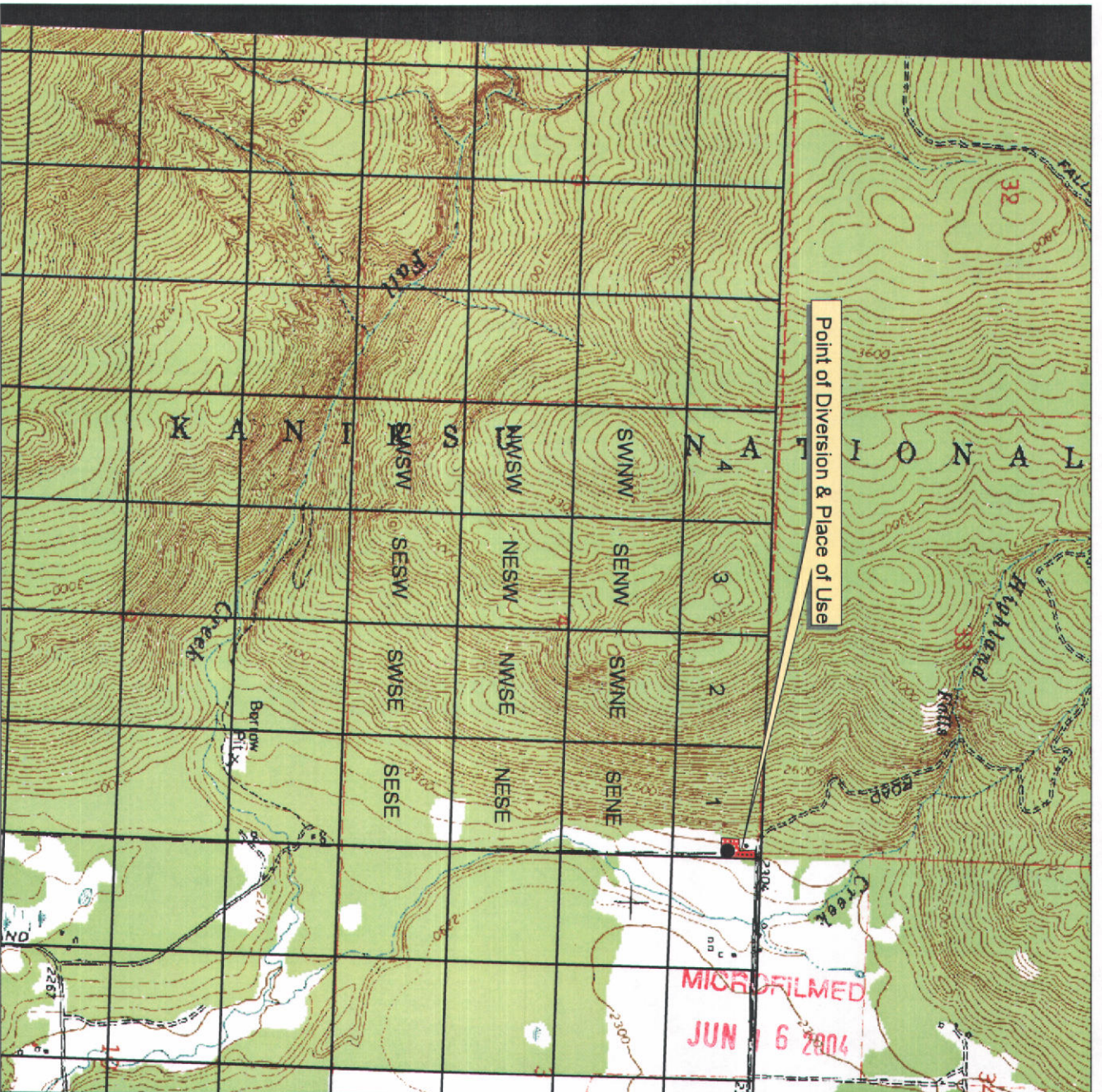




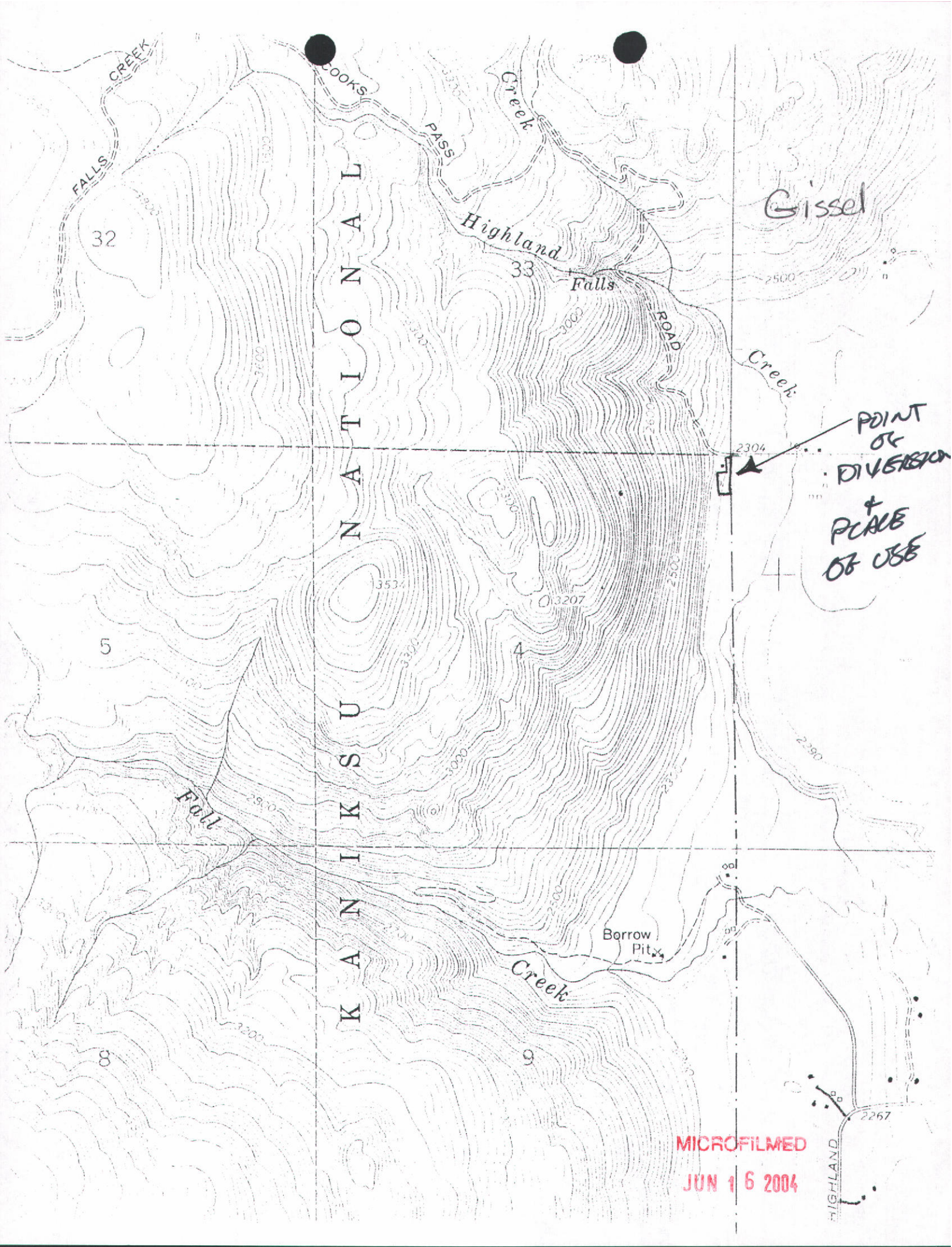
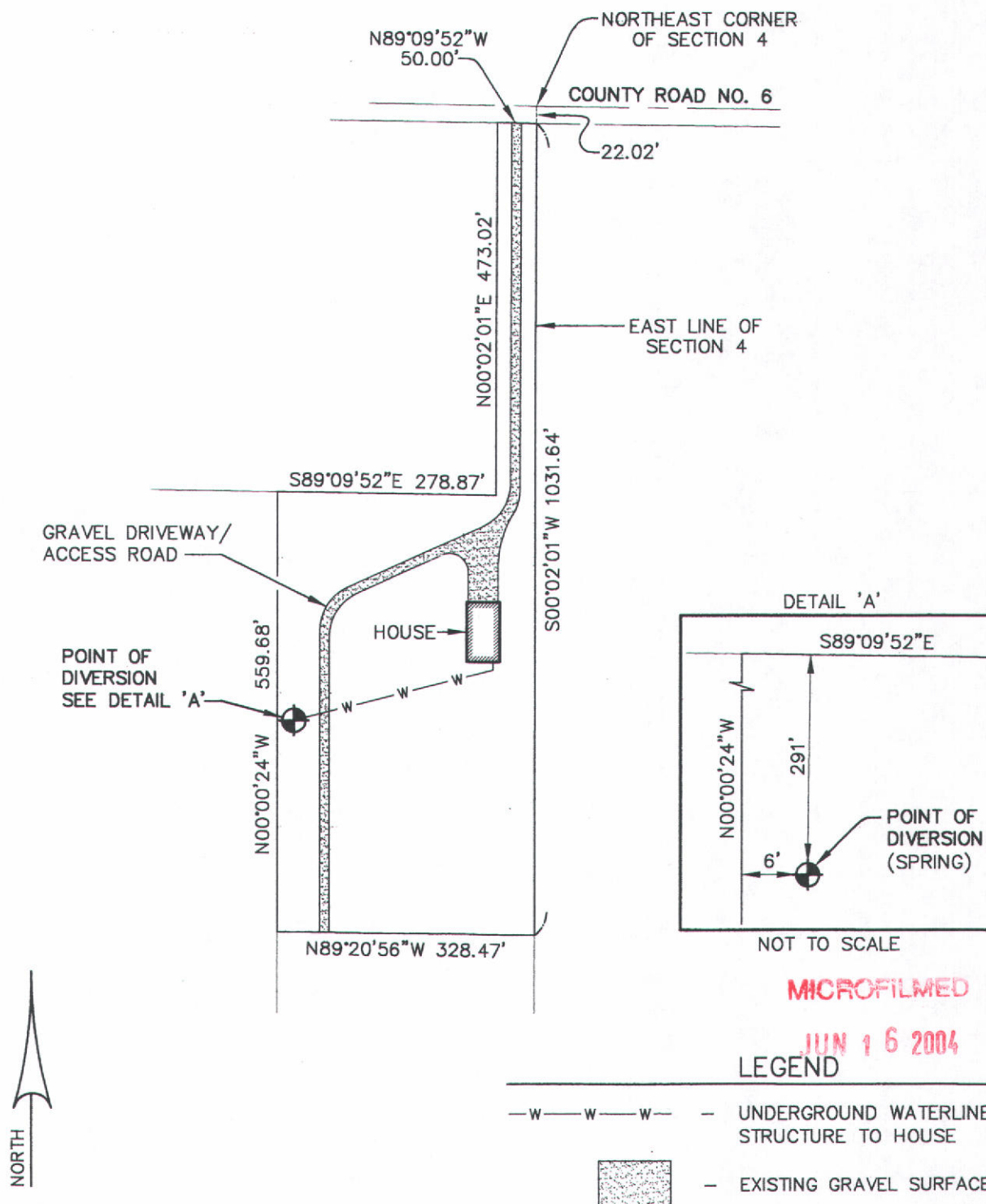


EXHIBIT MAP APPLICATION FOR WATER RIGHTS PERMIT

FOR JEREMY GISSEL
LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4
OF THE NORTHEAST 1/4 OF SECTION 4,
TOWNSHIP 60 NORTH, RANGE 1 WEST, B.M.
BOUNDARY COUNTY, OREGON
DATE: FEBRUARY 26, 2002



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
98-7811 IN THE NAME OF DENNIS) **REINSTATEMENT ORDER**
R. MC LEISH JR.)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before September 1, 2003; and

WHEREAS, the Department notified the permit holder on June 30, 2003 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on September 5, 2003, since it had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on September 8, 2003;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 98-7811 is **REINSTATED** with an advance in priority to **April 11, 2002**.

DATED this 4th day of November, 2003.



Gary Spackman

MICROFILMED
JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP - 8 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

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.

1. Permit No. 98-7811 Telephone No. 208-267-7838
 2. Name of Permit Holder(s): Dennis R. McLeish JR.
 3. Mailing Address: PO Box 3083
City Bonniers Ferry State ID Zip 83305
 4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.
Well Driller: Drilling Permit Number:
 5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other:
 6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR acre-feet
 7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes or No ✓
Has the measuring device been installed? Yes or No ✓
 8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
25.00 Assign. of Permit
 9. Person to contact to accompany the Department representative during field examination of the water system.
Name: N/A Telephone Number:
Address:
 10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Dennis R. McLeish Jr. Date: 9-4-03
(include your title, if on behalf of company or organization)

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JUN 16 2004

SEP 2 2003

11/99

Department of Water Resources

For Office Use Only
 \$25 filing fee ☒
 Receipt # 6272801
 Date 9.8.03

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Jeremy Gissel, hereby assign to Dennis R. McLeish JR.
 of, PO Box 3083 Bonners Ferry Id 83805 (208) 267-7838
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 98-7811 to
 appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
 Permit No. _____ to appropriate the public waters of the State of Idaho.
 (Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
 subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 19 day of September, 20 03.

Jeremy Gissel
 Permit Holder(s)

State of ~~Idaho~~ Oregon)

County of Yamhill)ss

On this 19th day of September, 20 03, personally appeared before me the signer(s) of the above
 instrument, who duly acknowledged to me that he (she) (they) executed the same.

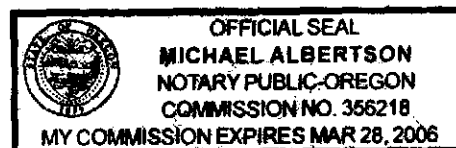
Michael Albertson
 Notary Public residing at

SEAL

Michael Albertson

MICROFILMED

My commission expires: March 28, 2006



JUN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07811

Priority: 04/04/2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, Twp 60N, Rge 01W, B.M. BOUNDARY County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
60N 01W 4	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2003**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of September, 2002.


for KARL J DREHER, Director

MICROFILMED
JUN 16 2004

69837

Ident. No. 98-7811

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
AUG - 1 2002

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant JEREMY GISSEL Phone 255-2684
Mailing address 414 N DIVISION SANDPOINT, ID 83864
2. Source of water supply SPRING which is a tributary of HA SINKS
3. Location of point of diversion is Township 6D NORTH Range 1 WEST Sec. 4 in the EAST 1/4 of
THE NE 1/4 Govt. Lot 1, B.M., BOUNDARY County:
- additional points of diversion if any: Ø

4. Water will be used for the following purposes:

Amount .02 CFS for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

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

5. Total quantity to be appropriated is (a) .02 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source DEVELOPED SPRING
PIPELINE 2"-1"
TO HOME.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. _____

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JUN 16 2004

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.

GOVT. LOT 1

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	1W	4	D																

Total number of acres to be irrigated _____

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

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

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

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: _____

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

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

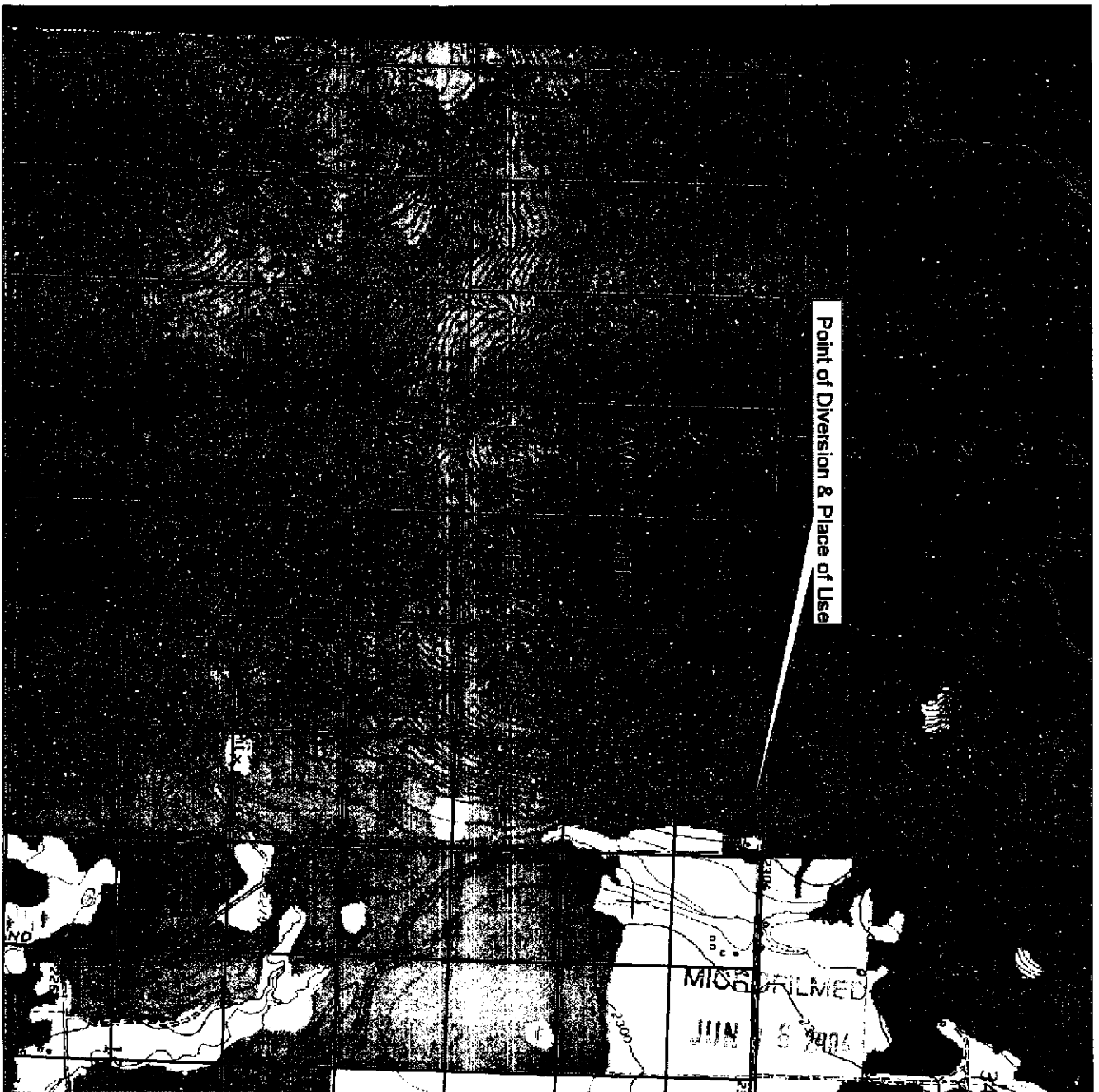
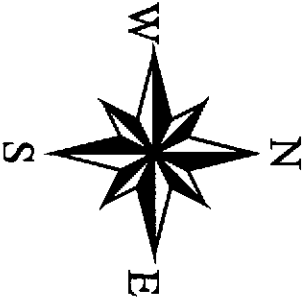
Jeremy Gissel
Signature of Applicant (and title, if applicable)

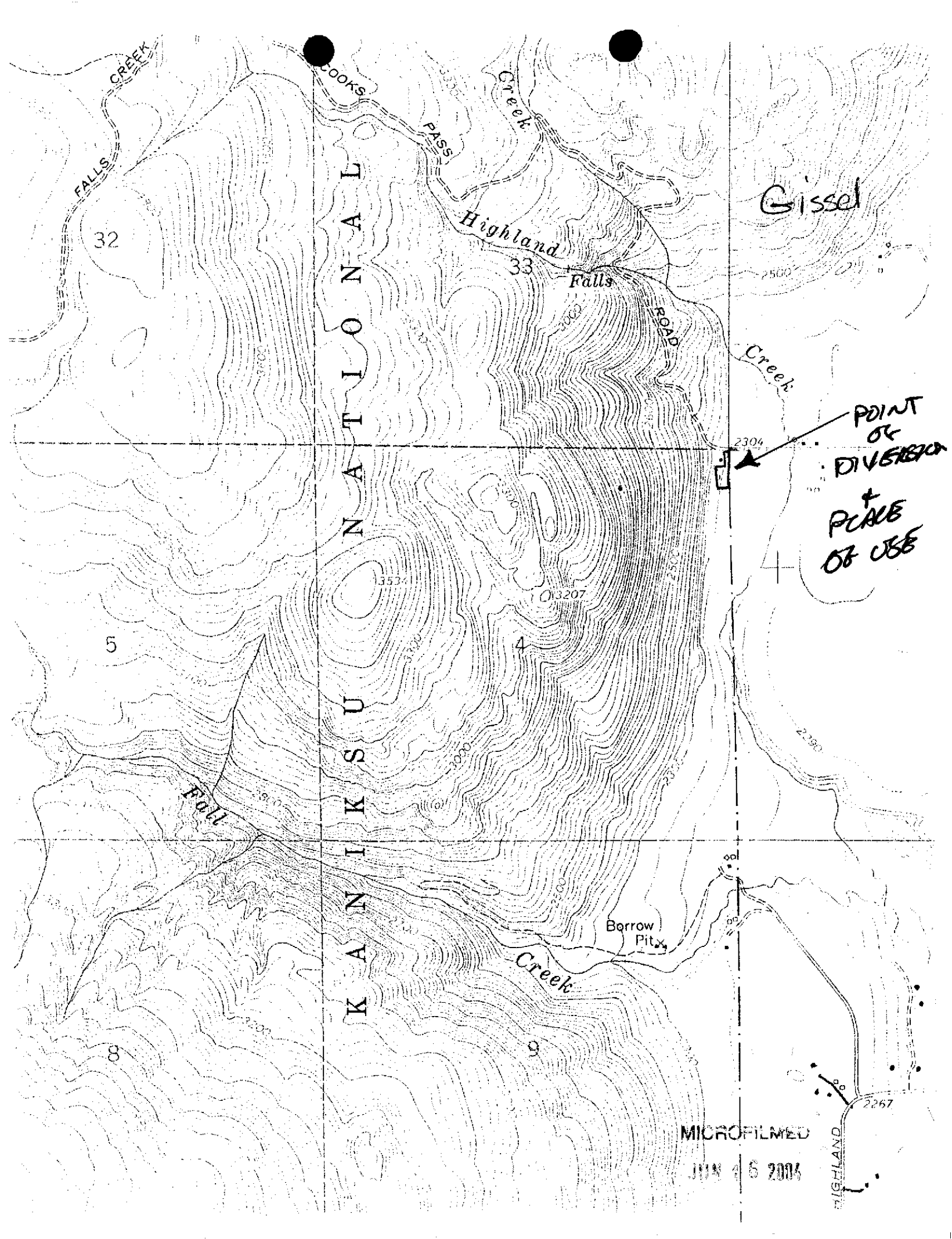
Received by JP Date 4/4/02 Time 1:15P Preliminary check by JP
 Fee \$ 100.00 Receipted by JP # N014931 Date 4/4/02
 Publication prepared by JP Date 4/29/02 Published in Bonanza Ferry Herald 5/2+9/02
 Publication approved _____ Date _____

MICROFILMED

JUN 15 2004

Quad IndexQuadcov.shp
T60n01w.shp





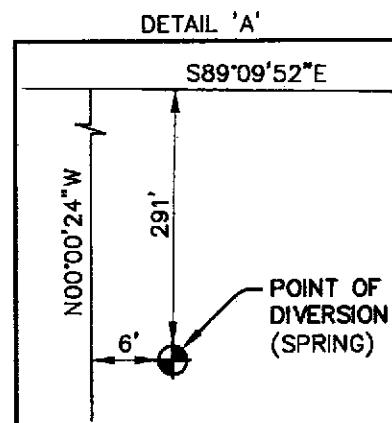
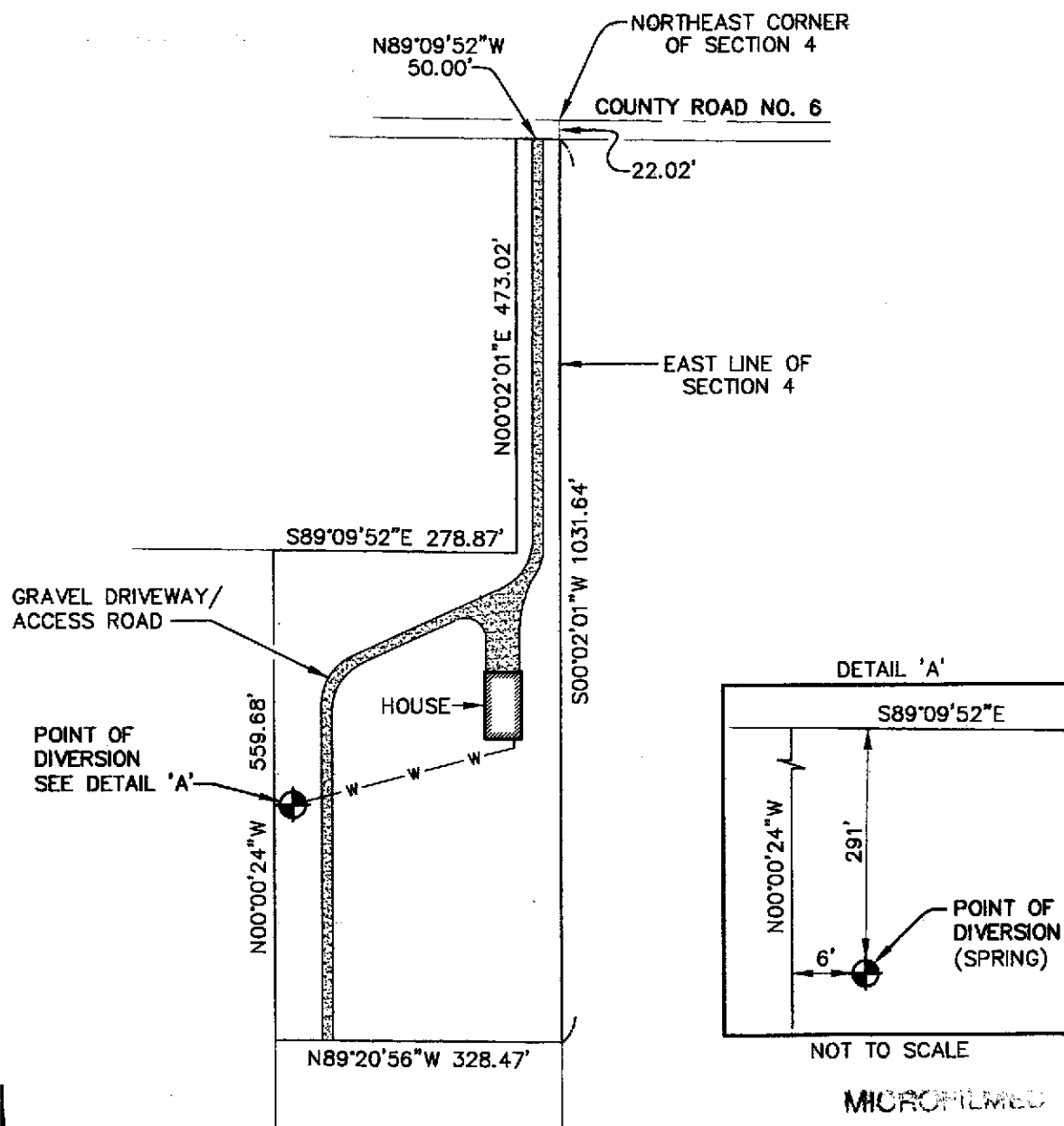
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JUN 16 2004

HIGHLAND

EXHIBIT MAP APPLICATION FOR WATER RIGHTS PERMIT

FOR JEREMY GISSEL
LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4
OF THE NORTHEAST 1/4 OF SECTION 4,
TOWNSHIP 60 NORTH, RANGE 1 WEST, B.M.
BOUNDARY COUNTY, OREGON
DATE: FEBRUARY 26, 2002



NOT TO SCALE

MICROFILMED

JUN 15 2003

LEGEND

- W — W — W — — UNDERGROUND WATERLINE FROM STRUCTURE TO HOUSE
-  — EXISTING GRAVEL SURFACE



SCALE: 1" = 200'



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 6, 2003

DENNIS R MC LEISH JR
PO BOX 3083
BONNERS FERRY ID 83805

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 98-7811

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. 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. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)

MICROFILMED

JUN 16 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 98-7811

Reviewed By: dgibson

Date: October 31, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014931, C070800	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		09/08/2003
Date proof due	-	09/01/2003
Lapse notice sent	-	09/05/2003
No. of days late	=	7
Holiday allowance	+	
Priority date	+	04/04/2002
New priority date	=	04/11/2002

Deficiencies of Actions Items

Acknowledge proof. *Reinstall permit & advance priority to 4/11/02.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 22, 2003

DENNIS R MC LEISH JR
PO BOX 3083
BONNERS FERRY ID 83805

RE: Change of Ownership for Water Right Permit 98-7811

Dear Water Right Holder(s):

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

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

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

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
JUN 16 2004

September 5, 2003

JEREMY GISSEL
PO BOX 1232
SHERWOOD OR 97140-1232

LAPSE NOTICE

RE: PERMIT NO. 98-7811

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated June 30, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

MICROFILMED

JUN 15 2004

CERTIFICATION OF MAILING
I hereby certify that on 9/5/03
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dg

Domestic Mail Only; No Insurance Coverage

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

\$

7/9/03
MICROFILMED
Postmark

Postmark

Here

JUN 1 6 2004

\$

Street Apt. No.: PO Box No.

City, State, ZIP+4

City, State, ZIP+4
Sherwood, OR 97140-1232

Certified Mail Provides:

- A mailing receipt
- Unique identifier for your mailpiece
- Signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEREMY GISSEL
PO BOX 1232
SHERWOOD OR 97140-1232

98-7811

2. Article Number (Copy from service label)

7000 1670 0013 9129 9584

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

Service Type

☒ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☒ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

JUL 17 2003

IDAHO DEPT OF WATER
Department of Water Resources
RESOURCES
ATTN DEBORAH GIBSON
1301 N ORCHARD ST
BOISE ID 83706

MICROFILMED

JUN 16 2004



GENERAL MAIL

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1204 North Orchard Street, P.O. Box 83720
Idaho 83720-0098

Return Service Requested

RECEIVED

JUL - 8 2003

Department of Water Resources



7000 1670 0013 9129 9591

98-7811

Rec'd 7/9/03
dy

RECORDED

JUN 3 8 2004

6155099 330473012 1603 07 07/03/03
RETURN TO SENDER
GISELL 1232
PO BOX 1232
SHERWOOD OR 97140-1232
RETURN TO SENDER

June 30, 2003

JEREMY GISSEL
PO BOX 99
NAPLES, ID 83847-0099

PROOF DUE NOTICE

RE: PERMIT NO. 98-7811

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

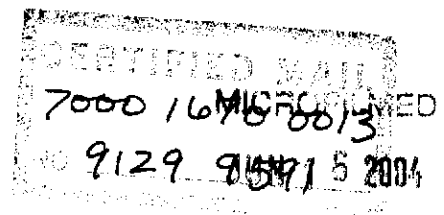
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 28 2002

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 98-07811

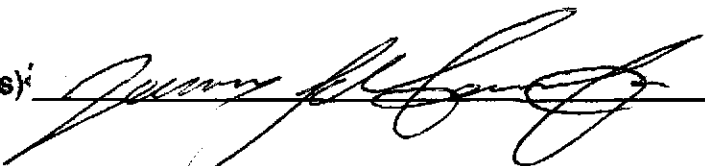
[] Name(s): JEREMY GISSEL

[] Old Mailing Address: _____

[] New Mailing Address: PO BOX 99

NAPLES ID 83847-0099

Telephone Number: (208) 267 - 4830

[] Signature(s) of Owner(s): 

(Include your title if on behalf of company or organization)

Date: 10-24-02

database entry - 10.28.02 - Keri Lynn

MITCHELL
JUN 16 2004

Person Service Requested

OCT 21 2002

Department of Water Resources

Permit #98-07811
Mail resort w/ address
Change form.
Kari Lynne
10.21.02

MACROPHOTOCOPY
JUN 16 1961

030647-0099
NAPLES ID 03047-0099
P.O. BOX 99
RETURN TO SENDER
GISSAIA 1602 07 10/17/02

IDENTIFIED? 80/10000

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

October 9, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864

RE: Permit No. 98-7811

Dear Mr. Gissel:

Per your discussion with Shelley Keen of this office, this letter will serve as notice that condition nos. 3 and 4 on the permit approval dated 9/6/2002 are not applicable to your water diversion from a spring that sinks.

We will not be issuing a new permit with these conditions removed, rather, the conditions will not be applied to a license, if one is issued and if the permit information agrees with the findings of the field examiner.

If you have any further questions, please give us a call.

Sincerely,

Sharla Curtis
Senior Water Resource Agent

MICROFILMED
JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2002

JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864

RE: Permit No. 98-7811

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

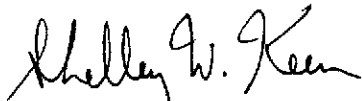
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
JUN 15 2004

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

JUN 16 2004

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

98-7811

JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864



Kari Lynn Townsend
Secretary

MICROFILMED
JUN 16 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
JUN 16 2004

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: File 98-7811

From: Sharla

Date: September 6, 2002

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream bed. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

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JUN 16 2004

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 9-6-02

No. 98-7811 Name: Gissel Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: ☒ No/Yes ☐ Moratorium ☐ GWMA ☒ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)

WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 9/01/2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

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

RIVER BASINS: (SW special considerations)

Snake R (01) - X23, N/A
 (02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - X23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109, X64
FISH PROP - 029 (70's only)-007-122-106

DOMESTIC

Surface water (1) - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - X03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple p/d's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS X15, X16

COMMENTS _____

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

W.R. # 98-7811

APPLICATION ID # 69837
INITIAL REVIEW

ENT. 7/22/02 BCA 4/25/02 OK to Publish 7/22/02

APPLICANT: GISSEL BY: TB DATE: 12/14/02

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

Shape File Created Date 4-18 By: TB
Field check: by _____
Field report attached _____
Analysis Supp. attached(>5cfs/500af) _____
Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 04/04/02

☒

(Include Moratorium Remark)

☒

Statewide Advertising: (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

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

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

Publication dates and paper recorded on application

Sr. Agent initial

Protests received,

Final protest date:

5/20/02

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by:

TB

Date: 7/26/02

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, July 30, 2002 11:28 AM
To: Zimmerman, Cindy
Subject: 98-7811 - Gissel



Document4.TIF

*Fi e Number 4 scanned 7/30/02. Dianne

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JUN 15 2004

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 ad 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:

4784 Water Right
Gissel

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

said paper for a period of 2 consecutive weeks,

commencing on 2 day of May, 20 02

and ending on the 9 day of May, 20 02

and that said notice was published in said newspaper.

On this 9 day of May in the year

of 2002, before me, a Notary Public, personally

appeared Carol A. 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.

Jan E. Driel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

RECEIVED
JUN 06 2002
IDWR/North

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

98-7811
JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864
Point(s) of Diversion
L1 NENENE S4 T60N R01W
BOUNDARY County
Source SPRING Tributary to
SINKS
Use: DOMESTIC 01/01 To 12/31
0.02 CFS

Total Diversion: 0.02 CFS
Date Filed: 04/04/2002
Place Of Use: DOMESTIC
T60N R01W S4 NENE Lot 1
Remark: Domestic use is for 1 home.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/20/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal BFH4784
May 2, 9, 2002

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JUN 16 2004

Bonnerr's Ferry Herald
P.O. Box 539
Bonnerr's Ferry, ID 83805
Phone: (208) 267-5521

**ADVERTISING
INVOICE/STATEMENT**

Statement		Agency/Client Name		
05/31/02		IDAHO DEPT OF WATER RESOURCES		
Total Amount Due		Terms of Payment		
60.72		net 15th		
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days
60.72	0.00	0.00	0.00	0.00

Page #	Billing Date	Billed Account #	Agency/Client Number		
1	05/31/02	50100586-000			
Billed Account Name & Address			Remittance Address		
IDAHO DEPT OF WATER RESOURCES 1910 NORTHWEST BLV SUITE 210 COEUR D' ALENE, ID 83814			Bonnerr's Ferry Herald P.O. Box 539 Bonnerr's Ferry, ID 83805		

RECEIVED

JUN 06 2002

IDWR/North

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
05/02/02	50556948-001	Beginning Balance	DIS		1	UD	59.16	59.16
05/09/02	50557075-001	#4784 WATER RIGHT	DIS		1	UD	31.08	90.24
		Affidavit					26.64	116.88
05/14/02	50556309-001	115707591	PAY				3.00	119.88
							-59.16	60.72

*File copy
OK to pay
b*

MICROFILMED

JUN 16 2004

Statement of Account Aging of Past Due Amounts					
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
60.72	0.00	0.00	0.00	0.00	60.72
Bonnerr's Ferry Herald P.O. Box 539 Bonnerr's Ferry, ID 83805			Past due accounts are subject to finance charges of 1 1/2% per month, which is an annual percentage of 18%, applied to the previous balance.		
Advertiser Information					
Statement Date	Billed Account #		Agency/Client Number		Agency/Client Name
05/31/02	50100586-000				

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

98-7811

JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864

Point(s) of Diversion L1 NENENE S4 T60N R01W BOUNDARY County
Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 04/04/2002

Place Of Use: DOMESTIC

T60N R01W S4 NENE Lot 1

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/20/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Bonners Ferry Herald on May 2 and 9, 2002.

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JUN 16 2004



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**

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2002

LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

FAXED TO (208) 267-5523
Approximately 3:30 pm 4/24/02

Total 2 pages

RE: Application for Permit No. 98-7811

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/20/2002. Your cooperation is appreciated.

Sincerely

Thanks to 

Dianne

Dianne Ball
Administrative Assistant

MICROFILM

JUN 18 2002

Con computer

May 7, 2002

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Via email to Diane Ball:

REFERENCE: Applications for the following water rights permits: #98-7811
GISSELL; # 96-9099 SLETAGER; 96-9096 LOWREY

We have reviewed the above named applications for water rights. Gissell requests a right for 0.02 cfs from an unnamed spring for domestic use; Sletager requests 0.04 cfs from Lake Pend Oreille for domestic use; and Lowrey requests 0.04 cfs from Lake Pend Oreille for domestic use.

We have no specific objections or comments about the above applications. However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. Applicants should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps in state waters.

We recommend that applicants be required to install lines beneath the lake, river or stream during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom to prevent it from floating and interfering with boat anchors or anglers' lines or capturing debris. The applicant should also provide a smooth cover for the pump to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

Ray Hennekey
Environmental Staff Biologist

C: IDFG NRPB, Boise; Greg Tourtlotte, IDFG, Cd'A; Applicants; File

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JUN 15 2004



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

April 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEREMY GISSEL
414 N DIVISION
SANDPOINT ID 83864

RE: Application for Permit No 98-7811

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonners Ferry Herald on May 2 and 9, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s)

MICROFILM

JUN 18 2004

Ball, Dianne

From: Ball, Dianne
Sent: Monday, April 22, 2002 11:39 AM
To: Ray Hennekey IDFG Cd'A (E-mail)
Subject: Application for Permit No. 98-7811 - Gissel

Dear Dept of Fish & Game: — *Ray, -*

[Ray, will you please let me know if this is an acceptable way for you to receive these, or if you prefer to have me to fax a copy of the the original application for your review - or would you prefer to receive these via regular mail. Thanks for your response to this question, also. Dianne]

~~~~~

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is attached as a Proof Report for your reference.



Proof Report -  
Gissel.doc

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt reponse to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be recieved in this office by May 20, 2002.

Please contact this office if you have any questions regarding the application.

Sincerely,

*Dianne*

Dianne Ball, Administrative Assistant  
Idaho Department of Water Resources  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814  
Phone 208-769-1450 FAX 208-769-1454

MICROFILMED  
JUN 15 2004