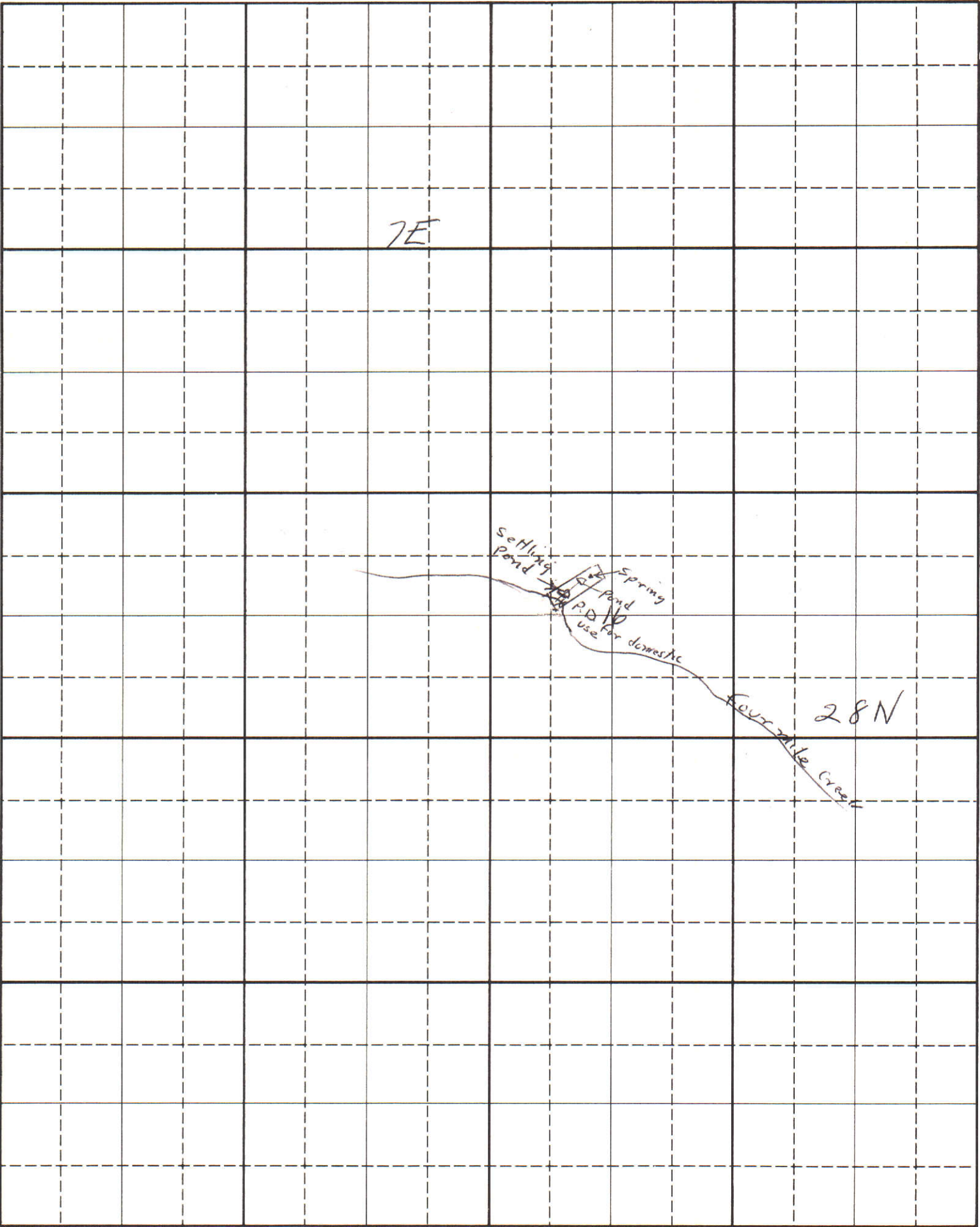


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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)

00 7044

RECEIVED

FEB 29 1973

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 January 31, 1973 submitted Application No. 82-7014 for a permit to appropriate 0.20 cubic feet per second &/or 5.0 acre feet per annum of water from an Un-named Spring (0.14 cfs) and Four Mile Creek (0.04 cfs) by means of pump, pond and sluice box within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, T. 28N, R. 7E, B.M., Idaho County (Unsurveyed), to be discharged into Four Mile Creek at a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, T. 28N, R. 7E, B.M.; the water will be stored from May 15 to Dec. 1 and used from May 15 to Dec. 1 for domestic (0.06 cfs) and mining purposes (0.14 cfs) within the NW $\frac{1}{4}$ , Sec. 16, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before February 24, 1973.

R. KEITH HIGGINSON  
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Feb. 7 and Feb. 14, 1973.  
F7-14

**AFFIDAVIT OF PUBLICATION**

Gary D. Cash being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of February, 1973, and the last publication on the 14th day of February, 1973; 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.

Gary D. Cash

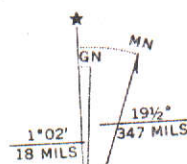
Subscribed and sworn to before me this 14th day of February, 1973

Richard C. Hahel, Notary Public  
for State of Idaho, residing at Grangeville, Idaho.

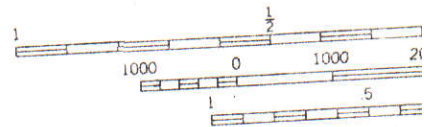
82 7014



Mapped by the U.S. Forest Service  
 Edited and published by the Geological Survey  
 Control by USGS, USC&GS, and U.S. Forest Service  
 Topography by photogrammetric methods from aerial  
 photographs taken 1958. Field checked by USGS 1962  
 Polyconic projection. 1927 North American datum  
 10,000-foot grid based on Idaho coordinate system, west zone  
 1000-meter Universal Transverse Mercator grid ticks,  
 zone 11, shown in blue  
 Where omitted, land lines have not been established



UTM GRID AND 1962 MAGNETIC NORTH  
 DECLINATION AT CENTER OF SHEET



CONT  
 DATI

**MICROFILMED**

JUL 08 1988

FOR SALE BY U. S. GEOLOGICAL SURVEY  
 A FOLDER DESCRIBING TOPOGRAPHY

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 82-7014

Priority: February 1, 1973 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 January 31, 1973, and  
has submitted proof to the Department of Water Resources on March 2, 1978, 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;

SPRING tributary to CLEARWATER RIVER, S. FORK

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): SENW , Sec. 16, Township 28N, Range 7E  
Idaho County

PLACE OF USE: Domestic

TWN RGE SEC

28N 7E 16 SWNW 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. This right is 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 11th day  
of May, 1988.

MICROFILMED

Director

JUL 08 1988

RECEIVED  
SEP 24 1986

Ident. No. 82-7014

STATE OF IDAHO  
Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now JOE SWISHER Phone 962-7190

of (address) 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. 82-7014, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE  $\frac{1}{4}$   $\frac{1}{4}$ , Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, B.M.,  
County of \_\_\_\_\_ Other points of diversion: \_\_\_\_\_

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.04 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

NO CHANGE

| TWP | RGE | SEC | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|-----|-----|-----|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|     |     |     | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
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|     |     |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? USFS  
b. Who owns the land to be irrigated or the place of use? USFS  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the  
applicant to make this filing: MINING CLAIM # 2458

MICROFILMED

JUL 08 1988

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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Scale: 2 inches equal 1 mile.

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

Signed at \_\_\_\_\_, this 24 day of August, 1986.

[Signature]  
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Z Fee = \$20.00

Received by Z Date #38097 8/29/86

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_

Publication dates \_\_\_\_\_

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 82-70

**MICROFILMED**

JUL 08 1988

Witness my hand this 14th day of May, 1988

[Signature]  
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF REMOVING THE MEASURING )  
DEVICE REQUIREMENT FOR PERMIT NO. 82-7014 ) ORDER  
IN THE NAME OF JOE SWISHER )

WHEREAS, on March 28, 1973 the Department of Water Resources issued Permit No. 82-7014 in the name of Joe Swisher with the requirement that:

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

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 measuring devices are 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. 82-7014 requiring that measuring devices be installed and maintained at the point of diversion and point of effluent discharge is hereby REMOVED.

Dated this 22<sup>nd</sup> day of September, 1987.

**MICROFILMED**

JUL 08 1988

*L. Glen Saxton*  
L. GLEN SAXTON  
Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 82-7014 and  
82-7015 IN THE NAME OF JOE SWISHER

ORDER OF REINSTATEMENT

WHEREAS, on January 31, 1973, Joe Swisher filed with the Department of Water Resources two applications to appropriate water from an unnamed spring for 0.14 cubic feet per second and/or 5.00 acre feet per annum within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, Twp. 28N, Rge. 7E, Idaho County (Permit No. 82-7014), and water from Four Mile Creek, tributary to the South Fork of the Clearwater River, to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, Twp. 28N, Rge. 7E, Idaho County, for 0.50 cubic feet per second of the water (Permit No. 82-7015); both permits are to be used for mining purposes; and,

WHEREAS, on March 28, 1973 and March 2, 1973, the applications were approved and the Department issued Permit No's. 82-7014 and 82-7015 with the conditions that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1978; and,

WHEREAS, on December 30, 1977, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 1, 1978, Permit No. 82-7014 and 82-7015 automatically lapsed for failure to submit the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the lapsing; and,

WHEREAS, on March 2, 1978, the permit holder submitted proof of beneficial use of water and therefore, has shown a reasonable cause as to why said permits should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No's. 82-7014 and 82-7015 be REINSTATED and the priorities be advanced to February 1, 1973.

Dated this 16<sup>th</sup> day of March, 1978.

L. Glen Saxton  
L. GLEN SAXTON  
Chief, Operations Bureau

Identification No. 82-7014

Application No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

**APPROVED**

AMENDED

**APPLICATION FOR PERMIT**

**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 St., Lewiston, Idaho 83501
2. Source of water supply Unnamed spring & ~~Four Mile~~ <sup>Crk.</sup> which is a tributary of So. Fork Clearwater River  
(Unsurveyed)
3. a. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 16 Township 28 N.  
Range 7 E. B.M. Idaho County; additional points of diversion if any: \_\_\_\_\_  
Spring is also located in the above 40 acre tract. 0.14 c.f.s. from spring,  
0.04 c.f.s. from creek.
- b. If water is not consumed, it will be discharged into Four Mile Creek at a point in SE  $\frac{1}{4}$   
of NW  $\frac{1}{4}$  of Section 16 Township 28 N. Range 7 E. B.M. Idaho
4. Water will be used for the following purposes:  
Amount 0.06 for Domestic purpose from May 15 to Dec. 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.14 for Mining purpose from May 15 to Dec. 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for Industrial purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 0.20 0.14 cubic feet per second and/or  
b. 5.0 acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Pump & Pressure system from creek  
for domestic use. Spring will flow into pond. It will stored for an 8 hour  
shift on sluice box.
- b. Height of storage dam 5.0 feet, active reservoir capacity 5.0 acre feet; total reservoir  
capacity 5.0 acre feet, materials used in storage dam: Earth  
Period of year during which storage will occur May 15 to Dec. 1 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 \$ 800.00.
8. Description of proposed uses:  
a. If water is **not** for irrigation: Mining Claim No. 245839  
(1) Give the place of use of water: SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 16 Township 28 N.  
Range 7 E. B.M.  
(2) Amount of power to be generated: 1.02 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 2 families  
(5) If water is to be used for other purposes describe: Mining  
\_\_\_\_\_  
\_\_\_\_\_

82 7014

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

| TWP. | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
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|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres to be irrigated \_\_\_\_\_

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

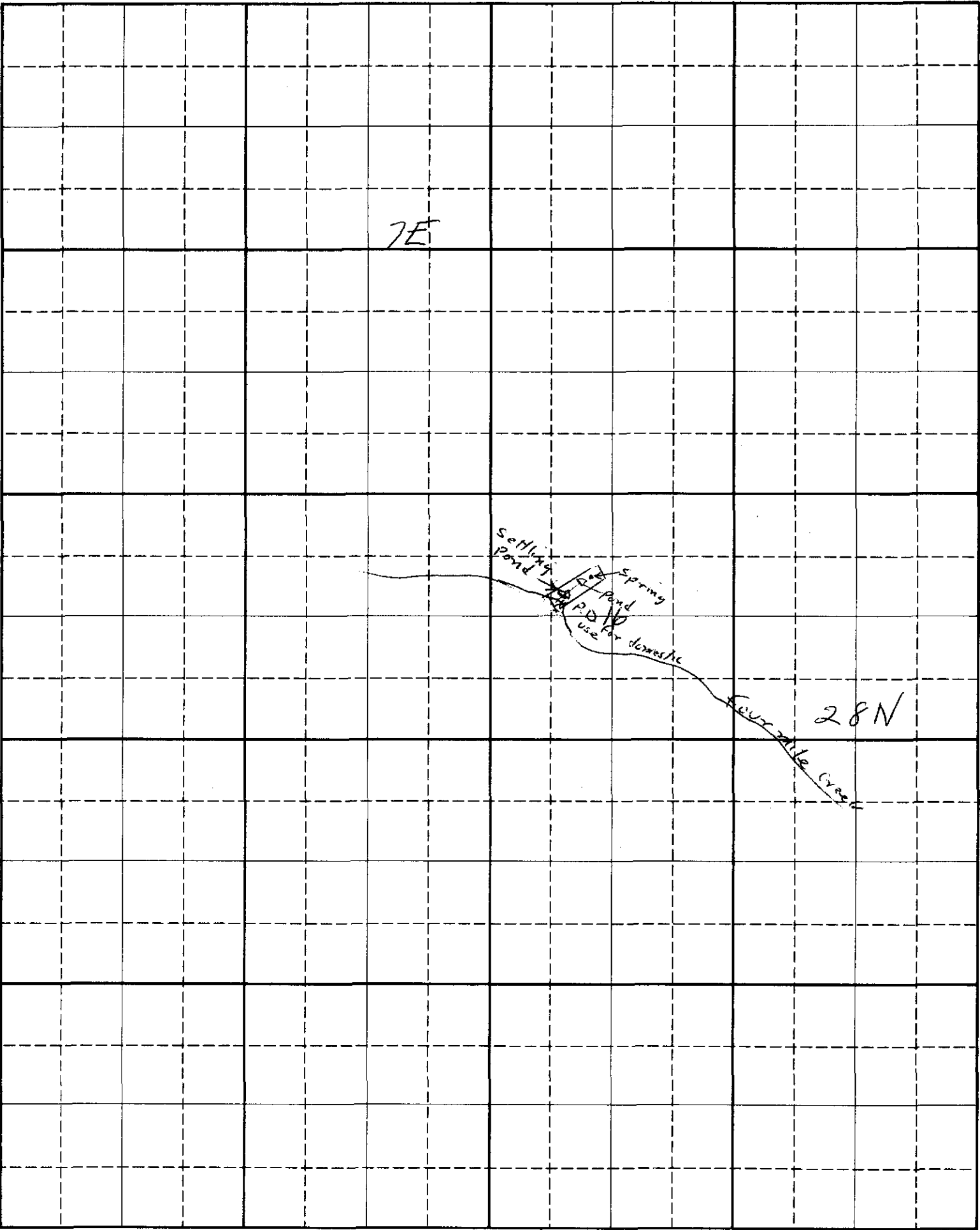
9. a. Who owns the property at the point of diversion Forest Service

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Mining Claim No. 245839

10. Remarks Spring and the point of diversion from Four Mile Creek are both located in same 40 acre tract. Settling pond will be built to allow settling of any silt prior to return of water to stream

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 1-31-1973

Received by RWH Date 1-31-73 Time 11:45 AM  
Preliminary check by RWH Fee \$ 10.00  
Receipted by ej Date 1-31-73 Sheet # 9878  
Publication prepared by cr Date 2-2-73  
Published in Idaho County Free Press  
Publication dates 2-7 & 2-14-73  
Publication approved cc Date 2-20-73  
Priority ~~reduced~~ to 1-31-73 Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by D

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. 82-7014, 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 March 1, 1978.
- c. Other: Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.  
Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of Four Mile Creek will be impaired for other beneficial uses.  
~~Denial of said application is for the following reasons:~~  
Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 28th day of March, 1973.

R. Keith Higin  
Director

82 7014

M E M O R A N D U M

RECEIVED

TO: Northern District Office  
FROM: Water Rights Division *D*  
DATE: March 2, 1973  
SUBJECT: Application No. 82-7014

MAR 13 1973  
Department of the Interior  
Northern District Office

Application No. 82-7014 states two sources of water usply for two separate uses and under item 6a there are two separate diversions.

The Department policy provides that we will not accept an application where the water is not co-mingled prior to use. Only one source of water supply can be accepted on this application. One of the sources and applicable information should be deleted from this application and a separate application submitted.

---

TO: File No. 82-7014  
FROM: Ervin Ballou  
DATE: March 16, 1973  
SUBJECT: No. 82-7014 and 82-7016

The deleted items on Amended Application No. 82-7014 have been transferred to a new Application No. 82-7016.

*Ervin E. Ballou*  
Ervin E. Ballou  
NORTHERN DISTRICT

82 7014

# AFFIDAVIT OF PUBLICATION

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Joe S. Satcher, 2009-14th Street, Lewiston, Idaho has on January 31, 1973 submitted Application No. 82-7014 for a permit to appropriate 0.20 cubic feet per second &/or 5.0 acre feet per annum of water from an unnamed Spring (0.14 cfs) and Four Mile Creek (0.04 cfs) by means of pump, pond, and sluice box within the SE 1/4, Sec. 16, T. 28N, R. 7E, B.M., Idaho County (Unsurveyed), to be discharged into Four Mile Creek at a point in the SE 1/4, Sec. 16, T. 28N, R. 7E, B.M.; the water will be stored from May 15 to Dec. 1 and used from May 15 to Dec. 1 for domestic (0.06 cfs) and mining purposes (0.14 cfs) within the NW 1/4, Sec. 16, T. 28N, R. 7E, B.M.

If issued, this permit will be subject to all prior water rights. Prior to the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before February 24, 1973.

R. KEITH HIGGINSON  
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Feb. 7 and Feb. 14, 1973.  
F7-14

Gary D. Cash being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of February, 1973, and the last publication on the 14th day of February, 1973; 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.

Gary D. Cash

Subscribed and sworn to before me this 14th day of February, 1973

Richard C. Hatch, Notary Public  
for State of Idaho, residing at Grangeville, Idaho.

82 7014

May 12, 1988

JOE SWISHER  
RT. 1 BOX 119  
COTTONWOOD, ID 83522

RE: Permit No. 82-7014

Dear Permit Holder(s):

Enclosed herewith is a copy of your 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

RECORDED

JUL 08 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

Permit No. \_\_\_\_\_

1. **Measurement Calculations**

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

b) Volume Calculations for Irrigation:

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

c) Volume Calculations for Other Uses:

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

a) Other water rights with same place of use: \_\_\_\_\_

b) Other water rights with same point of diversion: *82-7014 - Mining - no overlap.*

c) Analysis:

APPROVED  
JUL 11 1984  
WATER RESOURCES  
DIVISION

10 day  
with approval  
of amendment

3/10/88

April 15, 1988

JOE SWISHER  
RT. 1 BOX 119  
COTTONWOOD, ID 83522

RE: Permit No. 82-7014

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

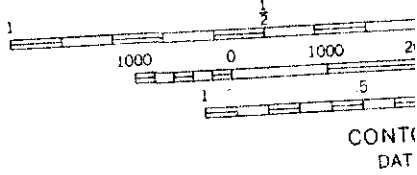
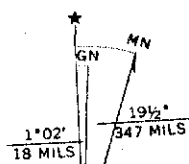
Enclosure

**MICROFILMED**

JUL 08 1988



Mapped by the U.S. Forest Service  
 Edited and published by the Geological Survey  
 Control by USGS, USC&GS, and U.S. Forest Service  
 Topography by photogrammetric methods from aerial  
 photographs taken 1958. Field checked by USGS 1962  
 Polyconic projection. 1927 North American datum  
 10,000-foot grid based on Idaho coordinate system, west zone  
 1000-meter Universal Transverse Mercator grid ticks,  
 zone 11, shown in blue  
 Where omitted, land lines have not been established



UTM GRID AND  
 DECLINATION

**MICROFILMED**

JUL 08 1988

SALE BY U. S. GEOLOGICAL SURVEY  
 A FOLDER DESCRIBING TOPOGRAPHY

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

RECEIVED  
SEP 24 1986

82-7014

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

REMARKS

1 Appointment letter mailed:

1 Telephone call made:

(List Telephone No. used)

1 Appointment scheduled for:

(Date, time, location)

RECEIVED  
OCT 26 1987

Department of Water Resources

EXAMINATION

Date 8/23/83 Accompanied by JOE SWISHER Total Q measured

If source is surface water, estimate total flow of source

Methods of measurement EST

Meets Permit requirements? Yes

Measurement calculations:

2 MOBILE HOMES

.02 cfs EA.

.6 AF, EA.

| WELL/DIVERSION*<br>NO. | HP | MOTOR<br>MAKE | MOTOR<br>SERIAL NO. | PUMP<br>MAKE | PUMP<br>SERIAL NO. | MEASURING<br>DEVICE TYPE | CONDITION OF<br>MEAS. DEV. | REMARKS |
|------------------------|----|---------------|---------------------|--------------|--------------------|--------------------------|----------------------------|---------|
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |

System Description 2-30 GAL STEEL DRUMS IN SPRING W/ 1" PIPE

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

0.04

1.2

1-1

12-31

(2)

Total

0.04

1.2

Remarks HOLD UNTIL ALL SWISHER EXAMS COMPLETE

UNFILMED

JUL 08 1988

# MAP (Attach Aerial Photo)

|  |  |  |  |  |  |  |  |  |  |
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## SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: SE NW, SEC 16, T28N R7E

Place(s) of Use MINING CLAIM 245839 (UNSURVEYED BY PL5) JK

| TWP. | RGE. | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |      |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 28N  | 7E   | 16   |     |     |     |     |     |     | D   | D   |     |     |     |     |     |     |     |     | JK     |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

### Recommended Amendments:

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

JUL 08 1988

Examiner's Signature

Checked by

Approved by

Date 8/26/86

Date 9/19/86

Date



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**

JUL 08 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. 82-7014 is less than 0.70 cfs (315 gpm).

Sincerely,

NAME Mr. Smith  
ADDRESS Box 119  
CITY & STATE Cottonwood, Id. 83522

RECEIVED

JUL 08 1988

RECEIVED

AUG 21 1986

Department of Water Resources  
Northern District Office

82-7014

INTER-DEPARTMENT MEMO — 1

DATE 9-18-86

RECEIVED

SEP 24 1986

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.

MICROFILMED

JUL 08 1988

K

SIGNATURE

RECEIVED  
SEP 24 1988

State of Idaho  
Department of Water Resources  
AMENDMENT ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: 1

Right Number 82-7014 Applicant \_\_\_\_\_

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other \_\_\_\_\_

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☐ Right number(s) 82-7016
- ☐ Yes ☒ No Should amendment be advertised? LIC. AMEND
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? \_\_\_\_\_

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☐ Approve.
- ☐ Deny.

Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By \_\_\_\_\_ Date \_\_\_\_\_
- ☐ Approved copy sent to applicant and to Region. By \_\_\_\_\_ Date \_\_\_\_\_



# 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 21, 1986

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

Re: 82-7014 and 82-7016

Dear Mr. Swisher:

I believe these two permits will be corrected by filing the two enclosed amendments. There is, of course, a fee of \$20.00 each.

If the measuring device requirement is not waived on 82-7014, there would be no point in filing an amendment for the spring, so I will append the check and Application for Amendment to the waiver request.

If I can be of any assistance, please contact me at this office.

Sincerely,

TOM D. KING  
Senior Water Resource Agent

TDK/pms

Enc. - Amendments (2)

**MICROFILMED**

JUL 08 1988

Route 1, Box 119  
Cottonwood, Idaho 83522  
August 19, 1986

RECEIVED  
AUG 21 1988  
Department of Water Resources  
Northern District Office

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

RE: 82-7014, 82-7015, 82-7034, 82-7045

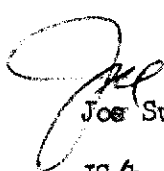
Dear Mr. King:

Enclosed find the waiver requests as mentioned in your correspondence of August 14, 1986.

We appreciate your efforts in expediting these matters for us.

When you next visit our area, we would like to spend a few minutes with you.

Sincerely,

  
Joe Swisher

JS/b

Enclosures

RECEIVED

JUL 08 1988

August 14, 1986

Mr. Joe Swisher  
Rt. 1 box 119  
Coltonwood, 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**

JUL 08 1988

4/86

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EXAMINATION FEE INFORMATION

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

**RECEIVED**

JUN 30 1986

1. Permit No. 82-7014

*no encl. SS*

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

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

2. Permit Holder: JOE SWISHER

3. Post Office Address: Rt. 1 Box 119, Cottonwood, Id. 83522

Telephone No. (208) 962-7190

4. Source of Water: UNAMED SPRING

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 1977.

6. Total rate &/or volume for which proof is submitted .14 cfs \_\_\_\_\_ acre-feet

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

JUNE 15, 1973

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

SAME AS ABOVE

(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.)

**RECEIVED**

JUL 08 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) 667-6481

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

**RECEIVED**

JUL 08 1988



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

82-7014  
SWISHER, JOE  
RT. 1 BOX 119  
COTTONWOOD, ID 83522

138081

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. **RECEIVED**  
**JUL 08 1986**  
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

A. Kenneth Dunn  
Director

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

March 28, 1985

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

Dear Mr. MacMenamin:

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

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

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

I hope this information covers your needs.

Sincerely,

Robert G. Haynes, P.E.  
Regional Supervisor

**MICROFILMED**



# MacMenamin and Sons Mining

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,

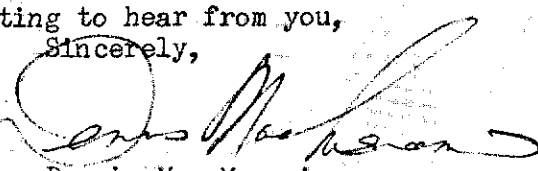
I would be interested in finding out some information concerning some Idaho mining claimants and if they had applied and if so, did they receive any dredge permits, or other water orientated mining permits.

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 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**

March 17, 1978

Re: Permit No. 82-7014, 82-7015, 82-7016

Joe Swisher  
3609 14th St.  
Lewiston, Idaho 83501

Dear Mr. Swisher:

Enclosed is a copy of the Order of Reinstatement issued on this permit. The priority has been advanced to February 1, 1973, on Permit No. 82-7014 & 82-7015.

We acknowledge receipt of the affidavit submitted as proof of beneficial 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 cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK  
Water Rights

MICROFILMED  
SERIALS  
SECTION  
MAY 1978  
FBI  
LIBRARY

Identification No. \_\_\_\_\_

Permit No. 82-7014

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAR 2 1978

Department of Water Resources

1. a) Name of Permit Holder Joe Swisher  
b) Post Office Address 3609 14th Street, Lewiston, Idaho 83501
2. Permit Number 82-7014
3. Date of Priority that you are prepared to establish May 15, 1973
4. a) Source from which water was appropriated unnamed spring - tributary to Four Mile Creek  
b) Location of the point of diversion: SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 16  
Township 28N, Range 7E Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
Amount 0.14 cfs for mining purposes from May 15 to Dec. 1 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated 5.0 cfs and/or acre-feet per annum  
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: V-notch (90°) weir placed above point of diversion on pond discharge. Measurements taken by chief engineer - Golden Eagle Mines.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) \_\_\_\_\_  
b) Describe the type and size of measuring device which you have installed at your point of diversion: V-notch (90°) weir - height is 3½ inches  
c) Give well driller's name and address and the date the well was completed: 4 inch pipe below weir to sluice box and settling pond - then by ditch to Four Mile Creek.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Mining claim - NW¼ of Section 16, T28N, Range 7E.

3/13/78

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: \_\_\_\_\_

| T | R | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|---|---|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|   |   |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|   |   |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

Total number of acres irrigated \_\_\_\_\_

10. Remarks: \_\_\_\_\_

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

2/28/78  
(Date)

Joe Amishev  
(Signature)

State of Idaho )  
County of Nez Perce ) ss.

On this 28<sup>th</sup> day of February, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Marion Hamilton  
Notary Public residing at Lewiston, Idaho

My commission expires 2/16/79

December 30, 1977

CERTIFIED MAIL

138193

Re: Permit No. 82-7015 & 82-7014

Joe Swisher  
3609 14th St.  
Lewiston, Idaho 83501

Dear Mr. Swisher:

One of the conditions of approval of your water Permit No. ~~82-7014, 82-7015~~ (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1978. Enclosed is an affidavit form which must 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 affidavit 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.



STEPHEN ALLRED

Director

:jfr

Enc: Proof affidavit

March 29, 1973

Re. Permit No.: 82-7014

Joe Swisher  
3609 14th Street  
Lewiston, Idaho 83501

Dear Mr. Swisher:

Enclosed is a copy of your approved Application for Permit No. 82-7014 . We direct your attention to the conditions of approval as listed on the fourth page.

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 your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF: cd

Enclosures

82 7014

DEPARTMENT OF WATER ADMINISTRATION  
- STAFF ANALYSIS -

| Item | Initial | Date    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------|---------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | EB      | 2-24-73 | Application No. <u>82-7014</u> Name <u>Joe Swisher</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (2)  | EB      | 2-24-73 | Check:<br><input checked="" type="checkbox"/> Signature<br><input checked="" type="checkbox"/> Point of Diversion<br><input checked="" type="checkbox"/> Quantity of Water and Period of Use<br><input checked="" type="checkbox"/> Description of Diverting Works<br><input checked="" type="checkbox"/> Time required for C/W and application of water to B/U<br><input checked="" type="checkbox"/> Place of Use<br><input checked="" type="checkbox"/> Map<br><input checked="" type="checkbox"/> Fee |
| (3)  | EB      | 2-24-73 | Send copies to:<br><input type="checkbox"/> Idaho State Health Department<br><input checked="" type="checkbox"/> Idaho Fish and Game Department<br><input checked="" type="checkbox"/> Bureau of Land Management <u>NO</u>                                                                                                                                                                                                                                                                                |
| (4)  | EB      | 2-24-73 | <input checked="" type="checkbox"/> Request Special Use Permit from U.S.F.S. <u>Letter written 2-2-73</u><br><input type="checkbox"/> Request Easement from B.L.M.                                                                                                                                                                                                                                                                                                                                        |
| (5)  | EB      | 2-24-73 | In form for advertising <u>OK</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (6)  | CL      | 2-20-73 | Affidavit of Publication received <u>2-20-73</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (7)  | CL      | 2-2-73  | Final date for protests <u>FEBRUARY 24, 1973</u><br>Protests received: yes <u>no</u> <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                  |
| (8)  |         |         | Date and Place of hearing _____<br>Decision reached at hearing _____                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (9)  |         |         | Located within Water District No. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (10) |         |         | Critical groundwater area: yes _____ no _____                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| (11) |         |         | Groundwater levels:<br><input type="checkbox"/> Decline (comment) _____<br><input type="checkbox"/> Stable (comment) _____<br><input type="checkbox"/> Increasing (comment) _____                                                                                                                                                                                                                                                                                                                         |
| (12) |         |         | Comments: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (13) | FL      | 2/26/73 | Action recommended:<br><input checked="" type="checkbox"/> Approve Priority <u>4/31/73</u><br><input type="checkbox"/> Deny Reason for Reduction _____<br><u>FL</u> <u>2/26/73</u> See attached sheet for conditions of approval<br>No conditions for approval                                                                                                                                                                                                                                            |
| (14) | FL      | 2/26/73 | District <u>North</u> By <u>Paul D. Smith Jr.</u><br>Date <u>2/26/73</u> Title <u>Superintendent</u>                                                                                                                                                                                                                                                                                                                                                                                                      |

RECEIVED  
Feb 28 1973  
Department of Water Administration

82 7014

Department of

March 6, 1973

Re: Application for Permit No. 82-7014

Joe Swisher  
3609 - 14th Street  
Lewiston, ID 83501

Dear Mr. Swisher:

When your application was completed and later received in our office, we overlooked the fact that you were diverting water from two different sources. Departmental policy provides that we cannot accept an application where water is not co-mingled prior to use. Therefore, we have deleted the domestic source and applicable information on the above referenced application and have prepared a new application under which you may develop another water right for domestic waters.

The enclosed application contains the same information in relation to domestic use as your original application. Please review the application, sign on Page 3, and return it to this office along with the required \$10 filing fee.

If you should have any questions in this matter, please contact this office.

Very truly yours,

Ervin E. Ballou  
Water Resource Examiner  
Northern District

EEB:cr

Enclosure

82 7014

RECOMMENDED

CONDITIONS OF APPROVAL

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

☒ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed \_\_\_\_\_ c.f.s.

☒ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of Four Mile Creek will not be impaired for other beneficial uses.

☒ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. \_\_\_\_\_, \_\_\_\_\_ River.

☐ The proposed well shall not be drilled within \_\_\_\_\_ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: \_\_\_\_\_

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STATEMENT

# IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

PRINTERS AND PUBLISHERS

Grangeville, Idaho 83530 Feb. 15, 1973

State of Idaho  
Dept. of Water Administration  
401 Front Ave., Rm. 209  
Coeur d'Alene, Idaho 83814

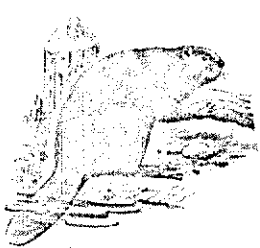
| DATE      | INVOICE NO. / ITEMS                      | AMOUNT   |
|-----------|------------------------------------------|----------|
| Feb. 7-14 | 28 lines, 2 times--Not. Applic. #82-7014 | \$ 14.06 |

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

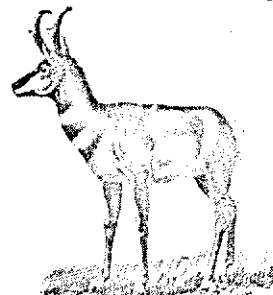
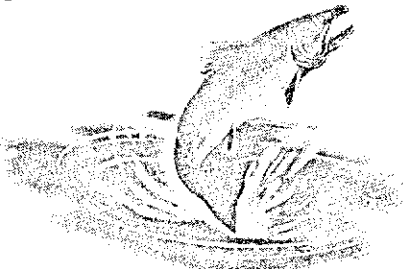
IDAHO COUNTY FREE PRESS

BY: Gary D. Cash  
Gary D. Cash, Office Mgr.

82 7014



JOSEPH C. GREENLEY  
Director



CECIL D. ANDRUS  
Governor

## IDAHO FISH AND GAME DEPARTMENT

1540 Warner Avenue  
Lewiston, Idaho 83501  
February 12, 1973

Mr. Fred Eisenbarth  
Water Resource Supervisor  
Northern District  
401 Front Avenue  
Coeur d'Alene, Idaho 83814

Dear Mr. Eisenbarth:

Re: 82-7014 & 82-7015

I recommend no siltation be allowed to enter Four Mile Creek from the settling ponds. I would also suggest that a minimum of 30 percent of the streams flow remain in the original channel.

Sincerely,

Steven A. Hoss  
Acting Regional Fishery Biologist

SAH/cap  
cc: Fish. Div.  
C.O. Jack  
File

RECEIVED

FEB 12 1973

Department of Water Administration  
Northern District Office

82 7014

RECEIVED

February 8, 1973

FEB 13 1973

Distribution of this letter  
Not to be made

Mr. Ervin E. Ballou  
Water Resource Examiner  
Northern District  
State of Idaho  
Department of Water Administration  
401 Front Ave., Rm. 209  
Coeur D'Alene, Idaho 83814

re: Application for Permit  
No. 82-7014 and 82-7015

Dear Mr. Ballou:

In regards to your correspondence of February 5, 1973  
and our telephone conversation of this date, I am  
supplying the following information.

The mining claims in question are located in the Nez  
Perce National Forest. The points of stream and  
spring usage are located on these claims and therefore  
special use permits are unnecessary.

I trust this will simplify the matter and please accept  
my apologies for any confusion that may have resulted  
through my terminology in the applications.

Sincerely,

  
Joe Swisher  
Mine Owner

JS:s1

82 7014

**STATE OF IDAHO**

**DEPARTMENT OF WATER ADMINISTRATION**

**NORTHERN DISTRICT OFFICE**



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

401 Front Ave., Rm. 209  
Coeur D'Alene, Idaho 83814  
(208) 667-6484

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

February 5, 1973

Re: Application for Permit No. 82-7014  
" " " " 82-7015

Joe Swisher  
3609 - 14th Street  
Lewiston, ID 83501

Dear Mr. Swisher:

Your application for permits have been received in this office and we have begun their processing.

However, before we can take final action on these applications, we must receive a copy of your Special Use Permit from the U.S. Forest Service. This may be submitted by you or by the Forest Service and should be mailed to this office.

If you should have any questions in this matter, please contact us.

Very truly yours,

Ervin E. Ballou  
Water Resource Examiner  
Northern District

EEB:cr

82 7014

February 5, 1973

Re: Application for Permit No. 82-7014 - Joe Swisher  
" " " " 82-7015 - " "

Steven A. Hoss  
Department of Fish & Game  
1540 Warner  
Lewiston, ID 83501

Dear Mr. Hoss:

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

If we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth  
Water Resource Supervisor  
Northern District

FE:CR

Enc: copies

82 7014

February 2, 1973

Re: Application No. 82-7014 - Joe Swisher  
" " 82-7015 - " "

Idaho County Free Press  
Box 267  
Grangeville, ID 83530

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Very truly yours,

Fred Eisenbarth  
Water Resource Supervisor  
Northern District

Bill submitted 2-20-73 by FE

FE:CR

Enc: Legal Notices (2)

82 7014

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Joe Swisher,  
3609 - 14th Street, Lewiston, Idaho

has on January 31, 1973 submitted Application No. 82-7014  
for a permit to appropriate 0.20 cubic feet per second &/or 5.0 acre feet per annum  
of water from an Unamed Spring (0.14 cfs) and Four Mile Creek (0.04 cfs)  
by means of pump, pond, and sluice box  
within the SE1/4NW1/4, Sec. 16, T. 28N, R. 7E, B.M., Idaho County (Unsurveyed), to  
be discharged into Four Mile Creek at a point in the SE1/4NW1/4, Sec. 16, T. 28N,  
R. 7E, B.M.;

~~XXXXXXXXXXXXXXXX~~ the water will be stored from May 15 to Dec. 1 and used from  
~~to be used from~~  
~~for~~ May 15 to Dec. 1 for domestic (0.06 cfs) and mining purposes (0.14 cfs)

within the NW1/4, Sec. 16, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before  
February 24, 1973.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho  
on Feb. 7 and Feb. 14, 1973

82 7014

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Joe Swisher, 3608-14th Street, Lewiston, Idaho has on January 31, 1973 submitted Application No. 82-7014 for a permit to appropriate 0.20 cubic feet per second &/or 5.0 acre feet per annum of water from an Unnamed Spring (0.14 cfs) and Four Mile Creek (0.64 cfs) by means of pump, pond and sluice box within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, T. 28N, R. 7E, B.M., Idaho County (Unsurveyed), to be discharged into Four Mile Creek at a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, T. 28N, R. 7E, B.M.; the water will be stored from May 15 to Dec. 1 and used from May 15 to Dec. 1 for domestic (0.06 cfs) and mining purposes (0.14 cfs) within the NW $\frac{1}{4}$ , Sec. 16, 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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before February 24, 1973.

R. KEITH HIGGINSON  
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Feb. 7 and Feb. 14, 1973.

F7-14

82 7014

OK  
2-7-73  
ch