

T. 56 N.

5342

5341

Creek

5007

Wrencoae

northern

PEND

OREF

BM 206.

2062

NORMAL POOL +

16

MORTON

BM
2077

RIVER

x Mile
105

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AUG 27 1999

REMBOWSKI

T. 56N., R. 3W.

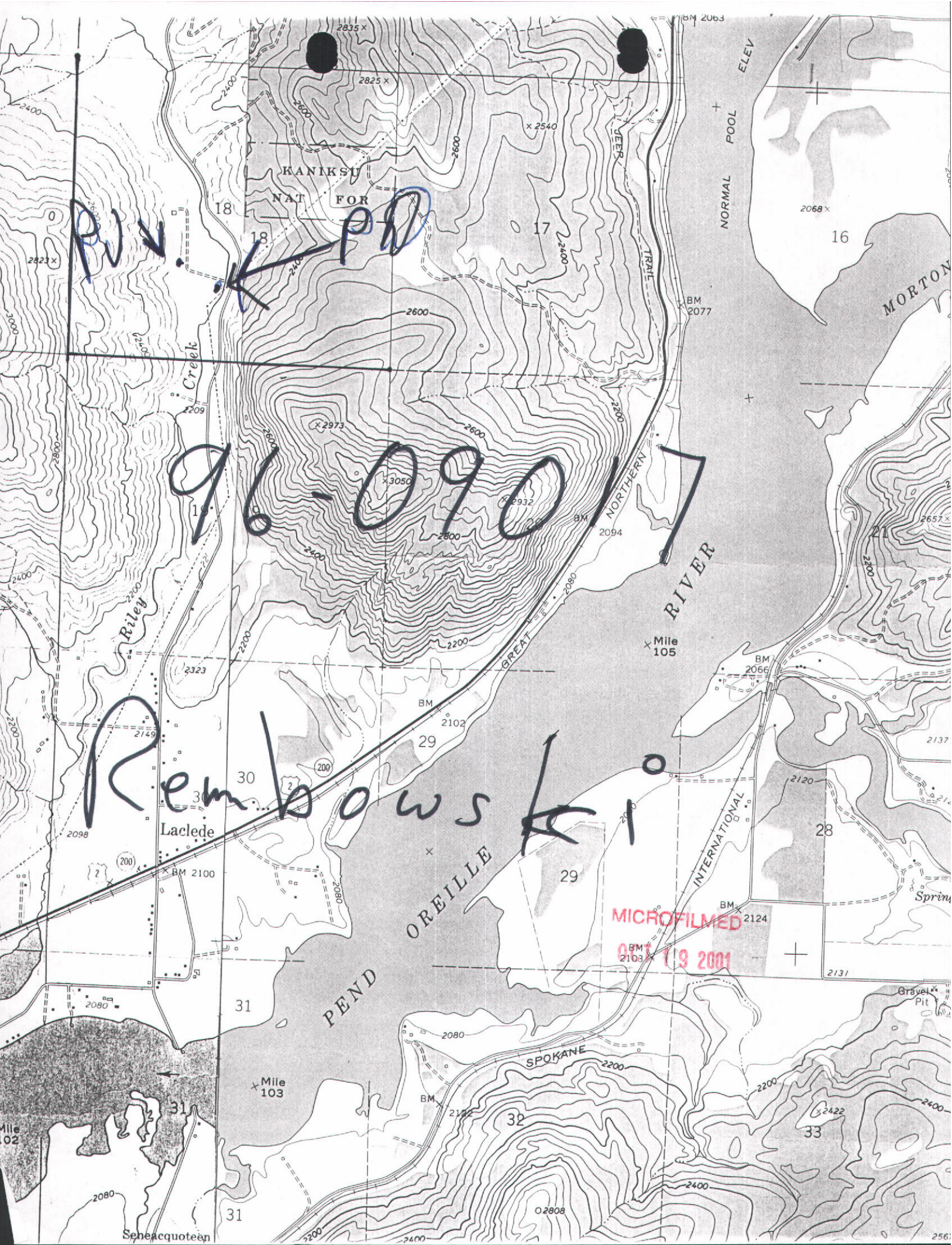
PLACE
OF USE

KANIKSU
NAT FOR

POINT OF DIVERSION

Creek

Riley



RVN

FOR

96-090

Rembowski

MICROFILMED
19 2001



PD



Pu



Pu



Pu

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OCT 19 2001

96-09017

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09017

Priority: March 25, 1999

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 4.6 AF

It is hereby certified that GORDON REMBOWSKI
PO BOX 113
LACLEDE ID 83841-0113 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 25, 1999; and has
submitted Proof of Beneficial Use on June 25, 1999. An examination indicates that the works have a
diversion capacity of 0.03 cfs of water from:

SOURCE

RILEY CREEK

Tributary: PEND OREILLE RIVER

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>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
IRRIGATION	04/01 to 10/31	0.03 CFS	4.5 AF

LOCATION OF POINT(S) OF DIVERSION:

RILEY CREEK SE¼NE¼SW¼ Sec. 18, Twp 56N, Rge 03W, B.M., BONNER County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 03W 18									X								

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 03W 18									1.5								1.5

Total Acres: 1.5

CONDITIONS OF APPROVAL

1. Water shall not be diverted under this right when flows in the Pend Oreille River are below established minimum stream flows.
2. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09017

3. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

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 25TH day of September, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 19 2001

RECEIVED

JUN 28 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00Receipt No. N013000Receipt By: dbDate Received: 6/25/99

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 who has been appointed by the department.

1. Permit No. 96-09017 Telephone No. (208) 263-42982. Name(s) of Permit Holder(s): Gordon Rembowski3. Mailing Address: PO Box 0113, Laclede, ID 83841-01134. Source of Water: Riley Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____

b. OPTIONAL:

Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

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

Domestic (No. of households): ____ Stockwater (No. and type of stock): 4 range cattleIrrigation (No. of acres): 1.5 Other: ____6. Total rate of diversion and/or volume for which proof is submitted: 0.05 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 X

Has the measuring device been installed?

Yes ____ or No X

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No X

Has the measurement port been installed?

Yes ____ or No X8. Fee Enclosed: \$ 50.00 (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: Gordon Rembowski Telephone Number: (208) 263-4298Address: PO Box 0113 (1992 N Riley Creek Rd.) Laclede ID 83841

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

Signature of permit holder: Gordon Rembowski Date: 6-23-99
(include your title, if on behalf of company or organization)

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AUG 27 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water
NO. 96-09017

Proposed Priority: March 25, 1999

Maximum Diversion Rate:

0.05 CFS

This is to certify, that GORDON REMBOWSKI
PO BOX 113

LACLEDE ID 83841-0113

has applied for a permit to appropriate water from:

RILEY CREEK

tributary of PEND OREILLE RIVER

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>
IRRIGATION	03/15 to 11/15	0.03 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 18, Township 56N, Range 03W
SESW , Sec. 18, Township 56N, Range 03W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	03W	18	NESW	1.5		1.5

Total number of acres irrigated: 1.5

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2000.
2. Subject to all prior water rights.
3. This right authorizes a single point of diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Water shall not be diverted under this right when flows in the Pend Oreille River are below established minimum stream flows.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Stockwater is for 4 range cattle.

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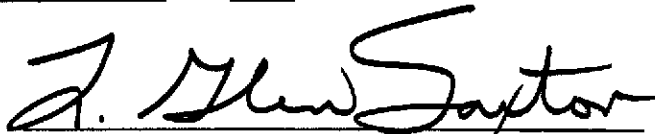
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09017

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

3rd day of June, 1999.


for Karl J. Dreher, Director



MICROFILMED
AUG 27 1999

Ident. No. 96-09017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
MAY 20 1999

Department of Water Resources

1. Name of Applicant Gordon Kimbowski Phone (208) 263-4298
Mailing address PO Box 0113 Laclede ID 83841-0113
2. Source of water supply Riley Creek which is a tributary of Pond Breille River
3. Location of point of diversion is Township 56N Range 3W Sec. 18 in the NE 1/4, SW 1/4, 1/4, Govt. Lot 1/4, B.M., Banner County;
additional points of diversion if any: T. 56N., R. 3W., SEC 18, SE 1/4 SW 1/4

4. Water will be used for the following purposes:

- * Amount .03 cfs for irrigation purposes from 3/5 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .02 for STOCKWATER purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

- * 5. Total quantity to be appropriated is (a) .05 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 PUMP & PIPELINE
- 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. 4 HEAD OF RANGE STOCK.
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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AUG 27 1999

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	
56N	2W	19									1.5								1.5

* Total number of acres to be irrigated about 5 acres

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

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

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

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: _____

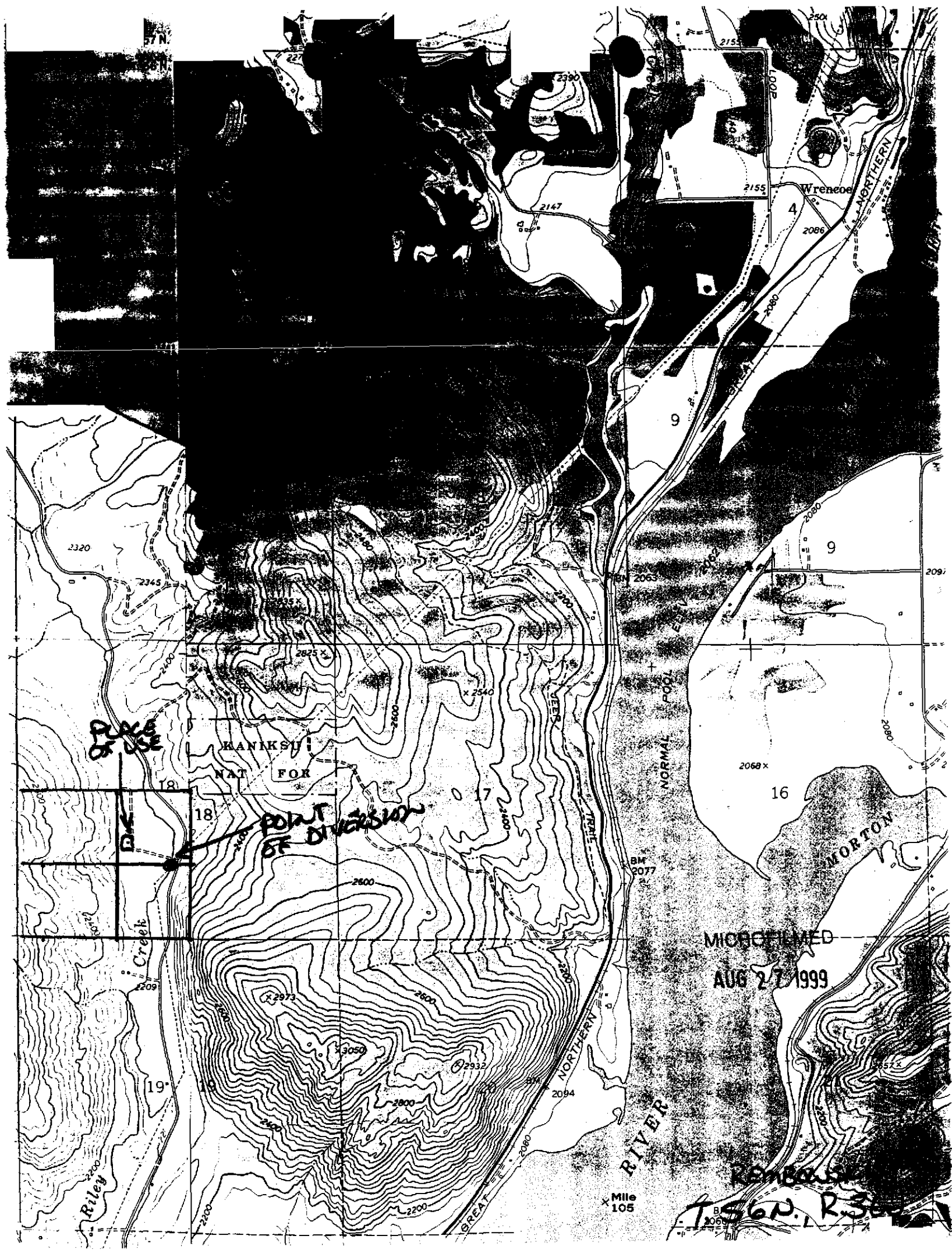
× 13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

RECEIVED
AUG 27 1999

Gordon Rombowski
Signature of Applicant (and title, if applicable)

Received by AB Date 3-25-99 Time 2:40 Preliminary check by AB
 Fee \$ 50- Received by AB # AD12699 Date 3-25-99
 Publication prepared by AB Date 3/31/99 Published in Boise Times 4/7+14/99
 Publication approved AB Date 5/17/99





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 26, 2001

GORDON REMBOWSKI
PO BOX 113
LACLEDE ID 83841-0113

RE: License No. 96-9017 - 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)

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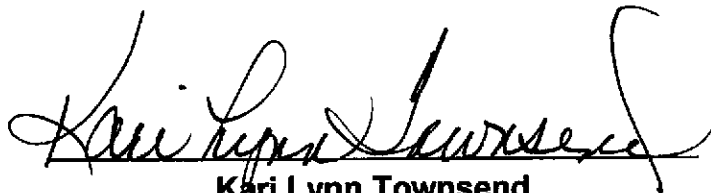
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on September 26, 2001 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. 96-9017

**GORDON REMBOWSKI
PO BOX 113
LACLEDE ID 83841-0113**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 19 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).

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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 96-09017

FROM: KAY WALKER *kw*

RE: License Recommendations

Date: September 14, 2001

.....

In review of this field examination and completion of the GIS shape file, I found the point of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 18, Twp. 56N, Rge. 3W. I am, therefore, recommending we show the one diversion point rather than the way examiner recommended.

The examiner also did not mention how many stock were present at this place. I have gone ahead and used the permitted amount of 0.02 cfs and 0.1 af for the 4 head of cows.

*Per Wayne Baldwin 9/21/01
fish screen was in place
& approach velocity
easily within limit — kw*

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OCT 19 2001

LICENSE REVIEW CHECKLIST

Permit No. 96-9017 Date: 9-14-01 Reviewer: Kay Walker

topo
D4

Change/OK

Name/Address

Source
Point of Diversion:

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.05 cfs
Fee Limit 0.20 cfs
Measured 0.03 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.03

Water Uses

OK Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation 0.03 cfs 4.5 af
Stockwater 0.02 cfs 0.1 af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 0.03 cfs 4.6 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (W67/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

stock = 4 range cows
 $\times 0.0134$
 $\frac{0.05}{0.05} \approx 0.1 \text{ AF}$
allow 0.02
cfs as
permitted
for stock

Volume Determination

0.03 cfs $\times 1.9835 \times 214$ days = 12.7 af (vs) 1.5 acres $\times \frac{3.0}{2.0} \text{ (FHR) (con)} = \frac{4.5}{2.0} \text{ af}$

Remarks:

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

Adjust memo

N/A
yes - pod

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 26 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09017

1. Owner: Gordon Rembowski Phone No. (208) 263-4298

Current Address: P.O. Box 113 Tule Lake Id. 83841-0113

2. Accompanied by: Gordon Rembowski EXAM DATE: 6-20-01

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Riley Creek tributary to Red Breille River

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
			NE	SW	18	56N	03W	Bonner	U.S.G.S 7.5 min Quad
			SE	SW	18	56N	03W	Bonner	U.S.G.S 7.5 min Quad

2. Place(s) of Use:

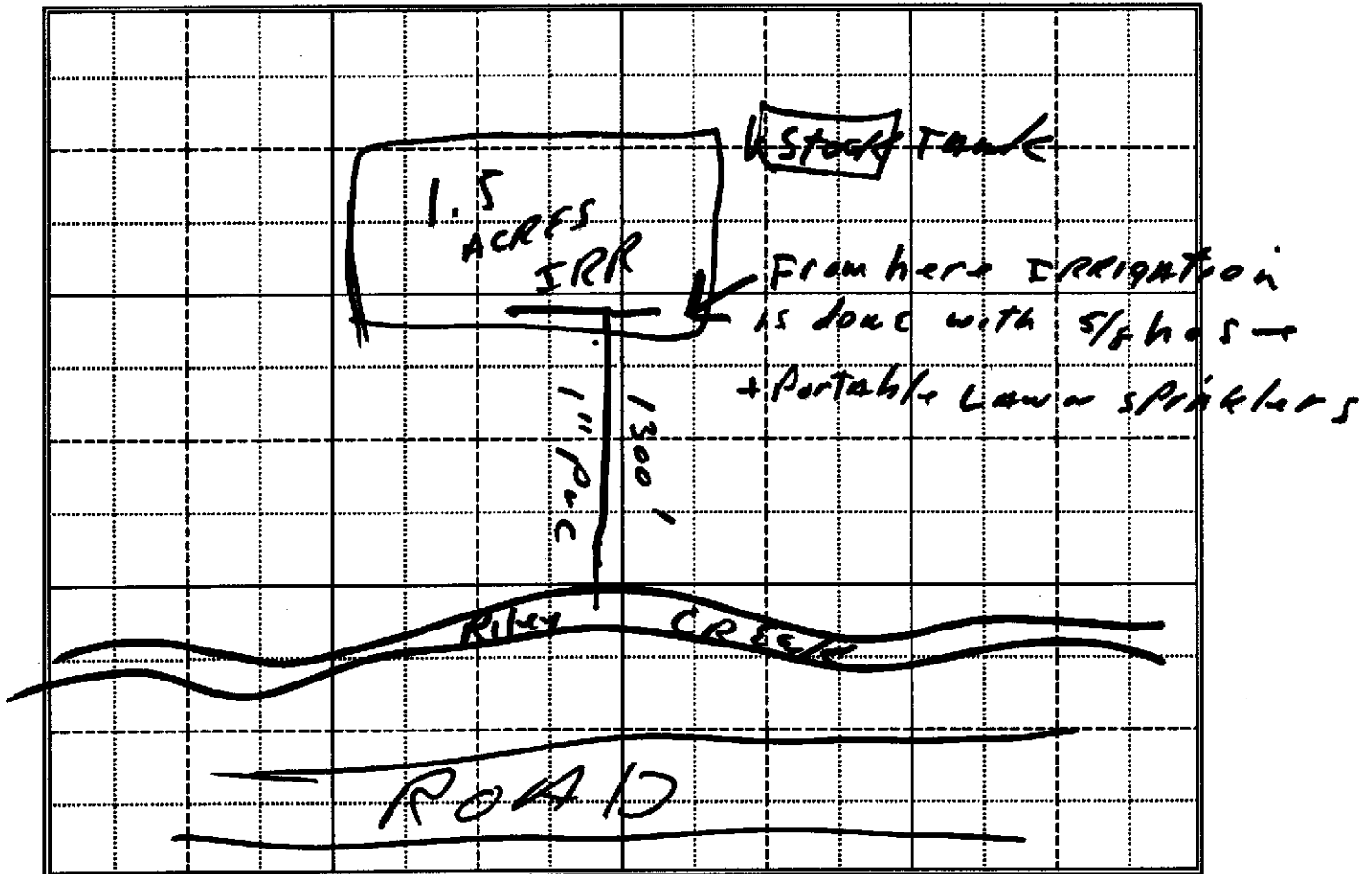
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	18																	1.5
																			5

NOT FILMED

JUL 19 2001

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



Scale: 1" = 100'

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Briggs & Stratton	16	—	Feel	10326 1" dis

*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:

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E. NARRATIVE/REMARKS/COMMENTS

Point of Diversion as far as I could
tell is on line between NESW + SESW (18)

Measurement done at 1" main line
where it reaches place of use, approx
1300' from P.D.

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

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OCT 19 2001

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{array}{l}
 5 \text{ gal bucket} \quad 5 \text{ gal} \sim 20 \text{ sec.} = 15 \text{ gpm} \\
 15 \times .133681 = 1.03 \text{ cfs} \\
 \hline
 60
 \end{array}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \times 3 = 4.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.03 \times 245 \times 1.9835 = 14.5$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 4.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	03-15	11-15	1.03	4.5
Stockwater	01-01	12-31	1.01	1
Totals:			1.03	4.6

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name

Wayne Baldwin

Date

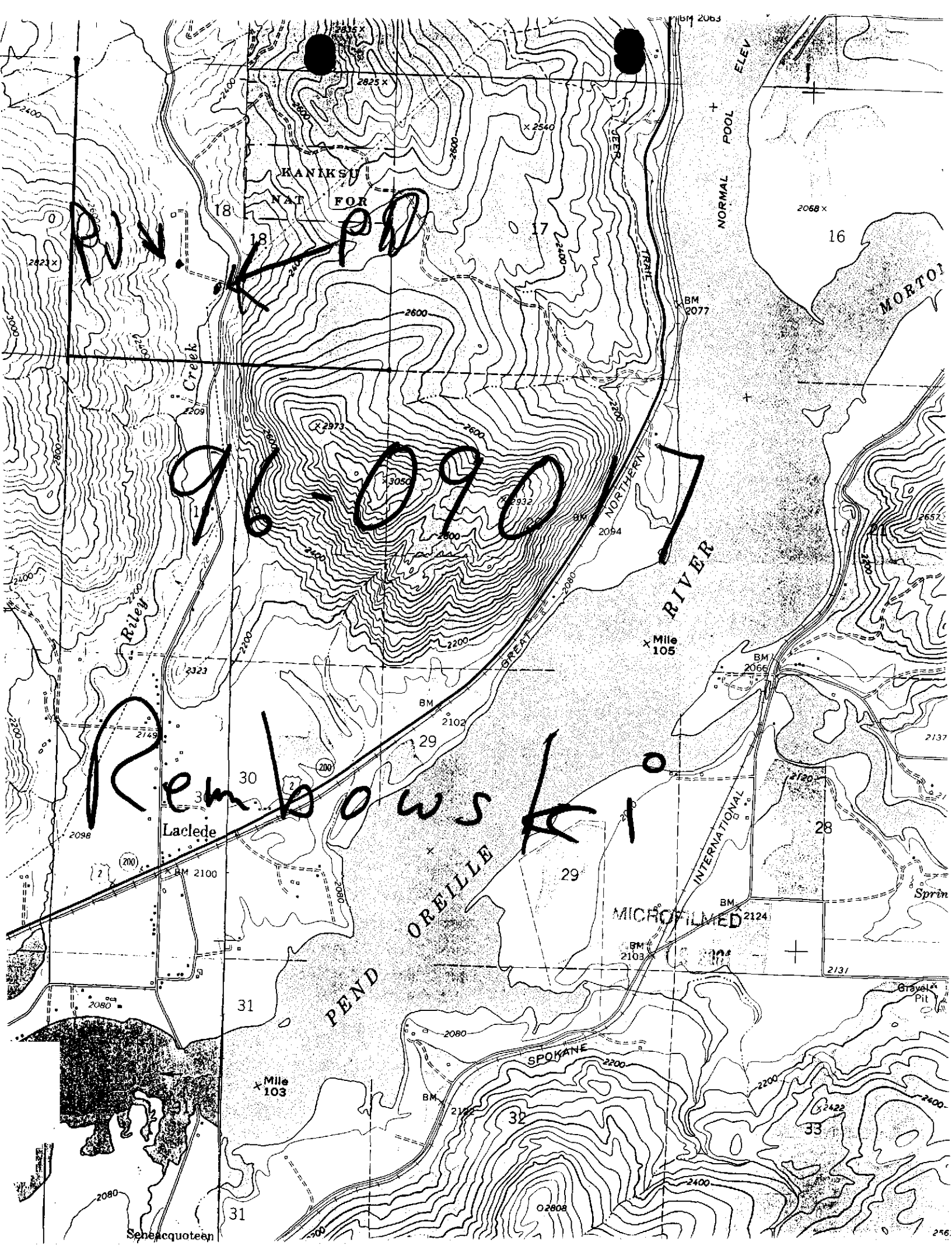
7-23-01

Reviewer

Date

MICROFILMED
OCT 18 2001

SEAL



Riley Creek
KANIKSU NAT FOR

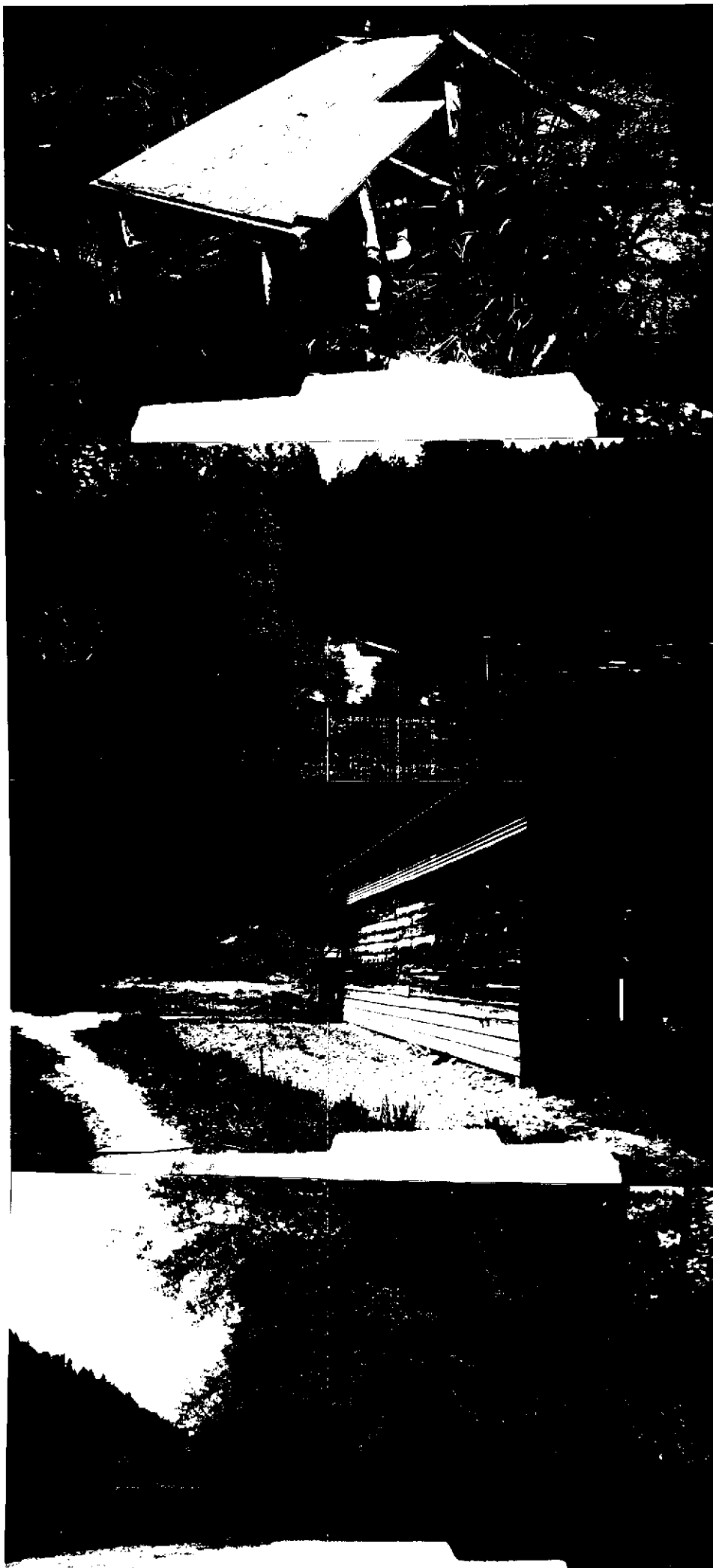
96-090

Rembowski

MICROFILMED

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96-09017



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MICROFILMED
OCT 19 2007



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

August 27, 1999

Gordon Rembowski
PO Box 113
Laclede ID 83841-0113

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09017

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

AUG 27 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-6 9017 Reviewed by [Signature] Date 8-23-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Irr., stock
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
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

MEASURING DEVICE

yes Required? no
50- Amount Submitted
yes Correct? _____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptance

DATA ENTRY

New Address [Signature] Proof Made 6-25-99



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

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

GORDON REMBOWSKI
PO BOX 113
LACLEDE ID 83841-0113

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09017

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR 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 at least sixty days prior to the commencement of work in the stream.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

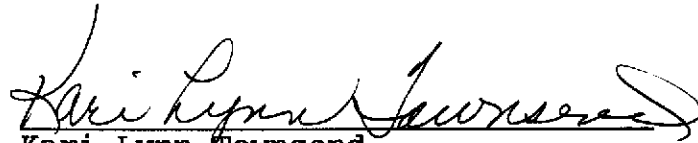
MICROFILMED
JUN 27 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 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. 96-09017

GORDON REMBOWSKI
PO BOX 113
LACLEDE ID 83841-0113


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 27 1999

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.

MICROFILMED
AUG 27 1999

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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 96-9017 Name: Rembowski Date: 6/1/99 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 or No MD (in-stream stock or power)

≤ 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: WIS W16

IN/ABOVE MSF (✓ MAP)

- *WB9 Pend Oreille

IN-STREAM DEVELOPMENT

- P52 (stream channel alteration)

WD (✓ MAP & LISTING)

- R04 (WVD #)

> 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), 18B-P09 (>10' dam), NA

IRR ≤ 5 acres

- ~~R67/R68/R69~~ (0.02 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 (FERG); 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:

- 004 (PD/PU)

OTHER CONDITIONS:

- 076

STANDARD REMARKS:

- ① WIS ② W16 ③ WB9 ④ W02/4RC

BENEFICIAL USE DUE:

- 6/1/2000

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
MAY 20 1999
WR
WRA
BCT

APPLICATION # 96-09017

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: Remowski

BY: AB

DATE: 3/25/99

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 (x)

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 3/25/99

X (Include Moratorium Remark)

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

ADVERTISE IN: BONNER 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 ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- Y Notice of pending void order issued. Final order response date: / /
- Y Further information required from applicant
- Y Affidavit of publication received
- Y Application published correctly. If not, record action taken: _____
- 3/31 Publication dates and paper recorded on application
- 5/17 Protests received, Final protest date: 4/26/99
- 3/31 Measuring device required
- 3/31 Measuring port required
- 3/31 Special conditions:

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

Approval Recommended by: AB

Date: 5/18/99

RECEIVED

MAY 20 1999

Department of Water Resources
Memorandum

To: File 96-09017

From: Beardslee

Re: Fish and Game approval

~~~~~  
Chip Corsi, of Idaho Fish and Game Department was contacted as part of the Regional approval review of this filing.

Mr. Corsi stated that he suggested that a condition be placed on the Water Right Permit that the intake structure be screen to 1/4" mesh and that the approach velocities be less than .5' per second.

Other than the above condition, Mr. Corsi had no reason that this filing should not be approved.

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AUG 27 1999

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Sheridan

\_\_\_\_\_ being first duly sworn on oath  
deposes and says that he/she is Bookkeeper  
of the Priest River Times, a newspaper printed and  
published at Priest River, Bonner County, Idaho; that the  
said newspaper has been continuously and uninterruptedly  
published in said Bonner County during a period of 12  
months prior to the first publication of the hereto attached  
notice of publication in the case of:

Water rights

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 7 day of April, 1999  
and ending on the 14 day of April, 1999

and that said notice was published in said newspaper.

On this 7th day of May in the year  
of 1999 before me, a Notary Public, personally  
appeared Jeannie Sheridan

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.

Pamela S. Russell  
Notary Public for Idaho

Residing at Priest River

My Commission expires: 5-24-04

RECEIVED

MAY 17 1999

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:

96-09016

PUMNEA, MATT BRIAN

P O BOX 1021

PRIEST RIVER, ID 83856

Source: GROUNDWATER

Diversion Pt: SENE

Use: WILDLIFE STORAGE

Total Diversion:

Sec 22 T 55N R 05W in BONNER County.

(6.30 AF)

(6.30 AF)

Date Filed: 3/15/1999

In: BONNER County

T55N R05W S22

SENE

97-09017

REMBOWSKI, GORDON

P O BOX 0113

LACLEDE, ID 83841-0113

Source: RILEY CREEK

Diversion Pt: NESW

SESW

Use: IRRIGATION

STOCKWATER

Total Diversion:

Tributary: PEND OREILLE RIVER

Sec 18 T 56N R 03W in BONNER County.

Sec 18 T 56N R 03W in BONNER County.

(0.030 CFS)

(0.020 CFS)

(0.050 CFS)

Date Filed: 3/25/1999

In: BONNER County

T56N R03W S18

NESW

1.5 ACRES TOTAL

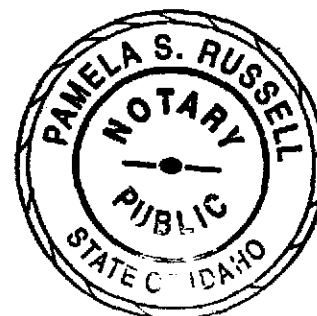
For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

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 APRIL 26, 1999.

KARL J. DREHER, Director

PRT Legal 2552

April 7, 14, 1999



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AUG 27 1999

RECEIVED ADVERTISING  
VOICE/STATEMENT

IDWR/North

## TEAMS

1.

ok to pay  
5/17/99

0.0  
0.0

Held - do not pay  
until affidavit is received 5/4/99

affidavit received 5/17/99

|              |       |
|--------------|-------|
| AMOUNT DUE → | 90.56 |
|--------------|-------|

DETACH HERE

| AMOUNT OF PAYMENT |  |
|-------------------|--|
|                   |  |

TO INSURE PROPER CREDIT BOTTOM PORTION MUST BE RETURNED WITH REMITTANCE.

96-09017

REMBOWSKI, GORDON  
PO BOX 0113  
LACLEDE, ID 838410113

Source: RILEY CREEK

Tributary: PEND OREILLE RIVER

Diversion Pt:           - NESW      Sec 18 T 56N R 03W in BONNER County.  
                         - SESW      Sec 18 T 56N R 03W in BONNER County.

Use: IRRIGATION                               (           0.030 CFS)  
     STOCKWATER                               (           0.020 CFS)  
          Total Diversion: (           0.050 CFS)

Date Filed: 3/25/1999

In: BONNER County  
    T56N R03W S18                   NESW

1.5 ACRES TOTAL

MICROFILMED

AUG 27 1999

March 31, 1999

Gordon Rembowski  
P O Box 0113  
Laclede ID 83841-0113

Re: Water Appropriation Application No. 96-09017

Dear Mr. Rembowski:

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

MICROFILMED

AUG 27 1999  
AUG 27 1999