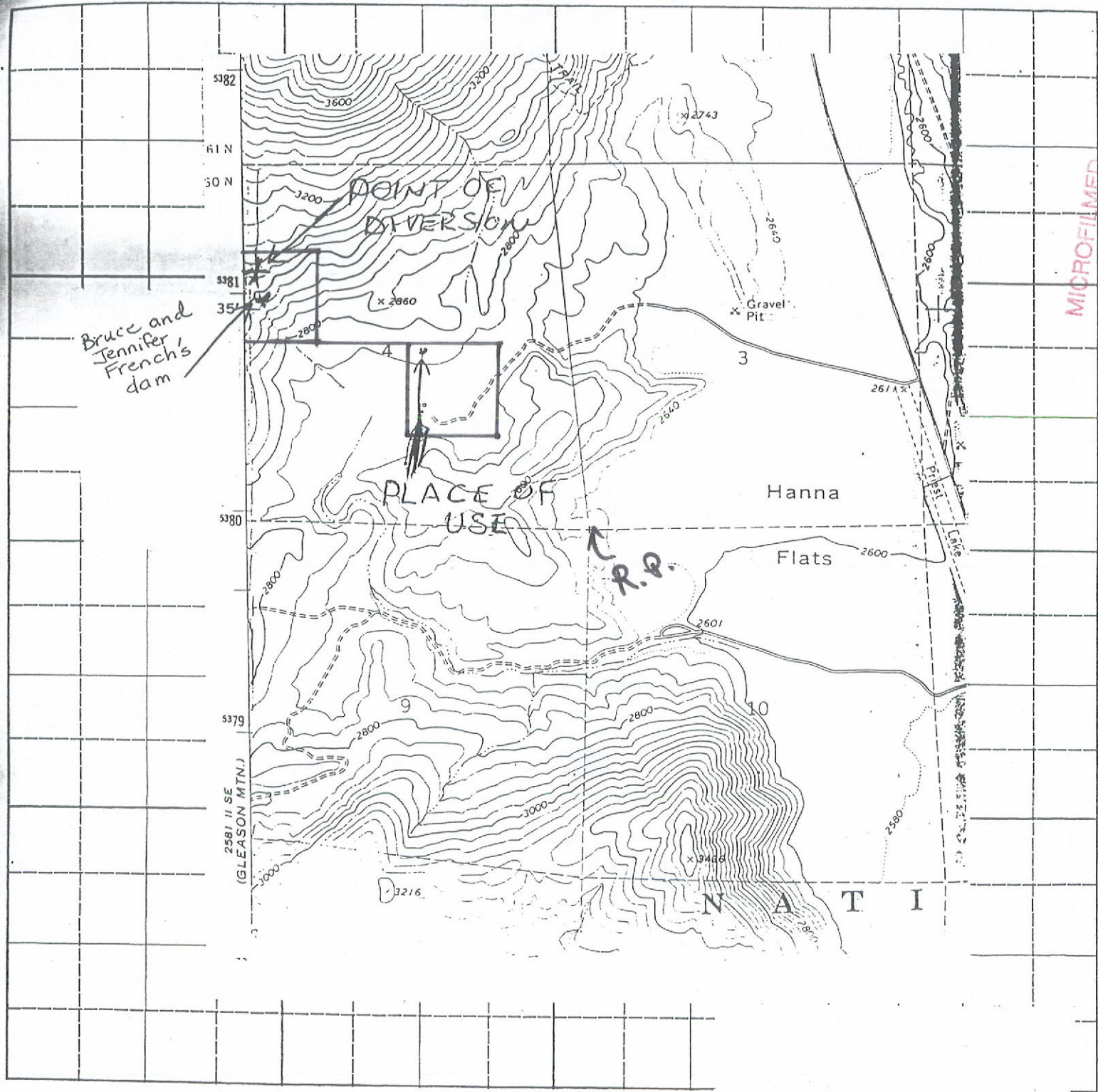
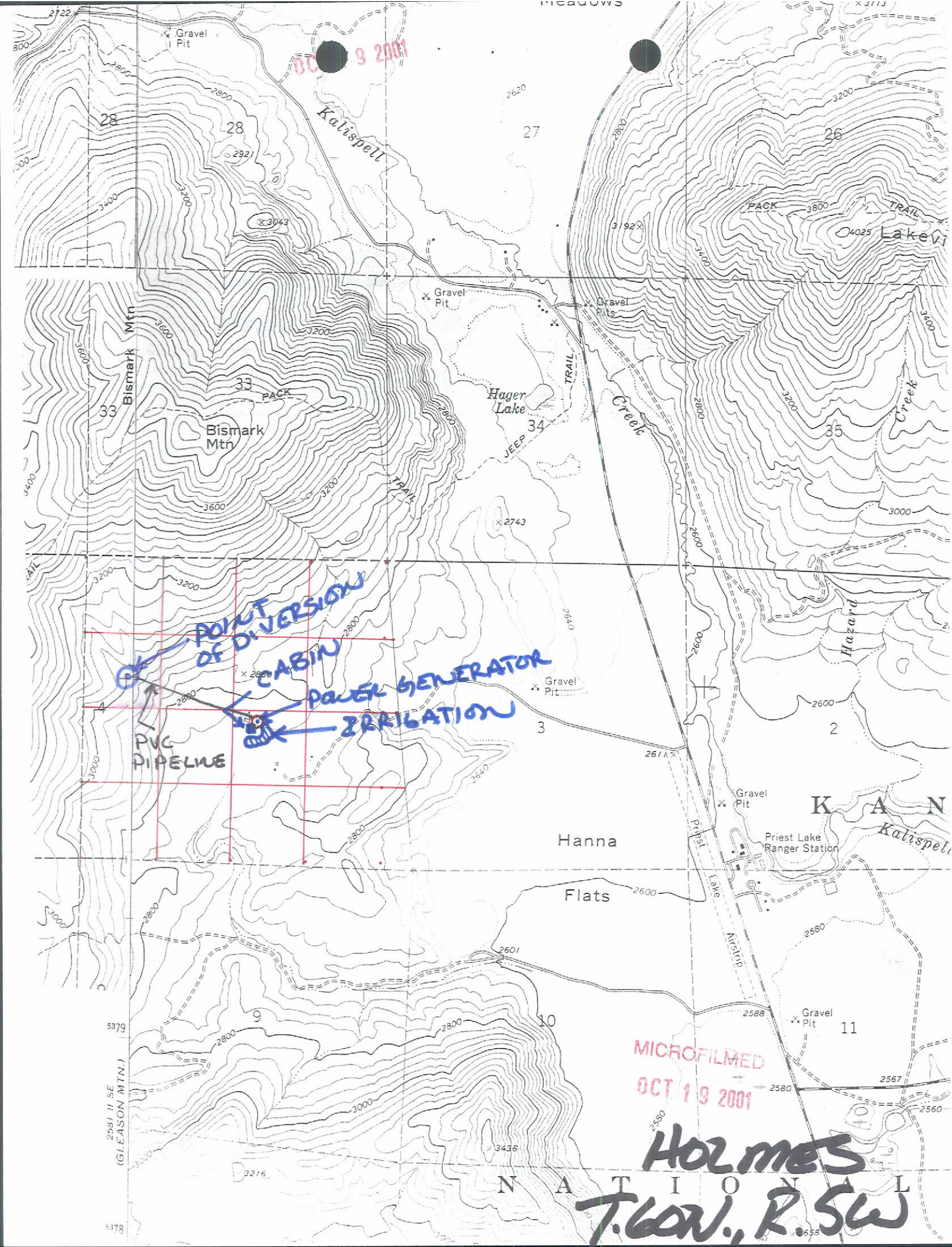




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JAN 11 1999



Backwoods Solar Electric Systems

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE
SANDPOINT, IDAHO 83864

5/9/00 2
1-208-773-2780

05000104

Quote

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

Backwoods Solar Electric Systems

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE
SANDPOINT, IDAHO 83864

5/9/00 2
1-208-773-2780

05000104

Quote

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

BACKWOODS SOLAR ELECTRIC SYSTEMS

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE SANDPOINT, IDAHO 83864
(208) 263-4290 FAX (208) 265-4788
1-208-773-2780

INVOICE

INVOICE NO. 05000104

CUSTOMER NO. 1196

SOLD TO Tom Holmes
2705 Marine Dr
Post Falls, ID 83854

SHIP TO Quote
Tom Holmes
2705 Marine Dr
Post Falls, ID 83854

05000104

INVOICE DATE	DATE TO SHIP	DATE SHIPPED	YOUR ORDER NO.	SALESPERSON	TERMS	SHIPPED VIA	PPD	COL
5/9/00				3	PAYMENT NOW DUE	Pick up		

QUANTITY			ITEM NO.	DESCRIPTION	PRICE	AMOUNT
ORDERED	SHIPPED	BACK ORDERED				
1	1		W+H2	Harris 2 nozzle hydro generator	900.00	900.00
1	1		I-SW4024	Trace Sine W 4000W 24V *Neon*	2975.00	2975.00
1	1		I-BC10 4/0	10 Foot Battery Cable 4/0	75.00	75.00
1	1		O-INLINE 400	T Fuse 400 amp & Inline holder	68.00	68.00
2	2		O-FB40	*Two 40 amp Fuses, one Fuseholder	16.00	32.00
1	1		M-TRIMETRIC	*Trimetric meter and kit	185.00	185.00
1	1		M-DIG-AMP	Digital ammeter & shunt to 100 amp	58.00	58.00
1	1		C-40DD	Trace C40 charge control+dig meter	250.00	250.00
1	1		C+EM AIR2430	Enermax 24V 30A air load	140.00	140.00
4	4		B+L16HC	Trojan L16HC battery *P50,51*	220.00	880.00
3	3		O-BIC 2	Battery inter cables, 15" black 2ga	4.00	12.00
1	1		B-FREE HYDRO	Hydrometer included with bats*P50*		0.00
2	2		B-FREE AU2/0	AU2/0 and allen wrench		0.00
1	1		B-FREE BOOK	Battery book free with batteries		0.00
1	1		B-FREE GOOP	Free battery goop with each sale		0.00
				Pick up @ BW Scott Jochim's phone is 263 6272 - PARADISE ELECTRIC		
				24V 3000' 2" pipe 52 psi 20' to batts		
				50 - 1/2" GPM AVERAGE 20 GPM		
				COPIED 1 9 2001		

ITEMS ORDERED		DISCOUNT		TOTAL AFTER DISC.	ADJUSTMENT	STATE TAX	LOCAL TAX	SHIP/HAND	INSURANCE	SERVICE
		%	AMOUNT							
5575.00				5575.00		278.75	0.00	0.00	0.00	0.00
STATE TAXABLE	LOCAL TAXABLE	TOTAL		PAST DUE	INVOICE TOTAL	RECEIVED	REFUND/CREDIT	PAYMENT DUE		
5575.00	0.00	5853.75			5853.75	0.00		\$ 5853.75		

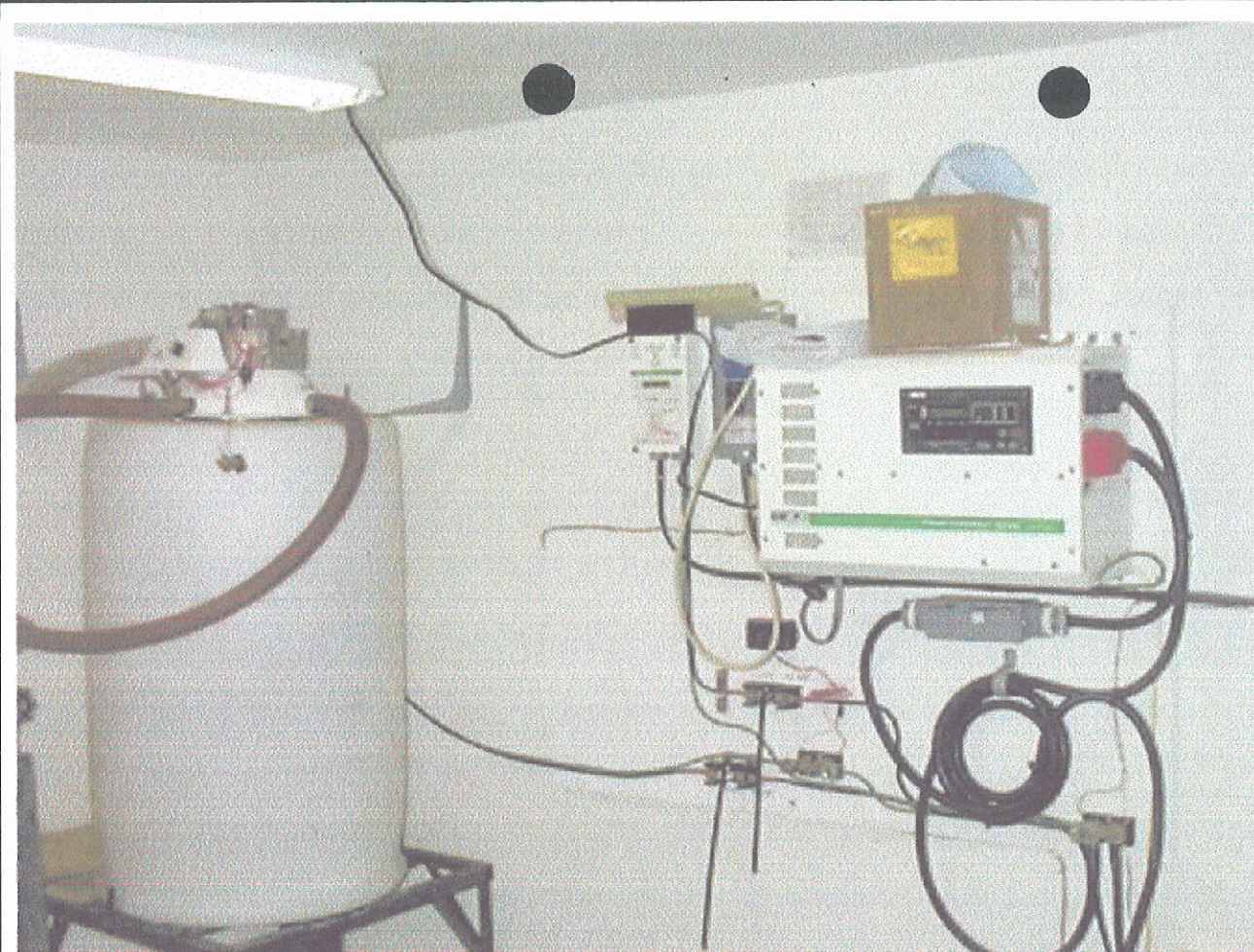
Pay from this invoice.
No statement will be mailed.



97-07385

INTAKE DIVERSION WORKS
ON STREAM.

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OCT 19 2001



97-07385
POWER GENERATOR SYSTEM

MICROFILMED
OCT 19 2001



97-07385

IRRIGATION OF LAWN -

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97-07385

IRRIGATION OF CLOVER FIELD.

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OCT 19 2001



97-07385

IRRIGATION OF LOWER
CLOVER FIELD

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OCT 19 2001

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 97-7385 Name: Holmes 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:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

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

WMD Supplemental use

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

> 0.10 cfs

- R04 (WD # _____)

≤ 0.10 cfs

- 01J-P08 (MD & LD)

WMD (✓ MAP)

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

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

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

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

Payette R(65)

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

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

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

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

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

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

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

> 5 acres

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

Mining

- 054(req) -081-P10

Municipal

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

Power

- 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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo.)

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

LOCATION:~~42-248 area~~

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

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:- 004 (PD/PU) USFS**OTHER CONDITIONS:****STANDARD REMARKS:**- 113RC**BENEFICIAL USE DUE:**- 8/1/ 2000**COMMENTS:**

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07385

Priority: June 01, 1998

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 22.6 AF

It is hereby certified that TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 01, 1998; and has
submitted Proof of Beneficial Use on June 30, 2000. An examination indicates that the works have a
diversion capacity of 0.06 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.05 CFS	4.5 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
POWER	01/01 to 12/31	0.05 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW¼NW¼ Sec. 4, Twp 60N, Rge 05W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
60N 05W 4															1.5		1.5

Total Acres: 1.5

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
60N 05W 4														X			

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
60N 05W 4														X			

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OCT 19 2001

State of Idaho
Department of Water Resources
Water Right License

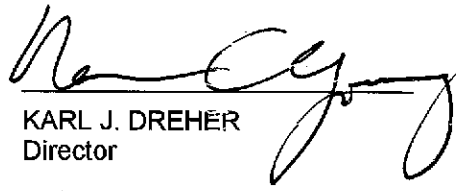
WATER RIGHT NO. 97-07385

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right shall be non-consumptive.
3. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
4. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after June 30, 2010. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
6. Right 97-07318 is also diverted through the point of diversion described above.
7. Rights 97-07318 and 97-07385 when combined shall not exceed a total diversion rate of 0.06 cfs.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

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 21st day of September, 2001.

Acting for 
KARL J. DREHER
Director

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OCT 19 2001

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 10 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 97-07385 Telephone No. 208 773 2780

2. Name of Permit Holder(s): Tom Holmes

3. Mailing Address: 2705 MARINE DR

City POST FALLS State ID Zip 83854

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

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): 15-20 wild Turkeys

Irrigation (No. of acres): 3 Other: Pasture, garden & orchard

6. Total rate of diversion and/or volume for which proof is submitted: 0.06 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 X or No _____

Has the measuring device been installed?

Yes X or No _____

8. Fee Enclosed: \$ \$50 (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: 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.

MICROFILMED
JAN 31 2001

Signature of permit holder: Tom Holmes Date: 6-30-00

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second AF = acre feet)

<u>CFS</u>	<u>AF</u>	<u>FEE</u>
0 - 0.20	0 - 20	\$50.00*
.21 - 1.00	21 - 100	100.00
1.01 - 2.00	101 - 200	125.00
2.01 - 3.00	201 - 300	150.00
3.01 - 4.00	301 - 400	175.00
4.01 - 5.00	401 - 500	200.00
5.01 - 6.00	501 - 600	225.00
6.01 - 7.00	601 - 700	250.00
7.01 - 8.00	701 - 800	275.00
8.01 - 9.00	801 - 900	300.00
9.01 - 10.00	901 - 1000	325.00
10.01 - 11.00	1001 - 1100	350.00
11.01 - 12.00	1101 - 1200	375.00
12.01 - 13.00	1201 - 1300	400.00
13.01 - 14.00	1301 - 1400	425.00
14.01 - 15.00	1401 - 1500	450.00
15.01 - 16.00	1501 - 1600	475.00
16.01 - 17.00	1601 - 1700	500.00
17.01 - 18.00	1701 - 1800	525.00
18.01 - 19.00	1801 - 1900	550.00
19.01 - 20.00	1901 - 2000	575.00
20.01 - over	2001 - over	600.00

*Checks should be made payable to the
Idaho Department of Water Resources (IDWR.)

A license examination fee is not required in connection with
permits which use a ground water source **AND** have a total rate of
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for **ANY** permit which uses surface water

MICROFILMED
JAN 31 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07385

Proposed Priority: June 1, 1998

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **TOM HOLMES**

2705 MARINE DR

POST FALLS ID 83854

has applied for a permit to appropriate water from:

UNNAMED STREAM

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>
IRRIGATION	03/15 to 11/15	0.05 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS
POWER	01/01 to 12/31	0.05 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 4, Township 60N, Range 05W
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>
60N	05W	4	NWSE	1.5		1.5

Total number of acres irrigated: 1.5

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: POWER, same as IRRIGATION use

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, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

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JAN 11 1999

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

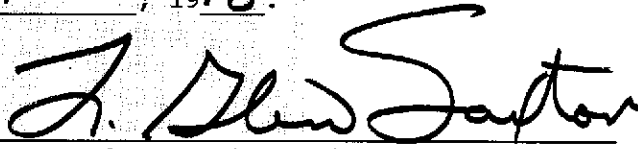
NO. 97-07385

CONDITIONS OF APPROVAL AND REMARKS

6. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
9. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
10. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
12. The issuance of this right does not grant any right-of-way or easement across the land of another.
13. Stockwater use is for 3 range cattle.

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

8th day of September, 1998.


for Karl J. Dreher, Director

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JAN 11 1999

Ident. No. 97-07385

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 03 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant TOM HOLMES Phone 773-2780
Mailing address 2705 MARINE DR. POST FALLS ID 83854
2. Source of water supply UNNAMED STREAM which is a tributary of SLACKS
3. Location of point of diversion is Township 60N. Range 5W. Sec. 4, in the SW 1/4, NW 1/4, Govt. Lot , B.M., BOWEN County;
additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.045^{0.05} for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.01 for STOCKWATER purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.045^{0.05} for HYDRO POWER purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.055^{0.06} and/or (b)
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 PIPE IN STREAM,
GRAVITY FLOW
- b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
- c. Proposed well diameter is inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85° F being sought?
- e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 2 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. 7500 WATTS
- b. Stockwatering; list number and kind of livestock. 3 head of range stock
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully.

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* rates rounded to nearest 1/10th per

JAN 11 1999

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	5W	4													1.5				
															D				
															S				

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? U.S.F.S.

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

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

12. Remarks: THIS FILING IS BEING MADE FOR THE EXPANDED USES NOT ALREADY COVERED BY WATER RIGHT LICENSE # 97-07318

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.)

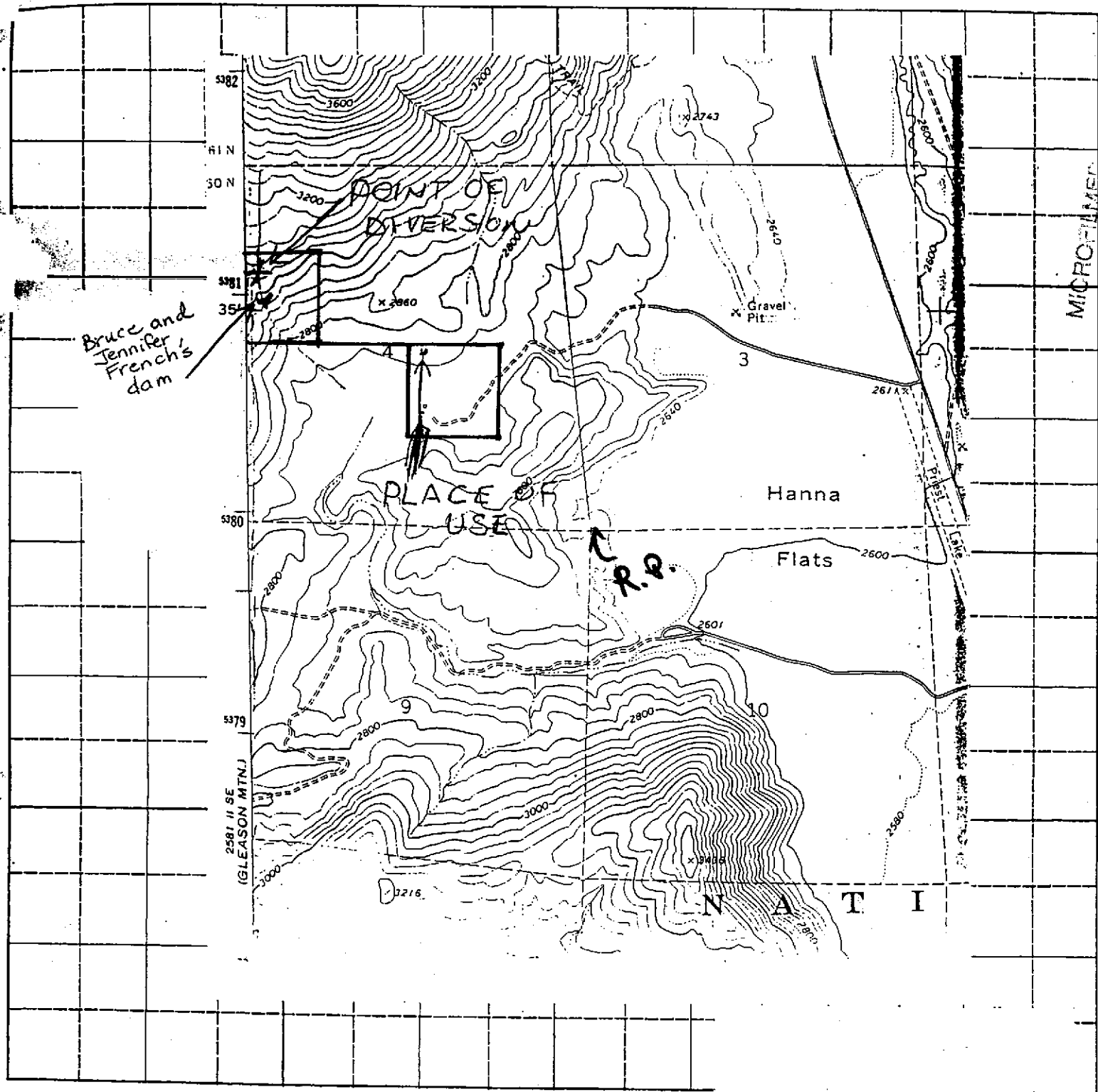
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Tom Holmes
Signature of Applicant (and title, if applicable)

Received by AB Date 6/1/98 Time _____ Preliminary check by AB
Fee \$ 50.00 Received by AB # N012093 Date 6/4/98
Publication prepared by AB Date 6/10/98 Published in Front Range Times 6/17+24/98
Publication approved AB Date 7/2/98

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JAN 11 1999



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JAN 11 1999

State of Idaho
Department of Water Resources

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

97-07385
Water Right No.
RECEIVED
SEP 03 1998

A. Establishment of Residency: (Complete either 1, or 2).

Department of Water Resources

1. Individual Applicant or Individual Members of a Partnership:

I, Tom Holmes (name) of Post Falls (city),

County of Kootenai, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ (name) of _____ (city),

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at _____ (city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code; and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

Tom Holmes
Applicant

State of Idaho }
County of Kootenai } ss.

On this 31 day of August, 19 98, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Spacy M. Dickerson
Notary Public residing at _____

seal

My commission expires:

4-8-02

MICROFILMED
JAN 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2001

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854

RE: License No. 97-7385 - 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,

A handwritten signature in cursive script, appearing to read 'Shelley Keen', is written over a horizontal line.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

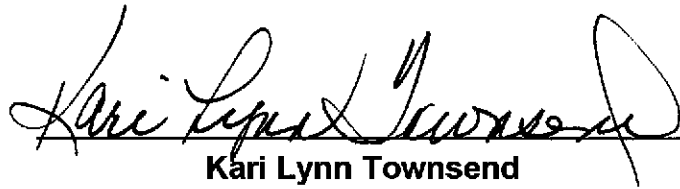
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on September 21, 2001 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. 97-7385

**TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854**


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 19 2001

**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).

MICROFILMED

OCT 19 2001

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.

LICENSE REVIEW CHECKLIST

Permit No. 97-7385

Date: 9-18-2001

Reviewer: Kay Walker

*topo
B52
B53*

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): @P/D-97-7318

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 0.06 cfs

Fee Limit 0.20 cfs

Measured 0.06 cfs

Theoretical 0.06 cfs

Recommended Total Diversion Rate 0.06

Water Uses

OK Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.05 cfs

Stockwater 0.01 cfs

Domestic 0.05 cfs

Power 0.05 cfs

Total 0.06 cfs

4.5 af
0.1 af
18.0 af
22.6 af

smallest volume we use.

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 (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.05 cfs x 1.9835 x 214 days = 21.2 af (vs)

1.5 acres x

3.0 (FHR) = 4.5 af

2.0 (con)

Remarks: W36(97-7318)

Additional Conditions

Watermaster Control

☒ GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? N/A

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

9-18-01 - talked to Al Beardsley about measuring device requirement. He suggests we issue license with condition "OIM". This place is very remote and condition had not been complied with.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 97-7318

WATER RIGHT NUMBER: 97-7318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM HOLMES 2705 MARINE DR POST FALLS, ID 83854 (208)773-2780

Priority Date: 04/14/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.010 CFS	0.60 AF
	<u>Total Diversion:</u>	0.010 CFS	0.60 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4NW1/4	Sec. 4,	Twp 60N,	Rge 05W, B.M.
BONNER County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	05W	4															X		

Total Acres: 0

Conditions of Approval:Remarks:

- General Domestic use does not include lawn, garden, landscape, or other types of irrigation.^^^
Domestic use is for 1 home.^^^

Comments:

- ANDREGG 8/2/1993 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Lic. Date = 11/29/1994

RECEIVED

MAY 14 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 30 2031

Department of Water Resources

IDWR/North

MAY 03 2007

RECEIVED

A. GENERAL INFORMATION

Permit No. 97-07385

1. Owner: TOM HOLMES Phone No. 773-2780

Current Address: 2705 MARINE DR POST FALLS ID 83854

2. Accompanied by: MR. HOLMES EXAM DATE: 6-15-00

Address: _____ Phone No. _____

Relationship to Permit Holder: OWNER

3. Source: UNNAMED STREAM tributary to SILUKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: **97-07318**

2. Other water rights with the same point of diversion: 97-07318

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

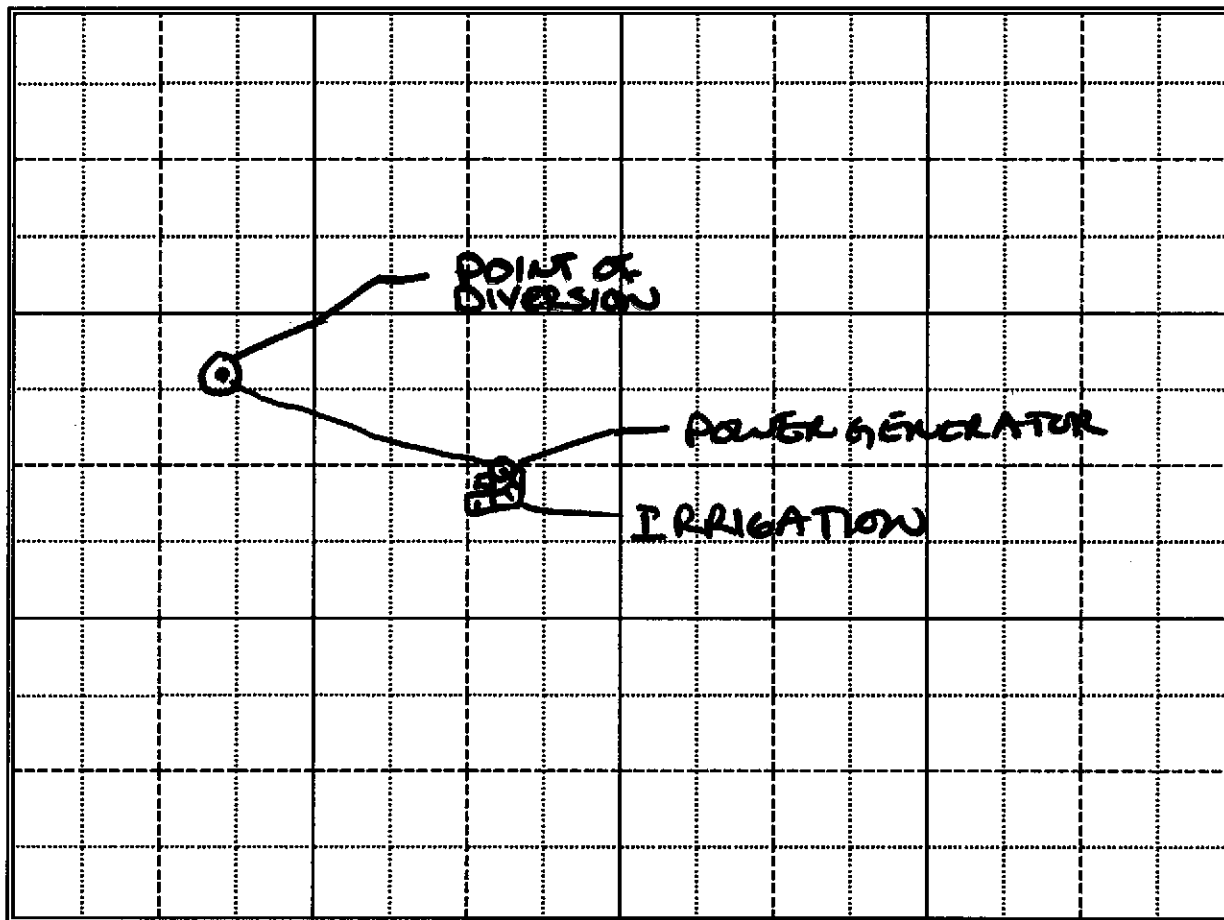
2. Place(s) of Use:

Indicate Method of Determination

[illegible]

MICROFILMED
OCT 19 2001

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



Scale: 1" = **1/4** MILES

____ 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: _____

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OCT 19 2001

E. NARRATIVE/REMARKS/COMMENTS

WATER IS DIVERTED FROM UPAHANSO STREAM
WITH 2' PVC PIPE - PIPELINE TO POWER
GENERATOR + SPRINKLER SYSTEM.

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

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OCT 19 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

BUCKET METHOD

$$\frac{11 \text{ SEC}}{60 \text{ SEC}} = \frac{5 \text{ gal}}{X} = 276 \text{ GPM}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \times 3.0 = 4.5$$

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

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

2. Volume Calculations for Other Uses:

$$\frac{365 \text{ DAYS} \times 12 \text{ HRS/DAY} \times 1346.4 \text{ GPH}}{325,850} = 18.0$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/15	11/15	0.05	4.5
STOCKWATER	Y.	12/31	0.01	0.03
POWER	Y.	12/31	0.05	18.0
Totals:			0.06	22.53

2. Recommended Amendments

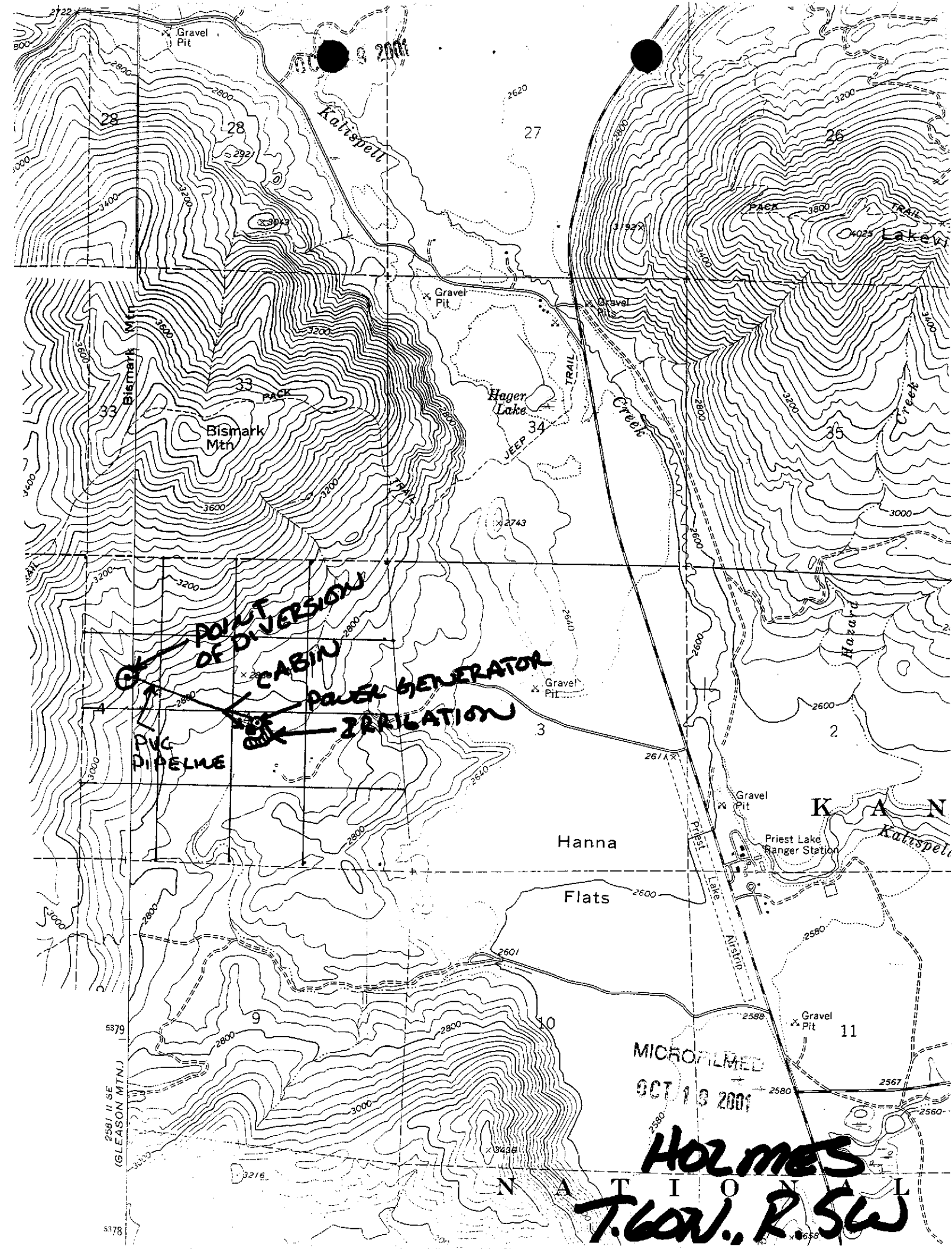
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

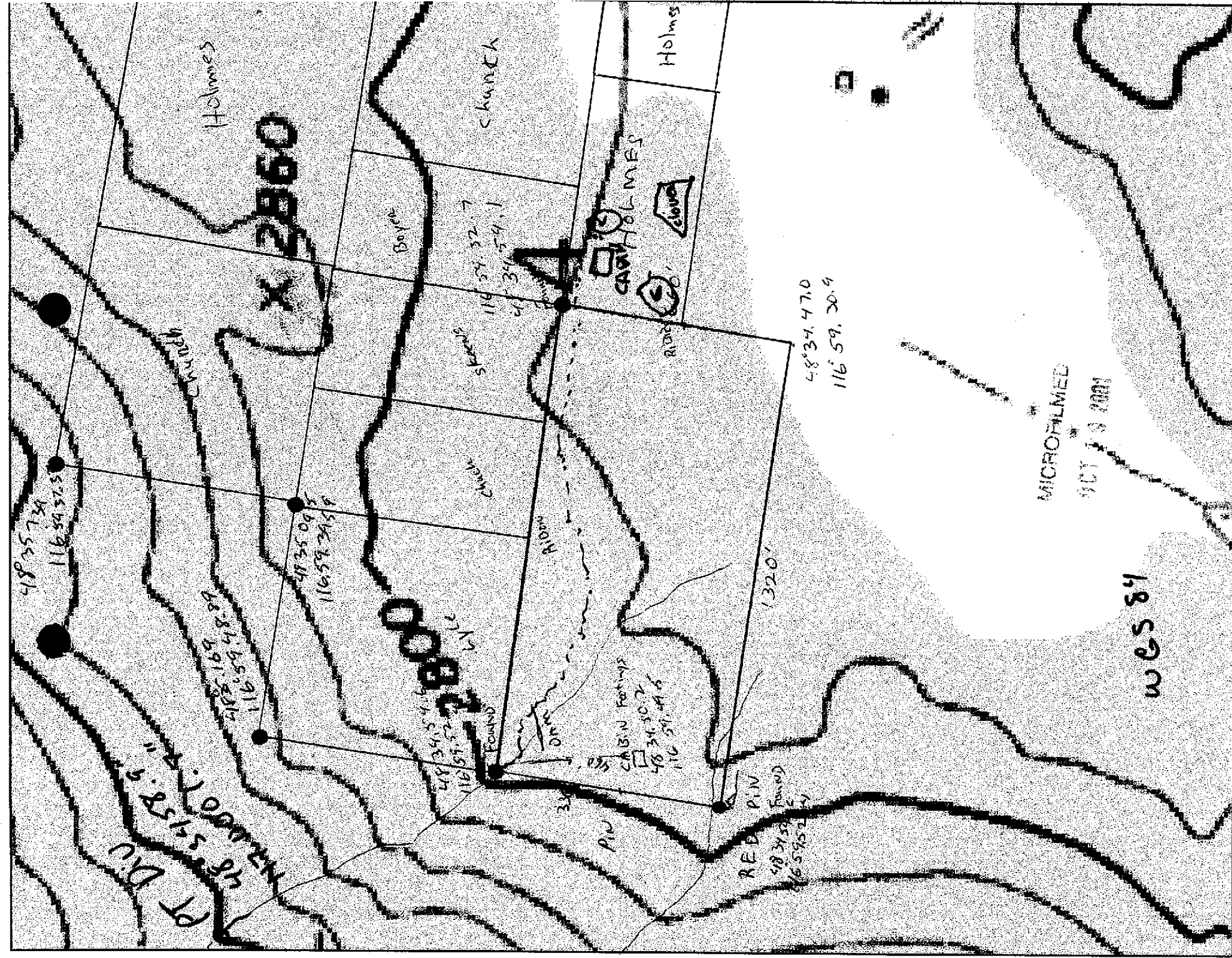
I. AUTHENTICATION

Field Examiner's Name Allen B. Bernal Date 5-9-01

Reviewer _____ Date _____

SEAL





Backwoods Solar Electric Systems

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE
SANDPOINT, IDAHO 83864

5/9/00 2
1-208-773-2780

Quote

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

Backwoods Solar Electric Systems

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE
SANDPOINT, IDAHO 83864

5/9/00 2
1-208-773-2780

Quote

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

BACKWOODS SOLAR ELECTRIC SYSTEMS

STEVE & ELIZABETH WILLEY
1395 ROLLING THUNDER RIDGE SANDPOINT, IDAHO 83864
(208) 263-4290 FAX (208) 265-4788
1-208-773-2780

INVOICE

INVOICE NO. 05000104

CUSTOMER NO. 1196

SOLD TO

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

SHIP TO

Quote

Tom Holmes

2705 Marine Dr

Post Falls, ID 83854

05000104

INVOICE DATE	DATE TO SHIP	DATE SHIPPED	YOUR ORDER NO.	SALESPERSON	TERMS	SHIPPED VIA	BOX	COL
5/9/00				3	PAYMENT NOW DUE	Pick up		

QUANTITY			ITEM NO.	DESCRIPTION	PRICE	AMOUNT
ORDERED	SHIPPED	BACK ORDERED				
1	1		W+H2	Harris 2 nozzle hydro generator	900.00	900.00
1	1		I-SW4024	Trace Sine W 4000W 24V *Neon*	2975.00	2975.00
1	1		I-BC10 4/0	10 Foot Battery Cable 4/0	75.00	75.00
1	1		O-INLINE 400	T Fuse 400 amp & Inline holder	68.00	68.00
2	2		O-FB40	*Two 40 amp Fuses, one Fuseholder	16.00	32.00
1	1		M-TRIMETRIC	*Trimetric meter and kit	185.00	185.00
1	1		M-DIG-AMP	Digital ammeter & shunt to 100 amp	58.00	58.00
1	1		C-40DD	Trace C40 charge control+dig meter	250.00	250.00
1	1		C+EM AIR2430	Enermax 24V 30A air load	140.00	140.00
4	4		B+L16HC	Trojan L16HC battery *P50,51*	220.00	880.00
3	3		O-BIC 2	Battery inter cables, 15"black2ga	4.00	12.00
1	1		B-FREE HYDRO	Hydrometer included with bats*P50*		0.00
2	2		B-FREE AU2/0	AU2/0 and allen wrench		0.00
1	1		B-FREE BOOK	Battery book free with batteries		0.00
1	1		B-FREE GOOP	Free battery goop with each sale		0.00
Pick up @ BW Scott Jochim's phone is 263 6272 - PARADISE ELECTRIC 24V 3000' 2" pipe 52 psi 20' to batts 50 - 1/2" PEX AVERAGE 20 GPM FILMED						

ITEMS ORDERED		DISCOUNT		TOTAL AFTER DISC.	ADJUSTMENT	STATE TAX	LOCAL TAX	SHIP/HAND	INSURANCE	SERVICE
		%	AMOUNT							
5575.00				5575.00		278.75	0.00	0.00	0.00	0.00
STATE TAXABLE	LOCAL TAXABLE	TOTAL		PAST DUE	INVOICE TOTAL	RECEIVED	REFUND/CREDIT	PAYMENT DUE		
5575.00	0.00	5853.75			5853.75	0.00		\$ 5853.75		

Pay from this invoice.
No statement will be mailed.



97-87385

INTAKE DIVERSION WORKS
ON STRÉAM.

MICROFILMED

OCT 19 2007

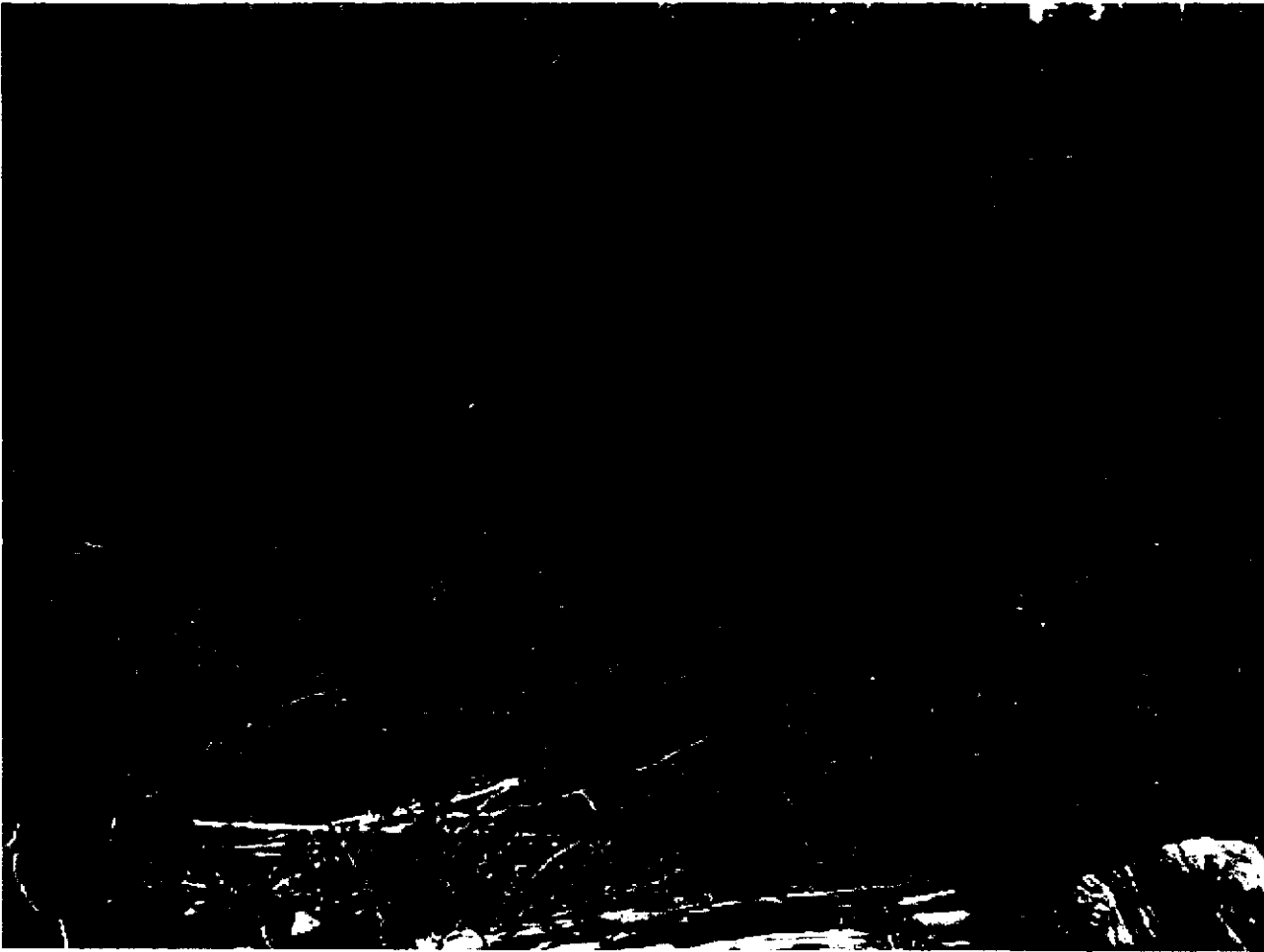


97-07385

IRRIGATION OF CANAL -

MICROFILMED

OCT 19 2003



97-07385

IRRIGATION OF CLOVER FIELD.

MICROFILMED
OCT 19 2001



97-07385

IRRIGATION OF LOWER
CLOVER FIELD

MICROFILMED
OCT 19 2007



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

July 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07385

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above referenced permit. 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, and that it meets the permitted beneficial use.

The permit authorizes irrigation, stockwater and power uses. Since the proof you filed shows a "domestic" use, the permit may eventually need to be amended as will be determined by the department's field examiner.

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 Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JUL 21 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 97-07325 Reviewed by D. Elie Date 7/18/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic, Irrigation
& stockwater
Correct Uses? Not domestic.

SOURCE OF WATER

Yes Surface water source

No 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

Yes Required?

Yes Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 6/30/00

Date proof due 8/1/00

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address No

Proof Made 6/30/00

May 31, 2000

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854

PROOF DUE NOTICE

RE: PERMIT NO. 97-07385

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, 2000.

(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.

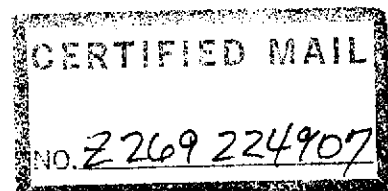
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

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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

September 8, 1998

PHILIP E. BATT
GOVERNOR

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07385

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

RECORDED

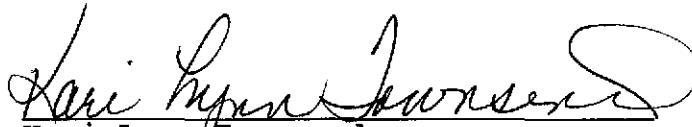
SEP 11 1998

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of September, 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. 97-07385

TOM HOLMES
2705 MARINE DR
POST FALLS ID 83854


Kari Lynn Townsend
Secretary

MICHOPLMED

JAN 11 1999

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.

MICROFILMED

JAN 11 1999

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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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JAN 11 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 97-7385 Name: Holmes 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:

- > 1 year - 26A P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide) (cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

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

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 - P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- > 1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) - 081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K (+uses) - 08A-025(P18) - 04N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- ~~12-048 area~~ - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) USFS

OTHER CONDITIONS:

STANDARD REMARKS:

- 03 RC

BENEFICIAL USE DUE:

- 8/1/2000

COMMENTS:



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 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Tom Holmes
2705 Marine Dr
Post Falls ID 83854

Re: Application for Permit No. 97-07385

Dear Mr. Holmes,

I received the above application for permit for irrigation, stockwater, and power uses for final review. All applications proposing power uses are required to file an "Affidavit for Water Rights to be Used for Power Purposes" form to comply with Section 42-205 & 42-206, Idaho Code. This form is not in your file. I have enclosed a form for your use. Please complete the form and mail it to me in the enclosed stamped self-addressed envelope.

I will hold further processing on your application for 30 days pending your submittal of the form. Please submit this form as quickly as possible within the 30-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

Cindy Zimmerman
Water Resource Agent

Enclosure: Form 205/206

form received 9/3/98 cz.

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JAN 11 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
AUG 03 1998

WRI
WRA
BC

APPLICATION # 97-7385

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: ARMES

BY: AB

DATE: 6/1/98

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

PROCESSING

(Yes) (No)

PRIORITY DATE: 6/1/98

X (Include Moratorium Remark)

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

PT/Wed/le
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?

- | | | | |
|----------|------|----------|---------|
| <u>X</u> | Dom. | Non-Dom. | Paid \$ |
| <u>X</u> | Dom. | Non-Dom. | Paid \$ |
| <u>X</u> | Dom. | Non-Dom. | Paid \$ |

- X Groundwater management area
X Critical ground water area
X Well Drilling Permit required
X Well Drilling Application and Fees received
X 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 AB
 Protests received, Final protest date: 7/16/98
 Measuring device required
 Measuring port required
 Special conditions:

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

Approval Recommended by: AB

Date: 7/10/98

Memorandum

Date: July 28, 1998

To: Application for Permit Number 97-07385

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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JAN 11 1999

AFFIDAVIT OF PUBLICA

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 (1.40 AF)  
Total Diversion: (1.40 AF)  
Date Filed: 6/5/1998  
In: BONNER County  
T60N R05W S04 NESW

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

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JAN 11 1999

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

MICROFILMED

JAN 11 1999

June 10, 1998

Tom Holmes  
2705 Marine Drive  
Post Falls ID 83854

Re: Water Appropriation Application No. 97-07385

Dear Mr. Holmes:

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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JAN 11 1999