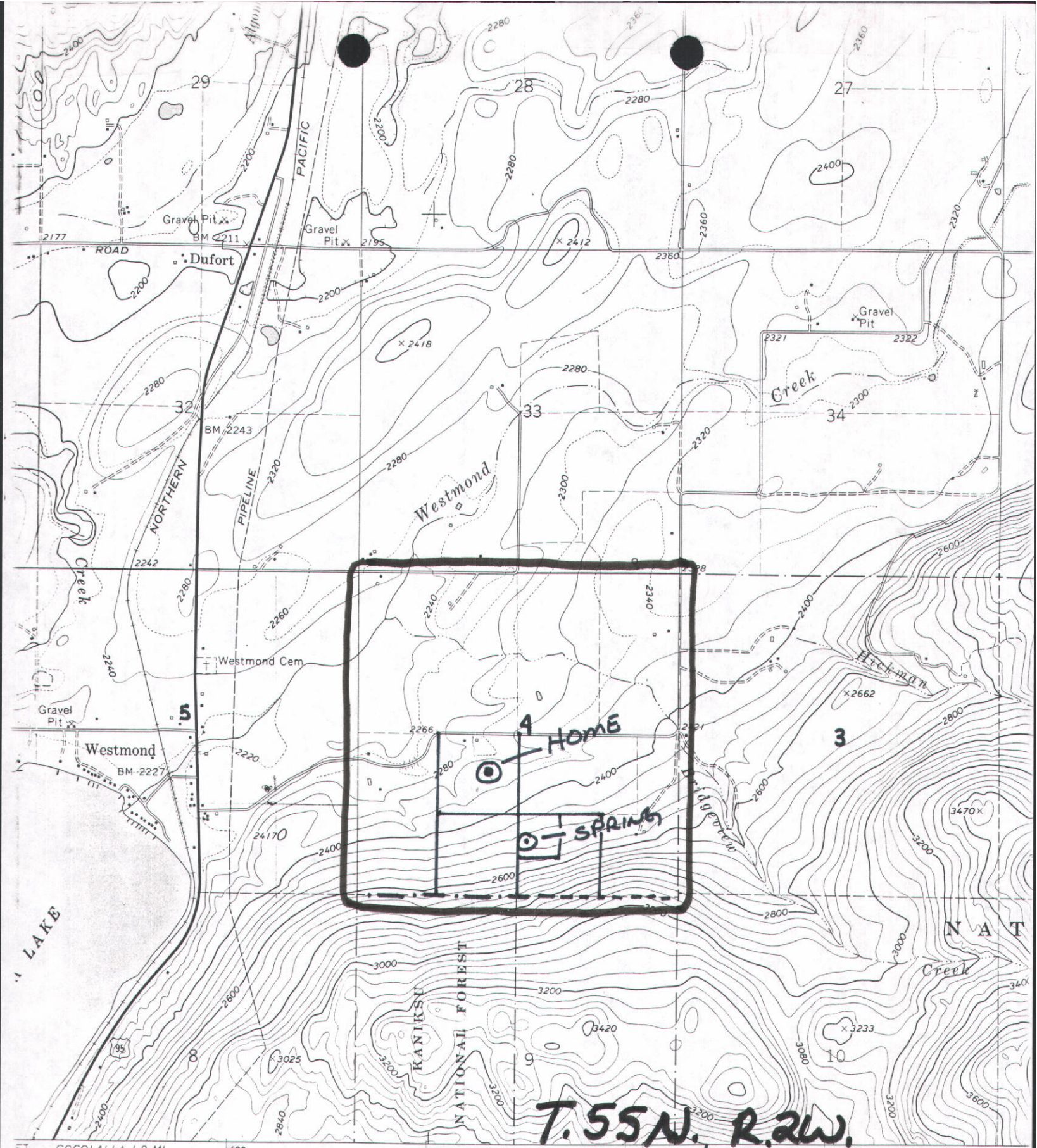




ET COCOLALLA 1.2 MI.
COEUR D'ALENE 34 MI.

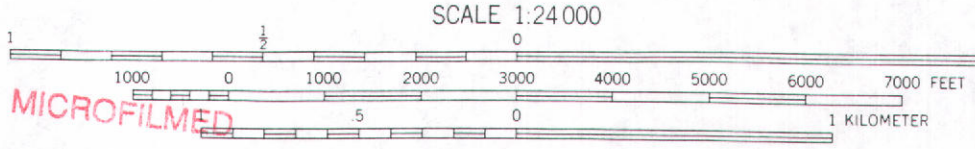
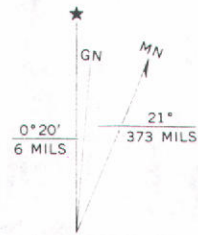
ed by the Geological Survey

Methods from aerial
checked 1968

ed from USC&GS

for navigational purposes

th American datum
coordinate system,



MICROFILMED
JAN 12 1998

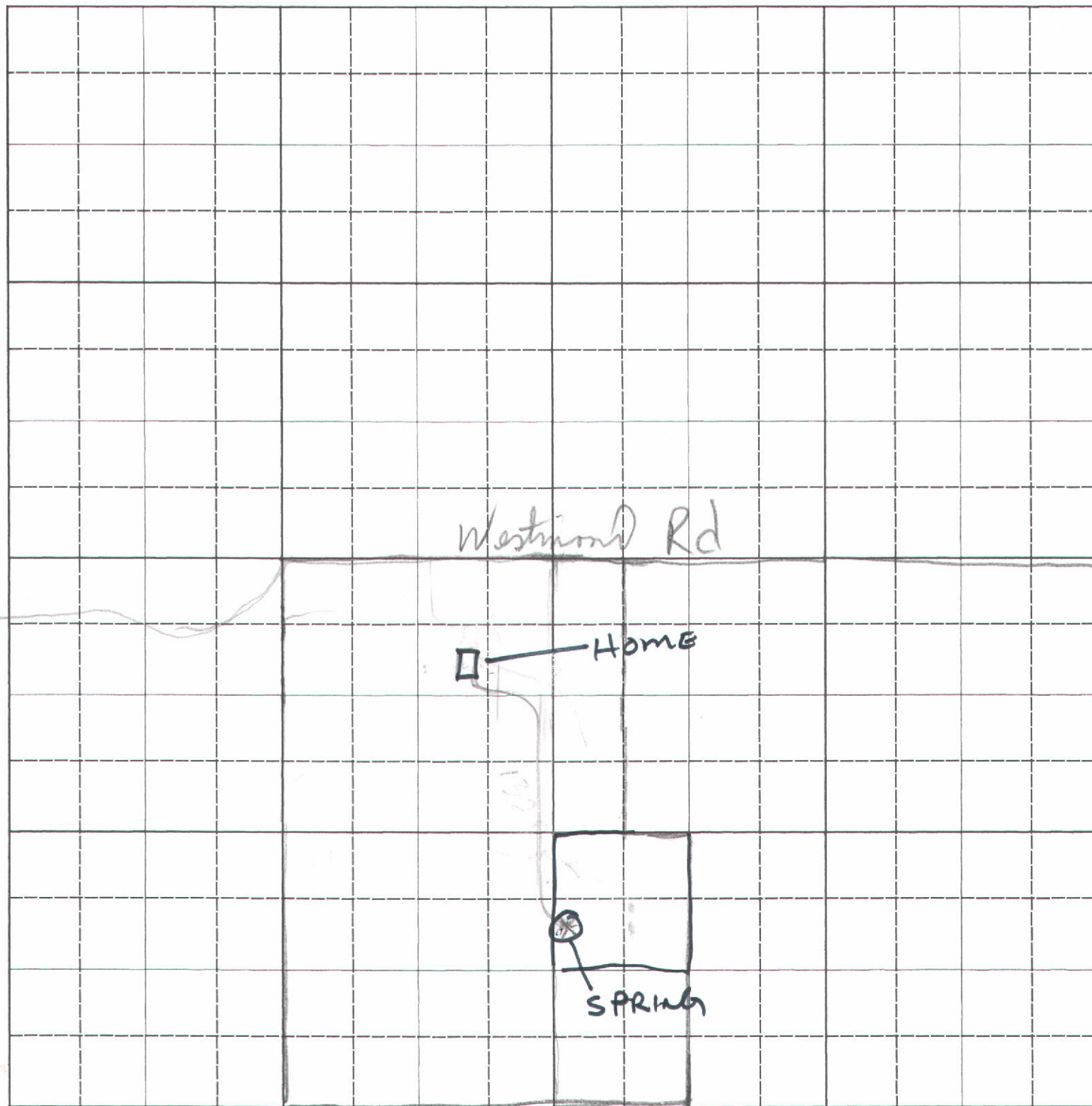
T. 55 N. R. 2 W.

SCALE 1:24000
(COCOLALLA)
2680 II SE

CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL
SOUNDINGS IN FEET—DATUM IS LAKE ELEVATION 2048 FEET

N

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



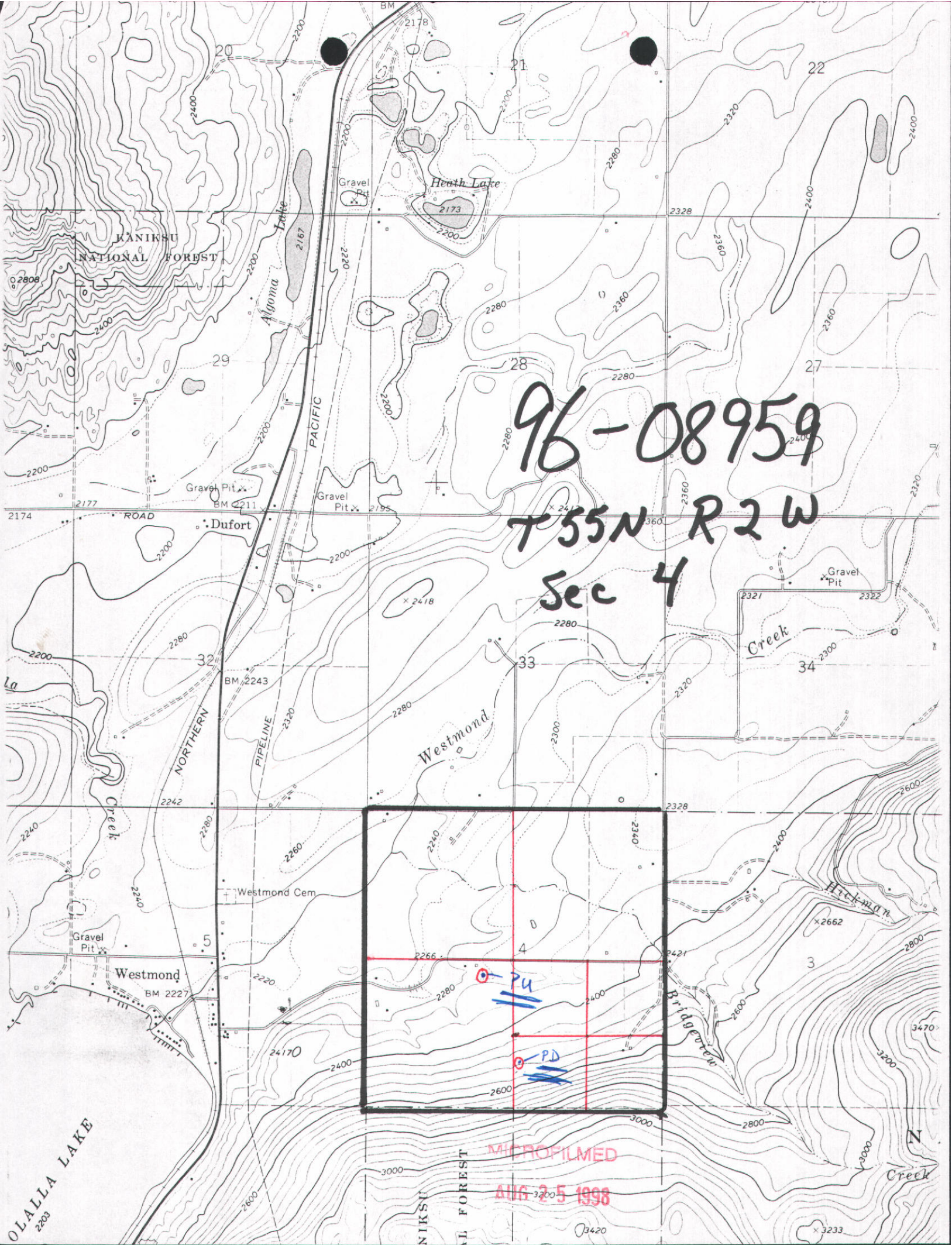
Scale: 2 inches equal 1 mile.

NW 1/4 of SW 1/4 of SE 1/4 Section 4 R2W T55N

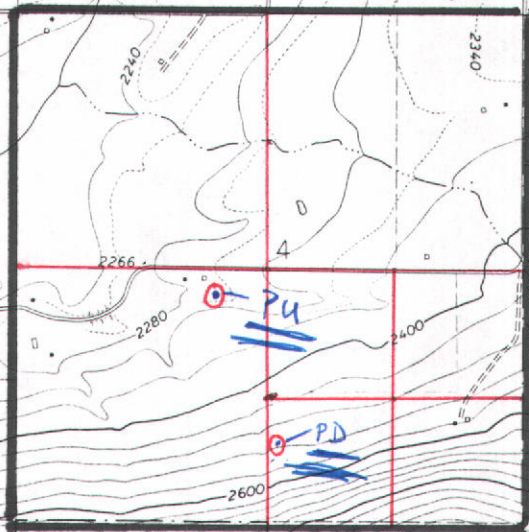
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JAN 12 1998

Bill Louless
(Applicant)



96-08959
T55N R2W
Sec 4



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AUG 25 1998



Pressure/surge protect system



Place of use

Point of diversion

System is buried -
the exposed pipe is
the over flow pipe

MICROFILMED

AUG 25 1998



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08959

Priority: April 30, 1997

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that BILLY B LOVELESS
CECILIA J LOVELESS

7445 WESTMOND RD

SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 1997; and has submitted Proof of Beneficial Use on June 26, 1997. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSWE , Sec. 4, Township 55N, Range 02W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

55N 02W 4

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

MICROFILMED
APR 25 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08959

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of MAY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 30 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 96-08959 Telephone No. 263-5008

2. Name(s) of Permit Holder(s): BILLY B. LOVELESS

3. Mailing Address: 7445 WESTMOND RD SAGLE ID 83860

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. / yr.

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

b. **OPTIONAL:** GRAVITY SYSTEM
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

Domestic (No. of households): 1 Stockwater (No. and type of stock):

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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

Flow Measurement Port: Is a flow measurement port required? Yes or No X
Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ SD - (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 AS ABOVE Telephone Number:

Address: EXAM NEEDS TO BE DONE AFTER SNOW IS MELTED

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: X Billy Loveless MICROFILMS Date: 6/26/97
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08959

Proposed Priority: April 30, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **BILLY B LOVELESS**
CECILIA J LOVELESS
7445 WESTMOND RD
SAGLE ID 83860

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSWSE , Sec. 4, Township 55N, Range 02W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

55N 02W 4

NESW

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, 1998.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

12th day of June, 1997.

Karl J. Dreher

Karl J. Dreher, Director

for

MICROFILMED
JAN 12 1998

RECEIVED

JUN 09 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Billy B. + Cecilia J. Loveless Phone 208-263-5008
Post office address 7445 Westmond Rd, Sagle, Id 83860
2. Source of water supply SPRING which is a tributary of SINKS & UNNAMED STREAM
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 4 Township T55N Range 2W B.M. Bonner County; additional
points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount 0.004 ^{per year} for Domestic purposes from 1/1 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)
5. Total quantity to be appropriated is (a) 0.004 ^{CU. FT PER YEAR} and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. SPRING ON LAND
OWNERS PROPERTY CALLED THE EKINS SPRING
(FLOWS 1.2 gals. per min.)
 - b. Height of storage dam 3 Feet feet; active reservoir capacity 420 CU. FT acre-feet; total
reservoir capacity 3150 gallons acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? ND
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

* per map. 6/10/97 cz.

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JAN 12 1998

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. ONE
- e. Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55N	2W	4									D								

Total number of acres to be irrigated _____

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

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

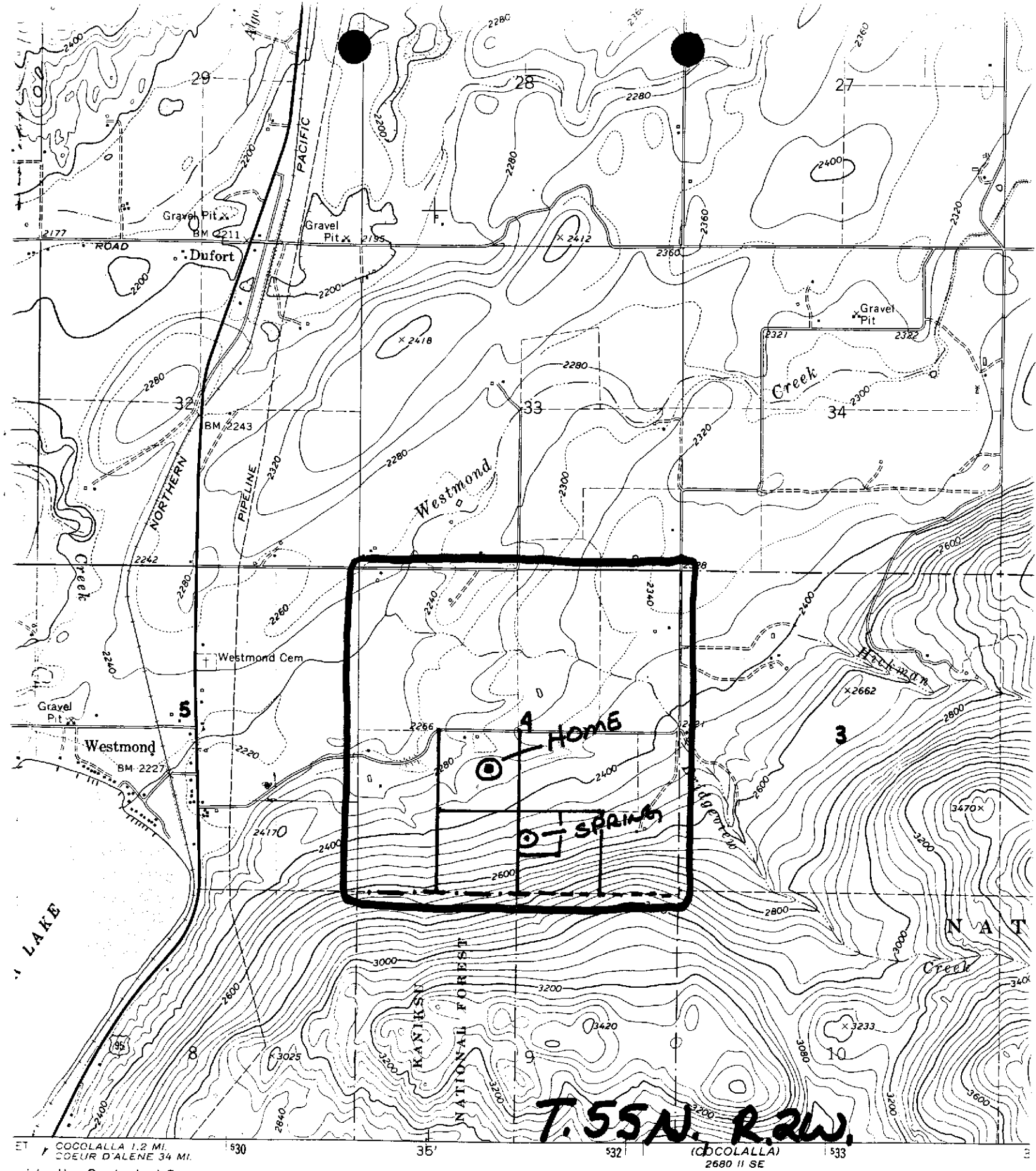
b. Who owns the land to be irrigated or place of use? _____

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: _____

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JAN 12 1958



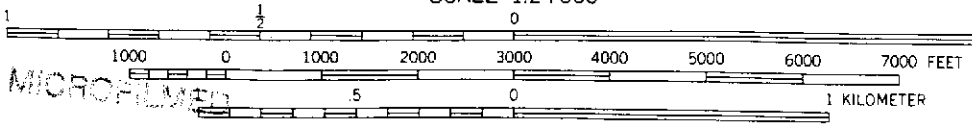
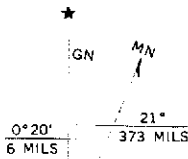
ed by the Geological Survey

Methods from aerial
checked 1968

ed from USC&GS

for navigational purposes

by American datum
coordinate system



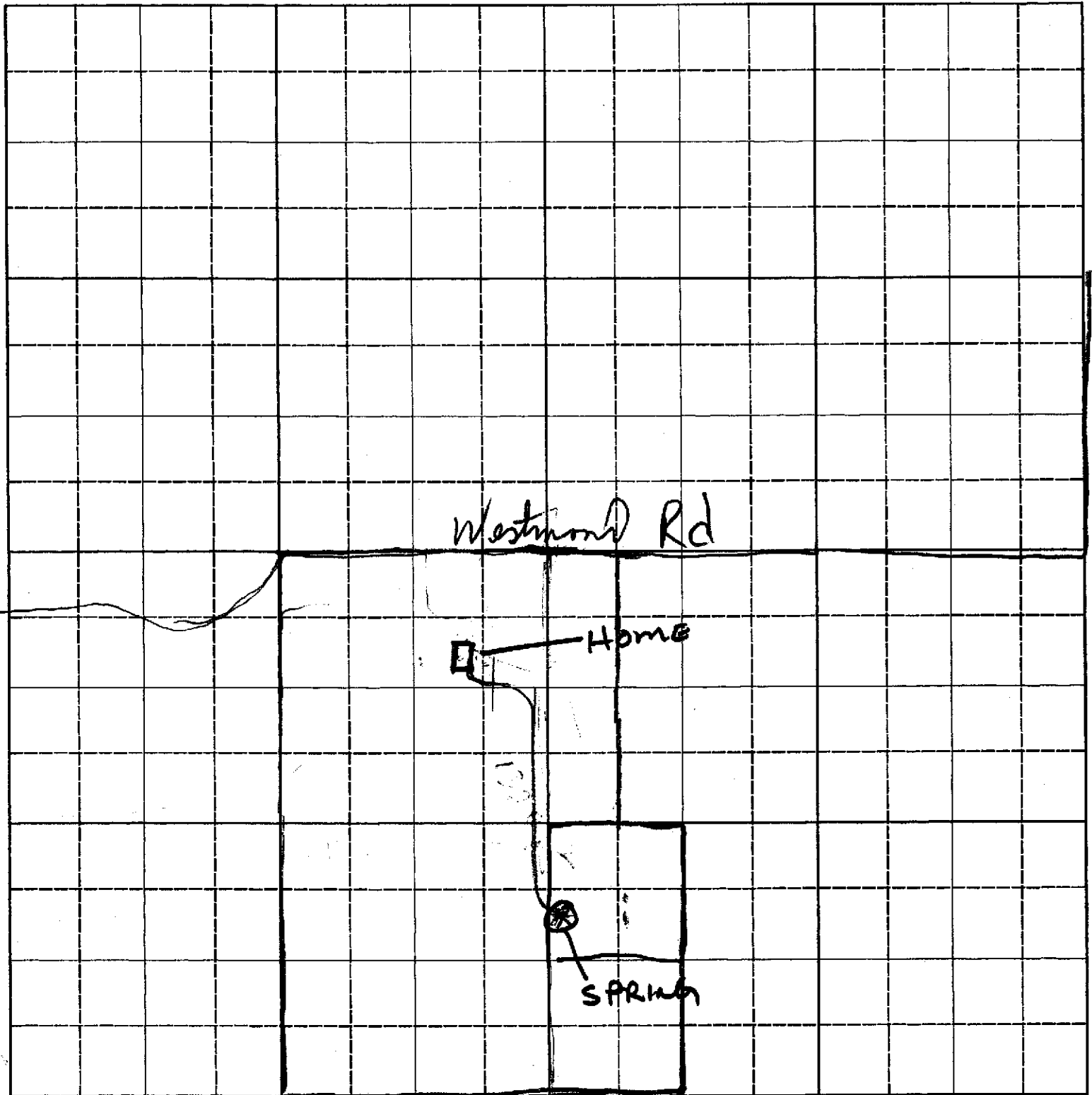
MICROFILMED

JAN 12 1968

CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL
SOUNDINGS IN FEET—DATUM IS LAKE ELEVATION 2048 FEET

N

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 R2W T55N
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JAN 12 1998

Bill Louless
(Applicant)



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

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILLY B LOVELESS
CECILIA J LOVELESS
7445 WESTMOND RD
SAGLE ID 83860

RE: WATER RIGHT NO. 96-08959

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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AUG 25 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

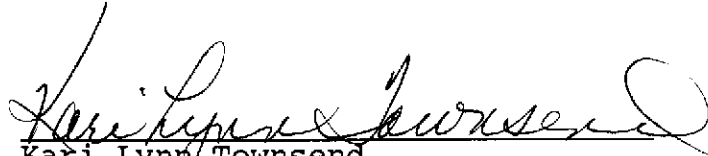
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of May, 1998, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-08959

BILLY B LOVELESS
CECILIA J LOVELESS
7445 WESTMOND RD
SAGLE ID 83860


Kari Lynn Townsend
Secretary

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 2-7-2002 BY SP-6

MEMORANDUM

TO: File 96-08959

FROM: Sharla

DATE: May 8, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 96-08959 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

T55N, R2W, S4 - NWSWSE

The point of diversion for a spring source is listed as a ten-acre tract.

Examiner: Dave Pagel
Exam Date: April 8, 1998

RECORDED

AUG 25 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08959 DATE 5/8/98

REVIEWER: SHARLA

NAME Change/OK
Address OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV OK ☐ Change (Para P39 - gov P40/P47) ☐ Add (P45/P42)

W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
File reviewed ☐ Profile reports printed ☐

PLACE OF USE OK ☐ Change (P41 - gov P43/P47) ☐ Add (P41/P42)

W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed ☐ Profile reports printed ☐

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .20 cfs \$5000

Measured .02 cfs meas. 1 hose, narrative pays 2 hoses at a time
Theoretical cfs same flow ed. = .04

Recommended Total Div Rate .04 cfs

WATER USES

<u>Dom</u>	<u>.04</u> cfs	<u>1.2</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af		supp. gw (WB7/065/079)
_____	_____ cfs	_____ af		overlap spec. combined rts (W35)
_____	_____ cfs	_____ af		<1acre (W31)
_____	_____ cfs	_____ af	Domestic	<u>W01</u> WB5/070/071/075)
TOTALS	<u>.04</u> cfs	<u>1.2</u> af	Power	(W42 or W43/025/027/R22 or R23)
			Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

REMARKS

ADD'L CONDITIONS ☐ Watermaster Control WD# _____

☐ GW Measurement/Measuring Device

☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no

SRBA Claim NA

Adjust Memo 10-acc pld desc.
Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 16 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08959

1. Owner: Billy B. Cecilia J. Loveless Phone No. (208) 263-5008

Current Address: 7445 Westmond Rd. Eagle, Id. 83860

2. Accompanied by: Billy Loveless EXAM DATE: 4-8-98

Address: Same Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

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
			SW	SE	4	55N	2W	Bonner	USGS 7.5min. Quad.

2. Place(s) of Use:

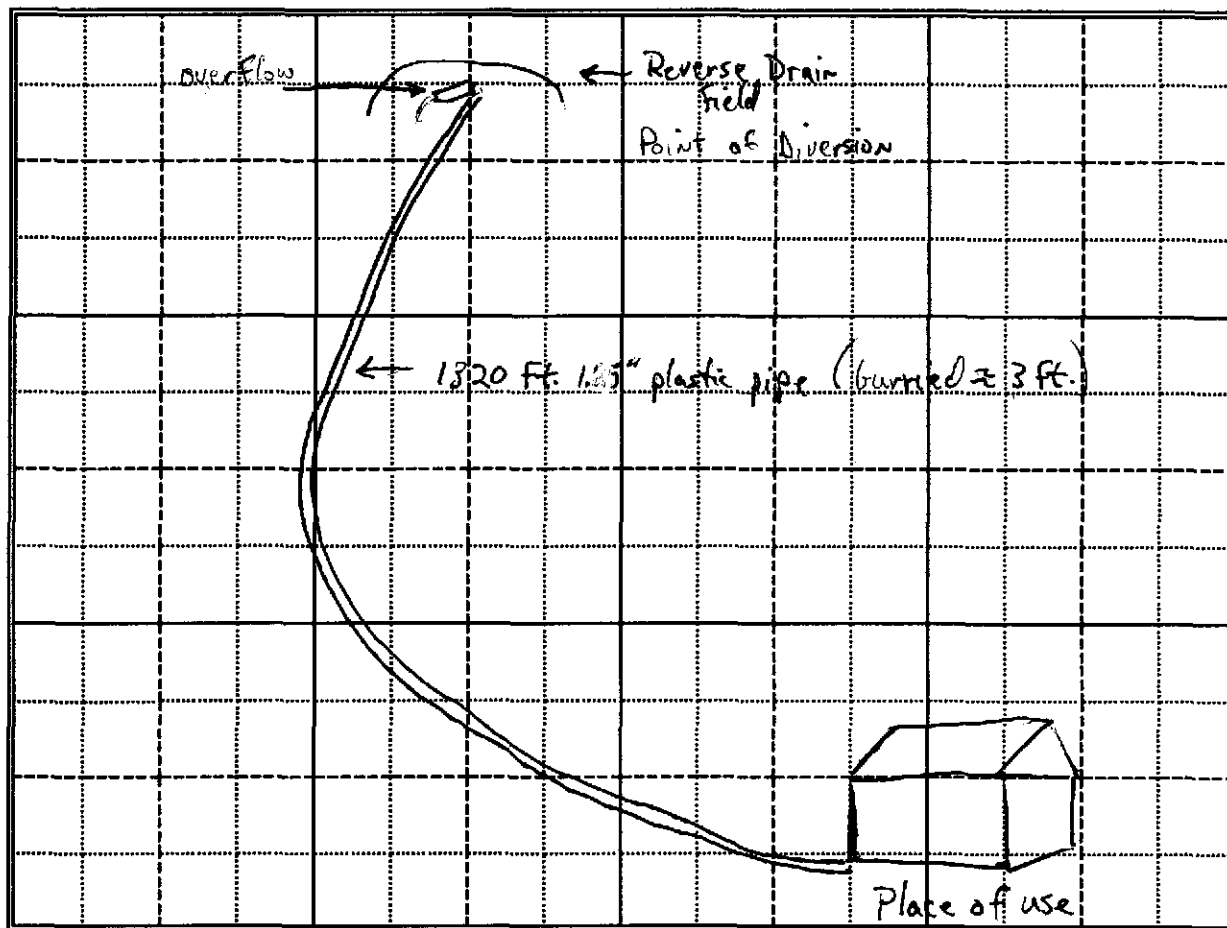
Indicate Method of Determination USGS 7.5' Quad.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	2W	4									①								

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AUG 25 1998

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



Scale: T = NA

☒ 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. NA - Spring

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
<u>Bucket / Stopwatch</u>	<u>4 gal.</u>					

2. Measurements: Pressure gauge run 1 hose (3/4") at 1 time = 60 psi

AUG 25 1998

E. NARRATIVE/REMARKS/COMMENTS

A Reverse drainfield has been constructed around spring at the point of diversion. This system is entirely underground except for the overflow pipe that extends out of the "drainfield" mound.

Water flows from spring through 1320' of plastic pipe to place of use. This system is all gravity fed.

Mr. Loveless stated that his system has the capacity to produce the same rate of flow from 2 hoses simultaneously.

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

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AUG 25 1998

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: *bucket method, measured from the hose.**4 gallons / 30.53 secs.*

$$\frac{4 \text{ gal}}{x} = \frac{30.53 \text{ secs}}{60 \text{ secs.}} = \frac{240 \text{ gal/hr}}{30.53 \text{ secs.}} = \frac{4 \times 30.53 \text{ secs}}{30.53 \text{ secs.}} = 7.86 \text{ gals/min.}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

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		
<i>Domestic</i>	<i>1/01</i>	<i>12/31</i>	<i>.04 cfs</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>.04 cfs</i>	<i>1.2 afa</i>

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

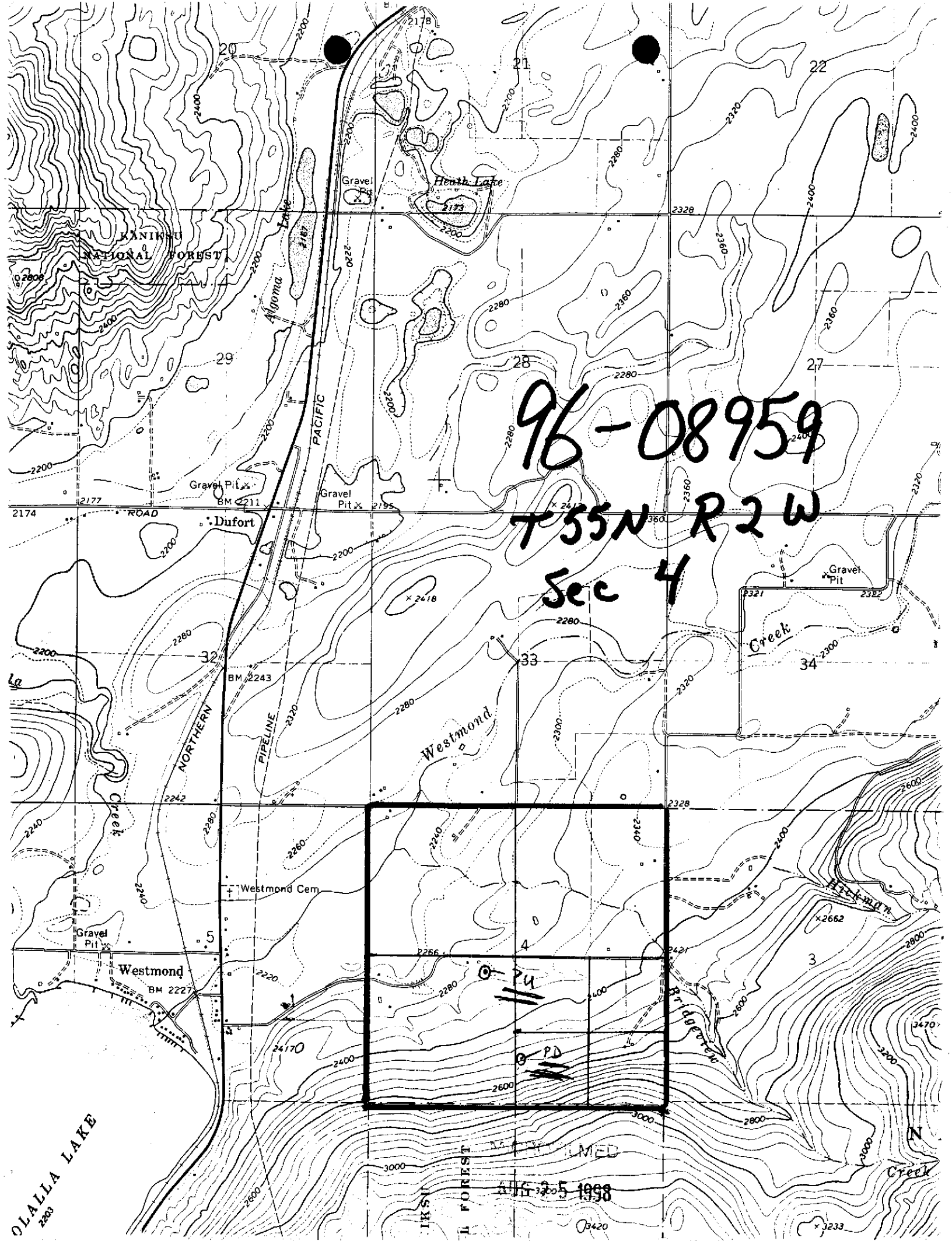
I. AUTHENTICATIONField Examiner's Name *Dave Regel* Date *4-9-98*

Reviewer _____ Date _____

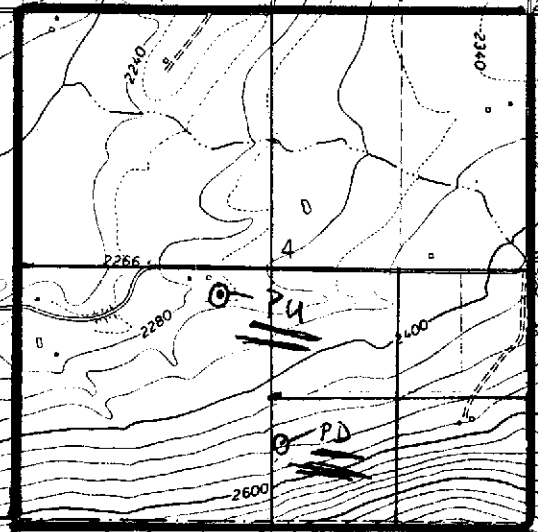
SEAL

MICROFILMED

AUG 25 1998



96-08959
T35N R2W
Sec 4



AVG 2-5 1998

OLALLA LAKE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

96-08959

TO G R A P H S

Pressure / Large protect
system

Place of use
Point of
diversion
System is buried -
the exposed pipe is
the over flow pipe

MICROFILMED

AUG 25 1998

Permit No. 96-08959 Reviewed by CJ Date 7-9-97

TYPES OF USE

dom

Correct Uses? YES

If not, complete calculation below.

✓ Surface water source

Ground water source

 / Drilling permit required?

Copy in the file? Drilling Permit No.

	Amount paid for permit
--	------------------------

Well log in the file?

MEASURING DEVICE

no

Required?

Installed?

Waiver requested?

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

Proof acceptable

New Address ☒

Proof Made 6-26-97



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 1997

BILLY B LOVELESS
7445 WESTMOND RD
SAGLE ID 83860

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08959

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

JAN 12 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 12, 1997

BILLY B LOVELESS
CECILIA J LOVELESS
7445 WESTMOND RD
SAGLE ID 83860

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08959

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
JAN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of June, 1997, 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. 96-08959

BILLY B LOVELESS
CECILIA J LOVELESS
7445 WESTMOND RD
SAGLE ID 83860


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 12 1998

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

05/97

No.: 96-8959 Name: Loveless Date: 6/10/97 Ad OK? 1 ✓ Gvmt Lts: 1

AREA OF CONCERN?

PROTESTED:

SYSTEM COMPLETED:

Yes/proof filed
1 year/no proof
+1 year

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs
=/- 0.24 cfs
+ 5 a.

DRILLING PERMIT:

Existing well
Included w/permit
No WD permit?
irr. in WD

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

Source in/below Min. Str. Flow ?

Water District (*dem*)

+ 0.24 cfs
=/- 0.24 cfs
~~In-WD~~ + 0.24 cfs
=/- 0.24 cfs
+ 5 a. irr.

RIVER BASINS (*Surface water):

Snake R (01)
(02/03-irr)
Boise River (63)
Payette River (65)

USE:

Domestic (*surface*)
Domestic (+1 in concern area)
Fish Propagation
Irr <POU> =/- 5 a
+ 5 a
Mining
Municipal (restricted areas)
Power

Storage (✓ 3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.
Swan Falls Flag
Trust
Non-Trust <1>

OWNERSHIP: Non-owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- NA
- P16
- 26A-P17

- 01M (may report) or 028 (shall report) or Remark (within reporting district)
- No MD
- 01M or 028; 065-079 (if GW use SW 1st-statewide)

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. _____, P99
- 046-46B-P23 (post 7/1/87)
- P05 (new well)

- <SEE MAP & LISTING> (modify remark *WB9)
- R04 (req) WD # _____ <SEE MAP & LISTING>
- 01J (meas dev)-P08
- 01H (lock dev)-P01 or No MD
- 01M or No MD (in-stream stock or power)
- No MD
- 01M

- 11A-P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- 064 (regulated uses), 047-P04 (Payette Lake), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 070-071
- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)
- 057 (0.03 cfs/acre)
- 03A (0.02 cfs/acre)
- 054 (req) & 09E-P10
- 022 (+memo?)
- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18
- 072 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

- P84 (if in 20/30/40/50/60/70/80 (87) basin)
- 058 (-85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)
- _____ <SEE CODE CHART>
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU) _____

- Down/1

- 6/1/1998

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JUN 09 1997

WR
WRA
RC

APPLICATION # 96-8959

Department of Water Resources

***** INITIAL REVIEW *****

APPLICANT: LOVELESS BY: AS DATE: 4/30/97

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
13. (X) Map
(X) Signature
(X) Fee (Amt, recpt, acknowlegment)

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No PRIORITY DATE: 4/30/97

X (Include Moratorium Remark)

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

bc/shus/ok

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 *****

(Yes)(No)

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

Checked by: _____ Date: ____/____/____

Remarks: _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes)(No)

- 6/14 Notice of pending void order issued. Final order response date: ____/____/____
6/14 Further information required from applicant
6/14 Affidavit of publication received
6/14 Application published correctly, If not, record action taken: _____

5/14/97 Publication dates and paper recorded on application | Sr. Agent initial AS

6/12/97 Protests received. Final protest date: 6/12/97

6/14 Measuring device required

6/14 Measuring port required

6/14 Special conditions: _____

6/14 Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: AS Date: 6/14/97

AFFIDAVIT OF PUBLICATION

RECEIVED

State of Idaho

JUN 04 1997

ss.

NORTHERN REGION
IDWR

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:

Application for
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 15 day of May, 1997
and ending on the 22 day of May, 1997
and that said notice was published in said newspaper.

On this 22 day of May in the year
of 1997, 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.

Claudia L. Inge
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:

96-08959
LOVELESS, BILLY B
LOVELESS, CECILIA J
7445 WESTMOND ROAD
SAGLE, ID 83860

Source: SPRING Tributary:
UNNAMED STREAM
Diversion Pt: NWSWSE Sec 4 T
55N R 02W in BONNER County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 4/30/1997

In: BONNER County
T55N R02W S04 NESW

96-08960
MAIANI, LEONARD
MAIANI, JANICE
E 7600 PARKS ROAD
ATHOL, ID 83801

Source: GROUNDWATER
Diversion Pt: NWSE Sec 22 T 53N
R 03W in KOOTENAI County.
Use: IRRIGATION (0.050 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.090 CFS)
Date Filed: 5/5/1997
T53N R03W S22 NESE NWSE
5.0 ACRES TOTAL

For additional information con-
cerning 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 JUNE 2,
1997.

KARL J. DREHER, Director
SNP#8366 May 15, 22, 1997

MICROFILMED

JUN 12 1997

8366

May 7, 1997

Billy B. & Cecilia J. Loveless
7445 Westmond Road
Sagle ID 83860

Re: Water Appropriation Application No. 96-08959

Dear Mr. and Mrs. Loveless:

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
JAN 12 1998

96-08959

LOVELESS, BILLY B
LOVELESS, CECILIA J
7445 WESTMOND ROAD
SAGLE, ID 83860

Source: SPRING

Tributary: UNNAMED STREAM

Diversion Pt: NWSWSE Sec 4 T 55N R 02W in BONNER County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 4/30/1997

In: BONNER County
T55N R02W S04 NESW

APPROVED
4/30/97