

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)	
95-9024 IN THE NAME OF THE)	REINSTATEMENT ORDER
SAM JACOT)	
_____)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 12, 1999, the Department issued Permit No. 95-9024 to Sam Jacot ("permit holder") authorizing the diversion of 0.06 cubic feet per second (cfs) of water from the Spokane River to be diverted for irrigation use within the Gov. Lot 1 (NE1/4NW1/4), Section 8, Township 50 North, Range 4 West, Kootenai County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before October 1, 2002.
2. On July 31, 2002, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit Proof of Beneficial Use or a Request for Extension of Time ("extension request").
3. On October 8, 2002, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.
4. On July 2, 2003, the permit holder submitted Proof of Beneficial Use to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had

occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information to show construction of the system and the use of water during the authorized development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 95-9024 in the name of Sam Jacot is **REINSTATED** with the priority advanced to **July 2, 2003**.

Dated this 9th day of July, 2003.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Receipt By: RAH
Date Received: 7/2/03

PROOF OF BENEFICIAL USE

RECEIVED
JUL 02 2003
IDWR/North

1. Permit No. 95-09024 Telephone No. (208) 765-9222

2. Name of Permit Holder(s): SAM JALOT

3. Mailing Address: PO Box 2906

City POST FALLS State ID Zip 83854

4. Source of Water: SPOKANE RIVER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 1.6 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1,076 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No A

8. Fee Enclosed: \$ 50 - (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: SAME AS ABOVE Telephone Number: _____

Address: _____

10. *The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.*

Signature of permit holder: Samuel C. Post Date: 7/2/03
(include your title, if on behalf of company or organization)

MICROFILMED

MAY 26 2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09024

Priority: August 9, 1999

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **SAM JACOT**

11923 STENDALL DRIVE N

SEATTLE WA 98133

has applied for a permit to appropriate water from:

SPOKANE RIVER

tributary of **COLUMBIA RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENW), Sec. 8, Township 50N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

50N 04W 8 Lot 1 (NENW) 2.0

2.0

Total number of acres irrigated:

2.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2002**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted under this right when flows in the Spokane River are below established minimum stream flows.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

12 day of October, 1999

MICROFILMED

[Signature]
for Karl J. Dreher, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 95-09024

RECEIVED
SEP 29 1999

Department of Water Resources

1. Name of Applicant SAM JACOT Phone (206)367-5819
Mailing address 1923 STENDALL DR. N. SEATTLE, WA 98133
2. Source of water supply SPOKANE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is Township 50N Range 4W Sec. 8 in the NE 1/4, NW 1/4, Govt. Lot 1, B.M., KOOTENAI County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.06 for IRRIGATION purposes from 3/15 to 4/15 (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)
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) 0.06 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source PUMP IN RIVER
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85° F being sought? ☒
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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JAN 18 2001

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	4W	8					2												2
							6.4												

Total number of acres to be irrigated 2

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

11. a. Who owns the property at the point of diversion? APPLICANT / STATE OF IDAHO
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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JAN 18 2001

x Samuel B. [Signature]
 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 8/9/99 Time 4:00 PM Preliminary check by _____
 Fee \$ 50.00 Received by [Signature] # N013133 Date 8/9/99
 Publication prepared by [Signature] Date 8/11/99 Published in CDA Press 8/19+26/99
 Publication approved [Signature] Date 8/30/99

























Ship-to: SAM
SAM OR DONNA JACKET
5725 OHIO MATCH AVE EAST
POST FALLS, ID 83854

Bill-to: 6417
WASATCH LANDSCAPING & EXCAV.
1429 EAST 3000 SOUTH
S.L.C. UT 84106

REFERENCE # : EXPIRES : (SLSP) TERMS : (WH) : (FREIGHT) : (SHIP VIA)

05/16/01 1314 (CASH PAYMENT) 102 (PREPAID) (NO)

QUOTED BY: GLJ QUOTED TO: DERRICK MYLER

ITEM DESCRIPTION	QUANTITY	UNIT	PRICE	EXTENSION
✓ 3996 1 EV 6/V W/FC TXT HU HPV-1016	17	EA	33.950	577.15
✓ 18921 1 1/2 SUPER FILTER 50M PE W/BV	1	EA	129.200	129.20
✓ 18861 7 STRAND 16GA 250' WIRE ROLL	1	RL	118.750	118.75
18887 13 STRAND 18GA 300' WIRE ROLL	1	RL	336.200	336.20
✓ 9178 4 STA MODULE 10M-400 FOR	1	EA	50.000	50.00
✓ 8211 1 1/2 FUNNY PIPE (FP)	200	LF	.350	70.00
✓ 9971 1 1/2 FUNNY EL	50	EA	.360	18.00
✓ 9972 3/4 FUNNY EL	30	EA	.360	10.80
3736 1 SRS-04 HUNTER 4" POP-UP	15	EA	2.600	39.00
14571 1 RB 6VAN 6' ADJ ANGLE NOZZ	11	EA	1.750	19.25
14572 1 RB 6VAN 6' ADJ ANGLE NOZZ	4	EA	1.750	7.00
✓ 3853 1 HU P504-SSS 5'X30' SST SPRAY	4	EA	3.650	14.60
✓ 3845 1 HU P504-12A 12' ADJ SPRAY HEAD	9	EA	3.650	32.85
✓ 3842 1 HU P504-10A 10' ADJ SPRAY HEAD	34	EA	3.650	124.10
✓ 3848 1 HU P504-15A 15' ADJ SPRAY HEAD	13	EA	3.650	47.45
✓ 3851 1 HU P504-17A 17' ADJ SPRAY HEAD	11	EA	3.650	40.15
✓ 3863 1 HU P504-24A 24' ADJ 4 ROTOR BODY	13	EA	18.950	246.35
✓ 3801 1 HU P504-ADJ ADJ W/FR ROTOR	44	EA	21.950	965.80
✓ 9671 1 1 300' POLY 100PSI GREEN 3/4" B	1200	LF	.260	312.00
✓ 4404 1 KEYSTONE CLAMP NS3316	250	EA	.303	75.75
✓ 1802 1 INSERT TEE 1401-010	30	EA	1.610	48.30
1852 1 INSERT ELBOW 1406-010	30	EA	1.400	42.00
2117 1 2 45DEG EL SS 417-020	5	EA	3.538	17.69
1950 1 2 TEE SSS 401-020	5	EA	3.727	18.64
✓ 1970 1 2X1 TEE SSS 401-249	17	EA	3.960	67.32
✓ 1819 1 INSERT TEE X FIPT 1402-010	24	EA	2.190	52.56
✓ 1826 1 1X1/2 INSERT TEE X IFPT 1402-130	40	EA	2.050	81.20

(MERCHANDISE)	MISC	TAX	FREIGHT	TOTAL
3569.45	.00	235.58	.00	3805.03

RECEIVED
JUL 02 2003
IDWR/North

MICROFILMED
NOV 26 2003

— 250'

— 4x28"
— 29 Count
— 13 "

— 1 Extra

— 6 back changed for 17 only received 11
— 24 back

IN THE MATTER OF:

Beneficial Water Use

State of Idaho

County of Kootenai

AFFIDAVIT

RECEIVED
JUL 02 2003
IDWR/North

I Darrell G. Sims

being first duly sworn,

deposes and says: attest to the fact our eastern neighbor Sam & Donna
Jacot, have been irrigating their property using Spokane River water
since mid 2001.

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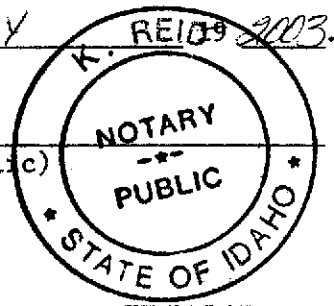
NOV 26 2007

Darrell Sims
(signature)

Subscribed and sworn to before me this 1 day of JULY 2003.

K. Reid
(notary public)

Residing at KOOTENAI
My commission expires 7-17-07



APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

by SCurtis

No.: 95-09024 Name: Jacot Date: 9/29/99 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West

- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: 9/27/99 RESPONSE: NONE

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)

- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) - _____

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

- _____

STANDARD REMARKS:

- _____

BENEFICIAL USE DUE:

- 10 /1/ 2002

COMMENTS:

- _____

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED WRI WRA BCA
SEP 29 1999

APPLICATION # 95-09024

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: JACOT

BY: [Signature]

DATE: 8/9/99

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

- (Yes) (No)
- X Field check: by _____
 - + Field report attached
 - + Analysis Supp. attached (>5cfs/500af)
 - + Water delivered by water master?
 - Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 8/9/99

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

CA/Thurs/ok

ADVERTISE IN: KOOTENAI County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>+</u>		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()

- + Groundwater management area
- + Critical ground water area
- + Well Drilling Permit required
- + Well Drilling Application and Fees received
- + Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes) (No)
- 8/30 Notice of pending void order issued. Final order response date: 8/17/99
 - 8/30 Further information required from applicant
 - 8/11 Affidavit of publication received
 - Application published correctly. If not, record action taken: _____
 - Publication dates and paper recorded on application
 - Protests received, Final protest date: 9/17/99
 - Measuring device required
 - Measuring port required
 - Special conditions: _____
 - Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____

Date: _____/_____/_____

RECEIVED

SEP 29 1999

Department of Water Resources

Memorandum

Date: September 27, 1999

To: File 95-09024

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

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Northern Region received no negative reply from the Panhandle Office of Idaho Fish and Game. A Point of Diversion Index was faxed to Mr. Chip Corsi of this filing on September 21, 1999. No negative reply was received.

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SEP 18 2000