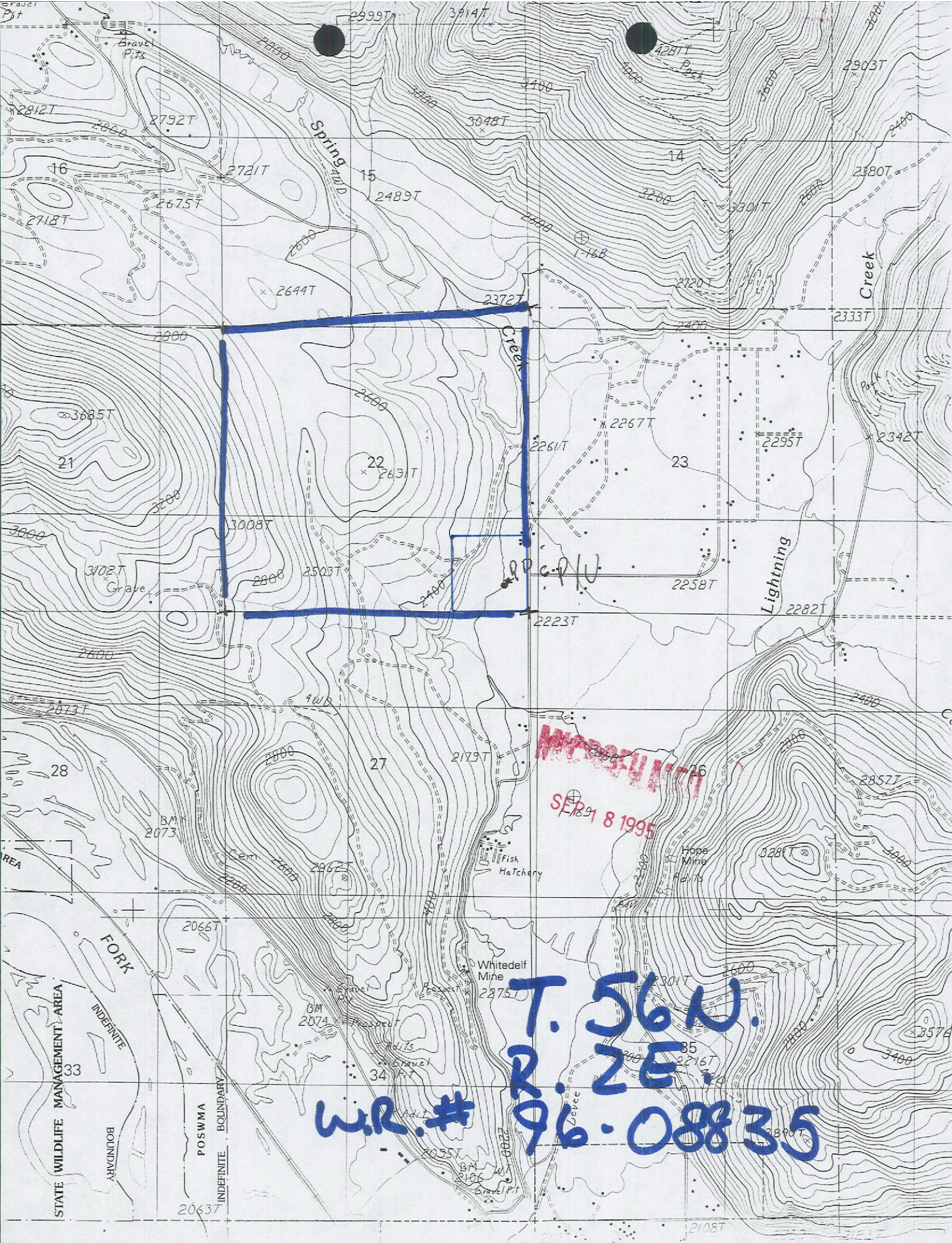




96-08835



PD



Pump

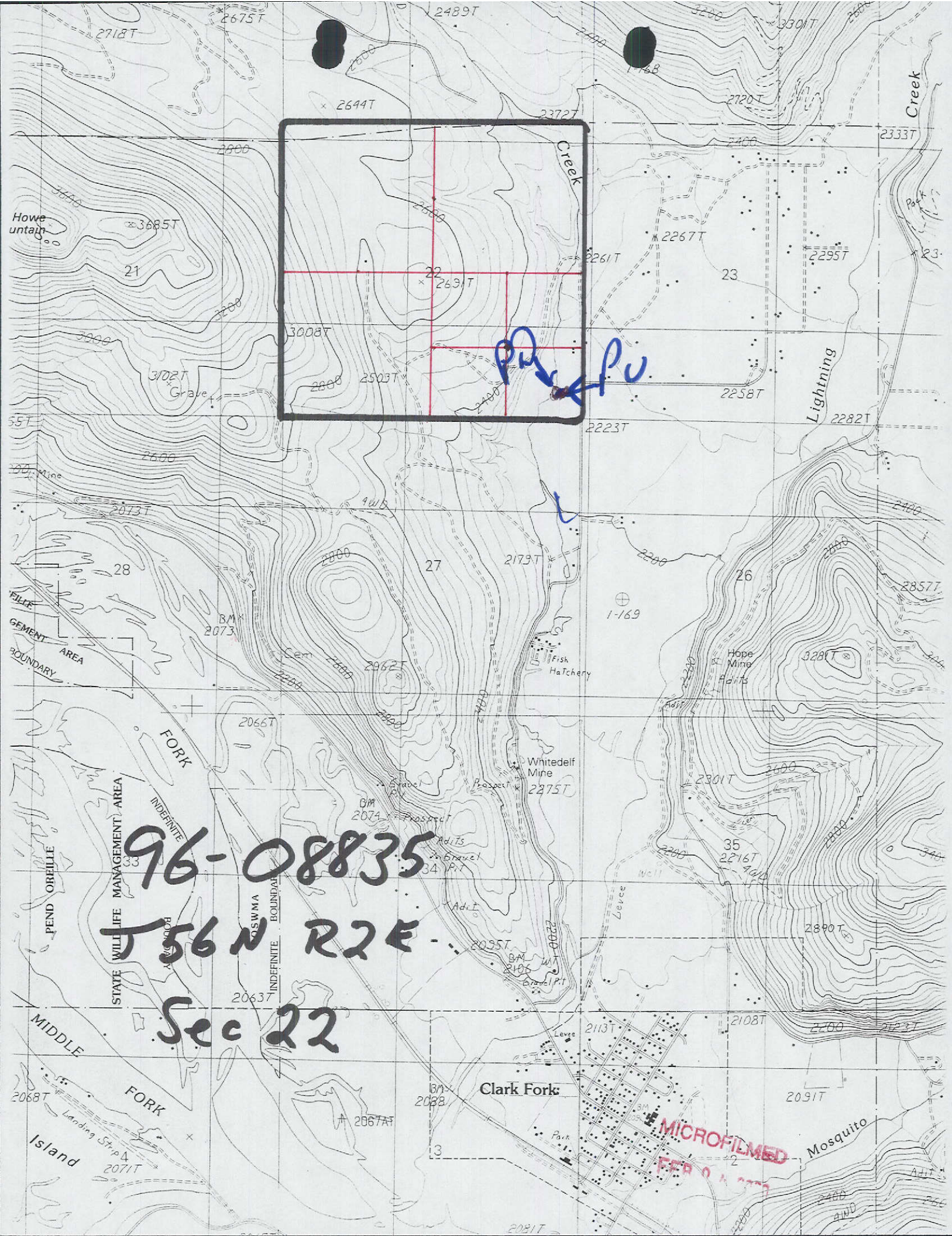


Trunk



PU
TREES

MICROFILM
FEB 04 97



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08835

Priority: November 28, 1994

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.3 AF

This is to certify, that BILLY C JUSTICE
MARLENE JUSTICE

PO BOX 301

CLARK FORK ID 83811-0301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 28, 1994; and has submitted Proof of Beneficial Use on June 26, 1997. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

SPRING CREEK

tributary to LIGHTNING CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 22, Township 56N, Range 02E
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	02E	22	SESE	0.1		0.1

Total number of acres irrigated: 0.1

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 0.3 afa at the field headgate for irrigation of the land described above.
3. Water shall not be diverted under this right when flows in Lightning Creek are below established minimum flow rates.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 17th day of September, 1999.

MICROFILMED

Acting for

KARL J. DREHER, Director

FEB 04 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 30 1997

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. 96-08835 Telephone No. 266-1352

2. Name(s) of Permit Holder(s): BILLY C AND/OR MARLENE JUSTICE

3. Mailing Address: PO Box 307 CLARK FORK ID 83811-0301

4. Source of Water: SPRING 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): _____

Irrigation (No. of acres): 7.0 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.14 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 ____

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

Has the measurement port been installed? Yes ____ or No ____

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: SAME AS ABOVE Telephone Number: _____

Address: CONTACT EARLY IN SPRING TIME TO SCHEDULE EXAM
TO MAKE SURE THERE IS WATER IN STREAM

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: Marlene Justice - Bill Justice Date: 6/26/97
(include your title, if on behalf of company or organization)

JUN 18 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08835

Proposed Priority: November 28, 1994 Maximum Diversion Rate: 0.14 CFS

This is to certify, that **BILLY C JUSTICE**
MARLENE JUSTICE
PO BOX 301

CLARK FORK ID 83811-0301

has applied for a permit to appropriate water from:
SPRING CREEK tributary of **LIGHTNING 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	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 22, Township 56N, Range 02E
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	02E	22	SESE	7.0		7.0

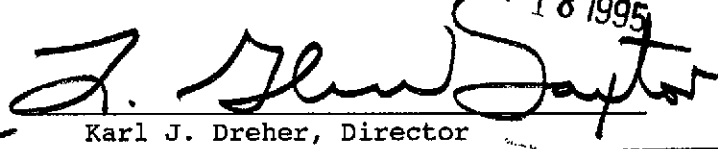
Total number of acres irrigated: 7.0

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1997**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-201, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

4th day of August, 1995.

for 
Karl J. Dreher, Director

RECEIVED
JUL 31 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 96-08835

To appropriate the public waters of the State of Idaho

1. Name of applicant Billy C. & Marlene Justice Phone 208 266-1352
Post office address Box 301 Clark Fork ID 83811

2. Source of water supply Spring Creek which is a tributary of Lightning Cr.

3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 22 Township 56 N Range 2 E B.M. Bonner County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.14 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) 0.14 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump & Sprinklers

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) _____

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SEP 18 1995

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).

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
56W	2E	22																7	7

Total number of acres to be irrigated 7

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? App 1

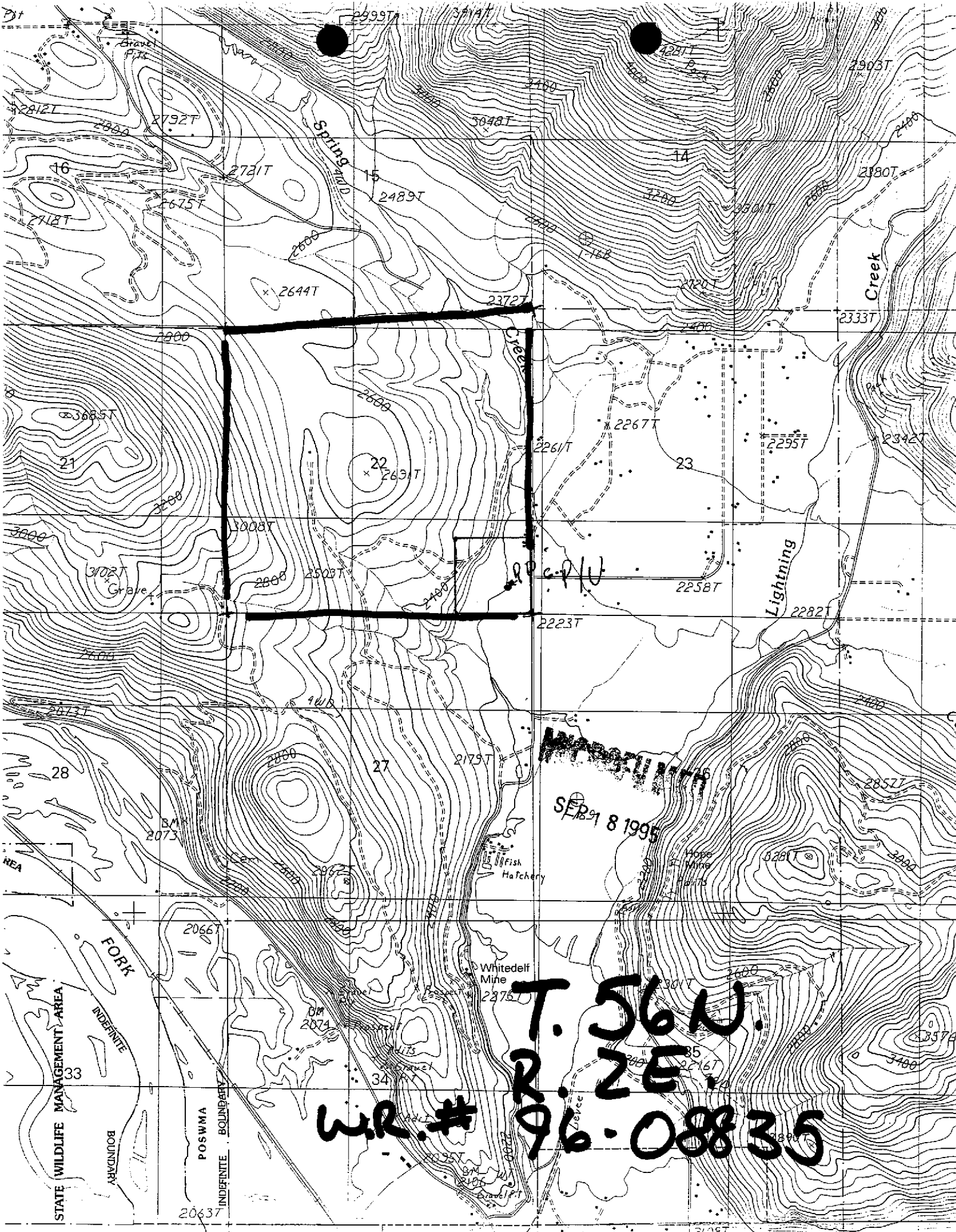
b. Who owns the land to be irrigated or place of use? App 1

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: _____

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SEP 18 1995

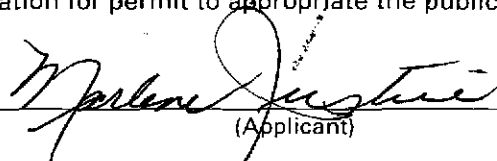


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

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SEP 18 1995

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)

Received by RMA Date 11/28/94 Time 10:40 Preliminary check by [Signature]
Fee \$ 5000 Receipted by RMA # N 8471 Date 11/28/94
Publication prepared by db db Date 12/7/94 1/11/95 Published in Bonner Co. Daily Bee 12/15-22/94
Publication approved db Date 2/3/95 1/19 & 26/95

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:

RECORDED

SEP 18 1995



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 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BILLY C JUSTICE
MARLENE JUSTICE
PO BOX 301
CLARK FORK ID 83811-0301

RE: WATER RIGHT NO. 96-08835

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

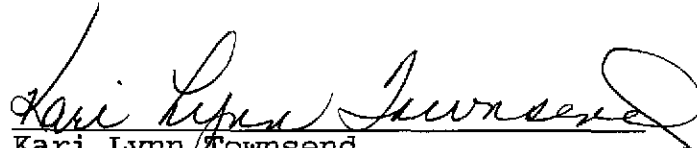
FEB 04 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **September, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 96-08835

BILLY C JUSTICE
MARLENE JUSTICE
PO BOX 301
CLARK FORK ID 83811-0301


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 04 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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FEB 04 2000

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
FEB 04 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 12 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08835

1. Owner: Billy C. & Marlene Justice Phone No. (208) 266

Current Address: P.O. Box 301, Clark Fork Id 83811-0301

2. Accompanied by: Billy & Marlene Justice EXAM DATE: 6-24-99

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring creek tributary to Lightning creek

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
			SE	SE	22	56N	02E	Donner	USGS 7.5 min Quad

2. Place(s) of Use:

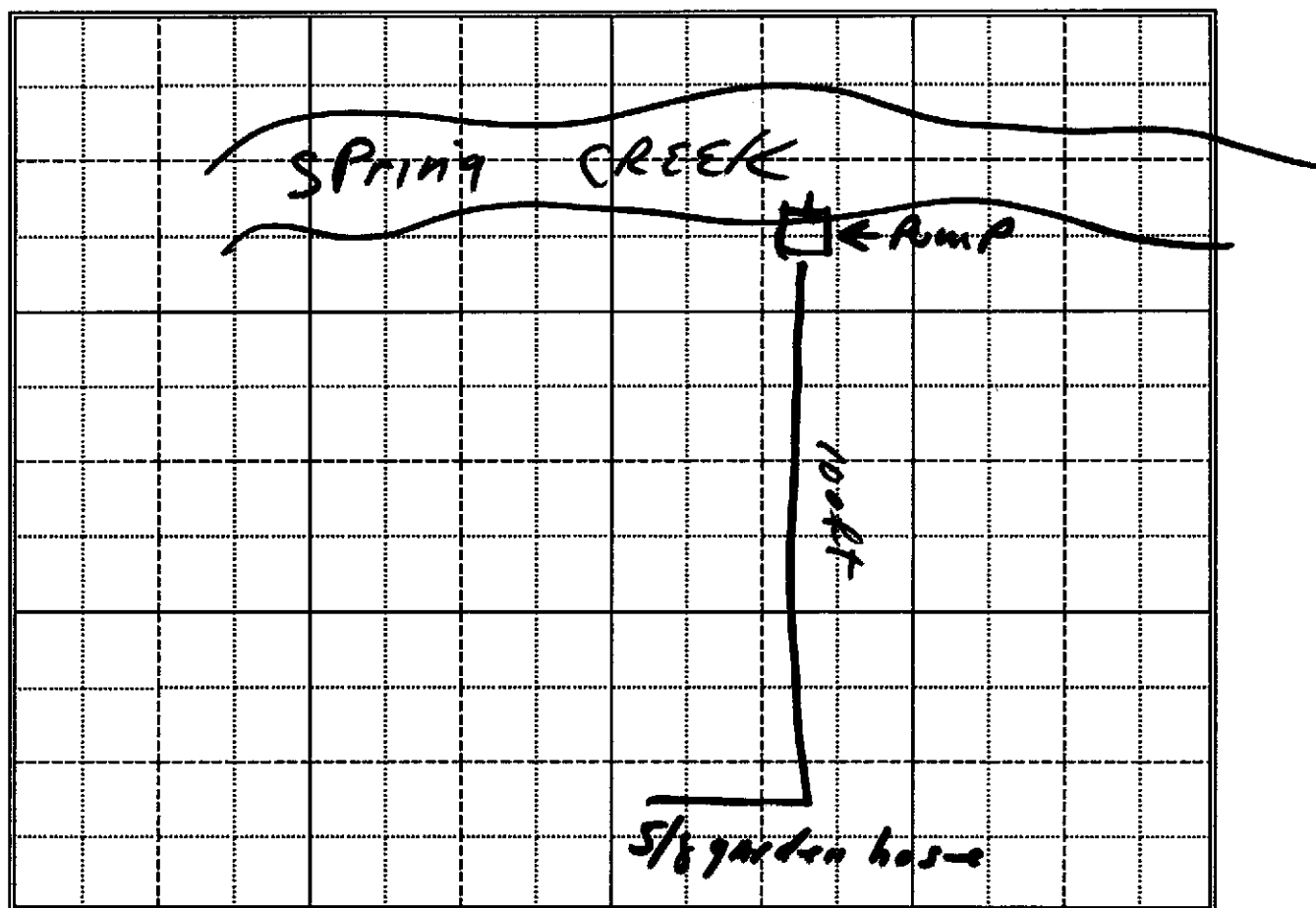
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02E	22																.03	

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FEB 04 2000

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



Scale: 1" = 125'

____ 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
	Briggs & Stratton	3.5	AEH2WCE3C	SEARS	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:

MICROFILMED

FEB 04 2000

PD

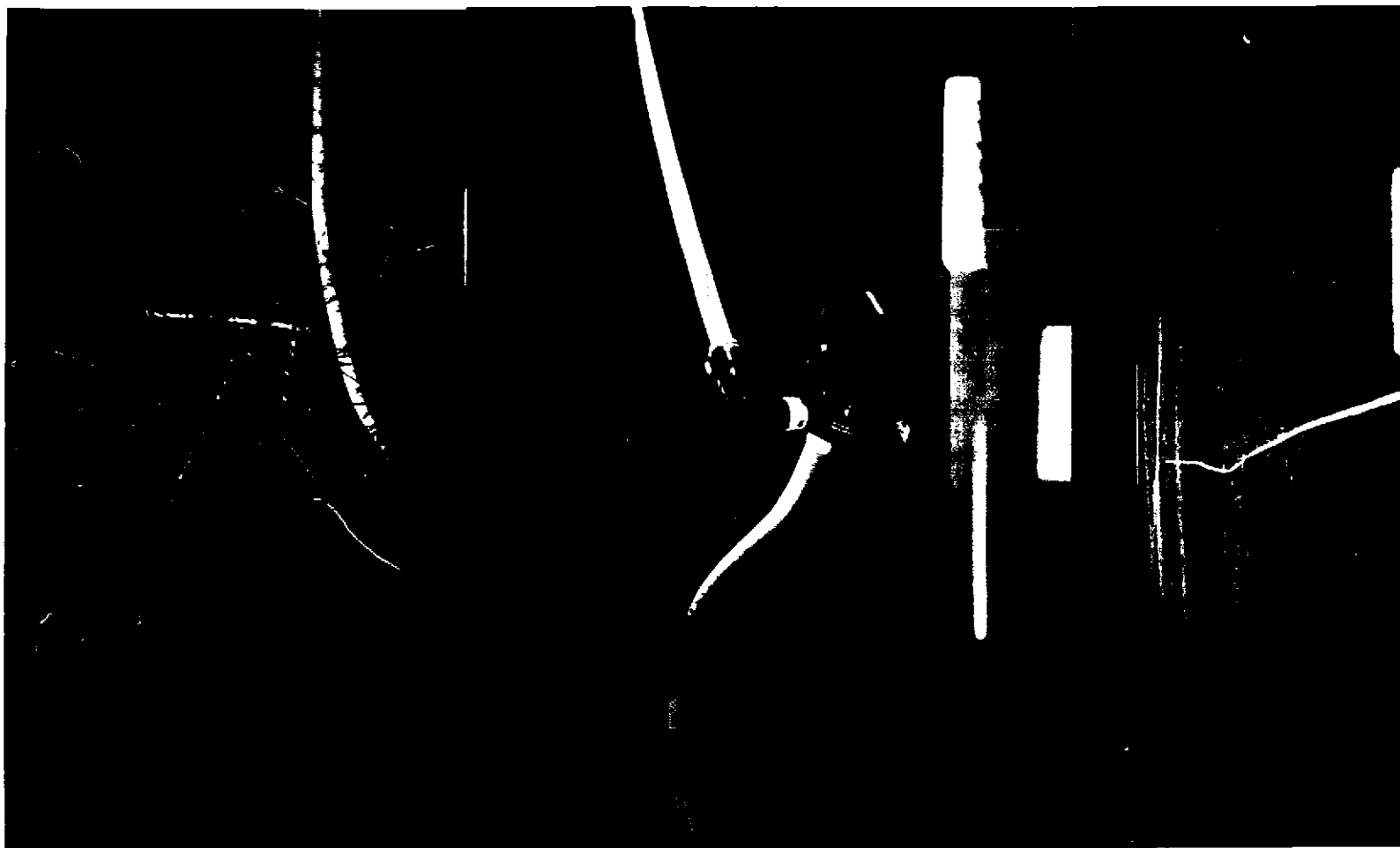
Jump

Trunk

pu

53321

MICROFILM
FEB 04 1968



96-08835



E. NARRATIVE/REMARKS/COMMENTS

Mr. Justice has a 3.5 horsepower gasoline powered pump. They run a 100ft 1" Pvc main trunk and reduce down to 5/8 garden hose and hand water 50 trees. Area calculations based on 3ft dia around each tree.

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

MICROFILMED
FEB 04 2000

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in 37 sec
8.19 pm

$$\frac{8.1 \times 1.33681}{60} = .018 \approx .02$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .01 \times 3 = .03$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times 245 \times 1.9835 = 9.7$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = .03$$

2. Volume Calculations for Other Uses:

$$A = \pi R^2$$

3 ft dia around each tree

$$A = \pi (2.25) = 7' \times 50 \text{ TREES} = 350' = .01 \text{ ACRES}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Irrigation</i>	<i>03-15</i>	<i>11-15</i>	<i>.02</i>	<i>.03</i>
Totals:			<i>.02</i>	<i>.03</i>

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. AUTHENTICATION

Field Examiner's Name

Wayne Baldwin Date *7-9-99*

Reviewer

Date

SEAL

MICROFILMED

FEB 04 2006

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08835 Reviewed by [Signature] Date 7-9-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

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

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
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 _____ Proof Made 6-26-97



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
July 11, 1997

BILLY C JUSTICE
MARLENE JUSTICE
PO BOX 301
CLARK FORK ID 83811

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08835

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

RECORDED
JUL 18 1997

May 31, 1997

BILLY C JUSTICE
MARLENE JUSTICE
PO BOX 301
CLARK FORK ID 838110301

PROOF DUE NOTICE

RE: PERMIT NO. 96-08835

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 August 1, 1997.

(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.

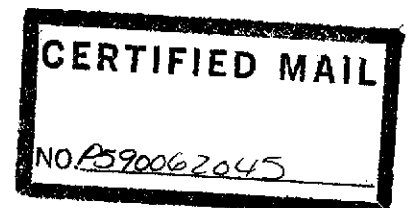
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MAILED
JUL 18 1997





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

August 4, 1995

BILLY C JUSTICE
MARLENE JUSTICE
PO BOX 301
CLARK FORK ID 83811-0301

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08835

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

RECORDED

SEP 18 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 96-8835 Name: Justice Date: 8/1/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: N 8471 Priority: 11/28/94 ☒ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes Mor GWMA Trust/Non-trust
PROTESTED: - ☒ 020 (Protest Agr) or W19 (See Final/Prelim Order)
SYSTEM COMPLETED:
 Yes/proof filed - NA
 1 year/no proof - P16
 +1 year - ~~26A~~ P17
GROUNDWATER: <☒ FLO-CH>
 + 0.2 cfs - 01M
 =/- 0.2 cfs - No MD
 =/+ 5 a. (POU cmp) - 01M, 065 (if GW use SW 1st)
 Drilling Permit:
 Existing well - NA (pre 7/1/87)
 Included w/permit - Permit No. , P99
 No WD permit? - 046-46B-P23 (post 7/1/87)
 irr. in WD - P05 (new well)
SURFACE WATER <☒ FLO-CH> (Surface water that doesn't sink in WD):
 Water District (~~dem~~) - 005 (req) WD # <SEE MAP & LISTING>
 + 0.2 cfs - 028 (may report) - 01J (meas dev) - P08
 =/- 0.2 cfs - 028 (may report) - 01H (lock dev) - P01 or No MD
 =/+ 5 a. irr. - 028 (may report) (POU cmp)
 ~~In~~ WD + 0.2 cfs - 01M or No MD (in-stream)
 - 0.2 cfs - No MD
 =/+ 5 a. irr. - ~~01M~~
RIVER BASINS (*Surface water):
 Snake R (01) - 11A-P04, NA
 (02/03) - 007-P07 (w/remark WB9), NA
 Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
 Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA
USE:
 Domestic (surface) - 021 (Boise R + L Peak); 27A (Payette R); NA
 Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
 Irr =/- 5 acres - 057 (0.03 cfs/A) <DO POU COMPARISON>
 + 5 acres - ~~03A~~ (0.02 cfs/A) <DO ~~POU~~ COMPARISON>
 Mining - 054 (req) & 06A/010/09E - P10
 Power - 08A-17K-025-027-01M-01F (P19) - 09E (P10);
 +25 cfs - P18; 17G (FERC) or 17M (FERC); 18B-P09
 Storage (☒ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA
LOCATION:
 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 - B <SEE CONDITION CODE CHART>
 Trust - 051-052-053-P74 (Consumptive Uses), NA
 Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU)
OTHER CONDITIONS:
STANDARD REMARKS:

BENEFICIAL USE DUE: - 8-1-1997
COMMENTS:

No. a
4/87-06/92n

II DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 96 - 08835

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

APPLICANT: JUSTICE BY: AS DATE: 11/29/94

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

PROCESSING

Yes No

PRIORITY DATE: 11/28/94

(X) (Include Moratorium Remark)

(X) Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

SB Thurs

ADVERTISE IN: BONNER 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
- (X) Critical ground water area
- (X) Well Drilling Permit required
- (X) Well Drilling Application and Fees received
- (X) Well Drilling Application approved?
- Well Drilling Application Number _____

Checked by: _____ Date: ____/____/____

Remarks: _____

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

(Yes) (No)

- (X) Notice of pending void order issued. Final order response date: ____/____/____
- (X) Further information required from applicant
- (X) Affidavit of publication received
- (X) Application published correctly, If not, record action taken: Protest date listed
- wrong paper - Readerline
- (X) Publication dates and paper recorded on application | Sr. Agent initial AS
- (X) Protests received. Final protest date: 01/03/95
- (X) Measuring device required
- (X) Measuring port required
- (X) Special conditions: _____
- (X) Special conditions of approval supplement and/or cover letter attached:

02/06/95

Approval Recommended by: AS Date: 7/28/95

Protested; ✓ Moved BC/Moved WR APPS/Noted in WR 1/3/95 d

RECEIVED
JUL 31 1995

Application No. 96-08835

SPECIAL NOTE:
Department of Water Resources

Insufficient water for Clark Fork Hatchery
check from F & G (★) delivered to & receipted by Dave

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	<u>F & Game</u>	<u>Box 25 Boise, ID 83707-0025</u>	<u>12/21/94</u>
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 1/28/95

PROTEST DUE DATE: 01/03/95

ISSUES:

Applicant

ATTORNEY

ADDRESS

Protest Date Entered on Computer

DATE

1/3/95

Acknowledgment Letters Sent

12/29 Jan 3, 1995

Hearing Date

5/31/95 10:30 a here

(Other Dates)

Other Information:

Resolved 7/27/95

Protest information submitted to computer (following hearing)

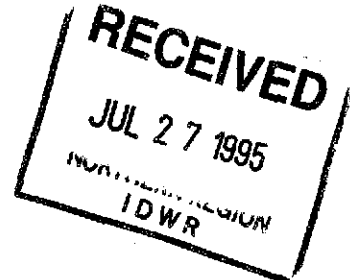
RECORDED

★ RECEIPT # FOR PROTEST - C031914

SEP 18 1995

IDAHO DEPT OF FISH AND GAME

2100 LAKESHORE DRIVE
SAGLE, ID 83860
208-265-7228
FAX: 208-265-7228



July 25, 1995

Robert G. Haynes, P.E.
Regional Manager
State Of Idaho
Department of Water Resources
1910 Northwest Blvd Suite 210
Coeur d'Alene, Idaho 83814-2615

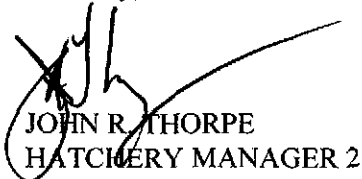
RE: Re: 96-08835- Billy & Marlene Justice

Dear Sir:

Enclosed is a signed copy of the agreement to resolve the Fish and Game's protest of Justice's water right application. We have no protest if the Clark Fork Hatchery can obtain its water right during low flow periods. We understand that the IDFG right takes priority if there should be flow in Spring Creek below our water right.

If you still need both parties to come together in Coeur d'Alene to sign another document please notify me.

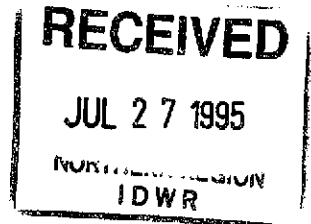
Sincerely,


JOHN R. THORPE
HATCHERY MANAGER 2

RECEIVED

SEP 18 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO



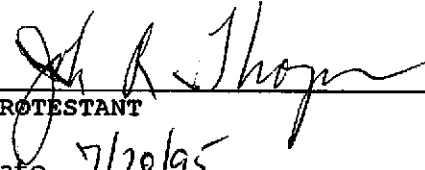
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-08835 IN THE) AGREEMENT
NAME OF BILLY C. &/OR MARLENE JUSTICE)

We, the undersigned, agree to the following measures to resolve the protest against the issuance of the above referenced application for permit:

1. It is recognized that the Idaho Department of Fish and Game holds a water right that is prior in time to this application. Applicants agree to cease diversion of water if Fish and Games' water right is not being filled.
2. Prior to the transfer of the water right to another party through sale of the property or by any other means, approval of such a transfer by Fish and Game is required.

APPLICANTS

Date _____



PROTESTANT

Date 7/20/95

RECEIVED

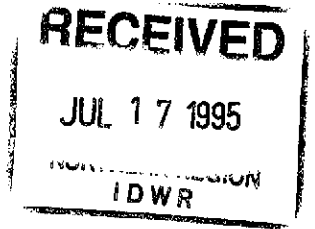
SEP 18 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-08835 IN THE) AGREEMENT
NAME OF BILLY C. &/OR MARLENE JUSTICE)



We, the undersigned, agree to the following measures to resolve the protest against the issuance of the above referenced application for permit:

1. It is recognized that the Idaho Department of Fish and Game holds a water right that is prior in time to this application. Applicants agree to cease diversion of water if Fish and Game's water right is not being filled.
2. Prior to the transfer of the water right to another party through sale of the property or by any other means, approval of such a transfer by Fish and Game is required.

Marlene Justice
APPLICANTS

PROTESTANT

Date 7-13-95

Date _____

[Faint, illegible stamp]

SEP 18 1995

July 6, 1995

John Thorpe
Idaho Department of Fish and Game
P O Box 98
Clark Fork ID 83811

Re: 96-08835 - Billy & Marlene Justice

Dear John:

Enclosed is a draft of an agreement to resolve Fish and Games' protest of Justice's water right application. If either of you desire to make changes, please feel free to do so.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

c: Billy & Marlene Justice

RECEIVED

SEP 18 1995

File: 96-08835 - JUSTICE

Date: MAY 31, 1995

Time: 10:30 A.M.

Place: 1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814

NAME

Bill C Justice
John R. Thorpe

P.O. Box Clark Fork 83811
Clark Fork Hatchery P.O. Box 98 83811

SEP 18 1995

CONFERENCE/HEARING SCHEDULE

Northern Region

1910 NORTHWEST BOULEVARD, SUITE 210
COEUR D'ALENE, ID 83814 (208) 769-1450

WEDNESDAY, MAY 31, 1995

8:00 A.M. - 98-08823 - BROWN/VERMEER

10:30 A.M. - 96-08835 - JUSTICE

5-31-95

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

RECEIVED
MAY 11 1995
DWR

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BILLY C. &/OR MARLENE JUSTICE
BOX 301
CLARK FORK

RECEIVED
SEP 18 1995

4a. Article Number

48341

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-10-95

5. Signature (Addressee)

Marlene Justice

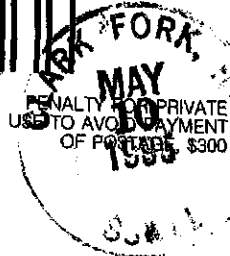
6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



MICROFILMED

Print your name, address and ZIP Code here

SEP 18 1995

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-08835) NOTICE OF CONFERENCE
IN THE NAME OF BILLY C. &/OR MARLENE JUSTICE) AND/OR HEARING
_____)

On NOVEMBER 28, 1994, BILLY C. &/OR MARLENE JUSTICE filed with the Department of Water Resources (department) application for permit no. 96-08835. The application was protested by IDAHO DEPARTMENT OF FISH & GAME.

The department has scheduled the matter for conference &/or hearing on MAY 31, 1995 at 10:30 A.M. at 1910 NORTHWEST BLVD., SUITE 210, COEUR D'ALENE, ID. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be ROBERT G. HAYNES, REGIONAL MANAGER.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 9TH day of MAY, 1995.

Robert G. Haynes
Regional Supervisor

I hereby certify that on the 9th day of May, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

Dianne Ball
Secretary

Certified Mail

✓ BILLY C. &/OR MARLENE JUSTICE
✓ IDAHO DEPT. OF FISH & GAME

(Includes Murphy) (filed in Murphy 96-08783)

RECEIVED
SEP 18 1995

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pamela D. Johnson 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:

NOTICE OF APPLICATION

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 19 day of January, 1995
and ending on the 26 day of January, 1995
and that said notice was published in said newspaper.

On this 26 day of January in the year
of 1995, before me, a Notary Public, personally
appeared Pamela D. Johnson,

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.

Cecilyn L. Inge
Notary Public for Idaho

Residing at Sandpoint, Id

My commission expires: 6/2000

12215 Water Res.
RECEIVED

FEB 03 1995

NORTHERN REGION
IDWR

RECEIVED

FEB 03 1995

NORTHERN REGION
IDWR

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

96-08835

JUSTICE, MARLENE

JUSTICE, BILLY C

BOX 301

CLARK FORK, ID 83811

Source: SPRING CREEK Tributary: LIGHTNING CREEK

Diversion Pt: SESE Sec 22 T 56N

R 02E in BONNER County.

Use: IRRIGATION (.140 CFS)

Total Diversion: (.140 CFS)

Date Filed: 11/28/1994

In: BONNER County

T56N R02E S22 SESE

7.0 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 FEBRUARY 6, 1995.

R. KEITH HIGGINSON, Director
SNP#6628 Jan. 19, 26, 1995

RECEIVED

SEP 18 1995

6628



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 11, 1995

Bonner County Daily Bee
P. O. Box 159
Sandpoint, ID 83864

RE: JUSTICE - #96-08835

Gentlemen:

We are resubmitting the above referenced water right for publication due to the fact that, as originally advertised, copy of which is enclosed for your reference, the protest date was incorrectly listed by the paper. The last paragraph of the advertising stated protests must be filed on or before January 3, 1994, whereas correctly it should have read January 3, 1995.

This cannot be handled as a correction, because the date by which protests must be received changes with each advertising. This should be published at no charge because it was originally submitted correctly for advertising.

An affidavit of publication must be submitted to the Department. Please send the affidavit of publication to this office before February 6, 1995.

Thank you for your cooperation in this matter.

Sincerely,

Dianne Ball
Senior Secretary

Enc.

RECEIVED
SEP 18 1995

96-08835

JUSTICE, MARLENE
JUSTICE, BILLY C
BOX 301
CLARK FORK, ID 83811

Source: SPRING CREEK

Tributary: LIGHTNING CREEK

Diversion Pt: SESE Sec 22 T 56N R 02E in BONNER County.

Use: IRRIGATION (.140 CFS)
Total Diversion: (.140 CFS)

Date Filed: 11/28/1994

In: BONNER County
T56N R02E S22 SESE

7.0 ACRES TOTAL

1/19 & 26/95

New Protest date 2/6/95

RECORDED

SEP 18 1995

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jean Conacher 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:

Justice Application for Water Right

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 15 day of Dec, 19 94 and ending on the 22 day of Dec, 19 94 and that said notice was published in said newspaper.

On this 22 day of Dec in the year of 1994, before me, a Notary Public, personally appeared Jean Conacher, 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.

Cawlyn L. Inge
Notary Public for Idaho

Residing at Sandpoint, Id

My commission expires: 6/2000

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

96-08835

JUSTICE, MARLENE

JUSTICE, BILLY C

BOX 301

CLARK FORK, ID 83811

Source: SPRING CREEK Tributary: LIGHTNING CREEK

Diversion Pt: SESE Sec 22 T 56N

R 02E in BONNER County.

Use: IRRIGATION (.140 CFS)

Total Diversion: (.140 CFS)

Date Filed: 11/28/1994

In: BONNER County

T56N R02E S22 SESE

7.0 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 JANUARY 3, 1994.

R. KEITH HIGGINSON, Director
SNP#6552 Dec 15, 22, 1994

1995

RECEIVED

JAN 04 1995

NORTHERN REGION
IDWR

RECEIVED

SEP 18 1995

Insertion Order

12275

START DATE

12-15, 1994

URCES

Id. • Coeur d'Alene, Idaho 83814-2615

Fax (208) 769-1454

ADVERTISER:

Id Dept of Water Resources

R. KEITH HIGGINSON
Director

☐ AD SPACE ☐ ROP
CLASS ☒ 6551

Fournier — \$32.38

AD NAME:

Notice of Correction

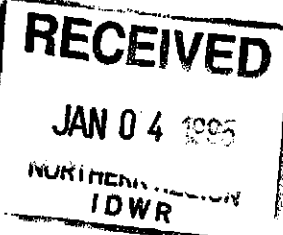
DATE

RATE

ok

☒ DAILY BEE

12-15, 12-22



Insertion Order

12275

START DATE

12-15, 1994

URCES

210

ADVERTISER:

Id Dept of Water Resources

Coeur d'Alene, Idaho 83814
8) 769-1450

EMBER 7, 1994

☐ AD SPACE ☐ ROP
CLASS ☒ 6552

Justice — \$42.55

AD NAME:

Notice of Application for Water Rights

DATE

RATE

12-15, 12-22

Ad wrong
paper put in wrong
Send before Jan 3
protest date
(1994 instead of 1995)

Bill received 1/6/94

COLOR #

We wish to have published consecutive weekly issues of a notice on the proposed

and to the Department along with is appreciated.

and publication billing to

TEAR SHEETS

CO-OP BILLING

PROOF

SPECIAL INSTRUCTIONS:

Thurs

I'm sorry - but the bills aren't ready yet. Hope this will be good enough for you.

Sean Conacher
(208) 263-9534

RECEIVED

JAN 8 1995

Send before 1/3



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 29, 1994

Cal Groen, Chief
Natural Resources Policy Bureau
Idaho Fish & Game
Box 25
Boise, ID 83707-0025

Re: Application to Appropriate Public Waters No. 96-08835

Dear Mr. Groen:

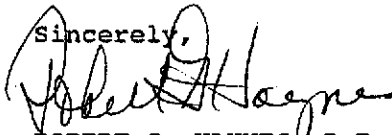
Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

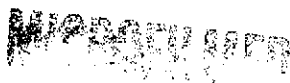
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db



SEP 18 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 29, 1994

Billy C. &/or Marlene Justice
Box 301
Clark Fork, ID 83811

Re: Application to Appropriate Public Waters No. 96-08835:

Dear Mr. and Mrs. Justice:

Enclosed is a copy of a protest filed against the approval of the above referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Manager
RGH:db

Enclosure

RECEIVED

SEP 18 1995



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

December 30, 1994

RECEIVED

JAN 06 1995

WATER RESOURCES
IDWR

RECEIVED

JAN 03 1995

Department of Water Resources

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Re: Application to Appropriate Public Waters
96-08835

Dear Sirs:

Idaho Department of Fish and Game personnel have reviewed application 96-08835 to appropriate water from Spring Creek and object to issuance of a water right. I have enclosed a \$25.00 check for filing of that protest. The application would divert water from a point upstream of the Clark Fork Hatchery. Spring Creek does not currently carry enough water to fill the Idaho Department of Fish and Game water right for the Clark Fork Hatchery.

Sincerely,

Will Reed
for Cal Groen, Chief
Natural Resources Policy Bureau

CG:tlv

Enclosure

CC: Panhandle Region
Clark Fork Hatchery

RECEIVED

SEP 18 1995



IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707-0025

RECEIVED

DEC 27 1994

NORTHWEST REGION
IDWR

Cecil D. Andrus / Governor
Jerry M. Conley / Director

RECEIVED

DEC 21 1994

Department of Water Resources

December 20, 1994

Idaho Department of Water Resources
STATEHOUSE MAIL
Boise, ID 83720

Re: Application to Appropriate Public Waters
96-08835

Dear Sirs:

Idaho Department of Fish and Game personnel have reviewed application 96-08835 to appropriate water from Spring Cr. and protest issuance of a water right. The application would divert water from a point upstream of the Clark Fork Hatchery. Spring Cr. does not currently carry enough water to fill the Idaho Department of Fish and Game water right for the Clark Fork Hatchery.

Sincerely,

Cal Groen, Chief
Natural Resources Policy Bureau

CG:CR:tlv

cc: Panhandle Region
Clark Fork Hatchery

RECEIVED

SEP 18 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 8, 1994

Billy C. and/or Marlene Justice
Box 301
Clark Fork, ID 83811

Re: Water Appropriation Application No. 96-08835

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 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. 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. However 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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

RECEIVED
SEP 14 1995

SEP 18 1995

96-08835

JUSTICE, MARLENE
JUSTICE, BILLY C
BOX 301
CLARK FORK, ID 83811

Source: SPRING CREEK

Tributary: LIGHTNING CREEK

Diversion Pt: SESE Sec 22 T 56N R 02E in BONNER County.

Use: IRRIGATION (.140 CFS)
Total Diversion: (.140 CFS)

Date Filed: 11/28/1994

In: BONNER County
T56N R02E S22 SESE

7.0 ACRES TOTAL

RECEIVED
SEP 18 1995

SEP 18 1995