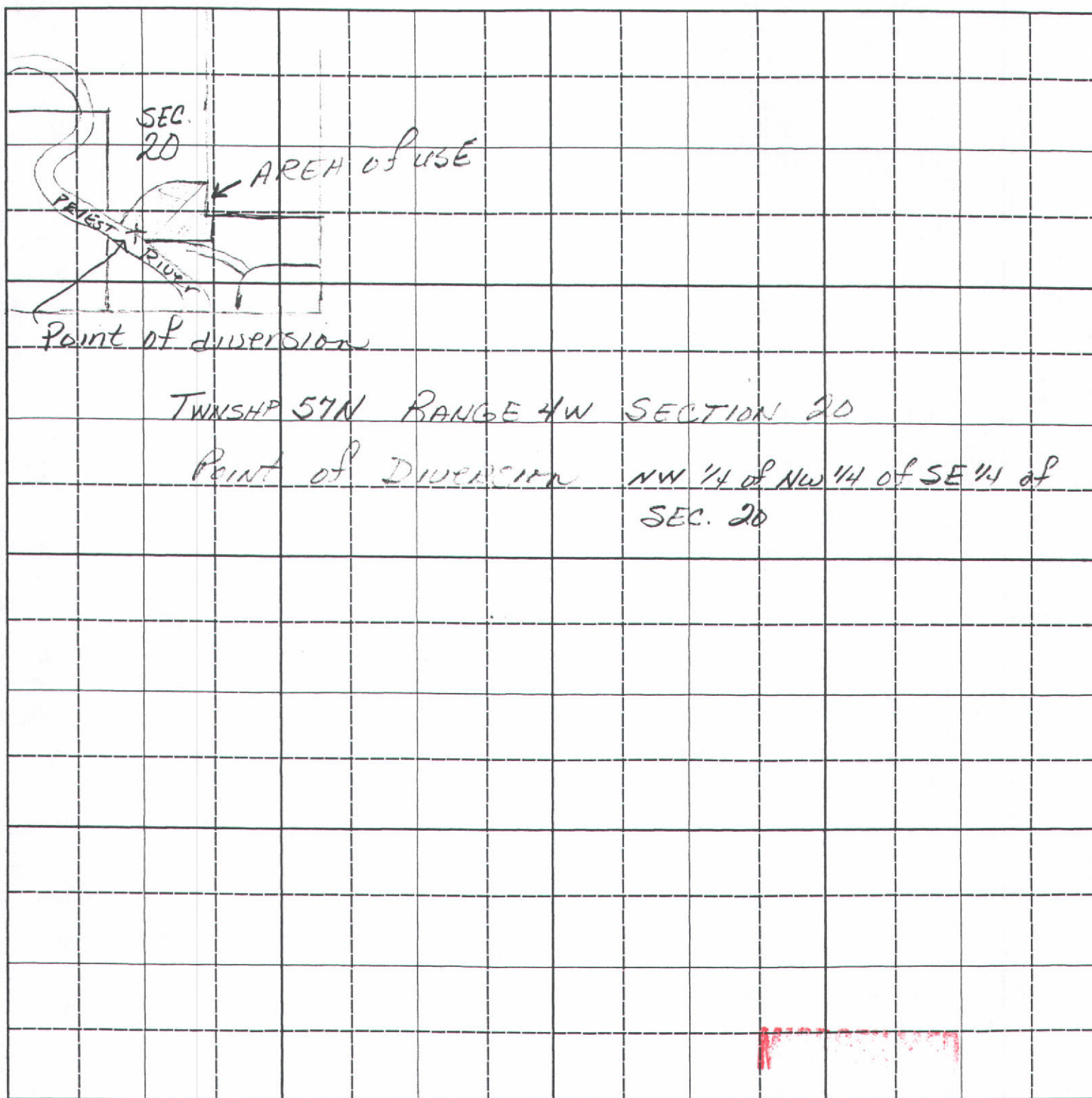


Area indicated
in Blue is
Area of use
X marks
point of
Diversion

which is
TOWNSHIP 57N
R. 4W
Sec 20
NW 1/4 of NW 1/4 of
SE 1/4 of Sec 20



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

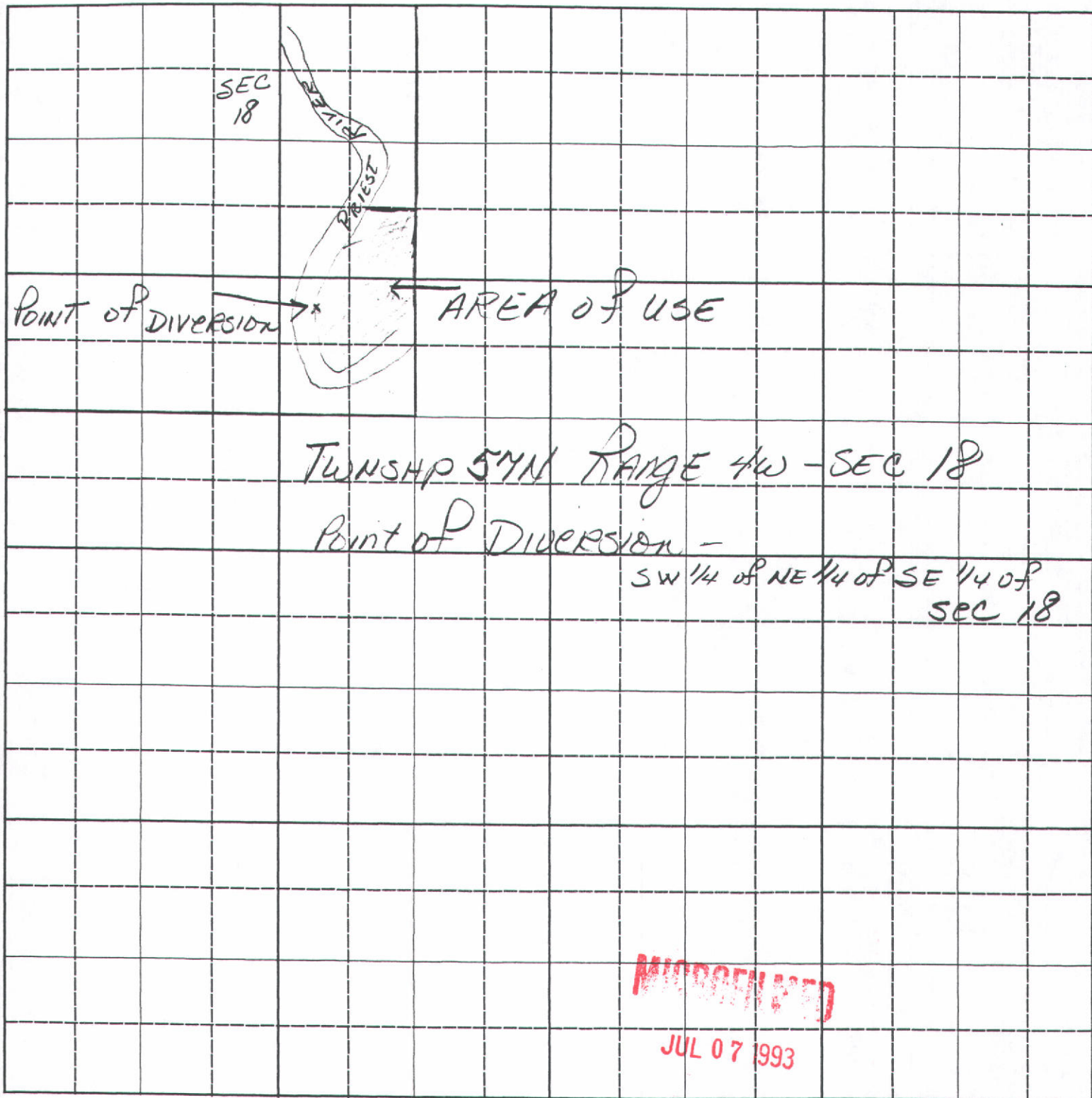


Scale: 2 inches equal 1 mile.

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

Mike Baay
(Applicant)

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

+ Mike Bayne
(Applicant)



RECEIVED

JAN 15 1997

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. 97-07326 Telephone No. 208-448-1997
2. Name(s) of Permit Holder(s): Mike Bays D.O.B. McAbert Falls Ranch
3. Mailing Address: P.O. 1855 Priest River, 23856
4. Source of Water: PRIEST RIVER If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: M.A. Drilling Permit Number: ____ - ____ - ____ - ____
- b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ____ Stockwater (No. and type of stock): ____
Irrigation (No. of acres): 35 Other: ____
6. Total rate of diversion and/or volume for which proof is submitted: 1.70 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 <u>X</u> | or | No ____ |
| | Has the measuring device been installed? | Yes ____ | or | No ____ |
| Flow Measurement Port: | Is a flow measurement port required? | Yes <u>X</u> | or | No ____ |
| | Has the measurement port been installed? | Yes <u>X</u> | or | No ____ |
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Mike Bays Telephone Number: 208-448-1997
Address: P.O. 1855 Priest River, 23856
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: Michael Bays, owner

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

Date: 1/15/97

MAR 11 1997

RECEIVED

JAN 10 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 97-07326

Name(s) of Permit Holder: Mike Bays, DDA McAbbe Falls Ranch

Mailing Address: P.O. Box 1855, Priest River, ID 83856

Date Proof is Due: _____ Telephone No. 448-1997

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Pump & Pipe Purchased but not installed

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Lack of Time & Correct Conditions &
Not Proper Access To Property

Permit holder(s) request an extension to June, 19 97.

FEE: \$50.00

(Signature) Michael Bays, 1/6/96

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **March 1, 1997.**

Signed this 11th day of January, 19 96

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 97-07326

Proposed Priority: August 10, 1992 Maximum Diversion Rate: 0.70 CFS

This is to certify, that **MIKE BAYS**
DBA MC ABEE FALLS RANCH
HCR 6 BOX 33A
PRIEST RIVER ID 83856

has applied for a permit to appropriate water from:

PRIEST RIVER tributary of **PEND OREILLE RIVER**

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	0.70 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 20, Township 57N, Range 04W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
57N	04W	20	NESE 20	NWSE 15		35

Total number of acres irrigated: 35

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1996**.
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. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Use of water under this permit may be affected by an agreement between the protestant and the applicant.

MICROFILMED

JUL 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07326

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

5th day of February, 1993

R. Keith Higginson

R. Keith Higginson, Director

for

MICROFILMED

JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ^{DBA} Mike Bays McAbee Falls Ranch Phone 208-448-1997
Post office address HCR 6 Box 33A Priest River Idaho 83856
2. Source of water supply Priest River which is a tributary of Pend Oreille River
3. Location of point of diversion is ~~XXXX~~ 1/4 of ~~XXXX~~ NW 1/4 of ~~XXXX~~ SE 1/4, Govt. Lot _____
Sec. ~~20~~ 20 Township 57N Range 04W B.M. Bonner County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.70 for irrigation purposes from 3-15 to 11-15 (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) 0.70 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PTO Pump - 4" main line
and 3" hand line laterals

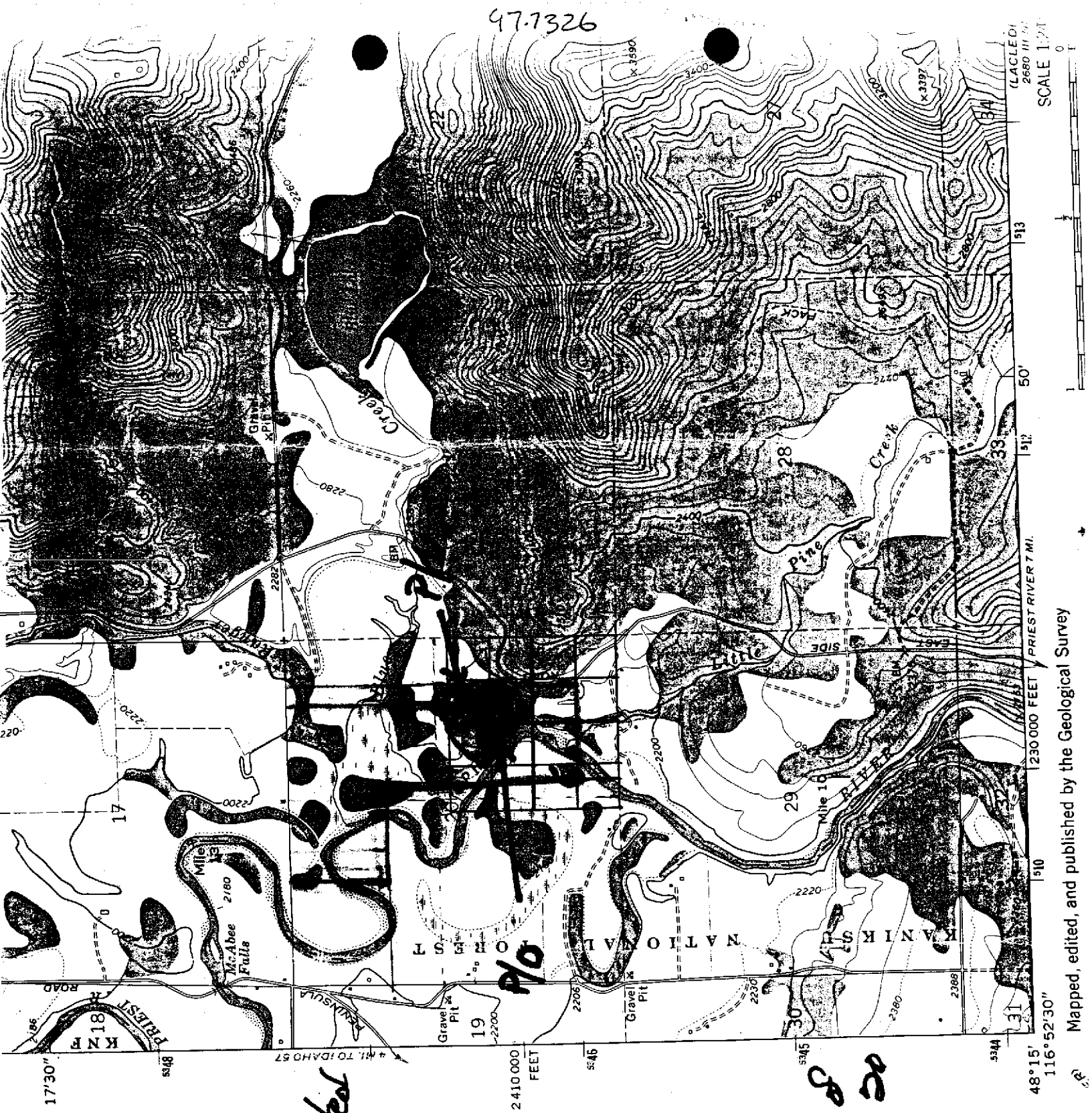
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

JUL 07 1997

SECRET

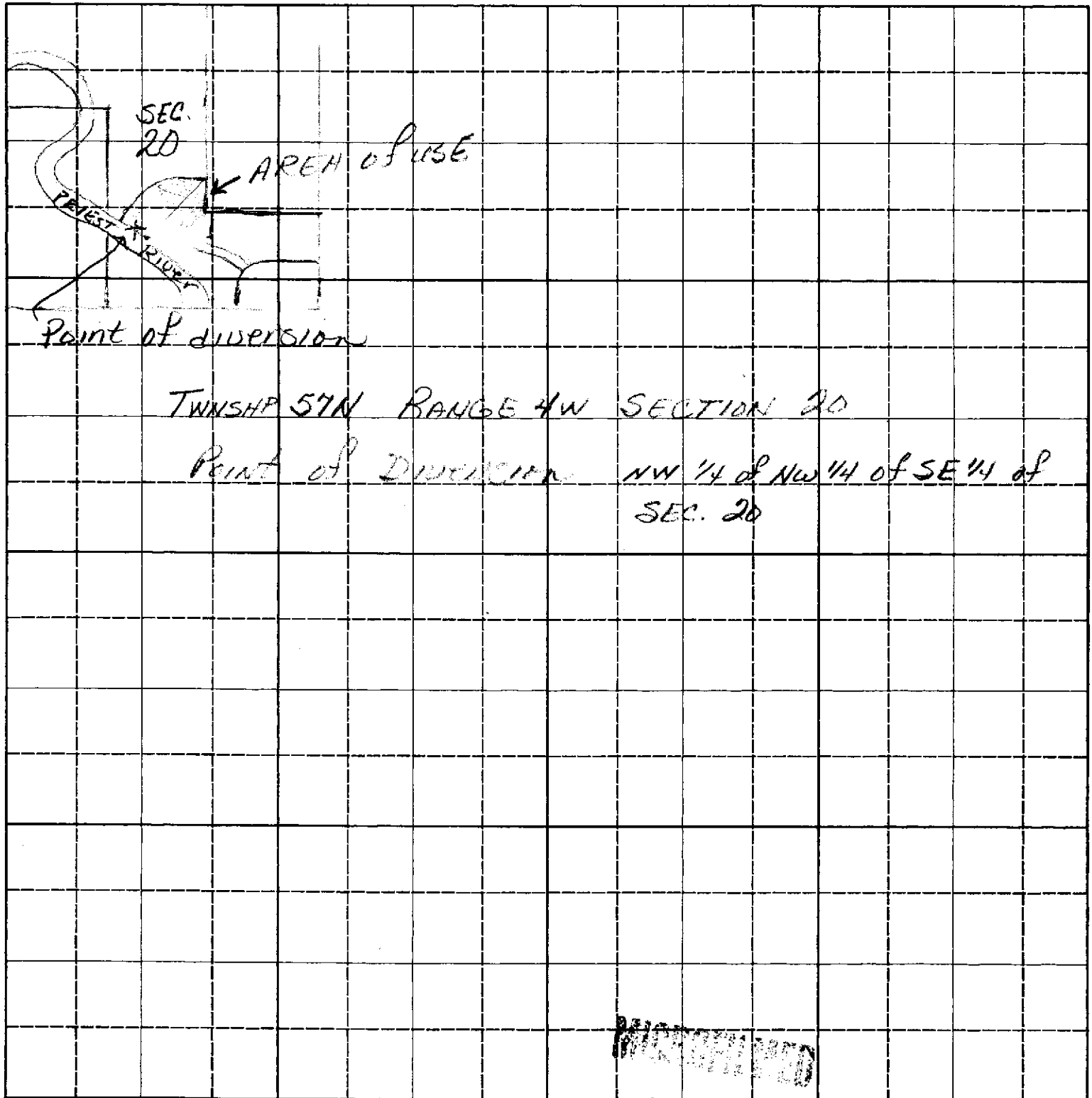
JUL 07 1993
 2680 III 1/2
 2680 III 1/2
 2680 III 1/2

AREA indicated
 in ~~pink~~ is
 AREA of use
 x marks
 point of
 Diversion
 which is
 TOWNSHIP 57N
 R-4W
 SEC 20
 NW 1/4 of NW 1/4 of
 SE 1/4 of SEC 20



Mapped, edited, and published by the Geological Survey

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

JUL 07 1993

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

Mike Bays
(Applicant)

JUL 07 1993

RECEIVED

e. Other:

- d. The water right acquired under this permit if 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 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 permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

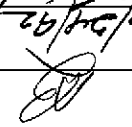
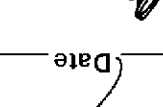
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by	Date	Time	Preliminary check by
	8/12/92	6:25/92 1:20pm	
Fee \$	Received by	#	Date
65.00		N 5646	6/24/92 6/24/92
Publication prepared by	Date	Published in	Date
	8/12/92		9/14/92
Publication approved	Date		
	9/14/92		

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Linda Ramsey

being duly sworn, says that he is the General Manager

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously 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 typewritten or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed

a true copy of the notice for publication in the case of

1334 - 96-08707

97-07326 - 97-07327 97-07328

as it was published in the regular and entire issue of the said paper for a period of two consecutive weeks, commencing on 19th day of August, 19 92 and ending on the 26 day of August, 19 92 and that said notice was published in said newspaper.

On this 25th day of August in the year of 92, before me, a Notary Public, personally appeared Linda Ramsey, 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.

R. Keith Higginson
Notary Public for Idaho

Residing at Sanford

My commission expires: 10/22/93

OFFICE OF APPLICATION FOR WATER RIGHT

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

96-08707

DAVIS, MIKE
PO BOX 173
BLANCHARD, ID 83804
Source: SPRINGS
Tributary: SINKS
Diversion Pt: SENWSW Sec 10 T
54N R 05W in BONNER County.
Use: DOMESTIC (.040 CFS); Total
Diversion (.040 CFS)
Date Filed: 8/11/1992
In: BONNER County T54N R05W
S15 NWNW

97-07326

BAYS, MIKE
MC ABEE FALLS RANCH, DBA
HCR 6 BOX 33A
PRIEST RIVER, ID 83856
Source: PRIEST RIVER
Tributary: PEND OREILLE RIVER
Diversion Pt: NWSE Sec 20 T 57N R
04W in BONNER County.
Use: IRRIGATION (.700 CFS); Total
Diversion (.700 CFS)
Date Filed: 8/10/1992
In: BONNER County T57N R04W
S20 NESE NWSE
35.0 ACRES TOTAL

97-07327

BAYS, MIKE
MC ABEE FALLS RANCH, DBA
HCR 6 BOX 33A
PRIEST RIVER, ID 83856
Source: PRIEST RIVER
Tributary: PEND OREILLE RIVER
Diversion Pt: NWSE Sec 18 T
57N R 04W in BONNER County.
Use: IRRIGATION (.840 CFS); Total
Diversion (.840 CFS)
Date Filed: 8/10/1992
In: BONNER County T57N R04W
S18 NESE SESE
42.0 ACRES TOTAL

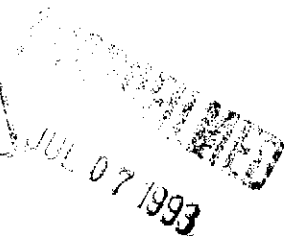
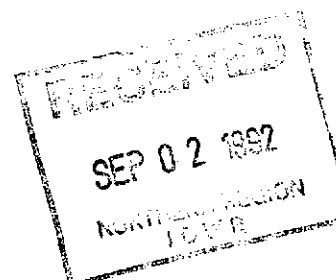
97-07328

BRYANT, NEVIN A.
BRYANT, ELIZABETH T.
5155 STONEGLEN RD
LA CANADA, CA 91011
Source: PRIEST LAKE
Tributary: PEND OREILLE RIVER
Diversion Pt: LOT 1 (NESE) Sec 9 T
61N R 04W in BONNER County.
Use: DOMESTIC (.030 CFS); Total
Diversion (.030 CFS)
Date Filed: 8/3/1992
In: BONNER County T61N R04W
S09 NESE

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before SEPTEMBER 8, 1992.

R. KEITH HIGGINSON, Director
#1334 PRT Aug. 19, 26, 1992



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 97-07326 Reviewed by Jay Date 1-23-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

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?
100 - Amount Submitted
yes Correct?
yes Required?
yes Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 1-15-97

January 24, 1997

MIKE BAYS
DBA MC ABEE FALLS RANCH
PO BOX 1855
PRIEST RIVER ID 83856

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07326

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
MAR 11 1997

December 31, 1996

MIKE BAYS
DBA MC ABEE FALLS RANCH
PO BOX 1855
PRIEST RIVER ID 83856

PROOF DUE NOTICE

RE: PERMIT NO. 97-07326

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1997.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

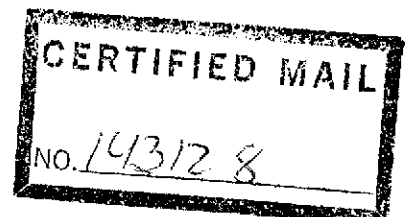
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAR 11 1997



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 97-07326 Reviewed by Jay Date 1-11-96

BASIC INFORMATION

1-10-96 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
YES Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to March 1, 1997, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address P.O. Box 1855
Change Proof Due Date 3-1-97
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 17, 1996

Mike Bays
dba McAbee Falls Ranch
P.O. Box 1855
Priest River, ID 83856

RE: Permit No. 97-07326

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **March 1, 1997**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

FEB 26 1996

December 31, 1995

MIKE BAYS
DBA MC ABEE FALLS RANCH
HCR 6 BOX 33A
PRIEST RIVER ID 83856

PROOF DUE NOTICE

RE: PERMIT NO. 97-07326

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

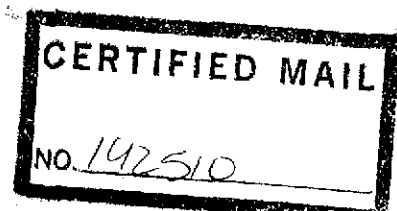
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1993

MIKE BAYS
DBA MC ABEE FALLS RANCH
HCR 6 BOX 33A
PRIEST RIVER ID 83856

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07326

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

RECEIVED
JUL 07 1993

APPLICATION FOR PERMIT REVIEW

Application #: 97-7326 Date: 2-2-93 Reviewer: Brenda Miller *BLM*

SYSTEM COMPLETED:

- No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

AREA OF CONCERN? No

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99 Permit No. _____
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. _____
 Surface water - R04, R04-01H-P01(LT.2 w/pump)
 R04-01J-P08(GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - _____ (1, Blank or Other)
 Trust - 051-052-053-P74(Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date - 03-01-1996

Other Conditions/Remarks: - DIVERSION LOCATION & REMARK, W15, W16

Refund already requested for overpayment of app fees.

Application No. 97-7326

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Robert Savage	PO Box 1378, Priest River, Id. 83856	8/25/92
2	John F. Weyant	PO Box 1283, Priest River, Id. 83856	9/3/92
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 8/25/92

PROTEST DUE DATE: 9/8/92

ISSUES: Not enough water to go around. Mr. Weyant doubts water will be used for what it was applied for

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>9/16/92</u>
Acknowledgment Letters Sent	<u>9/16/92</u>
Hearing Date	_____
_____	_____
_____	_____
_____	_____

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

JUL 07 1993

APPLICATION # _____

***** INITIAL REVIEW *****

APPLICANT: MIKE BAYS BY: AB DATE: 8/11/92

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
☒ Dam information requested
or not requested
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other Water Rights
11. ☒ Ownership
13. ☒ Map
☒ Signature
☒ Fee (Amt, recpt, acknowlegment)

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No PRIORITY DATE: 8/10/92
____ (Include Moratorium Remark)
____ Statewide Avertising: (Diversion rate
greater than 10 cfs or 1,000 af).

8/15/92 Advertised in: Print R Lines

County of: BONNER

SEND COPIES TO:

☐ USFS Cda	☐ USFS Oro	☐ USFS Grangeville
☐ BLM	☐ W/W Corps	☐ Albeni Corps
☐ F&G Cda	☐ F&G Lew	☐ IDL
☐ H&W Cda	☐ H&W Lew	☐ Adj Div
(Other) _____		

LETTERS SENT REQUESTING:

☐ Dam information ☐ Fish Information
☐ Power information ☐ Other

INFORMATION RECEIVED

☐ Power information ☐ Dam information
☐ Fish Information ☐ Other

***** GROUNDWATER SECTION *****

(Yes) (No)

Checked by: _____ Date: ____/____/____

Remarks: _____

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

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- ____ Notice of pending void order issued. Final order response date: _____
____ Further information required from applicant
☒ Affidavit of publication received
____ Application published correctly, If not, record action taken: _____
☒ Publication dates and paper recorded on application | Sr. Agent initial _____
☒ Protests received. Final protest date: 9/8/92
____ Measuring device required
☒ Measuring port required
____ Special conditions: _____
____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RYA Date: 1/26/93

97-07326

BAYS, MIKE
MC ABEE FALLS RANCH, DBA
HCR 6 BOX 33A
PRIEST RIVER, ID 83856

Source: PRIEST RIVER

Tributary: PEND OREILLE RIVER

Diversion Pt: NWSE Sec 20 T 57N R 04W in BONNER County.

Use: IRRIGATION (.700 CFS)
Total Diversion: (.700 CFS)

Date Filed: 8/10/1992

In: BONNER County
T57N R04W S20 NESE NWSE

35.0 ACRES TOTAL

RECORDED

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 21, 1993

Mr. Mike Bays
McAbee Falls Ranch
HCR 6 Box 33A
Priest River, Id. 83856

Re: 97-7326 and 97-7327

Dear Mr. Bays:

We acknowledge receipt of your Statement of Intent in which you agree to construct your water diversion intakes downstream from F. N. McGhee's pumps.

The above-referenced water rights will now be forwarded to our State Office in Boise for processing.

If you have any further questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Robert G. Haynes'.

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

c Mr. Robert Savage
Mr. John F. Weyant

JUL 07 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

JAN 19 1993

NORTHERN REGION
IDWR

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATIONS FOR PERMIT)
NO. 97-7326 AND 97-7327, BOTH IN THE)
NAME OF MIKE BAYS DBA MCABEE FALLS)
RANCH.)
_____)

STATEMENT OF INTENT

Mike Bays DBA McAbee Falls Ranch states as follows:

I agree to construct the diversions referred to in the above-
referenced water right applications so that the intakes for the pumps will
be located downstream from the pumps for F. N. Mc Ghee's Water Right Nos.
97-7231 and 97-7232.

DATED this 14 day of January, 1993.

Mike Bays
Mike Bays



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

McAbee Falls Ranch
Attn Trina
HCR 6 Box 33A
Priest River, Id. 83856

Re: 97-7326 and 97-7327

Dear Trina:

Enclosed is the statement which we discussed on the phone. Please have Mr. Bays sign and return it to us. Receipt of this statement will resolve the protests against the issuance of Mr. Bay's water rights and we will forward them to our State Office for action.

If you have any questions, please contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enc. - Statement of Intent

MICROFILMED
JUL 07 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST	)	
APPROVAL OF APPLICATIONS FOR PERMIT	)	
NO. 97-7326 AND 97-7327, BOTH IN THE	)	STATEMENT OF INTENT
NAME OF MIKE BAYS DBA MCABEE FALLS	)	
RANCH.	)	
_____	)	

Mike Bays DBA McAbee Falls Ranch states as follows:

I agree to construct the diversions referred to in the above-referenced water right applications so that the intakes for the pumps will be located downstream from the pumps for F. N. Mc Ghee's Water Right Nos. 97-7231 and 97-7232.

DATED this _____ day of _____, 1993.

Mike Bays

RECEIVED
JUL 9 7 1993

Jan, 9, 1993

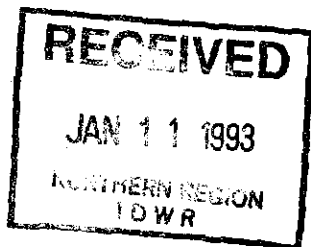
Dear Sir.

I did not protest the application of Mike Bays for a water right on the river. All I asked was that he not draw water from above the MacShee pumps on the river because the water gets so low in the river that I have a hard time getting water to the pumps.

I did not protest the application for a water right. He can pump it dry below my pumps for all I ~~has~~ care.

I hope this takes care of this problem.

Yours Truly
Robert Savage



RECORDED

JUL 07 1993

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

MIKE BAYS

MCABEE FALLS RANCH

HCR 6 BOX 33A

PRIEST RIVER ID 83856

97-7326 & 7327

JUL 07 1993

4. Article Number

48212

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

B. Signature - Address

X

B. Signature - Agent

X

7. Date of Delivery

1-7-93 @

8. Addressee's Address (ONLY if
requested and fee paid)

RECEIVED

JAN 8 1993

NORTHERN REGION

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



NOT RECORDED

JUL 07 1993



**PENALTY FOR PRIVATE
USE, \$300**

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

MR ROBERT SAVAGE
PO BOX 1378
PRIEST RIVER ID 83856

4. Article Number

48213

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X *Robert Savage*

6. Signature — Agent

X

7. Date of Delivery

7/7/93

8. Addressee's Address (Only if registered mail)

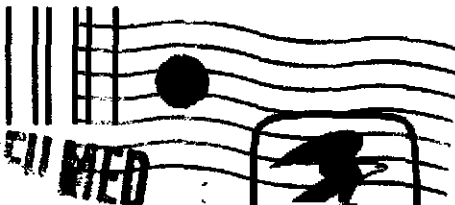
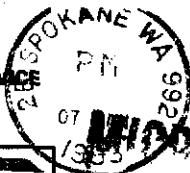
RECEIVED

JAN 8 1993

NORTHWEST REGION

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

UNDELIVERED

JUL 07 1993



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ CertifiedI certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

LT No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	48210	MR STEVE SMITH COOKE LAMANNA SMITH & COGSWELL PO BOX C SANDPOINT ID 83864	29¢	1.00				1.00				968605
2	48211	DEBORAH KAY WALKER ESTATE C/O DIANE EVANS 1306 LORI AVE DETROIT LAKES MN 56501	"	"				"				"
3	48212	MIKE BAYS MCABEE FALLS RANCH HCR 6 BOX 33A PRIEST RIVER ID 83856	"	"				"				97-7326 & 97-7327
4	48213	MR ROBERT SAVAGE PO BOX 1378 PRIEST RIVER ID 83856	"	"				"				"
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
TOTAL NUMBER OF PIECES LISTED BY SENDER 4		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 4	POSTMASTER: PER (Name of receiving employee)									
The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.												

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037

JUL 07 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATIONS FOR PERMIT) NOTICE OF CONFERENCE
NO. 97-7326 AND 97-7327, BOTH IN THE)
NAME OF MIKE BAYS DBA MCABEE FALLS)
RANCH.)

On August 10, 1992, Mike Bays DBA McAbee Falls Ranch filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said applications from Robert Savage on August 25, 1992, and from John F. Weyant on September 3, 1992. The protest of John F. Weyant was withdrawn on September 29, 1992.

The Department has set the matter of protest for a conference for Thursday, January 21, 1993, at 10:30 AM, in the Conference Room of the Northern Regional Office of the Idaho Department of Water Resources, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Id. 83814. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The following issues are involved in the consideration of the application and protest(s):

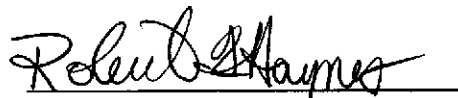
1. Will the proposed use reduce the quantity of water under existing water rights?

RECEIVED
JUL 07 1993

2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the state of Idaho?

Opportunity shall be afforded all parties of record to respond and present evidence and argument on all issues involved. Participants are required to furnish enough copies of exhibits for all parties of record. If anyone requires special accommodations for a disability in order to participate in or attend, please advise the department within ten (10) days prior to the conference &/or hearing.

Dated this 6th day of January, 1993.


ROBERT G. HAYNES, P. E.
REGIONAL MANAGER

I hereby certify that on the 6th day of January, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Patricia M. Stypa
Secretary/Office Coordinator

CERTIFIED MAIL

MIKE BAYS
MCABEE FALLS RANCH
HCR 6 BOX 33A
PRIEST RIVER ID 83856

MR ROBERT SAVAGE
PO BOX 1378
PRIEST RIVER ID 83856

JUL 07 1993

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above; that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on Issue 5, local public interest, lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held, a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference, the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

[Handwritten signature]
JUL 6 1968

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties, by written stipulation, may waive their right to a proposed decision. The failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Waiver of the Section 42-1701A proposed decision will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for conference or hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

100-1000-1000
JUL 17 1993

Dear Mr. Haynes,

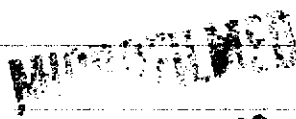
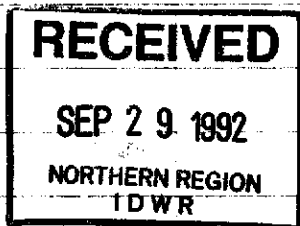
Relative to water

for
all

Rights case nos. 97-7326
and 97-7327. I have
been assured by Mrs.
Boy of the McAbel
Falls Ranch that no
water will be taken
from the Priest River to
fill their waterfowl pond.
I do not object to
their water rights for
irrigation purposes.

Yours Truly

Mr. John F. Weyant
P.O. Box 1283
Priest River, Id.
83856



JUL 07 1993



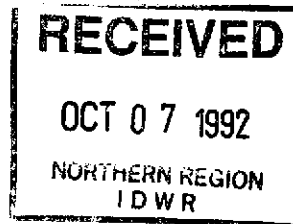
IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hilton, Statehouse Mail, Boise, ID 83720-9000, (208) 334-0502

Cecil D. Andrus, Governor Richard P. Donovan, Director

September 24, 1992



Mr. John F. Weyant
P.O. Box 1283
Priest River, ID 83856

RE: Water Rights Application by Mr. Bays on Priest River

Mr. Weyant:

I consulted my North Idaho Regional Office (NIRO) staff in Coeur d'Alene to obtain more information about the situation described in your letter regarding the subject matter. They have been informed by the local Department of Water Resources (DWR) office that there are two application for water rights from Mr. Bays. Both have been protested by a third party in addition to your protest. No mention in the application materials was made of filling a pond or creating wetlands. NIRO staff also contacted the Army Corps of Engineers, The federal agency charged with issuing permits for encroachment activity in wetlands. The Corps has not been notified regarding this project, which is appropriate since it does not involve casting material into an existing wetlands.

Generally, DEQ does not comment on water rights applications applies for through DWR. If the permitting agency feels water quality may be impacted by the action, DEQ review of the application may be requested. Our role in the permitting process is that of comment on applications for encroachment activity into State waters. These permitting duties are assigned to the Department of Lands (IDL) for lakes and to DWR for rivers and streams. DEQ must also certify that federal applications for encroachment into navigable waters and wetlands meet State Water Quality Standards.

DEQ does not have an equivalent to the Nation Environmental Protection Act (NEPA) process of requiring environmental impact documents for State permitted activities. In Idaho, only federal actions (including Corps of Engineers permits) are subject to NEPA.

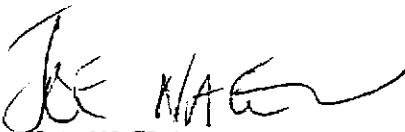
MICROFILMED

JUL 07 1993

Mr. John F. Weyant
Page 2
September 24, 1992

DEQ is also concerned about the water quality in Priest River. We anticipate that any significant water right application will receive adequate review by DWR such that water quality is protected. We appreciate your concern in this matter.

Sincerely,


JOE NAGEL
Administrator

JN: bc

cc: Gwen Burr, IDHW-DEQ, CDA
Bob Haynes, Dept. of Water Resources, CDA
Mike Doherty, U.S. Army Corps of Engrs, CDA

RECEIVED
JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 16, 1992

Mr. Mike Bays
McAbee Falls Ranch
HCR 6 Box 33A
Priest River, Id. 83856

Re: WR No. 97-7326 and 97-7327

Dear Mr. Bays:

Enclosed are copies of protests filed against the approval of the above-referenced Applications for Permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protests have been resolved, the matters will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Applications for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms
Enclosures

RECEIVED
SEP 21 1992

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 16, 1992

Mr. John F. Weyant
PO Box 1283
Priest River, Id. 83856

Re: Water Right Nos. 97-7326 and 97-7327

Dear Mr. Weyant:

Your protests against the approval of the above-referenced applications have been received and copies have been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Applications for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

RECEIVED
SEP 21 1992
NORTHERN REGION

SEP 21 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 16, 1992

Mr. Robert Savage
PO Box 1378
Priest River, Id. 83856

Re: Water Right Nos. 97-7326 and 97-7327

Dear Mr. Savage:

Your protests against the approval of the above-referenced applications have been received and copies have been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Applications for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

[Handwritten signature]



State of Idaho

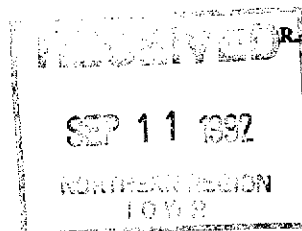
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR



September 8, 1992

John F. Weyant
P.O. Box 1283
Priest River, Idaho 83856

Dear Mr. Weyant:

This letter is in response to your letter received September 3, 1992 regarding water-related development at the MacAbee Falls Ranch.

I am forwarding a copy of your letter to Mr. Robert Haynes, Regional Manager of the Department's office in Coeur d' Alene. By copy of this letter, I am asking Mr. Haynes to have the matter reviewed and provide you with a response to your questions.

Sincerely,

NORMAN C. YOUNG
Administrator

cc: Bob Haynes, CDA

MICROFILMED

JUL 07 1993

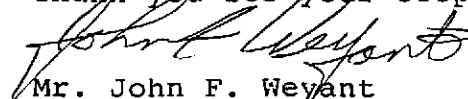
Dear Mr. Young,

I am corresponding with you on the advice of State Representative Jim Stoicheff. It has come to my attention that Mike Bays of the MacAbee Falls Ranch which is located next to my property has applied for water rights on the Priest River. These water rights are supposed to be for irrigation purposes but I have my doubts.

Mr. Bays has applied for and received a permit from the State of Idaho to operate a private hunting preserve. For over a year he has had heavy equipment digging a huge pond in order to attract waterfowl. When his application went before the Bonner County zoning board I repeatedly asked if a environmental impact study had been done with out getting a satisfactory answer.

Is this pond going to be filled with water from the Priest River? I was told the whole project was tied to the federal wetlands regulations, why should he need water for irrigation? It is my understanding the State of Idaho desires to put a fish hatchery on the lower Priest River but is concerned about the water levels and temperatures will not this removal of additional water cause the water levels to drop further and the temperatures to increase? I think the whole situation needs to be reviewed!

Thank you for your cooperation,


Mr. John F. Weyant

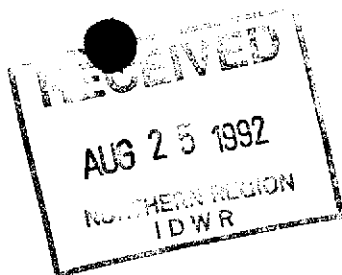
P.O. Box 1283

Priest River, Idaho 83856



JUL 07 1993

RECEIVED
SEP 3 1992
Department of Water Resources



Aug 21, 1992

I am writing about Mike Papp applying for water ~~and~~ rights on the Priest River.

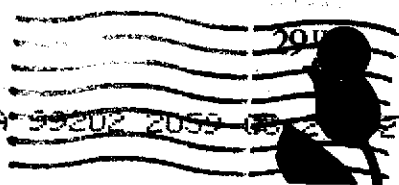
I have the Floyd Mc Ghee place leased right across the river from Mike Papp. The river is so low I am having trouble getting enough water to the pumps. I understand that Floyd Mc Ghee has a water write for all the water he can use. If you grant Mike Papp a water Right I don't want him to pump out of the river above where my pump is set. I also think you should check the flow before you issue any new water Rights on the river.

Yours Truly

Robert Savage

RECEIVED
JUL 07 1993

Robert Savage
P. O. Box 1378
Priest River Ida. 83856



Dept of water Resources
1910 Northwest Blvd.
Suite 210
Coeur D Alene Ida.
83814

JUL 07 1992

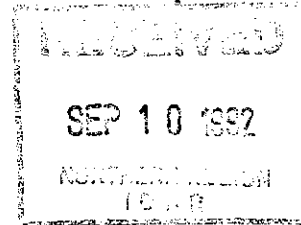


IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111

September 8, 1992



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

Dear Bob:

REFERENCE: WATER RIGHT APPLICATIONS 97-07326 AND 97-07327 BAYS/PRIEST RIVER

Mike Bays has requested approval for two water rights diversions amounting to 1.54 cfs from Priest River.

We have no objection to these applications provided Mr. Bays agrees to screen his diversions to prevent loss of juvenile fish and his diversion structures will not result in short or long term impacts to fish habitat. Screens should be a maximum of 1/4 inch mesh with approach velocities not to exceed 0.5 fps.

We will be happy to provide Mr. Bays with any additional information on screen design he might require.

Thanks for the opportunity to comment on these applications.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Bureau of Program Coordination

Cecil D. Andrus / Governor
Jerry M. Conley / Director
Equal Opportunity Employer



Working for wildlife - since 1938

RECEIVED

JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 13, 1992

Mr. Mike Bays
HCR 6 Box 33A
Priest River, Id. 83856

Re: 97-7326 and 97-7327

Dear Mr. Bays:

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 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.

If the application is not protested it will be forwarded to Boise to be considered for approval by the Director. 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. However 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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
Sr. Water Resource Agent

MICROFILMED

JUL 07 1993

I N T R A - D E P A R T M E N T M E M O

DATE: 8/11/92

TO: DEBBIE ALLEN

FROM: ALLEN BEARDSLEE

RE: REFUND

HI DEBBIE,

WE RECEIVED A \$20.00 OVERPAYMENT FOR AN APPLICATION FOR PERMIT ASSOCIATED WITH
RECEIPT NUMBER N005606. THE APPLICANTS SUBMITTED \$65.00 AND IT SHOULD HAVE
BEEN \$45.00.

PLEASE ISSUE A \$20.00 REFUND FOR N005606. YOU MAY SEND IT TO:

MIKE BAYS
HCR 6 BOX 33A
PRIEST RIVER, ID 83856

THANK YOU,



APPROVED
JUL 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 23, 1992

McAbee Falls Ranch
HCR BOX 33A
Priest River, ID 83856

Attn: Trina

RE: Legal descriptions.

Dear Trina:

I am returning your two Applications for Permit for water rights, they are not acceptable in their present condition.

The legal descriptions for the points of diversion must be located to the nearest 40 acre tract 1/4 1/4 and the number of irrigated acres must be listed in the appropriate subdivision.

I have marked the SE1/4 with 10 acre grids on both maps. The marks for the Point of Diversion and the acreage listed for Place of Use must correspond with the acreage outlined on the maps. Please refer the copy of a template for determining the legal description tracts.

Example: There are sixteen squares on the grid = SE1/4 (160 acres)
The upper right 4 squares on the grid = NE1/4 SE1/4 (40 acres)
The upper left 4 squares on the grid = NW1/4 SE1/4 (40 acres)
The lower right 4 squares on the grid = SE1/4 SE1/4 (40 acres)
The lower left 4 squares on the grid = SW1/4 SE1/4 (40 acres)

If you need further assistance with determining the legal descriptions, please give me a call at this office.

Thank you,

ALLEN BEARDSLEE
SR. WATER RESOURCE AGENT

Enclosure: 2 Applications for Permit.

MICROFILMED

JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho

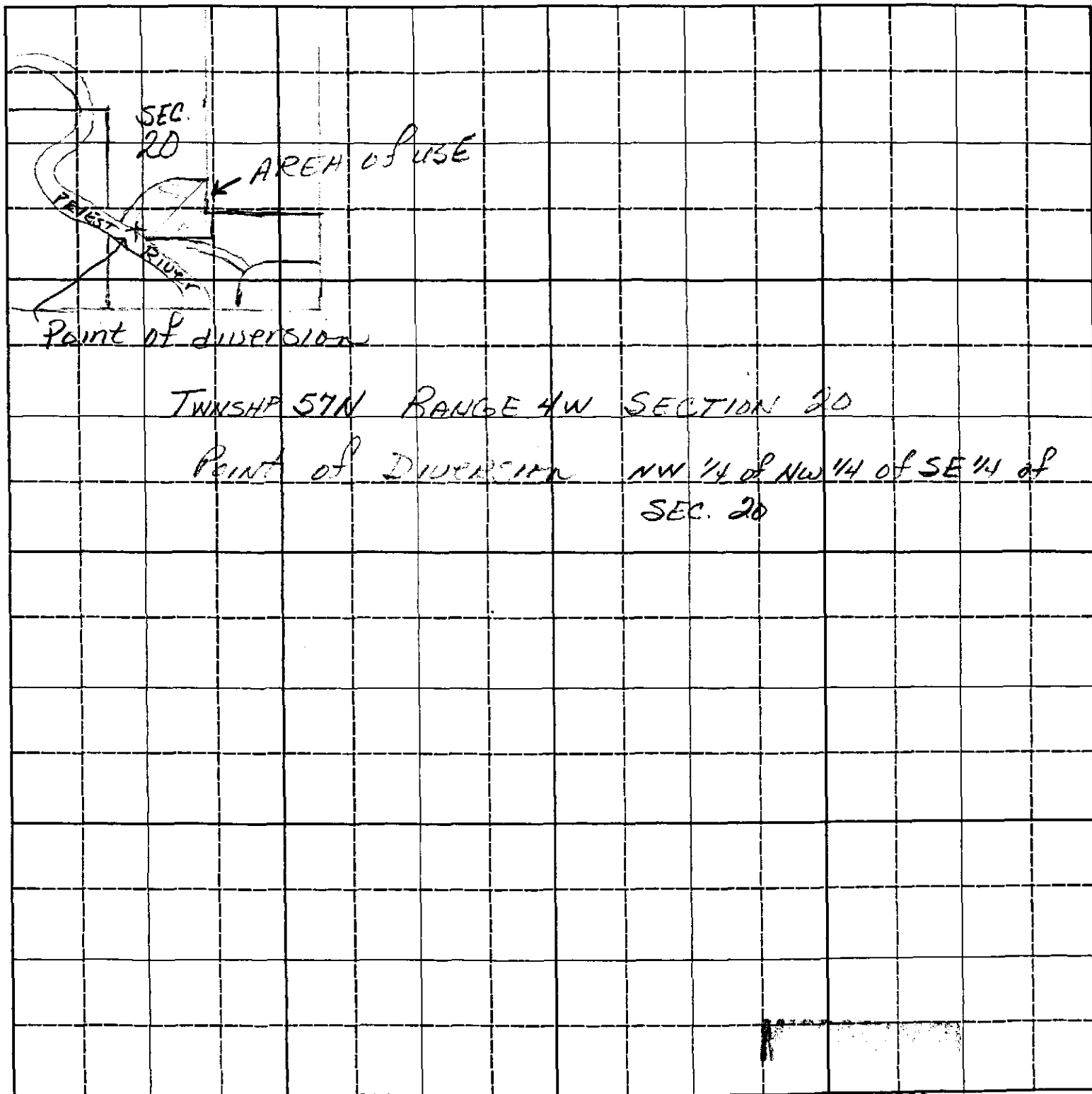
1. Name of applicant: Mike Bays DBA McAbee Falls Ranch Phone 208-448-1997
Post office address HCR 6 Box 33 A Priest River Idaho 83856
2. Source of water supply Priest River which is a tributary of Pend Oreille River
3. Location of point of diversion is ~~SE~~ NW 1/4 of ~~SE~~ SE 1/4, Govt. Lot _____
Sec. ~~20~~ 20 Township 57N R. THIS 40 ACRE TRACT MATCHES THE POINT OF DIVERSION. 7ner County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.20 for irrigation purpo -15 (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) 1.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PTO Pump - 4" main line and 3" hand line laterals
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: N/A to N/A inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

JUL 07 1993

Area indicated
in Blue is
Area of use
X marks
point of
Diversion
which is
TUSHP 57N
R. 4W
Sec 20
NW 1/4 of NW 1/4 of
SE 1/4 of Sec 20



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

JUL 07 1993

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

Mike Bays
(Applicant)

Received by Date 6/23/92 Time 11:54am Preliminary check by
Fee \$ 65.50 Received by # N 5606 Date 6/24/92
Publication prepared by Date Published in
Publication approved Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. , and said application is hereby .

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before , 19 .

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if 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 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 permit.

e. Other:

MICROFILMED

JUL 07 1993

July 17, 1992

McAbee Falls Ranch
HCR 6 Box 33A
Priest River, ID 83856
Attn. Trina

RE: Application for Permit.

Dear Trina:

We are returning your two Application for Permits along with Receipt Number N005606 for the amount of \$110.00.

In order to assure correct legal descriptions, please mark the Point of diversion and outline the place of use for each Application for Permit. The legal descriptions must be located to the nearest 40 acre tract (1/4 1/4).

We will process your Application for Permits when we receive them back at this office.

If I can be of further assistance, please feel free to contact me at this office.

Thank you,

ALLEN BEARDSLEE
SR. WATER RESOURCE AGENT

RECEIVED
JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant MIKE BAYS
MCALEE FALLS Ranch Phone 208-448-1997
Post office address HCR 10 BOX 33A PRIEST RIVER, Idaho 83856
2. Source of water supply PRIEST RIVER which is a tributary of Pend Orielle River
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 18 Township 57N Range 04W B.M. Bonner County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 184 for Irrigation purposes from 3-15 to 11-15 (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) .84 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PTO Pump with 4"
main line and 3" laterals - moveable
system - hand line
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

JUL 07 1993

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
57N	4W	18													25	0	5	12	42

Total number of acres to be irrigated 42

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

Permit # 97-07302

11. a. Who owns the property at the point of diversion? ~~George Bays~~ George Bays

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

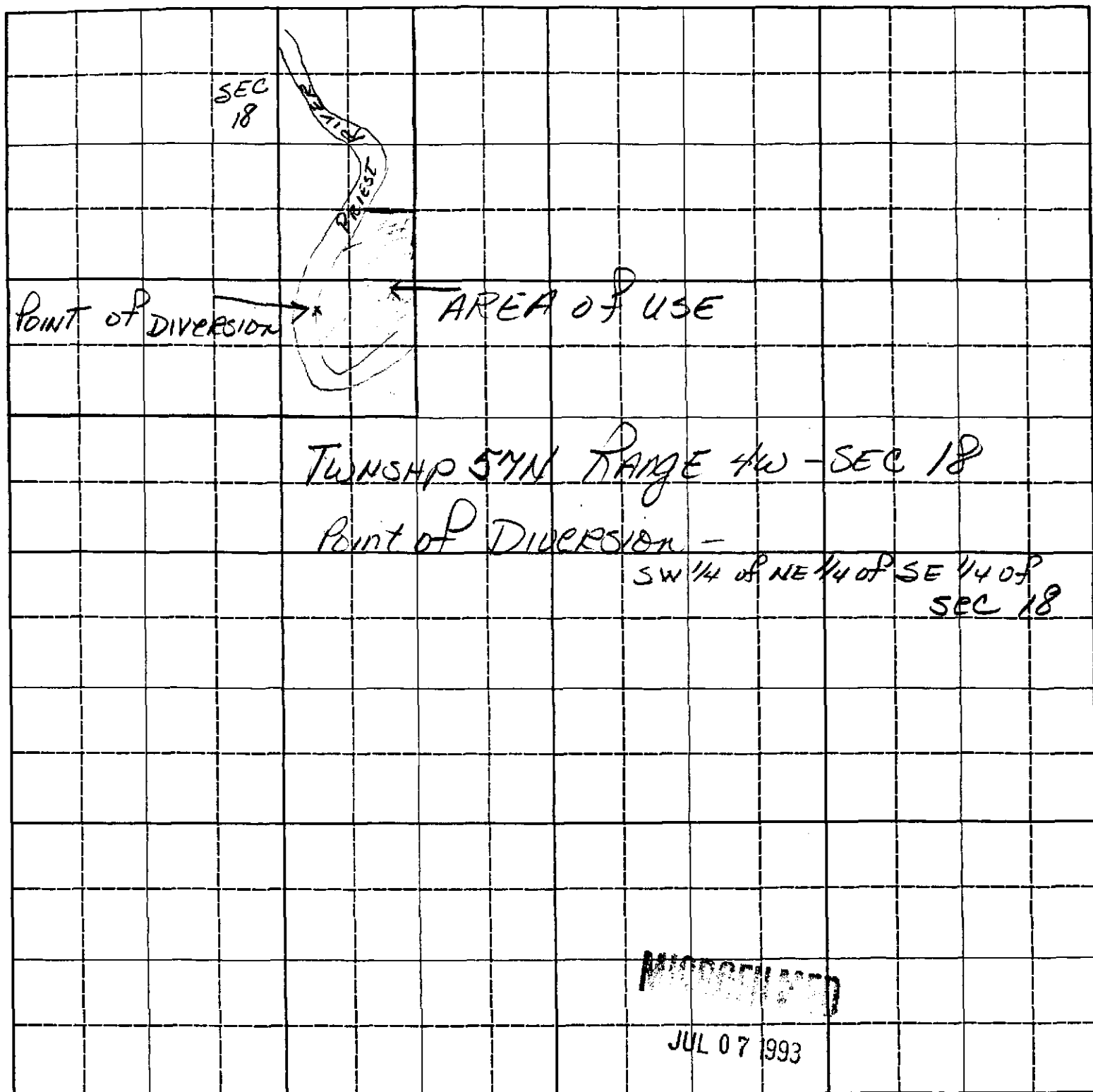
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. George Bays under quick?
Claim Deed to Michael Bays

12. Remarks: _____

RECORDED

JUL 07 1993

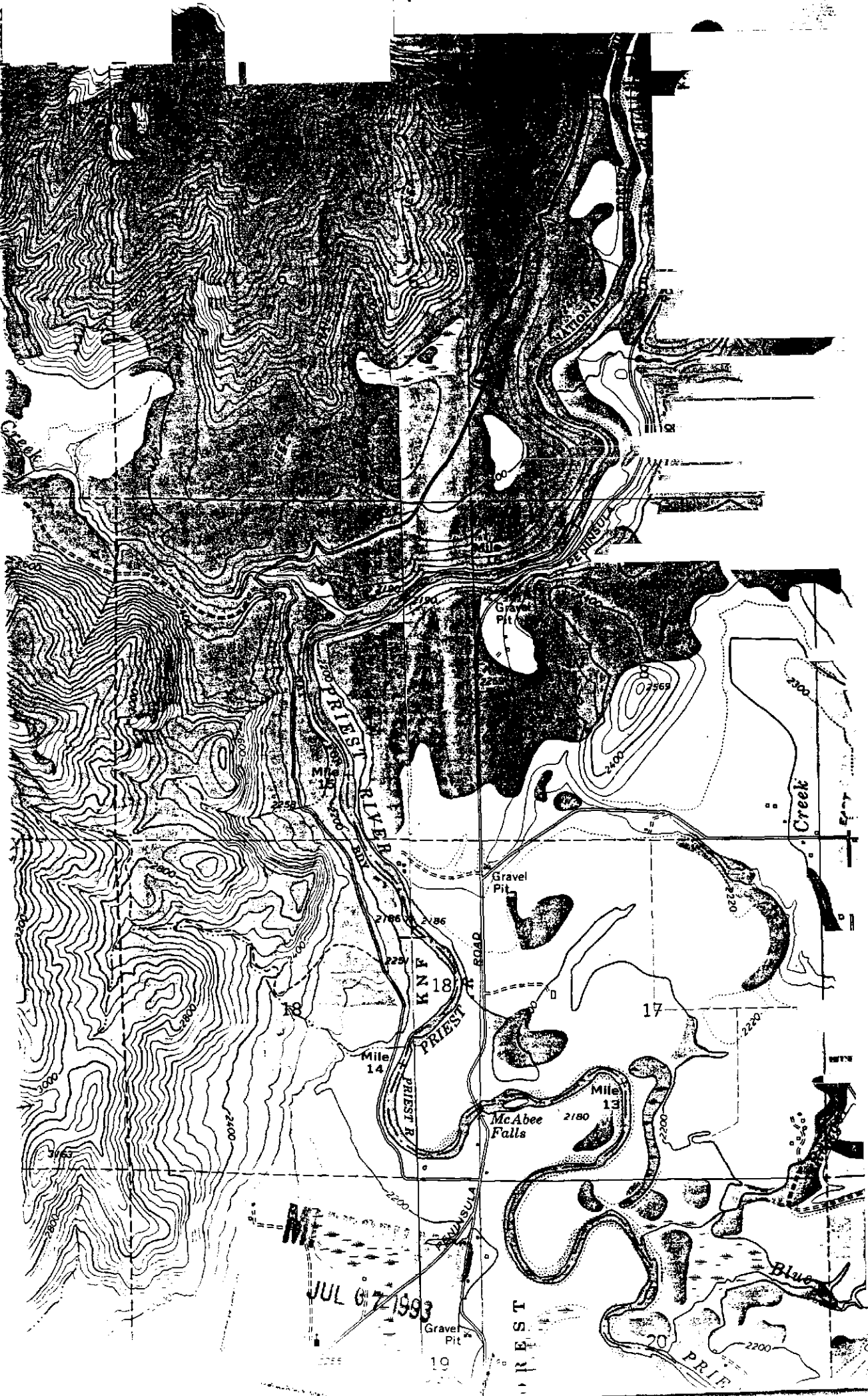
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

x Mike Baer
(Applicant)



Received by PM Date 6/23/92 Time 11:15 AM Preliminary check by _____
Fee \$ 45.00 Receipted by PM # N5606 Date 6/24/92
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if 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 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 permit.
- e. Other:

RECEIVED

JUL 07 1993