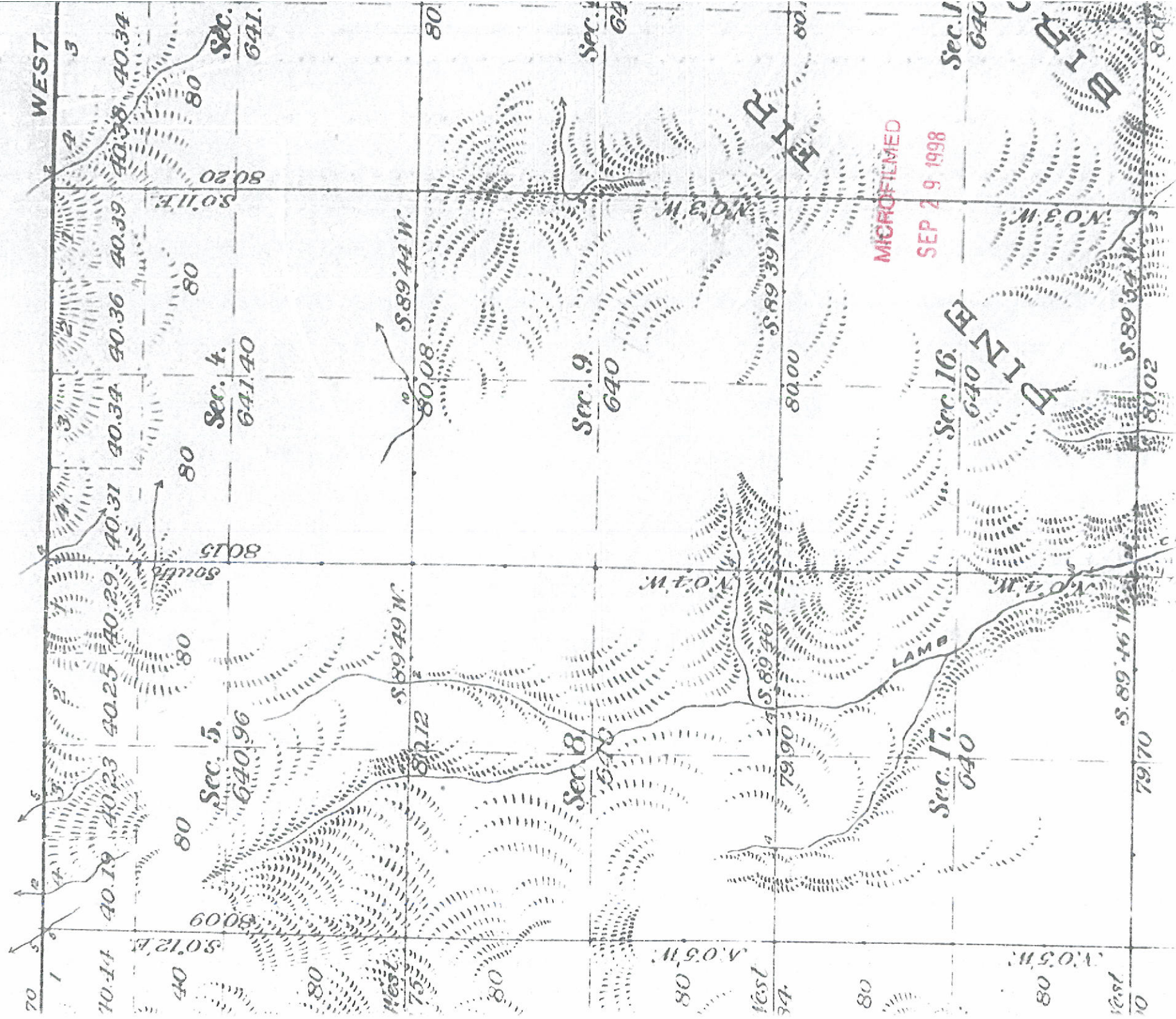
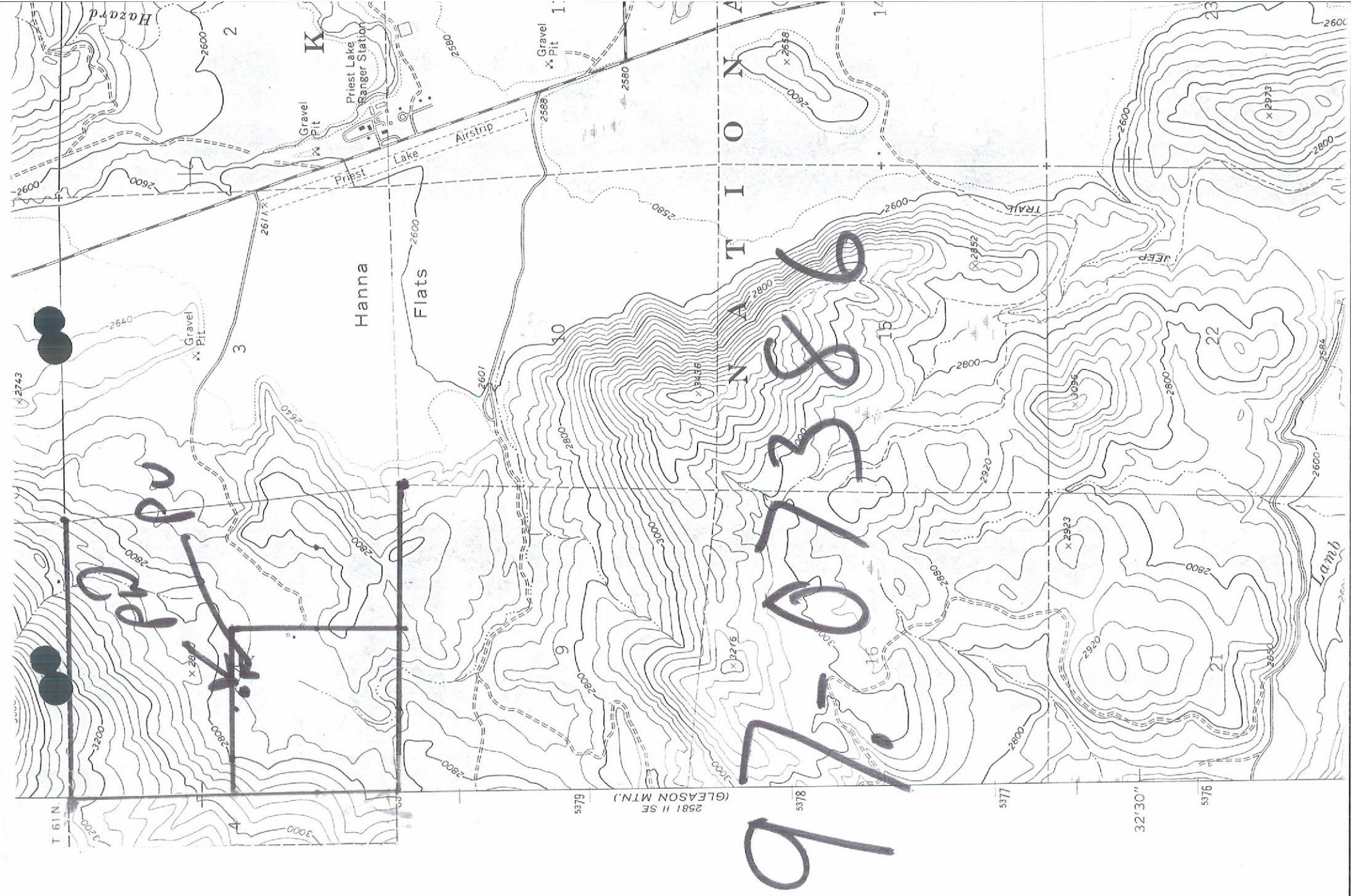




E d





Looking Across base



Standing on base looking across pond



97-07386

Holmes

JUL-14-00 FRI 03:45 PM

Form No. 217
12/99

RECEIVED

JUL 31 2000

Department of Water Resources

P. 03

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. NO 13218
Receipt By: CB
Date Received: 7/18/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUL 18 2000
IDWR/North

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. 97-07386 Telephone No. 208-448-1140
2. Name of Permit Holder(s): D. BRUCE FRENCH
3. Mailing Address: PO Box 273
City PRIEST RIVER State ID Zip 83856
4. Source of Water: UNNAMED CRK 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: WILDLIFE, RECREATION, FIRE STORAGE
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 1.4 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 _____
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: TOM HOLMES Telephone Number: 208-773-2780
Address: 2705 MARINE DR., POST FALLS, ID 83854
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: _____

(include your title, if on behalf of company or organization)

Date: 7/15/00

MICROFILMED

JAN 31 2001

RECEIVED

AUG - 3 2000

For Office Use Only

\$25.00 Filing Fee

Receipt # NO13841Date 7/26/00 *b*RECEIVED
AUG 01 2000
IDWR/NorthDepartment of Water Resources
State of Idaho

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

RECEIVED

JUL 18 2000

IDWR/North

I, D. BRUCE FRENCH, hereby assign to Tom HOLMES
(Permit Holder)
 of 2705 MARINE DR., POST FALLS, ID 83854, 208-773-2780
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 97-07386
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 97-07386 to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

ALL EXCEPT 4" BASED PIPE THROUGH DAM *SBQ*
7/27/00

Made this _____ day of _____, 19____.

[Signature]
 Permit Holder(s)

State of Idaho)

County of Donner ss

On this 17th day of July, 2000, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

[Signature]
 Notary Public

SEAL

My commission expires: March 2003

Peggy Lee A Smith
 Signature

MICROFILMED
 JAN 31 2001

RECEIVED

AUG 09 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 97-07386 Telephone No. 208-448-1140 Days
2. Name(s) of Permit Holder(s): D. BRUCE FRENCH
3. Mailing Address: PO Box 273, Priest River, ID. 83856
4. Source of Water: SPRING-FED CREEK If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: N/A Drilling Permit Number: ____ - ____ - ____ - ____
 - b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____
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: STORAGE FOR FIRE, WILDLIFE & RECREATION
6. Total rate of diversion and/or volume for which proof is submitted: ____ cfs OR 1.4 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 <u>X</u>
	Has the measuring device been installed?	Yes ____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ____	or	No <u>X</u>
	Has the measurement port been installed?	Yes ____	or	No <u>X</u>
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: BRUCE FRENCH Telephone Number: 208-448-1140 Days
Address: PO Box 273, Priest River, ID 83856

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

Signature of permit holder: [Signature]

Date: 7/15/99

(include your title, if on behalf of company or organization)

NOT FILMED
FEB 04 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 97-07386)
)
IN THE NAME OF D BRUCE FRENCH)
_____)

ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before August 1, 1999; and,

WHEREAS, the Department notified the permit holder on May 31, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

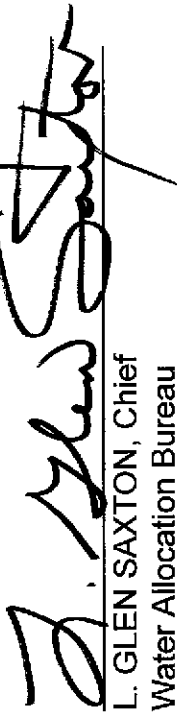
WHEREAS, the Department sent the permit holder a lapse notice on August 6, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 4, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 97-07386 is
REINSTATED with an advance in priority to **June 8, 1998**.

DATED this 6th day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
FEB 04 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07386

Proposed Priority: June 5, 1998

Maximum Storage Volume:

1.4 AF

This is to certify, that D BRUCE FRENCH

PO BOX 273

PRIEST RIVER ID 83856-0273

has applied for a permit to appropriate water from:

UNNAMED CREEK

tributary of SINKS

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>
WILDLIFE STORAGE	01/01 to 12/31		1.4 AF
RECREATION STORAGE	01/01 to 12/31		1.4 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.4 AF
	Totals		1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 4, Township 60N, Range 05W
BONNER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

60N 05W 4

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
2. Subject to all prior water rights.
3. Water shall not be diverted from fire protection storage under this right except to fight or repel an existing fire.
4. Recreation storage is for a fish pond.

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

12th day of August, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

SEP 29 1998

Ident. No.

RECEIVED

AUG 03 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant D. BRUCE FRENCH Phone 208-448-1140
Mailing address PO Box 273, PRIEST RIVER, ID. 83856
2. Source of water supply UNNAMED CREEK which is a tributary of NONE
3. Location of point of diversion is Township 60 N Range 5W Sec. 4, in the NE 1/4, SW 1/4, SE 1/4, Cont. Lot 1400, B.M., SE 1/4, SW 1/4, NW 1/4, SE 1/4 County; BONNER
4. additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 1.4 AF for FIRE PROTECTION purposes from JAN 1ST to DEC 31ST (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 1.4 AF for WILDLIFE STORAGE purposes from Apr 1ST to Nov 1ST (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 1.4 AF for RECREATION purposes from JAN 1ST to DEC 31ST (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5 cubic feet per second and/or (b) 1.4 acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source DAM WITH STEEL CULVERT 15" DIA. WITH CHIMNEY DRAIN/GATE VALVE & 4" SCH. 40 PVC PIPE W/GATE VALVE
- b. Height of storage dam 9' feet; active reservoir capacity 1.4 acre-feet; total reservoir capacity 1.4 acre-feet
- c. Proposed well diameter is N/A 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? N/A; Drilling firm _____
Well was drilled for (well owner) N/A; 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. REC STORAGE IS FOR FIRE PROTECTION, WILDLIFE & FISH PROPAGATION, APPROX 1.4 AF OF STORAGE WITH 5 CFS FLOW INTO POND TO MAINTAIN FRESH WATER.

MICROFILMED

SEP 29 1998

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	SW	4									R	(STORAGE)							
											F	"			"				
											W	"			"				

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? D. BRUCE FRENCH

b. Who owns the land to be irrigated or place of use? " " "

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: _____

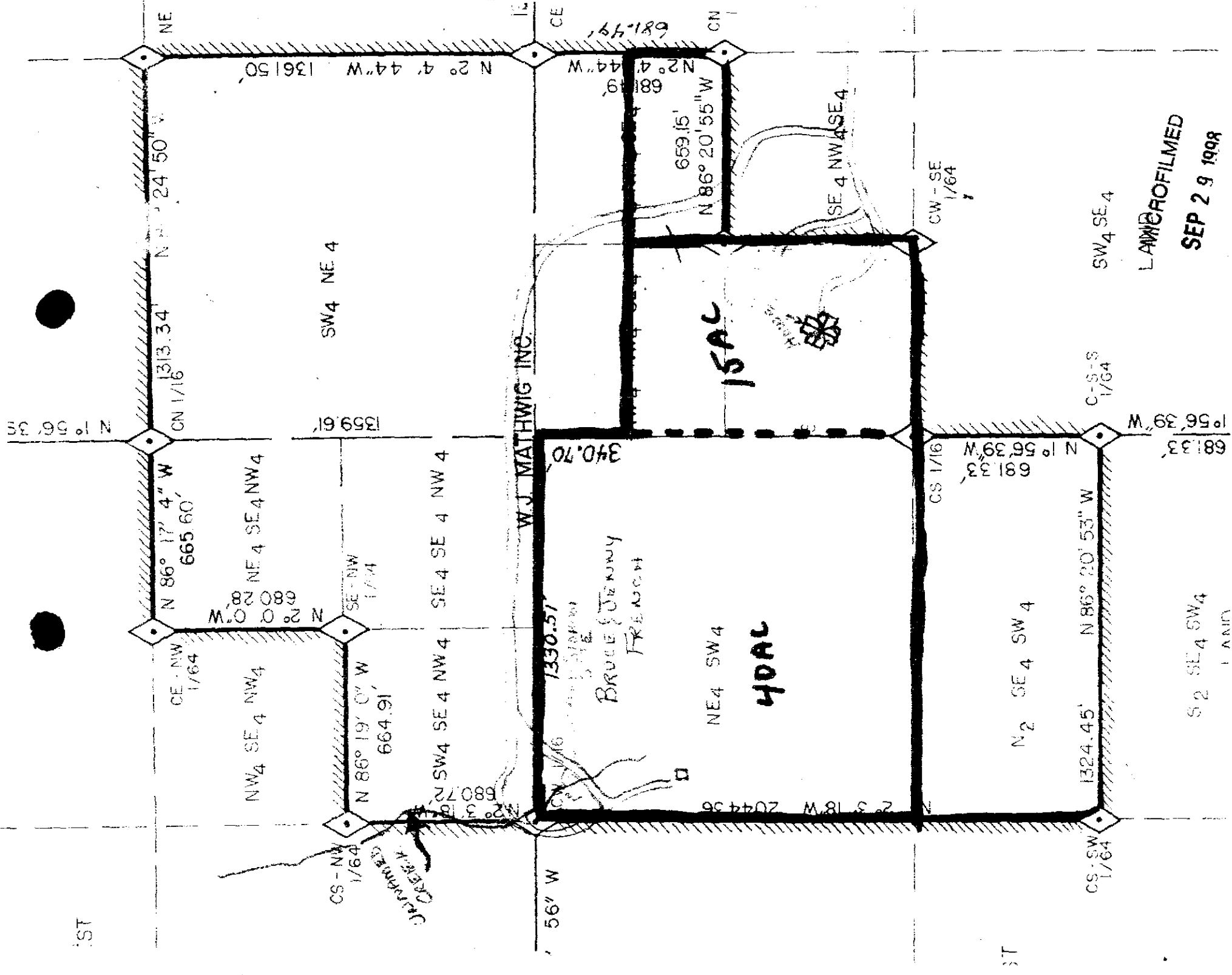
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

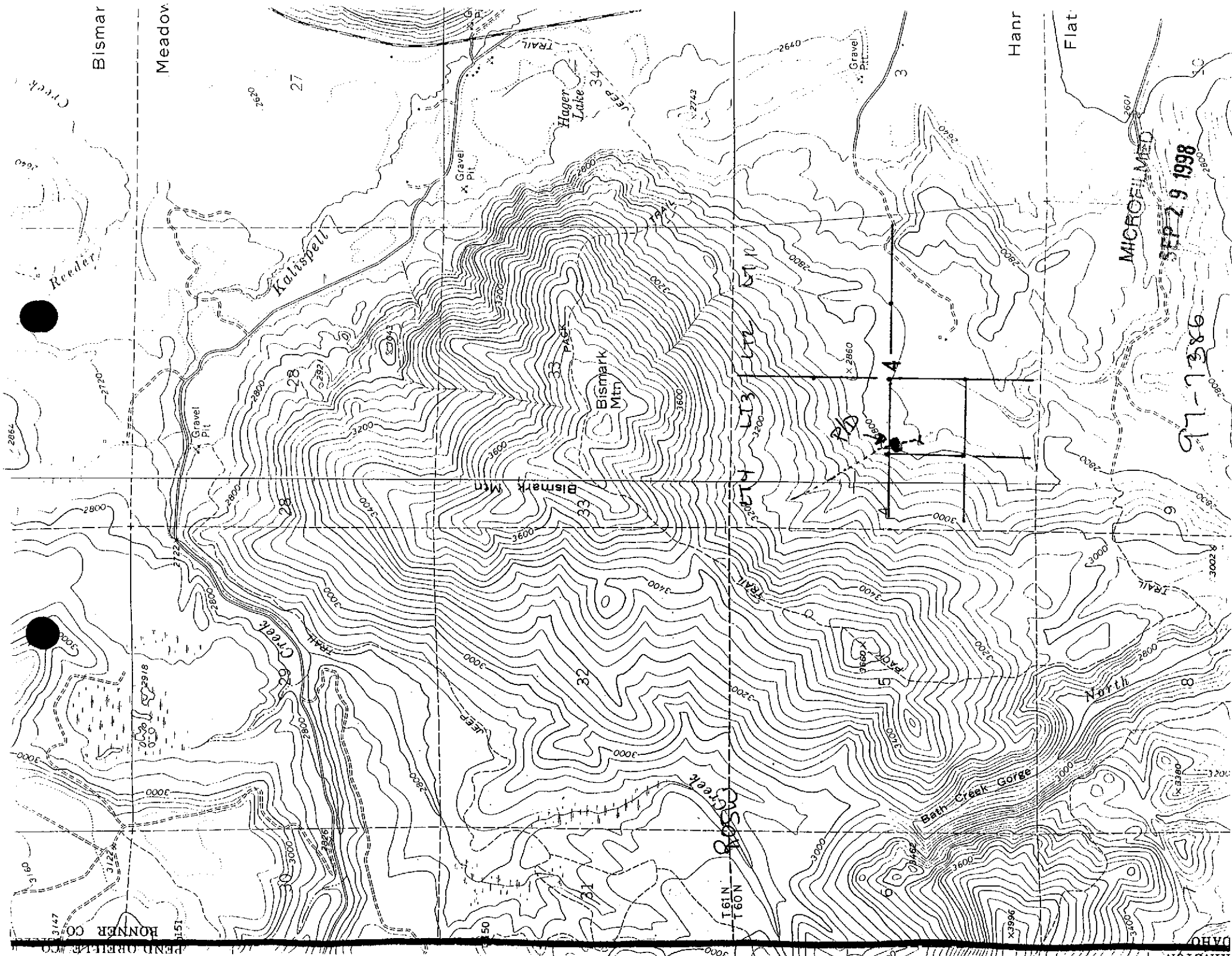

Signature of Applicant (and title, if applicable)

MICROFILMED
SEP 29 1998

Received by JB Date 6/5/98 Time 9:00 Preliminary check by JB
 Fee \$ 50 Receipted by JB # N012113 Date 6/5/98
 Publication prepared by JB Date 6/10/98 Published in French River, Idaho 6/17-24/98
 Publication approved JB Date 7/2/98



LAND RECORDED
SEP 29 1998



Bismar

Meadow

Hanr

Flat

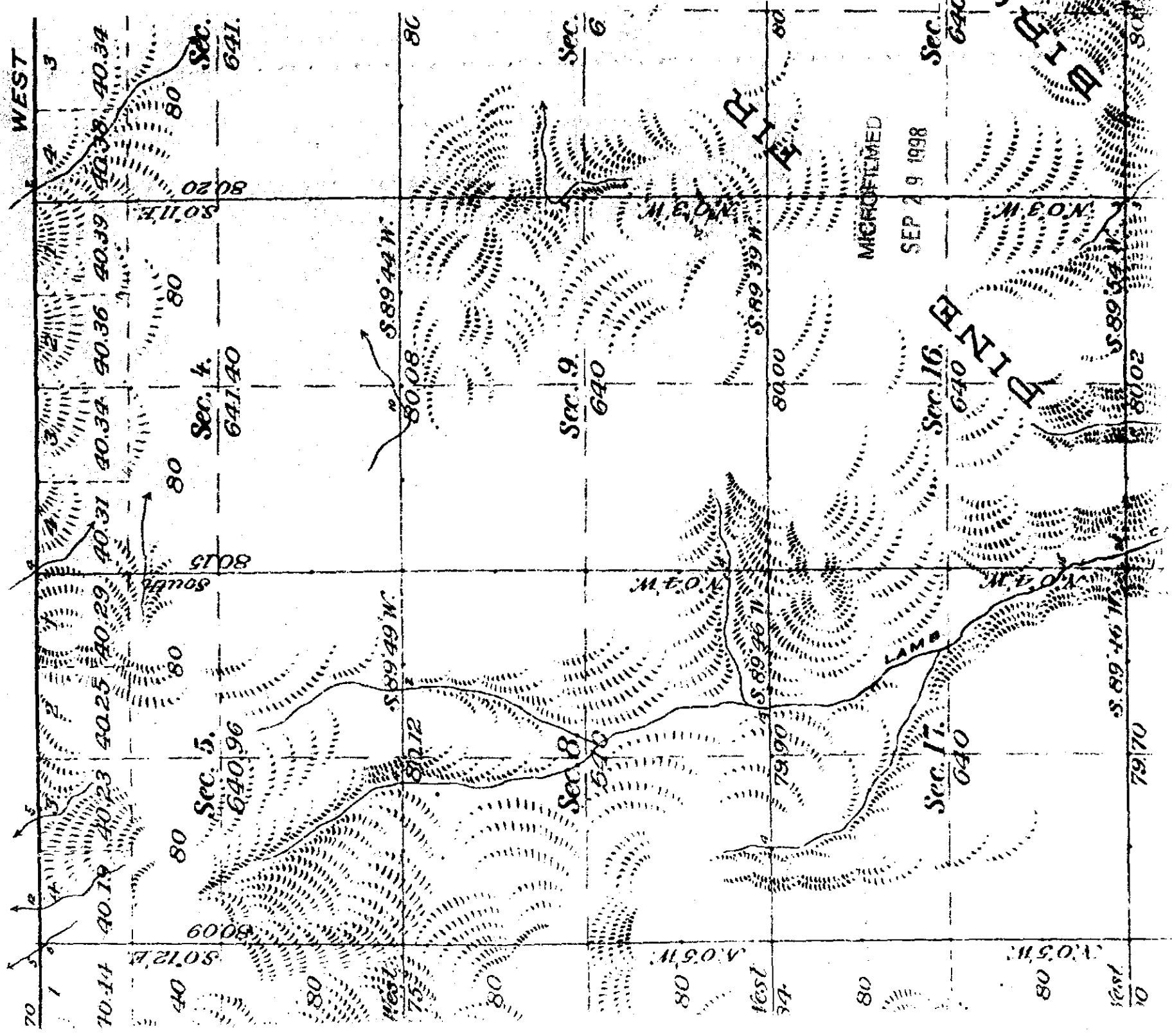
MICROFILMED

SEP 29 1998

97-1386

Township 60 North, Range No. 5 West of

F E D



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SEP 23 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 97-07386
Phone No. (208) 773-2780

1. Owner: Tom Holmes Phone No. (208) 115-2180

Current Address: 2705 Maune Dr. Post Falls Id. 83854

2. Accompanied by: unaccompanied EXAM DATE: 8-30-01

Address: _____ Phone No. _____

Relationship to Permit Holder: 1

3. Source: unnamed stream tributary to sinks

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:

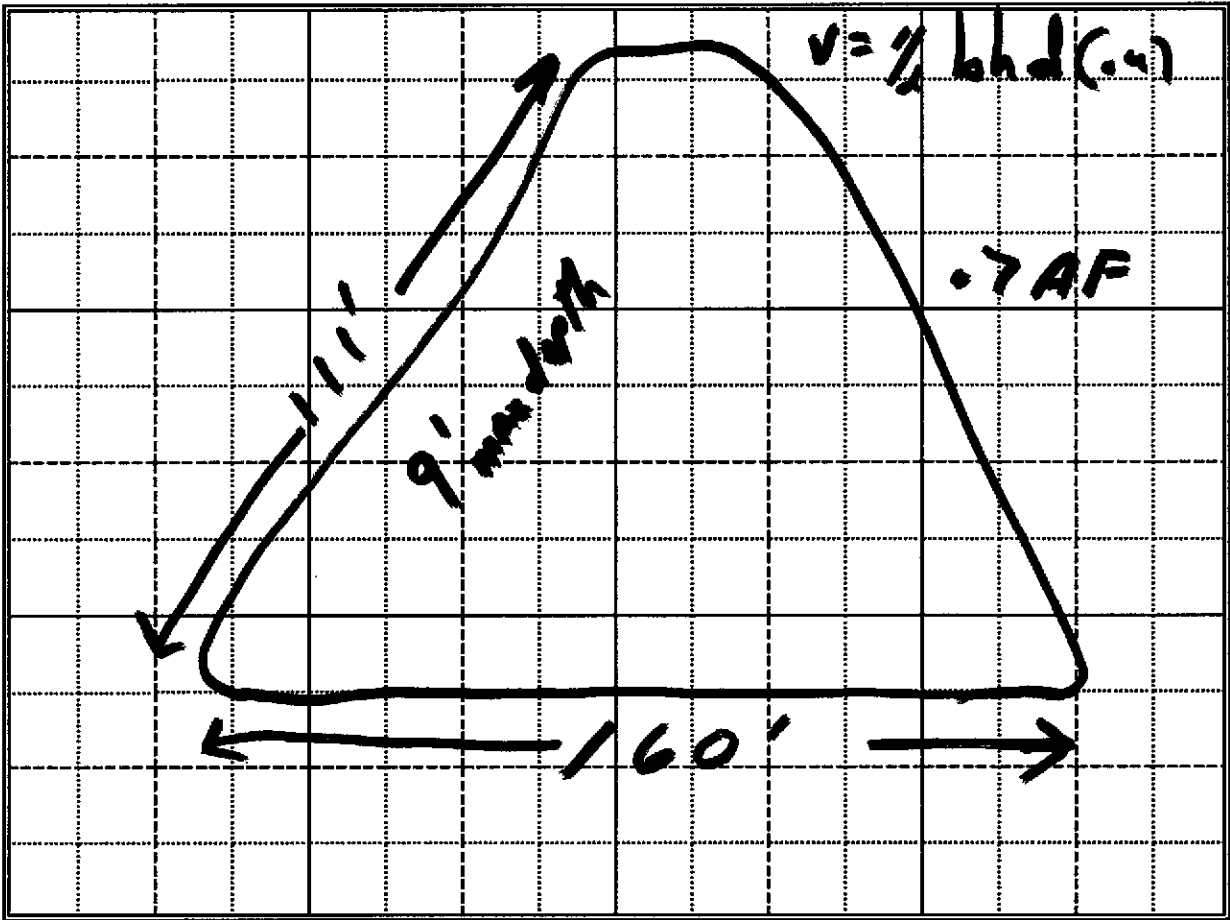
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[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" = _____

_____ 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

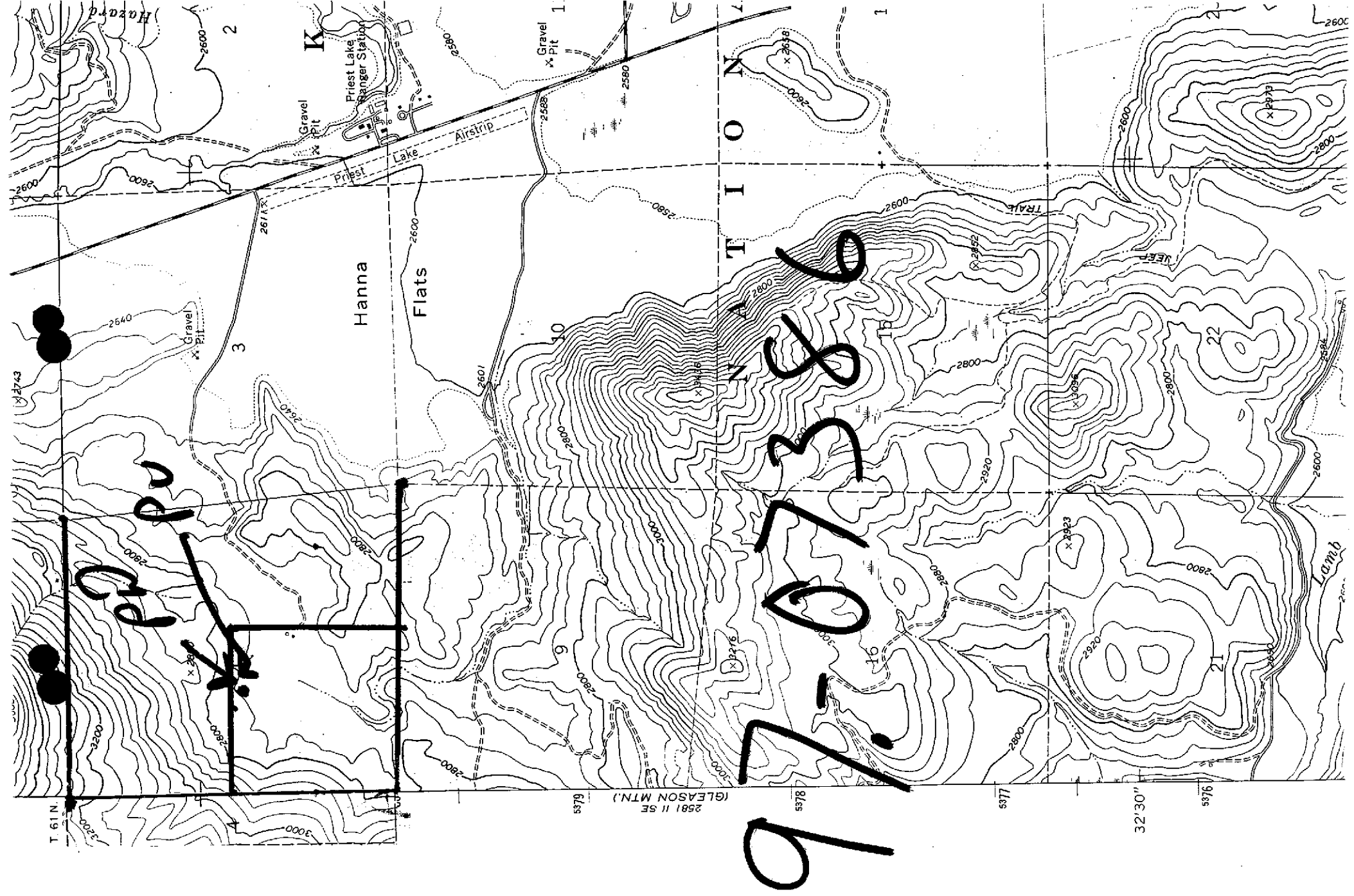
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

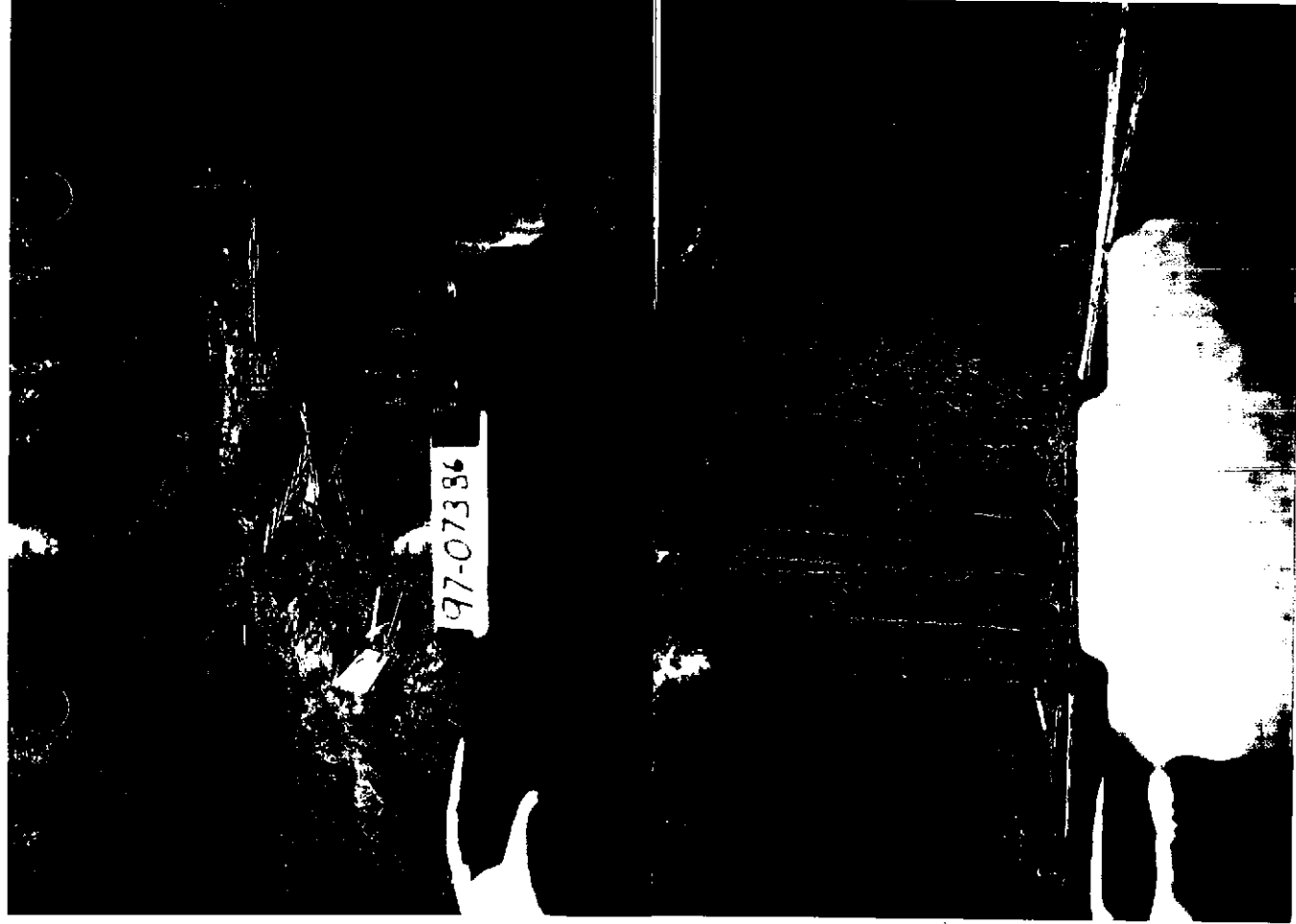
1.

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

2. Measurements: _____



cooking Accessed base



Standing on base looking Accessed
pond

97-07386

Holmes

E. NARRATIVE/REMARKS/COMMENTS

This was a transfer from D Bruce French
PO Box 273
Priest River Id. 83856

Under comments on profile report it talks
of a 5 cfs flow to pond. This does not
exist. This is simply an instream
storage filled by instream stream.

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:**

$$\frac{2662(.4)}{43560} \quad \frac{(0.5)(160)(110)(9)(.04)}{43560} = 0.7 \text{ AF}$$

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	01-01	12-31		0.7
Recreation Storage	01-01	12-31		1.7
Live Storage	01-01	12-31		0.7
Totals:				0.7

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name Wayne Baldwin Date 9-25-01

Reviewer _____ Date _____

SEAL



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

August 31, 2000

KARL J. DREHER
DIRECTOR

D BRUCE FRENCH
PO BOX 273
PRIEST RIVER ID 83856

Re: Permit No. 97-07386

Dear Mr. French:

I am enclosing the original Proof of Beneficial Use you recently filed with the Department of Water Resources for the above-referenced water right permit. You previously filed a Proof of Beneficial Use for this permit with the department on August 4, 1999. Therefore, I am returning the original Proof and will request a check be issued to you in the amount of \$50.00 to refund the filing fee you paid. Your refund check will be processed and mailed to you within 7-10 days.

Also enclosed, for your information, are copies of the August 4, 1999 proof for this permit. If you have any questions, please contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Gibson".

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures
Cc: Fiscal

MICROFILMED

JAN 31 2001



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

August 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854

RE: Assignment of Permit 97-07386

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 1 2001



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

January 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D. BRUCE FRENCH
PO BOX 273
PRIEST RIVER, ID 83856-0273

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07386

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to June 8, 1998, pursuant to Section 42-218a, Idaho Code.

Please 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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. 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,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

FEB 04 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 97-07386 Reviewed by VLS Date 01-04-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

wildlife / Rec
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit
 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received Aug 4, 1999
Date proof due -
No. of days late = 3
Priority Date +
New Priority Date June 8, 1998

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority

DATA ENTRY

New Address

Proof Made 8-04-99

August 5, 1999

D BRUCE FRENCH
PO BOX 273
PRIEST RIVER ID 838560273

LAPSE NOTICE

RE: PERMIT NO. 97-07386

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

FEB 04 2000

CERTIFICATION OF MAILING

I hereby certify that on 8-6-99
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

May 31, 1999

D BRUCE FRENCH
PO BOX 273
PRIEST RIVER ID 838560273

PROOF DUE NOTICE

RE: PERMIT NO. 97-07386

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 August 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

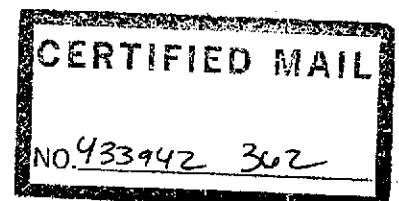
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 04 2000





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

August 12, 1998

PHILIP E. BATT
GOVERNOR

D BRUCE FRENCH
PO BOX 273
PRIEST RIVER ID 83856-0273

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07386

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

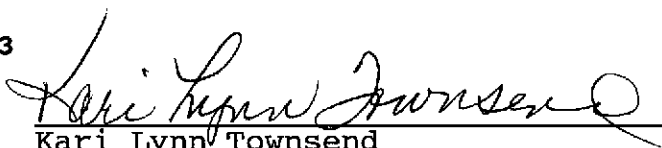
MICROFILMED
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of August, 1998, 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. 97-07386

D BRUCE FRENCH
PO BOX 273
PRIEST RIVER ID 83856-0273


Kari Lynn Townsend
Secretary

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Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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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APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 97-7386 Name: French Date: 8/11/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED: - 26A-P17
 > 1 year
 ≤ 1 year/no proof **(P16)**

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

- 020 (Protest Agreement) or *W19 (Order)

- 26A-P17

(P16)

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- 085

- P05 (new well location)

- *WB9

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

~~-077~~ *Rink*

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

(P52) stream channel alteration

- 120

-

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

-

① 017 ② Rec / fish

8/1/1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
WRA
RC

APPLICATION # 97-07386

AUG 03 1998

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT:

FRITCH

BY:

TR

DATE:

6/5/98

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No)

PRIORITY DATE:

6/5/98

X (Include Moratorium Remark)

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

ADVERTISE IN:

BONNER

County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:

Type:

Fees

Receipt No.

Upgrade Needed?

Y Dom. Non-Dom. Paid \$ _____

Y Dom. Non-Dom. Paid \$ _____

Y Dom. Non-Dom. Paid \$ _____

Y () N ()

Y () N ()

Y () N ()

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

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

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

- Y Publication dates and paper recorded on application | Sr. Agent initial TR
- Y Protests received, Final protest date: 7/6/98
- Y Measuring device required
- Y Measuring port required
- Y Special conditions:

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

Approval Recommended by:

TR

Date:

7/10/98

Memorandum

Date: July 28, 1998

To: Application for Permit Number 97-07386

From: Beardslee

~~~~~  
The Norther Regional Office has contacted the Panhandle Region of Fish and Game regarding the approval of this Water Right Application for Permit.

After discussing the location, source and uses of water, Ned Horner stated that he did not see a problem with approving this filing.

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SEP 29 1998

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  
For water Right

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 17 day of June, 1998  
and ending on the 24 day of June, 1998  
and that said notice was published in said newspaper.

On this 24 day of June in the year  
of 1998, 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.

Notary Public for Idaho

Residing at \_\_\_\_\_

My Commission expires: \_\_\_\_\_

RECEIVED

JUN 30 1998

NORTHERN REGION  
IDWR

NOTICE OF APPLICATION  
FOR WATER RIGHT

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

96-08995

JOHNSON JR, FRANCIS T  
3734 N BEAVER LAKE RD  
ATHOL, ID 83801  
Source: UNNAMED STREAM Tributary: SINKS  
Diversion Pt: SWSWSE Sec 25 T 55N R 04W in BONNER County.  
Use: IRRIGATION (0.600 CFS) (8.60 AF)  
IRRIGATION STORAGE (8.60 AF)  
IRRIGATION FROM STORAGE (8.60 AF)  
WILDLIFE STORAGE (8.60 AF)  
RECREATION STORAGE (8.60 AF)  
Total Diversion: (0.600 CFS)  
Date Filed: 6/4/1998  
In: BONNER County  
T55N R04W S25 NWSE SWSE  
30.00 ACRES TOTAL

97-07385

HOLMES, TOM  
2705 MARINE DRIVE  
POST FALLS, ID 83854  
Source: UNNAMED STREAM Tributary: SINKS  
Diversion Pt: SWNW Sec 4 T 60N R 05W in BONNER County.  
Use: IRRIGATION (0.045 CFS)  
STOCKWATER (0.010 CFS)  
POWER (0.045 CFS)  
Total Diversion: (0.055 CFS)  
Date Filed: 6/1/1998  
In: BONNER County  
T60N R05W S04 NWSE  
1.5 ACRES TOTAL

97-07386

FRENCH, D BRUCE  
PO BOX 273  
PRIEST RIVER, ID 83856  
Source: UNNAMED CREEK Tributary: NONE  
Diversion Pt: NESW Sec 4 T 60N R 05W in BONNER County.  
Use: WILDLIFE STORAGE (1.40 AF)  
RECREATION STORAGE (1.40 AF)  
FIRE PROTECTION STORAGE (1.40 AF)  
Total Diversion: (1.40 AF)  
Date Filed: 6/5/1998  
In: BONNER County  
T60N R05W S04 NESW

Not FATAL. 8/11/98

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 JULY 6, 1998.

KARL J. DREHER, Director

PRT Legal 2409  
June 17, 24, 1998

MICROFILMED

SEP 29 1998

97-07386

FRENCH, D BRUCE  
PO BOX 273  
PRIEST RIVER, ID 83856

Source: UNNAMED CREEK

Tributary: NONE

Diversion Pt:                    NESW      Sec 4 T 60N R 05W in BONNER County.

|                       |   |          |
|-----------------------|---|----------|
| Use: WILDLIFE STORAGE | ( | 1.40 AF) |
| RECREATION STORAGE    | ( | 1.40 AF) |
| FIRE PROTECTION       | ( | 1.40 AF) |
| Total Diversion:      | ( | 1.40 AF) |

Date Filed: 6/ 5/1998

In: BONNER County  
    T60N R05W S04                    NESW

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SEP 29 1998

June 10, 1998

D Bruce French  
PO Box 273  
Priest River ID 83856

Re: Water Appropriation Application No. 97-07386

Dear Mr. French:

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

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SEP 29 1998