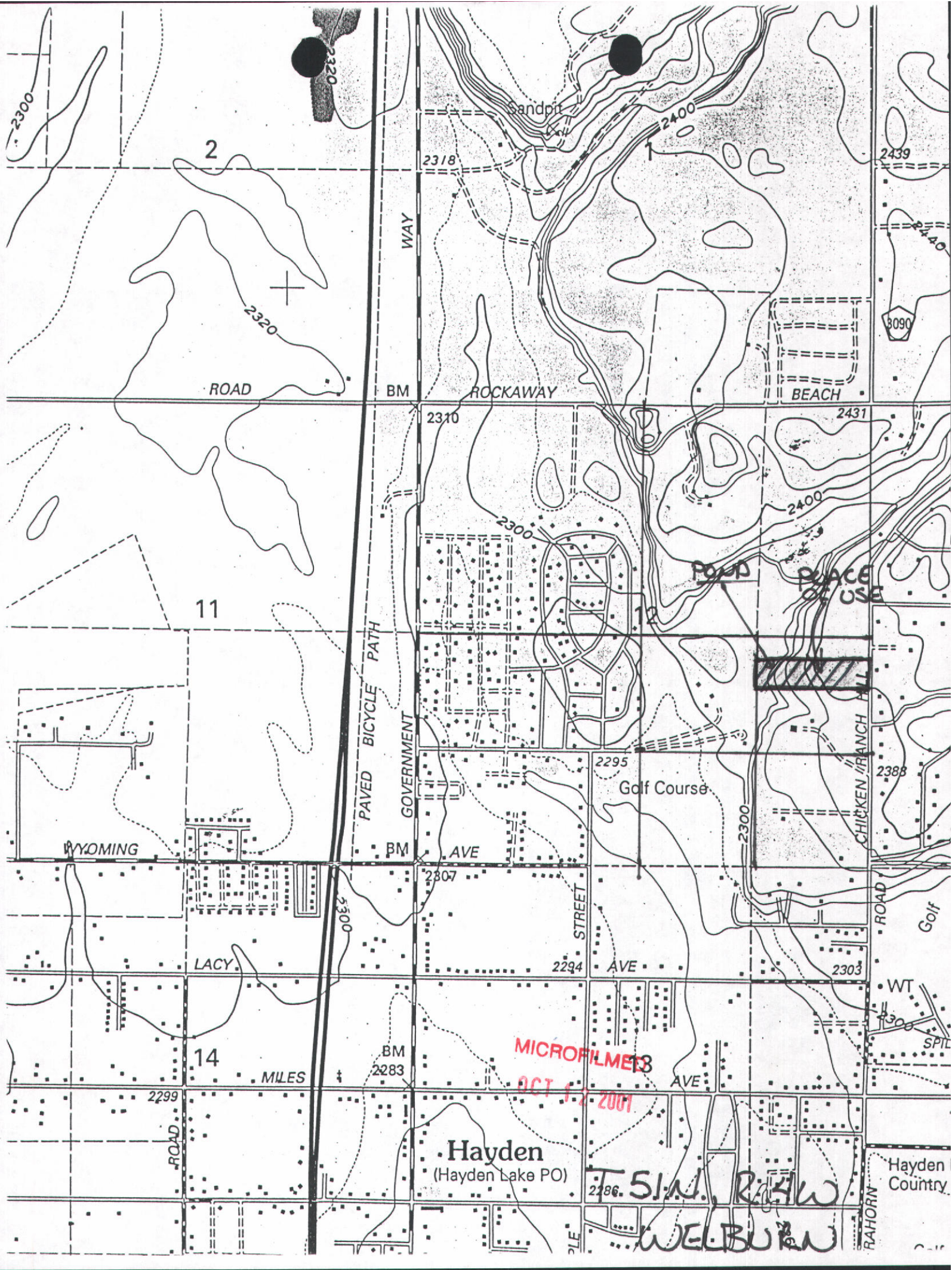
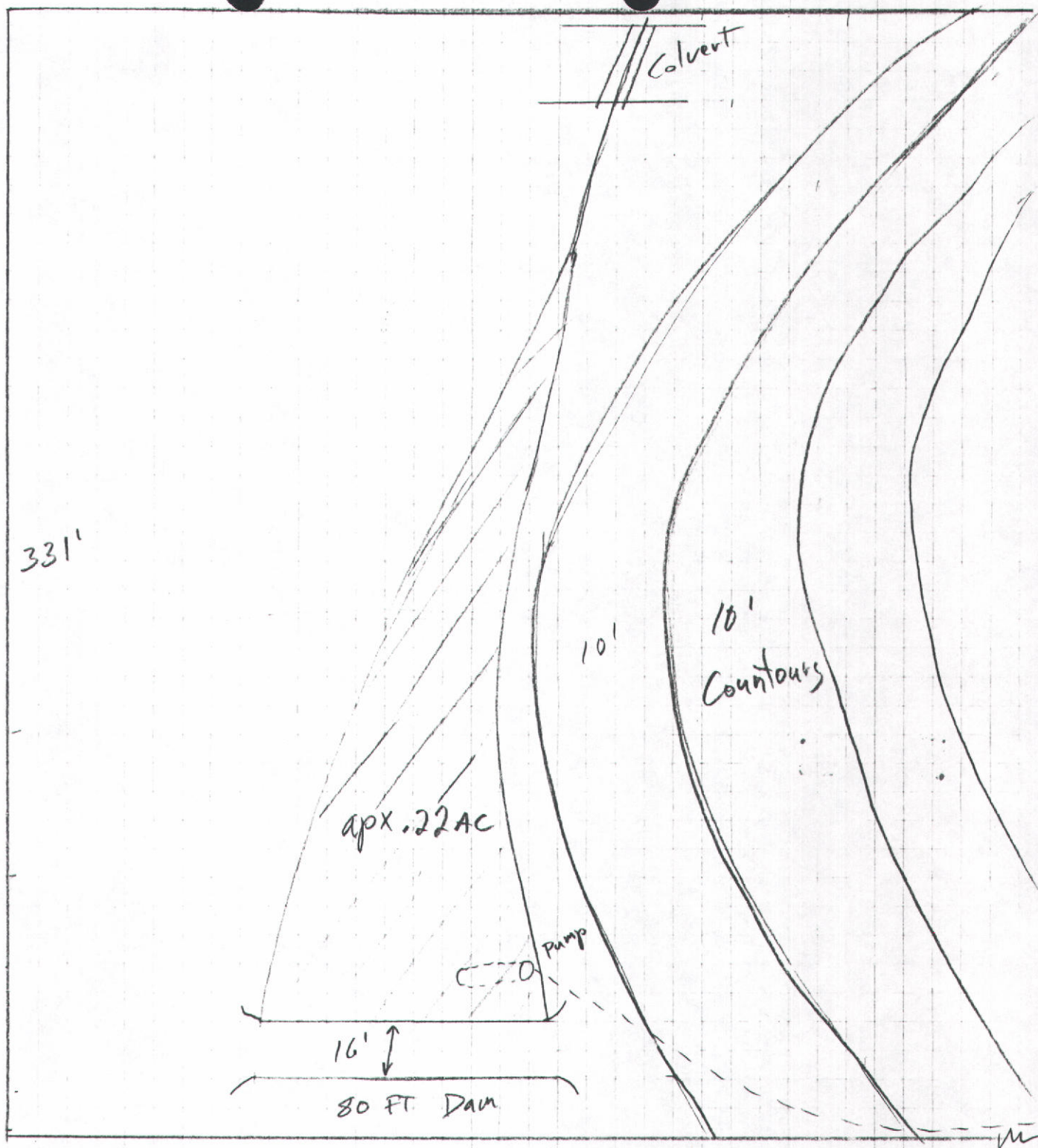






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1" scale
1" = 40'

Proposed Pond

2, 6, 1 "Small Dam", 2, 6, 4, 2 "Artificial Barriers"

10-20-00
PPDW



T51N R4W

Government Lot Check for
95-09058 by RGH 5/24/01

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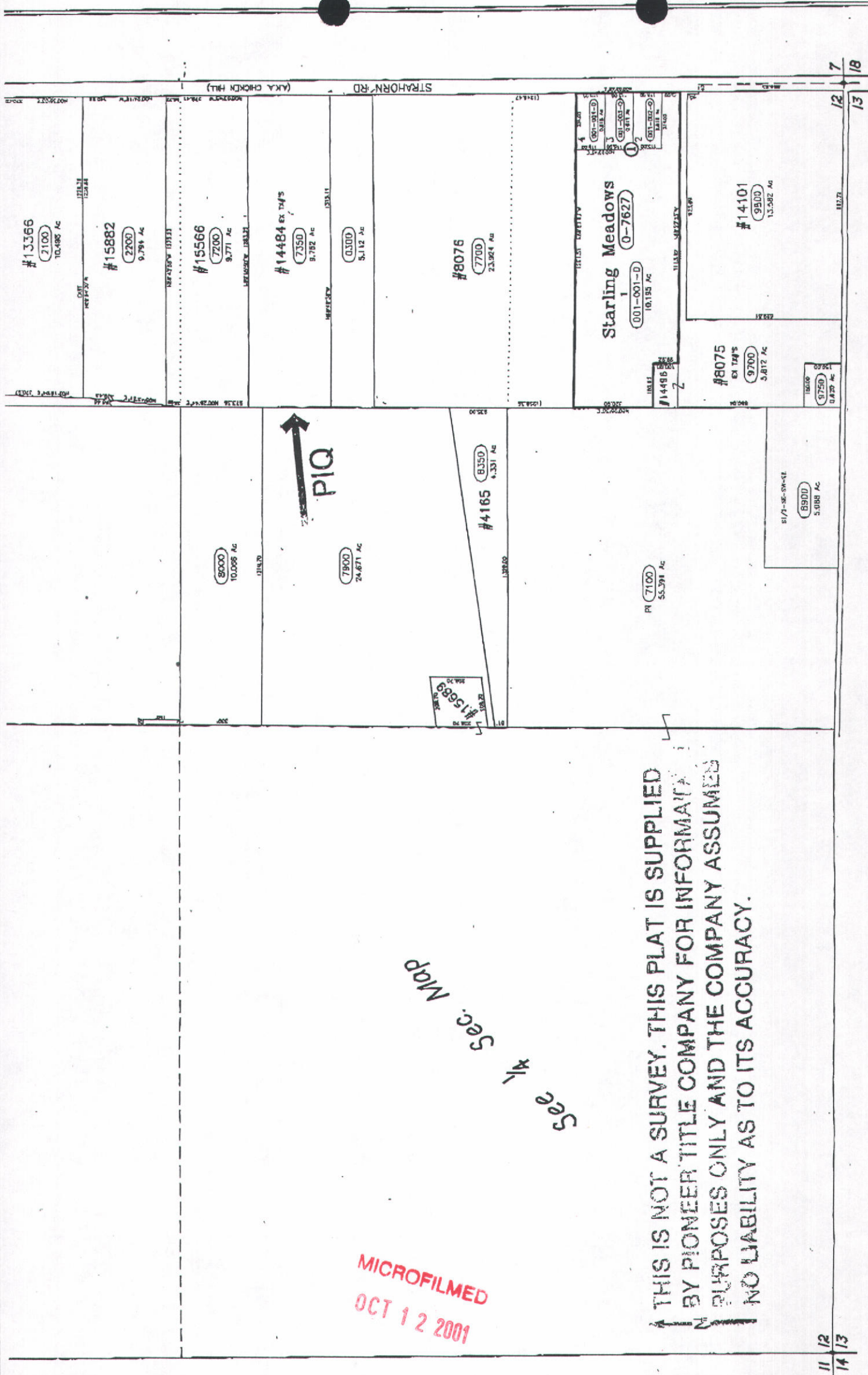
Hayden
(Hayden Lake PO)

Hayden Lake
Sch

JEUR D'ALENE
COUNTRY CLUB

Avondale Lake
Bogert Tower Bay

JULY 1958



Sec.12 Twp.51N. R.4W.B.M.

1002 2 1 100
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PIQ

381.43'
50°23'41"W

#15566

7200

9.771 AC

#14484 EX. TX#S

7350

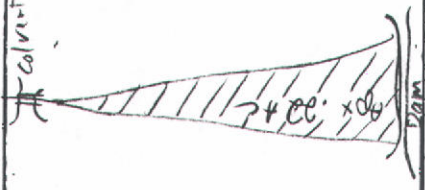
9.752 AC

0300

5.112 AC

#8076

THIS IS NOT A SURVEY. THIS PLAT IS SUPPLIED
BY PIONEER TITLE COMPANY FOR INFORMATION
PURPOSES ONLY AND THE COMPANY ASSUMES
NO LIABILITY AS TO ITS ACCURACY.



TO BE IRRIGATED

CALVERT

N89°46'36"W

1315.11

331.49
N10°03'58"E

PIQ

(A.K.A. CHICKEN HILL)

STRAHORN RD

N00°03'45"W 279.41 58.72

N89°45'58"W 1275.20

273.56 N00°25'44"E 58.99

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Cindy Zimmerman on 6/29/01

No. 95-9058 Name: Welburn Corp. Officers Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: ☒ No Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)

Mitigation - 121

42-248 Area - P84 (20s-70s, 81-86)

Swan Falls Flag -

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01)-01P-18B(P09)-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (BLM/USFS)

MINING - 054-081(P10)

FISH PROP - 029(70'S only)-007-042-081(P10)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

BENEFICIAL USE DUE: 07/01/2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19

Development Period

≤ 1 yr - P16

> 1 yr - 26A(P17)

Ownership - 004

Non-consumptive - 027

Water Quality - 081-R07

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response NA

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

In-stream development - P52 Stream sinks

WD - R04 (WD#)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

USES:

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

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R)

>1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition i.e. D/convenience store)

Multiple pd's per 1/4 - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

OTHER CONDITIONS/REMARKS
COMMENTS

Ree & Ree Stor uses for a fish & fishing pond

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09058

Priority: January 24, 2001

Maximum Diversion Rate: 0.20 CFS

This is to certify, that ROSS WELBURN
12345 GEM SHORES LN
HAYDEN ID 83835

has applied for a permit to appropriate water from:

UNNAMED STREAM Tributary to 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>
IRRIGATION	03/15 to 11/15	0.09 CFS	
IRRIGATION STORAGE	03/15 to 11/15		0.7 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.7 AF
RECREATION STORAGE	01/01 to 12/31		0.7 AF
RECREATION	01/01 to 12/31	0.20 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼SE¼ Sec. 12, Twp 51N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 04W 12													3.0				3.0

Total Acres: 3

PLACE OF USE: IRRIGATION STORAGE -- Same as irrigation

PLACE OF USE: IRRIGATION FROM STORAGE -- Same as irrigation

PLACE OF USE: RECREATION STORAGE -- Same as irrigation

PLACE OF USE: RECREATION -- Same as irrigation

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907 12 2001

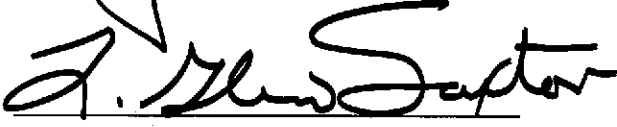
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09058

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Recreation and recreation storage uses are for a swimming and fishing pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of July, 2001.


for KARL J DREHER, Director

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OCT 12 2001

Ident. No. 95-9058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant POSS Welburn Phone 772-8271
Post Office address 12345 Gem shores Rd, Hayden, ID 83825
2. Source of water supply UNNAMED STREAM which is a tributary of sinks
3. Location of point of diversion is 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____
Sec. 12 Township 51N Range 4W B.M. KOOTENAI County; additional points of diversion if any: None
4. Water will be used for the following purposes:
- | | | |
|---|------------------------------------|--|
| Amount <u>0.20</u> (cfs or acre-feet per annum) | for <u>RECREATION</u> | purposes from <u>4/1</u> to <u>12/31</u> (both dates inclusive) |
| Amount <u>0.7</u> (cfs or acre-feet per annum) | for <u>STORAGE</u> | |
| Amount <u>0.7</u> (cfs or acre-feet per annum) | for <u>IRRIGATION</u> | purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive) |
| Amount <u>0.7</u> (cfs or acre-feet per annum) | for <u>IRRIGATION FROM STORAGE</u> | purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive) |
| Amount <u>0.20</u> (cfs or acre-feet per annum) | for <u>DIVERSION TO STORAGE</u> | purposes from <u>4/1</u> to <u>12/31</u> (both dates inclusive) |
| Amount <u>0.09</u> cfs | for <u>IRRIGATION</u> | purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive) |
5. Total quantity to be appropriated is (a) .2 cubic feet per second and/or (b) .7 acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Small pond for recreation & Aesthetics Pump & Pipeline
- b. Height of storage dam Five (5) feet; active reservoir capacity .7 acre-feet; total reservoir capacity 1 acre-feet; period of year when water will be diverted to storage: Continuously to _____ inclusive.
- 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? NO
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity if KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Pond & Irrigation Recreation use is for swimming & fishing

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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	
51N	04W	12													3				3
															R				
															R (STORAGE)				
															* (IRR STOR)				
															* (IRR FROM STOR)				
															* (DIV TO STOR)				

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? Welburn Family Trust

b. Who owns the land to be irrigated or place of use? Welburn Family Trust

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

12. Remarks: _____

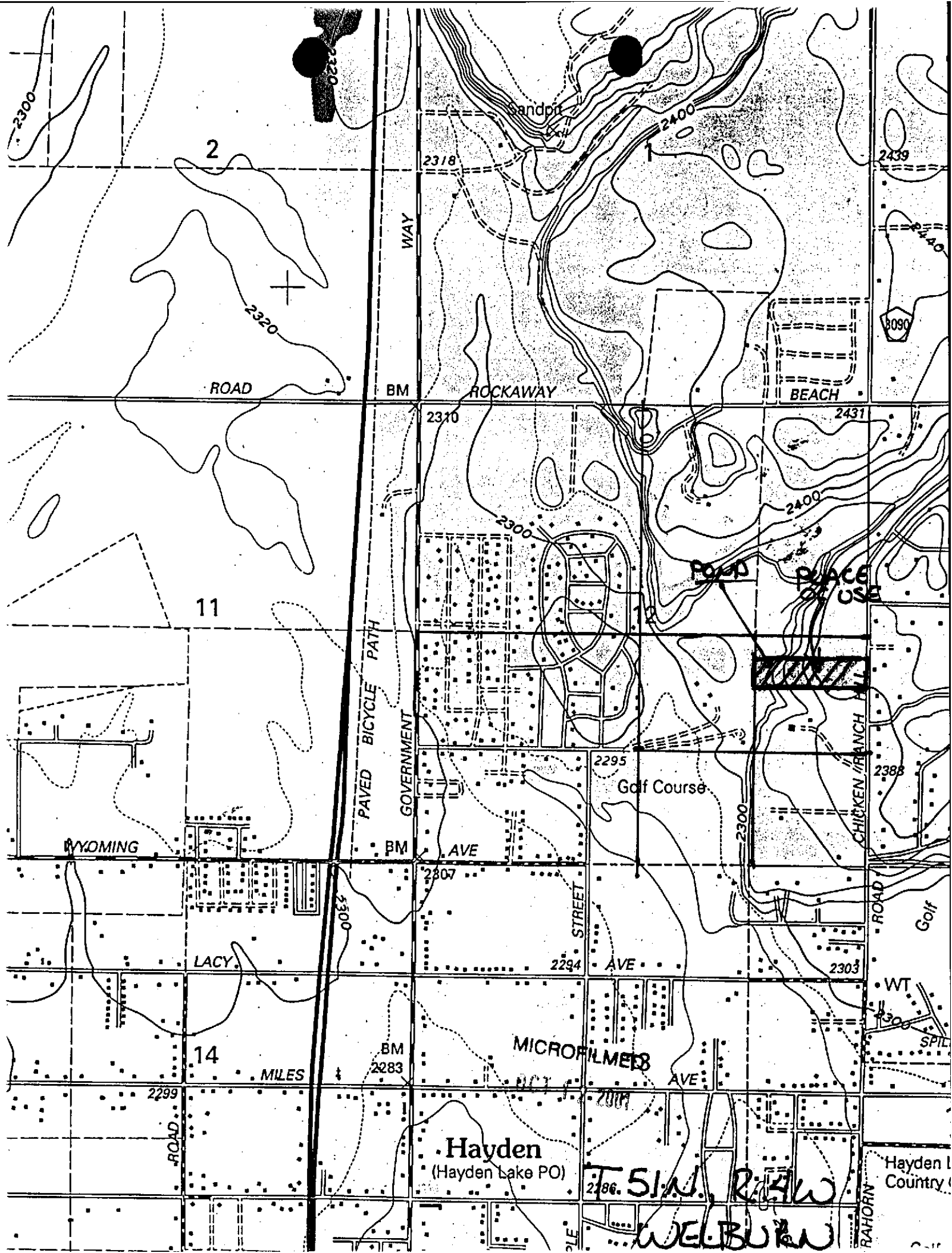
13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

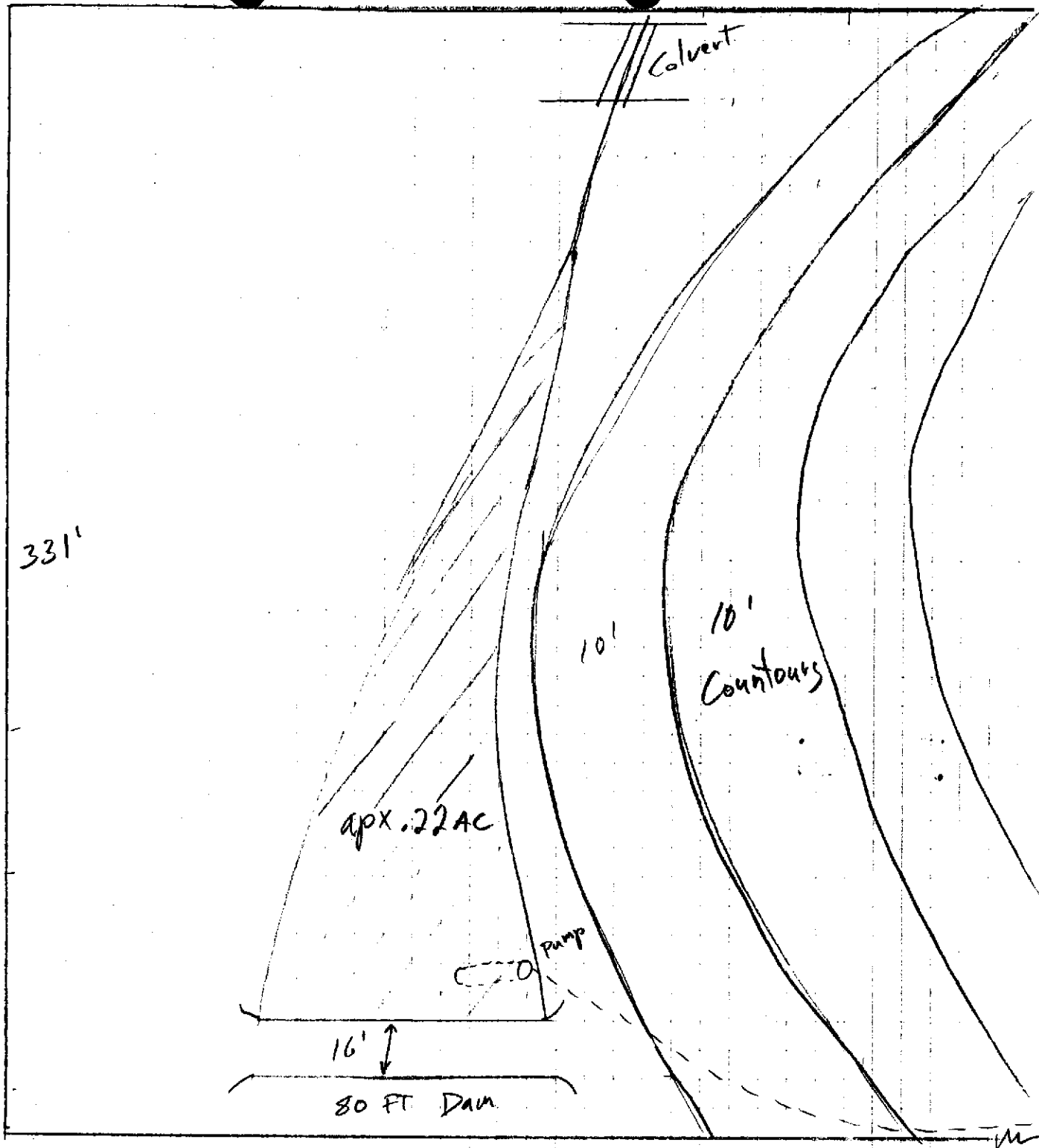
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ron Walker
(Applicant)

Received by db Date 11/22/00 Time 1:30p Preliminary check by AS
 Fee \$ 100.00 Received by db # N014048 Date 11/22/00
 Publication prepared by db Date 1/24/01 Published in CDA Press 2/17/01
 Publication approved db Date 2/13/01

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OCT 12 2001





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1" = 40' scale

Proposed Pond
2, 6, 1 "Small Dam", 2, 6, 4, 2 "Artificial Barriers"

10-20-00
PRDW



T51N R4W

Government Lot Check for
95-09058 by RGH 5/24/01

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OCT 12 2001

Hayden
(Hayden Lake PO)

Hayden Lake
Sch

ROCKAWAY

LACY

MILES

Water

SPILLWAY

CHICKEN

DEUR D'ALENE
COUNTRY CLUB

101

ROAD

BM

25

2421

6

2

2320

BM

12

ROAD

2396

11

PD

NWSE

NESE

SWSW

SESW

SWSE

SESE

WYOMING

BM

2307

AVE

STREET

AVE

2294

2303

14

2299

ROAD

BM

2283

MICROFILMED
OCT 12 2001

18

2286

2260

BM 2216

Sec.12 Twp.51N. R.4W.B.M.

SCALE: 1 INCH = 400 FEET

THIS IS NOT A SURVEY. THIS PLAT IS SUPPLIED
BY PIONEER TITLE COMPANY FOR INFORMATIONAL
PURPOSES ONLY AND THE COMPANY ASSUMES
NO LIABILITY AS TO ITS ACCURACY.

See
1/4
Sec. Map

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PIQ

Starling Meadows
0-7627
001-001-D
10,150 AC

#8075
0-7600
9,700
5,812 AC

#14101
0-9800
13,582 AC

#8076
0-7700
23,904 AC

#14484 ex 1475
0-7350
8,782 AC

#15566
0-7200
8,771 AC

#15882
0-2200
9,794 AC

#13366
0-2100
10,486 AC

#4185
0-8350
6,331 AC

7900
24,671 AC

5000
10,066 AC

PI (7100)
55,394 AC

0-8800
5,083 AC

11 12
14 13

12 13
7 18

STRAHORN RD (AKA CHOKY HILL)

Distances were
set by chain
in plain
horizontal
position
and are
subject to
error

03-01-95
03-03-95
03-03-95

N89°45'58"W 1275.20

#15566

7200

9.771 AC

N89°45'50"W 1283.29

#14484 EX TX#S

7350

9.752 AC

N89°46'36"W

1315.11

0300

5.112 AC

STRAHORN RD

(A.K.A. CHICKEN HILL)

PIQ

331.49
N10°03'58"E

N00°03'45"W 279.41 58.72

273.56 N00°25'44"E 58.99

THIS IS NOT A SURVEY. THIS PLAT IS SUPPLIED
BY PIONEER TITLE COMPANY FOR INFORMATION
PURPOSES ONLY AND THE COMPANY ASSUMES
NO LIABILITY AS TO ITS ACCURACY.

#8076

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OCT 12 2001

PIQ

331.43
S 0° 25' 44" W

State of Idaho
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: ROSS WELBURN
 12345 GEM SHORES LN
 HAYDEN ID 83835
2. Source: UNNAMD STREAM Trib. to: SINKS
3. Location of Point of Diversion:
 UNNAMD STREAM NESE Sec. 12, Twp 51N, Rge 04W KOOTENAI County
4. Water will be used for the following

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15	to 11/15	0.09 CFS	0.7 AF
IRRIGATION STORAGE	03/15	to 11/15	0.09 CFS	0.7 AF
IRRIGATION FROM STORAGE	03/15	to 11/15	0.09 CFS	0.7 AF
RECREATION STORAGE	01/01	to 12/31	0.09 CFS	0.7 AF
RECREATION	01/01	to 12/31	0.20 CFS	0.7 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.20 CFS	0.7 AF

5. Total quantity to be appropriated is: 0.20 CFS 0.7 AF

6. Proposed diverting works:

Point of Diversion #1

Description of ditches, flumes, pumps, headgates, etc.

Pump and pipeline, small storage pond w/ height of 5 ft

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8. PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 12													3.0				3.0

Total Acres: 3

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 12													X				

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 12													X				

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PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
51N 04W 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
51N 04W 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: DIVERSION TO STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
51N 04W 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Point of Diversion #1 WELBURN FAMILY TRUST - Agreement with trust as member of family.

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

WELBURN FAMILY TRUST - Family owned trust.

10. Remark

Recreation use is for swimming and fishing.

11. Map of proposed point of diversion and place of use attached? [x]

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. N014048 Date: _____ Received by: _____

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OCT 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9058

Reviewed By: dgibson

Date: March 16, 2005

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	N014048, C074845		Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		08/13/2004
Date proof due	-	07/01/2005
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/24/2001
New priority date	=	01/24/2001

Deficiencies of Actions Items

Acknowledge proof.

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 95-9058

Reviewed By: dgibson

Date: June 4, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	N014048, C069401		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	06/04/2003	New proof due date	07/01/2005
Date proof due	- 07/01/2003		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 01/24/2001		
New priority date	= 01/24/2001		

Action Taken

Acknowledge request and extend proof deadline to 7/1/2005. Change address. ✓



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

July 10, 2001

ROSS WELBURN
12345 GEM SHORES LN
HAYDEN ID 83835

RE. Permit No 95-9058

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 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.

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

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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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OCT 12 2001

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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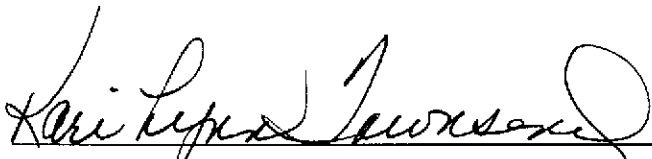
OCT 12 2001

CERTIFICATE OF MAILING

I hereby certify that on July 10, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 95-9058

ROSS WELBURN
12345 GEM SHORES LN
HAYDEN ID 83835



Kari Lynn Townsend
Secretary

MICROFILMED

OCT 12 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

Reviewed by Cindy Zimmerman on 6/29/01

No. 95-9058 Name: Welburn Corp. Officers Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: ☒ No ☐ Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)

Mitigation - 121

42-248 Arca - P84 (20s-70s, 81-86)

Swan Falls Flag -

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

GROUNDWATER: (√Flow Chart)

- Ycs/Response NA

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

cent Stream sinks

WD - R04 (WD#)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD &

cfs
>0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

USES:

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

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)

>1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

- 18A-01H(P01) 8B(P09)
 R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

07/01/2003

MISC CONDITIONS/REMARKS

Protested - 020-W19

≤ 1 yr - P16

Ownership - 004

Non-consumptive - 027

Water Quality - 081-R07

Multiple pd's per 1/4 - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Prc-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

3/15 - 11/15 (Per updated map)

COMMENTS

Ree & Ree Stor uses for a ~~park~~ swimming & fishing pond

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 95-9058

..... INITIAL REVIEW

APPLICANT: WEBBURN BY: AB DATE: 11/22/00

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

- (Yes) (No)
- Y Field check: by _____
- I Field report attached _____
- I Analysis Supp. attached(>5cfs/500af) _____
- I Water delivered by water master? _____
- Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 11/22/00

X (Include Moratorium Remark)

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

ADVERTISE IN: KOOTENAI 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:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>I</u>		Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
<u>I</u>		Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
<u>I</u>		Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

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

- (Yes) (No)
- ✓ Notice of pending void order issued. Final order response date: _____/_____/_____
- ✓ Further information required from applicant
- 2/13 Affidavit of publication received
- 2/13 Application published correctly. If not, record action taken: _____
- 1/24 Publication dates and paper recorded on application | Sr. Agent initial _____
- ✓ Protests received, Final protest date: 2/19/01
- ✓ Measuring device required
- ✓ Measuring port required
- ✓ Special conditions: _____
- ✓ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: AB

Date: 5/24/01

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 13 2001

STATE OF IDAHO,
County of Kootenai,

ss,

Jennifer Standridge

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

Legal Notice

3. The

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *Weeks* commencing on the *8* day of *February*, 2001, and ending on the *8* day of *February*, 2001, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Jennifer Standridge
Subscribed and sworn to before me this *8* day of *February*, 2001.
Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/01

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

MARGARET J MECKEL and BRIAN D MECKEL
5800 S MECKEL LN
COEUR D ALENE ID 83814

95-09057

Point(s) of diversion L1 NW1/4NW1/4 S12 T49N R04W KOOTENAI County
Source COEUR D ALENE LAKE Trib to Spokane River
Use: DOMESTIC 01/01 TO 12/31 0.06 CFS
Use: IRRIGATION 03/15 TO 11/15 0.06 CFS
Total Diversion 0.06 CFS

Date Filed: 12/04/2000

Place of Use: DOMESTIC

T49N R04W S1 NWSW

T49N R04W S2 L7 (SWSE)

Place of Use: IRRIGATION

T49N R04W S1 NWSW

T49N R04W S2 L7 (SWSE)

Number of Acres 2.5

Remark: Domestic use is for 5 homes

95-9058

ROSS WELBURN

12345 GEM SHORES LN

HAYDEN ID 83835

Point(s) of Diversion NESE S12 T51N R04W KOOTENAI County

Source UNNAMED STREAM Thb to Sinks

Use: IRRIGATION 03/15 To 11/15 0.09 CFS

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.7 AFA

Use: RECREATION STORAGE 01/01 To 12/31 0.7 AFA

Use: RECREATION 01/01 To 12/31 0.20 CFS

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.20 CFS

Total Diversion: 0.2 CFS

Date Filed: 01/24/2001

Place of Use: IRRIGATION

T51N R04W S12 NESE

Number of Acres 3

Place of Use: IRRIGATION STORAGE

T51N R04W S12 NESE

Place of Use: IRRIGATION FROM STORAGE

T51 R04W S12 NESE

Place of Use: RECREATION STORAGE

T51N R04W S12 NESE

Place of Use: RECREATION

T51N R04W S12 NESE

Place of Use: DIVERSION TO STORAGE

T51N R04W S12 NESE

Remark: Recreation use is for fishing and swimming. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 446

Feb 1, 8, 2001

MICROFILMED

001 1 2 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

01/24/2001

Legal Notice Department
Coeur D Alene Press
201 N 2nd
Coeur D Alene ID 83814

RE: Application for Permit No. 95-9057 (Meckel) and Application for Permit No. 95-9058 (Welburn)

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/19/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 12 2001

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

MICROFILMED

OCT 12 2001

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

95-09057

MARGARET J MECKEL and BRIAN D MECKEL

5800 S MECKEL LN

COEUR D'ALENE ID 83814

Point(s) of diversion LI NWNWNW S12 T49N R04W KOOTENAI County

Source COEUR D'ALENE LAKE - *Trib to Spokane River*

Use: DOMESTIC 01/01 TO 12/31 0.06 CFS

Use: IRRIGATION 03/15 TO 11/15 0.06 CFS

Total Diversion 0.06 CFS

Date Filed: 12/4/2000

Place of Use: DOMESTIC

T49N R04W S1 NWSW SESW

T49N R04W S2 L7 (SWSE) SESE

Place of Use: IRRIGATION

T49N R04W S1 NWSW SESW

T49N R04W S2 L7 (SWSE) SESE

Number of Acres 2.5

Remark: Domestic use is for 5 homes

95-9058

ROSS WELBURN

12345 GEM SHORES LN

HAYDEN ID 83835

Point(s) of Diversion NESE S12 T51N R04W KOOTENAI County/Source

UNNAMED STREAM *trib to sinks*

Use: IRRIGATION 03/15 To 11/15 0.09 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 0.7 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.7 AFA

Use: RECREATION STORAGE 01/01 To 12/31 0.7 AFA

Use: RECREATION 01/01 To 12/31 0.20 CFS

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.20 CFS

Total Diversion 0.2 CFS

Date Filed: 01/24/2001

Place Of Use: IRRIGATION

T51N R04W S12 NESE

Number of Acres 3

Place Of Use: IRRIGATION STORAGE

T51N R04W S12 NESE

Place Of Use: IRRIGATION FROM STORAGE

T51 R04W S12 NESE

Place Of Use: RECREATION STORAGE

T51N R04W S12 NESE

Place Of Use: RECREATION

T51N R04W S12 NESE

Place Of Use: DIVERSION TO STORAGE

T51N R04W S12 NESE

Remark: Recreation use is for fishing and swimming.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director.

Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210,

Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application

on or before 02/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 446

Feb 1, 8, 2001

MICROFILMED

OCT 12 2001

95-9058

ROSS WELBURN
12345 GEM SHORES LN
HAYDEN ID 83835

Point(s) of Diversion	NESE	S12	T51N	R04W	KOOTENAI County
UNNAMD STREAM	trib to	SINKS			
Use: IRRIGATION			03/15 To 11/15	0.09 CFS	
Use: IRRIGATION STORAGE			03/15 To 11/15		0.7 AFA
Use: IRRIGATION FROM STORAGE			03/15 To 11/15		0.7 AFA
Use: RECREATION STORAGE			01/01 To 12/31		0.7 AFA
Use: RECREATION			01/01 To 12/31	0.20 CFS	
Use: DIVERSION TO STORAGE			01/01 To 12/31	0.20 CFS	
Total Diversion:			0.2 CFS		

Date Filed: 01/24/2001

Place Of Use: IRRIGATION

T51N R04W S12 NESE

Number of Acres 3

Place Of Use: IRRIGATION STORAGE

T51N R04W S12 NESE

Place Of Use: IRRIGATION FROM STORAGE

T51N R04W S12 NESE

Place Of Use: RECREATION STORAGE

T51N R04W S12 NESE

Place Of Use: RECREATION

T51N R04W S12 NESE

Place Of Use: DIVERSION TO STORAGE

T51N R04W S12 NESE

Remark: Recreation use is for fishing and swimming.

MICROFILMED

OCT 12 2001

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 2/1 and 8, 2001

MICROFILMED

OCT 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

01/24/2001

ROSS WELBURN
12345 GEM SHORES LN
HAYDEN ID 83835

RE: Application for Permit No 95-9058

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on February 1 and 8, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about 90 to 120 days.

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent]

Enclosure RECEIVED N014048

OCT 12 2001