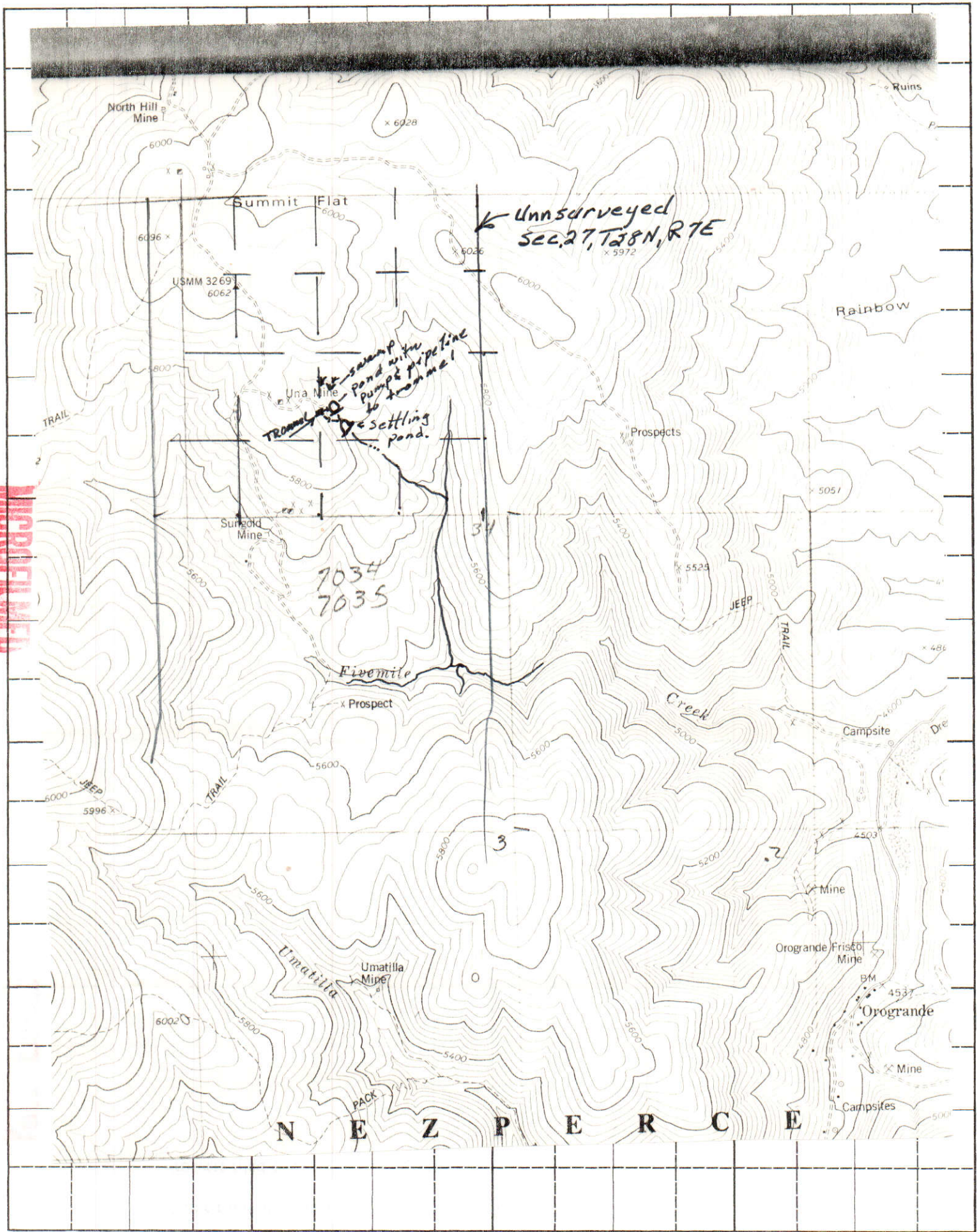


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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 Joe Smith
(Applicant)

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

82-7137

SWISHER, JOE

RT. 1 BOX 119, COTTONWOOD, ID 83522

Source: UNNAMED
STREAM trib. to FIVE MILE CREEK

Date Filed: 10/13/1983

Diversion Pt: NWSE Sec 27
T28N R 07E

Use: MINING (0.20 CFS)
MINING STORAGE (1.0
AF) MINING FROM
STORAGE (1.0 AF)
DIVERSION TO STORAGE
(0.20 CFS)

In NWSE Sec 27 T 28N R 07E.

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
NOVEMBER 14, 1983.

KEN DUNN, Dir.

Published 10/26 / 11/2/83.

026-N2

AFFIDAVIT OF PUBLICATION

Nona Donadlson

_____ being first duly sworn, says he is the office manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which 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 2 weeks, being published 2 times, the first publication being on the 26 day of October, 1983, and the last publication on the 2 day of November, 1983; 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 more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Nona Donadlson

Subscribed and sworn to before me this 2 day of November, 1983

[Signature], Notary Public

for State of Idaho, residing at Grangeville, Idaho.

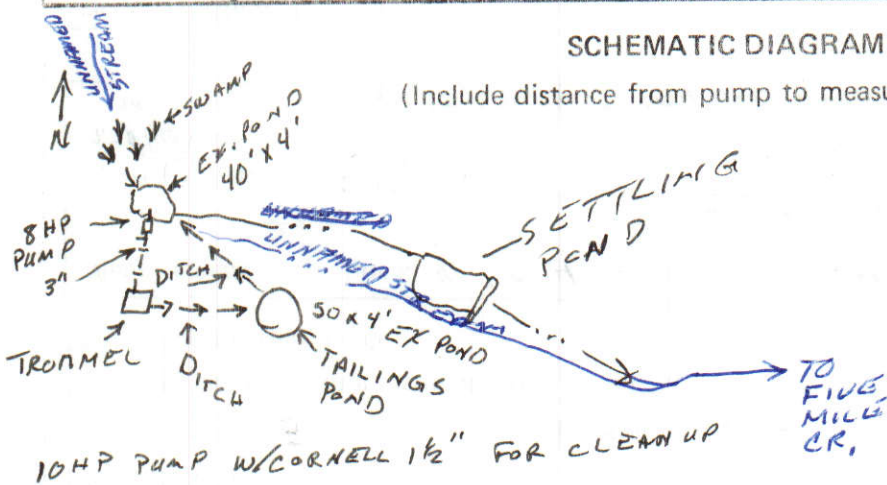
RECEIVED

NOV 8 1983

Department of Water Resources
Northern District Office

[illegible]

(Include distance from pump to measuring device, if applicable.)



JUL 08 1988

Point(s) of diversion: NW SE SEC 27, T 28 N R 7 E

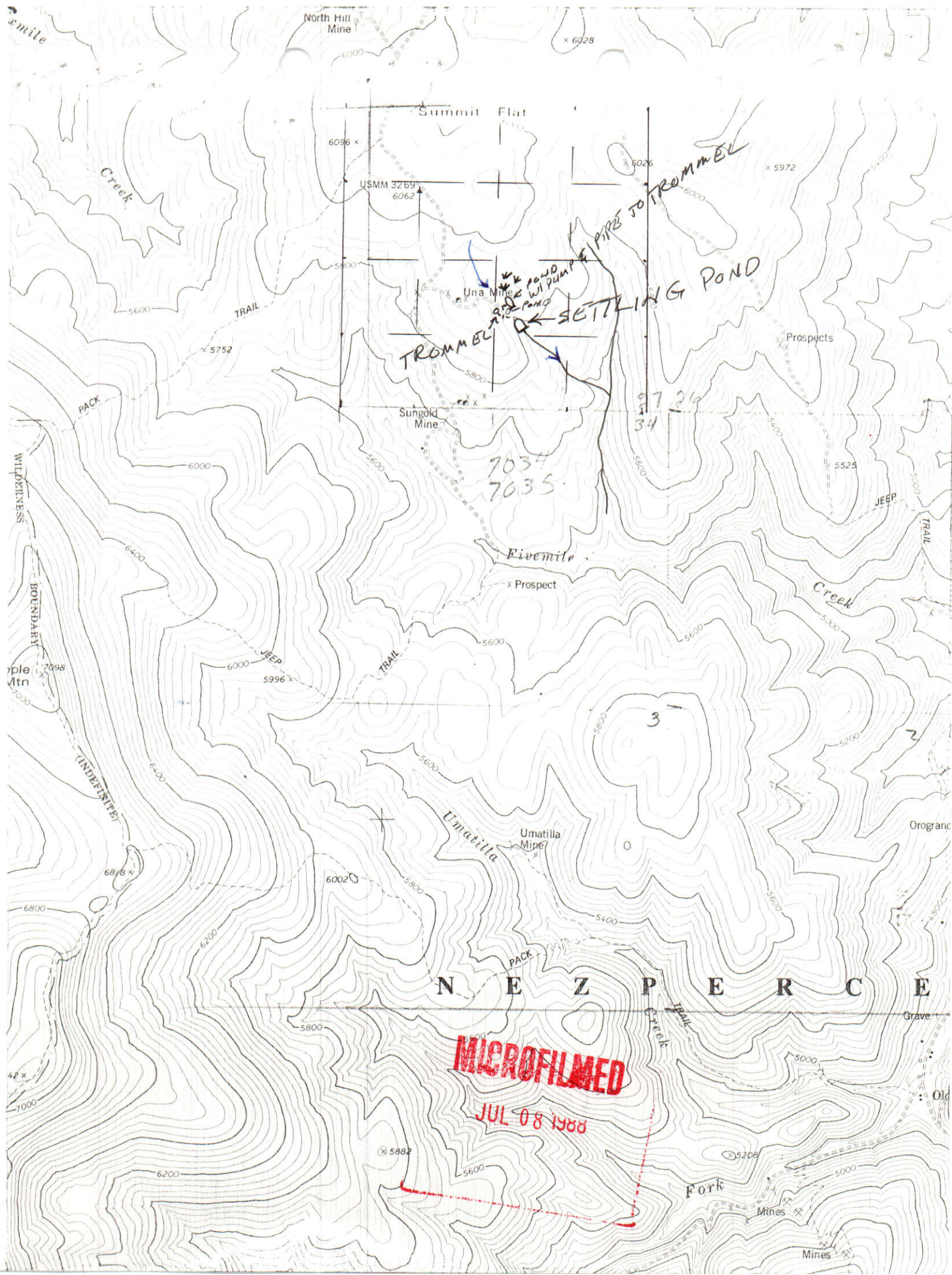
Place(s) of Use

[illegible]

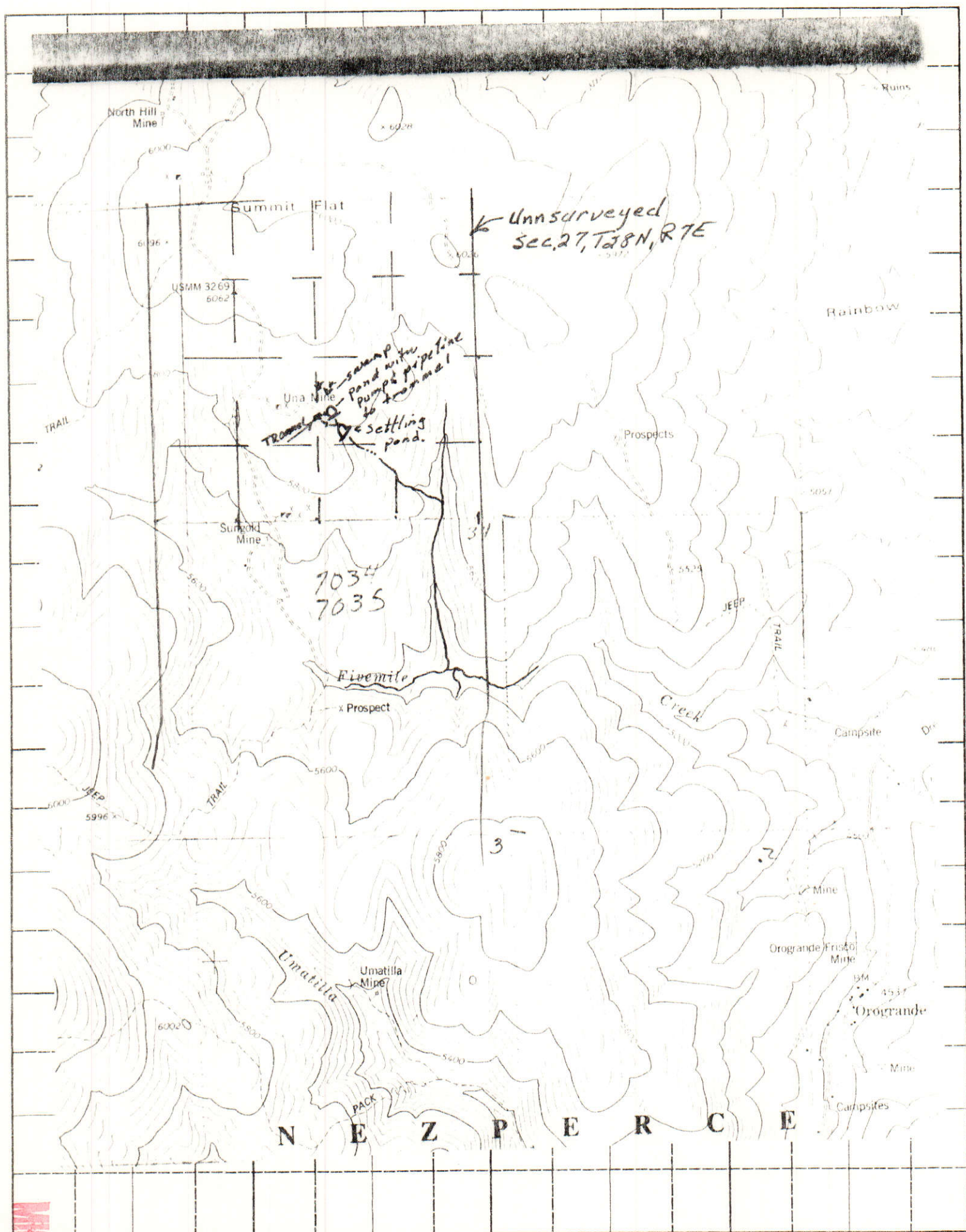
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature [Signature]
Checked by Bob Hay
Approved by _____

Date 8/20/86
Date 9/18/86
Date _____



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

(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 82-7137

Priority: October 13, 1983 Amount: .20 CFS 34.2 AFA

This is to certify, that JOE SWISHER

RT. 1 BOX 119

COTTONWOOD, ID 83522

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated October 13, 1983, and has submitted proof to the Department of Water Resources on July 26, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .50 cfs of water from;

UNNAMED STREAM

tributary to FIVEMILE CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Mining	01/01 to 12/31	.20 cfs	33.2 afa
Mining storage	01/01 to 12/31		1.0 afa
Mining from storage	01/01 to 12/31		1.0 afa
Totals		.20 CFS	34.2 AFA

LOCATION OF POINT OF DIVERSION(S):

NWSE , Sec. 27, Township 28N, Range 7E
Idaho County

PLACE OF USE: Mining

TWN RGE SEC

28N 7E 27 NWSE

PLACE OF USE: Mining storage, same as Mining use

PLACE OF USE: Mining from storage, same as Mining use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. When water used under this license is discharged into the natural channel, settling ponds must be maintained which are reducing the silt load to such a level that the quality will not be impaired for other beneficial uses.
5. This right is in an unsurveyed area.

MICROFILMED
JUL 08 1988

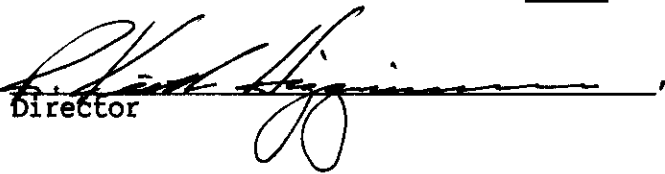
State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 82-7137

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 13th day of June, 1988.


Director

MICROFILMED

JUL 08 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Joe Swisher Phone 962-7190

Post office address RL 1, Box 119, Cottonwood, Id. 83522

2. Source of water supply Unnamed Stream which is a tributary of Fivemile Creek

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 28N

Range 7E B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 cfs for Mining purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Diversion

Amount 0.20 cfs for to Storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Storage for

Amount 1.0 AF for Mining purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) MINING from

Amount 1.0 AF for storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) storage

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. 1.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. $\frac{1}{2}$ acre ft excavated pond in stream
with pump & pipe line to tunnel then pipe line to settling
pond and/or original pond. gravity flow from settling pond to stream

Height of storage dam _____ feet, active reservoir capacity $\frac{1}{2}$ acre-feet; total reservoir capacity $\frac{1}{2}$ acre-feet, materials used in storage dam: Excavated ponds

Period of year when water will be diverted to storage 1-1 to 12-31 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: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 28N
Range 7E 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: _____

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	

Total number of acres to be irrigated _____

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

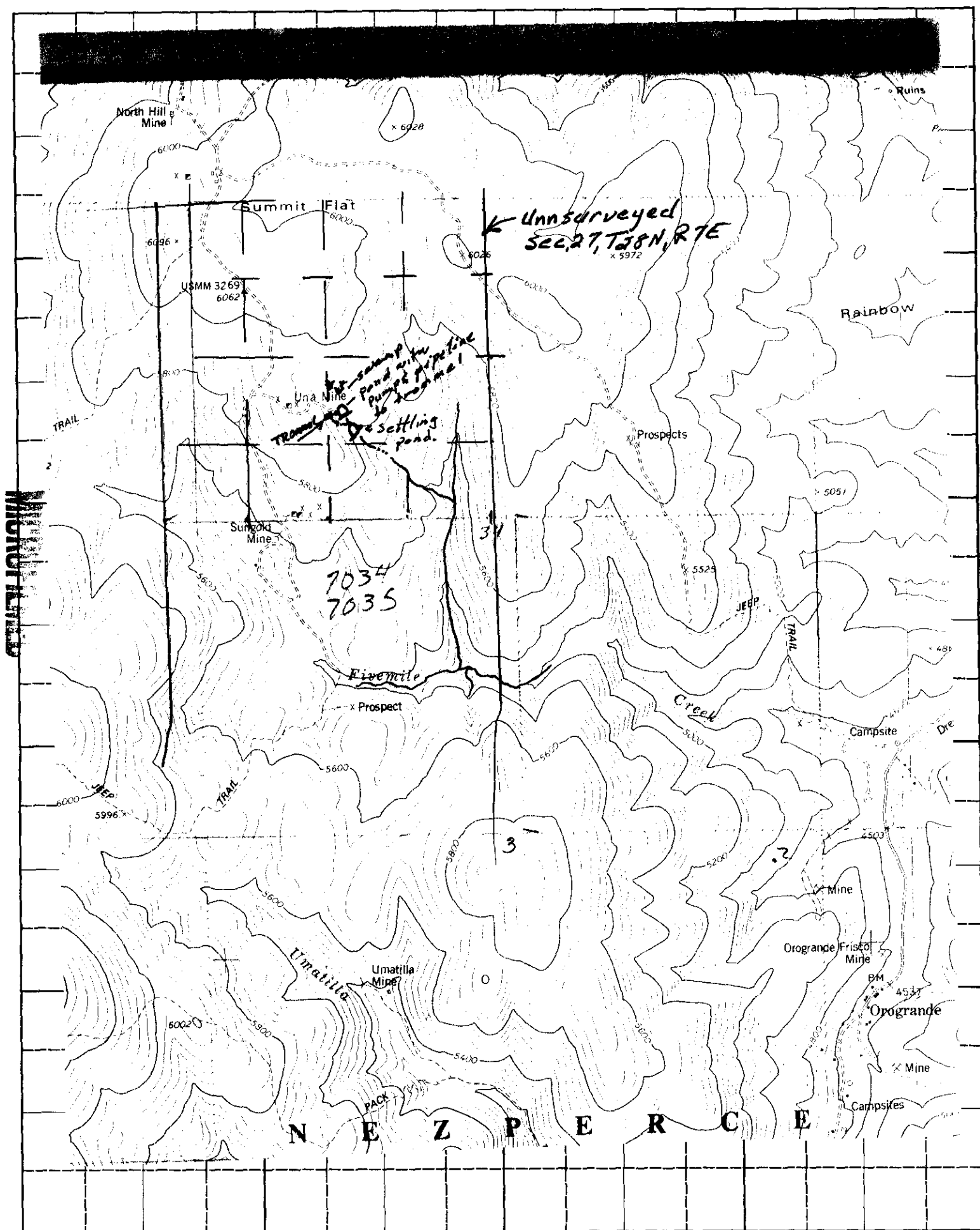
9. a. Who owns the property at the point of diversion App

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

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 _____

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.

Joe Smith
(Applicant)

Proposed Priority 10/13/83

Received by [Signature] Date 10/13/83 Time 12:45 PM
Preliminary check by [Signature] Fee \$ 30.00
Receipted by [Signature] Date 10/14/83 (31370)
Publication prepared by [Signature] Date 10/26/83
Published in Id. County Free Press
Publication dates 10/26 11/3/83
Publication approved [Signature] Date 11/9/83
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by [Signature] SC

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. 82-7137, 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 December 1, 19 84.
- 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:

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 23rd day of November, 1983.

[Signature]
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

Nona Donadlson

..... being first duly sworn, says he is the office manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which 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 2 weeks, being published 2 times, the first publication being on the 26 day of October, 1983, and the last publication on the 2 day of November, 1983; 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 more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Nona Donadlson

Subscribed and sworn to before me this 2 day of November, 1983

[Signature], Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

NOV 8

Department of Water Resources
Northern District Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

June 15, 1988 DIRECTOR

copy

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 83522

RE: PERMIT NO. 82-07137

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1988

CONVERSATION MEMORANDUM

DATE JUNE 3, 1988FILE 82-7137NAME OF PARTY TOM KINGEMPLOYEE GARY SPACKMANRE: MINING VOLUME

The annual volume ~~as~~ recommended for licensing appeared excessive, so I called Tom King seeking additional information. Tom stated that the diversion of water occurs year-round. He also stated that, at times, the water is diverted continuously. I recommend that we accept Tom's volume proposal of 34.2 acre ft. annually.

MICROFILMED

JUL 08 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. **Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

c) Volume Calculations for Other Uses:

$0.20 \cancel{\text{cfs}} \times \frac{1.9835 \text{ AF}}{\cancel{\text{cfs day}}} \times \frac{8 \cancel{\text{ hrs.}}}{\cancel{\text{ day}}} \times \frac{1 \cancel{\text{ day}}}{24 \cancel{\text{ hrs}}} \times \frac{251 \cancel{\text{ days}}}{\text{ year}} = 33.2 \text{ AFA}$

2. **Overlap Review** *per VAX:*

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: none

c) Analysis:

NOT FILMED

JUL 08 1988

10 day

- Date _____

April 15, 1988

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 83522

RE: Permit No. 82-7137

Dear Permit 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,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

SEP 24 1986

92-7137

Permit No.

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

Department of Water Resources

REMARKS

☐ Appointment letter mailed:

☐ Telephone call made:

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

Department of Water Resources

RECEIVED

OCT 26 1987

EXAMINATION

Date 8-23-88 Accompanied by JOE SWISHER Total Q measured

If source is surface water, estimate total flow of source

Methods of measurement Meets Permit requirements?

Measurement calculations: $40^2 \pi (4) + 50^2 \pi (5) = 1.36 \text{ AF}$ VOLUME
JK 43560 STORAGE APPLIED FOR IAF 1 cfs FLOWING FOR 8 HRS = $\frac{24}{8} \cdot 3 \cdot \frac{1.9835}{3} =$
 $\frac{8 \text{ HP} (88) 80\%}{2.3 \text{ HP} (40) + 20} = .50 \text{ cfs JK} = .66 \text{ AF/DAY (251 DAYS)} (0.20 \text{ cfs}) =$
JK $0.20 \text{ cfs/PERMIT (ENGINE THROTTLED DOWN)}$ CFS = 33 AFA

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	8	B&S		TEEL	3P609A			3' OUT
	10	B&S		CORNELL	1622			1 1/2' OUT

System Description 40' x 4' EX. POND IN UNNAMED STREAM NEXT TO SWAMP, PUMP & P.P.E TO TROMMER, DITCH TO 50' x 5' EX. POND WITH OVER FLOW TO FIRST POND WITH OVER FLOW TO SETTLING POND

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement =

AFA/Acre

USE

Q (cfs)

V (afa)

FROM

TO

STORAGE FOR MINING

1 AF

1-1

12-31

MINING FROM STORAGE

1 AF

1-1

12-31

MINING

0.20

33 AF

1-1

12-31

Total

.20

34 AF

1-1

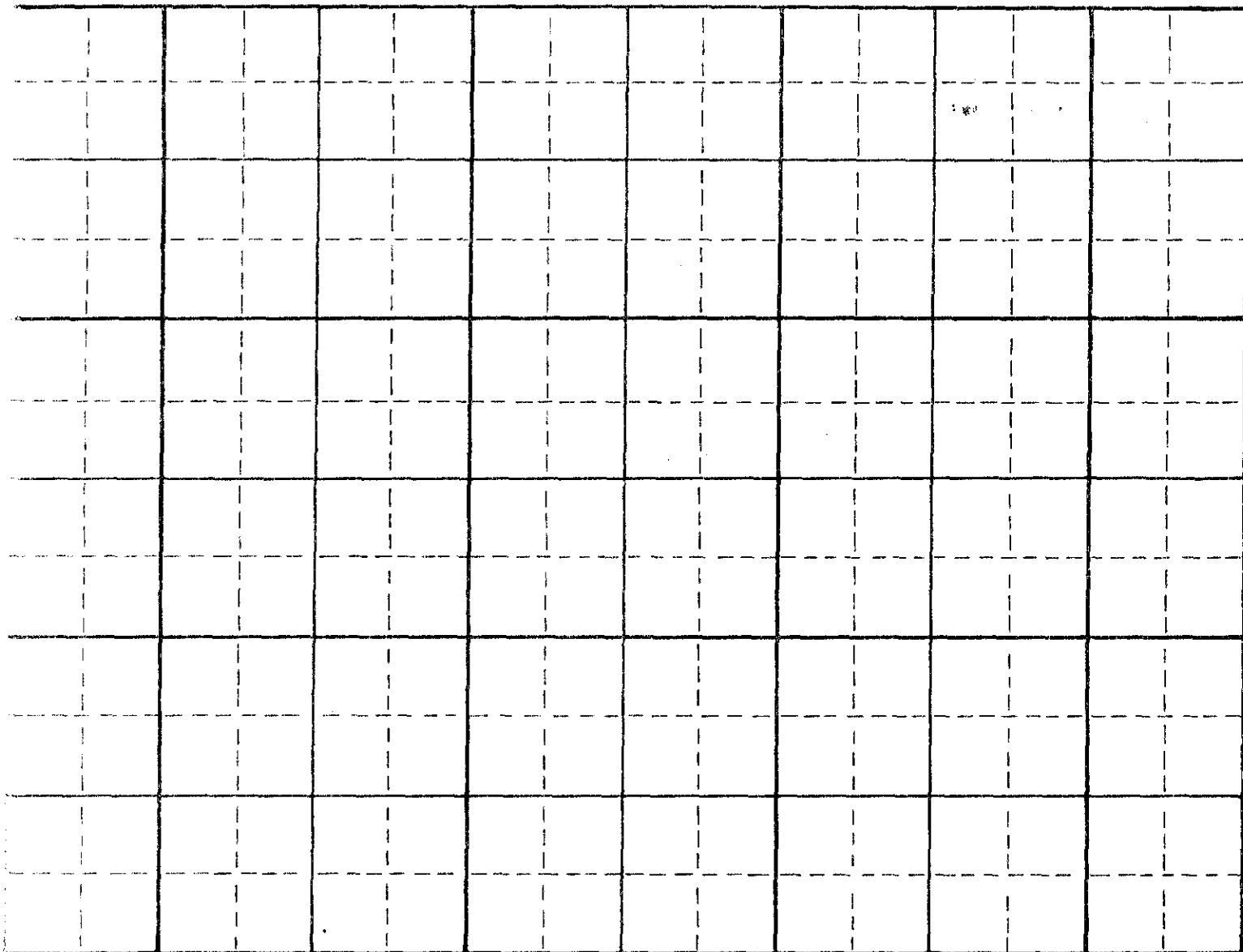
12-31

Remarks 10/30/87 AT THE TIME EXAM WAS MADE "SWAMP" WAS NOT RECOGNIZED AS A SOURCE. SINCE THE WATER FLOWS INTO A "WET" AREA AND FLOWS OUT OF THE "WET" AREA IT IS AND INTO FIVE MILE CR. IT IS AN UNNAMED STREAM. - JK

RECEIVED

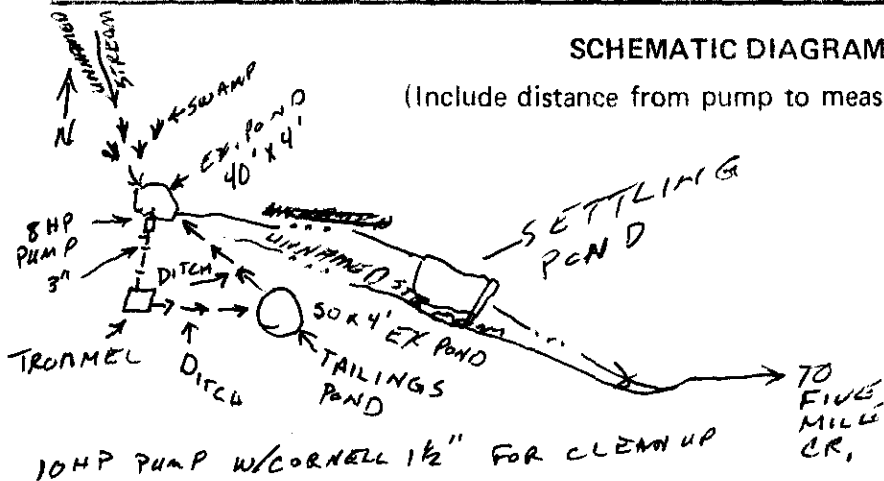
OCT 27 1988

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



MICROFILMED

JUL 08 1988

Point(s) of diversion: NW SE SEC 27, T 28N R9E

Place(s) of Use

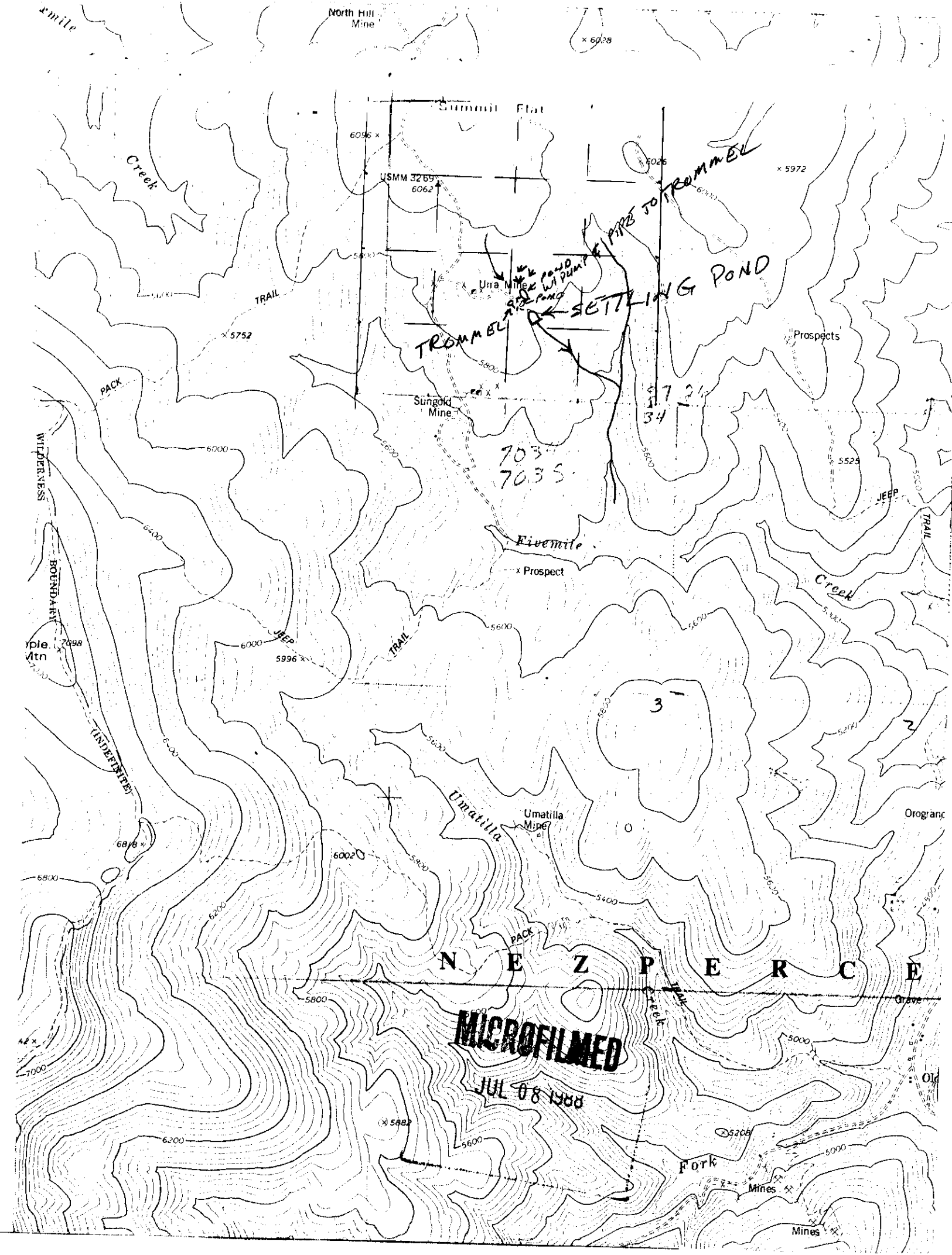
TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28N	7E	27														X			

Recommended Amendments:

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

Examiner's Signature: [Signature]
 Checked by: Bob Hay
 Approved by: _____

Date: 8/20/86
 Date: 9/8/86
 Date: _____



32-7137

INTER-DEPARTMENT MEMO — 1

FROM *Tom King*TO *File*SUBJECT *82-7137*RECEIVED
SEP 24 1986DATE *9/18/86*

MICROFILMED

JUL 08 1988

Department of Water Resources

DURING THE EXAMINATION OF PERMITS # 82-7014, 82-7015, 82-7016, 82-7034, 82-7035 & 82-7045 I LEARNED THAT MR. SWISHER HAD MADE APPLICATION ~~FOR~~ FOR A STREAM CHANNEL ALTERATION PERMIT, WHEN HE SHOULD HAVE MADE APPLICATION FOR A WATER APPROPRIATION PERMIT. I HELPED MR. SWISHER FILE THE APPLICATION AND CONDUCTED THE FIELD EXAMINATION PRIOR TO APPROVAL OF THE APPLICATION. ~~NO~~ NO EXAM FEE IS NECESSARY SINCE NO FURTHER FIELD WORK WAS NECESSARY.

K

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM *T. King*DATE *9-18-86*TO *FILE*SUBJECT *EXAM FEES FOR 82-7014, 82-7015, 82-7016, 82-7034, 82-7035
82-7045 & 82-7137*

THE EXAMINATIONS FOR THE ABOVE LISTED PERMITS WERE CONDUCTED ON 8/23/88. THE MEASUREMENTS AND CALCULATED RESULTS WERE NOT SATISFACTORY TO MR. SWISHER, ALSO HE HAD NOT INSTALLED THE REQUIRED MEASURING DEVICES. HE HAS SINCE RECONSIDERED HIS POSITION & HAS ~~HAD~~ DECIDED TO ACCEPT THE RESULTS OF THE EXAMINATION. NO FEE IS REQUIRED SINCE NO FURTHER FIELD WORK WAS NECESSARY.

L

SIGNATURE

MICROFILMED

JUL 08 1988



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

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

October 3, 1983

Mr. Joe Swisher
Rt. 1 Box 119
Cottonwood, Id. 83522

Dear Joe:

I am enclosing the Application for Permit we discussed; it requires your signature and a \$30.00 filing fee. It should not require a measuring device, but I have enclosed a pamphlet which gives instructions for building the weirs required on #82-7014 (spring tributary to Four Mile Creek for mining), #82-7015 (Four Mile Creek for mining), #82-7034 (Five Mile Creek for mining), and #82-7045 (Umatilla Creek for mining).

When you finish the weirs, the roads become passable for a two-wheel drive vehicle, assuming one does not drive into obvious mud holes, and if you again have time to show me around, please contact me and I will make arrangements to visit your area again.

If you need any assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Application
Pamphlet

MICROFILMED

JUL 08 1988



IDAHO MINING AND DEVELOPMENT CO.

IDAHO COUNTY, IDAHO

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

ROUTE 1, BOX 119

COTTONWOOD, IDAHO 83522

PHONE (208) 962-7190

July 8, 1983

DEPARTMENT OF WATER RESOURCES
Northern District
Robert Haynes
4055 Government Way
Coeur d' Alene, Idaho 83814

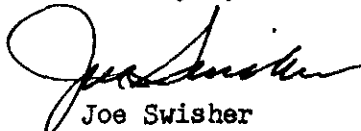
Dear Sir:

Re: Application for Dredge and Placer Mining
Maxwell Placers & Idaho Mining and Development Co.

Subject: Correction to question #9 on original application.

Correct legal discription is NW 1/4 of the SE 1/4 of Section 27, Town-
ship 28 North, Range 7 East.

Thank you,


Joe Swisher
Vice President

JS/b

RECEIVED
JUL 11 1983

Department of Water Resources
Northern District Office

MAILED

JUL 08 1988

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

RECEIVED

JUN 30 1986

1. Permit No. 82-7137

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE *in encl. 11*
Department of Water Resources

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: JOE SWISHER

3. Post Office Address: Rt 1 Box 119, Cottonwood, Id, 83522
Telephone No. (208) 962-7190

4. Source of Water: CUNNAMED STREAM

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark mining this permitted

USE WAS EXAMINED BY THE DEPT. IN 1983.

6. Total rate &/or volume for which proof is submitted .20 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

NOV. 24, 1983

8. Person to contact to accompany the department representative during the field examination:

RECEIVED

(Name)

JUL 08 1988

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

Signature of Permit Holder (and title, if appropriate)



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

82-7137
SWISHER, JOE
RT. 1 BOX 119
COTTONWOOD, ID 83522

Mailing address:
Storehouse
Boise, Idaho 83720

138090

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You may later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

JUL 08 1988

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures



JUL 08 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 765-4639

March 28, 1985

Dennis MacMenamin
MacMenamin & Sons Mining
120 S.E. 7th
Grangeville, ID 83530

Dear Mr. MacMenamin:

This is in response to your request for information concerning permits issued to Joe Swisher, Jean Swisher, Del Steiner, Jim Maxwell or the Idaho Mining and Development Co. during the years 1982 to present. In 1983 we received a stream channel alteration application from Maxwell Placers and the Idaho Mining and Development Co. It was determined the activity proposed involved construction of a diversion to take water under a valid water permit, and as such was exempted from the requirements of the stream channel alteration act. As a result no action was taken by the department on that application.

Joe Swisher holds a number of water appropriation permits for different areas. The following is a synopsis of them:

- 82-7014 filed 2/31/73, T28N, R7E, Sec. 16&17
- 82-7015 filed 2/31/73, T28N, R7E, Sec. 17
- 82-7034 filed 4/3/75, T28N, R7E, Sec. 34
- 82-7045 filed 2/19/76 T27N, R7E, Sec. 3
- ✓ 82-7137 filed 10/31/83, T28N, R7E, Sec. 27

I hope this information covers your needs.

Sincerely,

Robert G. Haynes, P.E.
Regional Supervisor

MICROFILMED



**MacMenamin
and Sons Mining**

"Put It In Writing"

120 S.E. 7th St.
Grangeville, Idaho 83530
(208) 983-2488

Idaho Dept. of Water Resources
Northern Dist. Office
4055 Government Way, Suite #9,
Coeur D'Alene, Idaho 83814

March 21, 1985

Dear Sirs,

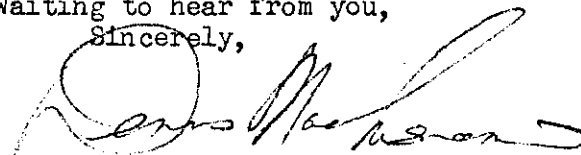
I would be interested in finding out some information concerning some Idaho mining claimants and if they had applied and if so, did they receive any dredge permits, or other water orientated mining permits.

I hope this is in line with public information requests, and if not, would you use this letter as my request under the "Freedom of Information Act (FOIA)." I would like copies of their permits, but if that would complicate matters, then just the knowledge of permits would suffice.

The years 1982-present 1985 and the name of the applicant might be Idaho Mining and Development Inc., or Jean Swisher, Joe Swisher, Del Steiner, and Jim Maxwell. If any permits were applied for or received would you list them by name of applicant and year? Thank you.

My apologies for causing this extra work for you, but the information will help in clearing my clouded claims.

Waiting to hear from you,
Sincerely,



Dennis Mac Menamin

PS. also enclosing my dredge permit application.

enclosures: 1
cc: file

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RECEIVED

MAR 25 1985

Department of Water Resources
Northern District Office

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 82-7137

Name(s) of Permit Holder: JOE SWISHER

Post Office Address: R#1 Box 119

Cottonwood, Idaho 83522 Tel. No. 962-7190

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☒ Other mining

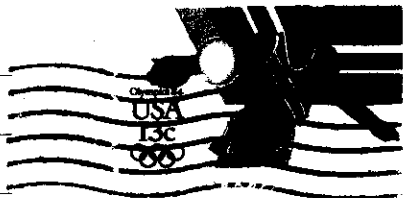
Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

11/26/84 **MICROFILMED** Joe Swisher
Date Signature of Permit Holder

241 Box 01
Cottonwood,



RECEIVED

NOV 29 1984



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

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

August 30, 1984

JOE SWISHER
ROUTE 1 BOX 119
COTTONWOOD ID 83522

RE: Permit No. 82-7137

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has complied with the development to the extent shown below of Perm. No. 82-7137.

Name(s) of Permit Holder: JOE SWISHER

Post Office Address: Rt 1 Box 119 Cottonwood Id.

83522

Tel. No. 962-7190

Source of Water: UNNAMED SPRING ON STREAM

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other MINING

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

7/24/84
Date

NOT RECORDED

Joe Swisher
Signature of Permit Holder

Swis40, 502
DA 1 Box 119
Cottonwood, Id.



RECEIVED



JUL 26 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

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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

June 21, 1984

Joe Swisher
Rt. 1, Box 119
Cottonwood, ID 83522

RE: Permit No. 82-7137

Dear Mr. Swisher:

Pursuant to your telephone call, we have reviewed our front desk log of all Proof of Beneficial Use postcards that have been received since December 1, 1983. The log indicates that the card that you sent did not arrive at this office. As I indicated, the cards are very carefully logged and monitored in this office, so it appears that the card did not arrive at this location.

Enclosed we are mailing a new card. As you are aware, the proof due date for this permit is December 1, 1984.

If you would like our regional office to conduct the examination of your system this summer, please feel free to contact Mr. Tom King in the Coeur d'Alene office at 765-4639 to set up an appointment.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

Enclosure

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SWISHER, JOE
RT. 1 BOX 119
COTTONWOOD, ID 83522

DECEMBER 06, 1983

RE: PERMIT NO. 82-7137

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

Microfilm

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RNA APPLICATION NUMBER: 82-7137

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.

Field check by: _____

Date: _____

Comments: _____

- ☒ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

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: 11/14/83
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11/8/83
☒ Application published correctly. If not, record action taken: _____
☒ 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? _____
☒ 10/13/83 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: RNA Date: 11/16/83
STATE OFFICE REVIEW:

L16 09D

☐ See attached sheet for more information.
By: SC KW Date: 11-18-83

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

82-7137

SWISHER, JOE

RT. 1 BOX 119, COTTONWOOD, ID 83522

Source: UNNAMED STREAM trib. to FIVE MILE CREEK

Date Filed: 10/13/1983

Diversion Pt: NWSE Sec 27 T 28N R 07E

Use: MINING	(0.20 CFS)
MINING STORAGE	(1.0 AF)
MINING FROM STORAGE	(1.0 AF)
DIVERSION TO STORAGE	(0.20 CFS)

In: NWSE Sec 27 T 28N R 07E



IDAHO MINING AND DEVELOPMENT CO.

IDAHO COUNTY, IDAHO
ROUTE 1, BOX 119
COTTONWOOD, IDAHO 83522
(208) 962-7190

October 7, 1983

Tom D. King
Senior Water Resource Agent
Idaho Department of Water Resources
Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Tom:

Thank you so much for the enclosed permit application and your assistance in helping us during your recent inspection and site visit.

It is a pleasure to find a state employee who exhibits true professionalism in the performance of his duties.

We look forward to seeing you next spring.

Watch out for mud holes.

Sincerely,

Joe Swisher

Jim Maxwell
Maxwell Placers

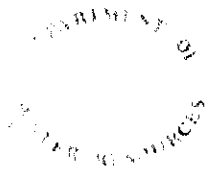
JS/b

Enclosures

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OCT 13 1983

Department of Water Resources
Northern District Office



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

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

October 3, 1983

h3

Mr. Joe Swisher
Rt. 1 Box 119
Cottonwood, Id. 83522

Dear Joe:

I am enclosing the Application for Permit we discussed; it requires your signature and a \$30.00 filing fee. It should not require a measuring device, but I have enclosed a pamphlet which gives instructions for building the weirs required on #82-7014 (spring tributary to Four Mile Creek for mining), #82-7015 (Four Mile Creek for mining), #82-7034 (Five Mile Creek for mining), and #82-7045 (Umatilla Creek for mining).

When you finish the weirs, the roads become passable for a two-wheel drive vehicle, assuming one does not drive into obvious mud holes, and if you again have time to show me around, please contact me and I will make arrangements to visit your area again.

If you need any assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Application
Pamphlet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Joe Swisher Phone 962-7190
Post office address Rt 1, Box 119, Cottonwood, Id. 83528
2. Source of water supply Unnamed stream which is a tributary of Fivemile Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 28N
Range 7E B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 cfs for Mining purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Diversion
Amount 0.20 cfs for to storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) storage for
Amount 1.0 ACF for Mining purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) MINING from
Amount 1.0 ACF for storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. 1.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1/2 acre ft excavated pond in stream
with pump & pipe line to tunnel then pipelining to settling 1/2 acre ft excavated
pond and/or original pond. gravity flow from settling pond to stream
b. Height of storage dam _____ feet, active reservoir capacity 1/2 acre-feet; total reservoir
capacity 1/2 acre-feet, materials used in storage dam: Excavated ponds
Period of year when water will be diverted to storage 1-1 to 12-31 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: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 28N
Range 7E 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	

Total number of acres to be irrigated _____

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

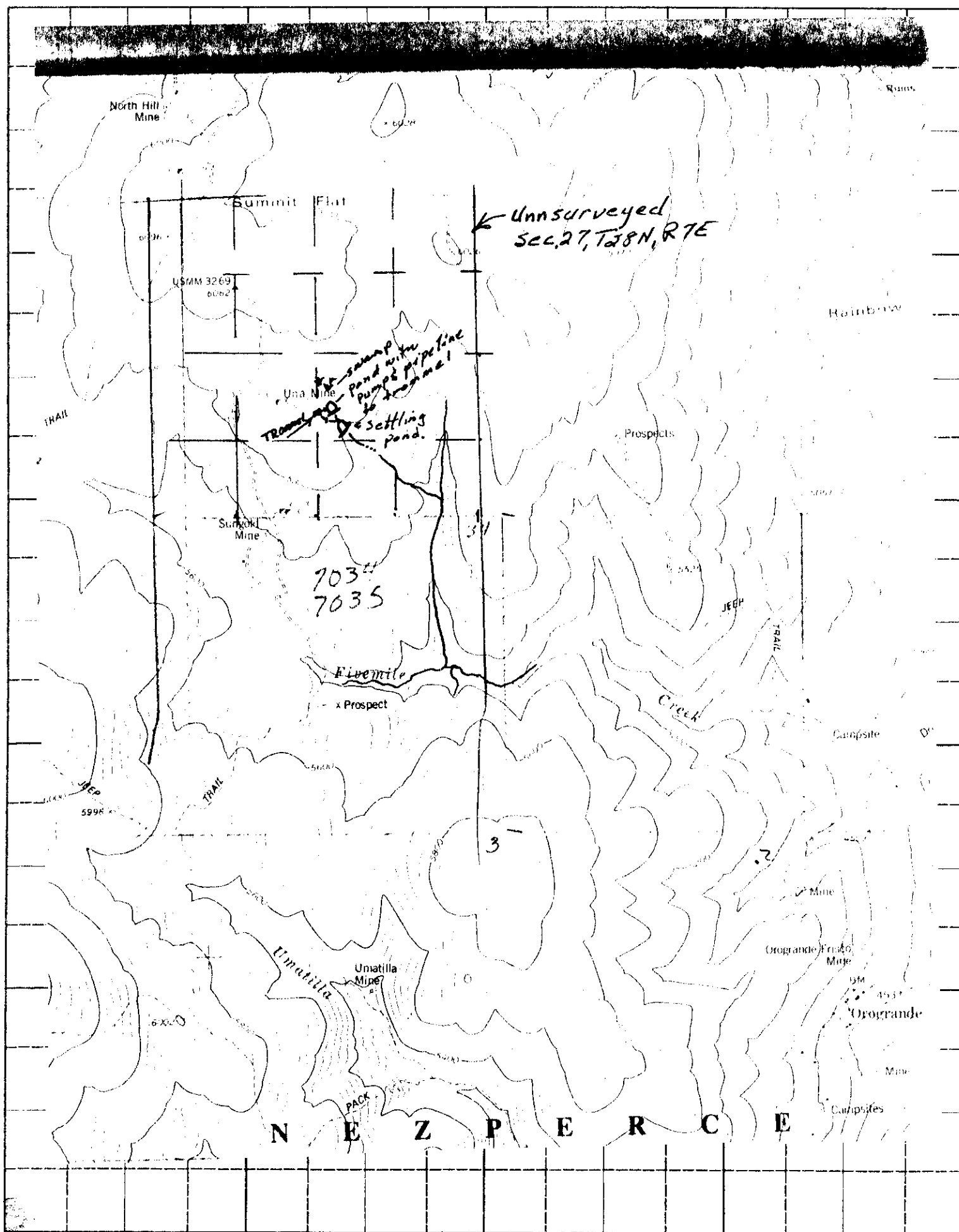
9. a. Who owns the property at the point of diversion App

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

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 _____

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

(Applicant)

Received by _____ Date _____ Time _____
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:

IDENT. NO. 82-7137

WATER RIGHT
DATA ENTRY LOG[illegible]