

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

Turner
Creek

98-0726



Pond



Pond



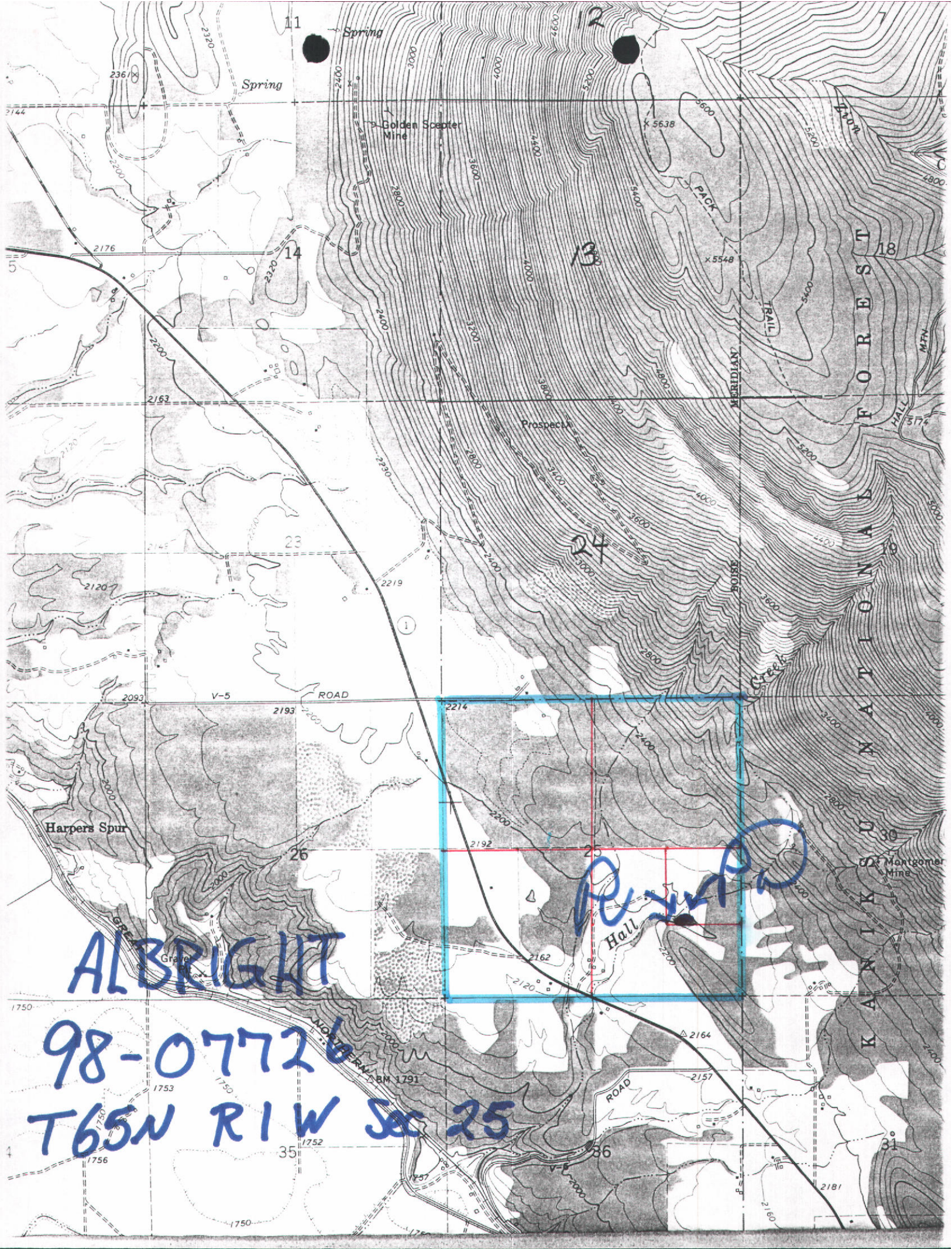
Spillway back
to creek



And



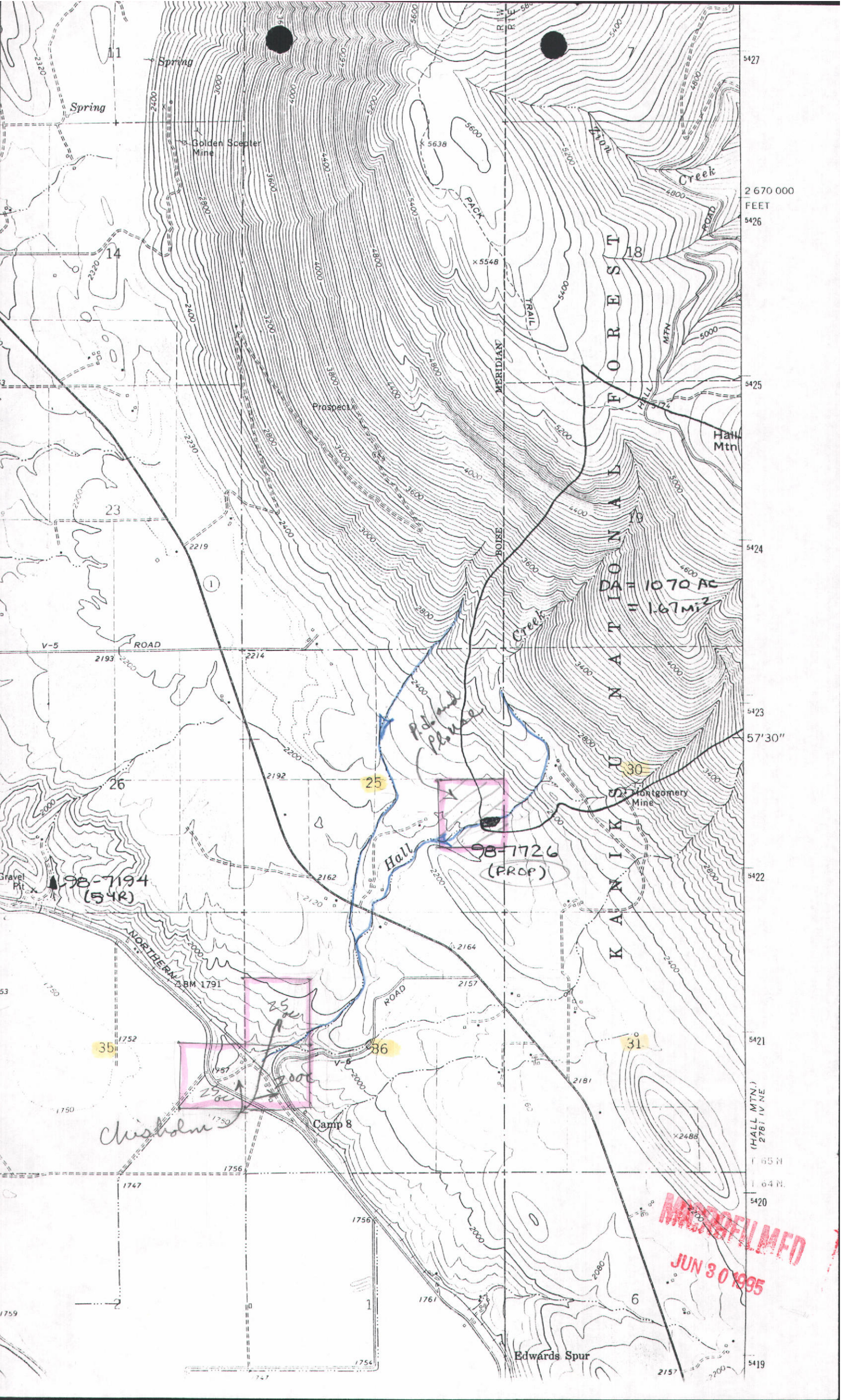
Spillway



ALBRIGHT

98-07726
T65N R1W Sec 25

RHP



5427

2 670 000
FEET
5426

5425

5424

5423

57'30"

5422

5421

(HALL MTN.)
2761 IV NE

65 N

64 N

5420

5419

MADE FILMED
JUN 30 1995

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0000000000
Receipt By: [Signature]
Date Received: 4/17/98
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 17 1998

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. 98-07726 Telephone No. (208) 267-7407
2. Name(s) of Permit Holder(s): TREMAIN ALBRIGHT
MARY & David Oates
3. Mailing Address: HERGO BOX 198A BENNETTS FERRY, ID 83805
4. Source of Water: HAIL CREEK 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): 0 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other: See Attached
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR 19.0 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 <u> </u> | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes <u> </u> | or | No <u> </u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes <u> </u> | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes <u> </u> | or | No <u> </u> |
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: TREMAIN ALBRIGHT Telephone Number: (208) 267-7407
Address: HERGO BOX 198A B.F., Idaho 83805
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: [Signature] Date: 4/14/98
(include your title, if on behalf of company or organization)

FILED
JUN 26 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 98-07726

Proposed Priority: February 24, 1994 Maximum Diversion Rate: 0.20 CFS

This is to certify, that TREMAIN ALBRIGHT

MARY OATES

DAVID OATES

HC 60 BOX 158A

BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

HALL CREEK tributary of KOOTENAI RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.20 CFS	
STOCKWATER STORAGE	01/01 to 12/31		19.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		19.0 AF
POWER	01/01 to 12/31	0.20 CFS	
POWER STORAGE	01/01 to 12/31		19.0 AF
POWER FROM STORAGE	01/01 to 12/31		19.0 AF
RECREATION	01/01 to 12/31	0.20 CFS	
RECREATION STORAGE	01/01 to 12/31		19.0 AF
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 25, Township 65N, Range 01W
BOUNDARY County

PLACE OF USE: STOCKWATER

TWN RGE SEC

65N 01W 25 NESE

PLACE OF USE: STOCKWATER FROM STORAGE, same as STOCKWATER use

PLACE OF USE: POWER, same as STOCKWATER use

PLACE OF USE: POWER FROM STORAGE, same as STOCKWATER use

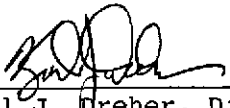
PLACE OF USE: RECREATION, same as STOCKWATER use

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

30th day of May, 1995.


Karl J. Dreher, Director

RECORDED
JUN 30 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 98-07726 IN THE NAME)
OF TREMAIN ALBRIGHT AND DAVID)
OATES AND MARY OATES)
_____)

FINAL ORDER

On May 1, 1995, the Idaho Department of Water Resources (department) issued a Recommended Order in connection with protested Application for Permit No. 98-07726. The parties to the matter did not file Petitions for Reconsideration or exceptions to the Recommended Order. Based upon his understanding of the law, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On February 24, 1994, Tremain Albright, David Oates and Mary Oates (applicant) submitted Application for Permit No. 98-07726 (application) to the department proposing the diversion of 0.20 cubic feet per second and to store 19 acre feet of the water of Hall Creek also known as Eneas Creek tributary to the Kootenai River to be used year-round for stockwater, recreation and power purposes. The proposed point of diversion and place of use is located within the NE1/4SE1/4 Section 25, T65N, R1W, B.M., Boundary County.

2. The department published notice of the application which was protested by Conrad A. Chisholm (protestant).

3. On March 8, 1995, the department conducted a hearing in the matter. The applicant was present and represented himself. The protestant was present and represented himself.

4. The issue identified by the protestant was that the proposed appropriation would reduce the quantity of water under existing water rights.

5. Exhibits were not offered as a part of the record.

6. Claim to a Water Right No. 98-04213 filed with the department in 1983 by the protestant shows the following:

Priority:	Early 1901
Source:	Eneas Creek tributary of Kootenai River

JUN 20 1995

Rate: 0.26 cubic feet per second (cfs)
Uses: Domestic - 0.04 cfs - 2 homes
Irrigation - 0.20 cfs for 70 acres
Stockwater - 0.02 cfs
Pt of div: SW1/4NW1/4, NW1/4SW1/4 Section 36, T65N, R1W,
B.M.
NE1/4SE1/4 Section 35, T65N, R1W, B.M.

7. The applicant proposes to build a dam designed by the Soil Conservation Service for the uses intended and to fill the dam during the non-irrigation season. The dam would have a standpipe (gloryhole) spillway so that once the impoundment was filled, inflow to the dam which was not diverted for power purposes would be bypassed through the dam.

8. The applicant proposes to divert water from the impoundment through a four (4") inch diameter pipe to a Pelton wheel and to return the water to the channel approximately 1/4 mile below the point of diversion. The diversions of the protestant are downstream from the point where the water diverted for power would be returned to the channel.

9. The recreation use sought by the applicant is fishing and swimming.

10. The actual size of the Hall Creek channel is approximately one (1) foot to three (3) feet wide and normally flows water approximately six (6) inches deep.

11. Hall Creek dried up for a short period in 1992 but generally always flows water.

12. The protestant is concerned that even though his present uses are met, he wants to be sure there will be water in the creek for additional use on his property in the future if there is a need.

ANALYSIS

Future use of water by the protestant in excess of the water right which is determined to exist under Claim to a Water Right No. 98-04213, will be junior to the uses established under Permit No. 98-07726 except for the hydropower use authorized by Permit No. 98-07726.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water

JUN 30 1995

supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. The application will not reduce the quantity of water under existing water rights.

3. The water supply available itself is sufficient for the purposes intended.

4. The application is made in good faith and not for delay or speculative purposes.

5. The applicant has sufficient financial resources with which to complete the project.

6. The application does not conflict with the local public interest.

7. The application is not contrary to the conservation of water resources within Idaho.

8. The department should issue a permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 98-07726 in the name of Tremain Albright, David Oates and Mary Oates is **APPROVED** subject to the following conditions and limitations:

1. Use of water under this right is subject to all prior water rights.

2. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

3. The permit holder shall submit the proof of construction of works and application of water to beneficial use on or before

JUN 30 1995

June 1, 1998.

4. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

5. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the state of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the water, other than hydropower, within the state of Idaho initiated later in time than the priority of this permit.

6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

7. After specific notification by the department, the right holder shall install a suitable measuring device and shall annually report the information to the department.

8. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

9. Stockwater use is for 30 head of cattle and 10 head of horses.

10. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.

11. The Director retains jurisdiction of this right in order to require the installation of measuring devices above and below the dam to insure the passage of inflow upon a determination of need by the Director.

Signed this 30th day of May, 1995.



KARL J. DREHER
Director

RECORDED

JUN 30 1995

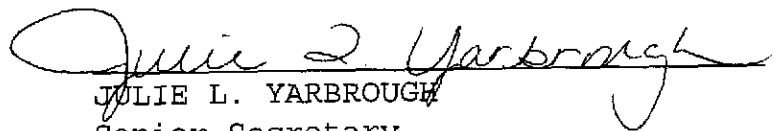
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of May, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Tremain Albright
David and Mary Oates
HCR 60 Box 158A
Bonners Ferry, ID 83805

Thomas Prohaska
THE PROHASKA LAW FIRM
P.O. Box 2226
Coeur d'Alene, ID 83816

Conrad A. Chisholm
P.O. Box 473
Hayden, ID 83835


JULIE L. YARBROUGH
Senior Secretary

RECEIVED

JUN 30 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 98-07726 IN THE NAME)
OF TREMAIN ALBRIGHT AND DAVID)
OATES AND MARY OATES)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On February 24, 1994, Tremain Albright, David Oates and Mary Oates (applicant) submitted Application for Permit No. 98-07726 (application) to the department proposing the diversion of 0.20 cubic feet per second and to store 19 acre feet of the water of Hall Creek tributary to the Kootenai River to be used year-round for stockwater, recreation and power purposes. The proposed point of diversion and place of use is located within the NE1/4SE1/4 Section 25, T65N, R1W, B.M., Boundary County.

2. The department published notice of the application which was protested by Conrad A. Chisholm (protestant).

3. On March 8, 1995, the department conducted a hearing in the matter. The applicant was present and represented himself. The protestant was present and represented himself.

4. The issue identified by the protestant was that the proposed appropriation would reduce the quantity of water under existing water rights.

5. Exhibits were not offered as a part of the record.

6. Claim to a Water Right No. 98-04213 filed with the department in 1983 by the protestant shows the following:

Priority:	Early 1901
Source:	Eneas Creek tributary of Kootenai River
Rate:	0.26 cubic feet per second (cfs)
Uses:	Domestic - 0.04 cfs for 2 homes
	Irrigation - 0.20 cfs for 70 acres

JUN 30 1995

Stockwater - 0.02 cfs
Pt of div: SW1/4NW1/4, NW1/4SW1/4 Section 36, T65N, R1W,
B.M.
NE1/4SE1/4 Section 35, T65N, R1W, B.M.

7. The applicant proposes to build a dam designed by the Soil Conservation Service for the uses intended and to fill the dam during the non-irrigation season. The dam would have a standpipe (gloryhole) spillway so that once the impoundment was filled, inflow to the dam which was not diverted for power purposes would be bypassed through the dam.

8. The applicant proposes to divert water from the impoundment through a four (4") inch diameter pipe to a Pelton wheel and to return the water to the channel approximately 1/4 mile below the point of diversion. The diversions of the protestant are downstream from the point where the water diverted for power would be returned to the channel.

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11. Hall Creek dried up for a short period in 1992 but generally always flows water.

12. The protestant is concerned that even though his present uses are met, he wants to be sure there will be water in the creek for additional use on his property in the future if there is a need.

ANALYSIS

Future use of water by the protestant in excess of the water right which is determined to exist under Claim to a Water Right No. 98-04213, will be junior to the uses established under Permit No. 98-07726 except for the hydropower use authorized by Permit No. 98-07726.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made

JUN 30 1995

in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. The application will not reduce the quantity of water under existing water rights.

3. The water supply available itself is sufficient for the purposes intended.

4. The application is made in good faith and not for delay or speculative purposes.

5. The applicant has sufficient financial resources with which to complete the project.

6. The application does not conflict with the local public interest.

7. The application is not contrary to the conservation of water resources within Idaho.

8. The department should issue a permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 98-07726 in the name of Tremain Albright, David Oates and Mary Oates is **APPROVED** subject to the following conditions and limitations:

1. Use of water under this right is subject to all prior water rights.

2. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

3. The permit holder shall submit the proof of construction of works and application of water to beneficial use on or before the date shown in the Final Order.

4. This right is subject to the provisions of Sections 421

JUN 30 1995

205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

5. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the state of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the water, other than hydropower, within the state of Idaho initiated later in time than the priority of this permit.

6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

7. After specific notification by the department, the right holder shall install a suitable measuring device and shall annually report the information to the department.

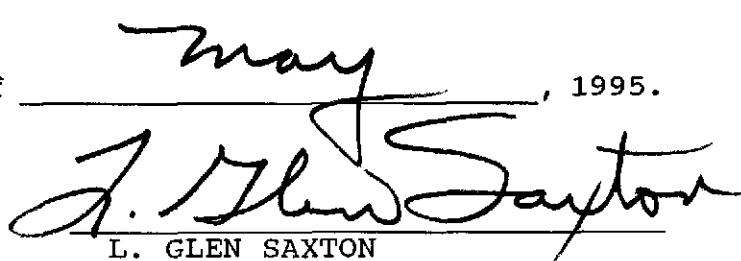
8. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

9. Stockwater use is for 30 head of cattle and 10 head of horses.

10. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.

11. The Director retains jurisdiction of this right in order to require the installation of measuring devices above and below the dam to insure the passage of inflow upon a determination of need by the Director.

Signed this 1st day of May, 1995.


L. GLEN SAXTON
Hearing Officer

APPROVED
JUN 30 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of May, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **RECOMMENDED ORDER** to the following:

Tremain Albright
David and Mary Oates
HCR 60 Box 158A
Bonners Ferry, ID 83805

Thomas Prohaska
THE PROHASKA LAW FIRM
P.O. Box 2226
Coeur d'Alene, ID 83816

Conrad A. Chisholm
P.O. Box 473
Hayden, ID 83835


JULIE L. YARBROUGH
Senior Secretary

RECEIVED
JUN 30 1995

\$20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 98-7726

To appropriate the public waters of the State of Idaho

Remain Albright & on

1. Name of applicant David E. MARY Cates Phone 267-7407

Post office address HCR 60 Box 155A Bonanza Ferry, ID 83802

2. Source of water supply Hall Creek which is a tributary of Kootenai River

3. Location of point of diversion is _____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____

Sec. 25 Township 65N Range 1W B.M. Boundary County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.2 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 19 for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 19 for Power from Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 19 for Storage for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.2 and/or (b) 19
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small dam

b. Height of storage dam 18 feet; active reservoir capacity 19 acre-feet; total reservoir capacity 19 acre-feet; period of year when water will be diverted to storage: 1/1 to 12/31 inclusive.

c. Proposed well diameter is NA inches; proposed depth of well is NA feet.

d. Is ground water with a temperature of greater than 85°F being sought? NA

e. If well is already drilled, when? NA; Drilling firm NA

Well was drilled for (well owner) _____ JUN 30 1995

7. Time required for the completion of the works and application of the water to be proposed beneficial use is 5 years (minimum 1 year).

applicant to make this filing.

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

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

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

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

total number of acres to be irrigated.

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

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

9. Description of place of use:

e. Other, describe fully.

d. Domestic; show number of households.

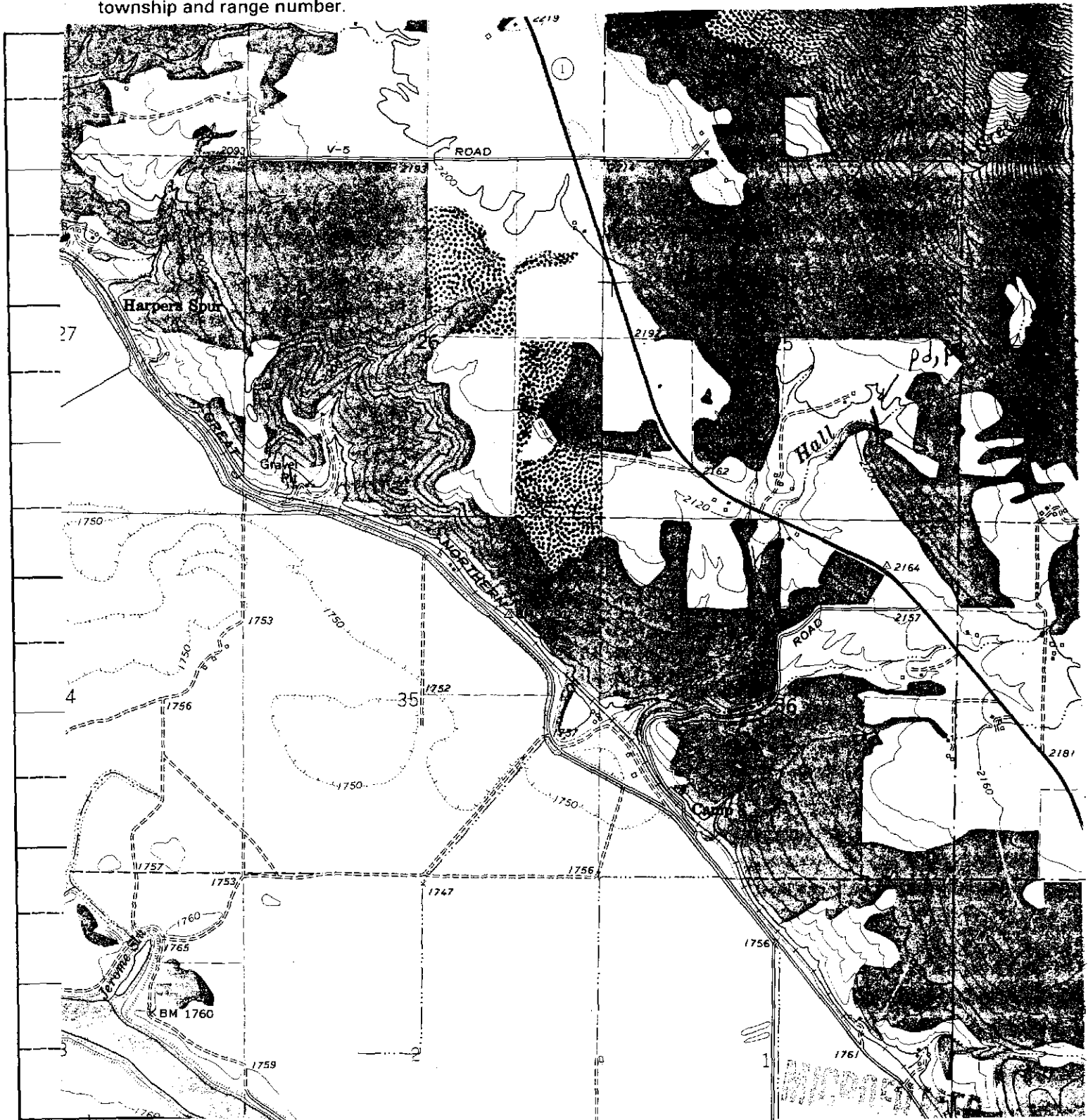
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower, show total feet of head and proposed capacity in KW.

8. Description of proposed uses (if irrigation only, go to item 9):

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



Scale: 2 inches equal 1 mile.

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

JUN 30 1995
[Signature]
 (Applicant)

JUN 30 1995
RECEIVED

Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by _____ Date 2/24/94 Time 11:00am

Fee \$ 30- Received by _____ # W007398 Date 2/25/94

Publication prepared by _____ Date 3/8/94 Published in _____ Date 4/6/94

Publication approved by _____ Date _____

General Manager

RECEIVED

JUL 28 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

David Gates H60 Bq1581A
Donner, Id 83805

A. GENERAL INFORMATION

Permit No. 98-01126

1. Owner: Remain Albrecht, Mary Cales Phone No. (208) 267-7907

Current Address: Hc 60 Box 198A Bonners Ferry Id 83805

2. Accompanied by: Tremaine Albright EXAM DATE: 6-15-99

Address: *Same as above* Phone No. _____

Relationship to Permit Holder:

3. Source: Hell Creek tributary to Pooler's River

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

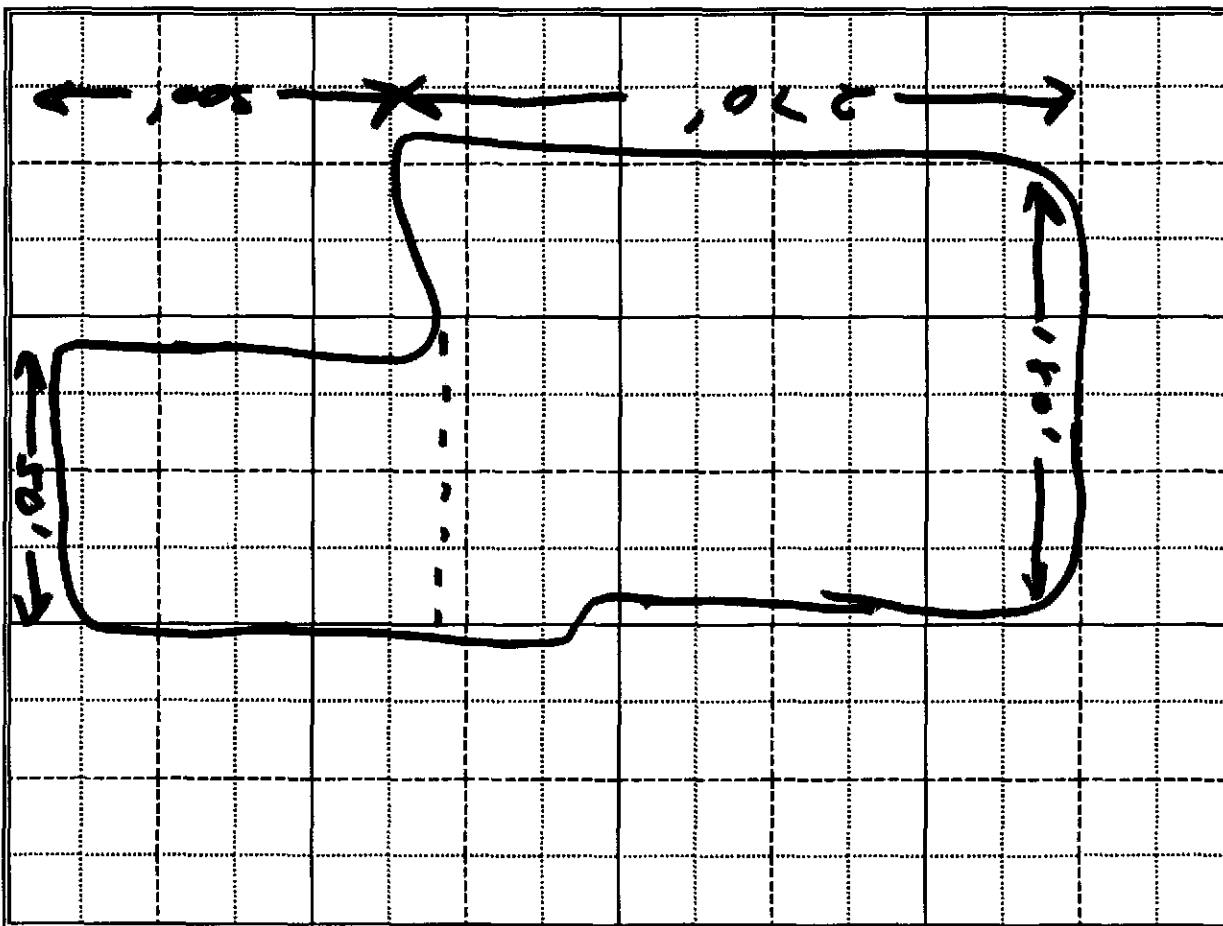
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of _____
 _____ Aerial Photo Attached _____
 _____ Photo of Division and System Attached _____
 _____ (required for irrigation of 10+ acres)

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #



John J. [unclear]

pond

pond

02-07-86

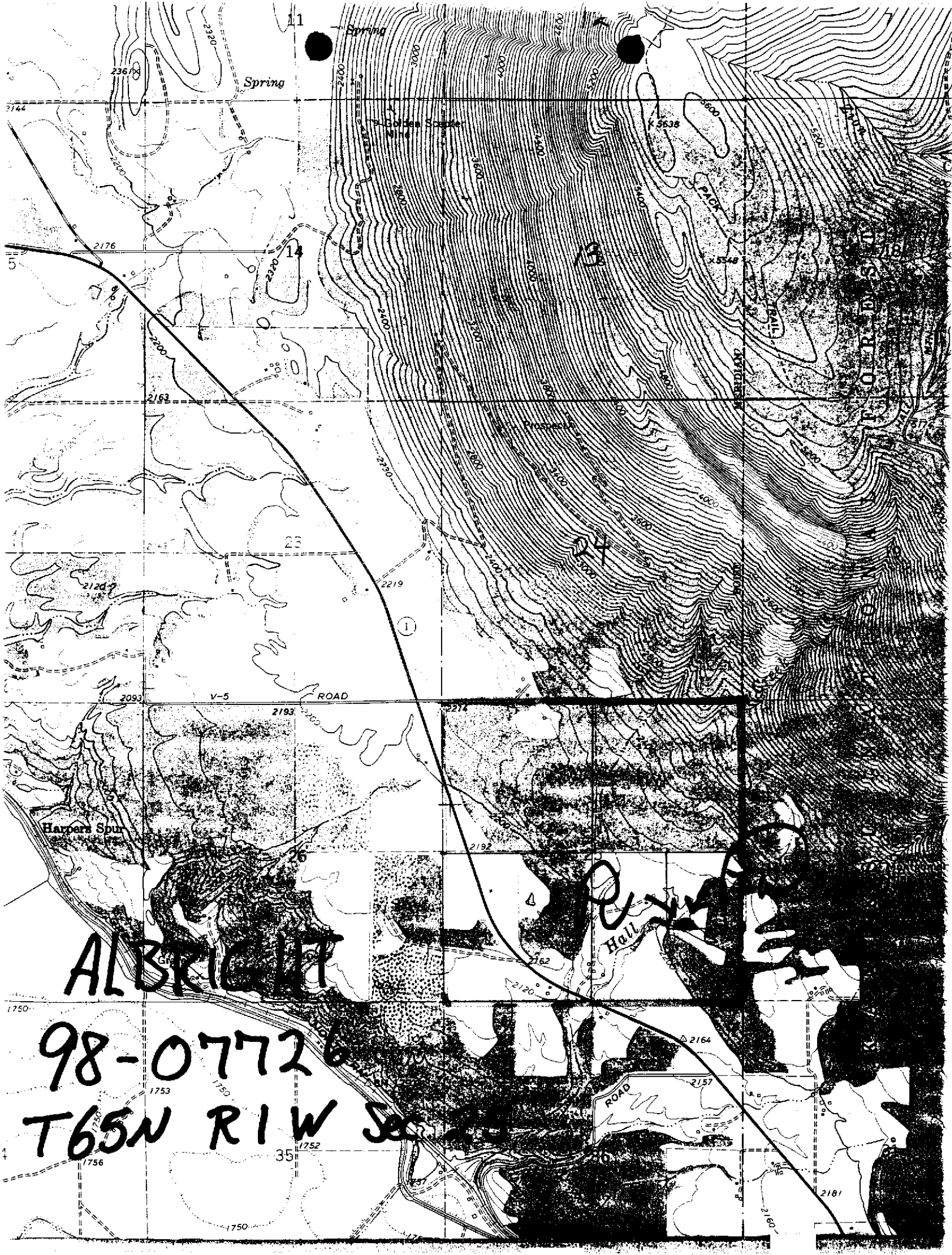


Spillway back
to creek



And

Spillway



E. NARRATIVE/REMARKS/COMMENTS

Storage is instream
No development for hydro power

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

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$270 \times 180 \times 15 \times 4 = 6.7AF$$

$$43560$$

$$50 \times 300 \times 15 \times 4 = 2.1AF$$

$$43560 + 6.7 = 8.8$$

H. RECOMMENDATIONS

1. Recommended Amounts

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

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

I. AUTHENTICATION

Field Examiner's Name

Date

Date

Reviewer

SEAL

Walter Balle
9-19-99

Totals:

Beneficial Use

From

To

Period of Use

Q (cfs)

Rate of Diversion

V (afa)

Annual Volume

Stock water from the
Stock water from the
Stock water from the
Stock water from the
Stock water from the

01-01

12-31

01-01

12-31

01-01

12-31

01-01

12-31

01-01

12-31

8.8

8.8

8.8

0.4

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07726 Reviewed by Jay Date 6-8-98

GENERAL CONSIDERATIONS

YES Name same as permit?
NO Address same as permit?
YES Proof timely received?
If not, complete calculation below.

TYPES OF USE

storage

Correct Uses? YES

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

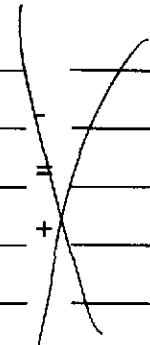
LICENSE EXAMINATION FEE

YES Required?
30 Amount Submitted
YES Correct?

MEASURING DEVICE

NO Required?
☐ Installed?
☐ 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 HC 60 Box 198A Proof Made 4-17-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 1998

Tremain Albright
Mary Oates
David Oates
HC 60 198A
Bonners Ferry ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07726

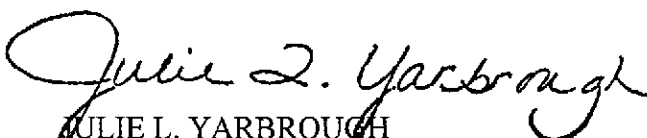
Dear Permit Holder:

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 department's NORTHERN Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

RECEIVED

JUN 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DAM AND RESERVOIR
CERTIFICATE OF APPROVAL

This is to certify that
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, Township 65N, Range 1W, B.M., Boundary County,
HIDDEN MEADOW Dam and Reservoir, located in

State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in
Title 42 Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject
to the following terms and conditions: SEE ACCOMPANYING LETTER DATED

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the

1st day of November 1999

This certificate has been issued and the seal of the

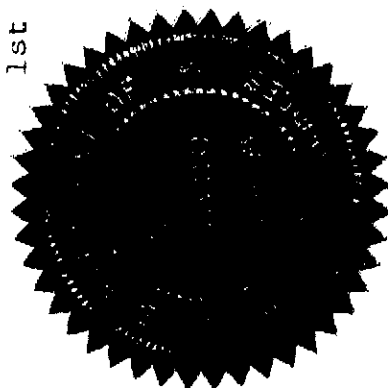
Director affixed at Boise, Idaho this

2nd day of January 1998

Billy D. Flanagan
Chief-Resource Protection Bureau

MICROFILMED

JUN 26 1998



March 31, 1998

TREMAIN ALBRIGHT
MARY OATES
DAVID OATES
HC 60 BOX 158A
BONNERS FERRY ID 83805

PROOF DUE NOTICE

RE: PERMIT NO. 98-07726

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 June 1, 1998.

(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.

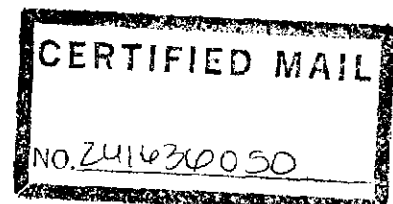
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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JUN 26 1998



SADDLEHORN RANCH

HORSE AND CATTLE COMPANY

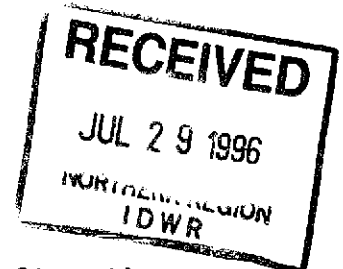
RECEIVED

JUL 31 1996

July 25, 1996

Department of Water Resources

Dept. Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Id 83814-2615



Dear Mr. Beardslee,

As per our phone conversation today regarding the Oates water right #98-07726 and the Albright/Dancer ammendment to water appropriation #98-57477 our contractor has pushed back our starting date until sometime in the fall due to the extensive flooding in Boundary County this year. We are in a holding pattern until he notifies us work can begin.

Thank You.

Adarah Dancer
Adarah Dancer



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 31, 1995

Conrad A. Chisholm
P.O. Box 473
Hayden, ID 83835

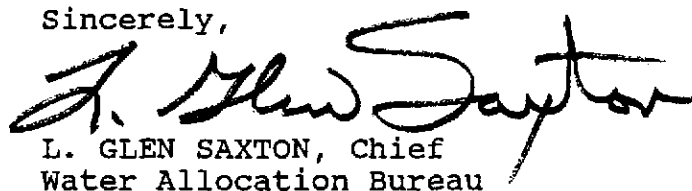
RE: IN THE MATTER OF APPLICATION FOR PERMIT NO. 98-07726 IN THE
NAME OF TREMAIN ALBRIGHT AND/OR DAVID AND MARY OATES

Dear Mr. Chisholm:

I have reviewed your recent letter in connection with the
above referenced matter.

I do plan to be in this office from June 5 through June 7,
1995, and I am available to discuss water right questions with
you. I guess at this point, however, I am not aware of anything
I can tell you that our staff in our Northern Regional office in
Coeur d'Alene could not tell you.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - N. Region

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JUN 30 1995

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 98-07726
IN THE NAME OF TERMAIN ALBRIGHT
AND/OR DAVID & MARY MOATES

P.O. Box 473
Hayden, ID 83835

L. Glen Saxton, Chief
Water Allocation Division

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MAY 30 1995

Department of Water Resources

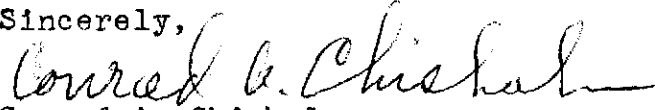
Dear Mr. Saxton:

In regard to your letter of May 18, I have several other questions that I would like to discuss with you. I will be in Boise June 5 - 9.

If we could sit down and discuss these questions, it may clear up some of my concerns.

If you would let me know if this can be arranged, I would appreciate it.

Sincerely,


Conrad A. Chisholm
(208) 772-5687

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JUN 30 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 1995

RE: In the Matter of Application for Permit No. 98-07726 in the name of Tremain Albright and David Oates and Mary Oates

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

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JUN 30 1995

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

130 1995



130 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 18, 1995

Conrad A. Chisholm
P.O. Box 473
Hayden, ID 83835-0473

RE: APPLICATION FOR PERMIT NO. 98-07726 IN THE NAME OF TREMAIN
ALBRIGHT AND DAVID OATES AND MARY OATES

Dear Mr. Chisholm:

I have reviewed your letter dated May 11, 1995 in connection with the above referenced matter. I will treat your letter as a letter of inquiry rather than a Request for Reconsideration of the Recommended Order, since your letter raises questions rather than objections and since I can not determine that you have sent a copy of the letter to Tremain Albright and the Oates. Once the department issues a Final Order, you will have the opportunity to file a Request for Reconsideration with the Director if you disagree with the Final Order.

The following are responses to the questions you have raised in the order shown in your letter:

The department will change Finding of Fact No. 1 to show that Hall Creek is also known as Eneas Creek, as requested in your letter.

The testimony provided in the March 8, 1995 hearing was that once the impoundment behind the proposed dam is filled, water diverted for power generation purposes would be returned to Hall Creek upstream from your highest point of diversion.

Condition of Approval No. 1. in the order means that use of water under the permit is subject to and inferior to all existing water rights including the extent of the right which has been established under Claim to a Water Right No. 98-04213 (claim). At this point, however, the extent of the right which you have actually established under the claim has not been determined by the department or the court and is as the name suggests, a "claim".

The permit holder will be required to use accepted construction procedures which will generally prevent water

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JUN 30 1995

of unsuitable quality for existing uses.

The subordination Condition of Approval No. 5. essentially makes the hydropower use inferior to all other uses except for later in time power uses on the same source of water.

The department has not yet specifically required the installation of measuring devices, but has reserved the right to do so, if the department determines a need for the devices.

Although not specific, your questions appear to relate to distribution of water from Hall Creek to the users and questions how the distribution may be accomplished. Chapter 6, Title 42 of the Idaho Code provides the mechanism for the department to create a water district and for the water users to elect a watermaster to distribute water in times of scarcity. The watermaster is paid from assessments made to the water users based on the amount of water diverted. While waterusers may prefer not to incur cost of delivery, this mechanism is available and is a potential solution.

The department of water resources will not issue a license of water right unless a permit holder meets the conditions of permit approval.

The department can give you no assurance that there will not be future applications for permit filed for appropriation of water from Hall Creek. If such applications are filed and advertised, you may protest approval of such applications based on the provisions of Section 42-203A, Idaho Code. The potential of such future filings may be sufficient reason for you to seek determination of your right through an adjudication proceeding.

The department will be mailing a Final Order in the above referenced matter shortly. If you have additional questions, please feel free to contact the department.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - N. Region
Tremain Albright

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JUN 30 1995

P.O. Box 473
Hayden, ID 83835

May 11, 1995

R. Keith Higginson, Director
State of Idaho, Dept. of Water Resources
1301 N. Orchard Street
Boise, ID 83720

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MAY 15 1995

Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 98-07726 IN THE NAME)
of TREMAIN ALBRIGHT AND DAVID)
OATES AND MARY OATES

In reference to the report of the hearing conducted March 8, 1995 by Mr. L. Glen Saxton, Chief of Water Allocation Bureau. Several questions arise after reading your findings and subsequent order.

1. There is no written connection between the creek that I hold a water right on, called Eneas creek, and Hall creek which is the one named in the application for diversion of water by Mr. Albright. This is the same creek that someone has renamed. If that description of the creek would be written as Hall Creek (Eneas Creek) -- at least that would make a connection.
2. What would happen to the creek below the dam after power generation? Would the creek be shut off completely while the water level came back up to the overflow?

Under the paragraph headed "ORDER"

1. Does this mean that the Water Right No. 98-04213 will be fully implemented? In other words, 0.04 cfs for domestic use, 0.20 for irrigation use, 0.02 cfs for stock water, overall 0.26 cfs of flow will be maintained at all times?
2. While under construction, movement of fill material will contaminate creek below excavation, making it impossible to use the water for anything when it reaches my place. What is the solution to this?
5. All other uses of water will take precedence over the generation of power -- is this correct?

RECORDED
JUN 30 1995

7. Measuring device -- Is this going to be checked once a year (annually) or regularly at low water time?

11. Again -- once a year or on a regular basis throughout the year, especially at low water times?

One more question -- Can I be assured by the Department of Water resources that these provisions will be enforced and that no other permits for diversion will be issued on this creek?

I will look forward to a reply to these questions.

Sincerely,

Conrad A. Chisholm

Conrad A. Chisholm

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JUN 30 1995



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 1, 1995

RE: In the matter of Application for Permit No. 98-07726 in the name of Tremain Albright and David and Mary Oates

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

JUN 30 1995

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with 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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

JUN 30 1985

WR0749NP
No. P98-07726

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TREMAIN ALBRIGHT	02/24/1994	STOCKWATER	01-01 12-31	0.200 CFS	
C	MARY OATES		STOCKWATER STORAGE	01-01 12-31		19.00 AFA
C	DAVID OATES		STOCKWATER FROM STORAGE	01-01 12-31		19.00 AFA
	HC 60 BOX 158A		POWER	01-01 12-31	0.200 CFS	
	BONNERS FERRY ID 83805		POWER STORAGE	01-01 12-31		19.00 AFA
	(208) 267-7407		POWER FROM STORAGE	01-01 12-31		19.00 AFA
			RECREATION	01-01 12-31	0.200 CFS	
			RECREATION STORAGE	01-01 12-31		19.00 AFA
TOTAL DIVERSION:					0.200 CFS	

Water Source: HALL CREEK

Tributary to: KOOTENAI RIVER

Stage: PERMIT

Point(s) of Diversion:

T65N R01W S25

NESE

BOUNDARY County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
T	R	S	: Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
65N	01W	25	:			:					:					:	S			:

Place of use Location for STOCKWATER FROM STORAGE is the same location as described for: STOCKWATER

Place of use location for POWER is the same location as described for: STOCKWATER

Place of use location for POWER FROM STORAGE is the same location as described for: STOCKWATER

Place of use location for RECREATION is the same location as described for: STOCKWATER

Pou County: BOUNDARY

Other Water Rights Listing Overlapping Place(s) of use:
98-02019

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the

Conditions of Approval:

- information to the department.
- 08A - This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
- 17K - The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- 025 - This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- 09E - Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- 17M - The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- 18B - The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Remarks: See Final Order for additional conditions of approval.
Stockwater use is for 30 range cattle and 10 horses.

Dates: App. Received: 02/24/1994 Priority Date: 02/24/1994
Proof Due Date: 06/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/08/1994 User-ID: STYPA Subject: DIVERSION DESCRIPTION
Dam height: 19 ft.; active reservoir capacity: 19 A/F;
total reservoir capacity: 19 A/F; time when water will be
diverted to storage: 1/1 to 12/31 inclusive.
Power is for an unknown KW under 30 ft. of head.

Audit: 05/02/95 CZIMMERM

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 98-7726 Name: Oates/Aubright Date: 4/25/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: PC07398 Priority: 2/25/94 / Gvmt lts: ☒

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020 (Prehearing agreement) or W19 (See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803 (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District (dem) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
in-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R + L Peak); 064 (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-02F (P19)-09E (P10);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

① Stock / 50 PC & 10 H

6-1-199 2000

gls

I have reviewed 98-7726 and suggest the following.

1. Application identifies stockwater for 40 head using 0.2 cfs;
IDWR standards for stockwater for 40 head = 0.02 cfs.
2. Application identifies stockwater storage & from storage for 40 head at 19 AF;
IDWR standards for these uses for 40 head = 0.7 AF each use.
3. Standard Conditions: (see attached review sheet)
 - A. 26A, 08A, 17K, 025, 027, 01M, 01F, 09E, 17M (NON FERC) & 18B
 - B. Proof of B/u due by 6/1/2000.
 - C. Stock water use is for 30 range cattle and 10 horses.

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NOTES 2:00 P.

Applicant: Tremaine Albright - here
David & Mary Bates

Protestant: Conrad A. Chisholm
by Thomas Prohaska atty

Questions

Applicant

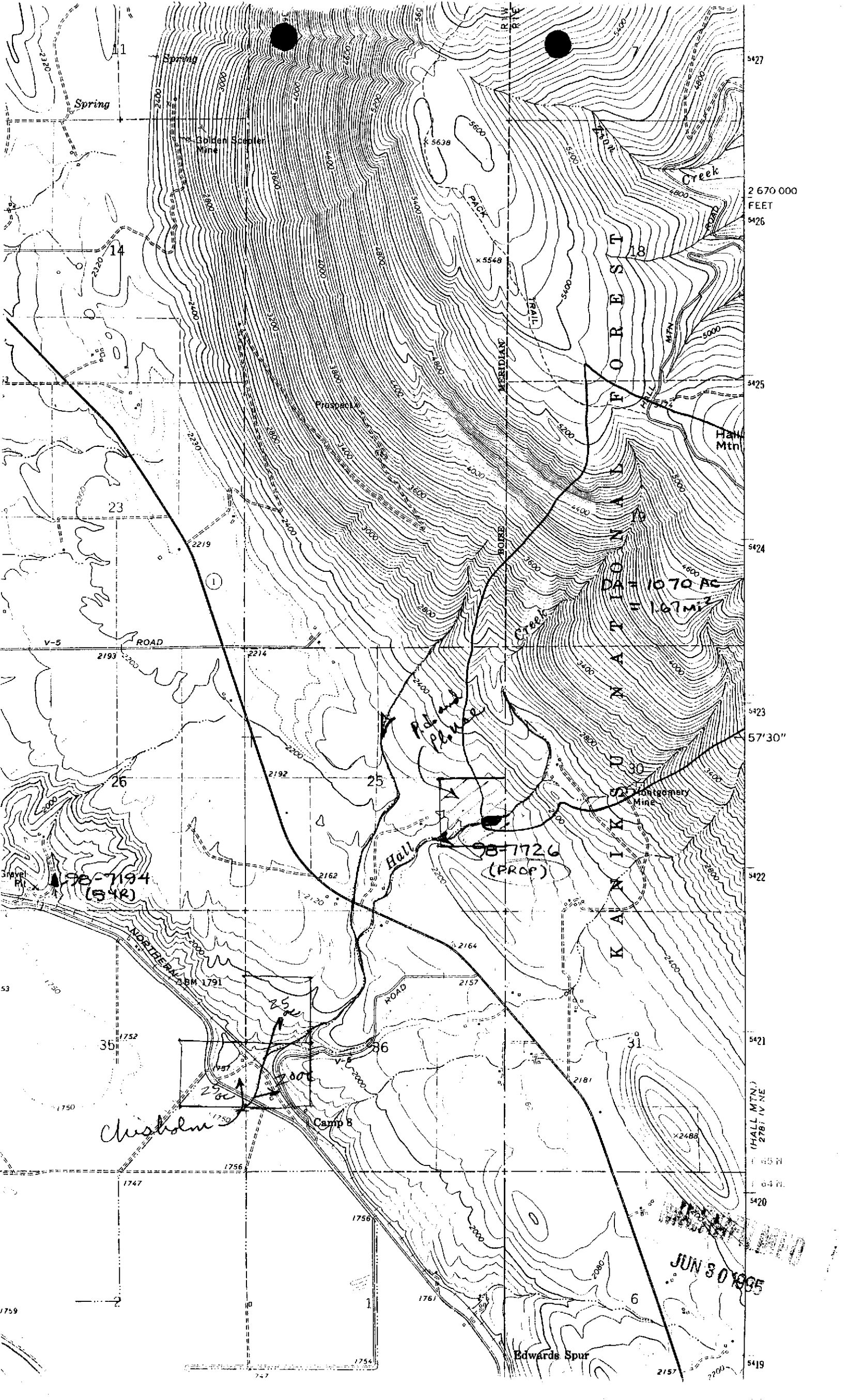
- Is there an existing impoundment?
- On stream or off-stream storage?
- Nature of Recreation?
- Applications or exemption requests to FERC or IPUC?
- Ever meas water? When? How? Explain?
- What prov. to insure prior rights receive water in times of shortage?

Protestant

- 0.26 cfs for 70 ac
what is basis for rate claimed?
- Has water been meas? When? How? Explain. 3 p's?
- Extent of Irrig - Diversion & distribution
- Type of diversion & distribut. System?
- Nature of domestic use? ~~in-house~~ use?

JUN 30 1995

- Are there times when the flow of Hall Creek exceeds the present uses?
i.e. times when the creek floods?



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(HALL MTN.)
2781' V NE
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5420

JUN 30 1995

Chisholm

98-1726
(PROP)

98-7194
(54R)

Hall Mtn

Creek

PACK

Hall

ROAD

NORTHERN

Camp 8

Edwards Spur

Golden Scepter Mine

Spring

Spring

35

26

25

36

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mt.
Chisholm

~~Tremaine
Albright~~
mt.
Albright

Tremaine Albright direct

- Fill during winter time
- Hydropower - Pelton wheel
- Creek has dried up twice
- Fall water system above
- 4" pipe for hydropower
- 14 k - for dam
- SCS - Dam,

Dist to
Return
of water
downed

standpipe?
along hole
spilling

X of Albright by Chisholm.

H.O.

- ~~construction~~
- Recreation - fishing & swimming
- Have not
- Jan Apr 1990
- Never been measured.
- 1992 dried up
- 1' to 3' - 6" deep. - water
- Low level outlet - yes
- 1/4 mi

Chisholm

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Mr. Allbright

Mr. Chisholm

Chisholm direct

- up to 500 hd livestock
- Domestic water -

X of Mr. Chisholm

-
- 1934 - moved into house.
- Flood irrigation.
- 25 acres.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Conrad A. Chisholm
(Name of Claimant)
P.O. Box 473, Hayden Lake, ID 83835 Telephone No. 772-5687
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) early 1901

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Eneas Creek tributary to Kootenai River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>.20 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>May 1</u>	To <u>OCT 1</u>
Quantity	<u>.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .26 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 36 Twp. 65 Rge. 1W B.M., County of Boundary
Additional points of diversion: NW ¼ SW ¼ Sec 36 Twp 65 Rge 1W;
NE ¼ SE ¼ Sec 35 Twp 65 Rge 1W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Dam and pipeline; pump from creek; pump and pipeline from well adjacent to creek; stock water directly from creek and drainage ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
65	1W	36							25X				20X						45
65	1W	35												25X					25

No. of acres 70

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic water for two houses, dairy barn and stock water.

NOTE: Include here the type and number of stock watered: Dairy, 10-100 head; Beef 20-200 head

(7) If you are claiming water as a member of an organization, list name of organization: _____

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[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Kootenai) ss.
)

Courad A. Chichester
(Claimant)

Sworn to before me this 1 day of April, 19 83

Notary Public
Residing at Crescent Avenue

My commission expires July

Received by ASB Date 4/7/83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by ASB Date _____ claimant 117
 \$20.00 fee received by ASB Date 4/7/83 (27509)
 Published in Bonnetburg Herald
 Dates 5/5-12/83

JUN 30 1995

PUBLIC HEARING

File: 98-07726 - ALBRIGHT &/OR OATES

Date: APRIL 20, 1995 AT 2:00 P.M.

Place: 1910 NORTHWEST BLVD., COEUR D'ALENE, ID
SECOND FLOOR CONFERENCE ROOM

ROSTER OF ATTENDANCE

NAME

ADDRESS

TREMAIN ALBIS
CONRAD CHESNA

HC60 Box 198A BONNEVILLE FERRY, ID 83805
PO Box 473 Hayden ID 85835

UNCLASSIFIED

~~JUN 30 1995~~

THE PROHASKA LAW FIRM

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

LAKE CITY PLAZA • 1621 NORTH THIRD STREET
COEUR D'ALENE, IDAHO

Mail to: P.O. Box 2226

Coeur d'Alene, Idaho 83816-2226

(208) 664-9228

March 20, 1995

Tremain Albright
David and Mary Oates
HCR 60 Box 158 A
Bonners Ferry, ID 83805

Dear Mr. Albright and Mr. & Mrs. Oates:

My law firm represents Conrad and Gertrude Chisholm. As you know, Mr. and Mrs. Chisholm have filed a protest to your request for a water permit number 98-07726. As you recall, at your December 1994 hearing on this matter you and Mr. Chisholm reached a tentative understanding on terms that would allow the Chisholms to withdraw their protests to your application. In fact, the presiding officer at the hearing, Robert G. Haynes of the Department of Water Resources, went so far as to make a hand written document setting out your proposed agreement. At the time, Mr. Chisholm chose not to sign this document preferring to have his legal counsel review it.

Now the Chisholm's have had an opportunity to have the agreement reviewed and I have spoken with Mr. Haynes concerning this matter. Therefore, enclosed please find a purposed agreement for your execution. I believe you will find it to be in accordance with your prior understanding but containing more detailed language. If this agreement meets with your satisfaction, please sign before a Notary Public and return in the enclosed self addressed, stamped envelop. Upon receipt, the Chisholms will execute the agreement and it will be filed with the Department of Water Resources.

If you have any questions regarding this matter please feel free to contact my office.

Sincerely,



THE PROHASKA LAW FIRM

by: Thomas Prohaska
Attorney at Law

TFP/ab
encl.

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 98-07726	)	
IN THE NAME OF TREMAIN ALBRIGHT	)	AGREEMENT
AND / OR DAVID AND MARY OATES	)	
	)	

On the date set forth below, Tremain Albright and David and Mary Oates (hereinafter referred to as "Applicant") and Conrad A. and Gertrude Chisholm (hereinafter referred to as "Land Owner"), , do hereby enter into this agreement concerning the above referenced application for a water permit.

This agreement shall be for the purpose of determining the amount of water that applicant shall provide land owner for the real property described as:

PARCEL #1: The South half of Section 35, Tax 5, Township 65, North Range 1 West. According to the plat recorded in the records of Boundry County, Idaho.

PARCEL #2: The Northwest quarter of the South half of Section 36, Township 65 North Range 1 West. According to the plat recorded in the records of Boundry County, Idaho.

Applicant does hereby agree to operate the dam associated with the above referenced application in a manner that will provide stock water to the referenced real property. The volume of said water shall be an amount so as to provide for a minimum number of stock in the amount of thirty (30) animals and a maximum number of stock in the amount of two hundred (200) animals. The volume of water shall be based on, among other things, a minimum calculation of thirteen gallons per day per animal delivered in a stream flow to be determined by the Idaho Department of Water Resources according to monitoring to be done by the department during the summer of 1995.

Applicant does hereby agree to operate the dam associated with the above reference application in the manner that will provide domestic water to the above referenced real property in the minimum amount so as to supply one single family residence and a maximum to supply three single family residences. The volume of water necessary to meet the domestic purposes for such residence shall be set according to maximum single family uses as determined by Idaho Department of Water Resources guidelines.

AGREEMENT

1

JUN 30 1995

NO
As part of this agreement, land owner shall be issued water rights for a volume of water as described above by the Idaho Department of Water Resources. In consideration of the granting of such water rights and applicant's agreement to be bound by this agreement, land owner does hereby withdraw their protest to the original application for permit filed by applicant.

This agreement shall run with the above referenced real property and be binding on all parties hereto and inure to the benefit of their assigns, successors and beneficiaries.

Dated this _____ day of _____, in the year _____.

TREMAIN ALBRIGHT, Applicant

STATE OF IDAHO

COUNTY OF KOOTENAI

On this _____ day of _____, in the year _____, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared TREMAIN ALBRIGHT, known or identified to me to be the person whose name is subscribed herein, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

Notary Public for Idaho
My commission expires: _____

Dated this _____ day of _____, in the year _____.

DAVID OATES, Applicant

STATE OF IDAHO

COUNTY OF KOOTENAI

On this _____ day of _____, in the year _____, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared DAVID OATES, known or identified to me to be the person whose name is subscribed herein, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

Notary Public for Idaho
My commission expires: _____

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Dated this _____ day of _____, in the year _____.

CONRAD A. CHISHOLM, Land Owner

STATE OF IDAHO

COUNTY OF KOOTENAI

On this _____ day of _____, in the year _____, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared CONRAD A. CHISHOLM, known or identified to me to be the person whose name is subscribed herein, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

Notary Public for Idaho

My commission expires: _____

Dated this _____ day of _____, in the year _____.

GERTRUDE CHISHOLM, Land Owner

STATE OF IDAHO

COUNTY OF KOOTENAI

On this _____ day of _____, in the year _____, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared GERTRUDE CHISHOLM, known or identified to me to be the person whose name is subscribed herein, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

Notary Public for Idaho
My commission expires: _____

RECORDED

JUN 30 1995

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivering to and the date of delivery.

I wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:

TREMAIN ALBRIGHT &/OR DAVID & MARY
OATS

4a. Article Number
48310

HCR 60 Box 158A
BONNERS FERRY ID 83805

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

5. Signature (Addressee)

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

Official Business

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APR 11 1995

NORTHWEST REGION
IDWR



PENALTY FOR PRIVATE
USE, \$300

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JUN 30 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

HEARING SCHEDULE

Northern Region

1910 NORTHWEST BOULEVARD, SECOND FLOOR CONFERENCE ROOM, COEUR D ALENE, ID

THURSDAY, APRIL 20, 1995

9:30 A.M. - 98-07714 - PETERSON

2:00 P.M. - 98-07726 - ALBRIGHT &/OR OATS

FEDERAL BUILDING, SECOND FLOOR CONFERENCE ROOM, 220 E. FIFTH, MOSCOW, ID

FRIDAY, APRIL 21, 1995

8:30 A.M. - 85-07606 - CRAIGO

1:00 P.M. - 87-07174 - HICKLIN

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File: 98-07726 - ALBRIGHT &/OR OATES

Date: APRIL 20, 1995 AT 2:00 P.M.

Place: 1910 NORTHWEST BLVD., COEUR D'ALENE, ID
SECOND FLOOR CONFERENCE ROOM

ROSTER OF ATTENDANCE

NAME

ADDRESS

This image shows a full page of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

JUL 8 0 1937

WR5809NP
No. 98-07069

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/28/94
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HALL CREEK WATER ASSN.	04/25/1973	DOMESTIC	01-01 12-31	0.10 CFS	18.00 AFA

TOTAL DIVERSION: 0.10 CFS 18.00 AFA

Water Source: SPRINGS
Point(s) of Diversion: T65N R01E S30
Place of use Legal Description for: DOMESTIC

Tributary to: HALL CREEK
Stage: LICENSE
BOUNDARY County

NE		NW		SW		SE	
T	R	S	E	T	R	S	E
65N	01E	6	:	65N	01E	6	:
65N	01E	31	:	65N	01E	31	:
65N	01W	25	:	65N	01W	25	:
65N	01W	26	:	65N	01W	26	:
65N	01W	36	:	65N	01W	36	:

Pou County: BOUNDARY

Other Water Rights Listing Overlapping Place(s) of use:
98-02019 98-02037 98-02085 98-04281

Remarks: 3 P/D IN SWSW, S30, T65N, R1E.

Dates: App. Received: 04/25/1973
Proof Due Date: 04/25/1973
Exam Made Date: 04/25/1973
Licensed Date: 10/11/1975

Misc: Water District Number: 05/16/86 05/14/88 CONVERT
Audit: 05/16/86 05/14/88 CONVERT

DATE: 12/28/94
PAGE: 1

Audit: 03/10/86 05/14/88 CONVERT

DATE: 12/28/94
PAGE: 3

C RUTH DOUTHITT

06/18/93	STYPA	07/09/93	CHAPMAN
----------	-------	----------	---------

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 98-07726

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID OATES	02/24/1994	STOCKWATER	01-01 12-31	0.20 CFS	19.00 AFA
C	MARY OATES		STOCKWATER STORAGE	01-01 12-31		19.00 AFA
C	TREMAIN ALBRIGHT		STOCKWATER FROM STORAGE	01-01 12-31	0.20 CFS	19.00 AFA
			POWER	01-01 12-31		
			POWER STORAGE	01-01 12-31		19.00 AFA
			POWER FROM STORAGE	01-01 12-31		19.00 AFA
			RECREATION	01-01 12-31	0.20 CFS	19.00 AFA
			RECREATION STORAGE	01-01 12-31		19.00 AFA
TOTAL DIVERSION:					0.20 CFS	

TOTAL DIVERSION:

Water Source:	HALL CREEK	Tributary to:	KOOTENAI RIVER	Stage:	APPLICATION
Point(s) of diversion:	T65N R01W S25	NESE			BOUNDARY County

Place of use Legal Description for: STOCKWATER

[illegible]

place of use location for STOCKWATER FROM STORAGE is the same location as described for: STOCKWATER

place of use location for POWER is the same location as described for: STOCKWATER

place of use location for POWER FROM STORAGE is the same location as described for: STOCKWATER

Place of use location for RECREATION is the same location as described for: STOCKWATER

Pou County: BOUNDARY

Other Water Rights Listing Overlapping Place(s) of use:
98-02019

Dates:	App. Received:	02/24/1994	Priority Date:	02/24/1994
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: _____
Water District Number: _____
Field Exam Fee: _____

Comments: Date: 03/08/1994 User-ID: STYPA Subject: Examiner Note.
Dam height: 19 ft.: active reservoir capacity: 19 A/F;

WR5809NP

No. 98-07726

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 12/28/94

PAGE: 9

Comments: Date: 03/08/1994 User-ID: STYPA Subject: Examiner Note.
total reservoir capacity: 19 A/F; time when water will be
diverted to storage: 1/1 to 12/31 inclusive.
Power is for an unknown KW under 30 ft. of head.

Audit: 03/08/94 STYPA 03/08/94 STYPA 03/14/94 CURTIS
05/02/94 STYPA

Tom Prokoska attorney
Cd'A 664-9228

Regard Conrad Chisholm protest
and Chisholm's existing
water rights.

Prokoska is representing
Chisholm

Bob J

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IDAHO DEPARTMENT OF WATER RESOURCES EMPLOYEE PHONE LIST

December, 1994

A	ADMINISTRATION	ER	ENERGY RESOURCE	P	PLANNING
a	ADJUDICATION	F	FISCAL/PERSONNEL	RP	RESOURCE PROTECTION
DP	DATA PROCESSING	I	INFORMATION	T	TECHNICAL
EC	ENERGY CONSERVATION	L	LEGAL	WA	WATER ALLOCATIONS

T	ALDRIDGE	STEVE	5453	ER	HOWE	SHERYL	7984	T	VERDUN	MICHAEL	7882
F	ALLEN	DEBBIE	7909	DP	HOWERTON	PATTY	5405	RP	WALTERS	DEE DEE	5431
T	ANDERSON	HAL	7888	WA	JOHNSON	JIM	7947	DP	WARNER	CINDY	7923
EC	ARELLANES	RENEE	7972	EC	JOHNSON	MARK	5451	a	WARNTJES	ANITA	7896
T	AUSLEY	GENNA	7884	WA	KEEN	SHELLEY	7946	ER	WEIHING	WARREN	7961
DP	AUGSBURGER	BILL	7919	a	KELLY	VICKI	7906	DP	WERNER	DOUG	7938
EC	BAKER	KEN	7976	WA	KING	SCOTT	7897	ER	WHITE	BARBARA	7960
T	BAKER	STEVE	7993	T	KINNEY	CODY	7892	ER	WILSON	CHERYL	7890
T	BALDAZO	PABLO	7907	T	KRAMBER	BILL	7996	T	WOMACK	JANIE	7884
RP	BALLOU	ERV	5440	L	KROGH	LYNNE	7928	A	WYATT	JACKIE	7927
P	BEAL	JOHN	7992		LAB		7958	WA	YARBROUGH	JULIE	7953
T	BEEBE	ROBERT	5447	I	LARSEN	DICK	7933	A	YOUNG	NORM	7910
T	BENDIXSEN	SHANE	7914	T	LINDGREN	JOHN	7986	WA	ZIMMERMAN	CINDY	7944
P	BERGGREN	ELLEN	5442	RP	LINDGREN	NANCY	7863				
EC	BILBAO	LINDA	7969	DP	LINDSEY	BEVERLY	5449				
F	BIRCH	HELEN	7912	EC	LOFTIS	MARLA	7979	WORK AREA	EN COM2	7983	
WA	BLOCK	DARLA	7942	WA	LUKE	TIM	7866	WORK AREA	EN COM1	7871	
T	CAMPBELL	LIN	7965	T	LUTZ	DICK	7959	WORK AREA	HYDRO	7914	
RP	CARLSON	JOHN	7936	a	MCCARTHY	ROXANNE	7925	WORK AREA	DIM ROOM	7886	
T	CASTELIN	PAUL	7894	F	MCCULLEY	MARY	7917	WORK AREA	RES INFO	7884	
I	CAWLEY	LINDA	7982	P	MELLIN	RALPH	7991	WORK AREA	ALLOCA	7880	
WA	CHAPMAN	BRENDA	5452	ER	MILLER	JARED	7962	WORK AREA	EN COM3	7979	
I	CLARK	TONDEE	7937	EC	MINTZ	BOB	7970				
	CONF. RML	DOWN	7889	RP	MITCHELL	JOHN	7964	<u>REGIONS</u>			
	CONF. RM	UP	7895	T	MORSE	TONY	7997	EASTERN	PHONE: 525-7161		
EC	CONNELLY	TOM	7975	T	NEELY	KEN	5455	900 N. SKYLINE DRIVE			
WA	CORLESS	DONNA	7941	a	NORQUEST	ERIK	7935	IDAHO FALLS, ID 83402			
T	COWLING	CHRIS	5430	P	ONDRECHEN	BILL	7988	SPEED DIAL # 813	FAX: 525-7177		
T	CROCKETT	JANET	5445	T	OLSON	JOHN	5443				
F	CURRY	NANCY	7916	T	PALMER	DAVE	7999	NORTHERN	PHONE: 769-1450		
WA	CURTIS	SHARLA	7945	I	PATERSON	MARTHA	7885	1910 NORTHWEST BLVD. STE 210			
T	DACE	TANA	7861	P	PENG	MING	5433	COEUR D'ALENE, ID 83814			
RP	DAVIDSON	DOUG	7956	a	PEPPER SACK	JEFF	7940	SPEED DIAL # 814	FAX: 769-1454		
P	DAVIS	LINDA	7998	L	RASSER	PHIL	7905				
RP	EISENBARTH	FRED	7993	EC	RECE	KEVIN	7872	SOUTHERN	PHONE: 736-3033		
EC	EKLUND	KEN	7974	T	REINIG	LYNN	7445	222 SHOSHONE ST. EAST			
DP	FAUCI	JOANIE	7921	WA	RHODES	KRIS	7907	TWIN FALLS, ID 83301			
	FAX NUMBER		7866		RIVER FLOW		7865	SPEED DIAL # 815	FAX: 736-3037		
L	FLECK	RITA	7920	T	ROWLEY	TERRI	7958				
RP	FLEENOR	BOB	7954	F	SANDERS	RANAE	7911	WESTERN	PHONE: 334-2190		
ER	FLEISCHMAN	GERALD	7959	WA	SANTON	GLEN	7955	2735 AIRPORT WAY			
a	FRITSCHLE	CARTER	7939	P	SCHELLBACH	RUTH	7860	BOISE, ID 83705			
ER	GALINATO	GERRY	7963	WA	SCHOLER	BURKE	5407	SPEED DIAL # 812	FAX: 334-2348		
F	GARRETT	JANET	7913	a	SEIFERT	J.J.	5408	STATE OFFICE	PHONE: 327-7900		
DP	GARRETT	ROBERTA	7922	EC	SEIFERT	SUE	7973	1301 N. ORCHARD ST.			
EC	GLEASON	PAT	7977	a	SHAFF	DON	7932	BOISE, ID 83706	FAX: 327-7886		
I	GORE	BRADLEY	7980	a	SHAW	DAVE	7929	ADJUDICATION HOTLINE: 1-800-451-4129			
P	GRAHAM	BILL	7966	P	SHERMAN	FRANK	7985	IDAHO ENERGY HOTLINE: 1-800-334-SAVE (7283)			
P	GREGOR	DAVE	5457	a	SHERMAN	SALLY	7862				
DP	GRINDLE	DAVE	5407	ER	SIPPLE	JOAN	7971	SALMON OFFICE			
A	HAAS	WAYNE	7910	WA	SKAGGS	PAM	7943	FOSTER, BOB	PHONE: 756-6644		
L	HAMLIN	SUSAN	5458	RP	SLIFKA	MARK	7887	SUITE B, VAN DREFF OFFICE COMPLEX			
F	HAMMOND	JOHN	7908	a	SMITH	DANNI	7931	SALMON ID 83467			
F	HANDZEL	NANCY	7915	F	SMITH	PEARL	5456				
ER	HANNA	K.T.	7978	WA	SPACKMAN	GARY	5406				
T	HARMON	ROBERT	7995	L	SPENCER	NICK	7930				
A	HIGGINSON	KEITH	7910	DP	SPOFFORD	ROB	7918				
ER	HOEBELHEINRICH	TERRY	7873	L	STECKEL	DAN	5446				
RP	HOLLINGSHEAD	DAVE	7957	a	STERLING	MARCI	5450				
I	HOLT	DIANE	7981	RP	STUBBLEFIELD	MIKE	7952				
L	HOMAN	JOHN	7924	T	SUTTER	BOB	7989				
A	HOPPIE	BOB	7968	P	THIEL	SANDRA	7886				
RP	HORNBAKER	SONNY	7951	RP	THORNTON	HELEN	7950				
	HOTLINE	ADJ.	7906	A	TOLSON	RUBY	7870				
	HOTLINE	ENERGY	7283	RP	TRACY	LINDA	7949				
DP	HOUSE	DEBBIE	7891		VAULT		7945				

PUBLIC HEARING

File: 98-07726 - ALBRIGHT &/OR OATES
Date: Wednesday - December 28, 1994, 1:00 A.M.
Place: Second Floor Conference Room
1910 Northwest Blvd.
Coeur d'Alene, ID 83814

ROSTER OF ATTENDANCE

NAME	ADDRESS
TREMPER Albright	HCR60 Box 198A B.E. ID 83805
Conrad A. Chicholm	PO Box 473 Hayden, ID 83835

MICROFILMED
JUN 30 1995

Application No. 98-7726

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Conrad A. Chisholm	PO Box 473, Hayden, Id. 83835	3/25/94
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 3/25/94 PROTEST DUE DATE: 4/4/94

ISSUES: Adversely impact his prior water right.

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>5/2/94</u>
Acknowledgment Letters Sent	<u>5/2/94</u>
Hearing Date	_____
_____	_____
_____	_____
_____	_____

(Other Dates)

Other Information: _____

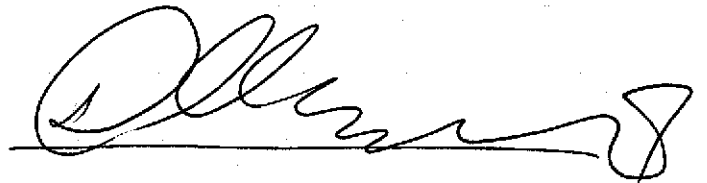
Protest information submitted to computer (following hearing)

RECEIVED
JUN 30 1995

In the Matter of Application for)
Permit 98-7726 in the Name of)
of Tremaine Albright & or) Agreement,
David and Mary Oates)

I, Tremaine Albright agree to operate the
dam associated with the above referenced
application in a manner that will provide
domestic & ~~stock water on property~~ to property in the
NWSW Sec 36 & NESE Sec 35 65N RIW.
Amounts of water to be determined in Summer
1995.

12/28/1994



I agree to withdraw protest to the above
referenced application

12/28/1994

RECORDED

JUN 30 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CONRAD A. CHISHOLM

P O BOX 473

HAYDEN ID 83815

RECEIVED

APR 03 1995

IDWR

4a. Article Number

48311

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

5. Date of Delivery

7/31/95

5. Signature (Addressee)

Mr. Conrad Chisholm

6. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

cm

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

MICROFILMED

JUN 30 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
1911 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 98-07726)
IN THE NAME OF TREMAIN ALBRIGHT)
AND/OR DAVID & MARY OATES)

NOTICE OF HEARING

On FEBRUARY 25, 1994, TREMAIN ALBRIGHT AND/OR DAVID & MARY OATES (applicant) filed with the Department of Water Resources (department), application for permit No. 98-07726. The application was protested by CONRAD A. CHISHOLM. The conference held by the department on December 28, 1994, did not resolve the matter of protest.

The department has scheduled the matter for hearing on April 20, 1995, at 2:00 P.M. at 1910 Northwest Blvd., Coeur d'Alene, ID, in the Second Floor Conference Room. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each part and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 30th day of March, 1995.

Regional Supervisor

I hereby certify that on the 30th day of March, 1995, I mailed a true and correct copy of this document, postage prepaid, to the applicant(s) and protestant(s) listed below:

Dianne L. Ball
Dianne L. Ball, Senior Secretary

Certified Mail

Tremain Albright and/or David & Mary Oates
Conrad A. Chisholm

JUN 30 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

JUN 30 1995

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

RECEIVED
JUN 30 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece. Do not affix if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you with the signature of the person delivered to and the date of delivery.

3. Article Addressed to

MR. CONRAD A CHISHOLM

P O BOX 473

HAYDEN ID 83835

5. Signature (Addressee)

X Mrs Conrad Chisholm

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

48302

4b. Service Type

☐ Registered☐ Insured☒ Certified☐ COD☐ Express Mail☐ Return Receipt for Merchandise

7. Date of Delivery

X 12-07-94

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

MICROFILMED

Print your name, address and ZIP Code here

JUN 30 1995 DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE, IDAHO 83814

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

MR. TREMAIN ALBRIGHT &/OR
 DAVID & MARY OATES
 HCR 60 BOX 158A
 BONNERS FERRY ID 83805

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, November 1990 ☆ U.S. GPO: 1991-287-066

RECEIVED

DEC 09 1994

IDWR REGION

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

48303

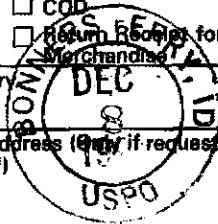
4b. Service Type

- | | |
|---------------------------------------|---|
| ☐ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

JUN 30 1995

8. Addressee's Address (Only if requested and fee is paid)

**DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

MIROFILMED

Print your name, address and ZIP Code here

JUN 30 1995

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - STE. 210
COEUR D'ALENE, IDAHO 83814

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 98-07726)
IN THE NAME OF TREMAIN ALBRIGHT)
AND/OR DAVID & MARY OATES)
_____)

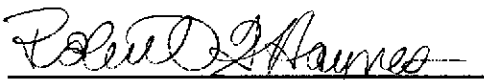
NOTICE OF CONFERENCE
AND/OR HEARING

On February 25, 1994, TREMAIN ALBRIGHT AND/OR DAVID & MARY OATES filed with the Department of Water Resources (Department) application for permit No. 98-07726. The application was protested by CONRAD A. CHISHOLM.

The Department has scheduled the matter for conference &/or hearing on December 28, 1994 in the Second Floor Conference Room at 1910 Northwest Boulevard, Coeur d'Alene, Idaho, at 1:00 p.m. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the Department upon request. The presiding officer at the conference &/or hearing will be ROBERT G. HAYNES. The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 6th day of December, 1994.



Regional Supervisor

I hereby certify that on the _____ day of December, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

Secretary

Certified Mail

Tremain Albright and/or David & Mary Oates
Conrad A. Chisholm

NOTICE OF CONFERENCE &/OR HEARING - PAGE 1



JUN 30 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
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3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

APPROVED
JUN 30 1995

CONFERENCE

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Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

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RECEIVED
JUN 30 1995

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # _____

***** INITIAL REVIEW *****

APPLICANT: OATES BY: AB DATE: 3/8/94

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
13. (x) Map
(x) Signature
(x) Fee (Amt, recpt, acknowlegment)

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

ADDITIONAL INFORMATION

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

PROCESSING

Yes No PRIORITY DATE: 2/25/94

X (Include Moratorium Remark)

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

ADVERTISE IN: BOUNDARY 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 *****

(Yes) (No) Checked by: _____ Date: ____/____/____

1 Groundwater management area Remarks: _____

1 Critical ground water area _____

1 Well Drilling Permit required _____

1 Well Drilling Application and Fees received _____

1 Well Drilling Application approved? _____

Well Drilling Application Number _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

1 Notice of pending void order issued. Final order response date: ____/____/____

1 Further information required from applicant

1 Affidavit of publication received

1 Application published correctly, If not, record action taken: _____

1 Publication dates and paper recorded on application | Sr. Agent initial _____

1 Protests received. Final protest date: 4/4/94

1 Measuring device required

1 Measuring port required

1 Special conditions: _____

1 Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: ____/____/____

98-07726

ALBRIGHT, TREMAIN
OATES, DAVID
OATES, MARY
HCR 60 BOX 158A
BONNERS FERRY, ID 83805

Source: HALL CREEK

Tributary: KOOTENAI RIVER

Diversion Pt: NESE Sec 25 T 65N R 01W in BOUNDARY County.

Use: STOCKWATER	(.200 CFS)	
STOCKWATER STORAGE		(19.00 AF)
STOCKWATER FROM STORAGE		(19.00 AF)
POWER	(.200 CFS)	
POWER STORAGE		(19.00 AF)
POWER FROM STORAGE		(19.00 AF)
RECREATION	(.200 CFS)	
RECREATION STORAGE		(19.00 AF)
Total Diversion:	(.200 CFS)	

Date Filed: 2/24/1994

In: BOUNDARY County
T65N R01W S25 NESE

MICROFILMED

JUN 30 1995

April 29, 1994

Mr. Conrad A. Chisholm
PO Box 473
Hayden ID 83835

RE: Application for Permit Number 98-07726

Dear Mr. Chisholm:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

JUN 30 1995

April 29, 1994

Mr. Tremain and/or David & Mary Oates
HCR 60 Box 158A
Bonners Ferry ID 83805

RE: Application for Permit Number 98-07726

Dear Mr. Tremain and Mr. & Mrs. Oates:

Enclosed is a copy of a protest filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

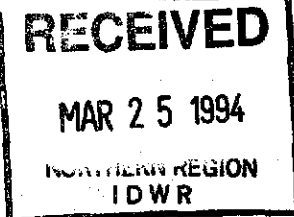
MICROFILMED

JUN 30 1995

Hayden, ID
March 18, 1994

Idaho Water Resources
1910 N.W. Blvd Suite 210
Coeur d'Alene, ID 83814

Attn: Bob Haynes



Dear Sir:

This regards an application for diversion of water from Hall Creek, Boundary County, by Tremain Albright, David Oates and Mary Oates.

In 1992 the existing water usage almost completely dried up the creek at its lower extremity where I own land and also have a long established water right.

I, therefore, protest any further diversion of water as applied for by Legal Notice 98-17726, Bonners Ferry Herald.

Since rely,

Conrad A. Chisholm
Conrad A. Chisholm
P.O. Box 473
Hayden, ID 83835
(208) 772-5687

RECEIVED

JUN 30 1995

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

DAVID KEYES being first duly sworn on oath
deposes and says that he/she is PUBLISHER
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

LEGAL# 2699

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 16 day of March, 1994
and ending on the 23 day of March, 1994
and that said notice was published in said newspaper.

Dated 4/11/94

Subscribed and sworn to before me this 1 day
of April, 1994

Kumala G. Hancock
Notary Public for Idaho

Residing at BONNERS FERRY

My Commission expires: 11/08/97

OK
4/6/94
**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

98-07726

ALBRIGHT, TREMAIN

OATES, DAVID

OATES, MARY

HCR 60 BOX 158A

BONNERS FERRY, ID 83805

Source: HALL CREEK Tributary:

KOOTENAI RIVER

Diversion Pt: NESE Sec 25 T 65N R

01W in BOUNDARY County

Use: STOCKWATER (200 CFS)

STOCKWATER STORAGE (19.00
AF)

STOCKWATER FROM STORAGE
(19.00 AF)

POWER (200 CFS)

POWER STORAGE (19.00 AF)

POWER FROM STORAGE (19.00
AF)

RECREATION (200 CFS)

RECREATION STORAGE (19.00
AF)

Total Diversion: (200 CFS)

Date Filed: 2/24/1994

In: BOUNDARY County

T65N R01W S25 NESE

98-07727

ASCENT INC.

BOX 230

NAPLES, ID 83847

Source: RUBY CREEK Tributary:

DEEP CREEK

Diversion Pt: SWNESW Sec 24 T

61N R 01W in BOUNDARY County

Use: DOMESTIC (200 CFS)

Total Diversion: (200 CFS)

Date Filed: 1/28/1994

In: BOUNDARY County

T61N R01W S24 NENW SWNW

SENW NESW

98-07728

WELLS, ROCKY DAN

PO BOX 641

BONNERS FERRY, ID 83805

Source: MISSION CREEK Tribu-

tary: KOOTENAI RIVER

Diversion Pt: SWSW Sec 34 T 65N R

01E in BOUNDARY County

Use: IRRIGATION (.100 CFS)

IRRIGATION STORAGE (.20 AF)

IRRIGATION FROM STORAGE
(.20 AF)

RECREATION (.100 CFS)

RECREATION STORAGE (.20
AF)

Total Diversion: (.100 CFS)

Date filed: 2/14/1994

In: BOUNDARY County

T65N R01E S34 SWSW

5.0 ACRES TOTAL

For additional information con-
cerning 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, Ida-
ho 83814 on or before APRIL 4
1994.

R. KEITH HIGGINSON, Director

BFH#2699 March 16, 23, 1994

RECEIVED

APR 05 1994

NORTHERN REGION
IDWR

JUN 8 0 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

CECIL D. ANDRUS
Governor
March 11, 1994

R. KEITH HIGGINSON
Director

Mr. Tremain Albright
Mr. and Mrs. David Oates
HCR 60 Box 158A
Bonners Ferry, Id. 83805

Dear Applicants:

Re: Water Appropriation Application No. 98-7726.

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.

Your appropriation application is currently being prepared for advertising in the 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. 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. However 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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/pms

MICROFILMED

JUN 30 1995

February 17, 1994

To Dave LePard- State of Idaho, Department of Water Resources:

This is official documentation to support the agreement that Hidden Meadows Farm grants permission to the Alder Springs Farm Trust to utilize the stored water behind the Hidden Meadows dam for a hydropower project. The lease becomes effective on this seventeenth day of February, 1994 and will be renewable every five years.

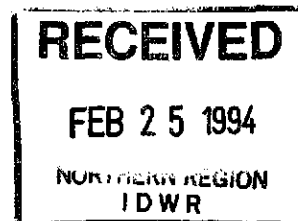
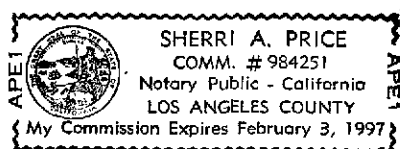
Sincerely,

Mary K. Oates

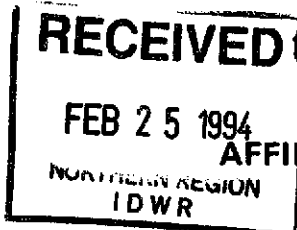
David W. and Mary K. Oates

cc: Tremain Albright
Mary K. Oates
Hidden Meadows Farm
Alder Springs Farm Trust

Subscribed and sworn to before me this
17th day of February, 1994
Sherril A. Price
Notary Public, State of California
Principal Office, Los Angeles County



JUN 30 1995



State of Idaho
Department of Water Resources

98-7726
Water Right No.

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Tremain Albright, Trustee of BONNERS FERRY,
(name) (city).

County of Boundary, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city).

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

(name of corporation); that as such I am in charge of the registered office

of the said corporation as required by Section 30-1-12, Idaho Code, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code; and that _____

(name of corporation) is a corporation qualified to do business in the State of Idaho under the laws
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

[Signature]
Applicant

State of Idaho)
County of KOOTENAI) ss.

On this 25th day of February, 19 94, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at

Couderd Home

My commission expires:

3/2/98

JUN 30 1998