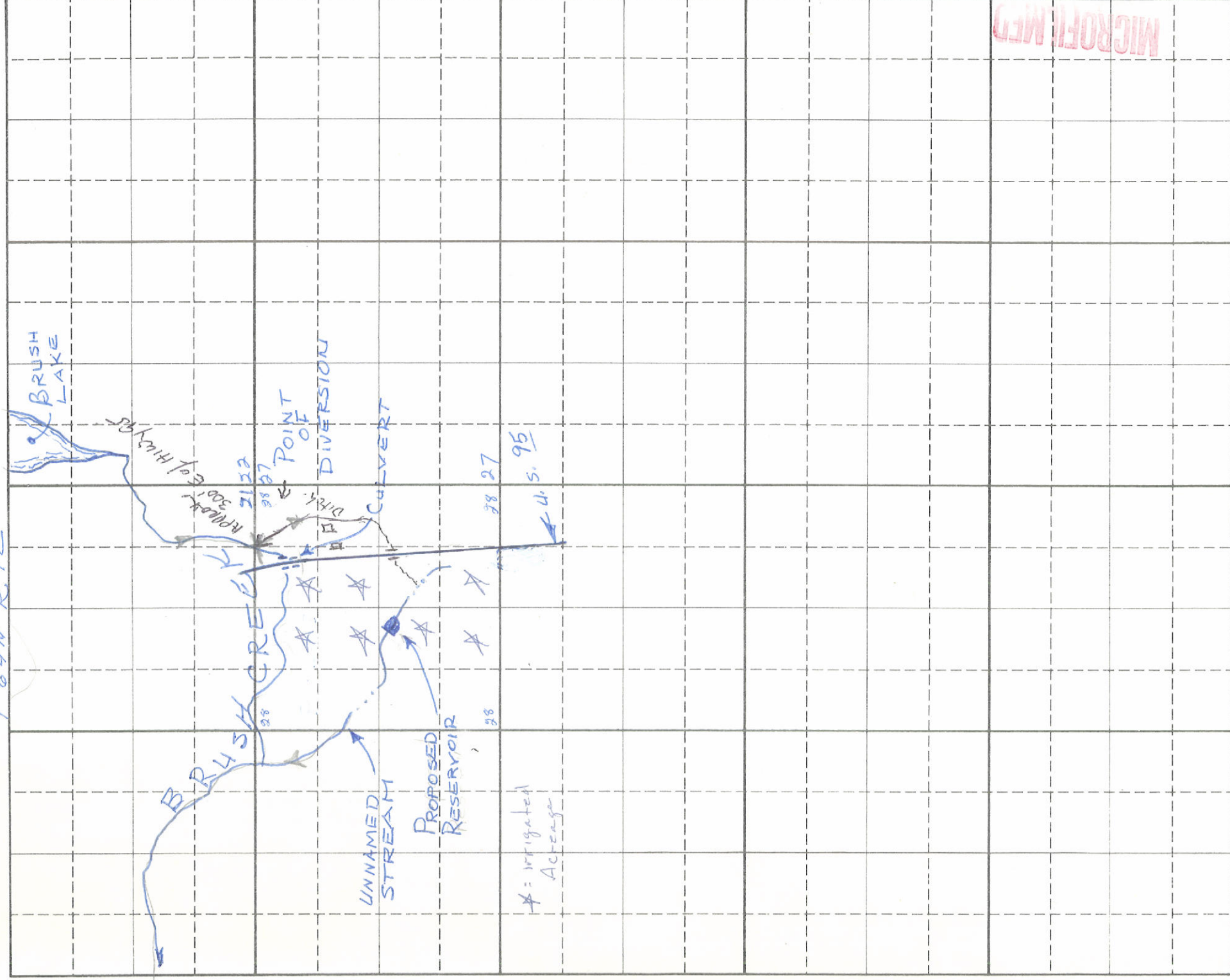


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T64N R1E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Theodore G. Hester
(Applicant)

10. Other water rights on these lands None
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ **Photo of Diversion & System Attached** ☒ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments
- | | | |
|---|--|--|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☒ None |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature Jennifer Aguiar Date 5/29/86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

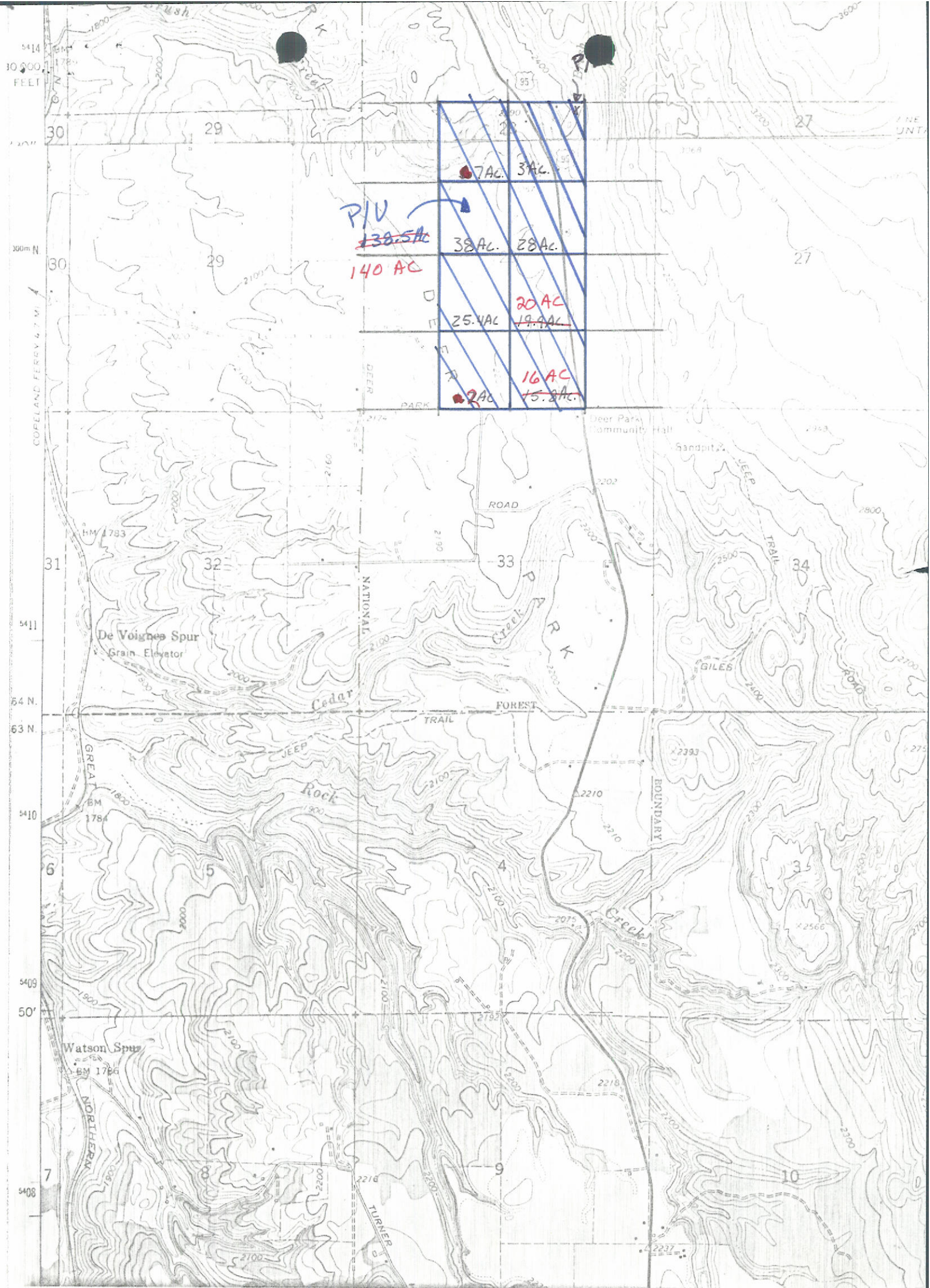
Beneficial Use Examination _____

Date _____

CONSULTANT SEAL

MICROFILMED

JUL 10 1987



T 64N R 1E Sec 28

MICROFILMED

Exam Date: 5/29/86

JUL 10 1987

98-7216

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-7216

Priority: August 15, 1977 Amount: .31 CFS 150.6 AFA

This is to certify, that ROBERT A. SHELTON
HCR 60 BOX 151

BONNERS FERRY, ID 83805 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated August 15, 1977, and has submitted proof to the Department of Water Resources on January 7, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .31 cfs of water from;

BRUSH CREEK tributary to MISSION CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.31 cfs	150.6 afa

LOCATION OF POINT OF DIVERSION(S): NWNE , Sec. 28, Township 64N, Range 1E
Boundary County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
64N	1E	28	NWNE 3	SWNE 28	NENW 7	SENE 38	
			NESW 25	SESW 2	NWSE 20	SWSE 16	139

Total number of acres irrigated: 139

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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 2ND day of JUNE, 1987.

MICROFILMED

Acting for the

Director

JUL 10 1987

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-7216

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by CCW Date 5-22-87 #42460

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 98-7216 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 2ND day of JUNE, 1987.

Ron C. Green
Acting for the (Director)

MICROFILMED

JUL 10 1987

12/6 31m

State of Idaho
Department of Water Resources

RECEIVED

MAY 22 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-7216

Department of Water Resources

APPROVED

Date of Priority: August 15, 1977

Comes now ROBERT A. SHELTON
HCR 60 BOX 151
BONNERS FERRY, ID 83805

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. 98-7216, and requests that the permit be changed as follows:

Source: BRUSH CREEK

tributary to: MISSION CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.31 cfs	150.6 afa

LOCATION OF POINT OF DIVERSION(S): NWNE, Sec. 28, Township 64N, Range 1E
Boundary County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
64N	1E	28	NWNE 3	SWNE 28	NENW 7	SENE 38	
			NESW 25	SESW 2	NWSE 20	SWSE 16	139

Total number of acres irrigated: 139

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 HOMER, BONNERS FERRY, this 20 day of MAY, 1987.

MICROFILMED

JUL 10 1987

Robert A. Shelton
(Signature)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 98-7216

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

Identification No. _____

Application No. 98-7216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant ROBERT A. SHELTON Phone: 267-2640
post office address Stor Rt 1 Bx 58 BONNERS FERRY, ID. 83805
2. Source of water supply BRUSH CREEK which is a tributary of MISSION CREEK
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township T 64N
Range 1E B.M. BOUNDARY County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 for IRRIGATION purpose from MAY 1 to AUG 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 300.0 for STORAGE ^{for irrigation} purpose from MAY 1 to AUG 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. 300.0 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 10" pipe from Brush Creek
to ditch thence into reservoir. Reservoir will be created
by const. of small dam in small unnamed, intermittent stream
which is created by snow melt on surrounding 350 Acres.
b. Height of storage dam 15 feet, active reservoir capacity 14 acre feet; total reservoir
capacity 14 acre feet, materials used in storage dam: Earth fill
Period of year during which storage will occur MAY 1 to AUG 1 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 7000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(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: _____

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MAY 11 1998

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	
64N	1E	28		3	33		5			40				11		38	20		150

Total number of acres to be irrigated 150

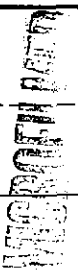
c. Describe any other water rights used for the same purposes as described above.

"Constitutional water Rights"

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Reservoir will be filled by spring flow & consequent run off. It will also be filled by 30 cfs gravity flow from Brush Creek.

T 64N R 1E



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Robert C. Shetter
(Applicant)

8/15/77

Proposed Priority _____

Received by SWD Date 8-15-77 Time NOON

Preliminary check by SR Fee \$ 45.00

Receipted by R Date 8-17-77 (5738)

Publication prepared by R Date 8-12-77

Published in Bozeman Times Herald

Publication dates 8-25-77 to 9-9-77

Publication approved R Date 9-19-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JG

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. 98-7216, 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 March 1, 19 83.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water. (2) The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 8 day of March, 19 78.


Deputy Director

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert A. Shelton, Star Route 1, Box 58, Bonners Ferry, Idaho has on August 15, 1977 submitted Application No. 98-7216 for a permit to appropriate 3.0 cubic feet per second & 300.0 acre feet per annum of water from Brush Creek, tributary of Mission Creek by means of dam, reservoir, & pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T64N, R1E, B.M., Boundary County to be used from May 1 to August 1 for irrigation of 150 acres (3.0 cfs) and for storage for irrigation (300.0 af/ann) within the W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T64N, R1E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 12, 1977.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 25 and September 1, 1977. idwr

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. ~~for~~ for W. H. Chubb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7216

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 25, 1977, and ending with the issue dated Sept. 1, 1977.

Subscribed and sworn to before me this 1st day of Sept, 1977

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, Clerk, for W. H. Chubb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at
Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has
been continuously and uninterruptedly published in said Boundary County during a period
of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7216

Notice for Publication, a printed copy of which is attached hereto was published in said
newspaper and not in a supplement thereof for 2 consecutive issues, com-
mencing with the issue dated Aug. 25, 1977, and ending with the
issue dated Sept. 1, 1977.

Subscribed and sworn to before me this 5 day of Sept, 1977

South O'Brien
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

June 2, 1987

ROBERT A. SHELTON
HCR 60 BOX 151
BONNERS FERRY, ID 83805

RE: Permit No. 98-7216

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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JUL 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. **Measurement Calculations**

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

*Examiner has legal description
of pld in error - see aerial
photo & quad sheet - pld is
in NENWNE according to them...*

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{3.0} = \underline{417.0 \text{ AFA}} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{150.6} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. **Overlap Review**

- a) Other water rights with same place of use: *Brush Lake.* *Brush Lake.* *Brush Lake.* *Mission Creek.* *Spring.*
98-2057, 98-2037, 98-2087
98-2026B, 98-2026A

- b) Other water rights with same point of diversion: 98-7270-gw - no overlap

- c) Analysis: Recommend B29 for P/U
overlaps

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JUL 10 1987

pd. \$100.00
exam fee

RECOMMENDED AMOUNTS

30 day
PID + P/U

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	98-7216	8-15-1977	0.31 cfs	8-15-1977	1-7-1983	0.31 cfs

4. Permit Holder: Robert A. Shelton

Address: HCR 60, Box 151, Bonners Ferry, ID 83805

5. Source: Brush Creek tributary to Mission Creek

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Irrig.</u>	<u>3-15</u> <u>11-15</u> <u>per rules & regs.</u>	<u>0.31 cfs</u>	<u>150.6 AFA</u>

Allowable Maximums: 0.31 cfs 150.6 AFA

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
			NW	NE	28	64N	1E	Boundary

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
64N	1E	28		3	28		7			38	25			2		20	16		139
Total Acres																			139

9. Recommended Conditions/Remarks: R29

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JUL 10 1987

10. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by K. Walker Date 5-11-87

May 14, 1987

ROBERT A. SHELTON
HCR 60 BOX 151
BONNERS FERRY, ID 83805

RE: Permit No. 98-7216

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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JUL 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 98-7216

Phone No. 267-2640

1. Owner: Robert A. Shelton Phone No. 267-2640
Current Address: Star Rt. 1 Bx. 58 Bonners Ferry, ID. 83805

2. Accompanied by: C A A A EXAM. DATE: 5/29/86

11/11/11

Relationship to Permit Holder: SAME

3. Source: Brush Creek tributary to Mission Creek

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	—	—	—	—	

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

~~5" to 4"~~ 600' OF 5" & 4" REDUCED TO 4" (2) FOR 1000'

~~DR~~ REDUCED TO 4" TO HIGHLY .3300' OF 5" PVC W/RISE

EVERY 500' - 1 amp (6/2) base: Nelson 100-FA no 330)

[illegible]

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements *2 gins at 45 psi* ☐ Additional data/computation sheets attached

6/10" Nazeele

770 100000

8. Point(s) of Diversion: Indicate Method of Determination Map - Aerial

Indicate Method of Determination Map - AAT

[illegible]

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination Map - Ape

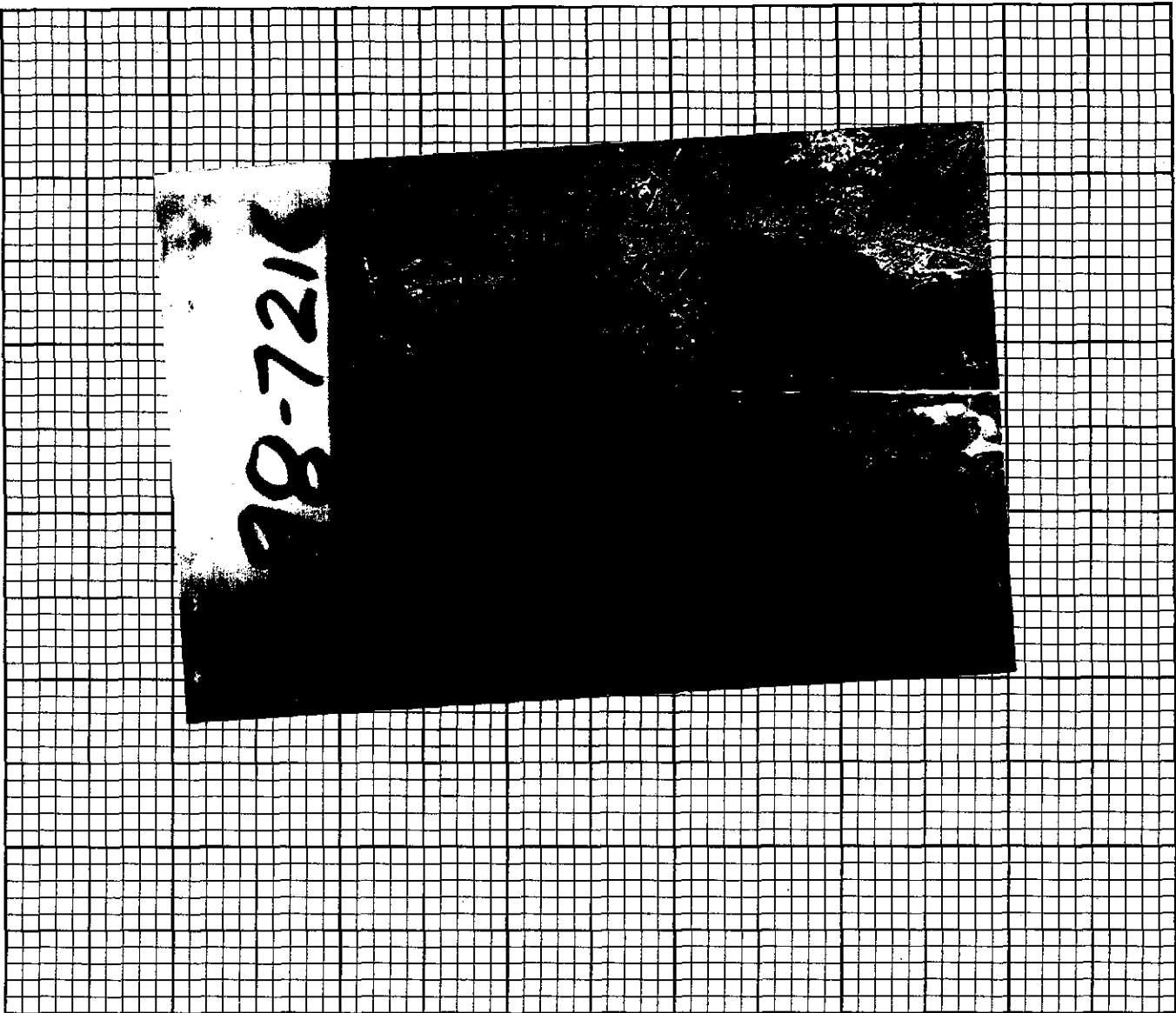
Irrigation - give acres served by system at time of exam.

Indicate Method of Determination Map-AppE

[illegible]

Total Acres 138.5

10. Other water rights on these lands None
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks _____
15. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☒ None

☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other
16. Examiner's/Consultant's Signature Jennifer Aguirre Date 5/29/86
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date

CONSULTANT SEAL

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JUL 10 1987

Average Calc. 98-7216

$$\text{SCALE} = 7.4'' = 1 \text{ MI} ; \therefore \frac{(16)(X)}{(74)^2} = \text{ACRES}$$

$$\text{NWNE} \quad \frac{(16)(10)}{(7.4)^2} = 3 \text{ AC.}$$

$$\text{SWNE} \quad \frac{(16)(96)}{(7.4)^2} = 28 \text{ AC.}$$

$$\text{NENW} \quad \frac{(16)(23)}{(7.4)^2} = 6.7 \text{ AC} \quad - 7$$

$$\text{SE NW} \quad \frac{(16)(1302)}{(74)^2} = 38$$

$$\text{SE SW} \quad \frac{002(6)}{(74)^2} = 7.7 \quad - 2$$

$$\text{NE SW} \quad \frac{(16)(87)}{(7.4)^2} = 25.4 \text{ AC} - 26$$

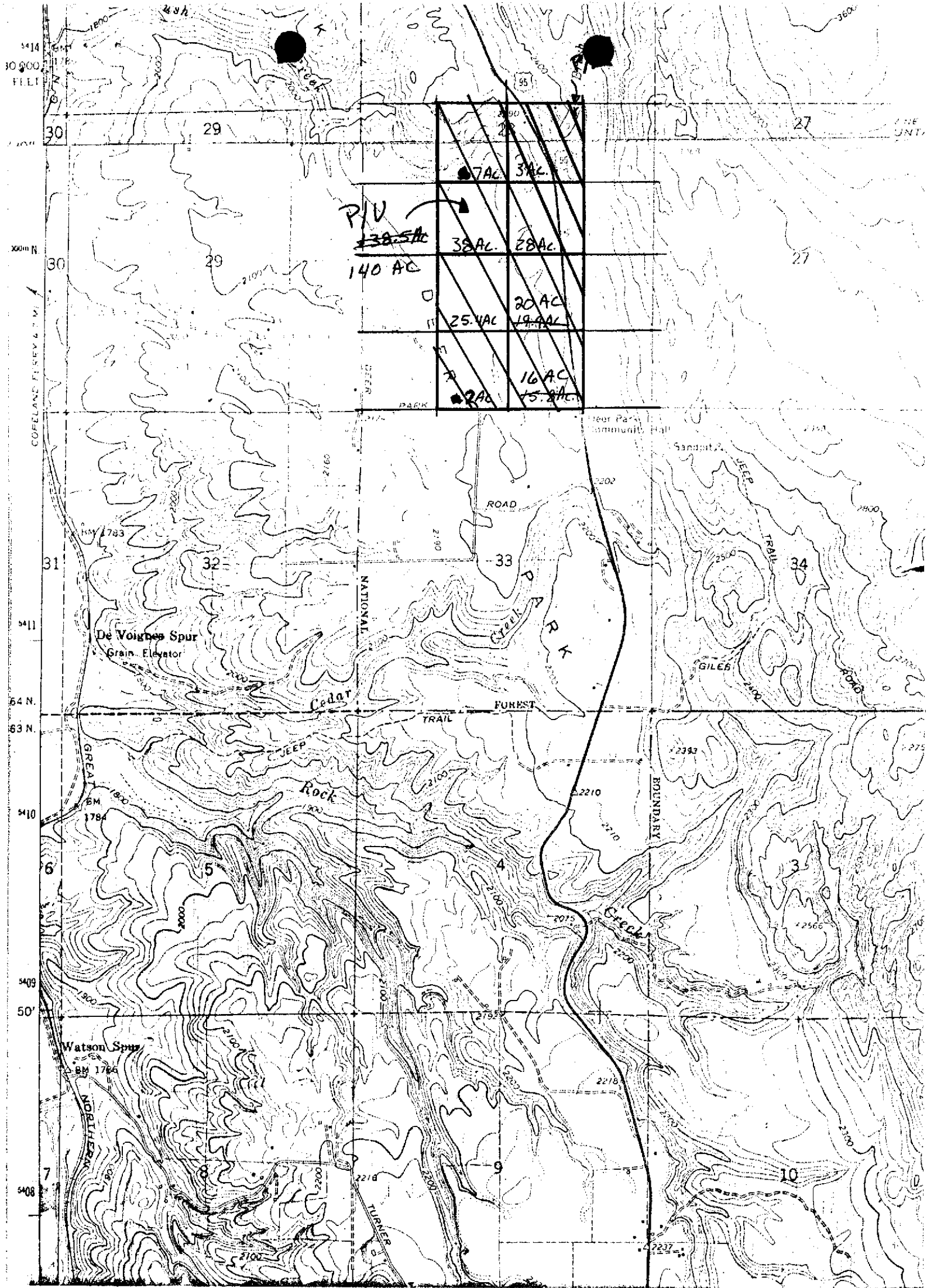
$$\text{NW SE} \quad \frac{(16)(68)}{(7.4)^2} = 19.7 \text{ AC} - 20$$

$$\text{SW SE} \quad \frac{16(54)}{(7.4)^2} = 15.8 \quad - 16$$

$$\text{Total} = 138.5$$

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JUL 10 1987



T64N R1E Sec 28

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Exam Date: 5/29/86

JUL 10 1987

98-7216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

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SEP 24 1986

98-7216
Permit No.

Department of Water Resources

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Nelson Big Gun 1 gun 6" dia. operating at 60 psi

Q = 81 gpm From Nelson Irrigation Corp. "Big Guns"

OR

2 Nelson Big Guns 6" dia. operating at 45 psi

Q = 140 gpm Same source

$$\frac{140}{448.4} = 0.31 \text{ cfs}$$

b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{IR} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{(140)(3) = 420 \text{ AF}}{600 \text{ Acre-ft}} \\ V_{DR} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{52.02 \text{ Acre-ft}}{138.71 \text{ AF}} \\ V &= \text{Smaller of } V_{IR} \text{ and } V_{DR} = 52.02 \text{ Acre-ft} \quad 138.71 \text{ AF} \end{aligned}$$

c) Volume Calculations for Other Uses:

$$V_{IR} = (200)(3.0) = 600 \text{ Acre-ft}$$

$$V_{DR} = (.3122)(84)(1.9835) = 52.02 \text{ Acre-ft}$$

$$= (.3122)(224)(1.9835) = 138.71 \text{ AF}$$

$$\text{Volume Calc. for IRR} = 1.9835(.31) 93 \text{ DAYS} = 57.2 \text{ AF}$$

2. Overlap Review

a) Other water rights with same place of use: None

b) Other water rights with same point of diversion: None

c) Analysis:

MICROFILMED

JUL 10 1987

RECOMMENDED AMOUNTS

- | | | | | | | |
|----|------------------------------|----------|---------------------|-----------|----------------------|------------------------------|
| 3. | Permit No.
<u>98-7216</u> | Priority | Amount
.3122 cfs | App. Date | Date Proof Submitted | System Capacity
.3122 cfs |
|----|------------------------------|----------|---------------------|-----------|----------------------|------------------------------|

4. Permit Holder: Robert A. Shelton
Address: Star Rt. 1 Bx. 58 Bonners Ferry, ID. 83805

5. Source: Brush Creek tributary to Mission Creek

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Irrigation</u>	<u>May 1 Aug. 1</u>	<u>.3122 cfs</u>	<u>57.2</u> ~~52.02~~ <u>+38.71 AF</u>
Allowable Maximums:			<u>.3122 cfs</u> <u>57.2</u> ~~138.71 AF~~

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
			<u>NE</u>	<u>NE</u>	<u>28</u>	<u>64N</u>	<u>1E</u>	<u>Boundary</u>

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>64N</u>	<u>1E</u>	<u>28</u>																	
Total Acres <u>200</u>																			

9. Recommended Conditions/Remarks: _____

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature Jennifer Arpaues Date 6/2/86

Checked in Regional Office by _____ Date _____

Approved in State Office by _____ Date _____



CONTACT WITH PERMIT HOLDER

PERMIT # 98-7216
INITIALS

DATE

8/22/85 WATER ONLY UNTIL 7-1B2 BIG GUNS5/22/86367-2040 APT TODAYK

MICROFILMED

JUL 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

98-7216
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

SEP 24 1986

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index J.A. (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index J.A. (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended changes information, and date and signature of examiner.

JUL 10 1986

C. Review and Processing:

Exam Completed Jennifer Agnew (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent R 8/22/86 (Initial and date)

Exam Reviewed by Manager of Regional Office RAH 9/22/86 (Initial and date)

Exam Date Entered in Computer 9/22/86 (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

4/86

RECEIVED

JUN 4 1986

RECEIVED

MAY 27 1986

STATE OF IDAHO

Department of Water Resources
Northern District Office

For Office Use Only
 Fee Received per \$100.00
 Date 6/2/86
 Receipt # 32112
 Receipt by per
 Sent to S.O. Uptn kw

Department of Water Resources DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED

MAY 21 1986

1. Permit No. 98-7216

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Department of Water Resources

- ☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Robert A. Shelton3. Post Office Address: HERLID Bx 151 Bowers Ferry -
Idaho - 83805 Telephone No. 267 26404. Source of Water: Brush Creek (Seasonal -)

5. Extent of Use:

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

Irrigation 20 160 (acres) Other/Remark Alfalfa + Pasture -6. Total rate &/or volume for which proof is submitted 1 1/3 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1977

8. Person to contact to accompany the department representative during the field examination:

Robert A. Shelton

(Name)

MICROFILMED

SAFIE -

(Address)

JUL 10 1986267 2640

(Telephone Number)

- ☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

5/29/86

Signature of Permit Holder (and title, if appropriate)

Robert A. Shelton



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

98-7216
SHELTON, ROBERT A.
STAR RT. 1 BOX 58
BONNERS FERRY, ID 83805

138215

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee to the department to conduct the field examination, but you may change to another certified examiner.

JUL 10 1987

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JUL 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 3, 1983

Robert A. Sheltow
Star Route 1 Box 58
Bonners Ferry, Id 83805

RE: 98-7216

Dear Mr. Sheltow:

We acknowledge receipt of your statement of completion of water development and use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination, however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Asent

TDK/pms

cc: IDWR - State Office

MICROFILMED

JUL 10 1987

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 98-7216

Name(s) of Permit Holder: Robert A. Shelton

Post Office Address: Star Rt 1 Bx 58

Bonners Ferry Idaho Tel. No. 267 2640

Source of Water: Brush Creek

Extent of Use: ☐ Domestic _____ (number of households)

Sprinkler ☒ Stockwater _____ (number and type of stock)

\$10000 spent ☒ Irrigation 200 _____ (acres)

an Irr. ☐ Other _____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Jan 4 1983 Date

Robert A. Shelton Signature of Permit Holder

Seasons Greetings USA 20c



Robert A. Sheitow

Star Rx 1 Bx 58

Bonwicks Ferry Id. 83805

RECEIVED

JAN 1983



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138115

SHELTON, ROBERT A.
STAR RT. 1 BOX 58
BONNERS FERRY, ID 83805

DECEMBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 98-7216 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
DEC 31 1982



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

December 1, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 15, 1978

Re: Permit No. 98-7216

Robert A. Shelton
Star Route 1, Box 58
Bonners Ferry, ID 83805

Dear Mr. Shelton:

Enclosed is a copy of your approved Application for Permit No. 98-7216. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:KW

Enclosure

cc: Mr. Gary Finney
Mr. and Mrs. Paul Curless

Enc:: Copy of Permit

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. SHELTON

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) _____

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: Protest withdrawn
none kw

(11) _____

Affidavit of Publication received (date) 9-19-77

(12) _____

Final date for protests 9-12-77

Protests received: yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

8-15-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Northern

By Bob Hughes

Date 1-12-77

Supplemental

Gary A. Finney
Attorney at Law
101 N. First Avenue Sandpoint, Idaho 83864
(208) 263-7712

January 6, 1978

State of Idaho
Department of Water Resources
Northern Region Office
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Sirs:

Enclosed please find the signed original Agreement
Concerning Water Rights between Paul Curless and Gail Curless,
husband and wife, and Robert A. Shelton for your information.

Sincerely,

Gary Finney

GARY A. FINNEY
Attorney at Law

GAF/djs
cc: Mr. and Mrs. Curless
enclosure

1978

JAN 9 1978

MICROFILMED

AGREEMENT CONCERNING WATER RIGHTS

THIS AGREEMENT is made this 29th day of December, 1977, by and between PAUL CURLESS and GAIL CURLESS, husband and wife, and ROBERT A. SHELTON.

WHEREAS, ROBERT A. SHELTON of Star Route 1, Box 58, Bonners Ferry, Idaho, on August 15, 1977, submitted application No. 98-7216 for a permit to appropriate 3.0 cubic feet per second and 300.0 acre feet per year of water from Brush Creek, a tributary of Mission Creek, located in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 28, Township 64 North, Range 1 East, Boise Meridian, Boundary County, Idaho, and

WHEREAS, PAUL CURLESS and GAIL CURLESS, husband and wife, have filed a protest, against the granting of the permit, with the Idaho Department of Water Resources, and

WHEREAS, the parties desire to avoid an adversary hearing before the Idaho Department of Water Resources, and desire to settle the issue of the permit and the protest; now, therefore,

IN CONSIDERATION of the terms and conditions set forth hereinafter, the parties mutually stipulate and agree, as follows:

1. PAUL CURLESS and GAIL CURLESS, husband and wife, hereby withdraw their protest to the granting of the aforementioned permit.

2. PAUL CURLESS and GAIL CURLESS, do not waive any water right they may presently have to appropriate water on their land described as the North half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 20, Township 64 North, Range 1 East, Boise Meridian, Boundary County, Idaho, and they fully assert the same.

3. ROBERT A. SHELTON shall allow sufficient water to pass down Brush Creek without diversion thereof so as to allow water to flow through CURLESS' land sufficient for watering livestock from the creek.

MICROFILMED

4. The water permit and right acquired by ROBERT A. SHELTON shall be subject and inferior to any and all prior water rights which may exist in CURLESS by reason of their prior appropriation of water to beneficial use.

Paul Curless
PAUL CURLESS

Gail Curless
GAIL CURLESS

Robert A. Shelton
ROBERT A. SHELTON

MICROFILMED

September 13, 1977

Re: Application for Permit No. 98-7216

Mr. Robert A. Shelton
Star Rt. 1, Box 58
Bonnars Ferry, ID 83805

Dear Mr. Shelton:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 98-7216. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in neither approving or denying the application for permit (Section 42-203, Idaho Code):

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

If this office can be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/sdw

Enclosure

NOT RECORDED

September 13, 1977

Re: Application for Permit No. 98-7216

Mr. Paul W. Curless
Rt. 2, Box 220
Sandpoint, ID 83864

Dear Mr. Curless:

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

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

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

If this office can be of further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/sdw

Enclosure

RECEIVED

Route # 2 Box 220
Sandpoint, Idaho
83864

Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene, Idaho
83814

Dear Sirs:

I am writing to protest the application for water permit filed by Robert A. Shelton, Star Route 1, Box 58, Bonners Ferry, Idaho on August 15, 1977. Application No. 98-7216 for a permit to appropriate 3.0 cubic feet per second and 300.0 acre feet per annum of water from Brush Creek.

We own a piece of property located approximately one mile down stream from the Shelton property. The legal description being The north half of the southwest quarter ($N\frac{1}{2}$ SW $\frac{1}{4}$) of section twenty (20) township sixty-four (64) north, range one (1) E.B.M.

We use the water in Brush Creek for livestock watering, ourselves and previous owners of the property have used the water for at least forty years that we know of.

In a normal year the water in Brush Creek is pretty well dried up by the month of late July or August. If this permit is accepted we would be completely out of water all of the grazing season as there is never this much water in the grazing season. Please give this your attention as without any water in Brush Creek, we would be severely injured.

RECEIVED

SEP 12 1977

Department of Water Resources
Bozeman District Office

Yours truly,

Paul W. Curless
Paul W. Curless

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 18, 1977

RE: Application No. 98-7215 & 98-7216
Claims No. 98-4081 & 98-4080

Bonnars Ferry Herald
PO Box 539
Bonnars Ferry, Id 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bob Haynes
9-19-77
MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert A Shelton
Star Rt 1 Box 58, Bonners Ferry, Id
has on August 15, 1977 submitted Application No. 98-7216
for a permit to appropriate 3.0 cubic feet per second ^{& 300.0} acre feet per annum
of water from Brush Creek, tributary of Mission Creek
by means of dam, reservoir, & pipeline
within the NE 1/4 NE 1/4 Sec 28, T64N, R1E, B.M., Boundary County

to be used from May 1 to August 1
for irrigation of 150 acres (3.0 cfs) and for storage for irrigation (300.0 af/ann)

within the E 1/4 NW 1/4, SE 1/4 SW 1/4 Sec 28, T64N, R1E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 12, 1977.

C. STEPHEN ALLRED
Director

UNRECORDED

Published in the Bonners Ferry Herald, Bonners Ferry, Id
on August 25 and September 1, 1977

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Robert A. Shelton, Star Route 1, Box 58, Bonners Ferry, Idaho has on August 15, 1977 submitted Application No. 98-7216 for a permit to appropriate 3.0 cubic feet per second & 300.0 acre feet per annum of water from Brush Creek, tributary of Mission Creek by means of dam, reservoir, & pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T64N, R1E, B.M., Boundary County to be used from May 1 to August 1 for irrigation of 150 acres (3.0 cfs) and for storage for irrigation (300.0 af/ann) within the W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 28, T64N, R1E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before September 12, 1977.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 25 and September 1, 1977.idwr

875-7
\$



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D' ALENE, IDAHO 83814

August 17, 1977

RE: Application No. 98-7216

Robert A Shelton
Star Rt 1 Box 58
Bonners Ferry, Id 83805

Attached is your receipt No. **5738** in the amount of **\$45.00** for the filing fee on the above referenced item which was received in this office.

Sincerely,

Alea Beito
Secretary

AB

Attachment

August 11, 1977

Robert A Shelton
Star Rt 1 Box 58
Bonners Ferry, Id 83805

Dear Mr Shelton

Enclosed you will find your check #92-95, your original Application for Permit and a new Application for Permit.

Please identify the Point of Diversion on the map and in item #3a. By Point of Diversion I mean the point on Brush Creek from which you will be taking water.

I believe that will complete the application.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4065 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 29, 1977

Re: Application for Water Permit.

Mr. Robert A. Shelton
St. Rt. 1, Box 58
Bonners Ferry, ID 83805

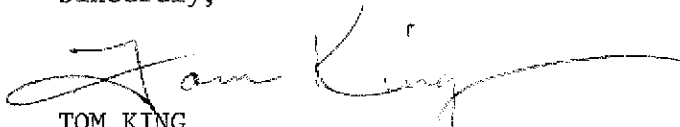
Dear Mr. Shelton:

Enclosed you will find your check # 92-95/1231 and your application for a permit. As per our telephone conversation, I have increased the amount of water and made a note under item # 10. If the note is incorrect or misleading please delete the note.

The application should then be resubmitted with a \$45.00 fee.

If this office can be of any further assistance, please do not hesitate to contact us.

Sincerely,


TOM KING
Senior Water Resources Agent

TK/sdw

Enclosure

*Thank you for the help -
Want to sleep in CD in near Future
ask some questions on springs -
Pear*

July 29, 1977

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Enclosure