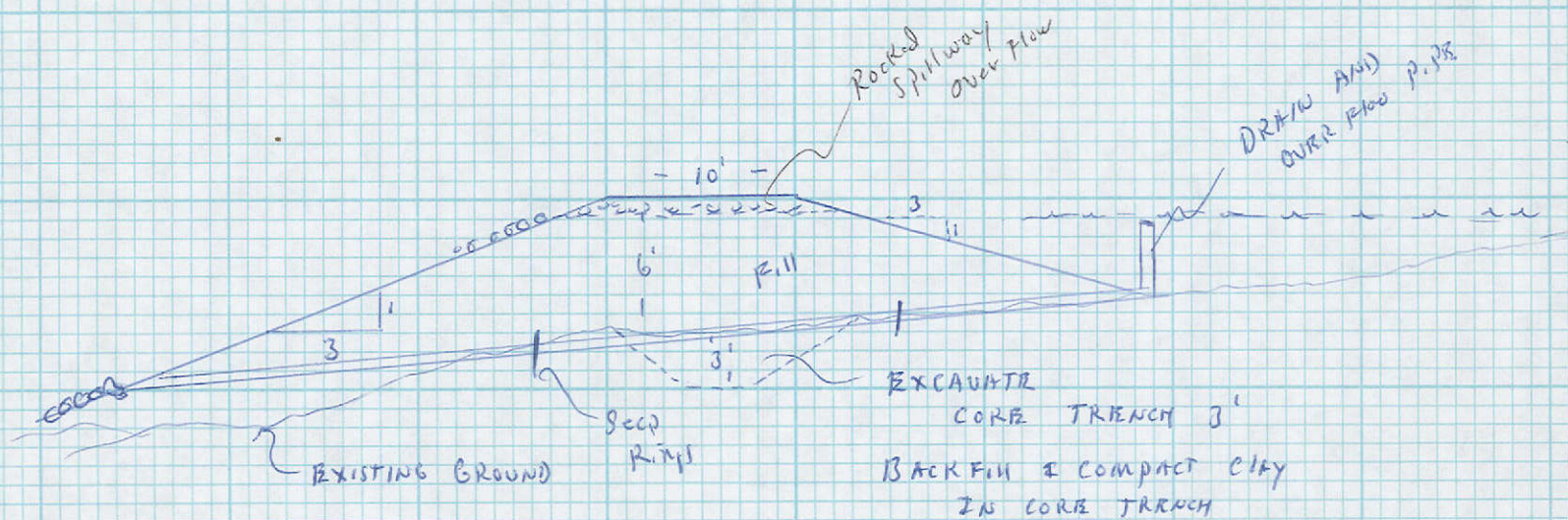
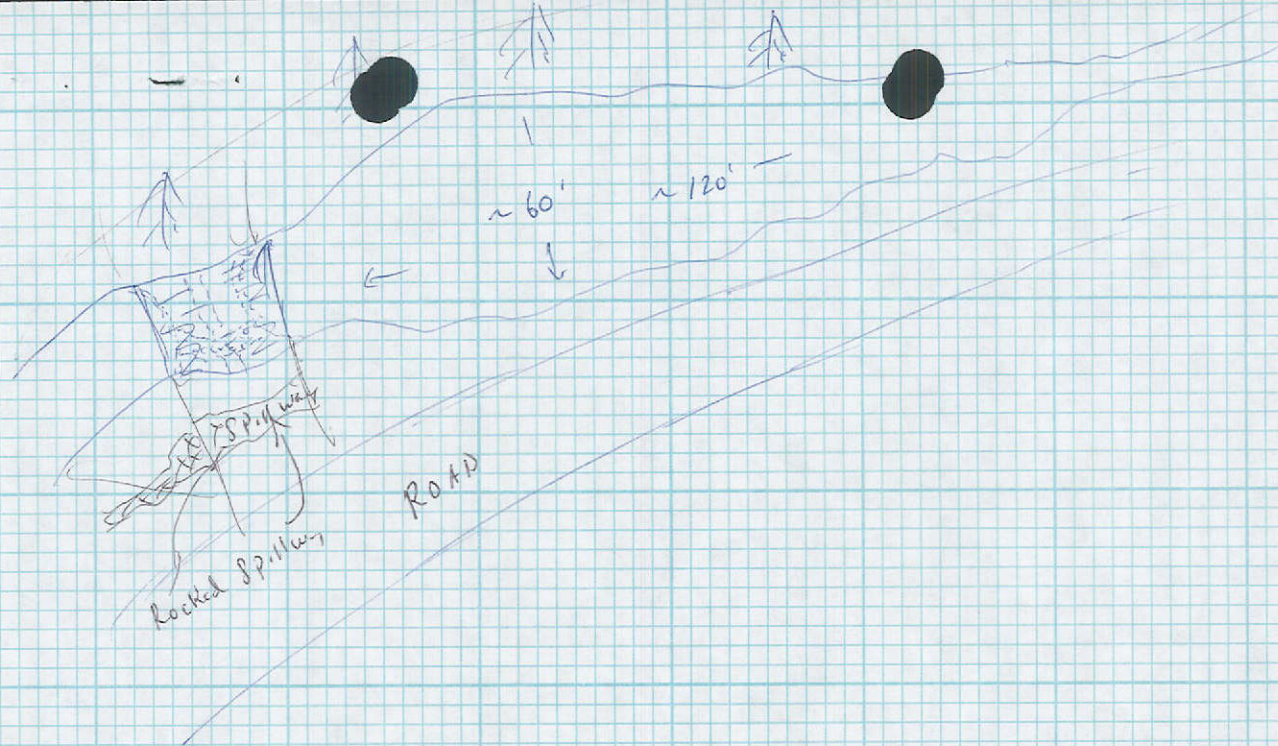
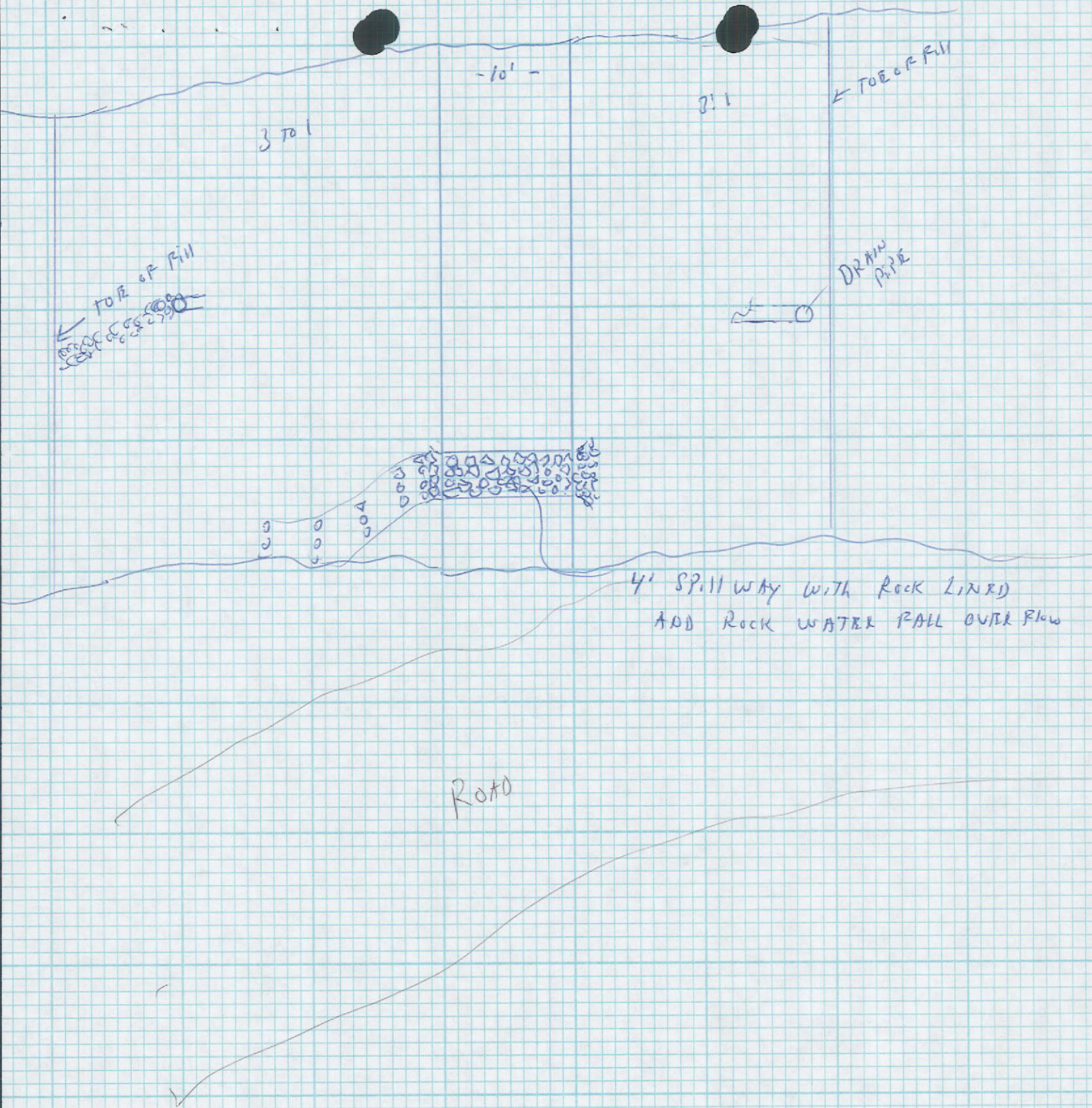




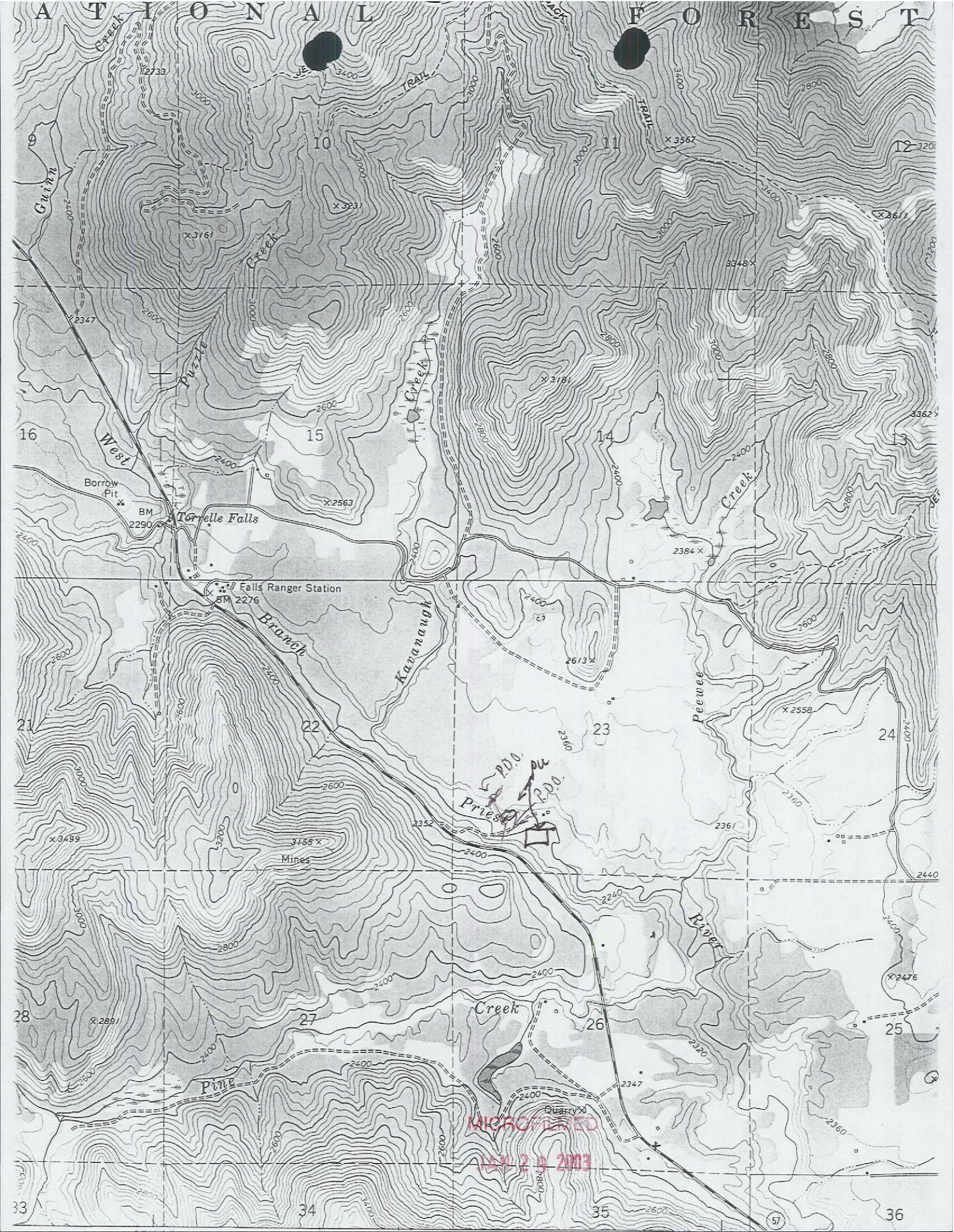
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William, Wayne

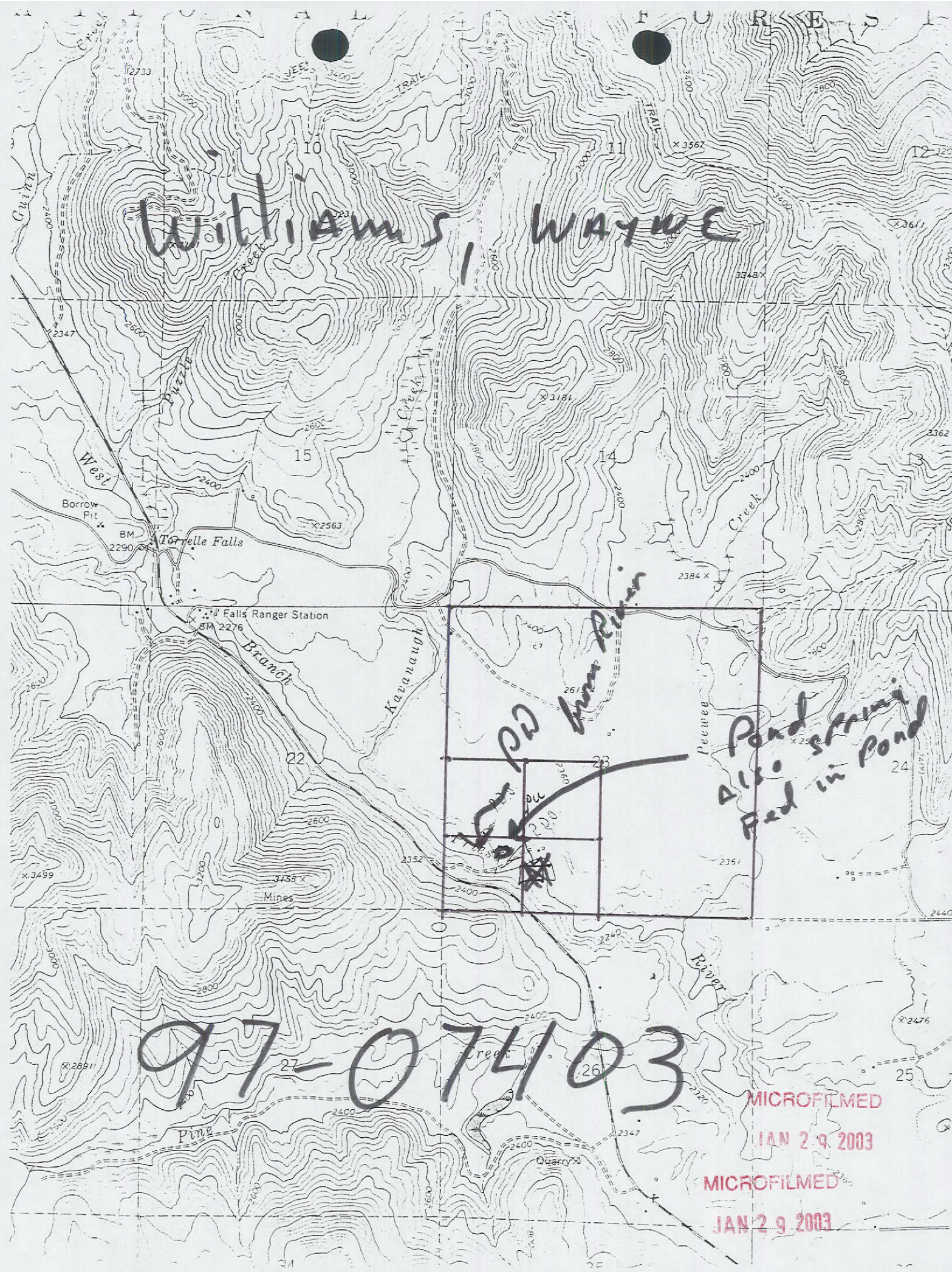
97-07403

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Williams



97-07403

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DEC 21 2000

Department of Water Resources

APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS

Reviewed by Cindy Zimmerman on 12/6/00

No. 97-7403 Name: Williams Corp. Officers        Ad ok ☒ Govt Lots ☒AREA OF CONCERN: ☒ No/Yes        Moratorium        GWMA        TRUST/NON-TRUST       

## GROUNDWATER: (√Flow Chart)

## DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

&gt; 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

&gt; 0.24 cfs/5 acres - 01M

## LOCATION:

Boise Front LoGeo - 058 (&lt;85 GW)

Mitigation - 121

42-248 Area - P84 (20s-70s, 81-86)

Swan Falls Flag -

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. &gt; 1.0 cfs)

## USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA

IRR ~~5~~ ac - R66/R67/R68/R69 (0.03 cfs/ac)

&gt; 5 ac - R62/R63/R64/R65 (0.02 cfs/ac) 3.0

STOCKWATER - R37 (BLM/USFS)

MINING - 054-081(P10)

FISH PROP - 029(70'S only)-007-042-081(P10)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

BENEFICIAL USE DUE: 12/01/01

## MISC CONDITIONS/REMARKS:

Protested - 020-W19

## Development Period

≤ 1 yr - P16

&gt; 1 yr - 26A(P17)

## Ownership

Non-consumptive - 027

Water Quality - 081-R07

## SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response NoneIn/Above MSF - WB9 Priest River

## PLANNING REVIEW/RESPONSE

In-stream development - P52

WD - R04 (WD#       )

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

&gt; 0.20 cfs - 01J(P08)

## SPRINGS/SINK, INACTIVE WD &amp; REST OF STATE

≤ 0.24 cfs/5 acres - No MD

&gt; 0.24 cfs/5 acres - 01M or No MD

## RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

## USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

## MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

## DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)  
27A (Payette R)

&gt; 1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition  
i.e. D/convenience store)

Multiple pd's per 1/4 - 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 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS 01M, R62, 004, WB9/Priest R.

COMMENTS 4.0 cfs to fill a 1.0 AF Pond seems excessive; needs planning review

Paragraph Codes: P16, P52,

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 97-07403

Priority: August 10, 2000

Maximum Diversion Rate: 0.29 CFS  
Maximum Diversion Volume: 10.0 AF

It is hereby certified that WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated August 10, 2000; and has  
submitted Proof of Beneficial Use on January 28, 2002. An examination indicates that the works have a  
diversion capacity of 0.29 cfs of water from:

**SOURCE**

WEST FORK PRIEST RIVER  
SPRINGS

Tributary: PRIEST RIVER  
PRIEST RIVER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| WILDLIFE STORAGE             | 01/01 to 12/31              |                              | 10.0 AF                                   |
| RECREATION STORAGE           | 01/01 to 12/31              |                              | 10.0 AF                                   |
| DIVERSION TO STORAGE         | 01/01 to 12/31              | 0.29 CFS                     |                                           |

**LOCATION OF POINTS OF DIVERSION:**

SPRINGS NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp 57N, Rge 05W, B.M., BONNER County  
WEST FORK PRIEST RIVER NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp 57N, Rge 05W, B.M., BONNER County

**PLACE OF USE:** WILDLIFE STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 57N 05W 23  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

**PLACE OF USE:** RECREATION STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 57N 05W 23  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Recreation storage is for fishing.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.

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JAN 29 2003

State of Idaho  
Department of Water Resources  
**Water Right License**

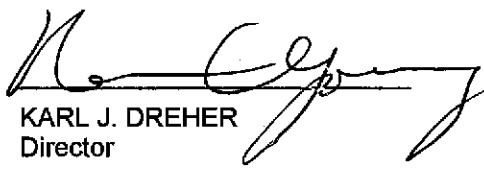
WATER RIGHT NO. 97-07403

3. Water shall not be diverted under this right when flows in the Priest River are below established minimum streamflows.

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 16<sup>TH</sup> day of DECEMBER 2002.

Acting for

  
KARL J. DREHER  
Director

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JAN 29 2003

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DEC 12 2002

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 97-07403

Date of Priority: August 10, 2000

Maximum Diversion Rate: 0.29 CFS  
Maximum Diversion Volume: 10.0 AF

Comes now WAYNE WILLIAMS  
424 S LAKESIDE

LIBERTY LAKE WA 99019 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 97-07403, and requests that the permit be changed as follows:

Source: WEST FORK PRIEST RIVER Tributary: PRIEST RIVER  
SPRINGS PRIEST RIVER

| BENEFICIAL USE       | PERIOD OF USE  | RATE OF DIVERSION | ANNUAL VOLUME |
|----------------------|----------------|-------------------|---------------|
| WILDLIFE STORAGE     | 01/01 to 12/31 |                   | 10.0 AF       |
| RECREATION STORAGE   | 01/01 to 12/31 |                   | 10.0 AF       |
| DIVERSION TO STORAGE | 01/01 to 12/31 | 0.29 CFS          |               |

**LOCATION OF POINTS OF DIVERSION:**

SPRINGS NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp 57N, Rge 05W, B.M., BONNER County  
WEST FORK PRIEST RIVER NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 23, Twp 57N, Rge 05W, B.M., BONNER County

**PLACE OF USE: WILDLIFE STORAGE**

| Twp Rge Sec | NE |    |    | NW |    |    | SW |    |    | SE |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 57N 05W 23  |    |    |    |    |    |    |    |    |    |    |    |    | X      |

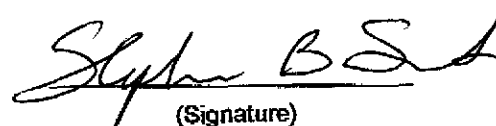
(SAME AS ABOVE)

**PLACE OF USE: RECREATION STORAGE**

| Twp Rge Sec | NE |    |    | NW |    |    | SW |    |    | SE |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 57N 05W 23  |    |    |    |    |    |    |    |    |    |    |    |    | X      |

(SAME AS ABOVE)

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 10<sup>th</sup> day of Dec., 20002

  
(Signature)

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JAN 29 2003

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 97-07403

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$50.00 Received by JM # C 066327 Date 12.12.62

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 97-07403 with the following:

**CONDITIONS OF APPROVAL**

1. Recreation storage is for fishing.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Water shall not be diverted under this right when flows in the Priest River are below established minimum streamflows.

Witness my hand this 26<sup>TH</sup> day of DECEMBER, 2002.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED

JAN 29 2003

Form No. 217  
G/00

FOR OFFICE USE ONLY

Amt. of Fee \$: 100.00Receipt No. ND14825Receipt By: CBDate Received: 1/28/02

FEB - 4 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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JAN 28 2002

IDWR/North

## 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. 97-07403 Telephone No. STEVE SMART / AGENT (509) - 921-5555
2. Name of Permit Holder(s): WAYNE WILLIAMS
3. Mailing Address: 424 S. LAKESIDE  
City LIBERTY LAKE State WA Zip 99019
4. Source of Water: CREEK 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): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): \_\_\_\_\_ Other: FISH & WILDLIFE PONDS
6. Total rate of diversion and/or volume for which proof is submitted: .356 cfs 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: \$ #100.00 (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: STEVE SMART Telephone Number: (509)-921-5555  
Address: N 7015 Arbonne, Spokane WA. 99217
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:

Steve B. Smart (AGENT)  
(include your title, if on behalf of company or organization)

Date:

1/24/02

(IDWR)

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JAN 29 2003

**NO. 97-07403**

**Maximum Diversion Rate: 1.00 CFS**

JAN 29 2003

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 97-07403

CONDITIONS OF APPROVAL

7. Recreation storage is for fishing.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15<sup>th</sup> day of March, 2001.

  
for KARL J DREHER, Director

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JAN 29 2003

208-267-2464 • FAX 208-267-2464



**C.E. KRAMER**  
CRANE & CONTRACTING, INC.

Marina 264-3021

HCR-01 Box 437  
Naples, ID 83847

Marina 1250  
East Hope, ID

GENERAL CONSTRUCTION • CRANES • MARINE CONSTRUCTION • TUGS AND BARGES • UNDERWATER  
CONSTRUCTION • EXCAVATING • PILE DRIVING • DUMP TRUCKS • BRIDGES • HIGHWAY CONSTRUCTION

*Contractor*

*contact with  
questions*

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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 Wayne Williams Phone (509) 921-6373 cell
2. Source of water supply Ground Springs which is a tributary of Priest River
3. Location of point of diversion is Township 57 N Range 5W Sec. 23 in the NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Govt. Lot Sub Division NA, B.M., Bonner County; additional points of diversion if any: SW SW Sec 23 57N SW
4. Water will be used for the following purposes:
- |                                                                                                                            |                              |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Amount <u>4 cfs/AF</u> for <u>Pond &amp; wildlife</u> purposes from <u>1/1/00</u> to <u>12/31</u> (both dates inclusive)   | (cfs or acre-feet per annum) |
| Amount <u>2 cfs/AF</u> for <u>Irrigation from Storage</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>1 acre foot</u> for <u>Recreation</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)            | (cfs or acre-feet per annum) |
| Amount <u>1 acre ft</u> for <u>Irrigation Storage</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive)     | (cfs or acre-feet per annum) |
| Amount <u>4 cfs</u> for <u>Div to Storage</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)              | (cfs or acre-feet per annum) |
| Amount <u>0.12 cfs</u> for <u>Irrigation</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive)              | (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 4 CFS and/or (b) 1 acre foot  
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 Low level dam, 8 feet  
spring box or catch basin and pipe line - Pond - 2nd Source 2" Pump FROM WEST FORK PRIEST RIVER
- b. Height of storage dam 8 feet feet; active reservoir capacity 1/3 acre-feet; total reservoir capacity 1 acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? N/A; Drilling firm N/A  
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
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. N/A
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. Recreation Storage is for fishing.

\* Mailing Address 424 S. Lakeside  
Liberty Lake WA 99019

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JAN 29 2003

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |     | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE |        |
| 57  | SW  | 23  |    |    |    |    |    |    |    |    |    |    | 5  | 1.4 |    |    |    |    | 6.4    |
|     |     |     |    |    |    |    |    |    |    |    |    |    | W  | W   |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    | RR | RR  |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |        |

Total number of acres to be irrigated 5 + or - 6.4

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

- Who owns the property at the point of diversion? Wayne Williams
- Who owns the land to be irrigated or place of use? Wayne Williams
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: Divert spring and fill pond

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.)

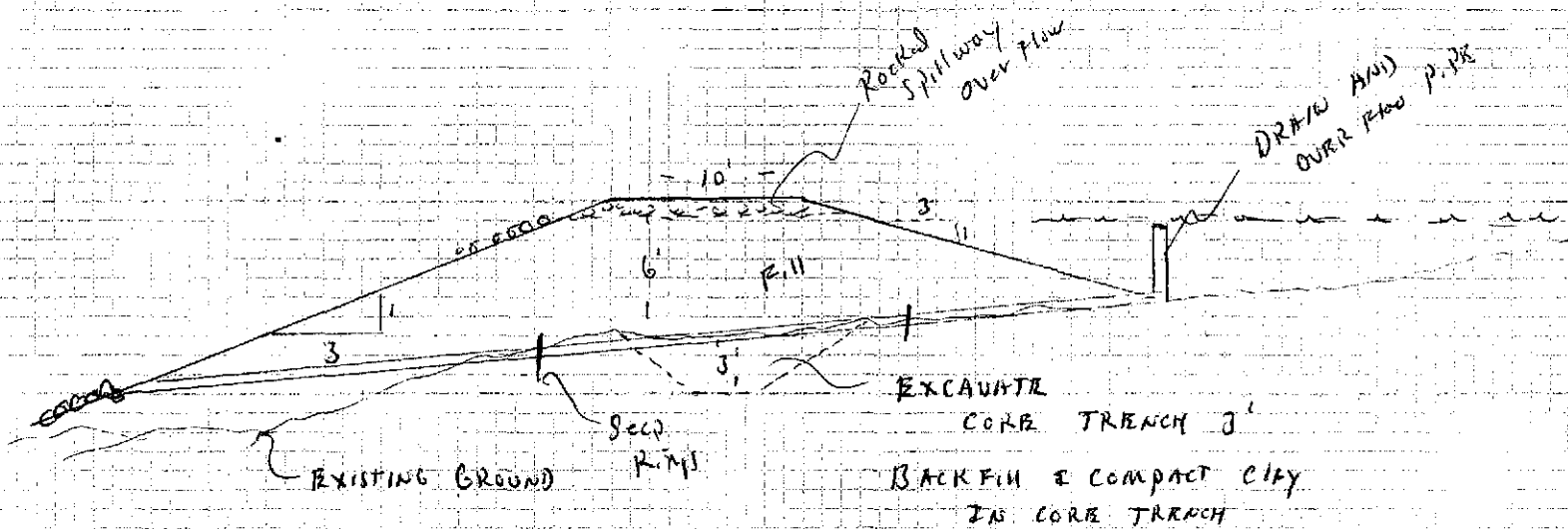
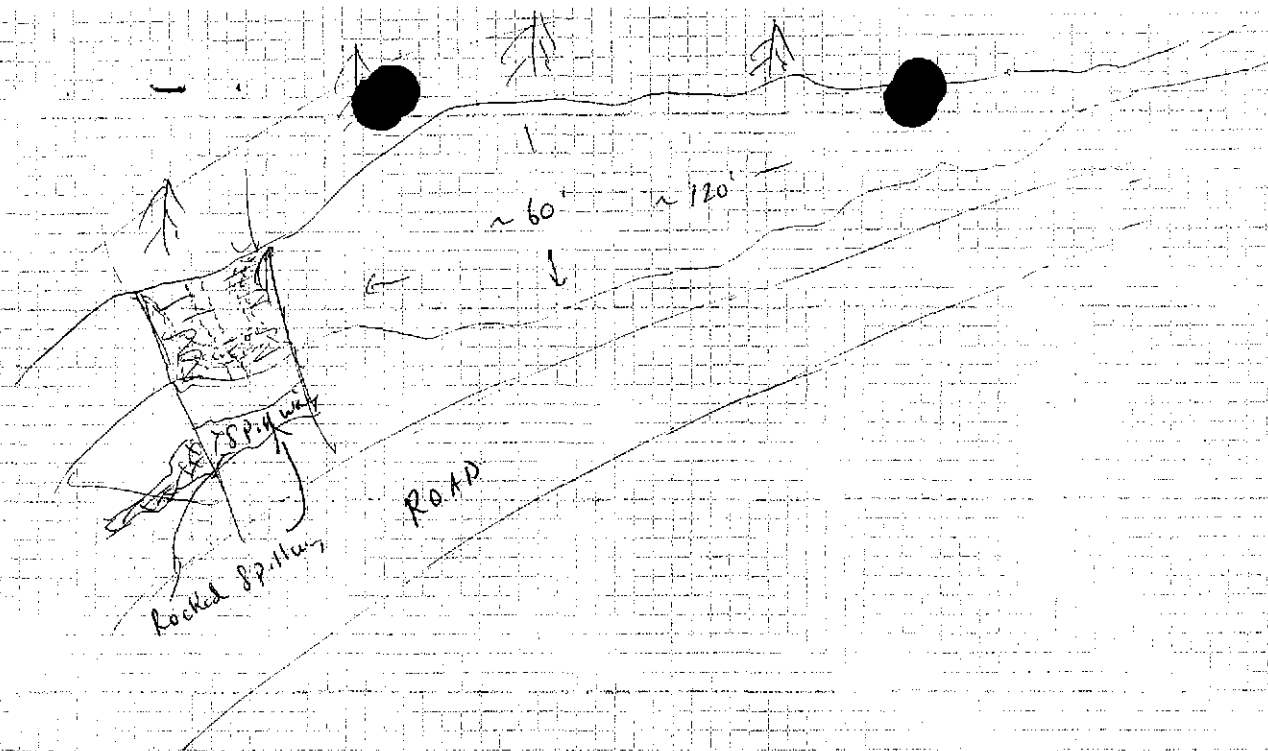
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wayne Williams  
Signature of Applicant (and title, if applicable)

Received by DL Date 8/10/00 Time 3:30 pm Preliminary check by BA/DL  
 Fee \$ \$410 Receipted by DL # NO13876 Date 8/10/00  
 Publication prepared by DL Date 9/27/00 Published in Priest River Times 10/4 + 11/2000  
 Publication approved DL Date 11/2/00

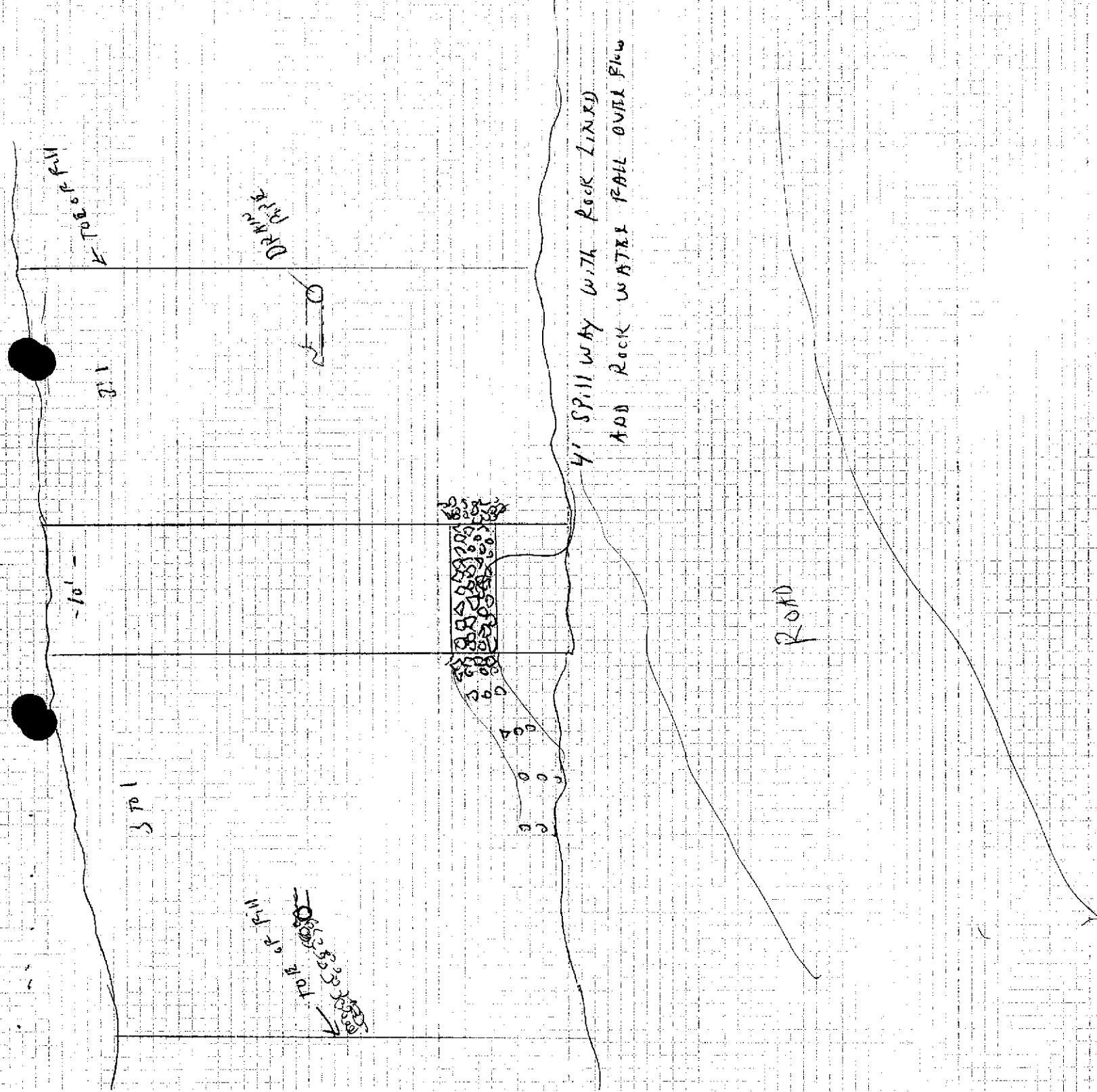
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Wayne Williams Pond

60' x 120' x 6' deep @ dam  
12' deep in pond ← per Charlie

7200 ft<sup>2</sup>

Kramer  
9/25/60

7200/43560 =

0.17 acres x 12 1/2 = ~~4.5~~ acre feet  
1.0 acre feet

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



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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](http://www.idwr.state.id.us)

December 17, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019

RE: License No. 97-7403 - 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) INCLUDING COPY OF APPLICATION FOR AMENDMENT

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JAN 29 2003

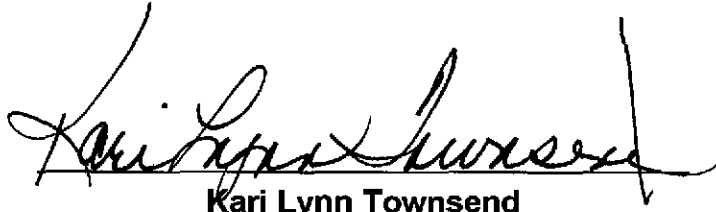
**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 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.**

**97-7403**

**WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019**



**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.

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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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 2, 2002

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019

RE: Water Right Permit 97-07403

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed. I have not yet received the amendment. If I do not receive it within **10 days**, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Please note that there is a **\$50.00** filing fee for this amendment. A copy of the Application for Amendment is enclosed for your convenience.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

*for Kay Walker*  
KAY WALKER  
Sr. Water Resource Agent

KW:klt

Enclosure

*12-10-02  
Steve Smart called -  
will submit licensing  
amendment. kw*

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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 12, 2002

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019

RE: Water Right Permit No. 97-07403

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 **Change in Nature of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,



KAY WALKER  
Sr. Water Resource Agent

Enclosure

MICROFILMED

JAN 29 2003

---

**CHANGE IN NATURE OF USE EVALUATION FOR PERMIT 97-07403**

---

|               |          |           |         |                         |
|---------------|----------|-----------|---------|-------------------------|
| Before change | 0.12 cfs | 6.4 acres | 19.2 af | 12.8 af consumptive use |
|               |          |           | 1.0 af  | storage pond            |
|               | 1.0 cfs  |           |         | diversion to storage    |
| Total         | 1.0 cfs  | 6.4 acres | 20.2 af |                         |

|              |          |  |         |                      |
|--------------|----------|--|---------|----------------------|
| After change |          |  | 10.0 af | storage pond         |
|              | 0.29 cfs |  |         | diversion to storage |
| Total        | 0.29 cfs |  | 10.0 af | pond & div to stor   |

---

The uses proposed after submittal of the licensing amendment will utilize less water than proposed under the permit. Recommend we allow this change in nature of use to cover the uses as developed.

Kay Walker  
12/13/2002

MICROFILMED

JAN 29 2003

## MEMORANDUM

**Date:** October 21, 2002  
**To:** Water Right File 97-7403  
**From:** kwalker  
**Re:** Rate of Diversion

---

Examiner conducted a bucket measurement and then completed a theoretical calculation on system also. Examiner found and recommended 0.30 cfs but when I did same calculations I came up with 0.29 cfs on both of his calculations. Recommend we license for 0.29 cfs for diversion to storage parameter.

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JAN 29 2003

LICENSE REVIEW CHECKLIST

Permit No. 97-7403 Date: 10-21-02 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 1.0 cfs

Fee Limit 1.0 cfs

Measured 0.29 cfs

Theoretical 0.29 cfs

Recommended Total Diversion Rate 0.29 ← over

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation \_\_\_\_\_ cfs \_\_\_\_\_ af

Stockwater \_\_\_\_\_ cfs \_\_\_\_\_ af

Domestic \_\_\_\_\_ cfs \_\_\_\_\_ af

Piv to Stor 0.29 cfs \_\_\_\_\_ af

HS RS cfs 1.0 af

Total 0.29 cfs 1.0 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 R65 - 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 yes - rate of flow

Amend Letters \_\_\_\_\_

P87, S06

Second Amendment Notice P45

S06

P49

theoretical:

$$\frac{8.814(3)(0.70)}{5 + (2.31 \times 2.5)} = \frac{18.5094}{62.75} = 0.294$$

$$\approx \underline{\underline{0.29 \text{ cfs}}}$$

$$\text{bucket: } \frac{5 \text{ gal} \times 60 \text{ sec}}{2.3 \text{ sec}} = 130.4 \text{ gpm} =$$

$$\underline{\underline{0.29 \text{ cfs}}}$$

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

SEP - 5 2002

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 97-07403

1. Owner: Wayne Williams Phone No. \_\_\_\_\_

Current Address: 424-S Lakeside, Liberty Lake Wa

2. Accompanied by: Steve Smart EXAM DATE: 5-23-02

Address: 7015 Argonne, Spokane Wa Phone No. (509) 921-5555

Relationship to Permit Holder: Built System (Pond)

3. Source: Priest River West Fork 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 |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | NW  | SW  | SW  | 23   | 57N  | 05W  | Bonner | USGS 7.5 min Quad               |
|           |           | NE  | SW  | SW  | 23   | 57N  | 05W  | ( )    | ( )                             |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

**2. Place(s) of Use:**

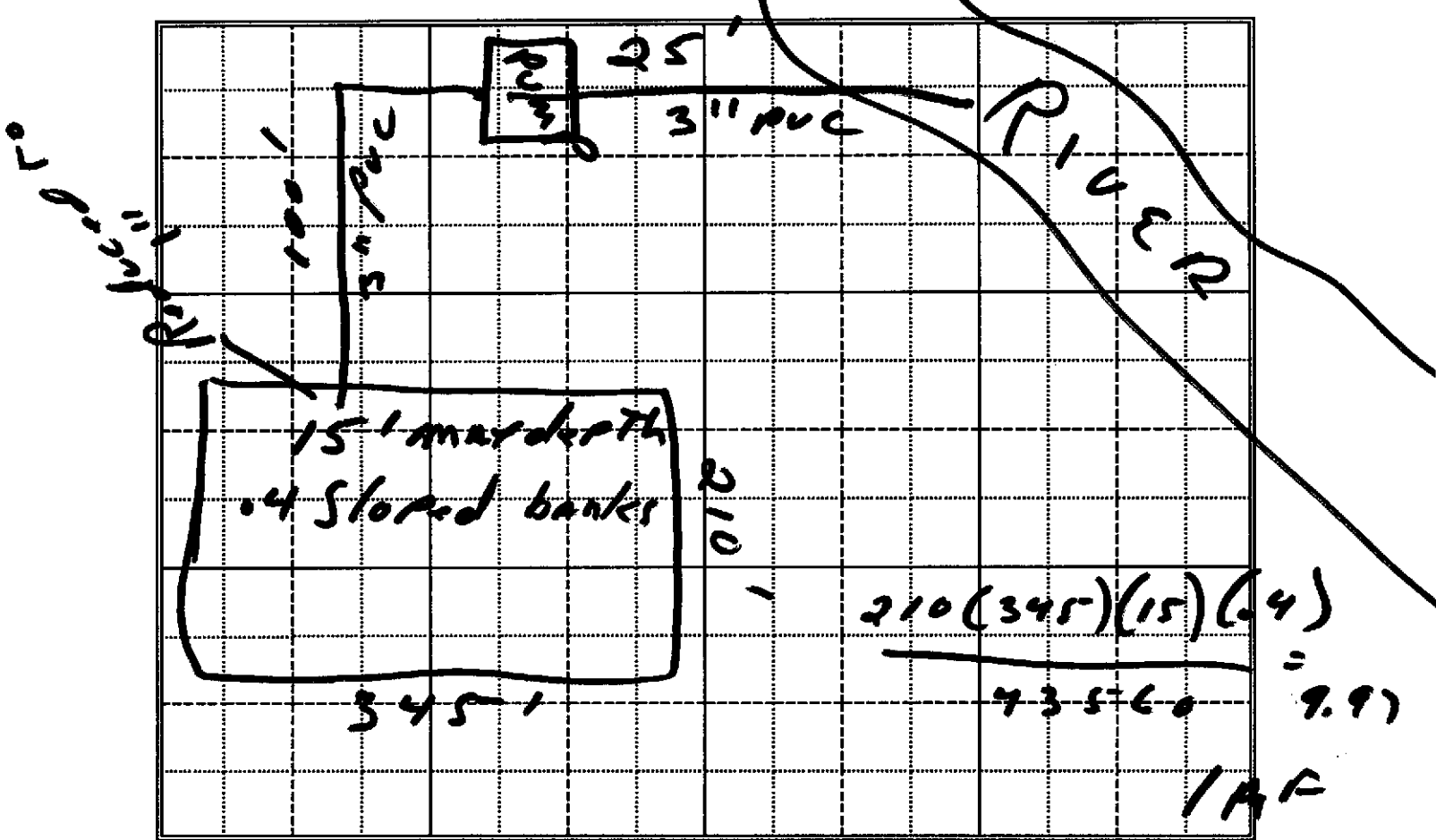
Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 57N | 05W | 23  |    |    |    |    |    |    |    |    |    |    | R  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    | W  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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



Scale: 1" = **NTS**

\_\_\_\_ 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   | 3  | not legible      | Baldor    | D45-117 3"                        |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



JAN 29 2003

E. NARRATIVE/REMARKS/COMMENTS

The irrigation portion of permit  
was never developed.  
Mr. Smart said that it may be  
developed at some future date, and  
that he would file again for that.

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

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## F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in approx 2.3 sec = 130 gpm  
 • Theoretical

$$\frac{8.8(3)(67)}{5 + (2.31 \times 25)} = \frac{18.48}{62.75} = .3 \text{ cfs}$$

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

### 2. Volume Calculations for Other Uses:

See system diagram

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use      | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|---------------------|---------------|-------|------------------------------|--------------------------|
|                     | From          | To    |                              |                          |
| Wildlife storage    | 01-01         | 12-31 |                              | 1                        |
| Rec Storage         | 01-01         | 12-31 |                              | 1                        |
| Division to Storage | 01-01         | 12-31 | 0.3 cfs                      |                          |
|                     |               |       |                              |                          |
|                     |               |       |                              |                          |
| Totals:             |               |       | 0.3                          | 1                        |

### 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 07-16-02

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

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JAN 29 2003

Williams, Wayne

Co  
Rd

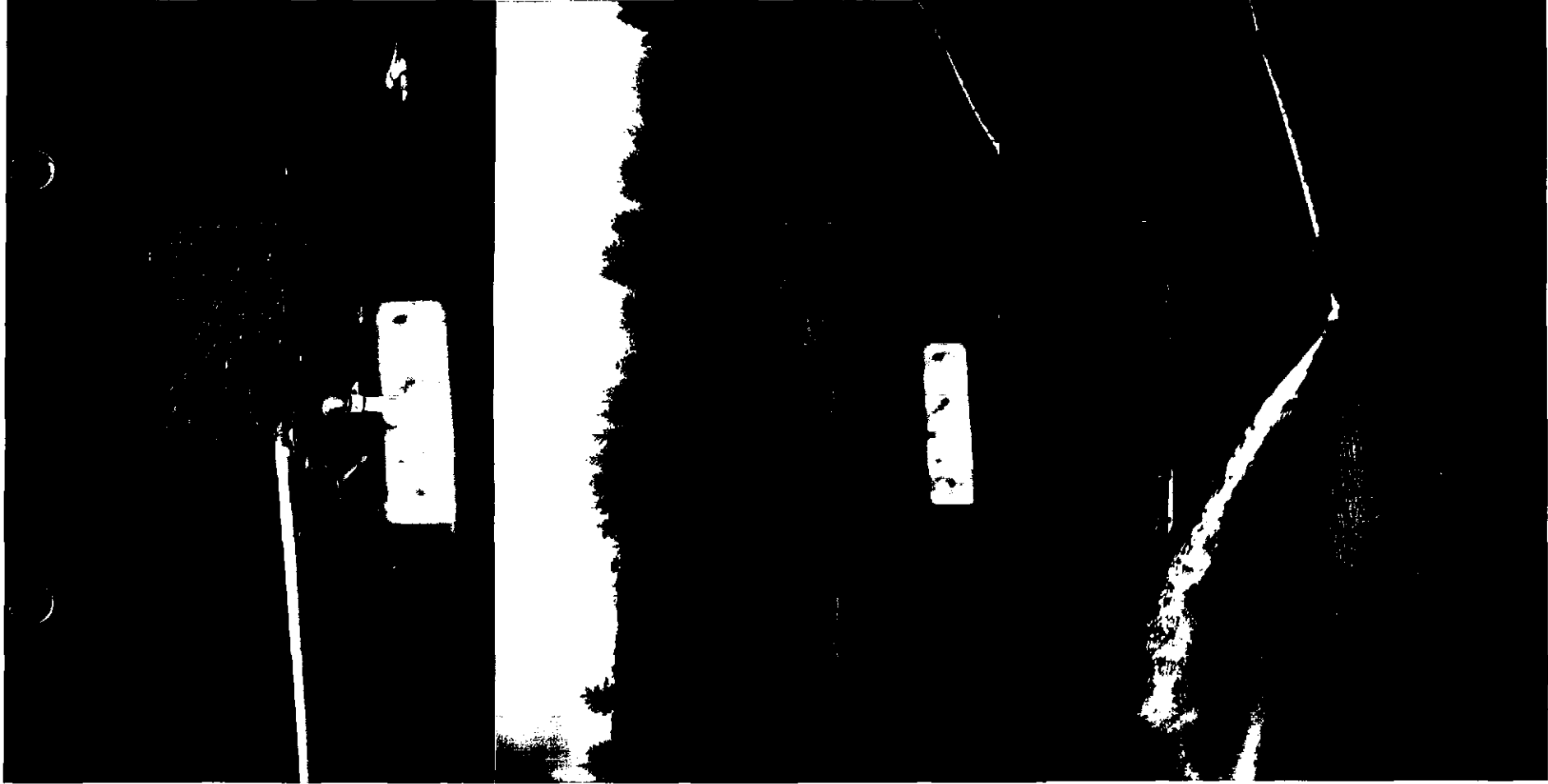
Pond  
Pond

97-074103

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JAN 29 2003

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JAN 29 2003

97-07403



Williams

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APR 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 26, 2002

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019

### PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07403

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 (w/encl.)

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JAN 29 2003

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 97-7403

Reviewed By: dgibson

Date: March 26, 2002

|                                   | <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.:                      |            | N013876,<br>N014825 | 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 | 01/28/2002   |
| Date proof due      | - 03/01/2002 |
| Lapse notice sent   | -            |
| No. of days late    | = 0          |
| Holiday allowance   | +            |
| Priority date       | + 08/10/2000 |
| New priority date   | = 08/10/2000 |

### Deficiencies of Actions Items

Acknowledge proof.

December 31, 2001

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE, WA 99019

PROOF DUE NOTICE

RE: PERMIT NO. 97-7403

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 March 01, 2002. (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.

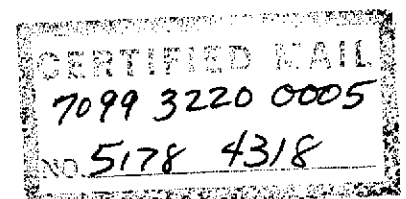
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures

MICROFILMED  
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](http://www.idwr.state.id.us)

March 16, 2001

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019

RE: Permit No. 97-7403

**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.

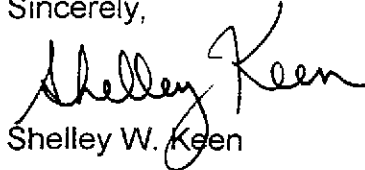
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29 2003

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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen". The signature is written in black ink and is positioned above the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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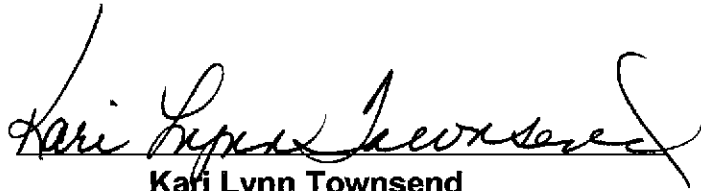
JAN 29 2003

**CERTIFICATE OF MAILING**

I hereby certify that on March 16, 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. 97-7403**

**WAYNE WILLIAMS  
424 S LAKESIDE  
LIBERTY LAKE WA 99019**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**JAN 23 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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**PETITION FOR RECONSIDERATION**

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**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

**Curtis, Sharla**

---

**From:** Beardslee, Allen  
**Sent:** Wednesday, February 21, 2001 11:42 AM  
**To:** Curtis, Sharla  
**Subject:** RE:

Sharla,

I spoke with Wayne Williams today and he said that 1.0 cfs would be a more realistic diversion rate for his permit.

Let me know if you need more,

Al

-----Original Message-----

**From:** Curtis, Sharla  
**Sent:** Monday, February 05, 2001 9:42 AM  
**To:** Beardslee, Allen  
**Subject:**

Hi Al. How's it going? I have an application I need some help with. After we prepared 97-07403 (in the name of Wayne Williams) for permit approval, Glen sent it back with a concern over the rate of diversion requested for filling of the small pond. The applicant requested 4.0 cfs to fill a 1 af pond.

If there is justification for the excessive rate, please send us some WRITTEN documentation so I can place it in the file and send it back up to Glen. If you don't know any reason for the requested rate, can you please work with the applicant to come up with a more reasonable rate and then send us the results (in writing again).

Thanks for any help you can give me with this one. Have a great week!

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JAN 29 2003

**Curtis, Sharla**

---

**From:** Graham, Bill  
**Sent:** Tuesday, December 26, 2000 5:12 PM  
**To:** ~~Curtis, Sharla~~ *file*  
**Subject:** Water Right Application No. 97-7403

Hello Sharla - I have reviewed this water right and offer the following:

- Priest      a)      This appears to be a tributary to the Lower West Branch Priest River, which in turn is a tributary to the River.
- Priest      b)      Regardless, this application would be junior to the Board's Minimum Stream Flow water right on the River, and the permit should be conditioned to reflect this.

Thanks - Bill G.

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1 JAN 29 2003

RECEIVED

DEC 21 2000

Department of Water Resources

# APPLICATION FOR PERMIT STATE OFFICE ANALYSIS Reviewed by Cindy Zimmerman on 12/6/00

No. 97-7403 Name: Williams Corp. Officers            Ad ok ✓ Govt Lots ✓

AREA OF CONCERN: (No/Yes)            Moratorium            GWMA            TRUST/NON-TRUST

## GROUNDWATER: (√Flow Chart)

### DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

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

42-248 Area - P84 (20s-70s, 81-86)

Swan Falls Flag -           

Trust - 051(P74) (consumptive uses)

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

## USES:

STORAGE\* - 18A-01H(P01), 01P-18B(P09) ~~NA~~

IRR ~~18A~~ - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac\* - ~~R62~~ R63/R64/R65 (0.02 cfs/ac)           

STOCKWATER - R37 (BLM/USFS)

MINING - 054-081(P10)

FISH PROP - 029(70'S only)-007-042-081(P10)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

## SURFACE WATER: (√Flow Chart)

F&G contacted

- Yes/No Response None

In above MSR

- WB9 Priest River

PLANNING REVIEW/RESPONSE

In-stream development P52

WD - R04 (WD#           )

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

## SPRINGS/SINK, INACTIVE WD & REST OF STATE:

≤ 0.24 cfs/5 acres - No MD

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

## RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

## USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R)

> 1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition

i.e. 1X/convenience store)

BENEFICIAL USE DUE: 12/01/01

## MISC CONDITIONS/REMARKS:

Protested - 020-W19

Development Period

≤ 1 yr

> 1 yr - (P16)

Ownership

Non-consumptive - 027

Water Quality - 081-R07

Multiple pd's per 1/4 - 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 4/1 - 10/31 (Per updated map)

## OTHER CONDITIONS/REMARKS

COMMENTS: 01M, R62, 004, WB9/Priest R.  
4.0 cfs to fill a 1.0 AF pond. Seems excessive; needs planning review

Paragraph Codes: P16, P52,

NOV 29 2000

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROVAL APPLICATION ANALYSIS SHEET

WCI  
BCA  
WRA

Department of Water Resources

APPLICATION # 97-07403

INITIAL REVIEW

APPLICANT: Wayne Williams BY: \_\_\_\_\_ DATE: 9/25/00

ITEM REQUIRED INFORMATION

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)

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 8/10/2000

\_\_\_\_ (Include Moratorium Remark)

\_\_\_\_ 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: \_\_\_\_\_

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: \_\_\_\_\_

GROUNDWATER SECTION

| WD Permit No.'s: | 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

Protests received, Final protest date: 10/23/00

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by: [Signature]

Date: 11/3/00

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Friday, October 06, 2000 10:30 AM  
**To:** 'Chip Corsi'  
**Subject:** perweek1.txt

Good morning, Chip. There is one water right on the attached list for which we need your comments. It is 97-07403 - Wayne Williams, source is a spring. The last date for protests to be received in our office is October 23, 2000. May we have your comments on or before that date please?

Thanks you very much, and have a great day and a marvelous LOOOONG weekend. Dianne



perweek1.txt.htm

*No response  
from 746*

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JAN 29 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Sheridan

being first duly sworn on oath

deposes and says that he/she is Bookkeeper

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:

Notice of Application

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

said paper for a period of 2 consecutive weeks,

commencing on 4 day of October, 1920

and ending on the 11 day of October, 1920

and that said notice was published in said newspaper.

On this 1 day of November, in the year

of 2000, before me, a Notary Public, personally

appeared Jeannie Sheridan,

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.

Carolyn L. Inga  
Notary Public for Idaho

Residing at Sanapoint

My Commission expires: 8/06

RECEIVED  
NOV 02 2000  
IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

97-07403

WILLIAMS, WAYNE

7289 HWY 57

PRIEST RIVER, ID 83856

Source: SPRINGS

Source: W FK PRIEST RIVER

Diversion Pt: SWSW

NESWSW

Use:

IRRIGATION

IRRIGATION STORAGE

IRRIGATION FROM STORAGE

WILDLIFE STORAGE

RECREATION STORAGE

DIVERSION TO STORAGE

Total Diversion:

(4.000 CFS)

(4.000 CFS)

(1.00 AF)

(1.00 AF)

(1.00 AF)

(1.00 AF)

Date Filed: 8/10/2000

In: BONNER County

T57N R05W S23

SWSW

SESW

6.4 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before OCTOBER 23, 2000.

KARL J. DREHER, Director

Legal 600943

Oct 4, 11, 2000

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JAN 29 2003

97-07403

WILLIAMS, WAYNE  
7289 HWY 57  
PRIEST RIVER, ID 83856

Source: SPRINGS  
Source: W FK PRIEST RIVER

Tributary: PRIEST RIVER  
Tributary: PRIEST RIVER

Diversion Pt:                    SWSW    Sec 23 T 57N R 05W in BONNER County.  
                                 NESWSW   Sec 23 T 57N R 05W in BONNER County.

|                         |   |            |   |          |
|-------------------------|---|------------|---|----------|
| Use: IRRIGATION         | ( | 0.120 CFS) |   |          |
| IRRIGATION STORAGE      |   |            | ( | 1.00 AF) |
| IRRIGATION FROM STORAGE |   |            | ( | 1.00 AF) |
| WILDLIFE STORAGE        |   |            | ( | 1.00 AF) |
| RECREATION STORAGE      |   |            | ( | 1.00 AF) |
| DIVERSION TO STORAGE    | ( | 4.000 CFS) |   |          |
| Total Diversion:        | ( | 4.000 CFS) |   |          |

Date Filed: 8/10/2000

In: BONNER County  
    T57N R05W S23                    SWSW                    SESW

6.4 ACRES TOTAL

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JAN 29 2003

September 27, 2000

Wayne Williams  
~~7289 Highway 57~~  
~~Priest River ID 83856~~

*Correct address for mailing per  
Environment West Inc.*

*Remailed 10/2/00 to: 424 S Lakeview  
Liberty Lake WA 99019*

Re: Water Appropriation Application No. 97-07403

Dear Mr. Williams:

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.

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

cc: C. E. Kramer, HCR-01 Box 437, Naples ID 83847

*A courtesy copy  
was sent to Agent:  
Environment West, Inc  
2015 N Argonne Rd  
Spokane WA 99217  
10/2/00  
B*

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JAN 29 2003

**FAX TRANSMITTAL**

**ENVIRONMENT WEST, INC.**  
**7015 N. ARGONNE RD.**  
**SPOKANE, WA 99217**  
**TELEPHONE: (509) 921-5555**  
**FAX: (509) 922-4134**

TO:

DATE: July 26, 2008FAX #: 208-267-3464

ATTENTION:

PROJECT:

Priest River - Wayne Williams

We are transmitting:

Legal Description

Mailing Address:

7289 Hwy 57  
Priest River, ID 83856

REMARKS:

☐ As Requested☐ For Your Use☐ For Your Information☐ For BiddingAgent for owner

Signed:

Number of pages including cover sheet

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JAN 29 2003

07/26/2000 12:21 5099224134

ENVIRONMENT WEST

PAGE 02

DATE- 6/29/98

FORM 001 11/97

List Number: 98-02078 IE 3:MU |Lst WrkBk:Not Appeared | ACTIVE FAIL  
 List Price: 357,000 | Area:0003 |Lst CmpBk:Not Appeared | Begin Date: 6/27/98

500,000 |Addr: HWY 57 PRIEST RIVER

DT: 6.0 PR DTCR/H:

Wtfrt PRIEST R

Apr Lot Sz: 145.00

NO PHOTO

Zone: RURAL CCRS: N

Survey Y/N: N

AVAILABLE

Spcl Assmt: N

Road Type: PUBLIC

Road Surf: PAVED

Sept Appr Date: NA

Septic: N Sewer: N N Gas: N

Elec: IN

Phone: I

Water: P

Water System: WELL

SPRING AVAILABLE

Treed| Y | Fenced| Y

Pasture| Y | Cable| N

Sign| Y | Slopes| YES

Dist to Cnty Rd 0

View MTN TERR

TOPO FLAT

MTGEE|

1st

2nd

Lender|

Balance|

Payment|

% Int|

Assume|

Taxes: 1515.00

YR 19 95

Legal:

ROLLING Meridian: B

[S 23 ] [T 57 ] [R 5W] Subdivision: NA

P# 57N05W230600

Directions: HWY 57 FROM PR 7 MILES. SIGN AND ARROW ON E.

Terms: OWC Terms Remarks: CASH OR SUBMIT FOR TERMS  
 Remarks: 145 ACRES, LOWER EAST BRANCH OF PRIEST  
 RIVER FLOWS THROUGH PROPERTY FOR OVER  
 HALF MILE. GREAT FISHING, HUNTING  
 HORSEBACKRIDING. SUPER EASY ACCESS.  
 OLD HOME, NO VALUE ADDED.  
 DIFFICULT TO FIND PARCELS THIS CLOSE IN,  
 BORDERS USFS AND STATE.  
 WELL AND POWER ARE IN . FIXER UPPER  
 HOUSE INCLUDED WITH NO ADDITIONAL CHARGE.  
 OWNER WILL CONSIDER SPLITTS OVER 20 ACRES.

OWNER: PR INVESTMENT

JAN 29 2003

[NA 4 %][BA 4 %][SA 0 %]

OLDOWN L. BANKER RESORT

263-6802 Rep: KIT CAVE

P# 165-1101