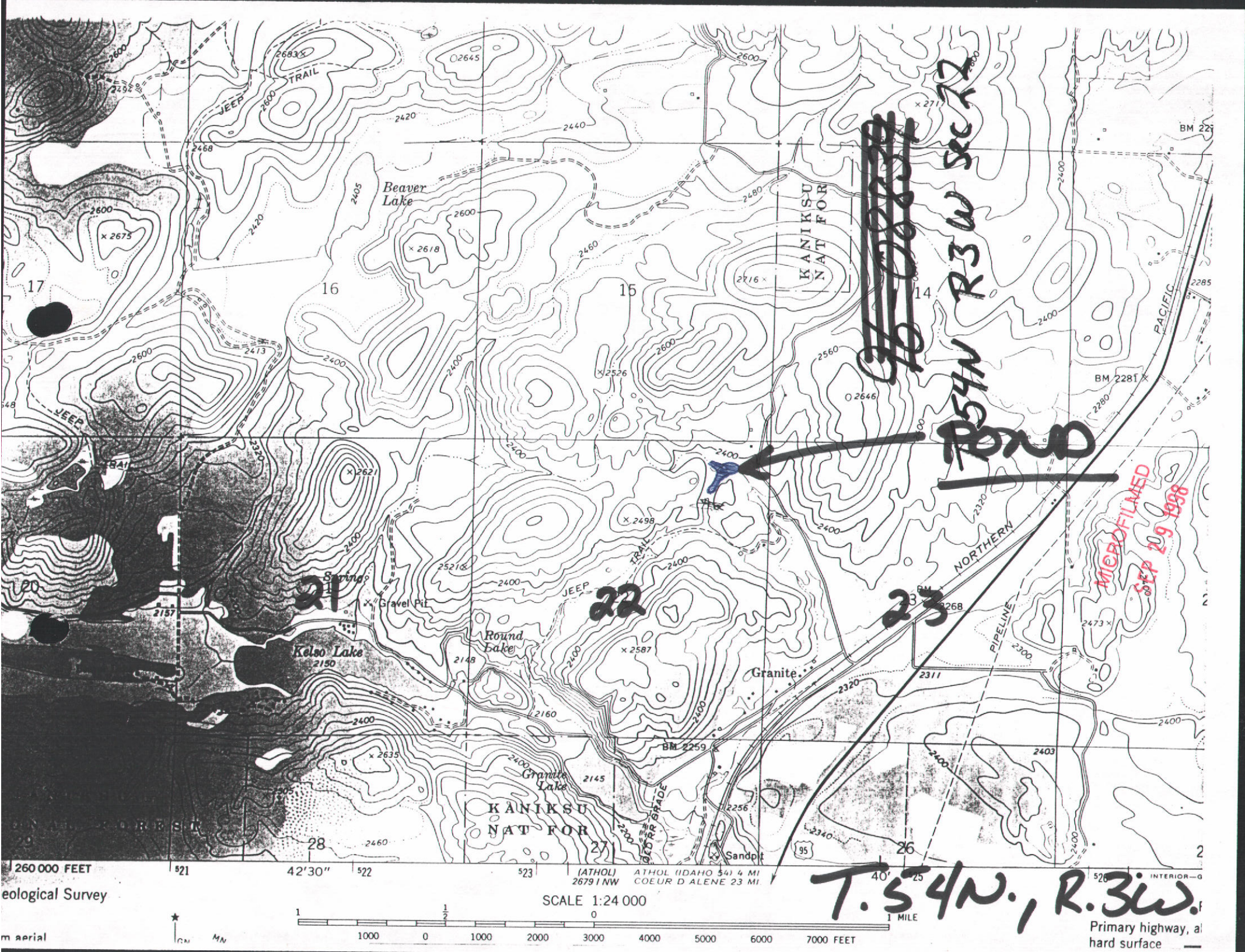
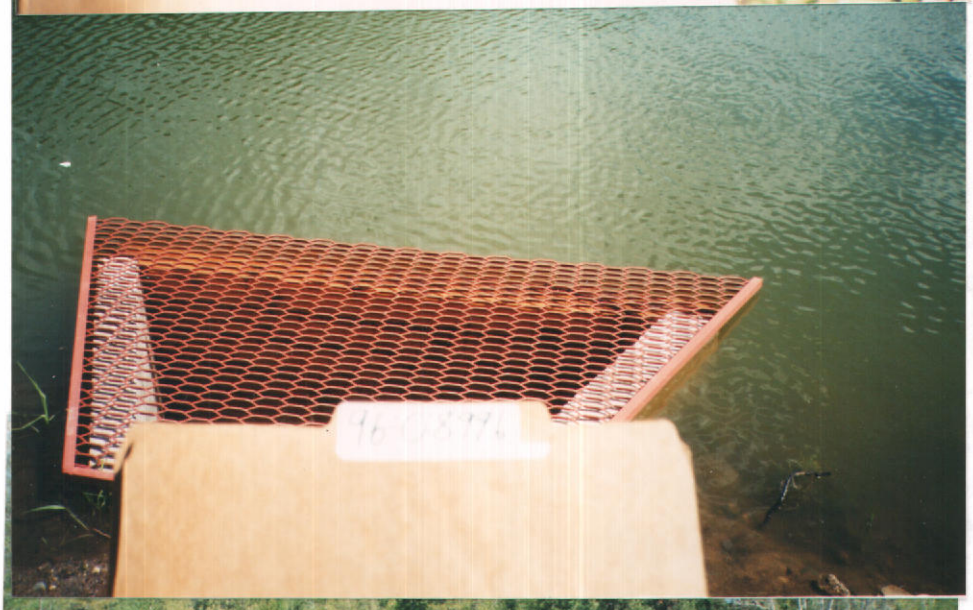


POND
T.54N., R.3W.
R3W Sec 22
MICROFILMED SEP 29 1998
21
22
23
Beaver Lake
Kelso Lake
Round Lake
Granite Lake
Granite
Sandpit
Gravel Pit
Spring
KANIKSU NAT FOR
JEEP TRAIL
NORTHERN PACIFIC
PIPELINE
OLD RR GRADE
BM 2259
BM 2281
260 000 FEET
42'30"
(ATHOL) 2679 I NW
ATHOL (IDAHO 54) 4 MI
COEUR D ALENE 23 MI
SCALE 1:24 000
1 MILE
7000 FEET
Primary highway, al
hard surface
eological Survey
m aerial

PD unnamed stream entering Pond



EXIT

PV

96-08996

PD unnamed stream entering Pond

EXIT

PV

96-08996

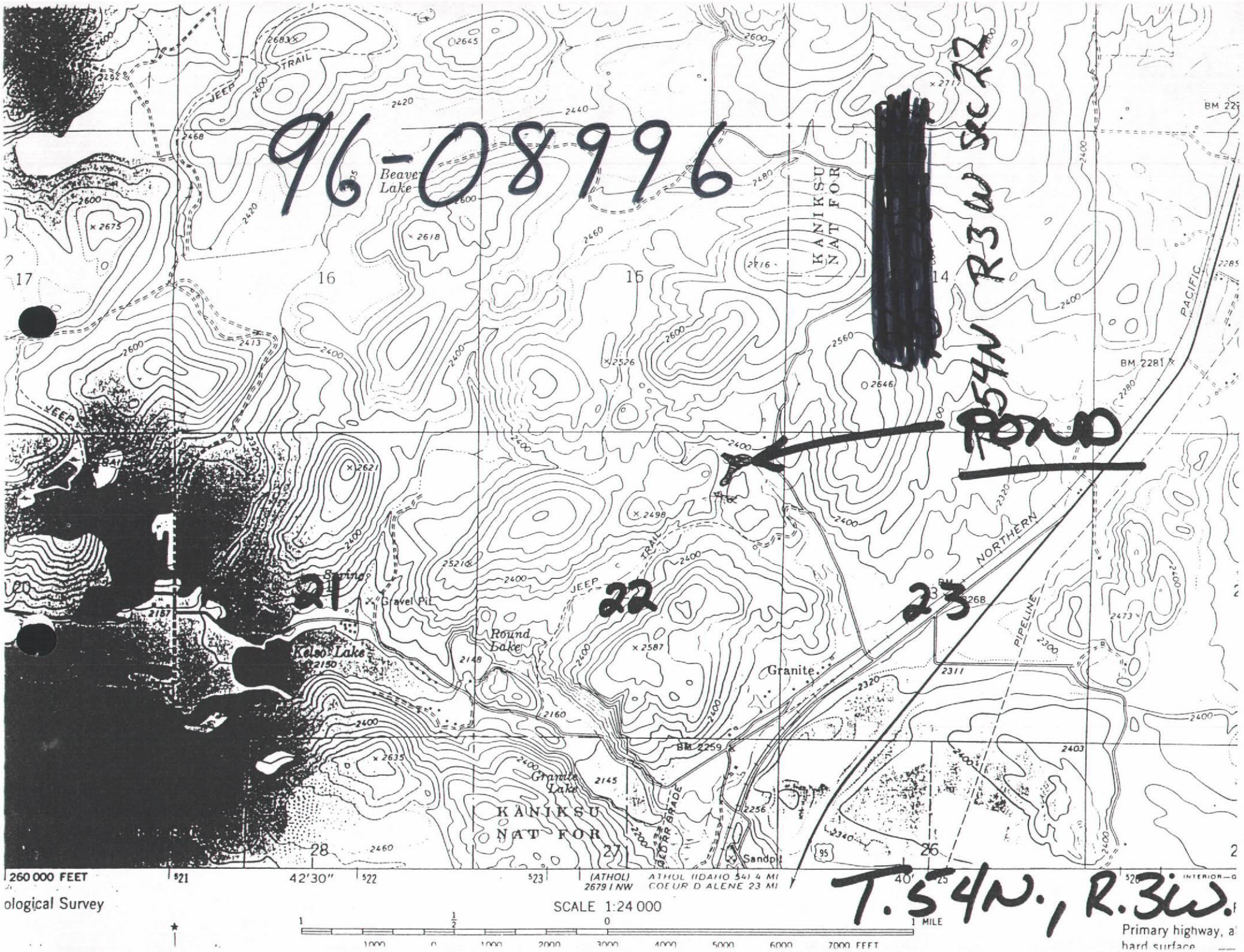
PD unnamed stream entering Pond

EXIT

PV

96-08996

Pu


96-08996
T54N R3W Sec 22
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COEUR D ALENE 23 MI
SCALE 1:24 000
1 MILE
7000 FEET
ological Survey
Primary highway, a
hard surface

Form No. 217
6/00

FOR OFFICE USE ONLY
Amt. of Fee $: 100
Receipt No. 1013933
Receipt By: TB
Date Receipted: 8/8/2000

RECEIVED
SEP 11 2000
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 96-08996 Telephone No. 208 683 3244

2. Name of Permit Holder(s): HOOPER, HOWARD

3. Mailing Address: 784 TWIN RIVERS Rd

   City ATHOL State ID Zip 83801

4. Source of Water: UNNAMED STREAM & SPRINGS. 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): _____ Stockwater (No. and type of stock): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs **OR** 40 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: $ 160 (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: HOWARD HOOPER Telephone Number: 208-683-3244

   Address: 784 TWIN RIVERS Rd ATHOL, ID. 83801

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: Howard G Hooper Jr. Date: 8-2-00
(include your title, if on behalf of company of organization)

MICROFILMED

JAN 3 1 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08996

Proposed Priority: July 27, 1998 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **HOWARD G HOOPER JR**
784 TWIN RIVERS RD
ATHOL ID 83801
has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of **GRANITE LAKE**
SPRINGS tributary of **GRANITE LAKE**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
COMMERCIAL	01/01 to 12/31	1.00 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		40.0 AF
COMMERCIAL FROM STORAGE	01/01 to 12/31		40.0 AF
FISH PROPAGATION	01/01 to 12/31	1.00 CFS	
FISH PROP. STORAGE	01/01 to 12/31		40.0 AF
RECREATION	01/01 to 12/31	1.00 CFS	
RECREATION STORAGE	01/01 to 12/31		40.0 AF
RECREATION FROM STORAGE	01/01 to 12/31		40.0 AF
FIRE PROTECTION	01/01 to 12/31	1.00 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		40.0 AF
	Totals	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 22, Township 54N, Range 03W
BONNER County

PLACE OF USE: COMMERCIAL

TWN	RGE	SEC	
54N	03W	22	NENE

PLACE OF USE: COMMERCIAL FROM STORAGE, same as COMMERCIAL use
PLACE OF USE: FISH PROPAGATION, same as COMMERCIAL use
PLACE OF USE: RECREATION, same as COMMERCIAL use
PLACE OF USE: RECREATION FROM STORAGE, same as COMMERCIAL use
PLACE OF USE: FIRE PROTECTION, same as COMMERCIAL 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 **October 1, 2000.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

MICROFILMED
SEP 29 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08996

CONDITIONS OF APPROVAL AND REMARKS

4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. Commercial and recreation storage uses are for a fishing pond.

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

21st day of September, 1998.

for L. Glen Saxton
Karl J. Dreher, Director

MICROFILMED
SEP 29 1998

FORM 202
2/96

Ident. No. 96-08996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
SEP 14 1998
Department of Water Resources

1. Name of Applicant HOOPER, HOWARD G. JR. Phone 208 683 3244
   Mailing address 784 TWIN RIVERS Rd. ATHOL, ID 83801
2. Source of water supply UNNAMED STREAM SPRINGS which is a tributary of GRANITE LAKE
3. Location of point of diversion is Township 54 N Range 3 W.B.M. Sec. 22, in the _____ 1/4,
   NE 1/4, NE 1/4, Govt. Lot _____, B.M., BOUNDARY County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 40 (cfs or acre-feet per annum) for (20) STORAGE FOR FISH PROPAGATION purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 40 (cfs or acre-feet per annum) for (11) STORAGE FOR COMMERCIAL purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 40 (cfs or acre-feet per annum) for (43) STORAGE FOR RECREATION purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 40 (cfs or acre-feet per annum) for (50) STORAGE FOR FIRE PROTECTION purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 1.0 (cfs or acre-feet per annum) for (19) FISH PROPAGATION purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 1.0 (cfs or acre-feet per annum) for (10) COMMERCIAL purposes from 4/1 to 12/31 (both dates inclusive)
   Amount 1.0 (cfs or acre-feet per annum) for (46) RECREATION purposes from 4/1 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for (49) FIRE PROTECTION purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 1.0 cubic feet per second and/or (b) 40 acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source POND - SURFACE AREA 4 ACRES X 10' AVERAGE DEPTH, (ON-STREAM)
   b. Height of storage dam 9 feet; active reservoir capacity 40 acre-feet; total reservoir capacity 40' 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 2 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. RECREATION, FOR STORAGE IS FOR FISHING. AMENDED

SEP 29 1998

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	
54N	3W	22	H																
			C																
			R	STORAGE															
			F																
			H C R E																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. POND ADJOINING COVERED BY 96-08839

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

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

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.

MICROFILMED SEP 23 1998

X Howard Y Koop

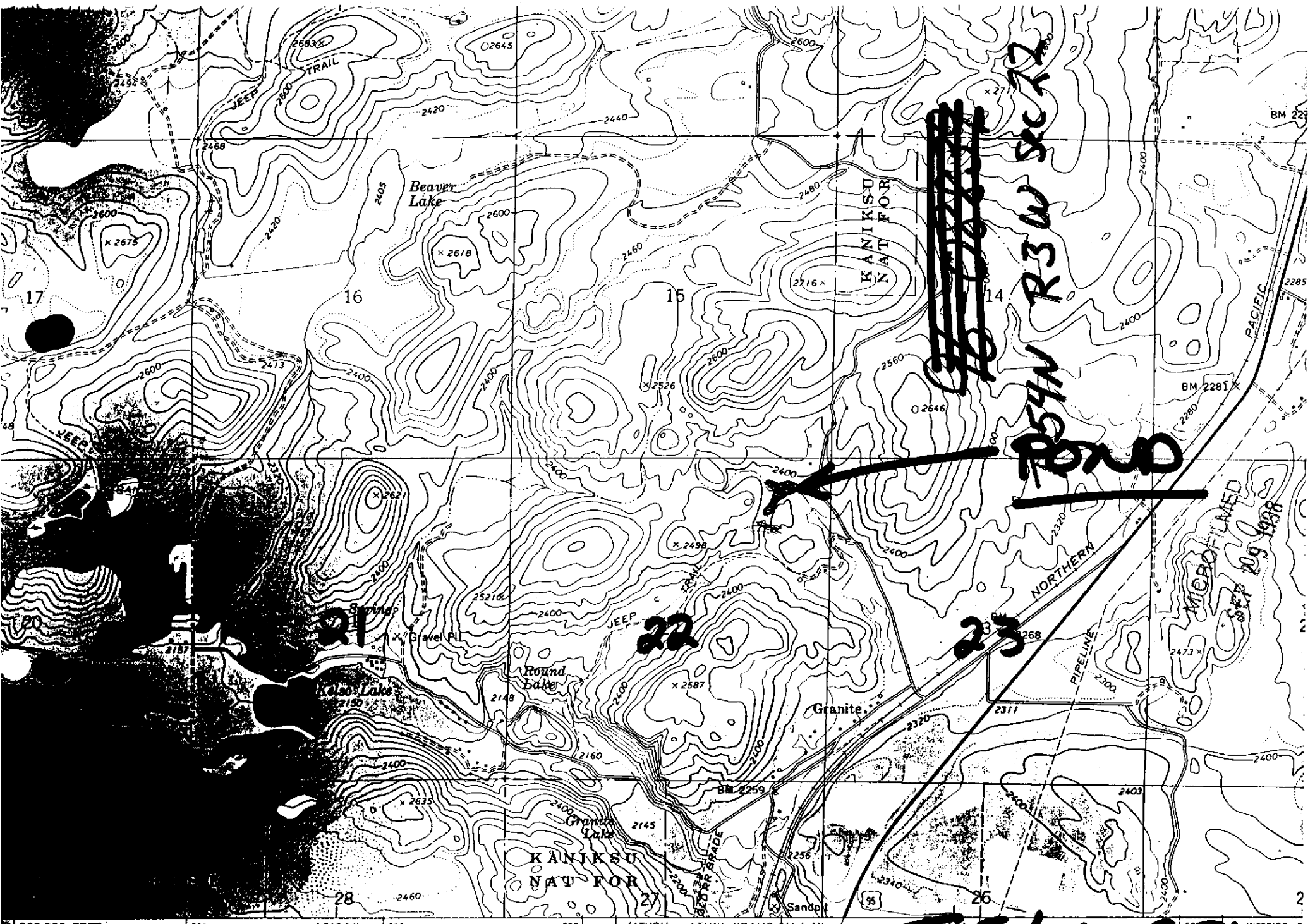
Signature of Applicant (and title, if applicable)

Received by AS Date 7/27/98 Time 11:30 Preliminary check by AS

Fee $ 100 Receipted by AS # 012262 Date 7/27/98

Publication prepared by do Date 7/28/98 Published in Bonneville Co. Daily, Dec 8/6+13 1998

Publication approved do Date 9/3/98



R3W Sec 22
POND
T.54N., R.3W.
21
22
23
Beaver Lake
Round Lake
Kelso Lake
Granite Lake
Granite
KANIKSU NAT FOR
JEEP TRAIL
NORTHERN PACIFIC
PIPELINE
Gravel Pit
Sandpit
BM 2281
BM 2259
260 000 FEET
42'30"
(ATHOL) 2679 I NW
ATHOL (IDAHO 54) 4 MI
COEUR D ALENE 23 MI
SCALE 1:24 000
1 MILE
7000 FEET
Geological Survey
Primary highway, al
hard surface

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
JUL - 2 2001
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08996

1. Owner: Howard G. Hooper Jr. Phone No. (208)-683-3244
Current Address: 784 Twin Rivers Rd, Athol Id. 83801
2. Accompanied by: Mr. Hooper EXAM DATE: 5-17-01
Address: Same as above Phone No. _____
Relationship to Permit Holder: _____
3. Source: Unnamed Stream Springs tributary to Granite Lake

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

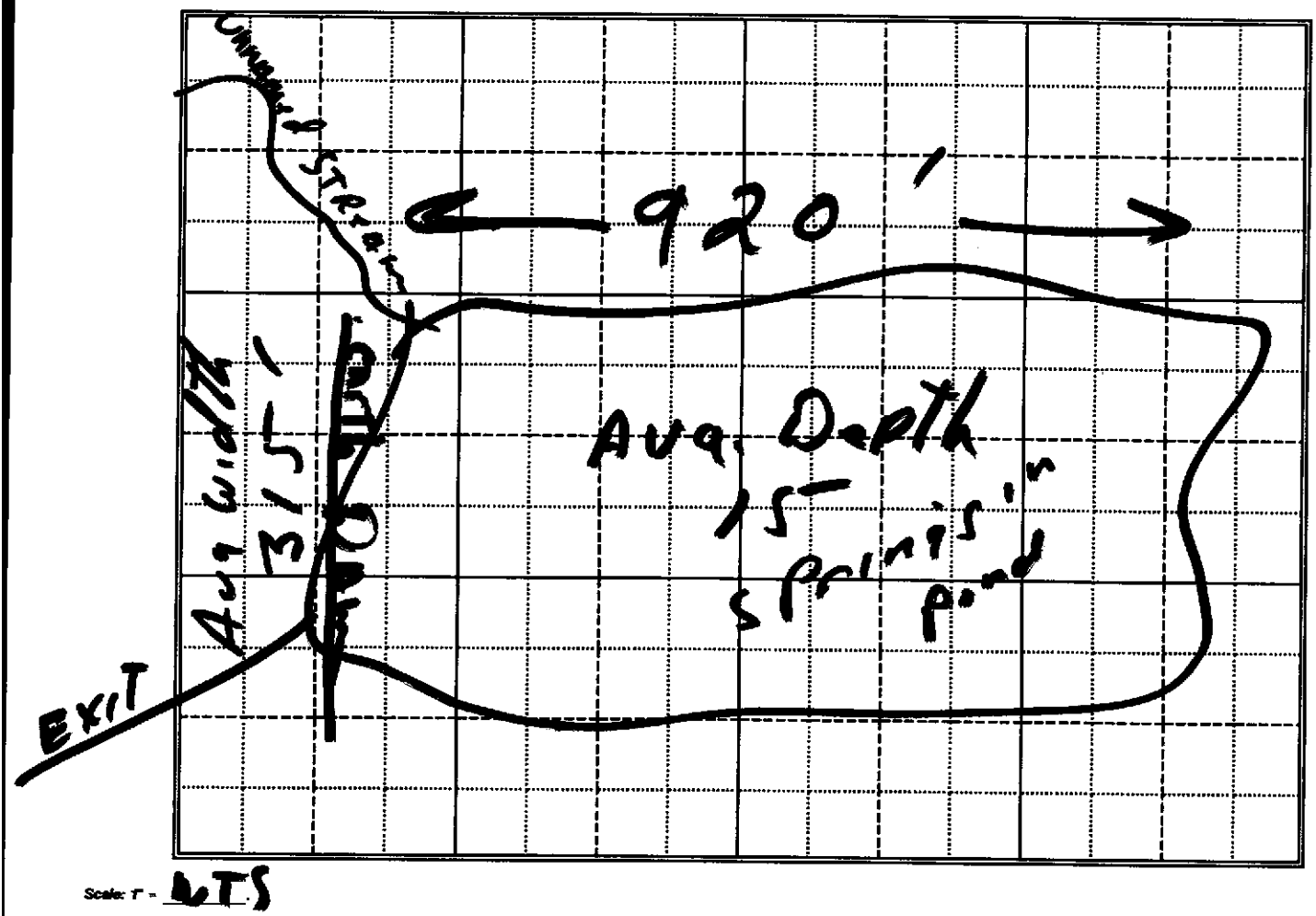
1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	22	54N	03W	Bonner	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	
54N	03W	22	C																
			FP																
			R																
			F																

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



Scale: 1" = NTS

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

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

____ Photo of Diversion and System Attached

4.

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

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

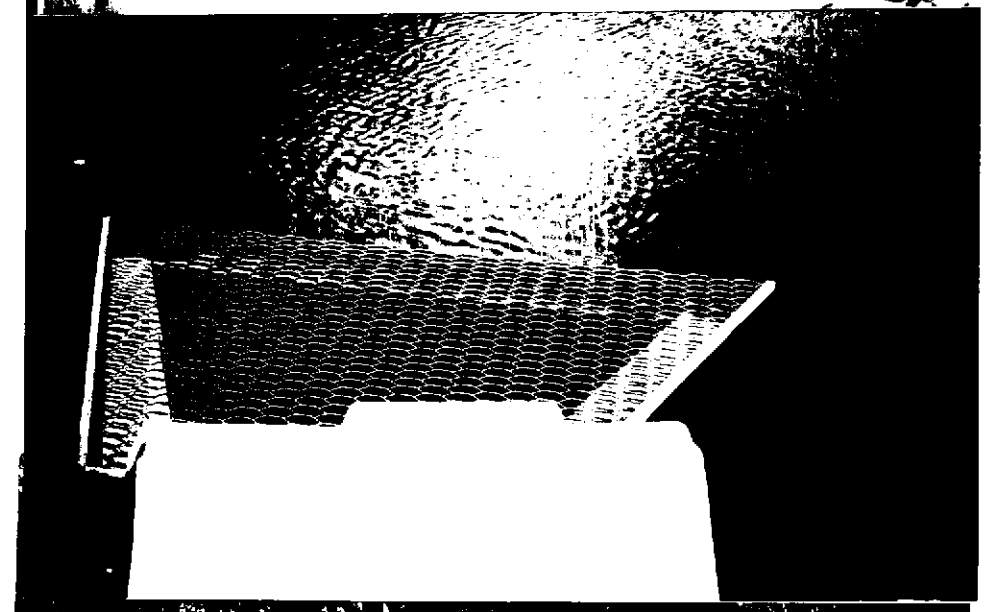
D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** _____

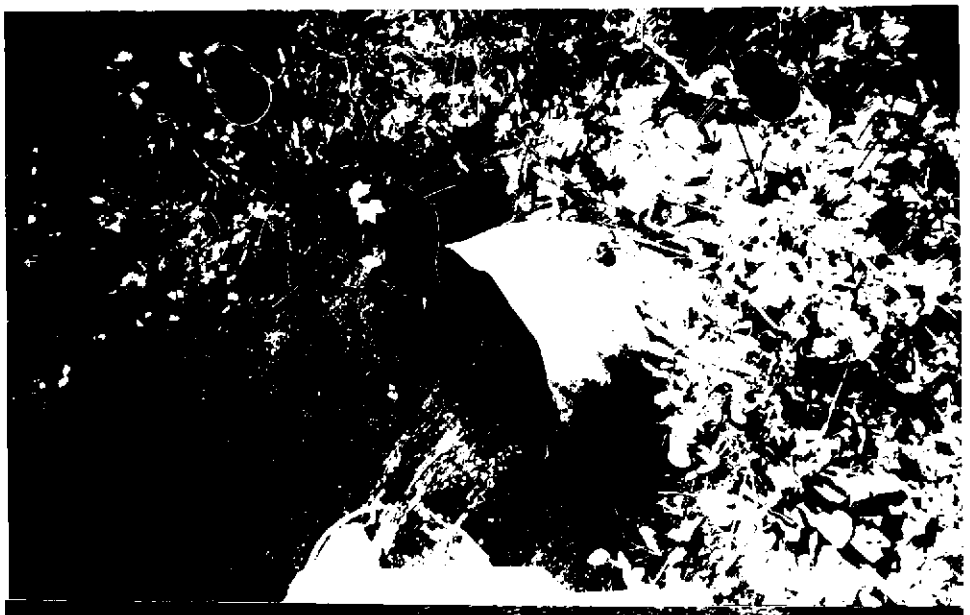
PO / stream
unnamed
entering pond



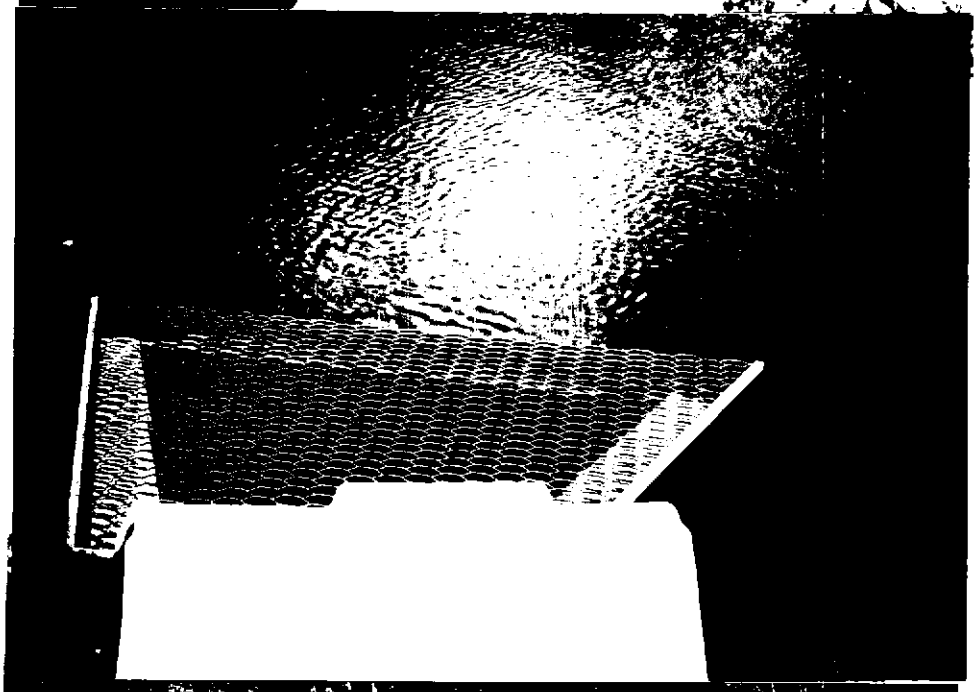
EXIT

PV

96-08996



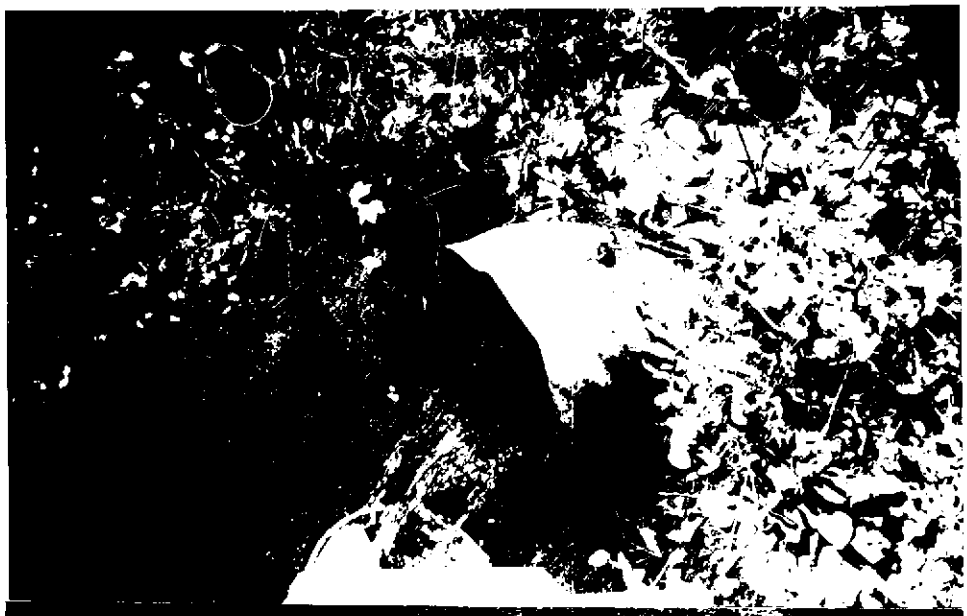
PD unnamed stream entering Pond



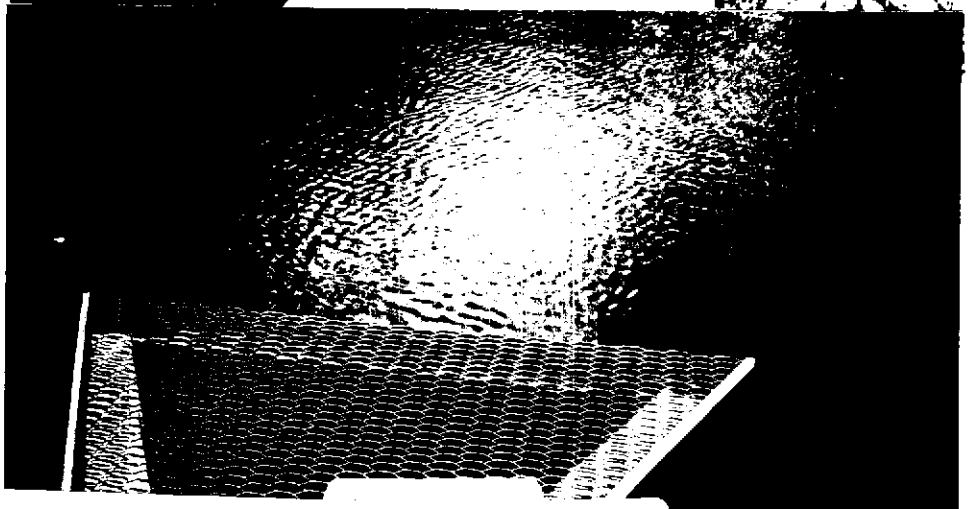
EXIT

PV

96-08996



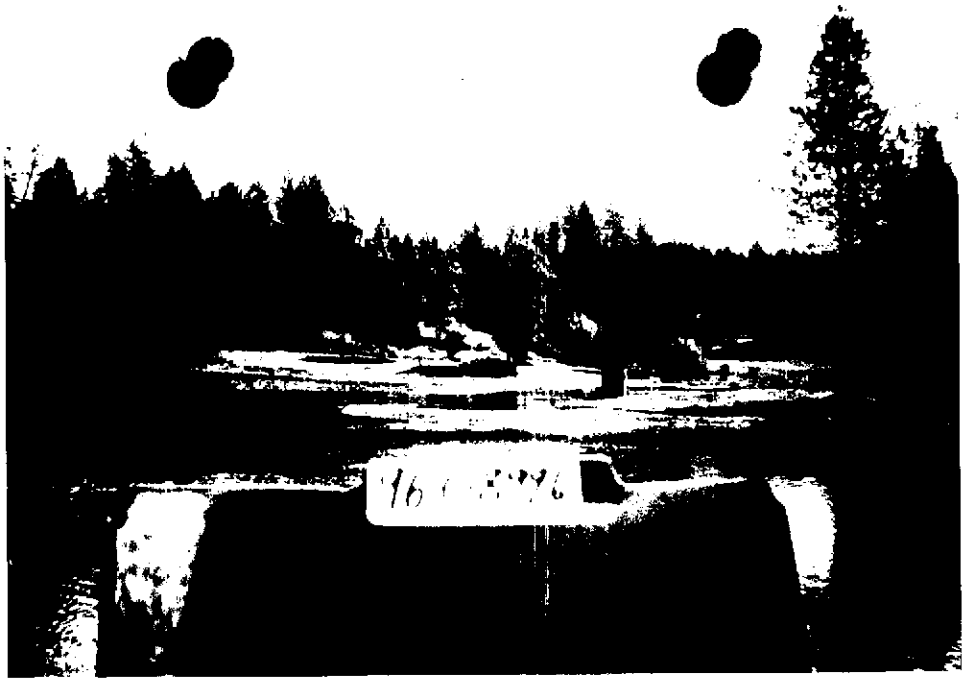
PO unnamed stream entering Pond

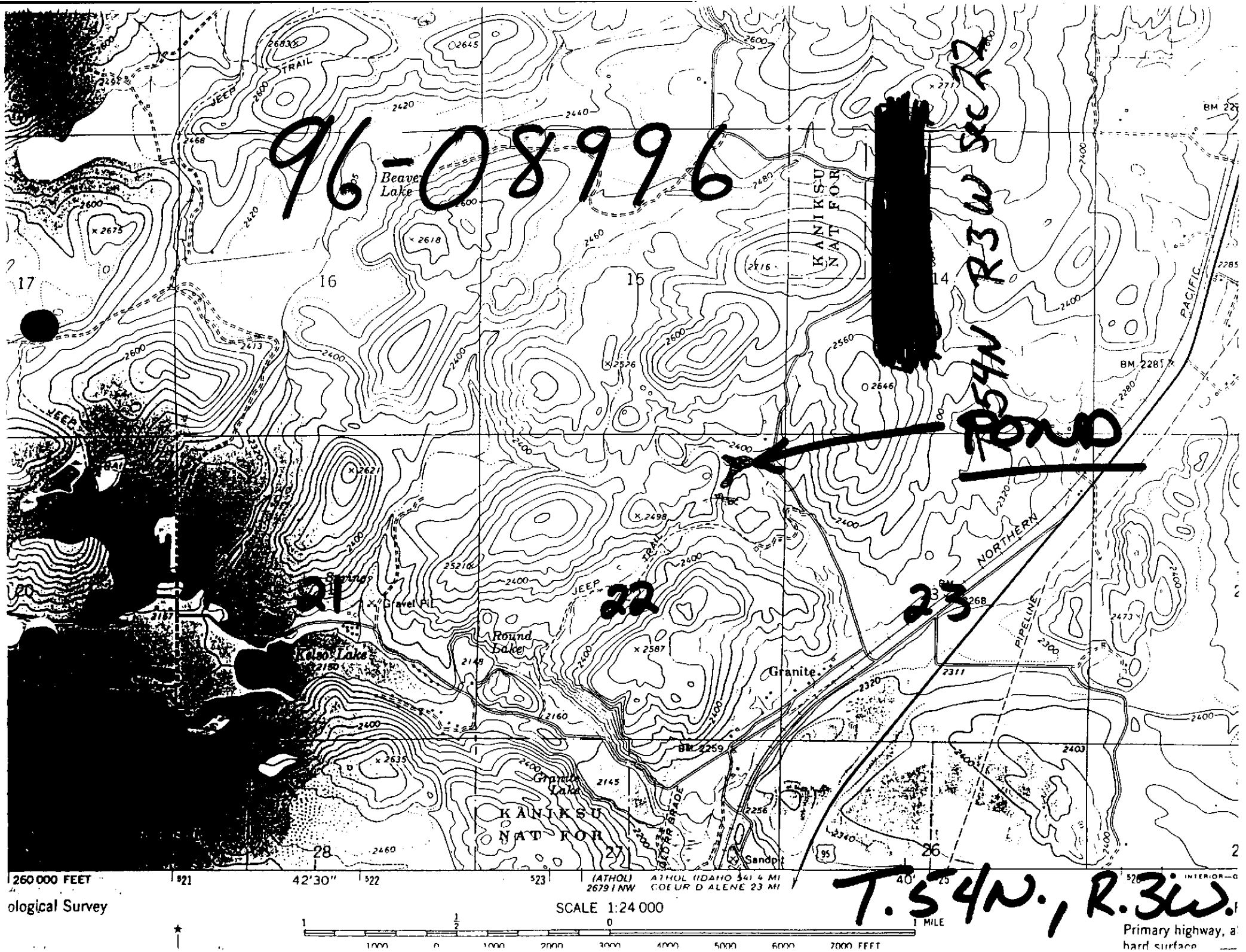


EXIT

PV

96-08996

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COEUR D ALENE 23 MI
ological Survey
SCALE 1:24 000
1 MILE
7000 FEET
Primary highway, a
hard surface

E. NARRATIVE/REMARKS/COMMENTS

We took a measurement with 5 gal bucket to determine diversion rate but I don't feel this requires a gate because the pond is instream. The pond discharges into [redacted] the stream channel at that it did before the pond was built.

Have conditions of permit approval been met? ✓ yes ___ no

F. FLOW CALCULATIONS

Measured Method: 5 gal bucket ✓ Additional Computation Sheets Attached

5 gal in 3.5 sec = 85 gpm

$\frac{85 \times .133681}{60} = .19$ cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Pond $\frac{315 \times 920 \times 15 \times .4}{43560} = 39.917$ AF = 40 AF

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Commercial/AC Storage	01-01	12-31	.19	40.
Fish Cobigation / Storage	01-01	12-31	.19	40.
Recreation/Rec Storage	01-01	12-31	.19	40.
Fire Protection	01-01	12-31	.19	40.
Fire Protection Storage	01-01	12-31	.19	40.
		Totals:	.19	40

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 Balduri Date 6-26-01

Reviewer _____ Date _____

SEAL

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 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD G HOOPER JR
784 TWIN RIVERS RD
ATHOL ID 83801

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08996

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.

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

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED
JAN 3 1 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 96-08996 Reviewed by D. Gibson Date 9/25/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Commercial, Storage, Fire Protection, Etc.

Correct Uses? Yes

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?

$100 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

____ Installed?

____ Waiver requested?

PRIORITY CALCULATION

Date proof received	8/8/00		
Date proof due	10/1/00	-	
No. of days late		=	
Priority Date		+	
New Priority Date			

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address No Proof Made 8/8/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:
N013933

Date:
Time: 9/ 8/2000
15:01:56

Received
From: HOOPER, HOWARD

Type of Payment		Program Acct	Amount
PROOF OF BENEFICIAL USE	65104	229 21 1155	100.00

Total $ 100.00

CHECK 6560

Region: NORTHERN Signature: _____

July 31, 2000

HOWARD G HOOPER JR
784 TWIN RIVERS RD
ATHOL ID 83801

PROOF DUE NOTICE

RE: PERMIT NO. 96-08996

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

MICROFILMED
JAN 3 1 2001

CERTIFIED MAIL
7099 3220 0006
NO. 2688 1843

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 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD G HOOPER JR
784 TWIN RIVERS RD
ATHOL ID 83801

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08996

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.**

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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SEP 2 9 1998

CERTIFICATE OF MAILING

I hereby certify that on the **21st** day of **September, 1998**, 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. 96-08996

HOWARD G HOOPER JR
784 TWIN RIVERS RD
ATHOL ID 83801

Kari Lynn Townsend
Secretary

MICROFILMED
SEP 29 1998

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.

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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.

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SEP 2 9 1998

08/98

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 96-8996 **Name:** Hooper **Date:** 9/17/98 **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 - ~~96A~~ P17
- ≤ 1 year/no proof - ~~P16~~

GROUNDWATER: *(✓ FLO-CH)*
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5acres - No MD
- ~~WMD~~ Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5acres - 01M (report when notified)
- ≤ 0.24 cfs/5acres - No MD

DRILLING PERMIT:
- All wells (✓ WDQ3) - 046-**P23**
- In Basin 34? - 085
- Irr. within WD - **P05** (new well location)

SURFACE WATER: *(✓FLO-CH)* (Surface water that *doesn't sink* is regulated):
- FISH & GAME CONTACTED: - YES / NO; RESPONSE: OK as is
- IN/ABOVE MIN. STR. FLOW (✓ MAP) - **WB9* _____
- WD (✓ MAP & LISTING) - R04 (WD #_____)
  - > 0.10 cfs - 01J-**P08** (MD & LD)
  - ≤ 0.10 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/5acres - 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/5acres - 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:
- Domestic surface - **WB5* (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - ~~077 - rank~~
- Fish Propagation - ~~029 007 042(req) 081 (WQ) P10~~ recreational private pond.
- Heating/Cooling - R07 (injection well)
- 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)
- Mining - 054*(req)* -081-**P10**
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- 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**
- Stockwater - R37 (BLM/USFS); NA
- Storage *(✓3 compo.)* - ~~NA~~ (in & out MD for on-stream storage), 18B-**P09** (>10' dam), NA

LOCATION:
- 42-248 area - **P84** (in 20/30/40/50/60/70/80 (~~87~~) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - **P52** (stream channel alteration)
- Mitigation - 120
- SWAN FALLS FLAG *(See Code Chart)* - _____
- Trust - 051-052-053-**P74** (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP: - 004 (PD/PU) _____

OTHER CONDITIONS: _____

STANDARD REMARKS: - Rec/Com/fish pond ~~only~~.

BENEFICIAL USE DUE: 9/1/2000

COMMENTS: - expansion of pond developed under 96-8839

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 14 1998
DEPARTMENT OF WATER RESOURCES

WRI WRA BCAI

APPLICATION # 96-08996

INITIAL REVIEW

APPLICANT: Hooper BY: _____ DATE: 7/27/98

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( )

PROCESSING
(Yes)(No) PRIORITY DATE: 7/27/98

__ X (Include Moratorium Remark)

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

bc/Shoshone

ADVERTISE IN: Bonneville County

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: n/a

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

ADDITIONAL INFORMATION
(Yes)(No)
__ X Field check: by _____
__ __ Field report attached
__ __ Analysis Supp. attached(>5cfs/500af)
__ __ Water delivered by water master?
Water District # _____

GROUNDWATER SECTION

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

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
__ __ Notice of pending void order issued. Final order response date: __/__/__
__ __ Further information required from applicant
__ __ Affidavit of publication received
__ __ Application published correctly. If not, record action taken: _____
__ __ Publication dates and paper recorded on application | Sr. Agent initial
__ __ Protests received, Final protest date: 8/24/98
__ __ Measuring device required
__ __ Measuring port required
__ __ Special conditions:

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

Approval Recommended by: _____ Date: 9/3/98

Memorandum

Date: September 10, 1998

To: Application for Permit Number 96-08996

From: Beardslee

The Norther Regional Office has contacted the Panhandle Region of Fish and Game regarding the approval of this Water Right Application for Permit.

After discussing the location, source and uses of water, Jim Davis stated that he did not see a problem with approving this filing.

MICROFILMED

SEP 2 9 1998

RECEIVED

SEP 0 3 1998

NORTHERN REGION
IDWR

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath deposes and says that he/she is Bookkeeper of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, 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:

App for Water

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 6 day of Aug., 1998 and ending on the 13 day of Aug., 1998 and that said notice was published in said newspaper.

On this 13 day of Aug. in the year of 1998, before me, a Notary Public, personally appeared Sherilyn Plunk, 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.

Carolyn L. Ingram
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/00

NOTICE OF APPLICATION FOR WATER RIGHT

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

96-08996 ok

HOOPER, HOWARD G JR
784 TWIN RIVERS ROAD
ATHOL, ID 83801
Source: UNNAMED STREAM Tributary: GRANITE LAKE
Source: SPRINGS Tributary: GRANITE LAKE
Diversion Pt: NENE Sec 22 T 54N R 03W in BONNER County.

Use: COMMERCIAL	(1.000 CFS)	
COMMERCIAL STORAGE		(40.00 AF)
FISH PROPAGATION	(1.000 CFS)	
FISH PROP. STORAGE		(40.00 AF)
RECREATION	(1.000 CFS)	
RECREATION STORAGE		(40.00 AF)
FIRE PROTECTION	(1.000 CFS)	
FIRE PROTECTION STORAGE		(40.00 AF)
Total Diversion:	(1.000 CFS)	(40.00 AF)

Date Filed: 7/27/1998
In: BONNER County
T54N R03W S22 NENE

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 24, 1998.

KARL J. DREHER, Director
SNP#9363 Aug 6, 13, 1998

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SEP 2 9 1998

9363

96-08996

HOOPER, HOWARD G JR
784 TWIN RIVERS ROAD
ATHOL, ID 83801

Source: UNNAMED STREAM Tributary: GRANITE LAKE
Source: SPRINGS Tributary: GRANITE LAKE

Diversion Pt: NENE Sec 22 T 54N R 03W in BONNER County.

Use: COMMERCIAL	(	1.000 CFS)		
COMMERCIAL STORAGE			(	40.00 AF)
FISH PROPAGATION	(	1.000 CFS)		
FISH PROP. STORAGE			(	40.00 AF)
RECREATION	(	1.000 CFS)		
RECREATION STORAGE			(	40.00 AF)
FIRE PROTECTION	(	1.000 CFS)		
FIRE PROTECTION STORAGE			(	40.00 AF)
Total Diversion:	(	1.000 CFS)	(	40.00 AF)

Date Filed: 7/27/1998

In: BONNER County
T54N R03W S22 NENE

MICROFILMED
SEP 29 1998

July 29, 1998

Howard G Hooper Jr
784 Twin Rivers Road
Athol ID 83801

Re: Water Appropriation Application No. 96-08996

Dear Mr. Hooper:

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

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SEP 2 9 1998