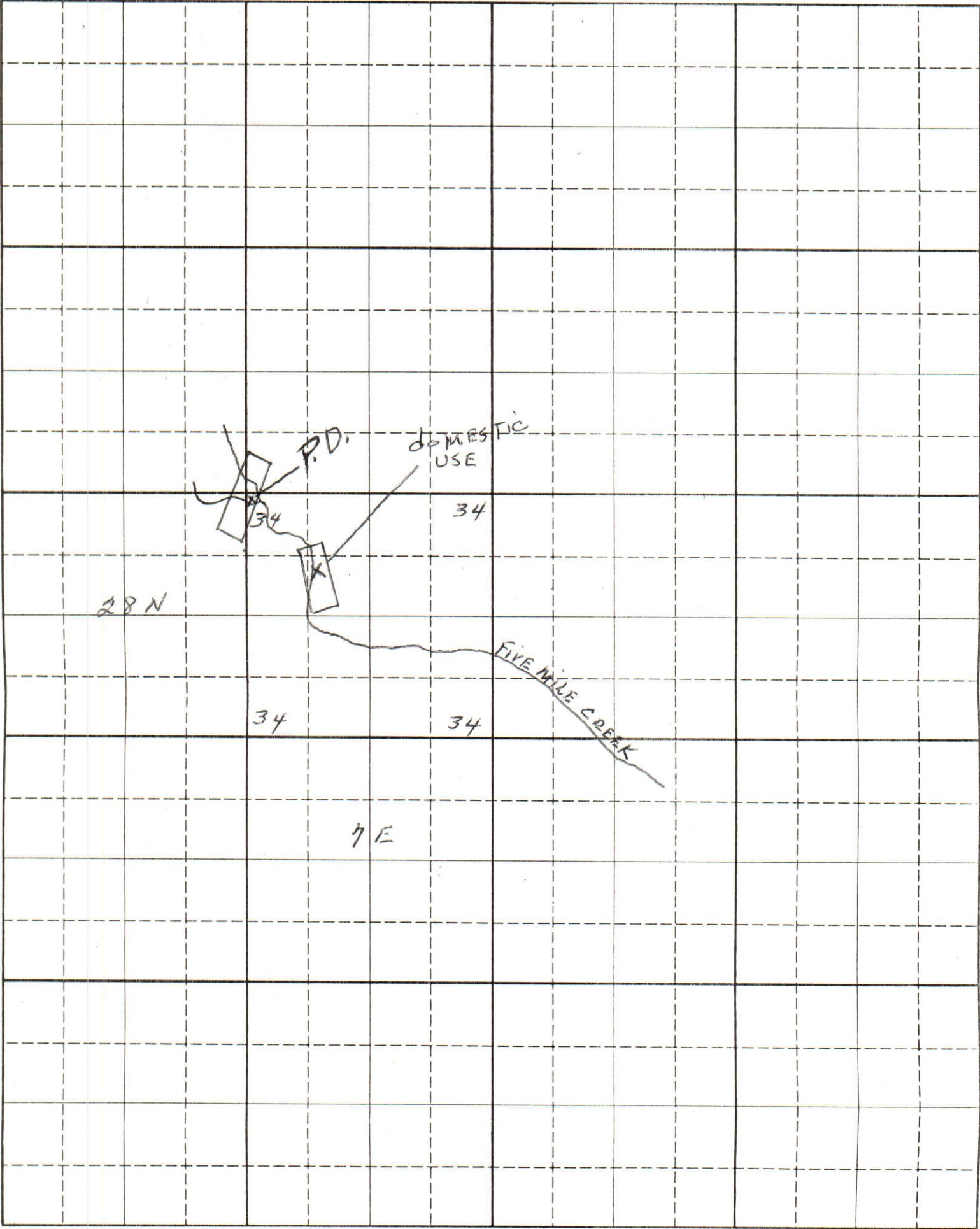


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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 Swisher
(Applicant)

RECEIVED

APR 18 1975

Department of Water Resources
Northern District Office

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Joe Swisher, 3609-14th Street, Lewiston, Idaho has on April 3, 1975 submitted Application No. 82-7035 for a permit to appropriate 0.06 cubic feet per second of water from Five Mile Creek, tributary of Crooked River by means of pump, pipeline, and pressure system within the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M., Idaho County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 26, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 9 and April 16, 1975. A9-16

AFFIDAVIT OF PUBLICATION

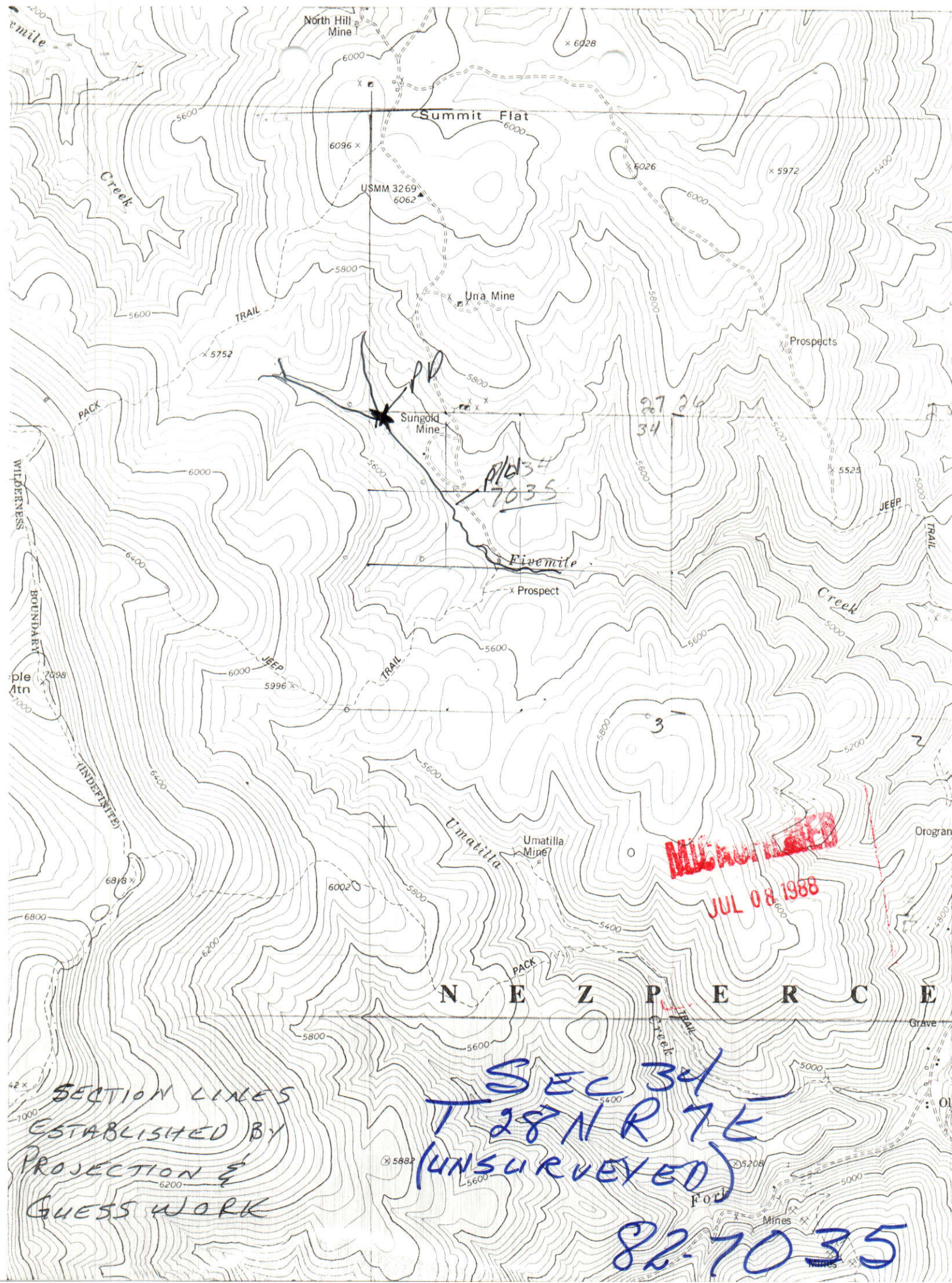
.....Karen Gray..... being first duly sworn, says he is the accounts representative..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two..... weeks, being published two..... times, the first publication being on the 9..... day of April....., 197.....⁵, and the last publication on the 16..... day of April..... 197.....⁵; 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.

Karen Gray

Subscribed and sworn to before me this 16..... day of April....., 197.....⁵

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED



SECTION LINES
ESTABLISHED BY
PROJECTION &
GUESS WORK

NEZPERCE
SEC 34
T28N R7E
(UNSURVEYED)

82-7035

MILWAUKEE
JUL 08 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 82-7035

Priority: April 3, 1975 Amount: .04 CFS 1.2 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 April 3, 1975, and
has submitted proof to the Department of Water Resources on April 24, 1980, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .04 cfs of water from;

FIVEMILE CREEK tributary to CROOKED RIVER

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>
Domestic	01/01 to 12/31	.04 cfs	1.2 afa

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 34, Township 28N, Range 7E
Idaho County

PLACE OF USE: Domestic

TWN RGE SEC

28N 7E 34 SENW

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. Domestic use is for A-frame & a bunkhouse.
5. This right is located in an unsurveyed area.

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 17th day
of May, 1988.

MICROFILMED

Director

JUL 08 1988

Identification No. 82-7035

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT **APPROVED**
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK).

1. Name of applicant Joe Swisher
post office address 3609 14th Street, Lewiston, Idaho 83501
2. Source of water supply Five Mile Creek which is a tributary of Crooked River
(unsurveyed)
3. a. Location of point of diversion is N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 34 Township 28N
Range 7E B.M. Idaho County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.06 for domestic purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.06 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pipe, pump and pressure system from
creek for domestic use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 750.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: mining
(1) Give the place of use of water: S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 34 Township 28N
Range 7E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____ or number of families to be
supplied with domestic water three.
(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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

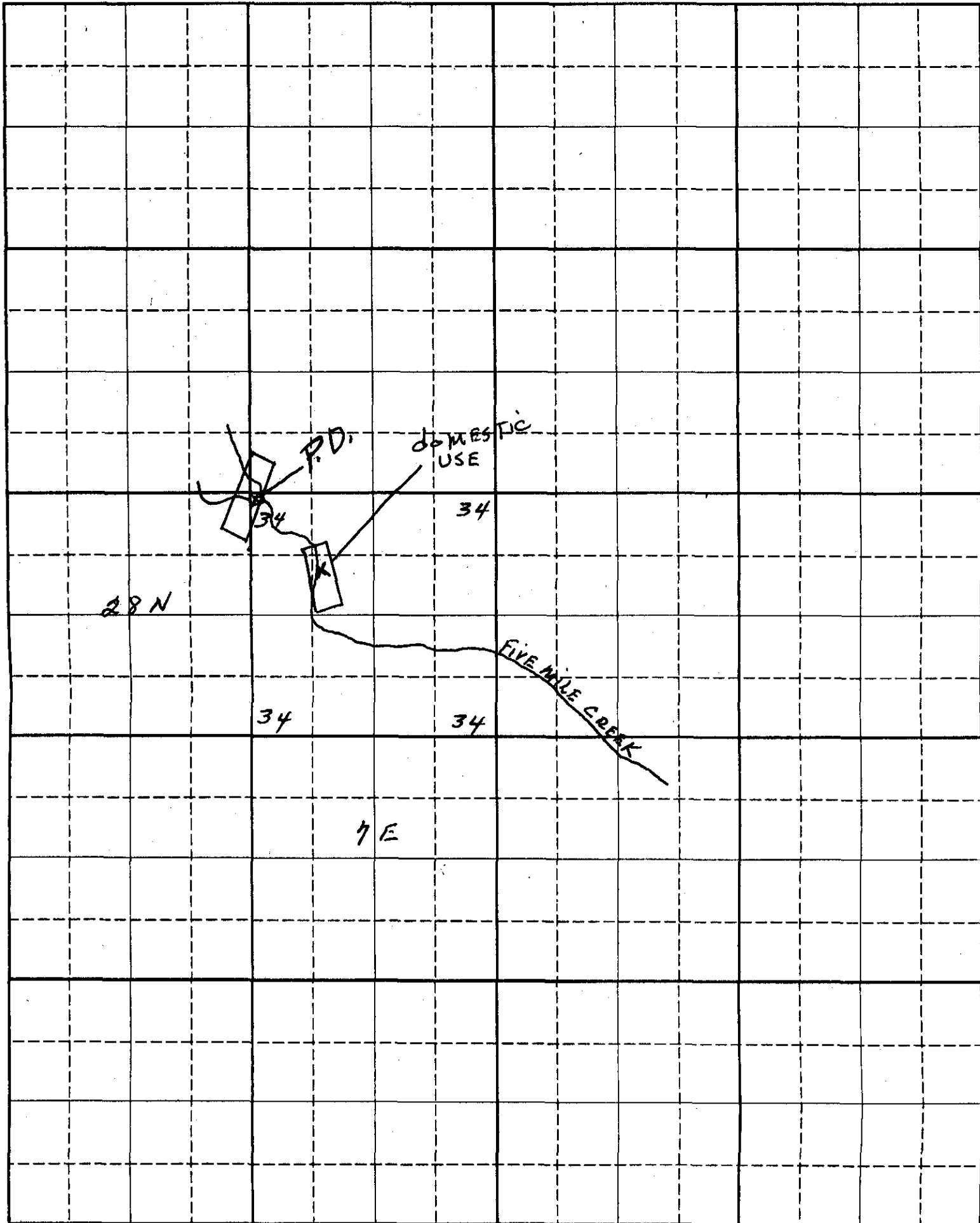
9. a. Who owns the property at the point of diversion Joe Swisher mining claim #257341

b. Who owns the land to be irrigated or place of use Joe Swisher mining claim

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 for domestic use. Water will not be returned to creek.

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 Schuster
(Applicant)

Proposed Priority 4-03-1975

Received by CP Date 4-3-75 Time 11:00 a.m.

Preliminary check by RP Fee \$ 10.00

Received by RP Date 4-3-75 # 847

Publication prepared by CP Date 4-4-75

Published in Idaho County Free Press

Publication dates 4-9 & 4-16-75

Publication approved CP Date 4-21-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JJS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 82-7035, 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 May 1, 19 80.

c. Other: _____

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

Witness my hand this 27 day of _____ May 19 75.

[Signature]
Director

RECEIVED

APR 18 1975

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

.....Karen Gray..... being first duly sworn, says he is the accounts representative..... 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 two..... weeks, being published two..... times, the first publication being on the 9..... day of April....., 197.....5, and the last publication on the 16..... day of April..... 197.....5; 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.

Karen Gray.....

Subscribed and sworn to before me this 16..... day of April....., 197.....5.

Marilyn J. Stolley....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

May 11, 1988

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 83522

RE: Permit No. 82-7035

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

RECORDED

JUL 08 1988

RECOMMENDED AMOUNTS

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
82-7035	4-3-1975	0.04 cfs	4-3-1975	4-24-1980	0.04 cfs

The Swisher

Rt. 1, Box 119, Cottonwood, ID 83522

Five Mile Creek tributary to Crooked River

one word

1-1 12-31

0.04 cfs

1.2 AFH

Allowable Maximums: 0.04 cfs 1.2 mfd

[illegible]

~~CONFIDENTIAL~~

[illegible]

Domestic use is for a "A-Frame" and a bunkhouse. This right is located in an unsurveyed area.

☐ 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

Date _____

Checked in Regional Office by

Approved in State Office by

F. Walter

Date _____

Date _____

Date _____

8861 80 700.

MICROFILMED

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:

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

c) Volume Calculations for Other Uses:

2. Overlap Review *see VAX:*

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

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

c) Analysis:

RECORDED

JUL 08 1988

April 15, 1988

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 83522

RE: Permit No. 82-7035

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

RECEIVED
JUL 08 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

82-7035

Permit No.

SEP 24 1986

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

REMARKS

1 Appointment letter mailed:

Department of Water Resources

1 Telephone call made:

(List Telephone No. used)

RECEIVED

OCT 26 1987

1 Appointment scheduled for:

(Date, time, location)

Department of Water Resources

EXAMINATION

Date 8-23-83 Accompanied by JOE SWISHER Total Q measured EST.

If source is surface water, estimate total flow of source

Methods of measurement EST

Meets Permit requirements? YES

Measurement calculations:

2 HOMES 0.04 cfs 1.2 AF

A FRAME & BUNK HOUSE W/DINNING FACILITIES

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
GRAVITY								

System Description 4x6' COLLECTION BOX, 1" PIPE, GRAVITY FLOW TO HOMES

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

RECOMMENDED AMOUNTS

Irrigation requirement =

AFA/Acre

USE

Q (cfs)

V (afa)

FROM

TO

DOMESTIC (2 UNITS)

0.04

1.2

1-1

12-31

Total

0.04

1.2

1-1

12-31

Remarks 8-23-83 - HOLD FOR COMPLETION OF ALL SWISHER EXAMS AT ONCE

SEE 82-7034

MICROFILMED

JUL 08 1988

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: NW 1/4, 34, T 28 N R 7 E
UNSURVEYED TOWNSHIP

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28N	7E	34					*		X										32

Recommended Amendments:

- ☐ 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

JUL 08 1988

Examiner's Signature

Checked by

Approved by

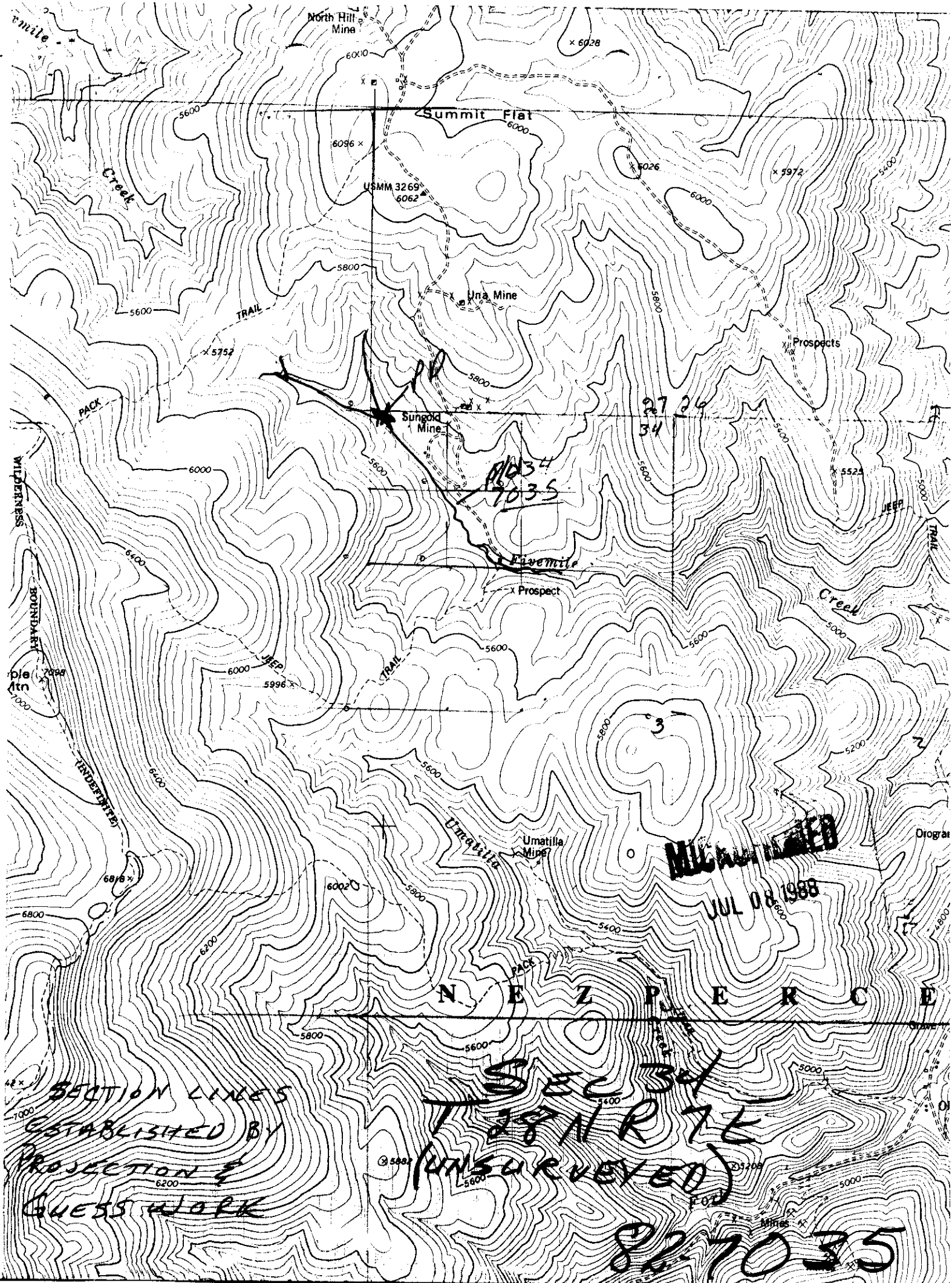
Date

Date

Date

7/25/86

9/18/86



RECEIVED

SEP 24 1988

82-7035

INTER-DEPARTMENT MEMO — 1

FROM

T. KING

DATE

9-18-86

Department of Water Resources

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.

Z

SIGNATURE

MAIL ROOM

JUL 08 1988

4/86

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

RECEIVED

JUN 30 1986

1. Permit No. 82-7035

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ 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: 12th BOX 119, COTTONWOOD, ID, 83522

Telephone No. (208) 962-7190

4. Source of Water: FIVE MILE CREEK

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark this permitted

USE WAS EXAMINED BY THE DEPT. IN 1983.

6. Total rate &/or volume for which proof is submitted .06 cfs _____ acre-feet

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

JUNE 1, 1975

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

(Name)

(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

82-7035
SWISHER, JOE
RT. 1 BOX 119
COTTONWOOD, ID 83522

Mailing address:
Statehouse
Boise, Idaho 83720

138087

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 cannot 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.

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

MICROFILMED

JUL 08 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

May 30, 1980

Mr. Joe Swisher
Rt. 1 Space 8 Country Court
Grangeville, Idaho 83530

RE: 82-7035

Dear Mr. Swisher:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/pms

cc: IDWR - State Office

RECEIVED
MAY 31 1980
IDWR

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder (if this is completed) development to the extent shown below of Permit No. 82-7635

Name(s) of Permit Holder: Joe Swisher

Post Office Address: 241 Spauls County Court

Congerville, Idaho Tel. WIPPT 504

Source of Water: Creek

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

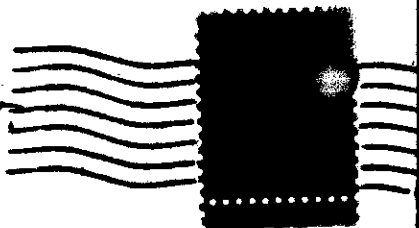
The above information is a true statement of the extent to which the above numbered permit has been developed.

April 21, 1980

Date

Joe Swisher
Signature of Permit Holder

Joe Swisher
Rt 1 S, Box 8
Orangeville, Idaho



RECEIVED



APR 24 1980

IDAHO DEPARTMENT OF WATER RESOURCES

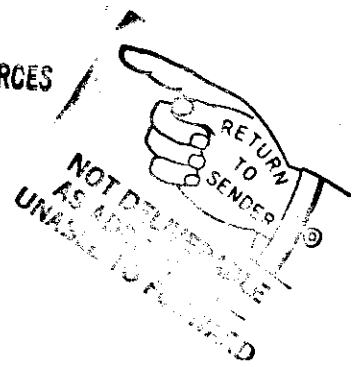
Department of Water Resources STATEHOUSE

BOISE, IDAHO 83720



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE IDAHO 83720

*Pl 2, Bot
Grayville
83530*

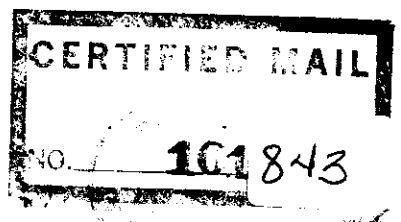
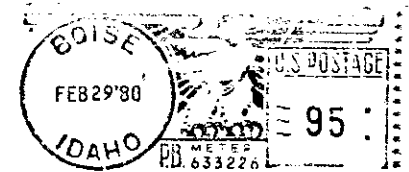


RECEIVED

MAR 6 1980

Department of Water Resources

NAME _____
1st Notice _____
2nd Notice _____
Return _____



MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SWISHER, JOE
3609 14TH ST.
LEWISTON, ID 83501

101843

FEBRUARY 28, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 82-7035 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

5
MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 23, 1975

Re: Permit Nos. 82-7034 & 82-7035

Mr. Joe Swisher
3609 14th Street
Lewiston, Idaho 83501

Dear Mr. Swisher:

Enclosed herewith are copies of your approved application for permit nos. 82-7034 and 82-7035. We direct your attention to the conditions of approval as listed on the fourth pages.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon Permit No. 82-7034. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

RECEIVED

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

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Secretary

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Member

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Member

Joseph H. Nettleton
Member

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 82-7035

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

- (1) EP 4/3/75 In form to receipt
- (2) _____ Send Copies to:
_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management
- (3) _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
- (4) EP 4/3/75 In form for advertising
- (5) _____ Platted on Map No. _____
- (6) _____ Located within Water District No. _____
- (7) _____ Critical groundwater area: yes _____ no _____
- (8) _____ Groundwater levels:
_____ Declining, _____ Stable, _____ Increasing
(comment) _____
- (9) EP 5/2/75 Other rights on the same place of use None
- (10) _____ Comments: _____
- (11) CP 4/21 Affidavit of Publication received (date) April 18, 1975
- (12) CP 4/4 Final date for protests April 26, 1975
Protests received: yes _____ no ☒
- (13) EP 5/3/75 All requested information received from agencies or applicant: yes ☒ no _____
- (14) EP 5/2/75 Action recommended:
☒ Approve _____ Deny
4/3/75 Proposed Priority
_____ Reason for Reduction _____
_____ Measuring device required
_____ See attached sheet for other conditions of approval
☒ No special conditions for approval
- (15) District Nathan By John R. Cantrell Date 5/2/75

RECEIVED
22, 1975
DEPARTMENT OF WATER RESOURCES

RECEIVED

May 1, 1975

Re: Application for Permit No. 82-7034 - Joe Swisher
" " " " 82-7035 - " "

Mr. Dennis L. Pearl
Sun Gold Mines, Inc.
1002 - 9th Avenue
Lewiston, ID 83501

Dear Mr. Pearl:

We have received your letter of protest against the approval of the above referenced applications filed by Joe Swisher; however, we cannot accept the reasons for protest that you have stated. The following are the only items which, under Section 42-203 of the Idaho Code, we can accept as grounds for a legal protest:

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

If you feel a protest is necessary to protect your water rights, the protest should be based upon one or more of the above items. We will accept your letter of April 25, 1975, as the date of protest and will allow ten days from the date of this letter in which to re-submit your protest.

If you should have any further questions concerning this matter, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp



1002-9th. Ave.
Lewiston, Idaho. 83501
April 25, 1975

RECEIVED

APR 28 1975

Department of Water Resources
Northern District Office

Idaho Water Resources
401 Front Ave.
Coeur d'Alene, Idaho.

Sirs:

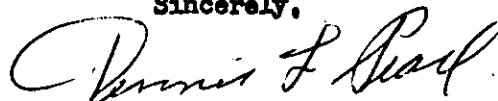
I Dennis L. Pearl, representing Sun Gold Mines, Inc. Do hereby make an official protest, against the filing for water rights by Mr. Joe Swisther 3609- 14th. Lewiston, Idaho. 83501. Permit # 82-7034 and Permit #82-7035. On Five Mile Creek and the spring above the Sun Gold cabin and mine.

We have had geologists and mining engineers check our property. Also while they were here we made several test holes in the meadows and creek. They told us, "Mr. Pringe, Mr. Putman, Mr. Geo. Heller and myself" that this property would not run over \$1.50 a yard at bedrock for plaser. Do to the overburden and grass in the meadows, trees and down logs. It would cost approximately \$5.00 a yard to move the said dirt.

In all fairness to Mr. Joe Swisther, by him filing for these permits for the water rights. This would stop us from further operation of Sun Gold Mines, Inc.

If you will let me know the proper procedure I will file for the water rights for our spring and Five Mile Creek. There by keeping these beautiful meadows and creeks the way they are now.

Sincerely,



Dennis L. Pearl
Sun Gold Mines, Inc.
1002-9th. Ave.
Lewiston, Idaho. 83501

MICROFILMED

April 4, 1975

Re: Application for Permit No. 82-7034
" " " " 82-7035

Mr. Joe Swisher
3609 - 14th Street
Lewiston, ID 83501

Dear Mr. Swisher:

Attached is your receipt No. 848 in the amount of \$35 and No. 847 in the amount of \$10 for the filing fees on the above referenced applications which were received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Attachments

RECORDED
INDEXED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 4, 1975

Re: Application No. 82-7034 - Joe Swisher
" " 82-7035 - " "

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

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

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

RECORDED

Bill: 4-21-75.4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Joe Swisher,

3609 - 14th Street, Lewiston, Idaho

has on April 3, 1975 submitted Application No. 82-7035

for a permit to appropriate 0.06 cubic feet per second ~~XXXXXXXXXXXX~~

of water from Five Mile Creek, tributary of Crooked River

by means of pump, pipeline, and pressure system

within the NW¹/4, Sec. 34, T. 28N, R. 7E, B.M., Idaho County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the SE¹/4, Sec. 34, T. 28N, R. 7E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 26, 1975.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho

on April 9 and April 16, 1975

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Joe Swisher, 3609-14th Street, Lewiston, Idaho has on April 3, 1975 submitted Application No. 52-7035 for a permit to appropriate 0.06 cubic feet per second of water from Five Mile Creek, tributary of Crooked River by means of pump, pipeline, and pressure system within the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M., Idaho County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 26, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 9 and April 16, 1975. A9-16

IDENT. NO. 82-7035

WATER RIGHT DATA ENTRY LOG

[illegible]