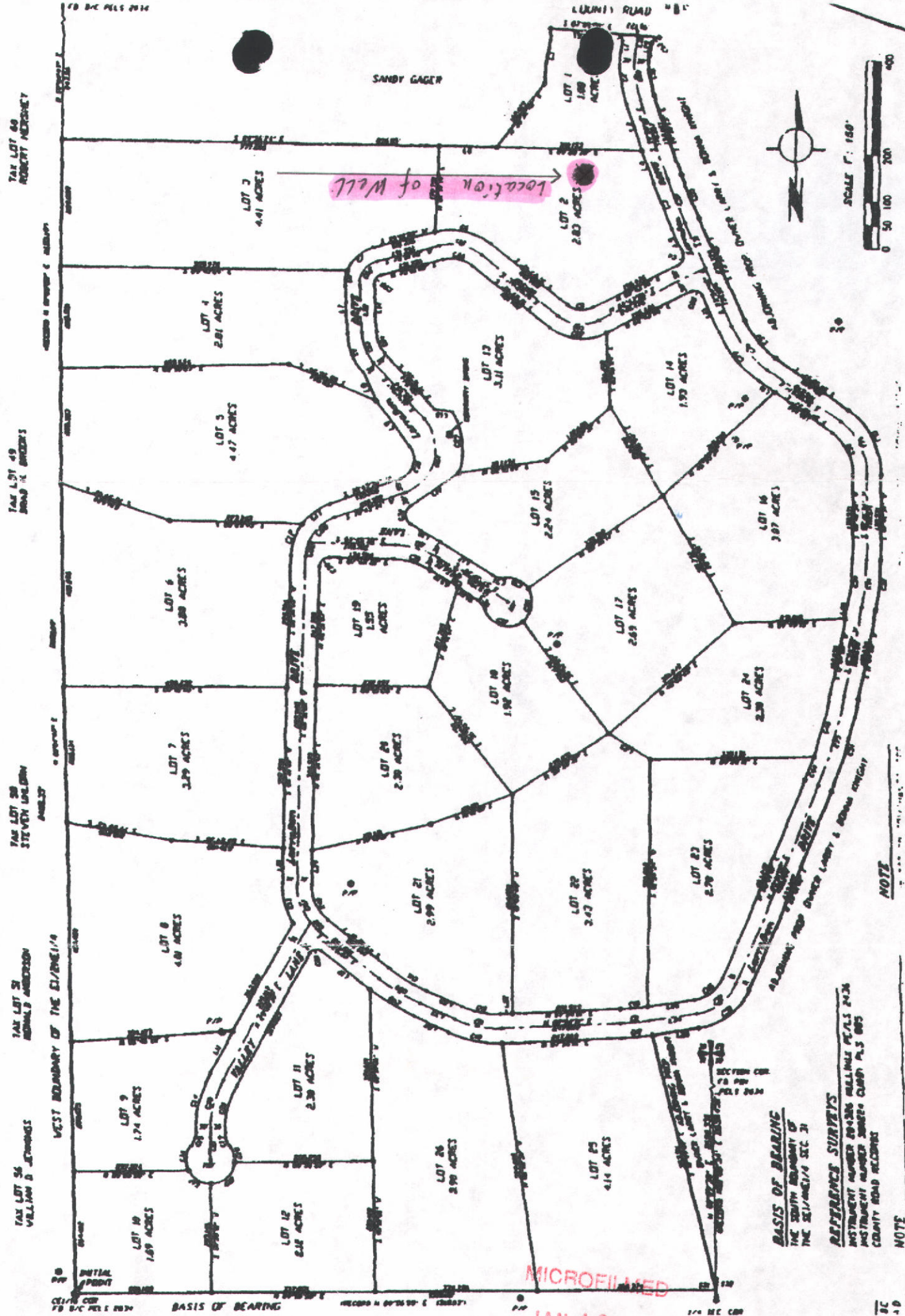
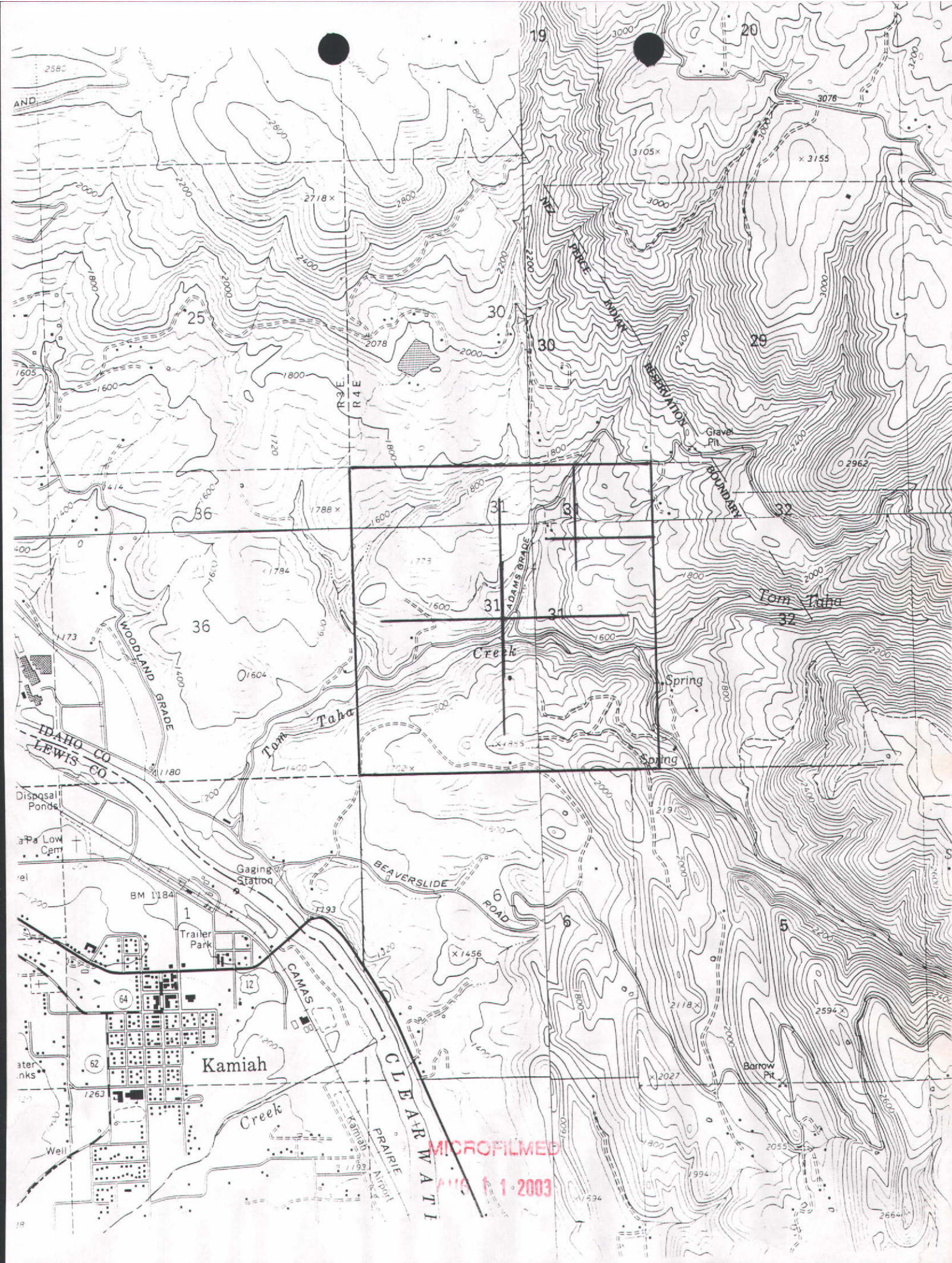


Laradon Heights Subdivision SECTIONS 31 AND 32, T34N, R4E, B. M. IDAHO COUNTY, IDAHO.





State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 84-07304

Priority: July 6, 1999

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 6, 1999; and has
submitted Proof of Beneficial Use on December 17, 1999. An examination indicates that the works have
a diversion capacity of 0.04 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NE¼ Sec. 31, Twp 34N, Rge 04E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
34N 04E 31	X																

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. Point of diversion is located within Lot 2, LarraDon Heights Subdivision.
3. Place of use is located within Lot 2, LarraDon Heights Subdivision.

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 7TH day of FEBRUARY, 2003.

Acting for

KARL J. DREHER
Director

MICHAEL L. LIVINGSTON

AUG 1 1 2003

RECEIVED

DEC 17 1999

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 84-07304 Telephone No. 208 935-0969
2. Name(s) of Permit Holder(s): Erich Baulig.
3. Mailing Address: HC 11 Box 1002 Kamiah, ID 83536
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. Nov / yr. 1998
 - a. Well Driller: Khlenkott Well Drilling Drilling Permit Number: 84-98-N-0045-000
 - b. OPTIONAL:
Pump Horsepower: 1 Hp. Pressure (psi): 45 Dynamic pumping level (ft): 284 ft.

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

Domestic (No. of households): 2 Stockwater (No. and type of stock): NONEIrrigation (No. of acres): NONE Other: NONE6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR — acre feet

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

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

Measuring Device: Is a measuring device required?	Yes	or No	☒
Has the measuring device been installed?	Yes	or No	☒
Flow Measurement Port: Is a flow measurement port required?	Yes	or No	☒
Has the measurement port been installed?	Yes	or No	☒

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

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

Name: Erich Baulig. Telephone Number: 208-935-0969Address: HC 11 Box 1002 (Laradon Heights Lot 2) Kamiah, ID 83536

10. The information given on this form 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.

Signature of permit holder: Erich Baulig MICROFILMED Date: Dec-14-1999
(include your title, if on behalf of company or organization)

JAN 15 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07304

Priority: July 6, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 31, Township 34N, Range 04E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

34N 04E 31

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home.
5. Point of diversion and place of use known as Lot 2, LarraDon Heights Subdivision.

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

10th day of December, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

JAN 15 2000

JUL - 1 1999

Ident. No. 84-07304

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Erich Baulig Phone 208-935-0969
Post Office address HC 11 Box 1002 Lot 2 Kamiah Idaho 83536
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot _____
Sec. 31 Township 34 N Range 4 E B.M. Idaho County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 cfs for Domestic 1 Home purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 CFS and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well & Pump
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? 11-25-98; Drilling firm Uhlenkott Well Drilling:
Well was drilled for (well owner) Erich Baulig (Larry Knight) 84-98-N-45
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1
 - e. Other; describe fully. _____

RECORDED

JAN 16 2001

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	4E	31	D																

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? APPLICANT

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

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

RECEIVED

JUL 09 1999

IDWR/North

Erin Bailey June-28-99
(Applicant)

Received by W Wilcomb Date 7/1/99 Time _____ Preliminary check by [Signature]
Fee \$ 50.- Receipted by W Wilcomb # 045906 Date 7/6/99
Publication prepared by [Signature] Date 7/28/99 Published in Idaho County Tribune 10/6/99
Publication approved [Signature] Date 11/9/99

MICROFILMED

JAN 16 2001

Larrydon Heights Subdivision SECTIONS 31 AND 32, T34N, R4E, B. M. IDAHO COUNTY, IDAHO.

TAX LOT 40
 ROBERT MERRICK

TAX LOT 49
 SHAW H. SHAW

TAX LOT 38
 STEVEN SHAW

TAX LOT 28
 MARSHALL ANDERSON

TAX LOT 34
 WILLIAM D. STANLEY

WEST BOUNDARY OF THE DIVISION

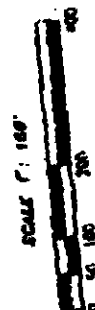
INITIAL
 POINT
 CORNER
 OF
 SEC. 31
 T34N
 R4E
 B. M.

BASIS OF BEARING

Location of Well

SANDY GARDEN

CLINT ROAD "B"



20

NOTE

BASIS OF BEARING
 THE SOUTH BOUNDARY OF
 THE DIVISION SEC. 31

REFERENCE SURVEYS
 INSTRUMENT NUMBER 20-1-100
 INSTRUMENT NUMBER 20-1-100
 INSTRUMENT NUMBER 20-1-100
 COUNTY ROAD RECORDS

NOTE

BC 10

MICROFILMED

JAN 16 2001



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 10, 2003

ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536

RE: License No. 84-7304 - 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:klf

Enclosure(s)

MICROFILMED

APR 11 2003

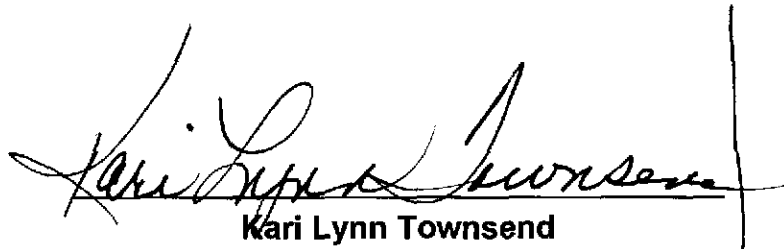
CERTIFICATE OF SERVICE

I hereby certify that on February 10, 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.

84-7304

**ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536**



**Kari Lynn Townsend
Secretary**

MICROFILMED

AUG 11 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).

MICROFILMED
AUG 11 2003

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
AUG 11 2003

MEMORANDUM

Date: February 06, 2003
To: Water Right File 84-7304
From: S. Keen *SK*
Re: Licensing Review

Licensing review and data entry by S. Keen on 2/6/2003.

No overlapping rights. Well drillers report is not available at the state office.

MICROFILMED
APR 1 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. 84-07304

1. Owner: Erich Baulig

Phone No. (208) 935-0969

Current Address: HC 11 Box 1002 Kamiah, ID 83536

2. Accompanied by: N/A

EXAM DATE: N/A

Address: N/A

Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: Groundwater

tributary to

B. OVERLAP REVIEW

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

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

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	NE	31	34N	04E	Idaho	Assessor's Plat Map

2. Place(s) of Use:

Indicate Method of Determination Assessor's Plat Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	04E	31	D																

MICROFILMED

AUG 11 2003

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

N/A

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
N/A					

* 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
N/A						

2. Measurements: N/A

E. NARRATIVE/REMARKS/COMMENTS

I called Deanna at the Idaho county assessor's office and Erich Baulig, the permit holder. They confirmed that this well serves one home with a lawn of less than one half acre on lot 2 of the LarraDon Heights Subdivision (see plat map).

The well drilling permit (# 84-98-N-45, Tag # D5546), incorrectly states the location of the well as in the SE of the NE quarter. The correct location is the NE of the NE quarter as indicated in the permit

Have conditions of permit approval been met?

☒ Yes ☐ no

MICROFILMED
AUG 11 2003

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Amount permitted = **0.04 cfs**

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: **NA**

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

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

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

2. Volume Calculations for Other Uses:

Domestic, home with lawn = **1.2 afa**

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.04	1.20

Totals:

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

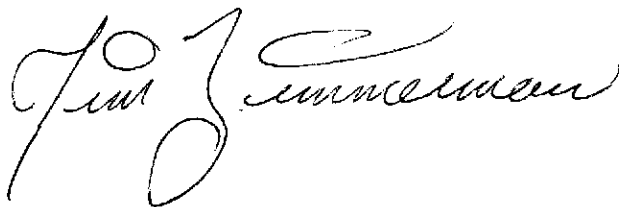
Other

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman

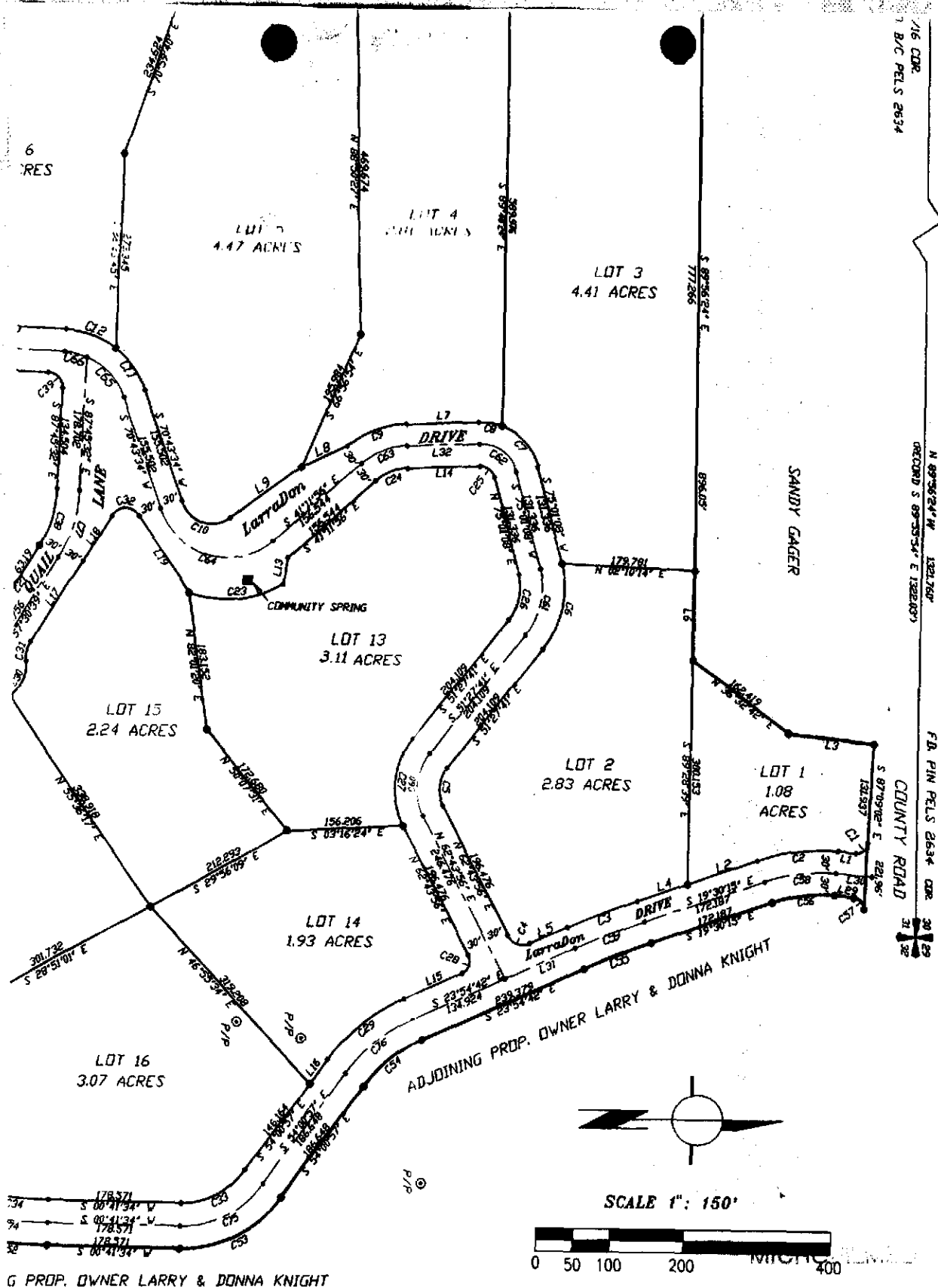
Date: October 24, 2000

Signature



MICROFILMED

AUG 1 6 2000



SURVEY

SITUATED IN THE NORTHEAST
31 AND THE NORTHWEST
32, TOWNSHIP 34 NORTH,
MERIDIAN, IDAHO COUNTY,

Covenants
4-9-96 see
#386175

Cuddy & Associate:

Engineers Surveyors Construction Managers

125 Johnson Ave.
Orofino ID 83544

(208) 478-48
Fax (208) 478-50

PROJECT: 95-511

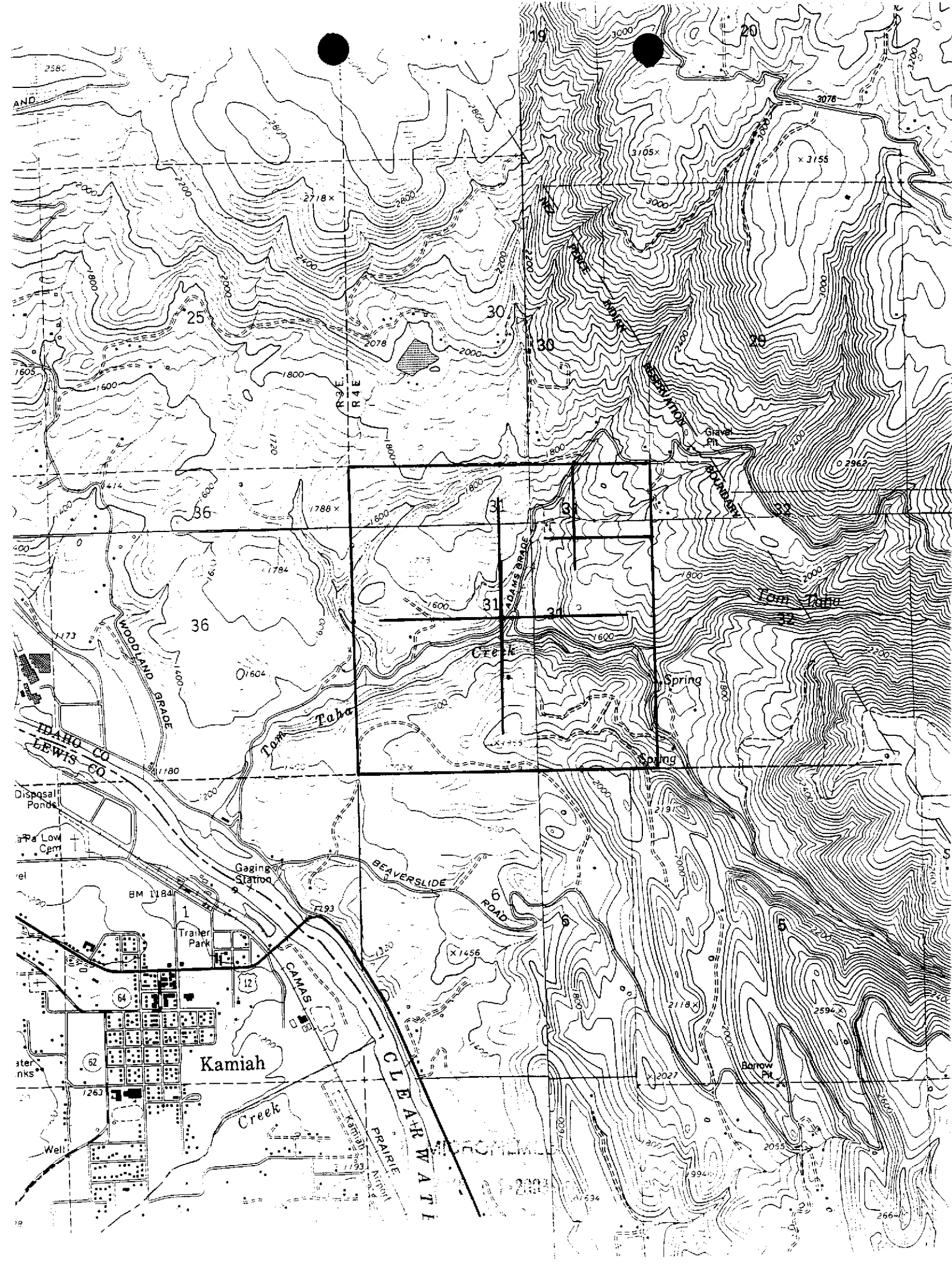
DATE: 2/16/96

PAGE: 1 OF 4

DRAWN BY: JHG

REVISED: 2/16/96

REVISED:



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 84-07304 Reviewed by [Signature] Date 12-22-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom.
yes Address same as permit? _____
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

_____ Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 84-9 8-N-0045-000
15- Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

no Required?
1 Amount Submitted
1 Correct?
no Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 12-17-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

December 22, 1999

KARL J. DREHER
DIRECTOR

Erich Baulig
HC 11 Box 1002
Kamiah ID 83536

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07304

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JAN 10 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 10, 1999

DIRK KEMPTHORNE
GOVERNOR

ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07304

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **December, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 84-07304

**ERICH BAULIG
HC 11 BOX 1002
KAMIAH ID 83536**



Kari Lynn Townsend
Secretary

MICROFILMED

JAN 15 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

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JAN 15 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/8/99

No. 84-07304 Name: Baulig Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes S/C gw exempt Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
- Basin 34 - 085
- Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front Lo Geo - 058 (<85 GW)
~~Mitigation~~ - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 12/01/2000

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

~~Multiple pd's per 1/4~~ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

OTHER CONDITIONS/REMARKS

COMMENTS

**IDaho DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

WRI
BCA
WRA

APPLICATION # 84-07304

..... INITIAL REVIEW

APPLICANT: BAULIG BY: AB DATE: 7/1/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
- + Field report attached
- + Analysis Supp. attached (>5cfs/500af)
- + Water delivered by water master?
Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 7/6/99

X (Include Moratorium Remark)

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

10/11/99

ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>84 98 N 45</u>	<u>05546</u>	Dom. Non-Dom.	Paid \$ <u>75.00</u>	<u>N012480</u>	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- _____ Notice of pending void order issued. Final order response date: _____/_____/_____
- _____ Further information required from applicant
- 11/9/99 _____ Affidavit of publication received
- 11/9 _____ Application published correctly. If not, record action taken: _____

- 9/28 _____ Publication dates and paper recorded on application | Sr. Agent initial _____
- _____ ✓ Protests received, Final protest date: 10/25/99
- _____ ✓ Measuring device required
- _____ ✓ Measuring port required
- _____ ✓ Special conditions:
- _____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 11/9/99

RECEIVED
NOV 09 1999
IDWR/North

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed
to appropriate the public waters of the State
of Idaho:

84-07304

BAULIG, ERICH
HC11 BOX 1002 LOT 2
KAMIAH, ID 83536
Source: GROUNDWATER
Diversion Pt: NENE Sec 31 T 34N R 04E in
IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/6/1999
In: IDAHO County
T34N R04E S31 NENE

For additional information concerning the
property location, call the Northern Regional
Office at (208) 769-1450.

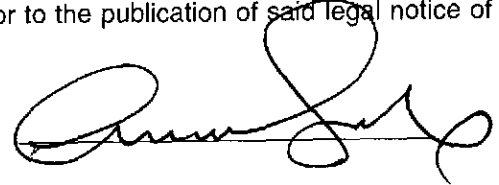
The permit(s) will be subject to all prior
water rights. Protests must be filed with the
applicant and with the Director, Dept. of
Water Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur d'Alene,
Idaho 83814, together with a protest fee of
\$25.00 on or before OCTOBER 25, 1999.

KARL J. DREHER, Director
Published: 10/6/1999 & 10/13/1999

O6-13

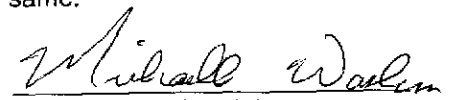
STATE OF IDAHO
County of Idaho - ss.

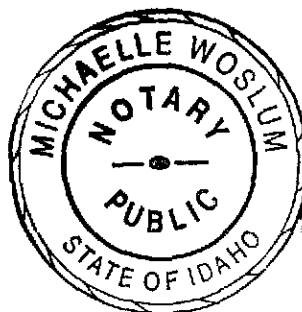
Andrew J. McNab, being first duly sworn, says he
is the Publisher of the IDAHO COUNTY FREE PRESS, a week-
ly newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said legal notice, of which the one hereto
attached is a true copy, was published in said paper for two
weeks, being published two times, the first publication being on
the 6th day of October, 1999; and the last publication
on the 13th day of October, 1999; and that the said legal
notice was published in the newspaper proper and not a supple-
ment; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said legal notice of
advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 13th day of October in the year of 1999, before me a
Notary Public personally appeared Andrew J. McNab,
known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged
to me that he executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



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NOV 16 1999

84-07304

BAULIG, ERICH
HC11 BOX 1002 LOT 2
KAMIAH, ID 83536

Source: GROUNDWATER

Diversion Pt: NENE Sec 31 T 34N R 04E in IDAHO County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 7/ 6/1999

In: IDAHO County
T34N R04E S31 NENE

MICROFILMED

JAN 16 2001

September 29, 1999

Erich Baulig
HC11 Box 1002
Kamiah ID 83536

Re: Water Appropriation Application No. 84-07304

Dear Mr. Baulig::

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number C045906.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

JAN 16 1999

RECEIPT IS FROM THE STATE FILE

SD-0201-1

Idaho Department of Water Resources

Receipt Entry

Date: 07/09/99

Time: 13:27:40

Receipt No: C045906 AR No: _____ Date: 07/06/1999 Payoff Part of Acct? N

From: BAULIG, ERICH/BETTY _____ Payment Type: CK-CHECK Doc No: 1806__

Remarks: _____

Description	Fund	FD	PCA	Obj	Subsid	
APPLICATION FOR PERMIT	229	21	56103	1155		50.00
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Total Amount:						50.00

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu _____)