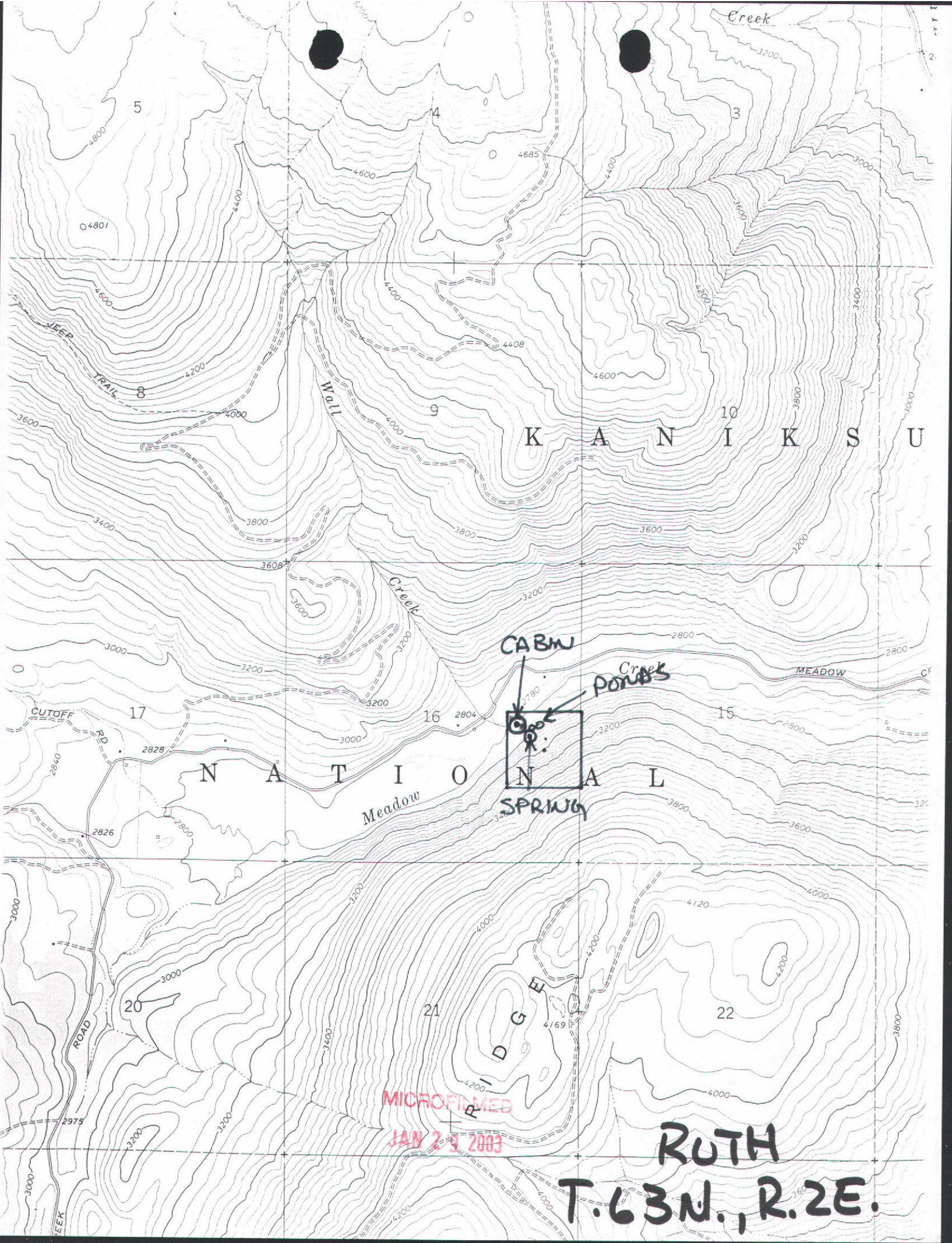
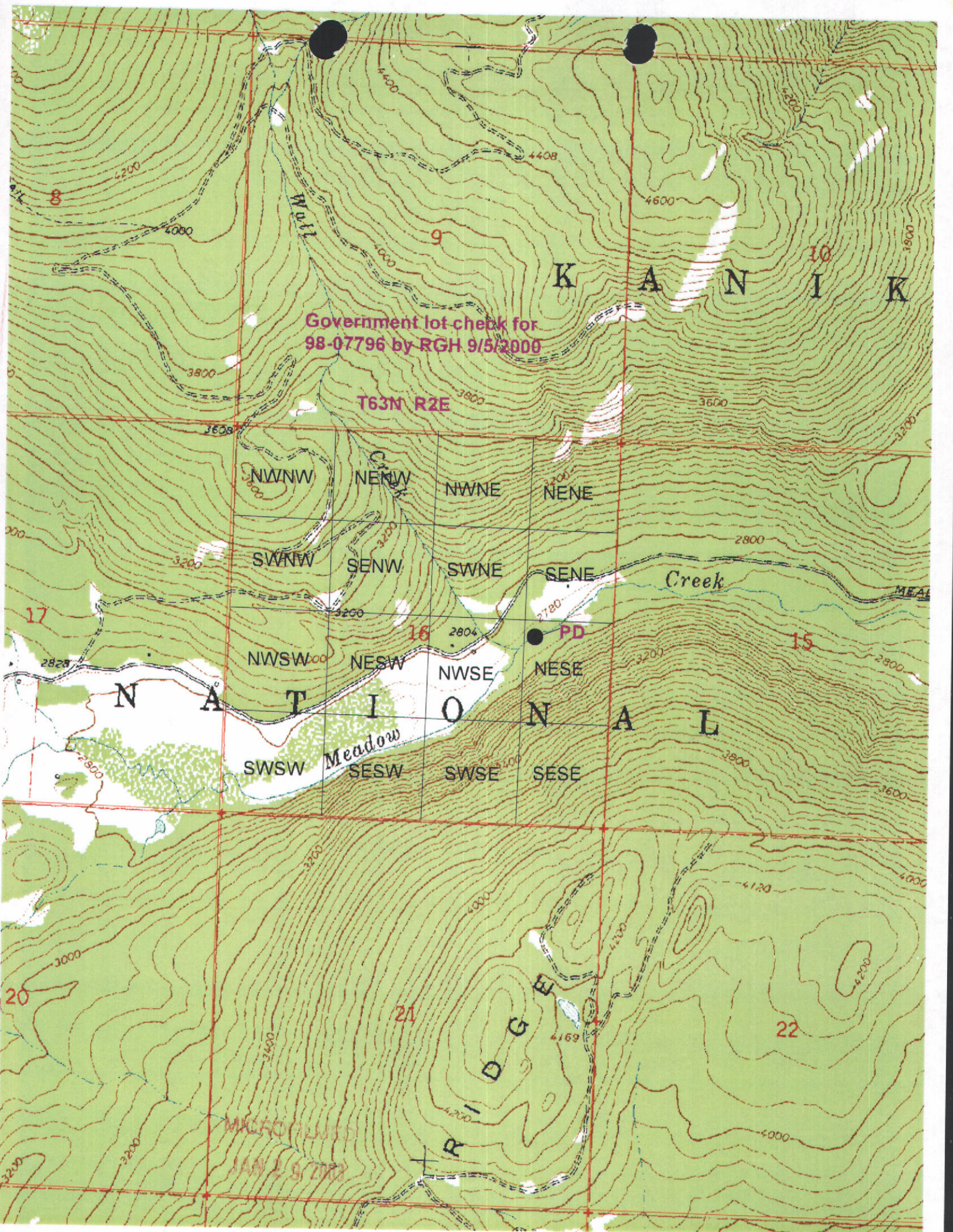






Government lot check for
98-07796 by RGH 9/5/2000

T63N R2E

PD

MICROFILMED
JAN 18 2002

98-07796

K A N I K S U

N A T I O N A L

CABIN

Creek Ponds

SPRING

MICROFILMED
DEC 03 2003

RUTH
T.63N., R.2E.

Government lot check for
98-07796 by RGH 9/5/2000

T63M R2E

NWNW

NENW

NWNE

NE NE

SWNW

SE NW

SWNE

SENE

NWSW

NESW

NWSE

NESE

SWSW

Meadow
SESW

SWSE

SESE

PD

Creek

MICROFILMED
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Pond



Pond 2



Spring

98-07796

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DEC 03 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 98-07796

Priority: April 12, 2000

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.4 AF

It is hereby certified that DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 12, 2000; and has
submitted Proof of Beneficial Use on November 13, 2000. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: MEADOW CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
RECREATION STORAGE	01/01 to 12/31		0.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, Twp 63N, Rge 02E, 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
63N 02E 16													X				

PLACE OF USE: RECREATION STORAGE – Same as Domestic

CONDITIONS OF APPROVAL

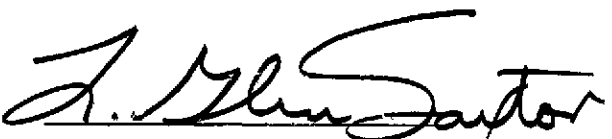
1. Domestic use is for 1 home.
2. Recreation storage use is for 2 fish ponds.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted under this right when flows in the Moyie River are below established minimum stream flows.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of April, 2003.

MICROFILMED

DEC 8 2 2003


for **KARL J. DREHER**
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

NOV 13 2000

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. 98-07796 Telephone No. 208-267-3925

2. Name of Permit Holder(s): Duane Butth

3. Mailing Address: H&R 61 box 208

City Bonners Ferry State Id Zip 83805

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): 2 horses

Irrigation (No. of acres): sometimes Other: fish ponds

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR 0.4 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: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Duane Butth Telephone Number: 208-267-3925

Address: H&R 61 box 208 Bonners Ferry, Id - 83805

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Duane Butth Date: Nov-9-00

(include your title, if on behalf of company or organization)

I do not understand at the bottom of fee schedule
fee not required for 0.04 then it says a fee
is required for only, undlined on fee page

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07796

Priority: April 12, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

SPRING tributary of MEADOW 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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNESE , Sec. 16, Township 63N, Range 02E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

63N 02E 16

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2001.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted under this right when flows in the Moyie River are below established minimum stream flows.
5. Domestic use is for 1 home.
6. Recreation storage is for two fish ponds.

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

31st day of October, 2000.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

JAN 14 2001

Ident. No. 98-07796

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 6 2000

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Deanne C Ruth Phone 208-267-3925
Mailing address Hwy 61 box 208 Bannerburg Id 83805
2. Source of water supply SPRING which is a tributary of MEADOW CREEK
3. Location of point of diversion is Township 63N Range 2E Sec. 16, in the NW 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., BOUNDARY County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|------------------------------|
| Amount <u>0.02</u> for ⁴³ <u>DOMESTIC</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.37</u> for ⁴⁷ <u>STORAGE FOR RECREATION</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.02</u> for ⁴⁸ <u>DIVERSION TO STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (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) 0.02 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 GRAVITY FLOW TO SYSTEM TO HOME + 2 PONDS
- 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 CABIN
- e. Other; describe fully. Recreation use is for fishing

MICROFILMED

JAN 29 2000

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

use below. See instructions for standard symbols.

[illegible]

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? ~~APP FOREST SERVICE~~

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

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

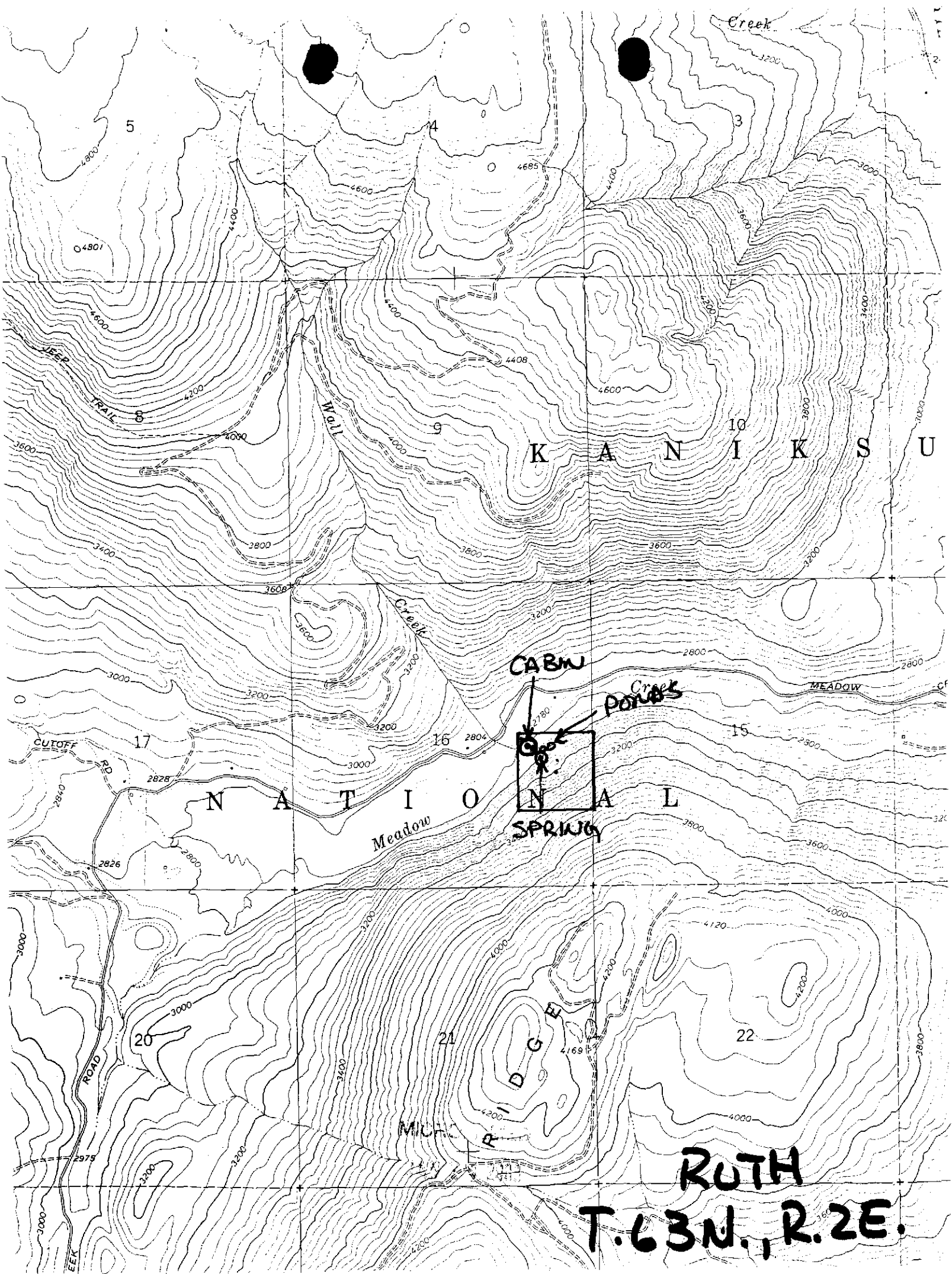
12. Remarks:

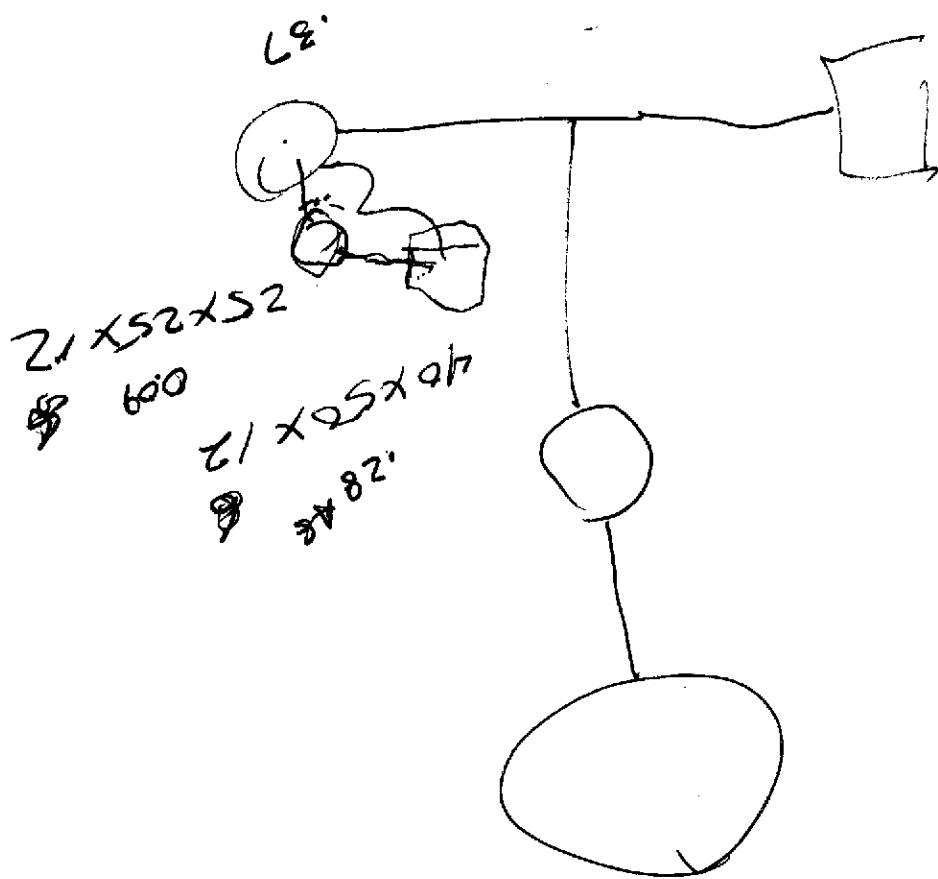
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Signature of Applicant (and title, if applicable)

[illegible]





11.11.11
 11.11.11





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

April 3, 2003

DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805

RE: License No. 98-7796 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

APR 3 2003

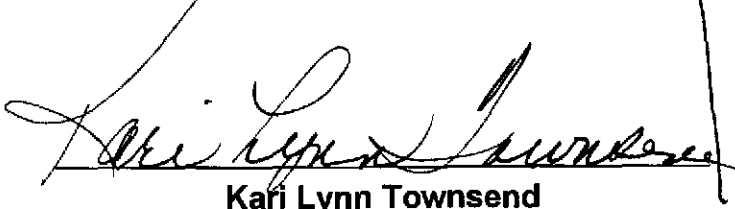
CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

98-7796

**DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805**


**Kari Lynn Townsend
Secretary**

MICROFILMED
DEC 8 3 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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DEC 13 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
DEC 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL - 9 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 98-07796

1. Owner: Duane C Ruth Phone No. (208) 267-3925

Current Address: H&R 61 Box 208 Bonners Ferry Id 83805

2. Accompanied by: Duane C Ruth EXAM DATE: 6-12-01

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Meadow creek

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SE	16	63N	02E	Boundary	USGS 7.5 min Quad

2. Place(s) of Use:

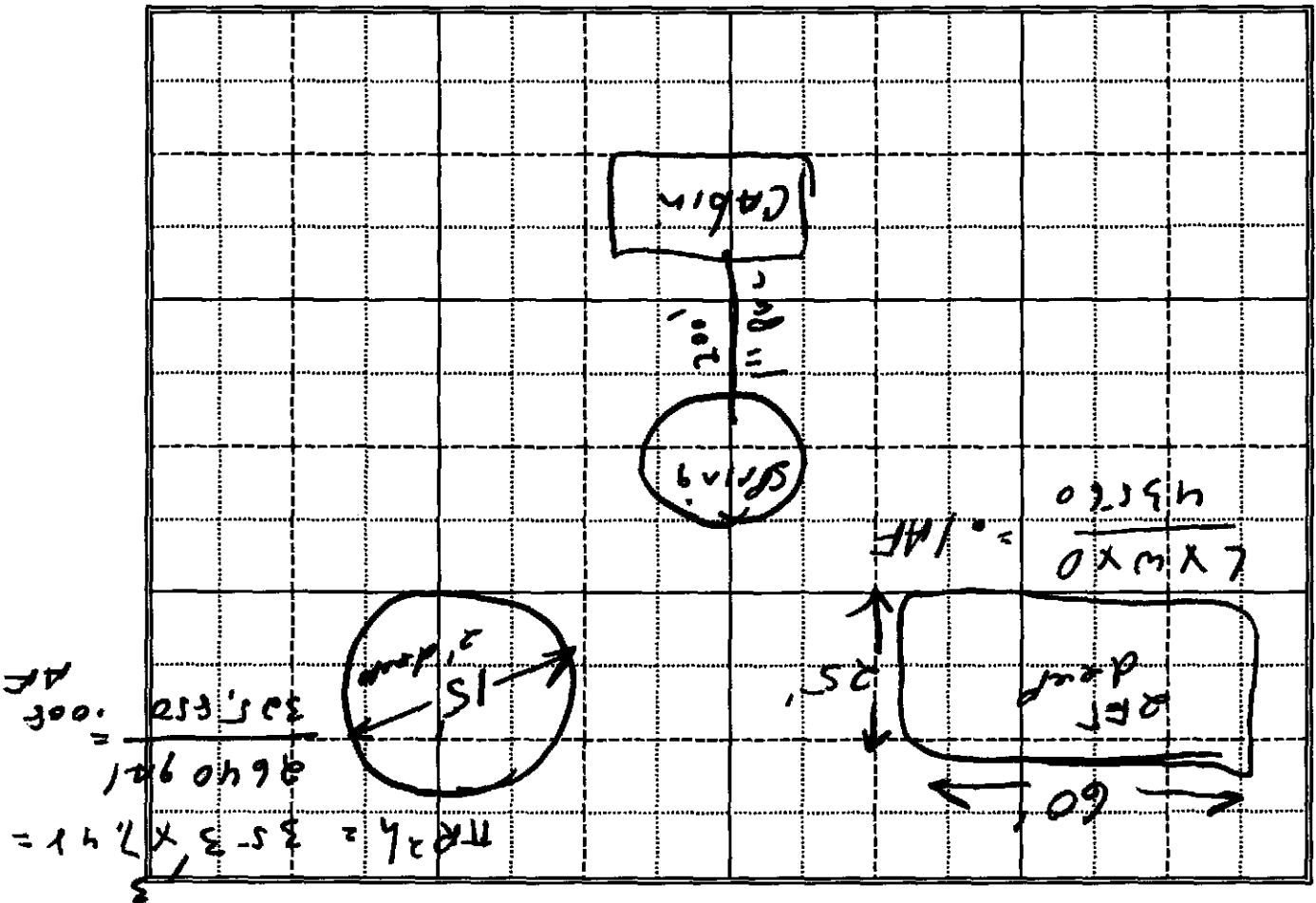
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63N	02E	16													D				
															R				

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DEC 03 2003

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



Scale: 1" = 40'

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

Aerial Photo Attached of (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:

E. NARRATIVE/REMARKS/COMMENTS

Spring diversion consist of a small
depression lined with plastic & 1" pvc
line in bottom carries water to Cabin

at time of examp. no overflow
from small ponds. They sometimes over
flow during runoff season. at that
time of year they would likely fill in
24 hrs or less.

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

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DEC 8 3 2003

Additional Computation Sheets Attached

F. FLOW CALCULATIONS

Measured Method: 5 gal bucket
Measured at 60 min
for 10 min

Additional Computation Sheets A

$5 \times 1.33651 = 6.68255$

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:
See Delivery System

1. Recommended Amounts

[illegible]

Change P.D. as reflected above

Change P.U. as reflected above

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

Field Examiner's Name Wayne A. Schultz Date 7-3-01

SEAL

98-07796

K A N I K S U

N A T I O N A L

CABIN

CRACK POND

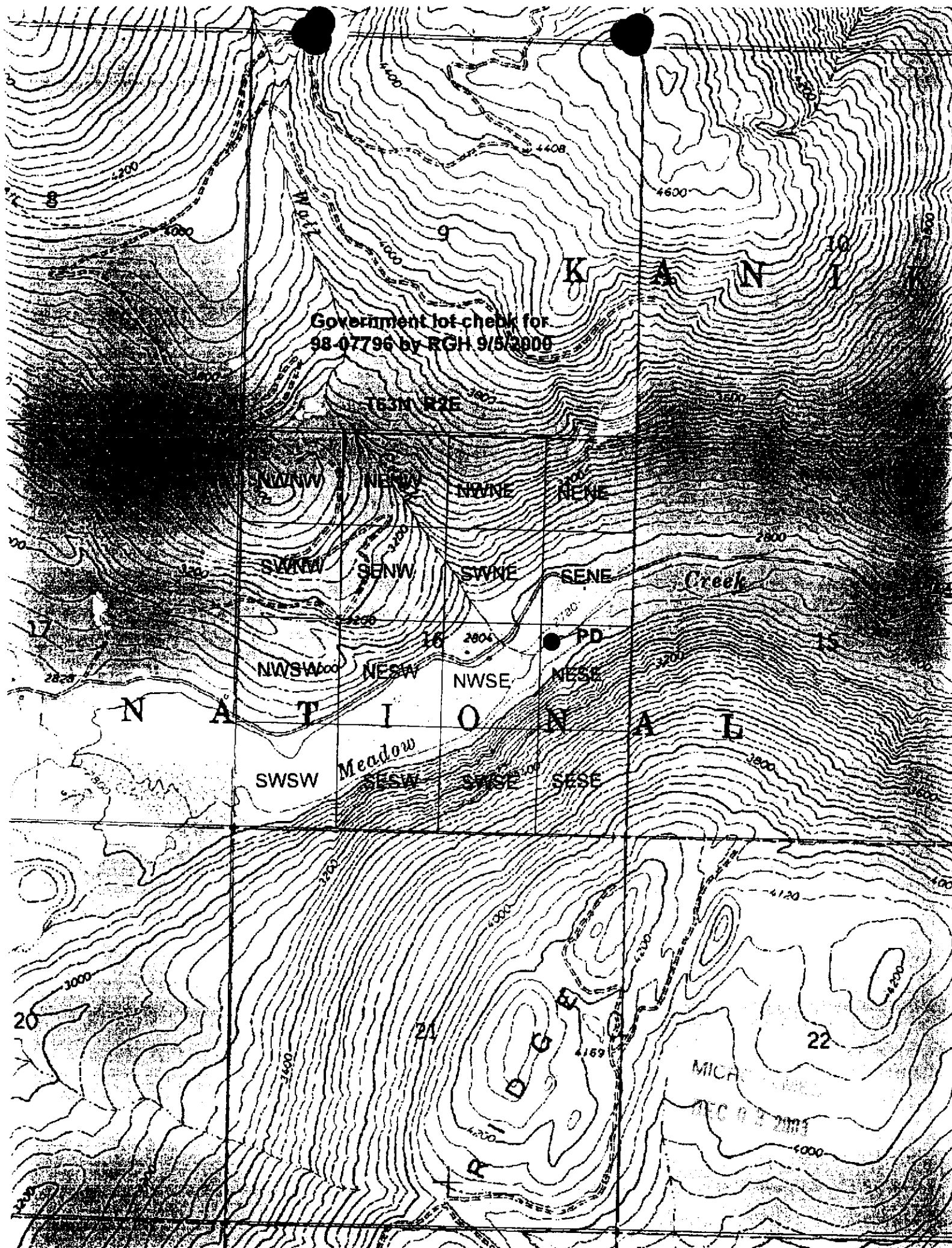
SPRING

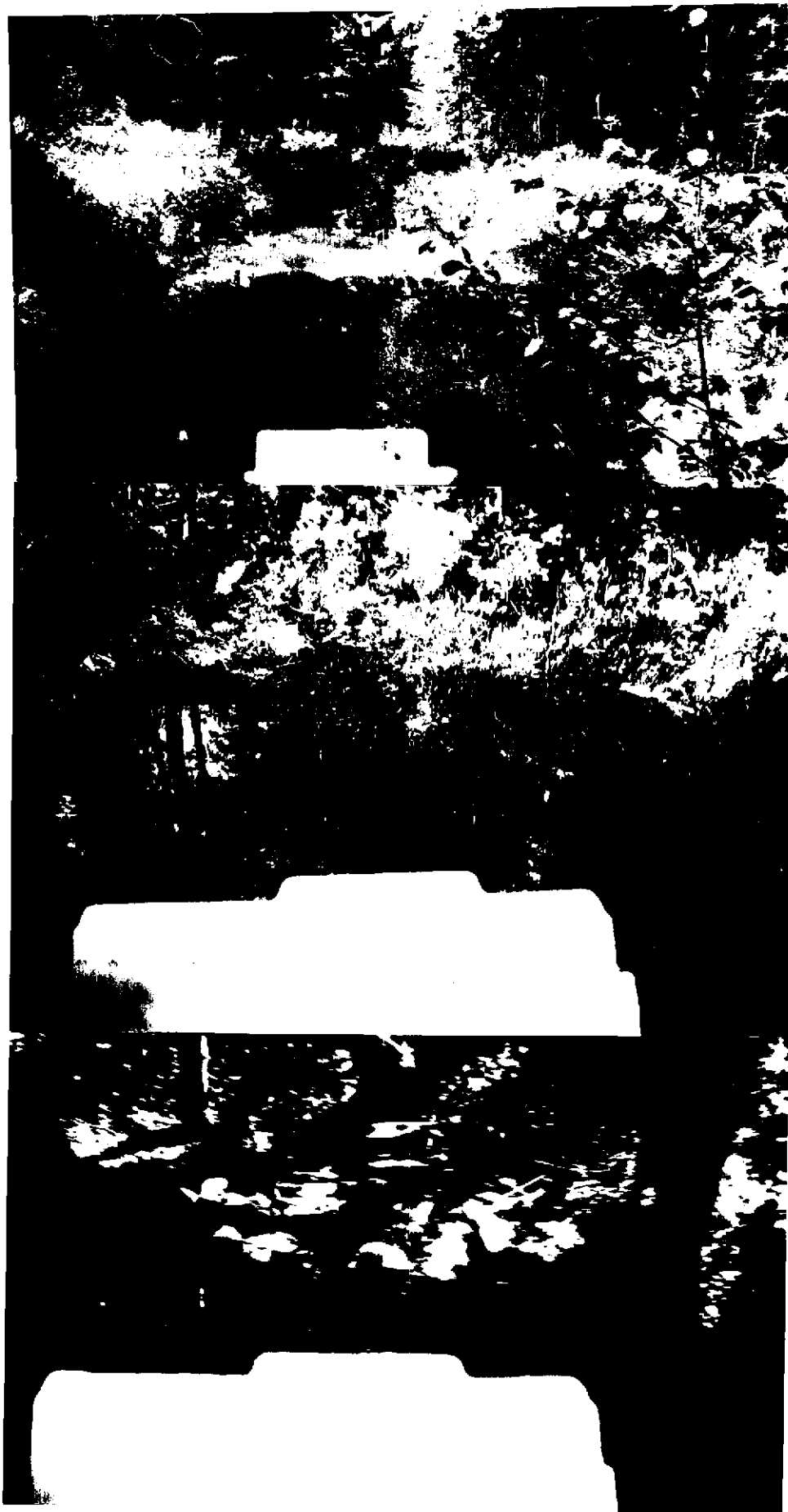
MEADOW

DEC 03 2003

RUTH
T.63N., R.2E.

Government lot check for
98-07796 by RGH 9/5/2000





Pond

Pond

Spring

98-07796

MICROFILMED
DEC 9 3 2003



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

November 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07796

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, and that it meets the permitted beneficial use.

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.

In response to your question about the license examination fee: A fee is not required if you have a groundwater right (such as a well) diverting water at the rates of 0.01 - 0.04 cubic feet per second (cfs), or 1 - 20 acre feet (af). However, there is a fee for all surface water rights.

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, or you may contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED
JAN 29 2003

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 98-07796 Reviewed by D. Gibson Date 11/15/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Domestic, Stockwater,

Yes Address same as permit?

Irrigation, Fish ponds

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit / Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

No Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 11/13/00

Date proof due 11/1/01 - /

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof & explain fee for groundwater
vs. Surface water.

DATA ENTRY

New Address /

Proof Made 11/13/00

Idaho Department of Water Resources Receipt

Receipt ID C051104

Payment Amount	\$50.00	Date Received	11/13/00 1:12:31 PM	Region	State	Status
Payment Type	Check	Check Number	1748			

Payer RUTH DELORES A

Comment PROOF OF BENEFICIAL USE
PERMIT #98-07796

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155

Signature Line (Dept. Representative)

MICROFILMED

JAN 29 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Cindy Zimmerman on _____

No. 98-7796 Name: Ruth Corp. Officers _____ Ad ok ☒ Govt Lots ☒

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

• **GROUNDWATER:** (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05
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
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

✓ **USES:**

STORAGE - 18A-01H(P01), 01P-18B(P09) 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/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

✓ **BENEFICIAL USE DUE:** 11 / 01 / 01

✓ **MISC CONDITIONS/REMARKS:**

Protested - 020-W19
✓ **Development Period**
≤ 1 yr - P16
> 1 yr - 26A(P17)
✓ **Ownership** - 004
Non-consumptive - 027
Water Quality - 081-R07

✓ **SURFACE WATER:** (✓Flow Chart)

✓ F&G contacted Yes/No Response OK
✓ In/Above MSF - WB9 Moyie River
✓ **PLANNING REVIEW/RESPONSE** add WB9
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

• **SPRINGS/SINK, INACTIVE WD & REST OF STATE**

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

• **RIVER BASINS:** (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

✓ **USES:**

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
✓ **DOMESTIC**
✓ **Surface water** - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R) NA
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
✓ **Use definitions** - W02 example - S/50 range D/1
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS OW01 / 1 20 Rec stor / fishing ③ WB9 / Moyie R.
COMMENTS Need Planning Response

Paragraph Codes: P16,

Keen, Shelley

From: Graham, Bill
Sent: Friday, November 10, 2000 1:44 PM
To: Keen, Shelley
Subject: RE: Applications 95-09047, 98-07796, 98-07800

Shelley - Again, I have problems with diversions for private recreational purposes. However all have their traditional beneficial use component, and 98-07800 is strictly an irrigation right. I would request that all three applications be conditioned with the standard minimum streamflow language.

-----Original Message-----

From: Keen, Shelley
Sent: Monday, October 23, 2000 7:55 AM
To: Graham, Bill
Cc: Zimmerman, Cindy
Subject: Applications 95-09047, 98-07796, 98-07800

<< File: Doc1.doc >>

Bill,

Here are three applications for you to review.

Thanks.

Shelley



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 1, 2000

DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07796

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

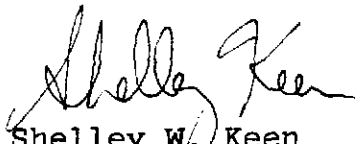
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

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

MICROFILMED

JAN 29 2003

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

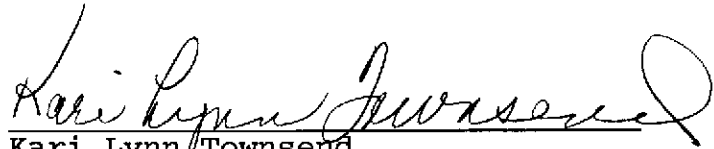
JAN 28 2003

CERTIFICATE OF MAILING

I hereby certify that on the **1st** day of **November**, **2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 98-07796

DUANE C RUTH
HC 61 BOX 208
BONNERS FERRY ID 83805


Kari Lynn Townsend
Secretary

MICHELLE L. LIND

JAN 2 5 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
1992 9 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
BCA
WRA

SEP 6 2000

APPLICATION # 98-07796

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: DUANE RUTM

BY: JB

DATE: 4/12/00

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 4/12/00

X (Include Moratorium Remark)

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

OF/Wed/for

ADVERTISE IN: BOONVILLE County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

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

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

Remarks: NO GOVT. LOTS

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: 5/22/00
- ✓ Measuring device required
- ✓ Measuring port required
- ✓ Special conditions:
- ✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RUTM

Date: 01/5/2000



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Dirk Kempthorne/Governor
Rod Sando/Director

April 28, 2000

RECEIVED
MAY 02 2000
IDWR/North

Ms. Dianne Ball
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Dianne:

REFERENCE: WATER RIGHTS APPLICATIONS
RUTH / 98-04302, 98-07796, 98-07797

We have reviewed the water rights applications by the Ruth's for appropriations and storage near Meadow Creek in Boundary County. The appropriations are small and from spring sources, and we do not expect significant impacts to the stream or its fishery. For the proposed fishpond, the applicants should be aware that they will need to contact the Department regarding stocking and pond permits. If they intend to use the pond for wildlife purposes, they may wish to contact us for technical assistance through our Habitat Improvement Program.

Provided the pond is constructed so as to prevent fill material being transported to Meadow Creek, will not impact the Meadow Creek floodplain, and is appropriately permitted, we have no objection to it.

Thanks for the opportunity to comment.

Sincerely,

Greg Tourtlotte
Regional Supervisor

GIT:CEC:kh

C: Tracey Trent, IDFG, Boise
Greg Johnson, IDFG

MICROFILMED
MAY 29 2003

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, April 20, 2000 3:38 PM
To: 'Chip Corsi'
Subject: perweek1.txt



perweek1.txt.url

Chip, please review the water right for CAG Investments from Lake Coeur d'Alene; with a final date of protest being 5/8/00.

Also please review the three Ruth filings, 2 for regular water rights and 1 for a claim, all of which are from springs. Final date of protest on the Ruth filings will be 5/22/00.

We will need comments from you by the respective dates. Thanks very much.
Dianne Ball - IDWR - Coeur d'Alene

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>

MICROFILMED

JAN 29 2003

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:

4306 Water Right / Ruth

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 3 day of May, 2000
and ending on the 10 day of May, 2000
and that said notice was published in said newspaper.

On this 10 day of May in the year
of 2000, 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.

Jean E. Diel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

RECEIVED
JUN 09 2000
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:

98-07796

RUTH, DUANE C
HCR 61 BOX 208
BONNERS FERRY, ID 83805

Source: SPRING

Diversion Pt: NWNESE Sec 16 T 63N R 02E

Use: DOMESTIC

RECREATION STORAGE

DIVERSION TO STORAGE

Total Diversion:

Date Filed: 4/12/2000

In: BOUNDARY County

T63N R02E S16 NESE

Tributary: MEADOW CREEK

(0.020 CFS) (0.37 AF)

(0.020 CFS)

(0.020 CFS)

(0.020 CFS)

98-07797

RUTH, DELORES BAKER
HCR 61 BOX 208
BONNERS FERRY, ID 83805

Source: SPRINGS

Diversion Pt: SWSENE Sec 16 T 63N R 02E

Use: IRRIGATION STORAGE

IRRIGATION FROM STORAGE

RECREATION STORAGE

Total Diversion:

Date Filed: 4/12/2000

In: BOUNDARY County

T63N R02E S16

0.5 ACRES TOTAL

Tributary: MEADOW CREEK

(1.00 AF)

(1.00 AF)

(12.00 AF)

(12.00 AF)

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NOTICE OF CLAIMS
TO WATER RIGHT

The Following claim(s) have been filed on water rights created by diversion and
beneficial use:

98-04302

RUTH, DELORES BAKER
HCR 61 BOX 208
BONNERS FERRY, ID 83805

Source: SPRING

Diversion Pt: NWSENE Sec 16 T 63N R 02E

Use: DOMESTIC

Total Diversion:

Date Filed: 6/15/1905

In: BOUNDARY County

T63N R02E S16

For additional information concerning the property location, call the Northern
Regional Office at (208) 769-1450.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources,
Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814.

KARL J. DREHER, Director

BFH#4306

May 3, 10, 2000

Tributary: SINKS

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MICROFILMED

JAN 23 2003

April 26, 2000

Duane Ruth
HCR 61 Box 208
Bonners Ferry ID 83805

Re: Water Appropriation Application No. 98-07796 Spring in NWNESE T63N R2E Sec 16

Dear Mr. Ruth:

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 local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICHOI LIME

1207 2 2 2000

98-07796

RUTH, DUANE C
HCR 61 BOX 208
BONNERS FERRY, ID 83805

Source: SPRING

Tributary: MEADOW CREEK

Diversion Pt: NWNESE Sec 16 T 63N R 02E in BOUNDARY County.

Use: DOMESTIC	(	0.020 CFS)	
RECREATION STORAGE			(0.37 AF)
DIVERSION TO STORAGE	(	0.020 CFS)	
Total Diversion:	(	0.020 CFS)	

Date Filed: 4/12/2000

In: BOUNDARY County
T63N R02E S16 NESE

MICROFILMED
JAN 29 2001

WR0749NP

No. 98-07796

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/13/00

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DUANE C RUTH HCR 61 BOX 208 BONNERS FERRY ID 83805 (208) 267-3925	04/12/2000	DOMESTIC RECREATION STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	0.020 CFS 0.020 CFS	 0.37 AFA
TOTAL DIVERSION:					0.020 CFS	

Water Source: SPRING

Tributary to: MEADOW CREEK

Stage: APPLICATION

Point(s) of Diversion: T63N R02E S16 NWNESE BOUNDARY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
63N 02E 16 : : : : D :															

Pou County: BOUNDARY

Remarks: GEN Domestic use is for 1 cabin.
Recreation use is for fishing.

Dates: App. Received: 04/12/2000 Priority Date: 04/12/2000
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/13/2000 User-ID: DBALL Subject: Examiner's notes.
Point of diversion owned by Forest Service. Special use permit exists.
Gravity flow system to home and 2 ponds.
Time required 1 year.

Audit: 04/13/00 DBALL