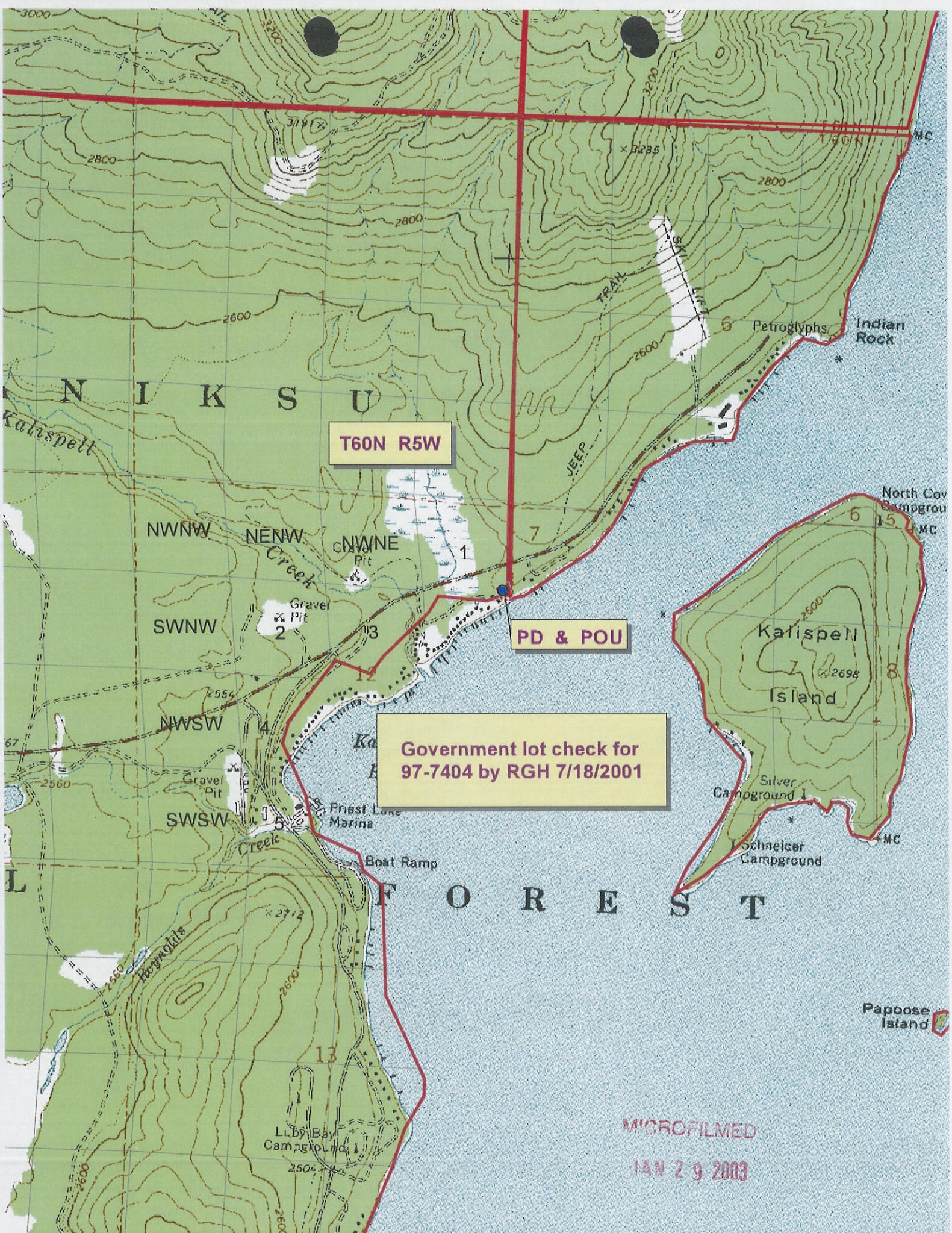


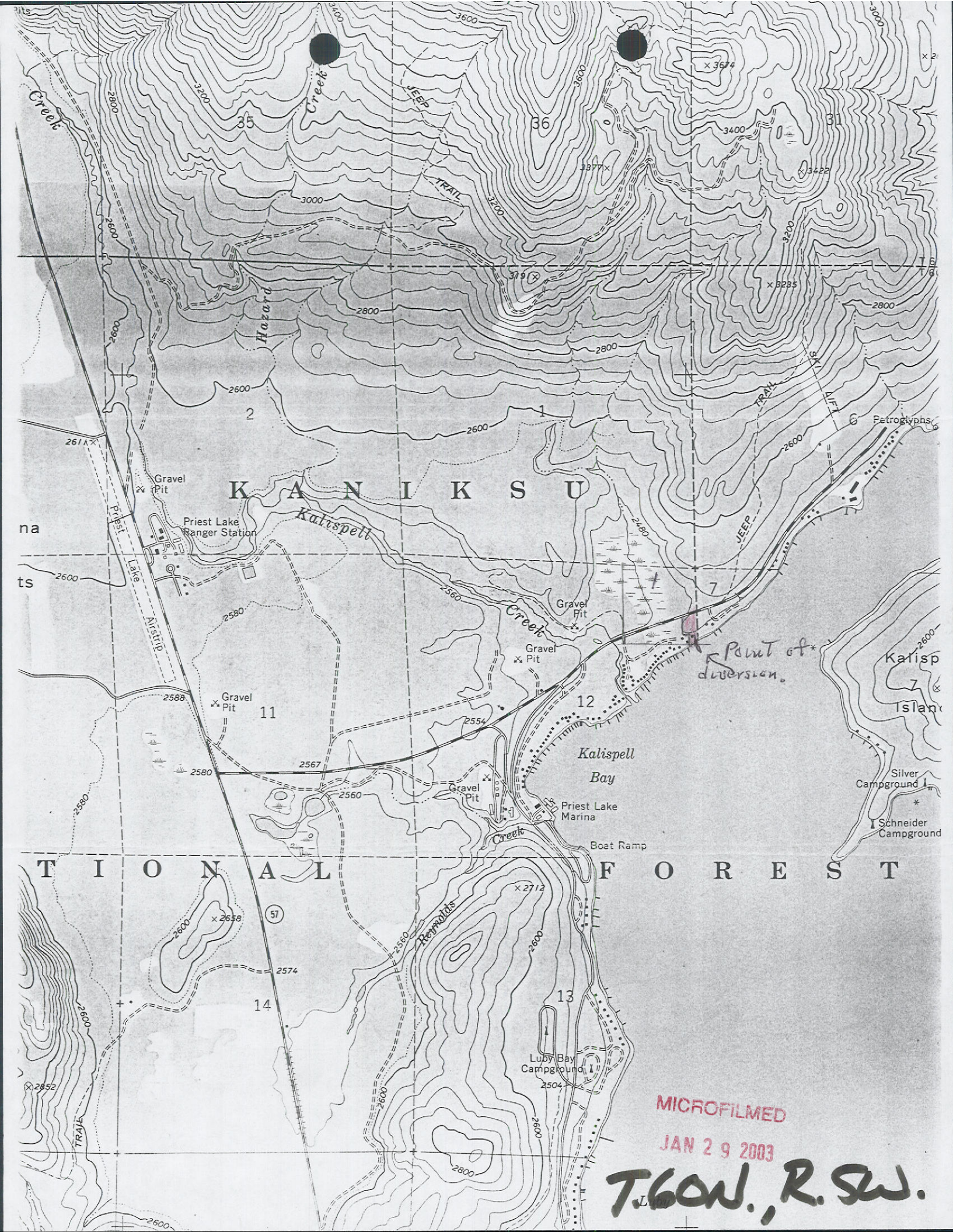


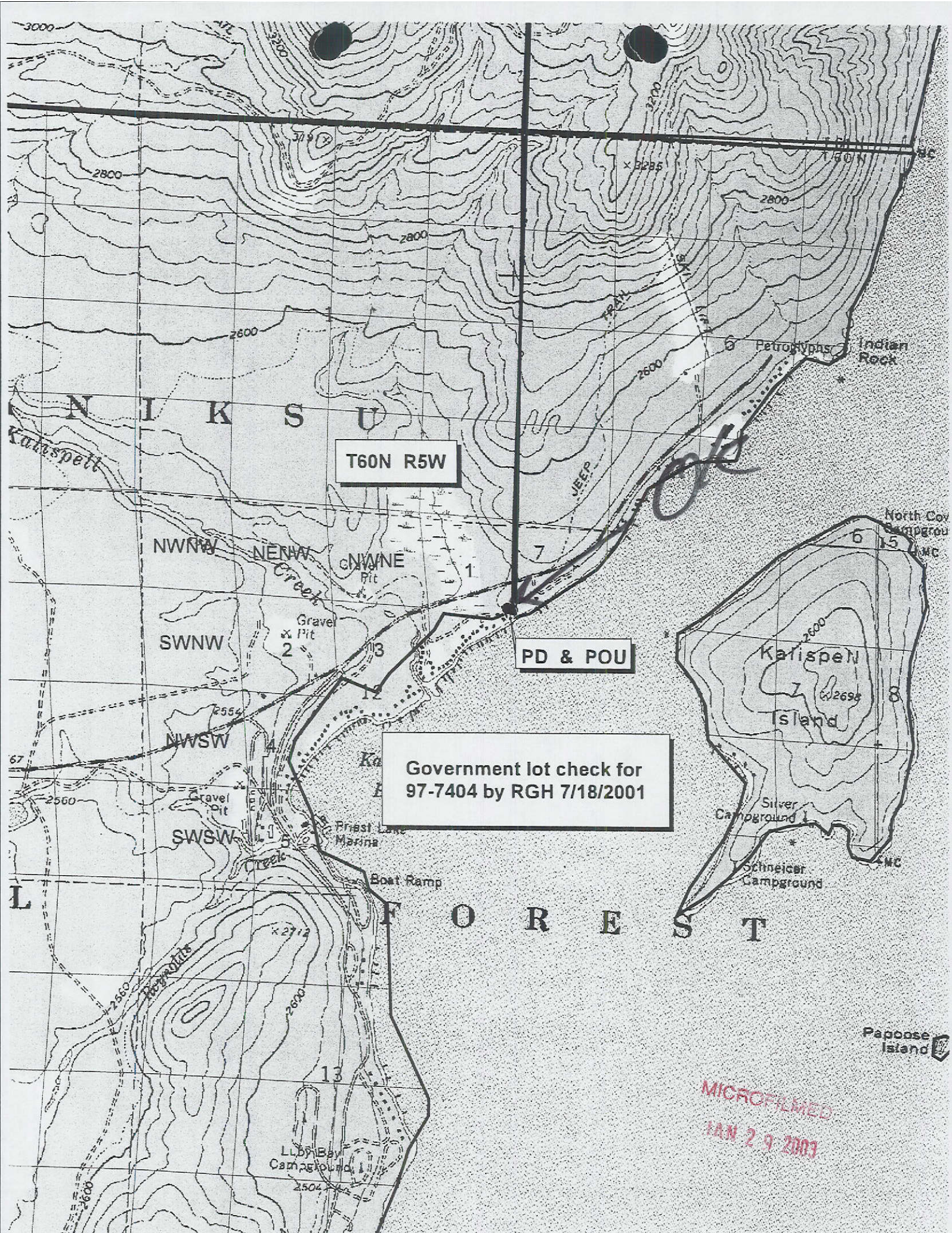
T60N R5W

PD & POU

Government lot check for
97-7404 by RGH 7/18/2001

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JAN 29 2003

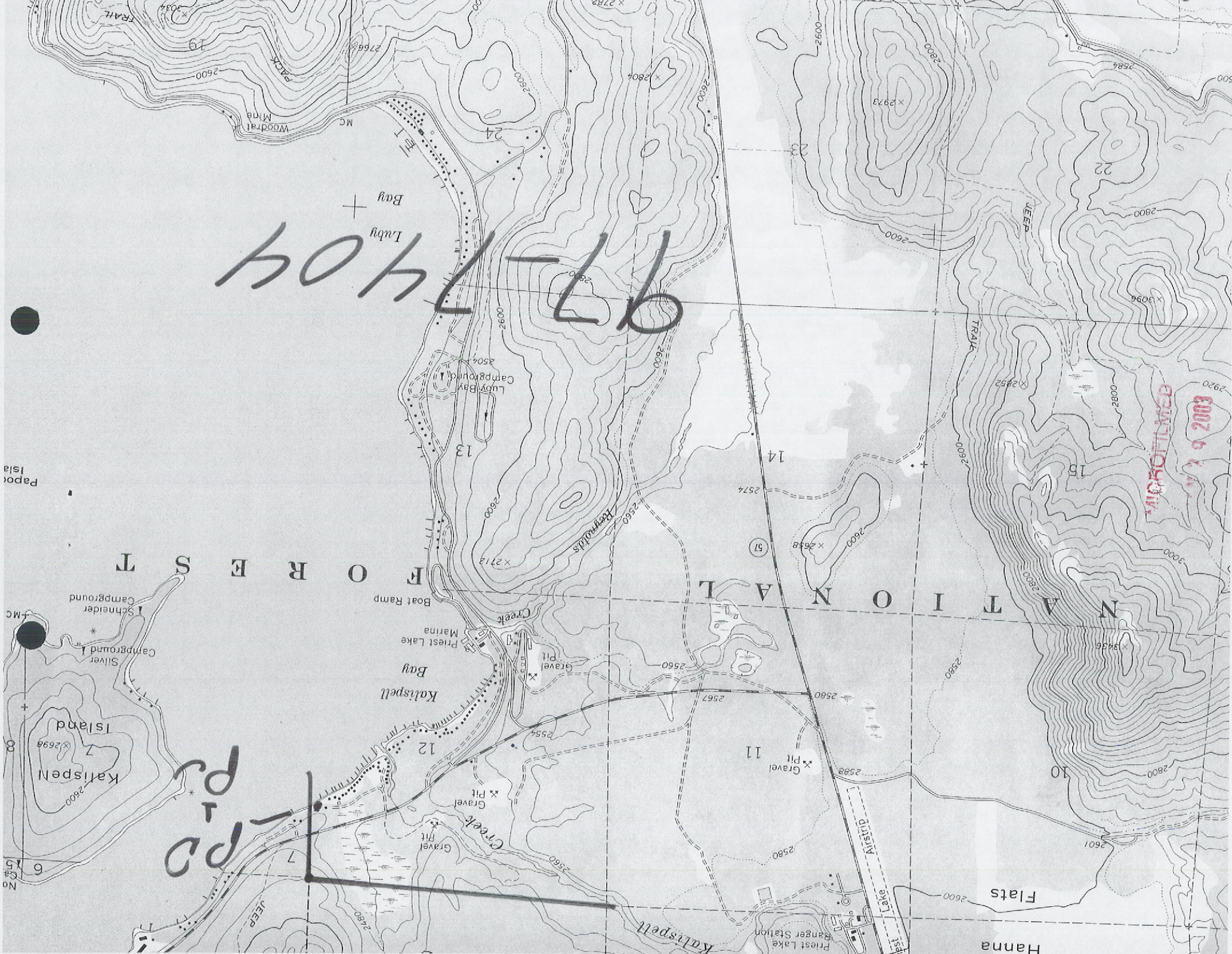






97-7404

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JAN 29 2003



HAWAIIAN ISLANDS

97-7404

97-7404

MICROFILMED
JUL 9 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07404

Priority: September 06, 2000

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 06, 2000; and has
submitted Proof of Beneficial Use on August 17, 2001. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

PRIEST LAKE

Tributary: PRIEST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

PRIEST LAKE L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 12, Twp 60N, Rge 05W, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
60N 05W 12	X				
	L1				

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24TH day of OCTOBER, 2002.


Acting for KARL J. DREHER
Director

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JAN 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 17 2001

Department of Water Resources

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. 97-7404 Telephone No. 208-263-3672

2. Name of Permit Holder(s): William T McBurney

3. Mailing Address: P. O. Box 4

City Sandpoint State Id Zip 83864-0004

4. Source of Water: Priest Lake If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

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

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

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

Name: William T. McBurney Telephone Number: 208-263-3672

Address: P.O. Box 4, Sandpoint, Ida. 83864-0004

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: W T McBurney Date: 8-17-01
(include your title, if on behalf of company or organization)

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JAN 29 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07404

Priority: 09/06/2000

Maximum Diversion Rate: 0.04 CFS

This is to certify, that WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: PRIEST LAKE

Tributary: PRIEST 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PRIEST LAKE L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 60N, Rge 05W, B.M. BONNER County

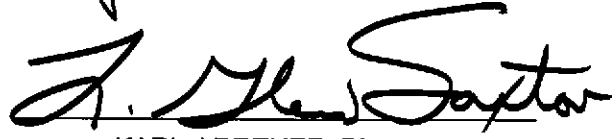
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N 05W 12	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of August, 2001.


for
KARL J DREHER, Director

MICROFILMED

JAN 29 2003

RECEIVED

69013

Ident. No. 97-7404

JUL 24 2001
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant William T. McBurney ²⁰⁸⁻ Phone 263-3622
Post Office address P.O. Box 4, Sandpoint, Ida 83864-0004
2. Source of water supply PRIEST LAKE which is a tributary of PRIEST RIVER
3. Location of point of diversion is 1/4 of NE 1/4 of NE 1/4, Govt. Lot 1
Sec. 12 Township 60N. Range 5W. B.M. BONNER County; additional points of
diversion if any: 2 PTS. OF DIVERSION
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) usual amount for one residence 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP & LINE TO HOME - PORTABLE PUMP & LINE FOR LAWN/GARDEN IRRIGATION.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____:
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 ~~year~~ (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 if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 HOME
e. Other; describe fully. _____

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JAN 29 2003

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	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	
60N	5W	12	D																

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? IDAHO STATE DEPT. LANDS

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 enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

PLEASE
SIGN
HERE

→ Wm T Mc Burney
(Applicant)

FEE IS \$100.00. - ch# 577

Received by db Date 9/6/00 Time 1:20P Preliminary check by AB
 Fee \$ 100.00 Receipted by db # NO 13927 Date 9/6/00
 Publication prepared by db Date 4/11/01 Published in Bornes Co Daily Bee
 Publication approved db Date 5/17/01 5/30/01

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JAN 29 2003

T60N R5W

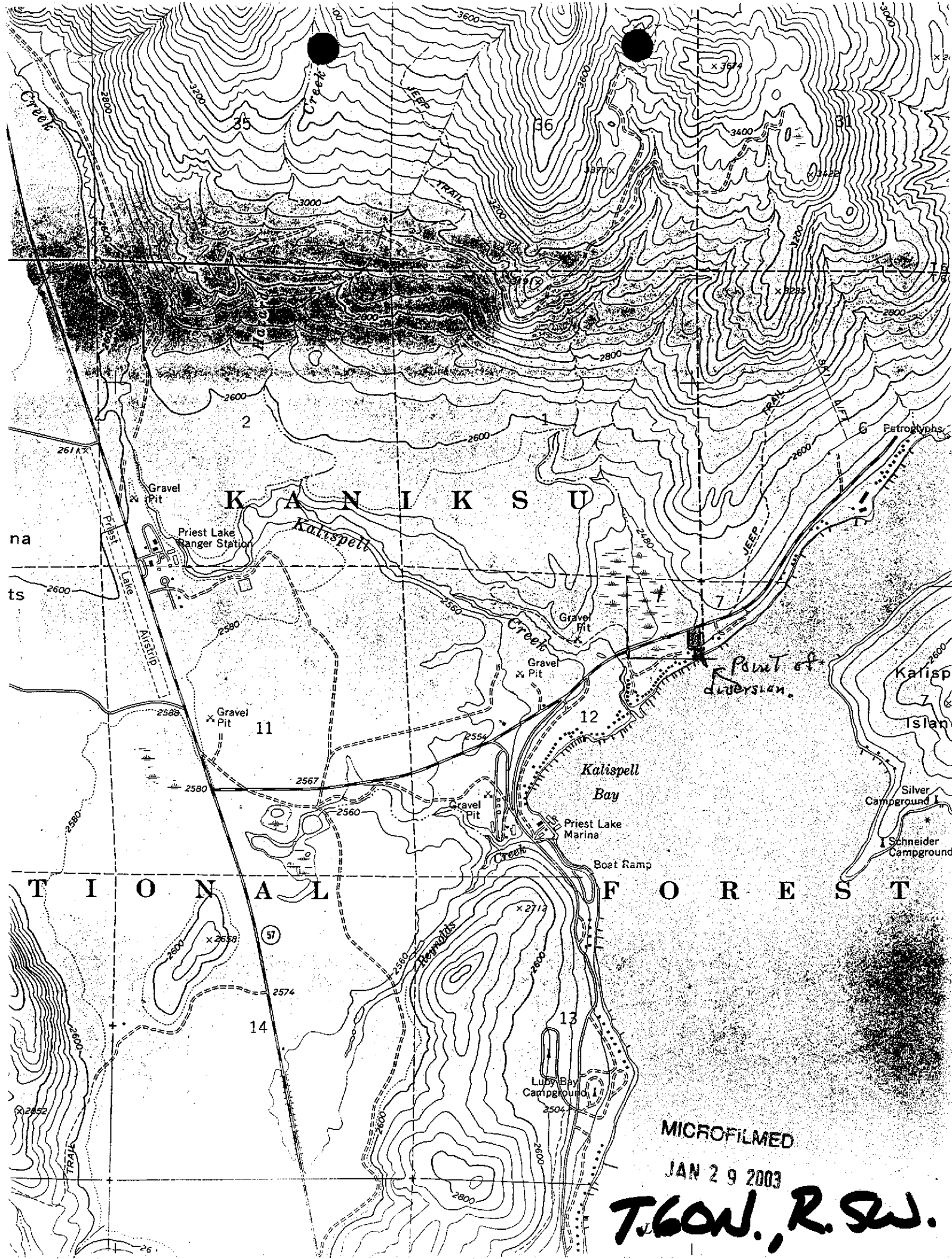
PD & POU

Government lot check for
97-7404 by RGH 7/18/2001

F O R E S T

MICROFILMED

JAN 29 2003



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JAN 29 2003

T.G.W., R.S.W.



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

October 25, 2002

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

RE: License No. 97-7404 - Issuance of License

Dear Water Right Holder(s):

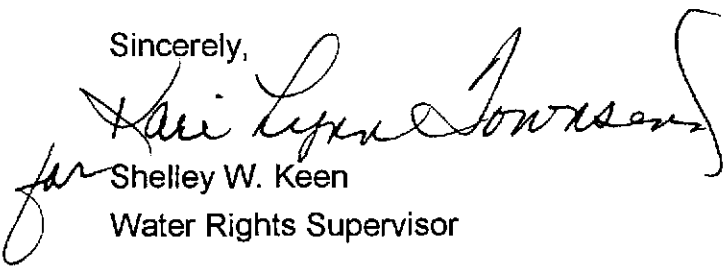
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action 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.

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.

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

Sincerely,


Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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JAN 29 2003

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

97-7404

**WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864**



**Karl Lynn Townsend
Secretary**

MICROFILMED

JAN 29 2003

**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.

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JAN 29 2003

LICENSE REVIEW CHECKLIST

Permit No. 97-7404

Date: 10-22-02

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): _____

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit _____ cfs

Measured 0.04 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic 0.04 cfs 1.2 af

_____ cfs _____ af

_____ cfs _____ af

Total 0.04 cfs 1.2 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/Wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette -- (W22/047/27A)

Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions

_____ Watermaster Control

_____ GW Measurement/Measuring Device

_____ Other

Trust R55 -- remove 051)

Non-trust (048)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? N/A

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP - 5 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 97-07404

1. Owner: William T. Mc Burney Phone No. (208) 263-3672

Current Address: P.O. Box 4 Sandpoint Id 83864

2. Accompanied by: William Mc Burney EXAM DATE: 6-12-02

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Priest Lake tributary to Priest River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1		NE	NE	12	60N	05W	Donner	USGS 7.5 min Quad

2. Place(s) of Use:

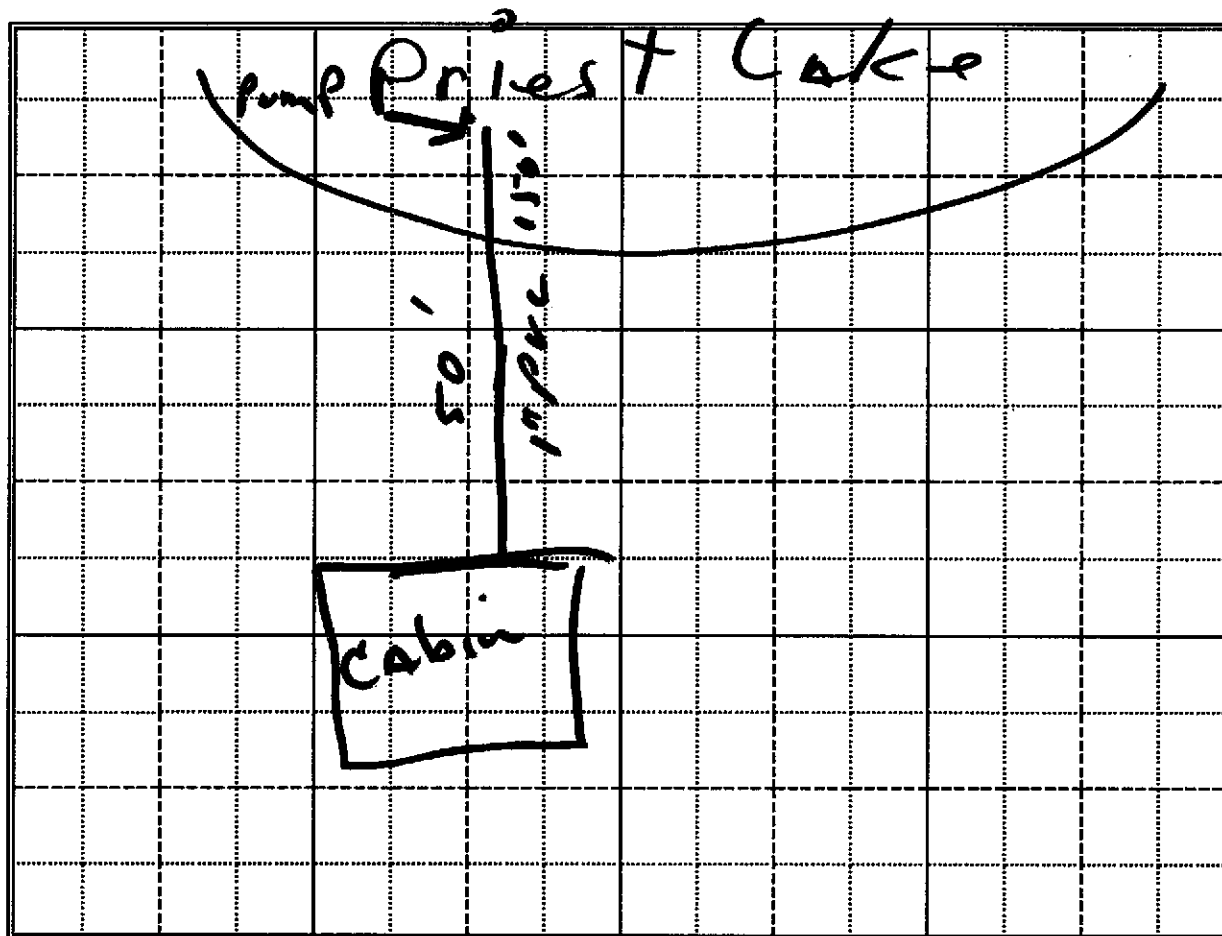
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	05W	12	0																
			1																

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JAN 29 2003

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	1	2801084915	Sub	1"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

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JAN 29 2003

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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JUN 20 2003

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket *Approx 16.5 sec. 18 gpm*

$$\frac{18 \times 1.33681}{60} = .04 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>01-01</i>	<i>12-31</i>	<i>.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>.04</i>	<i>1.2</i>

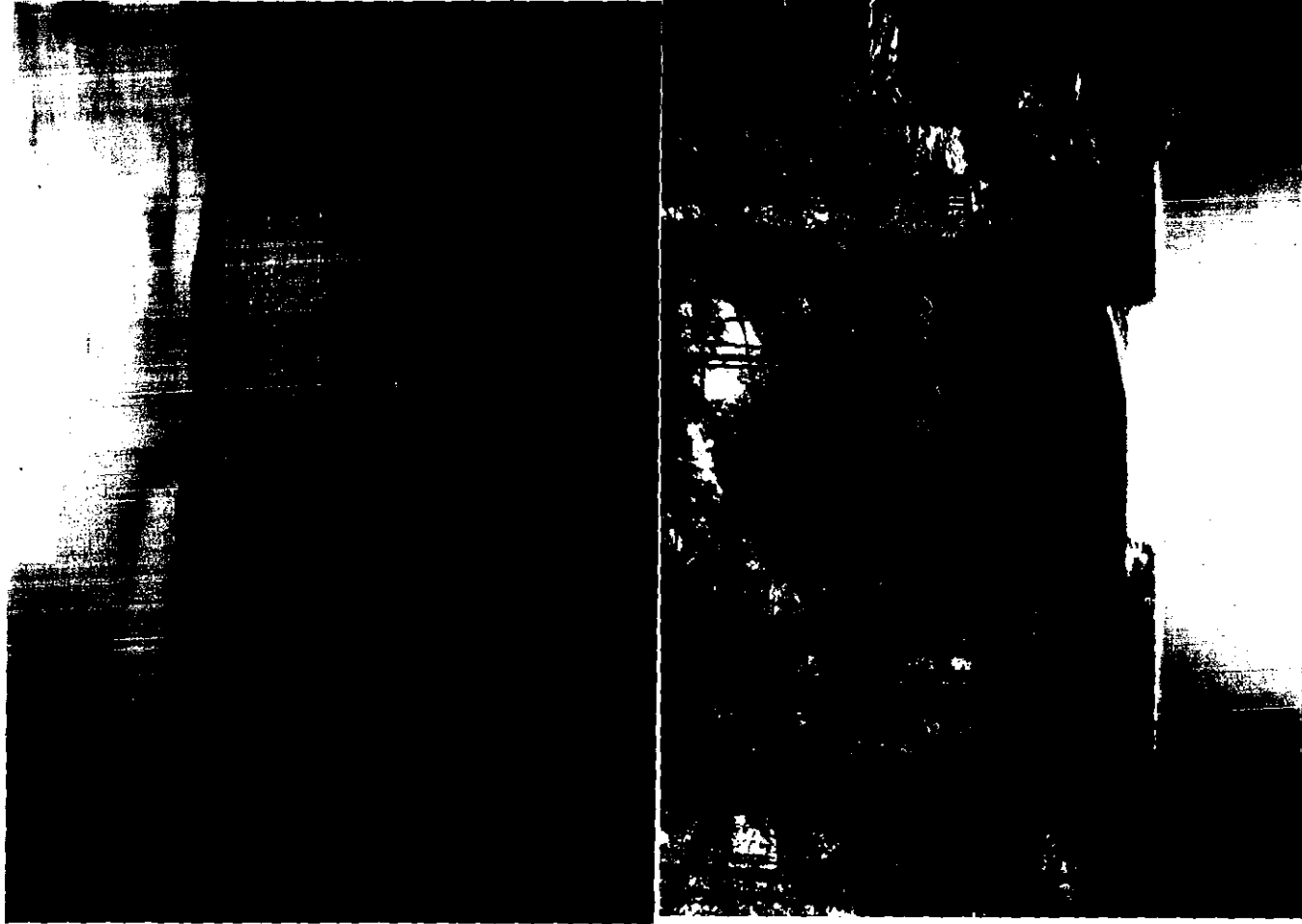
2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name *Wayne Balch* Date *07-16-02*

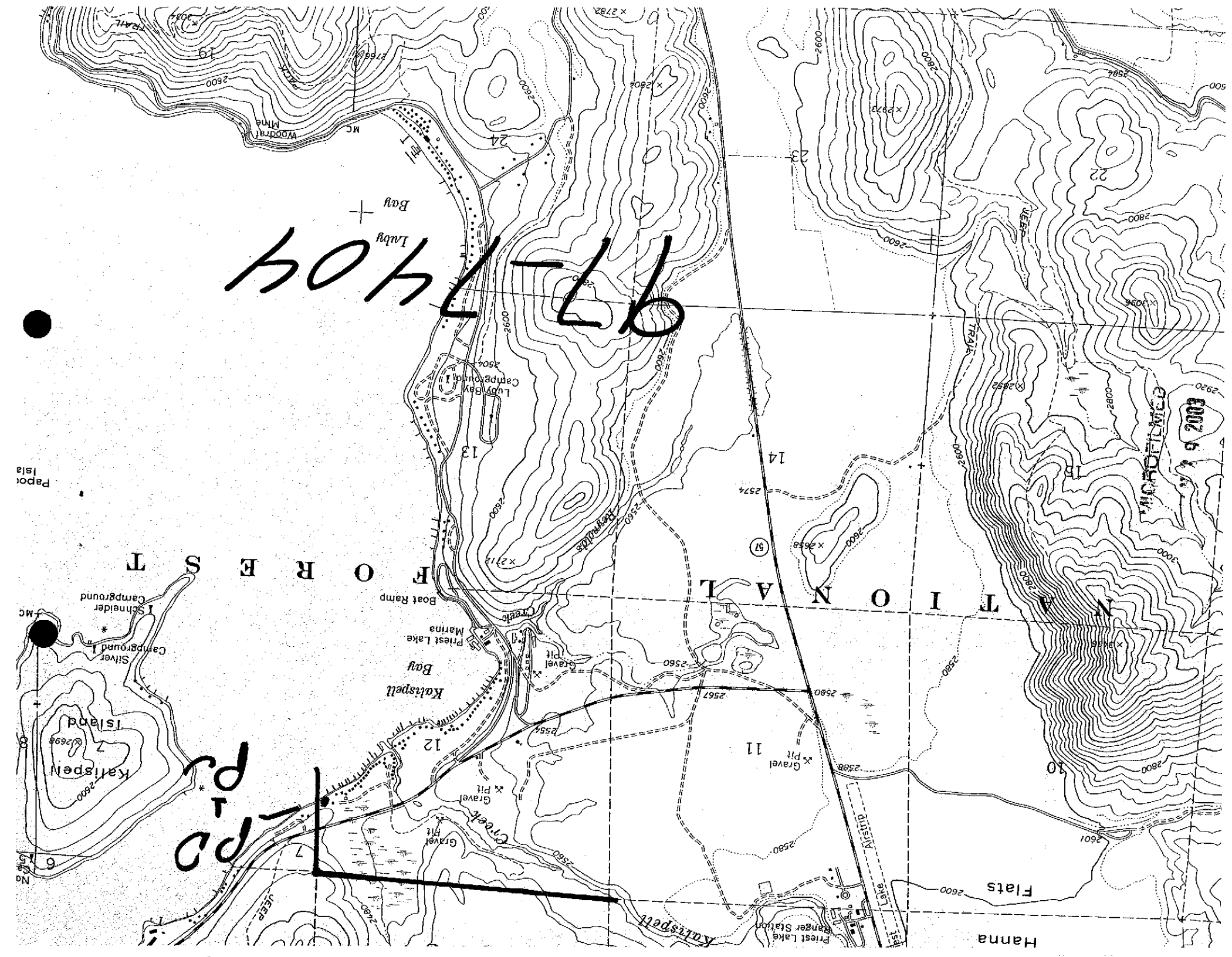
Reviewer _____ Date _____

MICROFILMED
JAN 29 2003



97-7404

MICROFILMED
JAN 29 2003





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

September 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07404

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, please contact the **Northern** Regional Office of the department in Coeur d' Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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JAN 29 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7404

Reviewed By: dgibson

Date: September 7, 2001

	<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.:		N013927, C055624	Well driller's report filed?		X
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		08/17/2001
Date proof due	-	08/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/06/2000
New priority date	=	09/06/2000

Deficiencies of Actions Items

Acknowledge proof.



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

August 8, 2001

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

RE: Permit No. 97-7404

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

JAN 29 2003

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

JAN 29 2003

CERTIFICATE OF MAILING

I hereby certify that on August 8, 2001 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. 97-7404

**WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 29 2003

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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 8/2/01

No. 97-7404 Name: Burney Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes _____ Moratorium _____ CWMA ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSP - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC W01 ①
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 8/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

JUL 24 2001

DEPARTMENT OF WATER RESOURCES

IN THE DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

69013
APPLICATION # 97-7404
INITIAL REVIEW

BCA
WRA

APPLICANT: MC BURNEY

BY: B

DATE: 4/5/01

ITEM REQUIRED INFORMATION

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

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
+ Field report attached
+ Analysis Supp. attached (>5cfs/500af)
+ Water delivered by water master?
Water District # _____

PROCESSING

(Yes) (No)

PRIORITY DATE: 9/6/00

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

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
+ Affidavit of publication received
+ Application published correctly. If not, record action taken: _____
+ Publication dates and paper recorded on application | Sr. Agent initial B
+ Protests received, Final protest date: 5-7-01/5/21/01
+ Measuring device required
+ Measuring port required
+ Special conditions:
+ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: B

Date: 5/22/01

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, April 19, 2001 11:26 AM
To: 'Mark Liter, IDFG Cd;A'
Cc: Beardslee, Allen
Subject: Water Rights needing your comments

IF WE DO NOT HEAR FROM YOU PRIOR TO THE LAST PROTEST DATE ON EACH OF THESE WATER RIGHT APPLICATIONS, WE WILL ASSUME YOU HAVE NO OBJECTION TO THEIR BEING ISSUED. **Thanks, Dianne Ball - IDWR - Cd'A**

Application for Permit No. 95-9067 **Last date for protests to be filed - 5/7/01**

Name: WADE HAUGEN JULIE HAUGEN

Diversion Pt L4 SWNW Sec 3 T 51N R 03W KOOTENAI County

Source HAYDEN LAKE

Use: DOMESTIC 01/01 To 12/31 0.04 CFS - Total Diversion: 0.04 CFS

Date Filed: 03/05/2001

Place Of Use: DOMESTIC T51N R03W S3 SWNW

Application for Permit No. 94-07386 **Last date for protests to be filed - 5/7/01**

Name: EDWIN ERICKSON

Diversion Pt SWSESW Sec 24 T 52N R 01E SHOSHONE County

Source SPRING

Use: DOMESTIC 01/01 To 12/31 0.11 CFS - Total Diversion: 0.11 CFS

Date Filed: 03/08/2001

Place Of Use: DOMESTIC T52N R01E S24 NESW NWSW

Application for Permit No. 92-10003 **Last date for protests to be filed - 5/7/01**

Name: DAVID RIFFLE SANDY ANGEL

Diversion Pt NESE Sec 28 T 44N R 02W BENEWAH County

Source SANTA CREEK

MICROFILMED
JAN 29 2003

Use: IRRIGATION 03/15 To 11/15 0.2 CFS - Total Diversion: 0.2 CFS

Date Filed: 03/13/2001

Place Of Use: IRRIGATION T44N R02W S27 NWSW T44N R02W S28 NESE Number of Acres 20

The next two water right applications are scheduled to be advertised with a protest date of 5/21/01.

(The reason for the later date on these is because the paper was not able to publish these legal notices on the dates originally requested.)

Application for Permit No. 96-9068

Name: KATHLEEN J DRYDEN

Diversion Pt NENW Sec 28 T 57N R 02W BONNER County

Source LITTLE CHUCK SLOUGH

Use: IRRIGATION 03/15 To 11/15 0.03 CFS - Total Diversion: 0.03 CFS

Date Filed: 04/04/2001

Place Of Use: IRRIGATION T57N R02W S28 NENW NWNW Number of Acres 1

Application for Permit No. 97-07404
5/21/01. See note above.

Last date for protests to be filed is anticipated to be

Name: WILLIAM T MC BURNEY

Diversion Pt L1 NENE Sec 12 T 60N R 05W BONNER County

Source PRIEST LAKE

Use: DOMESTIC 01/01 To 12/31 0.04 CFS - Total Diversion: 0.04 CFS

Date Filed: 09/06/2000

Place Of Use: DOMESTIC T60N R05W S12 NENE

*No response as of
5/22/01
b*

MICHAEL

JAN 29 2003

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 16 2001
IDWR/North

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

_____ being first duly sworn on oath

deposes and says that he/she is BOOKKEEPER

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

App for water

as it was published in the regular and entire issue of the

said paper for a period of 3 consecutive weeks,

commencing on 3 day of May, 2001

and ending on the 10 day of May, 2001

and that said notice was published in said newspaper.

On this 10 day of May in the year

of 2001, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, I declared that the statements therein are

true, and acknowledged to me that he executed the same.

CAROLYN L. INGE

NOTARY PUBLIC

Notary Public for Idaho

Residing at

Sandpoint

My commission expires:

8/06

LEGAL NOTICE

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

96-9067

GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835
Point(s) of Diversion L6 NESE
S35 T54N R04W BONNER
County

Source GROUND WATER

Use: DOMESTIC

01/01 TO 12/31 0.2 CFS

Use: IRRIGATION

03/15 To 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 08/08/2000

Place Of Use: DOMESTIC

T54N R04W S35 NESE

Place Of use: IRRIGATION is

same as DOMESTIC

Number of Acres 4

96-9068

KATHLEEN J DRYDEN
2690 ONTARIO
SANDPOINT ID 83864
Point(s) of Diversion NENW S28
T57NR02W BONNER County

Source LITTLE CHUCK

SLOUGH Tributary to PEND

OREILLE RIVER

Use: IRRIGATION

03/15 To 11/15 0.03 CFS

Total Diversion 0.03 CFS

Date Filed: 04/04/2001

Place Of Use: IRRIGATION

T57N R02W S28 NENW NWNW

Number of Acres 1

97-7404

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864
Point(s) of Diversion L1 NENE
S12 T60N R05W BONNER
County

Source: PRIEST LAKE

Use: DOMESTIC

01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/06/2000

Place Of Use: DOMESTIC

T60N R05W S12 NENE

Permits will be subject to all

prior water rights. Protests may

be submitted based on the criteria

of Sec 42-203A, Idaho Coded.

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 05/21/2001. The

protestant must also send a copy

of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#2519

May 3, 10, 2001

MICROFILMED

JAN 29 2003

2517

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Sherilyn Jones

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

App for water

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 3 day of May, 2001
and ending on the 10 day of May, 2001
and that said notice was published in said newspaper.

On this 10 day of May in the year
of 2001, before me, a Notary Public, personally
appeared Sherilyn Jones

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 that he executed the same.

CAROLYN L. INGLE
NOTARY PUBLIC
Notary Public for Idaho
Residing at: Sandpoint
My Commission expires: 8/06

RECEIVED
MAY 16 2001
DWR/North

IRRIGATION
T54N R04W S35 NESE
Number of Acres 4
96-9068
KATHLEEN J DRYDEN
2690 ONTARIO
SANDPOINT ID 83864
Point(s) of Diversion NENW S28
T57N R02W BONNER County
Source LITTLE CHUCK
SLOUGH
Use: IRRIGATION
03/15 To 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 04/04/2001
Place Of Use: IRRIGATION
T57N R02W S28 NENW NWNW
Number of Acres 1

96-9070
CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864
Point(s) of Diversion SWSE S11
T59N R02W BONNER County
Source PACK RIVER
Use: IRRIGATION
03/15 To 11/15 0.05 CFS
Use: FIRE PROTECTION
01/01 TO 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/23/2001
Place Of Use: IRRIGATION and
FIRE PROTECTION
T59N R02W S11 NWSE SWSE
Number of Acres 1.5

97-7404
WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864
Point(s) of Diversion L1 NENE
S12 T650N R05W BONNER
County
Source PRIEST LAKE
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 09/06/2000
Place Of Use: DOMESTIC
T60N R05W S12 NENE

Permits will be subject to all
prior water rights. protests may
be submitted based on the crite-
ria of Sec 47-230A, 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 05/21/2001. The
protestant must send a copy of
the protest to the applicant.
KARL J DREHER, Director
Legal SNP#2548
May 3, 10, 2001

LEGAL NOTICE

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

96-9067
GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835
Point(s) of Diversion L6 NESE
S35 T54N R04W BONNER
County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.2 CFS
Use: IRRIGATION
03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/08/2000
Place Of Use: DOMESTIC and

See other
publication of
same dates
OK to

MICROFILMED

JAN 29 2003

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864
Phone: (208) 263-9534

ADVERTISING
INVOICE/STATEMENT

Statement		Agency/Client Name		
05/17/01		DEPARTMENT OF WATER RESOURCES		
Total Amount Due		Terms of Payment		
~~315.24~~		net 17th		
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days
~~315.24~~	0.00	0.00	0.00	0.00

Page #	Billing Date	Billed Account #	Agency/Client Number	
1	05/17/01	30101775-000		
Billed Account Name & Address			Remittance Address	
DEPARTMENT OF WATER RESOURCES 1910 NW BLVD. SUITE #210 COEUR D'ALENE, ID 83814			Bonner County Daily Bee P.O. Box 159 Sandpoint, Id 83864	
			RECEIVED MAY 17 2001 IDWR/North	

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
05/03/01	32508577-001	#2519 APP FOR WATER RIGHTS	DIS	8.50 in	1	UL	~~66.48~~	~~66.48~~
05/03/01	32508899-001	#2548 APPS FOR WATER	DIS	10.00 in	1	UL	73.92	134.40
05/10/01	32508578-001	#2519 APP FOR WATER RIGHTS	DIS	8.50 in	1	UL	~~51.04~~	186.24
		Affidavit Charge					3.00	189.24
05/10/01	32508900-001	#2548 APPS FOR WATER	DIS	10.00 in	1	UL	63.36	252.60
		Affidavit Charge					3.00	255.60
05/17/01	32508973-001	#2579 APP FOR WATER	DIS	8.00 in	1	UL	59.64	~~315.24~~ 199.92
5/17/01								
Nancy: \$140.28 charges through 5/10/01 are OK to pay. Please hold the 5/17/01 charge until I get the bill for the second publication and the affidavit which should be dated 5/24/01. I will send that invoice/statement after the final publication regarding legal#2579. If you have any questions, please give me a call. Thanks. Dianne Ball - Northern								
Legal #2579 charges cancelled per Sheri Jones at Bonner County Daily Bee 5/17/01 (Duplicate publication) MICROFILMED JAN 29 2003								

Statement of Account Aging of Past Due Amounts

Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
~~199.92~~ 315.24	0.00	0.00	0.00	0.00	~~199.92~~ 315.24

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864

Past due accounts are subject to finance charges of 1 1/2% per month, which is an annual percentage of 18%, applied to the previous balance.

Advertiser Information

Statement Date	Billed Account #	Agency/Client Number	Agency/Client Name
05/17/01	30101775-000		

DON'T FORGET MOTHER'S DAY MAY 13TH!

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

96-9067

GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835

Point(s) of Diversion L6 NESE S35 T54N R04W BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/08/2000
Place Of Use: DOMESTIC and IRRIGATION
T54N R04W S35 NESE
Number of Acres 4

96-9068

KATHLEEN J DRYDEN
2690 ONTARIO
SANDPOINT ID 83864

Point(s) of Diversion NENW S28 T57N R02W BONNER County
Source LITTLE CHUCK SLOUGH
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 04/04/2001
Place Of Use: IRRIGATION
T57N R02W S28 NENW NWNW
Number of Acres 1

96-9070

CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

Point(s) of Diversion SWSE S11 T59N R02W BONNER County
Source PACK RIVER
Use: IRRIGATION 03/15 To 11/15 0.05 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/23/2001
Place Of Use: IRRIGATION and FIRE PROTECTION
T59N R02W S11 NWSE SWSE
Number of Acres 1.5

97-7404

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

Point(s) of Diversion L1 NENE S12 T60N R05W BONNER County
Source PRIEST LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 09/06/2000
Place Of Use: DOMESTIC
T60N R05W S12 NENE

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 05/21/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 5/3 and 5/10/2001

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JAN 29 2003



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

April 25, 2001

Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Applications for Permit Nos. 96-9067, 96-9068, 96-9070, 97-7404,

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 05/21/2001. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read "Dianne Ball", with a horizontal line drawn underneath it.

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

Dianne Ball
Administrative Assistant

MICROFILMED

JAN 29 2003

MEMORANDUM

April 19, 2001

MEMO TO: File 96-9067 - WHITMIRE
 File 96-9068 - DRYDEN
 File 97-7404 - McBURNEY

FROM: DIANNE BALL

RE: ADVERTISING DATE CHANGE

I received a call this morning from SHERI at BONNER COUNTY DAILY BEE.

The legal notices for these three applications were supposed to publish today, 4/19/01 and next Thursday, 4/26/01.

There was a problem at the paper and the legals that were supposed to run today did not get into the paper but rather the legals that were supposed to run Wednesday, 4/18/01 are actually running today 4/19/01.

Sheri and I worked through date changes for these legals and they are now scheduled to run 5/3/01 and 5/10/01 with a protest date of 5/21/01.

MICROFILMED

JAN 29 2003

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

96-9067

GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835

Point(s) of Diversion L6 NESE S35 T54N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/08/2000
Place Of Use: DOMESTIC
T54N R04W S35 NESE

Place Of Use: IRRIGATION is same as DOMESTIC
Number of Acres 4

97-7404

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

Point(s) of Diversion L1 NENE S12 T60N R05W
BONNER County
Source PRIEST LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 09/06/2000
Place Of Use: DOMESTIC
T60N R05W S12 NENE

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 05/07/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 4/19 and 26/2001

5/2/01

5/2 + 5/10/01

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JAN 29 2003



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

April 11, 2001

Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9067 and 97-7404

Dear **LEGAL NOTICE DEPARTMENT**:

Enclosed you will find legal notices 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 05/07/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

Copy

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JAN 29 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 11, 2001

William T. Mc Burney
PO Box 4
Sandpoint ID 83864-0004

Re: Water Appropriation Application No. 97-7404

Dear Mr. Mc Burney:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013927.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

Enc. Receipt

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JAN 29 2003