

86-7025

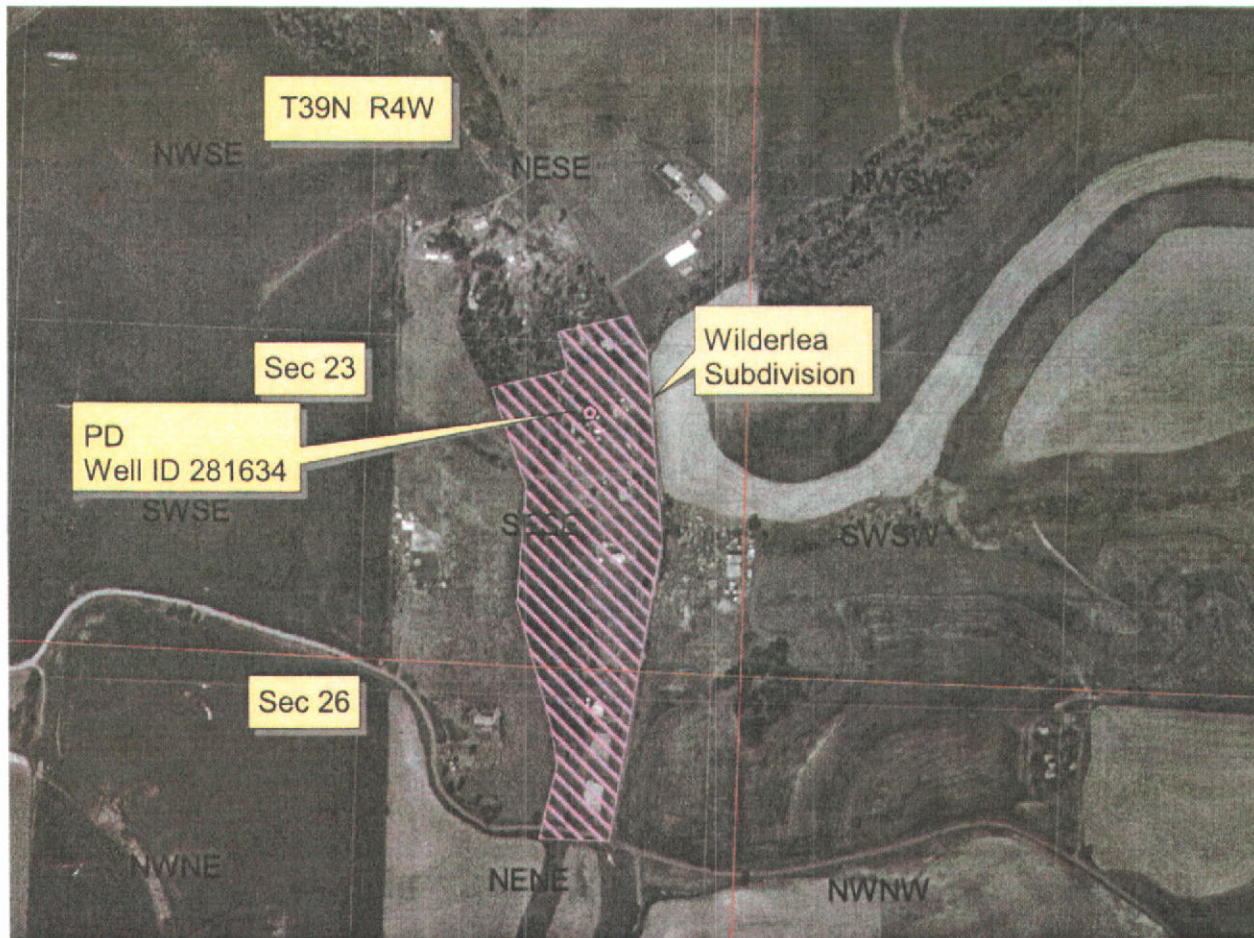


Unknown Units: View1

- PLSS Section LinesSections.shp
- GCDB39N04W GCDB
- POD PermitPermit POD
- POU-PermitsPermit POU



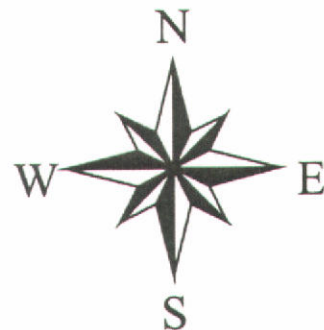
86-7025



Unknown Units: View1

PLSS Section LinesSections.shp
GCDB39N04W GCDB
POD PermitPermit POD
POU-PermitsPermit POU

SEP 22 2003



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 86-07025

Priority: March 1, 1990

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that J W CONSTRUCTION
PO BOX 2898
COEUR D ALENE ID 83816 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 15, 1973; and has
submitted Proof of Beneficial Use on March 01, 1990. An examination indicates that the works have a
diversion capacity of 0.05 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Twp 39N, Rge 04W, B.M., LATAH County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Wilderlea Subdivision.
The place of use is generally located within Sections 23 & 26, Township 39N, Range 04W.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right
confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho
law and applicable rules of the Department of Water Resources.

Signed and sealed this 31ST day of JANUARY, 2003.

Acting for


KARL J. DREHER
Director

MICROFILMED

SEP 22 2003

RECEIVED
FEB 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant JW Construction Inc Phone 208 765-5447

Address Box 2898 Coeur d'Alene ID 83816

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 86-7025, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion Add point of diversion
X Change place of use X Change nature of use Change period of use Other

1. Point of diversion: NE 1/4 SE 1/4 SE 1/4, Section 23, Township 39N, Range 4W, B.M.,
County of Latah. Other points of diversion

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
Amount Municipal for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
39N	4W	23													M			M	
39N	4W	26	M																

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? Appl
b. Who owns the land to be irrigated at the place of use? Residents of Wilderlea Sub
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: MICROFILMED

SEP 22 2003

This is an original document. Electronic Copy of this document was received on 1-28-03 by Kay Walker - Kari Lynn 2-3-03

6002 7 3 64

MICROFILMED

Published in	Publication dates
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Preliminary check by _____
Publication prepared by _____
Date _____

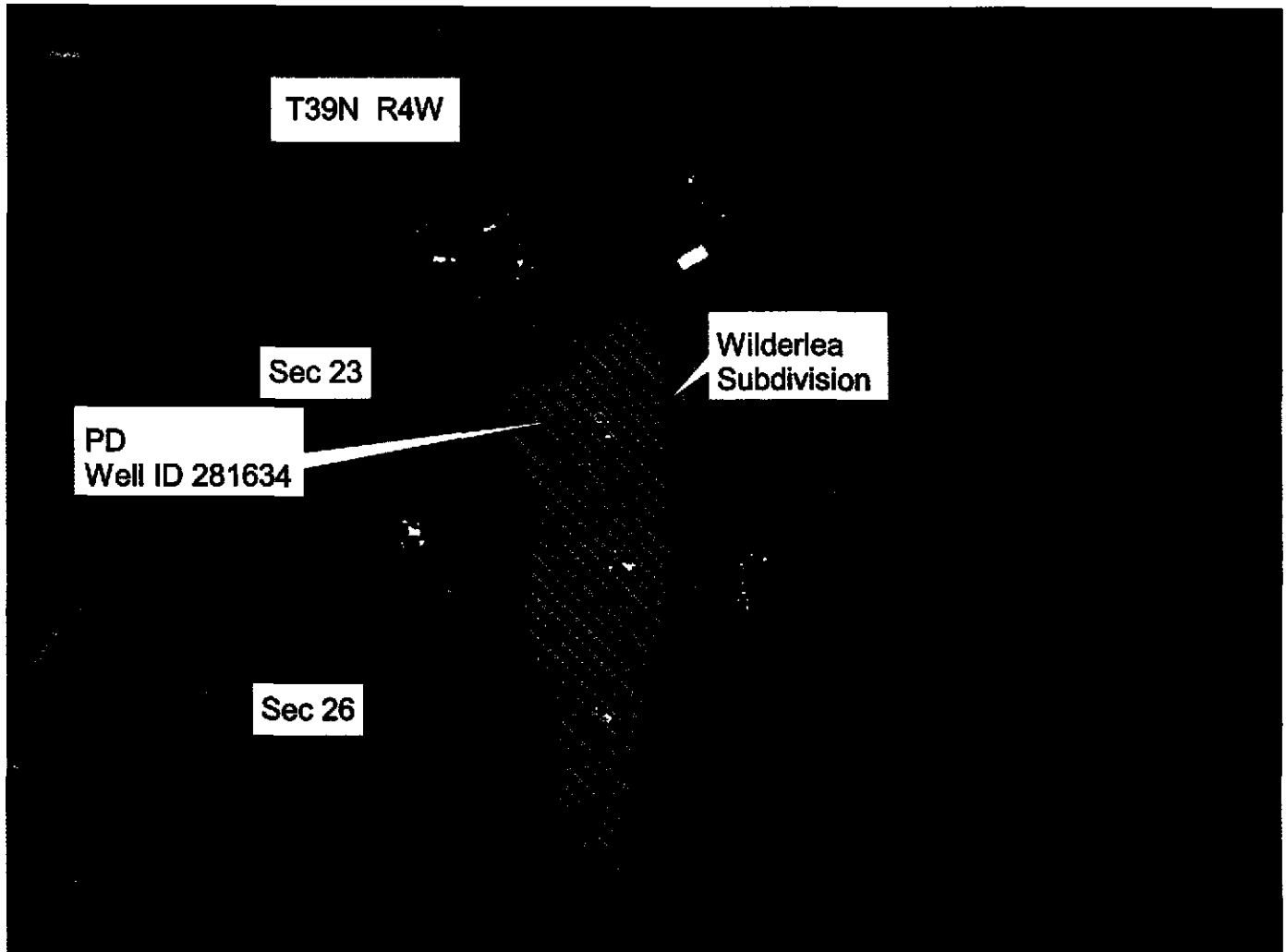
[Signature]
VICE PRESIDENT
Permit Holder

Scale: 2 inches equal 1 mile

[illegible]

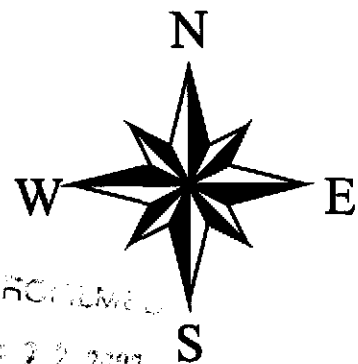
Complete the following map by showing land and point of diversion as proposed by this amendment. Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

86-7025



Source: PLSS Section Lines, GCDB, POD Permits, POU-Permits

PLSS Section LinesSections.shp
GCDB39N04W GCDB
POD PermitPermit POD
POU-PermitsPermit POU



86-7025

	HP	H in feet	Efficiency as a decimal	Pumping lift in feet	System pressure in PSI
$Q = \frac{HP \cdot \text{Eff} \cdot 8.8}{H}$	1.5	218.7755	0.8	80	60

Q = 0.048 cfs

The static water level for this well is not recorded on the log. The pumping level was determined from looking at wells close this one of a similar depth

MICROCALC

SEP 22 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT

Applicant JW Construction INC Phone 208 765-5447
Address Box 2898 Coeur d'Alene ID 83816

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 86-7025, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion Change place of use Change nature of use Change period of use Other

1. Point of diversion: NE 1/4 SE 1/4 SE 1/4, Section 23, Township 39N, Range 4W, B.M.,
County of Latah. Other points of diversion _____

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)
PWS No. 2290047

Amount Municipal for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		<u>39N 4W 23</u>													<u>M</u>			<u>M</u>	
		<u>39N 4W 26</u>	<u>M</u>																

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated at the place of use? Residents of Wilderlee Sub
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

This Copy received via e-mail on 1.28.03 by K. Walker
MICROFILMED
SEP 22 2003

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivison represents 40 acres)

This image shows a full page of graph paper. It features a grid of squares defined by solid black lines. Each square is further divided into four smaller quadrants by dashed black lines. The grid covers the entire area of the page, leaving small margins at the top and bottom. There are no markings or text on the grid itself.

Signed this 21 day of January, 2003

Dale A. Wilder
VICE PRESIDENT Permit Holder

Preliminary check by EW Publication prepared by N/A Date _____
Published In _____ Publication dates _____

I, Karl J. Dreher, of the Department of Water Resources hereby
Approve the above application for a amendment
for Permit No. 86-07025.

Witness my hand this 31st day of January, 2003

FOR KARL J. DREHER SIGNATURE

MICROFILM

SEP 22 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
)
NO. 86-7025 IN THE NAME OF) ORDER OF REINSTATEMENT
)
J.W. CONSTRUCTION)
_____)

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On April 17, 1973, the Director of the Department of Water Resources issued Permit No. 86-7025 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1974.
2. On March 1, 1974, the Department sent a proof due notice to the permit holders.
3. On May 3, 1974, the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.
4. On March 1, 1990, Proof of Beneficial Use was received by the Department from the permit holders.
5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

MICROFILMED

APR 20 1990

6. The permit holders submitted evidence to confirm that water has been put to beneficial use. Evidence includes a well log showing a completion date in 1972, and a proof of beneficial use statement received by the Department on July 1, 1974. The latter document was not accepted by the Department at that time because it had been submitted more than 60 days after the original proof due date. This was prior to the enactment of the reinstatement process for proof of beneficial use received more than 60 days after the proof due date.

7. The permit holders have stated that proof was submitted late because they believed that proof had already been submitted and that all requirements of the permit had been met.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

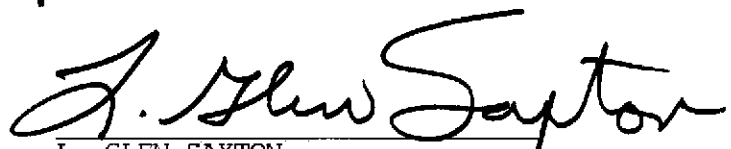
3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 86-7025 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to March 1, 1990.

Dated this 2nd day of April, 1990.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

APR 20 1990

Form 217
03/86

For Office Use Only
Amt. of Fee \$ 0.00
Date 9/1/90
Receipt #
Received by TDK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

P R O O F O F B E N E F I C I A L U S E

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.

Permit # 86-07025 Telephone No: 882-5241

Name(s) of PermitHolder(s): J. W. CONSTRUCTION

Post Office Address: % MARK WILDER BOX 8612
MOSCOW, ID. 83843

Source of water: GROUNDWATER

If ground water, well drillers name: ADCOCK DRILLING

→ Date drilled: 7-12-72

Extent of use:

Domestic *7* (No. of homes)	Irrigation * * (No. of acres)
Stock ** (No. and type of stock)	Other/Remarks _____

Total Rate and/or volume for which proof is submitted 0.04 cfs/ acre-feet

Show the date water was first diverted and beneficially used under this permit:
1974

One of the following may be a condition of approval of your permit:

Measuring Device: Required ? <u>X</u> Yes <u> </u> No	Installed ? <u>X</u> Yes <u> </u> No
OR	
Flow Measurement Port: Required ? <u> </u> Yes <u>X</u> No	Installed ? <u> </u> Yes <u>X</u> No

Fee Enclosed: \$ 0.00(See License Examination Fee Sched.)

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

Name SAME AS ABOVE

Telephone Number

Address

APR 20 1990

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.

Date X J. W. Construction Inc. by Mark Wilder J.P.
Signature (and title if on behalf of a company or organization)

RECEIVED

State of Idaho
Department of Water Resources

OCT 3 1974

ASSIGNMENT OF PERMIT

Department of Water Resources
Northern District Office

I, Jesse T. Wilder, hereby assign to J.W. Construction, Inc.
of Route 4, Box 394 Moscow, Idaho 83843
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 86-7025
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 30th day of September, 19 74.

Jesse T. Wilder
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Latah) ss.

On this 30th day of September, 19 74, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Lin W. Walker
Notary Public residing at Latah County
Moscow, Idaho

My commission expires:
OCT. 17, 1977

OK 7/15/74

RECEIVED

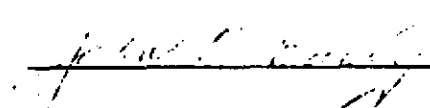
OCT 3 1974

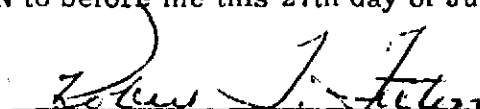
ASSIGNMENT

Department of Water Resources
Northern District Office

I, JOHN O. EARLY, do hereby sell and assign all my right, title and interest in WILDER-EARLY ENTERPRISES, INC., and I do hereby instruct Jesse T. Wilder to cause my stock to be transferred unto himself.

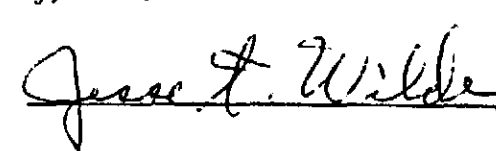
DATED this 27th day of July, 1973.

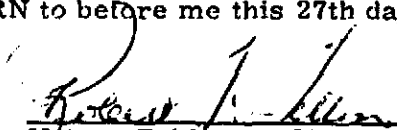

SUBSCRIBED AND SWORN to before me this 27th day of July, 1973.


Notary Public for Idaho, Residing in Latah County.

I, JESSE T. WILDER, hereby assumes and agrees to purchase all the stock of WILDER-EARLY ENTERPRISES, INC., from John O. Early, and I also hereby assume all the obligations and liabilities of said corporation.

DATED this 27th day of July, 1973.


SUBSCRIBED AND SWORN to before me this 27th day of July, 1973.


Notary Public for Idaho, Residing in Latah County.

Identification No. 86-7025

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriately the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant WILDER - EARLY ENTERPRISES, INC.
post office address Route 4, Box 394, Moscow, Idaho 83843
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 39 N
Range 4 W.B.M. County; additional points of diversion if any: _____
More particularly described as: Lot 16 of the Wilderlea subdivision
located in Latah County, Idaho.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .5 for multiple/ purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated:
a. .5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water is pumped in a ten thou-
sand gallon steel reservoir, and it is a community-domestic water
system with pipe lines leading from the reservoir to the individual
homesites.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6" inches; proposed depth of well is 175 feet.
(Mo. Day) (Mo. Day)
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 year.
b. Estimated construction cost is \$10,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
k. (1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 39 N
Range 4 W.B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: Household users in the
Wilderlea subdivision, Latah County, Idaho
(4) Name of municipality to be served Wilderlea subdivision, or number of families to be
supplied with domestic water forty.
(5) If water is to be used for other purposes describe: _____

... 25

[illegible]

Total number of acres to be irrigated _____

- X c. Describe any other water rights used for the same purposes. None

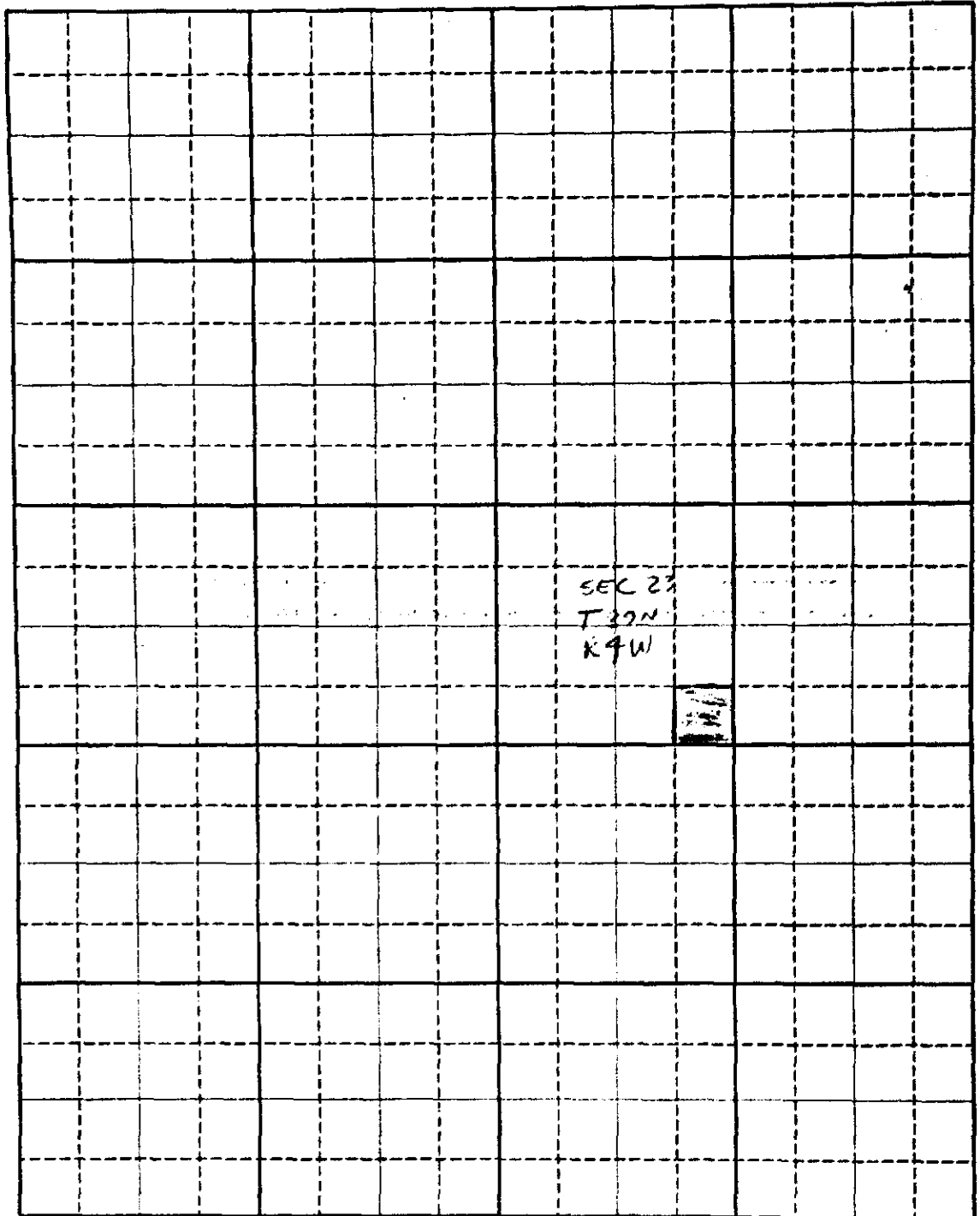
9. a. Who owns the property at the point of diversion WILDER - EARLY ENTERPRISES, INC.

- b. Who owns the land to be irrigated or place of use _____

- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This permit is for domestic water for forty families in the
subdivision of Wilder - Early Enterprises, Inc. Said subdivision
is in Latah County three miles southwest of Troy, Idaho. Said
subdivision is set up for a maximum of forty families. The well is
completed and it will take about three to six months to complete the ten
thousand gallon storage tank.

X 11. Map of proposed project:



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.

x James T. Wilber, President
Applicant

86 7025

Proposed Priority 3-15-1973

Received by AL Date 3-15-73 Time 1:00 P
11:22 AM 12:50 PM
Preliminary check by JB Fee \$ 25.00
Received by JB Date 3/15/73 # 8570
Publication prepared by CK Date 3-16-73
Published in Daily Idahoian
Publication dates 3-22 & 3-29-73
Publication approved AL Date 4-10-73
Priority reduced to 3-15-73 Reason Unacceptable
application

86 7025

Protests filed by: _____
Copies of protests forwarded by: _____
Hearing held by: _____ Date: _____
Recommended for approval denial by JD

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 86-7025, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1974.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 17 day of April, 1973.


Deputy Director

Affidavit of Publication

STATE OF IDAHO
County of Latah

ss.

A. J. Maxineau

being first duly sworn, on oath,
deposes and says:

That he is the printer of The DAILY IDAHONIAN, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto; that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following

dates: March 29,
April 5, 1973

the same being the dates designated for the publication of said legal notice.

A. J. Maxineau
Subscribed and sworn to before

me this 6 day of April
19 73

Armen Bedin

Notary Public,
residing at Moscow, Idaho

County of Latah
My Commission Expires August 10, 1975

RECEIVED

APR 10 1973
cl

Department of Water Administration
Northern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wilder - Early Enterprises, Inc. Route No. 4, Box 294, Moscow, Idaho has on March 15, 1973 submitted Application No. 86-7025 for a permit to appropriate 0.5 cubic feet per second of water from a ground water source by means of pump, reservoir, and pipelines within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 39N, R. 4W, B.M., Latah County (Lot 16, Wilderlea Subdivision) to be used from Jan. 1 to Dec. 31 for domestic purposes for 40 families (Wilderlea Subdivision) within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 39N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho 83814 on or before April 9, 1973.

R. Keith Higginson
Director
March 29, April 5, 1973

86 7025



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 3, 2003

J W CONSTRUCTION
PO BOX 2898
COEUR D ALENE ID 83816

RE: License No. 86-7025 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

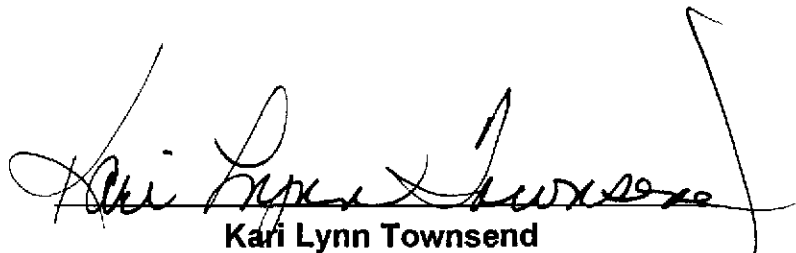
SEP 22 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 86-7025

J W CONSTRUCTION
PO BOX 2898
COEUR D ALENE ID 83816



Kari Lynn Townsend
Secretary

MICROFILMED

SEP 22 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
SEP 22 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 3 - 2003
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 86-1025

1. Owner: W Construction Phone No. 208 765-5447

Current Address: Box 2898 Coeur d'Alene ID 83816

2. Accompanied by: Luke Wilder EXAM DATE: 1/16/2003

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 86-10520, 86-10689

2. Other water rights with the same point of diversion: 86-10520, 86-10689

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
		NE	SE	SE	23	39N	4W	Latah	GPS - Latah County Taxlot

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	
39N	4W	23													M			M	
39N	4W	26	M																

This is an original document. An electronic copy of this document was received by K. Walker on 1.28.03
Keri Lopez 2.3.03

2. Measurements:

30 cu ft in 10 min 29 sec

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

D. FLOW MEASUREMENTS

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

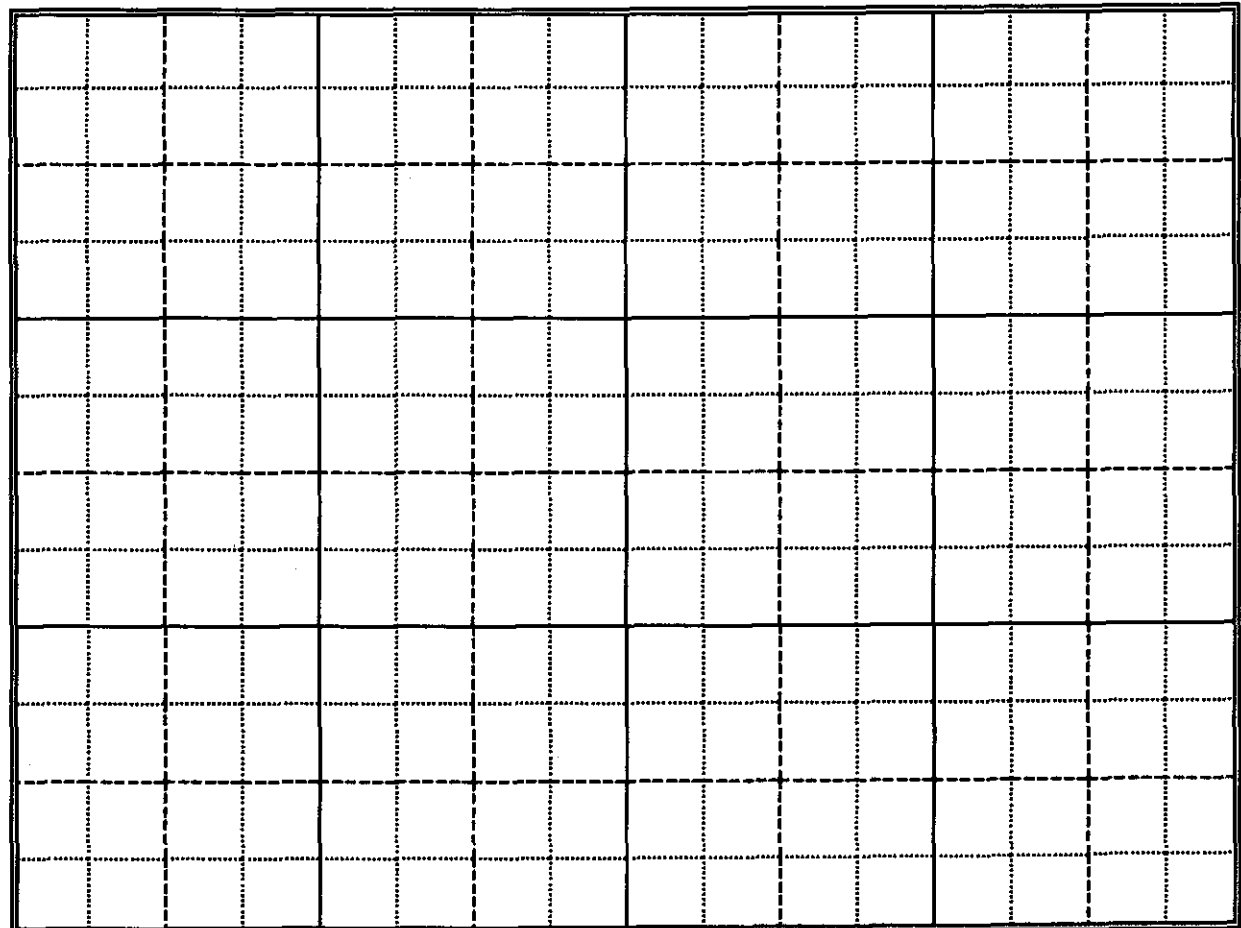
Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Unknown	1 1/2	Unknown	Unknown	2" Discharge

4.

Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of _____
point(s) of diversion and place(s) of use (required).
X Aerial Photo Attached _____
(required for irrigation of 10+ acres)

Photo of Diversion and System Attached



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

Water is pumped from well to a 10,000 gal storage reservoir, then gravity fed to homes in the Wildelea Subdivision. System has PWS No 2290047. System currently serves 9 homes.

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

MICROFILMED
SEP 22 2003

MICROSEAL LIMITED

Field Examiner's Name Robert A. Wayne Date 1/28/2003

I. AUTHENTICATION

Change P.D. as reflected above	Change P.U. as reflected above	None	Other
_____	_____	_____	_____
Add P.D. as reflected above	Add P.U. as reflected above		

2. Recommended Amendments

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afs)
Municipal	1/1 12/31	0.048 cfs	
Totals:		0.048	

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:

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

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

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

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

30 cfs in 10 min 29 sec = .048 cfs
see attached sheet for for check of flow using
pump horsepower equation

Measured Method:

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Comment Report

86-7025

1. kwalker 1/29/2003 License Request

Comment: Bob Haynes called me and requested that this permit be licensed as soon as possible. One of the water users under this system is failing to pay his billing because he says they have no water right. The permit holder requests the license be issued so he can take it to a water user meeting on Monday (2/3/03) and show everyone that they do have a water right.

MISSION COMED

SEP 22 2003

LICENSE REVIEW CHECKLIST

Permit No. 86-7025 Date: 1-28-03 Reviewer: Kay Walker

Change/OK

Name/Address

fix address -

Source

OK

Point of Diversion:

OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

OK per
amendment
rec'd. 1/21/03

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 86-10520, 86-10689

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.50 cfs

Fee Limit 0.04 cfs

Measured 0.048 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

no exam
fee must
limit to
0.04 cfs

Water Uses

OK - Change (P46)
per amendment
of 1/21/03

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

~~Domestic~~ 0.04 cfs N/A af

Municipal _____ cfs _____ af

_____ cfs _____ af

Total 0.04 cfs _____ af

Season of Use per new Standards

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

≤1-acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination N/A

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks:

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? _____ yes _____ If yes, explain why below.

no

SRBA Claim?

NO - not reg'd

Adjust memo _____

Amend Letters

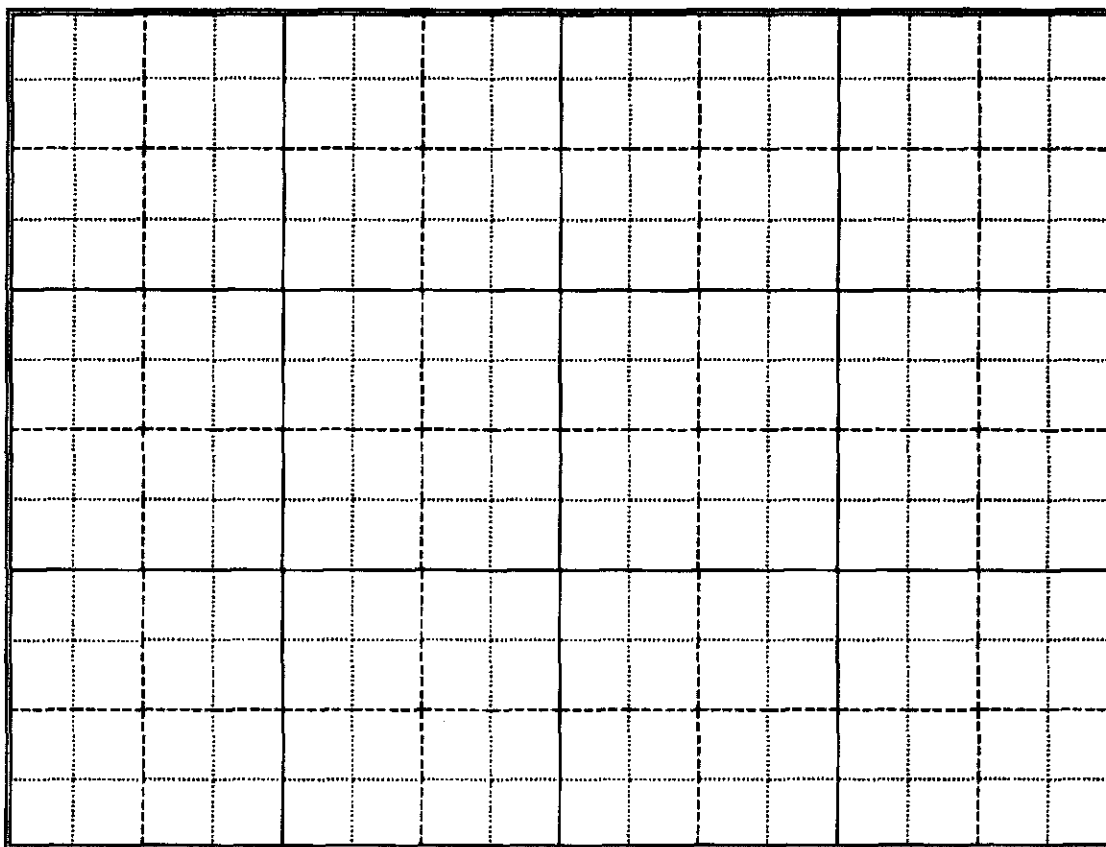
P87, S06

Second Amendment Notice

S06

Electronic Copy received on 1-28-03

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well 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
	Unknown	1 1/2	Unknown	Unknown	2" Discharge

*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
No. Cromer						

2. Measurements: 30 cu ft in 10 min 29 sec

MICROFILMED

SEP 22 2003

E. NARRATIVE/REMARKS/COMMENTS

Water is pumped from well to a 10,000 gal storage
reservoir, then gravity fed to homes in the Wildelea
Subdivision. System has PWS No 2290047.
System currently serves 9 homes.

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

MICROFILMED
SEP 22 2003

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

30 cu ft in 10 min 29 sec = .048 cfs
See attached sheet for for check of flow using
pump horsepower equation

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Municipal	1/1	12/31	0.048 cfs	
Totals:			0.048	

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 Robert J. Hayne Date 1/28/2003

Reviewer _____ Date _____

SEAL

MICROFILMED

SEP 22 2003

86-7025

	HP	H in feet	Efficiency as a decimal	Pumping lift in feet	System pressure in PSI
$Q = \text{HP} \cdot \text{Eff} \cdot 8.8 / H$	1.5	218.7755	0.8	80	60

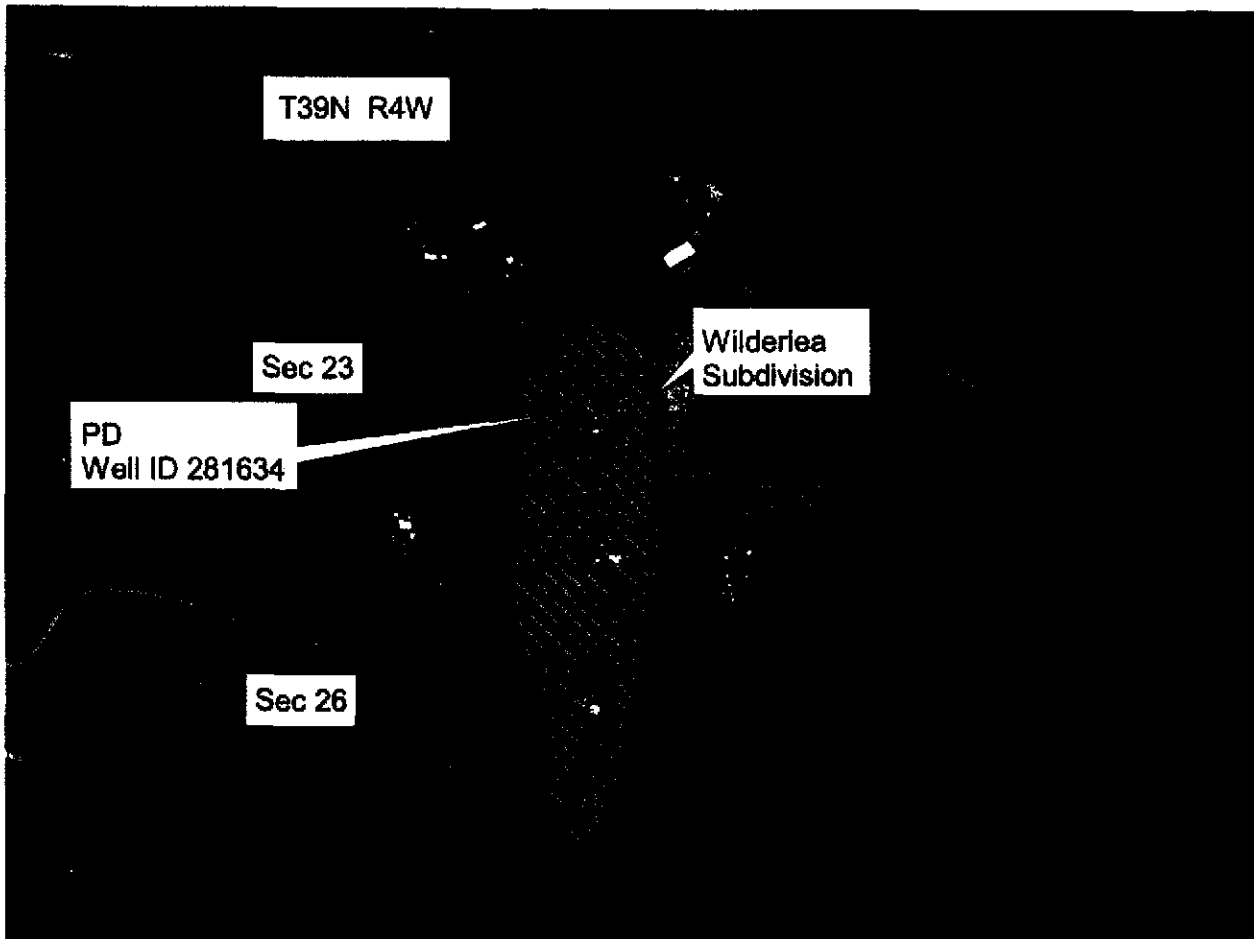
Q = 0.048 cfs

The static water level for this well is not recorded on the log. The pumping level was determined from looking at wells close this one of a similar depth

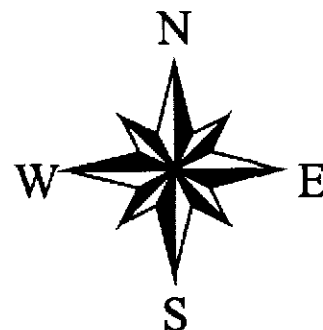
MICROFILMED

SEP 22 2003

86-7025



PLSS Section LinesSections.shp
GCDB39N04W GCDB
● POD PermitPermit POD
POU-PermitsPermit POU



SEP 2 2 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 27, 1991

The Honorable Steven D. Symms
U.S. Senator
105 Federal Bldg.
Moscow, ID 83843

Re: Sandy Kilborn Letter

Dear Steve:

We are aware of some of the circumstances about which Mrs. Kilborn has written you. On September 11, 1991, the department held a conference on the protest of J.W. Construction, Inc. to the issuance of an application for permit to appropriate water filed by Blue Lagoon Homeowners Assn., of which Kilborns were members. That matter was continued and, if a hearing is necessary, we expect it to be set for some time in late April.

While it is true that the water rights filed by the developer for the subdivision have lapsed, those rights were reinstated on April 2, 1990.

Sincerely,

Norman C Young

for R. KEITH HIGGINSON
Director

cc: Northern Region
File 86-07280
File 86-07025

MICROFILMED
SEP 22 2000

October 9, 1990

Mark Wilder
J. W. Construction
Box 8612
Moscow, ID 83843

Dear Mr. Wilder:

RE: APPLICATION FOR PERMIT NO. 86-7280 - BLUE LAGOON HOMEOWNERS
ASSOCIATION

Enclosed is a Prehearing Order issued in connection with the conference held on September 11, 1990 in Moscow. Please note the dates associated with the listed activity. The information associated with any listed activity can be sent directly to the central office of the department in Boise with a copy to our regional office in Coeur d'Alene.

Our regional office in Coeur d'Alene will prepare and send all reminder notices to the parties, as appropriate, if the listed activity in the prehearing order is not timely accomplished. The regional office will also schedule any needed hearing.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - N. Region w/ encl.

MICROFILMED
SEP 22 2003

October 9, 1990

Winfred Moorer
#6 Kenworthy Plaza
P. O. Box 9144
Moscow, ID 83843

Dear Mr. Moorer:

RE: APPLICATION FOR PERMIT NO. 86-7280 - BLUE LAGOON HOMEOWNERS
ASSOCIATION

Enclosed is a Prehearing Order issued in connection with the conference held on September 11, 1990 in Moscow. Please note the dates associated with the listed activity. The information associated with any listed activity can be sent directly to the central office of the department in Boise with a copy to our regional office in Coeur d'Alene.

Our regional office in Coeur d'Alene will prepare and send all reminder notices to the parties, as appropriate, if the listed activity in the prehearing order is not timely accomplished. The regional office will also schedule any needed hearing.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - N. Region w/ encl.

MUSCASH

SEP 21 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 24, 1990

Mr. Charles L. Graham
Siebe, Landeck, Westberg & Judge
P.O. Box 9344
Moscow, Id. 83843

RECEIVED

SEP 26 1990

Re: 86-7025 and 86-7280

Department of Water Resources

Dear Mr. Graham:

We wish to acknowledge receipt of your letter of September 18, 1990. It has been forwarded to our State Office in Boise.

Any further correspondence on this matter should be referred to Norman C. Young, Statehouse Mail, Boise, Id. 83720.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

cc: Mr. Norman C. Young, w/enc.
✓ File 86-7025
File 86-7280

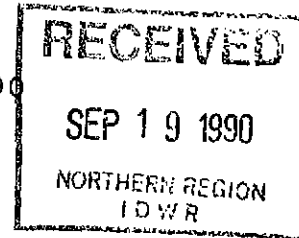
SIEBE, LANDECK, WESTBERG & JUDGE

JAMES E. SIEBE
RONALD J. LANDECK
JAMES L. WESTBERG
JOHN C. JUDGE
CHARLES L. GRAHAM

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 9344
414 S. JEFFERSON
MOSCOW, IDAHO 83843-0117

TELEPHONE: (208) 883-1505
FAX: (208) 883-4593

September 18, 1990



Robert G. Haynes, P.E., Regional Manager
State of Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

RE: Permit No. 86-7025, J.W. Construction, Inc.
Application for Permit No. 86-07280

Dear Mr. Haynes:

This firm represents J.W. Construction, Inc., holder of Permit No. 86-7025, which permit was reinstated with a priority date of March 1, 1990 by order of the Department dated April 2, 1990. The purpose of this letter is to request, pursuant to IDAHO CODE Section 42-218a.3 that the priority date of the permit be changed to October 8, 1974, the approximate date on which J.W. Construction, Inc. submitted an application for a new permit as a result of the lapse of Permit No. 86-7025. In support of this request, we submit the following:

1. Permit No. 86-7025 was first issued by the Director of the Department of Water Resources on April 17, 1973, with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1974.
2. The Department sent a proof due notice to the permit holder on March 1, 1974.
3. No Proof of Beneficial Use or request of extension of time was submitted by the May 1, 1974 deadline and the Department sent a lapse notice dated May 3, 1974.
4. On July 11, 1974, the Department received a Proof of Application of Water to Beneficial Use which it rejected as untimely.
5. In early October 1974, John W. Walker, attorney for J.W. Construction, Inc., submitted a new Application for Permit together with the \$25.00 application fee, as well as an Assignment of Permit and Assignment of Stock to effect a change in name of the permit holder to J.W. Construction, Inc.

MICROFILMED

SEP 22 2003

6. By letter dated October 8, 1974, to Mr. Walker, the Department, through its Northern District Manager, Fred Eisenbarth, acknowledged receipt of the Assignment of Permit and the Assignment of Stock and informed Mr. Walker, "These items will be entered in the file and the permit holder will now be listed as 'J.W. Construction, Inc.'". Mr. Eisenbarth also informed Mr. Walker, "We will not require the additional permit form that you submitted nor the \$25.00 fee. We are returning the fee to you as reimbursement." A copy of the October 8, 1974 letter is attached.

7. J.W. Construction, Inc. interpreted this letter as meaning that Permit No. 86-7025 was a valid permit and still in effect.

8. On October 21, 1974, the Department, through Fred Eisenbarth, Northern District Manager, sent a letter to J.W. Construction, Inc. at Route 4, Box 394, Moscow, Idaho, not to Mr. Walker, apparently by regular mail, informing J.W. Construction that "Our District was unaware that your original permit had lapsed and that you were applying for a new permit. Therefore, if you will return the application along with the \$25.00 filing fee, we shall begin its processing." A copy of the October 21, 1974 letter is attached.

9. J.W. Construction, Inc. never received the October 21, 1974 letter and therefore never resubmitted its application. Until December, 1989, it assumed that it had a valid permit for appropriation of ground water.

10. Upon becoming aware that its permit was invalid, J.W. Construction resubmitted Proof of Application of Beneficial Use and now has a priority date of March 1, 1990.

11. In the interim, the Blue Lagoon Homeowners' Association applied for a permit for appropriation of water from the same source and has a priority date prior to March 1, 1990. (Application for Permit No. 86-07280.)

12. J.W. Construction, Inc. protested approval of Application for Permit No. 86-07280. It was not until after the hearing held in the matter of that protest

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SEP 22 2003

Robert G. Haynes
September 18, 1990
Page Three

that J.W. Construction, Inc. submitted to this firm copies of the October 8, 1974 and October 21, 1974 letters from the Department referred to above.

It is apparent that but for the Department's error in October, 1974 in rejecting the Application of J.W. Construction, Inc., our client would have a valid permit with an October, 1974 priority date and there would be no question that the Application for Permit No. 86-07280 is subsequent in time to Permit No. 86-7025. We also believe it inexcusable that the Department sent its letter of October 21, 1974 directly to J.W. Construction and not to the attorney who was then representing J.W. Construction and with whom the Department had previously corresponded. Had the Department sent the letter to Mr. Walker, the letter would have been received and J.W. Construction would have taken the necessary action to reapply for its permit.

We believe the appropriate resolution of this matter is to grant J.W. Construction a priority date no later than October 8, 1974 for its Permit No. 86-7025.

Thank you for your consideration.

SIEBE, LANDECK, WESTBERG & JUDGE



Charles L. Graham

CLG/mw
Enclosures
cc: Mark Wilder

MICROFILMED
SEP 22 1993

October 8, 1974

Re: Permit No. 86-7025

Mr. John W. Walker
BIELENBERG AND ANDERSON
Attorneys at Law
P.O. Box 8447
Moscow, ID 83843

Dear Mr. Walker:

We received the Assignment of Permit and also the Assignment of Stock in connection with the above referenced permit. These items will be entered in the file and the permit holder will now be listed as "J. W. Construction, Inc."

We will not require the additional permit form that you submitted nor the \$25 fee. We are returning the fee to you as reimbursement.

Thank you for your assistance in this matter. If there are any questions, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CF

Enclosure

MICROFILMED

SEP 22 1974

October 21, 1974

Re: Permit No. 86-7025

J. W. Construction, Inc.
Route 4, Box 394
Moscow, ID 83843

Gentleman:

We apologize for the confusion that has occurred in connection with the Application for Permit you submitted to our office.

Our District was unaware that your original permit had lapsed and that you were applying for a new permit. Therefore, if you will return the Application along with the \$25 filing fee, we shall begin its processing.

Once again, we apologize for our error. Thank you for your patience in this matter.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

MICROFILMED

SEP 22 2003

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 20, 1990

Mr. Mark Wilder
J.W. Construction
Box 8612
Moscow, ID 83843

Re: 86-7025

Dear Mr. Wilder:

I have reviewed the file relating to your request that the priority date of permit No. 86-7025 be set back to September of 1974. The provisions of the Idaho Code in force at the time of the lapsing of 86-7025 did not allow for the reinstatement of a permit if the proof of beneficial use was not filed in a timely manner.

The 1983 session of the Idaho Legislature amended the law to allow a permit holder to submit proof of beneficial use more than sixty days after a permit had been lapsed with a showing that the development had occurred during the permit period. Idaho Code section 42-218a provides that the priority date for a water right where the proof of beneficial use is received more than sixty days after the permit has been lapsed is advanced to the date that proof is received. This is what was done with regard to permit No. 86-7025. Therefore, the earliest priority date possible for permit No. 86-7025 is March 1, 1990.

The second matter is that of the permit which your father submitted and was returned to him. The application was initially returned on October 8, 1974. When it was discovered that a new application for permit was needed, he was requested to return the application on October 21, 1974. Had the new application been returned within 30 days, the original priority date could have been retained. Idaho Code section 42-204 governs the department's actions on these matters.

In short, the department cannot grant your request for a 1974 priority date for the uses of water in the Wilerlea Subdivision. If you have any further questions please contact us.

Sincerely,

NORMAN C. YOUNG
Administrator

Resources Administration Division

NCY:dc

MICROFILMED
SEP 22 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

June 8, 1990

R. KEITH HIGGINSON

DIRECTOR

Mark Wilder
P.O. Box 8612
Moscow, ID 83843

RE: Permit No. 86-7025

Dear Mr. Wilder:

Your letter of June 4, 1990 to Bob Haines of our Coeur d'Alene office has been forwarded to the state office for review and reply correspondence.

First, I must inform you that the reinstatement order which was signed by Glen Saxton on April 2, 1990 contains a typographical error. This error was my fault and I apologize for any confusion it may have caused. The error is found under finding of fact number 6. This paragraph says that a proof of beneficial use statement was received by the Department on July 1, 1974. This date is in error. The Department actually received the proof statement on July 11, 1974, more than 60 days after the original proof due date of May 1, 1974, and more than 60 days after the May 3, 1974 lapse notice.

Your letter correctly states that an application was submitted in September of 1974 and that the Department confused that application with the permit which lapsed in May of 1974. This confusion resulted in the Department returning the application and fee. The October 21, 1974 letter from Fred Eisenbarth (which you attached to your last letter) acknowledged the mistake but further informed J.W. Construction that the application and fee should be returned to the Department. The Department has no record that the application and fee was ever returned by J.W. Construction.

Although the Department may have erred in returning the September, 1974 application, an attempt was made by the Department to rectify the matter. It does not seem possible for the Department to designate a 1974 priority for the water use represented by permit no. 86-7025

Please feel free to call me directly at 327-7864 if you have any questions concerning this matter.

Sincerely,

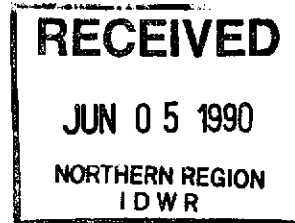
Tim Luke
Sr. Water Resource Agent

MICROFILMED

SEP 22 2003

June 4, 1990

Mark Wilder
P. O. Box 8612
Moscow, Idaho 83843
208-882-5241



Bob Haines
Idaho Dept. of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Idaho, 83814

Dear Bob,

Please find inclosed a new application and check for \$45.00 as you requested. I have also inclosed copies of correspondence between my Father's attorney and your office from back in 1974.

We are requesting that the priority date for permit #86-7025 be set back to September of 1974.

In September of 1974, my Father resubmitted an application with proof of beneficial use and proof of a metering device as requested in the original permit. It was returned due to confusion between your office and Boise (Boise issued the lapsed notice). In my opinion my Father dropped the ball for failing to respond to your letter dated October 21, 1974. However, he claims he never received that letter and has no record of it; nor does his attorney who represented him during that time.

Please don't hesitate to call me if you have any questions. Thank you for your time in reviewing this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Wilder".

Mark Wilder
J. W. Const. INC
Vice President

MICROFILMED
SEP 22 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 10, 1990

RE: Permit No. 86-7025

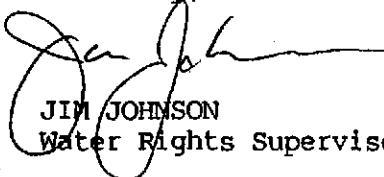
J.W. Construction
% Mark Wilder Box 8612
Moscow, ID 83843

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to March 1, 1990.

If you have any questions regarding this matter, please contact this office or our Western Regional Office at 334-2190.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:js

Enclosure

MICROFILMED

APR 20 1990

SIEBE, LANDECK, WESTBERG & JUDGE

JAMES E. SIEBE
RONALD J. LANDECK
JAMES L. WESTBERG
JOHN C. JUDGE
CHARLES L. GRAHAM

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 9344
414 S. JEFFERSON
MOSCOW, IDAHO 83843-0117

TELEPHONE: (208) 883-1505
FAX: (208) 883-4593

March 12, 1990

Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83701

ATTN: Gary Spackman

RECEIVED
MAR 15 1990

RE: Permit #86-7025

Department of Water Resources

Dear Mr. Spackman,

The purpose of this letter is to request reinstatement of Permit #86-7025 issued to Wilder -- Early Enterprises, Inc. for diversion of ground water for domestic use by residents of the Wilderlea Subdivision, Latah County, Idaho. The application was approved on April 17, 1973. The permit was assigned to J.W. Construction, Inc. in 1974 and the reinstated permit should reflect this change.

A well was drilled at the point of diversion in July, 1972 and Proof of Application of Beneficial Use was submitted to the Department, received on July 11, 1974. Seven homes in the Wilderlea Subdivision have been using water from the point of diversion since 1974. In July, 1975, a second well was drilled at the point of diversion, approximately twenty feet from the location of the first well. Because the second well produced a significantly better flow, the first well was abandoned. Present use is from the second well.

I have enclosed a copy of the 1974 Proof of Application of Beneficial Use and copies of well logs for both the first and second wells. I have also attached a copy of a second Proof of Application of Beneficial Use, the original of which we sent to Tom King in Coeur d'Alene.

If I can provide you with any other information, please do not hesitate to call. We greatly appreciate your assistance in this matter.

Sincerely,

SIEBE, LANDECK, WESTBERG & JUDGE

Charles L. Graham
Charles L. Graham

MICROFILMED

CLG/mw

Encls.

APR 20 1990

Routing Slip
Department of Water Administration

Routing Order	To	Initial
	Director	
	Deputy Director	
	Legal	
	Admin. Asst.	
	Water Rights	
	Engineering	
	Investigations	
	Eastern Dist.	
	Western Dist.	
	Southern Dist.	
✓	Northern Dist.	
	File	
	Read and Discard	
	Return to	

SORRY! *an*

- OVER -

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

JUL 11 1974

Department of Water Resources

1. a) Name of Permit Holder J. W. Const Ruction, Inc.
b) Post Office Address Box 294 Moscow, Idaho 83843
2. Permit Number 86-7025
3. Date of Priority that you are prepared to establish March 15, 1973
4. a) Source from which water was appropriated groundwater
b) Location of the point of diversion SE 1/4 SE 1/4 Section 23
Township 39 N Range 4 West Boise Meridian, Other points of diversion:
More particularly described as: lot 16 of
wilderlea subdivision located in Latah County, Idaho.
5. a) The amount of water and use to which the water has been applied
amount .5 for multiple domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .5 cfs and or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Water is pumped to a 10,000
gal. steel reservoir and pipelines carry to homesites.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N. A.
b) Describe the agreement or understanding by which you take water from the works: N. A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use. (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and or canal or ditch. 1 horse power submersible
pump, 8 inch well casing; 175 feet deep
b) Describe the type and size of measuring device which you have installed at your point of diversion: Hersey Disc Meter, 1 1/2 inch, Serial # 5452253
c) Give well drillers name and address and date the well was completed: Accor Well Drilling
Lewiston, Idaho

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use domestic purposes

See description - question 4(b).

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: N. A.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

10. Remarks The permit is for the Wilderlee Development owned by J.W. Construction, Inc. and will ultimately serve 40 families. The facilities will be completed by Aug. 1, 1974.

Total number of acres irrigated

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

7-2-74
(Date)

June T. Wilder Pres.
(Signature)

State of Idaho
County of Latah ss.

On this 2 day of July, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Jim W. Walker
Notary Public residing at Marion, Latah
County, Idaho

My commission expires 11/12/77

6696484

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Jess Wilder</u> Address <u>Moscow</u> Owner's Permit No.		7. WATER LEVEL Static water level <u>89</u> feet below land surface ☒ Flowing? ☐ Yes ☐ No G.P.M. flow _____ Temperature ____ ° F. Quality _____ Artesian closed-in pressure ____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug	
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Other Discharge G.P.M. Draw Down Hours Pumped <u>20 A.P.M.</u> <u>Air Test</u>	
3. PROPOSED USE ☒ Domestic; ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock		9. LITHOLOGIC LOG Hole Diam. Depth From To Material Water Yes No <u>8"</u> <u>0</u> <u>2</u> <u>Sand</u> ☐ <u>"</u> <u>2</u> <u>11</u> <u>CLAY</u> ☐ <u>6</u> <u>11</u> <u>80</u> <u>HARD GRAY BASALT</u> ☐ <u>6</u> <u>80</u> <u>120</u> <u>GRAY CLAY</u> ☐ <u>6</u> <u>120</u> <u>150</u> <u>POROUS BASALT</u> ☐ <u>6</u> <u>155</u> <u>175</u> <u>HARD</u> ☐	
4. METHOD DRILLED ☐ Cable ☒ Rotary ☐ Dug ☐ Other			
5. WELL CONSTRUCTION Diameter of hole <u>8 1/4</u> inches Total depth <u>175</u> feet Casing schedule: ☐ Steel ☐ Concrete Thickness Diameter From To <u>.250</u> inches <u>8</u> inches + <u>1</u> foot <u>20</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number From To _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter Slot size Set from _____ feet to _____ feet Diameter Slot size Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal? ☒ Yes ☐ No To what depth <u>20</u> feet Material used in seal ☒ Cement grout ☐ Puddling clay			
6. LOCATION OF WELL Sketch map location must agree with written location. County <u>LATAH</u> Sec. <u>23</u> , T. <u>39</u> , R. <u>4 NW</u>		MICROFILMED APR 20 1990 Work started <u>7-12-72</u> finished <u>7-13-72</u> DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Artack Drilling</u> Number <u>115</u> <u>Lewiston</u> Signed By <u>[Signature]</u> Date <u>7-29-72</u>	

State of Idaho
Department of Reclamation

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER Name <u>Jess Wilder</u> Address <u>Moscow</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>106</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																						
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October 21, 1974

Re: Permit No. 86-7025

J. W. Construction, Inc.
Route 4, Box 394
Moscow, ID 83843

Gentlemen:

We apologize for the confusion that has occurred in connection with the Application for Permit you submitted to our office.

Our District was unaware that your original permit had lapsed and that you were applying for a new permit. Therefore, if you will return the Application along with the \$25 filing fee, we shall begin its processing.

Once again, we apologize for our error. Thank you for your patience in this matter.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

MICROFILMED

XXXXXXXXXXXXXXXXXXXX
XXXXXX

October 8, 1974

Re: Permit No. 86-7025

Mr. John W. Walker
BIELENBERG AND ANDERSON
Attorneys at Law
P.O. Box 8447
Moscow, ID 83843

Dear Mr. Walker:

We received the Assignment of Permit and also the Assignment of Stock in connection with the above referenced permit. These items will be entered in the file and the permit holder will now be listed as "J. W. Construction, Inc."

We will not require the additional permit form that you submitted nor the \$25 fee. We are returning the fee to you as reimbursement.

Thank you for your assistance in this matter. If there are any questions, feel free to contact us.

Very truly yours,

FRED RISENBARTH
Northern District Manager

FE:CP

Enclosure

LRN BIELENBERG
W. E. ANDERSON
JOHN W. WALKER

BIELENBERG & ANDERSON
ATTORNEYS AT LAW
P. O. BOX 8447
114 EAST 2ND STREET
MOSCOW, IDAHO 83848

AREA CODE 208
TELEPHONE 892-4586

October 2, 1974

RECEIVED

OCT 3 1974

Department of Water Resources
Northern District Office

State of Idaho
Idaho Water Resource Board
401 Front Avenue, Room 209
Coeur D'Alene, Idaho 83814

Attention: Fred Eisenbarth, Northern District Manager

Re: Permit No. 867025

Dear Mr. Eisenbarth:

Enclosed please find the assignment of permit for the above Permit Number. Also enclosed is the Assignment of Stock by John Early to Jesse T. Wilder, making Jesse Wilder the sole stockholder in Wilder-Early Enterprises.

Wilder-Early Enterprises changed its name to J. W. Construction, Inc., after the Assignment of Stock had been completed. This is the reason for the change in the name for the permit no.

If there seem to be further complications or questions regarding this matter, please contact my office.

Very truly yours,

BIELENBERG & ANDERSON

By *John W. Walker*

JWW:jtg

Enclosures

CECIL D. ANDRUS, Governor

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD

Statehouse, Boise, Idaho 83720
C. STEPHEN ALLRED, Director

Phone 208-384-2170



Office at ~~1165 N. Orchard St.~~
~~Boise, Idaho~~
401 Front Ave., Rm. 209
Coeur d'Alene, ID 83814

September 13, 1974

Re: Permit No. 86-7025

RECEIVED

OCT 3 1974

Department of Water Resources
Northern District Office

J. W. Construction, Inc.
Route 4, Box 394
Moscow, ID 83843

Gentlemen:

In order to change the permit holder on the above referenced permit, you should complete the enclosed Assignment form and return it to our office. We are returning the Application for Permit you submitted and also your Check No. 92-212 in the amount of \$25.

We hope this has not caused any inconvenience. Feel free to contact us if we may be of any further assistance.

Very truly yours,

Fred Eisenbath
FRED EISENBARTH
Northern District Manager

FE:CP

Enclosures



Your Home United Bank

No. 57

J. W. CONSTRUCTION, INC.
ROUTE 4 BOX 394 MOSCOW, IDAHO 83843
PH. 882-1604

2-212
1231

86-7025

PAY TO THE
ORDER OF

State of Idaho Water Administrator, \$ 25.00
Twenty five & ⁰⁰/₁₀₀

DOLLARS

FIRST BANK of TROY
TROY IDAHO 83871

123102121

4002 40711

Sept 11, 1974
J. W. Wilder

WALLET

1. Name of applicant J. W. CONSTRUCTION, INC.
post office address Route 4, Box 394, Moscow, Idaho 83843
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 39N
Range 4 B.M. _____ County; additional points of diversion if any: _____
More particularly described as: Lot 16 of the Wilderlea subdivision located in Latah County, Idaho.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 5 for multiple/domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water is pumped in a ten thousand gallon steel reservoir, and it is a community-domestic water system with pipe lines leading from the reservoir to the individual homesites.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 inches; proposed depth of well is 175 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is one(1) years.
b. Estimated construction cost is \$10,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water. SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 39N
Range 4 W.B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered Household users in the Wilderlea subdivision, Latah County, Idaho
(4) Name of municipality to be served Wilderlea subdivision or number of families to be supplied with domestic water forty
(5) If water is to be used for other purposes, describe _____

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated.....

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

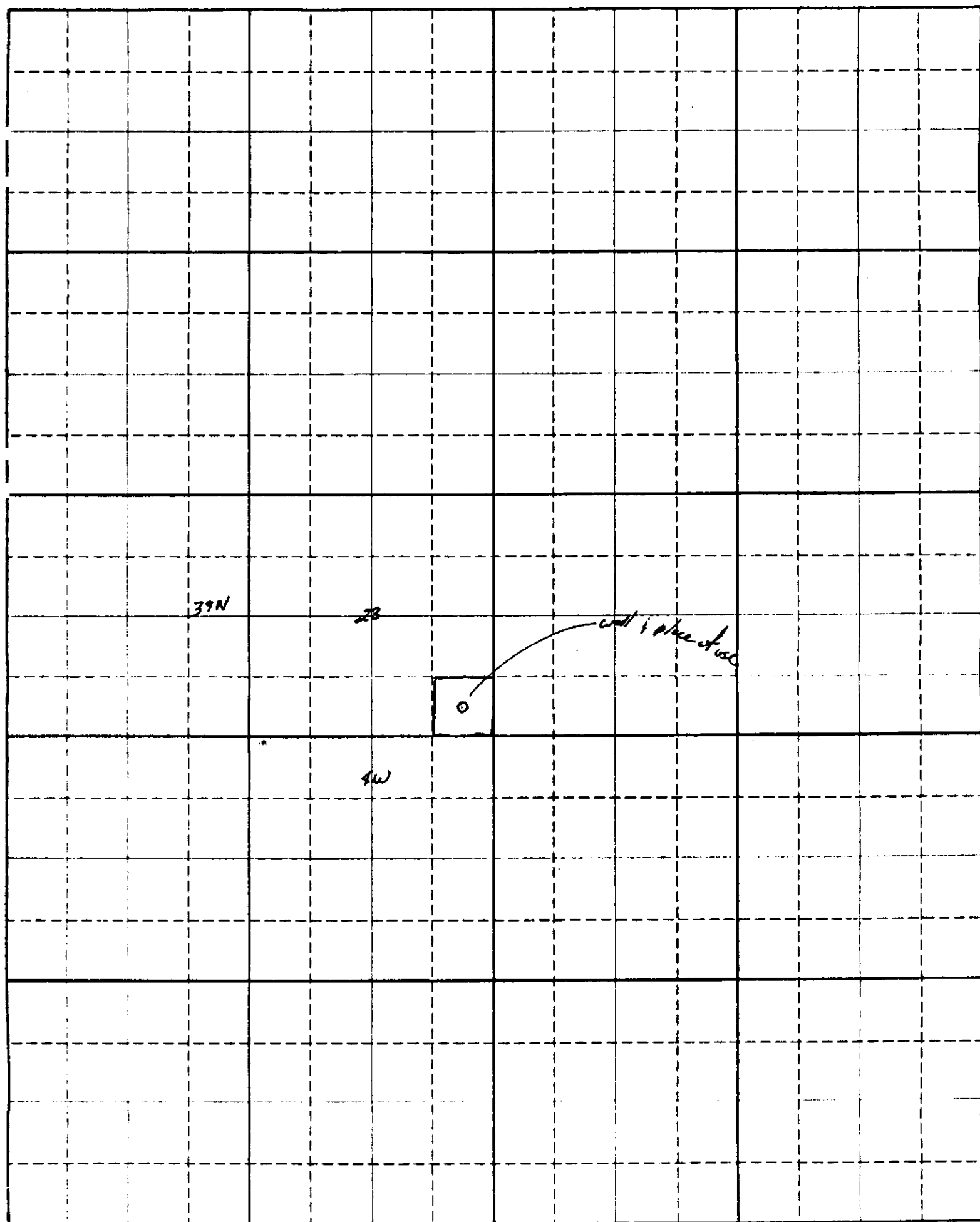
9. a. Who owns the property at the point of diversion J. W. CONSTRUCTION, INC.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.....

10. Remarks This permit is for domestic water for forty families in the subdivision of J. W. CONSTRUCTION, INC. Said subdivision is in Latah County three miles southwest of Troy, Idaho. Said subdivision is set up for a maximum of forty families. The well is completed and it will take about three to six months to complete the ten thousand gallon storage tank.

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



Scale. 2 inches equal 1 mile

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

James T. Willey
(Applicant) President

CP 9-12-74 1:30 p.m.
Received by mt Date 8-26-74 Time 1:11 A
Preliminary check by mt Fee \$ 25.00
Received by mt Date 9/12/74 # 15074
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, 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. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director

September 4, 1974

J. W. Construction, Inc.
Route 4, Box 394
Moscow, ID 83843

Gentlemen:

Before we can begin processing your Application for Permit, we will need a \$25 filing fee. Please submit the fee along with the application as soon as possible.

If there are any questions in this matter, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

July 18, 1974

Re: Permit No. 86-7025

Wilder-Early Enterprises, Inc.
Route #4, Box 394
Moscow, ID 83843

Gentlemen:

We received the proof of beneficial use on your Permit No. 86-7025.

This proof cannot be accepted, or the permit reinstated, since the proof was not filed within 60 days from the date that the lapse notice was sent to you. The last day for reinstatement of your permit was July 2, 1974, and your proof was not received until July 11, 1974.

You must now file a new application for permit if you wish to continue your use of this water. Enclosed is an application for permit form which should be completed and returned to us as soon as possible.

If you have any questions concerning the matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg
Enclosure

Identification No. 86-7025
Permit No. 86-7025

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

JUL 11 1974

Department of Water Resources

1. a) Name of Permit Holder J. W. Const. Ruction, Inc.
- b) Post Office Address Rt. 4 Box 394 Moscow, Idaho 83843
2. Permit Number 86-7025
3. Date of Priority that you are prepared to establish March 15, 1973
4. a) Source from which water was appropriated groundwater
- b) Location of the point of diversion: SE 1/4 SE 1/4 Section 23
Township 39 N, Range 4 West Boise Meridian, Other points of diversion:
More particularly described as: lot 16 of
Wilderlea subdivision located in Latah County, Idaho.
5. a) The amount of water and use to which the water has been applied:
amount .5 for multiple domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .5 cfs and/or acre feet per annum
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Water is pumped to a 10,000
gal. steel reservoir and pipelines carry to homesites.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N. A.
- b) Describe the agreement or understanding by which you take water from the works: N. A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use. (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 1 horse power submersible
pump, 8 inch well casing; 175 feet deep
- b) Describe the type and size of measuring device which you have installed at your point of diversion: Hersey Disc Meter, 1 1/2 inch, Serial # 5452253
- c) Give well drillers name and address and date the well was completed
Adcox Well Drilling
Lewiston, Idaho

VOID
by duplicate
(see letter of 7/18/74)

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use domestic purposes

See description - question 4(b).

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: N. A.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

10. Remarks: The permit is for the Wilderlea Development owned by J.W. Construction, Inc. and will ultimately serve 40 families. The facilities will be completed by Aug. 1, 1974. Total number of acres irrigated _____

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

7-2-74
(Date)

June T. Wilder Pres.
(Signature)

State of Idaho
County of Latah ss.

On this 2 day of July, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John W. Walker
Notary Public residing at Moscow, Latah
County, Idaho

My commission expires 11/17/77

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



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

May 3, 1974

Re: Permit No. 86-7025

Wilder - Early Enterprises, Inc.
Route #4, Box 394
Moscow, ID 83843

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 86-7025 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

86-7025

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

MOSCOW
MAR 26 1974
PM
83843

PENALTY FOR PRIVATE
MAILAGE TO AVOID PAYMENT
OF POSTAGE \$300



RETURN
TO

Postmark of Delivering Office
SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.
• If special services are desired, check block(s) on other side.
• Moistan gummed ends and attach to back of article.

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83702

86-725

Form 34
3811183
S-10-10-1972

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

25223

INSURED NO.

DATE DELIVERED

3-5-74

1

2

3

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (On's if requested, and include ZIP Code)

86-7025

March 1, 1974

CERTIFIED MAIL

25223

Re: Permit No. 86-7025

Wilder - Early Enterprises, Inc.
Route 4, Box 394
Moscow, Idaho 83843

Gentlemen:

One of the conditions of approval of your water Permit No. 86-7025 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

Enc: Proof affidavit

86-7025

April 19, 1973

Re: Permit No. 86-7025

Wilder - Early Enterprises, Inc.
Route #4, Box 394
Moscow, Idaho 83843

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 86-7025. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

86 7025

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>SL</u>	<u>3/15/73</u>	Application No. <u>86-7025</u> Name <u>Whitaker - Early Enterprises, Inc.</u>
(2)	<u>SL</u>	<u>3/15/73</u>	Check: ☐ Signature ☐ Point of Diversion ☐ Quantity of Water and Period of Use ☐ Description of Diverting Works ☐ Time required for C/W and application of water to B/W ☐ Place of Use ☐ Map ☐ Fee
(3)	<u>SL</u>	<u>3/15/73</u>	Send copies to: ☒ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>SL</u>	<u>3/15/73</u>	In form for advertising <u>at</u>
(6)	<u>SL</u>	<u>4-10-73</u>	Affidavit of Publication received <u>April 10, 1973</u>
(7)	<u>SL</u>	<u>3-16-73</u>	Final date for protests <u>April 9, 1973</u> Protests received: yes <u>no</u>
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)	<u>SL</u>	<u>4/4/73</u>	Critical groundwater area: yes _____ no <u>SL</u>
(11)	<u>SL</u>	<u>4/4/73</u>	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	<u>SL</u>	<u>4/10/73</u>	Action recommended: ☒ Approve Priority <u>3/15/73</u> ☐ Deny Reason for Reduction <u>unacceptable App.</u> <u>SL</u> <u>4/10/73</u> See attached sheet for conditions of approval No conditions for approval
(14)	<u>SL</u>	<u>4/10/73</u>	District <u>Whitaker</u> By <u>Franklin</u> Date <u>4/10/73</u>

RECEIVED

Department of Water Administration

86-7025

RECOMMENDED

CONDITIONS OF APPROVAL

- ☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

Lapsed

Environmental Protection
Division



1337 G Street
Lewiston, Idaho 83501

March 30, 1973

Mr. Fred Eisenbarth
Water Resource Technician
Northern District
Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

RECEIVED

APR 2 1973

Department of Water Administration
Northern District Office

Re: Application for Permit No. 86-7025
Wilder - Early Enterprises, Inc.

Dear Mr. Eisenbarth:

We have received the application for permit for the domestic water supply well for the Early Enterprises, Inc. The Idaho Department of Environmental and Community Services requires that engineering plans and specifications be submitted to our Department for review and approval prior to construction. This authority is specified in Chapter I, Title 39, Section 39-118 of the Idaho Code. With this in mind, we recommend that the permit be issued, with the contingency that plans and specifications for the water system will be submitted to the Department of Environmental and Community Services for approval prior to construction.

If you have any questions, please contact me.

Sincerely,

JAMES M. KIMBALL, P.E.
Acting Regional Environmental Supervisor

JMK:rp
cc: Robert P. Olson
Vaughn Anderson
Wayne R. Heiskari

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

March 16, 1973

Re: Application for Permit No. 86-7025 - Wilder - Early Enterprises, Inc.

Wayne R. Heiskari
Latah County Office
NORTH CENTRAL DISTRICT HEALTH DEPARTMENT
Courthouse
Moscow, ID 83843

Dear Mr. Heiskari:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application, and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a 4-week period, and we are required to take final action shortly thereafter.

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

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

FE:CR

Enc: copy

86 7025

LEGALS - MT

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wilder - Early Enterprises, Inc. Route No. 4, Box 394, Moscow, Idaho has on March 15, 1973 submitted Application No. ~~100~~ for a permit to appropriate 0.5 cubic feet per second of water from a ground water source by means of pump, reservoir, and pipelines within the SE 1/4 SE 1/4, Sec. 23, T. 36N. R. 4W. B.M., Latah County (Lot 16, Wilder-lee Subdivision) to be used from Jan. 1 to Dec. 31 for domestic purposes for 40 families (Wilder-lee Subdivision) within the SE 1/4 SE 1/4, Sec. 23, T. 36N. R. 4W. B.M.

If issued this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before April 9, 1973.

R. Keith Hugginson
Director

March 22, 29, 1973

1052

O.K.
3-26-73
cl

86 7025

March 16, 1973

Re: Application for Permit No. 86-7025 - Wilder-Early Enterprises, Inc.

Daily Idahonian
Box 399
Moscow, ID 83843

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

Bill submitted 4-10-73 by cc

FE:CR

86 7025

Enc: Legal Notice

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wilder - Early Enterprises, Inc.
Route #4, Box 394, Moscow, Idaho
has on March 15, 1973 submitted Application No. 86-7025
for a permit to appropriate 0.5 cubic feet per second ~~approx. 0.5 cfs~~
of water from a ground water source
by means of pump, reservoir, and pipelines
within the SESE $\frac{1}{4}$ Sec. 23, T. 39N. R. 4W. B.M., Latah County (Lot 16,
Wilderlea Subdivision)

to be used from Jan. 1 to Dec. 31
for domestic purposes for 40 families (Wilderlea Subdivision)

within the SESE $\frac{1}{4}$ Sec. 23, T. 39N. R. 4W. B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before
April 9, 1973.

R. KEITH HIGGINSON

Director

Published in the Daily Idahonian, Moscow, Idaho
on March 22 and March 29, 1973

86 7025

March 16, 1973

Re: Application for Permit No. 86-7025

Wilder - Early Enterprises, Inc.
Route #4, Box 394
Moscow, ID 83843

Gentlemen:

Attached is your receipt No. 8580 in the amount of \$25 for the filing fee on the above referenced application, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Technician
Northern District

FE:CR

Enc: Receipt

86 7025

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higgins
Director

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

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

November 28, 1972

Felton, Bielenberg & Anderson
Box 205
Moscow, ID 83843

Gentlemen:

We are returning the application for permit you submitted in behalf of Wilder-Early Enterprises, Inc. We cannot accept an application until it is completed, properly signed, and accompanied by the proper filing fee.

Please complete the following items and return the application to our office along with the filing fee. The fee for 0.5 cubic feet per second of water is \$25.

Item #6c: Please provide information pertaining to the size and depth of the well.

Item #8a(1): Please give the location of the place of use, according to 40-acre tract, section, township, and range.

Item #11: Draw a map showing the location of the point of diversion and the location of the place of use by 40-acre tract.

Please have the application signed at the bottom of Page 3. This signature must be an elected official of the company, stating his title.

If you should have any questions, or if we can be of further assistance, please feel free to contact this office.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enclosures

86 7025

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. _____ Name <u>Wilder-Early Eahr, Inc</u>
(2)			Checks: ☐ Signature <u> </u> ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☐ Place of Use <u> </u> ☐ Map <u> </u> ☐ Fee <u> </u>
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)			In form for advertising _____
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____ _____ _____
(13)			Action recommended: ☐ Approve _____ Priority _____ ☐ Deny _____ Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

Ap, ation No. _____

RECOMMENDED

CONDITIONS OF APPROVAL

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

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

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

☐ Maximum rate of diversion shall not exceed .5 c.f.s.

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

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

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

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

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

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

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

☐ Other: _____

