

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08802

Priority: March 30, 1993

Maximum Storage Volume:

1.0 AF

This is to certify, that PAUL FINNEY
16300 S ASBURY RD
HARRISON ID 83833

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 30, 1993; and has submitted Proof of Beneficial Use on May 31, 1994. An examination indicates that the works have a storage capacity of 1.000 af of water from:

UNNAMED STREAM

tributary to CARLIN CREEK

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>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(SENW), Sec. 8, Township 48N, Range 03W
KOOTENAI County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

48N 03W 8 Lot 3(SENW)

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
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. The storage of water is contingent upon certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

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 22ND day of AUGUST, 1995.

Acting for

KARL J. DREHER, Director

AUG 28 1995

STATE OF IDAHO

Amt. of Fee \$ 50-
Date 5/24/94
Receipt No. N007690
Received by SLDEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USERECEIVED
MAY 31 1994
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have 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.

1. Permit No. 95-08802 Telephone No. 667-4994
2. Name(s) of Permit Holder(s): Paul Finney
3. Post Office Address: 16300 S. Asbury Rd. Harrison, Idaho 83833
4. Source of Water: Surface water, Spring run off
- a. If ground water, well driller's name: _____ Date drilled: _____
- b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:
- | | |
|--|--|
| Domestic _____ (No. of households) | Irrigation _____ (No. of acres) |
| Stockwater _____ (No. and type of stock) | Other <u>Wild Life + to aid in possible wild fire control.</u> |
6. Total rate and/or volume for which proof is submitted _____ cfs 9.0 acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:
- Measuring device: Required? Yes ☒ No Installed? Yes ☒ No
- OR
- Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No
8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:
- Paul Finney 667-4994
Name Telephone No.
- 16300 S. Asbury Rd., Harrison, Id. 83833
Address
10. 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.

5-18-94
DatePaul Finney, Finney Brothers Owner
Signature (and title if on behalf of a company or organization)

SEP 12 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-08802

Proposed Priority: March 30, 1993

Maximum Storage Volume:

9.0 AF

This is to certify, that **PAUL FINNEY**

16300 S ASBURY RD

HARRISON ID 83833

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **CARLIN CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		9.0 AF
RECREATION STORAGE	01/01 to 12/31		9.0 AF
	Totals		9.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(SENW), Sec. 8, Township 48N, Range 03W
KOOTENAI County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

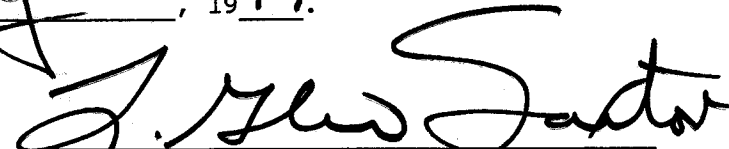
48N 03W 8 Lot 3(SENW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1995**.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. Single point of diversion located on or near line between Lot 3 (NENW) and SENW, S08, T48N, R03W.
5. Single place of use located on or near line between Lot 3 (NENW) and SENW, S08, T48N, R03W.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

12th day of May, 1994.


R. Keith Higginson, Director

for
SEP 12 1994

RECEIVED
MAY 02 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 95-9802

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant PAUL FINNEY Phone 667-4994
Post office address 16300 South Asbury Rd.
~~Box 101~~ HARRISON, ID 83833
2. Source of water supply UNNAMED STREAM which is a tributary of CARLIN CREEK
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 3
Sec. 8 Township 48 N. Range 3 W. B.M. KOOTENAI County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | |
|---|-------------------------------|---|
| Amount <u>9.0</u>
(cfs or acre-feet per annum) | for <u>RECREATION STORAGE</u> | purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| Amount <u>9.0</u>
(cfs or acre-feet per annum) | for <u>WILDLIFE STORAGE</u> | purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
5. Total quantity to be appropriated is (a) _____ and/or (b) 9
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. DAM
- b. Height of storage dam 19 ft feet; active reservoir capacity 9 acre-feet; total
reservoir capacity 9 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
- ☒ Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- ☒ 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 to the proposed beneficial use is
1 years (minimum 1 year).

SEP 12 1994

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	
48N	3W	8					R			R									Ø
							W			W									

Total number of acres to be irrigated _____

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

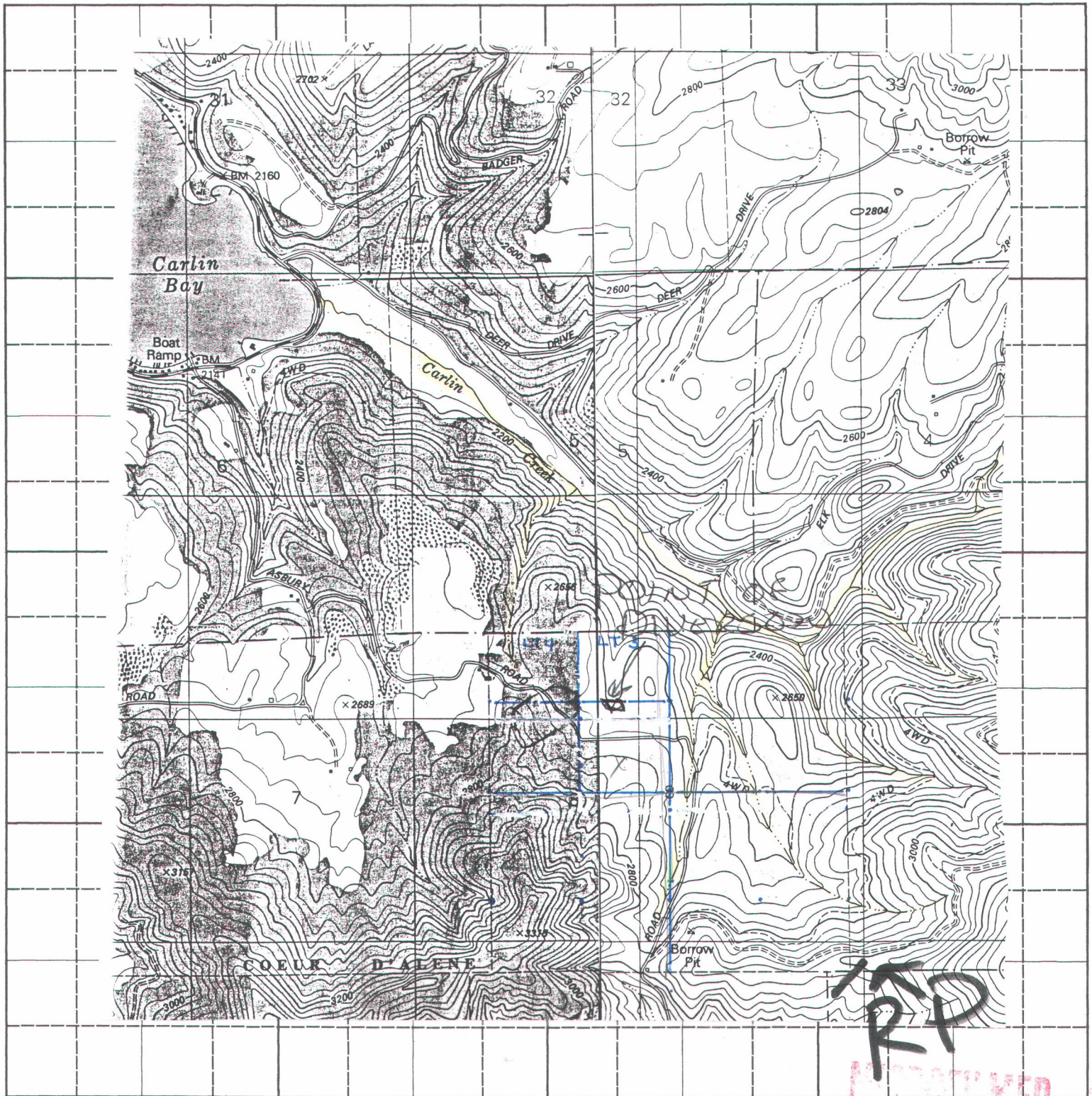
b. Who owns the land to be irrigated or place of use? APPLICANT

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: Single P/D & P/U located on/near the line between LT3 (NENW) & SENW, S8, T 48N, R3W.

SEP 12 1994

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.

Saul Torrey
(Applicant)

SEP 12 1994

Received by DL Date 3/30/93 Time 12:00 noon Preliminary check by AB
Fee \$ \$30 - Receipted by DL # N006403 Date 3/30/93
Publication prepared by mm Date 4/7/93 Published in CDA News 4/15/93
Publication approved mm Date 4/24/93

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. _____, and said application is hereby _____.

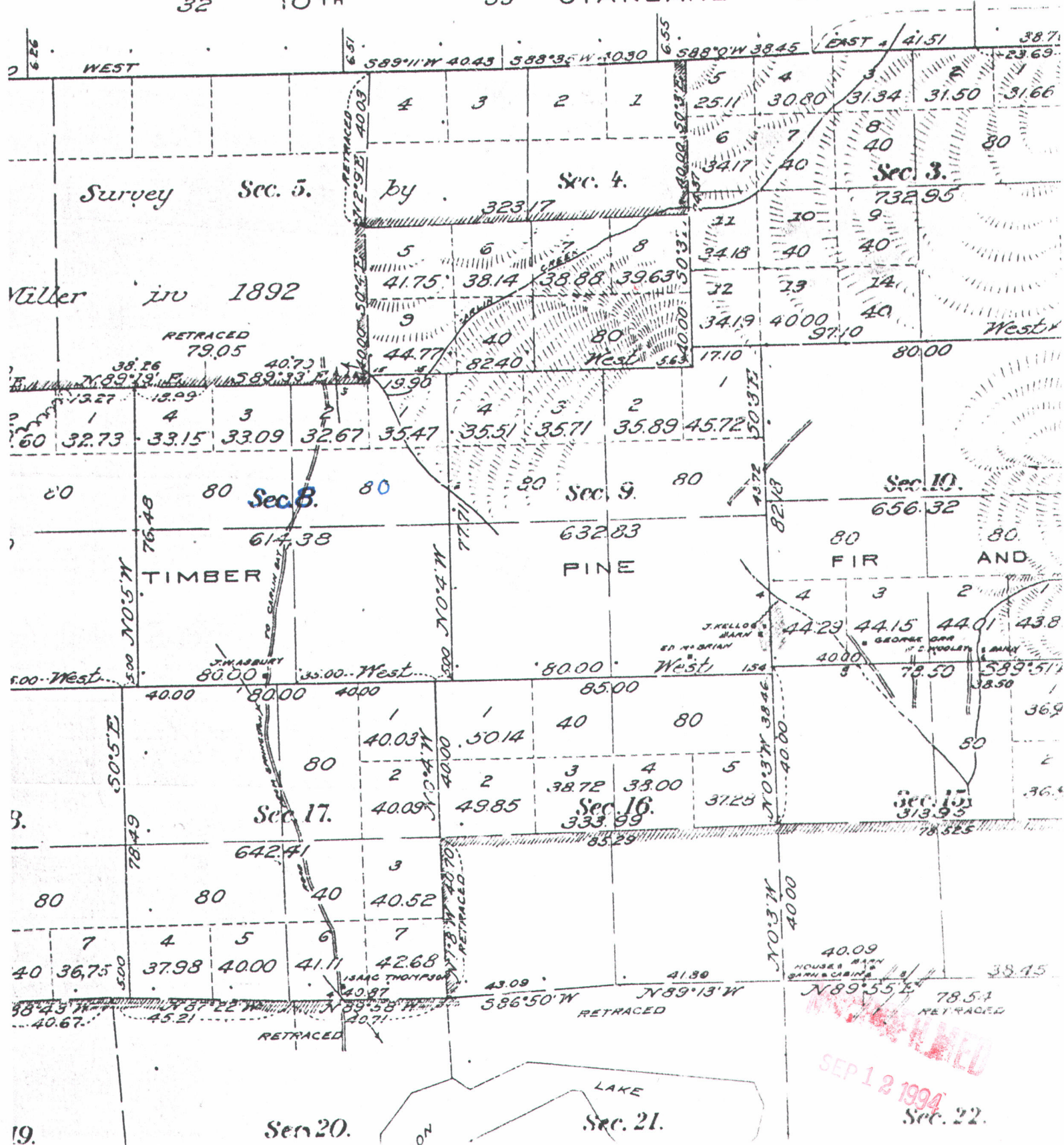
1. Approval of said application is subject to the following limitations and conditions:

- 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 _____, 19 ____.
- 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:

Nº 48 North, Range Nº 3 West of the

F e E d D c

32 10TH 33 STANDARD 34 PARALLEL



LICENSE REVIEW
Cindy Zimmerman

Permit #: 95-8802 Name: Finney Date: 8/8/95
App Rcd 3/30/93 Priority 3/30/93 Examined 5/3/95 ✓ Lots ✓

NAME	Chng	OK	Or Address Change?
SOURCE	—	✓	Clarify source Prelim. Order to Void - Source change.
P/D	—	✓	Amendment Needed? <u>clarify Lt3</u> <u>add Lt3</u> -P39, P38 Overlap(s) _____
P/U	—	✓	Amendment Needed? <u>clarify Lt3</u> -P41, P38 Overlap(s) _____ *P/D & P/U Amend? <u>P37, P38</u> (See paragraph list for governmental agencies.)
RATE	—	—	Permit/fee limits <u>NONE</u> Measured Q= _____ cfs Theoretical Q= _____ cfs
STORAGE RIGHT ONLY			
		Recommended capacity _____ cfs	
		Recommended rate _____ cfs	
VOLUME	—	✓	Season of Use: () <u>1/1-12/31</u> = <u>365</u> days Calculations: <u>Wildlife Storage = 1.0 AF</u> <u>Recreation Storage = 1.0 AF</u> Flow limit: _____ x _____ x 1.9835 = _____ AF Recommended volume <u>1.0</u> AF
USES	—	✓	Same Nature of Use? _____ -P46 Amendment Needed? _____
REMARKS	—	—	Multiple p/d's in <u>1 1/4</u> ? _____
CONDITIONS	—	—	Measuring (R01)/Locking (R02) Devices Watermaster Control (R04) - WD # _____ Irrigation rate/volume overlap Irrigation water overlap (065) (If gw use sw) Water Quality <u>R13</u> Other <u>(Dam Safety)</u>
PRIORITY	Due <u>5/1/95</u> Rc'd <u>5/24/94</u> Receipt# <u>N7690</u> Fee OK? <u>(Yes)</u> No Order to Reinstate Needed? Yes/No Done? _____ If Yes, Advanced? Yes/No to: _____		

COMMENTS: _____

USE	CFS	DIV VOL	Adjustment Memo
<u>Wildlife Stor.</u>	—	<u>0.0</u>	✓
<u>Rec. Storage</u>	—	<u>1.0</u>	
	—	—	
<u>TOTAL</u>	—	<u>1.0</u>	

LICENSE: (P49)
#1 AMEND LTR: P46 or P39/P41/P37 & P38
#2 AMEND LTR: P42/P47

MEMORANDUM

DATE: August 8, 1995
TO: File No. 95-08802
FROM: Cindy Zimmerman
SUBJECT: Adjustments to Beneficial Use Exam

=====

The following adjustments were made on the field exam.

1. Rate of diversion deleted; this right is for storage only.
2. Annual Volume.
 - a. Volume = surface area $\div$ 43,560 x height x 0.4
= $\{[.5 \times (100 \times 120)] \div 43,560\} \times 19 \times 0.4$
= $\{[.5 \times 12000] \div 43,560\} \times 19 \times 0.4$
= $\{6000 \div 43,560\} \times 19 \times 0.4$
= $0.137 \times 19 \times 0.4$
= $1.04 \approx 1.0$ AF

Microfilm

AUG 28 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 13 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-8802

1. Owner: Paul Finney Phone No. 667 4994

Current Address: 16300 S. Ashbury Rd. Harrison ID 83833

2. Accompanied by: _____ EXAM DATE: 5/3/95

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: UNNAMED STREAM tributary to CARLIN CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	8	48	3W	KOOTENAI	SITE - 4545 Topo.

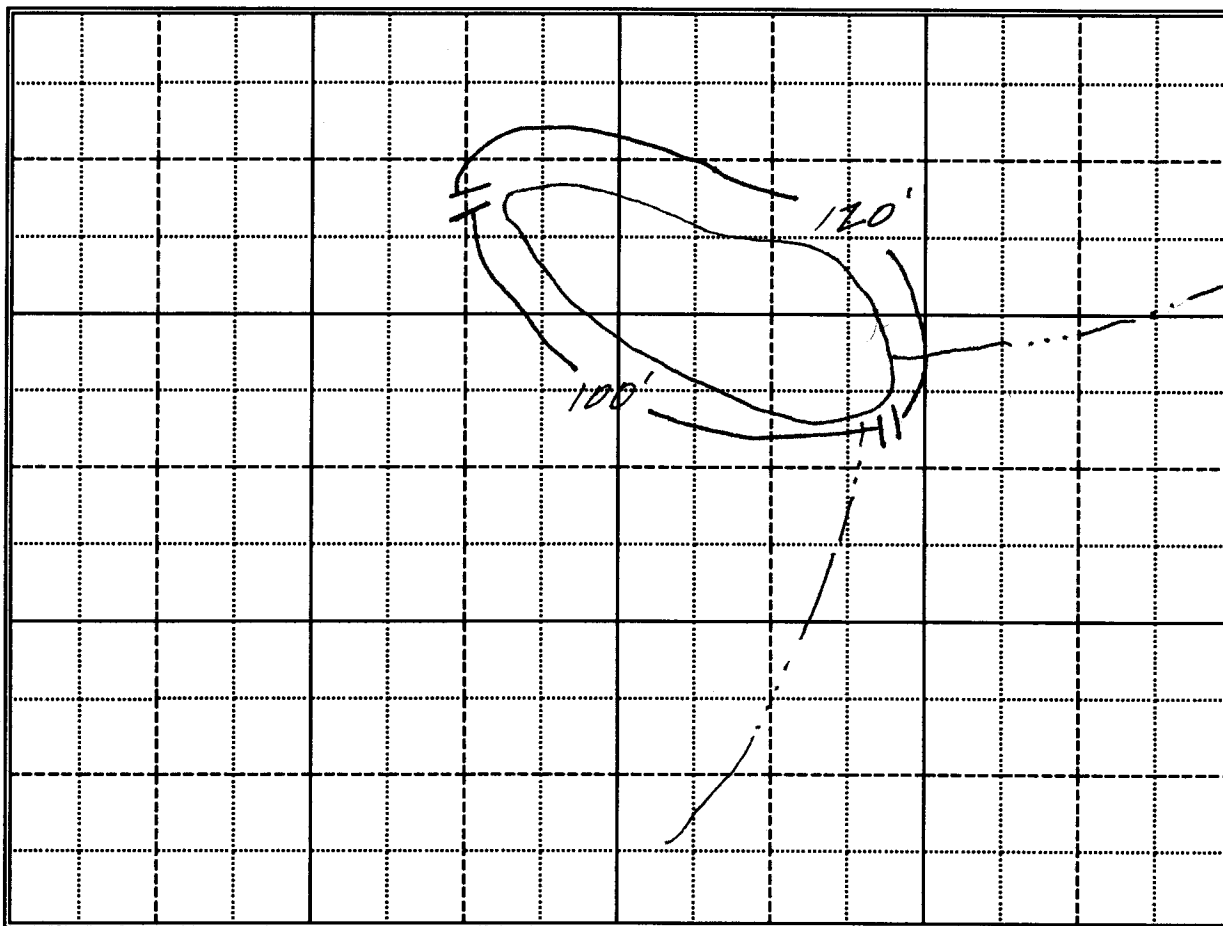
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48	3N	8																	
		</																	

AUG 28 1995

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

RECORDED

AUG 28 1995

E. NARRATIVE/REMARKS/COMMENTS



outlet



(pond)

place of
use

Have conditions of permit approval been met? ☐ yes ☐ no

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AUG 28 1995

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\frac{1/2 (100') \times 120'}{43,560} = 0.13 \text{ cfs}$$

$$\frac{0.13 \times 19 \times 0.4}{1} = 0.98$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
WILDLIFE STORAGE	1-1	12-31	0.13 *	0.98 *
RECREATION SCENE	1-1	12-31		
Totals:			0.13 *	0.98 *

2. 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

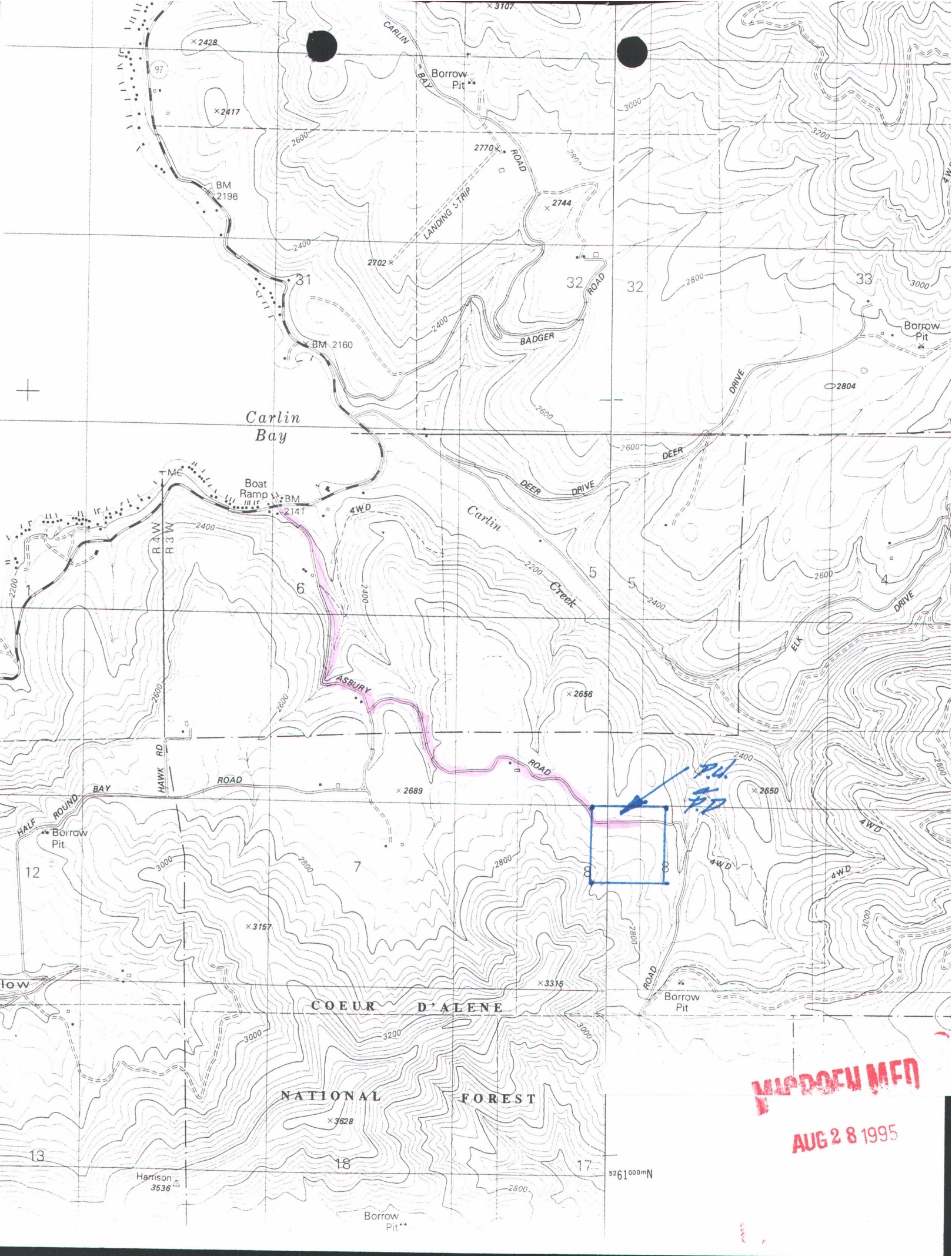
I. AUTHENTICATION

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

* Adjustments made to this right during review for license approval.
See memo for additional information 8/8/95 c.zg.

APPROVED
AUG 28 1995



MILPOCH MFD
AUG 28 1995

RECEIVED

FEB 21 1995

ORIGINAL

Department of Water Resources

1

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

MILDRED STOTT, by and through her)
legal guardian JOYCE DOUGALL,)

Plaintiff,)

vs.)

CASE NO. CV 94-2079

PAUL FINNEY and SUE FINNEY,)
and the marital community thereof,)

Defendants.)

DEPOSITION OF DAVID LePARD

Taken on Tuesday, December 20, 1994

At 10:05 a.m.

At the Offices of Gilbertson Reporting Service
408 Sherman Avenue - Suite 209
Coeur d'Alene, Idaho

Reported by: Richard W. Gilbertson, CSR (NV) (ID) (WA)

Gilbertson Reporting Service

408 SHERMAN / SUITE 209
COEUR D'ALENE, ID 83814
(208) 667-8536

AUG 28 1995

95-08802

FINNEY, PAUL
16300 S ASBURY RD
HARRISON, ID 83833

Source: UNNAMED STREAM

Tributary: CARLIN CREEK

Diversion Pt: LOT 3 (SENW) Sec 8 T 48N R 03W in KOOTENAI County.

Use: WILDLIFE STORAGE	(9.00 AF)
RECREATION STORAGE	(9.00 AF)
Total Diversion:	(9.00 AF)

Date Filed: 3/30/1993

In: KOOTENAI County
T48N R03W S08 SENW

SEP 12 1994