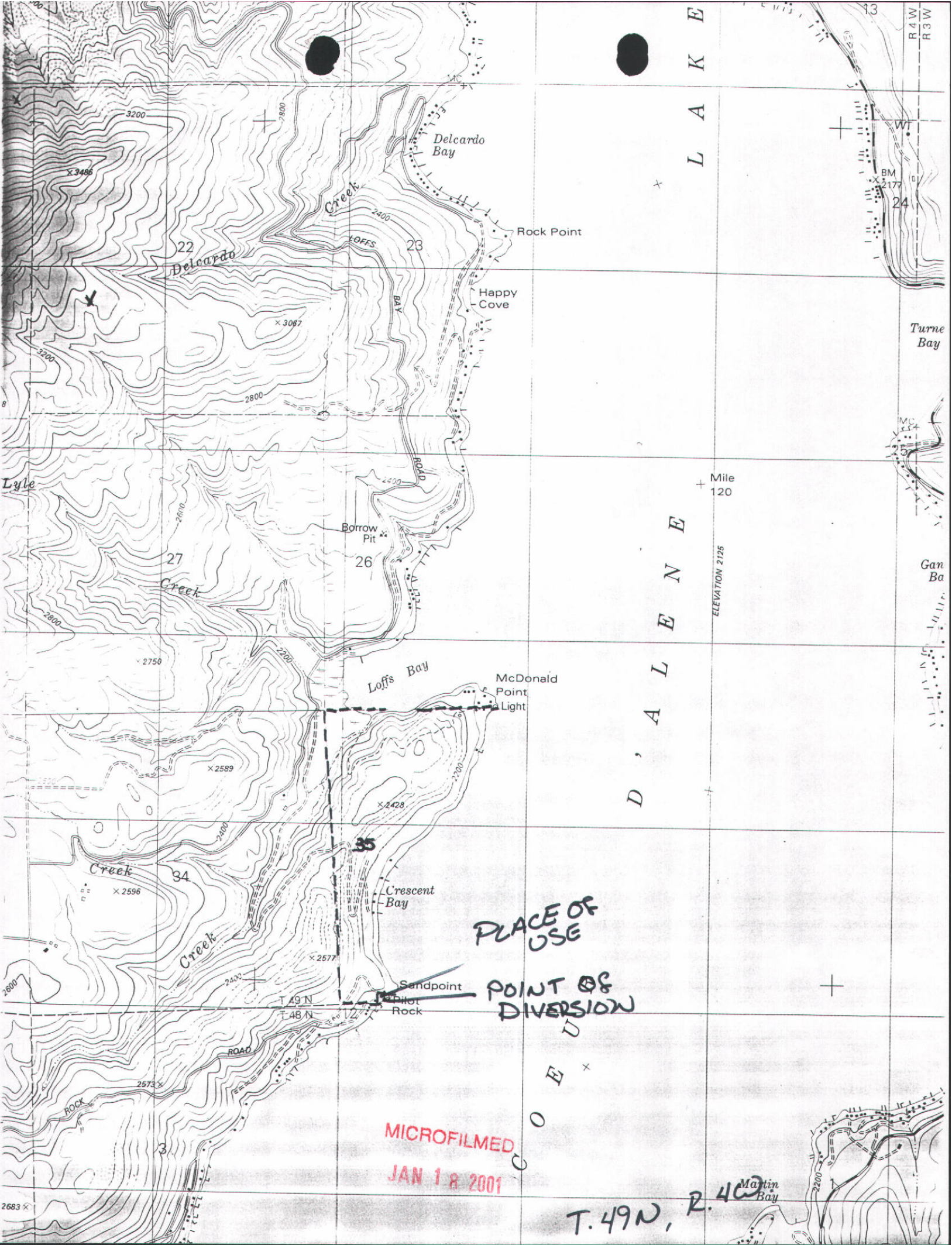




L A K E

D , A L E N E

Mile 120

ELEVATION 2125

PLACE OF USE

POINT OF DIVERSION

MICROFILMED
JAN 18 2001

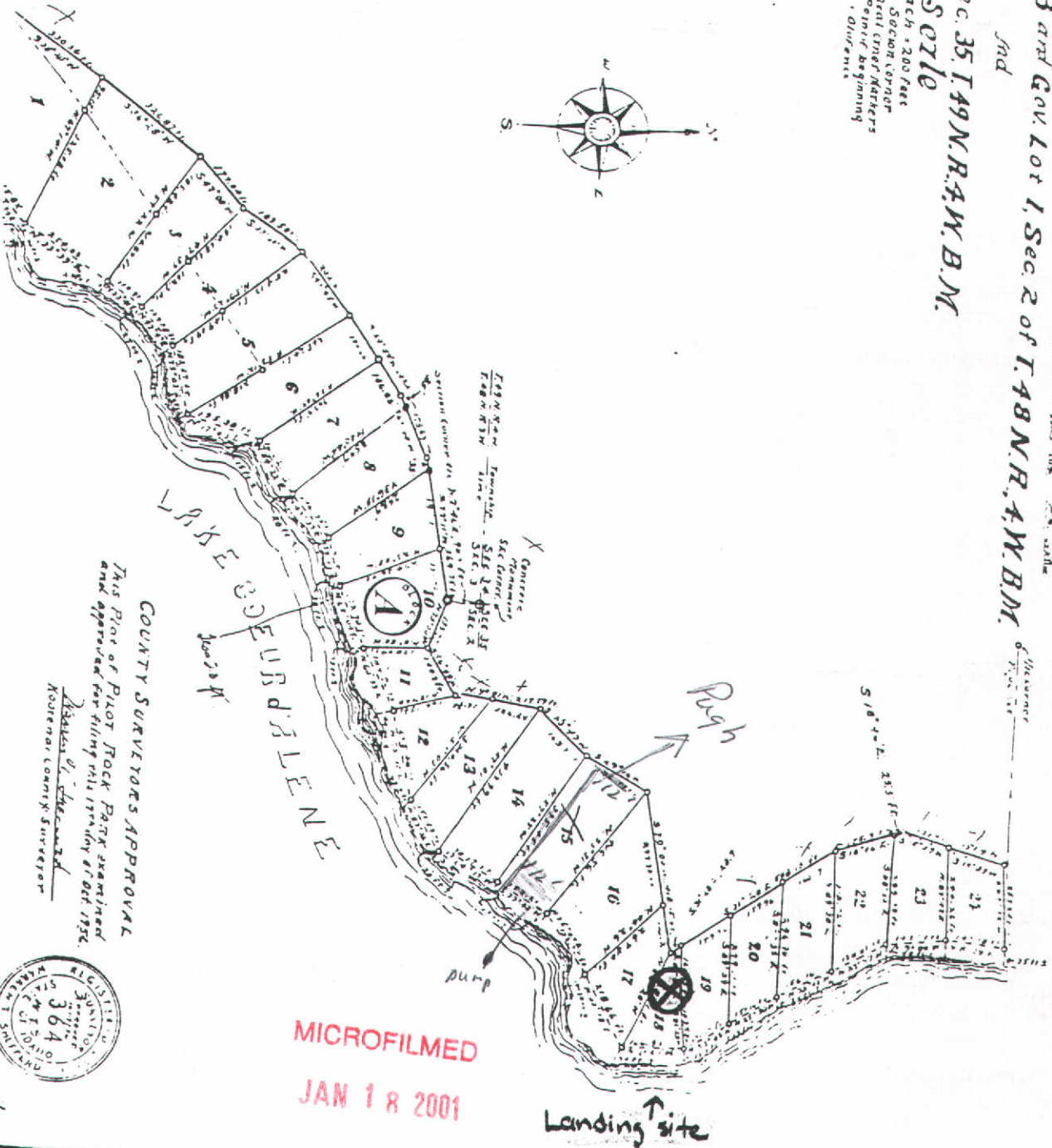
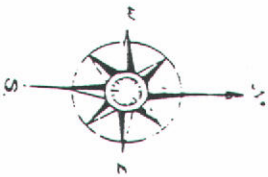
T. 49N, R. 40W

located in Gov. Lots 1 and 5 of Sec 3

[illegible]

Scrlc

1 inch = 200 feet
 ⊕ = Section corner
 ○ = Metal corner markers
 ● = Point of beginning
 . . . = Difference



COUNTY SURVEYORS APPROVAL
This Plan of PILOT STOCK FARM examined
and approved for filing this 17th day of Oct 1930
Walter W. Stearns
County Surveyor



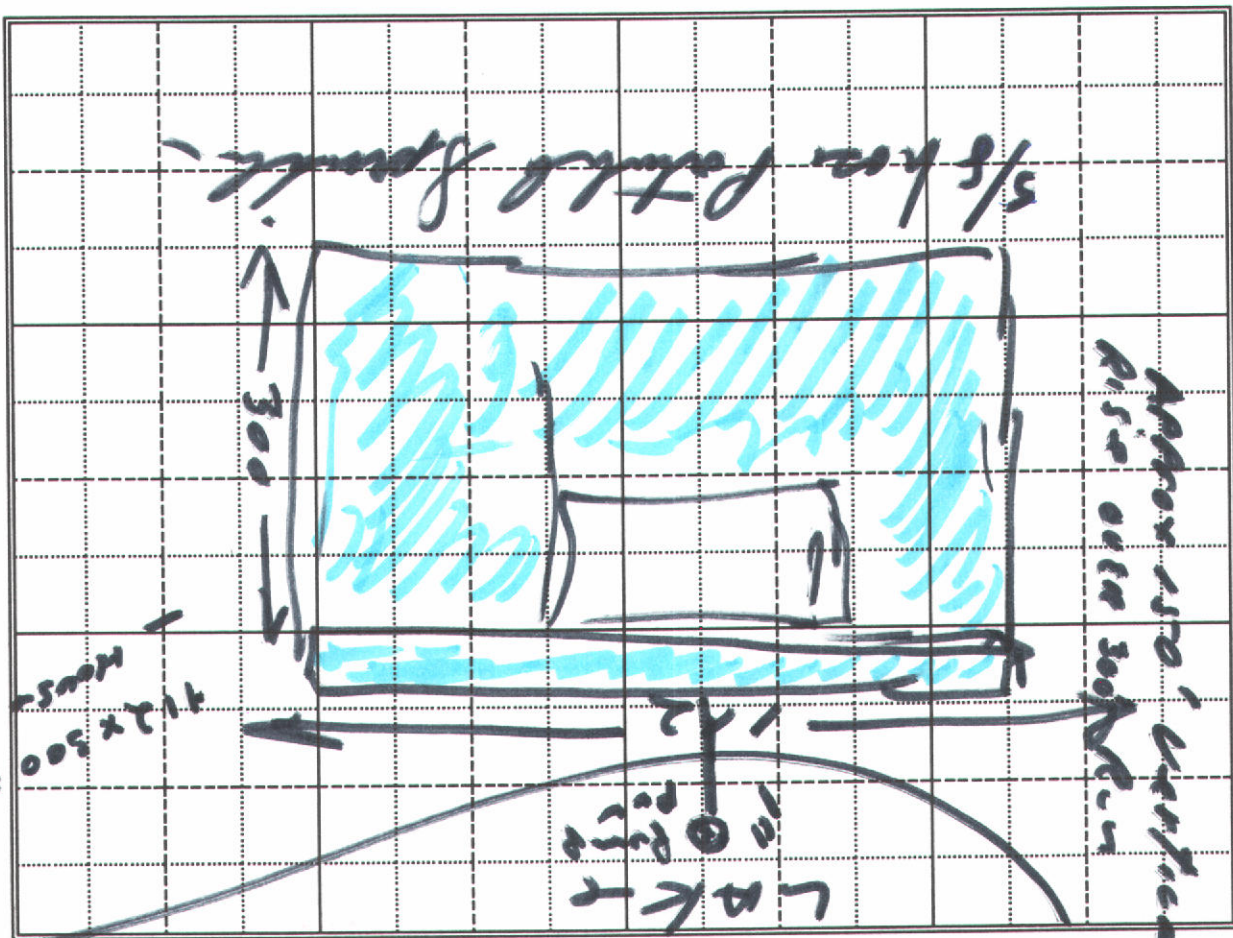
MICROFILMED
JAN 18 2001

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	95 9031	JAMES C PUGH,	COEUR D ALENE LAKE	49N04W35											1						1
Right	95 8770	SALLY FLUME, J B FLUME,	COEUR D ALENE LAKE	49N04W35											X						0
Right	95 9031	JAMES C PUGH,	COEUR D ALENE LAKE	49N04W35												0.7					0.7
Right	95 9031	JAMES C PUGH,	COEUR D ALENE LAKE	49N04W35											X						0
Right	95 4484	PILOT ROCK DEVELOPMENT ASSN,	SPRING	49N04W35											X						0
Right	95 7829	CRESCENT BAY ASSN INC,	SPRING	49N04W35							X				X						0

↑ No OL

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



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	1	2861084915	Scb	1"

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

D. FLOW MEASUREMENTS

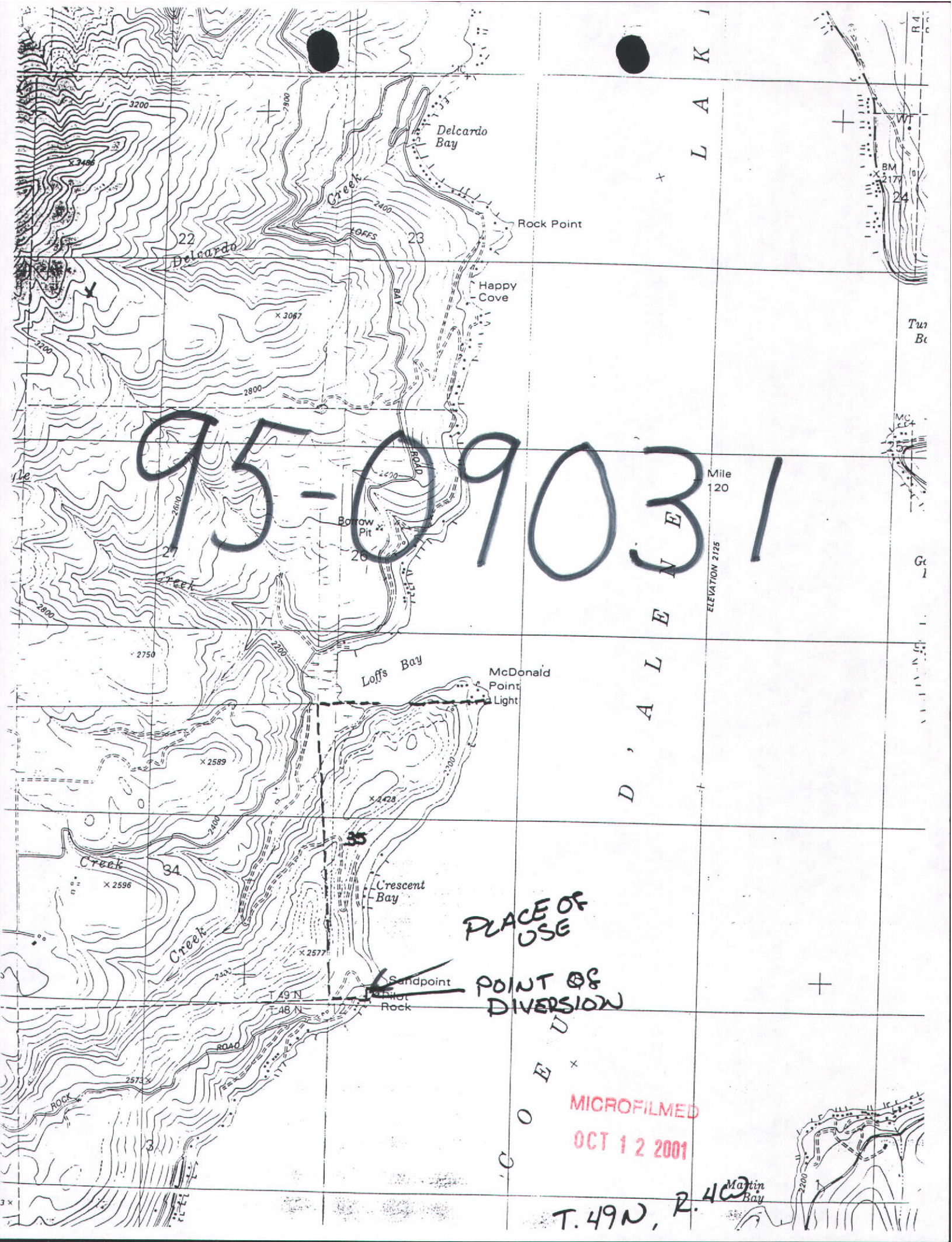
1.

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

2. Measurements:

MICROFILMED

OCT 12 2001



95-09031

PLACE OF
USE

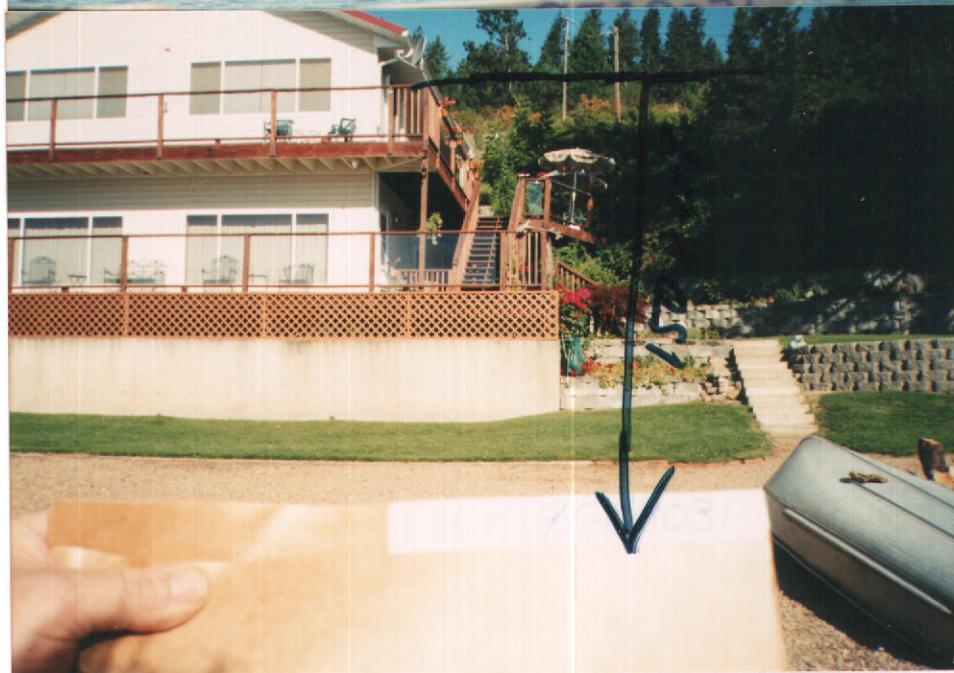
POINT OF
DIVERSION

MICROFILMED
OCT 12 2001

T. 49N, R. 40E



PD



PJ

95-09031

MICROFILMED
OCT 12 2001

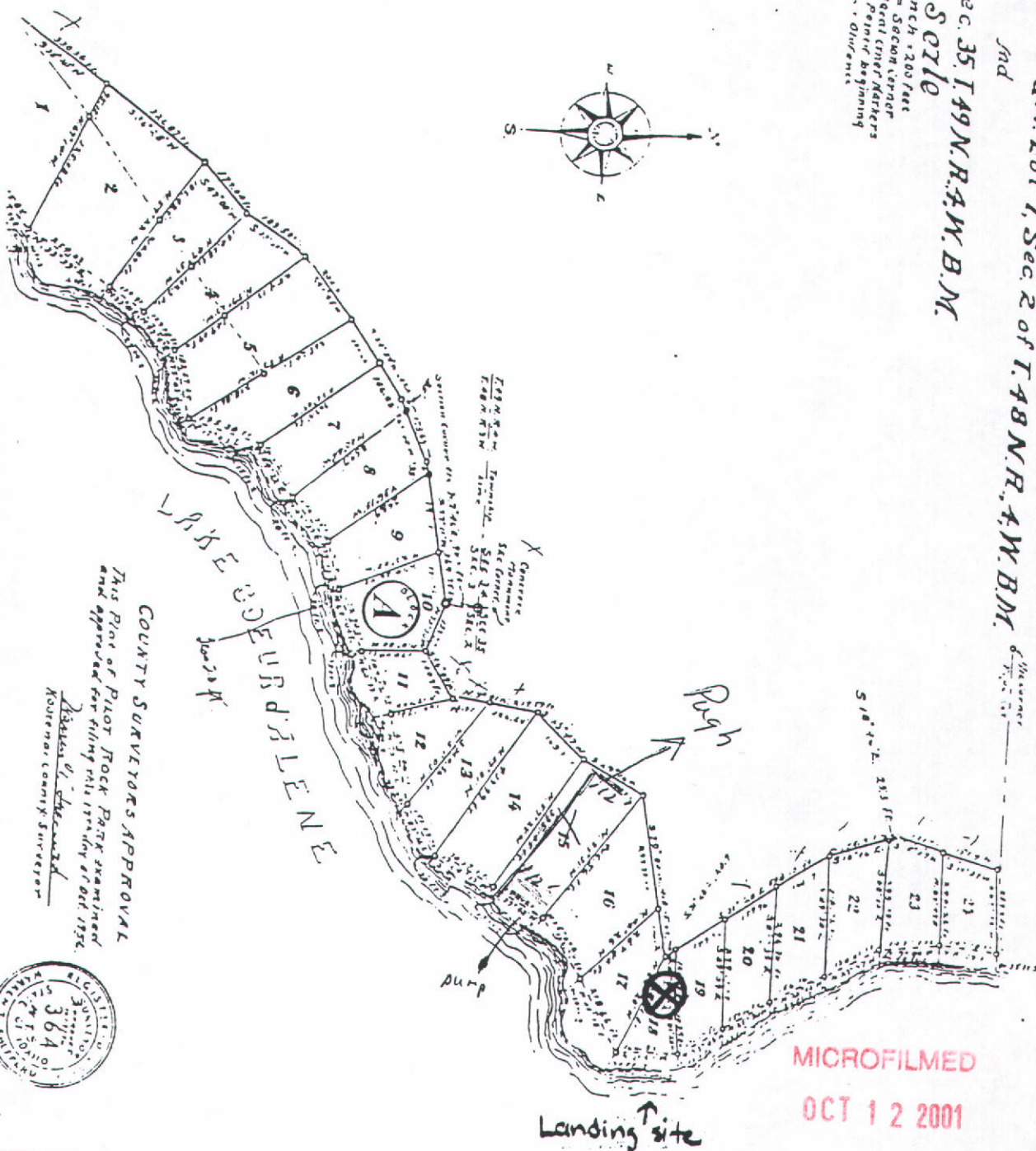
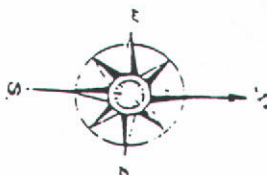
located in Gov. Lots 1 and 5 of Sec. 3 and Gov. Lot 1 Sec. 2

6-11-1968

Gov. Lot 5 of Sec. 35, T. 49 N. R. 4 W. B. M.
S 0710

Scide

- ϕ = Section corner
- = Manal corner markers
- = Pointers beginning
- ... = Distance



COUNTY SURVEYORS APPROVAL
This Part of PILOT ROCK PARK examined
and approved for filing this survey of Oct. 1932
Alfred W. Stearns
County Surveyor



MICROFILMED
OCT 12 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09031

Priority: August 27, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 2.7 AF

It is hereby certified that JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D ALENE ID 83814 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 27, 1999; and has
submitted Proof of Beneficial Use on May 08, 2000. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

COEUR D ALENE LAKE Tributary: SPOKANE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	2.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L5 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 49N, Rge 04W, 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	
49N 04W 35																	.7
																	L5

Total Acres: 0.7

PLACE OF USE: DOMESTIC - Same as Irrigation

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 2.1 afa at the field headgate for irrigation of the land described above.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
3. Place of use is located within Lot 15, Blk. A, Pilot Rock Park.

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 31st day of AUGUST, 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED

001 1 2 2001

RECEIVED

MAY 8 - 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 049076
Receipt By: D. Mance
Date Received: 5-9-00

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. 95 09031 Telephone No. 208 664 6239
2. Name(s) of Permit Holder(s): JAMES C. PUGH
3. Mailing Address: 14350 S. Pilot Rock Rd Coeur d'Alene Idaho 83814
4. Source of Water: COEUR D'ALENE LAKE If GROUNDWATER (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - -
 - b. OPTIONAL:
Pump Horsepower: 1 H.P. Pressure (psi): 70 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): 1 A. Other:
6. Total rate of diversion and/or volume for which proof is submitted: 1.02 cfs 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 <u> </u> or No <u>X</u>
Has the measuring device been installed?	Yes <u> </u> or No <u>X</u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u> </u> or No <u>X</u>
Has the measurement port been installed?	Yes <u> </u> or No <u>X</u>

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: JAMES C. PUGH Telephone Number: 208 664 6239
Address: 14350 S. Pilot Rock Rd

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:

(Include your title, if on behalf of company or organization)

Date:

MAY 1, 2000

RECEIVED
JAN 1 19 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-09031

Priority: August 27, 1999

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **JAMES C PUGH**

14350 S PILOT ROCK RD

COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

COEUR D ALENE LAKE

tributary of **SPOKANE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
	Totals	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWSW), Sec. 35, Township 49N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
49N 04W 35	Lot 5(SWSW)	1.0		1.0

Total number of acres irrigated: 1.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

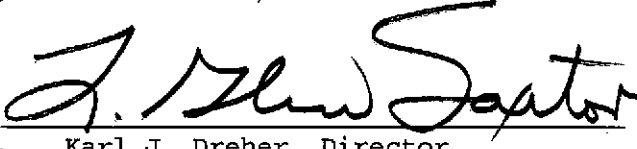
CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2001.**
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
6. Place of use is located within Lot 15, Blk. A, Pilot Rock Park.

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

29th day of December, 1999.

JAN 18 2001


for Karl J. Dreher, Director

RECEIVED

DEC 9 1999

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 JAMES C. Pugh Phone (208) 664-6239
Mailing address 14350 S Pilot Rock Rd Coeur d'Alene, ID 83814
2. Source of water supply Coeur d'Alene LAKE which is a tributary of SPokane River
3. Location of point of diversion is Township 49N Range 4W Sec. 35 in the Pilot Rock Park 1/4, SW 1/4, SW 1/4, Govt. Lot 5, B.M., Kootenai County County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 for Irrigation purposes from Mar 15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 1 H.P. Submersible Pump & pipe
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. _____

MICROFILMED

JAN 18 2001

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.

[illegible]

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

James C. Pugh	James C. Pugh
---------------	---------------

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

Remarks: original system was put in use in the early 1950's. It purchased properly in 1975 & used same system till 1990 & of which time I installed the 1 Horse power submit sible which is still in use.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters.

place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

~~Signature of Applicant (and title, if applicable)~~

Date 8/2/79 Time 11:19

Fee \$ 50.00

Publication prepared by

Date _____

110916

Date _____

66105/01

Preliminary check by

997C/0N

0120

11/16/1971

(and title, if applicable)

Time 177

00.05

Publication prepared by

Date _____

110916

Date _____

66105/01

Preliminary check by

997510 N

0120

11/16/1971

(and title, if applicable)

Time 177

00.05

Publication prepared by

Date _____

110916

Date _____

66105/01

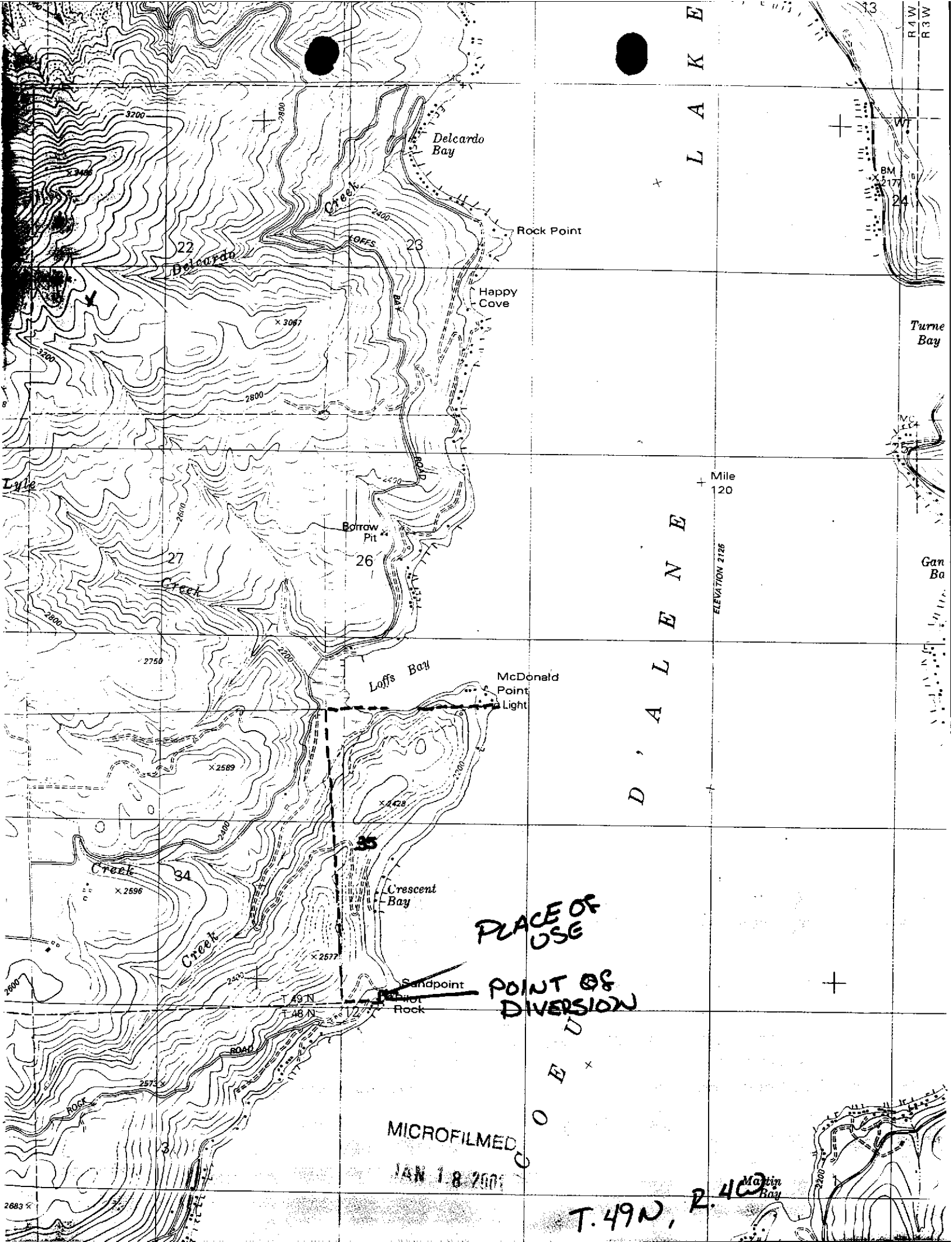
Preliminary check by

997510 N

0120

11/16/1971

(and title, if applicable)



L A K E

D A L E N E

Mile 120

ELEVATION 2125

PLACE OF USE

POINT OF DIVERSION

MICROFILMED
JAN 18 2001

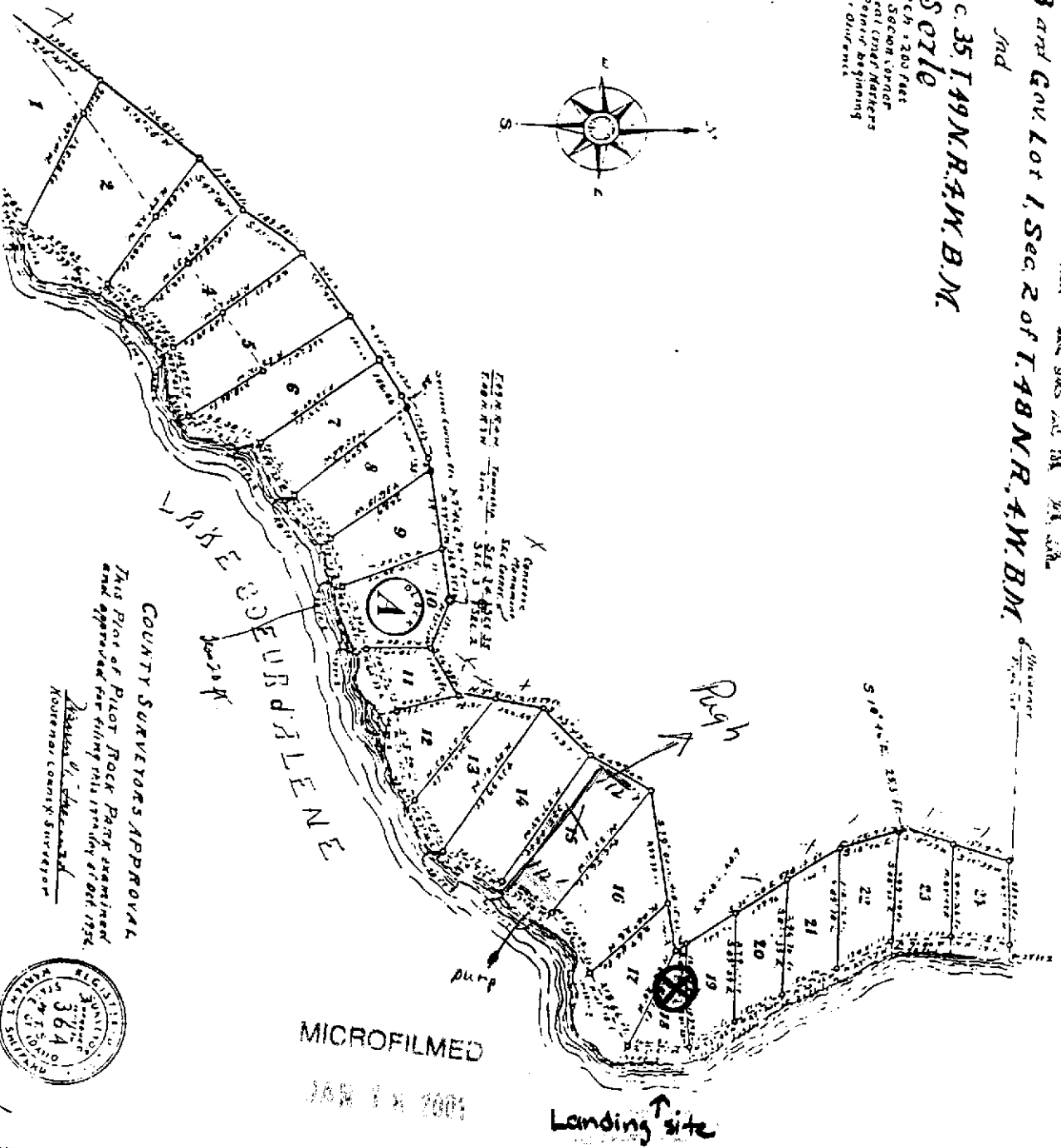
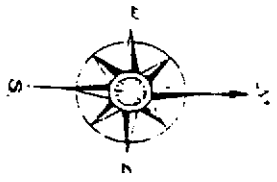
T. 49 N, R. 40 W

PILOT ROCK PARK

located in Gov Lots 1 and 5 of Sec. 3 and Gov Lot 1, Sec. 2 of T. 48 N. R. 4 W. B. M.

Gov Lot 5 of Sec. 35 T. 49 N. R. 4 W. B. M.

Scale
1 inch = 200 feet
O = Section corner
• = Metal corner markers
... = Point beginning
--- = Boundary



COUNTY SURVEYORS APPROVAL
This Plan of Pilot Rock Park is submitted
and approved for filing into records of Oct. 1932.
J. H. H. H. H.
Northern County Surveyor



MICROFILMED

1981 X 2005

Landing site



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2001

JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D ALENE ID 83814

RE: License No. 95-9031 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

MICROFILMED

OCT 12 2001

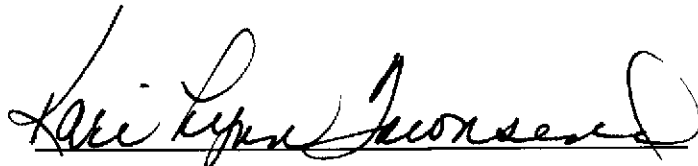
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on September 4, 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. 95-9031

**JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D ALENE ID 83814**


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
OCT 12 2001

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
OCT 12 2007

LICENSE REVIEW CHECKLIST

Permit No. 95-9031 Date: 8-30-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: 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): _____

File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 0.02 cfs

Fee Limit 0.20 cfs

Measured _____ cfs

Theoretical 0.02 cfs

Recommended Total Diversion Rate 0.02

Water Uses OK

Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation 0.02 cfs 2.1 af

Stockwater _____ cfs _____ af

Domestic 0.02 cfs 0.6 af

_____ cfs _____ af

_____ cfs _____ af

Total 0.02 cfs 2.7 af

~~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)~~

Volume Determination

0.02 cfs x 1.9835 x 246 days = 9.8 af (vs) 0.7 acres x 3.0 (FHR) = 2.1 af

2.0 (coh)

Remarks: W59/W60, W31, WB5,

Additional Conditions

_____ Watermaster Control

_____ GW Measurement/Measuring Device

_____ Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? N/A

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

topo F54
Inv PO UJD =
494139

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NE NE	SW NE	SE NE	NE NW	SW NW	SE NW	NE SE	SW SE	SE SE	Total
Right	95 8770	SALLY FLUME, J B FLUME,	COEUR D'ALENE LAKE	49N04W35										
Right	95 9031	JAMES C PUGH,	COEUR D'ALENE LAKE	49N04W35										0.7
Right	95 9031	JAMES C PUGH,	COEUR D'ALENE LAKE	49N04W35										0
Right	95 4484	PILOT ROCK DEVELOPMENT ASSN,	SPRING	49N04W35										0
Right	95 7829	CRESCENT BAY ASSN INC,	SPRING	49N04W35					X					0

↑
NO ON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 20 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-09031

1. Owner: James C. Pugh Phone No. (208) 664-6239

Current Address: 14350 S Pilot Rock Rd, Coeur D'Alene Id 83814

2. Accompanied by: Mr. Pugh EXAM DATE: 8-07-01

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Coeur D'Alene Lake tributary to Spokane River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	35	49N	04W	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	
49N	04W	35																	
												</							

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1/8 hr. Packed Space

150

100

100 x 50

100

50

300

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Frank	1	~~75~~	Scb	1"
			2861084915		

D. FLOW MEASUREMENTS

1

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

2. Measurements:

~~CONFIDENTIAL~~

1000 8 1 100

[illegible]

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SEP 2 2000

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$V_{IR} = \frac{8.5(Q)(.1)}{1.50(0.31 \times 60)} = \frac{6.16}{288.6} = .02$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 74 \times 3 = 222$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 102 \times 245 \times 1.9835 = 49,777$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 222$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic
Irrigation

Period of Use
From 01-01 To 12-31
11-15

Rate of Diversion
Q (cfs)
1.02

Annual Volume
V (ata)
1.2

2. Recommended Amendments

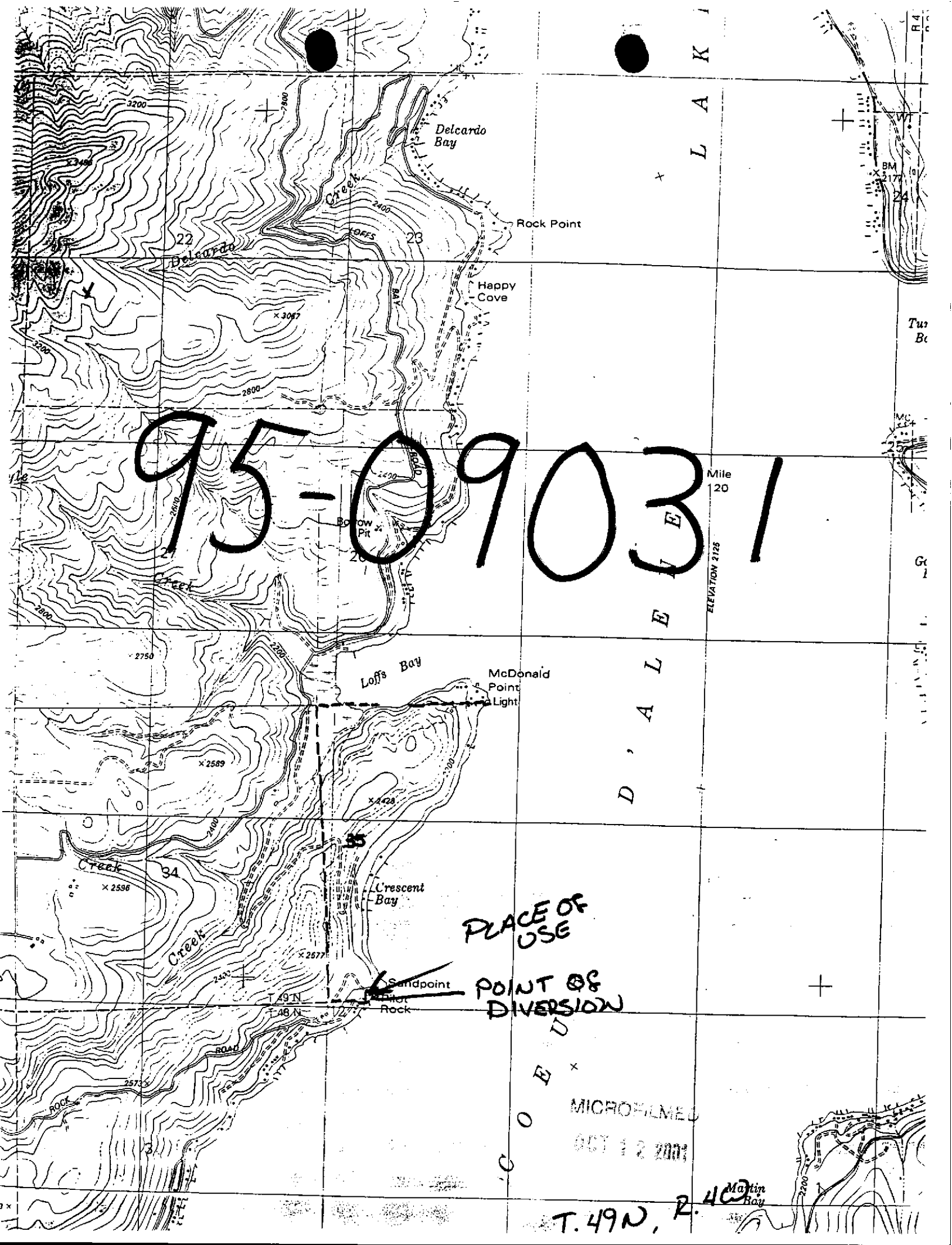
Change P.D. as reflected above
Add P.D. as reflected above
None
Change P.U. as reflected above
Add P.U. as reflected above
Other

I. AUTHENTICATION

Field Examiner's Name *Walter Baker* Date *08-16-01*
Reviewer _____ Date _____

SEAL
MICROFILMED
OCT 13 1991

95-09031



PLACE OF
USE

POINT OF
DIVERSION

MICROFILMED

OCT 12 2001

T. 49 N., R. 46 W.



PD

PD

95-09031

MICROFILMED

SEP 12 2001

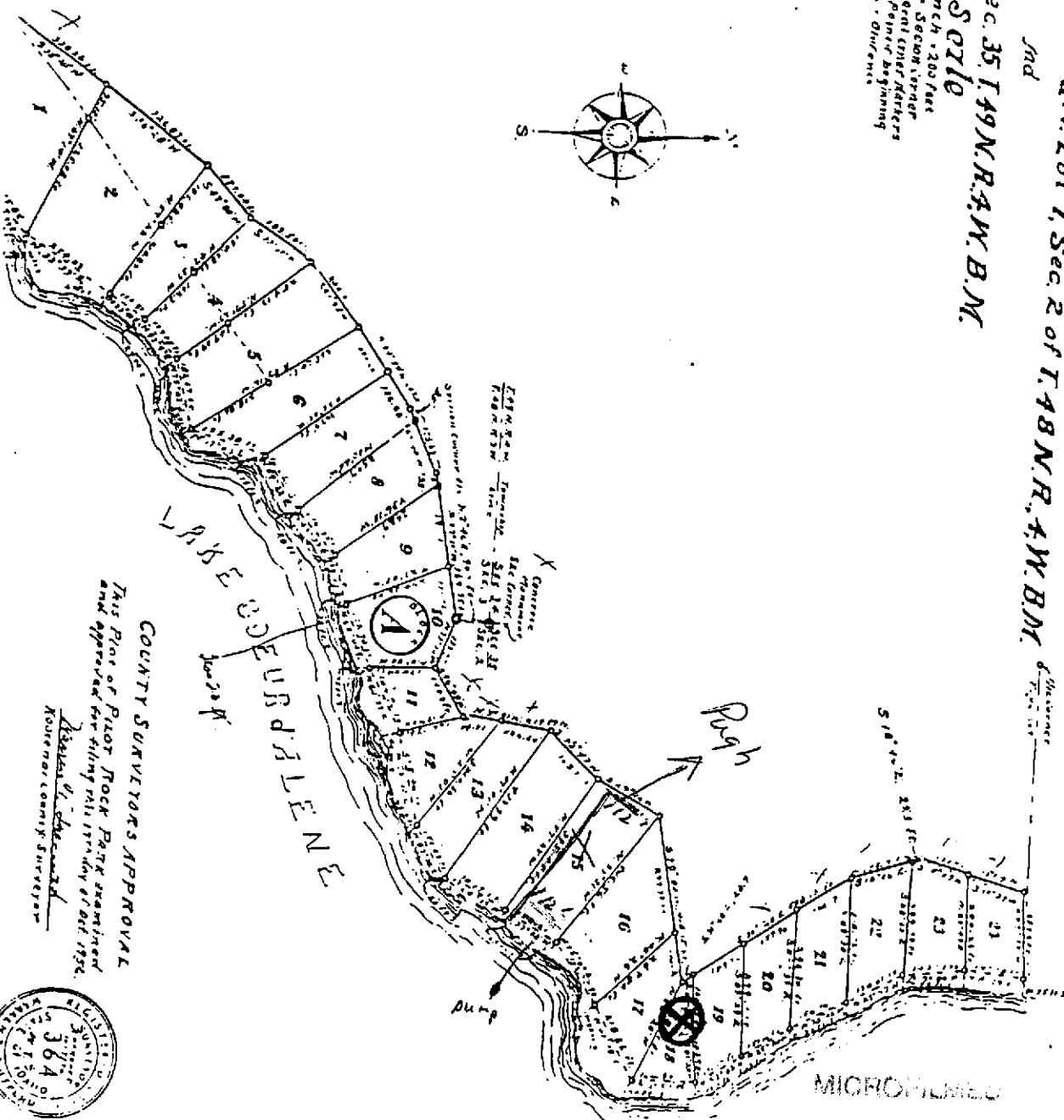
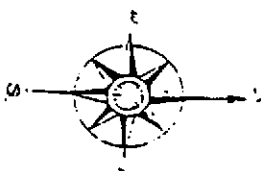
95-09031

Pilot Rock Park

Located in Gov. Lots 1 and 5 of Sec. 3 and Gov. Lot 1, Sec. 2 of T.48N.R.4W.B.M.

Gov. Lot 5 of Sec. 35 T.49N.R.4W.B.M.

Scale
1 inch = 200 feet
○ = Section corner
● = Metal center markers
- - - = Property boundary
... = Other



COUNTY SURVEYOR'S APPROVAL
This Plan of Pilot Rock Park examined
and approved for filing this 17th day of Oct. 1921.
H. H. H. H.
County Surveyor



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OCT 12 2001

Landing site



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 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D'ALENE ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-09031

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 meets the permitted beneficial use.

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

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

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JUN 16 2001

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 95-09031 Reviewed by D. Ellis Date 5/16/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Domestic & Irrigation

Correct Uses? Yes

SOURCE OF WATER

✓ Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit / Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

/ Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 5/8/00

Date proof due 1/1/01 -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledged

DATA ENTRY

New Address No

Proof Made 5/8/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0049076

Date:
Time: 5/ 9/2000
09:28:45

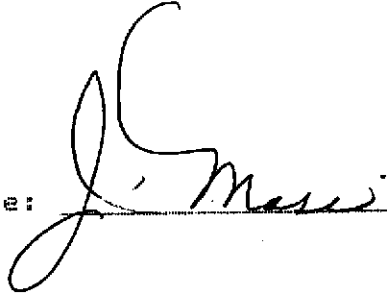
Received
From: PUGH JAMES C

	Type of Payment		Program A cct	Amount
BENIFICIAL USE	# 95-09031	56104	229 21 1155	50.00

CHECK 10541

Total \$ 50.00

Region: STATE

Signature: 

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JAN 18 2001



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

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D ALENE ID 83814

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-09031

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

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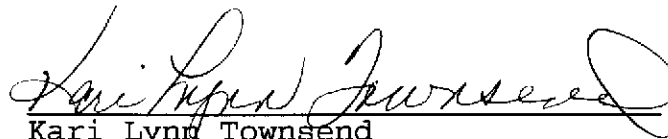
JAN 1 R 2001

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 95-09031

JAMES C PUGH
14350 S PILOT ROCK RD
COEUR D ALENE ID 83814


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 18 2001

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

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JAN 18 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/18/99

No. 95-09031 Name: Pugh Corp. Officers NA Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 1/01/2001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R) NA
≤ 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5 (1)
~~Moratorium~~ approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map) ✓

OTHER CONDITIONS/REMARKS

COMMENTS

**ID# DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED

DEC 9 1999

APPLICATION # 95-09031

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: POHA

BY: B

DATE: 9/27/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

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

PROCESSING

- (Yes)(No) PRIORITY DATE: 9/27/99
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: KOOTENAI County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()

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

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

- (Yes)(No)
- Notice of pending void order issued. Final order response date: / /
- Further information required from applicant
- Affidavit of publication received
- Application published correctly. If not, record action taken:
- Publication dates and paper recorded on application | Sr. Agent initial B
- Protests received, Final protest date: 10/25/99
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: B

Date: 10/28/99

Memorandum

Date: December 7, 1999

To: File 95-09031

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.

MICROFILMED

JAN 18 2001

OCT 19 1999

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Kootenai }

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 *Thursday* issue of said newspaper for *2* consecutive *weeks*, commencing on the *1* day of *October*, 19*99*, and ending on the *14* day of *October*, 19*99*, 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.

Subscribed and sworn to before me this

*19*

day of

*October*

*Regina Mason*  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/03

NOTICE OF APPLICATION FOR WATER RIGHT  
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

SCHOOL DISTRICT NO 271  
311 N 10TH ST  
COEUR D'ALENE, ID 83814

95-09028

Source: GROUNDWATER  
Diversification Pt.  
Use: HEATING  
COOLING

SESW

Sec 27 T 51N R 04W in KOOTENAI County,  
(1,000 CFS)  
(1,000 CFS)  
(2,000 CFS)

Date Filed: 8/27/1999  
In: KOOTENAI County  
T51N R04W S27

Total Diversion:

SESW

GUTHRIE, LARRY

95-09029

E 13423 32ND AVE  
SPOKANE, WA 99216  
Source: SPOKANE RIVER  
Diversification Pt.  
Use: AESTHETIC

Tributary: COLUMBIA RIVER  
Sec 2 T 50N R 05W in KOOTENAI County,  
(0,400 CFS)  
(0,400 CFS)

Date Filed: 9/21/1999  
In: KOOTENAI County  
T50N R05W S02

Total Diversion:

SWSW

VAUDREUIL, RAYMOND

95-09030

PO BOX 2092  
COEUR D'ALENE, ID 83816  
Source: GROUNDWATER  
Diversification Pt.  
Use: IRRIGATION  
DOMESTIC

Sec 33 T 53N R 04W in KOOTENAI County,  
(0,060 CFS)  
(0,100 CFS)  
(0,160 CFS)

Date Filed: 9/22/1999  
In: KOOTENAI County  
T52N R04W S04  
T53N R04W S33

Total Diversion:

Lot 4(NWNW)  
SWSW

2.0 ACRES TOTAL

PUGH, JAMES C

95-09031

14350 S PILOT ROCK RD  
COEUR D'ALENE, ID 83814  
Source: COEUR D'ALENE LAKE  
Diversification Pt. LOT 5 (SWSW)  
Use: IRRIGATION  
DOMESTIC

Tributary: SPOKANE RIVER  
Sec 35 T 49N R 04W in KOOTENAI County,  
(0,020 CFS)  
(0,020 CFS)  
(0,020 CFS)

Date Filed: 8/27/1999  
In: KOOTENAI County  
T49N R04W S35

Total Diversion:

Lot 5(SWSW)  
1.0 ACRES TOTAL

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before OCTOBER 25, 1999.

Legal 947  
October 7, 14, 1999

KARL J. DREHER, Director

MICROFILMED

JAN 19 2000

95-09031

PUGH, JAMES C  
14350 S PILOT ROCK RD  
COEUR D ALENE, ID 83814

Source: COEUR D ALENE LAKE

Tributary: SPOKANE RIVER

Diversion Pt: LOT 5 (SWSW) Sec 35 T 49N R 04W in KOOTENAI County.

|                  |   |            |
|------------------|---|------------|
| Use: IRRIGATION  | ( | 0.020 CFS) |
| DOMESTIC         | ( | 0.020 CFS) |
| Total Diversion: | ( | 0.020 CFS) |

Date Filed: 8/27/1999

In: KOOTENAI County  
T49N R04W S35 Lot 5(SWSW)

1.0 ACRES TOTAL

MICROFILMED

JAN 18 2001

September 29, 1999

James C. Pugh  
14350 S Pilot Rock Rd  
Coeur d Alene ID 83814

Re: Water Appropriation Application No. 95-09031

Dear Mr. Pugh:

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. Enclosed for your file is Receipt Number N013186.

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 14 2000