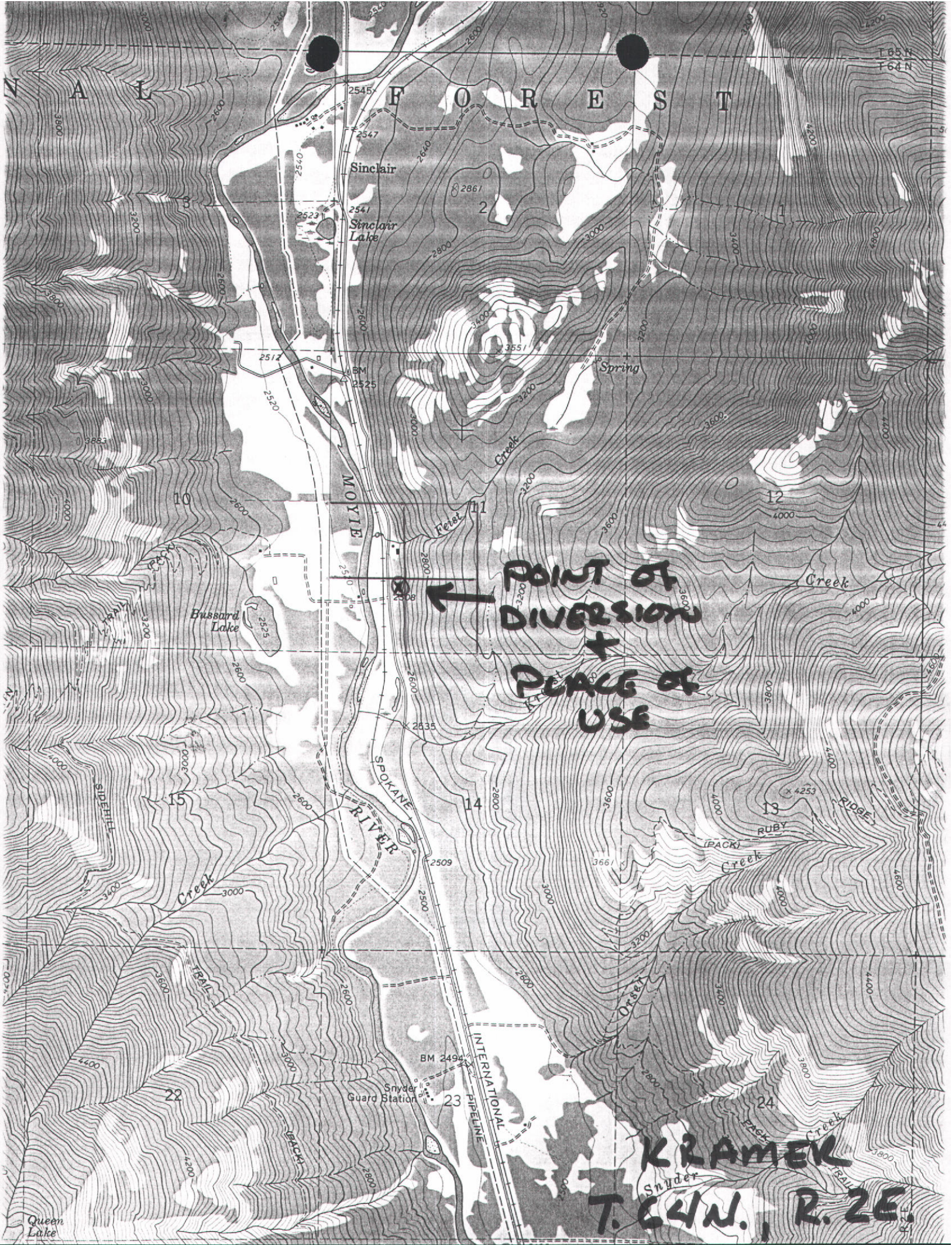




T. 65 N.
T. 64 N.

FOREST

Sinclair

Sinclair Lake

Spring

MOYIE

POINT OF
DIVERSION
+
PLACE OF
USE

Bussard Lake

SPokane
RIVER

RUBY
Creek

(PACK)

Creek

BM 249

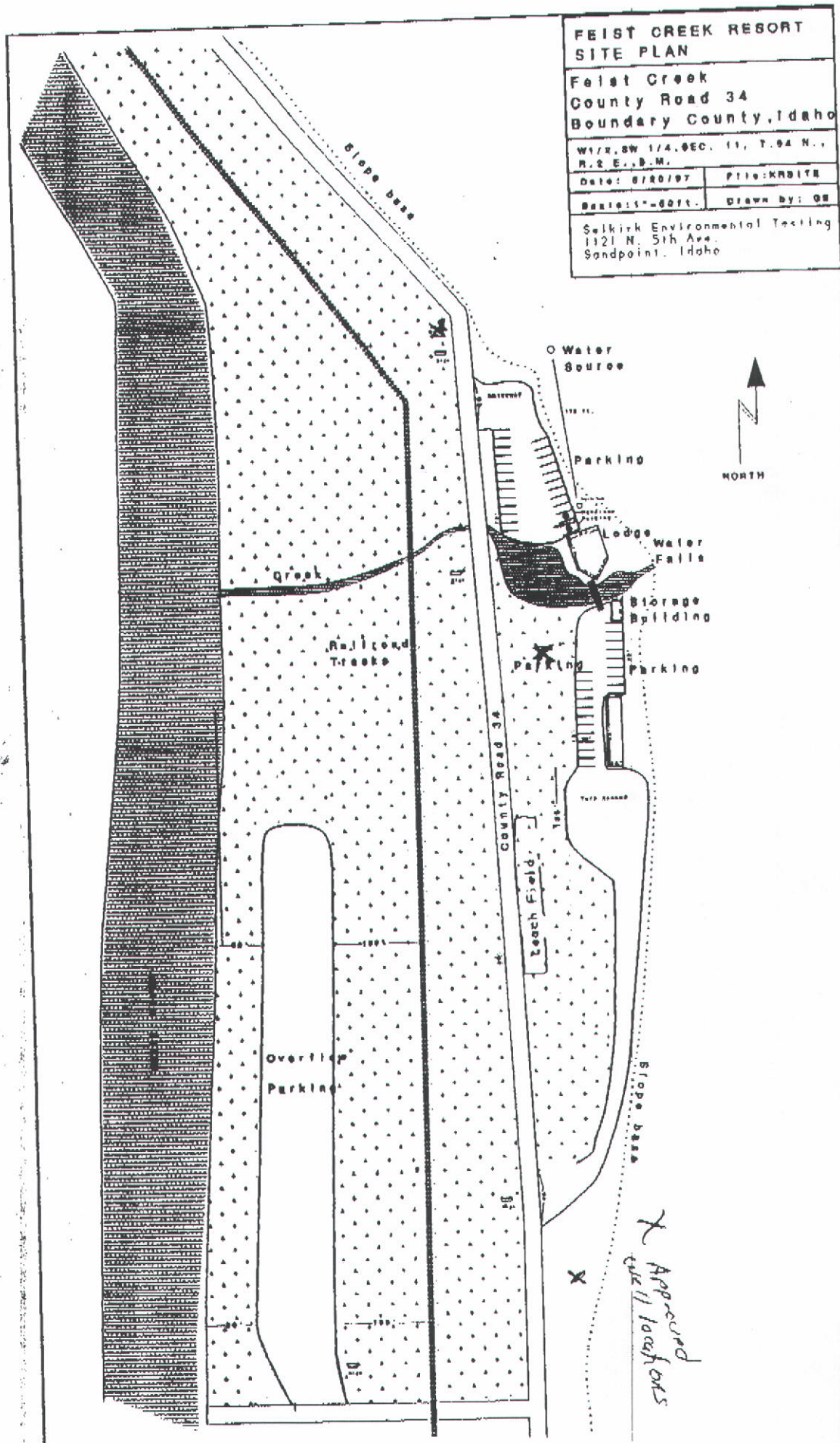
Snyder
Guard Station

KRAMER

Snyder

T. 64 N., R. 2 E.

Queen
Lake



APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

by SCurtis

No.: 98-07791 Name: James Date: _____ Ad OK? _____ ✓ Gvmt Lts: _____

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

- FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

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

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) - _____
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS: - Ch resort hotel & RV parking facility

BENEFICIAL USE DUE: - 10 /1/ 2000

COMMENTS: - DP # 98-99-N-0024-000

Ck overlap
98-07774
↑
Surface water:
{Lynn stream
Mojie River
Forest Creek
proof due 1/2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 98-07791

Priority: July 19, 1999

Maximum Diversion Rate:

0.19 CFS

This is to certify, that **CLIFFORD R KRAMER**
HC 01 BOX 439
NAPLES ID 83847

has applied for a permit to appropriate water from: **GROUNDWATER**

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>
COMMERCIAL	01/01 to 12/31	0.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 11, Township 64N, Range 02E
BOUNDARY County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

64N 02E 11

SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Commercial use is for a resort, hotel and RV parking facilities.

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

29th day of September, 1999.


for
Karl J. Dreher, Director

FAX 769-1454

FORM 202

2/86

Ident. No. 98-07791

RECEIVED

SEP 20 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 20 1999

Department of Water Resources

Department of Water Resources

1. Name of Applicant Clifford R. Kramer Phone (208) 267-7262
 Mailing address HC-01 Box 939 Naples, Id. 83847
2. Source of water supply Ground water which is a tributary of NA
3. Location of point of diversion is Township 64N Range 27E Sec. 11 in the SW 1/4, SW 1/4, SW 1/4, Govt. Lot , B.M., BOUNDARY County; additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .19 for Commercial purposes from Dec 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) .19 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 WELL, PUMP + PIPLINE STORAGE TANK.
- b. Height of storage dam NA feet; active reservoir capacity acre-feet; total reservoir capacity NA 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? NO
- e. If well is already drilled, when? NA; Drilling firm 12/1/99
 Well was drilled for (well owner) NA; Drilling Permit No. 98-99-N-0024 D10417

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.
- e. Other; describe fully. Commercial First Creek Resort HOTEL + R.V. PARKING FACILITIES

09/21/99

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64W	2E	11											C						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Permit No. 98-07774

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

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

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

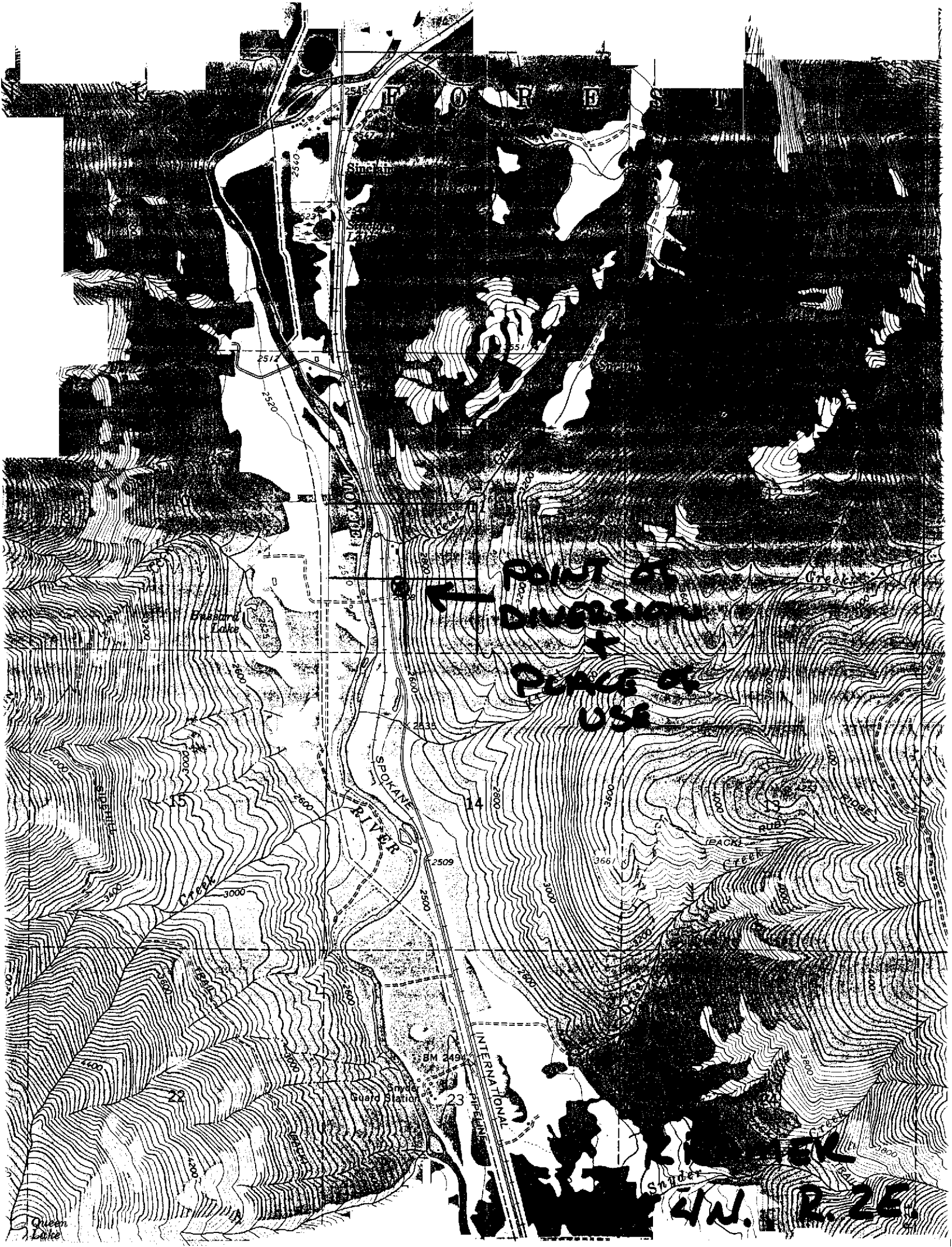
12. Remarks: _____

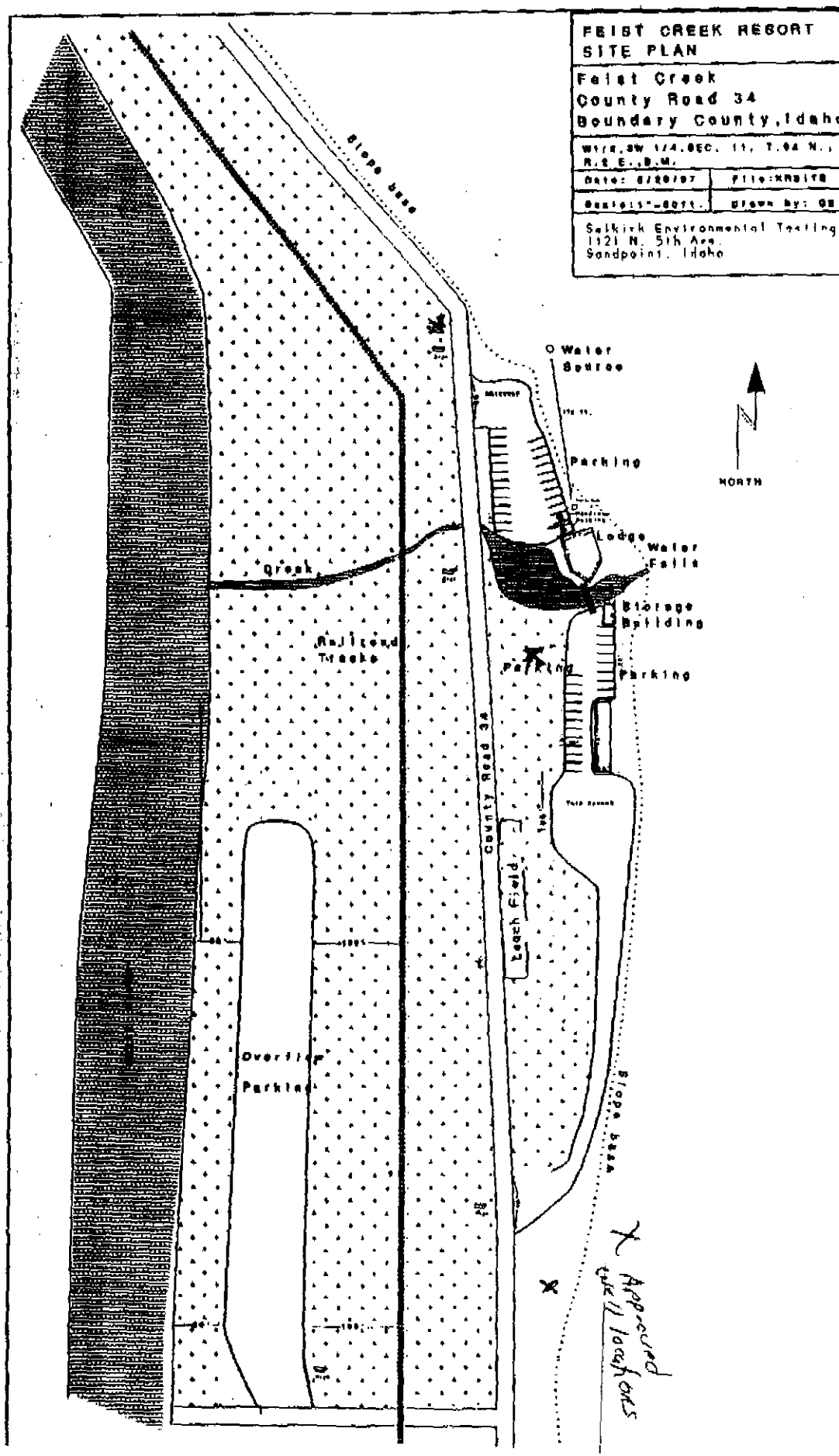
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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]
Signature of Applicant (and title, if applicable)

Received by AB Date 7/19/99 Time 3:00 Preliminary check by AB
 Fee \$ 50 Received by ND13074 # ND13074 Date 7-19-99
 Publication prepared by [Signature] Date 7/28/99 Published in Bonner Times 8/4+11/99
 Publication approved [Signature] Date 9/3/99





Deliber —

- This permit
is of no force
nor effect &
does not need
a prelim Order

- The fee does
not need to

be returned,
Since your Jan 24,
2001 letter
advised of the
need to pay to
seek reinstatement
of this permit.

- File to recall ~~144~~

2-26-01



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

January 24, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CLIFFORD R. KRAMER
BOX 188
EASTPORT ID 83826-0188

RE: LAPSED PERMIT NO. 98-07791

Dear Permit Holder:

The department is in receipt of the proof of beneficial use statement and the \$100.00 license examination fee, which you submitted to the department on December 28, 2000, in connection with the above referenced lapsed permit.

Since the proof was received after the 60-day lapse period, the permit can be reinstated only if you submit the following information for department consideration:

- ▶ **Two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (September 29, 1999 to October 1, 2000) and;
- ▶ Reasonable cause why the proof of beneficial use was filed late.

You can submit pumping records, receipts from equipment purchased and/or installed, or other information to verify use during the authorized development period.

The department will maintain the proof of beneficial use statement along with any information which has been submitted with it, for **30 days** to provide you the opportunity to submit the required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

If you have questions regarding this matter, please feel free to contact the department.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region

RECEIVED

JAN 10 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 98-7791 Telephone No. 267-8649

2. Name of Permit Holder(s):
Clifford R. Kramer

3. Mailing Address: Box 188 Eastport ID 83826-0188
City _____ State _____ Zip _____

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 11 / yr. 99
Well Driller: H2O Drilling Permit Number: D10760

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Commercial

6. Total rate of diversion and/or volume for which proof is submitted: .19 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?
Has the measuring device been installed?

Yes _____ or No X
Yes _____ or No X

8. Fee Enclosed: \$ 100⁰⁰ (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: Same 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: Clifford R. Kramer Date: 12-28-00
(include your title, if on behalf of company of organization)

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 98-7791

Reviewed By: dgibson

Date: January 24, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?	✓	
License examination fee required?	✓		Drilling permit No.:		
Appropriate fee submitted?	✓		Drilling permit upgrade needed?		
Receipt No.:		N014085	Well driller's report filed?		✓
Additional Amount Due:			Measuring device required?		✓
Name and address same as permit?		✓	Measuring device installed?		
Are the water uses correct?	✓		Measure device waiver requested?		

Priority Calculation

Date proof received	12/28/2000	362	
Date proof due	- 10/01/2000		/ 10/19/2000 Lapse Notice 292
No. of days late	= 88	~~- 19~~	<u>69</u>
Holiday allowance	+		
Priority date	+ 07/19/1999		
New priority date	= 12/28/2000		

$$\begin{array}{r} 362 \\ - 292 \\ \hline 70 \text{ days} \end{array}$$

Deficiencies of Actions Items

Acknowledge proof. Reinstate permit and advance priority to 12/28/2000 if customer can provide 2 pieces of evidence to prove development and why proof was filed late.

October 19, 2000

CLIFFORD KRAMER
PO BOX 188
EASTPORT ID 83826-0188

CLIFFORD KRAMER
PO BOX 188
EASTPORT ID 83826-0188

LAPSE NOTICE

RE: PERMIT NO. 98-07791

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 our proof due notice dated July 31, 2000. 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.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 10/19/00
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance)

Article Sent To:

Clifford Kramer

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

8/14/00

Postmark
Here

Please Print Clearly (To be completed by mailer)

Street, Apt. No., or PO Box No.

PO Box 188

City, State, ZIP+4

Eastport Id. 83826-0188

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- Proof 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.

Bill & Mail

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720

Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

AUG - 7 2000

Department of Water Resources



7099 3220 0006 2688 1874

98-07791

Received 8/14/00

First Notice
Second Notice
8/24/00

KRAM439* 030472016 1200 06 06/03/00
RETURN TO SENDER
KRAMER, CLIFFORD
PO BOX 10910 83026-0100
RETURN TO SENDER

03047X9730



July 31, 2000

CLIFFORD R KRAMER
HC 01 BOX 439
NAPLES ID 83847

PROOF DUE NOTICE

RE: PERMIT NO. 98-07791

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

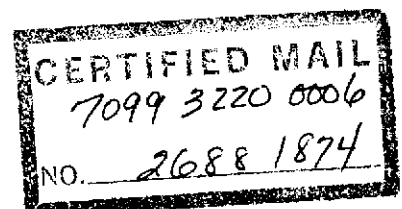
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures





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

September 30, 1999

DIRK KEMPTHORNE
GOVERNOR

CLIFFORD R KRAMER
HC 01 BOX 439
NAPLES ID 83847

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07791

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

Sincerely,

FOR Shelley W. Keen
Water Rights Supervisor

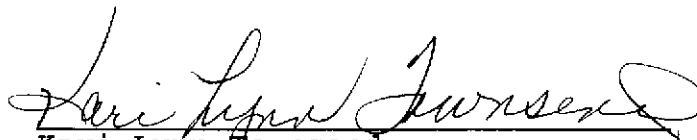
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **September, 1999**, 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. 98-07791

CLIFFORD R KRAMER
HC 01 BOX 439
NAPLES ID 83847


Kari Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

WR0749NP
No. P98-07791

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLIFFORD R KRAMER HC 01 BOX 439 NAPLES ID 83847 (208) 267-7262	07/19/1999	COMMERCIAL	01/01 12/31	0.190 CFS	
TOTAL DIVERSION:					0.190 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T64N R02E S11 SWSW BOUNDARY County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	:
64N	02E	11	:									C				:

Pou County: BOUNDARY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
98-07791

Other Water Rights Listing Overlapping Place(s) of use:
98-07774

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

Remarks: GEN Commercial use is for a resort, hotel and RV parking facilities.

Dates: App. Received: 07/19/1999 Priority Date: 07/19/1999
Proof Due Date: 10/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/21/1999 User-ID: DBALL Subject: Examiner's notes.
Well, pump, pipe and storage tank.
Permit No. 98-07774 also used for same purposes.
Time required 1 year.

Date: 09/28/1999 User-ID: SCURTIS Subject: DRILLING PERMIT
Drilling permit # 98-99-N-0024-000 is associated with this
water right filing.

Audit: 09/28/99 SCURTIS

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 98-07791 Name: Kramer Date: _____ Ad OK? _____ / Gvmt Lts: _____ by SCurtis

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 046
In Basin 34? - 085
Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067
≤ 0.24 cfs/5 acres - No MD

WMD

Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
Supp. irr + uses - 100-101
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

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

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)
> 0.20 cfs - 01J-P08 (MD & LD)
≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

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

USE:

STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
STOCKWATER - R37 (BLM/USFS); NA
MINING - 054(req)-081-P10
FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
HEATING/COOLING - R07 (injection well)
POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)
Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
>1 in rest. area - 071-070
FIRE PROTECTION - 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)
MITIGATION - 120
42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
SWAN FALLS FLAG (✓ Code) -
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

Chesnut hotel & RV parking facility
10/11/2000
DP # 98-99-N-0024-000

ck overlap

98-07774

Surface water:
{ Cum streams
Mojave River
First Creek
Proof due 1/2001

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETRECEIVED WRI
SEP 20 1999 BGA
WRAAPPLICATION # 98-07791

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: KRAMER BY: AB DATE: 7/19/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 7/19/99X (Include Moratorium Remark)X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).ADVERTISE IN: BANDARY 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?
<u>98 99 N 0054</u>	<u>D10417</u>	Dom. Non-Dom.	Paid \$	<u>N013099</u>	Y () N (x)
		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()

Groundwater management area

Remarks:

Critical ground water area

X Well Drilling Permit requiredT Well Drilling Application and Fees receivedT Well Drilling Application approved?

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

Notice of pending void order issued. Final order response date: _____

Further information required from applicant

9/3/99 Affidavit of publication received9/3 Application published correctly. If not, record action taken: _____7/28 Publication dates and paper recorded on application | Sr. Agent initial ABProtests received, Final protest date: 8/23/99

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by: ABDate: 9/16/99

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

RECEIVED

SEP 03 1999

IDWR/North

County of Boundary,

David Keys being first duly sworn on oath
deposes and says that he/she is publisher

of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

4120 Water Right

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 4 day of Aug, 1999
and ending on the 11 day of Aug, 1999
and that said notice was published in said newspaper.

Dated: Aug 11, 1999
Dal R

Subscribed and sworn to before me this 31 day
of August, 1999.

Juan E. Dul
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

NOTICE OF APPLICATION
FOR WATER RIGHT

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

98-07791
KRAMER, CLIFFORD R
HCO1 BOX 439
NAPLES, ID 83847
Source: GROUNDWATER
Diversion Pt: SWSW
Sec 11 T 64N R 02E in BOUNDARY
County.
Use: COMMERCIAL (0.190 CFS)
Total Diversion: (0.190 CFS)
Date Filed: 7/19/1999
In: BOUNDARY County
T64N R02E S11 SWSW

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

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the applicant and with the Director,
Dept. of Water Resources, Northern
Region, 1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814, together
with a protest fee of \$25.00 on or before
AUGUST 23, 1999.

KARL J. DREHER, Director
BFH#4120
August 4, 11, 1999

98-07791

KRAMER, CLIFFORD R
HC01 BOX 439
NAPLES, ID 83847

Source: GROUNDWATER

Diversion Pt: SWSW Sec 11 T 64N R 02E in BOUNDARY County.

Use: COMMERCIAL	(	0.190 CFS)
Total Diversion:	(	0.190 CFS)

Date Filed: 7/19/1999

In: BOUNDARY County	
T64N R02E S11	SWSW

Ident. No. 98-99-N-0024-000
Well Tag No. D0010417
Water Right No. 98-07791

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: CLIFFORD R KRAMER
Address: HC01 BOX 439
NAPLES ID 83847

O 208-267-7262

2. Proposed Well Location: Township 64N, Range 02E, Sec. 11, SWSW
BOUNDARY County

Street Address of Well Site: COUNTY RD 34
EASTPORT

3. Proposed Use of Well: Other
HOTEL & RV PARKING FACILITIES

4. Well Construction Information:

A. NEW WELL

B. Proposed Surface Diameter 6 in Proposed Maximum Depth Ft.

C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)

(NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 7/27/1999

6. Anticipated Well Driller: MINDEN WATER WELLS (No. 0320)

NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature _____ Date _____

Title _____
(Owner, Firm Representative, Other)

Fee \$ 200.00 Receipted by cm No. N013099 Date 7/27/99

(Continued)

Ident. No.
Well Tag No.

98-99-N-0024-000.
D0010417

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: **7/27/1999**

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
9. Applicant requests issuance of this Drilling Permit prior to approval of a Water Right or Transfer of a Water Right. Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the diversion of water from this well may not ultimately be approved for use.
10. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-428-4950.

(Continued)

R. L. D. G. Haynes

Ident. No.
Well Tag No.

98-99-N-0024-000
D0010417

Regional Manager
Title

Signature of Authorized Dept. Representative

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____

Expires On: _____

July 28, 1999

Mr. Clifford R. Kramer
HC01 Box 439
Naples ID 83847

Re: Water Appropriation Application No. 98-07791

Dear Mr. Kramer:

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 your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

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