

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Boundary,

Carol Arthur 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:

Application for Water Right
#1302

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 5 day of July, 19 89
and ending on the 12 day of July, 19 89
and that said notice was published in said newspaper. Carol A. Arthur

On this 12 day of July in the year
of 1989, before me, a Notary Public, personally
appeared Carol Arthur,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Anna Thomas
Notary Public for Idaho

Residing at Bonners Ferry

My commission expires: 12-1-1994

NOTICE OF APPLICATION FOR
WATER RIGHT

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

98-07659

BYLER, RUDY; BYLER,
ESTER; YODER, RAY; YODER,
FERN; BOX 210A, NAPLES, ID
83847.

Source: UNNAMED STREAM,
Tributary: DEEP CREEK
Diversion Pt.: NENW Sec. 12
T61N, R 01W

Use: DOMESTIC (.090 CFS)

Date Filed: 6-21-1989

In: T61N R01W S12 NWNE SENW
NESW

For additional information con-
cerning 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 JULY 24, 1989.

R. KEITH HIGGINSON, Director

No. 1302 Jly 5, 12-2t

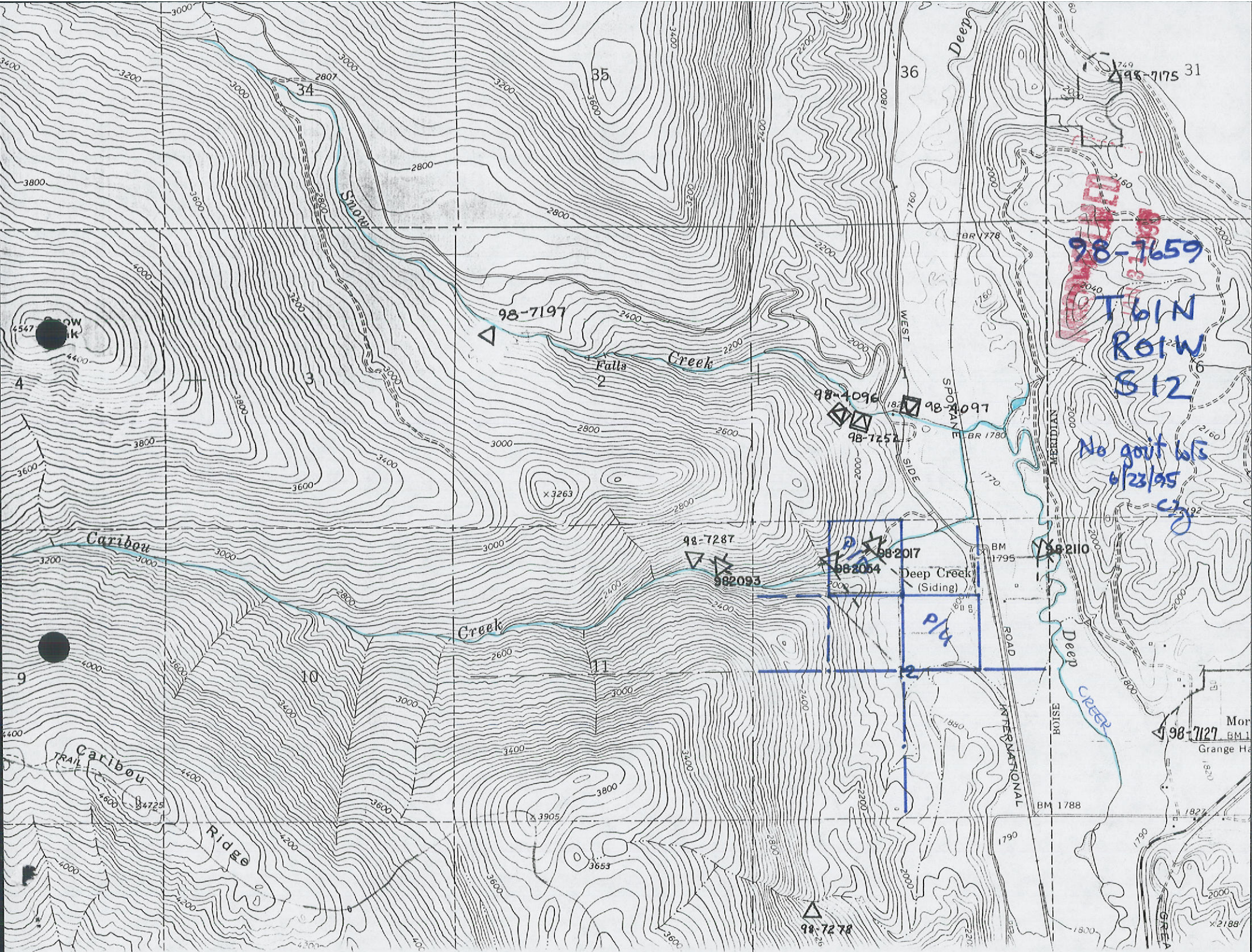
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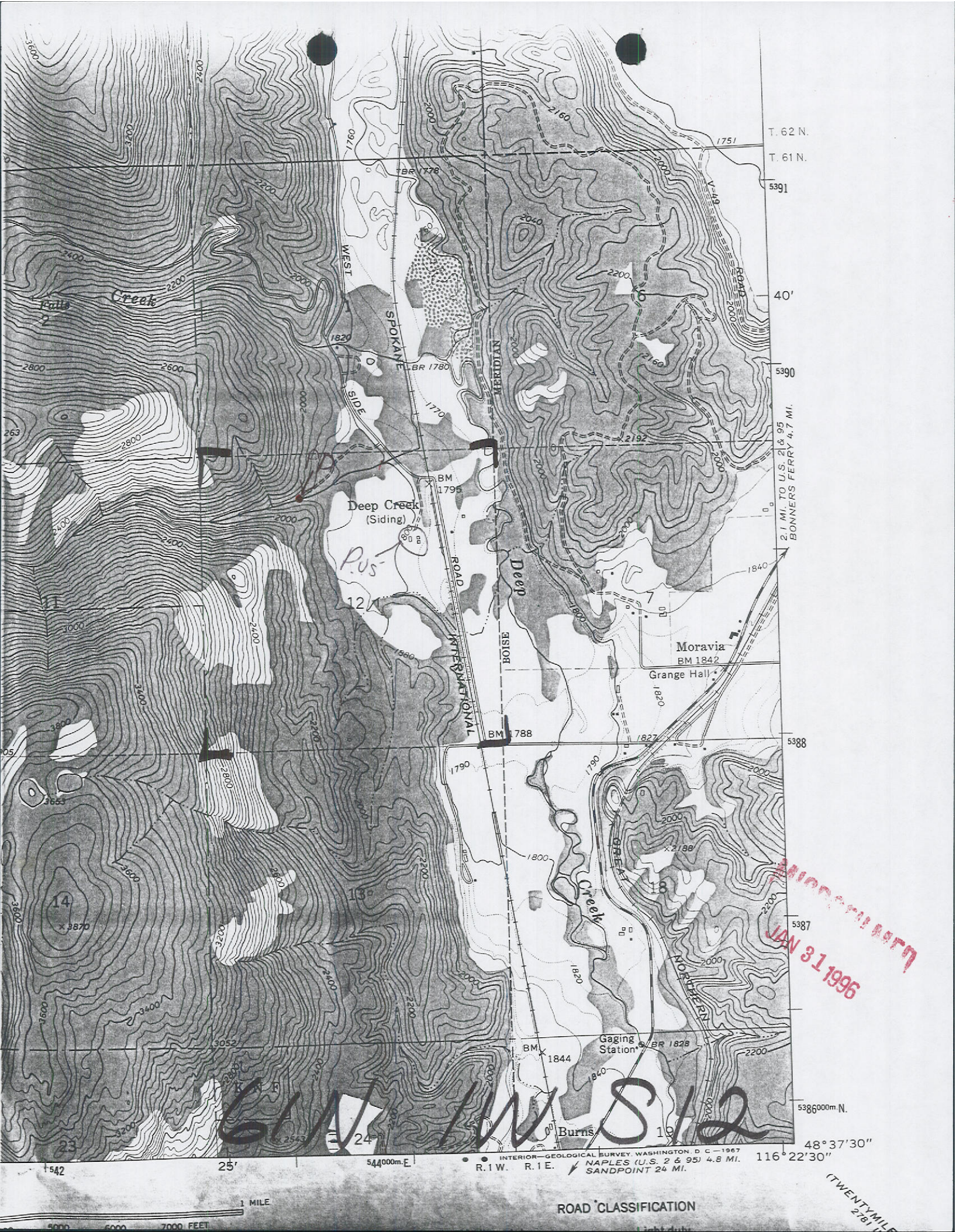
JUL 14 1989

NORTHERN REGION
IDWR

MICROFILMED

SEP 28 1989





T. 62 N.
T. 61 N.

5391

40'

5390

2.1 MI. TO U.S. 21 & 95
BONNERS FERRY 4.7 MI.

5388

5387

5386000m N.

48°37'30"

116°22'30"

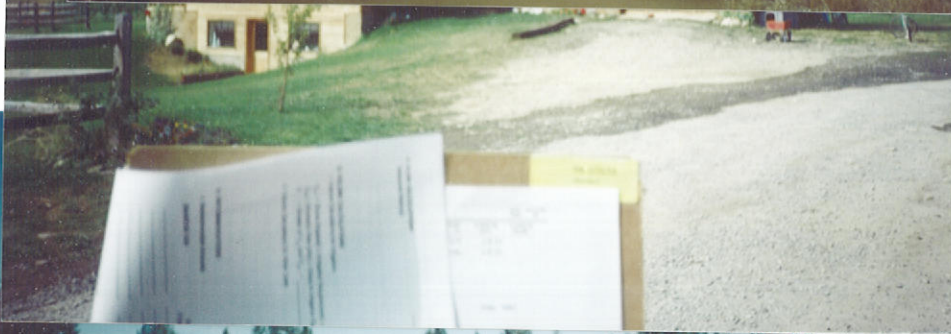
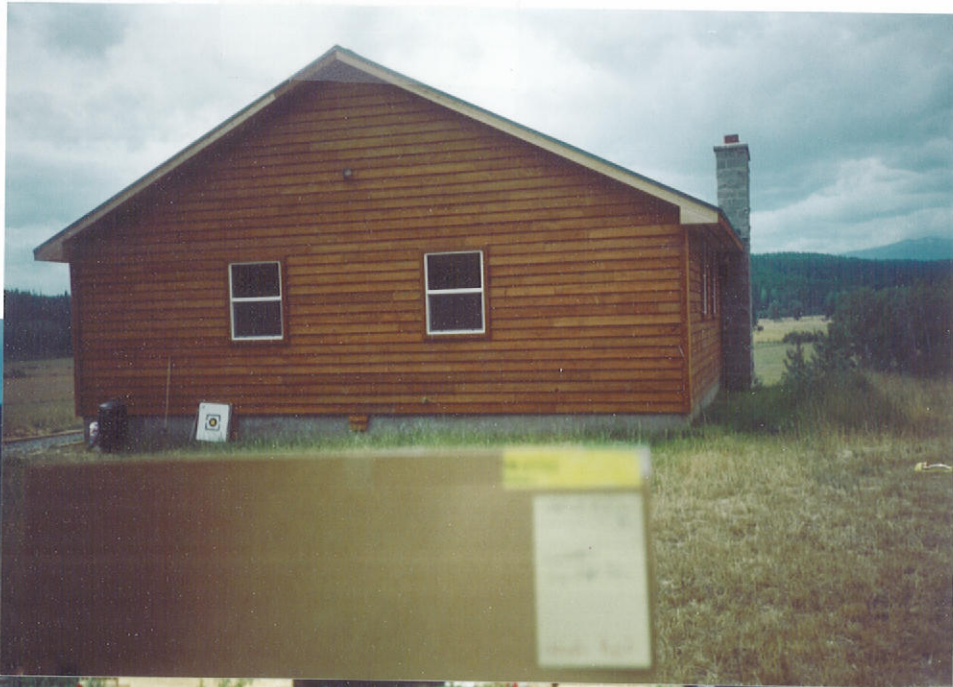
(TWENTY MILE
2.81 MI.)

INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1967
R. 1 W. R. 1 E. NAPLES (U.S. 2 & 95) 4.8 MI.
SANDPOINT 24 MI.

ROAD CLASSIFICATION

1 MILE

5000
6000
7000 FEET

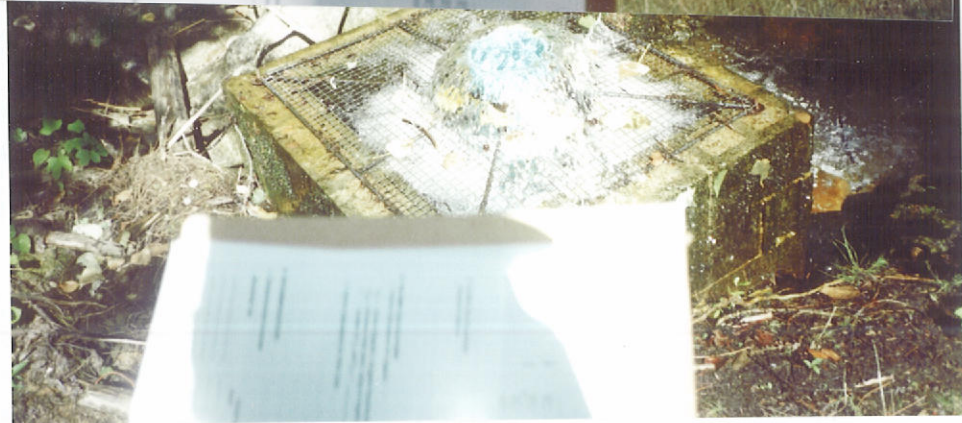


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JAN 31 1996



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0101 HNNND



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JAN 31 1996

0121 NNNN2

1990121 NNNNN



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JAN 31 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07659

Priority: June 21, 1989

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

3.6 AF

This is to certify, that RAY YODER
ESTHER BYLER
RUDY BYLER
FERN YODER

HC 1 BOX 328A
NAPLES ID 83847

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 21, 1989; and has submitted Proof of Beneficial Use on August 31, 1992. An examination indicates that the works have a diversion capacity of 0.090 cfs of water from:

CARIBOU CREEK tributary to SNOW CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.09 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 12, Township 61N, Range 01W
BOUNDARY County

PLACE OF USE: DOMESTIC
TWN RGE SEC
61N 01W 12 SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 3 homes.

RECORDED

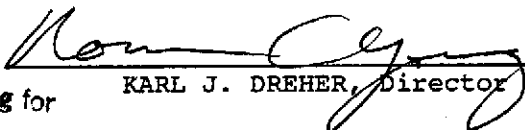
JAN 31 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07659

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28TH
day of SEPTEMBER, 1995.


Acting for KARL J. DREHER, Director



RECEIVED
JAN 31 1996

State of Idaho
Department of Water Resources

RECEIVED

JUL 27 1995

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07659

Department of Water Resources

Date of Priority: June 21, 1989

Maximum Diversion Rate: 0.09 CFS

Maximum Diversion Volume: 3.6 AF

Comes now

RAY YODER
ESTHER BYLER
RUDY BYLER
FERN YODER

HC 1 BOX 328A
NAPLES ID 83847

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 98-07659, and requests that the permit be changed as follows:

Source: CARIBOU CREEK tributary to SNOW CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.09 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 12, Township 61N, Range 01W
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 01W 12 SWNE

RECEIVED

JAN 31 1996

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 22 day of July, 1995.

Ray Yoder Fern Yoder
(Signature)
Rudy Byler Esther Byler

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07659

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by J. WYATT # C633565 Date 9/18/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 98-07659 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 3 homes.

Witness my hand this 26TH day of SEPTEMBER, 1995.

Karl J. Dreher
Acting for KARL J. DREHER, Director

RECEIVED

JAN 31 1996

RECEIVED

AUG 31 1992

OFFICE USE ONLY

Amt. of Fee \$ 50.00Date 8-31-92Receipt No. 0025358Receipt by [Signature]STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 98-07659 Telephone No. 208-267-2552
2. Name(s) of Permit Holder(s): Ray Yoder, Rudy Byler
3. Mailing Address: PO Box 210A Naples, ID 83847 see Below
4. Source of Water: Caribou Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic 3 (No. of households) Stockwater for NAPA Cows (No. and type of stock)
Irrigation (No. of acres) Other House

6. Total rate and/or volume for which proof is submitted .09 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No

OR
Flow Measurement Port: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Name Ray Yoder Telephone No. 208-267-2552
Address HCRO1 Box 328A Naples Id. 83847

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 8-26-92 Signature (and title, if on behalf of a company or organization) Ray Yoder

DEC 17 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07659

Proposed Priority: June 21, 1989

Maximum Diversion Rate:

0.09 CFS

This is to certify, that RAY YODER
FERN YODER
ESTHER BYLER
RUDY BYLER
P.O. BOX 210A
NAPLES, ID 83847

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of DEEP CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.09 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NENW Sec. 12, Township 61N, Range 01W
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 01W 12

NWNE

SENE

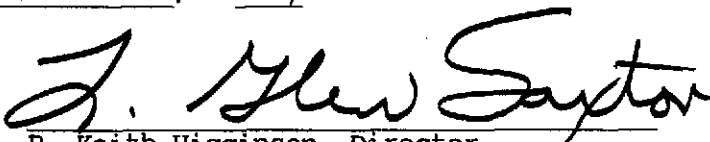
NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1992.
2. Subject to all prior water rights.
3. 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.
4. Domestic use is for three homes.

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

25th day of September, 1989.

for 
R. Keith Higginson, Director

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SEP 28 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ray & Fara Yoder & Rudy & Esther Tyler Phone 267-2586

Post office address Box 210-A Naples, ID 83847

2. Source of water supply unnamed stream which is a tributary of Deep Creek

3. Location of point of diversion is _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____
Sec. 12 Township 61N Range 1W B.M. Boundary County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.09 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump & pipeline

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water _____ special use is
3 years (minimum 1 year).

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SEP 28 1989

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 4
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>61N</u>	<u>1W</u>	<u>12</u>		<u>D</u>						<u>D</u>	<u>D</u>								

Total number of acres to be irrigated _____

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? APP

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

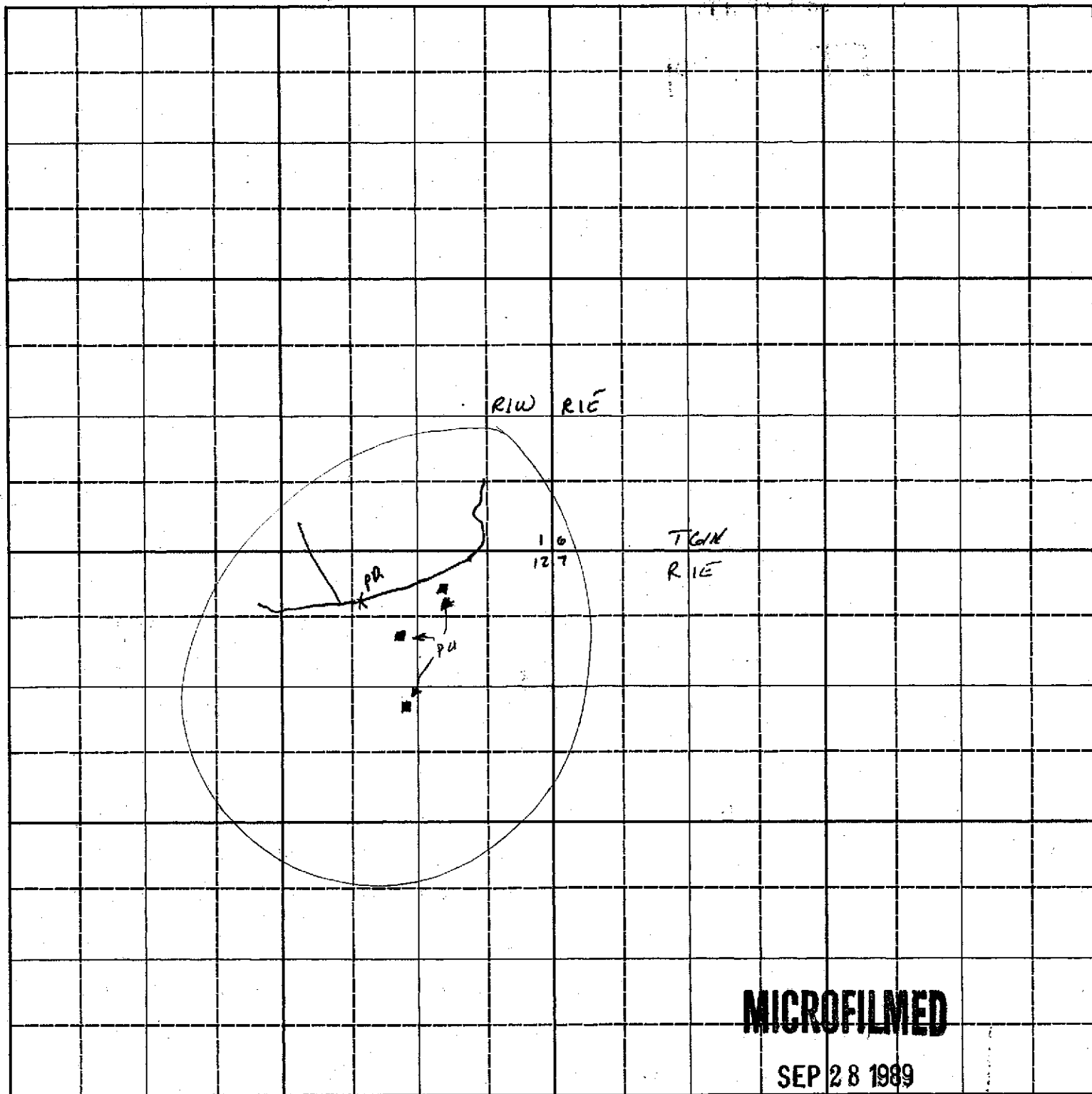
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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SEP 28 1989

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



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SEP 28 1989

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.

Ray Yoder
x *Ray Yoder* (Applicant)

Received by pm Date 6/21/89 Time 1:00 PM Preliminary check by PSB
Fee \$ 30.00 Received by pm # N3106 Date 6/21/89
Publication prepared by pm Date 6/28/89 Published in Boise Evening Tribune
Publication approved pm Date 7/29/89

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:

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SEP 28 1989

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

Carol Arthur 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:

Application for Water Right
#1302

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 5 day of July, 19 89

and ending on the 12 day of July, 19 89

and that said notice was published in said newspaper. Carol A. Arthur

On this 12 day of July in the year

of 1989, before me, a Notary Public, personally

appeared Carol Arthur,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true,

and acknowledged to me that he executed the same.

Anna Thomas
Notary Public for Idaho

Residing at Bonners Ferry

My commission expires: 12-1-1994

NOTICE OF APPLICATION FOR
WATER RIGHT

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

98-07659

BYLER, RUDY; BYLER,
ESTER; YODER, RAY; YODER,
FERN; BOX 210A, NAPLES, ID
83847.

Source: UNNAMED STREAM,
Tributary: DEEP CREEK

Diversion Pt.: NENW Sec. 12
T61N, R 01W

Use: DOMESTIC (.090 CFS)

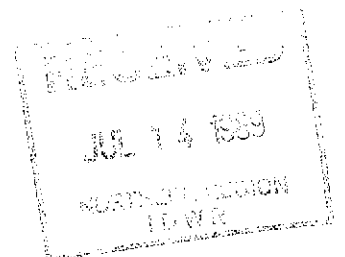
Date Filed: 6-21-1989

In: T61N R01W S12 NWNE SENW
NESW

For additional information con-
cerning 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 JULY 24, 1989.

R. KEITH HIGGINSON, Director
No. 1302 Jly 5, 12-2t



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SEP 28 1989



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

September 28, 1995

RAY YODER
ESTHER BYLER
RUDY BYLER
FERN YODER
HC 1 BOX 328A
NAPLES ID 83847

RE: WATER RIGHT NO. 98-07659

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

JAN 21 1996

MEMORANDUM

DATE: SEPTEMBER 18, 1995
TO: File 98-07659
FROM: Roberta Loveall
SUBJECT: Correspondence

=====

Mr. Ray Yoder has requested that any further correspondence be sent to Mr. Rudy Byler (same address).

RECEIVED
FBI - MEMPHIS
JAN 21 1996



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

September 15, 1995

RAY YODER
FERN YODER
RUDY BYLER
ESTHER BYLER
HC 1 BOX 328A
NAPLES ID 83847

RE: Water Right No. 98-07659

Dear Water Right Holders:

On July 27, 1995, I received your signed application for amendment for permit no. 98-07659. The required fee of \$50.00 was not enclosed, however. On August 16, 1995, I spoke on the telephone with Mrs. Yoder to explain that the amendment is necessary to correct the place of use for your water right to reflect the development as it actually occurred. I also explained that the amendment fee is required by law. Mrs. Yoder indicated to me that the fee would be forwarded soon, but I have not yet received it.

Your water right cannot be licensed without the fee necessary to finalize the application for amendment. If I do not receive the fee within fourteen (14) days, I will assume you no longer have any interest in your water right and I will begin cancellation proceedings.

If you have any questions, please contact me at 208-327-7934 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

FROM S.W. Keen

DATE 8-16-95

TO File 98-07659

SUBJECT Phone conversation with Mrs. Yoder

Today I returned a call to Fern Yoder (208-267-2552) to discuss the amendment fee. ~~After~~ After I explained the appropriation process and the purpose of the amendment, Mrs. Yoder said she would send the fee.

MICROFILMED

JAN 31 1996

S.W. Keen

SIGNATURE



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

July 27, 1995

RAY YODER
FERN YODER
RUDY BYLER
ESTHER BYLER
HC 1 BOX 328A
NAPLES ID 83847

RE: Water Right No. 98-07659

Dear Water Right Holders:

We have received your signed Application for Amendment. However, before we can continue to process the license for your water right, we need you to remit the required \$50.00 filing fee.

Thank you for your prompt attention, and if you have any questions please call me at (208) 327-7946.

Sincerely,

SHELLEY WALTER KEEN
Water Rights Supervisor

SWK:rl

RECEIVED

JAN 31 1996



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

July 19, 1995

RAY YODER
ESTHER BYLER
RUDY BYLER
FERN YODER
HC 1 BOX 328A
NAPLES ID 83847

RE: WATER RIGHT NO. 98-07659

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact me. My telephone number is (208) 327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
JAN 31 1996



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

June 26, 1995

RAY YODER
ESTHER BYLER
RUDY BYLER
FERN YODER
HC 1 BOX 328A
NAPLES ID 83847

RE: WATER RIGHT NO. 98-07659

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure



JAN 31 1996

LICENSE REVIEW
Cindy Zimmerman

Permit #: 98-7650 Name: Joder/Byler Date: 6/23/95
App Rcd 6/21/89 Priority 6/21/89 Examined 8/24/94 ✓ Lots ✓

NAME Chng OK ✓ Or Address Change?

SOURCE Clarify source Caribon Creek. Trib to Deep Creek.
No Prelim. Order to Void - Source change.

P/D Amendment Needed? _____ -P39, P38
Overlap(s) none

P/U Amendment Needed? SWNE -P41, P38
Overlap(s) none
*P/D & P/U Amend? P37, P38
(See paragraph list for governmental agencies.)

RATE Permit/fee limits 0.09/0.09
Measured Q= None cfs Theoretical Q= None cfs
dom x 3 km = 0.09
Recommended rate 0.09 cfs

VOLUME Season of Use: () 1/1 - 12/31 = 365 days
Calculations: dom x 3 kms = 3 kms x 1.2 AF/km = 3.6
Flow limit: 0.09 x 365 x 1.9835 = 6562 AF
Recommended volume 3.6 AF

USES Same Nature of Use? _____ -P46
Amendment Needed? _____

REMARKS Multiple p/d's in 1/1?
Irrigation water overlap (WB3) (If gw use sw)
✓ ① woi/3

CONDITIONS Measuring (R01)/Locking (R02) Devices
Watermaster Control (R04) - WD # _____
Irrigation rate/volume overlap
Water Quality
Other

PRIORITY due 10/1/92 Correct fee? Yes/No Receipt # C025358 8/31/92
Order to Reinstate Needed? Yes/No Done? _____
Advance(d)? Yes/No Advance(d) to: _____

COMMENTS: Clarify source name.
amend p/u

RECOMMENDED	CFS	DIV VOL	Adjustment Memo
<u>Dam / 3 km</u>	<u>0.09</u>	<u>3.6</u>	<u>✓</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>TOTAL</u>	<u>0.09</u>	<u>3.6</u>	<u>_____</u>

#1 AMEND LTR: P46 or P39/P41/P37 & P38
#2 AMEND LTR: P42/P47

MEMORANDUM

DATE: June 23, 1995
TO: File No. 98-07659
FROM: Cindy Zimmerman
SUBJECT: Adjustments to Beneficial Use Exam

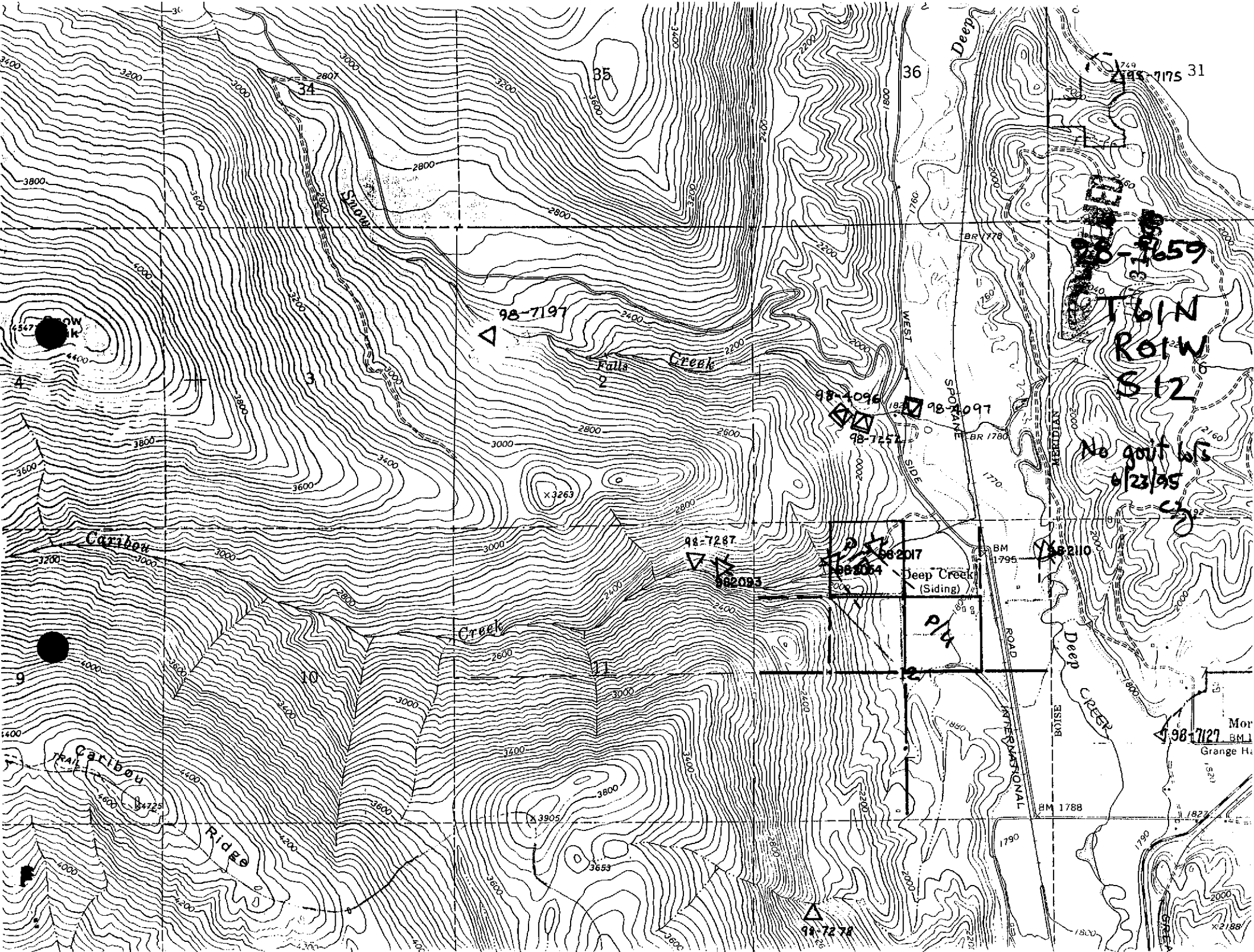
=====

The following adjustments were made on the field exam to reflect correct tributary and annual volume.

1. The permit identifies the source as unnamed stream tributary to Deep Creek. The USGS orthoquad identifies that reach as Caribou Creek tributary to Snow Creek (which in turn is tributary to Deep Creek). There is no change in the location of the point of diversion or source, merely a clarification of the source's name (see attached map).
2. Annual Volume
 - a. Domestic use for 3 homes = 3 hms x 1.2 AF/hm = 3.6 AFA.

MAKED FILMED

JAN 31 1996



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 98-07659

1. Owner: RAY Yoder Rudy BYLER Phone No. (208) 267-2552

Current Address: HCR 01 BOX 328A NAPLES Id, 83847

2. Accompanied by: — EXAM DATE: 8/24/94

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: CARIBOU Creek tributary to DEEP CREEK *

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 98-02017

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NW	12	61N	01W	Boundary	USGS 7.5 min quad

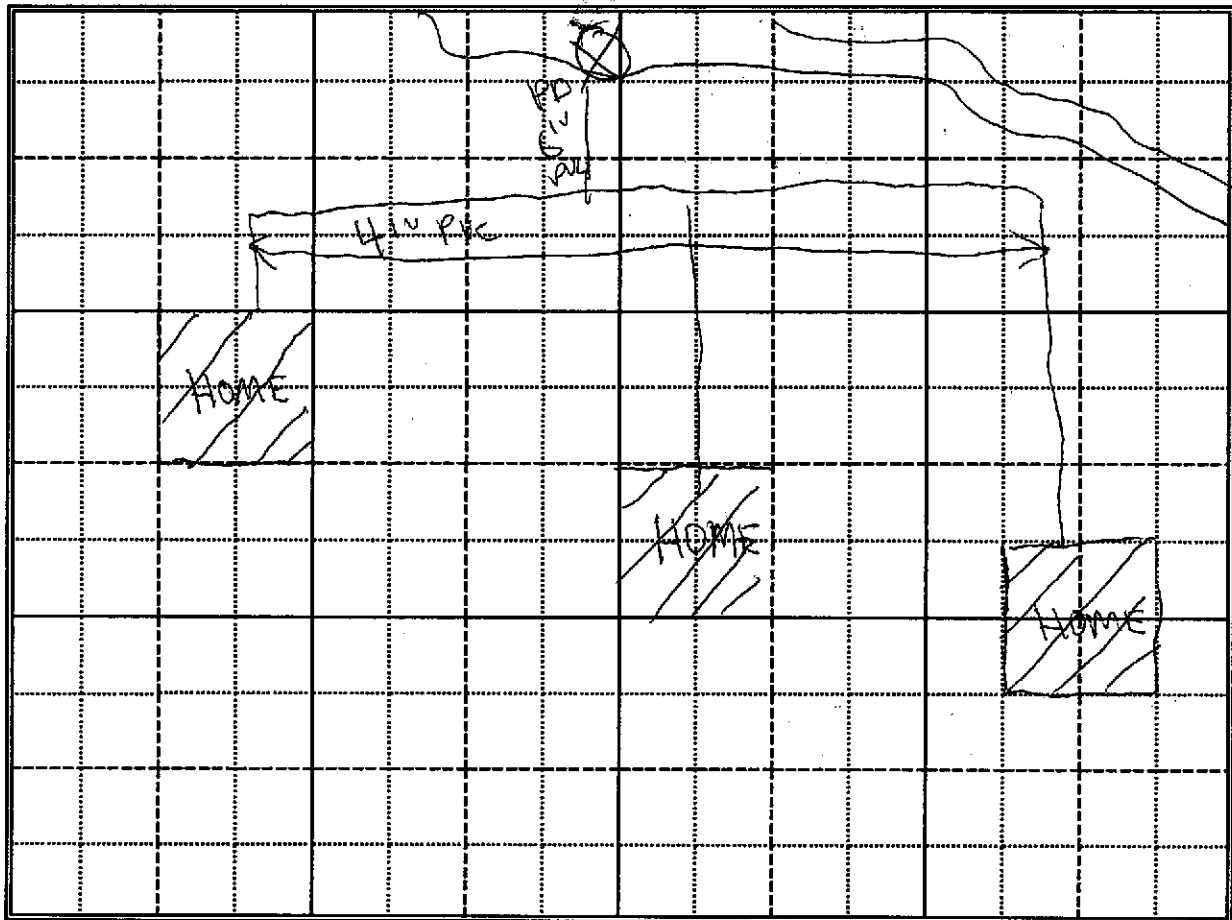
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	01W	12			D														

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



Scale: 1" = _____

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

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

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

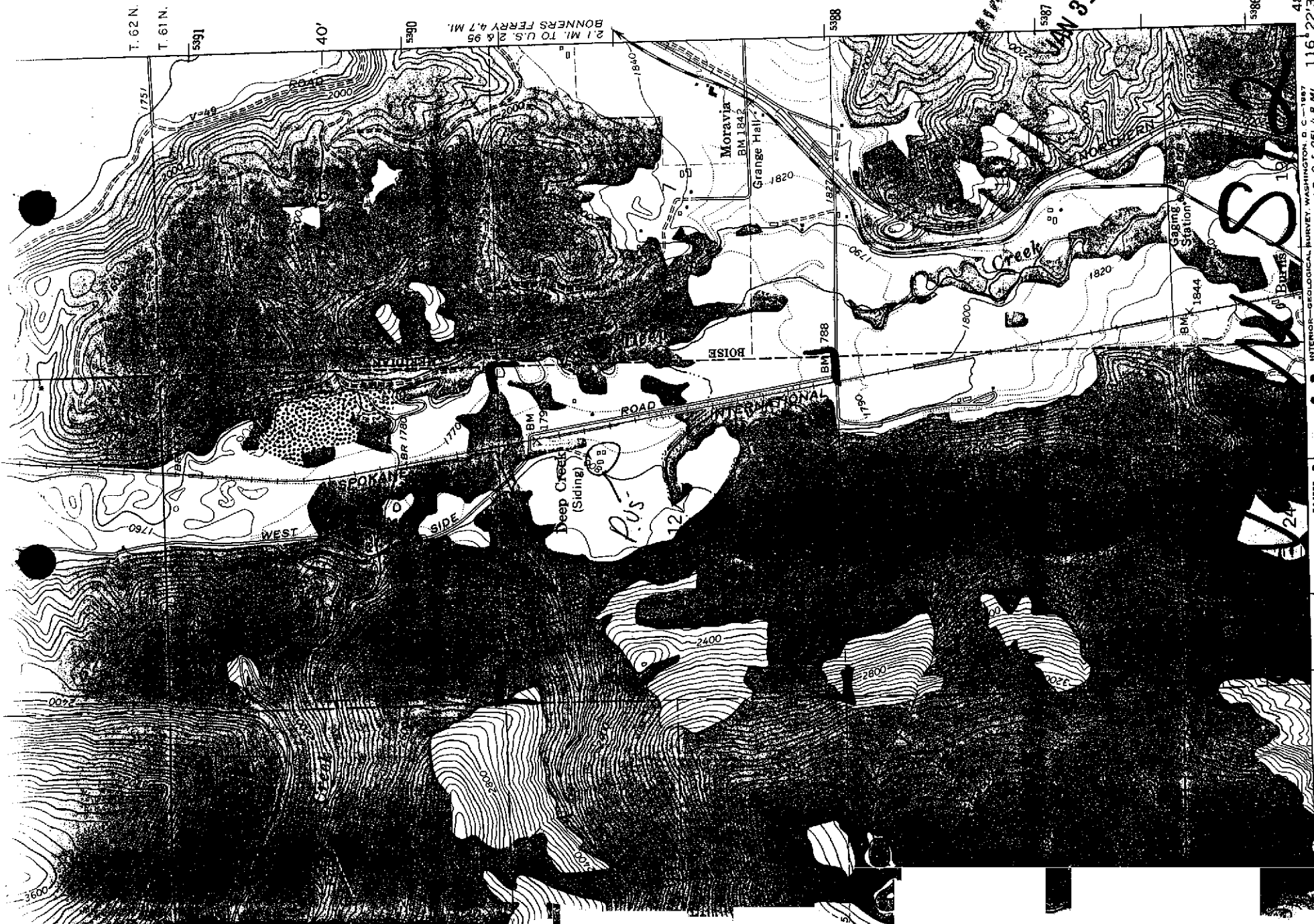
D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

JAN 31 1990



R.1 W. R.1 E. ⚡ NAPLES (U.S. 2 & 93) 4.8 MI.
SANDPOINT 24 MI.

R.1 W. R.1 E. ⚡ NAPLES (U.S. 2 & 93) 4.8 MI.
SANDPOINT 24 MI.

R.1 W. R.1 E. ⚡ NAPLES U.S. 2 & 930 4.8 MI.
SANDPOINT 24 MI.

54700075

10

1

25

1

1542

MI. 3455 "ST. Q.

WENTYMI
2781

E. NARRATIVE/REMARKS/COMMENTS

WATER GRAVITY Fed from CACIBOU CCK To HOMS

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

MINORIFIED
JAN 31 1996

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	01-01	12-31	.09	*
Totals:				

2. Recommended Amendments

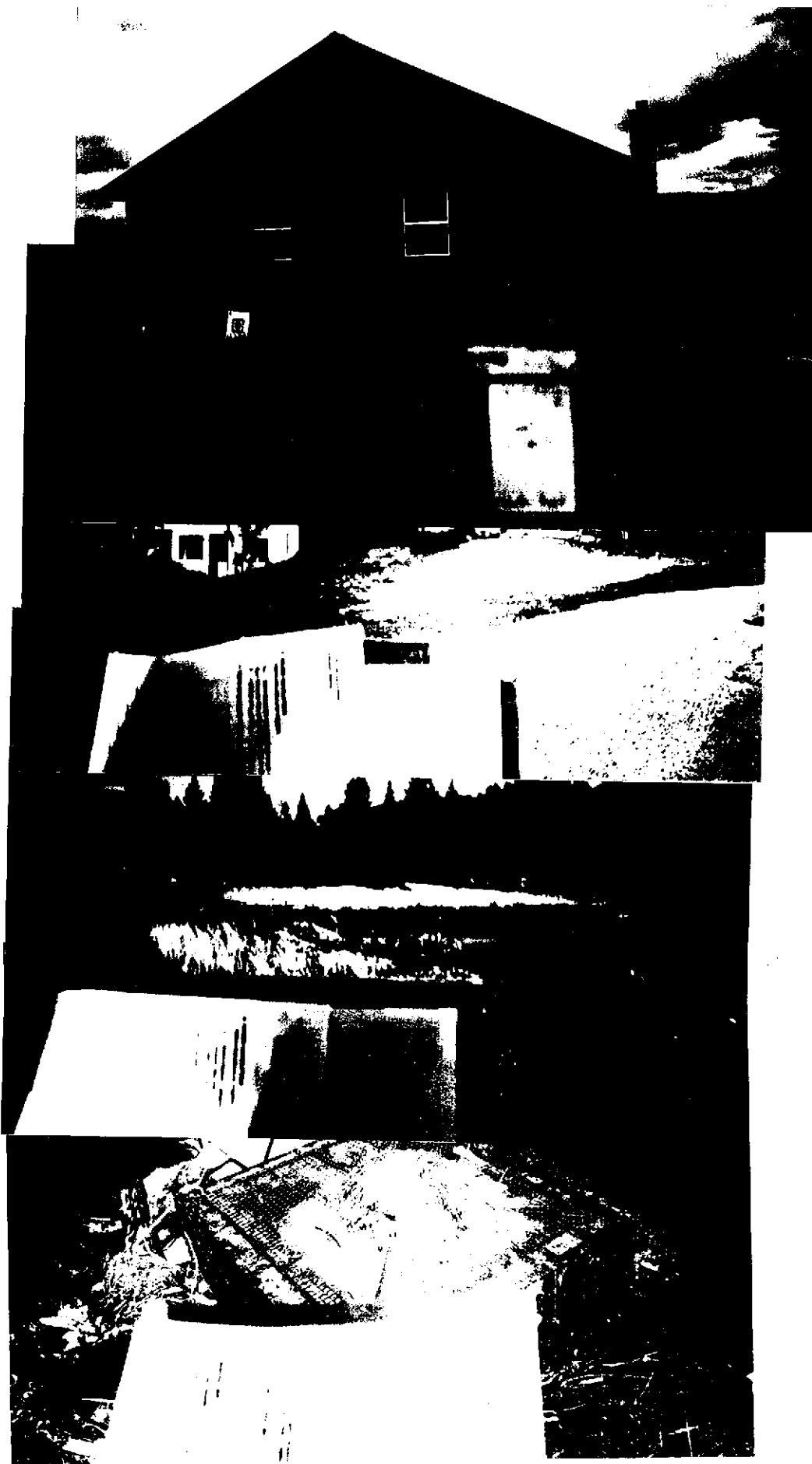
____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATIONField Examiner's Name TEA McCracke Date 8-24-94

Reviewer _____ Date _____

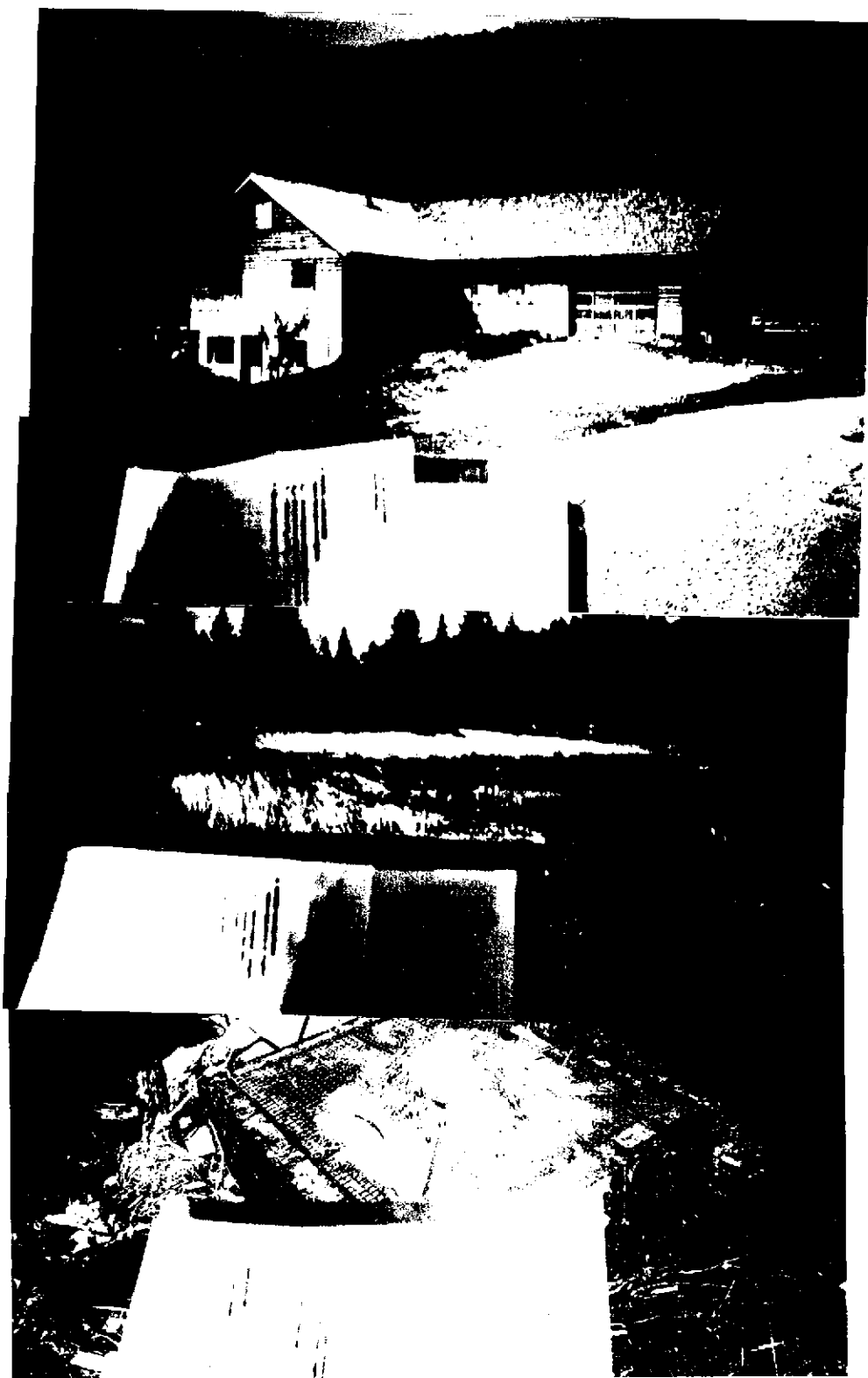
* Adjustments made during review for license approval.
See memo for additional information 6/23/95 cy.

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SEAL
JAN 31 1996



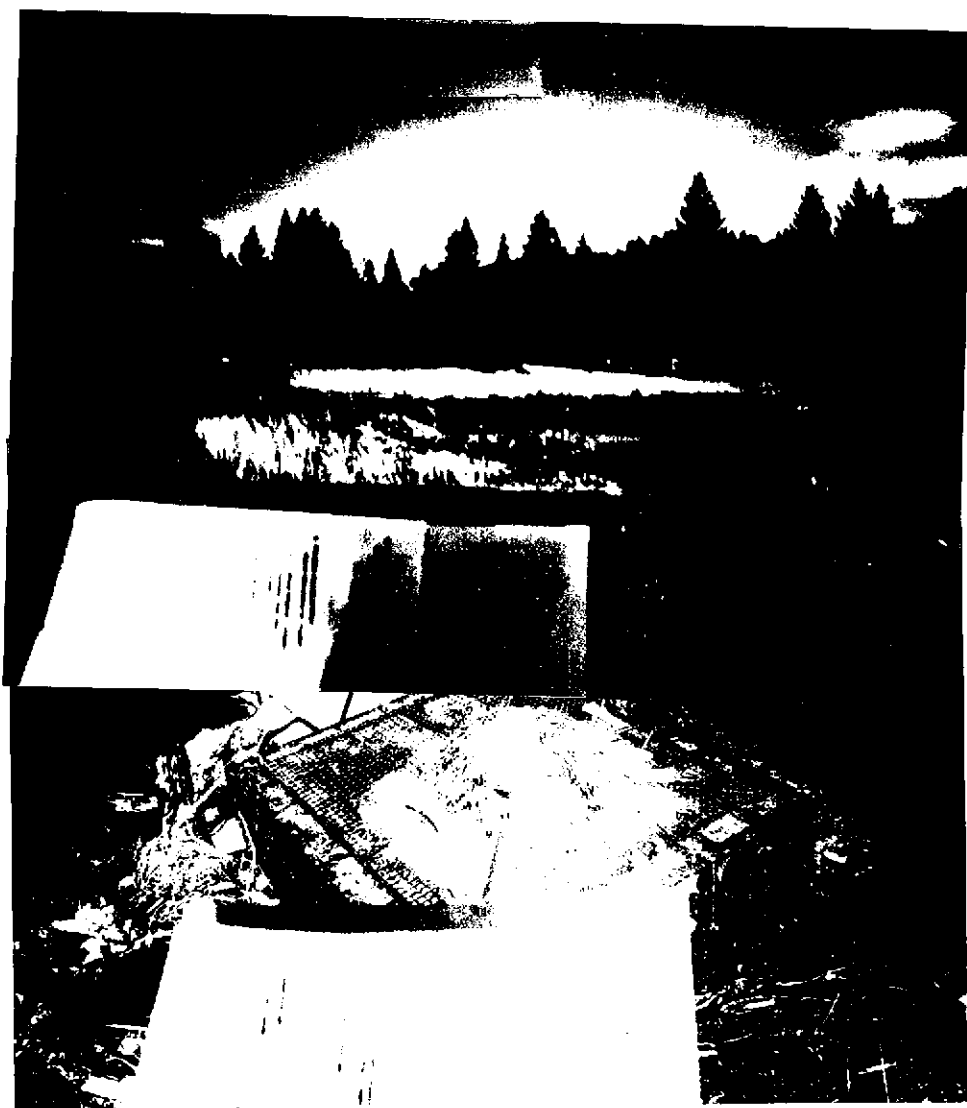
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JAN 31 1996



RECORDED

JAN 31 1996



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JAN 31 1996



UNCLASSIFIED

JAN 31 1996

September 4, 1992

ESTHER BYLER
RUDY BYLER
RAY YODER
FERN YODER
HCR 01 BOX 328A
NAPLES ID 83847

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07659

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

SEP 11 1992

DEC 11 1992

July 31, 1992

ESTHER BYLER
RUDY BYLER
RAY YODER
FERN YODER
P.O. BOX 210A
NAPLES ID 83847

PROOF DUE NOTICE

RE: PERMIT NO. 98-07659

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 October 1, 1992. (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.

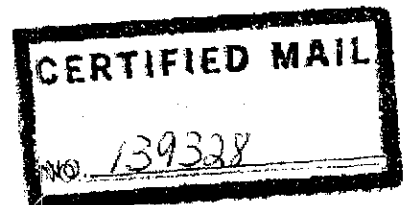
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

DEC 17 1992



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. P98-07659
Name(s) of Permit Holder(s): RAY Yoder - Fern Yoder - Esther Byler - Rudy Byler
Post Office Address: P.O. Box 210A Naples Id. 83847
Tel. No. 267-2586

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on Sept. 1989 (date). I understand that I must continue to develop the water system with diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:
- DEC 7 1992

*Note: A financing difficulty is not an acceptable reason.

Oct 3 - 89
Date

Ray Yoder
Signature of Permit Holder

Ray Yonker
HCR01 Box 328A
Naples Id. 83847



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83847

OCT 12 1989

DEC 17 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources STATEHOUSE

BOISE, IDAHO 83720



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
September 25, 1989

ESTHER BYLER
RUDY BYLER
RAY YODER
FERN YODER
P.O. BOX 210A
NAPLES, ID 83847

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P98-07659

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

SEP 28 1989



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES NORTHERN DISTRICT

COEUR D'ALENE, IDAHO 83814

1910 Northwest Blvd., Suite 210
Telephone: (208) 765-4639

Re: Application for Permit No. 987659

Dear Applicant:

The Department of Water Resources herewith acknowledges receipt of your application for a permit to appropriate a portion of the public water of the State of Idaho as well as the appropriate filing fee, for which a receipt is enclosed. The appropriation application has been assigned the above-referenced number. To assist us in providing you with accurate, speedy service, please refer to this number in all future correspondence.

Your appropriation application is currently in the process of being advertised in the county newspaper. The advertisement will be published for two weeks followed by a waiting period of ten days to allow for the submittal of protests.

If the appropriation application is protested, you will be sent a copy of the protest. All protests must be resolved before the appropriation application can be approved or denied. If the protestant does not voluntarily withdraw the protest, this Department will conduct a conference and/or hearing on the matter.

If the appropriation application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will then conduct a complete review prior to the final processing of the appropriation application and notify you of the outcome of this review. If the appropriation application is approved, a copy of your appropriation permit (bearing the reference number) will be sent to you.

If your source of water is a well (unless you are using a well that is already in existence), you will also have to apply for a permit to construct the well. These drilling permits can be obtained from this office, but can only be issued to holders of valid ground water rights or approved appropriation permits.

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

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms
Enc. - Receipt

RECEIVED

SEP 26 1989

98-07659

BYLER, RUDY
BYLER, ESTHER
YODER, RAY
YODER, FERN
BOX 210A
NAPLES, ID 83847

Source: UNNAMED STREAM

Tributary: DEEP CREEK

Diversion Pt: NENW Sec 12 T 61N R 01W

Use: DOMESTIC (.090 CFS)

Date Filed: 6/12/1989

In: T61N R01W S12

NWNE

SENE

NESW

*changed on
6/29/89*

UNRECORDED

SEP 28 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

June 14, 1989

Mr. Ray and Mrs. Fern Yoder
Mr. Rudy and Mrs. Esther Byler
Box 210
Naples, Id. 83847

Re: Water Appropriation Application

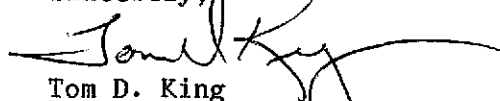
Dear Applicant:

The Idaho Department of Water Resources acknowledges receipt of your Application For Permit To appropriate The Public Waters Of The State Of Idaho and your Application For Transfer of Water Right #98-02054. However the application for permit has not been signed, so I am returning it to allow you to sign it. I am also returning the application for transfer, since there is a \$30.00 filing fee for each application.

Please sign the application for permit and return it; the application for transfer, purchase contract, and both statements with the \$60.00 filing fee.

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

Sincerely,


Tom D. King
Sr. Water Resource Agent

Enc: App. Perm.
App. Trans.
Fallquist Stmt.
Scearce Stmt.
Contract

RECEIVED

SEP 28 1989