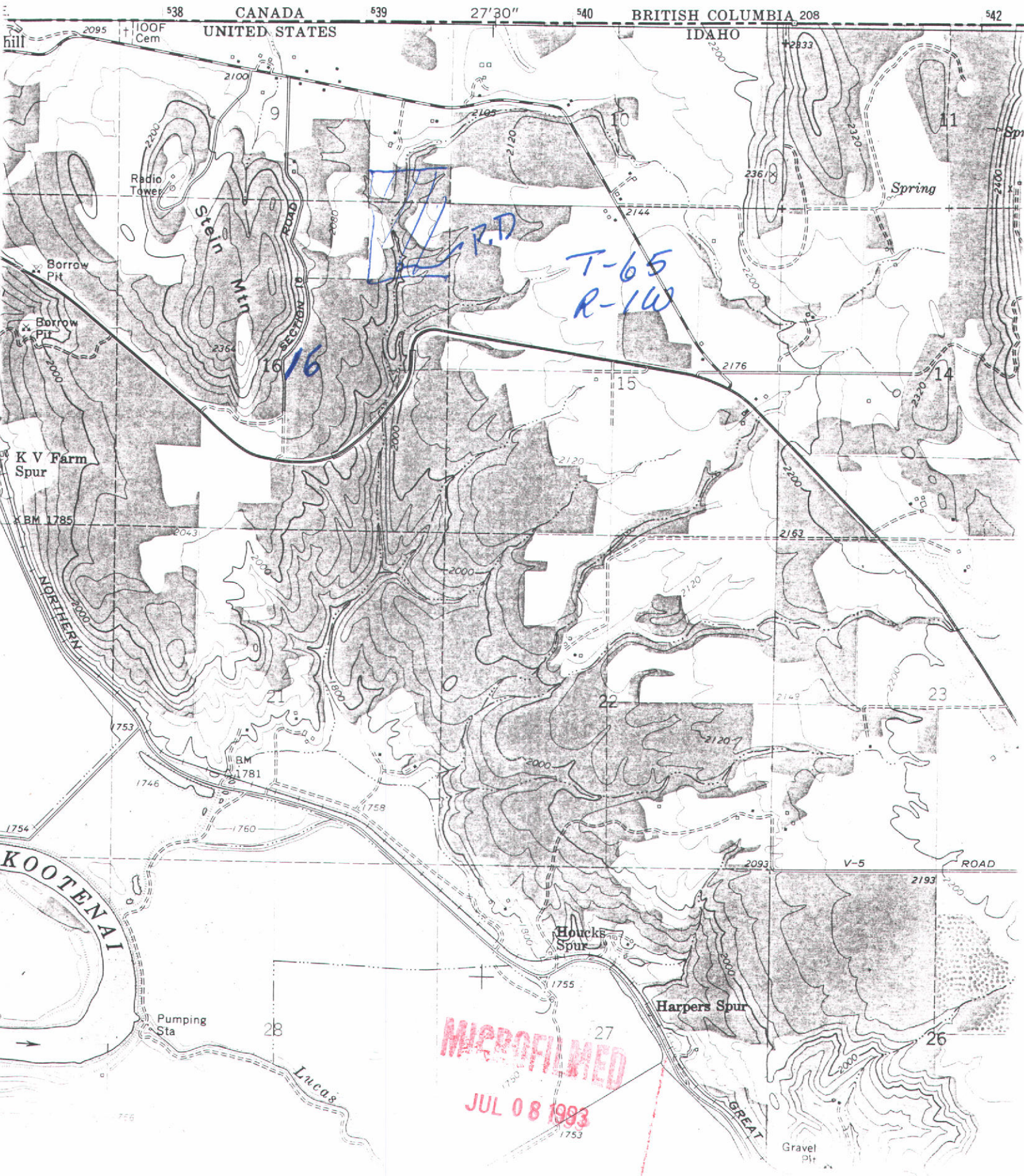


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Signature of permit holder: Steven D. Banks Date: 4-3-98
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07713

Proposed Priority: March 12, 1993 Maximum Diversion Rate: 0.20 CFS
This is to certify, that STEVEN A BANKS

PO BOX 842
PORTHILL ID 838530842

has applied for a permit to appropriate water from:

OLDS CREEK tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	
IRRIGATION STORAGE	01/01 to 12/31		8.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		8.0 AF
RECREATION STORAGE	01/01 to 12/31		8.0 AF
RECREATION FROM STORAGE	01/01 to 12/31		8.0 AF
Totals		0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 16, Township 65N, Range 01W
BOUNDARY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
65N	01W	9	SESE 2			2
		16	NENE 15			15

Total number of acres irrigated: 17

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

PLACE OF USE: RECREATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
2. Subject to all prior water rights.
3. 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.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

APPROVED

JUN 08 1993

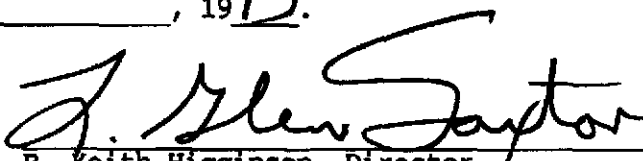
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07713

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

17th day of June, 1993.

for

R. Keith Higginson, Director

RECEIVED

JUL 08 1993

RECEIVED
MAY 18 1993
STATE OF IDAHO

Ident. No. 98-7713

DEPARTMENT OF WATER RESOURCES
Department of Water Resources
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant STEVEN A. BANKS Phone (208) 267-7785
Post office address P.O. Box 842 Porthill, ID 83853
2. Source of water supply OLDS CREEK which is a tributary of SINKS
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 16 Township 65 NO Range 1 WEST B.M. BOUNDARY County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 8 AF for STORAGE FOR RECREATION & IRRIGATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8 AF for IRRIGATION & RECREATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .2 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .2 and/or (b) 8
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. DAM IN STREAM
 - b. Height of storage dam 5 feet; active reservoir capacity 8 acre-feet; total
reservoir capacity 8 acre-feet; period of year when water will be diverted to storage:
JAN 1 to DEC 31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

JUL 08 1993

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. RECREATION FOR WILDLIFE

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
65N	16	16	15																15
65N	16	9																2	2
65N	16	16	R																

Total number of acres to be irrigated 17

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

11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MACT

JUL 08 1993

[illegible]

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.

Stan C. Banks
(Applicant)

Received by Ken Date 3/12/93 Time 9:50a Preliminary check by RB
Fee \$ 30.00 Receipted by Ken # N6358 Date 3/12/93
Publication prepared by [Signature] Date 3/25/93 Published in Bozeman Daily Herald
Publication approved [Signature] Date 5/10/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

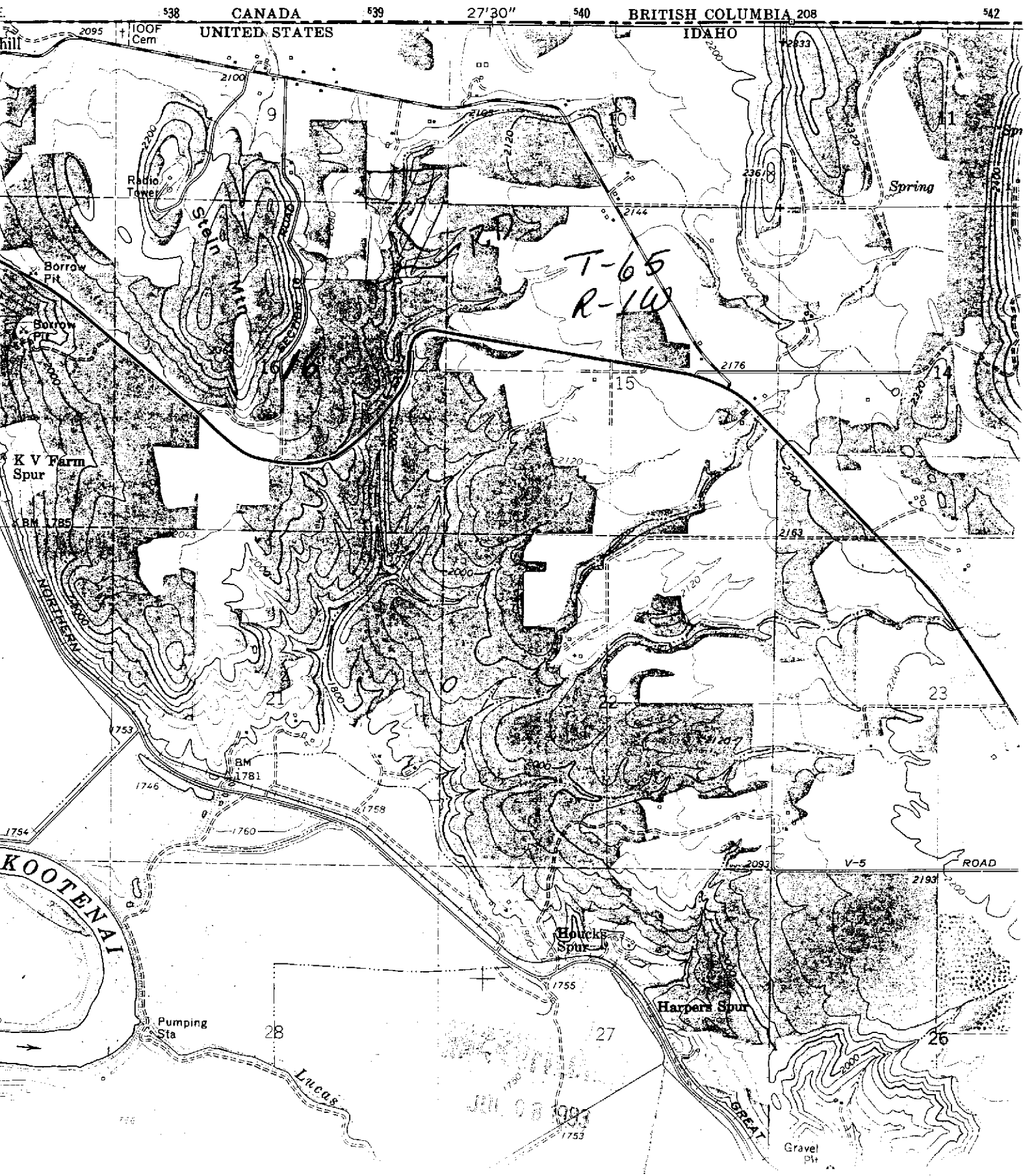
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

JUL 08 1993

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

BOB MILLER being first duly sworn on oath
deposes and says that he/she is MANAGER
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 # 2455

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of April, 1993
and ending on the 14 day of April, 1993
and that said notice was published in said newspaper.

Dated: 7/28/93

Subscribed and sworn to before me this 27 day
of April, 1993.

Kenneth H. Haworth
Notary Public for Idaho

Residing at BONNERS FERRY

My Commission expires: 11/08/97

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-08741
CANYON MINERAL INC
PO BOX 112
COLBURN, ID 83865
Source: JERU CREEK Tributary:
PACK RIVER
Diversion Pt: NWSWSE Sec 21 T
60N R 02W in BOUNDARY County.
Use: POWER (1.960 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (2.000 CFS)
Dated Filed: 3/25/1993
In: BOUNDARY County
T60N R02W S22 SESE
96-08742
HUTZLER, W W
WALLACE, GISELA M
4705 UPPER PACK RIVER RD
SANDPOINT, ID 83864
Source: LINDSEY CREEK
Tributary: PACK RIVER
Diversion Pt: NWNWSE Sec 34 T
60N R 02W in BOUNDARY County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Dated Filed: 3/16/1993
In: BOUNDARY County
T60N R02W S34 NWSE
98-07711
NULL, RONALD E
NULL, SUSAN H
THE BOOK TRADER II
216 N FIRST AVE
SANDPOINT, ID 83864
Source: KOOTENAI RIVER
Tributary: COLUMBIA RIVER
Diversion Pt: SENWSE Sec 25 T
63N R 01W in BOUNDARY County.
Use: IRRIGATION (1.000 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (1.030 CFS)
Date Filed: 3/24/1993
In: BOUNDARY County
T63N R01W S25 NWSE SWSE
6.0 ACRES TOTAL
98-07712
LHVD INC
BY RICHARD A VILLELLI
PO BOX S
BONNERS FERRY, ID 83805
Source: MOYIE RIVER Tributary:
KOOTENAI RIVER
Diversion Pt: NWNWNW Sec 14 T
64N R 02E in BOUNDARY County.
Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)
Date Filed: 3/10/1993
In: BOUNDARY County
T64N R02E S14 NWNW
6.0 ACRES TOTAL
98-07713
BANKS, STEVEN A
PO BOX 842
PORTHILL, ID 83853
Source: OLDS CREEK Tributary:
SINKS
Diversion Pt: NENE Sec 16 T 65N
R 01W in BOUNDARY County.
Use: IRRIGATION (.200 CFS)
IRRIGATION STORAGE (8.00
AF)
IRRIGATION FROM STORAGE
(8.00 AF)
RECREATION STORAGE (8.00
AF)
RECREATION FROM STORAGE
(8.00 AF)
Total Diversion: (.200 CFS)
Date Filed: 3/12/1993
In: BOUNDARY County
T65N R01W S09 SESE
S16 NENE
17.0 ACRES TOTAL
For additional information
concerning the property location,
call the Northern Regional Office at
765-4639.
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814 on or
before APRIL 26, 1993.
R. KEITH HIGGINSON, Director
BFH#2455 Apr 7, 14, 1993

MAY 6 6 1993

JUL 08 1993



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

Steven A Banks
HCR 60 Box 215D
Bonners Ferry ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07713

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

MICROFILMED

JUN 26 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07713 Reviewed by [Signature] 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

irr., rec.

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

☒ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

Yes Required?
50- 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 HCR 60 Box 215D
Bonnys Ferry 83805

Proof Made 4-6-98

March 31, 1998

STEVEN A BANKS
PO BOX 842
PORTHILL ID 838530842

PROOF DUE NOTICE

RE: PERMIT NO. 98-07713

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.

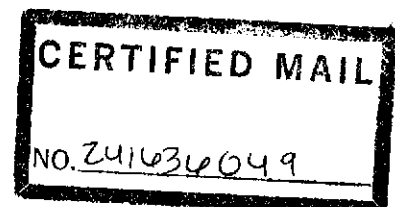
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 26 1998





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 17, 1993

STEVEN A BANKS
PO BOX 842
PORTHILL ID 838530842

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07713

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

JUL 08 1993

APPLICATION FOR PERMIT REVIEW

Application #: 98-07713 Date: 6/8/93 Reviewer: Cindy Zimmerman

SYSTEM COMPLETED:

- No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A

AREA OF CONCERN? No

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99 Permit No. _____
Not included - 046-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (*GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. _____
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2), NMR <flow chart>
Groundwater - P05 (if well has not been drilled)
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - (1, Blank or Other)
Trust - 051-052-053-P74(Consumptive Uses)
Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042 (req), 002-P06(MD), 07A(Special),
044(Policy 5G)
Power - 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
<25 cfs-P18; 17G or 17M; 18B-P09
Mining - 06A, 010, or 09E-P10 & 054 (req)
Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
Rec/Wildlf/Aes - 027(Non-Consumptive)
Domestic - 021 (Boise River - upstream from L Peak)
(restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date - 6-1-1998

Other Conditions -

Remarks: - 030 (Dam in Stream)

Comments: Diversion description

No. a
4/87-06/92n

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # _____

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

APPLICANT: BANKS BY: AB DATE: 3/23/93

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
☒ Dam information requested
or not requested
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other Water Rights
11. ☒ Ownership
13. ☒ Map
☒ Signature
☒ Fee (Amt, recpt, acknowlegment)
Send info sheet Y() N()

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 3/12/93

☒ (Include Moratorium Remark)

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

/// Advertised in: _____

County of: BOUNDARY

SEND COPIES TO:

☐ USFS Cda	☐ USFS Oro	☒ USFS Grangeville
☐ BLM	☐ W/W Corps	☐ Albeni Corps
☐ F&G Cda	☐ F&G Lew	☐ IDL () Region
☐ H&W Cda	☐ H&W Lew	☐ Adj Div
(Other) _____		

LETTERS SENT REQUESTING:

☐ Dam information ☐ Fish Information
☐ Power information ☐ Other

INFORMATION RECEIVED

☐ Power information ☐ Dam information
☐ Fish Information ☐ Other

***** GROUNDWATER SECTION *****

(Yes) (No)

Checked by: _____ Date: ///

Remarks: _____

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

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

(Yes) (No)

- ☐ Notice of pending void order issued. Final order response date: ///
- ☒ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly, If not, record action taken: _____
- ☒ Publication dates and paper recorded on application | Sr. Agent initial AB
- ☒ Protests received. Final protest date: 4/26/93
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval _____ letter attached:

Approval Recommended by: AB RJA

MAY 19 1993

Date: 5/10/93

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

March 31, 1993

R. KEITH HIGGINSON
Director

Mr. Steven A. Banks
PO Box 842
Porthill, Id. 83853

Re: 98-7713

Dear Mr. Banks:

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.

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

RECEIVED

JUL 08 1993

98-07713

BANKS, STEVEN A
PO BOX 842
PORTHILL, ID 83853

Source: OLDS CREEK

Tributary: SINKS

Diversion Pt: NENE Sec 16 T 65N R 01W in BOUNDARY County.

Use: IRRIGATION	(.200 CFS)	
IRRIGATION STORAGE		(8.00 AF)
IRRIGATION FROM STORAGE		(8.00 AF)
RECREATION STORAGE		(8.00 AF)
RECREATION FROM STORAGE		(8.00 AF)
Total Diversion:	(.200 CFS)	

Date Filed: 3/12/1993

In: BOUNDARY County	
T65N R01W S09	SESE
S16	NENE

17.0 ACRES TOTAL

RECORDED

JUL 08 1993