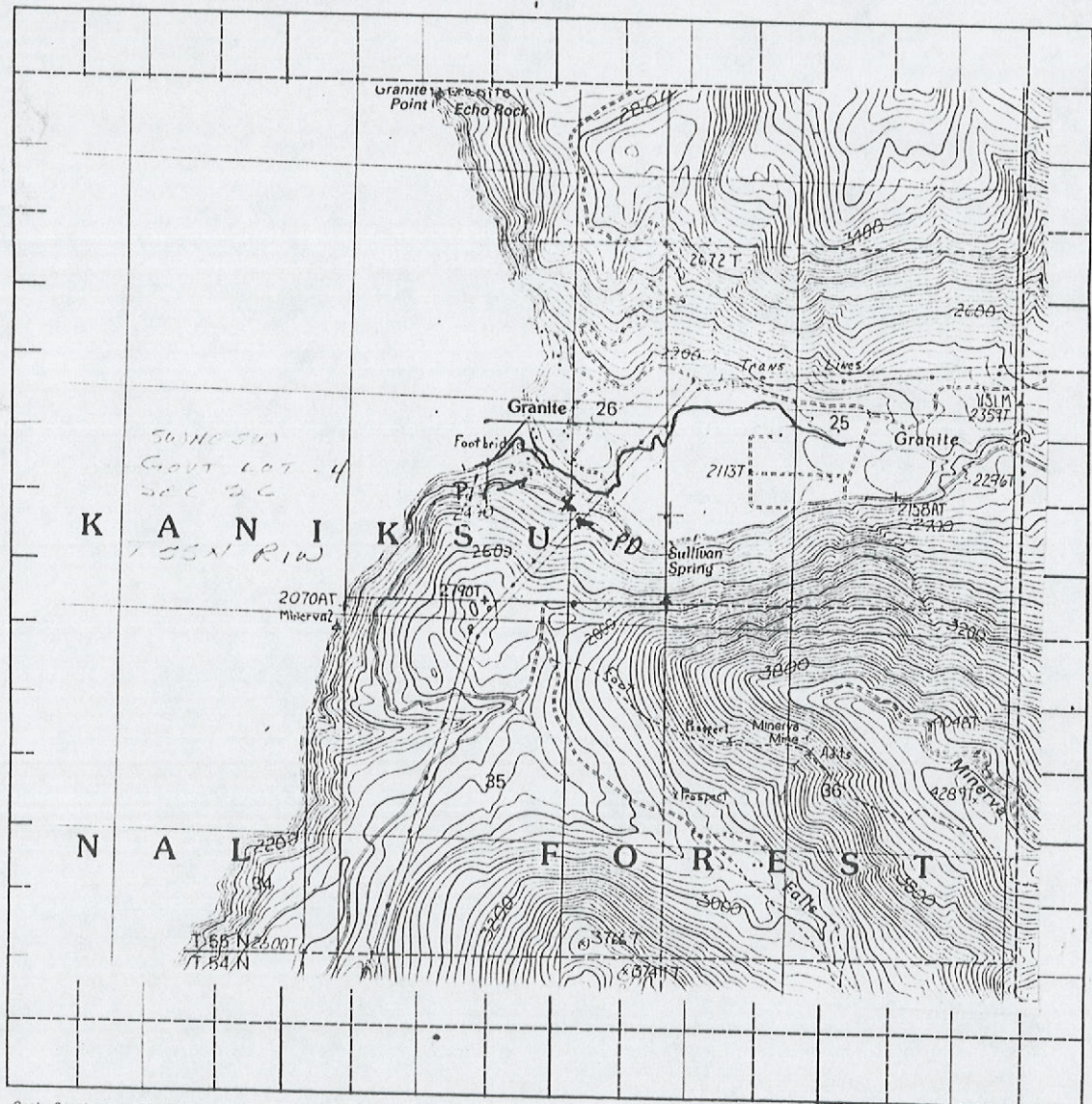


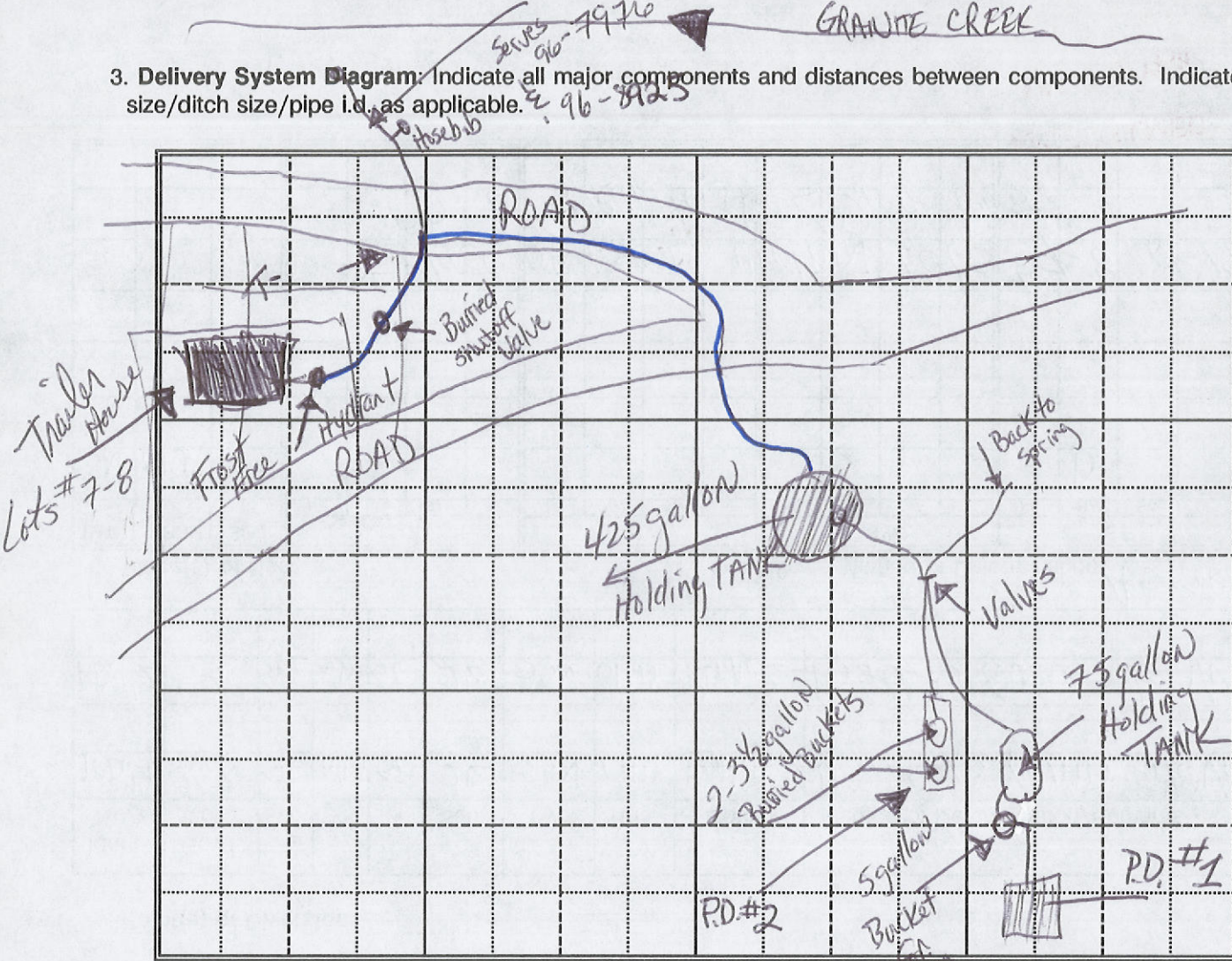
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X Earl H. Harkins
(Applicant)

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



Scale: 1" = 1/25

- ☒ 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
P.D. #1			GRAVITY FLOW		
P.D. #2			GRAVITY FLOW		

*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

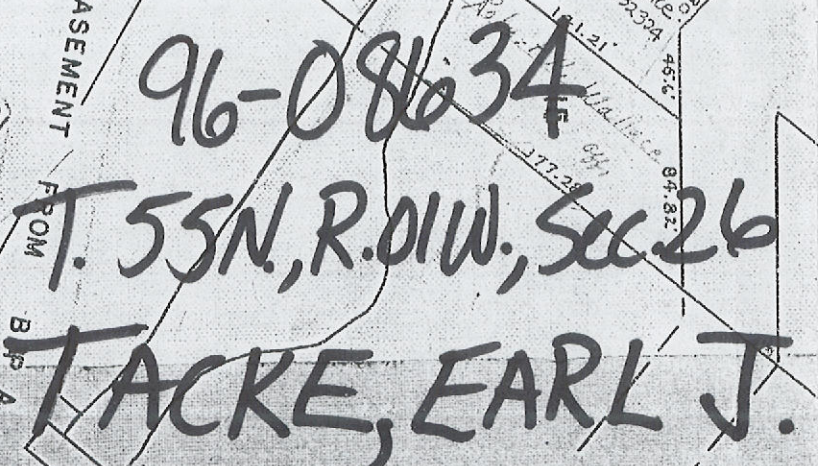
2. Measurements: Bucket Method - 4 gallon @ 21.4 seconds and 4 gallon @ 18.6 seconds.
Measurement @ 12:35 PM on 7-24-97

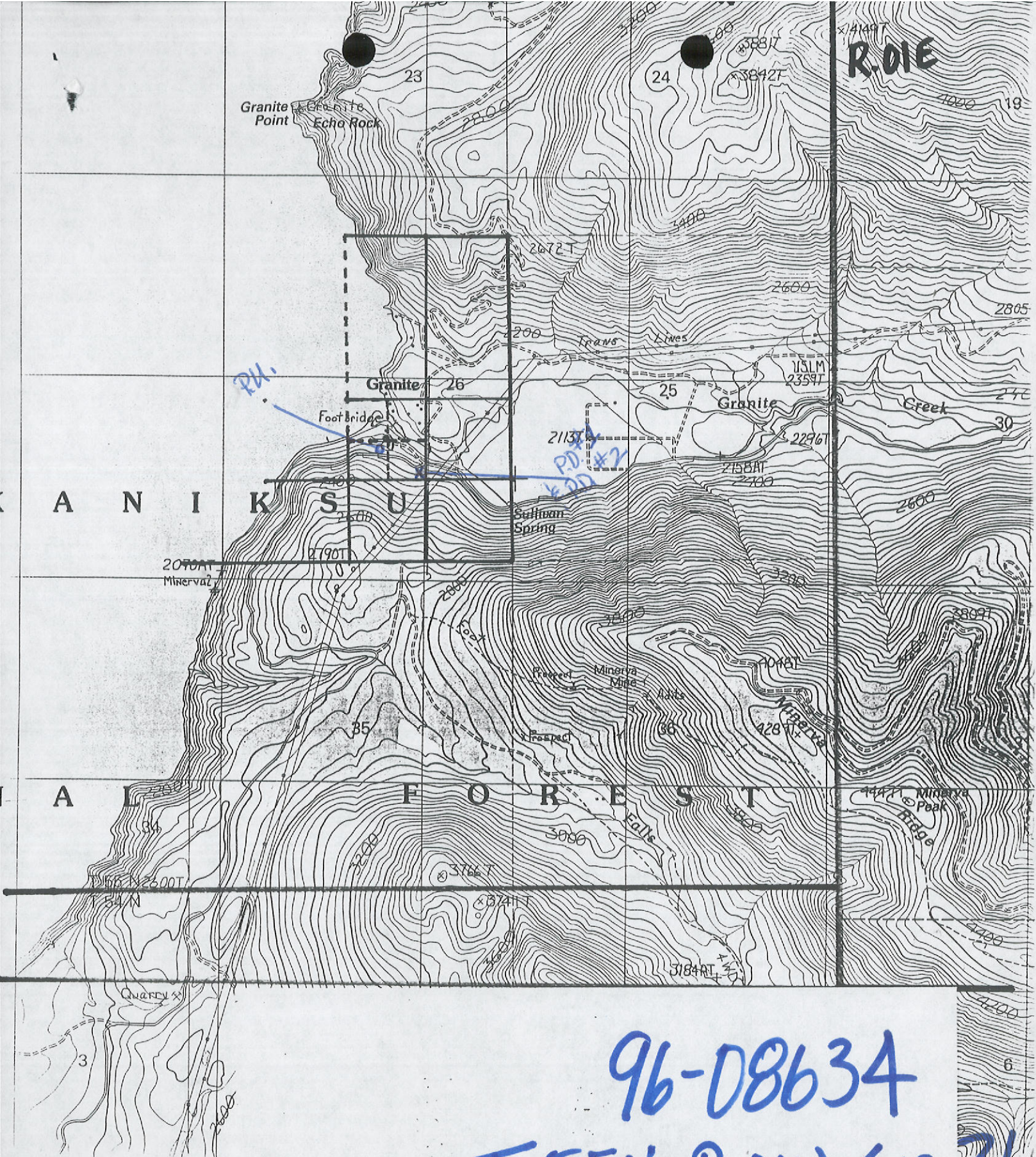
MICROFILMED
APR 10 1998

BOISE MERIDIAN, IDAHO

589.59.14

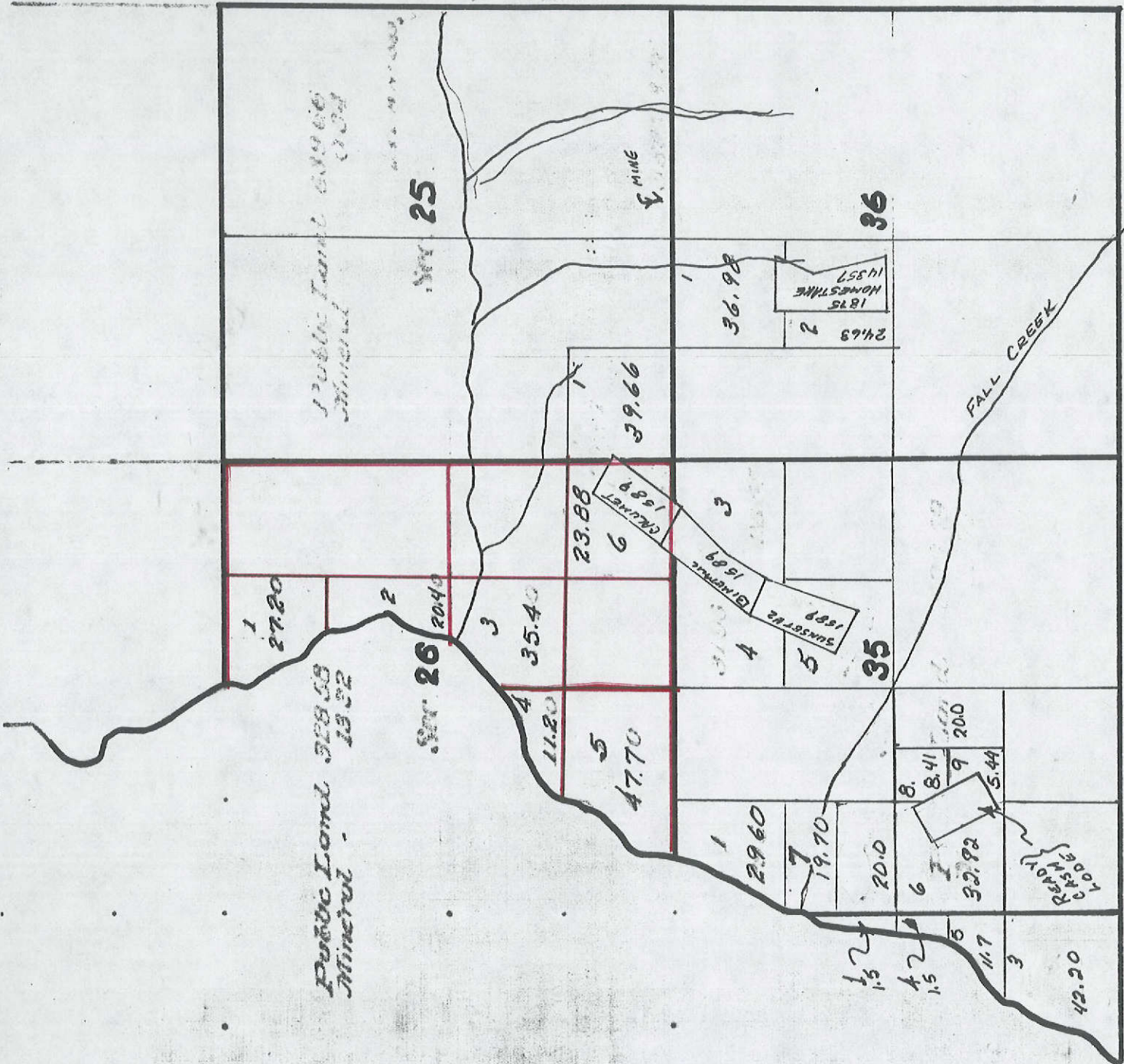
APR 10 1998





96-08634
T. 55N, R. 01W, Sec. 26
Tacke, Earl J.

MICROFILMED
APR 10 1998



sec. 27.

96-08634
T. 55 N., R. 01 W.,

MICROFILMED

APR 10 1998

PERMIT # 96-0863A



STATE OF IDAHO
DEPT. OF WATER RESOURCES
REPORT SUPPLY
PHOTOGRAPH

7.5 gallon Holding Tank
5 gallon Sediment Trap
Spring #1 is 7.5 gal. Holding Tank



Spring #2 - 2-3 gal Barrels
Sediment Trap - 5 gal



STATE OF IDAHO
 DEPT OF WATER
 REPORT SUP
 PHOTOGRAPH



PLACE OF USE
 SHUT-OFF Valve - Buried



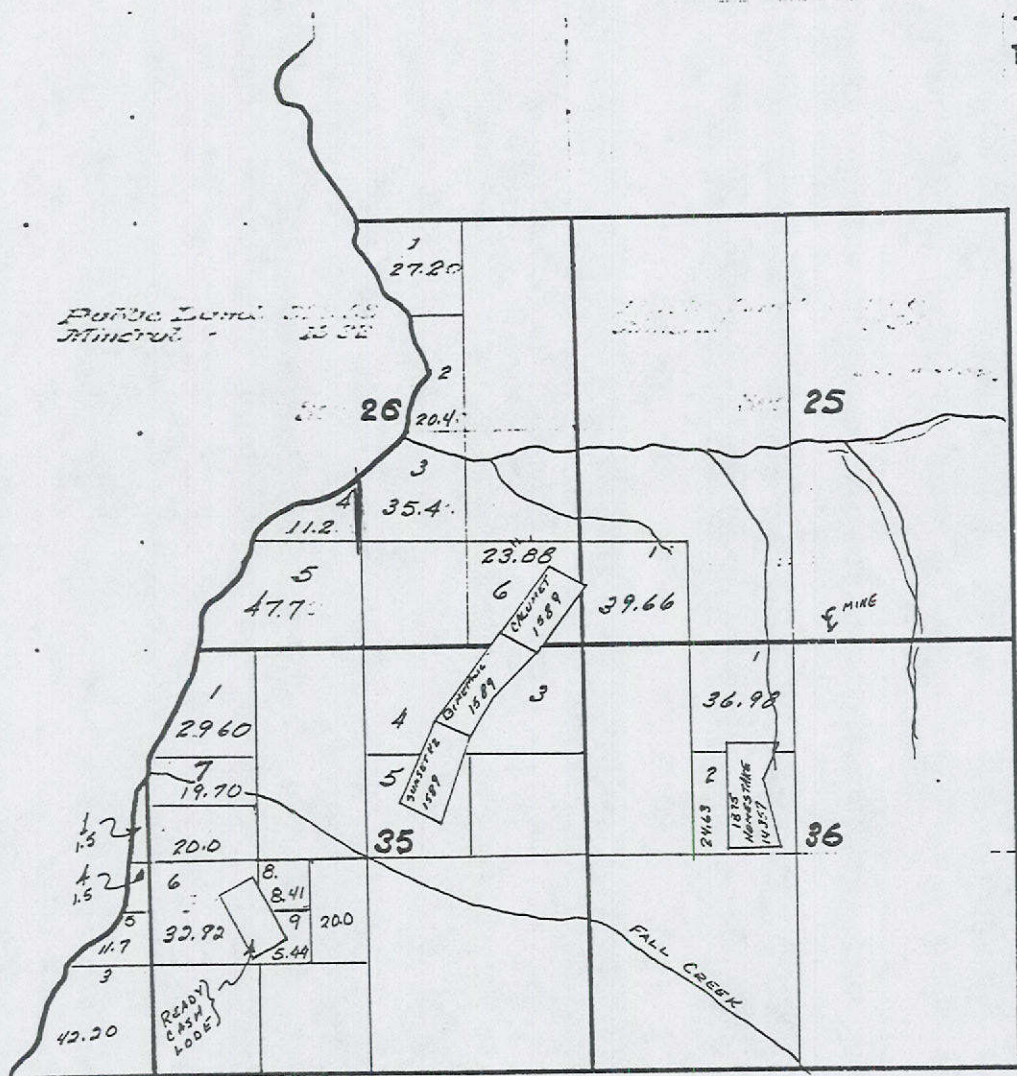
Measurement from Hydrant
 Valve for Spring #2 and 425 gallon tank



T55N
R1W E

Sec. 27.

Sec. 34.



as GRANITE CREEK PROPERTIES, located in Sections 25 & 26, T55N, R1W, B.M. & Section 30, T55N, R1E, B.M. in Bonner County Idaho, the boundaries of which are specifically described as follows: from the Initial Point, which is the one-quarter corner between Sections 25 & 26, T55N, R1W, B.M.; thence S 89° 53' W, 2070.00 ft. to a point on the shoreline of Lake Pend Oreille; thence across the waters of said Lake Pend Oreille S 37° 39' 30" W, 978.71 ft. to a point on the opposite shore, which point is on the west line of Lot 3, Sec. 26, T55N, R1W, B.M.; thence S 0° 26' 39" E along said Lot line, 617.38 feet to the southwest corner of said Lot 3; thence N 89° 52' E 2631.32 ft.; thence N 89° 51' E, 2388.90 ft.; thence N 4° 38' 30" W, 243.94 ft.; thence N 85° 00' E, 282.00 ft.; thence N 0° 10' 22" W, 726.77 ft.; thence N 89° 53' 50" E, 331.19 ft.; thence S 0° 10' 57" E, 661.50 ft.; thence N 89° 43' 20" E, 1325.24 ft.; thence S 0° 13' 17" E, 328.60 ft.; thence N 89° 38' 08" E, 994.09 ft.; thence S 89° 02' 39" E, 663.28 ft.; thence N 0° 24' 19" W, 327.05 ft.; thence S 89° 08' 57" E, 660.66 ft.; thence N 1° 00' 45" W, 2261.82 ft.; thence N 89° 40' 46" W, 1291.62 ft.; thence S 0° 13' 29" E, 1265.88 ft.; thence S 89° 58' W, 5307.64 ft. to the Initial Point, excepting that portion within the above described tract previously dedicated to the Bonnevill Power Administration & the Washington Water Power Co. as shown on the plot. Further it hereby certifies that all roads as shown are dedicated to the public.

Dated: July 25, 1961

Lake Properties Inc.
Signed: Fred R. Kennedy
President
Chester P. Chastek
Secretary

SURVEYOR'S CERTIFICATE

I hereby certify that the within plot is correct & was prepared from an actual survey made by me July 1961, that the metes & bounds description as given in the Owner's Certificate is correct, & that all lot corners have been established on the ground. I further certify that this tracing is an exact copy of the final map of GRANITE CREEK PROPERTIES.

Dated: July 25, 1961

Signed: William W. Wright
W.W. Wright, P.E.

COUNTY SURVEYOR'S AFFIDAVIT

I hereby certify that I have examined the within plot & have checked the computations involved sufficiently to determine that it complies with the laws relating to the filing of plots.

Dated: July 31, 1961

Signed: Arvin G. County Surveyor
Arvin G. County Surveyor

COUNTY COMMISSIONER'S APPROVAL

Approved & accepted by the Board of County Commissioners of Bonner County Idaho this _____ day of _____, 1961.

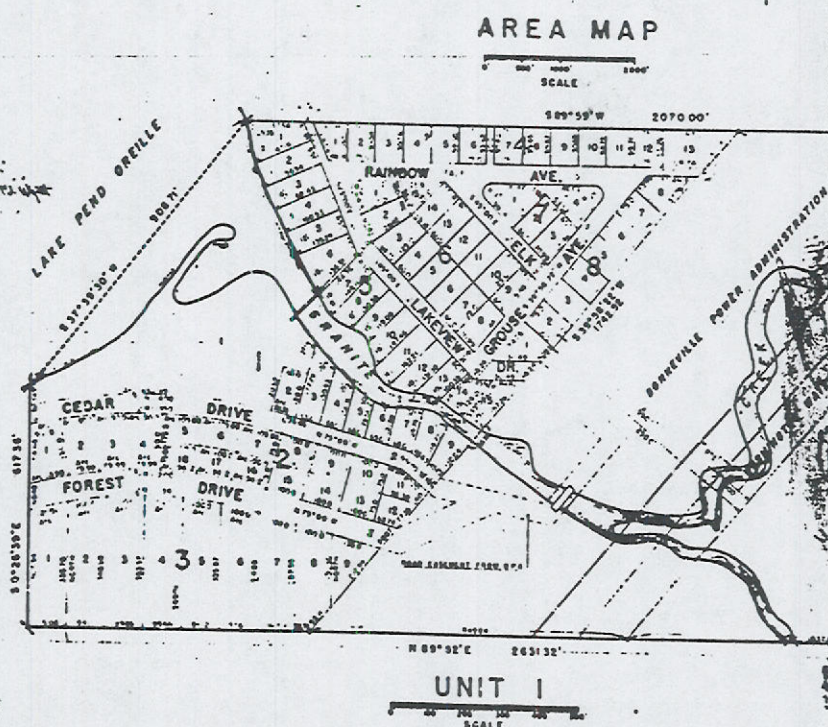
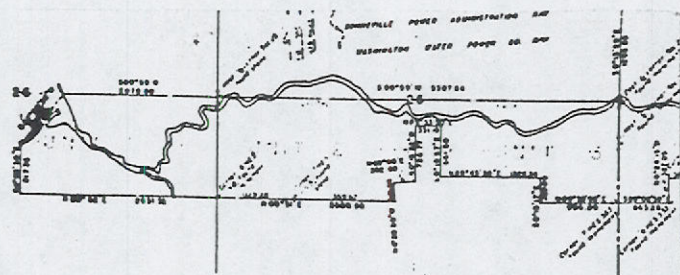
By: Chairman of the Board
Chairman of the Board

ACKNOWLEDGEMENT

STATE OF IDAHO
COUNTY OF BONNER On this 25th day of July, 1961, before me, a notary public appeared Fred R. Kennedy & Chester P. Chastek personally known to me to be the persons who subscribed their names to the foregoing Owner's Certificate as President & Secretary respectively of Lake Properties Incorporated & acknowledged to me that they executed the same for the purpose stated therein.

Fred R. Kennedy
Notary Public in & for the
State of Idaho at Sandpoint
My commission expires:
Dec 2 1964

Aug. 24, 1961
By William W. Wright
Notary Public
file p 73



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08634

Priority: August 19, 1996

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that EARL J TACKE

PO BOX 153

BAYVIEW ID 83803

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 14, 1991; and has submitted Proof of Beneficial Use on August 19, 1996. An examination indicates that the works have a diversion capacity of 0.050 cfs of water from:

SPRINGS

tributary to GRANITE 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>
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SESW), Sec. 26, Township 55N, Range 01W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

55N 01W 26 Lot 3 (NWSE)

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 which 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.

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APR 10 1998

State of Idaho
Department of Water Resources

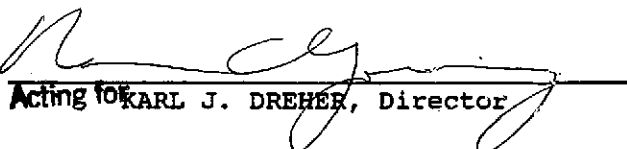
WATER RIGHT LICENSE

WATER RIGHT NO. 96-08634

CONDITIONS OF APPROVAL AND REMARKS

5. Rights 96-07976, 96-08634, and 96-08925 when combined shall not exceed a total diversion rate of 0.05 cfs.
6. Rights 96-07976 and 96-08925 are also diverted through the point(s) of diversion described above.
7. Domestic use is for 1 home.
8. Place of use known as Lots 7 and 8, Blk. 2, Granite Creek Properties.
9. Two points of diversion are located in Lot 3 (SENWSE), S26, T55N, R1W.

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 30TH day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 10 1998

RECEIVED

MAR 25 1998

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 96-08634

Date of Priority: August 19, 1996

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.2 AF

Comes now

EARL J TACKE

PO BOX 153

BAYVIEW ID 83803

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-08634, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to GRANITE CREEK

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.03 CFS

1.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SEWNSE), Sec. 26, Township 55N, Range 01W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

55N 01W 26 Lot 3 (NWSE)

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Granite Creek, ID, this 20th day of March, 1998.

MICROFILMED

APR 10 1998

Earl Tacke
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-08634

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = 50.00 Received by LB # C041850 Date 3/25/98

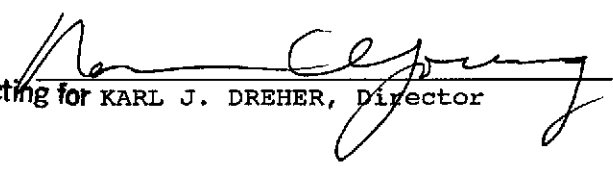
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 96-08634 with the following;

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 which 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. Rights 96-07976, 96-08634, and 96-08925 when combined shall not exceed a total diversion rate of 0.05 cfs.
6. Rights 96-07976 and 96-08925 are also diverted through the point(s) of diversion described above.
7. Domestic use is for 1 home.
8. Place of use known as Lots 7 and 8, Blk. 2, Granite Creek Properties.
9. Two points of diversion are located in Lot 3 (SE1/4), S26, T55N, R1W.

Witness my hand this 30TH day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
APR 10 1998

IN THE MATTER OF PERMIT NO. 96-08634)
)
) ORDER OF
IN THE NAME OF EARL J. TACKE)
) REINSTATEMENT
)

FINDINGS OF FACT

- MICROFILMED
MAY 28 1997

(2) affidavits from neighbors, stating that water had been but to beneficial use prior to the permit lapsing on September 1, 1993. The permit holder further stated that proof was not filed timely since he misplaced the proof due notice and paperwork.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

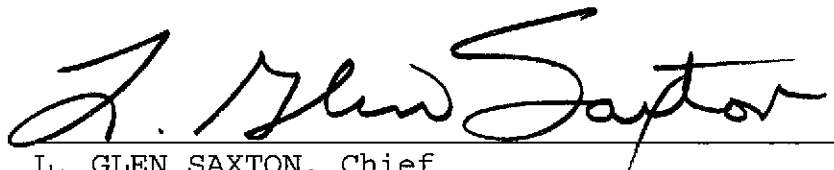
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-08634 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to August 19, 1996.

Dated this 16th day of April, 1997.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", is written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

AUG 19 1996

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 96-08634 Telephone No. 208-222-2263

2. Name(s) of Permit Holder(s): Earl J. Tacke

3. Mailing Address: P.O. Box 153, Bayview, Id, 83803

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

a. Well Driller: _____ Drilling Permit Number: _____

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.014 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 _____
Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____
Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Earl J. Tacke Telephone Number: 208-222-2263

Address: P.O. Box 153, Bayview, Id, 83803

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: Earl Tacke Date: 8-8-96
(include your title, if on behalf of company or organization)

MICRO FILMED

MAY 19 1997

NOTICE

This file has been REPRODUCED
from MICROFICHE ~~because:~~

For possible reinstatement

Darby Block
Person Recreating File

12-05-96
Date

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08634

Proposed Priority: February 14, 1991 Maximum Diversion Rate: 0.04 CFS

This is to certify, that EARL J. TACKE

P.O. BOX 153

BAYVIEW, ID 83803

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 3(SENWSE), Sec. 26, Township 55N, Range 01W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

55N 01W 26

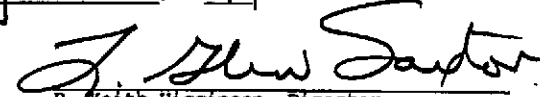
NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1993.
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. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.
6. Place of use located within Lot 8, Block 2, Granite Properties.

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

21st day of August, 1991

for 
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant EARL J. TACKER Phone NONE
Post office address Box 153 BAYVIEW, ID. 83803
2. Source of water supply SPRING which is a tributary of (SE NW SE) GOVT. LOT 3 (PER RECORDERS OFFICE TDR-6/5/91)
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Govt. Lot 7
Sec. 26 Township 35N Range 14W B.M. BANNER County; additional
points of diversion if any: AKA Lot 8 Block 2 Granite Creek Prop
NOT PD TDR 2/15/91 (PU DESCRIPTION)
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. DEVELOPED SPRING
GRAVITY FLOW PIPE TO HOME
 - 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 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
1 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. 1
- 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.

AKA LOT 5 BLK 2 GRANITE PEAK PROP.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>55N</u>	<u>1W</u>	<u>26</u>									<u>D</u>					<u>D</u>			
																<u>TDK</u>			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

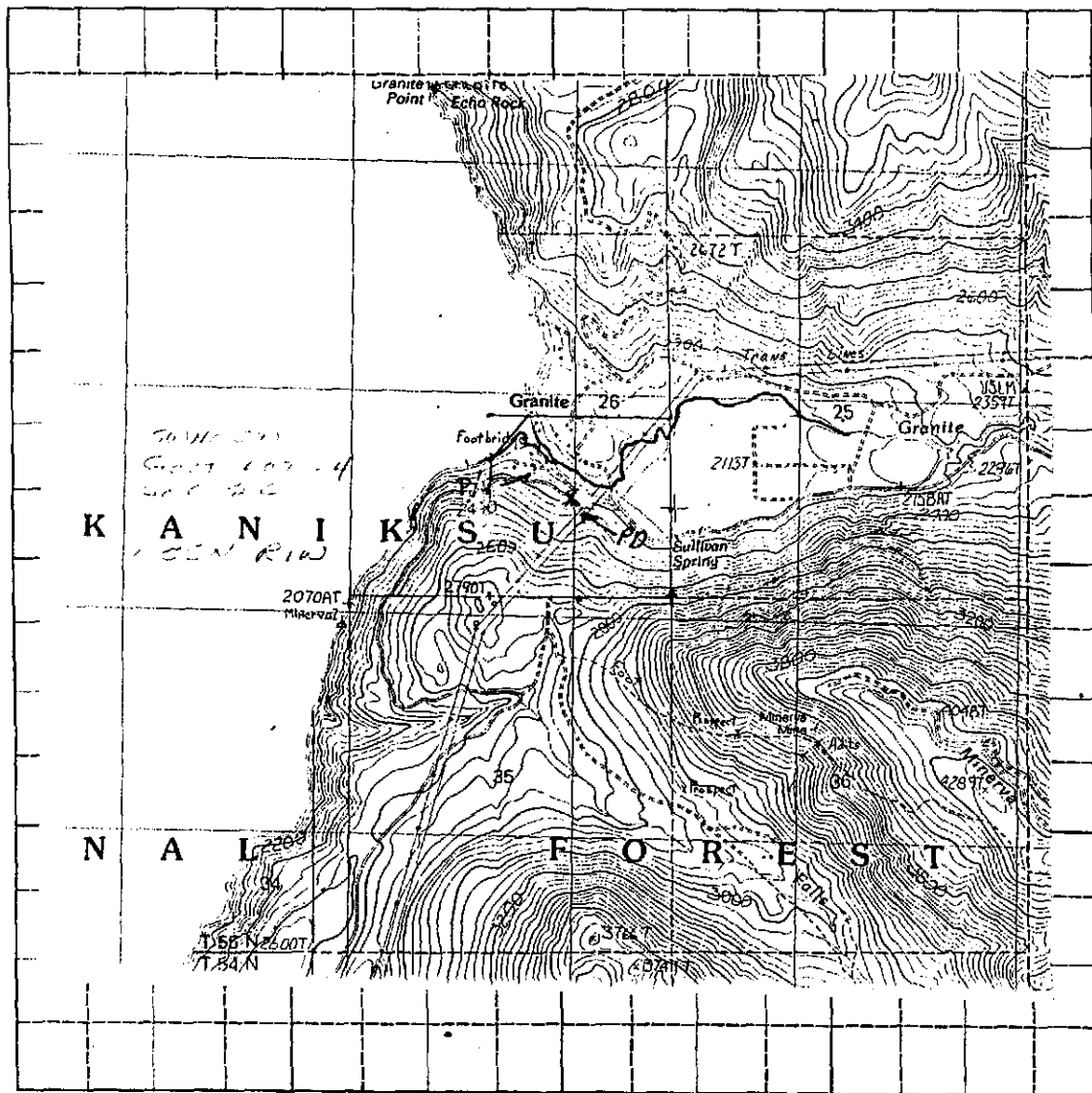
11. a. Who owns the property at the point of diversion? USE 5

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

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

12. Remarks: _____

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.

X Earl H. Hulse
(Applicant)

Received by PM Date 2/14/91 Time 2:00 PM Preliminary check by RGH/JSK
Fee \$ 30.00 Received by PM # N 4328 Date 2/14/91
Publication prepared by PM Date 2/25/91 Published in Boone County Daily Bee
Publication approved PM Date 5/16/91

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:



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

March 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL J TACKE
PO BOX 153
BAYVIEW ID 83803

RE: WATER RIGHT NO. 96-08634

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.

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APR 10 1998

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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:

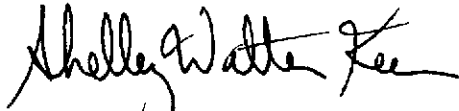
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

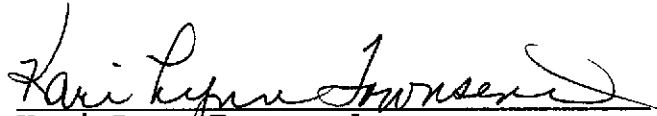
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of March, 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. 96-08634

EARL J TACKE
PO BOX 153
BAYVIEW ID 83803


Kari Lynn Townsend
Secretary

MICROFILMED

APR 10 1998



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

March 16, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

EARL TACKE
PO BOX 153
BAYVIEW ID 83803

RE: Water Appropriation Permit 96-08634

Dear Mr. Tacke:

Thank you for calling a couple of weeks ago to discuss the amendment request I sent you for permit 96-08634. Since we spoke, I have taken some additional time to review the field examiner's report for your permit and permit 96-08925 in the name of Richard Rand. I have also reviewed the file for water right license 96-07976, which was issued to Don Newton in 1987, and the file for statutory claim 96-04123 filed by Don Gumprecht and Joseph Dupre in 1974.

As I understand it, the primary source of water for your home is a spring diverted by a short pipeline to a 75 gallon trough. From the trough, water is piped directly to the Gumprecht/Dupre use. Overflow from the 75 gallon trough is piped directly to a larger tank from which it is distributed to your home, Richard Rand's home, and the Newton home, which is apparently now owned by someone else. If this description is accurate, then because the water diverted to each of the four uses is initially diverted from a single point via a single pipeline to the 75 gallon trough, the four water uses share this point of diversion.

The field examiner reported that water for your home can also be supplied from a second point of diversion when the flow from your primary system is insufficient to supply your needs. According to the examiner's description, water from this second diversion point joins your distribution system below the 75 gallon tank and is not, therefore, shared by the Gumprecht/Dupre use.

During our conversation, you expressed some concern about the legality of sharing a point of diversion. In Idaho water is commonly diverted for multiple water rights from shared points of diversion for all kinds of water systems varying from municipalities and large irrigation projects to smaller domestic systems like yours. Access to the point of diversion when it is on another party's property is often covered by an easement or other formal arrangement or by an informal agreement. Water users with a shared point of diversion and distribution system may also have formal or informal arrangements for system maintenance and for water delivery. These arrangements are civil matters not usually described in a water appropriation permit or license other than in a remark indicating that other water rights are diverted from the same point of diversion.

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APR 10 1998

Earl Tacke
March 16, 1998
Page 2

Last month I requested that you complete an application for amendment of your permit to include the diversion of water from your second point of diversion. Because your application for permit described only one diversion point, your permit authorized only one diversion point. Unless you amend your permit, your water right license will be issued for a single point of diversion and you will not have a right to divert water via your alternate point of diversion. I also sent an amendment request to Richard Rand.

After reviewing the details of your water use again, I am convinced that an amendment is necessary to authorize diversions of water via your alternate point of diversion. Therefore, I have enclosed another amendment form that contains information that will be included on your license when it is issued. The existence of the second point of diversion is noted in remark no. 9 on the second page. Remark no. 6 indicates that you share a point of diversion with two other rights. The Gumprecht/Dupre use (96-04123) is not listed because it is represented by a statutory claim. Statutory claims represent water uses established before permits were required, but they are not considered to be confirmed water rights.

Please review and sign the amendment form and return it with the \$50.00 filing fee within fourteen days. If I do not receive the amendment within fourteen days, your water right license will be issued for diversion from your primary point of diversion only.

If you have any questions, please contact me at (208) 327-7946 in Boise.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED



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

February 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL J TACKE
PO BOX 153
BAYVIEW ID 83803

RE: WATER RIGHT NO. 96-08634

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

APR 10 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08634

DATE 2/18/98

REVIEWER: SHARLA

NAME Change OK ✓

Address Change NO

SOURCE ✓

Is change clarification of originally intended source? spring

POINT OF DIV add 2nd pld

If not, prepare Notice of Intent to Void

Amendment required yes

PLACE OF USE ✓

Amendment required NO

Does map agree with written description? yes no

OVERLAPS

✓ P/D 7976 P/U
Overlap file pulled & reviewed ✓

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .20 cfs \$50.00

Measured .03 cfs

Theoretical cfs

.05 2 springs
 gravity flow

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/
NATURE OF USES

Use	cfs	Volume Calc
<u>Dom</u>	<u>.03</u>	<u>1.2</u> af
<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	<u> </u> af
SUBTOTAL	<u>.03</u>	<u>1.2</u> af

Flow rate .03 cfs X 365 days X 1.98 = 21.7 af

Total volume recommended 1.2 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS 2 pld in SENSE, S26.

Plu aka Lotz 7E8, Blk. 2, Granite Creek
prop.

CONDITIONS

Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions

Advancement of Priority Date Required yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo

1st Amend Letter PAS P38

2nd Amend Letter P42

~~335 (96-08634)~~
36
W35
".05 cfs"

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

96-08634

A. GENERAL INFORMATION

Permit No.

1. Owner: EARL J. Tacke Phone No. (208)-222-2263

Current Address: P.O. Box 153 Bayview, Id. 83803

2. Accompanied by: Earl J. Tacke EXAM DATE: 7-24-97

Address: SAME AS ABOVE Phone No. SAME AS ABOVE

Relationship to Permit Holder: Permit Holder

3. Source: Spring tributary to GRANITE CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 96-08925, 96-04123, 96-07976

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
PD #1	#3	SE	NW	SE	26	55N	01W	Bonner	USGS 7.5' QUAD; site visit
PD #2	#3	SE	NW	SE	26	55N	01W	Bonner	USGS 7.5' QUAD; site visit

2. Place(s) of Use:

Indicate Method of Determination

Assessor; site visit

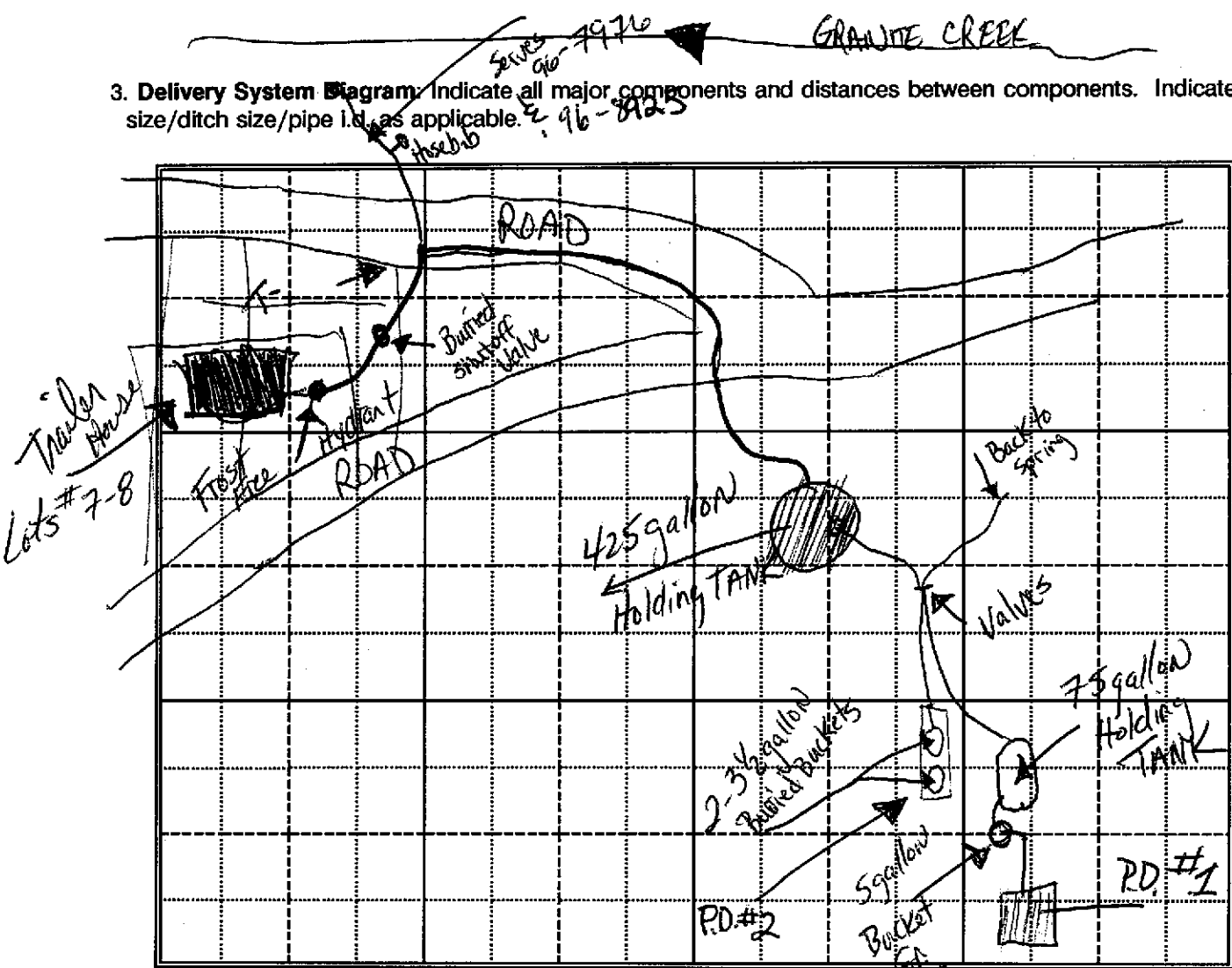
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	01W	26														D.			Domestic

* Place of use is within lots #7-8 of Block #2 of Granite Creek Properties.

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APR 10 1998

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



Scale: 1" = 175'

☒ 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
PD #1			GRAVITY FLOW		
PD #2			GRAVITY FLOW		

*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:

Bucket Method - 4 gallon @ 21.4 seconds and 4 gallon @ 18.6 seconds.

Measurement @ 12:35 PM on 7-24-97

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APR 10 1998

E. NARRATIVE/REMARKS/COMMENTS

System Consist of 2 Springs that are 20' apart.

Spring #1 is used in conjunction with 96-04123 and 96-08925. The Spring is an excavated hole measuring 3' wide x 6' long and 3' ft deep. From here a 1" hose runs out to a 5 gallon bucket that is used to catch sediment. When the Bucket fills a $\frac{1}{2}$ " hose @ the top of the bucket drains water to a 75 gallon Rubbermaid Trough. At the bottom and on the side a water line serves 96-04123. When the Trough fills to the top, a overflow pipe $\frac{3}{4}$ " drains water to a 425 gallon Holding Tank. From Holding tank a 1" inch PVC Pipe runs approx 800' Along Cedar Drive to a T- One end serves 96-08634 and the other end serves 96-07976 and 96-08925.

Spring #2 is Used when Spring #1 doesn't have enough overflow to serve the domestic use. When Spring #1 is supplying enough water there is a valve on the discharge line of Spring #2 that is shut off and that water is returned back to a lower part of the spring area.

Domestic use is located on Lot 7-8 of Block 2 Granite Creek Properties.

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

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Additional Computation Sheets Attached

Measured Method:

IS Bucket Method (2)

$$\textcircled{1} \quad \frac{4}{X} - \frac{18.6}{60} = \frac{240}{18.6} - 12.9 \text{ gpm} \quad \textcircled{2} \quad \frac{4}{X} - \frac{21.4 \text{ seconds}}{60 \text{ seconds}} = \frac{240}{21.4} = 11.2 \text{ gpm}$$

1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$ _____

2. Volume Calculations for Other Uses:

1 Home @ .03 for 1.2 ACRE FEET
per year.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<i>Domestic</i>	<i>1-01</i>	<i>12-31</i>	<i>.03</i>	<i>1.2</i>
		Totals:	<i>.03</i>	<i>1.2</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

Date

Reviewer

Date _____

SEAL

MICROFILMED

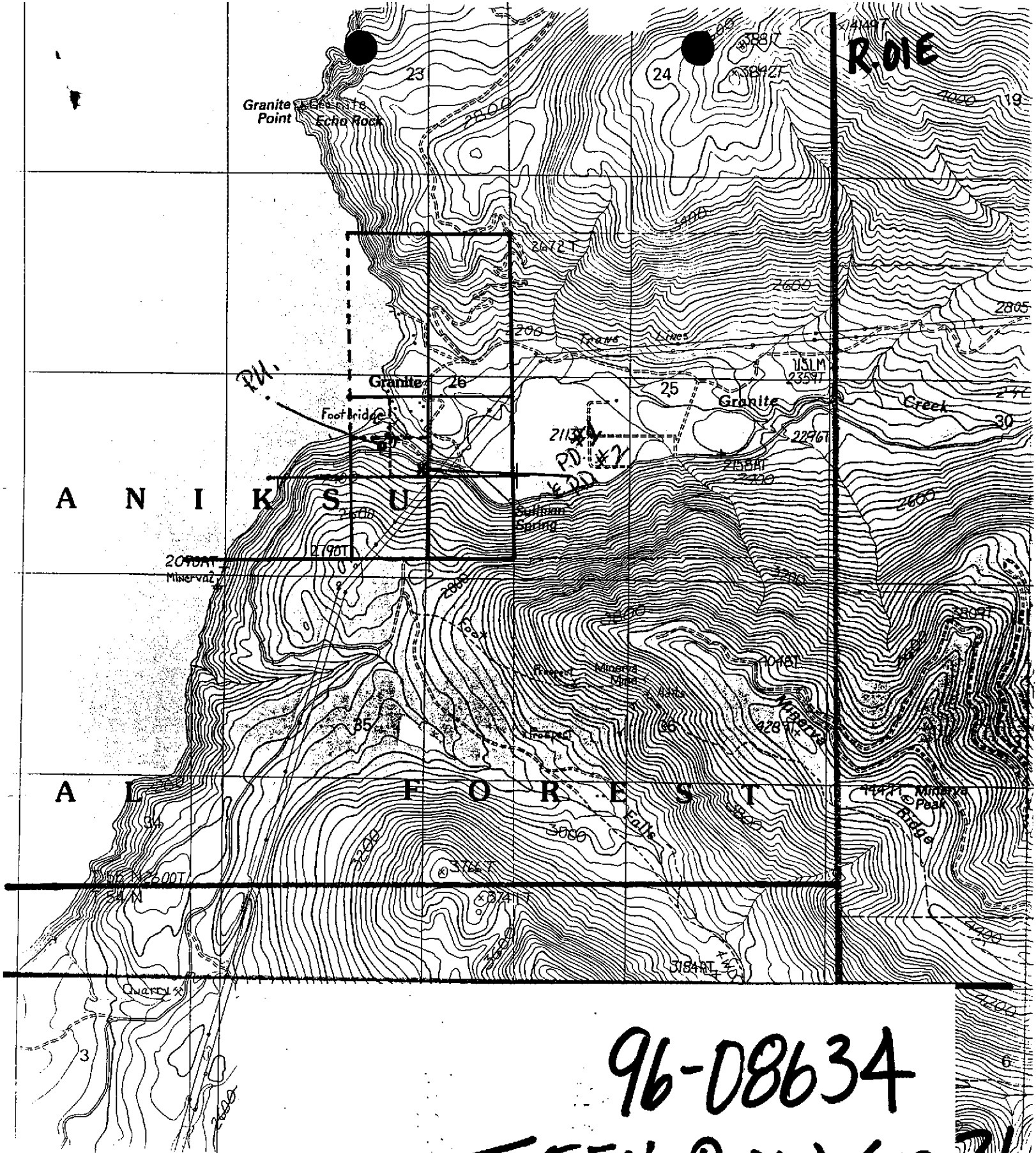
APR 10 1998

NORTH, RANGE No. 1, West, BOISE MERIDIAN, IDAHO

N No. 26, SUBDIVISION. **GRANITE CREEK PROPERTIES**

MICROFILMED
APR 10 1998

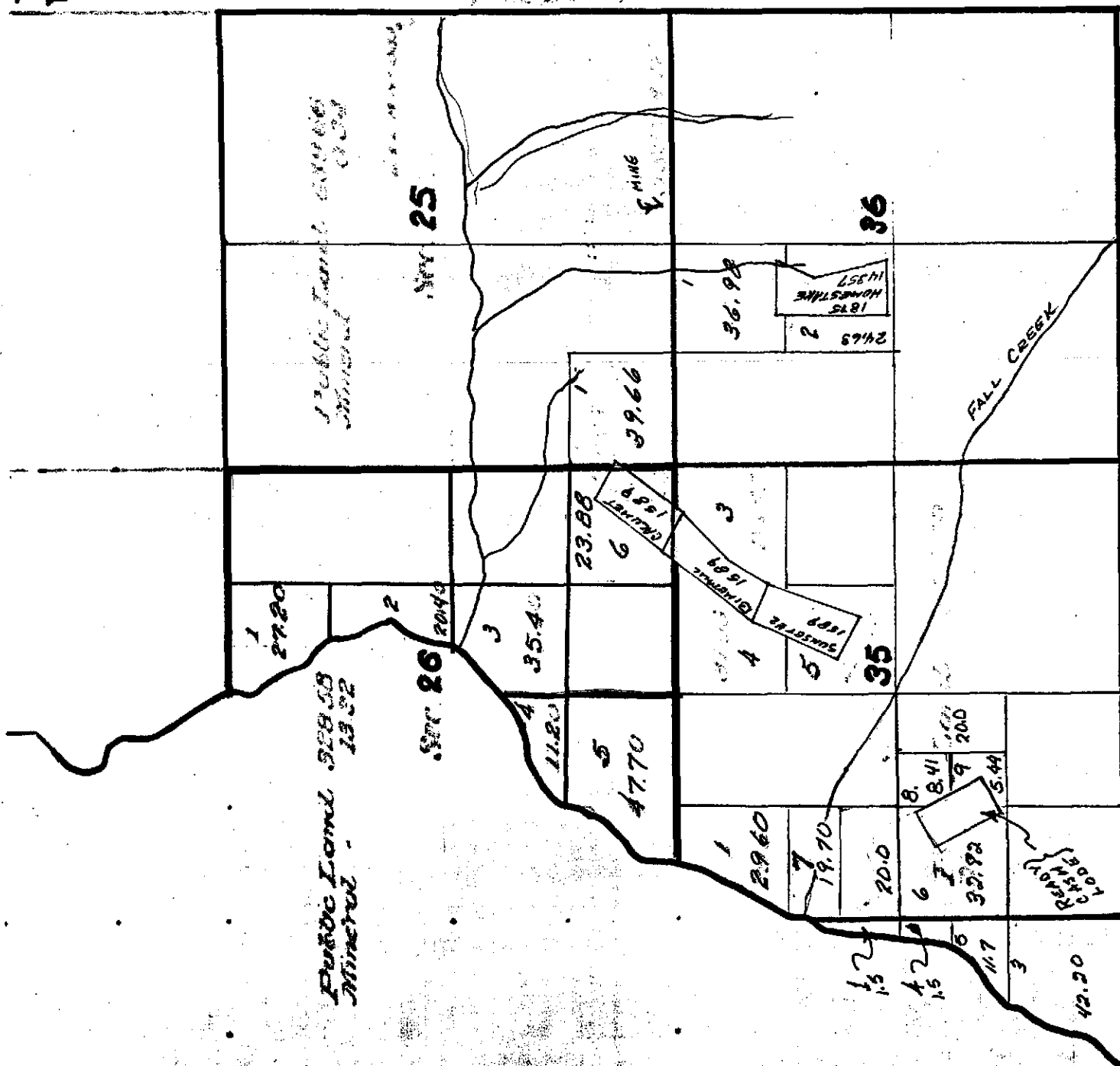




96-08634
T. 55N, R. 01W, Sec. 26
Tacke, Earl J.

HYDROFILMED
APR 10 1998

T55N E
R1W



Sec. 27.

96-08634
T. 55 N., R. 01 W.,

MICROFILMED

APR 10 1988

STATE OF IDAHO
DEPT OF WATER RESOURCES
REPORT SAMPLE

OTOGEP

75 gallon Holding TANK
2.5 gallon Sediment Trap
Spring #1 is 25 gal. Holding Tank

Rubbermaid



Spring #2 - 2-32 gal. Barrels
Sediment TRAP - 5 gal.



37 724

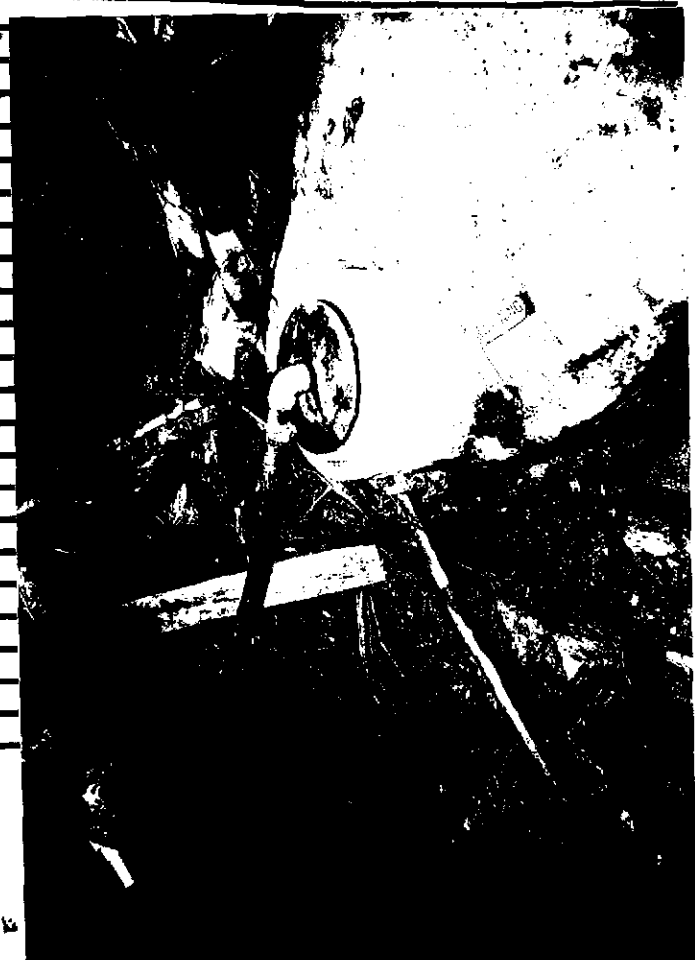
STATE OF IDAHO
DEPT OF WATER
REPORT SUR
01002



PLACE OF USE
SHUT-OFF VALVE - BUTTER



Measurement from the draft
Valve for Spring #2 and 425 Gallon Tank



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08634 Reviewed by [Signature] Date 4-16-97

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom.
yes Address same as permit?
no 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? no Required?
50 Amount Submitted _____ Installed?
yes Correct? _____ Waiver requested?

PRIORITY CALCULATION

Date proof received 8-19-96
Date proof due 9-1-93 - _____
No. of days late over 60 = _____ > 8-19-96
Priority Date _____ + _____
New Priority Date 8-19-96

DEFICIENCIES OR ACTION ITEMS

*Reinstate & advance priority to Aug 19, 1996.
Proof acceptable*

DATA ENTRY

New Address [X] Proof Made 8-19-96



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

April 16, 1997

EARL J TACKE
PO BOX 153
BAYVIEW ID 83803

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08634

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 September 1, 1993. Please note that the priority date has been advanced to August 19, 1996.

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.

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, contact the **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

MICROFILMED

MAY 28 1997

RECEIVED

AUG 19 1996

Department of Water Resources

Glen Saxton,

8-8-96

Permit # 96-08634

While speaking to a neighbor and comparing water permits, I have come to realize my Proof of Beneficial Use was never filed. I spoke to Al Beardsley, of the Coeur d'Alene Water Resources for advice on how to re-instate the permit.

Water from the spring has been in use from June of 1993 in accordance with the Permit issued to me. I am enclosing the \$50.00 Examination Fee and two notarized letters of Affidavit stating I have been using water from the spring for my household use; as per Al Beardsley's instructions to reinstate the original permit.

In the summer of 1993 many things and papers were lost or misplaced due to my marital breakup. I apologize for the delay.

Sincerely,
Earl Hacke

MICROFILMED

MAY 28 1997

IN THE MATTER OF:

RECEIVED

AUG 19 1996

AFFIDAVIT

Department of Water Resources

use of spring water

State of Idaho

County of Bonner

I Richard L. Rand

being first duly sworn, deposes and says:

My neighbor Earl Jack of Granite Creek, has
used water from the spring on lot 3 (SE NW SE 1,
Sec. 26, Township 55 N, Range 01 W Bonner county, at
lot 8 Block 2, Granite Properties, since June 4 1992.

Richard L. Rand
(Signature)

Subscribed and sworn to before me this 15th day of Aug, 1996.

Riane M. Mowbray
(Notary Public)

Residing at CLARK FORK IDAHO

My Commission Expires JAN. 25, 2000

MICROFILMED

MAY 28 1997

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

AUG 19 1996

Department of Water Resources

Use of Spring Water
State of Idaho
County of Bonner

W. Lori A. Freeman

being first duly sworn, deposes and says:

I have knowledge that my neighbor at Granite
Creek, Earl Vacke, has used water from the spring
on Lot 3 (SE NW SE) Sec 26, Township 55N,
Range 01W Bonner County, at Lot 8, Block 2,
Granite properties. He has used this water
since June of 1992.

Lori A. Freeman

(Signature)

Subscribed and sworn to before me this 15th day of Aug., 1996.

Riane Muocom

(Notary Public)

Residing at CLARK FORK IDAHO
My Commission Expires JAN 25, 2000

MAY 28 1997

NOTICE

This file has been REPRODUCED
from MICROFICHE ~~because:~~

for possible reinstatement.

Darby J. Bloch
Person Recreating File

12-05-96
Date

I certify that file No. 96-8634
has been reviewed and is ready to be
MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the
database prior to final status entry and deletion from the database.

C Zimmerman
Reviewer

3/7/94
Date

WRS808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/17/94 01:44:52
Page 1

Water Right Number - 96-08634 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TACKE EARL J. 1 - P.O. BOX 153
2 -
3 -
City- BAYVIEW State- ID Zip- 83803
Phone - 208-000-0000

+ - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

02/14/1991 18 NORTHERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

SPRING SINKS

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County	Diversion Name	Diversion Rate	Diversion No.
55N	01W	26	SE NW SE	3		(17) BONNER			

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

0.040

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
55N	01W	26	NW SE			43 DOMESTIC		(17) BONNER

+ - - Diversion Means - DEVELOPED SPRING AND GRAVITY FLOW PIPELINE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

Domestic use is for 1 home.
Place of use located within Lot 8, Block 2, Granite Properties.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

26A - 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.
004 - The issuance of this right in no way grants any right-of-way

WRS808NP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/17/94 01:44:52
Page 2

Water right number - 96-08634

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
(Condition continued from previous page)
- or easement across the land of another.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
Date: 09/08/1993 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 02/26/91 STYPA 03/20/91 STYPA 08/16/91 SKAGGS 09/08/93 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 09/01/1993	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 08/21/1991	Protested Date - 00/00/0000	Sven Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - W004328	Water District -
Licensed Date - 00/00/0000	Appl Received - 02/14/1991	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

September 8, 1993

EARL J. TACKE
P.O. BOX 153
BAYVIEW ID 83803

LAPSE NOTICE

RE: PERMIT NO. 96-08634

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 previous notice dated June 30, 1993. 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 fifteen dollar (\$15) 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 9/8/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

kg

June 30, 1993

EARL J. TACKE
P.O. BOX 153
BAYVIEW ID 83803

RE: PERMIT NO. 96-08634 PROOF DUE NOTICE

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 September 1, 1993. (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.

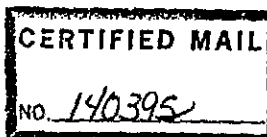
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures





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

August 26, 1991

EARL J. TACKE
P.O. BOX 153
BAYVIEW, ID 83803

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08634

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.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

APPLICATION FOR PERMIT REVIEW

Application #: 96-8634
Date: 8-16-91

Reviewer: Pam Skaggs ²

✓ Existing:
 ✓ No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A
 Groundwater:
 GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
 LT. 0.2 cfs - N/A
 Drilling Permit:
 Approved w/permit - P99
 Not included - 046-P23(All GW, even existing wells)
 ✓ 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 - 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 - _____ Use Power Review
 Mining - 06A or 010, 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec. & Aesthetic - 027(Non-Consumptive)
 Domestic - 021(restricted areas)
 ✓ Ownership:
 ✓ Non land owner - 004
 Protested:
 Agreement - 020
 ✓ Beneficial Use Due Date: - 09-01-1993
 Other Conditions Recommended _____

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-8634 in the name of Earl J. Tacke was advertised incorrectly on 3/7 & 3/14/91.

The Place of Use was incorrectly advertised as T55N R01W S26 NESW; whereas, correctly it should be T55N R01W S26 NWSE.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Protests to the above-referenced correction must be filed with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before August 5, 1991.

R. KEITH HIGGINSON, Dir.

Published in the Bonner County Daily Bee on 7/18 & 25/1991.

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-8634 in the name of Earl J. Tacke was advertised incorrectly on April 4 & 11, 1991.

The Diversion Point was incorrectly advertised as Lot 4 (SWNESW) SEC 26 T55N R01W; whereas, correctly it should be G.L. 3 (SENWSE) SEC 26 T55N R01W.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Protests to the above-referenced correction must be filed with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before JULY 8, 1991.

R. KEITH HIGGINSON, Dir.

Published in the Bonner County Daily Bee on June 20 & 27, 1991.

OK
llh

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-8634 in the name of Earl J. Tacke was advertised incorrectly on March 7 & 14, 1991.

The Diversion Point was incorrectly advertised as Lot 4 (SWNENW) SEC 26 T55N R01W; whereas, correctly it should be Lot 4 (SWNESW) SEC 26 T55N R01W.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Protests to the above-referenced correction must be filed with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814 on or before April 22, 1991.

R. KEITH HIGGINSON, Dir.

Published in the Bonner County Daily Bee on April 4 & 11, 1991.

96-08634

TACKE, EARL J.
P.O. BOX 153
BAYVIEW, ID 83803

Source: SPRING

Tributary: SINKS

Diversion Pt: LOT 4 (SWNESW) Sec 26 T 55N R 01W

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 2/14/ 1991

In: T55N R01W S26. NESW



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 28, 1991

U.S. Forest Service
1201 Ironwood Dr.
Coeur d'Alene, Id. 83814

Re: 96-8634

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



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

APPROPRIATION APPLICATION ACKNOWLEDGEMENT

Re: Water Appropriation Application

#

96-8634

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, as well as the required appropriation filing fee, for which your Receipt is enclosed. 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.

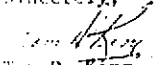
If the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If the application is not protested it will be forwarded to Boise to be considered for approval by the Director. You will be notified by mail of the Directors decision.

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,


Tom D. King
Sr. Water Resource Agent

Enc: Receipt

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Tina VanderBeig 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 7 day of March, 1991
and ending on the 14 day of March, 1991

and that said notice was published in said newspaper.

On this 14 day of March in the year
of 91, before me, a Notary Public, personally
appeared Tina VanderBeig.

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.

Chris Johnson
Notary Public for Idaho

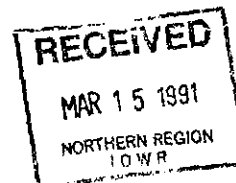
Residing at Sandpoint

My commission expires: 10/22/93

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-08634
TACKE, EARL J.
P.O. BOX 153
BAYVIEW, ID 83803
Source: SPRING
Tributary: SINKS
Diversion Pt: LOT 4 (SWNE1/4)
Sec 26 T 55N R 01W
Use: DOMESTIC (040 CFS)
Total Diversion: (040 CFS)
Date Filed: 2/14/1991
In: TSSN R01W S26 NESW
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 MARCH 25, 1991.
Director
R. KEITH HIGGINSON
SNF #4000 March 7, 1991 P540



4000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Karel Miller 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 4 day of April, 19 91
and ending on the 11 day of April, 19 91
and that said notice was published in said newspaper.

On this 11th day of April in the year
of 91, before me, a Notary Public, personally
appeared Karel Miller,
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.

Don Johnson
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 10/22/93

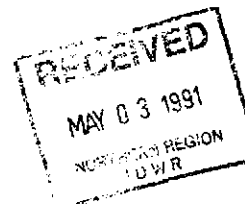
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PERMIT
NO. 96-8634 in the name of Earl J.
Tacke was advertised incorrectly on
March 7 & 14, 1991.

The Diversion Point was
incorrectly advertised as Lot 4
(SWNENW) SEC 26 T55N R01W;
whereas, correctly it should be Lot 4
(SWNESW) SEC 26 T55N R01W.

(For additional information
concerning the property location,
call the Northern Regional Office at
765-4639.)

Protests to the above-referenced
correction must be filed with the
Director, Dept. of Water Resources,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Id. 83814 on or
before April 22, 1991.

R. KEITH HIGGINSON, Dir.
SNP #4034 April 4, 11, 1991



4034

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Karel Mueller 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 20 day of June, 1991
and ending on the 27 day of June, 1991
and that said notice was published in said newspaper.

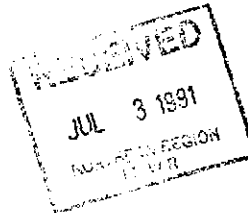
On this 27th day of June in the year
of 91 before me, a Notary Public, personally
appeared Karel Mueller,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Chris Johnson
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 10/22/93

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PERMIT
NO. 96-9634 in the name of Earl J.
Tacke was advertised incorrectly on
April 4 & 11, 1991.
The Diversion Point was incor-
rectly advertised as Lot 4
(SWNESW) SEC 26 T55N R01W;
whereas, correctly it should be G.L.
3 (SESWSE) SEC 26 T55N R01W.
(For additional information con-
cerning the property location, call
the Northern Regional Office at 765-
4639.)
Protests to the above-referenced
correction must be filed with the
Director, Dept. of Water Resources,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Id., 83814 on or
before JULY 8, 1991.
R. KEITH HIGGINSON, Dir.
SNP #4158 June 20, 27, 1991



4158

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Karel Mueller 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 18 day of July, 19 91
and ending on the 25 day of July, 19 91
and that said notice was published in said newspaper.

On this 25th day of July in the year
of 91 before me, a Notary Public, personally
appeared Karel Mueller,

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.

Dennis P. McKen
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 10/22/93

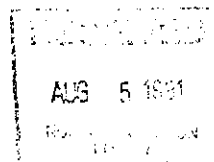
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PERMIT
NO. 96-8634 in the name of Earl J.
Tacke was advertised incorrectly on
3/7 & 3/14/91.

The Place of Use was incorrectly
advertised as T55N R01W S28
NESW; whereas, correctly it should
be T55N R01W S28 NWSE.

(For additional information con-
cerning the property location, call
the Northern Regional Office at 765-
4639.)

Protests to the above referenced
correction must be filed with the
Director, Dept. of Water Resources,
1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Id. 83814 on or
before August 5, 1991.

R. KEITH HIGGINSON, Dir.
SNP #4200 July 18, 25, 1991

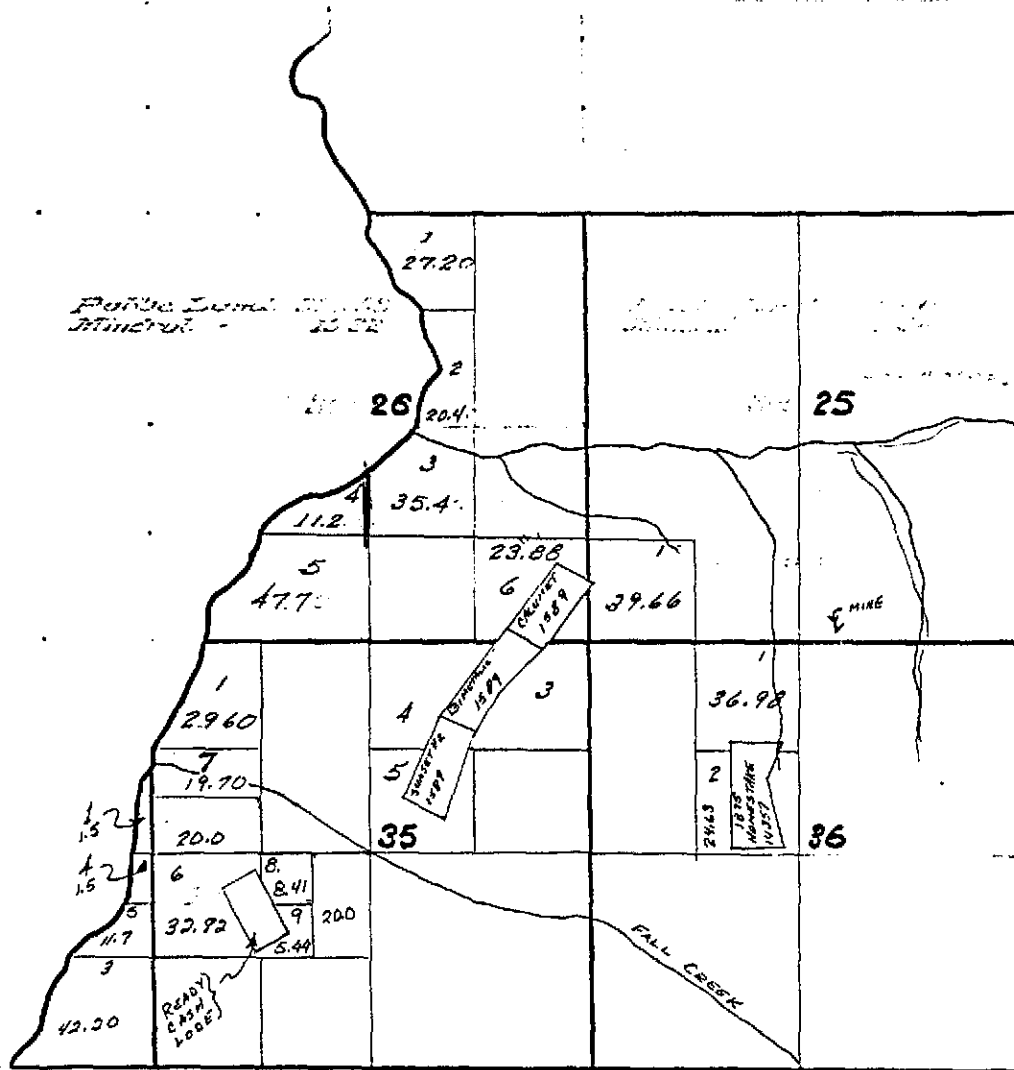


1200

T55N
R1W E

Sec. 27.

Sec. 34.



Tom,

This is the only plot I have left.
When I get to Sandpoint next spring
I'll get some new ones & send
you one. They have better
blossoms than this one.

RECEIVED

FEB 14 1991

NORTHERN REGION
IDWR

pick for the filing fee.

Thanks,
Earl Tache

US GRANITE CREEK PROPERTIES, located in Sections 25 & 26, T35N, R1W, B.M. & Section 30, T35N, R1E, B.M. in Banner County Idaho, the boundaries of which are specifically described as follows: from the Initial Point, which is the one-quarter corner between Sections 25 & 26, T35N, R1W, B.M.; thence S 89° 59' W, 2070.00 ft. to a point on the shoreline of Lake Pend Oreille; thence across the waters of said Lake Pend Oreille S 37° 39' 30" W, 908.71 ft. to a point on the opposite shore, which point is on the west line of Lot 3, Sec. 26, T35N, R1W, B.M.; thence S 0° 26' 39" E along said Lot line, 817.36 feet to the southwest corner of said Lot 3; thence N 89° 52' E 263.32 ft.; thence N 89° 51' E, 2388.90 ft.; thence N 4° 38' 50" W, 2439.4 ft.; thence N 85° 00' E, 282.00 ft.; thence N 0° 02' 22" W, 726.77 ft.; thence N 89° 53' 30" E, 331.19 ft.; thence S 0° 10' 59" E, 661.50 ft.; thence N 89° 43' 20" E, 1325.24 ft.; thence S 0° 13' 17" E, 326.90 ft.; thence N 89° 38' 08" E, 994.09 ft.; thence S 89° 02' 39" E, 663.28 ft.; thence N 0° 24' 19" W, 327.05 ft.; thence S 89° 06' 57" E, 660.66 ft.; thence N 1° 00' 45" W, 2261.82 ft.; thence N 89° 40' 46" W, 1291.62 ft.; thence S 0° 13' 29" E, 1265.88 ft.; thence S 89° 59' W, 5307.64 ft. to the Initial Point, excepting that portion within the above described tract previously dedicated to the Bonneville Power Administration & the Washington Water Power Co. as shown on the plat. Further I hereby certify that all roads as shown are dedicated to the public.

Dated: July 28, 1961

Lake Properties Inc.
Signed: Paul W. Kennedy
President
Robert P. Chestek
Secretary

SURVEYOR'S CERTIFICATE

I hereby certify that the within plat is correct & was prepared from an actual survey made by me July 1961, that the metes & bounds description as given on the Owner's Certificate is correct, & that all lot corners have been established on the ground. I further certify that this tracing is an exact copy of the final map of GRANITE CREEK PROPERTIES.

Dated: July 23, 1961

Signed: William W. Wright
W.W. Wright, P.E.

COUNTY SURVEYOR'S AFFIDAVIT

I hereby certify that I have examined the within plat & have checked the computations involved sufficiently to determine that it complies with the laws relating to the filing of plats.

Dated: July 31, 1961

Signed: Ac T11 G
County Surveyor

COUNTY COMMISSIONER'S APPROVAL

Approved & accepted by the Board of County Commissioners of Banner County Idaho this day of July, 1961.

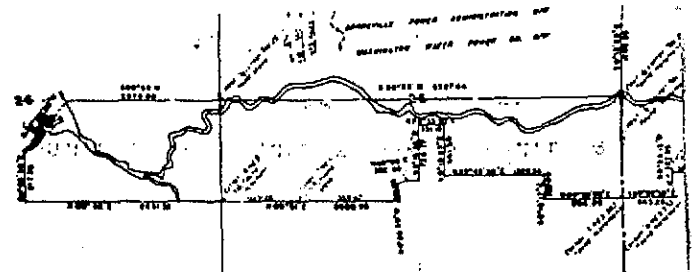
By:
Chairman of the Board

ACKNOWLEDGEMENT

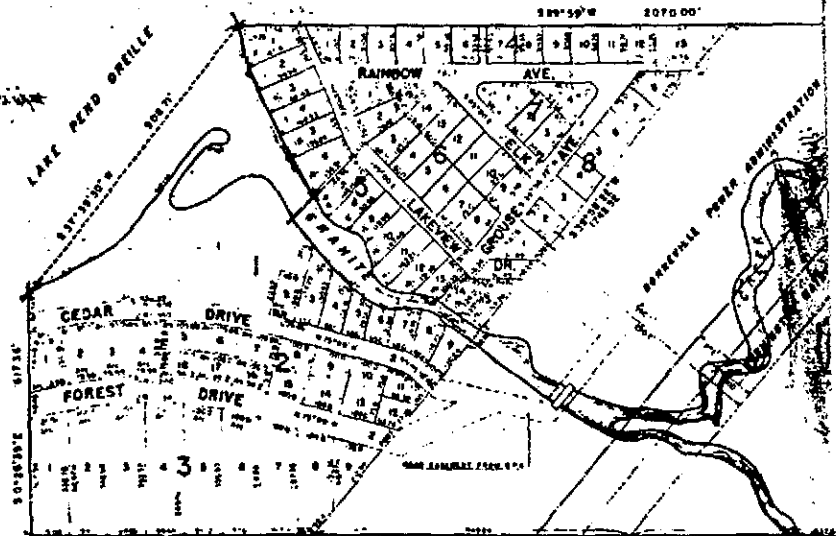
STATE OF IDAHO
COUNTY OF BONNER On this 21A day of July, 1961, before me, a notary public appeared Fred R. Kennedy & Chester P. Chestek personally known to me to be the persons who subscribed their names to the foregoing Owner's Certificate as President & Secretary respectively of Lake Properties Incorporated & acknowledged to me that they executed the same for the purpose stated therein.

Notary Public in & for the
State of Idaho at Sandpoint
My commission expires:
Jan. 2, 1962

By Deputy
 July 23, 1961



AREA MAP



UNIT 1

SCALE