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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

OBJECTOR'S SECOND REQUESTS FOR DISCOVERY TO CLAIMANTS

OBJECTOR'S SECOND REQUESTS
FOR DISCOVERY TO CLAIMANT(S) - 1

GENERAL INSTRUCTIONS

Please refer to the General Instructions contained in Objector's First Request for Discovery to Claimants, such instructions are hereby incorporated herein to control these requests and interrogatories as if expressly set forth herein.

In addition, please apply the following general instructions:

11. Responses. In responding to these requests for admission, interrogatories, and requests for production of documents, you must furnish all information available to you, including, but not limited to, information in the possession or control of your attorneys, experts, consultants, advisors, agents, associates, subcontractors, representatives, or any other person or entity over which you have control.
12. Objections. If there is any request for admission, interrogatory, or request for production of documents to which you object in whole or in part, state the nature and basis of your objection, *describe the facts upon which you base your objection*, and answer any remaining part to which you do not object.
13. Terms. Unless otherwise indicated, words used in these requests for admission, interrogatories, and requests for production of documents are to be taken and understood in their natural and ordinary sense. In the event that Claimants' believe a term is ambiguous or vague please contact Howard Funke, Howard Funke & Associates, at (208) 667-5486, for clarification.
14. Partial answers. If there are any requests for admission, interrogatory, or requests for production of documents which you cannot answer in its entirety or for which you cannot provide the exact information requested:
 - a. Answer any part as to which you have or can obtain information requested, and provide the information requested to the extent you know or can obtain such information;
 - b. State your best estimate of all information requests which you do not know and cannot obtain, including but not limited to, any names or dates for which you lack exact information; and
 - c. Identify each document, person, or communication upon which your estimate is based.
15. Entire document. If any portion of any document is response to any document request, you must produce the entire document.
16. Contact. If those persons responsible to answering these requests for admission, interrogatories, and requests for production have any questions about their scope, meaning, or intent, please contact Howard Funke, Howard Funke & Associates, at (208) 667-5486.

DEFINITIONS

Please refer to the Definitions contained in Objector's First Request for Discovery to Claimants, such definitions are hereby incorporated herein to control these requests and interrogatories as if expressly set forth herein.

In addition, unless otherwise indicated, the following definitions shall apply to these discovery requests:

14. "Legal description" means a formal description of real property complete enough that a particular piece of land can be located and identified.
15. "Ordinary low water mark" means that line or elevation on the bed of the waterbody marked or located by the average low water elevation over a period of years.
16. "Point of diversion" means, consistent with IDWR's instructions for filing notice of claim to a water right acquired under state law for domestic and/or stockwater purposes where daily use is less than 13,000 gallons per day, "the location at which the water is diverted from a natural water source."
17. "Right" means something that is due to a person by just claim, legal guarantee, or moral principle.
18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.
19. "Any" as well as "each" shall be construed to include either one or all of a group as necessary to bring within the scope of these interrogatories and requests for production any information that might otherwise be construed to be outside their scope.
20. "Claim" means the water right claim that was filed in the Coeur d'Alene-Spokane River Basin Adjudication ("CSRBA") for the subcase number captioned above.
21. "Communication" means any transmittal or exchange of information (in the form of facts, ideas, inquiries or otherwise), whether oral, written, or electronic.
22. "Identify" or "identification of," when used to refer to a natural person, requests the following information
 - a. The person's full name and present or last-known address and telephone number;
 - b. The person's present title and employer or other business affiliation; and
 - c. The person's employer and title at the time of the actions which are the subject of the interrogatory or request for admission.

23. "Identify" or "identification of," when used to refer to an entity other than a natural person, requests the following information about the entity:
- Full name
 - The present or last-known address of its principal office or place of doing business and the telephone number; and
 - The type of entity (e.g., corporation, partnership, unincorporated association, municipality, etc.).
24. "Identify" or "identification of," when used with respect to a document, requests the following information:
- The title of the document;
 - A summary of the contents of the document;
 - The date of the document;
 - The identity of the person or persons who wrote, contributed to, prepared or originated such document;
 - The identity of the person or persons to whom the document was directed or who received or reviewed the document or copies of the document or any portion thereof;
 - The present or last-known address and custodian of the document and the address and phone number of each such custodian.
25. "Identify" or "identification of," when used in reference to a communication, means, without limitation, to describe the communication by:
- Identifying the date of the communication;
 - Identifying the place where the communication took place or was made;
 - Identifying the means (e.g., face-to-face, by telephone) by which the communication was made;
 - Identifying the person making and the person receiving the communication, and any other persons present and aware of the communication when the communication was made or when it was received; and
 - Describing the subject matter and content of the communication.
26. "Legal title" refers to any instrument in writing or by operation of law which conveys an interest in land from a grantor to the grantee.
27. "Objection" or "Objections" means the Objections filed by the Tribe to the Director's Report for the Claim in the subcase number captioned above.
28. "State the basis" or "describe the basis" or "identify the basis" means to describe all facts, analyses, opinions, conclusions, inferences, arguments, or conjectures supporting the matter, statement, or contention in question.

29. "You" or "your" refers to: Steve and Deanne Hawks or any employee, agent, representative, subcontractor, consultant, investigator, present or former attorney, and any other person or entity who was or presently is authorized to act or purported to act on behalf of the aforementioned.
30. "United States" means the United States of America, and includes all agencies, subdivisions, or agents, authorized to act in its behalf.
31. "Tribe" means the Coeur d'Alene Tribe of Idaho, a federally recognized Indian Tribe.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 16: Please admit that Claimants are citizens of the State of Idaho.

ANSWER:

REQUEST FOR ADMISSION NO. 17: Please admit that documents attached hereto as Attachment "1," bates numbers "CDAT OBJ-7102 0006 – 0037," are the documents Claimants referenced in their answer or amended answer to interrogatory number 7 and responses and/or amended responses to Objector's requests for production of documents numbers 1, 4, 5, 6, 7, 8, 9, 11, 12, and 13. If only some of the documents referenced are responsive to a certain interrogatory or request for production of documents, please qualify your answer indicating which document is responsive to such certain interrogatory or request for production.

ANSWER:

REQUEST FOR ADMISSION NO. 18: Pursuant to I.R.C.P. 36, please admit that the documents attached hereto as Attachment "1," bates numbers "CDAT OBJ-7102 0001 – 0037," are admissible, true, accurate, and correct copies of documents (or in other words are "authentic" and/or "genuine" within the meaning of I.R.E. 901) that Claimants referenced in their response and/or amended response to Objector's First Requests for Discovery to Claimants.

ANSWER:

REQUEST FOR ADMISSION NO. 19: Pursuant to I.R.C.P. 36, please admit that the documents attached hereto as Attachment "1," bates numbers "CDAT OBJ-7102 0001 – 0005," are admissible, true, accurate, and correct copies of documents (or in other words are "authentic"

and/or “genuine” within the meaning of I.R.E. 901) that Claimants produced to Objector or referenced in response to Objector’s First Requests for Discovery to Claimants as Exhibit “A” thereto.

ANSWER:

REQUEST FOR ADMISSION NO. 20: Please admit that the source of water of the Claimants’ water rights claim is the St. Joe River.

ANSWER:

REQUEST FOR ADMISSION NO. 21: Please admit that the point of diversion for the Claimants’ water right claim is a point at which water is diverted from the St. Joe River.

ANSWER:

REQUEST FOR ADMISSION NO. 22: Please admit that the Claimants, individually and/or collectively, are members of the group known as the North Idaho Water Rights Alliance which has filed a Response to Objection in the foregoing subcase.

ANSWER:

REQUEST FOR ADMISSION NO. 23: Please admit that Claimants’ diversionary works extend past the legal description of Claimants’ property on Blocks 1 and 2 of Sylvia’s Haven, Benewah County, Idaho. [Please review documents Bates CDAT OBJ-7102 0022 and CDAT OBJ-7102 0023, attached hereto, prior to answering this request for admission.]

ANSWER:

REQUEST FOR ADMISSION NO. 24: Please admit that there is water at Claimants’ point of diversion at all times of the year. [Please review document at Bates CDAT OBJ-7102 0008, attached hereto as part of Attachment “1”, prior to answering this request for admission.]

ANSWER:

REQUEST FOR ADMISSION NO. 25: Please admit that Claimants' point of diversion is below the ordinary low water mark.

ANSWER:

REQUEST FOR ADMISSION NO. 26: Please admit that neither IDWR water permit no. 91-7102 nor IDWR water right license no. 91-7102 could have been initiated in trespass.

ANSWER:

REQUEST FOR ADMISSION NO. 27: Please admit that in issuing IDWR water permit no. 91-7102 and/or IDWR water right license no. 91-7102, IDWR could not have authorized trespass.

ANSWER:

REQUEST FOR ADMISSION NO. 28: Please admit that neither IDWR water permit no. 91-7102 nor IDWR water right license no. 91-7102 authorize access to or across land not owned by Claimants.

ANSWER:

REQUEST FOR ADMISSION NO. 29: Please admit the Claimant(s) cannot enter any lands, including submerged lands, owned by the Coeur d'Alene Tribe or by the United States in trust for the benefit of the Coeur d'Alene Tribe without permission from either the Tribe or the United States.

ANSWER:

REQUEST FOR ADMISSION NO. 30: Please admit that Claimants' riparian and/or littoral rights do not include the right to make any consumptive use of the waters of the St. Joe River or any right of access for the purpose of appropriating water from the St. Joe River.

ANSWER:

OBJECTOR'S SECOND REQUESTS
FOR DISCOVERY TO CLAIMANT(S) - 7

REQUEST FOR ADMISSION NO. 31: Please admit that Claimants' do not have title insurance for the real property associated with the above-captioned water right claim.

ANSWER:

REQUEST FOR ADMISSION NO. 32: Please admit that the Coeur d'Alene Tribe is entitled to the exclusive use, occupancy, and right to quiet enjoyment of the bed and banks of the Coeur d'Alene Lake and the St. Joe River that are owned by the United States in trust for the Coeur d'Alene Tribe.

ANSWER:

REQUEST FOR ADMISSION NO. 33: Please admit that the water level at Claimants' point of diversion is capable of floating boats or canoes.

ANSWER:

REQUEST FOR ADMISSION NO. 34: Please admit that the St. Joe River at Claimants' point of diversion is a natural water source.

ANSWER:

INTERROGATORIES

INTERROGATORY NO. 9: If your answer to any of the Requests for Admission is anything other than an unqualified "admit" identify and describe in detail the facts upon which you rely in making your responses, all individuals with knowledge regarding such facts, and all documents relating in any way to your response(s).

ANSWER:

INTERROGATORY NO. 10: If Claimants are claiming ownership of real property below the OHWM at the claimed point of diversion, please identify the basis of such an assertion of

ownership. If Claimants are not claiming ownership of such real property, please indicate such disclaimer.

ANSWER:

INTERROGATORY NO. 11: Please identify, by bates numbers, those documents contained in Attachment "1" hereto that Claimants reference and specifically rely upon in their response or amended response to request for production number 5 contained in Objector's first requests for discovery to Claimants.

ANSWER:

INTERROGATORY NO. 12: Please identify, by bates numbers, those documents contained in Attachment "1" hereto that Claimants reference and specifically rely upon in their response or amended response to request for production number 6 contained in Objector's first requests for discovery to Claimants.

ANSWER:

INTERROGATORY NO. 13: Please identify, by bates numbers, those documents contained in Attachment "1" hereto that Claimants reference and specifically rely upon in their response or amended response to request for production number 7 contained in Objector's first requests for discovery to Claimants.

ANSWER:

INTERROGATORY NO. 14: Please state whether Claimants are relying upon and/or referencing any other documents which are not produced as part of Attachment "1" hereto (bates CDAT OBJ-7102 0001-0037) in any of their answers to interrogatories or responses to requests for production of documents in response to Objector's First Requests for Discovery. If so, please identify such documents by the title and date of such document.

ANSWER:

INTERROGATORY NO. 15: Please state the Benewah County tax identification number for the real property upon which Claimants' point of diversion is physically located. If there is no such tax identification number, please indicate as much.

ANSWER:

INTERROGATORY NO. 16: Please give the legal description of the "current boundaries of the Coeur d'Alene Indian Reservation" as that term is understood by Claimants and used by Claimants in their amended response for admission number 5.

ANSWER:

INTERROGATORY NO. 17: Please state the basis or describe the basis Claimants' denials in Requests for Admission Nos. 1, 5 10, 11, and 13 wherein Claimants' deny that "the United States and the Coeur d'Alene Tribe own any submerged bed and banks at Claimants' point of diversion," and Claimants' response to Interrogatory No. 8 wherein Claimants' assert that "Claimants or the State of Idaho own the submerged lands underlying the Claimants' point of diversion."

ANSWER:

INTERROGATORY NO. 18: Please state, by legal citation, court cases which discuss the legal theory or theories set forth in the answer to interrogatory number 17 above. [In lieu of answering, Claimants may provide documents responsive to this interrogatory.]

ANSWER:

INTERROGATORY NO. 19: Please identify and describe in detail those facts that Claimants' rely upon in their denials of Requests for Admission Nos. 1, 5 10, 11, and 13 wherein Claimants' deny that "the United States and the Coeur d'Alene Tribe own any submerged bed and banks at Claimants' point of diversion," and Claimants' response to Interrogatory No. 8 wherein Claimants' assert that "Claimants or the State of Idaho own the submerged lands underlying the Claimants' point of diversion." Please identify all individuals with knowledge regarding any such facts, and all documents relating in any way to your response.

ANSWER:

OBJECTOR'S SECOND REQUESTS
FOR DISCOVERY TO CLAIMANT(S) - 10

INTERROGATORY NO. 20: Please state the elevation, in feet above mean sea level, of the ordinary, historic or natural high water mark of the St. Joe River, as referenced in Claimants' answers to Requests for Admission Nos. 6 and 7, and the ordinary low water mark of the St. Joe River. Please identify all individuals with knowledge regarding any facts stated in your response, and all documents relating in any way to your response.

ANSWER:

INTERROGATORY NO. 21: Please provide the basis or describe the basis for the answer to Interrogatory No. 20, as well as the basis for Claimants' denial in Responses to Request for Admission Nos. 6 and 7 that "the historic OHWM or the natural high water mark for Coeur d'Alene Lake and the St. Joe River is or has always been 2128 feet," and that "the point of diversion and/or some or all of the diversion works at issue in this claim are below the applicable natural or ordinary high water mark." Please identify all individuals with knowledge regarding any facts stated in your response, and all documents relating in any way to your response.

ANSWER:

INTERROGATORY NO. 22: Please provide the basis or describe the basis for Claimants' denial in Responses to Request for Admission Nos. 10 and 11 that "the United States or the Coeur d'Alene Tribe owns the land upon which the diversion works may have been constructed and further deny that any such permission was needed." Please identify all individuals with knowledge regarding any facts stated in your response, and all documents relating in any way to your response.

ANSWER:

INTERROGATORY NO. 23: Please provide the elevation of the submerged lands at your point of diversion and/or the lowest part of the diversion works within the St. Joe River, the elevation of the high/low point of the water line, the length of water line (in feet) that is located underwater at all times of the year, and the depth of the pump.

ANSWER:

INTERROGATORY NO. 24: If Claimants have any other water right claims filed in the CSRBA other than the above-captioned claim, please list the applicable claim numbers.

ANSWER:

INTERROGATORY NO. 25: Identify each person who provided information for, or participated in, the preparation of the responses to these discovery requests, and identify the specific discovery requests or parts thereof, for which each person provided information.

ANSWER:

INTERROGATORY NO. 26: Identify each person who has personal knowledge of the facts that form the basis for your claim and/or defense to the Tribe's objection.

ANSWER:

INTERROGATORY NO. 27: Identify all exhibits you may rely upon as evidence at trial and/or as evidence in support of, or in opposition to, dispositive motions.

ANSWER:

INTERROGATORY NO. 28: Describe all facts which support the basis for your claim and/or your defense to the Tribe's objections.

ANSWER:

INTERROGATORY NO. 29: Identify all documents that support your claim and/or your defense to the Tribe's objections.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 14: Please produce any other documents, if any, which Claimants relied upon, reviewed, and/or reference in their answers to interrogatories and/or requests for production of documents in response to Objector's First Requests for Discovery and which are not part of Attachment "1" hereto.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce all documents which you allege support your assertion of legal title to the property underlying your claimed point of diversion. If you took legal title to the by operation of law, in lieu of responding to the foregoing request, Claimants may state the method by which they took legal title, and give legal citation to legal authority which discusses Claimants' alleged legal title by operation of law.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce all documents you may rely upon at trial or any hearing in this matter, in support of dispositive motions, or in opposition to dispositive motions, or at any other stage of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce all exhibits you may rely upon at trial or any hearing in this matter, in support of dispositive motions, or in opposition to dispositive motions, or at any other stage of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce those documents in your possession, as well as the location, if known, of any documents not in your possession you reviewed, referred to, rely upon, and/or you assert support your basis in answering Requests for Admission Nos. 1-34 and Interrogatories Nos. 1-24.

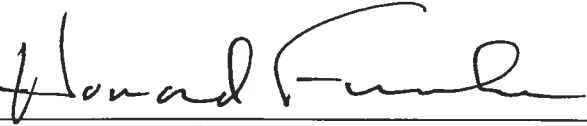
RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Please produce any other documents in your possession, as well as the location, if known, of any documents not in your possession you assert support the above-captioned claim.

RESPONSE:

Respectfully submitted this 27th day of April, 2016.

HOWARD FUNKE & ASSOCIATES, P.C.

By: 

Howard A. Funke

Attorneys for the Coeur d'Alene Tribe

Certificate of Service

I hereby certify that on the 13th day of April, 2016, a copy of the foregoing Objector's Second Requests for Discovery to Claimants, with attachment, was served on the following counsel of record and other entities via the method indicated below:

Norman Semanko

Moffatt, Thomas, Barrett, Rock & Fields, Chtd.

P.O. Box 829

Boise, Idaho 83701-0829

☐ First Class Mail, Postage Prepaid

☐ Facsimile @ (208) 385-5384

☐ Hand-delivery

☒ Via Email @ SAM@moffatt.com;

nms@moffatt.com

Counsel for Claimant(s) and Respondent NIWRA members

Clive Strong

Steven Strack

Office of the Attorney General

State of Idaho

P.O. Box 83720

Boise, Idaho 83720-0010

☐ First Class Mail, Postage Prepaid

☐ Facsimile @ (208) 334-4143

☐ Hand-delivery

☒ steve.strack@ag.idaho.gov

Counsel for Respondent State of Idaho

U.S. Department of Justice

Environment & Nat'l Resources

550 W. Fort St., MSC 033

Boise, Idaho 83724

☒ First Class Mail, Postage Prepaid

☐ Facsimile @ (303) 844-1350

☐ Hand-delivery

Idaho Department of Water Resources

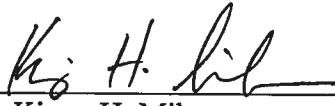
P.O. Box 83720

Boise, Idaho 83720-0098

☒ First Class Mail, Postage Prepaid

☐ Facsimile @ (208) 287-6700

☐ Hand-delivery


By: Kinzo H. Mihara

ATTACHMENT “1”

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Morris & Wolff, P.A.
722 Main Avenue
St. Maries, Idaho 83861

Instrument # 269173

BENEWAH COUNTY

7-30-2014 04:36:15 No. of Pages: 5

Recorded for : MORRIS AND WOLFF PA

DEANNA BRAMBLETT

Fee: 22.00

Ex-Officio Recorder Deputy

Index to: DEEDS, OTHER

91-7102
Lot 4

(Space Above For Recorder's Use)

**DEED OF DISTRIBUTION
SUBJECT TO A LIFE ESTATE**

THIS DEED is made and executed by Deanne Hawks, as Personal Representative of the ESTATE OF JILL LORENE PERKINS, hereinafter referred to as the ("Grantor"), to BRANDON PERKINS, a married man dealing in his sole and separate property, with an address of 155 NW Woodbrook Drive, Grants Pass, Oregon 97526, hereinafter referred to as the ("Grantee").

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Case Number CV 2013-311 in Benewah County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereafter described real property:

THEREFORE, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Benewah County, Idaho:

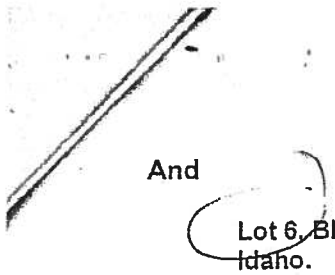
Lot 4, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.

And

Lot 5, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.



And

Lot 6, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.

And

That part of LOT 9, BLOCK 1, SYLVIA'S HAVEN, according to the plat on file, as Instrument No. 144646, recorded December 9, 1968, records of Benewah County, Idaho; situated in the SE1/4, section 7, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the Northwest corner of LOT 9, BLOCK 1 of said Plat, monumented with a drill steel;

thence South 1°14'51" East, 40.32 feet (of record as South 1°12'00" East and South 1°12'00" West) along the West line of said LOT 9 to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence leaving said West line, South 84°47'53" East, 162.15 feet (of record as South 85°14'00" East, 162.01 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence South 0°49'26" East, 46.96 feet (of record as South 1°12'00" East, 47.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence South 85°45'10" East, 123.93 feet (of record as South 86°11'15" East, 124.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703, the POINT OF BEGINNING;

thence South 0°47'17" East, 96.11 feet (of record as South 0°12'00" East, 96.00 feet) to a point on the northerly right-of-way line of STATE HIGHWAY No. 3, said point monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 703;

thence South 84°03'16" East, 161.53 feet (of record as 161.88 feet) along said northerly right-of-way line to a drill steel;

thence South 82°00'39" East, 40.26 feet (of record as South 82°53'00" East) along said northerly right-of-way line, to a point on the centerline of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 45°38'42" West, 160.12 feet (of record as North 46°18' West) along said centerline, and leaving said northerly right-of-way line, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 85°45'10" West, 87.60 feet, and leaving said centerline, to the POINT OF BEGINNING.

And

Those parts of LOTS 5, 8 and 9, all in BLOCK 1, SYLVIA'S HAVEN, according to the plat on file, as Instrument No. 144646, recorded December 9, 1968, records of Benewah County, Idaho and that part of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County; all situated in the E1/2, section 7, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the Southeast corner of said LOT 8, monumented with a drill steel;

thence North 0°03'18" West, 187.29 feet (of record as North 1°06' West, 187.29 feet and North 1°06'00" West) along the East line of said LOT 8, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766, the POINT OF BEGINNING;

thence North 88°57'18" West, 90.95 feet (of record as West, 90.95 feet), and leaving said East line to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 0°03'18" East, 99.96 feet (of record as South 1°06' East, 98.76 feet) to a point on the northeasterly right-of-way line of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 44°21'18" West, 20.00 feet, and leaving said northeasterly line, to an iron rod, 30 inches long, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked WITNESS CORNER - PLS 6766;

thence continuing South 44°21'18" West, 5.00 feet to a point on the centerline of said vacated roadway, which is witnessed by the aforementioned monument;

thence traversing said centerline, as follows:

North 45°38'42" West, 66.78 feet (of record as North 46°18' West) to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 85°45'10" West, 87.60 feet, and leaving said centerline, to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence continuing North 85°45'10" West, 123.93 feet (of record as North 86°11'15" West, 124.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 0°49'26" West, 46.96 feet (of record as North 1°12'00" West, 47.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 84°47'53" West, 162.15 feet (of record as North 85°14'00" West, 162.01 feet) to a point on the West line of said LOT 9, said point monumented with an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 1°14'51" West, 40.32 feet (of record as North 1°12'00" West and North 1°12'00" East) along said West line to the Northwest corner of said LOT 9, said corner monumented with a drill steel;

thence North 88°08'45" East, 54.77 feet (of record as North 87°55' East, 54.77 feet) along the North line of said LOT 9 and an easterly extension of said North line, and leaving said West line, to a point on the centerline of said vacated roadway, said point monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence traversing said centerline, as follows:

North 70°29'35" East, 107.75 feet (of record as North 70°04' East, 107.65 feet), and leaving said North line extended, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 40°33'35" East, 130.58 feet (of record as North 40°08' East, 130.45 feet) to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 74°12'43" East, 180.90 feet (of record as North 73°23' East, 180.44 feet) to a point on the westerly extension of the North line of said LOT 8, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 86°24'28" East, 12.00 feet (of record as South 87°35' East) along said westerly extension, and leaving said centerline, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 7°00'00" West, 14.50 feet, and leaving said westerly extension, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 83°00'00" East, 28.00 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 7°00'00" East, 19.74 feet to a point on the North line of said LOT 8, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 86°24'28" East, 71.97 feet (of record as South 87°35' East) along said North line to the Northeast corner of said LOT 8, said corner monumented with a drill steel;

thence South 0°55'51" East, 150.49 feet (of record as South 1°06' East and South 1°06'00" East) along the East line of said LOT 8, and leaving said North line, to an iron pipe, 1 inch diameter;

thence South 0°03'18" East, 76.81 feet (of record as South 1°06' East and South 1°06'00" East) continuing along said East line, to the POINT OF BEGINNING.

SUBJECT TO A LIFE ESTATE GRANTED TO DEANNE HAWKS AND STEVE HAWKS, HUSBAND AND WIFE, WHOSE ADDRESS IS 89231 HWY 3 N, ST. MARIES, BENEWAH COUNTY, IDAHO 83861, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP.

This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity.

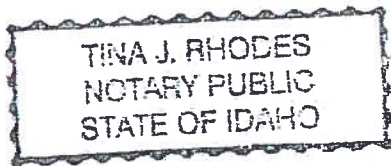
DATED this 30th day of July, 2014.

ESTATE OF JILL LORENE PERKINS

Deanne Hawks, P.R.
Deanne Hawks, Personal Representative

STATE OF IDAHO)
) ss.
County of Benewah)

On this, 20th day of July, 2014, before me, a notary public, personally appeared Deanne Hawks, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the ESTATE OF JILL LORENE PERKINS, and acknowledged to me that she executed the same as such personal representative.

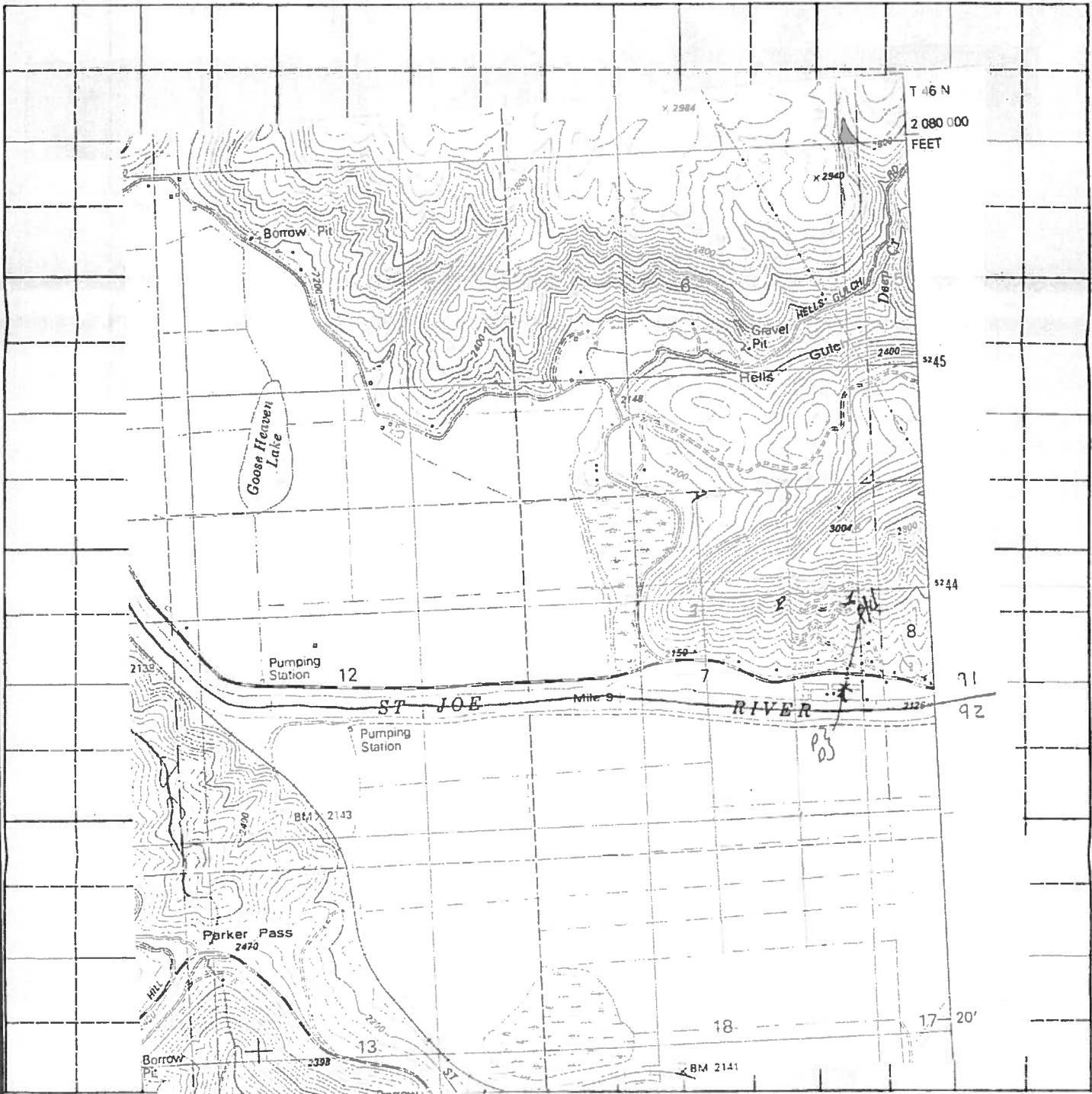


representative.



NOTARY PUBLIC FOR IDAHO
Residing at St. Marcus
My Commission Expires 11/8/2016

13. 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.

DEC 27 1988

Steve Hawks
(Applicant)

DEC 27 1988

117

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1-616-670-010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

() B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(☒) Field Report (☒) Quad Sheet (☒) Gov. Lot Plat (☒) Rules Check list
() Aerial Photo () Photo PD/PU () Well Log

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

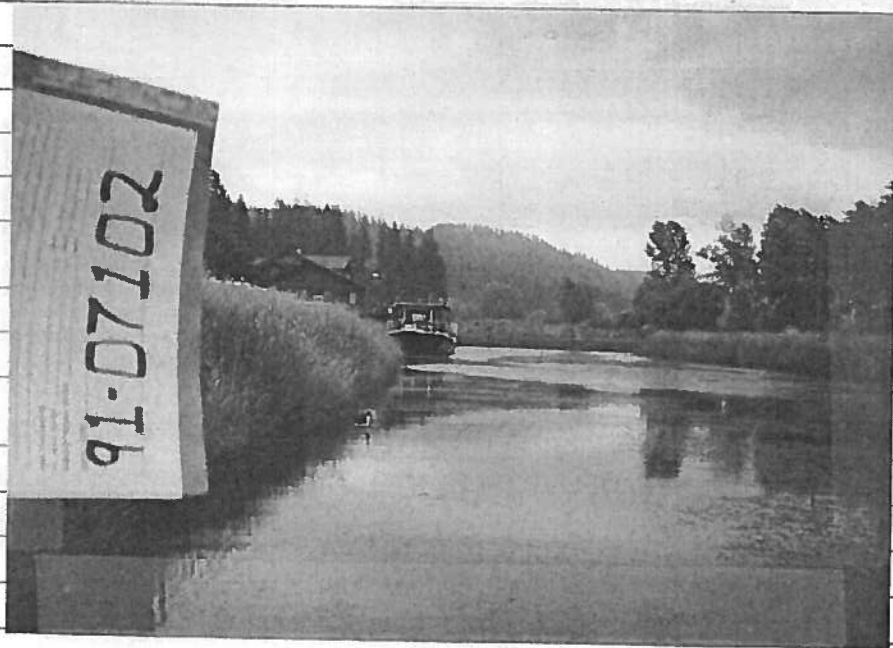
() Correspondence (Date) _____

() Other (List) _____

Contacts: _____

Remarks: _____

The PD



Exam Completed By *Louis Johnson* Date 8/8/89
Sr. Agent Review _____ Date _____
Regional Manager Review _____ Date _____

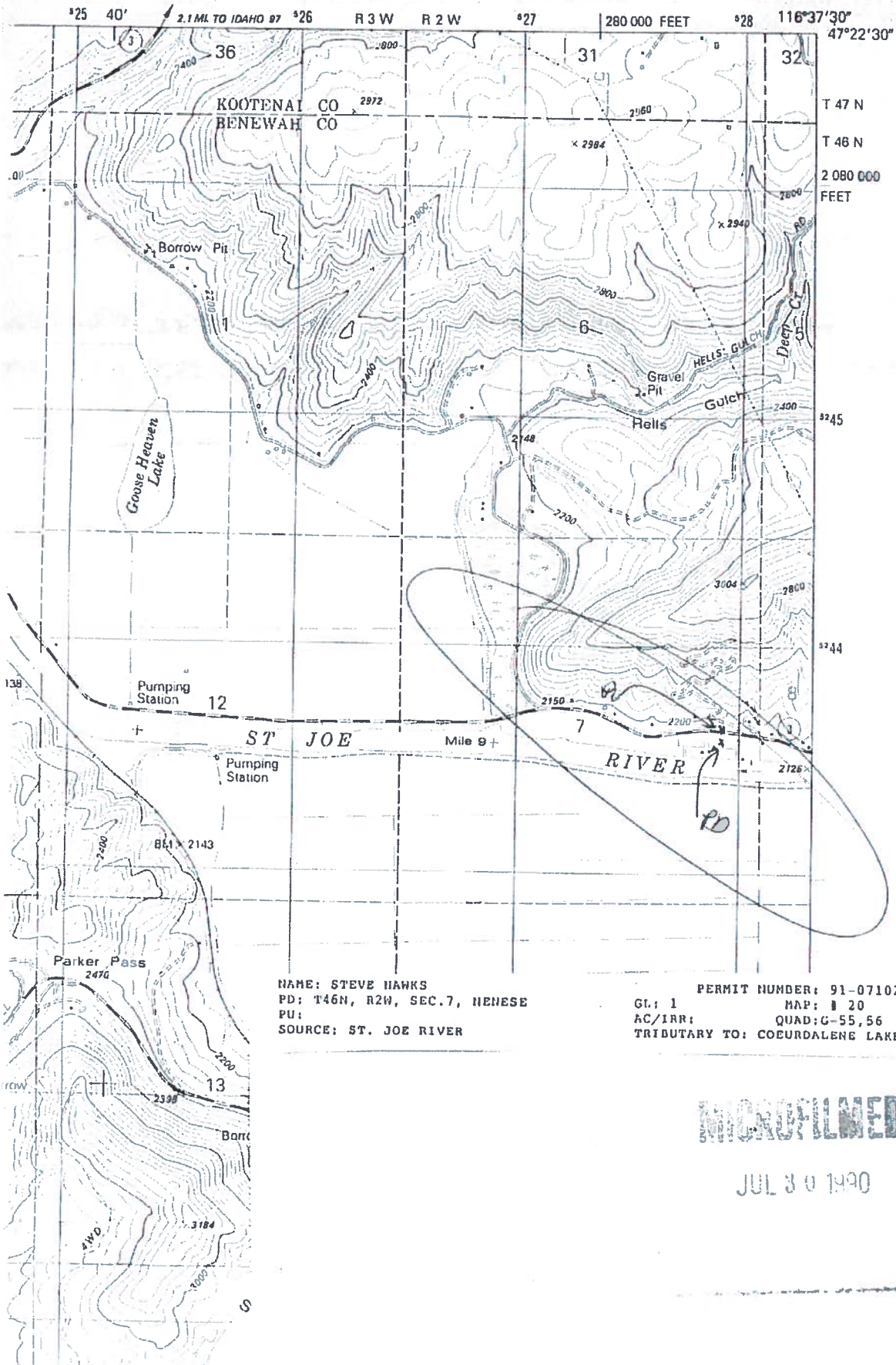
PERMIT NUMBER

91-07102

BENEWAH LAKE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

SW/4 ST. MARIES 15' QUADRANGLE

2678 INE
(MEDMONT)



NAME: STEVE HAWKS
PD: T46N, R2W, SEC.7, NENESE
PU:
SOURCE: ST. JOE RIVER

PERMIT NUMBER: 91-07102
GL: 1 MAP: 20
AC/IRR: QUAD: G-55,56
TRIBUTARY TO: COEURDALENE LAKE

RECORDED

JUL 30 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 91-07102

Priority: July 22, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.02 CFS
0.6 AF

This is to certify, that STEVE HAWKS
RT 2 BOX 86

ST. MARIES, ID 83861 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 22, 1988; and
has submitted Proof of Beneficial Use on October 19, 1988. An examination indicates
that the works have a diversion capacity of .020 cfs of water from:

ST. JOE RIVER tributary to COEUR D ALENE LAKE

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	03/15 to 11/15	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 7(NESE), Sec. 7, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN RGE SEC

46N 02W 7 LOT 7(NESE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for irriagation of ~~farm~~ garden.

MICROFILMED

JUL 30 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07102

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 July, 1990.

Acting for R. Keith Higginson, Director

RECEIVED

JUL 30 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Steve Hawks Phone 245-2403
Post office address Rt. 2 Box 86 St. maries, Id. 83861
2. Source of water supply ST JOE RIVER which is a tributary of COEUR D'ALENE LAKE
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 1
Sec. 7 Township 46N Range 2W B.M. Bencwah County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.02 for DOMESTIC garden watering purposes from 1 MAR to 1 DEC (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)
5. Total quantity to be appropriated is (a) 2.02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 1 1/4" pipe through
culvert to canal
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water for the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

DEC 27 1988

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N	2W	7													D				35

Total number of acres to be irrigated 35

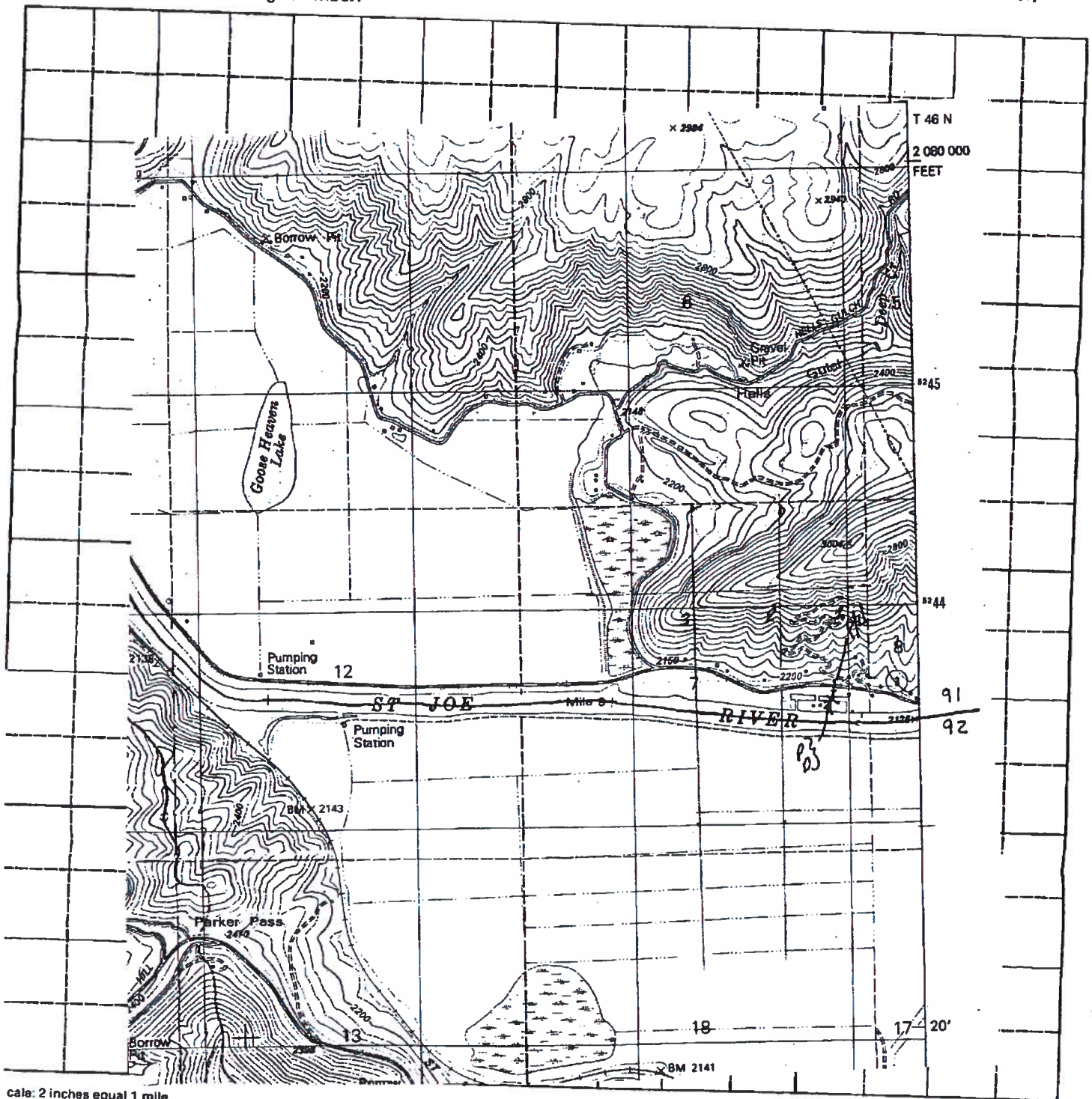
- Describe any other water rights used for the same purposes as described above. Drinking water from well. I am 1/4 partner
- Who owns the property at the point of diversion? Cyril Chase
 - Who owns the land to be irrigated or place of use? Steve Hawks
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

DEC 21 1988

13. 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 **WILLIAM M. MED** in and to the State of Idaho as herein set forth.

DEC 27 1988

Shirley Hawks
(Applicant)

Received by KK Date 7/22/88 Time 1:00 PM Proposed Priority 7/22/88
Fee \$ 30.00 Receipted by JK # N 741 Date 7/26/88
Publication prepared by JK Date 8/16/88 Published in Idaho Water Rights
Publication approved JK Date 8/29/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 91-7102, and said application is hereby APPROVED.

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

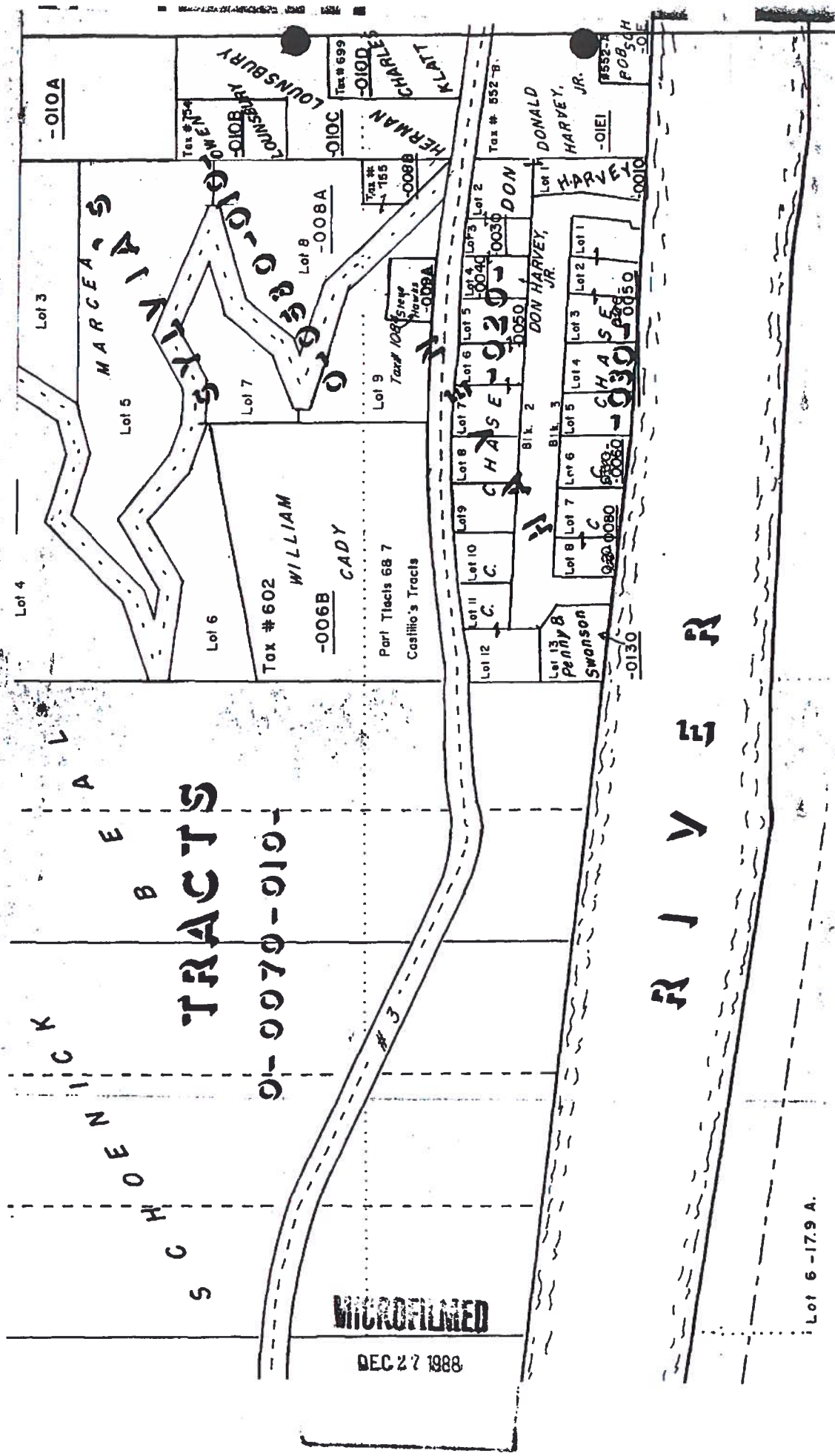
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1989.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6th day of October, 1988.

J. Glen Saylor
for Director

MICROFILMED

DEC 27 1988



TRACTS

01-0070-010-

MICROFILMED

DEC 27 1988

RIVER

Lot 6 - 17.9 A.

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 17th day of Aug, 19 88 and the last on the 24th day of Aug, 19 88.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 26th day of Aug, 19 88

Cynthia Ann Hammes

STATE OF IDAHO
COUNTY OF BENEWAH }

On this 26th day of Aug in the year 19 88
before me, a Notary Public, personally appeared Cynthia Ann Hammes known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Sharon D. Blackburn

Notary Public
Residing at St. Maries, Idaho

**Application for water
right filed by Hawks**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s)
have been filed to appropriate the
public waters of the State of Idaho:
91-07102

Hawks, Steve
Rt 2 Box 86
St. Maries, ID 83861
Source: St. Joe River
Tributary: Coeur d'Alene Lake
Diversion Pt: Lot 1 (NENESE) Sec
7 T 46N R 02W

Use: Domestic (.020 CFS)

Date Filed: 7/22/1988

In: T46N R02W S07 Lot 1 (NESE)

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, North-
ern Region, Government Way Suite
9, Coeur d'Alene, Idaho 83814 on
or before September 6, 1988.

R. Keith Higginson, Director
No. 549 -- Aug. 17-24.

OK
12/29/88

July 20, 1990

STEVE HAWKS
RT 2 BOX 86
ST. MARIES, ID 83861

RE: PERMIT NO. 91-07102

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
JUL 20 1990

SENIOR AGENT REVIEW

Check List
for
Beneficial Use Field Report

RECEIVED
JUN 27 1990

Department of Water Resources

Permit 91-07102

☒ A. GENERAL INFORMATION

- ☒ 1. Name and address are most current available. (Check BU statement)
☒ 2. Exam Date
☒ 3. Source (Check Permit)

☒ B. OVERLAP REVIEW

- ☒ 1. & 2. (Rule 5,1,4)

☒ C. SYSTEM DESCRIPTION

- ☒ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
☒ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
☒ 3. Word Picture (Rule 5,1,3 / 5,1,4)
☒ 4. Diversion (Rule 5,1,3)
☒ 5. Compare with USGS Map, Land Survey Maps, Aerial Photos and Permit.
☒ 6. Irrigation (Rule 5,1,8)

☒ D. FLOW MEASUREMENTS Check math (Rule 5,1,13 / 5,1,14)

☒ E. FLOW CALCULATIONS Check math (Rule 5,1,13 / 5,1,14)

☒ F. OPTIONAL

☒ G. VOLUME CALCULATIONS

- ☒ Three significant figures and no more than 1/10's (Rule 6,1,2)
☒ Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

☒ H. REMARKS AND OVERLAP ANALYSES

- ☒ All actual uses listed; all permitted uses not used, also listed; (Rule 5,1,2):
☒ Overlaps (Rule 5,1,4):
☒ Return flows (Rule 5,1,5):
☒ Conditions (Rule 5,1,6).

☒ I. RECOMMENDATIONS

- ☒ 1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity
(Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14).
Period of year (Rule 5,1,13)
☒ 2. Compare permit to exam for amendments (Rule 5,1,16)

☒ J. AUTHENTICATION

- ☒ Name, Signature, Certification Date, Exam Date.

☒ WELL INSPECTION REPORT

- ☒ Check with permit and well log for discrepancies

Signature JLK

Date 8/19/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

() B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(☒) Field Report

(☒) Quad Sheet

(☒) Gov. Lot Plat

(☒) Rules Check list

() Aerial Photo

() Photo PD/PU

() Well Log

Number of Diagrams Attached _____

Number of Calculation Sheets Attached _____

() Correspondence (Date) _____

() Other (List) _____

Contacts: _____

Remarks: _____

The PD

Exam Completed By *Louis Johnson*

Sr. Agent Review _____

Regional Manager Review _____

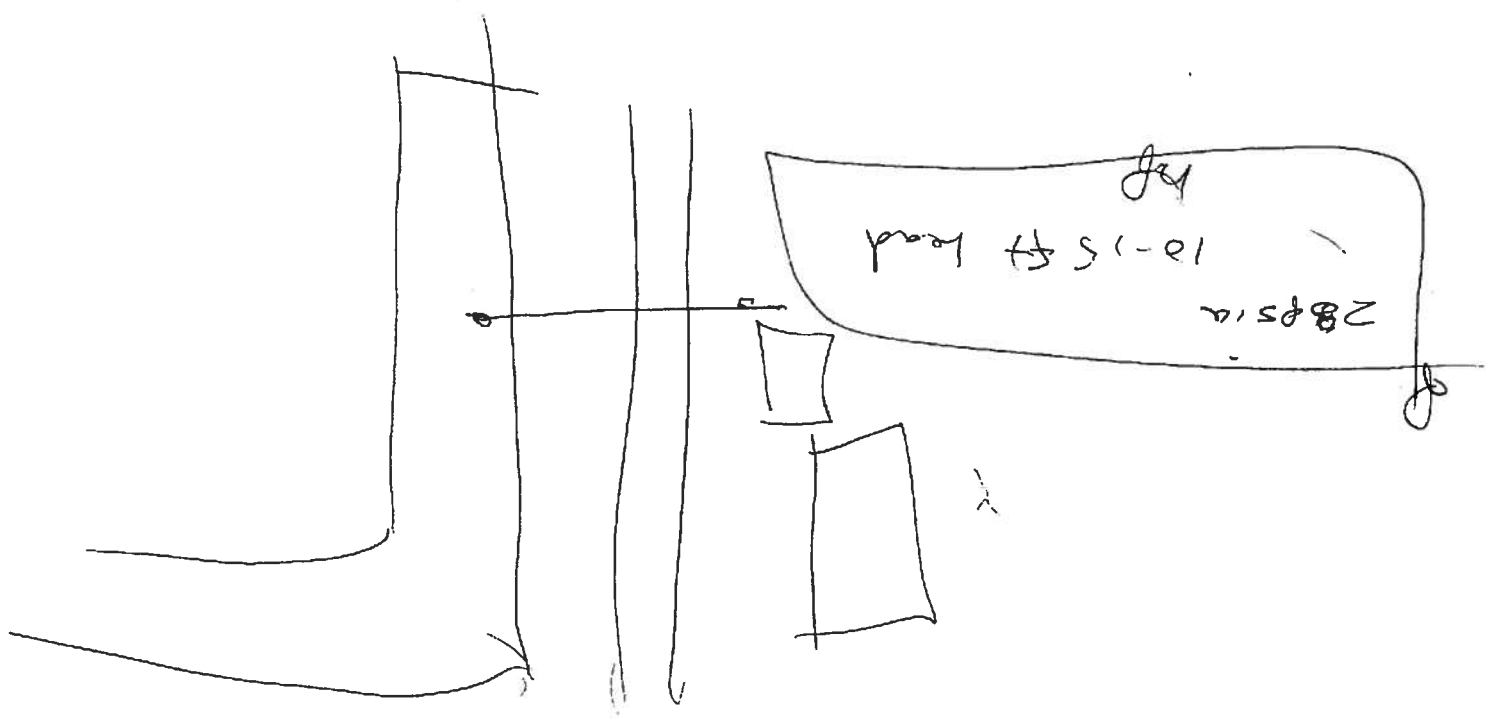
Date *8/8/89*

Date _____

Date _____

PERMIT NUMBER

91-07102



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 27 1990

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 91-7102

1. Owner: Steve Hawks Phone No. 245-2403

Current Address: Rt 2 Box 86 St. Maries, Id 83861

2. Accompanied by: Mrs. Hawks EXAM. DATE: 7/26/89

Address: Same Phone No. Same

Relationship to Permit Holder: wife

3. Source: St. Joe River tributary to Coeur d'Alene Lk.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

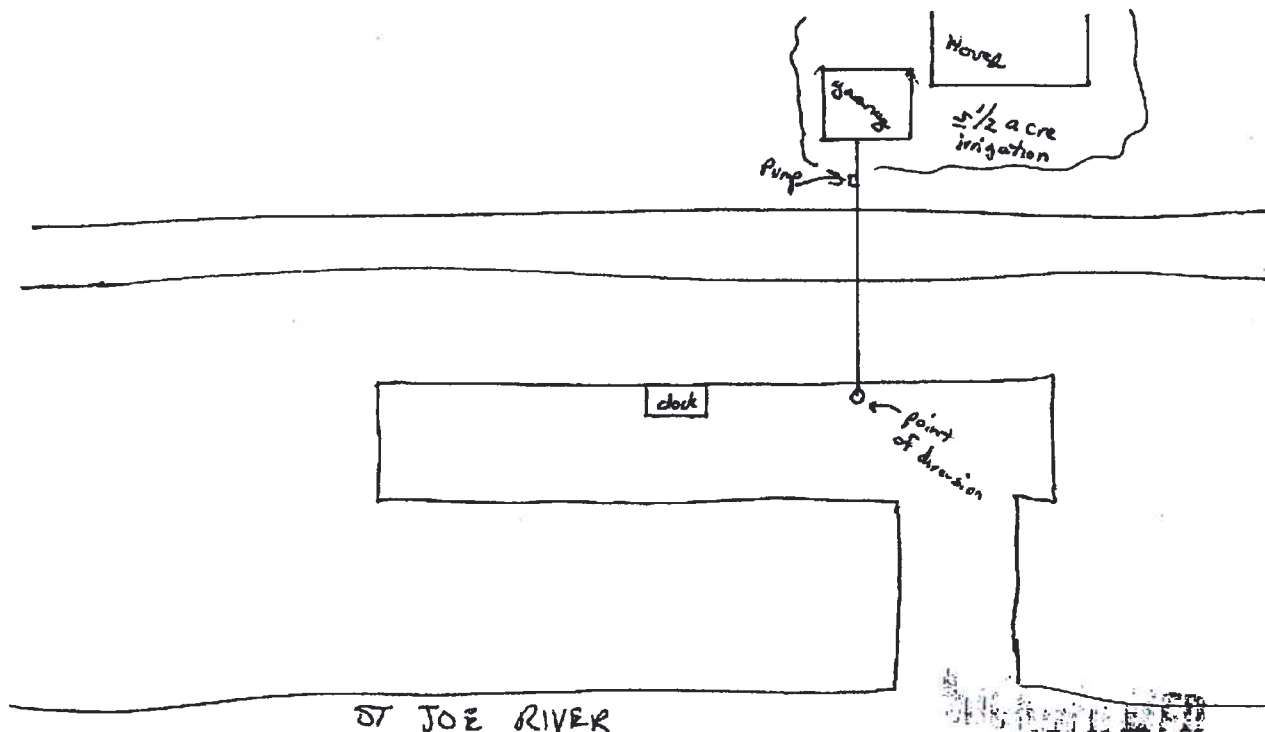
☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

pick up in pirate bay with 1 1/2" black PVC pipe across under road to 1/2 hp pump. water is then distributed through hoses and sprinklers.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	TEEL	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
			3 1/2	?	?	3" 1"

***Code to correspond with No. on map and aerial photo**

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Map Indicate Method of Determination

[illegible]

Do not use this space

8W/4 BT. MARIES 15' QUADRANGLE

2678 1 HE
(MEDIMONT)



Do not use this space

D. FLOW MEASUREMENTS

NONE

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = \frac{8.8 (1.7) (1/2)}{2.3(28) + 30} = .033 \text{ cfs} \quad \begin{matrix} 28 \text{ psi} \\ 30 \end{matrix}$$

2. Alternate Method for Checking Purposes:

limited to .02
by application

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

Domestic (1.2 cfs) 1 Home

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Domestic Irrigation was all that was found.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
Domestic	3/15 12/15	0.02 cfs	0.6 af

Totals:	0.02 cfs	0.6 af
---------	----------	--------

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name: Louis Sukorath
 Signature: [Signature]
 Certification Date: 2/17/89
 Field Report Preparation Date: 2/26/89

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 4, 1988

Mr. Steve Hawks
Rt. 2 Box 86
St. Maries, Id. 83861

Re: 91-7102

Dear Permitholder:

We acknowledge receipt of your statement of completion of water development 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. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms



CDAT OBJ-7102 0029

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 91-7102

Date: 10/21/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely _____
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

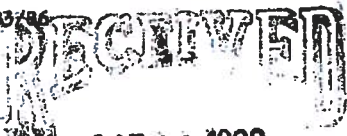
No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

03/86



OCT 19 1988

No Fee.

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by SS

Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 91-07102Name(s) of Permit Holder: Steve HawksPost Office Address: Rt. 2 Box 86 St. maries, Idaho 83861Telephone No. 245-2403Source of Water: ST. Joe River

Extent of Use:

Domestic 1 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.02 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: 7-26-88

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

Fee enclosed \$ _____
 (See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
 Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

10-15-88
 Date

Steve Hawks MCM
 Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
October 11, 1988

STEVE HAWKS
RT 2 BOX 86
ST. MARIES, ID 83861

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 91-07102

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

Gary Spackman
Supervisor, Water Allocation Section

GS: SC
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JK DATE: 7/26/88 APPLICATION: 91-1102

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names must be provided for the director, officers, and other partners.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map:
- ☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)
- ☒ Fee:
- ☒ yes No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

- ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
☒ Field check required:
☒ Field check by: _____
☒ Field report attached: _____
☐ Critical groundwater area:
☐ Groundwater management area:
☐ Send dam safety information:
☐ Send power requirement letter:
☐ Send fish farm requirement letter:
☐ Power residency affidavit:
☐ Power efficiency form:
☐ Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ Additional information on reverse side:

***REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT**

DATE REQUESTED:

SEP 23 1965

Department of Water Resources

PROCESSING

YES ☒ NO

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

FINAL REGIONAL PROCESSING REVIEW

YES ☒ NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received, final date for protest

Protests, dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: (see additional info. below)

See Below For Additional Information

Recommended Date of Priority

Recommended by:

STATE OFFICE REVIEW

P16

04

See below for additional information. By

Date

9/29/88

ADDITIONAL INFORMATION

91-07032 & 91-07184 - ALL SHRED SAME P.O.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 8, 1988

Dept. of Lands
Statehouse
Boise, Id. 83720

Re: 91-7102

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to
your Agency.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enclosure





State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dear Claimant:

The Department of Water Resources acknowledges receipt of your water right application for permit.

This office is currently in the process of advertising the application in the local county newspaper. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to the final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt for the fee involved in filing this application.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms
Enc. - Receipt

RECEIVED
NORTHERN REGION
JAN 27 1998



91-07102

91-07102

HAWKS, STEVE
RT 2 BOX 86
ST. MARIES, ID 83861

Source: ST. JOE RIVER

Tributary: COEUR D ALENE LAKE

Diversion Pt: LOT 1 (NENESE) Sec 7 T 46N R 02W

Use: DOMESTIC (.020 CFS)

Date Filed: 7/22/1988

In: T46N R02W S07 Lot 1 (NESE)