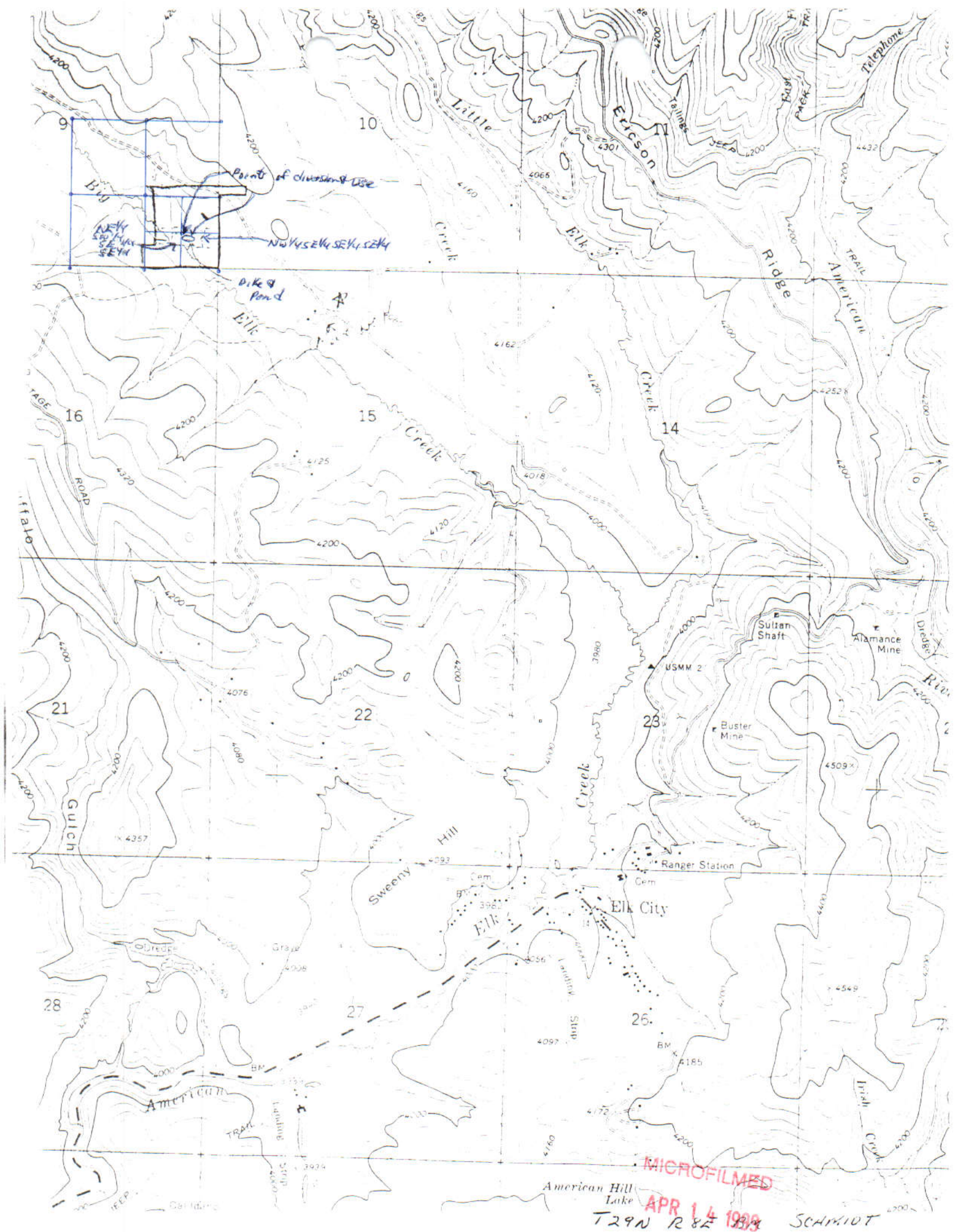




RECEIVED

SEP 10 1998

NORTHERN REGION
IDWR

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:

82-07202

SCHMIDT, THOMAS M
P.O. BOX 462
ELK CITY, ID 83525
Source: UNNAMED STREAMS Tributary:
BIG ELK CREEK
Source: SPRINGS Tributary: BIG ELK
CREEK
Diversion Pt: SWSESE Sec 9 T 29N R 08E
in IDAHO County.
SESESE Sec 9 T 29N R 08E in IDAHO
County.

Use: WILDLIFE (0.120 CFS)
WILDLIFE STORAGE (4.00 AF)
DIVERSION TO STORAGE (0.120 CFS)
Total Diversion: (0.120 CFS) (4.00 AF)
Date Filed: 8/6/1998

In: IDAHO County
T29N R08E S09 SESE

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before SEPTEMBER 8, 1998.

KARL J. DREHER, Director
Published: 8/19/1998 & 8/26/1998

A19-26

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 19th day of August, 1998; and the last publication on the 26th day of August, 1998; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.

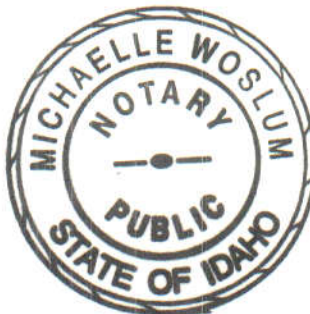


STATE OF IDAHO)
COUNTY OF)

On this 26th day of August in the year of 1998, before me a Notary Public personally appeared Andrew J. McNab, 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.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 20 2001

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 be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 82-07202 Telephone No. (208)-842-2910

2. Name of Permit Holder(s): Thomas M. Schmidt

3. Mailing Address: P.O. Box 462

City ELK CITY State ND Zip 58525

4. Source of Water: seasonal springs & surface water
and sub surface water If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
tributary of BIG RAK CREEK

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: wildlife, wildlife-waterfowl storage

6. Total rate of diversion and/or volume for which proof is submitted: .12 cfs OR 4 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes or No ☒

Has the measuring device been installed?

Yes ☐ or No ☒

8. Fee Enclosed: \$ 50- (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Thomas M. Schmidt Telephone Number: (208) 842-2910

Address: PO Box 462 (Upper Maxwell Lane) ELK CITY, ID 83525

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

Signature of permit holder:

(Include your title, if on behalf of company or organization)

Date: 9/8/07

7 MACAO-TLME

4419 2004

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 82-07202

Proposed Priority: August 6, 1998

Maximum Diversion Rate:

0.12 CFS

This is to certify, that **THOMAS M SCHMIDT**
PO BOX 462
ELK CITY ID 83525-0462

has applied for a permit to appropriate water from:

UNNAMED STREAMS tributary of **BIG ELK CREEK**
SPRINGS tributary of **BIG ELK CREEK**

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>
WILDLIFE	01/01 to 12/31	0.12 CFS	
WILDLIFE STORAGE	01/01 to 12/31		4.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.12 CFS	
	Totals	0.12 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSESE , Sec. 9, Township 29N, Range 08E
SESESE , Sec. 9, Township 29N, Range 08E
IDAHO County

PLACE OF USE: WILDLIFE

TWN RGE SEC

29N 08E 9

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

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

23rd day of September, 1998.


Karl J. Dreher, Director
for

MICROFILMED

APR 14 1999

Ident. No. 82-07202

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP 16 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Thomas M. Schmidt Phone 208-842-2910
Mailing address PO Box 462 Elk City, ID 83525 (907) 945-3576 during Aug/Sept
2. Source of water supply UNNAMED STREAMS FORMING Seasonal surface water which is a tributary of BIG ELK CREEK
3. Location of point of diversion is Township 29 N Range 8 E Sec. 9 in the ALFSE 1/4, of SE 1/4 of SE 1/4, Govt. Lot , B.M., Idaho County; additional points of diversion if any: T 29 N R 8 E S 9 SE 1/4 SW 1/4 SE 1/4
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>4 AF/yr</u> for <u>STORAGE FOR WILDLIFE</u> | purposes from <u>year round</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.12</u> for <u>DIVERSION TO STORAGE</u> | purposes from <u>Y.</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.12</u> for <u>WILDLIFE</u> | purposes from <u>Y.</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.12 and/or (b) X
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Impoundment dike & excavated depression upstream of dike
- b. Height of storage dam 4' feet; active reservoir capacity 4.0 acre-feet; total reservoir capacity 4.0 acre-feet
- c. Proposed well diameter is inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. Wildlife (waterfowl) habitat improvement via shallow pond construction.

MICROFILMED

APR 16 1994

9. Description of place of use:

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

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

W Wildlife (waterfowl)

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	8E	9																1 AC W	1 AC

Total number of acres to be irrigated NA

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

11. a. Who owns the property at the point of diversion? Thomas M. Schmidt

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

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

12. Remarks: ---

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

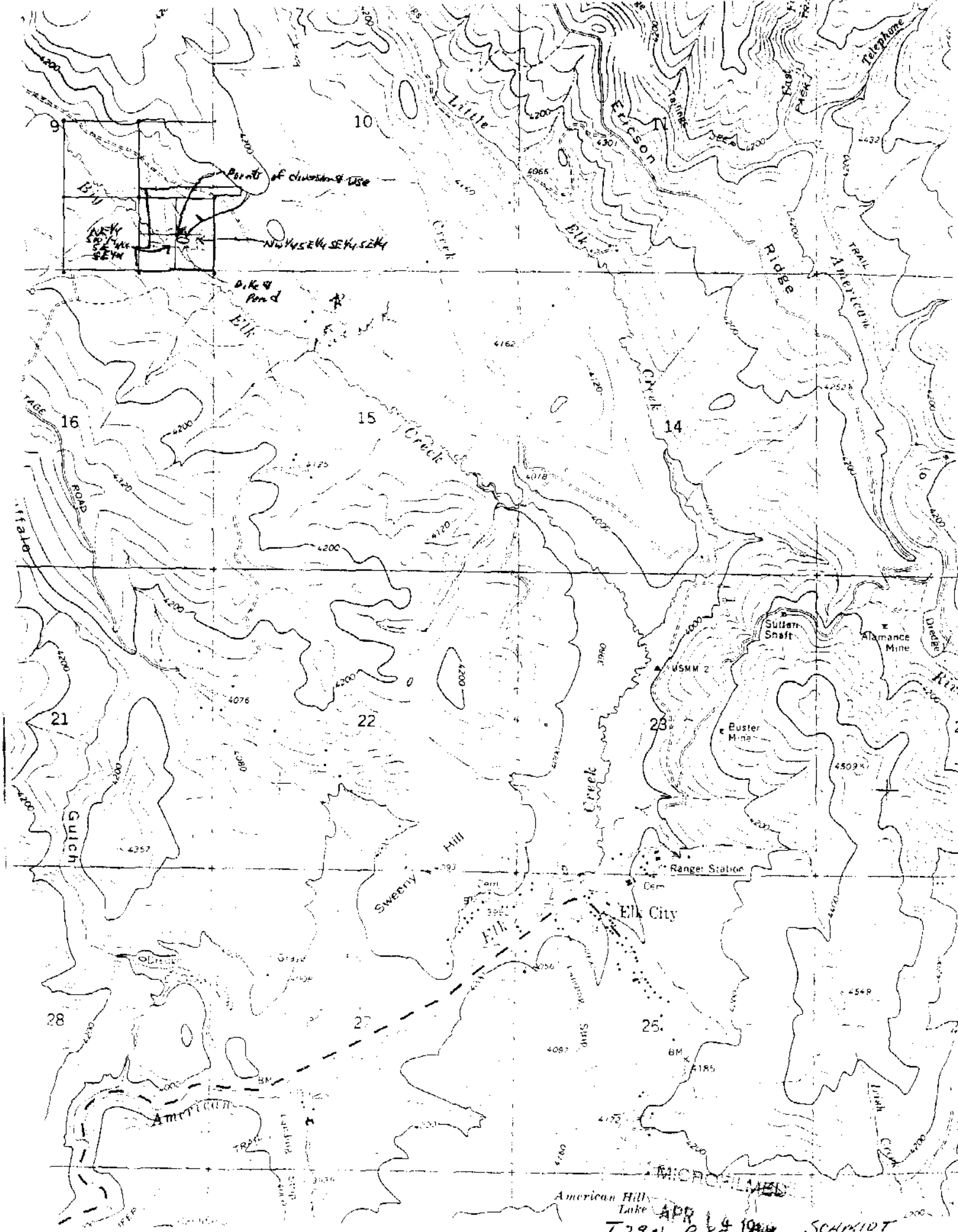
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by db Date 8/5/98 Time 12:00 Noon Preliminary check by ---
 Fee \$ 50.00 Recelpted by db # NO12293 Date 8/5/98
 Publication prepared by db Date 8/12/98 Published in Idaho County Free Press 8/19+26/98
 Publication approved db Date 9/10/98

NOT RECORDED

SEP 14 1998



MICROFILMED
American Hill
Lake
APR 14 1984
T29N R2E SCHMIDT



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS M SCHMIDT
PO BOX 462
ELK CITY ID 83525

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 82-07202

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JAN 16 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 82-07202 Reviewed by D. Gibson Date 9/21/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received? -
If not, complete calculation below.

Correct Uses? Yes -

Wildlife/Storage

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

No Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 9/20/00

Date proof due 10/11/00 - /

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address No Proof Made 9/20/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0050506

Date:

Time: 9/20/2000

09:28:32

Received

From:

SCHMIDT THOMAS M

Type of Payment

Program A cct

Amount

PROOF OF BENEFICIAL USE	#82-07202	56104	229 21 1155	50.00
-------------------------	-----------	-------	-------------	-------

Total \$ 50.00

CHECK 3677

Region: STATE

Signature: _____

MICROFILMED

JAN 16 2001

July 31, 2000

THOMAS M SCHMIDT
PO BOX 462
ELK CITY ID 835250462

PROOF DUE NOTICE

RE: PERMIT NO. 82-07202

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 October 1, 2000.

(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.

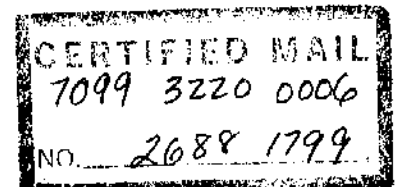
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

JAN 15 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

September 23, 1998

KARL J. DREHER
DIRECTOR

THOMAS M SCHMIDT
PO BOX 462
ELK CITY ID 83525-0462

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 82-07202

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to 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 or visit the department's homepage on the Internet to obtain the proper reporting form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

APR 14 1999

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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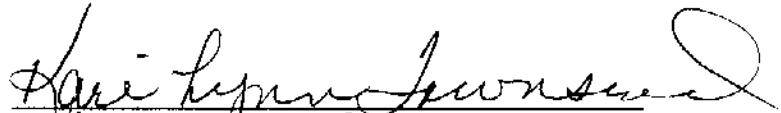
APR 14 1980

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 82-07202

**THOMAS M SCHMIDT
PO BOX 462
ELK CITY ID 83525-0462**


Kari Lynn Townsend
Secretary

RECEIVED

SEP 14 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 82-7202 Name: Schmidt Date: 9/21/98 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes: SC Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A/P17

≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R (65)

Salmon R (70's)

Weiser R (67)

USE:

Domestic surface

> 1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- 085

- P05 (new well location)

- Yes / No; RESPONSE: None

- *WB9

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22-P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

- 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 in 20/30/40/50/60/70/80 (87) basin- 058 (<85° GW temp only)- P52 (stream channel alteration)

- 120

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

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 10/11 2000

**DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED WRI
BCAH
WRA
SEP 16 1998

APPLICATION # 82-07207

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: SCAMLOT

BY: AK

DATE: 8/6/98

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

- Yes) (No)
- X Field check: by _____
- + Field report attached
- + Analysis Supp. attached (>5cfs/500af)
- + Water delivered by water master?
Water District # _____

PROCESSING

- (Yes) (No) PRIORITY DATE: 8/6/98
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

GROUNDWATER SECTION

D Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- Yes) (No)
- _____ Notice of pending void order issued. Final order response date: ____/____/____
- _____ Further information required from applicant
- 9/10 _____ Affidavit of publication received
- 9/10 _____ Application published correctly. If not, record action taken: _____

8/12 _____ Publication dates and paper recorded on application Sr. Agent initial _____

✓ _____ Protests received, Final protest date: 9/8/98

✓ _____ Measuring device required

✓ _____ Measuring port required

✓ _____ Special conditions:

✓ _____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AK

Date: 9/14/98

Memorandum

Date: September 14, 1998

To: Application for Permit Number 82-07202

From: Beardslee

~~~~~  
The Norther Regional Office has contacted the Clearwater Region of Fish and Game regarding the approval of this Water Right Application for Permit.

After discussing the location, source and uses of water, Greg Survheen stated that he did not see a problem with approving this filing.

MICROFILMED

APR 14 1999

NORTHERN REGION  
IDWR

## APR 14 1969

82-07202

SCHMIDT, THOMAS M  
PO BOX 462  
ELK CITY, ID 83525

Source: UNNAMED STREAMS  
Source: SPRINGS

Tributary: BIG ELK CREEK  
Tributary: BIG ELK CREEK

Diversion Pt:                      SWSESE    Sec    9   T 29N R 08E in IDAHO County.  
                                     SESESE    Sec    9   T 29N R 08E in IDAHO County.

|                      |   |            |   |          |
|----------------------|---|------------|---|----------|
| Use: WILDLIFE        | ( | 0.120 CFS) |   |          |
| WILDLIFE STORAGE     |   |            | ( | 4.00 AF) |
| DIVERSION TO STORAGE | ( | 0.120 CFS) |   |          |
| Total Diversion:     | ( | 0.120 CFS) | ( | 4.00 AF) |

Date Filed: 8/ 6/1998

In: IDAHO County  
T29N R08E S09                      SESE

82-07202-1512

APR 14 1999

August 12, 1998

Thomas M Schmidt  
PO Box 462  
Elk City ID 83525

Re: Water Appropriation Application No. 82-07202

Dear Mr. Schmidt:

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. Enclosed for your file is Receipt Number N012293.

Your appropriation application is currently being prepared for advertising in the local 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. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. 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. 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.

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

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

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

MICROFILM

APR 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

PHILIP E. RATT  
Governor

KARL J. DREHER  
Director

July 6, 1998

Mr. Tom Schmidt  
PO Box 462  
Elk City ID 83525

RE: Project on Big Elk Creek

Dear Mr. Schmidt:

We are writing in regard to your project to construct a pond on Elk Creek. Please find enclosed an Application for Permit and a set of instructions.

An approved water right permit is needed prior to diverting public water.

If you have any questions, feel free to contact me at this office.

Sincerely,

Allen Beardslee  
Sr. Water Resource Agent

*Enclosed is a check for \$50, ~~the~~ along with a copy of the application and map I sent earlier. I have listed several contact phone numbers where I can receive a message during the next two months.*

*Thank you*

MAILED

APR 14 1998

RECEIVED

AUG 05 1998

NORTHERN REGION  
IDWR