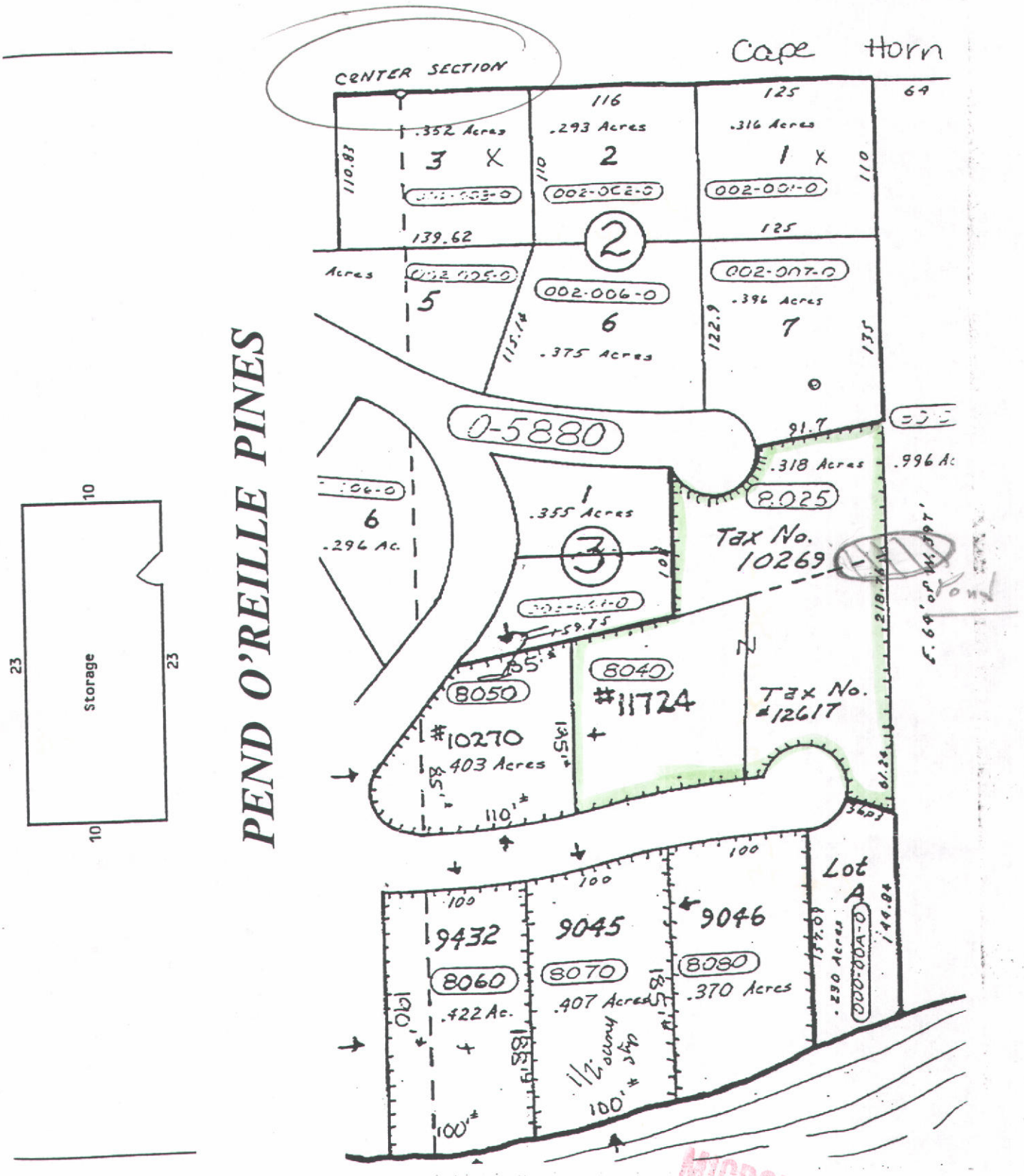
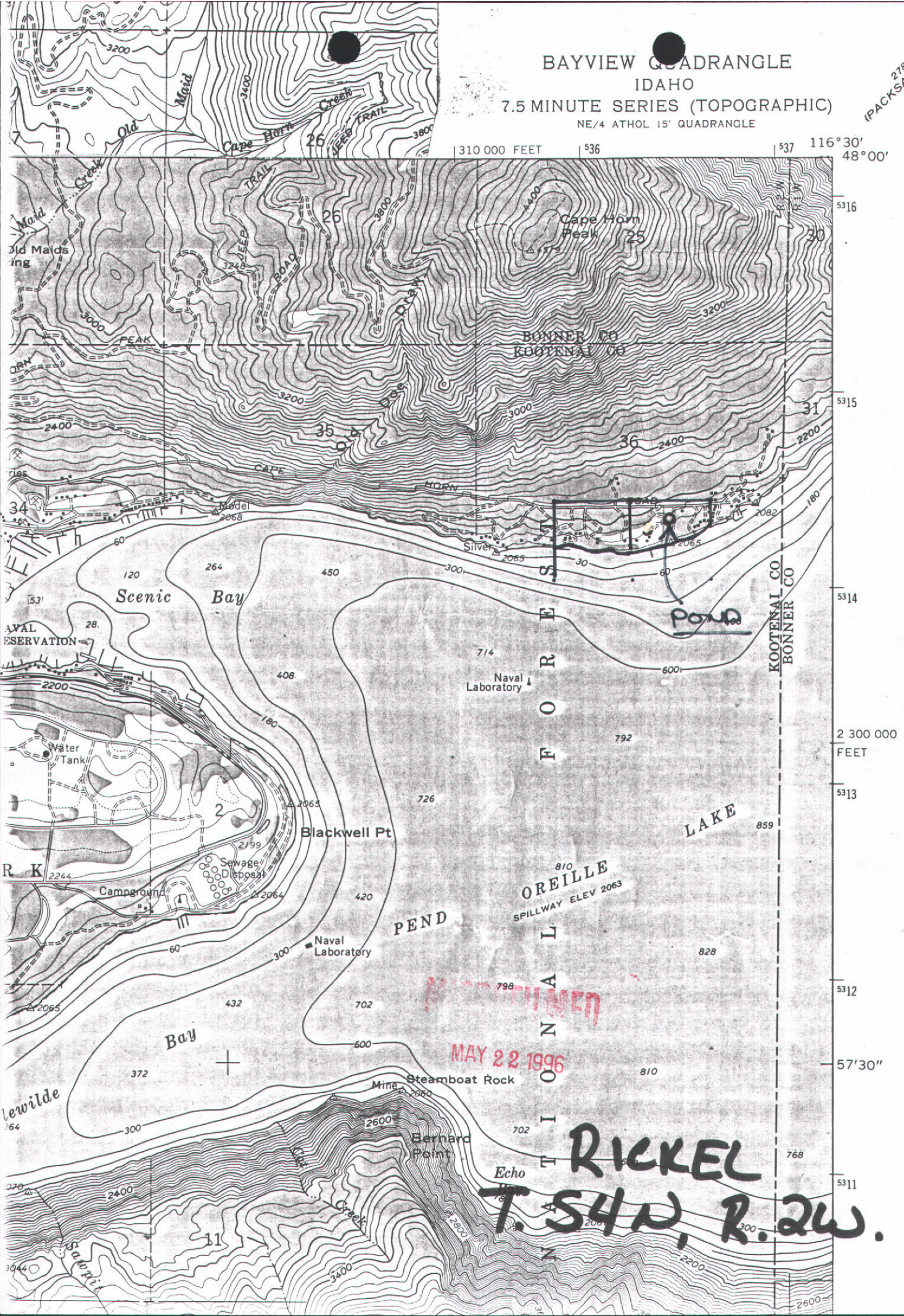
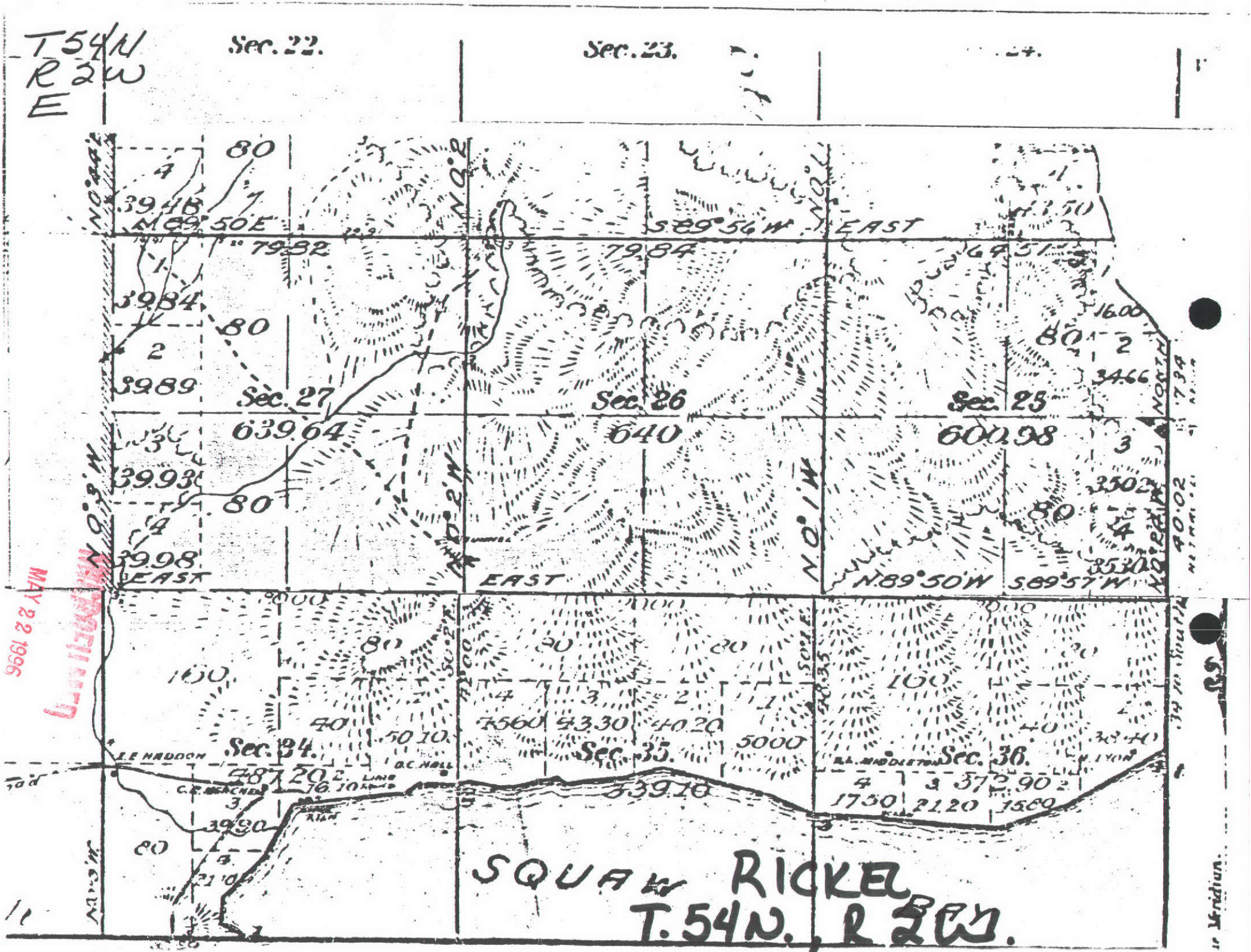


MICROFILMED
MAY 22 1996


BAYVIEW QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 ATHOL 15' QUADRANGLE
2780 III (PACKSADDLE MTN.) 1:62 500
310 000 FEET
536
537
116°30'
48°00'
5316
5315
5314
5313
5312
5311
2 300 000 FEET
57'30"
Cape Horn Peak
BONNER CO
KOOTENAI CO
Scenic Bay
Blackwell Pt
Naval Laboratory
Water Tank
Sewage Disposal
Campground
Steamboat Rock
Mine
Bernard Point
Echo
Pond
LAKE PEND OREILLE
SPILLWAY ELEV 2063
Old Maids
Maid Creek
Cape Horn Creek
JEEP TRAIL
ROAD
PEAK
CAPE HORN
Silver
Model
Sawpit
Creek
RICKEL
T. 54 N., R. 2 W.


T54N
R2W
E
Sec. 22.
Sec. 23.
Sec. 27
Sec. 26
Sec. 25
Sec. 34.
Sec. 35.
Sec. 36.
SQUAW RICKEL
T.54N., R2W.
N.89°50'W
S.89°56'W
EAST
N.0°1'W
N.0°2'W
639.64
640
600.98
80
160
40
20
5000
4560
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3990
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3720
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7934
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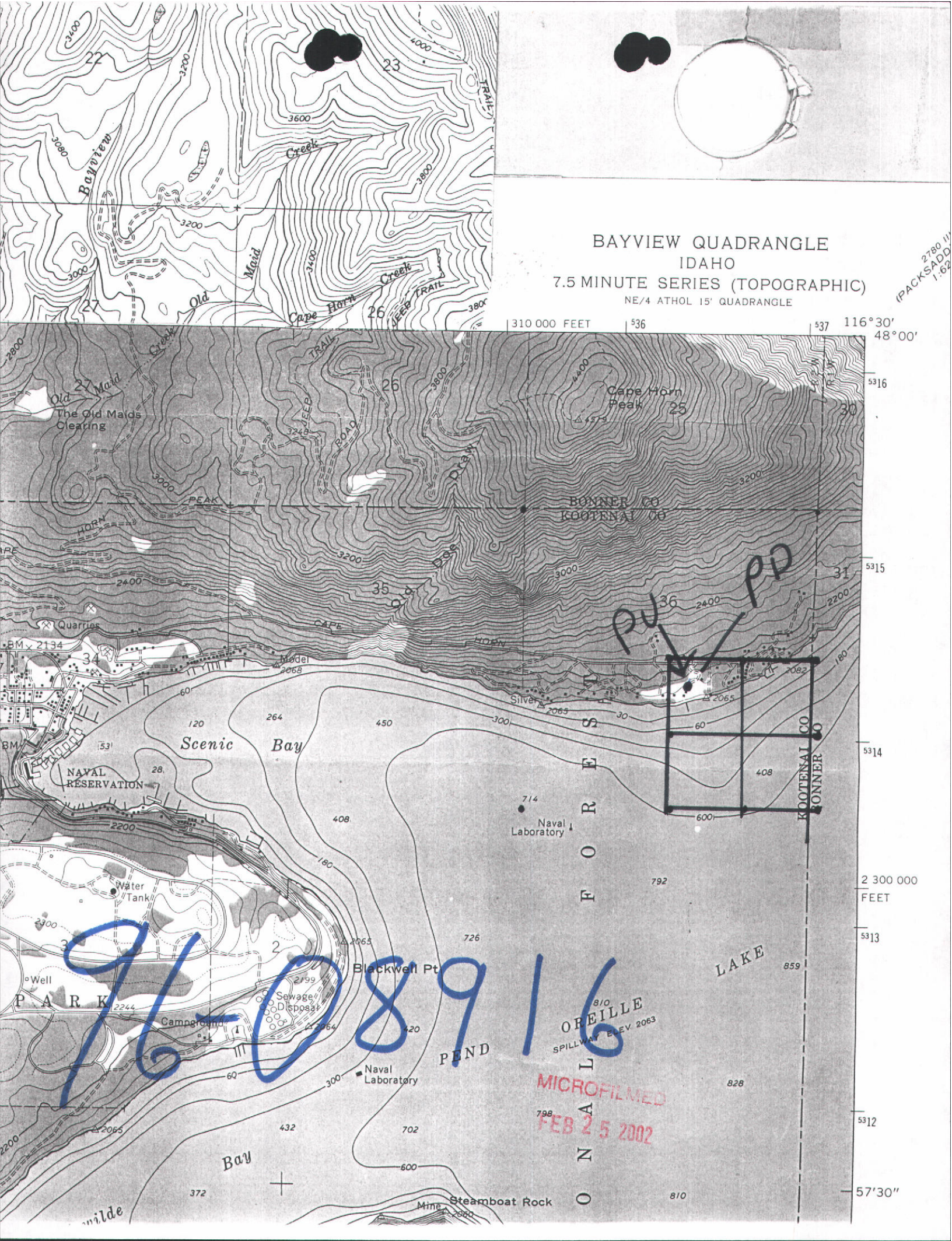
MAY 22 1996



MICROFILMED
FEB 25 2002

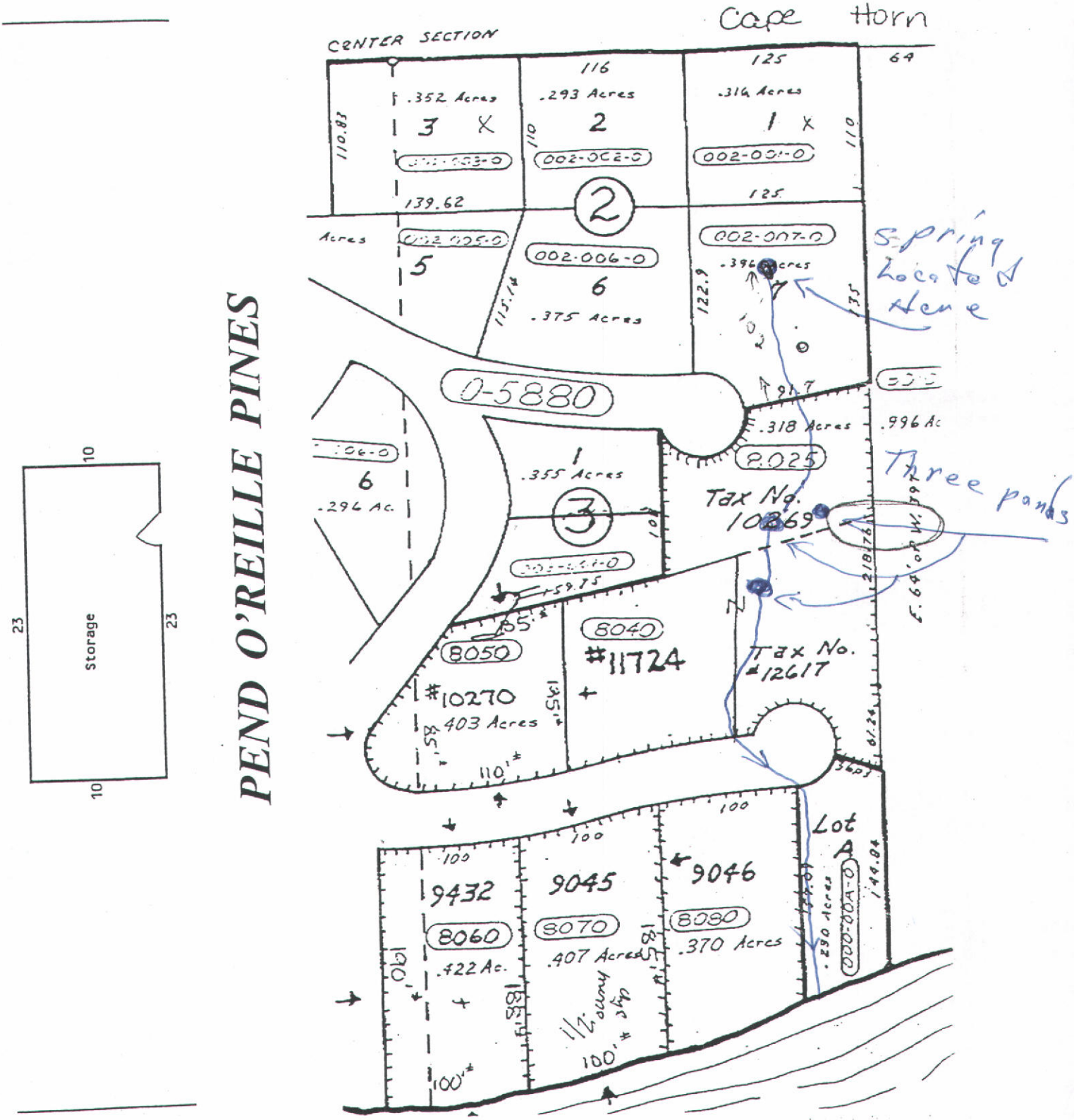
Storage Pond + Pump

Storage Pond

96-08916

C2

MICROFILMED
FEB 25 2002



T. 54N., R. 2W.
SEC. 36 GOVT. LOT 2 (NWSE)

9/30/98 96-08916

FOR PURPOSES OF CLARIFICATION OF THE SOURCE OF WATER AND THE LOCATION OF THE (3) PONDS THIS MAP IS SUBMITTED TO IDAHO DEPT. OF WATER RESOURCES TO BE PLACED IN FILE.

Robert Bickel

MICROFILMED
AUG 11 1999

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Keri Alexander being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thurs. issue of said newspaper for 2 consecutive weeks, commencing on the 18th day of April, 19 96, and ending on the 25th day of April, 19 96, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Keri Alexander

Subscribed and sworn to before me this 25th day of April, 19 96.

Roberta Manley
Notary Public for the State of Idaho, residing at Coeur d'Alene, Idaho.

NOTARIAL SEAL

MAY 22 1996

ROBERTA MANLEY
My commission expires 2-5-99

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-08916 in the name of ROBERT H. RICKEL, P O BOX 319, BAYVIEW, ID 83803-0319, was incorrectly advertised on MARCH 7 AND 14, 1996. ok

The water USAGE was incorrectly advertised as IRRIGATION STORAGE 0.11 AF, IRRIGATION FROM STORAGE 0.11 AF, RECREATION STORAGE 0.11 AF, AND AESTHETIC STORAGE 0.11 AF FOR A TOTAL DIVERSION OF 0.11 AF; whereas correctly it should read **IRRIGATION 0.02 CFS, IRRIGATION STORAGE 0.1 AF, IRRIGATION FROM STORAGE 0.1 AF, RECREATION STORAGE 0.1 AF, AND AESTHETIC STORAGE 0.1 AF, FOR A TOTAL DIVERSION OF 0.02 CFS AND/OR 0.1 AF, AND A TOTAL OF 1 ACRE.**

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

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of $25.00 on or before MAY 6, 1996.

KARL J. DREHER, Dir.

Legal 470
Apr. 18, 25, 1996

RECEIVED
APR 29 1996
NORTHERN REGION
IDWR

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 96-08916

Priority: February 20,1996

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 3.1 AF

It is hereby certified that ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 1996; and has submitted Proof of Beneficial Use on April 05, 1999. An examination indicates that the works have a diversion capacity of 0.01 cfs of water from:

SOURCE
UNNAMED STREAM **Tributary:** PEND OREILLE LAKE

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
DIVERSION TO STORAGE	01/01 to 12/31	0.01 CFS	
IRRIGATION	04/01 to 10/31	0.01 CFS	3.0 AF
IRRIGATION STORAGE	04/01 to 10/31		0.1 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		0.1 AF
RECREATION STORAGE	01/01 to 12/31		0.1 AF
AESTHETIC STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:
UNNAMED STREAM L2 NW¼SE¼ Sec. 36, Twp 54N, Rge 02W, B.M., KOOTENAI County

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	
54N 02W 36														1.0			1.0
														L 2			

Total Acres: 1

PLACE OF USE: DIVERSION TO STORAGE– Same as Irrigation

PLACE OF USE: IRRIGATION STORAGE – Same as Irrigation

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

PLACE OF USE: RECREATION STORAGE– Same as Irrigation

PLACE OF USE: AESTHETIC STORAGE– Same as Irrigation

MICROFILMED
FEB 2 5 2002

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 96-08916

CONDITIONS OF APPROVAL

1. 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.

2. Recreation storage is for swimming.

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 16th day of July, 2001.

Acting for KARL J. DREHER
Director

MICROFILMED
SEP 2 3 2002

RECEIVED

JUL - 9 2001

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 96-08916

Date of Priority: February 20,1996

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 3.1 AF

Comes now ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 838030319 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-08916, and requests that the permit be changed as follows:

Source: UNNAMED STREAM **Tributary:** PEND OREILLE LAKE

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DIVERSION TO STORAGE	01/01 to 12/31	0.01 CFS	
IRRIGATION	04/01 to 10/31	0.01 CFS	3.0 AF
IRRIGATION STORAGE	04/01 to 10/31		0.1 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		0.1 AF
RECREATION STORAGE	01/01 to 12/31		0.1 AF
AESTHETIC STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM L2 NW¼SE¼ Sec. 36, Twp 54N, Rge 02W, B.M., KOOTENAI County

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	
54N 02W 36														1.0			1.0
														L 2			

Total Acres: 1

PLACE OF USE: DIVERSION TO STORAGE – Same as Irrigation

PLACE OF USE: IRRIGATION STORAGE – Same as Irrigation

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

PLACE OF USE: RECREATION STORAGE – Same as Irrigation

PLACE OF USE: AESTHETIC STORAGE – Same as Irrigation

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5 day of July, 2001.

Robert H Rickel
(Signature)

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 96-08916

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Receipted by DB # N014371 Date 5/16/2001 @ 3:19pm

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 96-08916 with the following:

CONDITIONS OF APPROVAL

1. 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.

2. Recreation storage is for swimming.

Witness my hand this 16th day of July, 2001.

for: KARL J. DREHER
Director

MICROFILMED
FEB 2 3 2002

Form No. 217
7/94

RECEIVED
APR 0 8 1999
Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee $: 50-
Receipt No. M012746
Receipt By: TB
Date Receipted: 4-5-99

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 who has been appointed by the department.

1. Permit No. 96-08916 Telephone No. 683-2385

2. Name(s) of Permit Holder(s): ROBERT H RICKEL

3. Mailing Address: PO Box 319 BAYVIEW ID 83803-0319

4. Source of Water: UNNAMED STREAM 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): _____

Irrigation (No. of acres): _____ Other: POND(S)(3) STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs **OR** 0.10 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 ____
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ **or** No ____
	Has the measurement port been installed?	Yes ____ **or** No ____

8. Fee Enclosed: $ 50 — (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: _____

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.

MICROFILMED
AUG 1 1 1999

Signature of permit holder: X Robert H Rickel Date: 4/5/99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08916

Proposed Priority: February 20, 1996 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **ROBERT H RICKEL**
PO BOX 319
BAYVIEW ID 83803-0319
has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of **PEND OREILLE LAKE**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	0.02 CFS	
IRRIGATION STORAGE	03/15 to 11/15		0.1 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.1 AF
RECREATION STORAGE	01/01 to 12/31		0.1 AF
AESTHETIC STORAGE	01/01 to 12/31		0.1 AF
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWSE), Sec. 36, Township 54N, Range 02W
KOOTENAI County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
54N	02W	36	Lot 2(NWSE)	1.0			1.0

Total number of acres irrigated: 1.0

PLACE OF USE: IRRIGATION FROM STORAGE, 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, 1999.**
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.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. Recreation storage is for swimming.

MAY 22 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08916

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

20th day of May, 1996

for J. Glen Saxton
Karl J. Dreher, Director

RECEIVED
MAY 23 1996

RECEIVED
MAR 2 8 1996
Department of Water Resources

RECEIVED
MAY 1 6 1996
Department of Water Resources

Ident. No. 96-8916

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ROBERT H. RICKER Phone 683-2385

   Post office address P O BOX 319 BAYVIEW ID 83803-0319

2. Source of water supply UNNAMED STREAM which is a tributary of PEND OREILLE LAKE

3. Location of point of diversion is _____ ¼ of NW ¼ of SE ¼, Govt. Lot 2

   Sec. 36 Township 54N. Range 2W B.M. KOOTENAI County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 0.02 cfs for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount .1 for STORAGE FOR RECREATION purposes from 4/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount .1 for STORAGE FOR AESTHETICS purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount .1 for STORAGE FOR IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount .1 for IRRIGATION FROM STORAGE purposes from 3/15 to 11/15 (both dates inclusive)
   (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) .1 acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. EXCAVATED POND - ON - STREAM WIDTH 20', LENTH 60', DEPTH 4

   b. Height of storage dam 4 feet; active reservoir capacity .1 acre-feet; total reservoir capacity .11 acre-feet; period of year when water will be diverted to storage: 4/1 to 12/31 inclusive.

   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)* _____

MAY 22 1996

7. Time required for the completion of the works and application of the water to be proposed beneficial use is 3 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. RES. STORAGE IS FOR SWIMMING

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.

G.C. #2

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
54N	2W	36														J	STORAGE		
																X	X		
																R	STORAGE		
																X	X		
																1			1
																X	IRR STORAGE		
																X	STORAGE		FROM IRR

Total number of acres to be irrigated 1

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

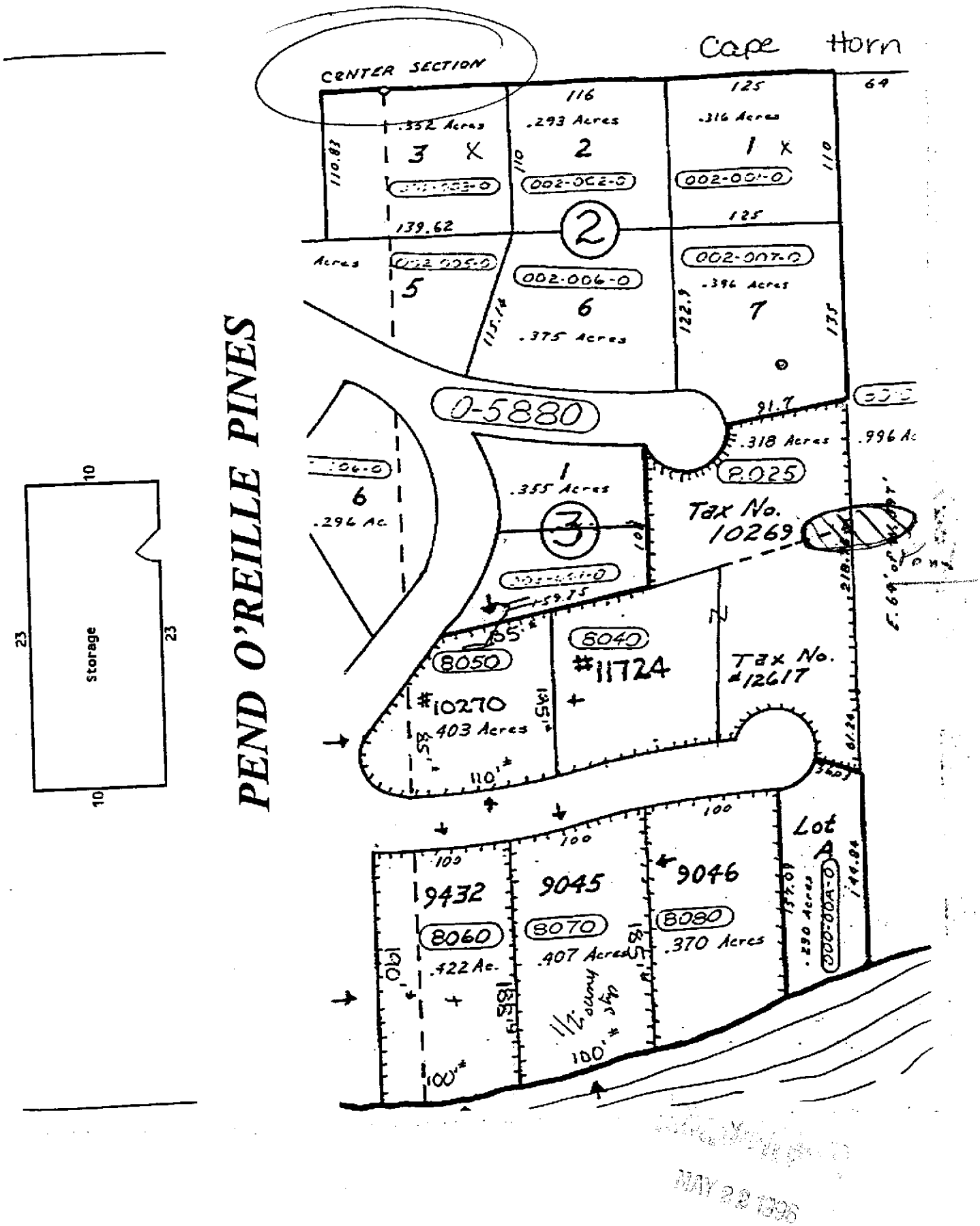
11. a. Who owns the property at the point of diversion? APPLICANT

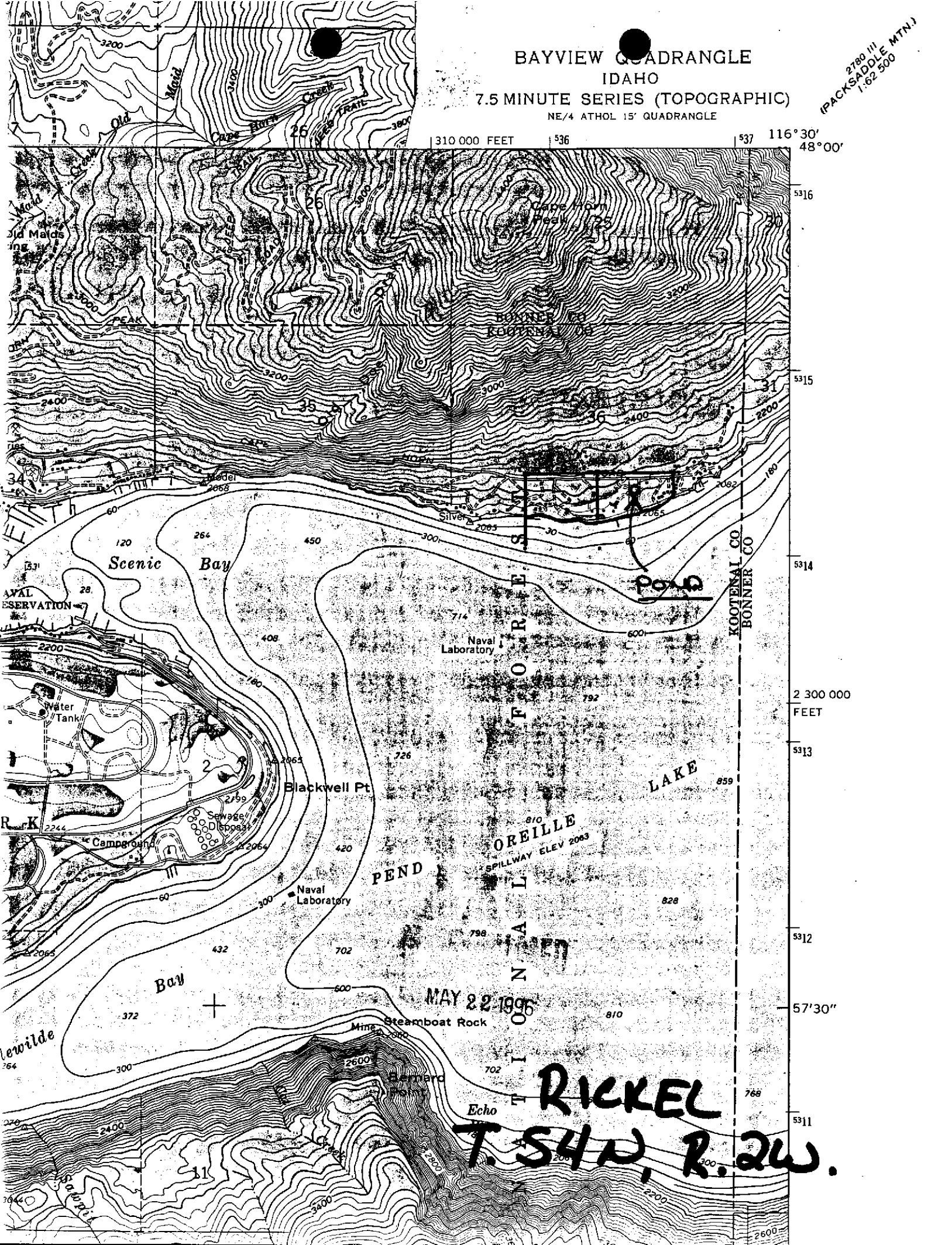
b. Who owns the land to be irrigated or place of use? APPLICANT

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

12. Remarks: _____

MAY 22 1996


Cape Horn
CENTER SECTION
PEND O'REILLE PINES
.352 Acres
3 X
116
.293 Acres
2
125
.316 Acres
1 X
64
110.83
110
110
002-002-0
002-001-0
139.62
125
2
Acres
5
002-005-0
002-006-0
.375 Acres
6
115.14
122.9
135
002-007-0
.396 Acres
7
0-5880
91.7
.318 Acres
.996 Ac
8025
Tax No. 10269
.296 Ac.
6
.355 Acres
1
3
65.2
8040
#11724
8050
#10270
.403 Acres
Tax No. #12617
185'±
85'±
110'±
100
109
9432
8060
.422 Ac.
9045
8070
.407 Acres
9046
8080
.370 Acres
Lot A
.230 Acres
000-00A-0
100'±
1½ story shop
10
23
storage
23
10
MAY 28 1996


BAYVIEW QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 ATHOL 15' QUADRANGLE
2780 III (PACKSADDLE MTN.) 1:62 500
310 000 FEET
536
537
116°30'
48°00'
5316
5315
5314
5313
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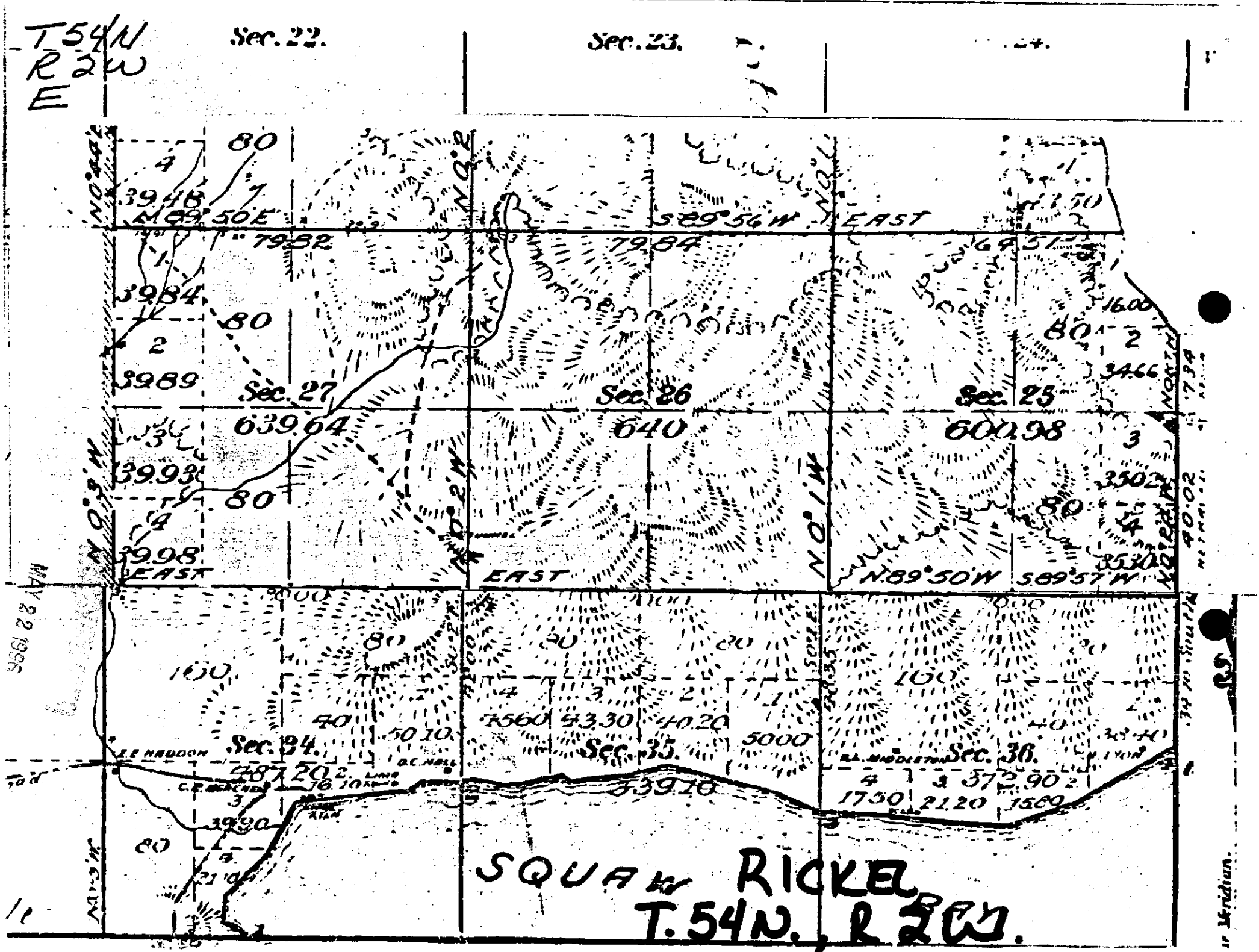
5311
57'30"
2 300 000 FEET
Scenic Bay
Bay
Blackwell Pt
Naval Laboratory
Water Tank
Campground
Sewage Disposal
Steamboat Rock
Mine
Bernard Point
Echo
Cape Horn Peak
Model
Silver
Pond
BONNER CO
KOOTENAI CO
LAKE PEND OREILLE
SPILLWAY ELEV 2063
MAY 22 1996
RICKEL
T. 54 N., R. 2 W.


T54N
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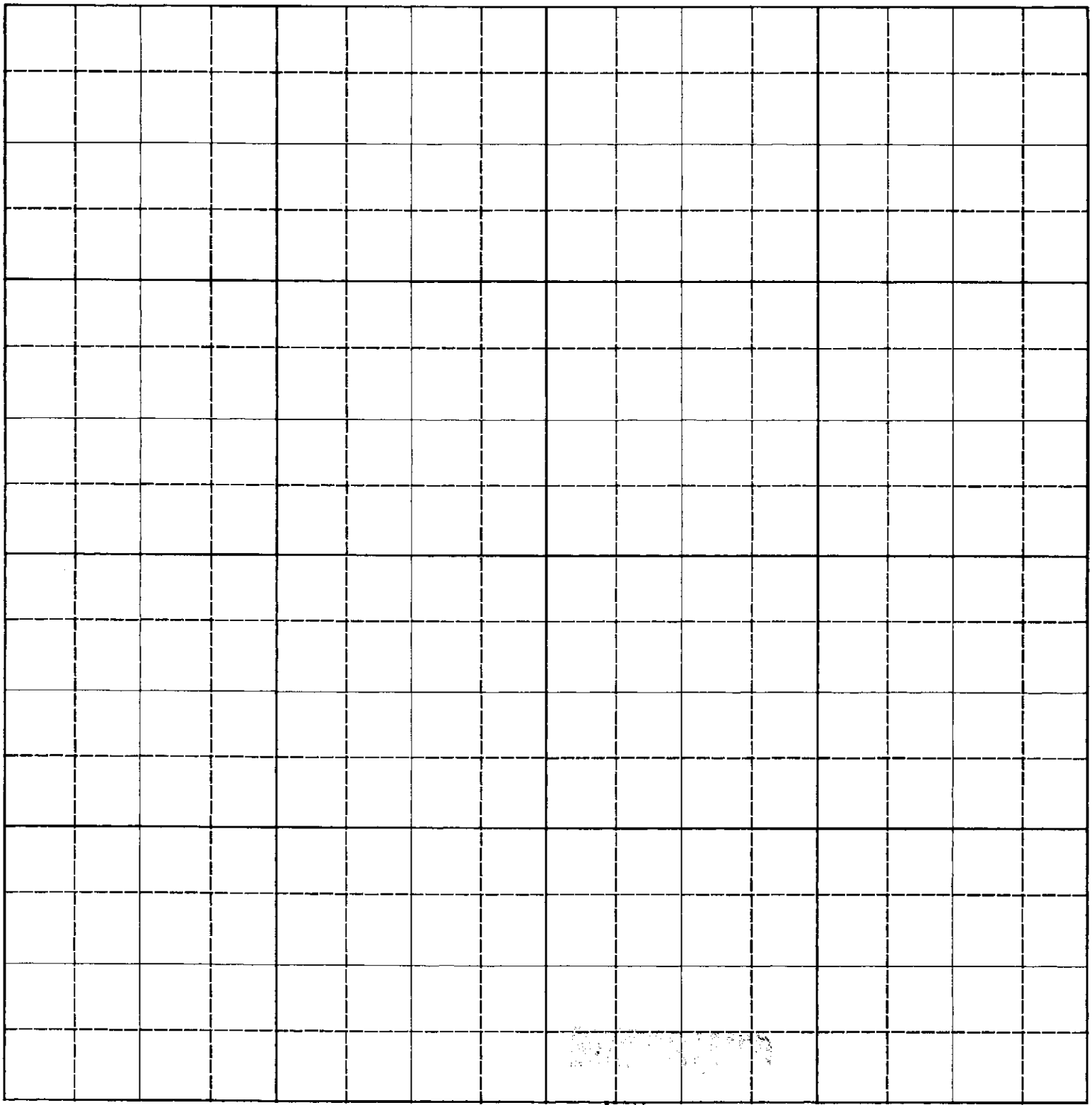
Sec. 22.
Sec. 23.
Sec. 27
Sec. 26
Sec. 25
Sec. 34.
Sec. 35.
Sec. 36.
639.64
640
600.98
N89°50E
S89°56W
EAST
N0°1'W
N0°2'W
N89°50'W
S89°57'W
SQUAW RICKEL
T.54N., R.2W.

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.

MAY 22 1996

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.

x Robert W Parker
(Applicant)

Received by KB Date 2/20/96 Time 3:30 Preliminary check by KB

Fee $ 50 /ck Receipted by KB # M-9899 Date 2/20/96

Publication prepared by ~~db~~ db Date 2/28/96 4/10/96 Published in Idaho Press 3/7 + 14/96 4/18 + 25/96

Publication approved ~~db~~ / db Date 3/15/96 5/2/96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

RECEIVED
MAY 22 1996

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

July 17, 2001

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319

RE: License No. 96-8916 - 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.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
SEP 2 5 2002

CERTIFICATE OF MAILING

I hereby certify that on July 17, 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. 96-8916

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319

Kari Lynn Townsend
Secretary

MICROFILMED
SEP 2 5 2002

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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SEP 23 2002

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
FEB 25 2002

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

June 28, 2001

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319

RE: Permit No. 96-08916

Dear Mr. Rickel:

After talking with Mrs. Rickel on the telephone a couple of weeks ago, I contacted our Northern Regional Office to find out where the signed licensing amendment form was. They have misplaced the form you had signed while in their office on May 16th. Since we cannot proceed with licensing this permit until we receive the signed amendment form I am enclosing another form for your signature. Please sign this form and return it, in the enclosed envelope, at your earliest convenience. We are sorry for any inconvenience this may have caused you.

If you have any questions in regard to this matter, please feel free to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED
FEB 25 2002

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

June 5, 2001

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319

RE: Water Right Permit 96-08916

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is $50.00.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
FEB 2 5 2002

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

May 11, 2001

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 838030319

RE: Water Right Permit No. 96-08916

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

_____ **Point(s) of Diversion**

_____ **Place(s) of Use**

__✓__ **Other** – Added Diversion to Storage Use to this right

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED
SEP 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
FEB - 5 2001
Department of Water Resources

WR 96-08916
New letter mailed 5.11.01 - Kat

[redacted]

RICK319 TA38032015 1800 05 02/01/01
RICKEL
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

[redacted]

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

January 29, 2001

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 838030319

RE: Water Right Permit No. 96-08916

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than what was described on your permit:

_____ **Point(s) of Diversion**

_____ **Place(s) of Use**

__✓__ **Other-** Added Diversion to Storage Use to this right

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosure

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FEB 2 3 2001

LICENSE REVIEW CHECKLIST

Permit No. 96-08916 Date: 12-28-00 Reviewer: Kay Walker

	Change/OK	
Name/Address	OK	
Source Point of Diversion:	OK OK	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	OK	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 0.03 cfs
Fee Limit 0.20 cfs
Measured 0.01 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.01

Water Uses add Change (P46)

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

	cfs	af
Irrigation	0.01	3.0
Stockwater	____	____
Domestic	____	____
_____	____	____
_____	____	____
Total	0.01	3.1

Div to Stor. - 0.01 cfs

Irr from Stor 0.1 AF
Irr Stor 0.1 AF
A Stor 0.1 "
B Stor 0.1 "

~~Irrigation~~ - overlap(R58-R61, **R62-R65, R66-R69**)
~~supp.~~ Gw (WB7/065/104)
~~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)

per Shelley allow Div. to Stor & Irrig.

Volume Determination
0.01 cfs x 1.9835 x 214 days = 4.2 af (vs) 1 acres x 3.0 (FHR) = 3.0 af
2.0 (con)

Remarks: R62

Additional Conditions
NO Watermaster Control
NO GW Measurement/Measuring Device
NO Other
~~Trust~~ (052/R55 – remove 051)
~~Non-trust~~ (048/049)

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

Advance Priority? ____yes / No If yes, explain why below.

SRBA Claim? N/A

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** _____ **S06**

Idaho Department of Water Resources

Place of Use 1/4 1/4 Comparison Report

T54N R02W S36			NE				NW				SW				SE				
Type	WR-Number	Source	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
Right	96-4010	PEND OREILLE, LAKE										X							0
Right	96-4011	PEND OREILLE, LAKE										X							0
Right	96-4018	PEND OREILLE, LAKE				X													0
Right	96-4019	PEND OREILLE, LAKE				X													0
Right	96-4094	PEND OREILLE, LAKE										X							0
Right	96-4126	SPRING										X							0
Right	96-4127	PEND OREILLE, LAKE										X							0
Right	96-4562	UNNAMED STREAMS								X									0
Right	96-7233	PEND OREILLE, LAKE								X									0
Right	96-7345	PEND OREILLE, LAKE		X						X									0
Right	96-7585	PEND OREILLE, LAKE															X	X	0
Right	96-8631	PEND OREILLE, LAKE									X								0
Right	96-8643	UNNAMED STREAM		X															0
~~Permit~~	96-9002	GROUND WATER		X	X					X	X	X			X	X			0
Permit	96-8916	UNNAMED STREAM														1			1
~~Right~~	96-7345	PEND OREILLE, LAKE									X					X			0
Permit	96-9002	GROUND WATER													5				5
Permit	96-8992	UNNAMED STREAMS								10									10
Permit	96-9002	GROUND WATER		10	30					15	15	10				10			90

diff source

diff source

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW								SW								SE				
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE	
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
9608916	T54N R02W S36	UNNAMED STREAM																														
																											02-01				1
9608992	UNNAMED ST															10																10
9609002	GROUNDWATE						10	01-30								15		03-15	04-10							01-05	02-10					95

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 1 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08916

1. Owner: Robert H. Rickel Phone No. (208) 683-2585

Current Address: P.O. Box 319 Bayview Id. 83803-0319

2. Accompanied by: Robert Rickel EXAM DATE: 8-24-00

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to Pend Oreille 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
	02		NW	SE	36	54N	02W	Kootenai	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	02W	36														02 01			1
																R			
																A			

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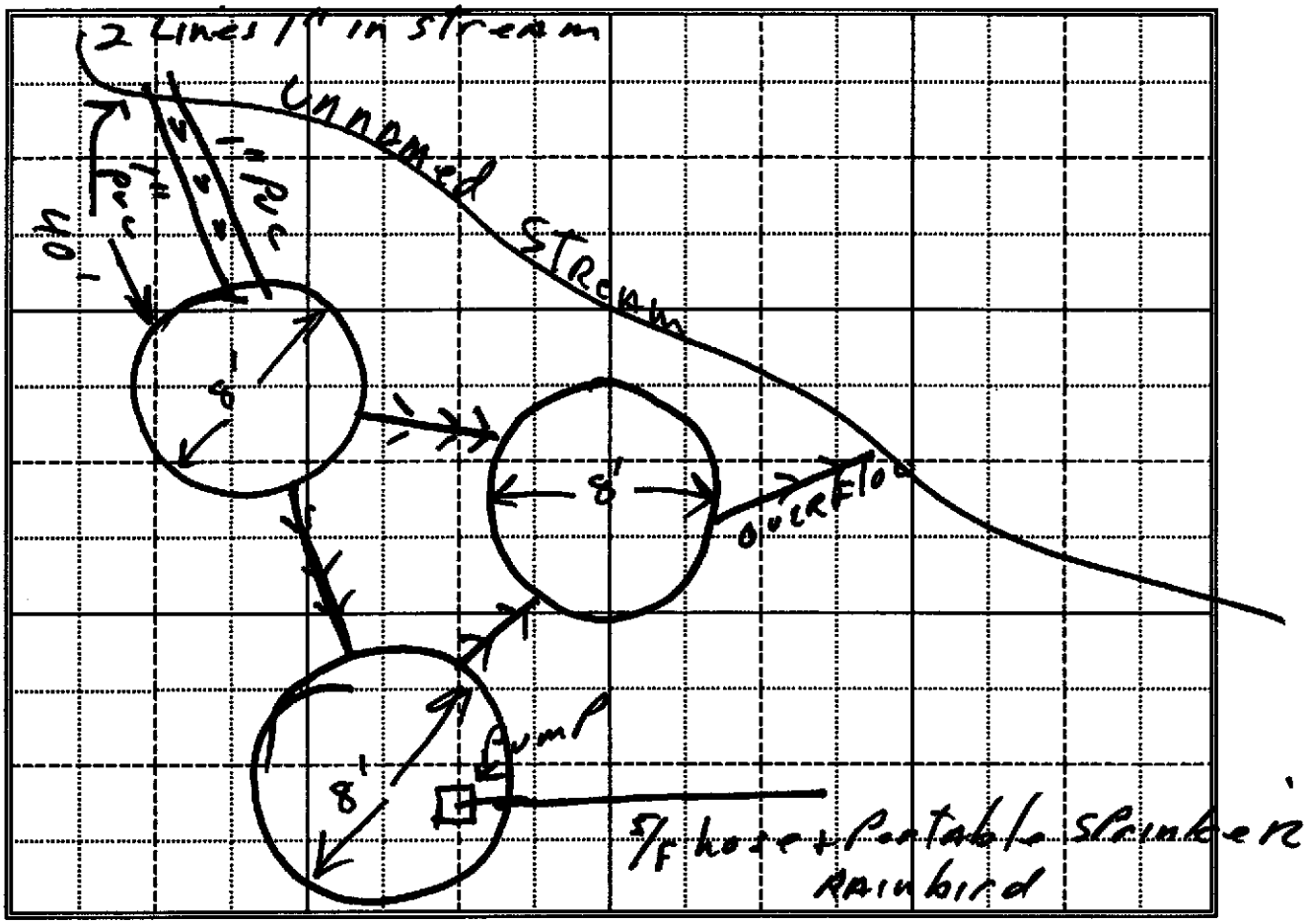
SEP 25 2000

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



Scale: 1" = N.T.S.

____ 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:** _____

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FEB 25 2002

E. NARRATIVE/REMARKS/COMMENTS

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

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FEB 2 5 2002

F. FLOW CALCULATIONS

Measured Method: 5 gal bucket 5 gal in 1 min

Additional Computation Sheets Attached

DIV TO STOR $\frac{5 \times .13368}{60} = .01$ cfs

IRRIGATION From STORAGE 5 gal in one min
5 gal bucket

$\frac{5 \times .13368}{60} = .01$ CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = $1 \times 3 = 3$

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = $.01 \times 245 \times 1.9835 = 4.8$

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 3

2. Volume Calculations for Other Uses:

3 Ponds @ 8' dia 2.5' deep $V = \pi R^2 h$

$V = \pi(4^2)(2.5) = 125.7 \text{ ft}^3 \times 7.48 \text{ gal} = 940 \text{ gal}$

$940 \times 3 \text{ Ponds} = 2820 \text{ gal} = .009 \text{ AF}$

325,850

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Diversion & Storage	01-01	12-31	.01	.01
Irrigation Storage	03-15	11-15	.01	.01
Irrigation from Storage	03-15	11-15	.01	3
Rec Storage	01-01	12-31	.01	.01
Aesthetic Storage	01-01	12-31	.01	.01
		Totals:	.01	3.01

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

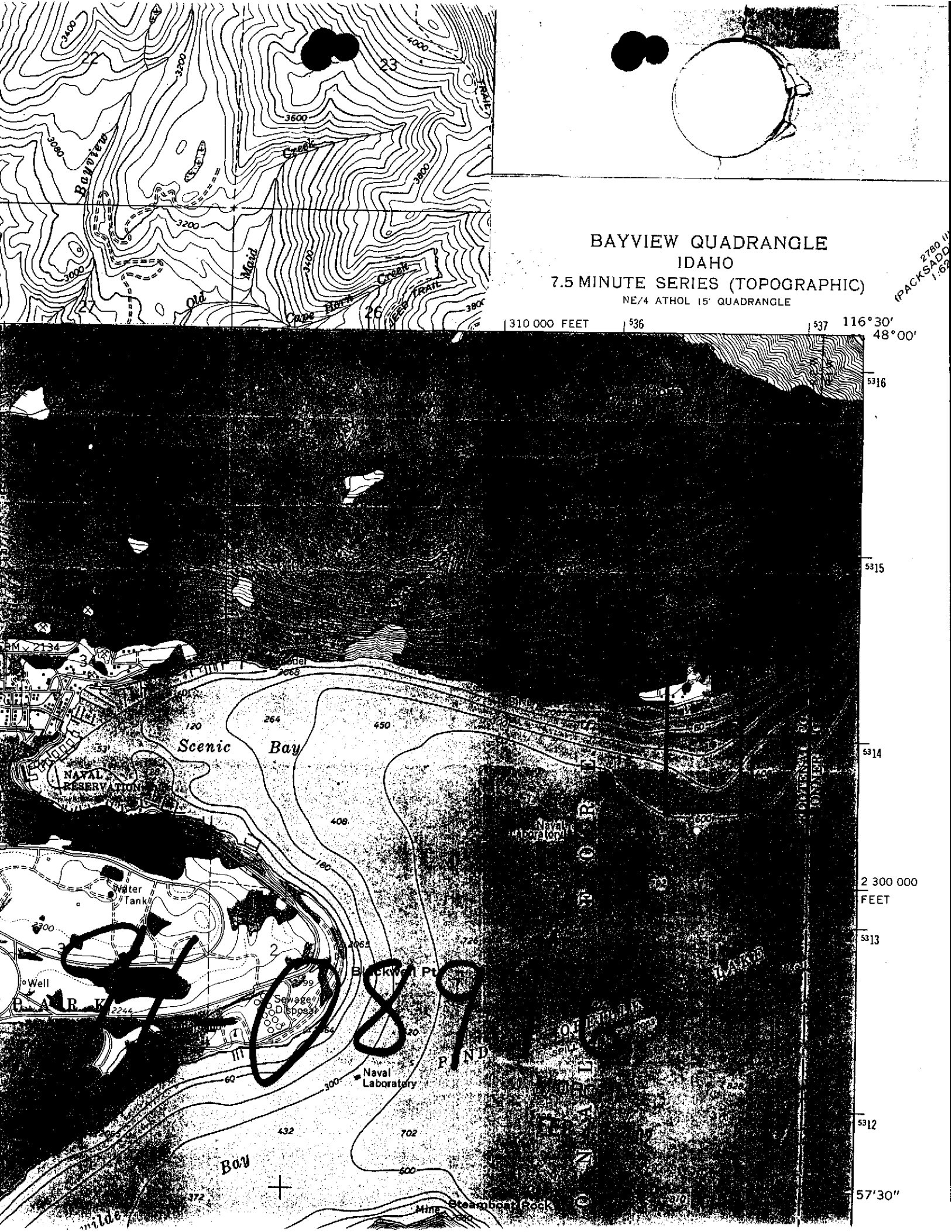
I. AUTHENTICATION

Field Examiner's Name Wayne Baldwin Date 8-29-00

Reviewer _____ Date _____

SEAL

MICROFILMED
FEB 25 2002


BAYVIEW QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 ATHOL 15' QUADRANGLE
310 000 FEET
536
537
116°30'
48°00'
5316
5315
5314
5313
5312
2 300 000 FEET
57'30"
Bayview
Old Mud Creek
Cape Horn Creek
Scenic Bay
NAVAL RESERVATION
Water Tank
Well
Sewage Disposal
Naval Laboratory
Blackwell Pt
Steamboat Rock
Mine
Bay
Scenic Bay
Naval Laboratory
Blackwell Pt
Steamboat Rock
Mine
Bay

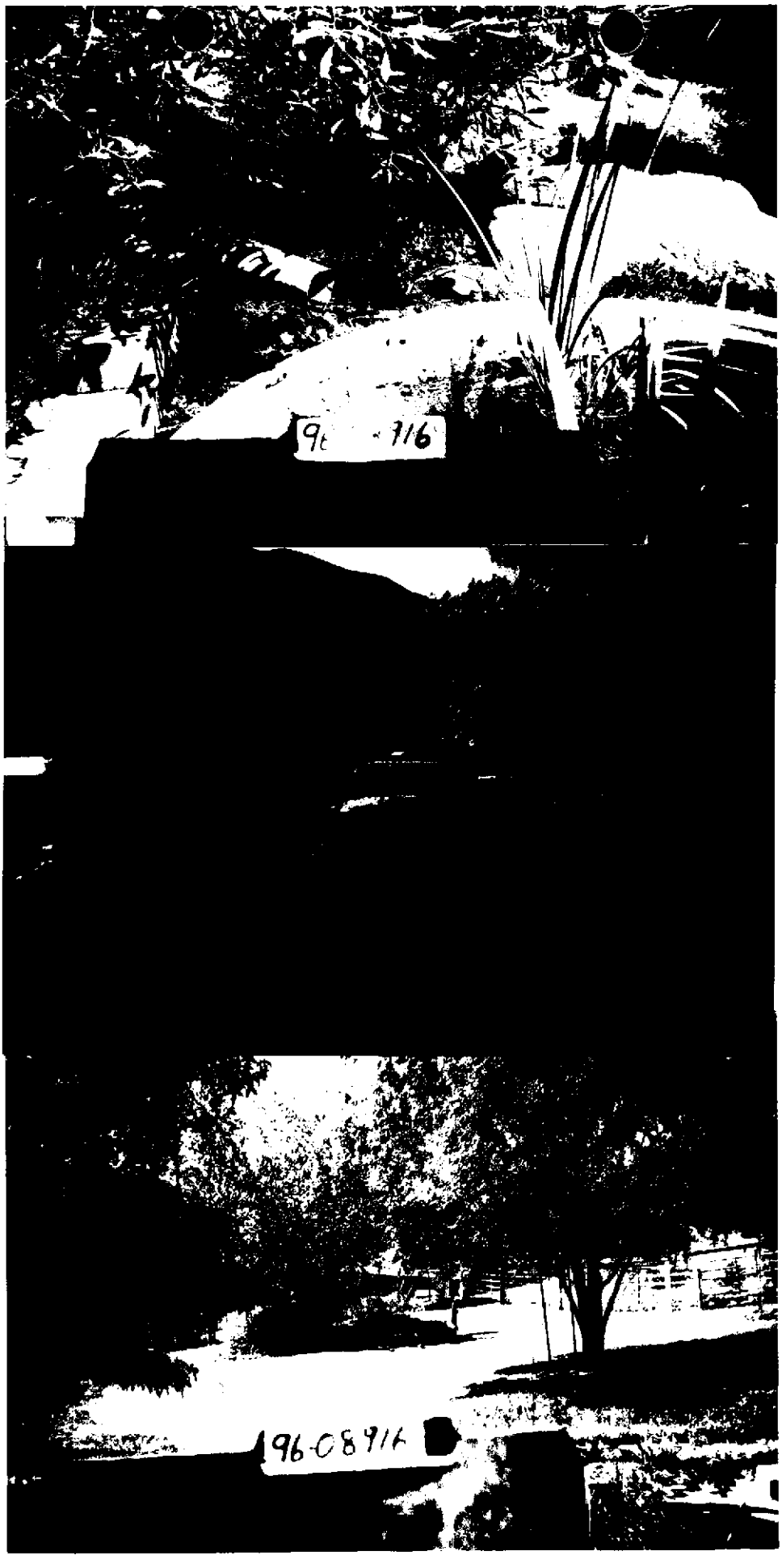
Storage Pond + Pump

Storage Pond

96-0816

MICROFILMED
FEB 25 2002

1" PVC IS INSIDE THESE 4" TUBES



STORAGE POND

PJ

MICROFILMED
FEB 25 2002

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

July 1, 1999

Robert Rickel
PO Box 319
Bayview ID 83803

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08916

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

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 11 1999

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 96-08916 Reviewed by JG Date 7-1-99

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Storage

Correct Uses? yes

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

Yes Required?
50- Amount Submitted
Yes Correct?

MEASURING DEVICE

NO Required?
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 acceptable

DATA ENTRY

New Address X Proof Made 4-5-99

March 31, 1999

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 838030319

PROOF DUE NOTICE

RE: PERMIT NO. 96-08916

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 June 1, 1999. (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.

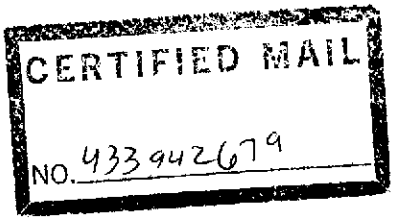
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

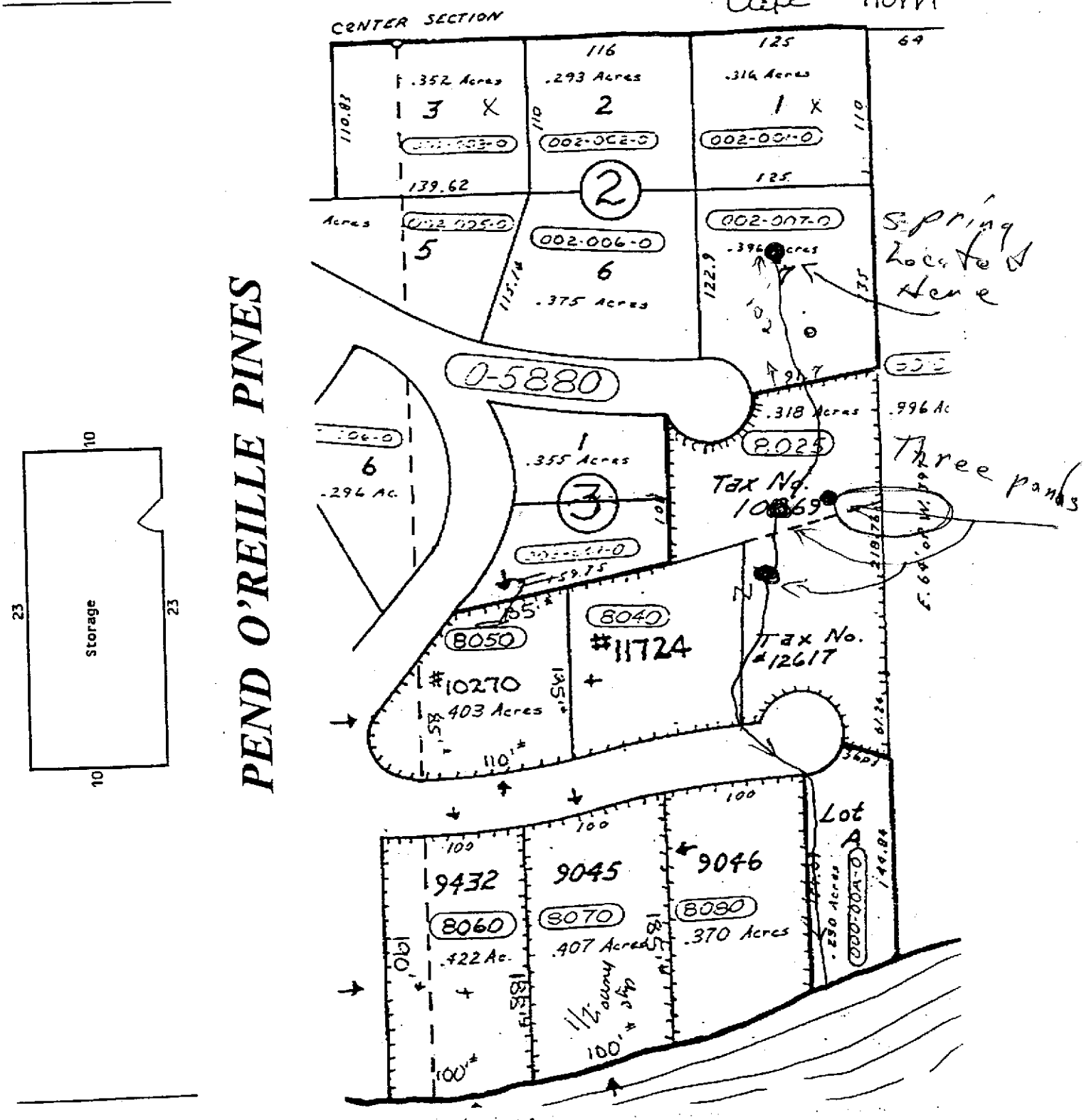
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
1999





T. 54N., R. 2W.
SEC. 36 GOVT. LOT 2 (NWSE)

9/30/98 96-08916

FOR PURPOSES OF CLARIFICATION OF THE SOURCE OF WATER AND THE LOCATION OF THE (3) PONDS THIS MAP IS SUBMITTED TO IDAHO DEPT. OF WATER RESOURCES TO BE PLACED IN FILE.

Robert Bickel

MICROFILMED
AUG 11 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 1996

ROBERT H RICKEL
PO BOX 319
BAYVIEW ID 83803-0319

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08916

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

Sincerely,

Shelley Watte Keen

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MAY 22 1996

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 96-8916 **Name:** Riedel **Date:** 5/17/96 **Ad OK?** ✓
Correct Fee? ✓ **Receipt #:** N9899 **Priority:** 2/20/96 ✓ **Gvmt Lts:** ✓

AREA OF CONCERN? - No/Yes _____Mor _____GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
~~1 year~~/no proof - ~~P16~~
+1 year - 26A-**P17**
GROUNDWATER: <√ *FLO-CH*>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. ___-___-__-_____-____, **P99**
No WD permit? - 046-46B-**P23** (post 7/1/87)
irr. in WD - **P05** (new well)
SURFACE WATER <√ *FLO-CH*>(Surface water that *doesn't sink* is regulated):
Water District(~~dom~~) - 005 (*req*) WD #_____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-**P08**
=/- 0.2 cfs - 01H(lock dev)-**P01** or No MD
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-**P04**, NA
(02/03-irr) - 007-**P07** (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if ~~WD~~), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-**P04**(Payette Lake), NA
USE:
Domestic *(surface)* - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(*rq*)-010/06A/09E(WQ)-**P10**;044(N 1000 Spr)
Irr <*POU*> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (*req*) & 06A/010/09E-**P10**
Power - 08A-17K-025-027-01M-01F(**P19**)-09E(**P10**);
+25 cfs-**P18**; 17G(FERC) or 17M(~~FERC~~); 18B-**P09**
Storage(✓ *3 compo.*) - 18A(multi MD in WD), 18B-**P09** (+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B1K <SEE CODE CHART>
Trust - 051-052-053-**P74** (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU) _____
OTHER CONDITIONS: - _____ _____ _____
STANDARD REMARKS: - D Ree/Swain _____

BENEFICIAL USE DUE: - 6-1-1999
COMMENTS: - _____

WR1

No. a
4/87-06/92n

I[illegible] DEPARTMENT OF WATER RESOURCE
APPR[illegible]IATION APPLICATION ANALYSIS S[illegible]

APPLICATION # 96- 08916

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

APPLICANT: RICKER BY: [illegible] DATE: 2/20/96

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( )

PROCESSING

Yes No PRIORITY DATE: 2/20/96

__ X (Include Moratorium Remark)

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

CA/Thurs/OK

ADVERTISE IN: KOOTENAI County.

LETTERS SENT REQUESTING:

( ) 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)

__ X Water delivered by water master?

Water District # _____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

********** GROUNDWATER SECTION **********

(Yes)(No)

__ X 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: _____

RECEIVED
MAY 16 1996
Department of Water Resources

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

(Yes)(No)

__ __ Notice of pending void order issued. Final order response date: __/__/__

__ __ Further information required from applicant

3/8 __ Affidavit of publication received

(3/15) 3/8 __ Application published correctly, If not, record action taken: _____

3/28 __ Publication dates and paper recorded on application | Sr. Agent initial [illegible]

__ X Protests received. Final protest date: 3/25/96

__ X Measuring device required

__ X Measuring port required

__ X Special conditions: _____

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

Approval Recommended by: [illegible] Date: 3/26/96

RECEIVED
MAR 28 1996
Department of Water Resources

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Keri Alexander being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thurs. issue of said newspaper for 2 consecutive weeks, commencing on the 18th day of April, 19 96, and ending on the 25th day of April, 19 96, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Keri Alexander

Subscribed and sworn to before me this 25th day of April, 19 96

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MAY 22 1996

ROBERTA MANLEY
My commission expires 2-5-99

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-08916 in the name of ROBERT H. RICKEL, P O BOX 319, BAYVIEW, ID 83803-0319, was incorrectly advertised on MARCH 7 AND 14, 1996. ok

The water USAGE was incorrectly advertised as IRRIGATION STORAGE 0.11 AF, IRRIGATION FROM STORAGE 0.11 AF, RECREATION STORAGE 0.11 AF, AND AESTHETIC STORAGE 0.11 AF FOR A TOTAL DIVERSION OF 0.11 AF; whereas correctly it should read **IRRIGATION 0.02 CFS, IRRIGATION STORAGE 0.1 AF, IRRIGATION FROM STORAGE 0.1 AF, RECREATION STORAGE 0.1 AF, AND AESTHETIC STORAGE 0.1 AF, FOR A TOTAL DIVERSION OF 0.02 CFS AND/OR 0.1 AF, AND A TOTAL OF 1 ACRE.**

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

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of $25.00 on or before MAY 6, 1996.

KARL J. DREHER, Dir.

Legal 470
Apr. 18, 25, 1996

RECEIVED
APR 29 1996
IDWR

April 10, 1996

RECEIVED
MAY 16 1996
Department of Water Resources

Coeur d Alene Press
Second & Lakeside
Coeur d Alene ID 83814

Re: Water Right No. 96-08916

Gentlemen:

Enclosed you will find a legal Notice of Correction which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the **Affidavit of Publication, and the bill,** to this office **before May 6, 1996.**

Thank you.

Sincerely,

Dianne Ball
Senior Secretary

Enclosure

RECEIVED
MAY 22 1996

NOTICE OF CORRECTION

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KARL J. DREHER, Dir.

Published in the COEUR D ALENE PRESS on APRIL 18 AND 25/1996.

MEMORANDUM

RECEIVED
APR 0 8 1996
IDWR

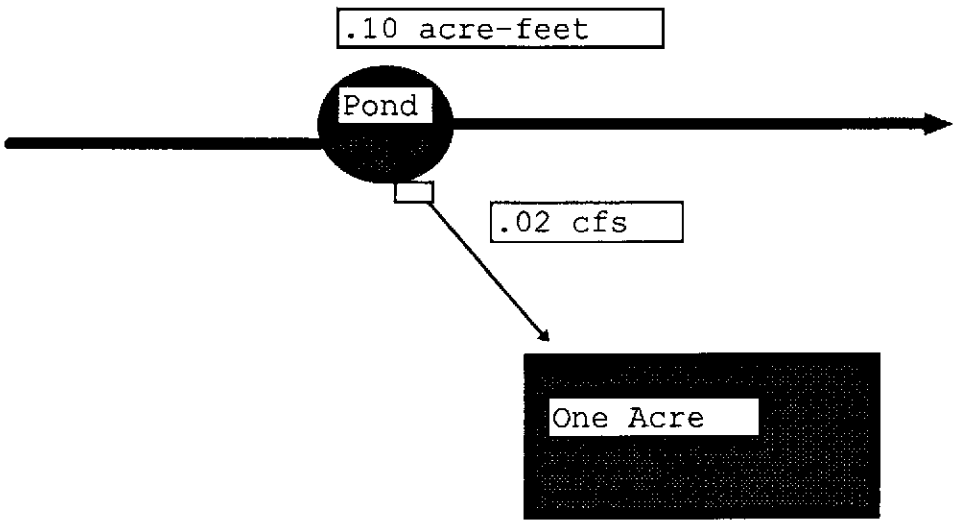
DATE: April 4, 1996

TO: Allen Beardslee

FROM: Shelley W. Keen SWK

RE: Application 96-08916 in the name of Robert Rickel

As we discussed, I am returning Application for Permit 96-08916 to you because it appears that Mr. Rickel needs to appropriate a flow rate for irrigation purposes to accomplish what he intends.



MAY 2 2 1996

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 08 1996
NORTHERN REGION
IDWR

STATE OF IDAHO,
County of Kootenai, } ss.

Keri Alexander being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular THURS issue of said newspaper for 2 consecutive weeks, commencing on the 7th day of March, 19 96, and ending on the 14th day of March, 19 96, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Keri Alexander

Subscribed and sworn to before me this 14th day of March 19 96

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

ROBERTA MANLEY
Commission expires 2-5-99

NOTICE OF APPLICATION
FOR WATER RIGHT

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

95-08938
CITY OF COEUR D ALENE
710 E MULLAN AVENUE
COEUR D ALENE, ID 83814
Source: GROUNDWATER
Diversion Pt: SESESW Sec 36 T 51N R 04W in KOOTENAI County.
Use: MUNICIPAL (7.800 CFS)
Total Diversion: (7.800 CFS)
Date Filed: 2/8/1996
PLACE OF USE IS LOCATED WITHIN CITY LIMITS OF COEUR D ALENE, ID

95-08939
VAUDREUIL, RAYMOND R
P O BOX 2092
COEUR D ALENE, ID 83816
Source: GROUNDWATER
Diversion Pt: SWSW Sec 14 T 52N R 04W in KOOTENAI County.
Use: IRRIGATION (0.120 CFS)
DOMESTIC (0.160 CFS)
Total Diversion: (0.280 CFS)
Date Filed: 2/13/1996
In: KOOTENAI County
T52N R04W S14 SWSW SESW
6:0 ACRES TOTAL

96-08916
RICKEL, ROBERT H
P O BOX 319
BAYVIEW, ID 838030319
Source: UNNAMED STREAMS
Tributary: LAKE PEND OREILLE
Diversion Pt: LOT 2 (NWSE) Sec 36 T 54N R 02W in KOOTENAI County.
Use: IRRIGATION STORAGE (0.11 AF)
IRRIGATION FROM STORAGE (0.11 AF)
RECREATION STORAGE (0.11 AF)
AESTHETIC STORAGE (0.11 AF)
Total Diversion: (0.11 AF)
Date Filed: 2/20/1996
In: KOOTENAI County
T54N R02W S36 LOT 2 (NWSE)

ok

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 MARCH 25, 1996.

KARL J. DREHER, Director

Legal 278
March 7, 14, 1996

96-08916

RICKEL, ROBERT H
P O BOX 319
BAYVIEW, ID 838030319

Source: UNNAMED STREAMS Tributary: LAKE PEND OREILLE

Diversion Pt: LOT 2 (NWSE) Sec 36 T 54N R 02W in KOOTENAI County.

Use: IRRIGATION STORAGE	(	0.11 AF)
IRRIGATION FROM STORAGE	(	0.11 AF)
RECREATION STORAGE	(	0.11 AF)
AESTHETIC STORAGE	(	0.11 AF)
Total Diversion:	(	0.11 AF)

Date Filed: 2/20/1996

In: KOOTENAI County
T54N R02W S36 Lot 2(NWSE)

February 28, 1996

Robert H. Rickel
P O Box 319
Bayview ID 83803-0319

Re: Water Appropriation Application No. 96-08916

Dear Mr. Rickel:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

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

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

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

If your source is groundwater, a separate well drilling permit is required <u>for all wells constructed after July 1, 1987</u>.

IF, FROM THAT WELL, YOU WILL BE DIVERTING WATER FOR MORE THAN ONE HOME AND AT A RATE OF MORE THAN 0.04 CFS AND MORE THAN 2500 GALLONS PER DAY, YOU WILL NEED TO OBTAIN A PERMIT FOR OTHER THAN DOMESTIC USAGE. THE TOTAL FEE FOR SUCH A PERMIT IS $200.00. IF YOU HAVE ALREADY OBTAINED A DOMESTIC PERMIT, YOU WILL NEED TO UPGRADE YOUR PERMIT AND THE FEE FOR UPGRADING IS $165.00.

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