

308

85-7569

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

x P21

SECS
T33N
R3W

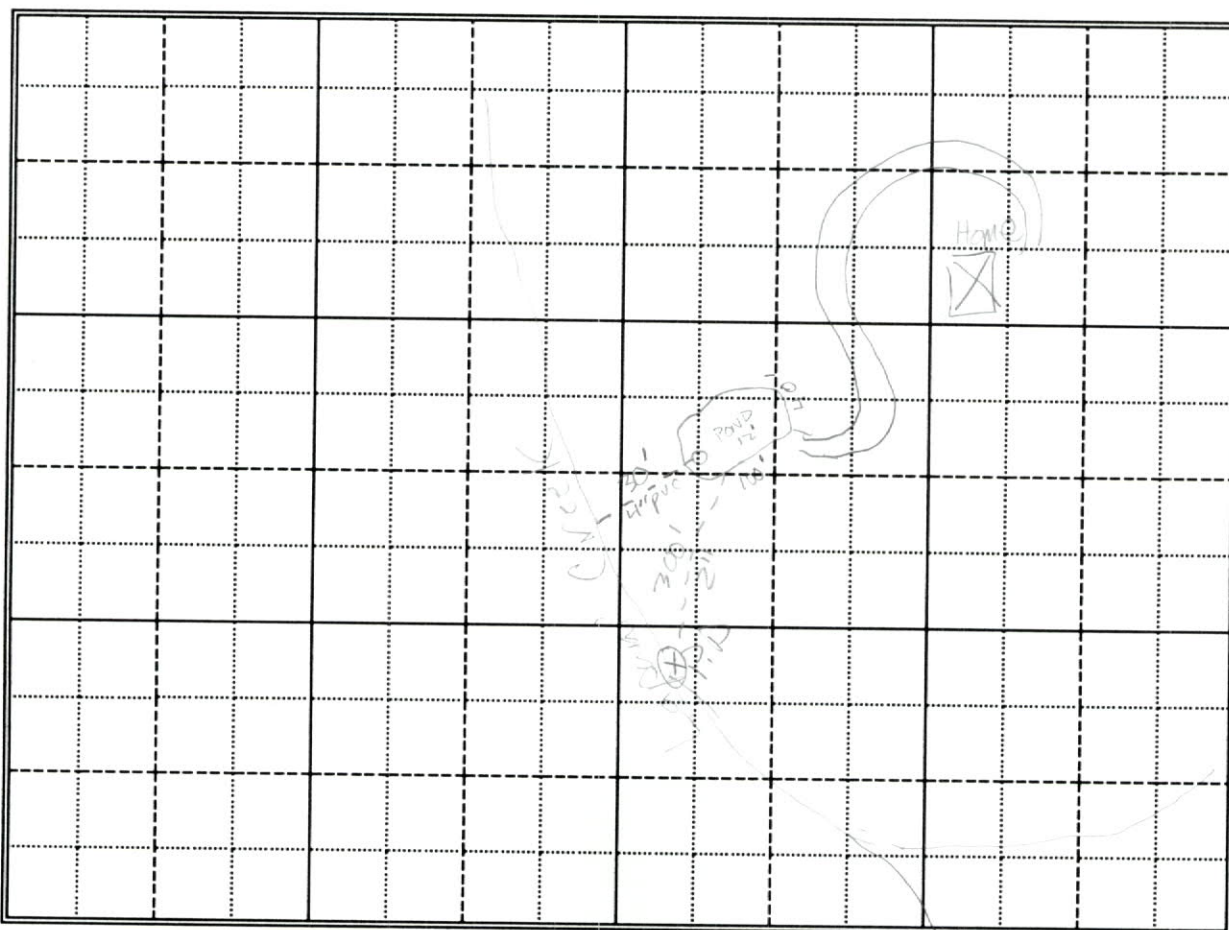
RECORDED
AUG 31 1993

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.

James E. Buss
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
				Gravity Fed	2" pipe

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

D. FLOW MEASUREMENTS

1.

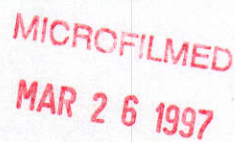
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

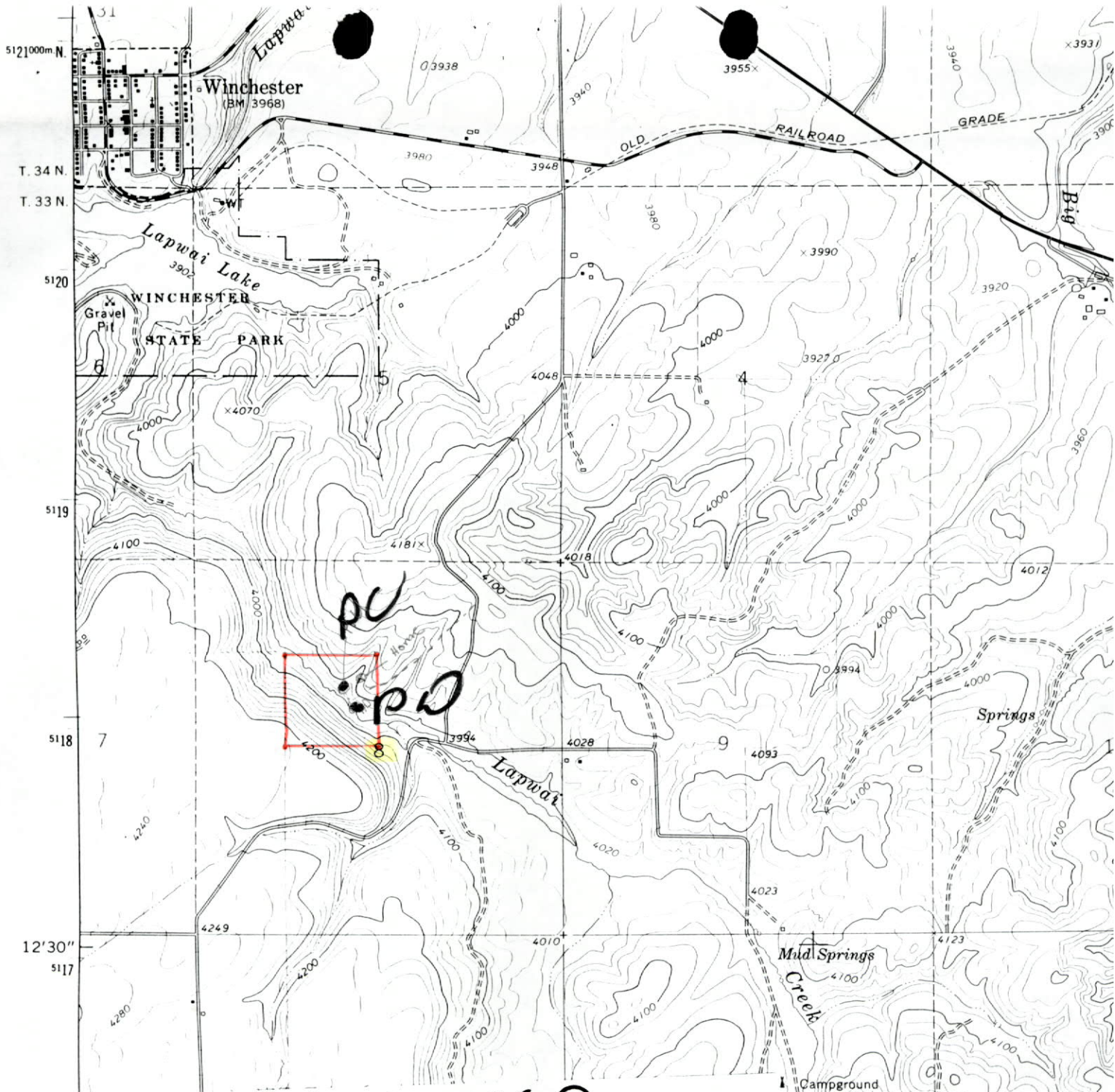
2. Measurements: None - the diversion had no water passing thru it.

MICROFILMED

MAR 26 1997

Department of Water Resources





85-07569

300' 2"

Pipe is almost level

MICROFILMED

MAR 26 1997

#85-07569

Mr. Rugg's
Pond

← P. U.



Mr. Rugg's

P. D.

← Dam



MICROFILMED
MAR 26 1997

GEOLOGICAL SURVEY

116° 37' 30"
46° 15'

530000m E.

LEWISTON 35 MI.
CULDESAC 12 MI.

532 35'

5121000m N.

T. 34 N.

T. 33 N.

5120

5119

5118

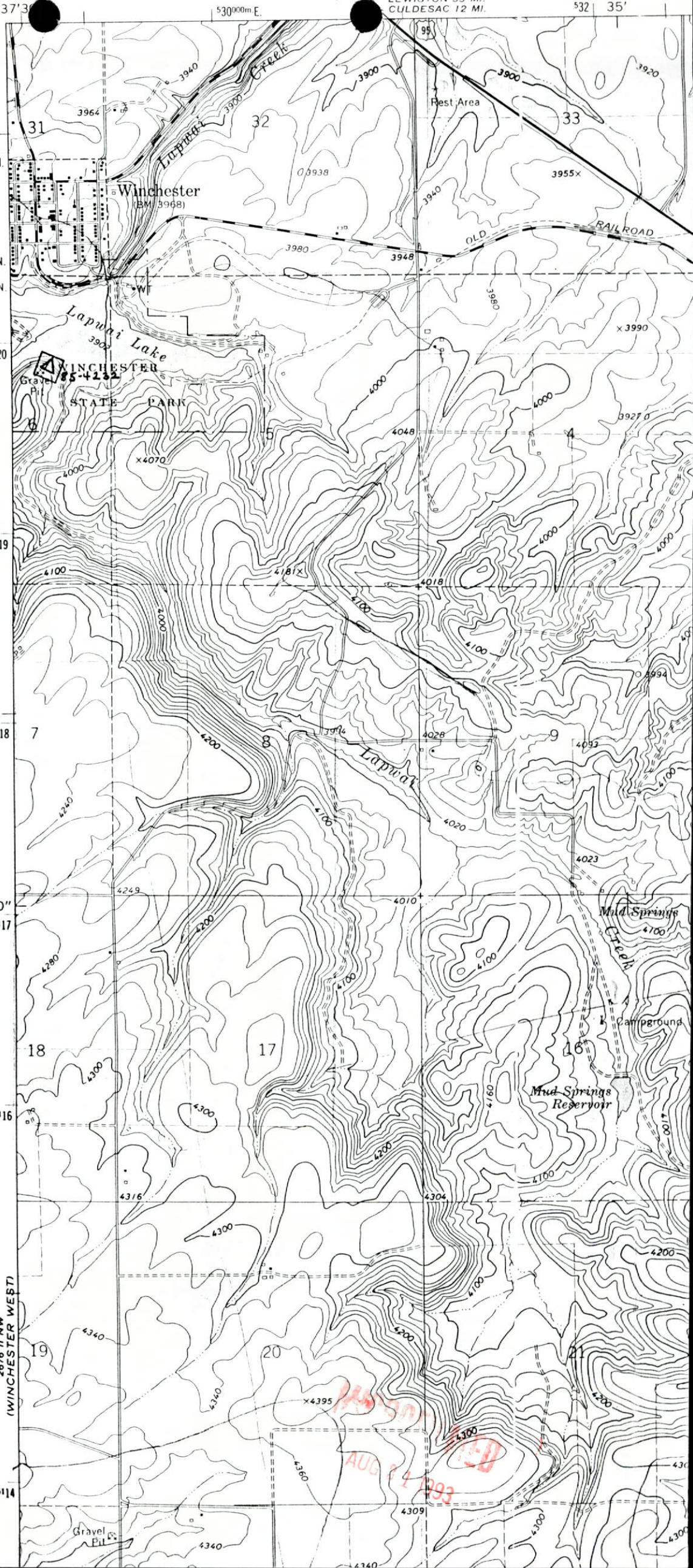
12° 30' 00"
5117

5116

5115

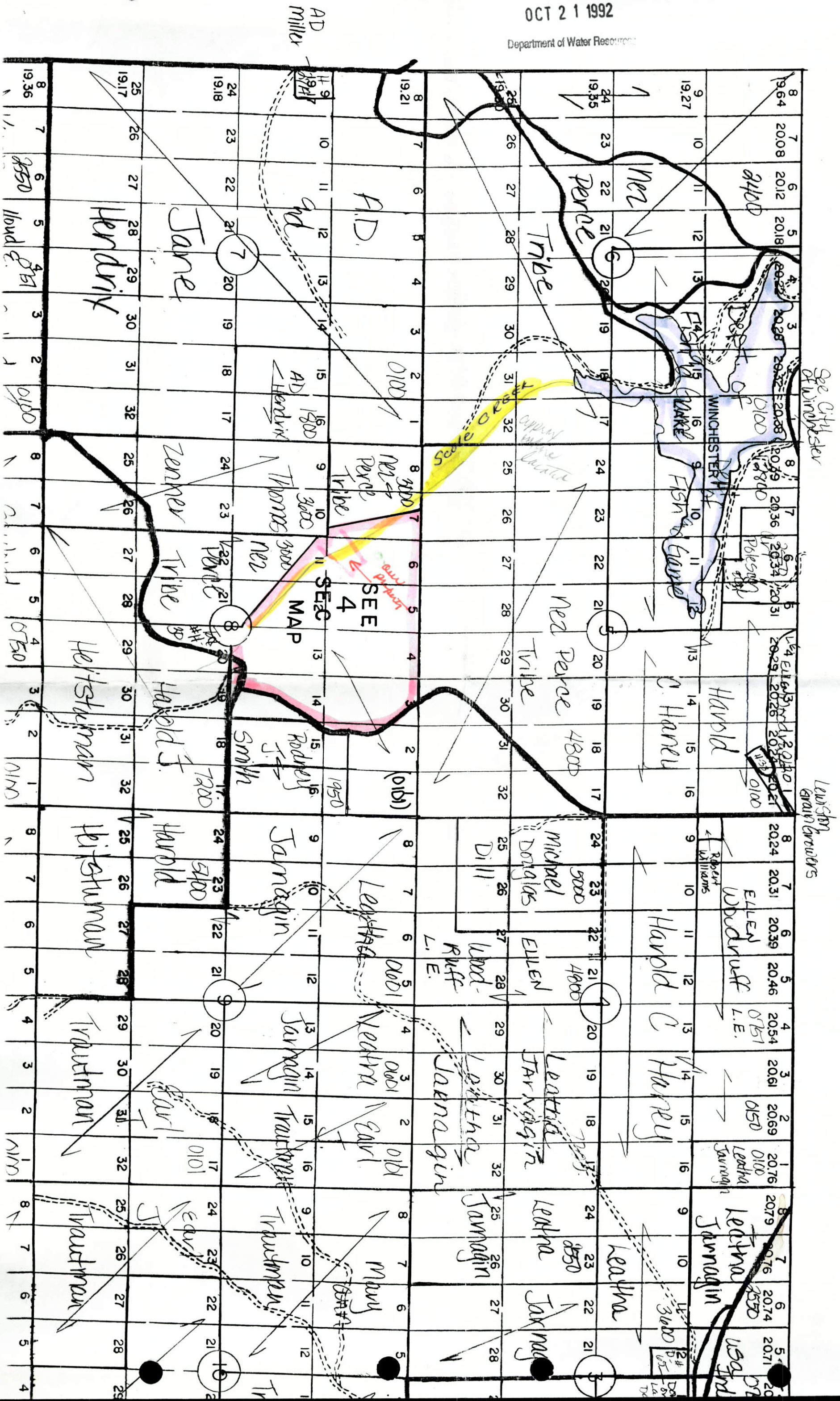
5114

2676 II NW
(WINCHESTER WEST)



OCT 21 1992

Department of Water Resources



Affidavit of Publication

STATE OF IDAHO, }
County of Lewis, } ss.

I, ROBERT E. WHERRY, being first, duly sworn, depose and say that I am the Publisher of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper

for 2 weeks being published 2

times, the first publication being on the 7th

day of May, 1992, and the last

publication on the 14th day of

May, 1992; and that the said

notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 2nd day of June in the year of

1992, before me, a Notary Public, personally appeared Robert E.

Wherry, known or identified to me to be the person whose

name subscribed to the within instrument, and being by me first duly sworn,

declared that the statements therein are true and acknowledged to me that he

executed the same.

Shirley E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER RIGHTS

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

85-07569

RUGG, LOWELL F.
712 AIRWAY AVE.
LEWISTON, ID 83501

Source: SCALE CREEK. Tributary: WINCHESTER LAKE.

Diversion Pt: SENW Sec 8
T 33N R 02W in LEWIS County.

Use: RECREATION
STORAGE (2.00 AF). FIRE
PROTECTION STORAGE (2.00
AF). DIVERSION TO
STORAGE (.200 CFS). Total
Diversion: (.200 CFS).

Date Filed: 4/27/1992.

In LEWIS County T33N
R02W S08 SENW.

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before MAY 26, 1992.

R. KEITH HIGGINSON,
Director

Published May 7 & 14, 1992



FILED
AUG 31 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-07569

Priority: May 16, 1992

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.5 AF

This is to certify, that LOWELL F RUGG

HCR 1 BOX 8

WINCHESTER ID 83555

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 27, 1992; and has submitted Proof of Beneficial Use on December 20, 1993. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

LAPWAI CREEK

tributary to CLEARWATER 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>
RECREATION STORAGE	01/01 to 12/31		0.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	0.5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 12(SENW), Sec. 8, Township 33N, Range 02W
LEWIS County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

33N 02W 8 Lot 12(SENW)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation.

MODIFIED
MAY 26 1997

State of Idaho
Department of Water Resources

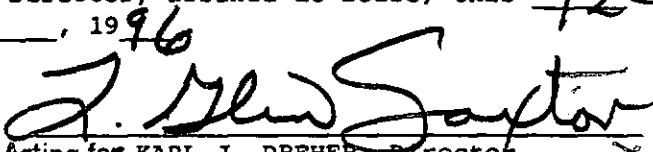
WATER RIGHT LICENSE

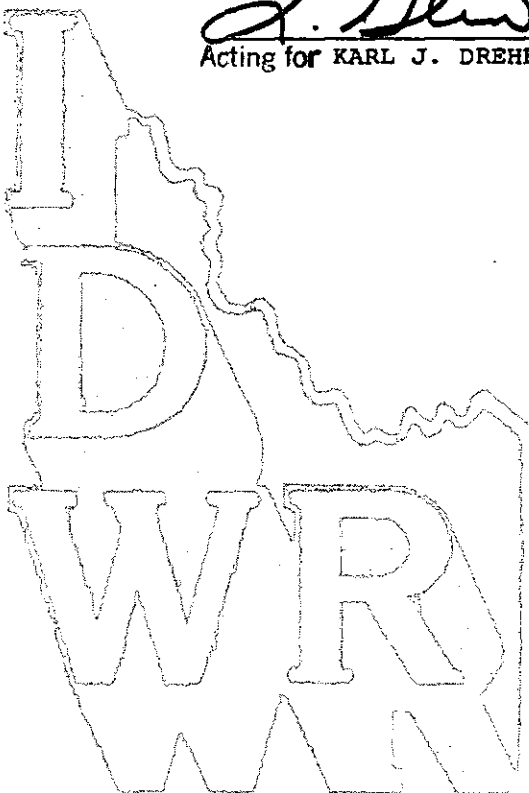
WATER RIGHT NO. 85-07569

CONDITIONS OF APPROVAL AND REMARKS

6. Recreational storage use is for a private fish pond.

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 12th
day of December, 1996


Acting for KARL J. DREHER, Director



MICROFILMED

MAR 26 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 85-07569 IN THE NAME	)	ORDER ADVANCING
	)	DATE OF PRIORITY
OF LOWELL F RUGG	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 85-07569 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On August 31, 1992, the Department approved Application for Permit No. 85-07569 to appropriate the public waters of the State of Idaho with a proposed priority of April 27, 1992.

2. On September 30, 1993 the Department sent the permit holder a proof due notice stating that proof of beneficial use was due on December 1, 1993.

3. On November 22, 1993, the permit holder sent in the proof of beneficial use without the appropriate license examination fee. The department notified the permit holder on December 6, 1993, that a \$50.00 license exam fee would be required in order to accept the proof.

4. The license examination fee was received on December 20, 1993, 19 days after the proof was due.

RECORDED

JAN 20 1994

CONCLUSIONS OF LAW

1. The Director may reinstate a lapsed permit upon payment of the examination fee.

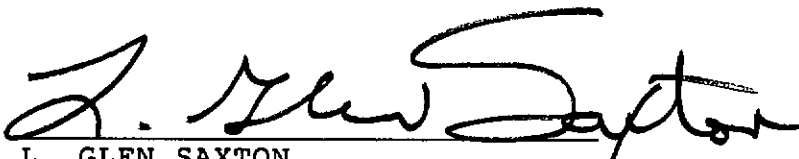
2. The Director may advance the priority date of the permit one day for each day the fee was late, pursuant to the provisions of Section 42-217, Idaho Code.

3. The date of priority of Permit No. 85-07569 should be advanced 19 days.

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 85-07569 is advanced to May 16, 1992.

Dated this 7th day of January, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED
JAN 20 1994

RECEIVED

NOV 22 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 12/20/93

Receipt No. 1029265

Receipt by DW

RECEIVED

DEC 20 1993

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 85-07569 Telephone No. 208 924 5288

2. Name(s) of Permit Holder(s): Lowell F. Rugg

3. Mailing Address: HCR-1 Box 8 Winchester Idaho 82555

4. Source of Water: GOLE Scale Creek in Lapwai Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Recreation storage - fire protection storage

6. Total rate and/or volume for which proof is submitted .20 cfs OR 2.0 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

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

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Lowell F. Rugg 208-924-5288
Name Telephone No.

HCR-1 Box 8 Winchester Idaho 82555
Address

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

11/1/93 Lowell F. Rugg
Date Signature (and title, if on behalf of a company or organization)

JAN 20 1994

RECEIVED

JUL 22 1993

For Office Use Only
\$15 Fee Received by SW
Date 7-22-93
Receipt No. 6028208

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 85-07569

Name(s) of Permit Holder: LOWELL F. Rugg

Mailing Address: HCR-1 BOX 8 WINCHESTER IDAHO 83555

Date Proof is Due 9-1-93 Telephone No. 208-924-5288

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

The pond has been partially dug & partially full of water

Costing \$ 3500.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Due to a wet spring we have been unable to complete & shape the bank & seed it

Permit holder(s) request an extension to December 1, 19 93

FEE: \$15.00

Lowell F. Rugg
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is
extended to December 1, 1993.

AUG 31 1993

Signed this 26th day July, 19 93

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07569

Proposed Priority: April 27, 1992 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **LOWELL F RUGG**

712 AIRWAY AVE
LEWISTON ID 83501

has applied for a permit to appropriate water from:

SCALE CREEK

tributary of **WINCHESTER LAKE**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		2.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 8, Township 33N, Range 02W
LEWIS County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1993**.
2. Subject to all prior water rights.
3. Recreational storage use is for private fish propagation.
4. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

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

31st day of August, 1992.

[Signature]
for R. Keith Higginson, Director

MACROFILMED

AUG 31 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LOWELL F. Rugg Phone 208-746-6400
Post office address 712 AIRWAY AVE LEWISTON IDAHO 83501
2. Source of water supply Scale Creek which is a tributary of Winchester Lake
(FROM RPB-TDK)
3. Location of point of diversion is 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____
Sec. 8 Township 33 N Range 2 W B.M. LEWIS County; additional
points of diversion if any: AKA Parcel # RP33N02W084350A
4. Water will be used for the following purposes:
Amount .2 for diversion to storage purposes from 1-1- to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.0 AF for storage for recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.0 AF for storage for fire protection 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)
5. Total quantity to be appropriated is (a) .2 CFS and/or (b) 2.0 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pipe to elevated pond
pipe back to creek
 - b. Height of storage dam _____ feet; active reservoir capacity 2 acre-feet; total
reservoir capacity 2 acre-feet; period of year when water will be diverted to storage:
1-1 to 12-31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 year years (minimum 1 year).

AUG 31 1993

~~CONFIDENTIAL~~

applicant to make this filing.

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

a. Who owns the property at the point of diversion? $LOWELL F Rugg + MERILEY Rugg$

10. Describe any other water rights used for the same purposes as described above. *None*

Total number of acres to be irrigated.

[illegible]

AKA Panel # RP33N02W08Y3504

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

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

9. Description of place of use:

e. Other, describe fully. *Actuation was of ballpoint pen propogator*

d. Domestic; show number of households.

c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

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

3000

A grid of 10x10 squares. In the 4th column, 6th row, there is handwritten text:
+ P⁸₁
In the 4th column, 7th row, there is handwritten text:
SE 8
T 33N
R 20W
In the bottom right corner, there is a stamp:
RECORDED
INDEXED
AUG 31 1993

14-00000
AUG 31 1993

Louise L. Briggs
(Applicant)

RECEIVED
AUG 31 1993

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other: _____

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by _____ Date 4/27/92 Time 2:00 PM Preliminary check by TDK

Fee \$ 30.00 Received by _____ # NS391 Date 4/27/92

Publication prepared by _____ Date 4/29/92 Published in _____ Date 5/27/92

Publication approved _____ Date 6/11/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1996

LOWELL F RUGG
HCR 1 BOX 8
WINCHESTER ID 83555

RE: WATER RIGHT NO. 85-07569

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECORDED

MAR 26 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 85-07569

DATE 12/10/96

REVIEWER: S H A R L A

NAME Change OK Address Change NO

SOURCE ✓ Is change clarification of originally intended source? yes Scale Creek - old local name according to examiners
If not, prepare Notice of Intent to Void

POINT OF DIV ✓ Amendment required NO

PLACE OF USE ✓ Amendment required NO

Does map agree with written description? ✓ yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .20 cfs

Fee limit .20 cfs \$50⁰⁰

Measured .04 cfs

Theoretical cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/ NATURE OF USES

 ✓

Use	Volume Calculation	
<u>Div to Stan</u>	<u>N/A</u>	af
<u>Fore Stan</u>	<u>.5</u>	af
<u>Rec Stan.</u>	<u>.5</u>	af
<u> </u>	<u> </u>	af
<u> </u>	<u> </u>	af
<u>SUBTOTAL</u>	<u> </u>	af

Flow rate .04 cfs X 365 days X 1.98 af = 29.0 af
Total volume recommended .5 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

R/S fish pond.

CONDITIONS Watermaster Control WD#
 GW Measurement/Measuring Device
 Overlap
 Use-specific conditions 072

Advancement of Priority Date Required yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo

1st Amend Letter N/A
2nd Amend Letter

DEC 14 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SEP 19 1996

DEC 07 1995

Non-ferrous activity

85-012389

Permit No.

Current Address: HCR-1 Box 8 Winchester ID 83555

Address: Sgmc Phone No. Sgmc

Relationship to Permit Holder: Owner

3. Source: LAPWAI CREEK tributary to Clearwater River

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

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

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

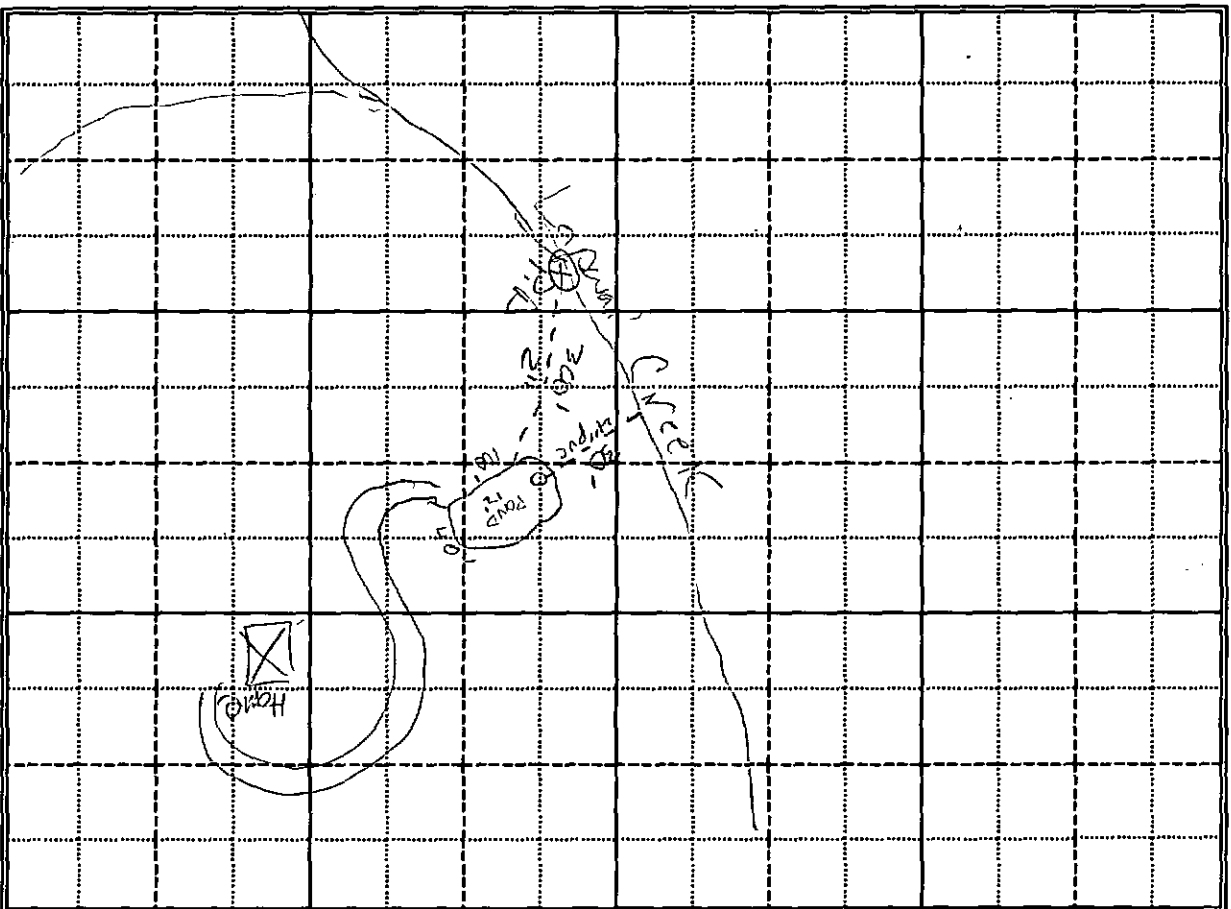
Indicate Method of Determination U.S.G.S. Topo.

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

size/ditch size/pipe i.d. as applicable.

N ↓



Scale: 1" = NTS

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached

(required for irrigation of 10+ acres)

X Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
				Gravity Fed	2" pipe

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

D. FLOW MEASUREMENTS

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

None - the diversions had no water passing thru

14.

E. NARRATIVE/REMARKS/COMMENTS

The dam built for the diversion was constructed by the S.C.S. The water level of scale Creek was too low at the time of the exam to take a measurement.

The listing of scale creek for point of diversion was a mistake. scale creek is an old local name. The diversion is really on Lapwai creek Trib to Clearwater river.

I did a measurement 6-6-96 .04 is the rate. This flow usually ceases by end of July.

Mr Rugg had a few gold fish in pond for his grand kids

Wayne Bold
8-20-96

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

MICROFILMED
MAR 26 1997

MICROFILMED
MAR 26 1997

SEAL

Date

Reviewer

Field Examiner's Name

John M. Kunz Date 8-16-94

I. AUTHENTICATION

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

2. Recommended Amendments

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Recreation Storage	01-01 To 12-31	0.04 cfs	0.5
Fire Protection Storage	01-01 To 12-31	0.04 cfs	0.5
Diversion to Storage	01-01 To 12-31	0.04 cfs	0.5
Totals:		0.04 cfs	0.5

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:
 $100' \times 42' \times 12' \times 0.04 = 2016 \text{ cu ft}$
 $43560 \text{ sq ft} \times 0.04 = 1742.4 \text{ cu ft}$
 $0.5 \text{ AF} = 43560 \text{ cu ft}$

~~Pond is 100' x 42' x 12' deep
Surface area = 0.09 x 12' = 1.08 AF
Reservoir capacity = 0.09 x 12' = 1.08 AF~~

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

None

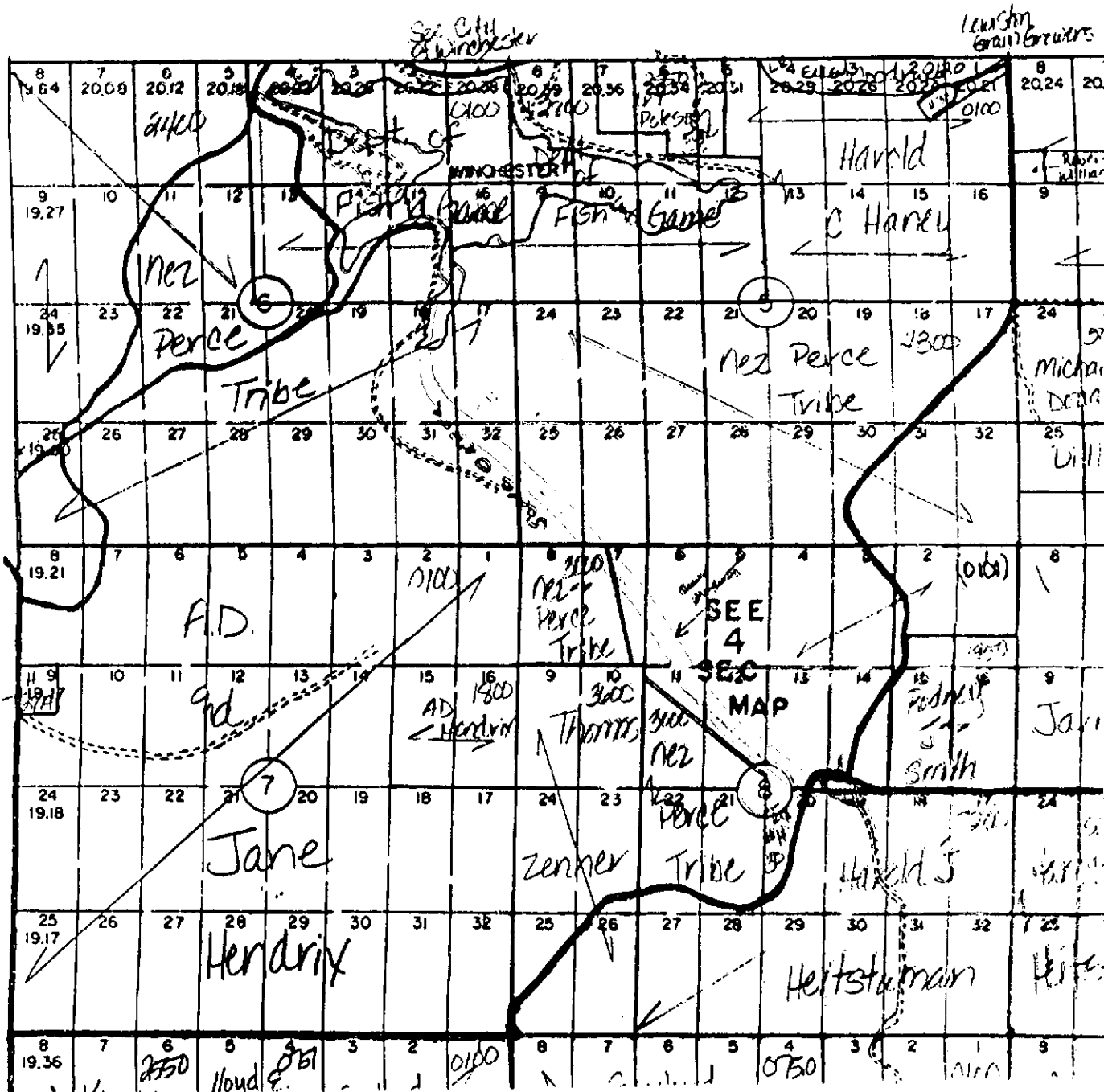
F. FLOW CALCULATIONS

Measured Method:

None

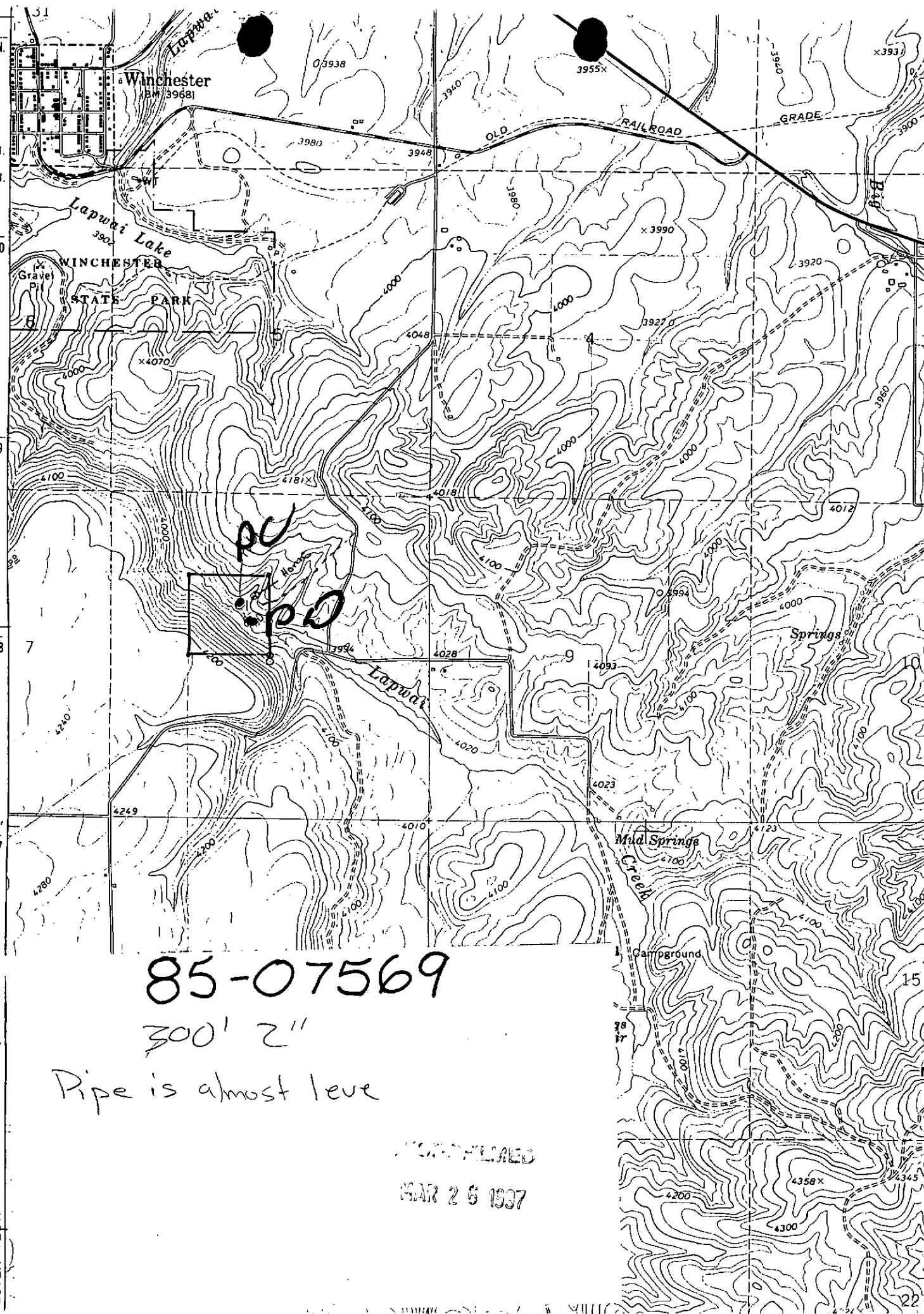
5 gal bucket in 17.5 sec
 $= 17 \text{ gpm} \times 1.33681 = 0.04$
60

Department of Water Resources



MICROFILMED
MAR 26 1997

5121000m N
T. 34 N.
T. 33 N.
5120
5119
5118
12'30"
5117
5116
676 II NW
ESTER WEST



85-07569

300' 2"

Ripe is almost level

RECEIVED
MAR 26 1937

#85-07569

Mr. Rugg's

Pond

← P. U.



Mr. Rugg's

P. D.

← Dam



RECEIVED
MAR 26 1957

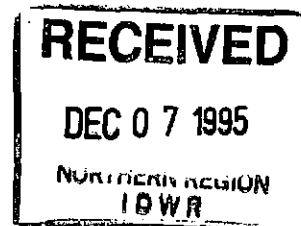
MEMORANDUM

TO: Shelley Keen / Northern Region *SK*

FROM: Brenda Chapman

DATE: November 28, 1995

RE: Exam Deficiencies



=====

I recommend the exam for 85-07569 be returned to the region for clarification of the following matters:

1. The source on the permit and the exam is listed as Scale Creek, which is not shown on the USGS map. Two of the exam maps indicate the point of diversion is on Lapwai Creek, which is tributary to the Clearwater River. Note: On the Proof of Beneficial Use form filed, the permit holder listed the source as Scale Creek or Lapwai Creek.
2. A rate of flow of .20 cfs cannot be recommended without a measurement having been done.
3. The permit lists the recreation storage use is for fish propagation. The appearance of the pond and lack of flow to the pond makes that use questionable.

2 in file

no flow

ATTN: SEE narrative

MICROFILMED

MAR 26 1997

*Al,
Here is one of the two we
spoke about. SK 12-1-95*

January 7, 1994

LOWELL F RUGG
HCR-1 BOX 8
WINCHESTER ID 83555

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07569

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

Enclosure

RECEIVED

JAN 20 1994

Permit No. 85-7569 Reviewed by VJA Date 11-30-93

Correct Uses? yes

Proof Made 12-20-93



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1993

Lowell F. Rugg
HCR 1 Box 8
Winchester, ID 83555

Re: Permit No. 85-07569

Dear Permit Holder:

Returned is your Proof of Beneficial Use form submitted to this office on November 22, 1993, indicating the total rate of water use to be .20 cfs.

When the total maximum rate of diversion is greater than 0.04 cfs, a license examination fee is required to be submitted with the proof. A license examination fee based on a rate of flow of .20 cfs. is \$50. Note the back of the instruction form for the licence examination fee schedule.

Please return this form and fee to me within 30 days of the date of mailing. Upon receipt of the proof form and fee, we will continue processing your proof by notifying the region that a field exam is needed.

If you have any questions or should you wish to discuss this further, please feel free to contact me or L. Glen Saxton.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECORDED

JAN 16 1994

RECEIVED

NOV 22 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 85-07569 Telephone No. 208 924 5288
2. Name(s) of Permit Holder(s): Lowell J. Rugg
3. Mailing Address: HCR-1 Box 8 Winchester Idaho 83555
4. Source of Water: GOLE Scale Creek in Lapwai Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Recreation storage - fire protection storage
diversion to storage

6. Total rate and/or volume for which proof is submitted .20 cfs OR 2.0 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Lowell J. Rugg 208-924-5288
Name Telephone No.

HCR-1 Box 8 Winchester Idaho 83555
Address

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

RECEIVED

JAN 20 1994

Date

Lowell J. Rugg
Signature (and title, if on behalf of a company or organization)

September 30, 1993

LOWELL F RUGG
HCR-1 BOX 8
WINCHESTER ID 83555

PROOF DUE NOTICE

RE: PERMIT NO. 85-07569

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 December 1, 1993. (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.

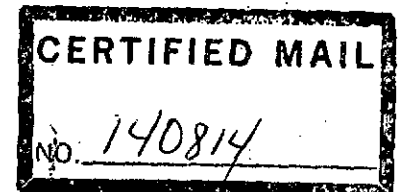
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JAN 20 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 2, 1993

Lowell F Rugg
HCR-1 Box 8
Winchester, ID 83555

Re: Permit No. 85-07569

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1993. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MAILED

AUG 31 1993

June 30, 1993

LOWELL F RUGG
712 AIRWAY AVE
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 85-07569

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 September 1, 1993. (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.

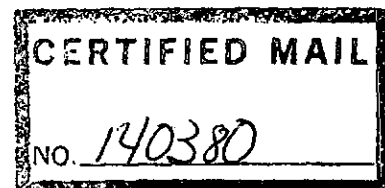
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

AUG 31 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 28, 1992

Lowell F. Rugg
712 Airway Ave.
Lewiston, ID 83501

RE: Permit to Appropriate Water No. 85-7569

Dear Mr. Rugg:

I received your letter dated October 19, 1992. Enclosed with your letter was a plat map showing land ownership, and a creek which you drew in and labeled "Scole Creek." I also reviewed a USGS quad map, of which I have sent you a copy. Finally, I reviewed a copy of the hand drawn location of the point of diversion and place of use that was part of your application.

Despite your representation that the local name is "Scole Creek," the USGS quad map labels the creek as "Lapwai Creek." With this letter, I am instructing our Northern Regional office in Coeur d'Alene to republish notice of your application for permit. The republication is necessary to accurately notify others of your project.

This kind of problem can be avoided in the future if the Department reviews applications more carefully to determine whether the source is properly identified. A copy of the USGS quadrangle map showing the name of the source proposed to be diverted should be attached at the time of filing. Notice of your application will be printed in a local newspaper in the near future.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Northern Region- Ken Knoblock

RECEIVED

AUG 31 1993

GEOLOGICAL SURVEY

116° 37' 30" W
46° 15' N

530000m E

LEWISTON 35 MI.
CULDESAC 12 MI.

532 35'

5121000m N

T. 34 N.

T. 33 N.

5120

5119

5118

12° 30' N

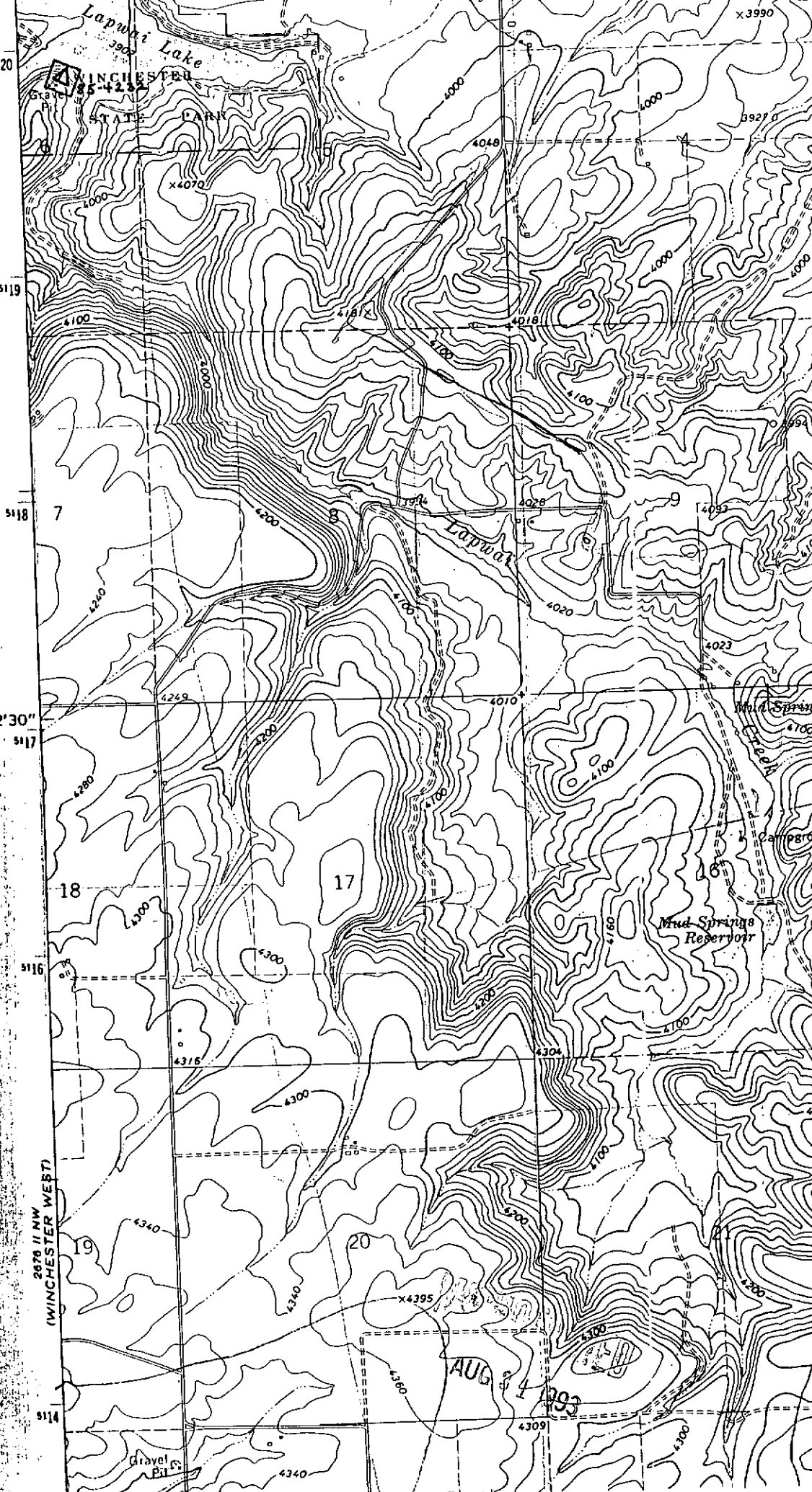
5117

5116

5115

5114

2676 II NW
(WINCHESTER WEST)



Oct 19, 1992

Dear Mr Spackman,

Where marked in yellow is approx.
where the creek runs. It's called Scale Creek
Creek by the natives of the area. The
Lewis County Court House does not
show it on any of the maps as they said
it is too small. We have other neighbors
who feel it is a benefit to the area.
If you have any questions please call.

Thank you.

LOWELL Rugg
712 AIRWAY AVE
LEWISTON IDAHO 83501
746-6400

85-7569

RECEIVED

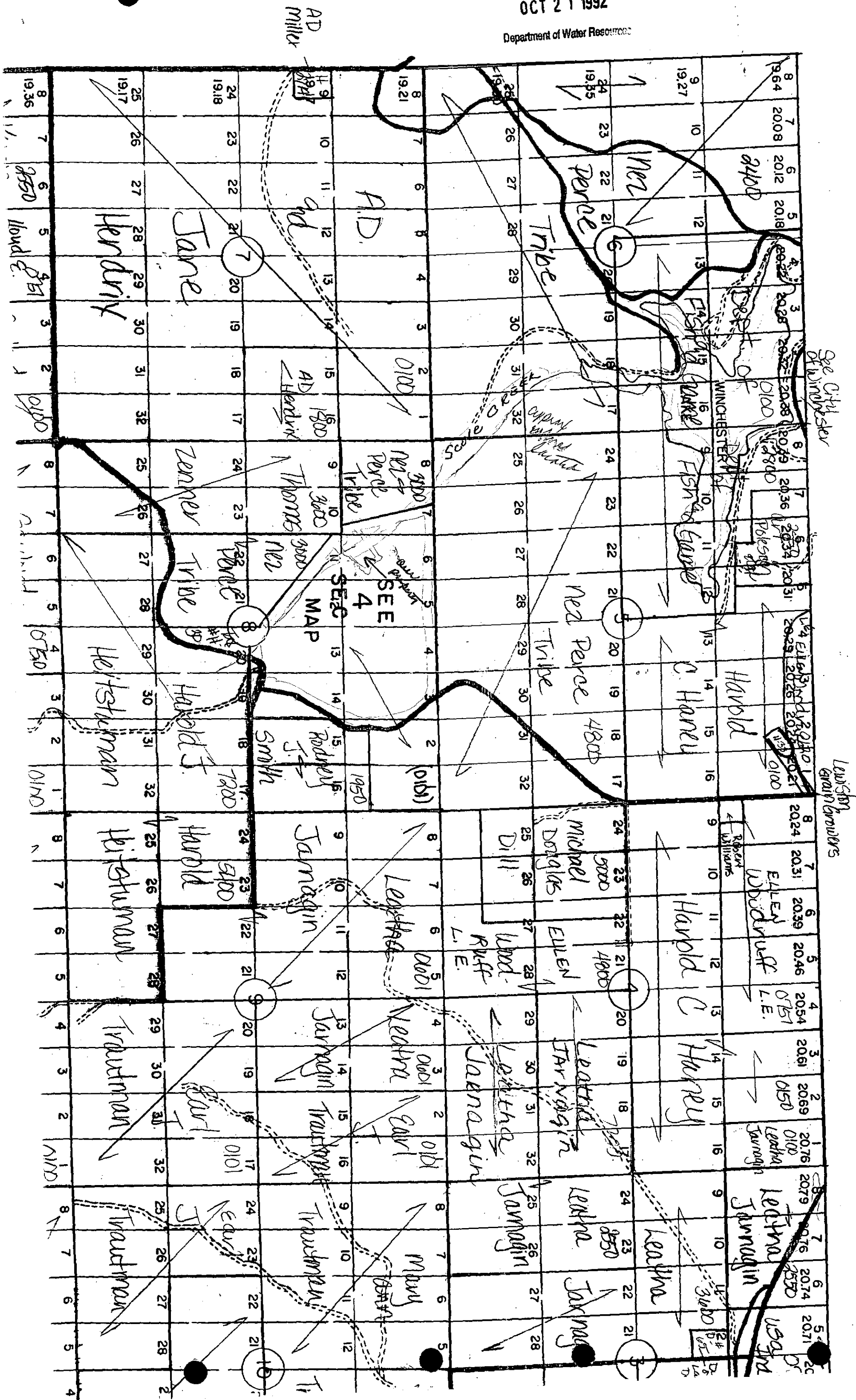
AUG 31 1993

RECEIVED

OCT 21 1992

Department of Water Resources

Department of Water Resources





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 28, 1992

Lowell F. Rugg
712 Airway Ave.
Lewiston, ID 83501

RE: Permit to Appropriate Water No. 85-07569

Dear Mr. Rugg:

I recently reviewed permit to appropriate water no. 85-07569, which was issued to you authorizing storage of water diverted from Scale Creek, tributary to Winchester Lake. I note that the permit does not list a place of use, and the permit will probably need to be re-issued.

During my review, I noticed that the only creek in the vicinity of your diversion is Lapwai Creek. Unless Scale Creek is a small tributary which discharges into Lapwai Creek, notice of your application may need to be republished to provide proper notice to the public. I thought this issue should be resolved prior to issuing another permit.

I invite your response. If I have not heard from you within thirty (30) days, I will assume that the source of the water is Scale Creek, a small tributary to Lapwai Creek, and will issue the amended permit. Any diversion directly from Lapwai Creek will be prohibited, however.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Northern Region - Ken Knoblock

RECEIVED
AUG 31 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 1, 1992

LOWELL F RUGG
712 AIRWAY AVE
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07569

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

RECEIVED

AUG 31 1993

MEMORANDUM

To: File 85-07559

From: Bob Haynes

Date: June 29, 1992

Based on the information received from Mr. Rugg, I believe that this application should be approved.

REPROFILMED

AUG 31 1993

RECEIVED

Dear Mr Haynes,

AUG 31 1993

In regard to our water permit our
usage of the pond would be to stock
it with fish for our usage and for
the wild life drinking water. We
have no intention of irrigating out of
it at this time. The only time we
would use water from the pond would
be in case of a fire to try & protect
our home & surrounding homes if possible.
We already have drinking water from
another source for the house.

Lawell Rugg
712 Camino del Rio S
Lewiston Id 83501

Affidavit of Publication

STATE OF IDAHO, }
County of Lewis, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 7th day of May, 1992, and the last publication on the 14th day of May, 1992; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 2nd day of June in the year of 1992, before me, a Notary Public, personally appeared Robert E. Wherry, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

John E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER RIGHTS

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

85-07569

RUGG, LOWELL F.
712 AIRWAY AVE.
LEWISTON, ID 83501
Source: SCALE CREEK. Tributary: WINCHESTER LAKE.
Diversion Pt: SENW Sec 8 T 33N R 02W in LEWIS County.

Use: RECREATION STORAGE (2.00 AF). FIRE PROTECTION STORAGE (2.00 AF). DIVERSION TO STORAGE (.200 CFS). Total Diversion: (.200 CFS).

Date Filed: 4/27/1992.

In LEWIS County T33N R02W S08 SENW.

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before MAY 26, 1992.

R. KEITH HIGGINSON,
Director

Published May 7 & 14, 1992

RECEIVED

JUN 08 1992

NORTHERN REGION
IDWR

AUG 31 1993

85-07569

RUGG, LOWELL F
712 AIRWAY AVE
LEWISTON, ID 83501

Source: SCALE CREEK

Tributary: WINCHESTER LAKE

Diversion Pt: SENW Sec 8 T 33N R 02W in LEWIS County.

Use: RECREATION STORAGE	(2.00 AF)
FIRE PROTECTION STORAGE	(2.00 AF)
DIVERSION TO STORAGE	(.200 CFS)
Total Diversion:	(.200 CFS)

Date Filed: 4/27/1992

In: LEWIS County
T33N R02W S08 SENW

MICROFILMED

AUG 31 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 17, 1992

Mr. Lowell F. Rugg
712 Airway Ave.
Lewiston, Id. 83501

Re: Moratorium Order on All Water Right Applications and Permits for the
Diversion and Use of Water within the Clearwater River Basin.

Dear Mr. Rugg:

In response to the listing of the Sockeye and Chinook Salmon populations under the Endangered Species Act, the below normal stream flows in the Clearwater River Basin due to the drought conditions across Idaho, and the need for positive action by the State to assist in the protection of anadromous fish, the Director of the Department of Water Resources has established a moratorium on the processing of applications and permits to appropriate surface water resources within the Clearwater River Basin. A copy of the Moratorium Order is attached. This moratorium applies to your recent filing for an application for permit.

However, this moratorium does not apply to applications for minor stock-watering or domestic purposes as defined in Section 42-111, Idaho Code, as follows:

42-111. Domestic purposes defined. - ...the phrase "domestic purposes" or "domestic uses" means:

A. the use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land if the total use is not in excess of thirteen thousand, (13,000) gallons per day, or

B. any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second AND a diversion volume of twenty-five hundred (2,500) gallons per day.

The Department will also consider, on a case-by-case basis, processing an application for permit where the use is non-consumptive. If you believe your proposed use qualifies under the above "domestic use" exemption OR if you believe your use is non-consumptive, you must notify the Department by letter stating your reasons. If the Department does not receive any explanation letter from you, your application will be held without approval until the moratorium is lifted. If you return an explanation letter but the

RECEIVED
AUG 31 1993

Mr. Lowell F. Rugg
Page Two / 85-7569
June 17, 1992

use does not qualify, the Department will notify you that the application will be held without further processing until the moratorium is lifted.

If you have any questions on this matter, please feel free to contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enc. - Moratorium Order

RECEIVED
AUG 31 1993

April 28, 1992

MR LOOWELL F RUGG
712 AIRWAY AVE
LEWISTON ID 83501

Re: Water Appropriation Application # 85-7569

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application For Permit To appropriate the Public Waters Of The State Of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

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

If the application is not protested it will be forwarded to Boise to be considered for approval by the Director. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Tóm D. King
Sr. Water Resource Agent

enclosures

RECEIVED

AUG 31 1993