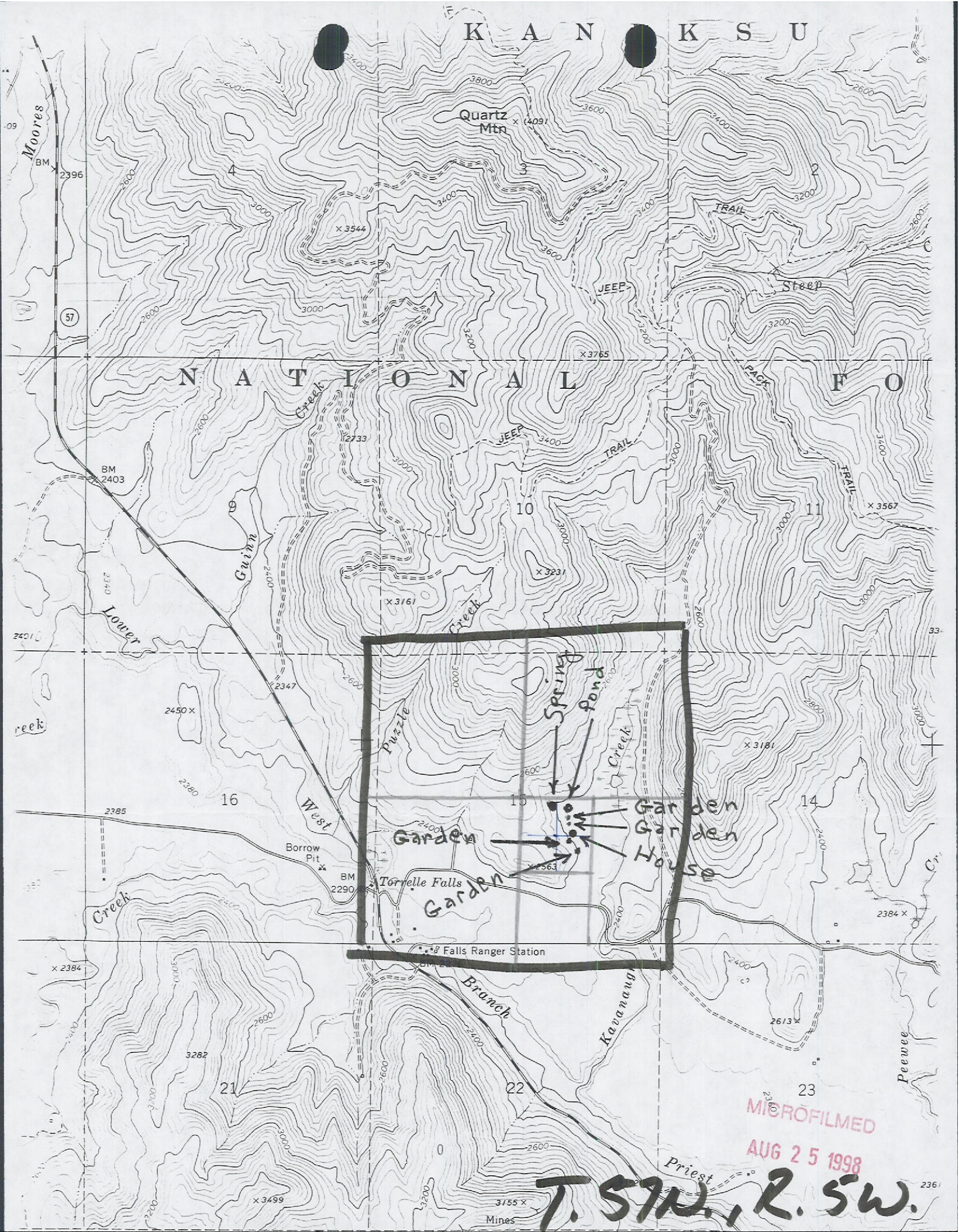




K A N S A S

N A T I O N A L F O R E S T

Quartz Mtn

TRAIL

JEEP

Steep

PACK

TRAIL

TRAIL

Guinn

Creek

Puzzle

Creek

West

Creek

Garden

Garden House

Torreille Falls

Garden

Falls Ranger Station

Branch

Kavanaugh

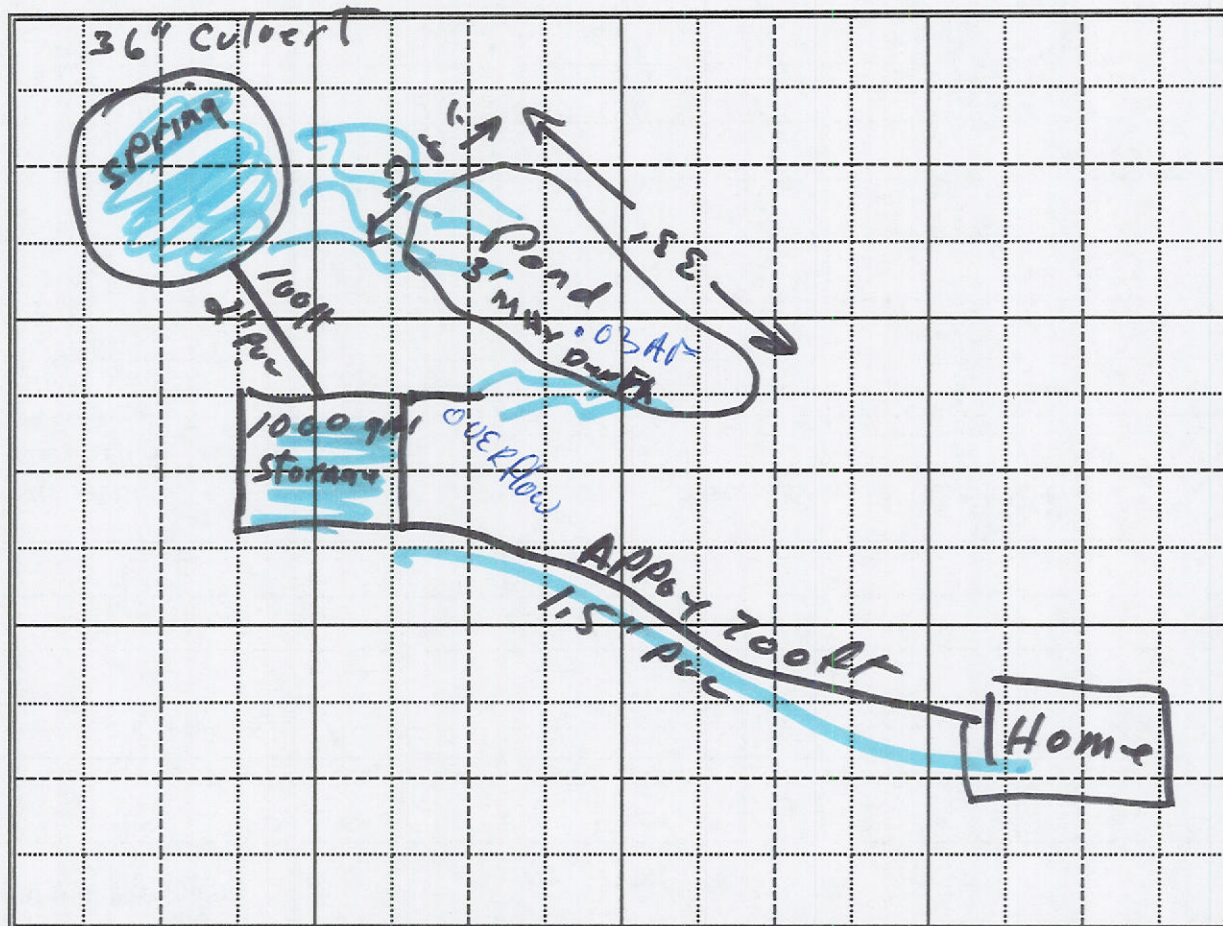
Peewee

MICROFILMED

AUG 25 1998

T. SW., R. SW.

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 Quadrange 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
	GRAVITY TO HOME				

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

D. FLOW MEASUREMENTS

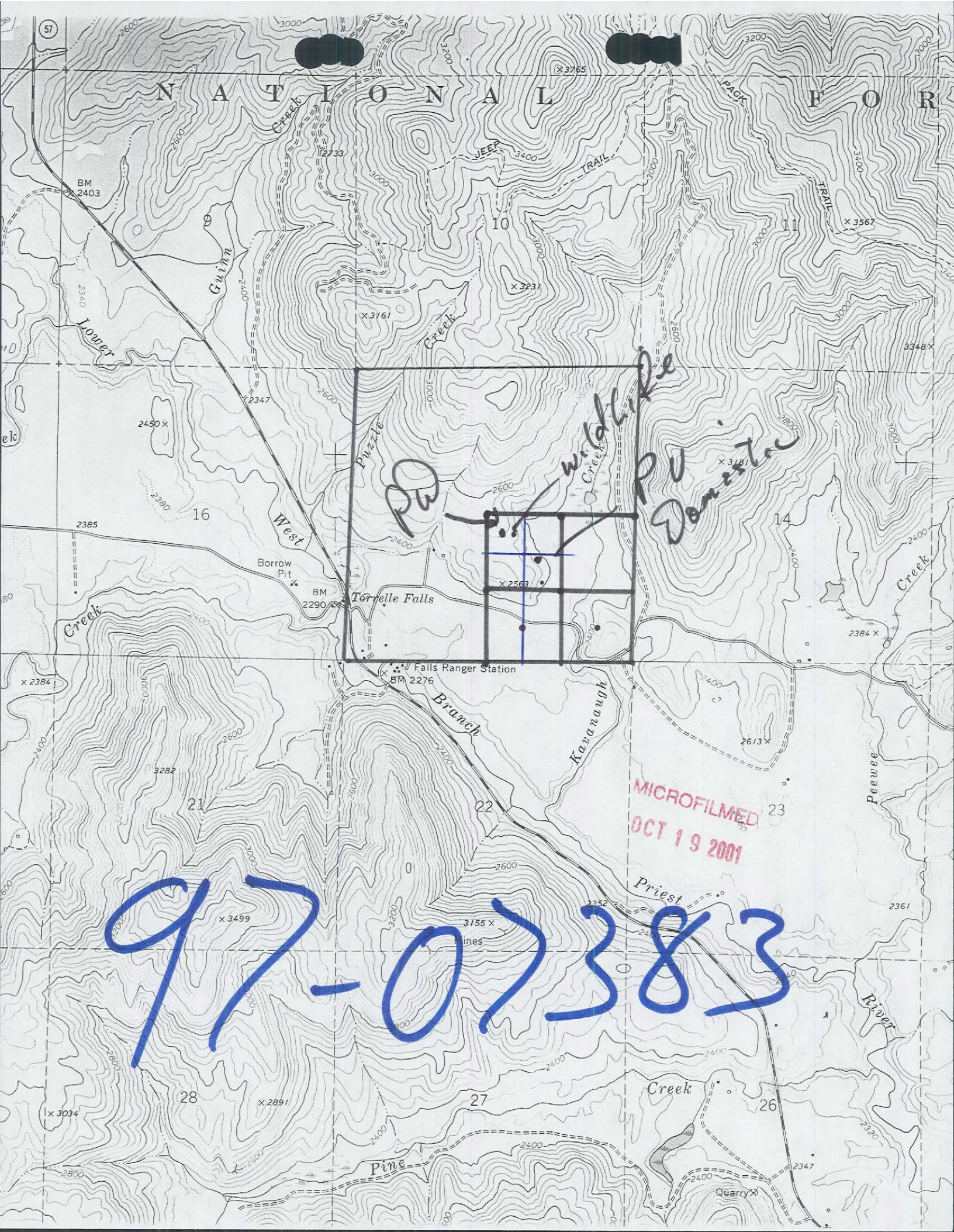
1.

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

2. Measurements: _____

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OCT 19 2001



97-02383



storage

PO
Storage



Wildlife



Domestic
MICROFILMED
OCT 19 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07383

Priority: March 02, 1998

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 1.3 AF

It is hereby certified that LAVON B ELLIS
PO BOX 1239
PRIEST RIVER ID 83856-1239 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 02, 1998; and has
submitted Proof of Beneficial Use on January 19, 1999. An examination indicates that the works have a
diversion capacity of 0.01 cfs of water from:

SOURCE

SPRING

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>
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼NW¼SE¼ Sec. 15, Twp 57N, Rge 05W, B.M., BONNER County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
57N 05W 15	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
57N 05W 15	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.

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 25TH day of JUNE, 2001.

MICROFILMED
OCT 19 2001

Acting for

KARL J. DREHER
Director

RECEIVED

JAN 19 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 97-07383 Telephone No. 448-0371
2. Name(s) of Permit Holder(s): Laron B. Ellis
3. Mailing Address: P.O. Box 1239, Priest River, ID 83856
4. Source of Water: Spring - Sinks If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ 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): 1 Stockwater (No. and type of stock): -
Irrigation (No. of acres): - Other: Wildlife + Wildlife Storage
6. Total rate of diversion and/or volume for which proof is submitted: .07 cfs OR .1 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>✓</u>
	Has the measuring device been installed?	Yes _____ or No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>✓</u>
	Has the measurement port been installed?	Yes _____ or No <u>✓</u>
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: Laron B. Ellis Telephone Number: 448-0371
Address: P.O. Box 1239, 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: _____

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

MAY 03 1999

Date: 1-15-99

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07383

Proposed Priority: March 2, 1998

Maximum Diversion Rate:

0.07 CFS

This is to certify, that **LAVON B ELLIS**

PO BOX 1239

PRIEST RIVER ID 83856-1239

has applied for a permit to appropriate water from:

SPRING

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	01/01 to 12/31	0.03 CFS	
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
	Totals	0.07 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE , Sec. 15, Township 57N, Range 05W
BONNER County

PLACE OF USE: WILDLIFE

TWN RGE SEC

57N 05W 15

NWSE

PLACE OF USE: DOMESTIC, same as WILDLIFE 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 April 1, 1999.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

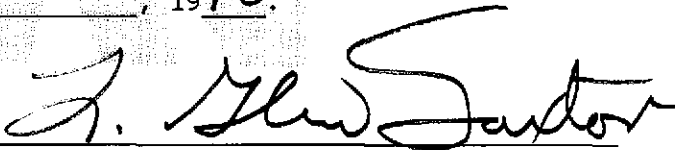
15th

day of

April

1998.

for



Karl J. Dreher, Director

MICROFILMED

AUG 25 1998

Ident. No. 97-07383

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 13 1998

Department of Water Resources

1. Name of Applicant LAVON B. ELLIS Phone 448-0371
Mailing address PO Box 1239 PRIEST RIVER ID 83856
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is Township 57N Range 5W Sec. 15 in the NW 1/4, NW 1/4, SE 1/4, Govt. Lot _____, B.M., BONNER County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.04 for DOMESTIC purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.03 for WILDLIFE purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 0.1 0.03 for WILDLIFE 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) 0.07 and/or (b) 0.03
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 300 GAL. COLLECTION TANKS, 1000 GAL. STORAGE TANK, 800 FT. 1 1/2" PVC PIPE (4' DEEP) 4-8' HYDRANTS
- b. Height of storage dam _____ feet; active reservoir capacity 0.03 acre-feet; total reservoir capacity 0.03 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 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. 1 HOME
- e. Other; describe fully. 4 GARDENS (HOSE FROM 4 HYDRANTS TO SOAKER HOSES) WILDLIFE WATER TANKS (100 GAL) FILLED BY HOSE FROM 4 HYDRANTS - SMALL WILDLIFE POND (25' DIA X 2' DEEP) FILLED BY OVERFLOW FROM STORAGE TANK.
* per dept standards, round acre feet to nearest 1/10 th. 4/14/98 2:5 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	
S7N	SW	15														D			
																W			
																W (STORAGE)			

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? APPLICANT

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: _____

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.

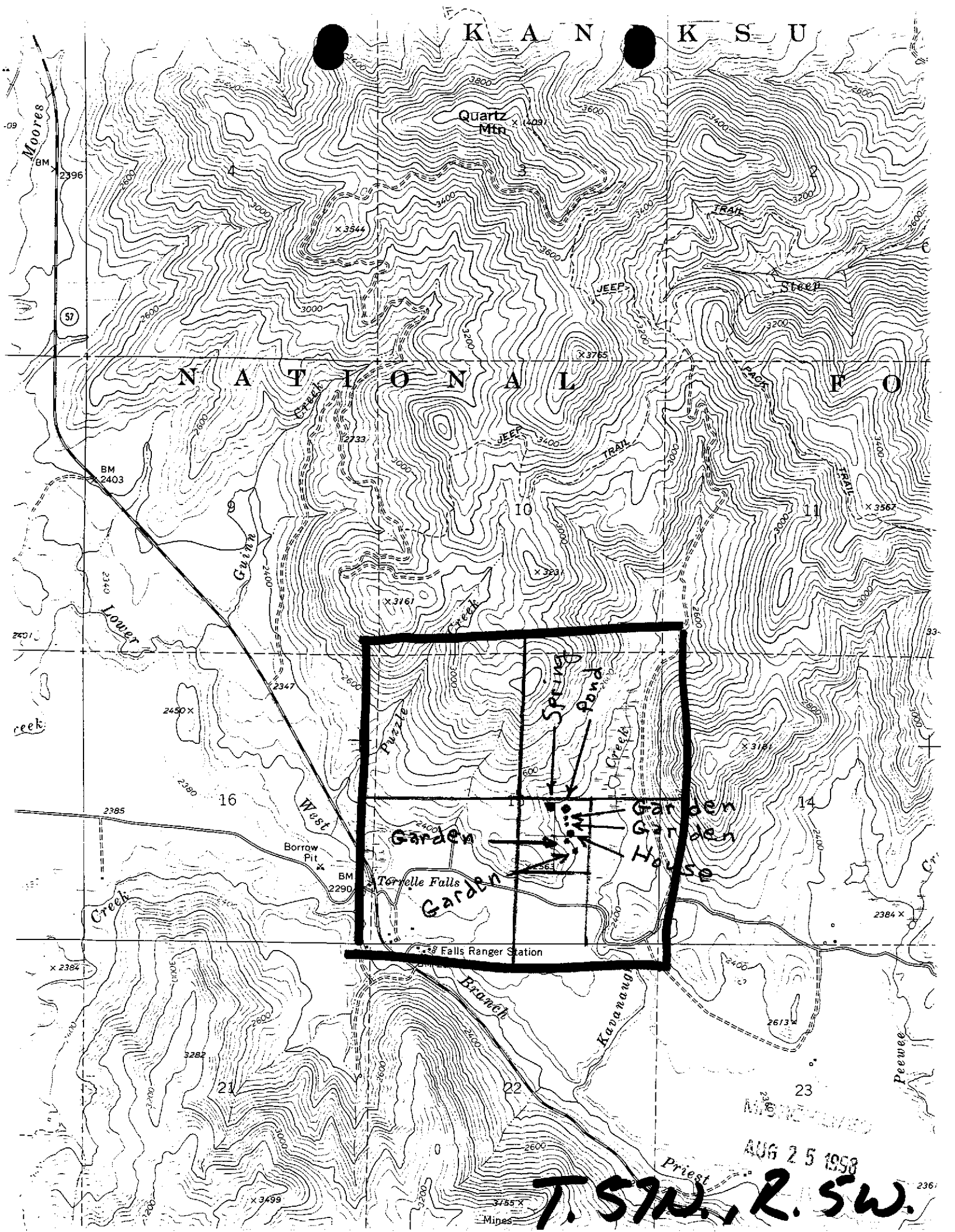
MICROFILMED
AUG 25 1998

X Lauron B. Ellis
 Signature of Applicant (and title, if applicable)

Received by db Date 11/10/97 Time 1:30p Preliminary check by AS
 Fee \$ 50 Received by db # 201706 Date 11/10/97
 Publication prepared by db Date 3/11/98 Published in Priest River Times 3/18+25/98
 Publication approved db Date 4/3/98

K A N S A S

N A T I O N A L F O



RECEIVED

AUG 25 1958

T. 57N., R. 5W.



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

June 26, 2001

LAVON B ELLIS
PO BOX 1239
PRIEST RIVER ID 83856-1239

RE: License No. 97-7383 - Issuance of License

Dear Water Right Holder(s):

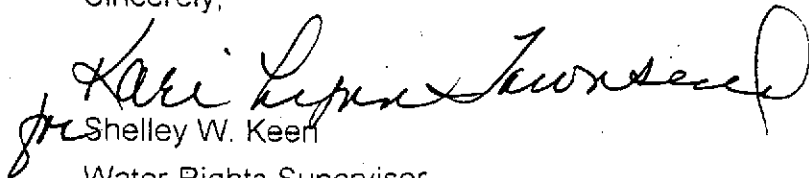
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klr

Enclosure(s)

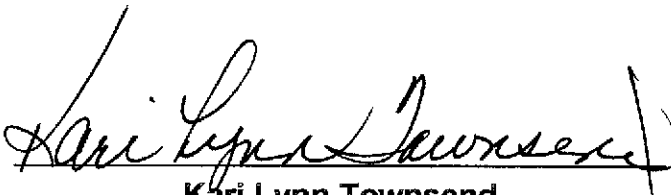
MICROFILMED
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on June 26, 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. 97-7383

**LAVON B ELLIS
PO BOX 1239
PRIEST RIVER ID 83856-1239**


**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).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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OCT 19 2001

LICENSE REVIEW CHECKLIST

Permit No. 97-07383 Date: 6-21-01 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 0.07 cfs
Fee Limit 0.30 cfs
Measured 0.01 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.01

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.01 cfs 1.2 af
Wild Stor _____ cfs 0.1 af
Total 0.01 cfs 1.3 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/Wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

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

Remarks: W01

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

topo C53

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 29 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 97-07383

1. Owner: Laron B. Ellis Phone No. (208) 448-0371

Current Address: P.O. Box 1239 Priest River Id. 83856

2. Accompanied by: Laron Ellis EXAM DATE 6-7-2000

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring 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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	SE	15	57N	05W	Bonner	USGS 7.5 min Quad

2. Place(s) of Use:

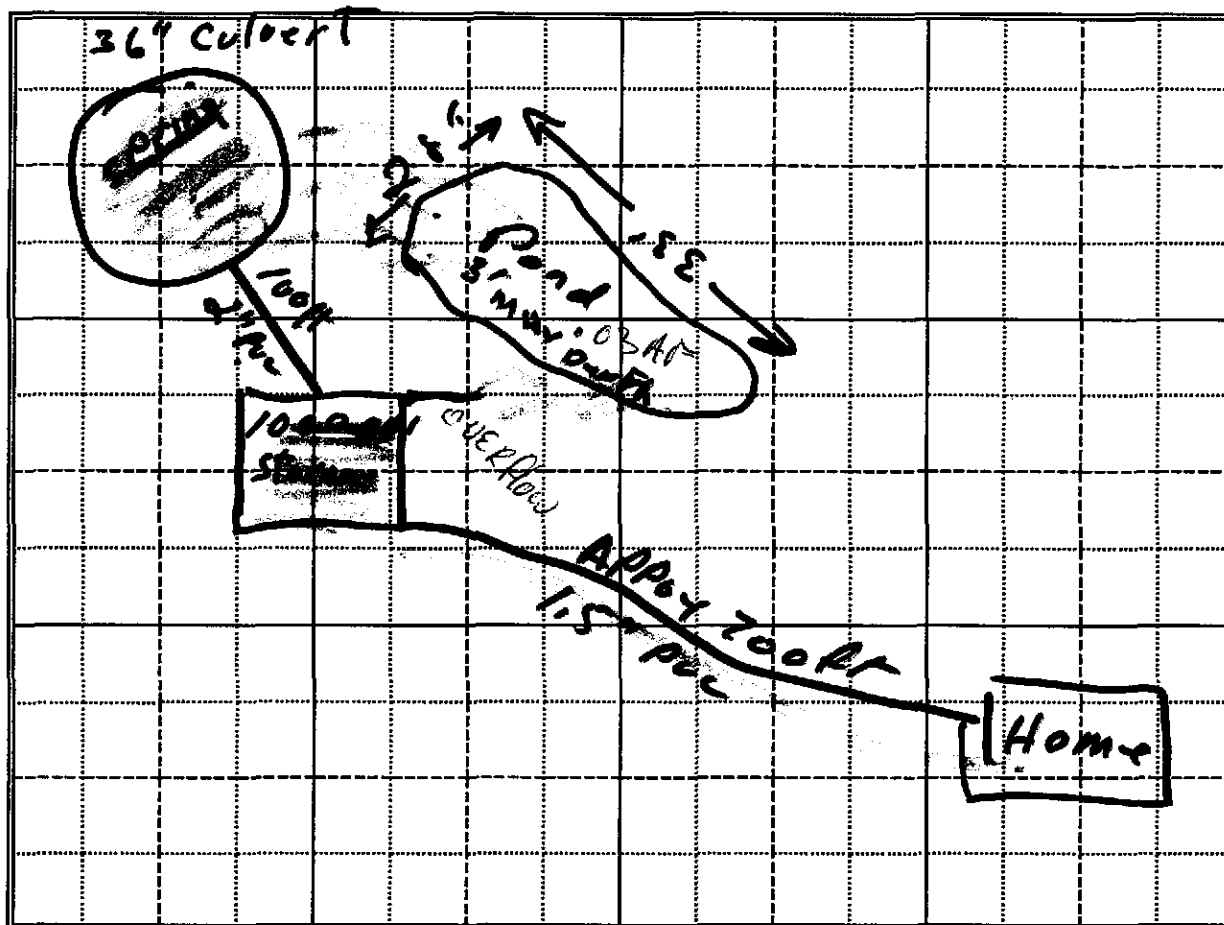
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	05W	15														W			
																D			

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



Scale: 1" = _____

____ Copy of USGS Quadrange 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
	GRAVITY TO HOME				

*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

Spring development 36" culvert where
spring surfaces. Water flows through grasses
over land naturally to Pond. Overflow from
storage facility flows over land to Pond.

Measurement was taken at overflow
of storage 1.5 gpm.

~~Stop~~ Pond for wild life fills naturally
there is no diversion

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

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OCT 13 2001

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{aligned} \text{5 gal bucket} &= 200 \text{ sec} = 1.59 \text{ min} \\ \frac{1.5 \times .133681}{60} &= .003 \text{ cfs} \end{aligned}$$

G. VOLUME CALCULATIONS

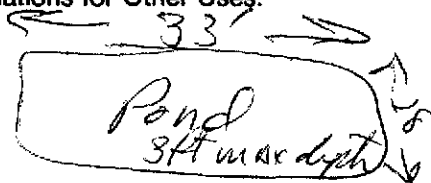
1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:



$$\frac{33 \times 28 \times 3 \times .4}{43560} = .025 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wild life	01-01	12-31		
Wild life Stor	01-01	12-31	.01	.003
Domestic	01-01	12-31	.01	.02
Totals:			.01	.023

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Wayne Baldwin Date 6-27-00

Reviewer _____ Date _____

SEAL
MICROFILMED
OCT 19 2001

97-07383

I

ATLION

PERMIT #

STATE OF IDAHO



97-07383

97-07383

97-07383

MICROFILMED
OCT 19 2001

97-07383



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 1999

Lavon B Ellis
PO Box 1239
Priest River ID 83856

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07383

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MAY 03 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 97-07383 Reviewed by Jay Date 4/16/99

GENERAL CONSIDERATIONS

TYPES OF USE

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

dom, wildlife stor.
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

NO Required?

50- Amount Submitted

Installed?

yes Correct?

Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

1-19-99
-
1-19-99
=
0

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 1-19-99



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 15, 1998

LAVON B ELLIS
PO BOX 1239
PRIEST RIVER ID 83856-1239

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07383

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

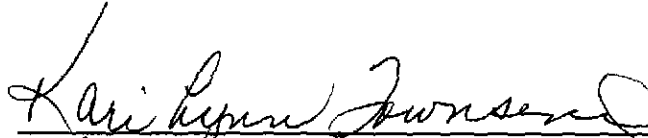
AUG 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of April, 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. 97-07383

LAVON B ELLIS
PO BOX 1239
PRIEST RIVER ID 83856-1239


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 25 1998

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.

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.

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou
 No.: 97-7383 Name: Ellis Date: 4/14/98 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

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

≤ 0.24 cfs/5 acres

- No MD

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

Included w/permit

- Permit No. _____ - _____ - _____ - _____, P99

irr. in 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 # _____)

- 01J-P08 (MD & LD)

≤ 0.10 cfs

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

WMD (✓ MAP)

> 0.24 cfs/5 acres

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

≤ 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)-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)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

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)

OTHER CONDITIONS:**STANDARD REMARKS:**

- (1) w01/1

BENEFICIAL USE DUE:

- 4/1/1999

COMMENTS:

11. HO DE. AR. E. 1. OF ALER R. JRC. S
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED ^{WR1} ^{WR2} ^{BC}

APPLICATION # 97-1383
INITIAL REVIEW

APR 13 1998

DEPARTMENT OF WATER RESOURCES

APPLICANT: ELLIS BY: TS DATE: 3/2/98

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: 3/2/98
X (Include Moratorium Remark)
X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
ok p-1/wed/ok

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>7</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

- 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)
- X Notice of pending void order issued. Final order response date: 4/1/98
 - X Further information required from applicant
 - X Affidavit of publication received
 - X Application published correctly. If not, record action taken: _____

- X Publication dates and paper recorded on application
- X Protests received, Final protest date: 4/6/98
- X Measuring device required
- X Measuring port required
- X Special conditions:

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

Approval Recommended by: ABPMA Date: 4/8/98

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Gayle Brass
being duly sworn, says that he is the office clerk
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been con-
tinuously and uninterruptedly published in said County during a period
of 78 consecutive weeks prior to the first publication of the annexed
notice for publication, is a newspaper of general circulation made up of
at least eight pages of at least six columns each, printed from type set-
up or stereotyped forms of at least nineteen and three-fourths inches
wide, has at least 1250 bona fide subscribers living within said Bonner
County, and is published at regular weekly intervals. That the annexed
is a true copy of the notice for publication in the case of

2372

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 18 day of March, 1998
and ending on the 25 day of March, 1998
and that said notice was published in said newspaper.

On this 25 day of March in the year
of 98, before me, a Notary Public, personally
appeared Gayle Brass,
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.

Lincoln Jackson
Notary Public for Idaho

Residing at Priest River, Idaho 83856
My commission expires: 1999

RECEIVED

APR 03 1998

NORTHERN REGION
IDWR

PRIEST RIVER TIMES Wednesday, March 25, 1998 7

Read the Legals for information important to you

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

97-07383

ELLIS, LAVON B
PO BOX 1239
PRIEST RIVER, ID 83856

Source: SPRING	Tributary: SINKS	
Diversion Pt: NWNWSE	Sec 15 T 57N R 05W in BONNER County.	
Use: WILDLIFE	(0.030 CFS)	
WILDLIFE STORAGE	(0.040 CFS)	(0.03 AF)
DOMESTIC	(0.070 CFS)	(0.03 AF)
Total Diversion:		

Date Filed: 3/2/1998
In: BONNER County
T57N R05W S15 NWSE

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 APRIL 6, 1998.

KARL J. DREHER, Director

PRT Legal 2372
March 18, 25, 1998

RECORDED
APR 23 1998

97-07383

ELLIS, LAVON B
PO BOX 1239
PRIEST RIVER, ID 83856

Source: SPRING

Tributary: SINKS

Diversion Pt: NWNWSE Sec 15 T 57N R 05W in BONNER County.

Use: WILDLIFE	(	0.030 CFS)	
WILDLIFE STORAGE			(0.03 AF)
DOMESTIC	(	0.040 CFS)	
Total Diversion:	(	0.070 CFS)	(0.03 AF)

Date Filed: 3/ 2/1998

In: BONNER County
T57N R05W S15 NWSE

MICROFILMED
AUG 25 1998

March 11, 1998

Lavon B. Ellis
PO Box 1239
Priest River ID 83856

Re: Water Appropriation Application No. 97-07383

Dear Mr. Ellis:

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

REC'D - WRS
APR 23 1998