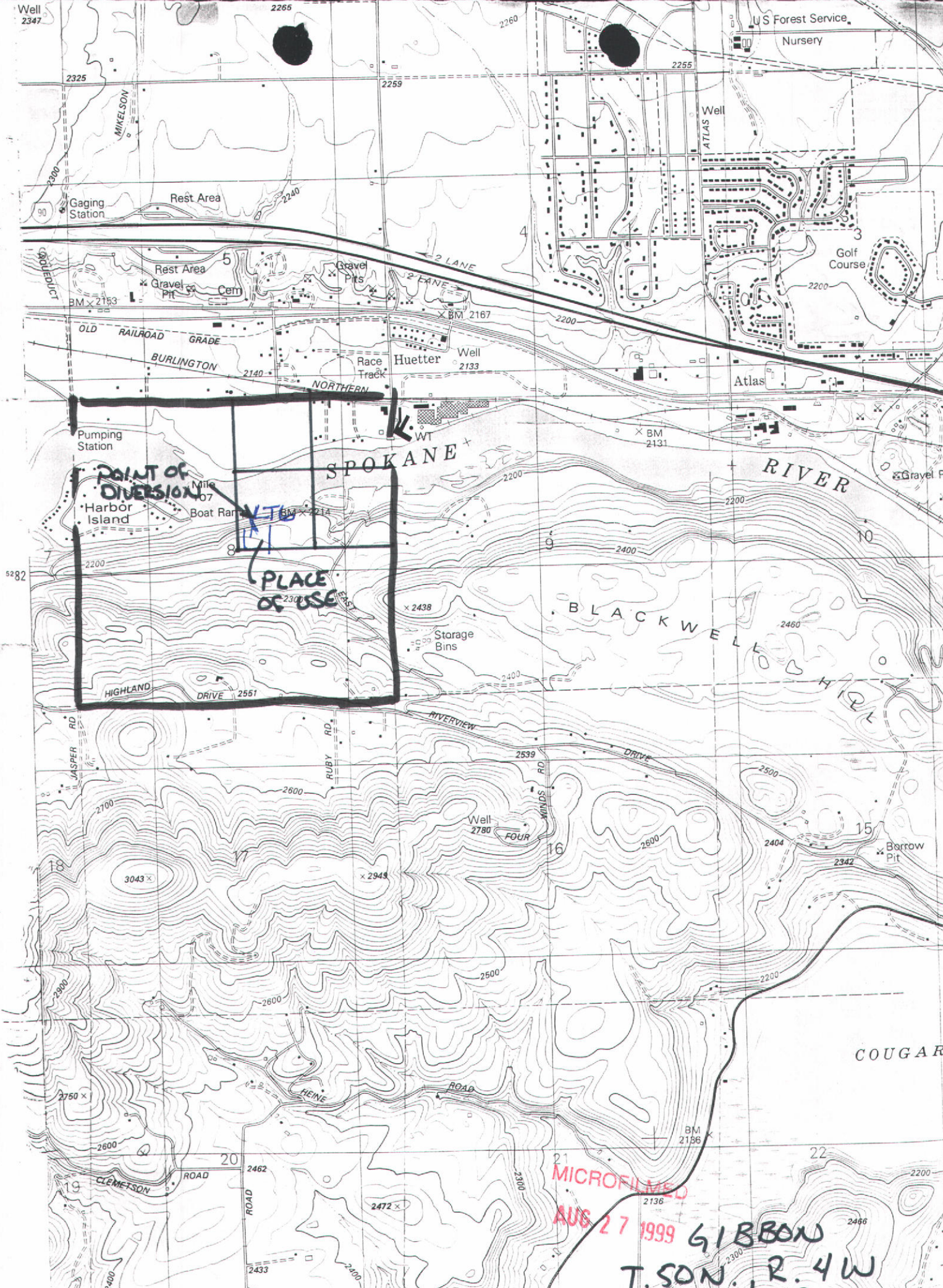


T 5

T 1

42'



MICROFILMED
AUG 27 1999
GIBBON
T. 50N., R. 4W

f *F* *e* *E* *d* *D* *c* *C*

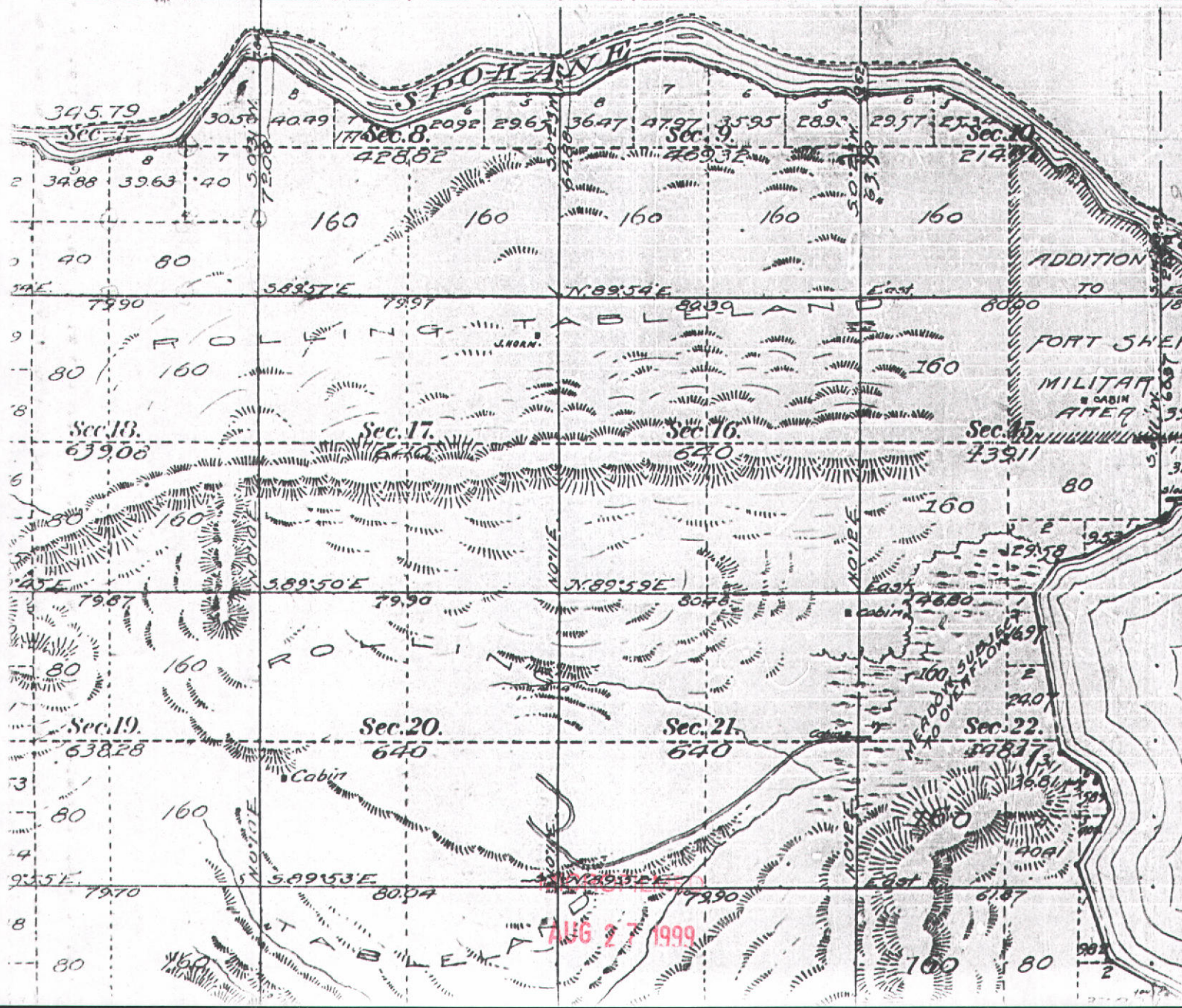
Sec. 6.

Sec. 5.

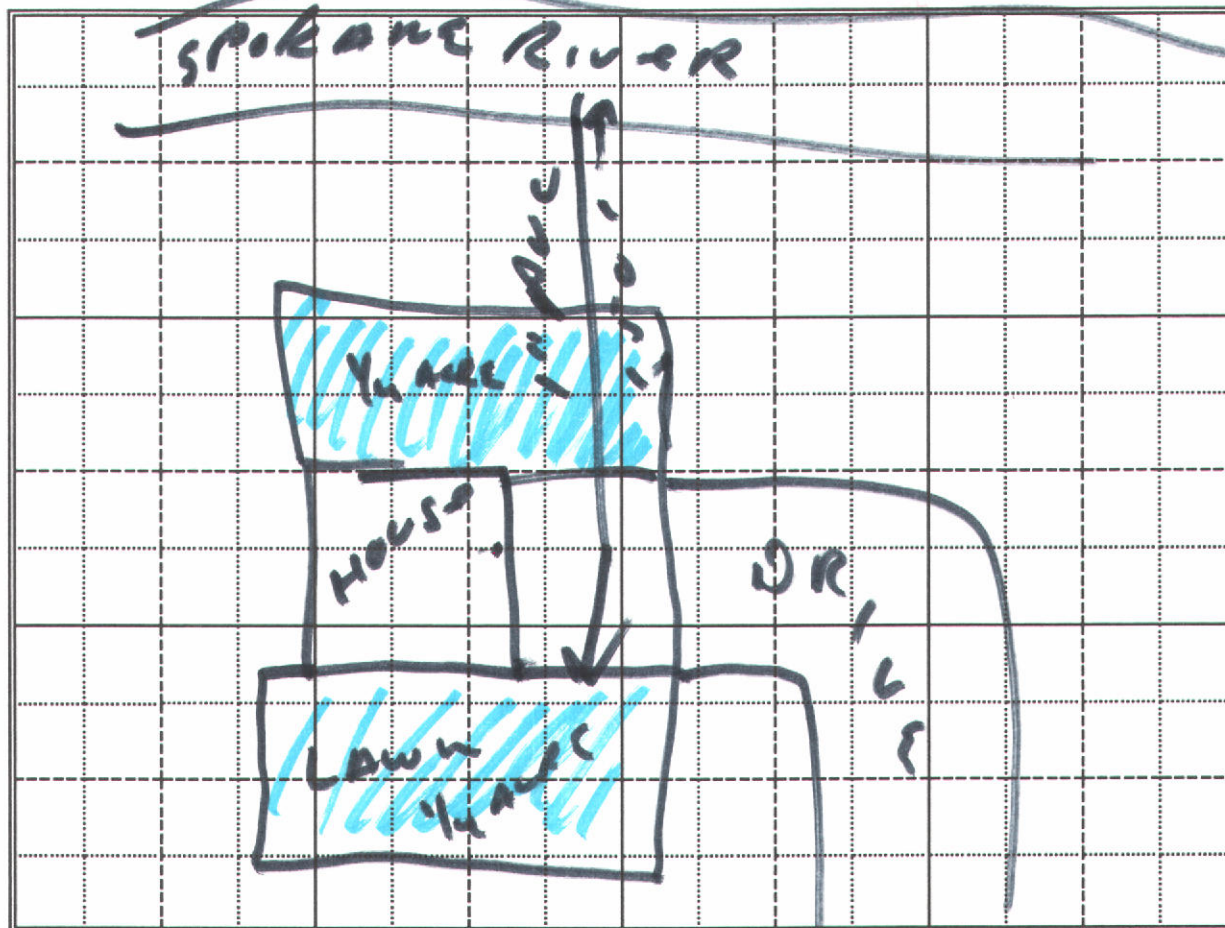
Sec. 4.

Sec. 3.

PREVIOUS



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.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	1.5	282300810	Sub	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: _____

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FEB 25 2002

Well
2347

2265

U S Forest Service
Nursery

2325

2259

2255

AMKELSON

Well
ATLAS

Gaging Station

Rest Area

42'

Rest Area

Gravel Pit

Cam

2 LANE

2 LANE

Golf Course

2200

OLD RAILROAD GRADE

BURLINGTON

Race Track

Huetter

NORTHERN

Atlas

Pumping Station

POINT OF DIVERSION

Harbor Island

Boat Ramp

SPOKANE

PLACE OF USE

BLACKWELL RIVER

BLACKWELL

HIGHLAND

DRIVE

2551

Storage Bins

2438

RIVERVIEW

2539

Well

2790

FOUR

16

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

Borrow Pit

2342

2404

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

2500

95-09013

MICROFILMED

FEB 25 2002

COUGAR

GIBBON

TEAM 24W



pu



pu

95-09013

MICROFILMED

FEB 25 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09013

Priority: April 01, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.5 AF

It is hereby certified that LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE ID 83814 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 01, 1999; and has
submitted Proof of Beneficial Use on April 05, 2001. An examination indicates that the works have a
diversion capacity of 0.03 cfs of water from:

SOURCE

SPOKANE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
0.02 CFS

**ANNUAL
DIVERSION VOLUME**
1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SPOKANE RIVER L6 SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, Twp 50N, 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	
50N	04W	8			.5														.5
					L 6														

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
2. Water shall not be diverted under this right when flows in the Spokane River are below established minimum stream flows.
3. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

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 20TH day of NOVEMBER 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED

FEB 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 95-9013 Telephone No. 208 667-6358

2. Name of Permit Holder(s):
Larry Gibbon

3. Mailing Address: 6791 W. Riverview Dr.
City CD'A State ID Zip 83814

4. Source of Water: Spokane River If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): 1 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .03 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed: \$ _____ (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: Larry Gibbon Telephone Number: 667-6358 or 773-1592

Address: 6791 W Riverview, CD'A, ID 83814

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

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)

Date: 4/5/01

MICROFILMED

APR 25 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09013

Proposed Priority: April 1, 1999

Maximum Diversion Rate:

0.03 CFS

This is to certify, that LARRY GIBBON

W 5615 E RIVERVIEW DR

COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

SPOKANE RIVER

tributary of COLUMBIA RIVER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (SWNE), Sec. 8, Township 50N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

50N 04W 8 Lot 6 (SWNE) 1.0

1.0

Total number of acres irrigated:

1.0

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, 2001.
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. 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. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Water shall not be diverted under this right when flows in the Spokane River are below established minimum stream flows.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

MICROFILMED

AUG 7 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09013

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

3rd day of June, 1999.

Karl J. Dreher
for Karl J. Dreher, Director



MICROFILMED

AUG 27 1998

Ident. No. 95-09013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
MAY 13 1999

(268) Department of Water Resources

1. Name of Applicant Larry Gibbon Phone 667-6358
Mailing address W 5615 E. Riverview DR Coeur d'Alene, Id 83814
2. Source of water supply Spokane River which is a tributary of Columbia River
3. Location of point of diversion is Township 50 N Range 4W Sec. 8 in the SW 1/4, of the NE 1/4, 1/4, Govt. Lot 6, B.M., Kootenai County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.03 for Irrigation purposes from MARCH APR. 15 to NOV. 15 (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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.03 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source pump in river
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is NA inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? NA; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. one- for lawn irrigation only
- e. Other; describe fully. _____

MICROFILMED

AUG 27 1999

[illegible]

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

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

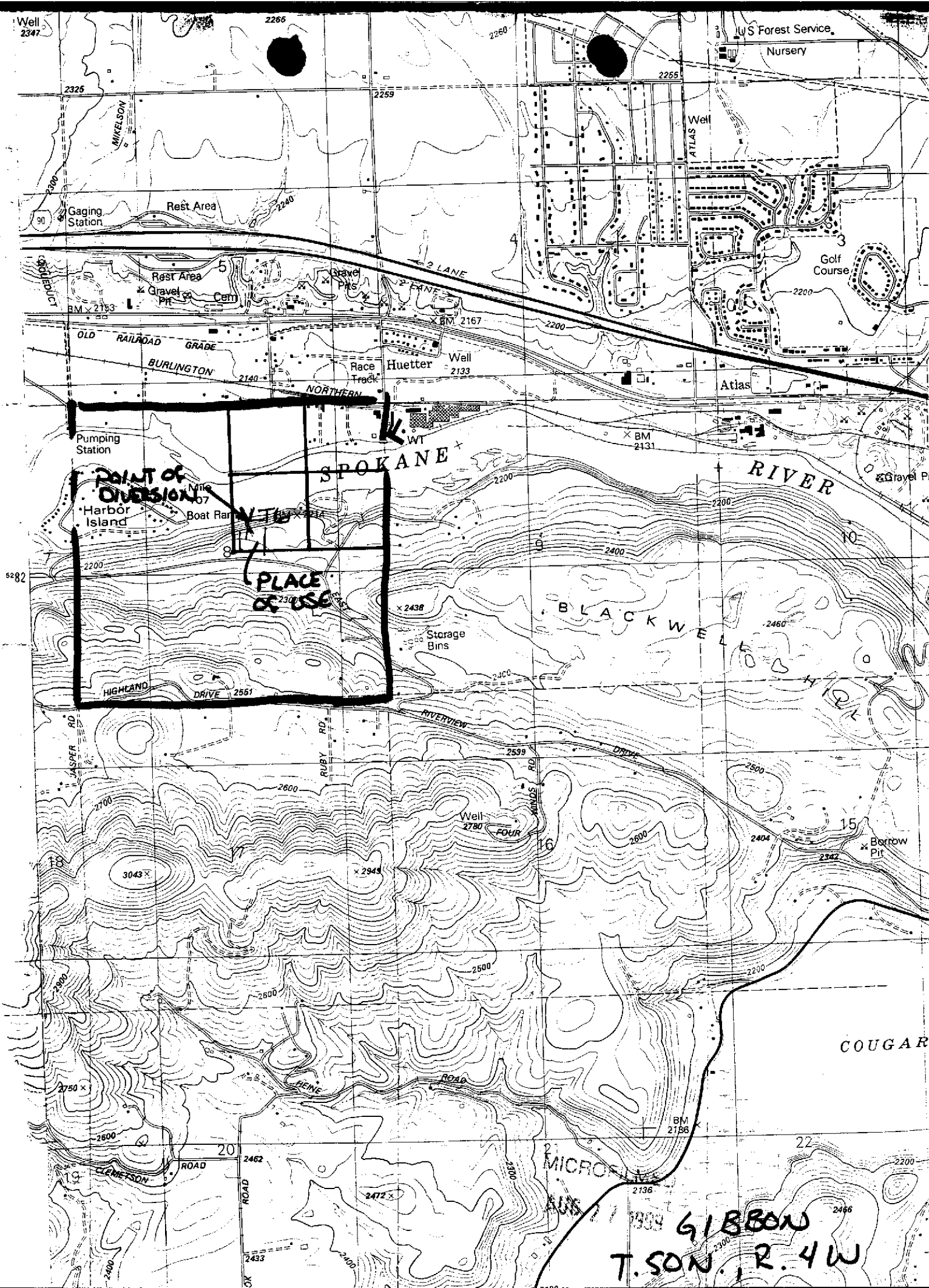
12. Remarks:

Signature of Applicant (and title, if applicable)

Received by	50 -	Fee \$	Publication prepared by	Publication approved by
4/1/99			4/28/99	4/28/99
Date	Time	#	Date	Date
4/1/99	2:20	2012729	4/7/99	4/28/99
Preliminary check by		Published in CDA Review		
4/1/99		4/15 + 30/99		
Date				

APR 1 1959
MICROFILMED

T 5
T
42'



Township N° 50 North Range N° 4 West

of the

First E F D C

10th Standard Parallel Line N

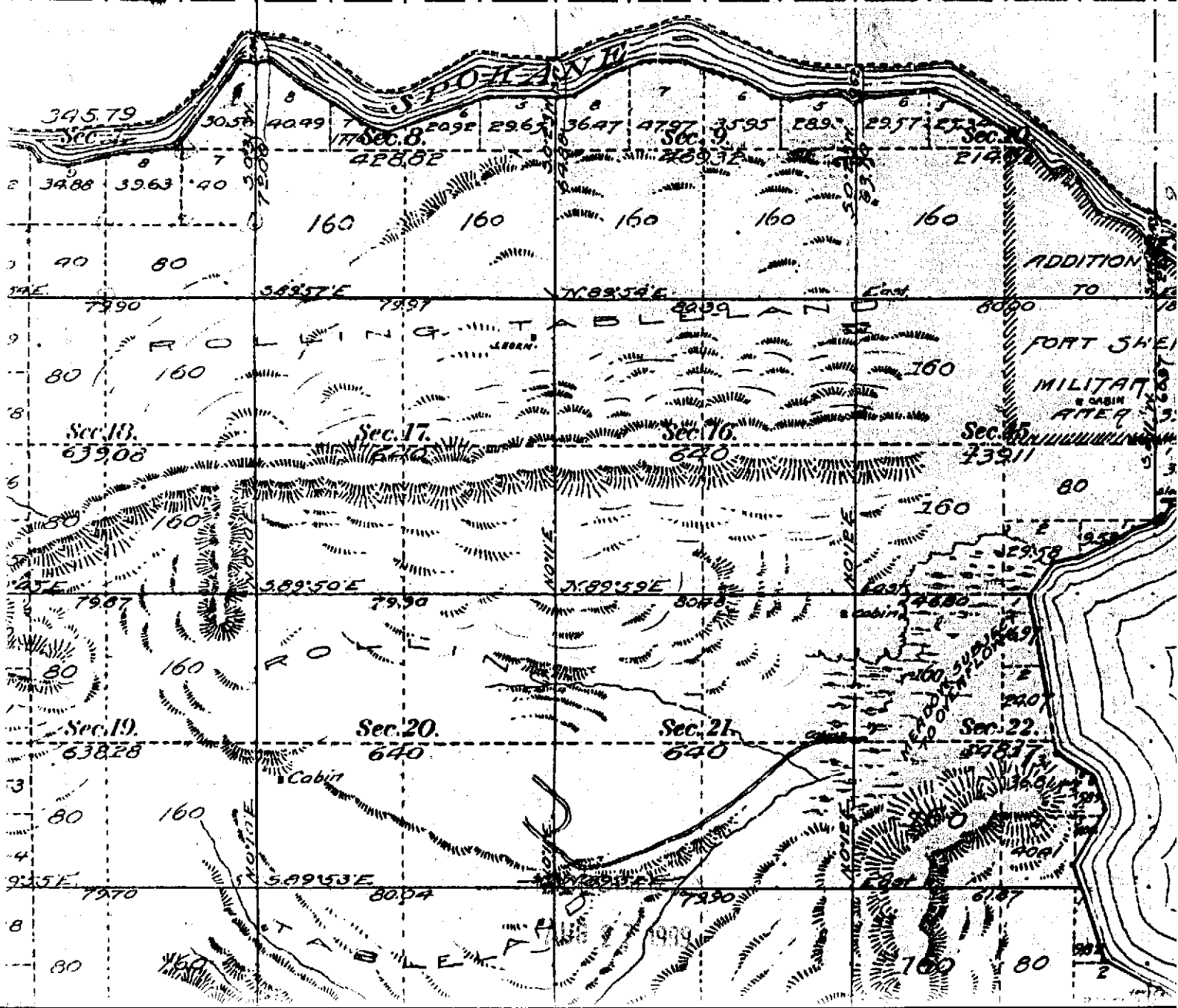
Sec. 6.

Sec. 5.

Sec. 4.

Sec. 3.

PREVIOUS





Lawrence K. Gibbon, M.D.

RECEIVED

JAN - 7 2002

801 13TH PLACE
POST FALLS, ID 83854
TELEPHONE: (208) 773-1592

January 2, 2002

Shelley W. Keen
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: License # 95-9013

Dear Mr. Keen,

This is to verify, as per our phone conversation, that my new address for the pump permit is 6791 W. Riverview Drive, Coeur d'Alene, ID, 83814. This pertains to license permit #95-9013.

Thank you for your assistance.

Sincerely,

Lawrence K. Gibbon, M.D.

LKG/kb

*Database updated
Proof report mailed
Kari Lynn
1-7-02*

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

November 20, 2001

LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE ID 83814

RE: License No. 95-9013 - Issuance of License

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

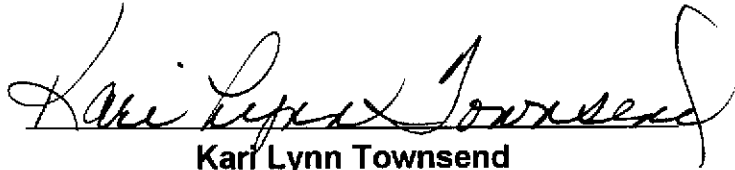
SEP 25 2002

CERTIFICATE OF MAILING

I hereby certify that on November 20, 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. 95-9013

**LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE ID 83814**


**Karl Lynn Townsend
Secretary**

MICROFILMED

FEB 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).

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

LICENSE REVIEW CHECKLIST

Permit No. 95-9013 Date: 11-16-01 Reviewer: Kay Walker

Change/OK

Name/Address

change per exam

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 0.03 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate

0.03

Water Uses

OK Change (P46)

Season of Use per new Standards
3-15 11-15

Irrigation 0.02 cfs 1.5 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 0.02 cfs 1.5 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)

$\frac{1}{2} \text{ ac} \times 0.03 = 0.015$
 $\approx 0.02 \text{ cfs}$

Volume Determination

0.02 cfs x 1.9835 x 246 days = 9.8 af (vs) 0.5 acres x 3 (FHR) = 1.5 af
2. (con)

Remarks:

W31

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 3 - 2001 K

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-09013

1. Owner: Larry Gibson Phone No. (208) 667-6358

Current Address: W 5615 E Riverway Dr. Coeur D'Alene Id 83814

2. Accompanied by: Larry Gibson EXAM DATE: 9-14-01

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spokane River tributary to Columbia 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	NE	08	50N	04W	Kootenai	USGS 7.5 min Quad

2. Place(s) of Use:

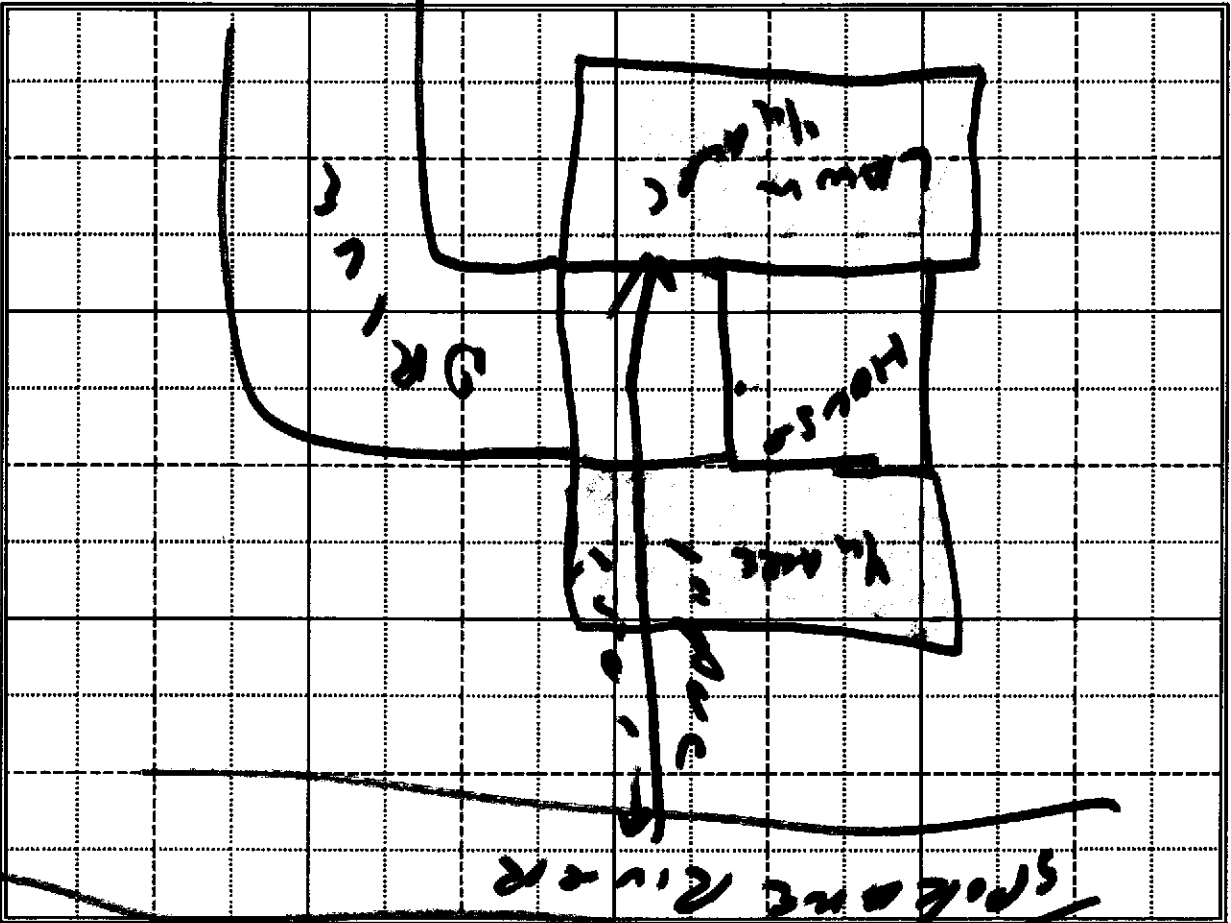
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	04W	08			c5														

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FEB 25 2002

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir 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
	Grundfos	1.5	282300810	Sch	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:

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

Feb 25 2002

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached
 5 gal bucket 5 gal in 20 sec
 15 gpm
 $15 \times 1.33681 = 0.03 \text{ cfs}$
 60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \times 3 = 1.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.3 \times 245 \times 1.9835 = 14.1$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Benjamin

Period of Use
 From 03-15
 To 11-15

Rate of Diversion
 Q (cfs)
 0.03

Annual Volume
 V (afa)
 1.5

2. Recommended Amendments

Change P.D. as reflected above
 Change P.U. as reflected above

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

I. AUTHENTICATION

Field Examiner's Name

Wayne Smith
 Date 9-27-01

Date

Reviewer

SEAL

MICROFILMED
 FEB 29 2002

Well
2347

2265

US Forest Service,
Nursery

2325

2259

2255

Well

ATLAS

Gaging Station

Rest Area

Rest Area

Gravel Pit

Cem

2 LANE

2 LANE

Golf Course

2260

OLD RAILROAD GRADE

BURLINGTON

Race Track

Huetter

Well

2133

Atlas

Pumping Station

POINT OF DIVERSION

Harbor Island

Boat Ramp

SPOKANE

PLACE OF USE

RIVER

BLACKWELL

HIGHLAND

DRIVE

2551

x 2438

Storage Bins

2500

RIVERVIEW

2539

Well

2780

FOUR

16

x 2945

95-09013

COUGA

MICROFILMED

BM

2126

2 3 2002

GIBBON

TEAM 241W



pu



pu

95-09013

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

April 20, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY GIBBON
6791 W RIVERVIEW DR
COEUR D'ALENE ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-09013

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

APR 25 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9013

Reviewed By: dgibson

Date: April 19, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014250	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/05/2001
Date proof due	-	06/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/01/1999
New priority date	=	04/01/1999

Deficiencies of Actions Items

Acknowledge proof and update address.

March 31, 2001

LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE, ID 83814

PROOF DUE NOTICE

RE: PERMIT NO. 95-9013

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 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

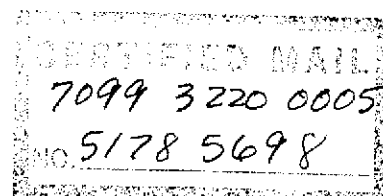
Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

APR 26 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

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE ID 83814

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-09013

Dear Permit Holder:

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

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

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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AUG 27 1999

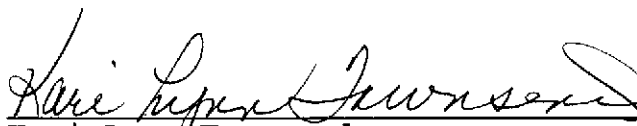
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 95-09013

LARRY GIBBON
W 5615 E RIVERVIEW DR
COEUR D ALENE ID 83814


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 27 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 95-9013 Name: Gibson Date: 5/24/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:
 > 1 year - P17
 ~~1 year~~/no proof - P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

- FISH & GAME CONTACTED: - YES / NO: WHEN: 5/24/99 RESPONSE: _____
- IN/ABOVE MSF (✓ MAP) - *WB9 Ground Above Spokane R
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- ~~42-248 AREA~~ - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS: *WB9/Spokane R @ W15 @ W16BENEFICIAL USE DUE: 6/1/2004

COMMENTS:

Zimmerman, Cindy

From: CHARLES CORSI [ccorsi@IDFG.STATE.ID.US]
Sent: Thursday, May 27, 1999 10:23 AM
To: CZIMMERM@idwr.state.id.us
Subject: 95-09013

Cindy -

No objections to the proposed diversion. However, the diversion should be screened (< 1/4 inch mesh, 0.5 feet per second or less approach velocity) to protect juvenile fish. Thanks for the opportunity to comment.

Chip

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AUG 27 1999



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 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Chip Corsi
Idaho Dept. of Fish & Game
Panhandle Region
2750 Kathleen Ave.
Lewiston ID 83814

RE: Application for Permit No. 95-09013

Dear Mr. Corsi,

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by June 7, 1999. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

AUG 27 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
ACA
WRA

MAY 13 1999

APPLICATION # 95-09013

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: GILSON

BY: 15

DATE: 4/1/99

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

PROCESSING

(Yes) (No) PRIORITY DATE: 4/1/99

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:	Type:	Fees	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

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

Remarks: FISH + GAME IS NOT OPPOSED TO THE APPROVAL OF THIS RIVER

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 4/23 Notice of pending void order issued. Final order response date: _____
4/28 Further information required from applicant
4/7 Affidavit of publication received
4/7 Application published correctly. If not, record action taken: _____
4/7 Publication dates and paper recorded on application | Sr. Agent initial 15
4/7 Protests received, Final protest date: 5/3/99
4/7 Measuring device required
4/7 Measuring port required
4/7 Special conditions:

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

Approval Recommended by: 15

Date: 5/11/99

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Misti Saylor

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 Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 15 day of April, 1999, and ending on the 22 day of April, 1999, and such publication was made as often during said period as said 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.

Misti Saylor

Subscribed and sworn to before me this 22 day of April, 1999.

Reena Maen

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:

95-09013

GIBBON, LARRY
W 5615 E RIVERVIEW DR
COEUR D'ALENE, ID 83814

Source: SPOKANE RIVER
Diversification: SWNE
Use: IRRIGATION

Tributary: COLUMBIA RIVER
Sec 8 T 50N R 04W in KOOTENAI County.

(0.030 CFS)
(0.030 CFS)

Date Filed: 4/1/1999
In: KOOTENAI County

TS0N R04W S08 SWNE
1.0 ACRES TOTAL

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 MAY 3, 1999.

Legal 927
April 15, 22, 1999

KARL J. DREHER, Director

RECEIVED

APR 23 1999

IDWR/North

NOT RECORDED

95-09013

GIBBON, LARRY
W 5615 E RIVERVIEW DR
COEUR D ALENE, ID 83814

Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: SWNE Sec 8 T 50N R 04W in KOOTENAI County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 4/ 1/1999

In: KOOTENAI County
T50N R04W S08 SWNE

1.0 ACRES TOTAL

MICROFILMED

MAR 27 1999

April 7, 1999

Larry Gibbon
W 6515 E Riverview Drive
Coeur d Alene ID 83814

Re: Water Appropriation Application No. 95-09013

Dear Mr. Gibbon:

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

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

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

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

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

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AUG 27 1999