

IN WITNESS WHEREOF, the Grantors have hereunto set their hands.

DATED this 30 day of April, 1993.

CLIFF GENTRY

GWENDOLYN HAYES GENTRY

RECEIVED

MAY 26 1998

Department of Water Resources

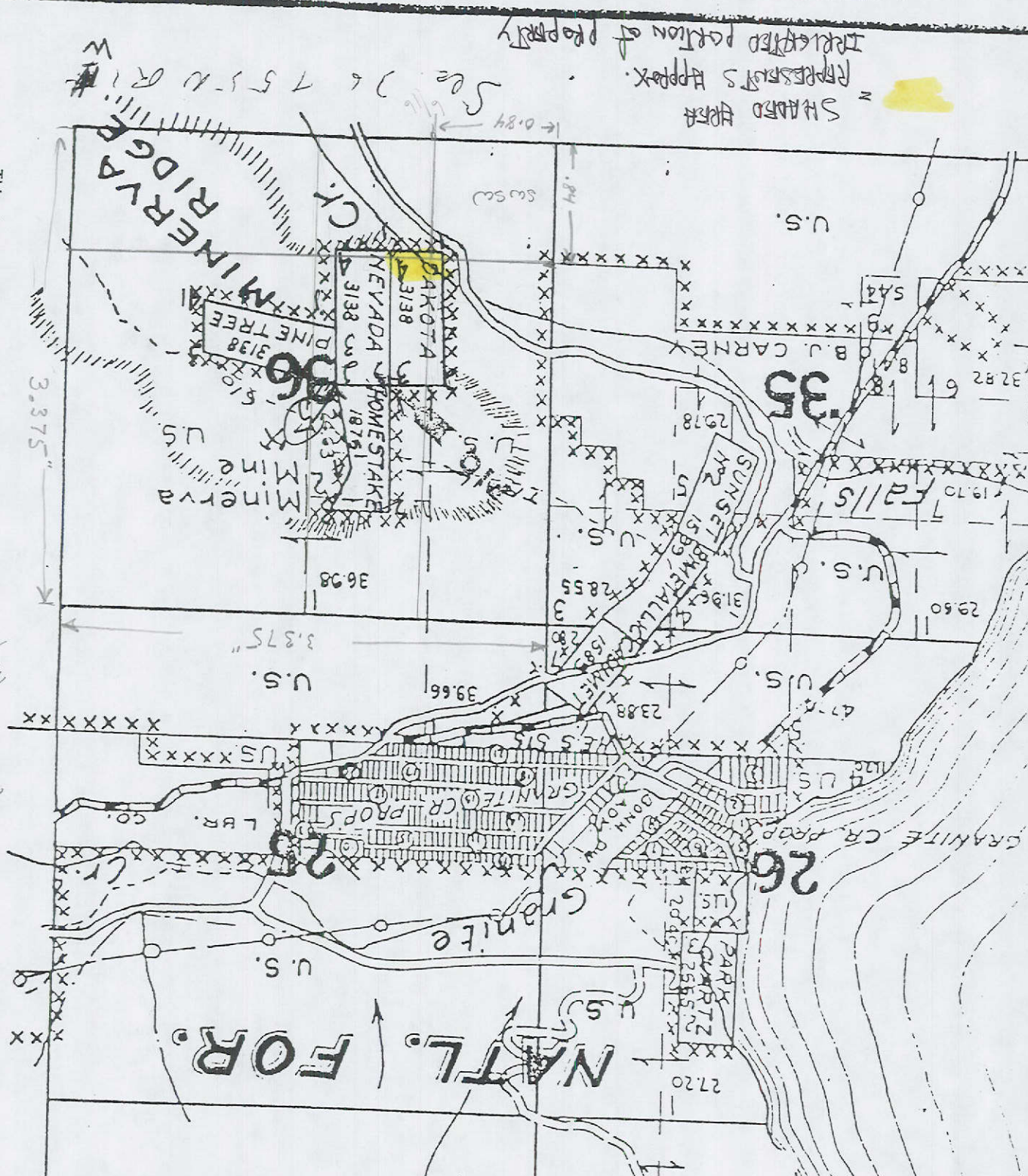
STATE OF IDAHO)
) ss.
County of Bonner)

This day personally appeared before me, the undersigned Notary Public, CLIFF GENTRY and GWENDOLYN HAYES GENTRY, husband and wife, known to me to be the persons whose signatures are subscribed to the within Warranty Deed, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30 day of April, 1993.

Michelle D. Elliott
Notary Public
Residing at: Sandpoint
Comm. Expires: 10-3-96

WATER PERMIT
 # 96-07861



This sketch is furnished without charge; solely for the purpose of assisting in locating said premises and the Company assumes no liability for inaccuracies therein

CELESTIA
 ROOF TO
 REBATE
 WISCONS
 ST. REC
 CIRCLE
 MINNIE
 EMILY
 HOBBO
 BLACK B
 PROTEC
 BLACKWA
 IRENE
 ELA
 MEXICO

SHARON AREA
 APPROXIMATE
 LOCATION OF PROPERTY

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have 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 Applications for water rights 96-7859-7860-7861 as it was published in the regular and entire issue of the said paper for a period of 3 consecutive weeks, commencing on 16 day of 4, 19 80 and ending on the 30 day of 4, 19 80 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 13 day of 5, 19 80.

Adell M Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

96-7859

PETTENGILL, STEVE RANDAL

2107 N.E. MULTOMAH, PORTLAND, OR 97232

Source: FLUME CREEK tributary to RAPID LIGHTNING CREEK

Date Filed: 04-09-80

Amount: 0.10 CFS

Diversion Point: SENE Sec 14 T 58N R 01E, BONNER Co.

Use: IRRIGATION (0.04 CFS) from 03-15 to 11-01

STOCKWATER (0.02 CFS) from 01-01 to 12-31 DOMESTIC (0.04 CFS) from 01-01 to 12-31

Place of Use: SENE Sec 14 T 58N R 01E FOR 2 ACRES

Diversion Means: DITCH OR PUMP AND PIPELINE.

96-7860

RATLIFF REALTY INC. N. 2625 Government Way, Coeur d'Alene, Id 83814

Source: GROUNDWATER

Date Filed: 04-03-1980

Amount: 0.15 CFS

Diversion Point: SESE Sec 32 T 54N R 03W, BONNER Co.

Use: DOMESTIC (0.15 CFS) from 01-01 to 12-31

Place of Use: NESE NWSE SWSE SESE Sec 32 T 54N R 03W

Diversion Means: WELL, PUMP AND RESERVOIR

96-7861

GENTRY, CLIFFORD L. CEDAR CREEK LANDING, BAYVIEW, ID 83803

Source: FALLS CREEK tributary to PEND OREILLE LAKE

Date Filed: 04-03-1980

Amount: 1.00 CFS

Diversion Point: SWSW SESW NESW Sec 36 T 55N R 01W, BONNER Co.

Use: IRRIGATION (0.04 CFS) from 03-01 to 11-5 STOCKWATER (0.02 CFS) from 01-01 to 12-31 RECREATION (1.00 CFS) from 01-01 to 12-31 POWER (1.00 CFS) from 01-01 to 12-31

Place of Use: SESW Sec 36 T 55N R 01W NESW Sec 36 T 55N R 01W FOR 2 ACRES

Diversion Means: WATER WHEEL AND PIPELINE

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id. 83814 on or before May 5, 1980

C. STEPHEN ALLRED

Director

Published 4-16 & 4-23, 1980

RECEIVED

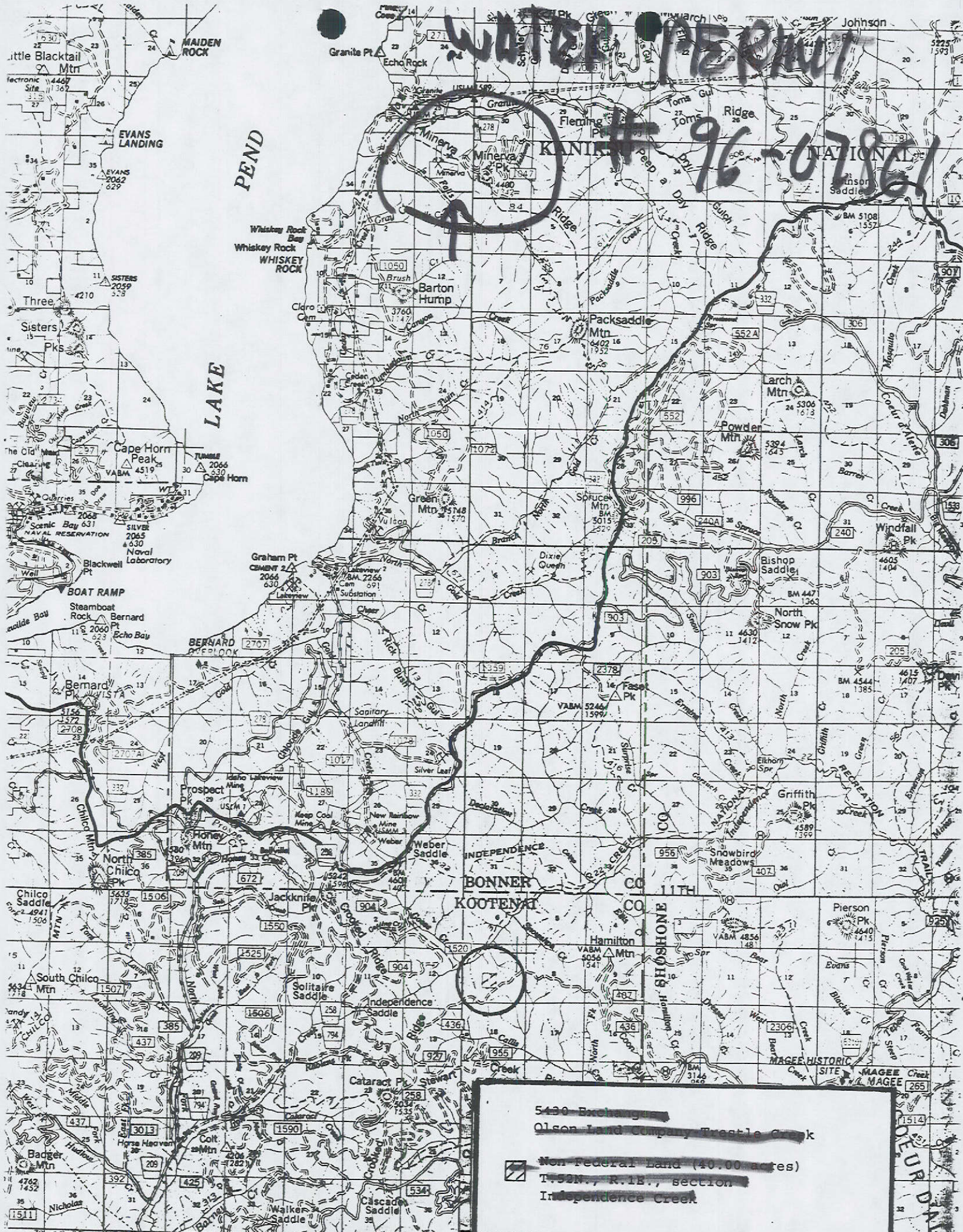
MAY 14 1980

Department of Water Resources
Northern District Office

FILED

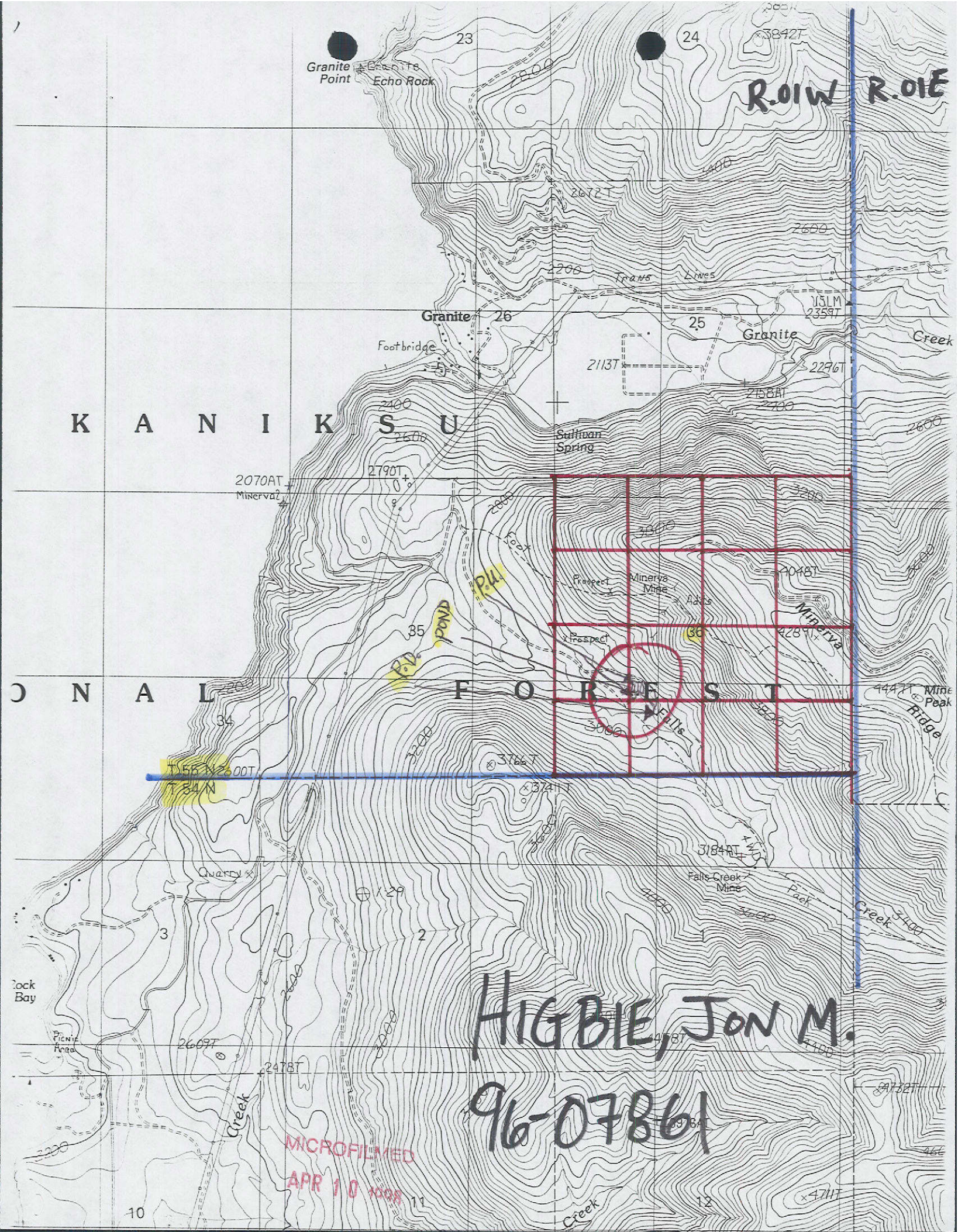
→ WINTER PERMIT # 96-07861





WATER PERMIT # 96-07861

5430 Exchange
Olson Land Company Tract
Non Federal Land (40.00 acres)
T.32N., R.1E., Section
Independence Creek



Granite Point

Echo Rock

R.OIW R.OIE

K A N I K S U

2070AT
Minerva

Sullivan Spring

Prospect

Minerva Mine

Adits

Minerva

Mine Peak

Bridge

T56 N2600T
T84 N

HIGBIE, JON M.

96-07861

MICROFILMED
APR 10 1998

Rock Bay

Picnic Area

Creek

Falls Creek Mine

Pack

Creek

10

11

12

x4717

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PERMIT #

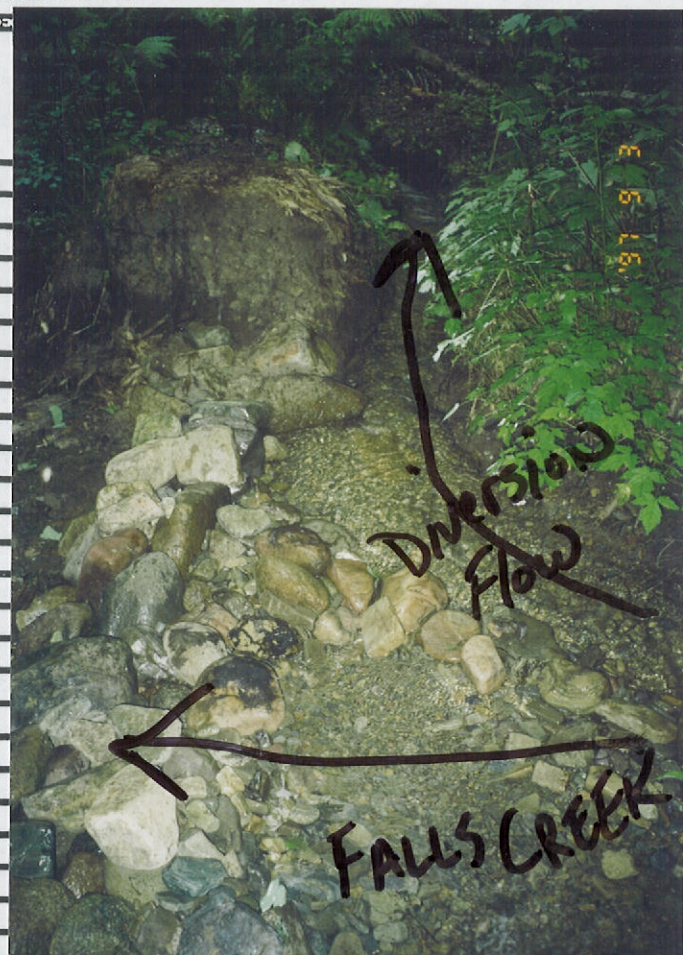
96-07861

REPORT SUPPLEMENT

PHOTOGRAPH



FALLS CREEK
PAD - Rock Diversion



Diversion Ditch
Flow INTO POND



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLY

PERMIT #

96-07861

PHOTOGRAPH

INFLOW TO POND
30' x 50' x 3' 5/8" 4/5

POND AREA
MICROFILMED
APR 10 1998

OUTFLOW Culvert
Back to Falls
CREEK

INFLOW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

9607861



IRRIGATION AREA

IRRIGATED AREA



MICROFILMED
APR 10 1998

State of Idaho
Department of Water Resources

Water Right License
WATER RIGHT NO. 96-07861

Priority: June 16, 1980

Maximum Diversion Rate: 0.65 CFS
Maximum Diversion Volume: 475.9 AF

This is to certify, that JON M HIGBIE
PO BOX 2190

SANDPOINT ID 83864-0909 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 3, 1980; and
has submitted Proof of Beneficial Use on May 25, 1990. An examination indicates
that the works have a diversion capacity of 0.650 cfs of water from:

FALLS CREEK tributary to PEND OREILLE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
RECREATION	01/01 to 12/31	0.65 CFS	469.8 AF
	Totals	0.65 CFS	475.9 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 36, Township 55N, Range 01W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
55N	01W	36	NESW	2		2

Total number of acres irrigated: 2

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

RECREATION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

State of Idaho
Department of Water Resources

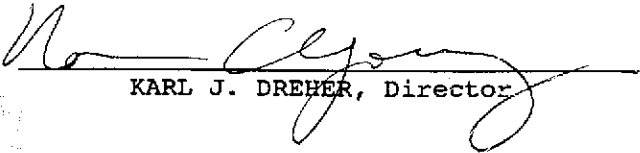
Water Right License

WATER RIGHT NO. 96-07861

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Recreation use is for fishing.

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 8TH day of SEPTEMBER, 1978.


KARL J. DREHER, Director

State of Idaho
Department of Water Resources

RECEIVED

SEP 02 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07861

Department of Water Resources

Date of Priority: June 16, 1980

Maximum Diversion Rate: 0.65 CFS

Maximum Diversion Volume: 475.9 AF

Comes now

DONNA GUTHRIE HONIG
THOMAS HERBERT HONIG

RT 2 BOX 121
MOSES LAKE WA 98837

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. 96-07861, and requests that the permit be changed as follows:

Source: **FALLS CREEK**

tributary to **PEND OREILLE LAKE**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
RECREATION	01/01 to 12/31	0.65 CFS	469.8 AF
	Totals	0.65 CFS	475.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 36, Township 55N, Range 01W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
55N	01W	36	NESW	2		2

Total number of acres irrigated: 2

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

RECREATION, same as IRRIGATION use

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 Sandpoint, Idaho, this 31st day of August, 1998.

(Signature)

Jon M. Sigbee

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07861

FOR DEPARTMENT USE ONLY

Preliminary check by ____ Fee = 50.00 Received by LB # 001307 Date 9/2/98

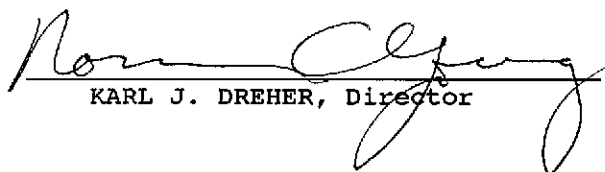
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 96-07861 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 that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Recreation use is for fishing.

Witness my hand this 8TH day of September, 1998.


KARL J. DREHER, Director

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 15 1998

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 96-07861
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant GENTRY, CLIFFORD L.
618 N. 6th SANDPOINT ID 83864

4. New Owner/Claimant(s) Jon M. Highie
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 2190
City, State and ZIP Code SANDPOINT ID 83864-0909
New Telephone Number (406) 295-0810

5. Date you acquired the property 5/3/93

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 2 Number and type of stock _____
 Diversion rate in CFS 0.65 Number of homes _____ Other uses REL.

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) X Jon M. Highie
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

FILED BY Fi American Title
 300K _____ OF _____
 PAGE _____ FEE 600

Return To:
 MICHAEL C. STEWART
 Attorney at Law
 506 North Second Avenue
 Sandpoint, Idaho 83864
 Phone: (208) 263-8529

'88 JUL 25 PM 3 53

CLIFFORD D. CHAPIN
 RECORDER OF BONNER
 COUNTY BY SR DEP.

351166

WARRANTY DEED

FOR VALUE RECEIVED, GWENDOLYN HAYES GENTRY, a married woman, the Grantor, does hereby GRANT, BARGAIN, SELL and CONVEY unto THOMAS H. HONIG and DONNA GUTHRIE-HONIG, husband and wife, the Grantees, of P.O. Box 362, Haleiwa, Hawaii 96712, the following described real property situate in the County of Bonner, State of Idaho, to wit:

Nevada, Dakota and Pine Tree Patented Mining Claims, designated by the Surveyor General as Survey No. 3138, recorded October 1, 1927, in Book 46 of Deeds, Page 559, and Homestake Patented Mining Claim, designated by the Surveyor General as Survey No 1876, recorded October 11, 1906, in Book 10 of Deeds, Page 587, said Patented Mines being located in Section 36, Township 55 North, Range 1 West, Boise Meridian, Bonner County, Idaho.

TOGETHER WITH all right, title and interest, the herein grantor may have to water rights on that creek known as FALLS CREEK, situated in Bonner County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

AND the above named Grantor does hereby covenant that the above described premises are free from all encumbrances and that she will warrant and defend the above premises against all lawful claims and demands whatsoever, EXCEPT such rights, easements, covenants, and restrictions as stated above, and health or zoning regulations.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand.

DATED this 8 day of July, 1988.

JUL 26 1988

Gwendolyn Hayes Gentry
Gwendolyn Hayes Gentry
 GWENDOLYN HAYES GENTRY

WARRANTY DEED 1

AFTER RECORDING:
 MAIL TO GRANTEE
 TOTAL P.03

J. T. DIEHL
Attorney at Law
506 N. Second Avenue
Sandpoint, Idaho 83864
(208) 263-8529

FILED BY *J. T. Diehl*
'93 JAN 19 PM 4 14

MARIE SCOTT
RECORDER OF BONNER
COUNTY BY *SA* *SEP*

418707

DEED IN LIEU OF FORECLOSURE

FOR VALUE RECEIVED, THOMAS HERBERT HONIG and DONNA L. GUTHRIE-HONIG, husband and wife, do hereby CONVEY, RELEASE, REMISE and forever QUITCLAIM unto CLIFF GENTRY and GWENDOLYN HAYES GENTRY, husband and wife, whose current address is Lakeview Landing, Lakeview, Idaho 83803, the following described real property:

In the County of Bonner, State of Idaho, to-wit:

*200
+
4500*
Nevada, Dakota and Pine Tree Patented Mining Claims, designated by the Surveyor General as Survey No. 3138, recorded October 1, 1927, in Book 46 of Deeds, page 559, and Homestake Patented mining claims, designated by the Surveyor General as Survey No. 1876, recorded October 11, 1906, in Book 10 of Deeds, page 587, said Patented Mines being located in Section 36, Township 55 North, Range 1 West, Boise Meridian, Bonner County, Idaho.

TOGETHER WITH its appurtenances and all after acquired title.

DATED this *15* day of January, 1993.

[Signature]
THOMAS HERBERT HONIG

[Signature]
DONNA L. GUTHRIE-HONIG

MICHAEL C. STEWART
Attorney at Law
513 North Fourth Avenue
Sandpoint, Idaho 83864
Phone: (208) 263-5664

423875

FILED BY *McStewart*

'93 MAY 3 AM 11 08
600

RECORDED BY *JA* DEP.
COUNTY OF BONNER

WARRANTY DEED

FOR VALUE RECEIVED, CLIFF GENTRY and GWENDOLYN HAYES GENTRY, husband and wife, the Grantors, do hereby GRANT, BARGAIN, SELL and CONVEY unto JON M. HIGBIE, a single man, the Grantee, of 1400 Old Hwy 2, Troy, MT., 59935, the following described real property situate in the County of Bonner, State of Idaho, to wit:

Nevada, Dakota and Pine Tree Patented Mining Claims, designated by the Surveyor General as Survey No. 3138, recorded October 1, 1927, in Book 46 of Deeds, Page 559; and Homestead Patented Mining Claim, designated by the Surveyor General as Survey No. 1876, recorded October 11, 1906, in Book 10 of Deeds, Page 587, said Patented Mines being located in Section 36, Township 55 North, Range 1 West, Boise Meridian, Bonner County, Idaho.

SUBJECT TO conditions and stipulations as set forth in Patented Mining Deeds; recorded October 1, 1927, in Book 46 of Deeds, Page 559, and recorded October 11, 1906, in Book 10 of Deeds, Page 587, records of Bonner County, Idaho, designated as Survey No. 3138 and Survey No. 1876, respectively.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

AND the above named Grantors do hereby covenant that the above described premises are free from all encumbrances and that they will warrant and defend the above premises against all lawful claims and demands whatsoever, EXCEPT such rights, easements, covenants, and restrictions as stated above, and health or zoning regulations.

**AFTER RECORDING:
MAIL TO GRANTEES**

IN WITNESS WHEREOF, the Grantors have hereunto
inds.

DATED this 30 day of April, 1993.

CLIFF GENTRY

GWENDOLYN HAYES GENTRY

RECEIVED

MAY 26 1998

Department of Water Resources

STATE OF IDAHO)
) ss.
County of Bonner)

This day personally appeared before me, the undersigned
Notary Public, CLIFF GENTRY and GWENDOLYN HAYES GENTRY, husband
and wife, known to me to be the persons whose signatures are
subscribed to the within Warranty Deed, and acknowledged to me
that they executed the same.

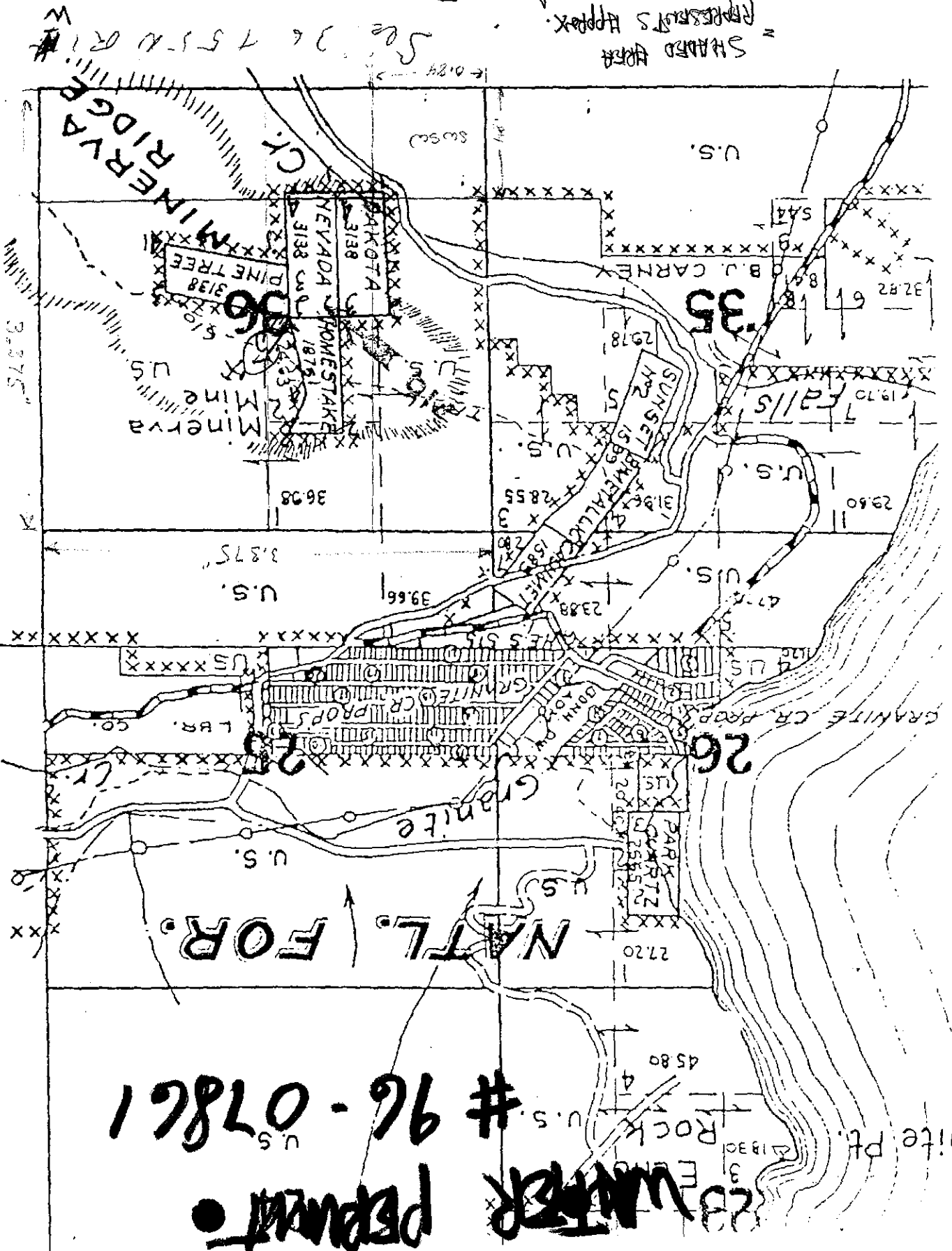
IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 30 day of April, 1993.

Michelle D. Elliott
Notary Public

Residing at: Sandpoint

Comm. Expires: 10-3-96

SHARPS AREA
 APPROXIMATE'S APPROX.
 INTERESTED PORTION OF PROPERTY



This sketch is furnished without charge
 solely for the purpose of assisting in
 locating said premises and the Company
 assumes no liability for inaccuracies therein

96-07861

WATER PERMIT

CLYDE
 ROBERT
 REBATE
 WISCONS
 ST. REC
 CIRCLE
 MINNIE
 EMILY
 HOBBO
 BLACK B
 PROTEC
 BLACKVA
 LAENE
 ELLA
 MEXICO

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-07861

Priority: June 16, 1980

Maximum Diversion Rate: 0.65 CFS

Maximum Diversion Volume: 475.9 AF

This is to certify, that DONNA GUTHRIE HONIG
THOMAS HERBERT HONIG

RT 2 BOX 121

MOSES LAKE WA 98837

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 3, 1980; and has submitted Proof of Beneficial Use on May 25, 1990. An examination indicates that the works have a diversion capacity of 0.650 cfs of water from:

FALLS CREEK

tributary to PEND OREILLE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
RECREATION	01/01 to 12/31	0.65 CFS	469.8 AF
	Totals	0.65 CFS	475.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 36, Township 55N, Range 01W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
55N	01W	36	SESW	2		2

Total number of acres irrigated: 2

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

RECREATION, same as IRRIGATION use

SUPERSEDED

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

MICROFILMED

APR 10 1998

State of Idaho
Department of Water Resources

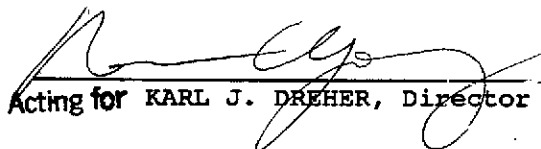
WATER RIGHT LICENSE

WATER RIGHT NO. 96-07861

CONDITIONS OF APPROVAL AND REMARKS

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Recreation use is for fishing.

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 26th day of MARCH, 1996.


Acting for KARL J. DREHER, Director

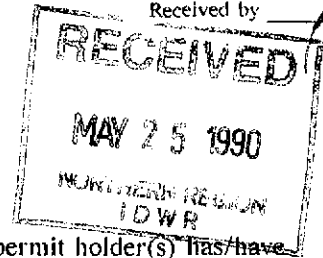
SUPERSEDED

MICROFILMED

APR 10 1998

For Office Use Only
Amt. of Fee \$ 50.00
Date 5/25/90
Receipt No. N3789
Received by [signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE



The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 96-07861 Telephone No. 509-765-4685

Name(s) of Permit Holder(s): Thomas Herbert Honig, Donna Guthrie-Honig

Post Office Address: Rt 2 Box 121 Moses Lake WA 98837

Source of Water: Falls Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic 1 (No. of households) Irrigation 2 (No. of acres)

Stockwater 4 horses (No. and type of stock) Other Power Production
using a Overshot Water Wheel turning an Alternator

Total rate and/or volume for which proof is submitted 18 cfs 18 acre/feet

Show date water was first diverted and beneficially used under this permit: October 1988

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Thomas H. Honig (509) 765-4685
Name Telephone No.

Rt 2 Box 121 Moses Lake, WA 98837
Address

The above information 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.

5-22-90
Date

Thomas H. Honig
Signature (and title if on behalf of a company or organization)

RECORDED
JUL 30 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-7861 IN THE)
NAME OF THOMAS HERBERT & DONNA GUTHRIE HONIG) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1990; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use; and,

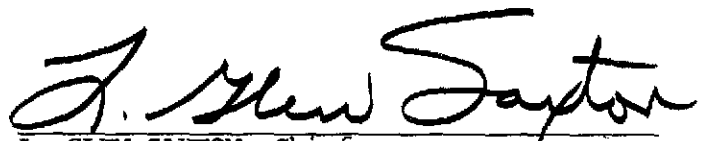
WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit the proof of beneficial use; and,

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

WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 25, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-7861 be REINSTATED and the priority advanced to June 16, 1980.

Dated this 11th day of June, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JUL 30 1990

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

GWEN
I, CLIFF L. GENTRY, hereby assign to Thomas Herbert Honig
of Route 2 Box 121, Moses Lake, WA. 98837
Address DONNA GUTHRIE-HONIG

CHECK ONE

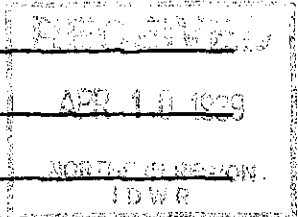


All my right, title, and interest in and to Permit No. 96-07861
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)



Made this 28 day of March, 19 89.



[Signature]
Permit Holder

[Signature]
Spouse of Permit Holder

Department of Water Resources

State of _____)
County of Rocky) ss.

On this 28 day of March, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

[Signature]
MICROFILMED

My commission expires:
7/20/94

MAY 13 1989

For Office Use Only
Fee Received 15.00
Date 6-12-85
Receipt # 36823

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
JUN 11 1985

Department of Water Resources

CLIFF L. GENTRY of 618 N 6th SANDPOINT Id.
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 96-7861.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before May 1, 1985.

That he has heretofore performed the following work described under said permit:

(This must be filled out! If no work has been completed put none.)
Land has been leveled, water wheel for electricity & water pump has been installed. Fish pond has been completed & propagated.
Costing \$3,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

On file with the Bonner Co. Sheriff's dept 1982, Nov we were robbed of everything we owned. A truck was brought in and everything was taken. This set us back in time on many projects.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to May 1, 1990.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Cliff L. Gentry
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the proof of beneficial use is extended to May 1, 1990. IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to May 23, 1980 and the permit be conditioned as follows: Use of water under this permit and any license subsequently issued is subject to review by the Director 35 years after the water is first applied to a beneficial use. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Continued on attached page.

MICROFILMED

The rights for the use of water acquired under this permit for hydropower purposes shall be junior and subordinate to all other rights for 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 for the use of water, other than hydropower, within the state of Idaho initiated later in time than the priority of this permit.

Dated this 6th day of September, 1985.

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant CLIFFORD L. GENTRY Phone _____
Post office address CEDAR CREEK LANDING, BAYVIEW, ID 83803
2. Source of water supply FALLS CREEK which is a tributary of PEND OREILLE LAKE
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 55N
Range 1W B.M. BONNER County, additional points of diversion if any: SE SW, NESW 36 55N 1W
4. Water will be used for the following purposes:
Amount 1.00 for POWER PRODUCTION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for IRRIGATION purposes from MAR 1 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.00 for RECREATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.00 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. WATER WHEEL AND PIPELINE

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SE SW
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 55N
Range 1W B.M.
(2) Amount of power to be generated: 10 KW horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered 4 HORSES, 5 HEAD CATTLE
PIGS & GOATS
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: RECREATION - DOMESTIC
FISH SUPPLY
POWER PRODUCTION - WATER WHEEL

MICHAEL

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55N	1W	36											2						2

Total number of acres to be irrigated 2

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

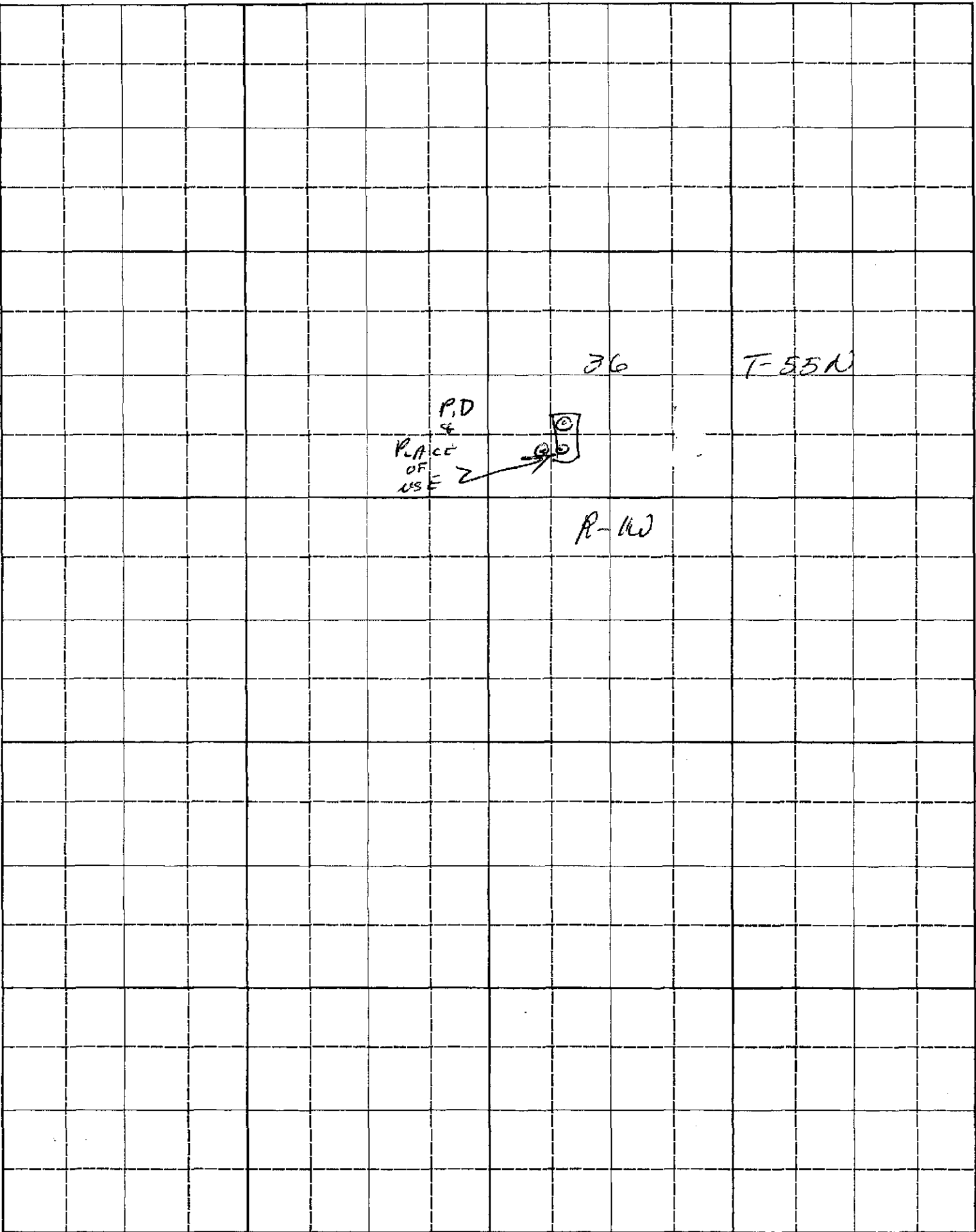
9. a. Who owns the property at the point of diversion APPLICANT

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

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

10. Remarks _____

11. 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.

Chas. L. Leach
(Applicant)

Proposed Priority 4/3/80

Received by KK Date 4/3/80 Time 9:30 A
Preliminary check by RST Fee \$ 35.00
Receipted by KK Date 4/3/80 # 16895
Publication prepared by mo Date 4/10/80
Published in Sandpoint Daily Bee
Publication dates 4/16 & 23/80
Publication approved mo Date 5/21/80
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RST jim

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. 96-7861, and said application is hereby approved.

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 May 1, 19 85.
- 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. Other: (1) This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit. (2) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 29th day of May, 1980.

A. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have 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 Applications for water rights 96-7859-7860-7861 as it was published in the regular and entire issue of the said paper for a period of 3 consecutive weeks, commencing on 16 day of 4, 19 80 and ending on the 30 day of 4, 19 80 and that said notice was published in said newspaper.

Pete Thompson

Subscribed and sworn to before me this 13 day of 5, 19 80.

Adell M. Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

NOTICE OF APPLICATION
WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

96-7859

PETTENGILL, STEVE
RANDAL
2107 N.E. MULTOMAH,
PORTLAND, OR 97232
Source: FLUME CREEK
tributary to RAPID LIGHT-
NING CREEK
Date Filed: 04-09-80
Amount: 0.10 CFS

Diversion Point: SENE Sec 14 T
58N R 01E, BONNER Co.
Use: IRRIGATION (0.04 CFS)
from 03-15 to 11-01
STOCKWATER (0.02 CFS)
from 01-01 to 12-31 DOMESTIC
(0.04 CFS) from 01-01 to 12-31
Place of Use: SENE Sec 14 T
58N R 01E FOR 2 ACRES
Diversion Means: DITCH OR
PUMP AND PIPELINE.

96-7860

RATLIFF REALTY INC.
N. 2625 Government Way, Coeur
d'Alene, Id 83814
Source: GROUNDWATER
Date Filed: 04-03-1980
Amount: 0.15 CFS
Diversion Point: SESE Sec 32 T
54N R 03W, BONNER Co.
Use: DOMESTIC (0.15 CFS)
from 01-01 to 12-31
Place of Use: NESE NWSE
SWSE SESE Sec 32 T 54N R 03W
Diversion Means: WELL,
PUMP AND RESERVOIR

96-7861

GENTRY, CLIFFORD L.
CEDAR CREEK LANDING,
BAYVIEW, ID 83803
Source: FALLS CREEK
tributary to PEND OREILLE
LAKE
Date Filed: 04-03-1980
Amount: 1.00 CFS
Diversion Point: SWSW SESW
NESW Sec 36 T 55N R 01W,
BONNER Co.
Use: IRRIGATION (0.04 CFS)
from 03-01 to 11-5 STOCK-
WATER (0.02 CFS from 01-01 to
12-31 RECREATION (1.00 CFS)
from 01-01 to 12-31 POWER (1.00
CFS) from 01-01 to 12-31
Place of Use: SESW Sec 36 T
55N R 01W NESW Sec 36 T 55N R
01W FOR 2 ACRES

Diversion Means: WATER
WHEEL AND PIPELINE

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814 on or before May 5, 1980

C. STEPHEN ALLRED
Director

Published 4-16 & 4-23, 1980

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, CLIFFORD GENTRY of BAYVIEW, ID County of BONNER

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

/s/ Cliff Gentry

Subscribed and sworn to before me this 3RD day of April, 1980

/s/ Thomas M. [Signature]
Notary Public
Residence Idaho
My Commission expires Life

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1957, Ch. 66. (Idaho Code, Sections 42-205 to 42-210).

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____ County of _____
State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____,
_____ as provided by Section 30-143, Idaho Code, at _____,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and
that _____ is a legal _____ qualified to do business
in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____
Notary Public
Residence _____
My commission expires _____

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1947, Ch. 66, (Idaho Code, Sections 42-205 to 42-210).



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 9, 1998

PHILIP E. BATT
GOVERNOR

JON M HIGBIE
PO BOX 2190
SANDPOINT ID 83864-0909

KARL J. DREHER
DIRECTOR

RE: WATER RIGHTS 35-08335/35-08337

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 an **amended preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

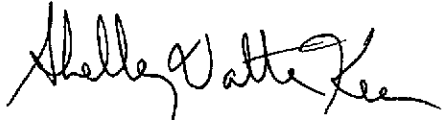
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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 9th day of **September, 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. 96-07861

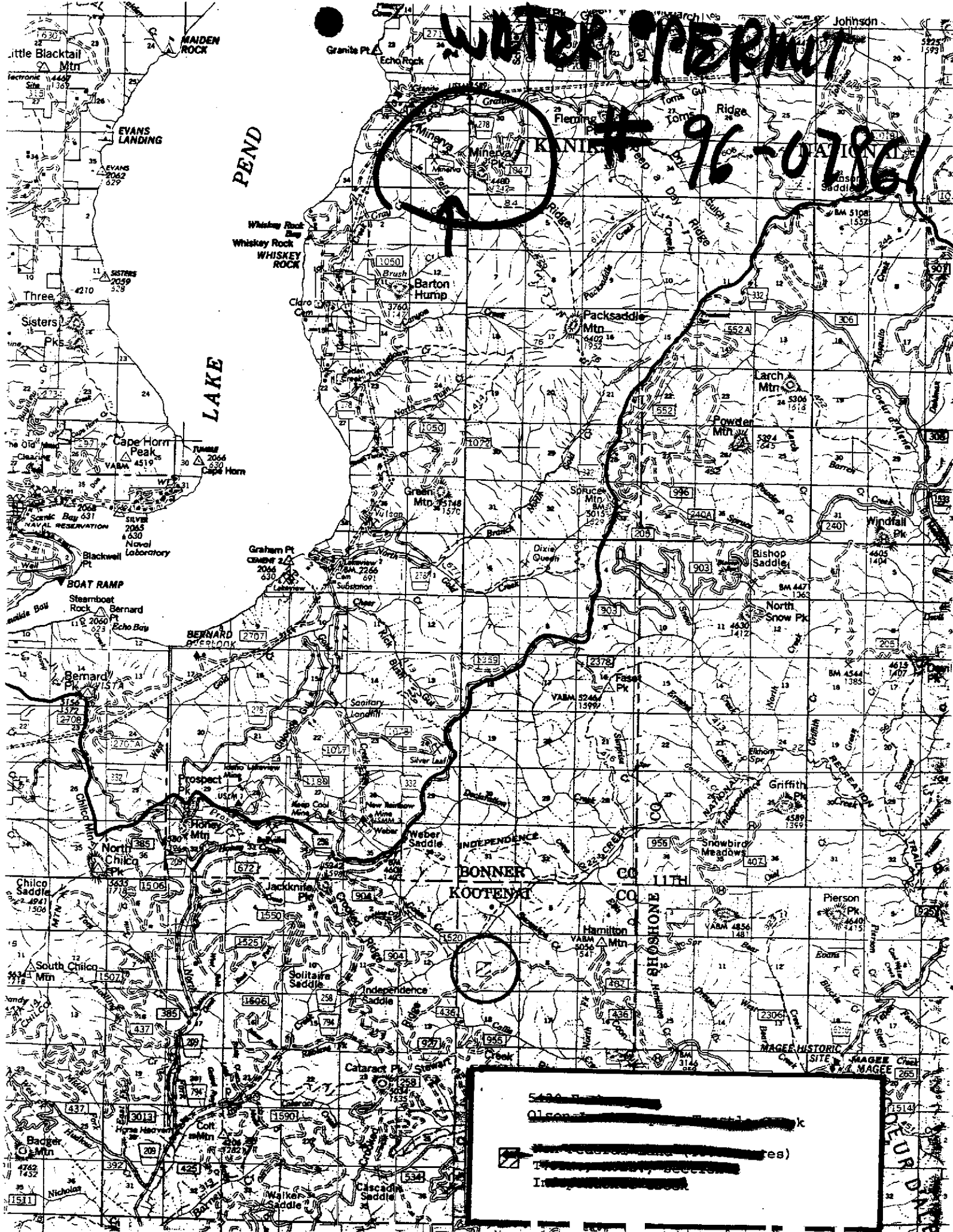
JON M HIGBIE
PO BOX 2190
SANDPOINT ID 83864-0909


Kari Lynn Townsend
Secretary

WINTER PERMIT # 96-07861



96-07861



5490- [REDACTED]
 Olney, [REDACTED] [REDACTED] [REDACTED] k
 [REDACTED] [REDACTED] [REDACTED] (es)
 [REDACTED] [REDACTED] [REDACTED]
 In [REDACTED] [REDACTED]

August 31, 1998

Shelley Walter Keen
Water Right Supervisor
State of Idaho
Dept. of Water Resources
1301 North Idaho St.
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

SEP 02 1998

Department of Water Resources

Ref: Water Right 96-07861

Dear Ms. Keen:

In response to your letter of 8-25-98, I am disappointed that the location of the diversion is different from that cited by Herman Spangle, the person who conducted my on-site inspection.

I can not account nor do I want to be responsible for clerical errors made by previous owners of the property ref: affixing the location of the diversion. I can only surmise that their best attempt to correctly describe the location of the diversion was not accurate.

I know from the historical documents that I possess as well as discussions that I have had with

proper, some 00000000

cell party (the person who I purchased the property from following Donna & Thomas being defaulting) that the division that Mr. Spang insisted was the only division that ever existed,

I am enclosing a money order in the amount of \$50⁰⁰ as requested. But, I am protesting this because I'm being held financially responsible for a mistake that wasn't of my making.

I would appreciate your reviewing this matter with your supervisor because I feel my argument is worthy of consideration. If you feel my argument is sound, please return the enclosed money order. If not, cash the money order and please issue the water permit without further delay.

I am quite frustrated by this process; I have attempted to comply with the letter as well as the spirit of these regulations. Thank you.

Sincerely,

Jon M. High
P.O. Box 2190

Sandpoint, Idaho 83864-0909



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

August 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JON M HIGBIE
PO BOX 2190
SANDPOINT ID 83864-0909

RE: Water Right 96-07861

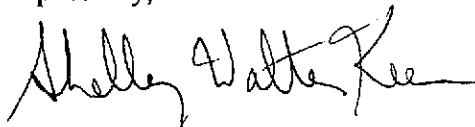
Dear Mr. Higbie:

Thank you for submitting your Notice of Change of Water Right Ownership for water right 96-07861. While processing your ownership change notice, we realized that an error was made when water right 96-07861 was licensed last March. Specifically, the license shows the irrigated place of use as being in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, T55N, R1W, as indicated on the application approved in 1980. According to our field examiner, however, the irrigated place of use is actually within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, which contains your Dakota and Nevada mining claims.

To ensure that your water right license is accurate, we would like to issue an amended preliminary order correcting the place of use description. Before we can proceed, however, the enclosed application for amendment, which should have been completed before the water right was licensed, must be completed and returned with the \$50.00 filing fee. The amendment is necessary because the developed place of use does not match the place of use on the application that was submitted in 1980. We will accept the application for amendment and fee from you or from the owners of record, Donna Guthrie Honig and Thomas Herbert Honig. When we receive the amendment form and fee, we will re-issue the license with the correct place of use and process your ownership change notice.

I apologize for any inconvenience the licensing error may have caused you. If you have any questions, please contact me at 208-327-7946.

Respectfully,


Shelley Walter Keen
Water Rights Supervisor

Enclosure

CONVERSATION MEMORANDUM

File No.: 96-7861

Date: April

Name of Caller: Al Beardslee

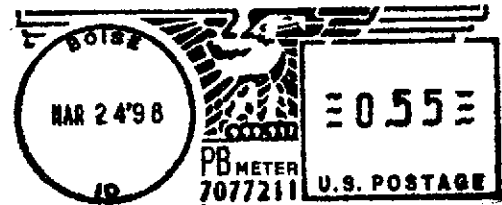
Employee: Andy Zimmerman

Jon Higbie, property owner, contacted Al. Al called to see if an unprocessed assignment of permit was in the file.

The file does not contain any assignment from Honig to Higbie.

Al, within the next 2 weeks, will pursue getting a change of ownership notification from Higbie.

4.3.98 - No phone listed in phone book in
wilderness assistance for the
Nighe (name shown on field exam).
1st




NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

RECEIVED
APR 03 1998
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

L96-07861
DONNA GUTHRIE MONIG
RT 2 BOX 121
MOSES LAKE WA 98837

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 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DONNA GUTHRIE HONIG
THOMAS HERBERT HONIG
RT 2 BOX 121
MOSES LAKE WA 98837

RE: WATER RIGHT NO. 96-07861

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.

RECORDED
APR 10 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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APR 10 1998

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

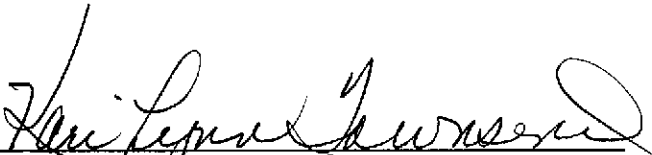
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APR 10 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd 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. 96-07861

DONNA GUTHRIE HONIG
THOMAS HERBERT HONIG
RT 2 BOX 121
MOSES LAKE WA 98837


Kari Lynn Townsend
Secretary

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APR 10 1998

MEMORANDUM

TO: File 96-07861

FROM: Sharla

DATE: March 17, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 96-07861 are as follows:

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.06 cfs	6.0 afa
Stockwater	1/1 - 12/31	0.01 cfs	0.1 afa
Recreation	1/1 - 12/31	0.65 cfs	469.8 afa
	TOTALS	0.65 cfs	475.9 afa

The pond is used as part of the delivery system and could be considered a wide spot in the ditch; for this reason no storage components or diversion to storage are needed.
A continous flow for recreation use is reasonable and has been added.

Examiner: Herman Spangle
Exam Date: September 3, 1997

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APR 10 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-09861

DATE 3/13/98

REVIEWER: SHARLA

NAME Change OK

Address Change no assignment to Higbie

SOURCE Change OK

Is change clarification of originally intended source? no

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void no

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U
Overlap file pulled & reviewed no

RATE OF DIV

Permitted Rate 1.0 cfs
Fee limit .20 cfs \$5000
Measured .65 cfs
Theoretical cfs

Recommended Total Div Rate cfs

ANNUAL VOLUME/ NATURE OF USES

Use	cfs	Volume Calc
<u>W.</u>	<u>.04</u>	<u>2 x 3.0 = 6.0</u> af
<u>Stock</u>	<u>.01</u>	<u>.1</u> af
<u>Rec</u>	<u>.65</u>	<u>.1/469.8</u> af
SUBTOTAL	<u>.65</u>	<u>476.8</u> af

Flow rate cfs X days X 1.98 = af

Total volume recommended af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

RS fishing

CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NA

Adjustment Memo uses/rate, volume totals

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 27 1998

Department of Water Resources

96-07861

A. GENERAL INFORMATION

Permit No. _____

1. Owner: JON Higbie Phone No. _____

Current Address: P.O. BOX 2190 SANDPOINT, ID. 83864

2. Accompanied by: JON Higbie EXAM DATE: 9-3-97

Address: SAME AS ABOVE Phone No. _____

Relationship to Permit Holder: Permit Holder

3. Source: Falls Creek tributary to Pend Oreille Lake

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
PD #1	—		SE	SW	36	55N	01W	Bonner	U.S.G.S. 7.5' QUAD; Site Visit

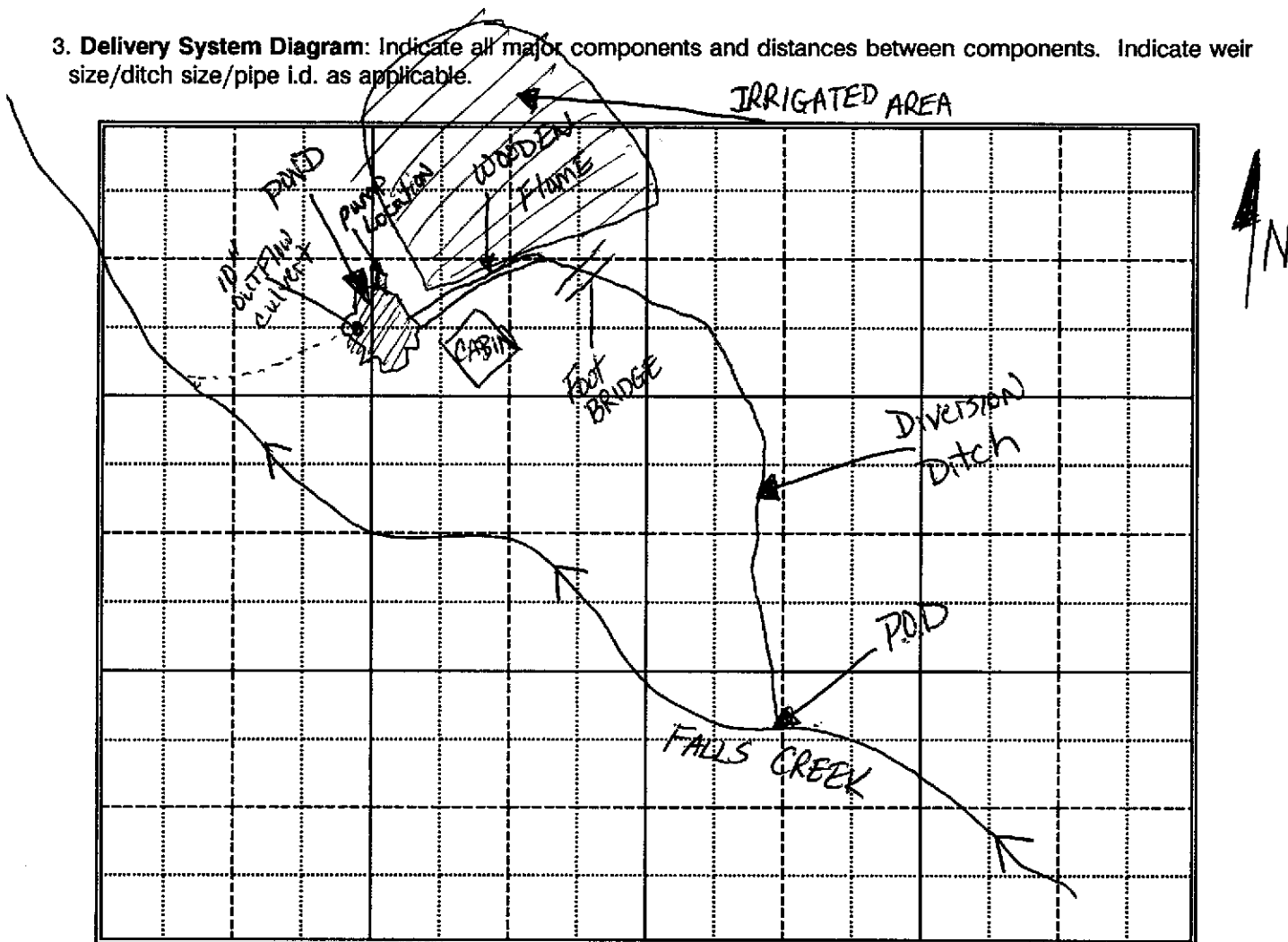
2. Place(s) of Use:

Indicate Method of Determination U.S.G.S. 7.5' QUAD

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	36									2.0								2.0
55N	01W	36									I.S.								IRRIGATION Storage
55N	01W	36									R.S.								Reservoir Storage
55N	01W	36									S.S.								Stockwater Storage
55N	01W	36									S								Stockwater

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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" = 100'

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P.D.#1	DIVERSION Ditch w/ ROCK DIVERSION				J-GRAVITY
* STORAGE DIVERSION PUMP	BRIGGS & STRATTON	20	—	Berkeley	3/4" Garden Hose

*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
PRICE "AA" Current Meter					"AA"	

2. Measurements: Measurement made Approx. 80' below P.D. from stream
- Q-Note Attached. -

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APR 10 1998

E. NARRATIVE/REMARKS/COMMENTS

System consist of a Diversion Ditch where Rocks are used to divert water from Falls Creek. The diversion Ditch runs approx. 150' to a wooden Flume which was damaged by vandals. Water still follows course of the Flume and into a storage pond that is 30' x 50' x 3' deep; that is used for Recreation. The pond has fish in it.

- * The wooden Flume was used in conjunction with a water wheel which was used to produce power. At the time of the exam the hydro-power portion of this permit is not working and should not be included on the License. MR. Higbie is still interested in developing a Hydro-power Source. I told him
- * he will need to file a New Application.

IRRIGATION consist of 2 acres of newly planted grass for a pasture. Stockwater is for 2 Horses.

IRRIGATION is done from storage so I recommend including the following on License: - Diversion to storage
- Irrigation storage
- Irrigation from storage
- Recreation storage.

IRRIGATION is done with a 2 H.P. Briggs & Stratton pumping from pond with 3/4" garden hose. Engine is gasoline powered.

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

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APR 10 1998

F. FLOW CALCULATIONS

Measured Method:

* Additional Computation Sheets Attached

See Theoretical Calculation

& Q-Note.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (2.0)(3.0) = 6.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.06)(245)(1.9835) = 29.16$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.0$$

2. Volume Calculations for Other Uses:

$$30' \times 50' \times 3' = 4500 = .10 \text{ ACRE FT}$$

$$(.65)(365)(1.9835) = 470.6$$

* Diversion to Storage

POND

Stockwater

2 Horses for .01 cfs & .10 acre ft

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	From 3-15	To 11-15	.06	6.0
IRRIGATION STORAGE	3-15	11-15	—	6.0
IRRIGATION FROM STORAGE	3-15	11-15	.06	6.0
STOCKWATER	1-01	12-31	.01	.10
STOCKWATER STORAGE	1-01	12-31	.01	.10
STOCKWATER FROM STORAGE	1-01	12-31	.01	.10
RECREATION STORAGE	1-01	12-31	—	.10
DIVERSION TO STORAGE	1-01	12-31	.65	470.6

2. Recommended Amendments

TOTAL .65 470.6

Change P.D. as reflected above

Add P.D. as reflected above

None

X Change P.U. as reflected above

Add P.U. as reflected above

X Other

Type of Beneficial Use.

I. AUTHENTICATION

Field Examiner's Name

James J. Sample Date 9-9-97

Reviewer

Date

SEAL

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APR 10 1998

Granite Point

Echo Rock

R.OIW R.OIE

K A N I K S U

2070AT
Minerva?

C N A L

F O R S T

Rock Bay

HIGBIE, JON M.

96-07861

MICROFILMED

APR 10 1968

7/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
OPEN CHANNEL DISCHARGE MEASUREMENT NOTES

GENERAL INFORMATION

CLAIM / WATER RIGHT NUMBER: 96-07861

SOURCE: Diversion Ditch
TRIBUTARY TO: Falls Creek COUNTY: Bonner
DATE: 9-3-97 LOCATION: T. 55N R. 01W SEC. 36, SE 1/4 SW 1/4
LOCATION NOTES: Measurement site is located approx. 80' below point of diversion from Falls Creek; on Diversion Ditch
PERSON(S) CONDUCTING MEAS.: H. Spangle
ACCOMPANIED BY: Jon Higbie

MEAS. DEVICE: "AA" Price Current Meter I.D. NO. 090143 - 3-1-78
SPIN TEST: BEFORE MEAS. 2:57 AFTER MEAS. 2:44
COMPUTED BY: H. Spangle DATE: CHECKED BY: DATE:

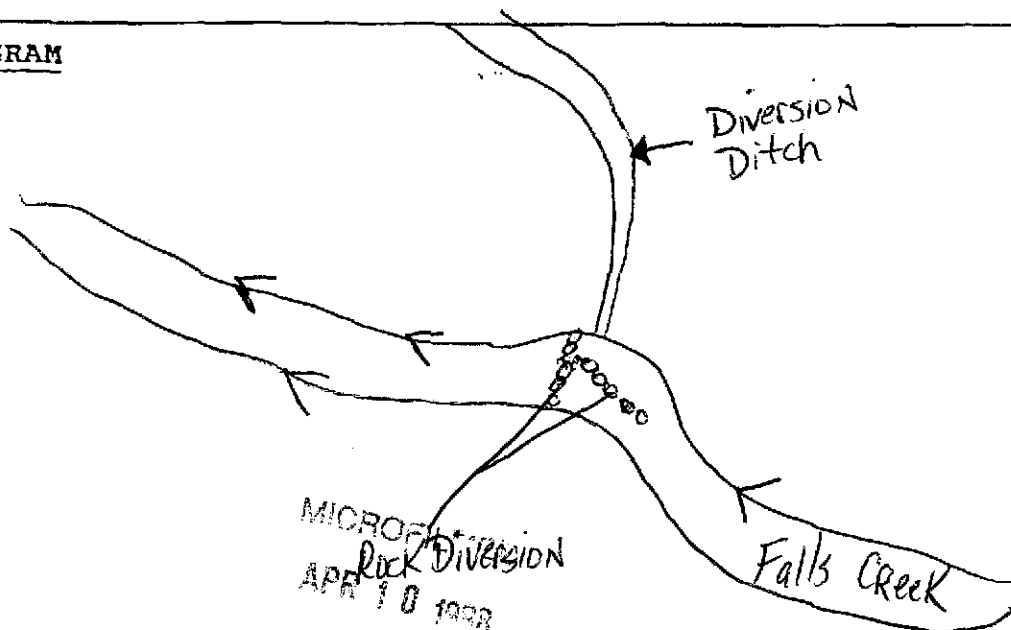
RESULTS

WIDTH: AREA: VEL.: DISCHARGE:

MEASUREMENT DATA

CROSS SECTION: Sand, silt (Heavy)
FLOW CONDITIONS: Greater toward REW
DIVERSIONS UPSTREAM: NONE
REMARKS:

SYSTEM DIAGRAM



THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-07861

DATE: 9-SEP-97

COMPLETE BY: HERM

HORSEPOWER = 2.0

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 50 FEET

SYSTEM PRESSURE = 60 PSI

QUANTITY = 0.06 CFS

* pump from pond

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APR 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PERMIT # 96-DA861

REPORT SUPPLEMENT

PHOTOGRAPH

FALLS CREEK
PAD - Rock Diversion

Diversion Ditch
Flow INTO POND

PERMIT

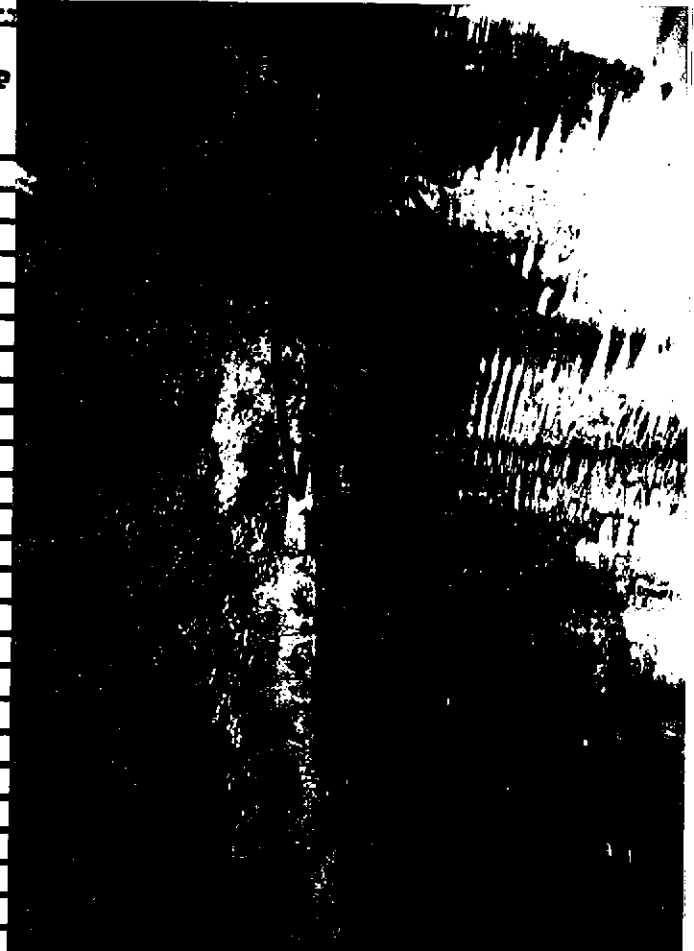
96-07861

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER REPORT SUPPLY

PHOTOGRAPH



IN FLOW TO POND
30' x 50' x 3' 5/8 RND



POND AREA
DRYED POND



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PERMIT #

9607861



IRRIGATION AREA

IRRIGATED AREA



MICROFILMED
SEP 10 1992



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 6, 1997

FIELD EXAM NOTICE

RE: PERMIT NO. 96-07861

DEAR PERMIT HOLDER:

WE ARE PLANNING TO CONDUCT WATER RIGHT EXAMINATIONS IN THE VICINITY OF THE ABOVE REFERENCED PERMIT. AN EXAMINATION IS NEEDED TO VERIFY YOUR WATER USE IN ORDER TO ISSUE A WATER RIGHT LICENSE.

IN ORDER TO CONDUCT YOUR EXAM AS EFFICIENTLY AS POSSIBLE, WE ASK THAT YOU CALL THIS OFFICE TO SCHEDULE A DAY AND TIME CONVENIENT FOR YOU.

OUR OFFICE HOURS ARE 8:00AM-12:00PM AND 1:00PM-5:00PM, MONDAY THROUGH FRIDAY. OUR TELEPHONE NUMBER IS (208)-769-1450.

I APPRECIATE YOUR TIME IN THIS MATTER.

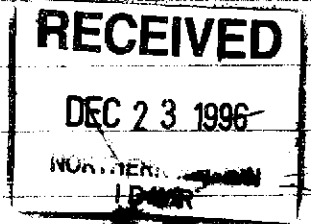
SINCERELY,

HERMAN L. SPANGLE
FIELD AGENT

MICROFILMED
APR 10 1998

December 16, 1996

Mr. Allen ~~Boudle~~,
Sr. Water Resource Agent
State of Idaho /
Dept. of Water Resources
Northern Region
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Idaho 83814-2615



Ref: Water Right Permit # 96-07861

Dear Mr. Boudle:

Please let me bring you up to date
ref: the progress I've made and some of the
complications I've experienced since I last talked
to you on November 7, 1996.

I retained the services of a hydrologist
with professional water experience and expertise in designing,
installation and maintenance of these systems. Due to
time constraints, I neglected to verify the person's
references/experience and after expending a considerable
amount of money and time, it became painfully
apparent that he did not possess the expertise
and competency as he originally claimed.

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APR 10 1998

I then sought out and retained the foremost expert in the area - Mr. Steve Willey, owner of Backwoods Solar/Hydroelectric Systems in Sandpoint, Idaho. On October 26, 1996, Steve conducted a physical inspection of my property and the existing waterwheel. He suggested abandoning the waterwheel system which he stated would only function at or about 30% efficiency at its maximum output and upgrading the system featuring a high volume / low drop turbine which would be installed on my property and which would maximize my hydro-electric output. He also stated that the system recommended by the initial "expert" would not function efficiently and not to the extent that the "expert" had claimed.

I disavowed the original consultant after receiving Mr. Willey's report and critical assessment of my property. Following Steve's recommendations, I was unable to retain the services of a recommended installer who could put the system in place by the self-imposed deadline of December 1st.

As you may recall, our area was inundated with an atypical and unseasonal snow storm and cold front over about November 15th and has since remained. I left my property on November 24th due to excessive snowfall. I do not believe that the roads are presently passable by passenger vehicle.

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APR 10 1998

If you, in fact, must physically inspect the property, I will attempt to arrange for alternate transportation to the site. Since I am physically disabled (65-70%) I may not be able to accompany you via snowmobile. If I am able to arrange boat passage, it would be necessary to depart from Bayview, proceed to Monte Point Inding, and trek in 2 or 3 miles via snowshoes to the property. I may or may not be able to undertake the rigors of this venture.

Do you have any means available to provide the requisite transportation to the property?

I apologize for the fact that we have been unable to visit the property up to this time but none of these situations have occurred due to my fault and/or negligence and have been truly beyond my control.

Therefore, I am requesting that you grant me an extension of one year or at least six more months in which to complete the installation of the proposed hydro-electric system. The installation is not especially demanding once ready access is gained to the property. This access is predicated upon the amount of continued snowfall the area receives between then and

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APR 10 1998

In the event that you can not grant the year extension, I would like to request that the hydroelectric portion of the Water Permit be deleted but that the remaining portions be left intact and in effect. Per our prior telephone conversation, I utilize the diverted water for fish propagation, irrigation of a vegetable garden, watering of fruit trees and watering of domestic livestock, horses and "barnyard" animals. And, as noted, the year round pond is home to native brook trout.

It is my hope that you will leave the entire permit intact; I have attempted to comply and conform to the spirit and intent of the Water Right requirements and have been caught up in a web of unforceable events and circumstances beyond my control; moreover, the unpredictable turn of the weather has thwarted in my quest of satisfying your requirements. And, since I am the only user of water on the Falls Creek watershed, no great urgency exists due to competing parties.

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APR 10 1998

In closing, I would like to thank you for
your anticipated and continued cooperation.

Sincerely,

Jon M. Hyde
P.O. Box 2190
Sandpoint, Idaho
83864-0909

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APR 10 1998

MEMORANDUM

DATE: May 6, 1996

FROM: Allen Beardslee

TO: FILE 96-07861

RE: Phone Conversation

~~~~~

I spoke with Mr. Higbie concerning his property and the pending field examination for Water Right Permit 96-07861. He said that he has had some problems with vandalism that left his water wheel in non-functioning condition. However, he said that he has a pond that is used for raising some fish and stockwater.

Mr. Higbie was extended until September 30, 1996, to repair his wheel. We should conduct the examination in the fall and "License" the uses that have been developed with this file. Since Mr. Higbie stated that more water than 1.0 CFS may be needed for his power needs, filing a new Application for Permit will be required for this additional water.

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APR 10 1998

January 29, 1996

Mr. Jon M. Higbie  
PO Box 3022  
Troy Mt 59935-3022

RE: Water Right Permit Number 96-07861

Dear Mr. Higbie:

Based on the Bonner County Assessor's Office you are listed as the owner of a piece of property located within T.55N., R.1W. Section 36, NE1/4 SW/14. that was once owned by Mr. Thomas Honig.

In 1980, Mr. Honig filed for and received the above Water Right Permit from Falls Creek to be diverted at the rate of 1.0 CFS and used for power generation, domestic, recreation and irrigation of two acres.

In 1990, Mr. Honig submitted "Proof of Beneficial Use", listing domestic water for 1 home, irrigation of two acres and power generation with a diversion rate of 0.18 CFS had been established.

It is our Departments responsibility to conduct field examinations to verify the uses, diversion rates and legal descriptions of Water Right Permits. If there is a water delivery system on your property that is serving any of the uses listed, please contact me to schedule a time we can meet with you at this property to conduct a field examination. A Water Right License will be issued for the uses that have been established.

If no diversion of water has actually taken place, or if it has not been used for 5 consecutive years, it may have been lost, or forfeited.

If we have not heard from you by May 15, 1996, we will take measures to void this Water Right Permit.

Please feel free to contact me at this office, if you wish to discuss this issue further.

Sincerely,

Allen Beardslee  
Sr. Water Resource Agent

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APR 10 1998

BONNER CO ASSESSOR  
SW SW MINING CLAIMS  
#30270- GOV.  
NE SW / ~~SW~~ JON M.  
HIGBIE  
PO 3022 TROY MT  
59935-3022

**BENEFICIAL USE FIELD REPORT**

**FOR 96-07861**

**RETURNED TO**

**NORTHERN REGION**

**OCTOBER 30, 1995**

**MICROFILMED**

**APR 10 1998**

## MEMORANDUM

**DATE:** October 30, 1995  
**TO:** Al Beardslee in Northern Region  
**FROM:** Shelley W. Keen (SWK)  
**RE:** File 96-07861

=====

As we discussed on Friday, I am returning the field report for 96-07861 to you. The examination indicates that Mr. Honig, the permit holder, is not interested in pursuing the license. However, the Request for Extension of Time and the Proof of Beneficial Use in our file indicate that development of the permitted water use did occur. Moreover, the file also seems to suggest that Mr. Honig may no longer own the property where development occurred.

Before we issue an order to void the permit, I think that the file should show that Mr. Honig has been given the opportunity to assign or relinquish the permit. If he does neither, and we find that he no longer owns the property where the water use was developed, we may still want to conduct a field inspection and issue a license for any evident beneficial use.

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APR 10 1998

# LICENSE REVIEW CHECKLIST

PERMIT NO. 96-07861 DATE 10-26-95



|                 |                                                                     |                                   |
|-----------------|---------------------------------------------------------------------|-----------------------------------|
| NAME            | <u>Change OK</u>                                                    | <u>Or Address Change?</u>         |
| PRIORITY DATE   | <u>Advance?</u>                                                     | <u>Advanced to:</u>               |
|                 | <u>Order to reinstate needed?</u>                                   |                                   |
|                 | <u>Incorrect fee for rate recommended?</u>                          |                                   |
| SOURCE          | <u>Changes or just clarification of originally intended source?</u> |                                   |
|                 | <u>Notice of Intent to Void necessary?</u>                          |                                   |
| POINT OF DIV    | <u>Amendment needed?</u>                                            |                                   |
|                 | <u>Overlaps?</u>                                                    |                                   |
| PLACE OF USE    | <u>Amendment needed?</u>                                            |                                   |
|                 | <u>Overlaps?</u>                                                    |                                   |
| DIV RATE        | <u>Permit/fee limits:</u>                                           |                                   |
|                 | <u>Meas Q =</u>                                                     | <u>Theo Q =</u> <u>Recommend:</u> |
|                 | <u>Combined rates exceed capacity</u>                               |                                   |
| ANNUAL VOLUME   | <u>Volume Limit:</u>                                                | <u>Season:</u>                    |
|                 | <u>Calculations:</u>                                                |                                   |
|                 | <u>Flow limit:</u>                                                  | <u>cfs x</u> <u>x 1.9835 =</u>    |
|                 | <u>Combined volumes exceed capacity/allowable</u>                   |                                   |
| USES            | <u>Change in Nature of Use or additional uses?</u>                  |                                   |
|                 | <u>Amendment necessary?</u>                                         |                                   |
| ADDITIONAL INFO | <u>Supplemental Groundwater</u>                                     | <u>PPU Scenario</u>               |
|                 | <u>Irr/Dom Combination</u>                                          | <u>Shared G/W System</u>          |
| NEW REMARKS     | <u>Multiple p/d(s) in ¼ ¼?</u>                                      |                                   |
|                 | <u>Other</u>                                                        |                                   |
| NEW CONDITIONS  | <u>Watermaster control - District</u>                               |                                   |
|                 | <u>Measuring/Locking Devices</u>                                    |                                   |
|                 | <u>Irrigation Overlap</u>                                           |                                   |
|                 | <u>Other</u>                                                        |                                   |
|                 | <u>Water Quality</u>                                                | <u>Heat/Cool/Fish verified</u>    |

COMMENTS: Recommend voiding Permit / Owner no longer  
interested in keeping permits active. SEE EXAM &  
conversation memo.

|                |     |        |                        |
|----------------|-----|--------|------------------------|
| RECOMMENDATION | CFS | VOLUME | SRBA Claim Filed       |
|                |     |        | Adjustment Memo Needed |
|                |     |        | LICENSE                |
|                |     |        | 1ST AMEND LETTER       |
|                |     |        | 2ND AMEND LETTER       |

June 19, 1990

DONNA GUTHRIE HONIG  
THOMAS HERBERT HONIG  
RT. 2 BOX 121  
MOSES LAKE, WA 98837

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-07861

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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)765-4639.

Sincerely,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED  
JUL 30 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 96-7861

Date: 6-5-90

General Considerations:

OK Name same as permit  
OK Signature the same as permit holder  
OK Address change \_\_\_\_\_ If yes, prepare a data entry  
NO Proof received timely  
\_\_\_\_\_ Reinstated

Source of Water:

✓ Surface water  
\_\_\_\_\_ Groundwater  
NA 1. well log in file  
NA 2. drilling permit  
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

✓ Rate of diversion appropriate for uses  
✓ Is rate or volume and fee appropriate?  
✓ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

No Is a measuring device or access port required?  
No Has one been installed?  
No Waiver or modification of measuring device requested

Remarks:

Priority Calculation:

|                     |                     |              |
|---------------------|---------------------|--------------|
| Date proof received | <u>May 25, 1990</u> | <u>145</u>   |
| Date proof due      | <u>May 1, 1990</u>  | <u>- 121</u> |
| No. of days late    |                     | <u>= 24</u>  |
| Priority date       | <u>May 23, 80</u>   | <u>143</u>   |
| NEW PRIORITY DATE   | <u>June 16, 80</u>  | <u>= 167</u> |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

May 16, 1990

DONNA GUTHRIE HONIG  
THOMAS HERBERT HONIG  
RT. 2 BOX 121  
MOSES LAKE, WA 98837

LAPSE NOTICE

RE: PERMIT NO. 96-07861

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1990. 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

LGS:RF

**MICROFILMED**

JUL 30 1990

**CERTIFICATION OF MAILING**

I hereby certify that on 5-22-90  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*[Signature]*

130274  
February 28, 1990

DONNA GUTHRIE HONIG  
THOMAS HERBERT HONIG  
RT. 2 BOX 121  
MOSES LAKE, WA 98837

PROOF DUE NOTICE

RE: PERMIT NO. 96-07861

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 May 1, 1990. (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,

Rita Fleck  
Secretary/Records Manager

Enclosures

MICROFILMED

JUL 30 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 15, 1989

RE: Water Right No. 96-7861

Thomas Herbert and Donna Guthrie Honig  
Route 2 Box 121  
Moses Lake, ID 98837

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permit into a license.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:hm

**MICROFILMED**

MAY 15 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 96-7861  
Name(s) of Permit Holder(s): CHIFF L. GENTRY  
Post Office Address: CEDAR CREEK LANDING, Bayview Id.  
83803 Tel. No. NENK

☒ I hereby certify that construction of diversion works for the above referenced permit began on 5-3-80 (date) MAY 3 1980. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control\*:  
\_\_\_\_\_

\*Note: A financing difficulty is  
not an acceptable reason.

8-20-82  
Date

Chiff L. Gentry  
Signature of Permit Holder

Chiff Contry  
Cedar Creek Landings  
Bay View Id 83803

PLACE  
STAMP  
HERE

MICROFILMED

MAY 15 1989



RECEIVED

NOV 1 1982

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

Department of Water Resources  
Northern District Office

September 6, 1985

Cliff L. Gentry  
618 N. 6th  
Sandpoint, ID 83864

Dear Mr. Gentry:

Re: Permit No. 96-7861

Enclosed is a copy of your approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1990. The permit has been reinstated with an advance in priority since the extension was not received prior to proof due date.

Based on provisions of Sec. 42-203D, Idaho Code enacted during the 1985 Legislative Session, your permit will also be reviewed under the public interest criteria. The code section reads as follows:

42-203D. Review of permits - Opportunity for hearing.

(1) The department shall review all permits issued prior to the effective date [July 1, 1985] of this section, except to the extent a permit has been put to beneficial use prior to July 1, 1985, to determine whether they comply with the provisions of chapter 2, title 42, Idaho Code. If the department finds that the proposed use does not satisfy the criteria of chapter 2, title 42, Idaho Code, then the department shall either cancel the permit or impose the conditions required to bring the permit into compliance with chapter 2, title 42, Idaho Code. If the department finds that the permit satisfies the criteria established in chapter 2, title 42, Idaho Code, then the department shall enter an order continuing the permit.

(2) The department shall provide an opportunity for hearing in accordance with section 42-1701A, Idaho Code, and sections 67-5209 and 67-5215, Idaho Code, for each holder of a permit that is proposed either to be cancelled or made subject to new conditions.

**MICROFILMED**

If you have any questions concerning these permits, please feel free to contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

**MICROFILMED**

# STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 96-7861

Y Date received stamp  
Y Fee received and receipted  
Y Name on request same as on permit  
N Address same permit as on latest correspondence  
Y Proof due date within six months of due date  
Y Signature same as permit  
- Source of water the same  
Y Review conditions of approval  
N Extensions previously approved  
Y Proceed diligently  
N Is delay caused by litigation: \_\_\_\_\_ Swan Falls  
 Date lit. completed \_\_\_\_\_  
 Date lit. began \_\_\_\_\_  
 Period of delay \_\_\_\_\_  
 New proof due date \_\_\_\_\_

ACTION: Recommend approval based on due diligence

N Is the extension timely received?  
Y Reinstate: Extension received June 11 162  
 Proof due date May 1 -121  
 Days late 41  
 Priority date Apr. 3, 1980 93  
 Adjusted priority date May 23, 1980 134  
Y Is there commencement of works?  
 Cover letter \_\_\_\_\_  
 Coding sheet \_\_\_\_\_  
 Rolodex card updated and refilled \_\_\_\_\_

**MICROFILMED**

Reviewed by [Signature] Date: 8-20-1985

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

GENTRY, CLIFFORD L.  
CEDAR CREEK LANDING  
BAYVIEW, ID 83803

RECEIVED

JUN 11 1985

LAPSE NOTICE

Department of Water Resources

MAY

02, 1985

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 96-7861 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED FEBRUARY 28, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE FORM OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED FORM OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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 GOVERNMENTAL AGENCY OR BY LITIGATION.

MICROFILMED

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:PF

*I am sorry for the  
misunderstanding. As I remember  
being told, I would be informed when  
an inspection would be required.  
This being toward the end of the 5 years  
period. I received no such notice.  
I am sorry if I was in error  
I will send for an extension  
since I am currently out of  
state working.  
Thank you  
Cliff Gentry*



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

### EXTENSION OF TIME

June 13, 1985

Clifford L. Gentry  
618 N. 6th  
Sandpoint, ID 83864

PERMIT NO. 96-7861

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 36823.

Roberta Garrett  
Records Supervisor

Enclosure

**MICROFILMED**

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

GENTRY, CLIFFORD L.  
CEDAR CREEK LANDING  
BAYVIEW, ID 83803

LAPSE NOTICE

MAY 02, 1985

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 96-7861 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED FEBRUARY 28, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE FORM OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED FORM OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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 GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

**MICROFILMED**

**CERTIFICATION OF MAILING**

I hereby certify that on 5-23-1985  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*[Signature]*

INTER-DEPARTMENT MEMO — 1

FROM

*Rita Lusk*

TO

*File 96-7861*

SUBJECT

*Returned B/A Notice*

*The Bonner County Assessor has no  
address for Clifford L. Gentry.*

DATE *5-23-1985*

**MICROFILMED**

---

SIGNATURE



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

138811

GENTRY, CLIFFORD L.  
CEDAR CREEK LANDING  
BAYVIEW, ID 83803

PROOF DUE NOTICE

FEBRUARY 28, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7861 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A 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,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

GENTRY, CLIFFORD L.  
CEDAR CREEK LANDING  
BAYVIEW, ID 83803

JUNE 03, 1980

RE: PERMIT NO. 96-7861

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.  
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

GENTRY, CLIFFORD L.

CEDAR CREEK LANDING, BAYVIEW, ID 83803

Source: FALLS CREEK tributary to PEND OREILLE LAKE

Date Filed: 04/03/1980

Amount: 1.00 CFS

Diversion Point: SWSW SESW NESW Sec 36 T 55N R 01W, BONNER Co.

|                 |            |                     |
|-----------------|------------|---------------------|
| Use: IRRIGATION | (0.04 CFS) | from 03/01 to 11/15 |
| STOCKWATER      | (0.02 CFS) | from 01/01 to 12/31 |
| RECREATION      | (1.00 CFS) | from 01/01 to 12/31 |
| POWER           | (1.00 CFS) | from 01/01 to 12/31 |

Place of Use: SESW Sec 36 T 55N R 01W NESW Sec 36 T 55N R 01W  
FOR 2 ACRES

Diversion Means: WATER WHEEL AND PIPELINE.

**MICROFILMED**