

J A C

32

Mile

6.2.4

IRRIGATED
PLACE OF USE

POINT OF
DIVERSION²⁹

MICROFILMED
JAN 29 2003

NEWMAN
T. 58N., R. 4W.

1400
THORE

17.21

15.02
15.02

4
4.25

5.50

WILDWOOD SHORES

WILDWOOD SHORE

See large Scale

REST

34.50

Robert L. Kugler 8300
157-545

SHAREN MOORE 116-380

Robert H. 7700
FE-19 7750
WMC Walker

5750

5800

GEORGE ADAMS 228-616
5100
5900

FE-4A
Leonard R. Huise

FE-4
PAUL HEUVEL 223-42

FE-18 Robert L. 9000
We own this
FE-17 9050
Point of diversion

33
36170
6170

FE-2
5401

FE-2-3
FRANCIS KUMU 333-226
6050

ERNEST A. VILLEGAS
LULIA L. EVANS 206-271

George R. 9110
137-543

6250

6330

6400

Priest River

JAN 29 2003
MICROFILMED

CANT. R-50-4W Sec 8 Sec 9 15.27 SF 1303/11 9

Amended Map of Sections 4, 5, 6, 8, 9, 10 Township N^o 58 North, Range N^o 4 West of T¹

G F E D C



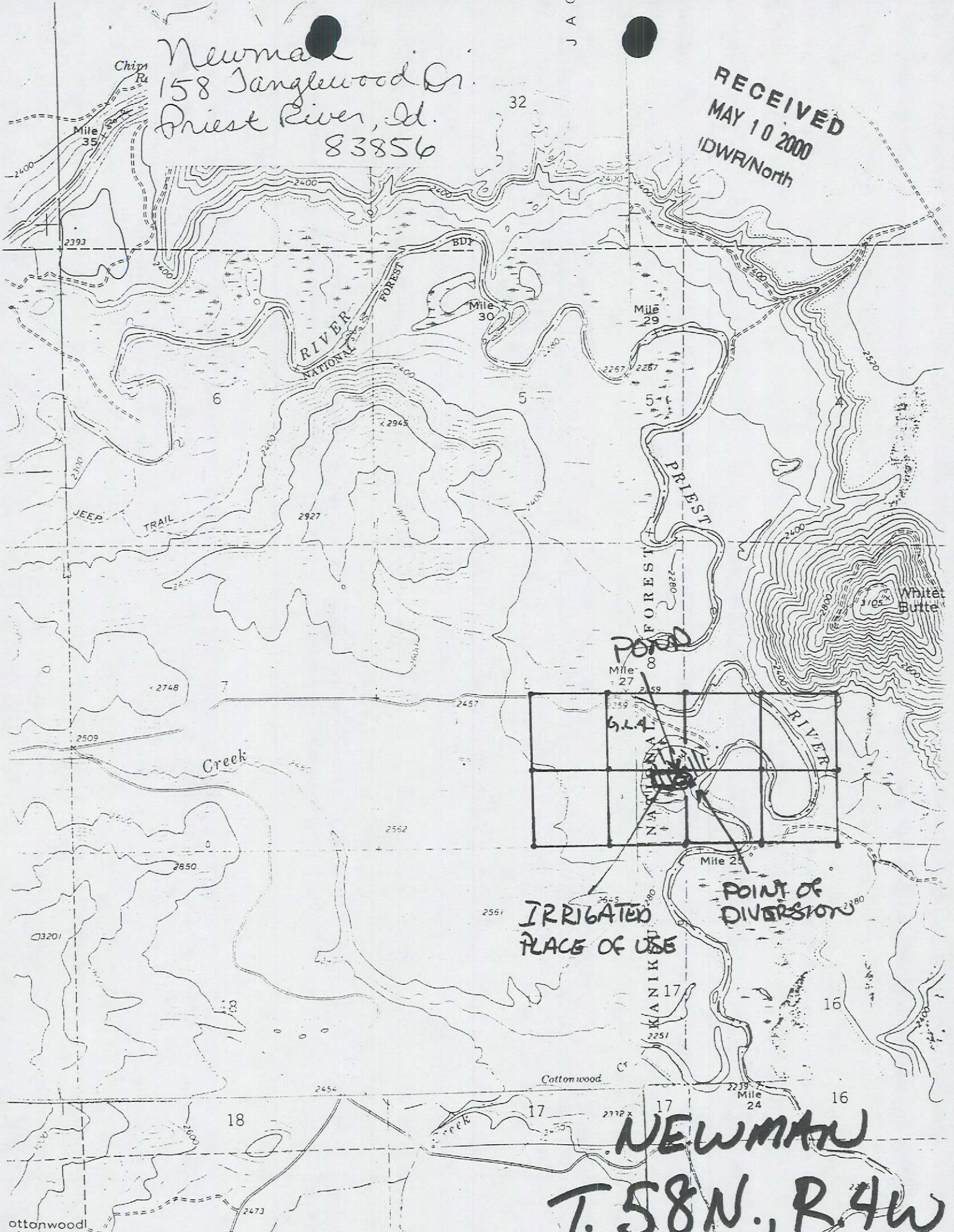
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IAN 29 2003

J A C

Newman
158 Janglewood Cr.
Priest River, Id.
83856

RECEIVED
MAY 10 2000
IDWR/North





pu



pu
Irr



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Irr



pu
Irr

97-07400

over →



Pu
Err



Pond
Rec

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

JAN - 2 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. 97-07400 Telephone No. 208 4481483

2. Name of Permit Holder(s): Robert & Sheryl Newman

3. Mailing Address: 158 Tanglewood Dr.

City Priest River State ID. Zip 83856

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

a. 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): 9 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.18 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes _____ or No ☒
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: Same as above Telephone Number: _____

Address: _____

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

Signature of permit holder: Sheryl Newman Date: 12-29-00
(include your title, if on behalf of company or organization)

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JAN 29 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07400

Priority: May 10, 2000

Maximum Diversion Rate:

0.18 CFS

This is to certify, that ROBERT NEWMAN
SHERYL NEWMAN

158 TANGLEWOOD DR
PRIEST RIVER ID 83856

has applied for a permit to appropriate water from:

PRIEST RIVER tributary of PEND OREILLE LAKE

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.18 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.18 CFS	
	Totals	0.18 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 8, Township 58N, Range 04W
SWSW , Sec. 9, Township 58N, Range 04W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
58N	04W	8	SESE	4.0		4.0
		9	SWSW	5.0		5.0

Total number of acres irrigated: 9.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2001.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. 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

Permit To Appropriate Water

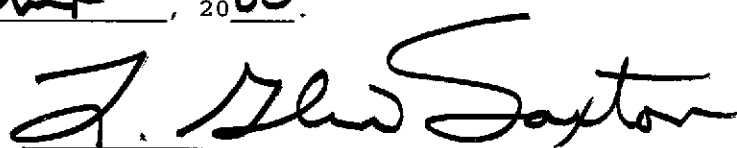
NO. 97-07400

CONDITIONS OF APPROVAL AND REMARKS

6. Water shall not be diverted under this right when flows in the Priest River are below established minimum stream flows.
7. Recreation use is for swimming and 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

27th day of November, 2000.



for Karl J. Dreher, Director

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JAN 29 2003

Ident. No. 97-07400

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 6 2000

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Robert and Sheryl Newman Phone 208 448 1483
Mailing address 158 Tanalewood Dr. / Priest River, ID. 83856
2. Source of water supply Priest River which is a tributary of Lake Pendoreille
3. Location of point of diversion is Township 29^{Sec} Range 58 N Sec. 4 W in the SW 1/4, SW 1/4, Govt. Lot Bonner, B.M., Bonner County;
additional points of diversion if any: T. 58 N, R. 4 W, Sec. 8, SE 1/4 SE 1/4
4. Water will be used for the following purposes:
 Amount 18 cfs for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
 (cfs or acre-feet per annum) 55
 Amount 18 cfs for diversion to Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum) 2
 Amount 1 A F for Storage for Ir. & Rec. purposes from Mar 15 to Nov 15 (both dates inclusive)
 (cfs or acre-feet per annum) 47
 Amount 1 A F for Ir. from Storage purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum) 47
 Amount 1 A F for STORAGE FOR REC 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) 18 cfs and/or (b) 1 acre feet
 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 water pump in
RIVER, PIPELINE TO PLACE OF USE.
 - b. Height of storage dam 0 feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Recreation pump & pipeline
is for swimming & fishing.

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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	
58N	4W	8																★	
		8																4	4
		9											★						
		9											5						5

★ = STORAGE FOR IRR. REL. DW. TO STORAGE
+ IRR. FROM STORAGE

Total number of acres to be irrigated 9

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? Robert / Sheryl Newman

b. Who owns the land to be irrigated or place of use? Same as above

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

12. Remarks: _____

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.

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JAN 29 2003

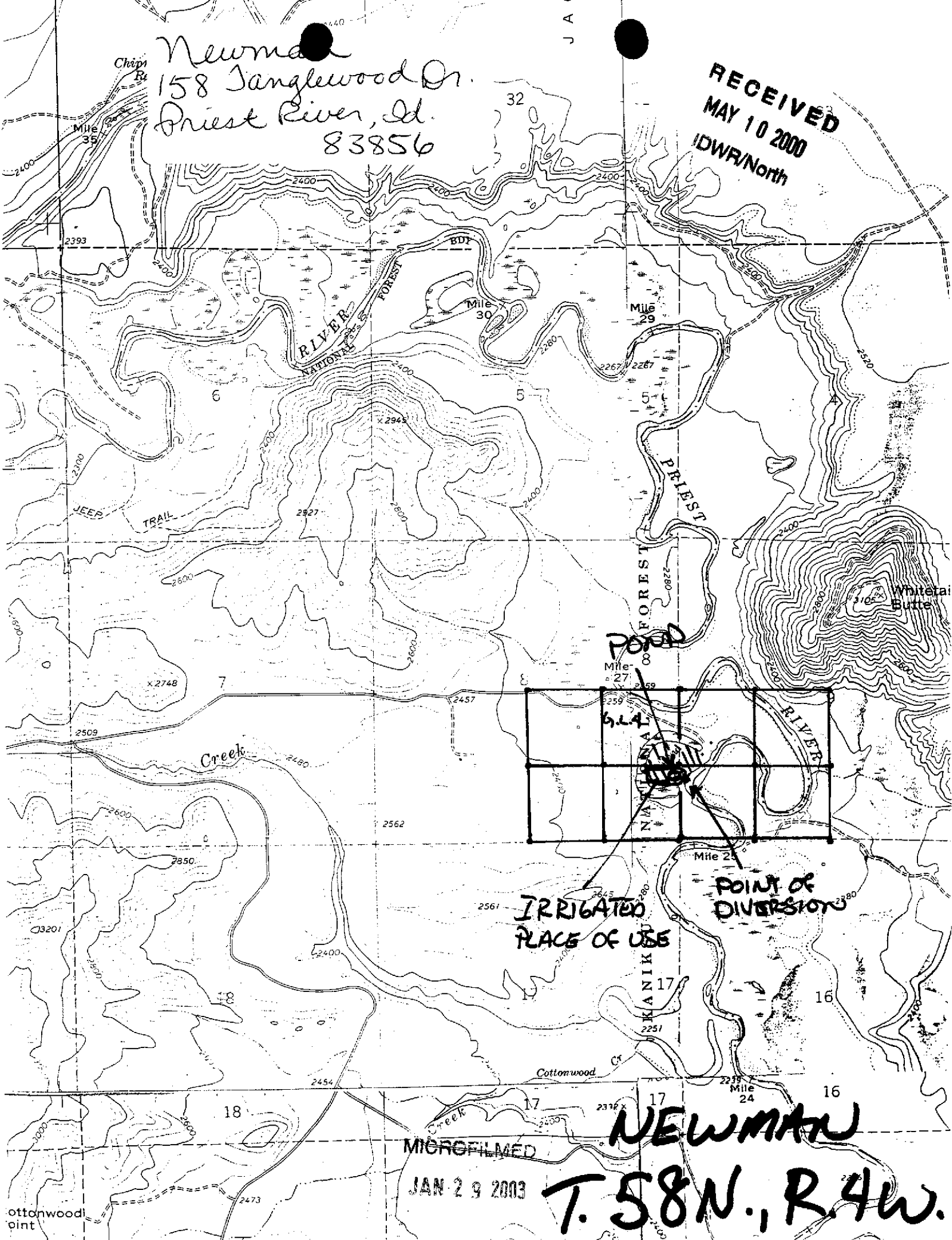
Sheryl Newman
Signature of Applicant (and title, if applicable)

Received by db Date 11/19/99 Time 120P Preliminary check by _____
Fee \$ 50.00 Received by db # N 013357 Date 11/19/99
Publication prepared by db Date 5/24/00 Published in Boyer Codex, Vol 6-1+8-00
Publication approved db Date 6/9/00

J A C

Newman
158 Janglewood Dr.
Priest River, Id.
83856

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MAY 10 2000
IDWR/North



IRRIGATED
PLACE OF USE

POINT OF
DIVERSION

MICROFILMED
JAN 29 2003

NEWMAN
T. 58N., R. 4W.

cottonwood
point

1400
THEODORE

17.21

15.02
15.02

4
4.25

5.50

CE + MARABEL B
1900-1900
50-1

Robert G. Cushing
163-452

79-
Terence Clarke

78-
George Ringo 138-406

WILDWOOD SHORES

4
34.50

WILDWOOD SHORES
See large Scale

REST

FE-2
8200
ROBERT + GENE CONANT
212-111

FE-2
8100
ROBERT + BARBARA CONANT
270-347

FE-22
Robert L. Kugler
157-545

FE-21 7600
SHAREN MOORE
116-380

FE-2 7700
Robert H. Jancy
FE-19 7750
WMC Walker

5750
5800

FE-1
GEORGE ADAMS
228-616
5100
5900

FE-14
Leonard R. Huise

FE-4
PAUL MEUNEL
223-42

FE-18 Robert L. Huise
We own this
FE-17 Robert L. Huise

FE-18 Robert L. Huise
9000
Point of diversion
9050
6170

6170
6250

FE-2-2
5901
END M. D. 100-500

FE-14
100-100
100-100

FE-2
ERNEST A. VILLEGAS
LULIA L. EVANS
206-171

FE-18
George R. Huise
137-543

FE-18
7500
Robert L. Huise

6250
6330

FE-2-3
6050
FRANIS KUH
383-226
FE-2-4
6450

JAN 29 2003
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88-1
100-100
100-100

FE-18
9000
Robert L. Huise

FE-18
7500
Robert L. Huise

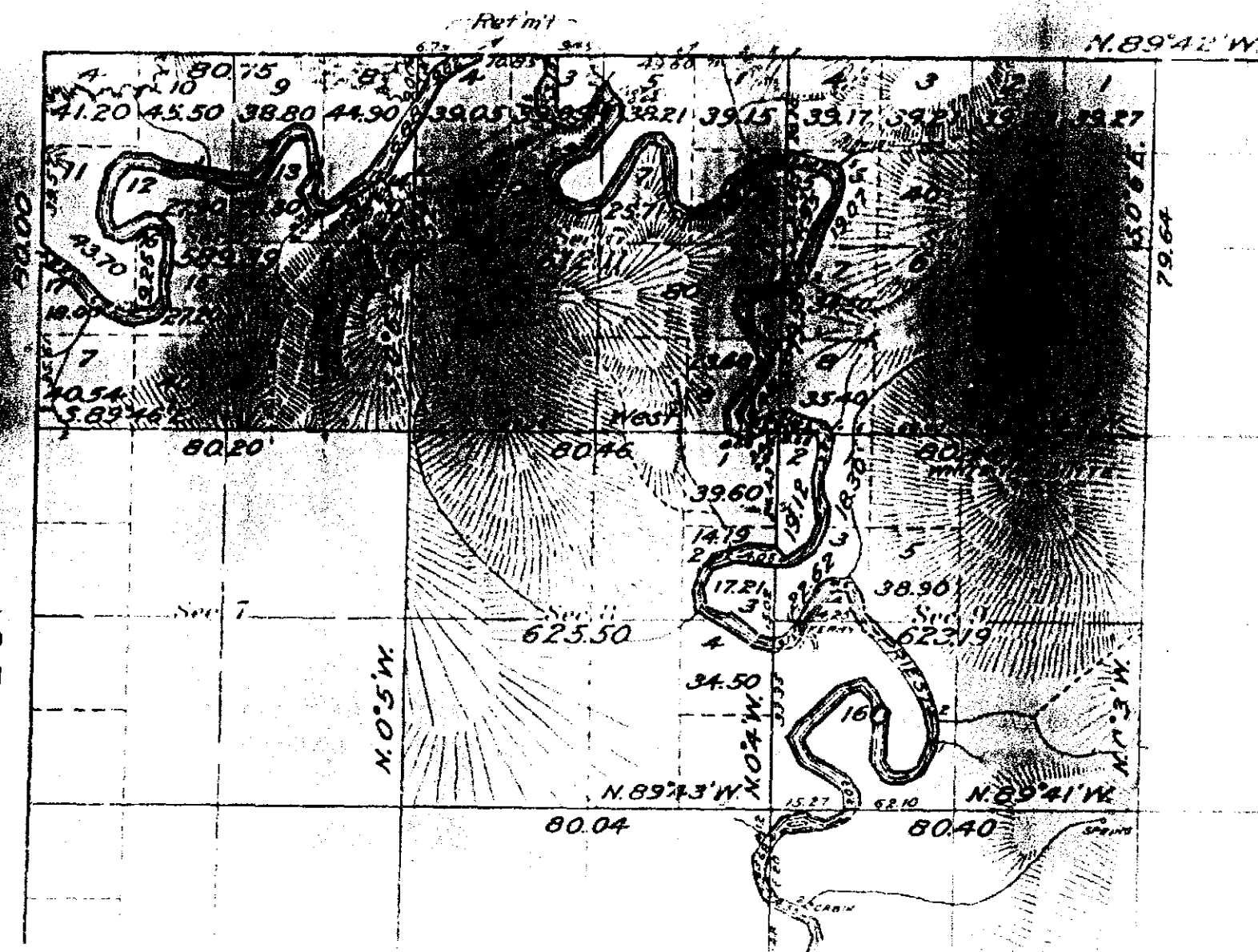
6400
6400

FE-2-4
6450
FE-2-5
6450

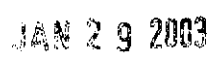
CANT. 8-50R-4W 50-60 15.27 SE 13.03 N 9

Amended Map of Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

G F E D C B A

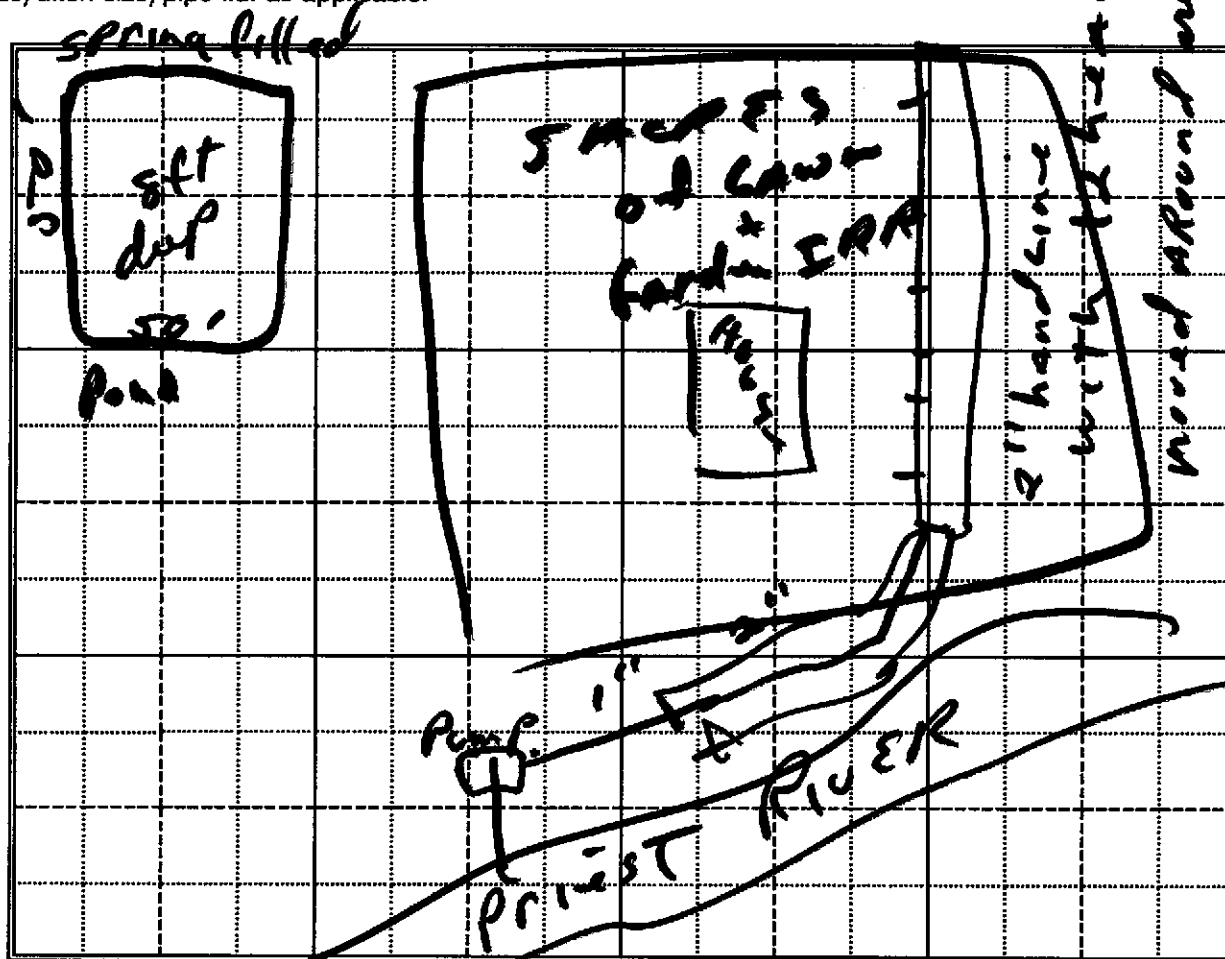


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[illegible]

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



Scale: 1" = 100'

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

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

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Honda	5.5	—	North Star	10621

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

D. FLOW MEASUREMENTS

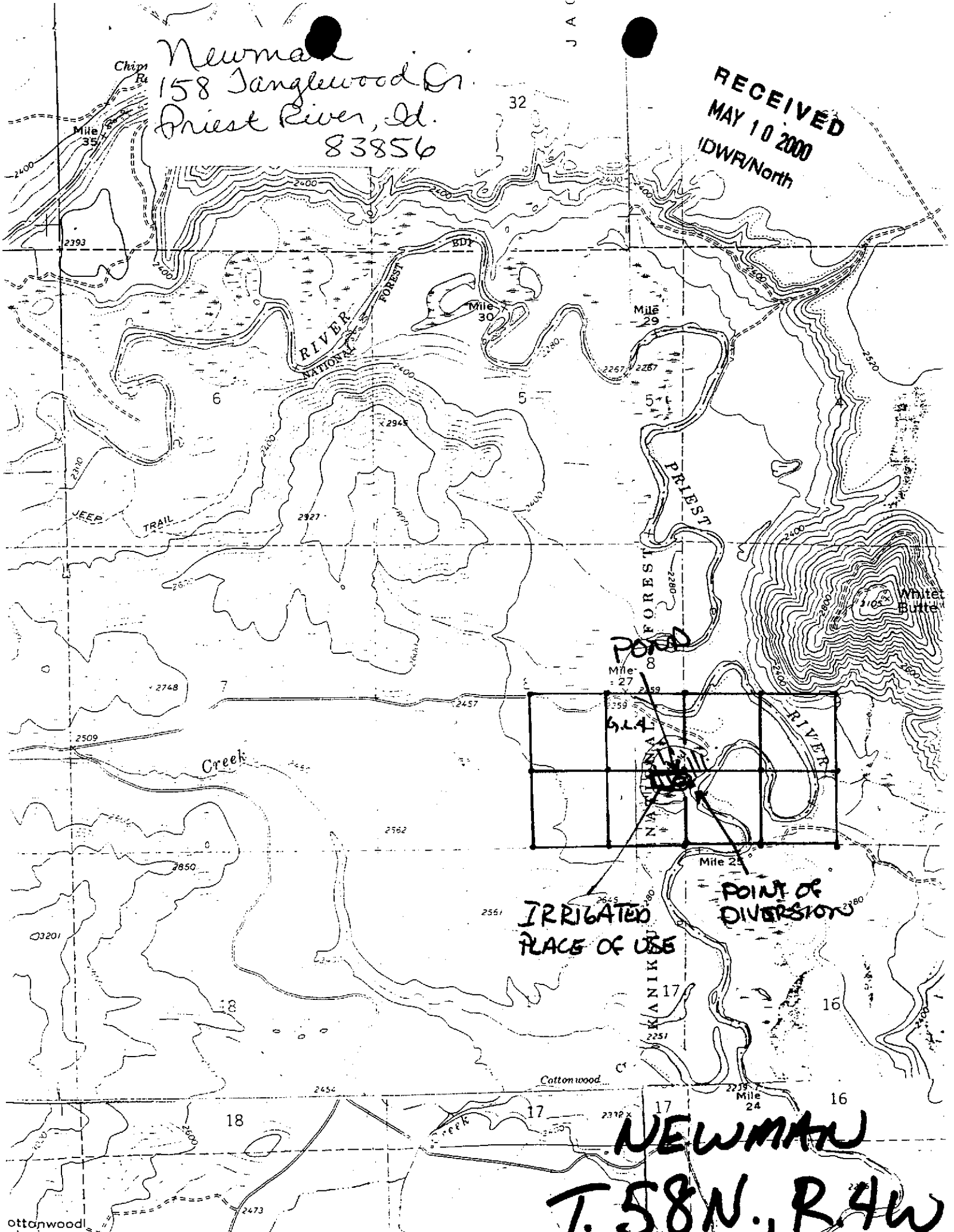
1.

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

2. Measurements:

Newman
158 Janglewood Cr.
Priest River, Id.
83856

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MAY 10 2000
IDWR/North

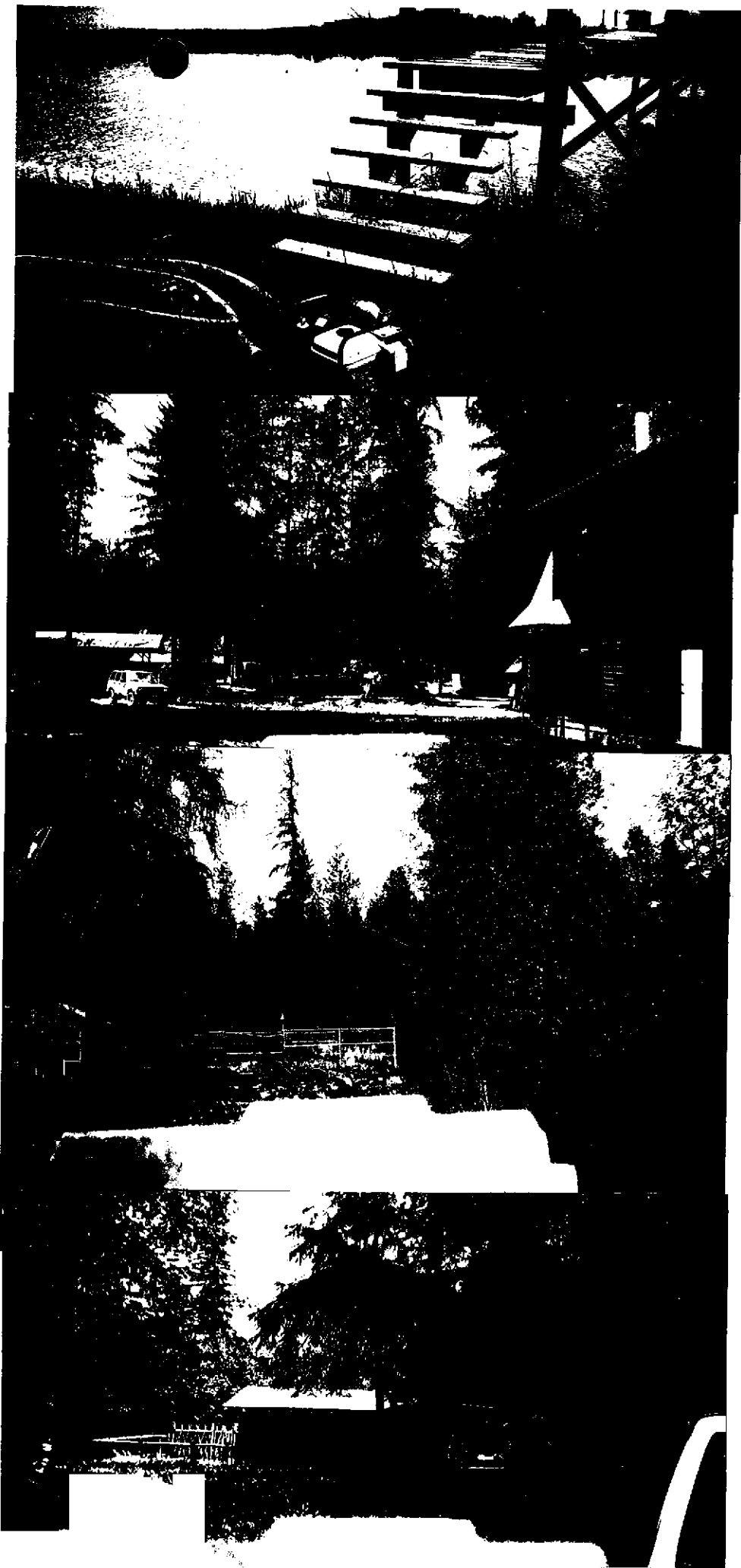


NEWMAN
T. 58N., R. 4W

PD

97-07400

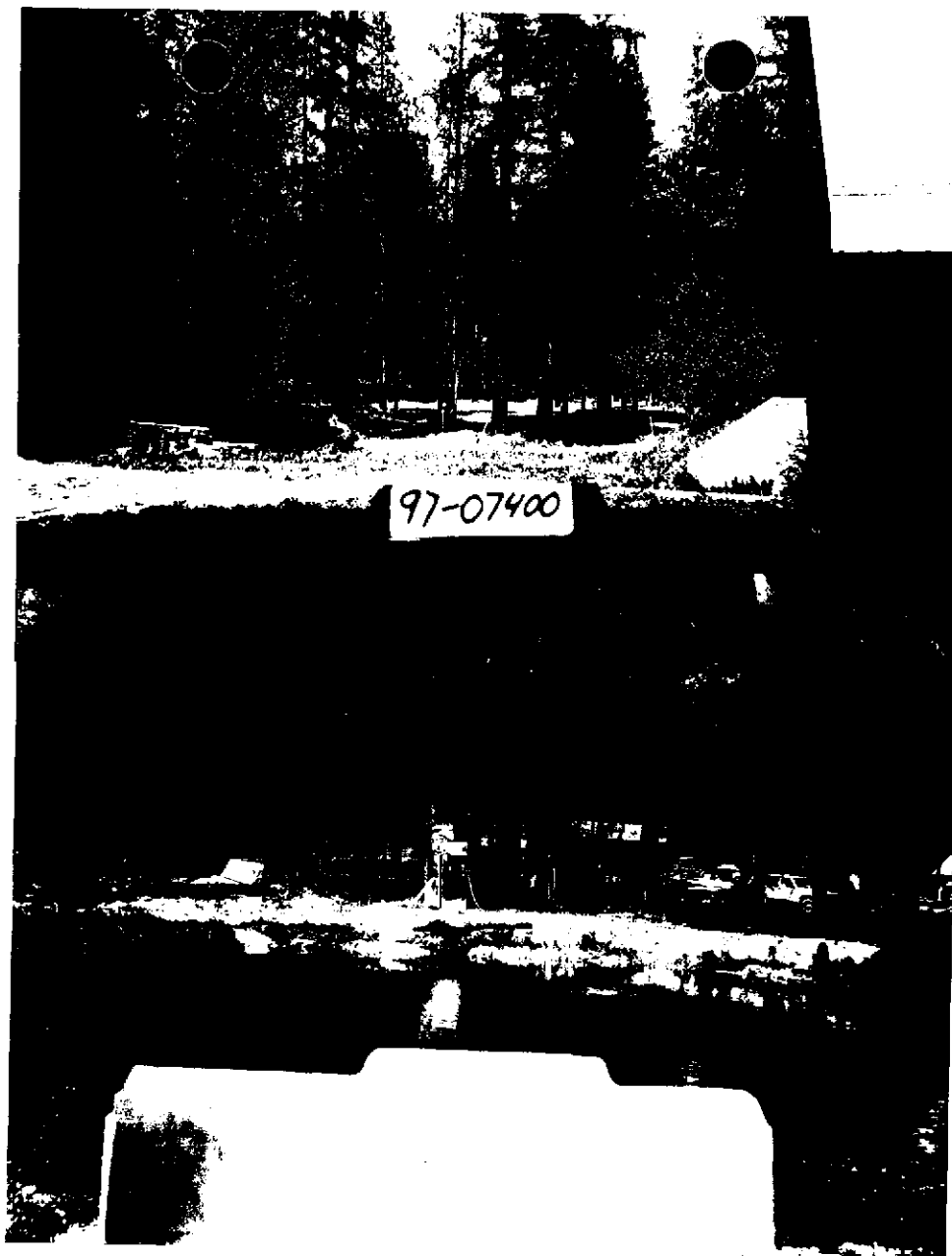
over →



PV
Irr

PV
Irr

PV
Irr



PU
Err

Pond
Rec

E. NARRATIVE/REMARKS/COMMENTS

The pond on this permit is for RCR they do not pump from pond for irrigation. The pond is filled by a spring in pond.

100 ft. The irrigation is from the river. The 5.5 Honda gas powered pump has a 2" discharge reduced to 1" then to a 2" aluminum line that has 12 9/16 heads. This line is piped around acreage 164 5 acres of which are irrigated. Towns for

Ops:

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

F. FLOW CALCULATIONS

Measured Method:

5 gal bucket 69 running 40/65
Additional Computation Sheets Attached
with hose over nozzles Avg out. To 3.7 gpm per head
 $3.7 \times 12 = 44.4 \times 1.33681 = .698 = 1 \text{ cfs}$
60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \times 3 = 15$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .1 \times 213 \times 1.9835 = 42.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 15$$

2. Volume Calculations for Other Uses:

10' 8' Pond

$$\frac{50 \times 50 \times 8}{43560} = .459 = .5 \text{ AR}$$

50' Pond is machine dug banks ARE pretty much vertical

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	04-01	10-31	.1	15
Recreation	01-01	12-31		.5
Recreation Storage	01-01	12-31		.5
Totals:			.1	15.5

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 Baldare Date 6-26-01

Reviewer

Date

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 23, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBERT NEWMAN
SHERYL NEWMAN
158 TANGLEWOOD DR
PRIEST RIVER ID 83856

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07400

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 this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **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.: 97-7400

Reviewed By: dgibson

Date: January 23, 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.:		C051672	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		01/02/2001
Date proof due	-	12/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/10/2000
New priority date	=	05/10/2000

Deficiencies of Actions Items

Acknowledge proof.

Idaho Department of Water Resources Receipt

Receipt ID C051672

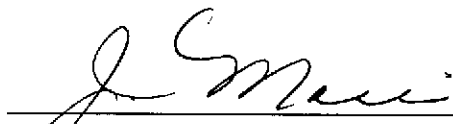
Payment Amount	\$50.00	Date Received	1/2/01 10:15:23 AM	Region	State	Status
Payment Type	Check	Check Number	2880			

Payer ROB NEWMAN CONSTRUCTION

Comment WATER RIGHT # 97-07400

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED

JAN 29 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 27, 2000

ROBERT NEWMAN
SHERYL NEWMAN
158 TANGLEWOOD DR
PRIEST RIVER ID 83856

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07400

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 IDWR 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 at least sixty days prior to the commencement of work in the stream.

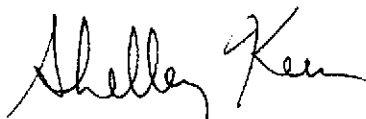
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

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JAN 29 2003

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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JAN 29 2003

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 97-07400

ROBERT NEWMAN
SHERYL NEWMAN
158 TANGLEWOOD DR
PRIEST RIVER ID 83856


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 Cindy Zimmerman on 10/31/00

No. 97-07400 Name: Newman Corp. Officers NA Ad ok X Govt Lots ✓

AREA OF CONCERN: No ~~As~~ NA Moratorium NA 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 < 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 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

SURFACE WATER: (√Flow Chart)

✓ F&G contacted

✓ In/Above MSF

PLANNING REVIEW/RESPONSE

✓ In-stream development

- WD

≤ 0.20 cfs/others

> 0.20 cfs

Yes Response

- WB9 Priest River 97-7380

none in file

P52

- R04 (WD#)

- 01H(P01), 01P or No MD

- 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- No MD

- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01)

(02,03)

Payette R (65)

Salmon R (70's)

Weiser R (67)

- W22(P04), N/A

- 007 (w/ remark WB9 if above Weiser)

- 047(P04) (Payette Lake)

- 029 (fish screens)

- 086-087

USES:

POWER

MUNICIPAL

Restricted area

Irr., GW supp to SW

DOMESTIC

Surface water

> 1 in restricted area

Irr use listed separate

Moratorium approvable

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

- 022,075

- 102

- WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R)

- 070-071-075 (no parks/common areas, etc)

- WB5

- W03 (2500 gpd ~ meets domestic definition

i.e. D/convenience store)

BENEFICIAL USE DUE: 12 / 01 / 01

MISC CONDITIONS/REMARKS:

Protested

- 020-W19

✓ Development Period

≤ 1 yr

> 1 yr

Ownership

Non-consumptive

Water Quality

P16

- 26A(P17)

004

- 027

- 081-R07

Multiple pd's per 1/4/4

Subd lot desc (pd)

Subd lot desc (pu)

Use definitions

Pre-1987 development

Single p/d intended

- W32

- W59

- W60

- W02 example - S/50 range

- 068-074 (allow 120 days for proof due)

- 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS Needs Planning response.
* date filed advertised incorrectly - NOT FATAL

Keen, Shelley

From: Keen, Shelley
Sent: Monday, November 13, 2000 9:24 AM
To: Graham, Bill
Subject: Applications for private recreational use

Bill,

Thanks for getting back to me with your thoughts on the Northern Region applications.

I got your message expressing concern about application 97-07400, which proposes appropriating water for private recreation use. You are welcome to submit information to be evaluated under Water Appropriation Rule 45.01.e.ii. Otherwise, I will process this application with the usual remark reminding the right holder that the use is subject to the established minimum stream flow.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

MICROFILMED

JAN 29 2003

Keen, Shelley

From: Graham, Bill
Sent: Friday, November 10, 2000 1:36 PM
To: Keen, Shelley
Subject: RE: Application 97-07400

Shelley - Although this one does not have a large diversion quantity, I have a problem with the diversion of a public resource for a private recreation resource, especially where it may affect a minimum streamflow. If this isn't reason enough to not approve this application, then please add the standard minimum streamflow condition. Thanks - Bill G.

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

From: Keen, Shelley
Sent: Tuesday, October 24, 2000 10:14 AM
To: Graham, Bill
Cc: Zimmerman, Cindy
Subject: Application 97-07400

<< File: Doc5.doc >>

Bill,

Here's another application for you to look at. Thanks for your quick turnaround on the others.

Shelley

MICROFILMED
JAN 29 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 6 2000
WRI
BCA
WRA

APPLICATION # 97-07400
INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: Newman BY: AS DATE: 5/10/00

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

PROCESSING

- (Yes)(No) PRIORITY DATE: 5/10/00
fmap received
- X (Include Moratorium Remark)
 - X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Banner 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:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
<u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()
<u>1</u>	Dom. Non-Dom.	Paid \$		Y () N ()

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

Remarks: NO GOVT. LOTS-18

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- 6/9 X Notice of pending void order issued. Final order response date: _____
- 6/9 X Further information required from applicant
- 6/9 X Affidavit of publication received
- 5/24 X Application published correctly. If not, record action taken: Used for Record 1/5/00
- X Publication dates and paper recorded on application | Sr. Agent initial 6/19/00
- X Protests received, Final protest date: _____
- X Measuring device required
- X Measuring port required
- X Special conditions:
- X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: 29H Date: 8/17/2000



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Dirk Kempthorne/Governor
Rod Sando/Director

RECEIVED

May 26, 2000

JUN 02 2000

IDWR/North

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 97-07400 NEWMAN / PRIEST RIVER

We have reviewed the proposed diversion of 0.18 cfs from Priest River for irrigation and recreation purposes. Provided the diversion is adequately screened (mesh size of 0.25 inches or less; approach velocity of 0.5 feet per second or less) to prevent entrainment of fish, and any diversion structure employed does not prevent fish passage or otherwise significantly impact fish habitat, we have no objection to the granting of the water right.

The applicants should be aware that if they intend to stock the pond with fish, a permit will be required from the Department.

Thanks for the opportunity to comment.

Sincerely,

Greg Tourtlotte
Regional Supervisor

GIT:CEC:kh

C: Tracey Trent, IDFG, Boise

MICROFILMED
JAN 29 2003

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 17, 2000 9:37 AM
To: 'Chip Corsi'
Subject: perweek1.txt



perweek1.txt.url

Good morning, Chip,

There are two Water Rights at the end of this list that are from surface water:

95-09047 for Pagel - final protest date on this one will be 6/26/00

and 97-07400 for Newman - final protest date on this one will be 6/19/00

We need your response on these before the respective final protest dates.

Thank you very much.

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>

MICROFILMED

JAN 29 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk 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:

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 1 day of June, 1900
and ending on the 8 day of June, 1900
and that said notice was published in said newspaper.

On this 8 day of June in the year
of 2000, before me, a Notary Public, personally
appeared Sherilyn Plunk,
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 R. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 7/00

RECEIVED
JUN 09 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:
96-09048

LUNSFORD, KEVIN
LUNSFORD, JILL
607 MOOSE RIDGE
ATHOL, ID83801
Source: GROUNDWATER
Diversion Pt: NWNE Sec 29 T 54N
R 02W in BONNER County.

Use: IRRIGATION (0.100 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.140 CFS)

Date Filed: 5/16/2000
In: BONNER County
T54N R02W S29 NWNE
10.0 ACRES TOTAL
97-07400
NEWMAN, ROBERT

NEWMAN, SHERYL
158 TANGLEWOOD DR
PRIEST RIVER, ID 83856
Source: PRIEST RIVER
Tributary: PEND OREILLE LAKE
Diversion Pt: SESE Sec 8 T 58N R
04W in BONNER County.
SWSW Sec 9 T 58N R 04W in
BONNER County.
Use: IRRIGATION (0.180 CFS)
IRRIGATION STORAGE
(1.00 AF)
IRRIGATION FROM
STORAGE (1.00 AF)
RECREATION STORAGE
(1.00 AF)
DIVERSION TO STORAGE
(0.180 CFS)
Total Diversion: (0.180 CFS)

Date Filed: 5/10/2000
In: BONNER County
T58N R04W S08 SESE
S09 SWSW
9.0 ACRES TOTAL

For additional information con-
cerning 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 JUNE 19,
2000.

KARL J. DREHER, Director
Legal SNP#1813
June 1, 8, 2000

MICROFILMED

JAN 29 2003

97-07400

NEWMAN, ROBERT
NEWMAN, SHERYL
158 TANGLEWOOD DR
PRIEST RIVER, ID 83856

Source: PRIEST RIVER

Tributary: PEND OREILLE LAKE

Diversion Pt:	SESE	Sec	8	T 58N R 04W in BONNER County.
	SWSW	Sec	9	T 58N R 04W in BONNER County.

Use: IRRIGATION	(	0.180 CFS)	
IRRIGATION STORAGE			(1.00 AF)
IRRIGATION FROM STORAGE			(1.00 AF)
RECREATION STORAGE			(1.00 AF)
DIVERSION TO STORAGE	(	0.180 CFS)	
Total Diversion:	(	0.180 CFS)	

Date Filed: 5/10/2000

In: BONNER County	
T58N R04W S08	SESE
S09	SWSW

9.0 ACRES TOTAL

MICROFILMED

JAN 29 2003

May 24, 2000

Robert and/or Sheryl Newman
158 Tanglewood Dr
Priest River ID 83856

Re: Water Appropriation Application No. 97-07400

Dear Mr. and Mrs. Newman:

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 N013357.

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

MICROFILMED

JAN 29 2003

WR0749NP
No. 97-07400

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/11/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT NEWMAN	05/10/2000	IRRIGATION	03/15 11/15	0.180 CFS	
C	SHERYL NEWMAN		IRRIGATION STORAGE	03/15 11/15		1.00 AFA
	158 TANGLEWOOD DR		IRRIGATION FROM STORAGE	03/15 11/15		1.00 AFA
	PRIEST RIVER ID 83856		RECREATION STORAGE	01/01 12/31		1.00 AFA
	(208) 448-1483		DIVERSION TO STORAGE	01/01 12/31	0.180 CFS	
TOTAL DIVERSION:					0.180 CFS	

Water Source: PRIEST RIVER

Tributary to: PEND OREILLE LAKE

Stage: APPLICATION

Point(s) of Diversion:	T58N R04W S08	SESE	BONNER County
	S09	SWSW	BONNER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SESW	: NESE				NWSE	SWSE	SESE	:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
58N	04W	8	:					:						:								:	4.0
58N	04W	9	:					:						:	05							:	5.0
TOTAL ACRES																					9.0		

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: BONNER

Remarks: GEN Recreation use is for swimming and fishing.

Dates:	App. Received:	05/10/2000	Priority Date:	05/10/2000
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

Comments: Date: 05/11/2000 User-ID: DBALL Subject: Examiner's notes.
Pump in river, pipeline to place of use.
Time required 1 year.

Audit: 05/11/00 DBALL