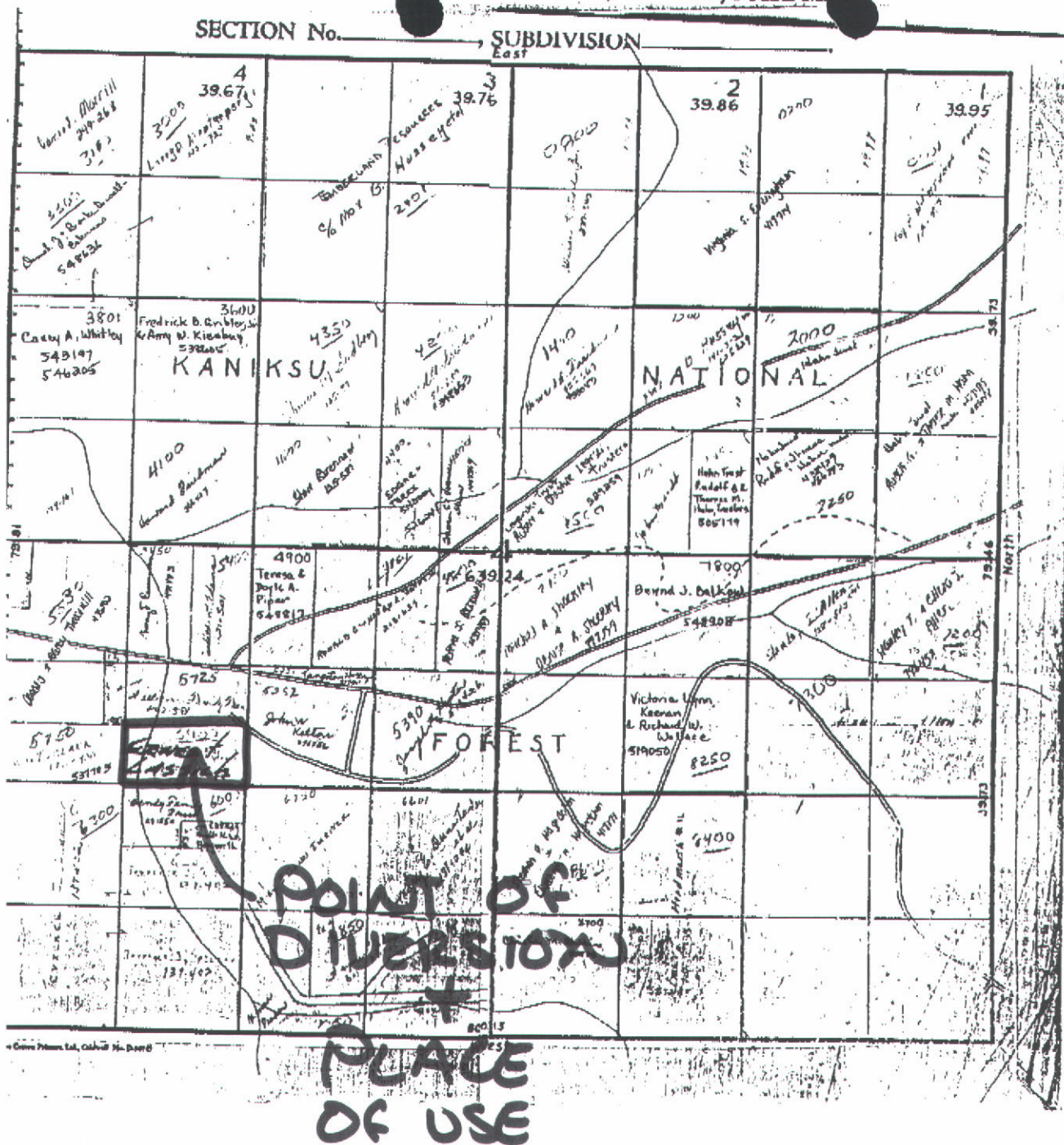




MICROFILMED

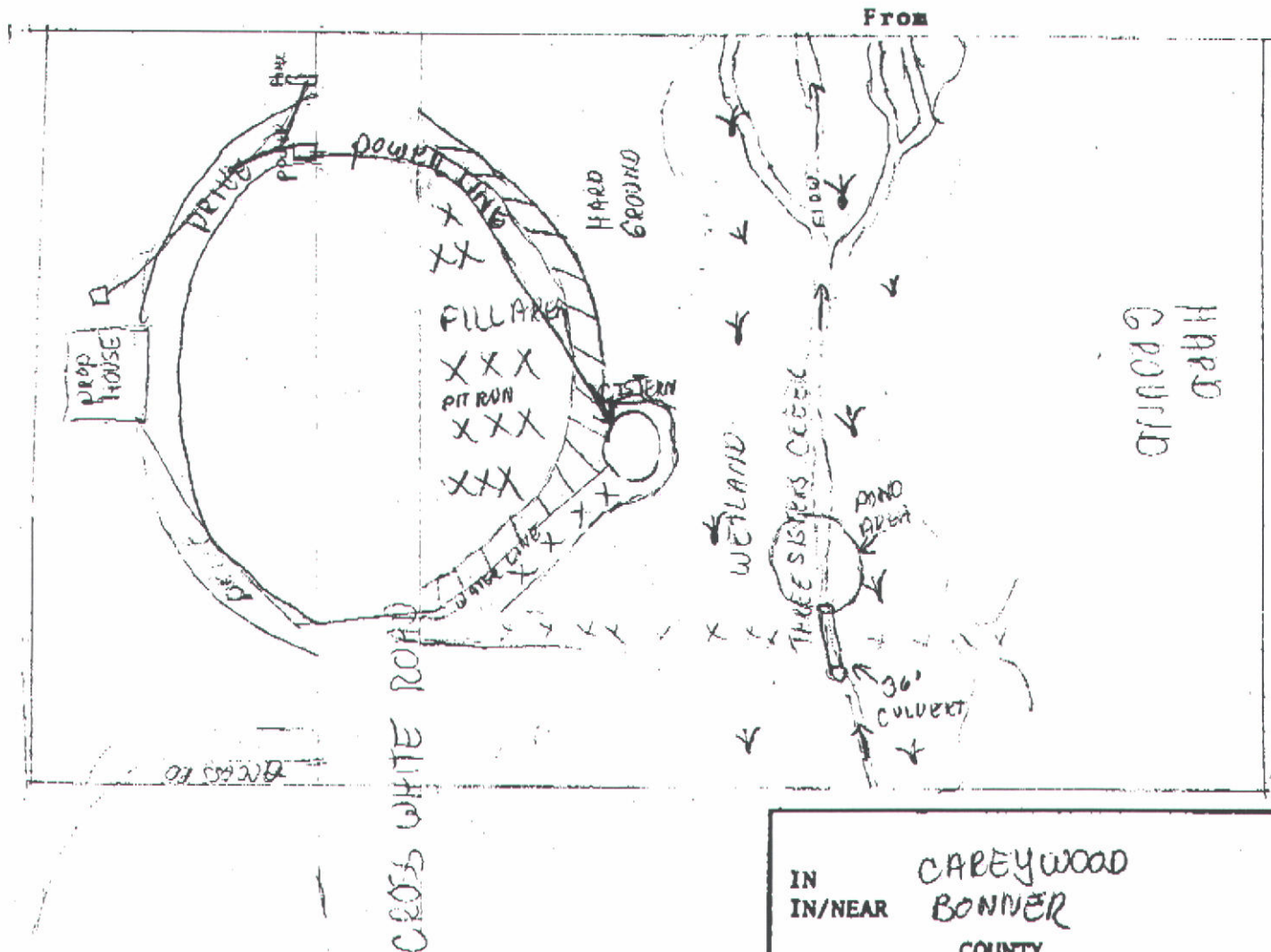
JAN 31 2001

AVERS
T.54N., R.2W.

ANY EXCAVATED MATERIAL FROM
POND AREA CAN BE PUT IN
PIT RUN FILL AREA

SE 1/2 SE 1/4 NW 1/4 SW 1/4
SEC 4 TN 54N R2W

ATTACHED
VICINITY MAP



IN
IN/NEAR CAREYWOOD
BONNER
COUNTY,
DATE: SHEET 1 OF
APPLICATION BY:

MICROFILMED
JAN 31 2001



MICROFILMED

Copyright © 1998 DeLorme, Topo USA

1001 3 1 2001

11/02/99 01:07P P.002

208 765 7449

CDA Reg Ofc MWD COE

96-9034

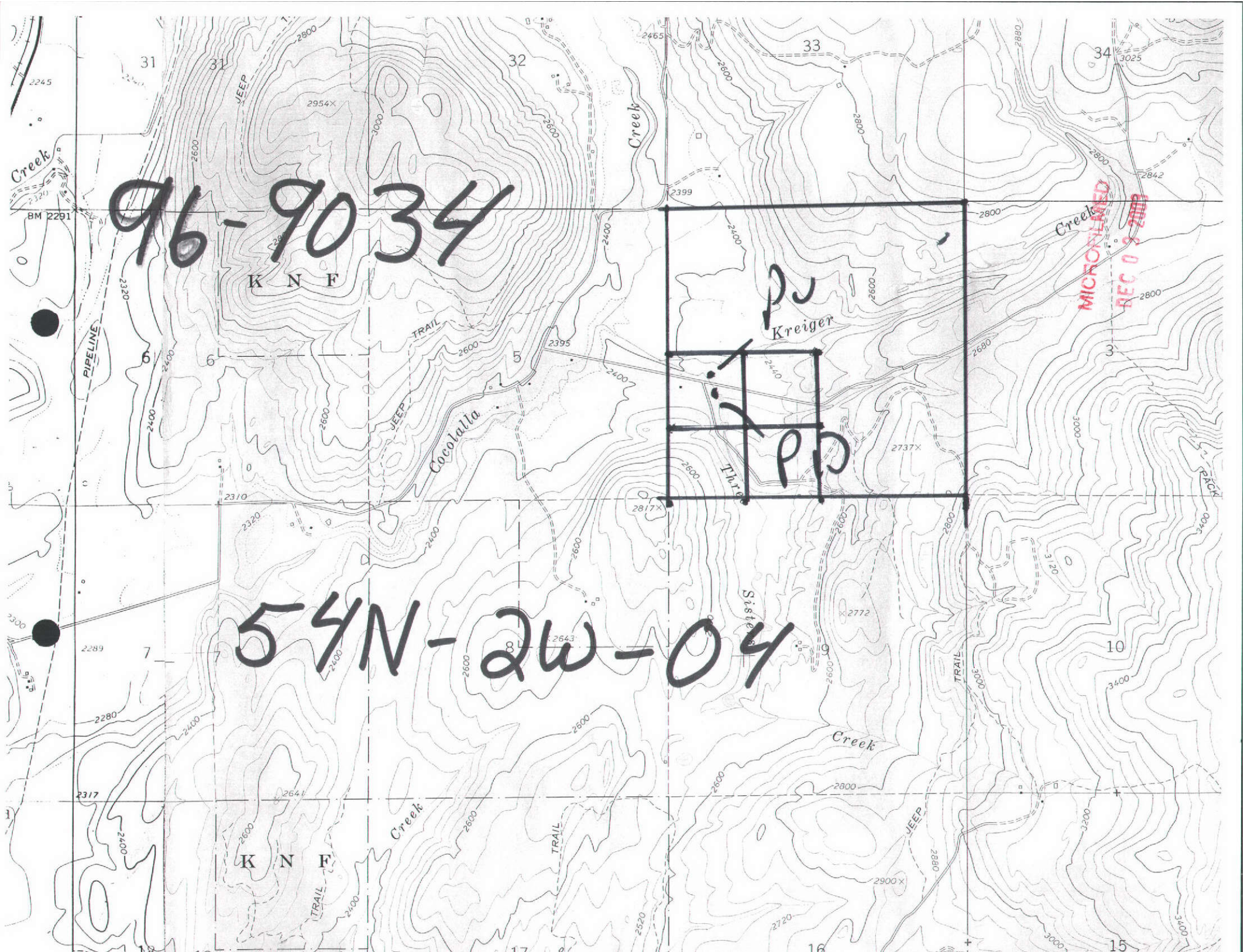
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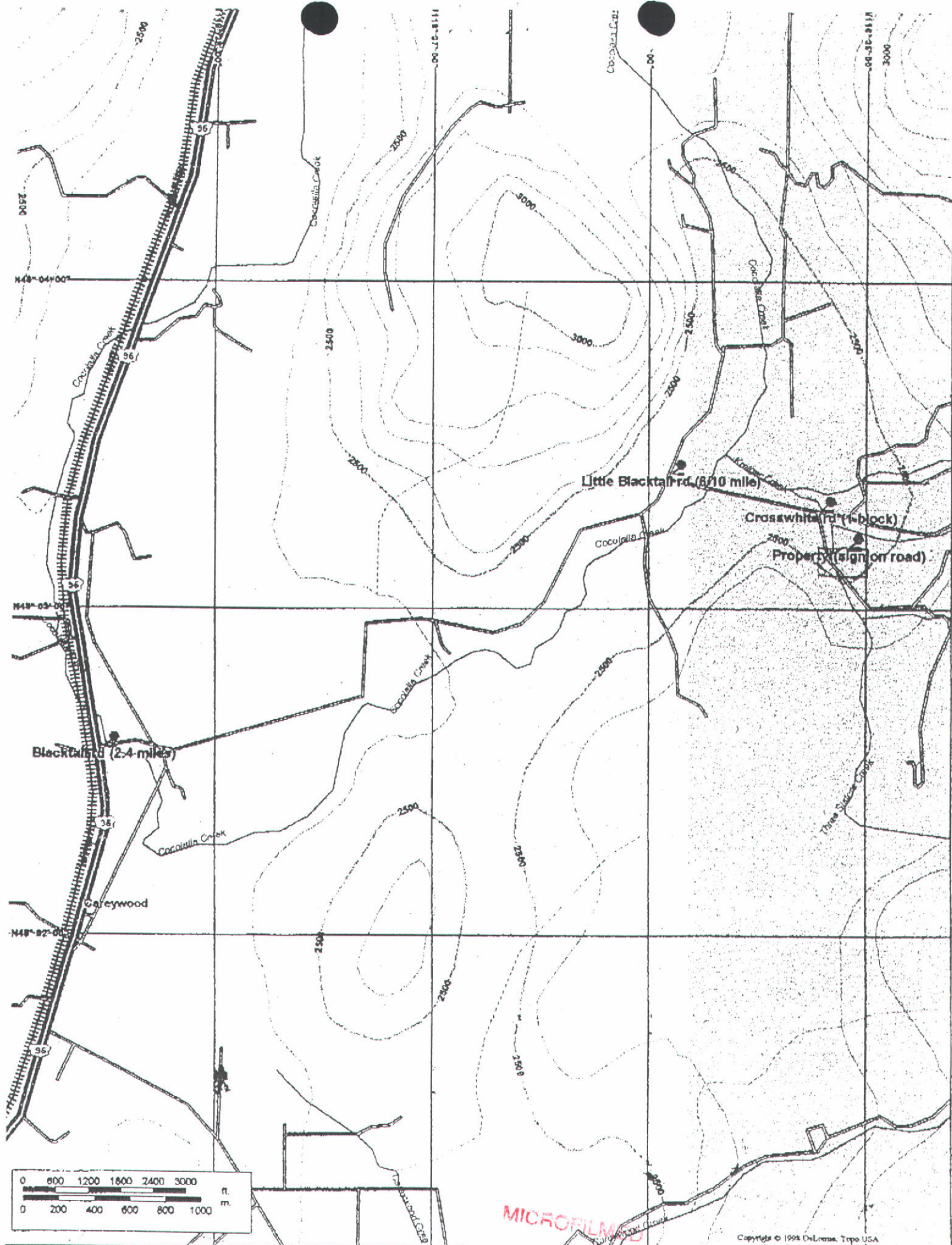
Kreiger

pp

54N-2W-04

MICROFILMED
REC 03 2000





MICROFILMED

DEC 03 2003

Copyright © 1994 DeLorme, Topo USA



Cistern
Pump inside



Frost Free
at home site

96-09034

MICROFILMED

DEC 03 2003

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/12/00

No. Avers Name: 96-09034 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) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

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

USES:

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

BENEFICIAL USE DUE: 1 / 01 / 2001

MISC CONDITIONS/REMARKS:

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

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE _____

In-stream development - P52

WD - R04 (WD# _____)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

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

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)

> 1 in restricted area - 070-071-075 (no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09034

Priority: October 25, 1999

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 25, 1999; and has
submitted Proof of Beneficial Use on November 6, 2000. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

THREE SISTERS CREEK Tributary: COCOLALLA CREEK

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	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

THREE SISTERS CREEK NW¼SW¼ Sec. 4, Twp 54N, Rge 02W, B.M., BONNER County

PLACE OF USE: DOMESTIC

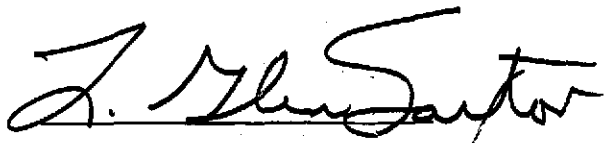
Twp Rge Sec	NE	NW	SW	SE	Totals
54N 02W 4	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X		

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.

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 3rd day of April, 2003.


for KARL J. DREHER
Director

MICROFILMED

DEC 03 2003

RECEIVED

NOV - 6 2000

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. 96-09034 Telephone No. 208-265-5550

2. Name(s) of Permit Holder(s): LARRY AND SUZANNE AVERS

3. Mailing Address: 314 PINE HAVEN RD SPIRIT LAKE ID 83869

4. Source of Water: THREE SISTERS CREEK GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**
Pump Horsepower: 1 Pressure (psi): 50 Dynamic pumping level (ft): 5

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): 2 horses

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 X

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

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: SUZANNE AVERS Telephone Number: 208-265-5550

Address: 314 PINE HAVEN RD SPIRIT LAKE, ID 83869

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 **MICROFILMED** Suzanne Avers Date: 1/22/00
(include your title, if on behalf of company or organization)

JAN 31 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09034

Priority: October 25, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **LARRY A AVERS**

314 PINE HAVEN RD

SPIRIT LAKE ID 83869

has applied for a permit to appropriate water from:

THREE SISTERS CREEK

tributary of **COCOLALLA 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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	
DOMESTIC STORAGE	01/01 to 12/31		0.1 AF
DOMESTIC FROM STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 4, Township 54N, Range 02W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

54N 02W 4 NWSW

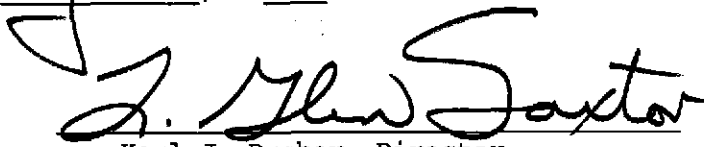
PLACE OF USE: DOMESTIC FROM STORAGE, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2001.
2. Subject to all prior water rights.
3. 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

17 day of January, 2000


Karl J. Dreher, Director
for

MICROFILMED

JAN 31 2001

RECEIVED

JAN 07 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant LARRY A AUERS Phone 208 265-5550
Mailing address 314 PINE HAVEN RD SPIRIT LAKE ID 83869
2. Source of water supply THREE SISTERS CREEK which is a tributary of COCALUA CREEK
3. Location of point of diversion is Township S4N Range 2W Sec. 4 in the ~~S4E~~ 1/4, NW 1/4, SE 1/4, Govt. Lot 5100, B.M., BONNER County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .04 for Domestic⁴³ purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for STORAGE DOMESTIC⁴⁴ purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.04 for DIVERSION TO STORAGE⁵⁵ purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.04 for DOMESTIC FROM STORAGE⁴⁵ 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)

5. Total quantity to be appropriated is (a) .04 and/or (b) .04
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 CISTERN, 4 FT DIA 5X5
well 1400 GALLON HOLDING TANK 8X5X6
- b. Height of storage dam N/A feet; active reservoir capacity 0.04 acre-feet; total reservoir capacity 0.04 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? NO
- 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. 2-4 COWS HORSES
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. _____

MICROFILMED

JAN 31 2001

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	26W	4										D							
												D (STORAGE)							

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? LARRY AUERS

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: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.)

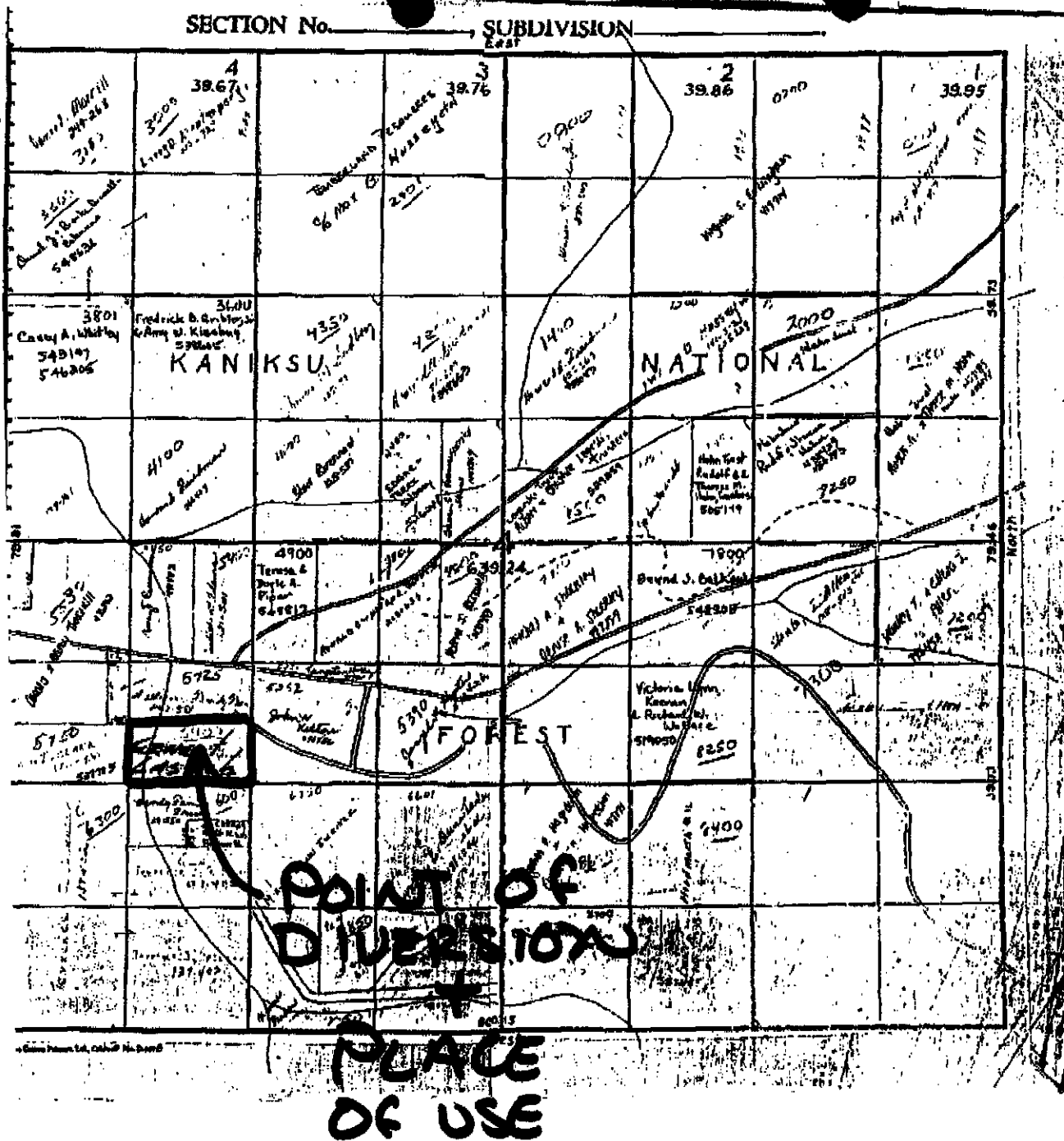
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

JAN 31 2001

Larry Avers
Signature of Applicant (and title, if applicable)

Received by do Date 10/25/99 Time 1:20p Preliminary check by _____
 Fee \$ 50.00 Received by do # N013315 Date 10/25/99
 Publication prepared by do Date 11/10/99 Published in Boone Co. Idaho, Bar 11/18 + 25/99
 Publication approved do Date 12/3/99



MICROFILMED

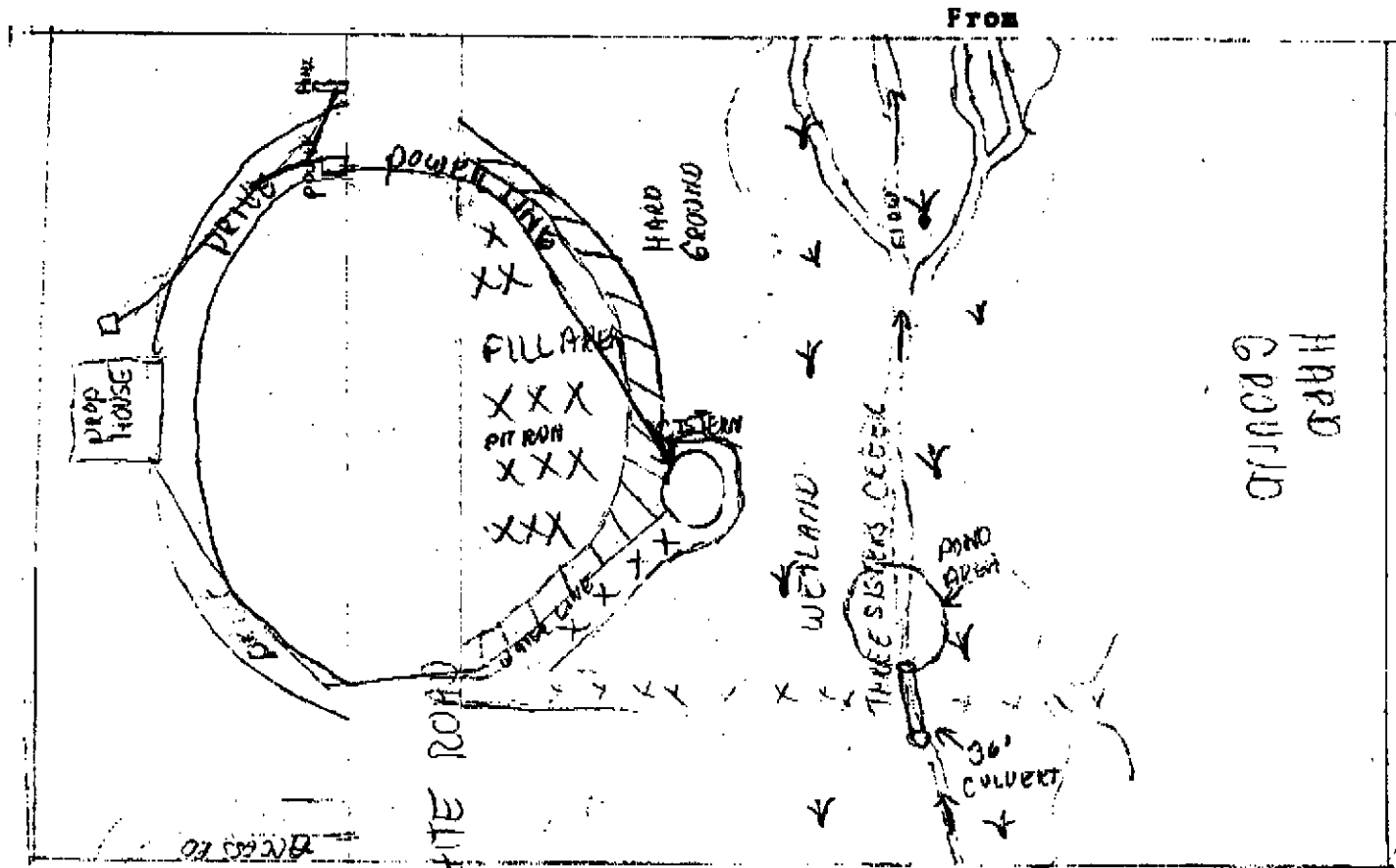
JAN 31 2001

AVERS
T.54N., R.2W.

ANY EXCAVATED MATERIAL FROM
POND AREA CAN BE PUT IN
PIT RUN FILL AREA

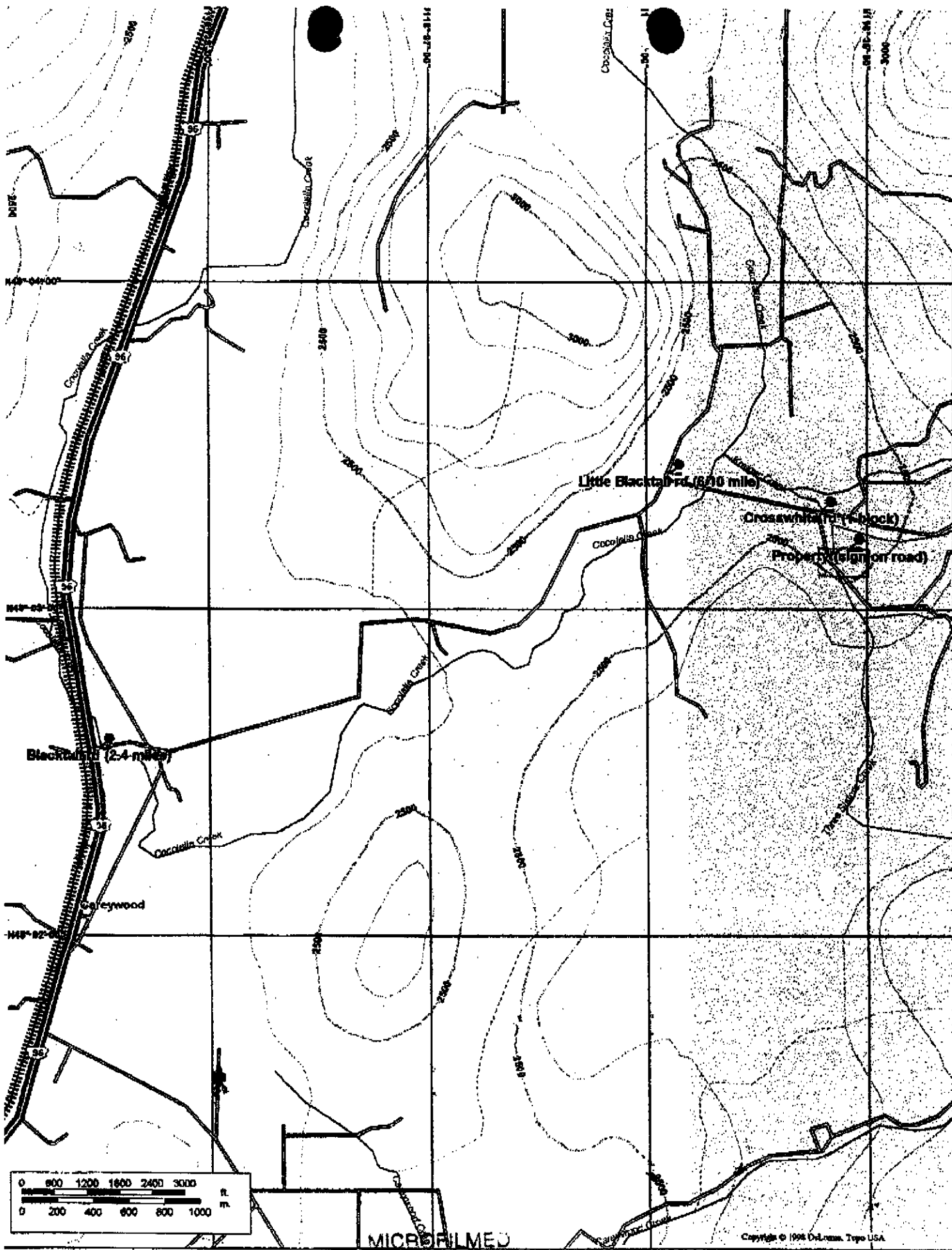
SE 1/2 SE 1/4 NW 1/4 SW 1/4
SEC 4 TN 54N R2W

ATTACHED
VICINITY MAP



IN CAREYWOOD
IN/NEAR BONNER
COUNTY,
DATE: SHEET 1 OF
APPLICATION BY:

MICROFILMED
JAN 31 2001



160213 JAN

11/02/99 01:07P P.002

208 765 7449

CDA Reg Ofc WMD COE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2003

LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869

RE: License No. 96-9034 - 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)

RECORDED
2003

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2003 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.

96-9034

**LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869**


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 03 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 19 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09034

1. Owner: Larry A. Avers Phone No. _____

Current Address: 314 Pine Haven Rd. Spirit Lake Id. 83869

2. Accompanied by: Suzanne Avers EXAM DATE: 7-9-02

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Three sisters Crk. tributary to Cocolalla Crk.

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
			NW	SW	4	54N	02W	Benner	USGS 7.5 min Quad

2. Place(s) of Use:

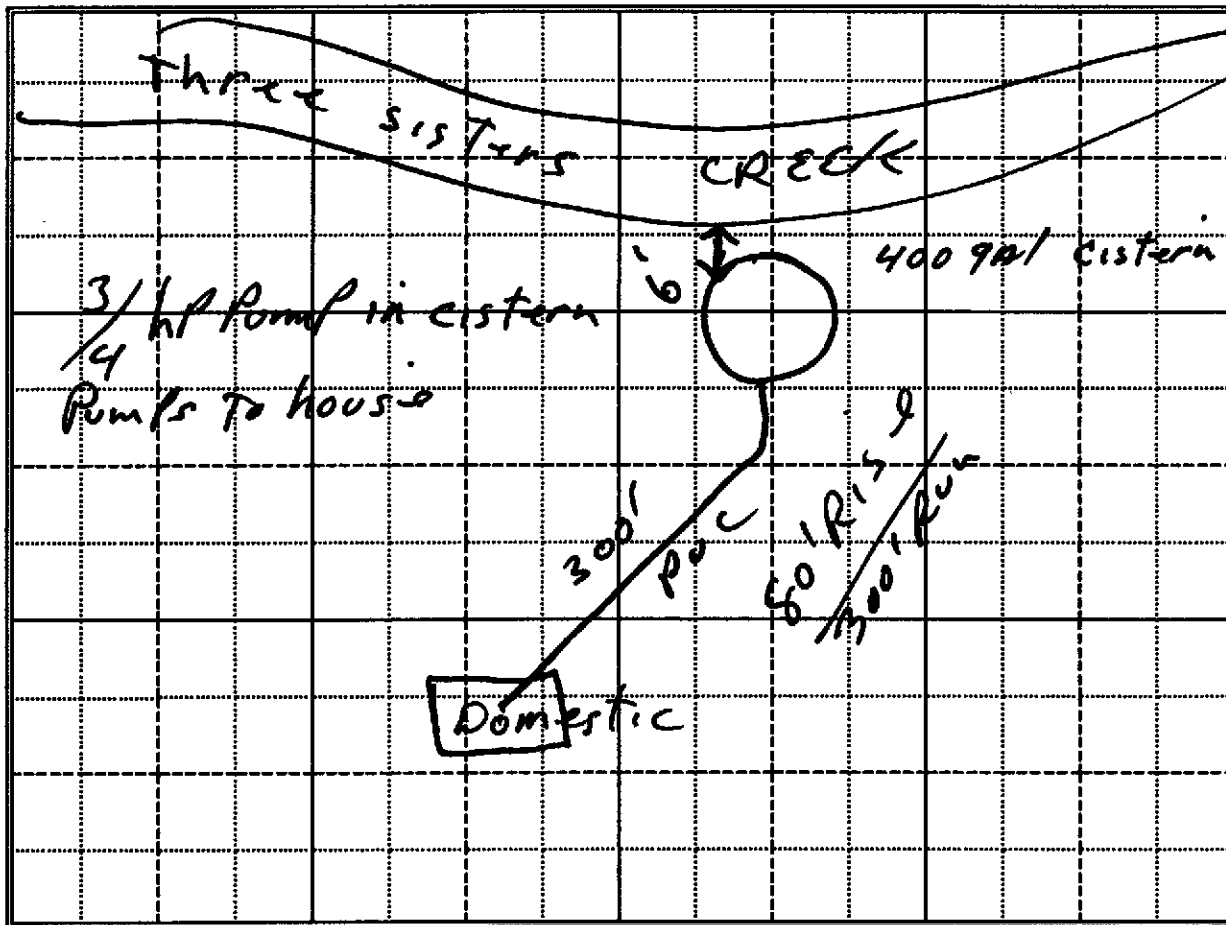
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	02W	4																	

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DEC 03 2003

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = 100'

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	0.75	2801074915	Sub	1"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

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DEC 03 2003

E. NARRATIVE/REMARKS/COMMENTS

a 400 gal perforated cistern is put in bank of creek a .75 hr pump delivers to home site. The measurement was taken at homesite. This measurement is used for diversion rate.

The storage components of the permit were not developed. Their plans to build a pond have evaporated. I told Mrs Davis they could apply again if they ever wanted to build the pond.

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

MICROFILMED
DEC 03 2003

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in 30 sec 10 gpm
$$\frac{10 \times 1.33681}{60} = .02 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01-01</u>	<u>12-31</u>	<u>.02</u>	<u>1.2</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Totals:			<u>.02</u>	<u>1.2</u>

2. Recommended Amendments

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

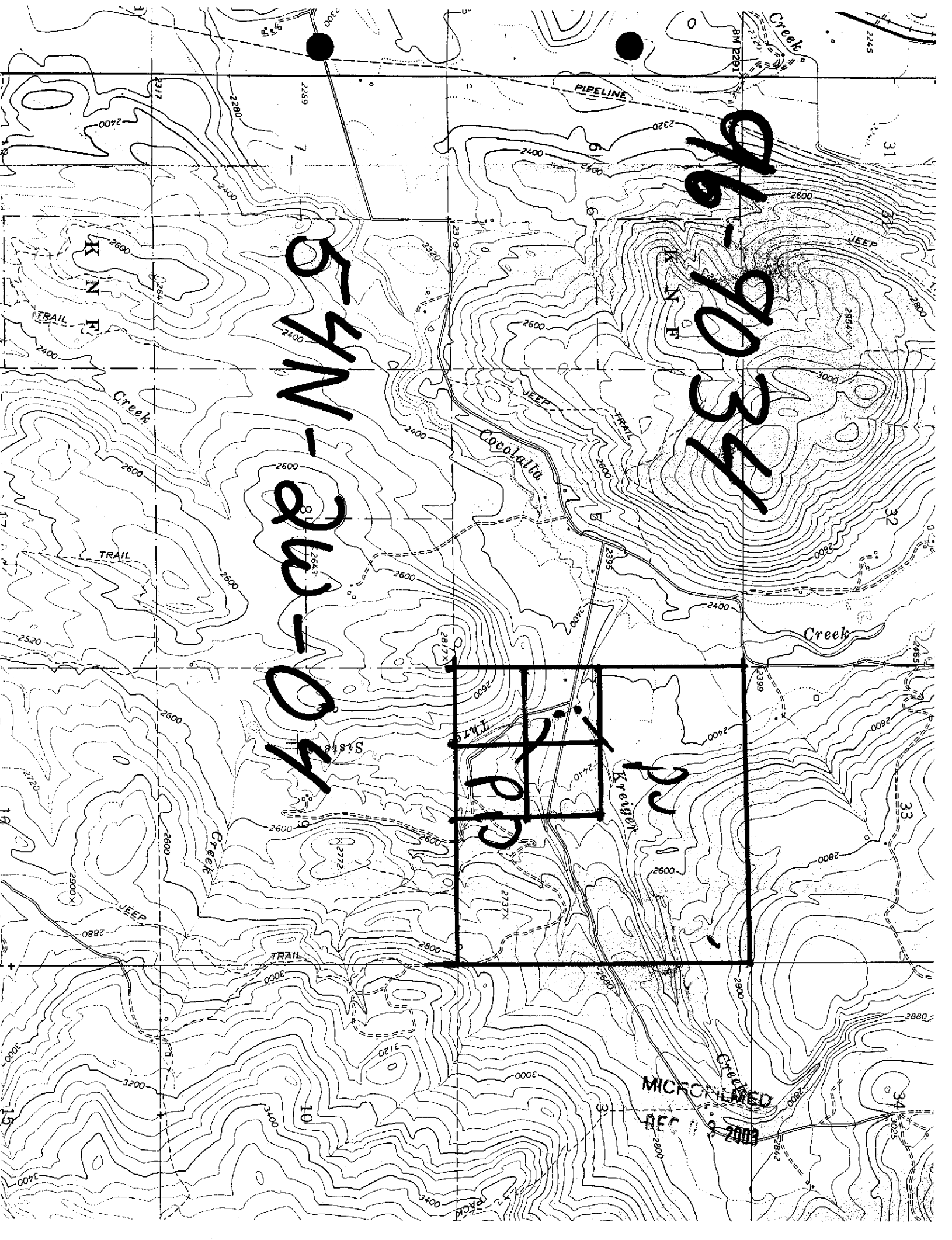
I. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 7-23-02

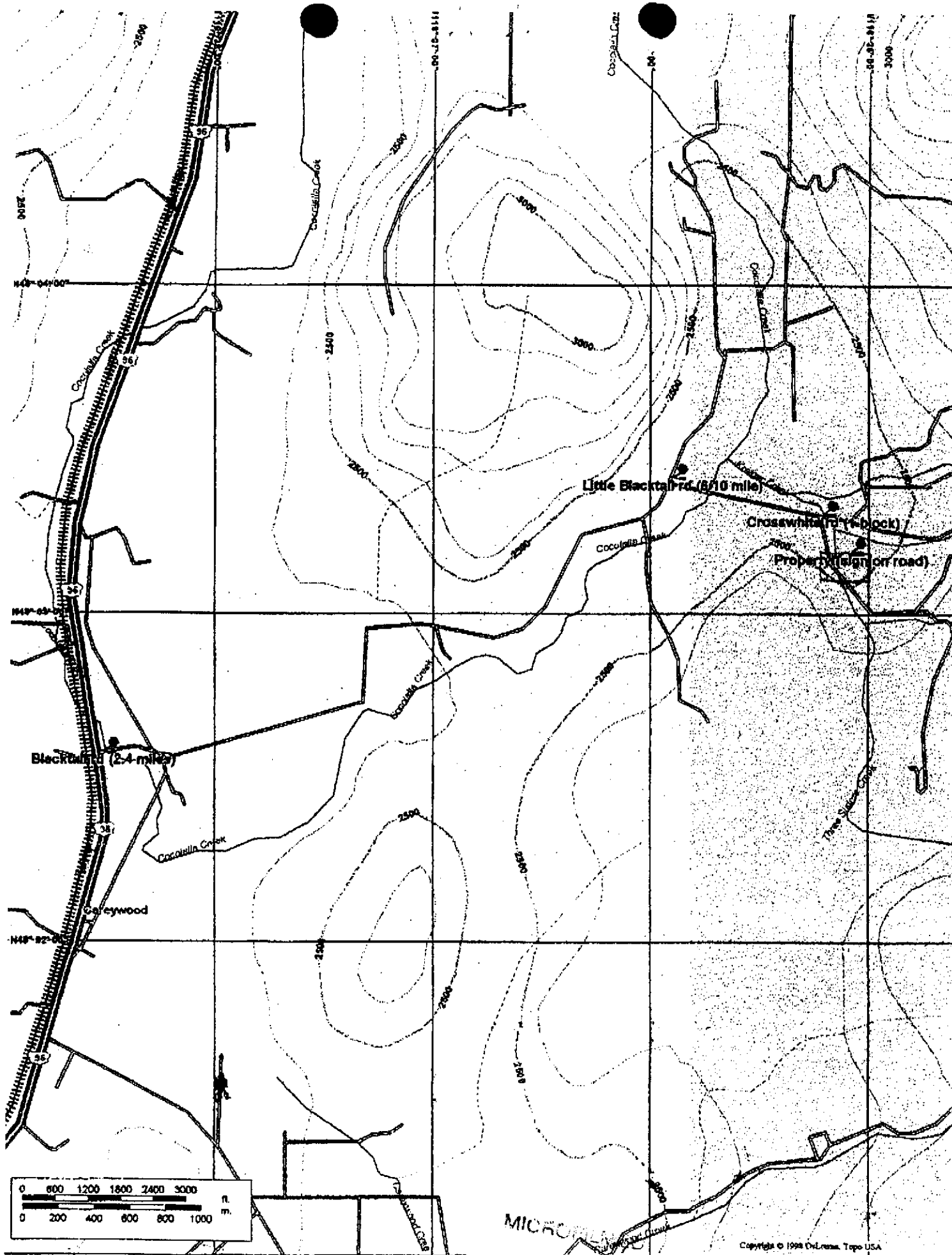
Reviewer _____ Date _____

SEAL

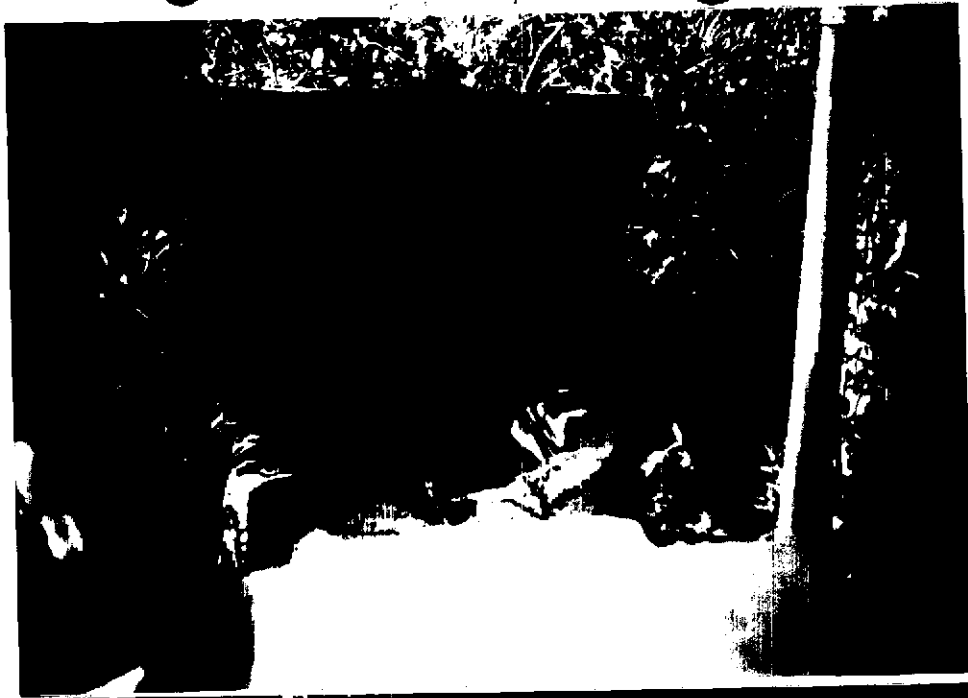
MICROFILMED

DEC 03 2002





MICRORPL
148 03 2003



Cistern
Pump inside



Frost Free
at home site

96-09034

MICROFILMED

DEC 03 2003



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

November 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09034

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, and that it meets the permitted beneficial use.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JAN 31 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 96-09034 Reviewed by D. Gibson Date 11/13/00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Domestic, & Stockwater

Correct Uses? Stockwater is ok under domestic

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

No Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 11/6/00
Date proof due 1/1/01 - /
No. of days late / = /
Priority Date / + /
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address / Proof Made 11/6/00

October 31, 2000

LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869

PROOF DUE NOTICE

RE: PERMIT NO. 96-09034

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 January 1, 2001.

(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.

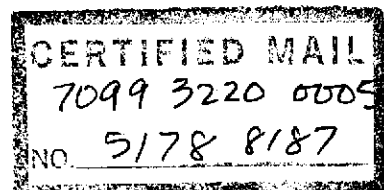
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED
JAN 31 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 18, 2000

LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09034

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

MICROFILMED

JAN 31 2001

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of January, 2000, 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. 96-09034

LARRY A AVERS
314 PINE HAVEN RD
SPIRIT LAKE ID 83869


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 31 2001

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

JAN 31 2007

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/12/00

No. Avers Name: 96-09034 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) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

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

USES:

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

BENEFICIAL USE DUE: 1/01/2001

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
W01 (1) 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 - meets 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)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

JAN 07 2000

Department of Water Resources

Memorandum

Date: January 5, 2000

To: File 96-09034

From: Al Beardslee

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

~~~~~  
A notice was faxed to Chip Corsi of the Panhandle Fish and Game Office on 12/13/99 that final comments would be accepted for the approval of this filing through 12/23/99. No negative reply was received from him.

MICROFILMED

JAN 31 2001

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

RECEIVED WRI  
JAN 7 2000 BCI  
JEA

APPLICATION # 96-09034  
INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: AVERS RECEIVED BY: [Signature] DATE: 10/25/99

**ITEM REQUIRED INFORMATION**

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County Department of Water Resources
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( )

JAN 07 2000

**PROCESSING**

- (Yes) (No) PRIORITY DATE: 10/25/99
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

BC/ghurs/ok

ADVERTISE IN: BONAVILLE County

**LETTERS SENT REQUESTING:**

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

**INFORMATION RECEIVED:**

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

**ADDITIONAL INFORMATION**

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

**GROUNDWATER SECTION**

| WD Permit No.'s: | TAG #    | Type:         | Fees          | Receipt No. | Upgrade Needed? |
|------------------|----------|---------------|---------------|-------------|-----------------|
| <u>1</u>         | <u>1</u> | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |
| <u>1</u>         | <u>1</u> | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |
| <u>1</u>         | <u>1</u> | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |

- X Groundwater management area
- X Critical ground water area
- X Well Drilling Permit required
- X Well Drilling Application and Fees received
- X 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
- 12/3 Affidavit of publication received
- 12/3 Application published correctly. If not, record action taken: \_\_\_\_\_
- 11/10 Publication dates and paper recorded on application
- Protests received, Final protest date: 12/6/99
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sheryl Plunk being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

App for Water Rights

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 18 day of Nov., 1999

and ending on the 25 day of Nov., 1999

and that said notice was published in said newspaper.

On this 25 day of Nov. in the year

of 1999, before me, a Notary Public, personally

appeared Sheryl Plunk

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true,

and acknowledged to me that he executed the same.

Carolyn L. Inge  
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 7/00

RECEIVED

DEC 03 1999

IDWR/North

NOTICE OF APPLICATION  
FOR WATER RIGHT

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

96-09034

AVERS, LARRY A  
314 PINE HAVEN RD  
SPIRIT LAKE, ID 83869  
Source: THREE SISTERS CREEK  
Tributary: COCOLALLA CREEK  
Diversion Pt: NWSW Sec 4 T 54N  
R 02W in BONNER County.  
Use: DOMESTIC (0.040 CFS)  
DOMESTIC STORAGE

(0.10 AF)

DOMESTIC FROM  
STORAGE (0.10 AF)  
DIVERSION TO STORAGE

(0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 10/25/1999

In: BONNER County

T54N R02W S04 NWSW

96-09035

MIDAS WATER ASSN  
822 GARFIELD BAY RD  
SAGLE, ID 83860  
Source: GROUNDWATER  
Diversion Pt: SWNE Sec 21 T 56N  
R 01W in BONNER County  
Use: IRRIGATION (0.130 CFS)  
DOMESTIC (0.200 CFS)  
Total Diversion: (0.200 CFS)

Date Filed: 10/29/1999

In: BONNER County

T56N R01W S21

NWNE SWNE SENE

NESE NWSE

96-09036

CLEMENTS, JON R  
CLEMENTS, NANCY C  
524 S LINCOLN AV  
SANDPOINT, ID 83864  
Source: GROUNDWATER  
Diversion Pt: SESE Sec 20 T 57N R  
02W in BONNER County.  
Use: IRRIGATION (0.030 CFS)  
DOMESTIC (0.070 CFS)  
Total Diversion: (0.040 CFS)

In: BONNER County

T57N R02W S20 SESE

1.0 ACRES TOTAL

For additional information con-  
cerning 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  
DECEMBER 6, 1999.

KARL J. DREHER, Director  
SNP#1422  
November 18, 25, 1999

MICROFILMED

DEC 31 2009

1422

96-09034

AVERS, LARRY A  
314 PINE HAVEN RD  
SPIRIT LAKE, ID 83869

Source: THREE SISTERS CREEK

Tributary: COCOLALLA CREEK

Diversion Pt: NWSW Sec 4 T 54N R 02W in BONNER County.

|                       |   |            |            |
|-----------------------|---|------------|------------|
| Use: DOMESTIC         | ( | 0.040 CFS) |            |
| DOMESTIC STORAGE      |   |            | ( 0.10 AF) |
| DOMESTIC FROM STORAGE |   |            | ( 0.10 AF) |
| DIVERSION TO STORAGE  | ( | 0.040 CFS) |            |
| Total Diversion:      | ( | 0.040 CFS) |            |

Date Filed: 10/25/1999

In: BONNER County  
T54N R02W S04 NWSW

MICROFILMED

JAN 31 2001

November 10, 1999

Larry A Avers  
314 Pine Haven Rd  
Spirit Lake ID 83869

Re: Water Appropriation Application No. 96-09034

Dear Mr. Avers:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013315.

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

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

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

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

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

MICROFILMED

JAN 31 2001