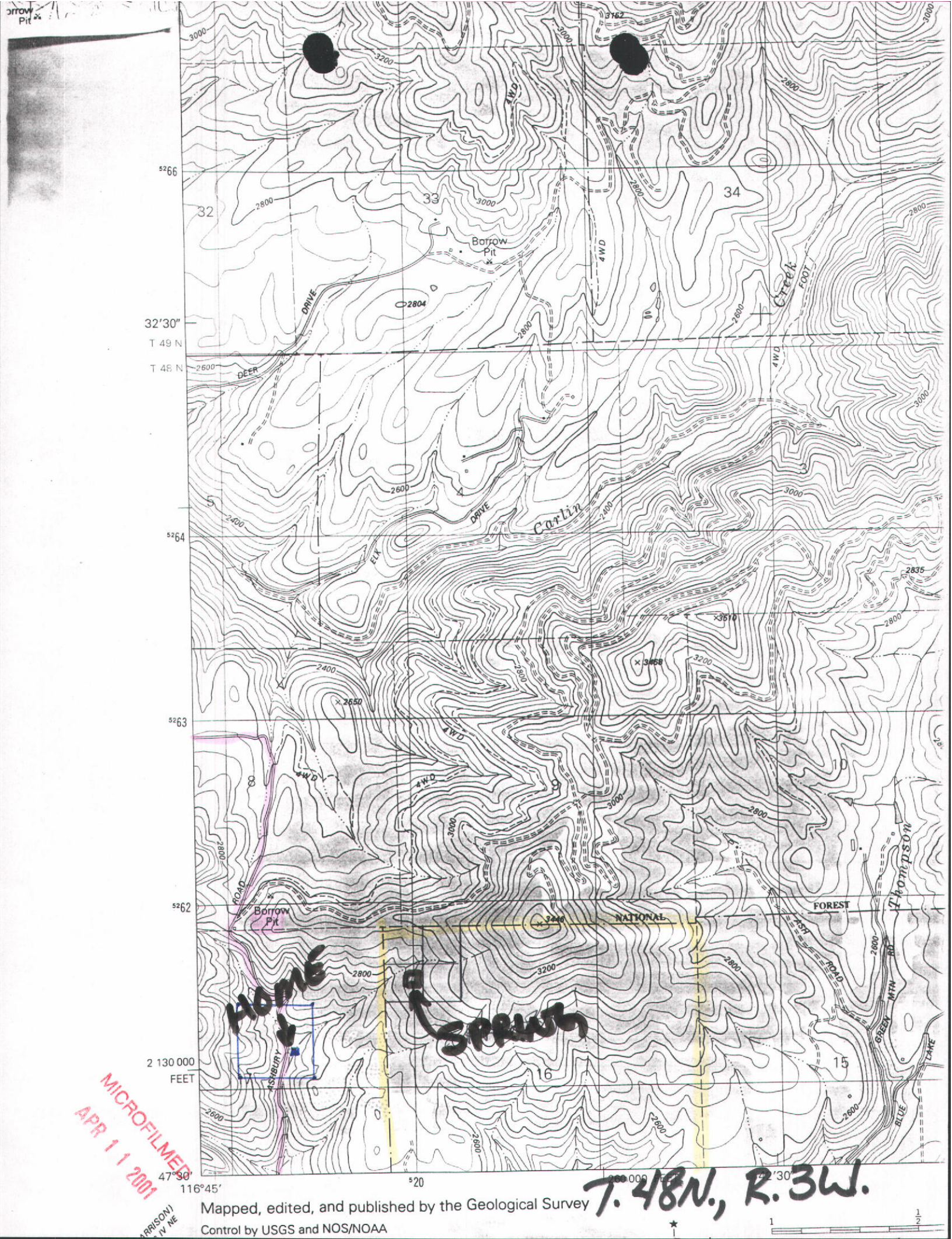




MICROFILMED
APR 11 2001

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA

T. 48N., R. 3W.

Home →



- PLSS Section LinesSections.shp
- Asbury_spring.shp
- T48n03w.shp
- Home95-09010.shp



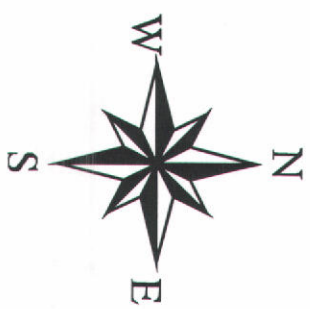
95-09010

Field Examination Map 02/07/2,001

APR 1 2001
MICROFILMED

Home 7

- PLSS Section LinesSections.shp
- Asbury_spring.shp
- T48n03w.shp
- Home95-09010.shp



95-09010



Field Examination Map 02/07/2,001

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APR 11 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09010

Priority: March 31, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that GEORGE BOMAR
26628 GOOD HOPE RD
ATHOL ID 83801 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 18, 1999; and has
submitted Proof of Beneficial Use on December 14, 2000. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: THOMPSON LAKE

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>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING L1 NW¼NW¼ Sec. 16, Twp 48N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 03W 17			X														

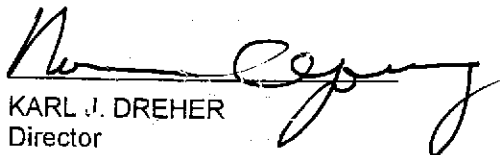
CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- Right 95-2213 is also diverted through the point of diversion described above.

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 26TH day of FEBRUARY, 2001.

MICROFILMED
Acting for
APR 11 2001


KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
95-09010 IN THE NAME OF) **REINSTATEMENT ORDER**
GEORGE BOMAR)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before December 1, 2000; and,

WHEREAS, the Department notified the permit holder on September 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

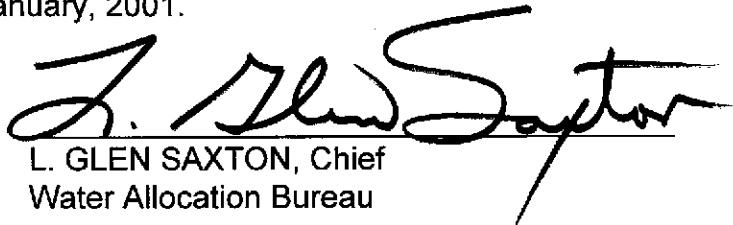
WHEREAS, the Department sent the permit holder a lapse notice on December 5, 2000, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on December 14, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-09010 is **REINSTATED** with an advance in priority to **March 31, 1999**.

DATED this 22nd day of January, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

APR 11 2001

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. 95-09010 Telephone No. 683-2258

2. Name of Permit Holder(s): GEORGE BOMAR

3. Mailing Address: W 26628 GOOD HOPE RD

City ATAUL State ID Zip 83801

4. Source of Water: SPRING 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): 1 Stockwater (No. and type of stock): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: _____ 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: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: SAME AS ABOVE Telephone Number: _____

Address: _____

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

Signature of permit holder: X George W Bomar Date: 12-14-2000
(include your title, if on behalf of company of organization) MICROFILMED

APR 11 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09010

Priority: March 18, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **GEORGE BOMAR**

N 26600 GOODHOPE RD

ATHOL ID 83801

has applied for a permit to appropriate water from:

SPRING

tributary of **THOMPSON LAKE**

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>
STOCKWATER	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNWNW , Sec. 16, Township 48N, Range 03W
KOOTENAI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

48N 03W 17

SWNE

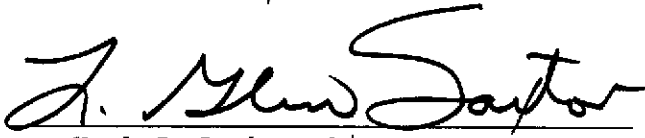
PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2000.
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. Stockwater use is for 40 range cattle.
5. Domestic use is for 1 home.

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

10th day of December, 1999.


for Karl J. Dreher, Director

MICROFILM

APR 11 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 12 1999

Department of Water Resources

1. Name of Applicant GEORGE BOMAR Phone 683-2258
Mailing address N 26600 GOODHOPE RD ATAOL ID 83801
2. Source of water supply SPRING which is a tributary of THOMPSON LAKE
3. Location of point of diversion is Township 48N Range 3W Sec. 16, in the SW 1/4, NW 1/4, NW 1/4, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>0.04</u>	for <u>DOMESTIC</u>	purposes from <u>7/1</u> to <u>12/31</u>	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount <u>0.04</u>	for <u>STOCKWATER</u>	purposes from <u>7/1</u> to <u>12/31</u>	(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) 0.04 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 GRAVITY FLOW FROM SPRING TO HOME
 - 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 HOME
 - e. Other; describe fully. _____

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APR 11 2001

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated

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

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

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

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

this filing: EASEMENT

12. Remarks: Sprinklers, Ejectors, In-to Outward Striking, which flows
In-to Thompson L.A.W.C.

1410 THOMPSON LANE

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 of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by

Publication prepared by

Publication approved

Received by _____
Date _____

66/75/E

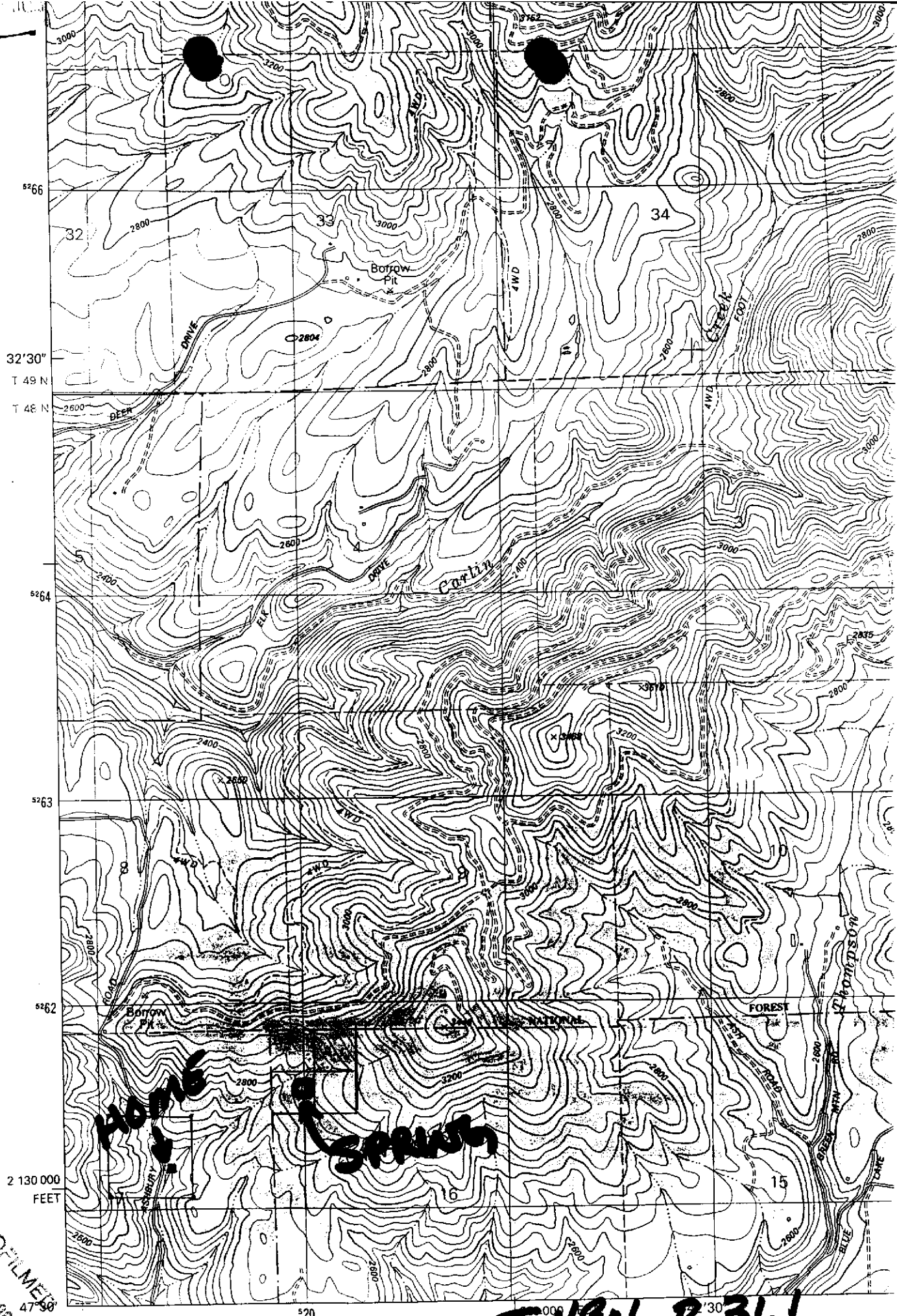
Q/C

Preliminary check by N.072689
Date

Published in *CDR Press* 4/11/89

Date 4/20/99

arrow
Pit



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MICROFILMED
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ARRISON
IV NE

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

T. 48N., R. 3W.

KEN BEAULIEU (KB)
PROPERTY MANAGEMENT

7400 Center Ave Suite 108
Huntington Beach, Ca 92647

FAX

RECEIVED

NOV 27 2001

Huntington Beach, California

Date: 11/26/01Number of pages including cover sheet:

To:

Mr Jeff Peppersack
DWR - Water Rights Permit
Manager

Phone: 208) 327-1900Fax phone: 208) 327 7866

CC:

From:

Mary GallegosPhone: 714/903-0677Fax phone: 714/903-0696

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment

Please review my letter to Mr Ronald McNamee - Department of Texas - also for your review your letter to me 5/15/2000. We continue to have problems with Mr. Thomas. Anything you and your office could do would be appreciated. We feel like our backs are to the wall, we have tried to fully cooperate - a court battle will be expensive & lengthy. Help!

MICROFILMED

FEB 25 2002

Mary Kirk Gallegos
17439 Santa Maria
Fountain Valley, Ca 92708
714) 842-0224

November 25, 2001

Donald McNarie
P O Box 83720
Boise, Idaho 83720-0050
208) 334-0200 Fax 208) 334-2339

Re: Easement No 6214, Water Permit No 95-2213

Dear Mr. McNarie:

You asked that I send you a copy of the above easement indicating that it had been recorded. I did hand carry this document to the County Recorders Office on 9/24/01, please see enclosed.

Last summer we tested the water system, depleting water on hand and checking restoration time. This year we ran out of water. Our initial inspection indicated that our waterline was probably damaged when the State cut in their road last fall for the logging practice. We had to hire a local contractor who after many hours of trying to locate the damage found our line had been cut below the ground surface at the spring box. Someone else's line has been attached to our original source totally deviating all water.

We have filed a criminal complaint with the Sheriff, Case No 01-30467 Malignous Injury to Property. We plan to prove vandalism and prosecute. We have identified Mr. George Bomar as our most likely suspect.

I am sure you have in your file the 5/15/2000 letter from *Jeff Peppersack*, Manager Water Right Permits Section detailing the distribution of water (copy enclosed for your easy reference.) We apparently have no choice but to share this water with Mr. Bomar, we the senior permit holders and he the junior, more than likely there is plenty of water for both. We cannot tolerate or afford to have him continue to destroy our water system. We have complied with all your requirements. We are spending a small fortune developing a retirement home for our future use. Water is a key element in our plans, in part this particular land was purchased years ago because it had a water source and valid water permit.

We have been taxpayers since 1970 and believe we should have fair and equal rights and protection under the law. Since issuing Mr. Bomar a water permit (and I would assume easement) to our same spring has created this problem, we would ask your assistance in solving it before we are forced to take legal action.

Sincerely,

Mary Kirk Gallegos
James C. Kirk

Cc: Jeff Peppersack, Manager Water Rights Permits Section, PO Box 83720, Boise 83720-0098
Ron Valek, IDL, 1806 Main St, St. Maries, ID 83861
Allen Beardslee, DWR, 1910 Northwest Blvd, Suite 210, Coeur d' Alene, ID 83814-2615

MICROFILMED

FEB 25 2002

1696748

**STATE OF IDAHO
EASEMENT NO. 8214**

**RECORDERS
OFFICE
KOOTENAI COUNTY
THANK YOU**

THIS INDENTURE, made 31st day of October, 2000, by and between IDAHO, DEPARTMENT OF LANDS, 954 West Jefferson Street, P.O. Box 83 83720-0050, acting by and through the State Board of Land Commissioners, JAMES KIRK, of 1333 Kingsley Lane, Carson City, Nevada 89701; and MAR sister, of 17439 Santa Maria, Fountain Valley, California 92708, (Grantees);

WITNESSETH, that for and in consideration of the sum of TWO HUND DOLLARS (\$250.00), lawful money of the United States of America, receipt w acknowledged and other valuable considerations, the Grantor does hereby gra Grantees, their heirs, successors in interest and assigns, forever, a permanent purpose of constructing, using, and maintaining, a water intake and a buried w and across the following described lands situated in KOOTENAI COUNTY, Sta wit:

A strip of land ten (10.00) feet wide, being five (5.00) feet on each side described centerline:

Commencing at the northwest corner of Section 16, Township 48 North, Boise Meridian; thence South, 957.20 feet along the west boundary of Government Lot 1 of said Section 16 to a point designated as Point A on the map attached hereto and made a part hereof; thence North 76° East, 82.50 feet; thence North 61° East, 65.0 feet; thence North 57° East, 43.3 feet; thence North 62° East, 75.5 feet; thence North 50° East, 150.2 feet; thence North 49° East, 99.2 feet; thence North 43° East, 34.9 feet; thence North 66° East, 40.5 feet to a point designated as Point B on the map attached hereto and made a part hereof, said point being the water intake for the pipeline and the REAL POINT OF BEGINNING; thence South 44° West, 119.1 feet; thence South 10° West, 34.0 feet; thence South 26° West, 187.3 feet; thence South 30° West, 59.9 feet; thence South 10° West, 218.8 feet; thence South 20° East, 71.3 feet; thence South 4° West, 286.4 feet; thence South 6° West, 119.8 feet; thence South, 158.2 feet; thence South 8° East, 43.5 feet; thence South 12° West, 42.2 feet; thence South 4° West, 63.1 feet; thence South 10° West, 86.9 feet; thence South 6° West, 193.8 feet; thence South 14° West, 81.6 feet; thence South 12° West, 26.2 feet; thence South 6° East, 125.2 feet; thence South 7° West, 69.6 feet; thence South 12° West, 51.0 feet to a point on the south line of Government Lot 2 of said Section 16, said point being the terminus of said easement, the above described area containing 0.47 of an acre, more or less.

Subject to the following terms:

1. The boundary lines of said easement shall be prolonged or shortened to begin on the property lines and end where said waterline joins the unnamed creek.
2. It is fully understood and agreed that if any future road construction or reconstruction affects the pipeline it shall be the sole responsibility and expense of the Grantees for removing, relocating, and reinstalling of said pipeline necessitated by such construction or reconstruction.

MICROFILMED

SEP 25 2002

**State of Idaho****DEPARTMENT OF WATER RESOURCES****1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098****Phone: (208) 327-7900 FAX: (208) 327-7866**

May 15, 2000

DIRK KEMPTHORNE
GOVERNOR**KARL J. DREHER**
DIRECTORMary Kirk Gallegos
17439 Santa Maria Street
Fountain Valley, CA 92708

RE: Water Right No. 95-02213

Dear Ms. Gallegos:

I have received your letter of May 3, 2000 regarding the above referenced water right. In your letter, you asked if there have been any changes in the status of the water right. Our records indicate that the water right is a license in the name of James C. Kirk issued for 0.1 cfs from a spring for domestic purposes. The priority date is October 28, 1921. Although the license is evidence that a water right was developed and beneficially used, a water right can be forfeited through non-use either in whole or in part. In addition, issuance of a water right does not grant a right-of-way or easement across other public or private lands.

You indicated in your letter that you feel the water right is in jeopardy because of a potential competing use of the water due to a water right permit issued to Mr. George Bomar (Permit No. 95-09010). Mr. Bomar's permit has a priority date of March 18, 1999. In the event of a water shortage, water is allocated based on the priority dates of the existing valid water rights. The earlier rights are filled first to the extent that the water can be put to beneficial use under the limits and conditions of those water rights.

After receipt of your letter, I contacted Mr. Allen Beardslee of our Northern Region office in Coeur d'Alene. Mr. Beardslee indicated that he has been working with both James Kirk and George Bomar in an attempt to resolve the water right issues. Mr. Beardslee also indicated that both parties have been working with Marianne Besaw of the Idaho Department of Lands regarding easement issues for conveyance of water from the source to their respective places of use. I encourage continued efforts with those individuals to resolve any remaining issues.

Please feel free to call if you have additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section



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

February 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GEORGE BOMAR
26628 GOOD HOPE RD
ATHOL ID 83801

RE: License No. 95-9010 - 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

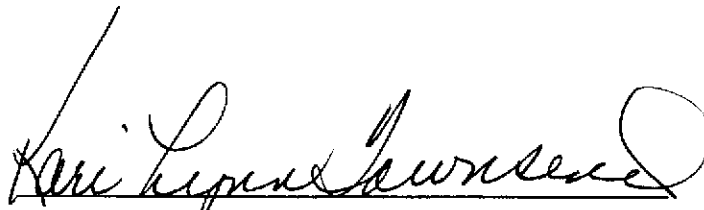
APR 11 2001

CERTIFICATE OF MAILING

I hereby certify that on February 27, 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. 95-9010

**GEORGE BOMAR
26628 GOOD HOPE RD
ATHOL ID 83801**

A handwritten signature in cursive script, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

MICROFILMED

APR 11 1991

**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

APR 11 2000

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.

RECORDED
APR 11 2006

MEMORANDUM

To: File 95-09010

From: Sharla

Date: February 20, 2001

Re: Licensing Recommendations

Because the point of diversion is close to the line between the NWNWNW and the SWNWNW, the examiner has recommended listing the point of diversion as simply the NWNW. The source is a spring and thus the point of diversion must be listed to the nearest 10-acre tract. According to the map attached to the field exam, the NWNWNW describes the location of the point of diversion marked; a licensing amendment will be required to change the point of diversion description.

I am reluctant to require an amendment when IDWR's examiner can't be sure of the location. I spoke with Al Beardslee again this morning, and he is really unsure. He also confirmed that this right shares source + point of diversion with 95-2213. Al recommends 0.02 sfs.

S. Keen
WR Supervisor
2/23/01

MOOREHEAD
FEB 23 2001

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 2/16/01

Permit No. 95-9010

BU Fee Pd \$ 50

Name/Address: N OK A CHANGE

Govt Lots 1 n/a plat copy attached

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

GROUNDWATER: (✓Flow Chart)

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 (if on permit)

LOCATION:

Trust - R55(consumptive uses)
 Non-Trust - 048-049 (consumptive uses
 or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)
 PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
 PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-18B-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 - 081
 FISH PROP - 029(70'S only)-042-081
 HEAT/COOL - R07(injection well)
 FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? Yes ✓ No

MISC CONDITIONS/REMARKS:

Multiple pd's per ¼¼ - W32
 Subd lot desc (pd) - W59
 Subd lot desc (pu) - W60
 Use definitions - W02 example - C/tire shop
 Non-consumptive - 027
 Water Quality - 081-R07
 Mitigation - 121 (if on permit)
 PPU acre limit - W27

CHECK NEW IRR SEASON MAP NA

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9
 WD - R04 (WD#)
 ≤ 0.20 cfs/others - R02- 01P or No MD
 > 0.20 cfs - R43

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

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
 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)
 >1 in restricted area - 070-071-075(no parks/common areas, etc)
 Irr use listed separate - WB5
 Lawn/garden included - W01 /1

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right #
 PU overlap rights - WB7-W31(<1 ac)
 GW replaced SW - 050

Permit Rate 0.04 cfs Fee Limit 0.04 cfs
 Measured NA cfs Theoretical 0.04 cfs

Use	Rate	Volume
<u>Dom/1</u>	<u>0.04</u> cfs	<u>1.2</u> af
<u> </u>	<u> </u> cfs	<u> </u> af
<u> </u>	<u> </u> cfs	<u> </u> af
TOTALS	<u>0.04</u> cfs	<u>1.2</u> af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes No

If no, is a claim required: Yes No

AMENDMENTS REQUIRED ✓ Yes No

If yes, paragraph codes:

Adjustment Memo Needed ✓ Yes No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 95-09010

1. Owner: GEORGE BOMAR Phone No. 683-2258

Current Address: 26628 GOOD HOPE RD ATHOL ID 83801

2. Accompanied by: GEORGE BOMAR EXAM DATE: 10-16-2000

Address: _____ Phone No. _____

Relationship to Permit Holder: OWNER

3. Source: SPRING tributary to THOMPSON LAKE

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A

2. Other water rights with the same point of diversion: N/A

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
	1		NW	NW	17	48N.	3W.	KOOTENAI	U.S.G.S. TOPOGRAPHICAL MAP

2. Place(s) of Use:

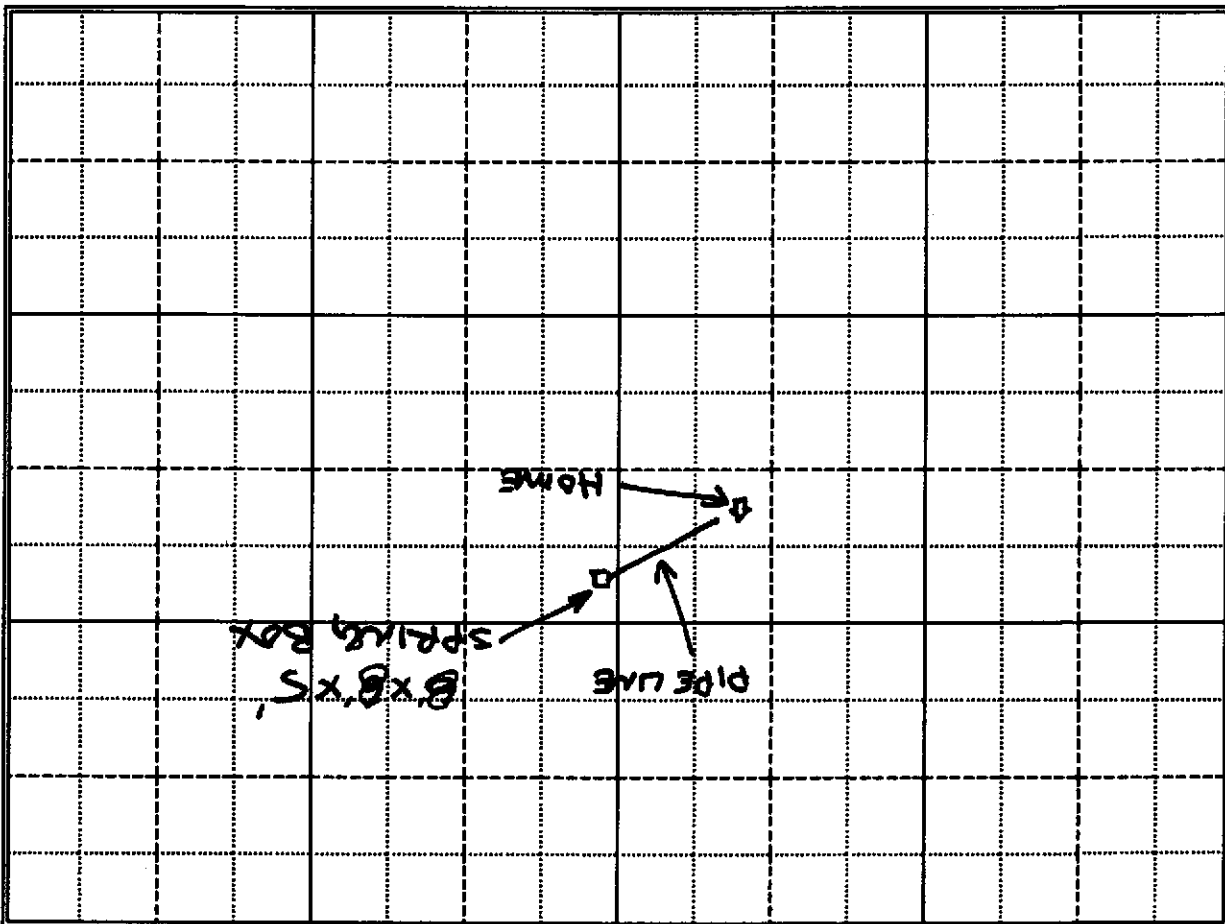
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N.	3W.	17					D/S												

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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

*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:

BUCKET METHOD 6 SET = 29.6L = 20.6pm @

HOME - NO MEASUREMENT POSSIBLE AT SPRINKLER BOX

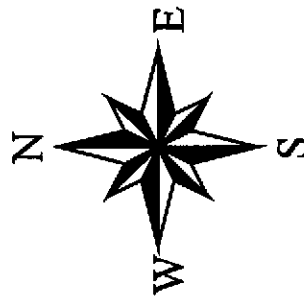
BURIED - ACTUAL DIVERSION FROM SPRINKLER BOX

AT 9.6pm

Home ↗



- PLSS Section LinesSections.shp
- Asbury_spring.shp
- T48n03w.shp
- Home85-09010.shp



95-09010

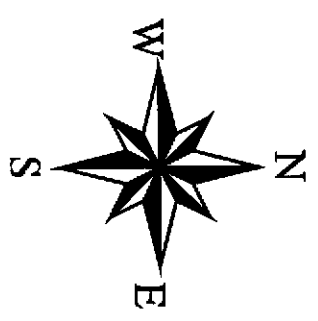
Field Examination Map 02/07/2,001

APPROPRIATE
APR 1 2001

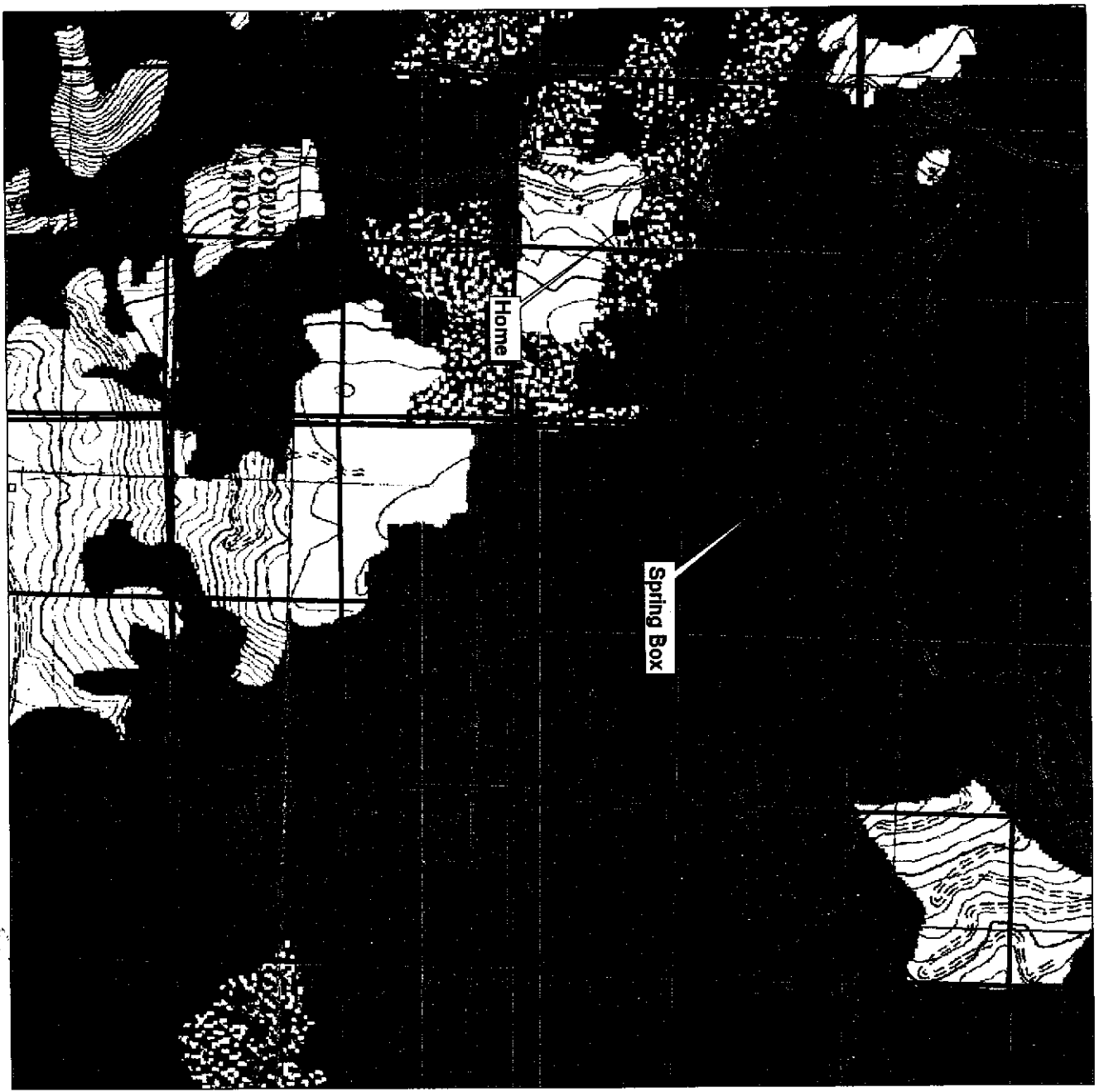
AS

Home 7

- ☐ PLSS Section LinesSections.shp
- ☒ Asbury_spring.shp
- ☐ T48n03w.shp
- ☐ Home95-09010.shp



95-09010



Field Examination Map 02/07/2,001

MICROSOFT
APR 11 2001

E. NARRATIVE/REMARKS/COMMENTS

WATER IS COLLECTED IN A 8'x8'x5' SPRING BOX - GRAVITY FLOW VIA 1 1/4" PIPE LINE TO HOME. DOMESTIC USE INCLUDES LAWN & GARDEN IRRIGATION (1 HOME).

GPS WAYPOINTS WERE COLLECTED FOR SPRING BOX AND HOME LOCATIONS.

THE SPRING BOX APPEARS TO BE VERY CLOSE TO THE LINE BETWEEN NW 1/4 NW 1/4 NW 1/4 AND SW 1/4 NW 1/4 NW 1/4, SEC. 16, T. 48N., R. 3W. NORTHERN REGION RECOMMENDS THAT THE LEGAL DESCRIPTION FOR THIS P.O.D. BE NW 1/4 NW 1/4 (GOVT LOT 1), T. 48N., R. 3W.

SPRING IS TRIBUTARY TO AN UNNAMED STREAM AND THEN TO THOMPSON LAKE.

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

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APR 17 2009

Additional Computation Sheets Attached

F. FLOW CALCULATIONS

Measured Method:

See Measurements

G. VOLUME CALCULATIONS

STANDARD

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

From

To 12/31

Period of Use

Rate of Diversion

Q (cfs)

0.02

Annual Volume

V (afs)

1.2

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

Mr. B. Smith

Date

10-20-2,000

Reviewer

Date

SEAL

MICROFILMED

APR 1 1981



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

January 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GEORGE BOMAR
26628 GOODHOPE RD
ATHOL ID 83801

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 95-09010

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Please 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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. 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

Enclosure

c: IDWR - Region

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APR 11 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9010

Reviewed By: dgibson

Date: January 22, 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.:		N014070	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		12/14/2000
Date proof due	-	12/01/2000
No. of days late	=	13
Holiday allowance	+	
Priority date	+	03/18/1999
New priority date	=	03/31/1999

Deficiencies of Actions Items

Acknowledge proof, reinstate permit and advance priority to 3/31/99.

RECEIVED

DEC 14 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
Address of the owners of record for the listed water rights.
(Please print or type)

[X] Water Right Number(s): 95-09010

[X] Names(s): George Bomar

[X] Old Mailing Address: 26600 Goodhope Rd.

Athol, ID 83801

[X] New Mailing Address: 26628 Goodhope Rd.

Athol, ID 83801

Telephone Number: (208) 683 - 2258

[X] Signature(s) of Owner(s) X George W Bomar

Glenn Bomar

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

X Date: 12-11-00 MICROFILMED

APR 11 2001

Note to file 95-09010:
Unable to make change
to W22 database at
this time.

Bari Hyman

12-14-00

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 5, 2000

GEORGE BOMAR
N 26600 GOODHOPE RD
ATHOL ID 83801

LAPSE NOTICE

RE: PERMIT NO. 95-09010

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED
APR 11 2001

CERTIFICATION OF MAILING
I hereby certify that on 12/5/00
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
D. Gibson

September 30, 2000

GEORGE BOMAR
N 26600 GOODHOPE RD
ATHOL ID 83801

PROOF DUE NOTICE

RE: PERMIT NO. 95-09010

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 December 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

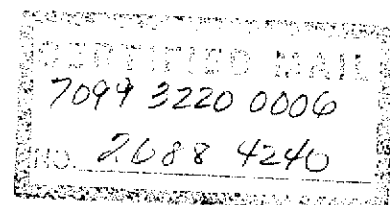
SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED

APR 1 1991





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 10, 1999

GEORGE BOMAR
N 26600 GOODHOPE RD
ATHOL ID 83801

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-09010

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.

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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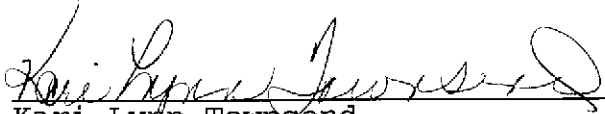
APR 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 10th 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. 95-09010

GEORGE BOMAR
N 26600 GOODHOPE RD
ATHOL ID 83801


Kari Lynn Townsend
Secretary

MICROFILMED

APR 11 2000

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.

MODIFIED

APR 1 1997

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

APR 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 1, 1999

George Bomar
N. 26600 Good Hope Rd.
Athol, ID 83801

RE: Application for Permit No. 95-09010

Dear Mr. Bomar:

The above referenced application is being review for permit issuance. I have attempted several times to contact you by phone but have been unsuccessful in doing so. The information I need in order to prepare a permit for approval is the number and type of stock you plan to water. You described the domestic use as being for 1 home, but did not indicate the number and type of stock.

Please give me a call at 327-5452 or drop me a line with this requested information within 30 days. If I do not receive the information within that 30 days, the department will proceed with issuing a permit for domestic purposes only. If you have any questions, please give me a call.

Sincerely,

Sharla Curtis

Sharla Curtis
Sr. Water Resource Agent

*Per telecon 12/7/99, Mr Bomar stated the stockwater
use is intended for 40 range cattle.
SC*

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APR 11 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 11/16/99

No. 95-09010 Name: Bomas Corp. Officers N/A 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) - 065-079
Supp irr (+other uses) - 100-101
≤ 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) N/A
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: 12101 12000

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 _____
~~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)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meetd domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - 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)

OTHER CONDITIONS/REMARKS D/I home

COMMENTS numerous messages left to obtain
stock - no replies
470 range cattle

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
APPROVAL APPLICATION ANALYSIS SHEET

WR1
WRA
BCA

NOV 12 1999

APPLICATION #

95-09010

INITIAL REVIEW

Department of Water Resources

APPLICANT: Bomar

BY: AB

DATE: 3/18/99

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)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 3/18/99

____ (x) (Include Moratorium Remark)

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

ADVERTISE IN: Kootenai County

-NOTE- GEORGE WILL SEND EASEMENT FROM O.S.F.S. - MEETING WITH THEM SOON. AB

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 ()

Groundwater management area

Critical ground water area

Well Drilling Permit required

Well Drilling Application and Fees received

Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

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

Further information required from applicant

Affidavit of publication received

Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application

Sr. Agent initial

Protests received, Final protest date: 4/19/99

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by: AB RYA

Date: 4/21/99

IDAHO DEPARTMENT OF LANDS

St. Joe Area Office
1806 Main Avenue
St. Maries, Idaho 83861
Phone (208) 245-4551 Fax 245-4867

STANLEY F. HAMILTON - DIRECTOR

October 29, 1999

George and Elaine Bomar
N. 26600 Good Hope Road
Athol, ID 83801

RE: Easement No. 522 and Easement No. 6173

Dear George and Elaine:

I've enclosed signed copies of Easement No. 522 and Easement No. 6173 with proof of recording. Thank you for your cooperation.

I will be contacting you again soon regarding use of your rock pit.

Sincerely,



Marianne R. Besaw
Resource Manager – Senior

MRB/pm

Enclosures

MICROFILMED

10/31/99

1611930

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
AT THE OFFICE OF
Dept of Lands

STATE OF IDAHO
EASEMENT NO. 6173

OCT 28 1 07 PM '99

DANIEL J. ENGLISH

DEPUTY *15.00*

THIS INDENTURE, made this *9th* day of *August*, 1999 by and between the **STATE OF IDAHO, DEPARTMENT OF LANDS**, 954 West Jefferson Street, P.O. Box 83720, Boise, Idaho 83720-0050, acting by and through the State Board of Land Commissioners, as party of the first part (Grantor), and **George Bomar and Elaine V. Bomar**, husband and wife, of N. 26600 Good Hope Road, Athol, ID 83801, as party of the second part (Grantee):

WITNESSETH: That for the granting of a reciprocal easement (Acquired Easement No. 522), the Grantor does hereby grant to the Grantee and its successors and assigns, forever, a permanent easement for the purpose of constructing, using, and maintaining, a water intake and a buried water pipeline over and across the following described lands situated in Kootenai County, State of Idaho, to-wit:

A strip of land ten (10.00) feet wide, being five (5.00) feet on each side of the following described centerline:

Commencing at the closing corner of Sections 16 and 17, Township 48 North, Range 3 West, B.M.; thence South 957.20 feet along the West boundary of GL1 of said Section 16 to a point designated as Point A on the map attached hereto and made a part hereof, said point also being the REAL POINT OF BEGINNING; thence North 76° East, 82.50 feet; thence North 61° East, 65.0 feet; thence North 57° East, 43.3 feet; thence North 62° East, 75.5 feet; thence North 50° East, 150.2 feet; thence North 49° East, 99.2 feet; thence North 43° East, 34.9 feet; thence North 19° East, 58.4 feet to a point on an unnamed creek, said point being the water intake for the pipeline and the terminus of said easement, the above described area containing 0.14 of an acre, more or less.

Subject to the following terms:

1. The boundary lines of said easement shall be prolonged or shortened to begin on the property lines and end where said waterline joins the unnamed creek.
2. It is fully understood and agreed that if any future road construction or reconstruction affects the pipeline it shall be the sole responsibility and expense of the party constructing or reconstructing the road for removing, relocating, and reinstalling of said pipeline necessitated by such construction or reconstruction.
3. The Grantee will comply with all state laws and with all rules and regulations of the State Board of Land Commissioners pertaining to watershed protection and with the Stream Channel Protection Act as designated in Chapter 38, Title 42 of the Idaho Code.

MICROFILMED

State of Idaho
Easement No. 6173
Page 2 of 4

4. The Grantee will indemnify and hold harmless the Grantor and its representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under this easement.
5. The Grantor reserves unto itself, its successors and its assigns, all timber, present and future, within the easement area.
6. Upon termination or abandonment, the Grantee shall have six (6) months from the date of receipt of the final notice to remove all facilities or improvements.
7. All underground facilities will be abandoned in place upon mutual agreement of Grantee and Grantor.
8. The pipeline must be buried at least two (2) feet deep.
9. This easement is issued by the authority of the Rules for Easements on State Land (IDAPA 20.03.08) dated July, 1993.
10. If the easement is not used for the specified purpose within five (5) years from the date the easement is issued, then in such event the said lands so granted shall automatically revert to the grantor without any further action required by Grantor.
11. Prior to performing construction, reconstruction, or maintenance to a degree that will cause soil disturbance, the cutting of trees, and/or the destruction of vegetation, the Grantee will obtain written authorization from the Grantor. The authorization will provide for appropriate operating and reclamation procedures such as leveling the ground surface and reseeding of vegetation if necessary; payment for timber removed at rates determined by the Grantor; provision for slash removal; prevention of erosion; and any other special provisions appropriate to protect the land and other resources.

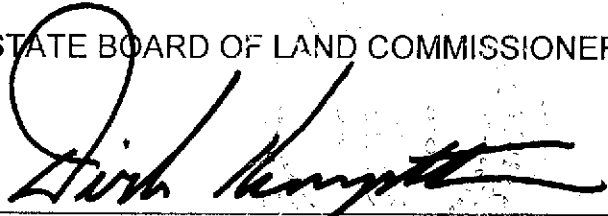
* * * * *

END OF EASEMENT

State of Idaho
Easement No. 6173
Page 3 of 4

IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State and the Director, Idaho Department of Lands.

STATE BOARD OF LAND COMMISSIONERS



Governor of the State of Idaho and President
of the State Board of Land Commissioners

Countersigned:



Secretary of State



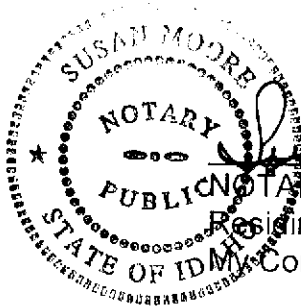
Director, Idaho Department of Lands



**State of Idaho
Easement No. 6173
Page 4 of 4**

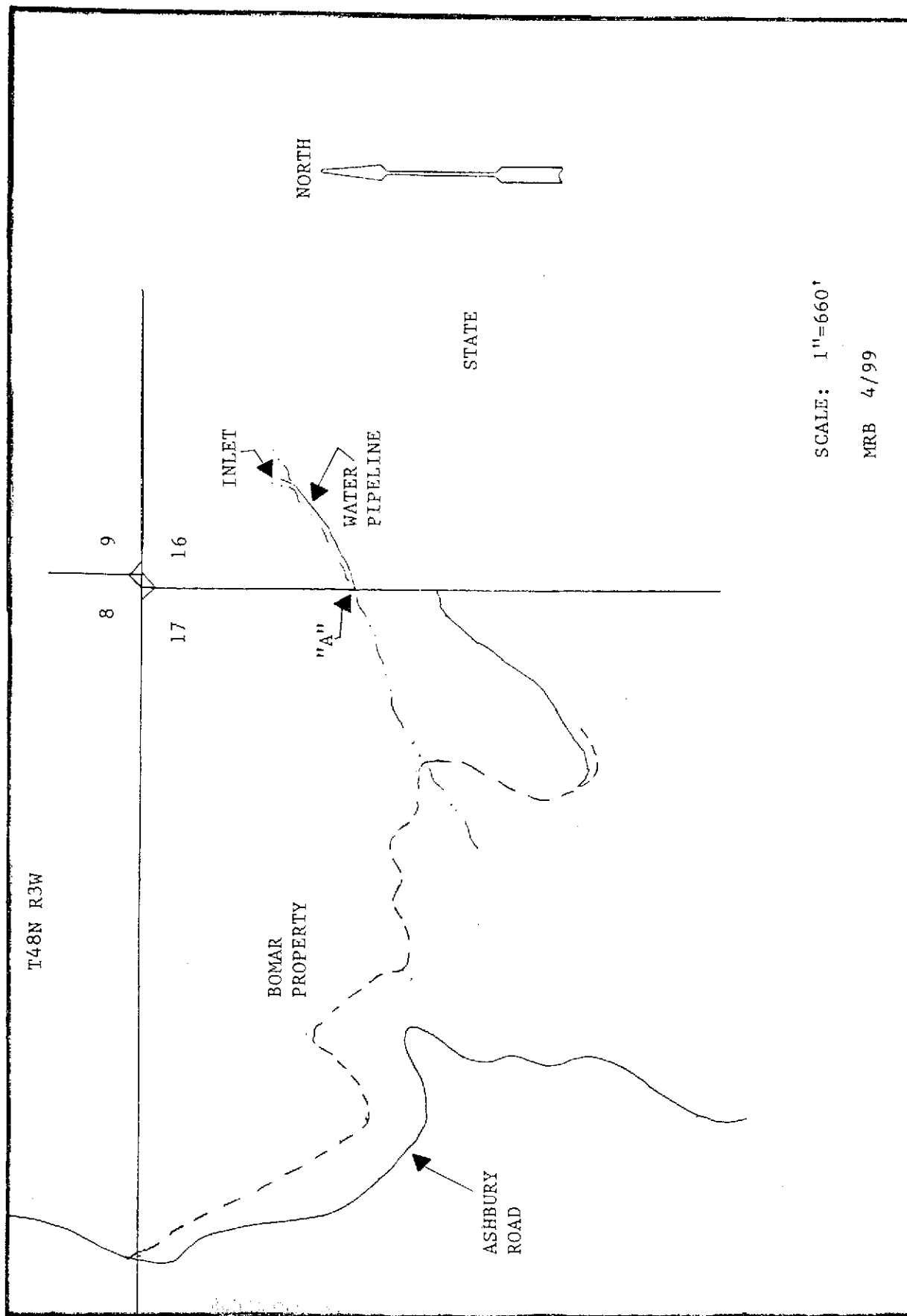
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.



 NOTARY PUBLIC for Idaho
 Residing at _____, Idaho
 My Commission expires 6-8-2001

BOMAR WATER PIPELINE
STATE OF IDAHO EASEMENT NO. 6173



IDAHO DEPARTMENT OF LANDS

St. Joe Area Office
1806 Main Avenue
St. Maries, Idaho 83861
Phone (208) 245-4551 Fax 245-4867

STANLEY F. HAMILTON - DIRECTOR

April 12, 1999

RECEIVED

APR 13 1999

IDWR/North

Ken Knoblock
Department of Water Resources
1910 NW Boulevard, Suite 210
Coeur d'Alene, ID 83814

RE: Water Rights No. 95-09010

Dear Ken:

As per our conversation on April 8, 1999, we are requesting that issuance of this water right to George Bomar in the SWNWNW of T48N-R3W-S16 (IDL property) be delayed until we send you a copy of the easement from the Idaho Department of Lands to pipe the water off of state land. It is our intention to exchange a road easement from Mr. Bomar for an easement to pipe water across state land.

Thank you for your assistance.

Sincerely,



Marianne R. Besaw
Resource Manager, Senior

MRB/pm

Pc: Behrens

MICROFILMED
APR 14 1999

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai.

Steve Whake 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 *8* day of *APRIL*, 19*99* and ending on the *19* day of *APRIL*, 19*99*, 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

Subscribed and sworn to before me this *19* day of *APRIL*, 19*99*
Reggie 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:
95-09010 *ok*

BOMAR, GEORGE
N 26600 GOODHOPE ROAD
ATHOL, ID 83801
Source: SPRING
Diversions: Pt SWNW
Use: STOCKWATER
DOMESTIC
Total Diversion:
(0.040 CFS)
(0.040 CFS)
(0.040 CFS)
Date Filed: 3/18/1999
In: KOOTENAI County
T48N R03W S17
SWNE
95-09012

SCARCELLO RANCH
E 3180 VILLAGE
RATHDRUM, ID 83858
Source: GROUNDWATER
Diversions: Pt SENW
Use: IRRIGATION
DOMESTIC
Total Diversion:
(1.000 CFS)
(0.350 CFS)
(1.000 CFS)
Date Filed: 3/22/1999
In: KOOTENAI County
T52N R04W S03
S10
NESW
SENE
NWSW
NENW
SWSW
SENW
SESW

50.0 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 APRIL 19, 1999.

Legal 851
April 1, 8, 1999
KARL J. DREHER, Director

RECEIVED

APR 12 1999

IDWR/North

RECORDED

APR 13 1999

95-09010

BOMAR, GEORGE
N 26600 GOODHOPE ROAD
ATHOL, ID 83801

Source: SPRING

Tributary: THOMPSON LAKE

Diversion Pt: SWNWNW Sec 16 T 48N R 03W in KOOTENAI County.

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

Date Filed: 3/18/1999

In: KOOTENAI County
T48N R03W S17 SWNE

MICROFILMED
APR 11 2001

March 24, 1999

George Bomar
N 26600 Goodhope Road
Athol ID 83801

Re: Water Appropriation Application No. 95-09010

Dear Mr. Bomar::

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

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

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

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

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

APR 1 1999