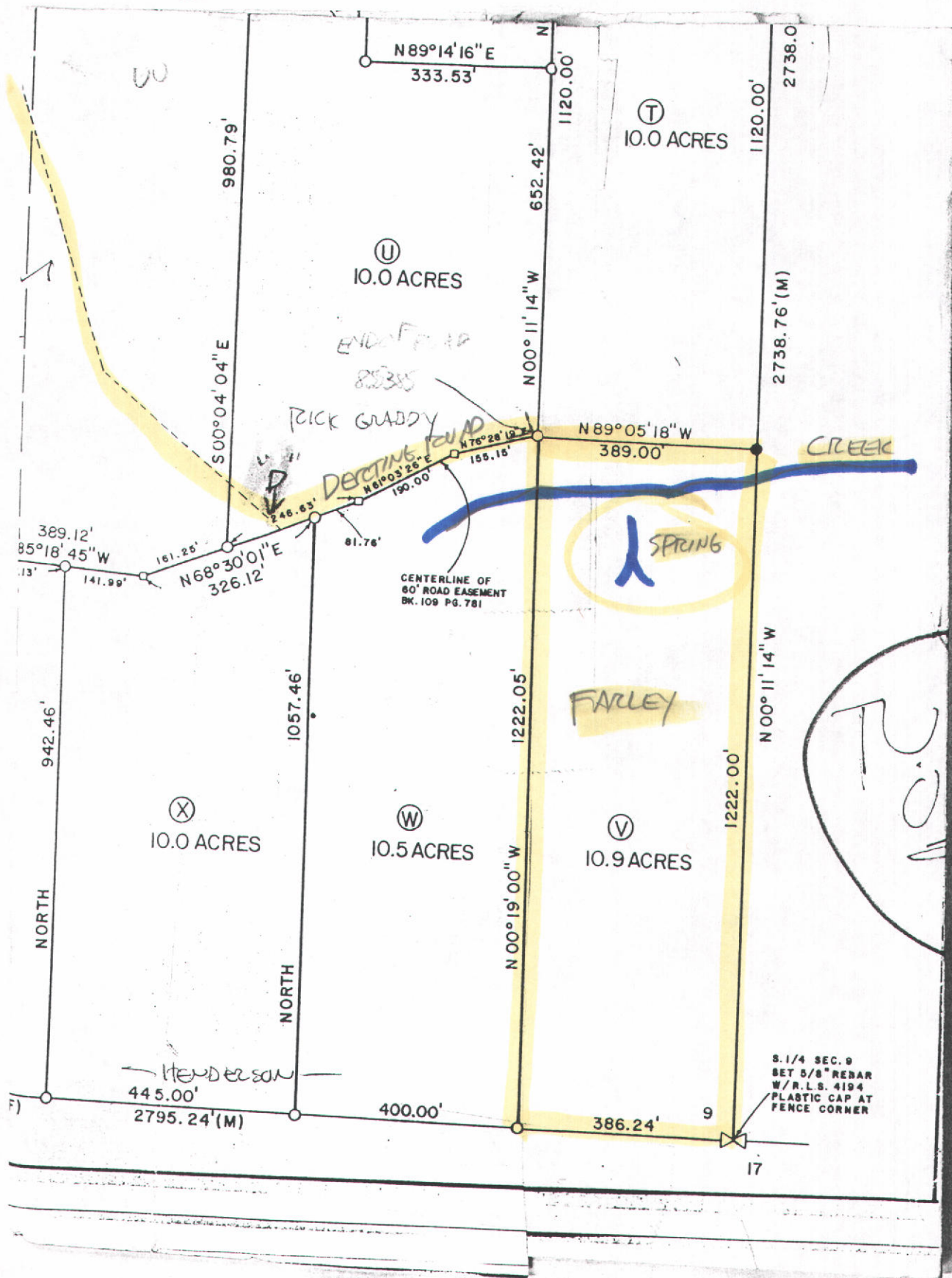
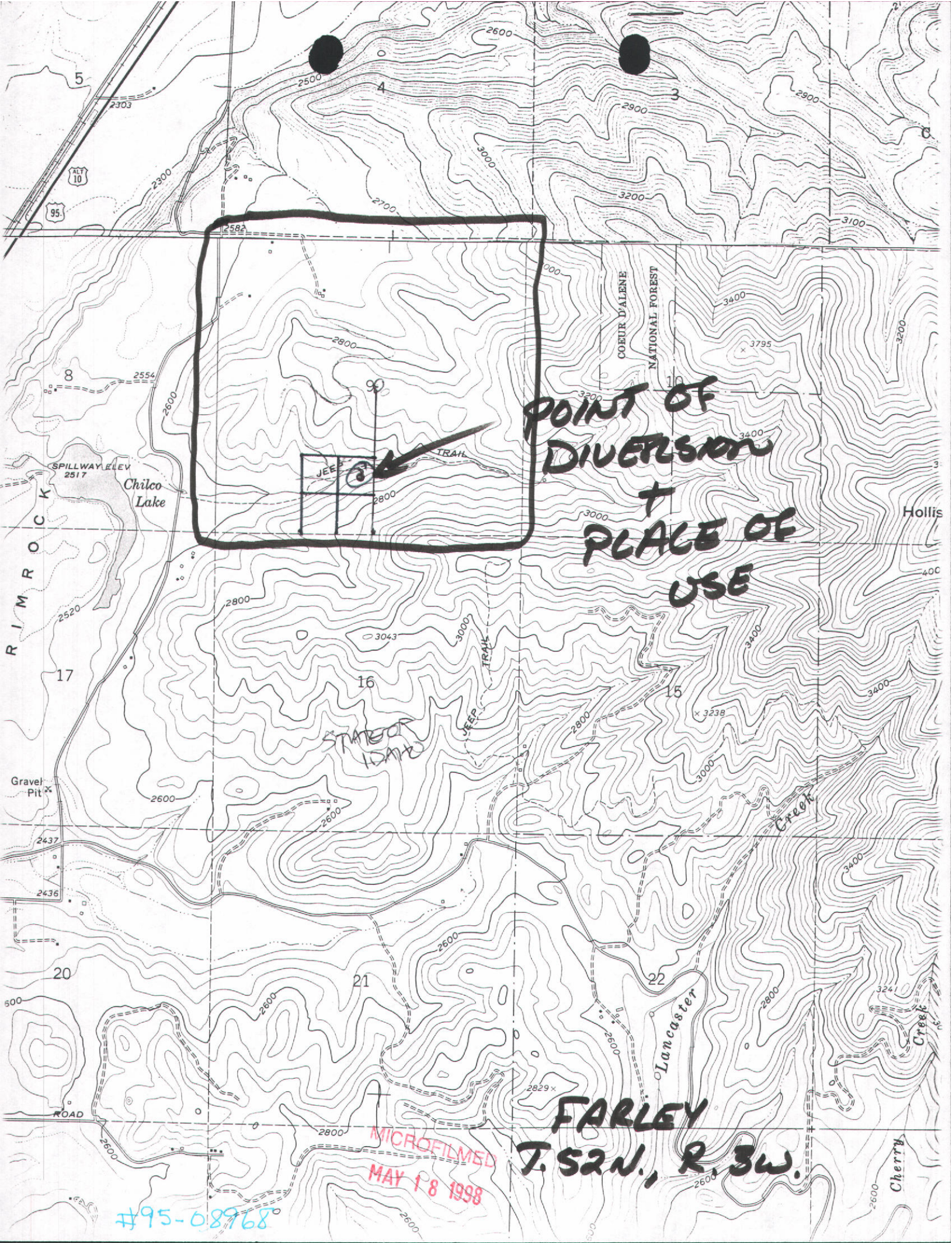




MICROFILMED
MAY 18 1998

95-08968



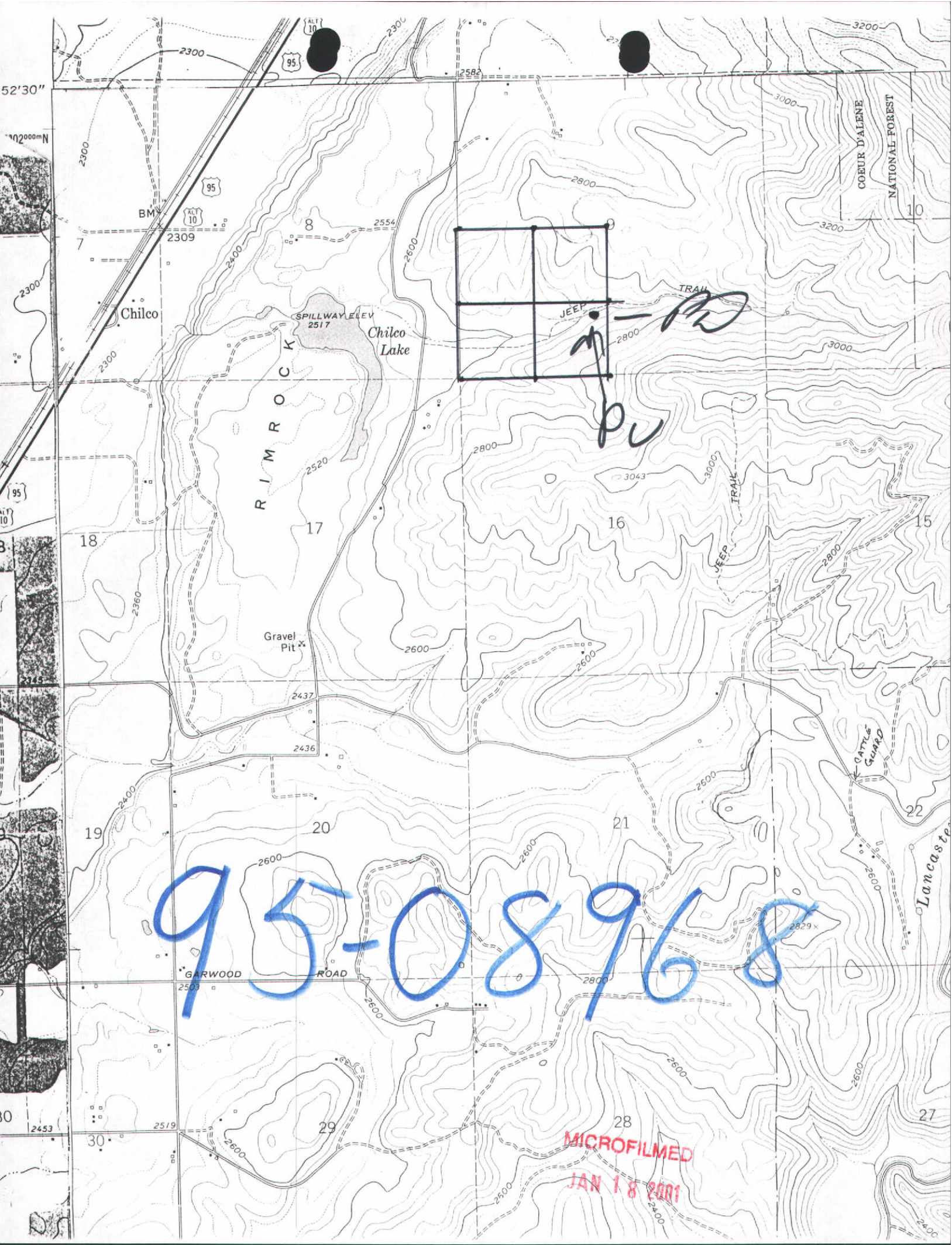
POINT OF
DIVERSION
+
PLACE OF
USE

START OF
ROAD

FARLEY
T. 52N., R. 34W.

MICROFILMED
MAY 18 1998

#95-08968



95-08968

MICROFILMED
JAN 18 2001



PD



PU

95-08986

MICROFILMED
JAN 18 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-08968

Priority: June 27, 1997

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.2 AF

It is hereby certified that BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 838351836

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 27, 1997; and has submitted Proof
of Beneficial Use on September 23, 1999. An examination indicates that the works have a diversion
capacity of 0.01 cfs of water from:

SOURCE

SPRING

tributary to CHILCO LAKE

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.01 CFS

**ANNUAL
DIVERSION VOLUME**

0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4SE1/4SW1/4 Sec. 9, Twp 52N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	03W	9																	

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 5TH day of JANUARY, 2001

Acting for

KARL J. DREHER, Director

MICROFILMED

JAN 11 2001

RECEIVED

SEP 23 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 95-08968 Telephone No. 208 772 1822
2. Name(s) of Permit Holder(s): BRIAN T FARLEY
3. Mailing Address: POB 1836 HAYDEN ID 83835
4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____
 - b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 12 HORSES / 02 CATTLE
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .02 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 <u>X</u>
Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port: Is a flow measurement port required?	Yes _____ or No <u>X</u>
Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: BRIAN FARLEY Telephone Number: 208 772 1822
Address: POB 1836 HAYDEN ID 83835
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho. **MICROFILMED**
Signature of permit holder: [Signature] Date: JAN 3 1 2000 09-1599
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-08968

Proposed Priority: June 27, 1997

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **BRIAN T FARLEY**

PO BOX 1836

HAYDEN LAKE ID 83835-1836

has applied for a permit to appropriate water from:

SPRING

tributary of **CHILCO LAKE**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 9, Township 52N, Range 03W
KOOTENAI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

52N 03W 9

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Stockwater use is for 12 horses and range cattle.

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

19th day of September, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
MAY 18 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 95 8968

RECEIVED

To appropriate the public waters of the State of Idaho SEP 05 1997

Department of Water Resources
208-772-0841

1. Name of applicant Brian T. Farley Phone _____

Post office address P.O. Box 1836 Hayden Lake, ID 83835

2. Source of water supply unnamed spring which is a tributary of unnamed stream
Chilco Lake

3. Location of point of diversion is NE ¼ of SE ¼ of SW ¼, Govt. Lot _____

Sec. 9 Township 52N Range 3W B.M. Kootenai County; additional

points of diversion if any: See attached lega, Parcel V

4. Water will be used for the following purposes:

Amount .02 for stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Develop spring with perforated
PVC to collector for stock water

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

2 years (minimum 1 year).

* see memo dated 9/16/97 cz.

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. Horses & cattle, less than 12 head
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
52N.	3W.	9												S					

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? APPLICANT

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

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

12. Remarks: _____

MICROFILMED

MAY 18 1998

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

A full-page sheet of white graph paper with a black grid. The grid consists of 16 columns and 16 rows, forming a large square divided into smaller squares. The lines are thin and evenly spaced. There are no margins or additional markings on the page.

Scale: 2 inches equal 1 mile.

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

(Applicant)

MAY 18 1938

Received by db Date 6/27/97 Time 11:50a Preliminary check by AB
Fee \$ 150.00 Receipted by db # N011390 Date 6/27/97
Publication prepared by db Date 7/30/97 Published in C&A Press 8/7/97
Publication approved db Date 8/19/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED
MAY 18 1998

EXHIBIT "A"

Parcel V

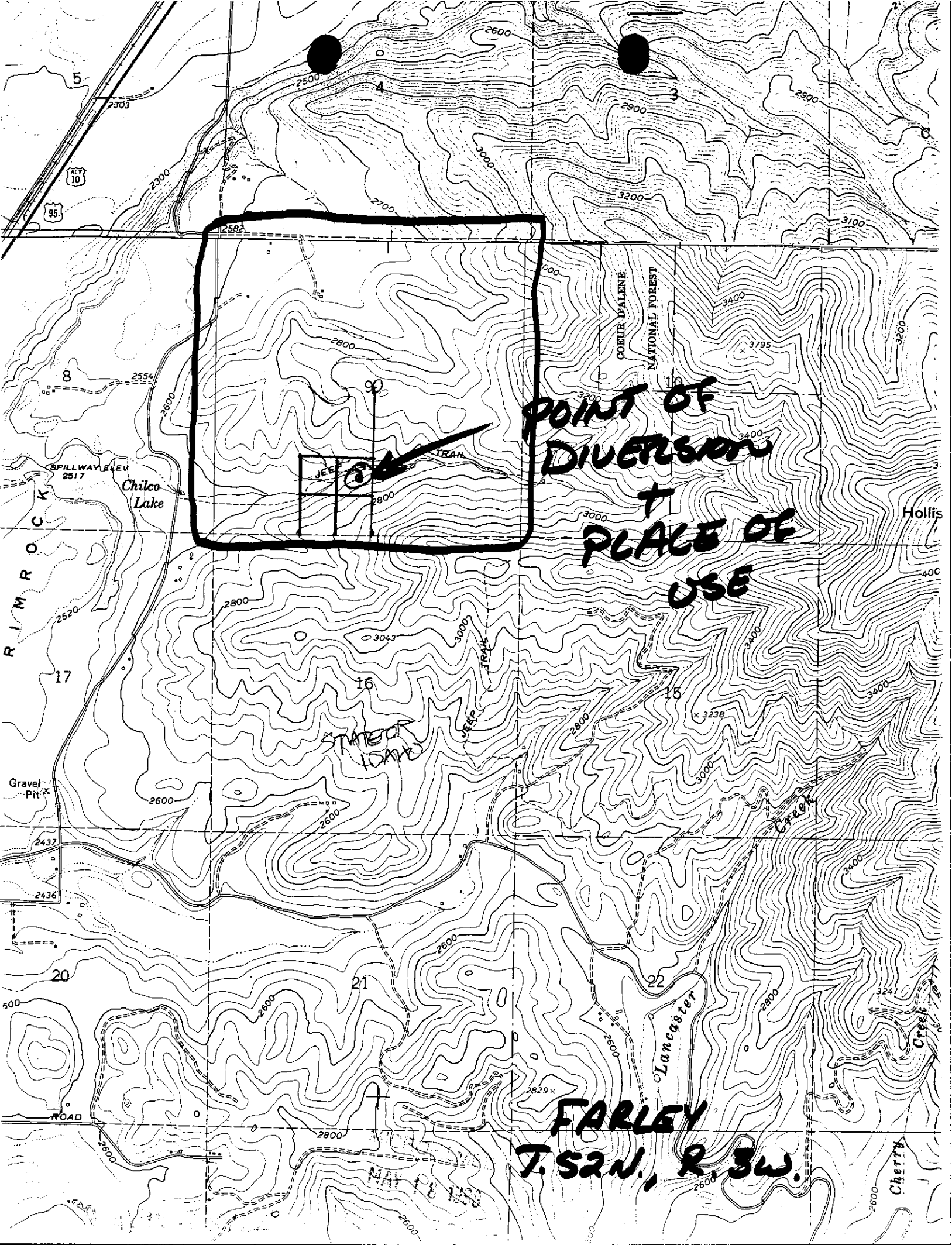
That portion of the Southwest quarter of Section 9, Township 52 North, Range 3 W.B.M., Kootenai County, State of Idaho, described as follows:

Beginning at the South quarter corner of said Section 9; thence North 89°05'18" West, along the South line of said Section 386.24 feet; thence North 00°19'00" West, 1222.05 feet; thence South 89°05'18" East, 389.00 feet to the East line of said Southwest quarter; thence South 00°11'14" East, along said East line 1222.00 feet to the Point of Beginning.

NOT RECORDED

MAY 18 1968

18-02763



POINT OF
DIVERSION
+
PLACE OF
USE

FARLEY
T. SAN, R. 3W.





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

January 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 838351836

RE: License No. 95-8968 - 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

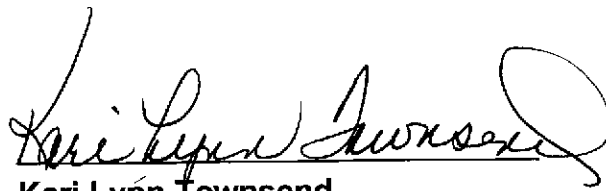
JAN 18 2001

CERTIFICATE OF MAILING

I hereby certify that on the January 08, 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. 95-8968

**BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 838351836**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 18 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED

JAN 18 2006

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 18 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-08968

1. Owner: Brian T Harley Phone No. (208) 772-0841

Current Address: PO Box 1836 Hayden Lake ID 83835-1836

2. Accompanied by: Brian T Harley EXAM DATE: 9-21-00

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Chilco Lake

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	SW	09	52N	03W	Kootenai	USES 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	
52N	03W	09												S					

MICROFILMED

JAN 18 2001

2. Measurements:

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

D. FLOW MEASUREMENTS

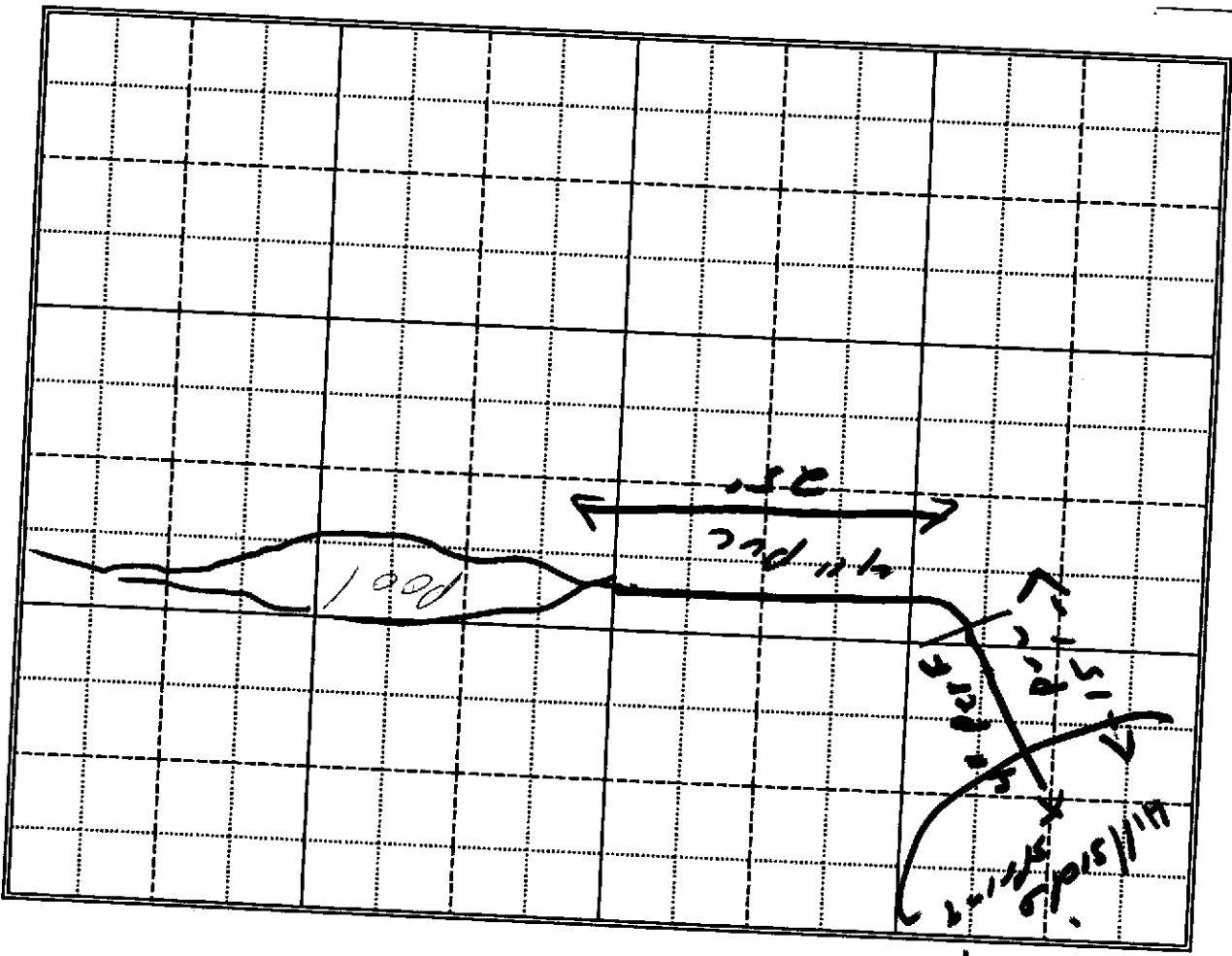
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4.

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

Scale: 1" = _____



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

E. NARRATIVE/REMARKS/COMMENTS

A perforated line picks up spring water runs it along and empties onto ground. A small pool was made approx 2' x 5' long for as stream stops water at time of exam pool was full but no real flow.

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

MICROFILMED

JAN 18 2001

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

The measurement will be taken

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Suburban

Period of Use
From 01-01
To 12-31

Rate of Diversion
Q (cfs)
1.01

Annual Volume
V (ata)
6.6

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 J. Baker
Date 10-11-00

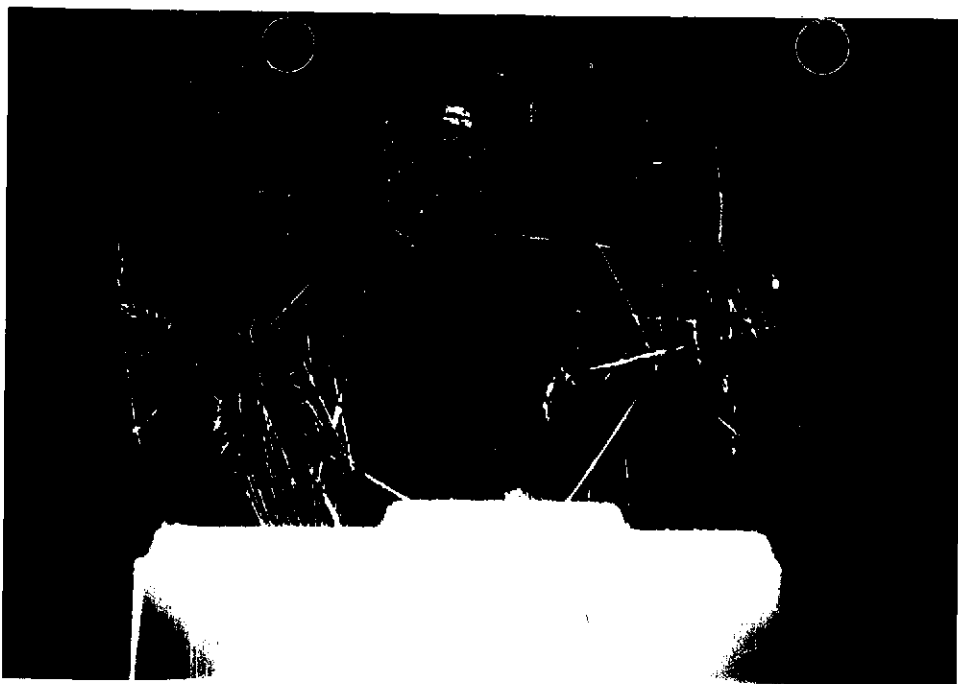
Reviewer

Date

SEAL
MICROFILMED

10-11-00





PD



PC

95-08986

MICROFILMED

JAN 14 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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 83835-1836

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-08968

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

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

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 95-08968 Reviewed by WZA Date 1-13-00

GENERAL CONSIDERATIONS

Y Name same as permit?

Y Address same as permit?

Y Proof timely received?
If not, complete calculation below.

TYPES OF USE

SDR

Correct Uses? Yes

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

Y Required?

50 Amount Submitted

Y Correct?

MEASURING DEVICE

 Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

none - ackn proof

DATA ENTRY

New Address

Proof Made 9-23-99

July 31, 1999

BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 838351836

PROOF DUE NOTICE

RE: PERMIT NO. 95-08968

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 October 1, 1999.

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

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

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

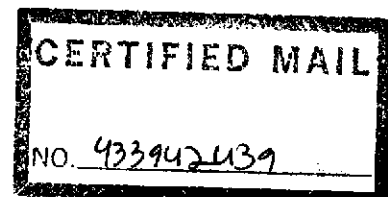
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 31 2000





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

September 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 83835-1836

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 95-08967/95-08968

Dear Permit Holder:

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

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosures

MICROFILMED

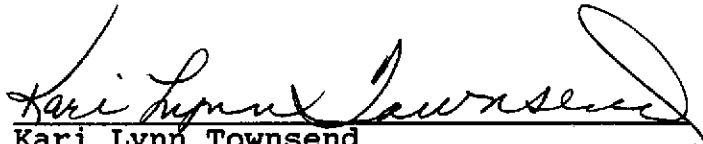
MAY 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of September, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Permits) to the person(s) listed below:

Water Right Nos. 95-08967/95-08968

BRIAN T FARLEY
PO BOX 1836
HAYDEN LAKE ID 83835-1836


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 18 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 95-08968 Name: Farley Date: 9/16/97 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/no proof

- P16

>1 year

- 26A P17**GROUNDWATER: (✓ FLO-CH)****WMD (✓ MAP)**

>0.24 cfs/5 acres

- _____ or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide) (cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):**IN MIN. STR. FLOW (✓ MAP)**

- 31A (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD # _____) -01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) 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-P07 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 070-071- P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0.03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

Stock (BLM/USFS)

- R37

Storage (✓3 compo.)

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Basins 71-79

- 029 (fish screens)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:**STANDARD REMARKS:**- Q W02/12 + EBC**BENEFICIAL USE DUE:**- 10/1/1999**COMMENTS:**

MEMORANDUM

DATE: September 16, 1997
TO: File No. 95-08968
FROM: Cindy Zimmerman S.
RE: Review of application for permit

During the review of this application, I noted that the tributary identified on the application had been changed from Chilco Lake to unnamed stream. Per data entry standards: "The proper tributary name to be used is the first "named" tributary the source flows into, i.e., Snake River. All surface water tributaries should be named or show "SINKS" if this is the case."

I have modified the database to reflect the next named tributary, Chilco Lake.

MICROFILMED

MAY 18 1998

No. a
4/87-06/92n

INTEGRATED DEPARTMENT OF WATER RESOURCE
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

SEP 05 1997

WRI
WRA
BC

APPLICATION # 95-8968

DEPARTMENT OF WATER RESOURCES

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

APPLICANT: EARLEY BY: AB DATE: 6/27/97

ITEM REQUIRED INFORMATION

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

*** 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: 6/27/97

- ✓ (Include Moratorium Remark)
✓ Statewide Avertising: (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 *****

(Yes)(No)

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

Checked by: _____ Date: ____/____/____

Remarks: _____

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

(Yes)(No)

- ____ Notice of pending void order issued. Final order response date: ____/____/____
____ Further information required from applicant
8/19/97 ✓ Affidavit of publication received
8/19 ✓ Application published correctly, If not, record action taken: _____

7/20/97 ✓ Publication dates and paper recorded on application | Sr. Agent initial AB

- ✓ Protests received. Final protest date: 8/25/97
✓ Measuring device required
✓ Measuring port required
✓ Special conditions: _____
✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB Date: 9/2/97

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai,

ss.

AUG 19 1997

Michelle Price

NORTHERN REGION
IDWR

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 7th day of August, 1997, and ending on the 14th day of August, 1997, and such publication was made as often during said period as said daily newspaper was regularly issued.

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

Michelle Price

Subscribed and sworn to before me this

14th day of August

1997

Regina Maxon

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:

94-07371

BENSON, BRIAN
28635 STATE HIGHWAY 3
ST MARIES, ID 83861
Source: SPRING
Tributary: SINKS

Diversion Pt: SESESE Sec 18 T 47N R 02W in KOOTENAI County.

Use: STOCKWATER (0.010 CFS)
DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 7/18/1997

In: KOOTENAI County
T47N R02W S18 SESE
S19 NENE
95-08965

HUCKLEBERRY WHOLESALERS
12566 N GOVERNMENT WAY
HAYDEN, ID 83835

Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 12 T 51N R 04W in KOOTENAI County.

Use: IRRIGATION (0.530 CFS)
Total Diversion: (0.530 CFS)

Date Filed: 7/7/1997

In: KOOTENAI County
T51N R04W S01 SWSW
S11 NENE SENE
S12 NWNW
26.5 ACRES TOTAL
95-08966

FARLEY, BRIAN T
PO BOX 1836

HAYDEN LAKE, ID 83835
Source: UNNAMED STREAM
Tributary: CHILCO LAKE

Diversion Pt: SESW Sec 9 T 52N R 03W in KOOTENAI County.

Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997

In: KOOTENAI County
T52N R03W S09 SESW
95-08967

FARLEY, BRIAN T
PO BOX 1836

HAYDEN LAKE, ID 83835
Source: UNNAMED SPRING
Tributary: UNNAMED STREAM

Diversion Pt: NENESW Sec 9 T 52N R 03W in KOOTENAI County.

Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997

In: KOOTENAI County
T52N R03W S09 NESW
95-08968

FARLEY, BRIAN T
PO BOX 1836

HAYDEN LAKE, ID 83835
Source: UNNAMED SPRING
Tributary: UNNAMED STREAM

Diversion Pt: NESESW Sec 9 T 52N R 03W in KOOTENAI County.

Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997

In: KOOTENAI County
T52N R03W S09 SESW
95-08969

NIBLER, BRIAN
950 LUNCEFORD #3
COEUR D ALENE, ID 83814

Source: HAYDEN LAKE
Tributary: SINKS
Diversion Pt: SENW Sec 16 T 51N R 03W in KOOTENAI County.

Use: DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 7/23/1997

In: KOOTENAI County
T51N R03W S16 SENW
95-08970

WARD, MICHAEL ROBERT
WARD, CAROL MARIE

4125 W RIVERVIEW DRIVE
POST FALLS, ID 83854
Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER
Diversion Pt: LOT 5 (NESE) Sec 7 T 50N R 05W in KOOTENAI County.

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

Date Filed: 7/25/1997

In: KOOTENAI County
T50N R05W S07 Lot 5 (NESE) SESE
1.5 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 AUGUST 25, 1997.

KARL J. DREHER, Director

Legal 732

August 7, 14, 1997

MICROFILMED

MAY 18 1998

95-08968

FARLEY, BRIAN T
PO BOX 1836
HAYDEN LAKE, ID 83835

Source: UNNAMED SPRING

Tributary: UNNAMED STREAM

Diversion Pt: NESESW Sec 9 T 52N R 03W in KOOTENAI County.

Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997

In: KOOTENAI County
T52N R03W S09 SESW

MICROFILMED

MAY 18 1998

July 30, 1997

Brian T. Farley
PO Box 1836
Hayden Lake ID 83835

Re: Water Appropriation Applications Nos. 95-08966 - Unnamed Stream SESW;
95-08967 - unnamed spring NENESW;
95-08968 - unnamed spring NESESW

Dear Mr. Farley:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications 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 numbers in all future matters concerning these water right applications. Enclosed for your file is Receipt Number N011390.

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

MAY 18 1998