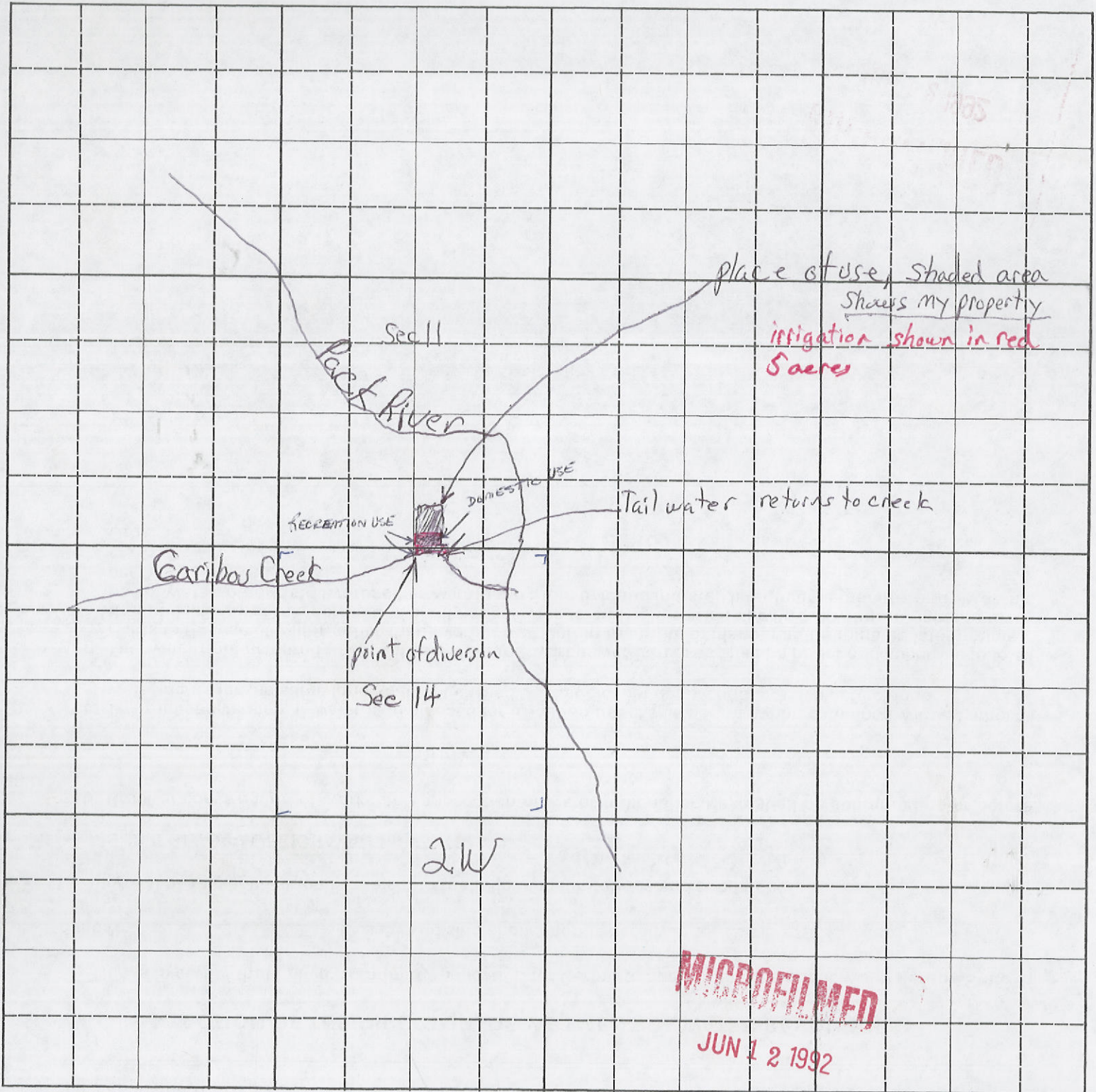


96-8679

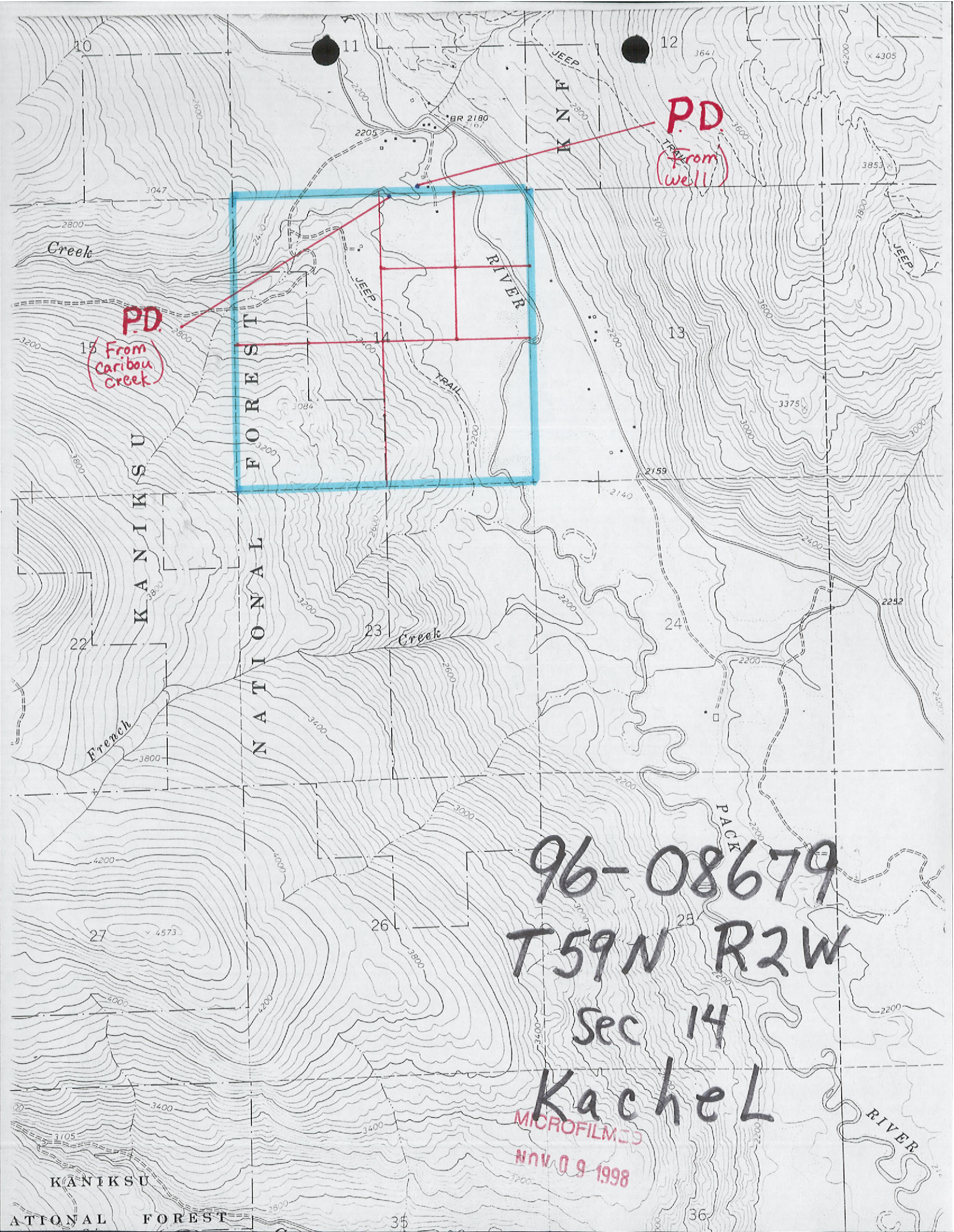
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Scott Paul
(Applicant)



P.D.

(From Caribou Creek)

P.D.

(From well)

96-08679
T59N R2W
Sec 14
Kachel

MICROFILMED
NOV 09 1998

PERMIT # 96-08679

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INT

S
Point of
diversion
from
Caribou Creek



96-08679

irrigation system
Cistern/pipe works
- houses 2 Hp pump



96-08679

irrigation/recreation
Storage



96-08679

MICROFILMED

NOV 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT # 96-08679



5 Hp irrigation
Pump

1 HP Pump
(domestic use)



Place
of
Use



MICROFILMED

NOV 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

96-08679

PHOTOGRAPHS



Pond
IN FLOW



Out-Flow

MICROFILMED

NOV 9 1998

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 96-08679

Priority: November 21, 1991

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

144.5 AF

This is to certify, that SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 21, 1991; and
has submitted Proof of Beneficial Use on July 7, 1997. An examination indicates
that the works have a diversion capacity of 0.210 cfs of water from:

CARIBOU CREEK

tributary to PACK RIVER

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	0.10 CFS	15.0 AF
IRRIGATION STORAGE	01/01 to 12/31		1.5 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.5 AF
RECREATION	01/01 to 12/31	0.20 CFS	144.5 AF
RECREATION STORAGE	01/01 to 12/31		1.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	144.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 14, Township 59N, Range 02W
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>
59N	02W	11	SWSE	3		3
		14	NWNE	2		2

Total number of acres irrigated: 5

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: RECREATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
59N	02W	14
		NWNE

MICROFILMED
NOV 09 1998

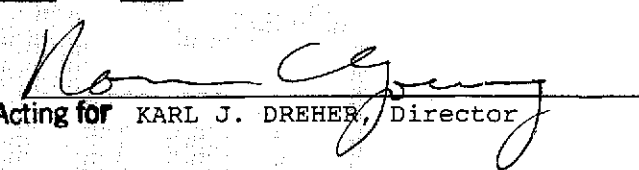
State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 95-08679

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
7. Recreation use is for a private fishing pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6TH
day of OCTOBER, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

NOV 09 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-08679)

IN THE NAME OF SCOTT KACHEL)

ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof) be submitted to the Department on or before June 1, 1997; and,

WHEREAS, the Department notified the permit holder on March 31, 1997, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department mailed the permit holder a lapse notice on June 19, 1997, since an acceptable proof of beneficial use or extension of time had not been received; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof on July 7, 1997;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-08679 is **REINSTATED** with an advance in priority to December 27, 1991.

DATED this 25th day of July, 1997.


L. GLEN SAXTON, Chief

Water Allocation Bureau

SEP 10 1997

RECEIVED

JUL 07 1997

NORTHERN REGION
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 14 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 08679 Telephone No. 263-9060

2. Name(s) of Permit Holder(s): Scott Kachel

3. Mailing Address: 2400 Upper Pack River Rd Sandpoint Id 83864

4. Source of Water: Caribou Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: Shallow Well Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: 5 Pressure (psi): 40-55 Dynamic pumping level (ft): 12 Ft

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

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

Irrigation (No. of acres): 5 Other: Diversion to storage

6. Total rate of diversion and/or volume for which proof is submitted: 80 cfs OR 0.20 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: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Scott Kachel Telephone Number: 263-9060

Address: 2400 Upper Pack

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: Scott Kachel Date: 7/2/97
(include your title, if on behalf of company or organization)

SEP 18 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

MAY 05 1995

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 96-08679

Name(s) of Permit Holder: Scott Kachel

Mailing Address: 2400 Pack River Rd Sandpoint Id 83864

Date Proof is Due: June 1 1995 Telephone No. (208)263-9060

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Most of the excavation for the pond site is completed. All the
pipe & fitting have been bought \$2,175⁰⁰. All the rip rap has been
placed \$5,000⁰⁰

Costing \$ 9,675⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I was unable to place the silt trap until after the rip rap had been
placed. The same with the ponds drain system. The contractor didn't
place the rock until the middle of Dec 94. The rain started and the water
rose. Making it to difficult to finish

Permit holder(s) request an extension to September 1, 19 97

FEE: \$50.00

Scott Kachel
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1997.

Signed this 11 day of May, 19 95

RECORDED

J. Glen Saylor
Chief, Water Allocation Bureau

MAY 31 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08679

Proposed Priority: November 21, 1991 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **SCOTT KACHEL**
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

CARIBOU CREEK tributary of **PACK RIVER**

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>
IRRIGATION	03/15 to 11/15	0.10 CFS	
IRRIGATION STORAGE	01/01 to 12/31		5.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		5.0 AF
POWER	01/01 to 12/31	0.20 CFS	
POWER STORAGE	01/01 to 12/31		5.0 AF
POWER FROM STORAGE	01/01 to 12/31		5.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
RECREATION	01/01 to 12/31	0.20 CFS	
RECREATION STORAGE	01/01 to 12/31		5.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 14, Township 59N, Range 02W
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>
59N	02W	11	SWSE	3		3
		14	NWNE	2		2

Total number of acres irrigated: 5

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

PLACE OF USE: POWER

TWN RGE SEC

59N 02W 14 NWNE

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

PLACE OF USE: DOMESTIC

TWN RGE SEC

59N 02W 11 SWSE

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JUN 12 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 96-08679

PLACE OF USE: RECREATION
TWN RGE SEC59N 02W 11 SWSE
14 NWNECONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1995**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
5. The water right acquired under this permit 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 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.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
8. 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.
9. Construction of diversion works pursuant to this permit shall provide for adequate fish screening and deflection, minimal streambank disturbance, and adequate water quality in any bypass reach.
10. The Director retains jurisdiction to establish a bypass flow in the future to protect fish, aquatic, and riparian values.
11. Domestic use is for 1 home.

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JUN 12 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08679

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

18th day of May, 1997



R. Keith Higginson, Director

for

RECEIVED
MAY 12 1997

JUN 12 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Scott Kachel Phone 208-263-9060
Post office address 2400 Upper Park Sandpoint Idaho 83864
2. Source of water supply Caribou Creek which is a tributary of Pack River
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of ~~Section 14~~ $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 59N Range 2W B.M. Bonner County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

SEE REMARKS FOR ADDITIONAL USE - TDR ATTACHED

Amount .10 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .20 for Hydro Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .20 for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .20 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. I will construct a diversion Intake on the west side of my property. Then run a 3" water line (PVC pipe) approx 400' to the pond where the water will be stored and excess will return to the Creek
- b. Height of storage dam 9' 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 48 inches; proposed depth of well is 18 feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

RECORDED

JUN 12 1992

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 9 feet of head, 12/kw
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One
- e. Other; describe fully. I am diverting 20 cfs from Caribou Creek for a fish pond. The water then returns to Caribou Creek. I may try to generate some DC power with the tail water from the pond. My fish are for my personal use.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
59W	2W	11															RD 3		3
59W	2W	14		RP 2															2

Total number of acres to be irrigated 25

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

None

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

Applicant

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

"

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

JUN 12 1992

12. Remarks:

This is not a dam that blocks the creek. It is a dyke that holds the water in the pond. I will divert the water into the pond with tubing. Gravity will cause it to flow into the pond. The tail water will return to the Creek. The small pond created by the diverted water will be used for recreational purposes.

Item #4: (Cont.) Water will be used for the following purposes:

Amt 0.20 cfs for Diversion to Storage	from 1/1 to 12/31 (both dates inclusive)
~ Amt 5.0 AF for Storage for Irrigation	from 1/1 to 12/31 (both dates inclusive)
~ Amt 5.0 AF for Storage for Hydropower	from 1/1 to 12/31 (both dates inclusive)
~ Amt 5.0 AF for Storage for Recreation	from 1/1 to 12/31 (both dates inclusive)
~ Amt 5.0 AF for Irrigation from storage	from ~~3/15~~ to 11/15 (both dates inclusive)
Amt 5.0 AF for Hydropower from storage	from 1/1 to 12/31 (both dates inclusive)

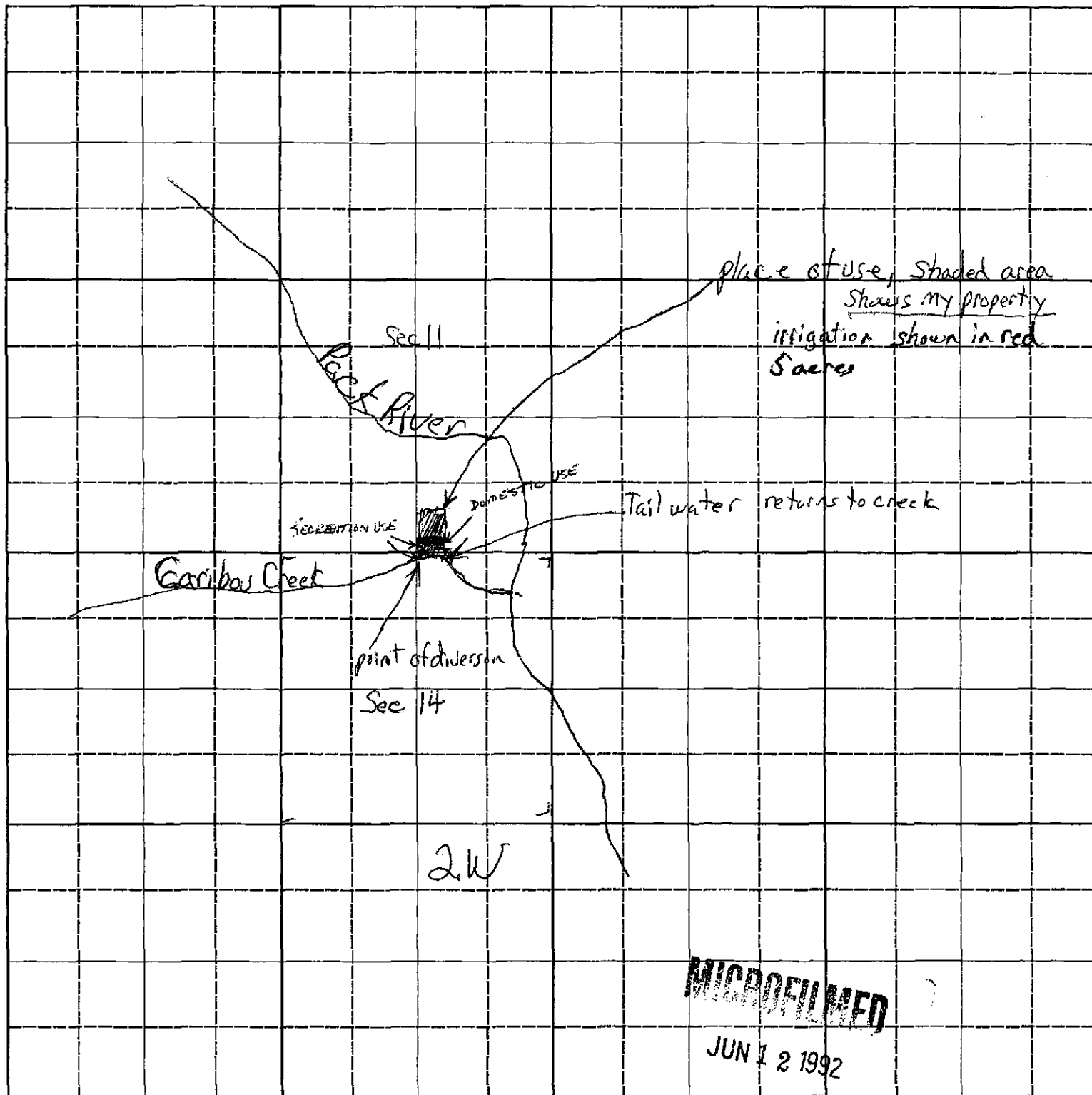
(Above information derived from items #4, #6.a. and 8.e. /11/25/91 TDK)

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JUN 12 1992

96-8679

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



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.

Scott Paul
(Applicant)

Received by pm Date 11/21/91 Time 11:52 AM Preliminary check by TDK
Fee \$ 30.00 Received by pm # N5050 Date 11/21/91
Publication prepared by pm Date 11/27/91 Published in Bonneville County Daily Bee
Publication approved pm Date 12/24/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED
JUN 12 1992

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Scott Kachel of Sandpoint,
(name) (city),

County of Bonner, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city),

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

Scott Kachel
Applicant

State of Idaho)
County of Kootenai) ss.

On this 21st day of November, 19 91, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she/they) executed the same.

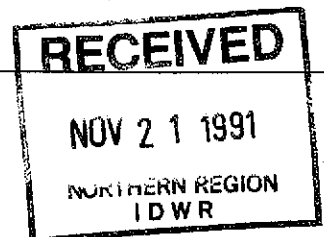
Patricia M. Agnew
Notary Public residing at _____
Rathdrum, Idaho

seal

My commission expires:

12/10/93

JUN 12 1992



AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Karel Meeler 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:

Legal Notice

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 5th day of December, 19 91
and ending on the 12th day of December, 19 91
and that said notice was published in said newspaper.

On this 19th day of December in the year
of 91 before me, a Notary Public, personally
appeared Karel Meeler,
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.

Kim Johnson
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 10/22/93

NOTICE OF APPLICATION WATER RIGHT

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

96-08676
BROWN, ELLSWORTH D.
2720 GYPSY BAY RD
SAGLE, ID 83860
Source: GROUNDWATER
Diversion Pt: NENE Sec 34 T 57N
R 03W In BONNER County.
Use: IRRIGATION (200 CFS)
DOMESTIC (150 CFS)
Total Diversion: (200 CFS)
Date Filed: 10/30/1991
In: BONNER County
T57N R03W S26 SWSW
S34 Lot 1 (NENE) SENE
S35 NWNW
24.0 ACRES TOTAL
96-08677
ODEN VIEW ESTATES
IMPROVEMENT ASSN
RICHARD OSBORN PRESIDENT
4480 ODEN BAY DR.
SANDPOINT, ID 83864
Source: GROUNDWATER
Diversion Pt: SWSE Sec 5 T 57N R
01W in BONNER County.
Use: IRRIGATION (200 CFS)
DOMESTIC (200 CFS)
Total Diversion: (200 CFS)
Date Filed: 11/19/1991
In: BONNER County
T57N R01W S05 NWSE SWSE
10.0 ACRES TOTAL
96-08678
CARTWRIGHT, W.C.

631 E. DOWNING ST.
MIDVALE, UT 84047
Source: PEND OREILLE LAKE
Tributary: PEND OREILLE RIVER
Diversion Pt: LOT 1 (NWNW) Sec
31 T 57N R 01E in BONNER County.
Use: DOMESTIC (200 CFS)
Total Diversion: (200 CFS)
Date Filed: 11/21/1991
In: BONNER County
T57N R01E S31 NWNW
96-08679

KACHEL, SCOTT
2400 UPPER PACK RIVER RD
SANDPOINT, ID 83864
Source: CARIBOU CREEK
Tributary: PACK RIVER
Diversion Pt: NWNE Sec 14 T 59N
R 02W In BONNER County.
Use: IRRIGATION (100 CFS)
IRRIGATION STORAGE (5.00
AF)
IRRIGATION FROM STORAGE
(5.00 AF)
POWER (200 CFS)
POWER STORAGE (5.00 AF)
POWER FROM STORAGE (5.00
AF)
DOMESTIC (040 CFS)
RECREATION (200 CFS)
RECREATION STORAGE (5.00
AF)
DIVERSION TO STORAGE (200
CFS)
Total Diversion: (200 CFS)
Date Filed: 11/21/1991
In: BONNER County
T59N R02W S11 SWSE
S14 NWNE
5.0 ACRES TOTAL
For additional information
concerning the property location,
call the Northern Regional Office at
765-4639.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Northern Region,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814 on or
before DECEMBER 23, 1991.
R. KEITH HIGGINSON,
Director
SNP#4464 Dec. 5, 12, 1991



MICROFILMED

JUN 12 1992



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

October 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-08679

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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

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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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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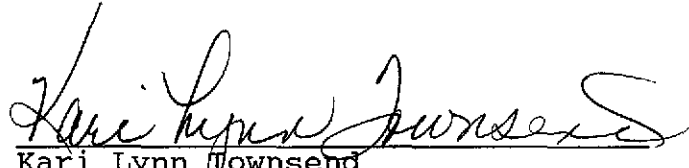
NOV 09 1996

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of **October, 1998**, 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. 96-08679

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864


Kari Lynn Townsend
Secretary

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NOV 09 1998

MEMORANDUM

TO: File 96-08679

FROM: Sharla

DATE: September 30, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 96-08679 are as follows:

C. DIVERSION AND DELIVERY SYSTEM:

1. Point(s) of Diversion:

NWNE, S14, T59N, R2W

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.10 cfs	15.0 afa
Irrigation Storage	1/1 - 12/31		1.5 afa
Irrigation From Storage	3/15 - 11/15		1.5 afa
Recreation	1/1 - 12/31	0.20 cfs	144.5 afa
Recreation Storage	1/1 - 12/31		1.5 afa
Diversion to Storage	1/1 - 12/31	0.20 cfs	
	TOTALS	0.20 cfs	144.5 afa

Volume for recreation use has been calculated year-round. The total volume is limited to this volume. Domestic use is served from a well and does not require a filing; the license will not include the addition of groundwater. Therefore, only one point of diversion is listed.

The pond's storage capacity is calculated per standards found in the examiner's handbook as follows: $200 \times 50 \times .4/43,560 \times 16 = 1.5$ af. Irrigation from storage use also needs to be listed as permitted.

Exam Date: August 7, 1998

Examiner: David David Pagel

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MAY 09 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08679 DATE 9/25/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit *shallow well (gw) exempt domestic no need to*
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40 *add source & pld under this license*
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .20 cfs
 Fee limit .20 cfs *#50⁰⁰ - add 50⁰⁰ refunded - receipt in AR2*
 Measured — cfs *comp pump from well shows refund was made*
 Theoretical .21 cfs
 Recommended Total Div Rate .20 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Dr.</u>	<u>10</u> cfs	<u>5x3.0 = 15</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>1" stor/m 40</u>	_____ cfs	<u>1.5</u> af	supp. gw (WB7/065/079)
<u>Rec Stor</u>	_____ cfs	<u>1.5</u> af	overlap spec. combined rts (W35)
<u>Div to Stor</u>	<u>.20</u> cfs	_____ af	<1 acre (W31)
<u>Rec</u>	<u>.20</u> cfs	<u>144.5</u> af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.20</u> cfs	<u>16.5</u> af	Power (W42 or W43/025/027/R22 or R23)
		<u>144.5</u>	Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .20 cfs X 365 days X 1.98 = 144.5 af

REMARKS RS private fish pond. W13

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim NA Adjust Memo uses/volumes
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 31 1998

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 96-086791. Owner: Scott Kachel Phone No. (208) 263-9060Current Address: 2400 Upper Pack River Rd. Sandpoint Id. 838642. Accompanied by: Scott Kachel EXAM DATE: Aug 7, 1998Address: Same Phone No. _____Relationship to Permit Holder: Self3. Source: Caribou Creek, Groundwater tributary to Pack River**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	NE	14	59N	2W	Banner	USGS 7.5' Quad.
			SW	SE	11	59N	2W	Banner	USGS 7.5' Quad.

2. Place(s) of Use:

Indicate Method of Determination

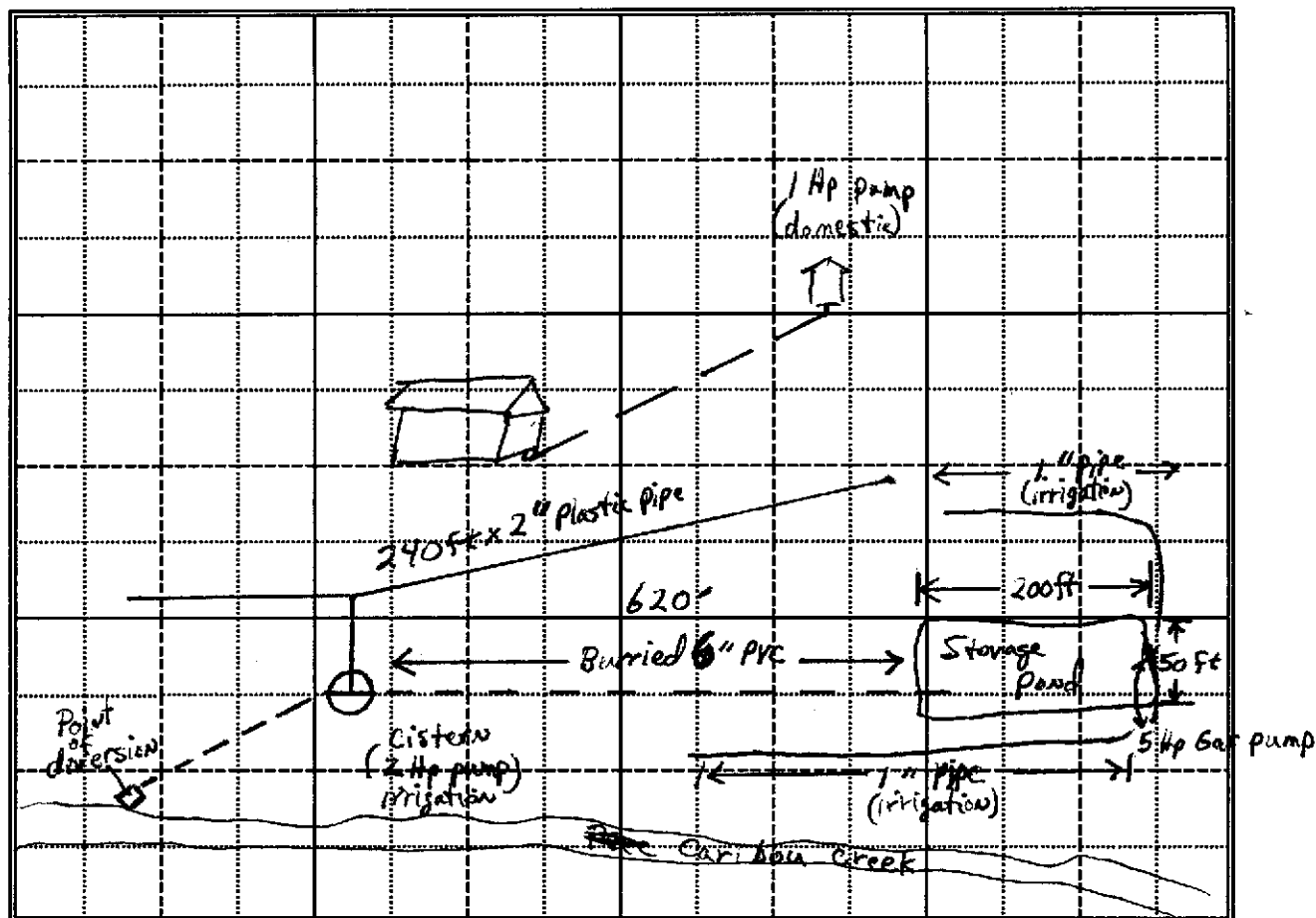
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
59N	2W	11															D 3.0		3.0
59N	2W	14		R 2.0															2.0

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total = 5.0 acres

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Briggs, Stratton	5			model # - 130232
		2		Submersible	
	Red Jacket Quick Set Jet	1	7481	Ser. # = 40483	model # = 100RJ

*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
Bucket / stopwatch					4 gal.	

2. Measurements:

$$1 \text{ hp pump} = 4 \text{ gal.} / 42 \text{ sec.} = 5.7 \text{ gpm} = .013 \text{ cfs}$$

$$2 \text{ hp} = 4 \text{ gal.} / 12.3 \text{ sec.} = 19.5 \text{ gpm} = .043 \text{ cfs}$$

NOV 09 1998

E. NARRATIVE/REMARKS/COMMENTS

This system utilizes a 2 HP and a 5 HP pump to supply water for irrigation of 5 acres of lawn + trees.

Water is diverted from Caribou creek. A gravity flow system channels water through 20ft x 10in PVC pipe. The pipe is then reduced to 20ft x 8in. PVC, and again to 620 ft. x 6in PVC. Water is stored in a 2.52 af reservoir to be used for irrigation, and recreation.

A separate system is used for domestic purposes. A shallow well has been dug approximately 250 ft. away from Caribou Creek and water is diverted from this well using a 1 HP pump. Mr. Rachel stated that he thought the water in the domestic well is fed from Caribou Creek which would enable him to claim this P.D. from Caribou Creek. I explained to him that this would be considered ground water (a diversion from) and that I would have to recommend that this point of diversion will need to be amended on his permit.

I chose to use .7 as the slope factor when calculating the volume of the storage pond because the slope of the banks is very steep.

I was unable to obtain a measurement from the 5 HP pump. My recommendation of .167 cfs is based on the value of .21 cfs obtained from the Theoretical Calculation in conjunction with the .043 cfs that was measured from the 2 HP pump, and the diversion rate from Caribou Creek.

Mr. Rachel also stated that his original intent was to develop a system to provide power to his home. ~~but~~ that he has not been able to follow through with this system and at this time there is no beneficial use for power.

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

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F. FLOW CALCULATIONS

Measured Method:

✓ Additional Computation Sheets Attached

See Theoretical Calculation (5 Hp)

$$1 \text{ Hp} = 4 \text{ gal} / 42 \text{ sec} = 5.7 \text{ gpm} = .013 \text{ cfs}$$

$$2 \text{ Hp} = 4 \text{ gal} / 12.3 \text{ sec} = 19.5 \text{ gpm} = .043 \text{ cfs}$$

$$\frac{4 \text{ gal}}{42 \text{ sec}} = \frac{240}{42} = 5.7 \text{ gpm}$$

$$\frac{4 \text{ gal}}{12.3 \text{ sec}} = \frac{240}{12.3} = 19.5 \text{ gpm}$$

$$\frac{.04}{5.7 \text{ gpm}} = \frac{.228}{19.5} = .013 \text{ cfs}$$

$$\frac{1 \text{ cfs}}{19.5 \text{ gpm}} = \frac{19.5}{448.8} = .043 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$700 \text{ ft} \times 300 \text{ ft} = 210,000 \text{ ft}^2$$

$$210,000 \text{ ft}^2 / 43,560 \text{ ft}^2 = 4.8 \text{ acres}$$

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5.0 \text{ acres} \times 3.0 \text{ af/acre/season} = 15 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .10 \text{ cfs} \times 245 \text{ days} \times 1.9835 = 48.6 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 48.6 \text{ af} \quad 15.0 \text{ afa}$$

2. Volume Calculations for Other Uses:

$$\text{Pond dimensions} = 200 \text{ ft} \times 50 \text{ ft} \times 16 \text{ ft}$$

$$\text{Slope Factor} = .7$$

$$200 \text{ ft} \times 50 \text{ ft} \times 16 \text{ ft} = 160,000 \text{ ft}^3$$

$$160,000 \text{ ft}^3 \times .7 = 112,000 \text{ ft}^3$$

$$112,000 \text{ ft}^3 / 43,560 \text{ ft}^3 = 2.57 \text{ af}$$

$$\text{diversion from Caribou Creek } Q = VA$$

$$\text{Area} = .083 \text{ ft}^2$$

$$\text{Vel} = 2 \text{ FPS}$$

$$.083 \times 2 = .167 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	.10	15.0
Irrigation/Recreation Storage	01/01	12/31		2.57
Domestic	01/01	12/31	.02	1.2
Recreation	01/01	12/31	.20 .167	3.57
			Totals:	18.77

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 David A. Pegg Date Aug 27, 1998

Reviewer _____ Date _____

SEAL

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NOV 09 1998

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-08679, S. KACHEL

DATE: 11-AUG-98

COMPLETE BY: PAGEL

HORSEPOWER = 5

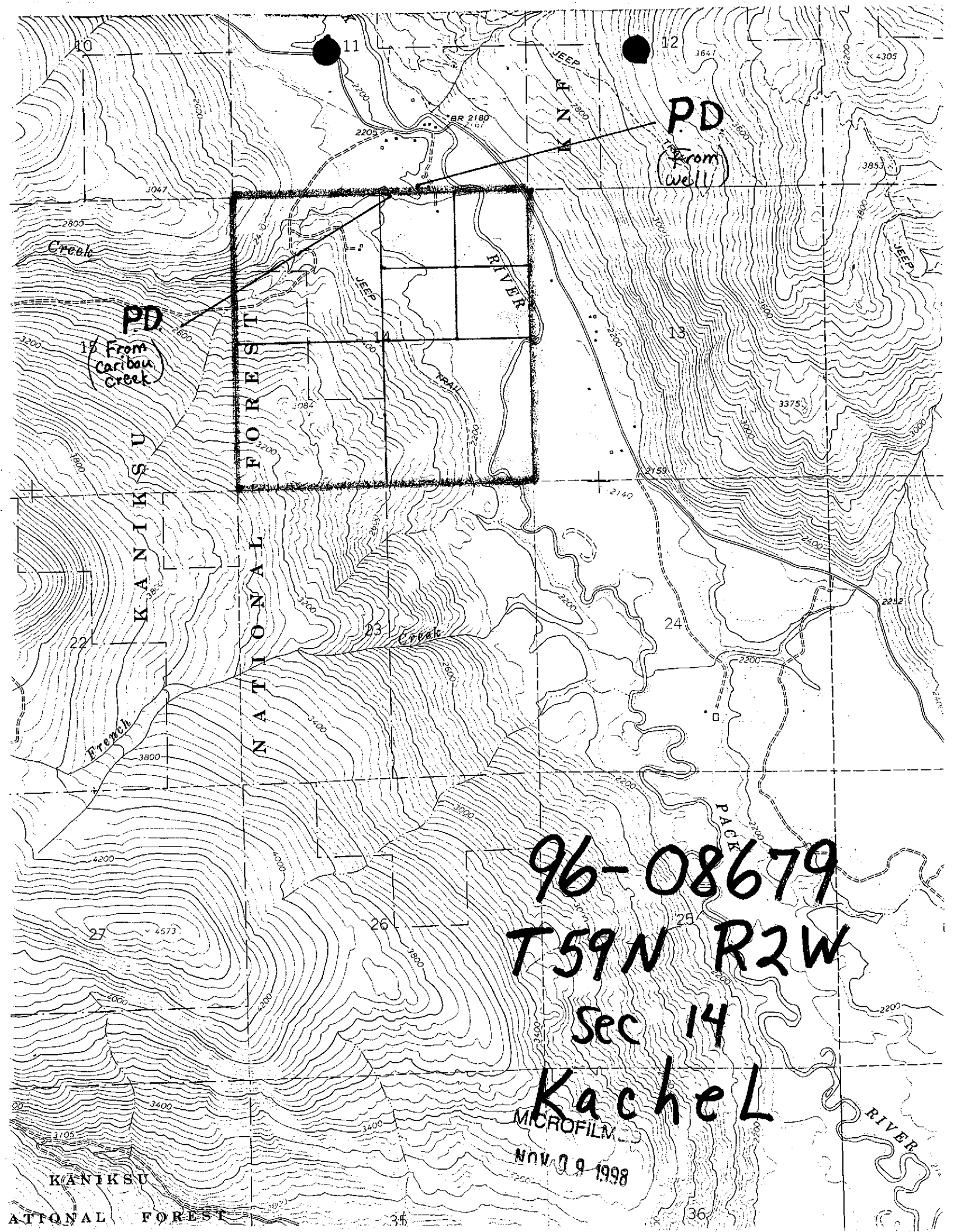
PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 40 FEET

SYSTEM PRESSURE = 45 PSI

QUANTITY = 0.21 CFS

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PD

From Caribou Creek

PD

From well

KACHELA NATIONAL FOREST

96-08679
T59N R2W
Sec 14
Kachela

MICROFILMED
NOV 09 1998

KANIKSU

NATIONAL FOREST

PERMIT # 96-08679

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WT



Point of
diversion
From
Caribou Creek

08679

irrigation system
Cistern/pipe
- houses 2 Hp pump



96-08679



irrigation/recreation
Storage

MICROFILMED

NOV 0 9 1980

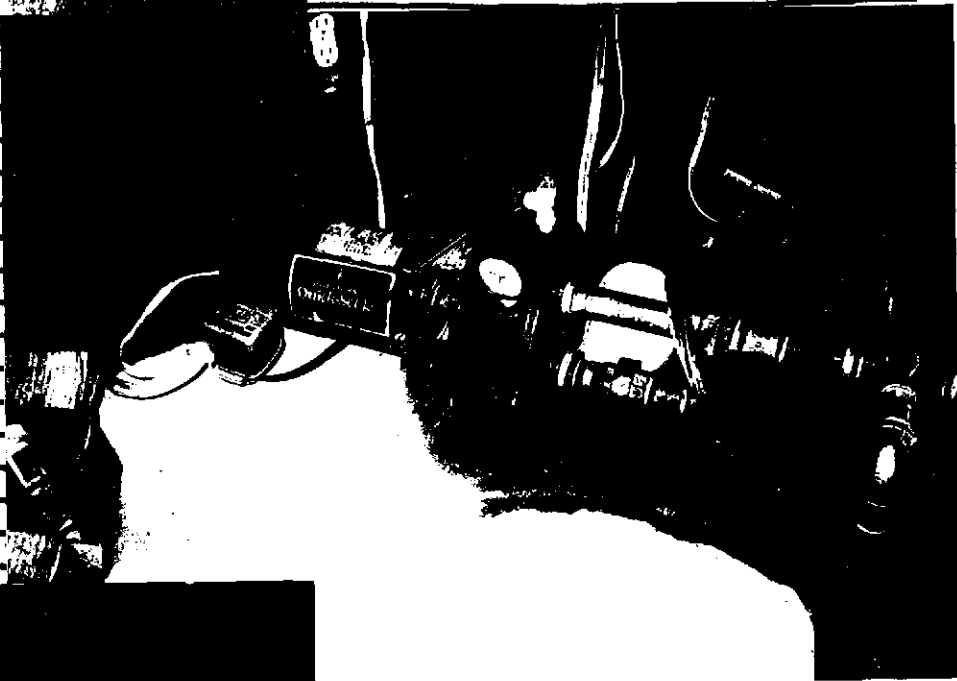
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



3

5 Hp irrigation
Pump

1 HP Pump
(domestic use)



Place
of
Use

MICROFILMED
MAY 09 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT # 96-08677

PHOTOGRAPHS



Point
IN FLOW



Out-Flow

MICROFILMED

NOV 19 1988



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 25, 1997

Scott Kachel
2400 Upper Pack River Rd
Sandpoint, ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08679

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of June 1, 1997. Please note that the priority date has been advanced to December 27, 1991.

The permit authorizes the diversion of 0.2 cfs of water, not 0.8 cfs which you have shown on your proof statement. Hence the department, under separate cover, will refund \$50 dollars of the \$100 filing fee which you submitted to the department. You should receive the refund in about three (3) weeks.

Section 42-248, Idaho Code, which became effective 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. Forms to file a change of ownership of a water right and/or a change in the address of the owner of the water right may be obtained from any department office..

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please feel free to contact the NORTHERN Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - N. Region
Debbie Allen - Fiscal

SEP 10 1997

SEP 10 1997

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08679 Reviewed by WJH Date 7-23-97

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

Inr, Down
yes Correct Uses?

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?
100.00 Amount Submitted
NO Correct?

NO Required?
— Installed?
— Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>7-7-97</u>	<u>188</u>
Date proof due	<u>6-1-97</u>	<u>152</u>
No. of days late	<u>—</u>	<u>= 36</u>
Priority Date	<u>11-21-91</u>	<u>+ 325</u>
New Priority Date	<u>12-27-91</u>	<u>361</u>

DEFICIENCIES OR ACTION ITEMS

- Permit state of advance priority
- Spl str. - rate is 0.2 not 0.8.
- need to return 50%.

DATA ENTRY

New Address _____

Proof Made 7-7-97

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **N011404**

Date: **7/ 7/1997**
Time: **13:33:55**

Received
From: **RACHEL, SCOTT**

Type of Payment	Program A cct	Amount
PROOF OF BENEFICIAL USE 96-08679	65104 229 21 1155	100.00
CHECK 1127		
	Total	\$ 100.00

Region: **NORTHERN**

Signature: _____



RECORDED
SEP 16 1997

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

MICROFILMED

JUL 27 1987

June 18, 1997

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

LAPSE NOTICE

RE: PERMIT NO. 96-08679

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1997. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/19/97
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

NOTED
SEP 10 1997

March 31, 1997

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-08679

Dear Permit Holder:

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

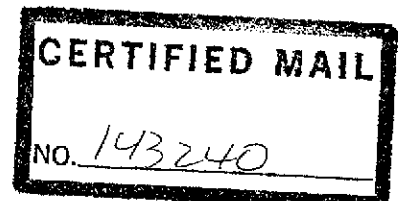
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 16 1997



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 96-08679 Reviewed by [Signature] Date 5-10-95

BASIC INFORMATION

5-5-95 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to June 1, 1997, on basis of Due Diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address Y
Change Proof Due Date 6-1-97
Change Priority Date Y



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

May 11, 1995

Scott Kachel
2400 Pack River Rd.
Sandpoint, ID 83864

RE: Permit No. 96-08679

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **June 1, 1997**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED

MAY 31 1995

March 31, 1995

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SANDPOINT ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-08679

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1995.

(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.

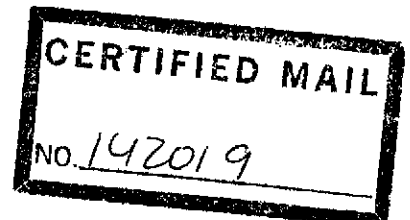
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

MAY 31 1995





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 22, 1992

SCOTT KACHEL
2400 UPPER PACK RIVER RD
SAND POINT ID 83864

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08679

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Please be advised that your application for permit has been approved because we no longer wait for approval from the Federal Energy Regulatory Commission (FERC) or the Idaho Public Utilities Commission (PUC) when the flow is less than 25 cfs and the power to be generated is less than 500 HP. However, you may still need to obtain approval from FERC and/or PUC.

Sincerely,

BRENDA MILLER
Technical Records Specialist

BLM:cz

Enclosure

RECEIVED
JUN 12 1992

MEMORANDUM

TO: File No. 96-8679 in the Name of Scott Kachel
FROM: Gary Spackman *Gary*
DATE: May 8, 1992

RE: Conditions of Approval

Standard conditions for a small hydropower facility, including the subordination clause, shall be printed on a permit and any subsequent license issued for application no. 96-8679. In addition, Fish & Game withdrew its protest of the application if the applicant would comply with five specific conditions contained in a letter to the Department dated January 8, 1992. I do not believe the five conditions should be specifically printed, but that a permit should refer to the conditions as follows:

Construction of diversion works pursuant to this permit shall provide for adequate fish screening and deflection, minimal streambank disturbance, and adequate water quality in any bypass reach.

The Director retains jurisdiction to establish a bypass flow in the future to protect fish, aquatic, and riparian values.

MICROFILMED

JUN 12 1992

APPLICATION FOR PERMIT REVIEW

Application #: 96-08679
Date: 4-12-92

Reviewer: Brenda Miller

✓ SYSTEM COMPLETED:

- ✓ No - 26A-P17
- Complete in 1 year - P16
- Yes
 - Proof not submitted - P16
 - Proof submitted - N/A

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99
- Not included - 046-P23 (All GW, even existing wells)

✓ SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), ✓ NMR <flow chart>

LOCATION:

- ✓ Water Districts - WD No. _____
- Surface water - 005, 005-01H-P01 (LT.2 w/pump)
- 005-01J-P08 (GT.2)
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- ✓ Swan Falls Flag - (1, ✓ Blank or Other)
- Trust - 051-052-053-P74 (Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D. Cond.)

✓ USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- ✓ Power - 03A, 17K, 025, 17M, (P18) Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021(restricted areas)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

✓ Beneficial Use Due Date: -

Other Conditions Recommended 05-01-1997 06-01-1995
RECOMMENDATION OF F+G DEPT-SEE MEMO

OK Jim

No. a
4/87-11/91n

ISLAND DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

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

APPLICANT: KACHEL By TDK DATE 11/25/91 APPLICATION # 96-8679

REQUIRED INFORMATION

- (1). ☒ Name and Address:
(2). ☒ Source:
(3). ☒ P. D. including county:
(4). ☒ Quantity:
 ☒ Nature of proposed use:
 ☒ Period of use:
(5). ☒ Total Quantity:
(6). ☒ Description of diverting works:
 ☒ Dam information requested
 or not required
(7). ☒ Time required for b/u
(8). ☒ Proposed uses:
(9). ☒ Place of use or acres irrigated:
(10). ☒ Other Water Rights:
(11). ☒ Ownership:
(13). ☒ Map:
 ☒ Signature:
 ☒ Fee: (Amount, receipt number)

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

☒ Proposed Priority 11/21/91
☒ In form for Advertising in the
 Bowser County Daily Bee
 County of BOWSER

Statewide advertising: (diversion
greater than (10cfs/1,000af)

SEND COPIES TO

☐ USFS CdA.	☐ USFS Oro.	☐ USFS Grngvll
☒ BLM	☐ Corps.	☐ Adj. Div.
☒ F&G CdA.	☐ F&G Lew.	☐ IDL
☐ H&W CdA	☐ H&W Lew.	☐ GW Div.
(Other) _____		

- ☐ Acknowledgement Letter prepared
☐ Acknowledgement Letter sent

LETTERS SENT REQUESTING:

- ☐ Dam information ☐ Fish Information
☐ Power information

INFORMATION RECEIVED

- ☒ Power information ☐ Dam information
☐ Fish Information

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

(Yes) (No)

- ☒ Affidavit of publication received:
☒ Application published correctly: If not, record action taken: _____
☒ Publication dates and paper recorded on application:
☒ Protests received, Final date for protest 12/23/91
☒ Notice of pending void order issued: Final date of order response. _____
☒ Groundwater management area:
☒ Critical ground water area:
☒ Well Drilling Permit required:
☒ Well Drilling Application and Fees received:
☒ Well Drilling Application Approved?
 Well Drilling Application Number _____
☒ Measuring device required:
☒ Measuring port required:
☒ Special conditions _____
☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: TDK

RECEIVED
MAR 6 1992

Department of Water Resources

96-08679

KACHEL, SCOTT
2400 UPPER PACK RIVER RD
SANDPOINT, ID 83864

Source: CARIBOU CREEK

Tributary: PACK RIVER

Diversion Pt: NWNE Sec 14 T 59N R 02W in BONNER County.

Use: IRRIGATION	(.100 CFS)	
IRRIGATION STORAGE		(5.00 AF)
IRRIGATION FROM STORAGE		(5.00 AF)
POWER	(.200 CFS)	
POWER STORAGE		(5.00 AF)
POWER FROM STORAGE		(5.00 AF)
DOMESTIC	(.040 CFS)	
RECREATION	(.200 CFS)	
RECREATION STORAGE		(5.00 AF)
DIVERSION TO STORAGE	(.200 CFS)	
Total Diversion:	(.200 CFS)	

Date Filed: 11/21/1991

In: BONNER County	
T59N R02W S11	SWSE
S14	NWNE

5.0 ACRES TOTAL

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JUN 12 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 20, 1992

Idaho Department of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8679 - Scott Kachel

Gentlemen:

I spoke With Mr. Scott Kachel on the telephone and he has agreed to the conditions outlined in our letter of January 8, 1992.

Therefore, we will consider your protest withdrawn and proceed with approving Mr. Kachel's permit.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

c Mr. Scott Kachel

MAILED
JUN 12 1992

January 14, 1992

Mr. Scott Kachel
2400 Upper Pack River Rd.
Sandpoint, Id. 83864

Re: 96-8679

Dear Mr. Kachel:

Enclosed is a copy of a letter from the Idaho Department of Fish and Game, dated January 8, 1992, regarding their protest to your above-referenced water right application.

If you agree to the conditions set forth in this letter, then the Idaho Department of Fish and Game will withdraw their protest and we can continue the processing of your application.

If we do not hear from you within twenty days of today's date, we will assume these conditions are not acceptable and will set the matter for conference and/or hearing.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enc. - Correspondence

MICROFILMED

JUN 1 2 1992

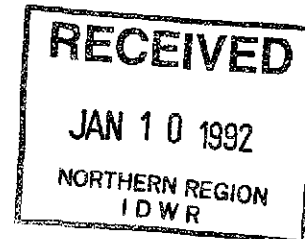


IDAHO FISH & GAME

REGION 1
2320 Government Way
Coeur d'Alene, ID 83814
(208) 765-3111

January 8, 1992

Mr. Robert Haynes
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814



Dear Bob:

REFERENCE: 96-8679 KACHEL/CARIBOU CREEK

We have had an opportunity to review this application on site with Mr. Kachel. Provided the following conditions are met, we will withdraw our protest.

1. The diversion intake shall be screened with 1/4 inch or finer mesh screen to prevent loss of juvenile trout. Approach velocities should not exceed 0.5 ft/second.
2. Any stream bank disturbance which occurs as a result of development of this application shall be restored as nearly as possible to the original condition. Disturbance should be kept to a minimum and only occur at the point of diversion and point of return. Work should be completed during low flow periods when flooding danger is minimal.
3. The pond shall be designed so as to prevent any significant warming of the stream temperature at the point of return (as per DEQ standards) during summer months.
4. The distance from the point of diversion to the point of return shall be kept to a minimum.
5. Any diversion structure or device will not result in a loss of fish habitat or impede fish passage.

Our decision to conditionally withdraw our protest is based on the small amount of water (relative to base stream flow) applied for; that use will largely be non-consumptive; and because the project can be completed with a minimal amount of disturbance to the stream. At this time, development of water rights in Caribou Creek appears to be minimal or non-existent, thus we do not anticipate any cumulative impacts to fish or wildlife from this project. Future development may result in impacts and future applications of

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

Equal Opportunity Employer



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JUN 12 1992

Mr. Robert Haynes - Page 2
January 8, 1992

this nature may be protested. Caribou Creek is an important spawning tributary for Lake Pend Oreille trout and should be maintained as such.

We hope this resolves this issue. Please do not hesitate to call if you need additional information.

Sincerely,


David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Scott Kachel, 2400 Upper Pack River Road, Sandpoint, ID 83864
Bureau of Program Coordination
Steve Goddard

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JUN 12 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 30, 1991

Mr Scott Kachel
2400 Upper Pack River Rd
Sandpoint, Id. 83864

Re: 96-8679

Dear Mr. Kachel:

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/pms
Enclosure

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JUN 12 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Idaho Department of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8679 Kachel/Caribou Creek

Gentlemen:

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):

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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/pms

RECEIVED

JUN 12 1992

Application No. 96-8679

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Dept of Fish & Game	2320 Gov't Way, CDA, Id. 83814	12/12/91
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 12/12/91 PROTEST DUE DATE: 12/23/91

ISSUES: Reduce available habitat for fish and block migration - not in the public interest.

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>12/30/91</u>
Acknowledgment Letters Sent	<u>12/30/91</u>
Hearing Date	

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

JUN 12 1992



IDAHO FISH & GAME

REGION 1
2320 Government Way
Coeur d'Alene, ID 83814
(208) 765-3111

RECEIVED

DEC 12 1991

**NORTHERN REGION
IDWR**

December 5, 1991

Mr. Robert Haynes
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE #96-8679 KACHEL/CARIBOU CREEK

We have reviewed this application and have concerns about impacts to fisheries.

Caribou Creek is used by cutthroat trout and rainbow trout from Pend Oreille Lake for spawning purposes. Diversion of water and creation of storage may reduce available habitat and block fish migration. Fish may also be lost due to diversion unless adequate screening is provided. Because Pend Oreille Lake and its tributaries support important recreational fisheries, this application may not be in the public interest due to potential impacts to a recognized beneficial use.

We have attempted to contact Mr. Kachel by phone to get more information on this proposal, but have been unsuccessful to date. Further information may indicate no harmful impacts to fish or wildlife. However, until that can be shown, we protest this application for the reasons stated above.

Thank you for the opportunity to comment.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Steve Goddard
Bureau of Fisheries
Bureau of Program Coordination

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



Working for wildlife since 1938

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JUN 12 1992

November 27, 1991

Idaho Dept. of Fish & Game
2320 Government Way
Coeur d'Alene, Id. 83814

Re: 96-8679

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to your agency.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enclosure

UNRECORDED
JUN 12 1992