

SECTION 24, TWP. 56N., RNG. 6W., B.M. BONNER COUNTY, IDAHO

SITE PLAN

SCALE IN FEET
0 30 60 120



PEND OREILLE RIVER

Diversion point

MICROFILMED

JUN 16 2004

BRIDGE

U.S. HIGHWAY No. 2

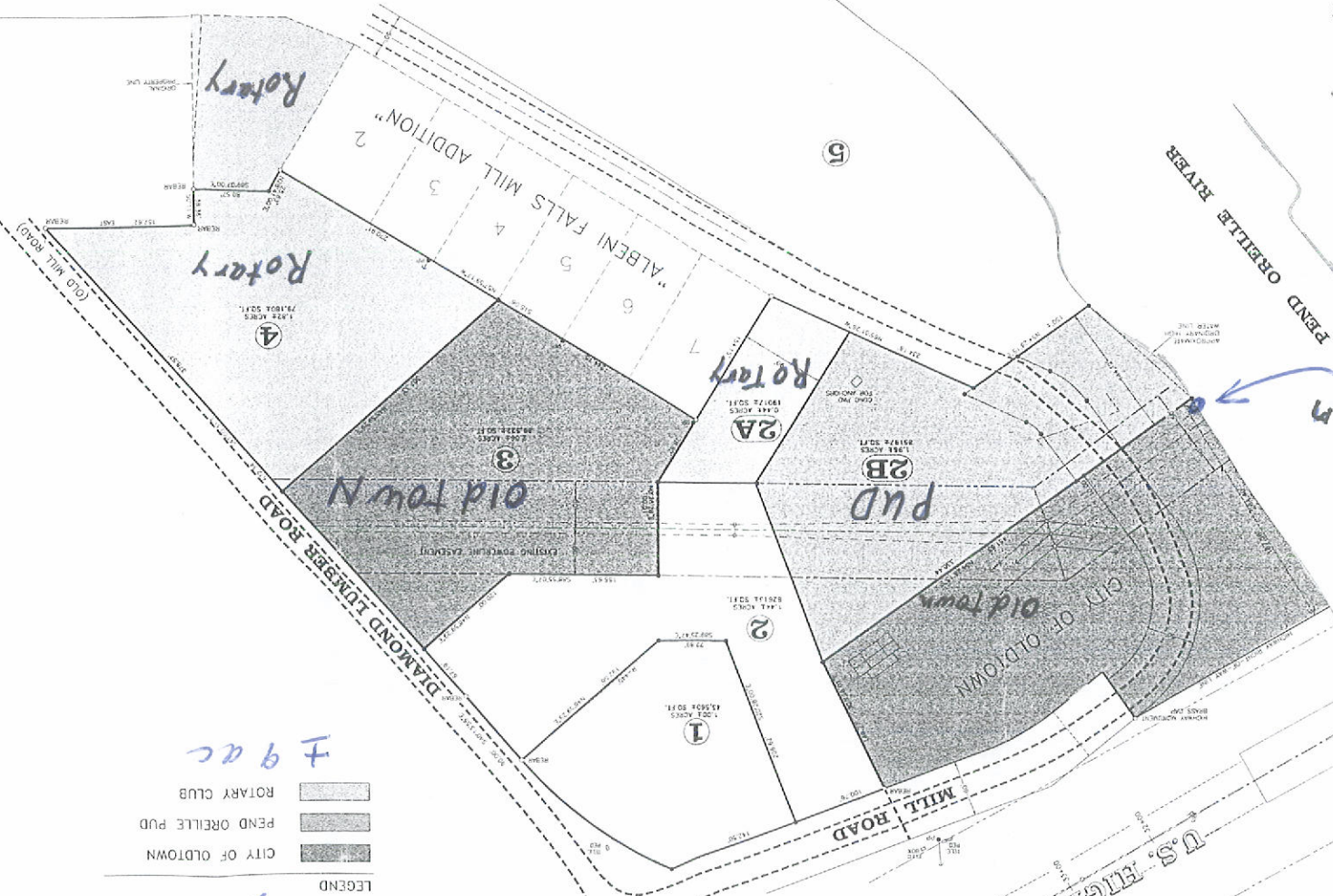
MILL ROAD

DIAMOND EMERALD ROAD

LEGEND
 CITY OF OLDTOWN
 PEND OREILLE PUD
 ROTARY CLUB

Area to be irrigated

79 ac



SITE PLAN

DATE: 1-17-02
 SCALE: 1" = 120'
 DRAWN BY: BMM
 CHECKED BY: LMD
 NAME: ROTARY CLUB
 DATA NO: 1656



James A. Sewell and Associates
 CONSULTING ENGINEERS
 NO. 156
 NEWPORT, WASHINGTON
 (509) 447-3586

NO.	DATE	LAND PURCHASED	REVISION	PREPARED BY	CHECKED BY
1	1/17/02				

ENGINEER'S STAMP

SHEET 1 OF 1

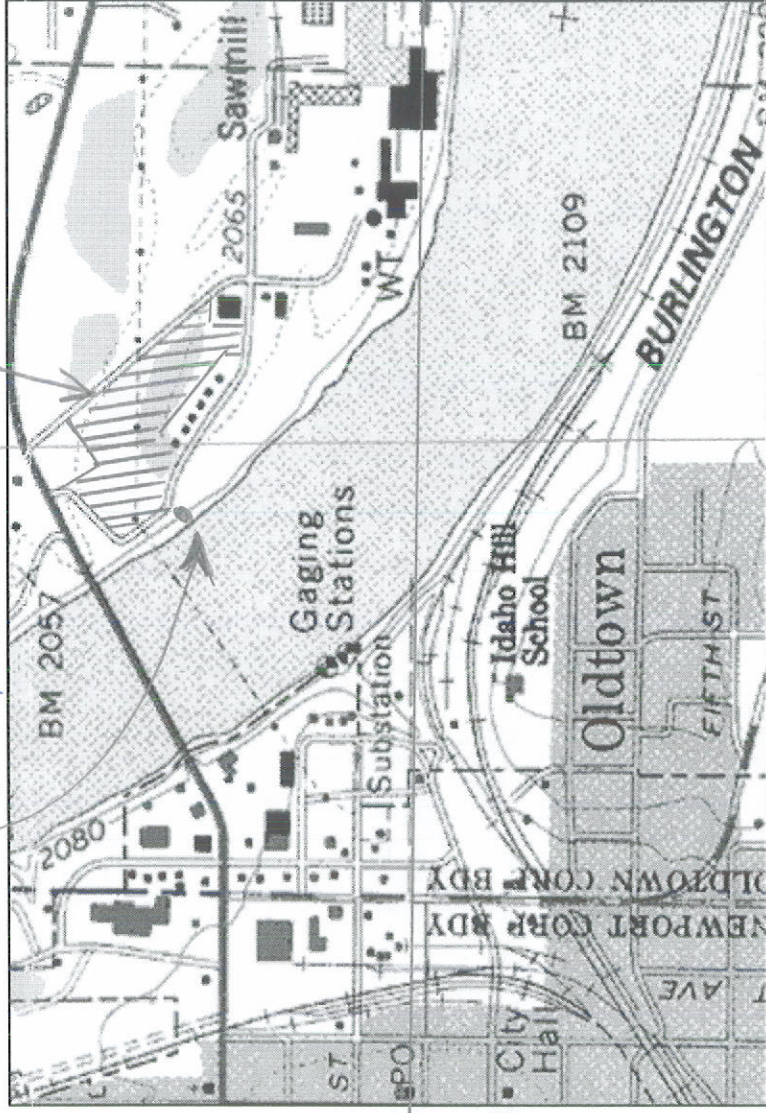
Area to be irrigated

Diversion Point

SE 1/4

SW 1/4 sec 24

T 56 N



sec 25 R 6 W

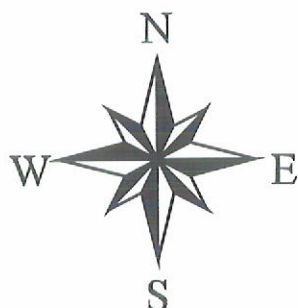
MICROFILMED

JUN 16 2004

JMO
6/20/02



Quad IndexQuadcov.shp
T56n06w.shp



MICROFILMED
JUN 16 1984



PW



PV



PV

97-7421



PW



PV



PV

97-7421



PV



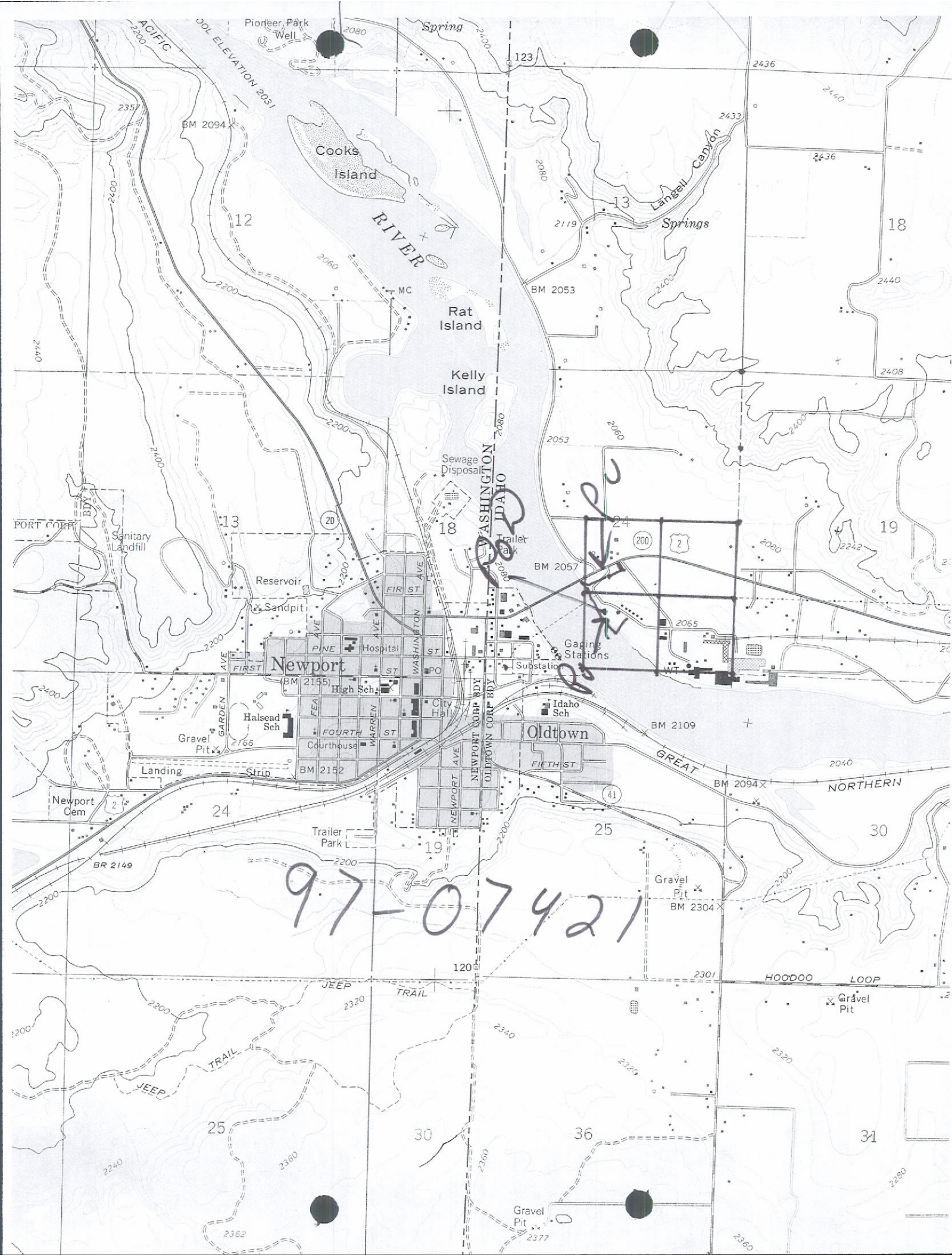
PV



PV



PV



AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Ivie

_____ being first duly sworn on oath
deposes and says that he/she is Gen Manager
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Application # 97-7421 / City of Oldtown
#97-7421 Le Roy & Arthurene Cook

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 16th day of October, 2002
and ending on the 23rd day of October, 2002
and that said notice was published in said newspaper.

On this 24th day of October in the year
of 2002, before me, a Notary Public, personally
appeared Terri Ivie,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true and acknowledged to me that he executed the same.

Shannon M. Foots
Notary Public for Idaho
Residing at Priest River
Commission expires: 10/9/07

RECEIVED
NOV 06 2002
IDWR/North

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

97-7421

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822
Point(s) of Diversion L5 SWSENE S24 T56N R06W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 09/16/2002
Place Of Use: IRRIGATION
T56N R06W S24 NWSE Lot 5 SWSE Lot 3 SESE Lot 4
Number of Acres 9

97-7422

LE ROY L COOK
ARTHURENE COOK
PO BOX 218
PRIEST RIVER ID 83856
Point(s) of Diversion SWSENE S29 T57N R04W BONNER County
Source PRIEST RIVER Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 10/01/2002
Place Of Use: IRRIGATION
T57N R04W S29 SENW NESW
Number of Acres 3

Permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the
Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite
210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each appli-
cation on or before 11/04/2002. The protestant must also send a copy of the
protest to the applicant.

PRT Legal 611159
Oct. 16, 2002

KARL J DREHER, Director

MICROFILMED
JUN 16 2004

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C871890
Receipt By: P. M. D.
Date Received: 12-8-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 97-7421 Telephone No. 208-437-3833

2. Name of Permit Holder(s): City of Oldtown

3. Mailing Address: 215 N. Washington Ave.

City Oldtown State ID Zip 83822

4. Source of Water: Pend Oreille River If **GROUNDWATER** (well), Date Drilled: mo. / yr.

Well Driller: N/A Drilling Permit Number: N/A

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

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

Irrigation (No. of acres): 12 acres Other:

6. Total rate of diversion and/or volume for which proof is submitted: .18 cfs OR acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X

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

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

Name: John Lynch Telephone Number: 208-428-8006

Address:

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Sheila M. Hamley City Clerk Date: 11/26/03
(include your title, if on behalf of company or organization)

MICROFILMED
JUN 16 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
97-7421 IN THE NAME OF)
CITY OF OLDTOWN)
_____)

REINSTATEMENT ORDER

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 to the Department on or before December 1, 2003; and

WHEREAS, the Department notified the permit holder on September 30, 2003, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and

WHEREAS, on December 1, 2003, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder; and

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on December 8, 2003.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 97-7421 is
REINSTATED with an advance in priority to **September 23, 2002**.

DATED this 29th day of January 2004.



GARY SPACKMAN

MICROFILMED

JUN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07421

Priority: September 16, 2002

Maximum Diversion Rate: 0.18 CFS

This is to certify, that CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER Tributary: COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER L5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 24, Twp 56N, Rge 06W, B.M. BONNER County

PLACE OF USE: IRRIGATION

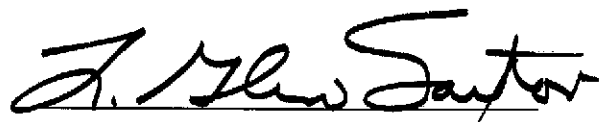
Twp Rge Sec	NE				NW				SW				SE					
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
56N 06W 24															5.0	2.0	2.0	9.0
															L5	L3	L4	

Total Acres: 9

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2003**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of November, 2002


KARL J DREHER, Director


MICROFILMED

JUN 16 2004

STATE OF IDAHO

Ident. No.

97-7421

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

NOV 26 2002

RECEIVED

JUL 29 2002

Department of Water Resources

RECEIVED
AUG 02 2002
IDWR/North

1. Name of Applicant City of Oldtown Department of Water Resources Phone 208-437-3833
Mailing address 215 N. Washington Ave. Oldtown, Idaho 83822
2. Source of water supply Pend Oreille River which is a tributary of Columbia River
3. Location of point of diversion is Township 56N Range 6W Sec. 24 in the SW 1/4,
SE 1/4, NE 1/4, Govt. Lot 5, B.M., Bonner County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 6-5 0.18 for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5 0.18 and/or (b) 5
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Wet well beside River
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 48 inches; proposed depth of well is 12 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

MICROFILMED

JUN 16 2004

9. Description of place of use:

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

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

TWP	RGE W	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56 ^N	6 ^W	24									#				5	2	2		9

Total number of acres to be irrigated 9

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

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

b. Who owns the land to be irrigated or place of use? City of Oldtown, Pend Oreille PUD, Rotary Club

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The above land owners are jointly developing a city park.

12. Remarks: This land is being developed as a city park, river access area, and recreational vehicle camping area.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Ronnie L. Orr, Mayor
Signature of Applicant (and title, if applicable)

Received by AS Date 9-16-02 Time 2:00 Preliminary check by AS
Fee \$ 1000 Receipted by AS # 10015274 Date 9-16-02
Publication prepared by AS Date 10/9/02 Published in Pend Oreille Times 10/16 & 23/02
Publication approved _____

MICROFILMED
JUN 16 2004

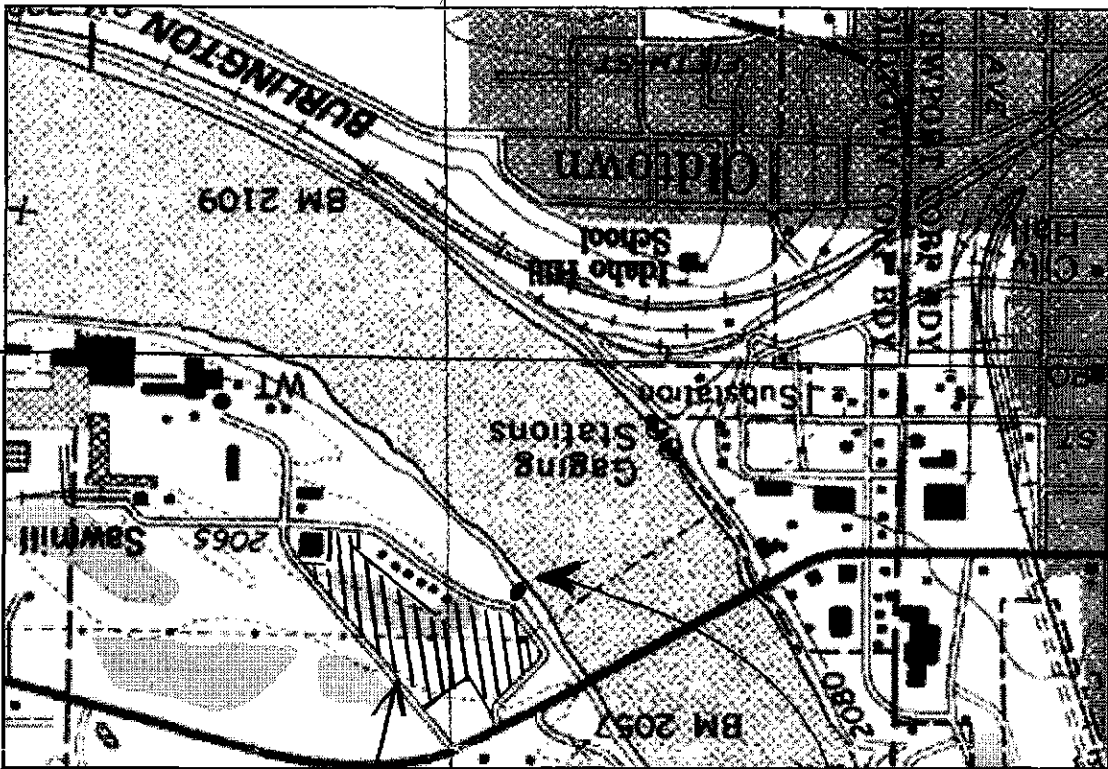
JMO
6/20/02

JUN 16 2004

MICROFILMED

sec 25
R6W

T56N

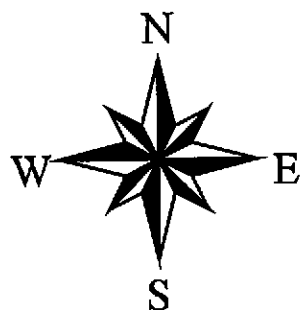


SE 1/4

SW 1/4 sec 24

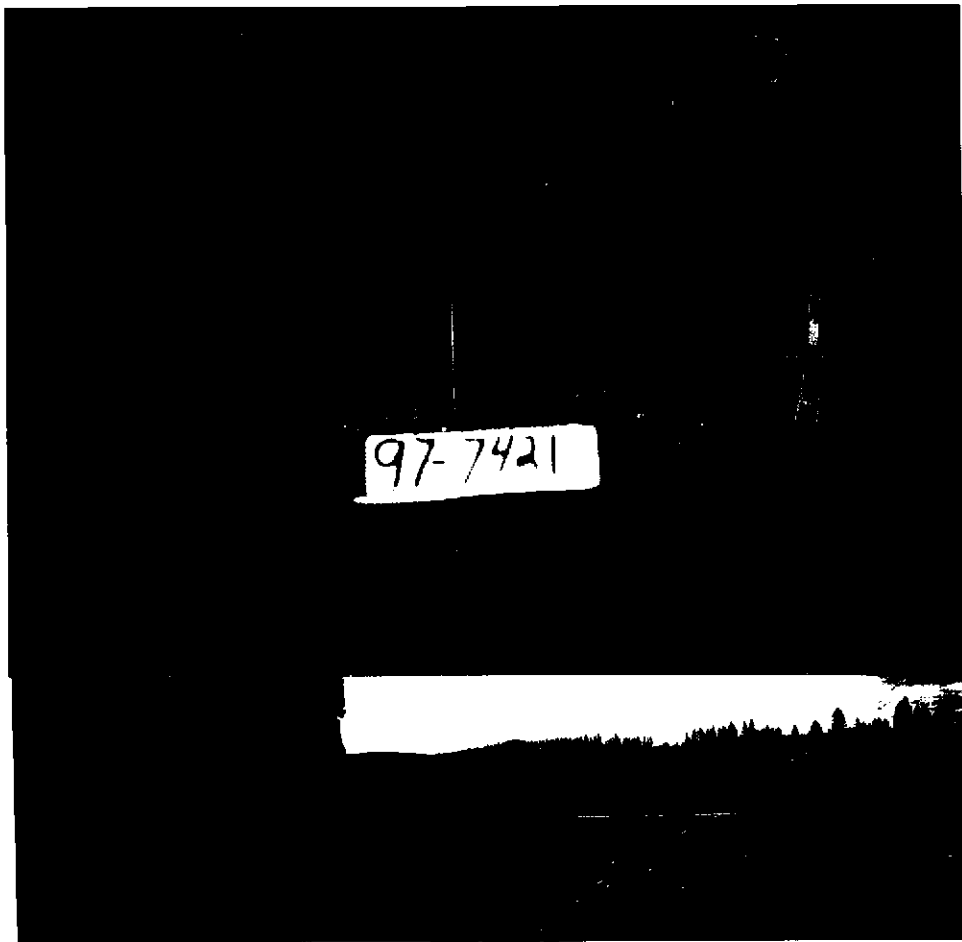
Area to be
irrigated

Diversion Point



7082.91 NNR
MICROFILMED

[illegible]



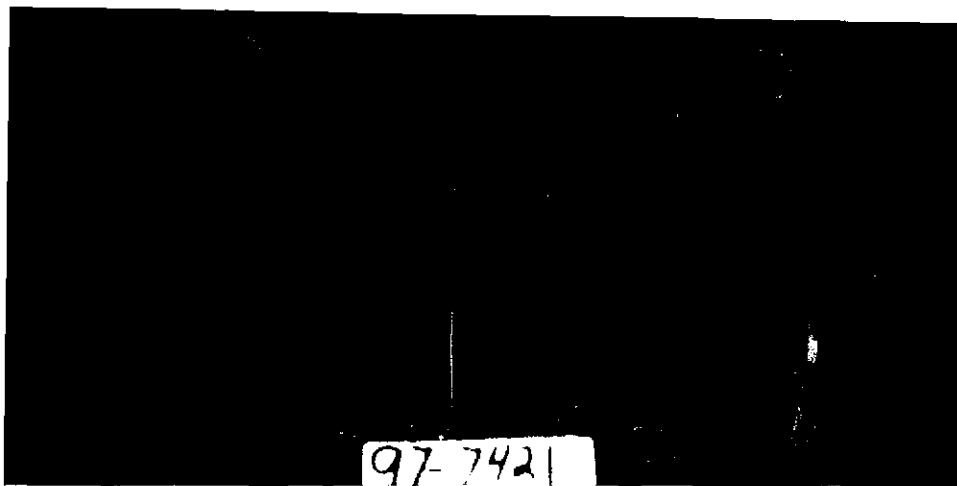
pu

pu

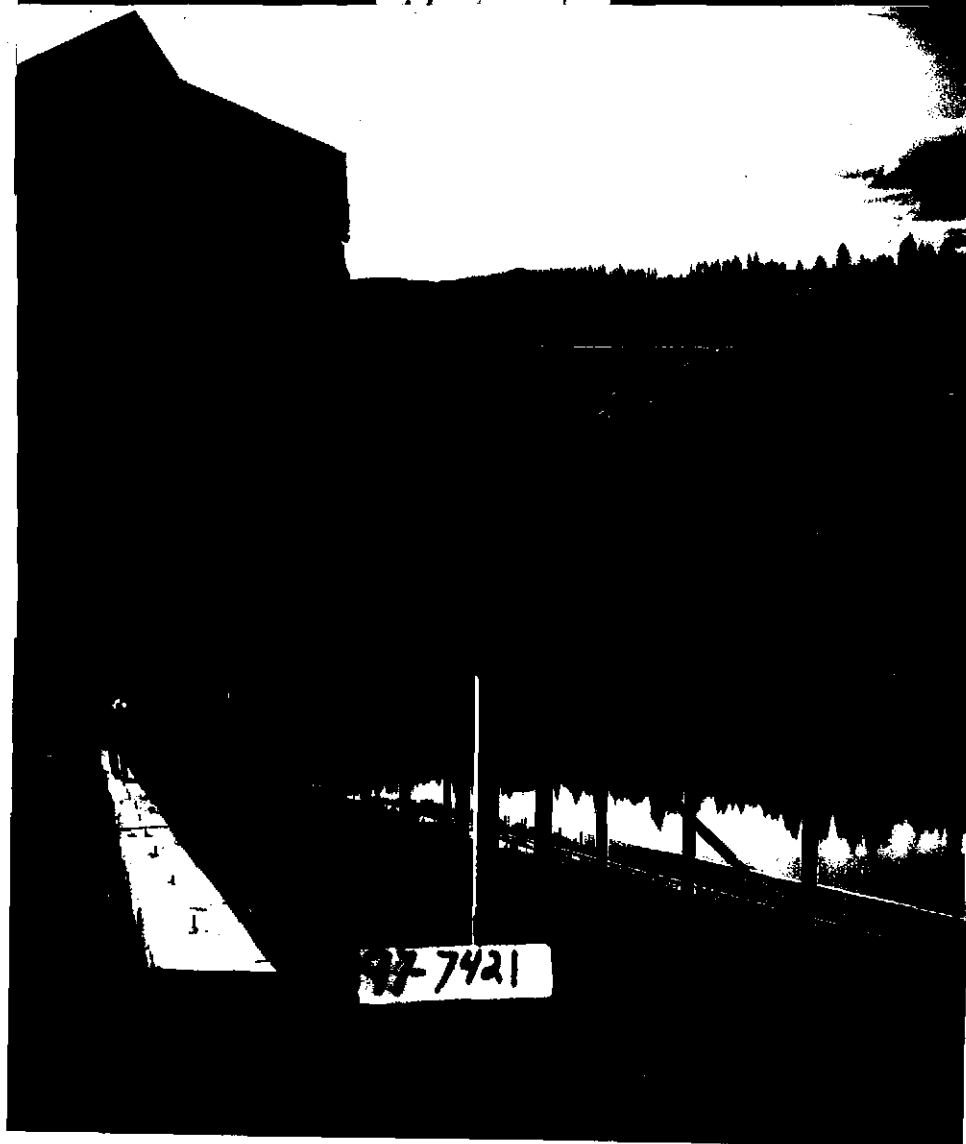


pu

97-7421



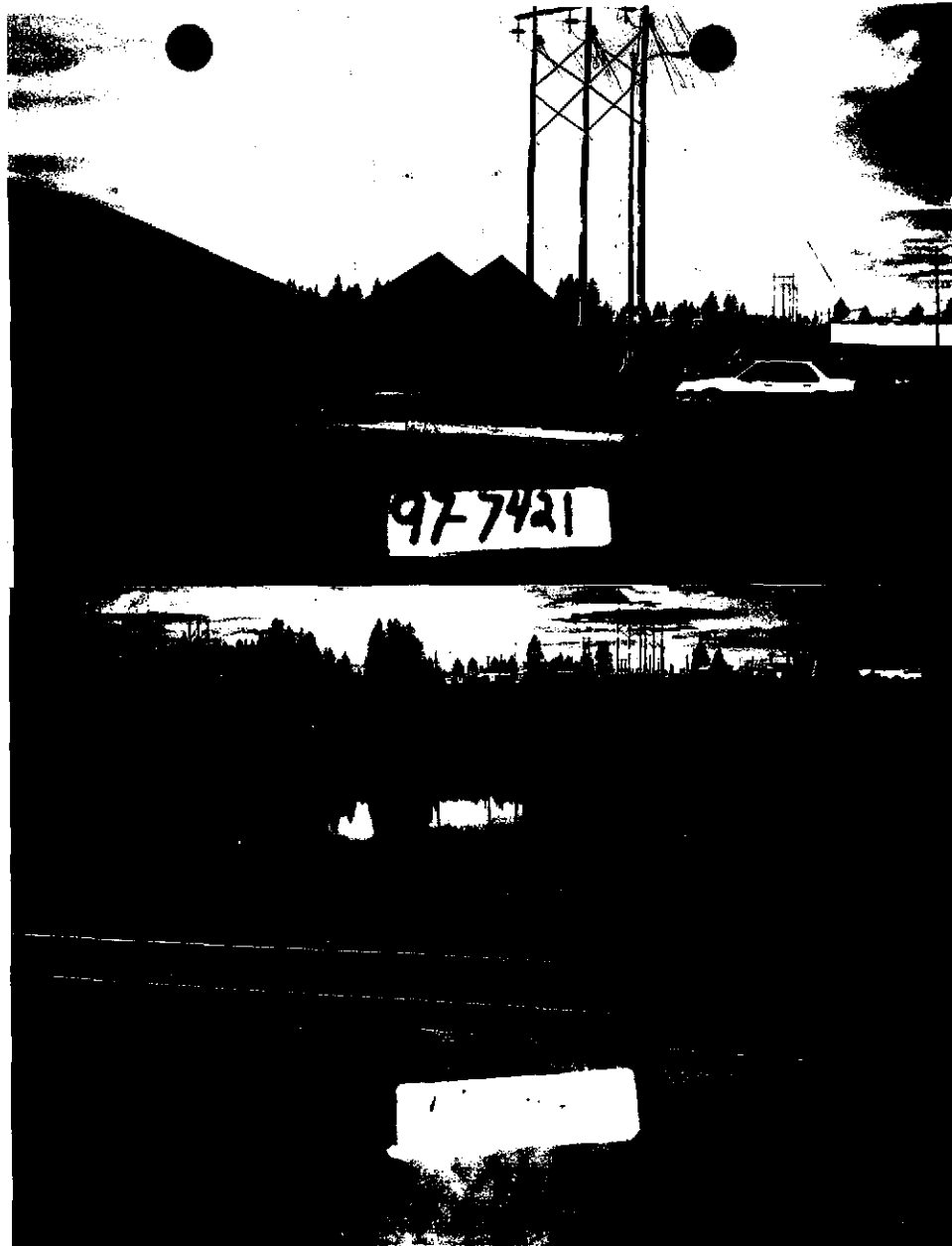
PW



PV

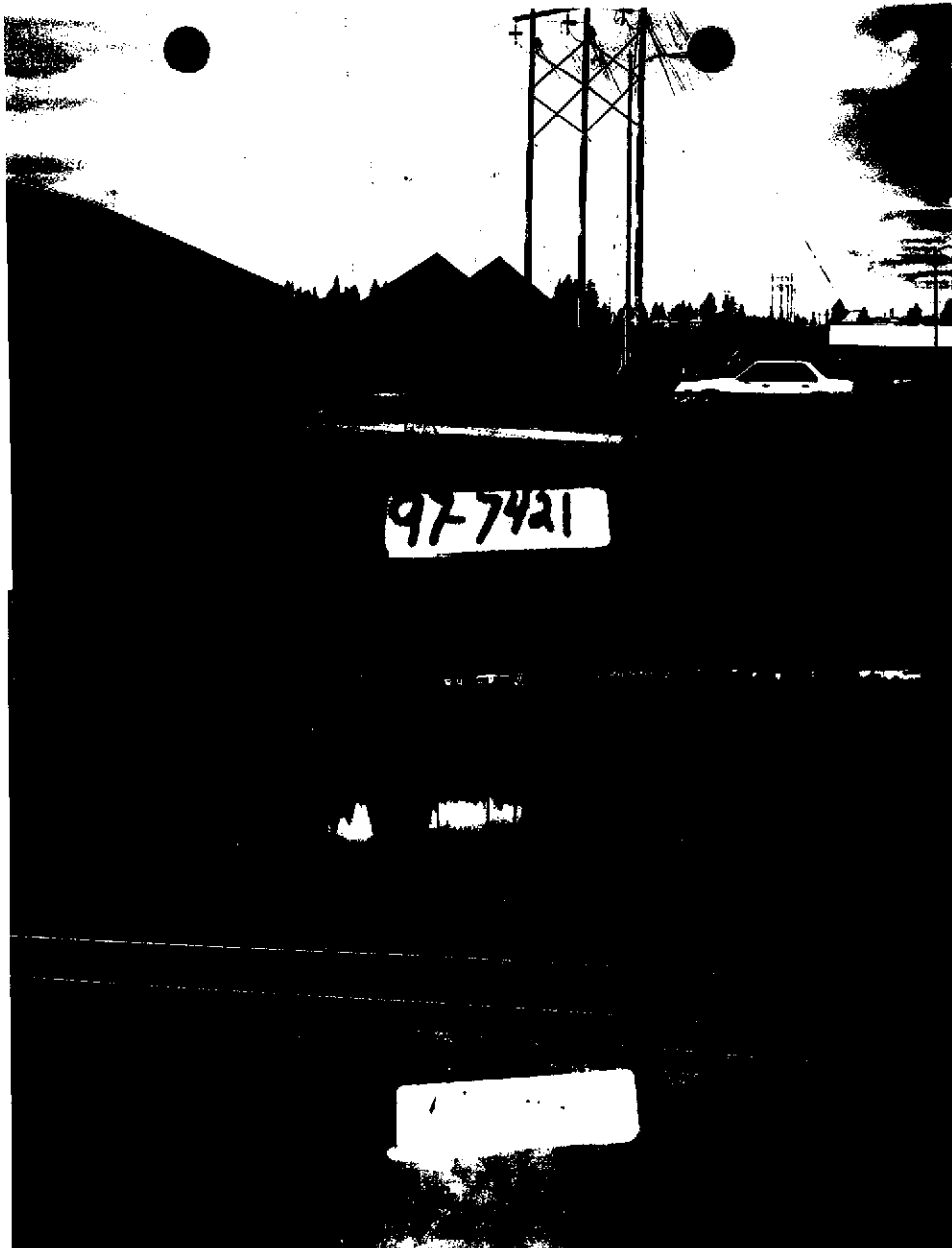
PV

97-7421



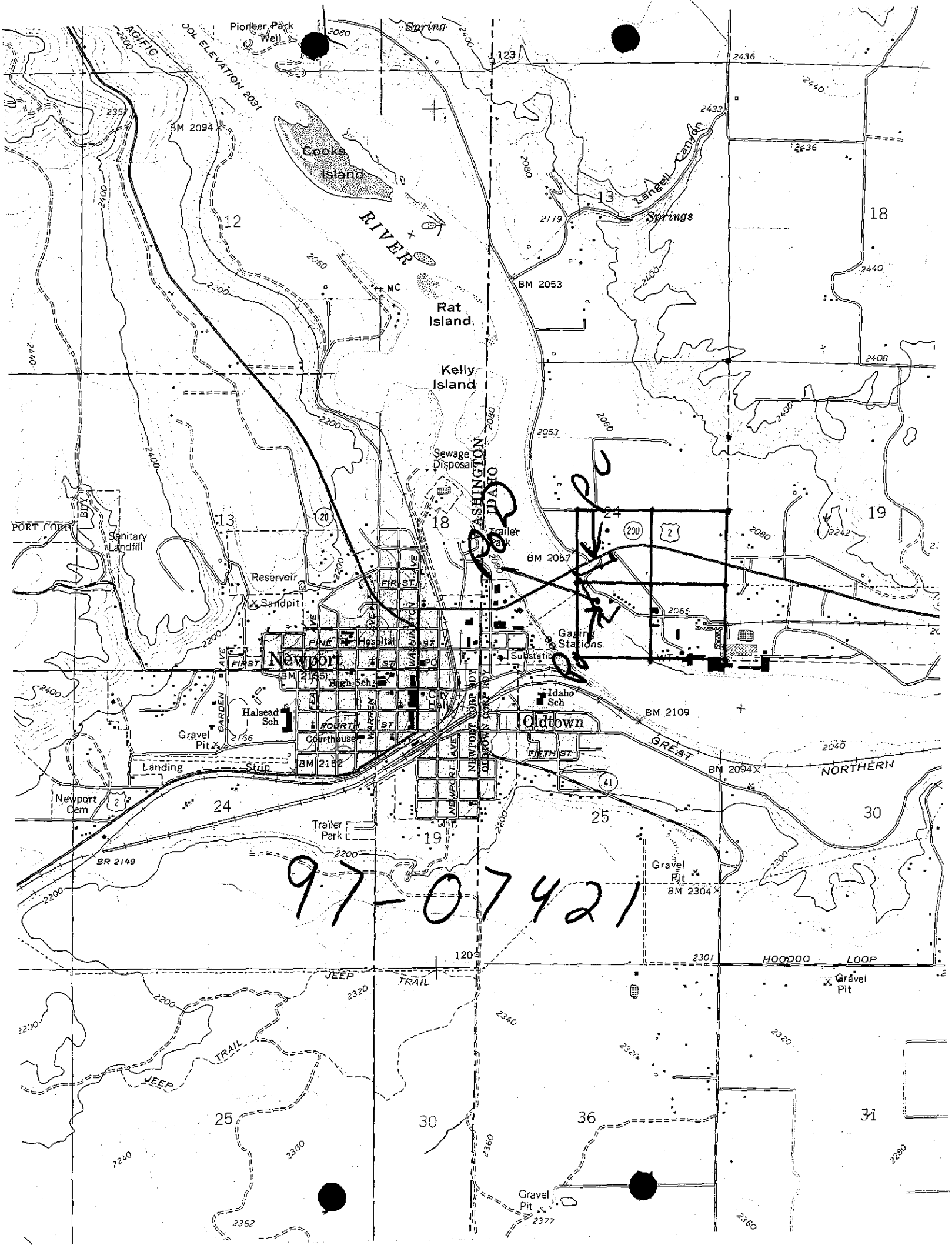
PV

PV



PV

PV



E. NARRATIVE/REMARKS/COMMENTS

Permit list source as Paul Breith River. There is no physical connection from pump to river. Approximately 60' back from river bank they dug down approx 15 feet to hit water. Once they hole was dug they back filled it with gravel. Then a well casing was sunk down through the gravel into the water. And a submersible pump installed in casing. I think by definition this source is groundwater. However, if the river wasn't there I'm sure they wouldn't have hit water at 15'. Your call

System is completely underground. all heads are pop ups. Theoretical calculation used for rate. Permit shows 9 acres of irrigation, proof form shows 12 acres of irrigation. They filed on all acres owned. they acquired 3 more acres between permit filing and proof due. They included all paved areas plus future dreams. Area irrigated on this field report 3.3 is what is actually being irrigated. I explained to Mr. Orr that if sometime in the future they want to expand irrigated area that would be another filing.

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

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\text{Theoretical} \quad \frac{8.8(5)(.7)}{30 + (2.31 \times 60)} = \frac{30.8}{168.6} = .18 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.3 \times 3 = 9.9$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .18 \times 213 \times 1.9835 = 76$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 9.9$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04-01	10-31	.18	9.9
Totals:			.18	9.9

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Wayne Baldwin Date 9-30-09

Reviewer _____ Date _____

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 30, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-7421

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted 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. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

During my review of your file I noted that you were permitted to develop 9 acres for irrigation, and according to your proof you have 12 acres. I recommend that you verify the amount of irrigation done under this right, and supply that information to the field examiner during their site visit. If you have no other rights for irrigation, you may need to apply for a second irrigation right for the 3 additional acres.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190. You may contact me at (208) 327-7953, if you have any questions regarding my review.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JUN 16 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7421

Reviewed By: dgibson

Date: January 29, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N015274, C071890	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received		12/08/2003
Date proof due	-	12/01/2003
Lapse notice sent	-	
No. of days late	=	7
Holiday allowance	+	
Priority date	+	09/16/2002
New priority date	=	09/23/2002

Deficiencies of Actions Items

Acknowledge proof. Irrigation is permitted for 9 acres. They state 12 acres for irrigation.

Reinstate permit with an advance of priority to 9/23/02.

CITY of OLDTOWN

214⁵N. Washington Ave.
Oldtown, ID 83822
208 437-3833

RECEIVED

DEC - 8 2003

Department of Water Resources

November 26, 2003

State of Idaho
Department of Water Resources
Attn: Deborah J. Gibson
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit No. 97-7421

Dear Ms. Gibson:

I am enclosing a completed Proof of Beneficial Use form for Permit No. 97-7421 along with a \$50.00 check to cover the permit fee. If you have any questions, please contact me at the number listed above.

Sincerely,

Sheila M. Gormley
Sheila M. Gormley
City Clerk/Treasurer

MICROFILMED

JUN 16 2004

September 30, 2003

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN, ID 83822

PROOF DUE NOTICE

RE: PERMIT NO. 97-7421

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 December 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

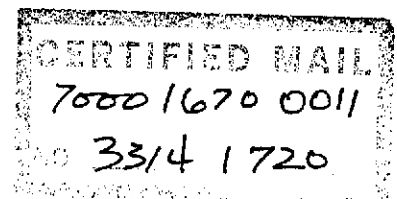
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 27, 2002

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

RE: Permit No. 97-7421

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

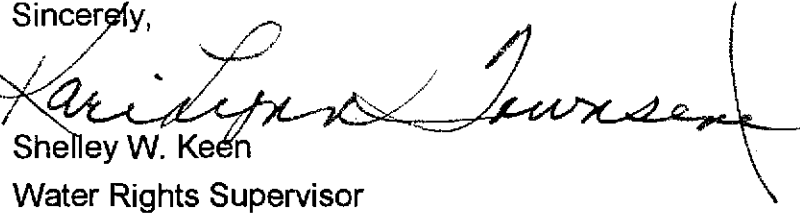
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
JUN 16 2004

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

Sincerely,

for 
Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

JUN 16 2004

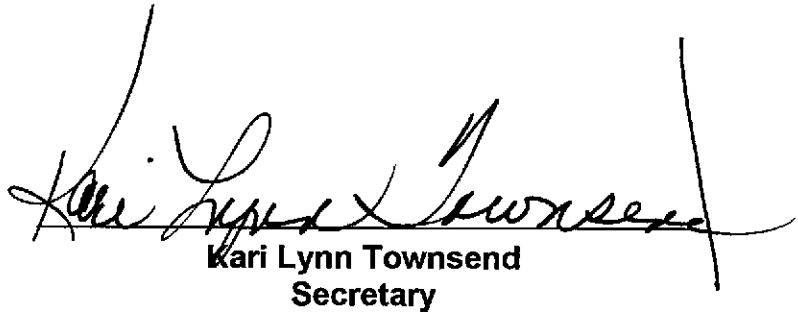
CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

97-7421

**CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822**



**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 16 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

MICROFILMED
JUN 16 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 97-7421

APPLICATION ID # 70189
INITIAL REVIEW

ENT. 10/8/02 BCA 10/8/02 OK to Publish 10/8/02

APPLICANT: CITY OF ODTOWN BY: AB DATE: 9/16/02

ITEM REQUIRED INFORMATION

RECEIVED

PROCESSING

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

NOV 26 2002

Department of Water Resources

(Yes)(No) PRIORITY DATE: 9/16/02

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BONNER County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

ADDITIONAL INFORMATION

(Yes)(No)

- Shape File Created Date 10-7-02 By: AB
 Field check: by _____
 Field report attached
 Analysis Supp. attached(>5cfs/500af)
 Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()

- Groundwater management area
 Critical ground water area
 Well Drilling Permit required
 Well Drilling Application and Fees received
 Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: / /
 Further information required from applicant
11/6 Affidavit of publication received
11/18 Application published correctly. If not, record action taken: _____

10/9 Publication dates and paper recorded on application

Sr. Agent initial

 Protests received,

Final protest date: 11/14/02

 Measuring device required

 Measuring port required

 Special conditions: _____

 Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: AB

Date: / /

Ball, Dianne

From: Ball, Dianne
Sent: Monday, November 18, 2002 4:32 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: PRT Legal 611159 - Legal for Water Right Applications 97-7421 City of Oldtown and 97-7422 Cook

A happy day to you, Shannon.

I have received the Affidavit of Publication on this legal which ran Oct. 16 and 23, 2002, but because I was out for about 2 weeks during the time the Affidavit of Publication was received, I am not sure if the invoice/bill was submitted at the same time. If so, I am unable to locate it, and am wondering if you could fax me a copy of the invoice/bill for that legal so I can send it on down to the State Office for payment, or at least to check and see if they already have a copy of it.

Our State Office will double check before paying, but since I can't find a copy of it here - and no record of it being sent to our State Office, I am trying to cover all bases (including my backside!!) and make sure you get paid.

Thanks very much for your help!

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

*Bill received via fax 11/19/02
& forwarded to SO.
D*

MICROFILMED

NOV 16 2004

11/18/2002

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Ivie

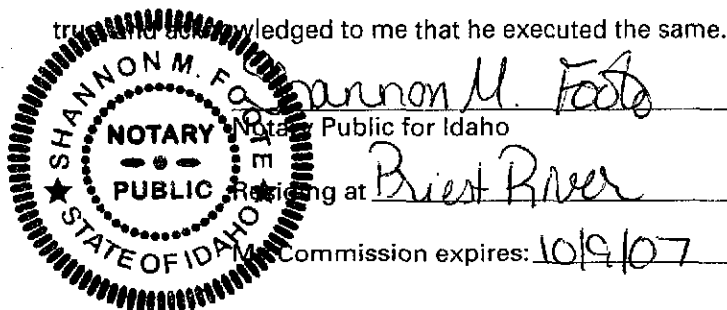
_____ being first duly sworn on oath
deposes and says that he/she is Gen Manager
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Application # 97-7421 / City of Oldtown
97-7421 Le Roy & Arthurene Cook

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 16th day of October, 2002
and ending on the 23rd day of October, 2002
and that said notice was published in said newspaper.

On this 24th day of October in the year
of 2002, before me, a Notary Public, personally
appeared Terri Ivie,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true and acknowledged to me that he executed the same.



RECEIVED
NOV 06 2002
IDWR/North

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

97-7421

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822
Point(s) of Diversion L5 SWSENE S24 T56N R06W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 09/16/2002
Place Of Use: IRRIGATION
T56N R06W S24 NWSE Lot 5 SWSE Lot 3 SESE Lot 4
Number of Acres 9

97-7422

LE ROY L COOK
ARTHURENE COOK
PO BOX 218
PRIEST RIVER ID 83856
Point(s) of Diversion SWSENW S29 T57N R04W BONNER County
Source PRIEST RIVER Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 10/01/2002
Place Of Use: IRRIGATION
T57N R04W S29 SENW NESW
Number of Acres 3

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/04/2002. The protestant must also send a copy of the protest to the applicant.

PRT Legal 611159
Oct. 16, 23, 2002

KARL J DREHER, Director

MICROFILMED
JUN 16 2004

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

97-7421

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

Point(s) of Diversion L5 SWSENE S24 T56N R06W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 03/15 To 11/15 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 09/16/2002
Place Of Use: IRRIGATION
T56N R06W S24 NWSE Lot 5 SWSE Lot 3 SESE Lot 4
Number of Acres 9

97-7422

LE ROY L COOK
ARTHURENE COOK
PO BOX 218
PRIEST RIVER ID 83856

Point(s) of Diversion SWSENW S29 T57N R04W BONNER County
Source PRIEST RIVER Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 10/01/2002
Place Of Use: IRRIGATION
T57N R04W S29 SENW NESW
Number of Acres 3

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/04/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Priest River Times on October 16 and 23, 2002.

MICROFILMED

JUN 16 2004



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 09, 2002

LEGAL NOTICE DEPARTMENT
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

e-mailed to SHANNON FOOTE at
<mailto:prtimes@cdapress.com>
(Cover letter and legal notice)

RE: Applications for Permits No. 97-7421 and 97-7422

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/04/2002. Your cooperation is greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED

JUN 16 2004

Ball, Dianne

From: PRTimes@cdapress.COM
Sent: Wednesday, October 09, 2002 1:18 PM
To: dball@idwr.state.id.us
Subject: Re: Legal Notices for publication on 10/16 and 10/23/02

Hello Dianne!

Got it! I will fax a proof Monday afternoon unless they are on the ball in Cd'A and I'm lucky enough to get a proof Monday morning.

Have a great day

Shannon Foote
Office Manager
Priest River Times

From: "Ball, Dianne" <dball@idwr.state.id.us>
Date: Wed, 9 Oct 2002 13:03:36 -0600
To: "Legal Notices-Priest River Times (E-mail)" <prtimes@cdapress.com>
Subject: Legal Notices for publication on 10/16 and 10/23/02

Greeting, Shannon, and a **very** happy day to you.

Attached is a letter of transmittal and a legal notice for publication on October 16 and 23, 2002.

Please acknowledge receipt by replying to this e-mail.

If possible, will you also please fax a copy of the proof on this legal prior to publication.

Thanks again for **all** your help - **working with you is always a pleasure.**

Every day is a gift, treat it kindly and share it with joy....

Dianne

***Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454***

MICROFILMED
JUN 16 2004

10/9/2002



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

October 09, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

RE: Application for Permit No 97-7421

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Priest River Times on October 16 and 23, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s)

MICROFILMED

JUN 16 2004



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

October 08, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO RAY 10/9/02 - AM
7 PAGES TOTAL

Application to Permit No. 97-7421

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED
JUN 16 2004

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application for Permit No 97-7421
Applicant's Name: CITY OF OLDTOWN
215 N WASHINGTON AVE
OLDTOWN ID 83822

Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this _____ day of _____.

Signature

MICROFILMED
JUN 16 2004

MICROFILMED

CITY OF OLDTOWN

215 N. Washington Avenue
Oldtown, ID 83822
(208) 437-3833

RECEIVED
SEP 16 2002
IDWR/North

September 13, 2002

ID Dept of Water Resources
Attn: Al Beardslee
1910 Northwest Boulevard
Coeur d'Alene, ID 83814

Dear Mr. Beardslee:

I have enclosed a check from the City of Oldtown in the amount of \$100.00 to pay our permit application fee as requested. Our corporate officers are as follows:

Lonnie L. Orr, Mayor
Anna M. Burns, Council Member
Clifford L. Jones, Council Member
John D. Nelson, Council Member
Jean A. Knowles, Council Member

Thank you for your assistance in this process.

Sincerely,

Sheila M. Gormley
Sheila M. Gormley
City Clerk

JUN 16 2004
JUN 16 2004