

PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R



Home (Point of use)

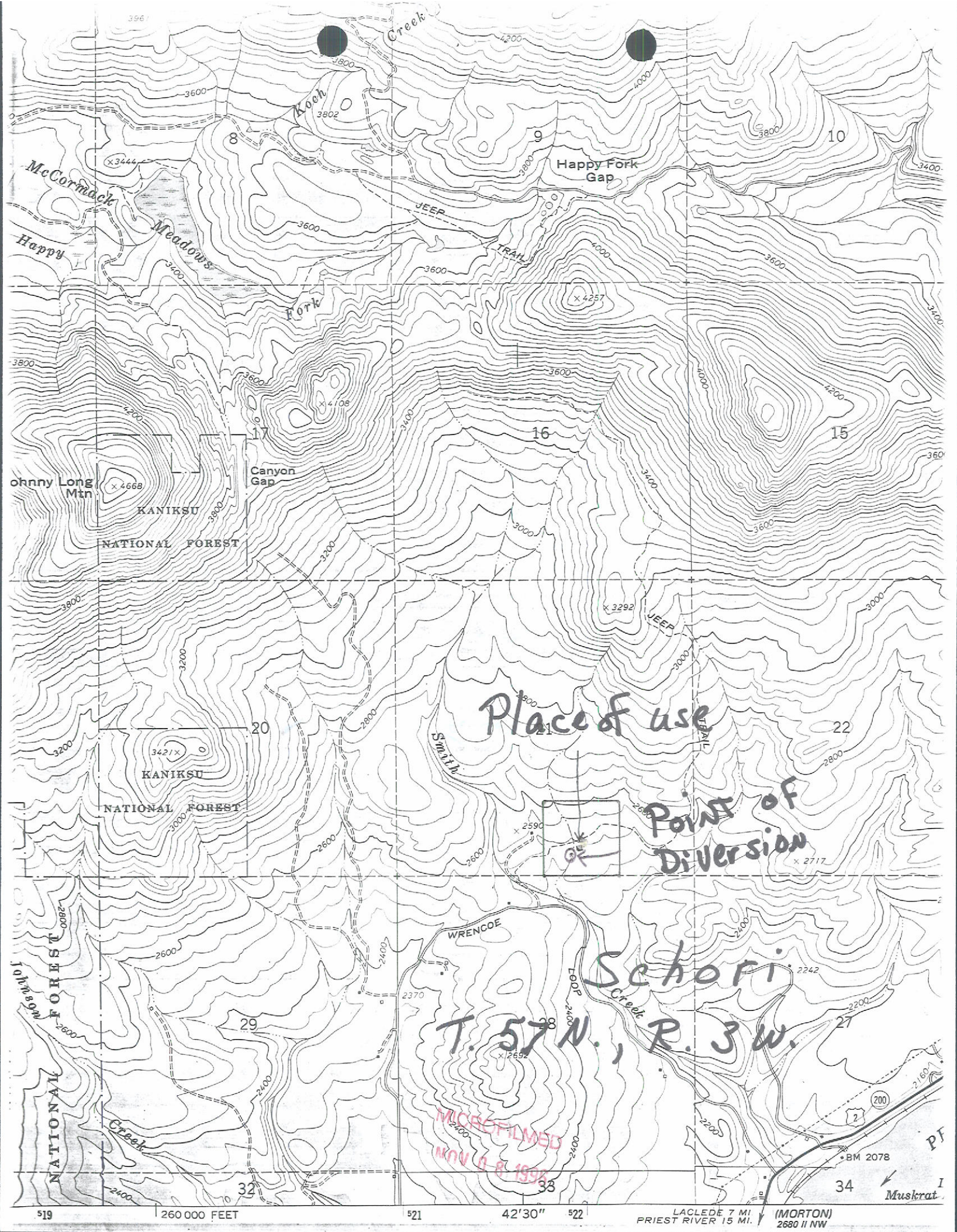


Garden
(Point of use)



Point of Diversion

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JUL 08 1996



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08529

Priority: July 20, 1988

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that IRENE SCHORI

680 WRENCO LOOP RD #10

SANDPOINT ID 83864

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 20, 1988; and has submitted Proof of Beneficial Use on March 18, 1996. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM

tributary to SMITH 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	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 21, Township 57N, Range 03W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

SWSE

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08529

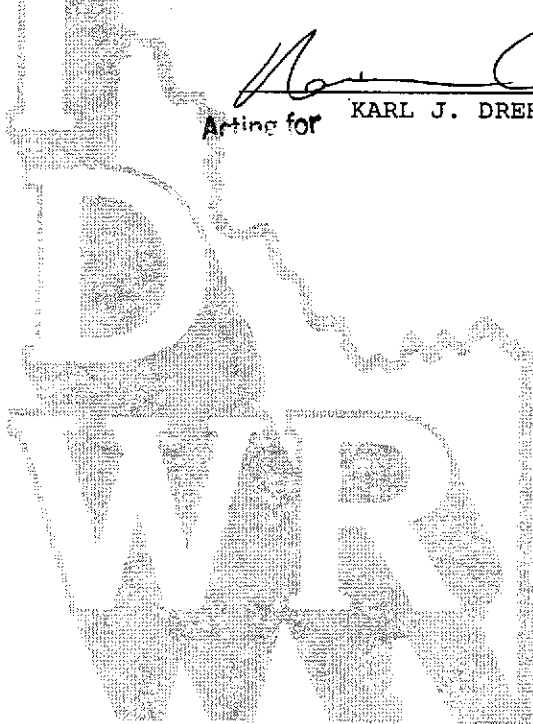
CONDITIONS OF APPROVAL AND REMARKS

5. Water shall be used only for in-house domestic use at a volume not to exceed 100 gallons per day per person, unless the stream has ceased to flow into Smith Creek. All water diverted under this right for in-house domestic use shall return to the Smith Creek drainage basin via the property's sewage disposal system.

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 22ND day of AUGUST, 19 96.

Acting for


KARL J. DREHER, Director



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NOV 08 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

MAR 18 1996

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder ~~has~~ ^{has} 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. 96-08529 Telephone No. (208) 263-8435
2. Name(s) of Permit Holder(s): Irene Schori
3. Mailing Address: 680 Wrenco Loop Rd. #10, Sandpoint, Id. 83263
4. Source of Water: tributary of Smith Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____
 - b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>X</u>
	Has the measurement port been installed?	Yes _____ or No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: _____ Telephone Number: _____
Address: _____

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: Irene Schori MAR 29 1996 Date: 2/22/96
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 96-08529 IN THE NAME OF)
IRENE SCHORI.)
_____)

FINAL ORDER

On June 17, 1994, the hearing officer for the Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit No. 96-08529 in the name of Irene Schori. None of the parties filed a request for reconsideration in connection with the Recommended Order.

Based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. Irene Schori filed Application for Permit No. 96-08529, on July 20, 1988, which purposes diversion of 0.04 cubic foot per second (cfs) from an Unnamed Stream, which is tributary to Smith Creek with a point of diversion located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 57N, Range 3W, BM, for the domestic use for one home from January 1 to December 1, yearly, within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 57N, Range 3W, BM.
2. The department advertised the application in the Bonner County Daily Bee on August 4th and 8th, 1988, and subsequently received a protest from William D. Ellermeier on August 17, 1988.
3. The department scheduled this matter for a conference on August 4, 1993, in Sandpoint, Idaho, at which both the applicant and the protestant were present.
4. The only issue identified by the protestant was the injury to existing water rights.
5. Exhibits offered and accepted at the hearing as part of the record include the following:
 - a. Ellermeier Exhibit No. 1 - A statement signed by W.D. Ellermeier and computations relating seepage and evaporation losses from storage ponds

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constructed by Tim Allen Stone.

7. At the hearing the hearing officer officially noticed the following:

- a. Application for Permit No. 96-08529.
- b. Past decisions of the department, including 96-07293, in the name of Tim Allen Stone.
- c. Water measurements taken on Smith Creek and its tributaries numbered Department's Exhibits 1 thru 6.
- d. The director's report and the subsequent decree of water rights in the Smith Creek drainage basin.

8. The system for this application was constructed and has been in use by Ms. Schori without receiving a permit to appropriate water from the department.

9. Mr. Ellermeier's water rights are described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner Civil Case No. 27289. Those rights, both from Smith Creek, are No. 96-04013A for 0.04 cfs for domestic purposes from January 1 to December 31 and 0.02 cfs for stockwater purposes from January 1 to December 31 with a priority date of January 1, 1960, and 96-04013B for 0.08 cfs for irrigation purposes from March 15 to November 15 for the irrigation of five (5) acres with a priority date of July 20, 1970. Ellermeier's irrigation system consists of a pump and sprinklers.

10. Other prior water rights on Smith Creek include water right number 96-04017B, which is also described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. This right is held by Max and Nancy Singleton for 1.06 cfs for the irrigation of 53 acres from March 15 to November 15 and 0.03 cfs for stockwater from March 15 to November 15 with a priority date of July 7, 1970. The point of diversion for this right is downstream from the Ellermeier's diversion. The diversion system for this right consists of a gravity feed ditch.

11. This unnamed tributary of Smith Creek flows into Smith Creek below the point of diversion for Ellermeier's right and above the point of diversion for Singleton's right.

12. Measurements have been taken at various places at different times on Smith Creek. In the reach of Smith Creek where this diversion is proposed and where previously cited in prior water rights are located, measurements taken in the month of August ranged from 0.17 cfs to 0.19 cfs.

13. Unrefuted testimony was given at the hearing that the unnamed tributary ceased

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flowing in every year since 1978 except for 1993.

14. Water used for in-house domestic purposes is non-consumptive if waste water is treated in an on site septic system or some similar system.

15. Stockwater uses are non-consumptive if the use is limited to that reasonably required for the stock.

CONCLUSIONS OF LAW

1. The director's consideration of this application is governed by the provisions of Section 42-203A (5), Idaho Code, which reads, in part, as follows:

In all applications ... where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated. or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director ... may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The department's Water Appropriation Rules (IDAPA 37.03.08, Rule 40.04.b.i) provide that the burden of proof is upon the applicant to show there is no injury to prior water rights.

3. Water from the unnamed tributary of Smith Creek is unavailable for appropriation for consumptive uses during the period of the year that it is needed except during times that water from the stream does not reach Smith Creek.

4. Water may be appropriated for non-consumptive uses.

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Permit No. 96-08529 is **APPROVED** subject to the following conditions and limitations:

1. Use of water under this permit is subject to all prior water rights.
2. Proof of construction of works and the application of water to a beneficial use shall

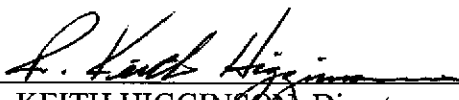
MAY 31 1995

be submitted to the Department of Water Resources on or before April 1, 1996.

3. The issuance of this permit does not grant any right of way or easement across the land of another.

4. Water shall be used only for in-house domestic use at a rate not to exceed 100 gallons per day per person and stockwater use at a rate not to exceed 50 gallons per day, unless the stream has ceased to flow into Smith Creek. All water diverted under this permit for in-house domestic use shall be returned to the Smith Creek drainage basin via the property's sewage disposal system.

DATED this 4TH day of April, 1995.



R. KEITH HIGGINSON, Director

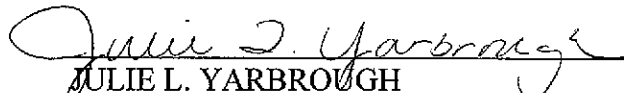
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MAY 31 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of April, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Irene Schori
680 Wrenco Loop Rd. # 10
Sandpoint, ID 83864

William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, ID 83864


JULIE L. YARBROUGH
Senior Secretary

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MAY 31 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08529

Proposed Priority: July 20, 1988

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **IRENE SCHORI**

680 WRENCO LOOP RD #10

SANDPOINT ID 83864

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **SMITH CREEK**

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:

SWSWSE , Sec. 21, Township 57N, Range 03W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 03W 21

SWSE

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

5th day of April, 1995.

[Signature]
for R. Keith Higginson, Director

RECORDED

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT TO APPROPRIATE WATER)
NO. 96-8529 IN THE NAME OF IRENE) RECOMMENDED ORDER
SCHORI.)
_____)

Protests having been filed against Application No. 96-8529, and a hearing having been held, the hearing officer as a representative of the Director of the Department of Water Resources (Department), proposes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Irene Schori filed application for permit no. 96-8529, on July 20, 1988, which proposes diversion of 0.04 cubic foot per second (cfs) from an Unnamed Stream, which is tributary to Smith Creek with a point of diversion located in the SWSWSE, Section 21, Township 57N, Range 3W, Boise Meridian for Domestic use for one home from January 1 to December 31, yearly, within the SWSW, Section 21, Township 57N, Range 3W, Boise Meridian.

2. The department advertised the application in the Sandpoint Daily Bee on August 4 and 8, 1988 and subsequently received a protest from William D. Ellermeier on August 17, 1988.

3. The department scheduled this matter for a conference on August 4, 1993, in Sandpoint, Idaho, at which the applicant and the protestant appeared; however, the conference failed to resolve the matter.

4. The department then scheduled this matter for a hearing on April 26, 1994, in Coeur d'Alene, Idaho, at which both the applicant and protestant appeared.

5. The only issue identified by the protestant was injury to existing water rights.

6. Exhibits offered and accepted at the hearing as part of the record include the following:

a. Ellermeier Exhibit No. 1 - A statement signed by W. D. Ellermeier and computations relating seepage and evaporation losses from ponds constructed by Tim Allen Stone.

7. At the hearing the hearing officer officially noticed the following:

a. Application for permit file No. 96-08529.

b. Past decisions of the department, including 96-7293, in the name of Tim Allen Stone.

c. Water measurement taken on Smith Creek and its tributaries numbered Department's Exhibits 1-6.

d. The director's report on and the subsequent decree of water rights in the Smith Creek drainage basin.

8. The system for this application was constructed and has been used by Ms. Schori without receiving a permit to appropriate water from the department.

9. Mr. Ellermeier's water rights are described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. Those rights, both from Smith Creek, are No. 96-04013A for 0.04 cfs for domestic purposes from January 1 to December 31 and 0.02 cfs for stockwater purposes from January 1 to December 31 with a priority date of January 1, 1960, and 96-04013B for 0.08 cfs for irrigation purposes from March 15 to November 15 for the irrigation of five acres with a priority date of July 20, 1970. Ellermeier's irrigation system consists an pump and sprinklers.

10. Other prior water rights on Smith Creek include water right number 96-04017B, which is also described in the Partial Decree of Contested Matters, dated April 5, 1993, in Bonner County Civil Case No. 27289. This right is held by Max and Nancy Singleton for 1.06 cfs for the irrigation of 53 acres from March 15 to November 15 and 0.03 cfs for stockwater from March 15 to November 15 with a priority date of July 7, 1970. The point of diversion for this right is downstream from Ellermeier's diversion. The diversion system for this right consists of a gravity feed ditch.

11. This unnamed tributary of Smith Creek flows into Smith Creek below the point of diversion for Ellermeier's right and above the point of diversion for Singleton's right.

12. Measurements have been taken at various places at different times on Smith Creek. In the reach of Smith Creek where previously cited prior water rights are located, measurements taken in the month of August ranged from 0.17 cfs to 0.19 cfs.

12. Unrefuted testimony was given at the hearing that the unnamed tributary ceased flowing in every year since 1978 except for 1993.

14. Water used for in-house domestic purposes is non-consumptive if waste water is treated in an on site septic system or some similar system.

15. Stockwater uses is non-consumptive if the use is limited to that reasonably required for the stock.

CONCLUSIONS OF LAW

1. The director's consideration of this application is governed by the provisions of I.C. 42-203A(5) which reads, in part, as follows:

In all applications ... where the proposed use is such (a) that it will

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reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director ... may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The department's water appropriation rules (IDAPA 37.03.08, Rule 40.04.b.i) provide that the burden of proof is upon the applicant to show there is no injury to prior water rights.

3. Water from the unnamed tributary of Smith Creek is unavailable for appropriation for consumptive uses during the period of the year that it is needed except during times that water from the stream does not reach Smith Creek.

4. Water may be appropriated for non-consumptive uses.

ORDER

Based on the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED that application for permit No. 96-8529 is APPROVED, subject to the following conditions and limitations:

1. Use of water under this permit is subject to all prior water rights.

2. Proof of construction of works and the application of water to beneficial use shall be submitted to the department of water resources on or before the date specified in the final order.

3. The issuance of this permit does not grant any right of way or easement across the land of another.

4. Water shall be used only for in-house domestic use at a rate not to exceed 100 gallons per day per person and stockwater use at a rate not to exceed 50 gallons per day, unless the stream has ceased to flow into Smith Creek. All water diverted under this permit for in-house domestic use shall be returned to the Smith Creek drainage basin via the property's sewage disposal system.

DATED this 17 day of June, 1994.

Norman C Young by RAH

MAY 31 1995

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1994, I mailed a true and correct copy, postage paid, of the foregoing ~~FINAL ORDER~~ to the following:

*Recommended
order (R)*

Irene Schori
680 Wrenco Loop Rd. #10
Sandpoint, ID 83864

William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, ID 83864

Rhonda J. Childers
RHONDA J. CHILDERS
Senior Secretary

MAILED

MAY 31 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant IRENE SCHORI Phone 263-8435
Post office address 680 WRENCO LOOP RD #10 SANDPOINT, ID. 83864
2. Source of water supply UNNAMED STREAM which is a tributary of SMITH CREEK
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 31 Township 57N Range 3W B.M. BONNER County; additional
points of diversion if any: _____
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) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. PUMP & PIPELINE
 - 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? _____
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).

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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.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>57N</u>	<u>3W</u>	<u>21</u>															<u>0</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? APPL

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

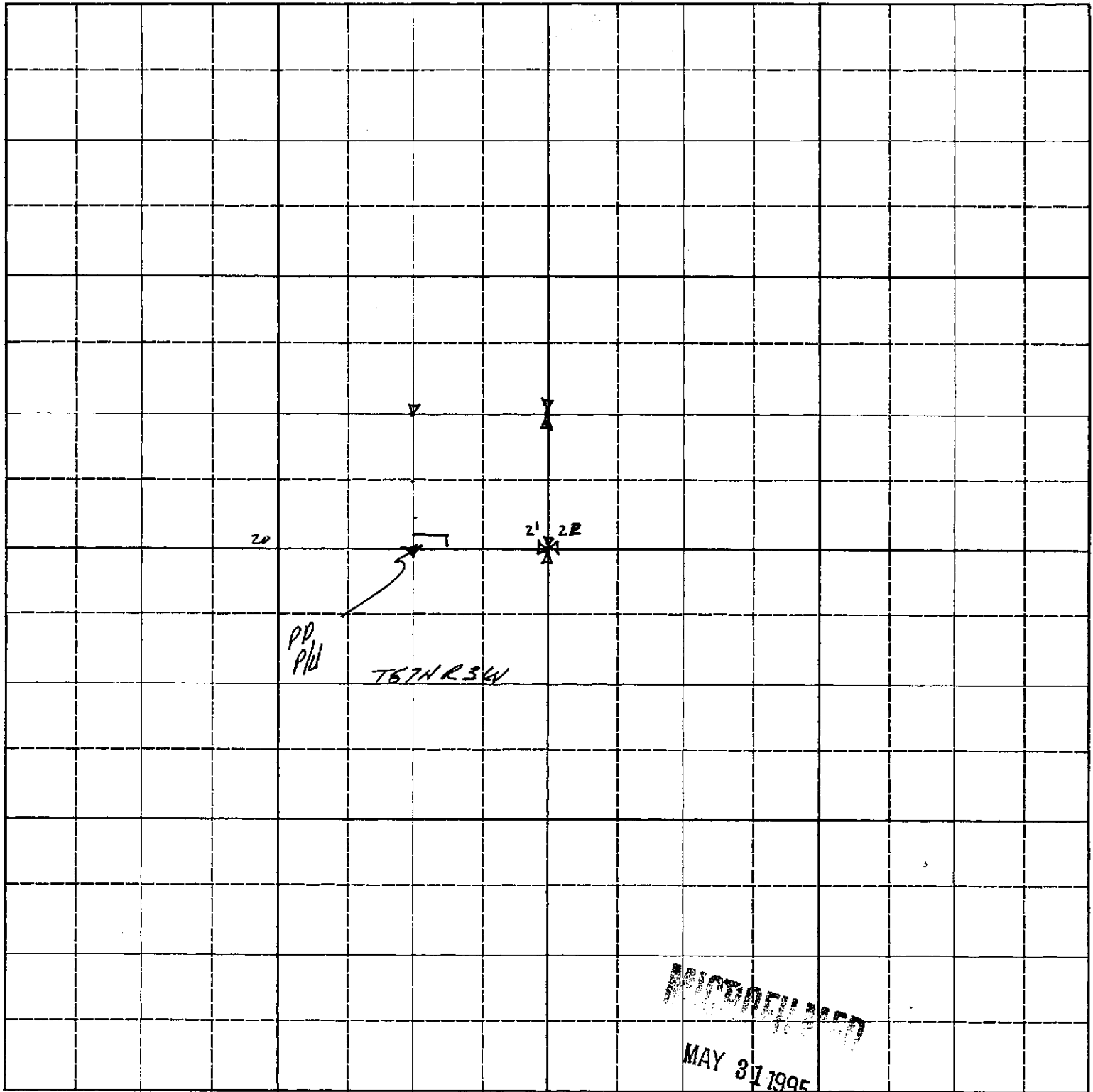
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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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.

Irene E. C. Dehore
(Applicant)

Received by JK Date 7/20/88 Time 3:30 PM Preliminary check by RYA
Fee \$ 20⁰⁰ Receipted by JK # N 654 Date 7/20/88
Publication prepared by [Signature] Date 7/25/88 Published in Submittal per 8/4-11/88
Publication approved _____ Date _____

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:

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 23, 1996

IRENE SCHORI
680 WRENCO LOOP RD #10
SANDPOINT ID 83864

RE: WATER RIGHT NO. 96-08529

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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NOV 08 1996

MEMORANDUM

TO: File 96-08529

FROM: Sharla

DATE: August 8, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 96-08529 are based on the following.

H. RECOMMENDATIONS

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa

The domestic rate is 0.02 (standard for in-house use only) and the annual volume is 0.6 af. A condition of approval of the permit limits the volume to 100 gallons per day per person. This condition has been retained in appropriate wording.

Examiner: Dave Pagel
Exam date: July 24, 1996

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LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08529

DATE 8/8/96

REVIEWER: S H A R L A

NAME Change OK Address Change NO
 SOURCE Change OK Is change clarification of originally intended source? NO
 If not, prepare Notice of Intent to Void NO
 POINT OF DIV Change OK Amendment required NO
 PLACE OF USE Change OK Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .20 cfs \$5000

Measured OK cfs

Theoretical .04 cfs

1" pipe = .03 cfs * .02 in house standard
 Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/ NATURE OF USES

Use Dom. Volume Calculation
.6 (see cond) af
in house af
in house af
 SUBTOTAL .6 af

Flow rate .04 cfs X 365 days X 1.98 af = 29.0 af

Total volume recommended .6 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

spec cond - dom. use lmt. to
100 gpd/person

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 * rate/vol.

1st Amend Letter N/A
 2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08529

1. Owner: Irene Schori Phone No. (208) 263-8435

Current Address: 680 Wrenco Loop Rd. #10, Sandpoint Id. 83864

2. Accompanied by: NA EXAM DATE: 6-24-96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to Smith 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: None

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
	<u>N/A</u>	<u>SW</u>	<u>SW</u>	<u>SE</u>	<u>21</u>	<u>57N.</u>	<u>3W.</u>	<u>BONNER</u>	<u>U.S.G.S. 7.5 Min. Quad.</u>

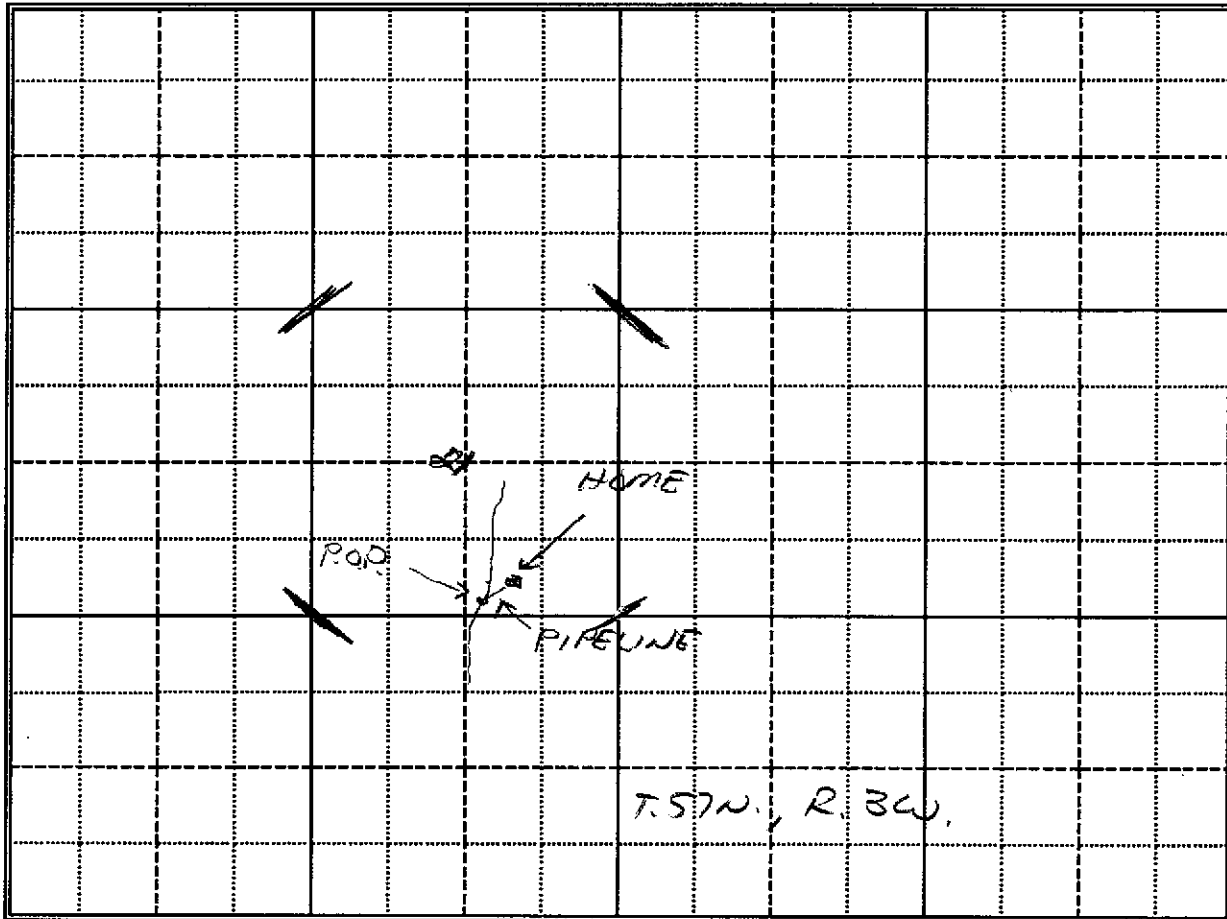
2. Place(s) of Use:

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	
<u>57N.</u>	<u>3W.</u>	<u>21</u>															<u>D</u>		

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



Scale: 1" = 1/2 MI.

____ 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
	Sears	.5 ?			

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

D. FLOW MEASUREMENTS

1. Theoretical calculation

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

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E. NARRATIVE/REMARKS/COMMENTS

Water is pumped by Sears .5 Hp. (?) pump in stream,
1" plastic pipe from pump to cistern and air bladder,
1" plastic pipe to home.

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

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NOV 08 1983

F. FLOW CALCULATIONS

Measured Method:

~~THEORETICAL CALCULATION~~

~~Additional Computation Sheets Attached~~

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

MAX. DAILY VOLUME IS 100 GALLONS.

$$\frac{100 \times 365}{325,856} = 0.11 \text{ AFA}$$

(NO STORK FOUND DURING FIELD EXAM.)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1-1	12-31	.04	0.11
Totals:			.04	0.11

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 Dave Pagel Date 6-24-96

Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 08 1996

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-08529

DATE: 24-JUN-96

COMPLETE BY: PAGEL

HORSEPOWER = .5

PUMP EFFICIENCY = 75%

DYNAMIC LIFT = 20 FEET

SYSTEM PRESSURE = 30 PSI

QUANTITY = 0.04 CFS

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NOV 08 1996

PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R

96-08529

Home (Point of use)

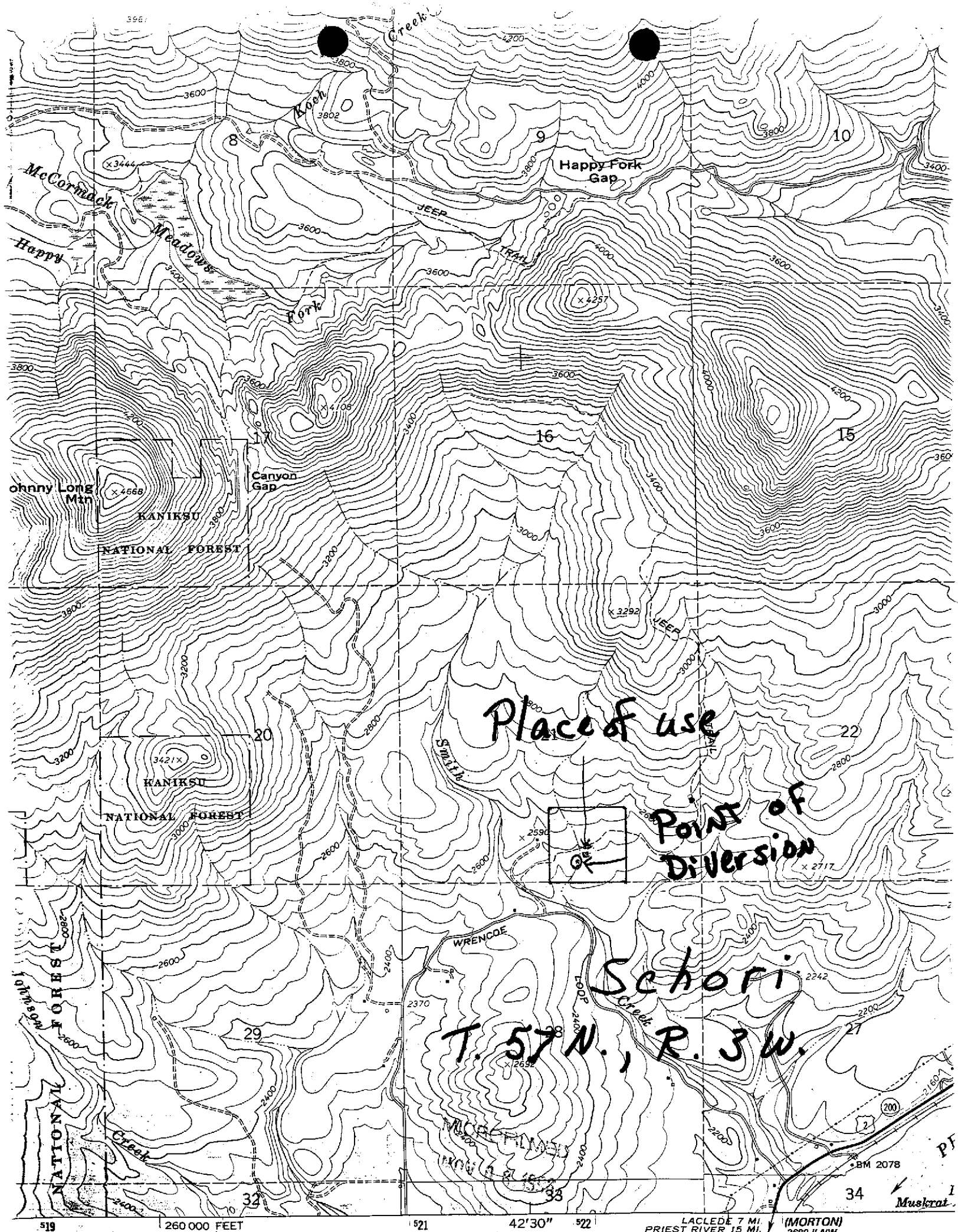
96-08529

96-08529

Point of Diversion

Garden
(Point of use)

REFILMED
JUL 10 8 1996



Place of use

Point of Diversion

Schori
T. 57 N., R. 3 W.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08529 Reviewed by [Signature] Date 3-22-96

GENERAL CONSIDERATIONS

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

TYPES OF USE

Dam.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	<u>X</u>	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [X] Proof Made 3-18-96

March 22, 1996

IRENE SCHORI
680 WRENCO LOOP RD #10
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08529

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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MAR 29 1996

January 31, 1996

IRENE SCHORI
680 WRENCO LOOP RD #10
SANDPOINT ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-08529

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 April 1, 1996.

(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.

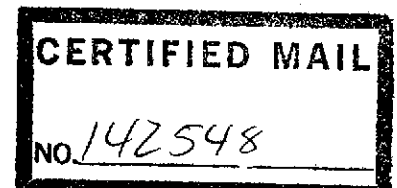
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

MAR 29 1996





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

R. KEITH HIGGINSON
DIRECTOR

April 5, 1995

RE: In the Matter of Application for Permit No. 96-08529 in the name of Irene Schori

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

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MAY 31 1995

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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

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MAY 31 1995

- 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

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MAY 31 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 17, 1994

RE: In the matter of Application for Permit No. 96-08529 in the name of Irene Schori.

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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MAY 31 1995

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearing 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



BOB HAYNES, P.E.
Regional Manager

Enclosures

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MAY 31 1995

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	
1	Mr. William D. Ellermeier	700 Wrenco Loop Rd., Sandpoint, Id. 83864	8/17/88
2	_____	_____	
3	_____	_____	
4	_____	_____	
5	_____	_____	
6	_____	_____	
7	_____	_____	
8	_____	_____	
9	_____	_____	
10	_____	_____	

ATTORNEY NAME	ADDRESS
<i>Paul Vogel</i>	<i>1828 POB 457 Id. 263-6636</i>
Date Filed: <u>8/17/88</u>	Protest Due Date: <u>8/22/88</u>

Issues: Protestant protests if the diversion will affect a superior water
right for Max Singleton, which he feels will then impact his water, then
he protests this water right being filed.

Applicant

ATTORNEY NAME	ADDRESS
_____	_____
	DATE
Protest Date Entered on Computer	<u>8/23/88</u>
Acknowledgement Letters Sent	<u>8/23/88</u>
Hearing Date	_____
_____	_____
_____	_____
_____	(Other Dates)

Other Information: _____

Recommended order sent June 17, 1994.

RECORDED

MAY 31 1995

Protest information submitted to computer (following hearing): _____

Form No. 202a.
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RJA DATE: 8/2/88 APPLICATION: Schori

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names must be provided for the director, officers, and other partners.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)
☒ Fee:
☒ yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

- ☐ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☐ Overlapping point of diversion:
☐ ☐ Field check required:
☐ ☐ Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☐ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☐ Additional information on reverse side:

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8529 IN THE)
NAME OF IRENE SCHORI.)

NOTICE OF HEARING

On July 20, 1988, Irene Schori filed with the Department of Water Resources (department) application for permit no. 96-8529. The application was protested by William D. Ellermeier on August 17, 1988. The conference held by the department on August 4, 1993, did not resolve the matter of protest.

The department has scheduled the matter for hearing on Tuesday, April 26, 1994, at 1:00 PM, in the Department of Water Resources Northern Regional Office Conference Room, 1910 Northwest Blvd., Ste. 210, Coeur d'Alene, Id. 83814. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Gary Spackman.

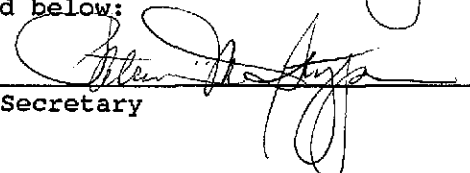
The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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

Dated this 7th day of April, 1994.


Regional Supervisor

I hereby certify that on the 7th day of April, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

Certified Mail

Ms. Irene Schori
680 Wrenco Loop Rd. #10
Sandpoint, Id. 83864

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

Non-Certified Mail

Mr. Paul Vogel
P.O. Box 907
Sandpoint, Id. 83864

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MAY 31 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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MAY 31 1995

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

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

MAILED
MAY 31 1995

96-8529

~~96-8534 - Tim Allen Stone~~

Tuesday, April 26, 1994, 1:00 PM

IDWR, 1910 Northwest Blvd., Coeur d'Alene, Id.

ROSTER OF ATTENDANCE

ADDRESS

400 Wrenco L.P. Rd. Sandpoint Id. 83864

646 Waverly Rd Sept

694 Wrenco Loop Idpt

700 WRENCO LOOP RD SOPT

680 Wrenco Loop Rd Sandpoint, ID

692 WRENCO LOOP RD #12 SANDPOINT -

696 Wrenco Loop Rd. #15 Sandpoint

MAY 31 1995

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MS IRENE SCHORI
680 WRENCO LOOP RD
SANDPOINT ID 83864

4a. Article Number

48279

4b. Service Type

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

7. Date of Delivery

4-11-94

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

96-8329

Irene Schori MAY 31 1995
5. Signature (Addressee)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

Official Business



MICROFILM

Penalty for Private
Use, \$300

MAY 31 1995

Print your name, address and ZIP Code here

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



Name and Address of Sender		DEPARTMENT OF WATER RESOURCES 101 NORTHWEST BLVD. - SUITE 210 COEUR D'ALENE, IDAHO 83814		Indicate type of mail ☐ Registered ☐ Return Receipt ☐ Insured ☐ For Merchandise ☐ COD ☐ Int'l Recorded Del. ☐ Certified ☐ Express Mail		Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.						
Line		Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	48271		MR & MRS BRIAN L DOCKINS RT 2 BOX 372A, OLDTOWN ID 83822	.29	1.00					1.00			96-8736	
2	48272		MRARLEY LAWRENCE RT 4 BOX 145 OLDTOWN ID 83822	"	"					"			"	
3	48273		SUMMER MAE FOX 694 WRENCO LOOP #14 SANDPOINT ID 83864	"	"					"			96-8550	
4	48274		MR WILLIAM D ELLERMEIER 700 WRENCO LOOP RD, SANDPOINT ID 83864	.75	"					"			96-8550-8534	
5	48275		MR TIM ALLEN STONE 646 WRENCO LOOP RD, SANDPOINT ID 83864	.29	"					"			96-8534	
6	48276		MS RUTH E KEMP 696-15 WRENCO LOOP RD, SANDPOINT ID 83864	"	"					"			96-8538	
7	48277		MS PENELOPE WOOD 660 WRENCO LOOP RD SANDPOINT ID 83864	"	"					"			96-8535	
8	48278		MR AND MRS MAX SINGLETON 400 WRENCO LOOP RD SANDPOINT ID 83864	"	"					"			96-8535	
9	48279		MS IRENE SCHORI 680 WRENCO LOOP RD #10 SDPT ID 83864	"	"					"			96-8529	
10	48280		MR RICHARD W FUGLE 692 WRENCO LOOP RD #12 SDPT ID 83864	"	"					"			96-8532	
11														
12														
13														
14														
15														
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual 913 and 914 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.								

Files: 96-8529, 96-8531, 96-8532, 96-8534, 96-8535
96-8538, 96-8546, 96-8550, 96-8552
Date: Wednesday, August 4, 1993, 9:00 AM
Place: Fed. Bldg. Conf. Rm #102, Sandpoint, Id.

ROSTER OF ATTENDANCE

NAME

ADDRESS

NAME	ADDRESS
BILL ELLERMEIER	700 WRENCO LOOP RD SANDPOINT
263-8435	680 Wrenco Loop Rd Sandpoint
263-1110 JIM STONE	646 Wrenco Loop
53-1561	697 Wrenco Loop
53-3178 Jim + Susan Sieben ^(Kemp)	696 Wrenco Loop Rd.
263-8242 Barry + Roxie Ireland	670 Wrenco Loop early morning

MAY 31 1995

Paul Vogel called -

7/12/93

He has no forwarding address for Long & Long. He sent a letter to each applicant & asked if they still want him to represent them, to advise him. During course of this protest, the applicants have not given ~~any~~ ^{Vogel} any direction, so he will not be at conference unless applicants ask him to.

If word shows up at the conference - he suggests that we approved the applications since they paid for them.

pm 3:30 PM

CONFIDENTIAL

MAY 31 1995

CONFIDENTIAL

July 27, 1993

William D Ellermeier
700 Wrenco Loop Road
Sandpoint ID 83864

Re: 96-08529, 96-08531, 96-08532, 96-08534, 96-08535, 96-08538, 96-08550, 96-08552

Dear Mr. Ellermeier:

As you a protestant of record against the issuance of permits for the above referenced Applications for Permits to Appropriate the Public Waters of the State of Idaho, your attendance at the conference scheduled for Wednesday, August 4, 1993, is essential. Because a number of the participants in this conference are from out of state, cancelling it could result in a hardship for them. I would hope that, if you are called, the court would see it's way to excuse you for that day.

If I can be of any assistance, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

EX 91995

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
MR WILLIAM D ELLERMEIER
700 WRENCO LOOP RD
SANDPOINT ID 83854
96-8529, 52, 35, 50, 34, 38, 32
31
MAY 31 1995

4. Article Number
48226

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X *William D Ellermeier*

6. Signature - Agent
X *V. Schuring*

7. Date of Delivery
7-10-93

8. Addressee's Address (ONLY if requested and fee paid)
JUL 15 1993
NORTHERN REGION
IDWR

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
MS IRENE SCHORI
680 WRENCO LOOP RD #10
SANDPOINT ID 83854
96-8529
MAY 31 1995

4. Article Number
48225

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X *Irene Schori*

6. Signature - Agent
X

7. Date of Delivery
07-22-93

8. Addressee's Address (ONLY if requested and fee paid)
JUL 19 1993
NORTHERN REGION
IDWR

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

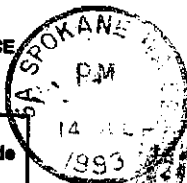
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



MAY 31 1995

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

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

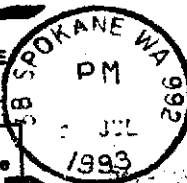
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



MAY 31 1995

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

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

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

1800 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, July 1978

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	48225	MS IRENE SCHORI 680 WRENCO LOOP RD #10, SANDPOINT, ID 83864	29¢	1.00				1.00				96-8529
2	48226	MR WILLIAM D ELLERMEIER 700 WRENCO LOOP RD SANDPOINT ID 83864	75¢	"				"				96-8530
3	48227	MR BARRY IRELAND 670 WRENCO LOOP RD SANDPOINT ID 83864	29¢	"				"				96-8531
4	48228	MR RICHARD W FUGLE 692 WRENCO LOOP RD #12 SANDPOINT ID 83864	"	"				"				96-8532
5	48229	MR TIM ALLEN STONE 646 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8534
6	48230	MS PENELOPE WOOD 660 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8535
7	48231	MR & MRS MAX SINGLETON 400 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8536
8	48232	MS RUTH E KEMP 696-15 WRENCO LOOP RD SANDPOINT ID 83864	"	"				"				96-8538
9	48233	GLOCK FAMILY / CHARLES AND MARGARET GLOCK TRUSTEES 319 S 4 TH AVE SANDPOINT ID 83864	"	"				"				96-8546
10	48234	MS SUMMER MAE FOX 694 WRENCO LOOP #14 SANDPOINT ID 83864	"	"				"				96-8550
11	48235	MR & MRS RONALD L WHEELER 4347 SIERRA AVE NORCO CA 91760	"	"				"				96-8552
12												
13												
14												
15												
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.						
11		11										

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~(208) 769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 9, 1993

Mr. Don Young
Federal Building
1500 Hwy. 2
Sandpoint, Id. 83864

Re: 96-8529, 96-8531, 96-8532, 96-8534, 96-8535, 96-8538, 96-8546, 96-8550,
96-8552.

Dear Mr. Young:

This is to confirm reservations for a conference &/or hearing to be held by this Department on Wednesday, August 4, 1993, at 9:00 AM in your Federal Building Conference Room #103.

If this is not the case, please advise immediately.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

MICROFILMED

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-8529 IN THE)
NAME OF IRENE SCHORI)
_____)

NOTICE OF CONFERENCE

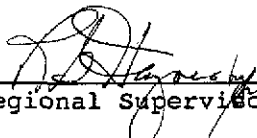
On July 20, 1988, Irene Schori filed with the Department of Water Resources (department) application for permit no. 96-8529. The application was protested by William D. Ellermeier on August 17, 1988.

The department has scheduled the matter for conference on Wednesday, August 4, 1993, at 9:00 AM, in the Federal Building Conference Room No. 103, 1500 Hwy. 2, Sandpoint, Id. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Robert G. Haynes, Northern Regional Manager.

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

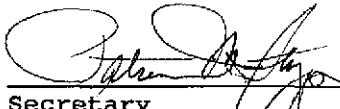
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 9th day of July, 1993.



Regional Supervisor

I hereby certify that on the 9th day of July, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:



Secretary

CERTIFIED MAIL
Ms. Irene Schori
680 Wrenco Loop Rd. #10
Sandpoint, Id. 83864

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

NON-CERTIFIED MAIL
Mr. Paul Vogel
P.O. Box 907
Sandpoint, Id. 83864

RECEIVED
MAY 31 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

MAY 31 1995

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

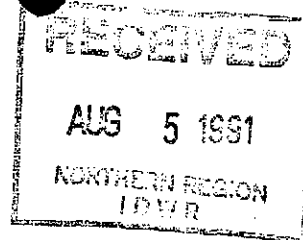
A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

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

RECEIVED
MAY 31 1995

PAUL WILLIAM VOGEL
Attorney-at-Law



In Association with
PHILIP H. ROBINSON, P.A.
JAMES E. HUNT
ALYSSA C. SWARTZ
JOHN R. TOPP

1323 Michigan
P.O. Box 907
Sandpoint, Idaho 83864-0852
(208) 263-0534
Fax: (208) 263-5344

July 30, 1991

Idaho Department of Idaho Resources
ATTN: BOB HANES
Northern Region
1910 Northwest Boulevard
Suite 210
Coeur d'Alene, ID 83814

RE: Smith Creek; My clients: Wood, Fugle, Ireland, Kemp,
Schori, and Stone.

Dear Bob:

Thank you for your time on July 24, 1991 concerning the
Smith Creek adjudication.

The purpose of this letter is to request that your
Department provide me with copies of all objections filed to my
clients' applications for water rights. My clients names and
water rights numbers are as follows:

Penelope Wood, 96-08535;
Richard W. Fugle, 96-08532;
Barry Ireland, 96-08531;
Irene Schori, 96-08529;
Ruth E. Kemp, 96-08538;
Tim and Jane Stone, water right number unknown.

In relation to Mr. and Mrs. Stone, could you please send to
me, in addition to any objections filed, a copy of the Water
Rights Claim Proof Reading Report.

Again, thank you very much for your time and attention to
this matter.

Sincerely,

Paul Vogel Lat
PAUL VOGEL

PV/lat

cc: Tim and Jane Stone
Ruth Kemp
Irene Schori
Penny Wood
Richard Fugle
Barry and Roxy Ireland

MAY 31 1995



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

August 8, 1991

Mr. Paul Vogel
Attorney at Law
P. O. Box 907
Sandpoint, Id. 83864

Re: Smith Creek; Your clients: Wood, 96-8535; Fugle, 96-8532; Ireland, 96-8531; Kemp, 96-8538; Schori, 96-8529; and Stone, 96-8534.

Dear Mr. Vogel:

Enclosed are the copies you requested for the above-referenced water right applicants.

Please remit the sum of \$0.50 for these copies at your earliest convenience. If we can be of any further assistance, please contact us.

Sincerely,

PATRICIA M. STYPA
Secretary/Office Coordinator

Enclosures

MAILED 10 1991
MAY 8 1991

Water Right Number - 96-08529

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
SCHORI

IRENE

1 - 680 WRENCO LOOP RD
2 -
3 -
City- SANDPOINT
Phone - 208-263-8435

State- ID Zip- 83864

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/20/1988 A - APPLICATION

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED STREAM SMITH CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

57N 03W 21 SW SW SE (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 - + + - Total Consumptive Use - + + - KW Usage - +
0.040

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

57N 03W 21 SW SE 43 DOMESTIC (17) BONNER

Total Acres:

+ - - Diversion Means - PUMP/PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

+ - - Microfilm Rolls -

RECEIVED
MAY 31 1995

Water right number - 96-08529

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 07/20/88 KING

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- 11551	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 07/20/1988	Transfer/Amended	-
Decree Date	- 00/00/0000				

RECEIVED
MAY 31 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 23, 1988

Mr. William D. Ellermeier
700 Wrenco Loop Rd.
Sandpoint, Id. 83864

Re: 96-08529

Dear Mr. Ellermeier:

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

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

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

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

MAY 31 1995

Sandpoint, Idaho
August 15, 1988

Idaho Department of Water Resources
4055 Government Way Suite 9
Coeur D'Alene, Idaho 83814

Gentlemen:

You have received an Application For Permit from Irene Schori, 680 Wrenco Loop Rd. #10, Sandpoint Idaho 83864. The application is a filing for .04 CF/Sec. of water for domestic purposes from an unnamed stream which is a tributary of Smith Creek, with the point of use being in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 57N, Range 3W.

We hereby register our protest to the granting of such a permit and to the continued appropriation of water from a tributary of Smith Creek by this applicant.

We are holders of a current claim (Clain #96-4013) to appropriate .08 CF/Sec. of water from Smith Creek for domestic and irrigation purposes, with the point of diversion and use being in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 57N. Range 3W.

It is our understanding that the tributary from which Shori is appropriating, joins Smith Creek at a location below our point of diversion. If this is true, the Shori appropriation would not affect the flow of Smith Creek at our point of diversion, however, it would directly affect the downstream flow available to Max L. Singleton who claims to possess senior water rights to Smith Creek under Claim # 96-4017. Any such adverse affect upon the Singleton claim could then have a direct affect upon our rights as junior appropriator, if in fact the Singleton claim is superior to ours.

Please advise us if any further information or action is required of us in this matter.

RECEIVED

AUG 17 1988

Department of Water Resources
Northern District Office

Very Truly Yours,

William D. Ellermeier
William D. Ellermeier

700 WRENCO LOOP RD

MAY 31 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 23, 1988

Ms. Irene Schori
680 Wrenco Loop Rd. #10
Sandpoint, Id. 83864

Re: 96-08529

Dear Ms. Schori:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. 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?

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

RECEIVED
MAY 21 1995

