

R 5 W 55'

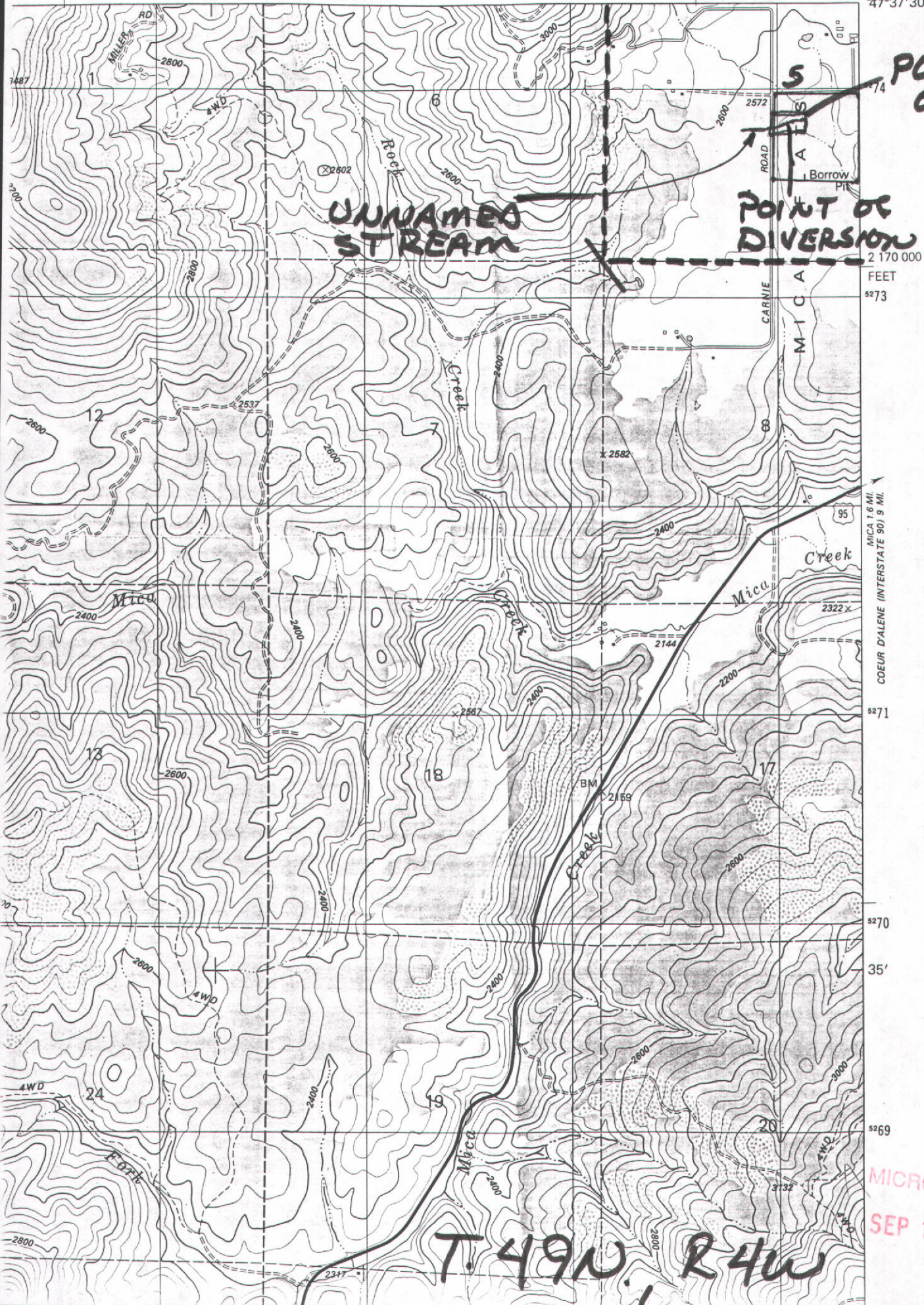
R 4 W

508

220 000 FEET

116°52'30"

47°37'30"



FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 01450063
Receipt By: [Signature]
Date Received: 4/15/98
RECEIVED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APR 15 1998

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. 95-08962 Telephone No. 208-664-4610
2. Name(s) of Permit Holder(s): Robert Holton
3. Mailing Address: 7100 Carrie R.d., Coeur d'Alene ID. 83814
4. Source of Water: Creek 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): 3 Horses 2 cows
Irrigation (No. of acres): 4 or less Other: ____
6. Total rate of diversion and/or volume for which proof is submitted: .10 cfs OR ____ acre feet
.03 per Acre
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 <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ____	or	No <u>X</u>
	Has the measurement port been installed?	Yes ____	or	No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Robert Holton Telephone Number: 208-664-4610
Address: 7100 Carrie R.d. Coeur d'Alene Id. 83814

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

Signature of permit holder: Robert Holton Date: 4-9-98
(include your title, if on behalf of company or organization)

FILED
JUN 12 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 95-08962

Proposed Priority: April 21, 1997

Maximum Diversion Rate:

0.10 CFS

This is to certify, that ROBERT HOLTON
7100 W CARNIE RD
COEUR D ALENE ID 83814
has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of MICA CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	0.10 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 5, Township 49N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
49N 04W 5	NWSE 5.0			5.0

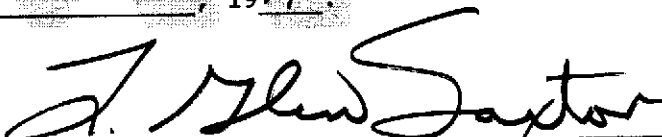
Total number of acres irrigated: 5.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

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

5th day of June, 1997.


for Karl J. Dreher, Director

RECEIVED

MAY 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ROBERT ALTON Phone 664-4610
Post Office address 7100 W. CARIE R.D. CDA ID 83814
2. Source of water supply UNNAMED STREAM which is a tributary of MICA CREEK
3. Location of point of diversion is 1/4 of NW 1/4 of SE 1/4, Govt. Lot
Sec. 5 Township 49N Range 4W B.M. KOOTENAI County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.10 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.10 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP IN STREAM, PIPE LINE IRRIGATION.
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? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
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 if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

SEP 16 1997

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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	4W	5													5				5

Total number of acres to be irrigated 5

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

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

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

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

X Rob Adams
(Applicant)

Received by AB Date 4/21/97 Time 3:00 Preliminary check by AB
 Fee \$ 50 Received by AB # N011103 Date 4/21/97
 Publication prepared by AB Date 4/23/97 Published in Adg Press 5/14 & 19
 Publication approved AB Date 5/12/97

SEP 13 1997

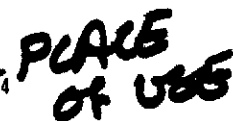
R 4 W

508

1 220 000 FEET

116°52'30"

-47°37'30"



UNNAMED
STREAM

POINT OF
DIVERSION

FFFF

5273

MICA 1.6 MI.
COEUR D'ALENE (INTERSTATE 90) 9 MI.

527 }

5270

4.35'

5269

T. 49N, R 46W

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 95-08962 Reviewed by [Signature] Date 6-8-98

GENERAL CONSIDERATIONS

TYPES OF USE

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

Correct Uses? yes

irr.

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?
☒ Copy in the file?
☒ Amount paid for permit
☒ Well log in the file?

Drilling Permit No. _____ Correct? _____

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [X]

Proof Made 4-15-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 1998

Robert Holton
7100 Carnie Rd
Coeur d'Alene ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-08962

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 department's **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUN 12 1998

March 31, 1998

ROBERT HOLTON
7100 W CARNIE RD
COEUR D ALENE ID 83814

PROOF DUE NOTICE

RE: PERMIT NO. 95-08962

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1998.

(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

JUN 12 1998

CERTIFIED MAIL

NO. 241036042



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 5, 1997

ROBERT HOLTON
7100 W CARNIE RD
COEUR D ALENE ID 83814

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-08962

Dear Permit Holder:

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

05/97

No.: 95-3962 Name: Holter Date: 6/4/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN?

PROTESTED:

SYSTEM COMPLETED:

Yes/proof filed
1 year/no proof
+1 year

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- NA
- P16
- 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs
=/- 0.24 cfs
+ 5 a.

- 01M (may report) or 028 (shall report) or Remark (within reporting district)
- No MD
- 01M or 028; 065-079 (if GW use SW 1st-statewide)

DRILLING PERMIT:

Existing well
Included w/permit
No WD permit?
irr. in WD

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. _____, P99
- 046-46B-P23 (post 7/1/87)
- P05 (new well)

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

Source in/below Min. Str. Flow ?

Water District (dem)

+ 0.24 cfs
=/- 0.24 cfs

In-WD + 0.24 cfs
=/- 0.24 cfs
+ 5 a. irr.

- <SEE MAP & LISTING> (modify remark *WB9)
- R04 (req) WD # _____ <SEE MAP & LISTING>
- 01J (meas dev)-P08
- 01H (lock dev)-P01 or No MD
- 01M or No MD (in-stream stock or power)
- No MD
- 01M

RIVER BASINS (*Surface water):

Snake R (01)
(02/03-irr)
Boise River (63)
Payette River (65)

- 11A-P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)
Domestic (+1 in concern area)
Fish Propagation
Irr <POU> =/- 5 a
+ 5 a

Mining
Municipal(restricted areas)
Power

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 070-071
- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)
- 057 (0.03 cfs/acre)
- 03A (0.02 cfs/acre)
- 054 (req) & 09E-P10
- 022 (+memo?)
- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18
- 072 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

Storage (✓3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.
Swan Falls Flag
Trust
Non-Trust <1>

- P84 (if in 20/30/40/50/60/70/80 (87) basin)
- 058 (-85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)
- _____ <SEE CODE CHART>
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:Non-owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:
COMMENTS:

- 6/1/ 1998

No. a
4/87-06/92n

I D DEPARTMENT OF WATER RESOURCE
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAY 22 1997

WR1
WR2
BC

APPLICATION # 95-08962

INITIAL REVIEW

Department of Water Resources

APPLICANT:

HOLTON

BY:

AS

DATE:

4/21/97

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE:

4/21/97

X (Include Moratorium Remark)

X 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)

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

Checked by: _____

Date: ____/____/____

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 5/12 Notice of pending void order issued. Final order response date: ____/____/____
5/12 Further information required from applicant
5/12 Affidavit of publication received
4/23 Application published correctly, If not, record action taken: _____
+ Publication dates and paper recorded on application
+ Protests received. Final protest date: 5/19/97 | Sr. Agent initial AB
+ Measuring device required
+ Measuring port required
+ Special conditions: _____
+ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 5/19/97

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Michelle Price 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 1st day of May 1997, and ending on the 8th day of May 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 8th day of May 1997.

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

ROBERTA MANLEY

My commission expires 2-5-99

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-08961

HAGADONE HOSPITALITY

C/O JOHN BARLOW

PO BOX 6200

COEUR D'ALENE, ID 83814

Source: GROUNDWATER

Diversion Pt: SWSW Sec 20 T 50N R 03W

in KOOTENAI County.

Use: COMMERCIAL (0.080 CFS)

Total Diversion: (0.080 CFS)

Date Filed: 3/28/1997

In: KOOTENAI County

T50N R03W S20 SWSW

95-08962

HOLTON, ROBERT

7100 W CARNIE ROAD

COEUR D'ALENE, ID 83814

Source: UNNAMED STREAM

Tributary: MICA CREEK

Diversion Pt: NWSE Sec 5 T 49N R 04W

in KOOTENAI County.

Use: IRRIGATION (0.100 CFS)

Total Diversion: (0.100 CFS)

Date Filed: 4/21/1997

In: KOOTENAI County

T49N R04W S05 NWSE

5.0 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 MAY 19, 1997.

KARL J. DREHER, Director

Legal 227

May 1, 8, 1997

RECEIVED

MAY 12 1997

NORTHERN REGION
IDWR

April 23, 1997

Robert Horton
7100 W Carnie Road
Coeur d Alene ID 83814

Re: Water Appropriation Application No. 95-08962

Dear Mr. Horton:

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

95-08962

HOLTON, ROBERT
7100 W CARNIE ROAD
COEUR D ALENE, ID 83814

Source: UNNAMED STREAM

Tributary: MICA CREEK

Diversion Pt: NWSE Sec 5 T 49N R 04W in KOOTENAI County.

Use: IRRIGATION
Total Diversion: (0.100 CFS)
0.100 CFS)

Date Filed: 4/21/1997

In: KOOTENAI County
T49N R04W S05 NWSE

5.0 ACRES TOTAL