, Nez Perce Co.
Diversion Means: Well, pump and pipe.

CLARK, J. T.
HARRIS, J. T.
1801 S 5th, Lewiston, ID 83501
Source: Groundwater.
Date Filed: 12/02/1982
Amount: 0.09 CFS
Diversion Point: SE1/4 Sec 04 T 33N R 04W, Nez Perce Co.
Use: Domestic (0.09 CFS) from 01/01 to 12/31.

Place of Use: NENE NW1/4 SE1/4 SW1/4 Sec 04 T 33N R 04W, Nez Perce Co.
Diversion Means: Well, pump and pipe.

The permit(s) will be subject to all prior water rights. Permits must be filed with the Director, Dept. of Water Resources, 4051 Gov't Way, Coeur d'Alene, ID 83814, on or before March 7, 1983.

KEN DUNN
Director

STATE OF IDAHO, } ss.
County of Nez Perce }

Gayle Schumacher

being duly sworn

deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the NOTICE OF APPLICATION FOR WATER RIGHT attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 17th day of February, A. D. 19 83, and the last publication thereof being on the 24th day of February, A. D. 19 83, and said NOTICE OF APPLICATION FOR WATER RIGHT was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 24th day of February, 19 83

RECEIVED *Th. Lantz*
Notary Public in and for the State of Idaho, residing at Lewiston, therein.

FEB 2

Department of
Northern District Office

RECEIVED

Publisher's Affidavit of Publication

STATE OF IDAHO, }
County of Nez Perce } ss.

Gayle Schumacher

, being duly sworn,

deposes and says, I am the Classified Bookkeeper
of the Tribune Publishing Company, a corporation organized and
existing under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a newspaper
of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an estab-
lished paper and has been published regularly and issued reg-
ularly at least once a day for more than 20 consecutive years
next immediately preceding the first publication of this notice,
and has been so published uninterruptedly for said period; that

the NOTICE OF WATER RIGHT APPLICATION
attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, one time. Pub-
lication being on the 8th day of November, A.D. 1983

NOTICE OF WATER RIGHT APPLICATION was so published
in the regular and entire issue of said newspaper and not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of pub-
lication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 3rd
day of February, 1983

Sheral M. Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED
FEB 4 1983

Department of Water Resources
Northern District Office

MICROFILMED

*See serial
De-adv.*

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

86-7150

EMERY, MARY E

P.O. Box 46, KeENDRICK ID 83737

Source: SPRINGS tributary to POT-
LATCH RIVER

UNNAMED STREAM tributary to
POTLATCH RIVER

Date Filed: 09/13/1982

Amount: 0.20 CFS

Diversion Point: SENW SWNE Sec 35 T
38N R 02W, Nez Perce Co

Use: Irrigation (0.18 CFS) from 04/01 to
11/01

Domestic (0.02 CFS) from 01/01 to 12/
31

Place of Use: SWNE SENW Sec 35 T
38N 03W SENW Sec 35 T 38N R 03W for
17 ACRES

Diversion Means: DAMS, PUMP, PIPE
AND TANK

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, 4055 Gov't Way, Coeur
d'Alene, ID 83814 on or before Novem-
ber 22, 1982.

KEN DUNN
Dir.

[Handwritten signature]
11/9/82

MICROFILMED

RECEIVED

NOV 8 1982

Department of Water Resources
Northern District Office

July 26, 1991

EMIL P. FLIGER
MARY E. EMERY
P.O. BOX 891
OROFINO, ID 83537

RE: WATER RIGHT NO. 86-07150

Dear Water Right Holder(s):

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

AUG 08 1991

July 8, 1991

EMIL P. FLIGER
MARY E. EMERY
P.O. BOX 891
OROFINO, ID 83537

RE: WATER RIGHT NO. 86-07150

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

RECEIVED

AUG 08 1991

LICENSE REVIEW CHECKLIST

Permit No. 86-7150

Name/Address change? ok ☒

Priority date Advance? yes no ☒

Memo to advance

Order to reinstate needed? yes no ☒

Total cfs Limited by fee N/A

Limited by capacity

Total volume Limited by flow

Chart checked for AF rate/ac N/A

Capacity Actual measurement checked

Theoretical checked

If greater than permit, check for other rts

Source Changed? yes no ☒

If so, is memo needed to clarify?

P/D Verify with map ☒ permit ☒

More than one per 1/4 Remember remark ☒

Check p/d overlap N/A

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

P/U Verify with map ☒ permit ☒

> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4

Description of non-irrig uses ☒

Special overlap condition

Conditions -	Dates/Misc. -
Measuring device <u> </u>	Water Dist <u> </u>
W.Master control <u> </u>	App Rec'd <u> </u>
Overlap <u> </u>	Proof Rec'd <u> </u>
Water quality <u> </u>	
Other <u> </u>	

CHECK FOR ADJ. CLAIM

Needed according to proof filed

Filed - needs amended

Add'l fee required

Not filed -

Not needed ✓ proof made 1989

Comments/Changes to Examiner's Recommendations:

License 10-day 30-day

Back of field report signed? 08 1991

Reviewer S. Curtis Date 7/1/91 Review time 6 min.

SENIOR AGENT REVIEW

Check List
for
Beneficial Use Field Report

Permit 86-07150

A. GENERAL INFORMATION

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

B. OVERLAP REVIEW

- ☒ 1. & 2. (Rule 5,1,4)

C. SYSTEM DESCRIPTION

- ☒ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
☒ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
Photo of pd and/or pu or explanation
☒ 3. Word Picture (Rule 5,1,3 / 5,1,4)
☒ 4. Diversion (Rule 5,1,3)
☒ 5. Compare with USGS Map/Land Survey Maps/Aerial Photos/Permit.
Method of determination
☒ 6. Irrigation (Rule 5,1,8), Method of determination,
Compare USGS/Land Survey? Aerial Photos/Permit.

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

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

F. OPTIONAL

G. VOLUME CALCULATIONS

- Three significant figures/not less than 0.10 (Rule 6,1,2)
Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

H. REMARKS AND OVERLAP ANALYSES

- All actual uses listed (Rule 5,1,2):
All unused, permitted uses listed (Rule 5,1,2):
Overlaps (Rule 5,1,4):
Return flows (Rule 5,1,5):
Conditions (Rule 5,1,6).

I. RECOMMENDATIONS

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

J. AUTHENTICATION

- Name, Signature, Certification Date, Exam Date.

WELL INSPECTION REPORT

- Check with permit and well log for discrepancies

Signature W. L. King

Date 1-16-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 86-07150

1. Owner: Mary E. Emery

Phone No. 476-7123 or 476-5731

Current Address: Box 891 Orofino ID

2. Accompanied by: Emil Fleiger's son

EXAM. DATE: 6/14/90

Address: Box 46 Kendrick ID 83537

Phone No. -

Relationship to Permit Holder: -

3. Source: Springs tributary to Potlatch River

B. OVERLAP REVIEW

1. Other water rights with same place of use: -

☐ Copies Attached

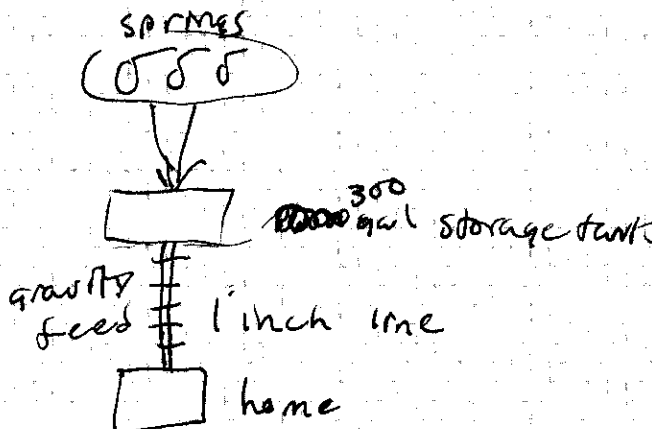
2. Other water rights with same point of diversion: -

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

- ☒ Photo of Diversion and System Attached **PHOTO DID NOT DEVELOPE**
(required for all but single household domestic groundwater, and stockwater. **TSE**)

MAINTAINED
AUG 08 1991

System Description (continued)

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

The springs collect in a ³⁰⁰~~400~~ gallon drum and are gravity fed to the place of residence.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
gravity	—	—	—	—	—

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
—	—				35	38N	3W	Nez Perce	Map

6. **Place(s) of Use:**

Indicate Method of Determination

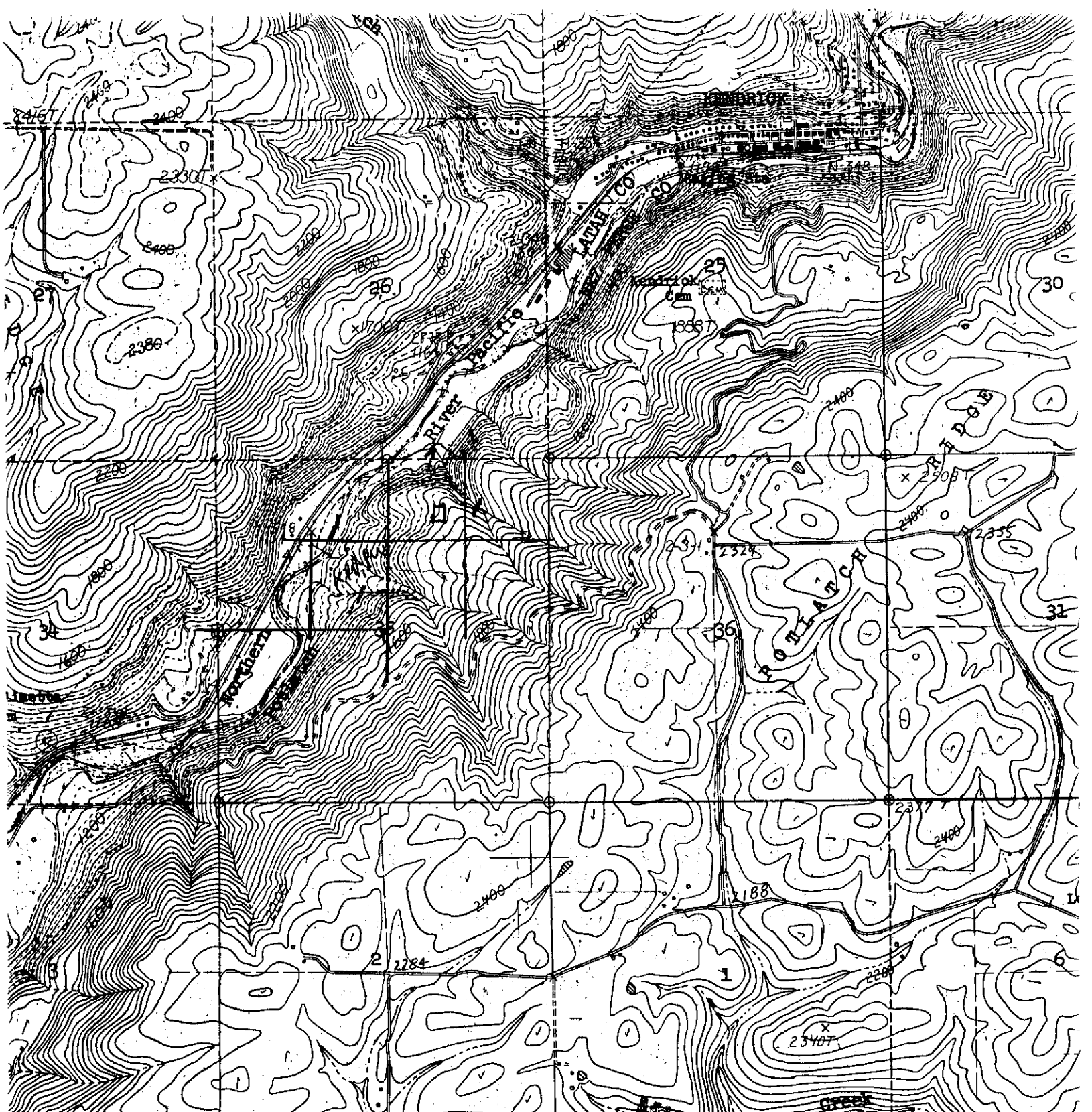
Map

Twp.	Rge.	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	
38N	3W	35								D									B

UNRECORDED

AUG 08 1991

Do not use this space



NAME: MARY E. EMERY PERMIT NUMBER: 86-07150
PD: T 38N R 3N, SEC 35, SE NW GL MAP: #
PU: T , R , SEC. ,
SOURCE: UNNAMED STREAM TRIBUTARY TO: ROT LATCH RIVER

86-07150

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: 1 Domestic w/lawn = 7.02

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

1 Domestic w/lawn = 7.02

RECEIVED
AUG 08 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Mrs. Mary Emery divorced Mr. Emil P. Fliger and Mr. ~~Emil~~ Fliger obtained the house at this location. His address is on the front of this document.

Irrigation might have been done at one time but not when I visited the house. Mr. Fliger's son said they irrigated a garden occasionally but it was not bigger than 1/2 acre.

I. RECOMMENDATIONS

1. Recommended Amounts

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

2. Recommended Amendments

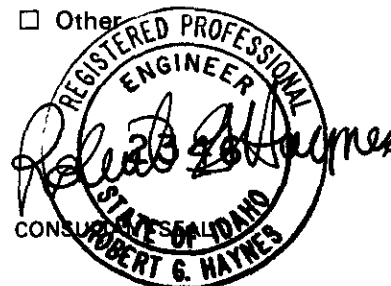
- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

☒ None TDK

☐ Other

J. AUTHENTICATION

Field Examiner's Name Robert Knoblock
Signature Robert Knoblock
Certification Date 4/16/90
Field Report Preparation Date 6/14/90



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

MICROFILMED

AUG 08 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 16, 1989

Ms. Mary Emery
Box 891
Orofino, Id. 83544

Re: 86-7150

RECEIVED
MAY 22 1989

Department of Water Resources

Dear Ms. Emery:

We acknowledge receipt of your statement of completion of water development use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you prior to the time the examination is made so that you may demonstrate the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED

AUG 08 1991



1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 86-7150

Date: 4.6.89

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Proof acceptable
Proof due 4.1.89 - Saturday. Proof received on date 4.3.89 - Monday

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

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
APR 04 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

no # enclosed ~~file~~
Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by 9/2
Sent to region 9/2

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 86-07156
Name(s) of Permit Holder: Mary E Emery
Post Office Address: Box 891 -
Orpico, ID 83544 Telephone No. 476-7123(h) 476-5731(w)
Source of Water: * ground water and springs

Extent of Use:

Domestic 1 household (number of households) Stockwater _____ (number and type of stock)
Irrigation 12 acres (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.02 cfs * 2 acre-feet

Show the date water was first diverted and beneficially used under this permit: 8/82

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

Fee enclosed \$ 0
(See License Examination Fee Schedule)

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

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

Mary E Emery 476-5731(w) 476-7123(h)
(Name) (Telephone Number)

Box 891 Orpico, ID 83544
(Address)

The above information is my true statement of the extent to which the above numbers have been used and I relinquish any undeveloped portion of the permit to the state of Idaho.

3/30/89
Date

[Signature]
Signature of Permit Holder (and title, if appropriate)

* Per App for Permit

RECORDED
MAY 15 1989

MARY E. EMERY
EMIL P. FLIGER
P.O. BOX 46
KENDRICK, ID 83537

January 31, 1989

138937

PROOF DUE NOTICE

RE: PERMIT NO. 86-07150

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 April 1, 1989. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 86-7150

Name(s) of Permit Holder(s): Mary E Emery and/or Emil P. Flynn

Post Office Address: Box 46

Kendrick, ID 83837 Tel. No. 276 3638

☒ I hereby certify that construction of diversion works on the above referenced permit began on 6/1/89 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

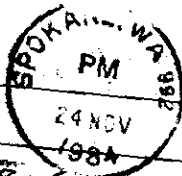
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is
not an acceptable reason.

11/24/89
Date

[Signature]
Signature of Permit Holder

Mary E Em
P.O. Box 46
Kendrick, Id 83537



MICROFILMED

MAY 15 1989



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATE HOUSE
NOV 26 1984 BOISE, IDAHO 83720

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 27, 1984

Mary E. Emery and/or Emil P. Fliger
Box 46
Kendrick, ID 83537

Dear Ms. Emery and Mr. Fliger:

Re: Application for Permit No. 86-7150

Enclosed is a copy of the approved Application for Permit No. 85-7150 along with a copy of the Proposed Memorandum Decision and Order and a copy of the Order Adopting Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed instructions entitled "Making Proof of Beneficial Use." Please read the instructions carefully since you must take further action to develop the permit into a license.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty days or may appeal directly to the district court within thirty days of the date the decision is mailed.

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

cc: Ervin Hasch
John H. and Jeff Fisher
Robert L. Brower

MICROFILMED

Memo

To Bob Haynes

From Bob Fleenor

Re: Decision on 86-7150 Mary E Emery

Apparently the applicant assigned the application on the day of the hearing. Was it before or after the conference? The assignment should be reflected in the decision.

The permits ^{86-7177 and 86-7176} of the protestants must be identified and the relative locations of the points of diversion (upstream or downstream) of those permits and this application shown. If they are different springs that should be stated.

The decision needs a finding about the sufficiency of the water source

RECEIVED

MAR 8 1984

Department of Water Resources
Northern District Office

RECEIVED

AUG 08 1991

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: AB

APPLICATION NUMBER: 86-7150

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

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

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: Only Adv. once - re-adv.
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

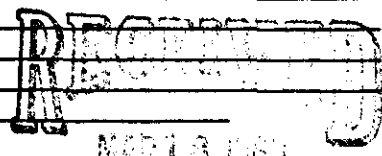
By: _____ Date: _____

STATE OFFICE REVIEW:

see Proposed Memorandum

- ☐ See attached sheet for more information.

By: kw Date: 3/20/84



Department of Water Resources

Department of Water Resources

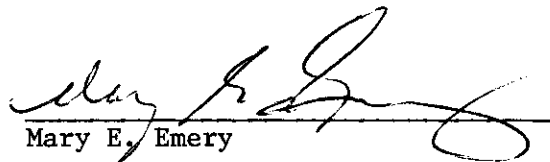
MICROFILMED

Proposed Mem.
Decision &
order

S T A T E M E N T

I hereby agree to allow the Idaho Department of Water Resources to render a decision on Application for Permit No. 86-7150 filed in the name of Mary E. Emery, based on information presented at the conference held in Lewiston, Idaho, on Monday, September 12, 1983.

DATED: This 1 day of Nov, 1983.


Mary E. Emery

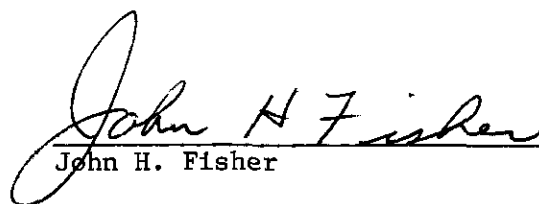
MICROFILMED

RECEIVED
NOV 2 1983
Department of Water Resources
Northern District Office

S T A T E M E N T

I hereby agree to allow the Idaho Department of Water Resources to render a decision on Application for Permit No. 86-7150 filed in the name of Mary E. Emery, based on information presented at the conference held in Lewiston, Idaho, on Monday, September 12, 1983.

DATED: This 1st day of November, 1983.


John H. Fisher

MICROFILMED

RECEIVED

NOV 2 1983

Department of Water Resources
Northern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director October 27, 1983

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

Ms. Mary E. Emery
Box 46
Kendrick, Id. 83537

Re: 86-7150

Dear Ms. Emery:

At the conference regarding the protest for Application 86-7150, it was agreed by the parties that no purpose would be served by conducting a formal hearing on the matter and that the Department should render a decision based on the information presented at the conference.

At the meeting, I neglected to obtain a signed statement from you that the Department should render a decision based on the record at the conference. I have enclosed such a statement for your signature.

Please sign and return it to us in the enclosed, stamped, self-addressed envelope.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Statement
Envelope

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

October 27, 1983

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

Mr. John H. Fisher
127 15th Ave.
Lewiston, Id. 83501

Re: 86-7150

Dear Mr. Fisher:

At the conference regarding the protest for Application for Permit No. 86-7150, it was agreed by the parties that no purpose would be served by conducting a formal hearing on the matter and that the Department should render a decision based on the information presented at the conference.

At the meeting, I neglected to obtain a signed statement from you that the Department should render a decision based on the record at the conference. I have enclosed such a statement for your signature.

Please sign and return it to us in the enclosed, stamped, self-addressed envelope.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Statement
Envelope

MICROFILMED

86-7150

Dept personnel helped fill out appl.
Not likely that ~~any~~ all of acreage will be developed

Two applications filed by the protestants appear to be tributary to the unnamed stream listed in 86-7150.

John Fisher is not aware of written agreements ~~one~~ exist. (One referred to in protest).

Mary Emery says they do not.
Applicant does not believe two applications of protestants will affect water available to her.

Springs mentioned in application generally do ~~not~~ flow into the stream.

The unnamed stream is the source of the disagreement

Mr Fisher asked that the proceedings be postponed until his son-in-law, Ervin Hasek could be present as he is more familiar with the situation. He is sick today.

Mary Emery objected, saying that Mr Hasek's records could be here and that she and her husband had to take time off of work. She also said it would be difficult to find time again this fall.

MICROFILMED

Name: Mary E. Emery
File: 86-7150
Place: Conf. Rm. Brammer Bldg., 1225 Idaho St., Lewiston, Id.
Date: Monday, September 12, 1983 at 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Jahn H Fisher	127 15 th Ave Lewiston	Fisher Fisher Hatch
Mary Emery	Box 46	
Emil Heger	Kendrick, Idaho " "	

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 24, 1983

County Commissioners' Office
Brammer Building
1225 Idaho St.
Lewiston, Id. 83501

Gentlemen:

This is to confirm reservations for conferences &/or hearings to be held by this Department on September 12, 1983 in the conference room of the Brammer Building. These conferences will take the entire day.

Sincerely,

Patricia M. Stypa
Secretary - O/C

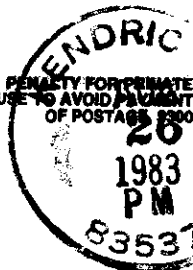
MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete Items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits,
• otherwise affix to back of article.
• Endorse article "Return Receipt Requested"
adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
4055 GOVERNMENT ST. #9
COEUR D' ALENE, ID 83814

(Street or P.O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

86-7150

● **SENDER:** Complete items 1, 2, 3, and 4.

Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

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

☒ Show to whom and date delivered —¢☐ Show to whom date, and address of delivery.. —¢2. ☐ **RESTRICTED DELIVERY** —¢*(The restricted delivery fee is charged in addition to the return receipt fee.)***TOTAL \$** _____3. **ARTICLE ADDRESSED TO:**

Ms. Mary Emery

Box 46

Kendrick, Id. 83537

4. **TYPE OF SERVICE:**☐ REGISTERED ☐ INSURED☒ CERTIFIED ☐ COD☐ EXPRESS MAIL**ARTICLE NUMBER**

13679

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agentX 5. **DATE OF DELIVERY**
AUG 27 1983**POSTMARK**
6. **ADDRESSEE'S ADDRESS** *(Only if requested)*7. **UNABLE TO DELIVER BECAUSE:**7a. **EMPLOYEE'S INITIALS**


PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO
RECEIVED

AUG 25 1983

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
1055 GOVERNMENT BLDG., SUITE #9
COUCH D'ALENE, IDAHO 83414

(Street or P.O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Northern District Office

MICROFILMED

86-7150

Form 381, Dec. 1960

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom ~~and~~ date delivered —¢
☐ Show to whom, date, and address of delivery.. —¢
2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
 Messrs. E. Hasch, J. Fisher
 & J. Fisher
 610 Bryden Dr.
 Lewiston, Id. 83501

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD 13680
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

E. Hasch & J. Fisher

5. DATE OF DELIVERY

8/24

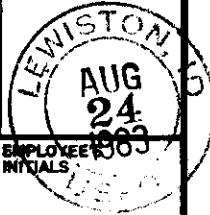
POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
4055 GOVERNMENT WAY, SUITE #9

NAME AND ADDRESS OF SENDER

NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS

Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill

POSTMARK AND DATE OF RECEIPT

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S.M. FEE	REST. DEL. FEE	REMARKS
1	13679	Ms. Mary Emery Box 46 Kendrick, Id. 83537	.20	.75				.60				86-7150
2	13680	Messrs. E. Hasch, J. Fisher and J. Fisher 610 Bryden Dr., Lewiston, Id. 83501	"	"				"				"
3	13681	Mr. and Mrs. M. L. Osborn 1030 Prospect Lewiston, Id. 83501	"	"				"				85-7327
4	13682	Mr. Ed Wylde 5606 83rd Pl. NE Marysville, Wa. 98270	"	"				"				"
5	13683	Mr. Russell Masters 9330 Waba Rd. Lewiston, Id. 83501	"	"				"				85-7347
6	13684	Mr. Ernest L. Peer 3419 11th St. Lewiston, Id. 83501	"	"				"				85-7347 & 85-7352
7	13685	Mr. Ruben Meadows 930 Waba Rd. Lewiston, Id. 83501	"	"				"				85-7352
8	13686	Copper W. Chadwick Rt. 1 Box 6A Grangeville, Id. 83830	"	"				"				82-7122 & 71
9	13687	Edith L. Bartlett & Dorothy T. Hopkins 10404 Foothill Blvd. Lake View Terrace, Ca. 91342	"	"				"				"
10	13688	Mr. and Mrs. Dick R. Seay 502 N. Hall Grangeville, Id. 83530	"	"				"				85-7305
11	13689	Mr. Larry R. Case Rt. 2 Box 120 Grangeville, Id. 83530	"	"				"				"
12	13690	Mr. Lloyd A. Davis Star Rt. Box 2A Grangeville, Id. 83530	"	"				"				"
13	13691	Mr. James Hoogland 212 N. Meadow, Grangeville, Id. 83530	"	"				"				"
14	13692	Mr. Leo L. Bacene Star Rt. Box 13, Grangeville, Id. 83530	"	"				"				"
15	13693	D. J. Soltman, M.D. W. 620 N. Second Grangeville, Id. 83530	"	"				"				"
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER PER (Name of receiving employee)									

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 86-7150) NOTICE OF HEARING
IN THE NAME OF MARY E. EMERY.) AND/OR CONFERENCE
_____)

On September 13, 1982, Mary E. Emery
of Kendrick, Idaho, filed with the Department of Water
Resources an application to appropriate the public waters of the State of Idaho.
On November 23, 1982, the Department received a protest against approval
of said application from Ervin Hasch, John Fisher and Jeff Fisher.

The Department has set the matter of protest for hearing for Monday,
September 12, 1983, at 10:00 a.m. in the Conference Room of the
Brammer Building, 1225 Idaho Street, Lewiston,
Idaho. The hearing will be held in accordance with
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure
of the Department of Water Resources. Opportunity shall be afforded all parties to
respond and present evidence and argument on all issues involved.

Dated this 23rd day of August, 1983.


ROBERT G. HAYNES, P.E.
Regional Supervisor

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director June 10, 1983

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

Ms. Mary Emery
Box 46
Kendrick, Id. 83537

Re: 86-7150

Dear Ms. Emery:

I apologize for not getting back to you sooner. As you can imagine with the filing deadline, we are very busy right now.

The concern that you expressed in your letter with regard to the filing deadline is unfounded. That deadline has to do with the recording of water rights which are in existence because the diversion and use of water is already in place. The priority date of your application was established when the application was received in our office. This deadline has to do with a different water right program and does not apply to you.

Because it appears that Mr. Hasch is not willing to withdraw his water right protest, we will have to schedule the matter for conference or hearing to reach a decision on the application. At the present time, I do not know when that will occur because I anticipate that as of the first of July, we will have a substantial amount of work to catch up on.

I hope that this letter satisfied your concern. If it does not, please call me so that we may discuss the matter in more detail.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office

MICROFILMED

RECEIVED

JUN 8 1983

DEPARTMENT OF WATER RESOURCES

Mary E. Emery
Box 46
Kendrick, Id. 83537

June 1, 1983

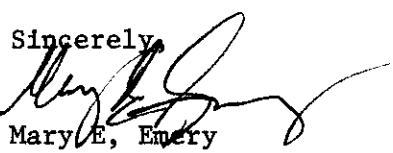
David H. Hollingshead
Department of Water Resources
450 W. State St.
Boise, Id.

Dear Mr. Hollingshead,

Beginning in August of last year, I initiated correspondence with the Department of Water Resources to obtain a permit to develop the springs on my property and to access a small creek for irrigation. Since that time I have had to re-file several times. I was given an application number - 86-7150 and notified that a protest had been filed against me. The date of the letter of notification is November 23, 1982. I have not heard anything about my application since.

I understand that the current law regarding water right will expire on June 30. I would like to have my permit by that time. I would appreciate any help you can give me in resolving this difficulty. I filed originally through the Coeur d'Alene office. Thank you for your help. I look forward to hearing from you soon.

Sincerely,


Mary E. Emery

RECEIVED

JUN 9 1983

Department of Water Resources
Northern District Office

RECEIVED

Mary Emery
Box 46
Kendrick, Id. 83537

June 1, 1983

Robert G. Haynes, Regional Supervisor
Department of Water Resources
4055 Government Way
Coeur d'Alene, ID

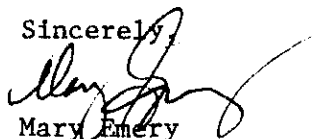
RE: 86-7150

Dear Mr. Haynes,

I am very concerned about the state of my water permit application. I understand that the current law regarding water rights will expire at the end of this month, and I would like to have my permit by that time. As you may remember a protest was filed by Mr. Hasch. He is very angry about the problems he has had with his dam and is unwilling to discuss or negotiate. I discussed this with Mr. Beard when he inspected the dam. Mr. Hash et.al., own a 20 foot strip which crosses the creek below my upper piece. Mr. Beard indicated that he thought the protest would not stand under the circumstances, but that I would hear from you soon.

I would appreciate your help in resolving this difficulty. I am concerned about the amount of time this has taken already. Thank you for your help. I look forward to hearing from you soon.

Sincerely,


Mary Emery

R E C E I V E D

JUN 3 1983

Department of Water Resources
Northern District Office

MICROFILMED

BROWER & CALLERY

ROBERT L. BROWER
THOMAS W. CALLERY

ATTORNEYS AT LAW
1111 F STREET, SUITE B
LEWISTON, IDAHO 83501
(208) 746-0453

MAILING ADDRESS
POST OFFICE BOX 1367
LEWISTON, IDAHO 83501

February 9, 1983

State of Idaho
Department of Water Resources
Northern Region, Suite #1
ATTN: Robert G. Haynes
4055 Government Way
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

RE: 86-7150

Please be advised that I represent Ervin A. Hasch, John Fisher and Jeff Fisher, as regards the above-referenced claim. It is requested that you provide me copies of all documents in your files so that I may evaluate this matter on behalf of Mr. Hasch and the Fishers.

If there is any fee for providing copies, please advise and it will be forthwith remitted.

Should you have questions, please call.

Sincerely,

BROWER & CALLERY


ROBERT L. BROWER

RLB:dmm

*copies sent
2/11/83
ma
filed
for 2.90*

RECEIVED

FEB 10 1983

Department of Water Resources
Northern District Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Commissioner~~
Director

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

February 7, 1988

Mr. Ervin Hasch, Mr. John Fisher
and Mr. Jeff Fisher
610 Bryden Dr.
Lewiston, Id. 83501

Re: 86-7150

Gentlemen:

Due to an error in advertising, the claim of Mary Emery will have to be re-advertised.

This is to advise you that you will not have to re-submit a protest in this matter.

If you have any questions, please contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

MICROFILMED

86-2150-

EMERY, MARY E.

P.O. BOX 46, KENDRICK, ID 83537

Source: SPRINGS tributary to POTLATCH RIVER
UNNAMED STREAM tributary to POTLATCH RIVER

Date Filed: 09/13/1982

Amount: 0.20 CFS

Diversion Point: SENW SWNE Sec 35 T 38N R 03W, NEZ PERCE Co.

Use: IRRIGATION	(0.18 CFS)	from 04/01 to 11/01
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SWNE SENW Sec 35 T 38N R 03W SENW Sec 35 T 38N R 03W
FOR 17 ACRES

Diversion Means: DAMS, PUMP, PIPE AND TANK.

REPRODUCED
FILMED

LEWISTON MORNING TRIBUNE

505 C STREET • P.O. BOX 957
LEWISTON, IDAHO • 83501

INVOICE

N2 L 3124

February 3, 1983
DATE

SOLD TO • Director
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

LEGAL NOTICE

ACCT. # 96475

DATE	QUANTITY	DESCRIPTION	AMOUNT
		NOTICE OF APPLICATION FOR WATER RIGHT	
		86-7155	
		36 lines	1 time
			\$15.50
		THANK YOU FOR YOUR PATRONAGE	

MICROFILMED

NOTICE: This is an Invoice of Purchase made by you. Statement will be rendered the first of month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by Number Only.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
R. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6494

FEBRUARY 10, 1983

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

Enclosed you will
on the dates indi
in your newspaper
proof to this off
you cannot publis
immediately.

An affidavit of
with the publicat

Please send the
office before MAR

Yours truly,

Patricia M. Styles
Secretary

Encl.

D. Doyle Schumacher
which we wish to have published
the one to be re-submitted 2 times
on 2/24/83.
I am returning the original bill, since the
the 8-7/83 will
this
Cuba

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

November 23, 1982

Ms. Mary E. Emery
Box 46
Kendrick, Id. 83537

RE: 86-7150

Dear Ms. Emery:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

November 23, 1982

Mr. Ervin Hasch, Mr. John Fisher,
and Mr. Jeff Fisher
610 Bryden Drive
Lewiston, Id. 83501

RE: 86-7150

Gentlemen:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearings. At such a conference and/or hearings, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
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3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearings. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~John V. Evans~~
Director

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

November 19, 1982

Mr. Floyd Frank
1395 Walenta Dr.
Moscow, Id. 83843

Re: 86-7150

Dear Mr. Frank:

In response to your letter of November 12, please be advised that your assumption is correct. Your right would be prior to that of Mary Emery and, therefore, use of water under her right would be subject to your obtaining enough water to satisfy your requirements providing that you comply with the requirements of your permit.

If you have any further questions, please don't hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

cc: IDWR - State Office w/enc.

RECEIVED

1395 Walenta Drive
Moscow, ID 83843
November 12, 1982

Director
Department of Water Resources
4055 Government Way
Coeur d' Alene, ID 83814

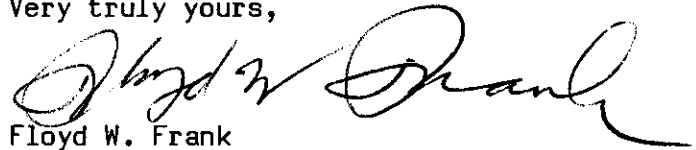
RE: Application No. 86-7150, Emery, Mary E.

Dear Sir:

This is to respond to the legal advertisement concerning the application by Mary E. Emery for water rights on an unnamed stream, which is a tributary of the Potlatch River.

The purpose of this letter is to advise you that my wife and I filed an application for water for four (4) acres from that stream on June 29, 1981. The identification number of the application was 86-7128. I presume that this gives me prior right to obtain sufficient water to irrigate four acres of land from this stream. Is this correct?

Very truly yours,



Floyd W. Frank

FWF/tk

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NOV 15 1982

Department of Water Resources
Northern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. K. Stephen
Director

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

October 4, 1982

Ms. Mary E. Emery
P. O. Box 46
Kendrick, Id. 83537

Dear Ms. Emery:

We are returning your Check No. 92-124 in the amount of \$60.00 and your two Applications for Permit. In checking with the NezPerce County Assessor, I learned that the legal descriptions on the applications were erroneous, so I have taken the liberty of preparing a new application incorporating the information from the two previous applications with the Assessor's information. This will mean a savings to you of \$30.00 since you will only have to file one application instead of two.

I was unable to complete Item No. 8a1, however, since you gave two legal descriptions for only one home. Please complete this item by indicating whether the home will be located in the SENW, Sec. 35 (Lot2) or the SWNE, Sec. 35 (Lot 21).

Please show the home on the map, check the application carefully to insure the accuracy of the remaining information, sign the application and return it to this office with a \$30.00 filing fee.

If the application is returned to this office within 30 days of the above date, you will retain a priority date of 9/13/82. If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Applications (3)
Check

RECEIVED

Mary E. Emery
Box 46
Kendrick ID

September 8, 1982

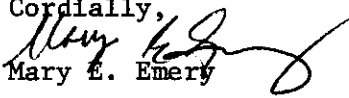
Tom D. King
Senior Water Resource Agent
State of Idaho Department of Water Resources
Suite No 1
4055 Government Way
Coeu d'Alene

Dear Mr. King:

I have enclosed two applications, one for the springs on the property and one for the creek we irrigate from. I have enclosed the necessary \$60.00. I realize you don't have much to do with it, but Idaho makes it very difficult for people to be able to afford to protect their water.

Please let me know if there are any other difficulties.

Cordially,


Mary E. Emery

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Assistant Director~~
Director

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

August 20, 1982

Ms. Mary E. Emery
Box 46
Kendrick, Idaho 83537

Dear Ms. Emery:

We are returning your Check No. 92-124 in the amount of \$20.00 and your Application for Permit, along with three new application forms and instructions for filing.

You must file in ink, one application for each different source with a minimum filing fee of \$30.00 each.

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

Sincerely yours,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Applications (4)
Instructions

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Mar. J. Turner Phone 208-734-1111
Post office address Box 1, Laramie, WY 82001
2. Source of water supply Spring which is a tributary of Unregon River
3. Location of point of diversion is ground under $\frac{1}{4}$ of Section 36S Township 38N
Range 12E B.M. Nor Perce County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.005 for domestic purposes from Sept 1 to year around (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2 for irrigation purposes from April 1 to Oct 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .005 cubic feet per second and/or b. .1 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. irrigation pipe from creek
pipe from spring
b. Height of storage dam 3-4 feet, active reservoir capacity .01 acre-feet; total reservoir capacity .01 acre-feet, materials used in storage dam: stone, dirt

Period of year when water will be diverted to storage Spring to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

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

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

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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	
38N	R34	26	Lot 2																
"	"	35	Lot 21																

Total number of acres to be irrigated 7

c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion Mary E Timony

b. Who owns the land to be irrigated or place of use Same person - Kendal first Security Bank

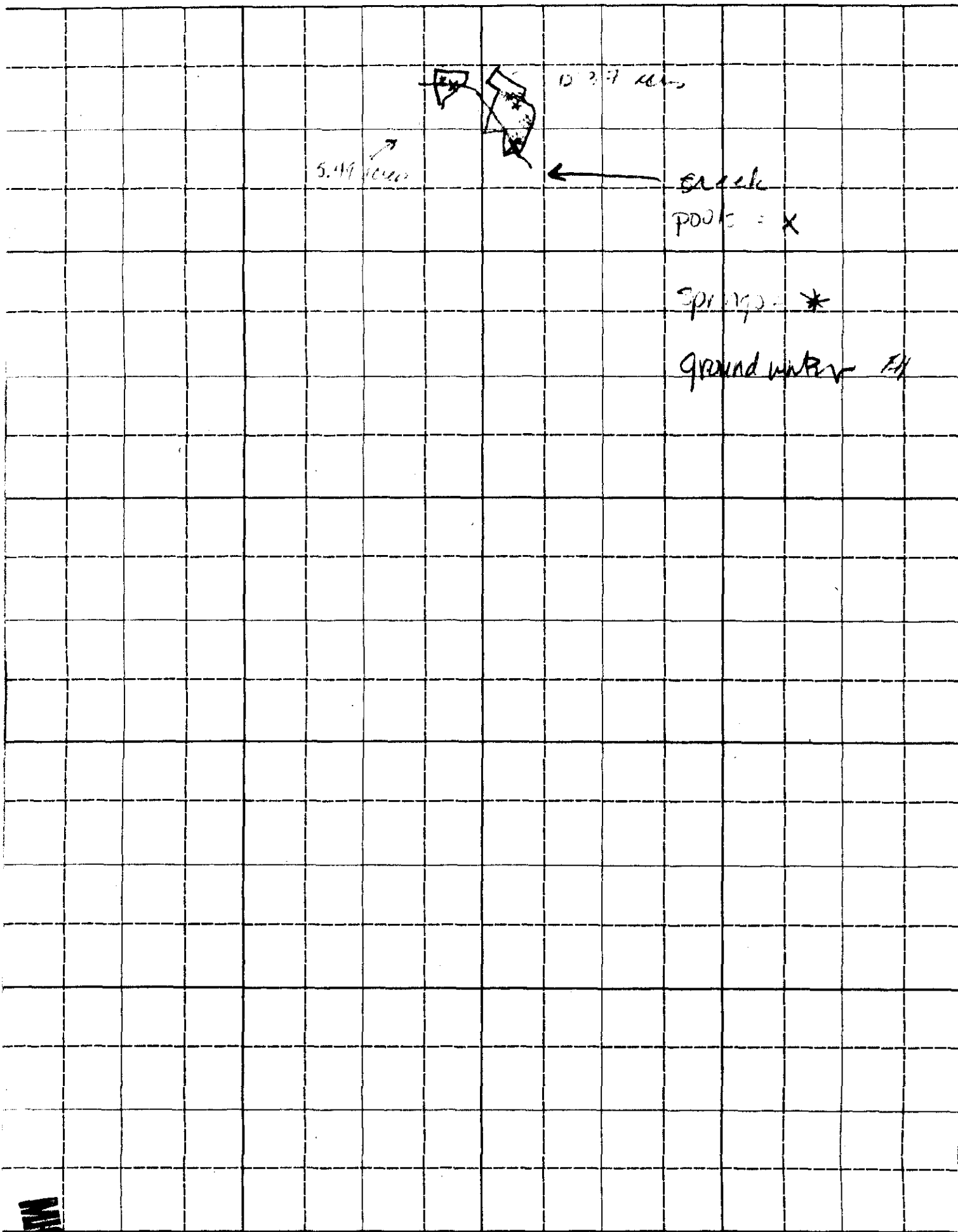
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks We are not really building a dam, but need some pools in the creek to control spring run off and store water for summer

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

N



2 inches equal 1 mile.

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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 JK Date 8-10-82 Time NOON (Shirley)
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. Other:

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