

T J PETERSON

36 N. 2 E 3 M.

$N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$

SPRING
Pipeline Easement

OK OF IND

ARTHUR

ARTHUR

155 AC

T#2099

350.00

STEVEN & CLAUDE

KODAK

2218

T#1756

WILLIAM
BASTALICH
& DEBRA HAINES
KEITH CALLEAR

T#1746

DENNIS
& LANE
1711

CASCADE DRIVE

APC COMPANY

6/0

ROY J. BROOKS

2219

T#1756

WILLIAM
BASTALICH
DEBRA
HAINES

T#2063

William &
Sharon
Howard

T#2162

3.0 Ac

Kelly &
Loretta
King

T#2125

William
Sharon

Howard

10.941 Ac

T#1779

DAVID STROM

T#2159

JEANINE STANTON

61

3632 AC

NO. PERCE TRIBE

MICROFILMED

JAN 16 2001

EXHIBIT "A"

Sec. 13, T. 36 N., R. 2 E.B.M., Clearwater County, Idaho.

Beginning at the NW corner of said Sec. 13; thence S 01°36'15" E 2700.53 feet along the West Boundary of said Sec. 13 to the SW corner of the NW¼ of said Sec. 13; thence N 75°24'56" E 1331.93 feet to a point on the centerline of Cascade Drive and the True Point of Beginning; thence N 09°58'06" W 734.17 feet to a point on the South right of way line of the Camas Prairie Railroad; thence N 82°50'55" E 759.36 feet along said South right of way line of Camas Prairie Railroad; thence S 02°20'11" E 703.85 feet to a point on the centerline of Cascade Drive; thence S 88°40'25" W 361.01 feet along said centerline; thence S 70°10'55" W 312.67 feet along said centerline to the True Point of Beginning.

TOGETHER WITH an easement 30 feet in width and centered along the following described line, for the purpose of ingress and egress more particularly described as follows:

Beginning at the SW Corner of the above described parcel; thence N 09°58'06" W 60.80 feet along the West boundary of the above described parcel to the True Point of Beginning of this easement; thence S 67°59'31" W 157.90 feet; thence S 67°59'31" W 305.08 feet to a point on the centerline of Cascade Drive and the terminus of this easement.

TOGETHER WITH an easement for the purpose of ingress and egress and rights incidental thereto as set forth in a document Granted to Joseph M. Anderson and Nina D. Anderson, recorded on Nov. 12, 1991 as Instrument No. 158029.

TOGETHER WITH ALL RIGHT, title and interest in and to that certain spring located in the NE Corner which borders the railroad right of way of the below described parcel, together with an EASEMENT for a pipeline across the NE corner of said parcel described below to said spring:

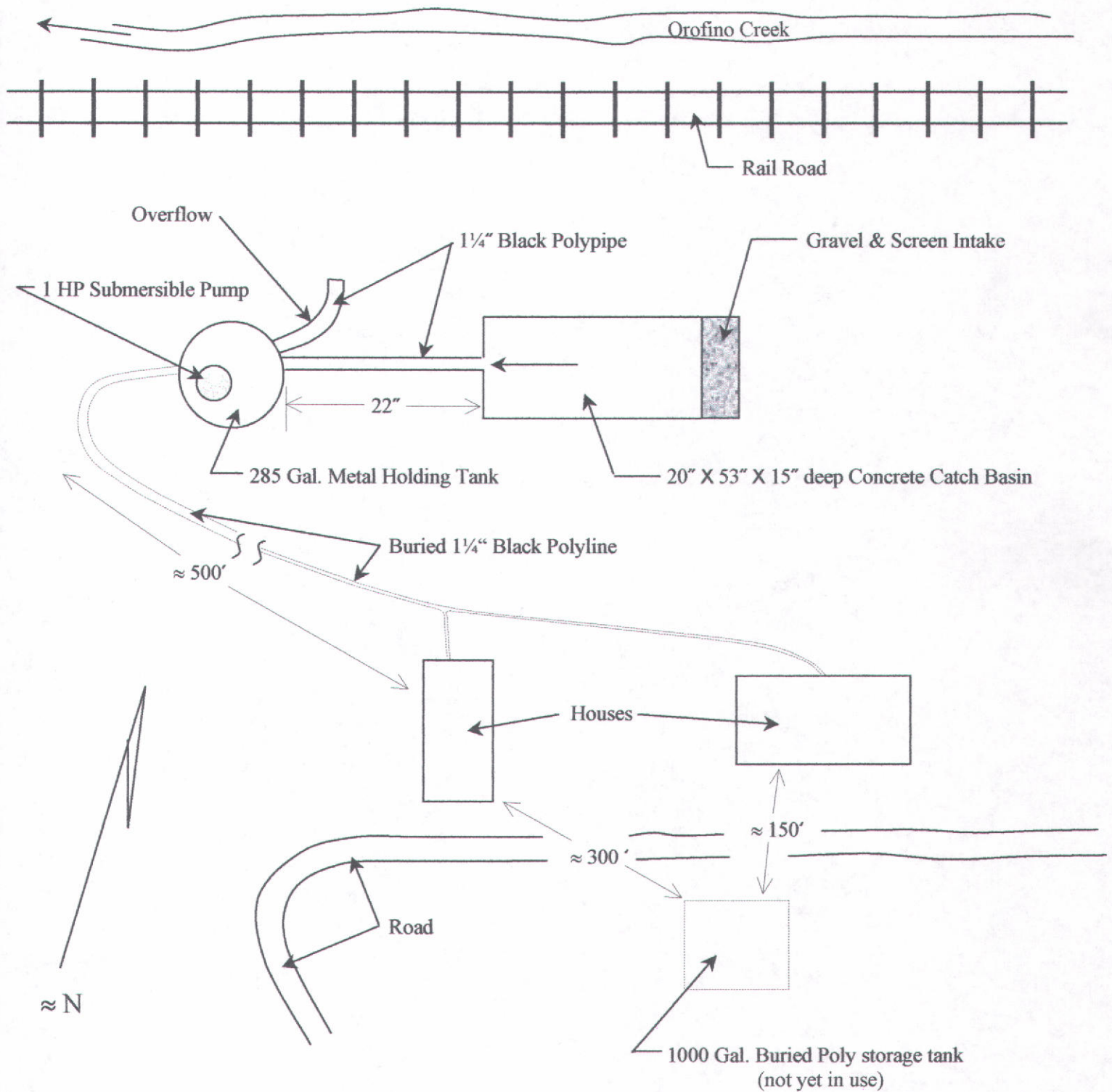
A parcel of land situated in the SE¼NW¼ of Sec. 13, T. 36 N., R. 2 E.B.M., Clearwater, County, Idaho:

Beginning at the NW Corner of said Sec. 13; thence S 01°36'15" E 2700.53 feet

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JAN 16 2001

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



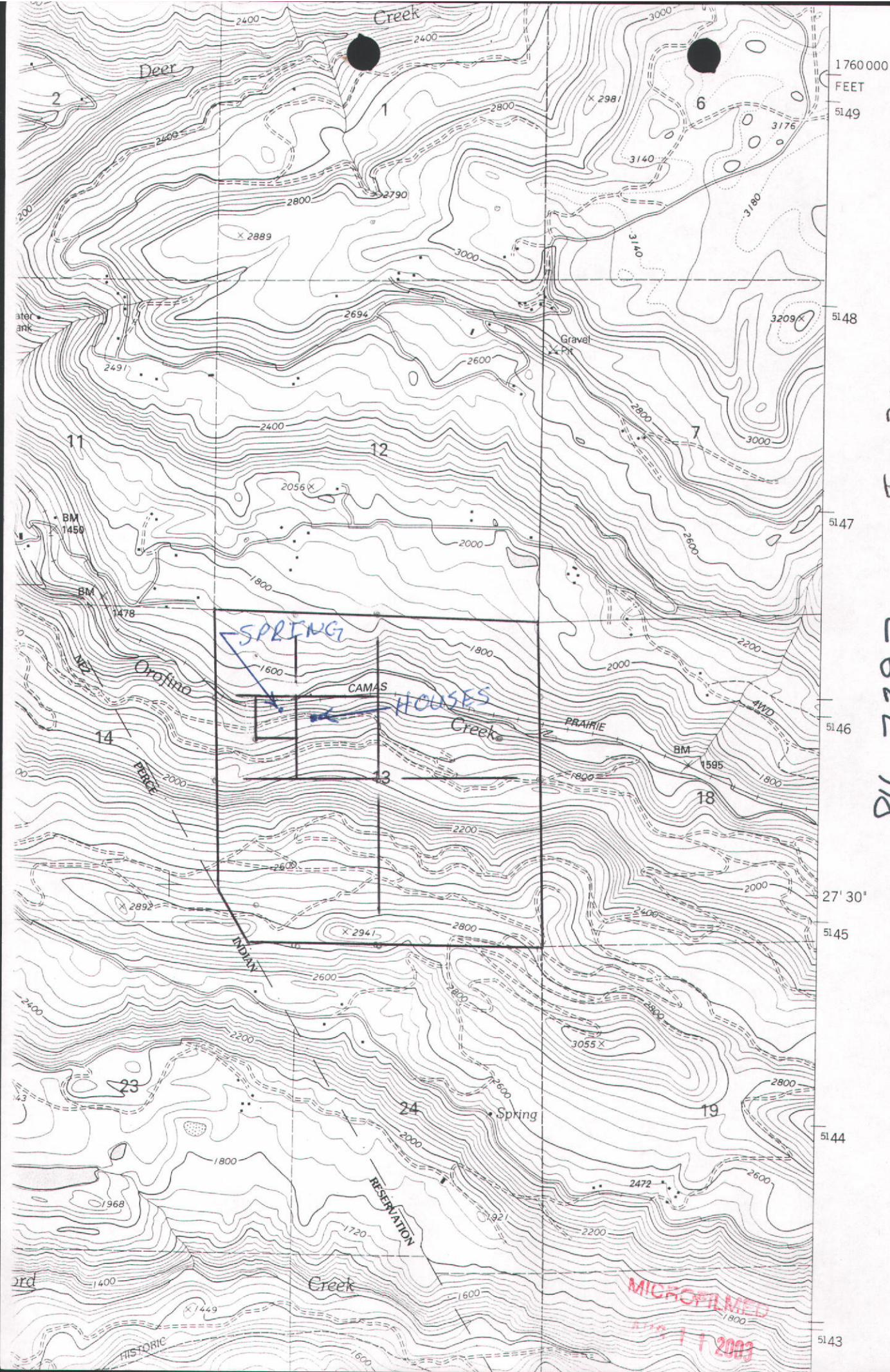
Note: Drawing Not to Scale

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

No Aerial Photo Attached (required for irrigation of 10+ acres)

Yes Photo of Diversion and System Attached



Twn 36N
Rnge 2E
Sec. 13

84-7297

84-07297



Photo 1. Showing catch basin in spring.



Photo 2. Showing holding tank and well head.

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84-07297



Photo 3. Showing house closest to POD.



Photo 4. Showing house furthest from POD.

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84-07297



Photo 5. Showing 1000 gallon storage tank.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 84-07297

Priority: June 5, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 2.4 AF

It is hereby certified that DENNIS V MEYER And
MARGARET LONG OSBORN
PO BOX 2541
OROFINO ID 83544 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 5, 1998; and have
submitted Proof of Beneficial Use on July 8, 1999. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

**ANNUAL
DIVERSION VOLUME**

2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, Twp 36N, Rge 02E, B.M CLEARWATER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	02E	13																	X

CONDITIONS OF APPROVAL

1. Domestic use is for 2 homes.
2. The irrigation occurring under this domestic use shall not exceed 1/2 per home.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.

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.

MICROFILMED
AUG 11 2003

Acting for 
KARL J. DREHER
Director

11/99

AUG 2 2001

For Office Use Only
 \$25 filing fee 25.00
 Receipt # 2055792
 Date 8-29-01
 JML

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Clark E. Callen, hereby assign to Dennis V. Meyer AND Margaret Long/Osborn
 of, POB 2541, Orofino, ID 83544 208-476-3110
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 84-07297 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. 84-07297 to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

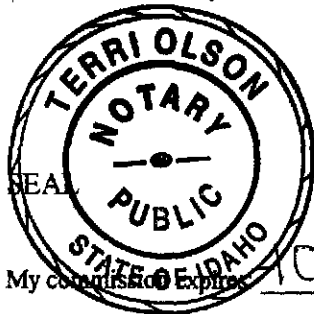
(Same as original to be divided 50-50 by above said parties who are living on the orig. land)

Made this 7th day of August, 2001.

Clark E. Callen & Keith R. Callen by
 Permit Holder(s) Clark E. Callen (his attorney-in-fact)

State of Idaho)
) ss
 County of Clearwater

On this 7th day of August, 2001, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Terri Olson
 Notary Public residing at
Orofino

MICROFILMED
 SEP 25 2001

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.—
 Receipt No. C046080
 Receipt By: Hurlcomb
 Date Received: 7/23/99

RECEIVED

JUL 2 1999

JUL

Department of Water Resources

STATE OF IDAHO

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. 84-07297 Telephone No. 208-476-0298
2. Name(s) of Permit Holder(s): KEITH R. CALLEAR AND/OR CLARK E. CALLEAR
3. Mailing Address: POB 843, OROFINO, ID 83544
4. Source of Water: SPRING If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 3 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.05 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 <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | or | No _____ |
8. Fee Enclosed: \$ 50.00 (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: Clark Callear Telephone Number: 208-476-0298
Address: POB 843, Orofino, ID 83544 FAX: 476-3186

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. **UNRECORDED**

Signature of permit holder: Clark E. Colleen Date: 12-16-99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07297

Proposed Priority: June 5, 1998

Maximum Diversion Rate:

0.05 CFS

This is to certify, that **KEITH R CALLEAR**
CLARK E CALLEAR
PO BOX 843
OROFINO ID 83544

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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	0.05 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NESWNW , Sec. 13, Township 36N, Range 02E
CLEARWATER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

36N 02E 13

SWNW

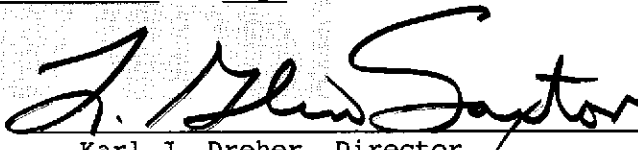
SENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1999**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 3 homes.

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

3rd day of September, 1998.


Karl J. Dreher, Director
for

MICROFILMED

1998 10 20

FORM 202
2/96

Ident. No.

84-07297

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

AUG 03 1998

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Keith R. Callear &/or Clark E. Callear Phone 208-476-0298
Mailing address P.O. Box 843, Orofino, ID 83544
2. Source of water supply Unnamed spring which is a tributary of sinks
3. Location of point of diversion is Township 36 N. Range 2 E.B.M. Sec. 13 in the NW 1/4 of NE 1/4,
SW 1/4, NW 1/4, Govt. Lot _____, B.M., Clearwater County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.023 cfs for domestic, household purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.023 for gardening, lawn, etc purposes from Jan. 1 to Dec. 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.046 cfs (20 gal/min) and/or (b) 0.05 acre feet per annum
cubic feet per second

6. Proposed diverting works:

- a. Describe type and size of devices used: art water from the source Standard submersible well pump
and underground pipeline over and across our deeded easement.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet (none of above applies. We will use standard
household pressure tank/switches).
- 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? no
- e. If well is already drilled, when? n/a; Drilling firm n/a
Well was drilled for (well owner) n/a; Drilling Permit No. _____

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 in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 3
- e. Other; describe fully. _____

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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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	2E	13							D	D									0.04
36N	2E	13							~~D~~	~~D~~									0.00

Total number of acres to be irrigated 0

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? It is on the Camas Prairie Railroad right-
 b. Who owns the land to be irrigated or place of use? Keith Callear/Clark Callear (brothers) of way.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: We have a Warranty Deed to the spring with a deeded pipeline
Easement. (see attached Warranty Deed and plat map)

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

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

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JAN 16 2001

Clark E. Callear 6-2-98
 Signature of Applicant (and title, if applicable)

Received by db Date 6/3/98 Time 1145a Preliminary check by AS
 Fee \$ 50.00 Received by db # N012104 Date 6/3/98
 Publication prepared by db Date 6/10/98 Published in Clearwater Sub 6/18+25/98
 Publication approved db Date 7/13/98

T J PETERSON
36 NW 2 E 3 M.

N 1/2 NE 1/4 SW 1/4 NW 1/4

SPRING
Pipeline Easement
OROFINO

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153 AC

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T# 1756

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+ DEBRA HAINES

T# 1
A#
T# 1746
DENNIS
+ LANE
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SEA-DE DRIVE
APC Community

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T# 1756

LOT 111111
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Howard

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King 2

2125
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Sharon
Howard

10.94 AC
T# 1771
DAVID STRUM

13
6.4 AC
T# 2159

3
24.36

ROY J. BROOKS

JEANINE STANTON

61
3632 AC

NE. PERCE TRIBE MICROFILMED
JAN 16 2001

RECEPTION ☒
INDEXED ☒
FILMED ☒
DELIVERED ☒
MAILED ☒

177330

COPY

Warranty Deed

THIS W.D. CONVEYED THE LEGAL OWNERSHIP OF THE SPRING WITH A PIPELINE EASEMENT (SEE NEXT PAGE)

FOR VALUE RECEIVED, **WILLIAM P. BASTALICH** and **DEBRA A. BASTALICH** (formerly **DEBRA HAINES**), husband and wife, whose address is P.O. Box 1740, Orofino, Idaho 83544, the Grantors, do hereby grant, bargain, sell and convey unto **KEITH R. CALLEAR**, a single person, whose address is P.O. Box 843, Orofino, Idaho 83544, the Grantee, the following described premises situated in the County of Clearwater and State of Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 30th day of January, 1998

William P. Bastalich
William P. Bastalich

Debra A. Bastalich
Debra A. Bastalich

STATE OF IDAHO, COUNTY OF CLEARWATER, ss.

On this 30th day of Jan, 1998, before me, a notary public in and for said State, personally appeared William P. Bastalich and Debra A. Bastalich known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

Beverly Ann Wilson
Notary Public Orofino, Idaho
My commission expires: December 27, 2003

After recording return to Keith Callear, P.O.B. 843, Orofino, ID 83544

Filed and recorded at the request of *Keith Callear*
at 11:30 o'clock A.M., this 26th day of February, 1998
Robert Christensen By: Deputy
Ex Officio Auditor-Recorder
Clearwater County, Idaho
Fee: 9.00 MICROFILMED
Return *Keith Callear*
P.O. Box 843
Orofino, ID 83544
JAN 15 2001

EXHIBIT "A"

Sec. 13, T. 36 N., R. 2 E.B.M., Clearwater County, Idaho.

Beginning at the NW corner of said Sec. 13; thence S 01°36'15" E 2700.53 feet along the West Boundary of said Sec. 13 to the SW corner of the NW¼ of said Sec. 13; thence N 75°24'56" E 1331.93 feet to a point on the centerline of Cascade Drive and the True Point of Beginning; thence N 09°58'06" W 734.17 feet to a point on the South right of way line of the Camas Prairie Railroad; thence N 82°50'55" E 759.36 feet along said South right of way line of Camas Prairie Railroad; thence S 02°20'11" E 703.85 feet to a point on the centerline of Cascade Drive; thence S 88°40'25" W 361.01 feet along said centerline; thence S 70°10'55" W 312.67 feet along said centerline to the True Point of Beginning.

TOGETHER WITH an easement 30 feet in width and centered along the following described line, for the purpose of ingress and egress more particularly described as follows:

Beginning at the SW Corner of the above described parcel; thence N 09°58'06" W 60.80 feet along the West boundary of the above described parcel to the True Point of Beginning of this easement; thence S 67°59'31" W 157.90 feet; thence S 67°59'31" W 305.08 feet to a point on the centerline of Cascade Drive and the terminus of this easement.

TOGETHER WITH an easement for the purpose of ingress and egress and rights incidental thereto as set forth in a document Granted to Joseph M. Anderson and Nina D. Anderson, recorded on Nov. 12, 1991 as Instrument No. 158029.

~~_____ interest in that certain spring~~
~~located in the NE Corner which borders the railroad right of way of the below-~~
~~described parcel, together with an EASEMENT for a pipeline across the NE corner~~
~~of said parcel described below to said spring.~~

A parcel of land situated in the SE¼NW¼ of Sec. 13, T. 36 N., R. 2 E.B.M., Clearwater, County, Idaho:

Beginning at the NW Corner of said Sec. 13; thence S 01°36'15" E 2700.53 feet

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JAN 16 2001

along the West boundary of said Sec. 13 to the SW Corner of the NW¼ of said Sec. 13; thence N 01°36'15" W 339.23 feet along the West Boundary of said Sec. 13 to a point on the centerline of Cascade Drive and the True Point of Beginning; thence N24°47'13" E 745.30 feet to a point on the South Right of Way line of the Camas Prairie Railroad; thence Northeasterly along said Right of Way line, N 87°09'00" E 860.02 feet when measured on a straight line; thence S 09°58'06" E 734.17 feet to a point on the centerline of Cascade Drive; thence S 70°10'55" W 196.08 feet along said centerline; thence S 79°14'35" W 347.97 feet along said centerline; thence N 89°57'00" W 236.79 feet along said centerline; thence N 63°48'55" W 214.70 feet along said centerline; thence N 73°18'55" W 255.87 feet along said centerline; thence S 71°09'30" W 103.04 feet along said centerline to the True Point of Beginning.

TOGETHER with all mineral rights.

SUBJECT to easements and restrictions of record.

Exhibit "A", page 2

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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

DENNIS V MEYER
MARGARET LONG OSBORN
PO BOX 2541
OROFINO ID 83544

RE: License No. 84-7297 - 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

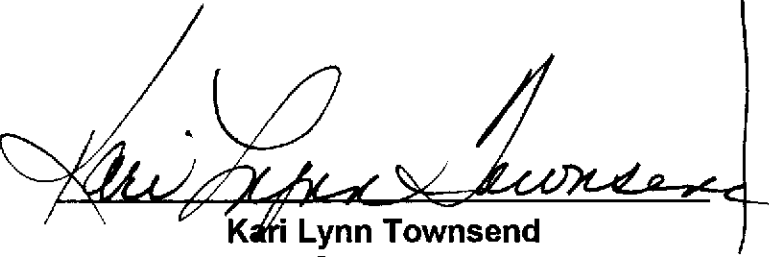
400 1 1 2003

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. 84-7297

**DENNIS V MEYER
MARGARET LONG OSBORN
PO BOX 2541
OROFINO ID 83544**


**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).

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
2016 JUL 11 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 3 - 2003
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 84-07297

1. Owner: Keith R. Callear, Clark E. Callear

Phone No. (208) 476-0298

Current Address: PO Box 843
Orofino, ID 83544

2. Accompanied by: Wendell Osborn, Margaret Osborn

EXAM DATE: July 31, 2000

Address: Cascade Drive
Orofino, ID 83544

Phone No. (208) 467-5914

Relationship to Permit Holder: Purchased part of the Place of Use property from the permit holder.

3. Source: Spring

tributary to: Sinks

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
NA		NE	SW	NW	13	36N	02E	Clearwater	Topographical Map (USGS)

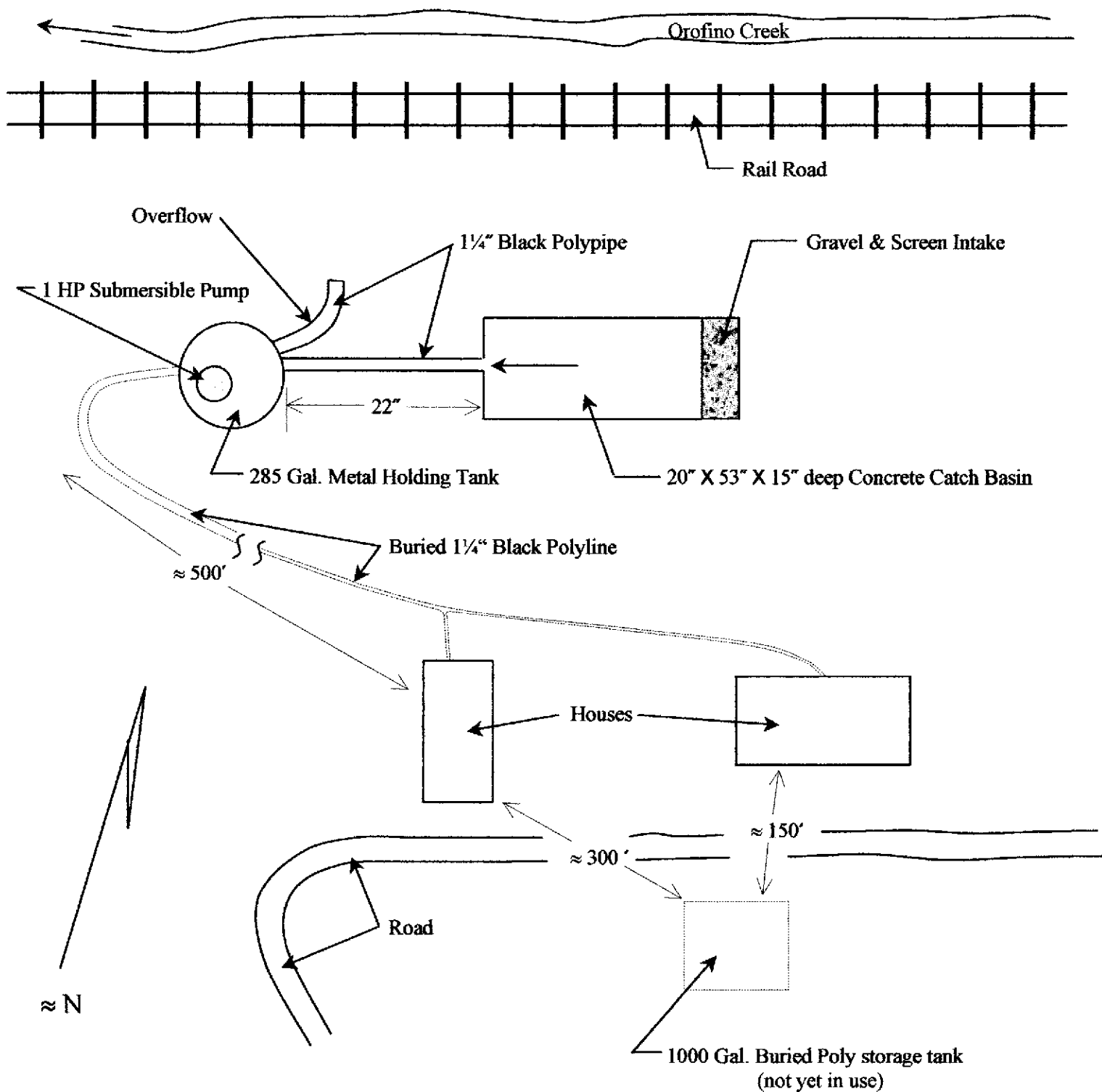
2. Place(s) of Use:

Indicate Method of Determination USGS Topographical 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	
36N	02E	13								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.



Note: Drawing Not to Scale

MICROFILMED
AUG 11 2003

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

No Aerial Photo Attached (required for irrigation of 10+ acres)

Yes 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
NA	Unknown	1	Unknown	Unknown	Unknown

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

Because of the construction and the deteriorated condition of the overflow pipe, an accurate measurement was impossible.

E. NARRATIVE/REMARKS/COMMENTS

The spring, which supplies two (2) houses, is located about forty (40) feet above Orofino Creek and the adjoining rail road tracks. The catch basin for the spring is a concrete and cinder block box that is open at one end. This serves as the intake. This intake is screened and backed by gravel that serves as a filter. The basin, itself, is covered by wood and a tarp (*Photo 1*).

The catch basin is connected to a holding tank by a level 1¼-inch black polyline. The holding tank is buried and appears to be a metal drum (*Photo 2*). The covering shown in *Photo 2*, is used as winter insulation. According to Mr. Osborn, who accompanied the me on this exam, the holding tank has a 285-gallon capacity. The GPS location of the holding tank is N 46° 27' 59.5" by W 116° 09' 40.7" (Garmin, Model GP-12, serial #36061391).

A half buried 1¼-inch overflow line exits the holding tank and provided the best location to measure the spring output. Because of the line position, construction, and the deteriorated condition of the overflow pipe, an accurate measure was impossible, however, according to Mr. Osborn, the spring output is sixteen (16) gpm. He obtained this information from the contractor, the identity of whom Mr. Osborn did not know. In a telephone conversation with Clark E. Callear, one of the permit holders, Mr. Callear stated that he was the contractor and that the spring did indeed produce sixteen (16) gpm. Therefore, this is the number I used in the flow calculations.

A submersible pump located in the holding tank is used to pump water up to the houses through a buried 1¼-inch, black polyline with an estimated grade of 30 to 35°. The estimated distance from the spring to the first house is 500 feet. The Domestic This permit states the domestic use is for three (3) homes, however, only two (2) homes are served by this diversion (*Photo 3 & 4*). The GPS unit location of house 1, the house closest to the Point of Diversion, (*Photo3*) is N 46° 27' 55.8" by W 116° 09' 34.5".

On the hill above the two houses is a buried 1000 gallon polytank as shown in *Photo 5* (GPS location: N 46° 27' 54.4" by W 116° 09' 31.1") that is intended to serve both houses. As of the exam date (July 31, 2000), there were no lines connecting the tank with either the houses nor the spring.

The permit holders, Keith R. Callear and Clark E. Callear, no longer own the property indicated in this permit. In a letter and telephone conversation, I informed Mr. Clark Callear that he needed to file an Assignment of Permit with the Idaho Department of Water Resources and supplied him with the form to do so.

In summary, the recommended changes to this permit to reflect the the findings of this exam should be:

1. Domestic use is for two (2) houses rather than three (3) houses.
2. The total diversion rate should be 0.04 cfs rather than 0.05 cfs to reflect the output of the spring.

Have conditions of permit approval been met?

X

MICHAEL L. LENO
Yes

AUG 11 2000

F. FLOW CALCULATIONS

Measured Method:

Domestic for two (2) houses:

$$\frac{16 \text{ gpm}}{448.83 \text{ gpm / cfs}} \approx 0.03565 \text{ cfs} \approx \mathbf{0.04 \text{ cfs}}$$

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:

$$\text{Domestic (Interior Volume for 2 houses)} = 1.2 \text{ afa} \times 2 \text{ houses} = \mathbf{2.4 \text{ afa}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (Interior)	1/1	12/31	0.04	2.4
Totals:			0.04	2.4

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: August 1, 2001

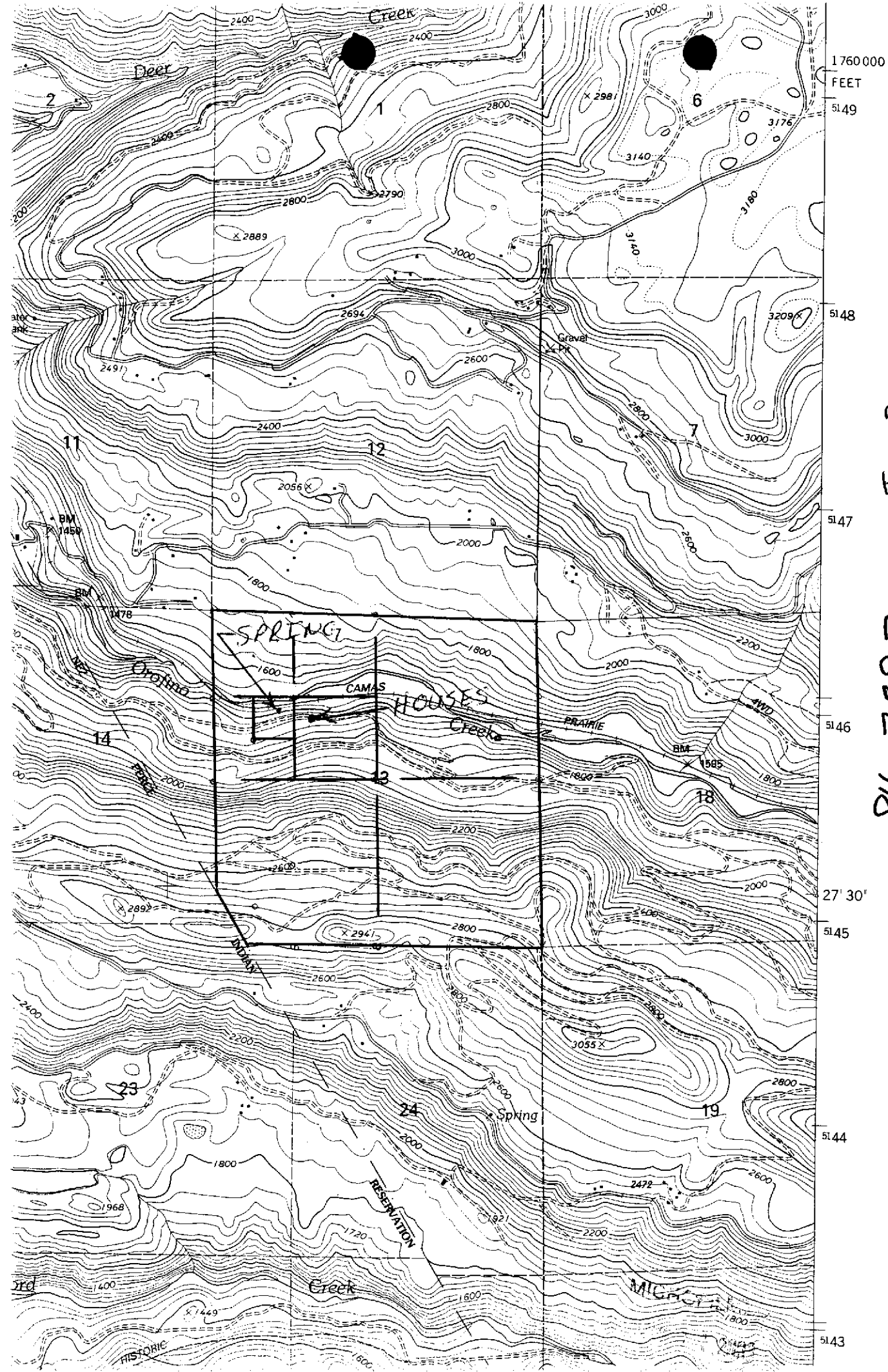
Signature



Permit: 85-07297

MICROFILMED

AUG 1 1 2001



84-7297
Twp 36N
Range 2E
Sec. 13

84-07297

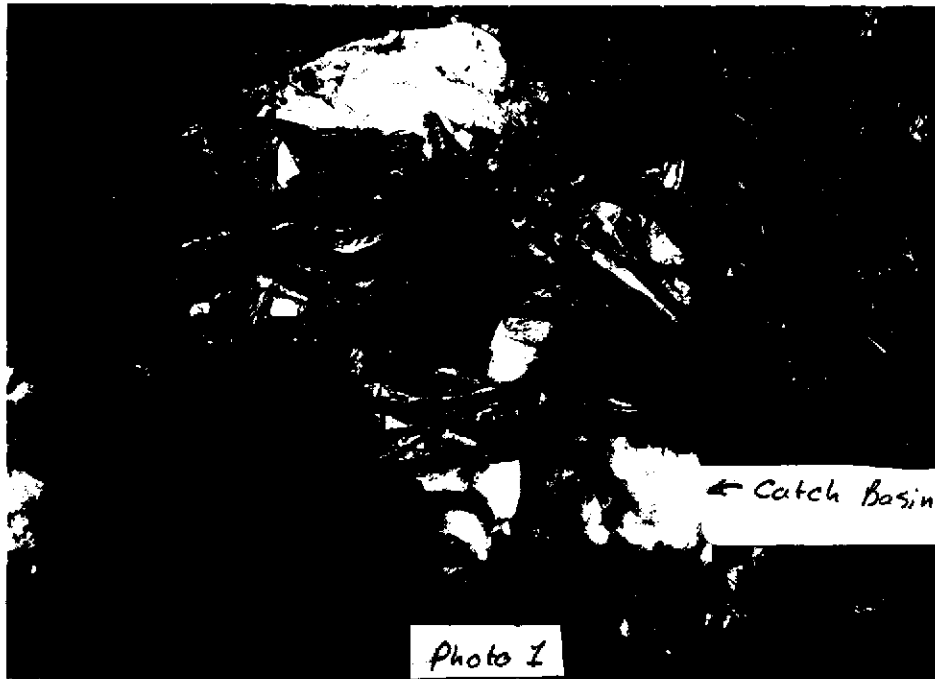


Photo 1. Showing catch basin in spring.

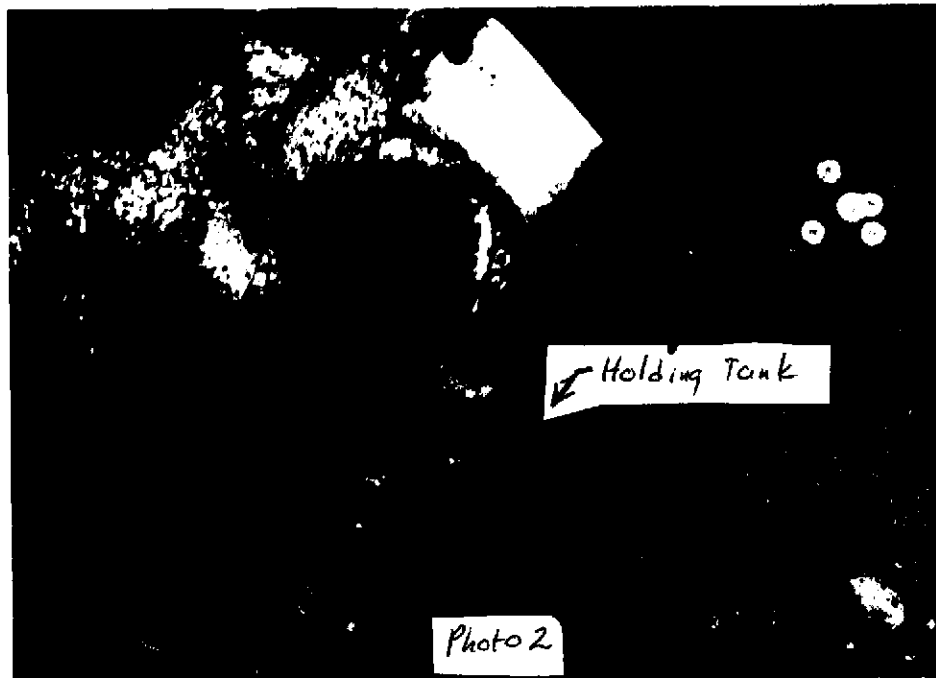


Photo 2. Showing holding tank and well head.

MICROFILMED

2000 1 1 2000

84-07297

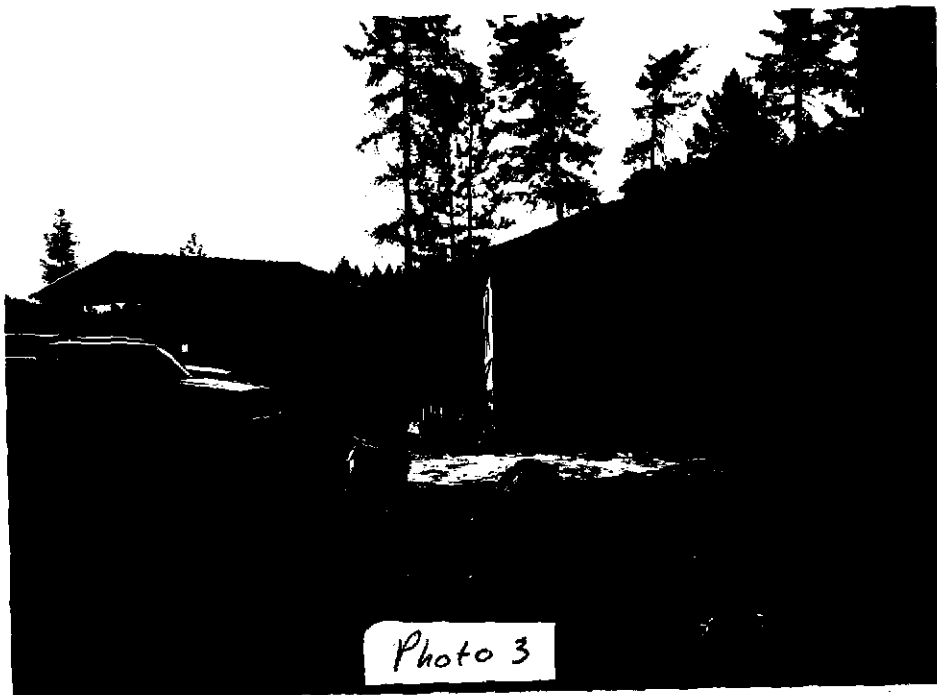


Photo 3. Showing house closest to POD.

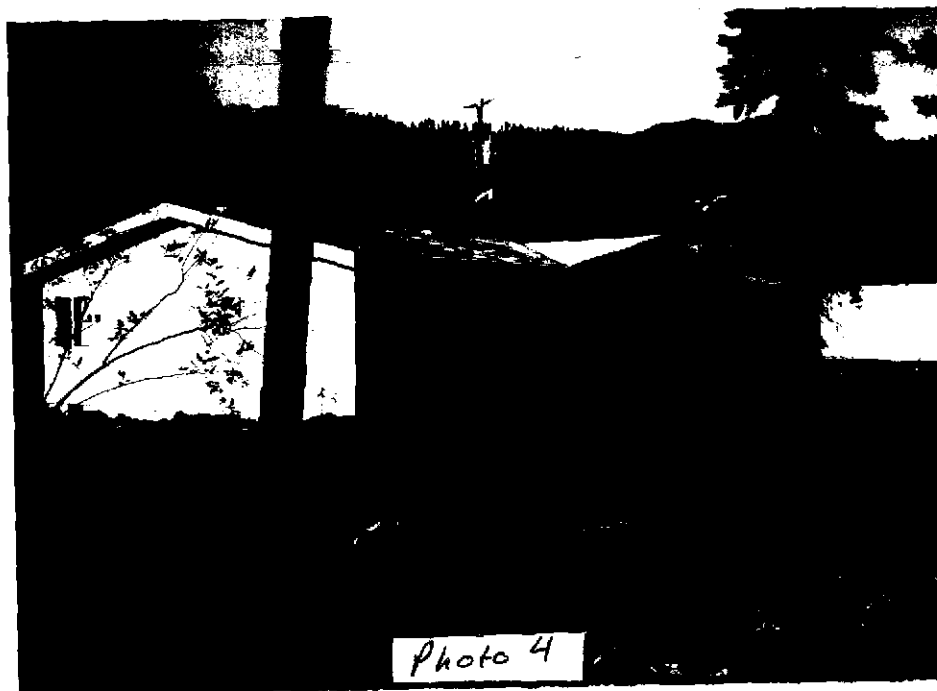


Photo 4. Showing house furthest from POD.

MICHAEL
OCT 11 2008

84-07297

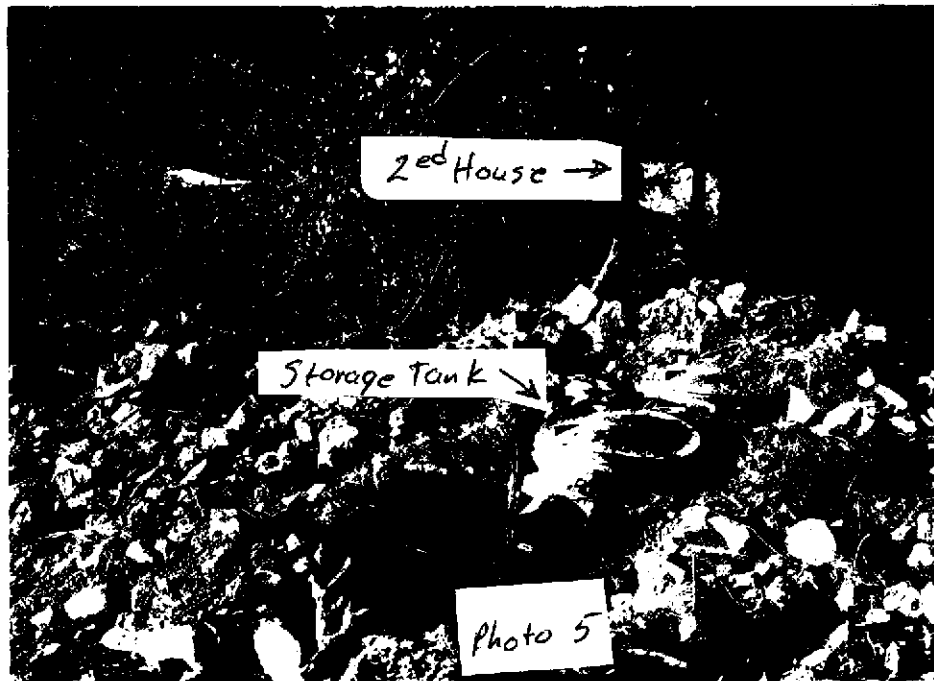


Photo 5. Showing 1000 gallon storage tank.

MICROFILMED
1984 11 2000



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

August 28, 2001

DENNIS V MEYER
MARGARET LONG OSBORN
PO BOX 2541
OROFINO ID 83544

RE: Change of Ownership for Water Right 84-7297

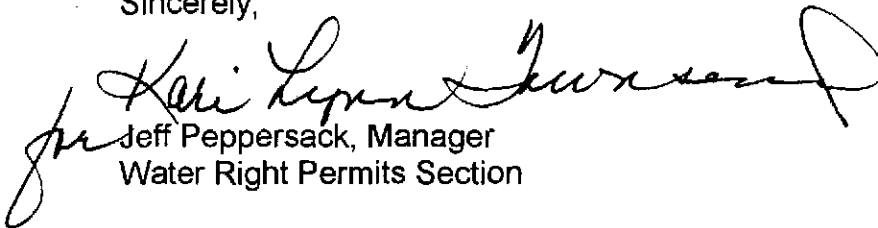
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
SEP 25 2001



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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH R CALLEAR
CLARK E CALLEAR
PO BOX 843
OROFINO ID 83544

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07297

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,

A handwritten signature in black ink, reading 'Kari Lynn Townsend', is written over a horizontal line.

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 15 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 84-07297 Reviewed by VJH Date 1-12-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Dom-3
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

 Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

OK - ok proof

DATA ENTRY

New Address Proof Made 7-8-99

June 30, 1999

KEITH R CALLEAR
CLARK E CALLEAR
PO BOX 843
OROFINO ID 83544

PROOF DUE NOTICE

RE: PERMIT NO. 84-07297

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

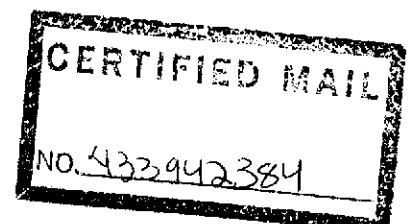
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 18 2001





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

October 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVE AND ELAINE KOENIG
1901 N 20TH ST
BOISE ID 83702

RE: Water Appropriation Permit 84-07297

Dear Mr. and Mrs. Koenig:

Two days ago I received your inquiry about access to the spring authorized for development by Keith and Clark Callear under Water Appropriation Permit 84-07297. According to your letter, you want to know if the Callears can develop a water use from the spring if ownership of the spring is in question.

In general, a water right does not create an easement or right-of-way across the property of another, and a water right cannot be established in trespass. That is why any applicant for a permit to appropriate water in Idaho must indicate on the application form who owns the property at the proposed point of diversion and place of use. If the applicant says that someone else owns the property, the applicant must describe the arrangement enabling the applicant to access that property.

On application 84-07297, the Callears said that the proposed point of diversion is "on the Camas Prairie Railroad right-of-way." They also provided a warranty deed evidencing their ownership interest in "that certain spring located in the NE Corner which borders the railroad right of way below the described parcel." While the Callears' statement that the proposed point of diversion is in the railroad right-of-way conflicts with the deed stating that the spring "borders the railroad right of way", it appeared to IDWR reviewers that the warranty deed was sufficient evidence of access to the spring. Moreover, evidence that there might be a property access dispute usually does not result in denial of the water right application. Instead, such evidence prompts IDWR to put on the permit a remark reminding the applicant that "issuance of this right does not grant any right-of-way or easement across the land of another."

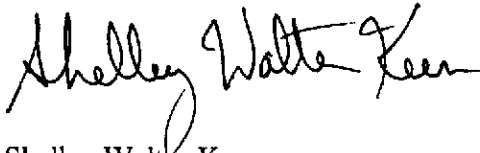
At this time, access to the spring is a matter between the Callears and the railroad. Sometimes property disputes such as this one must be settled through civil litigation. From a water right standpoint, if the Callears can legally access the spring, then they may proceed to divert and use the water under the terms of their permit. If they cannot legally access the spring, then IDWR would expect to see the permit holders either relinquish the permit or allow it to lapse by failing to develop a water use.

MICROFILMED

Steve and Elaine Koenig
October 16, 1998
Page 2

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

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is written in black ink and is positioned above the printed name and title.

Shelley Walter Keen
Water Rights Supervisor

C: Keith and Clark Callear
Camas Prairie RailNet

MICROFILMED

JAN 16 2001

October 13, 1998

Department of Water Resources
1301 N. Orchard
Boise ID
ATTN: Water Allocations

Dear Sirs

Earlier this year, property adjacent to our property in the Orofino, Idaho area was purchased by Keith Callear. It is being developed by Keith's brother, Mr. Clark Callear.

Warranty deeds for our property detail a conveyance of a NE spring with pipeline easement. It is in regard to this spring that Mr. Callear has recently applied for water rights with the State of Idaho (No. 84-07297).

As property owners of the land through which a pipeline easement exists, we wanted to apprise you of information which may be of interest. Specifically, as a result of a March/April, 1998 survey by Cuddy and Associates, the location of the spring came under reassessment. The spring was determined to be on Camas Prairie RailNet right-of-way. In a 6-1-98 letter from the railroad, they expressed to us their intent that the spring not be developed (see attachment).

Mr. Callear has communicated to us his intent to begin spring development on October 15, 1998. It is his claim that "Camas Prairie Railnet has no claim to any portion of our spring". Can he legally proceed with spring development if location/ownership of the spring is in question?

Thank you for your attention to this matter.

Sincerely

Steve Koenig Elaine Koenig
Steve and Elaine Koenig
1901 N. 20th Street
Boise ID 83702
345-6577

MICROFILMED
JAN 16 2001



CAMAS PRAIRIE RAILNET

P.O. Box 1166

Lewiston, Idaho 83501

(208) 798-8393

1 June 1998

Steve and Elaine Koenig
1901 N. 20th Street
Boise, Idaho 83702

Dear Steve and Elaine:

An inspection of the spring that you inquired about on the phone and in your letter of 28 May was made recently and it has been determined that the spring is on railroad property.

This letter is to inform you that Camas Prairie RailNet has made the decision to leave the spring in its original state, and that we do not want it developed in any manner.

If you have any further questions regarding the spring, please feel free to contact the undersigned.

Sincerely,

Paul Wyatt
General Manager

MICROFILMED
JAN 16 2001



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

September 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH R CALLEAR
CLARK E CALLEAR
PO BOX 843
OROFINO ID 83544

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07297

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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

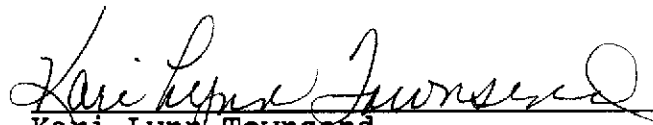
MICROFILMED
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **September, 1998**, 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. 84-07297

**KEITH R CALLEAR
CLARK E CALLEAR
PO BOX 843
OROFINO ID 83544**


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 18 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.

MICROFILMED

JAN 15 2001

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.

MICROFILMED
JAN 16 2000

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 84-7297 Name: Callear Date: 8/10/98 Ad OK? ☒ / ☒ Gvmt Lts: ☒

AREA OF CONCERN: Source Ephem No/Yes: S/C Mor / GWMA / Trust / Non-trust

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

SYSTEM COMPLETED:

> 1 year - 26A-P17

≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres - North / East / West

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

WMD Supplemental use

> 0.24 cfs/5 acres - No MD

≤ 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

- 046-P23

- 085

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs - *WB9

≤ 0.10 cfs - R04 (WD # _____)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 01J-P08 (MD & LD)

≤ 0.24 cfs/5 acres - 01H-P01 (LD), 01P or No MD (in-stream stock)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

Stockwater

Storage (✓3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 120

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU) Easement- 11/1/99- 8/1/1999- Reg. F&G info. 8/10/98

Zimmerman, Cindy

From: gservee
To: Zimmerman, Cindy; croberts
Subject: 79-07264, 79-07265, and 84-07297
Date: Tuesday, September 01, 1998 12:56PM

Cindy Z,

Thanks for the details on the above water right applications.

For 264, the application is for 0.04cfs in upper Wolf Ck. This is a steelhead drainage, so would recommend domestic use only, excluding irrigation as part of permit. Pond storage ok.

Others look ok.

Gregg Servheen
Environmental Coordinator
Idaho Department of Fish and Game
1540 Warner Ave
Lewiston, ID 83501
208-799-5010
FAX 208-799-5012

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmmsgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Sep01.125358.1128.477100; Tue, 01 Sep 1998 12:53:59 -0600
Received: from goldmine.idfg.state.id.us (idfg.state.id.us [164.165.61.45])
by adm-smtp.state.id.us (Post.Office MTA v3.5 release 215
ID# 0-0U10L2S100V35) with SMTP id us
for <czimmerm@idwr.state.id.us>; Tue, 1 Sep 1998 12:54:22 -0600
Received: by goldmine.idfg.state.id.us; Tue, 1 Sep 98 13:16:09 MDT
Date: Tue, 1 Sep 98 14:05:19 PDT
Message-ID: <vines.gq29+jJ2vpA@goldmine.idfg.state.id.us>
X-Priority: 3 (Normal)
To: <czimmerm@idwr.state.id.us>,
<croberts@idfg.state.id.us> (CYNTHIA ROBERTSON)
From: <gservee@idfg.state.id.us> (GREGG SERVHEEN)
Subject: 79-07264, 79-07265, and 84-07297
MIME-Version: 1.0
Content-type: text/plain;
charset=US-ASCII

MICROFILMED

JAN 16 1999



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

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gregg Servheen
Idaho Dept. of Fish & Game
1540 Warner Ave
Lewiston ID 83507-5699

RE: Applications for Permit Nos. 79-07264, 79-07265, & 84-07297

Dear Gregg,

In follow-up to your e-mail message to me today, I am sending you copies of the above applications for your review. You may want to contact the applicant for any additional information you may require. I will hold further processing on these applications for two weeks. Please respond with your comments by September 2. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permits.

If you have any further questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

JAN 18 2001

Zimmerman, Cindy

From: gservee
To: Zimmerman, Cindy
Subject: surface water rights
Date: Tuesday, August 18, 1998 4:54PM

Cindy,

I have notices from you about surface water right appropriations 84-07297, 79-07264, and 79-07265.

Can you provide me info on what watersheds these are in? The legal description is not very helpful.

Also, is it possible to provide more background info on the applications. Such as if a pond already exists, what construction will occur, method of appropriation, etc.

Thanks for your help.

Gregg Servheen
Environmental Coordinator
Idaho Department of Fish and Game
1540 Warner Ave
Lewiston, ID 83501
208-799-5010
FAX 208-799-5012

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmsmgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Aug18.165203.1128.469208; Tue, 18 Aug 1998 16:52:03 -0600
Received: from goldmine.idfg.state.id.us (idfg.state.id.us [164.165.61.45])
by adm-smtp.state.id.us (Post.Office MTA v3.5 release 215
ID# 0-0U10L2S100V35) with SMTP id us
for <czimmerm@idwr.state.id.us>; Tue, 18 Aug 1998 16:52:18 -0600
Received: by goldmine.idfg.state.id.us; Tue, 18 Aug 98 17:08:06 MDT
Date: Tue, 18 Aug 98 17:30:56 PDT
Message-ID: <vines.gq29+U0UqpA@goldmine.idfg.state.id.us>
X-Priority: 3 (Normal)
To: <czimmerm@idwr.state.id.us>
From: <gservee@idfg.state.id.us> (GREGG SERVHEEN)
Subject: surface water rights
MIME-Version: 1.0
Content-type: text/plain;
charset=US-ASCII

MICROFILMED

AUG 18 1998



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Clearwater Region
1540 Warner Ave
Lewiston ID 83501-5699

RE: Surface Water Appropriation

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for application no. 84-07297. Before proceeding, IDWR would appreciate receiving your comments, if any, on the draft permit. I have enclosed copies of the draft for you to review. Please respond by August 24, 1998. If I have not heard from you by then, I will assume you have no comment.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

JAN 10 2007

UTAH DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
WRA
RC

AUG 03 1998

APPLICATION # 84-07297

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: CALEAR

BY: RB

DATE: 6/5/98

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

PROCESSING

(Yes) (No) PRIORITY DATE: 6/5/98
 (Include Moratorium Remark)
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: CLEARWATER 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:	Type:	Fees	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- Notice of pending void order issued. Final order response date: _____/_____/_____
 Further information required from applicant
7/10 Affidavit of publication received
7/13 Application published correctly. If not, record action taken: _____
6/10 Publication dates and paper recorded on application | Sr. Agent initial RB
X Protests received, Final protest date: 7/6/98
X Measuring device required
X Measuring port required
X Special conditions:
X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RB

Date: 7/27/98

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

BONNIE M. BESSENT

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

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Notice of Application
For Water Right
Callear, Keith R., Callear, Clarke E

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issue commencing on the 18th day of June and ending on the 25th day of June 1998.

Bonnie M. Bessent

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 2nd day of July in the year of 1998,
before me, a Notary Public, personally appeared

Bonnie M. Bessent

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Pamela A. Jones

Notary Public for Idaho

Resident at Orofino, Idaho

My commission expires: 11-20-2001

IDAHO
NORTHERN REGION

JUL 10 1998

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

\$4-07297

CALLEAR, KEITH R
CALLEAR, CLARKE E
P.O. BOX 843

OROFINO, ID 83544

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt: NESWNW Sec 13 T 36N
R02E in CLEARWATER County.

Use: DOMESTIC (0.050 CFS)

Total Diversion: (0.050 CFS)

Date Filed: 6/5/1998

In: CLEARWATER County

T36N R02E S13 SWNW SENW

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 JULY 6, 1998.

KARL J. DREHER, Director
6-18,25c

MICROFILMED

JAN 15 2001

84-07297

CALLEAR, KEITH R
CALLEAR, CLARK E
PO BOX 843
OROFINO, ID 83544

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt: NESWNW Sec 13 T 36N R 02E in CLEARWATER County.

Use: DOMESTIC (0.050 CFS)
Total Diversion: (0.050 CFS)

Date Filed: 6/ 5/1998

In: CLEARWATER County
T36N R02E S13

SWNW

SENW

MICROFILMED

JAN 10 1999

June 10, 1998

Keith R Callear &/or Clark E Callear
PO Box 843
Orofino ID 83544

Re: Water Appropriation Application No. 84-07297

Gentlemen:

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 N012104.

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 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 18 2001

Typed
6/3/98

Received

RECEIVED

JUN 03 1998

NORTHERN REGION
IDWR

UPON RECEIPT:

PLEASE SEND US

A FAX VERIFYING
RECEPTION.

FAX # 208-476-3186

THANKS -

KEITH & CLARK

MICROFILMED

JAN 10 2001

FAX

208 476 3186