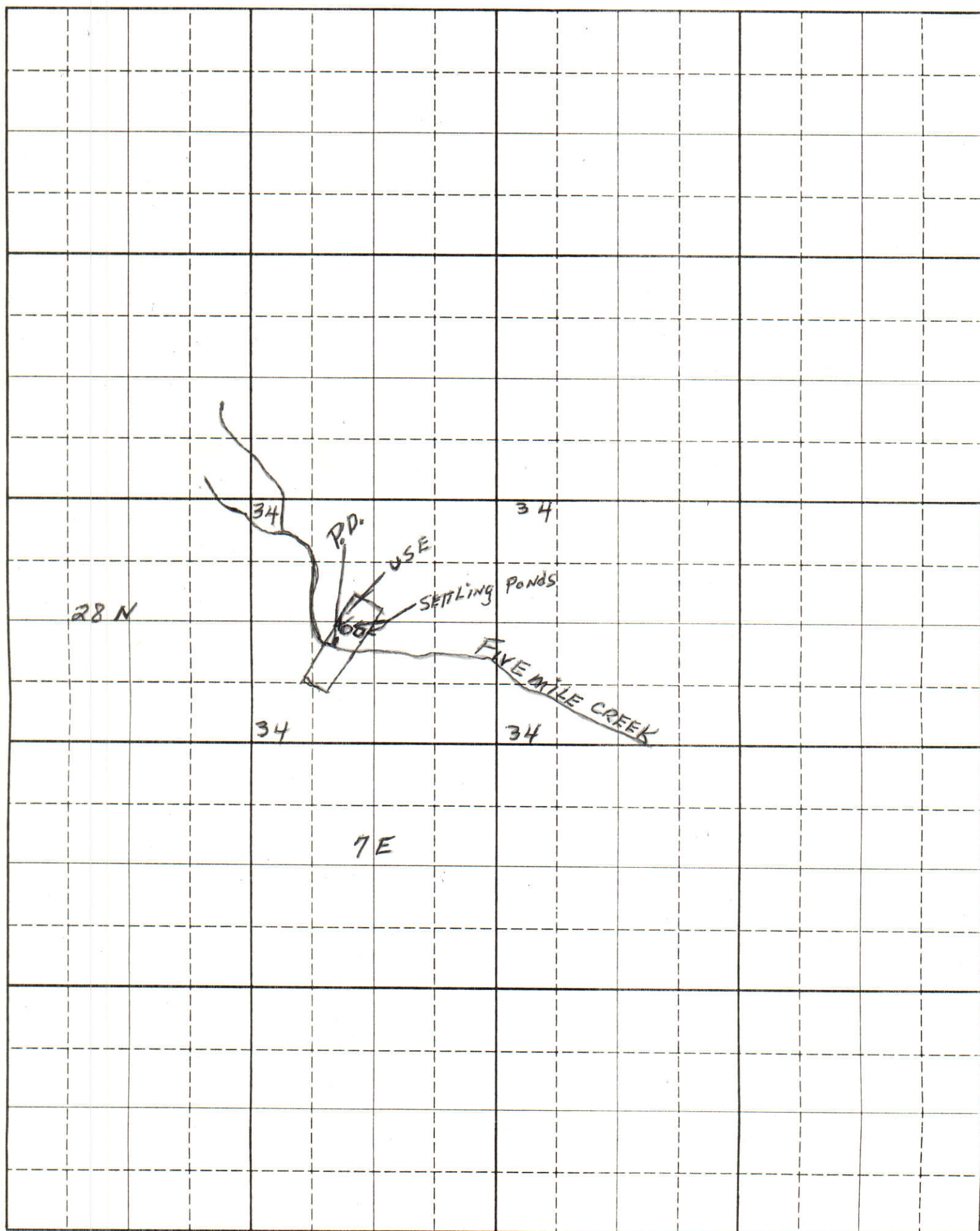


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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 Lusk
(Applicant)

RECEIVED

APR 18 1975

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

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. 82-7034 for a permit to appropriate 2.0 cubic feet per second of water from Five Mile Creek, tributary of Crooked River by means of pipe, sluice boxes, and settling ponds within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M., Idaho County to be used from Jan. 1 to Dec. 31 for mining purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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

.....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 2.9..... 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.

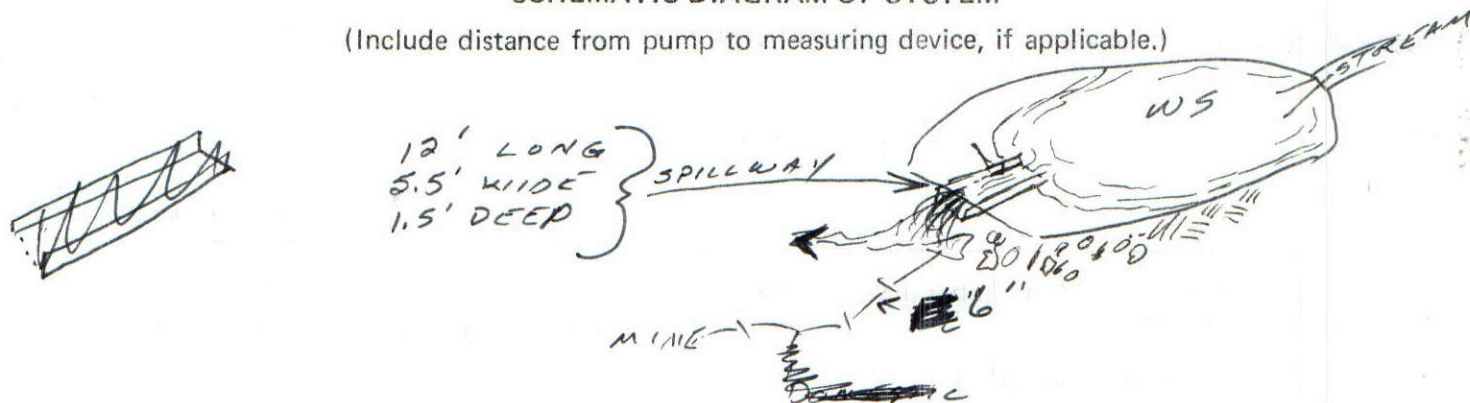
Marilyn J. Holley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

DEC 10 1968
UNIVERSITY MICROFILMS

DEC 18 1988
MICROFILMED

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



Point(s) of diversion: SE NW JK
NE SW, SEC 34, T 28 N R 7 E

Place(s) of Use

[illegible]

Recommended Amendments:

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

Examiner's Signature

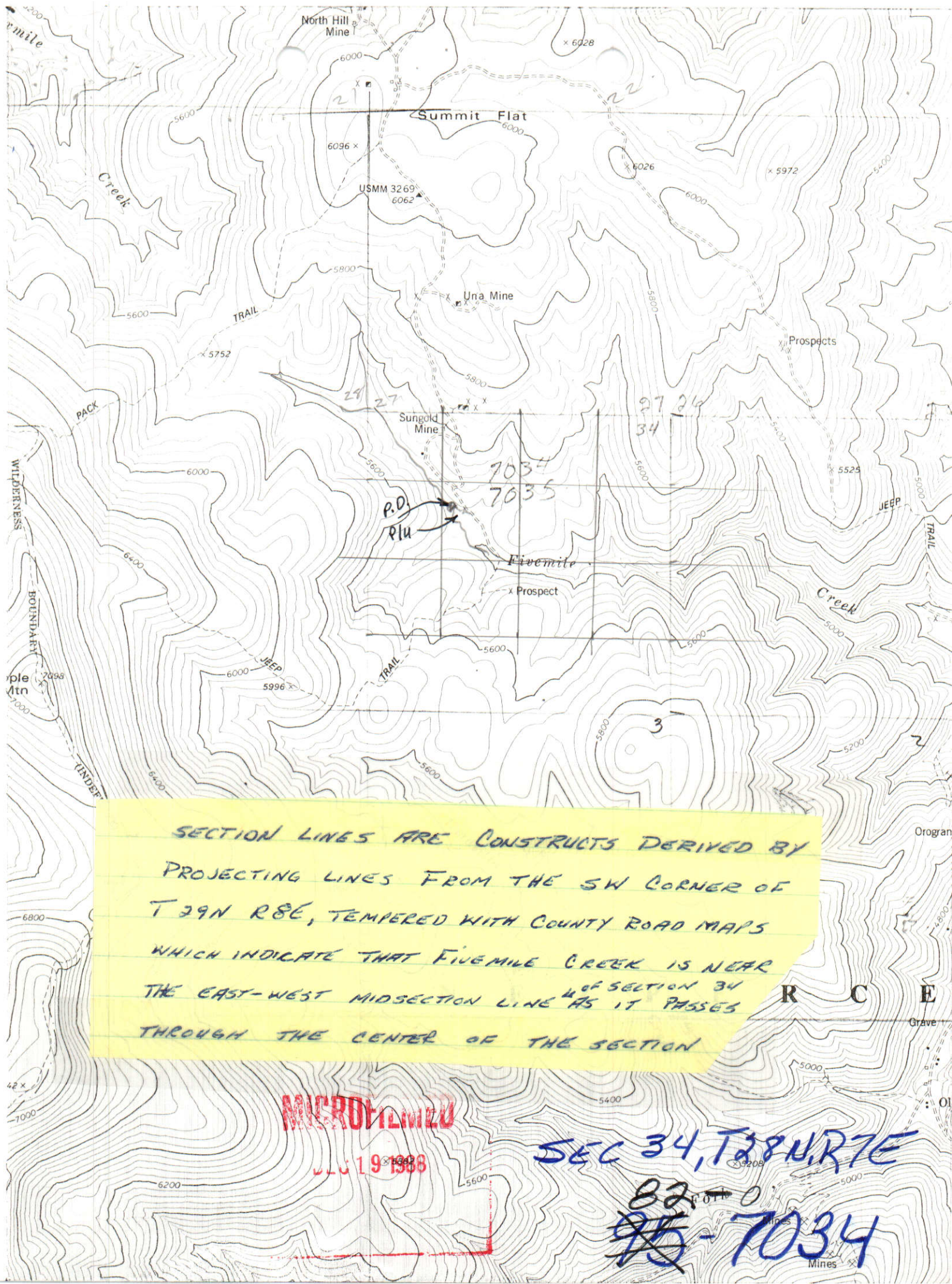
Checked by _____

Approved by

Date _____

Date _____

Date _____



SECTION LINES ARE CONSTRUCTS DERIVED BY
PROJECTING LINES FROM THE SW CORNER OF
T 39N R 8E, TEMPERED WITH COUNTY ROAD MAPS
WHICH INDICATE THAT FIVEMILE CREEK IS NEAR
THE EAST-WEST MIDSECTION LINE ^{1/2} OF SECTION 34 AS IT PASSES
THROUGH THE CENTER OF THE SECTION

MICROFILMED

191988

SEC 34, T28N, R7E

82-0110
~~95~~-7034

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 82-07034

Priority: April 3, 1975 Amount: 0.17 CFS 123.1 AFA

This is to certify, that JOE SWISHER
RT. 1 BOX 119

COTTONWOOD, ID 835220000 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 .170 cfs of water from:

FIVEMILE CREEK tributary to CROOKED RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
MINING	01/01 to 12/31	0.17 CFS	123.1 AFA

LOCATION OF POINT OF DIVERSION(S): SENW , Sec. 34, Township 28N, Range 07E
IDAHO County

PLACE OF USE: MINING

TWN RGE SEC

28N 07E 34 SENW

CONDITIONS/REMARKS:

1. The right to the use of 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 capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
5. This right is located in an unsurveyed area.

MICROFILMED

DEC 19 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 82-07034

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 20th
day of OCTOBER, 1988.

Norm C. Young
Director

MICROFILMED

DEC 19 1988

State of Idaho
Department of Water Resources

RECEIVED

MAY 23 1988

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 82-7034

Department of Water Resources

Date of Priority: April 3, 1975

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

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 82-7034 , and requests that the permit be changed as follows:

Source: FIVEMILE CREEK

tributary to: CROOKED RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Mining	01/01 to 12/31	.17 cfs	123.1 afa

LOCATION OF POINT OF DIVERSION(S):

SENW , Sec. 34, Township 28N, Range 7E
Idaho County

PLACE OF USE: Mining

TWN RGE SEC

28N 7E 34 SENW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Cottonwood, Idaho , this 14th day of May , 19 88.

MICROFILMED

DEC 19 1988

Joe Swisher
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 82-7034

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by CW Date 5/23/88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

#C000837

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 82-7034 with the following;

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 capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
5. This right is located in an unsurveyed area.

Witness my hand this 20TH day of OCTOBER, 1988.

Rouven C Young
(Director)

MICROFILMED

DEC 19 1988

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: C000837

Date: 05/23/88
Time: 14:40:08

Received
From: JOE SWISHER

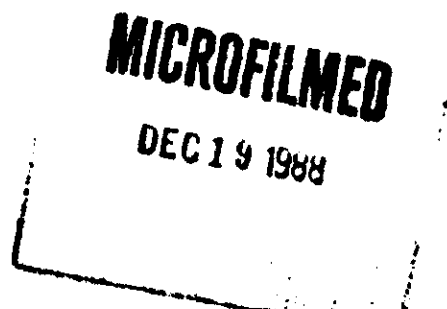
Type of Payment	Program Acct	Amount
LIC. AMENDMENT 82-7034	0610199 1238 6390	\$20.00
	Total	\$20.00

CHECK 1221

Idaho Department of Water Resources

Region: State

Signature: Cheryl C. Wilson



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 82-7034) ORDER
IN THE NAME OF JOE SWISHER)

WHEREAS, on May 27, 1975 the Department of Water Resources issued Permit No. 82-7034 in the name of Joe Swisher with the requirement that:

The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department;

and,

WHEREAS, on August 21, 1986 the Department received a request from the permit holder to remove the measuring device requirement; and,

WHEREAS, the Department of Water Resources has determined that a measuring device is not required at this time for a determination of the quantity of water appropriated under the permit;

NOW THEREFORE, the condition of approval on Permit No. 82-7034 requiring that a measuring device or access port be installed is hereby REMOVED.

Dated this 22nd day of September, 1987.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED
DEC 19 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 82-7034)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. 82-7034
Application No. 7

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.E. $\frac{1}{4}$ of S.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 Five Mile Creek at a point in N.E. $\frac{1}{4}$
of S.W. $\frac{1}{4}$ of Section 34 Township 28N Range 7E B.M. _____
4. Water will be used for the following purposes:
Amount 2.0 for mining 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. 2.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pipng from creek through sluice
boxes and other concentrators, then to settling ponds and back to creek.

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 \$ 3000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: mining
(1) Give the place of use of water: N.E. $\frac{1}{4}$ of S.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 _____
(5) If water is to be used for other purposes describe: sluice mining and concentration.

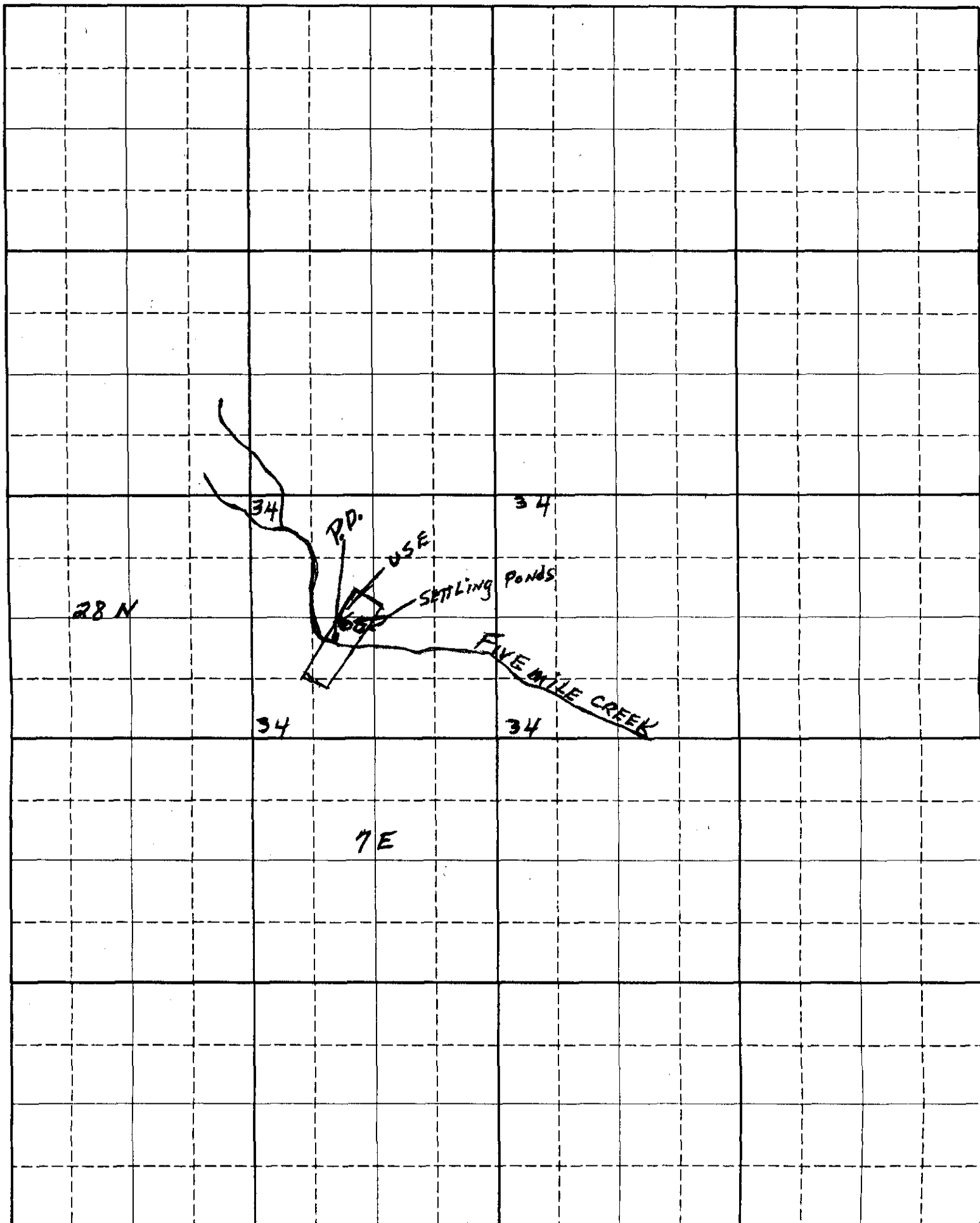
APPROVED

[illegible]

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

10. Remarks settling ponds will allow water to clear before it is returned to Five
Mile 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 Swisher
(Applicant)

Proposed Priority 4-03-1975

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

Preliminary check by JP Fee \$ 35.00

Received by JP Date 4-3-75 # 848

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 JP

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. 82-7034, and said application is hereby APPROVED.

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

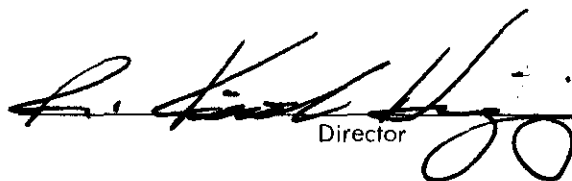
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

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


Director

RECEIVED

APR 1975

Department of Social Services
Northern District Court

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 2.9..... 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.

October 25, 1988

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 835220000

RE: PERMIT NO. 82-07034

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

DEC 19 1988

April 15, 1988

JOE SWISHER
RT. 1 BOX 119
COTTONWOOD, ID 83522

RE: Permit No. 82-7034

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED !

DEC 19 1988

30 day
P/O & F/U

- 7. Point(s) of Diversion:**

8. Place(s) of Use

9. Recommended Conditions/Remarks: ROB
This Right is located in an unsurveyed area.

- # MICROFILMED

DEC 19 1988

11. Examiner's Signature _____ Date _____
- Checked in Regional Office by _____ Date _____
- Approved in State Office by K. Walker Date 3/10/88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations (Include theoretical capacities and system capacity)

a)

b) Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V_{ir} = \text{Smaller of } V_{ir} \text{ and } V_{dr} =$$

c) Volume Calculations for Other Uses:

examined state Alice Hunt 24 hrs/day.
 $0.17 \text{ cfs} \times 1.9835 \times 365 \text{ days} = 123.07 \approx$
 123.1 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:

RECEIVED

DEC 19 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

SEP 24 1986

82-7034

Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS Department of Water Resources REMARKS

1 Appointment letter mailed:

1 Telephone call made:
(List Telephone No. used)

1 Appointment scheduled for:
(Date, time, location)

Department of Water Resources

EXAMINATION

Date 8-23-83 Accompanied by JOE SWISHER Total Q measured 0.17 cfs

Source is surface water, estimate total flow of source

Methods of measurement 5 GAL BUCKET Meets Permit requirements? IF M.D. REQUIREMENT REMOVED

Measurement calculations:

5 GAL. IN 4 SEC

$$\frac{5}{4} (60) = .17 \text{ cfs}$$

$$AFA = 365 (.17) 1.9835 = 123.0 \text{ AF}$$

WHEN MINE IS IN OPERATION THE SLUICE RUNS 24 HRS/DAY

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 80' X 20' X 6' DEEP POND W/ 6' EARTH DAM & SPILLWAY TO 6" GRAVITY FLOW LINE TO MINE

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

RECOMMENDED AMOUNTS

Irrigation requirement = AFA/Acre

USE

Q (cfs)

V (afa)

FROM

TO

MINING

0.17

123.6

1-1

12-31

Total

0.17

123.0

1-1

12-31

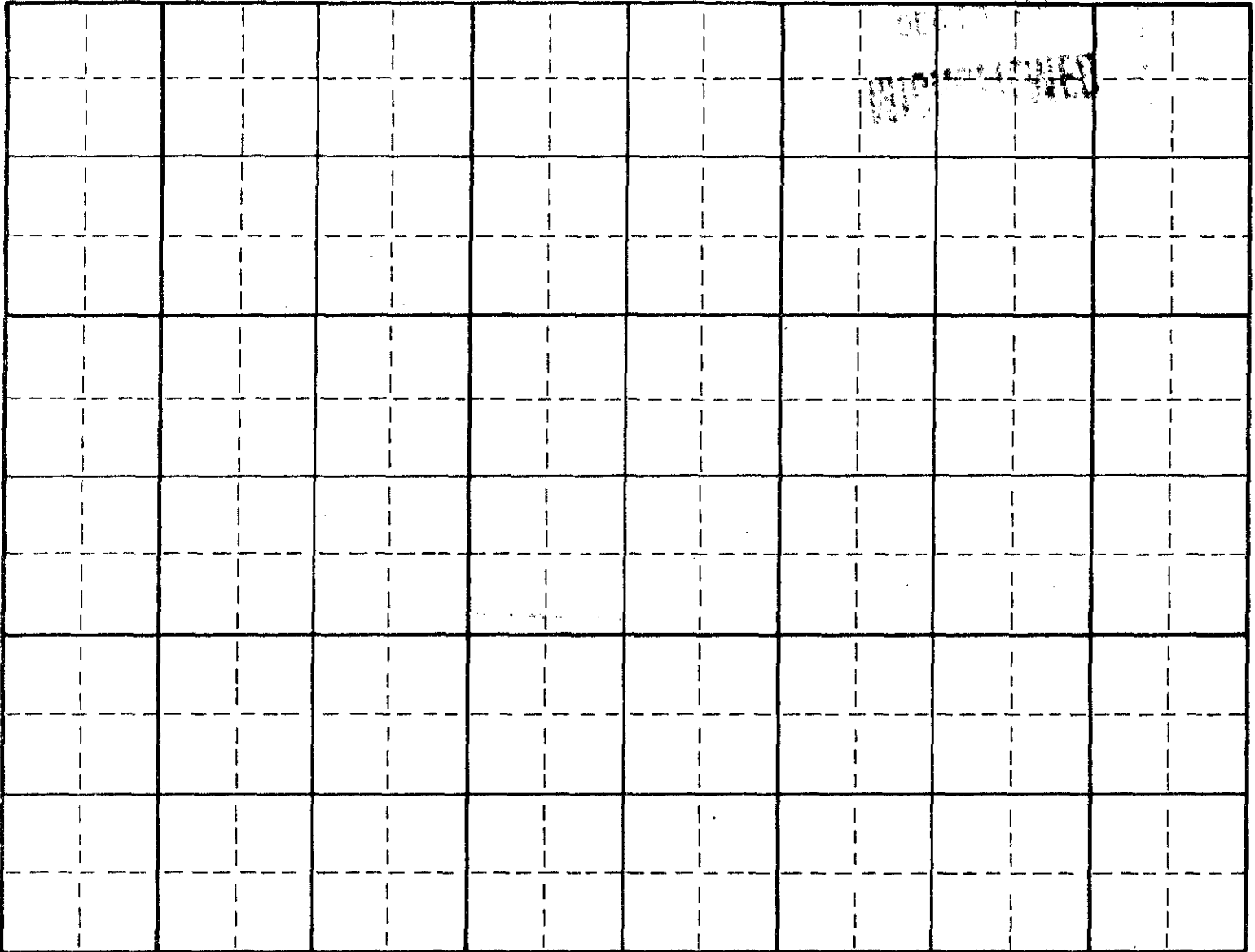
Remarks 8/23/83 MR. SWISHER SAYS THAT HE WOULD LIKE TO HAVE EXAM MADE EARLIER IN YEAR

7/17/86 RECEIVED EXAM-INFO FORM - CALLED MR. SWISHER HE SAYS HE WILL ACCEPT LESSER AMT. REQUEST REMOVAL OF M.D.

MICROFILMED

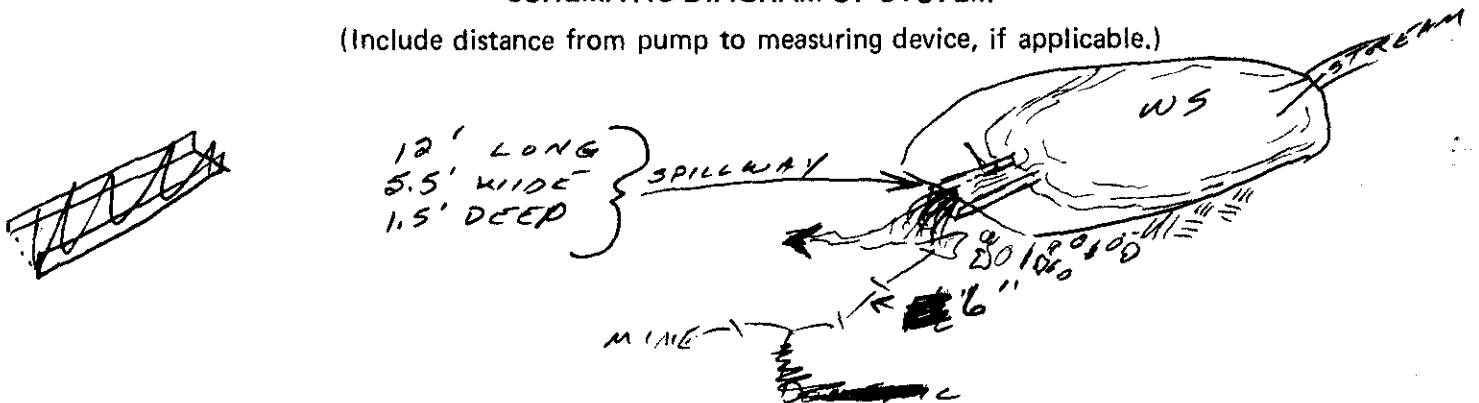
DEC 19 1988

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: SE NW JK
NE 1/4, SEC 34, T 28 N R 7 E

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	X								JK

MICROFILMED
 DEC 9 1988

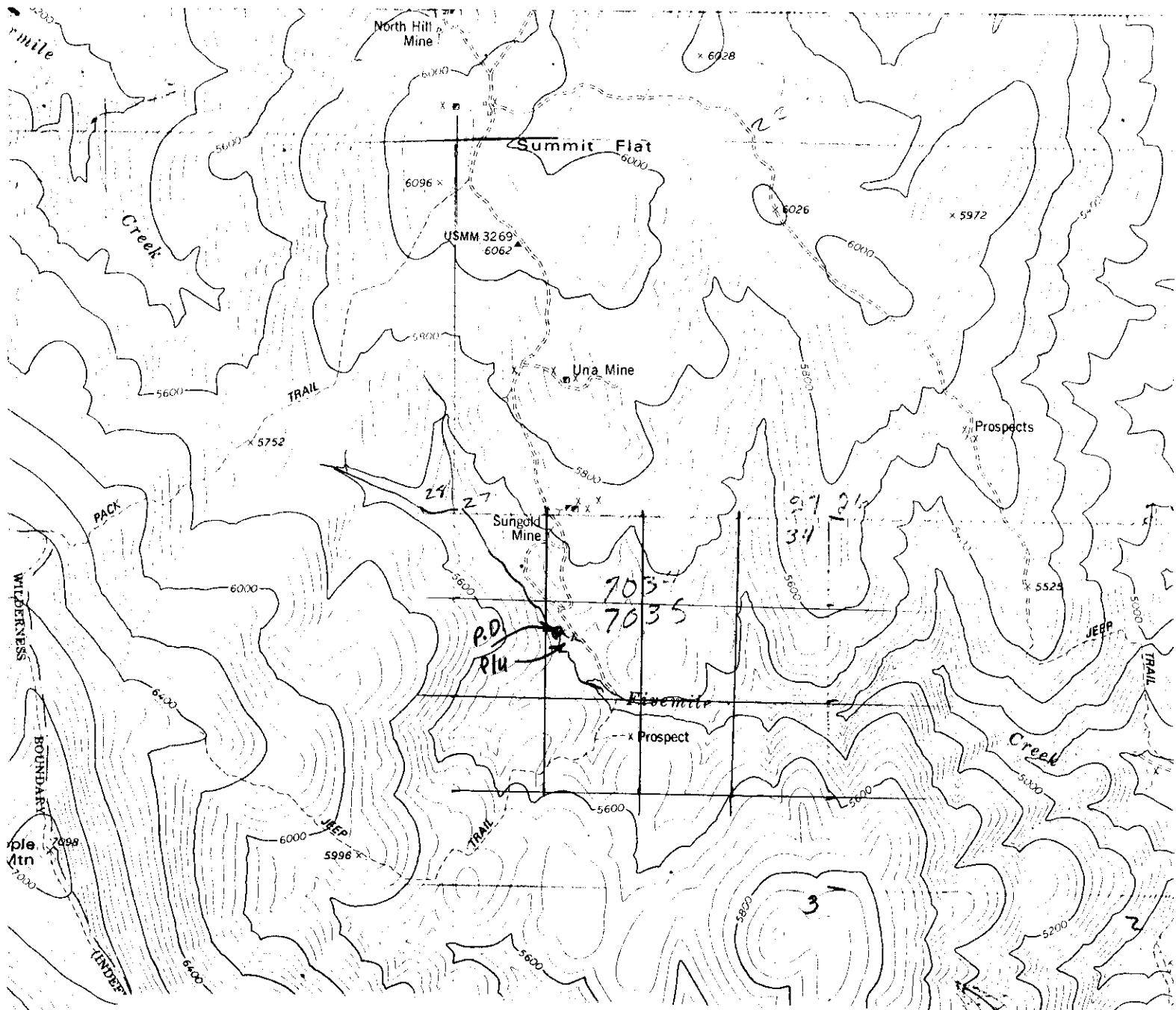
Recommended Amendments:

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

- ☒ None JK
☐ Other

Examiner's Signature Shi King
 Checked by Bob Haine
 Approved by _____

Date 7/24/86
 Date 9/18/86
 Date _____



SECTION LINES ARE CONSTRUCTS DERIVED BY
PROJECTING LINES FROM THE SW CORNER OF
T 39N R 8E, TEMPERED WITH COUNTY ROAD MAPS
WHICH INDICATE THAT FIVEMILE CREEK IS NEAR
THE EAST-WEST MIDSECTION LINE ⁴ OF SECTION 34 AS IT PASSES **R C E**
THROUGH THE CENTER OF THE SECTION

MICROFILMED

19 1988

SEC 34, T 38 N R 7 E

82-0
~~95~~ 7034
Mines



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 16, 1987

RE: Permit Nos. 82-7014/7015/7034/7045

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

Dear Mr. Swisher:

Enclosed are copies of orders removing the measuring device requirements from the above referenced permits.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

MICROFILMED

DEC 18 1988

DATE 8-19-86

Director
Idaho Dept. of Water Resources
Statehouse Mail
Boise, Id. 83720

Dear Sir:

I request the removal of the Condition of Approval that I install and maintain a measuring device or measuring port, since my usage of the water under Permit No. 82-7034 is less than 0.70 cfs (315 gpm).

Sincerely,

NAME *Jim Smith*
ADDRESS RE-1 Box 119
CITY & STATE Cottmanwood, Id. 83522

MICROFILMED

DEC 19 1988

RECEIVED

AUG 21 1986

Department of Water Resources
Northern District Office

82-7034

INTER-DEPARTMENT MEMO — 1

RECEIVED

SEP 24 1986

DATE 9-18-86

FROM T. KING

TO FILE

Department of Water Resources

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

MICROFILMED

DEC 19 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

August 14, 1986

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

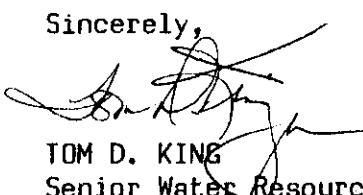
Re: 82-7014, 82-7015, 82-7034 and 82-7045

Dear Mr. Swisher:

When I conducted the examination of your various permits, I learned that the required measuring devices were not installed. This fact would invalidate the examinations, unless the measuring device requirement can be waived. I am enclosing waiver requests for 82-7014, 82-7015, 82-7034 and 82-7035. To file these requests, please sign them and return them to this office as quickly as possible.

If the requests are approved and the measuring device requirement is waived, I can recommend licensing of Permit Nos. 82-7015 at 0.46 CFS, 82-7034 at 0.17 cfs and 82-7045 at 0.42 cfs. As for 82-7014, I have attempted to contact you on several occasions concerning this permit. Please call me at 765-4639. The best time to contact me is between 7:00 AM and 8:00 AM, Monday through Friday.

Sincerely,


TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Waivers (4)

MICROFILMED
DEC 19 1988

RECEIVED
JUN 30 1986

Department of Water Resources

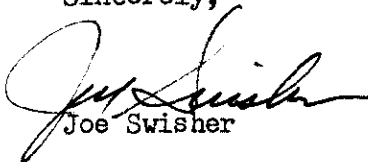
Route 1, Box 119
Cottonwood, Idaho 83522
June 26, 1986

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

To Whom It May Concern:

I have enclosed my responses to your correspondence of April 30, 1986 regarding permit examinations. You will note that part of the permit examinations took place in 1977 and the remainder in 1983. I am searching my files to see if they contain the names of your examiners. Perhaps you could do the same. I know that the 1977 exams involved a gentleman from the Department of Water Resources in Boise and the 1983 exams involved Tom from Coeur d'Alene. Please advise how you wish me to handle this matter as I do not wish to jeopardize the status or standing of these permits.

Sincerely,


Joe Swisher

RECEIVED
JUL 27 1986

Department of Water Resources
Northern District Office

RECEIVED
DEC 19 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. 82-7034

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 Swisga

3. Post Office Address: Rt 1 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 MINING THIS PERMITTED

USE WAS EXAMINED BY THE DEPT IN 1983.

6. Total rate &/or volume for which proof is submitted 2.0 cfs _____ acre-feet

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

JULY 1978

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

(Name)

(Address)

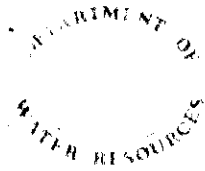
(Telephone Number)

☐ 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.)

DEC 19 1986

Date

Signature of Permit Holder (and title, if appropriate)



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

DEC 19 1988

82-7034

August 13, 1980

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

Dear Mr. Swisher:

Please contact this office to set an appointment to conduct the examinations of your water systems.

Since you have several permits in the same area, it will be necessary for us to meet and for you to accompany me on the examinations. I can make myself available at your convenience, except for the second week in September.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED

DEC 19 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720

A. KENNETH DUNN
Director

82-7034
SWISHER, JOE
RT. 1 BOX 119
COTTONWOOD, ID 83522

138086

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. **MICROFILMED** 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.

DEC 19 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

MICROFILMED

DEC 19 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 Developement Co. during the years 1982 to present. In 1983 we received a stream channel alteration application from Maxwell Placers and the Idaho Mining and Developement Co. It was determined the activity proposed involved consruction 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
Robert G. Haynes, P.E.
Regional Supervisor

MICROFILMED



MacMenamin and Sons Mining

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

"Put It In Writing"

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

March 21, 1985

Dear Sirs,

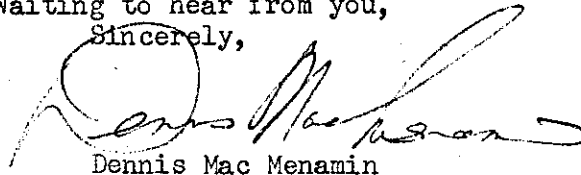
I would be interested in finding out some information concerning some Idaho mining claimants and if they had applied and if so, did they receive any dredge permits, or other water orientated mining permits.

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 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

RECEIVED

MAR 25 1985

Department of Water Resources
Northern District Office

MICROFILMED

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

July 30, 1980

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

RE: 82-7034

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/fms

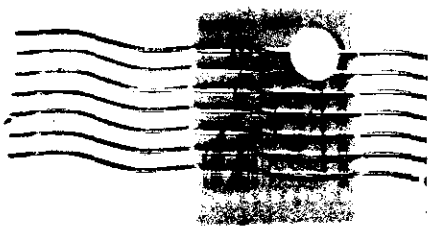
cc: IDWR - State Office

MICROFILMED

Joe Swiss

241 Spaulding

8 Rangerville, Idaho



RECEIVED



APR 24 1980

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder has completed development to the extent shown on Permit No. 82-7034

Name(s) of Permit Holder:

JOE SWISHER

Post Office Address:

Box 1 SPACE 8 COUNTY COURT

GRANGERVILLE, IDAHO

Tel. No. 983-0044

Source of Water:

CREEK

Amount 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

MICROFILMED

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. 82-7034 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

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 24, 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

Northern Region Office
Rt. #5, Box 203 Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Street
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Blvd. North
Twin Falls, Idaho 83301

Western Region Office
92 S. Cole Road
Boise, Idaho 83705

RECEIVED
SEP 27 1979
WATER RESOURCES



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

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

Dennis P. L
82-7035
82-7034

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 82-7034

☒ 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) SP 4/3/75

In form to receipt

(2) SP 4/3/75

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) SP 4/3/75

☐ Request ^{Notify} Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) SP 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) SP 5/21/75

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) SP 5/21/75

All requested information received from agencies or applicant: yes ☒ no _____

(14) SP 5/21/75

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Northern By [Signature] Date 5/21/75

RECEIVED

Department of Water Resources

RECEIVED

CONVERSATION MEMORANDUM

FILE 82-7034
5/21/75

NAME OF PARTY Joe Swisher

EMPLOYEE Ken Knobloch

RE: Fred received a phone call from
~~the~~ Swisher in which he claimed
that the only work would be mining
load material and he will ~~be~~
not ~~be~~ in the Creek, ~~or~~ or dredging
through the Creek.

He will only be putting a pipe
in the Creek.

RECEIVED
MAY 22 1975

May 20, 1975

Re: Application for Permit No. 82-7034

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

Dear Mr. Swisher:

We would like to advise you of the requirements of the Stream Channel Protection Act. The Act requires that a permit be obtained from our Department before any work or alteration takes place below the mean high water mark of any continuously flowing stream. The only exceptions to this is work on a water diversion structure or work within a reservoir project or port district.

We see in your Application for Permit for water rights that the place of use extends through Five Mile Creek. Before any portion of the creek can be mined, permits from the State will have to be obtained. Permits are also required for any bridges or culverts placed in the channel or for any equipment operated in the channel.

We have enclosed a copy of our Rules and Regulations which gives the definitions of the Mean High Water Mark, etc. We have also enclosed application forms for your use. Please contact us if there are any questions in this matter.

Very truly yours,

Kenneth Knoblock
Water Resource Technician
Northern District

KK:cp

5/21/75

MR. SWISHER CALLED. HE STATED HE WOULD
NOT BE WORKING IN THE STREAM.

RECORDED
INDEXED

May 20, 1975

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

Mr. Edward Middlemist
Idaho Department of Lands
Statehouse
Boise, ID 83720

Dear Mr. Middlemist:

We have enclosed a copy of the above referenced application which may be of interest to your agency.

Please contact us if we may be of any further assistance.

Very truly yours,

Kenneth Knoblock
Water Resource Technician
Northern District

KK:cp

Enclosure

RECEIVED
MAY 21 1975

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
ELK CITY RANGER STATION
Elk City, Idaho 83525

RECEIVED

MAY 8 1975

Department of Water Resources
Northern District Office

May 7, 1975



Mr. Fred Eisenbarth
Northern District Manager
Idaho Dept. of Water Resources
Room 209; 401 Front Avenue
Couer d'Alene, ID. 83814

Dear Mr. Eisenbarth:

Thank you for your letter of April 7 and the copy of the application for Permit No. 82-7034. I appreciate the opportunity to comment on the application to appropriate public waters of the State of Idaho. Your letter was forwarded to the Elk City Ranger District for reply and arrived here on May 5. I apologize for this delay.

Several impacts come to mind in addition to a desirable alternative in the use of the water for this mining operation in Five-Mile Creek. The creek is a tributary of Crooked River which is important to the anadromous fisheries resource in this area. The settling ponds, if used correctly, should keep turbidity and siltation to a minimum. If the settling ponds wash out the result could be disastrous to the [fry] in lower Five-Mile and Crooked River.
Spawning beds

Appropriation of 2 cubic feet of water per second may dry up Five-Mile Creek in the summer, or reduce water level to the point that the invertebrates upon which the native cutthroat depend for food will be lost.

A desirable alternative or refinement in the impoundment and appropriation of these waters would be to use a water recycling system in the mining process. In this case only enough water would be taken from Five-Mile Creek to replenish losses due to evaporation and leaching. One cubic foot per second would supply a large washing-plant operation if the water were recycled. A good example of the water economy of recycling is a small placer-mining operation in Santiam Creek which utilizes a spring which yields one cubic foot per minute during the summer months. Gold recovery is very good and all of the mining occurs in July and August each years.

Again, I appreciate the opportunity to make these comments.

Sincerely,


EARLE F. LAYSER
DISTRICT RANGER

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?

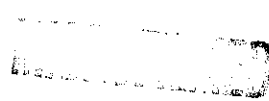
If you feel a protest is necessary to protect your water rights, the protest should be based upon one or more of the above items. We will accept your letter of April 25, 1975, as the date of protest and will allow ten days from the date of this letter in which to re-submit your protest.

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 26 1975

Department of Water Resources
Northern District Office

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

Sirs:

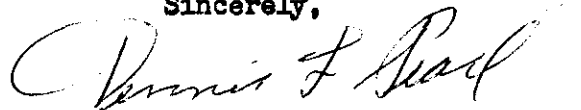
I Dennis L. Pearl, representing Sun Gold Mines, Inc. Do hereby make an official protest, against the filing for water rights by Mr. Joe Swisther 3609- 14th. Lewiston, Idaho. 83501. Permit # 82-7034 and Permit #82-7035. On Five Mile Creek and the spring above the Sun Gold cabin and mine.

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.

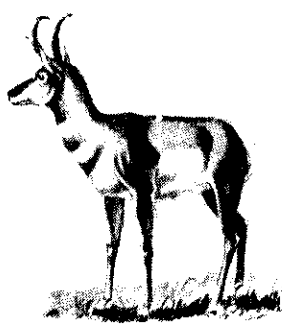
In all fairness to Mr. Joe Swisther, by him filing for these permits for the water rights. This would stop us from further operation of Sun Gold Mines, Inc.

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



CECIL D. ANDRUS, Governor

COMMISSION

PETE THOMPSON, Sandpoint
PAUL C. KEETON, Lewiston
JOHN EATON, Cascade
JACK HEMINGWAY, Sun Valley
H. JACK ALVORD, Pocatello

IDAHO FISH AND GAME DEPARTMENT

Region 2
1540 Warner
Lewiston, ID 83501

JOSEPH C. GREENLEY
Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

April 9, 1975

RECEIVED

APR 10 1975

Department of Fish and Game
Northern District Office

Mr. Ken Knoblock
Dept. of Water Resources
401 Front Ave.
Coeur d'Alene, ID 83814

Dear Ken:

Re: 82-7034 - Five Mile Creek

Five Mile Creek is a small tributary entering Crooked River at about mile ten. The maximum summer flows at the mouth are approximately two-three CFS. The stream enters Crooked River less than one mile below the Chinook incubation channel located at Orogrande.

The stream, though small, contains an indigenous population of trout. Mining has occurred in the stream in the past; however, it is now revegetated in those areas and the stream is well shaded and protected which keeps the temperature of the originally cool water from becoming intolerable for trout.

A primitive road, apparently associated with the early mining, is passable only a few hundred yards up the stream. Above that, the stream meanders across the road several times and is heavily overgrown with brush. Extensive road work with culvert installations would be required to reach the area of the proposed mining activity. I find no mention of this activity in the permit application.

At the mouth of the creek is a half-acre pond built when gravel was crushed for a road project. A camping area is located near the pond which is frequented by recreationists. Steelhead fry have been released in and near the pond for rearing and hopefully will return as adults. Catchable rainbow trout may be released in the pond and definitely will be released in Crooked River above and below Five Mile Creek.

When Chinook eggs are available, the incubation channels at Orogrande are stocked with between 500,000 and 2,000,000 eyed eggs each fall which emigrate into Crooked River as fry during the spring. These fry will completely stock the entire Crooked River main stem to the South Fork. Numerous adults returned to Crooked River this past season as a direct result of these eyed egg plants. Some of the finest spawning gravels in Crooked River are in the first several miles below Five Mile Creek. Any accidental breaking of a settling pond while the eggs or fry are in the gravel, late August - June, would result in total suffocation. Insect life, which the larger fish need

April 9, 1975

for survival, would also be severely damaged. Any summer siltation would greatly affect the recreational opportunities people visit the area to enjoy.

Two CFS in the proposed mining area would mean nearly the total flow of the stream would be diverted to the mining operation. Subsequent warming of the water would be unavoidable as it is used in the mining process and exposed to the sun while in the settling pond. The results to the resident fishery when combined with the additional sediment load, which will occur to some degree, may mean that fisheries demise.

Hopefully, these considerations will be weighed against the short-term possible monetary benefits that may be available to a few people.

Sincerely,

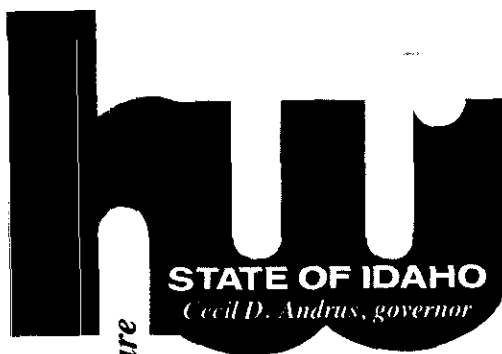
DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

Walter T. Berry

Walter T. Berry
Acting Regional Supervisor

WTB/SAH/cae

cc: Bur. of Fisheries
Bur. of Env. Services
File



department of health and welfare

RECEIVED

APR 11 1975

James A. Bax, director

Department of Water Resources
Northern District Office

Environmental Services Division
1028 F. Street
Lewiston, Idaho 83501

April 8, 1975

Mr. Fred Eisenbarth
Northern District Manager
State of Idaho
Department of Water Resources
401 Front Avenue
Coeur d'Alene, Idaho 83814

Re: Permit No. 82-7034

Dear Fred,

We have reviewed the above referred permit by Mr. Joe Swisher for appropriation of public waters from Five Mile Creek and would submit the following information for consideration.

Since Mr. Swisher proposes a mining operation utilizing settling ponds the pollution control must meet minimum state water quality standards, for all discharges. Mr. Swisher has not been in contact with our agency and he should be apprised of the pollution control requirements in his proposed operation.

We request that you defer approval of this permit until Mr. Swisher has satisfactorily submitted to our agency proper plans and procedures to control the waste waters generated from his proposed operation.

Sincerely,

DEPARTMENT OF HEALTH AND WELFARE

Michael J. McMasters

Michael J. McMasters
Sr. Environmental Quality Specialist

MJM/cmt
cc: Jim Kimball
Bob Olson

April 7, 1975

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

Mr. Michael J. McMasters
Department of Health
1028 F Street
Lewiston, ID 83501

Dear Mr. McMasters:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four-week period and we are required to take final action shortly thereafter.

Feel free to contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure



April 7, 1975

Re: Application for Permit No. 82-7034 - Joa Swisher

Mr. Steven Hoss
Fish and Game Department
1540 Warner
Lewiston, ID 83501

Dear Mr. Hoss:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four-week period and we are required to take final action shortly thereafter.

Please contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

April 7, 1975

Ra: Application for Permit No. 82-7034 - Joe Swisher

District Supervisor
U.S. FOREST SERVICE
Nez Perce National Forest
319 East Main
Grangeville, ID 83530

Dear Sir:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a four-week period and we are required to take final action shortly thereafter.

Please contact us if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

RECEIVED

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



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)

Bill: 4-21-75. cp

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. 82-7034

for a permit to appropriate 2.0 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Five Mile Creek, tributary of Crooked River

by means of pipe, sluice boxes, and settling ponds

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M., Idaho County

to be used from Jan. 1 to Dec. 31

for mining purposes

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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

**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. 82-7034 for a permit to appropriate 2.0 cubic feet per second of water from Five Mile Creek, tributary of Crooked River by means of pipe, sluice boxes, and settling ponds within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 28N, R. 7E, B.M., Idaho County to be used from Jan. 1 to Dec. 31 for mining purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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. **AS-16**

IDENT. NO. 82-7034

WATER RIGHT
DATA ENTRY LOG

[illegible]